



# Pierce County

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Department of Planning and Land Services

## **STAFF REPORT**

*Response to Comments on the Report on the  
Second Periodic Five Year Review of the Cascadia Employment – Based  
Planned Community (EBPC) Planned Unit Development (PUD)*

**Application No. 719122**

**Examiner's Hearing: March 22, 2012, at 9:00 a.m.**  
Pierce County Public Services Building (Annex)  
South Entrance, Public Meeting Room  
2401 South 35<sup>th</sup> Street, Tacoma WA 98409

**Staff Report Prepared by: Robert Jenkins, Senior Planner**

**TABLE OF CONTENTS:**

Proposal.....Page 2  
Application Data .....Page 2  
Findings of Fact .....Page 3  
Cascadia Development Agreement, September 8, 1999.....Page 3  
Conclusions.....Page 4  
Recommended Modifications .....Page 11  
Exhibits .....Page 12  
Parties of Record.....Page 13

**PROPOSAL:**

The request is for the Second Periodic Review of the Cascadia Employment - Based Planned Community (EBPC) Planned Unit Development (PUD), required per Condition No. 129 of the June 18, 1999, approval of the Cascadia EBPC PUD by the Pierce County Hearing Examiner and by Section 6.14 of the September 8, 1999, Cascadia Development Agreement between the applicant and Pierce County. The first periodic review was conducted in 2006 and 2007.

The Cascadia EBPC is located at the southern end of the Bonney Lake Plateau, south of 128<sup>th</sup> Street East and accessed via 198<sup>th</sup> 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.

This report discusses comments received since the staff report on the First Periodic Five Year Review for the Cascadia EBPC, which was issued on January 23, 2012. The deadline for comments to be received and included in this report was February 22, 2012.

**APPLICATION DATA:**

Application Complete: October 28, 2011

Staff Report Mailed: March 16, 2012

To: Pierce County Hearing Examiner  
Pierce County Planning and Land Services Director  
Parties of Record to June 18, 1999, Cascadia EBPC PUD Decision

Owners: Nash Cascadia Verde LLC  
16701 S.E. McGillivray Blvd., Ste 150  
Vancouver, WA 98683-3462

Cascadia Resort Communities LLC  
P.O. Box 40261  
Bellevue, WA 98015-4261

Applicants: Newland Communities-Puget Sound  
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Federal Way, WA 98003

Sumitomo Forestry Seattle, Inc.  
Attn: Minetaka Tanimoto  
11711 S.E. 8<sup>th</sup> Street, Suite 305  
Bellevue, WA 98005

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

### **FINDINGS OF FACT:**

Refer to the January 23, 2012, staff report for a discussion of findings of fact related to land use permits, site development permits, wetland permits, forest practice permits, and permits concerning the Cascadia EBPC.

### **CASCADIA DEVELOPMENT AGREEMENT, SEPTEMBER 8, 1999:**

#### **6.14 Five Year Review**

The Cascadia EBPC shall be reviewed by Pierce County at least every five years until build out. The review shall 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.

##### **6.14.1 Report**

Within thirty (30) days following the five year anniversary of the effective date of this Development Agreement, and provided Cascadia shall have paid the fee specified below, the County shall prepare a report summarizing the status of the project. The report shall be made available to the Planning Director, the Hearing Examiner, and Cascadia for review. Parties of record shall be notified of its availability for review. Contents of the report shall include, but not be limited to the following:

- A. Location and density of subsequently approved residential development.
- B. Location and type of subsequently approved non-residential development.
- C. Location and type of open space and recreation facilities.
- D. Location and type of on-site and off-site roads, utilities and infrastructure.
- E. An analysis of the effectiveness of currently employed public notification procedures.
- F. Recommended modifications to the Project or the Development Agreement pursuant to Section 6.21 of this Development Agreement, if any. Pierce County shall reserve the authority to recommend that the Hearing Examiner impose new or different regulations on the Cascadia EBPC to the extent required by a serious threat to public health and safety after each five-year review.

### **6.14.2 Comment Period**

Review and comment on the report shall take place within 30 days of its issuance. If no comments are received by the County within the review period, the five-year review shall be deemed to be complete. Comments received shall be referred to the Planning director for appropriate action.

