Notice of Type II Development Review Application and Optional SEPA Determination of Non-Significance

The Clark County Department of Community Development has received an application for development review, as described below. Based on a review of the submitted application materials, the county expects to issue a Determination of Non-Significance (DNS) for the proposal allowed by state law and Clark County Code, Section 40.570.040(E) — Optional DNS Process. As lead agency, the county has determined that the requirements for environmental analysis, protection, and mitigation measures are adequately addressed in the development regulations and comprehensive plan adopted under Chapter 36.70A RCW, and in other applicable local, state, or federal laws and rules, as provided by RCW 43.21.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. The proposal may include mitigation under applicable codes and the project review.

Comments received within the deadline will be considered in the review of the proposal. Your response to this notice may be your only opportunity to comment on the environmental impacts of this proposal. No additional comment period will be provided unless probable significant environmental impacts are identified during the review process, which would require additional study or special mitigation. The proposal may include mitigation under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement (EIS) is prepared.

Date of this notice: February 1, 2018

Closing date for public comments: February 16, 2018

Information regarding this application can be obtained by contacting the staff contact person listed below or in person at the Community Development Permit Center, 1300 Franklin Street, first floor, Vancouver, Washington, 98660.

Project Name: TYC, LLC Yard & Garden

Case Number: PSR2017-00061

Request: Construct a yard and garden facility on 10.96 acres in the AG-20 zone.

Location: Parcel number 211208-005 is located on NW 31st Avenue south of NW 300th Avenue, and is within the SW 1/4 of Section 09, Township 4 North, Range 1 East of the Willamette Meridian.
Applicant: Sterling Design, Inc  
2208 E Evergreen Blvd  
Vancouver, WA 98661  
Phone: 360-759-1794  
Email: mail@sterlingdesign.biz

Contact Person: Joel Stirling  
2208 E Evergreen Blvd  
Vancouver, WA 98661  
Phone: 360-759-1794  
Email: joel@sterlingdesign.biz

Property Owner: TYC LLC  
PO Box 611  
Vancouver, WA 98666  
Phone: 360-921-4172  
Email: mpauletto@aol.com

Comp Plan Designation: AG (Agricultural)

Parcel numbers: 211208-005

Township: 4N  
Range: 1E  
SW ¼ of Section: 09

Neighborhood Contact: Enterprise/Paradise Point Neighborhood Association  
Christy Finnie, president  
Email: enterprise.paradisepoint.NAC@gmail.com

Staff Contact: Amy Wooten, Planner II  
(360) 397-2375 ext. 5683  
amy.wooten@clark.wa.gov

Applicable code sections  
Clark County Code: Title 15 (Fire Prevention), Chapter 40.200 (General Provisions), Section 40.210.010 (Forest & Agriculture District), Chapter 40.340 (Parking & Loading), Chapter 40.350 (Transportation & Circulation), Section 40.350.020 (Transportation Concurrency), Chapter 40.360 (Solid Waste and Recycling), Chapter 40.370 (Sewer & Water), Chapter 40.386 (Storm Water & Erosion Control), Chapter 40.410 (Critical Aquifer Recharge Area), Chapter 40.430 (Geologic Hazard Areas), Chapter 40.450 (Wetland Protection), Chapters 40.500 and 40.510 (Procedures), Section 40.520.010 (Legal Lot Determination), Section 40.520.020 (Uses Subject to Review & Approval), Section 40.520.040 (Site Plan Review), Section 40.550.010 (Road Modifications), Chapter 40.570 (SEPA), Section 40.570.080 (SEPA Archaeological), Chapter 40.610 (Impact Fees), Title 24 (Public Health), and the Clark County Comprehensive Plan.

Application Filing date: December 14, 2017  
Fully Complete date: January 5, 2018

Revised 7/9/13, DS1224
Public Comment
The public is encouraged to comment on this proposal. Comments received by the closing date noted below will be considered in the staff report. This notice is intended to inform potentially interested parties about the application and invite written comments regarding any concerns.

Public Comment Deadline:  February 16, 2018

In person:  The Community Development Permit Center is located in the Public Service Center, first floor, 1300 Franklin Street, Vancouver, Washington 98660.

Mail:  Attn: Amy Wooten
Department of Community Development
P.O. Box 9810
Vancouver, WA. 98666-9810

An accurate mailing address for those mailing comments must be included or they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision.

Email:  amy.wooten@clark.wa.gov

SEPA Options
As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS - Determination of Significance**: The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);

- **MDNS - Mitigated Determination of Non-Significance**: The impacts can be addressed through conditions of approval, or;

- **DNS - Determination of Non-Significance**: The impacts can be addressed by applying the Clark County Code.

