

## WAREHOUSE A PROCESS III AND MDNS APPEAL

File No. 16-102947-UP, 16-102948-SE

### Summary of Testimony

This summary of appeal hearing testimony is only provided as a general overview of appeal hearing testimony and should not be construed as any part of a City of Federal Way decision on the Warehouse A appeals. No assurances are made as to accuracy. The summary was prepared by multiple persons, so there will be differences in style, conventions and detail. Nothing in the summary should be construed as suggesting any priority or significance on testimony. Copies of the hearing recordings are available at cost from the City Clerk's Office.

Appellant, Save Weyerhaeuser Campus (SWC) represented by Richard Aramburu  
City of Federal Way represented by Zach Lell  
Applicant Industrial Realty Group of Los Angeles (IRG) represented by Courtney Kaylor

### **6.20.2019**

#### Appellant Witnesses

#### Direct Testimony, Brian Davis

Brian Davis is the City of Federal Way Community Development Director and began working for the City of Federal Way in November 2016.

Mr. Davis testified that he is one of the team of people in the City who has been reviewing the three proposals made by Industrial Realty Group of Los Angeles (IRG). These include Greenline Warehouse A, Greenline Warehouse B, and the Greenline Business Park.

Mr. Davis testified there is a team of people in the City of Federal who are reviewing the IRG proposal. There are different team members for each of the projects. The team currently includes him, two senior planners, a planning manager, a couple of traffic engineers, development review specialist engineer and several administrative support personnel. It also includes a review team from South King Fire, with whom the City partners with on reviews, and Lakehaven Sewer and Water. He does not have regular meetings with the applicant concerning these projects, but he has met with them on several occasions. He stated that Dana Ostensen from IRG is a regular participant at these meetings. Mr. Ostensen is representing IRG in some capacity, but Mr. Davis does not know his specific title.

When questioned if IRG was asking the city to speed up its review of the three proposals - Warehouse A, Warehouse B, and the Greenline Business Park - Mr. Davis stated that IRG was not unlike many other applicants who want their approvals done as soon as possible. IRG's intent to build the three projects was indicated only through their application to the city.

He stated that the city had asked the applicant to submit the three proposals together for review as a single application, as they viewed it to be a more expeditious process. The applicant refused to do so, stating a preference to do it individually.

The status of the Warehouse B project is still under review and has been for two years. He has had many interaction and communication regarding Warehouse B, but he does not know what additional documents still have been requested by the city to enable to complete its review and issue a decision. There is no timetable for Warehouse B. When questioned whether IRG was anxious to get Warehouse B completed fast, Mr. Davis noted that, as he stated earlier, that IRG wanted to get their proposal through as quickly possible. He doesn't recall IGA requesting Warehouse B being reviewed and decided upon first. Warehouse A's application was submitted first and has been approved.

Under questioning by appellant's attorney, Mr. Aramburu, Mr. Davis agreed that the Greenline Business Park SEPA checklist was prepared November of 2016, which meant that its application was proceeding, and it came up before Warehouse B. He noted that the Business Park application is also under review.

Mr. Davis testified that the Greenline Business Park is also under review. He was not able to provide a list of what additional documents are still needed for SEPA determination and a decision. A letter had been sent from the city to IRG with this information, but he did not know the content of date of the letter. He did not believe that the applicant had responded to the letter.

Regarding a preapplication letter for the Business Park (Ex. 25), he stated that page three, paragraph 3, of Exhibit 25, dealt with SEPA determination of the project. The Business Park would be evaluated for cumulative impact including any association with Warehouses A and B. He noted that the decision rendered reflects their cumulative impact analysis for Warehouse A.

The city's decision on Warehouse A was drafted by Ms. Welsh and read and reviewed by Mr. Davis. Paragraph 35 of the decision effectively describes the cumulative impact analysis section of the code that reflects the City's decision dealing with cumulative analysis. There are other conditions within this approval of cumulative impacts that were also considered that were not included in paragraph 35. Mr. Davis cited each of the conditions as examples.

When asked if there was another place in the decision where you address cumulative impacts of the Warehouse A projects with Warehouse B and Greenline Business Park, Mr. Davis stated that he would need to go through each condition, but Mr. Davis stated that the development code and accompanying plan policies take into account the requirements for cumulative impacts. Even though it might not be spelled out in the decision as specifically titled cumulative impacts, it does render a result that does consider cumulative impacts. There are codes that would reflect that additional analysis.

There were cumulative analyses undertaken for Warehouses A and B; they were reviewed separately. There was no cumulative analysis on the Greenline Business Park Project in paragraph

35 of the decision. Although the analysis included more areas, the decision identified cumulative impacts in traffic and transportation for Warehouse A.

Mr. Davis noted that the applicant originally submitted a proposal for a project named Preferred Freezer. This was eventually modified to Warehouse A. He does not know if a new traffic concurrency analysis was performed after the proposal was modified.

Regarding code provision 19.100.030, he stated that staff did apply the section to Warehouse A. The various reviewers from differing fields of expertise used analysis to determine whether the impacts of the other projects individually or together with Warehouse A would cause a cumulative impact that would be unmitigated. They found that Warehouse A did not together with other projects cause significant impact. That's when the decision was rendered.

Mr. Davis acknowledged there is no mention of that code reference 19.100.030 in the decision. Codes, policies, and adopted manuals that are reviewed for proposals consider the cumulative impacts even though the code section is not specifically mentioned. Staff reviewers looked at all the IRG projects to see what would be applicable to Warehouse A. Traffic analysis is an example of how the impacts of projects and subsequent projects are reviewed using codes to determine cumulative impact.

He stated that they did not consider DaVita as a future development in their analysis as it was very different from the subject project.

Mr. Davis affirmed that the city applies any applicable section of the code to projects that they review. And in this case that includes 19.90.120. They have reviewed Warehouse A with concurrency. The reviewers looked at all the criteria that pertained to their field of expertise and looked at how Warehouse A fits into either facilitating future development or being dependent on future development. They determined what cumulative impacts applied in the decision.

Regarding a cumulative analysis for traffic impact and transportation planning, the traffic engineer included a concurrency review for Warehouse A and how it fits in to future projects. He cannot answer the specific behind traffic engineering. He confirmed that there has not been a concurrency analysis done on Warehouse B or the Greenline Business Park. Concurrency approvals for Warehouse A will be considered for future projects. Those reviews will reflect the cumulative impacts. He believes that traffic analysis has been done for Warehouse B but is unsure about the Business Park.

As part of the approval of Warehouse A, the city has imposed 40 conditions regarding traffic and planning mitigation. In comments regarding the SEPA determination, WSDOT had requested mitigation from the applicant to account for the length of an off-ramp for SR18. The city issued a modified DNS in response.

When asked about the provision addressing the concern from WSDOT Mr. Davis said that he believes it related to an interchange of State Route 18 and one of the off ramps was anticipated to be an unacceptable length so WSDOT requested some mitigation from the applicant to account for that impact.

Regarding cumulative impacts on historical resources, he stated historic resources policy and codes do not compel an applicant to register as a historical property. The city considered the request and felt that the application did not interfere with potential historic resources on the property. They asked the applicant to engage in a historical survey of the property. This is a recommendation by the city, but not a requirement. Mr. Davis doesn't think it has been done. He does not think it is likely that a historical survey that would find an impact caused by Warehouse A.

Regarding a cumulative impact analysis for drainage and stormwater, they looked at the whole campus but as it relates to the approval of Warehouse A, they considered what was required to reach the Warehouse A decision.

Mr. Davis testified he participated in amending the city's comprehensive plan for the 324<sup>th</sup> overpass project. He reviewed the team's analysis and gave recommendation to the mayor and city council for approval. He did not prepare the staff report for the city council on the 324<sup>th</sup> Street overpass proposal, but he signed it. He believes he prepared and signed the SEPA checklist on that project. The ordinance was passed. The purpose of the plan change was to realign 324 from its previous planned connection to 32<sup>nd</sup> Avenue to then meet up with Weyerhaeuser Way for purposes of project cost, economic development and traffic flow. He referred questions regarding impact on traffic to the transportation staff.

Additional freeway ramps on 324 are not in the works right now nor is it warranted at this point. There is no funding package so there is presently no proposal for configuration. He does not know if the freeway ramps are considered in the scope of the City Center Access Project.

In reference to the letter (Exhibit 24) Mr. Davis noted that it is not part of the application, but he has seen it. He is not involved with the issue of the sale of property on North Lake.

He has had limited involvement with the City Center Access Project and is not familiar with a possible change to Interstate 5 at 324<sup>th</sup> Street per the Project's page on the city website (Exhibit 33).

Cross: Mr. Lell

Mr. Davis and his staff performed a cumulative impact analysis for the Warehouse A project. The site specific cumulative impacts they identified were access and the retention pond. These two cumulative impacts are addressed in the decision issued by the city.

He explained that Warehouse B proposal has been under review for some time. He doesn't recall the application date. The city and applicant have gone back and forth, but he doesn't know the exact status. There is not a date certain of issuance for either project.

Warehouse B and Greenline Business Park project have evolved over time. For example, the subject project has been evolving for 3 years and there have been 13 iterations of the project involved over time. Regarding the relative complexity of these three projects compared to typical

project processes, issues such as dealing with zoning overlay and development code mean that these are quite complex. This is reflected by the length of the process.

These projects are not being processed as a master plan. Each project is separate and have separate filing numbers. The teams meet regularly on the three projects and his planning team reviewed the state of the projects weekly. All information is shared with all staff members regardless of what project team they are on.

The three proposals are not dependent on each other. Applicant did not ask for consolidation of the three projects for processing purposes. The city cannot unilaterally impose a masterplan review requirement upon project applicants.

In reviewing Warehouse A, the city attempted to determine any cumulative impacts resulting from other pending projects. Shared access and storm drainage between Warehouses A and B were the only cumulative impacts identified. The three projects are not part of a larger singular development proposal.

In the city's review of the Warehouse A proposal they performed and applied the required analysis outlined in 19.100.030.sub 2, 19.100.010, and 19.65.050. This was reflected in the MDNS and the Process 3 decision.

Exhibit 5 reflects the modified SEPA threshold of the MDNS related to comments received from WSDOT. WSDOT did not identify or request mitigation prior to the issuance of the DNS. After issuance they provided comments. After the modification to the MDNS to address their concerns, they did not indicate that they were going to submit other information or appeal the MDNS.

Regarding amendment of the Comprehensive Plan, originally there was to be an extension of 32nd Street across I-5 and connect with 32nd Avenue. It was amended it to be realigned with Weyerhaeuser Way instead of 32nd to accommodate developments and reduce cost. To his knowledge there is no project time frame, design specs or bidding for the realignment project.

None of the Weyerhaeuser property is been listed or designated on any historic register. Nothing he has seen in the appellant's materials, the Process 3 decision or the MDNS has caused him to change his mind regarding his opinion that there are not any adverse significant environmental impacts if conditions are met.

Redirect: Mr. Aramburu

Mr. Davis restated that there have 13 iterations for Warehouse A. There have been changes in Warehouse B, but he would not describe them as major. He does not know the full details of changes since there has been no final decision. There has been correspondence regarding changes for the Greenline Business Park project. He does not know the full details of changes as that project is not as far along as the other two. No changes to the notice of application that would require sending out a public notice.

Regarding cumulative impacts on traffic, they have done the analysis on Warehouse A. Traffic has reviewed all three applications, but the IGA projects are at different phases so it is difficult to do them all together. The traffic analysis took Warehouse A and Warehouse B into consideration, but it did not include the Greenline Business Park.

In their correspondence with the city, WSDOT indicated their concerns regarding traffic. Mr. Davis stated that they conducted their analysis based on code and SEPA requirements to address their specific concern about the off-ramp. They issued the modified MDNS, which included information detailing how they had addressed their concerns. Other issues addressed in the WSDOT letter were considered as were all comments. They addressed those they felt needed to be addressed.

Direct Testimony: Stacy Welsh

Ms. Welsh is a Senior Planner for the City of Federal Way and City of Federal Way for almost 5 years reviewing land use applications.

She has worked on the Warehouse A & B projects. She was the primary author of the SEPA and the findings for the project approval, receiving input from other planners and staff members. In the Process III Decision and SEPA analysis some of the language is the same because that language is relevant in both documents.

The Warehouse B project is taking time as it is an extensive application. The drafts of threshold and decision is undergoing modification and review with the materials they have. The applicant has not been given a copy of the draft and there are no dates set nor is there a timeline for completion. Cumulative impact analysis is part of the review process. No final decisions have been made whether Greenline Business Park would be included in the cumulative analysis. Warehouses A and B occupy the same space so they will be looked at together in reviewing cumulative impacts.

They have been reviewing historic impacts. There are historical resources that they recommended to the IRG applicant to use. They have seen nothing back from the applicant regarding this.

The city has examined both possibilities in the order of building Warehouse A and Warehouse B. She was not aware if Warehouse B was ever asked to be processed first. She is not aware of any potential changes to Warehouse A based on a Warehouse B decision. She doesn't know of any schedule or timeline for the Greenline Business Park. She does meet with those involved in the Business Park project regularly. She is aware of a technical comment letter sent to the applicant regarding the Business Park, but she is not aware of the.

Drainage and storm water have been reviewed by public works staff. She is not aware of anyone in the city who has requested a comprehensive review of drainage and storm water for Warehouses A and B.

Regarding the letter from WSDOT, she participated in writing the city's response and in the meeting Mr. Davis described. At the meeting they discussed what could and could not be done

regarding a cumulative impact analysis for traffic. They were unable to discover a means to gain the legal authority to require it.

Direct Testimony: Dana Ostensen

Mr. Ostensen provided his educational background. He has a Law Degree, but no longer practices law. Mr. Ostensen does a variety of things for IRG including management, finance, working with staff.

Mr. Ostensen did not personally do the financial analysis for the three IRG projects. He did not become involved with the three IRG projects until after the property was acquired. He is involved in the day to day activity with the execution of the projects subject to the decision of the board of directors.

He stated that IGA has applied for three different development projects and all are complex. They are now focused on completing Warehouse A. They don't know what will happen in the future. He meets with the city from time to time to discuss issues connected with the complexity of each of the three projects. He doesn't meet with them regularly for Warehouse B and doesn't know the current status of that project. He has no knowledge that IRG asked for Warehouse B to be done first.

There are three buildings that are part of the Business Park. He isn't exactly sure of the entitlement or anticipated use of the buildings. These are generally industrial buildings so the analysis indicates the industrial use. That indicates some form of industrial space or office space in each building. Under the application light manufacturing is one possibility. Once they are completed, they will lease them so they don't know who the tenants will be. They are a company that typically holds real estate long term. There is currently interest to lease these buildings.

The marketing brochure (Exhibit 34) was created before he was involved. They now have a contract with another company.

Whatever is on the application for development approval is what will be offered. To that end, when it is offered, each building. Presently IRG is not able to market because it doesn't have approval. He can't answer specific questions about the design of the buildings. He has no information about timing for the beginning of construction for the buildings. Regarding changes in the buildings, he can't speak to that. They would entertain leasing the entire property.

Mr. Ostensen stated he edited and signed the letter (Exhibit 24) and there were several people involved in writing the letter. He did not receive a response to the letter.

The pictures in Exhibit 24 (27) is not a development plan. It is a picture of the application for the three projects to help the community understand what they look like. IRG has separate financial models for five different assets.

Cross: Ms. Kaylor

Mr. Ostensen reiterated that the pictures were information for the public, not a development plan. All the projects can proceed independently of each other

Redirect

They are going forward with the expectation that they will probably build all three projects. It doesn't make sense financially to only build a single project.

Recross

Financially of otherwise, Warehouse A is not dependent on the other two buildings.

Direct Testimony: Mike Swires

Mike Swires, serves as Assistant Regional Traffic Engineer for WSDOT for the King County area. He and his staff deal with traffic operations throughout the County. He has been involved with the IRG projects. His staff has reviewed the traffic impact analysis and commented on it as well as the local land use decisions. Commenting is a common activity for WSDOT. His testimony was provided on behalf of WSDOT. In regard to S-35.1, a February 8, 2017 comment letter from WSDOT, Mr. Swires described how it was prepared. WSDOT became aware of the campus development and was concerned about how it would affect WSDOT facilities. His staff participated in the drafting of Ex. S-35.1. The letter was signed by Mr. Pazooki, who is WSDOT's development services manager, whose job it is to act as liaison between WSDOT and municipalities and developers. Mr. Swires summarized Ex. S-35.1. The reference to severe congestion in the letter is to traffic at the interchanges, off-ramps and cross-streets during peak periods, particularly evening peak. Conditions haven't likely improved since the 2017 letter, they've either remained the same or gotten worse. As to the second bullet point of the letter, the off-ramp from westbound SR 18 to I5, which goes through the Weyerhaeuser Way interchange is congested with back-ups and commuters experience a lot of delay getting onto southbound I5. As to the ramp terminal signals in the third bullet point, the signal operation is controlled by WSDOT. The less green time on the signals, the more impact to city streets. The flyover ramp project identified in the fourth bullet point is a long standing effort to improve congestion on SR 18 and I5. Mr. Swires couldn't recall if the S-35.1 letter resulted in any meetings between WSDOT and the City.

Ex. 35.2, a November 9, 2018 letter from WSDOT to the City, was also prepared with the help of Mr. Swire's staff. It was signed by WSDOT's regional traffic engineer on behalf of Mr. Pazooki. The letter was written in response to the Warehouse A DNS. WSDOT was concerned about the lack of cumulative review of the projects on the campus. WSDOT felt the four projects on the campus should be reviewed together because separately the projects had a limited view of how they would impact WSDOT facilities. Traffic generated by all four developments should have been considered and their impacts on the I5 and SR 18 interchanges. Paragraph 2 of Ex. 35.2 identifies that trip generation will exceed the vehicular trip threshold in the WSDOT Development Services Manual for the AM peak hour. The Development Services Manual is a manual that serves as a guide for local agencies and developers on how they can go about doing a development and interacting with WSDOT, looking at impacts and mitigating for them. It provides some

context for state law that governs how WSDOT can ask to look at development activities in local agencies. Paragraph 3 is referring to a software package traffic analysis that shows that queuing would extend beyond available storage off the westbound SR 18 off ramp. Paragraph 4 is referring to right turn storage space designated for right turn vehicles. Paragraph 5 notes that right turn storage should be extended to 300 feet.

In response to Ex. S-35.2, the City addressed the right turn storage issue but there was no written response to Par. 1 that Mr. Swires was aware of. There was a meeting with the City to discuss the concerns raised about the campus developments and their cumulative impacts. At the meeting the City did not indicate that it would conduct a cumulative impact analysis. A cumulative traffic impact analysis of the three IRG projects could be prepared in a reasonable and feasible basis. A cumulative impact analysis would help WSDOT assess whether any mitigation would be necessary for the SR 18 and I5 interchanges. Mitigation may include intersection improvements similar to the westbound off-ramp at Weyerhaeuser Way or any number of things. It's not possible to tell what specifically is necessary until a cumulative impact analysis is completed. Mr. Swires commented on a drone video prepared by the Appellant that showed congestion on the SR 18 and I5 corridors in the vicinity of the campus. He noted the video showed typical PM peak hour congestion.

In cross-examination from the City by Mr. Lell, Mr. Swire acknowledged that the February 8, 2017 Ex. 35.1 letter was written to the City of Kent of Public Works Director. Mr. Swire stated it was a typo. The letter was mailed to Federal Way even though it was inadvertently addressed, but he wasn't aware of any evidence showing that the letter was in fact mailed to Federal Way despite the incorrect letter in the address. In the meeting with City staff after the DNS was issued, Mr. Swire noted that WSDOT didn't follow up with legal authority requested from the City that would enable the City to demand a cumulative traffic impact analysis. Mr. Swires acknowledged that Condition No. 10 of the Revised DNS, att. 5a of the City exhibits, provided the right turn storage mitigation requested by WSDOT. WSDOT didn't appeal the MDNS. WSDOT appealed the DNS for the DaVita project. Mr. Swires noted he's not aware of any basis that would enable the City to require the cumulative impact analysis. The Development Services Manual is a manual prepared by WSDOT that is publicly available. Mr. Swires was not aware if Federal Way or any other municipality has adopted the manual. Mr. Swires noted that the congestion depicted in the drone video was due to several factors, including the weaving on the flyover and the merge onto mainline I5. WSDOT doesn't have a rigorous definition of congestion. It's a subjective term meaning traffic moving more slowly than typical. Mr. Swires believes that WSDOT adopts level of service standards. He doesn't know what they are specifically. He doesn't know what they are for the SR 18 off ramps. He doesn't know how much SR 18 and I5 traffic is diverted onto Federal Way streets due to freeway congestion. Mr. Swires was unable to give any examples of when WSDOT required mitigation for large multi-phase projects. He did not know if WSDOT required any mitigation for the Amazon complex in Seattle, the Showare facility in Kent or the Landing shopping center in Renton. Mr. Swires' experience is that between the developer and local authority, it is usually the local authority that coordinates development with WSDOT. The basis for the WSDOT assertion in Ex. S-35.2 that the four campus projects must be reviewed together is that they are occurring simultaneously in the same area and affecting the same transportation systems, specifically I5 at 320<sup>th</sup> and SR 18 at Weyerhaeuser Way. WSDOT has not conducted any cumulative impact analysis, it wants the City or Applicant to do it. Mr. Swires agreed with the

statement from Mr. Lell that WSDOT is contending there might be cumulative impacts not that WSDOT has identified any cumulative impacts. Mr. Swires also agreed with the comment that it's basis for requesting cumulative impact analysis is possibly due to common timing, common impacts, common alternatives and/or common geography.

