



State Environmental Policy Act (SEPA) Review

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Enacted by the Legislature in 1971, the State Environmental Policy Act—commonly called SEPA—helps state and local agencies in Washington identify environmental impacts that could result from governmental decisions such as:

- Issuing permits for private projects such as an office building, grocery store, or apartment complex.
- Constructing public facilities like a new school, highway, or utility pipelines.
- Adopting regulations, policies, or plans such as a county or city comprehensive plan, critical area ordinance, or state water quality regulation.

When is SEPA review required?

State law requires SEPA review for all permits unless exempt.

Examples of permits that **do not** require SEPA review: ¹

- construction or location of up to 20 detached single family residential units²
- construction of an office, school, commercial, recreational, service or storage building with 12,000 sq ft of gross floor area with parking lots up to 40 spaces³
- construction of certain agricultural structures up to 30,000 sq ft⁴
- installation or removal of impervious underground or above-ground tanks with a capacity of 10,000 gallons or less (on agricultural and industrial lands, the tank capacity must be 60,000 gallons or less)⁵
- grading (fill and excavation) 500 cubic yards or less throughout the total lifetime of the fill or excavation⁶
- installation of accessory solar energy generation equipment on or attached to existing structures and facilities whereby the existing footprint and size of the building is not increased⁷
- land divisions of four or fewer lots⁸
- repair, remodeling, maintenance, or minor alteration of existing structures or facilities involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures is exempt⁹
- variances¹⁰

When the project is an addition, modification, or replacement of a SEPA-exempt building or facility that would cause the building or facility to exceed the exemption, the project is not SEPA-exempt.¹¹ For example, where a facility has an existing commercial structure of 10,000 sq ft (which is exempt from SEPA review), and the proposal is to add another 5,000 sq ft, the proposed addition will exceed the 12,000 sq ft exemption and therefore will require SEPA review.

Examples of permits that **always require** SEPA review:

- any work on lands wholly or partly covered by water¹²
- construction of more than 20 dwelling units
- grading of more than 500 cubic yards
- land divisions of more than four lots
- Shoreline substantial development and conditional use permits

SEPA review is *sometimes* required for:

- Comprehensive Plan map amendments/rezones¹³
- special use permits (see the application form for details)

What is the SEPA process for?

Every day, state and local agencies in Washington use SEPA to evaluate proposed decisions. Information learned through the review may be used to:

- Change a proposal to reduce likely impacts;
- Apply conditions to a proposal to mitigate adverse environmental impacts that are identified; or
- Deny a proposal when an EIS shows significant adverse environmental impacts that cannot be reduced to an acceptable level.

The SEPA Checklist

Under SEPA, project proponents are usually asked to complete an environmental checklist. Skagit County uses the SEPA checklist that is provided by Ecology and is available at www.skagitcounty.net/pdsforms as a Microsoft Word document. The checklist asks questions about the proposal and its potential impacts on the built and natural environment including:

- Air
- Animals
- Earth
- Energy
- Environmental health
- Land use
- Plants
- Public services
- Transportation
- Utilities
- Water

SEPA Review

After the checklist has been completed, the lead agency will review it and other information about the proposal. If more information is needed, the lead agency can ask the applicant to conduct further studies such as:

- traffic studies;
- site studies to evaluate potential air quality, water quality, or other impacts.

When a proponent has gathered and submitted enough information about their proposal, the lead agency can:

- issue a Determination of Non-Significance (a “DNS”) if it finds the proposal is unlikely to have a significant adverse environmental impact; or
- issue a Determination of Significance (a “DS”) and prepare an Environmental Impact Statement (an “EIS”) if the information indicates the proposal is likely to have a significant adverse environmental impact.

An EIS needs to include:

- an evaluation of alternatives to the proposal; and
- measures that would reduce or eliminate likely environmental impacts.

The DNS or an EIS provides critical information to all agencies involved in the environmental review and approval process.

For more information

Visit the Department of Ecology’s SEPA webpage at www.ecy.wa.gov/programs/sea/sepa/overview.html

¹ SCC 16.12.080

² WAC 197-11-800(1)(b)(i) and SCC 16.12.080(1)(a).

³ WAC 197-11-800(1)(b)(iv) and SCC 16.12.080(1)(d).

⁴ WAC 197-11-800(1)(b)(iii) and SCC 16.12.080(1)(b).

⁵ WAC 197-11-800(2)(h).

⁶ SCC 16.12.080(1)(e).

⁷ WAC 197-11-800(2)(l).

⁸ WAC 197-11-800(6)(d).

⁹ WAC 197-11-800(3).

¹⁰ WAC 197-11-800(6)(e).

¹¹ WAC 197-11-800(2)(f).

¹² WAC 197-11-800(2)(a)(i).

¹³ SEPA review occurs after docketing. SCC 14.08.050.