

Amendment 2 to Council Bill 119600: Appeals for non-project actions affecting industrial areas

Councilmembers Mosqueda and Pacheco

Council Bill 119600 would incorporate by reference provisions from [Washington State House Bill 1923](#), that limit appeals of environmental reviews of certain actions to increase residential building capacity. Under this new state law, environmental review is performed and all necessary public notice and opportunity to comment is provided, but an appeal of the final decision may not be heard by the City's Hearing Examiner or the Courts. Among the actions that could proceed without an appeal of an environmental determination is legislation that would:

(a) Authorize development in one or more areas of not fewer than five hundred acres that include at least one train station served by commuter rail or light rail with an average of at least fifty residential units per acre that require no more than an average of one on-site parking space per two bedrooms in the portions of multifamily zones that are located within the areas;

(b) Authorize development in one or more areas of not fewer than five hundred acres in cities with a population greater than forty thousand or not fewer than two hundred fifty acres in cities with a population less than forty thousand that include at least one bus stop served by scheduled bus service of at least four times per hour for twelve or more hours per day with an average of at least twenty-five residential units per acre that require no more than an average of one on-site parking space per two bedrooms in portions of the multifamily zones that are located within the areas;

Councilmembers have heard concern that these provisions could be used to rezone industrial areas to allow residential uses in advance of the Mayor's [Industrial and Maritime Strategy](#). That is neither the intent of the bill nor is any party in a position to undertake the work necessary to put forward a proposal that would authorize residential development in industrial lands. Any such change would, at a minimum, require Comprehensive Plan amendments as well as zoning changes. The Council is on record that Comprehensive Plan amendments related to industrial lands should be studied as part of a holistic review of industrial lands across the city, consistent with the Mayor's strategy. This amendment states clearly that the only changes to industrial lands that would be exempt from appeal would be those developed through a holistic citywide approach to industrial lands, such as the Mayor's Industrial and Maritime Strategy.

Amend Section 10 of Council Bill 119600, as follows:

Section 10. Section 25.05.680 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

25.05.680 Appeals

Appeal provisions in SEPA are found in RCW 43.21C.060, 43.21C.075, 43.21C.080, 43.21C.420, 43.21C.495, 43.21C.500, and WAC 197-11-680. The following provisions attempt to construe and interpret the statutory and administrative rule provisions. In the event a court determines that code provisions are inconsistent with statutory provisions or administrative rule, or with the framework and policy of SEPA, the statute or rule will control. Persons considering either administrative or judicial appeal of any decision that involves SEPA are advised to read the statutory and rule sections cited above.

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F. RCW 36.70A.600 and 43.21C.495 exempt certain Council land use actions from administrative or judicial appeals if the Council land use action is adopted by April 1, 2021, except as provided in Section 25.05.680.G. Environmental documents and Council land use actions intended to be exempt from SEPA appeals pursuant to RCW 43.21C.495 should so state.

G. Actions that would allow development of residential development within industrial areas in an area served by commuter rail, light rail, or scheduled bus service of at least four times per hour for twelve or more hours per day, are not exempt from administrative or judicial appeals under Section 25.05.680.F., unless they have been studied as part of the Mayor's Industrial and Maritime Strategy.

G.H. RCW 43.21C.500 exempts residential and mixed-use development from SEPA appeals on the basis of the evaluation of or impacts to transportation elements of the environment, so long as the project does not present significant adverse impacts to the state-owned transportation system as determined by the Washington State Department of Transportation and the project is:

1. Consistent with:

a. A locally adopted transportation plan; or

b. The transportation element of the Comprehensive Plan; and

2. A project for which:

a. Traffic or parking impact fees are imposed pursuant to RCW 82.02.050

through 82.02.090; or

b. Traffic or parking impacts are expressly mitigated by an ordinance, or ordinances, of general application.

3. For purposes of this subsection 25.05.680.G, “impacts to transportation elements of the environment” include: impacts to transportation systems; vehicular traffic; waterborne, rail, and air traffic; parking; movement or circulation of people or goods; and traffic hazards.

~~H.L.~~ Appeals are limited to procedural and substantive compliance with SEPA. Appeals of substantive compliance shall be limited to the specific environmental policies contained in Section 25.05.675.