

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
Seattle Public Utilities	Angela Wallis	Akshay Iyengar

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; updating and clarifying requirements for solid waste storage, staging areas, and access for residential, commercial, and industrial development; adding new requirements for Neighborhood Residential and industrial zones; updating provisions for alternative arrangements to meet requirements; and amending Sections 23.49.025, 23.54.040, and 23.84A.036 of the Seattle Municipal Code.

Summary and Background of the Legislation:

The solid waste (garbage, recycling, and food & yard waste) storage and access requirements of the Land Use Code are critical to helping ensure appropriate on-site storage and safe and efficient solid waste collection services for new buildings. These requirements have not been significantly updated in 15 years, a period of considerable growth in multifamily and townhome housing. In addition, the 2023 passage of HB 1110, the state “Middle Housing” law, will increase housing density in Seattle with significant impacts to solid waste storage and collection systems. The outdated land use standards need fine-tuning and updates to serve new and planned residential density.

This proposed legislation would update the solid waste storage and access regulations in the Land Use Code, Section 23.54.040, entitled “Solid waste and recyclable materials storage and access.” The updated provisions for storage, staging, collection and access would apply to new development, including residential additions of two or more dwelling units, and non-residential use additions 5,000 square feet or greater or two or more live-work units.

Seattle Public Utilities (SPU), the Department of Construction and Inspections (SDCI), and Department of Transportation (SDOT) review permit applications according to these standards to ensure sufficient access and minimum space for on-site solid waste storage, as well as container staging at or near where solid waste collection occurs, including the public right-of-way.

Updates are proposed to:

- Clarify language and codify standards that address details such as minimum storage area dimensions.
- Codify standards that match actual solid waste collection requirements and industry safety standards, including clearance heights for collection trucks, staging and collection locations, and maximum slopes for placement and collection of dumpsters.

- Address solid waste storage, access, and collection in neighborhoods impacted by increased housing densities as required by the state Middle Housing bill and One Seattle Comprehensive Plan update; include industrial zones.
- Improve safety for pedestrians, collection contractors, residents, and building maintenance staff.

This proposal is consistent with goals and policies in the City's Comprehensive Plan, the state-required Solid Waste Plan, and existing waste diversion ordinances (see SMC Section 21.36.080).

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? ☐ Yes ☒ No

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

SPU does not anticipate financial impacts beyond a potential request for one TLE in SPU when permits return to pre-pandemic levels; the TLE would be funded with solid waste enterprise fund/rates. The legislation would clarify requirements for applicants by codifying existing practices and solid waste collection contract and safety requirements for solid waste storage, access, and collection for proposed structures. SPU currently provides subject-matter permit review of certain elements of SMC Section 23.54.040. The proposal would not affect SDCI total permit review volumes or create substantial new tasks or time obligations, changes in review operations, or have staffing implications.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

N/A

Please describe any financial costs or other impacts of *not* implementing the legislation.

The legislation would increase efficiency of solid waste collection routes resulting from fewer trips and will reduce long-term solid waste collection costs for the City and ratepayers. Permit review for dense developments also protects other critical City interests and priorities, including the City's and customer investments in street trees and protecting space for temporary bicycle parking. Those benefits would not accrue without this legislation. Additionally, failing to implement the legislation would result in solid waste carts overcrowding planting strips on

collection days, risking the health of street trees (from additional soil compaction from too many carts); blocking sidewalks for pedestrians, including those with disabilities; and result in customer complaint calls to the SPU Contact Center. The legislation will ensure efficient solid waste container planning for dense developments by relying on the least amount of space necessary for storage on private property, and for collection from the public right of way.

4. OTHER IMPLICATIONS

a. Please describe how this legislation may affect any departments besides the originating department.

The proposal addresses code requirements used by SDOT, SPU, and SDCI. These departments review development proposals for their compliance with requirements and their potential effects on the use of public streets, alleys, and planting strips, the way solid waste is stored and collected, including impacts to required street trees. These departments support the legislation. The resulting clear and specific code requirements would foster more efficient and accurate plan review, and effective, coordinated long-term use of the right-of-way.

b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.

