

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; revising environmental review thresholds and related provisions addressing transportation-related requirements, and archaeological and cultural resource preservation requirements; amending the title of Chapter 23.52, the title of Subchapter I of Chapter 23.52, and Sections 22.170.050, 22.170.070, 22.170.190, 23.52.004, and 25.05.800 of the Seattle Municipal Code.

..body

WHEREAS, the state of Washington in SB 5412 (2023) amended laws to encourage more housing and infill development in urban areas, enabling jurisdictions to adopt additional

efficiencies in relation to State Environmental Policy Act (SEPA) requirements; and

WHEREAS, the entirety of The City of Seattle is located within and designated as an Urban

Growth Area (UGA) and most development in Seattle is infill development; and

WHEREAS, in response to SB 5412, the City of Seattle's SEPA review provisions have been

temporarily suspended since 2023 for development that includes residential uses, which

has streamlined permitting, but that suspension ends on September 30, 2025; and

WHEREAS, past revisions of SEPA categorical exemption levels have been coordinated with

the adoption of updated Comprehensive Plans in The City of Seattle; and

WHEREAS, The City of Seattle is adopting an updated Comprehensive Plan that defines new

growth planning objectives, including citywide prescriptions for the amount of residential

and employment growth for the next 20 years; and

WHEREAS, an Environmental Impact Statement (EIS) has been completed for the

Comprehensive Plan update that considers the uses and proposed density proposed for

changes in SEPA categorical exemption levels, and The City of Seattle has fulfilled other

obligations indicated in RCW 43.21C.229; and

WHEREAS, environmental analysis, protection, and mitigation are adequately addressed for SEPA-exempted development through adopted comprehensive plans, subarea plans, and other applicable local, state and federal development regulations; and

WHEREAS, the combined proposal further standardizes and simplifies codes to ensure future development proposals will address transportation, preservation of archaeological and cultural resources, and other impacts without the need for SEPA review for most individual developments; and

WHEREAS, the proposal is consistent with other state SEPA-related requirements and limits indicated in WAC 197-11-800, and related provisions; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.170.050 of the Seattle Municipal Code, last amended by Ordinance 126357, is amended as follows:

22.170.050 Definitions

* * *

“U.S. Government Meander Line” means a fixed determinable line run by the United States government along the banks of all navigable bodies of water and other important rivers and lakes for the purpose of defining the sinuosities of the shore or bank and as a means of ascertaining the areas of fractional subdivisions of the public lands bordering thereon.

“U.S. Government Meander Line buffer” means all areas within 200 feet of a U.S. Government Meander Line, including but not limited to within the Shoreline District as mapped in the Shoreline Master Program.

"Watercourse" means the route, constructed or formed by humans or by natural processes, generally consisting of a channel with bed, banks or sides, in which surface waters

1 flow. Watercourse includes small lakes, bogs, streams, creeks, and intermittent artificial
2 components (including ditches and culverts) but does not include designated receiving waters.

3 Section 2. Section 22.170.070 of the Seattle Municipal Code, last amended by Ordinance
4 126357, is amended as follows:

5 **22.170.070 Application requirements for grading permits**

6 * * *

7 B. Plans and information required

8 * * *

9 2. Requirements for plans. The following information shall be submitted with
10 applications for grading permits requiring plans.

11 a. A general vicinity map and legal description of the site;

12 b. A site plan as required by the director of the department that will issue
13 the permit;

14 c. A grading plan showing:

15 1) An estimate of the total combined volume of excavation, filling,
16 and other movement of earth material;

17 2) A topographic plan, including cross-sections of the site and
18 adjacent property, showing the existing and proposed contours of the land at not more than 2-
19 foot contour intervals, and the location and amount of all temporary stockpiles and excavations.
20 On steeper sites, the Director may authorize plans to show a contour interval greater than 2 feet
21 but in no case more than a 5-foot interval. The information relating to adjacent properties may be
22 approximated;

23 3) A bar scale and north arrow;

4) The limits of proposed land disturbance;

