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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Creating Solutions for Our Future

Joshua Cummings, Director

SEPA DETERMINATION OF NONSIGNIFICANCE (DNS)

Proponent Thurston County Community Planning and Economic Development Department

Lead Agency 2000 Lakeridge Drive SW, Building #1
Olympia, WA 98502
Contact: Ashley Arai, (360) 280-9298

Description of Proposal Amend Thurston County's Title 24 Critical Areas Ordinance (Chapters 24.03 and 24.50) to allow expanded administrative review of small-scale projects involving existing nonconforming uses, structures, and lots.

Project No. 2022103108
SEPA Folder No. XA 22-103108

Location of Proposal Rural Thurston County and Urban Growth Areas

Threshold Determination The lead agency for this proposal has determined that it does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement is not required under RCW 43.21C.030(2)(c). This decision was made after review by the Lead Agency of a completed Environmental Checklist and other information on file with the Lead Agency. This information is available to the public at www.thurstonplanning.org or upon request.

Responsible Official Joshua Cummings, Director

Date of Issuance: **July 6, 2022**
Comment Deadline: **July 20, 2022**
Appeal Deadline: **July 27, 2022**

Christina Chaput, Community Planning Manager

This Determination of Nonsignificance (DNS) is issued under WAC 197-11-340. The lead agency will not act on this proposal for 14 days from the date of issue or until the appeal period has passed, if applicable. No permits may be issued, and the applicant shall not begin work until after the comment and any appeal periods have expired and any other necessary permits are issued. If conditions are added, deleted, or modified during the 14 day review period, a modified DNS will be issued. Otherwise, this DNS will become final after the expiration of the comment deadline and appeal period, if applicable.

Appeals

Threshold determinations may be appealed pursuant to TCC 17.09.160 if: (1) a written notice of appeal, meeting the requirements of TCC 17.09.160(D), and the appropriate appeal fee is received by the Thurston County Community Planning and Economic Development Department within seven (7) calendar days of the last day of the comment period on the threshold determination and; (2) the person filing the appeal is an aggrieved party and submitted written comments prior to the comment deadline, per the requirements of TCC 17.09.160(B).



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SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

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.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.



THURSTON COUNTY
Community Planning and Economic Development
ENVIRONMENTAL CHECKLIST

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable:
Non-Conforming Code Update –
Critical Areas Ordinance

2. Name of applicant:
Thurston County CPED

3. Address and phone number of applicant and contact person:
2000 Lakeridge Dr SW, Bldg 1, Olympia, WA 98502

4. Date checklist prepared:
June 24, 2022

5. Agency requesting checklist:
Thurston County

6. Proposed timing or schedule (including phasing, if applicable):
Final action anticipated Fall 2022.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

None. The proposed code amendments are being reviewed as a non-project action proposal.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Critical Areas Ordinance adopted in 2012 under SEPA # 200207884.

<p>**** OFFICIAL USE ONLY ****</p> <p>Folder Sequence # _____</p> <p>Project # : _____</p> <p>Related Cases: _____</p> <p>Date Received: _____ By: _____</p> <p>**** OFFICIAL USE ONLY ****</p>

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.

Not applicable to non-project proposal.

10. List any government approvals or permits that will be needed for your proposal, if known.

This non-project action proposal is a Development code amendment subject to legislative review and approval by the Board of County Commissioners.

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.)

Item (#A-27) on the "2022-23 OFFICIAL DOCKET OF PROPOSED DEVELOPMENT CODE AMENDMENTS" Nonconforming Code Update – Critical Areas Ordinance considers amendments to Title 24 to expand administrative review of small-scale projects associated with existing nonconforming uses, structures and lots. This amendment would apply to all properties within unincorporated Thurston County and urban growth areas and includes amended definitions in Chapter 24.03 – Definitions, and new and revised code language in Chapter 24.50 Existing Nonconforming Uses, Structures and Lots.

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.

The proposed code amendments would apply to all properties within unincorporated Thurston County and urban growth areas.



THURSTON COUNTY
Community Planning & Economic Development
ENVIRONMENTAL ELEMENTS

B. Environmental Elements [\[HELP\]](#)

1. Earth [\[help\]](#)

a. General description of the site: (check one):

Not applicable.

- Flat
- Rolling
- Hilly
- Steep Slopes
- Mountainous

Other: Varies throughout Thurston County

b. What is the steepest slope on the site (approximate percent slope)?

Not applicable.

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 agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Not applicable.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Not applicable.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not applicable.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable.

2. Air [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not applicable.

3. Water [\[help\]](#)

a. Surface Water: [\[help\]](#)

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.

Not applicable.

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.

Not applicable.

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.

Not applicable.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not applicable.

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.

Not applicable.

b. Ground Water: [\[help\]](#)

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not applicable.

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.

Not applicable.

c. Water runoff (including stormwater):

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.

Not applicable.

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

Not applicable.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable.

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

Not applicable.

4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site:

Not applicable.

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- 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?

Not applicable.

c. List threatened and endangered species known to be on or near the site.

Not applicable.

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

Not applicable.

e. List all noxious weeds and invasive species known to be on or near the site.

Not applicable.

5. Animals [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

Not applicable.

b. List any threatened and endangered species known to be on or near the site.

Not applicable.

c. Is the site part of a migration route? If so, explain.

Not applicable.

d. Proposed measures to preserve or enhance wildlife, if any:

Not applicable.

e. List any invasive animal species known to be on or near the site.

