

**BEFORE THE HEARING EXAMINER
FOR THE PORT OF CENTRALIA**

In the Matter of the Appeal by)	
)	
Lewis County, Appellant)	POC Appeal No. 14-01
)	
of Respondent Port of Centralia’s SEPA)	FINDINGS OF FACT,
determinations/decisions regarding its)	CONCLUSIONS OF LAW AND
Park 3 – “Centralia Station” proposal)	DECISION DENYING APPEAL
)	AND AFFIRMING SEPA
)	THRESHOLD DETERMINATION
)	
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_____)	

I. SUMMARY OF DECISION.

The County’s appeal is denied, and the Port’s SEPA Mitigated Determination of Non-Significance (MDNS) and Notice of Adoption (collectively the Port’s “SEPA Threshold Determination”) for the Centralia Station proposal is affirmed.

II. APPLICABLE LAW.

Burden of Proof/Standard of Review.

Lewis County is the Appellant in this appeal, and therefore bears the burden of proof. The Port’s SEPA threshold determination is entitled to substantial weight, and to prevail in this appeal the County must demonstrate that the Port’s decision was clearly erroneous. RCW 43.21C.075(3)(d); Port of Centralia State Environmental Policy Act (SEPA) Policies and Procedures, § 21.5 (2006); *Chuckanut Conservancy v. Dep’t of Natural Resources*, 156 Wn.App. 274, 286, 232 P.3d 1154 (2010); *Norway Hill Pres. & Prot. Ass’n v. King County*, 87 Wn.2d 267, 274, 552 P.2d 674 (1976). Under the clearly erroneous standard, the Hearing Examiner may only reverse the MDNS issued

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2 for Centralia Station if the Examiner, based on the entire record, “is left with the
3 definite and firm conviction that a mistake has been committed.” *Norway Hill Pres. &
Prot. Ass’n v. King County*, 87 Wn.2d 267, 274, 552 P.2d 674 (1976).

4 This appeal challenges an MDNS, issued by the Port. As explained by the
5 Washington Court of Appeals in an MDNS appeal at issue in *Boehm v. City of
6 Vancouver*, 111 Wn. App. 711, 11 P.3d 137, at pp. 141, 142 (2002), a MDNS is an
7 alternative threshold determination that involves changing or conditioning a project to
8 eliminate its significant adverse environmental impacts. WAC 197-11-350. With a
9 MDNS, a formal EIS is not required, because SEPA only requires an EIS for “major
actions having a probable significant, adverse environmental impact.” RCW
43.21C.031(1). Again, courts review a threshold determination that an EIS is not
required under the “clearly erroneous” standard. *Norway*, 87 Wash.2d at 275, 552
P.2d 674.

10 III. RECORD AND EXHIBITS.

11 Exhibits entered into evidence as part of the record, and an audio recording of
12 the public hearing, are maintained by the Port of Centralia, and may be examined or
13 reviewed by contacting the Port’s office during regular business hours. More than fifty
14 (50) Exhibits were accepted into the record as numbered, identified and described on a
15 Joint Exhibit List, which was kindly compiled and distributed to the parties by the
16 Examiner’s de-facto hearing clerk, Amy Due, the Port’s Director of Finance and
17 Administration. Following close of the hearing, the parties submitted proposed findings
18 for consideration by the Examiner, which were received on March 28, 2014. Both
19 parties’ proposed findings were thorough, with the Port’s covering 21 pages, single-
20 spaced, and the County’s proposed findings running just over 94 pages, mostly double
21 spaced. Then, the record grew — and grew — as the parties’ able attorneys submitted
22 letters and briefs for consideration by the Examiner generally seeking to paper over one
23 another with objections and arguments supporting their respective positions, and
24 challenging the strength of evidence presented by the other party at the hearing. Copies
25 of the following materials, received after the hearing, have been added to the Record:

- 21 • County Ex. No. 19, the “1996 Goodwin Article” referenced during Mr.
22 Johnson’s testimony, distributed by Port’s counsel on or about March 20,
23 2014, “Empirical Evidence on Induced Traffic, A Review and
Synthesis,” by Phil B. Goodwin, *Transportation*, Vol. 23, pp. 35-54
(1996).
- 24 • Letter from Port Counsel, Ms. Lawrence, dated April 4, 2014,
25 specifically objecting to the County’s

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2 proposed Findings, Nos. 30, 32, 36, 65, 60 and 125; and proposed
3 Conclusions, Nos. 6 and 10. (2 pages)

- 4
- 5 • Letter from Lewis County Counsel, Mr. Carter, dated April 4, 2014,
6 specifically objecting to the Port's proposed Findings, Nos. 35-37. (2
7 pages)
 - 8 • Letter from Port Counsel, Ms. Lawrence, dated April 8, 2014,
9 responding to the County's letter of April 4, 2014. (1 page)
 - 10 • Brief dated April 8, 2014, entitled "Lewis County Response to Motion to
11 Strike of Port of Centralia, Dated April 4, 2014." (7 pages)
 - 12 • Brief dated April 9, 2014, entitled "Lewis County Reply in Support of
13 April 4 Motion to Strike Port Findings 35-37". (4 pages)

14 The final item is dated April 9th, but was not received by the Examiner until
15 April 11, 2014. Following the additions made as referenced above, the record for this
16 matter is deemed closed. To properly consider the final arguments, objections and
17 positions of the parties, the Examiner carefully replayed witness testimony and
18 reviewed written evidence, particularly that from the dueling traffic consultants, Mr.
19 Toedtli and Mr. Johnson. A decision is now in order.

20 **IV. FINDINGS OF FACT.**

21 Based on the record, the Examiner issues the following findings of fact:

22 ***Procedural Background.***

23 1. On October 22, 2013, Mr. Kyle Heaton, the Port's SEPA Responsible Official,
24 issued a SEPA Mitigated Determination of Non-significance (MDNS) and Notice of
25 Adoption for the Centralia Station proposal, collectively the Port's SEPA Threshold
26 Determination for Centralia Station. The SEPA Threshold Determination memorialized
the Port's determination that the Centralia Station proposal, as mitigated, is not likely to
result in probable significant adverse environmental impacts.

2. On November 6, 2013, Lewis County filed a timely appeal of the Port's SEPA
Threshold Determination. Lewis County raised four issues in its appeal; all related to
alleged traffic/transportation impacts from Centralia Station. County Exhibit 2, Port
Ex. 29. The Port's four issues on appeal were labeled A, B, C and D. Id.

