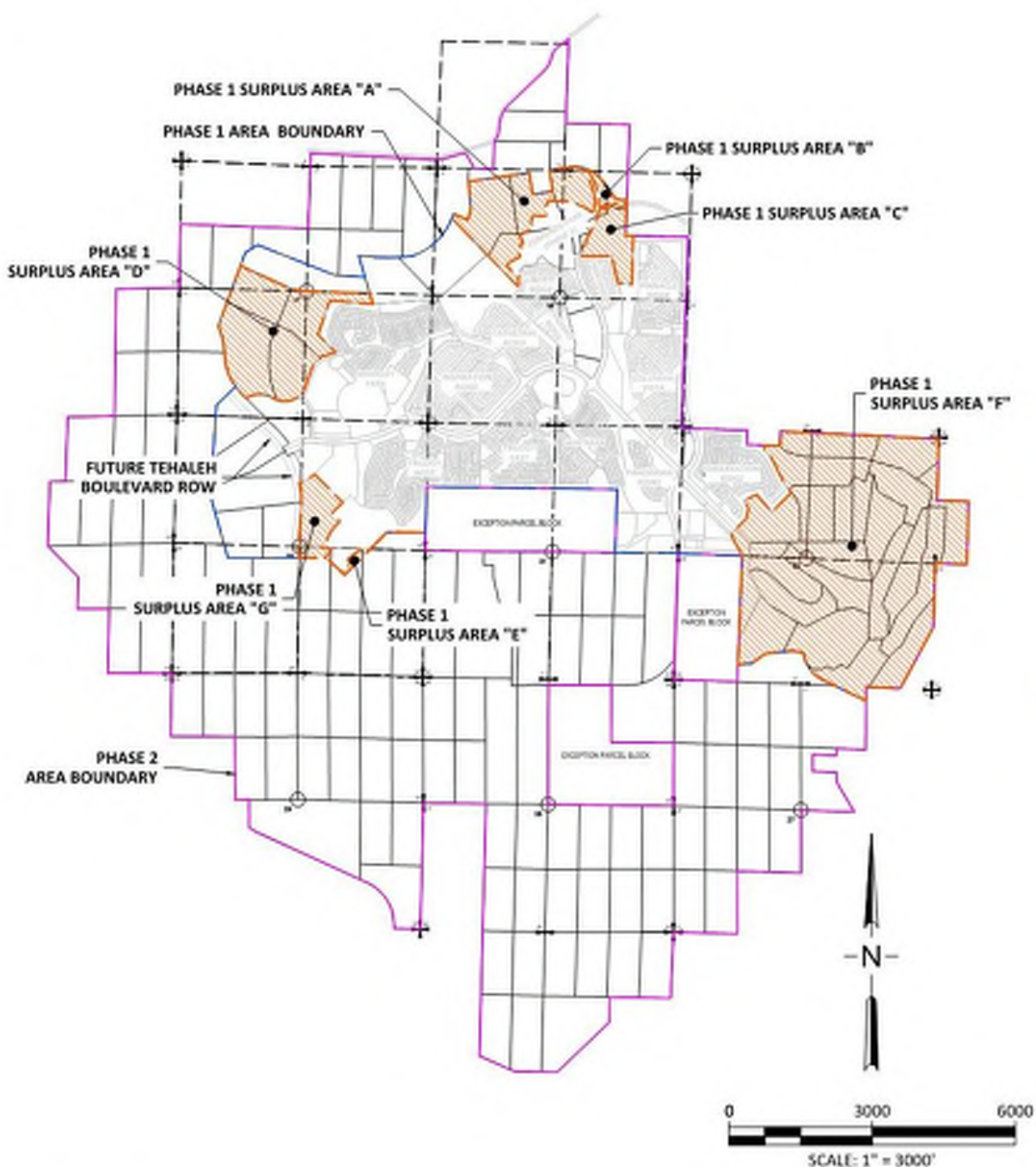


**EXHIBIT “A”**  
**Tehaleh Site Map**

**(attached)**





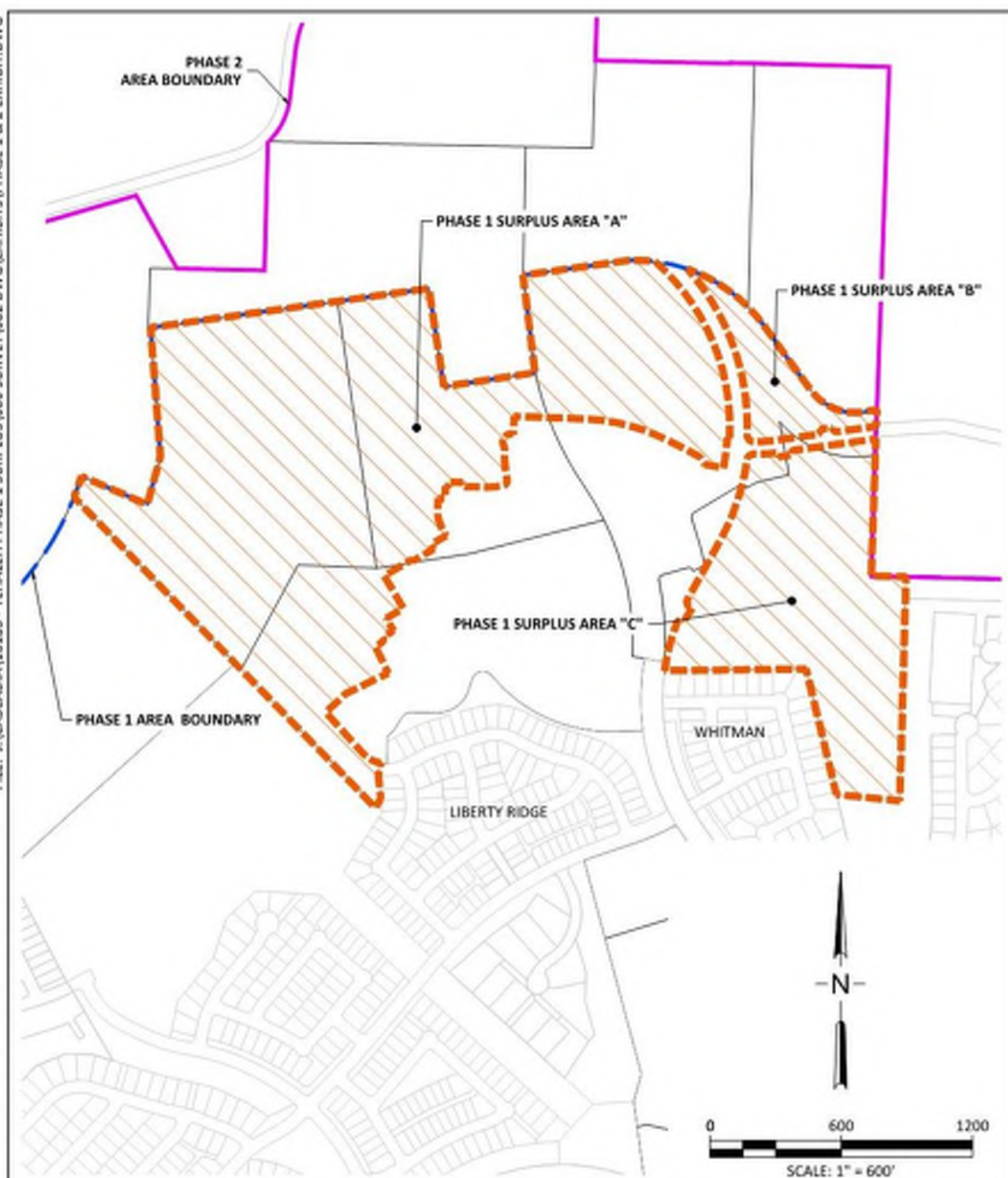
**Mackay Sposito**

33400 8TH AVENUE SOUTH, SUITE 130  
FEDERAL WAY, WA 98003  
PHONE (206) 295-8700  
www.mackaysposito.com

TEHALEH E.B.P.C  
  
**EXHIBIT A  
TEHALEH SITE MAP**

PROJECT NO.: 16183  
DRAWN BY: LKO  
CHECKED BY: BRS  
DATE: 09/10/18  
SHEET NO. 1 OF 3





**MacKay Sposito**

33400 8TH AVENUE SOUTH, SUITE 130  
FEDERAL WAY, WA 98003  
PHONE (253) 295-8700  
www.mackaysposito.com

TEHALEH E.B.P.C

**EXHIBIT A**  
**TEHALEH SITE**

PROJECT NO.: 16183

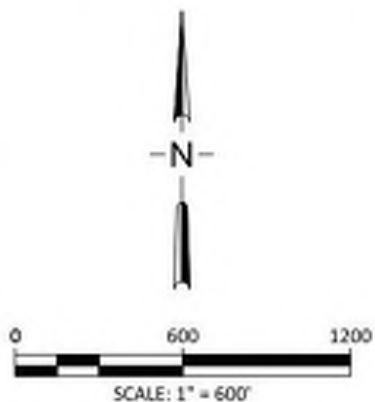
DRAWN BY: LKO

CHECKED BY: BRS

DATE: 09/10/18

SHEET NO. 2 OF 3





**Mackay Sposito**

33400 8TH AVENUE SOUTH, SUITE 130  
FEDERAL WAY, WA 98003  
PHONE (253) 325-8700  
www.mackaysposito.com

TEHALEH E.B.P.C

**EXHIBIT A  
TEHALEH SITE**

PROJECT NO.: 16183

DRAWN BY: LKO

CHECKED BY: BRS

DATE: 09/10/18

SHEET NO. 3 OF 3

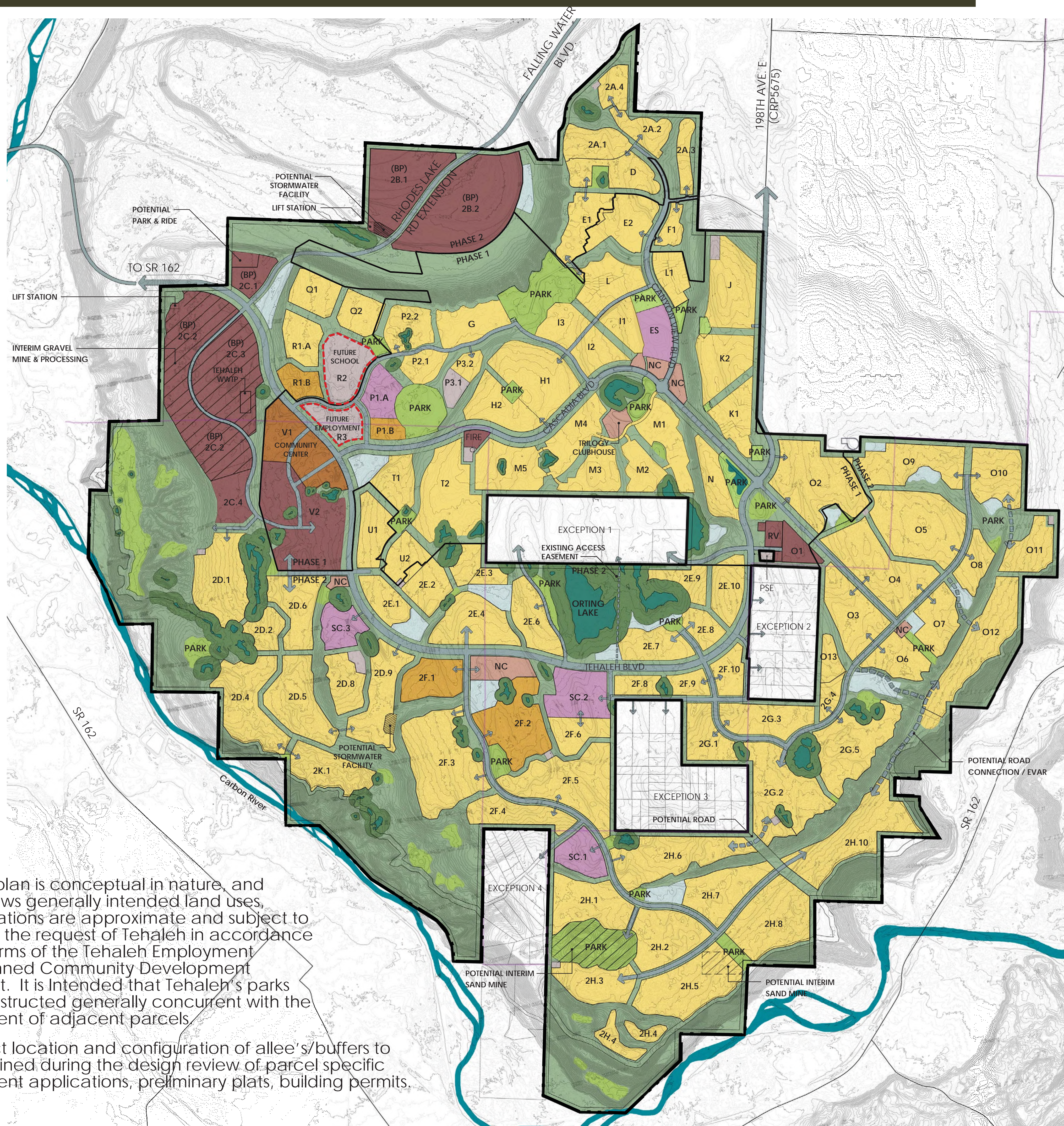


**EXHIBIT “B”**  
**Tehaleh Overall Conceptual Plan**  
**And Land Use Classification Map**

**(attached)**



# Tehaleh Overall Conceptual Plan & Land Use Classification Map



## Legend

- Cascadia EBPC Boundary
- Phase Boundaries
- School District Boundary

## Land Use Classifications:

### Residential Designations

- Residential (Detached)
- Residential (Multi-family)

### Employment Designations

- BP - Business Park
- CC - Community Center
- NC - Neighborhood Center

### Public Facilities Designations

- Schools
- Master Stormwater Drainage Facilities
- Public Facilities

### Parks & Open Space Designations

- Community Parks
- Wetlands
- Buffers / Allees
- Natural Open Space

- Future Employment Parcels

These parcels may be designated as Business Park or School if the applicant proposes these parcels for employment use & Pierce County approves this use in the future.

Note: This plan is conceptual in nature, and while it shows generally intended land uses, parcel locations are approximate and subject to change at the request of Tehaleh in accordance with the terms of the Tehaleh Employment Based Planned Community Development Agreement. It is Intended that Tehaleh's parks will be constructed generally concurrent with the development of adjacent parcels.

Note: Exact location and configuration of allee's/buffers to be determined during the design review of parcel specific development applications, preliminary plats, building permits.

0' 500' 1000' 2000' 4000'



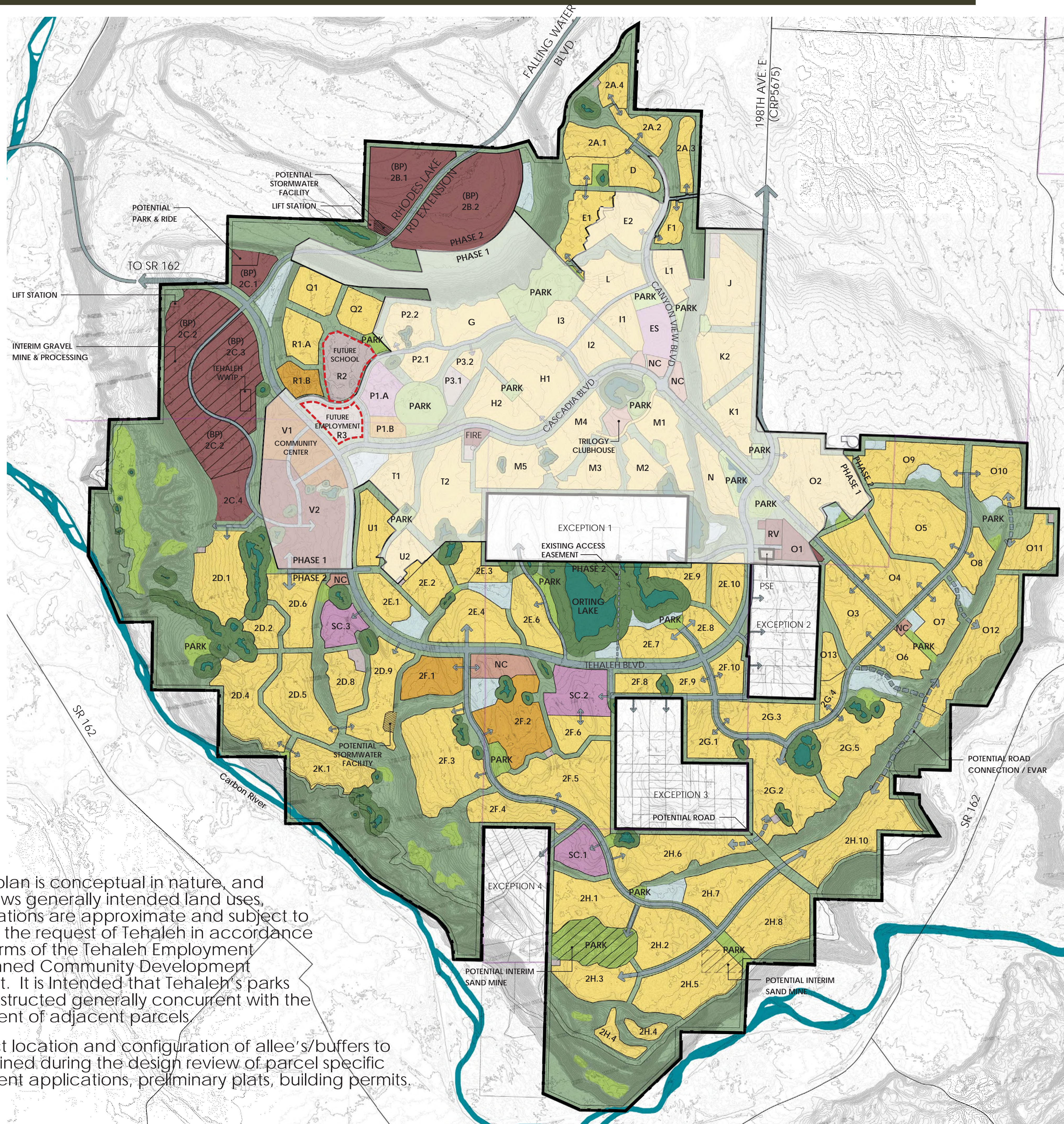


**EXHIBIT “C”**  
**Tehaleh Phase 2 Conceptual Plan**  
**And Land Use Classification Map**

**(attached)**



# Tehaleh Phase 2 Conceptual Plan & Land Use Classification Map



## Legend

- Cascadia EBPC Boundary
- Phase Boundaries
- School District Boundary

## Land Use Classifications:

### Residential Designations

- Residential (Detached)
- Residential (Multi-family)

### Employment Designations

- BP - Business Park
- CC - Community Center
- NC - Neighborhood Center

### Public Facilities Designations

- Schools
- Master Stormwater Drainage Facilities
- Public Facilities

### Parks & Open Space Designations

- Community Parks
- Wetlands
- Buffers / Allees
- Natural Open Space

- Future Employment Parcels

These parcels may be designated as Business Park or School if the applicant proposes these parcels for employment use & Pierce County approves this use in the future.

Note: This plan is conceptual in nature, and while it shows generally intended land uses, parcel locations are approximate and subject to change at the request of Tehaleh in accordance with the terms of the Tehaleh Employment Based Planned Community Development Agreement. It is Intended that Tehaleh's parks will be constructed generally concurrent with the development of adjacent parcels.

Note: Exact location and configuration of allee's/buffers to be determined during the design review of parcel specific development applications, preliminary plats, building permits.

0' 500' 1000' 2000' 4000'





**EXHIBIT “D”**  
**Land Use Summary Table**

**(attached)**



**PHASE 1 SUMMARY**

	Parcels	Land Use	FAR	Gross Acreage	Quantity Estimated	% of Phase I
<b>RESIDENTIAL</b>	E2, G, H1-2, I2-3, J, K1-2, L, M1-5, N, O2, P2.1, P2.2, P3.2, T2, U2,	<b>Residential (Detached 1-10 D.U./ac.)</b>		<b>515.5</b>		
	P1.B, T1	<b>Multi Family (Attached 10-25 D.U./ac)</b>		<b>15.3</b>		
		<b>TOTAL RESIDENTIAL USES</b>		<b>530.8</b>	<b>2,586 d.u.</b>	<b>42.2%</b>
<b>* EMPLOYMENT</b>	NC	<b>Neighborhood Center</b>		<b>7.3</b>	<b>62,783 sf</b>	
	Post	<b>The Post / Visitor Center</b>		<b>1.4</b>	<b>3,217 sf</b>	
	V1	<b>Community Center (west)</b>	0.19	<b>35.0</b>	<b>290,000 sf</b>	
	V2	<b>Business Park</b> (General Light Industrial, Business/Office, Support Services)	0.18	<b>58.2</b>	<b>453,782 sf</b>	
	ES	<b>Elementary School (50%)</b>		<b>7.1</b>	<b>60,000 sf</b>	
	P1.A	<b>School (50%)</b>		<b>7.0</b>	<b>60,000 sf</b>	
		<b>Fire Station</b>		<b>3.3</b>	<b>25,000 sf</b>	
		<b>Trilogy Clubhouse</b>		<b>6.0</b>	<b>18,000 sf</b>	
	R3	<b>Additional Business Park</b>	0.18	<b>13.4</b>	<b>105,067 sf</b>	
		<b>Parcel O</b>		<b>16.5</b>	<b>77,000 sf</b>	
	RV	RV & Construction Trailer		5.0	2,000	
	O1	Storage, Pet Services		11.5	75,000	
	T1	<b>Assisted Living</b>		<b>7.8</b>	<b>93,000 sf</b>	
		<b>TOTAL EMPLOYMENT USES</b>		<b>163.0</b>	<b>1,247,849 sf</b>	<b>13.0%</b>
<b>PUBLIC FACILITIES</b>	ES	<b>Elementary School (50%)</b>		<b>7.1</b>		
	P1.A	<b>School (50%)</b>		<b>7.0</b>		
		<b>Waste Water Treatment / LOSS</b>		<b>6.0</b>		
		Interim Pump Station / Treatment (future employment area)		0.0		
		Future Effluent Disposal		6.0		
		<b>Arterials / Feeders</b>		<b>70.0</b>		
		<b>Master Stormwater Drainage Facility</b>		<b>10.0</b>		
		<b>Water Storage Reservoirs (potable)</b>		<b>4.1</b>		
	O	<b>Parcel O</b>		<b>6.3</b>		
		Puget Sound Energy Sub-station		1.3		
		Arterials / Feeders		5.0		
		<b>TOTAL PUBLIC FACILITIES USES</b>		<b>110.5</b>		<b>8.8%</b>
<b>PARKS &amp; OPEN SPACE</b>		<b>Community Parks (Existing)</b>		<b>73.2</b>		
		Sprouts Holler Park		4.6		
		Ponder Park		3.3		
		Sticks & Stones		1.4		
		Overlook Park		0.5		
		Yonder Park		4.2		
		Knoll Park		1.7		
		Center Park		2.0		
		The Edge		2.5		
		North Forest Park		29.7		
		Meadow Park		19.8		
		Post Park		1.0		
		Big Sky Park		2.5		
		<b>Additional Community Parks</b>		<b>5.0</b>		
		Rainier Vista Park		5.0		
		<b>Open Space (Allee's, Critical Areas, Buffers)</b>		<b>345.4</b>		
		<b>Parcel O</b>		<b>28.9</b>		
		Parks		5.0		
		Open Space (Allee's, Critical Areas, Buffers)		23.9		
		<b>TOTAL PARKS &amp; OPEN SPACE USES</b>		<b>452.5</b>		<b>36.0%</b>
<b>PHASE 1 TOTALS</b>				<b>1,256.7</b>		<b>100.0%</b>



**PHASE 2 SUMMARY**

	Parcels	Land Use	FAR	Gross Acreage	Quantity Estimated	% of Phase 2
RESIDENTIAL	2A.1-4, 2D.1-9, 2E.1-8, 2F.3-11, 2G.1-5, 2H.1-10, 2K.1, D, E1, F1, O3-13, Q1, Q2, R1.A, U1  2F.1, 2F.2, R1.B	Residential (Detached 1-10 du/ac)		1,423.9		
		Multi-Family (Attached 10-25 du/ac)		61.9		
		TOTAL RESIDENTIAL USES		1,485.8	7,114 d.u.	42.5%
* EMPLOYMENT	2B.1-2, 2C.1-3  NC NC NC R2 SC 1-3  2C.4	Business Park	0.18	248.5	1,948,439 sf	
		BP - Interim Gravel Mine		124.0		
		BP - General Development Area		124.5		
		Neighborhood Center (South)	0.18	12.5	98,010 sf	
		Neighborhood Center (West)	0.18	2.0	15,682 sf	
		Neighborhood Center (East)		2.0	5,000 sf	
		Future School (50%)		11.3	120,000 sf	
		Schools (50%)		27.3	240,000 sf	
		Park & Ride		3.5		
		Additional Business Park / NC	0.18	13.5	105,459	
TOTAL EMPLOYMENT USES		320.5	2,532,589 s.f.	9.2%		
PUBLIC FACILITIES	R2 SC 1-3	LOSS / Effluent Disposal (.5 future employment)		11.3		
		Schools (50%)		27.3		
		Master Stormwater Drainage Facilities		53.0		
		Water Storage Reservoirs		2.5		
		Cell Towers		1.0		
		Lift Stations		1.5		
		Arterials / Feeders		170.0		
		Parcel O - Master Stormwater Facilities		14.0		
		Parcel O - Sewer Lift Stations		0.5		
		Parcel O - Arterials		23.0		
TOTAL PUBLIC FACILITIES USES		304.0		8.7%		
PARKS & OPEN SPACE		Parks		70.0		
		Open Space (Allee's, Critical Areas, Buffers)		1,318.9		
		TOTAL PARKS & OPEN SPACE USES		1,388.9		39.7%
PHASE 2 TOTALS				3,499.1		100.0%

**TOTALS**

Land Use	FAR	Gross Acreage	Quantity Proposed	% of Total
<b>TOTAL RESIDENTIAL USES</b>		<b>2,016.6</b>	<b>9,700 d.u.</b>	<b>42.4%</b>
<b>TOTAL EMPLOYMENT USES</b>		<b>483.4</b>	<b>3,780,438 sf</b>	<b>10.2%</b>
<b>TOTAL PUBLIC FACILITIES USES</b>		<b>414.5</b>		<b>8.7%</b>
<b>TOTAL PARKS &amp; OPEN SPACE USES</b>		<b>1,841.4</b>		<b>38.7%</b>
PHASE 1 TOTALS		1,256.7	2,586	
PHASE 2 TOTALS		3,499.1	7,114	
<b>TOTALS</b>		<b>4,755.8</b>	<b>9,700 d.u.</b>	<b>100.0%</b>



**EXHIBIT “F”**  
**Phase 2 Land Use**

**(attached)**



**TEHALEH PHASE 2 LAND USE DESIGNATIONS AND CLASSIFICATIONS,  
USE TABLE AND USE DESCRIPTIONS**

**1.10 LAND USE DESIGNATIONS AND CLASSIFICATIONS**

**1.10.010 PURPOSE**

Land Use in Tehaleh is organized within four general Land Use Designations: Residential, Employment, Public Facilities and Parks and Open Space. Within these designated areas of the master plan there are specific Land Use Classifications that further describe expected development and the preservation of open space and natural areas. The Land Use Designations and Classifications are described below. Following this narrative, the Tehaleh Use Table then identifies the land use types from Pierce County Code allowed in each Land Use Classification. The definitions of land use types and associated levels referenced in the land use table are described in Chapter 18A.33 which is included after the use table.

**1.10.020 LAND USE DESIGNATIONS AND LAND USE CLASSIFICATIONS**

**A. Residential Designation**

1. **Purpose.** The primary purpose of the Residential Designation is to provide areas for residential development of various types and densities.
2. **Description.** The Residential Designation has two Land Use Classifications - Residential and Multi-Family. In addition to residential uses, the Residential Land Use Classifications allow some Civic, Utility and Commercial land uses based on certain restrictions and in some cases Administrative or Conditional Use Permits.
  - a. **Residential (Detached).** The Residential (Detached) Land Use Classification covers single family detached and two-family (duplex) housing both as general market and “age qualified” housing. Three to four unit housing and specialized housing such as nursing homes and senior housing are allowed with Administrative or Conditional Use Permits.
  - b. **Residential (Multi-Family).** The Residential (Multi-Family) Land Use Classification covers housing in buildings with three (3) or more units and/or detached cottages with densities as high as 25 units to the acre. Multi-Family development will include townhomes and garden style units. These unit types may be fee simple or condominium rental or for-sale homes. Condominium detached cottage developments would include homes with limited private space and generous common areas and would require a Conditional Use Permit in an area designated Multi-Family. Specialized housing such as nursing homes and senior housing are allowed with Administrative or Conditional Use Permits.

**B. Employment Designation**

1. **Purpose.** The primary purpose of the Employment Designations is to dedicate areas for the development of “job producing and/or supporting land uses”, some of which provide direct services to Tehaleh employees, residents, and/or both. Uses permitted within areas designated for Employment will work toward the goal of self-sufficiency and provide for a full range of employment and service needs within Tehaleh.



2. **Description.** The Employment Designation includes three Land Use Classifications – Business Park, Community Center and Neighborhood Center.
  - a. **Business Park.** Development in the Business Park Land Use Classification will accommodate a variety of possible uses that could include light industrial office, warehouse/distribution and other commercial goods/services enterprises to primarily serve the daily needs of businesses and employees in the Business Park. Resource, civic, and certain transportation and utility uses are allowed based on certain restrictions and in some cases with Administrative or Conditional Use permits.
  - b. **Community Center.** Development in the Community Center Land Use Classification will include commercial uses that are more land intensive than permitted in the Neighborhood Center. The Classification is directed to a customer base drawn from within and outside Tehaleh and will accommodate office, commercial retail and services, and civic uses at a scale which is compatible with surrounding residential areas of Tehaleh.
  - c. **Neighborhood Center.** Development in the Neighborhood Center Land Use Classification will accommodate office, commercial retail and services, civic and Multi-Family uses that are primarily of a size and nature that provide everyday services and goods and housing options to residents of Tehaleh. Resource civic transportation and utility uses are allowed based on Administrative or Conditional Use Permits.

#### C. PUBLIC FACILITIES DESIGNATION

1. **Purpose.** The primary purpose of the Public Facilities Designation is to provide areas for civic, utility and other public uses that are permitted outright or based on certain restrictions and in some cases Administrative or Conditional Use permits.
2. **Description.** The Public Facilities Land Use Classification is intended to provide for the siting of utility and storm drainage infrastructure, public safety facilities, schools and other civic uses.

#### D. PARKS AND OPEN SPACE DESIGNATION

1. **Purpose.** The primary purpose of the Parks and Open Space Designation is to provide for the siting of major park facilities and the preservation of open space areas for the benefit of Tehaleh residents, employers, employees and visitors.
1. **Description.** Land Use Classifications within the Parks and Open Space Designation include major community and neighborhood parks and trails and wetlands, buffers/ alleés, and natural open space areas. Parks are a part of the built environment and may include a variety of use types whereas the open space classifications are primarily for preservation and passive recreation. Section 9 of the Project Master Plan describes the functions, allowed uses and conditions relating to Natural Open Space, Buffers and alleés.

#### 1.10.030. Tehaleh Phase 2 Use Table



## TEHALEH USE TABLE

TEHALEH LAND USE DESIGNATIONS  <i>LAND USE CLASSIFICATIONS</i>	RESIDENTIAL		EMPLOYMENT			PUBLIC FACILITIES	PARKS & OPEN SPACE
	<i>Residential</i>	<i>Multi-Family</i>	<i>Business Park</i>	<i>Neighborhood Center</i>	<i>Community Center</i>	<i>Public Facilities</i> <sup>(1)</sup>	<i>Parks &amp; Open Space</i> <sup>(2)</sup>
<b>LAND USE CATEGORIES / USE TYPES</b>							
<b>RESIDENTIAL USES</b>							
Group Home	C	C					
Mobile Home							
Mobile Home Park							
Multi-Family	A 1,2	P		C 4; P 5	C 4; P 5		
Nursing Home	A	A		C	A		
Senior Housing	A 1,2; P 3	A 1-3		C	A		
Single Family Detached Housing	P	C					
Two Family Housing (Duplex)	P	A					
Zero Lot Line Single Family	P	A					
<b>CIVIC USES</b>							
Administrative Government Services			P	P	P	P	
Community and Cultural Services				P	P	P 1- 3,5,6	P 1,2,5; A 6,7 <sup>(3)</sup>
Day Care Centers	A	A	P	P	P	P	
Education	P 1; A 2,3	P 1; A 2,3	A 3	P 1; A 2,3	P 1; A 2,3	P 1; A 2,3	
Health Services		C 1	P 1; C 2	P 1	P	P 2	
Postal Services			P	P 1	P	P 1	
Public Park Facilities	P 1,4	P 1,4	P 1,4	P 1,4	P 1,4	P 1,4	P
Public Safety Facilities	C 1		P 1,2	P 1	P 1,2	P 1,2	P 1 <sup>(3)</sup>
Religious Assembly	A 1-3	A 1-3		P 1,2	P 1-3		
Transportation	P 1	P 1	P 1-3; C 4	P 1,2	P 1-3	P 1, 2; C 3, 4	P 1, 2
<b>UTILITIES</b>							
Data Center			P		A 1	P	
Electrical Facilities	P	P	P	P	P	P	C
Electrical Generation Facilities			P				
Natural Gas Facilities	P 1; C 3	P 1; C 3	P	P 1,2	P 1,2	P 1,2	
Organic Waste Processing Facilities			P 2-4			P	
Pipelines	P	P	P	P	P	P	P
Sewage Collection Facilities	P	P	P	P	P	P	P
Sewage Treatment Facilities			P			P	
Stormwater Facilities	P	P	P	P	P	P	P
Telecommunications Towers or Wireless Facilities	P 1; A 2-4	P 1; A 2-4	P	P	P	P	A 1,2
Utility or Public Maintenance Facilities	P 1; C 2	P 1; C 2	P	P 1		P	P 1



TEHALEH LAND USE DESIGNATIONS  <i>LAND USE CLASSIFICATIONS</i>	RESIDENTIAL		EMPLOYMENT			PUBLIC FACILITIES	PARKS & OPEN SPACE
	<i>Residential</i>	<i>Multi-Family</i>	<i>Business Park</i>	<i>Neighborhood Center</i>	<i>Community Center</i>	<i>Public Facilities</i> <sup>(1)</sup>	<i>Parks &amp; Open Space</i> <sup>(2)</sup>
<b>LAND USE CATEGORIES / USE TYPES</b>							
Waste Disposal Facilities						P	
Waste Transfer Facilities			P 1, 2, 4			P	
Water Supply Facilities	P 1; A 2; C 3	P 1; A 2; C 3	P 1; A 2; C 3	P 1		P	P 1; A 2; C 3
<b>ESSENTIAL PUBLIC FACILITIES (RESERVED)</b>							
<b>OFFICE BUSINESS USES</b>							
Administrative and Professional Offices			P	P	P		
Educational Services			P	P	P		
<b>RESOURCE USES</b>							
Agricultural Product Sales			P 5	P 4	P 4		
Agricultural Services			P				
Agricultural Supply Sales			P				
Agritourism			P	A 4	A 4		A 4
Animal Production, Boarding, and Slaughtering			C 1				
Crop Production	P 1	P 1	P 2	P 1	P 1		P 1 <sup>(3)</sup>
Fish Processing, Hatcheries and Aquaculture			P				
Forestry	A 1	A 1	P	A 1	A 1	A 1	A 1 <sup>(3)</sup>
Surface Mines			P 2				
<b>COMMERCIAL USES</b>							
Adult Business							
Amusement and Recreation	C 6	C 6	P	P 1- 3,5	P 1-5; C 7,8		C 7
Billboards							
Building Materials and Garden Supplies			P 5,6	P 1-3	P 1-6		
Bulk Fuel Dealers			P				
Business Services			P	P	P		
Buy-Back Recycling Center			P		P		
Commercial Centers				P 1; A 2	P 1,2; C 3		
Eating and Drinking Establishments		P 1 (w/ MF 5)	P 1	P	P		
Food Stores			P 1	P 1,2	P		
Lodging				P 2,3	P 2,3,5		
Mobile, Manufactured and Modular Home Sales					P		
Motor Vehicles and Related Equipment Sales, Rental, Repair and Service	P 1	P 1	P 1	P 1-3	P	P 1	P 1 <sup>(3)</sup>
Personal Services		P 1 (w/ MF 5)	P 1	P	P		
Pet Sales and Services			P 2	P	P		



TEHALEH LAND USE DESIGNATIONS  <i>LAND USE CLASSIFICATIONS</i>	RESIDENTIAL		EMPLOYMENT			PUBLIC FACILITIES	PARKS & OPEN SPACE
	<i>Residential</i>	<i>Multi-Family</i>	<i>Business Park</i>	<i>Neighborhood Center</i>	<i>Community Center</i>	<i>Public Facilities</i> <sup>(1)</sup>	<i>Parks &amp; Open Space</i> <sup>(2)</sup>
<b>LAND USE CATEGORIES / USE TYPES</b>							
Rental and Repair Services			P	P	P		
Sales of General Merchandise				P 1-3; A 4	P		
Storage and Moving			P 1,2		P		
Wholesale Trade			P		P		
<b>INDUSTRIAL USES</b>							
Basic Manufacturing			P				
Contractor Yards			P				
Food and Related Products			P	A 2	P 1-4		
Industrial Services and Repair			P		P 5		
Intermediate Manufacturing and Intermediate/Final Assembly			P	A 1	P 1-3		
Motion Picture, Television and Radio Production Studies			P	P 1	P 1		
Off-site Hazardous Waste Treatment and Storage Facilities			P				
Printing, Publishing and Related Industries			P	P 1	P 1		
Recycling Processor			P				
Salvage Yards/Vehicle Storage			P				
Distribution and Freight Movement			P		A 1		

**Notes:**

- (1) Public Facilities Category includes the following Classifications: Schools, Master Stormwater Drainage Facilities, and Public Facilities. Uses shown in the column apply to all three Classifications.
- (2) Parks and Open Space Category includes the following Classifications: Community Parks, Wetlands, Buffers/Allees, and Natural Open Spaces. Uses in the column apply to all unless Note (3) is indicated.
- (3) Permitted only in Community Parks Classification
- P** means Permitted Outright
- A** means an Administrative Use Permit is required. If provided by a government entity to serve a specific public need identified in the adopted facility plan, a Public Facilities Permit is required.
- C** mean a Conditional Use Permit is required. If provided by a government entity to serve a specific public need identified in the adopted facility plan, a Public Facilities Permit is required.
- #** refers to level of Use Type allowed, see PCC 18A.33.200 to 18A.33.280. When no number is present, all levels of the Use Type are allowed.

**Blank** Not allowed



## *Chapter 18A.33*

### **USE CATEGORY DESCRIPTIONS**

#### **Sections:**

- 18A.33.200** List of Categories.
- 18A.33.210** Residential Use Category – Description of Use Categories.
- 18A.33.220** Civic Use Category – Description of Use Categories.
- 18A.33.230** Utilities Use Category – Description of Use Categories.
- 18A.33.240** Essential Public Facilities Category – Description of Use Categories.
- 18A.33.250** Office Business Use Category – Description of Use Categories.
- 18A.33.260** Resource Use Category – Description of Use Categories.
- 18A.33.270** Commercial Use Category – Description of Use Categories.
- 18A.33.280** Industrial Use Category – Description of Use Categories.
- 18A.33.285** ~~Single-Family Detached Use Exception.~~ Not applicable to Tehaleh
- 18A.33.290** ~~Rural Zone Use Exception.~~ Not applicable to Tehaleh
- 18A.33.295** ~~South Hill EC Use Exception.~~ Not applicable to Tehaleh

#### **18A.33.200 List of Categories.**

Uses shown on the Use Tables are grouped into the eight major categories listed below. Each category includes a number of use types and associated levels. A description of all the use types by use category is provided in PCC 18A.33.210 to 18A.33.280. See PCC 18A.05.050 for interpretation of the use categories, types, and levels.

- 18A.33.210 Residential
- 18A.33.220 Civic
- 18A.33.230 Utilities,
- 18A.33.240 Essential Public Facilities
- 18A.33.250 Office/Business
- 18A.33.260 Resource
- 18A.33.270 Commercial
- 18A.33.280 Industrial

(Ord. 2012-2s § 5 (part), 2012; Ord. 2004-52s § 3 (part), 2004)

#### **18A.33.210 Residential Use Category – Description of Use Categories.**

The Residential Use Category includes permanent or transient living accommodations for individuals, families, or people with special needs. The residential category has been separated into the following types based upon distinguishing features such as: type of structure; number, age and special needs of individuals who reside in the structure; and state and local licensing requirements. See PCC 18A.36.070 for a list of uses allowed accessory to a residence subject to the General Provisions for Accessory Uses and Structures, PCC 18A.36.060.

- A. **Fraternity and Sorority House.** Fraternity and Sorority House Use Type refers to living accommodations for unrelated individuals belonging to a fraternity or sorority who share a residential structure in affiliation with a school of higher education.



- B. **Group Home.** Group Home Use Type refers to living accommodations for seven or more unrelated individuals with special needs. Individuals may be provided with a combination of personal care, social or counseling services, and transportation. Examples of uses include group homes for the handicapped including, but not limited to, physically or mentally challenged individuals, boarding homes, foster homes, women's shelters, and chemical and alcohol rehabilitation facilities (other than addiction caused by current, illegal use of a controlled substance).
- C. **Mobile Home.** Mobile Home Use Type refers to factory-assembled single-wide structures which are equipped with the necessary service connections and serve as living accommodations for a family.
- D. **Mobile Home Park.** Mobile Home Park Use Type refers to developments maintained under single or multiple ownership with unified control, where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes or recreational vehicles for permanent occupancy which serve as living accommodations for families. Mobile home parks do not include mobile home subdivisions or recreational vehicle parks.
- E. **Multi-Family Housing.** Multi-Family Housing Use Type refers to three or more joined dwelling units which provide living accommodations for families.
- Level 1:** Three to four-unit multi-family buildings (tri- and four-plexes), with ground level access to each unit, also known as "attached single-family."
  - Level 2:** Three to four-unit multi-family buildings (tri- and four-plexes), with upper level access to some or all units.
  - Level 3:** Multi-family buildings with five or more units per building, with ground level access to each unit, also known as "attached single-family."
  - Level 4:** Multi-family buildings with five or more units per building, with upper level access to some or all units.
  - Level 5:** Multi-family component of mixed use developments in which residential units are primarily located above the non-residential activity located on the first floor of the same building(s). The multi-family component of a mixed use development is not restricted to a specific number of units per building or development; provided that multi-family units located on the first floor shall not occupy more than 15 percent of the total gross floor area of the first floor nor exceed ten units and all first floor units are located to the rear of the building.
- F. **Nursing Home.** Nursing Home Use Type refers to multi-unit or multi-bed facilities that are licensed or approved to provide living accommodations, health care, and medical supervision for 24 or more consecutive hours for seven or more individuals.
- G. **Senior Housing.** Senior Housing Use Type refers to living accommodations where at least one member of the family or an individual is age 55 or over and no member of the household is under 18 years of age.
- Level 1:** Assisted living facilities that provide rooms, meals, personal care, supervision of self-administered medication, recreational activities, financial services, and transportation.
  - Level 2:** A retirement community that includes a mix of living quarters where no more than 25 percent of the total units consist of independent units as



described in Level 3 and subject to density requirements of the zone, and the remainder consist of assisted living facilities as described in Level 1.

**Level 3:** Housing types that consist of independent living and are comprised of grouped multi-family housing where elderly individuals or families reside and care for themselves. These housing types are subject to density requirements of the underlying zone.

H. **Two-Family Housing.** Two-Family Housing Use Type refers to residential dwelling units providing living accommodations for individual families in dwelling units that are attached in pairs of two. Two-family dwelling units include stick-built, modular, and manufactured homes. A two-family housing structure is commonly known as a "duplex."

I. **Single-Family Detached Housing.** Single-Family Detached Housing Use Type refers to residential dwelling units providing living accommodations for individual families in individual structures that are not attached to another dwelling unit by any means.

Single-family dwelling units include stick-built, modular, and manufactured homes.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013; Ord. 2012-42s § 1 (part), 2012; Ord. 2012-2s § 5 (part), 2012; Ord. 2010-7 § 2 (part), 2010; Ord. 2007-109s § 3 (part), 2007; Ord. 2006-53s § 1 (part), 2006; Ord. 2004-52s § 3 (part), 2004)

#### **18A.33.220 Civic Use Category – Description of Use Categories.**

Civic Use Category includes facilities or services that are strongly associated with public need or social importance such as educational, cultural, medical, protective, and governmental.

A. **Administrative Government Facilities and Services.** Administrative Government Facilities and Services Use Type refers to the executive, legislative, judicial, administrative, and regulatory activities of local, state, federal, and international governments that may perform public services and work directly with citizens. Typical uses include courthouses, human and social service offices, health offices, and government offices.

B. **Day-Care Centers.** Day-Care Centers Use Type refers to the commercial use of a building or any portion thereof for the care of individuals needing supervision and care on a less than 24-hour basis. The term shall also include facilities commonly known as pre-schools. Also see PCC 18A.36.070 J. regarding development standards for home-based day-care facilities.

**Level 1:** Day-care Centers licensed for fewer than 25 children.

**Level 2:** Day-care Centers licensed for 25 or more children.

C. **Community and Cultural Services.** Community and Cultural Services Use Type refers to establishments primarily engaged in the provision of services that are strongly associated with community, social, or public importance. Typical uses include libraries, museums, art galleries, senior centers, community centers, performing arts theaters, community clubs and organizations, boys and girls clubs, granges and grange halls, wedding facilities, blood banks, organizational camps, food banks, fraternal organizations, cemeteries and associated services, and shelters for the homeless. Community facilities should be located in areas with direct access to major thoroughfares, per PCC 19A.30.180 A.3. New Community facilities in Rural Residential zones shall be consistent with standards for Local Areas of More Intense Rural Development. Also see Essential Public Facilities, Residential, and Commercial Use Categories.



Table 18A.33.220-1. Community and Cultural Services Use Type – Description of Levels				
Level	Location of activity	Total indoor floor area	Size of property	Typical uses and other requirements
Level 1	Indoor	Up to 8,000 square feet	NA	Those facilities serving the neighborhood or small community. Restricted to indoor activities only. Examples include, but are not limited to: Senior centers, blood banks, food banks, indoor wedding facilities, community centers, grange halls, etc.
Level 2	Indoor	Over 8,000 and up to 30,000 square feet	NA	Level 1 uses and those facilities serving specific needs of the community. Restricted to indoor activities only. Examples include, but are not limited to: libraries, art galleries, performing arts theaters, community services, shelters for the homeless, etc.
Level 3	Indoor	More than 30,000 square feet	NA	Level 1 and 2 uses which exceed building size requirements of those levels, specifically large indoor only facilities serving the community and cultural needs of the larger community or region. Examples include, but are not limited to: museums, regional libraries, etc.
Level 4	Indoor/ Outdoor	Up to 4,000 square feet	NA	Outdoor wedding event facilities which host small scale events of limited duration and meet the criteria of PCC 18A.35.170*. <i>*PCC 18A.35.170 was repealed by Ordinance No. 2010-70s. See PCC 18J.15.190.</i>
Level 5	Indoor/ Outdoor	Up to 30,000 square feet	NA	Level 1 and 2 uses which include an outdoor element. Specifically those facilities serving the needs of the community. Examples include, but are not limited to: cemeteries and associated facilities and services, community theaters and museums with an outdoor element, boys and girls clubs, etc.
Level 6	Indoor/ Outdoor	N/A	N/A	Uses exceeding the size limitations of levels 1-5, generally those which serve the larger community and region. Examples include, but are not limited to: organizational camps, regional museums and theaters, etc.
Level 7	Indoor/ Outdoor	N/A	N/A	Organizational Camps as defined by Chapter 18.25

- D. **Education.** Education Use Type refers to educational services provided by public, private, or parochial institutions. Typical uses include elementary, junior, and senior high schools, community colleges, public and private colleges, universities, and private colleges not otherwise considered business or trade schools. Educational facilities may accommodate other civic uses during the standard school day or when facilities are not in use such as, but not limited to: religious services, recreation, social services, daycare facilities, and recreational or educational programs for students and the greater community. The General Provisions for Accessory Uses and Structures in PCC 18A.36.060 shall apply to a use accessory to an Education Use. Also see Office/Business Use Category and Educational Services Use Type. Refer to PCC 18A.05.025 C. for regulations of minor annual building construction on school sites.

**Level 1:** Primary and secondary educational facilities, limited to grades K through 8, e.g., associated daycare, Headstart and preschool programs, kindergarten, and elementary, intermediate, middle and junior high schools.



- Level 2:** Secondary educational facilities limited to grades 9-12, i.e., high schools.
  - Level 3:** Higher educational facilities such as community colleges, public and private colleges, and universities.
- E. **Health Services.** Health Services Use Type refers to any health related facilities and services that are not listed elsewhere such as hospitals, surgical facilities, ambulance services, emergency medical facilities providing 24-hour walk-in services, and respite facilities for the elderly, terminally ill, or handicapped. Also see Office/Business Use Category – Administrative Professional Office Use Type for medical and dental offices.
  - Level 1:** Medical and dental offices, emergency medical facilities providing 24-hour walk in service.
  - Level 2:** Hospitals and institutional facilities. Such facilities may involve surgical and medical procedures as well as mental health related care.
- F. **Postal Services.** Postal Services Use Type refers to mailing services provided by the United States Postal Service and including branch post offices, contract stations, terminals, and distribution centers. Also see Commercial Use Category – Business Services Use Type, and Industrial Use Category – Warehouse and Distribution Use Type for courier and parcel delivery.
  - Level 1:** Postal facilities serving neighborhoods, such as contract stations or branch offices.
  - Level 2:** Postal facilities serving a region, such as distribution centers and terminals.
- G. **Public Park Facilities.** Public Park Facilities Use Type refers to publicly owned or non-profit recreational areas and recreation facilities open to the general public on an equal basis, with or without fee. Typical facilities include local parks, county parks, regional parks, special use facilities, linear parks/trails, resource conservancy parks, fairgrounds, zoos and cemeteries. These facilities may offer open space, arboretums, small or special landscaped areas, community gardens, skate parks, sports fields, tennis courts, golf courses, batting cages, equestrian facilities, community centers, and swimming pools. Rest areas associated with major transportation routes would also fall into this category. Central office, storage and maintenance facilities which provide service and support to one or more public park facilities are allowed in this category. Public parks shall be allowed to include civic, resource, utility, office, business and commercial uses that are accessory and incidental to park and recreation uses. Examples of such uses would be: a snack bar or other food service, a golf merchandise sales shop associated with a golf course, or veterinary services associated with livestock or equestrian events operating during such activities. Caretaker residences and employee housing are also allowed when such a use is required for the proposed facility. Hours of operation for accessory uses shall be commensurate with the principal use and the General Provisions for Accessory Uses and Structures in PCC 18A.36.060 shall apply. Also see Commercial Category – Amusement and Recreation Use Type for other types of recreation.
  - Level 1:** Local Parks. Local Parks such as playfields, neighborhood parks, and small community parks have limited facilities and typically include a playground, sports field, tennis or basketball courts, internal pathway, and supporting amenities.



- Level 2:** County Parks and rest areas associated with a major transportation route. County Parks are large community parks that support a wide range of recreation interests, attract residents from nearby communities, provide active and passive recreation opportunities and may also incorporate natural open space.
  - Level 3:** Regional Parks. Regional Parks attract visitors from throughout the region and which may provide access to significant ecological, cultural, historical features or unique facilities.
  - Level 4:** Linear Parks/Trails and Resource Conservancy Parks. Linear Parks/ Trails and Resource Conservancy Parks include built or natural corridors which provide recreation or non-motorized transportation linkages within the county or green buffers between communities. Recreational use is generally passive and trail-related and may include supporting facilities, such as viewing areas, play areas, picnic tables, or trailheads.
- H. Religious Assembly.** Religious Assembly Use Type refers to religious services involving public assembly such as that which customarily occurs in synagogues, temples, and churches. These uses allow for associated daycare, housing, and educational facilities when clearly secondary to the principal use.
- Level 1:** Total floor area up to 10,000 square feet.
  - Level 2:** Total floor area over 10,000 and up to 30,000 square feet.
  - Level 3:** Total floor area over 30,000 square feet.
- I. Public Safety Services.** Public Safety Services Use Type refers to public safety and emergency services such as police and fire protection services, correctional facilities, and animal control facilities such as the dog pound or humane society.
- Level 1:** Safety services requiring locations throughout the County such as police and fire.
  - Level 2:** Animal control services, such as dog pounds or humane society facilities.
  - Level 3:** Correctional facilities.
- J. Transportation.** Transportation Use Type refers to the provision of public or semi-public transportation services. Typical uses include parking garages, park-and-ride lots, commercial parking lots, bus shelters, bus stations, bus transfer centers, passenger rail stations, ferry docks, and other types of public and quasi-public transportation facilities.
- Level 1:** Transportation uses serving residential neighborhoods such as bus shelters.
  - Level 2:** Public or private parking lots and transfer centers not exceeding 1 acre in size.
  - Level 3:** Transportation uses serving communities and regions, such as passenger rail stations, parking facilities, school bus yards, bus barns, weigh stations, bus stations, transfer centers, and ferry docks.
  - Level 4:** Airports, heliports, landing fields, and associated hangars and fueling facilities, excluding emergency medical helicopter landings, which are permitted in all zones.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013; Ord. 2012-2s § 5 (part), 2012; Ord. 2010-70s § 11 (part), 2010; Ord. 2010-13s § 2 (part), 2010; Ord. 2009-18s3 § 2 (part), 2009; Ord. 2009-10 § 2 (part), 2009; Ord. 2008-39 § 4 (part), 2008; Ord. 2004-52s § 3 (part), 2004)



**18A.33.230 Utilities Use Category – Description of Use Categories.**

Utilities Use Category refers to facilities serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunication services, for the collection of stormwater, and for the collection and disposal of sewage and refuse.

- A. **Telecommunication Towers or Wireless Facilities.** Telecommunication towers or wireless facilities use type refers to facilities used in the transmission of information by radio, electromagnetic, or other similar means. These types of facilities also include central office switching units, remote switching units, telecommunications radio relay stations, and ground-level equipment structures or utility power poles that have been modified or replaced at an increased height for the purposes of accommodating wireless communications.

**Level 1:** Antennas or dishes attached to the roof or sides of a building, water tank, or a similar structure or the modification of existing telecommunication towers to accommodate co-location with additional antennas or dishes and associated equipment structures. The following types of antenna(s) are limited as follows: an omnidirectional or whip antenna no more than 7 inches in diameter and extending no more than 16 feet above the structure to which it is attached; or a panel antenna no more than 16 square feet, extending above the structure to which it is attached by no more than 16 feet.

**Level 2:** Monopole towers with associated antennas or dishes not exceeding 60 feet in height. This level includes any utility power pole that has been modified or replaced at an increased height for the purposes of accommodating wireless communications.

**Level 3:** Monopole towers with associated antennas or dishes over 60 feet in height and not exceeding 150 feet in height. This level includes any utility power pole that has been modified or replaced at an increased height for the purposes of accommodating wireless communications.

**Level 4:** Telecommunication towers with associated antenna or dishes over 150 feet in height. This level includes any utility power pole that has been modified or replaced at an increased height for the purposes of accommodating wireless communications.

- B. **Electrical Facilities.** Electrical Facilities Use Type refers to above-ground electrical transmission lines of an operating voltage of greater than 55 kV, and above-ground substations and switching stations. Electrical facilities are utility facilities that provide service in urban and rural areas. Also, see PCC 18A.05.025, Exempted Uses.

- C. **Electrical Generation Facilities.** Electrical Generation Facilities Use Type refers to facilities that generate or cogenerate electric energy by, or as a resource for, utilities engaged in the transmission and distribution of electricity to the public. Electrical generation facilities include wind farms, hydropower facilities, thermal generation facilities such as cogeneration and combustion turbines, and other facilities employed to generate electric energy by or as a resource for utilities.



- Level 1:** Generation of electricity from landfill gas if the Tacoma-Pierce County Health Department determines this method as a Best Available Control Technology for the control of odor and air emissions from a permitted landfill located within an Essential Public Facility – Solid Waste Facility Overlay (EPF-SWFO) as set forth in PCC 18A.10.100 H.
  - Level 2:** All other electrical generation facilities.
- D. **Natural Gas Facilities.** Natural Gas Facilities Use Type refers to facilities engaged in the distribution and storage of natural gas. Natural gas gate stations, natural gas storage facilities, and interim propane storage systems fall within this use type.
  - Level 1:** Interim propane storage facilities.
  - Level 2:** Natural gas storage for transportation.
  - Level 3:** Natural gas gate stations.
  - Level 4:** Natural gas storage facilities.
  - Level 5:** Natural gas storage for transportation, sale and distribution as an accessory use, not to exceed 1,200 gallons.
  - Level 6:** Conversion of landfill gas to a usable fuel product if the Tacoma-Pierce County Health Department determines this method as a Best Available Control Technology for the control of odor and air emissions from a permitted landfill located within an Essential Public Facility – Solid Waste Facility Overlay (EPF-SWFO) as set forth in PCC 18A.10.100 H.
- E. **Organic Waste Processing Facilities.** Organic Waste Processing Facilities Use Type refers to any solid waste facility specializing in the controlled decomposition of organic solid waste and which meets requirements of solid waste regulations for the type of feedstock it is composting or treating. Typical uses include composting facilities and soil treatment facilities.
  - Level 1:** Contaminated soil treatment facilities.
  - Level 2:** Composting facility designed to handle more than 40 cubic yards.
  - Level 3:** MSW composting facility.
  - Level 4:** Street or stormwater maintenance facility.
- F. **Pipelines.** Pipelines Use Type refers to facilities engaged in the transmission of water, petroleum, oil, or natural gas.
- G. **Sewage Collection Facilities.** Sewage Collection Facilities Use Type refers to facilities used to collect sewage including, but not limited to, wastewater transfer facilities, odor control structures, pump stations, and lift stations. (Also see PCC 18A.05.025, Exempted Uses).
- H. **Sewage Treatment Facilities.** Sewage Treatment Facilities Use Type refers to facilities used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial, or industrial origin, and which by its design requires the presence of an operator for its operation, including alternative treatment works and package treatment plants. Also included are all of the various types of associated equipment, structures, and operations as they are currently constructed and operating or will result from technology including, but not limited to, administrative offices, storage, laboratories, public walkways, recreational and educational uses, and parking lots. It shall not include any facility used exclusively by a single-family residence, septic tanks with subsoil absorption, industrial pretreatment facilities, privately owned treatment plants for industrial wastewater, or wastewater collection systems.



- I. **Stormwater Facilities.** Stormwater Facilities Use Type includes a conveyance, system of conveyances, or stormwater control facilities (including roads with drainage systems, catch basins, curbs, and gutters), ditches, man-made channels, storm drains, retention/detention facilities, and infiltration facilities which are designed or used for collection, storage, conveyance, and treatment of stormwater.
- J. **Waste Disposal Facilities.** Waste Disposal Facilities Use Type refers to permanent disposal sites for solid waste. Typical uses include inert or limited purpose landfills, MSW, landfills, and waste-to-energy facilities handling municipal solid waste (MSW).
  - Level 1:** Inert landfills.
  - Level 2:** Inert landfills as accessory uses to mineral extraction sites.
  - Level 3:** Limited purpose landfills.
  - Level 4:** Special Waste-to-Energy Facilities designed to burn more than 12 tons per day.
  - Level 5:** MSW landfill, special incinerator ash landfill, any landfill not previously identified, and MSW waste-to-energy facility.
  - Level 6:** Municipal Solid Waste (MSW) landfill located within an Essential Public Facility-Solid Waste Facility Overlay (EPF-SWFO) as set forth in PCC 18A.10.100 H.
- K. **Waste Transfer Facilities.** Waste Transfer Facilities Use Type refers to solid waste facilities where solid waste is collected or subjected to interim processing before being transported to a permanent disposal site or for reuse. Typical uses include recycling collection sites, drop-box transfer stations, transfer stations with or without recyclables recovery facilities, moderate-risk waste facilities, and tire piles.
  - Level 1:** Recycling collection sites.
  - Level 2:** Drop-box transfer stations.
  - Level 3:** Tire piles.
  - Level 4:** Transfer stations with or without recyclables recovery facilities (MRF) and Moderate-Risk Waste Facilities.
- L. **Water Supply Facilities.** Water Supply Facilities Use Type refers to potable water production and treatment facilities, water storage facilities and reservoirs, wellheads, booster stations, and pump stations.
  - Level 1:** Wellheads, pump stations, water storage facilities, and water treatment facilities which do not exceed a cumulative building footprint of 10,000 square feet nor exceed the building height for the zone except those water treatment facilities that propose to use gaseous chlorine or sodium hydroxide system.
  - Level 2:** Wellheads, pump stations, water storage facilities, and water treatment facilities which exceed the building height of the zone and do not exceed a cumulative building footprint of 10,000 square feet and do not exceed 60 feet in height except those water treatment facilities that propose to use gaseous chlorine or sodium hydroxide system.
  - Level 3:** All water storage or treatment facilities that exceed 10,000 square feet or exceed 60 feet in height or propose to use gaseous chlorine or sodium hydroxide system.
- M. **Utility or Public Maintenance Facilities.** Utility or Public Maintenance Facilities Use Type refers to facilities for open and enclosed storage and maintenance of vehicles, equipment, or related materials used in a utility or public facility activity.



<b>Table 18A.33.230-1. Utility or Public Maintenance Facilities Use Type – Description of Levels</b>			
<b>Level</b>	<b>Total floor area</b>	<b>Use of outdoor areas</b>	<b>Limitations on vehicle size</b>
<b>Level 1</b>	Up to 1,000 heated square feet or up to 4,000 unheated square feet	No outdoor storage of equipment, materials or vehicles allowed except for temporary seasonal storage of vehicles, equipment, and materials screened pursuant to PCC 18J.15.230 D.	Maximum of 60,000 pounds gross vehicle weight for each vehicle
<b>Level 2</b>	Greater than 1,000 square feet	Outdoor storage of equipment, materials, or vehicles allowed	Maximum of 60,000 pounds gross vehicle weight for each vehicle
<b>Level 3</b>	Greater than 1,000 square feet	Outdoor storage of equipment, materials, or vehicles allowed	No limit on vehicle size

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013; Ord. 2012-2s § 5 (part), 2012; Ord. 2010-13s § 2 (part), 2010; Ord. 2007-85s § 2 (part), 2007; Ord. 2007-109s § 3 (part), 2007; Ord. 2007-6 § 2 (part), 2007; Ord. 2006-53s § 1 (part), 2006; Ord. 2004-52s § 3 (part), 2004)

#### **18A.33.240 Essential Public Facilities Category – Description of Use Categories.**

Essential public facilities are defined as facilities that are "typically difficult to site, such as airports, state education facilities, state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020." (RCW 36.70A.200(1), Siting of Essential Public Facilities – Limitation on liability). (Ord. 2012-2s § 5 (part), 2012; Ord. 2004-87s § 6 (part), 2004; Ord. 2004-52s § 3 (part), 2004)

#### **18A.33.250 Office/Business Use Category – Description of Use Categories.**

Office/Business Category includes establishments serving businesses or individuals with a wide variety of services such as providing advice, reports, marketing, financial needs, engineering, research, management, and related services that are necessary to conduct personal or professional business.

- A. Administrative and Professional Offices.** Administrative and Professional Offices Use Type refers to offices, private firms, or organizations which provide professional or administrative services to individuals or businesses. Typical uses include employment services, property management services, title companies, law offices, engineering/surveying consulting firms, architecture and landscape architecture firms, advertising and public relations firms, medical and dental offices, diagnostic testing services, advertising agencies, travel agencies, talent agencies, insurance offices, real estate offices, investment brokers, financial planners, banking services with or without drive through facilities, offices for non-profit and quasi-public agencies, firms involved in the development of high technology in an office setting which does not require industrial processes for research purposes, and other business offices customarily associated with professional or administrative office services.



- Level 1:** Offices with a maximum floor area ratio of .75:1.
- Level 2:** Offices with a maximum floor area ratio of 2:1.
- Level 3:** Offices with a maximum floor area ratio of more than 2:1.
- Level 4:** Office buildings with a maximum size of 5,000 square feet.
- Level 5:** Office buildings with footprints of more than 20,000 square feet and 2 stories or more in height.

**B. Educational Services.** Educational Services Use Type refers to educational services provided by public or private organizations or individuals with the primary purpose of preparing students for jobs in a trade or a profession. Typical uses include commercial/vocational schools, beauty and barber schools, business schools, aircraft training schools, and conservatories of art, music, or drama. For truck/tractor and trailer driving schools, refer to PCC 18A.33.270 M., Motor Vehicle and Related Equipment Sales/Rentals and Repair Services, Level 4.

- Level 1:** Total floor area up to 5,000 square feet, located on a parcel or combination parcels not exceeding 2 acres in size and abutting a State Highway that is not designated as a limited access highway.
- Level 2:** All other Educational Services except educational extension facilities and services (see Level 3).
- Level 3:** Educational extension facilities and services such as the Washington State University Puyallup Research and Extension Center.

(Ord. 2007-6 § 2 (part), 2007; Ord. 2004-87s § 6 (part), 2004; Ord. 2004-52s § 3 (part), 2004)

#### **18A.33.260 Resource Use Category – Description of Use Categories.**

Resource Use Category includes the production or sale of plant and animal products and other resource-based industries such as forestry, mining, aquaculture, or the sale of products associated with resource-based industry.

- A. Agritourism.** Agritourism Use Type refers to uses which involve the sale of locally grown agricultural products and agriculturally-based operations or activities that bring visitors to an active farm or ranch. Agritourism includes a wide variety of activities including, but not limited to, corn mazes, harvesting fruit and vegetables, feeding animals, riding animals, lodging, farm gift shops, farm-related events, learning about farm practices, and produce stands. Agritourism may include tractor rides, but shall not involve motorized off-road vehicle racing or similar motor vehicle activities.

**Table 18A.33.260-1. Agritourism Use Type – Description of Levels**

<b>Level</b>	<b>Agritourism Area</b>	<b>Retail Sales Area</b>	<b>Building Size (new and/or existing)</b>	<b>Local Products</b>
<b>Level 1</b>	Up to one half acre of a project site may be used for agritourism activities as long as at least 2 acres on site are in agriculture production and/or operation, except that agritourism activities involving 1,000 or less square feet of floor area are not subject to the 2-acre agriculture production size.	Up to 2,000 square feet of the one half acre allowed for agritourism.	Up to 500 square feet.	At least 50 percent of products offered for sale must be produced in Pierce County, and 90 percent of products offered for sale must be produced in Washington State.



**Table 18A.33.260-1. Agritourism Use Type – Description of Levels**

<b>Level</b>	<b>Agritourism Area</b>	<b>Retail Sales Area</b>	<b>Building Size</b> (new and/or existing)	<b>Local Products</b>
<b>Level 2</b>	Up to one acre of a project site may be used for agritourism activities as long as at least 10 acres on site are in agriculture production and/or operation.	Up to 4,000 square feet of the one acre allowed for agritourism.	Up to 1,000 square feet.	From May through October, at least 25 percent of products offered for sale must be produced onsite or by the owner, at least 50 percent of products offered for sale must be produced in Pierce County, and 90 percent of products offered for sale must be produced in Washington State.
<b>Level 3</b>	Up to two acres of a project site may be used for agritourism activities as long as at least 20 acres on site remain in agriculture production and/or operation.	Up to 7,500 square feet of the two acres allowed for agritourism.	No building size limit.	From May through October, at least 25 percent of products offered for sale must be produced onsite or by the owner, at least 50 percent of products offered for sale must be produced in Pierce County, and 90 percent of products offered for sale must be produced in Washington State.
<b>Level 4</b>	Farmers market (sale of produce, shrubbery, plants, eggs, wine, arts and crafts, and dairy products).	Market size is not limited.	Up to 500 square feet.	At least 50 percent of products offered for sale must be produced in Pierce County, and 90 percent of products offered for sale must be produced in Washington State.
<b>Level 5</b>	Sales associated with horticultural nurseries and greenhouses on a project site of any size.	Up to 2,500 square feet, excluding greenhouse space used primarily for growing plants. Not more than 30 percent of the retail sales area may contain other related retail products.	No building size limit.	At least 50 percent of products offered for sale must be produced on site or by the owner in Pierce County, and 90 percent of products offered for sale must be produced in Washington State.



- B. Agricultural Supply Sales.** Agricultural Supply Sales Use Type refers to uses which involve the sales of agricultural supplies, including feed, grain, fertilizers, and farming equipment.

<b>Table 18A.33.260-2. Agricultural Supply Sales Use Type – Description of Levels</b>				
<b>Level</b>	<b>Primary activity</b>	<b>Total floor area</b>	<b>Use of outdoor areas</b>	<b>Other requirements</b>
<b>Level 1</b>	Retail sale of feed, grain, fertilizers, and small farming equipment sales and service.	Up to 10,000 square feet	For display and storage as an accessory use	Accessory uses may also include retail sales of fencing, small domestic pets and livestock and livestock and pet supplies and equipment.
<b>Level 2</b>	Same as Level 1	Over 10,000 and up to 30,000 square feet	Same as Level 1	Same as Level 1
<b>Level 3</b>	Same as Level 1	Over 30,000 and up to 80,000 square feet	Same as Level 1	Same as Level 1
<b>Level 4</b>	Same as Level 1	Over 80,000 square feet	Same as Level 1	Same as Level 1
<b>Level 5</b>	Sales of large farming equipment sales and services for items such as tractors and combines.	Up to 30,000 square feet	Display of farming equipment for sales and parking area for services.	Service area parking shall be located in the rear or side of the building and screened from the street and adjacent properties.
<b>Level 6</b>	Same as level 5	Over 30,000 and up to 80,000 square feet	Display of farming equipment for sales and parking area for services.	Same as Level 5
<b>Level 7</b>	Same as level 5	Over 80,000 square feet	Display of farming equipment for sales and parking area for services.	Same as Level 5

- C. Agricultural Services.** Agricultural Services Use Type refers to businesses that support the agricultural industry and operate primarily outside an office setting. Typical uses include soil preparation and soil testing services, farm and farm labor management services, landscape and crop fertilizing and spraying services, livestock veterinary services, and other commercial services which typically provide the personnel and equipment necessary to maintain agricultural productivity.
- D. Animal Production, Boarding, and Slaughtering.** Animal Production and Slaughtering Use Type refers to uses which involve the commercial raising of animals, the production of animal products, such as eggs or dairy products, the boarding of animals, and the slaughtering and processing of animals.

**Level 1:** Animal Production, Boarding, and Slaughtering uses which involve the commercial raising or boarding of animals or production of animal products, such as eggs or dairy products produced on-site, on an agricultural or commercial basis, but excluding the slaughtering and



processing of animals unless conducted in a mobile slaughter unit which is operated in accordance with State and Federal regulations. Examples include grazing, ranching, dairy farming, commercial stables, riding academies, and breeding and boarding kennels.

**Level 2:** Animal Production, Boarding, and Slaughtering uses which involve the slaughtering of animals to be sold to others or to be used in making meat products on the same premises. Examples include fat rendering, meat packing plants, poultry slaughter and processing, slaughter houses.

- E. **Crop Production.** Crop Production Use Type refers to uses which involve the raising and harvesting of row crops, field crops, or tree crops on an agricultural or commercial basis, including packing, primary processing, and storage facilities. For the purposes of this Use Type, primary processing means performing service on crops subsequent to their harvest with the intent of preparing them for market or further processing. This Use Type does not include the processing of agricultural products described under the "Food and Related Products Use Type" of the Industrial Category.

**Level 1:** Crop Production uses which involve the raising and harvesting of crops together with the storage, primary processing and preserving of those agricultural products on an agricultural or commercial basis. Examples include grain and vegetable crops, fruit trees, and horticultural nurseries.

**Level 2:** Crop Production uses which involve the primary processing, packaging, and storage of agricultural products. Examples include fruit and vegetable packing and shipment plants, warehouses, fruit and vegetable cold storage plants, and other uses involved in the harvesting and primary processing of locally grown agricultural products.

**Level 3:** Crop Production uses which involve the raising and harvesting of row crops, field crops, or tree crops on an agricultural or commercial basis on parcels not to exceed 5 acres in size. Examples include grain and vegetable crops, fruit trees, and horticultural nurseries.

- F. **Fish Processing, Hatcheries and Aquaculture.** Fish Processing, Hatcheries and Aquaculture Use Type refers to uses which involve the production, processing or sales of finfish, shellfish, or other aquatic or marine products within a confined space and under controlled feeding, sanitation, harvesting, or processing procedures. Examples include salmon farms, oyster growing operations, geoduck growing operations, and fish hatcheries.

**Level 1:** Raising or production of finfish, shellfish, or other aquatic or marine animal or plant species, but not including processing of aquatic or marine products as either a primary use or accessory use.

**Level 2:** Processing or sales of finfish, shellfish or other aquatic or marine products.

- G. **Forestry.** Forestry Use Type refers to uses which involve commercial harvesting of forest products, primary manufacturing of wood products, and scientific research related to management of forest lands.

**Level 1:** Forestry Use Types which involve commercial harvesting of forest products and scientific research related to management of forest lands. Examples include timber harvesting, gathering of forest products (e.g., bark, berries, mushrooms), silvicultural, and environmental research facilities.



**Level 2:** Forestry Use Types which involve the manufacturing of lumber and basic wood materials; (examples include saw, lath, shingle, planing, plywood, drying kilns, and veneer mills) or involve processing of the lumber or wood materials into a consumer good. Examples include cabinets or other finished products made mainly from wood.

**Level 3:** Christmas tree farms not to exceed 5 acres in size.

H. **Surface Mines.** Surface Mines Use Type refers to uses which involve the mining of naturally-occurring minerals, including metallic minerals, coal, nonmetallic minerals, and oil and gas, together with allied uses of rock crushing, screening, asphalt processing, and other auxiliary uses as approved by the Examiner. Examples include gold mines, coal mines, sand and gravel pits, rock quarries, and oil and gas extraction.

**Level 1:** Surface mines located within an existing Mineral Resource Overlay (MRO) as set forth in PCC 18A.10.100 E.

**Level 2:** New surface mines or proposed expansions of surface mines not located within a Mineral Resource Overlay (MRO) as set forth in PCC 18A.10.100 E.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013; Ord. 2012-2s § 5 (part), 2012; Ord. 2010-70s § 11 (part), 2010; Ord. 2009-10 § 2 (part), 2009; Ord. 2008-26s § 1 (part), 2008; Ord. 2007-85s § 2 (part), 2007; Ord. 2007-109s § 3 (part), 2007; Ord. 2007-6 § 2 (part), 2007; Ord. 2006-53s § 1 (part), 2006; Ord. 2004-87s § 6 (part), 2004; Ord. 2004-52s § 3 (part), 2004)

#### **18A.33.270 Commercial Use Category – Description of Use Categories.**

Commercial activities include the provision of services and the sale, distribution, or rental of goods that benefit the daily needs of the general public which are not otherwise classified as civic, office, or industrial activities. The Commercial Use Category has been separated into the following types based upon distinguishing features such as: nature of business activity and type of goods or products sold or serviced.

A. **Adult Business.** Adult Business Use Type refers to establishments which provide entertainment, devices or services that are sexually explicit in nature and generate social impacts, thus, locationally sensitive to other uses. Examples include adult arcades, adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, escort services, massage parlors, and public bathhouses.

B. **Amusement and Recreation.** Amusement and Recreation Use Type refers to establishments or places of business primarily engaged in the provision of sports, entertainment, or recreational services to the general public or members. Examples include marinas, video arcades, teen clubs, athletic clubs, swimming pools, billiard parlors, bowling alleys, ice or roller skating rinks, indoor movie theaters, drive-in theaters, miniature golf courses, golf courses, outdoor performance centers, sports arenas, festival and event facilities, and race tracks. Also see Lodging Use Type, Commercial Use Category, for camp sites and recreational vehicle parks.



**Table 18A.33.270-1. Amusement and Recreation Use Type – Description of Levels**

Level	Location of activity	Total floor area	Size of property*	Typical uses and other requirements
Level 1	Indoor	Up to 5,000 square feet	NA	Video arcades, martial arts studios, dance studios, billiard parlors, etc.; Not including Dance Halls
Level 2	Indoor	Over 5,000 and up to 30,000 square feet	NA	Level 1 uses; Children-oriented amusement centers with multiple activities, mini-golf, batting cages, climbing walls, skateboard facilities, teen clubs, bowling alleys, live performance theatres, athletic clubs, dance halls as regulated per Chapter 5.32 PCC, etc.
Level 3	Indoor or outdoor	NA	On a lot or combination of lots up to 3 acres	Batting cages, driving ranges, mini-golf, climbing walls, swimming pools, marinas, etc. Accessory uses include parking lots, restrooms, maintenance buildings, concession stands, equipment rental stands, etc.
Level 4	Indoor or outdoor	Over 30,000 and up to 80,000 square feet	NA	Level 1 and 2 uses; Tennis courts, swimming pools, movie theatre complexes, sports arenas, ice rinks, skating rinks, soccer facilities, performing arts centers, etc.
Level 5	Indoor	Up to 5,000 square feet	NA	Rental of recreational sports equipment only.
Level 6	Indoor or outdoor	NA	NA	Publicly or privately owned golf courses. Accessory uses include driving ranges, parking areas, pro-shop, clubhouse, and food and beverage service.
Level 7	Indoor or outdoor	NA	On a lot or combination of lots greater than 3 acres	Level 3 uses; Outdoor performance centers, racetracks, motor-tracks, outdoor sports arenas, drive-in theatres, recreational fishing ponds, festival and event facility, paintball facilities, etc. Accessory uses include parking lots, restrooms, maintenance buildings, concession stands, equipment rental stands, etc.
Level 8	Indoor or outdoor	Greater than 80,000 square feet	NA	Level 4 uses; Indoor sports arenas, large multi-plex movie theatre complexes, etc. Accessory uses include parking lots, restrooms, food and beverage service.

\*Net developable area shall be used to calculate size of property.

- C. **Billboards.** Billboards Use Type refers to an advertising mechanism conveyed on a preprinted or hand painted changeable sign which directs attention to businesses, commodities, services, or facilities which are not sold, manufactured, or distributed from the property on which the sign is located. See also Chapter 18A.55 PCC, Billboards.



- D. Building Materials and Garden Supplies.** Building Materials and Garden Supplies Use Type refers to establishments primarily engaged in selling lumber and other building materials, paint, glass, and wallpaper, hardware, nursery stock, and lawn and garden supplies. Establishments primarily selling these products for use exclusively by businesses or to other wholesalers or primarily selling plumbing, heating and air-conditioning equipment, and electrical supplies are classified in the Wholesale Trade Use Type, Commercial Use Category.

Table 18A.33.270-2. Building Materials and Garden Supplies Use Type – Description of Levels				
Level	Primary activity	Total floor area	Use of outdoor areas	Other requirements
Level 1	Retail sale of basic hardware lines, such as tools, builders' hardware, paint, and glass.	Up to 5,000 square feet	For display and storage as an accessory use	Accessory uses include retail sales of nursery, lawn and garden supplies and lumber
Level 2	Same as Level 1	Over 5,000 and up to 10,000 square feet	Same as Level 1	Same as Level 1
Level 3	Same as Level 1	Over 10,000 and up to 30,000 square feet	Same as Level 1	Same as Level 1
Level 4	Sales of lumber and a general line of building materials, nursery, lawn, and garden supplies to the public	Over 30,000 and up to 80,000 square feet	Same as Level 1	General line of building materials may include rough and dressed lumber, flooring, molding, doors, frames, roofing, siding, shingles, wallboards, paint, brick, tile, and cement.
Level 5	Outdoor retail sales of landscape materials, such as bark, crushed rock, soil, sand, plant materials, etc.	NA	See primary activity; may include storage of delivery trucks	Located on a lot or combination of lots not exceeding 2 acres in size. No more than 2 delivery trucks, up to 20,000 pound gross vehicle weight, can be kept on-site.
Level 6	Same as Level 5.	NA	See primary activity; may include storage of delivery trucks	Located on a lot or combination of lots exceeding 2 acres in size.

- E. Bulk Fuel Dealers.** Bulk Fuel Dealers Use Type refers to establishments that sell fuels to businesses and households for transportation, heating, and business purposes. Fuel dealers store or sell materials that are flammable, explosive, or toxic. Examples include propane gas sales, heating oil dealers, liquefied petroleum gas dealers, coal, wood, or other fuel dealers.

**Level 1:** All bulk fuel dealers.



- Level 2:** Retail sales to residential and commercial end users of solid heating fuels and liquid heating fuels/oils (not to exceed 1,200 gallons) as an accessory use to an allowed commercial use. In the South Hill Community Plan area, see 18J.50.035 A. for specific location and fencing standards that apply.
- F. **Business Services.** Business Services Use Type refers to uses primarily engaged in providing services to business establishments on a contract or fee basis. Examples include courier services, parcel delivery services, FAX services, telegraph services, reproduction services, commercial art and photography services, stenographic services, and janitorial services.
- Level 1:** Total floor area up to 2,500 square feet, with no outdoor storage of vehicles.
- Level 2:** Total floor area of 2,500-5,000 square feet; may include outdoor storage of vehicles.
- Level 3:** Total floor area exceeds 5,000 square feet; may include outdoor storage of vehicles.
- G. **Buy-Back Recycling Center.** Buy-Back Recycling Center Use Type refers to any small-scale business without industrial activity consisting of buildings with a cumulative gross floor area less than 5,000 square feet or an outdoor storage area less than 20,000 square feet which collects, receives, or buys recyclable materials from household, commercial, or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing. All materials stored outside must be containerized. Examples of buy-back recycling centers include small scale glass or aluminum buy-back centers. Uses such as automotive part rebuilding and/or salvage or reusable camera reloading are not considered buy-back recycling centers (also see to the Industrial Use Category for Recycling Processor Use Type).
- H. **Commercial Centers.** Commercial Centers Use Type refers to any lot or combination of lots with a store or variety of stores, offices, and services integrated into a complex utilizing uniform parking facilities. A variety of goods are sold or services provided at these centers ranging from general merchandise to specialty goods and foods. Commercial centers can be grouped into three levels:
- Level 1:** Any store or commercial center containing a variety of stores with a cumulative floor area over 40,000 square feet and up to 80,000 square feet. Flea Markets or Swap meets with up to 80,000 of sales area.
- Level 2:** Any store or commercial center containing a variety of stores with a cumulative floor area over 80,000 square feet and up to 200,000 square feet.
- Level 3:** Any commercial center containing a store or variety of stores with a cumulative floor area greater than 200,000 square feet.
- I. **Eating and Drinking Establishment.** Eating and Drinking Establishment Use Type refers to establishments that sell prepared food, beer, wine and/or liquor and may also provide music. Examples include espresso stands, fast food restaurants, full service restaurants, taverns, and brewpubs.
- Level 1:** Espresso stands with or without drive-through facilities, no preparation of meals allowed; and not exceeding 400 square feet in structure size.
- Level 2:** Fast food restaurants with drive-through facilities.



- Level 3:** Full service restaurants or cafes which may or may not serve beer, wine and/or liquor with a meal. This level of restaurant shall not have a separate lounge area for patrons 21 years of age or older.
- Level 4:** Restaurant, tavern or brewpub that serves beer, wine or liquor. This level of restaurant, tavern or brewpub will have a separate lounge area for patrons 21 years of age or older or in some cases be entirely restricted to patrons 21 years of age or older.
- Level 5:** Cabarets refer to any restaurant, barroom, tavern, cocktail lounge or other facility where food and/or beverages are available for purchase and where dancing occurs regardless of whether such dancing is to live entertainment or prerecorded transmissions. Adult Cabarets and other such businesses as outlined in Chapter 18A.42 PCC are not included in this use type.
- J. Food Stores.** Food Stores Use Type refers to stores primarily engaged in the retail sale of a variety of canned and dry foods, fresh fruits and vegetables, or meats, poultry, and fish, and may include a variety of disposable non-food products. Examples include meat and fish markets, vegetable markets, retail bakeries, dairy stores, and grocery stores.
- Level 1:** Total floor area up to 5,000 square feet.
- Level 2:** Total floor area over 5,000 and up to 40,000 square feet.
- Level 3:** Total floor area over 40,000 square feet and up to 80,000 square feet.
- K. Lodging.** Lodging Use Type refers to establishments that provide sleeping accommodations, whether with or without meals, furnished for hire to transient guests. Examples include lodging houses, employee housing, camping, and retreat centers. For Bed and Breakfast, see PCC 18A.36.070 E.
- Level 1:** Camp sites and recreational vehicle parks.
- Level 2:** Lodging house.
- Level 3:** Lodging house with up to 20 guest rooms.
- Level 4:** Employee Housing. Employee housing has shared kitchen/dining areas as well as shared restroom/shower facilities. No more than 20 individual sleeping units per building shall be allowed, with each unit requiring internal building access. Any provision for cooking facilities within an individual sleeping unit is prohibited.
- Level 5:** Retreat Centers. Retreat Centers may accommodate each visitor for no longer than 10 consecutive days and for no more than 50 visitors at any one time.
- Level 6:** Campgrounds and camp sites, not including recreational vehicle parks.
- L. Mobile, Manufactured, and Modular Homes Sales.** Mobile, Manufactured, and Modular Homes Sales Use Type refers to those establishments that store and sell pre-manufactured homes. The primary purpose is to provide sites for marketing and distribution.
- M. Motor Vehicles and Related Equipment Sales/Rental/Repair and Services.** Motor Vehicles and Related Equipment Sales/Rental/Repair and Services Use Type refers to establishments or places of business engaged in the sales, leasing, or service of automobiles, trucks, motorcycles, recreational vehicles, and boats; or heavy equipment and supplies related to motor vehicles; and self-moving or commercial moving services.
- Level 1:** Electric vehicle battery exchanges and charging stations.



- Level 2:** Gasoline service stations together with accessory automobile repair and convenience shopping, car washes with a one car capacity, and express lube/oil shops that do not keep vehicles onsite for repairs.
  - Level 3:** Automotive repair shops and car washes. Typical uses include general repair shops, transmission and engine rebuild shops, muffler shops, glass repair shops, automobile upholstery services, and lube/oil shops. On-site rental and lease of motor vehicles is permitted as an accessory use to automotive repair shops provided the number of vehicles available for rent or lease shall not exceed 10 at any given time.
  - Level 4:** Same uses as Level 2, except this level allows for motor vehicles sales as an accessory use provided the number of vehicles for sale on-site does not exceed 15 at any given time.
  - Level 5:** On-site sales, lease, or rental of automobiles, trucks not exceeding three tons of vehicle weight, and recreational vehicles.
  - Level 6:** Sales, lease, or rental of heavy truck and heavy equipment exceeding three tons of vehicle weight, supplies intended for outdoor use, and truck service stations. Typical use includes truck stops primarily designed for the service and fueling of heavy trucks and tractor trailer sales. Other activities include automobile body repair and paint facilities.
  - Level 7:** On-site lease or rental of automobiles, trucks not exceeding three tons of vehicle weight, and recreational vehicles.
  - Level 8:** Aircraft sales, lease or rental.
  - Level 9:** Boat repair and sales facilities.
  - Level 10:** On-site sales, lease or rental of automobiles, trucks and accessories provided the number of vehicles on-site does not exceed 40 at any given time. In the South Hill Community Plan area, see 18J.50.035 B. for specific setback, fencing and landscaping standards that apply.
- N. Personal Services.** Personal Services Use Type refers to uses primarily engaged in providing services to individuals. These services meet the needs on a daily, weekly, monthly, or less frequent basis. Examples include coin-operated laundries, dry cleaning drop-off/pick-up establishments, dry cleaners, beauty shops, barber shops, clothing alterations, tanning salons, travel agencies, funeral services, photographic studios, carpet and upholstery cleaners, taxi services, and personal improvement services.
- Level 1:** Total floor area up to 2,500 square feet and does not involve outdoor storage of vehicles.
  - Level 2:** Total floor area exceeding 2,500 square feet and up to 5,000 square feet; may include outdoor storage of vehicles.
  - Level 3:** Total floor area exceeding 5,000 square feet; may include outdoor storage of vehicles.
- O. Pet Sales and Service.** Pet Sales and Services Use Type refers to places of business primarily engaged in the retail sale, production, and services associated with small animals and household pets. Examples include pet stores, dog bathing and clipping salons, pet grooming shops, pet training centers, and veterinary hospitals for small animals and pets. Indoor boarding of animals is permitted when associated with the permitted use. See the Resource Use Category – Agricultural Services Use Type, for regulations pertaining to large animal veterinary services. Also see Resource Use



Category – Animal Production, Boarding and Slaughtering Use Type for breeding and boarding kennels.

**Level 1:** Retail and Service establishments are always located completely indoors and are less than 2,500 square feet in total floor area.

**Level 2:** Retail and Service establishments exceeding 2,500 square feet of total floor area and which may involve accessory outdoor facilities.

- P. **Rental and Repair Services.** Rental and Repair Services Use Type refers to establishments primarily engaged in the provision of repair services or closely related uses. Typical uses include upholstery shops, appliance repair shops, small engine and power tool rental and repair such as lawn mowers and chainsaws, vacuum cleaner repair, medical equipment rental and repair services, rental furnishings, and instrument repair services. Refer to Motor Vehicles and Related Equipment Sales/Rental/Repair and Services Use Type for automotive repair. Also see Personal Services Use Type for clothing alterations.

**Level 1:** Establishments that do not involve outdoor storage.

**Level 2:** Establishments that involve outdoor storage of equipment.

- Q. **Sales of General Merchandise.** Sales of General Merchandise Use Type refers to establishments that sell general merchandise including apparel and accessories, pharmaceuticals, optical goods, furniture and home furnishings, computers, and electronics. Also see Building Materials and Garden Supplies Use Type for establishments primarily engaged in selling lumber and other building materials, paint, glass, wallpaper, hardware, nursery stock, and lawn and garden supplies.

**Level 1:** Total floor area up to 5,000 square feet.

**Level 2:** Total floor area over 5,000 and up to 15,000 square feet.

**Level 3:** Total floor area over 15,000 and up to 30,000 square feet.

**Level 4:** Total floor area over 30,000 square feet and up to 80,000 square feet.

- R. **Storage and Moving.** Storage and Moving Use Type refers to businesses engaged in the storage of items for personal and business use and transportation of personal and business items between locations. This use type includes storage of vehicles, boats and recreational vehicles only when stored for personal use and not for sale, repair or maintenance purposes. Examples of Personal Storage uses include mini-warehousing, temporary storage of personal or business items by a moving and storage company, and boat storage yards. Personal hobby activities may occur within storage units when additional parking is provided for units that could accommodate such use, pursuant to Table 18A.35.040-1. For maintenance or repair of recreational vehicles or boats, also see the Motor Vehicles and Related Equipment Sales/Rental/Repair and Services Use Type. In the South Hill Community Plan area, see PCC 18J.50.035 C. for specific setback, fencing and landscaping standards that apply.



Table 18A.33.270-4. Storage and Moving – Description of Levels			
	Total Use Area	Outdoor Use Allowed	Building Standards
<b>Level 1</b>	Total use area consists of a lot or combination of lots less than one acre in size.	Yes	N/A
<b>Level 2</b>	Total use area consists of a lot or combination of lots of 1 to 4 acres in size.	Yes	N/A
<b>Level 3</b>	Total use area consists of a lot or combination of lots more than 4 acres in size.	Yes	N/A
<b>Level 4</b>	N/A	No	Entirely enclosed storage buildings not to exceed a building footprint of 25,000 square feet.
<b>Level 5</b>	N/A	No	Entirely enclosed storage buildings in excess of 25,000 square feet.

- S. Wholesale Trade.** Wholesale Trade Use Type refers to establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying for or selling merchandise to such individuals or companies. Typical Wholesale Trade establishments include wholesale merchants or jobbers and cooperative buying associations. Typical wholesale Trade businesses are electrical distributors, plumbing supplies, heating and air-conditioning equipment supplies, lumber and construction materials supplies, professional and commercial equipment supplies.

**Level 1:** Establishments with total floor area of 10,000 square feet or less and indoor storage only.

**Level 2:** Establishments with total floor area of more than 10,000 to 80,000 square feet and with indoor or outdoor storage.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013; Ord. 2012-2s § 5 (part), 2012; Ord. 2012-17 § 12, 2012; Ord. 2010-7 § 2 (part), 2010; Ord. 2009-18s3 § 2 (part), 2009; Ord. 2008-51s § 1 (part), 2008; Ord. 2008-15s § 1 (part), 2008; Ord. 2007-109s § 3 (part), 2007; Ord. 2006-53s § 1 (part), 2006; Ord. 2006-9s § 1 (part), 2006; Ord. 2005-84s § 2 (part), 2005; Ord. 2004-52s § 3 (part), 2004)

#### **18A.33.280 Industrial Use Category – Description of Use Categories.**

Industrial Use Categories include the on-site production, processing, storage, movement, servicing, or repair of goods and materials. The harvesting and extraction of raw materials; e.g., agricultural, forest, mineral, etc., is not included within the Industrial Use Categories but is found within the Resource Use Category. The Industrial Use Categories typically have one or more of the following characteristics: relatively large acreage requirements, create substantial odor or noise, create heavy traffic passenger vehicle and/or truck volumes, employ relatively large numbers of people, and/or create visual impacts incompatible with residential development.

- A. Basic Manufacturing.** Basic Manufacturing Use Type refers to uses that involve the primary processing of a raw or initially-processed material into a product that requires additional processing, manufacture, or assembly in order to become a consumer good. Examples include:



1. the production of basic chemicals;
  2. petroleum and natural gas storage;
  3. the manufacture of castings and other basic metal products and the manufacture of nails, spikes, and insulated wire and cable;
  4. the tanning, curing, or storage of raw hides or skins;
  5. the manufacture of cement, ready-mix concrete, cut stone, and crushed rock and other primary products from materials taken principally from the earth in the form of stone, clay, and sand;
  6. the manufacture of asphalt and asphalt reclamation processes;
  7. soil remediation facilities;
  8. saw, lath, shingle, planing, plywood and veneer mills engaged in producing lumber and basic wood materials;
  9. the manufacture of pulps from woods and other cellulose fibers and from rags;
  10. petroleum and natural gas refining and processing; and
  11. the smelting and refining of ferrous and non-ferrous metals from ore or scrap; rolling, drawing, and alloying metals.
- B. Contractor Yards.** Contractor Yards Use Type refers to an area for construction or contracting business offices, interior or outdoor storage, repair, or maintenance of heavy equipment, vehicles, or construction supplies and materials. See PCC 18J.15.220 for construction and contractor facility standards.
- Level 1:** Contractor Yards that include an outdoor storage area of less than or equal to 2 acres.
- Level 2:** Contractor Yards with outdoor storage areas greater than 2 acres in size.
- C. Food and Related Products.** Food and Related Products Use Type refers to uses which involve the processing of non-animal food materials, raw milk, ice manufacturing, and other food products manufacturing, processing, storage and packaging. Examples include: bakeries which distribute products to many retail outlets, creameries and other dairy products manufacturing without on-site dairy animals, soft drink bottling plants, feed and cereal mills, flour mills, vegetable oil manufacturing, refining or storage, yeast plants, and starch, glucose and dextrine manufacturing, and dry pet food, lard, pickles, sauerkraut, and vinegar manufacturing, sugar refining, breweries and distilleries. This Use Type does not include any food processing in which animals, slaughtered or live, are processed on site. Those uses are found under the Animal Production, Boarding, and Slaughtering Use Type.

**Table 18A.33.280-1. Food and Related Products Use Type –  
Description of Levels**

Level and primary activity	Employees	Total Floor Area	Vehicles	Storage
<b>Level 1:</b> Food processing and packaging facilities	Up to 6	Up to 2,000 square feet	No more than 3 vehicles up to 10,000 gross vehicle weight each, and No more than 1 vehicle in excess of 10,000 gross vehicle weight	No exterior storage
<b>Level 2:</b> Breweries and wineries	NA	NA	NA	NA



<b>Table 18A.33.280-1. Food and Related Products Use Type – Description of Levels</b>				
<b>Level and primary activity</b>	<b>Employees</b>	<b>Total Floor Area</b>	<b>Vehicles</b>	<b>Storage</b>
<b>Level 3:</b> Food processing and packaging facilities	No limit	Up to 5,000 square feet	No more than 3 vehicles up to 10,000 gross vehicle weight each, and No more than 1 vehicle in excess of 10,000 gross vehicle weight	No exterior storage
<b>Level 4:</b> Food processing and packaging facilities	No limit	Up to 5,000 square feet	No more than 3 vehicles up to 10,000 gross vehicle weight each, and No more than 1 vehicle in excess of 10,000 gross vehicle weight	Exterior storage allowed
<b>Level 5:</b> Food processing and packaging facilities	No limit	Up to 80,000 square feet	No limit	No exterior storage
<b>Level 6:</b> Food processing and packaging facilities	No limit	Up to 80,000 square feet	No limit	Exterior storage allowed
<b>Level 7:</b> Food processing and packaging facilities	No limit	Greater than 80,000 square feet	No limit	Exterior storage allowed

**D. Industrial Services and Repair.** Industrial Services and Repair Use Type refers to businesses that support industrial and commercial uses by repairing equipment or vehicles and/or providing other services integral to the functioning of the industrial or commercial use.

- Level 1:** Uses involving the repair of medium and large sized products (e.g., ships, boats, and trucks exceeding three tons of vehicle weight) with all repair activities taking place inside a building.
- Level 2:** Uses involving the repair of medium and large sized products (e.g., ships, boats, and trucks exceeding three tons of weight) with repair activities taking place outside a building.
- Level 3:** Uses providing large scale or bulk services to commercial and industrial businesses but not directly to the consumer (e.g., clothes cleaning plants, bulk laundries, diaper services, power laundries, linen supply, dry cleaning plants, industrial launderers, other laundry and garment services).
- Level 4:** Industrial services related strictly to industrial uses (e.g., assaying, towing and tugboat services, water transportation services, and industrial wastewater treatment facilities).
- Level 5:** Industrial services related strictly to bio-tech or high tech research (e.g., physical and biological research testing laboratories, computer-related testing laboratories, environmental research facilities, etc.).
- Level 6:** Aircraft repair and maintenance services.



- E. Intermediate Manufacturing and Intermediate/Final Assembly.** Intermediate Manufacturing and Intermediate/Final Assembly Use Type refers to uses that involve intermediate processing of semi-processed material into a consumer good and to uses that involve the assembly of semi-processed and/or intermediate processed products into a consumer good. This Use Type refers to the production, manufacture, fabrication or assembly of one or more of the following product types:
1. clothing and fabricated products;
  2. products manufactured by predominately chemical processes and which are to be used for ultimate consumer or industrial consumption;
  3. products manufactured by predominately chemical processes and which are to be used in further manufacture of other products;
  4. electronic computers, computer hardware components and related equipment, and other machinery, apparatus and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy;
  5. industrial and commercial machinery and equipment;
  6. finished products made entirely or mainly from wood for use in construction;
  7. paper and paperboard and its conversion into other paper-based products;
  8. ferrous and non-ferrous metal products and a variety of metal and wire products manufacturing;
  9. products manufactured or assembled from plastic resins and from natural, synthetic, or reclaimed rubber;
  10. paving and roofing materials, compounding lubricating oils and greases, rubber reclaiming, manufacture of synthetic rubber;
  11. instruments for measuring, testing, analyzing and controlling, optical instruments and lenses, surveying and drafting instruments, medical instruments and equipment, photographic equipment, watches and clocks, and supplies associated with the previous products;
  12. glass and glass products, clay products, pottery, concrete and gypsum products, abrasive and asbestos products, and other secondary products from materials taken principally from the earth in the form of stone, clay and sand;
  13. woven and knit fabrics, and carpets and rugs from yarn;
  14. dyeing, finishing, coating, waterproofing, and other treating of fiber, yarn, and fabrics;
  15. felt, lace goods, non-woven fabrics, and miscellaneous textiles;
  16. equipment for transportation of people or cargo by land, air, rail, or water; and
  17. other manufacturing and/or assembly processes in which processed or semi-processed materials are made or assembled into consumer products.



