

## CHAPTER XX.18 ENVIRONMENTAL REVIEW

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**xx.18.010 Purpose.** The purpose of this Chapter is to highlight the environmental review requirements of the County and to integrate the provisions of the Washington State Growth Management Act and the State Environmental Policy Act.

**xx.18.020 Substantive Authority.** The ~~policies and goals~~regulations set forth in this Chapter are supplementary to those ~~in the existing authorization of the County~~incorporated by the State of Washington.

- A. The County 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 County 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~~regulations in this Title and cited in the ~~license or other~~ decision document.
- B. The County 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 FEIS (Final EIS) or final SEIS prepared pursuant to this Chapter;

**Commented [GS1]:** This is subjective, we need to reword this.

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-regulations~~ identified in this Title and identified in writing in the decision document.
- C. The County designates and adopts by reference the following ~~policies and documents~~ as the basis for the County's exercise of authority pursuant to this section:
1. The current Pend Oreille County Comprehensive Plan ~~as it now exists or is subsequently amended~~:
  2. The current Pend Oreille County Shoreline Management Plan ~~as it now exists or is subsequently amended~~:
  3. ~~The County 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.~~

**Commented [GS2]:** This paragraph is better suited for the Comprehensive Plan and not Development Regulations. We do not want "policies" in this document, we want regulations for development proposals.

**xx.18.030 Adoption of SEPA Rules.** The County adopts Chapter 197-11 of the Washington Administrative Code (WAC) by reference unless otherwise noted or modified by the provisions of this Title.

**xx.18.040 Designation of SEPA Responsible Official.** For those proposed projects, development activities, or actions for which the County is the lead agency, the SEPA Responsible Official shall be the Community Development Director or his/her designee.

**xx.18.050 Categorical Exemptions.** All proposed projects or development activities are subject to the provisions of this Chapter and WAC 197-11 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 and WAC 197-11 unless the site contains critical areas:
  - 1. The construction or location of up to four (4) dwelling units;
  - 2. The construction of a barn, loafing shed, farm equipment storage building, produce storage, or packing structure, or similar agricultural structure, covering up to 30,000 square feet, provided that said structure complies with all other provisions of the County code and is to be used by the property owner or his or her agent in the conduct of permitted farming of the property;
  - 3. The construction of an office, school, commercial, recreational, service, or storage building with up to 12,000 square feet and associated parking facilities designed for no more than 40 automobiles;
  - 4. The construction of a parking lot designed for up to forty (40) automobiles; or
  - 5. Any landfill or excavation of 500 cubic yards throughout the total lifetime of the fill or excavation.
- B. The County'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 apply to the proposal. The County shall not require completion of an environmental checklist for an exempt proposal.
- C. If a proposal includes exempt and nonexempt actions, the County may authorize exempt actions prior to compliance with the procedural

requirements of this Chapter, except that the County 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.~~

**Commented [GS3]:** This is redundant, it would be a nonexempt action.

**Commented [GS4]:** This is a decision that should be made by the applicant/landowner, we can give our advice, but not our decision with private property.

**xx.18.060 Preparation of EIS.** Preparation and issuance of a draft and final EIS (DEIS and FEIS) or a draft and final supplemental EIS (SEIS) is the responsibility of the County. The DEIS and FEIS or draft and final SEIS shall be prepared by a qualified consultant selected by the County 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 proposed Project Sponsor in accordance with the provisions of the County fee schedule and/or voluntary cost sharing agreement.