

Chapter ~~17.14~~17.12 ENVIRONMENTAL REVIEW

Sections:

- ~~17.14~~17.12.010 ~~Purpose~~Introduction.
- ~~17.14~~17.12.020 **Substantive authority.**
- ~~17.14~~17.12.030 **Adoption of SEPA rules.**
- ~~17.14~~17.12.040 **Designation of SEPA responsible official.**
- ~~17.14~~17.12.050 **Categorical exemptions.**
- ~~17.14~~17.12.060 **SEPA checklist.**
- ~~17.14~~17.12.070 **Threshold determination.**
- ~~17.14~~17.12.080 **Preparation of EIS.**

~~17.14~~17.12.010 ~~Introduction.~~Purpose.

The purpose of this chapter is to ~~implement~~highlight the environmental review requirements of the city and the Washington State Environmental Policy Act. (Ord. 3889 § 3 (Ex. A), 2017)

~~17.14~~17.12.020 **Substantive authority.**

The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city.

- A. The city designates and adopts by reference the following policies and documents as the basis for the city's exercise of authority pursuant to this section:
1. The city of Kelso comprehensive plan as it now exists or is subsequently amended;
 2. The city of Kelso shoreline master program as it now exists or is subsequently amended;
 3. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:
 - a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - b. Assure for all people safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

- c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- d. Preserve important historic, cultural and natural aspects of our national heritage;
- e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

B. The city may attach conditions to a permit or approval for the proposal so long as:

- 1. Such conditions are necessary to mitigate specific probable adverse environmental documents prepared pursuant to this chapter;
- 2. Such conditions are in writing;
- 3. The mitigation measures included in such conditions are reasonable and capable of being accomplished;
- 4. The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
- 5. Such conditions are based on one or more policies of the comprehensive plan and the provisions in this title and cited in the permit, license, or other decision document.

C. The city may deny a permit or approval for a proposal on the basis of a SEPA review so long as:

- 1. A finding is made that approving the proposals would result in probable significant adverse environmental impacts that are identified in a final environmental impact statement (FEIS) or final supplemental environmental impact statement (FSEIS) prepared pursuant to this chapter;
- 2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

3. The denial is based on one or more policies identified in this title and identified in writing in the decision document. (Ord. 3889 § 3 (Exh. A), 2017)

17.1417.12.030 Adoption of SEPA rules.

The city adopts Chapter 197-11 WAC by reference unless otherwise noted or modified by the provisions of this title. (Ord. 3889 § 3 (Exh. A), 2017)

17.1417.12.040 Designation of SEPA responsible official.

For those proposed projects, development activities, or actions for which the city is the lead agency, the SEPA responsible official shall be the city manager or his/her designee.

- A. The designated SEPA responsible official shall make the SEPA threshold determination, supervise the scoping and preparation of any required EIS documents, and perform any other related functions assigned to the lead agency as identified in this chapter or Chapter 197-11 WAC. In addition, the SEPA responsible official may require the applicant or project sponsor to prepare and submit such environmental documents as may be necessary to complete required environmental reviews. (Ord. 3889 § 3 (Exh. A), 2017)

17.1417.12.050 Categorical exemptions.

All proposed projects or development activities are subject to the provisions of this chapter and Chapter 197-11 WAC except those activities that are identified in WAC 197-11-800 as being categorically exempt from SEPA; provided, that:

- A. The following new construction activities are exempt from the provisions of this chapter unless the site contains critical areas or otherwise does not meet the exemption criteria of WAC 197-11-800:
 1. The construction or location of up to and including four [attached or detached](#) single-family dwelling units;
 2. The construction or location of up to and including four multifamily dwelling units;
 3. The construction of a barn, loafing shed, farm equipment storage building, produce storage, or packing structure, or similar agricultural structure, covering up to ten thousand square feet; provided, that said structure is to be used by the property owner or his or her agent in the conduct of permitted farming on the property. [This exemption shall not apply to feed lots](#);
 4. The construction of an office, school, commercial, recreational, service or storage building with up to ten thousand square feet of gross floor area and associated parking facilities designed for no more than twenty automobiles;

