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**CITY OF SEATTLE**  
**ORDINANCE** 127391  
**COUNCIL BILL** 121093

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

WHEREAS, the state of Washington in SB 5412 (2023) amended laws to encourage more housing and infill development in urban areas, enabling jurisdictions to adopt additional efficiencies in relation to State Environmental Policy Act (SEPA) requirements; and

WHEREAS, the entirety of The City of Seattle is located within and designated as an Urban Growth Area (UGA) and most development in Seattle is infill development; and

WHEREAS, in response to SB 5412, the City of Seattle’s SEPA review provisions have been temporarily suspended since 2023 for development that includes residential uses, which has streamlined permitting, but that suspension ends on September 30, 2025; and

WHEREAS, past revisions of SEPA categorical exemption levels have been coordinated with the adoption of updated Comprehensive Plans in The City of Seattle; and

WHEREAS, The City of Seattle has adopted an updated Comprehensive Plan that defines new growth planning objectives, including citywide prescriptions for the amount of residential and employment growth for the next 20 years; and

WHEREAS, an Environmental Impact Statement (EIS) has been completed for the Comprehensive Plan update that considers the uses and proposed density proposed for changes in SEPA categorical exemption levels, and The City of Seattle has fulfilled other obligations indicated in RCW 43.21C.229; and

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

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

8 WHEREAS, the Seattle Department of Construction and Inspections has the authority to promulgate  
9 by director’s rule interpretations of SEPA exemptions for changes of use between categories  
10 of uses, expansions of outdoor areas of use, and cumulative expansions of uses; and

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

13 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

14 Section 1. Section 22.170.050 of the Seattle Municipal Code, last amended by Ordinance  
15 126357, is amended as follows:

16 **22.170.050 Definitions**

17 \* \* \*

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

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



1 but in no case more than a 5-foot interval. The information relating to adjacent properties may be  
2 approximated;

3 3) A bar scale and north arrow;

4 4) The limits of proposed land disturbance;

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

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

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

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

14 9) Environmentally critical areas and associated setbacks and  
15 buffers;

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

18 ~~((10))~~ 11) Non-disturbance areas;

19 ~~((11))~~ 12) The approximate location, type, and size of trees and  
20 other vegetation on the site;

21 ~~((12))~~ 13) Designation of trees and vegetation to be removed, and  
22 the minimum distance between tree trunks and the nearest excavation and/or fill; and



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

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

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

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

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

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

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

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

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

1 c. Survey. A survey of boundaries and topography of the site and the  
2 grades of adjacent public rights-of-way prepared by a surveyor licensed by the State of  
3 Washington((5)) .

4 d. Geotechnical investigation((7))

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

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

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

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

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

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

22 3) Preparation. The geotechnical investigation shall be prepared by  
23 a geotechnical engineer or other equally qualified person approved by the Director. The Director

1 may require that the plans and specifications be stamped and signed by the geotechnical engineer  
2 to indicate that the grading and proposed structure comply with the conclusions and  
3 recommendations of the investigation.

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

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

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

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

16 3. Fees. A fee for each grading permit and for other activities related to the  
17 enforcement of this code shall be paid as set forth in the Fee Subtitle ~~((SMC Chapters 22.900A-  
18 22.900G)))~~ .

19 Section 3. Section 22.170.190 of the Seattle Municipal Code, last amended by Ordinance  
20 126357, is amended as follows:

21 **22.170.190 General requirements**

22 \* \* \*

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

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

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

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

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

12           Section 6. Section 23.52.004 of the Seattle Municipal Code, last amended by Ordinance  
13 127375, is amended as follows:

14 **23.52.004 ((~~Requirement to meet transportation~~) Transportation ((level of service**  
15 **standards)) level of service**

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

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

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

4                   A. The Comprehensive Plan ((establishes that one level of service measure is the  
5 percentage of trips that are made by )) includes goals and policies that promote travel by multiple  
6 modes. This includes goals and policies to reduce single-occupant vehicle travel and citywide  
7 vehicle miles traveled. These goals and policies also establish data measures to gauge progress  
8 across multiple modes including automobile, transit, bicycle, and pedestrian travel, both citywide  
9 and within designated Regional, Urban, and Neighborhood centers.

