

RESOLUTION NO. 3228

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN THE FIRST AMENDMENT TO THE PEAK410 BUSINESS PARK DEVELOPMENT AGREEMENT.

WHEREAS, the City entered into a Development Agreement on October 11, 2022 for development of the Peak 410 Business Park as authorized by Chapter 36.70B of the Revised Code of Washington and Chapter 14.70 of the Bonney Lake Municipal Code; and

WHEREAS, the proposed amendments are primarily aimed at accommodating the expanded project scope, inclusion of addition property, ensuring compliance with updated regulatory requirements, and clearly delineating the financial and infrastructural contributions of the Developer; and

WHEREAS, these changes reflect a collaborative effort to adjust the project's framework to new circumstances and maintain a structured development process; and

WHEREAS, the project represents a two hundred million dollar investment into the City of Bonney Lake expect to create eight hundred new jobs; and

WHEREAS, section 3.4 of the original Development Agreement provided that additional properties could be added to the development agreement through the amendment process; and

WHEREAS, RCW 36.70B.200 requires development agreements to be approved by resolution after a public hearing, which was held on July 23, 2024.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the attached First Amendment to the Peak410 Business Park Development Agreement.

PASSED by the City Council this 13th day of August, 2024.

Signed by:


339AD7C13E9E492...
Terry Carter, Mayor

AUTHENTICATED:

DocuSigned by:

975A05C52D794C6

Sadie Schaneman, CMC, City Clerk

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Agenda Item Type: Resolution	Agenda Bill Number & Ordinance/Resolution/Motion Number: AB24-51/R24-51	
Department/Division Submitting: Public Services	Presenter: Jason Sullivan	City Strategic Goal Category: DON'T FILL OUT YET

Agenda Subject: Peak 410 Development Agreement Amendment #1

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign The First Amendment To The Peak410 Business Park Development Agreement.

Administrative Recommendation: Approve

Short Background Summary (Use a memo to write a full history): The City entered into the PEAK410 Development Agreement on October 11, 2022. At that time the project was envisioned as fifty-acre business park with approximately 850,000 square feet of building area. The project has expanded six-four acres in size with over a million square feet of building area representing an approximate \$200,000,000 investment into the City of Bonney Lake expected to create 800 new jobs. The revisions in the Development Agreement are primarily aimed at accommodating the expanded project scope, ensuring compliance with updated regulatory requirements, and clearly delineating the financial and infrastructural contributions of the Developer. These changes reflect a collaborative effort to adjust the project's framework to new circumstances and maintain a structured development process.

Attachments: Briefing Memo, Resolution R24-51, Development Agreement Amendment, Public Hearing Notice, Newspaper Proof, Revised SEPA DNS, Comment Matrix and Public Comments, and June 25th Presentation.

BUDGET INFORMATION			
Budgeted Amount	Current Balance	Expenditure Amount Needed	Budgeted Balance Difference
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW					
Public Hearing Date:	Name Of Committee/Commission Public Hearing Was Done At:				
Date & Name Of Committee/ Commission Meeting	Return To Committee/ Commission/Board	Council Workshop Discussion	Consent Agenda	Council Full Issues	Chair's Signature For Approval Of Next Steps
Date: Name:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	
Date: Name:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	
Date: Name:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	
Date: Name:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	
Hearing Examiner Review:					

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s): 7/23/2024
Meeting Date(s): 6/25/2024 and 8/13/2024	Tabled To:

APPROVALS		
Department Director: Jason Sullivan	Mayor: Terry Carter	Date Reviewed By City Attorney (if applicable):



Public Services Department Briefing Memorandum

Memo Date: June 20, 2024 REVISED August 7, 2024

Staff Contact: Jason Sullivan – Interim Public Services Director

Title: PEAK410 Development Agreement Amendment

PURPOSE:

The purpose of this item is to brief the City Council on the proposed amendments to the Peak410 Business Park Development Agreement. The revisions in the Development Agreement are primarily aimed at accommodating the expanded project scope, ensuring compliance with updated regulatory requirements, and clearly delineating the financial and infrastructural contributions of the Developer. These changes reflect a collaborative effort to adjust the project's framework to new circumstances and maintain a structured development process.

DISCUSSION:

The PEAK 410 DRAFT DA Amendment includes numerous revisions indicated by strikethrough and underlined text. The primary purpose of these revisions is to update and expand the terms of the Development Agreement (DA) between the City of Bonney Lake and the Developer. Key changes involve adjustments to project scope, development boundaries, and infrastructure contributions. Below is a detailed summary of the significant modifications:

Definitions and Terms

The definitions section of the original Development Agreement has been updated as need to reflect the modification of the project and the addition of new property.

Project Scope and Size

The Peak 410 project initially encompassed a 50-acre business park with approximately 850,000 square feet of building area. The project's area has been expanded to 64 acres, increasing the building area to approximately 1,002,815 square feet. This change reflects the addition of new parcels and changes in property ownership.

Phasing Plan and Conceptual Master Plan

The project's phasing plan has been updated from five phases to six. This update is documented in the revised Phasing Plan (Exhibit H). Additionally, the Conceptual Master Plan (Exhibits E, Exhibit E1 and Exhibit E2) now reflects the increased project size and additional infrastructure

requirements. Language has been added as part of the proposed amendment to specifically provide that the Conceptual Master Plan is intended as a representation, and adjustments may be needed to comply with development regulations during permit reviews.

Development Regulation Amendments

The amendment adds new sections to the original development agreement to modify the existing City regulations related to outdoor storage, the submittal of close out documents, building setbacks, and temporary use permits.

Following the Public Hearing an additional modification to the City's existing development regulations related to the location of trash enclosures was added to the proposed amendment. Under the current code, trash enclosures cannot be placed on the side of a building fronting a street. There is one lot that has street frontages on three sides, making it impossible to locate a trash enclosure on the property to reasonably serve the tenants. Therefore, a provision was added to exempt lots with more than 2 street frontages from this requirement; provided, however, that the enclosure is not located within a setback and is screened.

Property Transfers

The amendment involves several property transfers for infrastructure development:

- A portion of 224th Avenue East right-of-way will be vacated, and new right-of-way dedicated for the 224th Avenue East and SR 410 Roundabout.
- Existing easements will be released and new easements established for proposed buildings; these easements do not currently house any infrastructure.
- The developer will provide perpetual stormwater detention for the City's Decant Facility. To compensate for lost capacity in the developer's stormwater pond, the City will transfer a portion of its adjacent property to expand one of the proposed stormwater ponds.
- The rights of way for both the extension of 100th Street East and 229th Avenue East will also be dedicated to the City.

Infrastructure Contributions

The amendment provides for additional infrastructure improvements to be completed by the Developer. These improvements include the construction of a new force main to serve the Mountain Creek neighborhood to connect it to the new sewer line within the project boundary. This improvement is not a requirement for the construction of the project or mitigation for impacts created by the project. The project will address an outstanding City capital improvement project in conjunction with the development of the project.

The project will also now complete the construction of 100th Street East on the south side of SR410.

Financial Implications

The credits against the payment of Transportation Impact Fees, Water SDC, Sewer SDC, and the Eastown Latecomers agreement have been updated to reflect the actual cost of the improvements. The original Agreement provided that credit would be given but did not include an amount as not all the construction cost were known at that time. The Developer is not receiving a credit for all the infrastructure improvements, but only for a portion. The credits are associated with completing improvements that would not be required to be completed as part of the project or are required to be provided under both state law and the Bonney Lake Municipal Code provisions for Traffic Impact Fees. The amendment ensures that credits are meticulously tracked and limited to actual amounts due. No rebates will be provided for amounts exceeding the required charges. Any unused credit balance at the termination of the agreement will be forfeited.

**FIRST AMENDMENT TO THE
DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF BONNEY LAKE**

and

**RAINIER RCL, LLC, ANVIL RCL, LLC,
COMPASS RCL, LLC, CASCADE RCL, LLC, SUMMIT RCL, LLC, ACME
RCL, LLC, PROSPECT RCL, LLC, and CAB1 PROPERTIES, LLC.**

THIS FIRST AMENDMENT to the Development Agreement (“**First Amendment**” or “**Amendment**”) is entered into and shall be effective on the 13th day of August, 2024 (the “**Effective Date**”) by and between the City of Bonney Lake, a Washington municipal corporation (the “**City**”) and the Rainier RCL, LLC, ANVIL RCL, LLC, Compass RCL, LLC, Cascade RCL, LLC, Summit RCL, LLC, Acme RCL, LLC, Prospect RCL, LLC, CAB1 Properties, LLC, Klein Enterprises LLC all Washington limited liability companies and Klein Major & Sara and Klein Major (the “**Developer**”) in connection with the real property described herein (the “**Property**”), and development of the Property for the purposes and on the terms and conditions set forth herein. The City and the Developer are each a “**Party**” and together the “**Parties**.”

RECITALS:

WHEREAS, the Parties entered into a Development Agreement on October 11, 2022 for development of the Peak 410 development which included approximately 850,000 square feet of building area for light industrial, manufacturing, wholesale, and office uses. In addition to the onsite building construction, the project includes several onsite and offsite utility and roadway improvements (“**Development Agreement**” or “**Agreement**”); and

WHEREAS, since that time, additional properties have been added to the project and the property ownership has changed expanding the size of the Property from 50 to 64 acres in size with approximately 1,002,815 Sq Ft of building area; and

WHEREAS, in addition to changing the development boundaries and changing ownership, the scope of the developer funded infrastructure has been expanded to provide for additional sewer infrastructure; and

WHEREAS, the Developer has agreed to provide stormwater detention for the City’s Decant Facility in perpetuity, and due to lost capacity in a Stormwater Pond the City will surplus a portion of City property in fair consideration; and

WHEREAS, the project represents a \$200 million investment into the City of Bonney Lake and is expected to create 800 jobs; and

WHEREAS, some adjustments, including releasing utility easements and dedicating new (relocated) utility easements as well as releasing and dedicating rights of way based on updated designs which require a shifting of the dedicated property for the roundabout at 224th Avenue East and State Route 410 East are needed to complete the project; and

WHEREAS, in order to adjust for these changes that have occurred since 2022, an amendment to the Development Agreement is recommended; and

WHEREAS, the City Council of the City of Bonney Lake held a duly noticed public hearing on this Amendment to the Development Agreement and found that this Amendment is in the public interest;

NOW THEREFORE, in consideration of the terms and conditions set forth herein, the Parties agree that the recitals set forth above are incorporated herein as if set forth in their entirety and further agree as follows:

AGREEMENT:

The following sections of the Development Agreement by and between the City of Bonney Lake and the Developer, adopted by Resolution No. 3074 on October 11, 2022 are amended to read as follows:

Capitalized terms used but not otherwise defined in this Agreement have the meaning set forth in 36.70B.170 RCW or the BLMC, the provisions of which are incorporated herein by reference.

Section 1. Section 1 of the Development Agreement is hereby amended to read as follows:

SECTION 1. DEFINED TERMS:

Capitalized terms used but not otherwise defined in ~~this the~~ Agreement and the Amendment have the meaning set forth in RCW 36.70.B.170 ~~RCW~~ or the BLMC, provisions of which are incorporated herein by reference.

1.1 Agreement. The Development Agreement by and between the City of Bonney Lake and the Developer, governed by provisions of Chapter 36.70B RCW and Chapter 14.70 BLMC. This Agreement was adopted by Resolution No. 3074 on October 11, 2022.

1.2 Amendment or First Amendment. This First Amendment to the Development Agreement by and between the City of Bonney Lake and the Developer, governed by provisions of Chapter 36.70B RCW and Chapter 14.70 BLMC.

1.3 Bonney Lake Engineering Standards. City of Bonney Lake Engineering Development Policies and Public Works Design Standards.

1.4 Bowen Site. The property depicted in **Exhibit C1** and legally described in **Exhibit C2** of the Agreement.

1.5 BLMC. The Bonney Lake Municipal Code.

1.6 CAB1 Site. The properties depicted in **Exhibit K1** and legally described in **Exhibit K2** of the Amendment.

1.7 Conceptual Master Plan. *The Peak410 Business Park Conceptual Master Site Plan* dated ~~August 3, 2022~~ May 29, 2024, prepared by ~~Innova~~ Synthesis Architects included as **Exhibit E** of the Amendment, which supersedes **Exhibit E** of the Agreement. The Wilco Farm Store Site Plan dated April 22, 2024, prepared by Baysinger included as Exhibit E2 and Major Klein Property Site Plan dated May 29, 2024, prepared by Synthesis Architects and included as **Exhibit E3** of the Amendment.

1.8 Compass Pointe Site. The property depicted in **Exhibit A1** and legally described in **Exhibit A2** of the Agreement.

1.9 City Decant Property. The City property located to the north of the Compass Pointe Site identified as Tax Parcel 0519021071.

1.10 The Klein Enterprises Site. The property depicted in **Exhibit L1** and legally described in **Exhibit L2** of the Amendment.

1.11 Daffodil Storage Site. The property located to the east of the RCL Site identified as Tax Parcel 0519016004.

1.12 Development Fees. The fees and charges that are required to be paid for by development, as established by Chapter 3.68 BLMC – Building, Civil, and Planning Permit Fees, BLMC 13.04.070 – Water service applications and connection charges, BLMC 13.12.105 - Sewer service applications and connection charges, BLMC 15.14.035 – System development charges, and BLMC 19.04.050 – Fee Schedule and establishment of service area.

1.13 Development Regulations. The controls, requirements, and limitations placed on development within the City, as adopted by the City, including, but not limited to, zoning

ordinances, critical areas ordinances, shoreline master programs, drainage requirements, transportation requirements, SEPA ordinances, and subdivision ordinances.

1.14 Environmental Documents. The background environmental studies identified in Section 6 of ~~this~~ the Agreement.

1.15 Fennel Creek Industrial Park. The property depicted in **Exhibit D** of the Agreement.

1.16 Lead Developer. Rainier RCL, LLC, ANVIL RCL, LLC, Compass RCL, LLC, Cascade RCL, LLC, Summit RCL, LLC, Acme RCL, LLC, Prospect RCL, LLC

1.17 RCL Site. The properties depicted in **Exhibit B1** and legally described in **Exhibit B2** of the Agreement.

1.18 Permitted Uses. The uses allowed on properties zoned Eastown (E) as established by Chapter 18.08 BLMC, except as modified by this Agreement.

1.19 PFTBP. The Peak 410 Business Park, an approximately ~~forty (40)~~ sixty-four (64) acre ~~contiguous~~ site, which can be generally described as the area along the northside of SR-410 between 219th Avenue East and 230th Avenue East in the City of Bonney Lake, and along the southside of SR 410 for approximately 790 linear feet, west of 224th Ave E.

1.20 Phasing Plan. The Peak 410 Business Park Phasing Plan included as **Exhibit H** to the Amendment, which supersedes Exhibit H of the Agreement.

1.21 Project. The phased build-out of the PFTBP consistent with the terms of this Agreement.

~~**Property.** The three contiguous sites identified as the Compass Pointe Site, RCL Site, and Bowen Site, which make up the PFTBP.~~

1.22 Prospect Site. The property depicted in **Exhibit J1** and legally described in **Exhibit J2** of the Amendment.

1.23 RCW. The Revised Code of Washington.

1.24 Stormwater Parcel. Tax parcel 0519021001, which is located within the RCL Site.

1.25 TIA. Transportation Impact Analysis.

1.26 Urban Forestry Code. Chapters 16.60 through 16.68 of the BLMC.

Section 2. Section 3.1 of the Agreement is hereby amended to read as follows:

3.1 Property. The Property subject to this Agreement is commonly referred to as the PFTBP and is fully described in **Exhibits A1, A2, B1, B2, C1, C2 Q1, Q2, J1, J2, K1, K2 L1, L2** attached hereto and incorporated herein by this reference. **Exhibits A1, A2, B1, B2, C1 and C2** are not replaced by this Amendment for the purposes of maintaining the validity of the Agreement's defined terms and references.

Section 3. Section 4.2 of the Agreement is hereby amended to read as follows:

4.2 The Developer Property Owners. Rainier RCL, LLC, ANVIL RCL, LLC, and ~~DRJ Holdings LLC, Compass RCL, LLC, Cascade RCL, LLC, Summit RCL, LLC, Acme RCL, LLC, Prospect RCL, LLC, and CAB1 Properties, LLC, and Klein Enterprises, LLC~~ all three limited liability companies organized under the laws of the State of Washington, as well as the following individuals: Major Klein and Sara Major.

Section 4. Section 5.1 of the Agreement is hereby amended to read as follows:

5.1 General. The PFTBP will include the construction of ~~five~~ ten buildings totaling approximately ~~850,000~~ 1,002,815 square feet as illustrated on the Conceptual Master Plan. The buildings will accommodate a range of employment and other economic activity, including light industrial, manufacturing, warehouse/distribution, retail, and related office uses as permitted in Chapter 18.08 BLMC and as limited by Section 7.9.

