

CITY OF PORT TOWNSEND  
RESPONSIBLE OFFICIAL'S AMENDMENTS TO THE ENVIRONMENTAL CHECKLIST  
AND THRESHOLD DETERMINATION

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**Proposal: Critical Areas Ordinance Update (Chapter 19.05 Port Townsend Municipal Code) and Limited Amendments to Shoreline Master Program** –The intent of this update is to revise the CAO as necessary to incorporate Best Available Science and address issues found during implementation of the ordinance. The CAO regulates activities proposed within the following areas: wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, critical aquifer recharge areas, and frequently flooded areas as required by statute; and critical drainage corridors as identified by the City. The City proposes corollary limited amendments to the Shoreline Master Program Limited Amendments to update CAO reference. The proposal is a non-project action. Adoption of the Critical Areas Ordinance will complete the final phase of the state mandate periodic update under the Growth Management Act (GMA).

**File Reference:** LUP16-068

**Proponent: City of Port Townsend**  
City Hall  
250 Madison Street,  
Port Townsend, Washington 98368

**Location:** Port Townsend's incorporated City limits, Jefferson County: Section 3, Township 30N, Range 1W.

**Lead Agency:** City of Port Townsend

**Threshold Determination:** This is a Determination of Non-Significance - The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 15 days from issuance.

**Comment/Appeal Period for the DNS Expires: 4:00 PM, April 12, 2018.** If you wish to address the adequacy of the SEPA review, please submit comments to Judy Surber, Planning Manager at the address below.

**Contact person:** Judy Surber, Planning Manager, (360) 379-5084 jsurber@cityofpt.us.  
**Address:** City Hall, Suite 3  
250 Madison Street  
Port Townsend, WA 98368

**Responsible Official:** Lance Bailey, AICP  
Director of Development Services Department

**Date:** March 28, 2018                      **Signature:** \_\_\_\_\_

TO: All Permit and Review Authorities

RESPONSIBLE OFFICIAL'S AMENDMENTS TO THE ENVIRONMENTAL CHECKLIST

ENVIRONMENTAL RECORD

The environmental review consisted of analysis based on the following documents included in the environmental record.

- Exhibit A: Environmental Checklist
- Exhibit B: Amendments to Chapter 19.05 PTMC in legislative format
- Exhibit C: Summary of Proposed Changes
- Exhibit D: Best Available Science Addendum, Herrera, May 23, 2017
- Exhibit E: Commerce Checklist Response to Periodic Update – Development Regulations
- Exhibit F: Stormwater Management Plan Technical Memorandum, Parametrix, December 7, 2017

Documents on file with the City of Port Townsend:

City of Port Townsend Environmentally Sensitive Areas Maps

2016 Growth Management Act Periodic Update -SEPA Determination of NonSignificance, (LUP 16-037) issued on May 25, 2016

The Draft Port Townsend Comprehensive Plan and Draft Environmental Impact Statement (an integrated SEPA/GMA (Growth Management Act) document) issued on January 10, 1996 (referred to herein as the Comprehensive Plan DEIS).

2005 Best Available Science Review prepared by GeoEngineers: 2005

The above documents are hereby incorporated by reference pursuant to WAC 197-11-754.

Unless otherwise noted, the above information is available for review at the Development Services Department, City Hall, 250 Madison Street, Suite 3, between the hours of 9 am to 4 pm Monday through Friday.

## I. PROPOSAL DESCRIPTION

**Critical Areas Ordinance Update (Chapter 19.05 Port Townsend Municipal Code) and Limited Amendments to Shoreline Master Program** – The State Growth Management Act (GMA) requires counties and cities to review and evaluate comprehensive plans and development regulations, and update them if necessary, according to the schedule established by RCW 36.70A.130. In October 2016, the City of Port Townsend adopted an updated comprehensive plan, which provides a framework of goals and policies, and limited amendments to Title 17 Zoning and Title 18 Land Division Ordinance. The intent of this update is to revise the CAO as necessary to incorporate Best Available Science and address issues found during implementation of the ordinance. Critical Areas include: wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, critical aquifer recharge areas, and frequently flooded areas as required by statute; and critical drainage corridors as identified by the City.

The City is not required to regulate Critical Drainage Corridors (CDCs) under the State Growth Management Act and may opt to move CDC regulations to PTMC Chapter 13.32 Stormwater Management Requirements. Critical Drainage Areas frequently overlap with designated critical areas (e.g. wetlands, frequently flooded areas, fish and wildlife habitat conservation areas). Where CDCs overlap with critical areas, the requirements that provide greater protection to critical areas shall apply.

The City proposes corollary limited amendments to the Shoreline Master Program Limited Amendments to update CAO reference. The proposal is a non-project action. Proposed amendments are summarized in Exhibit C. Strike-out and underline amendments are shown in Exhibit B.

## II. PERMITS/APPROVALS REQUIRED

Proposed amendments are legislative, Type V decisions under Chapter 20.01.060 PTMC. In short, the amendments require approval by the Port Townsend City Council after review and recommendation by the Planning Commission. The public process includes notice and at least one open record public hearing before the Planning Commission. City Council also provides notice and either a closed-record or open-record hearing before making the final decision. Upon adoption by City Council, amendments will be forwarded to Ecology for review and adoption. The updated CAO will not become effective within shorelines jurisdiction until Ecology adopts the

update.

### III. PUBLIC COMMENT

Notice of this SEPA threshold determination will be issued on with 15-day comment period. The Responsible Official will consider any comments received before issuing a final SEPA decision.