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2 3. Following discussions between the Port and Lewis County, which occurred
3 shortly after the County filed its appeal, the County withdrew items B, C and D from
4 their appeal. Item B was resolved after the City clarified that the multisport facility/ball
5 field initially depicted on the Centralia Station site plan was not a requested mitigation
6 measure for the project, so the Port agreed to remove the item from its proposal, thereby
7 alleviating the County's concerns with the potential traffic impacts associated with an
8 active multisport facility; item C was resolved based on clarification that a new
9 intersection planned for Airport Road and the new Mellon Street Connector would not
10 be under the County's jurisdiction, but would instead be wholly within the Centralia
11 city limits and within WSDOT's right of way; and item D was resolved based on
12 assurances that a professional engineer, licensed in the state of Washington, would
13 place his 'stamp' on the Traffic Impact Analysis ("TIA") issued for the Centralia
14 Station proposal. Port Exhibit 39.

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16 4. At the Pre-Hearing Conference held on February 12, 2014 and presided over by
17 the Hearing Examiner, the County's attorney also asserted that the Executive Director
18 of the Port of Centralia signed both the SEPA Environmental Checklist (Ex. P2) and
19 MDNS Determination (Ex. P1), contending his signing as or on behalf of the Project
20 Proponent and as Responsible SEPA Official violated WAC 197-11-926(b). The
21 County contends that the Executive Director had a conflict of interest that rendered the
22 MDNS Determination subject to heightened scrutiny and less deference and, in fact,
23 shifted the burden of proof to affirm the Determination to the Port. On March 11, 2014,
24 the Port filed a motion to strike the County's contentions regarding WAC 197-11-
25 926(b), the diminished or eliminated deference, and the alleged shifting of the burden of
26 proof as untimely and unsubstantiated. The County responded to the motion in writing
before the hearing commenced on March 12, 2014, and, after oral arguments, the
Hearing Examiner denied the motion but deferred the determination of the appropriate
standard of review and whether there is a shifting of burdens of proof to this final
decision.

19 ***Issue on Appeal.***

20 5. The SEPA Determination at issue consisted of eight (8) "decisions:"

- 21 1. The proposal does not have a probable significant adverse impact on the environment.
- 22 2. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c) and
WAC 197-11.
- 23 3. This decision was made after review of an expanded SEPA environmental checklist and other
24 information on file with the lead agency, and after considering mitigation measures required by
existing laws and regulations that will be implemented as part of the subsequent Port site plan
reviews, City of Centralia review process, and other agency approvals.
- 25 4. The responsible official finds this information reasonably sufficient to evaluate the

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1 environmental impact of the proposal.

2 5. The Port adopts the Determination of Non-significance for the Port's IDD 3 issued on January
3 25, 2013.

4 6. This information is available to the public on request to the Port of Centralia at 3808 Galvin
5 Road, Washington 98531.

6 7. The lead agency also has determined that the following mitigation measure is necessary to issue
7 a Determination of Non-significance for the project action proposals (I.e., Centralia Station
8 development and initial site construction permit). This determination is based on limited
9 archeological investigations that have been completed to date. Prior to ground disturbing activities,
10 an archeological field investigation of those locations to be disturbed shall be conducted. Field
11 investigation methodology should be consistent with the Cultural Resource Assessment dated
12 September 17, 2013. Activities considered to be "ground disturbing" include tree removal, grubbing,
13 grading and excavation.

14 8. Issuance of this threshold determination does not constitute approval of the proposal for
15 construction. This proposal will require review and approval by the Port of Centralia and the City of
16 Centralia and will be reviewed for compliance with all applicable plans and codes which regulate
17 development activities. This proposal will also require approvals by other agencies as listed in the
18 SEPA environmental checklist. These approvals and requirements are not inclusive, as some
19 approvals and code requirements can only be confirmed and/or reviewed upon submittal of
20 construction permits.

21 MDNS, Port Exhibit 1.

22 6. As noted above, before the hearing, the Port and the County resolved 3 of 4
23 issues initially raised in the SEPA appeal, and the County limited its appeal to the eight
24 decisions enumerated above as they apply to the County streets and neighborhoods
25 identified in Issue A in the Notice of Appeal, which reads as follows:

- 26 A. The MDNS and supporting Traffic Impact Analysis (TIA) is incomplete in that it does not
include any analysis of the existing traffic or the added traffic to three County Roads in the
immediate proximity to the project and fails to address the adverse impacts of additional
daily and peak hour trips that are identified. Long Road, South Street, and the southern
portion of Woodland Ave (including associated intersections) provide a direct link to the
project from a major residential and commercial area of south Centralia and north Chehalis
centered around the Kresky – Gold St. / National Ave couplet known as the Miracle
Mile. The use of Floral Street and W. Summa Street provide an alternate "cut-through"
route to the Centralia Station project and could have significant impacts on these County
roads and City Streets and must be analyzed to determine what if any mitigation is
necessary to alleviate affects to the County's infrastructure.

County's Notice of Appeal, dated November 6, 2013, included in the Record as Port
Exhibit 27, County Exhibit 2.

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2 **Hearing.**

3 7. Consistent with the Washington Supreme Court's recent ruling in *Ellensburg*
4 *Cement Products, Inc. v. Kittitas County*, No. 88165-1, issued on February 6, 2014, the
5 Examiner conducted an open-record hearing on the County's appeal of the Port's
6 MDNS, and this SEPA appeal provided for the preparation of a record for use in any
subsequent appeal proceeding, along with findings and conclusions, testimony under
oath, and a digitally taped recording of hearing proceedings. *Ellensburg Cement*, at
page 9, citing RCW 43.21C.075(3)(c).

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8 8. The undersigned Hearing Examiner for the Port of Centralia, Gary N. McLean,
9 held the SEPA appeal hearing on March 12, 13 and 17, 2014, at the City Chambers
10 courteously provided by the City of Centralia in Centralia, Washington. Molly
Lawrence of the Van Ness Feldman Gordon Derr law firm represented the Port of
Centralia. Civil Deputy Prosecuting Attorney Glenn Carter represented Lewis County.

11 9. The following witnesses (listed alphabetically) were sworn and testified at the
12 hearing under oath:

- 13 • Mr. Tim Elsea, Lewis County Public Works Director and County Engineer;
- 14 • Mr. Kyle Heaton, Port of Centralia Executive Director and Responsible SEPA
15 Official;
- 16 • Mr. David Johnson, traffic consultant for the Port of Centralia;
- 17 • Mr. Erik Martin, traffic engineer for Lewis County;
- 18 • Ms. Anna Nelson of Van Ness Feldman Gordon Derr and a consulting planner
19 for the Port of Centralia; and
- 20 • Mr. Larry Toedtli, traffic consultant for Lewis County.

