

Chapter 17.08 Environmental Review

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

17.08.020 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 may attach conditions to a permit or approval for the proposal 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 or final SEIS prepared pursuant to this Chapter;
 - 2. Such conditions are in writing;
 - 3. The mitigation measure included in such conditions is 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 in this Title and cited in the license or other decision document.

- B. 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 FEIS or final SEIS 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; or

3. The denial is based on one or more policies identified in this Title and identified in writing in the decision document.
- C. The City designates and adopts by reference the following Goals and Policies as the basis for the City's exercise of authority pursuant to this section:
1. The Goals and Policies in the Zillah Comprehensive Plan as it now exists or is subsequently amended;
 2. 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 of Washington 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.

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

17.08.040 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 twenty (20) 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 City 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 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 apply to the proposal. The City shall not require completion of an environmental checklist for an exempt proposal.
- C. 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.

17.08.050 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 City. The DEIS and FEIS or draft and final SEIS shall be prepared by a consultant selected by the City. All costs associated with the preparation and issuance of an EIS document shall be the responsibility of the Applicant in accordance with the provisions of the City fee schedule and/or voluntary cost sharing agreement.