



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS) NOTICE MATERIALS

The attached materials are being sent to you pursuant to the requirements for the Optional DNS Process (WAC 197-11-355). A DNS on the attached proposal is likely. This may be the only opportunity to comment on environmental impacts of the proposal. Mitigation measures from standard codes will apply. Project review may require mitigation regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for this proposal may be obtained upon request.

File No. 06-109546-AB
Project Name/Address: Noise Regulation Amendments
Planner: Lesa Hutnak
Phone Number: 425-452-4863
Minimum Comment Period: January 11, 2007

Materials included in this Notice:

- Blue Bulletin
- Checklist
- Vicinity Map
- Plans
- Other:

**CITY OF BELLEVUE
ENVIRONMENTAL CHECKLIST
(Integrated SEPA/GMA Process)**

A. BACKGROUND INFORMATION

PROPOSAL TITLE: Noise Regulation Amendments

PROPERTY OWNERS' NAME: N/A; applies City-wide

PROPOSAL LOCATION (street address and nearest cross street or intersection as well as a legal description if available): Applies to noise produced on all property within the City of Bellevue

PROPONENT'S NAME: City of Bellevue, Department of Planning and Community Development

CONTACT PERSON'S NAME: Lesa Hutnak, Legal Planner

CONTACT PERSON'S ADDRESS: Department of Planning and Community Development
City of Bellevue
P.O. Box 90012
Bellevue, WA 98009-9012

CONTACT PERSON'S PHONE: 425-452-4863

BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:

1. **General description:** The proposal is to repeal the Sound Amplification Code (BCC 9.14), and amend the Noise Control Code (BCC 9.18), the Parks and Recreation Facilities Code (BCC 3.43) and the Special Events Code (BCC 14.50) to: consolidate the Sound Amplification Code and the Noise Control Code; limit the issuance of permits for amplified sound on the same property to a maximum of four days within any given week (Monday through Saturday); impose a decible limitation on amplified sound; declare that the failure to comply with the terms of a sound amplification permit is a civil violation, subject to escalating monetary pentalties; clarify that permits issued pursuant to the Parks and Recreation Facilities and the Special Events Codes are exempt from the limitations on noise production set forth in the Noise Control Code; and create criteria for allowing the use of sound amplification equipment in compliance with permits issued pursuant to the Parks and Recreation Facilities and Special Events Codes.
2. **Site acreage:** Applies to all property within the City
3. **Number of dwelling units/buildings to be demolished:** N/A

4. **Number of dwelling units/buildings to be constructed:** N/A
5. **Square footage of buildings to be demolished:** N/A
6. **Square footage of buildings to be constructed:** N/A
7. **Quantity of earth movement (in cubic yards):** N/A
8. **Proposed land use:** The proposed amendments will limit the issuance of permits for amplified sound on the same property to a maximum of four days within any given week (Monday through Saturday), impose a decible limitation on amplified sound, and clarify that permits issued pursuant to the Special Events Code and the Parks Code are exempt from the limitations on noise production set forth in the Noise Control Code.
9. **Design features, including building height, number of stories and proposed exterior materials:** N/A
10. **Other:**

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

City Council action on the proposed amendment is anticipated in February 2007.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

If the proposal is adopted by the City Council, it is expected that requests for amplified sound permits will continue to be made.

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

N/A

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

N/A

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

Ordinance adoption by the City Council.

B. Environmental Elements

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.

C. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

SUMMARY

Project Summary: The proposed amendments will repeal the Sound Amplification Code (BCC 9.14), and amend the Noise Control Code (BCC 9.18), the Parks and Recreation Facilities Code (BCC 3.43) and the Special Events Code (BCC 14.50) to: consolidate the Sound Amplification Code and the Noise Control Code; limit the issuance of permits for amplified sound on the same property to a maximum of four days within any given week (Monday through Saturday); impose a decible limitation on amplified sound; declare that the failure to comply with the terms of a sound amplification permit is a civil violation, subject to escalating monetary pentalties; clarify that permits issued pursuant to the Parks and Recreation Facilities and the Special Events Codes are exempt from the limitations on noise production set forth in the Noise Control Code; and create criteria for allowing the use of sound amplification equipment in compliance with permits issued pursuant to the Parks and Recreation Facilities and Special Events Codes.

Environmental Summary per WAC 197-11-235(3)(b):

State the proposal's objectives: The objective of the proposal is to limit the maximum decibel level of amplified sound, as well as the number of days that amplified sound will be allowed at any given location, in order to ensure that neighboring land owners and occupiers will not be subject to unreasonable levels of amplified sound on a continual basis, while still allowing for the use of amplified sound at various private and civic events. Additionally, the proposal to make the failure to comply with the terms of a sound amplification permit a civil violation, subject to escalating monetary pentalties, is intended to encourage compliance with existing and proposed noise regulations. Finally, the proposal is intended to make the City's noise regulations easier to understand and implement by consolidating the Sound Amplification and Noise Control Codes and clarifying that amplified sound produced at two specifically defined categories of events (special events and events in public parks) is exempt from the restrictions on production of sound contained in Noise Control Code.

