



ORDINANCE NO. 3005

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,
AMENDING SECTION 17.02.230 AND DELETING SECTION
17.02.250 OF THE LYNNWOOD MUNICIPAL CODE RELATING TO
ENVIRONMENTAL REVIEW CATEGORICAL EXEMPTIONS AND
PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND
SUMMARY PUBLICATION.**

WHEREAS, pursuant to the Washington State Environmental Policy Act (SEPA), RCW 43.21 C, the City of Lynnwood is charged with reviewing the environmental impact of development activity that occurs within the city; and

WHEREAS, the Washington State Department of Ecology has adopted SEPA Rules (chapter 197-11 WAC) to guide local jurisdictions in implementation of their requirements under SEPA; and

WHEREAS, Section 301(2)(d) of 2SSB 6064 as passed by the 2012 Washington State Legislature and signed into law by then Governor Gregoire, directed the Department of Ecology (DOE) to modernize SEPA Rules, and specifically to allow cities, towns, and counties to raise the levels of categorical exemptions specified by WAC 197-11-800(1); and

WHEREAS, DOE convened a SEPA Advisory Committee (Committee) to develop the new SEPA Rules as required by 2SSB 6064 and the Committee's recommendations regarding categorical exemption levels were adopted by DOE as amendments to WAC 197-11-800(1); and

WHEREAS, WAC 197-11-800(1)(c) and (d) authorize cities, towns, and counties to raise the level of categorical exemptions above the minimum thresholds in order to reflect local conditions; and

WHEREAS, as specified by this Ordinance, the City Council finds there are adequate protections in existing regulations and development standards to address the impacts of minor new construction; and

WHEREAS, raising the categorical exemption levels will allow staff to focus on more substantive developments within the city limits and expedite review and permitting of minor new construction; now therefore,

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The Findings contained in Exhibit A to this Ordinance are adopted.

Section 2. Lynnwood Municipal Code Section 17.02.230 is hereby amended as follows:

Article IX. Categorical Exemptions

17.02.230 Adoption by reference (WAC 173-806-180).

A. The city adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including WAC 173-806-080, Use of Exemptions, and WAC 173-806-190, Environmentally Sensitive Areas:

WAC 197-11-800 Categorical Exemptions.

WAC 197-11-880 Emergencies.

WAC 197-11-890 Petitioning DOE to Change Exemptions.

B. As provided by WAC 197-11-800(1)(c) – (d), the City adopts the following, raised exempt levels for minor new construction that is consistent with the Comprehensive Plan and Zoning Code, and not located upon lands covered by water:

1. Single family residential: 20 dwelling units.
2. Multifamily residential: 60 dwelling units.
3. Office, school, commercial, recreational, service, storage building, and parking facilities: 30,000 square feet and 90 parking spaces.
4. Landfill, excavation and grading: 1,000 cubic yards.

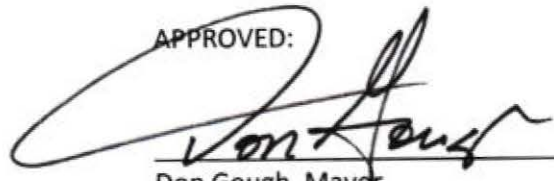
Section 3. Section 17.02.250 LMC and that portion of Section 2 of Ordinance 1415 is hereby repealed

Section 4. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.


PASSED BY THE CITY COUNCIL, this 29th day of July, 2013, and signed in authentication of its passage this 5th day of August, 2013

APPROVED:



Don Gough, Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines Jr., Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 07/24/2013
PASSED BY THE CITY COUNCIL: 07/29/2013
PUBLISHED: 08/02/2013
EFFECTIVE DATE: 08/07/2013
ORDINANCE NUMBER: 3005

