

# SEPA Nonproject Review Form

## PART I - FRAMEWORK

### 1) Background

a) Name of proposal, if any, and brief description.

⇒ Provide enough information for decision-makers, the public and other agencies to understand what is being proposed.

⇒ Examples:

- “Revise the City of Highridge development regulations” is both too broad and vague to be descriptive.
- “Revise City of Highridge ordinance #49.65.010 and 030” while specific, is still difficult for members of the public to decipher and track. Being too specific may also needlessly limit alternatives.

⇒ Examples of better responses:

- “Revise the City of Highridge development regulations to be consistent with the 2001 comprehensive plan and to set appropriate mitigation fees. Includes changes in ordinances related to...”
- “Revise City of Highridge ordinance #49.65 related to commercial signage and chapter #53.89 relating to private roads. Commercial signage revisions may address restrictions for height, width, and lighting, and set minimum setbacks from public roads. Revise the private road regulations to ...”

b) Agency and contact name, address, telephone, fax, email

c) If the agency and contact persons have separate addresses and phone numbers, it is useful to provide both.

d) Designated responsible official

⇒ The responsible official is the person designated by the lead agency as responsible for meeting the requirements of SEPA. This includes analyzing the proposal, making a SEPA threshold determination, and issuing the appropriate SEPA documents.

e) Describe the planning process schedule/timeline

⇒ The schedule or timeline should indicate when a draft proposal is expected to be issued to the public for review and the expected completion (action/adoption) date. It may also contain additional preliminary steps or the timing of subsequent actions.

- f) Location - Describe the jurisdiction or area where the proposal is applicable.  
(Attach a map(s) if appropriate)

⇒ Location may be defined by set boundaries such as streets or property lines, may be widespread (such as “state-wide” or “within all commercial districts city-wide and within the urban growth areas after annexation”), or may be unknown—particularly early in the development of the proposal (such as for a facilities plan or when determining urban growth boundaries). The agency should provide whatever specification is currently known related to location to facilitate review but not needlessly restrict consideration of alternatives.

⇒ Example: “The nonproject action will apply statewide to all areas designated under the jurisdiction of the Shoreline Management Act. This includes all lakes over 20 acres, all streams with an annual mean flow of 20 cfs and all saltwater areas, plus 200 feet from the ordinary high water mark of any associated wetlands.”

- g) What is the legal authority for the proposal?

⇒ Briefly describe the law, ordinance, etc., that allows the agency to undertake and approve the anticipated action, or cite the relevant language. The legal authority identified here belongs to the decision-maker who will take action on the final proposal, rather than the staff designated to develop the proposal and/or alternatives. Examples of legal authorizations include state or federal regulations granting authority or mandating the action, the adopted regulations of the local jurisdiction, or authority granted in a public election.

- h) Identify any other future nonproject actions believed necessary to achieve the objectives of this action.

⇒ For example, adoption of a state rule may require local jurisdictions to adopt plans or ordinances for implementation; local planning may require new or revised ordinances; or a local ordinance revision could necessitate changes to plans or zoning designations.

## **2) Need and Objectives**

- a) Describe the need for the action. (Whenever possible this should identify the broad or fundamental problem or opportunity that is to be addressed, rather than a legislative or other directive.)

⇒ Describe the problem or opportunity that the proposal is intended to address. For example, rather than stating that GMA requires the adoption of critical area ordinances, it would be more appropriate to state that development and other activities within and adjacent to environmentally sensitive areas (flood zones, wetlands, steep slopes, and other geologically hazardous areas) can create

losses or risks to wetland functions and values, human safety and health, and public and private property.

⇒ The response to this question should address both the immediate problem and, if appropriate, how it relates to a broader need. For example, the problem may be “to provide additional low income housing” while the need is “to provide suitable housing for all income levels within the jurisdiction”.

b) Describe the objective(s) of the proposal, including any secondary objectives which may be used to shape or choose among alternatives.

⇒ Identify the specific objectives that the nonproject action will try to achieve.

⇒ For the critical area example in (2)(a) above, the objectives might include:

- a. Minimize loss of wetland functions and values.
- b. Protect human safety and health.
- c. Avoid loss of or risks to private and public property.
- d. Allow reasonable use of private property.
- e. Maintain and allow for expansion of public facilities, including roads and utilities.
- f. Provide consistency while allowing needed flexibility.

