



**CITY OF TUMWATER**  
 555 ISRAEL RD. SW, TUMWATER, WA 98501  
 (360) 754-4180  
 Email: cdd@ci.tumwater.wa.us

**CONDITIONAL USE PERMIT**  
**Application**

TUM - 23-	DATE STAMP
1327	08-16-2023
Britt	
RCVD BY	

Application fee: \$2,090.00

***SUBJECT PROPERTY***

ADDRESS OF PROPERTY (COMPLETE): 9630 Blomberg Street SW, Tumwater, WA 98512

PROJECT NAME: 9630 Blomberg CUP PARCEL NUMBER(S): 12721230500

***APPLICANT*** (please print neatly) Blomberg 99-2

NAME OF APPLICANT: Blomberg LLC

APPLICANT'S MAILING ADDRESS (COMPLETE): 4220 S 164th St #101 Tukwila WA 98188

APPLICANT'S TELEPHONE(S): 206-229-7001 APPLICANT'S E-MAIL: omied@oryanhomes.com

***PROJECT REPRESENTATIVE***

NAME OF PROJECT REPRESENTATIVE: Hatton Godat Pantier, Attn: Chris Carlson

REPRESENTATIVE'S MAILING ADDRESS (COMPLETE): 3910 Martin Way E, Ste B, Olympia, WA 98506

REPRESENTATIVE'S TELEPHONE(S): 360-943-1599 REPRESENTATIVE'S E-MAIL: chrisc@hattonpantier.com

***PROPERTY OWNER***

NAME OF PROPERTY OWNER: Same as applicant

OWNER'S MAILING ADDRESS (COMPLETE): \_\_\_\_\_

OWNER'S TELEPHONE(S): \_\_\_\_\_ OWNER'S E-MAIL: \_\_\_\_\_

***PROJECT DESCRIPTION*** (attach additional sheets and documentation, as needed)

Tenant improvement to convert existing warehouses to marijuana grow operation.

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I affirm that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge. I also affirm that I am the owner of the subject site or am duly authorized by the owner to act with respect to this application. Further, I grant permission to any and all employees and representatives of the City of Tumwater and other governmental agencies to enter upon and inspect said property as reasonably necessary to process this application. I agree to pay all fees of the City that apply to this application.

Michelle Brown for Chris Carlson, AICP  
 Signature of Applicant/Representative

8/16/2023  
 Date

Please attach the **Conditional Use Permit submittal checklist** to this Application.

August 23, 2023

H A T T O N   G O D A T   P A N T I E R

City of Tumwater Community Development  
Attn: Tami Merriman  
555 Israel Road SW  
Tumwater, WA 98501

RE: 9630 Blomberg CUP  
TUM-23-1327

Dear Ms. Merriman:

We are supplementing the above referenced application with responses to the City's conditional use permit criteria outlined in TMC 18.56.035, TMC 18.56.220, TMC 18.42.080(A)(1) and TMC 18.42.080(A)(2).

Our responses are as follows:

**TMC 18.56.035 Conditional use permit criteria.**

- A. The hearing examiner shall be guided by the following criteria in granting a conditional use permit:
1. The proposed use shall be in keeping with the goals and policies of the Tumwater comprehensive plan, including subarea plans, and applicable ordinances;

*Response: The project site is in the SW Tumwater neighborhood and has a Light Industrial designation according to the City's Comprehensive Plan. The zoning designation for the property is also Light Industrial.*

*Section 2.9 of the Comprehensive Plan Land Use Element reads as follows:*

To augment the role of industry in Tumwater's future, it is necessary to provide a reasonable supply of land for a variety of uses consistent with the policies of the Tumwater Economic Development Element. The Light Industrial designation provides for the location of a broad array of activities, including manufacturing, wholesale trade, and distribution activities. The purpose of the Light Industrial designation is to provide lands for industrial development that will allow for attraction of new industries and expansion of existing ones while maintaining a high-quality environment.

Industrial uses should be grouped on a variety of parcel sizes in order to provide coordinated development and sharing of facilities and services. Light industrial areas should also have controls to establish compatibility with surrounding non-industrial development and to protect from nuisance-creating occurrences such as noise, dust, odor, vibration, and air and water

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pollution. Additionally, areas designated Light Industrial in Tumwater should follow the recommendations and regulations of the North Thurston Groundwater Protection Plan. Light industrial areas need to be located within reasonable access to truck routes, rail, freeway, or air routes. Similarly, public sewer, water, and storm drainage either should be presently available or should be easily provided during the development process.

