

CITY OF TUMWATER  
HEARING EXAMINER STAFF REPORT  
Hearing Date: January 29, 2025

**Project Name:** Vista Views at Black Lake

**Case Numbers:** TUM-24-1446 Phased Preliminary Plat and Infrastructure Exception

**Owner:** Allen and Virginia Bodenhamer Trustees  
22 S Barracks Ln  
Salmon, ID 83467

**Project Proponent/  
Representative:** Hatton Godat Pantier  
3910 Martin Way E, Ste B  
Olympia, WA 98506

**Type of Action Requested:** The project proponent is requesting approval of a Phased Preliminary Plat (TUM-24-1446) to construct 184 single family homes in two phases on parcels located in the Single-Family Low Density (SFL) zone district. The SFL zone allows single family homes as a permitted use. The proponent wishes to develop the project in phases through the phased preliminary plat process, which allows developments over 100 lots to be constructed in up to 4 phases. The project is also requesting an infrastructure exception to construct utilities adjacent to critical areas and critical area buffers.

**Project Location:** The project is located at 3717 49th Ave SW and 3825 58th Lane SW, Tumwater, WA 98512 totaling 54.36 acres; Tax Parcel Numbers 12832310700 and 12832310800.

**Project Permit:** The following have been issued for the project:

1. Notice of Application issued on October 18, 2024 (TUM-24-1446) (Exhibit 6)
2. Mitigated Determination of Non-Significance on December 20, 2024 (TUM-24-1447) (Exhibit 7)

**Public Notification:** Public notification for the January 29, 2025, public hearing was mailed to property owners within 300 feet of the subject property and various agencies, posted on-site and published in *The Olympian* on January 17, 2025, in conformance with Tumwater Municipal Code TMC 14.06 (Exhibits 5 and 8).

**Staff Recommendation:** Approval, subject to conditions identified at the end of the staff report in Section IV *Recommendation*.

**Staff Planner:** Alex Baruch, Senior Planner, AICP  
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## I. BACKGROUND INFORMATION

### A. Application and Review Process

A formal site plan review application was reviewed by the development review committee on August 29, 2024 (TUM-22-0991). The Preliminary Plat (TUM-24-1446) application was submitted on October 1, 2024, and was deemed complete on October 14, 2024.

Under TMC 2.58.090, and TMC 16.28.115(C), review authority for the phased preliminary plat and wetland infrastructure exception fall under the purview of the Hearing Examiner.

### B. Existing Conditions

The property was most recently used to raise cattle. The topography of the property is mostly flat sloping north west to Wetland A and increasing in height to the east to a hill on an adjacent property (Exhibit 3).

### C. Project Description

The applicant is proposing to construct 184 single family homes in a phased development with associated open space, road improvements, landscaping, and infrastructure.

## II. REGULATORY FRAMEWORK

The proposal is subject to the following policies and regulations:

- A. **Tumwater Comprehensive Plan:** The project site is located in the Trospen Neighborhood as designated by the Land Use Element of the City's Comprehensive Plan. The land use designation for the approximately 54.36-acre site is Single Family Low Density (Exhibit 4).

The Comprehensive Plan Neighborhood Appendix, Section 10.3 Trospen Neighborhood Single Family Low Density states:

"The area west of the railroad tracks is currently developed with a rural level of development. This area has been designated Single Family Low Density Residential to reflect the surrounding lower density uses in the county."

The housing chapter (Goal H-7) further identifies the need to ensure that housing is compatible in quality, design, and density with surrounding land uses traffic patterns, public facilities, and environmentally sensitive areas.

### **Staff Response and Recommended Finding:**

*The goals stated in the Comprehensive Plan encourage development in line with the surrounding area and the Comprehensive Plan designation. Single Family Residential development is in line*

*with the designation and the surrounding area.*

*The proposal also includes community open space and infrastructure improvements as encouraged by the Comprehensive Plan and required by City Ordinances.*

*Citywide Design Guidelines have been adopted to ensure compatibility in the surrounding areas.*

*Staff finds that the project is consistent with the Comprehensive Plan with the proposed conditions.*

**B. Tumwater Transportation Plan:** The Transportation Plan includes language speaking to regional consistency and coordination to address both motorized and non-motorized transportation links and corridor. Goals are to establish a street and road network that provides for the safe and efficient movement of goods and people, neighborhood connectivity, to ensure pedestrian connectivity, and concurrency to meet PM peak hour level of service standards.

**Staff Response and Recommended Finding:** *A Transportation Concurrency Application along with a Traffic Impact Analysis was submitted for review by the Transportation Manager and Transportation and Engineering Director and was incorporated as a part of the Transportation Concurrency and SEPA Review Mitigated Determination of Non-Significance.*

*The transportation concurrency ruling identified specific mitigation measures to achieve concurrency. These include off-site intersection improvements to Black Lake Belmore Rd and Black Lake Blvd SW, frontage improvements and payment of transportation impact fees. Additionally, trips are proposed to be sent through the Tumwater Blvd – I-5 Interchange which will also require payment of mitigation fees or construction of the required interchange improvements and construction of a temporary signal prior to issuance of the first single-family building permit. These findings are reflected in the MDNS issued December 20, 2024 (Exhibit 7).*

*Staff finds that with the required mitigation proposed in the Transportation Concurrency and MDNS, this project will not adversely affect level of service standards and that the project is consistent with the Tumwater Transportation Plan.*

**C. Sustainable Development Plan for Thurston Region:** The Plan indicates that the regional community has set a target to reduce vehicle miles traveled and to preserve sensitive areas, farmland, forest land, prairies and rural lands.