21 10. Exhibits and other materials included within the record are acknowledged
22 above. The Hearing Examiner made a personal site visit, alone, after the close of
23 testimony on March 13, 2014. The Port of Centralia provided digital audio recording
24 services through its Chief Financial Officer, who created the record during the hearing
and provided two disks to the Hearing Examiner and the parties as part of the record,
one of the first two days of the hearing on March 17, 2014, and the other of the third
day of the hearing by making it available to the County's attorney for pick-up from the

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2 Port offices on March 19, 2014.

3 11. At the hearing, no one spoke in opposition to the project itself. No one
4 submitted any opposition to the project via written correspondence received in any form
5 before the hearing. In fact, County witnesses made a point of acknowledging their
6 support for Centralia Station, and their hopes that it will be successful. The appeal was
7 not of the Centralia Station project itself, but was narrowed to focus upon the project's
8 alleged impacts on the "South Street area", where the County alleged significant cut-
9 through traffic would be generated after Centralia Station is developed.

10
11 ***Project Site.***

12 12. The Port has proposed to develop "Centralia Station", a multi-use development
13 including large businesses, major retailers, community college facilities in partnership with
14 Centralia College, retail space, office space, medical facilities, restaurants, and tech
15 warehouse space. A conceptual site plan showing the project boundaries and anticipated
16 locations of site elements is attached to Port Exhibit 32, Figure 2. The entire development
17 covers almost 45 acres.

18 13. Centralia Station generally lies on either side of Long Road east of Interstate 5 and
19 west of the Chehalis Western railroad tracks. The northern boundary of the project area
20 incorporates both sides of Alder Street and the southern boundary is generally the Mobile
21 Estates mobile home park, which is located at 1112 Long Road, with the exception of the
22 proposed regional stormwater treatment facility, which is located south of South Street
23 along Long Road. The site is accessible by the Mellen Street exit off Interstate 5. The
24 majority of the project site is located within the City of Centralia. Some southern areas of
25 the project site are located in Lewis County within the City of Centralia's Urban Growth
26 Area. Port Exhibit 33.

14. The portion of the storm-water facility that is within the UGA is included in an
annexation proposal of the City of Centralia pending before the Lewis County
Boundary Review Board (hereinafter BRB). (Aerial Photograph of Proposed Centralia
Station Area, Ex. C6.) The County roads at issue in this appeal are those portions of
Long Road, South Street, and Woodland Avenue that are within the UGA, and were
commonly referenced in the hearing as "the South Street Area". (Port of Centralia Park
3 – Phase 1 Grading Plan, Ex. P8; Aerial Photograph of Proposed Centralia Station
Area, Ex. C6.)

15. Mr. Elsea, the County's Public Works Director, testified that the County has
asked the BRB to modify the City of Centralia's pending annexation proposal to
include South Street and the neighborhood north of

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2 South Street between the Tacoma Railway (aka Chehalis Western Railway) right-of-
3 way on the west and the City of Centralia limits on the east.

4 16. Mr. Elsea, also testified and the County stipulated before this hearing (E-mails,
5 Ex. P39, at 1) that the storm-water facility south of South Street would generate few
6 trips and would not impact the County roads. The parties agree that the south storm
7 water facility, which is located in the City of Centralia's Urban Growth Area (UGA),
8 presently within unincorporated Lewis County, will have no significant adverse
9 environmental impacts.

10 17. City of Centralia Municipal Code (CMC) Chapter 20.05 establishes the review
11 standards and procedures for developments within the City of Centralia Urban Growth
12 Area. CMC §20.05.020 provides in relevant part:

13 A. Development within the city of Centralia urban growth area shall be
14 governed by Lewis County policies and development regulations adopted for that
15 area, and, where applicable, by the official zoning maps of the county; except , that
16 the following city and county regulations and procedures, as published in the
17 Centralia Municipal Code (CMC) and the Lewis County Code (LCC),
18 respectively, and together with any amendments noted below, are expressly
19 adopted for purposes of this chapter by this reference, as follows:

1. City of Centralia comprehensive plan;
2. *Port of Centralia comprehensive plan; (emphasis added)*

5. This title, city of Centralia zoning code, except as expressly
preempted by referenced portions of the Lewis County Code, noted herein;

8. CMC Title 14, Streets and Sidewalks;

13. Chapter 16.04 CMC, for SEPA review, except where LCC Title 17,
SEPA Review, is solely applicable. ...

20 18. A 2006 Interlocal Agreement between the City of Centralia and Lewis County
21 provides as follows regarding SEPA review:

22 8. SEPA Regulations and Administration. It is the objective of this
23 Agreement that the City performs functions and actions required by the State
24 Environmental Policy Act (SEPA) for the County within the unincorporated UGA.
25 The terms of this agreement shall constitute compliance with WAC 197-11-944
(determination of lead agency), provided; the

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County shall retain lead agency status for all County sponsored projects. Such SEPA requirements are contained in CMC Chapter 16.04 and shall be used by the City of making SEPA determinations under this agreement.

Port Exhibit 36.

19. In late 2011, the Port’s SEPA Responsible Official, Kyle Heaton, hired Anna Nelson, senior land use planner, to assist the Port in preparing revisions to the Port Master Plan related to Centralia Station, project level documents for the development of Centralia Station, and corresponding SEPA materials. Testimony Anna Nelson; Testimony of Mr. Heaton; Port Ex. 33.

20. On January 25, 2013, the Port issued a Determination of Nonsignificance (DNS) for amendments to the Port Master Plan, incorporating alternate plans for development of the Centralia Station property. Port Exhibit 3.

21. In 2013, the Port entered into an Interlocal Agreement with the City of Centralia regarding Centralia Station entitled “Interlocal Agreement Between Port of Centralia and the City of Centralia for Acquisition of Property.” County Exhibit 5; Port Exhibit 19. Pursuant to that Interlocal, the City and Port agreed that the Port would operate as the SEPA lead agency for development on all of the Port owned property. *Id.* at p. 2. This is consistent with a previous Interlocal Agreement between the Port and the City, from 2006, which also provided that the Port retained lead-agency status for Port-initiated projects, like Centralia Station. County Ex. 4, at Sec. A(1)(a)(“*Nothing herein changes the Port’s ability to be sole lead agency on its own Port projects...*”).

22. Thereafter, the Port began preparing more detailed draft Park 3 Master Plan amendments (non-project action) and development plans for Centralia Station (project action), and began corresponding SEPA review.

23. As part of this effort, the Port hired expert consultants from six different disciplines who prepared eight technical analyses to inform the Port’s expanded SEPA Checklist. The expanded SEPA Checklist and the referenced technical reports also identified measures to reduce or avoid impacts from Centralia Station. Port Exhibit 33.