In cross from the Applicant by Ms. Kaylor, Mr. Swires noted he's in the traffic division of WSDOT, which is distinct from utilities and developer services division. It isn't generally his responsibility to review environmental checklists. He's not sure who does that in WSDOT, the checklist are diverted to the development services group and distributed from there. He didn't review the environmental checklist for building A but his staff did review materials received regarding Warehouse A. He doesn't know what materials those were. He didn't review the checklist for Warehouse B and isn't familiar with it or know if materials were received for that building. He doesn't know if his staff has reviewed the checklist for the Greenline Business Park. He hasn't review the traffic impact reports for any of the IRG projects. He knows his staff has reviewed the traffic reports for Warehouses A and B but doesn't know if they've reviewed the Greenline Business Park. He hasn't reviewed the concurrency analysis performed for Warehouse A or B. Ex. S-35.1 was prepared by the development services group, but was likely a collaborative effort between his staff and the development services group headed by Mr. Pazooki. The letter likely reflected the concerns of both groups. Mr. Swires doesn't recollect the impetus for the letter. He didn't draft any portion of the Ex. S-35.2 letter, but members of his staff were involved in the letter but he doesn't know who was specifically involved. In regard to the express assumption made in Ex. S-35.2 that the four campus projects would be developed within a similar time frame, WSDOT had no additional basis for this assumption other than that mentioned in the letter, i.e. separate traffic reports has been submitted to WSDOT separately for each in a similar time frame. In regard to Par. 2 of the Ex. S-35.2, WSDOT did ask for mitigation for the impacts identified in that paragraph, specifically the additional right turn storage identified in the subsequent paragraph. Mr. Swires acknowledged that condition 10 of the Revised SEPA DNS provides the mitigation requested in the Ex. S-35.2 letter. WSDOT hasn't requested any other specific mitigation. WSDOT needs a cumulative impact analysis to be completed in order to ascertain whether additional mitigation is necessary. He's not aware of any cumulative impact analysis at this point. If such an analysis had been performed, that would satisfy WSDOT concerns for needing information to ascertain necessary mitigation. Mr. Swires has travelled occasionally through the area depicted in the drone video. He hasn't conducted any traffic counts of the traffic shown in the video. The video appears to show typical evening commute conditions. He bases this conclusion upon WSDOT traffic cameras and WSDOT flow maps. Those were typical conditions for the main highways and ramp terminals.

Direct Testimony: Richard Thomas Mark

Mr. Mark is a retired Air Force airman currently employed by the FAA in Des Moines, WA. He is Senior Advisor to the Northwest. He also has his own business, Northwest Sky Imagery, and produces aerial images for various clients using a drone. He is certified and licensed by the FAA.

Mr. Mark was not requested to film at a specific hour. The video was taken on May 30, 2019 starting at about 4:15 and he filmed for 1 to 1 ½ hours. He spent 30 minutes editing the video and did not do so under any specific instructions. He created three separate videos.

Voir Dire: Ms. Kaylor

Mr. Mark described the operation of the drone. He operated from three locations, which he identified for the record using Exhibit 27 and described which footage was taken from each location.

The videos are edited at the transitions. He does have the 30 minutes of video that is not included in the three videos. He believes that there is footage of the north end of the lake in one of the three videos. He was asked to take footage of the Weyerhaeuser Campus and traffic conditions in the afternoon. He edited the video alone. He was shown the location of the buildings on the Campus from IRG, but that is the only direction that he received. The drone was flying at no higher than 400 feet. There is no controlled airspace in the area. FAA prohibits flying over people to prevent injury for those who are unprotected. People inside of cars would not be injured. The cars on I-5 were not stationary.

The video was allowed into evidence. Applicant may obtain access to entire footage if desired.

## **6.21.2019**

The examiner and the relevant parties scheduled the next hearing date so that it could be published in the local newspaper. The dates for future hearing were set for 7-9 August 2019.

Transportation planner Ross Tilghman testified on traffic impacts. Mr. Tilghman's resume already was entered into the record (Exhibit 4) as well as his report (Exhibit 5). Mr. Tilghman affirmed that Exhibit 5 provides a cumulative impact analysis which includes the DaVita project. Per the request of the examiner Mr. Tilghman revised his report deleting references to the DaVita project. Mr. Tilghman's edited report was entered into the record as Exhibit 5A and Exhibit 5 was stricken from the record.

Ms. Kaylor asked Mr. Tilghman to clarify about what he did in preparation for putting together this report. In preparation Mr. Tilghman reviewed the Traffic Impact Analysis for the Warehouse A project, the Warehouse B project, and the Greenline Business Park Project. Mr. Tilghman understands that these studies included cumulative impact analyses; however, there reports were missing significant information about the afternoon-peak hour required by code. Mr. Tilghman mentioned the Greenline Business Park report included an AM-peak hour analysis but not a PM-peak hour analysis. Mr. Tilghman stated that the Warehouse A and Warehouse B reports should not be considered cumulative. Mr. Tilghman mentioned that he had reviewed the City's concurrency analysis for Warehouse A. Mr. Tilghman thinks he read the concurrency analysis for Warehouse B. Mr. Tilghman does not know the status of the application for the concurrency analysis of the Greenline Business Park.

Regarding the South 324th St. Extension, Mr. Tilghman was unaware if the project is included in Federal Way's CIP but believes it can be found in the Comprehensive Plan. Mr. Tilghman believes

the extension project is unfunded. Mr. Tilghman is unsure when construction would occur for the extension project.

In cross Mr. Tilghman described that he was not educated as a professional engineer. Mr. Tilghman is a planner by profession and training. Mr. Tilghman stated that his type of analysis and work on this project is typical of a trained transportation expert like himself. Mr. Tilghman mentioned that if he were an engineer, he would likely be more heavily involved in project design.

During cross Mr. Tilghman stated the importance of specified elements within the City Code for his analysis. Two citations under 19.90 were particularly important for Mr. Tilghman: 19.90.010 and 19.90.120. After putting together his memo Mr. Tilghman has also determined that 19.100.030 Determination of Direct Impact is also crucial.

Mr. Tilghman accessed the Federal Way City Code through the internet on the city's website several months prior to the hearing.

Mr. Tilghman clarified the significance of capacity pressures in his report. Mr. Tilghman stated that there are at least three locations identified in his report (see Exhibit 5A) on the threshold of breaking the city's standard.

Chris Moore, the Executive Director of the Washington Trust for Historic Preservation, testified on the historic significance of the Weyerhaeuser Campus. Mr. Moore's resume and detailed report were already in the record as Save Weyerhaeuser Campus Exhibit 8. Mr. Moore has an MA in Preservation Studies from Boston University and has been working for the Washington Trust for Historic Preservation since 2005 having been in the position of executive director since 2013.

Mr. Moore has viewed the UAS drone video taken over the Weyerhaeuser campus which reflects existing conditions. Mr. Moore believes these images from the video are relevant to his testimony and analysis. Mr. Moore commented on and overviewed Save Weyerhaeuser Campus (SWC) Exhibit 12: the UAS drone video. In his commentary Mr. Moore mentioned important sites represented in the video. Mr. Moore mentioned that there is potential adverse impacts on the viewshed as well as on the overall forested area if building B and C are implemented (represented at 1:08 SWC Exhibit 12). Mr. Moore added (at 1:42 SWC Exhibit 12) that the location of Warehouses B and C would "overwhelm" the view of the former headquarters.

Mr. Moore affirmed that the former Weyerhaeuser headquarters building will not be demolished if the proposed plans are implemented. Mr. Moore believes that just because the headquarters building will not be destroyed, this does not mean the building's historic value is being protected. Mr. Moore stated that the building and its surroundings should to be holistically evaluated for historic significance.

Ms. Kaylor asked Mr. Moore if he had reviewed development plans for Warehouse A to which he responded that he has not reviewed them himself but has discussed them with a staff-member. Mr. Moore has not personally reviewed the plans for Warehouse B and the Business Park.

Mr. Moore stated that the Weyerhaeuser Campus and the former headquarters building have not been designated as city landmarks. Mr. Moore affirmed that the site is not currently listed on the Washington Heritage Register or the National Register of Historic Places. Mr. Moore affirmed that the site is also not a National Historic Landmark; however, a determination of eligibility has been made for the site. Mr. Moore affirmed that no portion of the former Weyerhaeuser campus has been listed or approved as a historic district. Mr. Moore added that there are no existing historic district guidelines for any part of the Weyerhaeuser Campus.

During cross Ms. Kaylor had Mr. Moore overview the appellant's Exhibit 8. On the second sentence of the second paragraph on page 2 of the letter within Exhibit 8, Mr. Moore affirmed that the letter states that the Washington State Department for Archaeology and History Preservation deemed that the Weyerhaeuser site could be "easily" includable for the National Register for Historic Places despite the constructed site existing only under 50 years. This statement referred to Attachment 1 to said letter. Mr. Moore mentioned that the first page of the letter affirms that the headquarters building could easily qualify for listing. Mr. Moore clarified that this does not necessarily mean the entire Weyerhaeuser Campus would qualify. Ms. Kaylor then had Mr. Moore look at the second page of the letter (at the top of the page), which contains a statement detailing the boundaries of an historic listing. Mr. Moore believes this section of the letter more directly signifies that the entire campus can be determined historically significant. The statement discussed between Ms. Kaylor and Mr. Moore stated that there would a study before historic significance could be determined. Mr. Moore affirmed that such a study has not yet been conducted. Mr. Moore has not conducted any additional study of the campus aside from what is presented in his report and other letters that have been submitted.

Ms. Kaylor also had Mr. Moore confirm that he has not conducted any analysis of the impacts to the viewshed.

Mr. Moore believes that Warehouse A site will adversely impact the integrity of the campus. Mr. Moore stated specific concerns over approving the construction of Warehouse A because it may set precedent for further construction leading to the eventual full diminishment of the campus' integrity. Mr. Moore mentioned that one should think of this diminishing-effect as a "death by a thousand cuts analogy."

Mr. Aramburu asked Mr. Moore what kind of study needs to take place. Mr. Moore believes a comprehensive survey of the site is needed at this point to evaluate historic significance. Mr. Moore stated that through a comprehensive survey a record of documentation and design-significance can be further established so that it can be clearly delineated how the building and surrounding landscape, settings, and habitat interact to create a resource of historic significance.

Mr. Moore affirmed that the survey could be used to set conditions for future development projects to be compatible with the existing resource.

Alex Andersen a senior engineer and a Northwest hydraulic consultant was the next witness to testify. Mr. Andersen's resume can be found in the record as Exhibit 6.1. Mr. Andersen briefly mentioned some of his qualifications including that he has BA in Civil Engineering and a master's degree in fluid mechanics and hydrology. Mr. Andersen mentioned that he has been a consultant for 15 years in the field of water resources engineering. Mr. Andersen is heavily involved in hydraulic modeling. Mr. Andersen's report is in the record as Exhibit 7.

Ms. Kaylor asked Mr. Andersen if the three documents listed on the first page of his letter were the only materials he had reviewed before submitting the report to which Mr. Andersen responded that these were the most crucial documents pertaining to his analysis. Mr. Andersen added that he briefly skimmed other relevant documents.

Ms. Kaylor brought Mr. Andersen's attention to the first bulleted finding in his report dealing with flow to onsite wetlands. Ms. Kaylor asked Mr. Andersen if he had conducted any required, quantitative analyses of flows to which Mr. Andersen responded that his team attempted to obtain the model used by the developer; however, since Federal Way was unable to obtain the model they were unable to do this type of analysis.

Ms. Kaylor brought Mr. Andersen's attention to the second bullet point in the letter and asked if he did any independent, quantitative analysis of impacts to Stream EA to which Mr. Andersen responded that "we viewed the contour lines that are in the TIR and determined that some drainage that would end up in Stream EA would be diverted to the detention pond," but that there was no quantitative analysis conducted.

Ms. Kaylor asked if Mr. Andersen had done any independent quantitative analysis pertaining to the bulleted list and matters discussed in his letter to which Mr. Andersen responded that he had cross-referenced the documents submitted with the drainage manual but has not done independent calculations.

Ms. Kaylor asked Mr. Andersen's testimony if the project site drains to North Lake to which he responded that the entire site does not. When asked to clarify about Building A, Mr. Andersen responded that the specific area around that building does not drain to North Lake.

Looking at page 2 of Mr. Andersen's letter, Ms. Kaylor asked what "contiguous" means, to which Mr. Andersen responded, "sharing a boundary" such as in the case of a property line. Mr. Andersen affirmed that the project site for Building A and the project site for the Greenline Business park do not share property lines.

Looking at the final paragraph on page 2 regarding infiltration, Ms. Kaylor asked Mr. Andersen if he had conducted any independent study on infiltration on the Building A site to which Mr.

Andersen responded “we have not, our note was that testing is required and has not been completed.”

In cross from Mr. Lell, Mr. Andersen mentioned that “the drainage manual specifies that existing conditions should be modeled as historic, which is forested, so no it would not include prior housing that may have been on the site at some point” so this was not taken into consideration at all in his report.

Mr. Andersen mentioned that the TIR contains contour lines and flow path arrows from which he was able to decipher that water would drain into stream EA and that a portion of the headwater areas would go into the piped system.

Mr. Andersen mentioned that further analysis and review should be done of drainage around the project-site before the permitting stage.

Dr. Sarah Cook was the next witness to testify. Dr. Cook’s resume is Exhibit 2 in the record. Dr. Cook has an undergraduate degree from McGill University, a master’s degree from McGill University in biogeography, a master’s degree from the University of Washington in botanical taxonomy, and a PhD from the University of Washington in statistics, forestry, and plant-soil interactions. Dr. Cook has been working in the Pacific Northwest since 1983 as a wetland’s ecologist and consultant. Dr. Cook has owned her own company since around 1989 and has worked for large environmental firms throughout the Pacific Northwest.

Dr. Cook’s report is in the record as Exhibit 3. Dr. Cook provided supplemental information to her report pertaining to the potential cumulative impacts of Warehouse A, Warehouse B, and the Greenline Business Park. Dr. Cook suggested that—regarding the issues she testified on—analysis of each project’s potential impacts should be consolidated to have a clear understanding of combined cumulative impacts.

Dr. Cook mentioned that stormwater review didn’t include consideration of basin plans meant to protect the Hylebos watershed as required by the City’s stormwater manual.

Dr. Cook mentioned that the Muckleshoot Tribe and the US Army Corps of Engineers provided extensive comments on watershed impacts. Dr. Cook mentioned the Muckleshoot Tribe has identified several points that were of interest to them but particularly how the three projects will impact the overall ecology of the region and the downstream basin cumulatively. Dr. Cook emphasized the Muckleshoot Tribes increased interests in impacts to fisheries, drainage, and the impact to water quality in the downstream receiving waters.

Dr. Cook mentioned that in the letter, there were identified four basin plans that have been previously developed at massive expense to the downstream receiving waters that effects fisheries and water quality and hydrology. One is the King County East Hylebos basin plan, the other is a report on the Hylebos watershed plan that Earth Corps produced in 2016, the next is the Pierce County Hylebos watershed study, and a King County-Federal Way watershed plan from the 1990s.

Dr. Cook mentioned that all of these are required as part of code. Dr. Cook added that this requirement can be found in the King County Stormwater Manual. Dr. Cook stated that there is a massive amount of habitat, both buffer and wetland, that is proposed to be destroyed that needs reflection under this part of the code as there will be a great deal of impervious surfaces placed over these sites. Stream EA is identified as non-fish-bearing and humanmade around the year 2001 whereas the WSDFW passage reports identifies a series of downstream culverts which act as barriers for stream EA and they report that if it weren't for these barriers (culvert 932924 and an additionally important but unnamed culvert) certain residential trout would be in the system. Dr. Cook reported that in the Talesea report there is a 1957 aerial photograph showing the stream as existing before 2001. Stream EA is not exempt as a manmade feature.

Ms. Kaylor asked Dr. Cook when she was retained for this matter to which Dr. Cook responded around two years ago. Dr. Cook clarified that she did her site-visit last year. Ms. Kaylor asked Dr. Cook if she had reviewed the environmental checklist, critical area report, and technical information report for Warehouse A which Dr. Cook affirmed that she had read. Ms. Kaylor asked if Dr. Cook had reviewed the plans and drawing on file with the city for Warehouse A to which Dr. Cook responded that she has not reviewed the entire file but has reviewed some plans.

In cross from Ms. Kaylor, Dr. Cook clarified that she is not an engineer. Dr. Cook further clarified she has no specialization with acoustic engineering. Dr. Cook does not have any experience conducting noise or air-quality studies.

Ms. Kaylor asked Dr. Cook if she has conducted any independent, quantitative analysis of the amount of stormwater runoff from the property, Dr. Cook responded that she has not. Ms. Kaylor asked Dr. Cook if she has conducted any independent, quantitative analysis of the rate or characteristic of stormwater runoff from the property with the development of Building A, Dr. Cook responded that she has not. Ms. Kaylor asked Dr. Cook if she has conducted any independent, quantitative analysis of changes to groundwater because of the development of Building A, Dr. Cook stated she has not. Ms. Kaylor asked Dr. Cook if she has conducted any independent, quantitative analysis regarding flows to either stream EA or any of the wetlands on or near the site to which Dr. Cook responded that she has not done any such analysis. Ms. Kaylor asked Dr. Cook if she has conducted any independent, quantitative analysis of air quality or noise impacts because of the project to which Dr. Cook mentioned that she has not.

Ms. Kaylor asked Dr. Cook if she believes the Building A site drains to North Lake to which Dr. Cook responded that it does not do so under current conditions. Dr. Cook mentioned that the Warehouse A property will also not drain to North Lake under future conditions.

Mr. Lell asked Dr. Cook if anyone had assisted her in putting together this report, in response Dr. Cook stated that several from Save Weyerhaeuser Campus combed through the documents with her; however, these people did not prepare report. Dr. Cook did not consult with city staff members or applicant representatives.

Dr. Cook stated that her references to the “many agents” in the documents that have “commented on cumulative impacts” relates to the Muckleshoot and Puyallup tribes (if one considers them agencies), the Department of Ecology, and Army Corps of Engineers.

During Cross from Mr. Lell had Dr. Cook clarified that she is not an expert in tribal law or fishery resources.

Dr. Cook mentioned that she had a brief discussion with a representative from the Muckleshoot Tribe but has not had written communication with any specific tribe. Dr. Cook is not under contract with any of the tribes.

Mr. Lell took issue with page 16 of Dr. Cook’s report, specifically subsection 4F. Dr. Cook clarified the “region” she was referring to in this section invokes the City of Federal Way but more clearly the industrial area that is the I-5 corridor. Dr. Cook deemed that there were no other vast forests near this site which she concluded from looking at aerial images found through Google.

Mr. Lell turned Dr. Cook’s attention to page 17 of her report. Dr. Cook’s comments on page 17 express that the Applicant has failed to identify that the wetlands discharge to the watershed body.

The next witness was a Mr. Honda, the witness’ first name was unmentioned. Mr. Honda took the photographs found in Exhibit 13. Mr. Honda was asked by Save Weyerhaeuser Campus to take these photographs. Mr. Honda was provided a map by the people from Save Weyerhaeuser to determine what images needed to be collected. Mr. Honda could not recall exactly when he took the photographs in question.

The photographs Mr. Honda took were projected on a screen for individuals attending the hearing to examine while being crossed by the City and Applicant.

Ms. Kaylor asked what time of day the photographs were taken, Mr. Honda responded that they were taken during the afternoon. Mr. Honda clarified that the arrows on the map in Exhibit 13 were recommendations for the angles at which photos were to be taken but that there is not perfect correlation between the map and the angle of the images.

Jean Parietti a board member of Save Weyerhaeuser Campus was the next witness to testify. Ms. Parietti gave Mr. Honda the recommended directions for his photographs. Ms. Parietti prepared the map featured in Exhibit 13. Ms. Parietti mentioned that Mr. Honda did not cover all the images Ms. Parietti requested that he take but that Mr. Honda was able to capture most of the requested images. Ms. Parietti hoped to use the images to show the existing conditions of the campus including the surrounding neighborhoods. Ms. Parietti mentioned that the exhibit does not accurately reflect where the Greenline Business Park would be located.