**Staff Response and Recommended Finding:** *The Plan has a target goal stating that by 2035, 72 percent of all (new and existing) households in our cities, towns, and unincorporated growth areas will be within a half-mile (comparable to a 20-minute walk) of an urban center, corridor, or neighborhood center with access to goods and services to meet some of their daily needs.*

*The site is located more than a half-mile from an urban center, however is located in area designated for residential growth. The Plan also includes a goal of preserving environmentally sensitive lands, farmlands, forest lands, prairies, and rural lands and develop compact urban areas.*

*The project meets this goal by providing compact development in the urban area (almost maximizing the density for the single-family low density zone district), and protecting/enhancing environmentally sensitive lands.*

*Staff finds the project is consistent with the Sustainable Development Plan for Thurston Region.*

**D. Thurston Regional Trail Plan:** The City of Tumwater is a participating member of the Thurston Regional Planning Council (TRPC). TRPC adopted the Thurston Regional Trail Plan in December 2007.

The Regional Trails Plan defines a trail network blueprint and a set of guidelines and recommendations for all of Thurston County and its cities, towns and communities. The Goals and Policies section of the Plan serves to link local trail planning efforts within the broader context of planning the regional transportation network. The plan charts a systematic path creating interconnected corridors that improve access to community destinations.

**Staff Response and Recommended Finding:** *The project site is not affected by the regional trail network outlined in the Thurston Regional Trail Plan.*

*Staff finds that approval of the project will not affect implementation of the Thurston Regional Trail Plan.*

**E. Hearing Examiner – TMC 2.58.090, 14.08.020.A:** The Hearing Examiner has authority to review Phased Preliminary Plats and infrastructure exceptions.

**Staff Response and Recommended Finding:** *Phased preliminary plats and infrastructure exceptions require a public hearing and decision by the Tumwater Hearing Examiner. Final plat approval authority is administrative and will be completed by City of Tumwater staff.*

**F. Public Notice Requirements –TMC Chapter 14.06:** TMC Chapter 14.06 requires the City to provide public notification of certain application types by issuing a Notice of Application (TMC 14.06.010) and a Notice of Open Record Hearing (TMC 14.06.070).

**Staff Response and Recommended Finding:** *A public notice for the Preliminary Plat and Infrastructure Exception application was mailed to property owners within 300 feet of the subject property, affected agencies and posted on-site; and published in the Olympian on October 18, 2024. (Exhibits 5 & 6)*

**Public comments:**

*Nisqually Indian Tribe, Squaxin Island Tribe and the Department of Archaeology and History Preservation requested a cultural resource survey.*

*Thurston County requested a copy of the Transportation Impact Analysis, and after review stated that City Staff was addressing the one intersection Thurston County would want reviewed.*

*Several community members comments were received. They include comments about school pedestrian connections, pickup and drop-off at the school, density, open space, stormwater drainage, utility connections, transportation impacts, emergency services impacts, best planning practices and wetland impacts. The City responded to the different concerns which are included in the response letters.*

*Public comments received from the Notice of Application are found in Exhibit 9A-9S.*

*The City's SEPA threshold determination was mailed to property owners within 300 feet of the subject property, affected agencies and posted on-site; and published in the Olympian on December 20, 2024. (Exhibit 7).*

**Public comments:**

*Olympia Regional Clean Air Agency (ORCAA) made comments on the requirements for construction dust and demolition permits as it relates to asbestos surveys.*

*Washington State Department of Ecology provided comments regarding critical area review, solid waste and toxic cleanup. The applicant and applicant's consultant responded to the Department of Ecology's concerns in a series of emails and response letters. The Department of Ecology also responded to the applicant's responses. No formal resolution to the comments has been achieved at this time.*

*Several community members also sent comments to the City about the SEPA determination. The comments included concerns about the transportation network, schools, critical area impacts and water availability. The City responded to the different concerns which are included in the response letters.*

*Public comments received from the Mitigated Determination of Non-significance are found in Exhibit 10A – 10W.*

Public notice for the January 29, 2025 public hearing was mailed to property owners within 300 feet of the subject property, affected agencies, and those who provided comment, posted on-site, and published in the Olympian on Friday, January 17, 2025, in conformance with TMC 14.06.070 (Exhibits 5 & 8).

**G. State Environmental Policy Act – TMC 16.04:** The City of Tumwater Community Development Department reviewed a SEPA Environmental Checklist and other information submitted by the project proponent and issued a Mitigated Determination of Non-Significance on December 20, 2024.

**Staff Response and Recommended Finding:** *The City of Tumwater Community Development Department, as lead agency, completed environmental review in accordance with TMC 16.04, RCW 43-21C and WAC 197-11. The City's SEPA threshold determination, a Mitigated Determination of Non-significance was issued on December 20, 2024 (Exhibit 7).*

**H. Transportation Concurrency – TMC 15.48:** The project is subject to the requirements of the City’s transportation concurrency test outlined in TMC Chapter 15.48.