24. During the preparation of the technical reports and expanded SEPA environmental checklist, Mr. Heaton and members of the Port’s consultant team met with City of Centralia staff to discuss the development plans for and measures to reduce or avoid impacts from Centralia Station. Mr. Heaton and David Johnson of Transportation Solutions, Inc. (TSI), also met with

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2 the Washington State Department of Transportation (WSDOT) to discuss the scope of
3 the transportation analysis and potential mitigation measures. Testimony of Mr. Heaton
(3/13); Testimony of Mr. Johnson (3/17).

4 25. The Port's traffic consultant, David Johnson of TSI, decided not to include
5 South Street in the original Traffic Impact Analysis (TIA) scope because TSI
6 determined, based on its technical analysis of the distribution of trips generated by
7 Centralia Station, site visits, professional judgment, and communications with the City
8 of Centralia staff and WSDOT, that Centralia Station would only generate a small
9 number of trips on South Street or other roadways in the South Street neighborhood that
10 would not be "significant" under SEPA. Testimony of Mr. Johnson (3/17). In addition,
11 Mr. Heaton had personal knowledge of South Street and the South Street neighborhood
12 based on his years of residence in the Centralia/Chehalis area. Partly based on his
13 personal knowledge of the area, Mr. Heaton concurred with TSI's conclusion that very
14 few trips would use South Street to travel to/from Centralia Station to the southeast.
15 Testimony Kyle Heaton (3/13).

16 26. Ms. Nelson, relying on the information provided by the expert consultant team,
17 prepared a draft of the SEPA Checklist, as well as a draft of the SEPA Threshold
18 Determination. Ms. Nelson reviewed the technical reports, SEPA Checklist and draft
19 SEPA Threshold Determination with Mr. Heaton several times over the course of
20 several months, beginning in approximately June 2013 through October 2013 when the
21 Port issued its SEPA Threshold Determination. Testimony Anna Nelson (3/12).

22 27. Mr. Heaton and Ms. Nelson also conducted a site visit on September 12, 2013.
23 This site visit included traveling on the existing roads analyzed in the TIA, South Street
24 (from Long Road to Woodland Avenue) and Woodland Avenue (from South Street to
25 Alder Street). Port Exhibit 33.

26 28. Mr. Heaton found the information to be reasonably sufficient to evaluate the
27 environmental impacts of the Centralia Station proposal. Mr. Heaton was satisfied that
28 all potential environmental impacts associated with Centralia Station would be
29 adequately addressed by: (1) code mitigation measures; (2) the Centralia Station
30 development plans and the mitigation measures outlined in the technical reports; and (3)
31 a mitigation measure for Historic and Cultural Preservation as set forth in the Mitigated
32 Determination of Non-significance. Port Exhibit 1; Port Exhibit 33; Testimony of Mr.
33 Heaton.

34 29. Based on this analysis and the mitigation measures, Mr. Heaton determined that
35 the Centralia Station proposal would not result in

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2 probable significant adverse environmental impacts requiring either further mitigation
3 or preparation of an Environmental Impact Statement. Port Exhibit 33; Testimony of
4 Mr. Heaton (3/13).

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6 30. In reaching its SEPA Threshold Determination, the Port relied on the following
7 documents. All documents below are contained in the official SEPA Record/File.

SEPA Documents		
Port Exhibit 2	10/21/13	SEPA Environmental Checklist
Port Exhibit 3	01/25/13	Determination of NonSignificance (DNS)
Port Exhibit 4	01/25/13	Environmental Checklist
Port Master Plan and Project Information		
Port Exhibit 5	10/20/13	Draft Port Master Plan Amendments
Port Exhibit 6	09/25/13	Floodplain Development Permit Application
Port Exhibit 7	09/23/13	Building Permit Application associated with Grading
Port Exhibit 8	09/XX/13	Grading Plan
Port Exhibit 9	11/16/12	Centralia Station Project Materials
Technical Reports		
Port Exhibit 10	10/18/13	<i>Critical Areas Report</i>
Port Exhibit 11	10/18/13	<i>Cultural Resources Survey</i>
Port Exhibit 12	10/18/13	<i>ESA Determination and Habitat Assessment</i>
Port Exhibit 13	10/07/13	<i>Stormwater Site Plan Report</i>
Port Exhibit 14	10/16/13	<i>Hydrologic Impact Analysis</i>
Port Exhibit 15	09/17/13	<i>Cultural Resources Assessment</i>
Port Exhibit 31	09/XX/13	<i>Traffic Impact Analysis</i>
Port Exhibit 17	07/15/13	<i>Geotechnical Services Report</i>
Other		
Port Exhibit 18	May 2011	Port of Centralia District Map
Port Exhibit 19		Interagency Agreement for Acquisition of Property
Port Exhibit 20	02/26/13	City Council Meeting Minutes
Port Exhibit 21	10/02/13	Port Meeting Minutes

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21 31. On October 22, 2013, Mr. Heaton issued a SEPA Mitigated Determination of
22 Non-significance (MDNS) and Notice of Adoption, collectively the Port's SEPA
23 Threshold Determination for Centralia Station. Notice of the SEPA Threshold
24 Determination was provided as set forth in the Port's SEPA Rules (Part Five), which
25 included mailing copies of the SEPA Threshold Determination and SEPA Checklist to
26 Lewis County and several other agencies/jurisdictions. Port Exhibit 22.

32. The last day to comment on the MDNS was November 5, 2013, and the appeal

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2 deadline was November 6, 2013. Timely comments were received from Lewis County.
3 Comments were received on November 6, 2013 from the City of Centralia,
4 Confederated Tribes of the Chehalis Reservation, Department of Ecology and Tacoma
5 Rail. Port Exhibit 33.

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7 33. Pursuant to WAC 197-11-340(f), Mr. Heaton reviewed the SEPA comments.
8 The comment letters did not provide any new environmental information demonstrating
9 any significant adverse environmental impacts. As such, the Port retained the MDNS
10 issued on October 22, 2013. Port Exhibit 33; Testimony of Mr. Heaton and Ms.
11 Nelson.

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13 34. As noted earlier, the County appealed the Port's SEPA threshold determination
14 on November 6, 2013. The County initially raised four issues in its appeal. County
15 Exhibit 2.

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17 35. Port and County officials subsequently met to discuss the County's appeal
18 issues. Testimony of Ms. Nelson (3/12); Port Exhibit 39. Based on the outcome of
19 those discussions, the County subsequently withdrew three of four appeal issues. The
20 only remaining appeal issue concerned traffic generated by Centralia Station what
21 would travel to/from the south of Centralia Station on Long Road, South Street, and
22 Woodland Avenue. Port Exhibit 39.

