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# memorandum

date            June 21, 2017

to                Jim Harris and Stacey Welsh, City of Federal Way Department of Community Development

from             Jessica Redman and Ilon Logan

subject          Critical Areas Report and Conceptual Mitigation Plan Review: Greenline Warehouse

At the request of the City of Federal Way (City), Environmental Science Associates (ESA) reviewed the *Critical Areas Report and Conceptual Mitigation Plan Greenline – Warehouse A* (dated March 29, 2017) prepared by Talasaea Consultants Inc. for the property at approximately 33663 Weyerhauser Way in Federal Way, Washington. The site is part of the former Weyerhauser Campus property which has recently been renamed the Greenline Campus. The 15.6-acre site is a combination of portions of two parcels (King County Tax Parcel Numbers 6142600005 and 6142600200) currently owned by Federal Way Campus, LLC.

This property was reviewed by ESA in October 2016 during a previous application for development by Preferred Freezer Services, LLC. ESA's review of the Preferred Freezer application was reported to the City in the *Critical Areas Report and Conceptual Mitigation Plan Review: Preferred Freezer Services LLC* technical memorandum (dated October 5, 2016). The Preferred Freezer land use application was recently amended to instead develop a one-story general commodity warehouse known as Warehouse A. The application includes construction of a 225,950 square-foot warehouse as well as an associated water quality and detention pond. This memorandum focuses on the review of the critical areas report and conceptual mitigation plan for the proposed Warehouse A project. In addition to the site visit conducted in August 2016 for the Preferred Freezer review, ESA ecologists performed an additional site visit on May 25, 2017.

## **Site Background and Purpose of Review**

In 1994, the Weyerhauser Company entered into a pre-annexation zoning agreement with the City, known as the Concomitant Agreement, to ensure that once annexed, the Weyerhauser Company Campus was developed “with maximum flexibility which will insure optimal development, while preserving the unique natural features of the site” (Weyerhauser Company Concomitant Pre- Annexation Zoning Agreement, 1994). The Concomitant Agreement has detailed zoning provisions for the property and states that any portions of the property classified as environmentally sensitive, including wetlands, are under the jurisdiction of, and shall comply with, Article XIV (Environmentally Sensitive Areas) of the 1994 Federal Way Code (FWC). The purpose of this review is to determine if the proposed Warehouse A project is in compliance with Concomitant Agreement and Chapter 22, Article XIV of the 1994 FWC.

## Review of Documents

ESA reviewed the *Critical Areas Report and Conceptual Mitigation Plan – Greenline Warehouse A* (dated March 29, 2017) and the *Greenline Warehouse A Site Plan* prepared by ESM Consulting Engineers (dated April 3, 2017). According to the documents, 13 wetlands were identified on or adjacent to the proposed location of the Warehouse A Project (the Project). All 13 wetlands were rated as Category III wetlands using the *Washington State Wetland Rating System for Western Washington – 2014 Update* (Ecology, 2014). The total area of the 13 wetlands is 16,740 square feet (SF). Construction of the Project will impact seven of the wetlands (DU, DW, DX, DZ, EB, ED, and EE) for a total of 8,156 SF. In addition, due to its proximity to construction limits, 1,115 SF of indirect impacts will occur in Wetland EF. According to the Concomitant Agreement, “development affecting wetlands which are individually smaller than 2,500 square feet and/or cumulatively smaller than 10,000 square feet in size in any 20-acre section of property” is exempt from sensitive areas regulations. Therefore, the proposed impacts to the seven wetlands are considered exempt by the City and no mitigation is required.

Per the 1994 FWC (Section 22-1357), all regulated wetlands have a standard 100-foot buffer. The Project proposes to impact approximately 5,491 SF of wetland buffer around Wetlands DR and DQ. The buffer will be reduced to no less than 50 feet. The applicant proposes approximately 6,124 SF of buffer replacement to mitigate for buffer impacts. The project will also maintain the 50-foot forested buffer along public roads, a requirement of the Concomitant Agreement.