Section 5. Section 5.2 of the Agreement is hereby amended to read as follows:

5.2 Phases. The Project will be constructed in approximately ~~five (5)~~ six (6) phases as shown on the Phasing Plan.

Section 6. Section 6.2 of the Agreement is hereby amended to read as follows:

6.2 PFTBP Conceptual Master Plan. The Conceptual Master Plan provides a layout for the development of the PFTBP given the site's physical features, the applicable Development Regulations, and market conditions. It ~~was~~ is meant to be representative of the future buildout scenario. The inclusion of the Conceptual Master Plan does not signify or provide any assurance that the layout complies with all applicable Development Regulations. A determination that an individual project or site complies with the Development Regulations as documented in Section 7 of the Agreement and as modified by this First Amendment will be completed during the permit review process. The Parties agree that changes from what is illustrated on the Conceptual Master Plan made need to be made to bring a project, site, or layout into compliance with the previously reference Development Regulations.

Section 7. Section 6.3 of the Agreement is hereby amended to read as follows:

6.3 Traffic Impact Analysis.

- 6.2.1** The *Peak Fore Ten Traffic Impact Analysis* dated June 10, 2022, prepared by Heath & Associates, Inc. This TIA describes the amount of traffic volume the PFTBP could generate, and the recommended mitigation measures.
- 6.2.2** The Peak Fore Ten Traffic Impact Analysis Addendum dated January 4, 2023, prepared by Heath & Associates, Inc. The addendum addresses comments from the City, Pierce County and the Washington State Department of Transportation (WSDOT), as well as, describes the amount of traffic volume the addition of the Cab Site and the Prospect Site could generate.
- 6.2.3** Peak Fore Ten- Traffic Impact Analysis Addendum 2 by Heath & Associates, INC dated May 25, 2024. This addendum details a right turn lane for the western side of PFTBP on the north side of SR 410.
- 6.2.4** The Wilco Bonney Lake Traffic Impact Analysis dated May 28, 2024, prepared by Heath & Associates, Inc. Identifies no adverse impact to LOS for trips anticipated from the portions of the Peak 410 Business Park located on the south side of SR 410.

Section 8. Section 6.7 of the Agreement is hereby amended to read as follows:

6.7 Tree Assessments. *The Compass Point and Peak 410 Tree Assessment* dated April 4, 2022, ~~and the Bowen Auto Tree Assessment~~ dated June 10, 2022, the CAB I Site Tree Assessment dated October 17, 2023, the Prospect RCL, LCC – Building 6 Tree Assessment dated December 21, 2023, and the Klein Enterprises LLC- Klein SR 410 Parcels Tree Assessment dated April 9, 2024 ~~all both~~ prepared by Sound Urban Forestry, LLC (the “**Tree Assessments**”). The Tree Assessments identified all significant and exceptional trees (as defined in BLMC) within the PFTBP, including the species, diameter breast height, and condition of the tree.

Section 9. A new Section 7.12 is hereby added to the Agreement to read as follows:

7.12 Outdoor Storage. The outdoor storage limitation established in BLMC 18.29.040.C.3 is modified so that the allowable outdoor storage area shall not exceed forty percent (40%) of the total building footprint of all buildings with PFTBP or the total area of the PFTBP, whichever is less.

Section 10. A new Section 7.13 is hereby added to the Agreement to read as follows:

7.13 Closeout Documents. The City agrees to modify the requirement of BLMC 15.04.082.L to allow the granting of a Certificate of Occupancy upon approval of the Final Building Inspection, and prior to receiving the required closeout documents, which include, but are not limited to, as-built drawings, landscape maintenance bonds, etc. The Developer shall provide the required closeout documents within six (6) months of receiving Certificate of Occupancy. If the City does not receive the required closeout documents by the six (6) month period, the Developer will accrue a monetary fine in the sum of \$1,000 per day that the closeout documents are outstanding, which the Developer agrees to pay without dispute as consideration for the granting of the Certificate of Occupancy prior to final closeout.

Section 11. A new Section 7.14 is hereby added to the Agreement to read as follows:

7.14 Building Setbacks. The City agrees to modify the provision of 18.29.050.A.2 and 18.29.050.3 requiring a fifty-five (55) for setback from SR-410 and a twenty (20) foot setback from all other streets as it relates on to Lot 6 of the short plat recorded under Pierce County Recording Number 202311025006. The Building setbacks for Lot 6 shall be fifteen (15) feet from SR-410 and ten (10) feet from 229th Street.

Section 12. A new Section 7.15 is hereby added to the Agreement to read as follows:

7.15 Temporary Use Permits. The City agrees to modify the provision of 14.100.020.C requiring that temporary uses permit be granted for only one year with the option to renew for a second provided that the total duration does not exceed two years as it relates to the temporary construction offices. Temporary use permit for construction offices shall be valid for the duration of this Agreement.

Section 13. A new Section 7.16 is hereby added to the Agreement to read as follows:

7.16 Refuse Container Locations. The City agrees to modify the provision of 18.29.040.B requiring that all refuse containers shall be located in the rear or side of the lot and shall be placed out of sight from any street or mapped streets. In cases where a lot fronts on two or more streets, the requirement to locate refuse container on the rear or side of the lot and be placed out of sight from any street or mapped streets is not required; provided, however, that the refuse container is fully screened and is not located within the front yard setback. Provided further, that the provision to reduce the building setback for Lot 6 discussed in 7.14 does not apply to refuse containers and all refuse containers shall still be required to be in a secure enclosure that complies with WAC 51-50-0430 and City of Bonney Lake Engineering Standard M-9.

Section 14. A new subsection 9.2.1 is hereby added to the Agreement to read as follows:

9.2.1 SEPA Addendum. An updated SEPA Checklist has been evaluated to accommodate the additional building square footage proposed on the CAB1 Site, the Prospect Site and the Klein Enterprises Site. The City reviewed the SEPA Threshold Determination of Non-Significance issued on October 6, 2023 under WAC 197-11-340 and issued a revised Threshold Determination of Non-Significance on July 1, 2024. The City determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under Chapter 36.70A RCW and in other applicable local, state, or federal laws or rules as provided by RCW 43.21C.240 and WAC 197-11-158. The additional square footage creates no additional significant environmental impacts, which need to be mitigated under SEPA.

Section 15. Section 10.5 of the Agreement is hereby amended to read as follows:

10.5 New Roadways. Once the City accepts the Developer's construction of 97th Street East, 100th Street East, 224th Avenue East, and 230th 229th Avenue East on the southern side of the RCL site from State Route 410 East to the eastern property line of the RCL site, the Developer shall deed the required right-of-way widths discussed in Section 11.1 the City at no cost to the City. Such deeds, along with a bill of sale for improvements, shall be executed by the Developer within ninety (90) days of completion of the improvements and acceptance by the City.

Section 16. Section 10.6 of the Agreement is hereby amended to read as follows:

10.6 Right-of-Dedication – 230th 229th Avenue East. The Developer will deed the eastern twenty five (25) feet of the Stormwater Parcel the property shown on Exhibit P to the City at no cost for the future development of 230th 229th Avenue East.

Section 17. A new Section 10.8 is hereby added to the Agreement to read as follows:

10.8 Decant Facility and Compass Pointe Property Line Adjustment. The Parties agree that the stormwater pond located on Lot 3 of the short plat recorded under Pierce County Recording Number 202311025006, which was part of the Compass Pointe Site, needs to be enlarged to account for the loss of stormwater capacity in the stormwater pond located in Tract A of the short plat recorded under Pierce County Recording Number 202311025006. The loss of the stormwater capacity in the stormwater pond on Tract A is the result of the Developer's agreement to provide stormwater detention for the City's Decant Facility in perpetuity. The Parties agree that the consideration for the westerly 100 feet of the City Decant Property containing approximately 19,265 square feet is being provided by the Developer's agreement to continue to accept the

stormwater from the City's Decant Property in perpetuity. Approval of this Amendment acts as the City Council's approval to surplus this portion of the City property in accordance with RCW 35.94.040 and BLMC 2.70.100 and the Council's agreement that the Developer's acceptance of the City's stormwater in perpetuity is adequate and fair consideration for the surplus property. Following approval of this Amendment, the Developer shall submit a Boundary Line Adjustment (BLA), to adjust the boundary between the City Decant Property and Lot 3 of the short plat recorded under Pierce County Recording Number 202311025006, and Parcels 051902-6001 and -6002. The Mayor or designee is authorized to sign the BLA on behalf of the City. This section shall survive termination of the Agreement and any Amendment thereto.

Section 18. A new Section 10.9 is hereby added to the Agreement to read as follows:

10.9 State Route 410 Roundabout Right-Of-Way Swap. Prior to the sale of the Compass Pointe Property, the City completed a right-of-way dedication to provide the right-of-way necessary for the 224th Avenue East – State Route 410 East Roundabout (RAB). However, during the design of the roundabout the Washington State Department of Transportation (WSDOT) required that the RAB be shifted to the west. Shifting the RAB to the west required additional right-of-way be dedicated by the Developer and made a portion of the right-of-way which previously held back by the City obsolete. Therefore, as authorized by BLMC 2.70.100 and BLMC 12.40.010.E, the City Council concludes that that right-of-way described in **Exhibit M and M1** is surplus to the City's needs and should be vacated and that the newly dedicated replacement property is just and adequate compensation to the City for the vacated property. As authorized by BLMC 12.40.090.B, the Parties agree in-lieu of payment the City will accept the dedication of the land described in **Exhibits N and N1**, to accommodate the RAB as compensation for the vacation of the existing City right-of-way. The right-of-way to be dedicated contains 10,551 square feet. The vacated right-of-way contains 11,991 square feet. The vacated right-of-way will merge into Lot 5 of the short plat recorded under Pierce County Recording Number 202311025006 and will be owned by the Developer. The Developer agrees to execute all documents necessary for the dedication of the land described in **Exhibits N and N1** contemporaneously to the City's recording of the right of way vacation.

Section 19. A new Section 10.10 is hereby added to the Agreement to read as follows:

10.10 Easement Vacation and Dedication. As authorized by BLMC 2.70.100, the following existing utility easements, fully described in **Exhibit O-1** are declared surplus by the City Council to the City needs and vacated. As authorized by 2.70.100.E, the Parties agree in-lieu of payment the City will accept the dedication of the easement, fully described in **Exhibit O-2**, dedicated to the City for utility purposes as compensation for the vacation of the existing City easements. The Developer agrees to execute all documents necessary for the dedication of the

easement described in **Exhibit O-2** contemporaneously to the City's recording of the vacation of the easement in Exhibit O-1.

Section 20. Section 11.1.4 of the Agreement is hereby amended to read as follows:

11.1.4 230th 229th Avenue East. The Developer shall construct ~~230th~~ 229th Avenue East identified as Future Public Road R-2 in the Easttown Subarea Plan within a fifty (50) right-of-way to City Standard Detail S3 – Collector Street Section from State Route 410 to the ~~eastern~~ southern edge of Lot 2 of the short plat recorded under Pierce County Recording Number 202311025006 ~~the of the RCL Site.~~ The development of ~~230th~~ 229th Avenue East shall be concurrent with the development of Building #1 as shown on the Phasing Plan.

Section 21. A new Section 11.1.5 of the Agreement is hereby added to the Agreement to read as follows:

11.1.5 100th Street East. The Developer shall construct 100th Street East, identified as Future Public Street R-6 in the *Easttown Subarea Plan*, to City Standard Detail S22 – Commercial Service Street Section within a forty-five (45) right-of-way from 224th Avenue East to 221st Avenue East.

Section 22. Section 11.5 of the Agreement is hereby amended to read as follows:

11.5 Transportation Impact Fees.

11.5.1 224th-SR 410 Roundabout. In consideration for the Developer providing the transportation system improvements discussed in Section 11.1.1, the Developer shall receive a credit in the amount of ~~\$1,912,538~~ \$3,263,729.63 against any Transportation Impact Fees required by BLMC 19.04.060 that are imposed during the Term of this Agreement; provided however, that the improvements in Section 11.1.1 are constructed prior to the first building receiving a Certificate of Occupancy. If the improvements in Section 11.1.1 are not completed prior to the first building receiving a Certificate of Occupancy, then the City may withhold such Certificate of Occupancy until the improvements in Section 11.1.1 are complete. that the credits shall not be provided until the City accepts the transportation system improvement constructed by the Developer.

11.5.2 97th Street. As authorized by BLMC 14.70.040.B and in consideration for the Developer providing the transportation system improvements as described in Section 11.1.3, the Developer shall receive a credit in the

amount of \$869,320.23 against any Transportation Impact Fees required by BLMC 14.70.040.A that are imposed during the Term of this Agreement; provided however, that the improvements in Section 11.1.3 are constructed prior to the first building receiving a Certificate of Occupancy. If the improvements in Section 11.1.3 are not completed prior to the first building receiving a Certificate of Occupancy, then the City may withhold such Certificate of Occupancy until the improvements in Section 11.1.3 are complete.

11.5.3 Surplus Traffic Impact Fees. TIF credits accrued in Section 11.5.1 and 11.5.2 may be applied to other projects within the Eastown zoning district or projects accessing SR 410 from and between 233rd and 214th, served by the proposed roundabout. The credit accrues only for property that is owned by the lead developer and when timely requested and due during the term of this Agreement.

Section 23. Section 12.5 of the Agreement is hereby amended to read as follows:

12.5 Stormwater Management Fees. ~~All stormwater system development charges and stormwater service fees are applicable to the PFTBP in accordance with BLMC 15.14.030 and 15.14.035; provided, however, that the Developer shall receive a credit against the system development charge equal to the cost of construction for the Decant Facility. If the system development charges are less than \$750,000, the Developer's credit shall be limited to the actual amount of the system development charge and no rebate shall be provided for the amount over the actual system development charge. If the amount paid for construction of the Decant Facility paid by the Developer exceeds \$750,000, the Developer is entitled to receive additional credit in that amount up to the total amount of the applicable stormwater system development charges. All stormwater system development charges (Storm SDC) are applicable to the PFTBP in accordance with BLMC 15.14.030 and 15.14.035. The Developer shall receive a credit from the Storm SDC for 33% of the cost of the Decant Facility discussed in Section 12.4 of the Agreement. The Parties agree that the Developer shall receive a credit in the amount of no more than \$321,781.14 against the payment of the required Storm SDC. The City will track the credits when each building permit is issued until the credit is expired. Additionally, the Developer's credit will be limited to the actual amount of the system development charge due to the City and no rebate shall be provided for the amount over the actual required Storm SDC system development charge. If the Decant Facility is not completed prior to the expiration or termination of this Agreement, the Parties agree that City shall add the credited Storm SDC amount to the utility bill for the Properties that did not pay the Storm SDC Fee at the time of building permit issuance. The Storm SDC Fee shall be due within 30 days of the amount being added to the utility bill. If the full credit is not utilized by date the~~

Agreement, terminates, then the remaining credit balance shall be lost and will not be available to the Developer.

Section 24. Section 13.2 of the Agreement is hereby amended to read as follows:

13.2. Sewer Extension. The Developer shall complete the Eastown Sewer Extension ~~shown on Exhibit E~~ in ~~two~~ four phases, as follows:

13.2.1. Sewer Extension Phase 1: The Developer shall construct the sewer main from the existing manhole within 96th Street East to the eastern edge of the RCL Site and south to existing manhole located in 224th Avenue East on the south side of State Route 410 East. The completion of the Phase 1 sewer extensions shall occur prior to the issuance of the certificate of occupancy for Building #~~4~~ 5 as shown on the Phasing Plan.

13.2.2. Sewer Extension Phase 2:

13.2.2.1 Phase 2A: The Developer shall construct the sewer main from the eastern edge of the RCL Site to eastern edge of the Daffodil Storage Site. The completion of the Phase 2A sewer extension shall occur prior to the issuance of the certificate of occupancy for Building #5 as shown on the Phasing Plan.

13.2.2.2 Phase 2B: The Developer shall construct the sewer main from the eastern edge of the ~~RCL Site~~ Daffodil Storage Site to the existing manhole in 233rd Avenue East. The completion of the Phase 2 sewer extension shall be completed by December 31, ~~2026~~ 2029 as shown on the Phasing Plan.

13.2.3. Sewer Extension Phase 3: The Developer shall construct a sewer force main along 229th/230th Avenue East from 92nd Street East to connect to the Phase 1 sewer extension described in Section 13.2.1. The completion of the Phase 3 sewer extension shall be completed by December 31, 2029.

