



**City of Bellevue  
Development Services Department  
Environmental Review and State Environmental Policy Act  
Threshold Determination**

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Proposal Name: **Environmental Procedures Code Amendment-  
CAO Consistency**

Proposal Address: City wide

Proposal Description: Amend the City of Bellevue Environmental Procedures code (CH. 22.02 BCC) for consistency with the 2006 amendments to the City's critical areas ordinance. Includes updating definitions for consistent use of terms, revising exempt thresholds if necessary for consistency with the Land Use Code, and incorporating the critical areas overlay (LUC Part 20.25H) and policies set forth in the comprehensive plan as a basis to deny or condition development proposals under BCC 22.02.140.

File Number: **08-132461 AB**

Applicant: Catherine A. Drews, Legal Planner, Development Services Department

Decisions Included: SEPA Threshold Determination

Planner: Heidi M. Bedwell, Associate Land Use Planner

State Environmental Policy Act  
Threshold Determination: **Determination of Non-Significance (DNS)**

**Michael Paine**  
Environmental Coordinator

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Bulletin Publication Date:  
SEPA Comment Deadline  
SEPA Appeal Deadline

October 23, 2008  
November 6, 2008

Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. An appeal of the SEPA Decision shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290. For information on how to appeal a proposal, visit the Permit Center at City Hall or call 452-6800.

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## **I. Proposal Description and Objectives**

The proposal is to amend the City's Environmental Procedures Code (BCC 22.02) to update the code to reflect the adoption of the City's critical areas ordinances (Ordinances Nos. 5608, 5681, 5682, and 5683). The amendments update terms for consistency with the critical areas ordinance, update which exemptions from SEPA do and do not apply in critical areas, and incorporate the critical area ordinances and policies as substantive SEPA authority. These amendments will allow for the efficient review of proposals, all within the range of discretion allowed by WAC 197-11-908.

## **II. Environmental Record**

The environmental summary consists of analysis based on the following documents and studies in the environmental record or, if noted, incorporated by reference.

- Environmental Checklist, Supplemental Sheet for Nonproject Actions, prepared by Catherine A. Drews on October 15, 2008. (See Attachment A)
- Draft and Final Environmental Impact Statements prepared in connection with the City's critical areas ordinance update, under File Nos. 03-100693 AD and 05-103010 LE.

## **III. Proposed Timing and Phasing**

The City Council will take action on the proposed amendments in December 2008.

## **III. Environmental Summary**

### **Purpose and Need to Which the Proposal is Responding**

The purpose of the proposal is to achieve consistency among the City's various codes that apply to projects within or near critical areas.

The City adopted updates to its critical areas regulations as a result of the requirements of the Growth Management Act (GMA). Achieving consistency with other code sections is required to ensure efficient and straightforward review for property owners. Amendments are necessary to incorporate the critical area regulations and policies as a basis to deny or condition development proposals under BCC 22.02.140. The update also clarifies which exemptions from SEPA do

and do not apply in critical areas.

### **Major Conclusions, Significant Areas of Controversy and Uncertainty**

Development regulations that are consistent with and implement the Comprehensive Plan are required under the GMA. The City addresses the impacts of development on critical areas through the substantive regulations adopted in the Land Use Code. The changes proposed to the Environmental Procedures Code will not impact those substantive regulations; the change is added to the substantive SEPA authority to address unanticipated conditions and new information.

The amendments update which exemptions from SEPA do and do not apply in critical areas. These exemptions are included to reflect the most current version of the SEPA guidelines. The amendments may have the effect of exempting certain proposals within critical areas from review under SEPA, as allowed under WAC 197-11-908; however, those proposals would be subject to substantive review under the Critical Areas code under a Process II permit type, which allows public comment and an opportunity for an administrative appeal. Little controversy exists related to this proposal.

### **Issues to be Resolved, Including Environmental Choices to Made Between Alternatives Courses of Action**

Alternative courses of action include: (1) a non-action alternative to not amend the Environmental Procedures Code, and (2) an alternative that would not modify exemptions, but would update terminology. In terms of environmental impacts, the two alternatives are not significantly different, as review of proposals within critical areas will be subject to the City's critical areas ordinance under either of the alternatives, which regulations are designed to avoid or mitigate any impacts of development in and near critical areas.

### **Environmental Impacts of the Proposal:**

The proposal is a nonproject action. There are no significant adverse impacts resulting from this action. Adoption of the proposed regulations will ensure that the City's various codes applicable to projects in or near critical areas are consistent.

