



CITY OF TUMWATER TREE BOARD MEETING
DEVELOPMENT PROJECT FIELD TRIP MEMORANDUM
September 12, 2022, 6:00 p.m. – 8:00 p.m.

Background

Following the adoption of the *Urban Forestry Management Plan* in 2021, the Tree Board discussed the scope of a new board member and continuing education training program for the Board at their March 14, 2022 and April 11, 2022 meetings. One continuing education component of the training program focused on the City's development review process. At the July 11, 2022 their meeting, the Tree Board discussed the current structure of the City's development review process.

The next step is connecting that information to specific development review projects through a field trip on Wednesday, September 12, 2022 from 6:00 p.m. to 8 p.m.

City staff will be providing a van to allow all the members of the Tree Board and City staff to go to each site together. If Tree Board member want to drive separately, a field trip itinerary is provided below.

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I. Projects Reviewed

The Tree Board provided an initial list to City staff of potential projects to visit on a field trip at their August 8, 2022 meeting. After the meeting, City staff narrowed down the list based on the following factors:

1. Projects that have completed the City or County development review process. Because Title 14 *Development Code Administration* does not provide for a role for the Tree Board in the development review process, the Tree Board, like the City Council and Planning Commission, should not become involved in individual development reviews.
2. Projects where construction is complete and approved. Projects that are under construction are problematic for safety reasons and what has been installed may not have been inspected and approved by the City.

Based on the Tree Board requests for projects to review and the time available for the field trip, City staff reviewed the requested projects and narrowed the list down to the following projects:

- Kirsop Crossing – 6338 Courtyard Lane SW
- Gendlek Short Plan – 6932 Liberty Lane SW
- Skyview Estates Subdivision – 7535 Mirasett Street SW
- The Preserve Subdivision (Also known as Tumwater Highlands and Sagewood) – North of 93rd Avenue SW

Summaries of the projects are found below and the field trip itinerary follows.

1. Kirsop Crossing Subdivision – 6338 Courtyard Lane SW

Division 1 – Preliminary Plat and Planned Unit Development

Kirsop Crossing Subdivision Division 1 was submitted, vested, and reviewed under Thurston County regulations and later annexed by the City. Thurston County zoning regulations are similar but not the same as the City's and they have not been sustainably updated in more than 25 years. The project subdivided 10.42 acres into 83 single-family lots, with associated improvements. The Thurston County hearing examiner approved the preliminary plat and planned unit development applications on April 13, 2005.

The Thurston County Forest Practices Ordinance required Division 1 to dedicate at least five percent of the total site area in a tree tract. It also required the retention or replacement of at least one tree per every 4,000 square feet of residential lot area.

The zone district for Division 1 was Multifamily Medium Density Residential (MFM), which allows a density of nine to fifteen dwelling units per acre. Construction of the site improvements and the final plat for Division 1 was completed and approved by the City in 2018. Most of the houses in the Division 1 have been constructed with the remaining in review for building permits.

Division 2 – Short Plat

Community Development Department staff approved the nine lot preliminary short plat for Kirsop Crossing Subdivision Division 2 in 2018. Construction of the site improvements was completed and the final plat for Division 2 approved by Community Development Department staff in 2018.

Division 3 – Preliminary Plat and Planned Unit Development

The Tumwater hearing examiner approved the preliminary plat and planned unit development applications for Kirsop Crossing Subdivision Division 3 after an open record public hearing on June 24, 2022. Division 3 subdivided 10.43 acres into 41 single-family lots, with associated improvements. The project applications were deemed complete and Division 3 vested on December 30, 2021.

The zone district for the site was Single Family Low Density Residential (SFL), which allows a density of six to nine dwelling units per acre. A density of six dwelling units was proposed for the site. A wetland was identified on the site on the northwest side of the site. Trees that were retained are within the wetland.

TMC 16.08.070(R) requires that, when land clearing is performed in conjunction with a specific development proposal, not less than 20 percent of the trees, or not less than 12 trees per acre (whichever is greater), must be retained. The property contained 157 trees. Based on the size of the property and the number of existing trees, TMC 16.08.070(R) would require that a minimum of 125 trees be retained on the project site. According to the Applicant's tree plan, a total of 35 trees would be retained on-site. When the required number of trees cannot be retained on-site, the City's tree code allows mitigation in the form of planting three replacement trees for each tree removed in excess of the retention standard. The applicant proposed to plant 270 replacement trees on-site to mitigate for

the 90 trees that would be removed in excess of the 125 trees required to be retained, in accord with this requirement. City staff reviewed the Applicant's tree plan and determined that it would comply with the City's tree protection and replacement ordinance.

Division 3 is still farmland, as construction has not started.



Figure 1. Kirsop Crossing Divisions 1, 2, and 3 (2022)

See the following attachments:

- B1. Kirsop Crossing Division 1 Final Plat 07-27-2018
- B2. Kirsop Crossing Division 1 Landscape Plan Approved 07-21-2017
- B3. Kirsop Crossing Division 1 Hearing Examiner Decision 04-13-2005
- B4. Kirsop Crossing Division 2 Final Short Plat Recorded 03-10-2020
- B5. Kirsop Crossing Division 3 Preliminary Plat Map
- B6. Kirsop Crossing Division 3 Hearing Examiner Decision 06-24-2022

2. Gendlek Short Plat – 6932 Liberty Lane SW

After an open record public hearing on December 5, 2018, the Tumwater hearing examiner approved the short plat and planned unit development applications for the Gendlek Short Plat. The project subdivided 1.13 acres into seven single-family lots, with associated improvements including a private road. The project applications were deemed complete and the project vested on September 7, 2018.