### **6.14.3 Review Fee**

A review fee in the amount of \$2,500 shall be paid by the applicant at commencement of five-year review.

## **6.21 Modification and Revocation**

### **6.21.1 Modification**

The approved Cascadia Development Agreement, including the 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 the agreement. Minor modifications are defined as those which do not increase the density by more than 10% of the total number allowed for the project or phase, those which do not decrease net residential density, those which do not increase impacts on transportation or the environment, and those which do not reduce buffers or open space. Modifications that do not qualify as minor shall be subject to the same procedures as the original application.

### **6.21.2 Revocation**

Revocation of the Development Agreement or any subsequent approval shall be processed pursuant to the Pierce County Code as it existed on the date of application for the PUD, June 23, 1997.

## **CONCLUSIONS:**

- A. Status of compliance with the conditions of approval.

**Comment: The applicant submitted a "Project Milestone Summary", dated October 28, 2011, and an updated "Project Milestone Summary", dated February 22, 2012. The two summaries indicate that the applicant has been complying with the conditions of approval of the 1999 decision and development agreement. However, there are issues discussed in detail below, requiring clarification by the Examiner at the public hearing on this periodic review, as to intent and how to administer certain aspects of the Phase 1 approval.**

B. Quality of Design.

**Comment:** From the date of the last Periodic Review until Homestreet Bank obtained the property through foreclosure in September 2010, the former developer worked closely with Current Planning, Resource Management, and Development Engineering staff of the Planning Department and with representatives of the Public Works Department in formulating plans that met the requirements and needs of those agencies. Staff met numerous times with Homestreet Bank and potential bidders for the property in late 2010 and early 2011.

Current Planning, Resource Management, and Development Engineering staff from Planning and Land Services met on a monthly basis with the former developer and their various engineering, architectural, and landscape architectural consultants. Beginning in August 2011, these monthly meetings have resumed with Nash Cascadia Verde LLC (hereafter referred to as Newland). These meetings have been held to ensure that the development of Phase 1 proceeds in a timely fashion and those issues affecting the development timeline are identified and addressed. As of the date of this report, staff has not begun to meet regularly with Cascadia Resort Communities, the owners of Parcel O.

The “Cascadia Phase One Design Handbook”, dated May 31, 2006, was approved by the Planning Department on June 28, 2006. A second version of the Design Handbook, dated October 2008, was approved by the Planning Department on October 14, 2008. Staff worked with the applicant to create a document that meets the requirements of the 1999 Development Agreement and is written with clear, enforceable standards. The initial handbook includes general design direction for the overall community, with focused design standards only for detached residential uses and streetscape and allee/open space corridor topics. The handbook has reserved sections for attached multi-family and high density single-family residential, golf course and resort, neighborhood center/village core, and business park uses. Per the Development Agreement, these unfinished sections will be required to be prepared and submitted for Department review and approval prior to any land use, site development or building approvals for these use categories. In the interim, the Department has allowed certain “civic” uses, i.e., the PSE Electric Substation, Donald Eisman Elementary School, and Cascadia Welcome Center, to move forward without specific design standards in place so long as it was shown that the projects complied with the design vision and concepts identified in the adopted Design Handbook.

We understand that Newland Communities is in the process of modifying the Design Handbook developed by Cascadia Project LLC, the original developer. We have not yet heard from Cascadia Resort Communities but assume they will want to modify the Design Handbook in the future as well.

Since Cascadia was originally envisioned to be developed by a single developer, it is unclear how overall cohesive project design envisioned by Section 4.2.2 of the Development Agreement and Findings 21B and 80 of the PUD decision will be maintained with two distinct developers, presumably with distinct visions for their portions of Cascadia. Staff is concerned that both parts of Cascadia remain consistent with the description of the overall conceptual plan, discussed in Section 1.1 of the Development Agreement and that both parts of Cascadia have a design direction that complies with Section 4.2.1 of the Development Agreement. Staff finds that though a unified Design Handbook would be ideal, two Design Handbooks would be acceptable if they met the following conditions: 1) both areas are designed to be consistent with the current overall conceptual plan described in Section 1.1; and 2) both Design Handbooks follow the same structure and format. The developer was given the authority to review and approve deviations to the design standards in the Design Handbook through the first Periodic Review decision. Staff recommends that the process for reviewing and approving deviations remain the same throughout the community, although there could be separate architectural review committees for the two ownerships.

