



SEATTLE CITY COUNCIL

Land Use and Sustainability Committee

Agenda

Public Hearing

Wednesday, July 15, 2026

9:30 AM

Council Chamber, City Hall

600 4th Avenue

Seattle, WA 98104

Eddie Lin, Chair

Dan Strauss, Vice-Chair

Dionne Foster, Member

Joy Hollingsworth, Member

Alexis Mercedes Rinck, Member

Chair Info: 206-684-8802; Eddie.Lin@seattle.gov

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SEATTLE CITY COUNCIL
Land Use and Sustainability Committee
Agenda
July 15, 2026 - 9:30 AM
Public Hearing

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<https://seattle.gov/council/land-use-and-sustainability>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Members of the public may register for remote or in-person public comment to address the Council. Please register in advance in order to be recognized by the Chair. Details on how to register for the Public Comment period and the Public Hearing are listed below:

Remote Public Comment - Register online to speak during the Public Comment period or Public Hearing at the meeting at <https://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin one hour before the meeting start time, and registration will end at the conclusion of the Public Comment period and Public Hearing.

In-Person Public Comment - Register to speak on the public comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period and Public Hearing.

Please submit written comments no later than four business hours prior to the start of the meeting to ensure that they are distributed to Councilmembers prior to the meeting. Comments may be submitted at Council@seattle.gov or at Seattle City Hall, Attn: Council Public Comment, 600 4th Ave., Floor 2, Seattle, WA 98104. Business hours are considered 8 a.m. - 5 p.m. Comments received after that time will be distributed after the meeting to Councilmembers and included as part of the public record.

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

Members of the public may address items on the agenda and matters within the purview of the committee. Please register in advance to be recognized by the Chair.

D. Items of Business

1. Data Center Moratorium Public Hearing (Council Bill 121214 / Ordinance 127447)

Supporting Documents: [Ordinance 127447](#)
[Public Hearing Notice](#)

Public Hearing

2. Transitional Encampment Expansion Public Hearing (Council Bill 121195 / Ordinance 127436)

Supporting Documents: [Ordinance 127436](#)
[Public Hearing Notice](#)

Public Hearing

3. [CB 121215](#) **An ordinance relating to Council land use decisions; amending Sections 23.76.050, 23.76.062, and 25.05.680 of the Seattle Municipal Code to clarify processes for Council land use decisions.**

*Supporting
Documents:*

[Summary and Fiscal Note](#)
[Presentation \(6/3/26\)](#)
[Director's Report](#)
[Amendment 1](#)

Briefing, Discussion, and Possible Vote

Presenter: Lish Whitson, Director, Council Central Staff

E. Adjournment



Legislation Text

File #: Inf 2922, **Version:** 1

Data Center Moratorium Public Hearing (Council Bill 121214 / Ordinance 127447)



SEATTLE CITY COUNCIL

June 15, 2026

NOTICE OF A SEATTLE CITY COUNCIL PUBLIC HEARING ON COUNCIL BILL 121214

The Seattle City Council's Land Use and Sustainability Committee will hold a public hearing on Council Bill 121214 relating to data centers on July 15, 2026, at 9:30 AM. Council Bill 121214:

- Makes findings-of-fact related to the lack of current regulations in the Seattle Municipal Code for data centers and the potential impacts of those facilities, absent regulations, on the public health, safety, and welfare;
- Declares a public emergency;
- Defines "data center" as "a facility: (1) used primarily for the housing, operation, or co-location of computer and networking equipment and the handling, storing, managing, processing, and backing up of digital data; (2) having capacity in excess of 20 Megavolt-Amperes (MVA); and (3) generally requiring uninterruptible power supplies and associated infrastructure such as cooling systems, backup power systems, and battery storage;
- Establishes a moratorium on the filing, acceptance, processing, or approval of permit applications to establish or expand data centers, either as principal or accessory uses, or change of use to data centers, either as principal or accessory uses, in all zones in the city; and
- Approves a work plan to consider best practices for electricity and water usage, requesting Seattle City Light to transmit analysis and proposal by July 2026, and Seattle Public Utilities to transmit analysis and proposal by October 2026, and requesting Seattle Department of Construction and Inspections to determine appropriate zoning and development standards and transmit permanent land use regulations by January 2027. The work plan also includes a request for Office of Sustainability and Environment to develop a community benefits framework by February 2027.

Council Bill 121214 passed on an emergency basis on June 9, 2026, and is now effective. The moratorium in the legislation is effective for one year and may be renewed for one or more additional six-month periods. The Council is holding a public hearing pursuant to RCW 36.70A.390.