Section 25. Section 13.3 of the Agreement is hereby amended to read as follows:

13.3 Eastown Lift Station Latecomers Charge. The Parties agree the Developer shall receive a credit for the construction of the sewer infrastructure discussed in Section 13.2.2 and 13.2.3 (Sewer Extension Phase 2A, 2B and 3) against the Eastown Sewer Utility Latecomer Agreement (ULA Fee) established by Resolution 2265 on February 13, 2013, assessed against the

Compass Pointe Site, RCL Site, Bowen Property, Fennel Creek Industrial Park, Prospect Site, and CAB1 Site The Parties agree that the credit shall be \$779,347.06. ~~will be based on the actual construction cost. The Developer shall provide a detailed invoice for the construction cost of this phase of the sewer infrastructure to the City in order to establish the value of the credit. The Developer will not be required to pay the ULA Fee at the time of building permit issuance until the above credit amount has been fully utilized; provided, that the Developer shall be required to pay back the ULA Fee credit in full, if this Agreement is terminated or expires prior to the completion of the Phase 2A, 2B, and Phase 3 Sewer Extensions. The Parties agree that the City will not record the Notice of Release for the ULA Fee until such time that the Phase 2B and 3 Sewer Extensions have been accepted by the City. If the Phase 2B and 3 Sewer Extension are not completed prior to the expiration or termination of this Agreement, the Parties Agree that City shall add the ULA Fee to the utility bill for the Properties that did not pay the ULA Fee at the time of building permit issuance. The ULA Fee shall be due within 30 days of the amount being added to the utility bill.~~

Section 26. A new Section 13.4 is hereby added to the Agreement to read as follows:

13.4 Sewer System Development Charges. All sewer system development charges (Sewer SDC) are applicable to the PFTBP in accordance with BLMC 13.12.100.F. The Developer shall receive a credit from the Sewer SDC for 33% of the cost of the Decant Facility discussed in Section 12.4 of the Agreement. The Parties agree that the Developer shall receive a credit in the amount of no more than \$321,781.14 against the payment of the required Sewer SDC. The City will track the credits when each building permit is issued until the credit is expired. Additionally, the Developer's credit will be limited to the actual amount of the system development charge due to the City and no rebate shall be provided for the amount over the actual required Sewer SDC system development charge. If the Decant Facility is not completed prior to the expiration or termination of this Agreement, the Parties agree that City shall add the credited Sewer SDC amount to the utility bill for the Properties that did not pay the Sewer SDC Fee at the time of building permit issuance. The Sewer SDC Fee shall be due within 30 days of the amount being added to the utility bill. If the full credit is not utilized by date the Agreement, terminates, then the remaining credit balance shall be lost and will not be available to the Developer.

Section 27. Section 14.4 of the Agreement is hereby amended to read as follows:

14.4 Water System Development Charges. All water system development charges (Water SDC) are applicable to the PFTBP in accordance with BLMC 13.04.070.D.2. The following credits shall be provided against the required water SDC as authorized by 14.70.050.D:

14.4.1 Water Main Extension. The Developer shall receive a credit from the ~~system development charge~~ Water SDC based on the ~~actual~~ construction cost of the water line from the current terminus in 96th Avenue East to the south property line of the

City Decant Property. The Parties agree that the Developer shall receive a credit in the amount of \$666,521.52 against the payment of the required Water SDC. The City will track the credits when each building permit is issued until the credit is expired. The Developer shall provide a detailed invoice for the construction cost of the waterline to the City to establish the amount of the credit. The system development charge credit shall not be provided until the Decant Facility discussed in Section 12.4 of this Agreement is constructed and accepted by the City. Additionally, the Developer's credit will be limited to the actual amount of the Water SDC system development charge due to the City and no rebate shall be provided for the amount over the actual required Water SDC system development charge.

14.4.2 Decant Facility. The Developer shall receive a credit from the Water SDC for 33% of the cost of the Decant Facility discussed in Section 12.4 of the Agreement. The Parties agree that the Developer shall receive a credit in the amount of no more than \$321,781.14 against the payment of the required Water SDC. The City will track the credits when each building permit is issued until the credit is expired. Additionally, the Developer's credit will be limited to the actual amount of the system development charge due to the City and no rebate shall be provided for the amount over the actual required Water SDC system development charge. If the Decant Facility is not completed prior to the expiration or termination of this Agreement, the Parties agree that City shall add the credited Water SDC amount to the utility bill for the Properties that did not pay the Water SDC Fee at the time of building permit issuance. The Water SDC Fee shall be due within 30 days of the amount being added to the utility bill. If the full credit is not utilized by date the Agreement, terminates, then the remaining credit balance shall be lost and will not be available to the Developer.

Section 28. Subsection 15.2.1 of the Agreement is hereby amended to read as follows:

15.2.1. Wetland Fill. The Developer shall submit, for any Federal and/or State permits required to fill the portion of the artificially created wetland shown on the Conceptual Master Plan to allow for the construction of 97th Street East. The Developer shall comply with all State and Federal regulations for provide the City with copies of any approved Federal and/or State permits prior to undertaking any work within the wetland area and shall provide the City with copies of any Federal and/or State permits.

Section 29. A new Section 16.6 is hereby added to the Agreement to read as follows:

16.6 Periodic Development Fee Credit Review. The City will track development credits as described in Sections 11, 12, 13, and 14 of this Agreement. The City will work with the Lead Developer to ensure each development cost and related credit is equitable; provided that the Developer's credit shall be limited to the actual amount of the development cost and no rebate shall be provided. Additionally, for any improvements discussed in Section 11, 12, 13, and 14 that were not complete prior to expiration or termination of the Agreement for which credit was granted, the credit amounts shall be added to the utility bills for the individual properties that received the credit and shall be due within 30 days. Finally, if the full credit is not utilized by date the Agreement terminates, then the remaining credit balance shall be lost and will not be available to the Developer.

Section 30. Additional Terms Applicable to Amendment.

A. Default. Failure or delay by either Party to perform any term or provision of this Amendment shall constitute a default. In the event of alleged default or breach of any terms or conditions of this Amendment, the Party alleging such default or breach shall give the other Party not less than thirty (30) days' notice in writing, specifying the nature of the alleged default and the manner in which said default may be cured. During this thirty (30) day period, the Party charged shall not be considered in default for purposes of termination or institution of legal proceedings.

After notice and expiration of the thirty (30) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other Party to this Amendment may, at its option, institute legal proceedings pursuant to this Amendment and the underlying Agreement.

B. Non-Waiver of Breach. The failure of a Party to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements, or options, and the same shall be and remain in full force and effect.

C. Conflict. In the event of any conflict between this Amendment and the Bonney Lake Municipal Code, this Amendment shall control.

D. Resolution of Disputes and Governing Law. If any dispute arises between the City and Developer under any of the provisions of this Amendment or the Agreement, jurisdiction of any resulting litigation shall be filed in Pierce County Superior Court, Pierce County, Washington. This Amendment shall be governed by and construed in accordance with the laws of

the State of Washington. The non-prevailing party in any action brought to enforce this Amendment Agreement shall pay the other Parties' expenses and reasonable attorney's fees.

E. Modification. No waiver, alteration, or modification of any of the provisions of this Amendment shall be binding unless in writing and signed by a duly authorized representatives of the City and Developer.

F. Severability. The provisions of this Amendment are declared to be severable. If any provision of this Amendment is for any reasons held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other provision.

G. Good Faith and Due Diligence. The Parties agree to perform all obligations under this Amendment in good faith and with due diligence.

H. Reaffirmation; Intention to be Bound. Except as expressly amended by this Amendment, each and every term, condition and agreement contained in the Agreement shall remain in full force and effect. The Parties reaffirm that the representations and warranties made by each Party in the Agreement are true and accurate as of the Effective Date. The Parties executing this First Amendment on behalf of themselves, their assigns, and successors, hereby acknowledge and reaffirm their intention to be bound by the terms and conditions of the Agreement. Nothing in this Amendment shall be deemed to supersede or otherwise modify any other term or provision of the Agreement except as expressly stated herein.

I. Recitals; Capitalized Terms. The recitals set forth above are a part of this Amendment. Unless otherwise defined herein, capitalized terms used in this Amendment have the meanings assigned to them in the Agreement or as set forth in the Amendment.

J. Real Estate Excise Tax. The Developer shall be responsible for any real estate excise taxes due, if any, associated with the property transfers to the City described in the Agreement and the First Amendment.

IN WITNESS WHEREOF, the Parties have caused their properly authorized representatives to execute this First Amendment on the dates set forth below.

CITY OF BONNEY LAKE

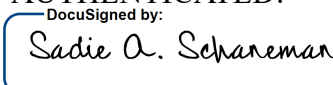
Signed by:

339AD7C13E9E492...

Terry Carter
Mayor of Bonney Lake
As authorized by the Bonney Lake City
Council at the Open Public Meeting on
August 13, 2024

Dated: 8/13/2024

AUTHENTICATED:

DocuSigned by:

975A05C52D794C6...

Sadie Schaneman, CMC, City Clerk

Approved as to form:
INSLEE, BEST, DOEZIE & RYDER, P.S.

DocuSigned by:

3CCD924BC20444F...

Jennifer S. Robertson, City Attorney

DEVELOPER

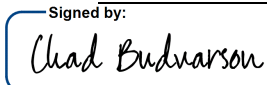
Rainier RCL, LLC, Anvil RCL, LLC,
Compass RCL, LLC, Cascade RCL, LLC,
Summit RCL, LLC, Acme RCL, LLC,
PROSPECT RCL, LLC, and Cabl
Properties, LLC, KLEIN ENTERPRISES
LLC, KLEIN MAJOR, KLEIN MAJOR &
SARA

DocuSigned by:

A6551A9A67C041F...

Chris Leier, President

Dated: 8/14/2024 | 11:55 AM PDT

Signed by:

1E22A74928E04B1...

Chad Budvarson

Dated: 8/15/2024 | 10:57 AM PDT

DocuSigned by:

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Major Klein

Dated: 8/19/2024 | 10:12 AM EDT

Signed by:

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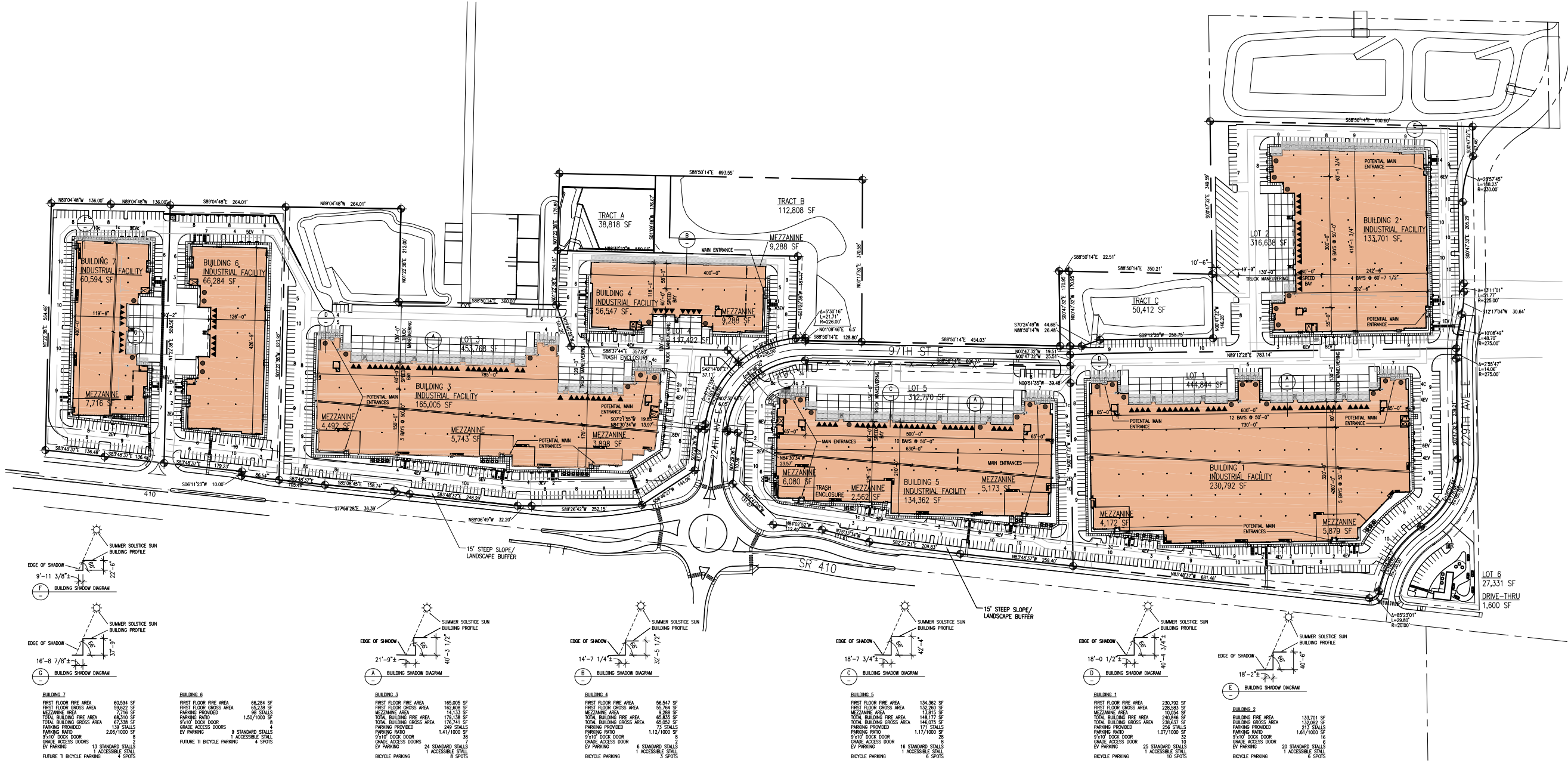
Sarah Klein

Dated: 8/19/2024 | 8:45 AM PDT

Olympic RCL

SITE DATA

TOTAL BUILDING GROSS AREA	891,143 SF
TOTAL PARKING REQUIRED	1,318 STALLS
TOTAL PARKING PROVIDED	1,351,000 SF
PARKING RATIO	1.35/1,000 SF



REVISIONS

NO.	DATE	ITEM
4	05 29 2024	DA RESUBMITTAL
3	08 01 2023	DESIGN REVIEW RESUBMITTAL
2	06 01 2023	DESIGN REVIEW MODIFICATIONS
1	04 20 2023	DESIGN REVIEW

PROFESSIONAL STAMP

PROGRESS PRINTING
 May 29, 2024

PROJECT INFORMATION

PEAK FOUR TEN
 9713 233rd Avenue East
 BONNEY LAKE, WA. 98391

SHEET INFORMATION

RELEASE FOR: DA RESUBMITTAL
 TITLE: SITE PLAN
 DESIGNED BY: [Signature]
 DRAWN BY: [Signature]
 REVIEWED BY: [Signature]
 APPROVED BY: [Signature]
 DATE: 04/04/2023
 SHEET NO: A1.0-AMP
 PROJECT NO: 201902.01.008

Diagram	Dimensions	Notes
F	9'-11 3/8"	BUILDING SHADOW DIAGRAM
G	16'-8 7/8"	BUILDING SHADOW DIAGRAM
A	21'-9"	BUILDING SHADOW DIAGRAM
B	14'-7 1/4"	BUILDING SHADOW DIAGRAM
C	18'-7 3/4"	BUILDING SHADOW DIAGRAM
D	18'-0 1/2"	BUILDING SHADOW DIAGRAM
E	18'-2"	BUILDING SHADOW DIAGRAM

Building	First Floor Fire Area	First Floor Gross Area	Mezzanine Area	Total Building Fire Area	Total Building Gross Area	Parking Provided	Parking Ratio	Grade Access Doors	EV Parking	Future TI Bicycle Parking	Future TI Accessible Stall	Spots
BUILDING 7	60,594 SF	59,522 SF	2,718 SF	63,312 SF	66,340 SF	150 STALLS	1.50/1,000 SF	4	8	4	1	4 SPOTS
BUILDING 6	66,284 SF	62,278 SF	4,006 SF	70,284 SF	73,284 SF	95 STALLS	1.50/1,000 SF	4	9	4	1	4 SPOTS
BUILDING 3	165,005 SF	162,868 SF	2,137 SF	167,005 SF	171,141 SF	249 STALLS	1.41/1,000 SF	7	24	1	1	8 SPOTS
BUILDING 4	56,547 SF	55,764 SF	783 SF	57,350 SF	60,288 SF	75 STALLS	1.12/1,000 SF	8	8	1	1	3 SPOTS
BUILDING 5	134,362 SF	132,760 SF	1,602 SF	136,362 SF	144,075 SF	191 STALLS	1.17/1,000 SF	8	16	1	1	6 SPOTS
BUILDING 1	230,792 SF	228,243 SF	2,549 SF	233,341 SF	240,445 SF	295 STALLS	1.07/1,000 SF	10	25	1	1	10 SPOTS
BUILDING 2	133,701 SF	132,085 SF	1,616 SF	135,301 SF	141,100 SF	161 STALLS	1.41/1,000 SF	16	20	1	1	6 SPOTS

SITE PLAN
 SCALE: 1" = 120'-0"
 NORTH

EXHIBIT E 2



Baysinger Partners Architecture
2410 N Lombard St
Portland, OR 97217
www.baysingerpartners.com

Well-crafted simplicity.