Not applicable.

6. Energy and Natural Resources [\[help\]](#)

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.

Not applicable.

b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.

Not applicable.

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:

Not applicable.

7. Environmental Health [\[help\]](#)

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 any known or possible contamination at the site from present or past uses.

Not applicable.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not applicable..

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable.

4) Describe special emergency services that might be required.

Not applicable.

5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable.

b. *Noise*

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable.

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.

Not applicable.

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

Not applicable.

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Not applicable.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated,

how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Not applicable.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not applicable.

c. Describe any structures on the site.

Not applicable.

d. Will any structures be demolished? If so, what?

Not applicable.

e. What is the current zoning classification of the site?

Not applicable.

f. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

g. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Not applicable.

h. Approximately how many people would reside or work in the completed project?

Not applicable.

i. Approximately how many people would the completed project displace?

Not applicable.

j. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable.

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

Not applicable.

l. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable.

9. **Housing** [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable.

b. Approximately how many units, if any, would be eliminated? Indicate whether high,

middle, or low-income housing.

Not applicable.

c. Proposed measures to reduce or control housing impacts, if any:

Not applicable.

10. Aesthetics [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable.

b. What views in the immediate vicinity would be altered or obstructed?

Not applicable.

b. Proposed measures to reduce or control aesthetic impacts, if any:

Not applicable.

11. Light and Glare [\[help\]](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable.

c. What existing off-site sources of light or glare may affect your proposal?

Not applicable.

d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable.

12. Recreation [\[help\]](#)

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

Not applicable.

b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable.

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

Not applicable.

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

Not applicable.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Not applicable.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable.

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Not applicable.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Not applicable.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not applicable.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would

be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not applicable.

h. Proposed measures to reduce or control transportation impacts, if any:

Not applicable.

15. Public Services [\[help\]](#)

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

Not applicable.

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

Not applicable.

16. Utilities [\[help\]](#)

a. Check 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.

Not applicable.

C. Signature [\[HELP\]](#)

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: _____

Name of signee Christina Chaput

Position and Agency/Organization Community Planning Manager, Thurston County

Date Submitted: _____

D. Supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to 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?

The proposed code amendments are not likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substance; or production of noise as they are focused on changes to critical area review processes for existing nonconforming uses, structures, and lots, not the underlying regulations. Future site-level projects may have a minimal impact, which will be assessed and mitigated for as part of the County's Critical Area Review Permit and SEPA processes.

Proposed measures to avoid or reduce such increases are:

There are no specific measures included within this proposal. Existing regulations related to water, air, and noise protections would still apply to any project-specific application associated with an existing nonconforming use, structure, or lot.

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

The proposed code amendments are not likely to affect plants, animals, fish, and wildlife as they are focused on changes to critical area review processes for existing nonconforming uses, structures, and lots, not the underlying regulations for habitat protection. Future site-level projects may have a minimal impact, which will be assessed and mitigated for as part of the County's Critical Area Review Permit and SEPA processes.

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

There are no specific measures included within this proposal. Existing regulations related to habitat protection would still apply to any project-specific application associated with an existing nonconforming use, structure, or lot.

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

The proposal is not likely to deplete energy or natural resources. Rather, the proposed code amendments would eliminate the 50% improvement value limitation for existing nonconforming structures, making it easier for single-family homeowners to modernize these structures with energy-saving improvements such as solar panels, updated electrical, and plumbing.

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

There are no specific measures included within this proposal. Existing regulations related to critical areas protection and energy conservation would still apply to any project-specific application associated with an existing nonconforming use, structure, or lot.

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, floodplains, or prime farmlands?

The proposed code amendments are unlikely to affect environmentally sensitive areas or areas designated for governmental protection as they are focused on changes to critical area review

processes, not the underlying protection provisions. More specifically, the proposed amendments would allow for administrative review of the following nonconforming development proposals, rather than a lengthier review by the Hearings Examiner:

- Modifications to legally existing nonconforming structures, within the existing building footprint;
- Limited expansion of legally existing nonconforming single-family dwellings into functionally disconnected buffer areas;
- Permitted impervious surface expansions sited at a distance that is greater than or equal to the primary structure AND at least one hundred feet from wetland edge; and
- Siting new single-family residential dwellings on nonconforming lots in the outer 50% of the standard critical area buffer, or no closer than 100 feet from wetland edge, whichever provides the greater buffer.

The administrative review would provide a streamlined process for the public while still affording the same level of critical areas protection by requiring a finding of 'no net loss', mitigation of any identified impacts, and an optional third party review.

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

There are no specific measures included within this proposal. Existing regulations and permit review criteria related to environmentally sensitive areas and publicly owned lands would still apply to any project-specific application associated with an existing nonconforming use, structure, or lot.

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?

This proposal is not likely to affect land and shoreline use. The proposed amendments are limited to existing nonconforming uses, structures and lots located within critical area buffers, and are therefore unlikely to affect land use or shoreline uses incompatible with existing plans. Furthermore, all underlying land use and shoreline management provisions would still apply in accordance with the Thurston County Code.

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

There are no specific measures included with this proposal.

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

The proposal is not likely to increase demands on transportation infrastructure or public services and utilities as it is limited to existing nonconforming uses, structures, and lots.

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

There are no specific measures included with this proposal.

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

The proposal has no identified conflicts with local, state or federal laws or requirements pertaining to environmental protection. All future project-related development will be reviewed in accordance with applicable environmental protection laws and requirements.