



**ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

**SEPA Threshold Determination
for
2021 Floodplain Regulation Mapping and Code Amendments**

Project Proponent: City of Seattle

BACKGROUND

In February 2020, as part of the National Flood Insurance Program (NFIP), the Federal Emergency Management Agency (FEMA) finalized new Flood Insurance Rate Maps (FIRM) and the Flood Insurance Study (FIS) for all jurisdictions in King County, including Seattle. FEMA last updated these maps and insurance study in the 1990s. The maps identify properties that are at risk of flooding and are used to determine which properties are required to have flood insurance. Citywide, there are approximately 2,000 properties located in floodplains. The new FEMA maps include 185 new parcels, about half of which are industrial properties along the Duwamish Waterway and River, which was not previously mapped by FEMA.

FEMA's adoption of the new map required Seattle to update its floodplain regulations, which have been in place for several decades and vary by specific flood zone designations and the type of development proposed. Generally, the regulations require raising the first floor of a new building above the anticipated flood levels and require buildings to be engineered to withstand storm winds and excessive flooding.

In order to meet FEMA's requirements, City Council adopted interim Floodplain Development Regulations in July 2020 as Ordinance 126113 and extended the interim regulations through February 2022 as Ordinance 119978 while SDCI develops permanent regulations. Seattle is required to have permanent Floodplain Development regulations prior to the expiration of the interim regulations. Without permanent regulations, property owners in floodplains may not be able to purchase new flood insurance or renew an existing policy.

In addition to adopting the new FIRM and FIS, the City of Seattle must have floodplain regulations that apply to the new maps that did not apply to the existing 1995 FIRM and FIS. These requirements come from the NFIP regulations in Title 44 of the Code of Federal Regulations (CFR). Specifically, 44 CFR 60.3 (d & e) contains regulations for coastal high hazard flood zones, which were not identified on the 1995 maps. These coastal flood zones are designated as VE* zones on the new FIRM.

The purpose of the National Flood Insurance Program (NFIP) is to

- Reduce the emphasis on flood control
- Increase emphasis on floodplain management
- Reduce Federal disaster costs
- Shift burden from general taxpayers to floodplain occupants
- Provide insurance coverage not generally available on the private market
- Promote sound floodplain management practice

A local jurisdiction can participate in the NFIP if they adopt and enforce a floodplain management ordinance that meets or exceeds federal standards in 44 CFR 60.3 and complies with the state standards in RCW 86.16 and WAC 173-158. Continued eligibility in the program is based on maintaining compliance, which is based on enforcement of the provisions of the Floodplain management ordinance.

The federal government through FEMA identifies and maps areas at risk of flooding, establishes development standards, and oversees implementation of NFIP. Additionally, the federal government provides affordable insurance coverage and disaster response and recovery.

The state through the Department of Ecology (Ecology) is contracted by FEMA to help document floodplain management activities and establish state development codes. Ecology also provides technical assistance, provides disaster and mitigation assistance; and manages the hazard mitigation grant programs.

The local government through Seattle Department of Construction and Inspections (SDCI) is responsible for developing and implementing floodplain regulations including the review of permit applications and determining compliance of the regulations through issuing or denying permits. Additionally, SDCI is required to conduct inspections, take enforcement actions for non-compliance, coordinate map appeals and revisions, maintain floodplain maps and flood data, and disseminate floodplain management information.

PROPOSAL

The proposal is a non-project action that would update the full range of City maps and related codes and regulations addressing flood-prone areas, to maintain consistency with federal laws and practices. This responds to a FEMA audit and report on Seattle’s floodplain regulations that directs the minimum updates for Seattle. For the interim Floodplain Development Regulations, Seattle has made all the required changes, some of FEMA’s recommended changes, and changes to clarify the regulations and align them with the building and residential codes. For the permanent regulations, Seattle is proposing to include all the changes made in the interim regulations and FEMA’s additional optional and recommended changes. Additionally, for the permanent regulations Seattle is proposing a higher standard than FEMA for the elevation of structures above the base flood elevation to better account for sea level rise. Below are SDCI summary tables indicating the proposed changes with information regarding the reason for the proposed change and indicating whether the proposal was included in the interim regulations or is a new proposal for the permanent regulations.

