

**CITY OF SEATTLE
DETERMINATION OF NON-SIGNIFICANCE BY
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Applicant Name: William Mills for the Department of Planning and Development

Address of Proposal: City-wide Application within Environmentally Critical Areas and Floodplains mapped by Federal Emergency Management Agency

SUMMARY OF PROPOSED ACTION

The proposal is to amend the City's Regulations for Environmentally Critical Areas and Floodplain Development Regulations, SMC Chapters 25.06 and 25.09, to clarify current provisions, resolve inconsistencies, and to correct minor oversights and clerical or typographical errors.

The following approval is required:

SEPA - Environmental Conditions - 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 DATA

Background

The Department of Planning and Development (DPD) is responsible for routine maintenance of the Land Use Code and other land use control ordinances, including Seattle Municipal Code (SMC) Chapter 25.09, Regulations for Environmentally Critical Areas (ECA regulations) and the Floodplain Development Regulations of SMC Chapter 25.06. Since the most recent comprehensive amendments to the ECA regulations in 2006, a number of inconsistencies and minor errors in the regulations have been identified by City staff and external customers such as citizens and the development community. These issues can be addressed by proposing a collection of amendments that are small scale, with a limited scope of impact. The amendments include correcting typographical errors and incorrect section references, updating external documents referenced in the regulations, and adding clarifications or corrections to existing code

language. In coordination with the City's Law Department, DPD has concluded that the changes are not substantive in content. The "best available science" (BAS) has been included in developing the proposed minor changes and clarifications.

Proposal Description

The Department of Planning and Development is recommending a series of amendments to the current Seattle Municipal Code Chapters 25.06 and 25.09 to correct inconsistencies and minor errors, including typographical errors, correct section references, clarify existing regulations, and make minor amendments.

A complete description of each amendment is provided in the Environmental Checklist accompanying this analysis and decision.

Public Comments

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed amendments at an upcoming City Council Public Hearing.

ANALYSIS - SEPA

This proposal is an adoption of legislation and is defined as a non-project action. The initial disclosure of the potential impacts from this action was made in the environmental checklist dated August 20, 2012. The information in the checklist, a copy of the proposed text amendments, the analysis of the changes prepared by City staff, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

Short-term Impacts

As a non-project action, the proposed amendments will not have any short-term impact on the environment. Future development affected by this legislation and subject to SEPA will be required to address short-term environmental impacts.

Long-term Impacts

The proposed amendments to the various sections of the Floodplain Development regulations and Regulation for Environmentally Critical Areas in this legislation are not expected to have significant adverse impacts on any element of the natural or built environment. The proposed ordinance makes minor changes and clarification to existing regulations for environmentally critical areas and floodplains, but the changes are small in scale and with limited scope of impacts and would not make substantive changes that would affect environmentally sensitive areas or areas designated for government protection. BAS has been incorporated and the proposed changes are consistent with BAS in that the changes and clarifications reflect current practice in administering the Code and the general City of Seattle policy to limit or restrict development within ECA's. Individual projects that may use the provisions of this proposal will

be subject to the city's codes and ordinances as well as environmental review (if they meet or exceed thresholds for environmental review). Accordingly, the changes are not expected to have any environmental impacts.

Conclusion

The Regulations for Environmentally Critical Areas and Floodplain development regulations require updating to clarify their application, remove existing ambiguities and interpretive issues, maintain cross references to current regulations governing critical areas found outside of Chapter 25.09, and otherwise resolve existing conflicts and discrepancies. The substantive application of these regulations would either not be changed or would be strengthened by the proposed amendments. Future development using these provisions will be subject to SEPA, as required, to address potential adverse impacts. Therefore, no mitigation pursuant to SEPA policies is warranted.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

RECOMMENDED CONDITIONS – SEPA

None.

Signature: _____ (signature on file) Date: January 14, 2013
Seth Amrhein, Senior Environmental Analyst
Department of Planning and Development