

BEFORE THE CITY OF SEATTLE HEARING EXAMINER

In the Matter of the Appeal of)
WASHINGTON STATE MAJOR) Hearing Examiner File: **W-26-001**
LEAGUE BASEBALL STADIUM)
PUBLIC FACILITIES DISTRICT; and) PORT OF SEATTLE'S MOTION
SEATTLE BUILDING &) TO INTERVENE
CONSTRUCTION TRADES COUNCIL,)
from an FEIS and FEIS addendum for the)
Greater Duwamish MIC, issued by the Director,)
Seattle Office of Planning and Community)
Development)
_____)

I. RELIEF REQUESTED

The Port of Seattle (the "Port") seeks leave to intervene in these proceedings on the grounds set forth in City of Seattle Hearing Examiner Rules of Practice and Procedure (the "Rules" or "HER") 5.09. The Port is a critical stakeholder in development of policies and regulations governing the Greater Duwamish Manufacturing and Industrial Center ("Duwamish MIC"), which includes the Stadium Transition Area Overlay District (the "STAOD"). The Port owns and operates important facilities within and adjacent to the Duwamish MIC, including maritime, cargo, logistics, and public safety facilities. *See, e.g.,*

1 Greater Duwamish Manufacturing and Industrial Center Subarea Plan (“Subarea Plan”)¹ at
2 14, 21-22, 38. The Subarea Plan expressly recognizes the Port’s role in the Duwamish
3 MIC, including Port-owned waterfront properties, Northwest Seaport Alliance² container
4 and cargo terminals, Port-provided shoreline access, the Port’s Marine Stormwater Utility,
5 and the Port of Seattle Police Department. *See id.*; *id.* at 3, 38, 48.

6 Additionally, the Port participated throughout the development of the policy
7 framework underlying the Subarea Plan and the Industrial and Maritime Strategy Final
8 Environmental Impact Statement (the “FEIS”), including the submission of timely
9 comments on the FEIS. The Port would be directly affected by the allowance of housing in
10 the Duwamish MIC. That issue is central to the Port’s ongoing legal appeals regarding
11 Ordinance 127191 (the “Ordinance”), which was initially passed to permit additional
12 residential development within the STAOD, although later repealed in May 2026.³ These
13 appeals are currently pending in King County Superior Court and the Division One Court
14 of Appeals. As such, the disposition of this Appeal could impact the Port’s operations on
15 its properties and the legal appeals pending in other fora.

16 Accordingly, the Port has a substantial interest in the Subarea Plan and adoption of
17 documents evaluating its environmental impacts. The Port seeks intervention for the
18 purpose of responding to each of the issues raised in the Notice of Appeal filed by
19 Appellants Washington State Major League Baseball Stadium Public Facilities District and

20
21 ¹ The Subarea Plan is available in draft form, published in April 2026, as of the date of this
22 Motion. The current draft is available here:
<https://www.seattle.gov/documents/Departments/OPCD/OngoingInitiatives/IndustrialMaritimeStrategy/OPCDDraftGreaterDuwamishManufacturingIndustrialCenterSubareaPlan.pdf>.

23 ² The Northwest Seaport Alliance is a marine cargo operating partnership between the Port
and the Port of Tacoma.

³ Ord. 127430 (May 12, 2026) (repealing the Ordinance).

1 Seattle Building & Construction Trades Council (collectively, “PFD”) in this matter (this
2 “Appeal”).

4 II. INTERVENOR INFORMATION

5 Intervenor

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13 III. BACKGROUND

14 The City of Seattle (the “City”) began developing the Industrial and Maritime
15 Strategy in 2019. That process involved comprehensive study and evaluation of the long-
16 term health and vitality of Seattle’s Manufacturing and Industrial Centers (“MICs”),
17 including the Duwamish MIC. The Industrial and Maritime Strategy was informed by a
18 Maritime and Industrial Strategy Advisory Council appointed by the City Mayor, which
19 included representation by the Port. The Port has continued robust participation in the
20 City’s planning efforts related to the Duwamish MIC.

