Director's Report and Recommendation
Transportation Amendments for SEPA

Introduction and Proposal Summary

Senate Bill 5412 was enacted by the state legislature in 2023. It temporarily exempted development with housing in Seattle from environmental review under the State Environmental Policy Act (SEPA). This exemption is expiring on September 30, 2025. The Mayor's Housing Subcabinet has directed SDCI to make Seattle's permitting processes simpler and more efficient, to reduce the time and cost of permitting, especially for housing and for small and medium-sized businesses, retail, and commercial facilities.

The overall proposal: SDCI is proposing amendments to the land use code (Title 23), SEPA review thresholds (Title 25), and grading code (Title 22) to update the permit review process by significantly limiting the frequency of future SEPA reviews for new development. The transportation-related proposal in this bill updates code provisions addressing transportation management plans (TMPs), construction management plans (CMPs) and revisions to a non-SEPA-based transportation impact analysis requirement. See page 6 and 7 of this report for more description.

This legislation relates to the City's Comprehensive Plan update. The proposal supports the intended outcomes of the proposed Comprehensive Plan's adoption such as updated growth center designations. Also, the Comprehensive Plan's environmental impact analysis provides supporting documentation for the updates to the City's SEPA regulations. This approach is in line with, and fulfills, the requirements established in Senate Bill 5412.

The City's proposal is authorized by state law. A more efficient permit process will support faster housing production to better meet housing demand, while continuing to protect environmental quality. This will encourage new investments in housing and other development, which will in turn support new economic and job growth, and a wider variety of affordable housing options.

This legislation:

1. Includes higher categorical exemptions from SEPA review for residential, mixed-use and commercial development citywide. This will exempt most development from SEPA environmental review until citywide long-term growth objectives are met. These amendments are proposed within the bounds set by the state law in WAC 197-11-800 and RCW 43.21C.229.

2. Updates City codes to complement the SEPA thresholds, including consolidating and clarifying existing requirements for transportation management plans (TMPs), ensuring provision of construction management plans (CMPs) for certain-sized developments, and transportation impact studies for certain developments that will not be subject to SEPA review. Also, the proposal updates codes relating to archaeological and cultural resource protections for grading permits and development permits, and related City rules. This ensures that the City's codes will provide sufficient protections that avoid environmental impacts, and will amend codes to improve clarity.[1]

Background

SEPA environmental review and thresholds

Washington's State Environmental Policy Act (SEPA) mandates environmental review for development permits, if a development exceeds "categorical exemption" thresholds typically expressed as number of dwelling units and amounts of non-residential-use floor area in a development.[2] In recent years, the State has significantly raised the maximum allowable levels for these SEPA thresholds, and enacted a temporary suspension of SEPA review for residential development in Seattle. These signal an evolving perspective toward resetting these thresholds to better align with growth management objectives and to support more affordable housing production. It also emphasizes preferences to support dense centers-based growth patterns, transit-oriented development, and a broad variety of housing options.

One of the original purposes of SEPA environmental review in the early 1970s was to inform decision makers about the environmental impact implications of taking certain actions, including issuing permits for land development. At that time, many jurisdictions' codes lacked sufficient regulatory protections of environmental quality, and so SEPA review was a backstop that allowed for conditioning of development permits to avoid and minimize adverse impacts to defined elements of the environment.

The City's range of code requirements and environmentally protective policies are now more extensive and largely prevent or minimize the types of environmental impacts covered by SEPA. Developments meeting the City's codes already have limited potential to generate environmental impacts in most cases. In addition, since adoption of the state Growth Management Act (GMA), policy perspectives are evolving toward recognizing that cities growing per their Comprehensive Plan will achieve positive environmental outcomes by locating more housing and commercial development in urban places that are already well served by transit and other utilities.

[1] The proposal is contained in two bills, due to a need for SEPA environmental review for the development standard amendments that are not direct changes to the City's SEPA-related provisions. This Director's Report describes and evaluates the overall effects of both bills.

[2] Chapter 43.21C RCW, State Environmental Policy Act. Chapter 197-11 WAC, SEPA Rules.

SEPA's original backstop protections are now seldom invoked in development permit decisions in Seattle because code regulations effectively mitigate for development impacts.[3] It is thus ripe for change to narrow when it should be required. As proposed, the City will reduce the frequency of environmental review for future development while maintaining code-based environmental protections in ways consistent with state allowances. This will streamline permit processes to reduce the time and cost of permit-process delays in building new housing and other job-supporting economic development.

The proposed legislation makes use of state law and regulations that allow the City to set maximum thresholds for projects categorically exempt from SEPA review:

Pathways for SEPA Threshold Updates

1. "**Flexible thresholds for minor new construction**" from the Washington Administrative Code (***WAC) 197-11-800***, allows thresholds to be set up to the State's maximum limits (200 dwelling units, and 30,000 square feet for non-residential uses); and

2. **Infill development in growth areas:** from the Revised Code of Washington (***RCW) 43.21C.229***, allows setting higher thresholds to encourage infill development in urban growth areas and thereby help realize the goals and policies of comprehensive plans. There is no limit on the size of the infill SEPA thresholds for residential and mixed-use development, and stand-alone commercial development can be exempted up to 65,000 square feet in size for most non-residential use development, or 30,000 square feet for retail uses.

Relationship to Seattle's past 2035 Comprehensive Plan

Seattle's SEPA thresholds were set higher in the areas identified for growth (for example, urban centers, and light rail station areas) and at lower levels in lower-density neighborhoods outside those growth areas. Using the infill development thresholds described above, the SEPA thresholds have been 250 dwelling units in Downtown and 200 dwelling units in other Urban Centers and Urban Villages. This supported transit-oriented development in these centers, where there is excellent bus and light rail service nearby. However, when growth targets were met in each area, these SEPA thresholds had to be reduced to lower levels.

Outside of the growth areas, the residential SEPA thresholds have long been set at 4 to 8 dwelling units in most residential and commercial zones, and 20 dwelling units for Seattle Mixed, Midrise and Highrise zones—although, since 2023, the effect of Senate Bill 5412 has suspended these thresholds. These low development-size levels for the previous SEPA thresholds reflect past public policy assumptions that even small amounts of change in Seattle's

[3] This legislation includes targeted code amendments to enhance the coverage of code-based mitigation for topics like construction impact management and cultural resource protection.

urban context should be reviewed for adverse environmental impacts. Similarly, SEPA review thresholds for non-residential use development outside growth centers have ranged from 4,000 to 12,000 square feet in size, a size comparable to the floor area of one to three storefront businesses. In contrast, the state WAC's maximum allowable SEPA threshold for non-residential uses is 30,000 square feet.

Relationship to the One Seattle Comprehensive Plan

The proposal also relates to the proposed comprehensive plan update entitled the "One Seattle Comprehensive Plan." This plan will update growth area designations in a number of ways, will establish new growth estimates for regional centers (formerly known as urban centers, and adding Ballard), and update designations for urban centers (formerly known as urban villages). This includes a range of updates that will guide future growth and define land use, affordable housing, transportation, public services, and utilities policies.

The proposed SEPA legislation will provide substantial relief from SEPA reviews for future residential, mixed-use, and non-residential development, and responds to the State's recent increasingly flexible policies.

The SEPA legislation defines new exemptions from SEPA review on a citywide basis. The entirety of Seattle is located within an Urban Growth Area (UGA). Future growth in Seattle will support the Comprehensive Plan's intents for centers-based growth patterns, transit-oriented development, and increasing housing supply and affordability. Eliminating SEPA review for most new residential development projects and many new non-residential developments will support accomplishment of these objectives.

This will maximize the streamlining and time-saving benefits for permit processing of new housing and new commercial development over the long-term, citywide. The range of current protections in Seattle's regulatory codes will continue to ensure that new development avoids creating significant environmental impacts. In its current form, the City's SEPA reviews rarely result in SEPA-based mitigation anyway, meaning this permit review step is not adding value, and can be eliminated because it is not productive.

Seattle's Office of Planning and Community Development (OPCD) completed a Final Environmental Impact Statement (FEIS) published in January 2025. This FEIS includes a full programmatic impact analysis of the planned-for growth over the next twenty years. This SEPA proposal relies on the Comprehensive Plan's FEIS findings as adequately studying and addressing the impacts of growth.

The Comprehensive Plan and its FEIS findings help fulfill the requirements in state law for the adoption of SEPA threshold changes under RCW 43.21C.229 and WAC 197-11-800. For example, under RCW 43.21C.229, the City must show that it has prepared an environmental impact

statement for its comprehensive plan, and that the future development addressed by the changed thresholds will be consistent with the comprehensive plan and associated land use regulations. And the City must show that it has prepared a multimodal transportation impact analysis that includes impacts on state transportation facilities and mitigation strategies; and that the jurisdiction has consulted with the state department of transportation (WSDOT). The City's FEIS process for the proposed comprehensive plan fulfills those requirements and similar requirements in WAC 197-11-800.

