



Pierce County

Department of Planning and Land Services

**SECOND MINOR AMENDMENT TO THE CASCADIA
EMPLOYMENT – BASED PLANNED COMMUNITY PLANNED
UNIT DEVELOPMENT (PUD): CASCADIA – PHASE 1:**

July 17, 2007

Prepared By: Robert Jenkins, Senior Planner

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PROPOSAL:

The request is for a second Minor Amendment to Phase 1 of the Cascadia Employment Based Planned Community (EBPC) Planned Unit Development (PUD) to:

- 1) modify Condition No. 16 of the original June 18, 1998, approval for Cascadia to eliminate the restriction on the number of connections using an interim community drainfield during the first two years, i.e., 50 connections in year one and 100 additional connections in year two, and the 300 connection cap and defer the number and timing of connections to that permitted by the appropriate sewer regulatory agency(ies) (e.g., Washington State, Pierce County Utilities, or Tacoma-Pierce County Health Department) as defined by permit regulations;
- 2) modify Condition No. 95 of the original June 18, 1998, approval for Cascadia to allow the option for the ultimate sanitary sewer provider to be Pierce County, a future sewer district or other entity;
- 3) modify Condition No. 97 of the original June 18, 1998, decision for Cascadia to clarify that either the Tacoma-Pierce County Health Department or the Washington State Departments of Health and Ecology will be the reviewing agency(ies), depending upon the type of interim septic system used;
- 4) modify the sewer facilities section of the September 8, 1999, Development Agreement for Cascadia (Section 1.3.1) to: a) allow for the option of Pierce County Utilities owning and operating the sewer collection system and being the sanitary sewer provider in lieu of the City of Orting or a separate Cascadia sewer district; and b) allow community drainfields to serve more than the initial 295 connections in order to serve the 504 dwelling units approved in the first four preliminary plats, i.e. Columbia Vista at Cascadia, Whitman at Cascadia, Liberty Ridge at Cascadia, and Winthrop at Cascadia, the future elementary school and fire station, and possibly other residential and non-residential uses permitted in Phase 1;
- 5) modify Exhibit K-1, “~~Nitrate Monitoring and Canyonfall~~NC i to ther o g e September 8, 1999, Cascadia Development Agreement to eliminate the restriction of 300 connections to a community drainfield and defer the degree of required nitrate-nitrogen concentration monitoring to that required by the Washington State Department of Health designated sewer regulatory agency(ies) (e.g., Washington State, Pierce County Utilities, or Tacoma-Pierce County Health Department) as defined by permit; and
- 6) modify Exhibit M, “~~I n and Public Facilities andt Services E c l t e r Sewer Service Section~~“ to allow for the option of Pierce County Utilities owning and operating the sewer collection system and being the sanitary sewer provider in lieu of the City of Orting, a separate Cascadia sewer district, or other entity.
- 7) Two possible locations for the interim community drainfields have been identified. Both drainfield locations are in the future Phase 2 employment areas in the northwest portion of the overall Cascadia development.

The overall 1,689.8 acre Phase 1 of the Cascadia EBPC is served by public roads, public water, and sanitary sewers and is within the Employment-Based Planned Community (EBPC) zone

classification. The current Minor Amendment request is being considered under the EBPC zoning in effect at the time of the original June 18, 1999, rezone/planned unit development (PUD) approval.

The original Cascadia Employment-Based Planned Community (EBPC) was approved by the Pierce County Hearing Examiner on June 18, 1999. The three phase, 4,719 acre Cascadia EBPC project includes residential, employment, business park, golf course, school, park, and open space uses. The overall project will include 6,437 dwelling units, and approximately 3.9 million square feet of employment-related uses and will be developed over a 20+ year period. The overall development plan approved by the Pierce County Hearing Examiner is conceptual in nature, particularly in Phases 2 and 3.

Phase 1 of Cascadia is in the northeast portion of the overall project site and includes 1,049,762 square feet / 119.2 acres of employment uses, 1,719 residential dwelling units, and 697 acres of golf course, open space, school, and parks. Phase 2 of Cascadia is in the northwestern portion of the overall project site and includes 319 acres of light to medium intensity employment uses, 696 acres of residential uses, and associated school, park, and open space uses. Phase 3 of Cascadia is in the southern portion of the overall project site and would contain a development pattern similar to Phases 1 and 2.

On April 5, 2006, a Minor Amendment to the original 1999 approval for Cascadia was approved. The Minor Amendment allowed for: 1) flexibility in residential housing types, lot sizes, etc.; 2) elimination of the northwestern off-site access; 3) relocation of school, park, neighborhood commercial center, and multi-family areas to allow to create a more centrally located village core with the elementary school, fire station, and large parks radiating out from the commercial/multi-family core; 4) allow for alternative locations for the golf resort to allow for enhanced views of Mount Rainier; and 5) adjustment of the development parcels to reflect detailed road alignments, topography, etc.

The site is located at the southern end of the Bonney Lake Plateau, south of 128th Street East and accessed via 198th Avenue East, in Sec. 16, the E 1/2 of Sec. 17, the NE 1/4 of Sec. 20, Sec. 21 and 22, the NW 1/4 of Sec. 23, and the NE 1/4 of Sec. 27, T19N, R5E, W.M., in Council District No. 1.

APPLICATION DATA:

Owner/Applicant: Cascadia Development Corporation
Attn: Tom Uren, P.E., Vice President & Director of Engineering
500 – 108th Avenue N.E., Suite 1620
Bellevue, WA 98004

Agent: Goldsmith & Associates, Inc.
Attn: Jo Mackenzie Ryan, Planner/Project Coordinator
P.O. Box 3565
Bellevue, WA 98009

Attorney: William T. Lynn
Gordon, Thomas, Honeywell, et al

SUMMARY:

The project has been reviewed for conformance with the Pierce County Development Regulations - Zoning and the Pierce County Comprehensive Plan. The Department finds that the proposal meets the criteria required for the granting of a Minor Amendment to the Cascadia EBPC PUD approval, provided the conditions of approval are met. The permit does not require a public hearing before the Examiner. The request has been approved subject to conditions.

STATE ENVIRONMENTAL POLICY ACT (SEPA):

The Cascadia Environmental Impact Statement (EIS) (Draft EIS, dated March 1998, and Final EIS dated August 1998), analyzed development impacts of Phase 1 at the specific or project level. Phases 2 and 3 were analyzed only for programmatic or conceptual impacts. Development of Phases 2 and 3 will require additional environmental review. This minor amendment application is subject to the requirements of the Final EIS.