Responsible Official:  Marty Snell, Community Development Director

Timelines and Process
Decisions on Type II applications are made within 78 calendar days of the Fully Complete date (noted above), unless placed on hold for the submittal of additional information.

Community Development Web site - www.clark.wa.gov/development
- Weekly Preliminary Plan Review Status Report - includes current applications
- Pre-Application Conferences and Land Use Hearing agendas
- Applications and handouts for each type of land use permit
Appeals
The responsible official's decision on the application may be appealed to the Hearing Examiner by the applicant or any person or group that qualifies as a “Party of Record.” To qualify as a party of record, you must have submitted written comments or a written request to be identified as a Party of Record within the comment deadline.

An accurate mailing address for those submitting comments must be included or they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision. An appellant must submit an appeal application and appeal fee within 14 calendar days after the written notice of the decision is mailed.

Refer to the Appeals handout for more information and fees.

SEPA Appeal
A procedural SEPA appeal is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance).

A substantive SEPA appeal is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing Clark County Code or other law.

A procedural or substantive appeal must be filed within fourteen (14) calendar days of this determination, together with the appeal fee. Such appeals will be considered at a scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Attachments
- Proposed project site/land division plan
- Map of property owners receiving notice
Distribution
This notice is being provided to the following agencies with jurisdiction whose services may be impacted by implementation of this proposal:

Federal Agencies: U.S. Army Corps of Engineers - Enforcement Division

Tribes: Cowlitz Indian Tribe
         Yakama Nation
         Chinook Tribe

State Agencies: Department of Natural Resources (S.W. Region)
                Department of Ecology
                Department of Fish and Wildlife
                Department of Transportation

Regional Agencies: Fort Vancouver Regional Library
                  Southwest Clean Air Agency
                  Vancouver-Clark Parks & Recreation

Local Agencies: Clark County Community Development
                Land Use Review
                Fire Marshal's Office
                Clark County Public Health
                Clark County Public Works
                Development Engineering
                Transportation Division
                Clark County Conservation District
                Clark County Water Resource Council
                City of Vancouver Transportation

Special Purpose Agencies: Fire Protection District #
                         Clark Public Utilities
                         Clark Regional Wastewater District/City of Vancouver Water/Sewer

The Media The Columbian
           The Oregonian
           The Reflector
           Vancouver Business Journal
           The Post Record

Other: Applicant
       Clark County Neighbors
       Clark County Natural Resources Council
       Clark County Citizens United
       C-Tran
       Neighborhood Association

Additional attachment for agencies:
  • SEPA checklist
SEPA Environmental Checklist
Washington Administrative Code (WAC) 197-11-960

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

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

Some questions pertain to governmental regulations such as zoning, shoreline, and landmark designations. If you have problems answering these questions, please contact the Clark County ADA Compliance Office.

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

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

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

1. Name of proposed project, if applicable:

TYC LLC Yard & Garden Site Plan

2. Name of applicant:

Joel Stirling

3. Address and phone number of applicant and contact person:

STERLING DESIGN, INC.
2208 E. Evergreen Blvd., Vancouver, WA 98661
Contact: Joel Stirling

4. Date checklist prepared:

December 10, 2017

5. Agency requesting checklist:

Clark County

6. Proposed timing or schedule (including phasing, if applicable):

Construction in summer of 2018

7. Do you have any plans for future additions, expansion, or further activity related to this proposal? If yes, explain. No

8. List any environmental information that has been or will be prepared related to this proposal. None

9. Are other applications pending for governmental approvals affecting the property covered by your proposal? If yes, please explain. No, all approvals will be issued by Clark County

10. List any government approvals or permits needed for your proposal:

Approval by Clark County for the proposed Land Use Type II Site Plan
11. Give a brief, complete description of your proposal, including the proposed uses and size of
the project and site. There are several questions addressed later in this checklist asking you
to describe certain aspects of your proposal. You do not need to repeat those answers on
this page. (Lead agencies may modify this form to include additional specific information
on project description.)

The project proposal is to utilize approximately 10.96 acres, within the AG-20 Zone,
for a Yard & Garden materials retail center Commercial nursery. The property
currently has a large area of gravel on it with all improvements required for a
previous proposal to use the property as an animal auction yard. The proposed
use as a Yard & Garden materials retail center Commercial nursery will utilize the
existing improvements.

12. Location of the proposal. Give sufficient information for a person to understand the precise
location of your proposed project, including street address, section, township, and range. If
this proposal occurs over a wide area, please provide the range or boundaries of the site.
Also, give a legal description, site plan, vicinity map, and topographic map. You are
required to submit any plans required by the agency, but not required to submit duplicate
maps or plans submitted with permit applications related to this checklist.

The project is located on one (1) legal tax parcel identified as Property Serial
Number: 201208-005 and is located in a portion of the SW ¼ quarter of Section 9,
Township 4 North, Range 1 East of the Willamette Meridian, Clark County,
Washington.