5) Existing and proposed retaining walls, rockeries, and all other features that create sudden grade changes. Proposed retaining walls and rockeries shall include top and bottom elevations at the ends, high points, and at least every 25 feet along the feature;

6) Location of existing and proposed buildings, structures, hard surface, and other improvements on the site;

7) The approximate location of all buildings, structures, hard surface, and other improvements on adjacent land;

8) The location of existing and proposed drainage control facilities, drainage discharge points, watercourses, drainage patterns, and areas of standing water;

9) Environmentally critical areas and associated setbacks and buffers;

10) Areas within the Shoreline District or a U.S. Government Meander Line buffer;

~~((10))~~ 11) Non-disturbance areas;

~~((11))~~ 12) The approximate location, type, and size of trees and other vegetation on the site;

~~((12))~~ 13) Designation of trees and vegetation to be removed, and the minimum distance between tree trunks and the nearest excavation and/or fill; and

~~((13))~~ 14) Areas where equipment traffic will be permitted and excluded;

d. A drainage control plan as set forth in Chapter 22.807.

* * *

C. Information (~~(Required.)~~) required

1. Information (~~(Required with Plans)~~) required with plans. The following information shall be submitted with grading plans at the time of application:

a. The disposal site for excavated materials to be removed from the site.

1) The disposal site shall be one of the following:

i. A site within the City of Seattle for which a grading permit application has been submitted;

ii. A site within the City of Seattle where a grading permit is not required for deposit of the material; or

iii. A site outside the City of Seattle.

2) The site for disposal of contaminated soils, if any, shall be consistent with all other applicable laws, regulations and ordinances, including without limitation those related to contaminated, toxic, or hazardous materials.

3) If the applicant is unable to specify the disposal site at the time of application, the applicant shall request a postponement of the identification of the disposal site. The request shall include a commitment that the applicant will specify a disposal site that complies with subsection 22.170.070.C.1.a prior to any excavation.

b. Where placement of a structural fill is proposed, a description of the composition of fill material and its structural qualities;

c. Where any portion of the grading will encroach on an adjacent property, proof of ownership of the adjacent property or an easement or authorization in accordance with Section 22.170.200;

d. The immediate and long-term intended use of the property;

e. Identification of past industrial or manufacturing uses or hazardous materials treatment, disposal, or storage that have occurred on the site;

f. Where a site is located in a potentially hazardous location, a copy of all applicable permit or approval applications, permits and approvals from the appropriate regulatory agencies; ~~((and))~~

g. When required by Section 22.807.020, a Construction Stormwater Control Plan~~((:))~~ ; and

h. A list of protective measures for potential archaeological and cultural resources that apply according to rules promulgated by the Director. The list shall also be included in contract documents.

2. Required after ~~((Initial Screening))~~ initial screening. The Director may require the following information after the initial screening of a grading permit application:

a. Sediment and pollution. A description of methods to be used to minimize sediment or other pollution from leaving the site during and after construction and to protect cleared areas and cut and fill slopes from erosion~~((:))~~ .

b. Schedule. A time schedule of operations, including, but not limited to, implementation of the applicable requirements of Sections 22.805.010 and 22.807.020, clearing, minimization of grading of unprotected soil surfaces, restoration of topsoil and vegetative cover, and construction of improvements~~((:))~~ .

c. Survey. A survey of boundaries and topography of the site and the grades of adjacent public rights-of-way prepared by a surveyor licensed by the State of Washington~~((:))~~ .

d. Geotechnical investigation~~((:))~~

1) When required. A geotechnical investigation may be required when an application for a grading permit is made for property located:

- i. In potentially hazardous locations;
- ii. In geologic hazard areas;
- iii. In areas where grading may result in instability of the site or adjoining property;

iv. In areas where soils may not be suitable for the use intended;

v. In areas where the Director determines pollutants are likely to be present; or

vi. In any area where the Director determines that the information that would be supplied by a geotechnical investigation is necessary for the review of the application.

