

FINDINGS OF FACT

The Pierce County Council finds that:

1. The Revised Code of Washington (RCW) 36.70B.170 through .210 authorizes the execution of a Development Agreement between a local government and a person having ownership or control of real property within its jurisdiction.
2. A Development Agreement provides a developer an assurance that existing regulations in effect and cited in an Agreement will govern and vest the development, use, and mitigation of anticipated new development of the real property, enabling the local government and developer to plan for the development and services, infrastructure, or other facilities related to the development.
3. Pierce County has adopted Development Agreement provisions in its development regulations (Chapter 18A.100 of the Pierce County Code [PCC]) which authorize a Development Agreement consistent with the Development Agreement statute in RCW 36.70B.170 through .210. This Development Agreement has been processed, considered and executed in accordance with those County and State requirements.
4. The Pierce County Comprehensive Plan was adopted on November 29, 1994, through Ordinance No. 94-82s.
5. Exhibit A to Ordinance No. 94-82s designated the "Cascadia" area as Moderate Density Single Family with an Employment Based Planned Community (EBPC) Overlay.
6. The Pierce County Comprehensive Plan was amended through Ordinance No. 95-132s on November 21, 1995.
7. Exhibit A to Ordinance No. 95-132s established an EBPC land use classification to allow for EBPC developments approved through the planned unit development or planned development district permit process.
8. Ordinance No. 95-132s provided the "Cascadia" area with an EBPC comprehensive land use plan designation by removing the Moderate Density Single Family designation and EBPC Overlay.
9. The Pierce County Zoning Atlas was amended through Ordinance No. 95-149s2 on February 17, 1996, establishing an EBPC zone classification for the "Cascadia" area.