FINDINGS OF FACT:

1. The overall 1,689.8 acre Phase 1 of the Cascadia EBPC is served by public roads, public water, and sanitary sewers and is located within the Employment-Based Planned Community (EBPC) zone classification. The Minor Amendment request is being considered under the EBPC zoning in effect at the time of the original June 18, 1999, rezone/planned unit development (PUD) approval.
2. The original Cascadia Employment-Based Planned Community (EBPC) was approved by the Pierce County Hearing Examiner on June 18, 1999. The three phase, 4,719 acre Cascadia EBPC project includes residential, employment, business park, golf course, school, park, and open space uses. The overall project will include 6,437 dwelling units, and approximately 3.9 million square feet of employment-related uses and will be developed over a 20+ year period. The overall development plan approved by the Pierce County Hearing Examiner is conceptual in nature, particularly in Phases 2 & 3.
3. Phase 1 of Cascadia is located in the northeast portion of the overall project site and includes 1,049,762 square feet/119.2 acres of employment uses, 1,719 residential dwelling units, and 697 acres of golf course, open space, school, and parks. Phase 2 of Cascadia is located in the northwestern portion of the overall project site and includes 319 acres of light to medium intensity employment uses, 696 acres of residential uses, and associated school, park, and open space uses. Phase 3 of Cascadia is located in the southern portion of the overall project site and would contain a development pattern similar to Phases 1 and 2.
4. A first Minor Amendment was submitted on November 30, 2004. The applicant proposed to retain the original development concept approved in 1999 with revisions to allow for: 1) flexibility in residential housing types, lot sizes, etc., within an overall cap

of 1,719 dwelling units; 2) elimination of the northwestern off-site access, i.e., Canyonfalls Boulevard East, into Phase 1; 3) relocation of school, park, neighborhood commercial center, and multi-family areas to allow for the potential expansion of the neighborhood center into a larger town center in the future, which would require additional review and approval; 4) allow for alternative locations for the golf resort to allow for enhanced views of Mount Rainier; and 5) adjustment of the development parcels to reflect detailed road alignments, topography, etc. Development of subdivisions will require the applicant to apply for individual preliminary and final plat approvals. Revised layouts were resubmitted on August 10, 2005, January 10, 2006, and February 14, 2006. The first minor amendment was approved on April 5, 2006.

5. The Planning and Land Services Department has received no unfavorable comments from the reviewing local, County, or State agencies. The Wastewater Utility Division of Pierce County Public Works and Utilities has completed an interlocal agreement with the City of Orting to allow it to take over operation of any sanitary sewer facilities constructed at Cascadia. The Washington State Departments of Ecology and Health have not commented directly on this minor amendment but are working with the applicant in the review and approval of the initial sewer treatment facility for Cascadia. The Tacoma-Pierce County Health Department's only comment was that the applicants comply with all applicable State and County regulations regarding sewage disposal. The Washington State Department of Transportation commented on changes in traffic needs in the area and the impact that Cascadia could have based on changed conditions since the 1998 approval but had no concerns regarding the sewer issue in this request. The concerns of the Development Engineering and Resource Management Sections of Pierce County Planning and Land Services are discussed under the section on findings for minor amendment approval and in recommended conditions of approval.
6. No opposition to, or comment on, the proposal has been received from neighbors of the subject site.
7. Pierce County's approval (issuance) of this decision pertains only to the County's regulatory jurisdiction and thus compliance with County regulations does not necessarily ensure compliance with other federal or state laws.

CONCLUSIONS:

PIERCE COUNTY COMPREHENSIVE PLAN – TITLE 19A

19A.30.110 New Fully Contained Communities and Employment Based Planned Communities.

- B. **LU-EBPC Objective 40.** Encourage development of new self-sufficient planned communities that address the full-range of needs of the residents, including housing, jobs, services, and recreation. Employment Based Planned Communities (EBPC) may develop within an Urban Growth Area. While an EBPC is located inside rather than outside of an Urban Growth Area, it must meet the substantive requirements for a New Fully Contained Community established by RCW 36.70A.350(1).

1. EBPC development must meet the requirements for MPCs set forth in Objective 42. (PCC 19A.30.130 A.)
2. By allowing EBPCs, the County is not committing to provide levels of public services and facilities which would serve the development. Any extension of services and facilities must be in accord with other provisions of the Comprehensive Plan.
3. The proponent will be required to submit an infrastructure and public facilities plan, including an analysis of financing options that conform to the proposed phasing plan and assure concurrency; and
4. EBPCs must be developed with an Employment Center in the first component of development. Residential development will not be accepted as the exclusive use in the initial phases of an EBPC. Over the course of project development, the EBPC shall maintain an appropriate mix of jobs, services, recreation, and housing as established by the initial approval.
5. Establish an EBPC land use classification to allow for EBPC developments approved pursuant to the planned unit development or planned development district permit process.

19A.30.130 Master Planned Communities.

LU-MPC Objective 42. Master Planned Communities (MPC) developments are encouraged within an Urban Growth Area as a way to achieve well-designed, compact urban development with a balance of uses, more efficient use of public facilities, and greater open space.

- A. Undeveloped or underdeveloped property of at least 320 acres within an Urban Growth Area should be considered for MPC development.
- B. MPC developments should be allowed provided that any approval shall include a phasing plan to ensure that the various segments of the development are served by adequate public facilities and services.
- C. MPC developments should consider including the following:
 1. A appropriate mix of housing, services, and recreation;
 2. Neighborhoods with a variety of housing options, including affordable housing for a range of income levels, consistent with a jobs-housing balance;
 3. A phasing plan to assure orderly urban growth and ability to respond to market demands for economic development and housing;
 4. An infrastructure and public facilities plan, including an analysis of a range of financing options where appropriate, that conform to the proposed phasing plan;
 5. Site planning that encourages transit use and non-motorized transportation, and a transportation demand management plan;
 6. Open space to promote both active and passive recreation, and centers for community activities and assembly;
 7. Measures to protect critical areas and conserve resource lands.
- D. An MPC development should be reviewed and evaluated by the Director of the Planning and Land Services Department at least every five years until buildout. The review should address compliance with the conditions of approval. The review may also assess whether the development is well designed, contains a balance of uses, efficiently uses public facilities and services, and provides adequate open space.