2) Information required. The geotechnical investigation shall provide information needed to assess potential hazards associated with the site and to determine whether a grading permit should be issued. It shall comply with rules promulgated by the Director.

3) Preparation. The geotechnical investigation shall be prepared by a geotechnical engineer or other equally qualified person approved by the Director. The Director may require that the plans and specifications be stamped and signed by the geotechnical engineer to indicate that the grading and proposed structure comply with the conclusions and recommendations of the investigation.

1 e. Site ~~((Analysis))~~ analysis. For properties located in any of the areas
2 identified in subsection 22.170.070.C.2.d, an analysis and report of the following site factors,
3 prepared by a licensed civil engineer or other person approved by the Director:

4 1) The hydrology of the site and the drainage basin in which the
5 development is located; and

6 2) The effect of grading upon surrounding properties,
7 watercourses, and the drainage basin, including impacts on water quality and fish habitat when a
8 stream, lake, or other body of water is affected.

9 f. Additional information. The Director may require additional information
10 pertaining to the specific site and any other relevant information needed in order to assess
11 potential hazards associated with the site and to determine whether a grading permit should be
12 issued.

13 3. Fees. A fee for each grading permit and for other activities related to the
14 enforcement of this code shall be paid as set forth in the Fee Subtitle ~~((SMC Chapters 22.900A-
15 22.900G)))~~ .

16 Section 3. Section 22.170.190 of the Seattle Municipal Code, last amended by Ordinance
17 126357, is amended as follows:

18 **22.170.190 General requirements**

19 * * *

20 R. Land disturbing activity shall comply with provisions of applicable codes and rules
21 promulgated by the Director describing actions and practices to protect potential archaeological
22 and cultural resources during construction.

Section 4. The title of Chapter 23.52 of the Seattle Municipal Code, last amended by Ordinance 127228, is amended as follows:

**Chapter 23.52 TRANSPORTATION ((~~CONCURRENCY~~)) LEVEL OF SERVICE, AND
TRANSPORTATION IMPACT ((~~MITIGATION~~)) ANALYSIS FOR SEPA-EXEMPT
DEVELOPMENT**

Section 5. The title of Subchapter I of Chapter 23.52 of the Seattle Municipal Code, last amended by Ordinance 127228, is amended as follows:

Subchapter I Transportation ((~~Level of Service Project Review System~~)) Level of Service

Section 6. Section 23.52.004 of the Seattle Municipal Code, last amended by Ordinance 127228, is amended as follows:

23.52.004 ((~~Requirement to meet transportation~~)) Transportation ((~~level of service standards~~)) level of service

~~((A. Applicability of this Subchapter I. Development, except for light rail transit facilities, that meets the following thresholds must contribute to achieving the percentage reduction targets shown on Map A for 23.52.004, which includes options for reducing the single-occupancy vehicle (SOV) trips associated with the development:~~