**Table 18A.33.280-2. Intermediate Manufacturing and Intermediate/Final Assembly Use Type – Description of Use Levels**

Level	Employees	Total Floor Area	Vehicles	Exterior Storage
Level 1	Up to 6	Up to 2,000 square feet	No more than 3 vehicles up to 10,000 gross vehicle weight each, and No more than 1 vehicle in excess of 10,000 gross vehicle weight	No exterior storage
Level 2	No limit	Up to 5,000 square feet	No more than 3 vehicles up to 10,000 gross vehicle weight each, and No more than 1 vehicle in excess of 10,000 gross vehicle weight	No exterior storage
Level 3	No limit	Up to 5,000 square feet	No more than 3 vehicles up to 10,000 gross vehicle weight each, and No more than 1 vehicle in excess of 10,000 gross vehicle weight	Exterior storage allowed
Level 4	No limit	Up to 80,000 square feet	No limit	No exterior storage
Level 5	No limit	Up to 80,000 square feet	No limit	Exterior storage allowed
Level 6	No limit	Greater than 80,000 square feet	No limit	Exterior storage allowed

- F. Motion Picture/Television and Radio Production Studios.** Motion Picture/Television and Radio Production Studios Use Type refers to uses engaged in the production and distribution of motion pictures, production and distribution of television segments, radio and television production of commercial spots, and other related activities.

**Level 1:** Facilities with a total floor area up to 10,000 square feet.

**Level 2:** Facilities with a total floor area exceeding 10,000 square feet.

- G. Off-Site Hazardous Waste Treatment and Storage Facilities.** Off-Site Hazardous Waste Treatment and Storage Facilities Use Type refers to facilities that treat and store hazardous waste generated off-site and are authorized pursuant to Chapter 70.105 RCW. All contiguous land and structures used for recycling, reusing, reclaiming, transferring, storing, or treating hazardous wastes are included.

- H. Printing, Publishing, and Related Industries.** Printing, Publishing, and Related Industries Use Type refers to uses engaged in printing by one or more common processes, such as letterpress, lithography, or screen; services for the printing trade, such as bookbinding and platemaking; and publishing newspapers, books, and periodicals.

**Level 1:** Floor area devoted to printing/pressing operation not exceeding 5,000 square feet.

**Level 2:** Floor area devoted to printing/pressing operation in excess of 5,000 square feet.

- I. Recycling Processor.** Recycling Processor Use Type refers to industrial activities which specializes in collecting, storing, and processing any waste, other than hazardous waste or municipal garbage, for reuse and which may use heavy mechanical equipment to do the processing. Examples include facilities where commingled recyclables are sorted, baled, or otherwise processed for transport off-site, where asphalt, concrete,



rubber and other such materials are recycled, and large scale buy back recycling facilities. Also see the Commercial Use Category for Buy-Back Recycling Center Use Type.

- J. Salvage Yards/Vehicle Storage.** Salvage Yards/Vehicle Storage Use Type refers to uses that involve: the salvage of wrecked vehicles, vehicle parts and appliances; and the storage of vehicles.

**Level 1:** Salvage Yards dealing with salvage of wrecked motor vehicles, vehicle parts, and appliances in which all vehicles and merchandise are stored within an enclosed building(s).

**Level 2:** Salvage Yards dealing with salvage of wrecked motor vehicles, vehicle parts, and appliances in which vehicles and merchandise are stored in an outdoor storage area.

**Level 3:** Vehicle Storage. The area for vehicle storage shall be no more than 10,000 square feet for storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreational vehicles. The area for vehicle storage shall be fenced. It does not include parking lots or the storage of vehicles for repair, sale, or the sale of vehicle parts.

**Level 4:** Vehicle Storage areas of more than 10,000 square feet for storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreational vehicles. The area for vehicle storage shall be fenced. It does not include parking lots or the storage of vehicles for repair, sale, or the sale of vehicle parts.

- K. Warehousing, Distribution, and Freight Movement.** Warehousing, Distribution, and Freight Movement Use Type refers to the large scale warehousing and distribution of manufactured or processed products for one or more businesses, the large scale distribution of raw, manufactured, or processed products for one or more businesses at a central location, and the central dispatch and servicing of a delivery truck fleet, where no reloading (transfer facility), warehousing, or consolidation of materials takes place on site.

**Table 18A.33.280-3. Warehousing, Distribution and Freight Movement Use Type – Description of Levels**

Level	Products transported or stored	Where stored	Size of property	Examples of uses and locations
<b>Level 1</b>	Manufactured or processed products	Within a building served by loading docks	On a lot or combination of lots not exceeding 2 acres	Grocery chain distribution centers, trucking fleet dispatch and service facilities, parcel delivery distribution centers. Often in close proximity to marine ports.
<b>Level 2</b>	Same as Level 1	Inside a building with loading docks or in outdoor storage areas	On a lot or combination of lots not exceeding 2 acres	Grocery chain distribution centers, parcel delivery distribution centers; trucking fleet dispatch and service facilities, storage of fabricated concrete blocks or finished lumber storage yards. Often in close proximity to marine ports.
<b>Level 3</b>	Same as Level 1	Within a building served by loading docks	On a lot or combination of lots from 2 to 5 acres in size	Grocery chain distribution centers, trucking fleet dispatch and service facilities, parcel delivery distribution centers. Often in close proximity to marine ports.



<b>Table 18A.33.280-3. Warehousing, Distribution and Freight Movement Use Type – Description of Levels</b>				
<b>Level</b>	<b>Products transported or stored</b>	<b>Where stored</b>	<b>Size of property</b>	<b>Examples of uses and locations</b>
<b>Level 4</b>	Same as Level 1	Inside a building with loading docks or in outdoor storage areas	On a lot or combination of lots from 2 to 5 acres in size	Grocery chain distribution centers, parcel delivery distribution centers; trucking fleet dispatch and service facilities, storage of fabricated concrete blocks, finished lumber storage yards, new automobile storage areas. Often in close proximity to marine ports.
<b>Level 5</b>	Same as Level 1	Inside a building with loading docks or in outdoor storage areas	On a lot or combination of lots exceeding 5 acres in size	Grocery chain distribution centers, parcel delivery distribution centers; trucking fleet dispatch and service facilities, storage of fabricated concrete blocks, finished lumber storage yards, new automobile storage areas. Often in close proximity to marine ports.
<b>Level 6</b>	Raw materials, semi-processed materials, or fully processed materials	Inside a building with loading docks	On a lot or combination of lots not exceeding 5 acres in size	Raw log storage, shipping container yards. Usually located in close proximity to rail lines, marine ports, airports, or regional highways.
<b>Level 7</b>	Same as Level 6	Inside a building with loading docks or in outdoor storage areas	On a lot or combination of lots not exceeding 5 acres in size	Raw log storage, shipping container yards. Usually located in close proximity to rail lines, marine ports, airports, or regional highways.
<b>Level 8</b>	Same as Level 6	Inside a building with loading docks or outdoor storage areas	On a lot or combination of lots exceeding 5 acres in size	Raw log storage, shipping container yards. Usually located in close proximity to rail lines, marine ports, airports, or regional highways.
<b>Level 9</b>	High and low level explosive materials and blasting agents as defined by the Bureau of Alcohol, Tobacco and Firearms	Inside a building with loading docks or in secure outdoor storage areas	On parcels large enough to meet federal standards regarding setbacks, buffers and separation, and not less than 10 acres in size	Located in large secluded areas away or buffered from living and critical areas and accessible to major arterials, rail lines or airports.

(Ord. 2012-2s § 5 (part), 2012; Ord. 2005-84s § 2 (part), 2005; Ord. 2004-52s § 3 (part), 2004)

**~~18A.33.285 – Single Family Detached Use Exception.~~**

- ~~A. Non-Industrial Zones.~~** ~~One single-family detached dwelling unit may be erected upon an existing vacant parcel; provided said parcel existed as a legal lot of record prior to the effective date of the Frederickson Community Plan. The unit shall be required to comply with requirements for setback, height, and other requirements of the zone in which it is located.~~
- ~~B. Industrial Zones.~~** ~~Within the Frederickson and Mid-County Community Plan areas, a single-family detached dwelling unit may be allowed on a existing vacant lot of record with the approval of an Administrative Use Permit when the following criteria are met:~~
- ~~1. For the Frederickson Community Plan area, the subject parcel existed prior to January 1, 1995, and is not more than 2 acres in size;~~



**EXHIBIT “G”**

**Accessory Uses, Temporary Use and Events**

**(attached)**



## *Chapter 18A.36*

### ***ACCESSORY DEVELOPMENT***

#### **Sections:**

- 18A.36.010 Purpose.**
- 18A.36.020 General Provisions for Accessory Uses and Structures.**
- 18A.36.030 Cargo Container Storage.**
- 18A.36.040 Mobile Food Service.**
- 18A.36.050 Cafeteria.**
- 18A.36.060 General Accessory Use List.**
- 18A.36.070 Residential Accessory Use List.**

#### **18A.36.010 Purpose.**

The purpose of this Chapter is to identify certain uses and structures that may be established accessory to a principal use and to establish standards and conditions for regulating such uses and structures. (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

#### **18A.36.020 General Provisions for Accessory Uses and Structures.**

- A. In all zones, there shall be no limit as to the number of accessory uses allowed on a lot provided:
  - 1. The use is not prohibited from locating in the zone classification;
  - 2. The use meets all applicable development regulations; and
  - 3. The use is accessory to a lawfully established principal use, except that structures typically accessory to a residence, such as garages, greenhouses and storage buildings, may be permitted without a principal use up to a maximum of 576 total square feet. Fences and retaining walls shall not be considered a principal use and shall not be limited to the 576 square feet maximum when no principal use is located on site.
- B. In residential zones, on lots of less than 1 acre in size, detached accessory structures shall not exceed 2,000 total square feet, except that the area of a detached Accessory Dwelling Unit (ADU) shall not apply.
- C. All accessory uses must be customarily incidental and subordinate to the principal building or use of the lot upon which it is located.
- D. At such time as the principal use or structure is discontinued, all accessory uses and structures to the principal use or structure shall also be discontinued or removed.
- E. Where there is a question regarding the inclusion or exclusion of a particular accessory use within any zone classification, the Director shall have the authority to make the final determination. The determination shall be based upon the general standards of this Section and an analysis of the compatibility of the use or structural size and placement with consideration of the predominant surrounding land use pattern and with the permitted principal uses of the zone classification.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)



**18A.36.030 Cargo Container Storage.**

- A. Schools and public safety facilities shall be permitted to utilize a cargo container or containers for the storage of emergency equipment necessary to meet federal requirements or regulations when a Level F1 Fence, per PCC 18J.15.040 H.5., or Level L2 landscape buffer, per PCC 18J.15.040 H.2., surrounds the cargo container(s), except when the cargo container is not visible off site or from any parking lot open to the public.
- B. Industrial sites and animal and crop production use types may contain cargo containers used for the storage of materials associated with the use on the site. They may not be used for the storage of hazardous materials.
- C. Religious Assembly uses and Community Service uses such as food banks shall be permitted to utilize a cargo container or containers for storage purposes when a Level F1 Fence, per PCC 18J.15.040 H.5., or Level L2 landscape buffer, per PCC 18J.15.040 H.2., surrounds the cargo container(s), except when the cargo container is not visible off site or from any parking lot open to the public, additional fencing and landscaping is not required.
- D. ~~Single-family residential uses located on lots greater than 2.5 acres in rural zone classifications shall be permitted to utilize a cargo container for storage purposes when a Level F1 Fence, per PCC 18J.15.040 H.5.; or Level L2 landscape buffer, per PCC 18J.15.040 H.2., surrounds the cargo container(s); provided the cargo container shall not be visible from any County arterial road. A cargo container authorized pursuant to this subsection shall be painted and have any corporate identification, symbol or logos removed.~~ N/A

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

**18A.36.040 Mobile Food Service.**

Mobile food service, i.e., espresso trucks and lunch wagons, are permitted in commercial and industrial zone classifications and shall not be subject to the off-street parking standards of Chapter 18A.35 PCC or design standards of Chapter 18J.15 PCC unless they exceed more than two hours per day per site. (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

**18A.36.050 Cafeteria.**

- A. Within commercial buildings which are established with a principal use, other than eating and drinking establishments, eating facilities such as cafeterias, espresso bars, cafes, and delis that do not serve alcohol, do not have drive-through facilities, and are no larger than 1,500 square feet shall be permitted.
- B. Within the EC and CE zones, cafeterias, espresso bars, cafes, delis, and other eating establishments that are attached to or are a part of a building for another use allowed in the zone, and do not serve alcohol and do not have drive-through facilities, shall be allowed. The part of the structure used for this purpose shall not exceed 15 percent of the square footage of the structure. (Applies to Business Park Zone.)

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

**18A.36.060 General Accessory Use List.**

- A. The following uses may be allowed accessory to principal uses found in one or more use categories.
  - 1. Antennae and satellite dishes for private telecommunication services;
  - 2. Decks and patios;



3. Storage of equipment used for on-site landscape and grounds maintenance;
4. Food service facilities for use primarily by employees with no exterior advertisement of the facility;
5. Incidental storage of equipment, raw materials and finished products sold or manufactured on site and storage of agricultural products produced on site;
6. Non-commercial recreational facilities and areas (indoor or outdoor), including swimming pools, for exclusive use by employees, patrons, or residents, depending upon the principal land use;
7. On-site hazardous waste treatment and storage;
8. Private docks and mooring facilities;
9. Retaining walls, free-standing walls, and fences;
10. Small-scale composting facility which meets State and local solid waste regulations;
11. Solid waste impoundments;
12. Waste-to-energy facilities designed to burn less than 12 tons per day;
13. Dwelling units used exclusively for caretakers or superintendents and their families and housing for agricultural workers on the same site as the commercial agricultural activity;
14. Wind power electrical generation equipment meeting the following standards in all categories except residential. See PCC 18A.36.070 for standards specific to residential use:
  - a. Non-turbine/generators are permitted subject to the following standards:
    - (1) Noise generation:
      - (a) Noise generated from the unit may not exceed 57 dBA (sound pressure level in decibels) at the adjacent property lines when adjacent to residential use or urban or rural residential zoning;
      - (b) Noise generated from the unit may not exceed 60 dBA at the adjacent property lines when adjacent to urban or rural commercial uses or zoning; and
      - (c) Noise generated from the unit may not exceed 65 dBA at the adjacent property lines when adjacent to urban or rural industrial uses or zoning.
    - (2) Support structures are permitted and must comply with the development standards;
    - (3) Must be in compliance with applicable county, state and federal regulations; and
    - (4) Must comply with all bulk requirements of the zone classification to include, but not limited to, height and setbacks.
  - b. Freestanding wind turbine/generators are permitted subject to the provided standards:
    - (1) Noise generation:
      - (a) Noise generated from the unit may not exceed 57 dBA (sound pressure level in decibels) at the adjacent property lines when adjacent to residential use or urban or rural residential zoning;
      - (b) Noise generated from the unit may not exceed 60 dBA at the adjacent property lines when adjacent to urban or rural commercial uses or zoning; and
      - (c) Noise generated from the unit may not exceed 65 dBA at the adjacent property lines when adjacent to urban or rural industrial uses or zoning.



- (2) The rated capacity may not exceed 10 kilowatts, except when documentation is submitted to the Planning and Land Services Department justifying the need for greater kilowatt generators whose primary use is electricity generation to be used on the project site;
  - (3) Support structures are permitted and must comply with the development standards;
  - (4) Setback requirement that is consistent with zoning or 50 foot minimum setback to center of turbine/generator, whichever is greater;
  - (5) Height requirement that is consistent with the zoning; or 50 foot setback increases for every foot greater than maximum height stipulated by the Zoning Code, but not to exceed a maximum height of 100 feet;
  - (6) The outer and innermost guy wires must be clearly visible through the use of covers, flagging or other methods to a height of 6 feet above the guy wire anchors;
  - (7) The guy wire anchors must be a minimum of 20 feet from all property lines; and
  - (8) Must be in compliance with applicable county, state and federal regulations.
15. Maintenance of the equipment, vehicles, and machinery used to support a principal use; and
16. Personal hobby activities, limited to uses and activities permitted to take place within a residence or residential accessory structure per appropriate building and fire codes.
- a. Personal hobby activities shall be undertaken for personal use only and shall not be used to generate income of any sort.
  - b. Personal hobby activities may not include uses that together would constitute a dwelling unit.
- (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

**18A.36.070 Residential Accessory Use List.**

The following structures and uses may be allowed accessory to a residence:

- A. Carports or garages for the sole use of occupants of premises and their guests, attached or detached (without fee to guests), for storage of motor vehicles, boats, recreational vehicles, and/or planes;
- B. Greenhouse for private and non-commercial use;
- C. Storage buildings for yard maintenance equipment and household goods;
- D. Agricultural activities, such as gardens and orchards for private, non-commercial use;
- E. A Bed and Breakfast shall be allowed, on a parcel upon which the bed and breakfast proprietor resides, within a legally established single-family dwelling or accessory structure when the following criteria are met:
  1. Not more than five guest rooms are provided;
  2. Not more than ten travelers are lodged at any time;
  3. Lodging for each guest does not exceed two weeks; and
  4. Compensation of any kind is paid for the lodging.
- F. Animals, subject to the following requirements:
  1. Any combination of five dogs or cats that individually exceed seven months of age are permitted. Any combination of six or more dogs or cats that individually exceed seven months of age are permitted pursuant to PCC 18A.33.260 D., Animal Production, Boarding and Slaughtering.



2. No person shall have, maintain, or possess any wolf, fox, chimpanzee, or other exotic, vicious, or poisonous animal or reptile except as set forth in Chapter 6.16 PCC.
3. Urban Area Requirements.
  - a. For lots less than one-half acre:
    - (1) Two small livestock are allowed, all other livestock are prohibited; and
    - (2) Five or fewer small animals, excluding dogs and cats allowed pursuant to F.1. above, are allowed. Rooster, peacocks, and male turkeys are prohibited.
  - b. For lots from one-half acre to less than 5 acres:
    - (1) Two small livestock are allowed and other livestock shall not exceed 2 which are 12 months or more of age; and
    - (2) Twelve or fewer small animals, excluding dogs and cats allowed pursuant to F.1. above, are allowed per acre. Roosters, peacocks, and male turkeys are prohibited on lots less than one acre.
  - c. For lots 5 acres or greater in size, there shall be no restriction on the number of livestock and small animals kept.
  - d. Animal enclosures such as, but not limited to, cages, barns, stables, and coops shall not be located in a front yard, and shall be setback as follows from adjacent residential property lines that are not held in common ownership:
    - (1) 15 feet for poultry or rabbits;
    - (2) 10 feet for other small animals and small livestock;
    - (3) 45 feet for livestock; and
    - (4) 75 feet for kennels and catteries.
    - (5) For purposes of this Section, a fenced area where animals are free roaming is not considered an animal enclosure.
4. ~~Rural Area Requirements.~~ (Not applicable to Tehaleh)
  - ~~a. For lots less than one-half acre:~~
    - ~~(1) Two small livestock are allowed, all other livestock are prohibited; and~~
    - ~~(2) No more than 24 small animals, excluding dogs and cats allowed pursuant to F.1. above, are allowed.~~
  - ~~b. For lots one-half acre or greater in size, there shall be no restriction on the number of small livestock, livestock or small animals kept.~~
  - ~~c. Animal enclosures such as, but not limited to, cages, barns, stables, and coops shall not be located in a front yard, and shall be setback as follows from adjacent residential property lines that are not held in common ownership:~~
    - ~~(1) 5 feet for poultry or rabbits;~~
    - ~~(2) 10 feet for other small animals and small livestock;~~
    - ~~(3) 45 feet for livestock; and~~
    - ~~(4) 75 feet for kennels and catteries.~~
    - ~~(5) For purposes of this Section, a fenced area where animals are free roaming is not considered an animal enclosure.~~
5. Best Management Practices on lots less than one-half acre.
  - a. Manure shall be collected and stored in covered containers. Animal manure shall not be deposited or allowed to accumulate in any ditch, ravine, stream, river, pond, marine water, or surface of the ground, or on any road right-of-way where it may become a nuisance or menace to health as determined by the Tacoma-Pierce County Health Department.



- b. All critical area buffers and setbacks, building department, solid waste, aquifer recharge and health department regulations apply.
- G. ~~Motor tracks subject to the following restrictions:~~ (Not applicable to Tehaleh)
  - ~~1. Rural zones only;~~
  - ~~2. Parcels must be equal to or exceed 5 contiguous acres in size;~~
  - ~~3. Track shall be within an area not to exceed 2 acres in size;~~
  - ~~4. No portion of the usable track may be within 50 feet of any property line and no closer than 250 feet to a principal residential structure on any abutting property;~~
  - ~~5. The track shall only be utilized during daylight hours; no earlier than 8 a.m. and no later than 6 p.m. year round; and~~
  - ~~6. Use of the track is limited to the occupant(s) of the single-family residence.~~
- H. The parking of one vehicle up to 18,000 pounds gross vehicle weight used by the resident for commercial purposes may be allowed provided the vehicle is parked wholly within the driveway or another location specifically designed to accommodate vehicle parking. The allowable gross vehicle weight shall increase to 30,000 pounds for lots which are greater than 5 acres in size when located within a rural zone classification. The vehicle may exceed 18,000 pounds gross vehicle weight if under contract with local authorities, such as the Sheriff and/or State Patrol, to provide assistance to automobile accidents or provide assistance during inclement weather conditions.
- I. Wind power electrical generation equipment meeting the following standards shall be allowed accessory to a single-family residence:
  - 1. The equipment may not exceed more than one unit per principal residence, and shall have a total rating of less than 10kW under normal wind conditions;
  - 2. Equipment shall not be located in a front yard setback. All equipment shall comply with setbacks of the zone classification;
  - 3. Height limits for the underlying zone shall apply. The height limit may be exceeded provided the equipment is set back one additional foot for every foot said equipment exceeds the height limitation of the underlying zone classification;
  - 4. Minimum distance between the ground and any protruding blades shall not be less than 15 feet as measured from the lowest point of the arc of the blades;
  - 5. The outer and innermost guy wires must be clearly visible through the use of covers, flagging or other methods to a height of 6 feet above the guy wire anchors;
  - 6. Guy wire anchors must be a minimum of 10 feet from all property lines;
  - 7. Must be in compliance with applicable county, state and federal regulations;
  - 8. Equipment shall not be installed along the major axis of an existing microwave communications link where the operation system is likely to produce an unacceptable level of electromagnetic interference, unless the applicant provides sufficient evidence satisfactory to the Planning Director indicating that the degree of expected interference is insignificant;
  - 9. All equipment shall be located and installed in compliance with the guidelines of the Federal Aviation Regulations if located on property adjacent to an airport runway approach or clearance zone;
  - 10. Noise generated at any property line shall not exceed that allowed under Chapter 8.76 PCC; and
  - 11. In urban zones, power lines for a detached unit shall be located underground.
- J. Home-Based Day-Care facilities operate from a residence and are required to comply with the following standards:



1. Outdoor recreation shall be enclosed by a Department of Social and Health Services (DSHS) approved fence;
  2. Play equipment shall not be located in any required front or interior yard setback area; and
  3. The maximum number of individuals receiving daycare services at the facility shall not exceed 12 individuals.
- K. Home Occupation and Cottage Industry provided the following standards are met.
1. General Standards. These general standards apply to all home occupation and cottage industries:
    - a. The activity shall not create noticeable glare, noise, odor, vibration, smoke, dust, heat, or cause interference with radio or television receivers at or beyond the property lines;
    - b. Activities shall be performed completely inside the residence, an accessory structure, or a combination of the two;
    - c. Structures used for a cottage industry shall comply with building and fire code requirements for permits, occupancy, and inspection;
    - d. The activity shall be clearly incidental and secondary to the residential use of the property and shall not change the residential character of the dwelling or neighborhood;
    - e. Manufacturing shall be limited to the small-scale assembly of already manufactured parts but does not preclude production of small, individually handcrafted items, furniture, or other wood items;
    - f. Customers and clients are allowed between the hours of 6 a.m. and 9 p.m. and sales in connection with the home occupation are limited to merchandise handcrafted on site or items accessory to a service (i.e., hair care products for beauty salon);
    - g. Signage is regulated by Title 18B PCC, Development Regulations – Signs;
    - h. Off-street parking shall include one space per non-resident employee and one for each related vehicle (unless the employee drives the cottage industry vehicle only) in addition to the parking required for the single-family residence according to PCC 18A.35.040, Off-Street Parking; and
    - i. Use of hazardous materials or equipment must comply with the requirements of the Uniform Building Code and the Uniform Fire Code.
  2. Home Occupations may be allowed in urban and rural zones with issuance of a Home Occupation Permit and when in compliance with the following standards, in addition to the general standards:
    - a. The home occupation shall be limited to an area not more than 500 square feet or a size equivalent to 50 percent of total floor area of the living space within the residence, whichever is less;
    - b. Only the resident can perform the home occupation;
    - c. One vehicle up to 18,000 pounds gross vehicle weight is allowed; and
    - d. There shall be no outside display or storage of materials, merchandise, or equipment.
  3. Cottage Industry Level I may be allowed in urban and rural zones with approval of an Administrative Use Permit (AUP) and compliance with the following standards:
    - a. The cottage industry shall be limited to 1,000 square feet or a size equivalent to 50 percent of total floor area of the living space within the residence, whichever is less;



- b. Two non-resident employees are permitted;
  - c. Two 18,000 pounds gross vehicle weight vehicles are allowed; and
  - d. A Level 3 landscaping buffer shall be provided between cottage industry activities and neighboring residential dwellings. See PCC 18J.15.050 for landscape buffer standards.
4. ~~Cottage Industry Level II may be allowed in rural zones only upon issuance of a~~ (Not applicable to Conditional Use Permit (CUP) and compliance with the following standards: Tehaleh)
- ~~a. The cottage industry shall be limited to 1,500 square feet or a size equivalent to 50 percent of total floor area of the living space within the residence; whichever is less. Properties which are 5 acres or greater may exceed this requirement at the Examiner's discretion;~~
  - ~~b. Four non-resident employees are allowed;~~
  - ~~c. Three 18,000 pounds gross vehicle weight vehicles and one vehicle in excess of 18,000 pounds gross vehicle weight are allowed;~~
  - ~~d. Activities and outside storage of materials and equipment are allowed provided the site is sufficiently screened;~~
  - ~~e. Activities involving outdoor events, such as wedding facilities, shall be limited to six outdoor events per year, with no more than one event per month; properties which are greater than 10 acres in size may exceed this standard at the Hearing Examiner's discretion;~~
  - ~~f. Outside material and vehicle storage shall be screened from neighboring residential dwellings with a Level 3 landscape buffer and F1 fencing. See PCC 18J.15.040 for landscape and fence buffer standards; and~~
  - ~~g. A Level 3 landscape buffer shall be provided between cottage industry activities and neighboring residential dwellings. See PCC 18J.15.040 for landscape buffer standards.~~
- L. Accessory Dwelling Unit (ADU).
- "
- 1. The establishment of an ADU shall be subject to the following general requirements:
    - a. One ADU shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure in all zones. ADUs shall not be permitted on lots created under Chapter 18J.17PCC, Small Lot Design. ADUs shall not be included in density calculations.
    - b. An ADU shall be converted to another permitted use or shall be removed if one of the two dwelling units is not owner occupied.
    - c. An ADU shall be permitted as a second dwelling unit attached to, or detached from, the principal dwelling.
    - d. A detached ADU may be any dwelling permitted in the applicable land use classification.
    - e. New construction of a detached ADU or conversion of an existing detached structure to an ADU shall not be permitted within the required front, side, or rear yard setback. An exception to the required rear yard setback may be allowed if the rear yard abuts an alley.
    - f. If an ADU is created by constructing a new detached structure, the building height of the ADU shall not be greater than the principal dwelling's building height, unless the ADU is above a detached garage.
  - 2. Size. An ADU shall be no greater than 1,000 square feet when located in an Urban Growth Area. When located outside an Urban Growth Area, the size may increase to 1,250 square feet.



- (Ord. 2014-42 § 2 (part), 2014; Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)



## Chapter 18A.38

### TEMPORARY DEVELOPMENT

#### Sections:

- 18A.38.010 Purpose.**
- 18A.38.020 Temporary Uses Allowed-Number of Days Allowed.**
- 18A.38.030 Temporary Use/Duration and Frequency.**
- 18A.38.040 Temporary Housing Community.**
- 18A.38.050 Temporary Structures.**

#### **18A.38.010 Purpose.**

The purpose of this Chapter is to establish allowed temporary uses and structures, and provide standards and conditions for regulating such uses and structures. (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

#### **18A.38.020 Temporary Uses Allowed-Number of Days Allowed.**

- A. The numbers in this Table represent the cumulative number of days the specific temporary use may be allowed on an individual property within any 12-month period. It is the applicant's discretion as to how the days are utilized throughout the 12-month period. A temporary use as listed below shall not be subject to parking provisions contained within Chapter 18A.35 PCC or the landscaping provisions of Chapter 18J.15 PCC. Produce and flower sales that are considered a permanent use as described in 18A.33.260 A., Agritourism, may be subject to Title 18J PCC, Development Regulations – Design Standards and Guidelines, and parking provisions when the time frames specified herein are exceeded.

<b>Table 18A.38.020-1. Temporary Uses Allowed-Number of Days Allowed</b>						
<b>Temporary Use Types and Number of Days Allowed</b>	<b>Urban Centers</b>	<b>Urban Districts</b>	<b>Urban Residential</b>	<b>Resource Lands</b>	<b>Rural Centers</b>	<b>Rural Residential</b>
Produce (1)	120	120		120	120	120
Flowers (1)	30	30		30	30	30
Fireworks (1)(2)	14	14			14	
Christmas Trees (1)	45	45		45	45	45
Carnivals/Circuses (1)	14	14			14	
Community Festivals (1)	14	14	14	14	14	14
Garage Sales (3)	8	8	8	8	8	8
Parking Lot Sales (1)	14	14			14	
Camping and Recreational Vehicle Use (4)	120	120	120	120	120	120
Temporary Events (150 or more people)	(refer to <b>Events, Chapter 18A.40 PCC</b> )					

Urban Centers = Business Park, Neighborhood Center, and Community Center Zones of Tehaleh  
Urban Residential = Residential and Multi-Family Zones of Tehaleh



Table 18A.38.020-1. Temporary Uses Allowed-Number of Days Allowed						
Temporary Use Types and Number of Days Allowed	Urban Centers	Urban Districts	Urban Residential	Resource Lands	Rural Centers	Rural Residential
Temporary Housing Communities	(refer to Temporary Housing Communities, PCC 18A.38.040)					
Temporary uses for any number of people and not advertised as open to the public with or without a fee, or temporary uses sponsored by tax-exempt organizations, public schools, or municipal entities shall not be subject to the standards set forth in this Chapter. Examples of such temporary uses include, but are not limited to, the following: <ul style="list-style-type: none"><li>• Family reunions/picnics;</li><li>• Weddings, Birthdays, Anniversaries;</li><li>• Sporting or other fund raising events sponsored and held on school grounds;</li><li>• Business or Corporate Retreats;</li><li>• Organized religious events; and</li><li>• Activities conducted in a public park or on public lands with approval of the local governing agencies.</li></ul> Activities which have been authorized through an approved discretionary land use permit shall not be subject to the standards set forth in this Chapter.						

Footnotes:

- (1) Occupying recreational vehicles in conjunction with this temporary use is limited to guard, caretaker, and similar functions which prohibit public entry into the vehicle. The number of days the recreational vehicle is allowed on the site shall be the same as the associated temporary use.
- (2) Actual number of days fireworks sales are allowed is subject to Chapter 5.08 PCC and Washington State requirements.
- (3) Garage sales are not subject to affidavit requirements of 18A.38.030 A.1.
- (4) Camping and recreational vehicles shall meet the standards set forth in PCC 18A.38.010, 18A.38.020, 18A.38.030, and 18A.38.050 E.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

### **18A.38.030 Temporary Use/Duration and Frequency.**

A. Temporary uses shall be limited in duration and frequency as follows:

1. Any proponent of a temporary use shall file an affidavit with the Planning and Land Services Department which specifies the type of use, location, and specified days and hours of operation of the proposed temporary use. The affidavit form is available at the Department.
2. The duration of the temporary use shall include the days the use is being set up and established as well as when the event actually takes place.
3. A parcel may host no more than three temporary uses within a calendar year; provided the time periods specified in PCC 18A.38.020, Temporary Uses Allowed-Number of Days Allowed, are not exceeded. Multiple temporary uses may occur on a parcel concurrently provided the time periods in PCC 18A.38.020 are not exceeded.
4. Recreational vehicles, travel trailers, or tents shall not be used as a permanent place of abode, or dwelling, for indefinite periods of time, except as stipulated in PCC 18J.15.200 for mobile home parks. Occupancy of a recreational vehicle, travel trailer or tent, or combination thereof, for more than 120 days in any 12-month period shall be considered permanent occupancy.
5. Temporary parking lots associated with a temporary use shall not remain longer than the associated temporary use.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)



**18A.38.040 Temporary Housing Community.**

- A. A Temporary Housing Community is intended to provide temporary housing/shelter for more than a family as defined in PCC 18.25.030 and may house up to 60 adults no longer than 90 consecutive days. The following requirements must be met prior to permitting a temporary housing community:
1. Must be confined to a single parcel of land.
  2. Shall house no more than 60 adults.
  3. The minimum distance between the temporary housing community shall be no less than 1 linear mile between other similar operations.
  4. Shall not be located closer than 100 feet from any dwelling on adjacent parcels.
  5. Shall not be located closer than 1 linear mile from any public or private schools. However, this locational criteria shall not apply if such facilities already exist on the site or are planned as part of the temporary housing community.
  6. A site may only host one temporary housing community per calendar year.
  7. Shall not be located closer than one-half mile from any group home, retirement home, senior center, licensed day care, or other vulnerable population. However, this locational criteria shall not apply if such facilities already exist on the site or are planned as part of the temporary housing community.
  8. Issuance of a Site Specific Information Letter (SSIL) shall be required prior to set-up, construction or occupancy of any tents or other temporary structures or housing facilities on the lot, parcel, or tract of land hosting the event.
  9. Set-up time for the host site shall not be included in the 90 days. Specified set-up times will be determined in the review of the Site Specific Information Letter.
  10. The event shall comply with all conditions of approval as set forth under a Site Specific Information Letter. Such conditions shall be based on expected or potential impacts of the event related to traffic, waste management, public health, noise effects on surrounding properties, public safety, and any other issues identified by the County.
  11. Prior to issuance of the SSIL, any and all other local, state and federal regulatory agencies, fees, permits or conditions of approval shall be met by the applicant as well as the following:
    - a. That adequate provisions have been made for on-site sanitary waste and potable water;
    - b. That provisions are made to ensure habitable conditions during inclement weather;
    - c. That the site is within reasonable walking distance (1/4 mile measured along sidewalks or roads) to public transportation;
    - d. That a security plan is in place and resources are available to implement it; and
    - e. That the sponsors have developed a transitional plan for relocation of the residents of the community.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

**18A.38.050 Temporary Structures.**

- A. **Temporary Construction Buildings.** Temporary structures for the storage of tools and equipment, or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects. Such buildings shall be removed within 30 days after completion of the project or 30 days following completion of work.



- B. **Temporary Real Estate Office.** One temporary real estate sales office may be located on any new subdivision in any zone; provided the activities of such office shall pertain only to the selling of lots within the approved divisions of land of 5 or more lots or phase of division upon which the office is located. The temporary real estate office shall be removed at the end of a 3-year period measured from the date of the recording of the map of the land division upon which such office is located.
- C. **Temporary Housing Unit During Construction.** A temporary housing unit during construction may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to construct a permanent use or structure on the same lot or tract or abutting property leased or owned by the applicant. Existing dwelling units may be converted to a temporary housing unit. A temporary housing unit is subject to the following:
1. The unit is removed from the site within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.
  2. The unit is not located in any required yard.
  3. A permit is issued by the Building Division prior to occupancy of the unit on the construction site.
- D. **Temporary Housing Unit for Family.** A temporary housing unit for family is permitted in all zones subject to the following regulations:
1. A permit for a temporary housing unit for family may be issued by the Building Division if the applicant satisfies the criteria set forth in PCC 18A.38.050 D.2. below and attests by affidavit that:
    - a. The information furnished with the application is true and correct.
    - b. That the standards and conditions set forth in the permit will remain satisfied as long as the temporary housing unit remains on the site.
  2. The following are the minimum standards applicable to a temporary housing unit for family.
    - a. The temporary housing unit shall be occupied by the parent or parents of the occupants of the dwelling, or not more than one individual who is a close relative of the occupants of the principal dwelling.
    - b. An occupant of the temporary housing unit because of age, disability, prolonged infirmity, or other similar incapacitation is unable to independently maintain a separate type of residence without human assistance.
    - c. The temporary housing unit must bear the HUD 3280 seal.
    - d. In the event the Health Department requires the installation of separate water supply and/or sewerage disposal systems, said requirements shall not at a later time constitute grounds for the continuance or permanent location of a temporary housing unit beyond the length of time authorized in the permit or renewal of said permit.
    - e. Prior to the issuance of a permit, the County shall review the application and may require the installation of such fire protection/detection equipment as may be deemed necessary as a condition to the issuance of the temporary housing permit.
    - f. The temporary housing unit shall be removed from the lot or tract of land not more than 30 days from the date the permit expires or occupancy ceases.



3. Permits shall be valid for the period of time the parent or close relative resides in the temporary housing unit; provided, that after obtaining initial approval, annual renewals of the temporary housing permit must be obtained from the Building Official. When obtaining a renewal, the Building Official shall confirm by affidavit from the applicant that the requirements specified herein are satisfied. Application for renewals must be made 60 days before the expiration of the current permit. Renewals of said permits shall be automatically granted if the applicant is in compliance with the provisions herein and no notice of such renewal is required.
- E. **Temporary Occupancy of Recreational Vehicle, Travel Trailer or Tent.** A recreational vehicle, tent, or travel trailer located on a lot of record may be temporarily occupied, for the time period noted in PCC 18A.38.020, subject to compliance with the standards set forth in this Section. Recreational vehicles, travel trailers, or tents located within an approved recreational vehicle park are not subject to the standards set forth in this Section. See PCC 18J.15.210 for regulations applicable to recreational vehicle parks.
1. Temporary occupancy of a recreational vehicle, tent, and/or travel trailer is permitted in all zones when in compliance with the following:
    - a. Within the urban growth area, only a recreational vehicle, tent, or travel trailer located on a lot developed with a principal dwelling unit may be occupied for the temporary period noted in PCC 18A.38.020. Provided that, however, urban lots located on a Shoreline of the State and within a Shoreline Environment that permits residential or recreational use may host a recreational vehicle, travel trailer, or tent for the temporary period noted in PCC 18A.38.020, whether the lot is developed or undeveloped. All other recreational vehicles, tents, or travel trailers on undeveloped lots located within the urban growth area shall not be occupied for any period of time.
    - b. Within the rural area, occupancy of a recreational vehicle, tent, or travel trailer may be allowed regardless of whether or not a principal dwelling unit exists on the lot.
    - c. A recreational vehicle or travel trailer parked on a public or private roadway or the right-of-way or easement for that roadway shall not be occupied.
    - d. Recreational vehicles shall not be placed in critical areas or their associated buffers.
    - e. The recreational vehicle, travel trailer, or tent shall be removed from the lot or tract of land on which it is located within 14 days of the expiration of the temporary occupancy period, except that a recreational vehicle and/or travel trailer may remain on site unoccupied if the person or entity in control of the property is the legal or registered owner.
    - f. A recreational vehicle, travel trailer or tent may be occupied for up to 14 days per year without a temporary use permit.
  2. An approval for the temporary occupancy of a tent, travel trailer, or recreational vehicle is valid for a maximum of 120 days when in compliance with PCC 18A.38.050 E.1. above. Extensions of this approval may be granted by the Director on a case-by-case basis, when needed, in situations of undue hardship and provided that efforts to relocate or acquire permanent housing are underway. This time period shall be reduced accordingly by the length of time any other recreational vehicle, travel trailer, or tent was occupied on the same lot as the subject request during the 12 months immediately prior to the request.



- F. **Temporary Storage in Cargo Containers.** Cargo Containers may be placed in the following zones: Employment Center zones, to include Community Employment (CE), Employment Center (EC), and Employment Services (ES), and Urban Center zones, to include Community Center (CC) and Mixed Use District (MUD), when the following standards are complied with:
1. Materials stored within cargo containers must be directly related to an approved commercial and/or industrial use on site;
  2. No storage of hazardous materials may take place within cargo containers;
  3. Cargo containers may not be rented for personal or commercial storage uses;
  4. Cargo containers must be in compliance with bulk requirements of Development Regulations;
  5. Cargo containers may not encumber required parking, aisle or landscaping, and may not block Emergency Vehicle Access or established vehicle routes;
  6. No more than five cargo containers may be used for storage associated with industrial uses at a time;
  7. No more than two cargo containers may be used for storage associated with commercial uses at one time; and
  8. Cargo containers may not be on any site in excess of 180 days within any 12-month period. (Applies to Business Park, Neighborhood Center and Community Center Zones of Tehaleh)
- G. **Public Nuisance Abatement.**
1. **Designated Public Nuisance Sites.**
    - a. Pierce County Public Works and Utilities may arrange for the placement of machinery/equipment on designated public nuisance site or sites otherwise arranged by Pierce County as a temporary use. With authorization provided in either a Superior Court ordered Warrant of Abatement or from the Planning Director, temporary on-site activities and/or processes (i.e., waste staging, screening, processing, shredding, chipping, recycling, car crushing) will accommodate public nuisance abatement efforts.
    - b. Designated property(s) and subsequent on-site activities/processing shall only occur on a temporary basis in order to abate public nuisances as defined in Chapter 8.08 PCC, Public Nuisances, and shall not exceed 180 days unless a time extension is granted. Time extensions may be granted by the Director on a case by case basis. Requests must be submitted in writing, provide justification for the extension, and specify the additional time needed.
    - c. Designated property(s) as described shall not be exempt from applicable local, state or federal requirements related to public health and safety.
  2. **Emergency Proclamation/Declared Disaster.**
    - a. Pierce County may designate either private or public property with authorization of property owner or appropriate controlling agency for the purpose of temporarily receiving, staging and processing waste generated during or after an Executive/State proclaimed Emergency or Federal declaration of Disaster. Designated property may be predetermined or selected at the time of the proclaimed/declared Emergency or Disaster to accommodate emergent debris removal efforts posing an immediate threat to public health and safety or hindering recovery efforts.



- b. For the purpose of this Section, an Emergency proclamation or declaration of Disaster may be made by any of the following: Pierce County Executive, Pierce County Council, Washington State Governor, or the President of the United States.
- c. Designated property shall only be utilized during, and immediately following a proclaimed Emergency or declared Disaster; not to exceed 180 days unless a time extension is granted. Time extensions may be granted by the Director on a case by case basis. Requests must be submitted in writing, provide justification for the extension, and specify the additional time needed. Every reasonable effort will be utilized to return the property to its pre-use condition within one year after on-site recovery operations cease.
- d. Designated property as described shall not be exempt from applicable local, state or federal requirements related to public health and safety.

H. **Shoreline Accessory Uses.** Please refer to the Shoreline Management Use Regulations, Title 20 PCC, for accessory use standards applicable within a regulated shoreline area. (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)



## *Chapter 18A.40*

### *EVENTS*

#### **Sections:**

- 18A.40.005 Purpose.**
- 18A.40.010 Applicability.**
- 18A.40.020 Exemptions.**
- 18A.40.040 Application and Approval.**
- 18A.40.050 Event Announcement.**
- 18A.40.060 Review Required.**
- 18A.40.070 Operation Standards.**
- 18A.40.080 Outdoor Music Festivals.**
- 18A.40.090 Aquatic Events.**
- 18A.40.100 Insurance.**
- 18A.40.110 Compliance.**

#### **18A.40.005 Purpose.**

This Chapter provides regulations for the permitting of temporary events to insure an adequate level of safety and compatibility while accommodating events that serve to enhance our quality of life. Examples of events include, but are not limited to, fairs, concerts, tourism at farms, movies, dances, races, regattas, parades, runs, walks, festivals, sporting events, street fairs, arts and crafts shows, carnivals, circuses or similar transient amusement or recreational activities, rallies, and rodeos. (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

#### **18A.40.010 Applicability.**

This Chapter shall apply to the following:

- A. Temporary events where the activity is not designated or intended as a permanent use, and the event is expected to result in any one or more of the following effects:
  - 1. Gathering of 150 persons or more at any one time.
  - 2. Disruption of the ordinary and normal use of a public facility or public right-of-way.
  - 3. Requires increased public service above what would be normally required in the absence of the event including, but not limited to, fire, police, traffic control, and crowd control measures.
- B. **Outdoor Music Festivals.** Outdoor entertainment, amusement and/or assembly, which attracts, or it is reasonably anticipated will attract, 1,000 or more persons, in which the presentation of outdoor, live or recorded musical entertainment is or is anticipated to be a major activity is subject to additional regulations set forth in PCC 18A.40.080.
- C. **Aquatic Events.** Events on water shall also be subject to the regulations set forth in PCC 18A.40.090.

(Ord. 2014-42 § 2 (part), 2014; Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

#### **18A.40.020 Exemptions.**

This Chapter shall not apply to the following:

- A. Funeral processions.
- B. Groups required by law to be so assembled.



- C. Assembly of persons or event on school or public park grounds.
  - D. Established permanent places of worship.
  - E. Other activities and events deemed by the Director to be exempt.
- (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

**18A.40.040 Application and Approval.**

**A. Approval Required.**

- 1. An event may not operate until an event approval has been issued as provided in this Chapter.
- 2. An event approval shall not be issued to any person under 18 years of age.
- 3. An event approval shall not be transferable or assignable without the consent of the Director.

**B. Application.**

- 1. Event permit applications shall be submitted to Planning and Land Services (PALS) 90 or more days prior to the first day of the event for which the application pertains.
- 2. The County may accept one event application spanning a series of periodic dates for events such as outdoor concert series or farmer/art markets that have identical event set-up and dismantle times, site plans, and service providers.
- 3. If event plans vary significantly from day-to-day or have multiple distinct event types (e.g., a parade with a separate festival) that may be best managed as separate events, the County may require separate applications for the specific event types.
- 4. An event or events that take place more often than 90 total calendar days per year per project site shall not be considered a temporary use and shall be considered a principal use subject to all applicable regulations for such principal use.

**C. Approval Issuance.**

- 1. Subsequent to the filing of an application, the County shall, without unreasonable delay, approve or deny an application.
- 2. The Director shall have the authority to impose conditions upon the approval that promote public safety and are consistent with the purposes of this Chapter.
- 3. If the application is denied, the Director shall inform the applicant of the grounds for denial.

**D. Modification of Approval.** The Director may modify an approval by imposing additional conditions, or by modifying or removing existing conditions, as necessary to promote public safety and accomplish the purposes of this Chapter.

**E. Duration of Approval.** Approvals are valid for the duration of the event(s), as specified in the approval.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

**18A.40.050 Event Announcement.**

- A. The applicant may be required to provide event information to nearby residents and businesses. The announcement shall be provided at least seven days prior to the event, and at a minimum, shall include the following information:
  - 1. Date and time of event;
  - 2. Type of activities to be held at the event; and
  - 3. Mobile number that is staffed by an event representative throughout the event set-up, event duration, and dismantle.



- B. The event approval shall, at all times, be kept posted in a conspicuous place where the event is being conducted.  
(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

**18A.40.060 Review Required.**

Event applications may be reviewed by the following departments, and may be reviewed by others as deemed appropriate by the Director:

- A. **Pierce County Planning and Land Services.** Planning and Land Services is responsible for processing all event applications, reviewing applications for compliance with the submittal standards for structures and membranes, and shall determine if adequate parking, ingress and egress facilities are provided.
- B. **Pierce County Fire Prevention Bureau.**
1. Written approval of the County Fire Marshal is required, indicating that reasonable access will be available at all times during the operation of the event for transporting fire and emergency equipment to the site, and to other persons and properties in the vicinity of the proposed event.
  2. All events must comply with the applicable provisions of the Pierce County Fire Code, Chapter 15.12 PCC, as enacted or thereafter amended.
  3. Each event operating amusement rides shall provide to the Fire Marshal certification that all rides have been inspected for safety by a recognized safety inspection program approved by the current liability insurance carrier. Safety inspections shall be made annually and each ride which passes the safety inspection shall be stamped for proper documentation.
  4. The Pierce County Fire Marshal is authorized to inspect all event venues and equipment for compliance with all applicable Uniform Fire Code requirements, and may also inspect for amusement ride safety certification, electrical inspection certification, and daily amusement ride inspection reports.
- C. **Tacoma-Pierce County Health Department (TPCHD).**
1. The Tacoma-Pierce County Health Department reviews the application for compliance with applicable regulations pertaining to environmental health.
  2. The Tacoma-Pierce County Health Department, or its equivalent, may inspect all event premises and all applicable equipment for compliance with all applicable health regulations.
- D. **Pierce County Risk Management.** The Department of Risk Management reviews event applications to ensure that adequate insurance is provided.
- E. **Pierce County Sheriff.**
1. The Sheriff determines if adequate traffic control and crowd protection policing have been contracted for by the applicant.
  2. In the event it becomes necessary to secure the services of a deputy sheriff to properly enforce the provisions of this Chapter or to maintain order at an event, all expense for such services shall be borne by the applicant and it is the applicant's duty to secure the service of such officer or officers as are necessary to preserve order.
  3. If alcoholic beverages will be furnished and/or sold at the event, a permit from the Washington State Department of Liquor Control is required in addition to an event approval. The County Sheriff and State representatives will review the event plans and alcohol management strategies before the license is approved. If the event will take place on public park land; within a county-owned facility; or other county



managed property, a letter of authorization to serve alcohol from an authorized representative of the managing County department shall be provided. Both the Sheriff and managing County department may place restrictions on the way in which alcohol is managed at the event.

4. All grounds and any building, room or other structure wherein the event is held shall at all times be open to inspection by the Sheriff, his deputies, or any other government official(s).

F. **Pierce County Public Works and Utilities.** Each application to hold a parade, motorcade, run, or assembly within the public right-of-way shall be reviewed by the Public Works and Utilities Department.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

#### **18A.40.070 Operation Standards.**

The following general standards shall apply to all events subject to review under this Chapter, unless otherwise specified in the approval.

A. **Duration and Hours of Operation.**

1. Each project site may host an event or events for no more than 90 total calendar days per year.
2. All events shall be discontinued and no part thereof shall be open after the hour of 1 a.m., and shall remain closed until 10 a.m. of the same day unless different hours are approved by the Director.

B. **Duty of Preserving Order.** The applicant shall preserve order.

C. **Amplified Sound.** The event shall comply with Chapter 8.76 PCC, Noise Pollution Control. Additionally, the applicant shall carefully assess the environment in which the event is proposed to take place in order to develop a plan that best limits the impact of sound generated by event activities to the surrounding neighborhood.

1. Issues to be considered include, but are not limited to:
  - a. The direction of speakers;
  - b. Use of directional speaker systems with cut-off points;
  - c. Placement of smaller sound systems in specific locations throughout the venue rather than far-ranging single amplification systems;
  - d. Placement of speakers and sound system devices; and
  - e. The use of amplified music during the set-up and dismantle of the event.
2. A schedule for sound checks (short time periods of excessive noise), if planned as part of the event, shall be authorized as part of the approval.
3. Unless otherwise stated, issuance of an event approval will serve as approval to use amplified sound within the event venue as outlined in the application. Decibel readings at pre-determined locations may be required throughout the event. Where sound exceeds the approved decibel/sound limits, the Sheriff or Health Department shall require that the sound be reduced or discontinued.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

#### **18A.40.080 Outdoor Music Festivals.**

An outdoor music festival is any outdoor entertainment, amusement and/or assembly, which attracts, or it is reasonably anticipated will attract, one thousand or more persons, in which the presentation of outdoor, live or recorded musical entertainment is or is anticipated to be a major activity. All outdoor music festivals are subject to the regulations set forth in this Chapter, unless otherwise specified in this Section:



- A. No approval shall be granted for an Outdoor Music Festival of more than one day's duration.
- B. Outdoor music festivals shall not be open to the public before the hour of 10 a.m. and shall not remain open to the public after 12 midnight of the same day.
- C. No firm, person, society, association or corporation conducting an outdoor music festival, nor any person having charge or control thereof at any time when an outdoor music festival is being conducted, shall permit any person to bring into said outdoor music festival, or upon the premises thereof, any intoxicating liquor, nor permit intoxicating liquor to be consumed on the premises, and no person during said time shall take or carry onto said premises or drink thereon intoxicating liquor.
- D. No approval shall be granted for an outdoor music festival unless the application is accompanied by the written approval of the Sheriff of Pierce County indicating that the following conditions have been complied with by the applicant.
  - 1. That adequate traffic control and crowd protection policing have been contracted for by the applicant. Traffic control and crowd control personnel shall be commissioned peace officers, licensed merchant patrolmen, or named persons meeting the Pierce County Sheriff's requirements for becoming merchant patrolmen. One such person shall be provided for each 200 persons reasonably expected to be in attendance at any time during the event for the purpose of crowd control, and one such person shall be provided for the purpose of traffic control for every 400 persons reasonably expected to be in attendance; provided, that no less than 20 percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs: provided further, that any commissioned police officer or deputy sheriff who is employed and compensated by the promoter of an outdoor music festival shall not be eligible and shall not receive any benefits whatsoever from any public pension or disability plan of which he is a member for the time he is so employed or for any injuries received during the course of such employment.
  - 2. It shall be the duty of policing personnel other than commissioned police officers or deputy sheriffs to report any violations of the law to the Pierce County Sheriff or his deputies.
- E. No outdoor music festival shall be operated in a location which is closer than 500 yards from any school, church, house, residence or other place of permanent human habitation.
- F. No application for an outdoor music festival permit shall be issued until the Pierce County Sheriff shall have fingerprinted, investigated the character and reputation of the applicant or applicants, and his or their fitness to conduct such business. Every application shall be accompanied by the fingerprints and a 3-inch by 5-inch photograph of each and every person having any proprietary interest of 10 percent or more in said licensed activity.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

#### **18A.40.090 Aquatic Events.**

All events on water are subject to the regulations set forth in this Chapter, unless otherwise specified in this Section:

- A. An individual or organization planning to hold a regatta, race, or aquatic event which by its nature circumstances or location may introduce extra or unusual hazards to the safety of life on the waters of the County, shall submit an application to the Department. The application shall, at a minimum, be reviewed by the Sheriff, Parks and Recreation, and Risk Management.



- B. Where such events are to be held regularly or repeatedly in a single area by an individual or organization, the Department may, subject to conditions, grant a permit for such series of events for a fixed period of time, not to exceed one year.
  - C. Applications shall include the following details.
    - 1. Name and address of the sponsoring organization.
    - 2. Name, address, and telephone number of person or persons in charge of the event.
    - 3. Nature and purpose of the event.
    - 4. Information as to general interest.
    - 5. Estimated number and types of vessels participating.
    - 6. Estimated number of spectator vessels.
    - 7. Estimated number of persons, participants, and all others.
    - 8. Minimum number of vessels and persons furnished by sponsoring organization to patrol the event.
    - 9. A time schedule and description of activities.
    - 10. A scale drawing showing the boundaries of the event, various water courses, or areas to be utilized by participants, officials, and spectators.
  - D. Upon receiving an application to hold a regatta, race, or aquatic event, the Sheriff and Parks and Recreation shall take the following actions or make the following determinations:
    - 1. That the proposed regatta, race, or aquatic event may be held at the proposed location with safety to life;
    - 2. That the interest of safety of life and property requires changes in the application before it can be approved;
    - 3. That the event requires no regulation or patrol at the proposed location;
    - 4. That the application is to be recommended for approval or rejection by the County Executive for stated reasons; and
    - 5. The recommendations shall be sent to the Department at least 30 days prior to event.
  - E. The Department may, before taking action on the application, require the applicant to petition or poll the property owners on the lake who could be affected by the event. The Department may also require that the applicant post notice in the local paper and/or at the proposed site of the event, prior to taking action on the application.
  - F. The Sheriff may close for general use any part or whole of a lake for the purpose of the aquatic event.
  - G. If the Sheriff deems safety requires, one or more Sheriff's Department vessels may be assigned to the event for the purpose of enforcing not only the event regulations, but also for assistance work and the enforcement of laws generally. The Sheriff may charge a fee for services provided under this Section.
    - 1. Nothing in the provisions of this Section shall be construed to mean that the operator of a vessel competing in a race, regatta, or trials, which has been duly authorized, or an operator engaged in industrial development and testing of experimental and product vessels, shall be prohibited from attempting to obtain high speed on approved racing and testing courses, nor while so engaged shall such vessels or operators be required to comply with RCW 79A.60.130.
- (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)



**18A.40.100 Insurance**

- A. Prior to event permit approval, Pierce County Risk Management shall find that Commercial General Liability insurance and a separate additional Insured Endorsement for the Host Organization and all contracted service providers has been provided.
  - 1. If the event includes the use of alcohol, Liquor Liability Insurance will also be required.
- B. Minimum policy limits are generally \$1 million per occurrence with a \$2 million aggregate; however, the County reserves the right to adjust policy limits according to the level of risk associated with the event.
  - 1. Events operating amusement rides shall provide a Certificate of Insurance showing evidence of Comprehensive General Public Liability and Property Damage Liability Insurance with limits of not less than \$10 million per occurrence.
  - 2. Each policy and endorsement must include the County, its officer, employees, volunteers and agents as additionally named insured.
  - 3. Insurance coverage must be primary and maintained for the duration of the event including set-up and dismantle dates and times.
- C. The applicant and all contracted service providers that have paid employees must also submit proof of Workers Compensation Insurance with a minimum policy limit of \$1 million.
- D. If the event has pollution or environmental exposure, an Environmental Insurance Policy will be required with a minimum limit of \$1 million naming the County as an additional insured.
- E. If a service provider indicates their insurance is already on file with the County Risk Management Department, that information shall be included with the submission of insurance documents. Examples of common service providers include: Professional Event Organizer, Medical Services, Private Security Company, Parking/Shuttle Company, Equipment Rental Company, Power/Lighting Company, Staging/Production Services Company, Sanitation Services, Pyrotechnic/Special Effects Provider, Catering/Bar Service.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

**18A.40.110 Compliance**

- A. The Applicant is responsible for complying with the requirements of this Chapter. No provision is intended to impose any obligation upon the County, or its officers, employees, or agents.
- B. It is the applicant's responsibility to insure that all equipment and devices used in the event comply with all applicable State and Federal regulations.
- C. The applicant shall insure that any and all devices used for the purposes of gambling are duly licensed pursuant to State and County laws and regulations.
- D. It is unlawful for any person, persons, corporation, organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit, cause to be advertised or participate in an event, unless an event approval has been obtained from the Planning and Land Services (PALS) for the operation of said event.
- E. See Chapter 18.140 PCC for enforcement and penalty provisions.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)



**EXHIBIT “H”**

**Chapter 18A.15, Bulk Standards**

**(attached)**



## *Chapter 18A.15*

### ***RESIDENTIAL DENSITY AND LOT DIMENSION***

#### **Sections:**

- 18A.15.010 General Provisions.**
- 18A.15.020 Residential Density.**
- 18A.15.030 Lot Dimension.**
- 18A.15.040 Setback and Height.**

NOTE: This Chapter controls except where modified by Section 4.6 of the PMP and/or the Tehaleh Design Manual.

#### **18A.15.010 General Provisions.**

- A. **Purpose.** The purpose of this Chapter is to provide regulations that guide development to occur consistent with the Comprehensive Plan density policies. Density is the number of dwelling units, or housing structures, per unit of land. Chapter 18A.15 PCC also includes lot size, setback and height dimension regulations to ensure that sufficient developable area is provided to accommodate development and, where necessary, to buffer neighboring properties from potentially incompatible land uses. These regulations are established to provide flexibility in project design and promote high density development in urban areas when utilizing incentives. Additional dimension requirements may also apply as set forth elsewhere within Title 18A PCC or other Titles of the Pierce County Code (PCC).
- B. **Lots of Record.** In any zone that permits a single-family dwelling unit, a single-family dwelling unit and permitted accessory structures may be constructed or enlarged on a lot which cannot satisfy the lot size and/or density requirements of the zone where the lot was legally created. This Section shall not waive the requirements for setbacks and height limits of the zone. See PCC 18A.15.030 C. for regulations applicable to lots 25 feet or narrower.
- C. **Density and Dimension Tables.**
  - 1. The residential density and lot dimension Tables 18A.15.020-1 and 18A.15.020-2 provide the density range for each zone classification in which residential density provisions are applicable, and the lot dimension standards, if any, that apply when new lots are created or adjusted.
  - 2. Setback and height Tables, 18A.15.040-1, 18A.15.040-2, and 18A.15.040-3 provide the minimum front, rear, and interior setbacks required for each zone classification, as well as the corresponding height limits.
  - 3. Development proposed in accordance with the Pierce County Code shall meet all applicable residential density and dimensions as set forth in Tables 18A.15.020-1 and 18A.15.020-2, setback as set forth in Tables 18A.15.040-1 and 18A.15.040-2, and height as set forth in Table 18A.15.040-3 unless otherwise authorized in Chapter 18A.15 PCC.
  - 4. The Tables are arranged in a matrix format. The zone classifications and community plan areas with different regulations are listed on the left and the development regulations are listed down the right side of the Tables. The matrix cells contain the applicable requirements of the zone classification. A blank cell, or a cell with N/A, indicates that the cell is not applicable.

(Ord. 2014-42 § 2 (part), 2014; Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013; Ord. 2012-2s § 5 (part), 2012)



**18A.15.020 Residential Density.**

**A. Allowable Dwelling Units – Calculating Density.**

1. Density provisions shall be calculated in dwelling units per acre (du/ac).
2. **Urban.** Within urban zone classifications, the allowable number of dwelling units shall be calculated by multiplying the net developable acreage of the site by the allowed density in dwelling units/ acres.
  - a. Net developable acreage is the result of gross site acreage minus:
    - (1) Environmentally constrained lands;
    - (2) Private road or vehicle access easements;
    - (3) Shared access facilities serving two or more lots; and
    - (4) Public road right-of-way; provided, however, that any portion of proposed or future public right-of-way identified through the Pierce County Transportation Corridors and Connectors Right of Way Preservation Map, Chapter 19D.50 PCC, and not required for the development of the project at the time of application, shall not be deducted from the gross site acreage.
  - b. Environmentally constrained land includes the following lands identified in the Critical Area Regulations (Title 18E PCC): erosion hazard areas, landslide hazard areas, wetlands, flood hazard areas, and all land below the ordinary high water mark of all lakes, streams, ponds, and tidal waters. The required buffers or setbacks associated with these areas are not included in the definition of environmentally constrained lands.
  - c. If an applicant is unable to meet minimum density utilizing the definition of net developable acreage, critical area buffers may also be excluded from the net developable acre calculation.
3. **Rural.** Within rural zone classifications, the allowable number of dwelling units shall be calculated by multiplying the gross site acreage by the allowed density in dwelling units/ acres. The result of these calculations shall equal the number of dwelling units allowed.
  - a. Gross site acreage is all land, excluding tidelands and any existing public road right-of-way and private road easement, within the boundaries of a development.
4. If a calculation results in a partial dwelling unit, the partial dwelling unit shall be rounded to the nearest whole number. Less than .5 shall be rounded down. Greater than or equal to .5 shall be rounded up.

*Examples:*

9.2 acres x 4 du/acre = 36.8 (rounded to 37 allowable dwelling units)

17 acres x 1 du/5 acres = 3.4 (rounded to 3 allowable dwelling units)

15 acres x 1 du/10 acres = 1.5 (rounded to 2 allowable dwelling units)

5. In no case shall the rounding provision set forth in (4) above prevent a project within an urban zone classification from achieving the minimum density required for the zone. In such cases where the minimum density required for the zone would not otherwise be achieved, rounding up of allowable dwelling units shall be used, regardless of whether or not the fractional unit is greater than or less than .5.



*Example of Project within an SF zone:*

Minimum density required for SF zone: 4 du/acre

Project area: 11.1 acres (net)

Allowable units pursuant to (a):  $11.1 \times 4 \text{ du/ac} = 44.4$

Rounding of units pursuant to (b): 44.4 units, rounded down to 44 units

Resulting Density After Rounding:  $44 \text{ units}/11.1 \text{ acres} = 3.96 \text{ units/acre}^*$

\*Does not meet required minimum density, rounding down shall not apply.

Allowable dwelling units shall be rounded up from 44.4 to 45, resulting in a density of 4.05 du/acre.

6. On a lot containing both residential and non-residential uses, density shall be based only on that portion of the lot utilized for the residential use. If the residential use is located within the same structure as the non-residential use, the entire lot may be used to calculate density.
7. The residential densities in Rural Centers shall be the same as permitted in the adjacent rural designations. If the Rural Center is abutting more than one rural designation, the least restrictive density provisions will apply except when abutting lands within a Case II Volcanic Hazard Area, the more restrictive density shall apply. If the Rural Center is surrounded by resource lands, the density of the resource lands will apply. The densities for senior and assisted-living centers shall be based upon the requirements of the Health Department.

**B. Minimum Density.**

1. Urban land divisions and residential developments shall comply with Minimum Density, pursuant to Table 18A.15.020-1, for the zone classification in which the proposal is located, unless relief is allowed pursuant to 2. below.
2. Relief from minimum density is allowed as follows:
  - a. If a lot is more than 300 feet from a sewer hook-up and within a zoning classification with a minimum density of four dwelling units per acre, the minimum density shall not apply; provided that only one lot of the proposed short plat or subdivision may exceed the minimum square footage necessary to accommodate an on-site sewage disposal system (as determined by the Tacoma-Pierce County Health Department). If a lot is more than 300 feet from a sewer hookup and within a zoning classification with minimum densities of six or more dwelling units per acre, the minimum density requirement shall not apply; provided that only one lot of the proposed short plat or subdivision may exceed 7,260 square feet in size.
  - b. If an applicant is unable to meet minimum density utilizing the definition of net developable acreage in PCC 18.25.030, critical area buffers may be excluded from the net developable acre calculation.

**C. Base Density.**

1. Land divisions and residential developments may achieve outright the Base Density standard for the zone classification, pursuant to Tables 18A.15.020-1 and -2, in which the proposal is located subject to compliance with all applicable regulations.

**D. Maximum Density.**

1. In an MSF zone classification, sanitary sewers are required to achieve a density greater than base density up to maximum density. In all other classifications, maximum densities shall be achieved through one of the following methods:



- a. The application of density incentives or credits as allowed in PCC 18A.15.020 E.;
  - b. Transfer of development rights. Transfer of Development Rights (TDR) means the transfer of the right to develop or build from sending sites to receiving sites (Chapter 18G.10 PCC);
  - c. Planned Development District (PDD) or Planned Unit Development (PUD) (Chapter 18A.75 PCC); or
  - d. Shadow platting. Shadow platting means lots created as part of a recorded final plat that have been designated for future development when sanitary sewers become available. When dry sewer lines are installed, a residential development up to the maximum density may be allowed; provided that lots in excess of the density permitted with on-site septic shall not be built upon until the sewer line is extended and connected to all the lots. Shadow lots are transferable and may be sold with the restriction on development.
2. Land divisions and residential developments shall not exceed Maximum Density for the zone classification in which the proposal is located, pursuant to Tables 18A.15.020-1 and -2, unless the proposal qualifies for a density incentive pursuant to PCC 18A.15.020 F.

Table 18A.15.020-1. Urban Residential Density and Urban Lot Dimensions							
Urban Zone Classification		Residential Density (du/ac)			Lot Dimensions		
		Minimum	Base	Maximum	Lot Size (square feet)		Minimum Lot Width (feet) (3)
					Mean	Minimum	
<b>AC</b>	<b>Activity Center</b> (All County except where listed below)	8	20	25	N/A	N/A	N/A
	Gig Harbor	N/A	3.5	3.5	N/A	6,000 residential	50 residential
						15,000 other	100 other
	South Hill	10	18	25 (1)	N/A	N/A	N/A
<b>CC</b>	<b>Commercial Center</b> (All County except where listed below)	8	20	25	N/A	N/A	N/A
	Gig Harbor	N/A	4	12	N/A	N/A	N/A
	Mid County	10	14	22	N/A	N/A	N/A
	South Hill	8	15	20	N/A	N/A	N/A
<b>CMUD</b>	<b>Commercial Mixed Use District</b> (All County)	8	12	25	N/A	N/A	N/A
<b>HRD</b>	<b>High Density Residential</b>	6	20	25	N/A	N/A	N/A
	South Hill	6	12	16	N/A	N/A	N/A
<b>HSF</b>	<b>High Density Single Family</b>	As listed below					
	Parkland/Spanaway/Midland	6	6	12	N/A	N/A	N/A
	South Hill	6	10	12	N/A	N/A	N/A
<b>MHR</b>	<b>Moderate High Density Residential</b> (All County except where listed below)	4	10	15	N/A	N/A	N/A
	Frederickson	12	18	25	N/A	N/A	N/A
	Parkland/Spanaway/Midland	8	20	25	N/A	N/A	N/A
	South Hill	8	15	20	N/A	N/A	N/A



Table 18A.15.020-1. Urban Residential Density and Urban Lot Dimensions							
Urban Zone Classification		Residential Density (du/ac)			Lot Dimensions		
		Minimum	Base	Maximum	Lot Size (square feet)		Minimum Lot Width (feet) (3)
					Mean	Minimum	
<b>MSF</b>	<b>Moderate Density Single Family</b> (All County except where listed below)	4	4	6	5,000	4,000	50
	Gig Harbor	4	4	6	N/A	(4)	
	Parkland/Spanaway/Midland	4	5	6	5,000	4,000	50
<b>MUC</b>	<b>Major Urban Center</b> (All County)	8	20	25	N/A	N/A	N/A
<b>MUD</b>	<b>Mixed Use District</b> (All County except where listed below)	6	20	25	N/A	N/A	N/A
	Frederickson	12	18	25	N/A	N/A	N/A
	Graham (5)	4	10	15	N/A	N/A	N/A
	Parkland/Spanaway/Midland	12	20	25	N/A	N/A	N/A
	South Hill	8	15	20	N/A	N/A	N/A
<b>NC</b>	<b>Neighborhood Commercial</b> (All County except where listed below)	4	16	25	N/A	N/A	N/A
	Gig Harbor					7,200 residential 15,000 non-residential	
	Mid County	8	12	16	N/A	N/A	N/A
	Parkland/Spanaway/Midland	4	8	16	N/A	N/A	N/A
	South Hill	6	10	12 (6)	N/A	N/A	N/A
<b>OMUD</b>	<b>Office-Residential Mixed Use District</b> (All County)	8	12	25	N/A	N/A	N/A
<b>ROC</b>	<b>Residential/Office/Civic</b>	As listed below					
	Frederickson	8	12	18	N/A	N/A	N/A
	Parkland/Spanaway/Midland	8	12	25	N/A	N/A	N/A
	South Hill	6	10	12	N/A	N/A	N/A
<b>RR</b>	<b>Residential Resource</b> (All County)	1	2	3	N/A	N/A	50
<b>SF</b>	<b>Single Family</b> (All County)	4	4	4	6,000	5,000	60
	Gig Harbor	4	4	4	N/A	(4)	70 (2)
	Graham	4	4	4	9,000	7,000	75
<b>UV</b>	<b>Urban Village</b> (All County)	12	20	30 (1)	N/A	N/A	N/A
<p>(1) Maximum density may be increased to 60 dwelling units per acre when commercial, civic, or office/business uses occupy the entire 1<sup>st</sup> floor or street level floor of all buildings adjacent to a public arterial roadway.</p> <p>(2) The minimum lot width may be reduced by multiplying the lot area by 0.007.</p> <p>(3) Minimum lot width does not apply to access easements.</p> <p>(4) Minimum lot size: MSF = 7,000 sq ft for 4 lots or fewer and 4,000 sq ft for 5 or more lots; NC = 7,200 square feet residential and 15,000 sq ft other; SF = 7,200 sq ft for 4 lots or fewer and 5,000 sq ft for 5 or more lots.</p> <p>(5) First floor in multi-level multi-family must be commercial; if not multi-level, a minimum of 50 percent of the total floor area must be commercial.</p> <p>(6) Maximum density may be increased to 14 for senior housing.</p>							



Table 18A.15.020-2. Rural Residential Density and Rural Lot Dimensions					
Rural Zone Classification		Residential Density (du/ac)		Lot Dimensions	
		Base	Maximum	Minimum Lot Dimension (2)	Minimum Lot Size
<b>ARL</b>	<b>Agricultural Resource Lands</b> (All County except where listed below)	.1	2 (1)	N/A	10 acres
	Graham	.1	.2	250 feet in width	10 acres
	Key Peninsula	.1	.2	N/A	5 acres
<b>EPF-RAN</b>	<b>Essential Public Facility – Rural Airport North</b>	.1	.2	N/A	N/A
<b>FL</b>	<b>Forest Lands</b> (All county except where listed otherwise below)	.0125	.0125	60 feet	80 acres
	Graham			600 feet in width	80 acres
<b>R10</b>	<b>Rural 10</b> (All county except where listed otherwise below)	.1	.2 (1)	60 feet	10 acres
	Graham	.1	.2	250 feet in width (3)	10 acres
<b>R20</b>	<b>Rural 20</b> (All county except where listed otherwise below)	.05	.1	60 feet	20 acres
	Graham	.05	.1	250 feet in width (3)	20 acres
<b>R40</b>	<b>Rural 40</b>	.025	.0625 (1)	60 feet	40 acres
<b>RF</b>	<b>Rural Farm</b>	.1	.2 (1)	N/A	10 acres
	Alderton-McMillin		.2		
	Graham	.1	.1	250 feet in width (3)	10 acres
	Key Peninsula		.2		
<b>PR</b>	<b>Park and Recreation</b>	.1	.2	N/A	N/A
<b>RNC</b>	<b>Rural Neighborhood Center</b> (All county except where listed otherwise below)	(4)	(4)	(4)	N/A
<b>Rsv5</b>	<b>Reserve 5</b>	.2	.2	Maximum residential lot size is 12,500 square feet. See PCC 18A.15.030 E.	
<b>RSep</b>	<b>Rural Separator</b>	.2	.4	60 feet	2.5 acres
<b>RSR</b>	<b>Rural Sensitive Resource</b>	.1	.2	N/A	10 acres
	Graham	.1	.2	250 feet in width (3)	10 acres
<b>TC</b>	<b>Tourist Commercial</b>	.1	.2	N/A	N/A
<b>VC</b>	<b>Village Center</b>	N/A	3	Maximum residential lot size is 14,750 square feet.	
<b>VR</b>	<b>Village Residential</b>	.1	.2	60 feet	10 acres

(1) Maximum density is not allowed in R10 on Anderson Island or in the Upper Nisqually ARL and RF zones.  
(2) Minimum lot dimension does not apply to access easements.  
(3) Lot width may be reduced to 100 feet in the R10 and 200 feet in the R20, RSR, and RF when it is determined that application of critical area or low impact development requirements would otherwise prevent the allowable density per acre from being achieved or a reasonable building envelope from being attained.  
(4) See PCC 18A.15.020 A.7. for RNC density provisions.

## E. Density Incentives and Credits.

### 1. Urban.

- a. **Urban Open Space.** A density incentive of one additional dwelling unit per acre above the base density shall be granted to attain the maximum density in exchange for every 5 percent of the total gross acreage of the project site designated as urban open space.



- b. **Transfer of Density.** Maximum density may be achieved through the transfer of density credits pursuant to Chapter 18G.10 PCC.
- c. **Senior Housing.** Senior housing means a development limited to occupants who are at least 55 years of age. Senior housing developments shall only be considered when sewer services are available, housing types are consistent with those allowed in the underlying zone classification, at least two viable modes of transportation serve the development, and when adequate land use controls are prescribed through conditions of a use permit or plat. In the MSF zone classification, maximum density may be increased to 8 dwelling units per acre for senior housing. In the HSF and NC zone classifications, the maximum density may be increased to a total of 14 dwelling units per acre for senior housing.
- d. **Environmentally Constrained Lands Density Credit.** In urban areas, a partial on-site density credit shall be given when a site contains environmentally constrained land. The credit shall vary based upon the total percentage of the site that is encumbered by the environmental constraint. The credit provides for an additional percentage increase in the allowable dwelling units permitted in the applicable Density and Dimension Table. On-site density credits shall be given as shown in the Table below.

Table 18A.15.020-3. On-Site Density Credits	
Percentage of site containing environmentally constrained land	Density credit given
< 20%	No credit
20% to 50%	15% increase in allowable dwelling units
50% to 75%	20% increase in allowable dwelling units
> 75%	25% increase in allowable dwelling units

*Example of subdivision proposed on a site that is 10 acres in area, including 2.5 acres of environmentally constrained land, and .5 acres needed for street right of way.*

Maximum density is 6 dwelling units per acre.

Net developable acreage = 10 acres – 2.5 acres (25% environmentally constrained land)  
– .5 acres (street ROW)

Net developable acreage = 7 acres

7 acres x 6 dwelling units per acre = 42 dwelling units

On-site density credits = 42 dwelling units x 1.15 = 48.3, rounded to 48 dwelling units allowed\*.

\*If the density credit results in a partial dwelling unit, it shall be rounded to the nearest whole number. Less than .5 shall be rounded down. Greater than or equal to .5 shall be rounded up.

- 2. **Rural.** When authorized by Table 18A.15.020-2, greater than base density may be achieved, up to maximum density by means of cluster development as specified below in PCC 18A.15.020 E.2.a.-g. Cluster development means a development design technique that concentrates buildings or lots in specific areas on a site to preserve the remaining land. Rural density incentives shall not be allowed for properties located in a Case II Volcanic Hazard Area. Open space and associated restrictions shall be designated as such on the recorded plat document pursuant to the designation criteria of PCC 18A.50.040.



a. **Rural Separator.**

- (1) Two dwelling units per 5 acres (0.4 du/ac), when 50 percent or more of the property is designated as open space shall be permitted.
- (2) The maximum number of dwelling units in one cluster shall not exceed 15 principal dwelling units.

b. **Rural 10/Tourist Commercial/Village Residential.**

- (1) Two dwelling units per 10 acres (0.2 du/ac) when 50 percent or more of the property is designated as open space.
- (2) The maximum number of dwelling units in one cluster shall not exceed 15 principal dwelling units.

c. **Rural 20.**

- (1) Two dwelling units per 20 acres (0.1 du/ac), when 50 percent or more of the property is designated as open space.
- (2) If an adjacent property is classified Forest Land (FL), the required open space tract or easement shall be contiguous with the property classified Forest Land (FL).
- (3) The maximum number of dwelling units in one cluster shall not exceed 15 principal dwelling units.

d. **Rural 40.**

- (1) Two dwelling units per 40 acres when 50 percent of the property is designated as open space.
- (2) Two and one-half dwelling units per 40 acres when 75 percent of the property is designated as open space.
- (3) The maximum number of dwelling units in one cluster shall not exceed 15 principal dwelling units.

e. **Rural Sensitive Resource.** Two dwelling units per 10 acres (0.2 du/ac) when 50 percent of the property is designated as open space.

f. **Park and Recreation.** Two dwelling units per 10 acres (0.2 du/ac) when 50 percent of the property is designated as open space.

g. **ARL and RF.**

- (1) When development is clustered, residential density may be increased to a maximum of 1 dwelling unit per 5 acres on properties of 20 acres or more.
- (2) The clustered development may not result in more than 10 lots per cluster and only 1 lot may be larger than 1 acre.
- (3) The resulting lot greater than 1 acre may contain a single-family home, associated agricultural structures, and other impervious surfaces not exceeding 10 percent of the total lot. The remaining area of the larger lot shall be restricted to open space or agricultural use.

(Ord. 2014-42 § 2 (part), 2014; Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013; Ord. 2012-2s § 5 (part), 2012)

**18A.15.030 Lot Dimension.**

A. **Lot Width Measurement.**

1. When a lot has four sides or has more than four sides and has an essentially rectangular, or pie shape, the lot width shall be the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the lot front and the lot rear line. For pipestem or flag lots, the access easement or lot extension shall not be included in determining the depth of the lot.



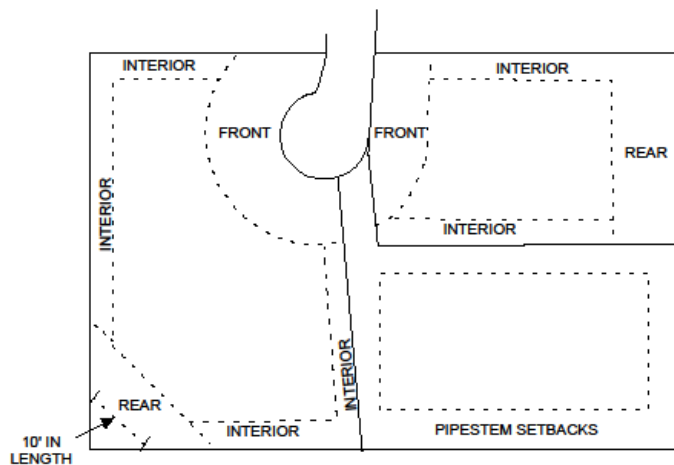
2. For lots with more than four sides that are irregular in shape, lot width shall be measured at the widest portion of the lot between the side lot lines.
  3. As an alternative to 1. and 2. above, lot width may be measured at the location of the proposed principal building development.
- B. **Reserve 5 Maximum Lot Size.** The maximum lot size permitted in a reserve classification shall be 12,500 square feet.
1. The maximum lot size may be increased to 21,780 square feet within the Gig Harbor Peninsula area if the density of the development does not exceed 1 dwelling unit for every 10 acres.
  2. The balance of the original tract shall be held for future development in a separate tract which may exceed 12,500 square feet.
  3. New lots created by any subdivision action shall be clustered in groups not exceeding 12 units. There may be more than one cluster per project.
- C. **Situational Lot Dimension Provisions.**
1. **25-foot-wide Lots.** For residential development of lots that are 25 feet in width or less, two such lots shall be required to construct one detached single-family dwelling unit, and three such lots shall be required to construct a duplex, when all of the following apply:
    - a. Two or more such lots are in contiguous and common ownership;
    - b. The lots are located in an SF, RR, or MSF zone classification; and
    - c. The lots were created prior to August 13, 1974.
  2. **MSF and SF.**
    - a. **LID.** Average and minimum lot sizes shall not apply to low impact development projects designed pursuant to the Pierce County Stormwater Management Manual, Chapter 10 Low Impact Development.
    - b. **Critical Areas.** Average and minimum lot size may be reduced up to 2,000 square feet for those sites containing critical areas or their buffers when it is determined that:
      - (1) Compliance with critical area requirements in combination with the average lot size requirement would prevent a density of four dwelling units per net acre from being achieved;
      - (2) The reduction in average lot size is the minimum necessary to achieve a density of four dwelling units per acre; and
      - (3) In no case shall the minimum lot size in the SF be reduced less than 5,000 square feet.
    - c. **PDD.** Average lot size reductions may be allowed with a Planned Development District permit pursuant to PCC 18A.75.050.
  3. **Rural Zones.** Minimum lot size may be reduced to 1 acre (2 acres on Anderson Island) within a short subdivision or formal subdivision and to 5 acres within a large lot division provided the short subdivision, large lot division, or formal subdivision remains in compliance with the density requirements of the applicable zone, except when located in the ARL or FL zone classifications.
- (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013; Ord. 2012-2s § 5 (part), 2012)



#### 18A.15.040 Setback and Height.

- A. **General Provisions.** The following general setback and height regulations apply throughout this Chapter.
1. **Setback Measurement.** A setback is the minimum required distance between any structure and a specified line. A setback is measured from the edge of a road right-of-way, easement or tract that provides vehicular access, or future road right-of-way as identified by the most recently adopted official control to the closest point of the vertical foundations. (Official control includes, but is not limited to, Pierce County Road Classification, Pierce County Six-Year Transportation Improvement Program, Pierce County Transportation Plan, Approved County Road Project (CRP) plans and/or approved right-of-way plans.) Where there is no road right of way, easement, or tract that provides vehicular access or future road right-of-way as identified in the most recently adopted official control, a setback is measured from the property line.
  2. **Designation of Required Setbacks.** All lots must contain at least one front yard except pipestem lots. A front yard setback shall be required abutting each right-of-way on corner lots and through lots. All lots must contain one rear yard setback except for corner, through, and pipestem lots. All other setbacks will be considered interior yard setbacks. See Figure 18A.15.040-1.

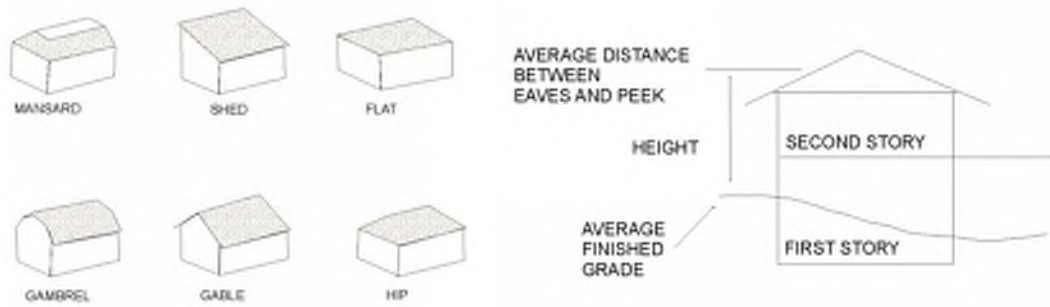
**FIGURE 18A.15.040-1**



3. **Building Height.** The height of a building is the vertical distance from the average elevation of the finished grade on each wall of a building to the top of a flat or shed roof, or mansard roof, and the average distance between the bottom of the eaves to the highest point of a pitched, hipped, gambrel, or gable roof. See Figure 18A.15.040-2. See also PCC 18J.120.070 C.2.a.(1) for a more restrictive building height measurement that applies in the Browns Point/Dash Point communities.



**FIGURE 18A.15.040-2**



4. **Structure height.** The height of all structures, except buildings, is the vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. For fence height, see PCC 18A.15.040 B.2.d.

<b>Table 18A.15.040-1. Urban Setbacks</b>					
PCC 18A.15.040 B.1.-6. provisions supersede the figures in this Table when applicable.					
<b>Urban Zone Classification</b> (All County)		<b>Minimum Building Setback (feet)</b>			
		Front – Arterial	Front – Non-Arterial	Interior/Side	Rear
<b>AC</b>	Activity Center	20	15	0	0
<b>CC</b>	Community Center	20	15	0	0
<b>CE</b>	Community Employment	25	15	0 (1)	0 (1)
<b>CMUD</b>	Commercial Mixed Use District	25	15	0	0
<b>EC</b>	Employment Center	35	15	0	0
<b>ES</b>	Employment Service	20	15	0	0
<b>HRD</b>	High Density Residential	25	15	0	0
<b>HSF</b>	High Density Single Family	25	15	5	8
<b>MHR</b>	Moderate High Density Residential	25	15	0 (1)	0 (1)
<b>MUC</b>	Major Urban Center	0 (1)	15	0	0
<b>MUD</b>	Mixed Use District	25	15	0 (1)	0 (1)
<b>MSF</b>	Moderate Density Single Family	25	12/15/25 (3)	5 (2)	10 (2)
<b>NC</b>	Neighborhood Commercial	20	15	0	0
<b>OMUD</b>	Office-Residential Mixed Use District	25	15	0	0
<b>PI</b>	Public Institution	25	15	0	0
<b>PR</b>	Urban Park and Recreation	25	15	10	10
<b>RO</b>	Residential Office	35	15	0	0
<b>ROC</b>	Residential/Office/Civic	25	15	0 (1)	0
<b>RR</b>	Residential Resource	25	12/15/25 (3)	10	10



<b>Table 18A.15.040-1. Urban Setbacks</b> PCC 18A.15.040 B.1.-6. provisions supersede the figures in this Table when applicable.					
<b>Urban Zone Classification</b> (All County)		<b>Minimum Building Setback (feet)</b>			
		Front – Arterial	Front – Non-Arterial	Interior/Side	Rear
<b>SF</b>	Single Family	25	12/15/25 (3)	10 (2)	10 (2)
<b>UV</b>	Urban Village	0		0	0
(1) In the Graham Community, the 0-foot interior yard setback only applies when structures are attached. When structures are not attached, then either a minimum 5-foot interior setback or a 10-foot separation between buildings, whichever results in the greatest separation, shall apply. (2) In the Gig Harbor Community, for lots in a subdivision applied for after December 1, 2002, rear setbacks shall be 30 feet and interior setbacks shall be 8 feet. (3) 12-foot setback for porches; 15-foot setback to other portions of the building; and 25-foot setback for vehicle parking facilities such as garage or carport either attached or detached, setback applies on the side where vehicle enters only.					

<b>Table 18A.15.040-2. Rural Setbacks</b> PCC 18A.15.040 B.1.-6. provisions supersede the figures in this Table when applicable.				
<b>Rural Zone Classification (All County)</b>		<b>Minimum Building Setback (feet)</b>		
		Front	Interior	Rear
<b>ARL</b>	Agricultural Resource Lands	25 (1)	30 (1,2)	30 (1,2)
<b>EPF-RAN</b>	Essential Public Facility – Rural Airport North	25	50	50
<b>FL</b>	Forest Lands	25 (1)	30 (1)	30 (1)
<b>GC</b>	Gateway Commercial	25	0	0
<b>PI</b>	Public Institution	25	0	0
<b>PR</b>	Park and Recreation	25	30	30
<b>R10</b>	Rural Ten	25 (1)	10 (1,2)	30 (2)
<b>R20</b>	Rural Twenty	25 (1)	10 (1)	30 (1)
<b>R40</b>	Rural Forty	25	10	30
<b>RAC</b>	Rural Activity Center	35	5	5
<b>RF</b>	Rural Farm	25 (1)	30 (1)	30 (1)
<b>RIC</b>	Rural Industrial Center	25	0	0
<b>RNC</b>	Rural Neighborhood Commercial	25	5	5
<b>Rsv5</b>	Reserve Five	25	5	10
<b>RSep</b>	Rural Separator	25	10	30
<b>RSR</b>	Rural Sensitive Resource	25 (1)	10 (1,2)	30 (1,2)
<b>TC</b>	Tourist Commercial	0	0	0
<b>VC</b>	Village Center	0	0	0
<b>VR</b>	Village Residential	25	10	30
(1) In the Graham Community, for lots in an ARL, FL, R10, R20, RF, or RSR subdivision applied for after March 1, 2007, the following setbacks shall apply: front = 60 feet, interior = 30 feet, rear = 30 feet. (2) In the Gig Harbor Community, for lots in an ARL, R10, or RSR subdivision applied for after December 1, 2002, interior and rear setbacks shall be 50 feet.				



<b>Table 18A.15.040-3. Height</b> PCC 18A.15.040 B.1.-6. provisions supersede the figures in this Table when applicable.		
<b>Urban and Rural Zone Classifications</b> (All County)		<b>Maximum Height</b> (feet)
<b>MSF, OMUD, ROC, RR, Rsv5, SF</b>	Moderate Density Single Family, Office-Residential Mixed Use District, Reserve 5, Residential/Office/Civic, Residential Resource, Single Family	35 (1)
<b>ARL, EPF-RAN, FL, GC, HRD, HSF, PI, PR, R10, R20, R40, RF, RIC, RSep, RSR, TC, VC</b>	Agricultural Resource Lands, Essential Public Facility – Rural Airport North, Forest Lands, Gateway Commercial, High Density Residential, High Density Single Family, Rural Park and Recreation, Rural Public Institution, Rural 10, Rural 20, Rural 40, Rural Farm, Rural Industrial Center, Rural Separator, Rural Sensitive Resource, Tourist Commercial, Village Center	40
<b>MHR, RAC, RNC</b>	Moderate High Density Residential, Rural Activity Center, Rural Neighborhood Center	45 (2)
<b>AC, CC, CE, CMUD, EC, ES, MUD, MUC, NC, PI, PR, RO</b>	Activity Center, Community Center, Community Employment, Commercial Mixed Use District, Employment Center, Employment Service Major Urban Center, Neighborhood Commercial, Urban Park and Recreation, Public Institution, Residential Office	60 (2,3,4)
<b>UV</b>	Urban Village	70
(1) In the Browns Point/Dash Point Communities, building height shall not exceed 35 feet above the elevation of East Side Drive (SR-509), see PCC 18J.120.070 C.1.a.(1). New residential construction and remodeling in the SF zone shall meet the height limits of the zone as measured from the existing grade to the height of the highest roof surface prior to site development or modification of the structure, see PCC 18J.120.070 C.2.a.(1). (2) In the Graham Community, the building height in MHR may be increased up to a maximum of 60 feet in height when underground parking for the structure is provided. In CE and MUD, the maximum height for a building adjacent to an SF or Rsv5 zone classification shall be 35 feet; provided that building height may be increased 1 foot for each foot the building is setback more than 35 feet from these zones up to the maximum building height allowed. (3) In the Frederickson Community, the maximum height in the EC and CE zone classifications shall be unlimited, except that when a building is within 150 feet of property <u>not</u> zoned EC or CE, maximum height shall be the same as the adjacent zone, but may be increased 1 foot for each foot the building is setback more than 100 feet. (4) In the Gig Harbor Community, maximum height shall be 35 feet for the AC, CC, CE, NC and PI zone classifications.		

**B. Situational Setback and Height Provisions.** This subsection provides setback and height provisions in lieu of those set forth in Tables 18A.15.040-1 and -2. These provisions are applicable, unless the setback or height has already been altered through a variance, Planned Development District (PDD) or Conditional Use Permit (CP) process; in which case further exceptions, reductions or deviations shall not be allowed unless another variance is approved.

**1. Transitional Areas.**

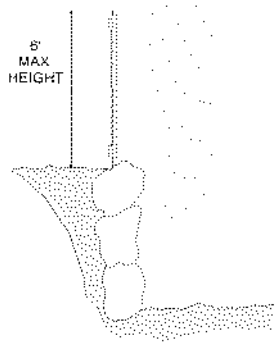
- a. **Multi-family and Commercial Uses.** All new multi-family or commercial buildings and associated parking shall be setback a minimum of 30 feet from MSF, SF, RR, Rsv5, R10, R20 and R40 zone classifications. Building height shall not exceed the height allowed in the adjacent zone for the first 50 feet adjacent to the property boundary. Thereafter, heights may be increased by 1 additional foot for each additional 2 feet of distance from the property boundary. See PCC 18J.15.185 for additional residential design standards.
- b. **Industrial Uses.** The minimum setback for an industrial building, associated parking and outdoor storage from an MSF, SF, RR, HRD, Rsv5, R10, R20 and R40 zone classification, or a conforming residential use, shall be 100 feet.



- c. **Commercial, Senior, or Assisted Living Facilities.** The minimum setback for any new senior and assisted-living center or commercial building abutting Rsv5, R10, R20 or R40 zone classification shall be 30 feet.
  - d. **Neighborhood Commercial Zone.** New uses in the NC zone classification shall provide a 50-foot wide native vegetation area for adjacent residential land uses and Rsv5, R10, R20 or R40 zone classifications.
  - e. **South Hill Community.** The height and setbacks for buildings in HRD, MHR, ROC and NC zone classifications, in the South Hill Community, shall be limited to the maximum height and minimum setbacks of any immediately adjacent residential zone classification, pursuant to PCC 18J.50.080 A.
  - f. **Landscape Buffers.** Landscape buffer requirements of PCC 18J.15.040 may result in a setback greater than indicated on Tables 18A.15.040-1 and -2.
  - g. **Infill Compatibility.** A 40-foot rear setback may be required pursuant to PCC 18J.50.040 G. to meet infill compatibility standards. This requirement is reflected on the final plat for affected developments.
2. **All Yards.**
- a. **Wetland/Fish and Wildlife Habitat Areas.** For sites that contain wetlands and/or fish and wildlife habitat areas, see Title 18E PCC for additional buffer and setback provisions that may be applicable.
  - b. **Pipestem Lots.** Pipestem lots shall have setbacks of 15 feet from all property lines in a rural zone and 10 feet from all property lines in an urban zone, for both principal and accessory structures. Garages shall be setback such that a 25-foot driveway/approach to the garage can be accommodated on site.
  - c. **Shared Access Facility.** If the only access to a lot is a shared access facility, the lot shall be considered a pipestem for the purpose of setbacks. Setbacks from a shared access facility, for lots not using the shared access facility for access, shall be the applicable interior setback. If a shared access facility is used to provide vehicle access to a non-residential project, the structure setback to the shared access facility shall be zero.
  - d. **Fences and Retaining Walls.** Fences and retaining walls may be erected within required setbacks to a maximum height of 6 feet, or a maximum height of 8 feet for security fencing necessary for a Utility Use or an Agricultural Use; provided all applicable sight distance requirements of Title 17B PCC are met.
    - (1) The height of a fence shall be measured from a point on the ground immediately adjacent to the fence to the top of the fence. The height of a fence located on a rockery, retaining wall, or berm shall be measured from the ground on the high side of the rockery, retaining wall, or berm to the top of the fence. The top of a fence shall include all attachments, ornamentation, and security devices such as barbed wire. See Figure 18A.15.040-3.



**FIGURE 18A.15.040-3**



- e. **Projections.** The following projections into required setbacks are allowed individually or together, but in no case shall the building or structure be allowed closer than 3 feet to the property line, except as allowed in Tables 18A.15.040-1 and -2.
- (1) Fireplace structures, bay or garden windows, stair landings, ornamental features, or similar structures may project into any setback; provided such projections are:
    - (a) Limited to two per required yard;
    - (b) Not wider than 10 feet;
    - (c) Not more than 2 feet into an interior or rear setback; and
    - (d) Not more than 3 feet into a front setback.
  - (2) Uncovered decks and patios which do not exceed 30 inches from finished lot grade may project into any setback; provided such projections do not extend more than 5 feet into a front setback.
  - (3) Wheelchair ramps may project into any required setback.
  - (4) Eave overhangs may project 2 feet into any required setback.
  - (5) Church spires, belfries, domes, chimneys, antennas, satellite dishes, ventilation stacks or similar structures, may project beyond the height limit; provided the structure is set back 1 additional foot for every foot said structure exceeds the height limitation in the underlying zone classification.
  - (6) Rooftop mechanical equipment, to include solar energy equipment, may project 10 feet above the height limit of the zone; provided all equipment is set back 10 feet from the edge of the roof. See also PCC 18J.15.155 for mechanical equipment screening design standards which may apply.
- f. **Noise Attenuating Barriers.** Any noise attenuating barrier, built in accordance with the standards in PCC 18J.15.070, may be placed within required setbacks to the height specified in the permit; provided that all applicable sight distance requirements of Title 17B PCC are met.
- g. **Rural Farm Stands.** Farm stands, Christmas tree stands, and associated parking in rural zones shall maintain a 50-foot minimum separation from residences on adjacent properties and shall maintain a minimum setback of 50 feet from State Routes, 25 feet from other roads, and 10 feet from all other property lines.
- h. **Accessory Dwelling Units.** See PCC 18A.33.300 G.13. for setback provisions applicable to dwelling units accessory to a principal single-family dwelling.
- i. **Animal Enclosures.** See PCC 18A.36.070 F. for setback provisions applicable to structures that enclose animals. See also Chapter 8.94 PCC for Beekeeping/Apiary setback provisions.