The zone district for the site was Single Family Medium Density Residential (SFM), which allows a density of six to nine dwelling units per acre. A density of just under eight dwelling units was proposed for the site. No critical areas were identified on the site.

TMC 16.08.070(R) required that when land clearing is performed in conjunction with a specific development proposal, not less than 20 percent of the trees, or not less than 12 trees per acre (whichever is greater), must be retained. TMC 16.08.050(B) required that a tree protection plan be prepared by a qualified professional forester and submitted in conjunction with the Applicant's land clearing permit. In determining which trees should be given the highest priority for retention, the hearing examiner noted that consideration should be given to the following criteria:

- Heritage or historic trees;
- Trees that are unusual due to their size, age, or rarity;
- Trees in environmentally sensitive areas;
- Trees that act as a buffer to separate incompatible land uses;
- Trees that shelter other trees from strong winds that otherwise could cause them to blow down;
- Trees within greenbelts, open space, tree protection open space, or buffers;
- Trees with significant habitat value, as identified by a qualified wildlife biologist or by the city tree protection professional; and
- Trees that are part of a continuous canopy or that are mutually dependent, as identified by a qualified professional forester or the city tree protection professional.

Construction on the project is complete and the final short plat was approved in 2018.



Figure 2. Gendlek Short Plat (Google Earth, 2021)

See the following attachments:

- C1. Gendlek Short Plat Recorded 04-07-2020
- C2. Gendlek Short Plat Hearing Examiner Decision 12-05-2018
- C3. Gendlek Short Plat Approved Civil Plans 08-26-2019
- C4. Gendlek Short Plat Tree Removal Waiver 03-18-2019

3. Skyview Estates Subdivision – 7535 Mirasett Street SW

After an open record public hearing, the Tumwater hearing examiner approved the preliminary plat and planned unit development applications for Skyview Estates on June 21, 2019. The project subdivided 26.52 acres into 117 single-family lots, with associated improvements, such as streets, curbs, and sidewalks and street trees, as well as two tree tracts, four private road and alley tracts, stormwater facilities, and a play area/park tract. Ten of the lots were to be developed as attached townhomes. The project applications were deemed complete and the project vested on November 1, 2018.

Tree retention requirements:

- Twelve trees per acre are required to be retained on site.
- The total acres not including public roadway dedicated to the City = 20.19 acres X 12 trees per acre required = 243 trees.
- No trees were retained on the site, so 243 trees had to be mitigated at a 3:1 ratio – 243 trees X 3 = 729 (not including street trees and individual lots)
- Additional trees provided per preliminary landscape plan dated July 2018 = 729 (see plant schedule on landscape plan) (All trees not including street trees)

See the following attachments:

- D1. Skyview Estates Preliminary Plat Landscape Plans 10-08-2018
- D2. Skyview Estates Hearing Examiner Decision 06-21-2019
- D3. Skyview Estates Preliminary Plat Tree Plan 08-21-2018

The final plat for Division 1 was approved on June 13, 2022 and single-family houses are under construction. Some of the trees in the project may be suffering due to heat. The street trees were planted at the time of the final plat.