- 1 10. The Pierce County Zoning Code was amended through Ordinance No. 96-97 on
2 October 13, 1996, to provide Planned Unit Development (PUD) standards to
3 implement EBPCs.
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- 5 11. On September 8, 1999, Pierce County and the Cascadia Development Corporation
6 entered into the Cascadia EBPC development agreement, pursuant to Chapter
7 18A.75 PCC.
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- 9 12. Exhibit D of the 1999 Cascadia development agreement specifically authorized
10 Phase 1 with a maximum of 1,719 dwelling units and confirmed 119.2 acres of
11 employment uses, to include a 7.2-acre neighborhood center, 79.9-acre business
12 park, 15.9-acres of golf course related uses, 15.7-acre equestrian center, 0.5-acre
13 marketing center, along with school and fire station acreage to satisfy the
14 employment acreage requirement for Phase 1.
15
- 16 13. It is the policy of Pierce County that Employment Based Planned Communities be
17 developed with an employment center including a mix of jobs and services within
18 the first component of the development.
19
- 20 14. On March 23, 2011, NASH Cascadia Verde LLC ("NASH") purchased all of
21 Cascadia, with the exception of Parcel O, and renamed the development
22 "Tehaleh". NASH purchased Parcel O on April 1, 2016, and incorporated it into the
23 Tehaleh development.
24
- 25 15. On June 2, 2015, the Council adopted Ordinance No. 2015-31s that approved the
26 Tehaleh Restated Development Agreement for Tehaleh Phase 1, pursuant to
27 Chapter 18A.100 PCC and RCW 36.70B.170.
28
- 29 16. The Restated Development Agreement for Phase 1, as approved in Ordinance No.
30 2015-31s, states that Council approval of a Development Agreement shall be
31 required for Phase 2 prior to any non-infrastructure development activity in
32 Phase 2.
33
- 34 17. The approval of a separate Development Agreement is required for Phase 2; as
35 such, the Council adopted Resolution No. R2018-80s directing Planning and Public
36 Works (PPW) to initiate a Phase 2 Development Agreement pursuant to the
37 provisions of PCC 18A.100.060.
38
- 39 18. PPW has negotiated in good faith with the applicants (NASH) to negotiate
40 acceptable terms and conditions to be incorporated into a Phase 2 Development
41 Agreement consistent with the criteria outlined in Resolution No. R2018-80s.
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- 43 19. PPW submitted an Ordinance to the Council including the negotiated Phase 2
44 Development Agreement for the Council's consideration.
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- 1 20. Tehaleh Phase 2 shall be developed with an employment center, including a mix of
2 jobs and services, within the first component of the development.
3
- 4 21. The Phase 2 Development Agreement includes assurances in fulfilling the
5 employment component of the Employment Based Planned Community. No more
6 than 6,437 residential dwelling units shall be approved until a minimum of 100-
7 acres of employment uses have been established and necessary utilities and
8 infrastructure have been extended to the perimeter of all employment centers.
9
- 10 22. Tehaleh will provide a minimum of 475 acres (10 percent of total acreage) for
11 commercial, light industrial, retail and civic employment as an Employment Based
12 Planned Community that supports Pierce County's economic development goals.
13
- 14 23. The Development Agreement ensures that adequate transportation infrastructure
15 shall be completed concurrent with the development of Phase 2.
16
- 17 24. Tehaleh provides a variety of housing products (single-family, two-family, multi-
18 family, age qualified, etc.) in a wide range of price points from affordable to
19 executive housing.
20
- 21 25. The Phase 2 Development Agreement includes a substantial affordability housing
22 obligation.
23
- 24 26. Tehaleh is the first development in Pierce County to pay a voluntary fire impact
25 fee.
26
- 27 27. Tehaleh has built a Wastewater Treatment Plant to be dedicated to Pierce County
28 in the spring of 2019 with capacity to serve all of Tehaleh.
29
- 30 28. Tehaleh will continue to build and privately maintain a regional stormwater system
31 capturing all storm water onsite and recharging the aquifer below.
32
- 33 29. The Council recognizes Tehaleh as an exceptional mixed-use development
34 providing a mix of housing types, densities, and price points, jobs and services,
35 civic uses, recreational trails and parks, up to six schools in two school districts,
36 while maintaining 40 percent of the community as permanent open space.
37
- 38 30. The development proposal included in the August 14, 2014, Major Amendment
39 application provides the framework for Draft and Final Phase 2 Supplemental
40 Impact Statement, the Phase 2 Development Agreement initiated via Resolution
41 No. 2018-80s, and the Pierce County Hearing Examiner's review of a Project
42 Master Plan.
43
- 44 31. The Pierce County Hearing Examiner shall review and issue final decisions for the
45 EBPC PUD and all quasi-judicial matters associated with the EBPC PUD that are
46 described in PCC 1.22.080, including preliminary and final plats, conditional use
47 permits and appeals. Minor Amendments or modifications may be approved by



1 the Department. Major amendments may be approved by the Hearing Examiner.
2 The Examiner shall utilize the Phase 2 Development Agreement approved
3 pursuant to Chapter 18A.100 PCC as the basis for all land uses decisions and
4 shall follow the development regulations included in Chapter 18A.75 PCC for the
5 EBPC PUD.
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7 32. The Phase 2 Development Agreement includes procedures for modification of the
8 terms, conditions, mitigation, and applicable regulations associated with Phase 2.
9 Amendments to the Phase 2 Development Agreement shall be subject to Council
10 approval.
11

12 33. The Council's public hearing on Ordinance No. 2018-90s is not intended to
13 duplicate any hearing conducted by the Hearing Examiner in its quasi-judicial role
14 of reviewing and implementing the Phase 2 Project Master Plan (PMP).
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16 34. The Phase 2 Development Agreement attached to Ordinance No. 2018-90s in
17 Exhibit A is consistent with the requirements of law and the directives included in
18 Resolution No. R2018-80s and is in the public interest.
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20 35. The Phase 2 Development Agreement was considered via Ordinance No.
21 2018-90s in a public hearing on November 27, 2018. The County Executive is
22 authorized to enter into the approved Tehaleh Employment-Based Planned
23 Community Phase 2 Development Agreement as shown in Exhibit A.
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