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

Applicant Name: City of Seattle Department of Planning and Development

Address of Proposal: All parcels in Seattle in which one or more Environmental Critical Area is located.

Lead Agency: City of Seattle Department of Planning and Development

SUMMARY OF PROPOSED ACTION

This is a non-project action that is proposing legislative action to amend the Regulations for Environmentally Critical Areas (SMC 25.09) using Best Available Science and to give “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

It is expected that the City Council will act on the proposed non-project legislation in November 2005.

The following approvals are required:

SEPA – Environmental Determination (Chapter 25.05, SMC)

Legislative Decision – City Council Action

SEPA DETERMINATION: Exempt DNS EIS

DNS with conditions

DNS issued under WAC 197-11-340(2). Comments must be submitted by September 8, 2005.

BACKGROUND DATA

Site Location and Description

This is a non-project action affecting sites which contain one or more Environmentally Critical Areas (ECA). Environmental Critical Areas include wetlands, fish and wildlife habitat conservation areas, geologic hazard areas (such as landslide-prone, steep-slope and liquefaction-prone areas), flood-prone areas, and abandoned landfills located within the City of Seattle.

Proposal Description

The proposal is to amend the provisions of the existing Regulations for Environmentally Critical Areas (ECA) to meet the Growth Management Act (GMA) requirement that the City update its land use regulations to comply with the requirements of the GMA, including the provisions in RCW 36.70A.172. The requirements of RCW 36.70A.172 are to include the “best available science” (BAS) and to give “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries when developing policies and regulations that protect the functions and values of critical areas.

The proposed changes to the ECA to protect critical areas, are in keeping with the requirements of the Growth Management Act. A summary of proposed changes are found in Appendix A of this decision.

Existing Conditions

The existing Environmentally Critical Areas regulations act to protect critical areas. Although the existing regulations were adopted in 1990, prior to the requirements in RCW 36.70A.172 to include the “best available science” (BAS) and to give “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries, they were adopted with consideration of a wide variety of scientific information. After RCW 36.70A.172 was enacted part of the steep slope development regulations were amended, and the amendment included the BAS at the time.

Public Process

On January 21, 2004, a public workshop to provide an overview of the current code and policies and to solicit ideas and comments on the ECA code and policies update was held. Approximately 60 people attended the workshop and input from this workshop was used to develop draft code and policies.

On February 14, 2005 the draft code of the ECA regulations, a summary of the proposed code amendments, DPD’s Director’s Report, and the Best Available Science Document were released for public comment. These documents were made available (and are currently available) for review on DPD’s website and at the Public Resource Center at 700 5th Avenue, Suite 2000, Seattle, WA. On February 24, 2005 DPD planners presented the proposed Environmentally Critical Areas Regulations at an open house and discussion.

Additionally, a public hearing before a City Council committee will be held. Notice is provided in DPD's Land Use Information Bulletin (LUIB) and publication in the City's official newspaper, which is the Daily Journal of Commerce.

A public hearing on the proposed legislation will be scheduled before the Seattle City Council **Energy and Environmental Policy** Committee. Public testimony will be taken at the public hearing. Written comments on the proposal will also be accepted.

Public Comment

DPD received 23 letters, and numerous phone calls regarding this proposal.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from the project was made in the environmental checklist dated August 11, 2005. The information in the checklist, supplemental information provided by the applicant, which includes the Proposed Code Amendments, Director's Report and Best Available Science Document, and the experience of the lead agency with review of similar projects form the basis for the analysis and decision.

Short-term Impacts

As a non-project action, and with no current projects pending, the proposed amendment will not have any short-term (or construction related) impacts on the environment. After adoption this legislation will mitigate short term environmental impacts. Future development affected by this legislation that is subject to SEPA will be required to identify and address short-term impacts on the environment per SMC 25.05.908.

Long-term Impacts

Over the long term the proposed amendments should improve the protection of designated environmentally critical areas within Seattle. This legislation will mitigate long term environmental impacts of future development. In addition, future development affected by this legislation that is subject to SEPA will be required to identify and address long-term impacts on the environment per SMC 25.05.908.

Conclusion

The proposed amendments to the ECA code will result in no significant adverse impacts to the environment and are intended to maintain or increase current protections of wetlands, fish and wildlife habitat conservation areas, geologic hazard areas, flood-prone areas, and abandoned landfills areas. The proposed amendments will promote the public interest by protecting critical areas and allowing reasonable development. As such, there is no mitigation necessary or warranted by the application of the City's adopted SEPA policies.

