

Re: Yorkshire Apartment SEPA 202305001

Exhibit 9

From Angela Zeigenfuse<angela.zeigenfuse@gmail.com>
To Tami Merriman<TMerriman@ci.tumwater.wa.us>
Date 2023/10/29 20:22
Subject: Re: Yorkshire Apartment SEPA 202305001

Hi Tami,

Sorry for the delay. I appreciate you giving me the information about development regulations. I'm going that trees are required to be retained.

On the Migratory Bird Treaty Act it's my understanding that it applies to all native bird species regardless of location. Migratory Bird Treaty Act of 2004 and CFR Title 50 Part 10.13 (<https://www.fws.gov/law/migratory-bird-treaty-act-1918>)

Thank you,
Angela

On Oct 23, 2023, at 5:46 PM, Tami Merriman <TMerriman@ci.tumwater.wa.us> wrote:

Hello Angela

Thank you for contacting us in regards to the Yorkshire permit application.

Our code requires that development retain 20% of trees, or 12 trees per acre at the time of development. If the applicant is unable to retain that amount of trees, they would be required to plant replacement trees at a ratio of 3:1. They are proposing to retain about 91 trees, and will plant about 645 new trees.

I am not aware of this parcel being subject to the Migratory Bird Treaty Act. Can you please provide me with the appropriate information? I have not had USFW or WDFW comment on this on any parcels in Tumwater.

Pervious pavement is an option for a developer employ as part of development, and the City encourages LID practices.

Please let me know if you need anything further.
Thanks

Tami Merriman | Permit Manager
City of Tumwater Community Development
555 Israel Rd SW | Tumwater, WA 98501
(360) 754-4180
tmerriman@ci.tumwater.wa.us | www.ci.tumwater.wa.us

-----Original Message-----

From: Angela Zeigenfuse <angela.zeigenfuse@gmail.com>

From: Angela Zeigenfuss <angela.zeigenfuss@gmail.com>

Sent: Tuesday, October 17, 2023 1:59 PM

To: Tami Merriman <TMerriman@ci.tumwater.wa.us>

Subject: Yorkshire Apartment SEPA 202305001

I am a Tumwater resident and live near the proposed Yorkshire Apartment site. I request that tree clearing be minimized such that large native trees are retained and incorporated into the design and landscaping. This location has a significant number of high quality native trees that have provided consistent habitat for native birds and other wildlife since time immemorial. Bird species nation-wide have experienced a 50% decline in the past 50 years, mostly due to habitat destruction. By retaining some of the large trees, invaluable habitat will be retained permanently. I also request that any trees be cleared outside of the nesting season, pursuant to the Migratory Bird Treaty Act.

Additionally, I request that pervious pavement be used in order to maintain local hydrology and decrease flood risk on the site, as well as neighboring Tumwater streets.

Sincerely,

Angela Zeigenfuss

Yorkshire Apartment SEPA 202305001

From Angela Zeigenfuse<angela.zeigenfuse@gmail.co m>
To Tami Merriman<TMerriman@ci.tumwater.wa.us& gt;
Date 2023/10/17 13:59
Subject: Yorkshire Apartment SEPA 202305001

I am a Tumwater resident and live near the proposed Yorkshire Apartment site. I request that tree clearing be minimized such that large native trees are retained and incorporated into the design and landscaping. This location has a significant number of high quality native trees that have provided consistent habitat for native birds and other wildlife since time immemorial. Bird species nation-wide have experienced a 50% decline in the past 50 years, mostly due to habitat destruction. By retaining some of the large trees, invaluable habitat will be retained permanently. I also request that any trees be cleared outside of the nesting season, pursuant to the Migratory Bird Treaty Act.

Additionally, I request that pervious pavement be used in order to maintain local hydrology and decrease flood risk on the site, as well as neighboring Tumwater streets.