21 On September 29, 2022, the City’s Office of Planning and Community
22 Development (“OPCD”) issued the FEIS. The FEIS evaluated alternatives for updated
23 industrial land use policies and regulations, including various scenarios regarding

1 allowance of housing in the STAOD, from the current near-prohibition on housing to the
2 allowance of several hundred units in and around the Duwamish MIC. In July 2023, the
3 City Council adopted comprehensive plan policy amendments and new industrial zoning
4 regulations implementing the Industrial and Maritime Strategy. Those amendments
5 included a new industrial zoning framework applicable to the Duwamish MIC and were
6 intended to preserve industrial lands, limit incompatible nonindustrial uses, and support
7 long-term maritime and industrial activity.

8 The May 14, 2026 adoption of the FEIS and issuance of the FEIS addendum for the
9 Subarea Plan (the “FEIS Addendum”) significantly affects the Port given its property
10 ownership and operations within and adjacent to the Duwamish MIC. See Subarea Plan at
11 3, 14, 21-22, 38, 48. The Port’s operations depend on the continued preservation of
12 industrial lands, land use compatibility, reliable freight mobility, and safe and efficient
13 access to maritime and industrial facilities.

14 The Port’s interests in the Duwamish MIC and the STAOD, and the potential
15 impacts of housing therein, are squarely at issue in ongoing litigation. In 2025, the City
16 enacted the Ordinance, which would have allowed up to 990 residential units in the
17 STAOD and removed existing protections intended to separate residential uses from major
18 truck streets and industrial operations. The Port challenged the City’s adoption of the
19 Ordinance before the Growth Management Hearings Board (the “Growth Board”) and in a
20 related Land Use Petition Act proceeding. See Central Puget Sound Region Growth
21 Management Hearings Board No. 25-3-0009; King County Superior Court No. 25-2-
22 10758-2 SEA. In November 2025, the Growth Board held that the City’s adoption of the
23 Ordinance violated several requirements of the GMA and SEPA, invalidated the

1 Ordinance, and ordered the City to take further compliance action. The City appealed the
2 Growth Board's decision to Thurston County Superior Court, and that appeal is now
3 pending before the Washington Court of Appeals after certification from the Superior
4 Court. The related pending LUPA proceeding is stayed pending resolution of the Growth
5 Board appeal.

6 While this Appeal before the Examiner alleges several procedural and substantive
7 defects under SEPA, the substantive grounds of the Appeal are focused substantially on
8 whether housing should be prohibited in the STAOD and whether the City adequately
9 evaluated the environmental impacts of the Subarea Plan on housing in the STAOD. For
10 the reasons identified in this Motion, these issues fall squarely within the Port's interests,
11 which makes intervention appropriate here.

12 **IV. GROUNDS FOR RELIEF AND ARGUMENT**

13 A party may move to intervene in an appeal before the Examiner at least fifteen
14 business days prior to a scheduled hearing. HER 5.09(b). Intervention is allowed where the
15 proposed intervenor is interested in the matter appealed, demonstrates a substantial interest
16 that existing parties do not adequately represent, and specifies the legal issues the proposed
17 intervenor seeks to address. HER 5.09(b). In determining whether to grant intervention, the
18 Examiner must consider whether intervention will promote resolution of the appeal on its
19 merits, unduly delay the hearing process, expand the issues beyond those stated in the
20 appeal, or prejudice a party. HER 5.09(c). The Port's request satisfies each of these factors
21 making intervention appropriate here.

1 **A. The Port Has a Substantial Interest in this Appeal.**

2 The Port has a substantial interest in this Appeal because Appellants seek relief that
3 would directly affect planning policies governing the Duwamish MIC, where the Port
4 owns property, operates maritime and industrial facilities, and depends on efficient freight
5 mobility and compatible surrounding land uses.

6 This Appeal challenges the City's environmental review of the Subarea Plan,
7 particularly whether restrictions on residential uses in the STAOD were sufficiently
8 analyzed in compliance with SEPA. This directly implicates the Port's interest in
9 preventing incompatible encroachment of residential and other non-industrial uses into
10 industrial and maritime areas. Residential uses in or adjacent to active industrial and freight
11 corridors create foreseeable land use conflicts, including conflicts related to truck traffic,
12 rail and port operations, nighttime activity, noise, emissions, safety, and pressure to limit
13 or modify industrial operations. These issues parallel those at issue in the Port's ongoing
14 litigation relating to the Ordinance. The Port therefore has a direct interest in the adequacy
15 of the environmental review of the FEIS, FEIS Addendum, and Subarea Plan and ensuring
16 that the Examiner's decision accounts for the Port's affected property, facilities, and
17 operations.

