

1 Sponsored by: Councilmembers Dan Roach, Doug Richardson, Connie Ladenburg and Joyce McDonald  
2 Requested by: Council/Planning and Land Services Dept.

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7 **ORDINANCE NO. 2015-31s**  
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11 **An Ordinance of the Pierce County Council Approving the Tehaleh**  
12 **Development Agreement for the Tehaleh Employment Based**  
13 **Planned Community (EBPC) Planned Unit Development**  
14 **(PUD) Pursuant to RCW 36.70B.200; Requesting the Planning**  
15 **and Land Services Department Prepare Amendments to Title**  
16 **18A of the Pierce County Code, "Development Regulations –**  
17 **Zoning," Clarifying Procedures for Development**  
18 **Agreements; and Forwarding Recommendations to the**  
19 **Planning Commission.**  
20

21 **Whereas**, the Pierce County Comprehensive Plan was adopted on November  
22 29, 1994, through Ordinance No. 94-82s; and  
23

24 **Whereas**, Exhibit A to Ordinance No. 94-82s designated the Orting Plateau area  
25 as Moderate Density Single Family with an Employment Based Planned Community  
26 (EBPC) Overlay; and  
27

28 **Whereas**, Exhibit A to Ordinance No. 94-82s included "Cascadia" as a Moderate  
29 Intensity Employment Center and established policy ensuring EBPCs must be  
30 developed with an Employment Center in the first component of development.  
31 Residential development will not be accepted as the exclusive use of initial phases of an  
32 EBPC. Over the course of project development, the EBPC shall maintain an  
33 appropriate mix of jobs, services, recreation, and housing as established by the initial  
34 approval; and  
35

36 **Whereas**, Exhibit D to Ordinance No 94-82s includes a reference to a 600-acre  
37 employment center requirement for Cascadia and acknowledges that potential  
38 employment contribution to Pierce County's overall employment acreage; and  
39

40 **Whereas**, on July 23, 1995, Section 505 of Engrossed Substitute House Bill  
41 1724 became effective, requiring that a county or city shall only approve a development  
42 agreement by ordinance or resolution after a public hearing. The county or city  
43 legislative body or a planning commission, hearing examiner, or other body designated  
44 by the legislative body to conduct the public hearing may conduct the hearing; and  
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1       **Whereas**, the Pierce County Comprehensive Plan was amended through  
2 Ordinance No. 95-132s on November 21, 1995; and

3  
4       **Whereas**, Exhibit A to Ordinance No. 95-132s estimates 600-acres of  
5 developable land are available for industrial/commercial use at Cascadia within the  
6 planned employment center; and

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8       **Whereas**, Exhibit A to Ordinance No. 95-132s established an EBPC land use  
9 classification to allow for EBPC developments approved pursuant to the planned unit  
10 development or planned development district permit process; and

11  
12       **Whereas**, Exhibit B to Ordinance No. 95-132s provided the Cascadia area with  
13 an EBPC comprehensive land use plan designation by removing the Moderate Density  
14 Single Family designation and EBPC Overlay; and

15  
16       **Whereas**, the Pierce County Zoning Atlas was amended through Ordinance No.  
17 95-149s2 on February 17, 1996, establishing an EBPC zone classification for the  
18 Cascadia area; and

19  
20       **Whereas**, on October 13, 1996, the Pierce County Zoning Code was amended  
21 through Ordinance No. 96-97 to provide planned unit development standards in order to  
22 implement EBPCs; and

23  
24       **Whereas**, Ordinance No. 96-97 requires that at a minimum, ten percent of the  
25 total gross acreage of an EBPC project shall be developed as an employment center  
26 and that EBPCs must be developed with an Employment Center in the first component  
27 of development; and

28  
29       **Whereas**, the original Cascadia (aka Tehaleh) EBPC Planned Unit Development  
30 (PUD) was approved by the Pierce County Hearing Examiner on June 18, 1999. The  
31 3-phase, 4,719 acre Cascadia-Tehaleh EBPC project includes residential, employment,  
32 business park, golf course, school, park, and open space uses; and

33  
34       **Whereas**, pursuant to the Hearing Examiner's June 1, 1999, report and decision,  
35 Phase 1 of the PUD was located in the northeast portion of the overall project site and  
36 consists of approximately 1,690 acres. One hundred twenty-eight acres of employment  
37 use, including 754,000 square feet of business park facilities and 60,000 square feet of  
38 retail space, were authorized. A 250-acre golf resort facility included additional  
39 employment resulting in an estimated total of 2,394 new jobs; and

40  
41       **Whereas**, condition number 129 of the Hearing Examiner's June 18, 1999, report  
42 and decision required that employment areas within any phase of development be  
43 "built-out" prior to approval of the next phase of development; and