⇒ For the housing example in (2)(a) above, one objective might be to provide suitable low-income housing for 200 families.

c) Identify any assumptions or constraints, including legal mandates, which limit the approach or strategy to be taken in pursuing the objective(s).

⇒ List any restrictions on the methods for achieving the objectives, such as state or federal regulations, court orders, budgetary constraints, political climate, lack of authority, etc.

⇒ Examples of methods for achieving an objective include adopting a rule or ordinance, proposing legislation, developing and implementing an advertising campaign, developing curriculum for use in the public schools, producing guidance, providing technical assistance, etc.

d) If there is no legislative or other mandate that requires a particular approach, describe what approaches could reasonably achieve the objective(s).

⇒ Many legal authorizations offer flexibility in how the policy may be achieved. Example, a law may authorize or direct the promulgation of rules, but it may be within an agency’s prerogative to accomplish certain objectives through a nonregulatory approach such as guidance or educational outreach.

### 3) Environmental Overview

Describe in broad terms how achieving the objective(s) would direct or encourage physical changes to the environment. Include the type and degree of likely changes such as the likely changes in development and/or infrastructure, or changes to how an area will be managed.

⇒ This overview is intended to “paint a picture” of the proposal’s outcome if implemented. High specificity is not required and it is expected that effects will typically be described qualitatively rather than quantitatively. Early versions of the NPRF may focus more on describing the proposal’s objective, but as analysis is completed this section should be revised to serve as a summary of the document.

#### 4) Regulatory Framework

a) Describe the existing regulatory/planning framework as it may influence or direct the proposal.

⇒ Examples include:

- Urban growth areas
- Shoreline management areas
- Current zoning
- Critical areas, natural resource lands, etc.
- State and federal environmental regulations

b) Identify any potential impacts from the proposal that have been previously designated as acceptable under the Growth Management Act (GMA), chapter 36.70A RCW.

#### 5) Related Documentation

a) Briefly describe any existing regulation, policy or plan that is expected to be replaced or amended as a result of the proposal. (Adequate descriptions in section 4.a may be referenced here, rather than repeated.)

b) List any environmental documents (SEPA or NEPA) that have been prepared for items listed in 4.a. or that provide analysis relevant to this proposal. **Note:** Impacts with previous adequate analysis need not be re-analyzed, but should be adopted or incorporated by reference into the NPRF. Identify the:

- i) Type of document
- ii) Lead agency and issue date
- iii) Where copies can be viewed or obtained
- iv) The portions of the document applicable to the current proposal and briefly explain relevancy. Summarize the relevant impact assessment or, provide reference to discussion(s) in Part II that includes this information.

⇒ Agencies are encouraged to identify and use previously prepared environmental documents to avoid duplication. For example, an EIS for a comprehensive plan may provide information relevant to a proposed subarea plan or zoning ordinance. A county comprehensive plan EIS may have information relevant to a city comprehensive plan.

- c) List other relevant environmental documents/studies/models which have been identified as necessary to support decision making for this proposal.

## 6) Public Involvement (Optional)

⇒ Although optional, this section allows the agency to document the identified stakeholders and the methods the agency will use to involve the stakeholders in the development of the nonproject action.

- a) Identify agencies with jurisdiction or expertise, affected tribes, and other known stakeholder groups whose input is likely to be specifically solicited in the development of this proposal.

- b) Briefly describe the processes used or expected to be used for soliciting input from those listed. [Examples: ad hoc committees, tribal consultations, interagency meetings, public workshops or hearings, newsletters, etc.]

# PART II – IMPACT ANALYSIS AND ALTERNATIVES

## 7) Affected Environment

Generally describe the existing environmental landscapes or elements (e.g., character and quality of ecosystem, existing trends, infrastructure, service levels, etc.) likely to be affected if the proposal is implemented. Include a description of the existing built and natural environment where future “on the ground” activities would occur that would be influenced by the nonproject proposal.

**Note:** When complete, this section needs to provide information on existing conditions for the elements of the environment discussed in sections 8 and 9. A list of the built and natural elements of the environment is in WAC 197-11-444, and is included at the end of this form.

⇒ The response to this question will vary depending on both the nature of the anticipated nonproject action and the jurisdictional constraints. For example, a nonproject action covering all contaminated sites should broadly describe whether or not most or many sites are in urban areas, near water bodies, in industrially developed areas, etc. A nonproject action for a one hundred-acre rezone will contain considerably greater detail to the degree that the reader can

visualize the area.