Table 1 lists the proposed changes included in the permanent floodplain regulations. These changes include FEMA’s recommended and optional provisions and SDCI’s proposal to increase the elevation for development in order to accommodate the anticipated rise in sea level.

| Table 1. New Amendments Proposed for the Permanent Floodplain Development Regulations SMC Chapter 25.06 |
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| Amendments to address sea level rise – proposed by SDCI |
| Increase the required elevation of new construction and substantially improved structures in flood risk areas. The FEMA standards require new or substantially improved buildings to be raised 1 or 2 feet above the base flood elevation, the expected water level during a 100-year flood event, depending on if the structure is non-residential or residential. Historically, Seattle has had slightly higher standards than FEMA, requiring all new buildings and substantially improved structures to be elevated 2 feet. SDCI recommends increasing the elevation for all new or substantially improved buildings to 3 feet above the base flood elevation, to better account for sea level rise. This same higher standard is included in King County’s new floodplain regulations, which apply to the area along the Duwamish River just south of Seattle. |
| Amendments – suggested or optional FEMA provisions |
| <p>Suggested additions Statutory authorization Findings of fact Methods of reducing flood losses Storage of materials and equipment Accessory (Appurtenant) Structures</p> <p>Optional addition General requirements for other development</p> |
| Optional addition - Allow flexibility for residential buildings in the floodway to be replaced in very limited instances, with review and approval from the Department of Ecology. SDCI has identified just two residential buildings in the floodway, the area with the very highest flood risk. Currently SDCI only allows repair and maintenance of these structures. This change would allow the homeowner to get a permit from SDCI to replace or expand the structure only if Ecology reviewed the application and determined the replacement to be safe. This standard is also included in King County’s new floodplain regulations. |

Tables 2 and 3 include the changes that were adopted as interim regulations and are included in the permanent regulations. Table 2 lists the amendments that are required by FEMA and the Code of Federal Regulations (CFR). Table 3 lists the amendments that are recommended by FEMA or by SDCI staff for clarity and to better align with the building codes.

| Table 2. Required by FEMA and Code of Federal Regulations (CFR) SMC Chapter 25.06 |
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| Section 25.06.030 New definitions - required by 44 CFR 59.1 |
| The following are highlights of the definitions that were added. See the proposed permanent regulations for the full content. |
| Basement: Any area of the building having its floor sub-grade (below ground level) on all sides. |

Coastal high hazard area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1 -30, VE or V.

Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain variance: A grant of relief by a community from the terms of a floodplain management regulation.

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or
 - b) Directly by the Secretary of the Interior in states without approved programs.

Mean sea level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Section 25.06.030 Amended definitions - required by 44 CFR 59.1

Area of shallow flooding: A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is

unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

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Flood or Flooding:

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a) The overflow of inland or tidal waters.
 - b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

New construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition,

placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

New development standards - required by 44 CFR 60.3

25.06.044 Abrogation and greater restrictions

This Chapter 25.06 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter 25.06 and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

25.06.045 Interpretation

In the interpretation and application of this Chapter 25.06, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed to provide the maximum flood protection; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

25.06.135 AE and A1-30 zones with base flood elevations but no floodways

In AE and A1-30 FIRM designated zones with identified base flood elevations but no identified floodways, new construction, substantial improvements, or other development (including fill) is prohibited unless the applicant can demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community.

25.06.136 Floodplain variances

Includes the allowance and criteria for a variance from the floodplain regulations.