**Staff Response and Recommended Finding:** *The applicant submitted a Transportation Impact Analysis for the project. The report was reviewed by the City’s Transportation Manager who has issued a transportation concurrency ruling stating that the project is concurrent in regard to transportation when 1) off-site improvements to the intersection of Black Lake Belmore Road and Black Lake Blvd SW are completed; 2) transportation impact fees are paid, 3) payment of mitigation fees for trips through the Tumwater Boulevard/I-5 Interchange (Exhibit 20).*

**I. Tree Protection and Replacement Ordinance – TMC 16.08:** TMC Chapter 16.08 regulates the removal and preservation of existing trees on a site to be developed.

**Staff Response and Recommended Finding:** *A professional forester’s report that included a tree inventory, and tree protection plan in compliance with TMC Chapter 16.08 was submitted. The inventory showed a total of 275 trees located on site. TMC 16.08 requires retention of 20% or 12 trees per acre, whichever is greater. 12 trees per acre would require retaining 653 trees on-site. Since the proposed development does not have the required amount of trees on-site in a pre-developed state the development will need to bring the development up to the required amount post development This means that 378 additional trees will need to be planted to meet the tree ordinance standards. (Exhibit 22)*

*Staff finds that the proposed preliminary plat and preliminary civil plans are consistent with TMC 16.08.*

**J. Fish and Wildlife Habitat Protection – TMC 16.32:**

TMC Chapter 16.32 regulations fish and wildlife and species.

**Staff Response and Recommended Finding:** *The parcel has soil preferred by the Mazama Pocket Gopher. A Mazama Pocket Gopher Screening report dated October 2022, August 2023 and July 2024 concluded no mound formations exhibiting characteristics created by the Mazama pocket gopher were identified on the subject property during gopher screenings or by agency databases. (Exhibits 16, 17 and 18).*

*No Oregon Spotted Frog critical habitat is mapped on the subject property. Potential Oregon spotted frog habitat occurs in Wetland A however no preferred habitat occurs in Wetland A. A farm pond located adjacent to Wetland A does contain perennial waters however no abundant emergent or floating aquatic plants occur in the pond. Wetlands B and C are small livestock wallows that may seasonally flood during winter storms when groundwater rises. The report states that surface water may not persist long enough to support Oregon spotted frog habitat. Wallowing livestock likely discouraged any potential habitat utilization.*

**K. Wetlands – TMC 16.08:**

A Critical Area and Wetland Mitigation Plan, Advanced Studies Stand Alone and Pump Station Mitigation Plan were submitted for review for this application. Three wetlands were found on the property and one off-site wetland was analyzed to see if the wetland buffer extended onto the subject property.

- Wetland A is located in the northwest portion of the property and is rated a category II wetland.
- Wetland B and C are located in the southern portion of the subject property and are rated as category IV wetlands. These two wetlands are considered small wetlands per TMC 16.28.095 as both wetlands are between 1,000 and 4,000 square feet. Type III and Type IV wetlands between 1,000 and 4,000 square feet in size may be disturbed or eliminated subject to all of the following criteria:
  - The wetland is not associated with a riparian corridor
    - Applicant Response: Wetlands B & C are not located within a riparian corridor.
  - The wetland is not part of a wetland mosaic
    - Applicant Response: Wetlands B & C are not a part of a mosaic wetland system. Under DOE (2014) Washington State Wetland Rating System for Western Washington, the definition of mosaic wetland requires at least three ( $\geq 3$ ) patches of wetland less than one ( $< 1$ ) acre in size all located within one hundred ( $\leq 100$ ) ft of each other. The areas of wetlands must be greater than fifty percent ( $> 50\%$ ) of the total area of wetlands and uplands combined.
    - However, Wetlands B & C do not satisfy the minimum number of wetlands or the distance requirement to qualify as mosaic wetlands. These two (2) wetlands are greater than five hundred ( $> 500$ ) feet apart and no other wetlands are located between them (Figure 4). Thereby, Wetlands B and C do not form a mosaic and are not a part of a mosaic wetland system.
  - The wetland does not score thirteen points or more in the wetland rating score
    - Applicant Response: Wetlands B & C score twelve (12) points in the wetland rating score, which is less than thirteen ( $< 13$ ) points.
  - The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington State Department of Fish and Wildlife
    - Applicant Response: No priority species have been identified in Wetland B or C by the WDFW PHS database.
  - Impacts allowed under this provision have been fully mitigated as required under TMC 16.28.220.
    - Applicant Response: Impacts allowed under this provision have been fully mitigated as required under TMC 16.28.220.

In addition to these standards, TMC 16.28.180.A and D requires that the applicant

demonstrate that wetland impact avoidance is not possible and that the impacts are necessary and unavoidable based on a reasonable alternative which will accomplish the applicant's objectives. The applicant provided a document outlining the reasons to approve the wetland removal and mitigation as discussed in Exhibits 10S and 10T. Some of the reasons stated include economic factors required to complete the utility and infrastructure improvements for a development in this location requires a certain amount of economic feasibility by maximizing the number of lots to be able to be developed for sale. Additionally, the extension of sewer to this area in line with the Comprehensive Sewer Plan (Exhibit 31) will allow other homes in this area on septic to convert to sewer as the sewer line is extended across their frontage.