⇒ The following should be included, as appropriate:

- Primary physical features
- Development level and infrastructure
- Percent impervious surfaces (approximate)
- Unique features, including historic and cultural sites, potential or existing critical areas, resource lands
- Endangered or threatened species in or near the area

## **8) Key Issue Assessment**

List the identified key issues or areas of controversy or concern and include a brief statement of why each is a key issue. For each item listed:

- a) Identify alternative options or solutions for the objective or concern.
- b) Describe the environmental considerations/impacts relevant to each of the alternatives identified in 8.a.
- c) Describe reasonable mitigation measures for the adverse impacts identified
- d) Identify those alternatives to be carried forward for further analysis.
- e) Briefly describe why those alternatives rejected from further consideration were not carried forward.

⇒ Key issues are those issues where the solution may limit the range of alternatives or commit the agency to take a particular direction, and that could have an adverse impact on the environment.

## **9) Proposed Nonproject Action or Alternative Actions**

Describe a range of reasonable alternatives or the preferred alternative that will meet the objective(s). For each alternative, answer the following questions, referring again to the list of the elements of the environment in WAC 197-11-444:

- a) If this alternative were fully implemented (including full build-out development, redevelopment, changes in land use, density of uses, management practices, etc.), describe where and how it would direct or encourage demand on or changes within elements of the human or built environment, as well as the likely affects on the natural environment. Identify where the change or affect or increased demand constitutes a likely adverse impact, and describe any further or additional adverse impacts that are likely to occur as a result of those changes and affects.

⇒ Examples of likely impacts include:

- Increased need for infrastructure or public services,
- Removal or degradation of native or aquatic vegetation,

- Increased impervious surfaces,
  - Limitations to aquifer recharge, and
  - Encroachment on riparian corridors, floodway zones, or other setbacks/buffers.
- b) Identify potential mitigation measures for the adverse impacts identified in 9.a and describe how effective the mitigation is assumed to be, any adverse impacts that could result from the use of the mitigation, and any conflict or concern related to the proposal objectives and/or key issues identified.
- c) Identify unavoidable impacts and those that will be left to be addressed at the project level.
- d) Describe how the proposal objectives will or will not be met if the impacts described in 9.c were to occur.

**Note:** Alternatives may be rejected at any point in the process if: they have no environmental benefit, are not within existing authority, are determined unfeasible, or do not meet the core objectives.

## **PART III – IMPLEMENTATION CONSIDERATIONS**

### **10) Consistency of the proposal with other plans, policies and laws.**

- a) Internal consistency - If there are internal inconsistencies between this proposal and your agency's previously adopted or ongoing plans and regulations, identify any strategies or ideas for resolving these inconsistencies.
- b) External consistency - If there are external inconsistencies between this proposal and adopted or ongoing plans and regulations of adjacent jurisdictions and/or other agencies, identify any strategies or ideas for resolving these inconsistencies.

### **11) Monitoring and Follow-up**

- a) Describe any monitoring that will occur to ensure the impacts were as predicted and that mitigation is effective, including responsible party, timing, and method(s) to be used.
- b) Identify any plans or strategies for updating this proposed action based on deviation from impact projections or other criteria.

=====

## **WAC 197-11-444, Elements of the Environment**

### **Natural Environment**

**a. Earth**

Geology; soils; topography; unique physical features; erosion/enlargement of land area

**b. Air**

Air quality; odor climate

**c. Water**

Surface water movement/quantity/quality; runoff/absorption; floods

**d. Plants and animals**

Habitat for and numbers or diversity of species of plants, fish, or other wildlife; unique species; fish or wildlife migration routes

**e. Energy and natural resources**

Amount required/rate of use/efficiency; source/availability; nonrenewable resources; conservation and renewable resources; scenic resources

### **Built Environment**

**a. Environmental health**

Noise; risk of explosion; releases or potential releases to the environment affecting public health

**b. Land and shoreline use**

Relationship to existing land use plans and to estimated population; housing; light and glare; aesthetics; agricultural crops

**c. Transportation**

Transportation systems; vehicular traffic; waterborne, rail, and air traffic; parking; movement/circulation of people and goods; traffic hazards

**d. Public services and utilities**

Fire; police; schools; parks and other recreational facilities; maintenance; communications; water/storm water; sewer/solid waste; other governmental services or utilities.