

EXHIBIT “H”

CONDITIONS OF APPROVAL

This exhibit contains the Conditions of Approval from the 1999 approval of the Cascadia Employment Based Planned Community PUD (aka Tehaleh) and revisions, amendments and additions from subsequent land use approvals through April 2014.

WATER

1. The Cascadia Employment Based Planned Community (EBPC) shall meet the requirements of the Pierce County Stormwater Management and Site Development Manual, Ordinance No. 96-46S2 for Phase I development, except as revised in the development agreement. The Pierce County Stormwater Management and Site Development Manual may be revised over the course of development of the Cascadia EBPC. However, if requested by the County and approved by the Hearing Examiner, or if requested by the applicant, the Cascadia EBPC shall upgrade to the latest version of the Pierce County Stormwater Management and Site Development Manual for Phase II and III.
2. A Master Drainage Plan 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 recharge facilities shall be designed and sized to functionally replace and provide compensatory storage for filling of the existing closed depression system.
3. The design of the project’s stormwater quantity, quality, and conveyance facilities shall be consistent with the Storm Drainage Master Plan contained in the EIS, except as modified in the development agreement.
4. The development agreement shall include criteria for determining the appropriate factor of safety for sizing the retention and detention facilities. The Pierce County Development Engineering Section and the Pierce County Water Programs Division shall approve the criteria.
5. Permanent stormwater detention ponds and infiltration facilities shall be sized using HSPF modeling as part of the detailed design process. Specifics of the sizing criteria shall be contained in the development agreement.

6. Detailed analysis (including slope stability analysis) shall be conducted at each detention or infiltration facility site at the time of analysis of final design to verify the suitability of each specific facility if requested by the County.
7. As necessary, the area interflow network shall be maintained in roadway construction areas by placing a minimum two feet of free-draining base material beneath roadways in both cut and fill areas. The applicant's designer and the County reviewer of future road construction shall decide, based on area-specific factors where the excess (two feet) free-draining material shall be utilized.
8. Site specific geotechnical investigations shall be performed during engineering design for facilities R1 through R3 and R5 through R9. The site-specific investigations shall be used to place infiltration facilities within the Canyonfalls Creek groundwater capture zone and to avoid the potential for infiltration discharge that could daylight on the west or east slopes. Geotechnical investigations shall consist of drilling exploration borings to confirm geologic suitability for infiltration at specific locations and aquifer conditions.
9. A minimum of two groundwater wells shall be established between the proposed infiltration facilities and the top of both the westerly and easterly slopes to monitor static water levels. 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. The monitoring program shall continue for three years following 75 percent buildout within each applicable drainage basin. If monitoring indicates that slopes are being recharged from infiltration, infiltration facilities shall be relocated to avoid the potential for slope failure.
10. Oil/water separators shall be installed and maintained for runoff from heavily used roadways and large parking lots.
11. Native or adapted species shall be included in landscaped common areas (i.e., road corridor and business park landscaping) to reduce the need for irrigation and chemical application.
12. Restoration, enhancement, or enlargement of wetland buffers and/or buffer averaging to compensate for any encroachment of conveyance systems, detention facility outlets or wetland overflow pipes into the buffers shall meet the requirements of the Pierce County Wetland Management Regulations.
13. The exact design of the wetland bypasses and the percentage of runoff that is bypassed shall be determined on a case-by-case basis for each wetland during the preliminary design stage of the preliminary plat process. The bypasses shall be designed so that changes can be made in the runoff volume to each wetland after the system is in place.
14. A post-development monitoring program shall be formulated in conjunction with Pierce County, as part of the project's Development Agreement, to monitor water quality and quantity conditions. Monitoring would be expected to occur at selected inflow points to representative infiltration ponds, at the headwaters of Canyonfalls Creek, and at well TW-2. The program shall include data from the gauging 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.

15. The development agreement shall include a post-construction water quality and quantity monitoring program for Canyon Falls Creek, Victor Falls Springs, the on-site wetlands, wells TW-2 and TW-3 and the inflows of proposed stormwater infiltration ponds. The details of said water quality monitoring program shall be approved by the County.
16. If the interim community drainfield system is utilized, any such drainfield system shall be subject to review and approval by Washington State. The applicant shall limit the use of or connections to the drainfield systems consistent with Washington State standards or permit requirements.¹
17. Prior to site development permit approval for construction of the golf course, a Final Golf Course Management Plan (a.k.a. Pollution Source Control Plan) shall be prepared by the applicant and approved by the County. This plan shall comply with Section 4.8.3.3 of the Stormwater Management and Site Development Ordinance and shall, at a minimum, include: instructions on the use of herbicides, pesticides and fertilizers, stipulating that slow release fertilizers low in phosphorus be used on the golf course and that any herbicide or pesticide usage be minimal and on an as-needed basis, selected on the basis of minimal transport and persistence potential.
18. Horses in private pastures shall be limited to no more than two per acre to prevent excessive sediment and nitrogen releases into the stormwater systems; a minimum 15-foot grassed area around corrals holding horses shall be maintained; and, manure shall be stockpiled in areas surrounded by at least a 15-foot wide grassed zone. These measures shall be enforced through the adoption of CC and R's.
19. The Phase I golf course shall be designed so that as many of the existing closed depressions within the golf course boundaries are retained and new storage areas added (in addition to planned recharge facilities), as feasible given topographic conditions and specific golf course design requirements. Golf course design shall reduce the amount of runoff reaching proposed facilities R1, R2, R3, and shall take every reasonable precaution to reduce the risk of recharge facility failure and overflow.
20. A program shall be implemented to monitor infiltration facility performance, beginning with construction of the first infiltration facility in Phase I. 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 development agreement.

¹ Revised language per Condition 1 of Minor Amendment No. 2 (7-11-07)

21. 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.
22. Trails shall be routed away from the most sensitive wetlands to reduce the potential for fecal coliform and sediment introduction from horses.
23. The Development Agreement shall establish sizing criteria for the proposed stormwater overflows. The sizing criteria shall be approved by the Pierce County Development Engineering Section and the Pierce County Water Programs Division and shall be included in the development agreement.
24. The Storm Drainage Master Plan elements (i.e., recharge facilities, detention facilities) that are necessary for each development application shall be determined prior to preliminary plat approval.
25. A pollution prevention plan shall be submitted to the Department of Ecology as part of an NPDES permit application for construction on the site.
26. 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.
27. Construction runoff (e.g., concrete wastes, equipment oils) shall be collected in sumps and disposed of in approved off-site facilities.
28. A water quality/TESCP inspector shall be present on site as part of site preparation activities.
29. Accidental spill response cleanup and notification procedures shall be included in construction contractor agreements.
30. A minimum setback distance of 500 feet shall be maintained between proposed stormwater infiltration facilities and the top of Landslide Hazard 1 areas 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.
31. Wetland fringe vegetation shall be planted within stormwater detention facilities in sub-basins CC7, CC6, CC11, CC9 and CC15 to further reduce nitrogen and metals potential effects on Canyon Falls Creek, Bonney Lake Springs and Orting Lake.