Ms. Kaylor asked why there are no photos taken on the north end of the lake to which Ms. Parietti responded that “we did not consider that area because we were trying to show the existing part of

the CP1 Zone where there could be effects where the buildings could be and also the North Lake neighborhood.”

Erik LaBrie a land-use planner working for ESM Consulting Engineers was the next witness to testify. Mr. LaBrie has held the position of President over the past four years at ESM Consulting Engineers. Mr. LaBrie is not a licensed professional engineer in the State of Washington. Mr. LaBrie is a nationally certified land-use planner by the American Institute of Certified Planners and has been practicing land-use for over 25 years with most of his professional time spent in the Pacific Northwest.

Mr. LaBrie has been the primary land use planner on the site for the IRG projects. Mr. LaBrie was first retained to work on these projects in January 2016. Mr. LaBrie mentioned that he did not work on any projects in advance of IRG purchasing the property; however, ESM Consulting Engineers have been working on elements of this project since before 1994. Prior to the purchase Mr. LaBrie was engaged with IRG to do an ALTA survey of the site and Mr. LaBrie became involved to assist in land use applications Mr. LaBrie mentioned that ESM is the civil engineering, land-use planning and surveying firm for all three IRG projects. TENW was mentioned by Mr. LaBrie as the traffic consultant working with IRG. Mr. LaBrie described himself as a primarily an application preparer and coordinator. Mr. LaBrie does not necessarily make decisions for the project and would not call anyone at IRG the project manager.

Mr. LaBrie mentioned that the project—Warehouse B in this case—has changed with each letter of comment received from the City. The square-footage of the site has changed but Mr. LaBrie does not have these numbers. Mr. LaBrie believes the size of the impervious surface has also likely changed. Mr. LaBrie does not know when the city will grant approval for Warehouse B. Mr. LaBrie mentioned that he is currently working on addressing the City’s comments on the Greenline Business Park project to meet requirements. Mr. LaBrie mentioned that it is possible to do a land-use plan for the entire site but one has not yet been completed to his understanding. Mr. LaBrie does not believe ESM could prepare a report of traffic impacts and analysis for the entire site because they do not have a traffic engineer on site. Mr. LaBrie speculates that TENW could possibly prepare a traffic report but could not affirm. Mr. LaBrie and ESM are not involved with review of historic resources.

Mr. Aramburu asked Mr. LaBrie if the City of Federal Way ever requested IRG or Mr. LaBrie to consider a cumulative analysis of all three projects together, Mr. LaBrie mentioned that he believes there was an early discussion about possibly doing this but he does not recall this every being formalized. Mr. LaBrie mentioned this discussion would have been informal and verbal, possibly taking place around 2017.

Save Weyerhaeuser Campus Exhibit 1 was readmitted to the record with corrections from its author, Cassie Phillips. In addition, Table 2 within the document was stricken from the record.

Larry Flesher a longtime Federal Way resident was the next to testify. Mr. Flesher was identified as a resident-witness, being someone who has lived in the area for an extensive period. Mr. Flesher gave commentary on Exhibit 13, pointing out where his home is within the scope of the image. Mr. Flesher lives on North Lake. Mr. Flesher has worked in construction and has a degree in aeronautical engineering from the University of Colorado. Mr. Flesher worked for the Boeing Company as an engineer for several decades until his retirement. Mr. Flesher first moved to Federal Way in 1966 and has lived on North Lake for approximately 47 years.

Mr. Flesher mentioned that residents of Mr. Flesher's neighborhood commonly use the trails on the Weyerhaeuser Campus.

Mr. Flesher stated some brief concerns about safety of pedestrians and cyclists along Weyerhaeuser Way.

Mr. Flesher overviewed the drone video describing the space for the examiner and discussing impacts to the land through the implementations of the proposed construction. Mr. Flesher also described the portions of land owned by IRG that the video showcases.

Mr. Flesher described that people in the neighbor love their trees and would not like to see any of the natural environment adversely impacted especially in ways that would limit the enjoyment and quality of their properties.

Mr. Flesher was able to review the plans for the three IRG proposals before his testimony. Mr. Flesher believes the foremost impact of these projects will be "a visual impact" for people at their residence, driving, and walking or biking around the area. Mr. Flesher stated that the Weyerhaeuser Campus is "a gem, an icon for the Northwest and to have it decimated with" the proposed implementations would be unfortunate. Mr. Flesher added that the aesthetic impact of the warehouses will be negative even if there is vegetation planted around the warehouses and business park. Mr. Flesher again stated that the proximity of the proposed warehouses will adversely impact property values. Mr. Flesher added that people will no longer be interested in buying houses during this area. Mr. Flesher believes that increased truck traffic in the area will have adverse impacts, especially for nearby residents. Mr. Flesher stated that the safety of people who enjoy cycling in the area will be compromised if the warehouses are implemented.

Mr. Flesher does not think that this property is quality-development that will complement existing uses as described by the Federal Way Comprehensive Plan. Mr. Flesher mentioned he had experience building warehouses and warehouses are known for being unattractive. Mr. Flesher stated that it is extremely difficult to make these kinds of cement structures to complement the surrounding area. Mr. Flesher wants the examiner to require further, in-depth review of water, wetlands, and traffic impacts.

**8.7.2019**

Members of the public gave testimony limited to three minutes. H. David Kaplan, Dan Streiffert, Vikki Kirchner, David L. Dickerson, Suzanne Vargo, Mary Paynter, Dana Holloway, and Margaret Nelson all testified expressing concerns over the proposed project.

Mr. Streiffert, who identified himself as the Conservation Chair of the Rainier Audubon Society, stated concerns over the implementation of IRG's project plans. Mr. Streiffert stated that the Weyerhaeuser Campus is an important birding area with 120 species of birds. Mr. Streiffert—and other members of the Rainier Audubon Society—believe the project needs to be reevaluated to consider the cumulative impacts of all three IRG proposed projects relevant to the site. Mr. Streiffert stated that downstream hydrology needs more significant consideration as well as the impacts to the East Hylebos, and to wildlife more generally. Hoping to project North Lake and the East Hylebos, Mr. Streiffert stated concerns for lack of road run-off mitigation. Mr. Streiffert stated that further review needs to be done to consider broader environmental impacts.

Ms. Kirchner, a 24-year resident of Federal Way and an employee of World Vision, stated a series of traffic-concerns. Ms. Kirchner identified herself as speaking on behalf of World Vision, which is headquartered in Federal Way. World Vision is the city's third largest employer. Ms. Kirchner stated that employees of World Vision in Federal Way have to deal with consistently increased traffic throughout the city. Ms. Kirchner is worried about the potential adverse impacts Warehouse A will have on traffic throughout the city. Ms. Kirchner believes the increased traffic will have a direct impact on the employees of World Vision and nearby residents. Ms. Kirchner believes if Warehouse B and the Greenline Business Park are also implemented there will be adverse traffic impacts for employees of World Vision. Ms. Kirchner believes a comprehensive, cumulative analysis of IRG's proposed projects needs to be conducted.

Mr. Dickerson, a former Weyerhaeuser employee, mentioned his concerns over the implementation of the project while testifying that the former Weyerhaeuser Campus' aesthetic qualities should be preserved. Mr. Dickerson stated a belief that the Weyerhaeuser campus was designed with the intent of preserving the aesthetic quality of the campus. Mr. Dickerson stated that public enjoyment of the property has always been an important element of the campus which IRG's proposed project may potentially undermine. Mr. Dickerson stated that his former boss at Weyerhaeuser particularly believed in the significance of the site's forested area. Mr. Dickerson believes that the placement of each tree on the Weyerhaeuser Campus is a significant part of the site's landscape architecture and design.

Ms. Vargo, a 50-year resident of Federal Way, testified expressing that she does not believe the SEPA review considers the cumulative impact of Warehouse A alongside the other proposed projects. Ms. Vargo believes in the importance of a cumulative impact analysis of all proposed projects. Ms. Vargo stated several concerns about the potential adverse impacts of Warehouse A and the other proposed projects to wetlands and groundwater. Ms. Vargo believes that there is a lack of thorough analysis of groundwater models demonstrating surface water connections. Ms. Vargo is concerned that the analysis provided does not effectively consider impacts to nearby bodies of water. Ms. Vargo believes in the importance of preserving salmon food sources that she

stated can be found in the area. Ms. Vargo thinks the preservation of trees is also of utmost importance and should be taken seriously by IRG and the City of Federal Way. Ms. Vargo suggested that Chris Moore's testimony from the Washington Trust for Historic Preservation was inaccurate because, as she believes, all the relevant historical and cultural agencies have reached out to IRG and that IRG has simply failed to respond to them. Ms. Vargo recalled that in a 2017 vote, the Washington Trust labeled the site of this project and "endangered site."

Ms. Paynter stated concerns over several elements pertaining to the proposed project. Ms. Paynter recalled her shock when she learned that the Warehouse A project was deemed to have insufficient environmental impact to warrant an EIS. Ms. Paynter believes that if the proposed projects were to be cumulatively evaluated, a more thorough environmental review would become necessary. Ms. Paynter stated that cumulative analysis of Warehouse A, Warehouse B, and the Greenline Business Park are necessary because projects will be interconnected. Ms. Paynter stated that it is common-sense to believe that the increase in impervious surfaces and semi-truck traffic will have widespread environmental impacts on this site. Ms. Paynter stated that more specific mitigations need to be put into place before any development begins. Ms. Paynter testified to the aesthetic quality of the former Weyerhaeuser Campus and stated hopes that its beauty will be preserved. Ms. Paynter suggested that it should be considered "an intrusion" to implement a new building onto this site because there was a great deal of intent in designing the campus, including its landscape, Ms. Paynter suggested that other purposes should be considered for the campus given its historic value, unique architecture, and landscaping. Ms. Paynter also stated worries about the pollutants the proposed project will bring into area. Ms. Paynter stated concerns over the impervious surface that will be implementing, mentioning that she believes the project will have paved paradise and put up a parking lot.

Ms. Holloway, a 43-year resident of Federal Way, shared concerns over the proposed project's impact on traffic. Ms. Holloway's oral testimony was accompanied by written testimony on traffic (see: Exhibit J). Ms. Holloway described Federal Way as already dealing with serious traffic problems. Ms. Holloway discussed how two separate sites in Federal Way are among the top 60 bottleneck traffic sites in the nation. Ms. Holloway mentioned that the increased traffic impacts generated by Warehouse A, and other IRG projects, will directly impact these already congested sites and adversely contribute to traffic problems throughout the broader region. Ms. Holloway stated that the potential traffic impacts of Warehouse A, Warehouse B, and the Greenline Business Park need to be more carefully and cumulatively studied before the project(s) move any further. Ms. Holloway believes that an environmental statement pertaining to traffic-impacts for the combined proposal (Warehouse A, Warehouse B, and the Greenline Business Park) should be submitted and considered before any development occurs.

Ms. Nelson, a Federal Way resident, stated concerns about the traffic impacts of the proposed IRG projects. Ms. Nelson worries about the increase of car and truck traffic throughout the city which she stated to be a certainty if the project moves forward. Ms. Nelson suggested that, as each IRG project is implemented, already pertinent traffic issues will be exacerbated. Ms. Nelson thinks a cumulative overview of traffic-impacts for all potential projects is needed and that a

comprehensive environmental master plan for the whole acreage should be prepared before any permits are distributed to developers. Ms. Nelson believes an analysis of the cumulative effects of all intended projects on the acreage are needed as they will all create adverse environmental impacts in the future.

Written commentary to the examiner was received from Jeff Recor, Sue Petersen, Lynn Naumann, D.B. Kim, Katherine Wimble, Margery Godfrey, Anne Christiansen, Mark Sankaran, George Weyerhaeuser, Annie Phillips, Dana Holloway, Margaret Nelson, Diana Noble-Gulliford, and Suzanne Vargo was added to the record. These letters were entered into the record as Exhibit J.

Mr. LaBrie, who had previously testified on June 21, testified on behalf of the Applicant on the topic of land-use planning. Mr. LaBrie works for IRG and was the primary land use planner for the proposed project.

Overviewing Applicant Rebuttal Exhibit 1 and City Exhibit 1F, Mr. LaBrie described the project site and vicinity. Mr. LaBrie mentioned the significance of I-5 as being to the west of the site, Highway 18 to the south, Weyerhaeuser Way going through the campus, and the City Center being to the further West of the Campus. Mr. LaBrie further mentioned North Lake and the residential areas near the campus as being significant. Mr. LaBrie also identified prior office buildings to the south of the campus on both sides of Highway 18. Using a map, Mr. LaBrie identified a series of meadows, the technology center, and the former Weyerhaeuser headquarters building.

Mr. LaBrie identified the Building A site using City Exhibit 1F. Mr. LaBrie mentioned that the Building A site is typical “of a currently undeveloped parcel in the Pacific Northwest.” Mr. LaBrie mentioned that there is “approximately 40ft of topographic relief across the site, the high point being up in the northwest corner, and the low point being in the southwest corner.” Mr. LaBrie identified five wetlands on the Building A site and an additional 4 wetlands where the offsite pond will be located. Mr. LaBrie described the site as forested, but with remnants of previous roads. Mr. LaBrie mentioned that the landscape company that takes care of the campus currently utilizes this site for maintenance and storage of materials.

Mr. LaBrie mentioned that the property was originally platted in 1889 as the North Lake addition to East Tacoma. Mr. LaBrie added that old rights-of-way can be found on the site that had been vacated during the mid-to-late-twentieth century and more recently in 2008. Mr. LaBrie mentioned that, overtime, the property was developed with single-family housing and primitive roads as seen in City Exhibit 1A: Figure 5. Mr. LaBrie stated that the property has a history of development prior to the late-1960s and the 1970s when Weyerhaeuser purchased the property developing it into their headquarters. Mr. LaBrie added that in 2015 Weyerhaeuser relocated and sold the property to IRG (Federal Way Campus LLC). Mr. LaBrie added that since 2015, IRG has submitted several development applications of which Building A was the first to reach its current stage in the development process.

Mr. LaBrie does not believe there is anything substantially unique about the project site's physical features, describing the site as commonplace in the Northwest.

Ms. Kaylor had Mr. LaBrie describe the Building A project plan using City Exhibit 1F. Mr. LaBrie described the project as a single-story, 228950sq.ft. warehouse for general warehouse use. Mr. LaBrie mentioned that the warehouse includes 257 passenger vehicle parking stalls and 30 additional truck/trailer parking stalls. Mr. LaBrie identified access points to the site using a map. Mr. LaBrie mentioned that the building will be placed in the center of the site which helps secure the forest buffer agreed to in the Concomitant Agreement.

Mr. LaBrie mentioned that stormwater for the site will be captured via downspouts and catch-basins and routed with pipes down to the stormwater pond, where it will be detained, treated, and released to the downstream system to flow offsite.

**[8.7.3 16:15]** Ms. Kaylor asked Mr. LaBrie to identify the off-site improvements found in the project proposal. Mr. LaBrie responded that the project has been conditioned to provide an additional right-of-way along Weyerhaeuser Way South, to remove and reconstruct the sidewalk, and reconstruct Weyerhaeuser Way. Mr. LaBrie also mentioned an extension of the right turn lane for the Westbound offramp of Highway-18 of an additional 200ft as an additional offsite improvement.

Mr. LaBrie used City Exhibit 1F to describe the buffer around the project site in greater detail. Mr. LaBrie used a map that had added color to the areas of undisturbed vegetation around the site and the managed forest buffer. Mr. LaBrie mentioned that the managed forest buffer is 50ft at its minimum; however, there are portions of substantial buffering, like on the Southeast section of the site where the buffer of vegetation is over 160ft. wide. Mr. LaBrie mentioned that the buffers will provide a visual break or a partial screening from the warehouse.

Mr. LaBrie mentioned that six visual impact studies have been conducted by IRG that focused on Building A. Mr. LaBrie mentioned that these visual impact studies used various techniques. Mr. LaBrie also mentioned that IRG prepared Applicant Rebuttal Exhibit 3 which shows the view from the East entrance to Weyerhaeuser headquarters building, toward the Building A site. The top part of it shows the viewpoint and the distance of the undisturbed vegetative buffer of approximately 70ft. The building is setback approximately 140ft. from the edge of that roadway and the foundation is also 12ft below the road, so using that information and the geodata he was able to project the roofline of what building A would be, which will be below the height of the trees. He noted that the picture was taken in the late-winter/early-spring, which represented a type of worst-case-scenario for shielding the view of the building. Mr. LaBrie believes this example shows effective mitigation that will remove any adverse visual impact that Warehouse A could have. Mr. LaBrie mentioned that it is also significant that the only directly east-facing windows (the direction looking toward the Building A site)—that are not-obscured by hedges—in the Weyerhaeuser headquarters building are on the fourth floor at the entry lobby.

Mr. LaBrie described the permitting process for Warehouse A at length. Mr. LaBrie mentioned that Building A began under the name Preferred Freezer because IRG had a user with this name who had a tenant. After which, an application was filed in June 2016 for that project. In December 2016, the City returned its comments to IRG, and at that time Preferred Freezer walked away from the project. IRG responded to City comments at that time and then changed the application to a general-use warehouse rather than a specific-use warehouse. IRG received three additional rounds of comments from the City which were addressed and lead to the conditions-of-approval and the mitigated determination of significance. Mr. LaBrie mentioned that this process took over three years.

Mr. LaBrie responded to several points of criticism made by the appellant. Mr. LaBrie disavowed the appellant's claim that Building A is part of a larger project on the former Weyerhaeuser property. Using Applicant Exhibit 13, Mr. LaBrie mentioned that the timing of applications—being set apart by over a year—between Building A and Building B, *inter alia*, signifies that they are separate projects. Mr. LaBrie noted that these projects were conceived separately over time and while Building A and Building B do share a common boundary, each of them has been designed to be built independently. Mr. LaBrie noted that in the application for Building B, the city had noted that it was possible for both buildings to be constructed and that this can happen independently. Mr. LaBrie mentioned that the Business Park is proposed in a location over a quarter-mile away from Warehouse A (and Warehouse B) and that there are many intervening parcels and roadways separating these sites. Mr. LaBrie mentioned that an important element is also that the Greenline Business Park is also intended to have a different drainage system than Warehouse A and B.

Mr. LaBrie does not believe that the factsheet submitted as Appellant Exhibit 1 is accurate. Mr. LaBrie added that Applicant Rebuttal Exhibit 4 this document expresses a more accurate representation of the numbers than the appellant's exhibit; however, these numbers are likely to change as well.

Mr. LaBrie also took issue with the memo prepared by Dr. Cook mentioning the inaccuracy of her statement on page 9, that the project will impact Wellhead C. Using Applicant Rebuttal Exhibit 5, Mr. LaBrie described that her statement was unfounded and that this exhibit shows that Wellhead C's zone of influence does not intersect with the project site.

Mr. LaBrie does not believe in the accuracy of Dr. Cook's statement (on page 16 of her memo) that this site is the last large forested area in the region. Mr. LaBrie stated that Applicant Rebuttal Exhibit 1 and Applicant Rebuttal Exhibit 2 contrast statements like this in Dr. Cook's memo.

Mr. LaBrie disagrees with appellant claims that this project is inconsistent with policies in the Comprehensive Plan. Using the Comprehensive Plan City (Exhibit 2B) Mr. LaBrie explained the basis for his opinion being found on the second paragraph of page 1-14. Mr. LaBrie mentioned that the Comprehensive Plan is not necessarily a development regulation. Using page 2-2 of Exhibit 2B, Mr. LaBrie stated that the previous page of the plan can be used to deny several of the

appellant's claims under this section. Mr. LaBrie described the site as having available urban utilities, and being near the City Center, and also being within the City of Federal Way's Corporate Limits.

Mr. LaBrie criticized the appellant's usage of Goal LUG1 and LUP1 on page 2-8 of the Comprehensive Plan. Mr. LaBrie stated that IRG has met design and zoning regulations and requirements set forth by the plan. Mr. LaBrie further repudiated the appellant's usage of LUG3 and LUP14 on page 2-11 of the Comprehensive Plan. Mr. LaBrie mentioned that these goals and policies are under the heading "single-family high density" and if one looks at the previous page of the Comprehensive Plan, the section is talking about the land use designation for residential areas, so the policies are not applicable to a property with the designation of a corporate park. Mr. LaBrie also critiqued the appellant's usage of LUP36 on page 2-14 of the plan. Mr. LaBrie mentioned that LUP36 pertains to general policies for commercial office and commercial enterprise use and that it is nonapplicable because Warehouse A is zoned CP1 and is a corporate park which city code differentiates from a commercial enterprise site. Mr. LaBrie stated that, in his professional opinion as a land use planner, the project is consistent with Federal Way's Comprehensive Plan. Mr. LaBrie mentioned that the project's consistency with the Comprehensive Plan is exemplified within the plan's land use designation for "corporate park" under Goal 8, Goal 9, and Policy 10.

Mr. Aramburu asked Mr. LaBrie how many houses were represented in the older images from 1957 that had been previously projected on the screen. Mr. LaBrie said there were probably less than 10 houses represented in the image. Mr. LaBrie does not know when these houses were removed.