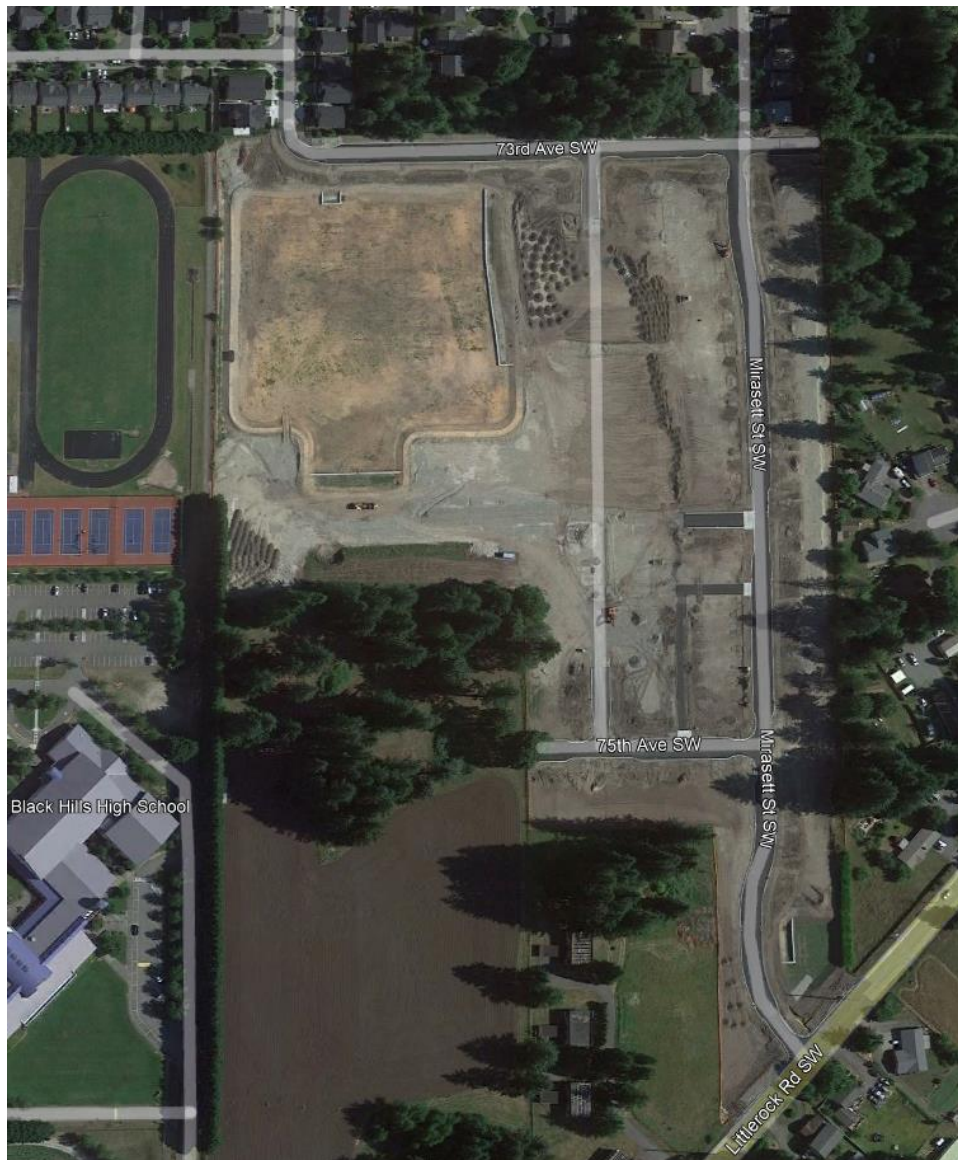


Figure 3. Skyview Estates (Google Earth, 2021)

4. The Preserve Subdivision (Also known as Tumwater Highlands and Sagewood) – North of 93rd Avenue SW

After an open record public hearing, the Tumwater hearing examiner approved the preliminary plat and planned unit development applications for the Preserve (then known as Tumwater Highlands) on August 4, 2006. The project subdivided 126.46 acres into 459 single-family lots and 140 townhome lots, with associated improvements, such as streets, curbs, and sidewalks and street trees, as well as tracts for wetlands and buffers, active and passive open space areas, stormwater facilities, habitat preservation areas, and landscaping. The project applications were deemed complete and the project vested in 2005.

A Notice of Application was issued for the project on November 9, 2005.

The zone district for the site was Single Family Medium Density Residential (SFM) on the southern portion of the site, which allows a density of six to nine dwelling units per acre, and Multifamily Medium Density Residential (MFM) on the north part of the site, which allows a density of nine to fifteen dwelling units per acre. A density of just over eight dwelling units was proposed for the entire site.

The site was used for grazing and only a few trees were on the site after logging in the 1980s. The staff report noted that only six trees were found on the site. Community Development Department staff found that the project was exempt from the requirements of the tree protection ordinance if removing less than six trees in a three-year period per TMC 16.08.080(G).

Mazama pocket gophers were found on the site and a tract was set aside for conservation. At the time, the state listed the species as a “priority species” by the state, but the species had not yet been listed by the federal government.

The subdivision was approved to be done in four phases.

Construction on Phase 1 was completed in 2014 and Phases 2 and 3 were completed by 2019, with construction of houses thereafter.



Figure 4. The Preserve (Google Earth, 2021)

See the following attachments:

E1. Tumwater Highlands Plat Hearing Examiner Decision 09-04-2006

E2. Tumwater Highlands Plat Map Exhibit D 02-15-2006

II. Field Trip Itinerary

Brad Medrud, work cell phone (360) 915-2185

1. Start at the City Hall Parking Lot – 555 Israel Road SW

2. Go to the Kirsop Crossing Subdivision – 6338 Courtyard Lane SW

- a. Start at City Hall parking lot
- b. Leave City Hall parking lot and make a left on Israel Road SW
- c. Continue west on Israel Road SW. After crossing Littlerock Road SW Israel Road SW becomes 70th Avenue SW and then turns north and becomes Kirsop Road SW
- d. Turn left on to 63rd Avenue SW
- e. Park near the corner of 63rd Avenue SW and Courtyard Lane SW

3. Go to the Gendlek Short Plat – 6932 Liberty Lane SW

- a. Leave the Kirsop Crossing Subdivision and make a right on to Kirsop Road SW
- b. Kirsop Road SW turns left and becomes 70th Avenue SW
- c. Turn left on Liberty Lane SW
- d. Park on the left side of the street near the corner of Liberty Lane SW and 70th Avenue SW

4. Go to the Skyview Estates Subdivision – 7535 Mirasett Street SW

- a. Leave the Gendlek Short Plat and make a right on 70th Avenue SW
- b. Turn left on Mirasett Street SW
- c. Park near the corner of Mirasett Street SW and 75th Avenue SW

5. Go to The Preserve Subdivision (Also known as Tumwater Highlands and Sagewood) – North of 93rd Avenue SW

- a. Leave the Skyview Estates Subdivision and make a left on to Littlerock Road SW
- b. Turn right on Tumwater Boulevard SW
- c. Turn right on Old Highway 99 SW

- d. Turn right on Silverspot Drive SE
- e. Turn left on Aster St SE
- f. Park near the corner of Aster Street SE and 91st Avenue SE

