

Dear Interested Citizens:

Mayor Ferrell held a Town Hall Meeting at Lakeland Elementary on Thursday, October 13, 2016 from 6-8:30 PM. During the meeting, several questions were raised by citizens in attendance regarding development on the former Weyerhaeuser property that required follow-up. Mayor Ferrell has asked that this e-mail be sent to respond to those questions.

**1. What is the zoning for the property immediately to the west of North Lake and does the 200' buffer area apply?**

The property on the western bank of North Lake is zoned Corporate Park-1. In addition to this zoning, there is an additional "Urban Conservancy" designation that applies because North Lake is regulated under the State Shoreline Management Act and the City's Shoreline Master Program. The Urban Conservancy designation controls the development that may occur within 200 feet of the ordinary high-water mark. The Urban Conservancy designation does allow a variety of shoreline uses such as residential development, recreational development, utilities, transportation and parking facilities, and office and commercial development (under specific conditions). To develop Urban Conservancy areas with any of these uses, the applicant must comply with a variety of requirements, conditions, and restrictions enumerated in FWRC 15.05.090, Urban Conservancy Environment, including but not limited to:

- Prohibitions on waterward development (except water-dependent recreational uses, permitted shoreline modifications, and public utilities);
- Height restrictions on buildings (35 feet);
- Surface water retention facilities;
- Setbacks, e.g., 50 feet for residential development and 75 feet for office and commercial development;
- Setbacks must be vegetation conservation areas; and
- Impact mitigation to prevent net loss of ecological functions.

The Urban Conservancy designation applies to the western shoreline of North Lake because local governments must adopt shoreline classification systems that are consistent with State regulations.

**2. Why was the Preferred Freezer project reviewed under Process III as opposed to Process IV?**

To determine which review process is required for a project, staff reviews the zoning of the property, scope, and components of the project. The zoning designation of the property and the proposed use, may affect which use process is triggered. If critical areas are present, a different use process may be required depending on the scope of the project. City Code specifies which processes are required. If the property is subject to a Development Agreement, then the terms of the agreement may dictate project review processes.

The City followed Process III review because the Concomitant Agreement did not call for a project of this type to go to the Hearing Examiner. The City reviewed the project under Process III because the use, zoning designation, and affected critical areas did not trigger Process IV. If the proposed development

affected more wetlands than allowed under the Concomitant Agreement, or the facility was within 200 feet of a single family zone, it would have been reviewed by the Hearing Examiner.

The Concomitant Agreement exempts development affecting certain size wetlands from review under the critical areas code and the facility is more than 200 feet away from any single-family zone. The Concomitant Agreement set the framework for review and the City's review of the application under Process III falls within the requirements for the established zone. Because the Federal Way Revised Code has a built in appeal process, this project could very well be approved, conditioned, or denied by the City Hearing Examiner if the Process III decision and/or SEPA threshold determination are appealed.

### **3. Who made the decision for the Preferred Freezer project to be reviewed under Process III?**

Pursuant to FWRC 2.13.030, the "community development director shall be responsible for directing the development and execution of the city's comprehensive plan for development including growth projections, land use, housing, environmental sensitivity, urban design, annexation, and zoning code modifications; reviewing and enforcing city development including land use applications, code enforcement, plan review, and building inspection functions; overseeing human resources programming; and supervising planning, program and other staff."

With input and recommendations from staff and from multiple City departments, Community Development Department Staff determined that Process III review was applicable to the Preferred Freezer project.

### **4. What does "industrial use" mean?**

Per the Concomitant Agreement, permitted uses in the CP-1 zone include both "production and light assembly of goods" and "warehousing and distribution." There is no "industrial use" classification under the Concomitant Agreement. This means that the only definitions that are applicable are those contained in the Concomitant Agreement.

The current code FWRC 19.05.090 defines "industrial uses" to mean those uses allowed only in the CE zone as listed in FWRC 19.240.010 through 19.240.040. Such uses include, but are not limited to:

- Manufacturing, fabrication, or assembly of office equipment, machines, furniture, and fixtures; electrical, electronic, communications, and lighting products; appliances, bicycles, automobiles, boats, aircraft, and their component parts; heating equipment; photographic and clock instruments; toys; jewelry; musical instruments; scientific equipment; handtools; signs; advertising displays; and similar items; Fabrication of clay, glass, ceramic, stone, china or metal products; metal plating and coating; engraving and stone cutting; Preparation of food products; leather products; textile, fabric, or apparel; Warehouse and wholesale distribution facilities; Contractor's yards for storage of commercial equipment, vehicles, bulk building materials, and similar items; Parking lots for storage of recreational vehicles and other oversized vehicles; Commercial vehicle facilities and service yards such as truck stops; Automotive emissions testing facilities; Commercial photography, cinematography, video or film production; Radio, television and other broadcast studios; commercial printing, publishing, and allied industries; Research, design, and development facilities whose primary purpose is product testing; Industrial laundry

facilities, linen supply, diaper services; Hazardous waste treatment and storage facilities; Chemical manufacturing and related products; Gravel batch plant; Transfer station.

As noted in the list above, the CE zone currently includes “warehouse and wholesale distribution facilities” and “preparation of food products.”

Thank you for your attendance at the Town Hall Meeting. We are committed to following the established processes in place to address development requests on the former Weyerhaeuser property and throughout the City.

Please let me know if you have further questions.

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