

SEPA Nonproject Review Form

1) Background

- a) Name of proposal, if any, and brief description.

Ordinance amending Section 15.24 of the Black Diamond Municipal Code (BDMC) to comply with the FEMA and DOE Model NFIP Ordinance.

- b) Agency and contact name, address, telephone, fax, email

City of Black Diamond, Barb Kincaid, 24301 Roberts Drive/PO Box 599 Black Diamond, WA 98010; Phone: (360) 851-4500, Fax: (360) 851-4501

- c) Designated responsible official.

Barbara Kincaid, Community Development Director, City of Black Diamond

- d) Describe the planning process schedule/timeline

The Black Diamond Planning Commission held a public hearing on the code revisions on October 6, 2020 for public comment. The draft Ordinance was sent to FEMA, DOE and Washington State Department of Commerce for review/comment on October 19, 2020. Council adoption of Ordinance is anticipated to occur on October 29, 2020.

- e) Location - Describe the jurisdiction or area where the proposal is applicable. Non project action is an Ordinance that applies citywide; specific geographic area is special flood hazard zone area around Rock Creek.

- f) What is the legal authority for the proposal? State and federal law enables/authorizes local jurisdictions to enact local regulations.

- g) Identify any other future nonproject actions believed necessary to achieve the objectives of this action. None at this time.

2) Need and Objectives

- a) Describe the need for the action. (Whenever possible this should identify the broad or fundamental problem or opportunity that is to be addressed, rather than a legislative or other directive.)

The City will not be eligible to participate in the NFIP until the model language is adopted.

- b) Describe the objective(s) of the proposal, including any secondary objectives which may be used to shape or choose among alternatives.

None

- c) Identify any assumptions or constraints, including legal mandates, which limit the approach or strategy to be taken in pursuing the objective(s).

Federal law requires the adoption of model language to regulate flood hazard areas.

- d) If there is no legislative or other mandate that requires a particular approach, describe what approaches could reasonably achieve the objective(s). N/A

3) Environmental Overview

Describe in broad terms how achieving the objective(s) would direct or encourage physical changes to the environment. Include the type and degree of likely changes such as the likely changes in development and/or infrastructure, or changes to how an area will be managed.

The City has very little land located in a special flood hazard area. Incorporating the model language into the City's development regulations for flood hazard areas will add more protection, although it was highly unlikely that the small flood prone areas would have been allowed to develop due to the associated protective buffers adopted under the City's Sensitive Area Ordinance.

4) Regulatory Framework

- a) Describe the existing regulatory/planning framework as it may influence or direct the proposal.

Current regulations and the NFIP.

- b) Identify any potential impacts from the proposal that have been previously designated as acceptable under the Growth Management Act (GMA), chapter 36.70A RCW. N/A – this is not a GMA Action.

5) Related Documentation

- a) Briefly describe any existing regulation, policy or plan that is expected to be replaced or amended as a result of the proposal. (Adequate descriptions in section 4.a may be referenced here, rather than repeated.) See Section 4.
- b) List any environmental documents (SEPA or NEPA) that have been prepared for items listed in 4.a. or that provide analysis relevant to this proposal. **Note:** Impacts with previous adequate analysis need not be re-analyzed but should be adopted or incorporated by reference into the NPRF. Identify the:
 - i) Type of document
 - ii) Lead agency and issue date
 - iii) Where copies can be viewed or obtained
 - iv) The portions of the document applicable to the current proposal and briefly explain relevancy. Summarize the relevant impact assessment or, provide reference to discussion(s) in Part II that includes this information.

None

6) Affected Environment

Generally, describe the existing environmental landscapes or elements (e.g., character and quality of ecosystem, existing trends, infrastructure, service levels, etc.) likely to be affected if the proposal is implemented. Include a description of the existing built and natural environment where future “on the ground” activities would occur that would be influenced by the nonproject proposal.

Note: When complete, this section needs to provide information on existing conditions for the elements of the environment discussed in sections 8 and 9. A list of the built and natural elements of the environment is in WAC 197-11-444. The following should be included, as appropriate: Primary physical features, Development level and infrastructure, Percent impervious surfaces (approximate), Unique features, including historic and cultural sites, potential or existing critical areas, resource lands, and Endangered or threatened species in or near the area.

The proposed non-project action will adopt model code language from FEMA to update the City's development regulations for flood hazard areas. The current code had some missing definitions and required some more restrictive language for flood plain management.

WAC 197-11-444, Elements of the Environment

Natural Environment

- a. Earth**
Geology; soils; topography; unique physical features; erosion/enlargement of land area
- b. Air**
Air quality; odor climate
- c. Water**
Surface water movement/quantity/quality; runoff/absorption; floods
- d. Plants and animals**
Habitat for and numbers or diversity of species of plants, fish, or other wildlife; unique species; fish or wildlife migration routes
- e. Energy and natural resources**
Amount required/rate of use/efficiency; source/availability; nonrenewable resources; conservation and renewable resources; scenic resources

Built Environment

- a. Environmental health**
Noise; risk of explosion; releases or potential releases to the environment affecting public health
- b. Land and shoreline use**
Relationship to existing land use plans and to estimated population; housing; light and glare; aesthetics; agricultural crops
- c. Transportation**
Transportation systems; vehicular traffic; waterborne, rail, and air traffic; parking; movement/circulation of people and goods; traffic hazards
- d. Public services and utilities**
Fire; police; schools; parks and other recreational facilities; maintenance; communications; water/storm water; sewer/solid waste; other governmental services or utilities.

7) Consistency of the proposal with other plans, policies, and laws.

This proposal is internally and externally consistent with other plans, policies, and laws.

8) Monitoring and Follow-up

- a) Describe any monitoring that will occur to ensure the impacts were as predicted and that mitigation is effective, including responsible party, timing, and method(s) to be used.

- b) Identify any plans or strategies for updating this proposed action based on deviation from impact projections or other criteria.

None at this time.

Submitted by: Barbara Kincaid, City of Black Diamond

Date: October 5, 2020

Signature: _____