WC

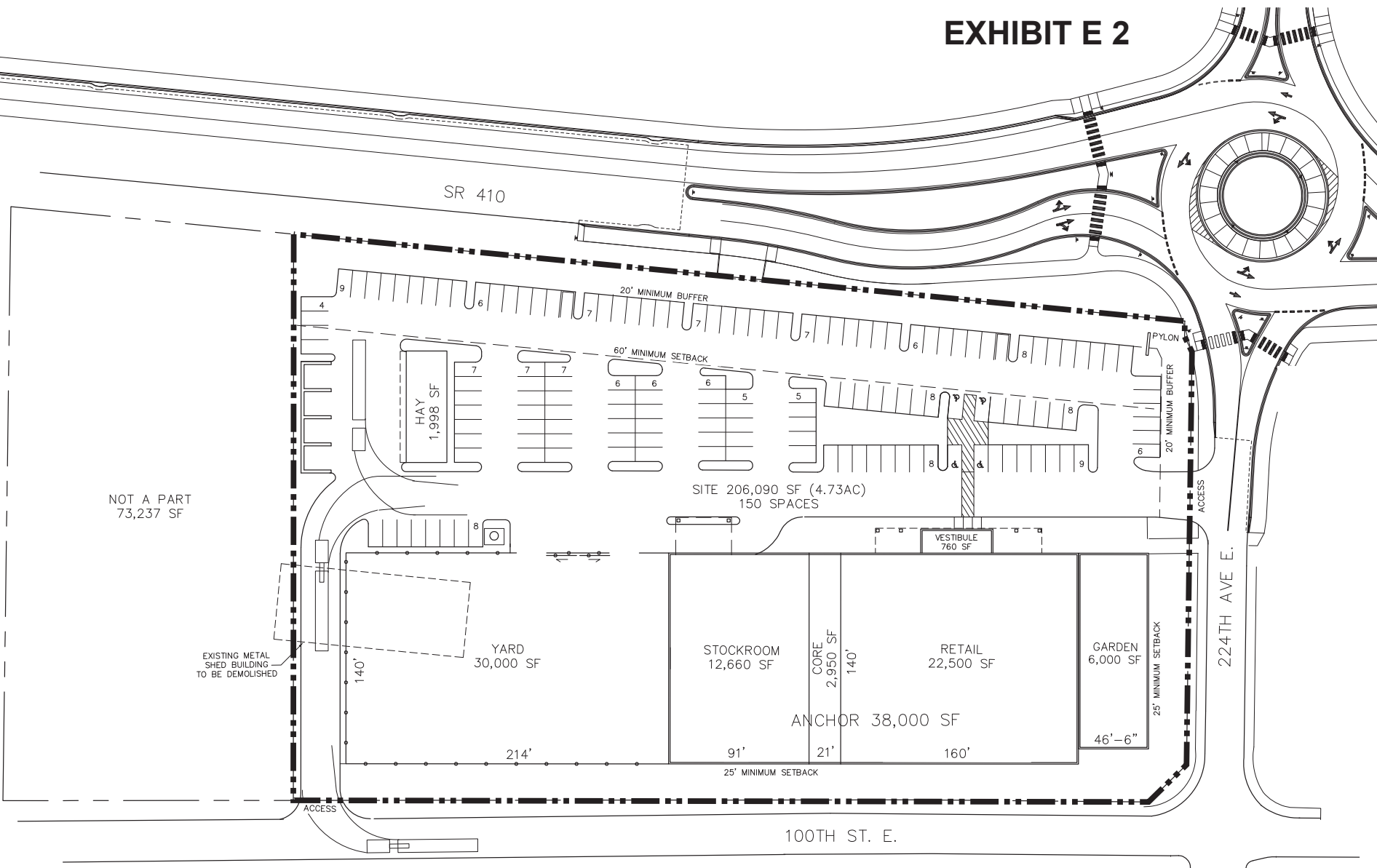
WILCO FARM
STORE
BONNEY LAKE
WA

WC

© 2024 Baysinger Partners Architecture

OPTION 1

01



SITE PLAN



SITE AREA	4.73 ACRES
BUILDING AREA	38,000 SF
PARKING PROV	150 SPACES
PARKING RATIO	4/1000 SF



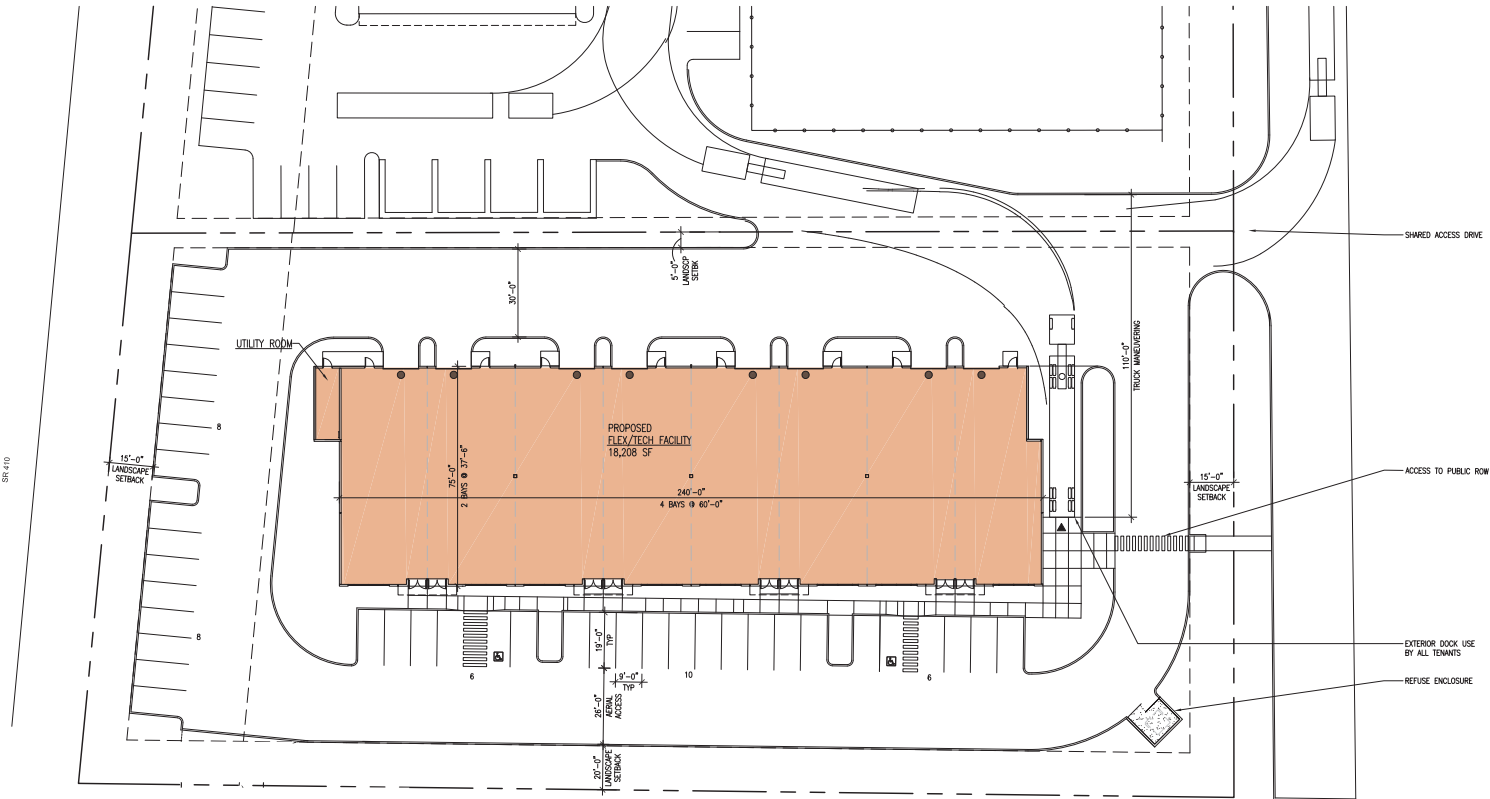
12503 NE Bell-Red Road, Suite 100
 Bellevue, WA 98005
 p 425 646 1818 f 425 646 4141

**MAJOR KLEIN
 PROPERTY**
 BONNEY LAKE, WA

PROJECT DATA

SITE AREA	73,329 SF
BUILDING AREA	18,336 SF
COVERAGE	25.0%
PARKING PROVIDED	38
PARKING RATIO	2.07/1000 SF

- ▼ 4' LOADING DOCK 1
- 12x14' GRADE ACCESS DOOR 8



DRAFT CONCEPT. SUBJECT TO CHANGE
 WITHIN THE LIMITS OF THE APPROVED
 DEVELOPMENT AGREEMENT

**PROGRESS
 PRINTING**

NOT FOR CONSTRUCTION

KLEIN PROPERTY

BONNEY LAKE, WA

PROPOSED SITE PLAN
 SCALE: 1" = 20'-0"



ISSUE DATE

05 29 2024

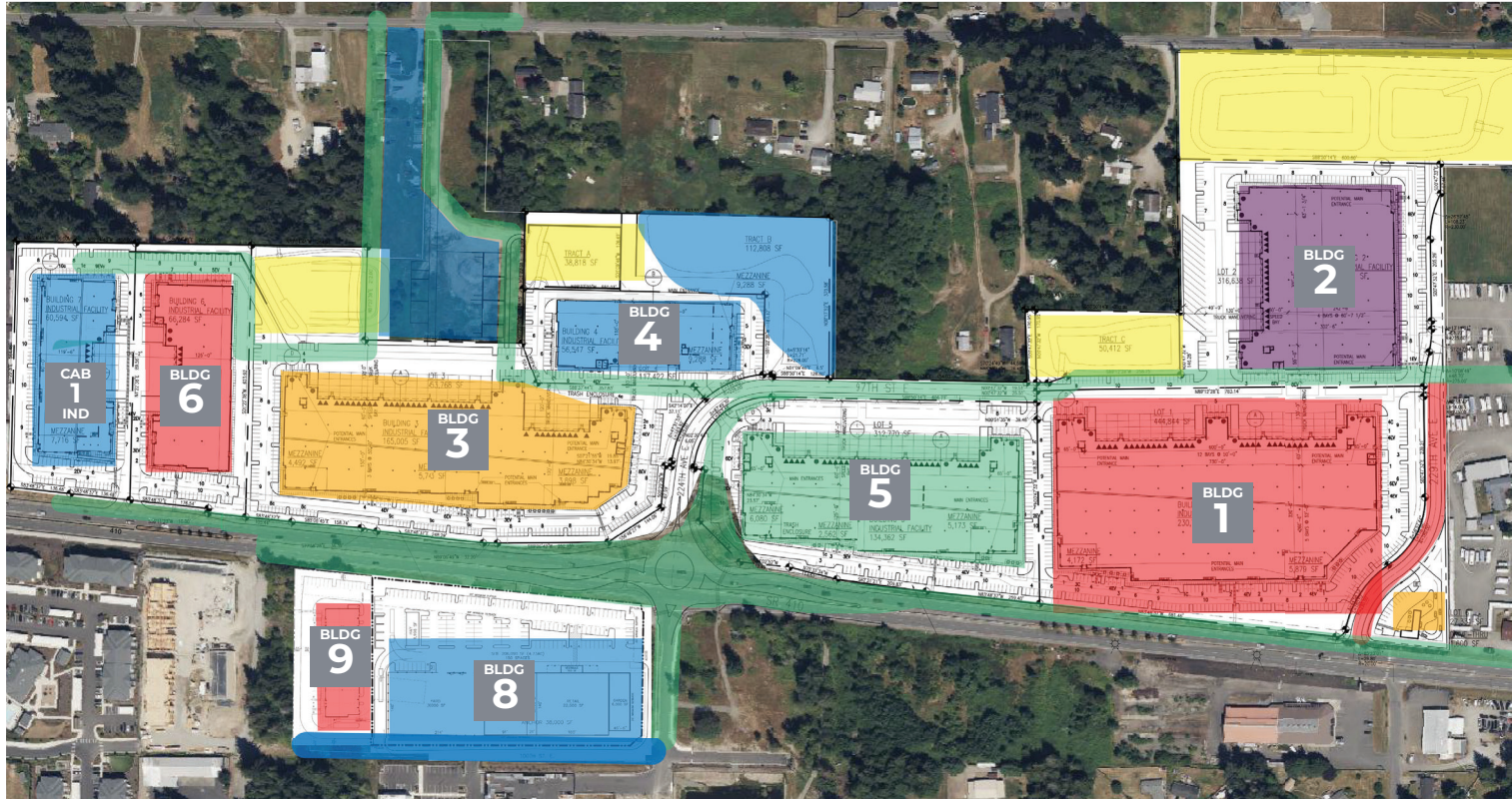
LD1

www.synthesispllc.com

© 2024 Synthesis LLC

12503 NE Bell-Red Road, Suite 100, Bellevue, WA 98005

Project Timeline Exhibit



NOTE: The referenced section numbers are the sections within the Development Agreement that further describe that element.

DELIVERY TIMELINE

- | | |
|---------------|--|
| YELLOW | <p>PHASE 1 - September 2023</p> <ol style="list-style-type: none"> 1. Mass Grading and Stormwater Ponds (Sections 12.2 & 12.3) |
| GREEN | <p>PHASE 2 - October 1, 2024</p> <ol style="list-style-type: none"> 1. Transportation Infrastructure Improvements (Sections 11.1.1-11.1.4) 2. Sewer Extension Phase 1 (Section 13.2.1) and 2A (Section 13.2.2.1) 3. Bonney Lake Water Line (Section 14.2) 4. Building #5 (132,260 SF) |
| BLUE | <p>PHASE 3 - December 31, 2025</p> <ol style="list-style-type: none"> 1. Building #4 (55,764 SF) 2. Decant Facility (Section 12.4) 3. Wetland Mitigation and Buffer Enhancement (Section 15) 4. Cab1 Industrial/Building #7 (60,900 SF) 5. Building #8 (44,870 SF) and 100th St. East (Section 11.4.5) |
| RED | <p>PHASE 4 - December 31, 2027</p> <ol style="list-style-type: none"> 6. Building #1 (228,583 SF) 7. 229th Ave E 8. Building #6 (66,802 SF) 9. Building #9 (30,000 SF) |
| PURPLE | <p>PHASE 5 - December 31, 2029</p> <ol style="list-style-type: none"> 1. Building #2 (132,082 SF) 2. Sewer Extension Phase 2B (Section 13.2.2.2) and Phase 3 (Section 13.2.3) |
| ORANGE | <p>PHASE 6 - December 31, 2031</p> <ol style="list-style-type: none"> 1. Building #3 (164,517 SF) 2. Coffee Stand (2600 SF) |

Exhibit J1



Disclaimer: The map features are approximate and have not been surveyed. Additional features not yet mapped may be present. Pierce County assumes no liability for variations ascertained by formal survey.

Date: 5/31/2024 08:07 AM

EXHIBIT J2
Legal Description

LOT 2, PIERCE COUNTY SHORT PLAT NO. 78-852, RECORDED UNDER [RECORDING NO. 7811130852](#), RECORDS OF PIERCE COUNTY, WASHINGTON.

Exhibit K1



Disclaimer: The map features are approximate and have not been surveyed. Additional features not yet mapped may be present. Pierce County assumes no liability for variations ascertained by formal survey.

Date: 5/31/2024 08:05 AM

EXHIBIT K2
Legal Description

Parcel A:

Lot 3 of Pierce County Short Plat No. 78-852, according to the plat thereof, recorded November 13, 1978 in [Volume 30 of Short Plats at page 89](#), in Pierce County, Washington.

Parcel B:

An easement for ingress and egress as delineated on Pierce County Short Plat No. 78-852, recorded November 13, 1978 in [Volume 30 of Short Plats at page 89](#), in Pierce County, Washington, except therefrom that portion lying within Lot 3 of said Short Plat.

Situate in the County of Pierce, State of Washington.

Exhibit L1



Disclaimer: The map features are approximate and have not been surveyed. Additional features not yet mapped may be present. Pierce County assumes no liability for variations ascertained by formal survey.

Date: 5/31/2024 07:59 AM

EXHIBIT L2

Legal Descriptions:

APN: 0519021011

THE EAST 200 FEET OF THE WEST 700 FEET OF THAT PORTION OF LOT 2, SECTION 2, TOWNSHIP 19 NORTH, RANGE 5 EAST, W.M., PIERCE COUNTY, WASHINGTON, LYING SOUTH OF THE SOUTH LINE OF PRIMARY STATE HIGHWAY NO. 5 AND LYING NORTH OF A LINE PARALLEL WITH AND 300 FEET SOUTH FROM SAID SOUTH LINE OF PRIMARY STATE HIGHWAY NO. 5 (MEASURED AT RIGHT ANGLES);

EXCEPT PORTION CONVEYED TO THE CITY OF BONNEY LAKE FOR ADDITIONAL RIGHT OF WAY BY DEED RECORDING NO. 202192100142;

SITUATE IN THE CITY OF BONNEY LAKE, COUNTY OF PIERCE, STATE OF WASHINGTON.