PUBLIC HEARING

The City Council's Land Use and Sustainability Committee will hold a public hearing to take comments on Council Bill 121214 on Wednesday, July 15, 2026, at 9:30 AM. The hearing will be held in:

City Council Chambers
2nd Floor, Seattle City Hall
600 Fourth Avenue, Seattle, WA

People who wish to participate in or attend the hearing may be offered the opportunity to do so remotely. If this is the case, the City Council will provide instructions on the meeting agenda on how to participate remotely. Please check the City Council agenda a few days prior to the meeting at <http://www.seattle.gov/council/committees>.

Print and communications access is provided on prior request. Seattle City Council Chambers is accessible. Directions to the City Council Chambers, and information about transit access and parking are available at <http://www.seattle.gov/council/meet-the-council/visiting-city-hall>.

WRITTEN COMMENTS

For those unable to attend the public hearing, written comments may be sent to:

Seattle City Hall
Attn: Council Public Comment
600 4th Ave., Floor 2
Seattle, WA 98104
Or by email to council@seattle.gov

Please submit written comments no later than four business hours prior to the start of the meeting to ensure that they are distributed to Councilmembers prior to the meeting.

Business hours are considered 8 a.m. – 5 p.m. Comments received after that time will be distributed after the meeting to Councilmembers and included as part of the public record.

INFORMATION AVAILABLE

The proposed legislation is available at [Legistar](https://legistar.com). Search for Council Bill 121214.

Questions regarding the legislation may be directed to HB Harper, Council Central Staff at 425-566-0645 or hb.harper@seattle.gov.



Legislation Text

File #: Inf 2923, **Version:** 1

Transitional Encampment Expansion Public Hearing (Council Bill 121195 / Ordinance 127436)



June 15, 2026

**PUBLIC HEARING ON INTERIM REGULATIONS TO EXPAND THE CAPACITY OF
TRANSITIONAL ENCAMPMENTS, ALSO KNOWN AS TINY HOUSE VILLAGES**

The Seattle City Council's Land Use and Sustainability Committee will hold a public hearing on Ordinance 127436 on Wednesday, July 15, 2026, at 9:30 a.m. Ordinance 127436:

- * Makes findings-of-fact related to the need for expanded shelter capacity;
- * Increases the number of allowed transitional encampment occupants from 100 to 150;
- * Allows one transitional encampment in the city to have 250 occupants;
- * Limits the types of shelter in encampments with more than 100 occupants to tiny houses or recreational vehicles; and
- * Approves a work plan to consider permanent regulations by Spring 2027.

Ordinance 127436 passed on May 28, 2026, and is now effective. The interim regulations in the legislation are effective for one year and may be renewed for one or more additional six-month periods. The Council is holding a public hearing pursuant to RCW 36.70A.390.

PUBLIC HEARING

The Land Use and Sustainability Committee will hold a public hearing to take comments on the interim regulations adopted in Ordinance 127436 on Wednesday July 15, 2026, at 9:30 a.m. The hearing will be held in the:

City Council Chambers
2nd Floor, Seattle City Hall
600 Fourth Avenue, Seattle, WA 98104

Comments are accepted in person or remotely. Please review the published City Council agenda a few days prior to the meeting for instructions on how to register and provide comments. Link is here: <http://www.seattle.gov/council/committees>.

Print and communications access is provided on prior request. Seattle City Council Chambers is accessible. Directions to the City Council Chambers, and information about transit access and parking are available at <http://www.seattle.gov/council/meet-the-council/visiting-city-hall>.

Written Comments

For those unable to attend the public hearing, written comments may be sent to:

Councilmember Eddie Lin
Attn: Thaddaeus Gregory
600 Fourth Avenue, Floor 2
PO Box 34025
Seattle, WA 98124-4025
or by email to council@seattle.gov

Written comments should be received by Tuesday, July 14, 2026, at 5:00 p.m.

INFORMATION AVAILABLE

Copies of the legislation may be obtained from the City Clerk's legislation webpage: <https://seattle.legistar.com/Legislation.aspx>. Please reference Ordinance 127436.

Questions regarding the legislation may be directed to Ketil Freeman at the City Council Central Staff at (206) 295-3827 or via email at ketil.freeman@seattle.gov.



Legislation Text

File #: CB 121215, **Version:** 1

Screen Reader Users: Make sure settings include reading strikethrough and underline font attributes.

The City of Seattle

Ordinance

Council Bill

An ordinance relating to Council land use decisions; amending Sections 23.76.050, 23.76.062, and 25.05.680 of the Seattle Municipal Code to clarify processes for Council land use decisions.

Recitals:

In the past several years, Washington State has updated the State Environmental Policy Act (SEPA) to exempt from administrative appeals various types of local legislative actions.

Revised Code of Washington (RCW) 43.21C.075 allows local jurisdictions to decide whether to provide pre-decision administrative appeals of environmental determinations under SEPA.

The City of Seattle (City) has opted to use an administrative process to consider appeals of SEPA decisions, through the City's Hearing Examiner.

