



# SEPA

DR042



## What is 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 Redmond 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. An Environmental Checklist provides a series of questions relating to categories, such as: air, water, earth, noise, etc.

### Environmental Checklist

When SEPA is required as part of a land use application, the applicant must complete an Environmental Checklist to disclose the anticipated impacts from a proposed development. The checklist is the tool used to determine the appropriate Threshold Determination. For more information on the **SEPA Environmental Checklist**, please review the application available online at <http://www.redmond.gov/landuseforms>.

### 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/location of 30 or fewer residential houses;
- Construction of a parking lot for 90 or fewer automobiles;
- Construction of offices, schools, recreational commercial, services, or storage buildings with 40,000 sq. ft. or less of gross floor area, and with associated parking facilities for 90 or fewer automobiles; and
- Landfill or excavation of up to and including 1,000 cubic yards (not in critical areas or industrial forestry).

For further information on SEPA threshold exemptions, please see RZC 21.70.090.

### What does SEPA review look like?

Generally, SEPA review is completed concurrently during review of a land use permit. 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 Environmental 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 critical areas and 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 SEPA 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 fourteen 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 also has a fourteen day appeal period which follows the completion of the comment period, if any. Appeals to the Threshold Determinations are heard by the Hearing Examiner.

### Are there fees?

At application intake of the Environmental Checklist, staff determines if the project is exempt from SEPA. If a project is determined to be exempt, then no fee is applicable. However, if a SEPA is required, a fee must be paid.

### Additional Information

Please note that it is ideal for the applicant to disclose all land use and building permit requirements within the Environmental Checklist because this will ensure that the SEPA process will cover all aspects of the project scope.

**Questions:** 425-556-2494 or [planneroncall@redmond.gov](mailto:planneroncall@redmond.gov).

You can also visit us in person at the Development Services Center located on the 2nd floor of City Hall. Open Monday through Friday from 8 am to 5 pm.

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