Sincerely,

Angela Zeigenfuse

RE: City of Tumwater - Yorkshire Apartments SEPA Determination - TUM-22-0027
From Shaun Dinubilo<sdinubilo@squaxin.us>
To Tami Merriman<TMerriman@ci.tumwater.wa.us> & gt;
Date 2023/10/30 09:57
Subject: RE: City of Tumwater - Yorkshire Apartments SEPA Determination - TUM-22-0027
Attachments: image001.jpg

Hello Tami,

Thank you for contacting the Squaxin Island Tribe Cultural Resources Department regarding the above listed project for our review and comment. We have no specific cultural resource concerns for this project. However, if DAHP recommends a survey, or any other additional recommendations, we concur with DAHP's recommendations. We would prefer to receive an electronic copy by email once completed. If any archaeological or cultural resources are uncovered during implementation, please halt work in the area of discovery and contact DAHP and the Squaxin Island Tribe's Archaeologist, Shaun Dinubilo via email at sdinubilo@squaxin.us.



Shaun Dinubilo
Archaeologist
FAA Certified (Section 107) sUAS Remote Pilot
Cultural Resource Department
Squaxin Island Tribe
200 S.E. Billy Frank Jr. Way
Shelton, WA 98584
Phone: 360-432-3998
Email: sdinubilo@squaxin.us
Email is my preferred method of communication.

As per 43 CFR 7.18[a][1]) of the Archaeological Resource Protection Act, Section 304 of the National Historic Preservation Act, and RCW 42.56.300 of the Washington State Public Records Act- Archaeological Sites, all information concerning the location, character, and ownership of any cultural resource must be withheld from public disclosure.

From: Brittaney McClanahan <BMcClanahan@ci.tumwater.wa.us>
Sent: Wednesday, October 18, 2023 11:21 AM
Subject: City of Tumwater - Yorkshire Apartments SEPA Determination - TUM-22-0027

Good morning,

The [MDNS for Yorkshire Apartments, TUM-22-0027](#) is ready to view. If you have any questions or would like additional information, please contact Tami Merriman, Permit Manager, at (360) 754-4180 or tmerriman@ci.tumwater.wa.us.

Thank you,

Brittaney McClanahan | Department Assistant II

City of Tumwater Community Development

555 Israel Rd SW | Tumwater, WA 98501

(360) 754-4180

bmcclanahan@ci.tumwater.wa.us | www.ci.tumwater.wa.us

Comments on Yorkshire Apartments

From Sherry Buckner<bucknersherry@hotmail.com>
To Tami Merriman<TMerriman@ci.tumwater.wa.us& gt;
Date 2023/11/01 15:37
Subject: Comments on Yorkshire Apartments

Hello,

I would like to share my comments concerning the Yorkshire Apartments proposal for the enormous apartment complex.

First of all - as a resident living within a mile south of the proposed complex, I use this I-5 ramp frequently. As does my husband and all the neighbors. As does the Black Hills High School staff, parents and faculty and teenagers. I am shocked that planning would even consider the placement of a 1200 unit complex right between the I-5 ramps and Littlerock Road, especially given that teenagers and vehicles clog these traffic intersections twice a day and they are poor drivers - given to poor choices, resulting accident prone situations. My husband taught at BHHS for over 25 years, we know about the dangers of these drivers.

I do not even imagine how you can believe that this increase in traffic, in that location makes any kind of sense. I noticed that the calculations for the apartment residents LEAVES out the frequency that they will use Littlerock Road , **as they will all day long**. This is the direction many of them with work and shop - most definitely. This is an incredible burden to the area and a foolish one.

The second issue is High Ground Water. I have literally gone and BEGGED the county to protect High Ground Water areas from being built on top of or mitigated. They are important as a natural system. WATER is the most dangerous of all elements - it does untold damage to homes and it is irreversible. Your calculations makes no sense. All we have to do is recall "The Preserve" and the so troubling issues that go on and on - in Hopkins Ditch. Lawsuits! Do you need more? I am really sorry that the city is unable to stop itself from continuing to imagine that building on HGW areas is safe or sensible.