As stated above, wetland impacts as a result of the proposed project are exempt from Federal Way Code, however, at the Federal level, mitigation will be required as part of Clean Water Act permit requirements by the U.S. Army Corps of Engineers (Corps). The applicant is proposing to compensate for the 9,271 SF of impacts to wetlands through the creation of 18,542 SF of wetland at an off-site location. The proposed mitigation site is located along the northwest shore of North Lake on a parcel also owned by the applicant, within the Greenline campus. The parcel contains a Category III wetland (Wetland BD North), also delineated by Talasaea. An additional 17,613 SF of wetland enhancement and 86,695 SF of buffer enhancement and restoration is proposed at the mitigation site. At the project site, the applicant is proposing 33,572 SF of buffer enhancement outside of the managed forest buffer, 28,993 SF of enhancement within the managed forest (including 28,993 SF within critical areas buffers), and 7,383 SF of buffer restoration for temporary construction impacts.

## Review Comments and Recommendations

Based on the site visit and document review for consistency with the City of Federal Way requirements and regulations, we have the following comments and recommendations:

- We agree with the wetland delineation boundaries, rating forms, and rating classifications established by Talasaea for wetlands occurring on the proposed project site.
- Proposed impacts to Stream EA should be added to Table 2 of the Critical Areas Report.
- The buffers of non-exempt wetlands (Wetlands DP, DQ, DR, and DT) should be included on *all* plans and figures associated with the proposed project, including civil plans by ESM Consulting Engineers.
- Stream EA and its associated buffer should be included on *all* plans and figures associated with the proposed project, including civil plans by ESM Consulting Engineers.

- It is unclear what the temporary construction impacts to the buffers of Wetlands DQ and DR include. We suggest the applicant submit additional information regarding the extent of the temporary impacts (site grading, tree removal, restoration planting, etc.). Furthermore, the applicant should show that the proposed temporary impacts meet the criteria for land surface modifications within setback areas under Section 22-1359(d) of the 1994 Federal Way Code.
- Several sections of the Critical Areas Report (e.g. Sections 5.2.1, 5.2.1, 7.2.1) refer to guidance provided in the Concomitant Agreement and the 1994 Federal Way Code. We suggest specific citations be included in the report when these City codes and regulations are referenced.
- We generally agree with the conceptual mitigation plan and believe that the proposed mitigation site appears to be an adequate location for wetland creation. As the mitigation design progresses, we strongly recommend that the applicant perform further environmental investigations (groundwater level monitoring, soil analysis, etc.) at the proposed mitigation site to acquire the necessary data and information to inform mitigation feasibility and design.
- We disagree with a small portion of the delineated northeast boundary of the wetland occurring at the proposed mitigation site (Wetland BD North), primarily in the area of wetland flags BD-7 through BD-10. During the May 2017 site visit, we observed saturated conditions and a dominance of facultative vegetation occurring outside the delineated boundary and continuing to the toe of slope to the west. If the wetland is determined to extend to the toe of slope, this portion of the mitigation site should not be used for wetland creation as proposed in the conceptual mitigation plan. We suggest the delineation boundary and mitigation plan for this area be reevaluated and addressed accordingly.
- We agree that 18,542 SF of wetland creation is adequate for 9,271 SF of wetland impacts based on the guidance in Ecology's *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (2006). However, we recommend the applicant increase the proposed area of wetland creation by 2,500-5,000 SF to account for the risk of failure, uncertainties, and the temporal loss of original wetland functions and area, ensuring that the 2:1 mitigation to impact ratio is successfully met.
- The proposed mitigation site is located within the City's shoreline jurisdiction. Per the City's direction, the parcel that the mitigation site is located on will be regulated under the Concomitant Agreement and the current Federal Way Revised Code (FWRC), not the 1994 code as with the project parcels. We recommend that as mitigation feasibility and design progresses, regulations under FWRC Chapter 15.05 – *Shoreline Management* are taken into account to ensure consistency with the City's shoreline management plan.