In cross, Mr. Aramburu mentioned Mr. LaBrie's previous testimony on truck access to Warehouse A on Weyerhaeuser Way indicating that this access was placed so that it would be as close as possible to the Weyerhaeuser Way and SR18 interchange to which Mr. LaBrie mentioned it would be as close as the city would reasonably allow.

Mr. LaBrie distinguished the light green color from the dark green color on the project map he provided mentioning that the differences in color occur from hatch-patterns on the original drawing. Mr. LaBrie mentioned that there is a key on the map to describe the differences in hatch-patterns.

Mr. Aramburu asked Mr. LaBrie if the property owner completed a historic analysis of the site to which Mr. LaBrie stated that an expert will be testifying on the status of this project. Mr. LaBrie affirmed that a historic analysis has been completed. Mr. LaBrie mentioned that although he has not seen a completed report, he knows a review has been conducted by an expert who will testify.

Mr. Aramburu asked if Preferred Freezer could become the tenant of the property to which Mr. LaBrie stated he would avoid speculation on such a question. Mr. LaBrie is not privy to leases and in-depth information about who/what the future tenant of the warehouse will be in the future.

Mr. LaBrie affirmed that it is his understanding that the Applicant is attempting to acquire approval for several buildings near the project site. Mr. LaBrie does not know when the other projects will be permitted and does not know of a clear timeframe.

In cross from Mr. Aramburu, Mr. LaBrie clarified that plans did not exist for Warehouse B and the Business Park while the plans for Warehouse A were initially being developed.

Mr. LaBrie affirmed that in July 2017, the Warehouse B pre-application meeting was held. Mr. LaBrie affirmed that at this time conceptual drawings were shown to the City. Mr. LaBrie did not design or draft the conceptual drawing for Warehouse B. Mr. LaBrie mentioned that he was not the lead planner for the Warehouse B application. Mr. LaBrie clarified that the pre-application meeting for the Business Park was held in September 2017. Mr. LaBrie testified that there was probably very similar timing between the Warehouse B and Business Park application but that he is unaware if the two projects began around the same time. Mr. LaBrie's company worked on the application for Warehouse B and the Greenline Business Park.

Because Mr. LaBrie had testified about the individual nature of the three projects and because Mr. Aramburu was seeking to understand if "he (Mr. LaBrie) participated in any activity that would involve cumulative impact," Mr. Aramburu asked Mr. LaBrie if there has ever been a cumulative traffic analysis done or completed for Warehouse A, Warehouse B, and the Greenline Business Project to which Mr. LaBrie responded that the traffic engineer would be better suited to answer this. However, Mr. LaBrie added that it is his understanding that the Greenline Business Project's traffic report considers Warehouse A and Warehouse B as well as other projects that are in the permitting stage.

Mr. LaBrie affirmed that Warehouse A has not received any international or national recognition as a quality development.

The relevant parties discussed the public letters submitted to the examiner (Exhibit J). Comments pertaining to climate change in Exhibit J10 were stricken from the record. Portions of Exhibit J15 (discussion of the city's landmark ordinance) were identified by Ms. Kaylor as outside of the hearing's scope; however, the examiner permitted these comments as substantiating historic significance. Regarding this, Ms. Kaylor mentioned that historical preservation is generally raised in the context of SEPA and the process III appeal whereas the landmark ordinance was adopted in 2017 and specifically required property-owner consent to landmarking making it inapplicable and it was also not raised in the appeal. The text portion of Exhibit J14 after page 2 was stricken and only the first four photographs were admitted. The bottom of page 2 and top of page 3 were stricken from Exhibit J13 due to being outside the scope of the appeal. Mr. Kaplan's letter was denied entry into the record. Exhibit J9's mentioning of the Concomitant Agreement (the first paragraphs third sentence) were stricken from the record.

Laura Bartenhagen testified for the Applicant on the issue of stormwater hydrology and hydraulics. Ms. Bartenhagen works for ESM Consulting Engineers and is the project's civil engineer. Ms. Bartenhagen's resume is in the record as Applicant Exhibit 2.

Ms. Bartenhagen designed the project's stormwater system. Looking at City Exhibit 1F and 1Q, Ms. Bartenhagen described the project's stormwater system. Ms. Bartenhagen testified that the stormwater plan was devised in concordance with King County's 2016 Surface Water Design Manual which was adopted and amended by the City of Federal Way. Ms. Bartenhagen stated that both of these manuals are in accordance with the 2015 Western Washington Stormwater Manual. Ms. Bartenhagen mentioned that the stormwater system for this project takes stormwater from the site, it discharges it downstream via gravity flows, and it mitigates for the proposed development by looking at existing conditions, developed conditions, flow control, water quality, flow control BMPs, as well as frontage improvements.

Ms. Bartenhagen relied on Applicant Exhibit 16 to describe existing stormwater conditions. Ms. Bartenhagen mentioned that, under the previously mentioned manuals, the site stormwater system was modeled for pre-developed forested conditions. Ms. Bartenhagen described that from the site of Warehouse A water generally discharges southeast through the Building B site and flows go downstream across Highway 18 through a culvert and continues through an existing wetland and connects with the Business Park flows south of Highway 18, which is around a mile downstream. Ms. Bartenhagen mentioned the flows reach the east fork on the Hylebos stream and eventually converge with the west fork of the Hylebos stream. Ms. Bartenhagen affirmed that she performed a downstream analysis and, in following up with City concerns, evaluated the downstream path beyond manual requirements (approximately a mile downstream).

Ms. Bartenhagen mentioned that the provided flow control is described in the manual and requires that they detain to a Level 2; however, based on City comments they planned for detainment to a 100-year stormwater standard.

Ms. Bartenhagen affirmed that Building A and Building B could be constructed separately in regard to stormwater management.

[8.7.9 15:30] Ms. Bartenhagen mentioned that the project's flow control best management practices are laid out in the aforementioned manual. Ms. Bartenhagen's team selected the practices that were most feasible for the site. Ms. Bartenhagen mentioned that the practices were adhered to in preparing the proposal for Building A but looked at in a preliminary capacity.

Ms. Bartenhagen mentioned that the manual delineates how the project developers approach the issue of water quality. Ms. Bartenhagen mentioned that the current manual calls for enhanced water quality. Ms. Bartenhagen described the enhanced water filtration system that will accompany Building A's development. Ms. Bartenhagen mentioned that the water running off into the pond will be cleaned to an enhanced level. Ms. Bartenhagen believes the stormwater

management proposed by the Applicant is adequate and complies with the manual adopted by the City.

In questioning from Ms. Kaylor, Ms. Bartenhagen stated disagreement with several of the appellant's witness testimonies and exhibits. Ms. Bartenhagen found Mr. Andersen's memo (SWC Exhibit 7) to contain some inaccuracies. Ms. Bartenhagen particularly found bullet points one and two from SWC Exhibit 7 to be inaccurate. Ms. Bartenhagen also disagreed with statements from the second bullet point on page 2 of SWC Exhibit 7 expressing that this is a largely inapplicable statement. Ms. Bartenhagen further stated that a master drainage plan was not to be required for Building A, Building B, and the Business Park as it is not mandated by the King Country Stormwater Manual for non-contiguous projects which create new impervious surfaces. Ms. Bartenhagen stated that the fourth bullet point on page 2 of SWC Exhibit 7 is generally accurate; however, that the best management practices will be incorporate to the maximum extent feasible at the building permitting stage but that right now they are in a more preliminary engineering phase. Due to topographic challenges prevalent to the project, Ms. Bartenhagen disagrees with appellant claims on the first bullet point of page three over the issue of dispersion and water pumping.

Ms. Bartenhagen critiqued SWC Exhibit 3 and Dr. Cook's comments about significant adverse impacts regarding stormwater management. Ms. Bartenhagen believes the concerns stated by Dr. Cook, primarily on pages 11-12 of her report, would be effectively addressed by adhering to the manual. Among other objections, Ms. Bartenhagen stated disagreement with Dr. Cook's claims that downstream analysis should have been further extended as she believes they superseded code requirements as directed by the City. Ms. Bartenhagen disagreed with Dr. Cook's claim that there are going to be significant adverse impacts to North Lake due to stormwater impacts resulting from this project. Ms. Bartenhagen mentioned that North Lake is uphill from the proposed development and Warehouse A will not discharge to North Lake. Ms. Bartenhagen disagreed with various elements of Dr. Cook's findings on pages 4, 6, and 7 of Dr. Cook's report. Ms. Bartenhagen suggested many of Dr. Cook's references are particularly irrelevant to the project such as her statements on impervious surface. Ms. Bartenhagen countered Dr. Cook's claim that the three potential projects need to be looked at together for stormwater mentioning that Warehouse A and B have already been looked at together but aside from this the manual only calls for contiguous projects to be cumulatively analyzed. Ms. Bartenhagen specified that the Business Park land is not contiguous with Warehouse A or B per the stormwater manual's definition of contiguous.

[8.7.12] In cross, Mr. Aramburu asked Ms. Bartenhagen to further explain the discharge system. Ms. Bartenhagen further clarified the applicant's water drainage plans. Ms. Bartenhagen used maps projected to clarify the routing of water flow and to clarify where drainage ponds will be placed. Ms. Bartenhagen clarified that in her testimony on downstream analysis that the stormwater manual only would have required a quarter mile of analysis but again stated that her team conducted an analysis reaching a mile.

[8.7.13] Jennifer Marriott testified for the Applicant on the issue of wetlands. Ms. Marriott is a professional, certified wetland scientist. Ms. Marriott's professional resume is found in Applicant Exhibit 6. Ms. Marriott has been the lead ecologist for the project working on critical areas that relate to streams, wetlands, and habitats. Ms. Marriott pointed out City Exhibit 1K as the most recent copy of the critical areas report for the Building A project.

Ms. Marriott clarified that City Exhibit 1K covers all the Building A site but also includes the Building B site because they covered all of the drainage easement for Building A thereby subsuming the Building B land into their analysis.

Ms. Marriott described that wetlands and streamline buffers were determined via the 1994 Federal Way City Code as it was modified by the Concomitant Agreement. Ms. Marriott's descriptions of buffer averaging was also determined by the modified agreement.

Ms. Marriott does not believe the project will lead to significant adverse impacts on wetlands and streams, concluding that impacts would be very minor with mitigation provided for impacts. Ms. Marriott also believes that habitat outside of wetlands and streams will not be adversely impacted. Ms. Marriott mentioned that the trees in the area have no special designation but have been inventoried for the purpose of the project.

Ms. Marriott was asked to look at SWC Exhibit 7. Ms. Marriott disagreed with the second bullet point on page 1 of SWC Exhibit 7. Ms. Marriott believes that the project will still maintain the discussed buffer. Ms. Marriott would not describe Stream EA as natural for its entire length. Ms. Marriott does not believe there is a definitive proof that the stream has not been altered in some way and believes it has been distinctly constructed. Ms. Marriott described Stream EA as a seasonal stream only holding water at certain points of the year.

Looking at the first bullet point on page 2 of SWC Exhibit 7, Ms. Marriott stated disagreement with the claim that the project will remove water from the depressional wetland in the forest buffer east of Building A. Ms. Marriott stated that the wetlands, by their nature, are small isolated systems with small watershed basins around them making this statement in SWC Exhibit 7 unlikely and impractical. Ms. Marriott stated that the buffers that will be implemented will likely be larger than the natural water systems in many cases. Ms. Marriott affirmed that there is water available to hydrate wetlands but this will be further looked at and worked during project-engineering stages.

Ms. Marriott does not believe that there will be significant adverse impacts to the Hylebos. Ms. Marriott stated that the Applicant is meeting all the current regulations and has gone beyond the minimum requirements. Ms. Marriott believes that implementing the stormwater manual as it exists in Federal Way causes the project to meet and/or exceed guidelines and expectations regarding minimizing impacts downstream.

Ms. Marriott stated that several of the reports used by Dr. Cook are outdated and often were not using the most relevant data. Ms. Marriott also disagreed with Dr. Cook's statements in her report

that Stream EA is possibly fish-bearing. Ms. Marriott believes this cannot be possible as the stream has a narrow channel, is dry for half of the year, is a seasonable stream, and has no groundwater base-flow. Ms. Marriott stated that the Washington Administrative Code (WAC) procedures would also likely determine this stream non-fish-bearing. Ms. Marriott mentioned that the 1994 Federal Way Code would determine Stream EA to be a “minor stream” and that, in general, minor streams do not contain fish.

Ms. Marriott stated disagreement with Dr. Cook’s claims on page 17—as well as in other places in her report—that the wetlands boundaries and rating should be revisited. Ms. Marriott mentioned that delineations for the stream were originally done in December 2015. Ms. Marriott stated that these initial delineations were incredibly conservative as they were done in conditions when the soil was extremely wet. These delineations were reevaluated at a later time and approved by the Army Corps. Ms. Marriott stated that the current rating system that Dr. Cook is suggesting needs to be used is inapplicable because it was not outlined in the 1994 Federal Way Code. Ms. Marriott stated that they did indeed do rating for the wetlands but that this was not applicable to this project. Ms. Marriott stated that the 100ft buffer—required by the 1994 Code—would likely be larger than the current buffer that would have been provided via adherence to code requirements.

Ms. Marriott agreed with Dr. Cook’s testimony that buffer averaging was impermissible by the 1994 Federal Way Code; however, Ms. Marriott clarified that buffer averaging was allowed via the Concomitant Agreement (City Exhibit 2C) which modified the code in relation to this development.

Ms. Marriott disagrees with Dr. Cook’s claims, in her report and testimony, that the proposed wetlands mitigation is inadequate. Ms. Marriott stated that the mitigation explicitly protects older, larger conifers and enhances habitat in specified areas. Ms. Marriott disagrees with Dr. Cook in that Ms. Marriott believes that mitigation is not targeting areas that are already high quality. Ms. Marriott believes the Applicant is properly going about enhancing an area that was, historically, a built-environment back in the 1950s. Ms. Marriott reiterated that there are high-quality habitats in the area but these are not targeted by mitigation

Ms. Marriott responded to claims from Dr. Cook that Native American tribes were not being consulted stating that the Applicant is working with the tribes through the Army Corps permitting process. Ms. Marriott stated that this approach is the proper method of working with the tribes and the stage of the process that gives tribes authority.

In cross, Mr. Aramburu asked Ms. Marriott if the cumulative impacts of the development of Warehouse A and Warehouse B properties were considered to which Ms. Marriott responded that she had considered the cumulative impacts. Ms. Marriott specified that in her report to the city, cumulative impacts are not significantly represented but have been more so in the Army Corps-level analysis. Ms. Marriott stated that pieces of this cumulative analysis are part of the record for this case, but a much more substantial process was done for the Army Corps permit, Ms. Marriott is unaware if this is part of the record.

Mr. Aramburu asked if Ms. Marriott had specifically reviewed and considered the Hylebos watershed plans to which Ms. Marriott responded that she had; however, this was not disclosed in her report because it was deemed largely irrelevant.

Mr. Aramburu asked Ms. Marriott to give information on the status of the Army Corps review of proposed project to which Ms. Marriott responded that they have received comments which are being addressed. Ms. Marriott specified that this included comments from the Muckleshoot and Puyallup tribes as well as from the Army Corps directly. Ms. Marriott specified that the Corps-permit has Building A and Building B grouped together. Ms. Marriott mentioned that there is an application in-house for the Greenline Business Park and that a critical area analysis was done but she does not recall a specific date for this. Ms. Marriott denied having worked on an analysis of all three projects simultaneously.

During redirect from Ms. Kaylor, Ms. Marriot mentioned that she does not believe—given the information that she has—that there will be significant adverse impacts to wetlands cumulatively from Building A, Building B, and the Greenline Business Park.

[8.7.15 9:34] Michelle Sadlier testified for the Applicant on the topic of historic significance. At the beginning of Ms. Sadlier's testimony, Ms. Kaylor stated the importance of Applicant Rebuttal Exhibits 3 and 7 as pertaining to the following testimony on historic significance.

Ms. Sadlier has a bachelor's degree in Anthropology and History with a specialization in archaeology. Ms. Sadlier also has a master's degree in historic building conservation and has been practicing as an architectural historian for over 12 years: meaning she meets the US Secretary of the Interior's standards for architectural history as well as for general history. Ms. Sadlier was not involved in the initial application or document preparation but was asked to survey the entire property for its historic significance. For this appeal, Ms. Sadlier was particularly asked to carefully consider the historic significant of the potential site of Building A.

Ms. Sadlier is still in the process of conducting her analysis of the site. Ms. Sadlier testified that she is doing a thorough review of the historical record on the site—including archival documents like maps, photos, and records of reports pertaining to the site. Ms. Sadlier has visited the Weyerhaeuser Library in North Carolina to find evidence pertaining to this site and has also conducted a series of oral history interviews with professors of architecture and design. Ms. Sadlier has also interviewed Peter Walker who was the partner in charge of preparing the site and the landscape planner for the Weyerhaeuser Campus starting in the mid-1960s.

Ms. Sadlier affirmed that there are no locally designated historic sites on the Building A property or vicinity; however, she did mention that there is code in place to allow for such a designation. Ms. Sadlier affirmed that the Building A site is not on the Washington Heritage Register. Ms. Sadlier affirmed that there is no federal determination of historic significance on the record for the

Building A site. Ms. Sadlier added that no part of the broader campus (including Warehouse A) is on the National Register for Historic Places.

Looking at Appellant's Exhibit 8—Mr. Moore's letter—Ms. Sadlier stated disagreement with Mr. Moore's findings, specifically that DAHP deemed the Weyerhaeuser campus eligible for listing on the national register. Ms. Sadlier stated that the letter from DAHP signifies that the headquarters building would be potentially eligible, but to determine if the campus were eligible there would need to be further study and surveying conducted of the broader site. Ms. Sadlier mentioned that the letter attached to Mr. Moore's documents from Michael Hauser (dated Oct. 31, 2017) the state's architectural historian does not constitute the site as a historic property at the local, state, or federal level. Ms. Sadlier stated that a determination of eligibility of historic significance is a yardstick within the profession but cannot be professionally considered a full determination. Ms. Sadlier mentioned that there are separate, formal processes to determine designation. Ms. Sadlier does not think the evidence presented by Mr. Moore in his testimony or in the documents supplied constitutes this process in any manner that could be perceived as a full, professional determination and designation of historic significance.

Ms. Sadlier has not yet reached any conclusion in her analysis over whether the entire Weyerhaeuser Campus is eligible for national designation. Looking specifically at the Building A site, Ms. Sadlier does not think the Building A site would be individually eligible for any sort of state, local, or national register; however, it does contain a buffer area (its surrounding vegetation) that is significant to the headquarters area. Ms. Sadlier affirmed that the "interior" of the site (the area not a part of the buffer she describes) is not independently eligible and would not contribute to the site's significance and ability to listed on any register.

Ms. Sadlier, looking at Applicant Rebuttal Exhibit 7, stated that she has found site plans in her research (as seen in the exhibit) showing the property in an earlier stage. Ms. Sadlier stated that the documents she used in her testimony maintained archival significance and showed a history of development plans and ideas directly stemming from important players within Weyerhaeuser's history. Ms. Sadlier stated that these are the types of documents that would be used to determine historic significance and especially in order to further delve into a history of design intent and temporal periods of significance for the property.

In discussing buffers, Ms. Sadlier described that the most significant evidence she has received so far about the significant of the buffers comes from Peter Walker himself, in my 50-minute interview with him, when he discussed the significance of their being buffers. In her conversation with Mr. Walker, Ms. Sadlier learned that design plans often shifted and that future development was always on the table as an option (including the site of Warehouse A). However, buffers were a crucial part of the design that were considered an element that was going to be preserved. Looking at Applicant Exhibits 7A and 7C, Ms. Sadlier stated a history of design intention in which buffers always were presented as space on which development would not occur.

In Ms. Sadlier's opinion buffers that can be spotted while driving throughout the campus would count as significant buffers to be considered for historic significance; therefore, Ms. Sadlier does not believe all the potential buffer near Warehouse A would necessarily count as a significant buffer. Ms. Sadlier stated that any significant buffer for Warehouse A would connect to Weyerhaeuser Way.

Ms. Sadlier stated that she does not know if there is a mandatory width for the buffer in regard to historic significance.

Ms. Sadlier affirmed that she heard Mr. Moore's testimony that the Warehouse A project would have significant adverse impacts on historic resources. Ms. Sadlier disagrees with this testimony and mentioned that, in her professional opinion, development on Site A would not have significant adverse impacts on historic resources. Ms. Sadlier believes that none of the impacts mentioned by Mr. Moore fully constitute significance.

Ms. Sadlier stated that it is not significant (and does not substantiate adverse impacts to historic resources) if someone would be able to glimpse portions of the proposed warehouse through the tree buffer.

Ms. Sadlier stated that there are already views of other building in the area from the headquarters building and from nearby roads. Ms. Sadlier stated that—with a street lamp in the area—there are already non-forested implementations within the area near Warehouse A. Ms. Sadlier believes that forest management practices should help preserve the site and ameliorate concerns about viewing Building A from the roads.