32. Open channel conveyances to infiltration area CC11 and all other open channel conveyances shall be constructed as open channel wetland swales as feasible to reduce nitrate-nitrogen, ammonia and metals potential effects on Canyon Falls Creek.

TRANSPORTATION

33. The traffic mitigation identified in Table 30 of the FEIS shall be considered in their entirety as conditions of approval. The applicant shall have the following options to fulfill its Table 30 obligations:
 - a. Concentrate on constructed projects. In the event that an affected jurisdiction allows the applicant to concentrate portions of his/her total 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 listed mitigation for that jurisdiction. The applicant shall receive credit against other mitigation obligations for mitigating more than its proportionate share of constructed improvements.
 - b. Wait until the improvements are completed by others. The improvements must be completed and accepted prior to final approval of that development application which exceeds the mitigation trigger.
 - c. Partner with another applicant who has a similar obligation and construct the improvements. The improvements must be completed prior to final approval of that development application which exceeds the mitigation trigger.
 - d. 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 final approval of that development application which exceeds the mitigation trigger.
 - 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 obligation.
34. The development agreement shall contain a traffic mitigation plan that shall clearly indicate all traffic mitigation determined to be necessary by this decision, as well as the associated mitigation trigger levels. The traffic mitigation plan shall clearly indicate which of the above options will be implemented, and shall indicate the applicant's percent proportionate share consistent with this decision.
35. Proportionate share contribution amounts shall be based on the estimated project cost at the time of proportionate share payment.
36. In the event that the project is not meeting its employment goals concurrently with residential development, 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 additional mitigation is necessary or a different mitigation trigger is necessary, the applicant and the affected jurisdiction shall reach agreement on the appropriate mitigation, the development agreement 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 employment element of the project and shall provide information to the County or other affected jurisdiction if requested.

37. An emergency vehicle access meeting the requirements of the Pierce County Private Road and Emergency Vehicle Access Standards Ordinance shall be constructed to provide a second access point prior to final approval of that development proposal that creates a cumulative total of 500 ADT for the project.
38. All roads intended to be dedicated to the County shall meet the requirements of the 1992 Pierce County Public Road Standards (Ordinance 91-111S) for Phase I except as modified in the development agreement.
39. All Phase I private roads shall meet the requirements of the Pierce County Private Road and Emergency Vehicle Access Standards (Ordinance 92-120) in effect at the time of the PUD application. The Pierce County Private Road and Emergency Vehicle Access Standards may be revised over the course of development of the Phase I. If requested by the applicant, the Cascadia EBPC shall upgrade to the latest version of the Private Road and Emergency Vehicle Access Standards.
40. The Development Agreement shall contain a commitment to provide a local feeder road plan for all affected parcels with each residential preliminary plat and/or commercial binding site plan application.
41. A substantial on-site trail system providing a mix of trail opportunities (pedestrian, bicycle, and equestrian) shall be included as part of phased EBPC development.
42. Project-level traffic studies shall be completed for Phases II and III as part of environmental review, when specific plans for those phases are submitted to Pierce County for approval. The traffic studies shall determine appropriate mitigation, mitigation trigger levels, and proportionate share percentage.
43. The applicant shall coordinate diligently with the RTA and Pierce Transit to develop a convenient high-frequency bus transit connector route between Cascadia and the Sumner commuter rail station when demand warrants. This shall include a major park-and-ride lot strategically located in Cascadia to facilitate an auto-transit mode change interface. The applicant shall also maintain coordination with Pierce Transit in developing other new transit services within the study area and within Cascadia as development occurs.
44. As part of specific applications for Phase II development within the EBPC, an effective transportation management plan (TMP) shall be devised.

45. The applicant shall coordinate with all applicable agencies to develop additional road capacity within the Cascadia area on a fair-share basis as part of Phase III or achieve an additional 10 percent increase in mode shift to transit or ride-sharing.
46. The applicant shall design a strategy to promote at-home work opportunities through telecommunications and to develop the communication infrastructure to support such a goal.

EARTH

47. This project shall meet the requirements of Title 21, Critical Areas and Natural Resource Lands, Section 21.14, 'Geologically Hazardous Areas,' unless otherwise modified by the development agreement. A geotechnical report/assessment meeting code requirements is required prior to approval of development proposals in designated landslide and erosion hazard critical areas or their associated buffers.
48. In order to mitigate for potential seismic ground motion impacts, all structures shall be constructed in accordance with the Uniform Building for Seismic Zone 3.
49. A detailed geotechnical analysis shall be completed as part of any development plans for new or relocated trails within landslide or erosion hazard critical areas or their associated buffers. Specific trail plans within hazard areas shall be evaluated by a qualified geotechnical engineer to verify that potential slope stability and erosion impacts would be adequately mitigated.
50. No fill, topsoil, or other debris shall be placed on or near Landslide Hazard Zone 1 or 2. Any fill planned for slopes steeper than 5H:1V (Horizontal: Vertical) elsewhere on the site would be benched into the slope and placed as structural fill.
51. To reduce the risk of increasing slope stability hazards as a result of construction, all permanent cut slopes in the natural sediments shall be graded to a maximum 2H:1V. Cut slopes in fill soils shall be no steeper than 3H:1V unless approved by the geotechnical engineer. Where steeper gradients are required, an approved erosion protection structure or retaining structure shall be utilized (not including rockeries).
52. A 100-foot building setback distance shall be established from the top of all Landslide Hazard Zone 1 areas. This setback could potentially be reduced based on site-specific geotechnical investigations.
53. A timber harvesting or clearing setback distance of 75 feet shall be established from the top of all Landslide Hazard Zone 1 areas.
54. A 25-foot building setback shall be established from the top of all Landslide Hazard Zone 2 areas. This setback could potentially be reduced based on site-specific geotechnical investigations. A timber harvesting or clearing setback of 10 feet shall be established from the top of all Landslide Hazard Zone 2 areas.
55. The Development Engineering Section may request that the project geotechnical engineer review and approve site development plans that impact landslide and erosion hazard critical areas. The Development Engineering Section may also request that the project geotechnical

engineer perform inspections during construction and to certify conformance of the construction with any established geotechnical requirements.