6. Return to the City Hall Parking Lot – 555 Israel Road SW

- a. Drive south on Aster Street SW to Fairybell St SE
- b. Leave the Skyview Estates Subdivision and turn left on to 93rd Avenue SE
- c. Turn left on to Old Highway 99 which will turn into Capitol Boulevard SE
- d. Turn left on Israel Road SW
- e. Turn left into City Hall

III. Basis for Development Review



Figure 5. Foundation for Development Review

IV. Development Review

State laws, City plans, policies, codes, and regulations have been enacted that establish the following:

- Deciding how and where we will grow
 - Providing areas for new housing and jobs
- Separating incompatible land uses
- Providing for essential public facilities
- Supporting affordable housing and other City goals
- Establishing timelines for review and vesting requirements
- Protecting the environment
 - Streams and wetlands
 - Wildlife
 - Trees and open space
 - Climate Change
- Moving people and goods efficiently with multiple modes of travel

The next step is the application of plans, policies, codes, and regulations in Figure 1 to a specific project proposal.

V. Public Input

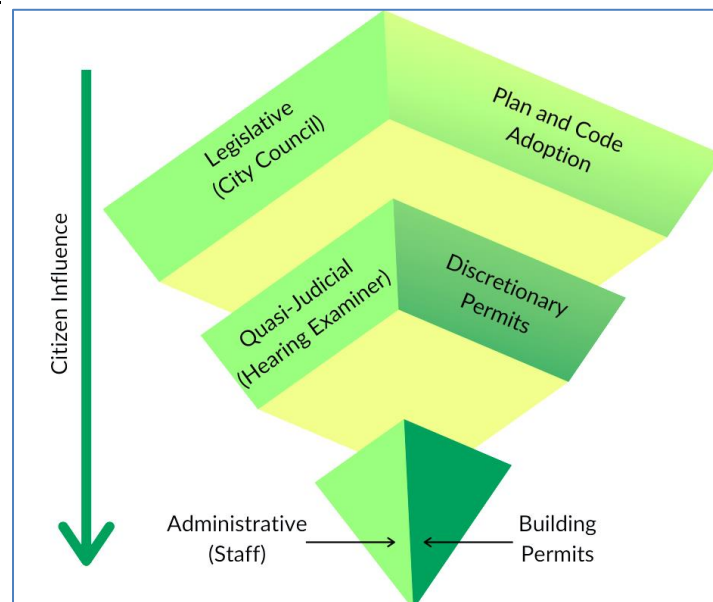


Figure 6. Citizen Input Diagram

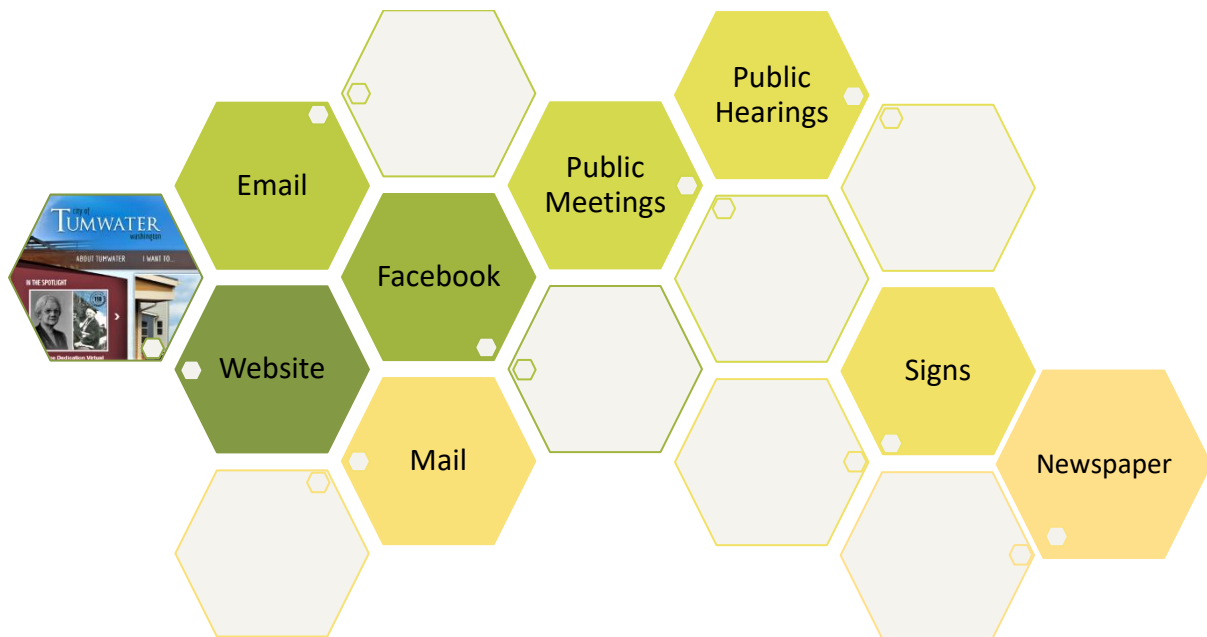


Figure 7. Opportunities for Public Engagement

VI. City Development Review Information and Contacts

Permitting and Building Division Website

<https://www.ci.tumwater.wa.us/departments/community-development/permitting-building>