The Black Hills High School flooded the neighboring property when it was built and the property owner won their lawsuit. Then it took 5 years for the High School to resolve the flooding that occurred annually, spending money - hand over fist. Funny how Tumwater never wants to talk about being sued over flooding resulting from poor development decisions. But those of us who have lived here a long time do not forget. Keep in mind the relative close proximity to the Salmon Creek Basin, and the "Tickner" Farm which has 25 -75 acres in flood every winter.

If you believe that the HGW is just 5 ft below during winter, think again. I live on 81st Avenue and I can take a shovel - dig less than 2 feet and hit water. Putting housing, cars, pavement on this is outrageous. Only a fool can imagine this kind of planning to be a healthy choice for the surrounding areas, not to mention that the housing division proposed could contaminate their own water sources.

I truly did go to the County and I used the words "**I am begging you to protect High Ground Water Areas from development.**" What I believe is that mistakes in development will continue until it proves so tiring to be sued, that the city and county eventually stop building High Ground Water areas.

In addition, the city has countless ways to influence this project. The Habitat Conservation Plan is one of the most honorable. The standards for Habitat Conservation should provoke EIS, and send red flags for endangered species habitat. The Aquifer Protection Standards should send red flags to check this project, as well as High Ground Water flooding protections. The traffic planning should provoke fearful thoughts of one of the most messy and dangerous intersections in the entire area.

Finally, the forests and general nature of this landscape should be of concern for Climate Action. There is no reason to go forward on such a messy project.

Sherry Buckner
Resident on Littlerock Road

ECY SEPA 202305001 - Yorkshire Apartments - Comments

From ECY RE SWRO SEPA
COORDINATOR<swrosepacoordinator@ECY.WA.GOV>
To Tami Merriman<TMerriman@ci.tumwater.wa.us>
Cc Middleton, Thomas (ECY)<tmid461@ECY.WA.GOV>, Rockett,
Derek (ECY)<droc461@ecy.wa.gov>
Date 2023/11/01 11:27
Subject: ECY SEPA 202305001 - Yorkshire Apartments - Comments
Attachments: 202305001 ECY Comments.pdf, image001.png

Tami Merriman, SEPA Contact:

Thank you for the opportunity to comment on the Yorkshire Apartments Project (Lead Agency File No(s). TUM-22-0027). Ecology's comments are attached.

[[Statewide SEPA Register](#) No. 202305001]

Have a great day,

Joe Thomas
ERTS & SEPA Coordinator
Southwest Region
Cell: 360-628-6725





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

November 1, 2023

Tami Merriman, SEPA Contact
City of Tumwater
Development Services Department
555 Israel Road Southwest
Tumwater, WA 98501

Dear Tami Merriman:

Thank you for the opportunity to comment on the mitigated determination of nonsignificance for the Yorkshire Apartments Project (978917) as proposed by Grandviews Yorkshire LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SOLID WASTE MANAGEMENT: Derek Rockett (360) 995-3176

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department or Department of Ecology for proper management of these materials.

TOXICS CLEANUP: Thomas Middleton (360) 999-9594

If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator for the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Thomas Middleton with the SWRO, Toxics Cleanup Program at the phone number provided above.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

Tami Merriman
November 1, 2023
Page 2

(JKT:202305001)

cc: Derek Rockett, SWM
Thomas Middleton, TCP

Yorkshire Apartments Proposal

From George Rother<georgerother@hotmail.com>
To Tami Merriman<TMerriman@ci.tumwater.wa.us& gt;
Date 2023/11/02 13:49
Subject: Yorkshire Apartments Proposal

Re: Yorkshire Apartments Proposal Public Comment
Attn: Tami Merriman

I live close to the proposed project on 81st SW. I have serious questions about how this level of density will impact the area. I would appreciate the following concerns to be considered prior to issuing permits:

- 1) The site plan shows a roundabout being constructed on Tumwater Blvd. that would be disruptive and dangerous especially to young drivers as this is situated between Tumwater's two high schools. This will also impact traffic access to I-5 as many commuters as well as workers from the L&I complex use the route likely resulting in back-ups at the I-5 ramps.
 - 2) The proposed building heights seem extreme for our community. These would be the tallest structures in the area and potentially pose a problem to public safety such as firefighting. Does Tumwater have sufficient ladder truck capacity to fight a fire in a building this tall?
 - 3)The loss of tree cover for Tumwater is becoming a real problem. Development clear cuts like the one recently approved on Henderson are headed in the wrong direction for our climate. They are also ugly! Do we really want to depart from being noted for our verdant surroundings to wind up being another Lacey or Fife? Replacing mature forest with "Sidewalk" trees does not offset the loss of all the positive advantages of forests especially in terms of carbon sequestration and heat.
 - 4) Ground water is increasingly threatened by adding such large impermeable surface areas and in an area that has high ground water, the storm water and runoff will likely impact nearby homes and businesses. Storm water retention ponds are of little value when the ground water is at 2-3'.
- Thank you for adding these comments to the public record.

Sincerely,
George Rother
3522B 81st Ave SW

Sent from my iPhone

Black Hills Audubon Comments on Yorkshire Apartments

From Samuel Merrill<sammerrill3@comcast.net>
To Tami Merriman<TMerriman@ci.tumwater.wa.us& gt;
Date 2023/11/02 14:00
Subject: Black Hills Audubon Comments on Yorkshire Apartments
Attachments: Black Hills Audubon Comments on Yorkshire Apartments
Proposal.pdf

Attached are Comments from Black Hills Audubon on the Yorkshire Apartments proposal. Can you confirm that this was received by the deadline today (11-02-2023)?

Thanks!
Sam Merrill
Conservation Chair
Black Hills Audubon

To: Tami Merriman, City of Tumwater Community Development

From: Black Hills Audubon Society

Comments re MDNS Yorkshire apartments:

- Will the development have its own well or hooked up to City supply? What impacts with that have on the existing groundwater supply?
- Contaminants will enter the groundwater from non-point sources such as petroleum products, heavy metals (tires emit beryllium with wear), along with herbicides and fertilizers from lawn treatments.
 - This will likely violate Thurston county's "critical areas" ordinance Title 24 which limits development on "land that drains into drinking water aquifers (i.e., critical Aquifer Recharge Areas).
 - Portions of the property are within the highest restoration "recharge protection & restoration" for the Puget Sound Watershed. [Watershed Assessment - Map](#)
- Portions of the property are within the "protection or protection/conservation" for surface storage for the Puget Sound Watershed. [Watershed Assessment - Map](#)
- Portions of the property are within the "protection or protection/conservation" for water flow for the Puget Sound Watershed
- The property is listed as Vancouverian Coastal Rainforest – but "poor" ranking. [Ecological Integrity Assessment Data | WNHP Data Explorer \(arcgis.com\)](#)

Sincerely,

Sam Merrill, Chair of Conservation Committee
Black Hills Audubon Society

comment on Yorkshire apt. permit

From sdanver7@aol.com<sdanver7@aol.com>
To Tami Merriman<TMerriman@ci.tumwater.wa.us& gt;
Date 2023/11/02 15:13
Subject: comment on Yorkshire apt. permit

Dear Tami Merriman:

I am concerned about the negative impacts of the Yorkshires Apartment on traffic, the gopher population and water quality. I believe further studies on these issues are merited.

Sincerely,

Sue Danver
7106 Foothill Lp. SW
Olympia, WA 9852

comment Yorkshire Nov 2.

From Bonnie Blessing<bonnie.blessing@gmail.com> ;
To Tami Merriman<TMerriman@ci.tumwater.wa.us& gt;
Date 2023/11/02 14:51
Subject: comment Yorkshire Nov 2.

Hello;

This is a comment (due Nov 2) on Yorkshire Apts. I am concerned that the area affected by the Yorkshire apts proposal near Israel and Littlerock has a primary association with Mazama pocket gopher (TMC 16.32.A.1) and that if so, the apartments would impact gophers. Does the city have an interim protocol to deal with this?

I drive Littlerock alot and am concerned that the project would affect what I believe are failed intersections. And Yorkshire is just upstream of the Salmn Creek basin and water does pond to the south of Yorkshire.

Bonnie Blessing-Earle
360-943-6629