

TUKWILA TERMINAL LLC

January 14, 2009

VIA HAND DELIVERY AND ELECTRONIC TRANSMISSION

Mr. Jack Pace
Director of Community Development
Department of Community Development
6300 Southcenter Parkway Boulevard, Suite #100
Tukwila, WA 98188

Re: Draft Tukwila Shoreline Master Program
Parcel #'s 336590-1955, 336590-1960, 336590-1970 and 336590-1975
(commonly known as 6440 South 143rd Street, Tukwila ("Tukwila Terminal"))

Dear Mr. Pace,

In our letters of August 27, 2008 and October 9, 2008 we outlined our objections to the Draft Tukwila Shoreline Master Program.

While we very much appreciate the efforts undertaken by you and your staff to address these concerns, we perceive fundamental problems remain as relate to both the buffers themselves and the triggers applicable to new development, all as outlined in our prior correspondence and the letters by third parties referenced in those letters.

With respect to the triggering issues we endorse in substance the comments contained in a letter to the Planning Commission dated October 16, 2008 (copy enclosed) from the attorney for Yellow Transportation, operators of a truck freight facility not unlike our own. In our case, however, we are also concerned about our ability to ultimately redevelop our property, which given the proposed buffers, will be largely impracticable.

We believe the best "fix" is to treat the paved Green River Trail adjoining properties between the 42nd Street bridge and I-405 (which include the Yellow Transportation facility and our property) as an improved street or roadway at which the buffer ends. Note this "trail" is paved and is used by licensed vehicles for maintenance purposes. This result is warranted because the Green River throughout this corridor runs in its *natural channel*. To do otherwise would result in an overbroad "one size fits all" approach to properties like our own where: (i) the river remains in its natural state; (ii) due to the bank configuration there is natural "shadowing" of the river enhancing wildlife habitat; (iii) an existing public trail system is already in place; and, (iv) manmade shoreline "enhancements" are unlikely to be made for both economic and environmental reasons. There is simply no legitimate basis for extending the buffers beyond the edge of the existing Green River Trail.

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The City of Tukwila's proposed revisions to the SMP allowing diminished set backs under some circumstances in this area as a practical reality aren't particularly helpful, given the 2:5 slope requirement and height of the natural bank. We also note that revised proposal provides development enhancements if public access is made available – shouldn't these enhancements also be available for properties (such as ours) already providing such access?

For the foregoing reasons, we continue to believe that the SMP in its revised form will constitute a taking as it imposes illegitimate and unnecessary restrictions on our property which do not further a public purpose severely limit future development opportunities and substantially diminish our existing property rights.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Eland", with a long horizontal flourish extending to the right.

Jim Eland
Tukwila Terminal LLC

cc: James E. Hadley, Esq.
Ryan, Swanson & Cleveland, PLLC