

STAFF REPORT AND RECOMMENDATION TO THE CLARK COUNTY PLANNING COMMISSION

TO: Clark County Planning Commission

FROM: Jan Bazala, Planner II

PREPARED BY: Jan Bazala, extension 4499

SUBJECT: Raising the county's SEPA categorical exemptions

PC HEARING

DATE: April 18, 2013

REPORT PREPARATION

DATE: March 22, 2013

I. SUMMARY

Changes are proposed to Clark County Code Section 40.570.090. These changes, if approved, will allow more development projects to be exempt from the State Environmental Policy Act (SEPA) provisions in the county's development code.

II. BACKGROUND

All municipalities in Washington are subject to the State Environmental Policy Act (SEPA) which provides for the review of environmental impacts from development projects, and allows specific conditions of approval beyond those found in existing development codes. Not all projects are subject to SEPA review; state WAC 197-11-800 contains a list of exemptions for "minor new construction", and allows jurisdictions some leeway in setting appropriate levels for these exemptions. The WAC was recently amended to allow (but does not require) the county to increase our exemption levels, provided that we document how existing county, state and federal regulations are adequate to mitigate impacts. The amended WAC 197-11-800 is included as Exhibit 1.

Note that the county can elect to raise our SEPA categorical exemptions to something less than the maximum allowed by the WAC.

The Board has expressed interest in streamlining development processes, as well as making them less expensive, so the proposal shows the highest allowable exemption levels. The proposed code amendments are included in Attachment "A".

The current cost of a SEPA review is \$1,581.

While other amended WACs (197-11-315 & 197-11-960, also in Exhibit 1) allows the county the option to amend our SEPA checklist, the purpose and intent of changing the checklist is unclear; therefore, no changes to the county's standard checklist is proposed.

III. PROCESS

While the state WAC allows for higher exemption levels, the Unified Development Code Section 40.570.090 must be amended before the county can use the higher thresholds and exempt more projects from SEPA review.

IV. ANALYSIS

Should the code changes be approved, fewer applications will be subject to SEPA review.

SEPA is generally considered to be a "fail safe" tool to either require extensive environmental analysis of a project (an EIS), or to add conditions to a project that other codes don't cover in order to mitigate impacts to a non-significant level.

All but the most minor development projects are subject to county review and ordinances including stormwater, roads and traffic, zoning and land use, and critical areas (including wetlands, habitat, critical aquifer recharge areas, Shorelines and geologic hazard areas). These codes have been shown to address most impacts for relatively minor projects; SEPA is not often called upon to require extra-ordinary conditions.

Potential drawbacks

While fewer SEPA's will save applicants money and reduce duplicitous regulations, staff has identified two possible ramifications of increasing the exemptions:

First, the county's archaeological provisions (which can require archaeological investigation results be sent to DAHP) are triggered only by the county's SEPA provisions. With fewer SEPA-mandated archaeological investigations, it's possible that more sites may be accidentally disturbed because applicants are not forced to do early preliminary work. Regardless, it is the applicant's responsibility to comply with state laws regarding the discovery of cultural resources whether the county requires an investigation or not. Clark County's building permit applications have a standard warning regarding such inadvertent discovery.

Second, the county's habitat and wetland ordinances do not have provisions to protect endangered plants. SEPA has, on rare occasions, been used to do that. Staff will

continue to research what (if any) other means may be used to protect endangered plants other than SEPA.

Other considerations

Increasing the numbers of exempt **single family** dwelling units will not have much of an impact on current practices. Currently, the county allows only one single family dwelling on each lot, and each building permit is a SEPA-exempt separate application. The only time the single family exemption of up to 30 units could ever come into play is for cottage housing developments which do allow multiple single family dwellings on one lot. In that case, 30 single family dwellings could be built on a development site with no SEPA review, whereas only 20 could be built without SEPA review today.

V. COMMUNITY OUTREACH

The Board of County Commissioners were informed of the raised exemption levels in WAC 197-11-800 on March 13, 2013 and directed staff to proceed with the formal review process for these code changes.

