

Comments on the Amended and Reissued SEPA Threshold Determination of Nonsignificance (DNS) issued October 1, 2019 for the Shoreline Comprehensive Plan Amendments

Submitted on October 15, 2019 by Save Shoreline Neighborhoods group of over 200 citizens (signatures previously submitted to the City)

- The Amended and Reissued SEPA DNS states that the City has determined that the proposal is a non-project action and references WAC 197-11-774. The WAC states: "'Nonproject' means actions which are different or broader than a single site-specific project, such as plans, policies, and programs". However, the City's proposal description and checklist clearly state that the Comprehensive Plan (Comp Plan) Amendment 1 (1510 & 1517 NE 170th St change in land use and rezone) is a single site-specific project. This action is clearly a single site-specific action because it seeks to amend the Comp Plan and rezone as a result of a single site-specific project, a single site-specific action, for a single specific owner/business, for a specific location, and for specific property. For these reasons, the amended and reissued SEPA DNS is invalid and not applicable to the Comp Plan Amendment 1. The threshold determination of non-significance only references non-project actions, which Amendment 1 is not, and therefore, Amendment 1 shall not be considered part of the non-proposal SEPA determination. A valid SEPA review that evaluates all environmental impacts associated with the City referenced site-specific project, with all supporting technical documents and studies, must be performed before a SEPA threshold determination can be issued for the single site-specific project action (Amendment 1).
- SEPA and City notification requirements have not been adhered to. Valid public notice has still not been completed as there is no posted public notification at the site-specific properties and property owners near (500 ft) the site-specific proposal have not received mailed notification of the proposed action. SMC 20.30.050 clearly states notification requirements for a SEPA threshold determination is "Mail, Post Site, Newspaper". SMC 20.30.060 clearly states notification requirements for rezone of property and zoning map change is also "Mail, Post Site, Newspaper". The City must comply with public notification requirements for SEPA and the land use action for the site-specific action (Amendment 1).
- We are glad to see that the City re-issued SEPA with a City SEPA checklist and SEPA review for all elements of the Comprehensive Plan Amendment. However, the City's SEPA checklist answers referencing a grossly inadequate and incomplete SEPA checklist submitted by the proponent is not an adequate SEPA review. Substantial amounts of the proponent provided SEPA checklist is incomplete, unanswered, and/or inaccurate and it is the responsibility of the SEPA lead agency to ask for additional information in order to inform a complete and adequate SEPA review of the proposal and all environmental impacts. See attached comments on the proponent provided SEPA checklist. The City's SEPA checklist and review must adequately answer the SEPA checklist questions for Amendment 1, evaluate all environmental impacts, and conduct a thorough environmental review for the entire range of potential businesses that would be allowed by the change from residential use to business use, not just the current use proposed by the proponent. The SEPA checklist for Amendment 1 is still inadequate and a complete environmental review must be completed to comply with the State Environmental Policy Act.

- City's SEPA Checklist, Attachment D (Supplemental Sheet for Nonproject Actions):
 - Amendment 1 is a single site-specific project, a single site-specific action, for a single specific owner/business, for a specific location, and for specific property. It is not a nonproject action. This is a land use designation change and rezone request directly related to a project action, site, location, and owner. The SEPA review and determination must reflect the site-specific project/action.
 - D.1 - The answer for Amendment 1 only focuses on the short-term view of the immediate proposed use of a construction company and yard. The SEPA must evaluate the increased impacts and range of impacts of all new business uses that would be allowed (if approved) over that of just residential uses. The proposed use, as well as, many of the other would be allowed business uses would substantially increase emissions to air, production, storage, or release of toxic or hazardous substances, and noise. All of these must be appropriately evaluated and ranges evaluated for each new business use that would be allowed if this amendment is approved. The proposed measures do not adequately cover or mitigate the increased impacts and the range of impacts associated with all of the new business uses that would be allowed.
 - D.2 - The question needs to be answered for Amendment 1 and for the entire range of impacts for the entire range of new businesses allowed if Amendment 1 is approved. Business zoning and development standards will substantially decrease the pervious area and landscaping which will have negative effects on stormwater, plants, animals, and fish and marine life (through impacted stormwater).
 - D.5 - The answer for Amendment 1 only focuses on one potential business use (proponents construction yard). The re-designation and rezone is a permanent change which will allow any future business uses. The answer must address all potential business uses.
 - D.5 - The answer for Amendment 1 is grossly incomplete as it does not answer the part of the SEPA question that asks "whether it would allow or encourage land or shoreline uses incompatible with existing plans". The answer should be it would allow land uses that are incompatible with existing plans, it would encourage other land use violators to seek Comp Plan amendments to fix violations, and it would encourage other spot rezoning and business encroachment into residential properties and neighborhoods. The proposed measure to avoid land use impacts is to not approve re-designation and spot rezoning to fix violators and not approving Amendment 1 would not set a precedent for business encroachment.
 - D.6 - The answer for Amendment 1 again inadequately focuses only on the current proposed construction business and must evaluate the range of impacts for each and every new business use that will be allowed if this amendment is approved.
 - D.7 - The answer for Amendment 1 is incomplete and inaccurate. Amendment 1 conflicts with the current Comprehensive Plan and the Growth Management Act. According to AGLO 1973 No. 103 and the Washington State Office of the Attorney General (<https://www.atg.wa.gov/ago-opinions/counties-cities-and-towns-spot-zoning>),

this type of rezone that will only benefit one owner/person at the detriment of many in the public is illegal.