


Chapter 17B.84 STATE ENVIRONMENTAL POLICY ACT (SEPA)

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17B.84.010 Compliance.

- A. Compliance with SEPA, including all review or waiting periods, is required before a decision on an application can be made.
- B. Every shoreline substantial development permit must be accompanied by demonstration of compliance with the State Environmental Policy Act (SEPA), through an environmental impact statement (EIS), a determination of nonsignificance (DNS), environmental checklist, or a determination of categorical exemption.
- C. The shoreline substantial development permit application and SEPA analysis should identify future uses intended for the site to avoid the possibility of piecemeal or inappropriate phasing of development.
- D. Project review conducted pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall occur concurrently with project review set forth in this chapter. Except as modified by this chapter, the SEPA review process shall follow the provisions of Chapter 43.21C RCW and Chapter 197-11 WAC. (Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.84.020 Interaction of SEPA with the shoreline management process.

- A. Conditioning and denial of a shoreline permit may be done under powers granted by SEPA rules (WAC 197-11-660).
- B. The SEPA checklist must identify all local, state, and/or federal permits or approvals that may be required.
- C. If required, an EIS should include an evaluation of the project's consistency with existing plans and policies (e.g., the local SMP) and zoning regulations. (Note: Only those elements that will be "significantly" impacted need to be evaluated in an EIS. The land use element of SEPA may not be significantly impacted enough to be included in a final EIS.)
- D. Shoreline substantial development permits shall not be issued until the SEPA review periods are complete to allow for appeals (fourteen-day review for DNSs; seven-day waiting period for a final EIS). (Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.84.030 Interaction of NEPA with the shoreline management process.

- A. Federal agencies are required to consider the environmental impacts of agency sponsored developments, permits, and grants under processes defined by the National Environmental Policy Act (NEPA).
- B. NEPA requires full disclosure of environmental impacts and their consideration by an agency prior to a decision.
- C. Under NEPA, agencies prepare an environmental assessment ("EA"), and use it to determine whether an EIS is required. For projects not requiring an EIS, a finding of no significant impact (FONSI) is issued.
- D. NEPA requires examination of some economic, social justice, and other technical considerations that are excluded from SEPA. (Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.84.040 Projects partially within shoreline jurisdiction.

For projects only partially located within shoreline jurisdiction, the State Environmental Policy Act (SEPA) would apply to the entire project. While the shoreline permit must incorporate consideration of the entire integrated project and a determination of consistency with the policies of the SMA and the local SMP must be made, only the portion within the shoreline jurisdiction must meet the SMA and local SMP regulations and standards (e.g., height limit, lot coverage, etc.). (Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.84.050 Flexible thresholds for categorical exemptions.

A. The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) in the following zoning districts: WMU, POS, and within the two-hundred-foot shoreline jurisdiction.

1. For residential dwelling units in WAC 197-11-800(1)(b)(i): up to twenty dwelling units;
2. For agricultural structures in WAC 197-11-800(1)(b)(ii): up to thirty thousand square feet;
3. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): up to eight thousand square feet and up to thirty parking spaces;
4. For parking lots in WAC 197-11-800(1)(b)(iv): up to forty parking spaces;
5. For landfills and excavations in WAC 197-11-800(1)(b)(v): up to five hundred cubic yards;
6. The following wireless communications facilities not in a designated environmentally sensitive area and which do not consist of a series of actions, some of which are not categorically exempt, or that together may have a probable significant adverse environmental impact:
 - a. Microcells to be attached to an existing structure that is not a residence or school and does not contain a residence or a school;
 - b. A facility that includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (which may be an existing tower) that is not a residence or school and does not contain a residence or a school, and is located in a commercial, industrial, manufacturing, forest, or agricultural zone; and
 - c. A facility that involves construction of a personal wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone. (Ord. 1295 § 10 (Exh. 1B) (part), 2011)

The Mukilteo Municipal Code is current through Ordinance 1354, passed July 21, 2014.

Disclaimer: The City Clerk's Office has the official version of the Mukilteo Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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