Note: This is an administrative decision by the Director similar to a Type I decision

Amended standards - required by 44 CFR 60.3

25.06.050 Identification of special flood hazard areas

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| Replaces the 1995 Flood Insurance Rate Map and Flood Insurance Study reference in 25.06. with the 2020 Flood Insurance Rate Map and Flood Insurance Study. |
| 25.06.070 Application for floodplain development approval or license Includes requirement for the new VE (coastal flood hazard areas). |
| 25.06.090 Functions of the administrators Clearly state the responsibilities of floodplain administrator functions including not allowing development in the floodway, requiring development is safe from flooding, notifying when annexations occur in special flood hazard areas and obtain and maintain records for floodplain development permits. |
| 25.06.100 General standards Include examples of anchoring methods that can be used and clearly states that wells cannot be located in floodways. |
| 25.06.110 Standards involving base flood elevations Clearly state the development standards for residential structures and for non-residential structures in all flood zones (AE, A, AO, and VE); Clearly state that the building code provisions for flood protection apply to residential and non-residential development; Include specific standards for garages constructed below the base flood elevation allowing automatic entry and exit of floodwaters; and Include provisions on what is allowed in enclosed areas below the lowest floor of structures Include standards for changes to the base flood elevation or boundaries to a special flood hazard area, Include livestock sanctuary areas. |
| Amend Floodplain Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) - required by FEMA’s adoption of new FIRM and FIS on August 19, 2020 |
| Update current floodplain maps and flood insurance study that are based on FEMA’s 1995 maps and study with FEMA’s August 19, 2020, FIRM and FIS. |
| 185 new parcels would be regulated with the majority of the new parcels near Harbor Island and the Duwamish River. |

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| Table 3. Amendments Recommended by FEMA or SDCI SMC Chapter 25.06 |
| New definitions to add TO SECTION 25.06.030 for clarification as recommended by FEMA |
| ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers. Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Community means any state, or area or political subdivision thereof, or any Indian tribe or authorized tribal organization or Alaska Native village or authorized native organization, that has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction. |
| Standards to amend for clarification recommended by SDCI |
| 25.06.080 Designation of administrators Clearly state that the Directors’ of SDCI and SDOT are the flood plain administrators. |

25.06.120 Standards for floodways

Clearly state that development in the floodway is extremely hazardous and that any improvement to existing structures is the minimum necessary to assure safe living conditions.

Amendment to align with Seattle Building and Residential Codes recommended by SDCI

25.06.140 Penalties for noncompliance

Increase the civil penalty amount for violations from \$50/day to \$500/day.

Public Comment

The proposed changes to the Land Use Code require City Council approval. Opportunity for public comment will occur during future Council meetings and hearings. The proposal is also available online and comments will be taken by e-mail. Past Council deliberations on interim regulations also afforded chances for public comment. Selected written comments included some from parties that would likely be affected by insurance rate increases as a result of changes in flood designations, including locations along the edge of Puget Sound.

ANALYSIS – OVERVIEW

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The following report describes the analysis conducted to determine that the proposal is not likely to result in *probable significant adverse environmental impacts*. This threshold determination is based on:

- the language of the proposed amendments and related contents as described above;
- the information contained in the *SEPA checklist* (dated June 22, 2021), including annotations made by SDCI staff;
- review of materials prepared as background information about the code amendments, prepared by City staff; and
- the experience of the SDCI analyst in reviewing similar documents and actions.

ELEMENTS OF THE ENVIRONMENT

Short-Term and Long-Term Impacts

A. Natural Environment

Earth, Water, Water Quality, Environmental Critical Areas, Plants/Animals/Fisheries/Marine Life

Seattle is mostly urbanized in its development patterns, but it also has retained greenbelts, hillsides, streams, river, bay, and lake environments with diverse kinds of plant, animal, fish and marine habitats. This includes many shoreline edges hosting birds, fish, and other marine life.

- Wildlife on land largely includes those species habituated to urban areas and fragmented vegetated areas in the city, with common types including squirrels, opossum, coyotes, and a variety of bird species including eagles. Threatened, protected, or endangered species that could be present

include heron generally in areas with tree cover for nest-building, and salmon in Puget Sound, lake, river and stream environments.