Notice of Applications and SEPA Determinations

<https://www.ci.tumwater.wa.us/departments/community-development/permitting-building/notice-of-applications-sepa-determinations>

Development Review Committee (DRC) Meetings and Agendas

<https://www.ci.tumwater.wa.us/departments/community-development/permitting-building/development-review>

Zoning Maps

<https://www.ci.tumwater.wa.us/departments/community-development/zoning>

Municipal Code

<https://www.codepublishing.com/WA/Tumwater/>

Community Development Department Contacts

- Community Development Department (360) 754-4180
- Tami Merriman, Permit Manager, tmerriman@ci.Tumwater.wa.us
- Alex Baruch, Associate Permit Planner, ABaruch@ci.tumwater.wa.us
- Al Christensen, Building and Fire Safety Official, achristensen@ci.Tumwater.wa.us
- Michael Matlock, Community Development Director, mmatlock@ci.Tumwater.wa.us
- Brad Medrud, Planning Manager, bmedrud@ci.Tumwater.wa.us

Appendix 1 – City Application, Review, and Approval Process

Development Review Committee

The City's Development Review Committee is composed of members of the Permit Division, Building Division, Development Engineering, and the Director of Community Development Department. The primary purpose of the DRC is to conduct preapplication conferences, make determinations on issuance of project permits, and Community Development Department staff recommendations where the hearing examiner is charged with approval authority.

Consolidated Development Application and Review

The city has a consolidated development application and review process, which integrates development permit and environmental review processes to avoid the duplication of the review processes.

Exempt Actions

The following actions are exempt from the project permit application process:

- Zoning code text amendments
- Adoption of development regulations and amendments
- Area-wide rezones to implement new city policies
- Adoption of the comprehensive plan and any plan amendments
- Annexations
- Certificates of appropriateness
- Landmark designations
- Street vacations
- Street use permits

Under state law building permits, boundary line adjustments, and other construction permits, or similar administrative approvals which are categorically exempt from environmental review under SEPA (Chapter 43.21C RCW), or permits and approvals for which environmental review has been completed in connection with other project permits are exempt from the following procedures:

- Determination of completeness
- Notice of application, except as provided in TMC 14.06.010(B)

- Except as provided in RCW 36.70B.140, optional consolidated project permit review processing
- Joint public hearings
- Single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing
- Notice of decision
- Completion of project review within any applicable periods including the 120-day permit processing time

Project Permit Application

Applications for project permits are submitted upon forms provided by the City. An application need to consist of all materials required by the city's development guide and other applicable development regulations, and include the following general information:

- A completed project permit application form and site plan checklist
- A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all the owners of the affected property
- A property and/or legal description of the site for all applications, as required by the applicable development regulations
- The applicable fee
- Evidence of adequate water supply
- Evidence of sewer availability, or approval and authorization to construct a community or individual sewer or septic system

Additional information may be required depending on the type of project permit.

Table 1. Project Review Processes

General Project Step	Specific Action	General Time	Public Notice	Notes
1. Pre-Application Review	<i>a. Feasibility Review</i>	First step in pre-application review process	<p>Application may be submitted at any time and are scheduled for consideration at the next available meeting.</p> <p>The Development Review Committee typically meets weekly on Thursdays for pre-application reviews. Meetings are open to the public, but public comment is not taken. Agendas can be found here: https://www.ci.tumwater.wa.us/departments/community-development/permitting-building/development-review</p>	<p>Optional preapplication meeting between applicant and Development Review Committee (DRC)</p> <p>Community Development Department staff review limited to verbal, nonbinding comments.</p>
	<i>b. Preliminary Review</i>	Typically occur after a feasibility review	<p>Application may be submitted at any time and are scheduled for consideration at the next available meeting.</p> <p>The Development Review Committee typically meets weekly on Thursdays for pre-application reviews. Meetings are open to the public, but public comment is not taken. Agendas can be found here: https://www.ci.tumwater.wa.us/departments/community-development/permitting-building/development-review</p>	<p>Required for most permits, this is the first stage of a preapplication meeting between applicant and Development Review Committee (DRC)</p> <p>Intended to analyze an applicant’s initial development proposal, usually based on information received from a feasibility review.</p> <p>The preliminary review is the initial review of development proposal documents to identify potential problems and develop the preliminary proposal toward submittal of the project permit application.</p>

General Project Step	Specific Action	General Time	Public Notice	Notes
	<i>c. Formal Review</i>	Typically occur after a preliminary review	<p>Application may be submitted at any time and are scheduled for consideration at the next available meeting.</p> <p>The Development Review Committee typically meets weekly on Thursdays for pre-application reviews. Meetings are open to the public, but public comment is not taken. Agendas can be found here: https://www.ci.tumwater.wa.us/departments/community-development/permitting-building/development-review</p>	<p>Required for most permits, this is the second and final preapplication meeting between applicant and Development Review Committee (DRC).</p> <p>Intended to provide feedback and additional guidance to applicants on how effectively they have incorporated information received during the preliminary review into their development proposal.</p> <p>The formal review is an evaluation of a development proposal to determine suitability for submittal of the project permit application.</p>
2. Project Review	<i>a. Application Submittal</i>	After required preapplication meetings are complete		

