SEATTLE CITY COUNCIL

Legislative Summary

CB 118518

Record No.: CB 118518 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 **124885** **In Control:** City Clerk

File Created: 08/28/2015

Final Action: 10/16/2015

Title: AN ORDINANCE relating to land use and zoning; amending Section 25.05.800 of the Seattle Municipal Code to repeal the categorical exemption for SEPA review of proposed "infill" development.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: O'Brien

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: gordon.clowers@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	09/15/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk **Notes:**						
1	City Clerk	09/15/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office **Notes:**						
1	Council President's Office	09/17/2015	sent for review	Planning, Land Use, and Sustainability Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Planning, Land Use, and Sustainability Committee **Notes:**						
1	Full Council	09/28/2015	referred	Select Committee on Housing Affordability			

Action Text: The Council Bill (CB) was referred. to the Select Committee on Housing Affordability
Notes:

1	Planning, Land Use, and Sustainability Committee	09/29/2015	pass	Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:

In Favor: 3 Chair O'Brien, Vice Chair Burgess, Member Licata

Opposed: 0

1	Full Council	10/12/2015	passed	Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:

In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Okamoto, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

1	City Clerk	10/13/2015	submitted for Mayor's signature	Mayor

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1	Mayor	10/16/2015	Signed

Action Text: The Council Bill (CB) was Signed.
Notes:

1	Mayor	10/16/2015	returned	City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1	City Clerk	10/16/2015	attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 124885

COUNCIL BILL 118518

AN ORDINANCE relating to land use and zoning; amending Section 25.05.800 of the Seattle Municipal Code to repeal the categorical exemption for SEPA review of proposed "infill" development.

WHEREAS in 2003, the law governing infill development categorical exemptions (RCW 43.21C.229) was enacted by the state of Washington to encourage growth consistent with the Growth Management Act; and

WHEREAS the infill development categorical exemptions are allowed to be applied by local governments within an urban growth area, when the environmental impacts of such exemptions and of a comprehensive plan have been considered, and where density and intensity objectives for growth areas are included in a comprehensive plan; and

WHEREAS in 2012, The City of Seattle adopted infill development categorical exemptions for Urban Centers and Urban Villages that contain a Station Area Overlay District; and

WHEREAS anticipated 2015 amendments to Seattle's Comprehensive Plan will include growth estimates for only Urban Centers until growth estimates are adopted for Urban Villages, as part of the Comprehensive Plan amendments City Council will consider in 2016; and

WHEREAS the amendments in this legislation are intended to temporarily repeal the infill development categorical exemptions until such time as the City Council reinstates them with legislation following the adoption of new Urban Village growth estimates into the Comprehensive Plan, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 25.05.800.A of the Seattle Municipal Code, which section was last amended by Ordinance 124843, is amended as follows:

25.05.800 Categorical exemptions

The proposed actions contained in this Subchapter IX are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

A. Minor new construction ((–)); flexible thresholds

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

a. Is undertaken wholly or partly on lands covered by water;

b. Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

c. Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or 197-11-800 (8); or

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

2. The following types of construction are exempt, except when undertaken wholly or partly on lands covered by water or unless undertaken in environmentally critical areas listed in subsection 25.05.908.A:

a. The construction or location of residential or mixed-use development containing no more than the number of dwelling units identified in Table A for 25.05.800;

Table A for 25.05.800
Exemptions for ((~~Residential Uses~~))residential uses

Zone	**Residential uses**		
	Number of exempt dwelling units		
	Outside of urban centers and urban villages containing SAODs	**((~~Within urban centers or urban villages containing SAODs~~))**	**Within urban centers or urban villages containing SAODs ((~~if growth targets have been exceeded~~))**
SF, RSL	4	((4))	4
LR1	4	((~~200~~[1]))	20
LR2	6	((~~200~~[1]))	20
LR3	8	((~~200~~[1]))	20
NC1, NC2, NC3, C1, C2	4	((~~200~~[1]))	20
MR, HR, SM	20	((~~200~~[1]))	20
MPC-YT	NA	((~~30~~[1]))	20
Downtown zones	NA	((~~250~~[1]))	20
Industrial zones	4	((4))	4

Footnotes to Table A for 25.05.800
NA = Not Applicable
SAOD = Station Area Overlay District((~~.~~))
Urban centers and urban villages are identified in the Seattle Comprehensive Plan ((~~.~~))
((~~[1]Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development, not exceeding the number of units shown, located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that residential growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800.A.1.i.~~))

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

c. The construction of office, school, commercial, recreational, service, or storage buildings, containing no more than the gross floor area listed in Table B for 25.05.800 below:

Table B for 25.05.800 **Exemptions for ((~~Non-Residential Uses~~)) <u>non-residential uses</u>**			
Zone	**Non-residential uses** **Exempt area of use (square feet of gross floor area)**		
	Outside of urban centers and urban villages containing SAODs	**((~~Within urban centers or urban villages containing SAODs~~))**	**Within urban centers or urban villages containing SAODs ((~~if growth targets have been exceeded~~))**
SF, RSL, LR1	4,000	((~~4,000~~))	4,000
LR2, LR3	4,000	((~~12,000[1] or 30,000~~))	12,000
MR, HR, NC1, NC2, NC3	4,000	((~~12,000[1] or 30,000~~))	12,000
C1, C2, SM zones	12,000	((~~12,000[1] or 30,000~~))	12,000
Industrial zones	12,000	((~~12,000~~))	12,000
MPC-YT	NA	((~~12,000~~))	12,000
Downtown zones	NA	((~~12,000[1] or 30,000~~))	12.000

Footnotes to Table B for 25.05.800((~~:~~))

NA = Not Applicable

SAOD = Station Area Overlay District((~~.~~))

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

((~~[1]New non-residential development that is not part of a mixed-use development and that does not exceed 12,000 square feet is categorically exempt from SEPA. Pursuant to RCW 43.21C.229, new non-residential development that does not exceed 30,000 square feet and that is part of a mixed-use development located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800.A.1.i.~~))

d. The construction of a parking lot designed for 40 or fewer automobiles, as well as the addition of spaces to existing lots up to a total of 40 spaces;

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

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

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

h. For the purposes of this subsection 25.05.800.A, "mixed-use development" means development having two or more principal uses, one of which is a residential use comprising 50 percent or more of the gross floor area.

i. To implement the requirements of Table((s)) A <u>for 25.05.800</u> and <u>Table</u> B for 25.05.800, the Director shall establish exemption limits by rule for each urban center and each urban village containing a SAOD to assure that proposed development that could cause growth targets in Appendix A of the Comprehensive Plan's Urban Village Element to be exceeded is subject to SEPA review. The exemption limits shall contain a "cushion" to assure that development does not exceed growth targets without SEPA review, provided that the cushion shall be at least 10 percent of the residential or employment growth targets established in the Comprehensive Plan; and

j. The Director shall monitor residential and employment growth and publish quarterly a determination of growth for each urban center and urban village containing a SAOD. Residential growth shall include, but need not be limited to, net new units that have been built and net new units in projects that have received a building permit but have not received a certificate of occupancy. If the Director determines that exemption limits have been reached for an urban center or urban village containing a SAOD, subsequent development is not categorically exempt from SEPA review pursuant to RCW 43.21C.229.

* * *

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 12th day of OCTOBER, 2015, and signed by me in open session in authentication of its passage this 12th day of OCTOBER, 2015.

President _____ of the City Council

Approved by me this 16th day of October, 2015.

Edward B. Murray, Mayor

Filed by me this 16th day of OCTOBER, 2015.

for Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

330260 No.

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124884-124888 TITLE

was published on

11/06/15

The amount of the fee charged for the foregoing publication is the sum of $77.50 which amount has been paid in full.

JENNIFER A. BARNES
COMMISSION
STATE OF WASHINGTON

Subscribed and sworn to before me on

11/06/2015

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on October 12, 2015 and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar. Contact: Office of the City Clerk at (206) 684-8344.

Ordinance 124884

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 124885

AN ORDINANCE relating to land use and zoning; amending Section 25.05.800 of the Seattle Municipal Code to repeal the categorical exemption for SEPA review of proposed "infill" development.

Ordinance 124886

AN ORDINANCE relating to land use and zoning; amending the Seattle Comprehensive Plan to incorporate changes relating to housing affordability proposed as part of the 2014-2015 Comprehensive Plan annual amendment process.

Ordinance 124887

AN ORDINANCE, relating to land use and zoning, amending the Seattle Comprehensive Plan to reflect changes needed as part of the periodic review and to incorporate changes proposed as part of the 2014-2015 Comprehensive Plan annual amendment process and amending Section 23.52.004 of the Seattle Municipal Code.

Ordinance 124888

AN ORDINANCE, relating to land use and zoning, amending the Seattle Comprehensive Plan to reflect changes to the University Community Urban Center goals and policies, as well as the Future Land Use Map, as part of the periodic review and to incorporate changes proposed as part of the 2014-2015 Comprehensive Plan annual amendment process.

Date of publication in the Seattle Daily Journal of Commerce, November 6, 2015.

11/6(330260)