Exhibit A
Ordinance 3005
SEPA Exempt Levels For Minor New Construction

Findings

1. In 2012, the State Legislature directed the Department of Ecology (DOE) to modernize State Environmental Policy Act (SEPA) Rules, including provisions for raised exempt levels for minor new construction (2ESSB 6406).
2. In response to 2ESSB 6406, DOE convened a special SEPA Advisory Committee consisting of broad representation of interests including local government. Based upon the recommendations of the SEPA Advisory Committee, the DOE amended WAC 197-11-800 to allow local governments to raise exempt levels for minor new construction.
3. As of July 2013, the SEPA Advisory Committee is addressing other provisions of the SEPA Rules (chapter 197-11 WAC), and corresponding Rule updates are expected to be issued by the DOE in the future.
4. 2ESSB 6406 authorized local governments to raise exempt levels for minor new construction on an interim basis, and since May 23, 2012, the City of Lynnwood has used higher exempt levels.
5. In applying the raised exempt levels on an interim basis for more than one year, the Community Development Director, acting as the SEPA Responsible Official, has determined that no degradation to the environment has occurred during the interim period.
6. The new SEPA exempt levels were developed by the SEPA Advisory Committee convened by the Department of Ecology (DOE), the agency with administrative authority for SEPA. Committee membership included persons representing environmental, regulatory, historic/cultural, construction, and neighborhood interests. Higher exempt levels were supported by the Association of Washington Cities (AWC) and Washington's consortium of planning directors. The DOE embraced the recommendations of the SEPA Advisory Committee and subsequently enacted those recommendations as Administrative Law.
7. Lynnwood is a fully-built community and therefore nearly all new construction consists of redevelopment of properties where considerable infrastructure is already in place, and the extent of environmentally sensitive areas is already known.
8. As an urban community that is also designated as a Regional Growth Center, land development within Lynnwood will be fairly intense/dense. Accordingly, the scale of new construction (as allowed by existing policies and regulations) will be more "urban" than "suburban". Meanwhile, the City has policies and regulations to protect existing single family areas from incompatible land uses.
9. SEPA authority can be used to mitigate adverse impacts when it is proven that existing regulations do not adequately mitigate the impact expected. With the myriad of environmental controls that apply -- whether federal, state, or local -- it is rare that an impact is not be sufficiently addressed by those regulations.

10. Land use permit approvals required for larger developments, such as Project Design Review (PDR), include required public notice to nearby property owners and tenants. Therefore, with or without SEPA threshold determination requirements, citizens will receive comparable public notice of proposed development, and have opportunity to comment upon such development prior to City action on the permit application(s).
11. The Community Development Department provided notice of the proposed change to SEPA exempt to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provided an opportunity for comment. Although not required by law, the City Council conducted a public hearing on this proposed amendment to Title 17 LMC. In addition to the regular provisions for public notice, the City published a special notice in The Herald on June 24, 2013. On July 15, 2013, the City Council conducted a public hearing on the proposed code amendment and all persons wishing to be heard were heard.
12. The requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) are adequately addressed for the development exempted. The regulations, requirements and controls that provide protection and mitigation for impacts include local, state and federal regulations summarized within Table 1 below.

Table 1. Overview of environmental protections (in addition to SEPA) that provide for environmental analysis, protection and mitigation for impacts to the environment.

CoL = City of Lynnwood, U.S.C. = U.S. Code, RCW = Revised Code of Washington,
WAC = Washington Administrative Code, LMC = Lynnwood Municipal Code

Impacts upon the Natural Environment - Earth
Geology, soils and topography
National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4347
WA Water Pollution Control Act, Ch. 90.48 RCW
WA Water Resources Management, Ch. 90.54 RCW
WA Oil and Hazardous Substance Spill Prevention, Ch. 90.56 RCW
WA Watershed Planning Act, Ch. 90.82 RCW
WA Aquifer Protection Areas, Ch. 36.36 RCW
WA Growth Management Act, Ch. 36.70A RCW
WA Emergency Management regulations, Ch. 38.52 RCW
WA Shoreline Management Act, Ch. 90.58 RCW
WA Growth Management Act, Ch. 36.70A RCW
CoL Environmental Regulations, Ch. 17.05-15 LMC