Ms. Sadlier stated that there was intent among designers to make the former Weyerhaeuser technology building distinguishable from the headquarters building showing a diversity (or lack of full consistency) of architecture on the campus. Ms. Sadlier stated that the buffers around the buildings are significant because there was historic design intent to make each of the buildings stand out individually but not impede the overarching aesthetic quality of the land. Ms. Sadlier believes that Warehouse A will fit within this design vision.

Ms. Sadlier believes that there are no significant adverse impacts to historic views to and from the headquarters building. Ms. Sadlier does not fully concur with Mr. Moore's testimony that Warehouse A will contribute to cumulative significance adverse impacts on historic significance of the former Weyerhaeuser Campus. Ms. Sadlier has not completed her analysis of the entire campus so refrained from expressing a totalizing view; however, she did assert that the cumulative impacts of Building A and Building B together will not have significant adverse impacts on historic resources if there are buffers.

Ms. Sadlier is unaware of any covenants relating to historic preservation of the site from Weyerhaeuser or IRG.

In cross from Mr. Aramburu, Ms. Sadlier mentioned that she could not recall the exact date she began working on this project but believes that it was sometime in January, 2019. Ms. Sadlier specified that her assignment from the Applicant was to conduct Section 106 analysis. Ms. Sadlier mentioned she is still working on this project and she is unaware of a final date of completion for

her report and analysis. Ms. Sadlier mentioned that there may have been some type of archaeological analysis done before she started working on this project but she is unaware of the details.

In cross from Mr. Aramburu, Ms. Sadlier described the archived materials she engaged with as being professionally preserved in North Carolina. These documents were given to the archive directly from Weyerhaeuser and were donated to the Forest History Society.

Ms. Sadlier mentioned that there were other maps in the archive alongside the ones she presented and discussed in the hearing but that the ones she showcased significantly featured the site on which Warehouse A is proposed. Ms. Sadlier mentioned that these other maps and drawings did not include the Warehouse A site. Looking at Rebuttal Exhibit 3, Ms. Sadlier mentioned that she has used this image but that the crux of her analysis resulted from a direct site visit.

In cross from Mr. Aramburu, Ms. Sadlier stated that the building will have the potential to create some visual obscurity as seen in the exhibits.

In cross, Mr. Aramburu asked Ms. Sadlier if she knew of any specific dates from the visuals she presented to which Ms. Sadlier did not speculate. Mr. Aramburu also asked if any of the visuals had landscape architect or official stamps from designers to which Ms. Sadlier pointed out stamps and filing numbers from Weyerhaeuser on one of the maps but the others were missing these. Ms. Sadlier is unaware of who the direct, individual creators are of the maps aside from their association with Weyerhaeuser and the land more broadly. Ms. Sadlier stated that 7C was a large format plan and 7B came from the cultural landscape foundations webpage. Ms. Sadlier mentioned that 7A was found from a “slide.”

Mr. Aramburu proceeded to seek specification about various signifiers on the maps to which Ms. Sadlier attempted to specify but also indicated that many elements of the maps were not clearly communicated.

Mr. Aramburu asked Ms. Sadlier if she would assume that most of the maps she is dealing with are 45 to 50 years old, to which she affirmed that most of them are. Ms. Sadlier mentioned that their presence in the archives and the statements of Peter Walker indicate the significance of these maps. Ms. Sadlier does not know if these maps and images were formally adopted by the company with the specific purpose of developing the site.

In cross from Mr. Aramburu, Ms. Sadlier affirmed that she has not asked for or been offered any images or drawing from IRG showing the building in place so she could see how the building would look through the buffer and how it would actually appear. Ms. Sadlier said that she followed the technical procedures for conducting her analysis and that statements made by Mr. Aramburu are not descriptive or reflective of the elements regarding this process.

In cross from Mr. Aramburu, Ms. Sadlier mentioned that in her analysis of historic significance she would always look at all the materials presented to her before determining significance.

During redirect, Ms. Kaylor brought Exhibit 7D to Ms. Sadlier’s attention. Looking at the bottom of the exhibit, Ms. Kaylor asked Ms. Sadlier if the exhibit had an architectural engineer’s name to

which she responded that it has the name of the company—which was the main architectural firm on the project (the main developer of the structural elements of the campus). Looking at Exhibit 7B, Ms. Kaylor asked if the exhibit had the same architectural firm's name one it to which Ms. Sadlier affirmed.

Ms. Kaylor asked Ms. Sadlier to turn her attention to Appellant Exhibit 8—the Washington Trust for Historic Preservation's letter—and (on page 33 of the PDF) identify if the drawing presented is the same drawing as Exhibit 7B to which Ms. Sadlier affirmed that it appears to be the same. Ms. Sadlier affirmed that the Washington Trust seems to be using a similar source to make their claims.

Ms. Kaylor asked that if Weyerhaeuser providing drawings to the current owner indicates that Weyerhaeuser was responsible for the drawings and plans to which Ms. Sadlier stated that she believes so. Ms. Kaylor asked if the fact that Weyerhaeuser provided these drawings to the Forest Historical Society was indicative of Weyerhaeuser's oversight over these drawing's creation to which Ms. Sadlier mentioned that this was indeed indicative of Weyerhaeuser's influence.

Ms. Kaylor asked if, while looking at historic significance, if Ms. Sadlier is considering a specified period of time to determine significance, Ms. Sadlier responded that there are a couple of different aspects, the first looking at the typical age threshold for listing in a register. For Federal Way it might be 40, for the National Register it is 50, however, there are provisions in place to allow for the consideration of less of resources via Criterion Consideration G in Section 106 of the National Historic Preservation Act. Ms. Sadlier mentioned that as part of her analysis she must determine when the start and conclusion of the site's significance would have been. Ms. Sadlier mentioned that she must decide when the site was of significance and what features contributed to this significance. Ms. Sadlier has yet to determine when the period of significance for this site would be.

The City began the examination of its witnesses with Mr. Cole Elliot, a professional engineer and employee of the city who spoke primarily on the issue of drainage. Mr. Elliot affirmed that he reviewed numerous relevant materials in preparation for his testimony. Mr. Elliot described himself as having been employed by the City of Federal Way for three years and is currently working as the city's Development Services Manager. Mr. Elliot has a BS in Civil Engineering from Seattle University. Mr. Elliot participated in the City's regulatory review of the Applicant's proposal for the Warehouse A project. [8.7.19 9:02]

Mr. Elliot affirmed that he also has knowledge of the Warehouse B and Greenline Business Park projects. Mr. Elliot mentioned that he knows Warehouse B is proposed to be adjacent to Warehouse A and that the Greenline Business Park is at the northern portion of the CP1 Zone beyond 336th Street wrapping around the current technological center.

Mr. Elliot affirmed his familiarity with stormwater regulations as described in the 2016 King County Surface Water Design Manual and the City of Federal Way's addendum. Mr. Elliot described that the King Country Surface Water Design Manual is six chapters which goes through covering the gambit of projects from a single-family homes all the way to covering a plat of huge

proportions. Mr. Elliot continued, within that there is a layout for going through original technical memorandums, the nine corps requirements, the five specials. And beyond that there is information pertaining to the preparation of the stormwater plan and subsequent chapters cover everything from the examination of the hydrologic modeling to the conveyance system to the water quality treatment to the conveyance water system and flow control. Mr. Elliot affirmed that the King County Manual was applied in the preparation for this project. Mr. Elliot affirmed that a stormwater analysis was prepared for the Warehouse A project (which is in the record).

[[12:39] of 8.7.19]. Mr. Elliot mentioned that the technical information report became relevant for the Warehouse A/Warehouse B site just because when the City looked at it, it had to make sure that each one could develop independently and were not codependent in any way. He continued, that the City had to look at an overall potential cumulative for the stormwater. In regard to the frontage improvements, most of those were required under the original submittals for the Preferred Freezer which included both onsite and offsite improvements.

Mr. Elliot was asked by Mr. Lell if he had read the ESM report prepared by the Applicants to which Mr. Elliot responded in the affirmative. Mr. Elliot stated that this report is in the record and he agrees with the analysis of this report. Mr. Elliot mentioned that the City did its own analysis, not just relying on the information submitted by the Applicant; however, they did take the Applicant's information so that they could verify their analysis.

Mr. Elliot mentioned that the Applicant's Stormwater report underwent four rounds of independent review by the City. Mr. Elliot described the City submitted review memorandum to the Applicant's planners after each round of review. Mr. Elliot described that these reviews are described as "technical comments" and are in the record. Mr. Elliot stated that what is in the record represents the most recent technical comments with one provision being that under the findings of fact covers stormwater and there are some things that will be fleshed out more when they get to the building level of the project but that this is fairly standard. Mr. Elliot stated that right now they are making sure there are no fatal flaws preventing development. Mr. Elliot believes the stormwater analysis performed for Warehouse A meets the standard-of-care set by professional engineers. Mr. Elliot believes the analysis was sufficient. Mr. Elliot testified to the thoroughness of the stormwater analysis.

Looking at City Exhibit 6B (pages 17 and 18, finding #32), Mr. Elliot attested to the fact that he participated in the formulation of this finding and both concurs with and agrees to its substantive content. Looking at page 20 (finding #35), Mr. Elliot affirmed that he participated in the formulation of this finding and both concurs with and agrees to its substantive content.

Mr. Elliot testified that he is aware of the testimonies that have been made calling for analysis of cumulative impacts of all the separately proposed IRG-related projects. Mr. Elliot mentioned that the City reviewed the anticipated stormwater impacts of the Warehouse A project together with those anticipated impacts related to the Warehouse B project. Mr. Elliot mentioned that this was done during the review for Preferred Freezer. Mr. Elliot mentioned that at one point a stormwater

pond was moved and that when the Warehouse B project was proposed the City needed to affirm that the proposed stormwater pond would suffice for both sites in terms of size, capacity, and effectiveness. Mr. Elliot mentioned that it was deemed necessary to conduct this conjoined analysis for the potential adequacy of the proposed stormwater pond in the case that either project (Warehouse A or Warehouse B) do not move forward. Mr. Elliot mentioned that the cumulative flows to be projected off the sites of Warehouse A and Warehouse B and their potential downstream impacts were also taken into account for the City's analysis. Mr. Elliot affirmed that the City did not review the anticipated stormwater related impacts of Warehouse A with the Greenline Business Park because these two sites are not contiguous meaning code would not require this kind of analysis. Mr. Elliot mentioned that the Greenline Business Park has flows that split in two different directions—a portion of which goes east into a wetlands and Northlake and the rest of the flows go into a multitude of storm ponds that flow into an existing point of discharge—meaning there is not topographical significance shared by the two projects.

Mr. Elliot testified that Warehouse A project is not dependent upon Warehouse B or the Greenline Business Project in regard to stormwater impacts. Warehouse B and the Greenline Business Project are not dependent upon Warehouse A. Warehouse A could proceed individually without the simultaneous development of Warehouse B or the Greenline Business Park and vice versa.

**[5:00 8.7.20]** Mr. Elliot testified that he is familiar with the criteria for approval of Process 3 Land Use Decisions under Chapter 19.65 of the Federal Way Revised Code. Mr. Lell had Mr. Elliot walk the examiner through an excerpt of the City's Process 3 Project Approval Regulations. Mr. Lell had Mr. Elliot point out and describe the significance of criteria within FWRC19.65.100(2)(A). Mr. Lell had Mr. Elliot refer to Page 22 of the Warehouse A Process Approval Decision and Mr. Elliot, discussing this page and the aforementioned criterion, discussed that, within his professional judgement, he believes the City satisfies all the necessary elements for approval.

Mr. Elliot testified that he has read the appellant's Notice of Appeal. Looking at Page 5 (paragraph 3.6.5) of this document, Mr. Elliot challenged the appellant's allegations that the proposal does not meet the standards of the current stormwater design manual because the applicant has not fully completed a downstream analysis and considered impacts to several bodies of water including North Lake and the Hylebos. Mr. Elliot stated that Warehouse A does not flow into North Lake. Mr. Elliot added that the downstream analysis provided by the City exceeds standards and regulations in many ways—as Ms. Bartenhagen testified. Mr. Elliot testified that the City actually has done reviews of some existing reports of the Hylebos determining that nearest problem area was almost three miles away. Mr. Elliot affirmed that all stormwater standards are met.

Mr. Lell had Mr. Elliot look at Page 5 of the appellant's Notice of Appeal (specifically paragraph 3.6.6). Mr. Lell alerted Mr. Elliot to a statement in this section alleging that the proposal does not consider impacts to drainage, including the discharge of drainage water is not at the natural location and not at the same volume as under pre-existing conditions. Mr. Elliot stated disagreement with these statements saying that the discharge point is the natural location. Mr. Elliot added that it is

not at the absolute headwaters, but that they are at the natural point of discharge. Regarding the volume, Mr. Elliot stated that the proposed discharge rate is below the current discharge rate due to use of forested conditions as a baseline.

Following the abovementioned discussion, Mr. Lell had Mr. Elliot overlook the appellant's Notice of Appeal (specifically paragraph 3.6.7). Mr. Elliot does not agree with this statement, which suggests that the proposal does not consider adverse impacts to groundwater and downstream resources caused by the interruption of groundwater infiltration due to construction of large impervious surfaces which will attribute to the elimination of storage of groundwater in current wetlands. Mr. Elliot stated that the area being discussed is a cumulative area of less than a quarter of an acre. Mr. Elliot mentioned that for storage designed in the pond there is a provision in the King County Code to increase the storage due to wetland in the area; yet, Mr. Elliot stated that the pond being discussed already contains over 20 percent above the amount of storage required. Mr. Elliot stated that the proposal was meeting both the letter of the law and the intent.

Looking at the Notice of Appeal on pages 5 and 6 (specifically paragraph 3.6.8), Mr. Lell asked Mr. Elliot if the appellant's statements in this section were accurate. Mr. Elliot disagreed with this statement mentioning that, "the actual site, Warehouse A, we have declared a heavy-use site; therefore, the requirement under the code is to install an oil-water separator." In addition, the "Applicant has proposed a coalescing plate which is basically the Cadillac of oil-water separators." Mr. Elliot mentioned that the oil-water separate takes all the surface water flows from where heavy equipment will be (areas like the parking lot) and slows down the flow to a point where the oil and water will separate so that the coalescing plates can capture oil so clean water can flow through the system. In his testimony Mr. Elliot also mentioned the use of a system which he called the "wetlands in a box" and was asked by Mr. Lell to clarify what this meant. In response Mr. Elliot described this system as actually called a modular wetland and is designed to "treat the phosphorus, the TSS, the copper, [and] all of the things generally associated with traffic. In addition, it happens after the pond" meaning a lot of the materials may have already settled lengthening the period of usability for the "wetlands in a box."

Looking at Page 6 (paragraph 3.6.12) of appellant's Notice of Appeal, Mr. Elliot contrasted this statement (one also made by Dr. Cook) saying that their analysis reflects what the code requires. Mr. Elliott mentioned that their estimates of predevelopment flows are much more conservative in comparison to what is seen off the site today. Mr. Elliot added that a 1964 photo helped the City determine that "potholes" around the site seem to correspond with where houses used to be.

## **8.8.2019**

Mr. Elliot's attention was brought to Page 6 (paragraph 3.6.13) of the Appellant's Notice of Appeal which describes, in regard to the applicable stormwater manual, that areas on Warehouse A and Warehouse B need to be viewed as one project on one site. Mr. Elliot disagreed with this part of the appeal. Mr. Elliot testified that both Warehouse A and Warehouse B are independent projects and there are no regulations requiring that they be completed in conjunction with one another. Mr.

Elliot added that, as part of the review, cumulative effects were looked at for stormwater but that this was not required, they only asked ESM to do this because they hoped to show that they were looking for any potential need to view them as complementary projects.

Mr. Elliot mentioned that he communicated his findings to Mr. Davis as part of the Warehouse A proposal both orally and through written communication. Mr. Elliot mentioned that parts of his communication with Mr. Davis contained not only his conclusions but also the substance of his analysis.

Mr. Lell asked Mr. Elliot if he was familiar with the MDNS and if he participated in the mitigated determination of non-significance which is being challenge in the appeal, to which Mr. Elliot responded "yes." Mr. Elliot was asked to look at Finding 8 on Page 2-3 of the MDNS and review it for the examiner. Mr. Elliot concurs with and agrees to the substantive content within this finding. Mr. Lell asked Mr. Elliot to summarize mitigation measures as required by the city's regulatory approval of the Warehouse A proposal. Mr. Elliot stated "we have within the MDNS the erosion and sediment control requirements," and an overarching responsibility to adhere to the stormwater manual. Mr. Elliot believes that stormwater related impacts have been adequately mitigated. Mr. Lell asked Mr. Elliot to look at Page 1 of the MDNS and asked Mr. Elliot to affirm this page's findings that as mitigated this proposal will not have a probable adverse impact on the environment to which Mr. Elliot confirmed his belief in this statement in regard to stormwater. Mr. Lell asked Mr. Elliot if any testimony given in the hearing or if any evidence presented has altered his opinions on the stormwater impacts to which he responded that nothing had changed his mind.

Mr. Lell asked Mr. Elliot if he was listening to the testimonies of Ms. Bartenhagen and Ms. Marriot which Mr. Elliot affirmed that he had listened. Mr. Elliot agrees with the testimony provided by these witnesses aside from one small element of Ms. Bartenhagen's testimony. Mr. Elliot added that Ms. Bartenhagen stated she was required by law to detain up to the 50 year; however, the design standards do indicate a 100 year standard for stormwater detainment.

Mr. Elliot agrees with Mr. LaBrie's testimony on topography and development history of the Warehouse A site.

Mr. Elliot recalled the testimony that homes were once on the site to which he agreed was an accurate testimony. Mr. Elliot mentioned that identified wetlands often concurred with the previous sites of homes but could not fully affirm this. Mr. Elliot mentions that this factor would not influence his team's drainage findings.

Mr. Elliot concurred with Mr. LaBrie's assessment and testimony on wellhead-C.

Mr. Elliot disagreed with the findings of the Andersen report (SWC Exhibit 7). Mr. Elliot disagrees with statements of Page 1 of this report that critiqued the Applicant and City's conclusions and estimations of stormwater detention and statements on existing condition peak flows. Mr. Elliot

disagrees with this statement in SWC Exhibit 7 because “as part of the Code and the requirements under the King County [Manual], the presumption is that all flow off of this for preconstruction is prior to any intrusion by man,” he is unsure if the wetlands are the result of previous development so looking at previous conditions without the influence of human development would be much more conservative rather than the assumption that there is additional storage in the wetlands.

Mr. Elliot stated that, in contrasting the Andersen report, the development as proposed will not substantially dewater the headwater reach of Stream EA. Mr. Elliot does not agree with the corresponding analysis. Mr. Elliot mentioned that wetlands experts are not even certain if Stream EA is a natural stream. Mr. Elliot mentioned that Ms. Marriot had only classified this as a stream because of the old code. Mr. Elliot mentioned that there are significant errors in the report about the stream itself. Mr. Elliot also mentioned that the actual discharge is over 100ft. downstream from the report’s alleged head of the stream.

Looking at Page 2 of the Andersen report, Mr. Elliot disagreed with statements made indicating that, as Mr. Lell put it, “no provision has been made to maintain current levels of hydration for the depressional wetlands located in the forest buffer to the east of the proposed Warehouse A” with specific reference to Wetland DR and DQ. Mr. Elliot mentioned that this statement—and its corresponding analysis—are flawed because there has been accommodation in the later rounds of design to make sure the hydrology of both wetlands are maintained. Mr. Elliot added that “the wetlands that are outside of the property but within the right-of-way are within the preliminary design proposed to be rehydrated by street water.”

Further delving into Page 2 of the Andersen report, Mr. Elliot disagreed with a statement that described that increased traffic on Weyerhaeuser Way South could adversely impact the quality of highway runoff with potential to adversely impact North Lake. Mr. Elliot disagreed with this statement from the report’s mentioning that condition of approval 29 should be modified to include treatment of stormwater runoff from Weyerhaeuser Way South. Mr. Elliot mentioned that condition 29 only dealt with truck traffic—which is directed south. Mr. Elliot described that the issues being described were already addressed in one of the conditions of approval.

Mr. Elliot denied claims in the Andersen report (Page 2) that Warehouse A and Warehouse B should be a single project for permitting purposes based on definitions found in the KCSWDM. Mr. Elliot mentioned his previous testimony has already overviewed that the projects are not codependent.

Mr. Elliot did not concur with statements made in the Andersen report that “the Applicant has discussed but has not committed to any particular BMPs required by the KCSWDM.” Mr. Elliot clarified for the examiner that BMP stands for “best management practices,” and are enumerated within the code. Mr. Elliot stated that initial reviews for many BMPs have been done, there has not been an exclusion of BMPs; however, some BMPs have not been fully committed to because of geology. Mr. Elliot mentioned that BMPs will be fleshed-out in their entirety during the review

for a building-permit which has yet to be applied for (meaning this more detailed analysis is forthcoming).