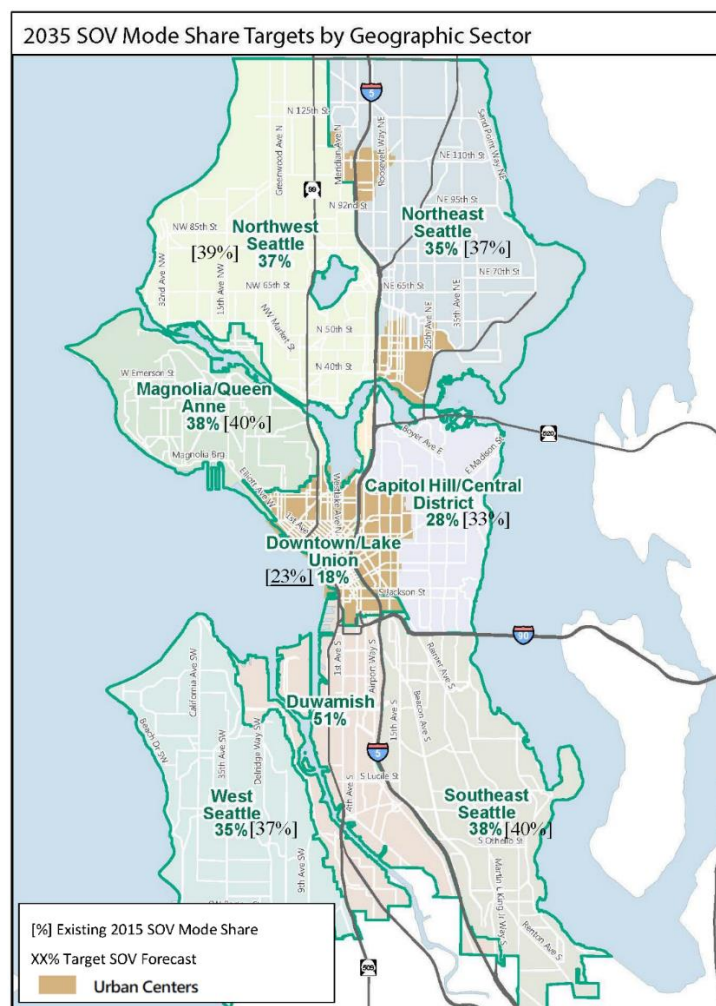
~~1. Proposed development in excess of any of the following: 30 dwelling units, 30 sleeping rooms, or 4,000 square feet of gross floor area in new nonresidential uses except for proposed development as provided in subsection 23.52.004.A.2;~~

~~2. Proposed development located in IG1 or IG2 zones and having more than 30,000 square feet of gross floor area in uses categorized as agricultural, high impact, manufacturing, storage, transportation facilities, or utility uses.))~~

A. The Comprehensive Plan establishes that one level-of-service measure is the percentage of trips that are made by single-occupancy vehicles (SOV), on a citywide and subarea basis. Map A for 23.52.004 establishes the SOV mode share targets by geographic sector.

B. To support achieving level-of-service objectives related to SOV mode share, this Chapter 23.52 specifies requirements that apply according to development size, site zoning, and type of permit review.

Map A for 23.52.004: 2035 SOV Mode Share Targets by Geographic Sector



~~((B. Requirements. Development above the thresholds in subsection 23.52.004.A shall contribute toward achieving the SOV reduction targets identified on Map A for 23.52.004, either~~

~~based on location of the development in an urban center, hub urban village, or within one-half mile's walking distance of a light rail station, or where these locational criteria are not met, by selecting and implementing at least one mitigation measure from a list of measures identified in a Joint Directors' Rule adopted by the Directors of the Department of Construction and Inspections and the Department of Transportation.))~~

Section 7. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinance 126843, is amended as follows:

25.05.800 Categorical exemptions

The proposed actions contained in this Section 25.05.800 are categorically exempt from threshold determination and environmental impact statement requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

A. Minor new construction; flexible thresholds

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

- a. Is undertaken wholly or partly on lands covered by water;
- b. Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;
- c. Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800(7) or 197-11-800(8); or

d. Requires a land use decision that is not exempt under subsection
25.05.800.F.

2. The following types of construction are exempt, except when undertaken
wholly or partly on lands covered by water:

a. The construction or location of residential or mixed-use development
~~((containing no more than the number of dwelling units identified in Table A for 25.05.800:))~~
citywide is categorically exempt from SEPA environmental review in all zones if:

1) The development is consistent with subsection 25.05.800.A.1;

2) Citywide residential growth has not exceeded the exemption
limits established pursuant to subsection 25.05.800.A.2.i in reference to an adopted
Comprehensive Plan. Or if the exemption limits established pursuant to subsection
25.05.800.A.2.i have been exceeded, a residential or mixed-use development's exemption from
review shall be subject to a categorical exemption threshold of 200 dwelling units; and

3) The development does not exceed permissible use, density, or
intensity limits established by the Land Use Code or other applicable codes of The City of
Seattle.