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24 36. Although the Port did not issue the SEPA Threshold Determination until
25 October 22, 2013, evidence presented at the SEPA appeal hearing established that
26 several County personnel, including Commissioner Edna Fund, Planning Director Lee
Napier, and Public Works Director Tim Elsea, all had knowledge (or should have) of
the Centralia Station project and the fact the Port had initiated a SEPA threshold
determination process before the Port issued the SEPA Threshold Determination.
Testimony of Mr. Heaton (3/13); Testimony of Mr. Elsea (3/17 at 4:13). In addition,
the Port had issued a press release regarding Centralia Station in November of 2012.
Port Exhibit 9. Also, the County approved funding for infrastructure improvements for
the Centralia Station project (then known as IDD 3) in 2012. Testimony of Mr. Heaton
(3/13).

37. Following the County's appeal, the Port directed its traffic consultants at TSI to
conduct two additional technical analyses regarding the potential traffic impacts of
Centralia Station on South Street and roadways/intersections in the South Street
neighborhood. In particular, TSI evaluated the likely "cut-through" traffic that might
use South Street and other streets in the South Street neighborhood to travel between
Centralia Station and areas to the southeast of Centralia Station, including the City of

1
2 Chehalis. A map showing the potential southerly cut-through route is depicted in
3 County Exhibit 7.1.

4 38. TSI had determined the likely distribution of trips generated by Centralia Station
5 as part of the original TIA. Using a combination of WSDOT's future traffic volumes
6 and distribution prepared as part of the Mellen Street Interchange Justification Report
7 based on the Lewis County traffic model, and estimates of the number of trips that
8 would be generated by Centralia Station, TSI concluded that 34% of new primary trips
9 generated by Centralia Station would travel to/from the east on Alder Street toward the
10 Gold/Kresky Couplet. Testimony of Mr. Johnson (3/17). The issue raised by the
11 County's appeal was the percentage of those trips that might use South Street, rather
12 than Alder St./Cherry St., to travel to the southeast from Centralia Station.

13 39. In the hearing, it was obvious that County officials were displeased with the
14 original TIA prepared by TSI, which did not show or acknowledge any traffic flowing
15 to or from Centralia Station and the South Street area.

16 40. Mr. Carter pressed hard on Mr. Johnson to explain his findings, and the
17 foundation for his opinions. Despite some tense moments and complicated testimony,
18 the Examiner specifically finds that Mr. Johnson provided credible and reliable
19 explanations for his professional opinions, including without limitation the proportion
20 of traffic estimated to travel to/from the South to Centralia Station. Occasionally Mr.
21 Johnson misspoke or misheard portions of questions, or failed to pick up on various
22 terms of art and their meanings, like calibration and inputs, but in the end, he would
23 return to his baseline opinions, explained his reasoning, and attempted to point out
24 where the attorneys – from both sides – were comparing apples to oranges, and mixing
25 inputs that might go into different types of traffic models or analyses. For instance, Mr.
26 Johnson credibly explained the IJR from WSDOT, and its baseline data of traffic counts
in the Mellon Street interchange area; he distinguished how limited traffic times and
counts may not be as reliable as computer modeling that has been developed by experts
throughout the country over many years; and he wrapped up the way in which various
models and types of analysis can be applied to determine potential traffic impacts, but
in the end, in this appeal, none of the various methods or models resulted in any proof
that the South Street area would experience a probable, significant, adverse
environmental impact. Mr. Johnson's testimony, particularly before and after 4:02 –
4:04, on March 17th.

41. TSI's first supplemental analysis, from November of 2013, relied on a "gravity
model" to determine the percentage of new Centralia Station primary trips that might
use South Street other streets in the South Street neighborhood to travel between
Centralia Station and areas to the southeast. County

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2 Exhibit 7.7. In that analysis, TSI concluded that approximately 8 pm peak hour trips
3 might use South Street as a cut through route between Centralia Station and the
4 southeast. *Id.* at p. 2. It was obvious that the County doubted such a low figure.

4 42. Thereafter, the County criticized the Port's use of a gravity model to estimate
5 the vehicles likely to use South Street as a cut through route. Port Exhibits 41 & 43.
6 Consequently, in preparing the second supplemental analysis, entitled "South Street
7 Neighborhood Traffic Evaluation," at some point before this appeal hearing, TSI used a
8 simplified methodology that excluded the "competition factor" and distance to other
9 area shopping centers in estimating the number of trips that might use South Street as a
10 cut through route to the southeast. Testimony of Mr. Johnson (3/17).

9 43. The second supplemental analysis also included actual traffic count data from
10 the South Street neighborhood, including vehicular, pedestrian and bicycle use of South
11 Street and other South Street neighborhood roadways and intersection. Port Exhibit 32,
12 pp. 8-16.

11 44. The second supplemental analysis concluded that Centralia Station would add
12 approximately 30 pm peak hour trips and 375 total daily trips to South Street. Port
13 Exhibit 32, pp. 26-27. With the addition of Centralia Station, the total number of pm
14 peak hour trips using South Street would increase from 61 daily pm peak hour trips to
15 91 daily pm peak hour trips.

15 45. Both the City of Centralia and Lewis County have adopted Level of Service
16 standards (LOS) for the roadways within their jurisdictions. The City of Centralia
17 Centralia Comprehensive Plan-Transportation Element, June 2007, Goal T-8, states:
18 "The City adopts LOS standard D for Centralia roadways and intersections." Port
19 Exhibit 46, p. 6. Further, the City of Centralia Comprehensive Plan-Transportation
20 Element explains that the City uses "volume/capacity on roadways and delay at
21 intersections" to measure LOS. *Id.* The transportation element of the Lewis County
22 Comprehensive plan states: "The level of service for deficiency purposes for both urban
23 and rural areas shall be when the overall average applied to state routes and major
24 county roadways for the entire corridor falls below LOS-D". Port Exhibit 45, Lewis
25 County Comprehensive Plan – Transportation Element; Policy T13.6; pp. 6-7, 6-8.

22 46. Based on TSI's analysis and calculations, South Street and the various
23 intersections in the South Street neighborhood all currently operate at "LOS A." The
24 addition for 30 pm peak hour trips to South Street would have no effect on the LOS for
25 South Street or the surrounding roadways. TSI further concluded that if it quadrupled
26 the volume of traffic on South Street and other South Street neighborhood streets, that
increase would still not cause the LOS on South

1
2 Street to drop below LOS A. TSI attempted to determine the volume of traffic that
3 would cause a change in LOS, and concluded that even when it quadrupled all traffic
4 (including both existing traffic and anticipate traffic from Centralia Station) on all
5 approaches to the South Street/Woodland Avenue intersection, the only change in LOS
6 was on the southbound approach on Woodland Avenue, which would decrease to LOS
7 B. Port Exhibit 32, p. 28; Testimony of Mr. Johnson (3/17).