Proposal Description

The legislation would reduce the use of SEPA environmental review for new development because the City's code standards now already effectively address and prevent SEPA environmental impacts. Examples include City codes addressing environmentally critical areas (Chapter 25.09), shoreline master program (Chapter 23.60A), noise code, energy code, and transportation, utility, drainage control, and historic preservation codes. Policies such as in the One Seattle Plan, consistent land use regulations, and public investments in transportation systems and other infrastructure will also help promote environmental quality as the city grows.

The legislation updates SEPA thresholds citywide. This recognizes that the entirety of Seattle is defined as a UGA and thus is able to use the provisions of RCW 43.21C.229 to streamline SEPA review requirements to encourage infill development consistent with the Comprehensive Plan.

Increase SEPA thresholds citywide to exempt most residential and mixed-use development from SEPA review, based on citywide growth targets

1. Reset the exemption from SEPA review for **all residential development and mixed-use development that includes residential use** to apply on a citywide basis. This exemption would apply until the City's citywide residential growth planning objectives are met.
2. Update the fallback threshold levels for SEPA review, to be used if the citywide growth planning estimates are met. The residential fallback SEPA threshold would be **200 dwelling units** citywide, which is the maximum allowed by WAC 197-11-800. The fallback thresholds would be activated if the city's growth achieves 120,000 dwelling units of new residential growth citywide within the next twenty years.

Increase SEPA thresholds citywide for non-residential development to the maximum extent, based on citywide growth targets

1. Update thresholds for stand-alone non-residential uses to be **30,000 square feet for retail uses** and **65,000 square feet for all other non-retail non-residential uses** citywide, using the "infill development in growth areas" pathway in RCW 43.21C.229. This exemption would apply until the City's citywide non-residential growth measures, as defined in the Comprehensive Plan, are met.

2. Update the fallback thresholds for SEPA review of non-residential uses to be 30,000 square feet citywide for non-residential uses, which is the maximum allowed by WAC 197-11-800.

Exceptional situations where SEPA is still required

Updates to SEPA thresholds initiated by a local government must be consistent with certain legal principles set by the state's SEPA laws. These include requiring a SEPA environmental review in the following situations:

1. If certain geographic location or physical characteristics are present, such as a site or proposal with streams or wetlands, for example.
2. If a development proposal would add more dwelling units or non-residential space to an existing use so that total size of the expanded use would pass a SEPA threshold for the first time, that development proposal must be reviewed under SEPA.

Update a non-SEPA transportation impact study requirement in the Land Use Code

The legislation would retain but adjust the requirement of a non-SEPA-based transportation impact analysis (TIA) for certain sized development projects that would be below SEPA thresholds. See Section 23.52.008 of the Land Use Code. This would allow for limited-scope evaluation for certain non-residential use developments in certain locations (not including regional centers or major transit service areas), where a new development might generate adverse transportation impacts. This would allow for transportation-related permit conditions, not based in SEPA laws, to mitigate impacts. This is a part of the City's regulatory toolbox to ensure that its codes provide appropriate coverage of transportation impact topics.

This TIA study requirement would apply only to non-residential, non-retail uses that are larger than 40,000 square feet up to the new proposed SEPA non-residential non-retail threshold of 65,000 square feet. And it would apply to mixed-use developments if they would have non-retail non-residential uses that exceed the proposed 65,000 square foot floor area threshold. This would not be required for new developments of this kind when located within regional centers or major transit service areas.

Continue to require transportation management plans (TMPs) and construction management plans (CMPs) for certain sized development

One of the City's other regulatory tools for transportation impacts is the current requirements for TMPs for certain sized developments, required in various zones. TMPs highlight the commuting options that are alternatives to single-occupant-vehicle (SOV) use. For larger developments, TMPs require surveying every two years and reporting of building occupants commuting patterns, to track the TMP's effectiveness. These TMPs are proven to contribute to transportation system operational efficiencies by encouraging more employees to use efficient transit options rather than exacerbate traffic congestion with single-occupant vehicle commuting on street networks.

The legislation maintains the Land Use Code's TMP requirements but simplifies the description of which size of development requires a TMP. The current code text in several sections explains the requirement in terms of certain amounts of peak hour traffic generated. However, this is difficult to understand unless a transportation study is done. The legislation simplifies this by explaining the TMP thresholds in terms of development size (floor area and dwelling unit count) for certain categories of non-residential and residential uses. The development size thresholds are equivalent to the existing peak hour single-occupant traffic volume thresholds. It also consolidates the TMP requirements into one new code section, for streamlining and clarity.

The proposal also adds a Land Use Code reference with CMP thresholds of 25 dwelling units and 25,000 square feet of non-residential floor area. This would ensure that CMPs, a common SEPA condition, are able to be required of these future developments (as part of a building permit), with SDOT the department responsible to coordinate construction activities to minimize transportation congestion and ensure pedestrians' safe passage.

Update code and regulatory protections for archaeological/cultural resources

The City has specific adopted City policies and practices (including but not limited to Director's Rule 2-98) that refer to state and federal laws; and also has related requirements for shoreline jurisdictions (see Section 23.60A.154) that provide adequate protection and procedures for archaeological and cultural resources. This includes describing what must be done if these resources are found during a development process.

The proposal includes an update to Director's Rule (DR 2-98), to increase its consistency with state law wording (see **Attachment B**). The City will continue to engage and notify tribes of this proposed action. This is a recommendation that also helps implement recommended mitigation strategies identified in the Comprehensive Plan Final EIS.

The legislation also includes amendments that would ensure additional locations are protected during future grading permit reviews, including those that are within 200 feet of current or former shoreline areas. Using an already-mapped "U.S. Government meander line buffer," applications and permits for grading actions within the mapped areas denoting former shoreline areas would need to include standard protective provisions. These cover what happens if historic or cultural resources are uncovered during future grading actions. This ensures these protections are provided for more geographical places than just the existing shoreline-designated areas addressed in current codes.

Document engagement with the Washington State Department of Transportation (WSDOT)

The City has discussed current practices and prospective updates to project noticing and review practices, for projects that could generate impacts to state-owned transportation facilities (see Attachment C). This will be addressed administratively by providing notice to WSDOT for relevant projects, to provide WSDOT a chance to review development proposals for their potential impacts to state transportation facilities. OPCD, as part of their work on the One

Seattle Comprehensive Plan, has engaged WSDOT. Affected state facilities include but are not limited to I-5, SR 99 (Aurora Avenue, Marginal Way), and Lake City Way.

Provide 60-day notice and opportunity to comment for the public, affected agencies and tribes

The City of Seattle fulfilled this requirement during the environmental impact statement process for the Comprehensive Plan update.

Analysis

The new approach is tied to the citywide growth planning objectives

The City's comprehensive planning policies, zoning approach, and development standards have changed considerably in the last ten years. Due to state mandates addressing affordable housing, transit-oriented development, and other policy interests, there is a planned increase in the density and diversity of uses allowed across all of the City's zones and geographic areas. This leads to an increased expectation that future development across the city will include larger uses and a greater variety of shapes and sizes of structures.

Given this, and an emphasis on streamlining permitting for new residential uses and other development, it is appropriate to define exemptions from SEPA review using a citywide measurement of growth rather than only limiting it to certain growth centers. This approach is allowed by RCW 43.21C.229 and is appropriate because the entire city is defined as an Urban Growth Area.

The legislation supports this approach. It would maximize the availability of SEPA categorical exemptions for sites throughout the city, in a way that considers the amount and pace of the city's overall growth. The threshold levels are set to exempt most future residential development from needing SEPA review at all, until the total planned citywide growth is reached. This would provide the maximum degree of permit streamlining benefit in support of future residential development.

Past SEPA threshold levels were defined only for certain growth centers, and those centers' growth targets. Most of these areas had to discontinue the higher SEPA thresholds after 8 to 10 years, due to meeting those growth targets. This provided only a limited-time incentive that was unevenly available across the city.

Exceptional situations will still require SEPA review

Going over the SEPA review threshold for the first time due to expansions of existing uses

Consistent with state law, SEPA review will be required for additions to existing buildings or uses, if the addition causes the use to exceed the SEPA threshold for the first time. However, such cases will be quite rare, because the SEPA review thresholds for non-residential uses will be set to the maximums allowed under state law. Most developments or building remodels would not trigger this kind of SEPA review trigger due to the elevated review thresholds.

