

State Environmental Policy Act (SEPA) Review

What is the purpose of SEPA?

The purpose of the State Environmental Policy Act (SEPA) is to ensure that governmental agencies consider the environmental impacts of a proposal before making a decision. It also requires the responsible official to make a threshold determination as to whether a proposal has a "probable significant, adverse environmental impact" requiring an Environmental Impact Statement (EIS) to be prepared. In conjunction with this act are required information submittals, public notices, and timelines.

Who is the responsible official?

For **public proposals**, the head of the lead department or division making the proposal shall be the responsible official. Whenever possible, agency people carrying out SEPA procedures should be separate from agency people making the proposal. An example of a project would include changes to the County Comprehensive Plan or Code, where the responsible official would be the Community Planning Director.

For **private proposals**, the head of the department or division with primary responsibility for approving or processing the permits and licenses for the proposal shall be the responsible official. An example would include the review of a subdivision or site plan where the responsible official would be the Development Services Program Manager.

How is a SEPA threshold determination made?

First, the lead agency (i.e., Clark County) must determine if SEPA rules apply to a particular proposal. Clark County has identified the following proposals that are **exempt** from environmental review under SEPA:

1. For residential structures:
 - Up to 30 single family dwelling units within unincorporated urban areas;
 - Up to 20 single family dwelling units within designated urban reserve and rural areas;
 - Up to 60 multifamily dwelling units within unincorporated urban areas
2. For agricultural structures less than 40,000 square feet in size;
3. For office, school, commercial, recreational, service or storage buildings but not including manufacturing buildings:

Within unincorporated urban areas:

- Up to 30,000 square feet of gross floor area;
- Up to 90 associated or stand-alone parking spaces;

Within designated urban reserve and rural areas:

- Up to 12,000 square feet of gross floor area;
- Up to 40 associated or stand-alone parking spaces.

Revised 10/3/16



Community Development
1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
www.clark.wa.gov/community-development



For an alternate format, contact the Clark County ADA Compliance Office.
Phone: (360)397-2322
Relay: 711 or (800) 833-6384
E-mail: ADA@clark.wa.gov

4. For landfills and excavations not associated with an exempt project in numbers 1-3 above, up to 1,000 cubic yards.

When any of the above proposals are subject to a critical area permit, the proposal is **not** exempt from a SEPA review. Critical areas include:

- Critical Aquifer Recharge Area (CARA)
- Columbia River Gorge
- Forestry
- Geological
- Floodplain
- Habitat
- Historic
- SEPA
- Shoreline (except certain qualifying Shorelines Exemptions)
- Wetland

One decided that SEPA applies, the lead agency (i.e., Clark County), must determine if there are possible significant adverse environmental impacts associated with each proposal. The options include the following:

- **DS = Determination of Significance.** The impacts cannot be mitigated through conditions of approval; thus, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance.** The impacts can be addressed through conditions of approval; or,
- **DNS = Determination of Non-Significance.** The impacts can be addressed by applying the Clark County Code.

The county's threshold determination is based upon information provided from the applicant (i.e., a completed Environmental

Checklist), and knowledge of the area and applicable codes.

What are the SEPA public notice and comment period requirements?

For a DNS or MDNS, the county must make a threshold determination, or request additional information within 15 calendar days of determining if the application for the development proposal is Fully Complete meaning that all required information has been submitted. The county may wait up to 30 days for any requested additional information. However, the county must complete the threshold determination within 15 calendar days of receiving the requested information.

Once a DNS or MDNS is made, the county sends the DNS, environmental checklist and other supporting documents out for a 14 day review and comment period. The notice goes to the Department of Ecology, affected tribes, and other local agencies whose public services would be changed as a result of implementation of the proposal.

Once the comment period closes, the county may reconsider the DNS or MDNS based upon comments received, and may retain, modify or withdraw the DNS or MDNS. Any modifications must be sent to the agencies, but does not require a new comment period.

An Optional DNS process allows the county to issue an Expected DNS, which begins the comment period upon issuance of the notice of application. This option shortens the review time by about 14 calendar days and is used by the county for most Type II reviews.

What happens if there is a Determination of Significance (DS)?

If the responsible official determines that a proposal may have a probable significant adverse environmental impact, a determination of significance shall be

prepared. The DS will call for the development of an Environmental Impact Statement (EIS) that will analyze only those probable adverse environmental impacts that are significant. A notice for soliciting comments on the scope of the EIS shall also be issued to agencies and the public.

