



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: City of Bellevue, Catherine Drews, Legal Planner

LOCATION OF PROPOSAL: Citywide

DESCRIPTION OF PROPOSAL: Amend the City's Noise Code (ch.9.18 BCC) to incorporate new land use districts in the Bel-Red Subarea into appropriate provisions of the Noise Code.

FILE NUMBER: 09-110250 AB, Noise Code Amendments

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with Land Use Division. This information is available to the public on request.

- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project), or if the DNS was procured by misrepresentation or lack of material disclosure.

This DNS is only appealable as part of the City's action on the amendment to the Land Use Code. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action. See LUC 20.35.250C.

Carse V. Holland
Environmental Coordinator

May 7, 2009
Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife
U.S. Army Corps of Engineers
Attorney General
King County
Muckleshoot Indian Tribe

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

A. BACKGROUND INFORMATION

PROPOSAL TITLE: Bellevue Noise Code amendments – Bel-Red Sub Area consistency

PROPERTY OWNERS' NAME: N/A

PROPOSAL LOCATION: Bel-Red Subarea

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

CONTACT PERSON'S NAME: Catherine A. Drews, Legal Planner

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

CONTACT PERSON'S PHONE: 425-452-6134

BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:

1. **General description:** The proposal is to amend the City's Noise Code (ch. 9.18 BCC) to incorporate new land use districts in the Bellevue Subarea into appropriate Noise Code provisions. The Bel-Red land use code amendments (File No. 07-138331-AD) may be adopted concurrently with the Noise Code amendments.
2. **Site acreage:** Applies to all property in the Bel Red Subarea.
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 provides noise regulation to the new Bel-Red land use districts, which may be adopted concurrently with the Noise Code amendments. (See file no. 07-138331-AD).

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 summer of 2009. 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 City Council adopts the proposal, existing development and future development proposals will be subject to the updated Noise Code.

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

SEPA checklist, environmental analysis, and threshold determination for the comprehensive plan amendment related to this proposed Land Use Code amendment (see file no. 08-114836-AC).

SEPA checklist, environmental analysis, and threshold determination for a separate land use code amendment adding development regulations for the Bel-Red Subarea plan, (see file no. 07-138331-AD).

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 under development under review. New proposals would be processed according to the proposed amendments to the Noise 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.

City Council adoption of the ordinance.

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 Noise Code to incorporate new Bel-Red land use districts into appropriate Noise Code provisions.

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

State the proposal's objectives: To comply with the requirements of the GMA by adopting development regulations that implement and are consistent with the Comprehensive Plan.

Specify the purpose and need to which the proposal is responding: To ensure that the Noise Code applies to the new Bel-Red land use districts.

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 a no action alternative to not amend the Noise Code, which has the affect of leaving noise unregulated in the Bel-Red Subarea. In terms of environmental impacts, the two alternatives are not significantly different.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: The proposal is a nonproject action to regulate noise in the Bel-Red Subarea. There are no significant adverse impacts resulting from that action. Adoption of the proposed regulations will ensure that the City is in compliance with GMA requirements for consistency.

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.

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. The City addresses the impacts of development on environmentally sensitive areas (critical areas) through the substantive regulations adopted in the Land Use Code. The amendments to the Noise Code will not impact those substantive regulations.

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 land uses or shoreline area 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 to the Noise Code are likely to change the demands on the transportation system.

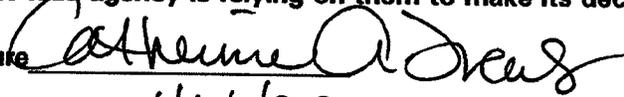
Proposed measures to reduce or respond to such demand(s) are: N/A

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



Date Submitted

4/14/09

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending the Bellevue City Code to incorporate the Bel-Red Land Use Districts into the chapter 9.18.; amending section 9.18.025 of the Bellevue City Code; providing for severability; and establishing an effective date.

WHEREAS, the City adopted the Bel-Red Subarea Plan on February 17, 2009; and

WHEREAS, the City Council will adopt, concurrent with this amendment, an ordinance for the Bel-Red Subarea to create zoning and development regulations for the Bel-Red Subarea that would enable the Subarea to redevelop consistent with the Bellevue Comprehensive Plan, the Growth Management Act, the land use goals of the City; and that will establish in part the Bel-Red Land Use Districts; and

WHEREAS, the purpose of the City's Noise Code, in part, is to minimize the exposure of citizens to the harmful physiological and psychological effects of excessive noise, and promote the quality of the environment by establishing maximum environmental noise levels applicable within designated areas or zones of the city; and

WHEREAS, the City desires to effectuate the purposes of the Noise Code in the Bel-Red Land Use Districts; and

WHEREAS, the City of Bellevue has complied with the State Environmental Procedures Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, Chapter 22.02 BCC; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.18.025 of the Bellevue Land Use Code is hereby amended to read:

9.18.025 Identification of environments.

A. Environmental designations for noise abatement are as follows:

1. Residential land use district: Class A EDNA;
2. Commercial land use district: Class B EDNA;
3. Industrial land use district: Class C EDNA.

B. The land use districts listed in the city of Bellevue Land Use Code, BCC Title 20, are classified for the purposes of this chapter as follows:

1. Residential land use district: R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20, R-30, BR.

2. Commercial land use district: PO, O, OLB, OLB-OS, NB, CB, DNTN-O-1, DNTN-O-2, DNTN-MU, DNTN-R, DNTN-OB, DNTN-OLB, F1, F2, F3, MI., BR-MO, BR-MO-1, BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-CR, BR-ORT.

3. Industrial land use district: LI, GC, BR-GC.

Section 2. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this _____ day of _____, 2009 and signed in authentication of its passage this _____ day of _____, 2009.

(SEAL)

Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Lacey Madche, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____