Other circumstances where SEPA review would still be required

Certain situations could still be subject to SEPA review, including:

- Due to presence of historic-designated or historic-contributing buildings or sites, or other designated landmarks. City codes effectively protect existing landmarks, which limit the degree of change if a historic landmark structure or property would be modified. But a SEPA review would still be required in most cases;
- Changes-of-use in existing developed sites to a substantially more intensive use that could warrant SEPA review, per SDCI Director's Rule. These would catch situations where a much more intensive use could have spillover effects such as noise or odor on surrounding uses or people. Anticipated adjustments to this in a Director's Rule will make this SEPA review trigger more rare and better focused on land use changes that are large enough to warrant environmental review;
- The addition of certain large features such as a tank greater than 10,000 gallons in most zones; or development of a principal-use parking lot with more than 90 parking spaces. These will still exceed the State's defined maximum threshold levels and so must be reviewed under SEPA.

Effectiveness of added archaeological and cultural resource protections

Updates to archaeological and cultural resource protection would ensure that the City's guidance is current and consistent with state law and would address the areas where such resources are most likely to be present. The City's regulations and practices already protect today's shorelines and shoreline-designated areas, but the legislation would newly extend the same protections to certain "meander line buffer" areas where shorelines were present in prior centuries where indigenous populations were known to reside.

Effectiveness of the transportation-related changes

Code-based non-SEPA transportation impact analyses

The legislation adjusts the minimum size of development needing this kind of study, to address non-retail non-residential uses larger than 40,000 square feet in floor area, if they occur outside of regional centers and major transit service areas. This reflects an intentional right-sizing of this requirement to fit developments that might realistically generate adverse transportation system impacts needing mitigation. The intent is to maintain the City's ability to require mitigation when needed, even if SEPA review does not occur.

The updated Comprehensive Plan anticipates that much of the future growth will occur within the growth centers that can handle new development without generating substantial transportation system impacts. This relates to a transit-oriented development emphasis in growth centers where mass transit systems are most available. Therefore, there will not be a need for non-SEPA transportation impact studies for developments in regional centers or major transit service areas.

Maintain and update the Land Use Code's TMP and CMP approaches

The legislation would retain the code requirement of TMPs as transportation mitigation strategies, because they are effective tools to address larger developments' transportation impacts. These are already present in several zone-by-zone Land Use Code regulations. This will maintain the role and functioning of TMPs in development permitting as they are today, but consolidate, standardize, and clarify the TMP requirements in Chapter 23.52 to be more easily understood and usable.

Similarly, by codifying a threshold for CMP requirements, development projects that were often required by SEPA conditions to provide a CMP will continue to do so under the proposal. This would provide a degree more certainty for applicants to understand whether they will need to prepare a CMP and coordinate with SDOT regarding the logistics of their development proposal.

What are the differences in SEPA review volumes under the proposal?

Up until the interim suspension of SEPA review in 2023 for developments with residential uses, the City's SEPA thresholds had high residential thresholds (200 or 250 dwelling units) in growth centers, and low thresholds elsewhere. The non-residential SEPA thresholds also had a similar pattern.

The current legislation would maximize the SEPA thresholds in the City's codes. This would be consistent with the State's policies on SEPA review thresholds, including supporting streamlined permitting for new infill development in growth centers, and a defining a higher maximum SEPA review threshold for all places in Seattle. The overall outcomes would provide the permit process streamlining benefits of not requiring SEPA review for a range of development types and sizes across the city and particularly in growth centers. **Figure 1** illustrates the number of development projects by size categories that occurred from 2016 - 2022, with separate illustrations for inside and outside growth centers.[4] It shows that the SEPA threshold increases would benefit almost every size category of residential development.

- In growth centers, many developments (about 380) were sized between 11 and 300 dwelling units from 2016 to 2022; with a lesser number reaching to 500 dwelling units or more.
- Outside of growth centers, the most common development sizes ranged up to about 10 dwelling units, but ranged up to around 200+ dwelling units in size from 2016 to 2022.

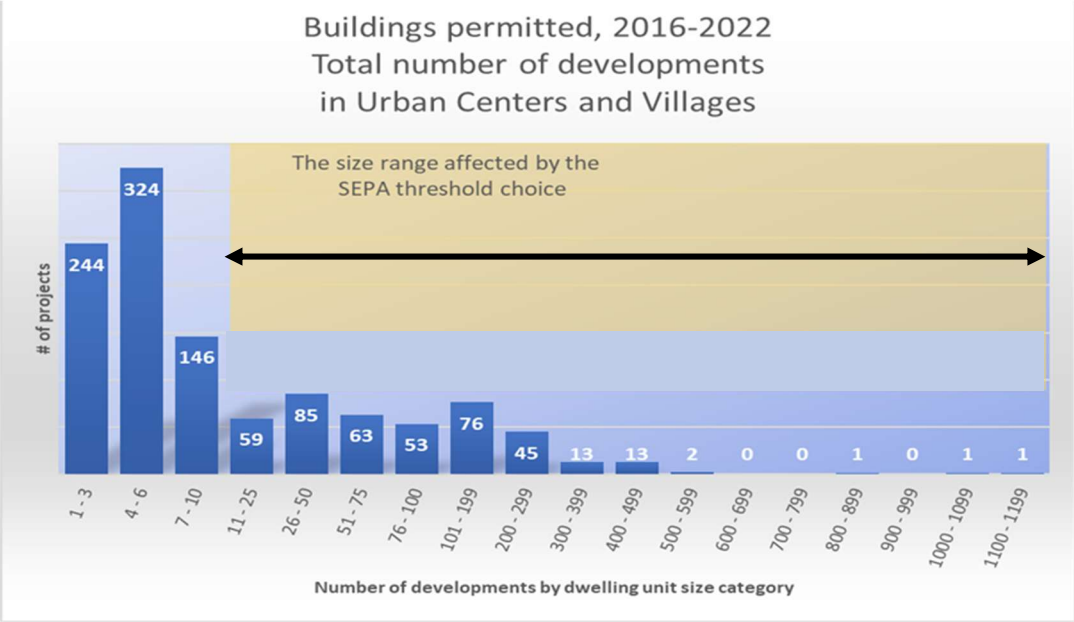
What are the effects of the proposal compared to past development trends?

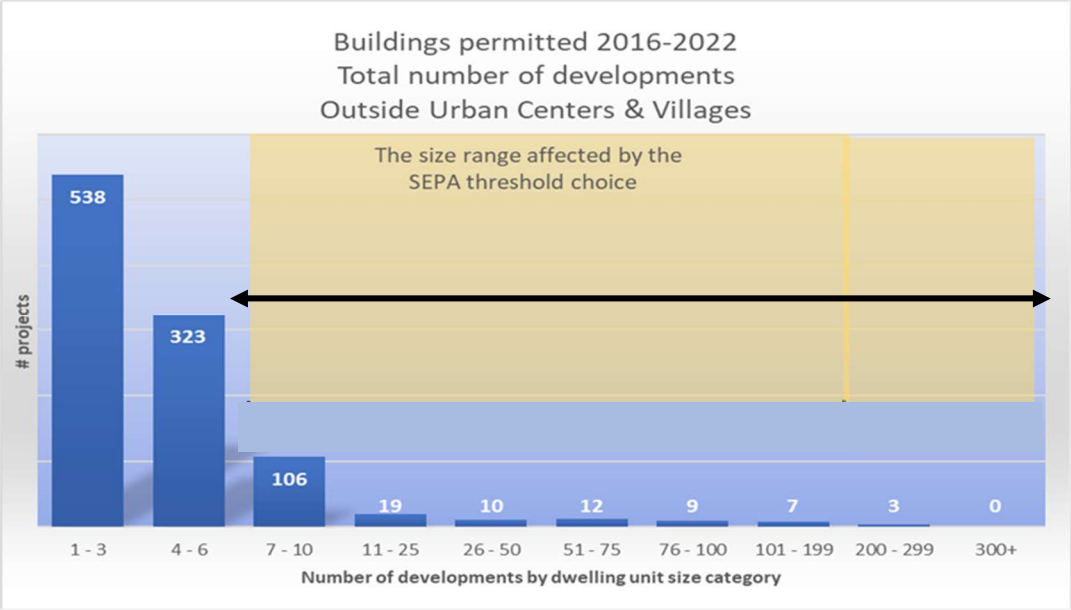
If the pace of development from 2016 - 2022 would continue in the future, Figure 1 illustrates how many future developments could benefit from the SEPA review exemption. This would be:

- Over 7 years: Approximately 560 developments newly exempted from SEPA review
- Annual rate: Approximately 80 developments per year newly exempted from SEPA review.