((Table A for 25.05.800 Exemptions for residential uses			
Zone	Number of exempt dwelling units		
	Outside urban centers and urban villages	Within urban centers and urban villages where growth estimates have not been exceeded	Within urban centers and urban villages where growth estimates have been exceeded
NR and RSL	4	4	4

((Table A for 25.05.800 Exemptions for residential uses			
Zone	Number of exempt dwelling units		
	Outside urban centers and urban villages	Within urban centers and urban villages where growth estimates have not been exceeded	Within urban centers and urban villages where growth estimates have been exceeded
LR1	4	200 [±]	20
LR2	6	200 [±]	20
LR3	8	200 [±]	20
NC1, NC2, NC3, C1, and C2	4	200 [±]	20
MR, HR, and Seattle Mixed zones	20	200 [±]	20
MPC-YT	NA	30 [±]	20
Downtown zones	NA	250 [±]	200
Industrial zones	4	4 [±]	4

Footnotes to Table A for 25.05.800

NA = not applicable

Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

[±] Pursuant to RCW 43.21C.229, new residential or the residential portion of new mixed-use development located in an urban center or in an urban village is categorically exempt from the State Environmental Policy Act, unless the Department has determined that residential growth within the urban center or village has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.))

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

c. The construction of office, school, commercial, recreational, service, manufacturing, or storage buildings, ((containing no more than the gross floor area listed in Table B for 25.05.800:)) citywide, is categorically exempt from SEPA environmental review in all zones if:

1) The development is consistent with subsection 25.05.800.A.1;

2) For stand-alone non-residential use development, not including non-residential uses located within a mixed-use structure, the gross floor area shall not exceed:

a) 30,000 gross square feet for retail commercial uses; and

b) 65,000 gross square feet for non-retail non-residential uses;

3) If citywide employment growth has not exceeded the exemption limits established pursuant to subsection 25.05.800.A.2.i in reference to an adopted Comprehensive Plan. Or, if the exemption limits established pursuant to subsection 25.05.800.A.2.i have been exceeded, a development's exemption from review shall be subject to a categorical exemption threshold of 30,000 gross square feet; and

4) If the development does not exceed permissible use, density, or intensity limits established by the Land Use Code or other applicable codes of The City of Seattle.

((Table B for 25.05.800 Exemptions for non-residential uses			
Zone	Exempt area of use (square feet of gross floor area)		
	Outside urban centers and hub urban villages	Within urban centers and hub urban villages where growth estimates have not been exceeded	Within urban centers and hub urban villages where growth estimates have been exceeded
NR, RSL, and LR1	4,000	4,000	4,000
LR2 and LR3	4,000	12,000 ¹ or 30,000 ²	12,000
MR, HR, NC1, NC2, and NC3	4,000	12,000 ¹ or 30,000 ²	12,000
C1, C2, and Seattle Mixed zones	12,000	12,000 ¹ or 30,000 ²	12,000
Industrial zones	12,000	12,000	12,000
MPC-YT	NA	12,000	12,000
Downtown zones	NA	30,000	30,000

Footnotes to Table B for 25.05.800

NA – not applicable

Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

¹ New non-residential development that is not part of a mixed-use development and that does not exceed 12,000 square feet in size is categorically exempt from the State Environmental Policy Act (SEPA).

² 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 a hub urban village is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center or village has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.))

1 d. The construction of a principal use parking lot designed for ~~((40))~~ 90 or
2 fewer automobiles, as well as the addition of spaces to existing lots up to a total of ~~((40))~~ 90
3 spaces;

4 e. Any fill or excavation of ~~((500))~~ 1,000 cubic yards or less throughout
5 the total lifetime of the fill or excavation; and any excavation, fill, or grading necessary for an
6 exempt project in subsections 25.05.800.A.2.a, 25.05.800.A.2.b, 25.05.800.A.2.c, or
7 25.05.800.A.2.d shall be exempt;

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

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

15 h. For the purposes of this subsection 25.05.800.A, "mixed-use
16 development" means development having two or more principal uses, ~~((one of which is))~~
17 combining a non-residential use with a residential use ~~((comprising 50 percent or more of the
18 gross floor area))~~ with at least one dwelling unit, not including caretaker units or live-work units;