8
9 47. TSI calculated the current road capacity for South Street. South Street as
10 currently constructed can accommodate 1,480 vehicles in each direction per hour.
11 Based on current traffic usage, South Street is currently operating at a 0.02 volume-to-
12 capacity ratio (2% of its capacity). With the addition of new primary trips generated by
13 Centralia Station, South Street would operate at a 0.03 volume to capacity ratio (3% of
14 its capacity). Port Exhibit 32, p. 10.

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16 48. The County's consultant, Mr. Toedtli, testified that the LOS on South Street
17 would not decline from LOS A to LOS B until it hit a 0.60 volume-to-capacity ratio.
18 Testimony of Mr. Toedtli (3/12 at 3:43-3:44).

19
20 49. Even assuming one of the County's "worst case scenarios", created by piecing
21 together tidbits of data and information drawn from various experts, reports, and
22 testimony, (as reflected in its proposed finding no. 131), the traffic volume on South
23 Street would increase by 670 vehicle trips per day, for a total vpd of 1170. There was
24 no apparent dispute regarding TSI's estimate of current road capacity for South Street
25 — as currently constructed, it can accommodate 1,480 vehicles in each direction per
26 hour. Based on current traffic usage, South Street is currently operating at a 0.02
27 volume-to-capacity ratio (2% of its capacity). Port Exhibit 32, p. 10. Even applying
28 the 1170 figure, South Street would still be operating at just .79 (79%) of its capacity,
29 which is higher than today, but well within any applicable LOS or other development
30 standard lawfully adopted and/or enforceable by the Port, the City of Centralia, or
31 Lewis County.

32
33 50. In advance of and during the hearing, the County presented evidence regarding
34 what it believed to be the impacts of Centralia Station on traffic on South Street and the
35 South Street neighborhood. In particular, the County engaged Larry Toedtli, a
36 transportation consultant from the Transpo Group, to review each of the Port's
37 transportation analyses, including: the original Centralia Station TIA; the November 18,
38 2013, memo from TSI; and the South Street Neighborhood Traffic Evaluation. County
39 Exhibit 7; Testimony of Mr. Toedtli (3/12 at 1:50).

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41 51. Relying on the foundational analysis in the Centralia Station TIA and TSI's
42 November 18 Memo, Mr. Toedtli and Transpo

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concluded that Centralia Station could generate as many as 1,250 new daily trips to South Street. County Exhibit 7, p. 2; Testimony of Mr. Toedtli (3/12/14 at 2:15).

52. During the appeal hearing, however, Mr. Toedtli acknowledged that he and Transpo had missed a step in TSI’s calculation, and that, if TSI’s formula was valid, then he would be overstating the traffic likely to be generated by Centralia Station on South Street by approximately three times. Testimony of Mr. Toedtli (3/12 at 3:28-3:34).¹ Once corrected to apply the TSI formula, initially missed by Mr. Toedtli, his/Transpo’s analysis would indicate that Centralia Station would only generate approximately 34 pm peak hour trips and 425 total daily trips on South Street. The corrected calculation is reflected in the table below:

Time Period	Primary Trips	County Calculation	Port’s Suggested Corrected County Calculation	TSI Initial Calculation
Daily	10,505	$(.17*.70*10,505)$	$(.34*.17*.70*10,505)$	$(.34*(.065+.04)*10,505)$
		1,250	425	375
PM Peak Hour	849	$(.17*.70*849)$	$(.34*.17*.70*849)$	$(.34*(.065+.04)*849)$
		101	34	30

53. Based on the Port’s Suggested corrected calculation, the County’s and Port’s estimates of the anticipated traffic generated by Centralia Station on South Street were very similar, with the Port estimating 30 additional pm peak hour trips, and the County estimating 34 additional pm peak hour trips. Testimony of Mr. Johnson (3/17).

54. Each of the assertions contained in Mr. Toedtli’s testimony and Transpo’s technical analysis were based on the erroneous over calculation of the potential traffic impacts on South Street and the South Street neighborhood from Centralia Station. County Exhibit 7, pp. 4-9; Testimony of Mr. Toedtli (3/12 at 3:33-3:34). Mr. Toedtli offered no evidence to support/justify his calculation, which omitted a key figure (34%) from his formula, causing it to be artificially high, and he offered no data or personal analysis to substitute some other figure that may have credibly called the TSI calculations into question. His reason for missing the number is very easy to see: the

¹ From Mr. Toedtli’s testimony: Ms. Lawrence: “you just applied 17% of the total number of trips, is

1
2 sentence in the TSI memo he used to derive the formula was anything but crystal clear,
3 and only made sense to average readers after Ms. Lawrence walked Mr. Johnson
4 through the paragraph in question.

5 55. During his testimony, Mr. Toedtli could not direct attention to any applicable
6 LOS standard, or other lawfully adopted development regulation or source of
7 substantive SEPA authority, to support the recommended mitigation measures
8 requested by the County based upon his/Transpo's report. Instead, Mr. Toedtli
9 presented testimony regarding the potential impacts of additional traffic on South Street
10 to "livability" for area residents. County Exhibit 7, pp. 4-6; Testimony of Mr. Toedtli
11 (3/12 at 2:26). The County and Mr. Toedtli acknowledged, however, that neither Lewis
12 County nor the City of Centralia have adopted "livability" as a relevant standard for
13 evaluating impacts under SEPA. Testimony of Mr. Toedtli (3/12 at 3:46); Testimony of
14 Mr. Elsea (3/17 at 4:24). Finally, Mr. Toedtli acknowledged that traffic impacts that
15 were noticeable, and thus might affect "livability", did not necessarily constitute more
16 than moderate impacts on the environment. Testimony of Mr. Toedtli (3/12 at 3:44,
17 4:04).

