



December 16, 2020

Ned Nelson
11773 Sunrise Dr NE
Bainbridge Island, WA 98110

RE: Headrick Garage and Pool Addition (CAO19-014) – SEPA Exemption Documentation

The applicant is proposing to re-configure an existing pool and patio within a single-family residential property. The property contains a portion of a Type 3 stream, which requires a 35-foot protective buffer. The proposed work includes stormwater improvements within the 35-foot buffer of the stream, but outside of the stream. All work, including the clearing limits, will occur outside of the ordinary high water mark.

The applicant asserts that this project is exempt from the requirement to prepare a SEPA Checklist for City review, based on section 179-11-800 of the Washington Administrative Code (WAC), which provides categorical exemptions for minor new construction. The following citation is taken from WAC 197-11-800.

(1) Minor new construction - Flexible thresholds.

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency. The exemptions in this subsection apply except when the project:

(i) Is undertaken wholly or partly on lands covered by water...

(b) The following types of construction shall be exempt:

(i) The construction or location of four detached single family residential units.

As stated in WAC 197-11-800(1)(b)(i), single-family residential development (less than four detached units) is categorically exempt from the requirement to prepare a SEPA Checklist for lead agency review. However, WAC 197-11-800(1)(a)(i) revokes exempt status when the project “is undertaken wholly or partly on lands covered by water.” As previously stated, the proposed project occurs in proximity to, but not wholly or partly on, lands covered by water. The proposed project does not require SEPA review because it does not occur on lands covered by water.

Wetland Resources, Inc.

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