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 and the approximate percentage
   of the slope? 18%

   c. What general types of soils are found on the site (e.g., clay, sand,
gravel, peat, muck)? Please specify the classification of agricultural
soils and note any prime farmland. Soils on the property are
mapped as SIB & OdB, by the Washington State Department of
Ecology. The onsite soils are categorized within Soil Group 4 for
WWHM12 calculations and the soils are suitable for use as a
Commercial nursery.
d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, please describe. **No**

e. Describe the purpose, type, and approximate quantities of any filling or proposed grading. Also, indicate the source of fill. **Minor improvements to the existing gravel pad will take place as needed for construction of drive aisles, material bins, plant staging areas and other project infrastructure. Up to 50,000 cu.yds of grading could possibly take place during the project construction/operation as materials are brought in and stock piled for retail sales.**

f. Could erosion occur as a result of clearing, construction, or use? If so, please describe. **No, infrastructure is existing and proposed uses will remain on the existing improvements.**

g. What percentage of the site will be covered with impervious surfaces after the project construction (e.g., asphalt or buildings)? **Existing gravel improvements are approximately 34% of the property area.**

h. Proposed measures to reduce or control erosion, or other impacts to the earth include: **Utilize existing gravel surface for Commercial nursery activities.**

2. **Air**

a. What types of emissions to the air would result from this proposal (e.g., dust, automobile, odors, industrial wood smoke) during construction and after completion? Please describe and give approximate quantities. **Typical construction related emissions will result from the project during site infrastructure construction. Following project infrastructure construction then there will be emissions from customer vehicles that are driving to and from the project along with deliveries of materials to the property.**

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, please describe. **None known**

c. Proposed measures to reduce or control emissions or other impacts to air: **None**

3. **Water**

a. Surface:
1) Is there any surface water body on or in the vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, and wetlands)? If yes, describe the type and provide names and into which stream or river it flows into. Yes, there are existing low-quality wetlands that have been identified on the property.

2) Will the project require any work within 200 feet of the described waters? If yes, please describe and attach available plans. Yes, the wetlands are near to the existing gravel pad on the property and the gravel pad will be utilized for the proposed Commercial nursery.

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. None

4) Will the proposal require surface water withdrawals or diversions? Please provide description, purpose, and approximate quantities: No

5) Does the proposal lie within a 100-year floodplain? If so, please note the location on the site plan. No

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. Yes, there is an existing septic system on the property that will continue to be utilized with the manager's office.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Please give description, purpose, and approximate quantities. No ground water will be withdrawn from the property but there will be limited infiltration of Stormwater from the existing gravel surfaces. All stormwater will continue to flow to the existing flow routes, including existing stormwater management facilities that were constructed on the property for the previous proposal.
2) Describe waste material that will be discharged into the ground from septic tanks or other sources; (e.g., domestic sewage; industrial, containing the following chemicals . . . ; agricultural; etc.). Describe the size and number of the systems, houses to be served; or, the number of animals or humans the systems are expected to serve. **One (1) septic system will remain on the property and may be utilized in future expansions of the facility.**

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal. Include quantities, if known. Describe where water will flow, and if it will flow into other water. **Stormwater runoff from the will continue to flow to the existing stormwater management facilities.**

2) Could waste materials enter ground or surface waters? If so, please describe. **No**

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: **Project will maintain existing flow routes to existing stormwater management facilities as required by Clark County Code.**

### 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? **Existing vegetation will be maintained as needed. Some additional landscape plantings will be installed to meet the requirements of Clark County Code.**
c. List threatened or endangered species on or near the site. **None known.**

d. List proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site: **None**

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### 5. Animals

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

b. List any threatened or endangered species known to be on or near the site. **None**

c. Is the site part of a migration route? If so, please explain. **There are migration routes throughout Clark County for various wildlife. The TYC LLC Property is not located within a critical path for any migrating wildlife.**

d. List proposed measures to preserve or enhance wildlife: **None**

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### 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. **The project will use electricity for site lighting and heating of the managers office.**

b. Would your project affect the potential use of solar energy by adjacent properties? If so, please describe. **No**

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: **None**
7. **Environmental health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, please describe. **No**

1) Describe special emergency services that might be required. **None**

2) Proposed measures to reduce or control environmental health hazards, if any: **None**

b. **Noise**

1) What types of noise exist in the area which may affect your project (e.g., traffic, equipment, operation, other)? **Typical single-family noises to the south, Traffic along NW 31st Avenue and Interstate 5.**

2) What types and levels of noise are associated with the project on a short-term or a long-term basis (e.g., traffic, construction, operation, other)? Indicate what hours the noise would come from the site. **Construction noise while infrastructure is being installed and vehicular noises associated with the Yard & Garden Commercial nursery during normal work hours up to 7 days per week. Infrastructure construction hours in Clark County are 7 am - 7 pm.**

3) Proposed measures to reduce or control noise impacts: **None**

8. **Land and shoreline use**

a. What is the current use of the site and adjacent properties?