- E. A Master Planned Community shall be permitted only as a planned community pursuant to the planned unit development or planned development district permit process.
 - 1. Once a MPC map designation has been approved through an amendment to the Comprehensive Plan, proposed land use activities within the MPC must conform to the requirements and conditions of the adoption of the Plan amendment to designate the MPC and final approval of the MPC permit, land use activities proposed in the interval shall be subject to the development regulations applicable to the previous designation.

Comment: The proposed infrastructure and public facilities revisions in this minor amendment are consistent with the above policies. The applicant is working with Pierce County and Washington State agencies on the development of an interim on-site sewage disposal system that will transition into a more permanent long-term sanitary sewage treatment facility. The recently completed interlocal agreement between the City of Orting and Pierce County will provide governmental oversight and operation of the sewage treatment facilities at Cascadia.

The applicant has proposed to modify Condition No. 16 of the 1998 approval to replace specific nitrate-nitrogen water quality monitoring at Well TW2 and upper Canyonfalls Creek with undetermined monitoring requirements that arise out of the State permitting process. The Pierce County Planning and Land Services Environmental Biologist is concerned whether this approach will result: 1) in adequate protection of trout egg and fry development at the downstream Troutlodge hatchery; 2) in adequate protection for groundwater sources; and 3) that the groundwater/well monitoring required by Condition Nos. 14 and 15 of the 1998 approval for water quality and quantity and groundwater recharge purposes in post-construction and post-development continue.

Following review of correspondence between the Washington State Department of Ecology, the Pierce County Wastewater Utility Division, Troutlodge, Inc., and discussions with reviewing agencies, the Department has determined that the same or greater level of monitoring for nitrate-nitrogen water quality will exist under the proposed approach as with current wording of Condition No. 16. To ensure that this is the case, the Department will require that the applicant, upon issuance of a permit to proceed with construction from the State, provide a report comparing the final monitoring conditions that arise out of the Department of Ecology and Pierce County Wastewater Utility Division review of the sanitary sewer facility approvals with the monitoring requirements of Condition No. 16 of the 1998 Cascadia approval. The requirements for monitoring in Condition No. 16 will not be relinquished unless the Pierce County Environmental Biologist determines, after review of the report, that the revised monitoring approach provides equal or greater monitoring protection. Monitoring for water quality and quantity as a result of general construction and development activities shall continue to be required, per Condition Nos. 14 and 15 of the 1998 approval.

DEVELOPMENT REGULATIONS-ZONING – TITLE 18A

18A.75.080 Planned Unit Development.

- A. **Purpose.** A Planned Unit Development (PUD) is intended to be a flexible zoning concept. Depending on the type of PUD, it will provide the Examiner a chance to encourage development of a variety of housing types; allow for non-residential development; create and/or preserve usable open space; provide recreational opportunity and aesthetic enjoyment to residents; preserve, to the maximum extent possible, the natural characteristics of the land; encourage creativity in design; provide predictability for the development of a project; and provide for maximum efficiency in the layout of streets, utility networks, and other public improvements, as appropriate.
- B. **Classifications of Planned Unit Development.** PUDs shall be classified as one of six types: Employment Based Planned Community, Master Planned Community, Master Planned Resort, New Fully Contained Community, Essential Public Facility-Rural Airport, or Essential Public Facility-State Corrections Overlay.
- C. **Definitions.**
 - 1. Employment Based Planned Community (EBPC). Employment Based Planned Community means a planned unit development within an established Urban Growth Area which contains a mix of jobs, services, recreation, housing types, and densities.
- G. **Uses Permitted within a PUD.**
 - 1. **Minimum Project Area Required.**
 - a. **NFCC/EBPC/MPC.** 320 acres.
 - 2. **Uses Permitted.**
 - a. **NFCC/EBPC.** Any residential and non-residential use allowed in the following zones: MUC, CC, AC, UNC, MUD, HRD, MSF, and EC.
- H. **Land Use Standards.**
 - 1. **Basic Residential Density.**
 - a. **NFCC/EBPC/MPC.** Residential densities may vary between two and twenty-five units per acre as long as the overall average residential density is between four and ten units per acre.
 - 2. **Employment Use Requirements - EBPC/NFCC.** At a minimum, 10 percent of the total gross acreage of a EBPC or NFCC project shall be developed as an employment center. Such a center may be planned as one contiguous development or may be divided into several centers located in various portions of the PUD project site, and may include land dedicated to the commercial and civic components in the 10 percent calculation. Based on the approved EBPC or NFCC conceptual plan, the residential development shall be approved at a rate proportional to the area designated to employment.
- I. **Zoning Code Standards.**
 - 1. **NFCC/EBPC/MPC/MPR/EPF-SC.** As part of the approval the Examiner shall prescribe bulk requirements and landscaping including but not limited to required yards, height, parking, buffers and screens. As provided in the Pierce County Subdivision Code, Title 16, binding site plans in lieu of subdivisions may be utilized in a project for all commercial and industrial uses.
- N. **PUD Applications/Agreements.** The applicant shall submit as part of the application, a proposed Project Development Agreement that shall at a minimum include:
 - 1. **NFCC/EBPC/MPC/MPR/EPF-SC Content.**
 - a. A plan for the property that includes overall development criteria and standards that establish the development policy for the total project. The criteria and standards will generally address land use types and densities; design features (land use, roads, stormwater, parks and open space); and

concepts for affordable housing and phasing and financing of public services and infrastructure.

- b. Conceptual Plan. A land use plan designed to meet the criteria and standards established in 18A.75.080 N.1.a. The detailed land use plan will identify:

- (1) The location and density of residential development;
- (2) The location and type of commercial component;
- (3) The location and type of open space, recreational facilities, stormwater facilities, public facilities such as schools and libraries, and transportation systems including auto, pedestrian, bicycle, equestrian, transit;
- (4) A phasing plan and the expected build-out period for the project and its phases;
- (5) The mechanisms to assure affordable housing is provided for a broad range of income levels;
- (6) The acreage and range of uses authorized for any non-residential development within the PUD; and
- (7) The minimum and maximum number of residential units for the PUD.