10                   B. Map A for 23.52.004 establishes ((the SOV mode share targets by geographic sector.))  
11 level of service goals defined as the target SOV mode share by geographic sector.

12                   ((B.)) C. To support achieving ((level of service objectives related to SOV mode share,  
13 this Chapter 23.52)) the transportation goals and policies included in the Comprehensive Plan  
14 and to support achieving level-of-service objectives related to SOV mode share shown in Map A,  
15 subsection 23.52.008 of this Chapter 23.52 specifies requirements that apply according to  
16 development size, site zoning, and type of permit review.

1

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



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

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

6 Section 7. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinance  
7 127375, is amended as follows:

8 **25.05.800 Categorical exemptions**

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

12 A. Minor new construction; flexible thresholds

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

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

1 d. Requires a land use decision that is not exempt under subsection  
 2 25.05.800.F.

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

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

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

9 2) Citywide residential growth has not exceeded the exemption  
 10 limits established pursuant to subsection 25.05.800.A.2.i in reference to an adopted  
 11 Comprehensive Plan. Or if the exemption limits established pursuant to subsection  
 12 25.05.800.A.2.i have been exceeded, a residential or mixed-use development's exemption from  
 13 review shall be subject to a categorical exemption threshold of 200 dwelling units; and

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

<b><del>((Table A for 25.05.800</del></b>			
<b><del>Exemptions for residential uses</del></b>			
<b><del>Zone</del></b>	<b><del>Number of exempt dwelling units</del></b>		
	<b><del>Outside regional centers and urban centers</del></b>	<b><del>Within regional centers and urban centers where growth estimates have not been exceeded</del></b>	<b><del>Within regional centers and urban centers where growth estimates have been exceeded</del></b>
<del>NR and RSL</del>	4	4	4
<del>LR1</del>	4	200 <sup>†</sup>	20
<del>LR2</del>	6	200 <sup>†</sup>	20
<del>LR3</del>	8	200 <sup>†</sup>	20



1 65,000 gross square feet for non-retail commercial uses or 30,000 gross square feet for other  
 2 uses;

3 3) Citywide employment growth has not exceeded the exemption  
 4 limits established pursuant to subsection 25.05.800.A.2.i in reference to an adopted  
 5 Comprehensive Plan. Or, if the exemption limits established pursuant to subsection  
 6 25.05.800.A.2.i have been exceeded, a development’s exemption from review shall be subject to  
 7 a categorical exemption threshold of 30,000 gross square feet; and

8 4) The development does not exceed permissible use, density, or  
 9 intensity limits established by the Seattle Municipal Code.

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

Footnotes to Table B for 25.05.800  
 NA = not applicable  
 Regional centers and urban centers are identified in the Seattle Comprehensive Plan.  
<sup>1</sup> – New nonresidential development that is not part of a mixed-use development and that does not exceed 12,000 square feet in size is categorically exempt from the State Environmental Policy Act (SEPA).  
<sup>2</sup> Pursuant to RCW 43.21C.229, new nonresidential development that does not exceed 30,000



1                                   h. In zones not specifically identified in this subsection 25.05.800.A, the  
2 standards for the most similar zone addressed by this subsection 25.05.800.A apply;

3                                   i. For the purposes of this subsection 25.05.800.A, “mixed-use  
4 development” means development having two or more principal uses, ~~((one of which is))~~  
5 combining a non-residential use with a residential use ((comprising 50 percent or more of the  
6 gross floor area)) with at least one dwelling unit, not including caretaker’s quarters or live-work  
7 units;