Currently the property is vacant land with all of the improvements installed for a previous proposal for an animal auction yard including gravel road access, a large gravel staging area, stormwater management facilities and electrical utilities needed for a manager’s unit. The property to the south is a single-family use, the property to the north is vacant land and to the east and west the property is bordered by NW 31st Avenue and Interstate 5.
b. Has the site been used for agriculture? If so, please describe. **The property likely was used for some sort of agriculture use at some point in the past but has not been utilized for agriculture recently.**

c. Describe any structures on the site. **None**

d. Will any structures be demolished? If so, please describe. **No**

e. What is the current zoning classification of the site? **AG-20**

f. What is the current comprehensive plan designation of the site? **AG**

g. What is the current shoreline master program designation of the site? **N/A**

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, please specify. **Yes, there are low quality wetland areas on the property.**

i. How many people would reside or work in the completed project? **1 or 2 onsite managers will work in the completed project along with employment of companies delivering retail plants and materials to the property for resale.**

j. How many people would the completed project displace? **None**

k. Please list proposed measures to avoid or reduce displacement impacts: **None**

l. List proposed measures to ensure the proposal is compatible with existing and projected land uses and plans: **Project will be approved through Clark County.**

9. **Housing**

a. Approximately how many units would be provided? Indicate whether it’s high, middle, or low-income housing. **None**
b. Approximately how many units, if any, would be eliminated? Indicate whether it’s high, middle, or low-income housing. **None**

c. List proposed measures to reduce or control housing impacts: **Project will comply with all requirements of Clark County Code.**

**10. Aesthetics**

a. What is the tallest height of any proposed structure(s), not including antennas? What is proposed as the principal exterior building materials? **35’ is the maximum allowed by Clark County Building Code. The onsite managers office will likely be a mobile office building that is installed on the property.**

b. What views in the immediate vicinity would be altered or obstructed? **None**

c. Proposed measures to reduce or control aesthetic impacts: **None**

**11. Light and glare**

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **The project will have security lighting within the property boundaries but all lighting will be shielded from adjacent properties and only intended for security and usability of the property by customers. It is not anticipated that the lighting or glare from the property will impact adjacent properties. Security lighting will be illuminated from dawn until dusk every day.**

b. Could light or glare from the finished project be a safety hazard or interfere with views? **No**

c. What existing off-site sources of light or glare may affect your proposal? **Existing vehicular traffic on NW 31st Avenue & Interstate 5 along with existing and future uses of adjacent properties.**

d. Proposed measures to reduce or control light and glare impacts: **None**
12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity? *There are multiple public trails and parks within the area along with an Indian Casino nearby.*

b. Would the project displace any existing recreational uses? If so, please describe. **No**

c. Proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant: **None**

13. Historic and cultural preservation

a. Are there any places or objects on or near the site which are listed or proposed for national, state, or local preservation registers. If so, please describe. **None known.**

b. Please describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. **None known.**

c. Proposed measures to reduce or control impacts: **An Archaeological Pre-determination was completed on the property by Applied Archaeological Research and no artifacts were discovered.**

14. Transportation

a. Identify the public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. **Project will be accessed from NW 31st Avenue and Pioneer Avenue. These Public Streets connect to Interstate 5.**

b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? **No, approximately 3,500 feet to the nearest transit line.**

c. How many parking spaces would the completed project have? How many would the project eliminate? **Two (2) parking spaces will be created as part of the proposal. None will be eliminated.**
d. Will the proposal require new roads or streets, or improvements to existing roads or streets, not including driveways? If so, please describe and indicate whether it’s public or private. **No.**

e. Will the project use water, rail, or air transportation? If so, please describe. **No**
f. How many vehicular trips per day would be generated by the completed project? Indicate when peak traffic volumes would occur. **Estimated traffic is 432 daily trips with 11 A.M. and 32 P.M. peak hour trips.**

Agency use only

g. Proposed measures to reduce or control transportation impacts: **None**

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15. **Public services**

a. Would the project result in an increased need for public services (e.g., fire protection, police protection, health care, schools, other)? If so, please describe. **Yes, development of the property will increase the need for fire protection and police protection.**

b. Proposed measures to reduce or control direct impacts on public services: **Impact fees are collected at the time of site infrastructure.**

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16. **Utilities**

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

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on or near the site: **Public Electricity will be provided by Clark Public Utilities. The project will also utilize franchise utilities for phone and internet.**

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**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: [Signature] Date Submitted: 12-10-17

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