[4] For the current Comprehensive Plan, the growth centers consist of "Urban Centers" and "Urban Villages." In the proposed Comprehensive Plan, these areas are re-titled as "Regional Centers" and "Urban Centers" respectively.

Figure 1: Total number of developments Inside and Outside of Urban Centers and Villages





However, it should be noted that after 2022, the pace of development has slowed due to economic and financial factors. The number of SEPA reviews also slowed, due to the interim suspension of most SEPA reviews for residential development, beginning in Fall 2023. The pace of SEPA reviews in recent years has been approximately 35 developments per year. The data findings illustrate that the proposal would newly provide relief from SEPA review for a wide range of development types and sizes. Smaller size developments would not be subject to SEPA anyway, in most cases.

The proposal's effect would exempt nearly all residential development in Seattle for the foreseeable future. This is appropriate for all growth centers as well as all other parts of Seattle, and would support the preferred outcomes of the proposed One Seattle Comprehensive Plan and its emphasis on fully supporting the rapid development of new housing to increase supply and affordability.

Non-Residential Thresholds

Existing: Not including the current residential categorical exemption expiring on September 30, 2025 that applies to commercial uses in mixed-use development, the pre-2023 SEPA review thresholds for non-residential use vary by zones and presence in growth centers.

- In designated growth centers, the non-residential SEPA thresholds are set at 12,000 square feet in most zones, except 30,000 square feet in Downtown zones, and 4,000 square feet in Neighborhood Residential zones.
- Outside the designated growth centers, the thresholds are set mostly at 4,000 square feet, except 12,000 square feet in commercial and Seattle Mixed zones, Yesler Terrace, and Industrial zones.

These low thresholds for SEPA review reflect decades-old perceptions that new uses (even single storefront business uses) could generate substantial adverse environmental impacts on their surroundings.

Proposed: The proposed SEPA review threshold increase to 65,000 and 30,000 square feet of non-residential uses will maximize the use of the State's SEPA review limits. The available data suggest that SEPA review for most non-residential developments rarely results in SEPA-based mitigation measures for site-specific impacts, even at the largest-sizes of development. Rather, the mitigation conditions are mostly written as formulaic guidance for standard construction-period protections, sometimes based on existing City regulations. This means that discontinuing SEPA review is not likely to cause new substantial environmental impacts to occur in areas where non-residential developments are built.

The City would continue to protect environmental quality through permitting of new development that is consistent with the extensive body of City code requirements. The increased SEPA review thresholds would be of greatest benefit to new non-residential uses and business facilities, which would often be local-serving businesses and local job creators.

Limited value of SEPA review in protecting environmental quality

The main purpose of the City's SEPA reviews is to identify situations where a permit should be conditioned in order to avoid significant adverse environmental impacts. However, due to the effectiveness of the City's codes, fewer and fewer SEPA reviews are resulting in individualized SEPA-based conditions of approval in Seattle's land use permit decisions. This illustrates that

the current City codes mitigate the majority of impacts of new development on elements of the environment.

It is rare that any development, even in the range of 100-500 dwelling units in size, receives SEPA mitigation measures tied to unique environmental impact findings. Available data from the 2010s shows that only 16% (about 1 in 7) of SEPA reviewed residential developments led to SEPA-based mitigation conditions, among approximately 250 development decisions. For a smaller sample of non-residential developments, only about 30% of the projects had outcomes that included any SEPA-based mitigation for specific site impacts.

SEPA-based mitigation in development project permit decisions mostly related to details about transportation, noise, and construction-period grading, with examples being site-specific earth-grading controls, required adjustments to streets or vehicle access, TMPs, and in a few cases adjustments to building massing.

Sample data collected since 2005 illustrates the low rate of SEPA-based mitigation. For example, the rate of street improvements being required as SEPA mitigation in the sample data is less than 1% (4 cases in 443 developments), and the rate of on-site access-improvements related to transportation is about 2% (10 cases in 443 developments).

The lesser use of SEPA conditioning likely reflects the effectiveness of the development regulations and critical area protections, and the effectiveness of zoning and growth patterns that focus growth into transit-served centers. In such areas, the ability for individuals to choose a car-light or car-free lifestyle is best supported by the availability of bus and rail transit systems that now connect more centers and provide improved mobility for all.

Conclusion: SEPA reviews for nearly all developments are not adding value, and should not be required going forward due to the body or regulations that will still continue to apply to new development proposals (see **Attachment A**). Therefore, the proposal resets thresholds to exempt SEPA review except for certain exceptional cases.

Relationship to Comprehensive Plan Goals and Policies

The **Seattle 2035 Comprehensive Plan** has only a few goals and policies that indirectly relate to the purposes of this SEPA reform proposal. They address the intent to focus infill development in urban centers and urban villages, to support the regional growth strategy. These are places where more new growth can occur with the least overall potential for generating environmental impacts. The most relevant goals and policies are:

> ***Growth Strategy Goal GS G2****: Accommodate a majority of the city's expected household growth in urban centers and urban villages and a majority of employment growth in urban centers.*

Growth Strategy GS 2.1: *Plan for a variety of uses and the highest densities of both housing and employment in Seattle's urban centers, consistent with their role in the regional growth strategy.*

One Seattle Comprehensive Plan

In contrast, the Mayor's Preferred **One Seattle Comprehensive Plan** has a number of housing-related policies that, if adopted, support streamlined permit processes by removing regulatory barriers, expediting housing, and better supporting affordable housing. The proposed SEPA reforms would directly remove barriers, time risks, and costs from the development permitting process for a majority of future housing projects; and thus would help support the speed of new housing production, and its affordability in Seattle. This includes but is not limited to the following:

Housing Policy H1.1 *Implement strategies and programs that preserve, improve, and increase Seattle's housing supply to accommodate current and projected future housing needs, including units affordable to households in all categories of need.*

Housing Policy H1.2 *Implement strategies and programs to ensure a range of rental and ownership housing opportunities affordable for Seattle's workforce.*

Housing Goal HG 2 *Seattle's housing supply expands sufficiently to meet current and projected future needs for housing suitable and affordable for all economic and demographic groups.*

Housing Policy H2.1 *Expand capacity for housing development broadly to encourage market production that meets short- and long-term housing needs, reduces upward pressure on costs caused by scarcity, accommodates current and projected future growth, and accounts for past underproduction of housing.*

Housing Policy H2.3 *Promote the production of housing with lower market price points, including by removing regulatory barriers, to meet Seattle's projected 20-year affordable housing needs.*

Housing Policy H3.9 *Waive or modify development standards and requirements for construction of income-restricted affordable housing to reduce costs, delays, and uncertainty in the development process.*

Housing Policy H4.5 *Remove zoning and building code barriers that prevent the development of comparatively lower-cost forms of housing, particularly in residential neighborhoods with a history of racial exclusion.*

Other proposed goals and policies of the proposed One Seattle Comprehensive Plan support economic development efforts that proactively support retention and growth of businesses and employers. This includes by strategies that will be supportive of more efficient permitting and accommodation of small- and medium-sized businesses, citywide and at the neighborhood and center levels. The relevant goals and policies include but are not limited to the following:

Economic Development Policy ED1.9 Support the vibrancy of locally owned small businesses and their ability to remain in neighborhood and commercial districts where they exemplify and promote their community's identity, cultural richness, and character.

Economic Development Policy ED2.8 Identify and support innovative, small locally owned businesses that have the potential to form new industry clusters.

Economic Development Goal ED G3 Seattle's business climate encourages new investment and business retention to achieve high quality job creation, economic resilience, and opportunities to ensure cultural identity, diversity, and inclusion.

Economic Development Policy ED3.2 Support a stable and more competitive business climate through policies and planning that are implemented with transparent, predictable, and efficient regulations and approval processes.

Economic Development Policy ED3.9 Implement zoning and other tools to encourage business growth and development that uses and promotes sustainable technologies.

Economic Development Policy ED3.11 Assist businesses in identifying locations that suit their needs by tracking appropriate and available sites for business attraction or expansion.

Also, the relationship between transportation planning and the Comprehensive Plan's growth planning objectives are expressed in the following transportation goal:

Transportation Goal TG1 *Transportation decisions, strategies, and investments support the growth strategy for the City and the region and are coordinated with this Plan's land use goals.*

Recommendation

The Director of SDCI recommends that the City Council adopt the proposed legislation to update the SEPA environmental review thresholds to help facilitate investment in the City, particularly for critically needed housing supply; to make the permit process more efficient and less costly; and to promote good design through consistency with the City's requirements. The proposal is consistent with the Comprehensive Plan and with state laws and policies.