- Seattle has numerous soil types, including mineral soils dominated by clay, silt, or sand, as well as organic soils such as peats and mucks. No agricultural soils or prime farmland are located within the Seattle corporate limits. As a densely urbanized area, many of Seattle's native soils have been extensively altered by filling, grading, and other activity.
- The Seattle area is known to be in an active seismic area, as is the entire Puget Sound region. The City's geologically hazardous areas are defined by SDCI as environmentally critical areas (ECAs). Unstable soils and surfaces occur primarily in two contexts: 1) steep slopes and landslide-prone areas, where a combination of shallow groundwater and glacial sediments deposited in layers with variable permeability increases the risk of landslides; and 2) areas of fill or alluvial soils where loose, less cohesive soil materials below the water table have potential for liquefaction during earthquakes.
- Most of Seattle is located within the Lake Washington/Cedar/Sammamish Watershed. The Duwamish waterway and Elliott Bay are part of the Green/Duwamish and Central Puget Sound Watershed. Seattle's surface waters include marine areas (Puget Sound), rivers, lakes, and creeks. Rivers and creeks include but are not limited to the Duwamish waterway, Longfellow, Fauntleroy, Taylors, Thornton, and Pipers Creek. Freshwater lakes include the Lake Union/Ship Canal, Washington, Green, Haller, and Bitter Lakes and numerous ponds and wetlands.

This non-project proposal would not generate significant adverse impacts for these natural environmental elements, either directly or in its potential for indirect or cumulative impacts. This is due to the generally protective nature of the proposal in relation to aquatic, marine, and upland environments that make up the floodplain and flood-prone areas. Also, the proposal would not likely lead to additional increments of future development, but rather could result in a lower probability of future development impacts (and flood-related damage impacts) in areas within and near the affected kinds of natural environments.

Air Quality, Noise, Energy, Natural Resources Depletion, Environmental Health

No direct impacts to these environmental elements would result from the proposed amendments. The floodplain development regulations address structures and uses in floodplain areas and designated flood-prone environmentally critical areas. The proposal does not address polluting discharge and release of toxic or hazardous substances to water bodies or air emissions or noise; those elements are regulated by other laws. Likewise, the proposal would not be likely to indirectly or cumulatively generate adverse impacts for significant air emissions or noise emissions, polluting discharge to waters or release of toxic or hazardous substances related impacts.

Energy and Natural Resource Depletion

The proposal would result in no direct, indirect, or cumulative adverse impacts relating to depletion of energy or natural resources, due to the environmentally protective nature of the actions.

B. Built Environment

Land and Shoreline Use, Height/Bulk/Scale, Housing, Relationship to Plans and Policies

As a non-project action, the proposal would result in no direct development or adverse environmental impacts. The proposal also would not lead to significant indirect or cumulative adverse impacts to these environmental elements. The proposal would update regulations and maps for floodplain areas, in a manner that will comply with federal requirements for floodplain management protections, practices and regulations. These include updates to definitions, maps, codes and regulations of the City of Seattle. The nature of the proposal would lead to maintaining and increasing the protections of floodplain areas and their related environmental values.

With regard to the built environment and land uses, the proposal would not entirely prohibit new development in floodplains but would update what regulations apply to review of future development. These would generally favor increased protectiveness of floodplains in relation to developed uses. For example, standards were added for accessory structures in A Zones that clearly state these structures can only be used for parking or limited storage and have to comply with a number of standards including being built with flood resistant material and to automatically allow entry and exit of floodwaters. Other details generally similar to this example also apply to areas mapped in other flood zone designations. No particular potential for significant adverse impacts relating to height/bulk/scale, or housing elements are identified in this determination.

The proposal would newly affect approximately 185 properties due to mapped flood areas extending onto parts of their properties. This includes many in the Duwamish River vicinity (W Marginal Way and E Marginal Way vicinities), but other affected locations include along parts of Longfellow Creek, near Brace Point in West Seattle, a limited number of other properties in Fauntleroy, Alki, Magnolia, and Ballard adjacent to Puget Sound, and two properties west of Haller Lake in a local depression near N 125th St.

In combination, the projected overall potential for indirect and cumulative adverse land use and shoreline use impacts due to the proposal is low. Many of the affected properties are widely scattered and in limited locations where differences in flood-related regulations would not substantially impact the land use patterns of the larger community.