56. No surface water shall be directed toward or over steep slopes. Stormwater could be tightlined down steep slopes provided a geotechnical engineer approves the alignment, discharge location, and design.
57. To reduce the risk of potentially recharging the western and eastern bluffs and initiating slope failures below infiltration/retention ponds, a minimum pond setback distance of 500 feet shall be maintained from the top of Landslide Hazard Zone 1. In addition, specific groundwater mounding potential and slope stability issues 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 as part of the detailed design process. Facility setback distances could be increased or decreased depending on the results of site specific studies.
58. A minimum of two wells shall be established between the infiltration facilities and the top of both the westerly and easterly slopes. The monitoring wells shall be established before pond filling and, at a minimum, shall extend through one winter recharge cycle. The monitoring program shall continue after the ponds become operational for a period of three years following 75 percent buildout within the affected drainage sub-basins. If significantly high groundwater levels are measured that indicate that the slopes are being recharged from pond infiltration, infiltration facilities shall be relocated to avoid the potential for slope failure.
59. Specific mitigation measures to control erosion and sedimentation during construction shall be outlined in a Temporary Erosion and Sediment Control Plan (TESCP) meeting Pierce County requirements and shall be submitted to the County for review and approval prior to any construction on the site. Such TESCP measures could include:
 - a. An erosion control inspector shall review all specific erosion control plans and shall be on-site during construction to observe that the proposed mitigation measures function as intended.
 - b. Prior to the onset of winter, any exposed subgrade shall be seeded, covered with plastic sheeting or otherwise protected. Seeding shall be planted prior to September in order to have the grass established by October.
 - c. Check dams shall be established along roadways during construction to control runoff and reduce stormwater velocities.
 - d. Silt fences shall be used along the lower elevations of the roadways and lots, and at the top of Erosion Hazard Zone 3.
 - e. Construction access and staging areas shall be stabilized by installing crushed rock and possibly engineering stabilization fabric to limit muddy conditions.
 - f. Temporary detention ponds shall be installed to provide erosion and sediment transport control during construction. Where possible, these facilities shall be established outside the permanent wetpond areas.

- g. Surface water, either during or after construction, shall not be directed onto sloping areas or randomly daylight on the site. All devices used to collect surface runoff shall be directed into stabilized channels or tightlined systems discharging into stormwater control facilities.
- h. Soil cover used as a stabilization measure shall be enacted in accordance with Pierce County and Washington State Department of Ecology erosion and sediment control requirements.

DEVELOPMENT AGREEMENT

- 60. The draft development agreement shall be consistent with, and incorporate as an exhibit and by reference, all conditions contained in this decision.
- 61. The development agreement shall be approved after the Director finds it conforms with the changes and/or conditions adopted by this decision.
- 62. Prior to approval of development applications in Phases II and III, the development agreement shall be revised to address the traffic mitigation that will be necessary for Phases II and III.

AIR QUALITY

- 63. Alternative means of disposing of, or recycling, land-clearing debris, other than burning, shall be used.
- 64. Construction equipment shall be well-maintained to reduce emissions.
- 65. In order to reduce the dust produced during construction activities the following conditions shall be met:
 - a. Areas of exposed soils such as storage yards and construction roadways shall be sprayed with water or other dust suppressants.
 - 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.
 - c. Soils carried out of the construction area by trucks shall be reduced by wheel washing and covering dusty truck loads.
 - d. Soil that does escape the construction area on exiting vehicles shall be reduced with an aggressive and effective street-cleaning effort.
- 66. Traffic mitigation measures that will reduce air quality impacts shall be implemented as outlined in the traffic conditions of approval.
- 67. Phases II and III shall be subject to subsequent air quality review, as part of the specific development application process, to determine the need for any additional conditions.

NOISE

68. Construction activities shall be limited to the hours of 7 a.m. to 10 p.m. This shall include all noisy start-up and preparatory activities such as starting engines.
69. Construction noise shall be reduced with properly sized and maintained mufflers, engine intake silencers, engine enclosures and turning off idle equipment.
70. The applicant's construction contract 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.
71. 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.
72. Hydraulic or electric models of impact tools such as jack hammers, rock drills and pavement breakers shall be considered by the applicant as mitigation for noise impacts.
73. Intentionally deleted²
74. Intentionally deleted²
75. Intentionally deleted²

AESTHETICS, LIGHT & GLARE

76. A design handbook shall be prepared in accordance with the design guidelines contained in the development agreement. It shall be submitted for review and approval by the County prior to submittal of the first preliminary plat application. It shall contain provisions to ensure protection and separation between incompatible uses while allowing for innovative design, creation of distinct neighborhood identities and a cohesive pattern of development.
77. Landscaping shall conform to PCC § 18A.35.030, except as modified in the design handbook which must be reviewed and approved by Pierce County Planning and Land Services. Landscaping concepts, including retention of mature trees within buffers, arterial landscape easements and allée areas shall be implemented. The design handbook shall include landscape standards that guide the installation of new landscaping at key locations within all public use areas, residential subdivisions, retail centers and business park sites.
78. The applicant shall submit a viewshed clearing plan to the Planning and Land Use Services Department prior to final plat approval for portions of the site that could be potentially visible from regionally significant viewpoints (i.e., SR 162). The viewshed clearing plan shall be prepared by a registered landscape architect and shall include cross-sections and elevations

² Deleted per Condition 3P of the First Periodic Five Year Review (8-14-07)

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.

HISTORIC AND CULTURAL RESOURCES

79. Surveys of selected areas of the Phase II and III sites with moderate-to-high probability of containing archaeological, cultural or historic properties shall be conducted prior to construction.
80. If cultural or historical resources are discovered during construction, activities that could affect the remains shall cease and Pierce County and the Washington State Office of Archaeological and Historic Preservation shall be notified to determine the significance of the findings and method for protecting and preserving the findings, as appropriate.