Attachment A

Relationship to City codes and policies

Introduction

The following Table for Attachment A describes how the City of Seattle's codes, rules and policies address environmental impacts that could occur in relation to future development projects as they pertain to this SEPA proposal.

This is provided to meet the requirement in RCW 43.21C.229(2)(c) that indicates: *The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws.*

It also fulfills a similar requirement in WAC 197-11-800(1)(c)(i).

Table for Attachment A: Summary of environmental protections provided in other codes/rules compared to SEPA

SEPA Authority by Element of the Environment (25.05.675)	How Addressed by Other Codes/Rules*
Air Quality	• Regional air quality oversight addresses policies and rules on air quality attainment status on a neighborhood or sub-area basis. Additional authority provided by Puget Sound Clean Air Agency (PSCAA), Environmental Protection Agency, Clean Air Act, and the state Department of Ecology. • The energy code minimum standards lead to new buildings that are increasingly energy efficient and promote zero fossil-fuel emissions. This minimizes new development's contributions to air pollutant emissions.
Construction Impacts - Air Quality	• Building code contains provisions for the removal of hazardous and combustible materials (Section 3303). • PSCAA rules and best practices apply to mitigate impacts from fugitive dust and other potentially hazardous demolition waste materials, such as lead. • PSCAA permit required for asbestos removal and includes survey and mitigation measures for dust control techniques and use of toxic air control technologies.
Construction Impacts – Noise	• Noise Code sets a limit of 7 PM on noisy work in most zones in or near residential areas (25.08.425), includes LR, MR, HR, NC, RC zones.

SEPA Authority by Element of the Environment (25.05.675)	How Addressed by Other Codes/Rules*
	• Noise Code includes daytime/nighttime noise level limits (25.08.410-425) • Major Public Project Construction Noise Variance (25.08.655)
Construction Impacts – Parking/Traffic/Streets/ Pedestrian Safety	• Street Use and Traffic Codes (Titles 15 & 11) contain authority to regulate: o Pedestrian safety measures, o Street and sidewalk closures, o Truck traffic timing and haul routes, and o Any planned use of the street for construction purposes (material, equipment storage). • Land Use Code (23.42.044) includes authority to manage construction-related parking.
Earth/Environmentally Critical Areas /Water Quality/ Drainage/ Plants and Animals	• Environmentally Critical Area Code includes mitigation for landslide hazards, steep slopes, unstable soils, wetlands, flood prone and fish/wildlife habitat areas (25.09). Consistent with RCW Ch. 36.70A and WAC Ch. 365-190 guidance (also ref: Wash. Dept. of Commerce 2018 Critical Areas Handbook). • Seattle's Building and Construction codes include provisions that regulate development in seismic hazard areas • In addition, the Stormwater, Grading & Drainage ordinances and Shoreline regulations (Chapter 23.60A) include environmental & water quality protections, to meet applicable state guidance that includes: the 2019 Stormwater Management Manual for Western Washington, and state Shoreline Master Program guidelines (WAC 173-26). Development over water is not categorically exempt, and SEPA will continue to apply to development in the Shoreline District.
Energy	• Energy Codes required by the City and the State mandate high levels of energy efficiency. • City Light utility system improvements, if any, are required to provide service to new development. This can include local improvements and at distances from sites if the needs warrant such improvements.

SEPA Authority by Element of the Environment (25.05.675)	How Addressed by Other Codes/Rules*
	• Various City policies, programs and rules address energy conservation and efficient building designs (LEED; Energy Star).
Environmental Health	• Federal, state and regional regulations are the primary means of mitigating risks associated with hazardous and toxic materials. • Regulations for telecommunications facilities in the Land Use Code also relate within this category.
Housing *SEPA authority is narrowly defined: "Compliance with legally valid City ordinance provisions relating to housing relocation, demolition and conversion shall constitute compliance with this [SEPA] housing policy." SMC 25.05.675.I.2.c.*	• Land Use, housing and building maintenance, and other codes include provisions to encourage housing preservation, especially for low-income persons; as well as tenant relocation assistance, and incentives for affordable housing. • Low-income housing preservation is a high-priority for City public projects and programs, per SEPA policy (25.05.675.I.1.b.4). • "Mandatory Housing Affordability" affordable housing impact mitigation programs for commercial and residential development (Chapters 23.58B and 23.58C) • Restrictions on demolition of housing (23.40.006)
Historic Preservation/ Archaeological Sites	• Landmarks Preservation Ordinance remains in place for landmark preservation (Chapter 25.12), as coordinated by DON (Historic Preservation program), and including the Landmarks Preservation Board and its reviews of landmark nominations. • SDCI Director's Rule 2-98: Clarification of State Environmental Policy Act (SEPA) Historic Preservation Policy for potential archaeologically significant sites and requirements for archaeological assessments. DR 2-98 is proposed for update to be consistent with state guidance. (see Attachment B of this Report). • Federal and state regulations address protection of cultural/archaeological resources (including RCW Chapters 27.34, 27.53, 27.44, and WAC Chapter 25.48).
Land Use/Height, Bulk & Scale/Shadows on Open Spaces	• Land Use Code development standards (minimums, maximums, and a variety of flexibility provisions) address the scale of development, location of building features,

SEPA Authority by Element of the Environment (25.05.675)	How Addressed by Other Codes/Rules*
	and other aspects related to compatibility, appropriate for each zone category • The Design Review process applies at various thresholds and provides a venue for addressing these topics (Chapter 23.41) for developments most likely to result in contrasts of land use, bulk, scale, and shadows. • Design Review criteria relate to the physical context, including nearby uses and context, as well as land use and development standards addressing height/bulk/scale
Light and Glare	• Land Use Code screening and landscaping, lighting directional/shielding standards provide mitigation. • Design Review can address this topic as well.
Noise (post-construction)	• Noise Control Code provides for daytime and nighttime noise limits, and authority to mitigate impacts related to exceeding noise level limits and specific noise generating activities.
Public Services and Facilities, Utilities	• Authority for requiring utility improvements is identified in rules, codes and policies and are applied during permitting reviews. These include construction codes including the Seattle Building Code, Seattle Electrical Code, Seattle Energy Code, and Seattle Fuel Gas Code (see 22.101.010); the Seattle Plumbing Code (Chapter 22.502), and the Stormwater Code (Chapter 22.800) and rules promulgated by the Seattle Department of Construction and Inspections, Seattle Public Utilities, and Seattle City light pursuant to those codes. This includes water, sewer, storm drain, solid waste, and electrical system improvements • Permit applications are referred to other departments for input, if facilities or services might be affected, such as police or fire protection. • Public service and utility impact analyses to address growth impacts are addressed through area planning initiatives in conjunction with supporting area-wide SEPA reviews, as is done for subarea rezones.
Public View Protection *Applies to public views from designated public viewpoints, parks, scenic routes and view corridors to features such as*	• Design Review can address individual development view impact consideration and mitigation. • View considerations, such as along specific streets, are commonly addressed during area planning and rezoning

SEPA Authority by Element of the Environment (25.05.675)	How Addressed by Other Codes/Rules*
mountains, skyline & water. Does not apply to views from private property.	efforts. Commonly used approaches include height limits and upper-level setbacks incorporated into new zoning.
Traffic and Transportation**	• Transportation Management Plan (TMP) requirements for new development • Non-SEPA based transportation impact analysis requirement for selected sizes and kinds of non-residential development (23.52.008) • The Comprehensive Plan's and related Seattle Transportation Plan's policies, programs and investment strategies are a holistic approach to managing overall growth, transportation system capacity, transit options, and transportation capital improvement investments. This focuses on managing and addressing transportation improvement needs on a subarea basis. • City's transportation and transit levies' programs support the holistic transportation and growth planning approach. • The City's mode share goals to reduce single-occupant vehicle (SOV) travel choices, and goals for other transportation modes – transit service, bicycling, and pedestrian – include interest in managing performance by geographic subareas (Chapter 23.52). Developments of a certain size are proposed to be subject to non-SEPA based impact studies, and TMP requirements, to support achievement of SOV-reduction mode share goals. • Street use permitting (15.04, 11.16) & Right of Way Improvements Manual include mitigation authority for: access point control, street/ intersection configuration, bike parking and signage.

*All citations are Seattle Municipal Code, unless indicated. RCW = Revised Code of Washington. WAC= Washington Administrative Code.

**State law removed "parking" as a SEPA element of the environment. Amendments to the City's Code in 2024 removed parking as a SEPA element of the environment. So, parking impacts are no longer addressed in SEPA review.