The proposed regulations could result in different treatment, evaluation, and permitting outcomes of uses on individual properties, depending on site-specific fact patterns. This conclusion is made because certain regulations are updated to favor more stringent protective restrictions, compared to today's City of Seattle regulations. This could affect whether certain future development proposals in flood-prone areas are permitted or not. Examples might include prohibiting certain substantial rebuilding or expansion of existing structures or land uses depending on their location in mapped flood-prone areas. Over time, this could result in differences in how lands near waterbodies like the Duwamish River are used, perhaps including in their intensity of use or total site coverage. This would depend on the nature of future development proposals, site-specific fact patterns, and the outcomes of permitting analyses in the future. At the same time, the City's regulatory and policy positions, as updated under the proposal, will continue to agree with the purposes of floodplain protection as mandated by the federal and state government. So, the potential range of future development outcomes as they might be influenced by the proposal's updates, would likely remain consistent with City plans, policies, and regulations, and by extension the laws and policies of the state and federal governments.

Historic Preservation and Cultural Preservation

Historic Resources and Preservation

Seattle contains a number of landmarks, properties, and districts that are listed on, or proposed for, national, state, and local preservation registers. In addition, while Seattle today comprises a highly urbanized and developed area, it is also an area with potential for the presence of cultural artifacts from indigenous peoples.

Existing regulations for historic preservation in Title 25 of the SMC would continue to apply, even within flood-prone areas. In addition, the proposal includes variance provisions that would accommodate preservation, and repair, rehabilitation, and restoration of historic structures if damaged by a future flood, and if limited to the minimum necessary methods that will preserve their historic character and design. Therefore, the existing and proposed regulations would continue to provide appropriate accommodation for a variety of possible outcomes for historic structures and places, which could include supporting reuse of historic structures, their full protection, or alterations that could preserve historic portions of landmarked sites or buildings. Outcomes for specific affected locations would depend on the future deliberations of relevant boards. Given the strength of these regulations and policies, the proposal would not likely generate impacts like creating a new permitting obligation or an increased risk of loss of a historic or cultural site or landmark.

Cultural Resources

Most cultural sites and resources at risk from future development in Seattle are in unknown locations due to their being buried under soils, although certain vicinities such as near-shore areas are known to have greater potential for presence of such resources. This is due to the past activity patterns of indigenous peoples. As a non-project action, the proposal would not result in immediate or directly-related development actions, and so would not increase the potential for disturbance of cultural sites or resources. It would also not affect the strength of regulatory protections of those cultural sites or resources, if they are discovered, which is addressed by other State and local regulations, policies, and practices. With or without the proposal, such practices are mandated to stop construction, assess the resources, and take appropriate next steps for the cultural resources' protection or preservation.

The proposal is also not likely to result in indirect or cumulative future development outcomes that would increase the potential for disturbance of cultural sites or resources. The proposal does not include provisions that would increase the likelihood of future development occurring in any given location or type of vicinity such as near-shore areas. Rather, they may to some degree lessen the chances for future development in affected areas due to the protectiveness afforded to areas mapped in flood designations.

Light and Glare

The proposal would not be likely to generate significant direct, indirect, or cumulative adverse impacts on light and glare, due to a lack of relationship to this element of the environment.

Transportation, Parking, Public Services, Utilities

The proposal would not be likely to generate significant direct, indirect, or cumulative adverse impacts on transportation, parking, public services, or utilities. The proposed amendments would not increase demands on transportation, parking, public services, or utility systems. The proposal is focused on floodplain areas, with

regulatory updates that will provide increased environmental protection and protection against worst-case future damage to uses and features in floodplains. To the extent that transportation, parking, public service, and public utility infrastructure may be located in or near floodplains, the proposal could indirectly lead to reduced potential for adverse harms to these facilities due to more effective protection against future flood damages, which is a positive impact.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist 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 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- 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).

Signature: _____/s/_____ Date: July 8, 2021
Gordon Clowers, Sr. Planner
Seattle Department of Construction and Inspections