



THE SEPA PROCESS

What is SEPA?

The term SEPA stands for State Environmental Policy Act, Chapter 197-11 Washington Administrative Code (WAC) adopted by our State Legislature in 1971. SEPA was designed to ensure #1 that environmental values were considered during decision making by state and local agencies, #2 that adequate and timely environmental information is gathered and provided to decision makers, and #3 that public involvement is included in the decision making process. SEPA requires the identification and evaluation of probable impacts to all elements of our built and natural environment.

When does SEPA apply to my project?

Not all projects require SEPA review. Part 9 of the SEPA rules describes types of projects that have been exempted from SEPA requirements because they are unlikely to have a significant adverse environmental impact or were designated exempt by the legislature. The following are examples of projects exempt from SEPA review. For a complete list of categorical exemptions see WAC 197-11-800 attached and Section 15.06.095 Mount Vernon Municipal Code (MVMC). The SEPA thresholds that have been adopted by the City are as follows:

- Residential dwellings up to 10 units, cumulative.
- Agricultural buildings up to 30,000 square feet, cumulative.
- Office, school, commercial, recreational, service or storage buildings up to 12,000 square feet.
- Parking lots up to 40 spaces, cumulative.
- Subdivision of land into 9 lots or less.
- Fills or excavations up to 500 cumulative cubic yards.

What is an Environmental Checklist?

If your project triggers SEPA review the "SEPA Checklist" will need to be completed. This checklist contains extensive questions about the natural environment (earth, air, water, etc.) and the built environment (traffic, schools, noise, etc.) of your site. Each question shall be answered accurately and to the best of your knowledge. If a question does not apply, please write "does not apply". The questions apply to the entire project. Any future plans should be included when answering these questions. The SEPA review process requires an evaluation of cumulative impacts. For this reason it is critical to state all current and future development intentions clearly. In most cases this will prevent you from having to go back through the SEPA review process.

What is a threshold determination?

When SEPA review is required for a project, the responsible official must decide if the project is like to have a "probable significant adverse impact" on the environment. This decision is called a "threshold determination".

- If a project may have a probable significant adverse impact, a determination of significance (DS) is issued, and an environmental impact statement (EIS) is required.
- If the project will not have a probable significant adverse impact, a determination of non-significance (DNS) is issued.

- During the threshold determination process, City staff may identify measure that can be taken to reduce impacts to the environment. If the proposal is then clarified, change, or conditioned to include these measures, the responsible official may issue a mitigated determination of non-significance (MDNS). Mitigation measures become conditions of the permit and are implemented during construction and/or before final approval.

How is a threshold determination made?

When making a threshold determination, the City planner will review the SEPA checklist submitted, other information available through the City or County such as Sensitive Area Maps and any environmental studies performed on neighboring properties. The planner will decide which elements of the proposal pose potential significant adverse impacts and determine which departments and agencies have the appropriate technical expertise to comment of these issues. The planner may request additional information and studies where warranted. Commonly requested studies include wildlife use and habitat, stream characteristics, wetland delineation and mitigation, water quality and noise. Mitigation measures may be developed and placed as a condition on the proposal to avoid, minimize or reduce impacts. Mitigation measures must be reasonable, must be able to be accomplished, and must be based on existing City regulatory plans and policies.

What is the process and how long will it take?

The City shall only accept Environmental Checklist for development projects for which they have received a completed application. The submittal requirements for SEPA are codified within Mount Vernon Municipal Code Chapter 14.05.

A SEPA review takes a minimum of 45 days and in most cases longer due to need for additional information, new information provided by public comments letters or appeals. Within twenty-eight (28) calendar days of receiving a permit application, the city shall mail or personally provided a determination of technical completeness and threshold determination. This determination shall state either that the application is complete or that the application is incomplete and list what is necessary to make the application complete. A determination of technical completeness shall be made when an application is sufficient for continued processing even though additional information may be required or project modifications may be made subsequently. The city's determination of technical completeness shall not preclude the city from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action.

Once the application is deemed technically complete, the City shall transmit a copy of the application, and appropriate parts, to each affected agency and city department for review. The affected agencies and city departments shall have fifteen (15) calendar days to comment. If comments are not received, it is presumed the referral agency or city department have no comments. If additional information is required, the city shall request this information within twenty-eight (28) calendar days of application.

How is the public notified about the project?

Once a decision is made by the city, the threshold determination shall be published in the legal section of the Skagit Valley Herald. The applicant is responsible for the public notice sign installation, maintenance, and removal at appropriate times. Property owners within a 300-foot radius of the proposal site are notified of the threshold determination by mail. The CEDD is responsible for mailing these notifications; and will also mail notices to individuals or groups who have specifically requested to be "parties of record".

Can a threshold determination be commented on or appealed?

Once a DNS or MDNS threshold determination is issued, there is generally a 14 day comment period during which individuals who believe the determination was issued in error may appeal it or submit comments. All comments submitted to the CEDD will be reviewed to determine if information was previously unknown. If this is the case, and the comments leads to a determination that the proposal will now have a probable significant adverse impact, the City will withdraw its previous threshold determination and modify the decision to address these impacts.

During the time allowed for filing an appeal, you may contact a city planner by calling the CEDD at (360) 336-6214. When you appeal a proposal, you must clearly identify the decision being appealed, the specific reason why the decision should be reversed or modified, any harm you have suffered or anticipate suffering as a result of the decision, and the relief you seek.

If a determination is appealed, an appeal hearing date is set, and a hearing held. If a project involves other land use hearings, such as those for subdivisions, rezone and conditional use permits, these hearings will be consolidated. After hearing all testimony, the Hearing Examiner will decide whether the threshold determination is correct and will issue a decision on the appeal and a recommendation to the City Council if applicable. A planner will represent the City at the appeal hearing. If there are no appeals to the threshold determination, the project applicant must comply with any conditions specified in the threshold determination and the City must enforce those conditions.

What is an EIS?

An Environmental Impact Statement (EIS) is a document designed to provide decision makers and the public with impartial information about a project and analyze alternatives to the proposal, including ways to avoid or minimize adverse impacts or to enhance environmental quality. The SEPA rules stress that an EIS should be concise and focused on the significant issues.

What is the EIS process?

After publication of a Determination of Significance (DS), there is a 21-day comment period, which is referred to as "Scoping". Scoping is the first step in the EIS process. This time period provides an opportunity for the public and technical experts to give input to the agency about what they believe should be included in the EIS. Based on comments received, reasonable alternatives are identified by the SEPA Section and a plan is developed to investigate each significant impact.

The EIS contains a description of the proposal and the alternatives, including a no-action alternative. For each element of the environment in the scope (air, water, earth, etc.) there is a description of existing conditions, significant adverse impacts, anticipated suggested mitigation measures, and unavoidable impacts. Technical studies may be included in an appendix to the EIS.

A draft EIS (DEIS) is published first, and citizens, agencies, and tribes are invited to comment on this document's adequacy during a 30-day comment period. Comment letters are incorporated in the final EIS (FEIS), along with a written response to each letter. Additional analysis may also be included in the FEIS, based on comments received. The FEIS is published, and the decision-makers uses both the DEIS and FEIS during the decision making process.

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