The Planning Commission work session was scheduled for April 4, 2013.

Approval of amended development regulations are themselves subject to SEPA review. As such, a SEPA determination of non-significance was published in the "Columbian" newspaper on March 27, 2013. An environmental checklist of the expect impacts was sent in late March, 2013, with a SEPA comment period deadline of April 10, 2013.

In addition to those agencies that were sent the SEPA checklist, the text of the proposed changes was sent to the Development Engineering Advisory Board (DEAB).

A legal notice of the public hearing was published in the "Columbian" newspaper on or before April 4, 2013.

VI. RECOMMENDATION

Staff recommends the Planning Commission favorably consider this proposal and forward a recommendation of APPROVAL to the Board of County Commissioners.

Enclosures:

Attachment A – Text changes

Exhibit 1- Copy of WACs 197-11-315, 800, and 960, as amended

Attachment "A"

Revisions to Clark County Code Section 40.570.090 regarding SEPA Categorical Exemptions

40.570.090

C. Exempt Levels for Minor New Construction.

Clark County establishes the following exempt levels for the minor new construction activities under WAC 197-11-800(1)(b) based on local conditions except when undertaken wholly or partly on lands covered by water as authorized under RCW 43.21C.135:

1. For residential structures in WAC 197-11-800(1)(b)(i), ~~up to twenty (20)~~ thirty (30) or fewer single family residential dwelling units shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, ~~four (4)~~ twenty (20) or less fewer dwelling units shall be exempt.
2. For residential structures in WAC 197-11-800(1)(b)(ii), sixty (60) or fewer multifamily residential dwelling units shall be exempt within unincorporated urban areas designated by the comprehensive plan.
- ~~23.~~ For agricultural structures in WAC 197-11-800(1)(b)(~~iii~~), (iii), the exempt threshold shall be ~~ten thousand (10,000)~~ forty thousand (40,000) square feet.
- ~~34.~~ For office, school, commercial, recreational, service or storage buildings (but not including manufacturing buildings) in WAC 197-11-800(1)(b)(~~iii~~), (iv) up to ~~twelve thousand (12,000)~~ thirty thousand (30,000) square feet of gross floor area and up to ~~forty (40)~~ ninety (90) associated or stand-alone parking spaces shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, the exempt levels for these facilities shall be ~~four thousand (4,000)~~ twelve thousand (12,000) square feet or less, and up to ~~twenty (20)~~ forty (40) associated or stand-alone parking spaces.
- ~~4.~~ For parking lots in WAC 197-11-800(1)(b)(iv), ~~up to forty (40) parking spaces shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, the exempt level shall be twenty (20) parking spaces.~~
5. For landfills and excavations in WAC 197-11-800(1)(b)(v), up to ~~five hundred (500)~~ one thousand (1,000) cubic yards shall be exempt.
6. Whenever the county establishes new exempt levels under this section, it shall send them to the Washington Department of Ecology, Headquarters Office, Olympia, Washington 98504, under WAC 197-11-800(1)(c).

