

# State Environmental Policy Act (SEPA)



## Planning and Public Works

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### Code References:

- [SEPA Statue Chapter 43.21C RCW](#)
- [SEPA Rules Chapter 197-11 WAC](#)
- [Lakewood Municipal Code \(LMC\) Chapter 14.02](#)

### What is SEPA?

In [Washington State](#), cities are required to assess and mitigate probable adverse environmental impacts that may result from a proposed action or project. A proposed action may be related to issuing permits for development, constructing public facilities or adopting policies and regulations.

Information provided during the SEPA review process helps the City's SEPA responsible official, applicants and the public understand how a proposal may affect the built and natural environment. This information can assist in modifying or to condition a proposal to mitigate probable adverse impacts. A project proposal can be denied if adverse impacts are identified and cannot be mitigated.

### What projects require SEPA review?

Some minor projects may be exempt and do not require review. However, unless expressly exempt in state law, state rulemaking and [LMC Chapter 14.02](#), SEPA is required for project related actions like a new apartment complex or subdivision, as well as non-project related action such as amending development regulations or comprehensive plan and sub-area plans.

In the City of Lakewood, there are specific thresholds that have been adopted that are different than other cities in Washington state. In Lakewood, SEPA review is required for developments that create more than:

- 9 dwelling units,
- commercial/industrial buildings over 12,000 sq ft,
- parking lot designed for more than 40 automobiles,
- filling/grading up to 500 cubic yards

A SEPA checklist is required for project and non-project actions. This checklist asks questions about the proposal and its potential impacts on the environment. The elements of the environment evaluated include earth, air, water, plants, animals, energy, environmental health, land use, historic and cultural resources, transportation, public services, and utilities.

### **Types of SEPA Determinations**

There are several types of SEPA determination issued by the City's SEPA Responsible Official. A determination is issued following review of the checklist. In addition to the checklist, a site plan and technical reports such as an arborist report, habitat assessment, wetland delineation, cultural resource study or traffic impact analysis may be required based on the site and/or project specifics. Following review, the City's SEPA Responsible Official will issue a threshold determination based on the environmental impacts:

**Determination of Non-Significance (DNS):** The project is unlikely to have probable, significant adverse environmental impacts and existing development regulations or policies will address impacts such as transportation, utilities, critical area protections, significant tree preservation and land use.

**Optional Determination of Non-Significance (ODNS):** Allows the City to combine the SEPA comment period with the Notice of Application (NOA).

Under [LMC Chapter 18A.20](#), certain project actions require a written NOA to be prepared. As part of the NOA and if probable adverse impacts are unlikely, the SEPA Responsible Official can combine both the NOA and SEPA determination into one combined notice and comment period ([WAC 197-11-355](#)).

If a NOA and SEPA determination are combined, it may be the only time to provide comments on both. Please refer to specific notice for comment opportunities and details.

**Mitigated Determination of Non-Significance (MDNS):** Proposal likely has significant adverse impact and modification and/or conditions of approval to mitigate likely adverse impacts will be required.

**Determination of Significance (DS):** Probable significant adverse impacts will result from a proposal. A separate Environmental Impact Statement (EIS) will be required.

### **Planned Action Project Review**

The Washington State legislature authorized cities the option of doing Planned Action environmental review. The intent of planned action shifts environmental review to an earlier phase in the planning process to encourage a more streamlined and predictable permitting process.

The City of Lakewood has prepared two Planned Action EISs for the *Lakewood Downtown Subarea Plan* and *Lakewood Station District Subarea Plan*. These EISs identify and address specific optional and required mitigation measures for proposed projects located within these Subareas.

Unless a project is exempt, at the time of application submittal a Planned Action SEPA checklist will be required for projects located within the Planned Action Areas.

### **Phased SEPA Review**

If a proposed project consists of a series of actions or a multi-phased approach, SEPA review can be done for each phase to ensure meaningful information is available during the planning and decision-making processes ([WAC 197-11-060\(5\)](#)).

However, it's important to remember SEPA review cannot be fragmented in order to avoid assessment of cumulative, adverse impacts. Determination of whether phased SEPA review is appropriate for project and non-project actions shall be consistent with state rulemaking and determination by the City's SEPA Responsible Official.

### **Who can comment on SEPA determinations?**

Public notice is required for SEPA determinations. SEPA determinations will be published on [Ecology's SEPA Register](#), City's website and Permit Dashboard. All interested parties are welcomed to submit comments during the comment period.

### **Appeal**

SEPA administrative decisions for project actions can be appealed to the City of Lakewood Hearings Examiner.

Appeals for SEPA decisions on non-project action like amendments to the comprehensive plan, subarea plan or development regulations are heard before the Washington State Growth Management Hearings Board (GMHB). For more information about GMHB, please visit their website [here](#).

### **More information**

- Contact our planning team at [planning@cityoflakewood.us](mailto:planning@cityoflakewood.us) or 253-512-2261.
- Stop by during by front counter and speak to our Planner of the Day, Tuesday-Thursday, 9am-12pm.
- Review [LMC Chapter 14.02](#) on the City's environmental review rules and procedures.
- Visit [Department of Ecology's website](#) on SEPA related information and resources.