

**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.

Built Environment

Land & Shoreline Use, Height/Bulk/Scale, Transportation, Public Services and Utilities

The proposed changes would result in allowing as a conditional use stormwater and combined sewage treatment and storage facilities in the CR shoreline environment the proposed change is unlikely to result in significant indirect or cumulative adverse impacts related to land use, shoreline use, height/bulk/scale, transportation, public services and utilities.

Future projects developed pursuant to the provisions of the proposal will require permits, review and project approvals as provided for in the Seattle Municipal Code and will be subject to environmental review (if they meet or exceed thresholds for environmental review).

Conclusion

The proposed code amendments to allow as a conditional use treatment and storage of stormwater and/or combined sewage is expected to have minimal impacts on both the natural and the built environment. The existing regulatory framework, i.e., the Land Use Code, The Shoreline Master Program, Environmentally Critical Areas Ordinance, and the City's SEPA ordinance, will address impacts during review of development proposals on a project-specific basis.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist, code amendment, 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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of 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(2)(c).

[] 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(2)(c).

RECOMMENDED CONDITIONS - SEPA

None.

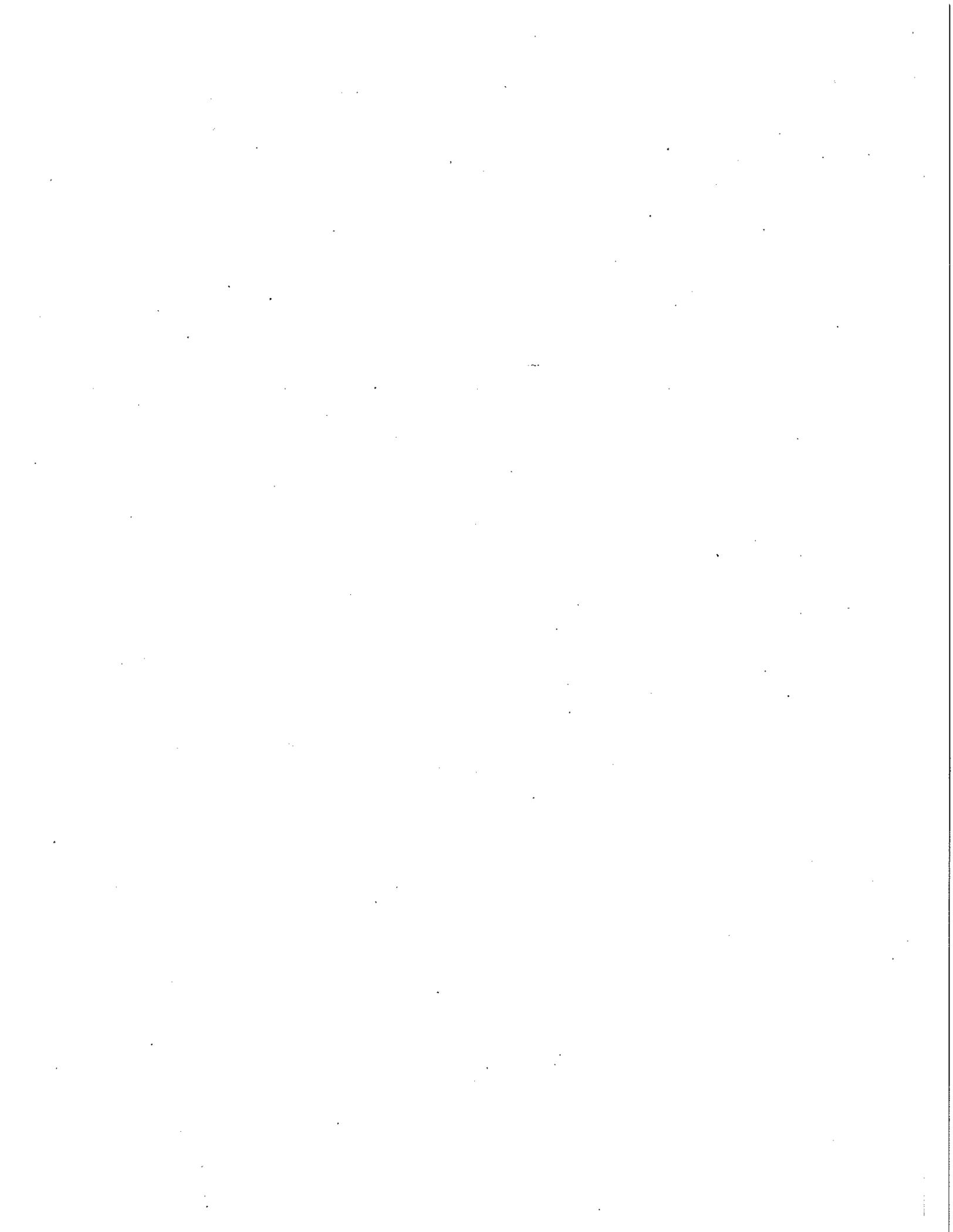
Signature: _____



Benjamin S. Perkowski, Senior Land Use Planner
Department of Planning and Development

Date: _____

6/12/12



Seattle Department of Planning and Development

BILL MILLS
DPD - 22ND FLR

D. M. Sugimura, Director

June 14, 2012

USE
PERMIT

NOTICE OF LAND USE CODE TEXT AMENDMENT AND DETERMINATION OF NON-SIGNIFICANCE Pursuant to SMC 25.05.340 and WAC 197-11-340

The Department of Planning and Development (DPD) is proposing to amend the Shoreline Master Program, Chapter 23.60 of the Land Use Code (Title 23) to allow utility service uses, such as facilities required to treat and store stormwater and/or combined sewage, as a shoreline conditional use in the Conservancy Recreation (CR) Shoreline overlay environment, provided that they reasonably require a shoreline location to operate. All other utility service uses would remain prohibited in the CR environment.

