State Environmental Policy Act (SEPA)
Brochure #25

What is SEPA?
SEPA stands for the State Environmental Policy Act, Chapter 43.21C RCW. SEPA is legislation which ensures evaluation of environmental impacts associated with a project or an agency action prior to approval. The SEPA rules, Chapter 197.11 WAC, are the implementing regulations which identify standard procedures to be used in evaluating a project’s environmental impact.

What is the purpose of SEPA?
SEPA has four primary purposes as listed in Chapter 43.21C RCW:

1. To declare a state policy which will encourage productive and enjoyable harmony between people and their environment;

2. To promote efforts which will prevent or eliminate damage to the environment and biosphere;

3. To stimulate the health and welfare of people, and;

4. To enrich the understanding of ecological systems and natural resources important to the State and the Nation.
What do I need to submit for a SEPA review?

1. Completed Permit Application and Environmental Checklist in association with a project permit.

2. Payment of appropriate filing fee.

3. Complete set of site plans/plat maps, drainage plans, grading plans and sewer plans. If the property is site sensitive, geotechnical reports, wetland reports and other information may be requested.

Are there any exemptions from SEPA?

The City has established the following exempt levels for minor new construction under WAC 197-11-800(1)(b) by the following zones:

A. Exemption thresholds for the RD 12.5, RD 9.6, RD 7.5, MRD, DB, CB, PCB, PI, PSP and RUD districts:
   1. For residential dwelling units up to four (4) dwelling units;
   2. For agricultural structures up to ten thousand (10,000) square feet;
   3. For office, school, commercial, recreational, service or storage buildings up to four thousand (4,000) square feet and up to twenty (20) parking spaces;
   4. For parking lots up to twenty (20) parking spaces;
   5. For landfills and excavations up to one hundred (100) cubic yards;

B. Exemption thresholds for the RD 12.5(S), RD 9.6(S), RD 8.4, RD 7.2, WFB, MR, CB(S), PCB(S), BP, IP, LI and HI districts:
   1. For residential dwelling units up to twenty (20) dwelling units.
   2. For agricultural structures up to thirty thousand (30,000) square feet.
   3. For office, school, commercial, recreation, service, or storage buildings up to eight thousand (8,000) square feet and thirty (30) parking spaces.
   4. For parking lots up to forty (40) parking spaces.
   5. For landfills and excavations up to five hundred (500) cubic yards.

Exception:
If any of the above listed actions are taking place on site-sensitive lands, the exemptions category does not apply.

What is the definition of “sensitive areas?”

“Sensitive Areas” are defined as those possessing existing slopes in excess of twenty-five percent, areas containing unstable soils or other geologic hazards, natural drainage ways or ravines, areas of special flood hazard, areas of critical recharging effect on aquifers, areas that have been identified by the Washington Department of Fish and Wildlife as providing significant wildlife habitat, or wetland areas.
**How long does it take to go through the SEPA process?**

The time needed to complete SEPA depends on the environmental impacts caused by the proposed project, the amount of information already available, and the need for additional analysis or studies. If a project does not have significant impacts, a Determination of Non-Significance (DNS) is prepared. If the project has impacts that can be mitigated through project conditions, a Mitigated Determination of Non-Significance (MDNS) is prepared. Both of these processes are integrated within the 120-day project permit review process.

If it is determined that the proposed project with cause significant adverse impacts, an Environmental Impact Statement (EIS) is required. The EIS process can take several years to complete; although typical EIS’s take 6 to 12 months. The timing depends on the amount of information available and whether additional field work is needed to evaluate the project.

**Can the SEPA Determination be appealed?**

A. The City establishes the following administrative appeal procedures under RCW 43.21C.075, 43.21C.080 and WAC 197-11-680:

1. Any aggrieved person may appeal a threshold determination, adequacy of a final EIS, or the conditioning or denial of any proposal by a non-elected official based upon SEPA by following procedures set forth in this section. No other SEPA appeals are allowed.

2. All appeals filed pursuant to this section must be filed in writing with the City Clerk’s office within fourteen calendar days of the date of the decision.

3. With respect to any appeal of a determination of significance, the appeal hearing shall be held by the City Council as soon as the pending business of the City Council shall permit placement of the matter on the Council’s agenda. No final decision or recommendation on the underlying permit shall be made prior to the conclusion of the appeal.

4. With respect to any appeal of the conditioning or denial of a proposal based upon SEPA, the appeal hearing shall be held by the City Council as soon as the pending business of the City Council shall permit placement of the matter on the Council’s agenda. If the City’s regulations allow an appeal of the underlying governmental action to the City Council, the appeal of the conditioning or denial of the proposal based upon SEPA shall be consolidated with any appeal of the underlying governmental action.

5. With respect to appeals of determinations of non-significance or any other procedural or substantive determination under this chapter for which an appeal is allowed, the appeal hearing shall be consolidated with the open record hearing or other proceeding where the hearing body or officer will render a final recommendation or decision on the proposed underlying governmental action.

6. For any appeals under this subsection, the city shall provide for a record that shall consist of the following: (1) findings and conclusions, (2) testimony under oath, and (3) a taped or written transcript.

7. The City may require the appellant to provide an electronic or court reporter’s transcript.

8. In any appeal proceeding, the procedural determination of the city’s SEPA responsible official shall carry substantial weight.
For questions or additional information:

Call...
City of Mukilteo
Planning and Community Development Department
(425) 263-8050
City Hall (425) 263-8000
Fax (425) 212-2068

Location...
11930 Cyrus Way
Mukilteo, Washington  98275

Hours...
Monday - Thursday
7:30 a.m. to 5:00 p.m.
Friday
7:30 a.m. to 4:30 p.m.

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