General Project Step	Specific Action	General Time	Public Notice	Notes
	<i>b. Determination of Completeness</i>	Process complete 28 days or sooner after formal application submittal	<p>City will issue a written determination that an application is complete or not complete to the application. If the application is not complete, the applicant has 90-days to submit the required information and the City has a further 14-day period to review for completeness.</p> <p>If an application is complete, the City will issue the public Notice of Application in the next step.</p>	<p>The City is required by state law to review application submittals within 28-days of submittal to determine if the application submittal is ready for review.</p> <p>If an application is determined to be complete, it triggers vesting.</p> <p>The determination of completeness may made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently.</p> <p>The determination of completeness does not preclude the City from requesting additional information or studies at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action.</p>

General Project Step	Specific Action	General Time	Public Notice	Notes
	c. <i>Notice of Application</i>	<p>Notice must be issued within 14 days of the Determination of Completeness being made</p> <p>Notices of application have to be issued at least 15 days prior to an open public hearing.</p>	<p>A Notice of Application is issued for all project permit applications for which the Tumwater Hearing Examiner has decision making authority or SEPA review is required</p> <p>Notices can be found here: https://www.ci.tumwater.wa.us/departments/community-development/permitting-building/notice-of-applications-sepa-determinations</p> <p>Notices are required to be published, posted, and mailed to all property owners within 300 feet of the project agencies with jurisdiction, and parties of record.</p>	<p>The City is required by state law to complete its review of the project applications 120-days after the date of the determination of completeness, unless the “clock is stopped” to request more information from the applicant.</p>

General Project Step	Specific Action	General Time	Public Notice	Notes
	<i>d. Project Review</i>	120 days or sooner after the Determination of Completeness is made	Projects subject to hearing go to the next step. For projects that do not require a hearing, written notice of final decisions are required to be sent to the applicant and parties of record within 120 days of the date of the complete application.	<p>The City is required by state law to complete its review of the project applications 120-days after the date of the determination of completeness, unless the “clock is stopped” to request more information from the applicant.</p> <p>The Development Review Committee will review the application materials for consistency with applicable regulations and the Comprehensive Plan.</p> <p>The City will also complete an initial SEPA review for applications that are not categorical exempt.</p> <p>See the Specific Municipal Code Requirements – Development Review section below for more details on potentially applicable regulations.</p>

General Project Step	Specific Action	General Time	Public Notice	Notes
	<i>e. Open Record Hearing</i>		<p>Public notice of the open record hearing are required to be published, posted, and mailed to all property owners within 300 feet of the project, agencies with jurisdiction, and parties of record at least ten days prior to the hearing.</p> <p>Written notice of final decisions are required to be sent to the applicant and parties of record within 120 days of the date of the complete application.</p>	<p>A hearing conducted by primarily by the hearing examiner, which creates the record through testimony and submission of evidence and information.</p> <p>An open record hearing may be held prior to a decision on a project permit to be known as an “open record predecision hearing.”</p> <p>An open record hearing may be held on an appeal, to be known as an “open record appeal hearing,” if no open record predecision hearing was held on the project permit.</p>
	<i>f. Closed Record Hearing</i>		<p>Public notice of the closed record hearing are required to be published, posted, and mailed to all property owners within 300 feet of the project, agencies with jurisdiction, and parties of record at least ten days prior to the hearing.</p> <p>Written notice of final decisions are required to be sent to the applicant and parties of record within 120 days of the date of the complete application.</p>	<p>An administrative appeal on the record following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.</p>

Notes:

1. These provisions apply to all land use permits under TMC Titles 15, 16, 17 and 18 and to the related regulation implementing these provisions or any other ordinance or law. (TMC 14.02.010)

2. See Table 2 – Table 14.08.030 – Development Review Processes below for information on which body issues recommendations, makes the final decisions, or handles appeals of permits and decisions.
3. See Definitions section below for more detail on terms used.

Appendix 2 – Review Processes for Specific Permits or Approvals

Table 2 below contains information on who makes recommendations, final decisions, and hears appeals for all decisions and permits.

Administrative Versus Hearing Examiner Decisions:

- Administrative decisions and permits issued by Community Development Department staff or the Development Review Committee:
 - Examples include: building permits, site plan approvals, boundary line adjustments, land clearing permits, grading permits, critical areas approvals
 - Community Development Department staff or the Development Review Committee will take public comments and concerns, but can only respond within adopted regulations
 - All comments are considered by Community Development Department staff or the Development Review Committee
 - Community Development Department staff or the Development Review Committee considers the entire record and issues a decision
 - Community Development Department staff and the Development Review Committee decisions are final unless appealed to the Hearing Examiner
- Hearing Examiner decisions:
 - Examples include: subdivisions, conditional use permits, variances, appeals of Community Development Department staff decisions
 - Quasi-Judicial Decisions
 - Public Hearing
 - Written comments submitted to Community Development Department staff for inclusion in the record
 - All comments are considered by the Hearing Examiner
 - Hearing Examiner considers the entire record and issues a decision
 - Hearing Examiner decisions are final unless appealed to Superior Court

Table 14.08.030 Key:

- R – Recommendation to Higher Review Authority
- D – Decision
- A – Appeal Decision
- C – Closed Record Appeal Hearing
- OP – Open Record Predetermination Hearing

Table 2. Table 14.08.030 – Development Review Processes

[illegible]

	HISTORIC COMMISSION	COMMUNITY DEVELOPMENT DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
Development Code Interpretations		D		A(OP)		
Building Permit Per International Building Code		D		A(OP)		
Administrative Orders		D		A(OP)		
Civil Penalties		D		A(OP)		
Reasonable Use Exceptions		R		D(OP)		
Building Moving Permit		D		A(OP)		
Grading Permit Per International Building Code		D		A(OP)		
Impact Fee Determinations		D		A(OP)		
Concurrency Determinations		D		A(OP)		

Note

1. Decisions on shoreline conditional use permits are issued by the city and the local decision can be appealed. The city's decision is sent to the Washington State Department of Ecology for further review and approval or disapproval. After the city appeal process and Ecology's review processes are complete, appeals may be made to the Shorelines Hearings Board within twenty-one days of the "date of filing" as defined in RCW 90.58.140(6).

