

Reference #: HX-L-22-3

Create Date: Mar 10, 2022 7:00 AM
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Status: Pending Acceptance
Type: Land Use Appeal
Contact Method: Email Attachment

Appeal Details

Address: Seattle
Decision Elements: SEPA; Ordinance 25.11 DNS;

Interest: The TreePAC mission is to influence citizens, government and businesses to preserve, protect and increase trees and the urban forest. <https://treepac.org/>
Appeal to the SEPA DNS regarding a Seattle DCI ORDINANCE relating to tree protection; amending Sections 23.76.004, 23.76.006, 5 25.11.010, 25.11.020, 25.11.030, 25.11.040, 25.11.050, 25.11.060, 25.11.090, 25.11.100 6 of the Seattle Municipal Code (SMC); repealing Sections 25.11.070 and 25.11.080 of the 7 SMC; and adding new Sections 25.11.035, 25.11.037, 25.11.085, and 25.11.095 to the eight SMC. (1) The threshold determination must be based on "information reasonably sufficient to evaluate the environmental impact of a proposal. (2) procedural requirements of SEPA information sufficient Washington courts have repeatedly articulated what this standard requires: "For the MDNS to survive judicial scrutiny, the record must demonstrate that environmental factors were considered in a manner sufficient to amount to prima facie compliance with the procedural requirements of SEPA and that the decision to issue an MDNS was based on information sufficient to evaluate the proposal's environmental impact." (3) agency realistic look at the potential hazards with reasoned thought and analysis. Ultimately, the threshold determination "must indicate that the agency has taken a searching, realistic look at the potential hazards and, with reasoned thought and analysis, candidly and methodically addressed those concerns." (4) knowledge of likely adverse environmental impacts, are 'rational and well documented "SEPA seeks to ensure that environmental impacts are considered and that decisions to proceed, even those completed with knowledge of likely adverse environmental impacts, are 'rational and well documented.'" (5) requisite "hard look" at environmental impacts. This information must be adequate to demonstrate that the agency has taken the requisite "hard look" at environmental impacts. For the purpose of deciding whether an EIS is required, the relevant information necessary to assess the project impacts must be specified in the environmental checklist that is prepared and submitted with the application. A threshold determination must ultimately be based on the information that is provided in the environmental checklist and any additional information that is requested by the responsible official beyond the checklist. (6) Please reference the attached documents.

Objections:

Desired Relief: (1) remand the proposed revisions to Seattle ordinance 23.76.004 Land use decision framework; (2) consider reasonable environmental thresholds to proposals that classify SMC 25.11 to be discretionary Type I decisions verses existing Type II decisions. (3) remand the proposals which differ from the Mayor's Executive Order and City Council resolutions. (4) other relief as identified within the attached appeal notice.

Contacts

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Uploaded Material

1. **2.17.2022 SDCI Tree Protection SEPA DRAFT ORD v14 gsc.pdf**
Upload Date: Mar 10, 2022 7:22 AM
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