### IV. RESPONSIBLE OFFICIAL'S AMENDMENTS TO CHECKLIST ITEMS

The environmental checklist is incorporated by reference. The Environmental Checklist (Exhibit A) adequately addresses the environmental impacts of the CAO Update and limited amendments to the SMP. The intent of the action is to update critical areas regulations consistent with BAS to avoid adverse impacts and avoid a net loss of ecological functions or processes. No probable significant adverse impact on the environment has been identified.

### V. CUMULATIVE IMPACTS ANALYSIS

While some impacts are immediate and can be directly addressed through avoidance and mitigation, other impacts are cumulative in nature. Individually, the action may not result in a significant impact, but the composite of many similar actions over time may lead to a significant cumulative impact.

The SEPA Responsible Official has determined that the proposal would not significantly increase the likelihood of cumulative environmental impacts. This determination was made based upon evaluation of:

a. Current Circumstances. The degree that the subject properties and/or proposed actions that are affected by the proposed amendments are environmentally interrelated;

b. Reasonably Foreseeable Future Development

c. Regulatory Context. The mitigating effects of established regulatory programs under other local, state, and federal laws that would address through application of specific requirements the potential for cumulative impacts.

#### Current Circumstances

Updates to the CAO ordinance and corollary limited amendments to the SMP constitute Phase II of II of the City's GMA Periodic Update. On May 2016, the City issued a SEPA Determination of NonSignificance (LUP 16-037) addressing Phase I of the Update. Following is a description of Phase I:

**2016 Growth Management Act Periodic Update** –updates to the City of Port Townsend Comprehensive Plan and development regulations. Phase I included fifty- three legislative, non-project actions.

Mandatory updates include but are not limited to: Amendments to reflect a consistent population projection throughout the plan; updated inventories, forecasts and anticipated needs; updated funding capabilities and finance plan; provisions for temporary encampments for the homeless; level of service updates; permitting electric vehicle battery charging stations; timelines for approval and disapproval of preliminary plats.

Optional amendments include but are not limited to: housekeeping items; updates to begin incorporating community resiliency concepts throughout the Comprehensive Plan; amendments to promote and encourage affordable housing and a wider range of housing types; amendments to parking policies as a means to support affordable housing/non-motorized transportation/transit; amendments promoting local food production as an economic strategy; a revised definition for conference center; and amendments fostering economic development in the Howard Street Corridor.

Also slated for adoption in 2018: Port Townsend is developing a comprehensive stormwater management plan to improve the operation of the city’s existing system and anticipate future needs. Part of the stormwater management plan development includes review and evaluation of the City’s current stormwater standards and manuals. The City’s consultant, Parametrix, has prepared a technical memorandum comparing the City’s current adopted stormwater guidance manual against subsequent revisions implemented by the Washington State Department of Ecology (Attached as Exhibit F and incorporated herein by this reference). The technical memorandum concludes: “ With the exception of the new wetland protection standard, the key recent SWMMWW revisions published by Ecology are not well-applied to Port Townsend development types, landscape, receiving water bodies, and precipitation regimes. The City is not now precluded from using the LID techniques described in the 2012 Manual and it could be expected that they would be used when applicable and feasible because they are often a preferred choice for circumstances where they would function in the landscape (e.g. good soils that infiltrate at high rates). Therefore, it is recommended that the City consider adoption of the updated wetland protection standard through the Municipal Code and continue use of the 2005 SWMMWW.”

Given the nature of the proposed actions, the SEPA Responsible Official has determined that the

proposals would not significantly increase the likelihood of cumulative environmental impacts. Proposed amendments are legislative, non-project actions. The proposed legislative amendments are designed to bring the City into compliance with state statutes and provide greater clarity on adopted goals and policies. None of the amendments would allow or encourage land or shoreline uses incompatible with existing plans.

#### Reasonably Foreseeable Future Development

Any future development will be subject to applicable City codes, the City Engineering Design Standards and any applicable State and Federal regulations. Future project level actions may be subject to review under the City's Critical Areas/Shoreline regulations and project actions that are not categorically exempt under Chapter 197-11-800 WAC will be subject to review under the City's SEPA Implementing Ordinance (Chapter 19.04 PTMC).

#### Regulatory Context

Proposed amendments are not parcel specific and are legislative in nature. Pursuant to PTMC Section 20.04.080 (3) *For all amendments, the planning commission shall develop findings and conclusions and a recommendation based on the following decision criteria:*

- a. Whether the amendment will adversely affect the public health, safety and welfare in any significant way; and*
- b. Whether the proposed amendment is consistent with the GMA and adopted county-wide planning policies; and*
- c. Whether the proposed amendment reflects current widely held community values or resolves inconsistencies in the city's comprehensive plan; and*
- d. Whether the proposed amendment would maintain the appropriate balance of land uses within the city; and*
- e. Whether the proposal implements the comprehensive plan; or alternatively*
- f. Since the adoption of the comprehensive plan, there has been a substantial change in circumstances related to the proposed amendment and/or the area in which it is located which warrants the proposal.*

Future project level actions would be subject to regulations in place at the time of application. All future specific development proposals will be reviewed for consistency with the provisions of the Comprehensive Plan and development regulations, including the City's Municipal Code, and the Engineering Design Standards. Projects within shorelines jurisdiction will be reviewed for consistency with the City's Shoreline Master Program. Projects within critical areas or their buffers will be reviewed for consistency with the Critical Areas Ordinance codified in Chapter 19.05 PTMC.

Project actions that are not categorically exempt under Chapter 197-11-800 WAC will be subject to review under the City's SEPA Implementing Ordinance (Chapter 19.04 PTMC). After reviewing applications for such project actions, the City of Port Townsend may determine that mitigation measures are necessary to avoid probable significant adverse environmental impacts.