



CITY OF PUYALLUP

Development and Permitting Services

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February 08, 2023

To: Tyler Litzenberger, Vector Development

From: Jeff Wilson, Director, Puyallup Development and Permitting Services
Chris Larson, Interim Director, Fife Community Development Department

Re: SEPA Determination of Significance – P-21-0136

Mr. Litzenberger,

This letter is intended to follow up with you, your attorney (Courtney Flora) and your consultant team regarding the current SEPA review status for your project. The project review team (staff from both the City of Fife and Puyallup) met with your team on January 12, 2023; at that meeting, we communicated that we had reviewed your response letter and resubmitted materials and concluded that we have decided as a joint Lead Agency team to issue a Determination of Significance (DS) and begin the preparation of an EIS for your project proposal.

We communicated preliminarily in a joint lead agency letter to you on February 16, 2022 that we were likely to issue a DS unless significant resolution to the issues outlined in our letter were confirmed at the time of resubmittal. The October 20, 2022 resubmittal has not substantially resolved the issues from the February 16, 2022 letter and, in many cases, additional complexity have emerged. The additional complexity of the project has allowed the joint agencies with enough information regarding the probable significance of environmental impact of the project, leading us to conclude that a DS is still warranted.

At the conclusion of the meeting on January 12 your team requested more time to understand the results of our review and discuss with us how we have preliminarily determined a DS is required. Staff at both agencies are fulfilling follow up requests in this regard and have already met on at least two areas (sanitary sewer and storm water) as of the date of this letter. This letter is meant to outline the key issues related to our review:

- **Application** – Applicant has revised application form and SEPA checklist since acquiring new parcels and expanding project. The applicant's project proposal is to construct structures – no land use is indicated on either revised application form or SEPA checklist –

Application form (12/02/22):

Nature of Request: (please be specific)

This Site Plan Review is for two stand-alone warehouse structures of approximately 235,606 and 258,607 square feet. The site is comprised of 15 parcels totaling approximately 24 acres. Along with construction of the proposed buildings, the project will also include clearing and grading activities, paved parking and truck maneuvering areas, landscaping, stormwater facilities, water and sanitary sewer extensions, frontage improvements along Freeman Road, full width improvement of 22nd Ave NW and intersection improvements at Freeman & N Levee Rd, as needed. Access is primarily provided by 22nd Ave NW, with one driveway and an EVA access from Freeman Road.

SEPA Checklist project description (10/18/22):

11. Give brief, complete description of your proposal, including uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information or project description).

The applicant, Vector Development Company, is proposing two stand-alone concrete tilt buildings of approximately 235,606 and 258,607 square feet. Along with construction of the proposed buildings, the project will also include clearing and grading activities, paved parking and truck maneuvering areas, landscaping, stormwater facilities, water and sanitary sewer extensions, frontage improvements along Freeman Road, full width improvement of 22nd Ave NW and intersection improvements at Freeman & N Levee Rd, as needed. Access is primarily provided by 22nd Ave NW one driveway and an EVA access from Freeman Road.

1. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

As a permitted use, the project will meet the city zoning and overlay design requirements which ensures compatibility with existing and projected land uses. Plans will be reviewed by the City of Puyallup to assure compliance with these standards.

• **Transportation –**

- Applicant and Fife and Puyallup have not come to agreement on end user ITE use category; the agencies and the applicant agreed in previous meeting to a multiple scenario build out approach (three (3) build scenarios representing low, medium, high scenarios to end user traffic impacts) in the TIA. As of the writing of this letter, the applicant has not provided information consistent with the above agreed upon approach nor received approval from the agencies on the correct traffic scoping for the TIA study.
- Fife/Puyallup returned a redlined copy of a draft traffic scoping worksheet in August 2022, and held a meeting in 09/07/22 with Kimley Horn and Vector (Tyler)
- Puyallup staff followed up with an email on 09/15/22 regarding alternatives to the high build scenario, as was suggested by the applicant, but the joint agencies never received a response.
 - The joint agencies offered to look at an alternative for a high -end land use build scenario other than LUC 155 (High cube fulfillment center) – the joint agencies heard reasonable explanations from Kimley Horn and Tyler on the 09/07/22 call as to an alternative to LUC 155.
 - The joint agency team offered to examine a substitute proposal for the high build scenario in the 09/15/22 email; the applicant did not respond to that email and directed the development of a TIA without joint agency approval.
- October, 2022: a TIA revision was resubmitted using ITE LUC 154.