5. The construction of a parking lot not associated with a specific structure designed for up to twenty automobiles; or
 6. Any landfill or excavation of up to five hundred cubic yards throughout the total lifetime of the fill or excavation.
- B. Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility as exempted by WAC 197-11-800(1) and (2) as modified in subsection A of this section, as well as fencing and the construction of small structures and minor accessory facilities are also exempt from the provisions of this chapter, unless the site contains critical areas.
- C. The city's determination that a proposal is exempt shall be final and not subject to appeal. If a proposal is exempt, none of the procedural requirements of this chapter shall apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.
- D. If a proposal includes exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that the city shall not give authorization for:
1. Any nonexempt action;
 2. Any action that would have an adverse environmental impact; or
 3. Any action that would limit the reasonable choice of alternatives. (Ord. 3889 § 3 (Exh. A), 2017)

17.1417.12.060 SEPA checklist.

All applications for a permit, license, certificate, or other approval as required by the provisions of this title shall include a completed SEPA checklist in such form as provided by the city, unless the proposed action is determined by the city to be exempt.

- A. For private proposals, the applicant shall be responsible for completing the SEPA checklist and providing all required supporting documentation. For proposals sponsored by the city or another public agency, the agency or department initiating the proposal shall be responsible for completing the SEPA checklist and providing all required supporting documentation. (Ord. 3889 § 3 (Exh. A), 2017)

17.1417.12.070 Threshold determination.

The SEPA responsible official shall review SEPA checklists to determine if they are complete and ready for processing. If the checklist has not been adequately completed, the city shall notify the applicant in

writing and shall identify what additional information must be provided. If the checklist has been adequately completed, the SEPA responsible official shall make a threshold determination and issue either a determination of nonsignificance (DNS), a mitigated determination of nonsignificance (MDNS), or a determination of significance (DS).

- A. An applicant may request in writing early notice that a determination of significance may be likely.
 - 1. The city shall notify the applicant in writing if a determination of significance is likely and the concerns that may trigger the need for the preparation of an EIS.
 - 2. The applicant shall be given the opportunity to clarify or revise their proposal in order to lessen the potential adverse impacts.
- B. If the city determines that the proposed action shall not have a probable, significant adverse impact on the environment, it shall issue a determination of nonsignificance, and no further environmental review of the proposed action shall be required.
 - 1. Upon issuance of the DNS the city may proceed with processing the application(s) associated with the proposed action.
- C. If the city determines that the proposed action may have significant adverse impacts on the environment, but that they can be reasonably mitigated by measures to avoid, minimize, or compensate for the potential adverse impacts, it shall issue a mitigated determination of nonsignificance, and shall identify in writing the mitigating measures that shall be included as subsequent conditions of approval.
 - 1. The issuance of an MDNS shall include public notice and a fifteen-day comment period. No permits or approvals associated with the proposed action shall be taken until the completion of this comment period.
 - 2. Based on comments received, the city may modify required mitigation measures, impose additional measures, or may rescind the threshold determination.
- D. If the city determines that the proposed action is likely to have a probable, significant adverse impact on the environment, then it shall issue a determination of significance and the preparation of an environmental impact statement shall be required, in accordance with the provisions of this title and Chapter 197-11 WAC. (Ord. 3889 § 3 (Exh. A), 2017)

The preparation and issuance of draft and final environmental impact statement (EIS) documents is the responsibility of the city. The city may elect to prepare EIS documents required for a proposed action with city staff or the EIS documents may be prepared by a qualified consultant selected by the city in consultation with the proposed project sponsor. All costs associated with the preparation and issuance of an EIS document shall be the responsibility of the applicant or project sponsor in accordance with the provisions of the city fee schedule and/or voluntary cost sharing agreement. (Ord. 3889 § 3 (Exh. A), 2017)