## **IV. Conclusion and Determination**

No specific development is being approved with this proposal. For the proposal, environmental review indicates no probability of significant adverse environmental impacts. Therefore, issuance of a **Determination of Non-Significance** pursuant

to WAC 197-11-355 and Bellevue City code 22.02.034 is appropriate. Future development under the provisions of the regulation will be subject to SEPA review, as well as to the City's existing development regulations.

## **V. Mitigation Measures**

There are no recommended SEPA-based mitigating measures for this proposal. The lead agency has determined that the requirements for environmental mitigation have been adequately addressed in the development regulations and comprehensive plans adopted under Chapter 36.70A RCW and in other applicable local, state or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA.

Attachment A: SEPA Checklist Prepared Catherine A. Drews and dated 10/15/2008

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

**A. BACKGROUND INFORMATION**

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**PROPOSAL TITLE:** Environmental Procedures Code amendments—CAO Consistency

**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 City-wide

**PROPONENT'S NAME:** City of Bellevue, Development Services Department

**CONTACT PERSON'S NAME:** Heidi Bedwell, Associate Land Use Planner

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

**CONTACT PERSON'S PHONE:** 425-452-4862

**BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:**

1. **General description:** The proposal is to amend the City's Environmental Procedures Code (BCC ch. 22.02) to update the code to reflect the adoption of the City's critical areas ordinances (Ordinances Nos. 5608, 5681, 5682, and 5683). The amendments update terms for consistency with the critical areas ordinance, update which exemptions from SEPA do and do not apply in critical areas, and incorporate the critical area ordinances and policies as substantive SEPA authority. These amendments will allow for the efficient review of proposals, all within the range of discretion allowed by WAC 197-11-908.
2. **Site acreage:** Applies to all property in 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:** This proposal does not impact land uses, as it amends only SEPA review procedures.
9. **Design features, including building height, number of stories and proposed exterior materials:** N/A
10. **Other:** N/A

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

A public hearing on the proposal is anticipated in December of 2008. City Council final action on the proposal will follow that public hearing.

**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, future development proposals will be subject to the new SEPA provisions.

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

Materials, including Draft and Final Environmental Impact Statements prepared in connection with the City's critical areas ordinance update, under File Nos. 03-100693 AD and 05-103010 LE.

**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.**

The City has various proposals for development under review. New proposals would be processed according to the proposed amendments to the Environmental Procedures Code, if the Council adopts the amendments.

**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 proposal is to amend the Bellevue Environmental Procedures Code to achieve consistency with the City's revised critical area ordinance, update exemptions from SEPA under WAC 197-11-908, and add the critical areas overlay (LUC Part 20.25H) and corresponding policies as substantive SEPA authority.

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

State the proposal's objectives: To achieve consistency among the City's various codes that apply to projects within or near critical areas.

Specify the purpose and need to which the proposal is responding: The City adopted updates to its critical areas regulations as a result of the requirements of the Growth Management Act. Achieving consistency with other code sections is required to ensure efficient and straightforward review and for property owners. Amendments are necessary to incorporate the critical area regulations and policies as a basis to deny or condition development proposals under BCC 22.02.140.

State the major conclusions, significant areas of controversy and uncertainty: Development regulations that are consistent with and implement the Comprehensive Plan are required under the GMA. Little controversy exists related to this proposal.

State the issues to be resolved, including the environmental choices to be made among alternative courses of action: Alternative courses of action include: (1) a non-action alternative to not amend the Environmental Procedures Code, and (2) an alternative that would not modify exemptions, but would update terminology. In terms of environmental impacts, the two alternatives are not significantly different, as review of proposals within critical areas will be subject to the City's critical areas ordinance under either of the alternatives, which regulations are designed to avoid or mitigate any impacts of development in and near critical areas.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: The proposal is a nonproject action. There are no significant adverse impacts resulting from that action. Adoption of the proposed regulations will ensure that the City's various codes applicable to projects in or near critical areas are consistent.

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. Future development under the provisions of the regulation will be subject to SEPA review, as well as to the City's existing development regulations.

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. Nor will it increase the production, storage, or release of toxic or hazardous substances.

**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, animals, fish or marine life.

**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 City addresses the impacts of development on environmentally sensitive areas (critical areas) through the substantive regulations adopted in the Land Use Code. The changes proposed to the Environmental Procedures Code will not impact those substantive regulations. The amendments may have the effect of exempting certain proposals within critical areas from review under SEPA, as allowed under WAC 197-11-908; however, those proposals would be subject to substantive review under the Land Use Code under a Process II permit type, which allows public comment and an opportunity for an administrative appeal.

**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 because it does not modify the substantive regulations with which those projects must comply under the Land Use Code.

**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 of the proposed amendments will change the demands on the transportation system.

**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.

- 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 Catherine A. Deus

Date Submitted 10/15/08