No.

c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.

This legislation will support affordable solid waste rates for all customers by ensuring efficient solid waste and recycling storage and collection for residential development. While already the norm for new buildings, requiring co-location of compost, recycling, and garbage containers in new apartment buildings will contribute to reducing a long-time disparity and inequity in single-family and multifamily resident access to recycling and composting. Convenient access to recycling and composting that is co-located with garbage containers will increase food waste composting and recycling rates, and support Seattle's Zero Waste ordinance, the state-required Solid Waste Plan, and the City's climate mitigation goals.

Data from the 2022 American Communities Survey demonstrate Seattle 50.4% of all households of color in Seattle live in rented multifamily housing, compared to 37% of white households. Requiring compost, recycling, and garbage containers be located together in apartment buildings will increase access to recycling and composting for lower-income residents and residents of color.

In addition, the change to 2.5' x6' storage areas will ensure that dense middle housing developments have the proper space onsite to store containers, preventing them from blocking pathways required for wheelchair users and others with different mobilities.

ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.

None.

iii. What is the Language Access Plan for any communications to the public?

A plain language summary of the ordinance was shared with ethnic media outlets and linked to on SPU's Web site, as well as distributed to permit applicants, developers, and architects via SDCI's Building Connections newsletter.

SPU provides the following kinds of language-specific approaches in public information about solid waste storage and disposal:

- recycling instructions in 18 languages;
- video instructions in four languages;
- targeted capability for in-language door-to-door education about sorting materials; and
- community meetings in requested languages.

d. Climate Change Implications

i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.

This legislation will likely decrease carbon and methane emissions by increasing access to composting and recycling for multifamily housing residents. This promotes greater equity in access for more non-white households and residents with lower incomes who more often rent in multifamily housing. SPU's and national studies show that resident access to co-located recycling, food waste, and garbage containers directly increases the volume of recycling and food waste separated from garbage. Diverting more recyclables and food waste from the landfill reduces related methane emissions, one of the most dangerous greenhouse gasses. The processing of recyclables into new products significantly reduces carbon emissions from virgin material extraction, transport, and production. The land application of Seattle's composted food waste captures carbon from the atmosphere and reduces Seattle's contribution to the methane generated in the Columbia Ridge Landfill in Oregon by ensuring more multifamily food waste gets composted.

ii. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

Seattle's climate resiliency will likely increase because of this legislation. Seattle's garbage is sent by rail to Oregon. This legislation will enable Seattle to rely more on local composting and less on long-distance rail to manage waste. This resiliency

includes avoiding increased solid waste rates and system costs through the local management of food waste instead of sending valuable materials via rail to another state.

Increasing composting and recycling rates in lower income, more racially diverse apartment buildings can help remedy the cost burden held by these communities. Seattle multifamily buildings dispose of more material in the garbage than single-family customers (in part due to lack of access to containers) and garbage fees are much higher than compost and recycle fees. Increasing access to composting and recycling in new apartment buildings, including low-income buildings, can reduce garbage bills paid by management and thereby reduce the costs passed onto tenants in rent. Some developments may experience a modest increase in construction costs to comply with safety and storage requirements.

- e. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

The legislation does not include a major programmatic expansion. The primary measurable outcome of the proposed legislation is to encourage an increase in the multifamily recycling and composting rate that will help achieve the City's overall 70% waste diversion goal (multifamily residents create less waste on average per capita than single family residents, but the multifamily housing sector continues to grow in Seattle, with more than 50% of all residents living in multifamily housing today).

The solid waste development review standard is to begin reviews of plans for storage and access within an average of 10 days of receipt. Development review currently begins reviews within an average of just three days. It's possible that the average review start date may exceed three days from receipt when and if permit volumes increase. It is anticipated that the TLE position would allow solid waste development review to continue to provide rapid review for applicants and continue to meet the 10-day metric (solid waste is not an official review stop and does not delay permitting).

5. CHECKLIST

- ☒ **Is a public hearing required?**
- ☒ **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**
- ☐ **If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- ☐ **Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

6. ATTACHMENTS

Summary Attachments: None