Impacts upon the Natural Environment - Air
Air quality/Odor
Federal Clean Air Act, 42 USC §7401
Federal Pollution Prevention Act, 42 U.S.C. §13101
WA Clean Air Act, Ch. 70.94 RCW
WA General Regulations for Air Pollution Sources, Ch. 173-400 WAC
WA Solid Waste Disposal regulations, Ch. 36.58 RCW

Puget Sound Clean Air Agency Regulations, Parts I-III
CoL Health and Sanitation Regulations, Title 7 LMC
CoL Environmental Regulations, Ch. 17.05-15 LMC

Impacts upon the Natural Environment - Water
Surface water
National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4347
Federal Toxic Substances Control Act, 15 U.S.C. §2601
Federal Clean Water Act, 33 U.S.C. §1251
Federal Endangered Species Act, 7 U.S.C. §136
EPA Federal Ground Water Rule
Federal Pollution Prevention Act, 42 U.S.C. §13101
WA Water Resources Management, Ch. 90.54 RCW
WA Oil and Hazardous Substance Spill Prevention, Ch. 90.56 RCW
WA Shoreline Management Act, Ch. 90.58 RCW
WA Watershed Planning Act, Ch. 90.82 RCW
WA Wetland Mitigation Banking, Ch. 90.84 RCW
WA Growth Management Act, Ch. 36.70A RCW
WA Aquifer Protection Areas, Ch. 36.36 RCW
WA Water Pollution Control Act, Ch. 90.48 RCW
CoL Environmental Regulations, Ch. 17.05-15 LMC
CoL Regulations related to animal waste, LMC 6.02.160
CoL Health and Sanitation Regulations, Title 7 LMC

Impacts upon the Natural Environment – Plants and Animals
Plants and animals
Federal Endangered Species Act, 7 U.S.C. §136
Federal Pollution Prevention Act, 42 U.S.C. §13101
Federal Clean Water Act, 33 U.S.C. §1251
Joint Aquatics Resources Permit Application (JARPA)
Army Corps of Engineers permit for alteration of wetlands
HPA Hydraulic Project Approval (HPA)
WA Water Pollution Control Act, Ch. 90.48 RCW
WA Oil and Hazardous Substance Spill Prevention, Ch. 90.56 RCW
WA Shoreline Management Act, Ch. 90.58 RCW
WA Wetland Mitigation Banking, Ch. 90.84 RCW
WA Growth Management Act, Ch. 36.70A RCW
CoL Environmental Regulations, Ch. 17.05-15 LMC

Impacts upon the Natural Environment – Energy and Natural Resources
WA State Building Code, Ch. 19.27 RCW
WA Energy-Related Building Standard, Ch. 19.27A RCW
WA Solid Waste Management, Ch. 70.95 RCW
WA Shoreline Management Act, Ch. 90.58 RCW

WA Watershed Planning Act, Ch. 90.82 RCW
WA Growth Management Act, Ch. 36.70A RCW
CoL Environmental Regulations, Ch. 17.05-15 LMC
CoL Health and Sanitation Regulations, Title 7 LMC

Impacts upon the Built Environment - Environmental Health
Noise
WA Emergency Management regulations. Ch. 38.52 RCW
WA Water Pollution Control Act, Ch. 90.48 RCW
Risk of explosion
Federal Pollution Prevention Act, 42 U.S.C. §13101
Toxic/hazardous materials
Federal Resource Conservation and Recovery Act, 42 U.S.C. §6901
Federal Pollution Prevention Act, 42 U.S.C. §13101
Federal Toxic Substances Control Act, 15 U.S.C. §2601
Federal Clean Water Act, 33 U.S.C. §1251
WA Model Litter Control Act, Ch. 70.93 RCW
WA Hazardous Substance Information, Ch. 70.102 RCW
WA Hazardous Waste Management, Ch. 70.105 RCW
WA Model Toxics Control Act, Ch. 70.105D RCW
WA Water Pollution Control Act, Ch. 90.48 RCW
WA Shoreline Management Act, Ch. 90.58 RCW
WA Watershed Planning Act, Ch. 90.82 RCW, Ch. 90.82 RCW
WA Aquifer Protection Areas, Ch. 36.36 RCW
WA Radioactive Waste Act, Ch. 43.200 RCW
COL Health and Sanitation Regulations, Title 7 LMC