C. Balance of uses.

**Comment:** The initial phase of Cascadia development under the previous developer focused on backbone infrastructure development and single-family subdivision development. The previous developer also worked with the Sumner School District in locating and developing an elementary school. The previous developer had identified a parcel for the future Fire District No. 22 fire station and had been involved in preliminary design discussions with the district. In its February 2012 letter, the Fire District is currently undergoing a capital facilities planning effort and is not ready to commit to a timeline for locating a fire station within Cascadia. The number of dwelling units in the first approved preliminary four plats total 29% of the 1,719 allowable dwelling units in Phase 1.

The 2006 Minor Amendment showed a strong intent to create a viable pedestrian friendly neighborhood center/village core that would create the opportunity for a more focused gathering space for the new community. Staff understands from Newland that they have been involved in a detailed visioning process for their portion of Cascadia. The details of this vision have not yet been fully divulged to County staff. Any change in the location or concept of the village core or other land uses will necessitate either a Minor Modification or Minor Amendment, depending on the scope of the proposal.

In Finding Nos. 11 and 18 of the August 2007 First Periodic Review decision by the Hearing Examiner, staff was directed to evaluate on an on-going basis and at the periodic reviews whether the community was developed with the balance of uses required by the PUD approval for a fully functioning “community”. In their February 2012 letter, the City of Bonney Lake expressed its desire for the community to continue to progress. The City encouraged the current developers to focus on development of all elements of the community, particularly the employment element.

**Given the economic downturn and the lack of new development to date in Cascadia, it is not possible, at this time, to determine if Cascadia is developing with the required balance of uses. However, the new ownership has given no indication that they intend to downplay the employment, commercial/retail, and multi-family elements of the overall community. As was discussed in 2006, compliance with the overall employment based community vision will be easier to determine once the community starts to mature. The Examiner chose not to establish a bright line for development of the business park, village core or multi-family areas but instead to require staff to evaluate compliance with the overall conceptual plan as each new land use piece is proposed. It is staff's intent to do so as new development is proposed by the new ownership and to inform the Examiner if an imbalance in uses is seen to be occurring.**

**In their February 2012 letter, the City of Sumner has requested that Newland and Cascadia Resort Communities provide an estimate as to the build out of Phase 1 and subsequent phases. The 1998 PUD decision requires periodic reviews at least every five years to ensure that the project is progressing as originally envisioned and authorized. This is one of those reviews. The original 1998 PUD decision, 2007 First Periodic Review decision and 1999 Development Agreement make it clear that there is no expiration date of the overall three phase project or of Phase 1, in particular. The documents indicate that so long as Cascadia is progressing in a manner that shows compliance with the vision of the employment based planned community concept, the project will be allowed to proceed.**

**In 2007, the Examiner chose not to establish a bright line for development of the business park, village core or multi-family areas but instead to require staff to evaluate compliance with the overall conceptual plan as each new land use piece is proposed. It is staff's intent to do so as new development is proposed by the new ownership and to inform the Examiner if an imbalance in uses is seen to be occurring or the overall development is not developing in a reasonable and timely manner.**

- D. Efficient use of public facilities and services.

**Comment: There has been no indication that the road, sanitary sewer, or storm drainage systems have been designed to operate in an inefficient manner. In the February 2012 project milestone summary update, the applicant discusses in detail the status of the infrastructure network within the development.**

- E. Provision of adequate open space.

**Comment:** In the revised plans submitted with the Minor Amendment approved in April 2006, the applicant increased the amount of acreage devoted to the golf course and related open space 15.6 acres to 219.1. Section 4.1.5.B.1. of the 1999 Development Agreement required an "approximately" 11 acre neighborhood park for "picnicking, playground, informal playfield and passive recreation facilities". Section 4.1.5.B.2. of the 1999 Development Agreement required "approximately" 10 acres of park and playfields associated with the elementary school.