- O. **PUD Approval - Findings Required.** The action by the Examiner to approve a PUD application, with or without modifications, shall be based upon the following findings:

1. **General Findings.**

- a. The proposal is consistent with the Pierce County Comprehensive Plan and the principles and standards set forth in any applicable Community Plan.
- b. Exceptions from the standards are warranted by the design and amenities incorporated in the project development agreement. The system of ownership and means of developing, preserving, and maintaining open space is suitable.
- c. SEPA has been complied with.
- d. Proven ability to finance the needed capital facilities.
- e. There are adequate provisions for the preservation of open space. The preservation of open space should be consistent with the Comprehensive Plan policies.
- f. School impacts should be addressed.
 - g. An inventory of the critical areas on and adjacent to the PUD has been completed pursuant to Title 18E and development in environmentally constrained lands or required buffers are avoided wherever possible.

2. **EBPC/MPC/NFCC Findings.**

- a. Transit-oriented site planning and traffic demand management programs can be implemented.
- b. Buffers will be provided between the project and adjacent urban development.
- c. Affordable housing will be provided within the project for a broad range of income levels.
- d. The Examiner shall review and evaluate each residential phase for consistency for the achieving overall density as approved in the conceptual plan.

- e. The Examiner shall review and evaluate each employment phase for consistency for achieving overall intensity as approved in the conceptual plan.
- f. EBPC and NFCC projects meet the requirements of RCW 36.70A.350.

P. **Development Agreement Approval Procedures.**

1. **Procedure for Approval.** The following process shall apply to the review and approval of a PUD project development agreement pursuant to this subsection:
 - a. The review and approval of a proposed project development agreement (and subdivision proposal if submitted) by the Examiner after staff review, public notice, and public hearing. The Examiner shall use the guidelines set forth in this Section and other appropriate sections of the Code in the review and approval of the proposed development agreement.
 - b. The final development agreement shall be prepared by the applicant incorporating the changes and/or conditions to the proposed development agreement adopted by the Examiner. The final development agreement may be approved and adopted in stages/phases.
 - c. The final development agreement shall be approved after the Director finds it conforms with the guidelines included in the approved proposed development agreement. Approval of the final development agreement shall be pursuant to all concurrency and adequacy requirements.
2. **Subdivisions.** When it is the intention of an applicant to subdivide or re-subdivide all or portions of property within a proposed PUD project, application for approval of a preliminary subdivision may be filed and considered concurrently with an application for approval of a proposed development agreement.
3. **Final Development Agreement - Time Limitation.** Within five years from the date of approval of a proposed development agreement by the Examiner, the applicant shall submit a final development plan (or a Binding Site Plan in the case of the RA-PUD) for the project, or a stage/phase thereof for approval unless a different time frame is otherwise provided for in the proposed development agreement. When deemed reasonable and appropriate, the Examiner may grant an extension of one year for such submittal. If at the date of expiration of the time period provided herein a final development agreement has not been filed for approval or at any time after a final plan has been approved it appears that the project or phase thereof is not progressing in a reasonable and consistent manner or the project has been abandoned, action may be initiated pursuant to Section 18A.85.060 of this Code to revoke the PUD project approval.
4. **Final Development Agreement - Changes.** A final development agreement, including land use plan elements or conditions of approval, may be amended or modified at the request of the applicant or the applicant's successor in interest. The Director may administratively approve minor modifications to a Final Development Agreement. Minor modifications may include changes in density, provided the total number of dwelling units approved shall not exceed 10 percent of the maximum number approved in that approved final development agreement for the project (or the phase) and provided that the net residential density is not altered; and also provided such changes do not significantly increase impacts on transportation, significantly reduce buffers or open space, or significantly increase impacts on the environment. Modifications that do not qualify as minor shall be subject to applications, notices, hearings, and appeals in the same manner as the original application. The County may vary or specify additional criteria for determining

whether proposed modifications are major or minor through the final development agreement.

5. **Parties Bound by PUD Project Development Agreement.** Once the Final Development Agreement is approved by the Director and signed by the property owner, all persons and parties, their successors, and heirs who own or have any interest in the real property within the proposed PUD project are bound by the final development agreement.

Q. **Procedures.** Procedures for application modification, review and amendment as well as permit extensions and relinquishment are outlined in Chapter 18A.85. For additional information about application requirements, see Chapter 18.40; for public hearing and appeal procedures, see Chapter 1.22; for the review process, see Chapter 18.60; for public notice, see Chapter 18.80; for fees, see Chapter 2.05; and for compliance, see Chapter 18.140.

Comment: The applicant has proposed changes to the overall proposal, and Phase 1 specifically. The changes will alter the following exhibits to the 1999 Development Agreement: 1) Exhibit "B", the Overall Conceptual Plan; 2) Exhibit "K-1", Nitrate-Nitrogen Monitoring and Canyonfalls C r ; and 3) Exhibit "M", Infrastructure and Public Facilities and Services Elements. Changes are also proposed to Section 1.3.1 of the Development Agreement and Condition Nos. 16, 95, and 97 of the June 18, 1998, overall approval for Cascadia by the Pierce County Hearing Examiner. The "Cascadia Employment Based Planned Community Development Agreement" was entered into by Pierce County and the applicant, Cascadia Development Corporation, on September 8, 1999. The Development Agreement was a requirement of Condition No. 62 of the June 18, 1999, approval of the Cascadia EBPC Planned Unit Development proposal by the Pierce County Hearing Examiner.

18A.85.040 Amendments.

- A. **Purpose.** The purpose of this Section is to define types of amendments to Preliminary Plats or Use Permits and to identify procedures for those actions.
- C. **Amendment Standards - Use Permits.** This Section is to provide the method for amending an approval or conditions imposed through a Use Permit or Preliminary Plat issued by the Examiner.
 1. **Minor Amendment.** The following procedures shall be required for all minor amendments.
 - a. Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent.
 - b. Minor amendment applications may be routed to any county division or any agency with jurisdiction. This distribution shall be at the discretion of the Department.
 - c. A copy of all applications and any Department recommendation for minor amendments shall be routed to the Examiner. The Examiner shall determine if the proposal is consistent with the original decision.
 - d. Minor amendments may be approved or modified with conditions for approval by the Director provided all of the following requirements are met:
 - (1) The Examiner does not object to the minor amendment approval.

Comments: A draft copy of this decision has been forwarded to the Pierce County Hearing Examiner for review. The Hearing Examiner, in a July 12, 2007 letter, determined that the proposal is consistent with the original decision and meets the criteria of a minor amendment.

- (2) Any proposal that results in a change of use must be permitted outright in the current zone classification.