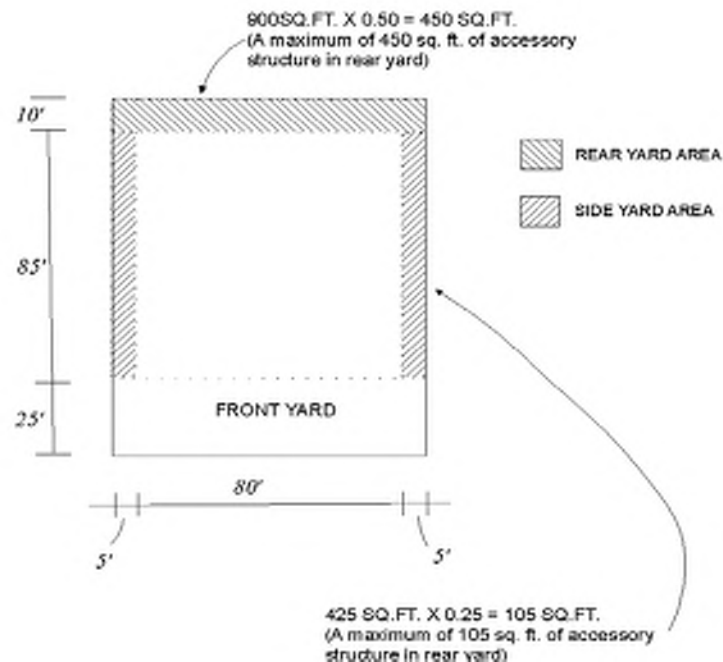
- j. **Airport Overlays.** See Chapter 18A.60 PCC for airport safety zone height limits.
  - k. **Land Divisions.**
    - (1) In the MSF and SF zone classifications, setbacks may be reduced to the following, without processing a Variance or PDD, when it is determined that application of critical area requirements or low impact development would otherwise prevent minimum density from being achieved.
      - (a) Interior setback may be reduced to a minimum setback of 5 feet.
      - (b) Rear setback may be reduced to a minimum setback of 10 feet.
    - (2) In Rsv5, R10, R20, and R40 zone classifications, setbacks may be reduced to the following, without processing a Variance or PDD, when it is determined that application of critical area or low impact development requirements would otherwise prevent base density from being achieved or a reasonable building envelope from being attained.
      - (a) Interior setback may be reduced to a minimum setback of 10 feet.
      - (b) Rear setback may be reduced to a minimum setback of 25 feet.
      - (c) Road and front setbacks may be reduced to a minimum setback of 30 feet.
  - l. **Small Lot Design.** See PCC 18J.17.040 for setbacks applicable to detached single-family projects at densities of 6 or greater units per acre.
3. **Front Yards.**
- a. **Title 18J Design Standards.** The front setbacks of Tables 18A.15.040-1 and -2 may be reduced as part of Administrative Design Review (ADR) or Site Plan Review (SPR) in order to permit compliance with certain community plan design standards related to building placement set forth in Title 18J PCC.
  - b. **Averaging.** Averaging may be used to reduce a front setback requirement when a principal building has been established on an adjacent lot within the required yard. This provision shall not apply if the adjacent lot has received a reduced setback based upon a discretionary land use approval. This exception shall be calculated as follows:
    - (1) Averaging shall be calculated by adding the existing front setbacks of the adjacent lots together and dividing that figure by two.
    - (2) In the case of a corner lot or when an adjacent lot is vacant, averaging shall be calculated by adding the front setback of the adjacent developed lot with the minimum front setback of the zone in which the construction is proposed and dividing that figure by two.
  - c. **Topography.** If the topography of a lot is such that the minimum front setback line is 8 feet or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling unit level, a garage/carport may be built into the bank and shall be set at least 5 feet back from the right-of-way.
  - d. **Bus Shelters.** Bus shelters for school district or transit authority purposes may be located within a front yard when located on private property if they do not exceed 50 square feet of floor area and one story in height; provided all applicable sight distance requirements of Title 17B PCC are satisfied.



#### 4. Interior Yards.

- a. Detached single-story accessory structures, except for accessory dwelling units, may occupy 25 percent of the total area of an interior yard and shall maintain a minimum 3-foot setback. The interior yard does not include any portion of the front or rear yard for purposes of this calculation. See Figure 18A.15.040-4. See also Chapter 18A.36 PCC, Accessory Development, for additional accessory use requirements.
- b. Where two or more lots are used as a building site and where principal buildings cross lot lines, interior setbacks shall not be required from those lot lines crossed by the principal building.
- c. Existing lots of record that are 100 feet or less in width may reduce the interior yard setback to 10 percent of the lot width. Lots between 101 feet and 150 feet wide may reduce the interior yard setback to 15 percent of the lot width. Lots between 151 and 200 feet wide may reduce the interior lot setback to 25 percent of the lot width. In no case shall the setback be less than 3 feet unless a variance is approved.

**FIGURE 18A.15.040-4 – Accessory Structures in Interior and Rear Yards**



#### 5. Rear Yards.

- a. Detached accessory 1-story structures, except for accessory dwelling units, may occupy 50 percent of the total area of a rear yard and must maintain a 3-foot setback. See Chapter 18A.36 PCC, Accessory Development, for additional accessory use requirements. See Figure 18A.15.040-4.
- b. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line, may be considered the "rear lot line" at the owner's discretion. See Figure 18A.15.040-1.



- c. A garage serving a single family residence may have a minimum setback of 3 feet from the rear property line provided:
    - (1) All portions of the dwelling unit comply with the rear setbacks of the applicable zone, except for associated living area above the garage;
    - (2) Vehicular access to the garage shall be from an alley only; and
    - (3) For lots in excess of 55 feet in width, the width of the garage shall not exceed 50 percent of the width of the lot.
  - d. Existing lots of record that are less than 150 feet in depth may reduce the required rear setback 1 foot for each foot the lot is less than 150 feet in depth; provided a rear setback of at least 25 feet shall be maintained.
  - 6. **Planned Development District (PDD).** For a lot in a final plat that is no longer within the period specified in RCW 58.17.170 and which has an associated PDD approval, the following two options are available for structure/building height and yard/setback:
    - a. An individual lot may be developed consistent with the height and yard/setback requirements identified by the Hearing Examiner's Decision or on the face of the recorded plat. All development on the lot shall be consistent with all of the requirements of the approval(s) and may not utilize setback reductions, allowances, or exceptions of current codes in addition to the reduced setbacks identified through the PDD approval. All future development activities on the lot shall also comply with the requirements of the preliminary and final land division approval and PDD approval; or
    - b. An individual lot may be developed consistent with the height and yard/setback requirements of the current zone classification in effect on the date of application for the proposed development. All future development activities on the lot shall also comply with the regulations that exist at the time of application.
- (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013; Ord. 2012-2s § 5 (part), 2012)



**EXHIBIT “I”**

**Chapter 18J, Design Standards**

**(attached)**



**Tehaleh  
Employment-Based Planned  
Community**

**Phase 2  
Project Master Plan**

**Exhibit I -  
Design Standards**

**(Chapters 18J.10 and 18J.15  
- Effective Date June 1, 2014)**



## *Chapter 18J.10*

### **GENERAL PROVISIONS**

#### **Sections:**

- 18J.10.010 Introduction and Intent.**
- 18J.10.020 Title.**
- 18J.10.030 Definitions.**
- 18J.10.040 Applicability.**
- 18J.10.050 Approvals Required.**
- 18J.10.055 Submittal and Review Requirements.**
- 18J.10.060 Reconsideration and Appeals.**
- 18J.10.070 Fees.**
- 18J.10.080 Compliance.**
- 18J.10.090 Severability.**

NOTE: Chapters 18J.10 and 18J.15 control except where modified per Section 5 of the PMP and/or the Tehaleh Design Manual.

#### **18J.10.010 Introduction and Intent.**

The concept of development review is not new in Pierce County. Building and zoning codes have long regulated the use of property and have specified density and dimensional requirements. The design review process is a tool intended to ensure that new development and remodels enhance the visual quality and identity of communities and are compatible with the community character.

Through design review, builders, developers, business owners, residents, and property owners work with Planning and Land Services (PALS) staff and/or the applicable land use advisory commission (LUAC) to protect identified community values through the application of design principles.

Although architectural styles change, the principles of good design can be identified and applied to future development. Thus, the principles illustrated in the individual design standards are intended to implement the goals, objectives, and policies of community plans and the Pierce County Comprehensive Plan by encouraging development that is compatible with and complementary to the examples of good design observed within the community(ies). (Ord. 2009-98s § 7 (part), 2010; Ord. 99-68 § 1 (part), 1999)

#### **18J.10.020 Title.**

This Title shall be officially cited as Title 18J PCC, Development Regulations – Design Standards and Guidelines, and may be commonly referred to as the Pierce County Design Standards and Guidelines. (Ord. 99-68 § 1 (part), 1999)

#### **18J.10.030 Definitions.**

See Chapter 18.25 PCC for a list of all defined terms. (Ord. 2012-2s § 8 (part), 2012; Ord. 2004-58s § 7 (part), 2004; Ord. 2004-52s § 5 (part), 2004; Ord. 2004-26s2 § 2 (part), 2004; Ord. 2002-113s § 4 (part), 2002; Ord. 2000-55s § 3 (part), 2000; Ord. 99-68 § 1 (part), 1999)

#### **18J.10.040 Applicability.**

The provisions of this Title apply throughout unincorporated Pierce County. Thresholds which establish design review are set forth in applicability Sections and Tables in the subsequent Chapters of this Title.



- A. This Title shall apply to:
1. New construction and expansion of buildings, structures, and parking lots;
  2. Use permits and expansion of uses, if the underlying project is subject to this Title;
  3. Site development activities, if the underlying project is subject to this Title;
  4. Site clearing, grading or filling without a proposed principal use; and
  5. Land divisions.
- B. **Exemptions.** This Title shall not apply to:
1. Structures used solely for agricultural purposes containing items generally associated with farming including, but not limited to, farm equipment such as tractors, or farm animals such as livestock. (See also Chapter 18A.45 PCC, Agricultural Uses and Animals)
  2. Installation, construction, replacement, operation, repair, or alteration of all utility lines, equipment, and appurtenances, excluding substations and similar facilities.
  3. Water dependent uses regulated and conducted within the jurisdiction of the Pierce County Shoreline Management and Use Regulations.
  4. Land Divisions resulting in the creation of not more than two single-family residential lots, except that the significant tree retention provisions specified in PCC 18J.15.030 E.3. shall apply. The significant trees shall be shown on the site plan and shall be reviewed in conjunction with the short plat without Administrative Design Review, unless Administrative Design Review is otherwise required.
  5. Temporary uses authorized and conducted in accordance with the provisions of Chapter 18A.38 PCC.
  6. Interior remodel work that does not alter the exterior of the structure or site.
  7. Normal building maintenance including the repair or maintenance of structural members.
  8. Portable classroom structures that are accessory to existing education facilities on a project site of 2 acres or greater.
  9. Variances.
  10. Bus shelters not exceeding 300 square feet in size.
  11. Construction, expansion, remodeling, or reconstruction of single-family residences and their accessory structures, unless located within the Graham, Gig Harbor or Browns Point/Dash Point Community Plan areas, except that significant tree retention as specified in PCC 18J.15.030 E.3. shall apply. In this instance, the significant trees shall be shown on the site plan and can be reviewed in conjunction with the building permits without Administrative Design Review (ADR) unless ADR is otherwise required.
  12. A change of use, only when all of the following criteria are met:
    - a. The new use is permitted outright in the zone classification;
    - b. The original use was legally established;
    - c. No exterior building alteration is proposed;
    - d. Current parking requirements for the new use can be met with existing off-street parking; and
    - e. Outdoor storage is not proposed.
  13. Land divisions exempt pursuant to PCC 18F.10.060.



**C. Special Exemptions.**

1. Building design and architectural standards of this Title shall not apply to:
    - a. Buildings, sites or objects listed on the National, Washington State, or Pierce County Register of Historic Places shall be subject to the Secretary of the Interior's Standards for Rehabilitation, the Washington State Historic Building Code, and other locally adopted review standards, if any.
    - b. Buildings located at a local park, county park, regional park, linear park/trail or Resource Conservation Park.
    - c. Structures and buildings that do not require a building permit.
- (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 9 (part), 2013; Ord. 2012-2s § 8 (part), 2012; Ord. 2010-70s § 15 (part), 2010; Ord. 2009-98s § 7 (part), 2010; Ord. 2004-114s2 § 4, 2004; Ord. 2002-113s § 4 (part), 2002; Ord. 99-68 § 1 (part), 1999)

**18J.10.050 Approvals Required.**

Projects subject to Title 18J PCC shall be reviewed for conformance with applicable design standards through the Administrative Design Review process and shall be required to submit an Administrative Design Review application and receive Administrative Design Review approval. If a project is unable to meet an applicable design standard or standards, a Site Plan Review application shall be submitted. The alternative(s) proposed in the Site Plan Review application shall meet applicable design objectives.

**A. Administrative Design Review (ADR).**

1. If any design standard of Title 18J PCC is applicable to a project, an application for Administrative Design Review is required to be submitted.
2. Administrative Design Review shall be performed by the Department. In the case of a preliminary plat or use permit reviewed by the Hearing Examiner, the Examiner shall consider the Administrative Design Review concurrent with the review of the application.
3. Application for Administrative Design Review shall be submitted with the project application (i.e., land division, use permit, building permit). Independent Administrative Design Review applications are not accepted.

**B. Site Plan Review (SPR).**

1. Applicants proposing designs, details, treatments, or other design solutions not expressly provided for in the standards shall obtain Site Plan Review approval.
2. The purpose of Site Plan Review is to establish a process by which a requested deviation from a design standard may be reviewed and approved together with Administrative Design Review prior to permit issuance.
3. Site Plan Review may be satisfied by using the design guidelines to create a design solution or by following an applicant's innovative design concept to bring a project into conformance with the intent of the design objective that the specific standard is derived from. Additionally, the following review criteria shall be considered before any alternative design is granted:
  - a. The alternative design solution will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;
  - b. The alternative design solution is consistent with the Comprehensive Plan including any applicable Community Plan;
  - c. Significant adverse environmental impacts will not be caused as a result of the alternative design; and



- d. The alternative design solution will meet the applicable design objective in the same or better way than compliance with the standards requested to be deviated from.
4. Site Plan Review applications fall into one of two categories: Minor Site Plan Review or Major Site Plan Review.
  - a. Minor Site Plan Review shall apply to a deviation from one or more countywide design standards, found in Chapters 18J.15 and 18J.17 PCC.
  - b. Major Site Plan Review shall apply to a deviation from one or more community plan design standards, found in Chapters 18J.20 through 18J.130 PCC.
5. Review of Minor Site Plan Review shall be performed by the Department. For preliminary plat and use permit applications reviewed by the Hearing Examiner, the Examiner shall consider the Minor Site Plan Review concurrent with the review of the application.
6. Major Site Plan Review associated with administrative review applications such as, but not limited to, building permits, site development permits and Administrative Use Permits, the Department shall prepare a staff report for review by the LUAC. The LUAC shall conduct a public hearing to review the proposal and provide the Director with a recommendation of approval, modification, or denial based on the design standards, guidelines and objectives contained within Title 18J PCC or applicable community plan policies. If the project is located in an area of the County where there is no LUAC established, Major Site Plan Review shall be conducted by staff and a decision issued by the Director.
7. Applications which require a hearing before the Pierce County Hearing Examiner that require Major Site Plan Review shall be subject to a public meeting before the appropriate LUAC, if any. PALS shall prepare a staff report for review by the LUAC and the Hearing Examiner. The LUAC shall conduct a public meeting to review, evaluate and recommend a design solution. The LUAC shall provide the Hearing Examiner with a recommendation for approval, denial, or modification based on the design standards, guidelines and objectives contained within this Title and applicable community plan policies. A decision shall be issued by the Hearing Examiner.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 9 (part), 2013; Ord. 2009-98s § 7 (part), 2010; Ord. 2009-18s3 § 7 (part), 2009; Ord. 2005-84s § 3 (part), 2005; (Ord. 2004-31 § 1, 2004; Ord. 2003-40s2 § 3 (part), 2003; Ord. 2002-113s § 4 (part), 2002; Ord. 99-68 § 1 (part), 1999)

#### **18J.10.055 Submittal and Review Requirements.**

- A. **Design Review Application Submittal Requirements.** All Administrative Design Review and Site Plan Review applications shall include a site plan, and shall meet the submittal standards for the development or use permit together with any other plans and drawings necessary to describe how the project conforms to the design objectives and standards of this Title.
  1. **Preliminary Review.** The provisions for conducting a preliminary review for any application filed pursuant to this Title are set forth in Title 18, Development Regulations – General Provisions.
  2. **Application Filing.** Applications shall be reviewed for completeness in accordance with Department submittal standards checklists and pursuant to Title 18, Development Regulations – General Provisions. Any application that fails to include the information required under this Title shall be returned to the applicant as an incomplete application.



3. **Site Plans.** Site plans and building elevations shall be drawn to scale and shall address in writing or through graphic illustration the following items:
  - a. Existing and planned roadways and parking, sidewalks, open space and trail systems, utilities, exterior lighting and buildings;
  - b. On-site natural features, including, but not limited to: soils, vegetation, hydrogeologic and geologically hazardous areas, wetlands, and watercourses;
  - c. Critical areas and important natural features, and how these areas and features will be incorporated into overall site design;
  - d. Limits of construction, showing existing and proposed grade changes;
  - e. Identification of, and compatibility with, surrounding land uses, zoning, overlay districts and view corridors;
  - f. Net developable area calculations;
  - g. Compliance with applicable design objectives and standards;
  - h. View corridors and scenic vistas (e.g., views of Mount Rainier, the Cascade or Olympic Mountain Ranges, lakes, etc.) with appropriate landscape, building, and site design techniques that avoid or minimize view obstruction; and
  - i. The project's response to micro-climatic factors, such as wind patterns, sun and shade, and inclement weather.
4. **Building Elevations.** Building elevations, to include exterior building illumination if proposed, shall be submitted for each wall plane for which the design standards of this Title are applicable and shall include detailed notes on specifically how architectural points have been achieved.
5. **Tree Conservation Plans.** Tree conservation plans shall be prepared and submitted at time of application for the underlying project that is subject to the tree conservation requirements of this Title to ensure compliance with applicable standards prior to the approval of any associated development permit or recommended approval of any land use or land division application. The plans shall be drawn to the same scale as the site plan, shall meet the applicable standards of PCC 18J.15.030, and shall include:
  - a. Tree unit calculations, including the estimated volume of merchantable timber proposed to be removed from the site.
  - b. All significant individual trees on the site shall be identified and labeled on the plan with species name and diameter at breast height (dbh).
  - c. A surveyed inventory of all trees located on the site which are being retained and have a dbh of 6 inches or more and masses of trees, with the drip-lines of individual trees or tree masses outlined. The average dbh within tree masses shall be specified on the drawing.
    - (1) Trees with a dbh of 1 to 6 inches shall be inventoried and located if the trees are intended to be used to meet tree unit density requirements.
    - (2) Where a sampling method is proposed, the following standards shall apply:
      - (a) Sampling is allowed for project sites with contiguous tree retention areas of at least 2 acres;
      - (b) The sampling inventory shall include at least one plot per forest stand type per acre and shall represent at least 10 percent of the retention area. Where retention areas exceed 10 acres, PALS staff may allow the professional forester a percentage reduction of up to 5 percent;



- (c) Sample plot information shall include:
      - (i) Percent of trees per acre by species,
      - (ii) Average dbh,
      - (iii) General tree health, and
      - (iv) Percent of canopy cover per forest stand type;
    - (d) The method used to inventory the trees must be indicated on the plans; and
    - (e) All sampling areas shall be accurately depicted on the tree conservation plan and appropriately flagged to corresponding locations on the site.
  - d. The mature tree canopy shall be shown for each retained and replacement tree, other than street trees, when such trees are located within 100 feet of a buildable area in order to identify and minimize potential future conflicts between such trees and adjacent structures.
- 6. **Landscape Plans.** Landscape plans shall be prepared and submitted at time of application for the underlying project that is subject to the landscaping requirements of this Title to ensure compliance with applicable standards prior to the approval of any associated development permit or recommended approval of any land use or land division application. Landscape plans shall be drawn to the same scale as the site plan and shall include:
  - a. The location, size, species, and number of plants to be planted and a narrative description detailing site preparation, installation and maintenance measures necessary for the long-term survival and health of the plants. The following information is also required:
    - (1) A plant schedule shall be provided on the planting plan. The schedule shall include botanical and common names of new plant material and plants to be retained, typical spacing for each species, size of plant material, quantity of each plant species, and planting instructions (refer to PCC 18J.15.100 for native and drought tolerant plant selection requirements); and
    - (2) Provide a timeline and/or phasing plan for site preparation, installation, and maintenance.
  - b. Vegetation retention areas required pursuant to PCC 18J.15.020 (Site Clearing) shall be indicated on the landscaping plan. The landscaping plan shall also include information regarding the plant types, sizes, quantities, and general health information regarding the vegetation retention areas.
- 7. **Irrigation Plans.** Irrigation plans shall be prepared for all landscaped areas for which temporary or permanent irrigation methods will be used. Irrigation plans shall be submitted prior to or at time of site development permit application. Refer to PCC 18J.15.110 C.5. for irrigation standards.
- 8. **Recreation Space Plans.** For projects requiring recreation space, the applicant shall submit a recreation space plan at the time of initial application submittal. The Hearing Examiner or Director shall review the recreation space plan in conjunction with the development application and shall have the authority to approve, deny or modify the location and type of recreation facilities, landscaping, and other improvements. Recreation space plan information may be included on the landscaping plans, and shall include the following information:
  - a. Detail of the improvements proposed for the active recreation spaces;
  - b. The location of passive recreation spaces; and
  - c. An analysis of the how the recreation spaces meet the minimum recreation space standards of this Title.



9. **Persons Qualified to Prepare Plans.** To help ensure adequate plans are submitted for review, the following minimum plan preparation standards shall apply.
    - a. **Tree Conservation Plans.** Tree retention and inventory information shall be prepared by a Professional Forester or licensed Landscape Architect.
    - b. **Landscape Plans.** The planting plan shall be prepared by a licensed Landscape Architect or a Washington State Professional Horticulturalist, except that planting plans for land divisions of 4 or fewer lots, street tree requirements, and canopy tree requirements for properties abutting vacant land may be prepared by the applicant.
    - c. **Irrigation Plans.** Irrigation plans shall be prepared by a licensed Landscape Architect or Irrigation Association Certified Designer for all permanent irrigation systems except those systems having a value of less than \$3,000.00. Irrigation plans for systems having a value of less than \$3,000.00 may be prepared by the property owner or other individual.
    - d. **Critical Area Plans.** Planting or retention plans for land subject to Title 18E, Development Regulations – Critical Areas, which are used to meet standards of this Title, shall be prepared by professionals as permitted by Title 18E. If compliance with critical area requirements will be used to partially or fully satisfy landscaping, native vegetation, or tree conservation requirements, detailed information shall be provided which explains how critical area compliance will satisfy the applicable design requirement.
  - B. **Modifications.**
    1. **Design Review Plans.** The Director may allow or approve minor modifications to approved Administrative Design Review plans, to include associated landscape, irrigation, tree conservation and recreation space plans, during site development or building construction to account for unforeseen site conditions and circumstances. A request for minor modification must be submitted in writing along with a copy of the revised plan or building elevation.
  - C. **Public Notice.** Public notice provisions for notice of application, public hearing, and final decision pursuant to this Title are outlined in Title 18, Development Regulations – General Provisions.
  - D. **Time Limitations.**
    1. **Expiration of Approval.** The design review approval expiration time lines shall run concurrently with the expiration timelines established for the underlying permit or approval, or if no expiration date is specified, then the design review shall expire one year from the approval date.
    2. **Time Extensions.** Time extensions shall run concurrently with the timelines established for the underlying permit or approval.
    3. **Time Period for Final Decision.** The provisions for issuing a notice of final decision on any application filed pursuant to this Title are set forth in Title 18, Development Regulations – General Provisions.
- (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 9 (part), 2013; Ord. 2012-2s § 8 (part), 2012; Ord. 2010-70s § 15 (part), 2010; Ord. 2009-98s § 7 (part), 2010; Ord. 2006-53s § 7, 2006; Ord. 2003-40s2 § 3 (part), 2003; Ord. 2002-113s § 4 (part), 2002; Ord. 99-68 § 1 (part), 1999)



**18J.10.060 Reconsideration and Appeals.**

Procedures for appeal of any administrative decision and procedures for reconsideration or appeal of a Hearing Examiner decision issued pursuant to this Title are set forth in Chapter 1.22 PCC. (Ord. 99-68 § 1 (part), 1999)

**18J.10.070 Fees.**

Fees for applications filed pursuant to this Title are set forth in Chapter 2.05 PCC. (Ord. 99-68 § 1 (part), 1999)

**18J.10.080 Compliance.**

The regulations for compliance with the provisions of this Title are set forth in Chapter 18.140, Compliance. The following requirements shall supplement Chapter 18.140 PCC:

**A. Tree Conservation and Landscaping.**

1. Compliance with the approved Tree Conservation and Landscape Plans shall be a condition of approval for land use permits and approvals shall be identified on the face of final plats, short plats, and large lots.
2. Title Notification of approved Tree Conservation and Landscape Plans shall be recorded with the Pierce County Auditor prior to issuance of any site development or building permit approval.
3. Site Development plans shall include notes and planting locations for all required vegetation and tree protection before and during development of the site.
  - a. All tree protection and erosion control measures shall be in place and/or installed prior to grading, clearing or other vegetation removal.
4. Retained vegetation must be protected during construction by protective barricades and other measures in accordance with the requirements of PCC 18J.15.130. Such protective measures shall be shown on the site development plans.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 9 (part), 2013; Ord. 2009-98s § 7 (part), 2010; Ord. 99-68 § 1 (part), 1999)

**18J.10.090 Severability.**

If any provision of this Title is held invalid, the remainder of this Title or the application of the provision to other persons or circumstances shall not be affected. (Ord. 99-68 § 1 (part), 1999)



## *Chapter 18J.15*

### ***COUNTYWIDE DESIGN STANDARDS AND GUIDELINES***

#### **Specific Item Design Standard Sections:**

- 18J.15.010 Purpose, Applicability and Exemptions.**
- 18J.15.015 Site Design.**
- 18J.15.020 Site Clearing.**
- 18J.15.030 Tree Conservation.**
- 18J.15.040 Landscape Buffers.**
- 18J.15.050 Street Trees.**
- 18J.15.060 Infill Compatibility.**
- 18J.15.070 Noise Attenuating Barriers and Structural Walls.**
- 18J.15.080 Off-Street Parking, Pedestrian, Bus and Bicycle Facilities.**
- 18J.15.085 Exterior Illumination.**
- 18J.15.090 Parking Lot Landscaping.**
- 18J.15.100 Plant Lists.**
- 18J.15.110 Plant Sizes, Soil Amendment, Mulching and Irrigation.**
- 18J.15.120 Plant Installation.**
- 18J.15.130 Plant Protection and Maintenance.**
- 18J.15.140 Low Impact Development (LID).**
- 18J.15.150 Rural Pathways for Civic Uses.**
- 18J.15.155 Mechanical Equipment and Outdoor Storage Screening.**
- 18J.15.160 Dry Sewer Lines.**
- 18J.15.170 Stormwater Facilities.**
- 18J.15.180 Recreational Areas.**

#### **Specific Use Design Standard Sections:**

- 18J.15.185 Residential.**
- 18J.15.190 Outdoor Event Facilities.**
- 18J.15.200 Mobile Home Parks.**
- 18J.15.210 Recreational Vehicle Parks.**
- 18J.15.220 Construction and Contractor Facilities.**
- 18J.15.230 Outdoor Stockpiles.**
- 18J.15.240 Solid Waste Handling, Treatment and Storage Facilities.**
- 18J.15.250 Hazardous Waste Treatment and Storage Facility.**
- 18J.15.260 Water Supply Facilities.**
- 18J.15.270 Telecommunication Towers and Wireless Facilities.**
- 18J.15.280 Agritourism.**

#### **18J.15.010 Purpose, Applicability and Exemptions.**

- A. **Purpose.** This Chapter provides design objectives that are implemented with design standards and guidelines to protect the property values and property rights of property owners and promote compatibility between land uses by reducing the visual, noise, and lighting impacts of development on users of the site and abutting uses. The Chapter also serves to promote the use and protection of vegetation native and common to Western Washington, use solar principles in landscape and building design, enhance and define



public and private open spaces, promote the application of water-efficient techniques in the design, installation, and maintenance of landscaping, and promote physical safety of pedestrians and motorists.

- B. **Applicability.** The standards contained in this Chapter shall apply Countywide. If there is a conflict between a community plan standard and a countywide standard, the community plan standard shall be followed. Each Section in this Chapter contains specific applicability information unique to the design item. Table 18J.15.010-1 below provides a brief applicability summary of the design standard items contained in this Chapter.

<b>Table 18J.15.010-1. Countywide Design Standard Applicability and Exemptions</b>		
<p><b>NOTICE:</b> This Table provides summarized reference information. For detailed and specific language, refer to the Title, Chapter or Section.</p>		
	<b>Applicability</b>	<b>Exemptions</b>
<b>TITLE:</b> Title level applicability and exemption applies to all Chapters and Sections of the Title.		
<b>18J</b> Development Regulations – Design Standards and Guidelines	<ol style="list-style-type: none"> <li>1. New construction and expansion of buildings, structures, and parking lots.</li> <li>2. Use permits and expansion of uses, if the underlying project is subject to this Title.</li> <li>3. Site development activities, if the underlying project is subject to this Title.</li> <li>4. Site clearing, grading or filling without a proposed principal use.</li> <li>5. Land Divisions.</li> </ol>	<ol style="list-style-type: none"> <li>1. Agricultural structures for farming.</li> <li>2. Utility lines, equipment, and appurtenances, excluding substations and similar facilities.</li> <li>3. Water dependent uses subject to Title 20 PCC.</li> <li>4. Two lot single-family short plats, except that significant tree retention, PCC 18J.15.030 E.3., applies.</li> <li>5. Temporary uses; see Chapter 18A.38 PCC.</li> <li>6. Interior remodel work.</li> <li>7. Building maintenance.</li> <li>8. Portable classrooms on more than 2 acres.</li> <li>9. Bus shelters, less than 300 square feet.</li> <li>10. Individual single-family homes, except that special design standards apply in Graham, Gig Harbor or Browns/Dash Point, and significant tree retention of PCC 18J.15.030 E.3. applies.</li> <li>11. Sites regulated through a previously adopted site plan or recorded plat.</li> <li>12. Change of use to outright permitted use with no exterior remodel/outdoor storage.</li> <li>13. Exempt land divisions; see PCC 18F.10.060.</li> </ol>
<b>CHAPTER:</b> Chapter level applicability and exemption applies to all Sections of the Chapter.		
<b>18J.15</b> Countywide Design Standards	Countywide. If there is a conflict between a countywide standard and a community plan standard, the community plan standard shall apply.	Title 18J PCC exemptions.
<b>SECTIONS:</b> Section level applicability and exemption applies only to that Section.		
<b>18J.15.015</b> Site Design	Commercial, industrial, and civic uses and buildings, and residential developments.	Title 18J PCC exemptions.



<b>Table 18J.15.010-1. Countywide Design Standard Applicability and Exemptions</b>		
<p style="text-align: center;"><b>NOTICE:</b> This Table provides summarized reference information. For detailed and specific language, refer to the Title, Chapter or Section.</p>		
	<b>Applicability</b>	<b>Exemptions</b>
<b>18J.15.020</b> Site Clearing	<ol style="list-style-type: none"> <li>1. Single-family attached (townhouse), multi-family, civic, utility, commercial, industrial, land divisions, and site development permits.</li> <li>2. Remodels when the improvement value of the remodel is 60 percent or greater.</li> </ol>	<ol style="list-style-type: none"> <li>1. Title 18J PCC exemptions.</li> <li>2. Animal, crop or forestry production.</li> <li>3. Proposals which result in the removal of less than 1,000 square feet of native vegetation.</li> <li>4. Agricultural activities, except for sales and services within ARL and RF, or with an approved Hobby Farm Agreement, or Farm and Agricultural Land pursuant to RCW 84.34.</li> <li>5. Urban residential short subdivisions of 4 lots or less on 1 acre or less.</li> <li>6. Public roads, paths, bicycle ways, trails, bridges, sewer lines, storm drainage facilities, related critical area mitigation, and other similar public infrastructure.</li> </ol>
<b>18J.15.030</b> Tree Conservation	<ol style="list-style-type: none"> <li>1. New uses and divisions of land proposed on vacant or redeveloping parcels.</li> <li>2. Expansions of existing civic, utility, commercial, industrial, and multi-family structures exceeding 10 percent of the existing building footprint or associated impervious areas that do not have an existing approved tree conservation plan.</li> <li>3. Class IV forest practices.</li> </ol>	<ol style="list-style-type: none"> <li>1. Title 18J exemptions.</li> <li>2. Development in a designated airport safety area or object-free area.</li> <li>3. Land used for agricultural activities, except for sales and services, if located in ARL or RF, has an approved Hobby Farm Agreement, meets Farm and Agricultural Land pursuant to RCW 84.34 and is being taxed as such, or is existing pasture land used for agricultural purposes.</li> <li>4. Silvicultural activities occurring in FL zone.</li> <li>5. Surface mining in MRO overlay.</li> <li>6. Urban short plats of 4 lots or less, on 1 acre or less, except that significant tree retention of PCC 18J.15.030 E.3. applies.</li> <li>7. Public roads, paths, bicycle ways, trails, bridges, sewer lines, storm drainage facilities, related critical area mitigation activities, and other similar public infrastructure.</li> </ol>
<b>18J.15.040</b> Landscape Buffers	Tables 1, 2 and 3 in 18J.15.040 G. establish the buffer level required for each proposed land use.	<ol style="list-style-type: none"> <li>1. Title 18J PCC exemptions.</li> <li>2. Existing, legally established, single and two-family dwellings and accessory structures.</li> <li>3. A single-family dwelling or accessory dwelling unit with a land division decision that did not include a landscape buffer requirement.</li> <li>4. Land divisions which result in 4 or fewer detached single-family dwelling unit lots.</li> </ol>
<b>18J.15.050</b> Street Trees	Both sides of all new roads.	Title 18J PCC exemptions.
<b>18J.15.060</b> Infill Compatibility	New residential developments of 5 or more dwelling units proposed adjacent to lots of less than 1 acre in size, built with similar housing type but to a lesser density.	Title 18J PCC exemptions and projects designed according to the Small Lot Design standards of Chapter 18J.17 PCC.
<b>18J.15.070</b> Noise Attenuating Barriers	Any barrier being built to attenuate noise from a proposed or existing land use.	Title 18J PCC exemptions.



<b>Table 18J.15.010-1. Countywide Design Standard Applicability and Exemptions</b>		
<p><b>NOTICE:</b> This Table provides summarized reference information. For detailed and specific language, refer to the Title, Chapter or Section.</p>		
	<b>Applicability</b>	<b>Exemptions</b>
<b>18J.15.080</b> Off-Street Parking, Pedestrian, Bus, and Bicycle Facilities	<ol style="list-style-type: none"> <li>1. New parking facilities that accommodate 10 or more vehicles.</li> <li>2. Ten percent or more expansion to an existing parking lot that accommodates 10 or more vehicles.</li> <li>3. New residential developments.</li> </ol>	Title 18J PCC exemptions.
<b>18J.15.085</b> Exterior Illumination	<ol style="list-style-type: none"> <li>1. New residential developments, civic, commercial and industrial uses; and</li> <li>2. Multi-family, civic, commercial or industrial expansion greater than 60% of the building value, excluding interior improvements.</li> </ol>	Title 18J PCC exemptions.
<b>18J.15.090</b> Parking Lot Landscaping	<ol style="list-style-type: none"> <li>1. Perimeter parking lot landscaping is required for any portion of a parking lot which is within 20 feet of a right-of-way.</li> <li>2. Interior parking lot landscaping is required for all new surface parking lots with 10 or more spaces.</li> <li>3. Drive-through, storage and service areas.</li> </ol>	Title 18J PCC exemptions.
<b>18J.15.100</b> Plant Lists	Western Washington native and/or drought tolerant plant material shall be used within all required landscape screening, buffers and parking lot landscaping.	<p>Title 18J PCC exemptions.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> <li>1. Plants specifically required or prohibited by Title 18E or Title 20 shall supersede this Section.</li> <li>2. Native plantings are required within natural buffer areas and tree conservation areas.</li> </ol>
<b>18J.15.110</b> Plant Sizes, Soil Amendment, Irrigation	Street trees, landscape buffers, noise attenuating barriers, and parking lot landscaping unless a standard has otherwise been specified in this Chapter.	Title 18J PCC exemptions.
<b>18J.15.120</b> Plant Installation	Street trees, landscape buffers, replacement trees and parking lot landscaping.	Title 18J PCC exemptions.
<b>18J.15.130</b> Plant Protection and Maintenance	All vegetation and associated areas required pursuant to this Chapter.	Title 18J PCC exemptions.
<b>18J.15.140</b> Low Impact Development	<p>LID techniques shall be utilized for development within the:</p> <ol style="list-style-type: none"> <li>1. RSR zone classification.</li> <li>2. USRO overlay.</li> <li>3. Graham and Gig Harbor Open Space Corridors</li> </ol>	Title 18J PCC exemptions.
<b>18J.15.150</b> Rural Pathways for Civic Uses	Certain new civic uses constructed in the rural areas.	Title 18J PCC exemptions.
<b>18J.15.155</b> Mechanical Equipment and Outdoor Storage	<ol style="list-style-type: none"> <li>1. New multi-family developments, civic, commercial and industrial uses; and</li> <li>2. Multi-family, civic, commercial or industrial remodel or expansion that changes the mechanical equipment or adds outdoor storage.</li> </ol>	Title 18J PCC exemptions.



<b>Table 18J.15.010-1. Countywide Design Standard Applicability and Exemptions</b>		
<p style="text-align: center;"><b>NOTICE:</b> This Table provides summarized reference information. For detailed and specific language, refer to the Title, Chapter or Section.</p>		
	<b>Applicability</b>	<b>Exemptions</b>
<b>18J.15.160</b> Dry Sewer Lines	New urban developments proposing to utilize interim on-site septic systems.	Title 18J PCC exemptions.
<b>18J.15.170</b> Stormwater Facilities	Attached single-family, multi-family, civic, utility, commercial, industrial, land divisions, use permits and site development permits.	<ol style="list-style-type: none"> <li>1. Title 18J PCC exemptions.</li> <li>2. Animal, crop or forestry production or mineral extraction.</li> <li>3. Plats for 9 or fewer dwelling units.</li> </ol>
<b>18J.15.180</b> Recreational Space/Areas	New residential developments of 10 dwelling units or more.	<p>Title exemptions.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> <li>1. Single-family and duplex lots 12,000 square feet in size or larger.</li> <li>2. Single-family lots located within 1,320 feet of a public park or public school.</li> </ol>
<b>The following Sections apply to new development, expansion and conversion of the specific uses.</b>		
<b>18J.15.185</b>	Residential (attached single-family, duplex, triplex, multi-family, nursing home)	
<b>18J.15.190</b>	Outdoor Event Facilities	
<b>18J.15.200</b>	Mobile Home Parks	
<b>18J.15.210</b>	Recreational Vehicle Parks	
<b>18J.15.220</b>	Construction and Contractor Facilities	
<b>18J.15.230</b>	Outdoor Stockpiles	
<b>18J.15.240</b>	Solid Waste Handling, Treatment and Storage Facilities	
<b>18J.15.250</b>	Hazardous Waste Treatment and Storage Facility	
<b>18J.15.260</b>	Water Storage Facilities	
<b>18J.15.270</b>	Telecommunication Towers and Wireless Facilities	
<b>18J.15.280</b>	Agritourism	

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 9 (part), 2013; Ord. 2012-2s § 8 (part), 2012; Ord. 2010-70s § 15 (part), 2010; Ord. 2009-98s § 2 (part), 2010)



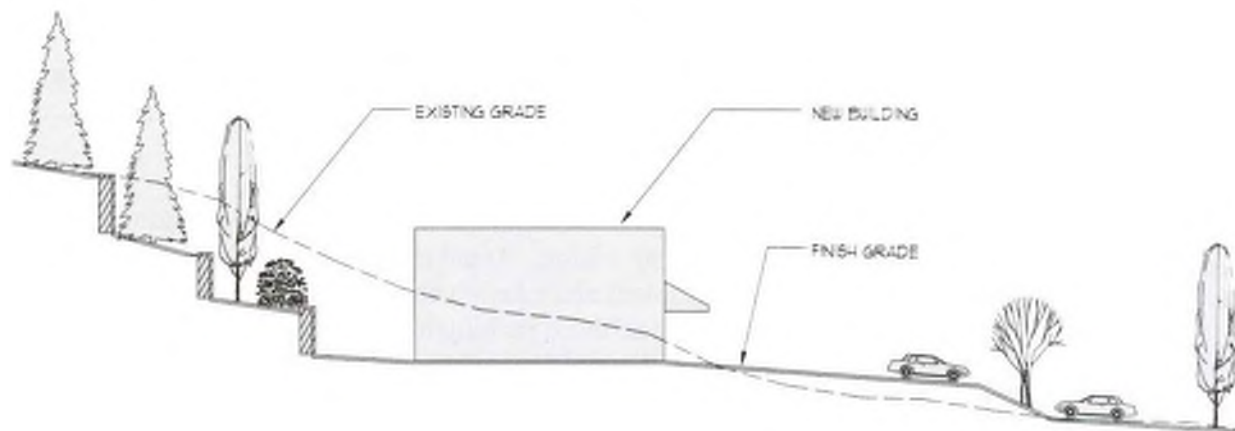
### **18J.15.015 Site Design.**

The purpose of this Section is to promote site design that minimizes modifications to natural topography to preserve land, water and soil relationships that are essential for sustaining plant and animal habitat. Project elements (lots, buildings, access drives, parking, walkways, and service areas) should be located in a manner that protects, enhances, or minimizes impacts to natural site features. For instance, buildings should be designed to fit the natural slope rather than forcing the slope to fit the building design. Terraced parking lots and multi-tiered buildings are other examples of effective design solutions that minimize impacts to a site's natural features.

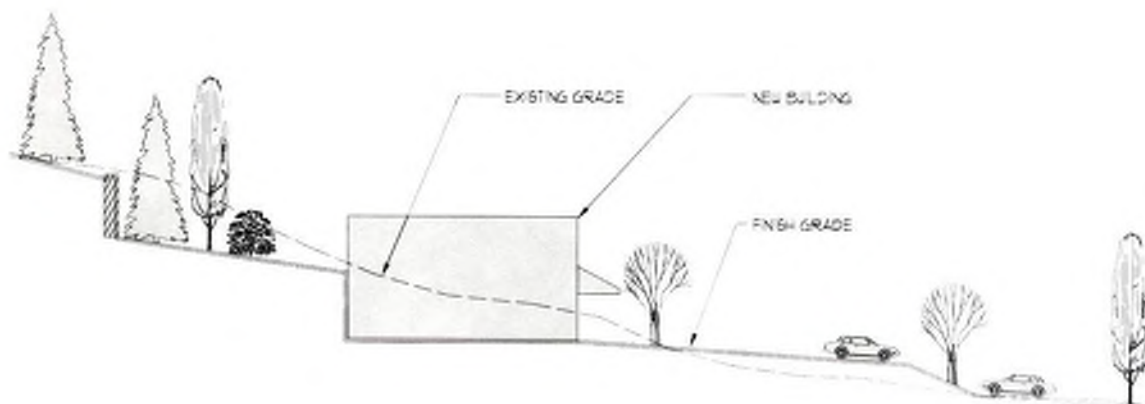
- A. **Applicability.** This Section applies to site design associated with commercial, industrial, and civic uses and buildings, and to residential developments.
- B. **Exemptions.** [Reserved]
- C. **Design Objective.** Site development for buildings, roadways and other site improvements should be designed to fit the natural topography with the minimum amount of site disturbance and grade changes possible. (See Figures 18J.15.015-1, -2, and -3)
- D. **Standards.**
  - 1. Filling and grading shall be done in accordance with Pierce County Site Development Regulations.
  - 2. Buildings shall be designed to fit natural slopes rather than forcing the slope to fit a particular building design.
  - 3. Roads shall be aligned to follow the natural contours of the site as much as possible.
  - 4. Finished grades shall promote a smooth transition to adjacent properties.
  - 5. When retaining walls or similar structures are necessary to address grade changes, terracing shall be used such that no individual wall exceeds 8 feet in height.
  - 6. Industrial uses within the Employment Center (EC) and Community Employment (CE) zones shall be permitted to create grades changes in excess of 8 feet except when adjacent to residentially zoned areas. (See Figure 18J.15.015-3)
  - 7. All retaining walls in excess of 4 feet in height shall be screened with landscaping meeting Landscape Level 1 buffer requirements as set forth in PCC 18J.15.040.
- E. **Guidelines.**
  - 1. The amount of material removed from one portion of the site should be equal to the amount of material added to another portion of the site.
  - 2. Clearing, grading and heavy construction activity should occur during the driest months and conclude by late fall when rainfall and associated soil compaction, erosion, and sediment yield from equipment activity increases.
  - 3. Surface roughness should be maintained on the site to reduce flow velocities and encourage sheet flow on the development by preserving native vegetation and limit soil disturbance.
  - 4. Where sites have been previously altered, attempt to restore natural conditions to the extent possible.



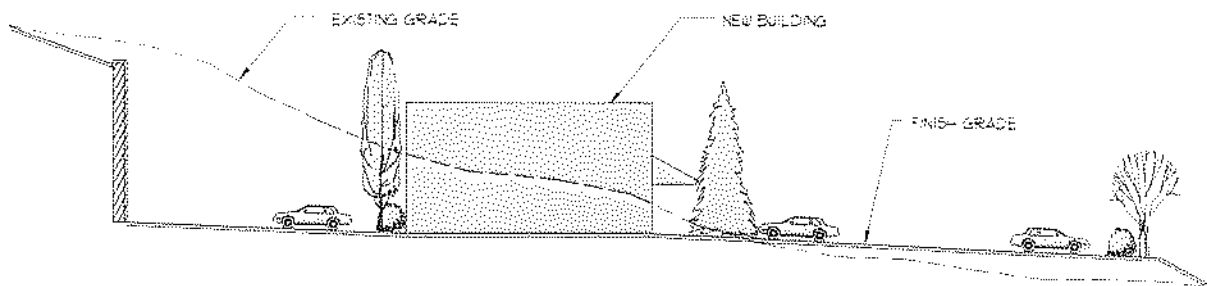
**FIGURE 18J.15.015-1 – Preferred Option – All Uses**



**FIGURE 18J.15.015-2 – Preferred Option – All Uses**



**FIGURE 18J.15.015-3 – Least Preferred Option – Industrial Sites Only**



(Ord. 2010-70s § 15 (part), 2010)

#### **18J.15.020 Site Clearing.**

The primary purpose of this Section is to establish standards for site clearing and the retention of vegetation which preserve native vegetation, mature forests, and woodlands in order to minimize changes in natural hydrologic functions within designated riparian corridors and natural drainage areas. Limiting clearing and retaining existing native vegetation within these



areas reduce the impacts of development on water resources and engineered storm drainage systems. These standards are also intended to maintain areas of existing native vegetation in order to preserve elements of the predeveloped aesthetic character of the community and to preserve areas which may provide habitat for fish and wildlife.

**A. Applicability.**

1. This Section applies to single-family attached (townhouse), multi-family, civic, utility, commercial, industrial, land divisions, and site development permits. This Section shall also apply to any remodel project when the improvement value of the remodel is 60 percent or greater of the building value as calculated pursuant to the adopted building code.

**B. Exemptions.** The following activities shall be exempt for the provisions of this Section:

1. Resource uses where the principal use of the property is for animal, crop or forestry production (i.e., the growing, raising, or harvesting of resources) or mineral extraction (i.e., surface mines).
2. Sites regulated through a previously adopted site plan or recorded plat.
3. Development proposals which result in the removal of less than 1,000 square feet of native vegetation from a site.
4. Land utilized for agricultural activities, except for sales and services:
  - a. Within Agricultural Resource Lands (ARL) and Rural Farm (RF) zones; or
  - b. Subject to an approved Hobby Farm Agreement; or
  - c. Which meets the definition of Farm and Agricultural Land pursuant to RCW 84.34 and being taxed as such.
5. Urban residential short subdivisions of 4 lots/dwelling units or fewer on project sites of 1 acre or less.
6. Construction, reconstruction, or maintenance of public roads, paths, bicycle ways, trails, bridges, sewer lines, storm drainage facilities, related critical area mitigation activities, and other similar public infrastructure, excluding public buildings.

**C. Design Objective.** Minimize site clearing to preserve and enhance the visual appearance and preserve the natural wooded character of the Pacific Northwest, promote utilization of natural systems for habitat, reduce the impacts of development on the storm drainage system and water resources.

**D. Standards – Clearing Limits.**

1. Site clearing shall be limited to the areas of approved impervious surfaces, replacement landscaping, recreation space, utilities, and a working envelope around such areas of not greater than 10 feet in depth. The clearing limitations shall apply until such time as the issuance of a building permit occurs for the parcel or lot being cleared. Where site clearing is proposed independent of a Building Permit, Use Permit, or other specific land use activity, such clearing shall be limited to a maximum of 35 percent of the total site. The 35 percent limitation shall be calculated on a cumulative basis for all site development permits affecting the site. In no case shall site clearing extend into areas identified for native vegetation retention except for the removal of noxious weeds and hazardous trees pursuant to PCC 18J.15.130.
2. Clearing, grading, filling and vegetation removal shall be prohibited until site development permits have been issued.
3. The maximum area of site clearing shall encompass no more than the remainder of land after the required native vegetation retention percentage set forth in Table 18J.15.020-1, tree conservation, and critical area protection have been met.



- E. **Standards – Vegetation Retention.** Minimum native vegetation retention standards shall apply to all projects located partially or fully within areas designated and mapped as open space corridors pursuant to PCC 19A.30.170 of the Pierce County Comprehensive Plan (Open Space) or an adopted community plan as follows:
1. A minimum percentage of the existing native vegetation shall be retained as set forth in Table 18J.15.020-1. The percentage shall be based on the gross acreage of the portion of the site located with an open space corridor.

<b>Table 18J.15.020-1. Open Space Corridor Vegetation Retention Table</b>	
<b>Zone Classification</b>	<b>Minimum Native Vegetation Retention (1)(2)(4)</b>
<b>Urban Zone Classifications</b>	
Employment Center, Community Employment, Major Urban Center	15%
Employment Services, Mixed Used District, Commercial Mixed Use District, Office-Residential Mixed Use District	15%
Community Center, Activity Center, Neighborhood Center, Urban Village, Research-Office(3)	15%
Residential/Office-Civic, High Density Residential District, Moderate Density Residential District, High Density Single Family	15%
Public Institution	15%
Moderate Density Single Family, Single Family	20%
Residential Resource	25%
<b>Rural Zone Classifications</b>	
Rural Activity Center, Village Center	25%
Rural Industrial Center, Rural Neighborhood Center, Public Institution	30%
Tourist Commercial	40%
Gateway Community	50%
Village Residential	50%



<b>Table 18J.15.020-1. Open Space Corridor Vegetation Retention Table</b>	
<b>Zone Classification</b>	<b>Minimum Native Vegetation Retention (1)(2)(4)</b>
Rural Separator, Rural 10, Rural 20, Rural 40, Reserve 5, Rural Sensitive Resource, Agricultural Resource Land, Rural Farm	65%

Footnotes:

- (1) The percentage is based on gross acreage of the portion of the site located within an Open Space Corridor. If the site does not contain the minimum percentage of native vegetation listed, the percentage shall be used to establish a maximum clearing limit.
- (2) Minimum vegetation retention may be decreased to 15 percent for non-residential uses (e.g., churches, schools, etc.) that are allowed in the underlying residential zone. The calculation of the native vegetation retention area for school sites shall be based upon the total acreage of the school site minus the areas set aside for playfields in the school site plan; provided that for the purposes of the calculation, such playfield areas shall not exceed 30 percent of the gross site area.
- (3) Within the South Hill Community Plan area, mixed use buildings located within the UV or AC zone that meet all of the provisions for increased density set forth in 18A.29.030 B.3., Footnote 3, shall be subject to a Minimum Vegetation Retention of 10 percent.
- (4) Within the Parkland-Spanaway-Midland Communities Plan area, individual lots of record within 0.5 miles of the SR-7 corridor, and any combination of two or more contiguous lots, created prior to September 3, 2002, that are each smaller than 0.75 acres and located in a commercial or industrial zone, are exempt for native vegetation retention. A combination of 0.75 acre lots exceeding 4 acres shall not be eligible to utilize this exemption.

2. As an alternative to retaining the native vegetation percentages set forth in Table 18J.15.020-1, the applicant may choose to utilize the Site Plan Review process to provide the Department with a study prepared by a qualified professional that evaluates the effect of the proposed clearing on the site as it relates to the design objective and identifies alternative methods to mitigate these impacts. The study shall take into account the nature and extent of the proposed development, the characteristics of the applicable sub basin, the existing habitat quality, the habitat impacts of the development and its impacts on water quality. The findings and recommendations of the study shall be utilized by the Department in the evaluation of the Site Plan Review. The Department shall be authorized to reduce or waive the native vegetation retention requirements based upon the information contained in the study when it is determined that alternative methods to mitigate impacts are appropriate and feasible.
3. Priority location for native vegetation retention shall be within critical areas and associated buffers. However, native vegetation retention may also occur within parking lot landscaping, perimeter landscaping, or other required landscaped or tree retention areas provided that such areas have minimum dimensions of not less than 20 feet and are otherwise in compliance with the provisions of this Title.
4. In residential developments, native vegetation retention may be incorporated into lots that exceed 8,000 square feet in area provided that the native vegetation retention area has minimum dimensions of not less than 20 feet and is located within a protective easement. The native vegetation retention area shall be separated from the remainder of the lot area by split rail fencing.

(Ord. 2014-42 § 5 (part), 2014; Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 9 (part), 2013; Ord. 2012-2s § 8 (part), 2012; Ord. 2010-70s § 15 (part), 2010; Ord. 2009-98s § 2 (part), 2010)



### **18J.15.030 Tree Conservation.**

The purpose of this Section is to retain and/or restore the overall tree canopy in the County by using plant materials as a unifying element and tool to protect the health, safety and welfare of the public by using the environmental services provided by trees to mitigate the negative effects of impervious surfaces and vehicular traffic such as increased temperatures, airborne particulates, carbon dioxide, noise, and stormwater runoff.

- A. **Applicability.** The standards of this Section apply to:
  - 1. New uses and divisions of land proposed on vacant or redeveloping parcels;
  - 2. Expansions of existing civic, utility, commercial, industrial, and multi-family uses exceeding 10 percent of the existing building footprint or associated impervious areas (parking lots, storage areas, etc.) that do not have an existing approved tree conservation plan; and
  - 3. Class IV Forest Practices.
- B. **Exemptions.** The following uses shall not be subject to the standards of this Section:
  - 1. Development occurring within any designated airport safety area or object- free area.
  - 2. Land utilized for agricultural activities, except for Agricultural Product Sales, Agricultural Supply Sales, and Agricultural Services Use Types, which meets one of the following requirements:
    - a. The land is located within the Agricultural Resource Lands (ARL) or Rural Farm (RF) zones;
    - b. The land is subject to an approved Hobby Farm Agreement;
    - c. The land meets the definition of Farm and Agricultural Land pursuant to RCW 84.34 and is being taxed as such; or
    - d. The land is existing pasture land and is utilized for agricultural purposes such as livestock production.
  - 3. Silvicultural activities occurring within the Forest Land (FL) zone classification and/or active forest land that is being treated as a harvestable crop.
  - 4. Surface mining conducted within a designated Mineral Resource Overlay.
  - 5. Urban short subdivisions of 4 lots or less on project sites of 1 acre or less except that the significant tree retention provisions specified in PCC 18J.15.030 E.3. shall apply unless otherwise exempted herein. The significant trees shall be shown on the site plan and can be reviewed in conjunction with the short plat without Administrative Design Review, unless Administrative Design Review is otherwise required.
  - 6. Expansion, remodeling, or maintenance of structures provided that the existing building footprint is not increased by more than 10 percent.
  - 7. Construction, reconstruction, or maintenance of public roads, paths, bicycle ways, trails, bridges, sewer lines, storm drainage facilities, related critical area mitigation activities, and other similar public infrastructure, excluding public buildings.
  - 8. Significant tree retention shall be waived within the first 100 feet of lot depth for mixed use buildings located within a Residential Targeted Areas designated by the Pierce County Council pursuant to RCW 84.14 when the streetscape standards of PCC 18J.30.110 B. are met.
  - 9. Cell tower lease area of up to 1,000 square feet.
- C. **Credits.** All trees on-site that meet the standards of this Section and are required, provided, or are retained for residential street trees, perimeter buffering or otherwise, may be counted toward the minimum tree unit requirements.



- D. **Design Objective.** To promote tree conservation by establishing minimum tree density requirements, expressed as tree units per acre, for new or expanding uses proposed on vacant and redeveloping parcels. It is intended that the tree density requirements will be met primarily through the conservation of existing trees. However, in order to provide for continued flexibility in the design of new development, in those situations where an applicant's design would preclude the retention of the required number of trees, the use of replacement or supplemental tree planting is authorized. It is also recognized that some sites may not contain a sufficient number of existing trees to meet the tree density standards. In those situations, additional trees are to be planted as necessary to achieve the minimum tree density requirements.
- E. **Standards – General.**
1. **Construction Buffer.** No construction shall occur within the mature tree canopy area of a tree planted or retained to meet tree unit density requirements. (See also PCC 18J.15.130, Plant Protection and Maintenance, for additional standards and PCC 18J.15.100, Plant Lists, for tree species and canopy sizes.)
  2. **Residential Lot Location.** To minimize development related conflicts and foster long-term success of tree conservation in residential spaces, the following standards shall apply to tree conservation on residential lots:
    - a. Lots must be at least 8,000 square feet in size to include trees that count toward tree unit density requirements.
    - b. Replacement coniferous and broadleaf evergreen trees shall not be less than 4 feet in height at time of planting. Deciduous trees shall be fully branched, have a minimum caliper of 1½ inches and a minimum height of 8 feet at time of planting. Seedlings are not permitted.
    - c. All retained trees located on lots shall be identified with a permanent cable tie tree tag at breast height.
  3. **Significant Trees.** At a minimum, 30 percent of significant trees on site shall be retained, preferably reflective of the diversity of species and age within the stand, up to the minimum tree density requirements.

Table 18J.15.030-1. Significant Trees	
Tree Species	Size
Garry (Oregon White) Oak (1)	8" d.b.h. or greater
Pacific Yew	5" d.b.h. or greater
Pacific Madrone	10" d.b.h. or greater
Ponderosa Pine, Grand Fir, Big Leaf Maple, Western Hemlock, Western Red Cedar, Shore Pine, Western White Pine	15" d.b.h. or greater
Douglas Fir, Sitka Spruce	24" d.b.h. or greater
Legacy Tree (any species)	40" d.b.h. or greater

Footnote:

- (1) See also habitat protection standards for Oregon White Oak trees/stands in 18E.40.020 D. and 18E.40.040 C.

- F. **Standards – Tree Unit Density.**
1. **General.** The following minimum tree unit densities apply to new development activities; calculated using net developable acreage of the project site:



<b>Table 18J.15.030-2. General Minimum Tree Unit Density (1)</b>	
Urban Centers and Districts, Employment Centers, Rural Centers	20 tree units/acre
Urban Residential (2)	30 tree units/acre
Rural Residential (3)	40 tree units/acre
Resource Lands and Other Zones	Not Applicable

Footnotes:

- (1) If the calculation results in a fractional quantity, it shall be rounded to the nearest whole number (greater than or equal to .5 is rounded up, less than .5 is rounded down).
- (2) Non-residential uses, other than schools, permitted within Urban Residential zones shall be subject to a required tree unit density of 20 tree units/acre.
- (3) Non-residential uses, other than schools, permitted within Rural Residential zones shall be subject to a required tree unit density of 20 tree units/acre.

**2. Property and Use Expansion.**

- a. For expansion on legally established civic, utility, commercial, industrial, and multi-family properties which do not conform to the tree density requirements, the following tree conservation requirements shall apply:
  - (1) A minimum of 1 tree unit shall be provided for each 500 square feet of building or use area expansion; and
  - (2) A minimum of 3 tree units shall replace each tree unit removed, up to a maximum of 25 tree units per acre.
- b. For properties with an approved Tree Retention Plan, the applicant shall provide:
  - (1) Information to explain how the removal of tree conservation trees cannot be avoided;
  - (2) Replacement trees for each tree unit lost, based upon tree size at the time of removal; and
  - (3) A revised plan demonstrating that no net loss of tree units will occur.
3. **Schools.** Schools shall be subject to a required tree unit density of 10 tree units per acre in all zone classifications.
4. **Rural Residential Land Division.** Rural land divisions which result in the creation of residential lots each having a minimum lot size of 5 acres or 1/128<sup>th</sup> of a Section or larger; or residential lots of less than 5 acres where the density of the land division is 0.2 dwelling units per acre or less, shall have the following special standards:
  - a. For project sites containing forest, at least 50 percent of forested area shall be retained. If the retained forest area does not achieve 50 percent forest site coverage within the division additional tree plantings shall be provided into achieve such coverage. Forested areas shall meet a minimum tree unit density of 40 tree units per acre. Additional tree planting shall be provided as necessary to achieve this tree density.
  - b. Non-forested project sites shall retain and/or replant trees as necessary to meet a tree unit density of at least 40 tree units per acre on a least 50 percent of the site.
- G. **Standards – Tree Unit Credits.** Tree unit credits for the retention and planting of trees shall be awarded as follows:



Table 18J.15.030-3. Tree Unit Credits	
Tree Category	Tree Unit Credit
Existing Tree 1" to 6" d.b.h.	1.0 tree unit per tree retained
Existing Tree > 6" <= 12" d.b.h.	1.5 tree units per tree retained
Existing Tree > 12" <= 18" d.b.h.	2.0 tree units per tree retained
Existing Tree > 18" <= 24" d.b.h.	2.5 tree units per tree retained
Existing Tree > 24" d.b.h.	3.0 tree units per tree retained
Significant Tree < 24" d.b.h.	2.5 tree units per tree retained
Significant Tree >= 24" d.b.h.	3.0 tree units per tree retained
Legacy Tree	10 tree units per tree retained
Replacement Tree – 2-1 Seedling (1)	.25 tree units per tree planted
Replacement Tree – Coniferous ≥ 4' in height, Deciduous ≥ 1 ½ " caliper	.75 tree units per tree planted

Footnote:

- (1) Seedlings shall not be credited toward tree unit density requirements if placed on lots. (See PCC 18J.15.030 E.2., Standards – Residential Lot Location)

1. **Retained Trees.** Trees to be retained on site must meet the following minimum standards to be credited toward the tree density requirements of this Section. Trees identified as having significant habitat value (i.e., Legacy Trees, snags or nesting trees) and those located within a critical area or its buffer may be credited toward the tree density requirements, regardless of the health or state of the tree. An evaluation of individual tree health shall not be required for such trees except for those trees within 1½ tree lengths of proposed structures or improvements:
  - a. Post-development life expectancy of greater than 10 years;
  - b. Relatively sound and solid trunk with no extensive decay or hollow and no significant trunk damage;
  - c. No major insect or pathological problem;
  - d. No significant crown damage;
  - e. Full branching and general proportionality in height and breadth for the tree age; and
  - f. Individual trees and groupings of trees proposed for retention must be wind-firm in their post development state.
2. **Replacement Trees.** Each tree proposed for planting must meet the following minimum standards to be credited toward satisfying the tree density requirements of this Section:
  - a. Developments shall locate a minimum of 25 percent of the required trees in protected tracts, such as tree conservation tracts, recreation tracts, stormwater tracts, and critical area tracts;
  - b. Trees shall be free from injury, pests, diseases and nutritional disorders and must be fully branched and have a healthy root system;
  - c. Trees utilized for planting shall be a minimum 2-1 seedling size, unless a larger size is specified;
  - d. Trees planted shall include a mix of coniferous and deciduous trees, with a minimum of 30 percent coniferous, unless the area is deemed to have been Oregon white oak habitat, in which case the standards in Title 18E, Development Regulations – Critical Areas, shall apply;



- e. Replacement trees proposed to be planted within open space, greenbelts, native buffer areas and landscape areas such as street trees must be compatible with the intended growing location;
- f. Individual species of replacement trees planted shall not exceed 25 percent of the total number of all replacement trees;
- g. Irrigation shall be provided until the tree is established; and
- h. Trees may be planted on a solitary basis or within clusters to form stands.

**H. Guidelines.**

- 1. When lots or building sites are located next to protective tracts (such as park, stormwater, or critical area tracts), the preferred location of the trees is the area adjacent to these tracts.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 9 (part), 2013; Ord. 2012-42s § 2 (part), 2012; Ord. 2012-2s § 8 (part), 2012; Ord. 2010-70s § 15 (part), 2010; Ord. 2009-98s § 2 (part), 2010)

**18J.15.040 Landscape Buffers.**

The purpose of this Section is to use landscaping and buffering concepts to promote compatibility between land uses by reducing the visual, noise, and lighting impacts of development on users of the site and abutting uses. The Section also provides standards that protect property values and property rights, protect critical areas from the impacts of development, promote the use of solar principles in landscape and building design, enhance and define public and private open spaces, promote the preservation of existing vegetation and use of vegetation common to Western Washington, and promote the physical safety of pedestrians and motorists.

- A. **Applicability.** The Minimum Landscape Level Tables set forth in PCC 18J.15.040 G. establish the applicable buffer level for each proposed land use according to compatibility with the existing adjacent land use.

- 1. **Expansions.** This Section shall only apply to the developable lot area associated with the expansion of a permitted use or nonconforming use. The remainder of the property shall be governed by regulations in force at the time of the original approval.

- B. **Exemptions.** The standards of this Section do not apply to:

- 1. Existing, legally established, single- and two-family dwellings and accessory structures.
- 2. A single-family dwelling or accessory dwelling unit built on a legal lot of record with a previous land division decision that did not include a landscape buffer requirement.
- 3. Land divisions which result in 4 or fewer detached single-family dwelling unit lots.

- C. **Credits.**

- 1. **Use of Existing Vegetation or Topography in Lieu of Landscape Levels.** Where existing vegetation or topographic features, e.g., location at the bottom of a slope, can provide the same or better level of screening as required per the landscape level or where supplemental plantings associated with existing vegetation or topography can provide the same level of screening as required per the landscape levels, an applicant may be allowed to deviate from the standard requirement.
  - a. The applicant is responsible for submitting to PALS an alternative vegetation plan, supporting photographs, and a brief explanation as to how the alternative plan satisfies the intent of the landscape level required. Supplemental plant material may be required to be installed within or adjacent to a natural feature to fully comply with the intent of the landscape level.



- D. **Design Objective.** Establish and retain perimeter landscape buffering that provides a physical, visual, and noise buffer to transition between land uses of varying intensity and compatibility.
- E. **Standards.**
1. **General.**
    - a. **Tables 18J.15-040-1, 18J.15.040-2, 18J.15.040-3: Perimeter Landscape Buffering.** Each lot line will have a landscape level based on the abutting land use, as applicable. If the calculation of the number of trees or shrubs results in a fraction of 0.5 or greater, the applicant shall round up to the next whole number. If the calculation of the number of trees or shrubs results in a fraction of less than 0.5, the applicant can round down to the previous whole number.
    - b. **8" dbh Trees.** For required perimeter landscape buffers, all trees exceeding 8 inch diameter at breast height (d.b.h.) at time of development shall be retained and incorporated into the buffer. If determined by a professional forester that retention of a tree will create a hazard or that the tree is not viable, then the tree may be removed.  
(Note: Additional requirements may apply when Oregon White Oak trees are present. See Chapter 18E.40 PCC)
    - c. **Native and Drought Tolerant Western Washington Plants.** Landscape buffers required pursuant to this Section shall be planted with plants as specified in PCC 18J.15.100, Plant Lists.
    - d. **Buffer Interruption.** Landscape buffers may be interrupted at points of vehicular or pedestrian access to connect the site with rights-of-way and adjacent property. Where necessary, vegetation may be removed for utilities but shall be replanted where feasible.
- F. **Exceptions to Tables 18J.15.040-1, 18J.15.040-2, and 18J.15.040-3.**
1. **Rural Centers.** For lots in Rural Centers along a Highway or a Rural State Route, L2 landscaping shall be required.
  2. **Vacant land.** For lots in Urban Employment Centers, Urban Centers, Urban Districts or Rural Centers that abut vacant lands in residential zones, L1 Landscaping Canopy Vegetation shall be installed along the interior lot line of all parcels. In all other cases, no landscape buffer is required when abutting vacant land.
  3. **Contiguous Jointly Developed Lots.** If contiguous lots are developed jointly, the requirement for perimeter buffering between the jointly developed lots shall not be required.
  4. **Mixed Use Buildings.** Where two or more use types or categories are located in a single building, the perimeter landscape level required will be based on the use requiring the highest level of perimeter buffering.
  5. **Single-Family or Two-Family Dwellings on Lots of Record in Centers and Districts.** An L2 Landscape Level shall be the maximum required for uses abutting single-family or two-family dwellings located in MUC, CC, AC, NC, MUD, OMUD, ROC, RAC and RNC zones.
  6. **Nonconforming Uses.** Where a proposed permitted use abuts a legally established nonconforming use in the EC zone classification, an L2 landscape buffer shall be required. Where a proposed permitted use abuts a nonconforming use in any other zone classification, no buffering shall be required of the permitted use.



7. **Large Lot Location Exception.** Project sites that exceed 1 acre in size may locate the required perimeter buffering along the boundary of the proposed developed area of the site, instead of at the perimeter of the entire property.
8. **Private Roads.** Where a private road easement, tract or right-of-way of at least 50 feet abuts an interior lot line, the development abutting that private road shall not be required to install the landscape level that would be required if the two lots abutted each other without the separation of a private road. Where a private road is classified as a collector, secondary, or major arterial; the street tree requirement shall still apply.
9. **Screening of Storage Yards.** Where an outdoor storage area is located within 20 feet of a public or private road right-of-way, an L3 Landscape Level or a 6-foot solid board fence or solid wall shall be installed between the yard and the right-of-way line, provided all applicable sight distance requirements of Title 17B are met.
10. **Residential Targeted Areas.** Perimeter buffer requirements set forth in Tables 18J.15.040-1, 18J.15.040-2, and 18J.15.040-3 shall only apply to mixed use buildings located within a Residential Targeted Area designated by the Pierce County Council pursuant to RCW 84.14 when such development abuts a Residential Zone Classification. Where such mixed use buildings include ground level residential units, a stoop or terrace of at least 75 square feet in area, with an additional 50 square feet in planting, shall be provided. All other landscaping requirements set forth in Pierce County Code, such as parking lot landscaping, street tree and streetscape, and tree retention, shall continue to apply.
11. **Homeland Security.** When a project or project site is subject to United States Department of Homeland Security regulations, PALS may adjust plant type, size and density to accommodate required security measures. Landscape buffering and screening, and/or other measures to mitigate incompatibility and aesthetic impacts, shall be provided to the maximum extent feasible.

**G. Tables.**

1. Interpretation of Tables. Tables 18J.15.040-1 through -3 set forth the required perimeter landscaping buffer based upon proposed use. The tables are arranged in a matrix format. To determine what level of perimeter landscape buffering is required to be installed for a proposed project, follow the procedures below:
  - a. Read down the left-hand column for the use type or use category in which the proposed use would most closely fit. If there are note references associated with the use types/categories, refer to the note descriptions immediately below the table;
  - b. Read across the top of the table to the column containing the use type or use category abutting the property along a certain lot line. If there are note references associated with the use types/categories, refer to the note descriptions immediately below the table;
  - c. Read down the appropriate existing use column to its intersection with the proposed use row to determine the required landscape level. If there are note references associated with the landscape levels, refer to the note descriptions immediately below the table for the appropriate landscape level, e.g., L2; "n/a" means not applicable; and
  - d. Refer back to the text of the Section for details on the landscape levels and other standards. If a use is not listed as proposed or existing on the table, no perimeter landscape buffering as defined in this Section shall be required of that use.



<b>Table 18J.15.040-1: Perimeter Landscape Buffering: Minimum Landscape Levels</b>						
<b>Existing Uses</b>	<b>Detached Single-Family/ Two-Family Use Type</b>	<b>Attached Single-Family/ Multi-Family Use Type</b>	<b>Mobile Home Parks Use Type</b>	<b>Senior Housing/ Nursing Homes Use Type</b>	<b>Fraternity and Sorority House/Group Home Use Types</b>	<b>Civic/Utility Use Category</b>
<b>Proposed Uses</b>						
Single-Family/ Two-Family Developments		L2 or F1	n/a	L1	L1	L1 (1)
Multi-Family Use Type	L3		L1	L2	L1	L2 (1)
Mobile Home Parks Use Type	L2	L2		n/a	n/a	L2 (1)
Senior Housing/ Nursing Home Use Types	L2	L1	L1		L2	L1 (1)
Fraternity Sorority House/Group Home Use Types	L2	n/a	n/a	L2		L1 (1)
Civic/Utility Use Category	(3)	(3)	(3)	(3)	(3)	(3)
Office/Business Use Category	L3	L3	L3	L3	L3	L1 (1)
Resource Use Category	(4)	(4)	(4)	(4)	(4)	(4)
Commercial Use Category	L3	L3	L3	L3	L3	L1 (1)
Industrial Use Category	L3	L3	L3	L3	L3	L1 (1)



<b>Table 18J.15.040-1: Perimeter Landscape Buffering: Minimum Landscape Levels (continued)</b>						
<b>Existing Uses Proposed Uses</b>	<b>Office/ Business Use Category</b>	<b>Resource Use Category</b>	<b>Commercial Use Category</b>	<b>Industrial Use Category</b>	<b>Arterials</b>	<b>Rural SR and Highways</b>
Single-Family/ Two-Family Developments	L2 or F1	L2 or F1 (2)	L2 or F1	L3 or F1	L3	L4
Multi-Family Use Type	L2	L2 (2)	L2	L3	L2	L4
Mobile Home Parks Use Type	L2 or F1	L2 or F1 (2)	L2 or F1	L3	L2	L4
Senior Housing/ Nursing Home Use Types	L2	L2 (2)	L2	L3	L2	L4
Fraternity/Sorority House Use Type	L2 or F1	L2 or F1 (2)	L2 or F1	L3	L2	L4
Civic/Utility Use Category	(3)	(3)	(3)	(3)	(3)	(3)
Office/Business Use Category		n/a	n/a	n/a	L2	L4
Resource Use Category	(4)	(4)	(4)	(4)	(4)	(4)
Commercial Use Category	n/a	n/a		n/a	L2	L4
Industrial Use Category	L2	n/a	L2		L3	L4

Footnotes:

- (1) This landscape level applies only to the following Civic and Utility Use Types: Administrative Governmental Facilities and Services, Community and Cultural Services, Health Services, Day-Care Center, Education, Postal Services/Transportation (Levels 2 and 3 only), Utility or Public Maintenance Facilities, Public Safety Services, Public Park Facilities (Levels 2 and 3 only), Religious Assembly, Communication or Cellular Facilities, Electrical Facilities, Electrical Generation Facilities, Natural Gas Facilities, Water Supply Facilities, Sewage Collection Facilities and Sewage Treatment Facilities.
- (2) This landscape level applies only to the following Resource Use Types: Agricultural Supply or Product Sales, Agricultural Services, Animal Production, Boarding and Slaughtering, Fish Processing, Hatcheries and Aquaculture, Forestry (Level 2 only), Surface Mines and Crop Production (Level 2 only).
- (3) Refer to Table 18J.15.040-2 for landscape buffering requirements for proposed Civic and Utility Use Types.
- (4) Refer to Table 18J.15.040-3 for landscape buffering requirements for proposed Resource Use Types.



**Table 18J.15.040-2: Perimeter Landscape Buffering:  
Minimum Landscape Levels for Proposed Civic and Utility Uses**

<b>Existing Uses Proposed Uses</b>	<b>Detached Single-Family/ Two-Family Use Types (4)</b>	<b>Attached Single- Family/Multi- Family Use Types (4)</b>	<b>Mobile Home Park Use Type</b>	<b>Senior Housing/ Nursing Homes Use Types</b>	<b>Fraternity and Sorority House/ Group Home Use Types</b>
Administrative Govern- mental Facilities and Services/Community and Cultural Services/ Health Services Use Types	L3	L3	L3	L3	L3
Day-Care Center Use Type	L3 or F1	L3 or F1	L3 or F1	L3 or F1	L3 or F1
Education Use Type	L2	L2	L2	L2	L1
Postal Services/ Transportation (Levels 2 and 3 only)/Utility or Public Maintenance Facilities Use Types	L3	L3	L3	L3	L3
Recreation, Non-Profit/ Religious Assembly Use Type	L2 (1)	L2 (1)	L2 (1)	L2 (1)	L2 (1)
Communication or Cellular Facilities/ Electrical Facilities/ Electrical Generation Facilities/Natural Gas Facilities/Sewage Collection Facilities/ Water Supply Facilities Use Types (6)	L3 (3)	L3 (3)	L3 (3)	L3 (3)	L3 (3)
Stormwater Facilities Use Types (above ground)	L2	L2	L2	L2	L2
Sewage Treatment Facilities Use Types	L3	L3	L3	L3	L3
Organic Waste Process- ing Facilities/Waste Disposal Facilities/ Waste Transfer Facilities Use Types	(5)	(5)	(5)	(5)	(5)



<b>Table 18J.15.040-2: Perimeter Landscape Buffering: Minimum Landscape Levels for Proposed Civic and Utility Uses (continued)</b>							
<b>Existing Uses Proposed Uses</b>	<b>Civic/Utility Use Category</b>	<b>Office/ Business Use Category</b>	<b>Resource Use Category</b>	<b>Commercial Use Category</b>	<b>Industrial Use Category</b>	<b>Arterials</b>	<b>Rural SR and Highways</b>
Administrative Govern- mental Facilities and Services/Community and Cultural Services/ Health Services Use Types	L1 (2)	n/a	n/a	n/a	n/a	L2	L4
Day-Care Center Use Type	L3 or F1	L3	n/a	L3	L3	L2	L4
Education Use Type	L3 or F1	L1	L1	L1	L3	L2	L4
Postal Services/ Transportation (Levels 2 and 3 only)/Utility or Public Maintenance Facilities Use Types	L1 (2)	n/a	n/a	n/a	n/a	L3	L4
Recreation, Non-Profit/ Religious Assembly Use Types	n/a	n/a	n/a	n/a	n/a	L2	L4
Communication or Cellular Facilities/ Electrical Facilities/ Electrical Generation Facilities/Natural Gas Facilities/Sewage Collection Facilities/ Water Supply Facilities Use Types (6)	L3 (3)	n/a	n/a	n/a	n/a	L3	L4
Stormwater Facilities Use Types (above ground)	n/a	n/a	n/a	n/a	n/a	L3	L4
Sewage Treatment Facilities Use Types	L3 (2)	L3	n/a	L3	n/a	L3	L4
Organic Waste Processing Facilities/ Waste Disposal Facilities/Waste Transfer Facilities Use Types	(5)	(5)	(5)	(5)	(5)	L3 (5)	L4 (5)

Footnotes:

- (1) Landscape level is required only along that portion of an interior lot line where parking spaces or aisles are located less than 15 feet from the interior property line.
- (2) Landscape level is required only if the abutting interior use is of an Education, Recreation, Non-profit, Religious Assembly or Community and Cultural Services Use Type.
- (3) Only the Vegetative Screen or Berm requirements of the L3 Landscape Level are required.
- (4) Buffering requirements for this use type shall include areas of subdivisions set aside for active and passive recreation.
- (5) Refer to Solid/Hazardous Waste Handling Facility standards of PCC 18J.15.240.
- (6) See PCC 18J.15.260 for additional exterior screening standards for water supply facilities.



<b>Table 18J.15.040-3: Perimeter Landscape Buffering: Minimum Landscape Levels for Proposed Resource Uses</b>					
<b>Existing Uses Proposed Uses</b>	<b>Detached Single-Family/ Two-Family Use Types (3)</b>	<b>Attached Single- Family/ Multi- Family Use Types (3)</b>	<b>Mobile Home Park Use Type</b>	<b>Senior Housing/ Nursing Homes Use Types</b>	<b>Fraternity and Sorority House/Group Home Use Types</b>
Agricultural Product Sales Use Type	L3	L3	L3	L3	L3
Agricultural Supply Sales Use Type	L3	L3	L3	L3	L3
Agricultural Services Use Type	L3	L3	L3	L3	L3
Animal Production, Boarding and Slaughtering (Level 1)/ Fish Processing, Hatcheries and Aquaculture Use Types	L2	L2	L2	L2	L2
Animal Production, Boarding and Slaughtering (Level 2)/ Forestry (Level 2 only)/ Surface Mines Use Types	L3	L3	L3	L3	L3
Crop Production Use Type (Level 2 only)	L3	L3	L3	L3	L3



**Table 18J.15.040-3: Perimeter Landscape Buffering:  
Minimum Landscape Levels for Proposed Resource Uses (continued)**

<b>Existing Uses Proposed Uses</b>	<b>Civic/Utility Use Category</b>	<b>Office/ Business Use Category</b>	<b>Resource Use Category</b>	<b>Commercial Use Category</b>	<b>Industrial Use Category</b>	<b>Arterials</b>	<b>Rural SR and Highways</b>
Agricultural Product Sales Use Type	L2 (1)	n/a	n/a	n/a	n/a	L2	L2
Agricultural Supply Sales Use Type	L2 (1)	n/a	n/a	n/a	n/a	L3	L4
Agricultural Services Use Type	L2 (1)	L2	n/a	L2	n/a	L3	L4
Animal Production, Boarding and Slaughtering (Level 1)/ Fish Processing, Hatcheries and Aquaculture Use Types	L2 (1)	L2	n/a	L2	n/a	L2	L2
Animal Production, Boarding and Slaughtering (Level 2)/ Forestry (Level 2 only)/ Surface Mines Use Types	L2 (1)	L3	L3 (2)	L3	n/a	L3	L4
Crop Production Use Type (Level 2 only)	L2 (1)	L2	L3 (2)	L2	n/a	L3	L4

Footnotes:

- (1) This landscape level is required only if the abutting interior use is of an Education, Recreation, Non-profit, Religious Assembly or Community and Cultural Services Use Type.
- (2) This landscape level is required only along that portion of an interior lot line where enclosures or buildings are located less than 35 feet from the interior property line.
- (3) Buffering requirements for this use type shall include areas of subdivisions set aside for active and passive recreation.

**H. Standards – Landscape Levels.** The following standards are minimum requirements and may be exceeded by the applicant. The landscape levels are listed in hierarchical order, and correspond to the levels indicated on Tables 18J.15.040-1, 18J.15.040-2, and 18J.15.040-3. The F1 Fence Level is intended to be used as an alternative in specialized cases as indicated in Tables 18J.15.040-1, 18J.15.040-2 and 18J.15.040-3.

1. **Low Screen/Berm (Landscape Level 1 – L1).** This landscaping is intended to provide a minimal buffer between somewhat compatible uses to soften the impact of uses that have a low profile but dominating presence, or where visibility is more important than a total visual screen. Examples of use: buffering parking lots from the street in pedestrian-oriented areas, buffering between non-residential uses such as offices and civic and utility uses and between different types of semi-compatible residential development.
  - a. The L1 standard consists of Canopy Vegetation-L1 plus a Vegetative Screen-L1 or Berm-L1.



- b. **Canopy Vegetation-L1.** Trees at a rate of 1 per 40 lineal feet of lot line shall be interspersed throughout the landscape strip in clusters or uniform rows. Spacing shall be the minimum required by the selected species pursuant to the landscape plan, but in no case shall spacing be greater than 40 feet for individual trees or 100 feet between clusters. Minimum mature heights shall be 20 feet.
  - c. **Vegetative Screen-L1.** Continuous vegetative screen a minimum of 3 feet high and a maximum of 4 feet high at maturity, planted at a rate of 1 shrub per 4 feet of lot line, minus any driveway widths. The screen may consist of either clusters or a solid row of material. Plant spacing shall be no greater than 4 feet on center, with no greater than 5 feet on center between clusters. Installation of vegetative groundcover is encouraged within the planting area but not required.
  - d. **Berm-L1.** The earthen berm a minimum of 3 feet high and a maximum of 4 feet high, measured from street curb or the crown of the adjacent paved way for road frontages or existing grade for interior lot lines. The berm shall be planted with vegetative ground cover sufficient to achieve a 50 percent coverage rate at maturity.
  - e. **Screen Width-L1.** Vegetation shall be located adjacent to the lot line and shall have a minimum planting bed width of 5 feet for shrubs and groundcover; 8 feet for trees with no tree located more than 15 feet from the right-of-way line.
2. **Filtered Screen (Landscape Level 2 – L2).** This landscaping is intended to provide a visual separator between different types of non-residential uses and intensities and different types of residential uses and densities. Examples of use: interior lot line buffering between residential and existing office, civic, or commercial uses, between office and industrial development, and between mobile home parks and multi-family housing.
- a. The L2 standard shall consist of:
    - (1) trees, at a rate of 1 per 40 lineal feet of lot line, interspersed throughout the landscape strip in clusters or uniform rows; and
    - (2) shrubs, at a rate of 1 per 7 lineal feet of lot line, interspersed throughout the landscape strip in clusters or uniform rows.
  - b. **Spacing.** Trees at the ratio and spacing of trees may be up to 1 tree per 40 lineal feet if a registered landscape architect or certified nursery professional can provide documentation that a proposed tree would have a mature spread greater than 30 feet; and shrubs at no greater than 8 feet on center, with no greater than 15 feet on center between clusters.
  - c. **Minimum Mature Heights.** Trees: 20 feet; and Shrubs: 3 feet. Installation of vegetative ground cover is encouraged but not required within the planting area.
  - d. **Screen Width.** All required L2 vegetation shall be located adjacent to the lot line and shall have a minimum planting bed width of 8 feet, with no required vegetation located greater than 30 feet from the lot line.
3. **Full Screen/Berm (Landscape Level 3 – L3).** This level is intended to provide a physical and visual separator between incompatible uses or intensities/densities but where a complete noise barrier is not necessary. Examples of use: interior lot line buffering between single-family development and commercial, office, industrial, or multi-family uses, between multi-family development and non-residential uses or arterial roadways, between public schools and commercial and industrial uses, etc.



- a. Full Screen/Berm, Landscape Level 3, shall include Canopy Vegetation-L3 and either a Vegetative Screen-L3 or a Berm-L3.
  - b. **Canopy Vegetation-L3.** Trees at a rate of 1 per 25 lineal feet of lot line shall be interspersed throughout the landscape strip in groupings or uniform rows. Minimum mature height shall be 20 feet.
  - c. **Vegetative Screen-L3.** The Vegetation Screen shall consist of: (1) evergreen shrubs at a rate of 1 per 5 lineal feet of landscape strip; or (2) closely spaced evergreen trees, at a rate of 1 per 8 lineal feet of landscape strip, or a combination of the two in separate sections. The screen may consist of either overlapping clusters or a solid row of material. If overlapping clusters are used, the overlap shall be at least one-half plant width. Spacing shall be as follows: (1) evergreen trees for the landscape screen at no greater than 8 feet on center, with no more than 10 feet on center between clusters; (2) shrubs for the landscape screen shall be no greater than 5 feet on center, with no greater than 7 feet on center between clusters. Vegetative screening materials shall have a minimum mature height of 6 feet.
  - d. **Berm-L3.** The earthen berm shall be a minimum of 4 feet high, measured from street curb or the crown of the adjacent paved way for road frontages or existing grade for interior lot lines. Vegetative groundcover shall cover a minimum of 50 percent of the landscape strip area at maturity. Berms less than 6 feet in height shall be planted with evergreen shrubs at a rate of 1 per 4 lineal feet of landscape strip, to a mature height equal to or greater than a 6-foot high berm. The screen may consist of either overlapping groupings or a solid row of material. If overlapping groupings are used, the overlap shall be at least one-half plant width. Shrub spacing shall be no greater than 4 feet on center, with no greater than 6 feet on center between groupings.
  - e. **Screen Width.** All required L3 vegetation shall be located adjacent to the lot line and shall have a minimum planting bed width of 20 feet, with no required vegetation located greater than 30 feet from the lot line.
  - f. Installation of vegetative groundcover is encouraged but not required within the L3 planting area.
4. **Rural State Route and Highway Buffer (Landscape Level 4 – L4).** This level is intended to provide a physical and visual filter and separator uses and the passing motorist along rural state routes, rural state highways, and the Key Peninsula Highway in order to maintain the aesthetic character of the surrounding area and to provide a noise and air quality buffer.
- a. L4 shall include Canopy Vegetation-L4; either a Vegetative Screen-L4 or Berm-L4; and vegetative ground cover.
  - b. All existing vegetation shall be retained to provide a complete visual screen between the site and abutting highway. Where existing vegetation does not provide a complete visual screen, the buffer shall be supplemented such that a complete visual screen is achieved within 10 years.
  - c. **Canopy Vegetation-L4.** Trees at a rate of 1 per 25 lineal feet of lot line shall be interspersed throughout the landscape strip in natural clusters or groups. The maximum distance between canopy tree clusters shall be 40 feet. Minimum mature height shall be 20 feet.



- d. **Vegetation Screen-L4.** Shall consist of: (1) evergreen or deciduous shrubs at a rate of 1 per 5 lineal feet of landscape strip, with the shrub mix not including more than 25 percent deciduous shrubs; (2) evergreen and deciduous trees at a rate of 1 per 8 lineal feet of landscape strip, or (3) a combination of the trees and shrubs in separate clusters. The screen shall consist of overlapping clusters. The overlap between clusters shall be at least one-half mature plant width. Spacing shall be as follows: (1) trees for the buffer at no greater than 8 feet on center, with no more than 10 feet on center between clusters; (2) shrubs for the screen shall be no greater than 5 feet on center, with no greater than 7 feet on center between clusters. Plants shall have a minimum mature height of 6 feet.
  - e. **Berm-L4.** An earthen berm a minimum of 4 feet high, measured from the crown of the adjacent paved way for road frontages or existing grade for interior lot lines. Vegetative ground cover shall cover a minimum of 75 percent of the landscape strip area at maturity. Berms less than 6 feet in height shall be planted with evergreen shrubs at a rate of 1 per 4 lineal feet of landscape strip, to a mature height equal to or greater than a 6-foot high berm. The screen shall consist of overlapping groupings with a naturalistic appearance. The overlap between groupings shall be at least one-half mature plant width. Shrub spacing shall be no greater than 4 feet on center, with no greater than 6 feet on center between groupings.
  - f. **Ground Cover.** Vegetative ground cover, evergreen, deciduous or a mix, shall be installed to achieve a coverage rate of a minimum of 50 percent of the required buffer area;
  - g. **Buffer Width and Location.** The buffer shall be located adjacent to the parcel boundary which abuts the rural state route, highway or arterial and shall extend the full length of the parcels frontage along the highway except for points of pedestrian and vehicular access as set forth in PCC 18J.15.040 H.4.c. above. All required L4 vegetation shall be located within the buffer area. The buffer shall have a minimum planting bed width of 50 feet. Where insufficient existing vegetation is present within the buffer to meet the requirements of PCC 18J.15.040 H.4.d. and e. above, the property owner may elect to increase the buffer width to 100 feet in lieu of providing additional plantings provided, however, that said buffer area must have understory vegetation and a tree cover established and managed to achieve a density of 80 square feet of basal area per acre.
5. **Sight-Obscuring Fence/Wall (Fence Level – F1).** The F1 standard provides a tall and complete visual separation. This standard is applied in special circumstances where complete screening is necessary to protect abutting uses where landscape screens are impractical in that: there is inadequate space for a full landscape screen; noise protection afforded by walls and fences is greater than what is provided by a vegetative screen; or when a lower intensity use locates adjacent to an existing higher intensity use.
- a. Fences and walls shall be 6 feet high and 100 percent sight obscuring.
  - b. Sight-obscuring fences and walls can be constructed of wood, metal, bricks, masonry, or other permanent material. A combination of fence and wall is permitted.



- c. The fence/wall shall be installed along the lot line, except that space can be provided to accommodate proposed landscaping.
- d. When using the F1 standard along road rights-of-way, the fence/wall shall comply with sight distance requirements of Title 17B.

**I. Guidelines.**

- 1. Where possible, perimeter buffers should include the retention of existing mature, native trees and vegetation to protect the aesthetic qualities of the community, protect aquifers and aquifer recharge areas, provide wildlife habitat, and to prevent detrimental runoff to adjoining properties, streams, and other critical areas more closely mimic the natural hydrologic cycle.
- 2. The use of sodded or seeded lawn should be avoided in industrial and commercial projects except where necessary for recreation or outdoor gathering places.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 9 (part), 2013; Ord. 2012-42s § 2 (part), 2012; Ord. 2012-2s § 8 (part), 2012; Ord. 2009-98s § 2 (part), 2010)

**18J.15.050 Street Trees.**

The purpose of planting street trees is to enhance the environment by using plant material as a unifying element and to protect the health, safety and welfare of the public by using street trees to mitigate the negative effects of impervious surfaces and vehicular traffic including increased temperatures, airborne particulates, carbon dioxide, noise, and stormwater runoff. Street trees also provide shade and visual interest for pedestrians.

- A. **Applicability.** Street trees shall be installed along both sides of all new roads and approved access ways.
- B. **Design Objective.** Provide buffers along street corridors to increase privacy and minimize noise impacts.
- C. **Standards.**
  - 1. Street trees located within public or private rights-of-way shall be installed consistent with the requirements of PCC 17B.10.060.
  - 2. Street trees shall be planted along each side of streets at a rate of 1 per 30 lineal feet of roadway, exclusive of intersections. Clustering is permitted to allow for driveways. Spacing shall be the minimum required by the selected species pursuant to the street tree plan, but in no case shall spacing be greater than 30 feet for individual trees or 100 feet between clusters.
  - 3. Minimum mature height shall be 20 feet.
  - 4. Refer to PCC 18J.15.100, Plant Lists, for a list of appropriate street tree species.
- D. **Guidelines.**
  - 1. Any tree planted within 5 feet of public or private road pavement edge, curbing, or sidewalk, or within required parking areas should include a root control barrier. Root control barriers should consist of galvanized metal or plastic sheets extending a minimum of 2 feet below the finished grade of the surrounding surface.
  - 2. The preferred location of street trees is on private property, outside public road rights-of-way.

(Ord. 2009-98s § 2 (part), 2010)

**18J.15.060 Infill Compatibility.**

Infill compatibility standards are intended to ensure neighborhood compatibility, maintain harmony and character of existing residential areas, and ensure residential infill development occurs in an orderly and desirable manner.



- A. **Applicability.** New residential developments of 5 or more dwelling units proposed adjacent to lots of less than 1 acre in size, at least 100 percent larger than proposed lot sizes, and of the same or lesser intense residential use type shall meet infill compatibility standards. (For example: If the proposed lot is 5,000 square feet in size and the adjacent lot is 10,000 square feet or larger (but less than 1 acre) and of the same or less intense housing type, infill compatibility applies.)
- B. **Exemptions.**
  - 1. Projects designed according to the Small Lot Design standards of Chapter 18J.17 PCC.
- C. **Design Objective.** Infill compatibility measures are necessary to help mitigate potential impacts of infill densities throughout the County.
- D. **Standards.**
  - 1. The rear yard setback for new homes which abut the lower density development shall be a minimum of 30 feet. Detached structures accessory to the home may be built within the rear yard, pursuant to zone setbacks, as long as the accessory structure does not exceed 12 feet in height;
  - 2. The rear lot line shall be fenced with a 6-foot sight obscuring fence; and
  - 3. A note regarding the required setback and fence shall be included on the final platting document.

(Ord. 2010-70s § 15 (part), 2010; Ord. 2009-98s § 2 (part), 2010)

#### **18J.15.070 Noise Attenuating Barriers and Structural Walls.**

The purpose of this Section is to provide standards for the design, placement, and construction of noise attenuating barriers between incompatible land uses. A "noise attenuating barrier" means any buffer strip, wall or berm constructed for the purpose of reducing noise from a noise-generating activity.

- A. **Applicability.** These standards apply to any barrier being built to attenuate noise from a proposed or existing land use, as required by the Hearing Examiner, Director, Responsible Official or voluntarily constructed on any parcel of land.
- B. **General Standards.**
  - 1. An Acoustical Expert must certify that the building plans comply with the noise regulations in Chapter 8.76 PCC and the standards and guidelines of this Section prior to the issuance of a Building Permit.
  - 2. No barrier may be located within the right-of-way without express permission from the County Engineer pursuant to PCC 12.28.010.
  - 3. Maintenance of the barrier shall be the responsibility of the property owner, applicant, or successor.
  - 4. Barriers shall not limit access for maintenance equipment, traffic service vehicles, emergency vehicles, pedestrians and bicycles.
  - 5. A noise barrier shall not have anything affixed to it; such as a light fixture or sign, and shall not protrude in such a way as to interfere with pedestrian or vehicle traffic.
  - 6. When a Noise Attenuating Barrier, Structural Wall or retaining wall greater than 6 feet in height, is visible from a public arterial roadway it shall be screened from public view utilizing a vegetative screen. This landscaping ensures that a noise barrier and related buffer is visually attractive and consistent with the character of the community.



- a. **Vegetation Screen Standards.**
  - (1) The Vegetation Screen shall consist of: a mix of evergreen and deciduous shrubs and trees across the buffer strips and any berm associated with a noise attenuating barrier;
  - (2) Landscaping shall be installed on each side of any wall or berm, as follows:
    - (a) Evergreen and deciduous shrubs, in a mix of at least 60 percent evergreen, at a rate of 1 per 5 lineal feet of landscape strip;
    - (b) Closely spaced evergreen trees, at a rate of 1 per 10 lineal feet of landscape strip; and
    - (c) Closely spaced deciduous trees, at a rate of 1 per 20 lineal feet of landscape strip. The screen may consist of either overlapping clusters or a solid row of material. If overlapping clusters are used, the overlap shall be at least one-half plant width;
  - (3) Vegetative screening materials shall have a mix of mature heights ranging from 4 to 6 feet for shrubs to 10 to 12 feet for the trees;
  - (4) In the event only a buffer strip is used for noise attenuation, landscaping shall be installed at the same rate as for two sides of a berm or wall; and
  - (5) Installation of vegetative groundcover is encouraged but not required within the planting area.
- C. **Design Options.** The proponent may choose one of the following options for a noise attenuating barrier, provided the required mitigation of noise is achieved to meet the noise standards in Chapter 8.76 PCC, as certified by the acoustical expert, and the conditions of the permit.
  - 1. **Buffer Strip.** A vegetated buffer strip may be used to attenuate noise, if determined to be effective given the noise impacts, given the topography and other characteristics of the site.
    - a. **Standards.**
      - (1) If a buffer is used, the width of the buffer must be 40 feet wide or a width specified by the Acoustical Expert as necessary to mitigate the noise.
  - 2. **Berm.** A vegetated berm may be used to attenuate noise, if determined to be effective given the noise impacts, topography and other characteristics of the site. A berm is defined as an earthen strip barrier with permanent vegetative cover, which is free from broken concrete, asphalt, large rocks or other debris and placed as a continuous ridge of earth.
    - a. **Standards.**
      - (1) The height of the berm shall be at least 6 feet or the height specified by the Acoustical Expert as necessary to mitigate the noise. The berm shall be measured from street curb or the crown of the adjacent paved way for road frontages or existing grade for interior lot lines;
      - (2) The berm shall be placed on a strip of land (buffer strip) at least 30 feet in width; and
      - (3) Berm slopes shall be no steeper than 2:1. The end of the berm shall be designed with a lead-in slope of 10:1 and curved toward the right-of-way line.
  - 3. **Wall.** A solid, opaque wall with noise attenuating qualities may be constructed as a noise attenuating barrier if determined to be effective given the noise impacts, topography and other characteristics of the site.



a. **Standards.**

- (1) The height of the wall shall be at least 6 feet or the height specified by the Acoustical Expert as necessary to mitigate the noise, provided the wall shall be no higher than 9 feet;
- (2) The wall shall be placed on a strip of land (buffer strip) at least 20 feet in width;
- (3) The wall shall be constructed of stone, masonry or concrete with a stone, corrugated or exposed aggregate finish with horizontal and vertical modulation to reduce the appearance of a barrier and look more like a design element that fits the character of the adjacent developments; and
- (4) The wall shall be set back from the adjoining property line or right-of-way by at least 10 feet.

4. **Combination of Berm and Wall.** A wall may be combined with a berm to achieve the required noise reduction. The separate standard for the berm and wall shall be met, except that the buffer strip shall be at least 20 feet in width and the wall no taller than 6 feet.

(Ord. 2009-98s § 2 (part), 2010)

**18J.15.080 Off-Street Parking, Pedestrian, Bus and Bicycle Facilities.**

- A. **Applicability.** The standards of this Section shall apply to the following:
1. New parking facilities that accommodate 10 or more vehicles.
  2. Ten percent or more expansion to an existing parking lot that accommodates 10 or more vehicles.
  3. New residential developments.
- B. **Exemptions.** [Reserved]
- C. **Design Objective.** To provide aesthetically pleasing parking facilities that accommodate motorized and nonmotorized modes of transportation and facilitate safe connections for vehicles and pedestrians between commercial areas and neighborhoods while minimizing impervious surfaces by sharing parking facilities where possible.
- D. **Standards – Surface.**
1. All new vehicle parking facilities, including associated drive aisles and driveways, located within the Urban and Rural Center zone classifications shall be paved.
  2. Where appropriate, pervious materials such as, but not limited to, porous asphalt, porous concrete, grasscrete, and paving stones shall be considered. Permeable pavements may not be appropriate for certain land uses which produce hazardous wastes or for use as emergency vehicle access.
  3. The site shall be designed in conformance with currently adopted Pierce County Stormwater Manual Standards.
- E. **Standard – Location and Orientation.** New parking lots for commercial and office uses shall have no more than 50 percent of required parking stalls between the road and building. For redevelopment projects already improved with building/parking layouts, this standard shall be met to the greatest extent possible.
- F. **Guidelines – Location and Orientation.**
1. Where feasible, share and interconnect parking areas between uses with different peak demand times.
  2. Avoid orienting parking facilities that serve residential developments toward the street.