The opportunity to extend sewer into this area will require development proposals in the future to connect to the public sewer system and not continue to use septic systems. The sanitary sewer force main being extended from Mottman Industrial Park to the proposed lift station will not allow for connection directly to the force main pipe however as developments extend the sewer gravity main the opportunity for other properties to develop and switch from septic to sewer will increase. The opportunity to connect to the public sewer system will decrease the amount of septic systems in close proximity to Black Lake which will benefit the water quality of Black Lake. Black Lake is listed as a 303d impaired water (per the Department of Ecology's website) due to total phosphorous levels. Phosphorous from septic systems can enter groundwater and travel to surface water bodies, can increase algae growth, lower dissolved oxygen in surface waters, and contaminate drinking water.

*Staff Response: Maximizing the density of a development is in line with the Growth Management Act and various Comprehensive Plan goals and policies. Bringing public infrastructure to this area of the City will be a benefit environmentally to Black Lake as septic systems will be able to be converted to the public sewer system as they fail and as any additional development is proposed. Staff finds that the removal and mitigation plan for Wetlands B and C would be in line with the City's development regulations and supported by the City's Comprehensive Plan as it relates to increasing housing stock and sewer plan. In addition, it would provide opportunities to reduce the amount of septic systems near environmentally sensitive areas. The proposed wetland mitigation to restore and enhance Wetland A and its buffer at a 30:1 ratio is above the required amount and would be implemented with the site development grading plans and after development is complete, through a monitoring plan.*

### **Potential Off-Site Wetland**

- In Exhibit 10M, which provided a response to the Department of Ecology's comments, the applicant's consultant provided documentation of an off-site wetland which was categorized as a Category III wetland with a buffer width of 80'. The report shows that the wetland is approximately 100' from the subject parcel's property line. Based on this report the wetland or wetland buffer would not be expected to extend to the subject parcel. Additionally, Exhibit 10W shows that the potential wetland does not form a wetland mosaic with Wetland B and



C since they are over 100 feet apart.

*Staff Response: After review of the wetland reports and follow-up emails, staff agrees with the above findings and the mitigation proposed in Section 6 of the wetland reports (Exhibits 12 and 14).*

### **Wetland Infrastructure Exception**

If the application of the Wetland Protection Standards found in title 16 of the Tumwater Municipal Code would prohibit a development proposal by a public agency, public utility, or a private entity installing public or private infrastructure that is in compliance with the comprehensive transportation, capital facilities or utility plans of Tumwater, the agency or utility may apply for an exception pursuant to this section.

Under 16.28.115 (B) – Exception Request and Review Process: An application for an infrastructure exception shall be made to the City and shall include a Critical Area Identification Form; Critical Area Report, including Mitigation Plan; and any other related project documents such as permit applications to other agencies, special studies and environmental documents prepared pursuant to the State Environmental Policy Act. The community development director shall prepare a recommendation to the hearing examiner based on review of the submitted information, a site inspection and the proposal’s ability to comply with infrastructure exception review criteria in 16.28.115.D.

Subsection C states that the hearing examiner shall review the application and the community development director’s recommendation and conduct a public hearing. The hearing examiner shall approve, approve with conditions, or deny the request based on the proposal’s ability to comply with all of the infrastructure exception review criteria in subsection D.

Proposed improvements that could impact critical areas include frontage improvements along 49<sup>th</sup> Ave SW and the sewer pump station improvements on Black Lake Belmore Rd.

Infrastructure Exception Review Criteria:

1. There is no other practical alternative to the proposed development with less impact on the critical areas;
  - a. Applicant Response:
    - *Frontage Improvements: Practical alternatives to the proposed improvements required on 49th Avenue SW resulting in less impacts on Critical Areas have been analyzed by the project team. Project engineers have analyzed multiple routes for utilities and infrastructure improvements required for the feasibility of this project. Mitigation sequencing was applied to avoid and minimize potential impacts to the greatest extent practicable to achieve project goals.*
    - *Sewer Pump Station: Practical alternatives to the proposed*

*improvements required sewage pump station resulting in less impacts on Critical Areas have been analyzed by the project team. Project engineers have analyzed multiple locations required for the feasibility of this pump station. The proposed location would allow for the least impacts to Critical Areas and their buffers. Mitigation sequencing was applied to avoid and minimize potential impacts to the greatest extent practicable to achieve project goals.*

2. The application of this title would unreasonably restrict the ability to provide utility services to the public;

a. Applicant Response:

- *Frontage Improvements: Utility and infrastructure improvements are required and necessary to achieve project and City goals. Eliminating these improvements would unreasonably restrict the ability to provide utility services to the public.*
- *Sewer Pump Station: The sewage pump station improvements are required and necessary to achieve project and City goals. Eliminating these improvements would unreasonably restrict the ability to provide utility services to the public.*

3. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposed site;

a. Applicant Response:

- *Frontage Improvements: The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site. However, without any improvements on 49th Avenue SW, utility access, sanitary health measures, and safety improvements could be unavailable for future residents. Risks may occur if these improvements along 49th Avenue SW are eliminated.*
- *Sewer Pump Station: The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site. However, without the sewage pump station, sanitary health measures could be unavailable for future residents. Risks may occur if the pump station is eliminated.*

4. The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with other applicable regulations and standards.

a. Applicant Response:

- *Frontage Improvements: The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with other applicable regulations and standards through preparing a mitigation plan applying mitigation sequencing to avoid and minimize potential impacts and to mitigate unavoidable impacts in compliance with City of Tumwater standards and regulations provided in TMC 16.28.*
- *Sewer Pump Station: The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with other applicable regulations and standards*

*through preparing a mitigation plan applying mitigation sequencing to avoid and minimize potential impacts and to mitigate unavoidable impacts in compliance with City of Tumwater standards and regulations provided in TMC 16.28*

