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June 22, 2016

*Via Email (dhanber@co.pierce.wa.us)  
and Facsimile (253) 798-7425)*

Dennis Hanberg  
Director  
Pierce County Planning & Land Services  
2401 S. 35th Street, Suite #2  
Tacoma, WA 98409

Re: Environmental Impact Statement and Substantial Development Permit for proposed  
Knutson Farms Industrial Park; Application No. 792206

Dear Mr.Hanberg:

This office is outside land use counsel for the City of Puyallup with regard to the proposed Knutson Farms Industrial Park (KFIP) project. The City has diligently sought to participate in review of the proposal, including through earlier comments. Now that a new notice for a revised application has issued, the City submits these initial responsive comments to ensure that County review of the proposal adheres to SEPA and SMA requirements in terms of both scope and substance.

The City submits these comments because it is already clear from the application materials available that the City and environment would be adversely impacted by the proposed development. It would place an enlarged outfall, several million square feet of active warehouse use, thousands of vehicle (including car and heavy truck) trips, and acres of parking on a site immediately adjacent to the City and the Puyallup River and within the River's floodplain. If completed, KFIP would disrupt and alter a "Conservancy" designated shoreline and floodplain.<sup>1</sup> This is proposed despite the adjacent riverfront trail and park use and despite the fact that the proposal would overburden traffic routes on which the City and its residents rely in their daily lives.

In light of these impacts<sup>2</sup>, it is apparent that preparation of an Environmental Impact Statement (EIS) must commence now. An EIS is further required to ensure that the full scope of the project is reviewed on an integrated basis. That integrated review is required under the SMA which applies to all shorelines and shorelands of the state, as well as lands adjacent to shorelines and

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<sup>1</sup> The project SEPA Checklist accepted by the County as its own calls out the shoreline "Conservancy" designation; however, the SMA SDP application refers to an "urban shoreline environment".

<sup>2</sup> Additional impacts are noted in the May 26, 2016 Muckleshoot Indian Tribe letter; these are incorporated here by reference.

June 22, 2016

Page 2 of 2

shorelands. Shorelands include wetlands as well as floodways and contiguous floodplain areas landward 200 feet from such floodways. RCW 90.58.030(2)(e). Based on project maps, as well as the March 3, 2016 Critical Areas and ESA Assessment and Conceptual Floodplain Restoration Plan site map, in addition to the shoreline contact, most of the KFIP project is within the Puyallup River floodplain or wetlands. And much of the rest of the project--if not all of the rest--is shown within 200 feet of the floodplain.

As a result, review of a substantial development permit for the project must encompass the entire project. As the Shorelines Hearings Board held in *Laccinole v. City of Bellevue*, SHB No. 03-025 (Conclusion of Law XLVII) (2004):

It makes no sense, under the language and policies of the act, to conclude regulation of a development under a shoreline permit, stops arbitrarily at that point where the integrated development leaves the shoreline. Thus, the Board has continuously ruled where buildings or structures, which constitute substantial development straddle the shorelines; those buildings or structures are subject to the regulations and policies of the SMA, through the permit system.

See *Merkel v. Port of Brownsville*, 8 Wn. App. 844, 509 P.2d 390 (1973); *Preserve Our Islands v. King County*, SHB No. 04-009 (2004).

Because the project's impacts will fall heavily on the City and its citizens, the City proposes that the County agree to City participation as "co-lead agency" with the County in preparation of an EIS for this proposal. See WAC 197-11-944. Regardless of whether the County agrees to this approach, the City will do what is necessary to ensure that full SEPA and SMA review is carried out and to protect its interests and those of its citizens in the River, the environment, and a viable transportation infrastructure. In that participant capacity the City again requests advance, direct notice as a vitally interested jurisdiction of any and all submissions, comment periods, and deadlines concerning the proposal. Meanwhile, the City reserves the right to submit additional comments as application review progresses.

Sincerely,

EGLICK & WHITED PLLC



Peter J. Eglick

cc: Planning and Land Services  
 Current Planning, Suite 175  
 2401 South 35th Street  
 Tacoma, WA 98409

Client