3. Site entrances should incorporate a special design treatment in order to enhance the overall visual image of the site. Treatment may include decorative pavement, landscaping, lighting and entry signs.
4. Garage doors and open vehicle entries should be recessed at least 6 feet from the front building façade.

**G. Standards – Stall Design.**

1. Parking facilities shall be designed to conform to the following minimum standards:

<b>Minimum Parking Stall Dimensions</b>		
	<b>Width</b>	<b>Length</b>
Standard Parking Stall	9 feet	18 feet
Compact Parking Stall	8 feet	16 feet
Residential Garage Driveway	10 feet	24 feet

2. Up to 40 percent of the required parking stalls, excluding those stalls designed to meet accessibility laws, for a non-residential development may be compact parking stalls. Compact stalls shall be clearly identified by painting the word "COMPACT" in capital letters a minimum of 8 inches high at the base of the parking space and centered between the striping.
3. Parking stalls shall be delineated and maintained for the life of the project with weather resistant striping.

**H. Standards – Carpool Stalls.**

1. Carpool stalls shall be clearly identified by painting the word "CARPOOL" in capital letters a minimum of 8 inch high at the base of the parking space and centered between the striping.
2. Carpool stalls shall be located close to the main employee entrance and shall be identified on the site plan.

**I. Standards – Loading Areas.**

1. Loading areas shall be located so that trucks using the spaces do not encroach upon or interfere with areas reserved for off-street parking and do not project into any public right-of-way or easement.
2. Loading areas shall be adjacent to the building that they serve. If the loading space abuts an alley, the loading space(s) shall be off-alley. For redevelopment projects already improved with building/parking layouts, this standard shall be met to the greatest extent possible.
3. If the loading space is incorporated within a building, the location requirements of this subsection shall not apply.
4. Required loading areas shall be shown on the parking plan and be permanent in nature.

**J. Standards – Vehicle Circulation.**

1. Driveways and aisles providing access to parking facilities shall have the following minimum dimensions set forth below:



Minimum Width for Motorized Vehicle Access	
Drive aisle for 61-90 degree parking.	24 feet
Drive aisle for 60 degrees or less angle parking.	20 feet
Aisle or driveway for fire apparatus access.	24 feet
One-Way drive aisle (without fire apparatus access).	14 feet

2. One-way drive aisles shall include permanent directional signs and arrows.
  3. Vehicular circulation patterns shall be clearly marked.
  4. Parking lots shall be designed to provide opportunity for logical and convenient vehicle and pedestrian connections to adjacent commercial or vacant commercially zoned land when topographic, critical area or other constraints do not make such connections infeasible.
  5. Principal vehicular accesses into a Commercial Center shall be through an entry driveway designed and constructed with a distinct sense of arrival. In addition to signage at this location, the distinct sense of arrival shall be achieved through the use of at least two of the following:
    - a. Decorative paving materials;
    - b. Decorative lighting;
    - c. Fountain; or
    - d. Art sculpture.
- K. Guidelines – Vehicle Circulation.**
1. Drive lane width should narrow at crosswalks with the sidewalk flared out beyond the parking lane.
  2. Roadway access driveways should be limited to encourage efficient internal site circulation and take advantage of opportunities for shared driveways where practicable
  3. Monotonous, long parking driveways and expansive surface parking areas should be avoided.
  4. Encroachment of driveways into building setbacks should be minimized.
  5. Common access driveways are encouraged.
- L. Standards – Employee Parking.** Parking stalls physically separated from customer and guest parking that are located behind the building near an employee entrance and which are clearly designated exclusively for employee parking may be designed with compact dimensions. These compact employee parking stalls shall not count against the compact stall size allowance for the project site.
- M. Standards – Parking Garages.**
1. Parking garage facades which are visible from the street shall conform to one or a combination of the following options:
    - a. A landscaped screen. Screening may be trees and shrubs, or climbing plantings on a trellis.
    - b. Store fronts. The parking garage may be faced with store fronts or display windows.
    - c. Simulated storefront. The openings of the parking garage may be designed to reflect or simulate the window pattern and material choice of the primary structure on the site. The door and window fenestration requirements should be used as a guide.



**N. Standards – Pedestrian Circulation.**

1. Commercial and civic development shall provide pedestrian facilities to each abutting commercial use or commercially zoned parcel and a minimum of one pedestrian connection shall be made to each adjacent street. For developments with parking lots in excess of 250 spaces, additional connections to abutting streets may be required. Sidewalks may be considered part of the pedestrian facility system if they provide convenient movement between structures.
2. Commercial, civic and industrial projects shall provide sidewalks as specified in Table 17B.20.005-1, "Minimum Requirements for Commercial Projects".
3. Residential developments shall provide sidewalks as specified in Table 17B.20.005-2, "Minimum Improvements for Residential Projects" for detached single-family and two-family uses and Table 17B.20.005-1, "Minimum Requirements for Commercial Projects" for attached single-family and multi-family uses.
4. Pedestrian facilities shall provide the shortest, most convenient walking route possible.
5. Where a parking lot separates a building entrance from a sidewalk in the right-of-way, a pedestrian walkway shall be provided connecting the street to the building entrance.
6. Hard surface pedestrian facilities shall be clearly marked with the use of pavers, stamped concrete, or by being raised a minimum of 6 inches above the adjacent surface and shall be of durable, non-slip surfaces. Painted striping alone is not an acceptable form of walkway delineation. Facilities intended to provide handicap accessibility shall be smooth.
7. Pedestrian facilities shall be provided to access parks used to meet the recreational space requirement for residential development.
8. When a project site is located along a proposed trail route, a linear section of land shall be dedicated and developed for the trail.
9. Pedestrian facilities shall be designed according to the following standards:

Minimum Width for Pedestrian Facilities	
Walkways adjacent to buildings.	6 feet
Walkways that connect a building entrance to the street/ sidewalk (does not apply to single family homes).	6 feet
Walkways within parking lots.	4 feet
Multiple use trail facility.	10 feet
Private recreation and/or open space walkways.	4 feet
Travel routes to schools, community facilities, libraries, or parks.	4 feet
Sidewalks along public or private roads shall be designed in accordance with PCC Title 17B.	

**P. Standards – Outdoor Pedestrian Amenities.**

1. Bench or similar outdoor seating shall be provided for commercial and civic projects at the following rate.



Number of Parking Spaces	Number of 4-foot Benches
10 to 19	One
20 to 99	Two
100 to 149	Three
150 and more	One per 50 stalls

2. Outdoor seating shall be located:
  - a. Near transit stops, bicycle parking, or building entrances;
  - b. Outside of the public right of way, unless placement within the right-of-way is approved by the Washington State Department of Transportation or the Pierce County Public Works Department, depending on the jurisdiction of the road;
  - c. Adjacent to pedestrian walkways and sidewalks; and
  - d. Such that it is accessible by all.
3. Outdoor pedestrian amenities shall be of commercial grade designed for heavy public use and shall be constructed of materials that complement the character and design of the building, facility, or site upon which it is located.
4. All new civic, commercial and industrial developments shall provide outdoor trash and recycling receptacles for use by patrons and/or employees.
5. In rural zones, when exterior pedestrian amenities are required by this Title, they shall reflect the historic and rustic character of the rural area.

**Q. Standards – Bus Facilities.**

1. Transit and school bus stops shall be provided when the need is identified by local transit agency and/or school district.
2. When transit facilities are required, the developer shall either provide the facilities to the transit agency's specifications or pay to the transit agency the costs of providing and installing such facilities.
3. The need for shelter, benches, concrete pad, signage, lighting, and trash receptacles and other developer-supplied improvements shall be coordinated with the transit agency or school district. The following design standards shall be applicable unless a different standard is provided by the transit authority or school district:
  - a. Adequate area of at least 80 square feet shall be provided for waiting passengers;
  - b. Pedestrian walkways shall be provided between transit stops and building entries;
  - c. Shelters shall have a pitched roof;
  - d. Shopping cart storage adjacent to the transit stop shall be provided for commercial centers with more than 40,000 square feet of retail space; and
  - e. Transit stops shall be illuminated.
4. Transit shelters and related facilities may be required on each side of the street to provide for transit passengers traveling in both directions along the transit corridor.

**R. Standards – Bicycle Facilities.**

1. Bicycle parking shall be provided at the quantities specified by PCC 18A.35.040 E.6.
2. Bicycle parking shall not block pedestrian use of a walkway.
3. All required bicycle parking shall be located on-site and in close proximity to the activity or use for which the parking is provided.
4. Bicycle parking areas shall be clearly identifiable.

**S. Guidelines – Bicycle Facilities.**

1. Encourage the development of marked, paved bike lanes along State highways, per Washington Department of Transportation non-motorized standards.



2. Trails or bicycle paths should be identified on-site and connect with the regional or sub-regional trail system.
- (Ord. 2012-2s § 8 (part), 2012; Ord. 2010-70s § 15 (part), 2010)

**18J.15.085 Exterior Illumination.**

- A. **Applicability.** The provisions of the Section apply to:
  1. New residential developments, civic, commercial and industrial uses; and
  2. Multi-family, civic, commercial or industrial expansion greater than 60 percent of the building value, excluding any interior improvements to an existing structure.  
The 60 percent calculation is cumulative for the project site, and over time, calculated based on the "Building Valuation Data" table compiled by the International Code Council and published in the Building Safety Journal, as used by the Building Official. Only the area associated with expansion will be subject to the standards.
- B. **Exemptions.** [Reserved]
- C. **Design Objective.** Provide safe and visible public areas exterior lighting that accents and complements the space and/or building architectural details.
- D. **Standards – Parking and Pedestrian Area Illumination.**
  1. Light sources (light bulb) shall be hidden from public view except for streetlights and holiday decorator lights.
  2. Illumination level of 1 footcandle shall be provided in all pedestrian areas, including building entries, along walkways, parking areas, and other public areas.
  3. Except for intermittent security lighting on motion detectors, all lights more than 7 feet above the ground shall be downward directional lighting. The fixture's housing must be totally opaque. Clear or refractive lenses shall not extend below the housing.
  4. Illumination shall not cast beyond the premises it is intended to illuminate.
  5. Illumination of landscaped areas shall be prohibited unless lighting is part of the landscape area immediately around the building or the area is intended for recreational use.
  6. Large areas shall be illuminated with multiple low-intensity light sources rather than single high-intensity light sources.
  7. Pole lights shall be no taller than 20 feet above a 36 inch base in parking lots and traffic areas and no taller than 12 feet in pedestrian areas.
- E. **Standards – Exterior Building Illumination.**
  1. Exterior building illumination, if proposed, shall be of an indirect source.
  2. All lights, other than street lights, shall be shielded from the sky and adjacent properties and structures, either through cut-off or downward directional lighting, or optics within the fixture.
  3. Translucent panels or other features illuminated from behind are prohibited.
  4. All building mounted floodlights shall be shielded from above in such a manner that the bottom edge of the shield shall be at or below the light source.
  5. Light fixtures used to illuminate the building that are not affixed to the building shall be screened or hidden from view with plant materials.
  6. The design and placement of exterior lighting shall be integrated with the architectural design of the building.
  7. Illumination used to highlight building elements shall be of an indirect source and not affect neighboring residences.



**F. Guidelines – Exterior Illumination.**

1. Avoid colored lighting on buildings except during holiday periods.
2. Avoid lighting large areas with a single source.
3. Fixture designs for commercial and civic uses of an industrial or utility appearance should be avoided.
4. Lighting shall be limited to illumination of surfaces intended for pedestrians, vehicles or key architectural features.
5. Recessed spot lighting may supplement indirect lighting where more direct lighting is desired.
6. Lighting should be lamped to prevent spillage onto neighboring parcels (light trespass), energy waste and glare.
7. All non-essential lighting should be turned off after business hours. Sensor activated lights are encouraged for security purposes.

(Ord. 2012-2s § 8 (part), 2012)

**18J.15.090 Parking Lot Landscaping.**

The intent of parking lot landscaping is to provide visual and noise relief to adjacent uses from parking lots by enhancing public and private open spaces, and to facilitate aquifer recharge. The standards promote physical safety of pedestrians and motorists with proper location and placement of vegetation and provide for internal parking lot landscaping to buffer such uses as drive-through facilities and service areas. Parking lots should not visually dominate any development setting.

**A. Applicability.**

1. Perimeter parking lot landscaping is required for any portion of a parking lot which is within 20 feet of a public or private road right-of-way.
2. Interior parking lot landscaping is required for all new surface parking lots with 10 or more spaces; and for the addition of 10 spaces or more to an existing parking lot.
3. Standards for drive-through facilities, storage and service areas are applicable when such facilities are proposed for the project.

**B. Credits.**

1. Where a portion of a critical area's required buffer area is within the parking lot area, the required interior landscaping for that parking lot shall be credited with up to 50 percent of the areas set aside for critical area buffers. The total of all credits cannot reduce the total interior landscaping required by more than 35 percent.
2. Where a lot line is within a critical area with a required buffer area, perimeter parking lot landscaping shall not be required.
  - a. Supplemental plant material may be required to be installed within or adjacent to the natural landscape area, critical area, or critical area buffer to fully comply with the intent of the landscape level.

**C. Design Objective.** Provide visual and noise relief for adjacent uses from adjacent parking lots, unify development, enhance and define public and private open spaces, promote the use and protection of vegetation native and common to Western Washington, facilitate aquifer recharge, and promote physical safety of pedestrians and motorists through proper location and placement of vegetation.

**D. Standards.**

**1. General.**

- a. Planting areas shall be fully protected by curbs, wheel stops, or other appropriate means to prevent injury to plants from pedestrian or vehicular traffic.



- b. A maximum of 10 parking stalls in a row shall be allowed between landscape planting islands.
  - c. Landscape areas containing trees shall be a minimum of 64 square feet in size with no dimension less than 6 feet. Trees must be set back at least 24 inches from the curb edge to prevent damage from parking cars.
  - d. Landscape areas containing only shrubs and groundcover shall have a minimum width of 4 feet. Shrub, hedge and groundcover plants shall not have mature heights that exceed 36 inches to provide for ease of vehicular sight distance and pedestrian safety.
  - e. Parking lots shall be located no closer to the interior lot line than the minimum width of required perimeter landscape buffer.
  - f. If the calculation of the number of trees or shrubs results in a fraction of less than 0.5, the applicant can round down to the previous whole number.
  - g. **Native and Drought Tolerant Western Washington Plants.** Refer to PCC 18J.15.100, Plant Lists, for required landscape plant selection standards.
2. **Perimeter Parking Lot Landscaping.**
- a. Any portion of the parking area within 20 feet of a public road right-of-way shall provide L2 landscape buffering along the right-of-way line.
  - b. The perimeter street landscaping for the parking lot shall not count toward the total interior landscaping required for the parking lot.
3. **Interior Parking Lot Landscaping.**
- a. Areas devoted to truck loading and turn around do not require interior parking lot landscaping.
  - b. One of the following options shall be met for interior parking lot landscaping:
    - (1) Landscaped area shall be provided within the parking lot at the rate of 25 square feet of landscaped area per stall or alternatively, 10 percent of the total parking area ("parking area" includes the parking stalls, aisles, entry ways), shall be landscaped, whichever is greater. At least 1 tree must be planted for every 200 square feet of landscaped area; or
    - (2) One tree shall be installed for every five parking spaces provided.
  - c. When a parking lot is divided into distinct areas, the applicant may utilize different options in distinct areas of the lot.
4. **Drive-Through Facilities.**
- a. Drive-through window lanes and facilities shall be oriented away from residential zones;
  - b. Drive-through windows and stacking lanes shall be visually screened from streets with an evergreen screen and/or architectural element or combination thereof with a minimum height of 4 feet;
  - c. Stacking lanes shall be physically separated from parking lots, sidewalks, and pedestrian areas by an evergreen screen and/or architectural element, or combination thereof with a minimum height of 4 feet;
  - d. Screening elements shall reflect the design of the primary building and shall provide a physical separation that cannot be traversed in a method other than the circulation route intended for the drive-through traffic; and
  - e. Drive-through speakers shall not be audible off site.
5. **Storage and Service Areas.**
- a. Service and delivery bays shall not be oriented to the street frontage.



- b. Outdoor storage facilities, garbage and recycling stations, and when permissible, utility meters and electrical conduit, shall be screened with the use of one of following:
  - (1) A structural enclosure compatible with the primary structure.
    - (a) Structural enclosures shall be designed to be architecturally consistent to the primary structure with primary structures that conform to these design standards. Roof forms, building materials, and color shall be comparable to the primary structure; and
    - (b) Structural enclosures that are not accessory to a primary structure shall be designed in accordance with these design standards.
  - (2) A 6-foot sight obscuring fence; or
  - (3) An L3 Vegetative Screen.
- c. Service areas shall be setback from property lines 15 feet or the required building setback, whichever is greater, when abutting a conforming residential use. The service areas shall be setback a minimum of 5 feet from property lines of abutting non-residential uses.

**E. Guidelines.**

- 1. Tree species should be selected based on their parking lot compatibility, that is, high branching, do not release sticky substances, deep rather than shallow rooting, etc.
- 2. During the summer, interior parking lot landscaping areas should provide tree shade for 35 percent of the total parking lot area.
- 3. Parking lot planting areas should be constructed to retain, infiltrate, and cleanse stormwater generated from the parking lot area as either bioretention areas or bioswales, except where soil types will not allow for such designs.
- 4. Landscape areas should be distributed evenly throughout the parking area; however, clustering of landscaping is permitted to accommodate preservation of existing vegetation or specific design objectives including, but not limited to, solar access, water conservation, passive recreation, transit facilities, or architectural design.
- 5. Planting of lawn in areas less than 10 feet in width is discouraged due to associated water waste.
- 6. Vegetative and inert ground cover or lawn should cover all required landscape areas.
- 7. When replacement or expansion of existing utility systems is required, such expansion or replacement should, when feasible, be underground.

(Ord. 2012-2s § 8 (part), 2012; Ord. 2009-98s § 2 (part), 2010)

**18J.15.100 Plant Lists.**

The intent of a plant material list is to foster the use of plants native to Western Washington and drought tolerant plants common to this area. This plant material maximizes use of rainwater, reduces general maintenance needs, and reflects our natural surroundings. The use of drought-tolerant plants in landscape designs can reduce the amount of water devoted to outdoor watering at a time when population demand for water is increasing faster than the water supply.

- A. **Applicability.** Western Washington native and/or drought tolerant plant material, i.e., groundcover, understory shrubs, and trees, shall be used within all required landscape screening, buffers and parking lot landscaping, etc., referenced in this Chapter. This Section also provides suitable replacement trees for tree conservation pursuant to PCC 18J.15.030.



1. **Exceptions.**
  - a. Plant species specifically required or prohibited by other Pierce County development regulation, e.g., Title 18E – Critical Areas, Pierce County Shoreline Use Regulations, or individual community plan Chapters in Title 18J PCC shall supersede this Section.
  - b. Only suitable native plants shall be permitted where lands are set aside only for native plantings, such as natural buffer areas, screening buffers, and tree conservation areas.
- B. **Design Objective.** Reduce general maintenance needs, maximize rainwater use and create designs that reflect our natural surroundings by using plants native to Western Washington and drought tolerant plants common to the area.
- C. **Standards.**
  1. Planting plans associated with new development applications shall reflect the recommended plant lists and/or the plant resources provided in this Section.
  2. Use plants native to Western Washington and drought tolerant plants common to the area, in that order of preference.
  3. Where existing vegetation is to be retained in required landscape areas, all noxious weeds and English ivy shall be removed. Refer to the Washington State Noxious Weed website at <http://www.nwcb.wa.gov> for the current weed list.
- D. **Native Plant Resources.** The following resources may be used to identify appropriate native plants:
  1. The WSU Cooperative Extension Native Plant Identification Database and plant association lists, found at <http://gardening.wsu.edu/nwnative>;
  2. Native plant choices identified by a landscape architect or certified professional horticulturalist, subject to approval by the Planning and Land Services Department;
  3. United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) plant database for plants that occur in Pierce County; or
  4. The plants recommended on the Tables 18J.15.100-1 through -5 below.

<b>Table 18J.15.100-1. Recommended Native Tree Species</b> Native trees suitable for use as Tree Conservation replacement trees and may be suitable for use as street trees, canopy trees for park areas, and parking lots.			
<b>Species Scientific Name</b>	<b>Canopy Size (1)</b>	<b>Street Tree?</b>	<b>Characteristics</b>
Grand fir <i>Abies grandis</i>	Large	No	Coniferous tree achieving heights of up to 150 feet. Tolerant of a variety of soil conditions, similar needs as Douglas fir.
Vine maple <i>Acer circinatum</i>	Small	No	Deciduous tree typically reaching heights of 5-35 feet. Treelike in open sun, crooked sprawling and vinelike in shade. Good fall color. Tolerant of a wide variety of soil conditions. Prefers moist soils, but can tolerate drier conditions once established.
Big leaf maple <i>Acer macrophyllum</i>	Large	No	Deciduous tree. Form varies widely based upon competition and soil conditions. Typically 20 to 30 feet high when grow in open conditions but can reach heights of 80 feet or more in the forest. Good fall color. Tolerant of a wide variety of soil conditions. Similar environmental needs as Douglas fir.
Serviceberry <i>Amelanchier alnifolia</i>	Small	No	Deciduous tree seldom larger than 20 feet in height. Tolerant of a wide variety of soil conditions. Fruit very valuable to wildlife.
Pacific madrone <i>Arbutus menziesii</i>	Medium	No	Broadleaf evergreen tree typically reaching heights of 20 to 60 feet. Prefers dry sites. Can be difficult to grow. Red peeling bark.



<b>Table 18J.15.100-1. Recommended Native Tree Species</b> Native trees suitable for use as Tree Conservation replacement trees and may be suitable for use as street trees, canopy trees for park areas, and parking lots.			
<b>Species Scientific Name</b>	<b>Canopy Size (1)</b>	<b>Street Tree?</b>	<b>Characteristics</b>
Western dogwood <i>Cornus nutallii</i>	Small	Yes	Deciduous tree up to 30 feet in height. Prefers well-drained sites and partial shade. Could work well as a supplemental planting under a canopy of larger trees.
Black hawthorn <i>Crataegus douglasii</i>	Small	No	Deciduous tree up to 30 feet in height. Scarlet fruit. Prefers highly fertile soil and grows best in moist, open areas.
Oregon Ash <i>Fraxinus latifolia</i>	Medium	No	Deciduous tree up to 80 feet in height. Prefers moist or wet sites with rich soils. Works well for streamside and wetland plantings.
Incense cedar <i>Libocedrus decurrens</i>	Large	Yes	Coniferous tree achieving height of 150 feet. Drought and wind resistant. Slow growth.
Pacific Crabapple <i>Malus fusca</i> ( <i>Pyrus fusca</i> )	Small	Yes	Deciduous tree achieving a height up to 40 feet. Suited to moist to marshy soils. Fruit is valuable to wildlife.
Sitka Spruce <i>Picea sitchensis</i>	Large	No	Coniferous tree 100-210 feet in height. Fast growing and tolerates moist forested lowland areas. Suitable to lowland and coastal areas.
Shore Pine <i>Pinus contorta</i>	Medium	No	Coniferous tree reaching 15-50 feet in height in coastal areas and up to 100 feet inland. Grows in marshy to well-drained soils, best in coastal or low-lying areas.
Western White Pine <i>Pinus monticola</i>	Medium	No	Coniferous tree growing 80 to 130 feet on average, but in some cases much taller. Grows rapidly even in nutrient-poor, gravelly soils and is very windfirm due to its tendency to form a few deep roots.
Black Cottonwood <i>Populus balsamifera</i> v. <i>tricarpa</i>	Medium	No	Deciduous tree grows 100-200 feet tall and 3-6 feet in diameter. Grows fast, moist soil. Full sun. Tolerates seasonal flooding. Breaks easily, has copious seeds.
Bitter Cherry <i>Prunus emarginata</i> v. <i>mollis</i>	Small	Yes	Deciduous tree reaching heights of 20 – 50 feet. Produces small white to pinkish flowers and fruit is valuable to wildlife. Intolerant of full shade and thrives in dry to moist soils.
Douglas fir <i>Pseudotsuga menziesii</i>	Large	No	Fast growing, long lived coniferous tree growing to height of 150 feet or more. Prefers drier sites, but tolerates a wide variety of soil conditions.
Oregon white oak <i>Quercus garryana</i>	Large	No	Deciduous tree typically not more than 50 feet in height. Provides food and cover for a variety of wildlife. Slow growing, prefers well-drained soil.
Pacific Willow <i>Salix lucida</i> spp. <i>lasiandra</i>	Medium	No	Deciduous tree reaches 40-60 feet tall. Prefers wet soils and full sun. Tolerates seasonal flooding, often grown with Western Red Cedar.
Pacific yew <i>Taxus brevifolia</i>	Medium	No	Coniferous tree reaching height of 60 feet. Very shade tolerant. Most successful under canopy of larger trees.
Western red cedar <i>Thuja plicata</i>	Large	No	Coniferous tree growing to height of 150 feet or more. Best under moist, shaded conditions, but tolerates a wide variety of soil conditions once established.
Western hemlock <i>Tsuga heterophylla</i>	Large	No	Coniferous tree growing to height of 150 feet or more. Best under moist, shaded conditions, but tolerates a wide variety of soil conditions once established.

Footnote:

(1) Tree canopy size is approximately: Large=1,000; Medium=700; and Small=300, square feet.



<b>Table 18J.15.100-2. Recommended Non-Native Tree Species</b>			
Non-native trees suitable for use as street trees, canopy trees for park areas, and parking lots.			
<b>Species Scientific Name</b>	<b>Canopy Size (1)</b>	<b>Street Tree?</b>	<b>Characteristics</b>
Japanese Maple <i>Acer palmatum</i>	Small	Yes	Common deciduous landscape tree. Slow growing, typically grow to no larger than 20 feet in height. Well suited for small lot use.
Norway Maple <i>Acer platanoides</i>	Medium	Yes	Common deciduous landscape tree. Typically achieves heights of 50 to 60 feet. Care must be taken near sidewalks and drives as roots can become a problem.
Red Maple <i>Acer rubrum</i>	Medium	Yes	Common deciduous landscape tree. Varieties 'Armstrong' and 'Red Sunset' are recommended for street tree use. Fast growing, typically to 40 feet with brilliant fall color.
European hornbeam <i>Carpinus betulus</i>	Medium	Yes	Deciduous tree growing to 40 feet. Variety 'Fastigata' recommended for street tree use.
Katsura Tree <i>Caridiphyllum japonicum</i>	Medium	Yes	Deciduous tree, slow growing to 40 feet. Good fall color. Well suited for small lot use.
English hawthorn <i>Crataegus phaenopyrum</i>	Small	Yes	Small deciduous tree, typically no larger than 25 feet. Well suited for small lot use, but can be prone to disease.
Washington hawthorn <i>Crataegus phaenopyrum</i>	Small	Yes	Small deciduous tree, typically no larger than 25 feet. Well suited for small lot use with good fall color.
Green ash <i>Fraxinus pennsylvanica</i>	Medium	Yes	Fast growing deciduous tree with height of 40 feet. For street tree use, seedless varieties such as 'Marshall' are preferred.
Honey locust <i>Gleditsia triacanthos</i>	Medium	Yes	Fast growing deciduous tree with height of 40 feet. Varieties 'Shademaster', 'Skyline', and 'Moraine' are preferred varieties.
American sweet gum <i>Liquidambar styraciflua</i>	Medium	Yes	Common landscape tree very tolerant of urban conditions. Achieves heights of 60 feet with good fall color.
Tulip tree <i>Liriodendron tulipifera</i>	Large	No	Large deciduous tree achieving height of up to 60 feet. Very tolerant of urban conditions.
Sourwood <i>Oxydendron arboreum</i>	Medium	Yes	Medium deciduous tree with good fall color. Achieves height of 35 feet.
Flowering plum <i>Prunus blireiana</i> <i>Prunus cerasifera</i>	Small	Yes	Small deciduous tree with colorful dark foliage. Typically reaches height of 20 to 25 feet. Well suited to urban conditions and small lot use.
Japanese flowering cherry <i>Prunus serulata</i>	Small	Yes	Small deciduous tree with colorful dark foliage. Typically reaches height of 20 to 25 feet. Well suited to urban conditions and small lot use. 'Amanagawa' and 'Kwanzan' varieties are a well suited street tree.
Flowering cherry <i>Prunus subhirtella</i>	Small	Yes	Small deciduous tree with colorful dark foliage. Typically reaches height of 20 to 25 feet. Well suited to urban conditions and small lot use. Variety 'Rosea' and 'Whitcombii' well suited for street tree use.
Yoshino flowering cherry <i>Prunus yedoensis</i>	Medium	Yes	Medium sized deciduous tree achieving height of 40 feet. Fast growing.
Flowering callery pear <i>Pyrus calleryana</i>	Medium	Yes	Widely used in commercial landscaping. Deciduous tree 25 to 40 feet in height. Well suited to urban conditions. Varieties for street tree use include 'Aristocrat', 'Bradford', 'Capital', 'Chanticleer', 'Redspire' and 'Whitehouse'.



<b>Table 18J.15.100-2. Recommended Non-Native Tree Species</b>			
Non-native trees suitable for use as street trees, canopy trees for park areas, and parking lots.			
<b>Species Scientific Name</b>	<b>Canopy Size (1)</b>	<b>Street Tree?</b>	<b>Characteristics</b>
Pin oak <i>Quercus palustris</i>	Large	No	Deciduous tree achieving heights of 50 to 80 feet. Better suited to park or large lot use due to size.
Little Leaf Linden <i>Tilia cordata</i>	Small	Yes	Small deciduous tree reaching height of 30 feet. Tolerant of urban conditions.

Footnote:

(1) Tree canopy size is approximately: Large=1,000; Medium=700; and Small=300, square feet.

<b>Table 18J.15.100-3. Recommended Shrubs Species</b>		
Suitable for use in landscape areas; not all plants listed will be appropriate for areas that require only native plants.		
Serviceberry <i>Amelanchier alnifolia</i>	Labrador tea <i>Ledum groenlandicum</i>	Ramanas rose <i>Rosa rugosa</i>
Strawberry tree <i>Arbutus unedo</i>	Russian arborvitae <i>Microbiota decussate</i>	Rosemary <i>Rosmarinus officinalis</i>
Winter blooming camellia <i>Camellia sasanqua</i>	Oregon wax myrtle <i>Myrica californica</i>	Senecio <i>Senecio greyii</i>
Wild lilac <i>Caenothus species</i>	Persian parrotia <i>Parrotia persica</i>	Common lilac <i>Syringa vulgaris</i>
Rock rose <i>Cistus species</i>	Wild mock orange <i>Philadelphus lewisii</i>	Tamarisk <i>Tamarix species</i>
Smoke tree <i>Cotinus coggygria</i>	Ninebark <i>Physocarpus species</i>	Evergreen huckleberry <i>Vaccinium ovatum</i>
Hardy ice plant <i>Delosperma nubigenum</i>	Portugal laurel <i>Prunus lusitanica</i>	Yew <i>Taxus species</i>
Broom <i>Genista species</i>	Firethorn <i>Pyracantha species</i>	Thyme <i>Thymus species</i>
St. Johnswort <i>Hypericum species</i>	Pacific rhododendron <i>Rhododendron macrophyllum</i>	Red huckleberry <i>Vaccinium parviflorum</i>
Juniper <i>Juniperus species</i>	Sumac <i>Rhus glabra or typhina</i>	Chaste tree <i>Vitex agnus-castus</i>
Kerria <i>Kerria japonica</i>	Nootka rose <i>Rosa nootka</i>	Yucca <i>Yucca species</i>
Crape myrtle <i>Lagerstroemia indica</i>		



<b>Table 18J.15.100-4. Recommended Groundcover Species</b> Suitable for use in landscape areas; not all plants listed will be appropriate for areas that require only native plants.		
Manzanita, Kinnikinnick <i>Arctostaphylos species</i>	Bunchberry <i>Cornus canadensis</i>	Salal <i>Gaultheria shallon</i>
Wild ginger <i>Asarum caudatum</i>	Coastal strawberry <i>Fragraria chiloensis</i>	Oregon grape <i>Mahonia species</i>
Barberry <i>Berberis species</i>	Wild strawberry <i>Fragraria virginiana</i>	Western trillium <i>Trillium ovatum</i>
Cotoneaster <i>Cotoneaster species</i>		

<b>Table 18J.15.100-5. Recommended Vine Species</b> Suitable for use in landscape areas; not all plants listed will be appropriate for areas that require only native plants.		
Evergreen clematis <i>Clematis armandii</i>	Honeysuckle <i>Lonicera species</i>	Wisteria <i>Wisteria species</i>

(Ord. 2012-2s § 8 (part), 2012; Ord. 2009-98s § 2 (part), 2010)

#### 18J.15.110 Plant Sizes, Soil Amendment, Mulching and Irrigation.

The purpose of this Section is to address water conservation measures by using appropriate sized plantings in landscapes and smart irrigation design for sustainable landscapes with techniques that conserve, recycle, and reuse the resources that are invested.

- A. **Applicability.** The following plant sizes and irrigation methods apply to street trees, landscape buffers, noise attenuating barriers, and parking lot landscaping unless a standard has otherwise been specified in this Chapter.
- B. **Design Objective.** Plant vegetation that, with minimal irrigation, will survive and provide aesthetic relief from developed portions of the project site. Provide irrigation, as needed, for vegetation to ensure survivability and vibrant health for the life of the project.
- C. **Standards.**
  1. Refer to PCC 18J.15.100, Plant Lists, for required plant selection standards.
  2. **Plant Sizes.**
    - a. **Trees, evergreen.** Tree material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements of the landscape level within 10 years of installation.
    - b. **Trees, deciduous.** Tree material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements of the landscape level within 10 years of installation.
    - c. **Shrubs and Hedges.** Shrub and hedge material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements of the landscape level within 5 years of installation.
    - d. **Groundcover, vegetative.** Groundcover, other than lawn or turf grass, shall be planted to achieve minimum planting area coverage of 50 percent of required coverage within two years of installation and shall achieve 100 percent of required coverage within five years of installation. English ivy is not permitted.



- e. **Groundcover, inert.** Wood chips, bark, decorative rock, or other appropriate inert organic material may be used.
  - f. **Lawn, sod and seed.** If utilized in the landscape, newly seeded lawns or installed sod shall include drought-resistant and hardy varieties which, when properly installed and maintained, are capable of surviving under conditions of restricted water use.
  - g. **Berms.** Mounds of earth used for berming shall not exceed a slope of 2 horizontal feet to 1 vertical foot (2:1).
3. **Soil Amendment.**
- a. Landscape areas shall be deep tilled to a depth of at least 12 inches to facilitate deep water penetration and soil oxygenation. Use of soil amendments is encouraged to improve water drainage, moisture penetration, soil oxygenation, and/or water holding capacity. Soil amendments are organic matter such as composted yard waste, sewer biosolids, and forestry by-products, but do not include topsoil or any mix with soil as an element. Sphagnum moss is not allowed because it provides only short-term value and is a non-renewable resource.
  - b. For all newly landscaped areas, including single-family residences, organic matter (3 to 4 cubic yards of organic matter per 1,000 square feet of landscape area) shall be incorporated to a depth of at least 4 inches.
  - c. For newly landscaped areas where topsoil is limited or nonexistent, or where soil drainage is impeded due to subsurface hardpan, 6 to 24 inches of sandy loam topsoil shall be spread in all planting and turf areas, in addition to the incorporation of organic matter into the top horizon of the imported soil.
  - d. Soil analysis of new or renovated turf areas shall include a determination of soil texture, including percentage of organic matter; an approximated soil infiltration rate; and a measure of pH value.
4. **Mulching.**
- a. Mulch shall be applied regularly to, and maintained in all, planting areas to assist soils in retaining moisture, reducing weed growth and minimizing erosion.
  - b. Mulches shall be applied to the following depths: 3 inches over bare soil, and 2 inches where plant materials will cover.
  - c. Acceptable mulches include organic materials such as wood chips and shredded bark and inert organic materials such as decomposed lava rock, cobble, and gravel.
  - d. Non-porous materials, such as plastic sheeting, are not allowed in any area of the landscape because of down-slope erosion and potential soil contamination from herbicide washing.
5. **Irrigation.**
- a. All landscaped areas must have installed a permanent underground irrigation system with an automatic controller plus an overriding rain switch, or an alternative irrigation method which provides sufficient water to ensure that the plants will establish and remain healthy.
  - b. Irrigation shall be permanent unless the plant materials selected are determined to be drought tolerant, in which case irrigation shall be required until the plants are fully established and there shall be an identified method to easily provide water to the plants in the case of a prolonged drought.

(Ord. 2010-70s § 15 (part), 2010; Ord. 2009-98s § 2 (part), 2010)



#### **18J.15.120 Plant Installation.**

The purpose of this Section is to ensure compliance of applicable plant related design standards through installation concurrent with development of a project site.

- A. **Applicability.** The following standards apply to the installation of required vegetation for: street trees, landscape buffers, replacement trees and parking lot landscaping.
- B. **Design Objective.** Install required plants concurrent with development.
- C. **Standards.**
  - 1. All applicable landscaping is to be installed prior to the operation of the commercial businesses and prior to the occupancy of dwelling units in residential projects.
  - 2. The Department shall be contacted to perform an Accessory Element Inspection of installed landscaping, irrigation and retained vegetation.
  - 3. Except for short plat, large lot, and preliminary plat applications, all required landscaping shall be installed prior to issuance of occupancy permits unless performance bonds or other appropriate security (including letters of credit) are approved by the County. Acceptance of performance bonds or other security in place of installation shall be at the discretion of the County based on the scale of the project, phasing, etc.
  - 4. Landscaping required per this Chapter for short plats, large lots, and preliminary plats, shall be installed or bonded, or otherwise financially guaranteed, prior to final approval.
  - 5. Refer to PCC 18J.15.100, Plant Lists, for required plant selection standards.
- D. **Guidelines.**
  - 1. **Timing of Installation.** Planting is encouraged to take place in the spring or fall planting season following Final Development Plan approval or Building Permit approval if no final development approval is required, but in no case shall planting be postponed beyond 180 days of final development plan approval or Building Permit approval if no final development approval is required, unless the Department approves an alternative timeline associated with a phased project.

(Ord. 2009-98s § 2 (part), 2010)

#### **18J.15.130 Plant Protection and Maintenance.**

Proper protection and maintenance is necessary to ensure that vegetation required by this Chapter is healthy and continues to meet the objectives for the life of the project.

- A. **Applicability.** The following maintenance requirements shall apply to all vegetation and associated areas required pursuant to this Chapter. Failure to maintain vegetation as required in this Section shall constitute a violation of this Chapter and any associated land use or subdivision approvals.
- B. **Design Objective.** Protect and maintain planted and retained vegetation, replace diseased and/or dangerous trees as appropriate.
- C. **Standards.**
  - 1. **Tree Protection Before and During Development.** All trees proposed for retention and supplemental plantings shall be protected before and during site development and construction through adherence to the following standards:
    - a. A tree protection area shall be designed to protect each tree or tree stand during site development and construction.
      - (1) The tree protection areas shall conform to the approved tree conservation plan; and



- (2) All tree protection and erosion control measures shall be in place and/or installed prior to grading, clearing or other vegetation removal.
  - b. Tree protection areas may vary widely in shape, but must extend a minimum of 5 feet beyond the existing tree canopy area along the outer edge of the tree stand, unless otherwise approved by the Department.
  - c. Tree protection areas shall be identified and clearly labeled on all applicable site development, plats, and construction drawings, submitted to the Department.
  - d. Temporary construction fencing at least 30 inches tall shall be erected along the outer edge and completely surrounding the tree protection area prior to any site clearing grading. The fencing shall be posted with signage clearly identifying the tree protection area. The fencing shall remain in place through site development and construction.
  - e. No clearing, grading, filling, or other development activities shall occur within the tree protection area, except where approved in advance by the Planning and Land Services Department and noted in the tree conservation plan.
  - f. No vehicles, construction materials, fuel, or other materials shall be placed in tree protection areas. Movement of any vehicles within tree protection areas shall be prohibited.
  - g. No nails, rope, cable, signs, or fencing shall be attached to any tree proposed for retention, unless tree tagging has been authorized.
  - h. If the grade level around a tree is to be raised, a dry rock wall or rock well shall be constructed around the tree. The diameter of this wall or well must be at least equal to the diameter of the tree plus an additional 5 feet.
  - i. The Department may approve the use of alternate tree protection techniques if an equal or greater level of protection will be provided.
2. **Plant Maintenance.**
- a. All required landscaping shall be maintained for the life of the project.
  - b. Plants are to be maintained in a vigorous and healthy condition, free from diseases, pests, and weeds.
  - c. All landscape areas shall be kept free of trash.
  - d. Plants lost due to lifecycle or disease shall be replaced within 180 days, during the spring or fall growing season. Replacement plants shall meet current plant size and irrigation standards.
  - e. Plant maintenance standards apply for the life of the project and to all future property owners.
3. **Tree Pruning.** Pruning is the practice of removing dead or living components of a tree for the purposes of maintaining or improving form, improving tree health, or addressing safety concerns. Pruning can produce strong, healthy, attractive plants when done properly as recommended or by a professional tree service. Poor pruning practices however, adversely affects plant health.
- a. Pruning of Significant and Legacy trees shall be done by a professional tree service only.
  - b. All plant materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure.
  - c. Pruning of trees shall be limited to thinning, windowing, or skirting, unless otherwise restricted by critical area regulations.
- (1) **Thinning.** Removal of foliage evenly through the tree crown maintaining tree form and health. Not more than one quarter of the total leaf area is removed.



- (2) **Windowing.** The practice of creating a "window" within the tree crown. The overall crown remains intact. When windowing one side of a tree, it may be necessary to prune the opposite side of the tree to maintain balance.
- (3) **Skirting.** The practice of opening up views by removing the lower limbs of a tree. As a rule, do not limb up more than one-third of the tree's visible height.

**4. Removal of Danger, Hazard and Diseased Trees.**

- a. Trees required to be retained pursuant to an approved conservation plan, landscape plan, or other similar plan or requirement shall not be removed unless it is demonstrated to the satisfaction of the Planning and Land Services Department that a hazard exists to public health or safety, the safety of public or private property, or the health of surrounding trees (e.g., there is a significant chance of toppling in high winds). The following requirements shall apply to the removal of a danger, hazard, or diseased tree in such areas:
  - (1) The landowner shall submit a report and replanting plan prepared by a registered landscape architect, professional forester, or other expert approved by the Department to document the hazard, the specific actions that must occur to abate the threat, and the schedule for replanting.
  - (2) Trees shall not be removed until after consultation and confirmation by the Department that removal is necessary, unless hazard tree(s) are determined to pose an imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation. In that event, trees may be removed or danger abated by the landowner prior to receiving written approval from the Department; provided that within 30 days following such action, the landowner shall submit the necessary report and replanting schedule demonstrating compliance with the requirements of this Section.
  - (3) Trees shall be replaced at the tree unit ratios and planting standards specified in PCC 18J.15.040 and restoration plans shall be approved by the Department prior to replanting.
  - (4) Restoration plans shall consider retention of snags for wildlife habitat.
  - (5) Trees shall be replaced within 60 days unless determined by the Department to be more appropriate to replant within the following spring or fall planting season. In no case shall replanting take place more than 180 days from original tree removal.
- b. Developer responsibility for maintenance of trees, including removal or replacement of diseased, dead, or dying trees, shall be as follows:
  - (1) Within residential subdivisions (including short plats) the developer shall be responsible for maintaining trees on individual lots until such time as the individual lots are sold at which point the individual lot owner shall assume responsibility. Developer responsibility for maintaining trees within common tracts shall remain in effect until such time as the common tract is transferred to the control of a homeowner's association or, where no homeowner's association exists, until such time as all individual lots within the subdivision are sold, at which point the homeowner's association or individual lot owners shall assume responsibility.



- (2) Within all other developments, developer responsibility for maintaining trees shall remain in effect until such time as the property sale occurs. Upon the property sale, the new owner shall assume the responsibility for maintenance.

(Ord. 2009-98s § 2 (part), 2010)

#### **18J.15.140 Low Impact Development (LID).**

Low Impact Development (LID) techniques emphasize the use of on-site natural features integrated with engineered small scale hydrologic controls to promote groundwater recharge and protect the function and value of surface waters, aquifers, and fish and wildlife habitat from degradation by preserving the native vegetation and wooded character of watersheds while continuing to provide stormwater control necessary to protect downstream property owners.

- A. **Applicability.** LID techniques as described in the Pierce County Stormwater Management and Site Development Manual, Volume VI, shall be utilized for development within the:
  1. Rural Sensitive Resource (RSR) zone;
  2. Urban Sensitive Resource Overlay (USRO); and
  3. Open space corridors of the Graham and Gig Harbor Community Plan areas.
- B. **Urban Area Hybrid Designs.** Hybrid designs that combine LID and conventional practices may be permitted within urban growth areas when exclusive use of LID practices is determined infeasible. The applicant shall provide the Department with a study prepared by a qualified professional engineer which identifies the limiting site characteristics. The Department shall determine if the proposal warrants a lower level of LID compliance. If an exception is approved:
  1. The storm system shall meet the full extent of the Pierce County Storm Water Management Manual;
  2. The LID vegetation retention/restoration requirements of the Pierce County Stormwater Management and Site Development Manual, Volume VI, shall not be reduced or waived; and
  3. The ability for the project site to achieve maximum density shall not be a determining factor for relief of the LID techniques.
- C. **Design Objective.** Provide stormwater control to protect downstream property owners and promote groundwater recharge and protect the function and value of surface waters, aquifers, and fish and wildlife habitat from degradation by preserving and restoring the native vegetation and wooded character of the site.
  1. **Standards.**
    - a. Projects shall be designed to meet the full comprehensive LID standards of the Pierce County Stormwater Management and Site Development Manual, Volume VI.
    - b. New development shall be limited to a maximum impervious surface coverage of 25 percent, no more than 10 percent effective impervious. Existing development which exceeds this limit shall not increase total impervious surface.
    - c. Clearing and grading shall be limited to the minimum necessary for construction of permitted uses and associated utilities.
    - d. Critical areas and open space shall be set aside in a separate Tract.
    - e. Open space areas shall be located on the site in a manner that provides the best fish and wildlife habitat and water quality protection.



- f. Vehicle parking facilities shall be integrated in such a manner that critical areas and open space areas are not impacted and stormwater impacts are mitigated.
- g. Lawn areas, driveways, and roads should be limited and located in a manner that will result in the least disruption to the open space tract(s) or corridors.
- h. Buildings and other structures such as fencing shall be located in a manner that provides connectivity of open space (i.e., open space areas are linked from property to property). Individual structures shall not be placed where damage to the integrity of the open space tract(s) and overall open space corridor and system is likely.
- i. Open space tracts shall be clearly marked and identified as a protected area through the use of fencing (when appropriate) and signage.
- j. Critical areas and wildlife movement corridors shall be incorporated into open space areas.

**2. Guidelines.**

- a. Clustering of lots, dwelling units, or building structures should be considered during the conceptual planning stage.
- b. Lawn areas, driveways, and roads should be limited and located in a manner that will result in the least disruption to the site.
- c. Techniques that should be considered include:
  - (1) Minimizing soil disturbance and erosion;
  - (2) Disconnecting constructed drainage courses;
  - (3) Bioretention areas;
  - (4) Utilizing micro-detention facilities on each lot;
  - (5) Reducing and sharing parking facilities;
  - (6) Use of pervious pavement;
  - (7) Directing roof runoff to rain gardens, full dispersion systems, or cisterns for non-potable reuse; and
  - (8) Vegetated roof systems to evaporate and transpire stormwater on individual lots.
- d. Design the outside space during the design of the building structure to integrate vegetation into the design of the building.
- e. Promote the use of balconies and small terraces and courtyards in multi-family developments.

(Ord. 2010-70s § 15 (part), 2010; Ord. 2009-98s § 2 (part), 2010)

**18J.15.150 Rural Pathways for Civic Uses.**

**A. Applicability.**

- 1. Any new civic use, except day-care centers and bus shelters (Level 1, Transportation Use Type), constructed in the rural area shall be required to construct pathways in accordance with subsection C. of this Section, along the roadway abutting the primary entrance to the site.
- 2. Any new civic use, except day-care centers and bus shelters (Level 1, Transportation Use Type), constructed within 0.25 miles of a residential development shall be required to construct a pathway from the civic use to the residential development in accordance with subsection C. of this Section. For the purposes of this requirement, the following criteria apply:



- a. A residential development shall consist of a recorded subdivision of 50 or more lots that are less than 0.5 acres in size.
  - b. The 0.25 miles shall be measured along existing roadways from the exterior lot line of the proposed civic use site to a point of connection with the residential development.
  - c. The pathway shall connect to the residential development at one location, either the entrance to the development or an alternative location identified by mutual agreement with the homeowner's association or developer. If the residential development is abutting the site, an access easement may be pursued between the properties as an alternative to constructing the pathway in the right-of-way.
- B. **Design Objective.** Facilitate safe pedestrian access to civic uses from parked cars and nearby residential neighborhoods.
- C. **Standards.**
1. Existing road shoulders may substitute for pathways provided the shoulder is of standard width and grade as specified in PCC 17B.10.060 A., referencing the "Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County," as published by the Pierce County Engineer.
  2. New pathways must be constructed a minimum of 6 feet in width within existing Pierce County right-of-way on one side of the road. The pathway may be separated from the existing roadway. The County standard for construction is specified in PCC 17B.10.060 A. of the "Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County" as published by the Pierce County Engineer. Pathways may be adjusted to accommodate ingress, egress, parking, bus turn-in lanes, and facility design.
  3. The requirement to construct a rural pathway pursuant to this Section shall not, in itself, trigger a requirement to construct curb, gutter, and sidewalk improvements.
  4. In the event the County Engineer determines right-of-way is not large enough or suitable for such pathway because of road conditions or safety consideration, the pathway requirement may be waived. Suitability shall at a minimum consider critical areas, topography, ditches, and location of utilities.
  5. Relocation of power lines, drainage pipes/culverts, and/or utilities, if needed, shall be required when the total cost of relocating them is less than 5 percent of the pathway's project total cost or \$10,000, whichever is greater.

(Ord. 2009-98s § 2 (part), 2010)

#### **18J.15.155 Mechanical Equipment and Outdoor Storage Screening.**

- A. **Applicability.** The provisions of this Section apply to mechanical equipment and outdoor storage associated with:
1. New multi-family, civic, commercial and industrial uses; and
  2. Modification and expansion of multi-family, civic, commercial and industrial uses when the mechanical equipment or outdoor storage is being modified or expanded.
- B. **Exemptions.** [Reserved]
- C. **Design Objective.** Protect the aesthetic quality of developments and surrounding properties by screening service areas for mechanical equipment and outdoor storage.
- D. **Mechanical and Utility Equipment Screening Standards.**
1. Utilities necessary to provide power to or to heat and cool buildings shall be integrated into the architectural and site design of the project.



2. Rooftop mechanical equipment shall be screened by either a parapet or a stepped or sloped roof form that is a part of the architecture of the building and is at least as high as the equipment being screened. Other mechanical equipment screening methods may be utilized for buildings which exceed two stories in height when it is determined by the Department that the screening is effective, durable, and complimentary to the design of the building.
  3. Screening for noise impacts shall be required for all mechanical equipment.
  4. See PCC 18J.15.090 D.5. for screening standards applicable to mechanical equipment and/or service areas that are located within a parking lot.
  5. When replacement or expansion of existing utility systems is required, such expansion or replacement shall, when feasible, be underground.
- E. **Outdoor Storage Area Screening Standards.** See also PCC 18J.15.230 for Outdoor Stockpile standards.
1. Outdoor storage shall be screened from adjacent sites with the use of structural enclosures compatible with the primary structure and landscaping.
  2. Outdoor storage areas shall be located behind the front wall of the primary building on site and shall be no closer than 10 feet to a required building or landscape buffer with no setback less than 10 feet from any property line.
  3. Landscape shall be Type I with fence or structural enclosure.
  4. Material shall not exceed the height of fences or screening enclosures.
  5. Materials or colors for fences or walls shall be compatible with building architecture.
  6. Where appropriate, landscaping meeting the Landscape Level 1 buffer requirement shall also be installed to provide additional screening.
- (Ord. 2012-42s § 2 (part), 2012; Ord. 2012-2s § 8 (part), 2012)

#### **18J.15.160 Dry Sewer Lines.**

- A. **Applicability.** New urban developments proposing to utilize interim on-site septic systems shall be required to install dry sewer facilities.
1. When dry sewer lines are installed, a residential development up to the maximum density may be allowed, provided that lots in excess of the density permitted with on-site septic shall not be built upon until the sewer line is extended and connected to all the lots. This process is referred to as shadow platting.
- B. **Design Objective.** Provide adequate public facilities and services concurrent with development. Ensure that the creation of lots, the location of easements, road dedications, structures, wells, and septic drainfields are consistent to permit future infill at urban densities.
- C. **Standards.**
1. Dry sewer lines shall be installed in conformance with the standards established by the Pierce County Public Works and Utilities Department, or other applicable permitting jurisdiction.
- (Ord. 2009-98s § 2 (part), 2010)

#### **18J.15.170 Stormwater Facilities.**

- A. **Applicability.** The following standards apply to development proposals for attached single-family, multi-family, civic, utility, commercial, industrial, land divisions, use permits and site development permits. The standards set forth in this Section are supplementary to the requirements of the Pierce County Stormwater Management and Site Development Manual.



**B. Exemptions.**

1. Resource uses where the principal use of the property is for animal, crop or forestry production or mineral extraction (e.g., surface mines) shall not be subject to these standards.
2. Residential developments designed to accommodate 9 or fewer dwelling units shall not be subject to these standards.

**C. Design Objective.** Minimize visual impacts of stormwater facilities with landscaping, contouring, and other techniques.

**D. Standards.**

**1. General.**

- a. Stormwater facilities which are proposed to be dedicated to the public may be subject to additional requirements related to maintenance, security, and other considerations as set forth within the Pierce County Stormwater Management and Site Development Manual.
  - b. Underground vault facilities that are placed under a travel way shall be designed to a minimum of HS-25 standard.
- 2. Urban.** Storm drainage facilities in urban areas shall be designed to comply with one of the following design standards, in order of preference:
- a. Design storm features as a site amenity. Stormwater facilities are deemed site amenities when:
    - (1) Fencing is not required;
    - (2) Side slopes do not exceed 4 to 1;
    - (3) Ponds are lined with a mix of low-maintenance native plant materials;
    - (4) Uses such as recreation, walking or sitting, picnicking are allowed; and
    - (5) The pond is designed in a curvilinear, non-rectangular shape.
  - b. Place storm drainage detention into underground vaults, and underground retention systems; or
  - c. If a. or b. is not feasible, storm drainage features shall include a complete visual screen on the outside of any fencing with evergreen shrubs at a rate of 1 per 5 lineal feet and evergreen trees at a rate of 1 per 8 lineal feet, with a minimum planting width of 10 feet. Minimum mature height for trees shall be 16 feet. Screening of public ponds should be outside of the public Tract, on private property.
- 3. Rural.** The following methods or a combination of these methods shall be utilized in the design of the storm water management systems in Rural areas, in order of preference.
- a. Design impervious surfaces of a site so that formal stormwater facilities are minimized or unnecessary, such as directing runoff to swales or adjacent undisturbed open space or buffers as low velocity sheet flow for infiltration;
  - b. When stormwater ponds are necessary, design ponds as a site amenity. Storm drainage facilities are deemed site amenities when side slopes do not exceed a 4:1 ratio; ponds are improved and landscaped with low-maintenance, native plant materials (grass lined storm ponds do not meet this criteria) and are designed in a curvilinear, non-rectangular shape; or
  - c. Place storm drainage detention into underground vaults, and underground retention systems; or



- d. If a., b., or c. is not feasible, storm drainage features shall include a complete visual screen on the outside of any fencing with evergreen shrubs at a rate of 1 per 5 lineal feet and evergreen trees at a rate of 1 per 8 lineal feet, with a minimum planting width of 10 feet. Minimum mature height for trees shall be 16 feet. Screening of public ponds should be outside of the public Tract, on private property.

**E. Guidelines.**

**1. Urban Facility Design.**

- a. Design the pond in an aesthetically pleasing manner along with other landscape features;
- b. Capture treated storm water and other non-potable water for use in irrigation;
- c. Utilize pervious paving surfaces such as porous pavement and pavers for roads, driveways, parking lots, or other types of drivable or walkable surfaces; and
- d. Use storm drainage bioretention or rain garden areas on individual lots or near clusters of residential units or buildings. Rain gardens are designed to accept roof, parking, driveway, road, and property drainage through a filter of native vegetation. Rain gardens also often include storage capabilities and are used to reduce the size of common storm drainage ponds.

**2. Rural Facility Design.**

- a. Design and vegetate wetponds and detention ponds to simulate natural wetland features in conjunction with required landscape areas;
- b. Direct rooftop runoff to infiltration areas, full dispersion systems, or to cisterns for non-potable reuse, or utilize vegetated roof systems to evaporate and transpire stormwater;
- c. Encourage the use of storm drainage bioretention or rain garden areas on individual lots or near clusters of residential units or buildings where possible. Rain gardens are designed to accept roof, parking, driveway, road, and property drainage through a filter of native vegetation. Rain gardens also often include storage capabilities and are used to reduce the size of common storm drainage ponds;
- d. Design storm drainage facilities at schools, churches and similar uses to accommodate recreational elements such as sport fields, walking and picnic areas, with the understanding that at times throughout the year, these areas may be wet or totally unusable;
- e. Minimize changes to natural topography. Limit grading and clearing disturbance to road, utility, building pad, and landscape areas to the minimum area needed to maneuver equipment during construction;
- f. Maintain surface roughness on the site to reduce flow velocities and encourage sheet flow on the development by preserving native vegetation, forest litter and micro surface topography; and
- g. Projects within a Rural Centers zone classification should utilize Low Impact Development (LID) standards. These standards are intended to afford flexibility in stormwater system design while providing the highest level of stormwater control to protect downstream property owners and promote groundwater recharge.

(Ord. 2010-70s § 15 (part), 2010; Ord. 2009-98s § 2 (part), 2010)



### **18J.15.180 Recreational Areas.**

This Section preserves land for active and passive recreational uses to provide convenient opportunities for physical activity, community gathering, aesthetic relief from development, wildlife habitat, preservation of vegetation and aquifer recharge.

- A. **Applicability.** Recreational space shall be dedicated within all new residential developments of 10 dwelling units or more.

1. **Exceptions.**

- a. Single- and two-family residential lots 12,000 square feet in size or larger shall not be subject to the recreational areas standards of this Section.
- b. Single family lots located within 1,320 feet of travel distance to a public park or public school site containing recreational amenities freely open to the public shall not be subject to the recreational areas standards of this Section provided that safe pedestrian access from the lots to the park or school site exists or is provided and no arterial roadway crossings are necessary to access the facility.
- c. Mixed use buildings within a Residential Targeted Area designated by the Pierce County Council pursuant to RCW 84.14 and located within 2,640 feet (1/2 mile) of travel distance to a public park, public school site, public or private university containing recreational amenities which are open to the public shall not be subject to the recreational area dedication standards of this Section when the following requirements are met:
  - (1) One or more features such as a fitness center, green roof, or community multi-purpose space having a combined area of at least 1,500 square feet are incorporated into the mixed use building;
  - (2) Safe pedestrian access from the mixed use building to the identified off-site recreational amenities exist; and
  - (3) The developer provides documentation acceptable to the Department that the facilities are available and accessible to the public.

B. **Credits.**

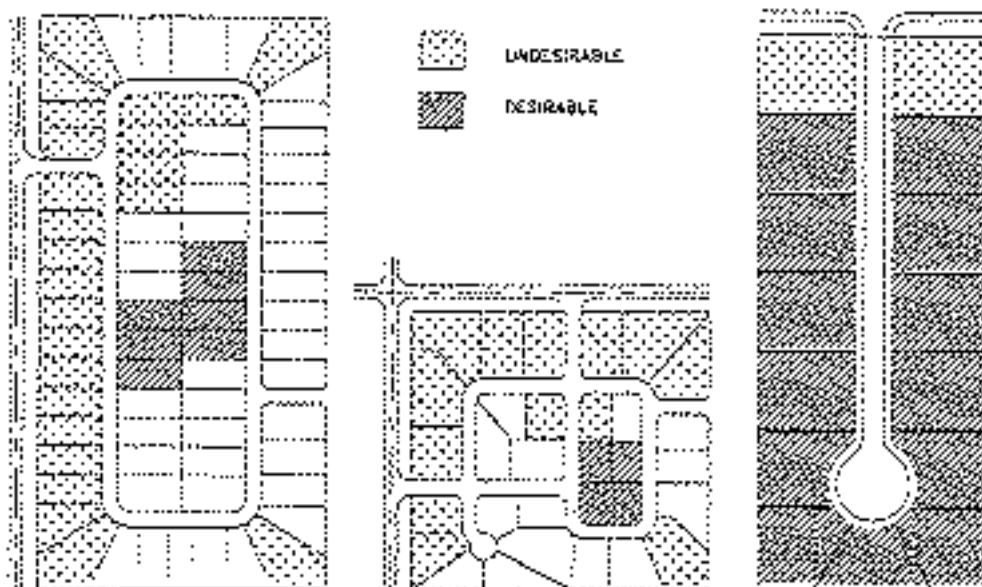
1. **Trails.** When a site is located along a proposed regional trail, a linear section of land may be required to be dedicated and developed as a condition of project approval. Such portion of land shall be credited on a square footage basis towards any required active recreation area dedication.
2. **Indoor Facilities.** Indoor, covered and rooftop recreational facilities may be credited toward the required recreational area at the discretion of the Director and/or Hearing Examiner.
3. **Community Gardens.** Neighborhood and community gardens which include irrigation systems and collars to define garden edges and cover at least 1,000 square feet in area, may be credited toward the required recreational area at the discretion of the Director and/or Hearing Examiner.
4. **Storm Facilities.** Private stormwater retention/detention facilities may be credited on a 50 percent basis (i.e., each square foot of stormwater facility would be credited as .5 square feet for on-site recreation purposes) subject to meeting all of the following requirements:
  - a. Stormwater facilities shall not be credited toward satisfying the first 5,000 square feet of recreation space or any of the required active recreation space;
  - b. The facilities are dedicated or reserved as a part of a Recreation Tract and include passive recreation opportunities;



- c. The side slope of the stormwater facilities shall not exceed 25 percent with a maximum water depth not to exceed 18 inches, requiring no fencing;
  - d. When a stormwater facility consisting of multiple holding areas is used, only that portion accessible for passive recreation, shall be credited; and
  - e. The stormwater facility complies with all applicable requirements of the Pierce County Stormwater Management and Site Development Manual.
- C. **Design Objective.** Recreation space shall be located on site in usable areas that are appropriate in terms of size, shape, and topography for the intended use to provide recreational area and facilities for the use and enjoyment of the residents.
- D. **Standards.**
  - 1. **Area Requirements.**
    - a. For residential developments of 10 dwelling units or more, except senior housing, a minimum of 500 square feet of recreational area per dwelling unit shall be dedicated within the development.
    - b. For senior housing developments, a minimum of 300 square feet of recreational area per dwelling unit shall be dedicated within the development.
    - c. For developments of 10 to 24 dwelling units, the required recreation space shall be set aside and improved as appropriate for passive recreational uses.
    - d. For developments of 25 dwelling units or more, a minimum of 25 percent of the total recreation space shall be designated and improved for active recreation, the remainder of the required recreation space shall be set aside and improved as appropriate for passive recreational uses.
  - 2. **Location and Size.**
    - a. The minimum required dedication of land within a residential development shall be 5,000 contiguous square feet useable for recreation activities;
    - b. Recreation spaces shall not be located adjacent to any street designated as an arterial. However, all active recreation spaces shall be open, accessible, and visible from adjacent dwellings, internal circulation drives and streets;
    - c. Recreation space tracts shall be centrally located and/or dispersed throughout the development and no lot or dwelling unit shall be further than 1,200 feet from the closest recreation space;
    - d. All lots and dwellings within the development shall have access to recreation space via an all-weather pedestrian walkway or sidewalk;
    - e. For subdivisions, the required recreational space shall be dedicated as a tract of land separate from the lots and shall be in a common tract owned by all property owners of a subdivision;
    - f. For non-subdivision development, the required recreation space shall be set aside in an easement, except for condominium and apartment projects; and
    - g. No designated active recreation space shall have a dimension of less than 50 feet except for trail segments unless the applicant can demonstrate to the satisfaction of the Director and/or Hearing Examiner that the lesser dimension will not inhibit the use of the recreation space for its designated purpose. (See Figure 18J.15.180-1)



**FIGURE 18J.15.180-1 –  
Illustration of Recreation Area Locations**



**3. Improvements.**

a. Active recreational spaces shall:

- (1) Include amenities that serve people of all ages, such as playgrounds, athletic fields, sports court, tot lots, impervious trails and gazebos;
- (2) Include infrastructure such as irrigation, drainage, and power to maintain the operational characteristics of the space;
- (3) Not have a cross slope exceeding 3 percent; and
- (4) Not contain critical areas and shall not cause harm to adjacent critical areas.

b. Play equipment shall be of commercial grade construction and shall follow the Consumer Product and Safety Commission (CPSC) guidelines for equipment safety. Asphalt, concrete and sand shall not be used underneath play equipment. Rubber, synthetic matting, or loose materials such as commercial grade shredded hardwood mulch are preferred provided they comply with CPSC guidelines.

c. Additional permitted amenities and features beyond those provided by the developer may be added to a recreation facility by the property owner or homeowners association.

d. Passive recreation spaces shall include low maintenance plants and areas for walking and sitting, such as pervious trails, benches, and picnic tables.

**4. Installation.** Active recreation space amenities, improvements and landscaping shall be installed prior to final plat or final development plan approval.

**5. Maintenance.** It shall be the responsibility of the homeowner's association or property owner to manage and maintain all recreation space.

**E. Guidelines.**

1. Recreation areas should be designed to accommodate a wide range of activities, ages, and abilities.
2. Passive recreation space(s) should connect critical areas when possible and any necessary fences should not impede wildlife movement.



3. Trails should be located and designed to enhance user safety, provide access to destinations and unique environmental features, and be aesthetically pleasing.
- (Ord. 2012-42s § 2 (part), 2012; Ord. 2012-2s § 8 (part), 2012; Ord. 2009-98s § 2 (part), 2010)

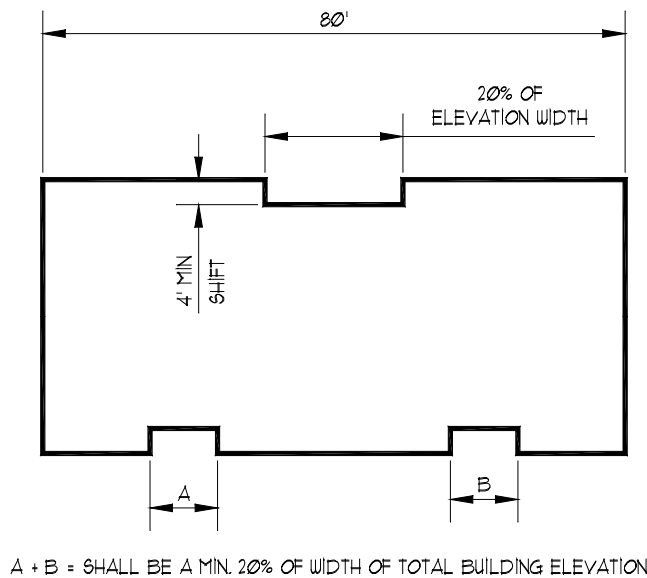
**18J.15.185 Residential.**

- A. **Applicability.** This Section applies to new construction and remodels that exceed 60 percent building value as calculated by the International Building Code (IBC):
  1. Attached single family;
  2. Duplex in zones with a maximum density of 6 dwelling units per acre or less;
  3. Multi-family;
  4. Nursing home and assisted living facilities; and
  5. Senior housing or group home constructed as any of the above.
- B. **Exemptions.**
  1. Nursing homes and assisted living facilities in non-residential zone classifications; and
  2. Multi-family units when located in a commercial mixed use building that are not located on the ground floor.
- C. **Design Objective.** These standards are intended to ensure residential structures are integrated with the existing and adjacent neighborhoods by reducing the scale of structures and by incorporating architectural design features to increase compatibility with adjacent structures and uses.
- D. **Standards – Duplex.**
  1. Duplexes built on corner lots shall be designed to appear as a single-family unit from either street with only one front door visible from any one street.
  2. Garages and carports shall be deemphasized by recessing the garage or carport a minimum of 5 feet into the duplex structure or by locating the carport or garage behind the duplex structure.
- E. **Guidelines – Duplex.**
  1. Duplex structures located on corner lots should contain significant architectural features on both street fronts such as wrap-around porches, window and door trim, and building articulation.
- F. **Standards – Attached Single-Family, Multi-Family, Nursing Home.**
  1. Attached single-family, multi-family, and nursing home structures located adjacent to a parcel developed with an existing single-family residence shall be limited to a maximum of 25 feet in height for a distance of 50 feet from the property boundary of the single-family residential parcel. Thereafter, height may be increased by 1 additional foot for each additional 2 feet of distance from the property boundary (e.g., height may be increased to 30 feet at a distance of 60 feet and 35 feet at a distance of 70 feet).
  2. Building façades visible from public rights-of-way and/or other public spaces shall be:
    - a. Articulated with porches, balconies, bays, changes in color, eaves or parapets, or changes in siding materials.
      - (1) Building articulation shall not exceed intervals of 30 feet.
      - (2) Balconies shall be at least 6 feet deep by 8 feet wide.
      - (3) Bay windows must extend at least 1 inch horizontally from the façade of the building.



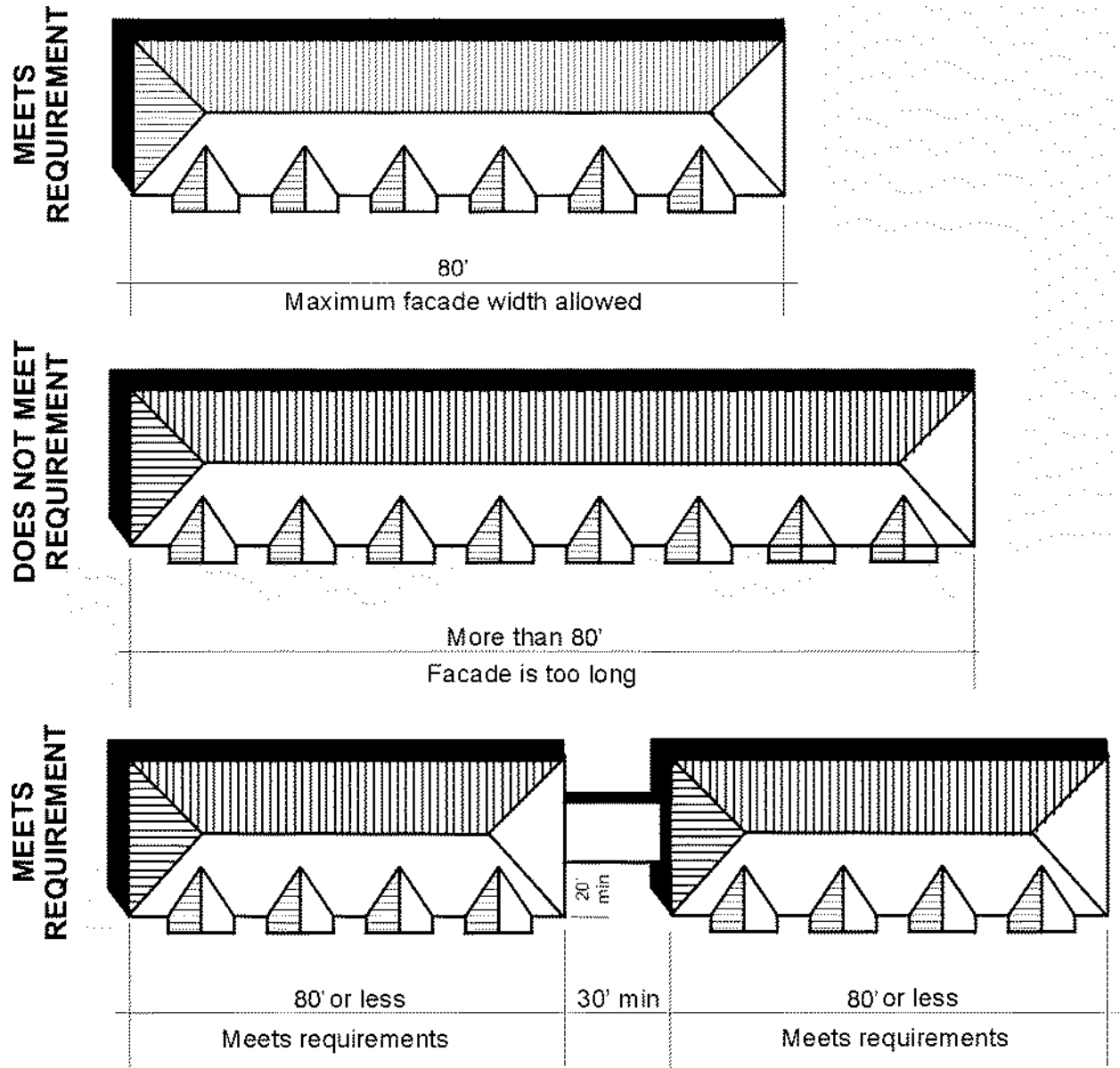
- b. Wall planes shall not exceed 80 feet in length. Buildings that exceed 80 feet in width along the street front shall be divided by a modulation that is at least 20 percent of the elevation width. Such modulation must be at least 4 feet or deeper and extend through all floors (see Figure 18J.15.185-1).

**FIGURE 18J.15.185-1**





**FIGURE 18J.15.185-2**



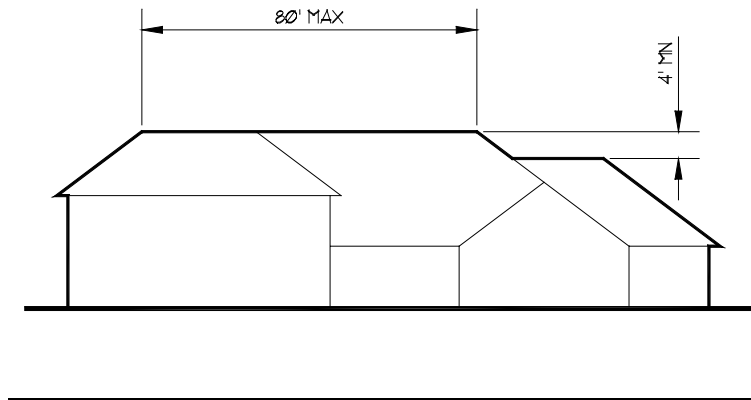
Example: Buildings exceeding 80 feet in width along the street front can be divided by a 30-foot wide modulation of the exterior wall so that the maximum length of a particular facade is 80 feet or less. Such modulation must be at least 20 feet or deeper and extend through all floors.

3. Roofline variation shall be provided to break up the appearance of lengthy or monotonous roof forms. This may be accomplished by stepping back the building on upper floors, or use of dormers, gables, chimneys, or balconies. Where single runs of ridge, cornice, or fascia exceed 50 feet, the following standards shall be met:
  - a. The maximum roof length without variation shall be 50 feet;
  - b. The minimum horizontal or vertical offset shall be 4 feet;
  - c. The minimum variation length shall be 8 feet; and



- d. Use of one of the following techniques:
  - (1) Vertical off-set in ridge line;
  - (2) Horizontal off-set in ridge line;
  - (3) Variations of roof pitch;
  - (4) Gables; or
  - (5) False façades.
4. Mansard, butterfly, dome and flat roofs are prohibited in the Graham Community Plan Area.
5. Weather protection shall be provided over the main building entry – for both common entries in apartment or condominium buildings and primary entries for ground floor units.

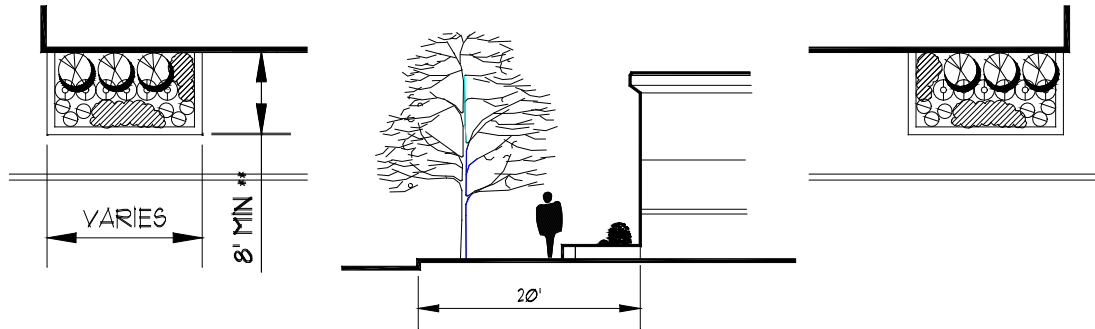
**FIGURE 18J.15.185-3**



6. Create a sense of privacy through the following:
  - a. Locate windows so residents from one unit to the next cannot look directly into another unit;
  - b. Orient and locate units to maximize privacy; and
  - c. Use landscaping and architectural features like trellises to block views of adjacent units.
7. A minimum of 320 square feet of landscaping per ground floor unit shall be provided within 20 feet of the building with no dimension less than 8 feet. See Figure 18J.15.185-4. See also PCC 18J.15.040 and 18J.15.050 for additional planting requirements.



FIGURE 18J.15.185-4



1. Carefully consider the placement of doors and windows into the shared space between dwelling units to maximize the sense of privacy.
2. Harmony and continuity of colors and materials should be considered and should complement the neighborhood.
3. The overall color scheme and materials used should create the appearance of reducing building prominence and complementing the natural environment.
4. Emphasize the entrance of a building and make it more distinct by using pavement materials and landscaping to direct pedestrians to the entrance.
5. Avoid locating parking spaces directly in front of the building entrance or in such a way as to interfere with visibility and access.
6. Vertical articulation. To moderate the vertical scale of tall buildings (over three stories in height), the design should include techniques to clearly define the building's top, middle and bottom. The following vertical articulation techniques are suggested:
  - a. **Top.** Sloped roofs, strong eave lines, cornice treatments, horizontal trellises or sunshades, etc.
  - b. **Middle.** Windows, balconies, material changes, railings and similar treatments that unify the building design.
  - c. **Bottom.** Pedestrian scale building details and highlighted building entries.
7. Additional design elements that may reduce architectural scale and add visual interest:
  - a. Upper story setbacks (at least 6 inches in horizontal width) can reduce the perceived bulk of a structure from the street, particularly for mixed-use buildings near the street corners built up towards the sidewalk edge.
  - b. Changes in color, particularly when used in conjunction with modulation techniques, often adds visual interest to a building and reduces its overall scale.
8. Minor architectural details should be highlighted with minor accent color that complements base and major trim color. Minor accent color is normally applied to window sash, doors, and small architectural elements.
9. Consider the use of natural materials such as wood or stone as accents on the primary façade of the structure.
10. Muted natural colors are preferred to help structures in prominent locations blend with the surrounding landscape.
11. Avoid bright color, reflective roofing material.

(Ord. 2012-2s § 8 (part), 2012)



**18J.15.190 Outdoor Event Facilities.**

- A. **Applicability.** These standards apply to outdoor event facilities permitted through PCC 18A.33.220 C.
- B. **Design Objective.** Provide design standards to ensure outdoor event facilities are located and developed in a manner that protects the health, safety, general welfare and convenience of the citizens of Pierce County.
- C. **Standards.**
  - 1. **Hours of Operation.** Hours of operation shall be limited from sunrise to sunset (outdoor events only), except where specifically addressed in a use permit decision.
  - 2. **Lighting.** Exterior lighting shall be directed and shielded in a manner which minimizes its visibility at the site's boundaries. Exterior lighting shall not be used in such a manner that it produces glare on public streets and neighboring residential properties. Any temporary lighting associated with a specific event shall comply with these standards and shall be removed within 24 hours of the end of the event.
  - 3. **Noise.** Noise originating from the site shall be buffered to the maximum extent possible and be minimized to serve the needs of the facility while limiting impacts to adjacent parcels.
    - a. A noise study shall be provided recommending wattage/decibel maximums for any sound equipment proposed to be utilized outdoors.
    - b. A noise attenuating barrier described in PCC 18J.15.070 may be required to attenuate noise from an outdoor event at the discretion of the Hearing Examiner or Director.
  - 4. **Buffers and Screening.** Adequate buffering addressing noise, lighting, parking areas, and other identified impacts is required at varying levels depending upon adjacent uses, adjacent zoning, and type of impact. Interior and exterior buffers are required depending upon proposed on-site and off-site impacts. These standards are in addition to the landscaping standards of PCC 18J.15.040.
    - a. **Interior.**
      - (1) Any outdoor storage areas, maintenance or mechanical equipment or other equipment deemed by the Planning Director or Hearing Examiner to need screening must be screened from view by a sight obscuring enclosure such as fencing, landscaping, or a combination thereof.
      - (2) Loading areas should be located to the side or rear of buildings, or use areas to minimize views of this activity and shall be screened from adjacent properties and streets.
    - b. **Exterior.** A site obscuring fence, wall or landscape buffer shall be provided around the perimeter of either the entire parcel or proposed use area, where appropriate, proposed to accommodate outdoor events located adjacent to an existing residential use, public or private right-of-way, access easement, or any parcel within an Urban Residential or Rural Residential zone classification. (See PCC 18A.10.080 and 18A.10.090 for a complete list of zone classifications.)
      - (1) Any landscaping proposed to be utilized for screening shall be a minimum of 30 feet in width and shall provide a complete visual screen within three years.



- (2) One access, not wider than 30 feet, will be allowed to cut through the designated visual screening buffer area, unless documentation for the need for multiple accesses is submitted to the Planning and Land Services Department. Access points shall be the minimum number and width necessary to serve the site.
    - (3) No clearing of existing vegetation or trees within 30 feet of the parcel boundary for the life of the approved project, except for those trees defined by Chapter 18.25 PCC as Dangerous, Diseased or Hazard trees, noxious weeds on the State of Washington Noxious Weed List (WAC 16-750), or invasive species as identified and approved from removal by Pierce County.
    - (4) If existing vegetation is not adequate to accomplish the required buffer, supplemental plantings shall be utilized. Irrigation must be provided meeting the standards set forth in PCC 18J.15.110.
  5. **Setbacks.** All outdoor events shall maintain a minimum 50 foot setback from parcel boundaries adjacent to an existing residential use, public or private right-of-way, access easement, or any parcel within an Urban Residential or Rural Residential zone classification. (See PCC 18A.10.080 and 18A.10.090 for a complete list of zone classifications.) The minimum setback for outdoor event activities may be reduced to 35 feet when noise attenuating measures described in PCC 18J.15.070 are implemented, except where the zone classification requires a larger building setback, in which case all events shall maintain that setback designated for building setback, whichever is greater.
  6. **Occupancy.** The facility shall establish a maximum occupancy to provide for safe access to and use of the facility. Parking requirements shall be based upon maximum occupancy to ensure that parking impacts to neighboring parcels are not created. If the facility cannot provide adequate parking, sanitary facilities, emergency access, and overall public safety, maximum occupancy shall be reduced. Maximum occupancy may not be exceeded in any case for any event without the approval of the Temporary Use Permit, Chapter 18A.38 PCC.
  7. **Parking Areas.** Parking shall be per Chapter 18A.35 PCC. If Chapter 18A.35 PCC does not include a level that encompasses the types of events proposed to be held on the project site, the applicant shall provide a parking study detailing the types of events the facility may be utilized for and recommending adequate minimum and maximum parking areas for the specific facility.
  8. **Outdoor Receptions.** Outdoor receptions or parties shall be prohibited in Reserve Five zone classifications. No amplified noise shall be permitted at outdoor events in the Reserve Five zone classification except during an outdoor wedding ceremony for the wedding march music, recited vows, etc.
  9. **Access.** Facilities generating traffic at a level which requires a traffic study are required to be accessed via a public roadway, state highway, or other roadway or access, such as a private road, serving only the project site.
- (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 9 (part), 2013; Ord. 2012-2s § 8 (part), 2012; Ord. 2010-70s § 15 (part), 2010)

#### **18J.15.200 Mobile Home Parks.**

- A. **Applicability.** This Section applies to all new and expanding mobile home parks.
- B. **Design Objective.** Provide design standards that ensure mobile home parks are located, developed and occupied in a manner that will protect the health, safety, general welfare and convenience of the occupants and the citizens of Pierce County.



- C. **Standards – General.** The following criteria shall govern the design of a mobile home park:
1. A mobile home park shall contain not less than two spaces and shall be consistent with the density provisions of the underlying zone, except when located within the HRD and MUD zones. Mobile home parks proposed within the HRD and MUD zones shall have a minimum density of six dwelling units per acre.
  2. Only one mobile or manufactured home shall occupy any given space in the park.
  3. No building, structure, or land within the boundaries of a mobile home park shall be used for any purpose other than the following:
    - a. Mobile or manufactured homes used as a single-family residence only.
    - b. A patio, carport, or garage as an accessory use for a mobile/manufactured home.
    - c. Recreation buildings and structures including facilities such as a swimming pool for the exclusive use of park residents and their guests.
    - d. One residence for the use of the owner, a manager, or caretaker responsible for maintaining or operating the property. This residence may be either a mobile/manufactured home or a site-built structure.
    - e. Public or private utilities where related exclusively to serving the mobile home park.
  4. Setbacks. No mobile/manufactured home, building, or other structure shall be located closer to a park boundary property line than is specified by the zone district in which the park is located.
  5. Two off-street parking stalls shall be provided for each mobile/manufactured home space with a minimum 10 feet access to a park street. All required off-street parking spaces shall be not less than 8 x 20 feet and shall be paved or have a crushed rock surface and maintained in a dust free surface. On-street or curb-side parking shall not be counted as part or all of the required parking for a mobile home park where moving traffic lanes are used for this purpose.
  6. All interior park roads shall be privately owned and shall be paved with asphalt or concrete to a width to safely accommodate the movement of a mobile home and emergency vehicles. Dead-end streets shall be provided with a 70 foot minimum diameter roadway surface turnaround exclusive of parking lanes.
  7. Storage areas comprising not more than 10 percent of the total mobile home park area for recreational vehicles, boats, and trailers may be provided. Such areas shall be enclosed by a sight-obscuring fence or hedgerow.
  8. There shall be landscaping and ground cover within open areas of the mobile home park not otherwise used for park purposes. Such open areas and landscaping shall be continually and properly maintained.
  9. When deemed necessary to maintain compatibility of the park with adjacent land uses, buffering or screening may be required by the County approving authority.
  10. Mobile homes may be maintained with or without mobility gear but in either event shall be secured to the ground in a manner approved by the Building Official. Each mobile home shall be skirted with weather resistant, non-combustible material compatible with the exterior finish of the mobile home.
- D. **Standards – Phased Development.** Proposed mobile home parks of 10 or more acres in size developed after the effective date of this Section may be developed in phases. Notwithstanding a change of zone or reclassification of the site which would ordinarily preclude further development, a mobile home park which has completed the initial phase of development may be continued and developed into all additional phases indicated on



the approved site plan provided that this exception shall only be applicable to phases which can be substantially completed within five years of the adoption of the change of zone.

**E. Standards – Park Administration.**

1. It shall be the responsibility of the park owner and manager to assure that the provisions of this Title are observed and maintained within the mobile home park. Violations of this Title shall subject both the owner and the manager of the facility to any penalties provided for violation of this Title.
2. No travel trailer or recreational vehicle shall be utilized except as temporary living quarters; however, the parking of an unoccupied recreational vehicle in duly-designated storage areas shall be permitted.
3. All refuse shall be stored in insect-proof, animal-proof, water-tight containers which shall be provided in sufficient number and capacity to accommodate all refuse. Any storage area for refuse containers shall be enclosed by sight-obscuring fence or screening and shall be situated on a concrete pad and shown on the site plan. Refuse shall be collected and disposed of on a regular basis.
4. Construction of accessory structures and alterations and additions to the mobile home park shall be subject to review by the Building Division, and necessary permits and inspections shall be obtained as required for such construction.
5. All electrical connections to each mobile home shall comply with the Electrical Code and shall be inspected.
6. Portable fire extinguishers rated for classes A, B, and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all residents and shall be maintained in good operating condition.
7. The park shall be maintained free of any brush, leaves, and weeds which might communicate fires between mobile/manufactured homes and other improvements. No combustible materials shall be stored in, around, or under any mobile/manufactured home.
8. Individual mail boxes shall be provided for each space in the park.
9. The owner, or a designated agent, shall be available and responsible for the direct management of the mobile home park.

(Ord. 2010-70s § 15 (part), 2010)

**18J.15.210 Recreational Vehicle Parks.**

- A. **Applicability.** The Section applies to all new and expanding recreation vehicle parks.
- B. **Design Objective.** Provide design standards that ensure recreational vehicle parks are located, developed and occupied in a manner that will protect the health, safety, general welfare and convenience of the occupants and the citizens of Pierce County.
- C. **Standards – General.** The minimum design standards for recreational vehicle parks shall be as follows:
  1. **Capacity.** The number of recreational vehicles permitted in a park shall not exceed a capacity of 20 units per gross acre. This capacity may be further limited as a condition of approval of the park to ensure compatibility with the surrounding areas.
  2. **Recreational Vehicle Site Size.** Each individual recreational vehicle site shall be not less than 1,000 square feet in size.
  3. **Parking.** At least one parking space shall be provided at each recreational vehicle site. At least one additional parking space for each 20 recreational vehicle sites shall be provided for visitor parking in the park.



4. **Internal Park Roads.** All internal park roads shall be privately owned and maintained. All park roads shall be constructed to the Pierce County Private Road and Emergency Vehicle Access Standards as amended.
  5. **Access.** Parks shall be located with direct access to an arterial roadway or state highway and with appropriate frontage thereon to permit appropriate design of entrances and exits.
  6. **Open Space/Recreational Facilities.** A minimum of 20 percent of the site shall be set aside and maintained as open space for the recreational use of park occupants. Such space and location shall be accessible and usable by all residents of the park for passive or active recreation. Parking spaces, driveways, access streets, and storage areas are not considered to be usable open space. The percentage requirement may be reduced if substantial and appropriate recreational facilities (such as recreational buildings, swimming pools or tennis courts) are provided.
  7. **Vehicle Setbacks.** No recreational vehicle site shall be closer than 35 feet from any exterior park property line abutting upon a major arterial, shoreline, or residential zone, or 30 feet from any other exterior park property line. A minimum separation of 10 feet shall be maintained between all vehicles. Permanent structures within a park shall meet the setbacks applicable to the zone in which the structure is located.
  8. **Landscaping/Screening.** A 20-foot-wide L3 landscaping buffer shall be provided around the perimeter of the parcel pursuant to PCC 18J.15.040 H.3.
  9. **Utilities.** Electricity and water service shall be provided to each recreational vehicle site. All utility lines in the park shall be underground and shall be approved by the agency or jurisdiction permitting the service;
  10. **Storm Drainage.** Storm drainage control facilities shall be provided as required by the Pierce County Stormwater Management and Site Development Manual;
  11. **Public Facilities.** Recreational vehicle parks shall provide the following public facilities in such quantity, size and location as required by the agency issuing the permit:
    - a. A water distribution system connected to a public or private water utility;
    - b. A water station for filling recreational vehicle water storage tanks;
    - c. Restroom facilities containing showers and toilets connected to a public sanitary sewer or approved on-site septic system, the minimum number of which shall be one commode and one shower for each 20 recreational vehicle sites;
    - d. A sanitary waste station for emptying sewage holding tanks of recreational vehicles;
    - e. Refuse containers for solid waste in adequate quantity. Park garbage shall be picked up daily by park personnel, who shall also maintain the park free of any uncontrolled garbage.
  12. No external appurtenances, such as carports, cabanas or patios, may be attached to any recreational vehicle while it is in a park.
- D. **Standards – Occupancy.** The following general standards shall apply to all recreational vehicle parks unless more restrictive requirements have been established by the Hearing Examiner through an approved discretionary land use permit:
1. No recreational vehicle shall be occupied overnight unless the vehicle is parked inside an approved recreational vehicle park. An exception to this rule may be granted for temporary uses as defined in Chapter 18A.38 PCC, subject to strict compliance with the requirements of said Section.



2. No recreational vehicle shall be occupied for commercial purposes anywhere in unincorporated Pierce County. An exception to this rule may be granted for temporary uses as defined in Chapter 18A.38 PCC, subject to strict compliance with the requirements of said Section.
  3. No recreational vehicle shall be used as a permanent place of abode, or dwelling, for more than 180 calendar days. Any action toward removal of wheels of a recreational vehicle, except for temporary purposes for repair; or placement of the unit on a foundation, is prohibited.
  4. No space within a recreational vehicle park shall be rented for any purpose other than those expressly allowed by this Section.
- E. **Standards – Health Department Approval Required.** Prior to occupancy of a recreational vehicle park, the owner shall obtain any and all necessary permits from the Tacoma-Pierce County Health Department and comply with all rules, regulations and requirements of said department. All permits must be kept current at all times, subject to the park being closed. The rules, regulations and requirements of the health department shall be construed as being supplemental to the provisions of this Section.
- F. **Standards – Site Plan Required.** A site plan shall be submitted with all applications for a recreational vehicle park. This site plan shall be subject to review, modification, approval or denial by the agency issuing the permit. An approved site plan shall constitute an integral part of the permit for the recreational vehicle park and shall be binding upon the owner of the property, its successors and assigns. All development within the recreational vehicle park shall be consistent with the approved site plan.
- G. **Standards – Phasing.** All required site improvements and other conditions of the permit and approved site plan shall be met prior to occupancy of any site by a recreational vehicle; provided that completion may be accomplished by phases if such phases are identified on the site plan and approved in the permit.
- H. **Standards – Park Administration.**
1. The owner of a recreational vehicle park shall be responsible for the development and maintenance of the park in strict conformity with the approved site plan and permit, and all applicable laws and ordinances.
  2. Each park shall have an on-site manager available 24 hours per day, 7 days per week.
- (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 9 (part), 2013; Ord. 2012-2s § 8 (part), 2012; Ord. 2010-70s § 15 (part), 2010)

#### **18J.15.220 Construction and Contractor Facilities.**

- A. **Applicability.** This Section shall apply to all new Construction and Contractor Facilities, and to the expansion area of expanding facilities.
- B. **Design Objective.** Provide design criteria for contractor yards and construction services facilities in accordance with adopted policies and in a manner that will protect the health, safety, and general welfare the citizens of Pierce County.
- C. **Standards.**
1. **Hours of Operation.** Hours of operation shall be limited to 6 a.m. to 9 p.m. except where specifically addressed in a use permit decision or where specifications for a governmental Public Works project requires work outside of these hours. When a contractor obtains a contract requiring after-hours operations, the contractor shall post a sign on the property identifying the contract and the dates and time periods involved to serve as notice to the surrounding property owners.



2. **Emissions.**
  - a. Dust, dirt or other particulate matter shall not be emitted in quantities as to adversely affect adjacent residential property or degrade water quality of adjacent lakes or streams. Reasonable precautions shall be taken to prevent particulate matter from becoming airborne.
  - b. No use shall emit odorous gasses or other odorous matter or generate ground vibration which is perceptible without instruments at or beyond the site lot lines except for vehicles entering and exiting the site.
  - c. Noise originating from the site shall comply with the standards set forth in Chapter 8.76 PCC, as now existing or hereafter amended.
3. **Lighting.** Exterior lighting shall be directed and shielded in a manner which minimizes its visibility at the site's boundaries. Exterior lighting shall not be used in such a manner that it produces glare on public streets and neighboring residential property. Arc-welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the property line of the use creating the glare.
4. **Impervious Surfaces.** Impervious surface coverage shall be determined by the underlying zone classification.
5. **Setbacks.**
  - a. All buildings and other structures shall be set back a minimum of 30 feet from exterior lot lines when the use or activity occurs on property that is adjacent to property improved with a residential use, public and private road right-of-way, or a MSF or HRD zone classification, except where increased setbacks are required pursuant to PCC 18A.15.040 B.3.
  - b. Outdoor storage and stockpiling of construction materials and equipment shall maintain a minimum setback of 50 feet from exterior lot lines.
6. **Interior Fencing and Screening.**
  - a. Outdoor storage areas must be secured by a surrounding fence or other enclosure. Within an urban growth area, the fence or enclosure shall be sight obscuring and shall meet the standards set forth in PCC 18J.15.040 H.5.
  - b. Loading areas should be located to the side or rear of buildings to minimize views of this activity and shall be screened from adjacent properties and streets.
7. **Exterior Screening.**
  - a. A visual screening buffer shall be required along the site's exterior boundaries when the use or activity occurs on property that is adjacent to property improved with a residential use, public and private road rights-of-way, or a MSF or HRD zone classification.
  - b. The required visual screening buffer(s) shall not be less than 30 feet in width and shall provide a site-obscuring screen within three years. If existing flora does not provide the required sight-obscuring screen, supplemental plantings and/or sight-obscuring fencing shall be required. When supplemental plantings are proposed, irrigation must be provided meeting the standards set forth in PCC 18J.15.110. One access way, not wider than 30 feet, will be allowed to cut through the designated visual screening buffer area. No other cutting of trees will be allowed within the designated visual buffer area for the life of the approved project, except as provided for dangerous or diseased trees.



- D. **Standards – Rural 10 Locations.** For property zoned Rural 10, construction and contractor facilities are not allowed on any land that is within 1,000 feet of any State Route 16 interchange. For purposes of this Section, an interchange shall be defined as the point at which the centerline of the highway intersects the centerline of any street or road crossing under or over the highway.

(Ord. 2012-2s § 8 (part), 2012; Ord. 2010-70s § 15 (part), 2010)

#### **18J.15.230 Outdoor Stockpiles.**

- A. **Applicability.** This Section shall apply to businesses including, but not limited to, contractors, landscaping suppliers, garden nurseries, recycling processors, and scrap metal processors who stockpile materials including, but not limited to, yard waste, wood debris, landscape materials, construction materials, demolition waste, manure, or scrap metal exceeding 10 cubic yards.
- B. **Exemptions:**
1. Temporary stockpiles that are created during the course of normal construction where materials are stockpiled on a site for less than six months;
  2. Surface mines operating under a valid special use permit or Department of Natural Resources Reclamation Permit; or
  3. Commercial/retail centers (Commercial Centers Use Type) having site areas of 15 acres or larger in size.
- C. **Design Objective.** Provide design criteria for businesses including, but not limited to, contractors, landscaping suppliers, garden nurseries, recycling processors, and scrap metal processors in accordance with adopted policies and in a manner that will protect the health, safety, general welfare the citizens of Pierce County.
- D. **Standards.**
1. **Setbacks.**
    - a. Outdoor stockpiles shall maintain a minimum setback of 30 feet from exterior lot lines. When the exterior lot line is abutting an urban residential zone classification, the setback shall be increased to 100 feet.
  2. **Maximum Height.** The maximum height of a stockpile shall not exceed that which is established for structures in the applicable zone classification or 30 feet, whichever is less. The following exceptions apply:
    - a. A stockpile may be allowed to increase 1 foot in height for every foot the required setback is increased, not to exceed 40 feet.
    - b. In the EC zone classification there shall be no height restriction on parcels exceeding 5 acres in size, provided all setback standards are met.
  3. **Interior Fencing and Screening.**
    - a. Outdoor stockpile areas must be secured by a surrounding fence or other enclosure. Within an urban growth area, the fence or enclosure shall be sight obscuring and shall meet the standards set forth in PCC 18J.15.040 H.5.
    - b. Loading areas should be located to the side or rear of existing buildings to minimize views of this activity and shall be screened, in accordance with fencing standards contained in PCC 18J.15.040 H.5., from adjacent properties and streets.



**4. Exterior Screening.**

- a. Visual screening consisting of evergreen plant material that will provide a solid screen of at least 16 feet in height shall be required along the site's exterior boundaries when the use or activity occurs on property that is adjacent to property improved with a residential use, public and private road rights-of-way, or urban residential zone classification.
- b. Within the required setback, the required visual screening buffer(s) width shall not be less than 30 feet in width and shall provide a site-obscuring screen within three years. If existing vegetation does not provide the required sight-obscuring screen, supplemental plantings or sight-obscuring fencing shall be required. When supplemental plantings are proposed, irrigation must be provided meeting the standards set forth in PCC 18J.15.110. One access way, not wider than 30 feet, will be allowed to cut through the designated visual screening buffer area. No other cutting of trees will be allowed within the designated visual buffer area for the life of the approved project, except as provided for dangerous or diseased trees.