- Puyallup sent follow up email 10/28 asking for clarification to the correctness of the submitted report and again requested a response to the 09/15 email; no response was received, until 12/07 memo from applicant's attorney.
- As shown in the application form and SEPA checklist, there is no end user or proposed use identified.
- The proposed ITE 154 transload LUC proposed by the applicant now is one of the lowest trip generation land use codes in the ITE manual for warehousing.

Fife and Puyallup have determined that the use of one build scenario in the submitted TIA is not a reasonable representation of the project build out given the application form lacking clarity on the user and the selected ITE category. Using the lowest possible trip generation category in the ITE manual is reasonably anticipated to result in 'deferred SEPA review' that would be conducted at the time of tenant improvement for the structures, ensuring the need for additional SEPA analysis at build out date. Substantial off-site mitigation is anticipated due to the lack of infrastructure to support the build out of the development under any scenario. The variability in build out impacts could substantially change the mitigation required and the feasibility around how that mitigation would be implemented, due in large part to the lack of available right of way on the Freeman Road corridor.

An independent traffic analysis would be conducted in the EIS with multiple build scenarios, with mitigation assigned to each build scenario.

Other issues from February, 2022 remain unresolved related to roadway/transportation systems, primarily because the applicant has not received a traffic scoping worksheet approval, including: pavement quality (Freeman Road, 48th Street - frontage and off site), right of way availability to accommodate improvements (Freeman Road cross section - off site and frontage), off site intersection performance/LOS, off-site culverts and drainage/storm water, traffic safety analysis, channelization of outbound heavy vehicles, connection of 48th to 70th – condition of roadway off site; at grade rail crossing (design and safety analysis), including Union Pacific approval; tribal review.

- **Sanitary sewer –**
 - The updated application indicates a private sewer extension through private property, which would connect city sewer service to the site.
 - City staff reached out to Schenk property and their response indicates Vector has not secured easements with the adjacent Schenk property and there may be conflicts with the proposed easement alignment for water and sewer with existing on-site easements.
- **Site flooding –**
 - Applicant submitted qualitative analysis on flood water on site but did not provide hydrologic analysis/calculations demonstrating compensatory storage has adequately been provided through a hydraulic study, as required by PMC 21.07.060 (1)(f)(E).
- **Wetlands and critical areas –**
 - Applicant resubmitted critical areas report for on-site – proposing filling on site wetlands as non-regulated. Ecology submitted new SEPA comment letter asking for

additional review of on-site wetland issues (regulated or non-regulated) through a jurisdictional determination with ECY and USACE.

- A habitat assessment of direct and indirect impacts consistent with the FEMA biological opinion, PMC 21.07.050 (1)(C) has not been provided
- Applicant indicates city needs to resolve off-site wetland and stream delineation and rating/buffers with WSDOT staff and report back to them to facilitate their application approval
- Issues related to the alignment of water and sewer lines through a private property, off-site wetland buffer need to be examined to avoid and reduce impacts
- Issues related to the widening and improvement of off-site segments of Freeman Road south of the site, and the intersection of Levee and Freeman Road have not been studied or defined. Off-site wetlands, buffers, shoreline permitting and fish/wildlife habitat areas exist in these off-site areas. Management of stormwater related to road improvements in this area is not defined and impacts to critical areas (buffer impacts and storm water) are undefined/not studied.
- Issues related to downstream receiving waterbody (Puyallup oxbow wetland) need to be reviewed for impacts to wetland hydroperiod, habitat and plants. No critical area review of this issue has been provided.
- Additional habitat and critical area characterization is needed for the conveyance (stream) from the site across tribal trust lands and down stream for capacity, buffers, habitat, etc.
- Habitat functions analysis, and a downstream analysis may be warranted if the EIS conducts an alternatives analysis approach to storm water discharge to Wapato Creek, if determined to be studied as an alternative.

All of the above issues would be field investigated and studied in the EIS, with appropriate outreach to outside state, Tribal and resource agencies.

- **Storm water –**

- Downstream capacity from submitted re-submittal appears to show 100-year discharge event would place the oxbow Fife wetland property “nearly to system capacity”. From Barghausen resubmitted report:

Modeling Assumptions

The oxbow wetland was modeled as a shallow trapezoidal pond with 5-ft of live storage depth and nearly 240 ac-ft of storage volume. An 18-inch diameter orifice was utilized to simulate a restricted outlet condition imposed by the tide gate and drainage channel leading to the Puyallup River. The modeling effect is such that peak 100-yr flows cause a rise in the “pond” nearly to the system capacity. The model is not designed to be an exact simulation of the real wetland function, but to demonstrate the expected change imparted by the proposed development on a comparably sized receiving body. An accurate model of the complete watershed hydrology, including flooding effects from the Puyallup River, is beyond the scope of this analysis.