Based on the locations identified in the 2006 Minor Amendment, the previous developer submitted a Cascadia Phase 1 Master Park and Trail Schedule and Phasing Plan, dated September 15, 2006. The original park plan in the Development Agreement was replaced by this park and trail plan by the Hearing Examiner in the 2007 decision on the First Periodic Review. Detailed design plans and phasing for the parks in the central portion of Phase 1 were approved by the Planning Department in August 2007.

Newland has asked to modify the focus and design of some of the parks and open space on the Phase 1 park and trail plans approved by the Examiner in the First Periodic Review decision in 2007 to match the vision and market they have for Cascadia. Staff has found that Newland has evaluated the park system as a whole and that the changes do not reduce overall required acreage or the diversity of recreational opportunities required by the Hearing Examiner's decision and the Development Agreement. Staff anticipates that Newland will submit a revised Cascadia Phase 1 Master Park and Trail Schedule and Phasing Plan at the hearing, which is intended it replace the 2006 plan.

To date we have had no discussions with Cascadia Resort Communities or Sumitomo Forestry regarding the continued viability of the golf course in Parcel O. Until a different proposal is made for Parcel O, the golf course remains a required component of Cascadia.

- F. Location and density of subsequently approved residential development.

**Comment:** Exhibit D of the 1999 Development Agreement establishes that the applicant will provide a range of urban single-family densities, based on specific lot sizes, for a range of 1 to 6.3 dwelling units per gross acre. The original developer also proposed large-lot residences with a density of 0.82 dwelling units per gross acre, but without specified lot sizes. The applicant also identified two types of housing along the proposed golf course "estates" and "villas", with gross densities of 1.6 and 7.5 dwelling units, respectively. In addition, Exhibit "D" identified multi-family densities of 7.9 dwelling units per gross acre. Exhibits C and D set aside 36 acres of Phase 1 for multi-family development and 8 acres for the "golf villas", which have a similar gross density to the multi-family area but does not have a designated housing type, to obtain 7.5 dwelling units per acre.



The 2006 Minor Amendment was approved to provide single-family detached dwelling units at a range of 1-10 dwelling units per gross acre throughout the 805.3 acres of single-family parcels identified on the revised Phase 1 Land Use Table in Exhibit "D" and the revised Phase 1 Conceptual Plan. The 2006 Minor Amendment also set aside 15.5 acres to the west of the proposed Neighborhood Center for multi-family and duplex development at a range of 8-14 dwelling units per gross acre.

In Finding No. 11 of the August 2007 First Periodic Review decision, the Hearing Examiner stated that "...as the community matures, Cascadia must provide a wide range of pricing choices and must expand the mix of housing to include multifamily residential, duplexes, zero lot line single-family, and mixed uses such as residential over commercial. Staff and the Examiner will monitor Cascadia's provision of a mix of more dense housing choices in future reviews." Finding No. 18 has a similar statement.

Under current approval there are no specified locations in Phase 1 for the allowed 1,719 dwelling units. Newland has requested that division of allowable dwelling units be resolved solely between Newland and Cascadia Resort Communities. It is unclear whether Cascadia Resort Communities agrees with this approach. If the two parties are in agreement, staff would recommend that the Examiner clearly define the role of the Planning Department, or lack thereof, in regard to dwelling unit allocation.

- G. Location and type of subsequently approved non-residential development.

**Comment:** The initial development of Cascadia has focused on the creation of the backbone infrastructure, i.e., the major arterials, sanitary sewer system, and storm drainage system for Phase 1A, and the first four single-family residential subdivisions totaling 504 dwelling units. The only "civic" uses that have been permitted as of the date of this report are a regional electric substation and an elementary school. The substation will serve the Cascadia community and other areas on the Bonney Lake Plateau. The substation was authorized through an Administrative Use Permit. The elementary school currently serves the broader community and eventually residents of Cascadia.