Attachment B

Draft Update to SDCI Director's Rule 2-98

ATTACHMENT B

DRAFT UPDATE TO SDCI DIRECTOR'S RULE 2-98 ADDRESSING ARCHAEOLOGICAL AND CULTURAL RESOURCES

Title:
"Clarification of State Environmental Policy Act (SEPA) Historic Preservation Policy and other code provisions for potential archaeologically significant sites and requirements for archaeological assessments."

PURPOSE

The purpose of this rule is to further elaborate on the SEPA Historic Preservation Policy 25.05.675.H.2.e for evaluation and mitigation on sites of potential archaeological significance; and to address how other related City provisions apply when SEPA review is not required. The intent of this rule is to clarify how the Historic Preservation Policy would apply to such sites and describes when and how an assessment of archaeological resources should be conducted.

BACKGROUND

The Seattle Ordinance which implements the State Environmental Policy Act (SEPA), Chapter 25.05, Seattle Municipal Code (SMC) authorizes the Department of Construction and Inspections (SDCI) to grant, condition or deny construction and use permit applications for public or private proposals which are subject to environmental review. This authority must be exercised based on adopted City policies, plans, rules or regulations set forth in Chapter 25.05, SMC.

Many of Seattle's existing and former shoreline areas (as well as other portions of Seattle) may be sites where resources of archaeological and cultural significance could be found, due to settlement patterns of Native Americans and early European settlements along Puget Sound. Archaeological sites, cultural sites, and their resources may be directly or indirectly threatened by development or redevelopment projects and the SEPA policy provides the opportunity for analysis of these sites. Areas where sites or resources of potential archaeological significance could be found include freshwater and saltwater confluences, areas with low bank saltwater access, terraces of rivers and creeks, river confluence areas, and historical sources of certain kinds of geological formations. Additionally, there is a possibility that new resources may be discovered during construction in areas not noted above.

Archaeologically and culturally significant resources, if previously unknown and discovered during a development process, can present challenges, because protection of their integrity may, in some cases, ~~eliminate or impact~~ affect the economic opportunities on the site. Additionally, it would be unreasonable to require archaeological assessments on all projects ~~located in areas with the characteristics described above~~ throughout Seattle. However, it is

possible to ~~provide some guidance~~ identify a range of places where archaeological and culturally significant resources are more probable to be present, by using historical information, literature and maps. Such records indicate known and potential settlements, and historical maps indicate the pre-urban shorelines. The U.S. Government Meander line provides an indication of where the saltwater shoreline existed prior to recent fill or alteration. It is likely that one would find most potential archaeologically and culturally significant resources located within 200 feet of this meander line.

RULE:

~~The Seattle Land Use Code does not define a potential archaeologically significant resource nor a professional archaeologist,~~The City of Seattle follows ~~so~~ the definitions ~~for those terms~~ relating to ~~potential~~ archaeological~~ly significant~~ resources, and professional archaeologist, in the Washington Administrative Code (WAC 25-48-020 (10), and WAC 25-48-020(4), respectively). ~~will be used.~~ These definitions are found at the end of this rule.

The SEPA language addressing archaeologically significant resources reads:

> *a. It is the City's policy to maintain and preserve significant historic sites and structures and to provide the opportunity for analysis of archaeological sites. (SMC 25.05.675.H.2.a.)*
>
> *…*
>
> *e. On sites with potential archaeological significance, the decisionmaker may require an assessment of the archaeological potential of the site. Subject to the criteria of the overview policy set forth in Section 23.05.665, mitigating measures that may be required to mitigate adverse impacts to an archaeological site include, but are not limited to:*
>
> 1. *Relocation of the project on the site:*
> 2. *Providing markers, plaques, or recognition of discovery;*
> 3. *Imposing a delay of as much as 90 days (or more than 90 days for extraordinary circumstances) to allow archaeological artifacts and information to be analyzed; and*
> 4. *Excavation and recovery of artifacts (SMC 25.05.675.H.2.e).*

In order to implement the intent of the above SEPA language, an assessment of the site's probable archaeological significance will be required for any proposal which includes excavation located within 200 feet of the US Government ~~Shoreline~~ Meander line or in other areas where information suggests the potential for archaeologically significant resources. The U.S. Government Meander line is mapped on the City's Geographic Information System (GIS). This kind of meander line is defined by the federal 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…[locations and areas]…of the public lands bordering thereon (WAC 332 30-106 (38)). When a project subject to environmental review is proposed in these locations, the following steps shall be taken pursuant to SMC 25.05.675.H.

During review of the Master Use Permit: For any projects located within 200 feet of the U.S. Government Meander line or in other areas where information, for example on previous development permits, suggests potential for archaeologically significant resources, SDCI shall determine the adequacy of the information provided in the SEPA checklist (Question B.13). This determination shall be based on sufficient references to support the conclusions and SDCI may ask for additional information when appropriate.

The following information, at a minimum, shall be provided in the SEPA checklist:

- Proposed level of excavation and its relationship to native soils and native soil sediments~~historical substrata~~.
- Results of research of relevant literature on the site and environs. Appropriate literature citations shall be provided using the attached bibliography and/or other appropriate resources as reference.
- A summary of any verbal or written correspondence with public officials or other persons with knowledge of relevant subjects, or other written or electronic documentation that may provide relevant information. This may include but is not required to include ~~Results of conversations or copies of written correspondence with~~ contacts with the Washington State ~~Archaeologist at the State Office~~ Department of Archaeology and Historic Preservation (DAHP) (address and phone at end of Director's Rule)~~. to determine whether the site is a known archaeologically significant site.~~

If the required research does not identify the probable presence on the site of archaeologically significant sites or resources, SECTION A of this Rule shall be followed. If the research suggests the probable presence of archaeologically significant resources, SECTION B of this Rule shall be followed.

SECTION A: If the research does not identify the probable presence of archaeologically significant resources:

A. The Director's decision shall summarize the results of the research. In this category of applications, the Department is likely to find that impacts to such resources are non-significant.
B. However, even ~~though~~ if research has not indicated the potential for archaeologically significant resources on the site, there still may be some potential for unknown resources to be discovered if the proposal site is located in an area characteristically similar to those where known resources do exist. Thus, in order to ensure that no adverse impact occur to an inadvertently discovered archaeologically significant

resource, the following conditions of permit approval shall be applied to the project to provide mitigation:

Prior to Issuance of Master Use Permits:

1. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.44, 27.53, ~~79.01, and 79.90 RCW,~~ and Chapter 25.48 WAC as applicable), and that construction crews will be required to comply with those regulations.

During Construction:

1. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
2. Stop work immediately and notify SDCI (Planner name and phone #) and the Washington State ~~Archaeologist~~ Historic Preservation Officer at the State ~~Office~~Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of this Director's Rule ~~2-98~~ for assessment and/or protection of potentially significant archaeological resources shall be followed.

3. Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.44, 27.53, ~~79.01 and 79.90 RCW,~~ and Chapter 25.48 WAC, as applicable, or their successors.

SECTION B: If the research suggests the probable presence of archaeologically significant resources on the site:

During Master Use Permit review, the planner shall review the results of the research to determine further action. If further assessment is needed, one or more of the following actions may be taken during review of the application or required as a condition of the permit approval. Additionally, the permit conditions in Section A shall be added to the Director's decision.

1. A site reconnaissance by a professional archaeologist may be required.
2. On-site testing, if recommended by a professional archaeologist may be required.
3. A mitigation plan prepared by a professional archaeologist may be required.
4. A condition may be added to the permit approval which would require that an archaeologist be on site to monitor the excavation.
5. A Determination of Significance may be made and an Environmental Impact Statement prepared.

The reasons for this interpretation of SEPA authority
SEPA states that the protection of the state's heritage resources are important to the retention of a living sense and appreciation of the past. Seattle's SEPA ordinance is a basis for local authority for evaluation and possible mitigation of the impacts of development proposals within the City limits. The reason for clarifying this section of the SEPA ordinance is to ensure that correct measures are taken to identify and analyze potential or known resources, and to make provisions to protect these resources pursuant to state and federal laws referenced in this rule. Additionally, clear procedures will alert developers to the possibility that discovery of potential archaeologically and culturally significant resources—including discovery of human remains—may impact their project schedules and costs.

Requiring research on projects sites within 200 feet of the U.S. Government Meander line and locations where information suggests the probability of potential archaeologically significant resources should ensure analysis of these significant resources where they are most likely to be present.

Development Standards in the Shoreline Master Program (23.60A.154) also address the shoreline area

In addition to the Rule guidance provided above, the following spells out the development standards applicable to evaluation of archaeological and historic resources for locations within the Shoreline District, which are contained in Section 23.60A.154 of the Shoreline Master Program, in their entirety. This includes for developments that are not subject to SEPA review.