APN: 0519021068

PARCEL A OF BOUNDARY LINE AGREEMENT RECORDED UNDER RECORDING NO. 8912150349, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, SECTION 2, TOWNSHIP 19 NORTH, RANGE 5 EAST. W.M., PIERCE COUNTY, WASHINGTON;

THENCE EAST ON THE SOUTH LINE OF SAID LOT, 65 RODS (1072.50 FEET);

THENCE NORTH PARALLEL TO THE WEST LINE OF SAID LOT 342 FEET, MORE OR LESS, TO THE SOUTH LINE OF STATE PRIMARY HIGHWAY NO. 5;

THENCE WESTERLY ON SAID SOUTH LINE TO WEST LINE OF SAID LOT 2;

THENCE SOUTH 441 FEET, MORE OR LESS, TO THE POINT OF BEGINNING:

EXCEPT THAT PORTION LYING NORTH OF A LINE PARALLEL WITH AND 300 FEET SOUTH (MEASURED AT RIGHT ANGLES) FROM SAID SOUTH LINE OF SAID PRIMARY STATE HIGHWAY NO.5;

AND EXCEPT THE WEST 492.70 FEET THEREOF;

EXCEPT PORTION CONVEYED TO THE CITY OF BONNEY LAKE FOR ADDITIONAL RIGHT OF WAY BY DEED RECORDING NO. 202102100142;

SITUATE IN THE CITY OF BONNEY LAKE, COUNTY OF PIERCE, STATE OF WASHINGTON.

APN: 0519026032

LOT 4 OF PIERCE COUNTY SHORT PLAT RECORDED OCTOBER 27, 1987 UNDER RECORDING NUMBER 198710270417, RECORDS OF PIERCE COUNTY AUDITOR; BEING A PORTION OF SECTION 2, TOWNSHIP 19, RANGE 5, EAST, W.M. PIERCE COUNTY, WASHINGTON;

TOGETHER WITH PRIVATE ROAD AND UTILITY EASEMENTS AS DELINEATED ON SAID SHORT PLAT;

SITUATE IN THE CITY OF BONNEY LAKE, COUNTY OF PIERCE, STATE OF WASHINGTON.

APN: 0519021012

THE WEST 300 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF GOVERNMENT LOT 2, IN SECTION 2, TOWNSHIP 19 NORTH, RANGE 5 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON, LYING SOUTH OF THE SOUTH LINE OF PRIMARY STATE HIGHWAY NO. 5 AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER AUDITOR'S FILE NO. 1248739 AND NORTH OF A LINE PARALLEL WITH AND 300 FEET SOUTH OF SAID SOUTH LINE OF PRIMARY STATE HIGHWAY NO. 5, AS MEASURED AT RIGHT ANGLES THERETO.

SITUATE IN THE CITY OF BONNEY LAKE, COUNTY OF PIERCE, STATE OF WASHINGTON.

APN: 0519021069

THE EAST 200 FEET OF THE WEST 500 FEET OF THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING NORTH OF A LINE RUNNING PARALLEL WITH AND 300 FEET SOUTH (MEASURED AT RIGHT ANGLES) FROM THE SOUTH LINE OF PRIMARY STATE HIGHWAY NO. 5;

BEGINNING AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 2, SECTION 2, TOWNSHIP 19 NORTH, RANGE 5 EAST, W.M., IN PIERCE COUNT, WASHINGTON;

THENCE EAST ON THE SOUTH LINE OF SAID LOT, 65 RODS;

THENCE NORTH PARALLEL TO THE WEST LINE OF SAID LOT, 342 FEET. MORE OR LESS, TO THE SOUTH LINE OF PRIMARY STATE HIGHWAY NO. 5;

THENCE WESTERLY ON SAID SOUTH LINE TO THE WEST LINE OF SAID GOVERNMENT LOT 2;

THENCE SOUTH 441 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

ALSO THE WESTERLY 492.70 FEET OF THE FOLLOWING DESCRIBED PROPERTY;

BEGINNING AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 2, SECTION 2, TOWNSHIP 19 NORTH, RANGE 5 EAST, W.M., IN PIERCE COUNTY, WASHINGTON;

THENCE EAST ON THE SOUTH LINE OF SAID LOT, 65 RODS;

THENCE NORTH PARALLEL TO THE WEST LINE OF SAID LOT, 342 FEET, MORE OR LESS, TO THE SOUTH LINE OF PRIMARY STATE HIGHWAY NO. 5;

THENCE WESTERLY ON SAID SOUTH LINE TO THE WEST LINE OF SAID GOVERNMENT LOT 2;

THENCE SOUTH 441 FEET, MORE OR LESS, TO POINT OF BEGINNING.

EXCEPT THAT PORTION LYING NORTH OF A LINE PARALLEL WITH AND 300 SOUTH (MEASURED AT RIGHT ANGLES) FROM SAID SOUTH LINE OF SAID PRIMARY STATE HIGHWAY NO. 5.

SITUATE IN THE CITY OF BONNEY LAKE, COUNTY OF PIERCE, STATE OF WASHINGTON.

EXHIBIT M

RIGHT-OF-WAY VACATION LEGAL DESCRIPTION

THAT PORTION OF GOVERNMENT LOT 2 OF SECTION 2, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHERLY MARGIN OF SR-410 HIGHWAY AT STATION 434+76.80, 68.00 FEET LEFT OF CENTERLINE PER WASHINGTON STATE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS, MP 16.02 TO MP 16.26, APPROVED NOVEMBER 19, 2009, SAID POINT ALSO DESCRIBED IN THAT CERTAIN RIGHT OF WAY DEDICATION DEED, RECORDING NO. 201911060129;

THENCE NORTH 46°53'07" WEST, ALONG SAID NORTHERLY MARGIN, 4.13 FEET TO THE **POINT OF BEGINNING** AND STATION 434+73.49, 70.48 FEET LEFT OF CENTERLINE;

THENCE NORTH 84°02'52" WEST, 52.47 FEET TO STATION 434+21.02, 70.27 FEET LEFT OF CENTERLINE;

THENCE NORTH 44°47'05" WEST, 131.07 FEET TO STATION 433+19.19, 152.79 FEET LEFT OF CENTERLINE;

THENCE NORTH 05°29'26" EAST, 109.54 FEET TO THE SAID NORTHERLY MARGIN AND STATION 433+17.86, 262.33 FEET LEFT OF CENTERLINE;

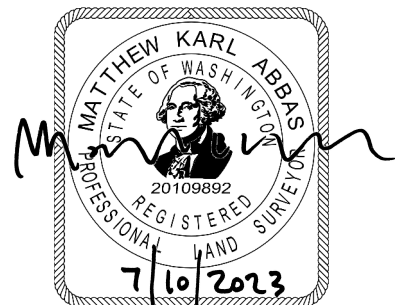
THENCE SOUTH 80°44'23" EAST, ALONG SAID NORTHERLY MARGIN, 43.75 FEET TO STATION 433+61.55, 259.98 FEET LEFT OF CENTERLINE;

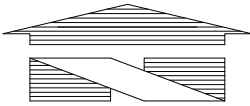
THENCE SOUTH 16°11'00" EAST, ALONG SAID NORTHERLY MARGIN, 164.99 FEET TO STATION 434+24.35, 107.42 FEET LEFT OF CENTERLINE;

THENCE SOUTH 46°53'07" EAST, ALONG SAID NORTHERLY MARGIN, 61.47 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 11,991 SQUARE FEET (0.275 ACRES), MORE OR LESS.

22451-PEAK 410 BUSINESS PARK
22451L.001 – MKA
JULY 10, 2023
Page 1 of 1



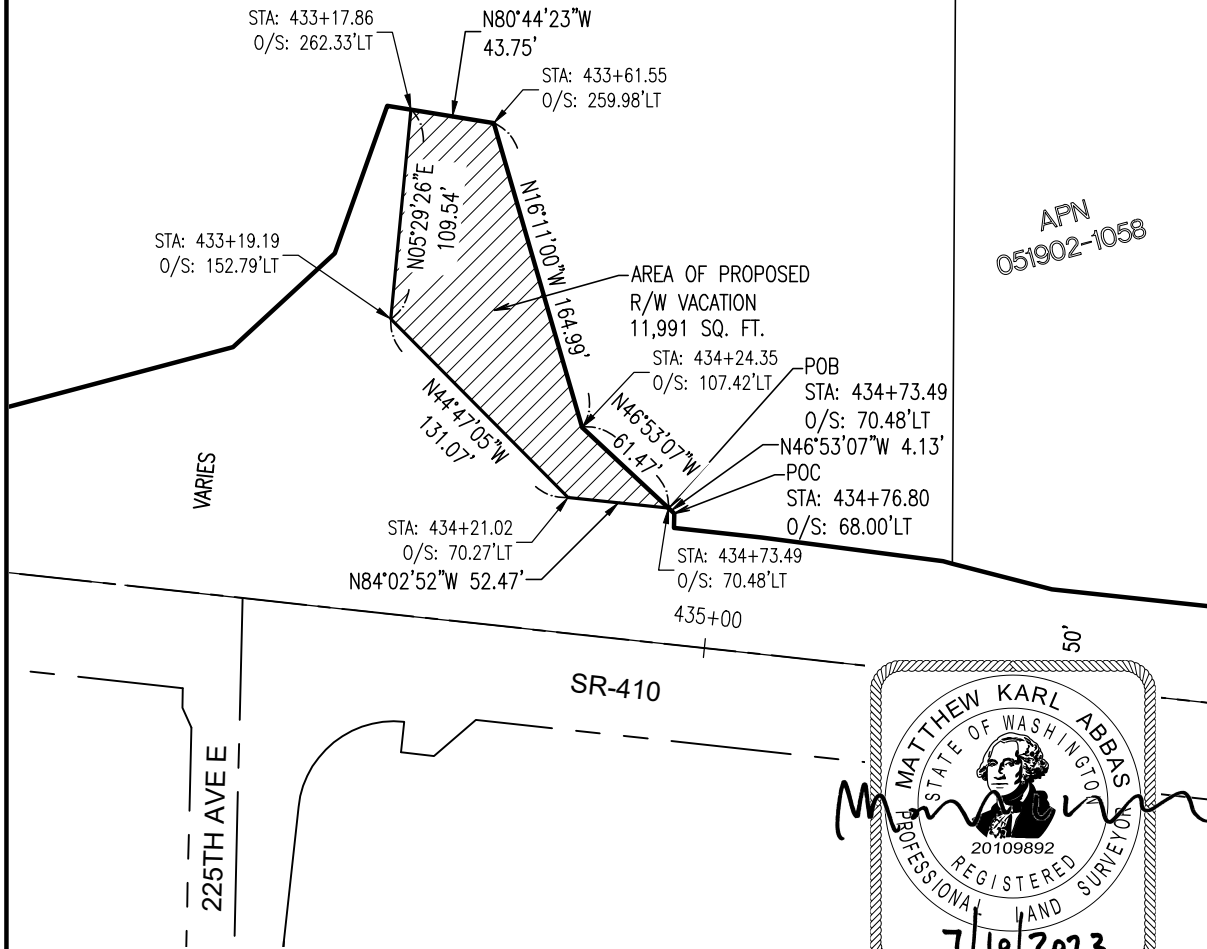


1"=100'

EXHIBIT M1

APN
051902-1070

APN
051902-1058



File:P:\22000s\22451\survey\22451exh01-vacation.dwg Date/Time:7/10/2023 8:38 AM MATT ABBAS


SCALE: HORIZONTAL 1"=100'	For: PEAK 410 BUSINESS PARK	JOB NUMBER 22451 22451L.001.DOC
 BARCHAUSEN CONSULTING ENGINEERS, INC. 18215 72ND AVENUE SOUTH KENT, WA 98032 425.251.6222 BARCHAUSEN.COM	Title: RIGHT-OF-WAY VACATION	SHEET 1 of 1
DESIGNED _____ DRAWN <u>KMA</u> CHECKED <u>MKA</u> APPROVED <u>MKA</u> DATE <u>7/10/2023</u>		

EXHIBIT N

RIGHT-OF-WAY DEDICATION LEGAL DESCRIPTION

TRACT D, CITY OF BONNEY LAKE SHORT PLAT NO. PLN-2023-02833, ACCORDING TO THE RECORDED PLAT THEREOF UNDER RECORDING NO. _____, PIERCE COUNTY, WASHINGTON.



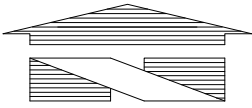
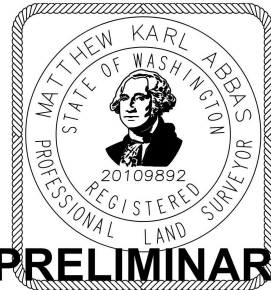
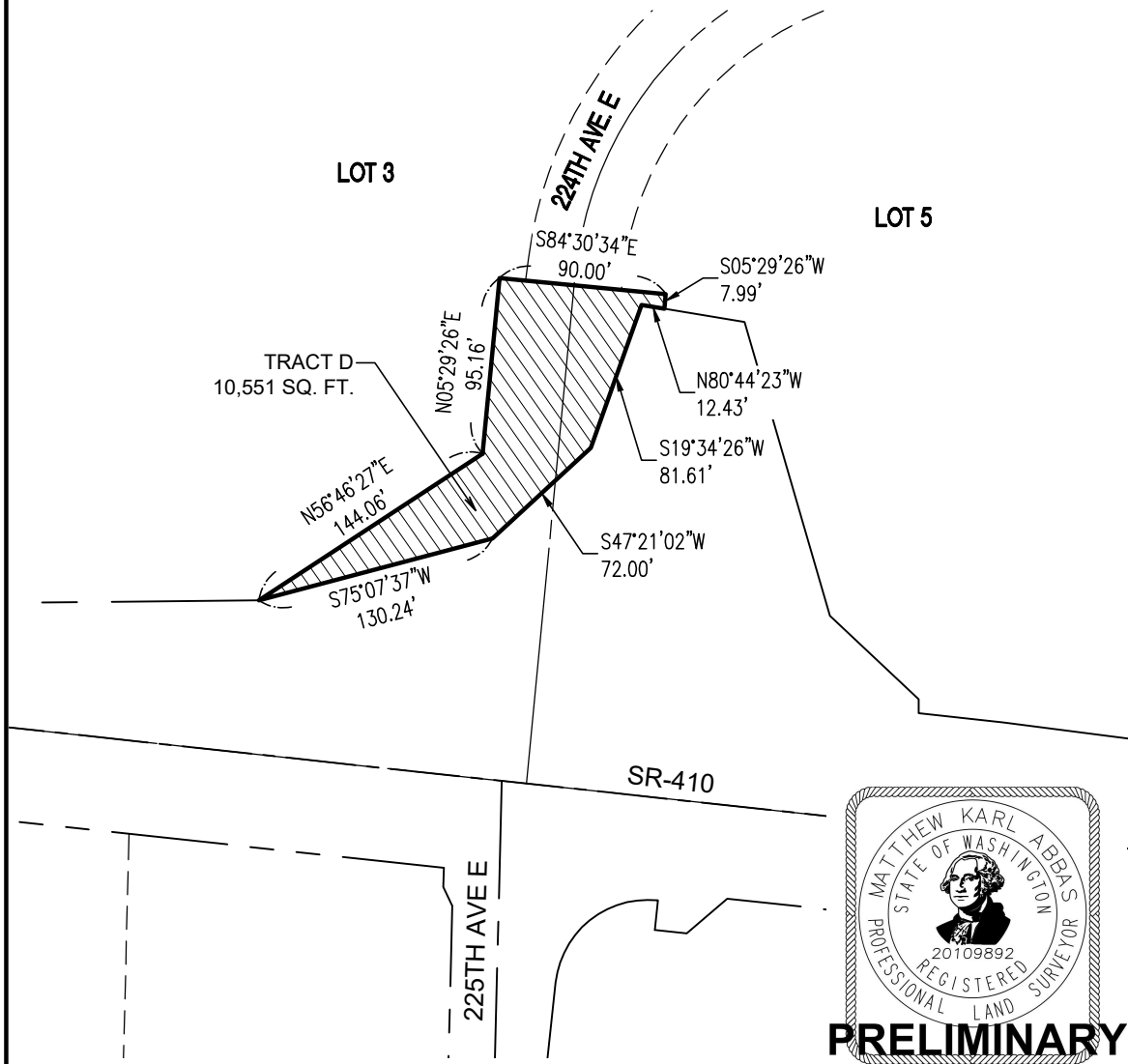



