

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Planning and Development	Bill Mills 684-8738	Melissa Lawrie 684-5805

**Legislation Title:** An ordinance relating to environmentally critical areas, amending Sections 23.60A.156, 25.06.020, 25.06.030, 25.06.040, 25.06.050, 25.06.100, 25.06.110, 25.09.017, 25.09.020, 25.09.030, 25.09.040, 25.09.045, 25.09.055, 25.09.060, 25.09.120, 25.09.160, 25.09.180, 25.09.200, 25.09.260, 25.09.300, 25.09.320, and 25.09.520 of the Seattle Municipal Code to reconcile conflicts and discrepancies between regulations for development in floodplains in Chapter 25.06 and the regulations for flood-prone areas set forth in Chapter 25.09, and to clarify language and make minor amendments to the Regulations for Environmentally Critical Areas.

**Summary of the Legislation:** The proposal would amend the Seattle Floodplain Development Ordinance and the Seattle Regulations for Environmentally Critical Areas, Chapters 25.06 and 25.09 of the Seattle Municipal Code, to reconcile conflicts and discrepancies between regulations for development in floodplains in Chapter 25.06 and the regulations for flood-prone areas set forth in Chapter 25.09, to clarify language in both chapters, and to make additional minor amendments to the Regulations for Environmentally Critical Areas intended to update references and improve administrative process. Since the last comprehensive amendments to the Regulations for Environmentally Critical Areas in 2006, a number of inconsistencies and minor errors in the regulations have been identified by City staff and external customers such as citizens and the development community. These issues are best addressed by proposing a collection of amendments that are small scale, with a limited scope of impact. In addition to the reconciling of Chapters 25.06 and 25.09, further amendments include correcting typographical errors and incorrect section references, updating outdated references to external documents cited in the regulations, and adding clarifications or corrections to existing code language. Several amendments are also intended to improve administrative process, particularly with respect to permitting and administrative remedies, but do not make substantive changes to the regulations.

**Background:** Seattle Municipal Code (SMC) Chapter 25.09, Regulations for Environmentally Critical Areas (ECA regulations), first became effective in 1992 and was first updated with significant amendments in 1995. The most recent comprehensive amendment of Chapter 25.09 occurred in 2006, with the adoption of Ordinance 122050. Ordinance 122050 was a response to RCW 36.70A.130 requiring that cities and counties planning under the Growth Management Act, including the City of Seattle, update their environmentally critical areas regulations to comply with the requirements of the Act, including the requirement in RCW 36.70A.172 to

include the “best available science” (BAS) when developing policies and regulations that protect the functions and values of critical areas. Amendments of more limited scope, primarily defining certain new types of critical areas (peat settlement-prone areas, seismic hazard areas, and volcanic hazard areas), were added in 2007 and 2008 with the adoption of Ordinances 122370 and 122738, and some further specialized amendments were added for stormwater, grading and drainage in 2009 under Ordinance 123106.

Please check one of the following:

**This legislation does not have any financial implications.**

**This legislation has financial implications.**

**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
No.
- b) **What is the financial cost of not implementing the legislation?**  
None.
- c) **Does this legislation affect any departments besides the originating department?**  
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**  
No alternatives have been identified.
- e) **Is a public hearing required for this legislation?**  
Yes. The City Council must hold a public hearing, to be scheduled before the Planning, Land Use, and Sustainability Committee.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
Yes. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City’s Land Use Information Bulletin. Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination was made in *The Daily Journal of Commerce* and in the City’s Land Use Information Bulletin on January 14, 2013.
- g) **Does this legislation affect a piece of property?**  
No.

**h) Other Issues:** None.

**List attachments to the fiscal note below:**

None