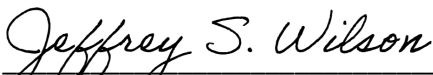
- Questions remain around the basin assumptions, analysis shown in resubmitted report regarding available capacity and questions about impacts to wetlands (MR8) and hydroperiod impacts. The language in the modeling assumptions (shown above from the applicant’s report) appears to have treated a natural wetland feature like a managed storm water pond structure.

- Tribal owned properties downstream at Oxbow wetland – applicant would need approval from Puyallup Tribe planning and fisheries departments
 - Tribal trust property containing surface water conveyance ditch not designed to carry new flow; Tribal staff indicates to city staff that applicant would need easement from fractional ownership of Trust property and a permit approval from Tribal government
 - Tribal owned tract in river restricts new outfall on Puyallup River south of the site as an alternative. Tribe staff have indicated they will not approve any new proposal for a new outfall.
 - Proposed on site storm system with pump system may be technically infeasible
 - Proposed intermixing of public off-site storm water with on site system (not allowed by ECY manual)
 - LID analysis not complete for on site storm water management.
 - LID analysis referenced Pierce County GIS flood data to determine that full roof dispersion is infeasible yet the flood map provided in the drainage report was a FEMA map, which does not show a floodplain.
 - All above issues would be studied in the EIS, including alternatives to storm water discharge from the site to an alternative receiving water body.
 - The off-site drainage system is shown to discharge to private property (P.C. tax parcel no. 0420201104) on the west side of Freeman Rd near N Levee Rd. This won't be allowed unless an easement or deed is recorded against to property to allow the discharge.
 - The same property has documented wetlands. If the property is intended to be used for stormwater discharge, please provide information on the wetland.
 - Other than near the intersection with N Levee Rd where new pavement is proposed, is a curb and drainage system needed on the west side of Freeman Rd from 52nd St to N Levee Rd? The current stormwater sheet flows off the road shoulder and disperses.
 - We have concerns about the 6' detention pipe shown under N Levee Rd. Levee Rd is a levee for the Puyallup River. We're not supportive of digging down deep into the levy to install the pipe. Please consider an alternative design.
- **Domestic water –**
 - Proposed extension of city public water main and easement on private property.
 - Assumes revision to easement on private 52nd Street (Schenk) to supply a 40' public utility easement area and entirely avoid Tribe property.
 - City staff reached out to Schenk property and their response indicates Vector has not secured easements with the adjacent Schenk property and there may be conflicts with the proposed easement alignment for water and sewer with existing on-site easements.
 - Water Department indicating impacts to off-site wetland buffer to clear all trees and vegetation out of buffer for new easement area. Route alignment analysis is needed.
- **Site plan layout –**
 - Issues with overall site plan design to meet ML zoning, including landscape buffering and design review.

- Wetlands on-site and off-site are anticipated to modify the site plan layout and parking areas/building area.
- **Cultural resources** –
 - Puyallup Tribe staff preliminarily indicating concurrence with report findings – issue would be included in DS and EIS as a discussion item to ensure DAHP, other tribal agencies and the public can input
- **Other issues:**
 - **Ground water impacts** – the applicant’s report on ground water impacts relative to uses that could occupy the site at build out for water quality impacts. The submitted report assumes no impacts without a definite end user.
 - **Noise** – Noise analysis for end users that with high noise impacts as permitted by ML zone.

Our agencies received an email from you on 01/30/23 requesting until the end of February, 2023 to discuss these issues further with our staff. We see value in meeting and discussing the technical issues and allowing you a an agreed upon time frame to address these issues. We agree with this timeline approach and will meet with you and your project team to discuss these issues. However, unless we receive substantive technical reports and solutions to the issued raised above which convince us that not significant environmental impact from the project would result, it is our agencies conclusion that the issuance of a DS is warranted and the final environmental determination will be issued.

Please let us know if you have any questions regarding this communication. We are available to meet virtually, or in person, to discuss further.



Jeffrey S. Wilson
City of Puyallup
Director, Development and Permitting Services



Chris Larson
City of Fife
Interim Director, Community Development

Cc: Chris Beale, Senior Planner, City of Puyallup
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