D. Critical Areas.

1. Clark County designates the following as critical areas, in which the exemptions as specified in subsection (E) of this section do not apply:
 - a. Shoreline Management Areas. Land and water areas under jurisdiction of the Shoreline Management Act are critical areas. These shorelines of the county are mapped in the Clark County Shoreline Master Program, which maps are incorporated in this chapter by reference. All development subject to shorelines substantial development permits, shorelines conditional use permits, and shorelines variance permits are subject to SEPA, provided that SEPA review shall not be required for the exempt shoreline developments listed in Section 40.460.230(B), provided that no part of the exempt shoreline development is located on lands covered by water as defined in WAC 197-11-756. In addition, the minor repair or replacement of structures such as pilings, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks that are specifically exempted within WAC 197-11-800(3) shall also be exempt from SEPA review. **(this replaces the intent of subsection (1) below)**
 - ~~(1) SEPA shall not be required for the exempt shoreline developments listed in Section 40.460.230(B), except when undertaken wholly or partly on lands covered by water. Exempt shoreline developments undertaken wholly or partly on lands covered by water that are specifically exempted by WAC 197-11-800 shall also be exempted from the requirements of this chapter.~~
 - b. Floodplains. All areas within the one hundred (100) year floodplain boundary delineated by the Federal Emergency Management Agency (FEMA) under the Flood Insurance Study for Clark County are critical areas. These one hundred (100) year floodplains are designated on FEMA's Flood Insurance Rate Maps (FIRM), which are incorporated in this chapter by reference.
 - c. Wetlands subject to the provisions of Chapter 40.450 are critical areas.
 - (1) Exemptions listed in Section 40.450.010(C) shall be exempt from SEPA.
 - (2) Other exemptions as specified in Section 40.570.090(E) do not apply unless authorized by a Type I wetland permit under Section 40.450.040(G)(1)(a).
 - d. The following critical areas regulation ordinances but only for personal wireless service facilities:
 - (1) Chapter 40.440, Habitat Conservation;
 - (2) Chapter 40.430, Geologic Hazard Areas;
 - (3) Chapter 40.410, Critical Aquifer Recharge Areas (CARAs).
2. 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 applicable critical areas ordinance; and

- b. Evaluating potentially significant impacts on the critical area resources not adequately addressed by the comprehensive plan and implementing ordinances, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.
3. The county shall treat proposals located wholly or partially within a critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The county shall not automatically require an EIS for a proposal merely because it is proposed for location in a critical area.

E. Non-Applicable Exemptions to Critical Areas.

Clark County selects the following categorical exemptions to be inapplicable within certain critical areas as specified below:

1. The minor new construction exemptions under Section 40.570.090(C) do not apply within any critical area, except that agricultural structures in Section 40.570.090(C)(2)(3) are exempt in shoreline and unstable slope areas, and on slopes of forty percent (40%) or greater.
2. Other minor new construction exemptions under WAC 197-11-800(2) do not apply as follows:
 - a. Bus shelters and other transit facilities in WAC 197-11-800(2)(a) are not exempt in any critical area;
 - b. Commercial and public signs in WAC 197-11-800(2)(b) are not exempt in shoreline management areas;
 - c. Minor road and street improvements in WAC 197-11-800(2)(c) are not exempt in any critical area;
 - d. Grading, septic tank installation, and other activities in WAC 197-11-800(2)(d) are not exempt in any critical area;
 - e. Building additions and modifications in WAC 197-11-800(2)(e) are not exempt in any critical area;
 - f. Demolition of structures in WAC 197-11-800(2)(f) is not exempt in shoreline management areas;
 - g. Underground storage tanks in WAC 197-11-800(2)(g) are not exempt in any critical area; and
 - h. Street or road vacations in WAC 197-11-800(2)(h) are not exempt in shoreline management areas.
3. The approval of short plats under WAC 197-11-800(6)(a) is not exempt in any critical area.

4. Licenses for amusement and entertainment activities in WAC 197-11-800(13)(c) are not exempt in any critical area.
5. Utility-related exemptions under WAC 197-11-800(23) do not apply as follows:
 - a. Communication lines in WAC 197-11-800(23)(a) are not exempt in shoreline management areas;
 - b. Eight (8) inch or less diameter water, sewer and stormwater facilities in WAC 197-11-800(23)(b) are not exempt in any critical area;
 - c. Electric facilities in WAC 197-11-800(23)(c) are not exempt in shoreline management areas;
 - d. Natural gas distribution facilities in WAC 197-11-800(23)(d) are not exempt in shoreline areas; and
 - e. Right-of-way clearing in WAC 197-11-800(23)(f) is not exempt in shoreline areas.
6. The natural resources management exemptions under WAC 197-11-800(24) do not apply as follows:
 - a. Issuance of leases for school sites in WAC 197-11-800(24)(e) is not exempt in any critical area; and
 - b. Development of recreational sites in WAC 197-11-800(24)(g) is not exempt in any critical area.
7. Personal wireless service facilities in WAC 197-11-800(25) are not exempt in any critical area.