PUBLIC SERVICES

81. The applicant shall abide by the terms of its mitigation agreement with Pierce County Fire District #24 with respect to dedication of a site or sites for a fire station(s) and provision of other necessary capital facilities.
82. The applicant shall provide on-site security during construction. Following construction, on-site security shall be established on a permanent basis by the Cascadia homeowners and business park associations.
83. When developed, office space shall be made available for a police substation at reasonable market rents, if the need for a substation on the EBPC site is identified in the long-term.
84. The applicant shall dedicate one school site in Phase I, five school sites in Phase II, and one school site in Phase III, if need for them is confirmed and required by the appropriate school district. The specific number and sizes of the sites shall be mutually decided with the District(s) based on specific demand resulting from Cascadia EBPC development and the types of schools needed to meet it.
85. The applicant shall provide school impact fees to the school district(s) in accordance with the County's Ordinance. The value of dedicated school sites shall be considered in assessing school impact fees.
86. 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.
87. The applicant shall cooperate 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 the west access corridor.

88. The project shall provide recreation features in the EBPC, including a mix of parks, a trail network, natural open space, community centers, golf course(s), equestrian center and active facilities in conjunction with schools. The development agreement will require the school/park area to be accessible to the community during weekend and evenings. (See §4.2.B of the Development Agreement.)
89. Existing trails on site shall be retained or relocated within proposed development areas and integrated into the community trail system as economically and physically feasible.
90. Approximately 54 total miles of trails shall be provided in the three phases of the Cascadia EBPC.
91. The applicant shall coordinate between trail organizations and the homeowners and business park associations to achieve a balance of public and private trail uses and an equitable cost-sharing for trail maintenance and limitation of liability.
92. The applicant shall contribute impact fees to offset demands on County facilities consistent with the County's parks impact fee ordinance. Linkage of the on site trail network to the Foothill Regional Trail System may constitute a credit against park impact fees, subject to approval by Pierce County Parks and Recreation.
93. A site shall be dedicated within the EBPC for a library to offset Cascadia EBPC's direct impacts on Pierce County libraries, if desired.

UTILITIES

94. A formal service agreement with a sanitary sewer provider, or other entity as applicable, shall be executed prior to submittal of the first residential plat (except Parcel P) or commercial binding site plan application.³
95. Verification of the suitability of individual drainfield sites for each lot within Parcel P shall be provided during the preliminary plat stage, subject to current Pierce County Health Department standards. Any Accessory Dwelling Units shall count toward the maximum number of allowable drainfields (112) within Parcel P.
96. Verification of the suitability of any interim community drainfield sites shall be provided as part of the plat process for the affected plats, subject to current Washington State standards.⁴
97. 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 DOH. The water supply and distribution system would be designed and constructed in a phased manner consistent with the needs of each development phase within Cascadia.

³ Revised language per Condition 2 of Minor Amendment No. 2 (7-11-07)

⁴ Revised language per Condition 3 of Minor Amendment No. 2 (7-11-07)

98. Average irrigation demands for the Phase I golf course 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, if so approved
99. A phased program for providing sewer service to the EBPC shall be implemented to target infrastructure needs to actual development phasing. All sewer facilities would be designed and constructed to applicable local and state standards.
100. The applicant shall participate on a fair-share basis in all costs associated with the construction of off-site sewer collection and treatment facilities needed to serve Cascadia.
101. The applicant shall provide certificates of water and sewer availability as part of each preliminary plat application.

SOLID WASTE

102. Educational materials regarding recycling and handling of hazardous waste shall be distributed to residents and commercial users within the EBPC.
103. The applicant shall develop and implement a recycling collection plan for all construction, demolition and land-clearing (CDL) debris generated during construction.
104. 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.
105. Per the Washington State Building Code, all commercial buildings and multifamily development shall provide adequate outdoor storage space for garbage and recycling collection containers, with adequate access/turn-around space for collection vehicles.
106. 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

WETLANDS, PLANTS, ANIMALS AND FISHERIES

107. The wetland approval for the first development within Phase I shall be recorded prior to the initiation of any grading, clearing, filling, or vegetation removal activities on the site, and prior the issuance of the site development and/or timber harvest permit for the site.
108. Water levels and vegetation communities for all Category I and II wetlands within Phase I monitored prior to release of the FEIS shall continue until at least three years after build out. 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 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.

109. For each jurisdictional wetland within Phase I which is not included within a stormwater conveyance route, the tributary for that wetland shall be analyzed specifically during the engineering design phase. Based on this analysis, the appropriate amount of water (via roof drainage or some other source), shall be directed to these wetlands and their buffers to maintain their hydrology.
110. The Master Drainage Plan for the project shall include a number of components designed to minimize hydrologic impacts to wetlands, including:
 - a. A series of stormwater detention facilities to collect and discharge stormwater runoff from developed areas to major wetlands at controlled rates, to function as wetlands, to function as wet ponds to remove sediments and provide water quality treatment.
 - b. Regional recharge facilities designed to infiltrate captured stormwater into the regional groundwater aquifer.
 - c. A master conveyance system of pipelines and channels to carry excess stormwater runoff to recharge facilities, including a series of overflow pipes and bypasses to limit maximum water levels and fluctuations in the major on-site wetlands. No stormwater detention or retention facilities, such as ponds or vaults, shall be located within jurisdictional wetlands or buffers. Detention facility outlets, wetland overflows, or stormwater conveyance pipes shall not be located within jurisdictional wetlands and may only be located within wetland buffers if a professional engineer can demonstrate that this disturbance cannot be avoided, that impacts from installation and maintenance are minimized and that impacts are mitigated.
 - d. No untreated stormwater shall enter jurisdictional wetlands or buffers.
111. The following measures shall apply to the design for each development division:
 - a. No utilities, including utilities that do not require excavation, or utility access roads, shall be permitted within wetlands or buffers. In this condition, “utilities” are not intended to include stormwater conveyance pipes.
 - b. No trails shall be located within jurisdictional wetlands or buffers. This measure is not intended to apply to the 160th Street East improvements associated with Phase I.
 - c. Stormwater and erosion control plans shall be submitted to and reviewed by the Pierce County Development Engineer and Environmental Biologist prior to the issuance of a site development permit or wetland approval. The erosion control plans shall include methods for protecting all jurisdictional wetlands and buffers from erosion and sedimentation.
112. Prior to development of any phases subsequent to Phase I, or access roads, all wetlands and buffers within impacted areas shall be identified, delineated, managed, and impacts mitigated per Pierce County Code Title 18 or County wetland regulations in effect at the time of the PUD application. All phases shall result in no net loss of wetland acreage, function, or value.

