

April 23, 2014

Newland Communities
Attn: Scott Jones
33490-9th Avenue South, Suite 206
Federal Way, WA 98003

**RE: Major Amendment to the Cascadia (A.K.A. Tehaleh)
Employment-Based Planned Community (EBPC)
Planned Unit Development (PUD):
Phase 1 Revision/Expansion
Application Numbers: 760298, 760302, 763634, 763635**

Dear Applicant:

Transmitted herewith is the Decision on Reconsideration of the Pierce County Hearing Examiner regarding the clarification filed in above-entitled matter along with a revised set of conditions.

Very truly yours,

STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

SKC/jjp
cc: Parties of Record

OFFICE OF THE HEARING EXAMINER

PIERCE COUNTY

DECISION ON RECONSIDERATION

CASE NO.: Major Amendment to the Cascadia (A.K.A. Tehaleh)
Employment-Based Planned Community (EBPC)
Planned Unit Development (PUD):
Phase 1 Revision/Expansion
Application Numbers: 760298, 760302, 763634, 763635

PROPERTY OWNERS: NASH Cascadia Verde, LLC
16701 S.E. McGillivray Blvd., Suite 150
Vancouver, WA 98683-3462

Cascadia Resort Communities LLC
11747 N.E. 1st Street, Suite 320
Bellevue, WA 98005

APPLICANT: Newland Communities
Attn: Scott Jones
33490-9th Avenue South, Suite 206
Federal Way, WA 98003

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

PLANNER: Robert Jenkins, Senior Planner

By Report and Decision dated April 7, 2014, the Examiner approved a Major Amendment to the Tehaleh Employment-Based Planned Community subject to numerous conditions of approval. On April 14, 2014, William T. Lynn, attorney at law, timely filed a Request for Reconsideration that requested clarification of several conditions of approval. The Examiner did not circulate the Reconsideration Request for comment because in Finding of Fact 12 on Page 14 of the Decision the Examiner advised that he had adopted Mr. Lynn's proposed changes of conditions for East Pierce Fire and Rescue and proposed conditions

substituting language for staff's conditions. Mr. Lynn also noted errors in the numbering of conditions. Since the Reconsideration is consistent with Finding 12 and the Examiner's intent, the Examiner elected not to circulate the request for comment.

Based upon Mr. Lynn's Reconsideration Request a new set of conditions is attached hereto and provided to all Parties of Record. Changes are made to Conditions 11, 18, 19C, 30, 32, and 37. Portions of Condition 38 that address Parcel O are renumbered 39, 40, and 41. Condition 40 is renumbered 42. In new Condition 41 the term "Condition 24" is changed to "Condition 23".

Mr. Lynn also requests the Examiner's express authorization to simplify and shorten the Development Agreement. He asserts that every time the approved land use plan is modified, it becomes necessary to modify the Development Agreement as well. Furthermore, the Development Agreement restates information set forth in other documents pertaining to the project, for example, details of the Waste Water Treatment Plant. Mr. Lynn suggests referencing the Agreement between Pierce County and the applicant concerning the plant rather than setting forth the Agreement in the Development Agreement.

While Development Agreement issues are beyond the scope of the Reconsideration procedure, the Examiner believes it appropriate to simplify procedural matters so that the project can proceed without having to obtain changes to multiple documents. The Examiner would therefore encourage simplification as much as possible, bearing in mind the impact on interested Parties of Record to include the fire district, school district, cities, and the owner of Parcel O.

Since the Examiner will review the Development Agreement, Parties of Record may want to stay involved in the process. However, prior to submitting the Development Agreement to the Examiner for approval, staff and the applicant should ensure that interested parties have the opportunity to provide comment at appropriate times. Should disputes arise, the Examiner does have authority to request that the matter be brought to public hearing for resolution.

DECISION:

The Request for Reconsideration is hereby granted.

ORDERED this 23rd day of April, 2014.

STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

TRANSMITTED this 23rd day of April, 2014, to the following:

PROPERTY OWNERS:

NASH Cascadia Verde, LLC
16701 S.E. McGillivray Blvd., Suite 150
Vancouver, WA 98683-3462

Cascadia Resort Communities LLC
11747 N.E. 1st Street, Suite 320
Bellevue, WA 98005

APPLICANT:

Newland Communities
Attn: Scott Jones
33490-9th Avenue South, Suite 206
Federal Way, WA 98003

ATTORNEY:

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

OTHERS:

East Pierce Fire & Rescue
Attn: John McDonald, Deputy Chief
18421 Veterans Memorial Drive, Suite F
Bonney Lake, WA 98391

Cairncross & Hempelmann
Attn: Nancy Bainbridge Rogers
524 Second Avenue, Suite 500
Seattle, WA 98104

Joseph F. Quinn
20 Forest Glen Lane S.W.
Lakewood, WA 98498

Hugh Smith
P.O. Box 7217
Bonney Lake, WA 98391

Jason Sullivan
9002 Main Street East, Suite 30
Bonney Lake, WA 98391

Bruce Mitchell
3220 Magnolia Blvd.
Seattle, WA 98199

Jill Guernsey
Deputy Prosecuting Attorney
955 Tacoma Avenue South, #301
Tacoma, WA 98402

Mary J. Urback
12417-12th Street East
Edgewood, WA 98372

PIERCE COUNTY PLANNING AND LAND SERVICES
PIERCE COUNTY BUILDING DIVISION
PIERCE COUNTY DEVELOPMENT ENGINEERING DEPARTMENT
PIERCE COUNTY PUBLIC WORKS AND UTILITIES DEPARTMENT
TACOMA-PIERCE COUNTY HEALTH DEPARTMENT
FIRE PREVENTION BUREAU
PIERCE COUNTY PARKS AND RECREATION
PIERCE COUNTY COUNCIL
PIERCE COUNTY RESOURCE MANAGEMENT
PIERCE COUNTY CODE ENFORCEMENT
DEPARTMENT OF ECOLOGY
ATTORNEY GENERAL'S OFFICE

**CASE NO.: Major Amendment to the Cascadia (A.K.A. Tehaleh)
Employment-Based Planned Community (EBPC)
Planned Unit Development (PUD):
Phase 1 Revision/Expansion
Application Numbers: 760298, 760302, 763634, 763635**

APPEAL OF EXAMINER'S DECISION:

The final decision by the Examiner may be appealed in accordance with Ch. 36.70C RCW.