1       **Whereas**, the Hearing Examiner's report and decision authorized a total of 1,719  
2 residential dwelling units, together with schools, parks and significant open space in  
3 Phase 1; and  
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5       **Whereas**, on September 8, 1999, the Cascadia EBPC Development Agreement  
6 was approved pursuant to Chapter 18A.75 of the Pierce County Code (PCC). The  
7 Development Agreement authorized 1,719 dwelling units and confirmed that 112 acres  
8 of employment uses would satisfy the employment acreage requirement for Phase 1;  
9 and  
10

11       **Whereas**, between 2006 and 2013 two minor amendments to the PUD were  
12 approved by the Planning and Land Services Department, two periodic reviews were  
13 conducted and approved by the Hearing Examiner, and two minor modifications to the  
14 PUD were approved by the Planning and Land Services Department resulting in no  
15 change to residential density or employment requirements; and  
16

17       **Whereas**, since the original PUD approval and Development Agreement  
18 implementation in 1999, the following subdivisions have received preliminary and/or  
19 final plat approval:  
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- 21       • Columbia Vista at Cascadia (199 lots);
- 22       • Liberty Ridge at Cascadia (119 lots);
- 23       • Winthrop at Cascadia (61 lots);
- 24       • Whitman at Cascadia (121 lots);
- 25       • Trilogy at Tehaleh (244 lots);
- 26       • Inspiration Ridge at Tehaleh (285 lots);
- 27       • Cathedral Ridge at Tehaleh (134 lots); and  
28

29       **Whereas**, the following subdivisions are currently under review but have not  
30 received preliminary plat approval as of the date of this Ordinance:  
31

- 32       • Pinnacle Ridge at Tehaleh (122 lots);
- 33       • Trilogy West at Tehaleh (341 lots); and
- 34       • Berkeley Park at Tehaleh (273 single-family lots and 2 multi-family lots); and  
35

36       **Whereas**, in addition to subdivisions of land, Donald Eismann Elementary School,  
37 the Tehaleh Marketing Center, and a series of parks, trails, roads, and utility infrastructure  
38 have also been developed; and  
39

40       **Whereas**, based on various factors, including the national recession and the  
41 associated downturn in the residential housing market, employment centers have not  
42 been completed within Phase 1 of Tehaleh as of the date of this Ordinance; and  
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1       **Whereas**, the Pierce County Council affirms that an Employment Center must be  
2 developed within the first phase of the Tehaleh EBPC in order to demonstrate  
3 consistency with the Pierce County Comprehensive Plan, mitigate certain development  
4 related impacts such as traffic, and to provide a public benefit. Residential development  
5 will not be accepted as the exclusive use of the initial phases of an EBPC; and  
6

7       **Whereas**, on April 7, 2014, a major amendment to the Cascadia (aka Tehaleh)  
8 EBPC PUD was approved by the Hearing Examiner in order to revise and expand  
9 Phase 1; and  
10

11       **Whereas**, the Hearing Examiner's April 7, 2014, report and decision authorized  
12 an additional 867 new dwelling units (a 50 percent increase from the 1,719 dwelling  
13 units approved for Phase 1 in 1999); and  
14

15       **Whereas**, the Hearing Examiner's April 7, 2014, report and decision resulted in  
16 modification to the employment acreage requirement for Phase 1. As approved, the  
17 revised employment acreage includes a 93.2 acre business park and a 7.3 acre  
18 neighborhood center; and  
19

20       **Whereas**, the Hearing Examiner's April 7, 2014, report and decision increased  
21 the size of Phase 1 from 1,690 acres to approximately 1,950 acres. A minimum of 10  
22 percent of the total gross acreage of an EBPC must be developed with employment  
23 uses; and  
24

25       **Whereas**, the Hearing Examiner's April 7, 2014, report and decision replaced  
26 condition number 129 from the Hearing Examiner's June 18, 1999, report and decision  
27 that included a requirement for employment areas within any phase of development be  
28 "built-out" prior to approval of the next phase of development. A new condition, number  
29 38, addressed the dedication of employment areas; and  
30

31       **Whereas**, on April 23, 2014, the Hearing Examiner granted a request for  
32 reconsideration of the April 7, 2014, major amendment decision, resulting in approval of  
33 revised conditions of approval for Tehaleh; and  
34

35       **Whereas**, revised condition number 38 from the Hearing Examiner's  
36 reconsideration request decision results in the following condition:  
37

38       "Required employment areas within any phase of development shall be  
39 dedicated prior to any non-infrastructure development occurring within the next  
40 phase of development. The requirement for dedication means that each area  
41 would:

- 42       a) be set aside by notation on the Overall Conceptual Plan and conceptual  
43 plans for specific phases;  
44       b) be limited to County-approved uses by covenant; and  
45       c) have a County-approved schedule for timely construction of major  
46 infrastructure such as wastewater treatment facilities, regional storm ponds,  
47 water, power and arterials with capacity to serve the dedicated areas."; and