Specify the purpose and need to which the proposal is responding: The proposal to limit the level and duration of amplified sound is responding to the need to ensure that land owners and occupiers will not be subject to unreasonable levels of amplified sound on a continual basis, while still allowing for the use of amplified sound at various private and civic events. The proposed escalation of fines for repeat sound amplification permit violations is necessary to reduce repeat violations by the same individuals or at the same location. The proposals to consolidate the noise regulations and clarify the categories of events which are exempt from the Noise Control Code are responding to the need for the City's noise regulations to be easier for the public to understand and for City staff to implement.

State the major conclusions, significant areas of controversy and uncertainty: Although the interests of those requesting to host events with amplified sound and those desiring minimal noise impacts may conflict, the proposed amendments strike a balance between these competing interests. The proposed amendments also create certainty as to when sound may be amplified and what type of events are exempt from the Noise Control Code. The proposal will not result in significant or increased environmental impacts, and little uncertainty exists related to the proposal.

State the issues to be resolved, including the environmental choices to be made among alternative courses of action: Two alternative courses of action include: (1) repeal the Sound Amplification Code (BCC 9.14), and amend the Noise Control Code (BCC 9.18), the Parks and Recreation Facilities Code (BCC 3.43) and the Special Events Code (BCC 14.50) to: consolidate the Sound Amplification Code and the Noise Control Code; limit the issuance of permits for amplified sound on the same property to a maximum of four days within any given week (Monday through Saturday); impose a decible limitation on amplified sound; declare that the failure to comply with the terms of a sound amplification permit is a civil violation, subject to escalating monetary pentalties; clarify that permits issued pursuant to the Parks and Recreation Facilities and the Special Events Codes are exempt from the limitations on noise production set forth in the Noise Control Code; and create criteria for allowing the use of sound amplification equipment in compliance with permits issued pursuant to the Parks and Recreation Facilities and Special Events Codes; or (2) a final no action alternative to not repeal the Sound Amplification Code (BCC 9.14), and to not amend the Noise Control Code (BCC 9.18), the Parks and Recreation Facilities Code (BCC 3.43) and the Special Events Code (BCC 14.50) to: consolidate the Sound Amplification Code and the Noise Control Code; limit the issuance of permits for amplified sound on the same property to a maximum of four days within any given week (Monday through Saturday); impose a decible limitation on amplified sound; declare that the failure to comply with the terms of a sound amplification permit is a civil violation, subject to escalating monetary pentalties; clarify that permits issued pursuant to the Parks and Recreation Facilities and the Special Events Codes are exempt from the limitations on noise production set forth in the Noise Control Code; and create criteria for allowing the use of sound amplification equipment in compliance with permits issued pursuant to the Parks and Recreation Facilities and Special Events Codes. In terms of environmental impacts, the proposed alternative will potentially result in reduced noise impacts.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: Although the proposal allows for amplified sound at any given location on four days per week, excluding Sundays, this represents a reduction in the allowable frequency of amplified sound events in relation to existing code provisions. Additionally, the proposed amendments would impose a limitation on decibel level. Such a limitation does not currently exist. Finally, the proposal merely clarifies that noise produced at special events and events in public parks is exempt from the Noise Control Code. Because these exemptions are currently in place, the clarification will not result in a new significant adverse impact. The proposal creates new criteria that ensure that exempt special events and events in parks will not constitute a nuisance or endanger the public health or safety. As such, there are no significant adverse impacts resulting from the proposed action.

Describe any proposed mitigation measures and their effectiveness: No specific development is being approved with this proposal. No significant environmental impacts have been identified, therefore no mitigation measures are proposed.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed code amendment will not increase the potential impacts to water, air and earth resources or noise production. Although the proposal allows for amplified sound at any given location on four days per week, excluding Sundays, this would result in a reduction in the frequency of amplified sound events allowed and a corresponding reduction in the production of noise in the form of amplified sound. Additionally, the proposed amendments would impose a limitation on decibel level. Such a limitation does not currently exist.

Proposed measures to avoid or reduce such increases are: N/A

2. How would the proposal be likely to affect plants, animals, fish or marine life?

The proposed code amendment will not increase the potential impacts to plants and animals.

Proposed measures to protect or conserve plants, animals, fish or marine life are: N/A

3. How would the proposal be likely to deplete energy or natural resources?

No adverse impacts to energy or natural resources are anticipated.

Proposed measures to project or conserve energy and natural resources are: N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal will not directly affect any environmentally sensitive areas.

Proposed measures to protect such resources or to avoid or reduce impacts are: N/A

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal will not affect any shoreline areas.

Proposed measures to avoid or reduce shoreline and land use impacts are: N/A

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

None

Proposed measures to reduce or respond to such demand(s) are: N/A

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No conflicts are known or anticipated. The proposed noise regulations differ from those adopted by the state, however, they will be submitted to the Department of Ecology for approval prior to becoming effective.

- D. 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 Jesa Hutnals

Date Submitted 12-22-06