AMENDATORY SECTION (Amending Order 95-16, filed 10/10/97, effective 11/10/97)

WAC 197-11-315 Environmental checklist. (1) Agencies shall use the environmental checklist substantially in the form found in WAC 197-11-960 to assist in making threshold determinations for proposals, except for:

(a) Public proposals on which the lead agency has decided to prepare its own EIS; or

(b) Proposals on which the lead agency and applicant agree an EIS will be prepared; or

(c) Projects which are proposed as planned actions (see subsection (2) of this section); or

(d) Projects where questions on the checklist are adequately covered by existing legal authorities (see subsection (6) of this section); or

(e) Nonproject proposals where the lead agency determines that questions in Part B do not contribute meaningfully to the analysis of the proposal. In such cases, Parts A, C, and D at a minimum shall be completed.

(2) For projects submitted as planned actions under WAC 197-11-164, a GMA county/city shall use the existing environmental checklist or modify the environmental checklist form to fulfill the purposes outlined in WAC 197-11-172(1), notwithstanding the requirements of WAC 197-11-906(4).

If the GMA county/city chooses to modify the existing environmental checklist, the modified form shall be submitted to the department of ecology to allow at least a thirty-day review prior to use. The department shall notify the GMA county/city within thirty days of receipt if it has any objections to the modified form and the general nature of the objections. If the department objects, the modified form shall not be used until the GMA county/city and the department have reached agreement.

(3) Agencies may use an environmental checklist whenever it would assist in their planning and decision making, but shall only require an applicant to prepare a checklist under SEPA if a checklist is required by subsection (1) of this section.

(4) The lead agency shall prepare the checklist or require an applicant to prepare the checklist.

(5) The items in the environmental checklist are not weighted. The mention of one or many adverse environmental impacts does not necessarily mean that the impacts are significant. Conversely, a probable significant adverse impact on the environment may result in the need for an EIS.

(6) In the checklist provided to applicants, the lead agency for an environmental review under this chapter may identify questions on the checklist adequately covered by a locally adopted ordinance, development regulation, land use plan, or other legal

authority. A lead agency still must consider whether the action has an impact on the particular element or elements of the environment in question.

(a) In instances where the locally adopted ordinance, development regulation, land use plan, or other legal authority provide the necessary information to answer a specific question, the lead agency must explain how the proposed project satisfies the underlying local legal authority.

(b) If the lead agency identifies instances where questions on the checklist are adequately covered by a locally adopted ordinance, development regulation, land use plan, or other legal authority, an applicant may still provide answers to any questions on the checklist.

(c) Nothing in this section authorizes a lead agency to ignore or delete a question on the checklist.

(7) The lead agency may determine the appropriate methods for receipt of electronic submittals of the checklist from applicants including electronic signature of Part C of the checklist.

(8) Lead agencies may include helpful information (including web links) in the checklist to assist applicants in completing the questions.

AMENDATORY SECTION (Amending Order 02-12, filed 8/1/03, effective 9/1/03)

WAC 197-11-800 Categorical exemptions. The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

Note: The statutory exemptions contained in chapter 43.21C RCW are not included in Part Nine. Chapter 43.21C RCW should be reviewed in determining whether a proposed action not listed as categorically exempt in Part Nine is exempt by statute from threshold determination and EIS requirements.

(1) Minor new construction(~~(--)~~) - Flexible thresholds.

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

(b) The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water:

(i) The construction or location of (~~(any)~~) four detached single family residential (~~((structures of four dwelling))~~) units.

(ii) The construction or location of four multifamily residential units.

(iii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

~~((iii))~~ (iv) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles. This exemption includes stand-alone parking lots.