Appendix 3 – Definitions from TMC 14.02.020

“Closed record appeal” means an administrative appeal on the record following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

“Days” means calendar days, including weekends and holidays.

“Determination of completeness” means a written determination by the director or his/her designee that all required elements of an application have been received by the city. This determination initiates the statutory review period for the application, if any, and subject to certain exceptions, entitles the applicant to have the application considered and reviewed pursuant to the laws, regulations, and standards in effect on the date the application was complete.

“Development review committee (DRC)” means a group of staff members of the community development department (usually three) assigned by the director to conduct preapplication conferences and review and/or approve development permit applications.

“Director” means the director of the department of community development of the city of Tumwater unless another department or agency is in charge of the project in which case it refers to the chief administrative officer of that department or agency.

“Feasibility review” means an optional preapplication meeting between a prospective applicant or development proponent and the DRC to provide limited information on applicable development and site requirements as a precursor to a “preapplication conference.”

“Formal review” means the second and final stage of preapplication conference to provide feedback and additional guidance to applicants on how effectively they have incorporated information received during the preliminary review into their development proposal. The formal review is an evaluation of a development proposal to determine suitability for submittal of the project permit application.

“Open record hearing” means a hearing, conducted by a single hearing body or officer, that creates the record through testimony and submission of evidence and information. An open record hearing may be held prior to a decision on a project permit to be known as an “open record predecision hearing.” An open record hearing may be held on an appeal, to be known as an “open record appeal hearing,” if no open record predecision hearing was held on the project permit.

“Planned action” means one or more types of project actions that are designated planned actions by city ordinance or resolution as more particularly outlined in TMC 14.04.030(B)(2).

“Preapplication conference” means one or more of the two stages of meetings between an applicant and DRC usually held after a “feasibility review,” but prior to submission of a project permit application. The two stages, “preliminary review” and “formal review,” are progressions toward development of the project permit application designated to evaluate developing application submittal documents, to answer questions and provide procedural information to prospective applicants, and to guide applicants with preparation of a permit application submittal.

“Preliminary review” means the first stage of a preapplication conference to analyze an applicant’s initial development proposal, usually based on information received from a feasibility review. The preliminary review is the initial review of development proposal documents to identify potential problems and develop the preliminary proposal toward submittal of the project permit application.

“Project permit” means any land use or environmental permit or license required from the city for a project action, including but not limited to subdivisions, planned unit developments, conditional uses, shoreline substantial development permits, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection. Project action also includes any proposal for development of any new commercial/industrial or multifamily (three units or more) structure or addition or modification to a commercial/industrial or multifamily structure or change in occupancy of such an existing structure that changes utility requirements, parking requirements or necessitates additional site improvements.

Appendix 4 – Specific Municipal Code Requirements – Development Review

Title 14 – *Development Code Administration*

TMC 14.02 *Project Permit Processing/Applications*

TMC 14.04 *Project Consistency/Time Limits*

TMC 14.06 *Public Notice Requirements*

TMC 14.08 *Approval, Review And Appeal Authority*

Title 15 – *Buildings and Construction*

General Regulations

TMC 15.01 *General Provisions*

TMC 15.44 *Vesting of Development Rights*

TMC 15.48 *Transportation Concurrency Requirements*

Tumwater Development Guide

TMC 15.02 *Public Works Construction Standards*

Building Code Related Regulations

TMC 15.04 *International Building Code*

TMC 15.06 *International Residential Code*

TMC 15.08 *International Mechanical Code*

TMC 15.12 *Uniform Plumbing Code*

TMC 15.16 *International Fire Code*

TMC 15.18 *International Property Maintenance Code*

[Code Enforcement]

TMC 15.20 *International Energy Conservation Code*

TMC 15.32 *Building Moving*

TMC 15.40 *Unsafe and Unfit Buildings, Structures and Premises*

[Code Enforcement]

TMC 15.50 *Building Demolition*

Development Code

Title 16 – *Environment*

State Environmental Policy Act (SEPA)

TMC 16.04 *Environmental Policy*

[SEPA thresholds, process, and notifications]

Critical Areas Regulations

TMC 16.20 *Geologically Hazardous Areas*

[Steep slopes, landslide hazards, liquefaction]

TMC 16.24 *Aquifer Protection Standards*

TMC 16.26 *Wellhead Protection*

TMC 16.28 *Wetland Protection Standards*

[Wetlands and buffers]

TMC 16.32 *Fish and Wildlife Habitat Protection*

[Streams and habitat lands]

