

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Proposal: The adoption of an ordinance amending the Seattle Shoreline Master Program,

Project Sponsor: City of Seattle Department of Planning and Development

Location of Proposal: The proposal is a non-project action, applicable within the Conservancy Recreation shoreline environment within the Shoreline District.

SUMMARY OF PROPOSED ACTION

The proposal is a non-project action, applicable within the Conservancy Recreation (CR) shoreline environment within the Shoreline District, which would update the City of Seattle's (City) existing Shoreline Master Program regulations.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND

Proposal Description

The proposed Code amendments will accomplish the following:

Allow as a conditional use in the CR shoreline environment utility service uses for treating and storing stormwater and/or combined sewage if they reasonably require a shoreline location to operate.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed text changes during future Council hearings.

ANALYSIS – SEPA

This proposal is an adoption of legislation and is defined as a non-project action. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated June 7, 2012. The information in the checklist, a copy of the proposed text changes, the Director's Report and Recommendation, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

This is a substantive change to the Shoreline Master Program, which is part of the Land Use Code, to ensure that the regulations for utility service uses for treating and storing stormwater and/or combined sewage if they reasonably require a shoreline location to operate are allowed as a conditional use in the CR shoreline environment. This amendment may result in potential impacts and warrants further discussion.

ELEMENTS OF THE ENVIRONMENT

Adoption of the proposed Shoreline Master Program amendments would result in no immediate adverse short-term impacts because the adoption would be a non-project action. The discussion below evaluates the potential long-term impacts that might conceivably result from differences in future development patterns due to the proposed amendments.

Natural Environment

Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Releases of Toxic or Hazardous Materials

The proposed changes would result in no direct impacts, and are unlikely to result in significant indirect or cumulative adverse impacts related to earth, air, water, plants/animals, fisheries, energy, natural resources, sensitive areas, noise, or releases of toxic/hazardous substances.

The proposed amendment to the Shoreline Master Program would accomplish the following:

- Allow utility service uses, such as facilities required to treat and store stormwater and/or combined sewage, as a shoreline conditional use in the CR environment, provided that they reasonably require a shoreline location to operate. All other utility service uses are prohibited.

Approving this amendment to the SMP will allow the City to construct stormwater and wastewater water quality improvement projects in the CR shoreline environment. The types of facilities that would be allowed in the CR environment by this amendment include underground storage tanks and underground water quality treatment vaults. In order for the facilities to be permitted in the CR environment, they would need to meet the Conditional Use criteria as defined by the Washington Administrative Code (WAC) 173-27-160:

- (a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
- (b) That the proposed use will not interfere with the normal public use of public shorelines;

- (c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
- (d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
- (e) That the public interest suffers no substantial detrimental effect.

The Department of Ecology (Ecology) would be the governing body that approves or rejects the conditional use in the CR environment.

The City owns and operates a combined sewer system which discharges raw sewage and untreated stormwater to our waters during storm events. These overflows are called “Combined Sewer Overflows” (CSOs), and they threaten the quality of the City’s surrounding creeks, lakes, rivers, and Elliott Bay. The City is required to reduce the frequency of CSO discharges to protect public health and the environment and to comply with state and federal regulations. In the State of Washington, the Department of Ecology administers the National Pollutant Discharge Elimination System (NPDES) program, which regulates the City’s CSO discharges.

In the Southeast area of the City, the City is required by its NPDES permit to begin construction projects to reduce CSOs, which discharges raw sewage and untreated stormwater to our waters during storm events, into Lake Washington by 2013. The City has identified two projects that will require construction of CSO storage facilities along Lake Washington in a CR environment. The two shoreline sites were selected based on a combination of factors, including but not limited to hydraulic constraints of the sewer system, cost, environmental impacts, and stakeholder/ community input. The hydraulic constraints of the sewer system typically create the requirement for shoreline locations. This is because sewer systems operate by gravity to ensure reliable operations and maintenance (O&M) and to reduce the high capital and O&M costs of pumping. CSO storage facilities also typically require a location near the CSO outfall pipe. Locating a CSO storage facility further away from a CSO outfall pipe can significantly increase the size of the storage facility, thereby greatly increasing capital costs and potentially environmental impacts.

Development of specific projects on individual sites is subject to the City’s existing regulations, such as the Stormwater, Grading and Drainage Ordinance, the Shoreline Master Program, the Environmentally Critical Areas Ordinance, and Noise Ordinance, and will be subject to environmental review (if they meet or exceed thresholds for environmental review).

Additionally, there are no wilderness, wild and scenic rivers, or prime farmlands within the CR shoreline environment; therefore, no adverse impacts will occur to any such area as a result of the proposed amendment. Regarding parks, threatened, or endangered species habitat, historic or cultural sites, wetlands and floodplains: The City has existing regulations that protect each of these areas including the Shoreline Master Program, for example SMC 23.60.152 and the Environmentally Critical Areas regulations, SMC 25.09. Impacts will be avoided to the extent feasible because the facilities will only be sited in the CR location if they require a shoreline location to operate. If adverse impacts to any of these areas are identified as a result of a proposed project, mitigation will be required to achieve no net loss of ecological functions.