~~((iv) The construction of a parking lot designed for twenty automobiles.)~~

(v) Any landfill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation not associated with an exempt project in subsection (b)(i), (ii), (iii), or (iv); and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(c) Cities, towns or counties may raise the exempt levels up to the maximum specified (~~below~~) in (d) of this subsection by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904) (~~and sent to the department of ecology. A newly established exempt level shall be supported by local conditions, including zoning or other land use plans or regulations~~). Separate maximum optional thresholds are established in (d) of this subsection applying to both incorporated areas and unincorporated urban growth areas in fully planning jurisdictions under RCW 36.70A.040; other unincorporated areas in fully planning counties; and jurisdictions in all other counties. Agencies may adopt the maximum level or a level between the minimum and maximum level. An agency may adopt a system of several exempt levels (such as different levels for different geographic areas).

At a minimum, the following process shall be met in order to raise the exempt levels.

(i) Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.

(ii) Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established project-level public comment opportunities that are provided for proposals included in these increased exemption levels.

(iii) Before adopting the ordinance or resolution containing the proposed new exemption levels, the local government shall provide a minimum of twenty-one days notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.

(d) The maximum (~~exempt~~) exemption levels (~~for the exemptions in (1)(b)~~) applicable to (c) of this (~~section shall~~

~~be, respectively:~~

- ~~(i) 20 dwelling units.~~
- ~~(ii) 30,000 square feet.~~
- ~~(iii) 12,000 square feet; 40 automobiles.~~
- ~~(iv) 40 automobiles.~~
- ~~(v) 500 cubic yards.))~~ subsection are:

<u>Project types</u>	<u>Fully planning GMA counties</u>		<u>All other counties</u>
	<u>Incorporated and unincorporated UGA</u>	<u>Other unincorporated areas</u>	<u>Incorporated and unincorporated areas</u>
<u>Single family residential</u>	<u>30 units</u>	<u>20 units</u>	<u>20 units</u>
<u>Multifamily residential</u>	<u>60 units</u>	<u>25 units</u>	<u>25 units</u>
<u>Barn, loafing shed, farm equipment storage, produce storage or packing structure</u>	<u>40,000 square feet</u>	<u>40,000 square feet</u>	<u>40,000 square feet</u>
<u>Office, school, commercial, recreational, service, storage building, parking facilities</u>	<u>30,000 square feet and 90 parking spaces</u>	<u>12,000 square feet and 40 parking spaces</u>	<u>12,000 square feet and 40 parking spaces</u>
<u>Landfill or excavation</u>	<u>1,000 cubic yards</u>	<u>1,000 cubic yards</u>	<u>1,000 cubic yards</u>

(2) **Other minor new construction.** The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:

(a) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(b) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(c) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required, channelization and

elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.

(d) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(e) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.

(f) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance.

(g) The installation of impervious underground tanks, having a capacity of 10,000 gallons or less.

(h) The vacation of streets or roads.

(i) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(j) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(3) **Repair, remodeling and maintenance activities.** The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

(a) Dredging;

(b) Reconstruction/maintenance of groins and similar shoreline protection structures; or

(c) Replacement of utility cables that must be buried under the surface of the bedlands. Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

(4) **Water rights.** Appropriations of one cubic foot per second or less of surface water, or of 2,250 gallons per minute or less of groundwater, for any purpose. The exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion

or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation.

(5) **Purchase or sale of real property.** The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to an authorized public use.

(c) The lease of real property when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(6) **Minor land use decisions.** The following land use decisions shall be exempt:

(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivisions or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classifications of land for current use taxation under chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(7) **Open burning.** Opening burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

(8) **Clean Air Act.** The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

(9) **Water quality certifications.** The granting or denial of water quality certifications under the Federal Clean Water Act (Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1341) shall be exempt.

(10) **Activities of the state legislature.** All actions of the state legislature are exempted. This subsection does not exempt the proposing of legislation by an agency (WAC 197-11-704).