Many jurisdictions that have administrative appeals processes for SEPA decisions, including King County, Bellevue, Tacoma, and Everett, exempt SEPA procedural decisions for legislative actions from administrative appeals.

Washington State has adopted numerous statutes requiring timely updates to the City's land use regulations. The City has been in danger of missing deadlines to update its regulations due to additional time needed for administrative appeals of environmental documents.

The Seattle Hearing Examiner has dismissed administrative appeals of environmental documents on

statutory grounds that administrative appeals are not allowed for certain types of regulatory changes, but the consideration of whether an appeal is permitted can take months or more to process.

SEPA does not require jurisdictions to allow administrative appeals of SEPA Determinations of Non-Significance or Environmental Impact Statements.

The Land Use Code requires the development of director's reports for Type IV and V Council land use decisions but does not contemplate Council-sponsored land use decisions.

This bill makes director's reports optional for Council-sponsored land use legislation.

This bill also removes from the Land Use Code the pre-decision SEPA appeals for legislation adopting or amending the Comprehensive Plan or development regulations. Therefore,

Be it ordained by The City of Seattle as follows:

Section 1. Section 23.76.050 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

23.76.050 Reports for Type IV and V Council land use decisions

A. Reports on Council land use decisions

1. Except for Type V Council land use decisions that are proposed by the Director of the Office of Planning and Community Development or the Council, the Director shall prepare a written report on Type IV and V decisions and any associated Type II decisions listed in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f, and 23.76.006.C.2.g and SEPA decisions integrated with such Type II decisions as set forth in subsection 23.76.006.C.2.i.

2. For Type V Council land use decisions proposed by the Director of the Office of Planning and Community Development, the Director of the Office of Planning and Community Development shall prepare the report required under this Section 23.76.050. ~~((For purposes of this Section 23.76.050 the word "Director" refers to the Director of the Seattle Department of Construction and Inspections or the Director of the Office of Planning and Community Development that is responsible for preparation of the report required by this section.))~~

3. For Type V Council land use decisions proposed by the Council, any Councilmember may request that

the Director, or the Director of the Office of Planning and Community Development prepare a report under this Section 23.76.050.

B. The Director's report for Type IV and V Council land use decisions other than those listed in subsection 23.76.050.C shall include:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application or request;
2. Responses to written comments from the public;
3. An evaluation of the proposal based on the standards and criteria for the approval sought and consistency with applicable City policies;
4. All environmental documentation, including any checklist, EIS, or DNS; and
5. The Director's recommendation to approve, approve with conditions, or deny a proposal.

C. For adoption of the Comprehensive Plan, Comprehensive Plan amendments, Land Use Code amendments, area-wide amendments to the Official Land Use Map, and ((Planned Action Ordinances)) planned action ordinances, the Director's report shall include:

1. An evaluation of the proposal based on the standards and criteria for the approval sought and consistency with applicable City policies;
2. ((a)) A summary of the public notice and outreach efforts undertaken to evaluate the proposal;
3. All environmental documentation, including any checklist, EIS, or threshold determination; and
4. The Director's recommendation to approve or reject a proposal.

D. ~~((A DNS or the Director's determination that an EIS is adequate shall be subject to appeal pursuant to the procedures in subsection C of Section 23.76.022.~~

E.)) For Type IV ~~((Decisions))~~ decisions, the Director's report shall be submitted to the Hearing Examiner and filed with the City Clerk on the same date the notice of availability of the Director's report is given pursuant to Section 23.76.052. The Director's report shall be made available for public inspection at least 21 days prior to the Hearing Examiner's open record predecision public hearing described in Section 23.76.052.

F.)) G. For Type V Council land use decisions not proposed by the Council, the Director's report shall be submitted to the Council ~~((and shall be made available to the public))~~ at least 15 days before the Council hearing described in Section 23.76.062. When a Councilmember requests a Director's report under subsection 23.76.050.A.3, the

Director should attempt to provide the report to the Council at least 15 days before the Council hearing described in Section 23.76.062. All Director's reports shall be made available to the public upon submission to the Council. The Council may act on a Type V land use decision even if the Council-requested Director's report is untimely or not provided to Council and the public.

Section 2. Section 23.76.062 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.062 Type V Council land use decisions

* * *

D. Council ~~((Decision))~~ decision. In making a Type V Council land use decision, the Council shall consider the oral and written testimony presented at the public hearing, as well as any required report of the Director. ~~((The City Council shall not act on any Type V Council land use decision until the end of the appeal period for any applicable determination of nonsignificance (DNS) or final EIS or, if an appeal is filed, until the Hearing Examiner issues a decision affirming the Director's DNS or EIS decision.))~~

Section 3. Section 25.05.680 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

25.05.680 Appeals

* * *

F. ~~((RCW 36.70A.070, 36.70A.600 and 43.21C.495 exempt certain Council land use actions from administrative or judicial appeals, except as provided in subsection 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.))~~ There is no administrative appeal to the Hearing Examiner of a SEPA threshold determination or the adequacy of an EIS associated with any proposed Comprehensive Plan or development regulation, whether new or amended.