(Ord. 2010-70s § 15 (part), 2010)

**18J.15.240 Solid Waste Handling, Treatment and Storage Facilities.**

- A. **Applicability.** This Section applies to solid waste facilities whether or not a Solid Waste Permit is required by State regulations or the Health Department, unless otherwise stated. Individual facilities requiring a Conditional Use Permit may be subject to increased standards. Solid waste facilities that require a Solid Waste Permit shall indicate on a site plan that the facility meets the State and the Health Department's locational siting standards for that particular facility. Variances to the Health Department's Solid Waste Permit which impact these development standards or conditions required through the Conditional Use Permit must receive the Department's review and possible rehearing.
- B. **Design Objectives.**
  1. Provide mitigation measures to reduce noise, odor, dust, litter, and lighting impacts on users of the site and abutting uses and to coordinate these measures with the permit requirements of other local and state agencies;
  2. Promote compatibility between land uses and unify development with aesthetic screening;
  3. Provide mitigation measures for security, vector, and fire control;
  4. Provide for potential corrective measures for groundwater protection; and
  5. Promote the use of water conservation in the design, planting and maintenance of landscaping.
- C. **Standards.**
  1. **Organic Waste Processing Facilities.** This includes any solid waste facility specializing in the controlled decomposition of organic solid waste and which requires a Solid Waste Permit under Chapter 70.95 RCW.
    - a. **Soil Treatment Facility or Composting Facility.** These standards apply to any soil treatment facility or any composting facility designed to handle more than 40 cubic yards and which composts a feedstock material other than municipal solid waste.
      - (1) **Landscaping and Buffering.** This use type requires a landscape screen.



- b. **Municipal Solid Waste (MSW) Composting Facility.** This includes any MSW composting facility which requires a Solid Waste Permit including a facility located within an enclosed structure.
    - (1) **Landscaping and Buffering.** This use type requires a landscape screen, buffer area, and fencing.
- 2. **Waste Disposal Facilities.** This Section applies to all waste disposal facilities requiring a Solid Waste Permit under Chapter 70.95 RCW.
  - a. **Waste-to-Energy Facility.** These development standards apply to all energy recovery and incinerator facilities, including those which burn less than 12 tons of solid waste per day, except for facilities burning woodwaste or gases recovered at a landfill.
    - (1) **Landscaping and Buffering.** This use type requires a landscape screen and fencing.
  - b. **Landfill.** These development standards apply to all landfills including all surface impoundments or other solid waste facilities to be closed as permanent disposal landfill sites and only to those inert and demolition landfills to contain 2,000 cubic yards or more of fill.
    - (1) **Landscaping and Buffering.** This use type requires a landscape screen, buffer area, and fencing.
- 3. **Waste Transfer Facilities.** These development standards apply to all transfer facilities receiving solid waste from off site.
  - a. **Drop Box Transfer Station.** This Section applies to all drop-box transfer stations requiring a Solid Waste Permit under Chapter 70.95 RCW.
    - (1) **Landscaping and Buffering.** This use type requires a landscape screen and fencing.
  - b. **Transfer station, waste separation recovery facility, or moderate-risk waste facility.** This Section applies to all interim transfer facilities which require a Solid Waste Permit under Chapter 70.95 RCW.
    - (1) **Landscaping and Buffering.** This use type requires a landscape screen, buffer area, and fencing.
  - c. **Tire Piles.** This Section applies to all tire piles whether or not they are required to have a Solid Waste Permit under Chapter 70.95 RCW.
    - (1) **Landscaping and Buffering.** This use type requires a landscape screen and fencing.
    - (2) **Size and Height.** No tire pile shall be visible from off-site when viewed 50 feet from the property line containing the pile. Tire piles shall not exceed 15,000 tires; shall not be more than one-half acre in size; shall not be in excess of 40 feet in any horizontal dimension; and shall be limited to 10 feet in height. A tire pile of less than 2,500 tires shall have 30 foot fire lanes between piles. Tire piles of more than 2,500 tires shall have a dirt berm not less than 5 feet in height around each stack of tires and shall have a 40 foot fire lane between piles to include 10 feet at the base of each berm plus 20 feet between berms.
- D. **Standards – Landscaping and Buffering.**
  - 1. **Use of Existing Vegetation to Satisfy Requirements.** The applicant is responsible for submitting to the Department an alternative conceptual landscape plan, supporting photographs, and a brief explanation as to how the alternative plan satisfies the intent of the landscaping required in this Section for each type of



facility. Supplemental plant material may be required to be installed within the natural landscape area, critical area, or critical area buffer to fully comply with the intent of this Section.

2. **Landscape Screen.** A soil treatment or composting facility shall have a perimeter landscaping area which is not less than 20 feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress or egress. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All plant material which does not live shall be replaced within the next planting season. Landscaping areas shall incorporate:
  - a. A perimeter, sight-obscuring earth berm when adjacent to existing residential or commercial uses or residential or commercial zones. The earth berm shall be at least 3 feet high with a slope not more than 40 percent (1:2.5) on the side away from the active area and shall be terraced and/or planted with ground cover to minimize erosion.
  - b. At least one row of deciduous and evergreen trees, staggered and spaced not more than 15 feet apart.
  - c. At least one row of evergreen shrubs spaced not more than 5 feet apart which will grow to form a continuous hedge at least 5 feet in height when adjacent to existing residential or commercial uses or residential and commercial zones.
  - d. A mixture of lawn, low-growing shrubs, or hardy evergreen ground cover over the balance of the area.
3. **Buffer Areas.**
  - a. A municipal solid waste composting facility shall have a buffer area around the active area so that the active area is no closer than 50 feet to the facility property line when adjacent to existing residential or commercial uses or residential or commercial zones.
  - b. With the exception of woodwaste or inert and demolition landfill, a landfill shall have a buffer area around the active area so that the active area is no closer than 100 feet to the facility property line when adjacent to land zoned for commercial or industrial uses and no closer than 250 feet to existing residential uses or residential zones.
  - c. A transfer station, waste separation recovery facility, or a moderate-risk waste facility shall have a buffer zone around the active area so that the active area is no closer than 50 feet to the facility property line when adjacent to existing residential or commercial uses or residential or commercial zones.
4. **Fencing.** To impede entry by the public and animals, a solid waste facility shall have perimeter fencing 6 feet to 8 feet in height with a lockable gate, provided that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including, but not limited to, noticeable leaning, sagging, missing sections, or broken supports.

(Ord. 2010-70s § 15 (part), 2010)



**18J.15.250 Hazardous Waste Treatment and Storage Facility.**

- A. **Applicability.** This Section shall apply to all types of hazardous waste treatment and storage facilities and are in addition to the standard bulk and performance requirements of each zone. A hazardous waste facility is subject to State siting and design criteria and permitting processes adopted pursuant to the requirements of Chapter 70.105 RCW and to any other siting criteria applying to commercial and industrial uses adopted by the Health Department or the County.
- B. **Standards.**
1. **Site Plan.** A site plan must be filed with the Planning and Land Services Department along with a copy of the application for a State facility permit issued pursuant to Chapter 70.105 RCW and any other required County permits. In addition to the County site plan requirements, the site plan shall show all State requirements for siting, performance, buffering, security, and design. The site plan shall become a binding site plan when approved by the Examiner or the Director (whichever is appropriate depending upon the land use permitting process) and when all land use and State permits have been approved. However, in no case shall a site plan receive final approval until agreements with County Law Enforcement, the Fire District, County Fire Marshal, and Emergency Management Department have been signed in accordance with Chapter 173-303 WAC. Any major changes as defined by Chapter 173-303 WAC which affect State requirements or County development standards require amendments to the original site plan and must be reviewed and approved through the same permit process as the original was approved. Site plans must be finalized and approved prior to the issuance of any Building Permit.
  2. **Security Fencing and Signage.** All security fencing and signs required for the State's final facility permit must meet County sign code and fencing standards. Perimeter fencing shall be 6 feet to 8 feet in height with a lockable gate, provided that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including, but not limited to, noticeable leaning, sagging, missing sections, or broken supports.
  3. **Onsite Facility.** An onsite facility shall only be allowed as an accessory use clearly incidental and secondary to a permitted principal commercial or industrial use and subject to the permitting procedures of the principal use. The proposed addition of an onsite facility to an existing use that is permitted through a Conditional Use Permit requires an amendment to the original permit. Any onsite facility requiring a Conditional Use Permit may be subject to additional conditions by the Examiner in relation to specific concerns about the site's location and proximity to environmentally sensitive areas, residential development, or other constraints.
  4. **Offsite Facility.**
    - a. An offsite facility limited to treating or storing hazardous wastes generated within Pierce County shall be allowed through a Conditional Use Permit in the EC and RAC zones. Permit applications and site plans must address and demonstrate that the proposed facility meets the policies of the County's Hazardous Waste Plan.
    - b. An offsite facility treating or storing hazardous waste generated outside Pierce County shall only be allowed through a Conditional Use Permit in the EC and RAC zones and not unless and until a State Hazardous Waste Plan is adopted.



Permit applications and site plans must address and demonstrate how the proposed facility meets the regional needs as assessed in the State's Hazardous Waste Plan.

- c. An offsite facility located in the EC or RAC zones when adjacent to residential or agricultural zones shall meet the same minimum setback distances and landscaping requirements for industrial uses as listed in PCC 18A.15.040 B.3. and 18J.15.040 unless State buffering and setback permitting requirements are more restrictive. In addition, the facility must provide a continuous setback of 300 feet measured from the property line unless it can be shown that a sight-obscuring screen formed by natural growing evergreen trees or shrubs will be maintained. If the natural configuration of the land is such that it serves to completely screen the facility from view from the adjacent residential zones, the setback may be reduced, but in no case shall the setback be less than 100 feet. In such cases, it shall be the responsibility of the applicant to prove compliance with the intent of this exception.
- d. An offsite facility located in an EC or RAC zone when adjacent to commercial or industrial zones shall provide a setback measured from the property line equal to the setback required for the same yard in the abutting zone directly opposite, unless State buffering and setback permitting requirements are more restrictive.

(Ord. 2012-2s § 8 (part), 2012; Ord. 2010-70s § 15 (part), 2010)

#### **18J.15.260 Water Supply Facilities.**

A. **Applicability.** The following provisions shall apply to all new water supply facilities.

B. **Design Objective.** Provide screening and setback requirements for water supply facilities to provide for security of such facilities while ensuring compatibility with surrounding uses.

C. **Standards.**

##### **1. Minimum Lot Size and Setbacks.**

a. **Water Storage Facilities.** The following setbacks and lot size requirements shall apply to water storage facilities:

- (1) All water storage facilities shall be setback a minimum of 1 foot for each foot of storage facility height and shall in no case be located any closer than 30 feet from exterior lot lines. Water storage facilities which are 60 feet or less in height shall be setback a minimum of 30 feet from all property boundaries. This setback shall be in lieu of the setback requirements pursuant to the underlying zone classification.
- (2) Water storage facilities which are greater than 60 feet in height and not located within or adjacent to a residential zone classification shall be setback a minimum of 30 feet from all property lines.
- (3) Water storage facilities in excess of 60 feet in height and within or adjacent to a residential zone classification shall be subject to one of the following standards, as determined by the applicant:
  - (a) **Option 1.** Setback Based Upon Height: The water storage facility shall be setback 30 feet from all property boundaries and a minimum of 1 foot for every 2 feet that the height of the facility exceeds 60 feet; or
  - (b) **Option 2.** Minimum Lot Area Requirement: The water storage facility shall be placed on a minimum lot area based on the following calculation:



(Tank Diameter in feet + Tank Height in feet)<sup>2</sup> =  
Minimum Lot Size in square feet

For Example: Proposed water tower is 75 feet in diameter and 90 feet in height: (75 ft + 90 ft)<sup>2</sup> = 27,225 ft<sup>2</sup>

Setbacks on such sites shall be a minimum of 30 feet from adjacent residential zone classifications.

- b. All other water supply facilities shall be setback according to the prescribed setback of the zone classification.
- 2. **Design.** These standards shall be used in lieu of any other landscaping standards required in Title 18J PCC, Design Standards and Guidelines.
  - a. **Landscaping.** One of the following landscaping options shall be implemented for all water supply facilities:
    - (1) A full screen buffer, Landscape Level 3 – L3, per PCC 18J.15.040 H.3., shall be provided along the perimeter of any proposed water storage facility or along the property boundary.
    - (2) Landscaping shall be provided throughout the site. All areas not occupied by buildings, on-site facilities and work areas, or required access shall be landscaped and maintained with groundcover, shrubs, and trees. Shrubs and groundcover shall be a maximum of 2 feet in height at maturity or maintained as such. Trees shall be disbursed throughout the site at a minimum of 20 tree units per acre (based on total acreage) and may be deciduous or coniferous. Perimeter and buffer trees shall apply to this total requirement. Retention of existing vegetation may be incorporated to meet these requirements in part or in whole.
    - (3) For sites utilizing either option (1) or (2) above, when non-native plant materials are proposed or any planting is proposed between May and October, irrigation per PCC 18J.15.110 C.5. is required. Plantings shall be maintained for the duration of the use, and shall be replaced if disease, death or removal of required landscaping takes place.
  - b. **Fencing.** When security fencing is proposed, it shall be constructed of natural materials or shall be coated with a dark, neutral color. Any fencing not meeting this standard shall be located behind a Level 1 – L1 Landscape Buffer, per PCC 18J.15.040 H.1.

(Ord. 2010-70s § 15 (part), 2010)

#### **18J.15.270 Telecommunication Towers and Wireless Facilities.**

- A. **Applicability.** All telecommunication towers and wireless facilities shall be subject to the standards of this Section.
- B. **Design Objectives.** Provide standards to protect the public health, safety, and welfare and minimize visual impact while furthering the development of enhanced telecommunications services in unincorporated Pierce County. These standards were designed to comply with the Telecommunications Act of 1996. The provisions of this Regulation are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting telecommunications or personal wireless services.
- C. **Decision Criteria.** In addition to the standards set forth in PCC 18J.15.270 E., the Director and/or the Examiner has the authority to condition a permit for a proposed facility in order to satisfy the following criteria:



1. Significant visual impacts of a facility shall be minimized through careful design, siting, landscape screening, and innovative techniques. This may involve the reduction of setback standards to achieve the maximum visual buffer.
  2. Efforts to mitigate impacts and protect the public health and safety shall be exercised to the extent permitted by the Telecommunications Act of 1996.
  3. Potential impacts to adjacent properties shall be avoided through sound engineering practices and the proper siting of antenna support structures.
  4. The facility is proposed in a location where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
  5. Consideration has been given so that the placement of a telecommunication tower has a minimal impact on adjacent properties and their view of Mt. Rainier, Puget Sound, Olympic Mountains or other vistas which increase the assessed value as determined by the Pierce County Assessor-Treasurer.
  6. The facility is significantly screened by placing it in existing trees to the extent that it does not result in significant signal degradation.
  7. A tower shall not be permitted unless the applicant demonstrates that there are no existing towers or support structures available which can accommodate the applicants proposed antenna. Fees, costs, or contractual provisions that are necessary to accommodate co-location may not be used as justification to construct a tower within the required separation.
- D. **Exemptions.** The following are exempt from the provisions of this Regulation and shall be permitted in all zones:
1. Antennas and related equipment no more than 580 square inches or 4 feet in height.
  2. Wireless radio utilized for temporary emergency communications in the event of a disaster.
  3. Licensed amateur (ham) radio stations.
  4. Satellite dish antennas less than 7 feet in diameter, including direct to home satellite services, when used as an accessory use of the property.
  5. Routine maintenance or repair of a personal wireless service facility and related equipment (excluding structural work or changes in height or dimensions of antenna, tower, or buildings).
  6. A COW or other temporary personal wireless telecommunications facility for a maximum of 30 days during an emergency declared by the County, State or Federal Government or at the discretion of the Director in a non-emergency situation.
- E. **Standards – General.**
1. **Location Criteria/Tower Separation.** In an effort to promote co-location, telecommunication towers shall maintain a one-half mile separation.
    - a. If reduced separation is requested, the applicant shall demonstrate why it is necessary from a technical standpoint to have a tower within one-half mile of another tower whether it is owned or utilized by the applicant or another provider. The distance shall be measured from tower to tower regardless of property lines and roadways.
    - b. If a technical dispute arises about the required separation, the Hearing Examiner or the Director may require a third party technical study, as described in PCC 18J.15.270 F., to resolve the dispute.
    - c. If it is demonstrated that a tower must be located within one-half mile of another tower for technical reasons, the tower is subject to the Priority of Location criteria in PCC 18J.15.270 G.



2. **Antenna Location Criteria.** An antenna and any mechanical equipment on or above a structure shall be subject to the following:
  - a. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless the projection is warranted for technical reasons. In no event shall an antenna project more than 16 feet above the peak of the roof.
  - b. The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.
  - c. The antenna may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than the enclosure or 16 feet above the peak of the roof, whichever is greater.
  - d. If an accessory equipment shelter is proposed, it must blend with the building or structure's architectural character and color. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility.
3. **Setbacks.** The required setback for a wireless telecommunication tower shall be based on the setback for the underlying zone, and shall be increased by 1 foot for every foot that the height of the tower exceeds 60 feet, except as follows:
  - a. The setback in the EC, MUC, and FL zones classifications shall be based on the setback of the underlying zone only.
  - b. That portion of a tower or antenna necessary to accommodate co-location for a current or future provider shall not be used in calculating the required setback.
  - c. Towers in rural areas shall maintain a setback from city limits and urban growth areas equal to the height of the tower.
4. **Tower and Antenna Height.** Telecommunication towers and wireless facilities are exempt from the height requirements of the underlying zone. Height limitations are based upon the Use Category level of facility.
  - a. The applicant shall provide documentation to the Department that demonstrates that the tower and antenna are the minimum height required to function satisfactorily. No tower or antenna that is taller than this minimum height shall be approved.
  - b. Towers that accommodate co-location are permitted to increase the height of the tower to an elevation which will accommodate all necessary antenna. This provision shall not be interpreted to authorize a tower that exceeds the height established by the Use Category level.
5. **Color.** Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the Federal Aviation Administration (FAA).
6. **Lights, Signals, and Signs.** No signals, lights, or signs shall be permitted on towers unless required by the FAA.
7. **Historic Classification.** A wireless facility or tower shall not be permitted on property designated as a landmark or as a part of an historic district, unless such antenna has been approved by the Landmarks Commission.



8. **Equipment Structures.** Ground-level equipment, buildings, and the tower base shall be screened from public view pursuant to this Section. The standards for the equipment buildings are as follows:
    - a. The maximum floor area is 400 square feet and the maximum height is 12 feet for each provider. The equipment building may be located no more than 250 feet from the tower or antenna and shall comply with the setback regulations for the underlying zone.
    - b. Ground-level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means as specified herein or in PCC 18J.15.040 of the Development Regulations. Required landscape plantings shall be installed around the perimeter of the required security fence.
    - c. Equipment structures mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.
    - d. In instances where equipment structures are located in residential zones or adjacent to existing residential land uses, and if the equipment structure houses motorized or electronic equipment, airborne sound transmission shall not exceed the noise levels prescribed by the Tacoma-Pierce County Health Department.
    - e. An alternative to the landscaping and screening requirement may be approved by the Director or Examiner in review of an Administrative Use Permit or Conditional Use Permit. Alternatives include, but are not limited to, exemplary architectural design of the equipment structure.
  9. **Fencing.** For new telecommunication towers and equipment shelters, a wall, slatted chain link fencing, or wooden fence not less than 6 feet in height from the finished grade shall be provided. Access to the tower shall be through a locked gate. This standard shall not apply to towers and equipment shelters mounted onto or located inside an existing building.
  10. **Required Parking.** At least one off-street parking stall shall be required for maintenance workers.
  11. **Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas.
- F. **Standards – Priority of Locations.** An applicant siting a facility subject to priority location criteria shall review the criteria contained in the table below. Only when the applicant is unable to meet a criteria shall the next group of criteria be considered. The hierarchy of criteria is divided by three separate permitting processes: permitted outright (P), permitted by Administrative Use Permit (A), and permitted by a Conditional Use Permit (C). If the applicant is unable to meet a criteria within a, identified permit group below, an increased level of review is required. The order of criteria for locating facilities shall be as follows:



Permitted Outright (P)	Antennas and towers on public property which has been identified by the appropriate jurisdiction as a desirable location for wireless facilities.
	Antennas or dishes that are located a minimum of 100 feet from an existing residential dwelling unit.
	Antennas or dishes on property that is improved with uses that are classified in the commercial or industrial use category.
	Towers in Urban Districts and Centers when they are at least 200 feet from a MSF zoned property.
Administrative Use Permit (A)	Antennas and towers utilizing a camouflaged or a concealed design to eliminate aesthetic impacts.
	Towers that are screened from abutting property lines by vegetation including, but not limited to existing Douglas Fir trees.
	Towers in Urban Centers and Districts and Rural Centers that do not exceed the height limitation of the underlying zone.
	Antennas and towers on non-residential sites including, but not limited to parks, libraries, or churches.
	Antennas on multi-family residential sites.
	Any tower that is proposed on a site that contains multiple tower(s) such as cellular tower farms.
Conditional Use Permit (C)	Any facility that is unable to meet the Priority of Locations criteria outlined in this subsection.

- G. **Standards – Third Party Technical Review.** The Hearing Examiner or Director may, at his or her discretion, require a technical review by a third party expert. The selection of the third party expert shall be by mutual agreement by the provider and the County or at the discretion of the Examiner. The costs of the technical review shall be borne by the provider. A third party technical review may include, but is not limited to, a review of:
- the technical accuracy and completeness of submissions;
  - the technical applicability of analysis techniques and methodologies;
  - the validity of conclusions reached by the applicant; and/or
  - other specific technical issues as identified by the Hearing Examiner.
- H. **Standards – Abandonment.** The telecommunications service provider for a specific facility shall provide the Department with a copy of the notice to the FCC of intent to cease operations and shall remove the obsolete tower, antennas and associated structures within one year from the date of said notice.
- I. **Standards – Location of Wireless Facilities in Public Rights-of-Way.** Wireless facilities are allowed within a right-of-way or easement, public or private. Whichever entity controls the right-of-way or easement controls what is built provided it meets the requirements established for the use in the zone in which it is located. Antennas are allowed to attach to an existing structure or utility pole so long as the antenna and any accompanying structural modification does not add on more than 16 feet to the existing structure.

(Ord. 2012-2s § 8 (part), 2012; Ord. 2010-70s § 15 (part), 2010)



**18J.15.280     Agritourism.**

- A. **Applicability.** The following provisions shall apply to all new agritourism uses. The Agritourism Use Type refers to uses which involve the sale of locally grown agricultural products and involves agriculturally based operations or activities that bring visitors to a farm or ranch. Agritourism includes a wide variety of activities, including navigating a corn maze, picking fruit and vegetables, feeding animals, riding horses, tasting honey, learning about wine and cheese making, or shopping in farm gift shops and farm stands for local goods.
- B. **Design Objective.** Provide minimum design standards for agritourism uses to ensure compatibility with surrounding uses.
- C. **Standards.**
  - 1. New buildings and structures associated with agritourism shall be designed with a rural theme to complement and/or enhance the rural environment.
  - 2. Impervious surface limits, signage and parking standards shall be the same as the underlying zoning designation.
  - 3. Safe vehicular access and customer parking shall be provided on site such that vehicles are not required to back onto public roads.
  - 4. Any exterior lighting installed shall be appropriately shielded and shall be directed downward.
  - 5. All activities generating noise detectible off-site shall observe Title 8 PCC, Chapter 8.76, Noise Pollution Control.
  - 6. Sale of ancillary products is permitted; however, such products shall not exceed 25 percent of the products offered for sale on site.
- D. **Guidelines.**
  - 1. Use of existing buildings is encouraged. Any new buildings, parking, or supportive uses should be located within or near the general area already developed.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 9 (part), 2013)



**EXHIBIT “J”**  
**Sign Standards**

**(attached)**



## **EXHIBIT "J" – SIGNS**

The following regulations adopted with modifications from Pierce County Code Title 18B apply to signage development within the Phase 2 Development Area.

### **O.10 - GENERAL PROVISIONS**

#### **Sections:**

- O.10.010 Purpose.**
- O.10.015 Applicability.**
- O.10.020 Definitions.**
- O.10.030 Permits and Permit Exemptions.**
- O.10.040 Temporary Signs.**
- O.10.050 Coordination with Other Titles.**
- O.10.060 Prohibited Locations for Signs.**
- O.10.070 Prohibited Sign Types.**
- O.10.080 Sign Variance.**
- O.10.090 Maintenance.**
- O.10.100 Removal of Sign – Time Period.**
- O.10.110 Severability.**

#### **O.10.010 Purpose.**

This chapter establishes general requirements and regulations for signs located within Tehaleh and provides minimum sign regulations to safeguard life, health, property, and the general welfare. These regulations control the quality of materials, construction, size, location, electrification, and maintenance of all signs and sign structures within Tehaleh.

#### **O.10.015 Applicability.**

This chapter shall apply to the construction, placement, installation, and maintenance of all signs located in Tehaleh. For purposes of this chapter, a sign is any object, device, display, structure, or part thereof which is used to advertise, identify, direct, or attract attention to a product, business, activity, place, person, institution, or event using words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

#### **O.10.020 Definitions.**

See Chapter O.70 for sign terms used throughout this chapter and Chapter 18.25 PCC for other defined terms. Sections of the Pierce County Code referred to in Exhibit "O" means the version of those regulations in effect as of August 16, 2013.

#### **O.10.030 Permits and Permit Exemptions.**

##### **A. Permits Required.**

1. No sign shall be installed, constructed, or altered in Tehaleh, except as provided by this chapter without a sign permit first being issued by the Planning and Public Works Department (Department). In addition, any sign, unless otherwise specified, must meet the requirements of the Tehaleh Design Manual.



2. A separate permit shall be required for each sign, even if installed at one time on contiguous property.
3. Sign permit applications shall be approved only when intended to advertise or announce a legally established use.

**B. Permit Exemptions.**

**1. General.**

- a. Exemption from the requirement to obtain a permit shall not authorize any sign constructed, erected, or located in any manner to be in violation of the Tehaleh Design Manual or the provisions of this chapter or any other laws or ordinances of Pierce County, including the prohibition against placing signs upon County right-of-way except as permitted by the License for the Use of County Rights-of-Way within Cascadia (Right-of-Way License).
- b. Repainting, cleaning, or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued shall not require a new sign permit, so long as the street graphic structure, design, color, material, or content, etc. is not modified in such a way as to conflict with the intent of these regulations.
- c. Changing the advertising copy or message of an approved reader board, theater marquee, or electronic message sign shall not require a new sign permit.
- d. Design features of a building, when such features are an essential part of the architecture of a building (including religious symbols) and which do not represent a product, service, or registered trademark shall not require a sign permit.

**2. Permit Exempt Signs.** A sign permit is not required for the following but may require the approval of the ARC or TOA, as applicable:

- a. Signs not exceeding 2 square feet in area, stationary, and non-illuminated;
- b. Memorial signs or tablets, names of buildings and date of erection;
- c. Signs of the State, County, city, public service, or utility companies indicating danger, aids to service or safety, traffic control or traffic direction signs, or Adopt-A-Road Litter Control Program signs;
- d. Signs posted inside a building and not visible from outside the building and any sign that is not visible off site except for parking lot signage regulated pursuant to O.20.060;
- e. Building address numbers with cumulative area of 8 square feet or less;
- f. Community service club signs announcing multiple service clubs;
- g. Tehaleh Community Signs not to exceed 32 square feet in sign area and 12 feet in height.
- h. Governmental or official notices, flags, emblems, or insignia;
- i. Temporary signs as described in O.10.040, Temporary Signs;
- j. Sculptures, fountains, mosaics, murals, and other works of art that do not incorporate business identification or commercial messages. See also O.20.040 Building and Wall Signs and Tehaleh Design Manual.

**C. Permit Application Submittal.**

1. Sign permit applications are accepted by the Department as being fully complete when they include a stamped Certificate of Approval from ARC or TOA, as applicable, and all the necessary information as identified on the applicable submittal standard, the appropriate fees,



and any other pertinent information as the Department may require to ensure compliance with the provisions of Exhibit O. See Chapter 18.40 PCC for details about the application filing process.

2. For multi-tenant and multi-building complexes, unless the request is like for like (or smaller) replacement of an existing sign, or if the request is consistent with a master sign plan previously approved by the Department, the applicant shall provide:
  - a. Site plan showing the location of each wall and freestanding sign;
  - b. Drawings, renderings, and/or photographs of each sign; and
  - c. The dimensions and materials used for each sign.

**D. Compliance with Building Codes.** All signs authorized through Exhibit O shall comply with the International Building Code or other building codes adopted by the County for structural requirements.

#### **O.10.040 Temporary Signs.**

Temporary signs consist of all types of signs that are not permanently affixed to a building or structure including, but not limited to: banners, garage sale signs, pennants, feather/sail signs, window signs, A-boards, and political signs. Temporary signs are typically constructed of cloth, light fabric, paper, plastic, cardboard, or other similar material. Temporary signs are not intended for ongoing advertising of products or services, or for the naming of a business in lieu of a permitted permanent sign. Refer to the Tehaleh Design Manual for Temporary Signs requiring ARC or TOA approval.

##### **A. Regulations – General.**

1. No more than one temporary sign which is not affixed to a building may be displayed along each road frontage, per establishment, at any one time.
2. Temporary signs shall not be placed in or over a public right-of-way (except for an approved community event banner pursuant to Chapter 12.48 PCC or as permitted by the Right-of-Way License), may not flash, blink, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind.
3. Temporary signs shall not be placed in any of the prohibited sign locations as set forth in O.10.060.
4. Temporary signs may be attached to existing permanent signs to cover an existing permanent sign if the business or organization has changed. Such temporary signs shall be removed within 30 days of installation.
5. When attached to, or placed upon a building, a temporary sign shall not be placed higher than the fascia of the building.
6. Temporary signs shall not be placed in any required landscape areas.
7. Temporary signs shall be securely installed to avoid becoming a hazard.
8. Temporary electronic signs may be used for traffic control purposes within the County or State right-of-way, as approved by the County Engineer or Washington State Department of Transportation.



**B. Regulations – Number of Days Allowed.**

1. Temporary signs may be displayed for up to 10 consecutive days and may not exceed a total of 42 days per calendar year, unless otherwise specified in this Section.

**C. Regulations – A-Board/Sandwich Board Signs.**

1. A-board signs are prohibited on single tenant sites unless those sites front streets with posted speed limits of 35 miles per hour or less
2. Each establishment is allowed one A-board sign.
3. A-board signs shall be located within 8 feet of the establishment it is serving except that when on-site freestanding signs are smaller than 48 square feet, an A-board sign may be placed further than 8 feet from the establishment it is advertising.
4. A-board signs shall be placed a minimum of 15 feet from any property line and shall not exceed 48 inches tall and 36 inches wide.

**D. Regulations – Banners.**

1. Only one retail banner may be displayed per establishment at any one time.
2. Event banners are allowed when associated with community and civic events.
3. Banners shall only be allowed as a temporary sign.
4. The maximum sign area of a banner shall be 60 square feet.
5. The minimum vertical clearance under a banner shall be 10 feet, except that Street Banners shall be 20 feet above any road pursuant to Chapter 12.48 PCC.
6. A banner advertising a community or civic event may be displayed 30 days prior to the event, and shall be removed 10 days after completion of the event.
7. A retail banner, typically advertising information about special sales, promotions or other business services, shall be located on the site that the business activity occurs. Each business may display a retail banner for a maximum of 60 days per calendar year.

**E Regulations – Inflatable Signs. See O.10.070 Prohibited Sign Types**

**F. Regulations – Political Signs.**

1. Political signs shall not be erected upon any private property without permission of the resident or owner thereof;
2. Political signs shall not exceed 3 square feet in area and shall not obstruct safe visibility of any mobile or pedestrian traffic; and
3. Political signs shall not be displayed more than 10 days after the date of the election for which intended. In cases where a general election follows a primary election, those signs for candidates whose names will appear on the ballot in the general election may be displayed during the interim period and up to 10 days after the general election.

**G. Regulations – Construction Signs.**

1. Construction signs are allowed during the construction period;
2. Construction signs shall not exceed a maximum area of 32 square feet nor be more than 15 feet in height for each architect, engineer, contractor, or other individual or firms involved in the construction.
3. Construction signs shall be confined to the site of the construction and shall be removed



within 14 days of construction activity being completed on the site.

**H. Regulations – Rental and Real Estate Signs.**

1. Signs advertising the sale or lease of the property or part of the property on which the signs are displayed are allowed up to a total area of 12 square feet for commercial and 4 square feet for residential; and
2. Such signs shall be removed within 14 days of the sale or lease or expiration of the listing and in no case shall be allowed to remain on-site for more than one year without obtaining a sign permit.

**I. Regulations – Decorations.**

1. Decorations for religious or other non-commercial holiday of a primarily decorative nature that are customary and commonly associated with a national, local or religious holiday may be displayed 30 days prior to the holiday and shall be removed within 10 days after completion of the event.

**O.10.050 Coordination with Other Titles.**

Exhibit O shall be administered under the requirements of PCC 18B.10.050 except as modified below.

**A. Title 1, General Provisions.**

1. **Public Hearing.** A public hearing required pursuant to Exhibit O shall follow the procedures set forth in Chapter 1.22 PCC.
2. **Reconsideration and Appeal Procedures.** Procedures for appeal of any administrative decision and procedures for reconsideration or appeal of a Hearing Examiner decision issued pursuant to Exhibit O are set forth in Chapter 1.22 PCC.

**B. Title 2, Administration.**

1. **Fees.** Fees for applications filed pursuant to Exhibit O are set forth in Chapter 2.05 PCC.

**C. Title 12, Roads and Rights-of-Way.** See Chapter 12.42 PCC for Adopt-a-Road Litter Control Program signs and Chapter 12.48 for Street Banners.

**D. Title 17B, Construction and Infrastructure Regulations – Road and Bridge Design and Construction Standards.** See Chapter 17B.20 PCC for Traffic Signs.

**E. Title 18, Development Regulations – General Provisions.**

1. **Definitions.** Except for words and terms defined in Chapter O.70, Definitions, and in Chapter 18.25, all words and terms used in Exhibit O shall have their customary meanings.
2. **Preliminary Review.** Applicants must complete ARC or TOA sign review, as applicable, and obtain a stamped Certificate of Approval prior to submitting a sign application to Pierce County except as provided for in the Tehaleh Design Manual. All other provisions for conducting a preliminary review of a proposed application are set forth in Chapter 18.40 PCC.
3. **Application Filing.** Applications filed pursuant to Exhibit O shall be reviewed for completeness in accordance with Department submittal regulations checklists and pursuant to



Chapter 18.40 PCC.

4. **Public Notice.** Public notice provisions for notice of application, environmental action, if applicable, and final decision pursuant to this Title are outlined in Chapter 18.80 PCC.
5. **Review.** The Department shall review applications in accordance with the provisions outlined in Chapter 18.60 PCC.
6. **Time Period for Final Decision.** The provisions for issuing a notice of final decision on any application filed pursuant to Exhibit O are set forth in Chapter 18.100 PCC.
7. **Compliance.** The regulations for compliance with the provisions of Exhibit O are set forth in Chapter 18.140 PCC.

**O.10.060 Prohibited Locations for Signs.**

- A. Signs are prohibited from the following locations:
1. Any location that obstructs or otherwise interferes with pedestrian traffic or any official traffic sign, signal or device, drivers view approaching, merging, or intersecting traffic;
  2. Encroaching upon or overhanging into public right-of-way, except when given express permission in writing by the County Engineer (see Chapter 12.28 PCC , Objects Within County Rights-of-Way), or in accordance with the Right-of-Way License;
  3. Upon or propped up against a utility pole, light standard, traffic sign, fire hydrant or any other facility or equipment located within the public right-of-way, pursuant to RCW 70.54.090;
  4. Painted on or attached to a vehicle when such vehicle is parked to be visible from a public right-of-way for the purpose of providing advertisement of products and/or services and when such vehicle is not regularly used for business activities;
  5. Attached to or painted on a tree or fence, except as needed on utility facility fencing;
  6. Within any required perimeter or parking lot landscaping, except for signs not exceeding 4 feet in height when no required landscaping is disturbed; and
  7. Off-site, except as follows:
    - a. Directional and temporary signage to advertise a public community event;
    - b. Signs that advertise multiple businesses within a given business district or commercial center, and,
    - c. Signs authorized in O.20.070, Off-Site Signs.

**O.10.070 Prohibited Sign Types.**

- A. The following sign types are prohibited in Tehaleh:
1. Inflatable signs;
  2. Billboards;
  3. Signs which are an imitation of or resemble official traffic signs;
  4. Electronic signs with pulsing or continuous streaming text or text that changes in intervals of less than 20 seconds, unless allowed pursuant to O.20.080 Electronic Message Signs;
  5. Temporary signs, except as allowed pursuant to O.10.040, Temporary Signs;
  6. Roof signs; and
  7. Rotating signs, except for authorized iconic signs such as a barber pole.



**O.10.080 Sign Variance.**

A. An applicant who seeks an exception from the provisions of Exhibit O may pursue a sign variance.

**B. Review Process.**

1. An application for a sign variance may be considered administratively if such request is to deviate not more than 20 percent from a numerical regulation.
2. An application for administrative sign variance must have ARC or TOA approval, as applicable.
3. An application for administrative sign variance shall be decided by the Department's Director.
4. An application for sign variance to deviate more than 20 percent from a numerical regulation, or from a non-numerical regulation shall be decided by the Hearing Examiner.

C. **Review Criteria.** The applicant shall demonstrate compliance with all of the following review criteria:

1. Exceptional or unusual circumstances, not resulting from any act of the applicant, apply to the project location and not generally to other properties in the vicinity;
2. The sign proposal is outstanding in design;
3. The variance request is the minimum necessary to serve its intended purpose;
4. The variance request is consistent with the purpose and intent of the Comprehensive Plan and the Development Regulations; and
5. Applicable Comprehensive Plan objectives and goals are being met through this design proposal.

D. **Public Hearing Required.** After all requests for additional information have been satisfied, the Department shall set a date for a public hearing before the Pierce County Hearing Examiner, for all non-administrative sign variances. The public hearing shall follow the procedures set forth in Chapter 1.22 PCC.

**E. Decision.**

1. The Director shall have the authority to grant or grant with conditions an administrative sign variance when, in the opinion of the Director, the review criteria described in O.10.080 C. above have been met.
2. For all other sign variances, the Examiner shall have the authority to grant, or grant with conditions, a sign variance, when in the opinion of the Examiner, the review criteria described in O.10.080 C. above have been met.
3. The Examiner and Director, as applicable, shall have the authority, as part of the approval of the variance, to establish expiration dates or time periods within which the approval must be exercised. Upon expiration, the permit or approval shall be considered null and void. No extensions of the expiration date shall be permitted.

**4Denial.** Noncompliance with any review criteria may be considered grounds for denial of a sign variance application.

**O.10.090 Maintenance.**



All signs shall be of rust-inhibitive material or treatment, and shall be maintained in good condition. All signs, together with all of their supports, braces, guys and anchors shall be kept in good repair and in a safe state of preservation. The display surfaces of all signs shall be kept neatly painted or posted.

**O.10.100 Removal of Sign – Time Period.**

Signs, excluding sign structures, shall be removed within 30 days of discontinuance or vacation of the business or activity to which the sign is associated.

**O.10.110 Severability.**

If any provision of this Title or its application to any person or circumstance is held invalid, the remainder of the regulations or the application of the provision to other persons or circumstances shall not be affected.

**Chapter O.20 - TEHALEH SIGN DESIGN REGULATIONS****Sections:****O.20.010 Purpose.****O.20.020 Special Permission Required for Signs within County Right-of-Way.****O.20.030 General Sign Design Regulations.****O.20.040 Building and Wall Signs.****O.20.050 Freestanding Pole and Monument Signs.****O.20.060 Parking Lot Signage.****O.20.070 Off-Site Signs.****O.20.080 Electronic Message Signs.****O.20.090 Sign Illumination.****O.20.010 Purpose.**

The purpose of this Chapter is to provide minimum sign standards to safeguard life, health, property, and the general welfare. These standards control the quality of materials, construction, size, location, electrification, and maintenance of all signs and sign structures within Tehaleh.

**O.20.020 Special Permission Required for Signs within County Right-of-Way.**

No person, organization, or agency shall place, erect, or install any sign within a County road right-of-way without the express permission in writing of the County Engineer (see Chapter 12.28 PCC, Objects Within County Rights-of-Way) or as provided for in the Right-of-Way License.

**O.20.030 General Sign Design Regulations.****A. Regulations – Placement and Location.**

1. No sign shall be designed such that it will either in part or whole change a required setback for the building to which it is attached.
2. Freestanding signs shall comply with line of sight provisions. See PCC 17B.10.060.
3. Signs that project from a building or structure must clear sidewalks or the finished ground elevation by at least 8 feet vertically, and may project no more than 4 feet from the building



or one-third of the width of the sidewalk, whichever is less. In the absence of sidewalks, the average ground level adjacent to the building front shall be used for measuring height requirements.

4. Horizontal and vertical clearance of signs or sign structures from energized power lines shall not be less than 12 feet.
5. A sign should not cover or interrupt major architectural features such as a beam, building line, or structural feature.
6. Signs shall not cover any window or door opening or project beyond the corner of the wall to which it is attached.

**B. Regulations – Accuracy and Design.**

1. Sign information shall be legible and shall reflect current and accurate information.

**C. Regulations – Setbacks.**

1. Minimum setback regulations for freestanding signs are set forth in Table O.20.030-1, with the exception of Tehaleh Community Signs which may be located within public right-of-way in accordance with the Right-of-Way License and with the written approval of the County Engineer.
2. Setbacks are measured from the property line, or in the case of a private road, from the edge of the road right-of-way, to the portion of any sign or sign structure that is closest to the property line or public or private road right-of-way. See Figure O.20-1.
3. The setback from the road for a monument sign may be reduced to 5 feet provided the sign does not obstruct the safe visibility of any motor vehicle or pedestrian traffic. See PCC 17B.10.060.

<b>Table O.20.030-1. Countywide Minimum Setbacks for Freestanding Signs</b>		
<b>Ground Clearance</b>	<b>Setback from Road ROW</b>	<b>Setback from Interior Yard</b>
Less than 10 feet	15 feet	2 feet
10 feet to 13 feet 6 inches	5 feet	2 feet
More than 13 feet 6 inches	2 feet	2 feet

**D. Regulations – Height.**

1. Maximum height of all signs and sign structures, including trim, shall be 35 feet above ground unless otherwise allowed or limited by the applicable Sign Table. See Chapter O.30.

**O.20.040 Building and Wall Signs.**

**A. Regulations – General.**

1. If the sign is enclosed by a box or outline, the total area of the sign, including the background, is counted as size of the sign. If the sign consists of individual letters, the area enclosed by an imaginary rectangle or square that is drawn around the letters is counted as the sign area;
2. Temporary and permanent building, window and wall sign area shall not occupy more than



20 percent of the total area of the building façade or the total maximum area allowed in the applicable Sign Table, whichever is less. For purposes of this calculation, signs such as open/closed, store hours, address, and other similar information shall not be included;

3. Signs placed in the space between windows may not exceed in height more than two-thirds of the distance between the top of a window and the sill of the window above, or major architectural details related thereto;
4. Murals that incorporate business identification or commercial messages require ARC or TOA approval, as applicable, and will be considered on a case-by-case basis.



5. Wall signs shall be attached flat to, written on, or pinned away from the wall, and may not project from the wall by more than 18 inches in thickness;
6. All signs shall be permanently attached or affixed in some manner to a building; and
7. Individual signs within a multi-tenant/multi-building complex shall share a similar style, uniform location and installation format.

**B. Regulations – Projecting Signs.**

1. Projecting signs may be displayed on buildings that are 20 feet or more in width;
2. Projecting signs must be pinned away from the wall at least 6 inches;
3. Projecting signs are not permitted at the intersection of walls or corners, except at right angles to the building front; and
4. In the event of an eave, overhang, or mansard roofline, signs may extend to the bottom of said feature. If no definitive overhang is proposed, projecting signs may extend to the bottom of the fascia trim, but in no case extend above the wall or roof line.

**C. Regulations – Marquee.**

1. One marquee sign shall be allowed per business or tenant for each public street front faced by the business or tenant; individual businesses shall have no more than two marquee signs;
2. Marquee signs shall only be utilized to display the name of a business, its business logo, and address;
3. No portion of the signage shall be allowed to extend above or below the marquee to which it is attached;
4. Letter and logo sizing shall not exceed 24 inches in height and 18 inches in thickness; and
5. Marquee signs shall be installed perpendicular to the front building elevation.

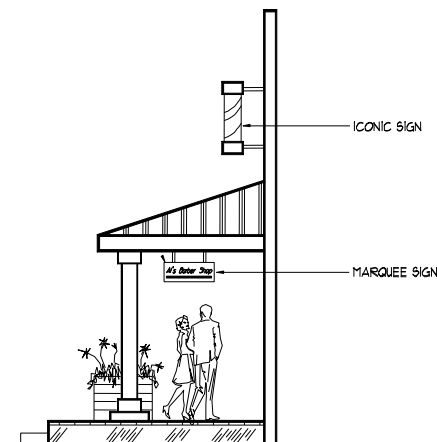
**D. Regulations – Awning or Canopy Signs.**



1. Awning and canopy signs shall only be utilized to display the name of a business, its business logo, and address;
2. Letters over 3 inches in height displayed on an awning or canopy shall be subtracted from the items of information allowance, where applicable;
3. The sign area devoted to sign text, corporate logos, and other graphics shall not exceed 25 percent per face of the canopy or awning;
4. Up to three sides of the canopy or awning may be used for signage; and
5. Individual letters, logos, or symbols may not exceed 4 feet in height or project out from the surface of the canopy or awning more than 18 inches or project above or below the canopy face.

**E. Regulations – Iconic Signs.**

1. Iconic signs shall reflect the goods and services offered within the building within which they are affixed;
2. Iconic signs shall not contain text;
3. Iconic signs shall not exceed a height of 3 feet and a width of 3 feet; and
4. Iconic signs may be attached to freestanding or monument signs or the building but shall not be attached to building extrusions such as eaves, overhangs, covered porches, roofs, or other extruded architectural details.

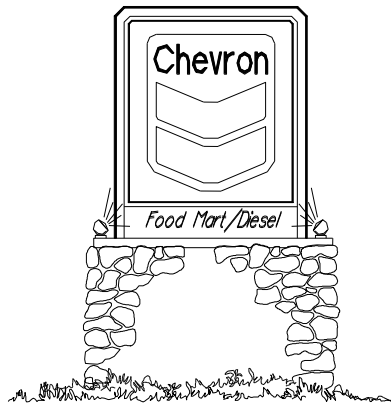


**F. Regulations – Window Signs.**

1. Permanent window signs are subtracted from the building/wall sign area and items of information allowance where applicable; and
2. Window signage shall not completely obstruct visibility into a building.



**O.20.050 Freestanding Pole and Monument Signs.**



**A. Regulations – General.**

1. Freestanding signs shall be located on the same parcel as the business or activity identified on the sign, except as authorized in O.20.070, Off-Site Signs;
2. Freestanding signs shall not be located closer than 50 feet to any other freestanding sign;
3. Freestanding signs shall not be directed toward a highway which is not used for access to the site. Incidental visibility is acceptable when the sign is directed toward the principal access point of the site;
4. Signs placed within any required perimeter or parking lot landscaping shall not exceed 4 feet in height. Vegetation may be cleared to provide space for a permitted sign; however, replanting of native plants and/or approved landscaping shall be required;
5. The total area and height of freestanding signs shall not exceed the regulations identified in O.30.020-1, the Tehaleh Sign Table; and
6. In addition to the maximum square footage permitted for freestanding signs, commercial fuel retail uses are permitted an additional 10 square feet of signage per grade of fuel for grade of fuel advertisement only.

**O.20.060 Parking Lot Signage.**

**A. Regulations – General.**

1. The square footage of parking lot signage shall not be deducted from the overall allowed sign area.

**B. Regulations – Entrance and Exit Signs (Permit Exempt and do not require ARC or TOA review or approval.)**

1. Entrance and exit signs and/or other similarly worded signs, when used for the sole purpose of controlling mobile traffic, shall be limited to the following:
  - a. One parking lot sign is allowed for each entrance or exit; and
  - b. Signs shall not to exceed 42 inches in height above ground level, 16 inches in width, or 6 square feet in size.



**C. Regulations – Menu Reader Boards for Drive-Through Facilities.**

1. Menu reader board signs shall be one sided;
2. Two menu reader board signs, not exceeding 32 square feet per sign face and a maximum height of 5 feet, shall be permitted; and
3. Menu reader board signs shall be designed and located to be viewed exclusively by patrons of the development and not plainly visible from off-site.

**O.20.070 Off-Site Signs.**

**A. Regulations.**

1. One off-site sign shall be permitted for the following civic uses:
  - a. Religious Assemblies;
  - b. Schools;
  - c. Public Safety Services;
  - d. Libraries; and
  - e. Parks.
2. Off-site signs as allowed by A-1 above shall be subject to the following criteria:
  - a. Only one off-site sign shall be permitted for each use to a maximum size of 20 square feet and 15 feet of height, regardless of zone classification;
  - b. The sign shall be located within one mile of the lot that contains the permitted civic use;
  - c. The sign shall only be illuminated by indirect lighting;
  - d. The sign shall comply with the provisions for sign setbacks;
  - e. The sign shall be limited to only advertising the permitted civic use or community events;
  - f. Authorization from the property owner where the off-site sign is proposed shall be required for a complete permit application;
  - g. Individual civic uses that are located on the same or adjacent site and are permitted to display off-site signs may co-locate one sign, not to exceed 40 square feet in area and 15 feet in height, regardless of zone classification; and
  - h. Off-site signs are subject to sign type and location prohibitions of Exhibit O. See O.10.060.

- B. Tehaleh Community Signs are not subject to O.20.070 and may otherwise be installed as provided for in these Regulations and the Right-of-Way License Agreement.

**O.20.080 Electronic Message Signs.**

- A. Electronic message signs shall be allowed in the following locations within Tehaleh:

1. Religious assembly/ religious facilities;
2. Schools (elementary, middle, high, college, university);
3. Public Safety Facilities (police and fire stations, etc.);
4. Libraries;
5. Parks; and
6. Community / recreation centers.

- B. Time and temperature signs are allowed in Neighborhood Center and Employment zones.



**C. Regulations – Electronic Message Signs**

1. An electronic message sign, as a wall or freestanding sign, shall not exceed the size, setback or height limits of the zone classification.
2. When an electronic message sign is located in a residential zone classification, the sign shall not operate between the hours of 10:00 p.m. and 6:00 a.m.
3. An electronic message sign shall be located on the same site as the use for which it is associated.
4. The change from one message to another message shall be no more frequent than once every 8 seconds when along a major arterial and 20 seconds when along all other roadways.
5. The change of message shall be completed in two seconds or less.
  - a. Messages may change by dissolve, fade, or by instantaneous change from one static display to another, but shall remain as a static display after completing the change, and once changed, shall remain static until the next change.
  - b. Scrolling, streaming, and video are prohibited.
6. Electronic message signs shall not exceed a brightness level of 0.3 foot candles above ambient light as measured using a candle meter at a preset distance depending on sign size. Measurement distance shall be determined using the following calculation: the square root of the product of the sign area times 100. Example using a 12 square foot sign:  $\sqrt{(12 \times 100)} = 34.6$  feet measuring distance.
7. Electronic message signs shall be maintained and operated to meet the following brightness standards.
  - a. No sign shall be brighter than is necessary for clear and adequate visibility;
  - b. No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle; and
  - c. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
8. Electronic message signs shall be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions and equipped with a means to immediately turn off the display if it malfunctions or if for some reason it is not complying with the regulations in this Section.

**O.20.090 Sign Illumination.****A. Regulations – General.**

1. Illumination should be energy efficient and shall be arranged so the light source is shielded from view;
2. All sign illumination shall be directed to preclude glare visible from public right-of-way and neighboring properties.
3. Surface brightness or intensity of lighting shall not be beyond that necessary for visibility from the public right-of-way;
4. Signs shall not produce a harsh, uncomfortably bright light either through the level of illumination or a combination of illumination levels and design of the sign face;



5. Signs shall not be overly bright so as to overshadow signs in the immediate vicinity, cause glare, or create an island of light;
6. Signs shall not be permitted to remain lit during non-business hours; and
7. Internal, backlit and down lit sign illumination is the only type of illumination permitted for commercial or civic uses.

**B. Regulations – Illumination**

The following types of illumination and mechanical movement are permitted for all activities all zone classifications subject to the limitations indicated in this subsection, unless precluded by O.10.060, Prohibited Locations for Signs and Prohibited Signs:

1. **Colored light.** Colored light is only allowed in Neighborhood Center, Public Facilities and Employment zone classifications.
2. **Internal illumination.** Internal illumination is a light source concealed or contained within the sign and which becomes visible in darkness through a translucent surface. Such lighting is allowed in Neighborhood Center, Public Facilities and Employment zone classifications. Brightness shall not be so great as to disturb nearby residences.
3. **Indirect illumination.** Indirect illumination is a light source not directly seen. It is allowed for all activities subject to the provisions of this Section and these Regulations.
4. **Floodlight illumination.** Floodlight illumination is allowed with ARC or TOA approval, as applicable, provided that the floodlight or spotlight is positioned so that none of the light shines onto an adjoining property or in the eyes of motorists or pedestrians.
5. **Neon tube illumination.** Neon tube illumination is a source of light supplied by a neon tube that is bent to form letters, symbols, or other shapes (does not include signs that are internally lit by neon tubing). Neon tube illumination is allowed in Neighborhood Center, Public Facilities, and Employment zones with ARC or TOA approval, as applicable, on a case-by-case basis.



**Chapter O.30 – TEHALEH SIGN TABLE AND DESIGN REGULATIONS****Sections:****O.30.010 Sign Table.****O.30.020 Sign Type, Size & Height.****O.30.010 Sign Table.**

No sign may be installed, displayed, or substantially altered or reconstructed except in conformance with this Table.

- A. Sign area shall be calculated by multiplying the total width of the each sign face by the total length of the sign face. Only one sign face of a double-sided sign shall be calculated to determine sign area. Three-dimensional and iconic signs shall be calculated as the maximum area visible from any single direction at any point in time.
- B. Diagonal corner signs that face more than one street must be assigned to a street and building frontage by the applicant. The sign must meet all regulations for the street and building frontage it is assigned.

**O.30.020 Sign Types, Area and Height per Tehaleh “Zones” identified in Exhibit I.**

<b>Table O.30.020-1. Tehaleh Sign Area and Sign Height</b>			
<b>Zone Classification per Exhibit I</b>	<b>Sign Type</b>	<b>Maximum Sign Area (square feet)</b>	<b>Maximum Sign Height (feet)</b>
<b>All Zones</b>	Subdivision Identification	32	12
	Home Occupations	3	Placed on the home at maximum height of 7'
	Tehaleh Community Signs	32	12
<b>Residential; Age-Qualified; and Multi-Family</b>	Identification	24	12
<b>Neighborhood Center and Public Facilities</b>	Identification	24	12
	Business Sign	48	20
	Wall/Building	48	35
<b>Employment</b>	Freestanding	120	20
	Wall/Building	120	35
<b>Parks; and Buffers/Allees/Natural Open Spaces</b>	Freestanding	24	12
	Wall/Building	24	12
	Community and Cultural Services	48	20



**Chapter 0.70 - SIGN DEFINITIONS**

**Section:**

**O.70.010 Sign Definitions.**

**O.70.010 Sign Definitions.**

The following list consists of a nonexclusive set of definitions for types of signs discussed within this Title. See also Chapter 18.25 PCC for definitions generally applicable to the Development Regulations.

"A-board or sandwich board" means a small portable sign upon which is generally placed advertising copy denoting products or services being offered upon the site on which such signs are placed.

"ARC" – see Tehaleh Architectural Committee (ARC)

"Awning sign" is a type of building sign affixed to the surface of an awning and which does not extend vertically or horizontally beyond the limits of such awning. An "awning" is a roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building. Awnings are temporary or portable devices.

"Back lit or internally lit" means a sign that is illuminated by a light source contained within the body of the sign.

"Banner" means any sign of lightweight fabric or similar material that is mounted to a pole or building by any means. National flags, state or municipal flags, seasonal flags, or the official flag of any institution or business shall not be considered banners.

"Billboard" means a large panel designed to carry outdoor advertising; panel for the display of advertisements in public places.

"Building sign" means a sign which is permanently attached or affixed in some manner to a building wall, i.e., wall, hanging, projecting, marquee, and awning signs. The following sign types are considered building signs: awning sign, canopy sign, façade sign, hanging sign, marquee sign, projecting sign, wall sign, and window sign.

"Business sign" means a sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the site where such sign is located, or to which it is affixed.

"Business identification sign" means a sign that is limited to the name, address, or occupation of the person or business on the site. Business identification signs must be located on the site of the business itself.



"Canopy sign" is a type of building sign which is attached to or painted on a canopy structure. A "canopy" is a permanent structure, which may be supported independently or attached on one side to another structure and open on all sides.

"Community and Cultural Services" means a facility in Parks, Buffers/Allees/Natural Open Spaces zoning classifications that may include commercial, recreational, cultural, or entertainment uses such as a club, restaurant, exercise facilities or training facilities, lecture or performance hall, etc.

"Construction sign" means a sign which identifies the architects, engineers, contractors, and other individuals or firms involved in the construction of a project or site and which may announce the character of the building enterprise or the purpose for which the building is intended, but does not include any advertisement of product or services.

"Down lit" means signs lit with light directed downward from a light source onto a sign with no bare light sources visible, and that light direction and intensity is designed to provide uniform readability of the sign and control glare and spillover light.

"Electronic message sign" means an electronic changeable copy sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic or symbol is defined by a small number of matrix elements using different combinations of light-emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area.

"Electronic sign" means a sign which exhibits changing natural or artificial light or color effect by electric or electronic means, and which may consist of a pattern of lights or other technology capable of using lights to depict action, create a special effect, or vary the message being communicated. The following are all types of electronic signs: trailing electronic sign, electronic message sign, flashing sign, time and temperature sign, and video sign. An electronic reader board would be considered an electronic sign.

"Establishment" means an organization, business, institution, company, firm or enterprise operating in a separate physical commercial space with a separate mailing address.

"Façade sign" is a type of building sign painted upon or erected flush along the exterior wall or window of a building which displays only one sign surface. A "façade" refers to the front or principal face of a building or any side of a building that faces a street or other open space.

"Flashing sign" is an electronic sign which, or a portion of which, changes light intensity intermittently, but does not include electronic message signs or slowly revolving signs. This sign type is considered an electronic sign.

"Fluorescent sign" means a sign containing a glass tube whose inner wall is coated with a material that produces a visible light by way of an electrical current causing vapor within the tube to discharge electrons thereby producing the light.



"Freestanding sign" means a sign that is not supported by, or connected to, a building and is permanently supported in a fixed location by one or more poles, uprights, or braces or a base structure. Freestanding signs include pole and monument signs. The following are freestanding signs: monopole sign, monument sign, and pole sign.

"Gross sign area" means the area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements which are not a part of the display. The gross area of a 2-faced sign equals the area of one side. The "gross area" of a spherical, cubical, or polyhedral sign equals one-half the total surface area.

"Hanging sign" is a type of building sign suspended from a support (canopy or marquee) at a 90-degree right angle to the adjacent exposed building face. Hanging signs are generally intended to attract pedestrians and contain no commercial messages other than the name of the business.

"Iconic sign" means a projecting sign containing a symbol or logo characteristic of the goods and services or the business to which it is affixed. An example of an iconic sign would be a barber pole affixed to a barber shop.

"Identification sign" means a sign which is limited to the name, address or number of the building, institution or person, firm, or business center upon which the sign is located.

"Inflatable sign" means a sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled.

"Marquee sign" is a type of building sign hanging from below a marquee, porch or portico. A "marquee" is a permanent roof-like structure attached to and supported by the building and projecting beyond a building, but does not include a projecting roof.

"Master Developer" means NASH Cascadia Verde, LLC and any successors which are specifically delegated responsibilities under this document.

"Mechanical sign" means a sign that is, or includes components that are, operated by machinery.

"Memorial sign" is a type of building sign which may include the name of building or person, the date of erection cut into masonry surfaces or engraved on a tablet and constructed of bronze, brass, or other noncombustible materials or architectural features that are integral design features of a building, including religious symbols. Memorial signs do not advertise a product or service, or registered trademark.

"Menu reader boards for drive-through facilities" means a one-sided display sign for the sole purpose of providing a list of restaurant menu items to customers in a drive-through facility.

"Monopole sign" means a freestanding sign characterized by having a single support structure. This sign type is considered a freestanding sign.



"Monument sign" means a freestanding sign that is permanently affixed to the ground at its base, is supported entirely by a base structure, and is not mounted on a pole(s). This sign type is considered a freestanding sign.

"Multi-tenant/multi-building sign" means a building mounted or freestanding sign that identifies a business(es) in a multi-tenant/multi-building complex.

"Mural" means a large illustration, graphic, picture or photograph painted on or affixed directly to a wall, ceiling or other permanent feature.

"Neon sign" means a sign containing tubes with glowing colors.

"Offsite" means signage which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the site where such sign is located, or to which it is fixed.

"Parking sign" means a sign, within the public right-of-way or adjacent thereto, that directs motorists to parking facilities. Parking signs are considered traffic direction signs and therefore may not contain any business identification information or advertising.

"Pole sign" means a freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or a base structure. Enclosure of poles, uprights, and braces, associated with pole signs, and/or with box structures does not constitute a "monument sign." Pole signs may include multiple sign cabinets. This sign type is considered a freestanding sign.

"Political sign" means a temporary freestanding or wall sign providing information relating to a local, state, or national election.

"Portable sign" means any sign that is self-supporting but not permanently attached to the ground or building and can be moved from one location to another, including portable reader boards.

"Projecting sign" is a type of building sign that is erected perpendicular to and supported from the wall of a building.

"Readerboard" means a sign that is designed so that characters, letters, or illustrations can be manually or electronically changed or rearranged without altering the face or surface of the sign. If the sign copy is changed electronically, then the readerboard is considered an electronic sign.

"Rental or real estate sign" means a temporary sign which directs attention to the sale, lease, or rental of a particular building, property, or site upon which it is displayed.



"Right-of-Way License" means the License for the Use of County Rights-of-Way Within Cascadia for the Installation of Certain Improvements, recorded May 7, 2012 and that may be amended from time to time, permitting the Master Developer to install, maintain, repair and replace certain improvements, including signage, within the Cascadia/Tehaleh Rights-of-Way subject to review and approval of the County Engineer.

"Roof sign" means any sign erected on the roof of a building.

"Rotating sign" means any sign or portion thereof which physically revolves or spins and regardless of speed moves in a similar manner. A rotating sign is a type of mechanical sign.

"Sign" means any surface, fabric, object, device, display or part thereof which is used to advertise, identify, direct, or attract attention to a product, business, activity, place, person, institution, or event to convey information to the public which is visible from an abutting property, public right-of-way, or body of water using words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images including forms shaped to resemble any human, animal or product.

"Sign area" means the total area of a sign enclosing the extreme limits of the letter, module, or advertising message visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, or decorative features which contains no written or advertising copy or logos.

"Sign height" means the vertical distance measured from the adjacent grade at the base of the sign to the highest point of the sign structure; provided, however, that the grade of the ground may not be built up in order to allow the sign to be higher.

"Sign structure" means any structure which is or was used to support a sign.

"Site" means 'parcel' or 'lot'.

"Tehaleh Architectural Review Committee (ARC)" means representatives of the Master Developer of Tehaleh that establish, approve, and enforce certain design standards for all new development or construction at Tehaleh.

"Tehaleh Community Signs" means signs installed by the Master Developer within Tehaleh for the purpose of wayfinding and marketing to direct the general public to areas within Tehaleh that are being developed and/or marketed. Tehaleh Community Signs may include signs listing multiple residential builders, community information center(s) and amenities, and commercial/industrial properties being marketed, developed, or constructed. Tehaleh Community Signs are impermanent in nature and may be replaced with permanent signage that meet signage standards established for Tehaleh.



"Tehaleh Design Manual" means design guidelines and standards written and administered by the Master Developer and approved by the county and intended to influence and control issues such as site planning, architecture, lighting, landscaping, and signage.

"Tehaleh Development Agreement" means the Restated Employment Based Planned Community Development Agreement dated August 6, 2015 as to Phase 1, specifically Section 4.2.5 Signage Standards, and .

"Tehaleh Owners Association (TOA)" means the organization designated to manage certain tasks for the planned community including the collection and administration of owner association assessments and fees, the enforcement of use restrictions and rules, and architectural modification guidelines and standards for other than new construction.

"Temporary sign" means any banner, pennant, or other advertising display, with or without frames, constructed of cloth, light fabric, paper, plastic, cardboard, or other similar material. Temporary signs are not intended for ongoing advertising of products or services or for the naming of a business in lieu of a permitted permanent sign.

"Time and temperature sign" is a type of electronic sign restricted to an electronic or mechanical indication of time and/or temperature and may include a business or organization's logo. "Logo" is defined as a graphic representation or symbol of a company name, trademark, or abbreviation and is often uniquely designed for ready recognition.

"Trailing electronic sign" is a type of electronic sign with pulsing or continuous streaming text or text that changes in intervals of less than 20 seconds.

"Video sign" is a type of electronic sign with a variable sign displayed on a television style screen.

"Wall sign" is a type of building sign painted on or attached to, and extending not more than 18 inches in depth from a façade of a building. Wall signs can be illuminated or non-illuminated and can be made of wood, rigid plastic, etc., or painted on a building. The exposed face of a wall sign is in a plane parallel to the portion of the structure to which it is attached. Signs on awnings and canopies are considered wall signs.

"Window sign" is a type of building sign located inside and affixed to windows of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building.



**EXHIBIT “N”**  
**Traffic Management Plan**

**(attached)**



# Traffic Management Plan

The Supplemental Environmental Impact Statement (SEIS) for Tehaleh Phase 2, specifically the Transportation Discipline Report at Exhibit "J" of the Draft SEIS analyzed the potential transportation impacts of Tehaleh. Table 5.1 of the report provides a comprehensive list and map of roadways and intersections where traffic generated by Tehaleh Phase 2 creates an identified impact, as well as identified improvements and timing to mitigate the impact at each location. The list includes both local roadways within Pierce County's jurisdiction and highways under the jurisdiction of Washington State Department of Transportation (WSDOT). In addition to identifying specific road improvements, the report describes a program to manage transportation demand. This Traffic Management Plan (TMP), which is an element of the Phase 2 Project Master Plan, addresses obligations accepted by NASH Cascadia Verde, LLC (NASH) to mitigate the transportation system impacts of the full build-out of Tehaleh.

## 1. MITIGATION PROJECTS

Impacts of Tehaleh on the state highway system will be satisfied by meeting requirements of a Memorandum of Agreement signed by NASH and WSDOT on November 26, 2018.

For Pierce County roadways, as with Phase 1 traffic mitigation obligations, rather than proportional, partial contributions spread across the potential projects, the Phase 2 mitigation contributions are aggregated to complete specific improvement projects. Section 3.3.2 of the 2018 Phase 2 Development Agreement identified certain road improvements as "Assigned Improvements" to satisfy NASH's traffic mitigation within the jurisdiction of Pierce County. The obligation for the Assigned Improvements are in lieu of typical Traffic Impact Fee (TIF) obligations that would otherwise be required for Tehaleh Phase 2 development. When completed as required, whether by NASH and/or other developer required to provide the improvements, the Assigned Improvements shall be deemed to fully satisfy the transportation impacts of Phase 2.

The Development Agreement indicated for each Assigned Improvement the Tehaleh generated weekday PM peak hour off-site trips, as measured at the site access point(s), that could be accommodated just prior to triggering a project impact requiring mitigation. The mitigation projects are therefore to be completed prior to reaching the trigger. For purposes of administration by Pierce County, in Table 1 attached to this TMP the trip triggers have been converted to a number of single-family "Dwelling Unit Equivalents" (DUEs) at which point it is estimated the threshold number of trips would be generated. In setting the thresholds for residential units an allowance is made for additional non-residential trips associated with existing and anticipated commercial development. The issuance of residential permits beyond the identified Dwelling Unit Equivalent threshold shall be conditioned upon completion of the Assigned Improvements or potentially bonding completion of the improvements as allowed by the County Engineer. The conversion of trip triggers to a threshold number of Dwelling Unit Equivalents is then subject to periodic adjustment based on a review by Pierce County as noted below and Hearing Examiner approval.

## 2. TRAFFIC MONITORING

In the SEIS, the identified transportation impacts are based on estimated traffic generation for full build-out of Tehaleh EBPC using the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th Edition. Traffic monitoring to date and data from other large master plan communities suggests actual trip generation for the Tehaleh EBPC may be less than the ITE methodology predicts and build-out occurs gradually over the 20 to 30 years.



The traffic monitoring program may be used in the future to ensure the timing of the Assigned Improvements represented by dwelling unit thresholds is consistent with actual trips being generated by the project. At the time of this document, the current edition of ITE Trip Generation Manual will be used to determine project trips, based on the anticipated buildout schedule provided by Tehaleh. This trip generation method will be reviewed with Pierce County for each five-year review in light of the traffic monitoring data and any recommended changes will be approved by the Hearing Examiner.

## 2.1 Monitoring Study

The framework for conducting the monitoring program to be administered by Pierce County but the responsibility of NASH to execute will include:

**Timing:** Traffic monitoring will be conducted at least once per year. Monitoring will be conducted in either the spring or fall when schools are in full session.

**Scope of Monitoring:** The scope of the traffic monitoring will be coordinated with Pierce County Public Works prior to data collection but generally consistent with the five monitoring studies conducted from 2016 to 2018. At a minimum, data collection will include weekday AM and PM peak hour traffic counts at the primary access point(s) to the Tehaleh development. Permanent traffic counting stations may be installed at primary access points to capture traffic data.

**Report:** A report summarizing the findings of the traffic monitoring will be submitted to Pierce County annually on a schedule to be coordinated with other reporting NASH is required to provide Pierce County but no later than December 31. The report will include:

- Attachment or appendix with the raw traffic counts for vehicles utilizing the site;
- Deduction for construction traffic and basis of deduction (vehicle classification information from loop count or hand count);
- Deduction for non-Tehaleh traffic and methodology;
- Summary of existing and 3-year projection of land use development including type, unit count, and/or square-footage of development;
- Summary of existing and estimated year-by-year trip generation for the following three years of Tehaleh development;
- Review of Assigned Improvements projected to be required within the next 3 years based on the existing and projected 3-year weekday PM peak hour trip generation;
- A recommendation as to any adjustment of Dwelling Unit Equivalent thresholds based on accumulated data and development projections;
- A summary of the weekday PM peak hour off-site trips to and from SR 162 as most recently reported to WSDOT pursuant to the Memorandum of Agreement and statement of the amount of proportional share payments paid, due and projected to become due within the next 3 years.

**Review:** Pierce County will review the traffic monitoring study and confirm concurrence with the results or provide comments to be addressed by NASH.

**DUE Thresholds:** In establishing Dwelling Unit Equivalent thresholds, the objective is to predict when development of Tehaleh will trigger the obligation and the number of residential building permits to be issued at



that time. To allow time for design and construction Pierce County and NASH will review a schedule of anticipated improvements for the following three years and the Dwelling Unit Equivalent thresholds assigned to each. The traffic monitoring data may be used to inform the timing of improvements. Changes to the trip generation method will be reviewed by Pierce County and approved for use by the Hearing Examiner.

### 3. TRANSPORTATION DEMAND MANAGEMENT

NASH will work to reduce vehicular traffic through encouraging non-drive alone modes through supporting transit, making accommodations in internal infrastructure and incentivizing alternative modes of transportation.

#### 3.1 Transit

Although the Tehaleh site is not currently located within Pierce Transit's Public Transportation Benefit Area (PTBA), NASH will continue to coordinate with Pierce Transit on road design standards, available vanpool services and future transit services to the site. NASH will also explore other options to provide transit services such as service innovation, demonstration projects, possibility of express trips to Pierce Transit or Sounder connections as demand warrants, etc.

#### 3.2 Infrastructure

The design of streets will be coordinated with Pierce County through the street design and plat process to make transit accommodations. A park-and-ride facility on the west side of the development to be constructed following completion of Tehaleh Boulevard East and the connection to SR 162 will support vanpooling/carpooling and future transit. Residential neighborhoods will continue to be equipped with communication infrastructure to support at-home work. In addition, there will be bicycle and trail facilities connecting residential and employment areas and amenities such as restrooms within parks and along trails to support the convenience of commuting within the development.

#### 3.3 Education and Incentive Programs

Washington State's Commute Trip Reduction (CTR) Law requires employers with 100 or more full-time employees at a single worksite who begin work between 6 and 9 a.m. on weekdays to have a transportation demand management program to reduce vehicle trips and miles traveled. CTR will apply to employers within Tehaleh that meet the criteria.

As development continues, additional consideration will be given to the following as part of the Traffic Management Plan:

- Continue to survey residents to understand travel behavior and identify obstacles to using alternative transportation modes;
- Assign an Owners Association staff member the responsibility of Transportation Coordinator to regularly provide residents and employers with information on travel options and promote multimodal options to including forming carpools and vanpools;
- Encourage employers with less than 100 full-time employees beginning work between 6 and 9 a.m. to develop a Transportation Demand Management program to reduce vehicle trips and miles traveled similar to the requirement of the CTR Law for larger employers;



Transportation demand management efforts will be addressed as a matter of five-year reviews.

### 3.4 Hearing Examiner Approval

Modifications to this TMP shall be approved by the Hearing Examiner. As described in Section 2 Traffic Monitoring, changes to the trip generation method will be approved by the Hearing Examiner. This may be in conjunction with a five-year review of the project or with other project-related requests from NASH and/or Pierce County heard by the Hearing Examiner.



Table 1 – Dwelling Unit Thresholds for Assigned Improvements

Map ID <sup>1</sup>	Location	Identified Improvement	Tehaleh Off-Site Weekday PM Peak Hour Trip Trigger			Dwelling Unit Equivalent Threshold <sup>3</sup>
			Inbound	Outbound	Total <sup>2</sup>	DUEs
A	New Rhodes Lake Rd E Segment 3: Tehaleh Blvd E - McCutcheon Rd E to Falling Water Blvd E (CRP 5731)  [3-Lane Roadway]	Interim Improvement: Construct a new 3-lane roadway between McCutcheon Rd E and Falling Water Blvd E with 1 WB lane and 2 EB lanes. Install a traffic signal at the 128th St E/Tehaleh Blvd E/ McCutcheon Rd E intersection. The 128th St E/Tehaleh Blvd E/ McCutcheon Rd E intersection will include shared left/through/right-turn lanes on all approaches.	1,543	1,727	3,270	3,523
B	New Rhodes Lake Rd E Segment 1: SR 162 to Bridge (BR #7195-A) (CRP 5842)	Widen 128th St E between SR 162 and BR #7195-A to 4-lanes.	1,543	1,727	3,270	3,523
C	128th St E/SR 162 Intersection (CRP 5842)	Construct SR 162/128th St E intersection (In conjunction with a WSDOT project, County improvement is the portion east of the existing SR-162 ROW).	1,543	1,727	3,270	3,523
D	McCutcheon Rd E / 96th St E	Install a traffic signal at the McCutcheon Rd E/96th St E intersection and install flashing warning signs to the east along 96th St E-Riverside Rd E.	1,543	1,727	3,270	3,523
F	New Rhodes Lake Rd E Segment 3: Tehaleh Blvd E - McCutcheon Rd E to Falling Water Blvd E (CRP 5731)  [5-Lane Roadway]	Widen Tehaleh Blvd E between McCutcheon Rd E and Falling Water Blvd E to 5-lanes with 2 WB lanes and 3 EB lanes. Improve the 128th St E/ Tehaleh Blvd E/McCutcheon Rd E intersection to provide a 300-foot EB left-turn lane and 125-foot WB left-turn lane along 128th St E. The 128th St E/Tehaleh Blvd E/ McCutcheon Rd E intersection will include a 300-foot left-turn lane, a through lane, and a shared through/right-turn lane on the EB approach (128th St E); a 125-foot left-turn lane, a through lane, and a shared through/right-turn lane on the WB approach (Tehaleh Blvd E); and shared left/through/right-turn lane on both the NB and SB approaches (McCutcheon Rd E).	2,302	2,053	4,355	4,893
G	New Rhodes Lake Rd E Segment 2: 128th St E Bridge BR #7195-A (CRP 5843)	Widen 128th St E Bridge BR #7195-A to 4-lanes	2,302	2,053	4,355	4,893



Table 1 – Dwelling Unit Thresholds for Assigned Improvements

Map ID <sup>1</sup>	Location	Identified Improvement	Tehaleh Off-Site Weekday PM Peak Hour Trip Trigger			Dwelling Unit Equivalent Threshold <sup>3</sup>
			Inbound	Outbound	Total <sup>2</sup>	DUEs
L	Falling Water Blvd E / Rhodes Lake Rd E	Install a traffic signal.	2,623	2,504	5,127	5,222
T	New Rhodes Lake Rd E Segment 4: Falling Water Blvd E - Tehaleh Blvd E to existing termini of Falling Water Blvd E (CRP 5841)	Construct a new 2-lane roadway between Tehaleh Blvd E and the existing termini of Falling Water Blvd E.	3,334	3,358	6,692	6,549
U	New Rhodes Lake Rd E Segment 3: Tehaleh Blvd E - McCutcheon Rd E to Falling Water Blvd E (CRP 5731)  [128th St E/Tehaleh Blvd E/ McCutcheon Rd E Intersection]	Provide a 500-foot SB left-turn lane at the 128th St E/Tehaleh Blvd E/ McCutcheon Rd E intersection. The 128th St E/Tehaleh Blvd E/ McCutcheon Rd E intersection will include a 500-foot left-turn lane and a shared through/right-turn lane on the SB approach.	3,472	3,526	6,998	6,431

Notes: SB = southbound; EB = eastbound; WB = westbound; NB = northbound

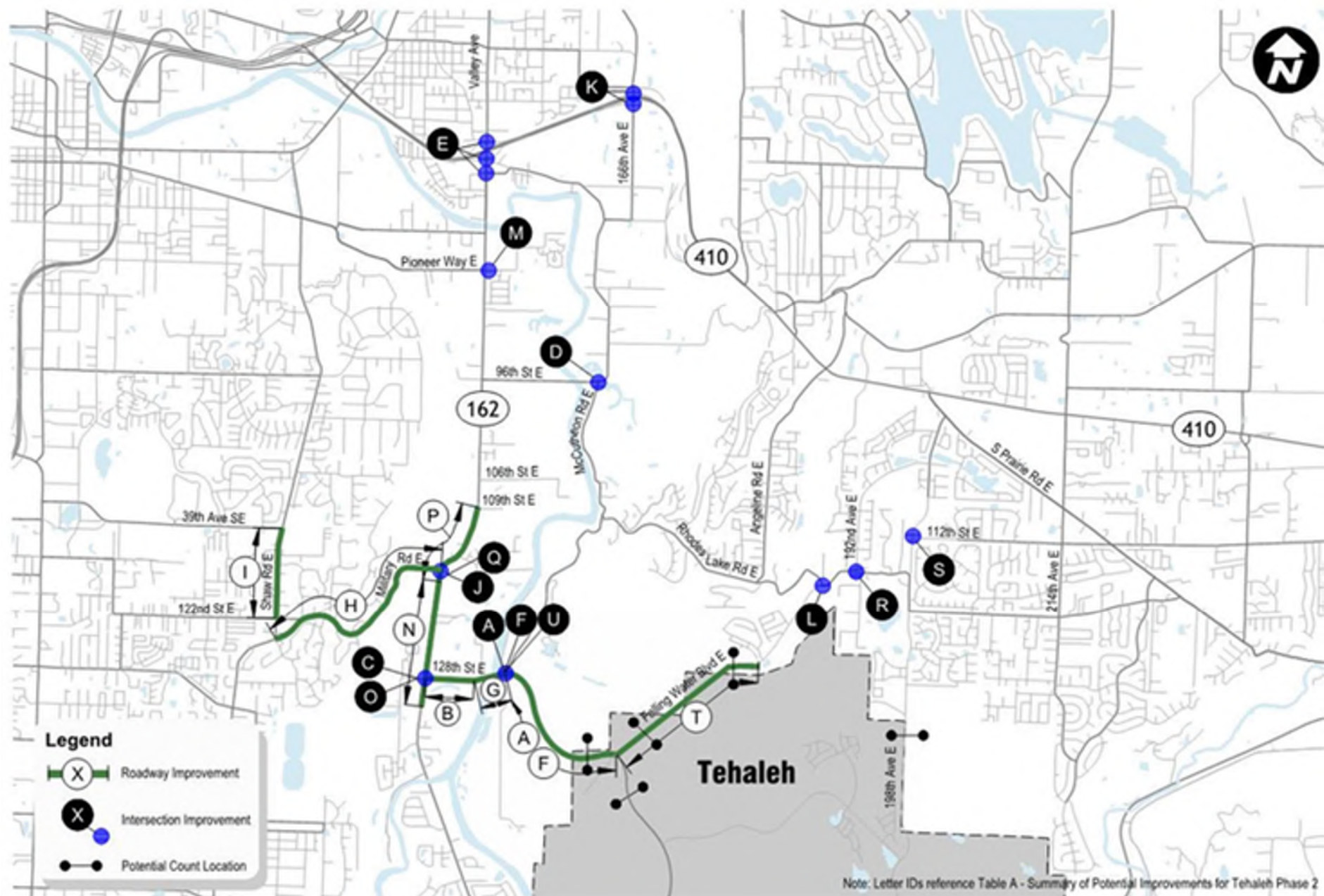
1. Map ID corresponds to the locations mapped on Figure 1.

2. Total off-site weekday PM peak hour trips (measured at the Tehaleh site access points see Figure 1) that could be accommodated just prior to triggering a project impact requiring mitigation. Additional off-site weekday PM peak hour trips generated by the development beyond what is shown would trigger mitigation.

3. For administration purposes, the number of trips triggering improvements has been converted to Dwelling Unit Equivalents (DUEs) based on the trip rate of a single-family residence being equal to 1. A multi-family unit is 0.76 DUEs and "Age Qualified" residence is 0.41 DUEs. In setting the residential unit threshold, an allowance is made for additional traffic generation expected to result from existing and predicted employment uses (i.e., the DUEs only consider residential uses and it is assumed based on the weekday PM peak hour trip threshold that Pierce County will approve commercial uses within the trip threshold).



Figure 1 – Map of Assigned Improvement and Potential Count Locations





**EXHIBIT "O"**

**WSDOT Memorandum of Agreement**

**(attached)**



## MEMORANDUM OF AGREEMENT

### **Tehaleh Phase 2 Development in Pierce County Mitigation Payments to State Highway Improvement Projects on SR 162**

This Memorandum of Agreement (Agreement) is between the Washington State Department of Transportation, hereinafter "WSDOT" and the NASH Cascadia Verde, LLC, hereinafter "NASH", collectively referred to as the "Parties" and individually a "Party".

#### RECITALS

A. NASH has proposed the Phase 2 development of a project in Pierce County commonly known as "Tehaleh" and previously known as "Cascadia". Phase 1 was approved by Pierce County in 1999 and is actively developing. Phase 1 and Phase 2 together are herein collectively known as Tehaleh. The overall Tehaleh project will include up to 9,700 residential dwelling units, a minimum of 476 acres of employment center uses, up to 400 acres of public facilities, and up to 2,048 acres of open space / recreational uses. Tehaleh is zoned to be an Employment Based Planned Community (EBPC). Full build out of Tehaleh is anticipated to occur by the year 2030.

B. The term "Tehaleh Phase 2" refers to NASH's preferred alternative as set forth in the Final Supplemental Environmental Impact Statement (FSEIS) for Tehaleh Phase 2 development issued by Pierce County on July 5th, 2018.

C. Traffic studies and/or other documents included in the FSEIS have been prepared by or on behalf of NASH identifying traffic impacts to nearby WSDOT state highway facilities that would arise as a result of the development of Tehaleh Phase 2.

D. The Parties agreed to use the SR 162 Sumner to Orting Congestion Study Report prepared by WSDOT dated June 2017, hereinafter referred to as "The WSDOT SR 162 Report", to prioritize which highway projects on SR 162 NASH should contribute funding to and to establish the highway project's expected costs.

E. The Parties agree that the construction of the Tehaleh Phase 2 development will give rise to identified traffic impacts on the WSDOT state highway facilities and will have potential significant adverse environmental impacts on the community if these traffic impacts are not mitigated.

F. The Parties recognize the authority of the Lead Agency, Pierce County, to impose conditions on the permits issued for Tehaleh Phase 2 development pursuant to the Growth Management Act and Chapter 36.70A RCW and Chapter 82.02 RCW, and the State Environmental Policy Act (SEPA), Chapter 43.21C RCW.

G. WSDOT has analyzed the traffic studies and/or other documents provided by NASH in order to determine the proportionate amount of increased traffic on the WSDOT state highway facilities directly resulting from the Tehaleh Phase 2 development and has estimated



the cost of the highway improvements necessary to mitigate the traffic impacts caused in whole or in part by the Tehaleh Phase 2 development. The Lead Agency, Pierce County, concurs with these impacts as documented in the SEIS for the Tehaleh Phase 2 development.

H. NASH agrees to mitigate the direct traffic impacts on the WSDOT state highway facilities in the vicinity of the Tehaleh Phase 2 development caused by the construction of the Tehaleh Phase 2 development, by contributing funding for highway projects on SR 162 as well as for a County project known as the New Rhodes Lake Road East. The County project has four segments of which the segment titled "128<sup>th</sup> Street East/SR 162 Intersection (CRP 5842)" will include the construction of a roundabout improvement at the intersection of SR 162 and 128<sup>th</sup> Street East, hereinafter referred to as the "SR 162 / 128<sup>th</sup> Street East Roundabout".

I. The Parties agree the funding contributions listed below and their timing will mitigate the significant adverse traffic impacts caused in whole or in part by the Tehaleh Phase 2 development on the nearby WSDOT state highway facilities.

NOW THEREFORE, in consideration of the terms, conditions, covenants, and performances contained herein, and the above recitals and the attached Exhibit "A", all of which are incorporated and made a part hereof, IT IS MUTUALLY AGREED AS FOLLOWS:

1. **Background.** The methodology for calculating the dollar amount of NASH's mitigation obligation based upon traffic impacts on WSDOT facilities is based on the "fair share method." This method expresses the additional Tehaleh Phase 2 traffic as a percentage of total traffic in the SR 162 corridor at the applicable horizon year, and then applies that percentage to the estimated cost of a number of specified highway mitigation projects in the corridor. The Parties agree that the FSEIS, which incorporates and reflects substantial traffic modeling and other input from WSDOT and Pierce County, presents an adequate analysis of Tehaleh Phase 2 impacts upon WSDOT facilities and provides a reasonable basis for evaluation and mitigation of those adverse impacts.

2. **General Mitigation Obligation.** NASH shall provide mitigation in the form of cash funding of design, right-of-way acquisition, and construction of improvements for its Tehaleh Phase 2 impacts to WSDOT facilities in a total amount not to exceed \$30.99 million (\$30,990,000) in 2018 dollars, with inflationary increases as described below. The mitigation amount will be broken into two categories as follows:

2.1. **Category 1 Obligation:** A guaranteed commitment in the amount of \$21.72 million (\$21,720,000) in 2018 dollars to be discharged by NASH in part by NASH constructing improvements on SR 162 as described below and in part in the form of cash payments to WSDOT or Pierce County, which payments shall be held in a separate interest bearing account for the sole benefit of WSDOT (the "Category 1 Account") for the sole and express purpose of funding WSDOT highway improvements on SR 162. This shall include the (i) SR 162 / 128<sup>th</sup> Street East Roundabout Design, Right-of-Way Acquisition and Construction, (ii) SR 162 between 128<sup>th</sup> Street East and Military Road Design and Right-of-Way Acquisition and (iii) SR 162 between 128<sup>th</sup> Street East and Military Road Construction.

2.2. **Category 2 Obligation:** The amount of \$9.27 million (\$9,270,000) in 2018 dollars that will be paid to WSDOT or Pierce County, which shall be held in a separate



interest bearing account for the sole benefit of WSDOT (the "Category 2 Account") for the sole and express purpose of funding WSDOT highway improvements, to be determined at the sole discretion of WSDOT, necessitated by impacts of the Tehaleh Phase 2 project as determined by the results of the monitoring program described in Section 3 below.

The total amounts described in this Section 2 shall include inflationary increases using 3% per annum for the right-of-way, preliminary engineering, and construction phases of the projects. Therefore, the amounts set forth in this paragraph 2.1 and 2.2 shall be increased at the rate of 3% per annum on each January 1<sup>st</sup>, beginning January 1, 2020 until paid.

The details more fully describing the obligations of the parties pursuant to this Agreement may be the subject of a subsequent "Implementation Agreement". The Implementation Agreement may be entered into between the Parties prior to the Final Approval of the Tehaleh Phase 2 Project Master Plan, which shall take place on or about February 2019.

3. **Monitoring.** The Parties agree that the ultimate mitigation obligation for Tehaleh Phase 2 should be based, as nearly as possible, on the actual traffic impacts of that project. Because of Tehaleh's size, location, and mixed use, the standard parameters from the Institute for Traffic Engineers ("ITE") sources may not accurately reflect the actual traffic and impacts generated by Tehaleh. The calculation of the overall potential obligation of \$30.99 million (\$30,990,000) was based on standard ITE parameters, but will be subject to verification by monitoring in accordance with a Traffic Monitoring Program if agreed to the Parties. If the Parties cannot agree to a Traffic Monitoring Program the standard ITE parameters will be used.

4. **Category 1 Obligation.** The Parties agree that the Category 1 Obligation will be discharged as follows:

4.1 **SR 162 / 128<sup>th</sup> Street East Roundabout Design, Right-of-Way Acquisition, and Construction.** NASH will fund the design, permitting, right-of-way acquisition and construction of Pierce County CRP 5842, including the SR 162 / 128<sup>th</sup> Street East Roundabout in accordance with the "SR 162 & 128<sup>th</sup> Street East (SR Milepost 6.11) Intersection Control Analysis", dated June 2018 which has been reviewed and approved by WSDOT. The limits of this project where it abuts County right-of-way at 128<sup>th</sup> Street East are attached to this memorandum as Exhibit "A". NASH agrees that the roundabout intersection improvement will be completed and operational by the time the total off-site peak hour traffic generation from the overall Tehaleh development equals 3,270 PM peak hour trips.

WSDOT agrees it will be responsible to obtain all right-of-way needed for the completion of the required improvements on SR 162 and NASH will be responsible to reimburse WSDOT, through the Category 1 Account, for all its direct and indirect costs to acquire such right-of-way. If requested by Pierce County, WSDOT may assume the obligation to obtain the right-of-way needed on 128<sup>th</sup> Street East needed for the completion of the roundabout on SR 162 by its written consent, otherwise Pierce County shall acquire the needed 128<sup>th</sup> Street East right-of-way.

NASH shall pay into the Category 1 Account the full cost of each right-of-way acquisition, whether it is a whole parcel acquisition or partial parcel acquisition, within 60 calendar



days following the individual acquisition. NASH payments to the Category 1 Account shall occur on a parcel by parcel basis as the acquisition occurs and are not limited to once a month payments.

NASH shall receive credit for its direct costs associated with its Category 1 Obligation efforts, but only for those efforts that are directly related to the state highway improvements on SR 162 and for those roadway improvements on 128<sup>th</sup> Street East that are directly related to and needed to make the 128<sup>th</sup> Street East roundabout on SR 162 functional and operational, including the design, permitting, right-of-way acquisition and construction costs NASH contributes to Pierce County CRP 5842 that go toward the construction of the roundabout. Unless agreed to otherwise by WSDOT in writing, NASH will only be credited for its direct costs associated with the roundabout work that is within the future SR 162 state highway right-of-way limits that are illustrated on Exhibit "A". It is acknowledged by the Parties that this Exhibit "A" is a rough sketch of the proposed intersection roundabout improvements. WSDOT shall have the sole right to reasonably determine which costs will be credited as Category 1 Obligations under this provision.

**4.2 SR 162 between 128<sup>th</sup> Street East and Military Road Design and Right-of-Way Acquisition.** NASH shall reimburse WSDOT for congestion relief improvements on the SR 162 corridor between 128<sup>th</sup> Street East and Military Road, specifically to be used for implementation of Project ID#22B - Military to 128<sup>th</sup> 4-lane divided configuration with a roundabout at the intersection of Military Road and SR 162 as described in "The WSDOT SR 162 Report".

The Parties mutually agree that this SR 162 highway project could be modified or built in phases due to legislative direction. In addition, legislative action could direct WSDOT to update the "The WSDOT SR 162 Report" with the result being a highway project that is changed from what is listed in the June 2017 report. The Parties agree that legislative action will not reduce or increase Tehaleh's obligation to fund and/or build the highway improvements described in this Agreement.

The cash payments from NASH to the Category 1 Account will be made for the following purposes on a schedule to be established in a project-specific agreement between the Parties. The agreement shall be based upon the following general provisions.

4.2.1 NASH will fund the design of the SR 162 improvements with 15% paid in advance of the date WSDOT designates as the date WSDOT design work will begin and with the balance funded as design proceeds. NASH payments to the Category 1 Account will start no earlier than January 1, 2024 and will occur at a frequency not to exceed more than one payment a month. WSDOT will provide to NASH a minimum of 90 calendar days in advance of the 15% advance payment due date for this design activity an estimated cost of the advance payment, including the estimated monthly payments needed until the design effort is completed, also known as the "aging" of the project.

4.2.2 NASH will fund the acquisition of right-of-way parcels needed as described above for the designed improvement, with 15% paid in advance of the date WSDOT designates as the date WSDOT acquisition activities will commence and



with progress payments as acquisitions are made. NASH payments to the Category 1 Account will start no earlier than January 1, 2025 and will occur at a frequency not to exceed more than one payment a month. NASH will be provided with a minimum of 90 calendar days advance notice of the 15% advance payment due date for this right-of-way activity an estimated cost of the advance payment, including the estimated monthly payments needed until the right-of-way acquisition effort is completed, also known as the "aging" of the project. As noted in 4.1 above the actual right-of-way acquisition payments by NASH to the Category 1 Account shall occur on a parcel by parcel basis as the acquisition occurs and are not limited to once a month payments.

**4.3 SR 162 between 128th Street East and Military Road Construction.** The remaining balance of the Category 1 Obligation, after credits described in 4.1 above and payments as described in 4.2.1 and 4.2.2 above, and including the amount of inflationary increases described under Section 2 shall be paid by NASH to the Category 1 Account to pay for costs incurred for construction of the SR 162 improvements, with 15% paid in advance of the start of construction with the balance paid as progress is made. NASH will be provided with a minimum of 90 calendar days advance notice of the 15% advance payment due date for this construction activity an estimated cost of the advance payment, including the estimated monthly payments needed until the construction effort is completed, also known as the "aging" of the project.

NASH's responsibility to pay reimbursable construction costs into the Category 1 Account will commence no earlier than January 1, 2027. NASH will be responsible to pay its share of the construction costs incurred based on its proportional obligation for the overall projected construction cost. For example, if the NASH remaining construction obligation is \$10 million, after credits described in 4.1 above and payments as described in 4.2.1 and 4.2.2 above, and the total SR 162 improvement project costs \$20 million, the NASH share of each progress payment would be 50%. NASH'S obligation for Category 1 Obligation payments shall not exceed \$21.72 million (\$21,720,000), except for any inflationary increases as described under Section 2.

The Parties mutually agree that this SR 162 highway project could be modified or built in phases due to legislative direction. In addition, legislative action could direct WSDOT to update the "The WSDOT SR 162 Report" with the result being a highway project that is changed from what is listed in the June 2017 report. The Parties agree that legislative action will not reduce or increase Tehaleh's obligation to fund and/or build the highway improvements described in this Agreement.

**5. Category 2 Obligation.** The Category 2 Obligation is conditional on monitoring of actual traffic generated to and from the overall Tehaleh development. Up to the total amount of the Category 2 Obligation contribution of \$9.27 million (\$9,270,000), together with inflationary increases under Section 2, will be paid to WSDOT or Pierce County if the overall Tehaleh traffic exceeds 70% of the ITE determined 8,091 offsite weekday PM peak hour trips expected to be generated, which equals 5,665 weekday PM peak hour trips. The proportional share contribution will be increased commensurate with the additional traffic generated by Tehaleh Phase 2 as shown through the annual Traffic Monitoring Program.



The additional proportional share contribution shall be calculated as follows:

1 Total off-site weekday PM peak hour trips as determined in the Traffic Monitoring Program.

$$\text{Additional Proportional Cost Share} = \frac{\text{Actual Trips}^1 - 5,665}{2,426} \times \$9.27 \text{ M}$$



Traffic monitoring will be conducted annually by NASH. If the overall Tehaleh development is shown to generate more than 70% of the offsite weekday PM peak hour trips projected then a second monitoring will occur within 6 months to confirm the results. If two consecutive traffic monitoring studies show that more than 70% of the offsite weekday PM peak hour trips are generated then NASH will be responsible for a proportional share of the Category 2 Obligation; however, NASH will not be charged for additional proportional share costs if the cost has already been paid for those additional off-site weekday PM peak hour trips in a previous year. The additional proportional share cost will be adjusted to account for only the new offsite weekday PM peak hour trips each year.

The frequency and timing of any additional proportional share contributions shall be determined by the Parties at the Midpoint (year 2028) Review of Proportional Share to WSDOT Project as described in the Traffic Monitoring Program.

6. **Purpose of the Memorandum; Additional Terms.** This Memorandum of Agreement is intended to reflect the agreement of WSDOT and NASH with respect to traffic mitigation for Tehaleh Phase 2 impacts. As such, it may be presented to Pierce County Council and other decision-makers to reflect the agreement with respect to traffic mitigation and may be incorporated into decision documents. The Parties agree that it may be necessary to set forth additional specific terms regarding technical matters and procedural implementation and agree to negotiate those issues in good faith so that each party receives the intended benefits, and that such agreements, including but not limited to any Implementation Agreements entered into by the parties prior to or after the Approval of the Tehaleh Phase 2 Project Master Plan.

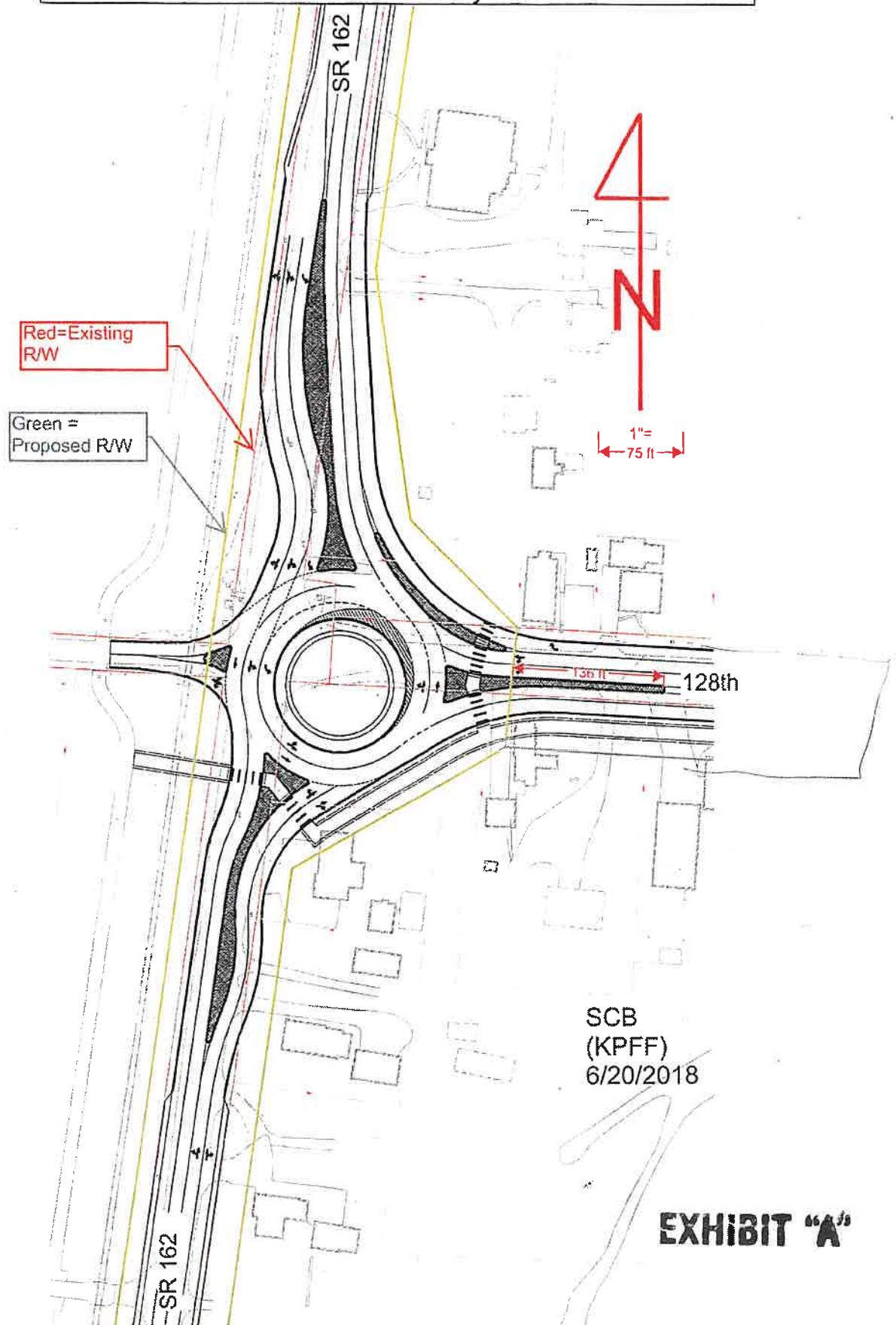
7. **Entire Agreement.** This agreement represents the entire Agreement of the parties with respect to all matters referenced herein.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Parties date signed last below.