Impacts upon the Built Environment – Land and Shoreline Use
Existing land use plans
National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321-4347
WA Shoreline Management Act, Ch. 90.58 RCW
WA Growth Management Act, Ch. 36.70A RCW
CoL Business Regulations and Licenses, Title 5 LMC
CoL Comprehensive Plan
CoL Environmental Regulations, Ch. 17.05-15 LMC
CoL Citywide Design Guidelines, City Center Design Guidelines, Highway 99 Design Guidelines
CoL Zoning Code, Title 21 LMC
Existing population
WA Growth Management Act, Ch. 36.70A RCW

Light and glare
WA Energy Code, Title 51 WAC
Recreation
National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321-4347
WA Growth Management Act, Ch. 36.70A RCW
WA Water Pollution Control Act, Ch. 90.48 RCW
CoL Parks regulation, Ch. 10.16 LMC
Agricultural crops (no commercial agricultural lands within Lynnwood)
Federal Insecticide, Fungicide and Rodenticide Act
Federal Food, Drug and Cosmetic Act
Federal Toxic Substances Control Act, 15 U.S.C. §2601
Federal Clean Water Act, 33 U.S.C. §1251
WA Water Pollution Control Act, Ch. 90.48 RCW
WA Water Resources Management, Ch. 90.54 RCW
WA Growth Management Act, Ch. 36.70A RCW

Impacts upon the Built Environment - Transportation
Transportation systems/Movement of people or goods/Traffic/Parking
Federal Highway Administration, Highways and Transportation, Titles 23 and 49, U.S.C.
Manual on Uniform Traffic Control Devices, 2009, Federal Highway Administration
National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321-4347
WA Growth Management Act, Ch. 36.70A RCW
WA Statewide Transportation Planning regulations, Ch. 47.06 RCW
WA Commute Trip Reduction Act (Transportation Demand Management), RCW 70.94.521-555
WA Concurrency regulations, WAC 365-196-840
CoL Transportation Impact Fee regulations, Ch. 3.105 LMC
CoL Traffic Code, Title 11 LMC
CoL Streets Code, Title 12 LMC
CoL Standard Plans for streets, traffic control, sidewalks, utilities, etc.
CoL Off-Street Parking regulations, Ch. 21.18 LMC

Impacts upon the Built Environment – Public Services and Utilities
Fire and Police
WA Emergency Management regulations, Ch. 38.52 RCW
Parks and recreation
See above.
Communications
Federal Communications Act of 1934, 47 U.S.C., § 151
Federal Telecommunications Act of 1996, 47 U.S.C. §§ 153, 255
WA Telecommunications regulations, Ch. 80,36 RCW

CoL Wireless Communications Facilities regulations, Ch. 21.90 LMC
Other governmental services/utilities
WA Emergency Management regulations, Ch. 38.52 RCW
CoL solid waste regulations
CoL Business Regulations and Licenses, Title 5 LMC



On the 29th day of July 2013, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 3005 A summary of the content of said ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3005

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING SECTION 17.02.230 AND DELETING SECTION 17.02.250 OF THE LYNNWOOD MUNICIPAL CODE RELATING TO ENVIRONMENTAL REVIEW CATEGORICAL EXEMPTIONS AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request or may be previewed at www.ci.lynnwood.wa.us.

DATED this 2nd day of August, 2013



Lorenzo Hines Jr., City Clerk and Finance Director

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Ordinance Summaries:

3003, 3004, 3005, 3006,

3007, 3008, 3009

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

August 02, 2013

and that said newspaper was regularly distributed to its subscribers during all of said period.

Karen E. Zolner

Principal Clerk

Subscribed and sworn to before me this

2nd

day of August, 2013

Diana L. Hendrix
Notary Public in and for the State of Washington, residing at Everett, Snohomish County.