This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council and signed in open session in authentication of its passage on .

President of the City Council
on .

Katie B. Wilson, Mayor

Attested on .

Scheereen Dedman, City Clerk

Seal

Summary and Fiscal Note

1. Legislation Summary

Department: Seattle City Council

Title: An ordinance relating to Council land use decisions; amending Sections 23.76.050, 23.76.062, and 25.05.680 of the Seattle Municipal Code to clarify processes for Council land use decisions.

Background: This bill amends the Land Use Code, Title 23 of the Seattle Municipal Code (SMC), and the City's State Environmental Policy Act Regulations (SMC Chapter 25.05) to streamline requirements for Type V legislation actions. Type V actions are land use approvals, such as land use code text amendments and area-wide rezones. The bill would 1) exempt Council-generated Type V land use decisions from the requirement that there be a Director's Report on the Council-generated legislation but would provide an option for Councilmembers to request a report; 2) remove redundant cross-references; and 3) exempt environmental threshold determinations and EISs associated with Comprehensive Plan amendments or development regulations from appeals to the Seattle Hearing Examiner.

Summary Attachments: None

2. Capital Improvement Program (CIP)

Does this legislation create, fund, or amend a CIP Project?

☐ Yes

☒ No

a. CIP Project Name:

b. Master Project ID:

c. Project Location:

d. Start Date:

e. End Date:

f. Total Project Cost Through 2030:

3. Summary of Financial Implications

Does this legislation have financial impacts to the City?

☒ Yes

☐ No

3d. Other Financial Impacts

a. Does this legislation create any other financial impacts for The City of Seattle, such as direct or indirect costs, one-time or ongoing, that aren't mentioned above? If yes, please explain these impacts.

SEPA appeals of legislative proposals are rare but can take significant time by staff in the Office of the City Attorney (OCA), the Seattle Department of Construction and Inspections (SDCI), the Office of Hearing Examiner (OHE), and the Office of Planning and Community Development (OPCD). Because these appeals are rare, and each requires a unique amount of time and effort, it is difficult to quantify the savings that would be achieved through this amendment. Additionally, savings would be seen across the departments listed above in terms of staff's ability to focus on other projects, rather than spending time defending their decisions.

b. If the legislation has costs that can be covered within the current budget, explain how. Does the department have extra resources in its budget to handle

these costs? Or does the department need to shift resources away from other work to handle these costs?

Not applicable

c. What financial costs or other impacts might happen if this legislation is not implemented?

The legislation would likely reduce the staff hours required for review and defense of legislation.

d. How might this legislation affect other City departments besides the one that proposed it?

As noted above, the proposed legislation would reduce the workload of staff in the OCA, SDCL, OHE, and OPCD. Staff would have more time to support other projects.

4. Other Impacts

a. Does this legislation require a public hearing?

☒ Yes

☒ No

b. Does this legislation require a notice to be published in The Daily Journal of Commerce and/or The Seattle Times?

☒ Yes

☒ No

c. Does this legislation affect a piece of property?

No

d. Race and Social Justice Initiative impacts:

1. How does this legislation affect vulnerable or historically disadvantaged communities? How did you come to this conclusion? Please consider both impacts within City government (like employees and internal programs) and in the broader community.

It has been alleged that appeals have been filed in order to slow Council consideration of legislation that was intended to support the development of affordable housing and housing affordable to a range of income levels. The bill

would align Seattle's regulations with State law that states that there are no appeals of regulations intended to support affordable housing.

2. Please attach any Racial Equity Toolkits or other racial equity analyses used to develop or assess this legislation.

None

3. What is the Language Access Plan for communicating with the public about this legislation?

SDCI provides translations of changes to the code on its website.

e. Climate change impacts:

1. Emissions: Will this legislation significantly increase or decrease carbon emissions? Attach any studies or materials that inform your answer.

No

2. Resiliency: Will this legislation make Seattle more or less able to adapt to climate change? If it reduces resiliency, explain what can be done to lessen the impact.

Not applicable

f. If this legislation creates a new program or expands an existing one, what are the long-term, measurable goals? How will this legislation help achieve those goals? What methods will be used to track progress?

Not applicable

g. Does this legislation create a non-utility CIP that involves shared funding with a non-City partner or organization?

No



SEATTLE CITY COUNCIL
CENTRAL STAFF

CB 121215 Council Land Use Processes

LISH WHITSON, DIRECTOR

LAND USE AND SUSTAINABILITY

JUNE 3, 2026

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?

