

MEMORANDUM

Date: May 23, 2012

To: To Whom It May Concern

From: Paul Krauss, Community Development Director & SEPA Responsible Official



RE: EXEMPTION FROM SEPA THRESHOLD DETERMINATION REQUIREMENTS

State legislation passed this year allows local jurisdictions to administratively raise exemption levels for environmental review. Section 301 of 2ESSB 6406 allows Lynnwood to use the highest categorical exemption levels specified by WAC 197-11-800(1)(c). This authority is granted to Lynnwood, until such time that the Department of Ecology adopts new SEPA Rules (due by December 31, 2012). 2ESSB 6406 becomes effective July 1, 2012.

Prior to passage of 2ESSB 6406, the City of Lynnwood prepared draft legislation to adopt the same, maximum exemption levels now allowed without legislative action. As the City of Lynnwood SEPA Responsible Official, I have determined that it is in the community's interest to utilize the optional exemption levels specified by WAC 197-11-800(1)(c), for the time period beginning July 1, 2012 until alternative SEPA Rules are adopted by the Department of Ecology, and/or the City of Lynnwood adopts alternative exemption levels by ordinance. For convenience, WAC 197-11-800(1)(c) is provided below:

WAC 197-11-800(1)(c) *edited for brevity*

Cities, towns or counties may raise the exempt levels to the maximum specified below by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904) and sent to the department of ecology. A newly established exempt level shall be supported by local conditions, including zoning or other land use plans or regulations. An agency may adopt a system of several exempt levels (such as different levels for different geographic areas). The maximum exempt level for the exemptions in (1)(b) of this section shall be, respectively:

- (i) 20 dwelling units. *(previously 4 dwellings)*
- (ii) 30,000 sq. ft. of agricultural structures. *(previously 10,000 sq. ft.)*
- (iii) 12,000 sq. ft. non-residential building area with parking for 40 automobiles. *(previously 4,000 sq. ft. with 20 parking spaces)*
- (iv) parking for 40 automobiles. *(previously parking for 20 automobiles)*
- (v) grading or fill of 500 cubic yards *(previously 100 cubic yards)*

Complete permit applications for which a SEPA threshold determination has not been made by July 1, 2012 shall be subject to these higher categorical exemption levels. This means a SEPA threshold determination may no longer be required for permit applications that included a SEPA checklist. Remember that these exemptions may not apply to lands designated as critical areas or covered by water.

c: City Council, Planning Commission, Hearing Examiner, City Attorney, DOE