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MAY 29 2009

COMMUNITY DEVELOPMENT

May 28, 2009



ATTORNEYS AT LAW

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CITY OF TUKWILA CITY CLERK

cc: Carol L.  
Jack P.

**VIA U.S. MAIL**

Members of the City of Tukwila City Council  
c/o City of Tukwila City Clerk  
6200 Southcenter Blvd.  
Tukwila, WA 98188

Re: Supplemental Comments on City of Tukwila Shoreline Master Program Update

Dear City Council Members:

We represent the James Campbell Co. LLC which owns property in the City of Tukwila along the Green River.<sup>1</sup> This letter supplements our previous comments regarding the City's Shoreline Master Program ("SMP") update and focuses on an additional issue that is of critical importance to the James Campbell Company.

As you are likely aware, the Federal Emergency Management Agency (FEMA) is in the process of updating the floodplain maps for areas along the Green River. The new map covering the vicinity of the James Campbell Company's properties has been finalized and is expected to be issued in the very near future. A copy of that map is attached hereto as Exhibit A.

The new map will change the status of the James Campbell Company's properties, such that they will now be in the "floodway," a highly restrictive designation. This creates a host of difficulties, many of which are unrelated to the SMP update. However, the new map creates a specific issue with respect to the SMP update, as follows.

The draft SMP as recommended by the Planning Commission provides that "No development shall be located within a floodway." See SMP, § 9.5.H. This provision presumably was drafted based on the prior floodplain mapping, which generally limited the floodway to the river channel. Now that the floodway will extend far inland from the river, this provision is far too restrictive.

The City has already adopted a comprehensive floodplain management ordinance, TMC chapter 16.52. That ordinance contains extensive provisions addressing the conditions under which development may occur in the floodway. See TMC 16.52.110. While those provisions are restrictive, they do *not* prohibit outright any commercial development in the floodway, but rather specify the types of scientific analysis and mitigating conditions that would be required for such development to occur. *Id.*

<sup>1</sup> Tax parcels 7888900152, 7888900162, 7888900120 and 7888900160.

EXHIBIT 14 DATE 5/29/09  
PROJECT NAME

Smp Update

We can see no reason for the SMP to be more restrictive than TMC ch. 16.52. In particular, we do not believe that the wording of § 9.5.H is required by the Department of Ecology's guidelines at WAC ch. 173-26. WAC 173-26-221(3)(c)(i) provides that "The following uses and activities may be appropriate and or necessary within the channel migration zone or floodway: . . . Development in incorporated municipalities and designated urban growth areas, as defined in Chapter 36.70A RCW, where existing structures prevent active channel movement and flooding." Under this provision, development in the floodway is appropriate in areas of the City (like the James Campbell Company properties) which lie behind the Green River levee.

Therefore, we request the following revision to § 9.5.H of the draft SMP: "No development shall be located within a floodway, except as allowed by TMC ch. 16.52."

We appreciate the Council's consideration of this issue.

Very truly yours,

GORDONDERR LLP



Jeff S. Weber

JSW:tt

Attachment

cc: John Wanamaker (w/att.)  
Clyde Skeen (w/att.)  
Jack Pace (w/att.)

# Exhibit A

## New FEMA Map

Floodway  
(tan shading)

James Campbell Co. LLC  
properties

