

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of:

Hearing Examiner Files:
W-26-001

**WASHINGTON STATE MAJOR LEAGUE
BASEBALL STADIUM PUBLIC
FACILITIES BASEBALL DISTRICT; and
SEATTLE BUILDING & CONSTRUCTION
TRADES COUNCIL,**

from a decision by the Director, Seattle
Department of Construction and Inspections.

**ORDER ON
INTERVENTION**

The Port of Seattle timely¹ moved to intervene. The Appellants filed an objection, which the Port responded to. The Hearing Examiner Rules of Procedure and Practice allow permissive intervention. An intervention motion must “state how the person or entity is interested” in the appeal “and demonstrate a substantial interest that the existing parties do not adequately represent.”² In assessing the motion, the Examiner considers “whether intervention will promote resolution of the appeal on its merits, unduly delay the hearing process, expand the issues beyond those stated in the appeal, or prejudice a party.”³ The HERs govern intervention so there is no need to refer to the intervention rules of other tribunals as Appellants urge.⁴

The appeal challenges environmental review of residential use restrictions in the Greater Duwamish Manufacturing and Industrial Center, and Stadium Area Transition Overlay District. The Port demonstrated it has a substantial interest in this review. It is concerned with preventing incompatible encroachment of residential and other non-industrial uses into industrial and maritime areas. This is due to concerns such uses would present conflicts, including from truck traffic, rail and port operations, nighttime activity, noise, emissions, safety, and pressure to limit or modify industrial operations.⁵

The Appellants’ position that environmental review is unrelated to policy is not credible. Environmental review informs policy. SEPA was enacted to ensure policy decisions are fully informed.⁶ Regardless, the concerns the Port identified are at issue. It is the environmental review associated with industrial uses and limits on residential uses placed in such areas which was challenged. Were the argument applied to the Appellants, they would be hard put to identify a cognizable interest for standing purposes.

¹ The Port filed its motion before the pre-hearing conference, where a November hearing date was set. The filing was made as soon as feasible and well over 15 business days before hearing. HER 5.09(b).

² HER 5.09(b).

³ HER 5.09(c).

⁴ HER 1.03(d) (reference to other rules authorized when HER “do not address” the issue); HER 5.09.

⁵ See the motion and reply, and Exhibits A-C.

⁶ RCW 43.21C.010, .020.

The Port demonstrated that the Department does not adequately represent its interests. While some policy interests likely align, the Port has specific property interests and mission and policy goals the Department does not share. There need not be a history of conflicting litigation positions to demonstrate inadequate representation. But this was also identified as having occurred with respect to the Department, and in this case, with the Appellants.

With respect to whether intervention will promote resolution, delay the adjudication, expand the issues, or prejudice a party, these concerns are not present. The Pre-Hearing Order set a hearing schedule and the Port is subject to that schedule. Port intervention does not change that schedule or expand the issues, and no party is prejudiced by Port appearance. And, having the Port's unique perspective on the appeal issues is expected to promote, rather than detract from, appeal resolution. As the Port has substantiated its intervention request, its motion should be granted.

The Port of Seattle's motion to intervene is **GRANTED**.

Entered July 14, 2026.



Susan Drummond
Deputy Hearing Examiner

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that I sent this **ORDER ON INTERVENTION** to each person below in **WASHINGTON STATE MAJOR LEGAL BASEBALL STADIUM PUBLIC FACILITIES DISTRICT** Hearing Examiner File **W-26-001** in the manner and on the date indicated.

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Dated: July 14, 2026

/s/ Angela Oberhansly
 Angela Oberhansly
 Legal Assistant