Mr. Elliot was asked by Mr. Lell to overview a statement on pages 2 and 3 of the Andersen Report stating, “the TIRs’ determination that infiltration is infeasible is unsubstantiated.” Mr. Elliot testified that the submitted geotechnical report indicated that the probability of infiltration was extremely low.” Mr. Elliot has not seen any evidence or heard any testimony that would alter his conclusion.

Mr. Lell turned Mr. Elliot’s attention to page 3 of the Andersen Report. Mr. Lell pointed out a statement that was read stating, “full dispersion was improperly dismissed from consideration.” Mr. Lell asked Mr. Elliot to clarify what is meant by “dispersion” to which Mr. Elliot responded that, “dispersion in this context would be taking the stormwater off of the site putting it into... a dispersion trench and allowing it to flow over the land and infiltrate naturally.” Mr. Elliot stated that he does not agree with the abovementioned statement found in the Andersen Report. Mr. Elliot stated that the only way to do that would be to pump it, which is well beyond the standard of care, they have looked toward more reasonable methods.

Mr. Elliot stated that public comments do not show that the City and Applicant’s actions were erroneous pertaining to stormwater impacts analysis for the Warehouse A project.

Mr. Elliot mentioned that he has read the report submitted by Dr. Cook (SWC Exhibit 3). Looking at Page 3 Section 1A of the Cook Report, Mr. Elliot addressed claims by Dr. Cook that a cumulative impacts analysis should have been performed for Warehouse A, Warehouse B, and the Greenline Business Park. Mr. Elliot stated that there was already a cumulative impact analysis for Warehouse A and Warehouse B and that nothing in the code necessitates doing an analysis for the Greenline Business Park. Mr. Elliot stated that preliminary submittals from the Greenline Business Park showed that this site discharges differently, is mitigated by a substantial buffer and ponds, are separate by an undeveloped piece of property and a city right-of-way meaning it was not contiguous.

Mr. Elliot countered statements from Dr. Cook mentioning that downstream analysis was conducted both following and exceeding code-set standards. Mr. Elliot mentioned that the code required a Level 1 analysis, Mr. Elliot mentioned that the City thought ESM’s initial analysis needed to be extended as they did so to be as detailed as possible. Mr. Elliot mentioned that the City required a more comprehensive analysis from the Applicant which the Applicant completed. Mr. Elliot mentioned that the fourth-round of analysis covers almost a mile of downstream impacts. Mr. Elliot stated that this analysis can be found in the Technical Information Report.

Mr. Lell turned Mr. Elliot’s attention to pages 4 and 5 (section 1G-H) of Dr. Cooks report to solicit Mr. Elliot’s reaction. Mr. Elliot mentioned that the plans that Dr. Cook suggests should have been compulsory are unnecessary. Mr. Elliot mentioned that the Tulalip Tribe was reached out to in regard to salmon conservation but that they did not respond. Mr. Elliot added that with regard to a

Master Drainage Plan, “we have followed the law which says that a Master Drainage Plan does not kick-in until we go beyond 50 acres of impervious surfacing,” which (if counting Warehouse A and Warehouse B) would have to be over twice as large than it is. Mr. Elliot mentioned that basin plans have been enacted and they have looked to those plans that have been adopted by the city. Mr. Elliot stated that none of the plans referenced in the Cook Report are actually applicable for regulatory threshold issues among other reasons. Mr. Elliot stated none of these plans are necessary for the City’s review of the Warehouse A proposal.

Mr. Lell asked Mr. Elliot about the validity of Dr. Cook’s claims in section 1I of her report. Mr. Lell had Mr. Elliot respond to Dr. Cook’s assertion that, “groundwater withdraws into the stormwater system, which is critical, and will result in impacts to the downstream basin hydrology.” Mr. Elliot disagrees with this system and Dr. Cook’s corresponding analysis. Mr. Elliot also found this statement confusing, Mr. Elliot stated, “the implication of the statement is that there is being groundwater withdrawn from the site in some way... there is no plan within this to withdraw ground water.”

Mr. Lell had Mr. Elliot respond to page 6 section 1K of Dr. Cook’s report. Mr. Elliot responded to Dr. Cook’s claims about drainage to the Hylebos. Mr. Elliot mentioned that there is a buffer in-between when the basins are full, they will not discharge first to the Hylebos. Mr. Elliot finds error with Dr. Cook’s corresponding analysis. Mr. Elliot also disagreed with Dr. Cook’s statements on page 6 section 1O of her report, in which she was challenging a statement from the SEPA-checklist. Mr. Elliot suggested that the Cook Report is wrong about the natural points of discharge in this section and the SEPA is correct. Mr. Elliot bases this suggestion on the site geography and the studies done on the site, he believes the flows are clearly documented. Mr. Elliot stated the SEPA has pointed out to Stream EA as the natural flow point.

Mr. Lell pointed Mr. Elliot’s attention to page 7 section 2B of the Cook Report which asserts that IRG “ignored the existing storage of stormwater in current wetlands in their stormwater calculations.” Mr. Elliot stated ESM and IRG have designed a 27 percent surplus above and beyond what is required by the code. Mr. Elliot mentioned that the Applicant has built in 27 percent more volume into the pond beyond what would normally result in an emergency discharge situation.

Mr. Lell had Mr. Elliot reflect on page 10 section 2I of the Cook Report. Again, Mr. Elliot stated he did not agree with Dr. Cook’s findings that the stormwater analysis does not mention runoff from 320th and 336th from Weyerhaeuser Way being treated and that traffic impacts on stormwater runoff from a wider array of proposed projects should be considered. Mr. Elliot stated that 320th Street is an entirely different basin and 336th while within the overall drainage basin of the area is well outside the boundaries of this project, with a full property between Warehouse A and the street.

Mr. Lell asked Mr. Elliot about pages 10 and 11 of the Cook report’s discussion of the 2001 study which Dr. Cook uses to assert that stormwater ponds should be sized at least 5 percent of the total

impervious surface on a project site. Mr. Elliot mentioned this was valid back in 2001 but that today's standards are different. Mr. Elliot pointed out that the current stormwater manual has much more distinctive standards as regulatory and analytical regimes were meaningfully different. Mr. Elliot mentioned that standards have drastically changed. Mr. Elliot described the 2001 study as "obsolete" as it pertains to this project.

[8.8.4] In cross, Mr. Aramburu asked Mr. Elliot if he is working on the Warehouse A project but also the Warehouse B and Greenline Business Park projects to which Mr. Elliot responded that his "group" is working on these projects.

In cross, Mr. Elliot clarified that he is not working on the JARPA as this is a responsibility for the Applicant alone.

Mr. Elliot mentioned that there is a preliminary drainage plan for the Greenline Business Park. Mr. Elliot mentioned a Master Drainage Plan may be needed for this site.

Mr. Elliot mentioned that the assumption for Warehouse A is that trucks will travel south from the building. Mr. Elliot mentioned that he believes there is a condition of the permit that mandates trucks only access the Warehouse A site from the south; however, he would defer to the traffic group in regard to this.

Mr. Aramburu had Mr. Elliot turn his attention to Finding 8 in the MDNS. Mr. Aramburu asked Mr. Elliot if he wrote any portion of this section to which he mentioned that he provided input. Mr. Elliot clarified that within this there is a cumulative analysis as it pertains to SEPA. Mr. Elliot mentioned that Finding 8 suggests that the City does not need to continue with cumulative analysis.

In cross, Mr. Elliot affirmed his familiarity with subsection 19.100.030 of the code. Mr. Elliot stated that this section of the code requires an examination of cumulative impacts for different potential impacts both during and after development. Mr. Elliot described this a "zoning code, mainly" used to assess direct impacts. Looking at subsection 2, Mr. Elliot stated that this section was examined in the Warehouse A proposal. Mr. Elliot mentioned that this section is not cited because they did not directly quote it but it was more of a guiding factor. Mr. Elliot relayed that the King County Code is his primary concern and relies on other experts to give their judgements on the relevancy of citing or utilizing certain parts of the variously applicable codes and regulations. Mr. Elliot mentioned that under the King County Stormwater Design Manual Warehouse A and the Greenline Business Park are not considered to be within the "immediate vicinity" of one another. Mr. Elliot mentioned that the Federal Way's assessment of direct impact has not fully altered his understandings of the discussed properties as being within the immediate vicinity of one another. Mr. Elliot mentioned that the Warehouse A and B could be considered within immediate vicinity under the code if one used Mr. Aramburu's understandings. Mr. Elliot does not believe the Greenline Business Park would be considered within the immediate vicinity due to the many elements he has discussed in the hearing that make these projects noncontiguous and separate in regard to drainage.

Mr. Elliot mentioned that the drainage analysis of two of the project's being discussed (Warehouse B and the Greenline Business Park) are still ongoing, so a full opinion/statement on the "aggregated" impacts of stormwater has not been done for all three projects. Mr. Elliot mentioned an aggregation of Warehouse A and Warehouse B was done during the process of analyzing Warehouse A (due to a shared pond). Mr. Elliot mentioned that doing an aggregated analysis of all three projects would be "well-outside the scope of what is requested... that would be gifting public funds for an agency to do that." Mr. Elliot mentioned that there is no indication that the City would need this type of analysis suggested by Mr. Aramburu (even if the Applicant gave this information).

Mr. Elliot affirmed that no work has been requested by the city for impacts of the wetlands on flows from the sites being discussed (hydrology, topography, size, etc.).

Mr. Elliot mentioned that the downstream analysis for Warehouse A goes almost a mile beyond the southside of the Highway-18 culvert. Mr. Elliot affirmed that this analysis goes to the point where Warehouse A would converge with the Greenline Business Park.

Mr. Elliot clarified that pond size can be changed during design reviews if needed but right now they are working with the base information they have been supplied to determine the size.

In redirect from Mr. Lell, Mr. Elliot clarified again that the Warehouse A and Warehouse B properties will share a joint-retention pond. Mr. Lell asked Mr. Elliot to clarify if additional storage is found to be needed during the Warehouse B review if the City is prohibited from imposing requirements to which Mr. Elliot responded "no." Mr. Elliot clarified that just because the sites share a joint pond this does not prevent the City from mitigating any impacts from Warehouse B at this point.

Mr. Elliot clarified that, in his professional experience, the oversizing in the Warehouse A proposal exceeds standards of care.

Mr. Elliot suggested that each project being discussed would be better off being looked at individually because of the various factors that may distinguish each site of development such as soil types, relevant BMPs, and topography.

Mr. Elliot testified that the City's code does not produce different standards than the King Country Stormwater Manual. Mr. Elliot reiterated that the Warehouse A project is not large enough to require a master drainage plan. Mr. Elliot mentioned that one parcel and one right of way (totaling approximately a quarter mile) separate the Warehouse A project site from the proposed Greenline Business Park. Mr. Elliot clarified that the Warehouse A site is not contiguous with the Greenline Business Park; in addition, the two sites share no boundaries whatsoever.

Mr. Elliot mentioned that the term “immediate vicinity” is not clearly defined in the code but contiguous has been.

Looking at FWRC 19.100, Mr. Elliot mentioned that he and his staff considered the provisions of this chapter in making their recommendation. Mr. Elliot testified that he performed all the relevant analysis under FWRC 19.100.

In re-cross, Ms. Kaylor asked Mr. Elliot to look at Applicant Exhibit 16. Using this exhibit, Mr. Elliot clarified the flows he had previously testified. Mr. Elliot testified that Applicant Exhibit 16 accurately depicts water flows and where the two flows converge. Mr. Elliot agrees with Ms. Bartenhagen’s testimony that flows are controlled. Mr. Elliot testified that even if a Master Drainage Plan becomes mandatory for the Greenline Business Park this does not necessitate that one be done for Warehouse A. Mr. Elliot mentioned that Building A and Building B would be considered in the Greenline Business Park Master Drainage Plan because they will be a relevant part of the larger drainage system. Mr. Elliot testified that the approval for Building A can move forward even if the Business Park’s drainage plan has not been completed.

Ms. Kaylor asked Mr. Elliot several question about FWRC 19.100. Mr. Elliot clarified that City of Federal Way Code requires the application of the King County Surface Water Design Manual to their projects as the City has fully adopted the manual with one addendum. Ms. Kaylor asked Mr. Elliot if anything in this section 19.100 allows for the City to ignore the King County Manual to which Mr. Elliot responded that there was not. Mr. Elliot testified to the consistency of the drainage plan with the design manual.

In re-cross from Mr. Aramburu, Mr. Elliot stated that it is his understanding that there is a single parcel between Warehouse A and the Greenline Business Park. Mr. Elliot believes that IRG owns this single parcel. Mr. Elliot mentioned this parcel is the site of the corporate headquarters. Mr. Elliot clarified that it is not necessary for Warehouse B to be built for the stormwater plans for Warehouse A to be implemented. Mr. Elliot mentioned that the discharges from 73 acres of impervious surface are at or are below the pre-development standards. Mr. Elliot clarified that during his aggregate analysis of downstream impacts there was no attention paid to the impacts of 73 acres of impervious surface.

In response to a question from Mr. Aramburu about accounting for flows if future projects are approved, Mr. Elliot stated that “assuming that we end up with a Master Drainage Plan for the Business Park, the flows that come off of Warehouse A [and] Warehouse B would have to be integrated within the overall flow regime for that.” Mr. Elliot mentioned that this would not necessarily mean they were “background conditions” but would be considered “existing flows.”

Mr. Lell asked Mr. Elliot if ownership of land is relevant to the issue of two parcels being considered contiguous or within the “immediate vicinity” of one another to which Mr. Elliot said it is not relevant.

Mr. Elliot testified that the substance of the evaluation referenced in FWRC 19.100.030-2 is reflected in the MDNS and Process 3 Approval Findings. Mr. Elliot testified he has no knowledge of applications for developments on the intervening parcel of land between Warehouse A and the Greenline Business Park.

City Witnesses

Direct Testimony: Jessica Redman

Ms. Redman described her education, training and work experience. She is employed by ESA and is a third-party reviewer for wetland and stream review to make sure they are in line with code.

She participated in the regulatory review, reviewing applicants' critical areas report included in the decision. She has knowledge of the other sites under consideration. She provided a summary of the regulatory elements and key standards for wetlands and streams.

The critical areas review was performed by Talesia. She has reviewed the report and summarized the areas of the report that were related to the Warehouse A project and she agreed with the report. They made several onsite visits and have made at least five rounds of reviews. She related a summary of the process of each review round. She performed one field inspection for Warehouses A and B. In her opinion the analysis comports with applicable federal and city standards and was sufficient and complete.

She agrees with the substantive content of finding 13 in the Process 3 approval provisions and concurs with the findings in 35 regarding wetlands and streams regarding cumulative impacts. She reviewed anticipated impacts of Warehouses A and B separately to determine cumulative impacts. All impacts are accounted for in Warehouse A and there are no cumulative impacts with Warehouse B. There were no cumulative impacts. None of the projects are dependent on another regarding wetlands. Each of the three parts can proceed without any of the others. With respect to environment they are consistent with all areas of revised Federal Way code on streams and wetlands. Regarding large impervious surfaces, the project has been designed to meet quality standards per the King County manual.

She disagrees with the statement in the appeal allegation that the proposal doesn't protect certain wetlands and groundwater resources. The critical errors report and the design adequately protects wetlands. Some onsite wetlands will be filled but are per code. The buffer of stream EA is being protected. Most streams are fed by rain, not groundwater. The stream doesn't drain to North Lake. There is very little watershed on the site. The stream appears to be a manmade ditch to drain an adjacent development. The project is consistent with public health, safety and welfare relating to the stream and wetlands. It will have no impact whatsoever.

She disagrees with the allegation that city didn't consider impacts of the other projects (Business Park and Warehouse A). There are no cumulative impacts based on the analysis performed by her and her team.

The elimination of smaller wetlands and their buffers that are authorized and approved is in line with code. Wetlands of less than 2500 sq. ft, 10,000 sq. ft in any 20-acre area are exempt.

Warehouse A follows the applicable regulatory standard. Their conclusions are accurately reflected in the Process 3 decision issued by the city.

Regarding finding 8 of SEPA mitigation cumulative impacts analysis conclusion, she concurs with the substantive content regarding stream and wetland impact.

She doesn't believe there are any cumulative impacts. She has heard no testimony during the hearing that would change her mind regarding cumulative impacts and agrees with the testimony of applicant witnesses regarding this subject.

She does not agree with the statement from the NW Hydraulic Consultants May 30, 2014 review of stormwater management that the development would substantially dewater the headwater region of stream A. Stream A is not a natural water course, is fed by precipitation and the buffers would remain. She also disagrees with the statement that no provision was made to maintain current levels of hydration in the forested buffer. The wetland is mainly fed by stormwater and precipitation. The design allows for water from surfaces to flow into this area. The report doesn't demonstrate any adverse environmental impact.

Regarding Dr. Cook's Scientific Report from appellants exhibit she disagrees with the suggestion that a cumulative impact report for all three properties should have been performed. They have looked at all three projects, and the sum of the projects is the same as the whole. A cumulative report is not necessary unless code requires it.

There will be a hydrological connection maintained through stormwater and drainage. Regarding slightly different square feet in different reports, this issue is common. The size of wetlands changed over time to check boundaries during different seasons. She disagrees that the DNS failed to consider likely destruction of wetlands from dewatering. The remaining wetlands are isolated and have small watersheds, they have buffers, and will receive precipitation. She disagrees that the report failed to consider downstream impact to the watershed. There will be no impacts to listed fish species downstream. The project has met requirements of water quality and quantity.

She disagrees with the Cook report regarding isolating other wetlands when grading wetlands. These wetlands are already isolated, and buffers remain intact so there will be no impact. She disagrees with the argument that the city should regulate wetlands of all sizes since it is required by certain state and federal standards. She is not aware of federal requirements for acreages. Various city codes will exempt areas when reviewed by ecology, which meets state standards. The Cook Report does not demonstrate that city wetlands and stream impact was deficient or erroneous, or that project will lead to adverse impact regarding wetlands and streams.

Cross Mr. Aramburu

They have reviewed all three of the IRG projects for code consistency, only once for the Business Park. They have engaged in a cumulative impact review; the reviews are not found in a single document. They reported on aggregate impacts of Warehouses A and B. Regarding section 19.100.030.sub b, they provided analysis for Warehouse A and B but weren't asked for combined review and she doesn't see a reason to.

She clarified that they do not review storm water; their review is for wetlands and streams. The review for Warehouse A began when it was the Preferred Freezer, but she doesn't know the exact dates. They reviewed the Business Park late last year.

Stream EA will not be impacted. The first part being dewatered will not have an impact on the stream. A & B have one acreage of wetland impact. The Business Park has another impact. The

#### Direct Testimony of Stacy Welsh

Ms. Welsh is a senior planner for Federal Way. She has been project manager on behalf of the community development department. She has circulated and compiled materials from reviewers and committees. She was involved in the drafting of the Process 3 SEPA and the mitigating DNS for the project. She is also the project manager for the Warehouse B project. She summarized the topography and location for the project sites. She described the process that is undergone prior to a decision being rendered. The original application was submitted in June of 2016 for the Preferred Freezer. Neither conditions on the site nor the city's regulatory framework have changed appreciably since the initial application was submitted in 2016. They received hundreds of comments from the public. From all the comment letters the only appeals filed are the ones at issue here. She has continued to work with applicant's team and the city's technical staff during this entire process. Input from all individuals was taken into consideration for the decision and the MDNS.

Regarding Dr. Cook's report statement that there was no consultation with the tribes, she disagrees. The SEPA threshold was sent to three tribes and they received responses from two tribes. There was other interaction as well. They had four rounds of technical review. Since this is a complex project there was a considerable amount of time put into the review. There were several rounds of review because the project changed and there was sometimes missing information that was necessary.

She described the conditions of approval. She is familiar with the zoning issues with the property title, the city's code and their comprehensive plan. From Process 3, page 20, item 36 there is a list of comprehensive goals. She was involved in selecting the comprehensive plan provisions. She explained that some are associated with Corporate Park and some with SEPA mitigation measures addressing air quality, noise and transportation. These appropriately reflect the extent of the comprehensive plan provision for Warehouse A.

Regarding the provision for cumulative impacts, she described the analysis to render this finding and agrees with the decision. They looked at this primarily through the lens of SEPA and used it to determine what they would look at as other project came in, also using the code as their tools. The type of analysis required by 19.100.303.sub2 was satisfied by the city's review of the Warehouse A project.

Regarding the testimony of appellant's witnesses, she has not heard or read anything relating to the proceeding that would alter her decision, and conclusion for the Warehouse A proposal or the MDNS.

Cross: Mr. Aramburu

Regarding the letter (Exhibit 25), they did not ask the applicant to provide analysis of cumulative effect of Warehouses A & B in the technical review letters. No correction or comment letters between the city and the applicant cited the 19.100.030.sub provision specifically.