***Staff Response:** Though the burden of proof for the infrastructure exception is the responsibility of the applicant, staff agrees with the applicant's findings and further states that the proposed improvements are in line with the City's Transportation Comprehensive Plan, Sewer and Water Plans and wetland protection standards. Due to the proximity of the parcel to Black Lake the extension of utilities to this area will allow properties to convert septic systems to public sewer when additional development occurs and when septic systems fail which will reduce sewage impacts on Black Lake. With the proposed mitigation plans listed in the Wetland Report and Mitigation Plan (Exhibit 12) and the Pump Station Mitigation Plan (Exhibit 14) staff recommends approval of the infrastructure exception.*

**Staff Response to Wetlands Section and Recommended Finding:** Overall, Staff finds that the proposal is consistent with the wetland protection ordinance for the City of Tumwater. Wetland information and notations required by code must be identified on the final plat drawing and/or specified in the covenants, to assure that the land subject to wetland restrictions are guaranteed in perpetuity. In addition, wetland fencing and signage must be provided along the buffer boundary in accordance with TMC 16.28. Lastly, the applicant has analyzed the requirements for the wetland infrastructure exception and staff agrees with the applicant's analysis and recommends approval.

**L. Preliminary Plat Design Standards – TMC Title 17:**

The subdivision is required to comply with the following standards of design and development as required by TMC 17.12.010.

- 1) **TMC 17.12.020 – Future Subdivision and Access:** All land divisions shall be designed to accommodate the future land division of adjoining land by providing adequate future access and utility service. Pedestrian and bicycle access to schools, parks, shorelines, recreation areas, and open space shall be provided by walkway where street access is unsafe or inadequate.

**Staff Response and Recommended Finding:** *This project is proposing to construct internal roads with proposed stub-roads that will provide future connectivity and infrastructure to adjacent properties. Additionally, a safe route to school connection is proposed along Black Lake Blvd SW to connect 58<sup>th</sup> Lane to the existing asphalt path. Sidewalks are proposed throughout the subdivision and to open spaces. Bicycle lanes will be completed along the frontage on 49<sup>th</sup> Ave SW with the frontage improvements.*

*With these conditions, staff finds that the preliminary plat is consistent with TMC 17.12.020.*

- 2) **TMC 17.12.040 – Minimum Lot Size:** Lots or tracts shall conform to the size set forth in the zoning district unless dedicated or restricted by covenant for open

space, park, recreational or other community or public use. In subdivisions intended for single family dwelling units or townhouse/row house development, a separate lot or tract shall be provided for each dwelling unit, not including accessory dwelling units. If the land division is submitted in phases/divisions of development, each phase/division submitted for approval shall meet all provisions of this section.

***Staff Response and Recommended Finding:*** *The proposal includes single-family residential development with individual lots. The proposed lots shall meet the required minimum lot sizes as required by the underlying zone district.*

*Staff finds that the preliminary plat is consistent with TMC 17.12.040.*

- 3) **TMC 17.12.060 – Residential Lot Building Sites:** Each residential lot in low density residential zones shall have a building site no less than 1,600 square feet in area within which a suitable building can be built and served by utilities and vehicular access unless dedicated or restricted by covenant for open space, park, recreation or other public use. The building site area herein required shall not exceed a 25% cross slope or include any very severe development limitation areas. Such building sites shall be indicated on the face of the preliminary land division.

***Staff Response and Recommended Finding:*** *The smallest lot sized proposed by this development is approximately 4,000 sqft and the average lot size is 5,448 sqft. The lots will be served by public water and sewer and will be served by public roads and private alleys. No building site will exceed a 25% cross slope.*

*Staff finds that the preliminary plat is consistent with TMC 17.12.060.*

- 4) **TMC 17.12.070 – Natural Vegetation and Features:** Natural vegetation and features such as trees, streams, wetlands, and wildlife habitat shall be preserved to the greatest extent possible and in accordance with the requirements of Title 16 TMC and Chapter 18.47 TMC.

***Staff Response and Recommended Finding:*** *A professional forester's report, tree inventory, and tree protection plan that complies with TMC Chapter 16.08 was submitted, reviewed, and is recommended for approval with the proposed preliminary plat. The wetland report is discussed in section K of this report, and the applicant provided a gopher survey that showed no evidence of Mazama Pocket Gopher.*

*Staff finds that the preliminary plat is consistent with TMC 17.12.070.*

- 5) **TMC 17.12.080 – Clearing and Grading:** Proposed clearing and grading should be minimized by the use of shared access driveways and careful location of streets and building sites.

***Staff Response and Recommended Finding:*** *Preliminary site development and grading plans have been reviewed by staff and are consistent with the requirements of this section as there*

are not many trees on the developable area of the site..

Staff finds that the preliminary plat is consistent with TMC 17.12.080.

- 6) TMC 17.12.090 – Wetlands and Drainage: Wetlands and natural drainage ways shall be subject to review under Chapters 16.28 (Wetlands) and 16.32 (Fish and Wildlife Conservation Areas) of this code.

**Staff Response and Recommended Finding:** Please see section K for a discussion on the wetlands and natural drainage ways.

Staff finds that the preliminary plat is consistent with TMC 17.12.090.