As stated earlier, given the economic downturn and the lack of new development to date in Cascadia, it is not possible, at this time, to determine if Cascadia is developing with the required balance of uses. However, the new ownership has given no indication that they intend to downplay the employment, commercial/ retail, and multi-family elements of the overall community. As was discussed in 2006, compliance with the overall employment based community vision will be easier to determine once the community starts to mature. The Examiner chose not to establish a bright line for development of the business park, village core or multi-family area but instead to require staff to evaluate compliance with the overall conceptual plan as each new land use piece is proposed. It is staff's intent to do so as new development is proposed by the new ownership and to inform the Examiner if an imbalance in uses is seen to be occurring.

H. Location and type of open space and recreation facilities.

**Comment:** A major component of the 1999 PUD approval of the Cascadia EBPC, and in particular Phase 1, was the preservation of wide (150-foot) wooded, lineal open spaces, i.e., allees. Allees were designed to serve multiple purposes, i.e., habitat corridors between natural areas of the site, to separate large residential developments into smaller components, create an off-street pedestrian network and served to separate the large residential blocks into smaller components, and provided for pedestrian, bicycle, and/or equestrian movement within the community. As logging has occurred within the boundaries of Cascadia care was taken by the applicant and Pierce County to preserve the tree canopy within these corridors, and along the perimeter of the overall development.

In the 2007 First Periodic Review decision, the Examiner in Finding No. 12 and Condition E discussed the role of the allees as wildlife corridors as well as recreational trail corridors and land use buffers. Condition E also allowed staff and the applicant to consider alternative locations for portions of the allees as development as long as the criteria spelled out in the finding and condition are met.

Logging that has taken place in Phase 1, 2 and 3 since 2007 has preserved the general allee corridors in those portions of the overall Cascadia project.

I. Location and type of on-site and off-site roads, utilities and infrastructure.

**Comment:** As stated under Findings of Fact of the January 2012 staff report and in Newland's summary document, the infrastructure necessary for the development of the first four plats, the school, and potentially part of the village core has been installed. Application was made and issued for site development work associated with a proposed joint Tacoma Public Utilities/Cascadia telecommunications tower in Business Park Parcel T. No work commenced and the site development permit has since expired. No building permit was ever obtained for the structure.

In its February 2012 letter, the City of Sumner is requesting that the Examiner direct the Environmental Official to consider the impact of future development in Phases 2 and 3 on specific roadway locations. Staff finds that it is premature at this time to determine what elements of the road network will be impacted by a future phase of Cascadia and that such a determination should take place during the scoping process for the Supplemental Environmental Impact Statement that will be required for Phases 2 and 3.

In its February 2012 comments, the Pierce County Sewer Utility clarified the number of residential lots or Residential Equivalent (RE) units that can be accommodated by the existing large on-site sewer system (i.e. community drainfield) at Cascadia. The existing large on-site sewer system (LOSS) at Cascadia is permitted for a maximum of approximately 454 Residential Equivalent (RE) units. The 390 lots/RE units associated with the first four final plats (Columbia Vista Phase 1, Liberty Ridge, Whitman, and Winthrop) and the additional REs for the other uses, i.e., the elementary school and welcome center, are within the permitted capacity of 454 REs for the Cascadia LOSS, the entire 114 lots/REs for Columbia Vista Phase 2 could not be accommodated by the existing Cascadia LOSS, until the additional sewer capacity improvements discussed in the January 2012 staff report are constructed. The preliminary plat approval for Columbia Vista at Cascadia will not expire until August 29, 2015. Newland could request one-year time extensions after that date, as well. When Newland submits a final plat application for Columbia Vista at Cascadia Phase 2, the issue of sanitary sewer capacity will be discussed at that time and will be resolved prior to any final plat approval of those 114 lots.

- J. An analysis of the effectiveness of currently employed public notification procedures.

**Comment:** In Conditions A and L of the August 2007 First Periodic Review decision, the Examiner revised language in the development agreement to clarify what types of public notice is needed to deviate from the Design Guidelines in the Design Handbook and to clarify what type of public notice is necessary for a Minor Modification review process. Prior to application for the 2006 Minor Amendment, the Department had discussions with the applicant regarding how to administer the concept of a “minor modification” as described in Section 6.21.1 of the September 8, 1999, Development Agreement. In implementing the surrounding property notices provisions for Minor Amendments and Minor Modifications, the Department has required that, where applicable, surrounding property notice be provided to properties within 300 feet but not less than 2 parcels deep from the boundary of that portion of the Cascadia EBPC that is being modified or developed. In addition, the Department has sent notice of all development actions within Cascadia triggering a Minor Modification or Minor Amendment to all parties of record to the original 1999 decision.