Director's Report and Recommendation

SEPA Appeals Ordinance

Introduction and Proposal

This proposal, [Council Bill 121215](#), amends the Land Use Code and the City's State Environmental Policy Act Regulations (SMC Chapter 25.05) to streamline requirements for Type V legislative actions. Type V actions are land use approvals decided by the City Council for non-project proposals such as land use code text amendments and area-wide rezones.

The bill:

- 1) Exempts environmental threshold determinations and EISs for actions involving new or amended development regulations, or new or amended Comprehensive Plans, from appeals to the Seattle Hearing Examiner.
- 2) Exempts Council-generated Type V land use amendment proposals from requiring a Director's Report to be written for Council-generated legislation; but provides an option for Councilmembers to request a report be written.
- 3) Deletes unneeded cross-referencing code language.

The subject of this report is Council Bill 121215, which amends 23.76.050, 23.76.062, and 25.05.680 of the Seattle Municipal Code.

Background

Washington's State Environmental Policy Act (SEPA) defines how environmental review is required for development actions, and also for "non-project" proposals such as adopting regulatory updates. Since its inception in the early 1970s, SEPA's purpose has been to inform decision makers about the environmental impact consequences of proposed actions.

If required, a SEPA environmental review evaluating a proposed action is written and a responsible official then reaches a conclusion about whether significant adverse impacts from an action would be probable or not. The official then issues either a Determination of Significance (DS)¹ or Determination of Non-Significance (DNS) as a public notice. Typically, following a DNS notice is a 14-day public comment period; and in Seattle's case, a concurrent

¹ In the case of a DS, a full Environmental Impact Statement (EIS) must be scoped, then prepared and issued in Draft EIS and Final EIS form before an action can proceed to decision-making.

Director's Report

V3

21-day appeal period, with the possibility of an appeal being filed, which is reviewed by the Seattle Hearing Examiner. The Hearing Examiner process is described as an “administrative appeal process.”

SEPA environmental review for non-project actions in Seattle covers a wide range of environmental topics and is usually written by City staff. The SEPA checklist questions for non-project actions are asked in way that allows for relatively brief “programmatic level” responses about possible long-term adverse impacts. These are summarized below.

Would a proposed action:

- Adversely affect soils or steep slopes?
- Cause more air pollution, increase water pollution, stormwater discharges, or increase noise?
- Adversely affect plants, animals, or fish?
- Adversely affect environmentally sensitive areas, habitats, farmland, floodplains, or areas with historic or cultural resources?
- Deplete energy or natural resources?
- Increase demand on transportation systems, or public services and utilities?
- Cause adverse effects on land use patterns such as incompatible land uses?

In many cases, it is easy to conclude that a narrowly written regulatory code amendment may have no real potential to cause adverse environmental impacts. Many code changes are minor adjustments, only affecting a few situations and places, with little or no probability for causing adverse physical impacts.

But an analyst may also consider whether a more extensive analysis is needed for a broader proposal like a new land use plan or substantial changes to development standards. This can involve thinking in more depth about what overall adverse environmental impacts could occur due to future growth that is affected by the regulatory changes – ‘where, when, and how much?’ – and interpreting whether the overall long-term cumulative harmful impacts could be significant.

This illustrates that fulfilling a SEPA review is often a routine procedural step but sometimes can require more in-depth analysis to justify its conclusions.

Analysis

SEPA APPEALS

This legislative proposal retains the requirement for non-project actions to undergo SEPA environmental review in advance of a City Council decision-making process. Such analyses would continue to be written in advance of sending code amendments and Comprehensive Plan adoption legislation to the City Council, and the decision makers would receive the SEPA analyses for their consideration.

The proposal seeks to eliminate an upfront administrative appeal process (before legislative decision-making) in order to provide more efficient and predictable timeframes for City decision-making to occur for certain non-project actions. The administrative appeal step can add significant amounts of time and uncertainty into the legislative process for code amendments and Comprehensive Plan adoption. And yet it is not a productive step or conducive to supporting dialogue between the public and decision-makers during the legislative process.

Other appeal steps would continue to be available: Superior Court, or Growth Management Hearings Board (GMHB)

The King County Superior Court and GMHB currently are venues for possible appeals of the sufficiency of SEPA environmental documentation, and they would remain so if the proposal is adopted. The current proposal is to streamline the process by removing one of the two current layers of appeals, thereby improving legislative timeliness and predictability.

SEPA laws allow jurisdictions to have no administrative appeal process

State law allows for but does not require local jurisdictions to have an administrative appeal process for SEPA determinations, including for non-project proposals. See RCW 43.21.C.075 and WAC 197-11-680. Jurisdictions can decide if they would like to have this kind of appeal process, which is often performed by a Hearing Examiner.

Jurisdictions with and without administrative SEPA appeals are shown below.