23.60A.154 - Standards for archaeological and historic resources

A. Developments, shoreline modifications, and uses on any site having historic, cultural, scientific, or educational value, as defined by the Washington State Department of Archaeology and Historic Preservation and local tribes, shall reasonably avoid disruption of the historic, cultural, scientific, or educational resource.

B. Applications in areas documented by the Washington State Department of Archaeology and Historic Preservation to contain archaeological resources shall include a preliminary cultural resource evaluation or site inspection, and a written report prepared by a qualified professional archaeologist in compliance with Section 106 of the National Historic Preservation Act or State Executive Order 05-05, approved by the City, prior to the issuance of a permit. In addition, the archaeologist also shall provide copies of the draft report to affected tribes and the Washington State Department of Archaeology and Historic Preservation. After consultation with these tribes and agencies, the archaeologist shall provide a final report that includes any recommendations from affected tribes and the Washington State Department of Archaeology and Historic

Preservation on avoidance or mitigation of the proposed project's impacts. The Director shall condition project approval based on the final report from the archaeologist to avoid, minimize, and mitigate impacts to the site consistent with federal and state law.

C. If any archaeological resources are uncovered during the proposed work, work shall be stopped immediately, and the applicant shall notify the City, affected tribes, and the Washington State Department of Archaeology and Historic Preservation. The applicant shall submit a site inspection and evaluation report by a qualified professional archaeologist, approved by the City, that identifies all possible valuable archaeological data and makes recommendations on how to handle the data properly. When the report is prepared, the applicant shall notify affected tribes and the Washington State Department of Archaeology and Historic Preservation and provide them with copies of the report.

D. If identified historical or archaeological resources are present, site planning and access to such areas shall be designed and managed to give protection to the resource and surrounding environment, and any permit issued shall be revised.

E. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data, the project may be exempted from the requirement to obtain a shoreline substantial development permit. The City shall notify Ecology, the State Attorney General's Office, affected tribes and the State Department of Archaeology and Historic Preservation of the exemption in a timely manner.

Procedures for areas within the U.S. Government Meander Line buffer but outside shoreline district designated area

For any projects that are located within a U.S. Government Meander Line buffer (within 200 feet of this Meander Line), in places where this buffer is not located within a shoreline district designated area, the following provisions shall be included in plans as conditions of approval, and contract documents:

A. If a portion of a project site is located within this buffer, and if a SEPA review is not otherwise required for a permit, the City will require an application for a grading permit and/or demolition permit to include the following provisions:

1. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.44, 27.53, and Chapter 25.48 WAC as applicable), public lands (Chapter 79.01 RCW as applicable), and aquatic lands (Chapter 79.90 RCW as applicable) and that construction crews will be required to comply with those regulations.

During Construction:

2. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
3. Stop work immediately and notify SDCI (Planner name and phone #) and the Washington State Historic Preservation Officer at the State Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of this Director's Rule for assessment and/or protection of potentially significant archaeological resources shall be followed.

4. Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.44, 27.53, and Chapter 25.48 WAC, as applicable, public lands (Chapter 79.01 RCW as applicable), and aquatic lands (Chapter 79.90 RCW as applicable), or their successors.

CONTACT PERSON REFERENCES:
City of Seattle and Washington State Officials:
For information on Washington State Archaeological Resources: https://dahp.wa.gov/
Allyson Brooks, State Historic Preservation Officer,
Washington Department of Archaeology and Historic Preservation
Mailing Address:
P.O. Box 48343 Olympia, Washington 98504-8343
Phone: (360) 480-6922

For information on City of Seattle Historic Preservation:
www.seattle.gov/neighborhoods/historic-preservation
Sarah Sodt, City Historic Preservation Officer, City of Seattle Department of Neighborhoods, Historic Preservation Program
PO Box 94649, Seattle, WA, 98124-4649
Phone: (206) 684-0464.

WAC Definitions:
"Archaeological resource" means any material remains of human life or activities which are of archaeological interest, including ~~This shall include~~ all sites, objects, structures, artifacts, implements, and locations of prehistorical or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, includeing rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material." WAC 25-48-020 (10)

"Professional archaeologist" means a person who (a) Has designed and executed an archaeological study as evidenced by a thesis or dissertation, and has been awarded an advanced degree such as an M.A., M.S., or Ph.D. in archaeology, anthropology, history from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology from an accredited institution of higher education; and (b) hHas a minimum of one year of field experience with at least twenty-four weeks of field work under the supervision of a professional archaeologist, including no less than twelve weeks of survey or reconnaissance work, and at least eight weeks of supervised laboratory experience. Twenty weeks of field work in a supervisory capacity must be documentable with a report on the field work produced by the individual on the field work. WAC 25-48-020(4)

BIBLIOGRAPHY and REFERENCES:

The Washington State Historical Society maintains a web site (www. washingtonhistory.org) with links to other resources.

Seattle Area historical resources can be found at the following locations:

1. City of Seattle Municipal Archives: The most heavily used records are housed in the City Clerk's office, including the records of City Council, the Mayor, the Pike Place Market Urban Renewal, and the photography of the Engineering Department, Parks Department, Water Department, and Seattle City Light.
2. Additionally, under the terms of an interlocal agreement, a large body of City records are is housed at the Puget Sound Branch of the Washington State Archives.
3. Prior to creation of the Municipal Archives, some City records were collected and are still maintained by the University of Washington Archives and Manuscripts Division.
    a. University of Washington, Pacific Northwest collection, Allen Library; and
    b. the Suzzallo Library
4. The Seattle Public Library, general collection and reference
5. Historic Seattle Preservation and Development Authority, Seattle (www.historicseattle.org)
6. Local Historical Societies

Literature References:

Bagley, Clarence
1929 History of King County, Vols. 1 and 3. S. J. Clarke Publishing Company Seattle

Barnosky, Cathy W., Patricia M. Anderson, and Patrick J. Bartlein
1987 The Northwestern U.S. During Deglaciation: Vegetational History and Paleoclimatic Implications. In "*North America and Adjacent Oceans During the last Deglaciation", Vol.*

K-3, edited by W.F. Ruddiman and H.E. Wright, Jr., pp 289-321. Geological Society of America, Boulder.

Bass, Sophie Fry
1937 Pig-Tail Days in Old Seattle. Binfords and Mort, Portland, Oregon

Buerge, David
1986 Seattle in the 1880s. The Historical Society of King County and Seattle,

Costello, James A.
1974 [1985] The Siwash: Their Life tales and Legends and of Puget Sound and Pacific Northwest, the Calvert Company, Seattle

Denny, Arthur A.
1888 Pioneer Days on Puget Sound. C.B. Bagley, Printer, Seattle

Denny, Emily Inez
1901 Blazing the way: True Stories, Songs and Sketches of Puget Sound and other Pioneers. Rainier Printing Company, Seattle

Dorpat, Paul
1984 Seattle, Now and Then. Tartu Publications, Seattle.
1986 Seattle, Now and Then, Vol. II. Tartu Publications, Seattle.
1989 Seattle, Now and Then, Vol. III. Tartu Publications, Seattle.

Downing, John
1983 The Coast of Puget Sound, Its Processes and Development. University of Washington Press, Seattle.

Duwamish et al.
"Tribes of Indians v. The United States of America"
1933 Testimony before the Court of Claims of the United States. Proceedings of the Indian Court of Claims, No. F-275.

Galster Richard W, and William T. Laprade
1991 "Geology of Seattle, Washington, United States of America." Bulletin of the Association of Engineering Geologists 28 (3):235-302.

Harrington, John P.
ca. 1909 John P. Harrington Papers. National Anthropological Archives, Smithsonian Institution, on microfilm at Suzzallo Library, University of Washington, Seattle.

Lane, Barbara

1987 Indian Fisheries in Elliott Bay in the Nineteenth Century. Preliminary report. On file at the Muckleshoot Tribe, Auburn, Washington

McClure, Rick

1978 "Archaeological survey of Petroglyph And Pictograph Sites in the State of Washington." The Evergreen State College, Archaeological Reports of Investigations No 1.

Mierendorf, Robert R.

1986 "Peoples of the North Cascades." National Park Service, Pacific Northwest Region. Seattle.

Morse, Roy W.

1989 "Regarding Years in Seattle." Washington Division of Geology and Earth Resources Bulletin 78 Vol II, pp.691-702.

Nyberg, Folke and Victor Steinbrueck

1975 "Denny Regrade: An Inventory of Building and Urban Design Resources" Historic Seattle Preservation and Development Authority, Seattle.