(11) **Judicial activity.** The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(12) **Enforcement and inspections.** The following enforcement

and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) All activities of fire departments and law enforcement agencies except physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(13) **Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities, including but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

(d) All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

(e) All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

(f) All licenses for vehicles for-hire and other vehicle related activities((7)) including, but not limited to, taxicabs, ambulances, and tow trucks: Provided, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(g) All licenses for food or drink services, sales, and distribution, including but not limited to restaurants, liquor, and meat.

(h) All animal control licenses, including but not limited to pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.

(i) The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.

(14) **Activities of agencies.** The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: Provided, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(j) The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection.

(15) **Financial assistance grants.** The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes agencies taking nonproject actions that are necessary to apply for federal or other financial assistance.

(16) **Local improvement districts.** The formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 197-11-800 and 197-11-880.

(17) **Information collection and research.** Basic data collection, research, resource evaluation, requests for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information-gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see WAC 197-11-070.)

(18) **Acceptance of filings.** The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be

considered exempt by virtue of this subsection.

(19) **Procedural actions.** The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt.

(20) **Building codes.** The adoption by ordinance of all codes as required by the state Building Code Act (chapter 19.27 RCW).

(21) **Adoption of noise ordinances.** The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology under chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and thus requires approval of the department of ecology under RCW 70.107.060(4)), SEPA compliance may be limited to those items which differ from state regulations.

(22) **Review and comment actions.** Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(23) **Utilities.** The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; ~~((and))~~ the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines ~~((more than 55,000))~~ up to and including 115,000 volts; within existing rights of way or developed utility corridors, all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 115,000 volts or less; and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: Provided, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This

exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

(24) **Natural resources management.** In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.

(b) Licenses or approvals to remove firewood.

(c) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(d) Issuance of leases for Christmas tree harvesting or brush picking.

(e) Issuance of leases for school sites.

(f) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(g) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(h) Periodic use of chemical or mechanical means to maintain public park and recreational land: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(i) Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas.

(j) Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW.

(25) **Personal wireless service facilities.**

(a) The siting of personal wireless service facilities are exempt if the facility:

(i) Is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school;

(ii) Includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agriculture zone; or

(iii) Involves constructing a personal wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.

(b) For the purposes of this subsection:

(i) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(ii) "Personal wireless service facilities" means facilities for the provision of personal wireless services.

(iii) "Microcell" means a wireless communication facility consisting of an antenna that is either:

(A) Four feet in height and with an area of not more than five hundred eighty square inches; or

(B) If a tubular antenna, no more than four inches in diameter and no more than six feet in length.

(c) This exemption does not apply to projects within a critical area designated under GMA (RCW 36.70A.060).

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-906 Content and consistency of agency procedures.

(1)(a) Agency SEPA policies and procedures shall implement and be consistent with the rules in this chapter. Unless optional or permissive (see WAC 197-11-704), all of the provisions of this chapter are mandatory, and agency procedures shall incorporate these rules and criteria.

(b) Permissive and optional rules shall *not* be construed as mandatory requirements. Rules giving encouragement or guidance shall also not be construed as mandatory. The decision on whether to apply an optional provision rests with the responsible official.

(c) Except as stated in the next subsection, the rules in this chapter are not exclusive, and agencies may add procedures and criteria. However, any additional material shall not be inconsistent with, contradict, or make compliance with any provision of these rules a practical impossibility. Any additional material shall be consistent with SEPA.

(d) Agency procedures shall also include the procedures required by sections WAC 197-11-055 (3)(a) and (4), 197-11-420 (1) and (4), and 197-11-910.

(e) Agency procedures may include procedures under WAC 197-11-055 (2) and (7), 197-11-100(3), 197-11-680, 197-11-714(2), 197-11-800(1), and 197-11-908. Any such procedures shall include the content required by those rules.