EXHIBIT N1

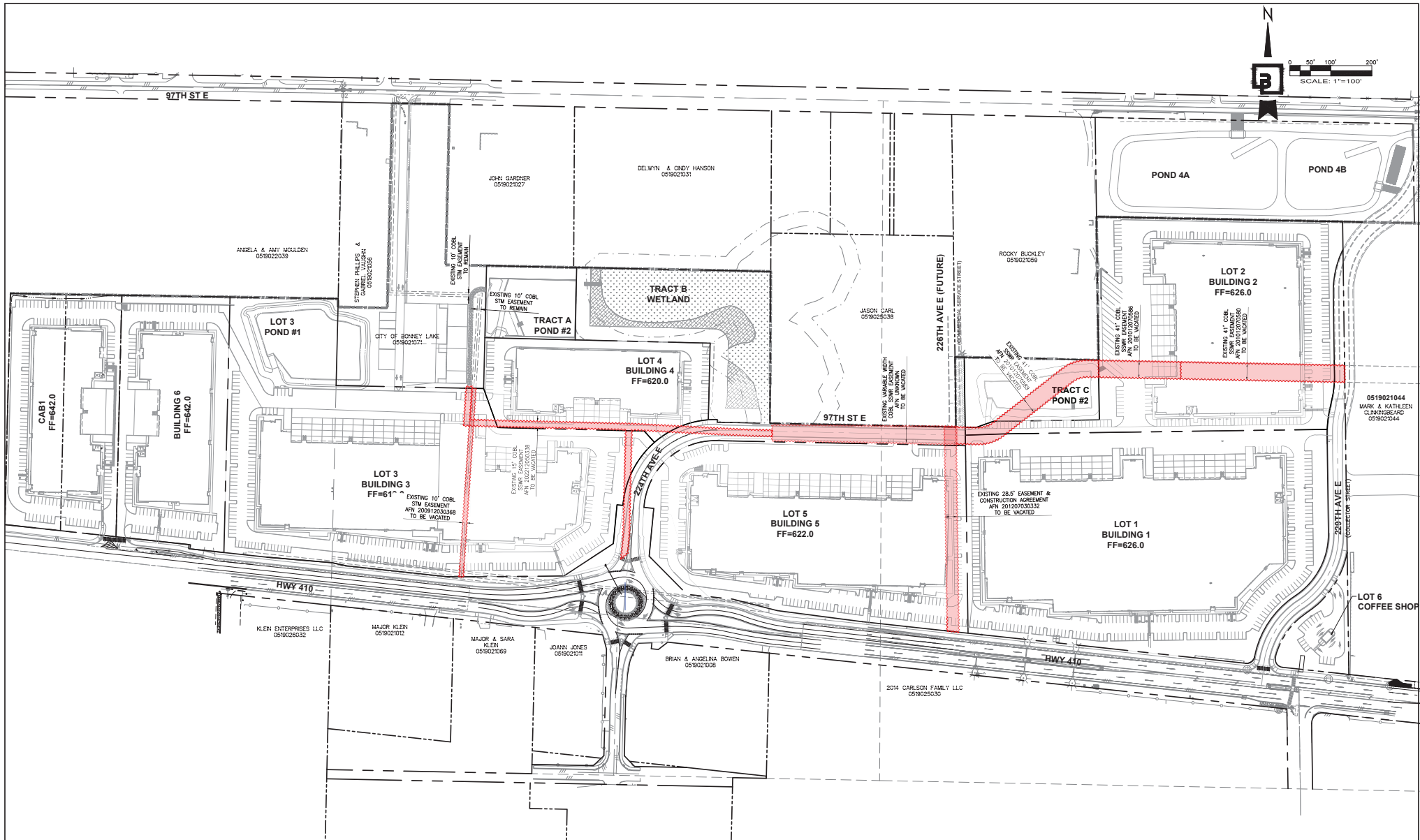
1"=100'



PRELIMINARY

File:P:\22000s\22451\survey\22451exh03-dedication-parcel d.dwg Date/Time:10/27/2023 8:33 AM MATT ABBAS

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 BARCHAUSEN CONSULTING ENGINEERS, INC. 18215 72ND AVENUE SOUTH KENT, WA 98032 425.251.6222 BARCHAUSEN.COM	Title: RIGHT-OF-WAY VACATION	SHEET 1 of 1
DESIGNED _____ DRAWN <u>MKA</u> CHECKED <u>MKA</u> APPROVED <u>MKA</u> DATE <u>10/27/23</u>		



No.	Date	By	Ckd.	Appr.	Revision

Designed	WPS	Scale:
Drawn	WPS	Horizontal
Checked	BHE	1"=100'
Approved	BHE	Vertical
Date	7/16/24	N/A



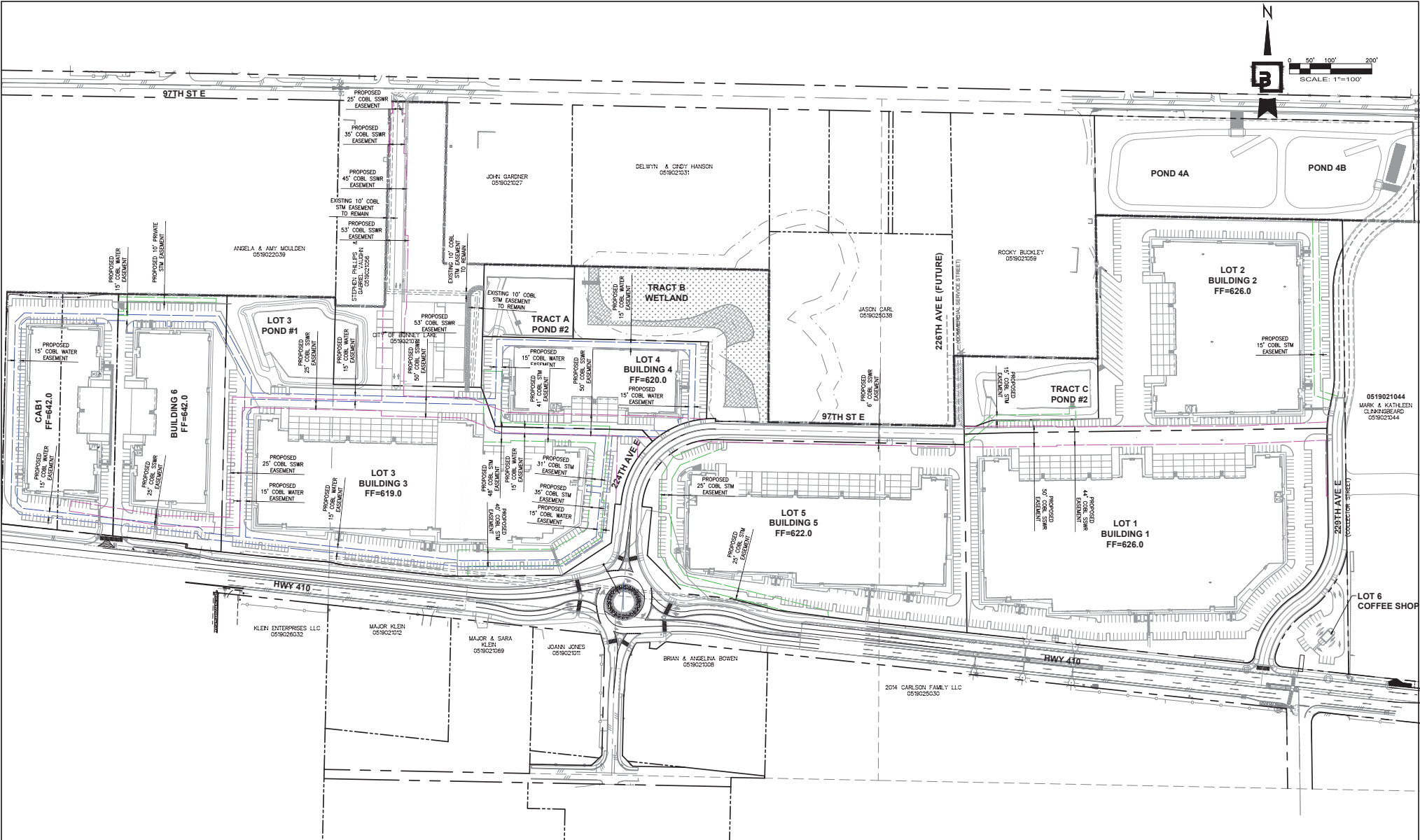
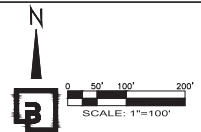
Barghausen Consulting Engineers, Inc.
 18215 72nd Avenue South
 Kent, WA 98032
 425.251.6222 barghausen.com

For: _____

Title: **EXHIBIT O-1
 EASEMENT VACATIONS FOR
 PEAK 410 BUSINESS PARK
 BONNEY LAKE, WA**

Job Number: 22451
 Sheet: 1 of 2

P:\224000\22451\exhib\22451_O1_Easement_Vacat.dwg, 2024-07-16.dwg, 7/16/2024, 2:52 PM, WPS/BHE



No.	Date	By	Ckd.	Appr.	Revision

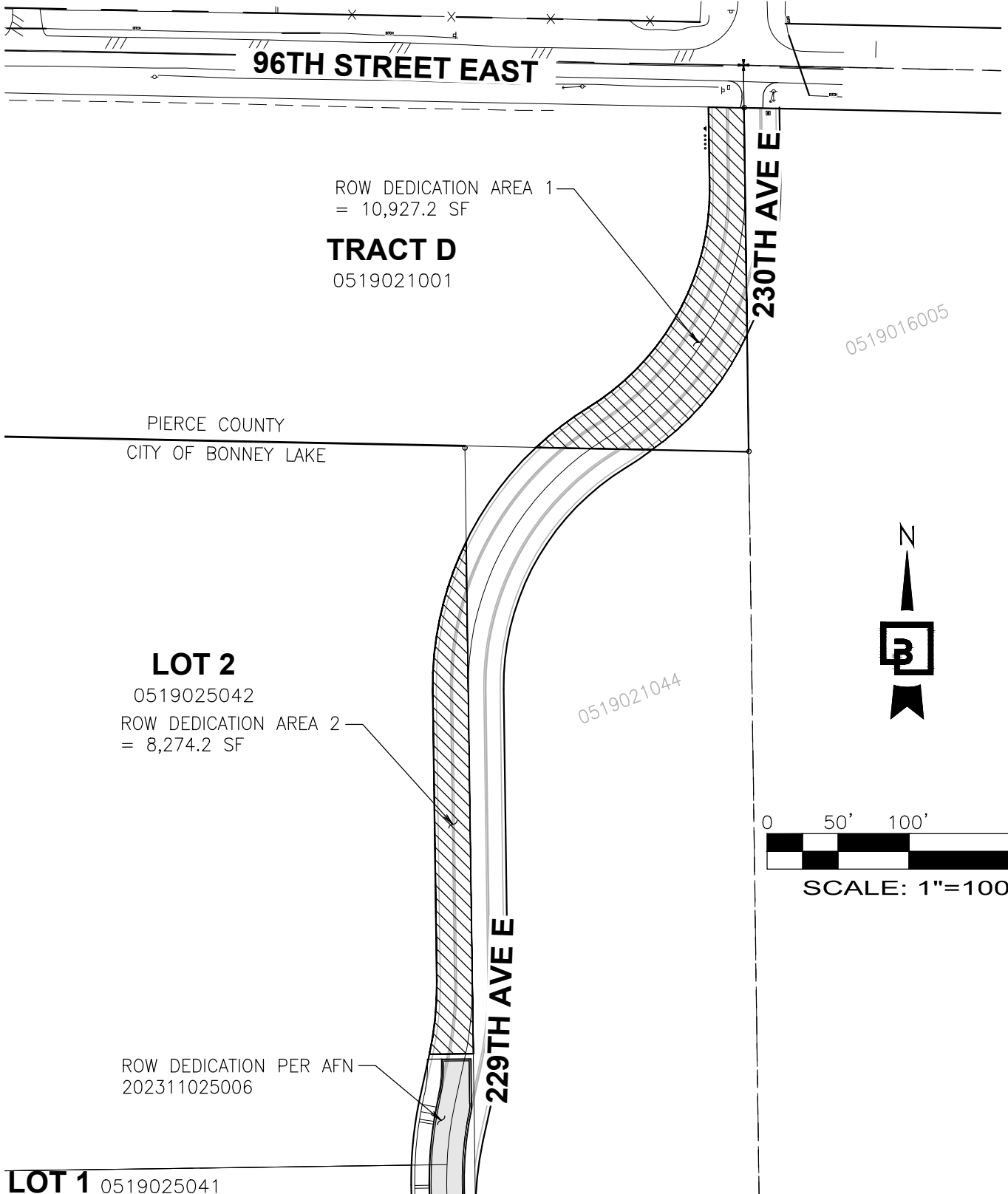

Barghausen Consulting Engineers, Inc.
 18215 72nd Avenue South
 Kent, WA 98032
 425.251.6222 barghausen.com


For: _____

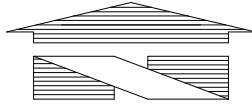
Title: EXHIBIT O-2
 PROPOSED EASEMENTS FOR
 PEAK 410 BUSINESS PARK
 BONNEY LAKE, WA

Job Number: 22451
 Sheet: _____
 2 of 2

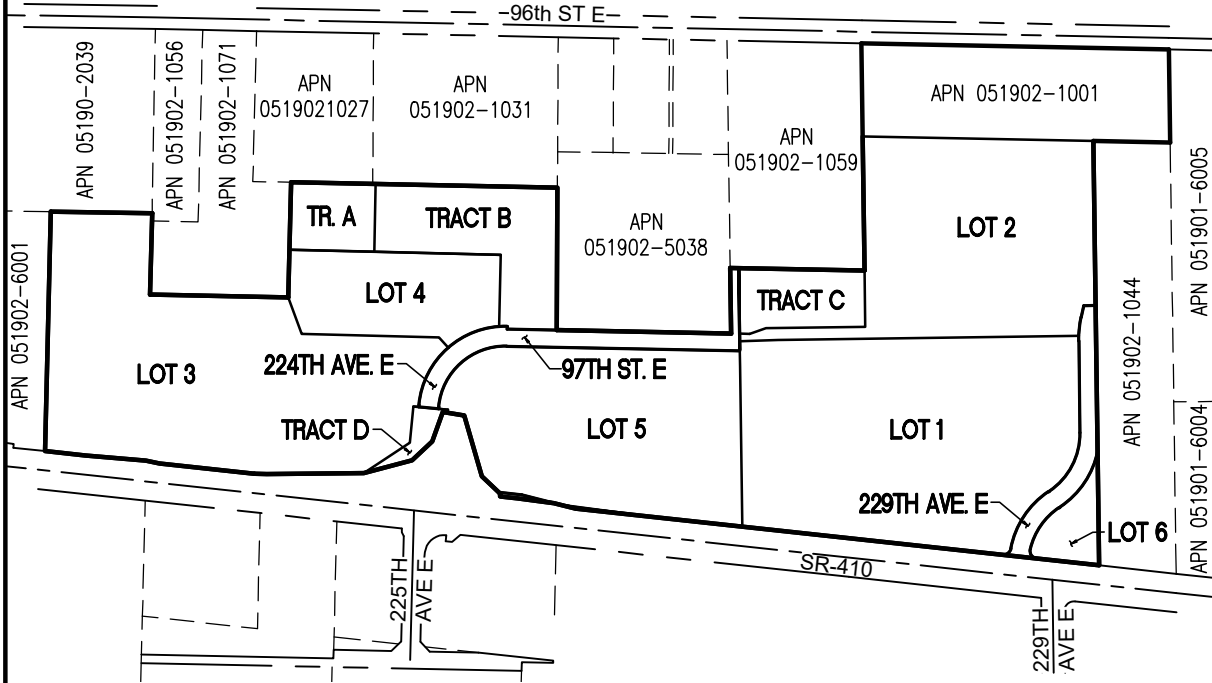
P:\220000\22451\exhibits\exhibit O-2.dwg, 7/16/24, 12:27 PM, WKS:JPL



Job Number 22451	Designed <u>BE</u> Drawn <u>RDC</u> Checked <u>BE</u> Approved <u>BE</u> Date <u>6/19/24</u>	Scale: Horizontal 1"=100' Vertical NA	For: PEAK 410 BUSINESS PARK
Sheet 1 of 1	 BARGHAUSEN CONSULTING ENGINEERS, INC. 18215 72ND AVENUE SOUTH KENT, WA 98032 425.251.6222 BARGHAUSEN.COM	Title: EXHIBIT P 229TH AVE E ROW DEDICATION EXHIBIT	



1"=500'



File:P:\22000s\22451\survey\22451exh04-dev agree.dwg Date/Time:7/1/2024 4:27 PM KIM ANDERSON

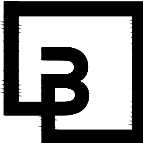
SCALE: HORIZONTAL 1"=500' VERTICAL N/A	For: PEAK 410 BUSINESS PARK	JOB NUMBER 22451		
 Barghausen Consulting Engineers, Inc. 18215 72nd Avenue South Kent, WA 98032 425.251.6222 barghausen.com	Title: EXHIBIT Q-1	22451L.004.DOC SHEET 1 of 1		
DESIGNED _____	DRAWN KMA _____	CHECKED _____	APPROVED _____	DATE 7/2/2024

EXHIBIT Q-2

LEGAL DESCRIPTION

Lots 1 through 6, inclusive, and Tracts A, B, C and D, City of Bonney Lake Short Plat No. PLN-2023-02833, recorded under Auditor's File No. 202311025006, records of Pierce County, Washington.