Petite, Irving

1954 "Old Indian Village Sites of Seattle and Vicinity" The Seattle Times, 10 January: 10

Reinartz, Kay

1993 "Queen Anne, Community on the Hill" Queen Anne Historical Society, Seattle

Robertson, Donald B.

1995 Encyclopedia of Western Railroad History, Vol. III. The Caxton Printers, Caldwell, ID.

Sale, Roger

1976 Seattle Past to Present. The University of Washington Press, Seattle

Snyder, Warren

1988 "Suquamish Ethnographic Notes". An unpublished collection of field notes edited by Dr. Jay Miller. On File at the Suquamish Tribal Archives, Suquamish, Washington.

Stewart, Hilary

1975 Indian Artifacts of the Northwest Coast. University of Washington Press

Tarbill, V.V.

1930 Mountain Moving in Seattle. Reprinted. Harvard Business Review

Thorson, Robert M.
1980 "Ice-Sheet Glaciation of the Puget Lowland, Washington, During the Vashon Stade (Late Pleistocene)". Quaternary Research 13:303-321

Waterman, T.T.
ca.1920 "Puget Sound Geography", Unpublished manuscript on file Pacific Northwest collection, Allen Library , University of Washington, Seattle.
1922 "Geographic Names Used by Indians of the Pacific Coast". Geographical Review 12:175-194.

Washington State Office of Archaeology and Historic Preservation
1989 Built in Washington: 12,000 years of Pacific Northwest Archaeological Sites and Historic Buildings. Washington State University Press.

Watt, Roberta Frye
1931 Four Wagons West, the Story of Seattle. Binfords and Mort, Publishers, Portland, Oregon.

Current and Historical Map References

Bortelson, G.C., M.J. Chrzastowski, and A.K. Helgerson
1980 Historical Changes of Shoreline and Wetland at Duwamish River and Elliott Bay Washington. Department of the Interior, US Geological Survey, Hydrologic Investigations Atlas HA-617, Sheet 7. Interior Geological Survey, Reston, Virginia. 1980-L79387

Sanborn Map Company - Available on Microfilm at Seattle Public Library and University of Washington.
1888 Insurance Maps of Seattle, Washington. Sanborn Map Company, New York.
1904 Insurance Maps of Seattle, Washington. Sanborn Map Company, New York.
1941 Insurance Maps of Seattle, Washington. Sanborn Map Company, New York.

Sanborn-Perris Map Company
1893 Insurance Maps of Seattle, Washington. Sanborn-Perris Map Company, New York.

United States Surveyor General
1856 "General Land Office Survey Notes", Washington State Department of Natural Resources, Olympia.

APPENDIX A to Attachment B

Procedures to follow for assessment and/or protection of potentially significant archaeological resources discovered during construction or excavation:

1. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible party shall stop work immediately and notify SDCI and the Washington State Archaeologist at the State ~~Office~~ Department of Archaeology and Historic Preservation (DAHP). Responsible parties shall abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.44, 27.53, and Chapter 25.48 WAC, as applicable, public lands (Chapter 79.01 RCW as applicable), and aquatic lands (Chapter 79.90 RCW as applicable) or their successors.

2. Once SDCI and the State Office have been notified:
    - The owner and/or responsible party shall hold a meeting on site with SDCI and a professional archaeologist. Representatives of Federally recognized Tribes and the Native American community that may consider the site to be of historical or cultural significance shall be invited to attend. After this consultation, the archaeologist shall determine the scope of, and prepare, a mitigation plan. The plan shall be submitted for approval to the State ~~Office~~ Department of Archaeology and Historic Preservation (DAHP), and to SDCI to ensure that it provide reasonable mitigation for the anticipated impacts to the resources discovered on the construction site.
    - The plan shall, at a minimum, address methods of site investigation, provide for recovery, documentation and disposition of possible resources, and provide excavation monitoring by a professional archaeologist. The plan should also provide for conformance with State and Federal regulations for excavation of archaeologically significant resources.
    - Work only shall resume on the affected areas of the site once an approved permit for Archaeological Excavation and Removal is obtained from the DAHP. Work may then proceed in compliance with the approved plan.

ATTACHMENT C

WSDOT Coordination Documentation

Comprehensive Plan, 2022 - 2024

Documentation of Consultation

- Scoping Notice Sent in June 2022
- Meeting with WSDOT on July 19, 2023: invites include Hubner, Michael; Storrar, Jeff; Staley, Brennon; Carroll, Patrice; Lewis, Jonathan; Dacanay, Radcliffe; Nelson, Maxwell; Bendixen, Carmen; Noyes, Thomas; Thatcher, Hannah; Bartoy, Kevin; Tolon, Marsha; Fox, Sarah (COM); Spicer, Sarah; Trecha, Matthew; Runchey, Krista; Kucharski, Margaret
- Meeting with WSDOT on January 30, 2024; invitees include: Bendixen, Carmen Tolon, Marsha Kucharski, Margaret; Pazooki, Ramin; Nelson, Maxwell; Bartoy, Kevin; Funis, Chelsey; Clowers, Gordon; Hubner, Michael; Spang, Audrey; Holmes, Jim
- Notice of Draft EIS and Intent to SEPA Exemption on March 7, 2024

Key Contacts
Ramin Pazooki, Development Services Manager for Snohomish & King Counties, Ramin.Pazooki@wsdot.wa.gov
Maxwell Nelson, Transportation Planning Technician, nelsonm@wsdot.wa.gov
Margaret Kucharski – Mega Projects, kucharm@wsdot.wa.gov

Ferries:
Carmen Bendixen <BendixC@wsdot.wa.gov>;
Marsha Tolon <TolonM@wsdot.wa.gov>;
Kevin Bartoy, Sustainability Office <BartoyK@wsdot.wa.gov>

To Do: Meet to discuss proposal and mitigation options

Meeting Agenda – 1/30/2024

Intros
Purpose
1. Update on Comp Plan
2. DEIS
3. Project Specific Coordination

Background
- Comp Plan Update
- No SEPA until September 2025, Planning to Raise them permanently after that
- Using EIS to meet SB 5412 requirements
- DEIS and plan released in March

DEIS contents (look at slides)

Agenda (continued)

SEPA

- We (City) don't have a specific proposal, but intent is to raise thresholds from previous amounts
- Transportation impact mitigation is still required for projects that don't go through SEPA; however, it is a different process
- How is it going today? Are there potential changes that we could make to improve the process?

Notes

- WSDOT currently receives e-mails from jurisdictions about projects undergoing SEPA. Ferries only receives notices on projects within a certain distance of a ferry terminal.
- WSF would like to review projects adjacent or nearby the Seattle (SR 519 and SR 99 tunnel), and Fauntleroy (SR 160 and Fauntleroy Way).
- WSDOT would like to review all projects adjacent to any facility and projects of a certain size within a certain distance of exits and entrances. They didn't have a specific proposal but thought it might be something like projects that generate 50 or more peak hour trips toward state facilities and within 1 mile.
- City already provides notice of all projects over or adjacent to the Downtown Tunnel
- For SEPA reviews they usually have 2-3 weeks to review but there is an option to extend. That review period works well.
- First comment that they usually make is that they would like to see a transportation study. If we could send that with notice, it would help a lot.

Meeting Agenda 4/30/2024

1. Purpose
2. Background
3. Types of Notice (WSDOT, Tribes, other)?
4. Process for creating notice
    - Who
    - How
5. What do we need from WSDOT
6. Timing of Notice

Notes 4/30/2024

- Scope of proposal
    - Consider notices for WSDOT, Tribes, DON - Sodt, SPU - Wallis, SDOT - Alyce, SCL
    - Options: Update Pre-Application Review (PAR) process; create database of projects similar to LUIB or state SEPA registry; send emails at specific points in project
- Next Steps
    - Talk with city staff about where in the process we currently accept comment and when it would make sense to send notice
    - Reach out to WSDOT and Tribes (Bradley Wilburn and Jerry Suder for all, Jim Holmes for WSDOT & Tribes, Audrey Spang for WSDOT) to understand which projects they want to see
    - Develop a proposal which addresses
        - Type of notice (email, public database)
        - Types of projects triggering notice
        - Stage of projects at which notice occurs and relationship to commenting
        - Authority for responding to comments
    - Reach out to Sam and Jared after we have developed initial concept
- Precedent
    - Short plats sent to WSDOT through land use intake for projects adjacent to highways
    - Notice sent to WSDOT for projects adjacent to tunnel
- Other notes
    - Project data especially number of units is often entered at the end of a project so we may not have good data early in process
    - We may need to have staff check a box for notice where data is not complete
    - Hard to give other agencies access to Accela
    - Jared determines when technical changes would be implemented; Sam determines which technical changes would be needed