113. No clearing, timber harvest, grading, filling, path construction, or other disturbance shall occur within the Canyonfalls Creek ravine, except to perform environmental monitoring. 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.
114. The portion of the Orting Lake tributary basin west of the lake, outside of the wetland buffer required in Phase I, shall not be harvested. This area shall be preserved through some permanent protection mechanism prior to the approval of the first development within Phase I.
115. All phases of the project subsequent to Phase I shall include an evaluation of use of the area by eagles, pileated woodpecker, and any other priority species subsequently discovered on the site. Each phase shall recommend measures to mitigate for adverse impacts to these species.
116. Allées and forested strips between sensitive areas shall be established, surveyed, and clearly marked prior to any clearing or vegetation removal. These shall be designed for the purpose of providing habitat linkages among the larger natural open spaces retained on the site, including but not limited to wetlands and buffers.
117. 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 for review, and shall be distributed to all purchasers within the development.
118. 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,⁵ Canyonfalls Creek ravine, 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.
119. All development shall avoid or minimize impacts to identified sensitive areas on the site by retaining such sensitive areas (e.g., wetlands, Orting Lake, Canyonfalls Creek and steep slopes), and providing buffers of natural vegetation around the perimeter of the project⁶.
120. Where possible, small forest stands shall be retained and incorporated into the design of the Phase I golf course.
121. Pedestrian trails through open space areas shall be constructed over existing dirt roads or trails where possible, to minimize the need for additional clearing of native vegetation. Where

⁵ Reference to the Heron Rookery is deleted per Condition 3M of the First Periodic Five Year Review (8-14-07)

⁶ Reference to the Heron Rookery is deleted per Condition 3M of the First Periodic Five Year Review (8-14-07)

possible, trails will consist of permeable, soft-surface paths, in order to limit unnecessary tree removal and vegetation disturbance, except within the allées and arterial buffers where they substitute for sidewalks.

122. 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.
123. Wetland fringe vegetation shall be planted within detention facilities in the sub-basins identified in the FEIS as CC7, CC6, and CC11, to further reduce potential nitrogen and metal loading into Canyonfalls Creek.
124. Prior to harvesting any remaining existing mature forest stands in Phases II or III of the project, studies shall be conducted to determine the potential to retain all or part of these stands as part of future developments.
125. Timber harvest activities within the Phase II and III portions of the site shall not proceed until any additional wetlands have been verified, delineated, categorized and surveyed.
126. Wetlands identified within Phase II areas (and any additional wetlands identified as part of subsequent development phases) shall be protected and provided with buffers consistent with the Pierce County Title 18 or County wetland regulations in effect at the time of the development application based on applicable wetland ratings.
127. The outer boundaries of wetland buffer areas shall be marked clearly at regular intervals prior to clearing, grading, and construction to avoid any direct impacts and to limit unauthorized intrusions during and after construction.
128. Restoration, enhancement or enlargement of wetland buffers and/or buffer averaging shall be provided to compensate for any encroachment of stormwater detention facility outlets, conveyance pipes or wetland overflows into the buffers consistent with Pierce County Critical Areas Code. Pursuant to the regulations, compensation for buffer encroachment shall be provided at no less than a one-to-one acreage ratio. Where revegetation occurs, native species shall be planted.

PLANNING AND LAND USE

129. The EBPC shall be reviewed and evaluated by the Examiner and the Director of the Planning and Land Services Department at least every five years until buildout. The review shall address compliance with the conditions of approval. The review may also assess whether the development is well designed, contains a balance of uses, efficiently used public facilities and services, and provides adequate open space.

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

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

The purpose of this requirement is to assure that the major infrastructure can be timely provided when opportunities are available to sell or lease land to individual employment users.

The County-approved schedule shall be completed within 90 days of the effective date of the Examiner's decision on the major amendment and include a timeline for completion of major infrastructure consistent with this requirement. Any dispute regarding the schedule shall be resolved by the Hearing Examiner.⁷

- 130. The residential component of phase III shall be built-out at a density which will bring the overall density for the entire project to at least four units per gross acre of residential and multifamily land.
- 131. This number intentionally left out of original decision.
- 132. Table 30 of the Cascadia E.I.S. requires traffic mitigation improvements to three separate traffic facilities within unincorporated Pierce County: the 198th/199th corridor, the Rhodes Lake Road/McCutcheon Road corridor and the 112th Street/214 Avenue intersection. Cascadia and Pierce County have agreed to rely on the County's computations, shown in Development Agreement Exhibits "L-3" and "L-4" which were submitted as attachments to Hearing Exhibit "185," for purposes of computing Cascadia's proportionate share percentage for these three facilities. In lieu of funding or constructing a portion of these three facilities, Cascadia has proposed and Pierce County has agreed, subject to provisions specified below, that Cascadia will construct 100% of the 198th/199th corridor improvements (as outlined in Table 30) as its mitigation of Phase I traffic impacts within the County's jurisdiction. The County has agreed to participate in the corridor right-of-way acquisition process, subject to County Council approval, for that portion in unincorporated Pierce County north of 144th St. E, if Cascadia cannot acquire the necessary right-of-way at reasonable cost. Timing of these improvements shall be consistent with the EIS Table 30 mitigation triggers.
- 133. Cascadia's Phase I obligations to participate in improvements to Rhodes Lake Road/McCutcheon Road corridor shall be deferred until such time as the County initiates a road improvement project along this roadway corridor. This is consistent with Table 30 of

⁷ Revised language per Condition 52 of Major Amendment No. 1 (4-23-14)

the Cascadia E.I.S., which stipulates (per footnote 4 of the table) that the County will determine the schedule of the Rhodes Lake Road improvements. If Pierce County elects to proceed with a road improvement project for the Rhodes Lake Road/McCutcheon Road corridor at any time during Phase I, the County shall have the right to invoke Cascadia's obligation to participate in this project. In the event Cascadia has completed all or part of the 198th/199th corridor improvements within unincorporated Pierce County, the County shall make appropriate reimbursement or provide credits toward Cascadia EBPC Phase I traffic mitigation. In any event, Cascadia's total contributions for Phase I traffic mitigation shall not exceed that amount as computed using the Exhibits "L-3" and "L-4" attachments to Exhibit "185."