NASH Cascadia Verde, LLC	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
By: 	By: 
Printed: <u>SCOTT JONES</u>	Printed: <u>Steve Rount</u>
Title: <u>AUTHORIZED SIGNATORY</u>	Title: <u>Asst. Region Admin.</u>
Date: <u>11-26-18</u>	Date: <u>11/26/2018</u>



Proposed Roundabout at SR 162 & 128th St E  
Pierce County





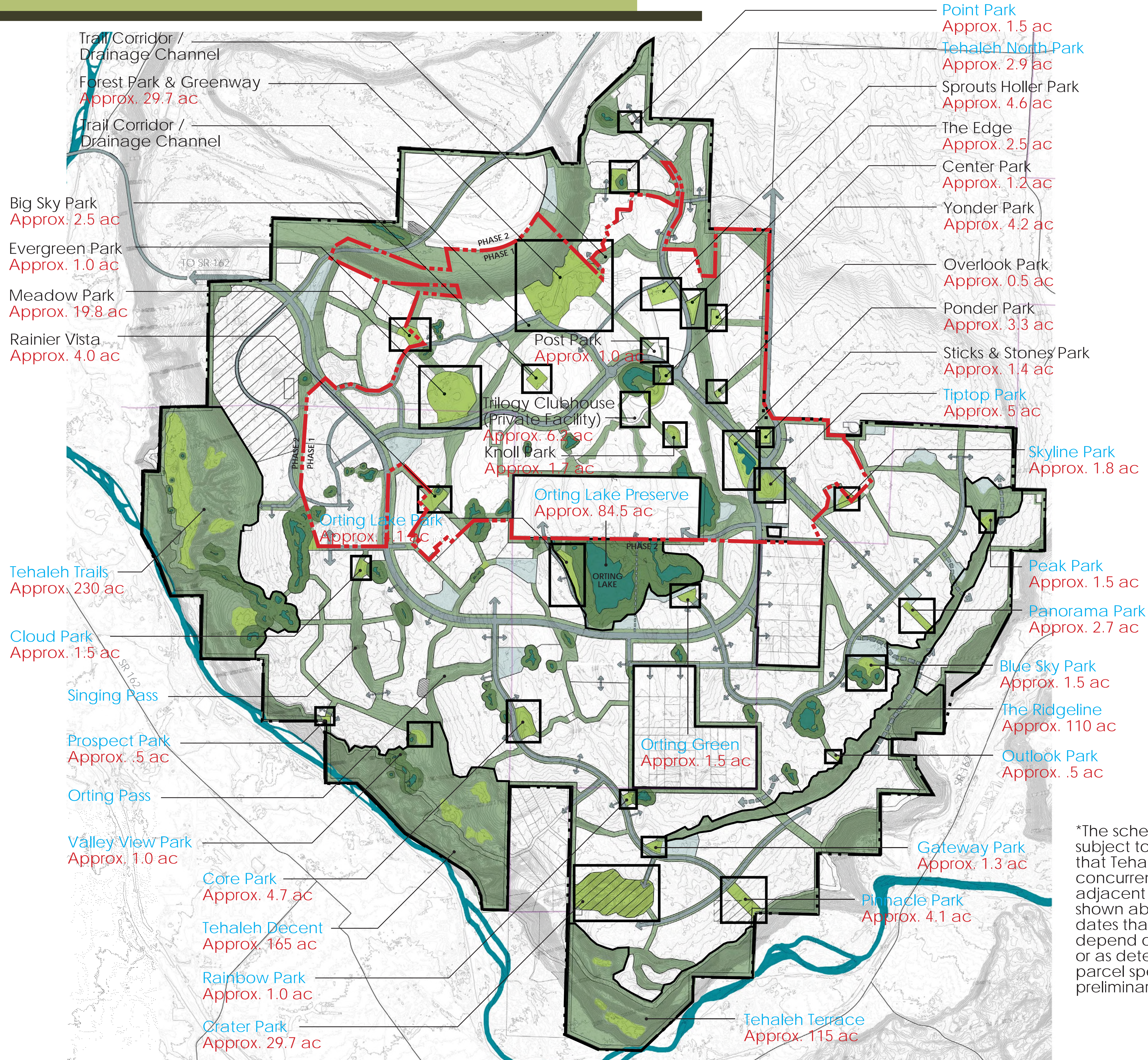
**EXHIBIT “P”**

**Tehaleh Master Park and Trail Plan**

**(attached)**



# Master Park Plan



## \*Park Schedule

### Existing Parks

Sprouts Holler Park  
The Edge  
Post Park  
Center Park  
Ponder Park  
Sticks & Stones Park  
Knoll Park  
Yonder Park  
Greenway  
Overlook Park  
Big Sky Park  
Trilogy Clubhouse (private facility)  
Center Park  
North Forest Park

### 2018 - 2023

Meadow Park  
Rainier Vista  
Evergreen Park

Tehaleh North Park  
Point Park  
Tiptop Park  
Skyline Park  
Peak Park  
Panorama Park  
Sunset Park  
Cloud Park  
Prospect Park  
Valley View Park  
Orting Lake Park  
Orting Lake Preserve  
The Ridgeline

### 2024 - 2029

Core Park  
Orting Green  
Blue Sky Park  
Pinnacle Park  
Gateway Park  
Crater Park  
Outlook Park  
Rainbow Park  
Tehaleh Trails  
Tehaleh Decent  
Tehaleh Terrace

\*The schedule shown is approximate and subject to change. It is generally intended that Tehaleh's parks will be constructed concurrent with the development of adjacent residential parcels. The dates shown above are approximate; the actual dates that parks are constructed will depend on the pace of development and/or as determined during design review of parcel specific development applications, preliminary plats, building permits.







## Evergreen Park

Approx. 1.0 ac

### Use:

- Woodsy stopping points
- Walking trails
- Pavilion
- Open lawn
- Seating

### Users:

- Young Adults/Adults
- Families

### Site Description:

- Valuable mature tree canopy
- Relatively flat topography



## Center Park

Approx. 1.2 ac

### Use:

- Trails
- Picnic tables
- Lawn
- Benches
- Natural play area

### Users:

- Families
- Kids

### Site Description:

- Elevated views of Tehaleh community
- View of Mt. Rainier



## Tehaleh Green

Approx. 2.5 ac

### Use:

- Pavilion
- Open active lawn/flexible community gathering space
- Seating

### Users:

- Families
- Young Adults/Adults

### Site Description:

- Views down road to Mount Rainier
- Park located on flat hilltop



## Overlook Park

Approx. 0.5 ac

### Use:

- Trails
- Kids' natural play
- Benches
- Lawn
- Play area (formal)

### Users:

- Families
- Young Adults/Adults
- Seniors

### Site Description:

- Elevated views of Tehaleh center
- Small site



## The Post Civic Center

Approx. 1.0 ac

### Use:

- Landscape/Park Area
- The Post Welcome Center
- Warming Hut
- Trail head
- Parking

### Users:

- Young Adults/Adults
- Families

### Site Description:

- Building oriented nicely to street & mountain views
- Trail connection to North Forest Park
- Grass areas for flexible recreation
- Patio with fire pit



## Rainier Vista Park

Approx. 4.0 ac

### Use:

- Trails
- Benches
- Lawn
- Trail head

### Users:

- Families
- Young Adults/Adults
- Seniors

### Site Description:

- Park located on hilltop
- View of Mt. Rainier

Note: The schedule shown is approximate and subject to change. It is generally intended that Tehaleh's parks will be constructed concurrent with the development of adjacent residential parcels. The dates shown above are approximate; the actual dates that parks are constructed will depend on the pace of development and/or as determined during design review of parcel specific development applications, preliminary plats, building permits.

Note: This plan and schedule is conceptual in nature. Park locations, sizes, programming, and timing is approximate and subject to change at the request of Tehaleh in accordance with the terms of the Cascadia Development Agreement.

Note: Prior to construction of any park or trail facilities identified in Exhibits E-1 through E-4, Pierce County Planning and Land Services approval of construction plans is required to ensure consistency with the Tehaleh EBPC land use approvals.

0' 50' 100' 200' 400'







## Forest Park 29.7 ac

### Use:

- Forested trails & stopping points
- Campsites/overlooks
- Benches & picnic areas
- Stargazing/gathering
- Dog park
- Restrooms/Parking
- Adult play area

### Users:

- Families
- Kids
- Young Adults/Adults
- Seniors

### Site Description:

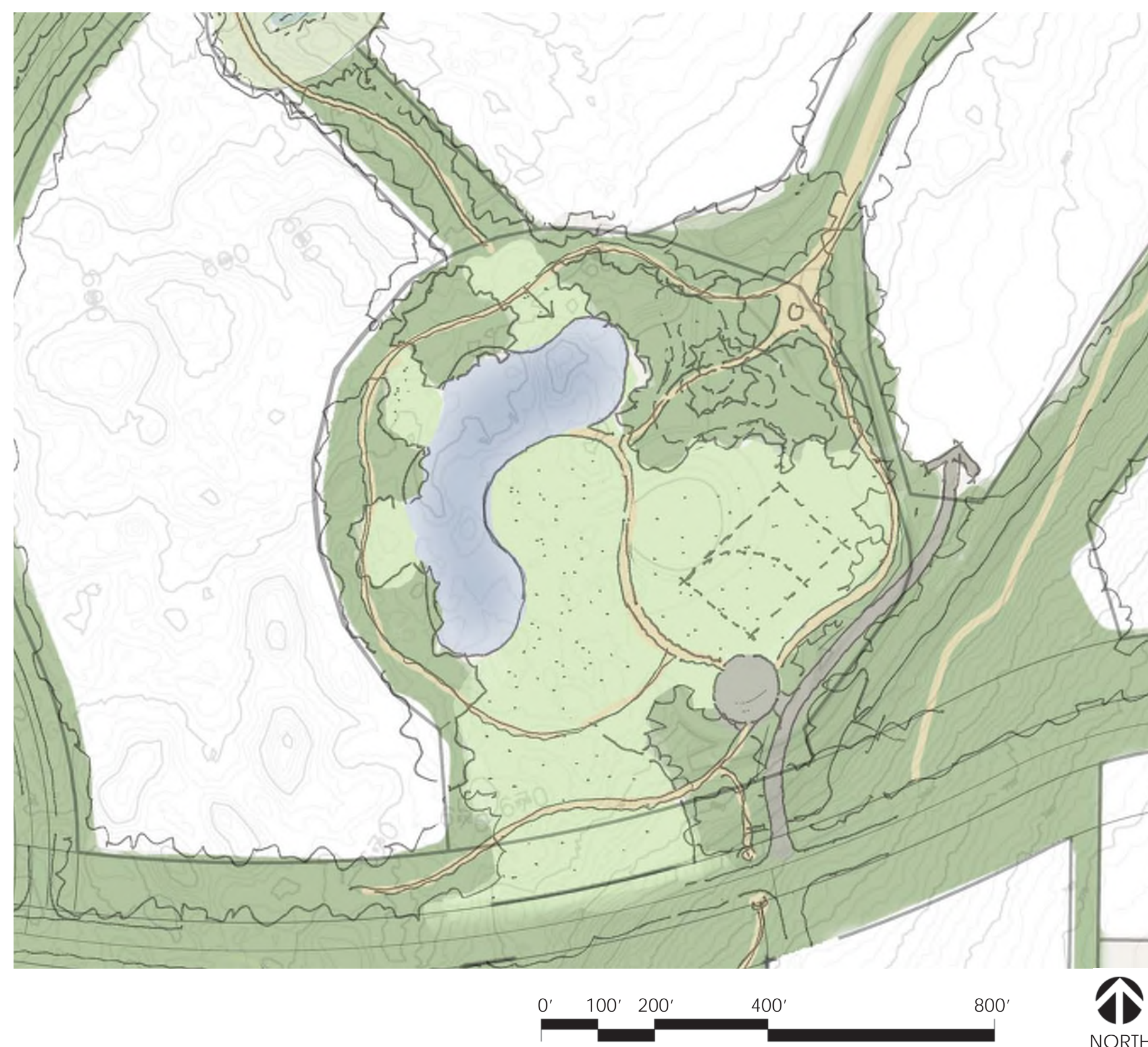
- Beautiful existing forest (dappled light, healthy trees, not too dense)
- Utility corridor offers prime opportunity for wide multi-use trail
- Secondary trail north of utility corridor offers possible far north views and provides circuit within forest park
- Utility spur leaves a cleared corridor of open space adjacent to a proposed feeder road
- Mostly flat topography with steeper slopes in the southwest and along the cleared utility corridor

### Comparison of 2012 Phase 1 Master Parks Plan & Proposed Master Parks Plan:

- The 3.4 acres of open lawn from Kite Park are now located within the 19.8 acres in Meadow Park.
- The Wetland/Yonder Park amenities have been relocated to Meadow Park, as the Trilogy Clubhouse is now located to the West of Yonder Park in their place.

Note: This plan and schedule is conceptual in nature. Park locations, sizes, programming, and timing is approximate and subject to change at the request of Tehaleh in accordance with the terms of the Cascadia Development Agreement.

Note: The schedule shown is approximate and subject to change. It is generally intended that Tehaleh's parks will be constructed concurrent with the development of adjacent residential parcels. The dates shown above are approximate; the actual dates that parks are constructed will depend on the pace of development and/or as determined during design review of parcel specific development applications, preliminary plats, building permits.



## Meadow Park 19.8 ac

### Use:

- Large open play field
- Picnic benches & seating
- Differing lake edge treatments
- Play areas
- Reservoir
- Trails
- Parking/restrooms

### Users:

- Families
- Kids
- Young Adults/Adults
- Seniors

### Site Description:

- Vast, open, flat, exposed environment - could be delineated into zones using trees and shaping of the land
- Park offers potential views from surrounding residential development
- Reservoir could be used as a potential site amenity
- The amount and scope of Meadow Park improvements and programming is dependent on the feasibility of maintaining storm water infiltration functions and performance which will take precedence.

Note: Prior to construction of any park or trail facilities identified in Exhibits E-1 through E-4, Pierce County Planning and Land Services approval of construction plans is required to ensure consistency with the Tehaleh EBPC land use approvals.



## Phase 2 Master Park Plan

Note: Graphic refinement may be required after plan and program approval.



### Core Park

Approx. 4.7 ac

#### Use:

- Proximity to future neighborhood commercial
- Benches & picnic areas
- Gathering
- Restrooms/Parking
- Adult play area
- Lake access

#### Users:

- Young Adults/Adults
- Families

#### Site Description:

- Centrally located park with direct access to high density residential and neighborhood commercial



### Gateway Park

Approx. 1.3 ac

#### Use:

- Benches & Seating
- Open active lawn / flexible community gathering space
- Trailhead
- Kids play area

#### Users:

- Young Adults/Adults
- Families

#### Site Description:

- Neighborhood park which serves as the entrance to a Ridgeline trail system.



### Skyline Park

Approx. 1.8 ac

#### Use:

- Benches & Seating
- Open active lawn / flexible community gathering space
- Trailhead

#### Users:

- Families
- Kids

#### Site Description:

- Adjacent to stormwater facility
- Neighborhood park



### Tiptop Park

Approx. 5 ac

#### Use:

- Views
- Kite flying
- Picnicing
- Open active lawn

#### Users:

- Families
- Young Adults/Adults
- Seniors

#### Site Description:

- Existing natural hillside with potentially great views to Mt. Rainier.
- Located at a high point of the site.



### Peak Park

Approx. 1.5 ac

#### Use:

- Views
- Trailhead
- Benches / Seating
- Garden

#### Users:

- Families
- Seniors

#### Site Description:

- Direct Mt. Rainier views
- Potential programming for adult active community

Note: The schedule shown is approximate and subject to change. It is generally intended that Tehaleh's parks will be constructed concurrent with the development of adjacent residential parcels. The dates shown above are approximate; the actual dates that parks are constructed will depend on the pace of development and/or as determined during design review of parcel specific development applications, preliminary plats, building permits.

Note: This plan and schedule is conceptual in nature. Park locations, sizes, programming, and timing is approximate and subject to change at the request of Tehaleh in accordance with the terms of the Cascadia Development Agreement.

Note: Prior to construction of any park or trail facilities identified in Exhibits E-1 through E-4, Pierce County Planning and Land Services approval of construction plans is required to ensure consistency with the Tehaleh EBPC land use approvals.

0' 50' 100' 200' 400'







**Panorama Park**  
Approx. 2.7 ac

**Use:**

- Benches & picnic areas
- Gathering areas
- Restrooms/Parking
- Play areas
- Open rec. lawn
- Mt. Rainier views

**Users:**

- Young Adults/Adults
- Families

**Site Description:**

- Direct Mt. Rainier views
- Primary Parcel O park as it is on axis with primary parcel access road
- Potential programming for adult active community



**Outlook Park**  
Approx. .5 ac

**Use:**

- Benches & picnic areas
- Play areas
- Mt. Rainier views

**Users:**

- Young Adults/Adults
- Families

**Site Description:**

- Direct Mt. Rainier views
- Potential programming for adult active community



**Blue Sky Park**  
Approx. 1.5 ac

**Use:**

- Pavilion
- Open active lawn/flexible community gathering space
- Seating

**Users:**

- Families
- Young Adults/Adults

**Site Description:**

- Along primary multi-modal trail corridor
- Proximity to storm facility and wetlands



**Rainbow Park**  
Approx. .5 ac

**Use:**

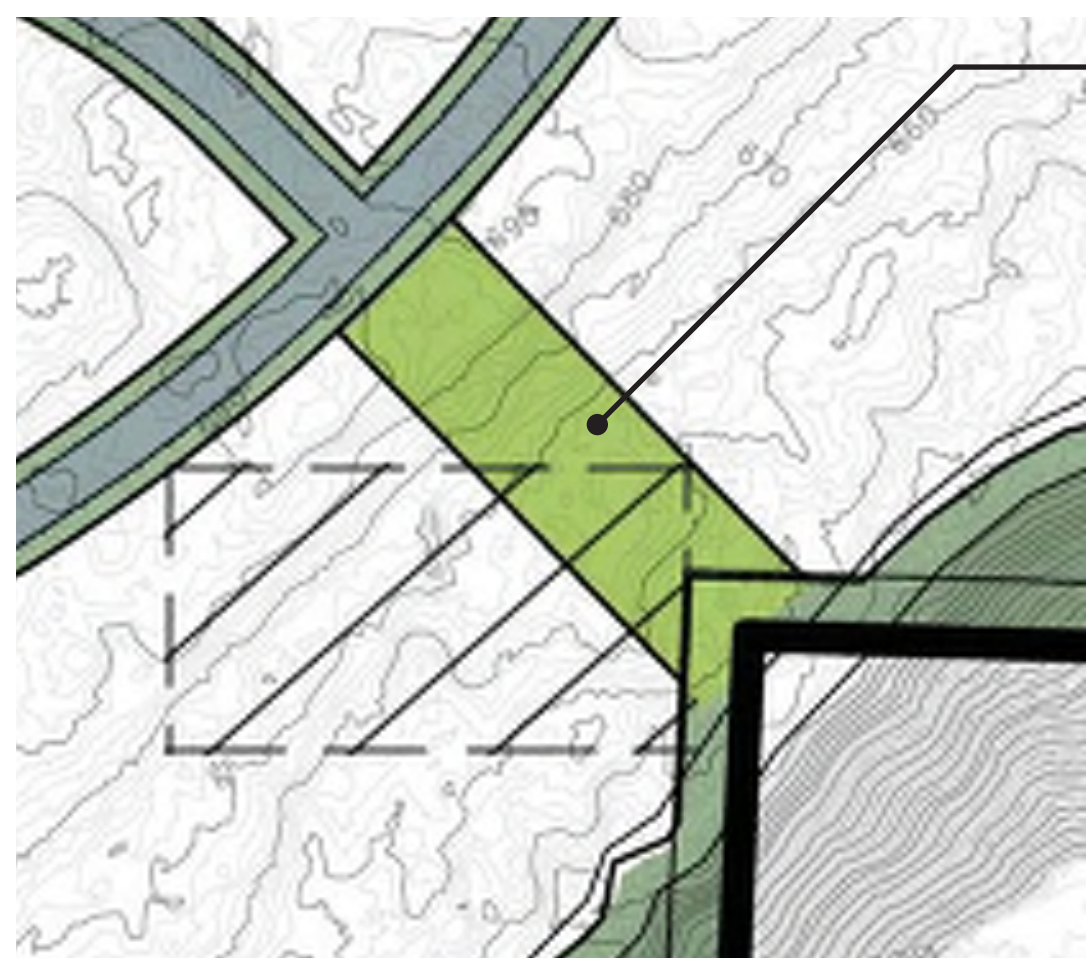
- Open active lawn/flexible community gathering space
- Seating

**Users:**

- Families
- Young Adults/Adults

**Site Description:**

- Adjacent to potential school
- Direct access to existing wetland & trails



**Pinnacle Park**  
Approx. 4.1 ac

**Use:**

- Benches & picnic areas
- Stargazing/gathering
- Restrooms/Parking
- Play areas
- Open rec. lawn
- Mt. Rainier views

**Users:**

- Young Adults/Adults
- Families

**Site Description:**

- Direct Mt. Rainier views
- On axis with road intersection.



**Crater Park**  
Approx. 29.7 ac

**Use:**

- Large open spaces
- Picnic benches & seating
- Play areas
- Reservoir
- Trails

**Users:**

- Families
- Kids
- Young Adults/Adults
- Seniors

**Site Description:**

- Vast, open area.
- Natural bowl could provide unique recreational opportunities

Note: The schedule shown is approximate and subject to change. It is generally intended that Tehaleh's parks will be constructed concurrent with the development of adjacent residential parcels. The dates shown above are approximate; the actual dates that parks are constructed will depend on the pace of development and/or as determined during design review of parcel specific development applications, preliminary plats, building permits.

Note: This plan and schedule is conceptual in nature. Park locations, sizes, programming, and timing is approximate and subject to change at the request of Tehaleh in accordance with the terms of the Cascadia Development Agreement.

Note: Prior to construction of any park or trail facilities identified in Exhibits E-1 through E-4, Pierce County Planning and Land Services approval of construction plans is required to ensure consistency with the Tehaleh EBPC land use approvals.

0' 50' 100' 200' 400'







**Valley View Park**  
Approx. 1.0 ac

**Use:**

- Benches & picnic areas
- Gathering area
- Valley views
- Kids play area

**Users:**

- Young Adults/Adults
- Families

**Site Description:**

- On slope with valley views
- Located along primary multi-modal trail system
- Adjacent to existing wetland



**Tehaleh North Park**  
Approx. 2.9 ac

**Use:**

- Benches & picnic areas
- Gathering area
- Open recreational lawn
- Play areas

**Users:**

- Young Adults/Adults
- Families

**Site Description:**

- Proximity to existing wetland
- Direct connection to residential parcels
- Located on primary road corridor



**Prospect Park**  
Approx. .5 ac

**Use:**

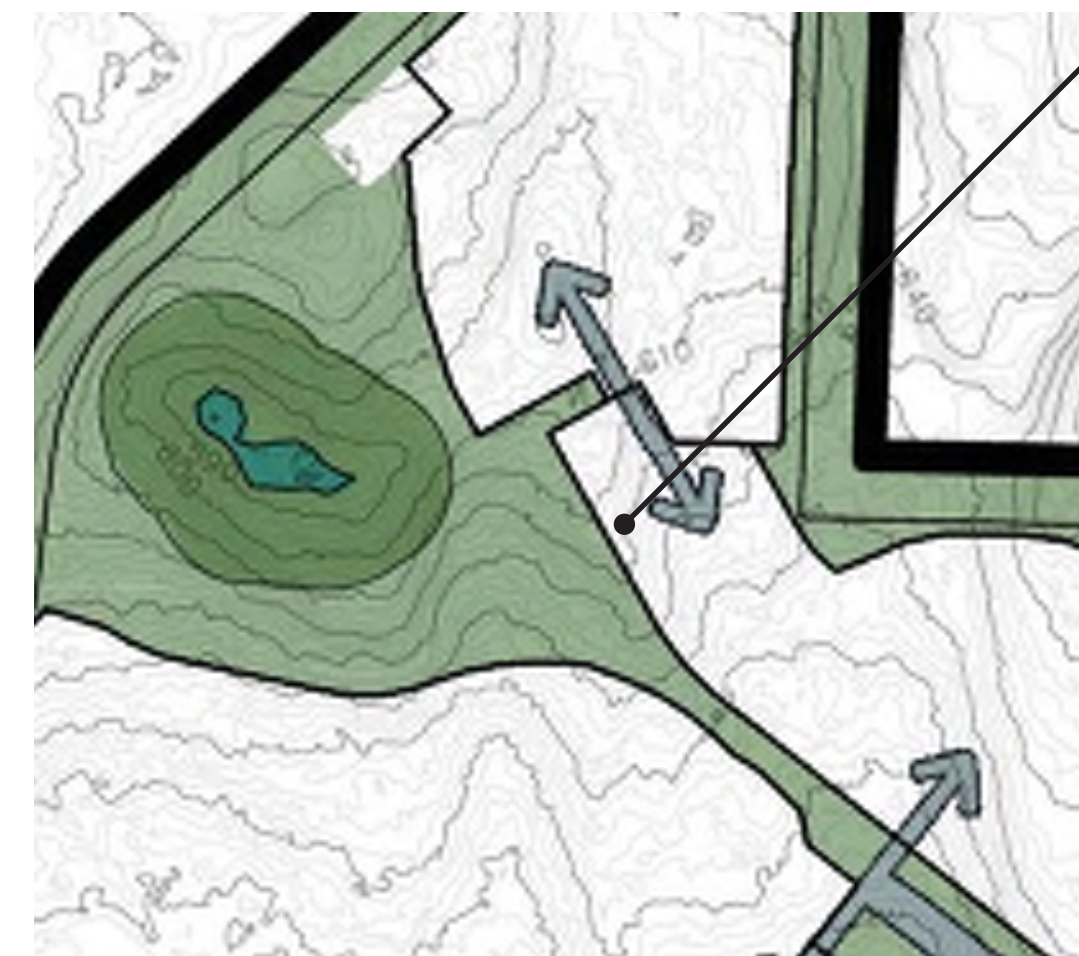
- Benches & picnic areas
- Stargazing/gathering
- Valley views

**Users:**

- Families
- Young Adults/Adults

**Site Description:**

- Small neighborhood pocket park
- On slope with valley views
- Adjoining low density residential



**Point Park**  
Approx. 1.5 ac

**Use:**

- Benches & picnic areas
- Stargazing/gathering
- Kids play areas

**Users:**

- Families
- Young Adults/Adults

**Site Description:**

- Small neighborhood pocket park
- Adjoining low density residential



**Cloud Park**  
Approx. 1.5 ac

**Use:**

- Benches & picnic areas
- Gathering area
- Kids play area
- Potential for small open rec. lawn
- Potential for restrooms adjacent to NC parcel

**Users:**

- Young Adults/Adults
- Families

**Site Description:**

- Next to neighborhood commercial parcel and existing wetland
- Potential to serve as a gateway park connecting the trails system to the commercial zone

Note: The schedule shown is approximate and subject to change. It is generally intended that Tehaleh's parks will be constructed concurrent with the development of adjacent residential parcels. The dates shown above are approximate; the actual dates that parks are constructed will depend on the pace of development and/or as determined during design review of parcel specific development applications, preliminary plats, building permits.

Note: This plan and schedule is conceptual in nature. Park locations, sizes, programming, and timing is approximate and subject to change at the request of Tehaleh in accordance with the terms of the Cascadia Development Agreement.

Note: Prior to construction of any park or trail facilities identified in Exhibits E-1 through E-4, Pierce County Planning and Land Services approval of construction plans is required to ensure consistency with the Tehaleh EBPC land use approvals.

0' 50' 100' 200' 400'





## Orting Lake Park Approx. 4.1 ac

### Use:

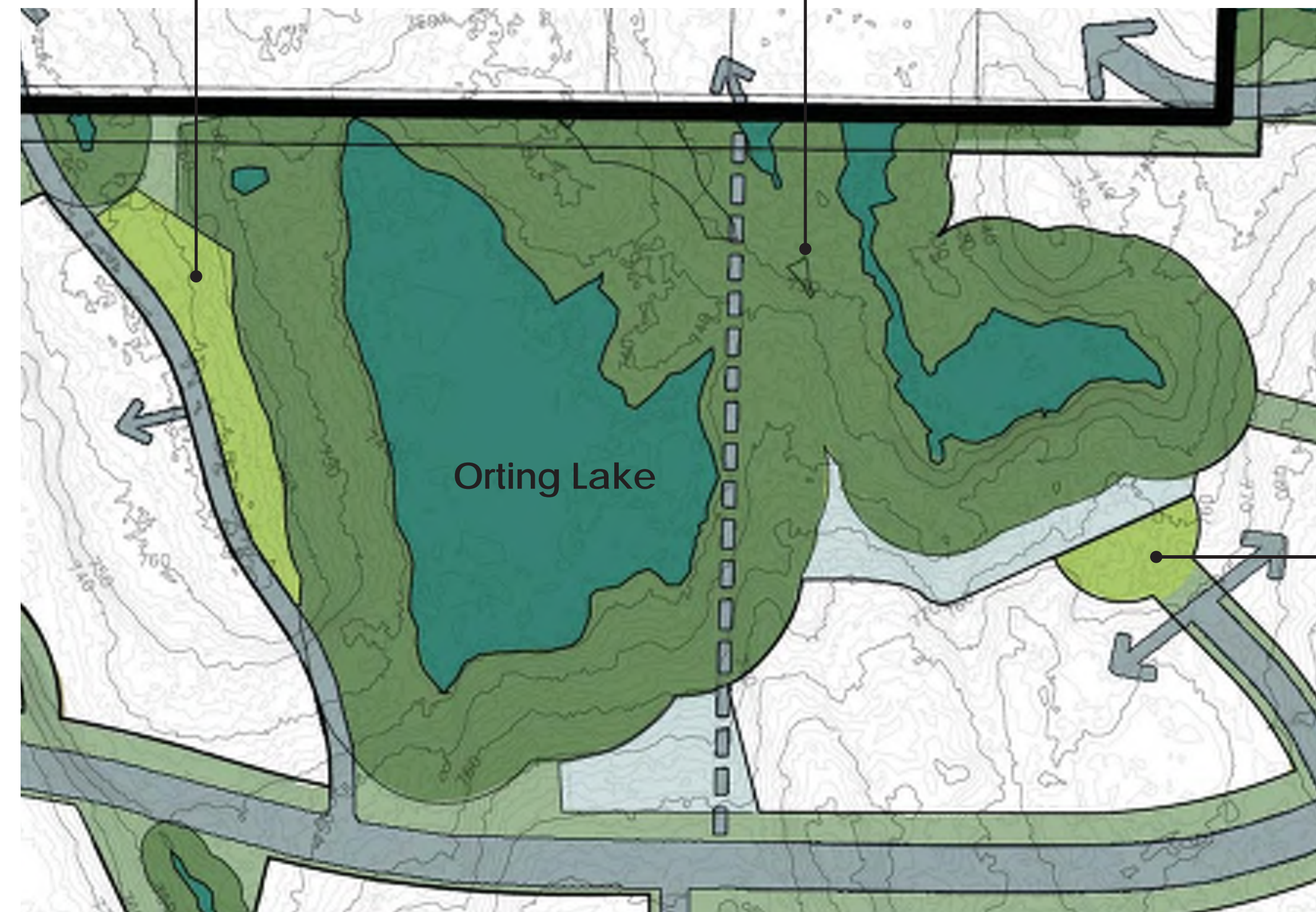
- Forested trails & stopping points
- Benches & picnic areas
- Restrooms/Parking
- Play area
- Lake access

### Users:

- Families
- Kids
- Young Adults/Adults
- Seniors

### Site Description:

- Western edge of the Orting Lake Preserve
- Park sits up on a natural ridge looking down into Orting Lake



## Orting Lake Preserve Approx. 84.5 ac

### Use:

- Benches & Seating
- Boardwalks
- Trails
- Natural habitat

### Users:

- Families
- Kids

### Site Description:

- Natural wetland preserve
- Forested landscape

## Orting Green Approx. 1.5 ac

### Use:

- Benches & Seating
- Open active lawn / flexible community gathering space
- Trailhead

### Users:

- Families
- Kids

### Site Description:

- Neighborhood park adjoining the Orting Lake Preserve
- Direct trail access and proximity to residential

Note: The schedule shown is approximate and subject to change. It is generally intended that Tehaleh's parks will be constructed concurrent with the development of adjacent residential parcels. The dates shown above are approximate; the actual dates that parks are constructed will depend on the pace of development and/or as determined during design review of parcel specific development applications, preliminary plats, building permits.

Note: This plan and schedule is conceptual in nature. Park locations, sizes, programming, and timing is approximate and subject to change at the request of Tehaleh in accordance with the terms of the Cascadia Development Agreement.

Note: Prior to construction of any park or trail facilities identified in Exhibits E-1 through E-4, Pierce County Planning and Land Services approval of construction plans is required to ensure consistency with the Tehaleh EBPC land use approvals.

0' 50' 100' 200' 400'





# Phase 2 Master Park Plan

Note: Graphic refinement may be required after plan and program approval.

## Tehaleh Trails Approx. 230 ac

- Use:**
- Hiking
  - Biking
  - Benches / seating
  - Nature viewing

- Users:**
- Families
  - Young Adults/Adults
- Site Description:**
- Potential valley views to the west
  - Potential river access
  - Existing recreational trail systems

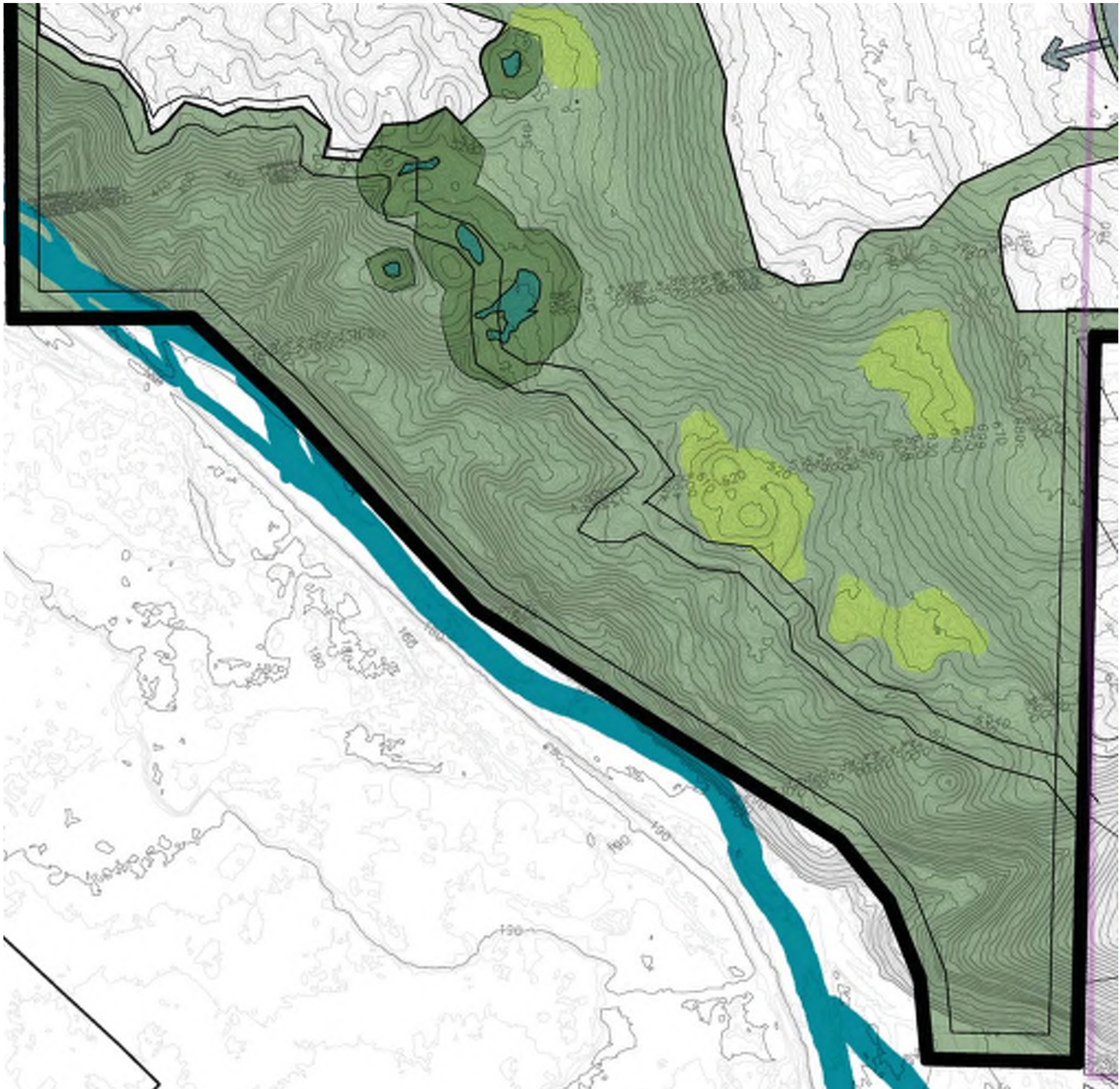


Note: The schedule shown is approximate and subject to change. It is generally intended that Tehaleh's parks will be constructed concurrent with the development of adjacent residential parcels. The dates shown above are approximate; the actual dates that parks are constructed will depend on the pace of development and/or as determined during design review of parcel specific development applications, preliminary plats, building permits.

## Tehaleh Decent Approx 165 ac

- Use:**
- Hiking
  - Biking
  - Benches / seating
  - Nature viewing

- Users:**
- Families
  - Kids
- Site Description:**
- Potential valley views to the southwest
  - Potential river access
  - Potential river crossing location



Note: This plan and schedule is conceptual in nature. Park locations, sizes, programming, and timing is approximate and subject to change at the request of Tehaleh in accordance with the terms of the Cascadia Development Agreement.

Note: Prior to construction of any park or trail facilities identified in Exhibits E-1 through E-4, Pierce County Planning and Land Services approval of construction plans is required to ensure consistency with the Tehaleh EBPC land use approvals.



## Phase 2 Master Park Plan

### Tehaleh Terraces

Approx. 115 ac

#### Users:

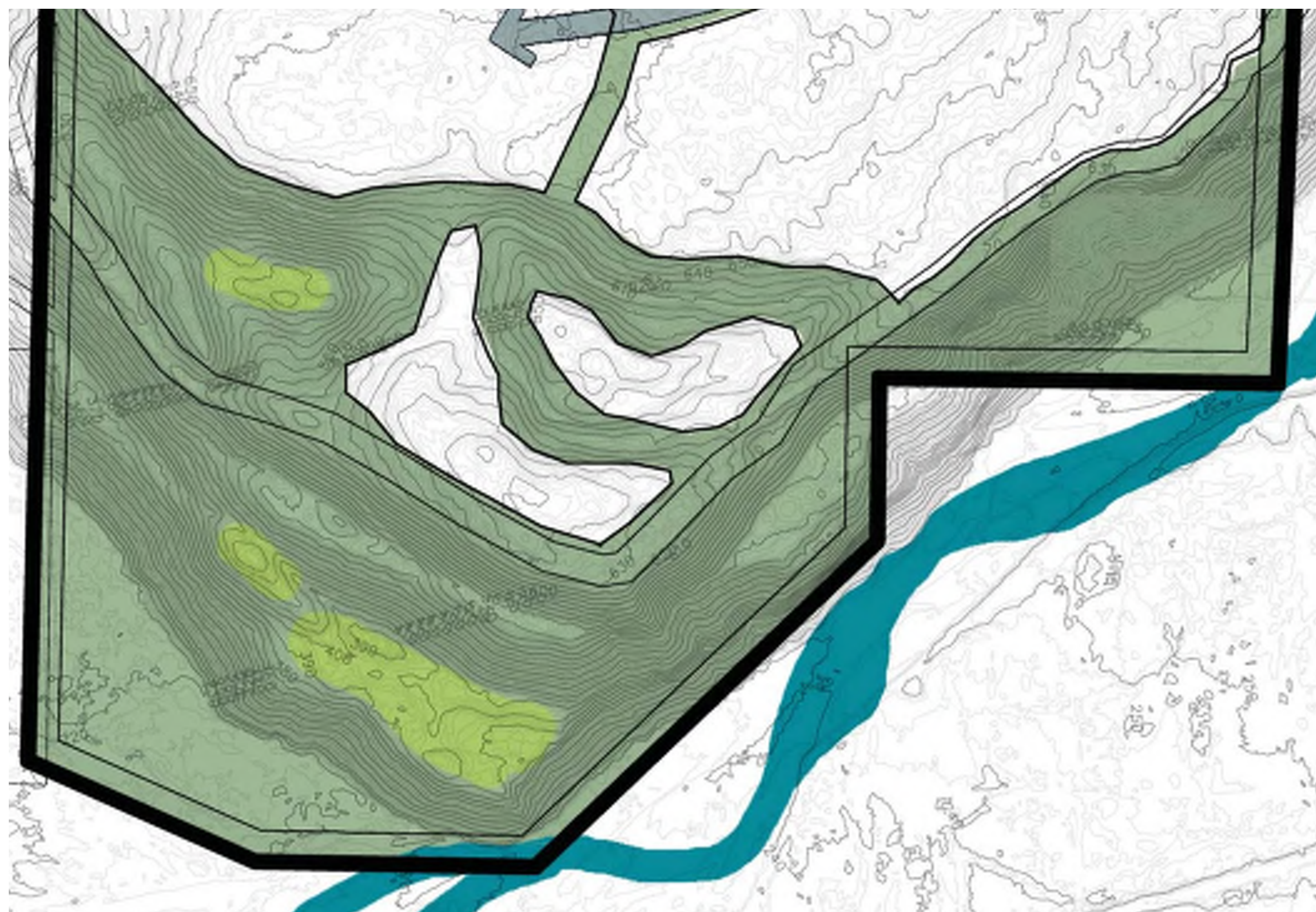
- Families
- Kids

#### Use:

- Hiking
- Biking
- Benches / seating
- Nature viewing

#### Site Description:

- Potential valley views to the south
- Potential river access



Note: The schedule shown is approximate and subject to change. It is generally intended that Tehaleh's parks will be constructed concurrent with the development of adjacent residential parcels. The dates shown above are approximate; the actual dates that parks are constructed will depend on the pace of development and/or as determined during design review of parcel specific development applications, preliminary plats, building permits.

Note: This plan and schedule is conceptual in nature. Park locations, sizes, programming, and timing is approximate and subject to change at the request of Tehaleh in accordance with the terms of the Cascadia Development Agreement.

Note: Prior to construction of any park or trail facilities identified in Exhibits E-1 through E-4, Pierce County Planning and Land Services approval of construction plans is required to ensure consistency with the Tehaleh EBPC land use approvals.

Note: Graphic refinement may be required after plan and program approval.

### The Ridgeline

Approx 110 ac

#### Users:

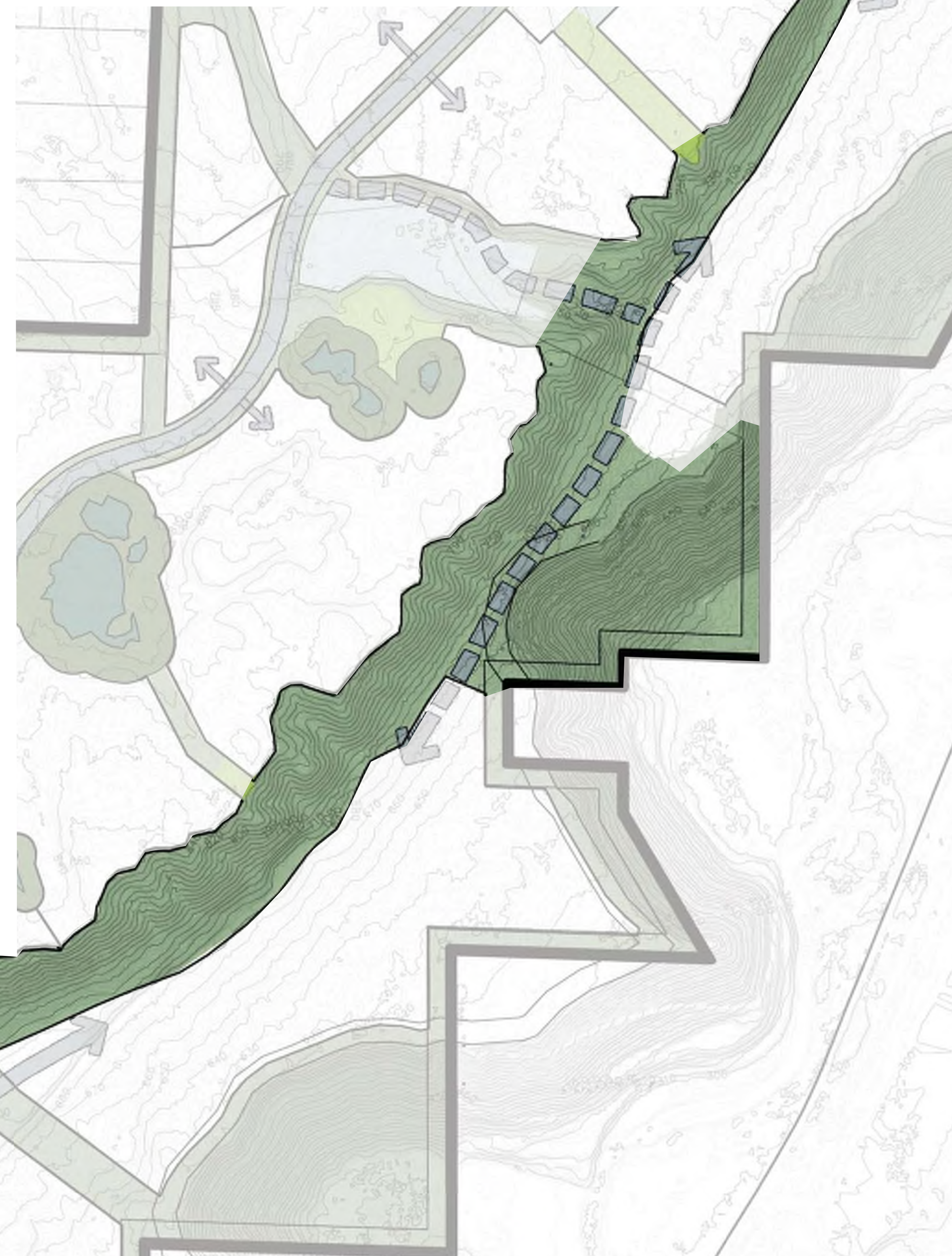
- Families
- Young Adults/Adults
- Seniors

#### Use:

- Hiking / trails
- Benches / seating
- Nature viewing areas

#### Site Description:

- Long ridgeline with trail corridor
- Views of Mt. Rainier





**EXHIBIT “Q”**

**Chapter 18A.50, Open Space Lands**

**(attached)**



## *Chapter 18A.50*

### *OPEN SPACE LANDS*

#### **Sections:**

- 18A.50.010 Purpose.**
- 18A.50.020 Applicability.**
- 18A.50.030 Incentives.**
- 18A.50.040 General Provisions.**
- 18A.50.050 Classification of Rural or Urban Open Space.**

#### **18A.50.010 Purpose.**

The purpose of this Chapter is to outline the provisions for classifying rural or urban open space in conjunction with new development. Open space serves to: preserve the character of the natural and rural environment, protect stream corridors, ridgelines, shorelines, critical areas and fish and wildlife movement corridors; provide residents with usable open space for passive recreation and alternative non-motorized transportation corridors; and protect the health and welfare of citizens by providing space for the control and enhancement of natural processes such as aquifer recharge, water quality, and flood water storage capacity. (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

#### **18A.50.020 Applicability.**

The provisions of this Chapter apply only to the zone classifications specifically identified in PCC 18A.15.020 F., Density Incentives. (Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

#### **18A.50.030 Incentives.**

The decision of whether to pursue the designation and recording of open space lands is the responsibility of the applicant. As a mechanism to encourage open space classification, the following incentives are available:

- A. **Density Incentive.** A density incentive shall be available which allows an exchange of additional dwelling units greater than the base density allowed in the underlying zone classification for classification of rural or urban open space, per PCC 18A.15.020 E.
- B. **Tax Relief.** Any property owner who has classified rural or urban open space land in accordance with this Chapter may apply for tax relief pursuant to the provisions of Chapter 84.34 RCW, Open Space, Agricultural, and Timber Lands-Current Use Assessment-Conservation Futures.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

#### **18A.50.040 General Provisions.**

##### **A. Rural and Urban Open Space Location and Designation Criteria.**

- 1. The location and designation of a proposed classification of rural or urban open space shall be determined utilizing the following criteria. Prior to receiving an Open Space designation, the subject property shall meet one of the following criteria:
  - a. Tract(s) which are identified in the Comprehensive Park and Recreation Plan for a proposed new trail or extension of an existing trail system;
  - b. Tract(s) which create a linkage to another classified open space or public park on



*Title 18A – Development Regulations – Zoning*  
an adjacent parcel;



- c. Tract(s) which create a linkage to a critical area and its associated buffer(s);
  - d. Tract(s) which provide access to marine, lake, river, or stream shoreline areas;
  - e. Tract(s) which preserve sensitive areas for aquifer recharge and enhancement of water quality or provide flood water storage capacity;
  - f. Tract(s) which serve as a buffer between the urban/rural line;
  - g. Tract(s) which serve as a buffer between the road and a proposed development in a rural designation;
  - h. Tract(s) which provide consolidated common open lawn areas for residents or employees in a development with an emphasis on access, visibility, and usability;
  - i. Tract(s) which preserve rural prime agricultural soils for agricultural land use activities;
  - j. Tract(s) which preserve critical areas such as steep slopes, wetlands, and fish and wildlife habitat areas;
  - k. Tract(s) which preserve forested land; or
  - l. Tract(s) which preserve prairie land.
- 2. Tract(s) should be contiguous or form a linear system unless separation into multiple tracts would be more beneficial in fulfilling the locational criteria herein established.
  - 3. Within the Gig Harbor Peninsula Community Plan area, any obstacles that impair fish or wildlife movement, such as undersized culverts in streams or fencing in wildlife corridors, shall be removed, repaired or modified to permit fish or wildlife passage prior to acceptance of an open space dedication.
- B. **Permitted Uses.** The following uses shall be permitted in areas which have been classified for rural or urban open space:
- 1. **Rural Open Space.**
    - a. Passive recreation and associated accessory structures;
    - b. Golf course (excluding areas devoted to maintenance buildings, commercial structures, and parking areas);
    - c. Agricultural practices and associated agricultural structures;
    - d. Forestry practices based on an approved timber management plan as determined by the Department of Natural Resources or Natural Resource Conservation Service;
    - e. Pervious and impervious surface trails; and
    - f. Drainfields.
  - 2. **Urban Open Space.**
    - a. Pervious and impervious surface trails;
    - b. Passive recreation and associated accessory structures;
    - c. Agricultural practices and associated agricultural structures;
    - d. Utility easements; and
    - e. Drainfields.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

#### **18A.50.050 Classification of Rural or Urban Open Space.**

A. **Classification Mechanisms.**

- 1. To assure that the rural or urban open space is adequately protected, a restriction shall be placed on the title of the property and a note placed on the face of the final plat, if platting is required, which specifies that the tract(s) has been classified as permanent open space. The restriction shall also indicate that uses permitted within



the rural or urban open space are limited to those identified in PCC 18A.50.040 B.1. and 2. above.

2. Prior to or concurrent with final approval of the Special Use Permit, PDD, subdivision, short plat, or Building Permit, the rural or urban open space area(s) shall be placed in a separate tract(s), protective easement, public or private land trust dedication, or similarly preserved through an appropriate protective mechanism as determined by the Department.

**B. Public Access.**

1. The Department may acquire public access by appropriate means to the rural or urban open space tract(s) when the Comprehensive Park and Recreation Plan specifies public access to the tract(s) as necessary for a proposed new trail or extension of an existing trail system.
2. If public access is needed to an open space tract(s), as specified in PCC 18A.50.050 B.1. above, then prior to or concurrent with final approval of the Special Use Permit, PDD, subdivision, short plat, or Building Permit, conveyance of the right to public access, through easement or other mechanism, shall be negotiated between the County and the applicant.
3. Public access may not be desirable or necessary when determined to be inappropriate due to the presence of sensitive environmental areas or other unique features which would be better preserved and protected by limiting access.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)



**EXHIBIT “R”**

**Ord. 2018-90s, 2018 Phase 2 Development Agreement**

**(attached)**



Sponsored by: Councilmembers Dan Roach and Pam Roach  
Requested by: County Council

## **ORDINANCE NO. 2018-90s**

### **An Ordinance of the Pierce County Council Approving a Development Agreement and Authorizing the Executive to Enter into the Approved Development Agreement, Pursuant to Section 18A.100.080 of the Pierce County Code; Establishing Acceptable Terms and Conditions for the Buildout of Tehaleh Employment Based Planned Community (EBPC) Phase 2.**

**Whereas**, Revised Code of Washington (RCW) 36.70B.170 authorizes the execution of a Development Agreement between a local government and a person having ownership or control of real property within its jurisdiction; and

**Whereas**, 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; and

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

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

**Whereas**, the Pierce County Comprehensive Plan was amended through Ordinance No. 95-132s on November 21, 1995; and

**Whereas**, on March 23, 2011, NASH Cascadia Verde LLC (NASH) purchased all of Cascadia, except for Parcel O, and renamed the development "Tehaleh"; and

**Whereas**, on December 11, 2012, the Council passed Ordinance No. 2012-61s creating a new Chapter 18A.100 of the Pierce County Code (PCC) and establishing the process for Council approval of Development Agreements pursuant to RCW 36.70B.170 through .210; and





1       **Whereas**, on August 14, 2014, NASH applied for the major amendment  
2 application that ended up providing the framework of the Phase 2 Development  
3 Agreement initiated in Resolution No. R2018-80s; and  
4

5       **Whereas**, on March 11, 2015, the Hearing Examiner issued a report and  
6 recommendation that the County Council approve the proposed Restated Development  
7 Agreement for Phase 1 of the Tehaleh EBPC as necessary to update and replace the  
8 1999 Cascadia development agreement covering Phase 1; and  
9

10       **Whereas**, the Restated Development Agreement for Phase 1 as approved via  
11 Ordinance No. 2015-31s states that Council approval of a Development Agreement  
12 shall be required for Phase 2 prior to any non-infrastructure development activity in  
13 Phase 2; and  
14

15       **Whereas**, Ordinance No. 2015-31s requested the Department of Planning and  
16 Land Services to prepare necessary amendments to Chapters 18A.75 and 18A.100  
17 PCC to reflect the statutory requirements in RCW 36.70B.170 through RCW 36.70B.210  
18 and to clarify the role of the Hearing Examiner, the Council and the Department as  
19 related to Development Agreement approval; and  
20

21       **Whereas**, on April 1, 2016, NASH purchased Parcel O; and  
22

23       **Whereas**, on April 6, 2016, the Council passed Ordinance No. 2016-14s  
24 modifying PCC 18A.75.080, the Planned Unit Development (PUD) process, and PCC  
25 18A.100.020, the Applicability Section of Chapter 18A.100 PCC, the Development  
26 Agreement process, to clarify that a Development Agreement is not a Code requirement  
27 for a PUD, but that a Development Agreement under RCW ch.36.70B and Chapter  
28 18A.100 PCC; and  
29

30       **Whereas**, Development Agreements approved by the Council pursuant to  
31 Chapter 18A.100 PCC and RCW 36.70B.170 through .210 are required to be consistent  
32 with applicable development regulations adopted by the Council pursuant to Chapter  
33 36.70A RCW; and  
34

35       **Whereas**, the Council adopted Resolution No. R2018-80s directing Planning and  
36 Public Works (PPW) to negotiate a Development Agreement with NASH to establish the  
37 terms and conditions for development and buildout of Tehaleh Phase 2; and  
38

39       **Whereas**, the Council expressed a directive that the Tehaleh Development  
40 Agreement contain of a mix of housing types and densities, commercial and industrial  
41 uses served by parks, recreational trails and school facilities; and  
42

43       **Whereas**, the Council intends to ensure that a Development Agreement  
44 addresses adequate transportation infrastructure concurrent with buildout of the  
45 development; and  
46





1       **Whereas**, the Council intends the Development Agreement for the Tehaleh  
2 Employment Based Planned Community, including Phase 2, identify the process for  
3 review and approval and address unresolved issues; and  
4

5       **Whereas**, the Council directed PPW to negotiate acceptable terms and  
6 conditions to be incorporated into a Development Agreement consistent with the  
7 following criteria in Resolution No. R2018-80s:  
8

- 9       • The Tehaleh EBPC will be developed with the same types of land uses as  
10       established in the 2015 Restated Development Agreement for Phase 1  
11       including employment, commercial, civic, residential, public facilities, open  
12       space and parks. Residential development and supporting residential  
13       accessory uses and associated amenities shall not be the exclusive use in the  
14       EBPC.
- 15       • The maximum number of dwelling units permitted throughout the entirety of  
16       the Tehaleh EBPC shall not exceed 9,700 dwelling units, provided that the  
17       environmental impacts of these dwelling units can be adequately mitigated. If  
18       the environmental impacts of the 9,700 units cannot be adequately mitigated,  
19       the maximum number of dwelling units allowed within the Tehaleh EBPC will  
20       be reduced by the Hearing Examiner such that adequate mitigation of  
21       environmental impacts is achieved.
- 22       • Establish a correlation between the number of approved residential building  
23       lots constructed, and the amount of commercial/office development  
24       constructed. Limit the number of building lots available for housing  
25       development based on the amount of completed commercial/ office space.
- 26       • Development of the Employment Center shall be prioritized. The number of  
27       approved preliminary platted lots within the EBPC shall not exceed 6,437 until  
28       a minimum of 100-acres of employment uses have been established and the  
29       necessary utilities and infrastructure have been extended to the perimeter of  
30       all employment centers.
- 31       • At a minimum, 10 percent of the Tehaleh EBPC shall be dedicated for and  
32       developed with employment uses. High employee generating employment  
33       uses are encouraged. No more than 15 percent of the total gross employment  
34       acreage dedication shall be improved with low employee generating uses such  
35       as storage or warehousing.
- 36       • Establish a ratio between single-family/two-family housing and "age qualified  
37       housing". Multi-family housing will develop at a rate similar to that approved in  
38       the Restated Development Agreement for Phase 1.
- 39       • The Tehaleh EBPC shall provide a minimum of 40 percent of its gross land  
40       area to dedicated open space (critical areas, buffers, allees, parks, amenities,  
41       etc.). Adequate open space, recreational opportunities and amenities (both  
42       passive and active facilities) shall be provided pursuant to the Hearing  
43       Examiner's approval of a park and recreation plan. The park and recreation  
44       plan shall include a schedule for completion, correlated with approval of  
45       preliminary plats.  
46





- The required western access roadway improvements between the EBPC and SR-162 will be developer provided roadway improvements. No more than 1,554 dwelling units will be permitted within Phase 2 until the new westerly connection between the development and McCutcheon Road is completed and open to vehicular travel. The Development Agreement is intended to provide for potential contributions by other developers.
- The Pierce County Hearing Examiner previously authorized a conceptual build out of 6,437 dwelling units throughout the EBPC pursuant to a 1999 decision. To ensure certainty in the provision of certain key transportation infrastructure, no more than 6,437 dwelling units will be authorized in the EBPC until the new Rhodes Lake Road East corridor to SR-162, including the 128<sup>th</sup> Street East widening project, is complete and the Tehaleh project is in compliance with a WSDOT mitigation agreement for the improvement of SR-162 between 128<sup>th</sup> Street East and Military Road East. The Council expects that the specific improvement requirements of the WSDOT mitigation agreement will be incorporated in the Development Agreement.
- Gravel extraction or surface mining activities shall be subject to Hearing Examiner approval through a conditional use permit. Off-site transport or exporting of gravel from the EBPC shall be by way of 198<sup>th</sup> Avenue East until the new western access roadway improvements between the EBPC and SR-162 are completed. All gravel hauling trucks shall adhere to the Bonney Lake truck route map. Off-site transport of gravel shall be limited to 1,000 trips per week, with a maximum of 300 trips on any one day (a truck and trailer is considered one vehicle and one round trip equals two trips).

**Whereas**, the Council is required to review the proposed Development Agreement in a public hearing and, if acceptable, adopt an Ordinance authorizing the County Executive to enter into the approved Development Agreement. The Council's public hearing is not intended to duplicate any hearing conducted by the Hearing Examiner in its quasi-judicial role; and

**Whereas**, the Development Agreement shall include procedures for modification of the terms, conditions, mitigation and applicable regulations. Amendments to the Development Agreement shall be subject to Council approval; and

**Whereas**, the Council recognizes the development proposal included in the August 14, 2014, Tehaleh Phase 2 major amendment application has provided for the framework of the Tehaleh Phase 2 updated Development Agreement attached as Exhibit A; **Now Therefore**,

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

Section 1. The Development Agreement for Tehaleh Phase 2 is hereby approved and the Executive is hereby authorized to enter into the approved Development Agreement as shown in Exhibit A, which is attached hereto and incorporated herein by reference.





1 Section 2. Findings of Fact documenting the actions taken by the County  
2 Council are hereby adopted as shown in Exhibit B, which is attached hereto and  
3 incorporated herein by reference.  
4

5  
6 PASSED this 27<sup>th</sup> day of November, 2018.  
7

8 ATTEST:

PIERCE COUNTY COUNCIL  
Pierce County, Washington

9  
10  
11 Denise D. Johnson  
12 **Denise D. Johnson**  
13 Clerk of the Council  
14

Douglas G. Richardson  
15 **Douglas G. Richardson**  
16 Council Chair  
17

Bruce F. Dammeier  
18 **Bruce F. Dammeier**  
19 Pierce County Executive  
20 Approved X Vetoed \_\_\_\_\_, this  
21 11<sup>th</sup> day of December,  
22 2018.  
23

24 Date of Publication of  
25 Notice of Public Hearing: November 7, 2018  
26

27 Effective Date of Ordinance: December 21, 2018  
28  
29





TEHALEH  
EMPLOYMENT-BASED  
PLANNED COMMUNITY  
PHASE 2  
DEVELOPMENT AGREEMENT



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## TEHALEH EMPLOYMENT-BASED PLANNED COMMUNITY PHASE 2 DEVELOPMENT AGREEMENT

9 This Development Agreement (the “2018 Phase 2 Development Agreement” or “this  
10 Agreement”) is made by the COUNTY OF PIERCE, a political subdivision of the state of  
11 Washington ("Pierce County"), and NASH Cascadia Verde, LLC, a limited liability company  
12 ("NASH").

13  
14  
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### RECITALS

- 19 A. Revised Code of Washington (RCW) 36.70B.170 through .210 authorize the execution of  
20 a development agreement between a local government and a person having ownership or  
21 control of real property within its jurisdiction.
- 22 B. A development agreement provides a developer an assurance that existing regulations in  
23 effect and cited in the agreement will govern and vest the development, use, and mitigation  
24 of anticipated new development of the real property, enabling the local government and  
25 developer to plan for the development and services, infrastructure, or other facilities related  
26 to the development.
- 27 C. The Pierce County Council adopted Resolution No. R2018-80s on July 10, 2018 to initiate  
28 this 2018 Phase 2 Development Agreement.
- 29 D. NASH is developer of the "Tehaleh Site", certain real property consisting of approximately  
30 4,756 acres located in the Pierce County Urban Growth Area and zoned Employment  
31 Based Planned Community (“EBPC”). NASH is developing the Tehaleh Site, as the  
32 community of “Tehaleh”, sometimes referred to as the “Project”. The Tehaleh Site is  
33 diagramed on Exhibit “A” and legally described on Exhibit “A-1”. NASH owns the Project  
34 Site that will be subject to this Agreement.
- 35 E. The Tehaleh Site was originally known as Cascadia and the original Cascadia EBPC  
36 Planned Unit Development (“PUD”) was approved by the Pierce County Hearing  
37 Examiner on June 18, 1999 with a subsequent decision on a request for reconsideration  
38 issued on August 24, 1999. The approved Cascadia PUD was to be built-out in three phases  
39 that included residential, employment, business park, school, park, and open space uses.
- 40 F. On September 8, 1999, Pierce County and Cascadia Development Corporation, the then  
41 owner, entered into the Cascadia EBPC Development Agreement pursuant to Pierce  
42 County Code (PCC) 18A.75.080, which at that time required such an agreement. The 1999  
43 Cascadia Development Agreement specifically authorized Phase 1 and gave conceptual  
44 approval to the overall development of the PUD.
- 45 G. After NASH became the owner of Tehaleh, the Hearing Examiner, on April 23, 2014,  
46 approved a major amendment to the PUD, which modified Phase 1 and resulted in a few  
47 revisions to the 1999 Cascadia Development Agreement, which had been approved by the  
48 Planning Director in 1999. These changes were subsequently incorporated into a 2015  
49 Restated Tehaleh Development Agreement approved by the County Council on June 2,



2015 under Ordinance No. 2015-31s (“2015 Development Agreement”). The 2015 Development Agreement requires Council approval of a separate development agreement for Phase 1.

H. On April 6, 2016, the Council adopted Ordinance No. 2016-14s modifying PCC 18A.75.080, the PUD process, and PCC 18A.100.020, the Development Agreement process, to clarify that a development agreement is not a code requirement for a PUD, but that a development agreement under RCW 36.70B and PCC 18A.100 can be associated with a PUD.

I. A development agreement approved by the Council under PCC Chapter 18A.100 and RCW 36.70B.170 to .210 must be consistent with applicable development regulations. In reviewing and approving the 2018 Phase 2 Development Agreement, the County Council recognizes that Hearing Examiner approval of a Project Master Plan must achieve the Council’s goals and objectives. The Project Master Plan is part of a new approval process for Planned Unit Developments set forth by the County Council on April 6, 2016 through Ordinance No. 2016-14s.

J. NASH submitted the Phase 2 Tehaleh Major Amendment to the 1999 PUD approval application on August 2, 2014 (“Phase 2 Application”). Pierce County has issued a Final Supplemental Environmental Impact Statement (“FSEIS”) for Phase 2. The development proposal described in the Phase 2 Major Amendment application provides the framework for the Draft and Final Phase 2 Supplemental Environmental Impact Statement (SEIS), this 2018 Phase 2 Development Agreement and Examiner’s review of a Project Master Plan.

K. The County Council recognizes the Tehaleh community, as developing under the current 2015 Development Agreement, the 1999 Cascadia Development Agreement, and the PUD code over a twenty-year period to date, is becoming an exceptional mixed-use development in a manner that, in many cases, exceeds the requirements of County standards. The 2015 Development Agreement has served an important role in supporting that long-term effort and is an appropriate model for continued development of Tehaleh.

L. In initiating the negotiation of a development agreement through Resolution 2018-80s, the Council set forth certain policy and mitigation objectives and now finds that the 2018 Phase 2 Development Agreement meets those objectives.

## **AGREEMENT**

NOW, THEREFORE, in consideration of the promises, covenants, and provisions set forth in this Agreement, the parties agree as follows:

### **1. PROJECT MASTER PLAN REQUIRED**

As part of the approval required under Resolution No. R2018-80s and this Agreement, NASH is required to submit a proposed Project Master Plan as described in PCC 18A.75.080.M.1. for review and approval. Planning and Public Works shall process and review the Project Master Plan. The Hearing Examiner shall hear and approve the final Project Master Plan. Approval of the Project Master Plan shall be based on compliance with the applicable provisions of Section 18A.75.080. and the provisions of this 2018 Phase 2 Development Agreement. The County



Council approved the 2015 Development Agreement and has expressed its general approval of development in Phase 1 of Tehaleh under that agreement. The Council recognizes that the 2015 Development Agreement is a contributing factor to the success of the development, including the allowed uses and applicable development standards and standard modifications; approval of the Project Master Plan shall be generally consistent with Phase 1.

## **2. PROPERTY COVERED**

This 2018 Phase 2 Development Agreement shall apply to the entire area described as “Tehaleh Phase 2” which is identified on **Exhibit “A”** and more particularly described in **Exhibit “A-2”**.

This Agreement shall also apply to the “Phase 1 Surplus Areas” within the original Phase 1 boundary as depicted on **Exhibit “A”** and more particularly described in **Exhibit “A-3”**. The 2015 Development Agreement acknowledged that the approved residential development in Phase 1 might be completed within a smaller geographic area, leaving these ‘surplus’ areas that would be developed when additional dwelling units were permitted in later phases. The Phase 1 Surplus Areas shall be included in the Project Master Plan to be developed subject to the requirements of the 2018 Phase 2 Development Agreement.

Tehaleh Phase 2 and the Phase 1 Surplus Areas are jointly referred to as the “Phase 2 Development Area”.

The remaining Phase 1 area shall remain subject to the 2015 Development Agreement. NASH reserves the right to locate remaining multi-family dwelling units approved in Phase 1 into Phase 2 areas in which case the dwelling units must be developed according to the terms of this 2018 Phase 2 Development Agreement.

## **3. PROJECT MASTER PLAN**

### **3.1 General Requirements**

The Tehaleh Phase 2 Development Area will be developed with the same types of land uses as established in the 2015 Development Agreement including employment, commercial, civic, residential, public facilities, open space and parks. Residential development and supporting residential accessory uses and associated amenities shall not be the exclusive use. The Project Master Plan approved by the Hearing Examiner shall include, at a minimum, the following elements:

- a) a mix of employment, commercial, civic, residential, public facility, open space and park uses;
- b) a minimum of 40% of the Project acreage shall be dedicated open space, i.e., critical areas, buffers, alleés, parks, and/or amenities.
- c) a minimum of 10% of the Project acreage dedicated to and developed for employment uses, with no greater than 15% of the employment acreage devoted to Low Employment Uses as defined below;
- d) a maximum of 9,700 dwelling units, including those approved in Phase 1;



- 1 e) a maximum of 23% of the total dwelling units in the Project may be deed-restricted  
2 as “age-qualified”; and  
3 f) a minimum of 11% of the dwelling units in the Project shall be multi-family;

#### 4 **3.1.1 Location, Type and Density of Residential Development**

5 A variety of residential use types and levels shall be provided spanning the range of  
6 permitted densities from 1 to 25 dwelling units per gross acre for each development project.  
7 Residential use types shall be permitted at the following density ranges per gross acre of project  
8 area by zone:

9 Residential: 1 to 10 dwelling units

10 Multi-Family: 10 to 25 dwelling units

11 The actual types, amounts and densities of development will vary in response to changing  
12 market conditions; however, residential development must meet minimum density requirements  
13 for the Project and not exceed the timing and other limitations in this Agreement.

#### 14 **3.1.2 Location, Type and Timing of Employment**

15 Sufficient acreage will be dedicated to meet the requirement of PCC Section  
16 18A.75.080.H.2 that a minimum of 10 percent of the total gross acreage of an EBPC site must be  
17 developed in employment uses, including commercial and civic uses. However, a maximum of  
18 50% of gross school acreage identified in the Project Master Plan may be counted toward the  
19 employment requirement. The actual use types and levels will be allowed according to the Project  
20 Master Plan and determined by market conditions but high employment uses are encouraged. No  
21 more than 15% of the gross employment acreage may be developed with “Low Employment Uses”  
22 defined as the primary use being either a “warehousing, distribution and freight movement” facility  
23 or “storage and moving” facility. Recognizing that integrated storage and distribution areas are  
24 essential to many commercial and industrial facilities, this restriction is not intended to limit the  
25 amount of ancillary storage associated other use types and levels. The Project Master Plan shall  
26 allow for more flexible reuse of buildings initially built for employment uses. Such provisions  
27 shall consider both the current market conditions at the time of the reuse and the Council’s  
28 employment goals.

29 Development of the employment center shall be prioritized by extending major necessary  
30 infrastructure to the perimeter of all dedicated employment centers on a schedule to be set forth in  
31 the Project Master Plan. The number of building permits issued for residential dwelling units shall  
32 be capped at 6,437 until a minimum of 100 acres of the employment center have been established  
33 in the Project and necessary utilities and infrastructure has been extended to the perimeter of all  
34 employment center zones. Surface mining operations as an interim use for the primary purpose of  
35 providing construction material for the development of the Project and Surface Mining permitted  
36 by Conditional Use Permit under the Project Master Plan shall not qualify to meet this employment  
37 requirement.

38 Gravel extraction or surface mining activities where permitted by the Project Master Plan  
39 shall be subject to Hearing Examiner approval through a conditional use permit. All gravel hauling  
40 trucks shall adhere to local truck route maps. Off-site transport of gravel from surface mines in the



1 Project by way of 198th Avenue East (other than as may be required for the construction of 198th  
2 Avenue East improvements) shall be limited to 1,000 trips per week, with a maximum of 300 trips  
3 on any one day (a truck and trailer is considered one vehicle and one round trip equals two trips).

4 To recognize the changing nature of employment, in addition to employment at designated  
5 centers, home occupations in residential areas, while not considered in the 10% employment  
6 requirement, shall be permitted and reasonably accommodated similar to Phase 1.

### 7 **3.1.3 Open Space and Recreational Facilities**

8 A minimum of 40% of the gross land area in the Project will be dedicated to open space  
9 (critical areas, buffers, alleés, parks, amenities, etc.), thus exceeding the PUD requirement of 30%.  
10 Adequate open space and recreational opportunities and amenities (both passive and active  
11 facilities) will be provided consistent with the Master Park and Trail Plan updated for the Phase 2  
12 Development Area. The schedule for completion of parks will be correlated to residential  
13 development and/or demonstrated recreational needs and subject to the Hearing Examiner's  
14 approval as an element of the Project Master Plan and Subsequent Approvals.

## 15 **3.2 PUBLIC FACILITIES AND INFRASTRUCTURE**

16 NASH will continue to provide public and franchise utilities in a timely manner.

### 17 **3.2.1. Master Utility Plans.**

18 Existing master plans for Phase 1 utilities anticipated and accommodated service for future  
19 phases. These master plans have been updated through the development of Phase 1 and should  
20 continue to be updated, amended and approved as development progresses in Phase 2:

21 **Sewer Facilities.** The Master Sewer Plan will provide for continued extensions of a public  
22 sewer system owned and operated by Pierce County Planning and Public Works, which  
23 will connect to the onsite Cascadia Wastewater Treatment Plant (WWTP) at Tehaleh  
24 constructed by NASH and dedicated to Pierce County to be owned and operated pursuant  
25 to the "Development Agreement for the Cascadia Wastewater Treatment Plant at Tehaleh"  
26 dated April 17, 2013. The on-site permanent WWTP has been designed to produce Class  
27 "A" treated effluent for use as a landscape irrigation source or for commercial applications  
28 when flows and demand warrant.

29 **Stormwater Facilities.** The Tehaleh Master Drainage Plan will continue to provide a  
30 system of regional infiltration facilities, detention ponds and a master system of  
31 overflow/bypass pipes and channels for Phase 2 development. The entire Project will  
32 continue to be considered the "Project Site" for purposes of storm water management.

33 **Domestic Water Facilities.** A water supply will be provided by Tacoma Public Utilities,  
34 which has issued a letter of water availability for the Tehaleh Site. The Master Water Plan  
35 describes the water zones and anticipated reservoirs. All water system facilities will be  
36 designed in accordance with Tacoma Public Utilities standards and specifications. Fire  
37 flow will be provided to meet Pierce County and Tacoma criteria.



1 Notwithstanding anything herein to the contrary, utility facilities constructed in Phase 1  
2 serving development in the Phase 2 Development Area remain vested to the development standards  
3 to which the facilities were designed and approved unless State law requires otherwise.

### 4 **3.2.2 Schools**

5 The Project Master Plan shall identify school sites consistent with projected demand and  
6 provide for cooperation with both the Orting and Sumner-Bonney Lake School Districts in siting  
7 school facilities. School sites shall be permitted in multiple zones under the Tehaleh Use Tables  
8 and shall not be limited to those sites identified on the Project Master Plan. School impact fees at  
9 the rates established by Pierce County will be required to be paid at time of building permit  
10 issuance for all residential units other than those in “age qualified” communities or otherwise  
11 exempt under applicable County code.

### 12 **3.2.3 Fire Protection**

13 The Project Site is within the jurisdiction of East Pierce Fire and Rescue (“EPFR”). NASH  
14 and EPFR have executed an Amended Mitigation Agreement dated June 16, 2017, and compliance  
15 with that agreement, as it may be modified by mutual agreement of the parties, is required.

### 16 **3.2.4 Parks**

17 The Phase 1 Tehaleh Master Park and Trail Plan shall be updated and expanded to include  
18 the Phase 2 Development Area as an element of the Project Master Plan. Development shall be  
19 subject to Pierce County park impact fees to offset demands on County facilities consistent with  
20 the County’s parks impact fee ordinance. Specific elements of Tehaleh’s master park and trail  
21 system may be eligible for credit against park impact fees subject to applicable Pierce County  
22 Code requirements for credits and reimbursements.

### 23 **3.2.5 Other Public and Franchise Facilities and Infrastructure**

24 The Project Master Plan should provide for continued timely extensions of power, gas, and  
25 telecommunications into Phase 2 Development Area, as available, and make allowances for other  
26 services that may become available (such as internet service, wireless communication, alternate  
27 energy sources, etc.). All utilities or facilities installed in the County rights-of-way shall be  
28 authorized by applicable license or franchise consistent with Pierce County Code and approved by  
29 Planning and Public Works.

## 30 **3.3 TRANSPORTATION SYSTEMS**

### 31 **3.3.1 Road Standards**

32 The Project Master Plan will provide that all new roadways for Phase 2 Development Area  
33 will be constructed to the road standards in effect on the Vesting Date with modifications approved  
34 by the Hearing Examiner or Pierce County Planning and Public Works as appropriate.



### 3.3.2 Pierce County

**Exhibit “B”** includes a comprehensive list and map of roadways and intersections where traffic generated by Tehaleh Phase 2 creates an identified impact, as well as identified improvements and timing to mitigate the impact at each location, consistent with the Transportation Discipline Report of the Phase 2 SEIS. The list includes highways which are under the jurisdiction of Washington State Department of Transportation (WSDOT) and local roadways.

For local roadways, as with Phase 1 traffic mitigation obligations, rather than proportional, partial contributions spread across the potential projects, the contributions are aggregated to complete specific improvement projects.

The following projects in **Table 1** selected from the comprehensive list at **Exhibit “B”** (the IDs are consistent with that list and map) are assigned to NASH as mitigation (the “Assigned Improvements”):

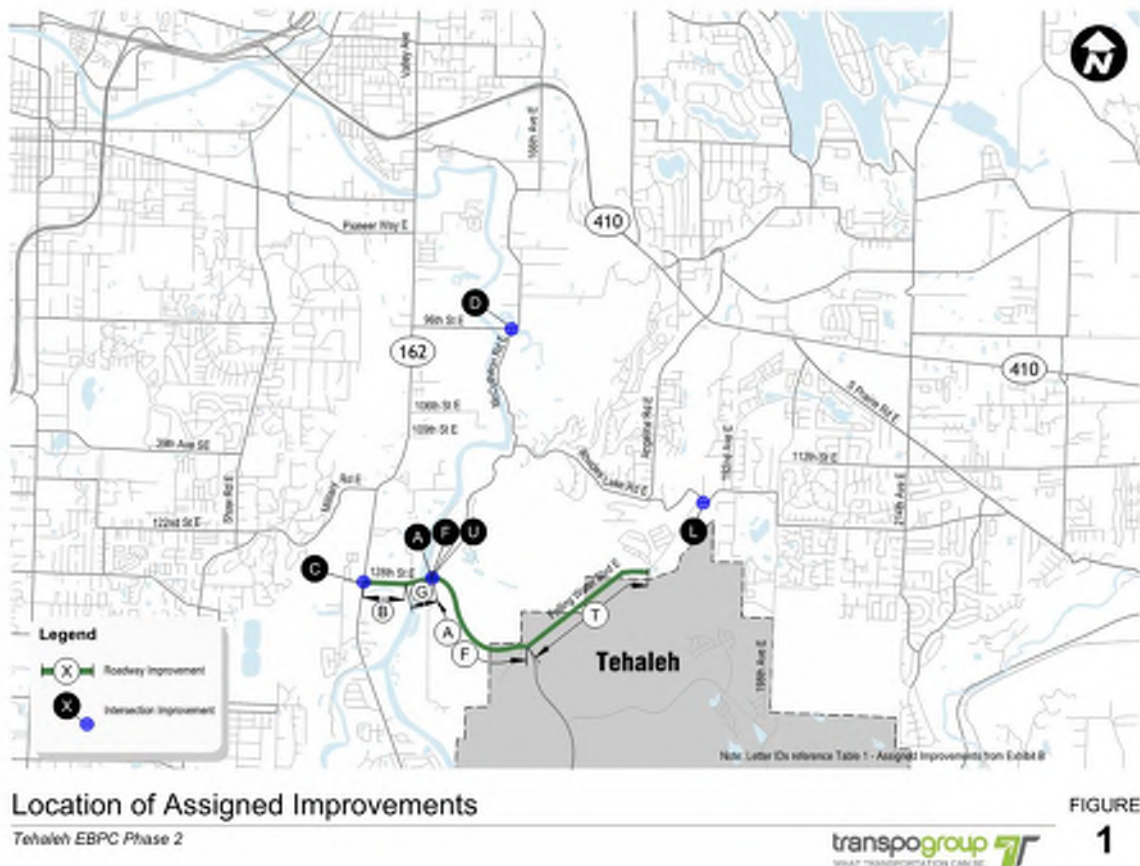
*Table 1 – Assigned Improvements from Exhibit “B”*

ID	Location	Assigned Improvement
<b>A</b>	New Rhodes Lake Rd E Segment 3: Tehaleh Blvd E - McCutcheon Rd E to Falling Water Blvd E (CRP 5731)  [3-Lane Roadway]	Interim Improvement: Construct a new 3-lane roadway between McCutcheon Rd E and Falling Water Blvd E with 1 WB lane and 2 EB lanes. Install a traffic signal at the 128th St E/Tehaleh Blvd E/McCutcheon Rd E intersection. The 128th St E/Tehaleh Blvd E/McCutcheon Rd E intersection will include shared left/through/right-turn lanes on all approaches.
<b>B</b>	New Rhodes Lake Rd E Segment 1: SR 162 to Bridge (BR #7195-A) (CRP 5842)	Ultimate Improvement: Widen 128th St E between SR 162 and BR #7195-A to 4-lanes.
<b>C</b>	128th St E/SR 162 Intersection (CRP 5842)	Construct SR 162/128th St E intersection (In conjunction with WSDOT project, County improvement is the portion east of the existing SR-162 ROW).
<b>D</b>	McCutcheon Rd E / 96th St E	Install a traffic signal at the McCutcheon Rd E/96th St E intersection and install flashing warning signs to the east along 96th St E-Riverside Rd E.
<b>F</b>	New Rhodes Lake Rd E Segment 3: Tehaleh Blvd E - McCutcheon Rd E to Falling Water Blvd E (CRP 5731)  [5-Lane Roadway]	Ultimate Improvement: Widen Tehaleh Blvd E between McCutcheon Rd E and Falling Water Blvd E to 5-lanes with 2 WB lanes and 3 EB lanes. Improve the 128th St E/ Tehaleh Blvd E/McCutcheon Rd E intersection to provide a 300-foot EB left-turn lane and 125-foot WB left-turn lane along 128th St E. The 128th St E/Tehaleh Blvd E/McCutcheon Rd E intersection will include a 300-foot left-turn lane, a through lane, and a shared through/right-turn lane on the EB approach (128th St E); a 125-foot left-turn lane, a through lane, and a shared through/right-turn lane on the WB approach (Tehaleh Blvd E); and shared left/through/right-turn lane on both the NB and SB approaches (McCutcheon Rd E).
<b>G</b>	New Rhodes Lake Rd E Segment 2: 128th St E Bridge BR #7195-A (CRP 5843)	Ultimate Improvement: Widen 128th St E Bridge BR #7195-A to 4-lanes
<b>L</b>	Falling Water Blvd E / Rhodes Lake Rd E	Install a traffic signal.
<b>T</b>	New Rhodes Lake Rd E Segment 4: Falling Water Blvd E - Tehaleh Blvd E to existing termini of Falling	Construct a new 2-lane roadway between Tehaleh Blvd E and the existing termini of Falling Water Blvd E.



ID	Location	Assigned Improvement
	Water Blvd E (CRP 5841)	
U	New Rhodes Lake Rd E Segment 3: Tehaleh Blvd E - McCutcheon Rd E to Falling Water Blvd E (CRP 5731)	Provide a 500-foot SB left-turn lane at the 128th St E/Tehaleh Blvd E/ McCutcheon Rd E intersection. The 128th St E/Tehaleh Blvd E/ McCutcheon Rd E intersection will include a 500-foot left-turn lane and a shared through/right-turn lane on the SB approach.
	[128th St E/Tehaleh Blvd E/ McCutcheon Rd E Intersection]	

Figure 1 – Location of Assigned Improvements



Pierce County and NASH are working together to construct CRP 5731 pursuant to the Memorandum of Agreement dated July 16, 2018. Subsequent segments of the New Rhodes Lake Road East corridor are to be constructed under similar agreements according to a schedule provided in the Project Master Plan based on the projected triggers.

The dwelling unit triggers for the Assigned Improvements will be established in the Project Master Plan. When completed as required, whether by NASH and/or other developer required to provide the improvements, the Assigned Improvements shall be deemed to fully satisfy the



1 transportation impacts of Phase 2. The Assigned Improvements are in lieu of Traffic Impact Fee  
2 (TIF) obligations that would otherwise be required of Tehaleh for Phase 2 development.

### 3 **3.3.3 Washington State Department of Transportation**

4 Impacts of Tehaleh on the state highway system will be satisfied by meeting requirements  
5 of a Memorandum of Agreement signed by NASH and WSDOT on November 26, 2018.

### 6 **3.4 Financing of Public Services and Infrastructure**

7 The public infrastructure to be constructed by NASH will include capacity improvements  
8 in excess of demands generated by Tehaleh. Consistent with PCC 18A.75.080L, to the extent the  
9 improvements to public infrastructure exceed NASH's fair share, the Council supports latecomer  
10 fees, contributions and other adjustments, reimbursements or cost-sharing agreements to offset the  
11 excess contribution. The Project Master Plan and other future County actions should be consistent  
12 with and support NASH's cost recovery rights under this provision.

### 13 **3.5 Affordable Housing**

14 NASH has planned for construction of 7,114 homes in Phase 2. Housing options for a  
15 range of income levels will be provided through a mix of lot sizes, housing types, favorable  
16 development conditions, proximity to utilities and services and suitable infrastructure and  
17 amenities.

18 The Project Housing Affordability Program established for Phase 2 is attached to this  
19 agreement as Exhibit "C". Specifically, the Affordable Housing Program shall provide 10%, i.e.,  
20 711 dwelling units, for "Low Income" households earning less than 80% of the median income in  
21 Pierce County.

22 A "fee-in-lieu" provision shall apply to any of the 711 constructed "Low Income" dwelling  
23 units. The base In-Lieu Fee (to be adjusted for inflation on a tri-annual basis) is as follows:

- |    |   |    |               |
|----|---|----|---------------|
| 24 | • Base In-Lieu Fee for each Low Income unit not constructed Phase 2 | \$ | 4,864.56*     |
| 25 |   |    |               |
| 26 | • Base In-Lieu Fee Assessment total for the 10 percent              |    |               |
| 27 | Low Income housing obligation in Phase 2                            | \$ | 3,458,700.00* |
| 28 |   |    |               |
| 29 | • Base prorated In-Lieu Fee for each of the 6,300 market rate       |    |               |
| 30 | single-family detached and two-family dwelling units in Phase 2     | \$ | 549.00*       |

31 \* Unless paid upfront, the base In-Lieu Fee will be adjusted for inflation every three years  
32 from the date of final Project Master Plan approval (base date). Price adjustments will be  
33 made in accordance with the percentage change in the U.S. Department of Labor Consumer  
34 Price Index (CPI-U) for All Urban Consumers, All Items, Not Seasonally Adjusted,  
35 Seattle-Tacoma-Bellevue Area. The CPI-U reports are available on line at:  
36 <https://data.bls.gov/PDQWeb/cu>. The price adjustment rate will be determined by  
37 comparing the percentage difference between the CPI-U in effect on the base date and the  
38 CPI-U in effect on each three-year anniversary date thereafter. The percentage difference  
39 between those two CPI issues will be the In-lieu fee adjustment rate. If the U.S. Department



of Labor Bureau of Labor Statistics discontinues publication of this index, the appropriate area substitute index will be incorporated into the contract by agreement of the parties.

Prorated In-Lieu Fee assessment payments shall be required prior to recording of each final plat equal to the number of single family detached and two-family units in the plat or prior to issuance of the first building permit in an unplatted single-family or two-family housing development. Reimbursements to NASH of the In-Lieu Fee for construction of each Low Income affordable housing shall be calculated by Pierce County Human Services and occur every three years from the date of final Project Master Plan approval.

Pierce County staff shall additionally support NASH's efforts to provide Low Income housing by working with NASH and prospective developers to identify and maximize funding sources and incentives as may be available per PCC 18A.65.040 and 18A.65.050.B.

### **3.6 Minimum and Maximum Number of Residential Units**

The minimum density shall be four (4) dwelling units per net residential acre based on overall Project acreage. The minimum number of dwelling units for an individual parcel will be determined as a matter of individual development approvals.

The maximum number of dwelling units is 9,700, including the 2,586 dwelling units in Phase 1, provided that the environmental impacts of that number of dwelling units can be adequately mitigated in the determination of the Hearing Examiner through approval of the Project Master Plan.

The number of permitted dwelling units, shall be capped at 6,437, including those allowed in Phase 1, until a minimum of 100 acres of the employment center have been established in the Project and necessary utilities and infrastructure has been extended to the perimeter of all employment center zones. Surface mining operations as an interim use for the primary purpose of providing construction material for the development of the Project and Surface Mining permitted through a subsequent Conditional Use Permit approval under the Project Master Plan shall not qualify to meet this employment requirement.

Residents living in assisted living units within senior housing facilities, nursing homes, group homes, and/or accessory dwelling units ("ADUs") shall not be counted toward the dwelling unit caps described above.

### **3.7 Mitigation Measures, Development Conditions and Other Requirements Under Chapter 43.21C RCW**

The mitigation measures imposed under the authority of SEPA will be determined by the Hearing Examiner and will be made conditions of the Project Master Plan, except where specifically addressed in this Agreement.

With respect to traffic impacts, the maximum number of building permits issued for dwelling units shall be conditioned upon the following transportation improvements:

- a) No more than 1,554 dwelling units will be authorized under building permits within Phase 2 (in addition to the 2,300 single family and 286 multi-family units permitted in



Phase 1, a total of 4,140 dwelling units in the Project) until a new public road between Tehaleh and McCutcheon Road East is completed and open to vehicular travel.

b) No more than 6,437 dwelling units, including those in Phase 1 will be granted building permits until all Assigned Improvements (except D, L and T) are complete and the Tehaleh project is in compliance with the November 26, 2018 WSDOT Memorandum of Agreement for the improvement of SR162.

#### **4. GENERAL OBLIGATIONS**

##### **4.1 Obligations of Pierce County**

Pierce County shall comply with the Project Approval and Subsequent Approvals and shall consider for approval and cooperate with processing and reviewing all applications for the Subsequent Approvals as provided in this Agreement.

##### **4.2 Obligations of NASH**

NASH shall comply with the Project Approval and Subsequent Approvals, including, without limitation, those conditions relating to the provision of traffic, sanitary sewer, water, storm water and other infrastructure.

#### **5. ALLOWED USES**

Requests for development permits or approvals in Tehaleh Phase 2 Development Area shall be processed and land uses shall be allowed as set forth in the approved Project Master Plan, unless inconsistent with this Development Agreement.

#### **6. DEVELOPMENT STANDARDS**

The approved Project Master Plan shall set forth the development standards for the following to be consistent with this Agreement and Applicable Law: Infrastructure, Roads and Non-Motorized Facilities, Stormwater Design and Construction, Sewer Service, Water Service, Park and Recreation Facilities, Land Use and Design, and Critical Areas.

#### **7. VESTING AND APPLICABLE LAW**

Under PCC 18.160.050, a complete application vests to all development regulations in effect on the date of the application, August 14, 2014. Pursuant to the authority granted to the Council under RCW Ch. 36.70B and PCC 18.100.040 and 18.160.050, the Council agrees that the vesting date of this Development Agreement shall be the August 14, 2014 date of the complete application for the Phase 2 Major Amendment to the Tehaleh PUD ("Vesting Date") and such vesting shall extend throughout the term of this Agreement, unless expressly provided otherwise in this Agreement. The County reserves the right to impose new or different regulations to the extent required by a serious threat to public health and safety.



## **7.1 Applicable Law**

The codes, rules, regulations, official policies, standards and specifications (including County Ordinances and Resolutions) applicable to the Phase 2 Development Areas shall be those in effect on August 14, 2014 pursuant to the provisions of this Agreement (the “Applicable Law”). The vested Applicable Law includes Pierce County Code Titles 17A and 17B, Series 18 and 19 and Title 20. All applications for Subsequent Approvals shall conform to the most current versions of Title 17C, the International Building Code, International Fire Code, and other construction codes in effect at the time of such applications. All references to Pierce County Code provisions in this Agreement shall be to those codes in effect on the Vesting Date unless expressly provided otherwise herein. The County Council intends development of the Phase 2 Development Area to be vested to the Applicable Law relating to stormwater management to the fullest extent consistent with State law. The basis for Hearing Examiner modifications authorized under PCC 18A.75.080 shall be the laws in effect on the Vesting Date. In no case shall the Examiner’s discretion be used to circumvent the Vesting Date.

### **7.1.1 Specific Ordinances of Applicable Law**

Without limiting the foregoing description, the following are specific development regulation ordinances in effect as of the Vesting Date which are Applicable Law.

#### **Roads and Non-Motorized Facilities**

All on-site and off-site road improvements, including public, private and Emergency Vehicle Access Roads, shall comply with the requirements of the 2011 Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County with Pierce County (Ordinance 2010-70s).

#### **Stormwater Design and Construction Standards**

The proposed drainage system shall be designed in accordance with Pierce County 2008 Stormwater Management and Site Development Manual as amended in 2012 by Pierce County Ordinance 2012-2s. The County Council intends development of the Phase 2 Development Area to be vested to the Applicable Law relating to stormwater management to the fullest extent consistent with State law.

#### **Critical Areas**

All critical areas shall be subject to the applicable portions of Chapters 18E.10, 18.20 and 18E.120 PCC (effective July 16, 2012).

#### **Wetlands**

Wetlands affected by development shall be mitigated per the Pierce County 2008 Stormwater Management and Site Development Manual, as amended in 2012 by Pierce County Ordinance 2012-2s, and Chapter 18E.30 PCC (effective July 16, 2012) and as revised (effective June 1, 2014 – Ord. No. 2014-33).



1           **Regulated Fish and Wildlife Species and Habitat Conservation Areas**

2           Chapter 18E.40 PCC (effective July 16, 2012) shall apply and as revised (effective June 1,  
3 2014 – Ord. No. 2014-33).

4           **Aquifer Recharge and Wellhead Protection Areas**

5           Chapter 18E.50 PCC (effective on July 16, 2012) shall apply.

6           **Volcanic Hazard Areas**

7           Chapter 18E.60 PCC (effective July 16, 2012) shall apply.

8           **Flood Hazard Areas**

9           Chapter 18E.70 PCC (effective July 16, 2012) shall apply.

10          **Landslide Hazard Areas**

11          Chapter 18E.080 PCC (effective July 16, 2012) shall apply.

12          **Seismic (Earthquake) Hazard Areas**

13          Chapter 18E.90 PCC (effective July 16, 2012) shall apply.

14          **Mine Hazard Areas**

15          Chapter 18E.100 PCC (effective July 16, 2012) shall apply.

16          **Erosion Hazard Areas**

17          Chapter 18E.110 PCC (effective July 16, 2012) shall apply.

18          **Other Series 18 Development Regulations Titles**

19          Title 18 (General Regulations), Title 18A (Zoning), Title 18B (Signs), Title 18F (Land  
20 Divisions and Boundary Changes), Title 18H (Forest Practices) and Title 18J (Design Standards  
21 and Guidelines) all effective June 1, 2014 shall apply. Title 18G (Conservation Programs)  
22 effective January 1, 2014 and as revised (effective June 1, 2014 – Ord. No. 2014-33).

23          **7.2     Project Approval**

24          “Project Approval” of Phase 2 will consist of this Development Agreement and the  
25 approval of the Project Master Plan by the Hearing Examiner, both as supported by the analysis of  
26 the SEIS.

27          **7.3     Subsequent Approvals**

28          The “Subsequent Approvals” are the applications for all land use and development  
29 approvals and permits that are necessary or appropriate for the development of the Phase 2



1 Development Area as requested. The Subsequent Approvals will be reviewed under the  
2 Applicable Law and this Development Agreement. The Pierce County Hearing Examiner shall  
3 review and issue final decisions for the EBPC PUD and all quasi-judicial matters associated with  
4 the EBPC PUD that are described in PCC Section 1.22.080 including preliminary and final plats,  
5 conditional use permits and appeals. Minor Amendments or modifications may be approved by  
6 the Department. Major amendments may be approved by the Hearing Examiner. The Examiner  
7 shall utilize the Department Agreement approved pursuant to PCC 18A.100 as the basis for all  
8 land uses decisions and shall follow the development regulations included in PCC 18A.75 for the  
9 EBPC PUD.

## 10 **8. BINDING ON SUCCESSORS; ASSIGNMENT**

### 11 **8.1 Successors.**

12 The parties acknowledge that development of the Project will involve the sale and  
13 assignment of portions of real property within the Project to other persons who will own, develop  
14 and/or occupy those portions. This 2018 Phase 2 Development Agreement shall be binding upon  
15 and inure to the benefit of the successors and assigns of NASH and Pierce County, except that the  
16 special rights of NASH with respect to modifications shall not be transferred to successors and  
17 assigns of NASH except as specifically permitted below. Any parcel within the Phase 2  
18 Development Area sold to another party shall include the right to develop that parcel only in  
19 accordance with this 2018 Phase 2 Development Agreement and the Project Master Plan. Other  
20 than with respect to modifications, the purchasing party shall have the benefits and obligations of  
21 the 2018 Phase 2 Development Agreement that apply to the specific parcel purchased, including  
22 the right to have the Applicable Law applied to its Subsequent Approvals to develop its parcel.

### 23 **8.2 Assignment of Specific NASH Rights and Obligations.**

24 NASH shall have the right to assign or transfer all or any portion of its interests, rights or  
25 obligations as the master developer under this 2018 Phase 2 Development Agreement or in the  
26 Project, including the special modification rights, to other parties acquiring an interest or estate in  
27 all or any portion of the Phase 2 Development Area, including transfer of all interests through  
28 foreclosure (judicial or non-judicial) or by deed in lieu of foreclosure. Any such assignment must  
29 be in writing and specifically describe the interests, rights, or obligations of NASH that are being  
30 assigned to such other party. Consent by Pierce County shall not be required for any transfer of  
31 NASH's interests, rights or obligations under this 2018 Phase 2 Development Agreement, but  
32 NASH shall give notice of such assignment to the County. Upon the transfer under this section,  
33 the transferee shall be entitled to the rights transferred and be subject to all obligations under this  
34 2018 Phase 2 Development Agreement as to the rights transferred, and NASH shall be released of  
35 liability as to the rights and interests transferred.

