



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 Development Services Department

LOCATION OF PROPOSAL: City-wide

DESCRIPTION OF PROPOSAL: The proposal amends LUC 20.25H, Section IX for consistency with certain state and federally required floodplain management regulations as required for the City's participation in FEMA's National Flood Insurance Program.

FILE NUMBER: 10-106986 AD, Special Flood Hazard Areas for Consistency with FEMA

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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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.

Carol V. Steward
Environmental Coordinator

May 13, 2010
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

M. Jackson
5/4/10

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

A. BACKGROUND INFORMATION

PROPOSAL TITLE: Amend the Bellevue Land Use Code (LUC), Chapter 20.25H, Section IX for consistency with certain state and federally-required floodplain management regulations as required for the City's participation in FEMA's National Flood Insurance Program. (File No. 10-106986-AD).

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

PROPOSAL LOCATION: Applies City-wide

PROPONENT'S NAME: City of Bellevue

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 Bellevue Land Use Code (LUC), Chapter 20.25H, Section IX for consistency with certain state and federally-required floodplain management regulations as required for the City's participation in FEMA's National Flood Insurance Program. The proposal includes changes to definitions, references to FEMA flood insurance rate maps, and general performance standards. FEMA's rules detailing the minimum requirements for floodplain management are codified at 40 C.F.R. Part 60. The Washington State Department of Ecology's floodplain management laws are codified at Chapter 86.16 RCW.

2. **Site acreage:** Applies City-wide

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 proposal is to amend the City's Areas of Special Flood Hazard regulations for consistency with certain state and federally-required floodplain management regulations as required for the City's participation in FEMA's National Flood Insurance Program. The proposal includes changes to definitions, references to FEMA flood insurance rate maps, and general performance standards. **LUC 20.25H Section IX**

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 May of 2010. 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.

Yes. There is a possibility that additional code amendments will be necessary to address requirements arising from the National Marine Fisheries Service's (NMFS) 2008 Biological Opinion (BiOp), which found the National Flood Insurance Program jeopardizes endangered Puget Sound Chinook salmon and southern resident orca whales. Until FEMA issues its final Model Ordinance for floodplain management, however, it is premature to speculate if additional code amendments may be required.

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

SEPA checklist and threshold determination for this proposed Land Use Code amendment.

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 proposal is to amend the Bellevue Land Use Code (LUC), Chapter 20.25H, Section IX for consistency with certain state and federally-required floodplain management regulations as required for the City's participation in FEMA's National Flood Insurance Program. The proposal includes changes to definitions, references to FEMA flood insurance rate maps, and general performance standards.

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

State the proposal's objectives: The object of the proposal is to address minor inconsistencies between FEMA's floodplain management regulations and the City's floodplain management regulations. Consistency is necessary because the City participates in FEMA's National Flood Insurance Program.

Specify the purpose and need to which the proposal is responding: The proposal is to amend the Bellevue Land Use Code (LUC), Chapter 20.25H, Section IX for consistency with certain state and federally-required floodplain management regulations as required for the City's participation in FEMA's National Flood Insurance Program. The proposal includes changes to definitions, references to FEMA flood insurance rate maps, and general performance standards. The amendments are necessary to meet federally-mandated program requirements.

State the major conclusions, significant areas of controversy and uncertainty: 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: No issues to be resolved. Alternative courses of action include: (1) not amending the LUC for consistency the federal regulations or (2) waiting until FEMA finalizes its new Model Ordinance in response to the NMFs's BiOp. Staff recommends moving forward with the amendment to ensure consistency, because it is unknown when FEMA will issue its final model ordinance and if the City will again need to amend its floodplain management regulations in response to the final ordinance.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: The proposal is a nonproject action to amend the LUC for consistency with federal floodplain management regulations. There are no significant adverse impacts resulting from that action. Any specific proposal to develop in floodplains would require project level review.

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.

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 indirectly affects development or redevelopment of floodplains through regulation of these of activities

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. The same shoreline overlay regulations will continue to apply to development and redevelopment.

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 Land Use 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

Catherine A. Drews

Date Submitted

4/19/2020