*Chapter 9, Section 9.2 Light Industrial – SW Tumwater Neighborhood of the Comprehensive Land Use Plan – Neighborhood Appendix reads as follows:*

The Economic Development Element makes several recommendations for portions of this area. The Land Use Element incorporates these Economic Development Element recommendations. For the area immediately south of the Olympia Regional Airport, the Economic Development Element recommends Industrial/Commercial land uses, with specific preferred land uses being the following:

- ☐ Wholesale
- ☐ Warehouse
- ☐ Industrial
- ☐ Heavy equipment

The Economic Development Element also recommends industrial/commercial uses for the vicinity of the Interstate 5 - 93rd Avenue interchange. North of the interchange area, the element also recommends industrial/commercial uses, except for low density residential along the west side of the interstate in areas containing environmentally sensitive conditions. Current City zoning limits the size of distribution warehouses in this area to reduce the impacts of truck traffic on the neighborhoods to the east of Kimmie Road. This restriction should remain in place and further clarifications made to City code to better define allowable industrial uses in this area.

The recommendations of the Economic Development Element are reaffirmed by the Light Industrial land use designations in this plan. The southern subarea includes several features that provide a supportive and attractive environment in which businesses could locate. These include good access to Interstate 5 at the 93rd Avenue interchange, close proximity to the Olympia Regional Airport, availability of a variety of large and small parcels for different types of businesses, primarily flat topography, and the prospect of municipal utilities available in the future.

The area also has some potential constraints to this type of development, including areas with sensitive aquifers, poor drainage, and the existence of wetlands. The portions of the area that are designated Light Industrial are those that can most likely take advantage of the favorable conditions for industrial/commercial development while avoiding significant adverse impacts to the environmentally sensitive features in this subarea.

The Light Industrial designation has been applied to several properties on the east side of Interstate 5, south of 93rd Avenue, that currently take direct access off 101st Avenue and Nunn Road. In order to ensure that any industrial uses on these properties do not impact residential uses that abut them to the south, industrial development can only occur if direct road access is provided from 93rd Avenue or Kimmie Road.

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It is recommended that all areas designated Light Industrial west of Interstate 5 and north of 93rd Avenue in this area be provided automobile access from 93rd Avenue. A network of internal connections and shared access between parcels and developments should also be required. This would be the most advantageous access for these uses because it provides convenient ingress and egress from the interstate. Access to light industrial uses should be avoided along Blomberg Road north of 93rd Avenue because of potential conflicts of truck traffic with the residential neighborhood in this area. An access road parallel to and east of Blomberg Road, north of 93rd Avenue is recommended to provide access to the light industrial uses west of Interstate 5. Once this access is provided, use of Blomberg Road by industrial traffic should be curtailed.

Light industrial uses adjacent to residential areas should be buffered from adjacent residential development, using required setbacks, landscaping, walls, or other appropriate means. The intent of this buffering is to ensure that residential areas are not adversely affected by noise, light, dust, traffic or other impacts that may be associated with industrial development.

*Based on the language the above language, the project is consistent with the Comprehensive Land Use Plan and Light Industrial zone designation.*

2. The proposed use shall not be materially detrimental to the public health or welfare, the environment, or injurious to the property or improvements near the proposed use or in the zone district in which the subject property is situated. The following shall be considered in making a decision on a conditional use permit:
  - a. The generation of noise, noxious or offensive odors or emissions, light, glare, traffic, surface water or groundwater pollution, electronic interference, impacts to environmentally sensitive areas or protected species, impacts to historic or cultural resources, or other impacts or nuisances that may be injurious to the public health or welfare or to property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;

*Response: The project will not be detrimental be materially detrimental to the public health or welfare, the environment, or injurious to the property or improvement near the proposed use or in the zone district in which the subject property is located as follows:*

- *All production and processing will occur within the existing buildings. Noise associated with the operation will be limited to the HVAC systems necessary to control the indoor climate of the buildings.*

*All new HVAC equipment will be located out of the required building setbacks per TMC 18.42.040.D.*

- *Odors from the production process will be addressed through the engineered design of the HVAC systems for the buildings. This normally takes the form of activated carbon filtration systems, although there are other technologies that are used to address the odor issue.*
- *No additional outdoor lighting is proposed for the project.*

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- *No additional traffic impacts are anticipated as a result of repurposing the buildings.*
- *Since all production/processing will be occurring inside the existing buildings, no impacts to surface water or groundwater, electronic interference, environmentally sensitive areas or protected species or historic or cultural resources will occur.*
- b. Availability of public services, which may be necessary or desirable for the support of the proposed use. These may include, but shall not be limited to, availability of utilities, transportation systems, education, police and fire facilities, and social and health services; and

*Response: The project site is currently served by the City of Tumwater water system. The applicant is in the process of upsizing the existing domestic water meter serving the site to meet the needs of the anticipated operation.*

*Fire protection is available on-site by way of existing City watermains and fire hydrants. All of the existing buildings have fire sprinklers and fire alarm systems.*

*City sewer is not currently available at the site. The existing buildings are served by on-site septic systems. The systems are designed to accommodate a maximum of 33 employees (13 employees – eastern building, 7 employees – center building and 13 employees western building).*

