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CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

..title
AN ORDINANCE relating to land use and zoning; amending Section 25.05.800 of the Seattle Municipal Code to repeal the categorical exemption for SEPA review of proposed “infill” development.
..body
WHEREAS in 2003, the law governing infill development categorical exemptions (RCW 43.21C.229) was enacted by the state of Washington to encourage growth consistent with the Growth Management Act; and
WHEREAS the infill development categorical exemptions are allowed to be applied by local governments within an urban growth area, when the environmental impacts of such exemptions and of a comprehensive plan have been considered, and where density and intensity objectives for growth areas are included in a comprehensive plan; and
WHEREAS in 2012, The City of Seattle adopted infill development categorical exemptions for Urban Centers and Urban Villages that contain a Station Area Overlay District; and
WHEREAS anticipated 2015 amendments to Seattle’s Comprehensive Plan will include growth estimates for only Urban Centers until growth estimates are adopted for Urban Villages, as part of the Comprehensive Plan amendments City Council will consider in 2016; and
WHEREAS the amendments in this legislation are intended to temporarily repeal the infill development categorical exemptions until such time as the City Council reinstates them with legislation following the adoption of new Urban Village growth estimates into the Comprehensive Plan, NOW, THEREFORE,
BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

1 Section 1. Subsection 25.05.800.A of the Seattle Municipal Code, which section was last
2 amended by Ordinance 124843, is amended as follows:

3 **25.05.800 Categorical exemptions**

4 The proposed actions contained in this Subchapter IX are categorically exempt from
5 threshold determination and EIS requirements, subject to the rules and limitations on categorical
6 exemptions contained in Section 25.05.305.

7 A. Minor new construction ((--)); flexible thresholds

8 1. The exemptions in this subsection 25.05.800.A apply to all licenses required to
9 undertake the construction in question. To be exempt under this Section 25.05.800, the project
10 shall be equal to or smaller than the exempt level. For a specific proposal, the exempt level in
11 subsection 25.05.800.A.2 shall control. If the proposal is located in more than one city or county,
12 the lower of the agencies' adopted levels shall control, regardless of which agency is the lead
13 agency. The exemptions in this subsection 25.05.800.A apply except when the project:

- 14 a. Is undertaken wholly or partly on lands covered by water;
- 15 b. Requires a license governing discharges to water that is not exempt
16 under RCW 43.21C.0383;
- 17 c. Requires a license governing emissions to air that is not exempt under
18 RCW 43.21C.0381 or WAC 197-11-800 (7) or 197-11-800 (8); or
- 19 d. Requires a land use decision that is not exempt under subsection
20 25.05.800.F.

21 2. The following types of construction are exempt, except when undertaken
22 wholly or partly on lands covered by water or unless undertaken in environmentally critical areas
23 listed in subsection 25.05.908.A:

1 a. The construction or location of residential or mixed-use development
 2 containing no more than the number of dwelling units identified in Table A for 25.05.800;

Table A for 25.05.800			
Exemptions for ((Residential Uses)) residential uses			
Zone	Residential uses		
	Number of exempt dwelling units		
	Outside of urban centers and urban villages containing SAODs	((Within urban centers or urban villages containing SAODs))	Within urban centers or urban villages containing SAODs ((if growth targets have been exceeded))
SF, RSL	4	((4))	4
LR1	4	((200⁺))	20
LR2	6	((200⁺))	20
LR3	8	((200⁺))	20
NC1, NC2, NC3, C1, C2	4	((200⁺))	20
MR, HR, SM	20	((200⁺))	20
MPC-YT	NA	((30⁺))	20
Downtown zones	NA	((250⁺))	20
Industrial zones	4	((4))	4

Footnotes to Table A for 25.05.800
 NA = Not Applicable
 SAOD = Station Area Overlay District((-))
 Urban centers and urban villages are identified in the Seattle Comprehensive Plan
 ((-))
~~((⁺Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development, not exceeding the number of units shown, located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that residential growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800.A.1.i.))~~

3 b. The construction of a barn, loafing shed, farm equipment storage
 4 building, produce storage or packing structure, or similar agricultural structure, covering 10,000
 5 square feet or less, and to be used only by the property owner or his or her agent in the conduct
 6 of farming the property. This exemption does not apply to feed lots;

1 c. The construction of office, school, commercial, recreational, service, or
 2 storage buildings, containing no more than the gross floor area listed in Table B for 25.05.800
 3 below:

Table B for 25.05.800			
Exemptions for ((Non-Residential Uses)) <u>non-residential uses</u>			
Zone	Non-residential uses		
	Exempt area of use (square feet of gross floor area)		
	Outside of urban centers and urban villages containing SAODs	((Within urban centers or urban villages containing SAODs))	Within urban centers or urban villages containing SAODs ((if growth targets have been exceeded))
SF, RSL, LR1	4,000	((4,000))	4,000
LR2, LR3	4,000	((12,000⁺ or 30,000))	12,000
MR, HR, NC1, NC2, NC3	4,000	((12,000⁺ or 30,000))	12,000
C1, C2, SM zones	12,000	((12,000⁺ or 30,000))	12,000
Industrial zones	12,000	((12,000))	12,000
MPC-YT	NA	((12,000))	12,000
Downtown zones	NA	((12,000⁺ or 30,000))	12,000

Footnotes to Table B for 25.05.800((:))
 NA = Not Applicable
 SAOD = Station Area Overlay District((:))
 Urban centers and urban villages are identified in the Seattle Comprehensive Plan ((:))
 ((⁺~~New non-residential development that is not part of a mixed-use development and that does not exceed 12,000 square feet is categorically exempt from SEPA. Pursuant to RCW 43.21C.229, new non-residential development that does not exceed 30,000 square feet and that is part of a mixed-use development located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800.A.1.i.)~~))

4 d. The construction of a parking lot designed for 40 or fewer automobiles,
 5 as well as the addition of spaces to existing lots up to a total of 40 spaces;

1 e. Any fill or excavation of 500 cubic yards or less throughout the total
2 lifetime of the fill or excavation; and any excavation, fill or grading necessary for an exempt
3 project in subsections 25.05.800.A.2.a, 25.05.800.A.2.b, 25.05.800.A.2.c, or 25.05.800.A.2.d
4 shall be exempt.

5 f. Mixed-use construction, including but not limited to projects combining
6 residential and commercial uses, is exempt if each use, if considered separately, is exempt under
7 the criteria of subsections 25.05.800.A.2.a through 25.05.800.A.2.d, unless the uses in
8 combination may have a probable significant adverse environmental impact in the judgment of
9 an agency with jurisdiction (see subsection 25.05.305.A.2.b);

10 g. In zones not specifically identified in this subsection 25.05.800.A, the
11 standards for the most similar zone addressed by this subsection 25.05.800.A apply.

12 h. For the purposes of this subsection 25.05.800.A, "mixed-use
13 development" means development having two or more principal uses, one of which is a
14 residential use comprising 50 percent or more of the gross floor area.

15 i. To implement the requirements of Table((s)) A for 25.05.800 and Table
16 B for 25.05.800, the Director shall establish exemption limits by rule for each urban center and
17 each urban village containing a SAOD to assure that proposed development that could cause
18 growth targets in Appendix A of the Comprehensive Plan's Urban Village Element to be
19 exceeded is subject to SEPA review. The exemption limits shall contain a "cushion" to assure
20 that development does not exceed growth targets without SEPA review, provided that the
21 cushion shall be at least 10 percent of the residential or employment growth targets established in
22 the Comprehensive Plan; and