Comments: The proposal will not result in a change of land use in Phase 1. During the review of employment uses in Phase 2, the applicant will need to address how utilizing portions of the large “employment” block in Phase 2 for sewage treatment facilities will impact on the employee/acre and/or overall square footage of office, industrial and commercial development in the “employment” designation in Phase 2. The applicant will need to show that the significant jobs component of the employment based planned community will be maintained.

- (3) A change to a condition of approval does not modify the intent of the original condition.

Comments: As stated above, the Department finds that impacts of on-site sewage treatment will be adequately monitored as a result of the Washington State and Pierce County Wastewater Treatment Division permit approvals and the elimination of specific monitoring references in Condition No. 16 will not result in any less strenuous monitoring requirements. A report to be prepared will confirm that this is the case.

Modifications to Condition Nos. 95 and 97 clarify issues relating to provision and maintenance of sanitary sewers and appropriate agency review of interim sewage disposal methods. These revisions will still result in review, operation, and maintenance of on-site sewage disposal facilities by appropriate governmental entities.

- (4) The perimeter boundaries of the original site shall not be extended by more than 5 percent of the original lot area.

Comments: The proposed revisions will not modify the boundaries of Cascadia. All sewage disposal activities will take place within the boundaries of the original EBPC approved per the 1998 PUD approval.

- (5) The proposal does not increase the overall residential density of a site.

Comments: The cap of 1,719 dwelling units in Phase 1 will remain with the minor amendment. The applicant has proposed to increase the number of dwelling units or connections utilizing interim sewage disposal techniques from 300 to that required to serve the 504 dwelling units in the first four approved preliminary plats, the future elementary school, future fire station, and possibly other residential and non-residential uses in Phase 1. This will not result in an increase in allowable Phase 1 dwelling units. Development of

future phases will be required to go through new environmental and land use approvals to be allowed to be developed.

- (6) The proposal does not change or modify housing types.

Comments: This proposal does not change or modify housing types specified in the 1998 approval, the 2006 first minor amendment approval, and/or first periodic five year review approval in 2007.

- (7) The proposal does not reduce designated open space.

Comments: This proposal does not change or reduce designated open space specified in the 1998 approval, the 2006 first minor amendment approval, and/or first periodic five year review approval in 2007.

- (8) The proposal does not add more than 25 percent gross square footage of structures to the site.

Comments: This proposal will not increase the amount of commercial, industrial, civic, or residential structures and/or total size of structures.

- (9) The proposal does not increase the overall impervious surface on the site by more than 25 percent.

Comments: This proposal will not increase the amount of overall commercial, industrial, civic, or residential impervious cover.

- (10) Any additions or expansions approved through minor amendments that cumulatively exceed the requirements in this Section shall be reviewed as a major amendment.

Comments: The thresholds for a major amendment have not been reached by either the first or second minor amendments to the 1998 overall Cascadia approval.

DECISION: This second Minor Amendment to the Cascadia Employment-Based Planned Community Planned Unit Development (PUD): Cascadia - Phase 1, is hereby **approved, subject to compliance with the following conditions:**

1. Condition No. 16 of the June 18, 1998 Hearing Examiner approval for Cascadia has been revised as follows:

If the interim community drainfield system is utilized, any such drainfield system shall be subject to review and approval by Washington State. ~~The applicant shall limit the use of, or connections to the drainfield systems consistent with Washington State standards or permit requirements. to no more than 50 unit connections in the first~~

~~year or occupancy and no more than 100 additional unit connections in the second year, for a total of 150 after two years. Water quality monitoring conducted at well TW-2 and at upper Canyonfalls Creek, together with use of the MNODFLOW groundwater model, shall produce data to estimate groundwater transit time between the community drainfield, well TW-2 and Canyonfalls Creek, and to forecast nitrate-nitrogen levels shall be confirmed by the monitoring data prior to the occurrence of potentially significant impact. If higher than expected levels are found additional connections to the drainfield shall be precluded.~~

2. Condition No. 95 of the June 18, 1998, Hearing Examiner approval for Cascadia has been revised as follows:

A formal service agreement with a sanitary sewer provider, or other entity as applicable, shall be executed prior to the first residential plat (except Parcel P) or commercial binding site plan application.

3. Condition No. 97 of the June 18, 1998, Hearing Examiner approval for Cascadia has been revised as follows:

Verification of the suitability of any interim community drainfield sites shall be provided as part of the preliminary plat process for the affected plats, subject to current Pierce County Health Department and Washington State DOE and DOH standards.

4. Section 1.3.1. of the September 8, 1999, Cascadia Development Agreement has been revised as follows:

1.3.1 Sewer Facilities

The Cascadia Master Sewer Plan commits that the Cascadia EBPC will be served by a public sewer system. The City of Orting has agreed to provide sewage treatment for Cascadia, subject to its review of legal, technical, and feasibility issues, and subject to D.O.E. approval of an amendment to the City's comprehensive sewer plan. Sewage will flow through the on-site collection system to a single collection point at the southwest corner of the Project site (within Phase II area) where it will be directed into force main that will cross the Carbon River and connect into the Orting Wastewater Treatment Plant (Orting WWTP) site. A shoreline substantial development permit may be required for such a crossing. The Cascadia Master Sewer Plan proposes that as much of the site as possible be served by gravity sewers routed to this single collection point. Capacity upgrades to the Orting WWTP will be required to serve the Cascadia EBPC. The on-site sewage collection system will either be turned over to the City of Orting to own and operate, turned over to Pierce County Utilities to own and operate, or a separate Cascadia sewer district will be established to own and operate. ~~the on-site system and to contract with the City of Orting for wastewater treatment services.~~

In order to provide for the possible need for sewer service in advance of the Orting WWTP being available, an interim sewer treatment program has been developed for Phase I that could employ one or more of the following measures:

- *Proposed individual septic tanks and drainfields for each lot in Parcel P (112 single-family lots). Individual drainfields will be designed and constructed to serve as permanent facilities;*
- *Community drainfields to serve the initial plats (295 lots) and the elementary school; and*
- *An on-site WWTP to serve development in Phase I, up to a level permitted of 1,200 equivalent residential units by Washington State permits and Pierce County Utilities.*

After connection to the Orting WWTP, the community drainfields would be removed from service and the on-site treatment plant, if constructed, would be operated on a seasonal basis to generate sufficient recycled water to meet the average irrigation needs of the Phase I golf course. Alternatively, recycled water for irrigation could be provided by the Orting WWTP. Cascadia's ultimate sewer service provider (City of Orting, Pierce County Utilities, or Cascadia Sewer District) would assume responsibility for operation and maintenance of the interim community drainfields and on-site WWTP.