8                                   j. To implement the requirements of ~~((Table A for 25.05.800 and Table B~~  
9 ~~for 25.05.800))~~ subsections 25.05.800.A.2.a and 25.05.800.A.2.c, the Director shall establish  
10 implementation guidance by rule for how growth is measured against exemption limits and how  
11 changes to thresholds will occur if exemption limits are reached. The residential exemption  
12 limits shall consist of the residential growth ~~((estimates established in))~~ amount planned citywide  
13 by the Seattle Comprehensive Plan ((for a given area,)) minus a “cushion” of ~~((ten))~~ one-half  
14 percent to ((assure)) ensure that development does not exceed the planned-for growth  
15 ~~((estimates))~~ without SEPA review. The non-residential exemption limits shall consist of the  
16 non-residential employment growth planned citywide by the Seattle Comprehensive Plan, minus  
17 a “cushion” of one percent to assure that non-residential development does not exceed the  
18 planned-for growth without SEPA review; and

19                                   k. The Director shall monitor residential and employment growth and  
20 periodically publish a determination of growth citywide and for each regional and urban center.  
21 Residential growth shall include, but need not be limited to, net new units that have been built  
22 and net new units in projects that have received a building permit but have not received a  
23 certificate of occupancy. Per implementation guidance established by rule, if the Director

1 determines that citywide exemption limits have been reached (~~((for a regional center or an urban~~  
2 ~~center))~~), subsequent development will be subject to the lower thresholds as set forth in ~~((Table~~  
3 ~~A for 25.05.800 and Table B for 25.05.800))~~ subsections 25.05.800.A.2.a.2 and 25.05.800.A.2.c.  
4 3.

5 B. Other minor new construction

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

- 8 a. Is undertaken wholly or partly on lands covered by water;
- 9 b. Requires a license governing discharges to water that is not exempt  
10 under RCW 43.21C.0383;
- 11 c. Requires a license governing emissions to air that is not exempt under  
12 RCW 43.21C.0381 or subsection 25.05.800.H or subsection 25.05.800.I; or
- 13 d. Requires a land use decision that is not exempt under subsection  
14 25.05.800.F.

15 \* \* \*

16 6. Additions or modifications to or replacement of any building or facility  
17 exempted by subsections 25.05.800.A and 25.05.800.B when such addition, modification, or  
18 replacement will not change the character of the building or facility in a way that would remove  
19 it from an exempt class<sup>1</sup> ;

20 7. The demolition of any structure, ~~((or))~~ facility, or improvement, the  
21 construction of which would be exempted by subsections 25.05.800.A and 25.05.800.B, except  
22 for structures, ~~((or))~~ facilities, or improvements with recognized historical significance such as  
23 listing in a historic register<sup>1</sup> ;

\* \* \*

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

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

<b>Zone</b>	<b>Permit applications for additions, modifications, demolition, or replacement of structures with more than the following number of dwelling units are referred to DON for landmark review:</b>
NR, RSL, LR1, NC1, NC2, NC3, C1, C2, and Industrial zones	4
LR2	6
LR3	8
MR, HR, SM-SLU, SM-D, SM-NR, SM-U, SM-UP, SM-NG, and Downtown zones	20

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

<b>Zone</b>	<b>Permit applications for additions, modifications, demolition, or replacement of structures with more than the following square footage amounts are referred to DON for landmark review:</b>
C1, C2, SM-SLU, SM-D, SM-NR, SM-U, SM-UP,	12,000

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

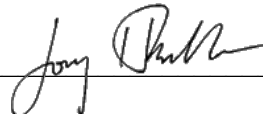
<b>Zone</b>	<b>Permit applications for additions, modifications, demolition, or replacement of structures with more than the following square footage amounts are referred to DON for landmark review:</b>
SM-NG, and Industrial zones	
All other zones	4,000

1


\* \* \*

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


3 Passed by the City Council the 10th day of February, 2026,  
4 and signed by me in open session in authentication of its passage this 10th day of  
5 February, 2026.

6   
7 \_\_\_\_\_  
President \_\_\_\_\_ of the City Council

8  Approved /  returned unsigned /  vetoed this 18th day of February, 2026.

9   
10 \_\_\_\_\_  
Katie B. Wilson, Mayor

11 Filed by me this 18th day of February, 2026.

12   
13 \_\_\_\_\_  
Scheereen Dedman, City Clerk

14 (Seal)