The next step is to finalize the scope of the EIS and then prepare the draft EIS (DEIS). The DEIS, Final EIS (FEIS) or any supplemental EIS (SEIS) may be prepared by county staff or by a consultant. The consultant may be selected by the county, or by the applicant if approved by the county. For private proposals, the applicant will be required to retain a consultant to prepare the EIS.

Once the draft EIS is completed and accepted by the county, the county will provide public notice asking for comments, due within 30 days from issuance. A copy of the DEIS will be sent to the Department of Ecology, agencies within its jurisdiction, and to all agencies or persons who submitted written comments or have requested a copy of the DEIS.

Once the comment period closes, additional studies or amendments to the DEIS, will commence. A final EIS will normally be issued within 60 days from the end of the DEIS comment period, and shall be completed within one year of issuance of the DS.

Can the determination be appealed?

The determination may be appealed to the county Hearing Examiner by the applicant or any person or group. An appellant must submit an appeal application and fee within 14 calendar days after the written notice of the decision is mailed.

See our *Appeals* handout for further information and fees.

Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code, Chapter 40.570.

Fee schedule

The following fees are required to be paid when the application is submitted.

Project reviews, any type	\$1,222
Issuance	\$53
Non-projects	\$1,987
Issuance	\$53
Includes annual review applications	
EIS review	
Cost recovery: applicant signs agreement to pay, receives itemized bill	
Issuance	\$53

SEPA Environmental Checklist

Washington Administrative Code (WAC) 197-11-960

Purpose of checklist:

The State Environmental Policy Act (SEPA), Revised Code of Washington (RCW), Chapter 43.21C, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and agencies identify impacts from your proposal and to help agencies decide whether or not an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe basic information about your proposal. Governmental agencies use this checklist to determine whether or not the environmental impacts of your proposal are significant. Please answer the questions briefly, giving the most precise information or best description known. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you do not know the answer, or if a question does not apply to your proposal, write “do not know” or “does not apply.”

Some questions pertain to governmental regulations such as zoning, shoreline, and landmark designations. If you have problems answering these questions, please contact the Clark County Permit Center for assistance.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. You may be asked to explain your answers or provide additional information related to significant adverse impacts.

Use of checklist for non-project proposals:

Complete this checklist for non-project proposals (e.g., county plans and codes), even if the answer is “does not apply.” In addition, complete the supplemental sheet for non-project actions (Part D).

For non-project actions, the references in the checklist to the words “project,” “applicant,” and “property or site” should be read as “proposal,” “proposer,” and “affected geographic area,” respectively.

A. Background

1. Name of proposed project, if applicable:
2. Name of applicant:
3. Address and phone number of applicant and contact person:
4. Date checklist prepared:
5. Agency requesting checklist:
6. Proposed timing or schedule (including phasing, if applicable):
7. Do you have any plans for future additions, expansion, or further activity related to this proposal? If yes, explain.
8. List any environmental information that has been or will be prepared related to this proposal.
9. Are other applications pending for governmental approvals affecting the property covered by your proposal? If yes, please explain.
10. List any government approvals or permits needed for your proposal:
11. Give a brief, complete description of your proposal, including the proposed uses and size of the project and site. There are several questions addressed later in this checklist asking you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including street address, section, township, and range. If this proposal occurs over a wide area, please provide the range or boundaries of the site. Also, give a legal description, site plan, vicinity map, and topographic map. You are required to submit any plans required by the agency, but not required to submit duplicate maps or plans submitted with permit applications related to this checklist.

B. Environmental Elements

Agency use only

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____.
- b. What is the steepest slope on the site and the approximate percentage of the slope?
- c. What general types of soils are found on the site (e.g., clay, sand, gravel, peat, muck)? Please specify the classification of agricultural soils and note any prime farmland.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, please describe.
- e. Describe the purpose, type, and approximate quantities of any filling or proposed grading. Also, indicate the source of fill.
- f. Could erosion occur as a result of clearing, construction, or use? If so, please describe.
- g. What percentage of the site will be covered with impervious surfaces after the project construction (e.g., asphalt or buildings)?
- h. Proposed measures to reduce or control erosion, or other impacts to the earth include:

2. Air

- a. What types of emissions to the air would result from this proposal (e.g., dust, automobile, odors, industrial wood smoke) during construction and after completion? Please describe and give approximate quantities.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, please describe.
- c. Proposed measures to reduce or control emissions or other impacts to air:

3. Water

Agency use only

a. Surface:

- 1) Is there any surface water body on or in the vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, and wetlands)? If yes, describe the type and provide names and into which stream or river it flows into.
- 2) Will the project require any work within 200 feet of the described waters? If yes, please describe and attach available plans.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
- 4) Will the proposal require surface water withdrawals or diversions? Please provide description, purpose, and approximate quantities:
- 5) Does the proposal lie within a 100-year floodplain? If so, please note the location on the site plan.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Please give description, purpose, and approximate quantities.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources; (e.g., domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the size and number of the systems, houses to be served; or, the number of animals or humans the systems are expected to serve.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal. Include quantities, if known. Describe where water will flow, and if it will flow into other water.
- 2) Could waste materials enter ground or surface waters? If so, please describe.
- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:
- Agency use only

4. Plants

- a. Check or circle types of vegetation found on the site
- Deciduous tree: alder, maple, aspen, other
 - Evergreen tree: fir, cedar, pine, other
 - Shrubs
 - Grass
 - Pasture
 - Crop or grain
 - Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 - Water plants: water lily, eelgrass, milfoil, other
 - Other types of vegetation
- b. What kind and amount of vegetation will be removed or altered?
- c. List threatened or endangered species on or near the site.
- d. List proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site:

5. Animals

- a. Circle any birds and animals which have been observed on or near the site:
- Birds: hawk, heron, eagle, songbirds, other;
 - Mammals: deer, bear, elk, beaver, other; and,
 - Fish: bass, salmon, trout, herring, shellfish, other.

- b. List any threatened or endangered species known to be on or near the site. Agency use only
- c. Is the site part of a migration route? If so, please explain.
- d. List proposed measures to preserve or enhance wildlife:

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, please describe.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts:

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, please describe.
- 1) Describe special emergency services that might be required.
 - 2) Proposed measures to reduce or control environmental health hazards, if any:
- b. Noise
- 1) What types of noise exist in the area which may affect your project (e.g., traffic, equipment, operation, other)?
 - 2) What types and levels of noise are associated with the project on a short-term or a long-term basis (e.g., traffic, construction,

operation, other)? Indicate what hours the noise would come from the site.

Agency use only

3) Proposed measures to reduce or control noise impacts:

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?
- b. Has the site been used for agriculture? If so, please describe.
- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, please describe.
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. What is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, please specify.
- i. How many people would reside or work in the completed project?
- j. How many people would the completed project displace?
- k. Please list proposed measures to avoid or reduce displacement impacts:
- l. List proposed measures to ensure the proposal is compatible with existing and projected land uses and plans:

9. Housing

Agency use only

- a. Approximately how many units would be provided? Indicate whether it's high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether it's high, middle, or low-income housing.
- c. List proposed measures to reduce or control housing impacts:

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas? What is proposed as the principal exterior building materials?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts:

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

- b. Would the project displace any existing recreational uses? If so, please describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant:

Agency use only

13. Historic and cultural preservation

- a. Are there any places or objects on or near the site which are listed or proposed for national, state, or local preservation registers. If so, please describe.
- b. Please describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts:

14. Transportation

- a. Identify the public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require new roads or streets, or improvements to existing roads or streets, not including driveways? If so, please describe and indicate whether it's public or private.
- e. Will the project use water, rail, or air transportation? If so, please describe.

f. How many vehicular trips per day would be generated by the completed project? Indicate when peak traffic volumes would occur.

Agency use only

g. Proposed measures to reduce or control transportation impacts:

15. Public services

a. Would the project result in an increased need for public services (e.g., fire protection, police protection, health care, schools, other)? If so, please describe.

b. Proposed measures to reduce or control direct impacts on public services:

16. Utilities

a. Circle the utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on or near the site:

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____ Date Submitted: _____

D. SEPA Supplemental sheet for non-project actions

Agency use only

Instructions:

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent of the proposal and the types of activities likely to result from this proposal. Please respond briefly and in general terms.

1. How would the proposal increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal use or affect environmentally sensitive areas or those designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use? Will it allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

Agency use only

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.