- 7) TMC 17.12.100 – Hazards: Where land division and development of land may pose a hazard to the land division and nearby properties because of steep slopes, unstable soils, excessive stormwater runoff or soil erosion, the land divider shall have the burden of presenting the evidence satisfactory to the City of hazard mitigation. In the absence of such evidence, division of such land shall be denied.

**Staff Response and Recommended Finding:** A preliminary drainage report, including soils report has been submitted. All stormwater runoff, treatment and release shall meet the minimum standards of the City of Tumwater Drainage Design and Erosion Control Manual. Any retaining walls shall meet the requirements of the Tumwater Municipal Code and most current building code requirements.

Staff finds that the preliminary plat is consistent with TMC 17.12.100.

- 8) TMC 17.12.110 – Streets: The size of streets and their associated rights-of-way shall be as shown on the street standards chart for the class of street, which is appropriate to serve the land division, and anticipated community traffic, existing and potential. In areas where the division is adjacent to an existing street, right-of-way dedications shall be made to the existing street centerline.

**Staff Response and Recommended Finding:** The development proposal includes frontage improvements along 49<sup>th</sup> Ave SW, Black Lake Belmore Rd and improving 58<sup>th</sup> Lane SW to a public road. Additionally, the project will construct internal public streets and private alleys. The internal streets have proposed connections to adjacent properties to encourage connectivity. The project shall meet the requirements within the Tumwater Development Guide and Comprehensive Transportation Plan. 49<sup>th</sup> Ave SW and Black Lake Belmore Rd are classified as collector roads in the Comprehensive Transportation Plan. Since 58<sup>th</sup> Lane has been a private road to this point it is not classified in the Transportation Plan. Staff has made the determination through the pre application process that 58<sup>th</sup> Lane would need to be built out to a collector standard based on the proposed homes and future development considerations.

Staff finds that the preliminary plat is consistent with TMC 17.12.110.

- 9) TMC 17.12.120 – Driving Surfaces and Rights-of-Ways: All roads shall be designed

and constructed in accordance with the adopted “Development Standards for the City of Tumwater” in effect at the date of acceptance of the preliminary land division.

**Staff Response and Recommended Finding:** *As part of the site development/grading permit review, all roads shall be constructed pursuant to the specifications outlined in the City of Tumwater Development Guide.*

*Staff finds that the preliminary plat is consistent with TMC 17.12.120 with the proposed conditions.*

- 10) **TMC 17.12.130 – Cul-de-sacs:** All cul-de-sacs shall be designed in accordance with the adopted “Development Standards for the City of Tumwater” in effect at the date of acceptance of the preliminary land division. Parking is prohibited in the cul-de-sac turnarounds and shall be posted. An improved pathway for pedestrian and bicycle use shall be dedicated to the public to connect cul-de-sac streets to nearby areas where such a pathway is necessary to provide convenient access to schools, parks, public transit stops, shopping centers, other cul-de-sacs or pathways, and other community services, or as otherwise necessary for public convenience and safety. Such pathways shall be designed to maintain the safety of pedestrians and bicyclists and owners of properties adjacent to the pathway.

**Staff Response and Recommended Finding:** *The proposed project only includes one cul-de-sac as a part of this project at the end of 58<sup>th</sup> Lane. The streets internal to the subdivision do include future connections to adjacent parcels that have the opportunity to develop in the future.*

*Staff finds that the preliminary plat is consistent with TMC 17.12.130..*

- 11) **TMC 17.12.140 – Street Signs:** Street signs shall be installed by the subdivider as specified by the Community Development Department.

**Staff Response and Recommended Finding:** *Street signs are required. Signage and placement shall be reviewed and approved as part of site development and grading permit review.*

*Staff finds that the preliminary plat is consistent with TMC 17.12.140.*

- 12) **TMC 17.12.150 – Topography:** All streets should be designed to conform to the topography of the site, in order to reduce street grades and minimize the need for cuts and fills.

**Staff Response and Recommended Finding:** *Streets are proposed to be designed to conform to the topography of the site. In the northeast portion of the site an easement has been acquired to grade the existing topography so the future connection roads and lots along that side of the subdivision will be more level (Exhibit 26).*

*Staff finds that the preliminary plat is consistent with TMC 17.12.150.*

- 13) TMC 17.12.160 – Maximum street grades: Maximum street grades shall be in accordance with the adopted “Development Standards for the City of Tumwater”.

***Staff Response and Recommended Finding:*** *All proposed street grades shall be designed in accordance with the adopted standards. Preliminary grading plan can be found in the preliminary civil plans (Exhibit 29).*

*Staff finds that the preliminary plat is consistent with TMC 17.12.160.*

- 14) TMC 17.12.170 – Street Names: All streets shall be named or numbered as specified by the City. The land divider is encouraged to submit requested street names to the city for its consideration.

***Staff Response and Recommended Finding:*** *The street names and addresses for the preliminary plat shall be assigned by the City of Tumwater Building Official.*

*Staff finds that the preliminary plat is consistent with TMC 17.12.170.*

- 15) TMC 17.12.180 – Lot Access: Each lot shall have a minimum of 10 feet of unobstructed access to a street, directly or by access easement.

***Staff Response and Recommended Finding:*** *The proposal shows all parcels fronting a public street, with direct street access or through private alleys.*

*Staff finds that the preliminary plat is consistent with TMC 17.12.180.*

- 16) TMC 17.12.190 – Private Streets: Private streets shall be constructed to meet or exceed the design standards established on the street standards chart for the City. Public access to developments or parts of developments containing private streets shall not be limited by the use of gates or other measures.