ENVIRONMENTAL DETERMINATION

After review of a completed environmental checklist and other information on file, DPD has determined that the amendments described above will not have a probable significant adverse environmental impact, and has issued a Determination of Non-Significance under the State Environmental Policy Act (no Environmental Impact Statement required).

HOW TO COMMENT

Comments regarding this DNS or potential environmental impacts may be submitted through **June 28, 2012**. Comments may be sent to:

City of Seattle, DPD
Attn: Ben Perkowski
PO Box 34019
Seattle WA 98124-4019
Ben.Perkowski@Seattle.Gov

HOW TO APPEAL

Appeals of the decision to issue a Determination of Non-Significance (DNS) must be submitted to the Office of the Hearing Examiner by 5:00 p.m. July 5, 2012. Appeals should be addressed to the Hearing Examiner and must be accompanied by a \$50.00 filing fee in a check payable to the City of Seattle. The appeal must be sent to:

City of Seattle
Hearing Examiner
PO Box 94729
Seattle WA 98124-4729

INFORMATION AVAILABLE

Copies of the DNS and the proposal may be obtained at the DPD Public Resource Center, 700 5th Avenue, Suite 2000 in the Seattle Municipal Tower. The Public Resource Center is open 8:00 a.m. to 4:00 p.m. on Monday, Wednesday, and Friday, and 10:30 a.m. to 4:00 p.m. on Tuesday and Thursday. Questions regarding the proposed amendments may be directed to William Mills at (206) 684-8738 or via email at william.mills@seattle.gov. Questions regarding the SEPA determination may be directed to Ben Perkowski at 684-0347 or Ben.Perkowski@Seattle.gov.

NOTICE OF LAND USE CODE TEXT
AMENDMENT AND DETERMINATION OF
NON-SIGNIFICANCE Pursuant to SMC
25.05.340 and WAC 197-11-340 SENT
6/14/12 GA

SPU SEPA ADMINISTRATIVE COORD.
KELLY DOYLE
SEAMUNITOWER 44TH FL - SMT-49-00

WA STATE DEPT OF ECOLOGY N.W.
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BELLEVUE, WA 98008-5452

WA STATE DEPT. OF COMMUNITY
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WA. STATE DEPT. OF ECOLOGY
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WA DEPARTMENT OF COMMERCE
GROWTH MANAGEMENT SERVICES
ATTN: PAUL JOHNSON
PO BOX 42525
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SEPA/PIC
DPD