18 56. Mr. Toedtli and Transpo also made several assertions regarding the effects of
19 Centralia Station traffic on vehicle speed and traffic safety on South Street. County
20 Exhibit 7, pp. 6-9. All such analysis was based on the incorrect calculation of the
21 number of additional trips likely to be generated by the Centralia Station project on
22 South Street and consequently significantly overstated the potential impacts of Centralia
23 Station. *Id.*; Testimony of Mr. Toedtli (3/12 at 3:33-3:34). In short, Mr. Toedtli
24 promoted the concept that drivers would take the shorter, faster route, once discovered.
25 Based on his review, his south-route was shorter and faster than the route (the "Cherry
26 Street Route") that TSI initially studied and attributed the lion's share (virtually all) of
the in/out bound traffic estimated to and from a new Centralia Station. However, Mr.
Johnson testified that current traffic use should be reviewed to see what today's drivers
are actually using, even assuming Mr. Toedtli's "South street" route accessing/using the
couplet is shorter. Mr. Johnson directed attention to Port Ex. 32, at Figure 5, and
Exhibit 31, at Figure 2, which show a dramatic disparity in drivers who actually use the
"Cherry Street" route coming and going from the south vs. those who are shown to use
the existing South Street route (168 vs 21 inbound; and 202 vs 26 outbound). He noted
that existing traffic volumes show how the South Street route, promoted by Mr. Toedtli,
is not a preferred route. Mr. Johnson observed that he understood the Cal Trans
approach used by Transpo/Mr. Toedtli indicated that 70% of drivers would take a
shorter, quicker route, but that existing traffic numbers show that is not true on the
South Street route, generally noting the condition of the existing route, impediments, its
general lack of "attractiveness" as a short-cut. (Testimony of Mr. Johnson on March
17th, at/shortly before 56:00 to 1:02:00).

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2 57. Because Transpo and the County could only speculate regarding the likely
3 transportation impacts of Centralia Station, Transpo and the County proposed a
4 monitoring program to monitor the impacts of Centralia Station on South Street and the
5 South Street neighborhood. County Exhibit 7, pp. 9-12. During the hearing, however,
6 the County acknowledged that the thresholds for mitigation proposed by Transpo were
7 not based on any thresholds adopted by the City or County, and further that the County
8 had not previously required monitoring as part of any SEPA analysis or determination.
9 Testimony of Mr. Toedtli (3/12 at 3:35); Testimony of Mr. Elsea (3/17 at 4:23 and
10 4:34).

11 58. The County failed to produce evidence of pedestrian or bicycle use of South
12 Street or other streets in the South Street neighborhood warranting pedestrian or
13 vehicular improvements. Testimony of Mr. Toedtli (3/12 at 3:35). Instead, South
14 Street and other South Street neighborhood streets will be upgraded/improved as part of
15 development and redevelopment along South Street in the future. Testimony of Mr.
16 Elsea (3/17 at 4:27).

17 59. Mr. Toedtli confirmed that he did not conduct his own independent analysis to
18 replace or substitute for the TSI data he used to offer his initial, overstated traffic
19 calculations and estimates.

20 60. The County withdrew the portion of its appeal, challenging TSI's TIA report for
21 Centralia Station, on the condition that it would be stamped by a licensed professional
22 engineer. The final TSI report, dated March 5, 2014, (Ex. 32) issued before the hearing,
23 reflects approval in the form of an engineering stamp place in the study, by David D.
24 Markley, PE. The final TSI report, labeled "South Street Neighborhood Traffic
25 Evaluation", summarizes several ways in which models, data, and studies were used to
26 assess potential traffic impacts in the South Street Neighborhood. And, while Mr.
27 Toedtli and County witnesses differed with certain aspects and statement made therein,
28 the County failed to present substantial evidence that would credibly refute Mr.
29 Markley's/TSI's professional opinions and conclusions, set forth on pages 33 and 34 of
30 the Port's Exhibit No. 32, which are incorporated herein by reference.

31 61. In sum, the un rebutted TSI report, (Ex. 32) and the testimony of Mr. Johnson,
32 provided credible, substantial and convincing evidence to demonstate that Centralia
33 Station will not have a significant adverse environmental impact on roadways in the
34 South Street neighborhood and therefore no SEPA mitigation is warranted.

35 62. Mr. Carter and Ms. Lawrence are skillful litigators, capable of probing deep into
36 the minds of witnesses, exposing soft spots in their

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1
2 positions, reports and statements. They created a record full of give and take, point and
counterpoint, and ample illustrations, studies, and critiques to consider.

3
4 63. The two transportation consultants, Mr. Toedtli and Mr. Johnson, received the
5 toughest questioning, causing both of them to admit mistakes, scratch their heads, and
6 squirm in the witness chair from time to time. It was not an easy assignment for either
gentleman. Each of them conducted themselves appropriately, and respectfully
answered the questions presented.

7
8 64. As both transportation experts noted, professional opinions may differ, and
9 different models can be used to forecast projected traffic along various routes and
10 intersections. But, as a bottom line, as Mr. Johnson testified, every reliable model
11 should come to a similar conclusion, and deviations in small numbers are of little
12 significance if the thresholds for LOS and related standards are large numbers. And
here, based on the record established at the hearing, several different traffic modeling
tools were used to assess potential traffic impacts in the South Street area, among other
places, and none of the tools or methodologies provided substantial evidence sufficient
to meet the County's burden of showing that the Centralia Station Project would result
in a probable, significant, adverse environmental impact on the South Street area.

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14 65. Mr. Johnson testified about the potential for final design plans of Long Road to
15 include a median, trees, and a "green wall" to discourage traffic from taking Long Road
16 south to South Street. While he said he was not at the point of the project design
17 evolution where the final design reflects his actual recommendations, one of Mr.
18 Johnson's suggestions is how to incorporate features to transition Long Road, to make it
19 as least inviting as possible for traffic to use as a pathway towards South Street. Mr.
20 Carter asked if there was any reason why such design considerations were not proposed
earlier and made known to the County. Mr. Johnson said it was "fine tuning" that will
occur, and he welcomed County input on how the transition point can be designed
beyond what he stated to discourage any potential cut through traffic. Mr. Carter
responded that the county would welcome being contacted by the Port to discuss such
issues, and explained that such contact may have helped avoid the appeal hearing.
4:06- 4:07 of Mr. Johnson's testimony on March 17, 2014.

21
22 66. During the appeal hearing, the County also attempted to establish that Mr.
23 Heaton had a conflict of interest because, according to the County, he operated both as
24 the project proponent for Centralia Station and as the Port's SEPA Responsible Official.
25 Testimony from Mr. Heaton during the hearing, however, established that the Port
Commissioners, not Mr. Heaton, are the project proponent for Centralia Station.
26 Testimony of Mr. Heaton (3/13). Moreover, in any case, Mr. Heaton's testimony
evidenced that he had followed all required SEPA

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2 procedures, hired independent consultants and technical experts to assist the Port in
3 preparing the SEPA materials for Centralia Station, and made an objective decision
4 regarding the impacts of Centralia Station on the environment, particularly traffic
5 impacts on South Street. Port Exhibit 33. Further, this SEPA appeal proceeding before
6 the Hearing Examiner provided an independent review of the Port’s SEPA process and
7 Threshold Determination.