134. Cascadia's proposal to build all of the 198th/199th corridor as its Phase I traffic mitigation is acceptable to the County provided there will be an opportunity to review the possible need for Cascadia's fair-share participation in future County-initiated improvements to the Rhodes Lake Road/McCutcheon Road corridor. Prior to completion of the Cascadia EBPC Phase I, this review will automatically occur at five-year intervals, or at the initiation of a County-sponsored project within the Rhodes Lake Road/McCutcheon Road corridor. If such a project is not built during Phase I, the traffic impact analysis for Phase II must include an updated assessment of Cascadia's impact on the Rhodes Lake Road/McCutcheon Road corridor and any corresponding traffic impact mitigation that will be required.
135. Pierce County shall solicit comments from the Washington State Department of Transportation, the City of Bonney Lake, and Bonney Lake Fire Department No. 24 prior to finalizing the Development Agreement.
136. A new section shall be added to the development agreement (at 6.21) that incorporates the provisions of 18A.75.080(P)(4):

The approved Cascadia Development Agreement, including the land use plan elements or conditions of approval, may be amended or modified at the request of the applicant or the applicant's successor in interest. The Director may administratively approve minor modifications to the Agreement. Minor modifications are defined as those which do not increase the density by more than 10% of the total number of allowed for the project or phase, those which do not decrease net residential density, those which do not increase impacts on transportation or the environment, those which do not reduce buffers or open space, and those which do not decrease the amount of commercial and industrial acreage. Modifications that do not qualify as minor shall be subject to the same procedures as the original application.

Revocation of the Development Agreement shall be processed pursuant to the Pierce County Code as it existed on the date of application of the PUD.

137. Cascadia shall have demonstrated significant progress toward achieving Pierce Transit service to the Cascadia EBPC site at the time of application for Phase II approval.

138. The obligations (covenants) of Cascadia as set forth in the Settlement Agreement entered by Troutlodge, Inc., and Cascadia Development Corporation dated May 25, 2005⁸, shall become conditions of approval of the Cascadia EBPC and enforced in the same manner as other conditions imposed by Pierce County.

Additional conditions of approval from Minor Amendment No. 1 (4-4-06):

Minor Amendment No. 1 contains five conditions of approval. Conditions of approval #'s 1, 2 & 3 are map amendments that were incorporated into the approved land use maps. Conditions #4 and #5 are restated as Conditions 139 and 140 below.

139. Development proposed with Parcel E1 (*current Parcels F1 and F2*)⁹ shall not preclude the use of 131st Street East as a future northerly connection should it be needed as a result of the future traffic needs for Phases 2 and 3 of Cascadia. Development proposals in Parcel E1 (*current Parcels F1 and F2*) shall be designed to preserve right-of-way for a future extension of 131st Street East from the outer boundary of Cascadia EBPC to Canyonfalls Boulevard East. This right-of-way shall be designed to accommodate an arterial roadway, unless Pierce County determines that a lower classification roadway is acceptable. The construction of any extension of 131st Street East shall not be required during Phase 1, unless a future revision to the Traffic Mitigation Plan deems it necessary.
140. The exact location and configuration of allee's/buffers shall be determined during the design review of parcel specific development applications, preliminary plats, and building permits. No site development permits or vegetation removal shall be permitted on parcels abutting allee's/buffers until the location and configuration of the permanent allee/buffer has been determined by Pierce County Planning and Land Services, unless such site development activity is deemed by Pierce County Planning and Land Services to not preclude reconfiguring the allee/buffer outside the location determined by the revised Phase 1 Cascadia Trails Plan, dated October 2005, as refined by the Cascadia Park, Trail, and Landscape Improvements Schedule – Phase 1A plan, dated February 20, 2006.

Additional condition of approval from the First Periodic Five Year Review (8-14-07):

The First Periodic Review contains eighteen conditions of approval (1, 2, and 3-A thru 3P). Conditions of approval 1 and 2 are procedural. Conditions 3A, 3C, 3D, 3E, 3F, 3G, 3H and 3K are revisions to the text of the Development Agreement. Conditions 3B, 3I, 3J, 3L & 3N are restated as Conditions 141 thru 145 below. Conditions 3M, 3N & 3P are revisions to original 1999 Conditions of Approval 73, 74, 75, 118, 119 & 138.

⁸ The date of the Trout Lodge Agreement is changed per Condition 30 of the First Periodic Five Year Review (8-14-07)

⁹ Current applicable parcel numbering added for clarity, not in original condition of approval wording.

141. Surface mining and related rock crushing and processing are permitted uses in Cascadia as follows:
 1. As a use allowed outright in the Employment Classifications, i.e., the Business Park, Village Core/Neighborhood Center, Golf Resort, and Equestrian Center; and
 2. As an interim use in other portions of the project that have not yet been developed, so long as the mining is consistent with the design and intended ultimate use of the site. No mining will be permitted in identified allees or other buffer areas.
142. The height restriction for telecommunication towers in the Residential Zone classification is hereby eliminated; provided however, that such uses must obtain an administrative use permit.
143. A “Marketing Center” previously approved by the minor amendment is permitted outright in the Employment, Park and Open Space classifications and by administrative use permit in the Residential classifications.
144. The Director need not process a minor modification as a “minor amendment” under PCC 18A.85.040, and may give a proposed minor modification a level of notice, circulation and review commensurate with the nature of the proposal, the extent of the modification, the potential impact on third parties, and the extent to which the modification necessitates review by other departments or agencies. The Director shall maintain a written list of approved minor modifications and shall provide that list to the Hearing Examiner annually. The Examiner shall determine if the proposal is consistent with the original decision, and shall advise the Director of any objection prior to the Director’s decision on the proposed modification.

Examples of minor modifications that do not require any substantial circulation and review include the following: (1) changes that address aspects of the development not specifically discussed by the hearing examiner decision and do not significantly alter the overall plan for Cascadia; (2) changes that resolve ambiguities in the hearing examiner’s decision in a manner fully consistent with the intent of that decision; (3) changes that alter conditions of approval in minor ways that are fully consistent with the purpose of the prior condition; (4) changes that modify the site plan to alter road alignments so long as the change is consistent with applicable County standards and does not affect the connection to lands outside of the Cascadia boundary; (5) changes in location of the allees as long as the new location has similar characteristics to the prior location; and (6) changes that adjust the location of uses in such a way as to have no material impact on surrounding uses or the overall character of the development.

