



SEPA #: SEP19-002

**DETERMINATION OF NONSIGNIFICANCE
And
NOTICE OF APPLICATION**

Description of proposal: The City of Kelso is updating the Critical Areas Ordinance in compliance with mandatory updates found in RCW 36.70A.130(4). The update to the CAO only applies to the CAO regulations outside of the shoreline jurisdiction. The primary focus of the update was to clarify language and procedures for geologically hazardous areas and update the remaining CAO for consistency with changes in the law since the last update.

Proponent: Tammy Baraoni, Planning Manager, City of Kelso, PO Box 819, Kelso WA 98626

Lead agency: Kelso Community Development

Kelso Community Development has determined that this proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the City. This information is available to the public on request.

This will be the only comment period for this DNS. As per WAC 197-11-340(2); this agency will not act on this proposal for 15 days from the date below.

Responsible official: Mike Kardas, P.E.

Position/title Community Development Director, City of Kelso

Phone: (360) 423.9922 x 3321

Address: PO Box 819, Kelso WA 98626

Date: February 11, 2019

Signature: _____

You may appeal this determination to City of Kelso - Community Development, 203 S. Pacific, Kelso WA 98626. All appeals must be filed with City of Kelso in writing with a \$1,000.00 fee submitted by 5:00 pm on February 26, 2019. You may contact Tammy Baraoni to ask about the procedures for SEPA appeals.

CITY OF KELSO COMPREHENSIVE PLAN

The proposed development is compatible with the following goals and policies of the City of Kelso Comprehensive Plan.

Kelso Comprehensive Plan

Land Use Policy #18: New development activities should be avoided on areas with unstable soils, landslide hazard areas, and/or areas with a history of unstable slopes

Land Use Objective #12: Review and update the City's Development Regulations protecting critical areas in accordance with the provisions of the Washington State Growth Management Act and this Comprehensive Plan.

The environment threshold determination is based on analysis of information contained in the following documents:

- Environmental Checklist
- Proposed Critical Areas Ordinance

Notes:

1. The issuance of a Determination of Nonsignificance does not constitute project approval. All building plans and site design must meet the following: 2015 International Fire Code, the 2015 International Building Code, the City of Kelso Design and Development Guidelines (KMC Title 12.08) and the City of Kelso Municipal Code (KMC Title 17 and Title 18.)
2. If contamination is currently known or observed during construction, sampling of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by sampling, the Department of Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required contact Mr. Dean Phillips at (360) 407-6969.
3. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent soil from being carried into surface water by stormwater runoff. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

4. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work.

5. In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100' buffer; this number may vary by circumstances) must stop and the following actions taken:
 - a. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; and
 - b. Take reasonable steps to ensure the confidentiality of the discovery site; and
 - c. Take reasonable steps to restrict access to the site of discovery.

The project proponent will notify the concerned Tribes and all appropriate local, state and federal agencies including the Department of Archaeology and Historic Preservation and the City of Kelso Community Development. The agencies and Tribes(s) will discuss possible measures to remove or avoid cultural material, and will reach an agreement with the project proponent regarding actions to be taken and disposition of material.

If human remains are uncovered, the City of Kelso Police Department shall be notified first and the above steps followed. IF the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.

See the Revised Code of Washington, Chapter 27.53, "Archaeological Sites and Resources," for applicable laws and statutes. See also Washington State Executive Order 05-05, "Archaeological and Cultural Resources." Additional state and federal law(s) may also apply.

CC:

All parties identified on the SEPA routing list
SEPA Unit PO Box 47703 Olympia WA 98504-7703 (with checklist)
Mike Kardas, City Engineer