5. The original Exhibit "B" (Overall Conceptual Plan) to the September 8, 1999, Cascadia Development Agreement has been replaced with a revised Exhibit "B" – Overall Conceptual Master Plan, dated March 21, 2007.
6. Exhibit "K-1", Nitrate-Nitrogen Monitoring and Canyonfalls Creek, to the September 8, 1999, Cascadia Development Agreement has been revised as follows:

Post-construction water quality monitoring of water quality impacts on Canyonfalls Creek will focus on:

- (1) *off-site Canyonfalls Creek recharge from the shallow aquifer, and*
- (2) *ground water quality from an existing shallow aquifer well and at the Canyonfalls Creek Spring.*

Sampling protocols and quality assurance / quality control will be derived from the freshwater chapter of the Puget Sound Estuary Program (1990) and applicable sections of the EPA 40CFR part 136(1996). The monitoring plan is shown on Table 1 and described in more detail below.

If the on-site community septic drainfield options is employed, (in addition to monitoring requirements imposed by the DOH and /or DOE) the project would continuously monitor nitrate-nitrogen at the Canyonfalls Creek spring and monitor nitrate-nitrogen quarterly in well TW-2, rescreened to sample from the upper portion of the shallow aquifer. Well TW-2 is between the proposed community drainfield site and the Canyonfalls Creek spring. Residential equivalent (RE) connections to the community drainfield would be conditioned to a limit of 50 REs during year one, and a total of 150 REs during year two of development. Full capacity of the community

~~drainfield would be 300 REs. The existing MODFLOW ground water model would be used to estimate transit times for the septic effluent plume to reach each of the TW-2 and Canyonfalls Creek springs sites, so that the number of RE connections could be correlated to measured nitrate-nitrogen concentrations, as well as compared to background concentrations. If extrapolation of the measured data to the full 300 RE connections shows that higher nitrate-nitrogen concentration would occur than were predicted in the EIS, RE connections would be limited to a number that would not result in exceedance of the predicted EIS concentration change. In no case could the number of RE connections to the community drainfield exceed 300.~~

~~In the event that Troutlodge and Cascadia agree to perform an in-situ test of a range of nitrate-nitrogen concentrations on trout egg and fry development, those results would replace the EIS prediction to establish the acceptable upper limit of nitrate-nitrogen concentration increase. The monitoring to extrapolate year one and year two data expected results at 300 RE connections would remain the same, only the criterion for an acceptable nitrate-nitrogen increase could potentially change.~~

~~Monitoring would continue for a minimum of three years after the community drainfield was taken off-line unless Troutlodge, the County, and Cascadia agree that the results of an in-situ test (if performed), indicate there is no reasonably expected risk due to nitrate-nitrogen and no further monitoring is required.~~

~~After the project is connected to the permanent sewer system, TW-2 ground water monitoring and Canyonfalls Creek monitoring would continue for three years after completion of Phase I. If the project is connected to the permanent sewer system from inception, TW-2 groundwater monitoring would commence with development and cease three years after completion of Phase I.~~

Reporting

Yearly status reports will provide a comparison of post-development and baseline data. If required by Washington State through development of interim community drainfield systems, this will include analysis of nitrate to determine if it is significantly greater than predicted during the first years of development. If significant and potentially harmful differences are found, mitigation measures would be employed in consultation with the County and interested parties.

7. Exhibit "M", Infrastructure and Public Facilities and Services Plan Elements, to the September 8, 1999, Cascadia Development Agreement has been revised as follows:

G. Sewer Service

Description of Proposed Infrastructure

The Cascadia Master Sewer Plan commits that the Cascadia EBPC will be served by a public sewer system. The City of Orting has agreed to provide sewage treatment for Cascadia subject to its review of legal, technical and feasibility issues, and subject to Washington State Department of Ecology (DOE) approval of an amendment to the city's comprehensive sewer plan. The proponent and the City of

Orting are currently negotiating an agreement for sewer service. Based on use of the Orting Wastewater Treatment Plant (WWTP), sewage will flow through the on-site collection system to a single connection point at the southwest corner of the EBPC site (within Phase II area) where it will be directed into a force main that will cross the Carbon River and connect into the Orting WWTP site. The Cascadia Master Sewer Plan proposes that as much of the site as possible be served by gravity sewers routed to this single collection point. Capacity upgrades to the Orting WWTP will be required to serve the Cascadia EBPC. The on-site sewage collection system will either be turned over to the City of Orting to own and operate, or turned over to Pierce County Utilities to own and operate, or a separate Cascadia sewer district will be established to own and operate. ~~the on-site system and to contract with the City of Orting for wastewater treatment services.~~

In order to provide for the possible need for sewer service in advance of the Orting WWTP being available, an interim sewer treatment program has been developed for Phase I (see Section 1.3.1 of the Development Agreement for a description of interim, phased facilities).

8. Density, lot size, and soil conditions for the interim community drainfield system must be shown to meet WAC 246-272 (The State Board of Health Onsite Sewage System Regulations) and Resolution 2002-3411 (Tacoma-Pierce county board of Health Onsite Sewage System Regulations) or appropriate Washington State Department of Ecology regulations.
9. All site development work associated with this sanitary sewer oriented minor amendment shall adhere to the Road and Storm Drainage Standards under Pierce County Ordinance 2004-56s, title 17A and 17B.
10. The interim community drainfields, permanent package sewage treatment plant, and permanent membrane treatment plant shall be located in Phase 2 of Cascadia, with specific locations to be determined as a result of the permitting process.
11. Upon issuance of a permit to proceed with construction from the State, the applicant shall provide a report comparing the final monitoring conditions that arise out of the Department of Ecology and Pierce County Wastewater Utility Division review of the sanitary sewer facility approvals with the monitoring requirements of Condition No. 16 of the 1998 Cascadia approval. The requirements for monitoring in Condition No. 16 will not be relinquished unless the Pierce County Environmental Biologist determines, after review of the report, that the revised monitoring approach provides equal or greater monitoring protection.
12. Monitoring for water quality and quantity as a result of general post-construction and post-development activities shall continue to be required, per Condition Nos. 14 and 15 of the 1998 overall approval of Cascadia.