With Administrative SEPA Appeals for non-project actions	Without Administrative SEPA Appeals for non-project actions
• Snohomish County • Pierce County • Kent • Spokane	• King County • Bellevue • Everett • Tacoma

	• Vancouver
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This means that providing an administrative appeal process is a choice made by a jurisdiction about a process for hearing public objections to proposed actions. By definition, having the administrative appeal process means that the jurisdiction is subject to two layers of appeals: one within the City, and one at subsequent judicial levels.

Administrative appeals of SEPA for non-project proposals are not effective or timely process steps

The administrative appeal process gives a chance for objectors to a proposal to be heard about their reasons for objecting. The grounds for objection could be many, but the most common reason for appeal is that the SEPA analysis and determination is insufficient or faulty, and/or procedural errors have been made. These are evaluated case-by-case according to the details of the situation.

It is reasonable to interpret whether the administrative appeal process has proven to be productive in terms of reversing inadequate SEPA determinations. Opinions may vary about whether the appeal process as a whole is worthwhile, but the appeals involving code amendments and non-project actions have a low record of success in reversing the City's determinations. The table below shows findings from non-project action appeals between 2016 and 2026. In only three of 28 cases (11%) did the administrative appeal process result in remands to the City to address deficiencies. In 19 of 28 cases (68%), the appeal was either dismissed or withdrawn before completing the process.

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

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Appeal was withdrawn	52	5 – 98	2
All appeals	151		28

* 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.

The appeal processes tend to take a long time to resolve.

- In 9 cases where the appeal was heard, it took approximately 5 to 12 months to resolve the appeal.
- In 19 cases where the appeal was dismissed or withdrawn, it took approximately two months to complete the process.

The SEPA environmental review should be just one part of the public dialogue about environmental values

Seattle's legislative process is always ongoing, and individual legislative proposals often attract vigorous participation and heightened public interest. Participants bring forward their questions, critiques, or endorsements of proposals, in ways that tend to focus on the most important public values at stake. For land use and development-related subjects, the discussions and decisions often revolve around interpreting the public's values about environmental protection, and how to manage growth and change.

Despite its relevance to environmental impact evaluation, placing SEPA determinations and appeals early in the process – before consideration of legislation by the Council – can constrict later dialogue about environmental values, by forcing opponents of a proposal to frame their objections within the legal context of SEPA. This tends to have a stifling or delaying effect on having meaningful public dialogue about environmental values. The primary focus of early environmental appeal processes becomes whether the City has provided certain impact analyses and phrased them in proper ways, and whether that analysis has sufficiently covered the bases. This is a legalistic approach.

Then, if a SEPA review is found to be sufficient after a Hearing Examiner appeal process, it may imply that environmental impacts have been resolved and are no longer a compelling topic to influence public decision-making during the legislative process.

SEPA documentation will still be provided, and more dialogue about environmental values and impacts is encouraged

Given that SEPA analyses will still be provided to decision makers for the legislative process, the interpretation of SEPA environmental impacts will still be available and can be the subject of public discussion and debate. At the same time, advocates for or against a legislative proposal will have the chance to freely express their thoughts about the full spectrum of environmental values and priorities as they wish.

This will encourage a dialogue that is not constricted by SEPA's legal and environmental impact methodologies. It will encourage an "all of the above" robust approach to legislative decision making where all opinions about environmental values and outcomes can be expressed. This will continue to include the ability to express opinions about a SEPA analysis' insufficiency.

To the extent that opposition remains about SEPA insufficiency, those objections could still be taken up at a later date by legal actions in the Superior Court or GMHB venues.

The legislative process benefit, as intended by this proposal, is to eliminate the administrative appeal step that can delay or prevent a proposal from reaching the City's decision-making process by up to a year in some cases. Rather than provide two opportunities for appeals, the proposal would instead rely on the other existing court and hearing board appeal opportunities in the post-decision period.

The City's SEPA analysis will still need to be thorough and can be challenged for sufficiency

The proposed approach moves away from forcing opponents at an early date to express their opposition on grounds of perceived inadequate City SEPA analysis. But this legislative proposal does not alter the standards by which adequacy of SEPA analysis is measured. This means the need for sufficiency of SEPA analysis remains important and challengeable, which encourages SEPA analysts to strive for providing adequate review and disclosure of potential environmental impacts.

An alternative perspective about the Hearing Examiner administrative appeal process

Because the administrative appeal process has been a longstanding feature of Seattle's system, many persons are likely to attach a high value to this process and will wish to continue it without change.

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These opinions may be grounded in terms of the purpose of SEPA to ensure that decision-makers are given sufficient information upfront about possible environmental impacts of an action. This could inform the decision-makers in their choice, to either support, reject, or approve with conditions a proposed action.

