

18.310.080 Purpose of this article and adoption by reference.

This article contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS) to be prepared. This article also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections of the SEPA rules by reference, as supplemented in this part:

WAC

- 197-11-300 Purpose of this part, relating to categorical exemptions and threshold determinations.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- ~~197-11-355~~ Optional DNS process.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.

[Ord. 2006-17 § 1, 2006.]

18.310.090 Flexible thresholds for categorical exemptions.

The city of La Center establishes the following exempt levels for minor new construction not occurring in critical areas:

- (1) For residential dwelling units in WAC 197-11-800(1)(b)(i): up to four dwelling units.
- (2) For agricultural structures in WAC 197-11-800(1)(b)(ii): those containing up to 10,000 square feet.
- (3) For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): up to 4,000 square feet and up to 20 parking spaces.
- (4) For parking lots in WAC 197-11-800(1)(b)(iv): up to 20 parking spaces.
- (5) For landfills and excavations in WAC 197-11-800(1)(b)(v): up to ~~300~~1,000 cubic yards. [Ord. 2006-17 § 1, 2006.]

~~**18.310.232 Local categorical exemption.**~~

~~The city of La Center shall exempt the following land use reviews from this chapter where the proposed development will not occur wholly or partially on critical areas:~~

~~(1) Preapplication land use review: LCMC 18.30.020.~~

~~(2) Type I and Type II administrative decision including LCMC 18.30.080 and 18.30.090 except where the mayor or the mayor’s designee determines that the proposal is likely to impact a critical area or critical area buffer.~~

~~[Statutory Authority: RCW 43.21C.130, 84-13-036 (Order DE 84-25), Section 173-806-180, filed 6/15/84. Formerly WAC 173-805-020.] [Ord. 2006-17 § 1, 2006.]~~

18.310.235 Critical areas.

(1) Within the city of La Center, ~~specific the~~ categorical exemptions enumerated in WAC 197-11-~~800908~~ and further specified in LCMC 18.310.235(3) and LCMC 18.310.080 will not apply in ~~one or more critical areas identified in city plans, regulations and maps adopted pursuant to RCW 36.70A.060. The critical areas identified on the city's adopted comprehensive plan map or independent critical areas map(s) include~~ the following critical areas and associated buffers: wetlands, floodways and floodpaths, frequently flooded areas, fish and wildlife habitat conservation areas, riparian areas, habitat for threatened or endangered species, local habitat conservation areas, wellhead protection areas, critical aquifer recharge areas, and geologically hazardous areas, steep slopes, historic and archaeological resources, and any adopted buffer area adjacent to the critical area.

(2) Where a proposal may occur wholly or partially on any critical area identified in subsection (1) of this section, the mayor or mayor's designee may determine that the proposal is either:

(a) A segment of a proposal that includes a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not [WAC 197-11-305(1)(b)(i)]; or

(b) A segment of a proposal which includes a series of exempt activities that are physically or functionally related to each other, and that together may have a probable significant adverse impact [WAC 197-11-305(1)(b)(ii)]; or

(c) A single action which may probably have a significant adverse impact on two or more critical areas.

(3) Pursuant to WAC 197-11-908(2), the following proposals, notwithstanding the categorical exemptions allowed under WAC 197-11-800, may be subject to review under this chapter if the proposal is subject to subsection (2) of this section:

~~(a) Minor new construction as described in WAC 197-11-800(1)(a)(b) and LCMC 18.310.090 (Flexible thresholds for categorical exemptions);~~

~~(b) Other minor new construction~~ The construction or designation of bus stops, loading zones, shelters, access facilities, pull-out lanes for taxicabs, transit and school vehicles, and designation of transit only lanes as described in WAC 197-11-800(2)(~~ba~~) through (f);

~~(c) Repair, remodeling and maintenance activities described in WAC 197-11-800(3);~~

~~(d) Purchase or sale of real property described in WAC 197-11-800(5);~~

~~(e) Short plats not including further short subdivisions or short platting within a plat or subdivision previously exempted from SEPA review as described in WAC 197-11-800(6)(a);~~

~~(f) Licenses to operate or engage in amusement and entertainment activities as described in WAC 197-11-800(14)(e);~~

~~(g) Utility related actions as described in WAC 197-11-800(24)(a) through (g); and~~

~~(h) Natural resource management including development of recreational sites [WAC 197-11-800(25)(f)] and use of chemical and mechanical means to maintain public park and recreational land [WAC 197-11-800(25)(i)].~~

(4) The scope of environmental review of actions within these areas shall be limited to:

(a) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and

(b) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed

to protect the critical areas in order to achieve consistency with SEPA and with other applicable environmental review laws.

(5) All categorical exemptions not listed in subsection (3) of this section apply whether or not the proposal will be located in a critical area. [Ord. 2006-17 § 1, 2006.]

~~Article X. Agency Compliance~~

~~18.310.280—Wellhead protection.~~

~~The city council includes and adopts, by reference, Clark County Wellhead Protection Ordinance No. 1991-08-45 (Sections 20.70.040 and 20.70.050 from Title 20 of Clark County Code). [Ord. 2006-17 § 1, 2006.]~~