In accordance with Pierce County Code, 1.22., Appeals of Administrative Decisions to the Examiner, any person aggrieved, or affected by any decision of an administrative official may file a notice of appeal. A notice of appeal, together with the appropriate appeal fee, shall be filed within 14 days of the date of an Administrative Official's decision, at the Public Services Building, Planning and Land Services Development Center, 2401 So. 35th, Tacoma, Washington.

David Rosenkranz, Assistant Director

for: Chuck Kleeberg, Director
Planning and Land Services Department

TRANSMITTED TO:

Owner/Applicant: The Cascadia Project LLC
Attn: Tom Uren, P.E., Vice President & Director of Engineering
500 – 108th Avenue N.E., Suite 1620
Bellevue, WA 98004

Agent: Goldsmith & Associates, Inc.
Attn: Jo Mackenzie Ryan, Planner/Project Coordinator
P.O. Box 3565
Bellevue, WA 98009

Attorney: William T. Lynn
Gordon, Thomas, Honeywell, et al
P.O. Box 1157
Tacoma, WA 98401

Parties of Record:

Lowe Enterprises Northwest, Inc.	600 University St.,	
Michael J. Brooks, Project Mgr.	Suite 2820	Seattle WA 98101
Glenn Amster	1420 Fifth Ave, Suite 4100	Seattle WA 98101-2338
Steven Brown	7525 Pioneer #202	Gig Harbor WA 98335
Joseph Quinn	6217 Mt. Tacoma Dr. SW	Lakewood WA 98499
Anne Spangler	PO Box 40113	Olympia WA 98504
Sharon Gain	7728 190 th Ave. East	Bonney Lake WA 98390
Vijay Kulkarni	2401 S 35 th St., #150	Tacoma WA 98409
Seth Boettcher	PO Box 7380	Bonney Lake WA 98390
Karl Anderson	1123 Port of Tacoma Rd.	Tacoma WA 98421
Jeff Lyon	1201 Pacific Ave. #801	Tacoma WA 98402
Gary Campbell	11601 188 th Ave. Ct.	Bonney Lake WA 98390
Matt Vincent	12904 198 th Ave. E.	Sumner WA 98390
Kenneth & Sharon Gain	7728 190 th Ave. E.	Bonney Lake WA 98390
Bill Heath	818 Bonney Ave.	Sumner WA 98390

Pam Johnson	10610 230 th Ave. E.	Buckley WA 98321
Earl and Marikay Cumpston	15909 198 th Ave. E.	Sumner WA 98390
Charlie and Pamela Johnson	10610 230 th Ave.	Buckley WA 98321
Doug Britschgi	PO Box 820	Orting WA 98360
Diane Rhoades	PO Box 1613	Orting WA 98360
Paul Miller	917 Pacific Ave. #417	Tacoma WA 98402
Stan Florez	8001 Locust Ave. E.	Bonney Lake WA 98390
Ray Schuler	PO Box 2015	Tacoma WA 98401
Carl Halsan	PO Box 1447	Gig Harbor WA 98335
Patrick Kuo	500 108 th Ave. NE #1620	Bellevue WA 98004
Dan Packer	18421 Old Buckley Hwy.	Sumner WA 98390
Charles Decker	16119 S. Prairie Creek Rd E.	Orting WA 98360
Shuming Yan	5720 Capital Blvd.	Tumwater WA 98504
Rory Grindley	2401 S. 35 th St., #150	Tacoma WA 98409
Gerald Schmitz	5417 234 th Ave. E.	Buckley WA 98321
Matthew Sweeney	6312 19 th St. W.	Tacoma WA 98466
Tom Smayda	139 NE 61 st	Seattle WA 98115
Larry Beard	130 2 nd Ave. S.	Edmonds WA 98020
Joe Scorcio	2207 N. Washington St.	Tacoma WA 98406
Art and Maureen Palacek	7720 190 th Ave. E.	Bonney Lake WA 98390
James and Jane Waldkom	19610 166 th St. E.	Sumner WA 98390
Donna Sater	19708 Rhodes Lake Rd. E.	Sumner WA 98390
John P. McDonald	18421 Old Buckley Hwy. #F	Bonney Lake WA 98390
Apex	2601 S. 35 th St., #200	Tacoma WA 98409
Craig Flamme	PO Box 7380	Bonney Lake WA 98390
Nellie Ausbun	11816 200 th Ave. E.	Sumner WA 98390
Tim Thompson	2200 Wells Fargo	Tacoma WA 98401
Dawn Naylor	5720 Capital Blvd.	Tumwater WA 98502
Richard Filkins	PO Box 47440	Olympia WA 98504
Patrick Healy	3868 Center St.	Tacoma WA 98409
Orly Waller	5262 Beach Dr SW	Seattle WA 98136
Bud Rehberg	3802 232 nd St.	Spanaway WA 98387
Forest Sutmiller	5720 Capital Blvd.	Tumwater WA 98502
Linda Walchli	615 2 nd Ave. #200	Seattle WA 98104
Don Rolston	15818 Pioneer Way E.	Orting WA 98360
John Thomas	1202 Wood Ave.	Sumner WA 98390
Steven and Monica Rodrigues	16709 230 th St. E.	Graham WA 98338
Mike Rutkosky	19116 160 th St. E.	Sumner WA 98390
Tom Pankalla	PO Box 519	Orting WA 98360
Charlotte Kontos	22305 96 th St. E.	Buckley WA 98321
Rob Tucker	PO Box 11000	Tacoma WA 98411
Bob Duffy, DOE	PO Box 47775	Olympia WA 98504-7775
Craig Riley, DOH	1500 W. 4 th Ave., #305	Spokane WA 99204
Mary J. Urback	12417 12 th St. East	Edgewood WA 98372
Bruce C. Mitchell	P.O. Box 99151	Seattle WA 98199
Greg Pyle	23639 – 126 th Avenue SE	Kent WA 98031

Others:

Steven J. Brown	Troutlodge, Inc. P.O. Box 1290	Sumner, WA 98390
David Roberts, P.E.	Parametrix, Inc. P.O. Box 460	Sumner, WA 98390-1516
Dave Enslow	15919 E. Main St.	Sumner, WA 98390
Maxine Herbert-Hill	15710 106 th St. E.	Puyallup, WA 98374
Glenn Kuper, Jr.	15421 88 th St. E.	Puyallup, WA 98372
Daniel Neyens	10812 McCutcheon Rd.	Sumner, WA 98390