From this perspective, the administrative appeal process is a safeguard that, prior to legislative decisions, ensures that the environmental impact analyses are written to be reasonably thorough and accurate in representing their findings.

The administrative appeal gives objectors an impartial venue to present their reasoning as to why a SEPA environmental analysis is deficient or inaccurate. Some appellants may also perceive the appeal process as giving them leverage to delay a decision-making process, or to seek concessions or changes made to a proposed action.

CLARIFYING DIRECTOR'S REPORT REQUIREMENTS FOR PROPOSALS GENERATED BY THE COUNCIL

CB 121215 proposes to make Director's Reports for Council-generated legislation voluntary, and provide any Councilmember with the option of requesting a report.

- This reflects an opinion that some Council-generated legislation may be small and simple changes that do not necessarily need an accompanying report to explain them.
- Other Council-generated legislation may be complex enough to warrant explanation in a Director's Report, and such a report can be written whenever a Councilmember requests.

The proposal does not affect the requirements for Executive-generated legislation and any quasi-judicial actions.

The current Land Use Code requires Director's Reports for Council land use decisions, as well as other kinds of land use decisions. These are decisions typically originated by SDCI or in some cases the Office of Planning and Community Development (OPCD). The code also includes a description of the required contents of reports.

Prior to 2025, the Council did not request or receive Director's Reports for Council-generated legislation. No State law requires Directors Reports, but the City has chosen to require them in many cases, as a way of summarizing and interpreting the contents of legislative proposals.

In 2025, Council-generated legislation was overturned in part because a Director's Report was not prepared. This set of facts tends to support the provision of a Director's Report when it is warranted to better inform the public and decision-makers.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposal relates to a few goals and policies of the One Seattle Comprehensive Plan. These generally relate to achieving a good balance in defining regulatory standards and practices that will best support achieving the Comprehensive Plan's vision while limiting impacts to the community.

This includes support for affordable housing outcomes, equitable forms of development, and reducing regulatory barriers in order to support those outcomes.

LU G1 *Zoning and development standards encourage and shape growth and development to:*

- *Implement the vision contained in this Plan.*
- *Create housing that works for households of all types and income levels.*
- *Create spaces for the diverse needs of businesses and institutions.*
- *Encourage high-quality, well-designed, and sustainable buildings.*
- *Protect and enhance the natural environment.*
- *Mitigate the impacts of new construction.*

LU 1.5 *Seek to balance the benefits of regulating land use and development with the impacts to property owners and the cost of housing and non-residential space.*

LU 3.6 *Identify uses that support equitable development and take steps to remove regulatory barriers to and increase the feasibility of those uses in neighborhoods throughout Seattle.*

Public outreach

A City Council public hearing is required for the legislation, and the City Council has received significant amounts of public comments on the proposal both for and against the legislation. In particular, opponents are concerned that the legislation will preclude the identification and mitigation of environmental impacts of land use legislation. Proponents see greater value in removing a regulatory hurdle to adopting legislation that may have significant environmental benefits, in particular legislation that would allow more housing in the City's urban neighborhoods.

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Recommendation

The SDCI Director recommends the City Council adopt the proposed legislation to allow for more timely review of legislative land use regulations. The Director recommends that the City monitor the outcomes of the legislation, and if the result is an increase in the quantity of SEPA decisions that are appealed to the Courts, the Director would recommend considering restoring administrative appeals consistent with State Law.

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Amendment 1 Version #1 to CB 121215 LEG SEPA Appeals ORD

Sponsor: Councilmember Hollingsworth

Increase comment periods for SEPA documents that are not subject to appeal to the
Seattle Hearing Examiner

Effect: Council Bill (CB) 121215 would amend the City’s regulations implementing the State Environmental Policy Act (SEPA), to remove the opportunity to appeal some SEPA decisions to the Seattle Hearing Examiner. Under CB 121215, appeals would not be available for SEPA threshold determinations, such as Determinations of Nonsignificance (DNS), or Final Environmental Impact Statements (FEIS) for “any Comprehensive Plan or development regulation, whether new or amended.”

This amendment would amend the bill to allow for longer comment periods for Draft Environmental Impact Statements (DEIS) and Supplemental Environmental Impact Statements (SEIS) that are not subject to appeal, to ensure that members of the public have sufficient time to provide input prior to Council action on development regulations and Comprehensive Plan amendments. It also delays any final action on a proposal for 30 days after issuance of a DNS or FEIS.

For proposals exempt from Seattle Hearing Examiner appeals, the amendment would: 1) extend the comment period on a DEIS or Draft SEIS from 30 days to 45 days; 2) extend the time after which the Council could act on legislation from 7 days to 30 days after the publication of an FEIS or a Final SEIS; and, 3) extend the time after which the Council could act on legislation from 14 days to 30 days after publication of a DNS. Because the provisions of CB 121215 are targeted to legislative proposals that require City Council public hearings with a 30-day public hearing notice period, increasing the time after issuance of an FEIS, SEIS, or DNS up to 30 days should not delay Council action on most land use legislation.