## 36 **9. MODIFICATIONS, AMENDMENTS AND REVOCATION**

### 37 **9.1 Modifications and Amendments - General**

38 This 2018 Phase 2 Development Agreement shall be amended or modified only by mutual  
39 agreement of NASH and the County Council.



1                   **9.2     Minor Modifications**

2                 The Director need not process a minor modification (described in this paragraph below) as  
3 a “minor amendment” under PCC 18.130.020, and may give a proposed minor modification a level  
4 of notice, circulation and review commensurate with the nature of the proposal, the extent of the  
5 modification, the potential impact on third parties, and the extent to which the modification  
6 necessitates review by other departments or agencies. The Director shall maintain a written list of  
7 approved minor modifications and shall provide that list to the Hearing Examiner at least annually.

8                 Examples of minor modifications that do not require any substantial circulation and review  
9 include the following: (1) changes that address aspects of the development not specifically  
10 discussed in the Hearing Examiner decision and do not significantly alter the overall plan for the  
11 Project; (2) changes that resolve ambiguities in the Hearing Examiner’s decision in a manner fully  
12 consistent with the intent of that decision; (3) changes that alter conditions of approval in minor  
13 ways that are fully consistent with the purpose of the prior condition; (4) changes that modify the  
14 site plan to alter road alignments so long as the change is consistent with applicable County  
15 standards and does not affect the connection to lands outside of the Project boundary; (5) changes  
16 in the location of alleés as long as the new location has similar characteristics to the prior location;  
17 (6) changes that adjust the location of uses in such a way as to have no material impact on  
18 surrounding existing uses or the overall character of the development;

19                   **9.3     Minor and Major Amendments**

20                 Other proposed changes, not falling within the above Section shall be reviewed as follows:  
21 The Director may administratively approve minor changes to the Project Master Plan, including  
22 conditions of approval, as minor amendments under the procedures of PCC 18.130.020. Minor  
23 amendments are defined as those that, in considering the overall Project, do not increase the  
24 number of dwelling units, do not decrease net residential density or employment obligations, do  
25 not increase impacts on transportation or the environment, and do not reduce buffers or open space.  
26 Amendments that do not qualify as minor shall be considered major and subject to the same  
27 procedures as the original application.

28                   **9.4     Modifications and Amendments – Approvals Required**

29                   **9.4.1   Modifications and Amendments by NASH**

30                 Modifications and Amendments by NASH as to property it owns within the Phase 2  
31 Development Area shall not require the consent or approval of the owners of other property within  
32 the Tehaleh Site, but notice shall be given as required by applicable Pierce County Code  
33 provisions.

34                   **9.4.2   Modifications and Amendments by Other Owners**

35                 All major or minor modifications or amendments within the Phase 2 Development Area  
36 shall be submitted by NASH or with a letter of authorization from NASH.



1 **10. GENERAL PROVISIONS**

2 **10.1 Recording**

3 Pursuant to RCW 36.70B.190, this Agreement shall be recorded with the Pierce County  
4 Auditor and during the term of this Agreement shall be binding on the parties, their successors and  
5 assigns.

6 **10.2 Interpretation; Severability**

7 **10.2.1 Interpretation**

8 The parties intend this Agreement to be interpreted to the full extent authorized by law as  
9 an exercise of Pierce County's authority to enter into such agreements. This Agreement has been  
10 reviewed and revised by legal counsel for all parties and no presumption or rule that ambiguity  
11 shall be construed against the party drafting the document shall apply to the interpretation or  
12 enforcement of this Agreement.

13 **10.2.2 Severability**

14 If any provisions of this 2018 Phase 2 Development Agreement are determined to be  
15 unenforceable or invalid by a court of law, then this Agreement shall thereafter be modified to  
16 implement the intent of the parties to the maximum extent allowable under law. If a court finds  
17 any portion of this Agreement unenforceable or invalid of, the parties agree to seek diligently to  
18 modify the Agreement consistent with the court decision, and no party shall undertake any actions  
19 inconsistent with the intent of this Agreement until the modification to this Agreement has been  
20 completed. If the parties do not mutually agree to modifications within forty-five (45) days after  
21 the court ruling, then either party may initiate the dispute resolution proceedings below for  
22 determination of the modifications that implement the intent of this Agreement and the court  
23 decision.

24 **10.3 Authority**

25 Pierce County and NASH each represent and warrant it has the respective power and  
26 authority, and is duly authorized to execute, deliver and perform its obligations under this  
27 Agreement.

28 **10.4 Exhibits**

29 **Exhibit "A" through Exhibit "D"** are incorporated herein by reference.

30 **10.5 Headings**

31 The headings in this Agreement are inserted for reference only and shall not be construed  
32 to expand, limit or otherwise modify the terms and conditions of this Agreement.



1                   **10.6 Time is of the Essence**

2                   Time is of the essence of this Agreement and every provision hereof. Unless otherwise set  
3 forth in this Agreement, the reference to "days" shall mean calendar days. If any time for action  
4 occurs on a weekend or legal holiday, then the time period shall be extended automatically to the  
5 next business day.

6                   **10.7 Effect and Integration**

7                   This 2018 Phase 2 Development Agreement applies to the Phase 2 Development Area and  
8 completely replaces and supersedes the 2015 Tehaleh Development Agreement as to the Phase 2  
9 Development Area. Terms not defined in this Agreement shall be as set forth in applicable Pierce  
10 County Code or in the absence of that given their common meaning. This Agreement represents  
11 the entire agreement of the parties as to the Phase 2 Development Area. There are no other  
12 agreements, oral or written, except as expressly set forth in this Agreement.

13                   **10.8 Disputes; Default and Remedies**

14                   **10.8.1 Dispute Resolution**

15                   In the event of any dispute relating to this Agreement, all parties upon the request of any  
16 other party shall meet within seven (7) days of the request to seek in good faith to resolve the  
17 dispute. Pierce County shall send the appropriate department director and persons with information  
18 relating to the dispute, and NASH shall send an owner's representative and any consultant or other  
19 person with technical information or expertise related to the dispute.

20                   **10.8.2 Default and Remedies**

21                   No party shall be in default under this Agreement unless it has failed to perform under this  
22 Agreement for a period of thirty (30) days after written notice of default from any other party.  
23 Each notice of default shall specify the nature of the alleged default and the manner in which the  
24 default may be cured satisfactorily. If the nature of the alleged default is such that it cannot be  
25 reasonably cured within the thirty (30) day period, then commencement of the cure within such  
26 time period and the diligent prosecution to completion of the cure shall be deemed a cure. Any  
27 party not in default under this Agreement shall have all rights and remedies provided by law  
28 including without limitation damages, specific performance or writs to compel performance or  
29 require action consistent with this Agreement.

30                   **10.8.3 Relief Against Defaulting Party or Portion of Property**

31                   In recognition of the anticipated sales of portions of the Phase 2 Development Area to  
32 others to own, develop and/or occupy, the remedies under this Agreement shall be tailored to the  
33 property or parties as provided in the remaining provisions of this subsection. After the transfer of  
34 portions of property for which the release of liability provisions above apply, any claimed default  
35 shall relate as specifically as possible to the property involved and any remedy against any party  
36 shall be limited to the extent possible to the owners of such property. To the extent possible, Pierce  
37 County shall seek only those remedies that do not adversely affect the rights, duties or obligations  
38 of any other non-defaulting owner of portions of the property under this Agreement and shall seek  
39 to utilize the severability provisions set forth in this Agreement.



1                   **10.9 Term**

2                   This 2018 Tehaleh Development Agreement shall be valid for a period of thirty (30) years  
3 from the Effective Date. Extensions will require this Agreement be brought back to Council for  
4 review.

5                   **10.10 Five-Year Review**

6                   The Project Master Plan shall be reviewed by the Pierce County Hearing Examiner at least  
7 every five years until buildout. The review shall address compliance with the conditions of  
8 approval and progress towards completion. The review may also assess whether the development  
9 is well designed, contains a balance of uses, efficiently uses public facilities and services, and  
10 provides adequate open space. The review may be scheduled in conjunction with any required  
11 Phase 1 review as deemed appropriate by the County.

12                  **10.10.1 Report**

13                  Within thirty (30) days following the five-year anniversary of the Effective Date of this  
14 Tehaleh Development Agreement, the County shall prepare a report summarizing the status of the  
15 project. The report shall be made available to the County Council, Planning Director, the Hearing  
16 Examiner and NASH for review. Parties of record shall be notified of its availability for review.  
17 Contents of the report shall include, but not be limited to the following:

- 18                  a) Location and density of subsequently approved residential development;  
19                  b) Location and type of subsequently approved non-residential development;  
20                  c) Location and type of open space and recreation facilities;  
21                  d) Location and type of on-site and off-site roads, utilities and infrastructure;  
22                  e) An analysis of the effectiveness of currently employed public notification procedures;  
23                  f) Consistent with RCW 36.70B.170, Pierce County shall reserve the authority to  
24                  recommend new or different regulations for the Project to the extent required by a  
25                  serious threat to public health and safety at each five-year review.

26                  **10.10.2 Comment Period**

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

31                  **10.11 Council Reports**

32                  Every year near the anniversary of this Development Agreement, NASH and the Pierce  
33 County Planning and Public Works Department shall prepare and submit a report to the Pierce  
34 County Economic Development Department and County Council summarizing the status of the  
35 project and development during the prior one-year period. The report shall identify measures that  
36 would facilitate the successful development of Tehaleh and in particular the development of



1 employment uses. The County Council may request a presentation of the report at a public meeting  
2 by NASH and the Economic Development Department.

### 3 **10.12 Estoppel Certificate**

4 Within thirty (30) days following any written request which any party or a mortgagee may  
5 make from time to time, the other party to this Agreement shall execute and deliver to the  
6 requesting person a statement certifying that: (1) this Agreement is unmodified and in full force  
7 and effect, or stating the date and nature of any modification; (2) to the best knowledge of the  
8 certifying party, (a) no notice of default has been sent or specifying the date(s) and nature of the  
9 notice of such default and (b) no written notice of infraction has been issued in connection with  
10 the Project; and (3) any other reasonably requested information. Failure to deliver such statement  
11 to the requesting party within the thirty (30) day period shall constitute a conclusive presumption  
12 against the party failing to deliver such statement that this Agreement is in full force and effect  
13 without modification or default (except as may be represented by the requesting party). The  
14 delivery of estoppel certificate on behalf of Pierce County pursuant to this section shall be deemed  
15 an administrative matter and shall not require legislative action.

### 16 **10.13 No Third-Party Benefit**

17 This Agreement is made and entered into for the sole protection and benefit of the parties,  
18 their successors and assigns. No other person shall have any right of action based upon any  
19 provision of this Agreement.

### 20 **10.14 Notice**

21 All communications, notices and demands of any kind which a party under this Agreement  
22 requires or desires to give to any other party shall be in writing and either (1) delivered personally,  
23 (2) sent by facsimile or email transmission with an additional copy mailed first class, or (3)  
24 deposited in the U.S. mail, certified mail postage prepaid, return receipt requested, and addressed  
25 as follows:

As to NASH: NASH Cascadia Verde, LLC  
Attn: Scott Jones  
505 S. 336th Street #430  
Federal Way, WA 98003

with copy to: Gordon Thomas Honeywell LLP  
Attn: William T. Lynn  
P.O. Box 1157  
Tacoma, WA 98401

As to Pierce County: Pierce County Planning and Public Works  
Department  
2401 South 35th Street, Suite 175  
Tacoma, WA 98409



with a copy to: Office of the Pierce County Council  
930 Tacoma Avenue South, 10<sup>th</sup> Floor  
Tacoma, WA 98402

Notice by hand delivery, facsimile or email shall be effective upon receipt. If deposited in the mail, notice shall be deemed delivered 48 hours after deposited. Any party at any time by notice to the other party may designate a different address or person to which such notice or communication shall be given.

#### **10.15 Cooperation**

The parties shall not unreasonably withhold requests for information, approvals or consents provided for in this Agreement. The parties agree to take further actions and execute further documents, either jointly or within their respective powers and authority, to implement the intent of this Agreement. Pierce County agrees to work cooperatively with NASH to achieve the mutually agreeable goals as set forth in this Agreement, subject to Pierce County's independent exercise of judgment. Where appropriate and consistent with applicable law, Pierce County shall become or provide lead agency assistance under SEPA where reasonably necessary to implement this Agreement. Pierce County shall consider use of its eminent domain powers to facilitate implementation of this Agreement, subject to Pierce County's independent exercise of judgment following all applicable procedures necessary to use eminent domain power.

#### **10.16 Delays**

If either party is delayed in the performance of its obligations under this Agreement due to *force majeure*, then performance of those obligations shall be excused for the period of delay.

#### **10.17 Effective Date**

The effective date of this agreement ("Effective Date") shall be the date the Pierce County Executive has signed the Agreement as indicated below.

PIERCE COUNTY

NASH CASCADIA VERDE, LLC

\_\_\_\_\_  
Bruce F. Dammeier  
Pierce County Executive

\_\_\_\_\_  
Scott Jones  
Its: Authorized Signatory

APPROVED AS TO LEGAL FORM  
County Prosecuting Attorney's Office

\_\_\_\_\_  
Todd Campbell  
Deputy Prosecuting Attorney



1 STATE OF WASHINGTON )  
2 ) ss.  
3 County of \_\_\_\_\_ )

4 On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned, a notary public in and for the  
5 state of Washington, duly commissioned and sworn, personally appeared Bruce Dammeier,  
6 Washington, a municipal corporation and political subdivision of the state of Washington, who  
7 executed the within and foregoing instrument and acknowledged the said instrument to be the free  
8 and voluntary act and deed of said municipal corporation, for the uses and purposes mentioned in  
9 the instrument, and on oath stated that he is authorized to execute the said instrument.

10 Given under my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2018.

11 \_\_\_\_\_  
12 Type/Print Name: \_\_\_\_\_  
13 Notary Public in and for the State of Washington  
14 residing at \_\_\_\_\_  
15 My Commission expires \_\_\_\_\_

16  
17  
18  
19 STATE OF WASHINGTON )  
20 ): ss.  
21 COUNTY OF PIERCE )

22 On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned, a notary public  
23 in and for the state of Washington, duly commissioned and sworn, personally appeared Scott Jones,  
24 to me known to be the Authorized Signatory of NASH Cascadia Verde, LLC, the limited liability  
25 company that executed the within and foregoing instrument and acknowledged the said instrument  
26 to be the free and voluntary act and deed of said company for the uses and purposes therein  
27 mentioned, and on oath stated that he was authorized to execute and in fact executed said  
28 instrument on behalf of the company.

29 Given under my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2018.

30 \_\_\_\_\_  
31 Type/Print Name: \_\_\_\_\_  
32 Notary Public in and for the State of Washington  
33 residing at \_\_\_\_\_  
34 My Commission expires \_\_\_\_\_



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**EXHIBIT "A"**

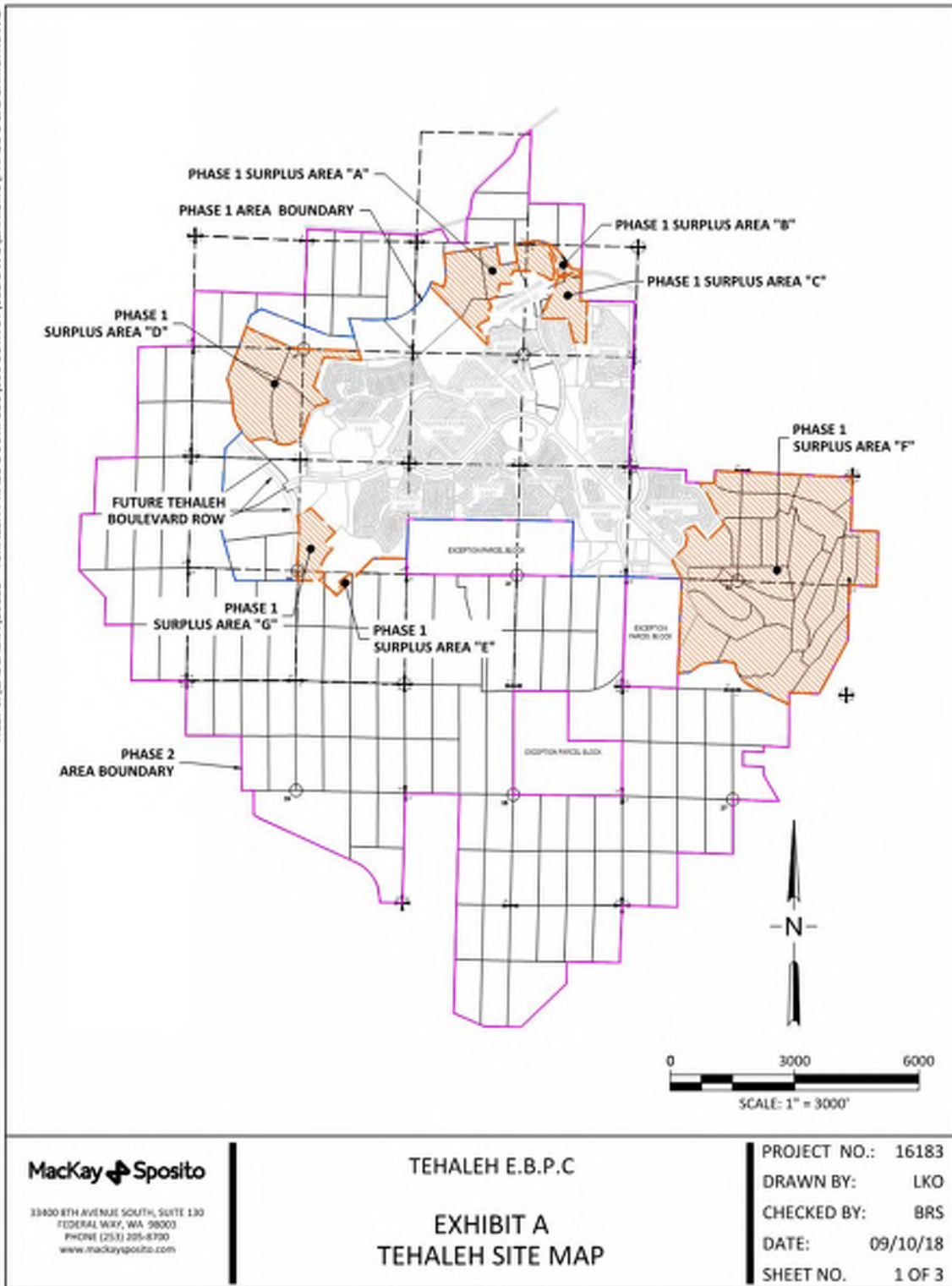
**Tehaleh Site Map**

**Tehaleh Phase 1 Surplus Areas A, B and C - Detail Map**

**Tehaleh Phase 1 Surplus Area E - Detail Map**

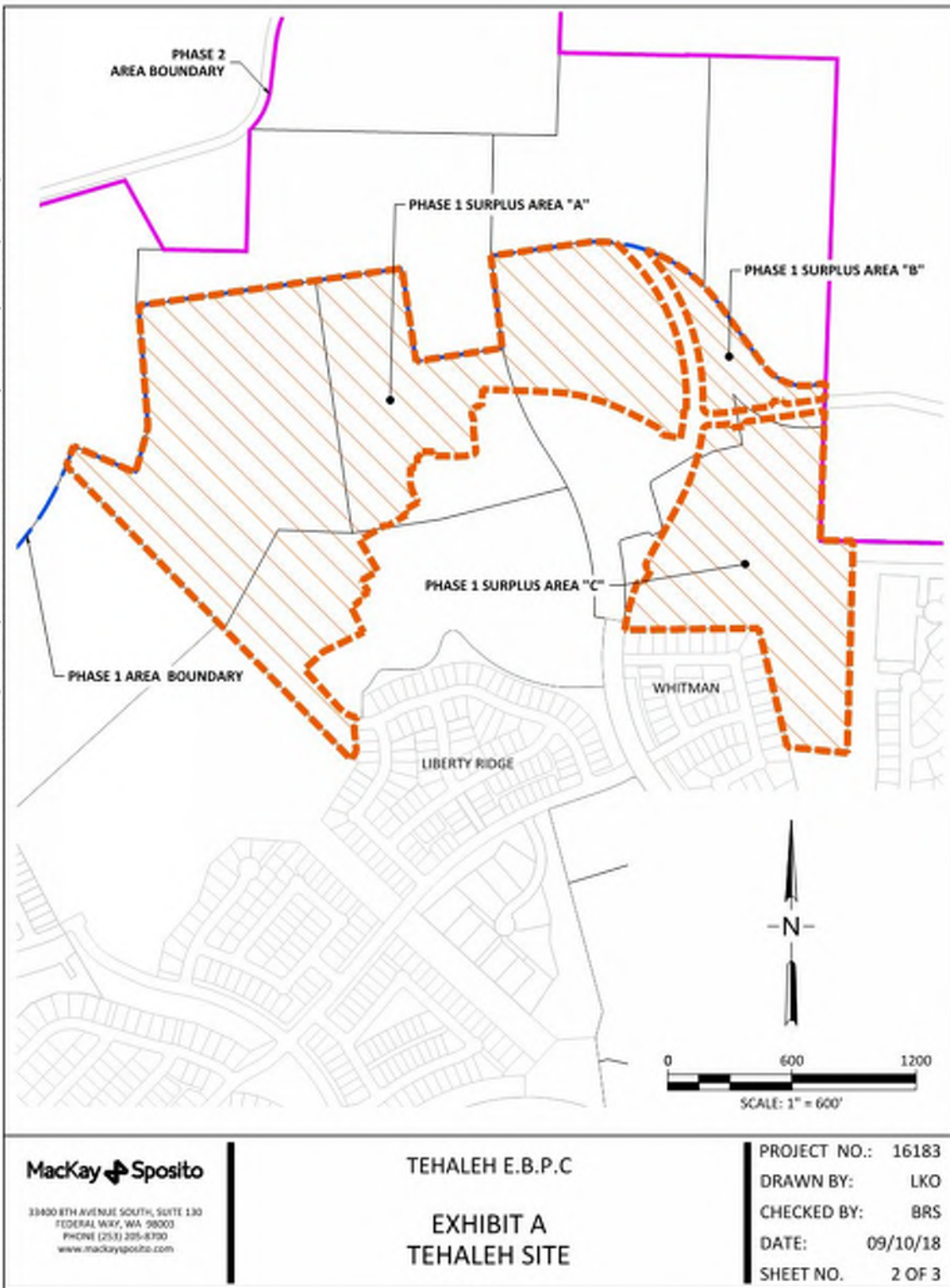


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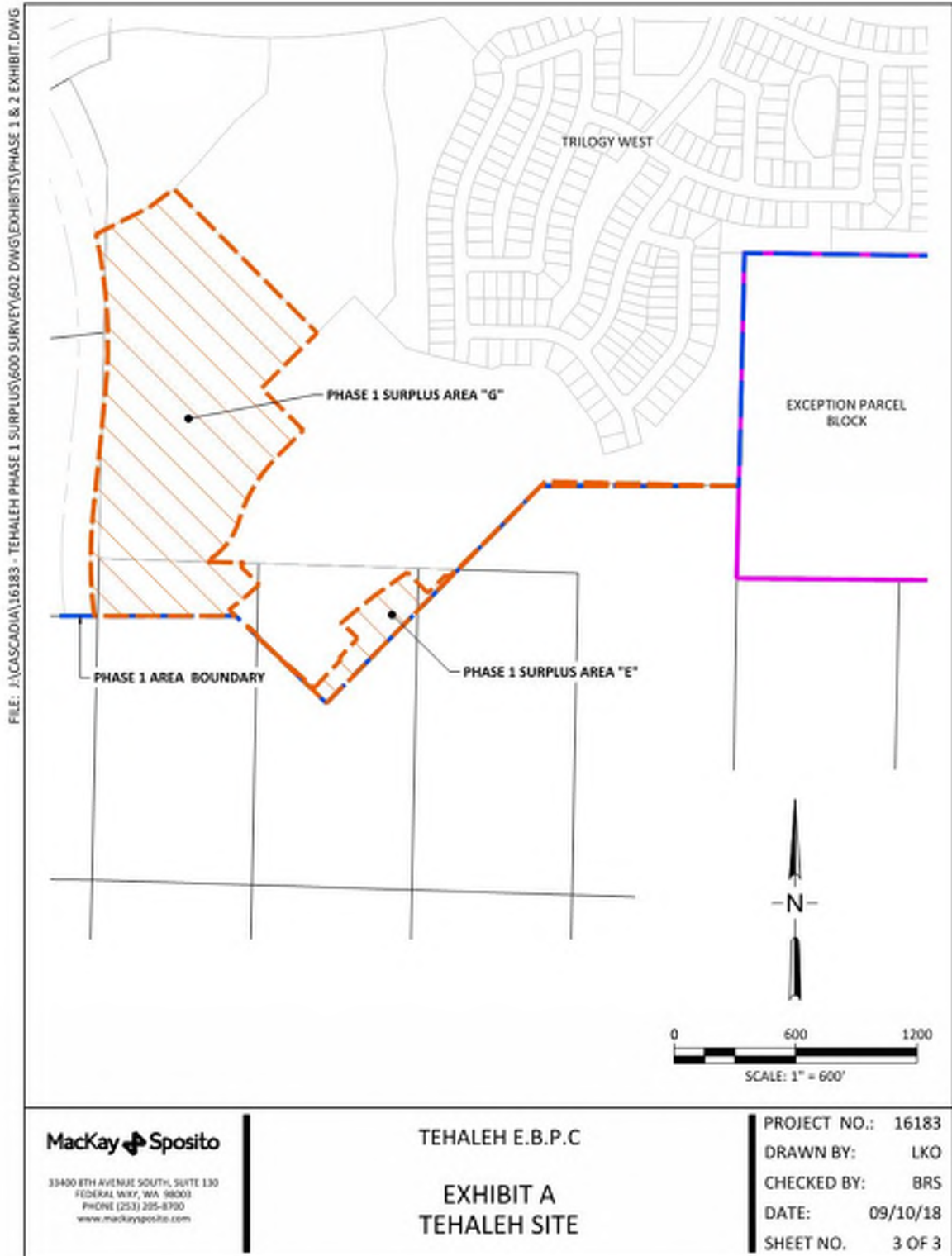




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**EXHIBIT "A-1"**  
**Tehaleh Site Legal Description**  
  
(Attached)



**EXHIBIT A-1**  
**TEHALEH SITE LEGAL DESCRIPTION**

ALL OF THAT PORTION OF SECTIONS 8, 9, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 33, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

**PARCEL 1:**

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, LYING SOUTHERLY AND EASTERLY OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF TACOMA BY SPECIAL WARRANTY DEED DATED MARCH 25, 1933, RECORDED UNDER RECORDING NUMBER 1083485.

**PARCEL 2:**

THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND ALL THOSE PORTIONS OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTH HALF OF THE SOUTHWEST QUARTER LYING SOUTHERLY AND EASTERLY OF THE STRIP OF LAND CONVEYED TO THE CITY OF TACOMA BY SPECIAL WARRANTY DEED DATED MAY 8, 1911, RECORDED UNDER RECORDING NUMBER 359284, ALL IN SECTION 9, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

EXCEPT THAT CERTAIN TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER CONVEYED TO THE CITY OF TACOMA BY SPECIAL WARRANTY DEED DATED MARCH 25, 1933, RECORDED UNDER RECORDING NUMBER 1083485.

**PARCEL 3:**

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER, ALL IN SECTION 16, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

EXCEPT THAT PORTION CONVEYED BY DEED RECORDED UNDER RECORDING NO. 200709060331.

AND EXCEPT THAT PORTION LYING WITHIN THE PLAT OF WINTHROP AT CASCADIA AS RECORDED UNDER RECORDING NO. 200811205006.

AND EXCEPT THAT PORTION LYING WITHIN THE PLAT OF WHITMAN AT CASCADIA AS RECORDED UNDER RECORDING NO. 200807305006

AND EXCEPT THAT PORTION LYING WITHIN THE PLAT OF LIBERTY RIDGE AT CASCADIA AS RECORDED UNDER RECORDING NO. 200907305007

AND EXCEPT THAT PORTION LYING WITHIN THE PLAT OF COLUMBIA VISTA AT CASCADIA PHASE 1 ACCORDING TO THE PLAT RECORDED UNDER RECORDING NO. 200806115002.



1 ALSO EXCEPT THAT PORTION LYING WITHIN CASCADIA BLVD AS CONVEYED BY DEED  
2 RECORDED UNDER RECORDING NO. 200707190856.

4 ALSO EXCEPTING THAT PORTION LYING WITHIN CANYON FALLS BLVD AS CONVEYED BY  
5 DEED RECORDED UNDER RECORDING NO. 200707190857.

7 AND FURTHER EXCEPTING THAT PORTION DEEDED FOR 198TH AVE E. BY DEED  
8 RECORDED UNDER RECORDING NO. 200612150638.

10 **PARCEL 4:**

11 THE NORTHEAST QUARTER AND THE SOUTH HALF OF THE NORTHWEST QUARTER AND  
12 THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER, ALL IN SECTION 17,  
13 TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

15 **PARCEL 5:**

16 THE EAST HALF OF THE SOUTHEAST QUARTER AND THE EAST 717.7 FEET OF THE SOUTH  
17 30.0 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION  
18 18, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

20 **PARCEL 6:**

21 THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE  
22 NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE WEST  
23 HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTH  
24 HALF OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST  
25 QUARTER AND THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST  
26 QUARTER LYING EASTERLY OF THE CARBON RIVER AND THE SOUTHEAST QUARTER OF  
27 THE SOUTHEAST QUARTER, ALL IN SECTION 19, TOWNSHIP 19 NORTH, RANGE 5 EAST,  
28 WILLAMETTE MERIDIAN.

30 **PARCEL 7:**

31 ALL OF SECTION 20, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

33 **PARCEL 8:**

34 THE NORTH HALF OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE  
35 NORTHEAST QUARTER AND THE NORTH HALF OF THE NORTHWEST QUARTER AND THE  
36 SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER, ALL IN SECTION 21, TOWNSHIP  
37 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

39 EXCEPT THAT PORTION LYING WITHIN THE PLAT OF WHITMAN AT CASCADIA AS  
40 RECORDED UNDER RECORDING NO. 200807305006.

42 EXCEPT THAT PORTION LYING WITHIN THE PLAT OF COLUMBIA VISTA AT CASCADIA  
43 PHASE 1 ACCORDING TO THE PLAT RECORDED UNDER RECORDING NO. 200806115002.

45 EXCEPTING THAT PORTION DEEDED FOR 198TH AVE E. BY DEED RECORDED UNDER  
46 RECORDING NO. 200612150638.

48 ALSO EXCEPT THAT PORTION LYING WITHIN CASCADIA BLVD AS CONVEYED BY DEED  
49 RECORDED UNDER RECORDING NO. 200707190856.



1  
2 TOGETHER WITH THAT PORTION OF VACATED 198TH AVENUE EAST AS VACATED BY  
3 ORDINANCE NO. 2009-28 AND RECORDED UNDER RECORDING NO. 200908170023.  
4

5 **PARCEL 9:**

6 THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST  
7 QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST  
8 QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 19 NORTH,  
9 RANGE 5 EAST, WILLAMETTE MERIDIAN, AND THAT PORTION OF THE SOUTHWEST  
10 QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27 DESCRIBED AS FOLLOWS:  
11 BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE  
12 NORTHEAST QUARTER; THENCE NORTH 1320.00 FEET TO THE NORTHEAST CORNER OF  
13 SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE EAST 750.00 FEET  
14 ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER;  
15 THENCE SOUTH 700.00 FEET PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER  
16 OF THE NORTHEAST QUARTER; THENCE SOUTHEASTERLY TO A POINT ON THE SOUTH  
17 LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, SAID POINT BEING  
18 1120.00 FEET EAST OF THE POINT OF BEGINNING; THENCE WEST ALONG THE SOUTH LINE  
19 OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER TO THE POINT OF  
20 BEGINNING;  
21

22 EXCEPT THAT CERTAIN TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE  
23 NORTHEAST QUARTER CONVEYED TO THE ORTING LIGHT & WATER CORPORATION BY  
24 DEED DATED JANUARY 16, 1914 AND RECORDED UNDER RECORDING NUMBER 398202,  
25 RECORDS OF PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: COMMENCING  
26 AT A STAKE LOCATED AT A SPRING IN THE NORTHWEST QUARTER OF THE SOUTHWEST  
27 QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27, WHICH SPRING IS LOCATED  
28 ABOUT 400.00 FEET EAST OF THE WEST LINE OF SAID QUARTER SECTION AND 300.00 FEET  
29 SOUTH OF THE NORTH LINE OF SAID 16TH QUARTER SECTION LINE; THENCE RUNNING  
30 WEST 150.00 FEET FOR POINT OF BEGINNING; THENCE SOUTH 200.00 FEET ON A LINE  
31 PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION; THENCE EAST 500.00 FEET  
32 ON A LINE PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION; THENCE NORTH  
33 350.00 FEET ON A LINE PARALLEL WITH SAID WEST LINE OF SAID QUARTER SECTION;  
34 THENCE WEST 500.00 FEET ON A LINE PARALLEL WITH THE NORTH LINE OF SAID  
35 QUARTER SECTION; THENCE SOUTH 150.00 FEET TO THE POINT OF BEGINNING.  
36

37 EXCEPTING THAT PORTION CONVEYED BY DEED RECORDED UNDER RECORDING NO.  
38 200801150588.  
39

40 **PARCEL 10:**

41 THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST  
42 QUARTER AND THE EAST HALF OF THE SOUTHWEST QUARTER AND THE SOUTHEAST  
43 QUARTER, ALL IN SECTION 28, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE  
44 MERIDIAN. EXCEPT ROADS.  
45

46 **PARCEL 11:**

47 THE NORTHEAST QUARTER AND THE NORTH HALF OF THE NORTHWEST QUARTER AND  
48 THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THAT PART OF THE EAST  
49 1020.36 FEET OF GOVERNMENT LOT 1 LYING NORTHERLY AND EASTERLY OF THE CARBON



1 RIVER; AND THAT PART OF THE SOUTHEAST QUARTER LYING NORTHERLY AND  
2 EASTERLY OF THE CARBON RIVER;

3  
4 EXCEPT THOSE THREE (3) STRIPS OF LAND IN SAID SOUTHEAST QUARTER, EACH 60 FEET  
5 IN WIDTH, CONVEYED TO PIERCE COUNTY, WASHINGTON BY DEEDS RECORDED UNDER  
6 RECORDING NUMBERS 264370, 264376 AND 264377, ALL IN SECTION 29, TOWNSHIP 19  
7 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

8  
9 **PARCEL 12:**

10 THE NORTH HALF OF THE NORTHEAST QUARTER AND THAT PART OF THE SOUTHWEST  
11 QUARTER OF THE NORTHEAST QUARTER LYING NORTHERLY OF THE CARBON RIVER AND  
12 THE EAST HALF OF THE NORTHWEST QUARTER AND THAT PART OF THE NORTHEAST  
13 QUARTER OF THE SOUTHWEST QUARTER AND THAT PART OF THE NORTHWEST QUARTER  
14 OF THE SOUTHEAST QUARTER LYING NORTHERLY OF THE CARBON RIVER, ALL IN  
15 SECTION 33, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

16  
17 **PARCEL 13:**

18 ALL OF THE PLAT OF COLUMBIA VISTA AT CASCADIA PHASE 1 ACCORDING TO THE PLAT  
19 RECORDED JUNE 11, 2008, UNDER RECORDING NO. 200806115002, RECORDS OF PIERCE  
20 COUNTY AUDITOR.

21  
22 **PARCEL 14:**

23 ALL OF THE PLAT OF WHITMAN AT CASCADIA ACCORDING TO THE PLAT RECORDED JULY  
24 30, 2008, UNDER RECORDING NO. 200807305006, RECORDS OF PIERCE COUNTY AUDITOR.  
25 EXCEPT LOTS 58 THROUGH 62, INCLUSIVE.

26  
27 **PARCEL 15:**

28 ALL OF THE PLAT OF LIBERTY RIDGE AT CASCADIA ACCORDING TO THE PLAT RECORDED  
29 JULY 30, 2008, UNDER RECORDING NO. 2008007305007, RECORDS OF PIERCE COUNTY  
30 AUDITOR.

31  
32 **PARCEL 16:**

33 ALL OF THE PLAT OF WINTHROP AT CASCADIA ACCORDING TO THE PLAT RECORDED  
34 NOVEMBER 20, 2008, UNDER RECORDING NO. 200811205006, RECORDS OF PIERCE COUNTY  
35 AUDITOR.

36  
37 ALL PARCELS SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.



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**EXHIBIT "A-2"**

**Tehaleh Phase 2 Legal Description**

(Attached)



**EXHIBIT A-2**  
**TEHALEH PHASE 2 LEGAL DESCRIPTION**

ALL OF THAT PORTION OF SECTIONS 8, 9, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 33, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

**PARCEL 1:**

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, LYING SOUTHERLY AND EASTERLY OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF TACOMA BY SPECIAL WARRANTY DEED DATED MARCH 25, 1933, RECORDED UNDER RECORDING NUMBER 1083485.

**PARCEL 2:**

THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND ALL THOSE PORTIONS OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTH HALF OF THE SOUTHWEST QUARTER LYING SOUTHERLY AND EASTERLY OF THE STRIP OF LAND CONVEYED TO THE CITY OF TACOMA BY SPECIAL WARRANTY DEED DATED MAY 8, 1911, RECORDED UNDER RECORDING NUMBER 359284, ALL IN SECTION 9, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

EXCEPT THAT CERTAIN TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER CONVEYED TO THE CITY OF TACOMA BY SPECIAL WARRANTY DEED DATED MARCH 25, 1933, RECORDED UNDER RECORDING NUMBER 1083485.

**PARCEL 3:**

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER, ALL IN SECTION 16, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

EXCEPT THAT PORTION CONVEYED BY DEED RECORDED UNDER RECORDING NO. 200709060331.

AND EXCEPT THAT PORTION LYING WITHIN THE PLAT OF WINTHROP AT CASCADIA AS RECORDED UNDER RECORDING NO. 200811205006.

AND EXCEPT THAT PORTION LYING WITHIN THE PLAT OF WHITMAN AT CASCADIA AS RECORDED UNDER RECORDING NO. 200807305006

AND EXCEPT THAT PORTION LYING WITHIN THE PLAT OF LIBERTY RIDGE AT CASCADIA AS RECORDED UNDER RECORDING NO. 200907305007

AND EXCEPT THAT PORTION LYING WITHIN THE PLAT OF COLUMBIA VISTA AT CASCADIA PHASE 1 ACCORDING TO THE PLAT RECORDED UNDER RECORDING NO. 200806115002.



1 ALSO EXCEPT THAT PORTION LYING WITHIN CASCADIA BLVD AS CONVEYED BY DEED  
2 RECORDED UNDER RECORDING NO. 200707190856.

4 ALSO EXCEPTING THAT PORTION LYING WITHIN CANYON FALLS BLVD AS CONVEYED BY  
5 DEED RECORDED UNDER RECORDING NO. 200707190857

7 AND FURTHER EXCEPTING THAT PORTION DEEDED FOR 198TH AVE E. BY DEED  
8 RECORDED UNDER RECORDING NO. 200612150638.

10 **PARCEL 4:**

11 THE NORTHEAST QUARTER AND THE SOUTH HALF OF THE NORTHWEST QUARTER AND  
12 THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER, ALL IN SECTION 17,  
13 TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

15 **PARCEL 5:**

16 THE EAST HALF OF THE SOUTHEAST QUARTER AND THE EAST 717.7 FEET OF THE SOUTH  
17 30.0 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION  
18 18, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

20 **PARCEL 6:**

21 THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE  
22 NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE WEST  
23 HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTH  
24 HALF OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST  
25 QUARTER AND THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST  
26 QUARTER LYING EASTERLY OF THE CARBON RIVER AND THE SOUTHEAST QUARTER OF  
27 THE SOUTHEAST QUARTER, ALL IN SECTION 19, TOWNSHIP 19 NORTH, RANGE 5 EAST,  
28 WILLAMETTE MERIDIAN.

30 **PARCEL 7:**

31 ALL OF SECTION 20, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

33 **PARCEL 8:**

34 THE NORTH HALF OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE  
35 NORTHEAST QUARTER AND THE NORTH HALF OF THE NORTHWEST QUARTER AND THE  
36 SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER, ALL IN SECTION 21, TOWNSHIP  
37 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

39 EXCEPT THAT PORTION LYING WITHIN THE PLAT OF WHITMAN AT CASCADIA AS  
40 RECORDED UNDER RECORDING NO. 200807305006.

42 EXCEPT THAT PORTION LYING WITHIN THE PLAT OF COLUMBIA VISTA AT CASCADIA  
43 PHASE 1 ACCORDING TO THE PLAT RECORDED UNDER RECORDING NO. 200806115002.

45 EXCEPTING THAT PORTION DEEDED FOR 198TH AVE E. BY DEED RECORDED UNDER  
46 RECORDING NO. 200612150638.

48 ALSO EXCEPT THAT PORTION LYING WITHIN CASCADIA BLVD AS CONVEYED BY DEED  
49 RECORDED UNDER RECORDING NO. 200707190856.



1  
2 TOGETHER WITH THAT PORTION OF VACATED 198TH AVENUE EAST AS VACATED BY  
3 ORDINANCE NO. 2009-28 AND RECORDED UNDER RECORDING NO. 200908170023.  
4

5 **PARCEL 9:**

6 THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST  
7 QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST  
8 QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 19 NORTH,  
9 RANGE 5 EAST, WILLAMETTE MERIDIAN, AND THAT PORTION OF THE SOUTHWEST  
10 QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27 DESCRIBED AS FOLLOWS:  
11 BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE  
12 NORTHEAST QUARTER; THENCE NORTH 1320.00 FEET TO THE NORTHEAST CORNER OF  
13 SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE EAST 750.00 FEET  
14 ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER;  
15 THENCE SOUTH 700.00 FEET PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER  
16 OF THE NORTHEAST QUARTER; THENCE SOUTHEASTERLY TO A POINT ON THE SOUTH  
17 LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, SAID POINT BEING  
18 1120.00 FEET EAST OF THE POINT OF BEGINNING; THENCE WEST ALONG THE SOUTH LINE  
19 OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER TO THE POINT OF  
20 BEGINNING;  
21

22 EXCEPT THAT CERTAIN TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE  
23 NORTHEAST QUARTER CONVEYED TO THE ORTING LIGHT & WATER CORPORATION BY  
24 DEED DATED JANUARY 16, 1914 AND RECORDED UNDER RECORDING NUMBER 398202,  
25 RECORDS OF PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: COMMENCING  
26 AT A STAKE LOCATED AT A SPRING IN THE NORTHWEST QUARTER OF THE SOUTHWEST  
27 QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27, WHICH SPRING IS LOCATED  
28 ABOUT 400.00 FEET EAST OF THE WEST LINE OF SAID QUARTER SECTION AND 300.00 FEET  
29 SOUTH OF THE NORTH LINE OF SAID 16TH QUARTER SECTION LINE; THENCE RUNNING  
30 WEST 150.00 FEET FOR POINT OF BEGINNING; THENCE SOUTH 200.00 FEET ON A LINE  
31 PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION; THENCE EAST 500.00 FEET  
32 ON A LINE PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION; THENCE  
33 NORTH 350.00 FEET ON A LINE PARALLEL WITH SAID WEST LINE OF SAID QUARTER  
34 SECTION; THENCE WEST 500.00 FEET ON A LINE PARALLEL WITH THE NORTH LINE OF SAID  
35 QUARTER SECTION; THENCE SOUTH 150.00 FEET TO THE POINT OF BEGINNING.  
36

37 EXCEPTING THAT PORTION CONVEYED BY DEED RECORDED UNDER RECORDING NO.  
38 200801150588.  
39

40 **PARCEL 10:**

41 THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST  
42 QUARTER AND THE EAST HALF OF THE SOUTHWEST QUARTER AND THE SOUTHEAST  
43 QUARTER, ALL IN SECTION 28, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE  
44 MERIDIAN. EXCEPT ROADS.  
45

46  
47 **PARCEL 11:**

48 THE NORTHEAST QUARTER AND THE NORTH HALF OF THE NORTHWEST QUARTER AND  
49 THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THAT PART OF THE EAST



1 1020.36 FEET OF GOVERNMENT LOT 1 LYING NORTHERLY AND EASTERLY OF THE CARBON  
2 RIVER; AND THAT PART OF THE SOUTHEAST QUARTER LYING NORTHERLY AND  
3 EASTERLY OF THE CARBON RIVER;

4  
5 EXCEPT THOSE THREE (3) STRIPS OF LAND IN SAID SOUTHEAST QUARTER, EACH 60 FEET  
6 IN WIDTH, CONVEYED TO PIERCE COUNTY, WASHINGTON BY DEEDS RECORDED UNDER  
7 RECORDING NUMBERS 264370, 264376 AND 264377, ALL IN SECTION 29, TOWNSHIP 19  
8 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

9  
10 **PARCEL 12:**

11 THE NORTH HALF OF THE NORTHEAST QUARTER AND THAT PART OF THE SOUTHWEST  
12 QUARTER OF THE NORTHEAST QUARTER LYING NORTHERLY OF THE CARBON RIVER AND  
13 THE EAST HALF OF THE NORTHWEST QUARTER AND THAT PART OF THE NORTHEAST  
14 QUARTER OF THE SOUTHWEST QUARTER AND THAT PART OF THE NORTHWEST QUARTER  
15 OF THE SOUTHEAST QUARTER LYING NORTHERLY OF THE CARBON RIVER, ALL IN  
16 SECTION 33, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

17  
18 **PARCEL 13:**

19 ALL OF THE PLAT OF COLUMBIA VISTA AT CASCADIA PHASE 1 ACCORDING TO THE PLAT  
20 RECORDED JUNE 11, 2008, UNDER RECORDING NO. 200806115002, RECORDS OF PIERCE  
21 COUNTY AUDITOR.

22  
23 **PARCEL 14:**

24 ALL OF THE PLAT OF WHITMAN AT CASCADIA ACCORDING TO THE PLAT RECORDED JULY  
25 30, 2008, UNDER RECORDING NO. 200807305006, RECORDS OF PIERCE COUNTY AUDITOR.  
26 EXCEPT LOTS 58 THROUGH 62, INCLUSIVE.

27  
28 **PARCEL 15:**

29 ALL OF THE PLAT OF LIBERTY RIDGE AT CASCADIA ACCORDING TO THE PLAT RECORDED  
30 JULY 30, 2008, UNDER RECORDING NO. 2008007305007, RECORDS OF PIERCE COUNTY  
31 AUDITOR.

32  
33 **PARCEL 16:**

34 ALL OF THE PLAT OF WINTHROP AT CASCADIA ACCORDING TO THE PLAT RECORDED  
35 NOVEMBER 20, 2008, UNDER RECORDING NO. 200811205006, RECORDS OF PIERCE COUNTY  
36 AUDITOR.

37  
38 ALL PARCELS SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

39  
40 EXCEPT THOSE PORTIONS OF SECTION 16, 17, 20, 21, 22, 23, 27 AND 28, ALL IN TOWNSHIP 19  
41 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, MORE  
42 PARTICULARLY DESCRIBED AS FOLLOWS:

43  
44 BEGINNING AT THE NORTHEAST CORNER OF SECTION 21, THENCE S 02°03'56" W A  
45 DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF 144TH  
46 STREET EAST; THENCE S 88°06'44" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE A  
47 DISTANCE OF 125.31 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF 198TH  
48 AVENUE EAST AS DESCRIBED IN STATUTORY WARRANTY DEED RECORDED UNDER  
49 PIERCE COUNTY RECORDING NO. 200612150638; THENCE CONTINUING ALONG SAID RIGHT



1 OF WAY LINE THE FOLLOWING COURSES: S 26°58'42" E A DISTANCE OF 111.44 FEET TO THE  
2 POINT OF CURVATURE OF A 630.00 FOOT RADIUS CURVE, THENCE ALONG SAID CURVE TO  
3 THE RIGHT, THROUGH A CENTRAL ANGLE OF 72°15'56" AN ARC DISTANCE OF 794.60 FEET  
4 TO A POINT OF A COMPOUND 40.00 FOOT RADIUS CURVE; THENCE ALONG SAID CURVE TO  
5 THE RIGHT, THROUGH A CENTRAL ANGLE OF 56°49'10", AN ARC DISTANCE OF 39.67 FEET  
6 TO THE BEGINNING OF A NON-TANGENT 125.00 FOOT RADIUS CURVE, THE RADIUS POINT  
7 OF WHICH BEARS S 12°06'24" W; THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A  
8 CENTRAL ANGLE OF 23°50'20", AN ARC DISTANCE OF 52.01 FEET TO A POINT ON THE EAST  
9 LINE OF SAID SECTION 21; THENCE S 02°03'56" W ALONG SAID EAST LINE OF SECTION 21 A  
10 DISTANCE OF 1775.94 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID  
11 SECTION 21; THENCE N 89°24'28" W ALONG SAID SOUTH LINE A DISTANCE OF 1323.34 FEET;  
12 THENCE N 01°50'23" E A DISTANCE OF 1328.80 FEET TO A POINT ON THE SOUTHERLY LINE  
13 OF PARCEL M2 AS SHOWN ON THAT RECORD OF SURVEY ENTITLED "CASCADIA PHASE  
14 ONE RESEGREGATION" RECORDED DECEMBER 4, 2006 UNDER RECORDING NUMBER  
15 200612045011; THENCE N 89°19'27" W ALONG SAID SOUTHERLY LINE OF M2 A DISTANCE OF  
16 1328.53 FEET TO THE INTERSECTION OF THE NORTH-SOUTH CENTERLINE OF SAID SECTION  
17 21; THENCE N 89°11'35" W ALONG SAID SOUTHERLY LINE OF M2 AND PARCELS M3 AND M4  
18 AS SHOWN ON THAT RECORD OF SURVEY ENTITLED "CASCADIA PHASE ONE  
19 RESEGREGATION" RECORDED MARCH 17, 2006 UNDER RECORDING NUMBER 200603175011,  
20 A DISTANCE OF 2664.77 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 21; THENCE  
21 S 01°21'53" W ALONG SAID WEST LINE A DISTANCE OF 959.90 FEET; THENCE N 90°00'00" W  
22 A DISTANCE OF 816.01 FEET; THENCE S 44°35'48" W A DISTANCE OF 1257.06 FEET; THENCE  
23 N 46°07'16" W A DISTANCE OF 518.87 FEET; THENCE N 90°00'00" W A DISTANCE OF 2070.23  
24 FEET; THENCE N 15°41'45" W A DISTANCE OF 1359.30 FEET; THENCE N 03°52'48" E A  
25 DISTANCE OF 1898.15 FEET; THENCE N 45°42'50" E A DISTANCE OF 557.98 FEET TO THE  
26 BEGINNING OF A NON-TANGENT 1204.12 FOOT RADIUS CURVE, THE RADIUS POINT OF  
27 WHICH BEARS N 53°56'04" E; THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A  
28 CENTRAL ANGLE OF 34°03'21", AN ARC DISTANCE OF 715.71 FEET TO THE BEGINNING OF A  
29 NON-TANGENT 1653.16 FOOT RADIUS CURVE, THE RADIUS POINT OF WHICH BEARS S  
30 88°44'42" W; THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF  
31 21°41'17", AN ARC DISTANCE OF 625.77 FEET; THENCE N 20°08'33" E A DISTANCE OF 1639.71  
32 FEET; THENCE N 58°48'02" E A DISTANCE OF 308.22 FEET; THENCE S 68°30'31" E A DISTANCE  
33 OF 1729.12 FEET; THENCE S 86°18'06" E A DISTANCE OF 638.73 FEET; THENCE N 16°41'07" W  
34 A DISTANCE OF 465.78 FEET TO THE BEGINNING OF A NONTANGENT 4000.00 FOOT RADIUS  
35 CURVE, THE RADIUS POINT OF WHICH BEARS N 08°07'39" E; THENCE ALONG SAID CURVE  
36 TO THE LEFT, THROUGH A CENTRAL ANGLE OF 16°24'48", AN ARC DISTANCE OF 1145.87  
37 FEET TO THE BEGINNING OF A NON-TANGENT 1362.51 FOOT RADIUS CURVE, THE RADIUS  
38 POINT OF WHICH BEARS N 19°30'38" E; THENCE ALONG SAID CURVE TO THE LEFT,  
39 THROUGH A CENTRAL ANGLE OF 51°52'25", AN ARC DISTANCE OF 1233.56 FEET TO THE  
40 BEGINNING OF A NON-TANGENT 2256.49 FOOT RADIUS CURVE, THE RADIUS POINT OF  
41 WHICH BEARS N 71°23'03" W; THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A  
42 CENTRAL ANGLE OF 0°48'00", AN ARC DISTANCE OF 31.50 FEET; THENCE S 66°51'11" E A  
43 DISTANCE OF 327.08 FEET; THENCE N 15°21'50" E A DISTANCE OF 228.48 FEET; THENCE N  
44 04°26'15" W A DISTANCE OF 589.79 FEET; THENCE N 81°59'33" E A DISTANCE OF 1285.35 FEET;  
45 THENCE S 08°37'27" E A DISTANCE OF 454.38 FEET; THENCE N 81°16'19" E A DISTANCE OF  
46 422.18 FEET; THENCE N 07°05'49" W A DISTANCE OF 449.10 FEET; THENCE N 81°59'33" E A  
47 DISTANCE OF 488.03 FEET TO THE BEGINNING OF A NON-TANGENT 726.58 FOOT RADIUS  
48 CURVE, THE RADIUS POINT OF WHICH BEARS S 62°26'30"E; THENCE ALONG SAID CURVE







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**EXHIBIT "A-3"**

**Tehaleh Phase 1 Surplus Areas A through E Legal Description**

(Attached)



**EXHIBIT A-3**  
**PHASE 1 SURPLUS AREAS LEGAL DESCRIPTION**

**SURPLUS AREA A**

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER & THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16 & THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER & THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 19 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, BIENG MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 16, WHERE THE SOUTHEAST CORNER OF SAID SECTION 16 BEARS SOUTH 2°04'35" WEST A DISTANCE OF 2,653.96 FEET; THENCE NORTH 77°09'04" WEST A DISTANCE OF 4,307.31 FEET TO THE MOST NORTHERLY ANGLE POINT OF TRACT T OF THE PLAT OF CATHEDRAL RIDGE PHASE 2, AS RECORDED UNDER PIERCE COUNTY AUDITOR'S FILE NO. 201705115001, AND THE **TRUE POINT OF BEGINNING**; THENCE NORTH 44°07'07" WEST A DISTANCE OF 1,058.73 FEET TO A POINT OF NON TANGENT CURVATURE; THENCE NORTHERLY ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1362.51 FEET, THE RADIUS POINT OF WHICH BEARS NORTH 68°26'00" WEST, THROUGH A CENTRAL ANGLE OF 02° 57' 03", AN ARC DISTANCE OF 70.17 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHERLY ALONG THE ARC OF A COMPOUND CURVE TO THE LEFT, HAVING A RADIUS OF 2256.49 FEET, THROUGH A CENTRAL ANGLE OF 00° 48' 00", AN ARC DISTANCE OF 31.51 FEET; THENCE SOUTH 66° 51' 11" EAST A DISTANCE OF 327.08 FEET; THENCE NORTH 15° 21' 50" EAST A DISTANCE OF 228.48 FEET; THENCE NORTH 04° 26' 15" WEST A DISTANCE OF 589.79 FEET; THENCE NORTH 81° 59' 33" EAST A DISTANCE OF 1285.35 FEET; THENCE SOUTH 08° 37' 27" EAST A DISTANCE OF 454.38 FEET; THENCE NORTH 81° 16' 19" EAST A DISTANCE OF 422.18 FEET; THENCE NORTH 07° 05' 49" WEST A DISTANCE OF 449.10 FEET; THENCE NORTH 81° 59' 33" EAST A DISTANCE OF 488.03 FEET TO A POINT OF NON TANGENT CURVATURE; THENCE EASTERLY ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 726.58 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 02°26'30" EAST, THROUGH A CENTRAL ANGLE OF 09° 31' 42", AN ARC DISTANCE OF 120.83 FEET TO A POINT OF NON TANGENT CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1000.00 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 41°09'39" WEST, THROUGH A CENTRAL ANGLE OF 51° 55' 41", AN ARC DISTANCE OF 906.32 FEET TO A POINT ON NON TANGENCY; THENCE NORTH 86° 54' 40" WEST A DISTANCE OF 10.00 FEET TO A POINT OF NON TANGENT CURVATURE; THENCE SOUTHERLYERLY ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 990.00 FEET, THE RADIUS POINT OF WHICH BEARS NORTH 86°54'40" WEST, THROUGH A CENTRAL ANGLE OF 08° 06' 01", AN ARC DISTANCE OF 139.96 FEET TO A POINT OF NON TANGENCY; THENCE NORTH 78° 48' 39" WEST A DISTANCE OF 88.94 FEET; THENCE NORTH 30° 45' 13" WEST A DISTANCE OF 38.79 FEET; THENCE NORTH 62° 15' 23" WEST A DISTANCE OF 131.03 FEET; THENCE NORTH 64° 33' 35" WEST A DISTANCE OF 47.25 FEET; THENCE NORTH 65° 28' 25" WEST A DISTANCE OF 49.00 FEET; THENCE NORTH 68° 36' 32" WEST A DISTANCE OF 49.00 FEET; THENCE NORTH 71° 30' 35" WEST A DISTANCE OF 49.00 FEET; THENCE NORTH 74° 38' 41" WEST A DISTANCE OF 49.00 FEET; THENCE NORTH 77° 42' 06" WEST A DISTANCE OF 49.00 FEET; THENCE NORTH 80° 45' 32" WEST A DISTANCE OF 49.00 FEET; THENCE NORTH 83° 48' 57" WEST A DISTANCE OF 49.00 FEET; THENCE NORTH 86° 48' 53" WEST A DISTANCE OF 48.32 FEET; THENCE NORTH 87° 53' 10" WEST A DISTANCE OF 315.00 FEET; THENCE SOUTH 02° 06' 50" WEST A DISTANCE OF 80.91 FEET TO A POINT OF



1 NON TANGENT CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE  
2 TO THE LEFT, HAVING A RADIUS OF 38.50 FEET, THE RADIUS POINT OF WHICH BEARS  
3 SOUTH 14°36'37" WEST, THROUGH A CENTRAL ANGLE OF 136° 29' 39", AN ARC DISTANCE  
4 OF 91.72 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY ALONG THE  
5 ARC OF A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, THROUGH A  
6 CENTRAL ANGLE OF 33° 59' 52", AN ARC DISTANCE OF 11.87 FEET; THENCE SOUTH 02° 06'  
7 50" WEST A DISTANCE OF 10.07 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY  
8 ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 538.50 FEET,  
9 THROUGH A CENTRAL ANGLE OF 14° 05' 34", AN ARC DISTANCE OF 132.45 FEET TO A POINT  
10 OF REVERSE CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A REVERSE  
11 CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF  
12 88° 06' 38", AN ARC DISTANCE OF 30.76 FEET TO A POINT OF COMPOUND CURVATURE;  
13 THENCE WESTERLY ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT, HAVING A  
14 RADIUS OF 323.50 FEET, THROUGH A CENTRAL ANGLE OF 13° 47' 29", AN ARC DISTANCE OF  
15 77.87 FEET; THENCE SOUTH 89° 55' 23" WEST A DISTANCE OF 22.45 FEET; THENCE NORTH  
16 00° 04' 37" WEST A DISTANCE OF 2.00 FEET; THENCE SOUTH 89° 55' 23" WEST A DISTANCE  
17 OF 70.07 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC  
18 OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, THROUGH A  
19 CENTRAL ANGLE OF 92° 00' 37", AN ARC DISTANCE OF 32.12 FEET; THENCE NORTH 88° 49'  
20 41" WEST A DISTANCE OF 57.01 FEET TO A POINT OF NON TANGENT CURVATURE; THENCE  
21 SOUTHWESTERLY ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT, HAVING  
22 A RADIUS OF 20.00 FEET, THE RADIUS POINT OF WHICH BEARS NORTH 88°04'00" WEST,  
23 THROUGH A CENTRAL ANGLE OF 90° 56' 43", AN ARC DISTANCE OF 31.75 FEET TO A POINT  
24 OF NON TANGENCY; THENCE SOUTH 02° 52' 43" WEST A DISTANCE OF 57.00 FEET; THENCE  
25 NORTH 87° 07' 17" WEST A DISTANCE OF 29.76 FEET; THENCE SOUTH 02° 52' 43" WEST A  
26 DISTANCE OF 45.00 FEET; THENCE SOUTH 00° 46' 34" EAST A DISTANCE OF 34.47 FEET;  
27 THENCE SOUTH 12° 40' 55" EAST A DISTANCE OF 31.88 FEET; THENCE SOUTH 24° 29' 54" EAST  
28 A DISTANCE OF 31.95 FEET; THENCE SOUTH 30° 15' 10" EAST A DISTANCE OF 35.00 FEET;  
29 THENCE SOUTH 59° 44' 50" WEST A DISTANCE OF 80.00 FEET; THENCE SOUTH 30° 15' 10"  
30 EAST A DISTANCE OF 24.29 FEET; THENCE SOUTH 59° 44' 50" WEST A DISTANCE OF 110.00  
31 FEET; THENCE NORTH 30° 15' 10" WEST A DISTANCE OF 8.19 FEET; THENCE SOUTH 59° 44'  
32 50" WEST A DISTANCE OF 147.00 FEET; THENCE SOUTH 30° 15' 10" EAST A DISTANCE OF  
33 172.48 FEET; THENCE SOUTH 59° 44' 50" WEST A DISTANCE OF 90.00 FEET; THENCE SOUTH  
34 30° 15' 10" EAST A DISTANCE OF 66.41 FEET; THENCE SOUTH 59° 44' 50" WEST A DISTANCE  
35 OF 57.00 FEET TO A POINT OF NON TANGENT CURVATURE; THENCE SOUTHWESTERLY  
36 ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00  
37 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 59°44'50" WEST, THROUGH A CENTRAL  
38 ANGLE OF 92° 55' 19", AN ARC DISTANCE OF 32.44 FEET TO A POINT OF COMPOUND  
39 CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A COMPOUND CURVE TO  
40 THE RIGHT, HAVING A RADIUS OF 971.50 FEET, THROUGH A CENTRAL ANGLE OF 01° 20'  
41 32", AN ARC DISTANCE OF 22.76 FEET; THENCE SOUTH 64° 00' 41" WEST A DISTANCE OF 7.17  
42 FEET; THENCE SOUTH 25° 59' 19" EAST A DISTANCE OF 137.23 FEET; THENCE SOUTH 64° 17'  
43 59" WEST A DISTANCE OF 45.00 FEET; THENCE SOUTH 64° 00' 41" WEST A DISTANCE OF  
44 175.32 FEET; THENCE SOUTH 44° 02' 05" WEST A DISTANCE OF 40.78 FEET; THENCE SOUTH  
45 47° 50' 52" WEST A DISTANCE OF 79.99 FEET; THENCE SOUTH 42° 09' 08" EAST A DISTANCE  
46 OF 251.02 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC  
47 OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 151.50 FEET, THROUGH A  
48 CENTRAL ANGLE OF 36° 29' 05", AN ARC DISTANCE OF 96.47 FEET TO AN ANGLE POINT IN  
49 THE NORTHWESTERLY BOUNDARY OF THE PLAT OF LIBERTY RIDGE, AS RECORDED  
50 UNDER PIERCE COUNTY AUDITOR'S FILE NO. 200807305007; THENCE ALONG SAID



1 NORTHWESTERLY BOUNDARY, SOUTH 11° 21' 47" WEST A DISTANCE OF 57.00 FEET;  
2 THENCE CONTINUING ALONG SAID NORTHWESTERLY BOUNDARY, SOUTH 06° 23' 42" EAST  
3 A DISTANCE OF 107.14 FEET TO AN ANGLE POINT ON THE NORTHEASTERLY BOUNDARY  
4 OF THE PLAT OF CATHEDRAL RIDGE PHASE 2 AS RECORDED UNDER PIERCE COUNTY  
5 AUDITOR'S FILE NO. 201705115001, SAID POINT BEING A POINT OF NON TANGENT  
6 CURVATURE; THENCE SOUTHWESTERLY ALONG SAID NORTHEASTRLY BOUNDARY AND  
7 THE ARC OF A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 3,294.52 FEET,  
8 THE RADIUS POINT OF WHICH BEARS NORTH 59°07'10" WEST, THROUGH A CENTRAL  
9 ANGLE OF 0°50'53", AN ARC DISTANCE OF 48.77 FEET; THENCE CONTINUING ALONG SAID  
10 NORTHEASTERLY BOUNDARY, NORTH 44° 07' 07" WEST A DISTANCE OF 919.95 FEET TO THE  
11 **TRUE POINT OF BEGINNING.**

12  
13 **SURPLUS AREA B**

14  
15 A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 19  
16 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON,  
17 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

18  
19 COMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 16, WHERE THE  
20 SOUTHEAST CORNER OF SAID SECTION 16 BEARS SOUTH 2°04'35" WEST A DISTANCE OF  
21 2,653.96 FEET; THENCE NORTH 31°50'40" WEST A DISTANCE OF 2,404.01 FEET TO THE EAST  
22 LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER AND THE **TRUE**  
23 **POINT OF BEGINNING**; THENCE SOUTH 82° 07' 53" WEST A DISTANCE OF 179.95 FEET TO A  
24 POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A TANGENT  
25 CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF  
26 92° 20' 54", AN ARC DISTANCE OF 32.24 FEET; THENCE SOUTH 83° 57' 22" WEST A DISTANCE  
27 OF 57.00 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE SOUTHERLY ALONG  
28 THE ARC OF A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 528.50 FEET, THE  
29 RADIUS POINT OF WHICH BEARS NORTH 84°25'24" EAST, THROUGH A CENTRAL ANGLE OF  
30 00° 21' 32", AN ARC DISTANCE OF 3.31 FEET TO A POINT OF REVERSE CURVATURE; THENCE  
31 SOUTHWESTERLY ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT, HAVING A  
32 RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 88° 04' 01", AN ARC DISTANCE OF  
33 30.74 FEET; THENCE SOUTH 82° 07' 53" WEST A DISTANCE OF 215.14 FEET TO A POINT OF  
34 CURVATURE; THENCE WESTERLY ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT,  
35 HAVING A RADIUS OF 371.50 FEET, THROUGH A CENTRAL ANGLE OF 11° 37' 58", AN ARC  
36 DISTANCE OF 75.43 FEET TO A POINT OF COMPOUND CURVATURE; THENCE  
37 NORTHWESTERLY ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT, HAVING A  
38 RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 88° 21' 53", AN ARC DISTANCE OF  
39 46.27 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY ALONG THE ARC  
40 OF A REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 1080.00 FEET, THROUGH A  
41 CENTRAL ANGLE OF 43° 49' 22", AN ARC DISTANCE OF 826.04 FEET TO A POINT OF CUSP;  
42 THENCE SOUTHEASTERLY ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT,  
43 HAVING A RADIUS OF 726.58 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 19°06'49"  
44 WEST, THROUGH A CENTRAL ANGLE OF 34° 43' 59", AN ARC DISTANCE OF 440.46 FEET;  
45 THENCE SOUTH 35° 56' 20" EAST A DISTANCE OF 364.69 FEET TO A POINT OF NON-TANGENT  
46 CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT,  
47 HAVING A RADIUS OF 253.27 FEET, THE RADIUS POINT OF WHICH BEARS NORTH 53°52'01"  
48 EAST, THROUGH A CENTRAL ANGLE OF 56° 37' 33", AN ARC DISTANCE OF 250.31 FEET;  
49 THENCE NORTH 80° 56' 18" EAST A DISTANCE OF 87.77 FEET TO THE EAST LINE OF THE



1 NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTH 01° 58' 27" WEST  
2 ALONG SAID EAST LINE A DISTANCE OF 76.55 FEET TO THE **TRUE POINT OF BEGINNING**.

3  
4 **SURPLUS AREA C**

5  
6 A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 19  
7 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON,  
8 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

9  
10 COMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 16, WHERE THE  
11 SOUTHEAST CORNER OF SAID SECTION 16 BEARS SOUTH 2°04'35" WEST A DISTANCE OF  
12 2,653.96 FEET; THENCE NORTH 39°54'45" WEST A DISTANCE OF 1,765.28 FEET TO THE **TRUE**  
13 **POINT OF BEGINNING**, BEING WITH NORTHWEST CORNER OF THE BOUNDARY OF THE  
14 PLAT OF PINNACLE RIDGE AT TEHALEH PHASE 1, AS RECORDED UNDER PIERCE COUNTY  
15 AUDITOR'S FILE 201611105001; THENCE ALONG THE WESTERLY BOUNDARY OF SAID PLAT,  
16 SOUTH 01° 36' 58" WEST A DISTANCE OF 1024.98 FEET TO AN ANGLE POINT IN SAID  
17 BOUNDARY; THENCE CONTINUING ALONG SAID WESTERLY BOUNDARY, NORTH 84° 17'  
18 41" WEST A DISTANCE OF 291.03 FEET TO AN ANGLE POINT, SAID ANGLE POINT BEING  
19 COINCIDENT WITH THE EASTERLY BOUNDARY OF THE PLAT OF WINTHROP AT CASCADIA  
20 AS RECORDED UNDER PIERCE COUNTY AUDITOR'S FILE 200811205006; THENCE ALONG  
21 THE EASTERLY BOUNDARY OF SAID PLAT, NORTH 13° 33' 00" WEST A DISTANCE OF 590.29  
22 FEET TO AN ANGLE POINT IN SAID BOUNDARY; THENCE ALONG THE NORTHERLY  
23 BOUNDARY OF SAID PLAT, SOUTH 89° 21' 56" WEST A DISTANCE OF 647.20 FEET TO THE  
24 EASTERLY MARGIN OF CANYON VIEW BOULEVARD, PER DEED RECORDED UNDER PIERCE  
25 COUNTY AUDITOR'S FILE 200707190857; THENCE ALONG SAID EASTERLY MARGIN,  
26 NORTHEASTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING  
27 A RADIUS OF 983.32 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 82° 03' 59" EAST,  
28 THROUGH A CENTRAL ANGLE OF 02° 13' 24", AN ARC DISTANCE OF 38.16 FEET TO THE  
29 NORTHEAST CORNER OF SAID EASTERLY MARGIN OF CANYON VIEW BOULEVARD AND A  
30 POINT OF COMPOUND CURVATURE; THENCE CONTINUING NORTHEASTERLY ALONG THE  
31 ARC OF SAID COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 990.00 FEET,  
32 THROUGH A CENTRAL ANGLE OF 10° 41' 16", AN ARC DISTANCE OF 184.67 FEET TO A POINT  
33 OF COMPOUND CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE  
34 TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 86° 20'  
35 26", AN ARC DISTANCE OF 45.21 FEET; THENCE NORTH 34° 28' 54" EAST A DISTANCE OF 60.70  
36 FEET TO A POINT OF NON TANGENT CURVATURE; THENCE NORTHWESTERLY ALONG THE  
37 ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THE RADIUS POINT  
38 OF WHICH BEARS NORTH 11° 08' 43" EAST, THROUGH A CENTRAL ANGLE OF 106° 47' 23",  
39 AN ARC DISTANCE OF 55.92 FEET TO A POINT OF COMPOUND CURVATURE; THENCE  
40 NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF  
41 990.00 FEET, THROUGH A CENTRAL ANGLE OF 01° 05' 21", AN ARC DISTANCE OF 18.82 FEET;  
42 THENCE NORTH 29° 01' 27" EAST A DISTANCE OF 281.25 FEET TO A POINT OF CURVATURE;  
43 THENCE NORTHEASTERLY ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING  
44 A RADIUS OF 1090.00 FEET, THROUGH A CENTRAL ANGLE OF 20° 53' 37", AN ARC DISTANCE  
45 OF 397.48 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY ALONG  
46 THE ARC OF SAID REVERSE CURVE, HAVING A RADIUS OF 30.00 FEET, THROUGH A  
47 CENTRAL ANGLE OF 84° 44' 02", AN ARC DISTANCE OF 44.37 FEET TO A POINT OF REVERSE  
48 CURVATURE; THENCE EASTERLY ALONG THE ARC OF SAID REVERSE CURVE TO THE  
49 LEFT, HAVING A RADIUS OF 428.50 FEET, THROUGH A CENTRAL ANGLE OF 10° 43' 59", AN  
50 ARC DISTANCE OF 80.27 FEET; THENCE NORTH 82° 07' 53" EAST A DISTANCE OF 9.78 FEET



1 TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A TANGENT  
2 CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF  
3 92° 35' 50", AN ARC DISTANCE OF 32.32 FEET TO A POINT OF NON-TANGENT CURVATURE;  
4 THENCE NORTH 82° 08' 00" EAST A DISTANCE OF 57.05 FEET TO A POINT OF NON TANGENT  
5 CURVATURE; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT,  
6 HAVING A RADIUS OF 378.50 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 84°20'15"  
7 WEST, THROUGH A CENTRAL ANGLE OF 00° 14' 29", AN ARC DISTANCE OF 1.60 FEET TO A  
8 POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID  
9 REVERSE CURVE, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 88°  
10 02' 07", AN ARC DISTANCE OF 30.73 FEET; THENCE NORTH 82° 07' 53" EAST A DISTANCE OF  
11 375.41 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST  
12 QUARTER; THENCE SOUTH 01° 58' 27" WEST, ALONG SAID EAST LINE, A DISTANCE OF 626.89  
13 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID NORTHEAST  
14 QUARTER; THENCE SOUTH 88° 37' 41" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST  
15 QUARTER OF SAID NORTHEAST QUARTER, A DISTANCE OF 159.39 FEET TO THE **POINT OF**  
16 **BEGINNING.**

17  
18 **SURPLUS AREA D**  
19

20 A TRACT OF LAND SITUATED IN SECTION 17, TOWNSHIP 19 NORTH, RANGE 5 EAST OF THE  
21 WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY  
22 DESCRIBED AS FOLLOWS: PIERCE COUNTY ASSESORS PARCEL NUMBERS 0519173012,  
23 0519174015, 0519174014 AND 0519173014.  
24

25 **SURPLUS AREA E**  
26

27 A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST  
28 QUARTER AND THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF  
29 SECTION 20, TOWNSHIP 19 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, PIERCE  
30 COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
31

32 **BEGINNING** AT THE SOUTHEASTERLY CORNER OF TRACT PP OF THE PLAT OF TRILOGY  
33 WEST AT TEHALEH PHASE IV, AS RECORDED UNDER PEIRCE COUNTY AUDITOR'S FILE NO.  
34 201808145002; THENCE NORTH 90° 00' 00" WEST A DISTANCE OF 816.01 FEET; THENCE SOUTH  
35 44° 35' 48" WEST A DISTANCE OF 1257.06 FEET; THENCE NORTH 46° 07' 16" WEST A DISTANCE  
36 OF 454.78 FEET; THENCE NORTH 46° 07' 21" EAST A DISTANCE OF 6.19 FEET; THENCE SOUTH  
37 43° 52' 39" EAST A DISTANCE OF 55.00 FEET; THENCE SOUTH 43° 32' 54" EAST A DISTANCE  
38 OF 55.56 FEET; THENCE SOUTH 45° 34' 24" EAST A DISTANCE OF 55.12 FEET; THENCE SOUTH  
39 48° 21' 27" EAST A DISTANCE OF 54.84 FEET; THENCE SOUTH 49° 30' 56" EAST A DISTANCE  
40 OF 49.99 FEET; THENCE SOUTH 48° 13' 15" EAST A DISTANCE OF 50.00 FEET; THENCE SOUTH  
41 47° 15' 21" EAST A DISTANCE OF 55.00 FEET; THENCE NORTH 43° 14' 59" EAST A DISTANCE  
42 OF 162.00 FEET TO A POINT OF NON TANGENT CURVATURE; THENCE NORTHWESTERLY  
43 ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3278.50 FEET, THE  
44 RADIUS POINT OF WHICH BEARS SOUTH 43° 14' 59" WEST, THROUGH A CENTRAL ANGLE  
45 OF 00° 10' 32", AN ARC DISTANCE OF 10.04 FEET; THENCE NORTH 43° 04' 28" EAST A  
46 DISTANCE OF 110.40 FEET; THENCE NORTH 45° 21' 43" WEST A DISTANCE OF 51.73 FEET;  
47 THENCE NORTH 53° 18' 17" WEST A DISTANCE OF 41.51 FEET; THENCE NORTH 50° 28' 01"  
48 EAST A DISTANCE OF 128.25 FEET; THENCE NORTH 51° 03' 38" EAST A DISTANCE OF 48.86  
49 FEET; THENCE NORTH 54° 37' 06" EAST A DISTANCE OF 169.84 FEET; THENCE SOUTH 45° 02'  
50 46" EAST A DISTANCE OF 120.00 FEET; THENCE NORTH 44° 57' 14" EAST A DISTANCE OF



1 105.00 FEET; THENCE SOUTH 45° 02' 46" EAST A DISTANCE OF 2.20 FEET TO A POINT OF  
2 CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID TANGENT CURVE TO  
3 THE RIGHT, HAVING A RADIUS OF 371.50 FEET, THROUGH A CENTRAL ANGLE OF 01° 42'  
4 43", AN ARC DISTANCE OF 11.10 FEET TO A POINT OF NON TANGENCY; THENCE NORTH 46°  
5 39' 57" EAST A DISTANCE OF 162.24 FEET; THENCE SOUTH 45° 02' 46" EAST A DISTANCE OF  
6 0.03 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID TRACT PP; THENCE ALONG SAID  
7 SOUTHERLY LINE, NORTH 44° 44' 43" EAST A DISTANCE OF 397.78 FEET TO AN ANGLE POINT  
8 IN SAID SOUTHERLY LINE; THENCE CONTINUING ALONG SAID SOUTHERLY LINE, SOUTH  
9 88° 44' 27" EAST A DISTANCE OF 798.89 FEET TO THE **POINT OF BEGINNING**.

10  
11 **SURPLUS AREA F**  
12

13 A TRACT OF LAND SITUATED IN SECTIONS 22, 23 AND 27, TOWNSHIP 19 NORTH, RANGE 5  
14 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, MORE  
15 PARTICULARLY DESCRIBED AS FOLLOWS:  
16

17 LOTS 6 AND 9 THROUGH 25 INCLUSIVE, AS SHOWN ON THAT CERTAIN RECORD OF  
18 SURVEY, RECORDED UNDER PIERCE COUNTY AUDITOR'S FILE NO. 200712135006;  
19 TOGETHER WITH LOTS 1 THROUGH 5 INCLUSIVE, AS SHOWN ON THAT CERTAIN RECORD  
20 OF SURVEY, RECORDED UNDER PIERCE COUNTY AUDITOR'S FILE NO. 201802075002;  
21 TOGETHER WITH TRACT B, OF THAT SHORT PLAT, RECORDED UNDER PIERCE COUNTY  
22 AUDITOR'S FILE NO. 201712215005;  
23

24 EXCEPT ANY PORTION THEREOF LYING WITHIN THE BOUNDARY OF THE PLAT OF  
25 OBSERVATION RIDGE AT TEHALEH, RECORDED UNDER PIERCE COUNTY AUDITOR'S FILE  
26 NO. 201808145001.  
27

28 **SURPLUS AREA G**  
29

30 A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST  
31 QUARTER AND OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND OF THE  
32 EAST HALF OF THE NORTHWEST QUARTER AND OF THE WEST HALF OF THE NORTHEAST  
33 QUARTER OF SECTION 20, AND A PORTION OF TRACT PP OF THE PLAT OF TRILOGY WEST  
34 AT TEHALEH PHASE IV, AS RECORDED UNDER PIERCE COUNTY AUDITOR'S FILE NO.  
35 201808145002, ALL IN TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN,  
36 PIERCE COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
37

38 COMMENCING AT THE SOUTHWEST CORNER OF TRACT PP OF SAID PLAT; THENCE SOUTH  
39 01° 14' 51" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 20, A  
40 DISTANCE OF 237.37 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE NORTH 90° 00'  
41 00" WEST A DISTANCE OF 13.72 FEET TO A POINT OF NON TANGENT CURVATURE; THENCE  
42 NORTHERLY ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT, HAVING A  
43 RADIUS OF 1,780 FEET, THE RADIUS POINT OF WHICH BEARS NORTH 82° 34' 40" EAST,  
44 THROUGH A CENTRAL ANGLE OF 13° 14' 14", AN ARC DISTANCE OF 411.24 FEET; THENCE  
45 NORTH 05° 48' 54" EAST A DISTANCE OF 509.08 FEET TO A POINT OF CURVATURE; THENCE  
46 ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 2,060 FEET,  
47 THROUGH A CENTRAL ANGLE OF 18° 20' 59", AN ARC DISTANCE OF 659.74 FEET; THENCE  
48 NORTH 63° 10' 50" EAST A DISTANCE OF 46.04 FEET TO THE SOUTHWEST CORNER OF TRACT  
49 D OF SAID PLAT; THENCE CONTINUING NORTH 63° 10' 50" EAST ALONG THE SOUTH LINE  
50 OF SAID TRACT D A DISTANCE OF 200.07 FEET; THENCE CONTINUING ALONG SAID SOUTH



1 LINE, NORTH 53° 11' 29" EAST A DISTANCE OF 126.27 FEET TO THE MOST WESTERLY  
2 CORNER OF LOT 336 OF SAID PLAT; THENCE SOUTH 44° 50' 13" EAST ALONG THE  
3 SOUTHWESTERLY LINE OF SAID LOT 336 A DISTANCE OF 836.75 FEET TO THE MOST  
4 SOUTHERLY CORNER THEREOF; THENCE SOUTH 45° 09' 47" WEST A DISTANCE OF 323.01  
5 FEET; THENCE SOUTH 44° 50' 13" EAST A DISTANCE OF 244.20 FEET; THENCE SOUTH 44° 57'  
6 14" WEST A DISTANCE OF 150.17 FEET TO A POINT OF CURVATURE; THENCE  
7 SOUTHWESTERLY ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A  
8 RADIUS OF 638.50 FEET, THROUGH A CENTRAL ANGLE OF 28° 26' 28", AN ARC DISTANCE  
9 OF 316.95 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY ALONG  
10 THE ARC OF A REVERSE CURVE, HAVING A RADIUS OF 276.50 FEET, THROUGH A CENTRAL  
11 ANGLE OF 45° 29' 09", AN ARC DISTANCE OF 219.51 FEET; THENCE SOUTH 88° 12' 13" EAST  
12 A DISTANCE OF 158.21 FEET; THENCE SOUTH 40° 22' 33" WEST A DISTANCE OF 21.12 FEET;  
13 THENCE SOUTH 45° 57' 51" EAST A DISTANCE OF 105.00 FEET TO A POINT OF NON TANGENT  
14 CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A NON TANGENT CURVE TO  
15 THE RIGHT, HAVING A RADIUS OF 486.50 FEET, THE RADIUS POINT OF WHICH BEARS  
16 NORTH 45° 57' 51" WEST, THROUGH A CENTRAL ANGLE OF 02° 05' 12", AN ARC DISTANCE  
17 OF 17.72 FEET; THENCE NORTH 43° 52' 39" WEST A DISTANCE OF 1.50 FEET TO A POINT OF  
18 NON TANGENT CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A NON  
19 TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 970.00 FEET, THE RADIUS POINT  
20 OF WHICH BEARS NORTH 43° 52' 39" WEST, THROUGH A CENTRAL ANGLE OF 08° 31' 02",  
21 AN ARC DISTANCE OF 144.19 FEET; THENCE SOUTH 46° 06' 03" EAST A DISTANCE OF 37.74  
22 FEET; THENCE NORTH 90° 00' 00" WEST A DISTANCE OF 568.33 FEET TO THE NORTH-SOUTH  
23 CENTERLINE OF SAID SECTION 20 AND THE **TRUE POINT OF BEGINNING.**  
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**EXHIBIT "B"**  
**Summary of Potential Off-Site Improvements**  
**(Taken from Table 5-1 of the Tehaleh Phase 2 SEIS)**

(Attached)



<b>Summary of Potential Off-Site Improvements</b> (Taken from Table 5-1 of the Tehaleh Phase 2 SEIS)					
ID	Location	Identified Improvement <sup>1</sup>	Tehaleh Off-Site Weekday PM Peak Hour Trip Trigger		
			Inbound	Outbound	Total <sup>2</sup>
A	New Rhodes Lake Rd E Segment 3: Tehaleh Blvd E - McCutcheon Rd E to Falling Water Blvd E (CRP 5731) <sup>3</sup>  [3-Lane Roadway]	<b>Midterm Improvement:</b> Construct a new 3-lane roadway between McCutcheon Rd E and Tehaleh Blvd E with 1 WB lane and 2 EB lanes. Install a traffic signal at the 128th St E/Tehaleh Blvd E/ McCutcheon Rd E intersection. The 128th St E/Tehaleh Blvd E/ McCutcheon Rd E intersection will include shared left/through/right-turn lanes on all approaches.	1,564	1,739	3,303
B	New Rhodes Lake Rd E Segment 1: SR 162 to Bridge (BR #7195-A) (CRP 5842) <sup>3</sup>	<b>Long-Term Improvement:</b> Widen 128th St E between SR 162 and BR #7195-A to 4-lanes.	1,564	1,739	3,303
C	128th St E/SR 162 Intersection (CRP 5842) <sup>3</sup>	<b>Midterm Improvement:</b> 1. Widen the SB approach of the 128th St E/SR 162 intersection to provide a second left-turn lane. Extend both SB left-turn lanes to 1,260-feet. The SB approach will include two left-turn lanes (approx. 1,260-feet) and one shared through/right-turn lane. Provide a northbound right-turn lane (approx. 350-feet). Stripe the WB approach to one WB right-turn lane and a shared through/left-turn lane after widening based on CRP 5842/Map ID B. Eliminate the pedestrian crossing on the east leg of the intersection. <b>OR</b>  <del>2.</del> Construct a multi-lane roundabout at the SR 162/128th St E intersection <sup>4</sup> .	1,564	1,739	3,303
D	McCutcheon Rd E / 96th St E	Install a traffic signal at the McCutcheon Rd E/96th St E intersection and install flashing warning signs to the east along 96th St E-Riverside Rd E.	1,564	1,739	3,303



**Summary of Potential Off-Site Improvements**  
(Taken from Table 5-1 of the Tehaleh Phase 2 SEIS)

ID	Location	Identified Improvement <sup>1</sup>	Tehaleh Off-Site Weekday PM Peak Hour Trip Trigger		
			Inbound	Outbound	Total <sup>2</sup>
E	SR 162 / Valley Ave / SR 410 Ramps and SR 162 / 74th St E	Interchange reconfiguration <u>OR</u>  <u>Midterm Improvement<sup>4</sup></u> : Single-lane roundabout with EB slip lane.	2,191	1,814	4,005
F	New Rhodes Lake Rd E Segment 3: Tehaleh Blvd E - McCutcheon Rd E to Falling Water Blvd E (CRP 5731)  [5-Lane Roadway]	<u>Long-Term Improvement</u> : Widen Tehaleh Blvd E between McCutcheon Rd E and Falling Water Blvd E to 5-lanes with 2 WB lanes and 3 EB lanes. Improve the 128th St E/ Tehaleh Blvd E/McCutcheon Rd E intersection to provide a 300-foot EB left-turn lane and 125-foot WB left-turn lane along 128th St E. The 128th St E/Tehaleh Blvd E/ McCutcheon Rd E intersection will include a 300-foot left-turn lane, a through lane, and a shared through/right-turn lane on the EB approach (128th St E); a 125-foot left-turn lane, a through lane, and a shared through/right-turn lane on the WB approach (Tehaleh Blvd E); and shared left/through/right-turn lane on both the NB and SB approaches (McCutcheon Rd E).	2,302	2,053	4,355
G	New Rhodes Lake Rd E Segment 2: 128th St E Bridge BR #7195-A (CRP 5843)	<u>Long-Term Improvement</u> : Widen 128th St E Bridge BR #7195-A to 4-lanes	2,302	2,053	4,355
H	Military Rd E	Widen Military Rd E to 4 to 5 lanes between SR 162 and Shaw Rd E.	2,476	2,307	4,783
I	Shaw Rd E	Widen Shaw Rd E to 4 to 5 lanes between 122nd St E and 39th Ave E	2,476	2,307	4,783



**Summary of Potential Off-Site Improvements**  
(Taken from Table 5-1 of the Tehaleh Phase 2 SEIS)

ID	Location	Identified Improvement <sup>1</sup>	Tehaleh Off-Site Weekday PM Peak Hour Trip Trigger		
			Inbound	Outbound	Total <sup>2</sup>
J	SR 162 / Military Rd E	<p><b><u>Midterm Improvement:</u></b></p> <p>1. Widen the NB approach to provide a second NB left-turn lane at the SR 162/Military Rd E intersection. Extend both NB left-turn lanes to 725-feet. The NB approach of the SR 162/Military Rd E intersection will include two left-turn lanes (approx. 725-feet) and one through lane. Widen Military Rd E west of SR 162 to provide two receiving lanes for 1,000-feet, extend the EB right-turn lane to 700-feet and reconfiguration the EB approach to provide a 125-foot left-turn lane and 700-foot two right-turn lanes. The widening would result at Military Rd E being 5 lanes west of SR 162 with 2-lanes WB and a left-turn lane and two right-turn lanes EB. <b><u>OR</u></b></p> <p>2. Construct a multi-lane roundabout at the SR 162/Military Rd E intersection.<sup>4</sup></p>	2,476	2,307	4,783
K	Sumner-Tapps Hwy / 166th Ave E /SR 410 WB Ramp	<p>1. 4-lanes on SR 162 <b>or</b></p> <p>2. Interchange reconfiguration</p>	2,476	2,307	4,783
L	Falling Water Blvd E / Rhodes Lake Rd E	Install a traffic signal.	2,623	2,504	5,127
M	SR 162 / Pioneer Way E <sup>5</sup>	<p>1. Construct a second SB through lane south of Pioneer Way E for 300-feet to provide a free EB right-turn movement. <b><u>OR</u></b></p> <p>2. Construct a single-lane roundabout.<sup>4</sup></p>	3,111	3,094	6,205
N	SR 162 Widening south of Military Rd E to south of 128 <sup>th</sup> St E	<b><u>Long-Term Improvement<sup>5</sup>:</u></b> Provide an additional NB and SB lane along SR 162 between south of Military Rd E (end of previous improvements) and south of 128 <sup>th</sup> St E for approximately 1,400-feet (for a total 4-lanes). Construct associated intersection improvements as noted below.	3,111	3,094	6,205



**Summary of Potential Off-Site Improvements**  
(Taken from Table 5-1 of the Tehaleh Phase 2 SEIS)

ID	Location	Identified Improvement <sup>1</sup>	Tehaleh Off-Site Weekday PM Peak Hour Trip Trigger		
			Inbound	Outbound	Total <sup>2</sup>
O	SR 162 / 128 <sup>th</sup> St E Intersection <sup>5</sup> (CRP 5842)	<b>Long-Term Improvement<sup>5</sup>:</b> Upgrade traffic signal with widening of SR 162. Widen the WB approach to provide a second WB left-turn lane (approx. 725-feet) and a second WB right-turn lane (approx. 425-feet). The SR 162/128 <sup>th</sup> St E intersection will include 1 NB left-turn lane, 2 NB through lanes, 1 NB right-turn lane (approx. 350-feet); 2 SB left-turn lanes, 1 SB through lane, 1 SB shared through/right-turn lane; 1 WB left-turn lane, 1 WB shared through/left-turn lane, 2 WB right-turn lanes; and an EB shared left/through/right-turn lane. The NB and SB approaches would have protected left-turn signal phasing, the EN and WB approaches would have split signal phasing, and the WB approach would have a right-turn overlap phase.	3,111	3,094	6,205
P	SR 162 Widening 109 <sup>th</sup> St E to south of Military Rd E	<b>Long-term Improvement<sup>5</sup>:</b> Provide an additional NB and SB lane along SR 162 between 109 <sup>th</sup> St E and south of Military Rd E for approximately 1,400-feet (for a total 4-lanes). Construct associated intersection improvements as noted below.	3,334	3,358	6,692
Q	SR 162 / Military Rd E <sup>6</sup>	<b>Long-Term Improvement<sup>5</sup>:</b> Upgrade traffic signal with widening of SR 162. The SR 162/Military Rd E intersection will include 2 NB left-turn lanes and 2 NB through lanes; 1 SB through lane and 1 SB shared through/right-turn lane; and EB left-turn lane and 2 EB right-turn lanes.	3,334	3,358	6,692
R	192nd Ave E / Rhodes Lake Rd E	Provide a 125-foot WB right-turn lane at the 192nd Ave E/Rhodes Lake Rd E intersection. The WB approach will include a through lane and right-turn lane (approx. 125-foot).	3,334	3,358	6,692
S	198nd Ave E / 112th St E	Provide a westbound left-turn refuge lane along the south leg of the intersection. Construct a southbound 125-foot left-turn lane and a Two-Way Left-Turn Lane on the south leg.	3,334	3,358	6,692



**Summary of Potential Off-Site Improvements**  
(Taken from Table 5-1 of the Tehaleh Phase 2 SEIS)

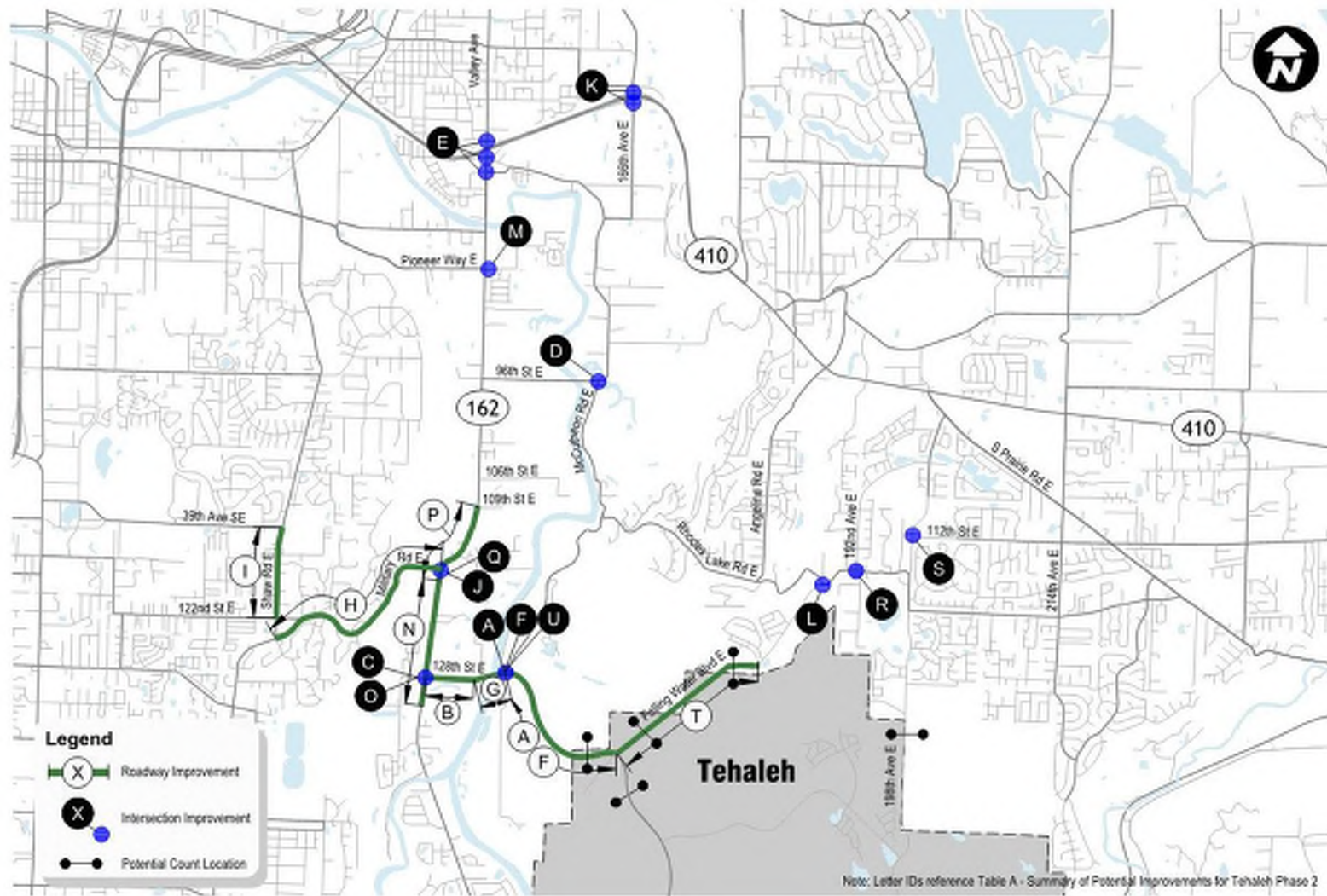
ID	Location	Identified Improvement <sup>1</sup>	Tehaleh Off-Site Weekday PM Peak Hour Trip Trigger		
			Inbound	Outbound	Total <sup>2</sup>
T	New Rhodes Lake Rd E Segment 4: Falling Water Blvd E - Tehaleh Blvd E to existing terminus of Falling Water Blvd E (CRP 5841)	Construct a new 2-lane roadway between Tehaleh Blvd E and the existing terminus of Falling Water Blvd E.	3,334	3,358	6,692
U	New Rhodes Lake Rd E Segment 3: Tehaleh Blvd E - McCutcheon Rd E to Falling Water Blvd E (CRP 5731)  [128th St E/Tehaleh Blvd E/ McCutcheon Rd E Intersection]	Provide a 500-foot SB left-turn lane at the 128th St E/Tehaleh Blvd E/ McCutcheon Rd E intersection. The 128th St E/Tehaleh Blvd E/ McCutcheon Rd E intersection will include a 500-foot left-turn lane and a shared through/right-turn lane on the SB approach.	3,472	3,526	6,998

**Notes:** SB = southbound; EB = eastbound; WB = westbound; NB = northbound; Map ID corresponds to DSEIS **Figure 5-1** on the following page.

- Based on projected year-by-year phasing, this represents the year just prior to the need for mitigation; therefore, the intersection can accommodate all development anticipated up to this year, but after that time improvements are anticipated to be needed.
- Total off-site weekday PM peak hour trips (measured at the Tehaleh site access points see attachment 1) that could be accommodated just prior to triggering a project impact requiring mitigation. Additional off-site weekday PM peak hour trips generated by the development beyond what is shown would trigger mitigation.
- Trip trigger based on Phase 1 Development Agreement. Land use is based on the assumption that the inbound trips would trigger the need for improvement. The total trip generation with this land use is 2,698 trips.
- Consistent with WSDOT's "SR 162 Sumner to Orting Corridor Study – draft May 2017" mid-term strategy defined through the SR 162 corridor analysis.
- Consistent with WSDOT's "SR 162 Sumner to Orting Corridor Study – draft May 2017" long-term strategy defined through the SR 162 corridor analysis.



# Attachment 1 to Exhibit B - Map of Potential Off-Site Improvements



## Location of Potential Improvements

Tehaleh EBPC Phase 2 SEIS

FIGURE

5-1

transpogroup   
WHAT TRANSPORTATION CAN BE.



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**EXHIBIT "C"**  
**Tehaleh Phase 2 Housing Affordability Program**

(Attached)



## Tehaleh Phase 2 Housing Affordability Program

Tehaleh's designation as an Employment Based Planned Community (EBPC) ensures that a mix of housing types, sizes and densities will be developed and will provide housing for various economic segments of the Pierce County population including people employed by businesses located in Tehaleh. The Tehaleh Housing Affordability Program provided below is an attachment to the Tehaleh Phase 2 Development Agreement which establishes the framework and rules for the Phase 2 Development Area.

This Housing Affordability Program has been developed based on conversations with public and private sector professionals and Pierce County policies, codes and studies related to housing affordability.

### TEHALEH HOUSING AFFORDABILITY PROGRAM ELEMENTS

**NASH's role** is to ensure land is available and plats and site plans are designed to support housing products with various price ranges including those at the lower end of the market. Given that Tehaleh Phase 2 has a development horizon of approximately thirty (30) years, diverse price and product segmentation is crucial to success in the market place and supports the goals of the Housing Affordability Program. In the early stages of development, detached single family, townhouse, and cottage development will be the predominant housing types. As Tehaleh evolves, mixed use and multi-family developments and commercial uses will be added to the community landscape. It is expected that Moderate and Median Income households will be served by the sale and rent of attached and detached single family homes and townhomes built as part of the for-profit housing market. Initially, Low Income households will likely be served by small for-sale housing clusters built by non-profit builders, and possibly for-profit builders, specializing in smaller housing products priced at the lower end of the market. Once retail and commercial services are available in Tehaleh and transportation options have expanded, higher density rental and for-sale housing eligible for public funding sources targeted to low income households may become more feasible.