18 **B. Existing Parties Do Not Adequately Represent the Port's Distinct**
19 **Interests.**

20 The Port's interests are not adequately represented by the City, the Appellants, or
21 any other party to the Appeal. While the City and Port might agree with some terms of the
22 draft Subarea Plan and the sufficiency of the City's SEPA analysis thereof, the Port's
23

1 interests are distinct, as it has specific property interests as well as mission and policy
2 goals that are not shared by the City.

3 That distinction is especially important here because the issues raised in this
4 Appeal are closely related to the issues recently litigated in the Growth Board and related
5 LUPA proceeding concerning the City's adoption of the Ordinance. In fact, the City and
6 the Appellants have expressed general alignment in supporting the Ordinance that the Port
7 challenged in the pending litigation. Accordingly, no current parties to this Appeal can or
8 will adequately represent the Port's interests in this matter.

9 **C. The Port Seeks to Address the Issues Raised in the Notice of Appeal.**

10 The Port seeks to address Appellants' claims that:

- 11 1. the City's adoption of the FEIS and issuance of the FEIS Addendum were clearly
12 erroneous or otherwise contrary to SEPA;
- 13 2. the prohibition on future housing in the STAOD is inconsistent with the One
14 Seattle Plan's goals and policies and that the alleged inconsistencies are not
15 discussed in the adopted documents;
- 16 3. the Subarea Plan's treatment of residential uses in the STAOD conflicts with the
17 purpose of the STAOD and creates undisclosed or unevaluated significant adverse
18 impacts;
- 19 4. the prohibition on housing is likely to be significant and must be evaluated in a
20 supplemental environmental impact statement;
- 21 5. the City failed to adequately address potential housing and land use impacts when it
22 adopted the FEIS and FEIS Addendum;
- 23 6. the FEIS used an incorrect legal standard under SEPA;

1 7. the City was required to prepare a supplemental EIS rather than rely on the FEIS
2 and FEIS Addendum; and

3 8. Appellants are entitled to reversal and remand for additional environmental review.

4 The Port does not seek to assert an independent appeal or expand the scope of the
5 proceeding. The Port seeks intervention only to respond to the issues Appellants have
6 raised before the Examiner and to provide the Port's distinct perspective as an affected
7 public port district, property owner, and operator of maritime, industrial, freight, and
8 public safety facilities in the Duwamish MIC.

9 **D. Intervention Will Promote Resolution on the Merits Without Delay or**
10 **Prejudice.**

11 The Port's intervention will promote resolution of this Appeal on the merits by
12 ensuring that the Examiner has a complete understanding of the environmental review
13 conducted prior to adoption of the FEIS for the Subarea Plan and the related policy issues.
14 This Appeal relates to residential use restrictions in the STAOD and the Duwamish MIC.
15 The City's actions on these matters will impact the Port, possibly more than any other
16 party. Those issues are closely related to issues recently litigated in the Growth Board and
17 related LUPA proceedings concerning the City's adoption of the Ordinance. As a party to
18 those proceedings and as a public agency with substantial property and operational
19 interests in the Duwamish MIC, the Port is uniquely positioned to provide a distinct
20 perspective that will assist the Examiner in resolving the issues raised in this appeal.

21 The Port's intervention will not unduly delay the proceeding or prejudice any party.
22 The Port is intimately familiar with the issues raised in this Appeal and is prepared to
23 comply with the Examiner's briefing and hearing schedule when issued.

Because the Port has a substantial interest not adequately represented by the existing parties and seeks only to address the issues already raised in the Notice of Appeal, intervention will promote a fair and complete resolution of this Appeal.

V. CONCLUSION

For the foregoing reasons, the Port respectfully requests that the Examiner grant its motion to intervene in this Appeal.

DATED this 24th day of June, 2026.

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