***Staff Response and Recommended Finding:*** *The proposed alleys will not be obstructed and will meet the design standards established by the Development Guide.*

*Staff finds that the preliminary plat is consistent with TMC 17.12.190.*

- 17) TMC 17.12.200 – Underground Utilities: Electrical power, telephone, cable television, fiber optics and other transmission lines shall be installed underground.

***Staff Response and Recommended Finding:*** *In accordance with TMC 17.12.200 and Section 3.14 of the Tumwater Development Guide, all utilities associated with this project shall be underground.*

*Staff finds that the preliminary plat is consistent with TMC 17.12.200.*

18) TMC 17.12.210 –Park and open space area standards for divisions of land.

[...]

A. For residential subdivisions in which the majority of the dwelling units will be duplexes or single-family detached dwellings, a minimum of ten percent of the total gross site area shall be set aside for park and open space area.

[...]

E. For the purpose of calculation of the park and open space area, the park and open space area shall be separate and distinct from required yards, setbacks, and landscaped areas.

[...]

L. Maintenance of park and open space areas shall be provided for as described in TMC Chapter 17.22.

***Staff Response and Recommended Finding:*** *The preliminary plat encompasses 54.36 acres and requires 5.43 acres of open space. The proposal includes a total of 19.61 acres of open space with 9.45 acres being active open space. This includes a walking path with benches around the storm pond (Tract B), use of the storm pond as active open space during dry months and Tract C which is labeled as a park. The site development grading plan shall include details about all amenities proposed as a part of the active and passive open space.*

*Staff finds that the preliminary plat is consistent with TMC 17.12.210.*

**M. Land Division**

**1. Preliminary Land Division TMC 17.14 and RCW 58.17:** TMC 17.14 and RCW 58.17 regulate the submission, review criteria, and consideration of proposed divisions of land.

***Staff Response and Recommended Finding:*** *The project proponent completed the pre-submission process described in TMC 17.14.020.*

*The application submission requirements listed in TMC 17.14.030 have been met.*

*TMC 17.14.040 and RCW 58.17.110 require the Hearing Examiner to inquire into the public use and interest proposed to be served by the establishment of the proposed land division and any public dedications associated with a project.*

*Criteria to be considered include if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, other grounds, transit stops, potable water supplies, sanitary wastes, parks and recreation playgrounds, schools and school grounds, fire protection and other public*



*facilities, and shall consider all other relevant facts, including the physical characteristics of the site, and determine whether the public interest will be served by the land division and dedication. Further, consideration shall be given to sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.*

*Staff concludes that adequate provisions will be made for public health, safety, and general welfare as follows:*

1. *The proposal includes both passive and active open spaces (Exhibit 2).*
2. *A storm drainage system complying with the City of Tumwater's 2022 Drainage Design and Erosion Control Manual will be constructed for the site. A preliminary storm drainage report, including a geotechnical investigation was submitted to support the preliminary design and will be approved as a part of the Site Development/Grading Permit (Exhibit 15).*
3. *Construction of frontage improvements will occur during the first portion of development. Internal roadways will be required to be constructed in Phases with the majority of the roads being constructed during Phase I. Traffic impact fees and mitigation fees for the identified level of service failure at the Tumwater Boulevard/I-5 interchange are due at building permit issuance (Exhibit 29).*
4. *The City of Tumwater Water Resources and Sustainability Department has issued a water and sewer availability ruling indicating that the City has the ability to serve the preliminary plat with water and sewer connections (Exhibit 23).*
5. *The site is within the Tumwater School District and will pay school impact fees at building permit issuance. A safe routes to school analysis was completed and the application is proposing to extend the asphalt walking path from where it terminates on Black Lake Belmore Rd to 58<sup>th</sup> Lane.*
6. *City of Tumwater Fire Department facilities are adequate to service the proposed project.*

## **2. Phased Development TMC 17.14.090**

**Staff Response and Recommended Finding:** *A phased Preliminary Plat application was submitted on October 1, 2024. The plat was submitted with a request to phase the development and associated required improvements. The application was deemed complete on October 14, 2024.*

*Subject to TMC 17.14.090, residential preliminary plats containing more than 100 dwelling units are eligible to attain final plat approval in phases. Phased approval of final plats are limited to developments with at least two but not more than four phases.*

*The applicant proposes to complete the proposed project in three phases.*

*Phase I includes 103 lots, all frontage improvements, internal streets adjacent to phase 1 of the development, storm pond, parks and open space requirements, infrastructure improvements (water and sewer), wetland enhancement and the safe routes to school path. Since there are two entrances to the development required during phase I, emergency services will be able to access from either entrance if one is not accessible.*

*Phase II includes 47 lots, internal streets and infrastructure improvements (water and sewer) along with a future road connection to the adjacent parcel to the east.*

*Phase III includes 34 lots, internal streets, stormwater tract O, and infrastructure improvements (water and sewer).*

*The period of time between the date of the preliminary approval of the phased land division by the hearing examiner and the date of filing for final plat approval for the first phase shall be consistent with TMC 17.14.080.*

*Construction plans for each phase of a phased development shall include stormwater management facilities that comply with all state and local requirements in effect at the beginning of the time period allotted for that phase.*

*Applications for final plat approval for each successive phase must be submitted within three years of the submittal for final plat on the previous phase.*

