



SEATTLE CITY COUNCIL  
**CENTRAL STAFF**

# **CB 121215 Council Land Use Processes**

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LAND USE AND SUSTAINABILITY

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# Purpose of the bill

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Remove impediments to the Council considering land use legislation in a timely manner:

- SEPA appeals delaying review of legislation
- Director's Reports potentially limiting Council actions

# SEPA

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- The State Environmental Policy Act (SEPA) requires review of environmental impacts of government actions
- If there is the potential for significant adverse impacts, an Environmental Impact Statement (EIS) is required, otherwise a Determination of Nonsignificance (DNS) is published
- SEPA allows appeals of final environmental documents (DNS or Final EIS)
- SEPA provides the option for jurisdictions to use an administrative appeal process
- The City of Seattle has delegated SEPA administrative appeals to the Seattle Hearing Examiner since at least 1984
- CB 121215 would remove SEPA administrative appeals for adoption or amendment of development regulations and the Comprehensive Plan
- Administrative appeals would remain in place for development proposals, quasi-judicial actions, and other environmental review

# SEPA – CB 121215

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- CB 121215 would remove SEPA administrative appeals for adoption or amendment of development regulations and the Comprehensive Plan
- Administrative appeals would remain in place for development proposals, quasi-judicial actions, and other environmental review

# SEPA Process for Legislative Actions – DNS - current

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If lead agency determines that significant adverse environmental impacts are unlikely:

1. Lead agency publishes a DNS
2. **Public comment period (14 days)**
3. **Opportunity to appeal the DNS to the hearing examiner**  
If appeal is filed Seattle Hearing Examiner determines whether to dismiss the appeal, affirm the lead agency's decision, or remand the decision and require an EIS
4. Council review - includes **public hearings and opportunities for members of the public to comment to the Council about their concerns regarding any environmental review**
5. Post-Council action – **opportunity to appeal** to either the Growth Management Hearings Board or the courts

# SEPA Process for Legislative Actions – DNS – Proposed

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If lead agency determines that significant adverse environmental impacts are unlikely:

1. Lead agency publishes a DNS
2. **Public comment period (14 days)**
3. Council review - includes **public hearings and opportunities for members of the public to comment to the Council about their concerns regarding any environmental review**
4. Post-Council action – **opportunity to appeal** to either the Growth Management Hearings Board or the courts

# SEPA Process for Legislative Actions – EIS – Current

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If lead agency determines that significant adverse environmental impacts are unlikely:

1. Lead agency publishes a DS
2. **Scoping opportunity to comment**
3. Draft EIS published  
**Public comment period (30 days)**
4. Final EIS published  
**Public comment period (7 days)**
5. **Opportunity to appeal the EIS to the hearing examiner**  
If appeal is filed Seattle Hearing Examiner determines whether to dismiss the appeal, affirm the lead agency's decision, or remand the decision and require additional analysis
6. Council review - includes **public hearings and opportunities for members of the public to comment to the Council about their concerns regarding any environmental review**
7. Post-Council action – **opportunity to appeal** to either the Growth Management Hearings Board or the courts

# SEPA Process for Legislative Actions – EIS – Proposed

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If lead agency determines that significant adverse environmental impacts are possible:

1. Lead agency publishes a DS
2. **Scoping opportunity to comment**
3. Draft EIS published  
**Public comment period (30 days)**
4. Final EIS published  
**Public comment period (7 days)**
5. Council review - includes **public hearings and opportunities for members of the public to comment to the Council about their concerns regarding any environmental review**
6. Post-Council action – **opportunity to appeal** to either the Growth Management Hearings Board or the courts

# SEPA Appeals to the Hearing Examiner 2016-2026

Result of Appeal	Average Time for Appeal (days)	Range (days)	Number of Appeals*
DNS was remanded and an EIS was required	190	190	1
DNS was reversed, and a new Determination was required	343	343	1
FEIS was affirmed in part and remanded in part	374	374	1
Appeal considered, and the lead agency's decision was affirmed	150	81 - 231	6
Appeal was dismissed	69	11 - 204	17
Appeal was withdrawn	52	5 - 98	2
<b>All appeals</b>	<b>151</b>		<b>27</b>

\* Appeals of environmental decisions related to Council land use actions, other SEPA appeals not included. When multiple appeals of the same decision were consolidated, they are counted as one appeal.

# Other Jurisdictions

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## **With** Administrative SEPA Appeals

- Snohomish County
- Pierce County
- Kent
- Spokane

## **Without** Administrative SEPA Appeals

- King County
- Bellevue
- Everett
- Tacoma
- Vancouver

# Director's Reports

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- The Land Use Code requires Director's Reports for Council Land Use actions
- The Seattle Department of Construction and Inspections is responsible for preparing the Director's Report
- Prior to 2025, the Council did not request or receive Director's Reports for Council-generated legislation
- No State law requires Directors Reports, the City has chosen to require them
- In 2025, Council-generated legislation was overturned in part because a Director's Report was not prepared

# Director's Reports – CB 12121

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- CB 121215 would make Directors Reports for Council-generated legislation voluntary, and provide any Councilmember with the option of requesting a report
- Director's reports would continue to be required for Executive-generated legislation and any quasi-judicial actions

**Questions?**