19 i. To implement the requirements of ~~((Table A for 25.05.800 and Table B
20 for 25.05.800))~~ subsections 25.05.800.A.2.a and 25.05.800.A.2.c, the Director shall establish
21 implementation guidance by rule for how growth is measured against exemption limits and how
22 changes to thresholds will occur if exemption limits are reached. The residential exemption
23 limits shall consist of the residential growth ~~((estimates established in))~~ amount planned citywide

by the Comprehensive Plan ~~((for a given area,))~~ minus a "cushion" of ~~((ten))~~ one-half percent to ~~((assure))~~ ensure that development does not exceed the planned-for growth ~~((estimates))~~ without SEPA review. The non-residential exemption limits shall consist of the non-residential employment growth planned citywide by the Comprehensive Plan, minus a "cushion" of one percent to assure that non-residential development does not exceed the planned-for growth without SEPA review; and

j. The Director shall monitor residential and employment growth and periodically publish a determination of growth citywide for each regional and urban center ~~((and urban village))~~. Residential growth shall include, but need not be limited to, net new units that have been built and net new units in projects that have received a building permit but have not received a certificate of occupancy. Per implementation guidance established by rule, if the Director determines that exemption limits have been reached ~~((for an urban center or urban village))~~, subsequent development will be subject to the lower thresholds as set forth in ~~((Table A for 25.05.800 and Table B for 25.05.800))~~ subsections 25.05.800.A.2.a.2 and 25.05.800.A.2.c. 3.

B. Other minor new construction

1. The exemptions in this subsection 25.05.800.B apply to all licenses required to undertake the following types of proposals except when the project:

- a. Is undertaken wholly or partly on lands covered by water;
- b. Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;
- c. Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or subsection 25.05.800.H or subsection 25.05.800.I; or

d. Requires a land use decision that is not exempt under subsection

25.05.800.F.

* * *

6. Additions or modifications to or replacement of any building or facility exempted by subsections 25.05.800.A and 25.05.800.B when such addition, modification, or replacement will not change the character of the building or facility in a way that would remove it from an exempt class¹ ;

7. The demolition of any structure, ~~((or))~~ facility, or improvement, the construction of which would be exempted by subsections 25.05.800.A and 25.05.800.B, except for structures, ~~((or))~~ facilities, or improvements with recognized historical significance such as listing in a historic register¹ ;

* * *

¹ Footnote for subsections 25.05.800.B.6 and 25.05.800.B.7: Proposed actions that involve structures that exceed the following thresholds in Table A or B for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7 and that appear to meet criteria set forth in Chapter 25.12 for Landmark designation are subject to referral to the Department of Neighborhoods pursuant to Section 25.12.370:

**Table A for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7
Residential uses threshold for referral to Department of Neighborhoods (DON)**

Zone	Permit applications for additions, modifications, demolition, or replacement of structures with more than the following number of dwelling units are referred to DON for landmark review:
NR, RSL, LR1, NC1, NC2, NC3, C1, C2, and Industrial zones	4

**Table A for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7
Residential uses threshold for referral to Department of Neighborhoods (DON)**

Zone	Permit applications for additions, modifications, demolition, or replacement of structures with more than the following number of dwelling units are referred to DON for landmark review:
LR2	6
LR3	8
MR, HR, SM-SLU, SM-D, SM-NR, SM-U, SM-UP, SM-NG, and Downtown zones	20

**Table B for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7
Non-residential uses threshold for referral to Department of Neighborhoods (DON)**

Zone	Permit applications for additions, modifications, demolition, or replacement of structures with more than the following square footage amounts are referred to DON for landmark review:
C1, C2, SM-SLU, SM-D, SM-NR, SM-U, SM-UP, SM-NG, and Industrial zones	12,000
All other zones	4,000

* * *

Section 8. This ordinance shall take effect as provided by Seattle Municipal Code
Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2025,
and signed by me in open session in authentication of its passage this _____ day of
_____, 2025.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2025.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)