145. All project approvals are subject to compliance with the Supplemental Agreement for Traffic Mitigation entered between Cascadia and the City of Bonney Lake on June 1, 2006.

Additional conditions of approval from Minor Amendment No. 2 (7-11-07):

Minor Amendment No. 2 contains twelve conditions of approval. Conditions 1 through 3 and are revisions to original 1999 Conditions of Approval 16, 94 & 96. Conditions 4 through 7 are revisions to the text of the Development Agreement. Conditions 8 through 12 are restated as Conditions 146 thru 150 below.

146. Density, lot size, and soil conditions for the interim community drainfield system must be shown to meet WAC 246-272 (The State Board of Health Onsite Sewage System Regulations) and Resolution 2002-3411 (Tacoma-Pierce county board of Health Onsite Sewage System Regulations) or appropriate Washington State Department of Ecology regulations.
147. All site development work associated with this sanitary sewer oriented minor amendment shall adhere to the Road and Storm Drainage Standards under Pierce County Ordinance 2004-56s, title 17A and 17B.
148. The interim community drainfields, permanent package treatment plant, and permanent membrane treatment plant shall be located in Phase 2 of Cascadia, with specific locations to be determined as a result of the permitting process.
149. Upon issuance of a permit to proceed with construction from the state, the applicant shall provide a report comparing the final monitoring conditions that arise out of the Department of Ecology and Pierce County Wastewater Utility Division review of the sanitary sewer facility approvals with the monitoring requirements of Condition 16 of the 1999 Cascadia approval. The requirements for monitoring in Condition No. 16 will not be relinquished unless the Pierce County Environmental Biologist determines, after review of the report, that the revised monitoring approach provides equal or greater monitoring protection.
150. Monitoring for water quality and quantity as a result of general post-construction and post-development activities shall continue to be required, per Condition Nos. 14 and 15 of the 1998 overall approval of Cascadia.

Additional condition of approval from the Plat Conditions of Approval (10-24-06 & 1-26-07):

The preliminary plat conditions of approval for Liberty Ridge at Cascadia, Columbia Vista at Cascadia, Whitman at Cascadia and Winthrop at Cascadia contain a provision regarding offsite road obligations applicable to Phase 1. This is restated as Condition 166 below:

151. Cascadia is obligated under paragraph 4.4.3.c. and Exhibit L-2 of the Development Agreement dated September 8, 1999 to make specified improvements (“the improvements”) at the intersection of SR-410 and Sumner-Buckley Highway. These provisions are consistent with Conditions 34, 131, 132 and 133 of the Hearing Examiner’s Decision dated June 18, 1999 (the “Decision”). Bonney Lake, with the approval of the Washington State Department of Transportation, has already accepted cash in lieu of

related improvements required of the Sky Island development. Condition 33(e) of the Hearing Examiner's decision approving Cascadia dated June 18, 1999 (also set forth as Condition 33(e) of Exhibit H to the Development Agreement) allows traffic conditions be met by a variety of alternative means. One allowed method is payment to a jurisdiction that has a programmed improvement that includes the required improvements. Here, Bonney Lake has a project in its Capital Facilities Plan (Project No. 301.004.595.30.041) that includes the Improvements. Prior to the City putting the Project out to bid, Cascadia shall contribute to the City of Bonney Lake the estimated cost of the Improvements required to be constructed by Cascadia at SR 410/Sumner-Buckley Highway (as specified by the PUD approval documents) based upon the then-most recent available cost estimates. If the actual costs of construction exceed the estimates, Cascadia shall contribute to the City of Bonney Lake the difference within 60 days of receiving a final cost accounting from the City of Bonney Lake. If the actual costs are less than the estimates, Bonney Lake shall refund the difference. Bonney Lake and Cascadia shall maintain regular communications during the design and construction phases so that Cascadia is kept informed of cost changes. Such contribution shall satisfy the Decision conditions described above. Any disputes concerning the scope of Cascadia's obligation under such conditions of approval, as to the amount of the required contribution, or any other matter pertaining to these conditions shall be referred to the Hearing Examiner for resolution. Nothing in this paragraph shall prevent Cascadia from satisfying such conditions of approval in any other manner permitted by Condition 33 of the Development Agreement.

Minor Modification No. 1 (6-2-08)

Minor Modification No. 1 was a map amendment to allow buffer averaging on Parcel "O". It applies solely to Parcel O and is not included in this amended development agreement for Tehaleh.

Additional condition of approval from the Second Periodic Five Year Review (4-25-12):

The First Periodic Review contains three conditions of approval (1, 2, 3A, 3B). Conditions of approval 1 and 2 are procedural. Condition 3A is a revision to the text of the Development Agreement. Condition 3B is restated as Condition 151 below.

152. Any issues related to the division of rights and obligations between Newland and SFS (Sumitomo Forestry Seattle) will be resolved by those two parties without the involvement of staff. Provided, however, that any such division of rights and obligations must comply with the overall requirements of the EBPC as determined by PALS.

Minor Modification No. 2 (9-12-13)

Minor Modification No. 2 contains eleven conditions of approval. Condition of approval # 1 is a map amendment that was incorporated into the approved land use maps and Trilogy Preliminary Plat. Conditions #2 through #11 are restated as Conditions 153 through 1 below.

153. The following allees shall maintain minimum widths of 100 feet: a) the existing allee on the east side of Parcel M2, south of the realigned feeder road; b) the new allee between Parcels M2 and M3; c) the realigned allee between Parcel M3 and M4, south of the realigned feeder road; and d) the allee on the west side of Parcel M4.

154. Perimeter forested buffers of a minimum of 100 feet shall be maintained along the southern border of the Exception Parcel and the northern border with Cascadia Boulevard East.

155. An open space buffer a minimum of 50 feet in width shall be created established on the west side of Tract P of Whitman at Cascadia, as defined by the 2013 plat alteration drawing, and restored to a native vegetative condition. This tract, to be created through the future plat of Trilogy at Tehaleh, will be replanted with native trees, understory shrubs and groundcover sufficient to provide for wildlife habitat and transit from preserved wooded area from the northeast and south. At a minimum, the vegetation shall also satisfy the requirements of an L3 landscape buffer but in a more naturalistic way. The replanting plan for this buffer area shall be submitted to Pierce County Resource Management and Current Planning Sections for review and approval prior to final plat approval for the first phase of Trilogy at Tehaleh and installed during the fall or spring planting season prior to occupancy of the first home abutting the tract. Solid board fences may be installed on the side of the tract abutting the tract but only open wood fences will be permitted to abut Tract P.