Account Number: 127890

Order Number: 0001828704

LYNNWOOD WASHINGTON

On the, 29th day of July, 2013 the City Council of the City of Lynnwood, Washington, passed the following ordinances: 3003 and 3009. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3003
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING FINDINGS OF FACT SUPPORTING THE CITY'S MORATORIUM ON THE ACCEPTANCE AND FILING OF APPLICATIONS FOR, AND THE LICENSING, ESTABLISHMENT, LOCATION, OPERATION, MAINTENANCE AND CONTINUATION OF MEDICAL CANNABIS COLLECTIVE GARDENS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.
ORDINANCE NO. 3004

ORDINANCE NO. 3004
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING FINDINGS OF FACT SUPPORTING THE CITY'S MORATORIUM ON THE ACCEPTANCE AND FILING OF APPLICATIONS FOR, AND THE LICENSING, ESTABLISHMENT, LOCATION, OPERATION, MAINTENANCE AND CONTINUATION OF MARIJUANA BUSINESSES AND MARIJUANA OPERATIONS UNDER WASHINGTON STATE INITIATIVE NO. 502; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.
ORDINANCE NO. 3005

ORDINANCE NO. 3005
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING SECTION 17.02.230 AND DELETING SECTION 17.02.250 OF THE LYNNWOOD MUNICIPAL CODE RELATING TO ENVIRONMENTAL REVIEW CATEGORICAL EXEMPTIONS AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.
ORDINANCE NO. 3006

ORDINANCE NO. 3006
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING THE 2012 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL SWIMMING POOL AND SPA CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL MECHANICAL CODE, AND THE UNIFORM PLUMBING CODE; AMENDING THE CITY'S REGULATIONS FOR THE ABATEMENT OF UNSAFE STRUCTURES; AMENDING AND REPLACING CHAPTERS 16.04, 16.05, 16.08, 16.09, 16.24, 16.44, 15.04, AND 15.08 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING CHAPTER 16.32 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.
ORDINANCE NO. 3007

ORDINANCE NO. 3007
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE INTERNATIONAL FIRE CODE AS ADOPTED BY THE CITY; AMENDING TITLE 9 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.
ORDINANCE NO. 3008

ORDINANCE NO. 3008
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PROJECT FUNDING FOR THE 48TH AVENUE W SIDEWALK PROJECT; AND SUPERCEDING ORDINANCE 2988, AND SUPERCEDING ORDINANCE 2945, AND SUPERCEDING ORDINANCE 2914, AND SUPERCEDING ORDINANCE 2892, AND AUTHORIZING EXPENDITURES IN PROJECT FUND 312, AND AUTHORIZING FUNDING TRANSFERS, ALLOCATIONS, AND REIMBURSEMENTS FROM FUND 150, 411, 419, AND FUND 441; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.
ORDINANCE NO. 3009

ORDINANCE NO. 3009
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PROJECT FUNDING FOR THE SCRIBER CREEK FLOOD REDUCTION STUDY PROJECT; AND AUTHORIZING EXPENDITURES IN FUND 411; AND AS CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.
The full text of these ordinances will be mailed upon request.
DATED this 2nd day of August, 2013.
Lorenzo Hines Jr., Finance Director

Published: August 2, 2013.



LYNNWOOD
WASHINGTON

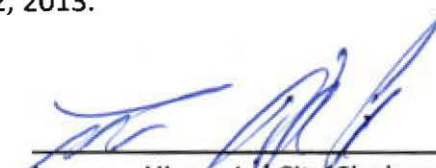
CERTIFICATE

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3005 of the City of Lynnwood, Washington, entitled as follows:

ORDINANCE NO. 3005

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING SECTION 17.02.230 AND DELETING SECTION 17.02.250 OF THE LYNNWOOD MUNICIPAL CODE RELATING TO ENVIRONMENTAL REVIEW CATEGORICAL EXEMPTIONS AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on August 2, 2013.



Lorenzo Hines, Jr., City Clerk and
Finance Director