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9 67. Any statement, conclusion or discussion found elsewhere in this Decision that is
10 deemed to be a finding is hereby adopted as such and incorporated herein by reference.

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12 **V. Conclusions of Law.**

13 1. As an initial matter, based upon the record, the facts and applicable law are
14 strongly against any allegations of a conflict of interest as asserted by the County.
15 Here, unlike in the *Trepanier* case cited by the County, where the Court explored the
16 notion that the workings of planning department (the city’s SEPA staff) and the city
17 council might be so intertwined as to affect the appellant’s opportunity for a fair
18 hearing, not only is there absolutely no basis in fact or other evidence in the record to
19 show that the workings of the Port of Centralia Commission and its SEPA Official,
20 Executive Director Mr. Heaton, are problematic, here, the Port Commission went a step
21 further in removing itself from the potential for such allegations, scrutiny or conflicts –
22 it completely walled itself off from decisions on SEPA matters by delegating authority
23 to a Hearing Examiner. The undersigned Examiner never met Mr. Heaton before the
24 appeal hearing; has never met any of the Port Commissioners; has never had any
25 interactions with any Port staff to his knowledge prior to commencement of this appeal
26 hearing process.

17 There is no real or apparent conflict of interest at issue in this appeal that can or
18 should serve to shift the burden of proof in a challenge to the Port’s MDNS. Moreover,
19 even if the burden were shifted, a preponderance of credible and substantial evidence in
20 the appeal hearing record fully supports the Port’s determination, that there are no
21 probable, significant environmental impacts caused by the Centralia Station Project that
22 are not properly addressed in the MDNS,

22 2. The record shows that the Centralia Station proposal received a great deal of
23 review. The environmental checklist was thorough, and modified based on input from
24 the City of Centralia and WSDOT. While the County’s frustration with being left “out
25 of the room” prior to issuance of the MDNS may be understandable, it was not a legal
26 violation that warrants rejection of the challenged threshold determination. Here, the
27 Port gathered comments from agencies and the

**FINDINGS OF FACT, CONCLUSIONS OF LAW
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DETERMINATION FOR THE CENTRALIA
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2 public, shared its plans with the world via a press release, information on its website,
3 and a presentation at a public forum attended by county official(s). The proposal
4 incorporated several modifications, and intersection improvements, where studies
5 showed significant impacts might occur. But, while the County alleges that the
6 potential impacts to roads in the South Street area were not adequately analyzed, it
7 failed to produce evidence sufficient to establish that the Centralia Station project as
8 mitigated will cause significant environmental impacts warranting an EIS. The County
9 could not show the existence of any SEPA authority adopted by the County, the City or
10 the Port, or development standard, in effect that would warrant an exercise of SEPA
11 authority to mandate the requested improvements in the South Street area.

12 3. The County has established acceptable Levels of Service for streets in its road
13 network, and none of the evidence in the record shows that any of the South Street area
14 roads will decline into an unacceptable LOS. None of the witnesses provided
15 substantial or convincing evidence to show specific, probable, significant, adverse
16 impacts on traffic safety, pedestrians, cyclists, schools, or other considerations in the
17 South Street area. In fact, the preponderance of the evidence (including the Examiner's
18 personal observations during his site visit) shows that the physical condition of the
19 South Street route is such that it already has various "traffic calming" features (perhaps
20 unintentionally), such as an elevated rail crossing (described by a witness as something
21 like a local "jump"; see County Ex. 9, photos of street section showing 'hump' in road,
22 curves) that require drivers to slow down, a narrow road surface, and cars and other
23 residential items located along and within the route, making it difficult to speed. The
24 proposed "South Street route" short cut is not intuitive, is not signed, and is not
25 "attractive" as that term is used to imply that it is a draw for drivers to search out for a
26 short cut. It just isn't. While not a condition that can be mandated under SEPA
authority, with appropriate design considerations noted by the Port's consultant, the
final appearance of Long Road may make it even less inviting for traffic to use as a
pathway towards South Street.

19 4. The County failed to overcome the deference granted to the Port's SEPA
20 Threshold Determination, or to demonstrate that the Port's threshold determination was
21 clearly erroneous.

21 5. The Port followed the required process under SEPA and the Port's SEPA Rules
22 (Port Resolution No. 06-05) for preparing and issuing its SEPA Threshold
23 Determination for Centralia Station.

24 6. The Port properly distributed its SEPA threshold determination, including
25 mailing a copy of its SEPA checklist and threshold determination to Lewis County
26 upon issuance.

**FINDINGS OF FACT, CONCLUSIONS OF LAW
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2 7. The SEPA regulations define “significant” as “a reasonable likelihood of more
3 than a moderate adverse impact on environmental quality.” WAC 197-11-794(1). The
4 evidence relied upon by the Port in issuing and retaining its SEPA threshold
5 determination supports the Port’s determination that Centralia Station will not have and
is not probable to have a significant adverse impact on the environment.

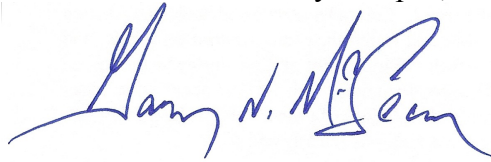
6 8. The Port reasonably concluded that Centralia Station would not have a
7 significant adverse environmental impact on traffic on South Street and other roadways
8 in the South Street neighborhood due to limited number of additional trips generated by
Centralia Station likely to travel on South Street.

9 9. Any finding or other statement in this Decision that is deemed to be a
10 Conclusion of Law is hereby adopted as such and incorporated by reference.

11 **VI. DECISION.**

12 Based on the record, and for the reasons set forth above, Lewis County’s appeal
13 is respectfully denied. The Port’s SEPA Threshold Determination for Centralia Station
is affirmed.

14 ISSUED this 23rd Day of April, 2014

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19 Gary N. McLean
Hearing Examiner

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Request for Reconsideration

A party who believes that the examiner's decision is in error because of (1) the existence of new evidence not available at the time of the hearing, (2) a procedural error, (3) a factual error which is material to the decision, or (4) an error in a legal ruling, may file a written request for reconsideration of the decision. The written request for reconsideration must be received by the Hearing Examiner via email and by all parties within five (5) calendar days after the date of issuance of the examiner's decision. The examiner, in his discretion, shall determine what further action is proper, and within five (5) calendar days after filing of the request shall issue that determination in writing to all parties of record. The examiner may either: (1) deny the request, (2) issue a revised decision or recommendation, or (3) schedule an additional public hearing. The examiner shall summarily dismiss a request for reconsideration that is without merit on its face, or brought merely to secure a delay.