In their review letter they requested that the applicant address the DAHP recommendation. The applicant addressed them in their resubmission.

To her knowledge, they did not make a request that Greenline Business Park be included in the cumulative impact evaluation along with Warehouses A and B. They received the comments from DAHP, but a special study for archeology and historic preservation for Warehouse A was not a required condition for further review.

#### Redirect

Regarding the letter (Exhibit 25), this was a preapplication letter for the Business Park. The same type of letter would have been sent to the applicant for Warehouse A. The presence of a particular analysis in a preapplication center does not bear on whether the city ultimately performs that analysis in the project review. Regarding the historic impact, no part of the Warehouse A property has been determined to be historically significant on local, state or federal levels. Regarding the testimony of applicant's historic resources witness, she agrees with her analysis. She is not aware of any cumulative impacts implicated by the Warehouse A project that weren't addressed in the Process 3 decision and the MDNS.

#### Direct Testimony: Brian Davis

Mr. Davis has been the Community Development Director for the City of Federal Way since November 2016. He is familiar with the subject property, the related properties, and the regulations, codes and comprehensive plan of the city.

He concurs with Ms. Welch's comments regarding the process for evaluating and issuing a decision for the Warehouse A project. Regarding Condition 10 from the MDNS, the revision was added in underlined text in October 26, 2018. This condition involves constructing an off-ramp through the approval of WASHDOT for traffic mitigation prior to certificate of occupancy. He summarized how that condition came to be added. After the receipt of many comments, the city determined WASHDOT's comments warranted more consideration, so they issued a modified MDNS that considered this. This was the only comment that was acted upon.

Regarding the Process 3 decision, sub A, page 20, finding 36, this deals with the ultimate determination regarding compliance of Warehouse A. This states that all applicable criteria have been met. He described the details that demonstrate that these criteria had been met.

- Preserving the unique nature of the site.
- Fits in with the environment.
- Creating flexibility for prospective tenants
- East campus to complement existing uses and accessibility to existing transportation routes.

- Created monitoring periods for air quality and noise after extensive technical reviews, with details found in report.
- Consistency with applicable zoning regulation from August 23, 1994.
- Health, safety, welfare compliant with comprehensive plan and partnered with local agencies.
- Adequate streets and utilities, with details found in technical reports.
- Access at optimum location per transportation standards.
- Ability for adequate mitigation for traffic safety impacts, as per transportation standards.

He described the process for producing finding 35 the Process 3 decision. There was significant interest in the project. Staff and reviewers were dealing with commentary from both the applicant and opponents to the project. He made changes that set the reviewers apart so they could stick to factual matters. As the project progressed and further proposals came in, they discussed the issue of cumulative impacts. At their meetings the reviewers noted that cumulative impacts were being addressed. They determined which cumulative impacts needed to be mitigated.

Regarding common driveway access and stormwater pond shared between Warehouses A & B, the city specifically addressed these two issues. The city did not identify any uses or pending projects on the sites of Warehouse A & B that would result in cumulative impacts.

To his knowledge, the zoning regulation from August 23, 1994 used for the Warehouse A project is not inconsistent with the prior interpretation and application.

He maintains and adheres to the MDNS that the Warehouse A project as conditioned would not implicate any significant adverse environmental impact. He reaffirms the Process 3 approval decision.

Cross Mr. Aramburu

The project decision was created by a collaboration of staff and signed by Mr. Davis. Regarding consistency with the comprehensive plan, they have determined that the property will be highly regarded regionally and nationally for its function and design. It carries out the concomitant agreement that speaks to both to preservation and development of the property.

He believes there is good access to Highway 18 as it is close to the interchange. Condition 8 incentivizes the future tenant to access the property from Highway 18. If the counts after occupation don't reflect this access, the owner must provide additional mitigation as recommended by transportation. It is possible that the city could create directional turn only signs. This type of signs would have to accommodate traffic flow, which would be determined by transportation.

Regarding public comments on cumulative impacts, they received comments from several agencies requesting for studies of cumulative impact analysis. There was cumulative analysis done, as reflected in the decision.

In response to comments to the MDNS there were some modifications to the DNS. He doesn't recall if he asked transportation if the modification would satisfy their concern, but they did meet after the fact to discuss results of the letter and communication moving forward. He does not have

information on a traffic analysis as to the impacts of the modified condition. Since the modification of the MDNS they met with WSDOT. Regarding Mr. Swires' testimony that WSDOT still wanted traffic analysis, WSDOT withdrew their appeal from DaVita a couple of weeks ago.

Redirect

Regarding the withdrawn appeal, no promise of action from the city regarding the Warehouse proposal was requested by WSDOT to withdraw appeal.

Regarding comments from agencies and tribes noted by Mr. Aramburu, none of them filed an appeal except WSDOT.

Regarding the right-turn storage clause, WASHDOT needs to sign off on it. They have not yet done so nor indicated that they would not exercise their right to do so.

Regarding comments on Warehouse A, the city considered all those comments in their review process.

Regarding turn-only signs, not imposing the signs does not change the city's determination that criteria had been met.

Regarding land use goal from Process 3 approval decision, the applicant had indicated that they would produce a project of a particular type outlined in the building permit application, but no building permit application has yet been filed.

Appellant's Rebuttal Witnesses

Jennifer Mortensen

Ms. Mortensen is the Outreach Director for the Washington Trust for Historic Preservation, a non-profit advocacy program. She provided her resume and brief description of her education and experience.

Regarding her letter of June 5, 2019 (Exhibit 8), she worked with Chris Moore in development of the letter's content. He is out of the country at present.

She listened to the testimony of August 7<sup>th</sup> and went over reports in order to provide responses to Ms. Sadler. She read her testimony into the record.

The campus property is not historically designated but that doesn't mean that it is not historically significant. Barriers such as owner consent can prevent sites from being designated. In the DAHP letter, Mr. Hauser did not make distinction between the building and the campus. He noted that further study was needed, and it is likely that at least some of the surrounding landscape should be included.

The designation threshold in Federal Way is 40 years. Because of the complex nature of the campus it is irresponsible to conclude that the entire property isn't individually eligible for designation. Its significance comes from the context of the whole. Historic drawings demonstrate that the Warehouse A site was under consideration for development, so should thereby be included

in the overall significance of the site. The choice of Weyerhaeuser not to develop the Warehouse A site contributes to its historical significance. The Washington Trust has requested the applicant conduct a historical survey of the campus for the last three years.

Regarding temporary effects to wooded areas, since the campus was designed by a forestry company, the management practices for these forests is historically significant. Temporary effects would be a direct adverse impact. While the design intent for each development was to stand independently, this is not the only relevant design intent of the original designers. It was also intended that the developments compliment and integrate with the surrounding landscape. This does not seem to have been included in the design for Warehouse A. The Trust was relying on the original plan for the campus in their analysis and referenced the current proposed plan to highlight the differences between the current and original plans. The current plan would have a different appearance if it reflected design elements of the original plan. They did not intend to express support for the applicant's plan. They would require much further analysis to approve development.

Contrary to Ms. Sadler's reported conversation with Peter Walker, it was Ms. Mortensen's experience in her interview with Mr. Walker that the wooded areas were considered forest, not just buffers. Per her interview, the applicant's plan does not engage the landscape as originally intended. The design emphasis was on the entire campus.

Cross: Ms. Kaylor

Ms. Mortensen responded to questions regarding her education and experience. She manages several programs within the Washington Trust. She does not meet the Secretary of Interior's professional standard in architectural history and does not work as a professional consultant. She has personally prepared a landmark nomination at a local level. She has not prepared historical analysis for purposes of SEPA review. She has not prepared reviews for 106 reviews but works alongside those who do.

Regarding the comments in the Washington Trust letter referencing contributing or non-contributing landscape elements, she noted that her testimony is not based on a comprehensive study. It is based on research of the history of the design of the campus. Architectural awards were presented to the campus Headquarters building in 2001 and 1971. The landscape was indicated to be significant to the building. She believes that a landscape architecture award was presented to the campus in 1998. It is not necessarily her position that no additional development can occur on the campus or the Warehouse A site.

Regarding Exhibit 8, she was relying on the drawing as an example of a different approach than the applicant's proposal.

Regarding review by a landmark commission, the property must be designated or in the process of being designated. The review process would not apply to this project until it was nominated.

Cross: Mr. Lell

She affirmed that the Washington Trust has been aware of the project for several years and provided comments on MDNS issued in Fall 2018, but they did not file an appeal of the MDNS or of the process of pre-approval.

## **8.9.2019**

Direct Testimony: Jeff Schramm

Mr. Schramm has been a Professional Transportation Engineer for 25 years, 17 years as a planning manager for the company Transportation Engineering Northwest (TENW). He has conducted hundreds of traffic studies including many in the city of Federal Way for different uses.

His role for this project was manager of all the transportation work and, more specifically, the work done for Warehouse A. He has reviewed previous traffic and gone through the traffic reports to prepare.

Mr. Schramm explained the regulations used to govern traffic studies in the city of Federal Way. The guidelines that have been adopted are similar to other city's guidelines. These guidelines are robust, thorough and explain what is required of every traffic report study, including the city's service standards, mitigation requirements and concurrency policies.

Regarding the traffic requirements for the applicant, for every new project two things must be identified: The scope of work for the study (including identifying project type, location, and trip generation) and the requirements necessary for the scope of work.

The two parts of the analysis are an evaluation of a project's traffic impact during the peak A.M. hours and a Saturday peak hour analysis for any intersection with 100 or more peak hour trips. He explained the city's use of a concurrency analysis and application process to analyze the P.M. peak hour traffic impacts.

Regarding the traffic analysis for Warehouse A, he confirmed a traffic analysis was prepared and that there are different reports. A concurrency report was done for the Preferred Freezer application and a traffic analysis was conducted for the current design. This report was continuously updated in response to city comments and changes to Warehouse A's site plan. Once the Warehouse B project was confirmed, a new report was generated including both warehouses. When generating this report, they included additional traffic because they assumed additional growth would occur in other areas including the East Campus Corporate Park, which lays across from A and B, and the warehouse's Headquarters.

He explained the methodology for creating the report for both warehouses, including studying how many trips the project generates and distributing them using the city's model to see how many trips would impact certain intersections. They created an understanding of the existing number of trips before the project has started and applied background growth between 2-4% to account for general growth in traffic over time which creates a baseline for their analysis without projects. They then added the traffic generated from building A to the baseline conditions to determine if city level standards are met. Through this process, the report found the project impacted intersections evaluated all met the city's operating levels of service.

The city asked for a look at queuing on the entrance road to Warehouse A, Weyerhaeuser Way. Based on the queuing analysis of the amount of room between the proposed driveway and State Route 18 interchange, Weyerhaeuser Way will have enough room for trucks and cars to queue and gain access to Warehouses A and B. He notes that as the only access for trucks and the queuing will be no more than 75ft. They found that there is additional space between the interchange and driveway and proposed the extension of the center turn lane by 100ft to accommodate the occasional additional truck during peak trip hours.

Mr. Schramm explained the ways they found to ensure trucks would not travel north on Weyerhaeuser Way. This includes a dual face mountable curb and a no left turn sign to encourage entering the site at a designated location and not exiting the site north on Weyerhaeuser Way.

Regarding non-motorized vehicle activity, there aren't a lot of pedestrians along this part of Weyerhaeuser Way, but a crosswalk was proposed to be added further north from the driveway to allow pedestrians to circumvent it. The final design of the crosswalk has yet to be approved by the city. There is also a proposed move of the bus stop shelter.

Mr. Schramm confirmed the city completed their concurrency analysis Warehouse A and the project did pass the concurrency analysis. Mr. Schramm believes with the proposed mitigations there will be no significant adverse impacts to traffic.

#### **20m 8.9.4**

Mr. Schramm disagrees with Mr. Swires' testimony that all three IRG projects should have been studied in one traffic report. Each individual project has a traffic analysis created when it is proposed. The Business Park proposal came along after Warehouses A and B and therefore it is not included in the report. Pipeline projects are included as background conditions each time a new study is made are included the traffic report. The Business Park report had an additive analysis which considered both A and B.

He disagrees with Mr. Swires' testimony that the three projects together will have cumulative impacts to the area. The cumulative impacts for all three of these projects will be addressed through the Business Park traffic studies done by Mr. Schramm's (TENW) company and the city's concurrency analysis. The traffic study for the Business Park follows the city guidelines as previously stated for this project and using new information they were able to include traffic generation anticipated for Warehouses A and B, occupancy of the Weyerhaeuser HQ building, and the increased occupancy for East Campus Business Park. They also included the DaVita project as a background pipeline impact. Their traffic analysis found the projects would meet the levels of service standard D for everything except one. The westbound SR18 intersection ramp would go to level service E during A.M. peak hour. Mitigation will need to be considered for this intersection for the project to meet approval.

The Business Park traffic study found that frontage improvements would be required. Weyerhaeuser Way would need to be widened to accommodate additional lane capacity and a couple intersections would need to be updated. Mitigation will be necessary for the projects to meet the city's levels of service standards.

Regarding Mr. Swires' testimony that additional improvements would be required beyond those WSDOT already identified, he noted that the city has not adopted the WSDOT manual guidelines and have their own guidelines in place. Mr. Schramm has used the manual and is familiar with its project threshold requirements.

#### **40M 8.9.5**

The intersections that were noted by Mr. Swires as needing review were all evaluated in the traffic reports generated for Warehouse A, Warehouses A & B, and Warehouses A, B and the Business Park. Regarding WSDOT comments regarding the westbound ramp signalized intersection in the A & B report and their request that the off-ramp right turn lane be extended to 300ft, this was ultimately made a condition for approval by the city. After this condition was made Mr. Schramm made additional contact with WSDOT to confirm this was the extent of mitigations requested. He received an email from another WSDOT employee that confirmed it was the only mitigation request for Projects A & B.

The study done for the Greenline Business Park included cumulative impacts from Warehouses A & B, pipeline projects and the Business Park for the SR18 interchange at Weyerhaeuser Way. A and B's impacts on the SR-18 interchange would be the city's level of service standard E or better. No additional mitigation would be required at the intersections because they meet the city's level of service outside of the one for the Westbound ramp.

Regarding the traffic video shown during the hearing, he doesn't disagree with Mr. Swires' comments about the mainline traffic congestion shown on the traffic video, but the traffic for the intersection ramps appeared normal with no queues extending into SR-18 or Weyerhaeuser Way and cars getting through the red-light cycle. The traffic report generated for the project focuses on these ramp intersections that were noted by Mr. Swires in his testimony.

Regrading Mr. Tilghman's memo, Mr. Schramm noted that he has reviewed the original from June 5, 2019 and an updated memo from June 21, 2019. He responded to points from Mr. Tilghman's memo:

- He disagrees with Mr. Tilghman's statement that no cumulative analysis for P.M. peak hours was provided for the project. The city provides a concurrency analysis and application for this time period. The city has made an analysis for A and approved the report. Greenline Business Park's P.M. concurrency report is currently ongoing, but the A.M. and Saturday Peak hour reports have been completed by TENW.
- Regarding truck trips, the city evaluated truck impacts in all their traffic reports. He explained the process for evaluating truck trip generation and their impacts. The level of service standards does include trucks, so they are included in the traffic report. The service

standards for trucks follow industry standards adopted from the highway capacity manual. He noted that there is no evidence to support Mr. Tilghman's claim that trucks would be 15% of all new trips creating a significant impact.

- He disagrees that the report should have considered the city's extension of S324th in the comprehensive plan. Currently the plan has not been adopted, funded, or given a timeframe. Reports are based on existing traffic and items on the city's 6-year capital project list and transportation improvement program.
- Mr. Schramm disagrees with Mr. Tilghman's statement about cumulative peak P.M. service problems. Traffic engineers follow the guidelines set by the levels of standard service. Level E or better is acceptable and anything below shows if something needs to be mitigated. He reiterated that the report found for A.M. peak hours traffic was operating at acceptable levels for projects A & B. If the city finds in their P.M. peak hour report that the Greenline Business Park requires mitigations, they will be considered. Project A's P.M. peak hour concurrency report met the levels of service standards.
- Regarding the need to use updated traffic counts, he understands Mr. Tilghman's point but disagrees. Many changes occurred while doing project A's report including project B's application. Standards allow traffic counts up to two years old to be used. Their report process used the older traffic count to see if there would be traffic changes between project A and project A&B reports. This was allowed by city guidelines.
- He disagrees with Mr. Tilghman's claim that there are major inconsistencies in the TIAs for A, B and the Business Park. The changes in Levels of Standards Service does occur but should not be seen as an inconsistency.
- He disagrees that additional traffic impact analysis on SR-18 should be required. He refers to his prior testimony addressing Point 2 of Mr. Tilghman's memo.
- He disagrees that additional truck traffic analysis on Weyerhaeuser Way north of site should be required. There has been a lot consideration of this subject from all affected parties. He reiterated the measures they will include to keep trucks from turning north onto Weyerhaeuser Way. They will continue to have an open dialogue with the city to discourage/restrict trucks from going north on Weyerhaeuser Way. This includes Process 3, Condition 28 for a truck trip monitoring system. The monitoring system includes a penalty to the business owner of having to repave Weyerhaeuser Way if the quota of trucks allowed is exceeded per week.

Mr. Schramm disagrees that the concurrency certification is not valid, although he understands Mr. Tilghman's concern. The city allows a project to continue to be approved if project changes result in less than a 10% change. Despite the change of applicant, the analysis identified only a change of 1 trip generation, well within the 10% allowance.

Mr. Schramm understands Mr. Tilghman's concerns, but he made no independent analysis to refute or identify errors in their analysis. He feels that the traffic analysis report that his company conducted is valid and meets city standards.

**74M 8.9.7**

**11:30am**

Cross: Mr. Aramburu

Mr. Schramm stated that it is physically possible for trucks to make a left turn from the driveway to turn onto northbound Weyerhaeuser Way, but the truck would have to cross the mountable curb and be ignoring the no left turn sign. Trucks/tenant holders would hopefully abide by the sign because there is too much of a penalty to the business owner if trucks do go north. He provided a description of the mountable curb and noted that he can't recall if there is any provision in the final decision requiring signage.

He confirmed that their report satisfies the cumulative impact analysis requirements by including trip generation from Project A & B into the Greenline Business Park Project TIA. They share their traffic reports and any updates to the traffic reports to WSDOT and provide an opportunity for them to share their comments to the city as part of the traffic analysis. The Greenline TIA was submitted to Wash-DOT after it was completed in April 2018. He believes the TIA they conducted included a cumulative analysis for weekday A.M. peak hour and Saturday peak hour with the city doing P.M. peak hour analysis. He can't speak to Mr. Swires' testimony on this issue.

He explained the TIA guidelines require two parts of the traffic report. The city is responsible for the weekday P.M. analysis when there is a concurrency application. The other part is the weekday A.M. peak hour and the Saturday A.M. peak hour which his company was responsible for conducting and including in their reports. He stated that he does not know when the weekday P.M. reports will be completed.

**84M P8.9.8**

Mr. Schramm reiterates the scope of their work for the projects is determined by city guidelines, as stated at the start of his testimony. They have not done an impact analysis for the projects on the mainlines for SR-18 or I-5. They did not do an impact analysis for the 324th project and Mr. Schramm repeated his reasons stated in previous testimony. He acknowledges that that project, along with other road improvements will solve some problems.

His firm (TENW) has done a cumulative analysis as part of a separate traffic study that was done for the Business Park. However, the traffic impacts considered today are for Warehouse A which at the time of the study's completion did include known background traffics and known projects. He can't speak for the city regarding consideration of the Business Park TIA.

Mr. Schramm confirmed that the TIAs were done sequentially with the combined one for Warehouses A & B done March 2018 and completion of the Business P report was six weeks later, in April 2018. He stated that it would have been possible to complete them together, but the

Business Park application was still a work in progress while they were working on Project A and B's report.

Regarding the discrepancies in Level of Service noted by Mr. Tilghman in his memo, Mr. Schramm acknowledged that, based on the Business Park TIA mitigations would be required at this interchange. Mitigation has not been approved or identified at this time because the city is still evaluating the traffic analysis and conducting their P.M. analysis for the Business Park.

They did P.M. peak hour analysis for the ramp sections in order to identify LOS impacts but the city's concurrency analysis is the governing analysis for P.M. peak hours. They did this because the applicant was curious if they would meet the level of service standards. They didn't do one for the Business Park because the city's analysis tools were more advanced for such a large project.

### **P8.9.10**

Redirect

The traffic analysis has been completed for Project A and includes both cumulative and individual impacts. The traffic analysis for the Business Park does not need to be complete for Warehouse A analysis to be complete. They were not required to combine all three TIAs under their guidelines. They were also no required to analyze weekday P.M. peak hour trips for the Business Park.

Direct Testimony: Rick Perez

Mr. Rick Perez has been a City Traffic Engineer for the City of Federal Way for 23 years. He provided details of his education and work experience.