(2) The following provisions of this chapter are exclusive and may not be added to or changed in agency procedures:

(a) The definitions of "proposal," "major," "action," "significant," "affecting," "environment," "categorical exemption," "agencies with jurisdiction," "lands covered by water," "built environment," "natural environment," "license," "licensing," "mitigation," and "scope";

(b) The criteria for lead agency determination (Part Ten of these rules);

(c) The categorical exemptions in Part Nine of these rules, unless expressly allowed under Part Nine;

(d) The information allowed to be required of applicants under WAC 197-11-080, 197-11-100, 197-11-335, and 197-11-420;

(e) The requirements for the style and size of an EIS (WAC 197-11-425);

(f) The list of elements of the environment (WAC 197-11-444); and

(g) The provisions on substantive authority and mitigation in WAC 197-11-660.

(3) The following provisions of this chapter may not be changed, but may be added to; any additions shall meet the criteria for additional material stated in subsection (1)(c) of this section:

(a) All other definitions in Part Eight of these rules;

(b) The provisions in Parts Four and Five of these rules, except as necessary to be grammatically incorporated into agency procedures;

(c) The contents of agency SEPA procedures (WAC 197-11-906); and

(d) The list of agencies with environmental expertise (WAC 197-11-920).

(4) The forms in Part Eleven shall be used substantially as set forth. Minor changes are allowed to make the forms more useful to agencies, applicants, and the public, as long as the changes do not eliminate requested information or impose burdens on applicants. (~~The questions in Part Two of the environmental checklist shall not be altered.~~)

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, 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 probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. 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 really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

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. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

For nonproject proposals complete this checklist ((for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D))) and the supplemental sheet for nonproject actions (Part D). The lead agency may exclude any question for the environmental elements (Part B) which they determine do not contribute meaningfully to the analysis of the proposal.

For nonproject 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 or connected with this proposal? If yes, explain.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
10. List any government approvals or permits that will be needed for your proposal, if known.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask 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 a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

TO BE COMPLETED BY APPLICANT	EVALUATION FOR AGENCY USE ONLY
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B. ENVIRONMENTAL ELEMENTS

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 (approximate percent slope)?

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. **Air**

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.
- b. Are there any offsite sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. **Water**

- a. Surface:
 - 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
 - 2) Will the project require any work over, in, or adjacent to (within 200 feet) 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? Give general description, purpose, and approximate quantities if known.

5) Does the proposal lie within a 100-year flood plain? If so, note 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 groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

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 known to be on or near the site.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: Hawk, heron, eagle, songbirds,
other:

Mammals: Deer, bear, elk, beaver,
other:

Fish: Bass, salmon, trout, herring, shellfish,
other:

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

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, generally 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, if any:

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, 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 (for example: traffic, equipment, operation, other)?

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

3) Proposed measures to reduce or control noise impacts, if any:

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, describe.
- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, 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, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project?
- k. Proposed measures to avoid or reduce displacement impacts, if any:

1. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

9. **Housing**

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

10. **Aesthetics**

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

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 offsite sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. **Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- b. Generally 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, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is 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 any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public services

- a. Would the project result in an increased need for public services (for example: Fire protection, police protection, health care, schools, other)? If so, generally describe.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. **Utilities**

- a. Circle 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 the site or in the immediate vicinity which might be needed.

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. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

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 the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1. How would the proposal be likely to 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 be likely to use or affect environmentally sensitive areas or areas 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, flood plains, 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, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

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

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

Addendum to Attachment “A”, Revisions to Clark County Code Section 40.570.090 regarding SEPA Categorical Exemptions

Add highlighted text to Section 40.570.090.C.5, Exempt Levels for Minor New Construction as follows:

5. For landfills and excavations in WAC 197-11-800(1)(b)(v), not associated with an exempt project in subsections 40.570.090.C.1 through 4 above. up to ~~five hundred (500)~~ one thousand (1,000) cubic yards shall be exempt.

The highlighted additional text was suggested by the DEAB and is also supported by staff. Their recommendation of approval letter dated April 12, 2013 assumes inclusion of this text in Attachment “A”.