



SEATTLE CITY COUNCIL
CENTRAL STAFF

CB 121215 Council Land Use Processes

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LAND USE AND SUSTAINABILITY

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Purpose of the bill

Remove impediments to the Council considering land use legislation in a timely manner:

- SEPA appeals delaying review of legislation
- Director's Reports potentially limiting Council actions

SEPA

- The State Environmental Policy Act (SEPA) requires review of environmental impacts of government actions
- If there is the potential for significant adverse impacts, an Environmental Impact Statement (EIS) is required, otherwise a Determination of Nonsignificance (DNS) is published
- SEPA allows appeals of final environmental documents (DNS or Final EIS)
- SEPA provides the option for jurisdictions to use an administrative appeal process
- The City of Seattle has delegated SEPA administrative appeals to the Seattle Hearing Examiner since at least 1984
- CB 121215 would remove SEPA administrative appeals for adoption or amendment of development regulations and the Comprehensive Plan
- Administrative appeals would remain in place for development proposals, quasi-judicial actions, and other environmental review

SEPA – CB 121215

- CB 121215 would remove SEPA administrative appeals for adoption or amendment of development regulations and the Comprehensive Plan
- Administrative appeals would remain in place for development proposals, quasi-judicial actions, and other environmental review

SEPA Process for Legislative Actions – DNS - current

If lead agency determines that significant adverse environmental impacts are unlikely:

1. Lead agency publishes a DNS
2. **Public comment period (14 days)**
3. **Opportunity to appeal the DNS to the hearing examiner**
If appeal is filed Seattle Hearing Examiner determines whether to dismiss the appeal, affirm the lead agency's decision, or remand the decision and require an EIS
4. Council review - includes **public hearings and opportunities for members of the public to comment to the Council about their concerns regarding any environmental review**
5. Post-Council action – **opportunity to appeal** to either the Growth Management Hearings Board or the courts

SEPA Process for Legislative Actions – DNS – Proposed

If lead agency determines that significant adverse environmental impacts are unlikely:

1. Lead agency publishes a DNS
2. **Public comment period (14 days)**
3. Council review - includes **public hearings and opportunities for members of the public to comment to the Council about their concerns regarding any environmental review**
4. Post-Council action – **opportunity to appeal** to either the Growth Management Hearings Board or the courts

SEPA Process for Legislative Actions – EIS – Current

If lead agency determines that significant adverse environmental impacts are unlikely:

1. Lead agency publishes a DS
2. **Scoping opportunity to comment**
3. Draft EIS published
Public comment period (30 days)
4. Final EIS published
Public comment period (7 days)
5. **Opportunity to appeal the EIS to the hearing examiner**
If appeal is filed Seattle Hearing Examiner determines whether to dismiss the appeal, affirm the lead agency's decision, or remand the decision and require additional analysis
6. Council review - includes **public hearings and opportunities for members of the public to comment to the Council about their concerns regarding any environmental review**
7. Post-Council action – **opportunity to appeal** to either the Growth Management Hearings Board or the courts

SEPA Process for Legislative Actions – EIS – Proposed

If lead agency determines that significant adverse environmental impacts are possible:

1. Lead agency publishes a DS
2. **Scoping opportunity to comment**
3. Draft EIS published
Public comment period (30 days)
4. Final EIS published
Public comment period (7 days)
5. Council review - includes **public hearings and opportunities for members of the public to comment to the Council about their concerns regarding any environmental review**
6. Post-Council action – **opportunity to appeal** to either the Growth Management Hearings Board or the courts

SEPA Appeals to the Hearing Examiner 2016-2026

Result of Appeal	Average Time for Appeal (days)	Range (days)	Number of Appeals*
DNS was remanded and an EIS was required	190	190	1
DNS was reversed, and a new Determination was required	343	343	1
FEIS was affirmed in part and remanded in part	374	374	1
Appeal considered, and the lead agency's decision was affirmed	150	81 - 231	6
Appeal was dismissed	69	11 - 204	17
Appeal was withdrawn	52	5 - 98	2
All appeals	151		27

* Appeals of environmental decisions related to Council land use actions, other SEPA appeals not included. When multiple appeals of the same decision were consolidated, they are counted as one appeal.

Other Jurisdictions

With Administrative SEPA Appeals

- Snohomish County
- Pierce County
- Kent
- Spokane

Without Administrative SEPA Appeals

- King County
- Bellevue
- Everett
- Tacoma
- Vancouver

Director's Reports

- The Land Use Code requires Director's Reports for Council Land Use actions
- The Seattle Department of Construction and Inspections is responsible for preparing the Director's Report
- Prior to 2025, the Council did not request or receive Director's Reports for Council-generated legislation
- No State law requires Directors Reports, the City has chosen to require them
- In 2025, Council-generated legislation was overturned in part because a Director's Report was not prepared

Director's Reports – CB 12121

- CB 121215 would make Directors Reports for Council-generated legislation voluntary, and provide any Councilmember with the option of requesting a report
- Director's reports would continue to be required for Executive-generated legislation and any quasi-judicial actions

Questions?