TOGETHER with that parcel of land described as follows:

Beginning at the Northeast corner of Government Lot 1 in Section 2, Township 19 North, Range 5 East of the W.M., in Pierce County, Washington;

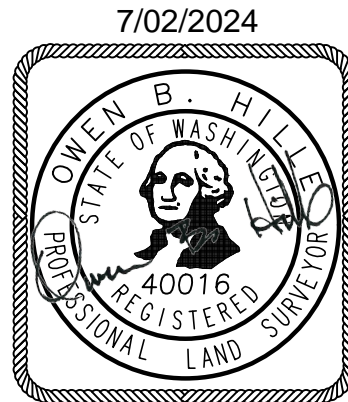
Thence along the north line of said Government Lot 1, 48 1/2 rods;

Thence South parallel with the east line of said Government Lot 1, 16 1/2 rods;

Thence East parallel with the north line of said Government Lot 1, 48 1/2 rods to the east line of said Government Lot 1;

Thence North along said east line, 16 1/2 rods to the Point of Beginning;

Except the North 30 feet for Carlson-Johnson Road (96th St. E).





NOTICE OF PUBLIC HEARINGS and REVISED DETERMINATION OF NONSIGNIFICANCE (DNS)

The public has the right to review the contents of the official file for the proposal, provide written comments, participate in the public hearings/meetings, and request a copy of the final decision. The most current application materials are available for public review by [clicking on the link next to the file number\(s\) provided in this notice](#), or by requesting a link from the staff contact listed in this notice.

Notice Date:	7/3/2024	Comment Due Date:	7/18/2024 (SEPA) 7/23/2024 (Public Hearing)
Project:	<p>The proposed Peak410 Business Park (PFTBP) will include the construction of nine (9) buildings totaling approximately 1,002,815 sq. ft. of light industrial, manufacturing, warehouse / distribution, retail and office uses on a 64acre site on the north and south sides of State Route (SR) 410 East. This is an increase of approximately 152,815 sq. ft. of floor area and 14 acres from the original proposal. In addition to the onsite building construction, the project includes several onsite and offsite utility and roadway improvements.</p> <p>This proposal includes:</p> <ul style="list-style-type: none"> • City-initiated vacation of approximately 11,991 sq. ft. of right-of-way at the northeast corner of the intersection of SR 410 E and 225th Ave E (Resolution No. 3218); • Proposed surplus of an existing City stormwater easement on Tax Parcel No. (TPN) 051902-5044 and existing City sanitary sewer easement on TPNs 051902-5041, -5042, and -5050; and • An amendment to the original Peak 410 Development Agreement (Pierce County Auditor's File No. (AFN) 202212080022). 		
Project Name:	Peak410 Business Park Development Agreement Amendment		
Location:	<p>The properties are generally located along State Route (SR) 410 E between bounded by 220th Ave E to the west, 230th Ave E to the east, 96th St E to the north, and 100th St E to the south.</p> <p>On-Site: 22212, 22309, and 22320 State Route (SR) 410 E; 22503 97th St E; XXX 99th St Ct E; 9619, 9625, 9701, 9705, and 9906 229th Ave E; and XXX 225th Ave Ct E.</p> <p>Off-Site: 22919, 23015, and 23021 SR 410 E; and 9804 233rd Ave E</p>		
Tax Parcel(s):	<p>On-Site: 051902-1001 (Pierce County), -1011, -1012, -5041, -5042, -5043, -5044, -5045, -5046, -5047, -5048, -5049, -5050, -5051, -1068, -1069, -1071, -6001, -6002, -6003, and -6032</p>		

	Off-Site: 051902-1044 and -6004; 051901-2016 and -2036
Environmental Review:	NOTICE IS HEREBY GIVEN that a Revised Determination of Non-Significance (DNS) was issued on July 3, 2024, under WAC 197-11-340. All comments are welcomed and will be accepted prior to 5:00PM on July 18, 2024 . The responsible official may reconsider or withdraw the DNS based on new information or possible impacts discovered during the comment period. This determination may also be appealed to the City of Bonney Lake Hearing Examiner per the procedures in BLMC 16.02.100 and 14.120.020. A complete appeal application and fee shall be received by the Public Services Department prior to the close of business fifteen (15) days from the end of the comment period (August 8, 2024). A final decision will not be made on this proposal until after August 12, 2024 .
Public Hearing:	NOTICE IS HEREBY FURTHER GIVEN that the City of Bonney Lake City Council will convene three related Public Hearings at 6:00 p.m. on 7/23/2024 or soon thereafter in the City Council Chambers at the Bonney Lake Justice and Municipal Building, 9002 Main Street E., Bonney Lake, Washington to receive public testimony on the following: <p style="margin-left: 40px;">Public Hearing 1: City-Initiated Vacation of Existing Rights-of-Way and Easements (Proposed Ordinance D24-78).</p> <p style="margin-left: 40px;">Public Hearing 2: Surplus and Conveyance of Utility Property (Proposed Resolution R24-77)</p> <p style="margin-left: 40px;">Public Hearing 3: First Amendment To The Peak410 Business Park Development Agreement (Proposed Resolution R24-51)</p> <p>The public can call in to the City Council Meeting at: 323-792-6234 (Meeting ID: 108 592 120#) or participate virtually using the link available on the Bonney Lake City Council Meetings webpage: https://www.ci.bonney-lake.wa.us/government/departments/administrative_services/city_clerks_office/city_council_meeting.</p>
Public Comment:	The public has the right to review the draft ordinance, provide written comments, participate in the public hearings/meetings, and request a copy of the final decision. Written comments will be accepted if filed with the Public Services Department at 21719 96th Street E., Buckley, WA 98321, if filed on or before 5:00 p.m. on July 23, 2024 .
Applications:	PLN-2023-02893 Development Agreement Amendment; PLN-2024-02910 SEPA Revision: https://bonneylake.box.com/s/02g0orqqnpua5hu3a63rneqdiuefdl1j
Staff Contact:	Jason Sullivan, Interim Public Services Director, Email: sullivanj@cobl.us Phone: (253) 447-4355
Documentation Available:	Draft Development Agreement Amendment, Revised Site Plans, Right-of-Way Vacation and Easement Surplus Exhibits, Revised Phasing Plan, Revised SEPA Checklist, Traffic Impact Analysis, Wetland Memos

Classified Proof

Client Information					
Client	3100013000 - City of Bonney Lake- LEGAL ADS	Phone	(253) 862-8602		
Address	9002 Main St E, Suite 300	E-Mail	powers-hubbarda@ci.bonney-lake.wa.us		
	Bonney Lake, WA, 98391	Fax			
Order Details					
Order#	998862	Requested By	AMANDA POWERS HUBBARD	Order Price	\$103.40
Classification	3030 - Legal Notices	PO #	PROP RES R24-51	Tax 1	\$0.00
Start Date	07/10/2024	Created By	0917	Tax 2	\$0.00
End Date	07/17/2024	Creation Date	07/02/2024, 02:43:06 pm	Total Net	\$103.40
Run Dates	2			Payment	\$0.00
Publication(s)	Enumclaw Courier Herald				
Sales Rep Information					
Sales Rep	9470 - Jennifer Tribbett	Phone	(360) 802-8212		
		E-Mail	jtribbett@courierherald.com		
		Fax			

**NOTICE OF
PUBLIC HEARING
Peak 410 Development
Agreement
Amendment #1
Proposed Resolution
R24-51**

The City Council of the City of Bonney Lake will hold a Public Hearing during the regular meeting of July 23, 2024, at 6:00 p.m., or as soon thereafter as possible, to consider the First Amendment To The Peak410 Business Park Development Agreement (Proposed Resolution R24-51).

All members of the public may provide testimony during the public hearing or they may submit written comments prior to the public hearing. The City Council meets at Bonney Lake Justice & Municipal Center located at 9002 Main Street East, Bonney Lake, WA 98391. Written comments may be submitted to the City Clerk at 9002 Main Street E, Suite 300, Bonney Lake, WA 98391.

For citizens with disabilities who are requesting translators or adaptive equipment for communication purposes, the City requests notification as soon as possible as to the type of service or equipment needed.

ECH998862
7/10/24, 7/17/24



STATE ENVIRONMENTAL POLICY ACT
REVISED THRESHOLD DETERMINATION OF NON-SIGNIFICANCE

Description of Proposal: The Peak410 Business Park will include the construction of nine (9) buildings totaling approximately 1,002,815 sq. ft. of light industrial, manufacturing, warehouse / distribution, retail and office uses on a 64-acre site on the north and south sides of State Route (SR) 410 East. This is an increase of approximately 152,815 sq. ft. of floor area and 14 acres from the original DNS issued on October 7, 2022. In addition to the onsite building construction, the project includes several onsite and offsite utility and roadway improvements.

For a complete project description, see the Peak 410 Development Agreement (Pierce County Auditor’s File No. (AFN) 202212080022) and the proposed Peak 410 Development Agreement Amendment (City of Bonney Lake City Council Agenda Bill AB24-51).

Applicant: Rainier RCL, LLC - Chris Leier

Original Location: The properties are generally located at 22405, 22523, 22719, and 22911 SR 410 E and 22914 96th St E. The properties were fully described in Exhibits A1, A2, B1, B2, C1, and C2 attached to and incorporated in the DNS issued on October 7, 2022.

Original Tax Parcel(s): 051902-1001, 1032¹, 1043, 1058, 1060, 1061, and 1070².

Revised Location: The properties are generally located along State Route (SR) 410 E bounded by 220th Ave E to the west, 230th Ave E to the east, 96th St E to the north, and 100th St E to the south.

On-Site: 22212, 22309, and 22320 State Route (SR) 410 E; 22503 97th St E; XXX 99th St Ct E; 9619, 9625, 9701, 9705, and 9906 229th Ave E; and XXX 225th Ave Ct E.

Off-Site: 22919, 23015, and 23021 SR 410 E; and 9804 233rd Ave E

¹ Tax Parcel No. 0151902-1032 was adjusted under City of Bonney Lake Boundary Line Adjustment No. PLN-2019-02379, AFN 202104135001, to Tax Parcel No. 051902-1070.

² Tax Parcel Nos. 051902-1043, -1058, -1060, -1061, and -1070 were adjusted under City of Bonney Lake Short Plat No. PLN-2023-02833, AFN 202311025006, to Tax Parcel Nos. 051902-5041, -5042, -5043, -5044, -5045, -5046, -5047, -5048, -5049, -5050, and -5051.



Public Services Department

Revised Tax Parcel(s): On-Site: 051902-1001 (Pierce County), -1011, -1012, -5041, -5042, -5043, -5044, -5045, -5046, -5047, -5048, -5049, -5050, -5051, -1068, -1069, -1071, -6001, -6002, -6003, and -6032

Off-Site: 051902-1044 and -6004; 051901-2016 and -2036

Lead Agency: City of Bonney Lake

The City of Bonney Lake and Pierce County agreed that the City would act as the lead agency for the SEPA review for the proposed PFTBP pursuant to WAC 197-11-932.

The City of Bonney Lake has determined that the revisions to the above-described project does not have probable significant adverse environmental impacts on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

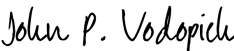
The City of Bonney Lake as the lead agency has also determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under Chapter 36.70A RCW and in other applicable local, state, or federal laws or rules as provided by RCW 43.21C.240 and WAC 197-11-158. Therefore, the City of Bonney Lake will not require mitigation measures under SEPA.

This Revised DNS is issued under WAC 197-11-340. The City of Bonney Lake will not take final action on this proposal until **August 13, 2024**. Comments must be submitted by **July 18, 2024**.

Responsible Official	Jason Sullivan
Position/Title	Interim Public Services Director
Phone	253-447-4355
Address	P.O. Box 7380, Bonney Lake, WA 98391-0944

7/1/2024 | 2:48 PM PDT

Date

DocuSigned by:

 BC1D6D849C4C40C...

Signature
 John Vodopich, AICP, for Jason Sullivan



Public Services Department

APPEAL: This SEPA determination may be appealed by filling a written appeal with the City of Bonney Lake Public Services Department. Such appeal must be filled by 5:00PM on **August 8, 2024**, and shall be consistent with the requirements of BLMC 16.02.100 and 14.120.020.

Please contact Jason Sullivan, Interim Public Services Director at sullivanj@cobl.us or (253) 447-4355 to ask about the procedures for SEPA appeals.

Public Comment Summary: PEAK410 Development Agreement Amendment
Notice of Public Hearing and Environmental Decision Comment Period, July 3, 2024 – July 24, 2024

Prepared by Jason Sullivan, City of Bonney Lake, August 5, 2024

Committer Comment No.	Comment	City Response
1. Kara Johnson, Cultural Preservation Intern, Duwamish Tribe		
1.A.	Thank you for the opportunity to comment on the Peak410 Business Park project located near 22503 97th St E on the north and south sides of State Route (SR) 410 East. The Duwamish Tribe understands that a construction of nine buildings totaling approximately 1,002,815 sq. ft. on a 64-acre site is planned for light industrial, manufacturing, warehouse/distribution, retail and office uses. The Tribe also understands that this is an increase of approximately 152,815 sq. ft. of floor area and 14 acres from the original DNS issued on October 7, 2022.	Noted.
1.B.	Based on the information provided and our understanding of the project and its APE, the Duwamish Tribe supports the implementation of an inadvertent discovery plan, especially if any groundbreaking activity occurs below fill, topsoil or other impervious surfaces into native soil.	An inadvertent discovery plan has been prepared and is include as Exhibit I to the original Development Agreement. Section 7.11 of the original Development Agreement requires the Developer to comply with the requirements and terms of the inadvertent discovery plan.
1.C.	This is an area that the Duwamish Tribe considers culturally significant and has a moderate probability to have unknown archaeological deposits. We note that there is at least 1 historical and ancestral Duwamish place name within 4 miles of the project location as well as an adjacent historic archaeological site. The DAHP WISAARD predictive model indicates that an archaeological survey is recommended ranging from a low to high risk for encountering cultural resources throughout the project area.	The Developer previously prepared studies entitled <i>Cultural Resource Assessment for the Peak 410 Development Project, Bonney Lake, Pierce County, Washington</i> dated November 18, 2021 and <i>Peak 410 West Development Project, Bonney Lake, Pierce County, Washington</i> dated June 29, 2022 both prepared by Aqua Terra Cultural Resource Consultants (the "Cultural Resource Assessments"). The Cultural Resource Assessments were completed to identify the potential for impacting cultural resources that may exist within the PFTBP. The property addition on the south side of SR-410 has been previously developed and mass graded. Based on the pervious reports, the properties to west are expected not to have any archaeological resources. The Developer will implement an inadvertent discovery plan for the entire project as discussed above.
1.D.	We request that if any further archaeological work or monitoring is performed, we would like notification. Cultural and archaeological resources are non-renewable and are best discovered prior to ground disturbance. The Tribe would also like the opportunity to be present if or when an archaeologist is on site.	The City will provide notice if further archaeological work or monitoring is performed.