Pierce County Building Division
Pierce County Development Engineering (Paul Barber)
Pierce County Resource Management (Carla Vincent)
Pierce County Public Works and Utilities - Traffic Division
Pierce County Public Works and Utilities - Surface Water Management
Pierce County Public Works and Utilities – Wastewater Utility (Steve Kamieniecki)
Kip Julin, Strategic Planning and Asset Manager, Environmental Services, Pierce County Public Works and Utilities
Tim Ramsaur, P.E., Wastewater Utility Manager, Environmental Services, Pierce County Public Works and Utilities
City of Bonney Lake (Stephen Ladd)
City of Orting
Pierce County Fire Prevention Bureau
Pierce County Hearing Examiner
Pierce County Parks and Recreation
Pierce County Council
Pierce County Fire Protection District #24
Sumner School District
Tacoma-Pierce County Health Department (Nedda Turner)
Tacoma-Pierce County Health Department (Bill Creveling)
Gregory Zentner, P.E., Supervisor, Municipal Operations unit, SWRO Water Quality Program, Washington State Department of Ecology
Craig L. Riley, P.E., Water Reclamation and Reuse Program, Environmental Health Division, Washington State Department of Health
Washington State Department of Transportation (Alana Hess)

REJ:sl

Cascadia Ph 1 Minor Amend #2 WO.doc

- 3) modify Condition No. 97 of the original June 18, 1998 decision for Cascadia to clarify that either the Tacoma-Pierce County Health Department or the Washington State Departments of Health and Ecology will be the reviewing agency(ies), depending upon the type of interim septic system used;
- 4) modify the sewer facilities section of the September 8, 1999 Development Agreement for Cascadia (Section 1.3.1) to: a) allow for the option of Pierce County Utilities owning and operating the sewer collection system and being the sanitary sewer provider in lieu of the City of Orting or a separate Cascadia sewer district; and b) allow community drainfields to serve more than the initial 295 connections in order to serve the 504 dwelling units approved in the first four preliminary plats, i.e. Columbia Vista at Cascadia, Whitman at Cascadia, Liberty Ridge at Cascadia, and Winthrop at Cascadia, the future elementary school and fire station, and possibly other residential and non-residential uses permitted in Phase 1;
- 5) modify Exhibit K-1, “~~Monitoring and Canyon Falls C~~ N to the September 8, 1999 Cascadia Development Agreement to eliminate the restriction of 300 connections to a community drainfield and defer the degree of required nitrate-nitrogen concentration monitoring to that required by the Washington State Department of Health designated sewer regulatory agency(ies) (e.g., Washington State, Pierce County Utilities or Tacoma-Pierce County Health Department) as defined by permit;
- 6) modify Exhibit M, “~~I n and Public Facilities and Services E r d Sewer Service~~ um r Section “ to allow for the option of Pierce County Utilities owning and operating the sewer collection system and being the sanitary sewer provider in lieu of the City of Orting, a separate Cascadia sewer district, or other entity; and
- 7) two possible locations for the interim community drainfields have been identified. Both drainfield locations are in the future Phase 2 employment areas in the northwest portion of the overall Cascadia development.

The overall 1,689.8 acre Phase 1 of the Cascadia EBPC is served by public roads, public water, and sanitary sewers and is within the Employment-Based Planned Community (EBPC) zone classification. The current Minor Amendment request is being considered under the EBPC zoning in effect at the time of the original June 18, 1999, rezone/planned unit development (PUD) approval.

The original Cascadia Employment-Based Planned Community (EBPC) was approved by the Pierce County Hearing Examiner on June 18, 1999. The three phase, 4,719 acre Cascadia EBPC project includes residential, employment, business park, golf course, school, park, and open space uses. The overall project will include 6,437 dwelling units, and approximately 3.9 million square feet of employment-related uses and will be developed over a 20+ year period. The overall development plan approved by the Pierce County Hearing Examiner is conceptual in nature, particularly in Phases 2 and 3.

Phase 1 of Cascadia is in the northeast portion of the overall project site and includes 1,049,762 square feet / 119.2 acres of employment uses, 1,719 residential dwelling units, and 697 acres of golf course, open space, school, and parks. Phase 2 of Cascadia is in the northwestern portion of the overall project site and includes 319 acres of light to medium intensity employment uses, 696 acres of residential uses, and associated school, park, and open space uses. Phase 3 of Cascadia is

in the southern portion of the overall project site and would contain a development pattern similar to Phases 1 and 2.

On April 5, 2006, a Minor Amendment to the original 1999 approval for Cascadia was approved. The Minor Amendment allowed for: 1) flexibility in residential housing types, lot sizes, etc.; 2) elimination of the northwestern off-site access; 3) relocation of school, park, neighborhood commercial center, and multi-family areas to allow to create a more centrally located village core with the elementary school, fire station, and large parks radiating out from the commercial/multi-family core; 4) allow for alternative locations for the golf resort to allow for enhanced views of Mount Rainier; and 5) adjustment of the development parcels to reflect detailed road alignments, topography, etc.

The site is located at the southern end of the Bonney Lake Plateau, south of 128th Street East and accessed via 198th Avenue East, in Sec. 16, the E 1/2 of Sec. 17, the NE 1/4 of Sec. 20, Sec. 21 and 22, the NW 1/4 of Sec. 23, and the NE 1/4 of Sec. 27, T19N, R5E, W.M., in Council District No. 1.

The site is located at the southern end of the Bonney Lake Plateau, south of 128th Street East and accessed via 198th Avenue East, in Sec. 16, the E 1/2 of Sec. 17, the NE 1/4 of Sec. 20, Sec. 21 and 22, the NW 1/4 of Sec. 23, and the NE 1/4 of Sec. 27, T19N, R5E, W.M., in Council District No. 1.

On **July 17, 2007**, the Pierce County Planning and Land Services Department took action to approve this application subject to conditions. The decision on an application for Site Plan Review approval shall be final and conclusive unless an Appeal to the Hearing Examiner is timely filed.

Appeal: In accordance with Pierce County Code, 1.22., Appeals of Administrative Decisions to the Examiner, any person aggrieved, or affected by any decision of an administrative official may file a notice of appeal. A notice of appeal, together with the appropriate appeal fee, shall be filed within 14 days of the date of an Administrative Official's decision, at the Public Services Building, Planning and Land Services Development Center, 2401 So. 35th, Tacoma, Washington.

TRANSMITTED THIS 17TH DAY OF JULY, 2007.

TO: All Surrounding Property Owners

REJ:sl