The amendment would add five new sections to the bill to provide for these longer comment periods.

1. Amend the title of CB 121215 as follows:

An ordinance relating to Council land use decisions; amending Sections 23.76.050,

23.76.062, 25.05.070, 25.05.340, 25.05.455, 25.05.460. 25.05.502, and

25.05.680 of the Seattle Municipal Code to clarify processes for Council land use decisions.

2. Add new Sections 3, 4, 5, 6, and 7 to CB 121215 as follows, and renumber the subsequent sections:

Section 3. Section 25.05.070 of the Seattle Municipal Code, last amended by Ordinance 125964, is amended as follows:

25.05.070 Limitations on actions during SEPA process

* * *

B. In addition, certain DNS's require a 14-day period prior to agency action ~~((subsection 25.05.340.B))~~, and FEIS's require a seven day period prior to agency action ~~((subsection 25.05.460.E))~~. DNS's and FEIS's that are exempt from administrative appeal to the Seattle Hearing Examiner pursuant to subsection 25.05.680.F require a 30-day period prior to agency action.

* * *

Section 4. Section 25.05.340 of the Seattle Municipal Code, last amended by Ordinance 119096, is amended as follows:

* * *

B. When a DNS is issued for any of the proposals listed in subsection 25.05.340.B_1 ~~((of this section))~~, the requirements in this subsection shall be met. The requirements of this subsection do not apply to a DNS issued when the early review DNS process in Section 25.05.355 is used.

1. An agency shall not act upon a proposal for ~~((fourteen-))14(())~~ days after the date of issuance of a DNS if the proposal involves:

- a. Another agency with jurisdiction;
- b. Demolition of any structure or facility not exempted by ~~((Section))~~ subsection 25.05.800.B_6 (exempt construction other than historic) or Section 25.05.880 (Emergencies);

c. Issuance of clearing or grading permits not exempted in

Subchapter IX of these rules;

d. A DNS under ~~((Section))~~ subsection 25.05.350_B, ~~((Section))~~ subsection 25.05.350_C (mitigated DNS),₁ or ~~((Section))~~ subsection 25.05.360_D (withdrawn DS); or

e. A Growth Management Act (GMA) action, except that, when a DNS is exempt from administrative appeal to the Seattle Hearing Examiner pursuant to subsection 25.05.680.F, agencies shall not act on the underlying proposal for at least 30 days after issuance of the DNS.

2. The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the Department of Ecology, and affected tribes, the SEPA Public Information Center, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, and shall give notice under Section 25.05.510.

3. Any person, affected tribe, or agency may submit comments to the lead agency within 14 days of the date of issuance of the DNS.

4. The date of issue for the DNS is the date the DNS is sent to the Department of Ecology and agencies with jurisdiction and the SEPA Public Information Center and is made publicly available.

5. An agency with jurisdiction may assume lead agency status only within this 14-day period (Section 25.05.948).

6. The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines

that significant adverse impacts are likely, withdraw the DNS or supporting documents.

When a DNS is modified, the lead agency shall send the modified DNS to agencies with jurisdiction.

* * *

Section 5. Section 25.05.455 of the Seattle Municipal Code, last amended by Ordinance 114057, is amended as follows:

25.05.455 Issuance of DEIS

* * *

G.

1. Upon request, the lead agency may grant an extension of up to 15 days to the comment period. Agencies and the public must request any extension before the end of the comment period.

2. For an EIS that is exempt from administrative appeal to the Seattle Hearing Examiner pursuant to subsection 25.05.680.F, the lead agency shall extend the comment period for 15 days.

* * *

Section 6. Section 25.05.460 of the Seattle Municipal Code, last amended by Ordinance 114057, is amended as follows:

25.05.460 Issuance of FEIS

* * *

E. Agencies shall not act on a proposal for which an EIS has been required prior to seven days after issuance of the EIS, except that, for an EIS that is exempt from administrative appeal to the Seattle Hearing Examiner pursuant to subsection

25.05.680.F, agencies shall not act on the underlying proposal for at least 30 days after issuance of the EIS.

* * *

Section 7. Section 25.05.502 of the Seattle Municipal Code, last amended by Ordinance 119096, is amended as follows:

25.05.502 Inviting comment

* * *

E. DEIS

1. Agencies shall invite comments on and circulate DEIS's as required by Section 25.05.455.

2. The commenting period shall be ~~((30 days unless extended by the lead agency under))~~ as required by Section 25.05.455.

3. Agencies shall comment and respond as stated in this Subchapter V.

This meets the Act's formal consultation and comment requirement in RCW

43.21C.030(2)(d).

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