Commenter Comment No.	Comment	City Response
1.E.	In addition, the Tribe strongly recommends only native vegetation be used for any proposed landscaping to enhance habitat for fish and wildlife, and native avian life and native pollinators..	The City's Landscaping Code requires the use of native plants (BLMC 16.68.030(l)). The project is required to prepare a landscaping plan that complies with the City's landscaping requirements related to native plants.
1.F.	The Tribe supports observing critical area tracts and stream buffers to preserve any remaining wetlands and stream buffers. Loss of wetland habitat is known to affect the viability of fish, water quality and increase the effects of seasonal urban flooding	Noted.
1.G.	We also strongly recommend that mature native trees in the APE are preserved. Mature trees can be of profound cultural significance to the Duwamish Tribe and provide innumerable benefits for people, climate, and wildlife. If a tree is suspected to be culturally modified, the Duwamish Tribe would like to be notified and would like the opportunity to come to the site to ensure its protection.	The current proposal will result in the removal of existing mature trees to accommodate the site grading activities. The Development Agreement spells out the mitigation requirements for the lose of these mature trees. The Developer is also required to plant enough trees on site to achieve a 30% canopy overage over all vehicular use areas.
1.H.	We also strongly recommend that any lighting associated with the project be dark sky compliant to mitigate nighttime light pollution.	The project is in the Easttown zoning classification and is required to utilize dark sky complaint lighting (BLMC 18.29.080.A.1).
2. Judy Pulley		
2.A	Hello, I received a letter from the city of Bonney Lake regarding revisions to the Peak 410 development, including vacation of existing rights of way and easements and conveyance of utility property. How can I find exactly what easements, rights of way and utility property to be affected. I would like to have time to prepare a comment if it looks like it will adversely affect our property and or property value.	The utility property in question is on the northside of SR-410. As part of the project a small portion of City owned property is proposed to be transferred to support the construction of a stormwater pond. The proposed right-of-way vacation is also located on the northside of the SR-410. Please note that the easements are being released as the utilities were constructed in a different location and new easements are being established.
3. Sabrina O'Donnell, Senior Maintenance & Cross Connection Utility Services Representative, Tacoma Water		
3.A	Tacoma Water has reviewed SEPA record number 202402852, "Peak410 Business Park" and has the following comments: The parcels listed for this project are not in Tacoma Water's service area. These parcels are within the service areas of the City of Bonney Lake and Valley Water per our records. Tacoma Water does have water main nearby. If the City of Bonney Lake or Valley Water are not able to provide service to these parcels, Tacoma Water may be able to provide service. Contact Shelly Shaffer at (253) 502-8740 or sshaffer@cityoftacoma.org to discuss options.	Noted

Committer Comment No.	Comment	City Response
4. Department of Ecology – Southwest Regional Office		
4.A	Thank you for the opportunity to comment on the determination of non-significance for the Peak410 Business Park Project (PLN-2024-02910) as proposed by Rainier RCL, LLC - Chris Leier. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):	Noted
4.B	<p>HAZARDOUS WASTE & TOXICS REDUCTION: Garret Peck (564) 669-0836</p> <p>The applicant proposes to demolish an existing structure(s). In addition to any required asbestos abatement procedures, the applicant should ensure that any other potentially dangerous or hazardous materials present, such as PCB-containing lamp ballasts, fluorescent lamps, and wall thermostats containing mercury, are removed prior to demolition. It is important that these materials and wastes are removed and appropriately managed prior to demolition. It is equally important that demolition debris is also safely managed, especially if it contains painted wood or concrete, treated wood, or other possibly dangerous materials.</p> <p>Please review the “Dangerous Waste Rules for Demolition, Construction, and Renovation Wastes,” posted at Ecology’s website, https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Dangerous-waste-guidance/Common-dangerous-waste/Construction-and-demolition . The applicant may also contact Katy Harvey of Ecology’s Hazardous Waste and Toxics Reduction Program at katy.harvey@ecy.wa.gov for more information about safely handling dangerous wastes and demolition debris.</p>	The applicant is required to obtain a demolition permit from the City of Bonney and comply with all state regulations related to the demolition of the existing structures.
4.C	<p>SOLID WASTE MANAGEMENT: Derek Rockett (360) 995-3176</p> <p>All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department or Department of Ecology for proper management of these materials.</p>	Noted

Committer Comment No.	Comment	City Response
4.D	<p>TOXICS CLEANUP: Sandy Smith (360) 999-9588</p> <p>If contamination is suspected, discovered, or occurs during the proposed demolition and construction of a business park including industrial manufacturing, warehouse & distribution, retail, and office facilities, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by sampling, the Department of Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Sandy Smith with the Toxics Cleanup Program at the Southwest Regional Office at (360) 999-9588.</p>	Noted
4.E	<p>WATER QUALITY/INDUSTRIAL OPERATIONS UNIT: Honor Carpenter (360) 485-2701</p> <p>Facilities conducting certain industrial activities that discharge stormwater to a surface waterbody or storm sewer system that drains to a surface waterbody are required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage under the Department of Ecology's Industrial Stormwater General Permit (ISGP) for those industrial stormwater discharges. https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Industrial-stormwater-permit</p>	Noted
4.F	<p>Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.</p> <p>If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.</p>	Noted



DUWAMISH TRIBE

dx^wdəwʔabš

07/08/2024

City of Bonney Lake
202402852

Dear Jason Sullivan,

1.A Thank you for the opportunity to comment on the Peak410 Business Park project located near 22503 97th St E on the north and south sides of State Route (SR) 410 East. The Duwamish Tribe understands that a construction of nine buildings totaling approximately 1,002,815 sq. ft. on a 64-acre site is planned for light industrial, manufacturing, warehouse/distribution, retail and office uses. The Tribe also understands that this is an increase of approximately 152,815 sq. ft. of floor area and 14 acres from the original DNS issued on October 7, 2022. Based on

1.B the information provided and our understanding of the project and its APE, the Duwamish Tribe supports the implementation of an inadvertent discovery plan, especially if any groundbreaking activity occurs below fill, topsoil or other impervious surfaces into native soil. This is an area that the Duwamish Tribe considers culturally significant and has a moderate probability to have unknown archaeological deposits. We note that there is at least 1 historical and ancestral Duwamish place name within 4 miles of the project location as well as an adjacent historic archaeological site. The DAHP WISAARD predictive model indicates that an archaeological survey is recommended ranging from a low to high risk for encountering cultural resources throughout the project area. 1.C

We request that if any further archaeological work or monitoring is performed, we would like notification. Cultural and archaeological resources are non-renewable and are best discovered prior to ground disturbance. The Tribe would also like the opportunity to be present if or when an archaeologist is on site. 1.D

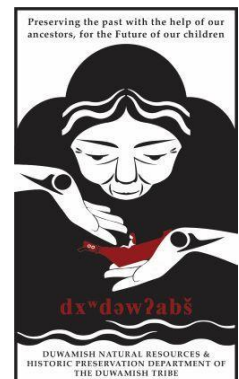
1.E In addition, the Tribe strongly recommends only [native vegetation](#) be used for any proposed landscaping to enhance habitat for fish and wildlife, and native avian life and native pollinators. The Tribe supports observing critical area tracts and stream buffers to preserve any remaining wetlands and stream buffers. Loss of wetland habitat is known to affect the viability of fish, water quality and increase the effects of seasonal urban flooding. 1.F

We also strongly recommend that mature native trees in the APE are preserved. Mature trees can be of profound cultural significance to the Duwamish Tribe and provide innumerable benefits for people, climate, and wildlife. If a tree is suspected to be culturally modified, the Duwamish Tribe would like to be notified and would like the opportunity to come to the site to ensure its protection. 1.G

We also strongly recommend that any lighting associated with the project be [dark sky compliant](#) to mitigate nighttime light pollution. 1.H

Thank you,

Nancy A Sackman
Cultural Preservation
Duwamish Tribe
preservationdept@duwamishtribe.org
Mobile - 206.856.2564



Jason Sullivan

From: Jason Sullivan
Sent: Tuesday, July 9, 2024 5:47 PM
To: Judy Pulley
Subject: RE: Peak 410 revision
Attachments: 22451-M-EXH O-2024-06-14.pdf

Judy,

Thank you for reaching out.

The utility property in question is on the northside of SR-410.

As part of the project a small portion of City owned property is proposed to be transferred to support the construction of a stormwater pond. The proposed right-of-way vacation is also located on the northside of the SR-410. Below is a map showing the location of the of the proposed property transfer and right-of-way vacation. I have attached an exhibit showing the location of the proposed easements that will be released. Please note that the easements are being released as the utilities were constructed in a different location and new easements are being established. Your property is outlined in blue.

Proposed Utility Property Transfer



Sincerely,

Jason Sullivan | Interim Public Services Director | City of Bonney Lake

21719 96th St. E. | Second Floor | Buckley, WA 98321

Phone: (253) 447-4355 | Fax: (253) 862-1116

<http://www.ci.bonney-lake.wa.us> | SullivanJ@ci.bonney-lake.wa.us

Find us on [Facebook](#) and at www.citybonneylake.org

P Please consider the environment before printing this email.

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a government entity may be disclosable to third party requesters under the Public Records Act.

From: Judy Pulley <judy_pulley@hotmail.com>
Sent: Monday, July 8, 2024 7:49 PM
To: Jason Sullivan <sullivanj@ci.bonney-lake.wa.us>
Subject: Peak 410 revision

Hello, I received a letter from the city of Bonney Lake regarding revisions to the Peak 410 development, including vacation of existing rights of way and easements and conveyance of utility property.

How can I find exactly what easements, rights of way and utility property to be affected.

I would like to have time to prepare a comment if it looks like it will adversely affect our property and or property value.

Thank you,

Judy pulley
10112 226th Ave E
Buckley, Wa. 98321

Get [Outlook for iOS](#)

2.A

Jason Sullivan

From: O'Donnell, Sabrina <sodonnell@cityoftacoma.org>
Sent: Wednesday, July 10, 2024 11:08 AM
To: Jason Sullivan
Subject: RE: Notice of Public Hearing and DNS - Peak410: Planning Notifications

Hi Jason,

Tacoma Water has reviewed SEPA record number 202402852, "Peak410 Business Park" and has the following comments:

The parcels listed for this project are not in Tacoma Water's service area. These parcels are within the service areas of the City of Bonney Lake and Valley Water per our records. 3.A

Tacoma Water does have water main nearby. If the City of Bonney Lake or Valley Water are not able to provide service to these parcels, Tacoma Water may be able to provide service. Contact Shelly Shaffer at (253) 502-8740 or sshaffer@cityoftacoma.org to discuss options.

Thank you,

Sabrina O'Donnell (she/her)
**Maintenance & Cross Connection Utility Services Representative, Senior
Customer & Employee Experience | Tacoma Water**
253-502-8023 (Desk) | 253-533-0173 (Cell)
MyTPU.org
We value integrity.

From: Shaffer, Shelly <sshaffer@cityoftacoma.org>
Sent: Monday, July 8, 2024 9:13 AM
To: O'Donnell, Sabrina <sodonnell@cityoftacoma.org>
Subject: FW: Notice of Public Hearing and DNS - Peak410: Planning Notifications

From: notification@civiclive.com <notification@civiclive.com>
Sent: Wednesday, July 3, 2024 11:16 AM
To: Shaffer, Shelly <sshaffer@cityoftacoma.org>
Subject: Notice of Public Hearing and DNS - Peak410: Planning Notifications

Notice is hereby given that a Revised Determination of Non-Significance (DNS) was issued on July 3, 2024, under WAC 197-11-340. All comments are welcomed and will be accepted prior to **5:00PM on July 18, 2024**. The responsible official may reconsider or withdraw the DNS based on new information or possible impacts discovered during the comment period. This determination may also be appealed to the City of Bonney Lake Hearing Examiner per the procedures in BLMC 16.02.100 and 14.120.020. A complete appeal application and fee shall be received by the Public Services Department prior to the close of

business fifteen (15) days from the end of the comment period (**August 8, 2024**). A final decision will not be made on this proposal until after **August 12, 2024**.

[*SEPA record number 202402852, "Peak410 Business Park"](#)

Lead Agency File Number: PLN-2024-02910

Notice is hereby further given that the City of Bonney Lake City Council will convene three related Public Hearings at 6:00 p.m. on 7/23/2024 or soon thereafter in the City Council Chambers at the Bonney Lake Justice and Municipal Building, 9002 Main Street E., Bonney Lake, Washington to receive public testimony on the following:

Public Hearing 1: City-Initiated Vacation of Existing Rights-of-Way and Easements (Proposed Ordinance D24-78).

Public Hearing 2: Surplus and Conveyance of Utility Property (Proposed Resolution R24-77)

Public Hearing 3: First Amendment To The Peak410 Business Park Development Agreement (Proposed Resolution R24-51)

[*Notice of Public Hearing and DNS](#)

The public has the right to review the draft ordinance, provide written comments, participate in the public hearings/meetings, and request a copy of the final decision. Written comments will be accepted if filed with the Public Services Department at 21719 96th Street E., Buckley, WA 98321, if filed on or before **5:00 p.m. on July 23, 2024**. The public can call in to the City Council Meeting at: 323-792-6234 (Meeting ID: 108 592 120#) or participate virtually using the link available on the Bonney Lake City Council Meetings webpage: https://www.ci.bonney-lake.wa.us/government/departments/Administrative_services/city_clerks_office/city_council_meetings

To unsubscribe to this newsletter, please go to:

<https://www.ci.bonney-lake.wa.us/newsletter/one.aspx?objectId=15928037&targetId=267678&contextId=15657436&action=unsubscribe>



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

July 17, 2024

Jason Sullivan, Interim Public Services Director
City of Bonney Lake
Planning and Building Services
PO Box 7380
Bonney Lake, WA 98390-0944

Dear Jason Sullivan:

Thank you for the opportunity to comment on the determination of non-significance for the Peak410 Business Park Project (PLN-2024-02910) as proposed by Rainier RCL, LLC - Chris Leier. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

4.A

HAZARDOUS WASTE & TOXICS REDUCTION: Garret Peck (564) 669-0836

The applicant proposes to demolish an existing structure(s). In addition to any required asbestos abatement procedures, the applicant should ensure that any other potentially dangerous or hazardous materials present, such as PCB-containing lamp ballasts, fluorescent lamps, and wall thermostats containing mercury, are removed prior to demolition. It is important that these materials and wastes are removed and appropriately managed prior to demolition. It is equally important that demolition debris is also safely managed, especially if it contains painted wood or concrete, treated wood, or other possibly dangerous materials.

4.B

Please review the "Dangerous Waste Rules for Demolition, Construction, and Renovation Wastes," posted at Ecology's website, <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Dangerous-waste-guidance/Common-dangerous-waste/Construction-and-demolition>. The applicant may also contact Katy Harvey of Ecology's Hazardous Waste and Toxics Reduction Program at katy.harvey@ecy.wa.gov for more information about safely handling dangerous wastes and demolition debris.

SOLID WASTE MANAGEMENT: Derek Rockett (360) 995-3176

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be

4.C

disposed of at an approved site. Contact the local jurisdictional health department or Department of Ecology for proper management of these materials.



TOXICS CLEANUP: Sandy Smith (360) 999-9588

If contamination is suspected, discovered, or occurs during the proposed demolition and construction of a business park including industrial manufacturing, warehouse & distribution, retail, and office facilities, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by sampling, the Department of Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Sandy Smith with the Toxics Cleanup Program at the Southwest Regional Office at (360) 999-9588.

4.D

**WATER QUALITY/INDUSTRIAL OPERATIONS UNIT:
Honor Carpenter (360) 485-2701**

Facilities conducting certain industrial activities that discharge stormwater to a surface waterbody or storm sewer system that drains to a surface waterbody are required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage under the Department of Ecology's Industrial Stormwater General Permit (ISGP) for those industrial stormwater discharges.

4.E

<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Industrial-stormwater-permit>

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

4.F

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(EAG:202402852)

cc: Garret Peck, HWTR
Derek Rockett, SWM
Sandy Smith, TCP
Honor Carpenter, WQ

PEAK410

Development Agreement Amendment

City Council Presentation
June 25, 2024

Jason Sullivan
Iterim Public Services Director



BACKGROUND

April 19, 2019

Compass Pointe Property Declared Surplus

September 21, 2021

Development Agreement Application Received

November 16, 2021

Resolution 2994 Passed by City Council

October 11, 2022

Council Approves PEAK 410 Development Agreement



PROJECT & PHASING

1 Million Square feet of Development

\$200 Million Dollar Investment

800+ New Jobs

Foster Local Growth
local small business owner potential



NOTE: The referenced section numbers are the sections within the Development Agreement that further describe that element.

DELIVERY TIMELINE

YELLOW	PHASE 1 - September 2023
	1. Mass Grading and Stormwater Ponds (Sections 12.2 & 12.3)
GREEN	PHASE 2 - October 1, 2024
	1. Transportation Infrastructure Improvements (Sections 11.1.1-11.1.4)
	2. Sewer Extension Phase 1 (Section 13.2.1) and 2A (Section 13.2.2.1)
	3. Bonney Lake Water Line (Section 14.2)
	4. Building #5 (132,260 SF)
BLUE	PHASE 3 - December 31, 2025
	1. Building #4 (55,764 SF)
	2. Decant Facility (Section 12.4)
	3. Wetland Mitigation and Buffer Enhancement (Section 15)
	4. Cabl Industrial/Building #7 (60,900 SF)
	5. Building #8 (44,870 SF) and 100th St. East (Section 11.4.5)
RED	PHASE 4 - December 31, 2027
	6. Building #1 (228,583 SF)
	7. 229th Ave E
	8. Building #6 (66,802 SF)
	9. Building #9 (30,000 SF)
PURPLE	PHASE 5 - December 31, 2029
	1. Building #2 (132,082 SF)
	2. Sewer Extension Phase 2B (Section 13.2.2.2) and Phase 3 (Section 13.2.3)
ORANGE	PHASE 6 - December 31, 2031
	1. Building #3 (164,577 SF)
	2. Coffee Stand (2600 SF)

AMENDMENT

Development Regulations

Master Plan

State Environmental Policy Act (SEPA)

Property Transfers

Transportation Infrastructure
Improvements



Drainage Requirements and
Infrastructure

Sewer Requirements and
Infrastructure

Water Requirements and
Infrastructure

Environmentally Critical Areas

Permitting