### **RECOMMENDED MODIFICATIONS:**

The following are specific recommended modifications to the September 8, 1999, Development Agreement and/or its exhibits as well as requests for clarification or interpretation of specific issues address in this first periodic five year review of the Cascadia EBPC PUD:

### Quality of Design:

1. If two Design Handbooks are deemed appropriate by the Examiner, staff recommends that the following language be added to Section 4.2.2:  
All design handbooks for portions of Cascadia shall be developed to be consistent with the current overall conceptual plan described in Section 1.1 and shall follow the same structure and format. The process for reviewing and approving deviations to design standards shall remain the same throughout Cascadia, although multiple architectural review committees are acceptable.

### Location and Density of Subsequently Approved Residential Development:

2. Staff requests that the Hearing Examiner clearly define the role of the Planning Department, or lack thereof, in regard to dwelling unit allocation.

### **EXHIBITS:**

- 1 - Staff Report
- 1A - Staff Report on the Second Periodic Review, dated January 23, 2012
- 1B - February 13, 2012 email from the Pierce County Sewer Utility
- 1C - February 21, 2012 letter from the City of Sumner
- 1D - February 21, 2012 letter from East Pierce Fire and Rescue
- 1E - February 22, 2012 letter from William T. Lynn and attached Project Milestone Summary, updated on February 22, 2012
- 1F - March 9, 2012 letter from Bonney Lake
- 1G - Application for Second Periodic Five Year Review
- 1H - August 14, 2007, Decision of the Pierce County Hearing Examiner on the First Periodic Review
- 1I - April 5, 2006, Written Order approving the First Minor Amendment to the Cascadia EPBC PUD and attached maps
- 1J - July 17, 2007 Written Order approving the Second Minor Amendment to the Cascadia EPBC PUD and attached maps
- 1K - June 2, 2008 Written Order approving the First Minor Modification to the Cascadia EPBC PUD and attached maps
- 1L - August 24, 2009 Clarification Letter from the Hearing Examiner regarding Commercial Gravel Mine in Phase 2
- 1M - Hearing Notice, Agenda, Mailing Labels, and Legal Notice

**STAFF REPORT TRANSMITTED TO:**

Owners: Nash Cascadia Verde LLC  
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Applicants: Newland Communities-Puget Sound  
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Goldsmith & Associates	PO Box 3565	Bellevue WA 98009
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David Roberts, PE		
Parametrix Inc	1019 39 <sup>th</sup> Ave SE, Suite 100	Puyallup WA 98374-2115
Dave Enslow	15919 E Main St	Bellevue WA 98009
Maxine Herbert-Hill	15710 106 <sup>th</sup> St E	Puyallup WA 98374
Glenn Kuper, Jr.	15421 88 <sup>th</sup> St E	Puyallup WA 98372
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Pierce County Planning and Land Services Director (Dennis Hanberg)  
Pierce County Current Planning (Vicki Diamond)  
Pierce County Current Planning (Robert Jenkins)  
Pierce County Long Range Planning (Sean Gaffney)  
Pierce County Development Engineering (Paul Barber)  
Pierce County Resource Management (Scott Sissons)  
Pierce County Prosecuting Attorney (Jill Guernsey)  
Pierce County Public Works and Utilities (Annette Pearson)  
Pierce County Public Works and Utilities (Larry Ekstrom)  
Pierce County Public Works and Utilities (Rob Lowe)  
Pierce County Public Works and Utilities (Mike Galizio)  
Pierce County Public Works and Utilities (Steve Kamieniecki)  
Pierce County Public Works and Utilities (Kip Julin)  
Pierce County Building Division  
City of Bonney Lake  
City of Orting  
City of Sumner  
Pierce County Fire Prevention Bureau  
Pierce County Parks and Recreation  
Pierce County Council  
Pierce County Fire Protection District #24  
Sumner School District  
Tacoma-Pierce County Health Department  
Washington State Department of Ecology  
Washington State Department of Transportation