



# Planning & Economic Development

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## SEPA

The State Environmental Policy Act (SEPA) is a body of statutory environmental regulations that are carried out by cities through an environmental review process. SEPA delegates cities authority to condition development to adequately address and mitigate significant adverse impacts in cases where existing regulation is not sufficient to ensure that appropriate measures are utilized.

The City of Poulsbo is required to apply SEPA in projects that exceed specified thresholds. These projects must have potential environmental impacts evaluated and disclosed by the applicant through the completion of a [SEPA Environmental Checklist \(checklist\)](#).

### WHAT IS THE ENVIRONMENTAL CHECKLIST?

The purpose of the checklist is to provide information to identify likely environmental impacts from proposals and to reduce or avoid these impacts, if possible. The agency will also use this information to decide whether the likely environmental impacts of the project need further study, have been adequately addressed by existing regulations, or can be mitigated.

The checklist has questions about your project and both the built environment (land use, transportation, utilities and services, etc.) and the natural environment (water, air, plants, animals, etc.). As you complete the checklist, you should think of ways to reduce the impacts of your project. Modifications made by you are most easily integrated early in the development of your proposal.

In most cases, you should be able to adequately answer most, if not all, of the questions yourself based on a familiarity with the project and the site. A consultant may be needed if your proposal is complex or requires additional studies, such as a wetland report or transportation study, are requested. Some applicants prefer to hire a consultant to complete all of the necessary paperwork

### WHEN IS SEPA REQUIRED?

State law sets out specific thresholds for when SEPA review is required. Projects that exceed the thresholds

are thereby required to complete the SEPA process. Generally, projects below specified thresholds are exempt from SEPA review. While not an exhaustive list of all exemptions, the following are typical cases of when SEPA would not be required for a project:

- Remodeling, maintenance, and repair;
- Construction of 4 or fewer residential houses;
- Construction of a parking lot for 20 or fewer vehicles;
- Construction of offices, schools, recreational, commercial, services, or storage buildings with 4,000 sq. ft. or less of gross floor area, and with associated parking facilities for 20 or fewer automobiles; and
- Landfill or excavation of up to and including 100 cu yards (not in critical areas or industrial forestry).

For further information on SEPA threshold exemptions, please see PMC [Chapter 16.04](#).

### WHAT DOES SEPA REVIEW LOOK LIKE?

Generally, SEPA review is completed concurrently during review of a land use permit (Site Plan Review, Planned Residential Development, etc.). SEPA must be completed prior to staff making a land use decision on the associated permit. While each project is unique, the SEPA process follows a Threshold Determination phase, possible comment and appeal periods, and closure of SEPA.

### WHAT IF A PROJECT REQUIRES SEPA?

When a project requires SEPA review, a SEPA *Threshold Determination* is issued by city staff based on the checklist completed for the project, together with other documents, reports, or maps submitted by the applicant. In addition, the project planner will review other information available through the City, such as any critical area reports prepared.

In most cases, a *Determination of Non-Significance (DNS)* is issued by city staff. This occurs when a project will not have a probable significant adverse impact.

However, there are some cases where mitigation may be required. This occurs under a *Mitigated Determination of Non-Significance (MDNS)*. During review of the checklist, staff may identify measures that can be taken to reduce impacts to the environment. If conditions are imposed on the project as a result of SEPA, the proposal is then clarified,

changed, or conditioned to include these measures and an MDNS is issued. The mitigation measures become conditions of the permit and are implemented during construction and/or before final approval.

In extraordinary cases, a project—despite proposed mitigation measures—may still be deemed as having probable “significant adverse environmental impacts.” This would lead to issuance of Determination of *Significance* (DS) which requires preparation of an [Environmental Impact Statement \(EIS\)](#) scoping to analyze project alternatives.

### WHAT ABOUT COMMENTING AND APPEALS?

Only certain DNS's and MDNS's require a public notice and comment period. Meanwhile, all DS's require a comment period. The comment period allows the public to submit comments on environmental impacts and appeal the Threshold Determination.

Notification of a Threshold Determination follows the same notification requirements as the underlying land use permit. The public has an opportunity to comment on or appeal a proposed project once a Threshold Determination has been made. During a comment period, the public can submit observations to city staff of potential impacts from development to the site and vicinity. After the comment period is closed, the public also has the opportunity to submit a formal appeal of the SEPA Threshold Determination.

It should be noted that appealing SEPA and the underlying land use permit are two distinct processes.

**Comment Periods:** In most cases, once a Threshold Determination has been issued, there is a 14 calendar day comment period. Notification of SEPA action is sent in the manner as the underlying land use application.

Comment periods for SEPA can also run together with the Notice of Application comment period for the associated land use application, using the Optional DNS process. When this Optional DNS process is used, the comment periods are combined under the Optional DNS process. Once the comment period ends, a Final DNS is issued which could be combined with a Notice of Decision.

**Appeal Periods:** The SEPA Threshold Determination has a ten day appeal period. Appeals to the Threshold

Determinations are heard by the Hearing Examiner per [PMC 16.04.250](#). All appeals shall contain the information required by Title [19](#), including, but not limited to, information on the specific aspect(s) of the SEPA decision or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error. Appeal fees is \$150 + Hearing Examiner fees.

### FEE INFORMATION

If a project is determined to be exempt from SEPA, then no fee is applicable. However, if a SEPA is required, a fee must be paid. Application fee for SEPA review is \$320 per [Resolution 2017-03](#).

### MORE INFORMATION

For more information about SEPA, please visit the WA State Department of Ecology website:

<http://www.ecy.wa.gov/programs/sea/sepa/e-review.html>

Disclaimer: this handout should not be used as a substitute for codes and regulations. The applicant/property owner is responsible for compliance with all code and rule requirements, whether or not described here. Please see the City of Poulsbo Municipal Code for complete text and requirements.