*The production/processing of the product will utilize a state-of-the-art drip irrigation system. No discharge of production/processing water will be directed to the on-site septic systems.*

- c. The adequacy of landscaping and screening consistent with TMC Chapter 18.47, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the proposed use upon neighboring properties;

*Response: The site has existing perimeter landscaping/native vegetation along the north, south and west property boundaries. The properties to the north and east of the site are set aside as a Mazama Pocket Gopher conservation areas through a federally approved Habitat Conservation Plan. No additional landscaping is necessary to mitigate impacts of repurposing the buildings on the project site.*

*The existing buildings meet current building setback requirements.*

- 3. The proposed use shall meet or exceed the performance standards that are required in the zone district it will occupy; and

*Response: The existing developed site meets all requirements outlined in TMC 18.24.050.*

- 4. Any additional minimum conditions identified for a particular type of proposed use in TMC 18.56.100 through TMC 18.56.350.

*Response: See below.*

**TMC 18.56.220**

"Marijuana producer"

A. Minimum Conditions.

1. Those conditions as listed under TMC 18.42.080(A)(1), "Marijuana producer."

*Response: See below.*

"Marijuana processor"

A. Minimum Conditions.

1. Those conditions as listed under TMC 18.42.080(A)(2), "Marijuana processor."

*Response: See below.*

**TMC 18.42.080(A)(1) & TMC 18.42.080(A)(2)**

A. Conditions of Approval. Marijuana businesses may be permitted but only if the following conditions are met:

1. Marijuana Producer. A marijuana producer shall be a conditional use in LI and ARI zone districts and shall be subject to the following requirements:
  - a. Meet Washington State licensing requirements (Chapter 314-55 WAC);

*Response: We acknowledge that all Washington State licensing requirements will need to be met to be granted a license by the Washington State Liquor and Cannabis Control Board.*

- b. Comply with all building, fire safety, health code and business licensing requirements;

*Response: We acknowledge that the project must comply with all building, fire safety, health code and business licensing requirements.*

- c. Lot size, building size, setbacks and lot coverage conform to the standards of the zone district except if the structure is a legal nonconforming structure;

*Response: The existing developed site meets all requirements outlined in TMC 18.24.050.*

- d. Signage, if any, will conform to TMC Chapter 18.44;

*Response: No signs are proposed at this time. Should signage be proposed in the future, we acknowledge that signs will be required to conform to TMC 18.44 and any building permit requirements.*

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- e. Be within a fully enclosed secure indoor structure;

*Response: All production/processing is proposed within existing enclosed and secure indoor structures.*

- f. All buildings must be equipped with ventilation/air filtration systems so that no odors are detectable at the property line;

*Response: We acknowledge that all buildings must be equipped with ventilation/air filtration systems to mitigate odors per City requirements.*

- g. All buildings associated with the production of marijuana must be set back a minimum of three hundred feet from RSR, SFL, SFM, MFM, MFH, MU, CBC, TC, BD, GB, OS, and MHP zone districts; and

*Response: There are no properties with the above zone classifications within 300 feet of the project site.*

- h. The city may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.

*Response: Acknowledged.*

- 2. Marijuana Processor. A marijuana processor shall be a conditional use in the LI and ARI zone districts and shall be subject to the following requirements:

- a. Meet Washington State licensing requirements (Chapter 314-55 WAC);

*Response: We acknowledge that all Washington State licensing requirements will need to be met to be granted a license by the Washington State Liquor and Cannabis Control Board.*

- b. Comply with all building, fire safety, health code and business licensing requirements;

*Response: We acknowledge that the project must comply with all building, fire safety, health code and business licensing requirements.*

- c. Lot size, building size, setbacks and lot coverage conform to the standards of the zone district except if the structure is a legal nonconforming structure;

*Response: The existing developed site meets all requirements outlined in TMC 18.24.050.*

- d. Signage, if any, will conform to TMC Chapter 18.44;

*Response: No signs are proposed at this time. Should signage be proposed in the future, we acknowledge that signs will be required to conform to TMC 18.44 and any building permit requirements.*

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- e. Be within a fully enclosed secure indoor structure;

*Response: All production/processing is proposed within existing enclosed and secure indoor structures.*

- f. All buildings must be equipped with ventilation/air filtration systems so that no odors are detectable at the property line;

*Response: We acknowledge that all buildings must be equipped with ventilation/air filtration systems to mitigate odors per City requirements.*

- g. All buildings associated with the production of marijuana must be set back a minimum of three hundred feet from RSR, SFL, SFM, MFM, MFH, MU, CBC, TC, BD, GB, OS, and MHP zone districts; and

*Response: There are no properties with the above zone classifications within 300 feet of the project site.*

- h. The city may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.

*Response: Acknowledged.*

In closing, the project is consistent with the Comprehensive Land Use Plan and applicable zoning and Conditional Use Permit criteria.

Respectfully,



Chris Carlson, AICP  
Planning Manager