156. A replanting plan for the middle allee between Parcels M2 and M3 shall be submitted to Pierce County Resource Management and Current Planning Sections for review and approval prior to final plat approval for the first phase of Trilogy at Tehaleh and installed during the fall or spring planting season prior to occupancy of the first home abutting the allee.

157. Clearing and/or grading within designated wetlands, wetland buffers, forested buffers, and forested allees, shall minimized to the maximum extent feasible and allowed only where "...deemed reasonably unavoidable in order to provide access or to avoid excessively high walls, that impacted portions of the allees are restored with native vegetation..." per Condition 3E of the August 14, 2007, first Periodic Five Year Review for Cascadia-Tehaleh.

158. Any portion of designated allees 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 allee. The replanting plan shall be submitted to Pierce County Resource Management and Current Planning Sections for review and approval.

159. Trails shall be located outside of standard or averaged wetland buffers, unless otherwise approved by Pierce County Resource Management.

160. Trails within designated allees and buffers shall be routed to avoid removal of large trees, especially conifers, and constructed with minimal clearing and grading beyond that necessary for the trail and associated facilities, e.g., benches, picnic tables, etc. Trails shall be permeable and soft surface, where feasible, and shall be consistent with approved park and trail plans for Phase 1 of Cascadia-Tehaleh.

161. Prior to issuance of site development permit approval for the first phase of the preliminary plat of Trilogy at Tehaleh, the 2006 Phase 1A Local Feeder Road Plan shall be updated and approved by Development Engineering.

162. Tract P, as defined by the 2013 plat alteration to the recorded plat of Whitman at Cascadia, shall be redesignated as "Park". The proposed clubhouse and recreational facility proposed for the exclusive use of residents and guests of the senior housing community encompassing Whitman at Cascadia and the future plat of Trilogy at Tehaleh shall be classified as a private club per Level 3 of the Community and Cultural Services Use Type (Section 18A.25.220.C. in Exhibit N of the 1999 Cascadia Development Agreement) and permitted in the Park designation/zone per Exhibit "T" of the 1999 Cascadia Development Agreement. Since Tract P is within the plat of Whitman at Cascadia and the residents of that plat will be members of the private recreational facility, the clubhouse and recreational facility shall be considered an accessory use to the plat of Whitman at Cascadia, per Section 18A.25.400.E.9.f in Exhibit N of the 1999 Cascadia Development Agreement, and will not require a separate Administrative Use Permit per Exhibit "T".

163.

Additional conditions of approval from Major Amendment No. 1 (4-23-14):

Major Amendment No. 1 contains fifty six conditions of approval. Conditions 1, 2 and 13 through 41, 43 through 51 and 54 are related to, or revisions to the text of, the Development Agreement. Conditions 3 through 12, 42, 53, 55 and 56 are restated as Conditions 164 thru 177 below. Condition 52 is a revision to original 1999 Conditions of Approval 129.

164. Issuance of this land use approval does not guarantee that permits from the Building and Development Engineering Divisions of Planning and Land Services, the Pierce County Public Works Department, the Tacoma-Pierce County Health Department, the Washington State Department of Ecology, and other departments and agencies will be approved.

165. Compliance with the fire code and fire flow and emergency vehicle access requirements in effect at time of application for building permits is required.

166. Fire flow shall be provided as prescribed in PCC 17C.60.160 for all subdivisions and for construction of any residential or commercial structure. Installation of mains and hydrants require a permit from the Pierce County Fire Marshal.

167. Emergency Vehicle Access shall be provided for all residential or commercial structures in accordance with PCC 17C.60.150 and shall be reviewed upon application for building permit.
168. Prior to the issuance of any permits within the Amended Phase I Area (site development) or the initiation of any grading, clearing, filling, or vegetation removal the project(s) shall complete the requirements necessary to obtain Final Wetland Area and Regulated Fish and Wildlife Species and Habitat Conservation Area Approval for each proposed development.
169. Wetland signage will be required to be installed prior to the issuance of the Final Wetland Area and Regulated Fish and Wildlife Species and Habitat Conservation Area Approval for each proposed development within Amended Phase I.
170. 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.
171. The Mitigation Agreement 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.
172. The current Dedication Agreement between East Pierce Fire & Rescue and Newland Communities, as successor entities to Pierce County Fire Protection District-East and the Cascadia Development Corporation, for a future fire station, currently proposed for the east side of Cascadia Blvd. E. and Canyon View Blvd. E., shall remain in full force and effect until a successor agreement between the parties is executed.
173. Prior to submittal of construction level design for an park or trail facilities identified in Exhibits E-1 through E-4, the applicant shall submit a more detailed overall park plan, similar in detail to that approved in 2012, that will guide the review of the park, trail and open space system in Phase 1 at the construction design level.
174. The intent of this Report and Decision and Conditions of Approval is to maintain the status quo for the owner of Parcel O until the bankruptcy proceeding is resolved. Because the applicant for the Major Amendment, NASH Cascadia Verde, LLC, does not control Parcel O, and because the owners of Parcel O could not fully participate in this Amendment for the PUD, the Examiner's approval of the Major Amendment:
 - (a) shall not be interpreted or applied to Parcel O; and
 - (b) shall not be interpreted or applied in any way that would diminish the existing vesting, zoning, and land use rights associated with Parcel O under the existing County approvals and Development Agreement.

175. Without limitation of the prior provisions, the terms of Condition 34 of this Major Amendment, including the proposed deletion of Development Agreement Sections 6.2.1, 6.3, and 6.3.2 and replacement with a new Section 8 including Sections 8.2.1, 8.2.2, and 8.2.3, do not apply as between the owners of Parcel O and NASH.
176. The owner of Parcel O may cause Parcel O to become subject to all, or portions of, this Major Amendment and to all, or portions of, the updated Development Agreement by submitting a letter to the County within three years of the date of approval of this Major Amendment. If no such letter is presented, then Parcel O shall remain subject to the EBPC Approvals and Development Agreement as described herein, meaning that the Major Amendment and amended terms of the Development Agreement shall not be interpreted or applied to Parcel O, and shall not be interpreted or applied in any way that would diminish the existing vesting, zoning, and land use rights associated with Parcel O under the existing County approvals and Development Agreement.