

COPPER RIDGE, LLC

PO Box 73790
Puyallup, WA 98373
Phone: 253.848.0820

September 13, 2022

Jared Crews
Engineer II
City of Tumwater Transportation & Engineering
555 Israel Road SW
Tumwater, WA 98501

RE: Three Lakes Crossing Permit #TUM-22-1101 Request for Clarification

Dear Jared:

This letter is a formal request for an Administrative Decision as it relates to the undergrounding of offsite existing overhead utilities along the frontage of Henderson Boulevard. In the review comments provided on August 31, 2022, item #12 under the “Street” section (Page 4) states:

This project shall be required to underground the existing overhead utilities along Henderson Blvd. Please address this on the plan set.

Upon further inquiry as to where in the Tumwater Municipal Code this requirement exists, we were told that “TMC 17.12.200 Underground Utilities” is the controlling code section. This section reads:

Electrical power, telephone, cable television, fiber optics and other transmission lines shall be installed underground.

Title 17 is the controlling title as it relates to Land Division and new plats. Furthermore, TMC17.12 lays out the General Design Standards for new development and construction. In that context, TMC 17.12.200 is clearly referencing new onsite utility installation related to plats. As the overhead power on Henderson is existing, it cannot be installed, and read plainly, this code would not require us to relocate it underground. That being said, all onsite utilities will be installed underground per this code section.

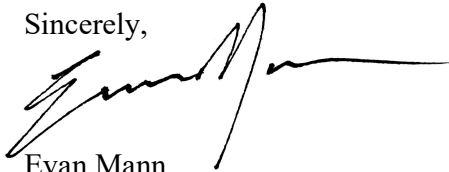
On it's face, this code section does not require undergrounding of existing utilities and is very clear by stating that utilities “shall be installed” not “shall be relocated” underground. Cities that have relocating requirements have very clear separate code sections relating to undergrounding of existing utilities. Furthermore, this condition of approval does not exist in the Hearing Examiner Decision which is very common when this is intended to be a requirement by jurisdictions. This request has major cost and time implications that do not appear to be supported by code.

Even if the poles for the overhead utilities along Henderson Boulevard need to be relocated horizontally to allow for the placement of new road, curb, gutter, and sidewalk, that relocation would not qualify as an installation.

Based on the plain reading of this code section, we request that this condition be removed from the most recent comment letter and that any existing offsite overhead utilities remain overhead as is allowed by the Tumwater Municipal Code. If the City feels that they are warranted in the requirement to underground the existing overhead utilities along Henderson Boulevard, then we request a formal Administrative Decision justifying this requirement so we can take further action per TMC 17.02.140 allowing us to appeal this decision before a hearing examiner.

Please review this request and let us know if you have any additional questions or would like to discuss this issue further. I am available by phone at 253-820-7835 or email at evan@soundbuilthomes.com. We look forward to hearing from you on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Evan Mann', with a long horizontal flourish extending to the right.

Evan Mann
Entitlement Manager
Copper Ridge, LLC
evan@soundbuilthomes.com