City asked Mr. Perez if Mr. Perez testified that he participated in the review of applicant's Warehouse A project, specifically in the Process 3 decision and the MDNS. He provided guidance to Mr. Long, who reports to him, and reviewed all final documents for the concurrency analysis and conditions of approval.

City asked Mr. Perez if he has personal familiarity with the Weyerhaeuser property. He explained his role in in the 1990s development of the Weyerhaeuser quadrant.

He reviewed the city's concurrency analysis and the city's transportation impact guidelines amongst other documents in preparation for his testimony.

The concurrency analysis for the Greenline Business Park is still being prepared. He explained the key elements and framework of the city's transportation concurrency management program.

The concurrency program is cumulative based on their framework. Every two years they update the turning movement counts and add development projects that have not been occupied but submitted prior to a particular project application. This means their concurrency analysis includes the existing traffic volumes along with everything that has not yet been occupied which is additive

analysis. They effectively track every vehicle trip from proposed new development projects within the city and he does not know of any cities with as thorough of a concurrency program as Federal Way

Following the city's concurrency regulations, they perform different functions with data being shared between the two processes. The city performed a transportation concurrency analysis for Project A. It is part of the record and followed the city's standard concurrency process. There were found to be no level of service (LOS) failures due to the project and the city's concurrency process cumulatively considered other previous trips and projects to reach this determination.

City asked about the concurrency reserve certificate (CRC) which is the formal determination issued by the city regarding the concurrency program. Mr. Perez confirmed that the CRC was given to the Warehouse A project in approximately 2018 and was not appealed.

The transportation analysis guidelines for land use development projects the city has adopted are standard for the industry. They look at the pipeline projects to include as background trips in their analysis along with existing conditions and a growth factor to account for regional growth. These form the baseline and then are added to the project developments trips to essentially get level of service. They draw upon previously gathered concurrency analysis and traffic data for projects which are cumulative.

Federal Way's TIA guidelines are not codified but were adopted administratively in late 1996 with the most recent update in 2016. They followed these guidelines for the Project A's transportation impact analysis.

#### **P8.9.11**

Mr. Perez briefly reviewed findings 25-31 of the Process 3 decision (page 16). He noted that he reviewed the draft prepared by Mr. Long and agreed with the findings. Regarding finding 35 regarding cumulative impacts, the driveway for Warehouse B was included in the analysis to ensure it would operate adequately but the Business Park was not included because it was not submitted at the time of analysis. Combining them can create confusion of what mitigation goes where. He is not aware of any other impacts that should have been included and agrees with finding 35.

Regarding the anticipated transportation related impacts of Warehouse, A together with Warehouse B, review for cumulative impact was limited to adequacy of the driveway and further impacts would have been evaluated in Warehouse B's concurrency application. In their review of anticipated transportation impacts for the Business Park with Warehouse A's transportation impacts they found no additional impacts.

Warehouse A's development is not reliant on Warehouse B or the Business Park from a transportation perspective. The only reliance between A & B is Warehouse B's shared driveway which was previously evaluated. Warehouse A can proceed without Warehouse B or the Business Park. Warehouse B and the Business Park can proceed without the simultaneous development of Warehouse A.

The applicant's project satisfies the street/transportation portion of criteria for approval of Process 3 decision based on the elements submitted in the site plan, the TIA submitted by applicants and the city's own concurrency analysis.

In response to questions regarding the identified materials, Mr. Perez testified the following:

(Page 7 paragraph 8.3.1) City asked if Mr. Perez agreed with this contention from appellants. He testified that he did not because it meets all applicable standards of the city including the Level of service standards and connectivity to all modes of transportation.

(Page 7 paragraph 3.8.2) City asked if Mr. Perez agreed with this statement. Mr. Perez disagreed and his reasoning the same as previously mentioned but noted they have not reviewed impacts of Greenline as part of Project A's analysis.

(Page 7/8 paragraph 3.8.3) City asked if Mr. Perez agreed with this statement. He disagreed because at the time of the project A submittal, other project applications had not been submitted.

(Page 8 paragraph 3.8.4) City asked if Mr. Perez agreed with this statement. He disagreed because the comprehensive plan identifies routes for thru truck traffic and not local truck routes within the city. He added this is consistent with Federal Way's revised code on truck routes.

(Page 22 Warehouse A process 3 approval decision) Mr. Perez was asked if the applicants satisfy this criterion. Mr. Perez testified yes, it does because it meets the city's access management standards (adopted in code) and there is parcel 3 with a southbound left turn lane whose access point cannot be moved further north because it would conflict with the turn lane nor can it be moved south because it would reduce queue storage too much.

(Page 22 Warehouse A process 3 approval decision FWRC 1965-1002A6) Mr. Perez was asked if they satisfy this criterion. Mr. Perez agrees they satisfied because sidewalk will be provided where none is currently, the crosswalk will be reserved despite being relocated, and bike lanes already exist. Mr. Perez stated that there is no need for any additional traffic impact studies beyond what city has already required because based on existing collision history there were no identified safety issues.

(Appellant's notice of appeal page 8 paragraph 3.10.1) City asked if Mr. Perez agreed with this statement. Mr. Perez disagreed because truck trips by site design would make it difficult for trucks to proceed north on Weyerhaeuser Way.

(Appellant's notice of appeal page 8 paragraph 3.10.2) City asked Mr. Perez if he agreed with this statement. Mr. Perez disagreed because there is only one driveway that would have an impact on pedestrians or cyclists and for the ramps there are signalized pedestrian crossings.

Mr. Perez testified that Mr. Long prepared the analysis that Mr. Perez then reviewed and forwarded to Stacy Welsh. It was then transmitted to Mr. Davis. The Process 3 approval reflects Mr. Perez's own conclusions.

## SEPA Determination of Non-significance

(Pages 2&3 Findings 5, 6, 8) Mr. Perez asked if he concurs with the substantive findings. Mr. Perez confirmed he does and does not disagree with the content either.

### **P8.9.12**

(Page 1 SEPA Responsible Officials Determination) Mr. Perez asked if he agrees with this determination regarding transportation related impacts. Mr. Perez confirmed he does, and it included any potential cumulative impacts.

Mr. Perez has not heard or seen any evidence during the hearing to alter his conclusion. Mr. Perez heard and agrees with Mr. Schramm's previous testimony with one clarification: He elaborated on the Level of Service applicable at the freeway ramp terminals. He explained the city is not responsible/in control for the levels of service for the ramps and can only make suggestions for mitigation. He added they have on occasion conditioned the for ramps or a building project at a ramp terminal. This does not alter his agreement with Mr. Schramm's testimony.

He confirmed he has previously reviewed several TIAs prepared by TENW within the city or adjacent jurisdictions. He added that Mr. Schramm has established a reputation of honesty and straightforwardness when representing clients while still acknowledging the interests of the city.

### Review of Appellant's Exhibit 5 Mr. Tilghman's Updated Memo

(Page 1 Item 1, Page 2) City asked if Mr. Perez agreed with these statements. Mr. Perez disagrees with these statements and asserted the city has done a cumulative impact analysis consistent with city guidelines and state law.

(Page 2 Item 3) City asked Mr. Perez to detail the 324th expansion as detailed in the city's comprehensive plan. He explained that it is an extension of 324th from the west side to Weyerhaeuser Way on the east side. Mr. He added that there have been no bids on this construction, no actual design has been commissioned, it hasn't been funded other than for an environmental study, there is no time for completion, and it is not listed on the city's transportation improvement plan. Mr. Perez did not believe the 324th project would not impact analysis for Warehouse A. He does not agree with Mr. Tilghman's assertion.

(Page 3 Item 4) City asked Mr. Perez if he agreed with this statement. Mr. Perez disagreed because cumulative impact analysis has been done by TIA guidelines and the concurrency report done by the city. He repeated Greenline was not added because it had not been submitted yet.

(Page 3 Item 5) City asked Mr. Perez if he agreed. Mr. Perez disagreed because pointing to an anticipated problem isn't substantiating it and Mr. Tilghman cites the city's level of service as D when it is not.

Mr. Perez defined peak P.M. hour as successive time hours of 4-6 P.M. The only problem they've had with level of service standards is a project added in 2019 which is nowhere near the applicant's project. The anticipated peak hour trips generated for project A do not exceed the threshold under city code. The concurrency analysis conducted by the city is not equivalent to the SEPA analysis

for transportation impacts because the concurrency only ensures adequate capacity is provided on the roadway network during P.M. peak hour while SEPA addresses all other impacts, safety analyses etc.

(Tilghman Memo Item 6) City asked if Mr. Perez agreed. Mr. Perez did not agree because it would create an endless loop for every project in the city and make it impossible to determine which mitigations apply to each project. He added that this proposal is not supported by TIA guidelines or any city code.

(Memo Item 7) City asked if Mr. Perez agreed. Mr. Perez did not because each building has a different year it is meant to be occupied by and trip generation changes from each development. He also disagreed with the assertion that there are inconsistencies between the TIAs performed because they were conducted following the same guidelines.

(Memo Item 8) City asked if Mr. Perez agreed. Mr. Perez did not because there is no size threshold to determine if it should be evaluated and there is no standard for passing or failing because WSDOT does not have a level of service standard for the freeway mainline and are exempt from concurrency analysis by state law.

Daily truck trips relevant at all to the transportation do not impact of the Warehouse A project. They only evaluate peak hours and truck impact only extends to their effect on pavement structure. Warehouse A's project has adequately mitigated pavement structure impacts.

(Memo Item 9) City asked if Mr. Perez agreed. Mr. Perez did not because the site design makes it very hard to turn north and the city has developed a condition to address monitoring the roadway for truck traffic with a strong disincentive to allow the trucks to go north.

The memorandum does not discredit the TENW study in any way. To use the memo's methods would create an unmanageable mess for projects and not yield any additional useful information. The memo does not demonstrate that the city's analysis was deficient.

### **P8.9.13**

Regarding Mr. Swires' testimony on cumulative impacts to the SR18 interchange, Mr. Perez noted that was too early to tell what impacts would occur because the city has not completed their review of the Business Park. He notes that they have not adopted the WSDOT manual referenced by Mr. Swires and it is not binding/enforceable to the city. To his understanding the ramps or the mainline are exempt by state statute LOS. Mr. Swires' testimony did not demonstrate that the city's analysis was deficient in any way. He noted that the drone footage video shown during the hearing met city LOS standards for Weyerhaeuser Way.

### **P8.9.14**

Applicant: Ms. Kaylor

Mr. Perez testified that a cumulative impact analysis has been conducted for Warehouse A according to City guidelines.

Cross

Mr. Perez explained only projects submitted before an application is considered complete are considered for background.

Since the applicant's original submission, there were new trip counts done in 2018 which were not included in the Warehouse A analysis done in 2019. They use the 2016 traffic counts because they use the data available when the application was submitted. They don't just use the most up-to-date data since it wouldn't be fair to the applicant because it could create a loop of continuously asking for new data to get the most appealing result.

Mr. Perez explained how Code 19.100.030 is applied to their analysis process and noted that it was considered when building their TIA guidelines.

Redirect: Mr. Lell

The city performed the process referenced in Code 19.100.030 in relation to the Warehouse A project. Warehouse A meets all applicable city standards.

Mr. Perez explained the difference between the city's TIA analysis and a cumulative impact analysis. He elaborated on his previous testimony on the problems of using continuously new data for analysis of a project submitted. The process becomes difficult to administer and impossible to determine which impacts belong to which project.

Applicant Redirect

Mr. Perez testified the appellant witnesses have not provided any analysis that demonstrated difference in traffic count data would change the conclusion for warehouse as significant impacts.

Direct Testimony: Sarady Long

Mr. Long credentials has been a Senior Transportation Planning Engineer for the City of Federal Way for 22 years. He provided detail of his education and work experience.

For the Process 3 decision and the MDNS he reviewed the site plan, performed the concurrency analysis, and reviewed TENW's traffic analysis among other tasks. He reviewed concurrency code, TIA guidelines, memo comments, the site plan, the TIA analysis and the NDNS to prepare for the hearing. He agrees with Mr. Perez's testimony regarding the concurrency analysis for Warehouse A.

**P.8.9.16**

Mr. Long stated that he agreed with Process III Condition 35 (page 20) in relation to traffic impacts. They only analyzed cumulative impacts for Warehouse A and B's shared driveway access. He explained their preliminary process to determine if Warehouse A would have impacts on Greenline Business Park's development and vice versa and how they found neither would have an impact on the other. He also referenced the condition previously mentioned regarding no left turns for trucks onto North Weyerhaeuser Way.

He agrees the applicants satisfy condition FWRC 1965.100.2A. He agrees with the findings of the SEPA MDNS regarding transportation related impacts. No witness testimony or evidence submitted has changed his conclusion towards the Warehouse A project's Process 3 standard nor for the NDNS findings. He agrees with most of Mr. Schramm's testimony outside of the same issue Mr. Perez found regarding the city's adopted levels of service standards.

He disagrees with Mr. Tilghman's memo regarding the cumulative impact. The city followed subsection 2 of Code 19.100.030 for their analysis of warehouse A and identified no cumulative impacts that needed to be addressed.

Appellant Direct: Ms. Kaylor

Warehouse B's CRC was issued in November 2017. Mr. Long explained the differences between a concurrency report and TIA and that Warehouse A's report includes trip generation for Warehouse A and B at the access point but doesn't include other trip analyses for Warehouse B.

A TIA performed to city guidelines doesn't need to specify Code 19.100.030 was followed because it is already incorporated in the guidelines. Any pipeline projects used for traffic analysis would be found in the Warehouse A TIA.

City Redirect

Mr. Long explained they don't list every code they follow when creating their reports and clarified the submission date for the Warehouse A project as early/mid 2016 and Warehouse B submission was late 2017. He noted Warehouse B's concurrency analysis considered Warehouse A because it was considered a pipeline project.

#### **P.8.9.17**

Mr. Long clarified they did a traffic analysis for the SR-18 ramps with mitigations put into place through the decision process and reiterated the city followed all guidelines and regulations regarding the impact analysis for Warehouse A.

Appellant Rebuttal

Rebuttal Testimony: Mr. Tilghman

He has previously testified, submitted appellant's exhibit 5A, and was present for the previous witnesses' testimony.

He explained his interpretation of the traffic impact analyses along with other appellant submitted exhibits, including the Greenline TIA, and how he reached those conclusions. He noted the difference between using the 2016 and 2018 traffic counts for analysis. He disagreed with the city's reasoning for not using the new traffic counts for the project's analysis because the projects are all connected by one applicant with TIAs done by one firm.

He stated that the cumulative impact of the three projects would exceed standards at key areas including the SR-18 ramp because of the information documented in his memo.

He would like additional scrutiny for the Business Park because it is such a large project and the truck trip generation is a 15% increase. Mr. Tilghman disagreed with previous witness testimony about the drone testimony because it showed traffic back up on collector distributor roads. He disagreed that the disincentives for trucks to turn north onto Weyerhaeuser Way were enough and the city needed to consider impacts of future road improvements like the 324th project would have on traffic along Weyerhaeuser Way.

Mr. Tilghman explained the Business Park TIA peak hour conditions found in paragraph 6, page 5 of his submitted memo and the impact they have to the level of service standard. He testified based on these conditions a trend toward the P.M. peak hour times likely being higher than A.M. peak hour that have been documented. He added it would likely trip the level of service threshold from D to E. Warehouse A and B's trip generation data would only be used as background generation for the Business Park.

#### Applicant Cross

Mr. Tilghman related which projects he knows were included as background trip generation in the Business Park analysis. He then explained his process for determining the level of service discrepancy. He has not done a traffic impact analysis for Warehouse A and acknowledged one would need to be done to know the impacts to the SR18 ramp and any traffic impacts by trucks.

#### City Cross

Mr. Tilghman testified that he does not know of any cities that use his method of using the newest data available for land use applications nor has the city of Federal Way, but thinks it is useful for creating an updated cumulative analysis for a project. He has no knowledge of the city not following their current guidelines.

He has not done a traffic analysis for the P.M. peak hours and interpreted the data already available. He has done many traffic impact analysis reports, but he has not done one for Federal Way since the 1980s.

The SR18 ramps and collector distributor roads are under the jurisdiction of WSDOT and the city of Federal Way uses a different standard of VC for signalized intersections compared to signalized.

Redirect

Mr. Tilghman testified to witnessing Mr. Swires of WSDOT request a cumulative impact analysis of the three projects and this analysis could form the basis for conditions of mitigation.

He stated that if a cumulative impact analysis was done with all these projects that the numbers would be fleshed out.

#### **P8.9.20**

Rebuttal Testimony: Dr. Sarah Cook

Dr. Cook has listened to previous witness testimony to give her rebuttal. She makes rebuttal comments to her previously submitted document from June 7th (Exhibit 3).

She disagrees with Mrs. Marriott's comments about the impacts to wetland being small because it is only reported as less than 10,000 sq. ft. below the city's threshold. She then listed the ways the threshold is exceeded. She referred to her document for more detailed explanations of the thresholds and impacts to going over the thresholds.

#### **P8.9.21**

Dr. Cook explained why dewatering is a threat to the historic and current hydrology sources and how it could be damaging. She disagreed with the assertion that Stream EA is man-made and non-fish bearing because she spoke with the tribes and found historic information to prove the stream was pre-existing as far back to at least 1957. She noted a 1957 aerial photo was included as an exhibit. She testified the wrong tribe was contacted by the city over the MDNS for the stream and the tribe responsible for the stream did send in comments but never received acknowledgement of the comments.

She testified that the Swampbusters Act of 1978 declares any wetlands present as of 1978 are legally considered wetland and the argument over man-made swamp is negligible because they were made in the 1960s.

Dr. Cook explained figures on page 5 of her document regarding water flow and reads her comments from the document.

She disagreed with Mr. Elliot's assertion that no cumulative impact analysis of the three projects is needed because the U.S. Army Corp of Engineers and Washington State Dept. Of Ecology will require the projects to do an impact analysis because the parcels are under the ownership and the watershed, stormwater facilities and roadwork are shared. She also noted that without an analysis done the county and city can't know what impacts could occur despite the consultant's claims.

Dr. Cook referred to her comments on page 4 and 14 of the document about downstream analysis needing to be further investigated because the documentation from the MDNS does not reflect the

testimony given by other witnesses. She also noted the consultants for the project didn't use the basin plan.

She referred to appendix B of her document for drainage issues reflected in the project properties.

She clarified her previous comments regarding the natural discharge of stormwater.

Dr. Cook disagreed with previous testimony that stream EA is non-fish bearing and gave evidence (exhibit 6.3) that the stream has the potential for some species of fish.

#### **P.8.9.22**

Dr. Cook referred to her report for rebuttal against witness assertion that impervious acreage is not relevant. She specifically noted a ravine that has highly eroded in the upper part of the basin and underestimating acreage could cause the ravine to erode further. She clarified her point regarding infiltration on the projects' areas by stating that while infiltration will occur in soiled areas the proposed 2 million sq. ft of impervious surface will not have infiltration.

Dr. Cook disagrees with Mr. Elliot's statement that runoff road on Weyerhaeuser Way from 320th to 336th does not affect Weyerhaeuser Way because truck traffic is not controlled and references her page 10 of her exhibit for further evidence.

She disagrees with Mr. Elliot's assertion against the research she used because it used outdated models because they were looking at different data sets than what those models used and came to their conclusion that way. (referenced in pages 10,11 and 16 of her report) She also noted that not consulting the basin plan results in a loss of trees that affect water level fluctuations. The basin plan supersedes the King County Surface Water Design Manual and there is no documentation of the basin plans being consulted for the project.

Dr. Cook disagreed with a witness testimony and exhibit about tree coverage because you can clearly see that there are buildings or homes in areas marked as forest canopy. She noted, to her eyesight, a lot of the tree canopy occurred on the Weyerhaeuser campus and losing the tract of trees would be a huge loss. She would also like to see some quantifiable analysis of how much of the tree tract are on the campus versus the rest of the city. She referenced Page 16 of her Exhibit.

Dr. Cook references pages 16 and 17 of her exhibit for a response to the preliminary MDNS mitigations and why it is not sufficient.

#### **P8.9.23**

Dr. Cook disagreed with Mrs. Marriott's claims about offsite mitigation areas. She referenced the basin plan for choosing a project area and explained Mrs. Marriott's organization didn't choose a site in the basin plan.

Applicant Cross

She is not a stormwater or geotechnical engineer but has designed with licensed engineers a stormwater system under the King County stormwater design manual. She clarified the three basin plans she referenced were the 1990 King County Hylebos Creek Future Conditions Report, 2016 Puyallup Tribe Climate Change and annual Hylebos report for Salmon. She is aware of the definition of natural location in accordance to King County's stormwater design manual. Dr. Cook clarified the location of the culvert referenced in her testimony. (exhibit 6.3)  
She explained the King County code says the basin plan supersedes the manual under provision 2.

#### City Cross

Dr. Cook reviewed city's exhibit 1Q (Greenline Building A preliminary technical information report) and clarified the ¼ mile of waterflow she is contesting is the ¼ mile past convergence.