

BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In the Matter of the Appeal of
WASHINGTON STATE MAJOR
LEAGUE BASEBALL STADIUM
PUBLIC FACILITIES DISTRICT; and
SEATTLE BUILDING &
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

Hearing Examiner File: W-26-001

**STIPULATION AND PROPOSED
ORDER ON MOTIONS TO
DISMISS**

STIPULATION

1. This administrative appeal was filed on May 28, 2026, by Appellants Washington State Major League Baseball Stadium Public Facilities District and the Seattle Building and Construction Trades Council. The appeal challenges the adequacy of the Final Environmental Impact Statement ("FEIS") and FEIS addendum for the City's Industrial and Maritime Strategy pursuant to Section 25.05.680.A.2 of the Seattle Municipal Code ("SMC" or the "Code").

2. On July 28, 2026, the Seattle City Council passed Ordinance 127477 which will amend the text of SMC 25.05.680.F to read as follows: "There is no administrative appeal to the Hearing Examiner of a SEPA threshold determination or the adequacy of an EIS associated with any proposed Comprehensive Plan or development regulation, whether new or amended."

1 3. Ordinance 127477 was signed by the Mayor on July 31, 2026, and, unless
2 changed, will go into effect on August 31, 2026. *See* SMC 1.04.020 & SMC 1.04.070.

3 4. On August 7, 2026, Respondent City of Seattle and Intervenor-Respondent Port
4 of Seattle moved to dismiss this appeal, arguing that the new Code language quoted above from
5 Ordinance 127477 will deprive the Hearing Examiner of jurisdiction to hear this SEPA appeal.
6 Respondent and Intervenor-Respondent also challenged other aspects of this appeal.

7 5. Appellants do not contest that once the new Code language quoted above from
8 Ordinance 127477 goes into effect on August 31, 2026, the Hearing Examiner will no longer
9 have jurisdiction to hear this appeal, in which case the Examiner's continued review of the
10 parties' other claims in this matter would be unnecessary.

11 6. The Parties therefore request that the Hearing Examiner suspend the current
12 briefing deadlines on the pending motions to dismiss. If Ordinance 127477 goes into effect as
13 planned on August 31, 2026, then this appeal must be dismissed. If the Ordinance does not go
14 into effect as planned, then the Parties will confer and propose new briefing deadlines for the
15 above referenced appeal.

16 So stipulated this 26th day of August 2026.

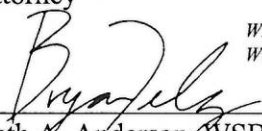
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With authorization for

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22 DAVIS WRIGHT TREMAINE LLP

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STIPULATION AND PROPOSED ORDER ON
MOTIONS TO DISMISS - 2

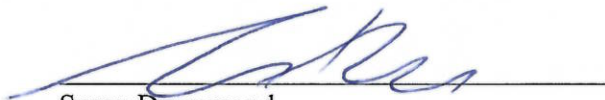
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ORDER

In light of the above stipulation, all briefing on the pending motions to dismiss filed by Respondent City of Seattle and Intervenor-Respondent Port of Seattle are suspended immediately upon entry of this Order. The Parties shall notify the Hearing Examiner by COB Tuesday, September 1, 2026, as to whether Ordinance 127477 has gone into effect. If so, this appeal will be dismissed for lack of jurisdiction. If not, the Parties shall confer and propose new briefing deadlines for the Examiner's continued consideration of all other legal claims asserted in this matter, including all claims already briefed in the City's and Intervenor's pending motions.

Entered this 27th day of August, 2026.


Susan Drummond
Deputy Hearing Examiner

Presented by:

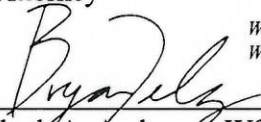
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STIPULATION AND PROPOSED ORDER ON
MOTIONS TO DISMISS - 3

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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **ORDER ON MOTIONS TO DISMISS** to each person listed below, in the matter of Hearing Examiner File: **W-26-001**, in the manner indicated.

Party	Method of Service
Appellants' Authorized Representative Bryan Telegin bryan@teleginlaw.com	☐ U.S. First Class Mail, postage prepaid ☐ Inter-office Mail ☒ E-mail ☐ Hand Delivery ☐ Legal Messenger
Department Legal Counsel, City Attorney's Office Elizabeth Anderson liza.anderson@seattle.gov	☐ U.S. First Class Mail, postage prepaid ☐ Inter-office Mail ☒ E-mail ☐ Hand Delivery ☐ Legal Messenger
Intervenor, Davis Wright Tremaine LLP Kenneth Nelson kennelson@dwt.com	☐ U.S. First Class Mail, postage prepaid ☐ Inter-office Mail ☒ E-mail ☐ Hand Delivery ☐ Legal Messenger

Dated: August 27, 2026

/s/ Angela Oberhansly
Legal Assistant