### **Tehaleh's Phase 2 Housing Affordability Goals**

- 10% of the residential units, i.e., 711 dwelling units affordable to **Median-Income** households earning between one-hundred percent (100%) and one-hundred and twenty percent (120%) of the Median Income for Pierce County.
- 10% of the residential units, i.e., 711 dwelling units affordable to **Moderate-Income** households earning between eighty percent (80%) and one-hundred percent (100%) of the Median Income in Pierce County.
- 10% of the residential units, i.e., 711 dwelling units affordable to **Low-Income** households earning less than 80% of the Median Income in Pierce County.

The definition of affordability assumes housing prices will be affordable to households in the Low, Moderate, and Median Income categories established and adjusted annually by U.S. Department of Housing and Urban Development (HUD). Median and Moderate Income housing is assumed to be market rate and Low-Income housing as requiring subsidies.



## **Housing Affordability Program Implementation**

As an Employment-Based Planned Community (EBPC) within the urban growth boundary, the Tehaleh land use concept includes and will continue to include a variety of high-density single family detached, single family attached and multi-family housing types. It is within these higher density product types that the housing affordable to households with incomes in the Low, Moderate and Median Income (Income Categories) will be built throughout the life of the project. The affordability goals provided above apply to the development of Tehaleh Phase 2 with the following acknowledgements:

- 1) Housing prices will vary as Tehaleh develops and will be influenced by both market conditions and the type and densities of the housing built at any one time;
- 2) There may be some market periods when there is an excess of housing meeting the affordability goals and other times when a more limited supply is available. The Housing Affordability Reports described below will be prepared annually, but the overall success of the Affordability Program must be based on a long-term view as the number of homes or rentals qualifying as “affordable” in any one year may be impacted by circumstances beyond the control of NASH. There are many factors that affect the cost of housing that are out of the control of developers, such as:
  - homes for sale and/or rent that meet the affordability criteria but due to market conditions buyers or renters are limited;
  - homes with base pricing that meets the affordability criteria, but buyers choose to add upgrades thereby increasing the final price of the home; and,
  - periods of economic distress caused by national and international conditions such as inflation, high interest rates, and inflated material and construction costs that impact the end price or rental rate of homes.
- 3) The 711 dwelling units of Low Income housing will be developed by NASH, its for-profit and non-profit development partners, or satisfied by an “In-Lieu Fee” of \$4,864.56, adjusted for inflation pursuant to Section 3.5-Affordable Housing of the Phase 2 Development Agreement, for each of the 711 Low-Income affordable housing units not constructed within Tehaleh.

Successful Implementation of the Affordability Program will involve significant planning, platting, and marketing efforts by NASH. NASH will work to:

- 1) ensure parcels suitable for medium and high density single family attached and detached and multi-family housing are platted in a timely manner;
- 2) provide adequate access and major utilities to the parcels to allow for the cost effective and efficient planning and construction of affordable housing;
- 3) offer the parcels to residential builders with land pricing and terms consistent with the character of lots and the market place at the time the properties are available for purchase;
- 4) market parcel to Low Income housing providers/developers; and,



1 5) work in partnership with Low Income housing developers and Pierce County to identify  
2 and maximize funding sources and incentives, including those in PCC 18A.65.040 and  
3 18A.65.050.B.

4 Toward the requirement of providing 10% Low Income housing in Tehaleh Phase 2, a Low  
5 Income Housing Fee shall be paid to Pierce County prior to recording each final plat or prior to  
6 issuance of the first building permit in an unplatted single-family or two-family housing  
7 development in Phase 2 in an amount equal to \$549, to be adjusted for inflation per Section 3.5-  
8 Affordable Housing of the Phase 2 Development Agreement, per detached single family or two-  
9 family dwelling unit in the plat or development. The monies collected will be held in a separate  
10 account by [County Entity to be determined]. Such Low Income Housing Fees shall be in lieu of  
11 developing the number of units required to meet the 711 unit goal and subject to an offset credit  
12 for each Low Income dwelling unit developed in Tehaleh Phase 2. Each offset credit will be  
13 valued on a last paid, first reimbursed basis. The offset credit may result in the reimbursement of  
14 Low Income Housing Fees to NASH up to the full amount paid as the goal is met. The verification  
15 of amounts due and any offset credits earned will be determined by the Pierce County Department  
16 of Human Services (Human Services) every three years following the final approval of the Phase  
17 2 Project Master Plan

#### 18 **Housing Affordability Program Monitoring and Reporting**

19 **Identification of Affordable Units.** Sales and rental data will be collected regularly from  
20 Tehaleh builders. Affordable units in the Low, Moderate, and Median Income categories will be  
21 identified using the Housing and Urban Development (HUD) affordability criteria listed below.

22 For-Sale Housing Affordability Calculation. The annual maximum qualifying price of for-  
23 sale housing available to each income category will be established assuming the following criteria:

- 24 • Median Income for Pierce County;
- 25 • the number of bedrooms in a home;
- 26 • the advertised available “base price” of the model;
- 27 • 20% down-payment for Moderate and Median Income housing and a 5% down-  
28 payment for Low Income housing;
- 29 • 33% of a household’s income going to principal and interest, property taxes, and  
30 insurance; and
- 31 • a 30-year fixed rate mortgage using the average rate for that calendar year.

32 For-Rent Housing Affordability Calculation. The annual maximum rents for rental  
33 housing available to each income category will be established assuming the following criteria:

- 34 • Median Income for Pierce County;
- 35 • the number of bedrooms in a home; and



- 33% of household income going to rent which may include water, sewer, garbage or other standard services provided by a landlord.

**Housing Affordability Reports.** Housing Affordability Reports will be prepared and submitted to Planning and Public Works (PPW), Human Services and the County Council annually and will include, at a minimum:

- 1) the number of affordable units sold or rented in the three Income Categories;
- 2) the status of the affordability totals in respect to Program goals;
- 3) a description of the previous year's efforts to meet the goals;
- 4) a review of plats and/or projects selling, under construction or in the design and entitlement process and their relationship to the affordability goals; and
- 5) conclusions and recommendations for the future.

An Affordability Program Action Plan shall be prepared by NASH every three years. The Action Plan will contain recommendations for actions designed to achieve the affordability goals for the following three years. Progress toward implementing the Affordability Program Action Plan will be evaluated by PPW and Human Resources annually and a status report provided to the County Council.

A Housing Affordability Section will also be included in each "Five Year Review" prepared for PPW and sent to the Hearing Examiner and County Council. The Section will summarize the information provided in the Annual Reports. Records to determine compliance with the pricing and rental provisions of the Housing Affordability Program will be available for review upon written request of PPW or Human Services. In order to maintain confidentiality for land owners and residents, records used to prepare the annual reports will be made available for Pierce County's review at the developer's offices but will not be released to other parties, unless required per public disclosure laws.

In the case of progress toward Moderate and Median Income goals, the Hearing Examiner will determine during the Five-Year Review whether adjustments to housing type, lot size or density are needed to ensure that a minimum of 711 Moderate Income and 711 Median Income housing units are being provided for within Phase 2.

In the case of Low Income Housing, Human Services will verify the required Low Income Housing Fees have been paid and make a determination as to any additional balance or reimbursement due to or from NASH every three years following final approval of the Phase 2 Project Master Plan.

In calculating the net balance owed by or to NASH, Human Services will consider the number of single-family detached and two-family units constructed under Phase 2, the total amount of Low Income Housing In-Lieu Fees paid, the total number of qualifying Low Income



1 housing units developed in Phase 2 and the number which should have been developed to achieve  
2 the 10% goal, i.e., 711 dwelling units, proportional to the total number of Phase 2 units developed  
3 at the time of the calculation.  
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**EXHIBIT "D"**  
**WSDOT SR-162 Traffic Mitigation**  
(Attached)



**Exhibit "D"**  
**MEMORANDUM OF AGREEMENT**

**Tehaleh Phase 2 Development in Pierce County  
Mitigation Payments to State Highway Improvement Projects on SR 162**

This Memorandum of Agreement (Agreement) is between the Washington State Department of Transportation, hereinafter "WSDOT" and the NASH Cascadia Verde, LLC, hereinafter "NASH", collectively referred to as the "Parties" and individually a "Party".

**RECITALS**

A. NASH has proposed the Phase 2 development of a project in Pierce County commonly known as "Tehaleh" and previously known as "Cascadia". Phase 1 was approved by Pierce County in 1999 and is actively developing. Phase 1 and Phase 2 together are herein collectively known as Tehaleh. The overall Tehaleh project will include up to 9,700 residential dwelling units, a minimum of 476 acres of employment center uses, up to 400 acres of public facilities, and up to 2,048 acres of open space / recreational uses. Tehaleh is zoned to be an Employment Based Planned Community (EBPC). Full build out of Tehaleh is anticipated to occur by the year 2030.

B. The term "Tehaleh Phase 2" refers to NASH's preferred alternative as set forth in the Final Supplemental Environmental Impact Statement (FSEIS) for Tehaleh Phase 2 development issued by Pierce County on July 5th, 2018.

C. Traffic studies and/or other documents included in the FSEIS have been prepared by or on behalf of NASH identifying traffic impacts to nearby WSDOT state highway facilities that would arise as a result of the development of Tehaleh Phase 2.

D. The Parties agreed to use the SR 162 Sumner to Orting Congestion Study Report prepared by WSDOT dated June 2017, hereinafter referred to as "The WSDOT SR 162 Report", to prioritize which highway projects on SR 162 NASH should contribute funding to and to establish the highway project's expected costs.

E. The Parties agree that the construction of the Tehaleh Phase 2 development will give rise to identified traffic impacts on the WSDOT state highway facilities and will have potential significant adverse environmental impacts on the community if these traffic impacts are not mitigated.

F. The Parties recognize the authority of the Lead Agency, Pierce County, to impose conditions on the permits issued for Tehaleh Phase 2 development pursuant to the Growth Management Act and Chapter 36.70A RCW and Chapter 82.02 RCW, and the State Environmental Policy Act (SEPA), Chapter 43.21C RCW.

G. WSDOT has analyzed the traffic studies and/or other documents provided by NASH in order to determine the proportionate amount of increased traffic on the WSDOT state highway facilities directly resulting from the Tehaleh Phase 2 development and has estimated



the cost of the highway improvements necessary to mitigate the traffic impacts caused in whole or in part by the Tehaleh Phase 2 development. The Lead Agency, Pierce County, concurs with these impacts as documented in the SEIS for the Tehaleh Phase 2 development.

H. NASH agrees to mitigate the direct traffic impacts on the WSDOT state highway facilities in the vicinity of the Tehaleh Phase 2 development caused by the construction of the Tehaleh Phase 2 development, by contributing funding for highway projects on SR 162 as well as for a County project known as the New Rhodes Lake Road East. The County project has four segments of which the segment titled "128<sup>th</sup> Street East/SR 162 Intersection (CRP 5842)" will include the construction of a roundabout improvement at the intersection of SR 162 and 128<sup>th</sup> Street East, hereinafter referred to as the "SR 162 / 128<sup>th</sup> Street East Roundabout".

I. The Parties agree the funding contributions listed below and their timing will mitigate the significant adverse traffic impacts caused in whole or in part by the Tehaleh Phase 2 development on the nearby WSDOT state highway facilities.

NOW THEREFORE, in consideration of the terms, conditions, covenants, and performances contained herein, and the above recitals and the attached Exhibit "A", all of which are incorporated and made a part hereof, IT IS MUTUALLY AGREED AS FOLLOWS:

1. **Background.** The methodology for calculating the dollar amount of NASH's mitigation obligation based upon traffic impacts on WSDOT facilities is based on the "fair share method." This method expresses the additional Tehaleh Phase 2 traffic as a percentage of total traffic in the SR 162 corridor at the applicable horizon year, and then applies that percentage to the estimated cost of a number of specified highway mitigation projects in the corridor. The Parties agree that the FSEIS, which incorporates and reflects substantial traffic modeling and other input from WSDOT and Pierce County, presents an adequate analysis of Tehaleh Phase 2 impacts upon WSDOT facilities and provides a reasonable basis for evaluation and mitigation of those adverse impacts.

2. **General Mitigation Obligation.** NASH shall provide mitigation in the form of cash funding of design, right-of-way acquisition, and construction of improvements for its Tehaleh Phase 2 impacts to WSDOT facilities in a total amount not to exceed \$30.99 million (\$30,990,000) in 2018 dollars, with inflationary increases as described below. The mitigation amount will be broken into two categories as follows:

2.1. **Category 1 Obligation:** A guaranteed commitment in the amount of \$21.72 million (\$21,720,000) in 2018 dollars to be discharged by NASH in part by NASH constructing improvements on SR 162 as described below and in part in the form of cash payments to WSDOT or Pierce County, which payments shall be held in a separate interest bearing account for the sole benefit of WSDOT (the "Category 1 Account") for the sole and express purpose of funding WSDOT highway improvements on SR 162. This shall include the (i) SR 162 / 128<sup>th</sup> Street East Roundabout Design, Right-of-Way Acquisition and Construction, (ii) SR 162 between 128<sup>th</sup> Street East and Military Road Design and Right-of-Way Acquisition and (iii) SR 162 between 128<sup>th</sup> Street East and Military Road Construction.

2.2. **Category 2 Obligation:** The amount of \$9.27 million (\$9,270,000) in 2018 dollars that will be paid to WSDOT or Pierce County, which shall be held in a separate



interest bearing account for the sole benefit of WSDOT (the "Category 2 Account") for the sole and express purpose of funding WSDOT highway improvements, to be determined at the sole discretion of WSDOT, necessitated by impacts of the Tehaleh Phase 2 project as determined by the results of the monitoring program described in Section 3 below.

The total amounts described in this Section 2 shall include inflationary increases using 3% per annum for the right-of-way, preliminary engineering, and construction phases of the projects. Therefore, the amounts set forth in this paragraph 2.1 and 2.2 shall be increased at the rate of 3% per annum on each January 1<sup>st</sup>, beginning January 1, 2020 until paid.

The details more fully describing the obligations of the parties pursuant to this Agreement may be the subject of a subsequent "Implementation Agreement". The Implementation Agreement may be entered into between the Parties prior to the Final Approval of the Tehaleh Phase 2 Project Master Plan, which shall take place on or about February 2019.

3. **Monitoring.** The Parties agree that the ultimate mitigation obligation for Tehaleh Phase 2 should be based, as nearly as possible, on the actual traffic impacts of that project. Because of Tehaleh's size, location, and mixed use, the standard parameters from the Institute for Traffic Engineers ("ITE") sources may not accurately reflect the actual traffic and impacts generated by Tehaleh. The calculation of the overall potential obligation of \$30.99 million (\$30,990,000) was based on standard ITE parameters, but will be subject to verification by monitoring in accordance with a Traffic Monitoring Program if agreed to the Parties. If the Parties cannot agree to a Traffic Monitoring Program the standard ITE parameters will be used.

4. **Category 1 Obligation.** The Parties agree that the Category 1 Obligation will be discharged as follows:

4.1 **SR 162 / 128<sup>th</sup> Street East Roundabout Design, Right-of-Way Acquisition, and Construction.** NASH will fund the design, permitting, right-of-way acquisition and construction of Pierce County CRP 5842, including the SR 162 / 128<sup>th</sup> Street East Roundabout in accordance with the "SR 162 & 128<sup>th</sup> Street East (SR Milepost 6.11) Intersection Control Analysis", dated June 2018 which has been reviewed and approved by WSDOT. The limits of this project where it abuts County right-of-way at 128<sup>th</sup> Street East are attached to this memorandum as Exhibit "A". NASH agrees that the roundabout intersection improvement will be completed and operational by the time the total off-site peak hour traffic generation from the overall Tehaleh development equals 3,270 PM peak hour trips.

WSDOT agrees it will be responsible to obtain all right-of-way needed for the completion of the required improvements on SR 162 and NASH will be responsible to reimburse WSDOT, through the Category 1 Account, for all its direct and indirect costs to acquire such right-of-way. If requested by Pierce County, WSDOT may assume the obligation to obtain the right-of-way needed on 128<sup>th</sup> Street East needed for the completion of the roundabout on SR 162 by its written consent, otherwise Pierce County shall acquire the needed 128<sup>th</sup> Street East right-of-way.

NASH shall pay into the Category 1 Account the full cost of each right-of-way acquisition, whether it is a whole parcel acquisition or partial parcel acquisition, within 60 calendar



days following the individual acquisition. NASH payments to the Category 1 Account shall occur on a parcel by parcel basis as the acquisition occurs and are not limited to once a month payments.

NASH shall receive credit for its direct costs associated with its Category 1 Obligation efforts, but only for those efforts that are directly related to the state highway improvements on SR 162 and for those roadway improvements on 128<sup>th</sup> Street East that are directly related to and needed to make the 128<sup>th</sup> Street East roundabout on SR 162 functional and operational, including the design, permitting, right-of-way acquisition and construction costs NASH contributes to Pierce County CRP 5842 that go toward the construction of the roundabout. Unless agreed to otherwise by WSDOT in writing, NASH will only be credited for its direct costs associated with the roundabout work that is within the future SR 162 state highway right-of-way limits that are illustrated on Exhibit "A". It is acknowledged by the Parties that this Exhibit "A" is a rough sketch of the proposed intersection roundabout improvements. WSDOT shall have the sole right to reasonably determine which costs will be credited as Category 1 Obligations under this provision.

**4.2 SR 162 between 128<sup>th</sup> Street East and Military Road Design and Right-of-Way Acquisition.** NASH shall reimburse WSDOT for congestion relief improvements on the SR 162 corridor between 128<sup>th</sup> Street East and Military Road, specifically to be used for implementation of Project ID#22B - Military to 128<sup>th</sup> 4-lane divided configuration with a roundabout at the intersection of Military Road and SR 162 as described in "The WSDOT SR 162 Report".

The Parties mutually agree that this SR 162 highway project could be modified or built in phases due to legislative direction. In addition, legislative action could direct WSDOT to update the "The WSDOT SR 162 Report" with the result being a highway project that is changed from what is listed in the June 2017 report. The Parties agree that legislative action will not reduce or increase Tehaleh's obligation to fund and/or build the highway improvements described in this Agreement.

The cash payments from NASH to the Category 1 Account will be made for the following purposes on a schedule to be established in a project-specific agreement between the Parties. The agreement shall be based upon the following general provisions.

4.2.1 NASH will fund the design of the SR 162 improvements with 15% paid in advance of the date WSDOT designates as the date WSDOT design work will begin and with the balance funded as design proceeds. NASH payments to the Category 1 Account will start no earlier than January 1, 2024 and will occur at a frequency not to exceed more than one payment a month. WSDOT will provide to NASH a minimum of 90 calendar days in advance of the 15% advance payment due date for this design activity an estimated cost of the advance payment, including the estimated monthly payments needed until the design effort is completed, also known as the "aging" of the project.

4.2.2 NASH will fund the acquisition of right-of-way parcels needed as described above for the designed improvement, with 15% paid in advance of the date WSDOT designates as the date WSDOT acquisition activities will commence and



with progress payments as acquisitions are made. NASH payments to the Category 1 Account will start no earlier than January 1, 2025 and will occur at a frequency not to exceed more than one payment a month. NASH will be provided with a minimum of 90 calendar days advance notice of the 15% advance payment due date for this right-of-way activity an estimated cost of the advance payment, including the estimated monthly payments needed until the right-of-way acquisition effort is completed, also known as the "aging" of the project. As noted in 4.1 above the actual right-of-way acquisition payments by NASH to the Category 1 Account shall occur on a parcel by parcel basis as the acquisition occurs and are not limited to once a month payments.

**4.3 SR 162 between 128th Street East and Military Road Construction.** The remaining balance of the Category 1 Obligation, after credits described in 4.1 above and payments as described in 4.2.1 and 4.2.2 above, and including the amount of inflationary increases described under Section 2 shall be paid by NASH to the Category 1 Account to pay for costs incurred for construction of the SR 162 improvements, with 15% paid in advance of the start of construction with the balance paid as progress is made. NASH will be provided with a minimum of 90 calendar days advance notice of the 15% advance payment due date for this construction activity an estimated cost of the advance payment, including the estimated monthly payments needed until the construction effort is completed, also known as the "aging" of the project.

NASH's responsibility to pay reimbursable construction costs into the Category 1 Account will commence no earlier than January 1, 2027. NASH will be responsible to pay its share of the construction costs incurred based on its proportional obligation for the overall projected construction cost. For example, if the NASH remaining construction obligation is \$10 million, after credits described in 4.1 above and payments as described in 4.2.1 and 4.2.2 above, and the total SR 162 improvement project costs \$20 million, the NASH share of each progress payment would be 50%. NASH'S obligation for Category 1 Obligation payments shall not exceed \$21.72 million (\$21,720,000), except for any inflationary increases as described under Section 2.

The Parties mutually agree that this SR 162 highway project could be modified or built in phases due to legislative direction. In addition, legislative action could direct WSDOT to update the "The WSDOT SR 162 Report" with the result being a highway project that is changed from what is listed in the June 2017 report. The Parties agree that legislative action will not reduce or increase Tehaleh's obligation to fund and/or build the highway improvements described in this Agreement.

**5. Category 2 Obligation.** The Category 2 Obligation is conditional on monitoring of actual traffic generated to and from the overall Tehaleh development. Up to the total amount of the Category 2 Obligation contribution of \$9.27 million (\$9,270,000), together with inflationary increases under Section 2, will be paid to WSDOT or Pierce County if the overall Tehaleh traffic exceeds 70% of the ITE determined 8,091 offsite weekday PM peak hour trips expected to be generated, which equals 5,665 weekday PM peak hour trips. The proportional share contribution will be increased commensurate with the additional traffic generated by Tehaleh Phase 2 as shown through the annual Traffic Monitoring Program.



The additional proportional share contribution shall be calculated as follows:

1 Total off-site weekday PM peak hour trips as determined in the Traffic Monitoring Program.

Additional Proportional Cost Share = $\frac{\text{Actual Trips}^1 - 5,665}{2,426} \times \$9.27 \text{ M}$
--



Traffic monitoring will be conducted annually by NASH. If the overall Tehaleh development is shown to generate more than 70% of the offsite weekday PM peak hour trips projected then a second monitoring will occur within 6 months to confirm the results. If two consecutive traffic monitoring studies show that more than 70% of the offsite weekday PM peak hour trips are generated then NASH will be responsible for a proportional share of the Category 2 Obligation; however, NASH will not be charged for additional proportional share costs if the cost has already been paid for those additional off-site weekday PM peak hour trips in a previous year. The additional proportional share cost will be adjusted to account for only the new offsite weekday PM peak hour trips each year.

The frequency and timing of any additional proportional share contributions shall be determined by the Parties at the Midpoint (year 2028) Review of Proportional Share to WSDOT Project as described in the Traffic Monitoring Program.

6. **Purpose of the Memorandum; Additional Terms.** This Memorandum of Agreement is intended to reflect the agreement of WSDOT and NASH with respect to traffic mitigation for Tehaleh Phase 2 impacts. As such, it may be presented to Pierce County Council and other decision-makers to reflect the agreement with respect to traffic mitigation and may be incorporated into decision documents. The Parties agree that it may be necessary to set forth additional specific terms regarding technical matters and procedural implementation and agree to negotiate those issues in good faith so that each party receives the intended benefits, and that such agreements, including but not limited to any Implementation Agreements entered into by the parties prior to or after the Approval of the Tehaleh Phase 2 Project Master Plan.

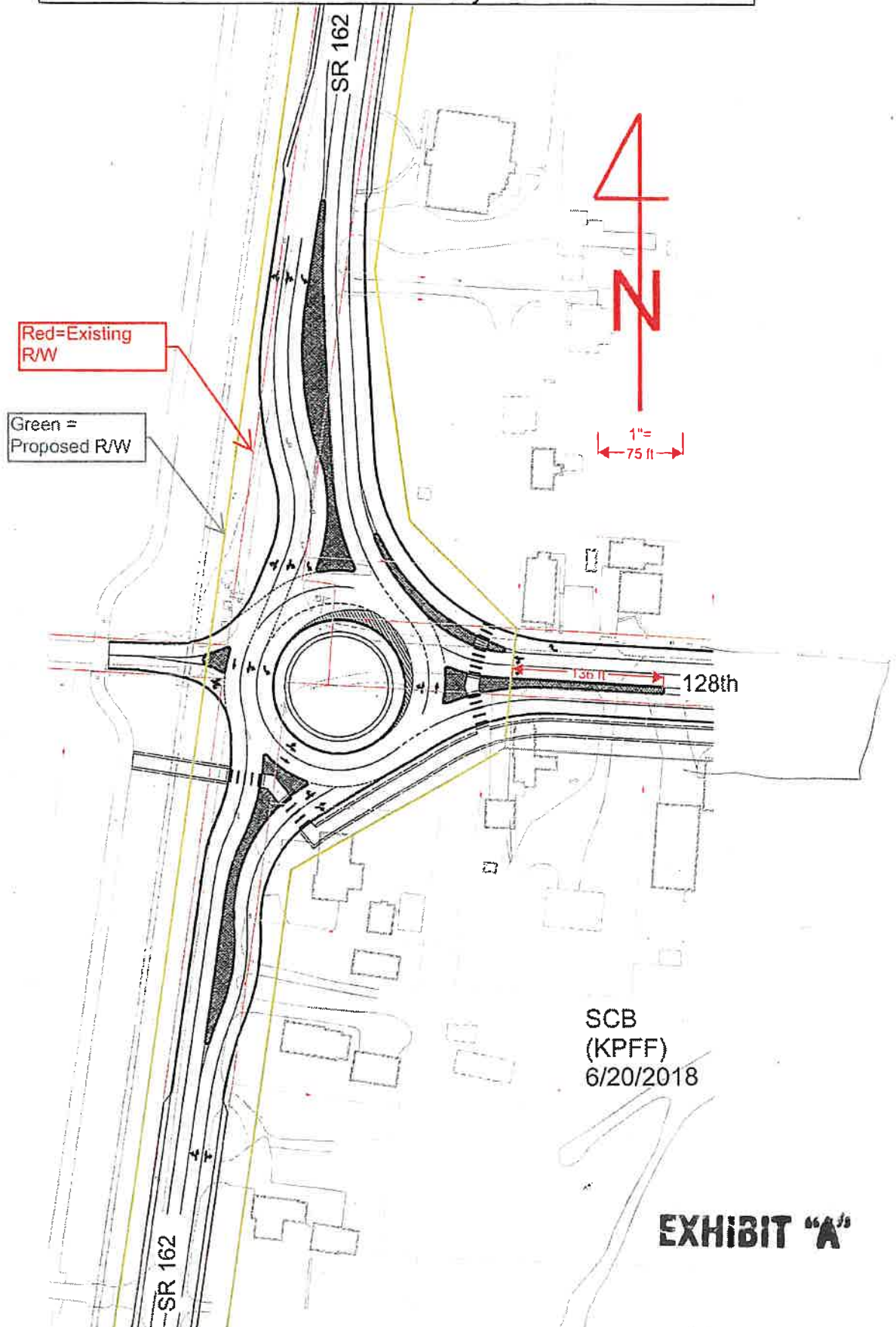
7. **Entire Agreement.** This agreement represents the entire Agreement of the parties with respect to all matters referenced herein.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Parties date signed last below.

NASH Cascadia Verde, LLC	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
By: 	By: 
Printed: <u>SCOTT JONES</u>	Printed: <u>Steve Rount</u>
Title: <u>AUTHORIZED SIGNATORY</u>	Title: <u>Asst. Region Admin.</u>
Date: <u>11-26-18</u>	Date: <u>11/26/2018</u>



Proposed Roundabout at SR 162 & 128th St E  
Pierce County





## 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.  
4
- 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.  
8
- 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.  
42
- 43 19. PPW submitted an Ordinance to the Council including the negotiated Phase 2  
44 Development Agreement for the Council's consideration.  
45  
46





20. Tehaleh Phase 2 shall be developed with an employment center, including a mix of jobs and services, within the first component of the development.
21. The Phase 2 Development Agreement includes assurances in fulfilling the employment component of the Employment Based Planned Community. No more than 6,437 residential dwelling units shall be approved until a minimum of 100-acres of employment uses have been established and necessary utilities and infrastructure have been extended to the perimeter of all employment centers.
22. Tehaleh will provide a minimum of 475 acres (10 percent of total acreage) for commercial, light industrial, retail and civic employment as an Employment Based Planned Community that supports Pierce County's economic development goals.
23. The Development Agreement ensures that adequate transportation infrastructure shall be completed concurrent with the development of Phase 2.
24. Tehaleh provides a variety of housing products (single-family, two-family, multi-family, age qualified, etc.) in a wide range of price points from affordable to executive housing.
25. The Phase 2 Development Agreement includes a substantial affordability housing obligation.
26. Tehaleh is the first development in Pierce County to pay a voluntary fire impact fee.
27. Tehaleh has built a Wastewater Treatment Plant to be dedicated to Pierce County in the spring of 2019 with capacity to serve all of Tehaleh.
28. Tehaleh will continue to build and privately maintain a regional stormwater system capturing all storm water onsite and recharging the aquifer below.
29. The Council recognizes Tehaleh as an exceptional mixed-use development providing a mix of housing types, densities, and price points, jobs and services, civic uses, recreational trails and parks, up to six schools in two school districts, while maintaining 40 percent of the community as permanent open space.
30. The development proposal included in the August 14, 2014, Major Amendment application provides the framework for Draft and Final Phase 2 Supplemental Impact Statement, the Phase 2 Development Agreement initiated via Resolution No. 2018-80s, and the Pierce County Hearing Examiner's review of a Project Master Plan.
31. The Pierce County Hearing Examiner shall review and issue final decisions for the EBPC PUD and all quasi-judicial matters associated with the EBPC PUD that are described in PCC 1.22.080, including preliminary and final plats, conditional use 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.  
6

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).  
15

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.  
19

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.  
24  
25





**EXHIBIT "S"**  
**Housing Affordability Program**

**(attached)**



## **Tehaleh Phase 2 Housing Affordability Program**

Tehaleh's designation as an Employment Based Planned Community (EBPC) ensures that a mix of housing types, sizes and densities will be developed and will provide housing for various economic segments of the Pierce County population including people employed by businesses located in Tehaleh. The Tehaleh Housing Affordability Program provided below is an attachment to the Tehaleh Phase 2 Development Agreement which establishes the framework and rules for the Phase 2 Development Area.

This Housing Affordability Program has been developed based on conversations with public and private sector professionals and Pierce County policies, codes and studies related to housing affordability.

### **TEHALEH HOUSING AFFORDABILITY PROGRAM ELEMENTS**

**NASH's role** is to ensure land is available and plats and site plans are designed to support housing products with various price ranges including those at the lower end of the market. Given that Tehaleh Phase 2 has a development horizon of approximately thirty (30) years, diverse price and product segmentation is crucial to success in the market place and supports the goals of the Housing Affordability Program. In the early stages of development, detached single family, townhouse, and cottage development will be the predominant housing types. As Tehaleh evolves, mixed use and multi-family developments and commercial uses will be added to the community landscape. It is expected that Moderate and Median Income households will be served by the sale and rent of attached and detached single family homes and townhomes built as part of the for-profit housing market. Initially, Low Income households will likely be served by small for-sale housing clusters built by non-profit builders, and possibly for-profit builders, specializing in smaller housing products priced at the lower end of the market. Once retail and commercial services are available in Tehaleh and transportation options have expanded, higher density rental and for-sale housing eligible for public funding sources targeted to low income households may become more feasible.

### **Tehaleh's Phase 2 Housing Affordability Goals**

- 10% of the residential units, i.e., 711 dwelling units affordable to **Median-Income** households earning between one-hundred percent (100%) and one-hundred and twenty percent (120%) of the Median Income for Pierce County.
- 10% of the residential units, i.e., 711 dwelling units affordable to **Moderate-Income** households earning between eighty percent (80%) and one-hundred percent (100%) of the Median Income in Pierce County.
- 10% of the residential units, i.e., 711 dwelling units affordable to **Low-Income** households earning less than 80% of the Median Income in Pierce County.

The definition of affordability assumes housing prices will be affordable to households in the Low, Moderate, and Median Income categories established and adjusted annually by U.S. Department of Housing and Urban Development (HUD). Median and Moderate Income housing is assumed to be market rate and Low-Income housing as requiring subsidies.



## **Housing Affordability Program Implementation**

As an Employment-Based Planned Community (EBPC) within the urban growth boundary, the Tehaleh land use concept includes and will continue to include a variety of high-density single family detached, single family attached and multi-family housing types. It is within these higher density product types that the housing affordable to households with incomes in the Low, Moderate and Median Income (Income Categories) will be built throughout the life of the project. The affordability goals provided above apply to the development of Tehaleh Phase 2 with the following acknowledgements:

- 1) Housing prices will vary as Tehaleh develops and will be influenced by both market conditions and the type and densities of the housing built at any one time;
- 2) There may be some market periods when there is an excess of housing meeting the affordability goals and other times when a more limited supply is available. The Housing Affordability Reports described below will be prepared annually, but the overall success of the Affordability Program must be based on a long-term view as the number of homes or rentals qualifying as “affordable” in any one year may be impacted by circumstances beyond the control of NASH. There are many factors that affect the cost of housing that are out of the control of developers, such as:
  - homes for sale and/or rent that meet the affordability criteria but due to market conditions buyers or renters are limited;
  - homes with base pricing that meets the affordability criteria, but buyers choose to add upgrades thereby increasing the final price of the home; and,
  - periods of economic distress caused by national and international conditions such as inflation, high interest rates, and inflated material and construction costs that impact the end price or rental rate of homes.
- 3) The 711 dwelling units of Low Income housing will be developed by NASH, its for-profit and non-profit development partners, or satisfied by an “In-Lieu Fee” of \$4,864.56, adjusted for inflation pursuant to Section 3.5-Affordable Housing of the Phase 2 Development Agreement, for each of the 711 Low-Income affordable housing units not constructed within Tehaleh.

Successful Implementation of the Affordability Program will involve significant planning, platting, and marketing efforts by NASH. NASH will work to:

- 1) ensure parcels suitable for medium and high density single family attached and detached and multi-family housing are platted in a timely manner;
- 2) provide adequate access and major utilities to the parcels to allow for the cost effective and efficient planning and construction of affordable housing;
- 3) offer the parcels to residential builders with land pricing and terms consistent with the character of lots and the market place at the time the properties are available for purchase;
- 4) market parcel to Low Income housing providers/developers; and,



- 5) work in partnership with Low Income housing developers and Pierce County to identify and maximize funding sources and incentives, including those in PCC 18A.65.040 and 18A.65.050.B.

Toward the requirement of providing 10% Low Income housing in Tehaleh Phase 2, a Low Income Housing Fee shall be paid to Pierce County prior to recording each final plat or prior to issuance of the first building permit in an unplatted single-family or two-family housing development in Phase 2 in an amount equal to \$549, to be adjusted for inflation per Section 3.5-Affordable Housing of the Phase 2 Development Agreement, per detached single family or two-family dwelling unit in the plat or development. The monies collected will be held in a separate account by [County Entity to be determined]. Such Low Income Housing Fees shall be in lieu of developing the number of units required to meet the 711 unit goal and subject to an offset credit for each Low Income dwelling unit developed in Tehaleh Phase 2. Each offset credit will be valued on a last paid, first reimbursed basis. The offset credit may result in the reimbursement of Low Income Housing Fees to NASH up to the full amount paid as the goal is met. The verification of amounts due and any offset credits earned will be determined by the Pierce County Department of Human Services (Human Services) every three years following the final approval of the Phase 2 Project Master Plan

### **Housing Affordability Program Monitoring and Reporting**

**Identification of Affordable Units.** Sales and rental data will be collected regularly from Tehaleh builders. Affordable units in the Low, Moderate, and Median Income categories will be identified using the Housing and Urban Development (HUD) affordability criteria listed below.

**For-Sale Housing Affordability Calculation.** The annual maximum qualifying price of for-sale housing available to each income category will be established assuming the following criteria:

- Median Income for Pierce County;
- the number of bedrooms in a home;
- the advertised available “base price” of the model;
- 20% down-payment for Moderate and Median Income housing and a 5% down-payment for Low Income housing;
- 33% of a household’s income going to principal and interest, property taxes, and insurance; and
- a 30-year fixed rate mortgage using the average rate for that calendar year.

**For-Rent Housing Affordability Calculation.** The annual maximum rents for rental housing available to each income category will be established assuming the following criteria:

- Median Income for Pierce County;
- the number of bedrooms in a home; and



- 33% of household income going to rent which may include water, sewer, garbage or other standard services provided by a landlord.

**Housing Affordability Reports.** Housing Affordability Reports will be prepared and submitted to Planning and Public Works (PPW), Human Services and the County Council annually and will include, at a minimum:

- 1) the number of affordable units sold or rented in the three Income Categories;
- 2) the status of the affordability totals in respect to Program goals;
- 3) a description of the previous year's efforts to meet the goals;
- 4) a review of plats and/or projects selling, under construction or in the design and entitlement process and their relationship to the affordability goals; and
- 5) conclusions and recommendations for the future.

An Affordability Program Action Plan shall be prepared by NASH every three years. The Action Plan will contain recommendations for actions designed to achieve the affordability goals for the following three years. Progress toward implementing the Affordability Program Action Plan will be evaluated by PPW and Human Resources annually and a status report provided to the County Council.

A Housing Affordability Section will also be included in each "Five Year Review" prepared for PPW and sent to the Hearing Examiner and County Council. The Section will summarize the information provided in the Annual Reports. Records to determine compliance with the pricing and rental provisions of the Housing Affordability Program will be available for review upon written request of PPW or Human Services. In order to maintain confidentiality for land owners and residents, records used to prepare the annual reports will be made available for Pierce County's review at the developer's offices but will not be released to other parties, unless required per public disclosure laws.

In the case of progress toward Moderate and Median Income goals, the Hearing Examiner will determine during the Five-Year Review whether adjustments to housing type, lot size or density are needed to ensure that a minimum of 711 Moderate Income and 711 Median Income housing units are being provided for within Phase 2.

In the case of Low Income Housing, Human Services will verify the required Low Income Housing Fees have been paid and make a determination as to any additional balance or reimbursement due to or from NASH every three years following final approval of the Phase 2 Project Master Plan.

In calculating the net balance owed by or to NASH, Human Services will consider the number of single-family detached and two-family units constructed under Phase 2, the total



amount of Low Income Housing In-Lieu Fees paid, the total number of qualifying Low Income housing units developed in Phase 2 and the number which should have been developed to achieve the 10% goal, i.e., 711 dwelling units, proportional to the total number of Phase 2 units developed at the time of the calculation.



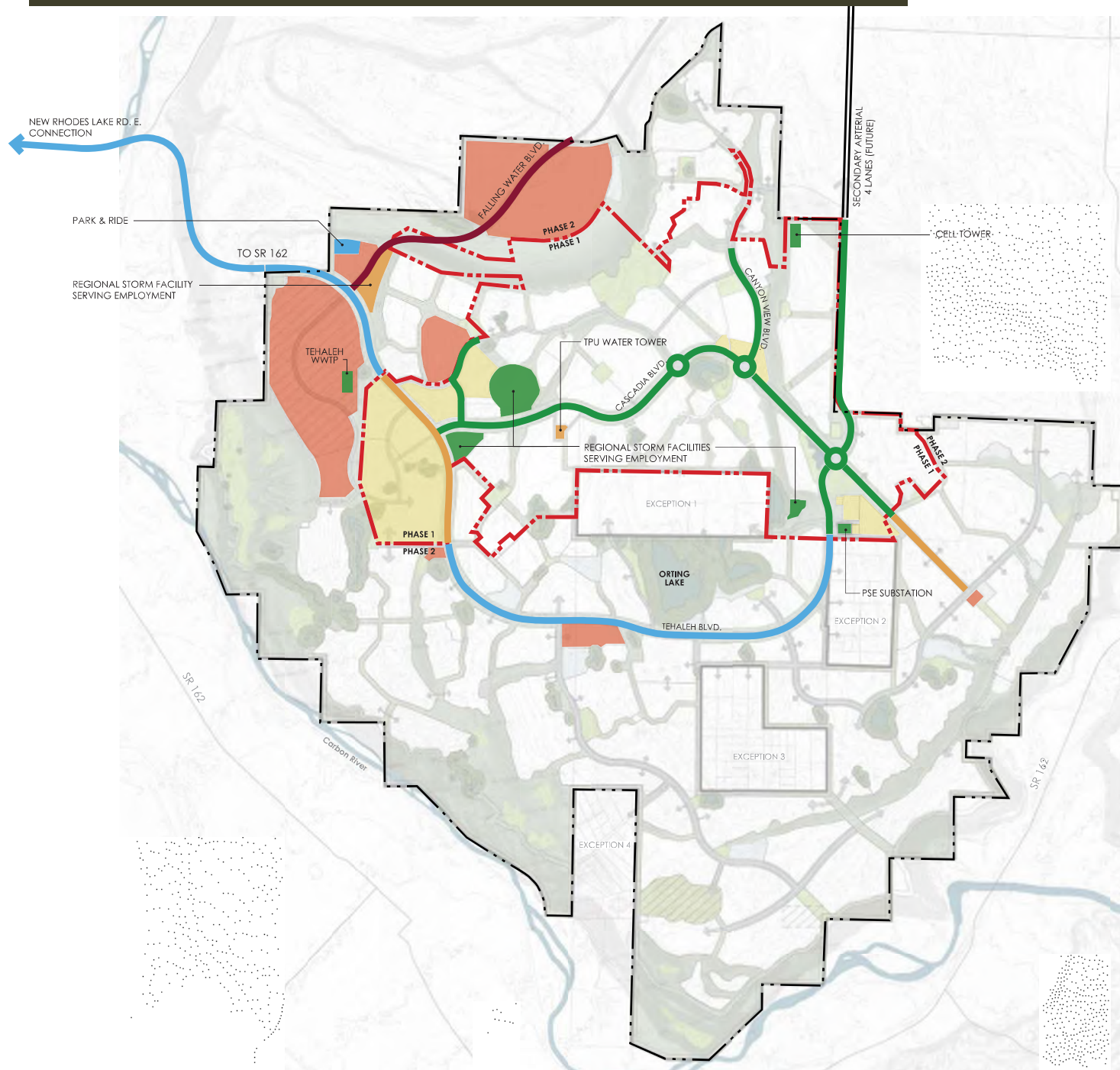
**EXHIBIT “T”**

**Employment Center Infrastructure Schedule**

**(attached)**



# Tehaleh - Employment Center Infrastructure Schedule - PMP Exhibit T



## Legend

- Phase Boundary
- Phase 1 Employment Centers
- Phase 2 Employment Centers

## Infrastructure Schedule

- Built Infrastructure
- By 2022 Five Year Review
- By 2027 Five Year Review
- By 2032 Five Year Review

0' 500' 1000' 2000' 4000'





## **EXHIBIT “U”**

### **Water Quality Monitoring**

(Note: This Exhibit U contains a collection of four documents which have been titled and referred to elsewhere as "K1, K2, K3 and K4".)

**(attached)**



**EXHIBIT "K"****WATER QUANTITY MONITORING**

Measurement of the site weather, stream discharge and groundwater levels aid in verifying conclusions derived from MODFLOW simulation modelling of the shallow aquifer. Monitoring of recharge facility performance will verify facility performance. Monitoring will start during development and continue post-development. Monitoring will be performed by the Tehaleh project engineer and if requested may be witnessed by Pierce County.

The monitoring of precipitation, stream discharge and groundwater levels will be recorded by continuous dataloggers. The dataloggers will have a non-resetting circular memory. Downloading of the stream discharge and water levels will be done at least quarterly to reduce the potential for data loss via equipment failure. The precipitation recorder will be calibrated to 0.01 inches per tip. Output will be in an ASCII format file with a date stamp and no more than one 15 minute value per line.

(a) The existing discharge gage at Canyonfalls Creek will be used for flow monitoring, located at the Tacoma Public Utilities District bridge approximately 100 meters upstream of the Troutlodge Fish Egg Hatchery. Continuous discharge monitoring is currently ongoing. The stage / discharge rating curve will be re-established periodically during post-development monitoring. Flow within the creek will be verified independent of stage via a flow meter during each site visit to download the datalogger. Monitoring will begin with the start of development in Phase I and continue until two years after full buildout of the site.

(b) New groundwater wells shall be installed near proposed infiltration facilities, as shown on Exhibit K-4. Continuously recording dataloggers will be installed in the wells. Monitoring shall begin prior to the start of development in each drainage basin to establish existing conditions and continue for one year after full development of each drainage basin.

(c) Continuous water level measurements will be taken at existing wells TW-1, TW-2 and TW-3R. Monitoring will begin with the start of development in Phase I and continue until two years after full buildout of the site.

(d) The existing onsite weather station records rainfall, evaporation, and temperature. The County also maintains a climate gage located approximately 5 miles southwest of the project. Monitoring will begin with the start of development in Phase I and continue until two years after full buildout of the site.

(e) All infiltration facilities will be monitored monthly with a stage crest gage to determine whether they are adequately sized, designed and maintained to accommodate the design storm. Monitoring shall verify that drawdown rates (infiltration) are faster than or equal to the design infiltration rate. Monitoring shall begin with the start of

-K-1-



development in each catchment and continue for one year after full development of each catchment .

(f) Wetland stage/crest measurements will be collected at least quarterly at Wetland 4 and Orting Lake, except during Spring (March through May) when more frequent measurements may be collected for comparison with baseline data. Monitoring will begin with the start of development in the catchment and continue through 75% buildout of the tributary area.

(g) Reporting: yearly status reports will provide a record of stage and discharge, rating curves, site observations and infiltration / detention facility performance. Any data deletions or record discrepancies will be reported.



**EXHIBIT "K-1" 1**

**NITRATE-NITROGEN MONITORING AND CANYONFALLS CREEK**

Water quality monitoring of water quality impacts on Canyonfalls Creek will focus on:

- (1) off-site Canyonfalls Creek recharge from the shallow aquifer, and
- (2) ground water quality from existing shallow aquifer wells and at Canyonfalls Creek springs.

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

The project shall monitor nitrate-nitrogen at Canyonfalls Creek springs and groundwater wells TW-1, TW-2, and TW-3R, which are screened to sample from the upper portion of the shallow aquifer. Well TW-2 is located between the existing LOSS and Canyonfalls Creek springs. Groundwater and surface water quality monitoring at the wells and Canyonfalls Creek would continue for three years after full development of the site.

**Reporting**

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

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I This Exhibit K-1 reflects and includes modifications ordered by Condition No. 6 of the Second Minor Amendment to the Cascadia Employment Based Planned Community Planned Unit Development - Phase I (7-11-20 07).

(Exhibit K-1 - Nitrate-Nitrogen Monitoring and Canyonfalls Creek.doc)

-K-1-1-



**TABLE 1****Phase I Post-Construction Ground Water Monitoring Plan**

<b>Parameter</b>	<b>Canyonfalls Ck. @ TPUD Bridge</b>	<b>Ground Water Well TW-2</b>	<b>Ground Water Well TW- 1 and TW-3R</b>
Total Suspended Solids	4 times (seasonally)	4 times (seasonally)	1 time (annually)
Zinc	4 times (seasonally)	4 times (seasonally)	1 time (annually)
Copper	4 times (seasonally)	4 times (seasonally)	1 time (annually)
Lead	4 times (seasonally)	4 times (seasonally)	1 time (annually)
Cadmium	4 times (seasonally)	4 times (seasonally)	1 time (annually)
Hardness	4 times (seasonally)	4 times (seasonally)	1 time (annually)
Pesticide Screen	4 times (seasonally)	4 times (seasonally)	1 time (annually)
pH (in situ)	4 times (seasonally)	4 times (seasonally)	1 time (annually)
Temperature (in situ)	4 times (seasonally)	4 times (seasonally)	1 time (annually)
Dissolved Oxygen (in situ)	4 times (seasonally)	4 times (seasonally)	1 time (annually)
Conductivity (in situ)	4 times (seasonally)	4 times (seasonally)	1 time (annually)
Continuous Water Level	Yes	Yes	Yes
Continuous rainfall, temperature, evaporation	Yes	Yes	Yes
Continuous nitrate-nitrogen	Yes	Yes	Yes



## **EXHIBIT "K-2"**

### **NITRATE-NITROGEN MONITORING AND VICTOR FALLS SPRINGS**

Post-construction water quality monitoring of water quality impacts on Victor Falls Springs will focus on:

- { 1) ground water quality from a planned shallow aquifer well, and
- (2) monitoring of the outflow from Facility D6 (details provided in Exhibit "K-3").

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

The only contribution that Cascadia makes to the Victor Falls Springs capture zone is infiltration from two wetlands receiving treated storm water from detention pond D6. Once D6 is constructed and receiving developed runoff, it would be one of the two water quality treatment facilities with monitored inflows and outflow (see Exhibit "**K-3**"). The results would be used to characterize outflow quality and system contaminant removal efficiency.

In addition, a new ground water monitoring well would be installed near the northern Cascadia property boundary, between the points of D6 discharge infiltration and Victor Falls Springs (Table 1), at the approximate location shown on Exhibit K-4. Monitoring at D6 and the new monitoring well would commence with operation of D6 after occupancy in the catchment, and continue for three years after development in the D6 catchment is complete.

#### **Reporting**

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



**TABLE 1****Phase I Post-Construction Ground Water Monitoring Plan**

<b>Parameter</b>	<b>Ground Water New Well at North Boundary</b>
Total Suspended Solids	4 times (seasonally)
Zinc	4 times (seasonally)
Copper	4 times (seasonally)
Lead	4 times (seasonally)
Cadmium	4 times (seasonally)
Hardness	4 times (seasonally)
Fecal Coliforms	4 times (seasonally)
Pesticide Screen	4 times (seasonally)
pH (in situ)	4 times (seasonally)
Temperature (in situ)	4 times (seasonally)
Dissolved Oxygen (in situ)	4 times (seasonally)
Conductivity (in situ)	4 times (seasonally)
Nitrate-Nitrogen	4 times (seasonally)
Continuous Water Level	<b>Yes</b>
Continuous rainfall, temperature, evaporation	Yes



**EXHIBIT "K-3"**

**WATER QUALITY MONITORING AT ORTING LAKE AND STORMWATER  
FACILITIES R4 AND D6**

Post-construction water quality monitoring of onsite wetlands and stormwater facilities will focus on:

- (1) the quality of water leaving selected water quality and detention ponds, and
- (2) Orting Lake water quality.

Sampling protocols and quality assurance /quality control will be derived from the freshwater chapter of the Puget Sound Estuary Program (1990) and applicable sections of the EPA 40CFR part 136(1996) . The monitoring plans are shown in Tables 1 and 2, and described in more detail below.

Monitoring of facilities D6 and R4 would begin with the start of development within the catchment and continue for three years after development in the catchment is complete.

Monitoring of Orting Lake would begin the first Fall season after 75% occupancy of the Orting Lake tributary area and continue for two years.

**Reporting**

Yearly status reports will provide a comparison of post-development and baseline data. This will include analysis of nitrate to determine if it is significantly greater than predicted during the first years of development. If significant and potentially harmful differences are found, mitigation measures would be employed in consultation with the County and interested parties. Monitoring of additional facilities may also be necessary.



**TABLE 1****Phase I Post-Construction Ground Water Monitoring Plan**

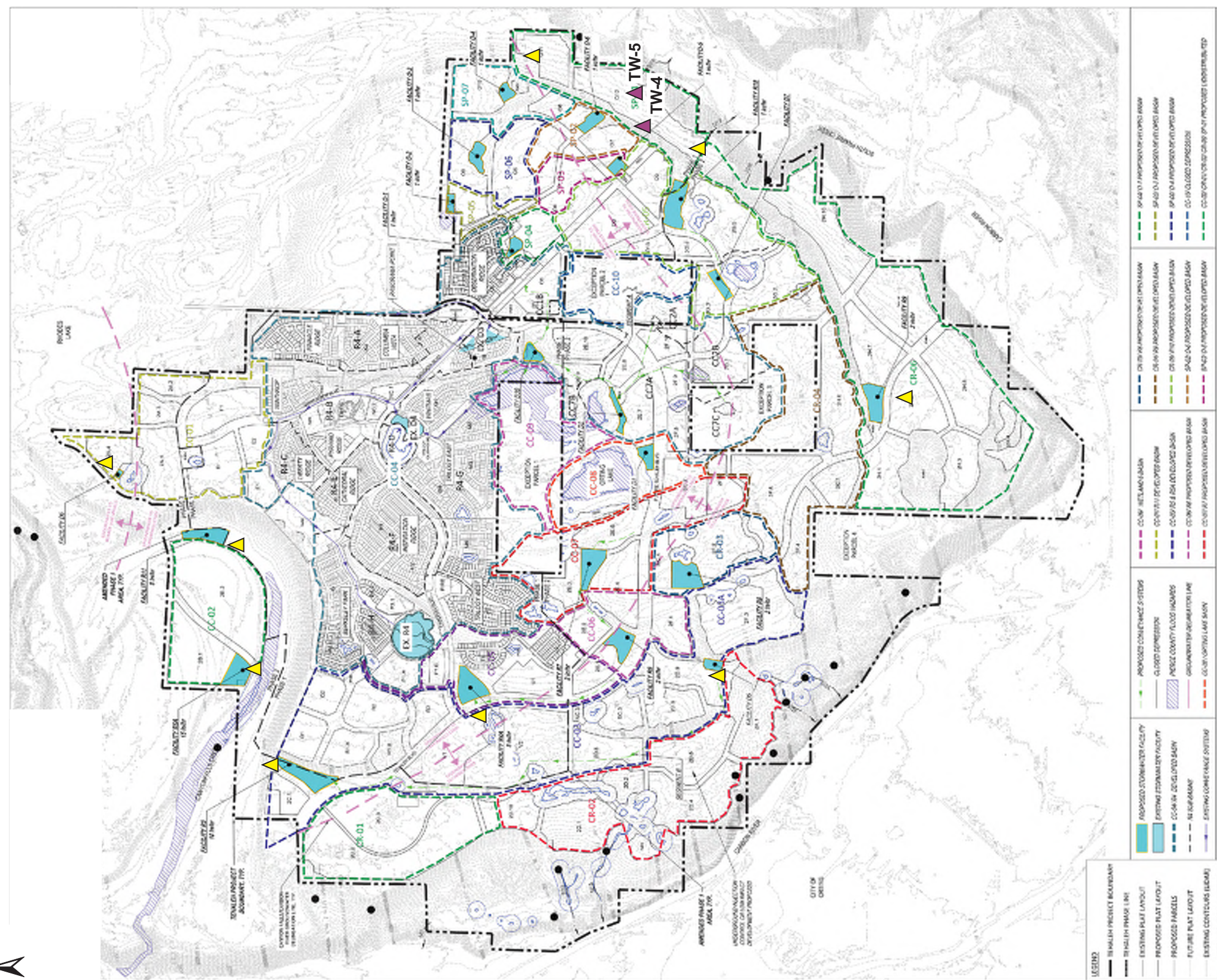
<b>Parameter</b>	<b>Orting Lake</b>
Total Phosphorus	Monthly Storms (Oct.-May)
Zinc	Monthly Storms (Oct-May)
Hardness	Monthly Storms (Oct.-May)
pH (in situ)	4 times (seasonally)
Temperature (in situ)	4 times (seasonally)
Dissolved Oxygen (in situ)	4 times (seasonally)
Conductivity (in situ)	4 times (seasonally)
Crest/stage (monthly)	Yes
Continuous rainfall, temperature, evaporation	Yes




**TABLE2****Cascadia Phase I Post Construction Facility Monitoring**


<b>Facilities R4 and CC9</b>		
<b>Parameter</b>	<b>Inflow</b>	<b>Outflow</b>
Total Suspended Solids	4 storms/year (composites)	4 storms/year (composites)
Turbidity	4 storms/year (composites)	4 storms/year (composites)
Total Phosphorus	4 storms/year (composites)	4 storms/year (composites)
Nitrate-Nitrogen	4 storms/year (composites)	4 storms/year (composites)
Ammonia-Nitrogen	4 storms/year (composites)	4 storms/year (composites)
Zinc	4 storms/year (composites)	4 storms/year (composites)
<b>Lead</b>	4 storms/year (composites)	4 storms/year (composites)
Copper	4 storms/year (composites)	4 storms/year (composites)
Cadmium	4 storms/year (composites)	4 storms/year (composites)
<b>Hardness</b>	4 storms/year (composites)	4 storms/year (composites)
Fecal Coliforms	4 storms/year (composites)	4 storms/year (composites)
Pesticide Screen	4 storms/year (composites)	4 storms/year (composites)
Discharge	Yes	Yes
pH (in situ)	4 storms/year	4 storms/year
Temperature (in situ)	4 storms/year	4 storms/year
Dissolved Oxygen (in situ)	4 storms/year	4 storms/year
Conductivity (in situ)	4 storms/year	4 storms/year
Crest/stage (monthly)	Yes	Yes
Continuous record of rainfall, temperature, and evaporation on-site.		





**LEGEND:**

 PROPOSED MONITORING WELLS

 EXISTING MONITORING WELLS

NOTE: LOCATION AND DISTANCES SHOWN ARE APPROXIMATE.

BLACK AND WHITE REPRODUCTION OF THIS COLOR ORIGINAL MAY REDUCE ITS EFFECTIVENESS AND LEAD TO INCORRECT INTERPRETATION.



## MONITORING PLAN

TEHALEH EBPC  
PIERCE COUNTY, WASHINGTON

PROJ NO.	140202H007	DATE:	11/17	EXHIBIT K-4
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# **PMP EXHIBIT V**

Applicable Mitigation Measures

From

Tehaleh EBPC Phase 2

Final Supplemental EIS



<b>TABLE V</b> <b>TEHAELH EBPC PHASE 2 FINAL SEIS</b> <b>MITIGATION MEASURES</b>	
<b>Section/ Sub-section</b>	<b><u>AFFECTED ENVIRONMENT</u></b>
<b>V1</b>	<b><u>EARTH</u></b>
V1.1	This project shall meet the requirements of Critical Areas, Chapter 18E.80, Landslide Hazard Areas.
V1.2	A 100-foot building setback distance shall be established from the top of all Landslide Hazard Zone 1 areas (as defined in Appendix C to the DSEIS). This setback may be reduced based on site-specific geotechnical investigations.
V1.3	A timber harvesting or clearing setback distance of 75 feet shall be established from the top of all Landslide Hazard Zone 1 areas (as defined in Appendix C to the DSEIS). This setback may be reduced based on site-specific geotechnical investigations.
V1.4	A 25-foot building setback shall be established from the top of all Landslide Hazard Zone 2 areas (as defined in Appendix C to the DSEIS). A timber harvesting or clearing setback of 10 feet shall be established from the top of all Landslide Hazard Zone 2 areas. The building setback and timber harvesting/clearing setback may be reduced based on site-specific geotechnical investigations and Pierce County approval.
<b>V2</b>	<b><u>WATER RESOURCES</u></b>
V2.1	Development shall comply with the requirements of the 2008 Pierce County Stormwater Management and Site Development Manual, Ordinance No. 2012-2S.
V2.2	An updated Master Drainage Plan consistent with the Master Drainage Plan contained in the SEIS has been developed for the Phase I and II areas of the site. The permanent drainage system shall consist of a system of regional recharge (infiltration) facilities, detention ponds, a master system of overflow/bypass pipes and channels and an emergency overflow system. The system shall be designed to replicate existing conditions by infiltrating all stormwater runoff generated on the site and prevent surface runoff from flowing to the downstream drainage system. The proposed drainage system shall be designed in accordance with Pierce County 2008 Stormwater Management and Site Development Manual as amended in 2012 by Pierce County Ordinance 2012-2s.



<p style="text-align: center;"><b>TABLE V</b></p> <p style="text-align: center;"><b>TEHAELH EBPC PHASE 2 FINAL SEIS</b></p> <p style="text-align: center;"><b>MITIGATION MEASURES</b></p>	
<p><b>Section/ Sub-section</b></p>	<p><b><u>AFFECTED ENVIRONMENT</u></b></p>
V2.3	<p>Groundwater and surface water quantity monitoring: A groundwater and surface water quantity monitoring program has been formulated in conjunction with Pierce County to monitor water quantity conditions and the project's effects on groundwater recharge. The program includes 1) a continuation of the ongoing flow monitoring at Canyonfalls Creek and groundwater level monitoring at TW-1, TW-2, and TW-3R, 2) installation and monitoring of new groundwater wells downgradient of proposed infiltration facilities, 3) data from the existing weather station located onsite, 4) monitoring flow discharging into infiltration facilities, 5) monitoring water levels within the infiltration facilities, and 6) monitoring the water levels of selected surface water features onsite, including Orting Lake and other wetlands. Details of the groundwater and surface water quantity monitoring plan are described in <b>Exhibit “U”</b> (see Appendix C to the DSEIS).</p>
V2.4	<p>New groundwater wells: Groundwater wells shall be installed and located as shown on Exhibit K-4 (found in Exhibit U to the Phase II Project Master Plan). The locations are intended to monitor the impact of recharge from the infiltration facilities on groundwater levels, particularly near site slopes. The proposed locations are preliminary and will be located at the time of final design for the infiltration facilities per the recommendations of the project Geotechnical Engineer. To establish existing conditions, the monitoring wells shall be installed before infiltration facility construction and at a minimum shall be monitored through one winter recharge cycle. If monitoring indicates that slopes are being recharged from infiltration, infiltration facilities shall be relocated or redesigned pursuant to recommendations of the geotechnical engineer to avoid the potential for slope failure.</p>
V2.5	<p>Groundwater and surface water quality monitoring: A groundwater and surface water quality monitoring program shall be formulated in conjunction with Pierce County, as part of the project's Development Agreement. The program will include monitoring for Canyonfalls Creek, Victor Falls Springs, selected on-site wetlands, existing wells TW-1, TW-2, and TW-3R, and the inflows of proposed stormwater infiltration or detention ponds. Details of the groundwater and surface water quality monitoring plan are described in Exhibits “K-1”, “K-2”, and “K-3” (found in Exhibit U to the Phase II Project Master Plan).</p>



<p style="text-align: center;"><b>TABLE V</b></p> <p style="text-align: center;"><b>TEHAELH EBPC PHASE 2 FINAL SEIS</b></p> <p style="text-align: center;"><b>MITIGATION MEASURES</b></p>	
<p><b>Section/ Sub-section</b></p>	<p style="text-align: center;"><b><u>AFFECTED ENVIRONMENT</u></b></p>
V2.6	A program shall be implemented to monitor-the performance of each infiltration facility. The purpose of the monitoring program shall be to verify the adequacy of system design assumptions, determine the specific long-term infiltration capacity of each facility and determine long-term maintenance needs. The details of the monitoring program shall be approved by the Pierce County Development Engineering Section and the Pierce County Water Programs Division. The details of the monitoring program shall be included in the Master Drainage Plan.
V2.7	Educational materials for water quality and habitat/resource protection shall be provided to businesses, schools, residences, and parks maintenance personnel to minimize the use of pesticide and lawn and landscape fertilizers.
V2.8	Emergency overflow facilities to the Puyallup River and to the Canyonfalls Creek valley shall allow discharge to acceptable locations during extreme storm events in order to preclude any downstream impacts. Areas of the site not connected to the overflow facilities shall discharge to recharge facilities designed to a larger factor of safety (beyond 30 percent). The specific design of the emergency overflow and outfall facilities shall be reviewed and approved by the County as part of specific construction applications.
V2.9	Accidental spill response cleanup and notification procedures shall be included in construction contractor agreements.
V2.10	A minimum setback distance of 500 feet shall be maintained between proposed stormwater infiltration facilities and the top of Landslide Hazard 1 areas (as defined in Appendix C to the SDEIS) to reduce the risk of recharging the on-site slopes and initiating slope failures below the ponds. Groundwater mounding potential and slope stability shall be evaluated on a “case by case” basis for any infiltration facilities located within 1,000 feet of a Landslide Hazard Zone 1 boundary. Facility setback distances shall be increased or decreased depending on the results of site-specific studies conducted as part of the review of specific development applications.
V2.11	Wetland fringe vegetation shall be planted or encouraged within stormwater detention facilities-which discharge developed stormwater runoff to wetlands in order to further reduce nitrogen and metals potential effects on Canyonfalls Creek, Bonney Lake Springs and Orting Lake. These facilities can potentially include D1, D2, D3B, D6 and D7.



<p style="text-align: center;"><b>TABLE V</b></p> <p style="text-align: center;"><b>TEHAELH EBPC PHASE 2 FINAL SEIS</b></p> <p style="text-align: center;"><b>MITIGATION MEASURES</b></p>	
<p><b>Section/ Sub-section</b></p>	<p style="text-align: center;"><b><u>AFFECTED ENVIRONMENT</u></b></p>
V2.12	Open channel conveyances to infiltration area R4-E, R4-F and R4-H and all other open channel conveyances shall be constructed to encourage wetland vegetation as feasible to reduce nitrate-nitrogen, ammonia and metals potential effects on Canyonfalls Creek.
V2.13	<p>A post-development monitoring program shall be established to monitor water quality and quantity conditions. Monitoring is to occur at selected inflow points to representative infiltration ponds, at the headwaters of Canyonfalls Creek, data from wells TW-2 and TW-3 and use of the MODFLOW model. Groundwater elevation monitoring shall also be part of an overall monitoring program to check the project's effects on groundwater recharge.</p> <p>A post construction water quality monitoring program for Canyonfalls Creek, Victor Falls Springs, and the on-site wetlands and stormwater facilities shall be developed. The details of said water quality monitoring program shall be approved by Pierce County.</p>
<b>V3</b>	<b>PLANTS AND ANIMALS</b>
V3.1	Elevations of the north and south edges of the Canyonfalls Creek swale and abutting slopes and edge of the Canyonfalls Creek springs shall be established prior to any development with the drainage area. No clearing, timber harvest, grading, filling, path construction or other disturbance shall occur within the Canyonfalls Creek swale and abutting slopes, except to perform environmental monitoring, approved trails, and approved Master Drainage Facilities, unless otherwise approved by Pierce County. This area shall remain permanently protected, to provide wildlife habitat and avenues for movement of wildlife among habitats across the site and to additional natural habitats off-site to the northwest. Note: An alternative alignment of Pierce County CRP #5841 (New Rhodes Lake Road East – Falling Water Blvd. East Extension) is proposed to cross or be located in the Canyonfalls Creek swale or abutting slope. If approved, this county road project shall be permitted in the swale subject to appropriate mitigation.
V3.2	The portion of the Orting Lake tributary basin west of the lake, outside of the required wetland buffer, shall not be harvested. This area shall be preserved through some permanent protection mechanism prior to the approval of the first development permit within the portion of Phase II in Section 21, Township 19N, Range 5E WM.



<p style="text-align: center;"><b>TABLE V</b></p> <p style="text-align: center;"><b>TEHAELH EBPC PHASE 2 FINAL SEIS</b></p> <p style="text-align: center;"><b>MITIGATION MEASURES</b></p>	
<p><b>Section/ Sub-section</b></p>	<p><b><u>AFFECTED ENVIRONMENT</u></b></p>
V3.3	Covenants, guidelines, and educational materials shall be prepared instructing residents how to discourage the introduction of noxious weeds or invasive plant species prior to development approvals. These materials shall be submitted to the County Resource Management biologist for review and approval, and shall be distributed to all purchasers within the development.
V3.4	The applicant shall propose interpretive or educational materials in order to foster an understanding and appreciation of the natural features within the project (e.g. Orting Lake, Canyonfalls Creek swale, wetlands, etc.) prior development approvals. These materials shall be submitted to the County Resource Management for review, and shall be distributed to all purchasers within the development.
V3.5	Pedestrian trails through open space areas shall use existing dirt roads or trails where possible, to minimize the need for additional clearing of native vegetation and be routed to avoid removal of large trees, especially conifers. Trail surfacing and location shall be an element of a Master Park and Trail Plan reviewed and approved by Pierce County.
V3.6	No noxious weeds or invasive species shall be introduced in landscaped areas, both in common areas and individual lots, through covenants, guidelines, and educational materials.
V3.7	Any portion of designated allées or buffers that are cleared and/or graded shall be replanted with a mixture of native trees, understory shrubs, and groundcover that will restore forest habitat conditions over time. Where plantings include trees, the plan shall emphasize native conifer species. Plantings shall be designed to mimic native forest conditions, as appropriate, depending on the topographic constraints and depth of clearing within the allée. The replanting plan shall be submitted to Pierce County Resource Management and Current Planning Sections for review and approval.
<b>V4</b>	<b>WETLANDS</b>
V4.1	A monitoring plan shall be developed in concurrence with Pierce County to monitor water levels and vegetation communities for key wetlands in Tehaleh. The monitoring shall continue until at least three years after build-out of the tributary areas for the monitored wetlands. The monitoring shall be conducted during the spring and summer season in order to discern patterns and account for year to year variability in rainfall. Acceptable water level fluctuations shall be agreed upon with Pierce County Resource Management prior to issuance of a wetland approval for the project. If variations in water levels are determined to be unacceptable, appropriate refinements in the stormwater bypasses shall be made.



<b>TABLE V</b> <b>TEHAELH EBPC PHASE 2 FINAL SEIS</b> <b>MITIGATION MEASURES</b>	
<b>Section/ Sub-section</b>	<b><u>AFFECTED ENVIRONMENT</u></b>
<b>V5</b>	<b>AIR QUALITY/GREENHOUSE GAS EMISSIONS</b>
V5.1	Alternative means of disposing of, or recycling, land-clearing debris, other than burning, shall be used.
V5.2	Construction equipment shall be well-maintained to reduce emissions.
V5.3	<p>In order to reduce the dust produced during construction activities the following conditions shall be met:</p> <ul style="list-style-type: none"> <li>a. Areas of exposed soils such as storage yards and construction roadways shall be sprayed with water or other dust suppressants.</li> <li>b. Roads and other areas that might be exposed for prolonged periods shall be paved, planted with a vegetation ground cover, or covered with gravel.</li> <li>c. Soils carried out of the construction area by trucks shall be reduced through the use of rocked construction entrances or by wheel washing and covering dusty truck loads.</li> </ul> <p>Soil that does escape the construction area on exiting vehicles shall be reduced with an aggressive and effective street-cleaning effort.</p>
<b>V6</b>	<b>NOISE</b>
V6.1	Construction activities shall be limited to the hours of 7 AM to 10 PM (unless otherwise permitted by code and approved by Pierce County). This shall include all noisy start-up and preparatory activities such as starting engines.
V6.2	Construction noise shall be reduced with properly sized and maintained mufflers, engine intake silencers, engine enclosures and turning off idle equipment.
V6.3	Construction contracts shall specify that mufflers be in good working order and that engine enclosures be used on equipment when the engine is the dominant source of noise.
V6.4	Stationary equipment shall be placed as far away from sensitive receiving locations as possible or portable noise barriers shall be placed around the equipment with the opening directed away from the sensitive receiving property.
V6.5	Hydraulic or electric models of impact tools such as jack hammers, rock drills and pavement breakers shall be considered by Tehaleh contractors as mitigation for noise impacts.
<b>V7</b>	<b>LAND USE/RELATIONSHIP TO PLANS AND POLICIES</b>
V7.1	The obligations (covenants) of Cascadia as set forth in the Settlement Agreement entered by Troutlodge, Inc., and Cascadia Development Corporation dated March 30, 1999 and the Amendment to the Settlement Agreement, dated May 25, 2005, shall become conditions of approval of the



<b>TABLE V</b>  <b>TEHAELH EBPC PHASE 2 FINAL SEIS</b> <b>MITIGATION MEASURES</b>	
<b>Section/ Sub-section</b>	<b><u>AFFECTED ENVIRONMENT</u></b>
	Phase 2 of the Tehaleh EBPC and enforced in the same manner as other conditions imposed by Pierce County.
<b>V8</b>	<b>HOUSING, POPULATION AND EMPLOYMENT</b>
N/A	No specific mitigation measures listed in Final SEIS.
<b>V9</b>	<b>AESTHETICS/LIGHT AND GLARE</b>
V9.1	The applicant shall submit a viewshed clearing plan to the Planning and Public Works Department prior to final plat approval for portions of the site that could be potentially visible from regionally significant viewpoints (i.e., State Route 162). The viewshed clearing plan shall be prepared by a registered landscape architect and shall include cross-sections and elevations illustrating the proposed viewsheds and methods for preserving them, along with a narrative discussion of the proposed clearing plan. Consideration for transition from lower intensity development and open spaces in potentially visible areas on the perimeter of the site to more intensive development in the interior of the site shall be a part of the view preservation plan.
<b>V10</b>	<b>HISTORIC AND CULTURAL RESOURCES</b>
V10.1	<p>Construction personnel shall be made aware of the following Inadvertent Archaeological and Historic Resources Discovery Plan prior to construction activities taking place.</p> <p>In the event that any ground-disturbing activities or other project activities related to this development, or in any future development, uncover protected cultural material (e.g., bones, shell, antler, horn or stone tools), the following actions will be taken as part of an Inadvertent Archaeological and Historic Resources Discovery Plan:</p> <ol style="list-style-type: none"> <li>1. When an unanticipated discovery of protected cultural material (see definitions below) occurs, the property owner or contractor will completely secure the location and contact: <ol style="list-style-type: none"> <li>a. The property owner and/or project manager;</li> <li>b. A professional archaeologist;</li> <li>c. Pierce County Planning and Public Works Department (253-798-7037);</li> <li>d. The Department of Archaeology and Historic Preservation (DAHP) (Gretchen Kaehler, State Archeologist, 360-586-3088, 360-628-2755 cell);</li> <li>e. The Puyallup Tribe (Brandon Reynon, Cultural Regulatory Specialist, 253-573-7986, 360-384-2298); and</li> </ol> </li> </ol>



<p style="text-align: center;"><b>TABLE V</b></p> <p style="text-align: center;"><b>TEHAELH EBPC PHASE 2 FINAL SEIS</b></p> <p style="text-align: center;"><b>MITIGATION MEASURES</b></p>	
<p><b>Section/ Sub-section</b></p>	<p style="text-align: center;"><b><u>AFFECTED ENVIRONMENT</u></b></p>
	<p>f. The Muckleshoot Tribe (Laura Murphy, Archaeologist, 253-876-3272).</p> <p>2. If the discovery is human remains, the property owner or contractor will stop work in and adjacent to the discovery, completely secure the work area by moving the land-altering equipment to a reasonable distance, and will immediately contact:</p> <ul style="list-style-type: none"> <li>a. The property owner;</li> <li>b. The Pierce County Sheriff's Department (253-798-4721); and</li> <li>c. The Pierce County Medical Examiner, Thomas B. Clark, MD (253-798-6494) to determine if the remains are forensic in nature.</li> <li>d. If the remains are not forensic in nature the Department of Archaeology and Historic Preservation (DAHP) Guy Tasa, State Physical Anthropologist, 360-586-3534; will take the lead on determining the appropriate method of treatment for the remains and will consult with the affected tribes.</li> </ul> <p>3. Cultural material that may be protected by law could include but is not limited to:</p> <ul style="list-style-type: none"> <li>a. Buried layers of black soil with layers of shell, charcoal, and fish and mammal bones;</li> <li>b. Non-natural sediment or stone deposits that may be related to activity areas of people;</li> <li>c. Stone, bone, shell, horn, or antler tools that may include projectile points (arrowheads), scrapers, cutting tools, wood working wedges or axes, and grinding stones;</li> <li>d. Stone tools or stone flakes;</li> <li>e. Buried cobbles that may indicate a hearth feature;</li> <li>f. Old ceramic pieces, metal pieces, tools and bottles; and</li> <li>g. Perennially damp areas may have preservation conditions that allow for remnants of wood and other plant fibers; in these locations there may be remains including: Fragments of basketry, weaving, wood tools, or carved pieces; and Human remains.</li> </ul> <p>Compliance with all applicable laws pertaining to Archaeological Resources (RCW 27.53, 27.44 and WAC 25-48) and with human remains (RCW 68.50) is required. Failure to comply with these requirements could result in a misdemeanor and possible civil penalties and constitute a class C felony.</p>



<p style="text-align: center;"><b>TABLE V</b></p> <p style="text-align: center;"><b>TEHAELH EBPC PHASE 2 FINAL SEIS</b></p> <p style="text-align: center;"><b>MITIGATION MEASURES</b></p>	
Section/ Sub-section	<u><b>AFFECTED ENVIRONMENT</b></u>
<b>V11</b>	<b>TRANSPORTATION</b>
V11.1	An emergency vehicle access between Tehaleh and the open portion of 131 <sup>st</sup> Street East must be provided. The preserved right-of-way must be designed to accommodate an arterial roadway.
V11.2	As stated in Section 3.3.2 of the 2018 Tehaleh Phase 2 Development Agreement, Tehaleh shall be required to pay traffic impact fees in accordance with Ordinance No. 2018-71s to offset potential impacts to the transportation system, subject to credits and adjustments for projects in excess of Tehaleh's obligations as allowed under County Code and State Law.
V11.3	In the event that project development pattern and timing (residential and employment) trip generation is not consistent with the project traffic analysis used for development of mitigations, the County or other affected jurisdiction may request reanalysis of the project's traffic impacts and reassessment of appropriate traffic mitigation, mitigation trigger levels and details of the necessary mitigation. If reanalysis indicates that additional mitigation is necessary, or a different mitigation trigger is necessary, the Applicant and the affected jurisdiction shall reach an agreement on the appropriate mitigation, the Development Agreement and/or Project Master Plan shall be revised accordingly, and the necessary mitigation(s) shall be completed by the Applicant at the appropriate time. The Applicant shall monitor the progress of the residential and employment element of the project traffic and shall provide information to the County or other affected jurisdiction if requested.
V11.4	The Project Master Plan shall contain a commitment to provide a local feeder road for all affected parcels with each residential preliminary plat and/or commercial binding site plan application.
V11.5	Although Tehaleh is not currently located within Pierce Transit's Public Transportation Benefit Area (PTBA), the Applicant and Pierce County shall continue to work diligently with Sound Transit and Pierce Transit to explore options to provide transit services to Tehaleh at the earliest time feasible, such as vanpool, voluntarily opting into Pierce Transit's benefit area, service innovation and demonstration projects, high-frequency bus transit connector route between Tehaleh and the Sumner commuter rail station when demand warrants, etc. Anticipating future transit service, the Applicant shall continue to coordinate with Pierce Transit on road design standards, future bus stops, vanpool services available to Tehaleh residents and employers and future transit services to the site. A major park-and-ride facility shall be located on the west side of the development along Tehaleh Boulevard East to support vanpooling/carpooling and future transit.



<p style="text-align: center;"><b>TABLE V</b></p> <p style="text-align: center;"><b>TEHAELH EBPC PHASE 2 FINAL SEIS</b></p> <p style="text-align: center;"><b>MITIGATION MEASURES</b></p>	
<p><b>Section/ Sub-section</b></p>	<p style="text-align: center;"><b><u>AFFECTED ENVIRONMENT</u></b></p>
V11.6	<p>A Transportation Management Plan (TMP) is provided as an element of the Project Master Plan. Consideration is given to the following as part of the TMP:</p> <ol style="list-style-type: none"> <li>a. Encouraging employers with less than 100 full-time employees beginning work between 6 AM and 9 AM to develop a Transportation Management Plan to reduce vehicle trips and miles traveled similar to the requirement of the Commute Trip Reduction (CTR) law for larger employers;</li> <li>b. Assign a Tehaleh Owners Association staff member the responsibility of transportation coordinator to promote multimodal options to SOVs by Tehaleh residents, including assisting in forming carpools and vanpools;</li> <li>c. Providing residents and employers with information on travel options on a regular basis, including a transportation package prepared for residents and employers that promotes the programs being offered;</li> <li>d. Continuing to survey residents to understand travel behavior and willingness to use alternatives modes;</li> <li>e. Providing a well-connected pedestrian and bicycle network to minimize vehicle travel between site uses;</li> <li>f. Providing amenities within parks, such as restrooms, and along trails such that commuting within the development by walking or biking is not an inconvenience;</li> <li>g. Providing initial purchasers and renters of dwelling units with a one-month transit pass vouchers, and encourage employers to do the same for their new hires; and,</li> <li>h. Residential neighborhoods that will continue to be equipped with communication infrastructure to support at-home work. The Applicant shall design additional strategies to promote at-home work opportunities.</li> </ol>
V11.7	<p>A Construction Management Plan (CMP) shall be developed describing procedures for construction activity including such items as truck routes, hours of operation and site parking. The Construction Management Plan shall be submitted for review and approval when it is deemed necessary by the Planning and Public Works Department. The following measures shall be included in the construction management plan to mitigate potential impacts of construction activity:</p> <ol style="list-style-type: none"> <li>a. Construction activities shall be scheduled so that the most intensive activities in terms of construction traffic are spread out over time and avoid the peak periods of traffic congestion.</li> <li>b. Truck routes shall be identified.</li> </ol>



<p style="text-align: center;"><b>TABLE V</b></p> <p style="text-align: center;"><b>TEHAELH EBPC PHASE 2 FINAL SEIS</b></p> <p style="text-align: center;"><b>MITIGATION MEASURES</b></p>	
<p><b>Section/ Sub-section</b></p>	<p><b><u>AFFECTED ENVIRONMENT</u></b></p>
	<p>c. Safe pedestrian, bicycle and vehicular circulation shall be provided adjacent to the construction site through the use of temporary walkways, signs and manual traffic control (flaggers), as appropriate. Construction speed limit signs will not be permitted on public roadways unless approved by the County Engineer.</p>
V11.8	<p>Tehaleh Phase 2 Final SEIS Table 5-1, Summary of Potential Off-Site Improvements, provides a comprehensive list of locations where significant impacts are considered likely, a list of potential improvements to mitigate the identified impacts, and the timing of when improvements are projected to be needed. Table 1 of Section 3.3.2 of the Tehaleh EBPC Phase 2 Development Agreement identifies which projects from Table 5-1 are assigned as mitigation and Section 3.7 of the Phase 2 Development Agreement identifies selected mitigation trigger levels.</p> <p>The Applicant shall have the following options to address the list of mitigations in Section 3.3.2 of the Phase 2 Development Agreement and fulfill its traffic mitigation obligations:</p> <ol style="list-style-type: none"> <li>Concentrate on constructed projects. In the event that Pierce County allows the Applicant to concentrate portions of his/her proportionate share into specific constructed projects rather than piecemeal financial contributions, said projects must be completed and accepted prior to final approval of that development application which exceeds the mitigation trigger. Concentration on certain constructed projects shall remove the Applicant's proportionate share responsibility on other mitigation listed in Section 3.3.2 of the Tehaleh EBPC Phase 2 Development Agreement. The Applicant shall receive credit against other mitigation obligations for mitigating more than its proportionate share of constructed improvements.</li> <li>Wait until improvements are completed by others. The improvements must be completed and accepted prior to additional development exceeding the mitigation trigger.</li> <li>Partner with another applicant who has a similar obligation and construct the improvements. The improvements must be completed and accepted prior to additional development exceeding the mitigation trigger.</li> <li>Construct the improvement in its entirety. All costs and project coordination will be the responsibility of the Applicant. The improvements must be completed and accepted prior to additional development exceeding the capacity of the mitigation trigger.</li> </ol>



<p style="text-align: center;"><b>TABLE V</b></p> <p style="text-align: center;"><b>TEHAELH EBPC PHASE 2 FINAL SEIS</b></p> <p style="text-align: center;"><b>MITIGATION MEASURES</b></p>	
Section/ Sub-section	<u><b>AFFECTED ENVIRONMENT</b></u>
	<p>e. In the event that a mitigation is part of a jurisdiction's programmed project (i.e., City street project, County road project, State highway project) and said jurisdiction believes the improvements will be completed within five years of final approval of that development application which exceeds the mitigation trigger, the Applicant may pay his/her proportionate share to said road project to satisfy his/her mitigation.</p> <p>Proportionate share contribution amounts shall be based on the estimated project cost at the time of proportionate share payment.</p>
V11.9	Tehaleh Phase 2 Final SEIS Table 5.1 outlines the Tehaleh weekday off-site PM peak hour trips generated that could be accommodated just prior to triggering a project impact requiring mitigation. The developer shall only be required to construct improvements that are assigned to Tehaleh in the Traffic Management Plan if the applicable threshold is triggered. The specific construction timing shall be set in coordination with Pierce County, based on the resultant existing and projected Tehaleh weekday PM peak hour off-site trip generation and established triggers.
<b>V12</b>	<b>PUBLIC SERVICES</b>
V12.1	If the need for a police substation within the Tehaleh EBPC site is identified in the long-term, upon notice, available office space shall be offered at reasonable market rents.
V12.2	The Applicant shall school sites in the Sumner and Orting School District portions of Tehaleh Phase 2 available at fair market value. The Phase 2 Conceptual Master Plan indicated potential sites. The specific location, number and sizes of the sites shall be mutually decided with the District(s) based on specific demand resulting from Tehaleh EBPC development and the types of schools needed to meet it.
V12.3	The Applicant shall be subject to school impact fees to the school district(s) in accordance with the County's Ordinance. Age Qualified development within Tehaleh will not be subject to school impact fees. The applicant shall provide school impact fees to the school district(s) in accordance with the County's Ordinance.
V12.4	The Applicant shall cooperate with the Districts in resolution of school district boundary issues. Similarly, the applicant shall cooperate with the appropriate district(s) in identifying the timing of school facility construction based on actual EBPC and overall growth.



<p style="text-align: center;"><b>TABLE V</b></p> <p style="text-align: center;"><b>TEHAELH EBPC PHASE 2 FINAL SEIS</b></p> <p style="text-align: center;"><b>MITIGATION MEASURES</b></p>	
<p><b>Section/ Sub-section</b></p>	<p style="text-align: center;"><b><u>AFFECTED ENVIRONMENT</u></b></p>
V12.5	The Applicant shall cooperate with the Sumner and Orting School Districts in working out an agreement whereby students generated within the Orting School District boundaries during Phase I could attend Sumner schools, if capacity exists, to allow easier transport of students prior to the construction of New Rhodes Lake Road E.
V12.6	The project shall provide recreation features in the EBPC, per requirements of PCC 18J.15.180 to serve as amenities for on-site residents. Recreation features will include including a mix of parks, a trail network, natural open space and other amenities. The Phase I Master Park and Trail Plan has been updated to include Phase II to be approved by Pierce County as an element of the Project Master Plan.
V12.7	Tehaleh shall be subject to Pierce County park impact fees to offset demands on County facilities consistent with the County's parks impact fee ordinance. Specific elements of Tehaleh's master park and trail system may be eligible for credit against park impact fees subject to applicable Pierce County Code requirements for credits and reimbursements.
V12.8	If desired by Pierce County, an available site within the Tehaleh EBPC shall be offered at fair market value for a library to offset Cascadia EBPC's direct impacts on Pierce County libraries.
V12.9	The Amended Fire Mitigation Agreement executed on June 20, 2017 between East Pierce Fire & Rescue and NASH Cascadia Verde, LLC, as successor entities to Pierce County Fire Protection District-East and the Cascadia Development Corporation, shall remain in full force and effect, unless modified by the parties.
<b>V13</b>	<b>UTILITIES</b>
V13.1	Upon approval of Phase II, the Tehaleh Master Sewer Plan shall be updated (consistent with the Unified Sewer Plan, Pierce County and Washington State Department of Ecology standards) and approved by Pierce County.
V13.2	All water mains, pump stations, reservoirs, fire hydrants and other features of the water supply and distribution system shall be designed in accordance with applicable standards and specifications of Tacoma Public Utilities, and the State Department of Health. The water supply and distribution system would be designed and constructed in a phased manner consistent with the needs of each development phase within Tehaleh.
V13.3	Average irrigation demands for a golf course, if developed, shall ultimately be met through the reuse of Class "A" treated effluent from the sewer service provider's waste water treatment plant when feasible, or via alternate sources, such as groundwater or potable water, if so approved.



<b>TABLE V</b>  <b>TEHAELH EBPC PHASE 2 FINAL SEIS</b> <b>MITIGATION MEASURES</b>	
<b>Section/ Sub-section</b>	<b><u>AFFECTED ENVIRONMENT</u></b>
<b>V14</b>	<b>ENERGY</b>
V14.1	Educational materials regarding recycling and handling of hazardous waste shall be distributed to residents and commercial users within the EBPC.
V14.2	The Applicant shall develop and implement a recycling collection plan for all construction, demolition and land-clearing (CDL) debris generated during construction.
V14.3	The Applicant shall promote participation by project residents and businesses in the County's recycling, waste minimization and composting programs to reduce the amount of solid waste generated on the site.
V14.4	The Applicant shall work with recycling collection businesses to ensure that there is an adequate number of drop-off sites for recyclables within the EBPC.
<b>V15</b>	<b>MISCELLANEOUES</b>
V15.1	The Applicant must comply with all other local, state, and federal regulations and obtain relevant permits. This includes the U.S. Army Corps of Engineers and the Washington State Department of Ecology (DOE). It is the sole responsibility of the Applicant to contact the other jurisdictions and secure any and all other permits required for this proposed project.



**EXHIBIT "W"**  
**Amended Fire Mitigation Agreement**

**(attached)**



## PMP EXHIBIT W

### AMENDED FIRE MITIGATION AGREEMENT

This Amended Fire Mitigation Agreement is made between NASH Cascadia Verde LLC, a limited liability company (NASH) and Pierce County Fire Protection District No. 22, otherwise known as East Pierce Fire and Rescue, a fire district organized under the laws of the State of Washington (EPFR).

#### RECITALS

A. NASH is the owner of real property consisting of approximately 4,756 acres, depicted on Exhibit A and legally described on Exhibit A-1, and referred to here as the Tehaleh Site. NASH is developing the Tehaleh Site as an employment based planned community known as Tehaleh.

B. EPFR is a Fire District providing service to an area comprised of approximately 153 square miles, and encompassing the Tehaleh site.

C. NASH is the successor to Cascadia Development Corporation (CDC), which previously owned the Tehaleh Site. CDC obtained County and other approvals for an employment-based planned community then known as Cascadia on the site. On April 13, 1999, CDC entered into a mitigation agreement (Original Mitigation Agreement) with Pierce County Fire Protection District No. 24, a fire district that then encompassed the Tehaleh Site, to address the impacts of Phase 1 of Cascadia. Since that time, District No. 24 has merged with other districts and otherwise expanded to become EPFR.

D. EPFR and NASH are the parties now bound by the Original Mitigation Agreement and have the authority to make this Amendment.

E. NASH has submitted an application for a Major Amendment to the original Tehaleh approval that would make revisions to approved land use plans and grant project level approval for the entire 4,756 acre Tehaleh Site (all phases). An element of the Major Amendment application is the preparation and publication of a Supplemental Environmental Impact Statement (SEIS). The SEIS is currently examining 5 different alternatives. NASH's preferred alternative would permit a total of 9,700 residential units and up to 3 million square feet of commercial, industrial and civic uses on the Tehaleh Site (the Maximum Project Development).

F. For various reasons, both EPFR and NASH agree that the Original Mitigation Agreement is not satisfactory to either party. The Tehaleh project and EPFR have changed since 1999, and both NASH and EPFR have a greater understanding of both the potential impacts of Tehaleh and the manner in which the Original Mitigation Agreement would have operated to the benefit and detriment of the parties.

G. The Major Amendment prompted further discussions, and the parties have worked collaboratively with BERK Consulting to obtain an objective assessment of project impacts and benefits. As a result of the new information and a long series of meetings and



negotiations, NASH and EPFR have been able to discuss the issues based upon the same objective facts. The parties have reached agreement on the terms of this Amended Mitigation Agreement, which will completely replace the Original Mitigation Agreement and apply to the entire Tehaleh project.

H. In light of this background, the parties agree as follows:

1. **Amended Mitigation Agreement.** This Amended Mitigation Agreement shall constitute a complete mitigation agreement covering the development of the entire Tehaleh Site so long as that development does not exceed the Maximum Project Development. Upon its execution by both parties, the Amended Mitigation Agreement shall completely replace and supplant the Original Mitigation Agreement. EPFR accepts the mitigation described in this Amended Mitigation Agreement to completely satisfy any obligation by NASH or successive owners as to EPFR impacts resulting from the Maximum Project Development on the Tehaleh Site. EPFR agrees that it will not, either directly or indirectly, appeal, challenge, oppose, or request additional conditions on the development of the Tehaleh Site throughout the life of the Tehaleh project so long as it does not exceed the Maximum Project Development.

2. **Mitigation Fee.** NASH shall pay a voluntary fire mitigation fee to EPFR for buildings actually constructed on the Tehaleh Site as follows:

A. **Residential.** NASH shall pay a voluntary fire mitigation fee to EPFR in the amount of \$350 for each dwelling unit in a single family, two-family or multi-family configuration on the entire Tehaleh Site. The terms "dwelling unit," "single family," "two-family," and "multi-family" are as defined in the present Pierce County zoning code, and copies of those definitions are set forth in Exhibit B to this Agreement.

B. **Public and Community Buildings.** No fire mitigation fee shall be required for any building owned and operated by a governmental entity or by any association of Tehaleh property owners for community purposes.

C. **Other.** Except as set forth in A and B above, NASH shall pay a voluntary fire mitigation fee to EPFR for all other uses on those portions of the Tehaleh Site other than Phase 1, at the rate of \$0.20 per square foot of leasable area in a building. This includes commercial, office, industrial, retail, and other uses. No payment is required for buildings in Phase 1 other than single family residences. The development in "Phase 1" under this agreement is the development described on the "Tehaleh Phase 1 Land Use Table - Exhibit D" attached to this agreement as Exhibit D.

D. **New Buildings.** The mitigation fees under this agreement only apply to the initial construction of a building on a lot or parcel within the Tehaleh Site. No fee is required for modification, remodeling or replacement of buildings.

3. **Credits.** NASH has dedicated a 3.3 acre site to EPFR for the construction of Station No. 117 and has cleared and graded that site to EPFR's specifications. The agreed value of the land is \$330,000 and the agreed value of the clearing and grading work is \$175,000. That site will be conveyed in accordance with the Amended Dedication Agreement between NASH and East Pierce Fire and Rescue dated June 10, 2015 (the



Amended Dedication Agreement) attached as Exhibit C. In addition, CDC paid \$25,000 to EPFR's predecessor under the terms of the Original Mitigation Agreement. In light of these contributions, NASH has a credit in the amount of \$530,000 (\$330,000+\$175,000+\$25,000) against mitigation fees that would otherwise be due under this Agreement.

4. **Timing.** The timing of mitigation fee payments shall be as follows:

A. **Phase 1:** The Phase 1 mitigation payment is \$905,100 ( $\$350 \times 2,586$  residential units = \$905,100). After applying the credits outlined above, the remaining mitigation payment due for Phase I is \$375,100 ( $\$905,100 - \$530,000 = \$375,100$ ). That payment shall be made by NASH to EPFR within 90 days after the Phase 2 Major Amendment approval for Tehaleh becomes final. The approval will be deemed final when all periods for challenges to any aspect of the Phase 2 approval have expired without the commencement of an appeal.

B. **Balance of Payment:** The mitigation fees for each building outside Phase 1 shall be collected by NASH from homebuilders and others constructing buildings at Tehaleh and shall be paid quarterly by NASH to EPFR within 45 days after the end of each quarter. The payment amounts shall be based on building permits actually issued by Pierce County according to County records. For example, if 86 building permits were issued by the County for single family residences in the 1<sup>st</sup> quarter of 2020, NASH would pay EPFR \$30,100 by May 15, 2020.

5. **EPFR Obligations.** The primary purposes of this Agreement include fairly and proportionately allocating the cost of providing fire service and facilities. EPFR has determined that it can adequately serve the Tehaleh development through a combination of the voluntary mitigation payments described in this Amended Mitigation Agreement, and tax revenues derived by EPFR from the Tehaleh Site. In light of that, EPFR agrees:

A. EPFR will use the mitigation payments paid under this agreement for capital facilities that reasonably benefit the Tehaleh Site.

B. EPFR has accepted the analysis and recommendations in the BERK Consulting 2016 Long Term Service Analysis and agrees to incorporate that report as an amendment to its Capital Facilities Plan.

C. EPFR will construct stations consistent with its Capital Facilities Plan, so as to meet the level of service established throughout its urban service area;

D. The EPFR Capital Facilities Plan is a planning document that will change over time based on growth, community needs and expectations, economics and other factors. As the Plan evolves, EPFR will provide for capital facilities to serve the Tehaleh Site on the same basis as other urban areas within its service area.

E. EPFR will seek to recover comparable mitigation payments from other developments in its service area so that the costs of providing fire service are equitably shared by all new development in its service area.



6. **Dispute Resolution.** If there is any dispute relating to the interpretation or enforcement of this Agreement, the parties shall follow the process set forth below:

A. **Initial Steps.** If there is a dispute relating to this Agreement, the parties shall meet in order to resolve the dispute in good faith within 10 days after a party's written request identifying the dispute. Each party shall send a representative to the meeting with information related to the dispute. If the parties fail to resolve the dispute in the initial meeting, then they may, but shall not be obligated, agree to a schedule of additional meetings to resolve the dispute. If the dispute cannot in good faith be resolved in such meeting(s), either party shall have the right to require the dispute to be submitted to a professional mediation service. If mediation is commenced, each party shall participate in good faith and the party invoking the mediation shall be responsible for the costs of the mediator. The mediator shall be selected by agreement of the parties and in the absence of such agreement the mediator shall be Judicial Dispute Resolution LLC located in Seattle, Washington. Any mediation shall be conducted in Tacoma, Washington.

B. If either party invokes mediation under subsection A. above, no civil action with respect to that dispute may be commenced until after the completion of the initial mediation session or 45 days after the filing of the written request for mediation, whichever occurs first. If mediation is not invoked, then a civil action may be commenced at any time after the initial good faith meeting.

C. Venue for any civil action involving this agreement shall be in Pierce County Superior Court.

7. **Release.** Upon payment of the fire mitigation payments above, for a lot or parcel, the obligation under this agreement as to that lot or parcel shall be fulfilled. EPFR agrees, upon request, to provide a written document confirming the release of a lot or parcel.

8. **Entire Agreement.** This Mitigation Agreement and the Amended Dedication Agreement represent the complete and final expression of the parties' intentions and agreements on the matter. There are no other agreements except the Amended Dedication Agreement. This agreement and the Amended Dedication Agreement supersede and cancel any prior negotiations or communications between the parties with respect to the subject matter.

9. **Construction/Interpretation.** This Agreement shall be construed and interpreted in accordance with the laws of the State of Washington.

10. **Assignments.** NASH may assign its rights and obligations under this agreement if (a) it sells all or substantially all of the Tehaleh Site, and such buyer fully assumes the obligations of NASH under this Agreement; or (b) it sells parcels within the Tehaleh Site for development by other parties and specifically assigns its rights and obligations under this Agreement to the buyer.

11. **Successors or Assigns.** If either party to this agreement ceases to exist by reason of merger, consolidation, dissolution or any other corporate change of form, and if there is a successor corporation or entity surviving the change of form or otherwise to which



the duties of any contracting party are assignable, then the terms and provisions of this Agreement are deemed to apply to that successor or assigns, so long as the applicable laws of the State of Washington allow such corporation or entity to assume those duties and responsibilities.

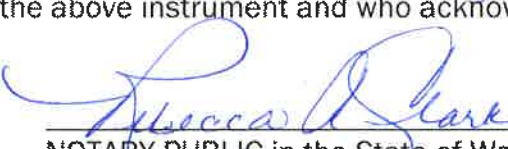
NASH Cascadia Verde LLC

 6-16-17  
By: Scott Jones  
Its: AUTHORIZED SIGNATORY

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF King )

On this 16<sup>th</sup> day of June, 2017, before me personally appeared Scott Jones to me known to be the Authorized Signatory of NASH Cascadia Verde LLC and who executed the above instrument and who acknowledged to me the act of signing and sealing.



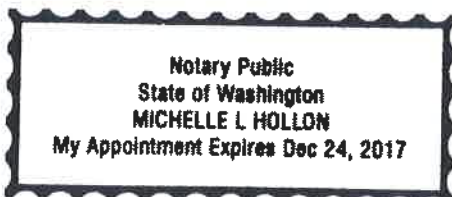
  
NOTARY PUBLIC in the State of Washington,  
residing at Huburn. My Commission  
expires: 11-16-17.


East Pierce Fire and Rescue

Dale J. Mitchell 6-20-17  
By: Dale T. Mitchell  
Its: Board of Commissioners Chairman

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Pierce )

On this 20<sup>th</sup> day of June, 2017, before me personally appeared Dale T. Mitchell to me known to be the Board Chairman of East Pierce Fire and Rescue and who executed the above instrument and who acknowledged to me the act of signing and sealing.



  
NOTARY PUBLIC in the State of Washington,  
residing at Tacoma. My Commission  
expires: 12/24/2017.