1           **Whereas**, the purpose of the Hearing Examiner's revised requirement is to  
2 assure that the major infrastructure can be timely provided when opportunities are  
3 available to sell or lease land to individual employment users; and  
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5           **Whereas**, the Department of Planning and Land Services has indicated that a  
6 county-approved schedule for timely construction of major infrastructure has been  
7 completed and condition number 38 from the Hearing Examiner's reconsideration  
8 decision has been met; and  
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10           **Whereas**, the Council appreciates the Hearing Examiner's objective in  
11 addressing the dedication and timing of employment areas. However, the Council will  
12 require a bright line standard through the Development Agreement authorized pursuant  
13 to this Ordinance to ensure that construction of the infrastructure necessary for  
14 development of the employment areas in Phase 1 will occur in a timely manner and as a  
15 component of Phase 1; and  
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17           **Whereas**, the Council hereby reaffirms the County's established policy ensuring  
18 EBPCs must be developed with an Employment Center in the first component of  
19 development; and  
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21           **Whereas**, on March 11, 2015, the Hearing Examiner issued a report and  
22 recommendation concerning the proposed Development Agreement for the Phase 1  
23 Revision/Expansion and recommended that the Pierce County Council approve the  
24 draft Tehaleh Development Agreement along with Exhibits "A"-"D" and "E-1" (excluding  
25 Parcel O) dated January 9, 2015; and  
26

27           **Whereas**, the Tehaleh Development Agreement serves as an update and  
28 replacement for the 1999 Cascadia Development Agreement covering Phase 1,  
29 excluding Parcel O; and  
30

31           **Whereas**, the 1999 Cascadia Development Agreement and the amendments  
32 from 2006 to 2013 will continue to implement development of Parcel O unless its  
33 owners request an amended Tehaleh Development Agreement or implementation under  
34 the present Agreement; and  
35

36           **Whereas**, the Council's approval of the draft Tehaleh Development Agreement  
37 dated January 9, 2015, for Phase 1 is subject to modification concerning the timing of  
38 construction for major infrastructure to serve the employment areas; and  
39

40           **Whereas**, major infrastructure that is necessary to sell or lease properties  
41 designated for employment use in Phase 1 shall be constructed and available to service  
42 individual employment users prior to non-infrastructure development permit approval or  
43 infrastructure related construction in Phase 2; and  
44  
45



1       **Whereas**, on August 14, 2014, the project applicant submitted a supplemental  
2 environmental impact statement and major amendment to the Cascadia (aka Tehaleh)  
3 EBPC PUD for Phase 2 (formally Phases 2 and 3) to authorize project level review for  
4 the entire project area; and

5  
6       **Whereas**, Council approval of a separate Development Agreement shall be  
7 required for Phase 2 prior to any non-infrastructure development activity in Phase 2  
8 (i.e., construction of homes and businesses shall not be permitted outside of the area  
9 included in Phase 1 of the Cascadia (aka Tehaleh) EBPC PUD as approved in the  
10 Hearing Examiner's April 7, 2014, major amendment decision); and

11  
12       **Whereas**, On December 11, 2012, the Council adopted Ordinance No. 2012-61s  
13 creating a new Chapter 18A.100 PCC and establishing the process for Council approval  
14 of Development Agreements pursuant to RCW 36.70B.170 through 210; and

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16       **Whereas**, PCC 18A.100.020 A. indicates that Development Agreements related  
17 to Planned Unit Developments are governed by provisions in Chapter 18A.75 PCC; and

18  
19       **Whereas**, inconsistency between RCW 36.70B.200 and Chapters 18A.75 and  
20 18A.100 PCC exist; and

21  
22       **Whereas**, amendments to Chapter 18A.75 PCC are necessary in order to clarify  
23 that the Pierce County Council must pass a Resolution or Ordinance after a public  
24 hearing in order to approve a development agreement; **Now Therefore**,

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26       **BE IT ORDAINED by the Council of Pierce County:**

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28       Section 1. The Pierce County Council hereby approves the Tehaleh  
29 Employment Based Planned Community Development Agreement, pursuant to RCW  
30 36.70B.200, which is substantially in the form as shown in Exhibit A, attached hereto  
31 and incorporated herein by reference.  
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1        Section 2. The Pierce County Council hereby requests the Department of  
2 Planning and Land Services to prepare necessary amendments to Chapters 18A.75  
3 and 18A.100 of the Pierce County Code to reflect the statutory requirements in RCW  
4 36.70B.170 through RCW 36.70B.210 and to clarify the role of the Hearing Examiner,  
5 the Council and the Department as related to Development Agreement approval,  
6 conduct the necessary environmental review, and forward a recommendation to the  
7 Planning Commission.  
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10        PASSED this 2nd day of June, 2015.

12 ATTEST:

**PIERCE COUNTY COUNCIL**  
Pierce County, Washington

15 *Denise D. Johnson*

17 **Denise D. Johnson**  
18 Clerk of the Council

*Dan Roach*

**Dan Roach**  
Council Chair

*Pat McCarthy*

**Pat McCarthy**  
Pierce County Executive

Approved   /   Vetoed       , this  
  11   day of   June  ,  
2015.

28 Date of Publication of  
29 Notice of Public Hearing:   May 20, 2015  

31 Effective Date of Ordinance:   June 21, 2015