Other Environment Regulations

TMC 16.08 *Protection of Trees and Vegetation*

TMC 16.12 *Right-To-Farm*

Title 17 – Land Division

General Regulations

TMC 17.02 *General Provisions*

TMC 17.04 *Definitions*

TMC 17.28 *Deviation from Requirements*

Minor Land Division Actions

TMC 17.06 *Lot Consolidations*

TMC 17.10 *Boundary/Lot Line Adjustments*

Major Land Division Actions

TMC 17.08 *Binding Site Plans*

TMC 17.14 *Preliminary Land Divisions*

TMC 17.24 *Final Land Divisions*

TMC 17.26 Replats/Vacations/Alterations

Development Requirements

TMC 17.12 General Design Standards

TMC 17.16 Specific Design Standards

TMC 17.18 Public Improvements

TMC 17.20 Dedications and Contributions

Title 18 – Zoning

General Zoning Regulations

TMC 18.02 General Provisions

TMC 18.04 Definitions

TMC 18.06 Districts Designated

TMC 18.07 Summary Tables Of Uses

Individual Zone District and Overlay Regulations

- *Permitted, accessory, and conditional uses*
- *Requirements for minimum and maximum residential densities*
- *Division of land not on public sanitary sewer*
- *Minimum lot size*
- *Clustered subdivisions*
- *Lot coverage/impervious surface*
- *Structure height*
- *Front, side, and rear yard setbacks*

Residential Zone Districts

TMC 18.08 RSR Residential/Sensitive Resource Zone District

TMC 18.10 SFL Single-Family Low Density Residential Zone District

TMC 18.12 SFM Single-Family Medium Density Residential Zone District

TMC 18.14 MFM Multifamily Medium Density Residential Zone District

TMC 18.16 MFH Multifamily High Density Residential Zone District

TMC 18.49 MHP Manufactured Home Park Zone District

Commercial and Mixed Use Zone Districts

TMC 18.18 NC Neighborhood Commercial Zone District

TMC 18.19 CS Community Services Zone District

TMC 18.20 MU Mixed Use Zone District

TMC 18.21 CBC Capitol Boulevard Community Zone District

TMC 18.22 GC General Commercial Zone District

TMC 18.23 TC Town Center Zone District

TMC 18.26 HC Historic Commercial Zone District

TMC 18.27 BD Brewery District Zone

Industrial Zone Districts

TMC 18.24 LI Light Industrial Zone District

TMC 18.25 HI Heavy Industrial Zone District

TMC 18.34 ARI Airport Related Industry Zone District

Other Zone Districts

TMC 18.30 GB Greenbelt Zone District

TMC 18.31 OS Open Space Zone District

Overlays

TMC 18.32 AP Airport Overlay

TMC 18.33 MUO Mixed Use Overlay

TMC 18.35 GCO General Commercial Overlay

TMC 18.36 PUD Planned Unit Development Overlay

TMC 18.38 FP Floodplain Overlay

TMC 18.39 AQP Aquifer Protection Overlay

General Land Use Regulations

TMC 18.40 Environmental Performance Standards

TMC 18.42 General Land Use Regulations

TMC 18.43 Citywide Design Guidelines

Specific Land Use Regulations

TMC 18.44 Signs

TMC 18.46 Fencing

TMC 18.47 Landscaping

*TMC 18.48 Designated Manufactured Homes – Manufactured Homes – New
Manufactured Homes – Mobile Homes – Manufactured Home Parks*

TMC 18.50 Off-Street Parking

TMC 18.51 Cottage Housing

TMC 18.52 Child Care Facilities

TMC 18.53 Housing for the Functionally Disabled

Use Permits and Other Regulations

TMC 18.54 Nonconforming Uses

TMC 18.56 Conditional Use Permits

TMC 18.57 Transfer of Development Rights

TMC 18.58 Variances

TMC 18.59 Temporary Uses

TMC 18.60 Text Amendments and Rezones

TMC 18.62 Appeals

TMC 18.64 Enforcement and Penalty

Other Relevant Sections

Title 2 – Administration and Personnel

Roles and Responsibilities

TMC 2.56 Planning Commission

In addition, the Planning Commission Rules of Procedure adds further detail
on how the Planning Commission conducts its business

TMC 2.58 Hearing Examiner

TMC 2.66 Tree Board

Title 3 – Revenue and Finance

Taxes and Development Impact Fees

TMC 3.30 *Multifamily Housing Tax Exemptions*

TMC 3.50 *Impact Fees*

TMC 3.52 *Tumwater Park Impact Fees*

Title 6 – Animals

Regulations Related to Animals in the City

TMC 6.04 *Dogs, Cats and Other Pets*

TMC 6.05 *Pet Shops*

TMC 6.08 *Livestock*

Title 8 – Health and Safety

Code Enforcement

TMC 8.04 *Nuisances*

Title 11 – Telecommunications and Telecommunications Facilities

Cell Towers and Other Wireless Communication Facilities

TMC 11.20 *Wireless Communication Facilities*

Title 12 – Streets, Sidewalks and Public Places

All Street Related Regulations, Includes Construction Requirements for Development

TMC 12.04 *Street and Alley Vacations*

TMC 12.12 *Construction of Curbs and Sidewalks*

TMC 12.24 *Street Trees*

Title 13 – Public Services

All Public Utility Related Regulations, Includes Drainage Design and Erosion Control Manual]

TMC 13.04 *Water Service Regulations*

TMC 13.08 *Sewer Service Regulations*

TMC 13.12 *Stormwater System*