*Under TMC 14.08.030 review authority for phased preliminary plats shall be considered by the Hearing Examiner.*

*As discussed above, staff finds that, as conditioned:*

- This proposal is in conformance with the Tumwater Comprehensive Plan.*
- This proposal complies with the phased preliminary plat regulations.*

**N. Tumwater Zoning Code – TMC Title 18:**

**1. Single Family Low Density Zone District TMC 18.10 – Permitted Uses and Development Standards**

**Staff Response and Recommended Finding:** *The project site is located in the Single Family Low Density (SFL) zone district (Exhibits 30).*

*18.10.020 lists single-family detached dwellings as a permitted use. The development standards allow a minimum of four dwelling units per acre with a maximum of six dwelling units per acre by-right. Density calculations for the development show that the proposed dwelling units for this development are below 6 dwelling units per acre.*

*The minimum lot size allowed in the SFL zone district is 3200 sq ft with a minimum lot width of 50' for parcels accessing public roads and 40' for parcels accessing off an alley.*

*Lots located adjacent to a wetland shall be encouraged to be as large as practicable within the allowances of the development standards and physical conditions of the site.*

*Maximum lot coverage is 60 percent of the total area of each lot. At the time of building permit submittal the applicant shall provide a site plan providing this calculation for each lot.*

*Maximum structure height is 35' and required setbacks are: front: 10', side: 5' and rear: 20'.*

*Staff finds that the preliminary plat is consistent with the permitted uses and development standards in the Single Family Low Density (SFL) Zone.*

**2. Aquifer Protection Overlay (AQP) zone district - TMC 18.39 – Restricted Land Uses**

**Staff Response and Recommended Finding:** *The intent of the aquifer protection (AQP) overlay zone district is to identify, classify, and protect vulnerable and/or critical aquifer recharge areas within the city and urban growth area. Protection is to be accomplished by controlling the use and handling of hazardous substances.*

*The uses proposed with the preliminary plat are not restricted land uses in the aquifer protection (AQP) overlay zone district.*

**3. Site Plan Review:**

**Staff Analysis and Recommended Finding:** *Site Plan Review approval assures that the proposal meets all requirements of the Tumwater municipal code pertaining to zoning, design, building, fire and engineering.*

*The applicant attended preliminary and formal site plan review and has provided a preliminary plat that includes the requirements for site plan review approval.*

**III. RECOMMENDATION**

Pursuant to TMC 2.58.110, staff recommends approval of the Phased Preliminary Plat and Infrastructure Exception described herein with the following conditions:

1. A path shall be installed on the east side of Black lake Belmore Road from the intersection of 58<sup>th</sup> Lane and Black Lake Belmore Road to the existing path on the frontage of the Black lake Estates project that leads to a signed crosswalk to the Black Lake Elementary School. The path shall meet ADA requirements and shall be shown on the site development grading plan for the frontage improvements. The improvements shall be completed prior to the first Certificate of Occupancy for the project.
2. Wetland Sensitive Resource Tract:
  - a. The permit holder shall convey an irrevocable offer to dedicate to the city of

- Tumwater or other public or nonprofit entity specified by the city an easement for the protection of native vegetation within a wetland and/or its buffer; or
- b. The permit holder shall establish and record a permanent and irrevocable deed restriction on the property title of all lots containing a sensitive area tract or tracts created as a condition of this permit. Such deed restriction(s) shall prohibit, as long as wetland function exists, the development, alteration, or disturbance of vegetation within the sensitive area except for purposes of habitat enhancement as part of an enhancement project which has received prior written approval from the city of Tumwater, and any other agency with jurisdiction over such activity.
  - c. The location of the outer extent of the wetland buffer and the areas to be disturbed pursuant to an approved permit shall be marked in the field, and such field marking shall be approved by the city prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.
  - d. The site development grading plans for the project shall include a wetland buffer fence along the edge of the wetland buffer to be installed prior to site development grading final inspection approval. It shall consist of a four foot tall wood split rail fence or alternative approved by the Community Development Director. Wetland buffer signs shall be installed every 50'.
  - e. The mitigation measures listed in the wetland and critical area reports must be implemented through covenants.
  - f. All reports and photos shall be submitted to the City of Tumwater to keep record of the monitoring steps as they are completed to verify compliance.
3. The most current residential design guidelines for single-family residential development shall apply at the time of building permit application.
  4. Parks and Open Space:
    - a. Due to the storm pond being used as a large portion of the open space; an accessible path to the bottom of the storm pond shall be shown on the site development grading plan to ensure any person is able to access the area. The accessible path shall be constructed to ADA standards.
    - b. A trail shall be constructed around the storm pond with amenities such as benches.
    - c. A sign at the intersection of the path to the storm pond and the sidewalk adjacent to the public road shall notify community members of the open space. This shall be installed prior to site development grading final inspection approval.
    - d. The site development grading plan shall include an open space sheet showing the total amount of open space meeting or exceeding the amount shown on the preliminary plat dated 11-18-2024 (Exhibit 2). The open space sheet shall include details of proposed equipment/infrastructure meeting the requirements in 17.12.210.G. The approved equipment/infrastructure shown on the plans shall be installed prior to site development grading final inspection approval.
    - e. The open space/park area shall be designed and placed in coordination of

existing and potential open space/park area on adjacent parcels to consolidate or provide future opportunities for consolidation of neighborhood open space/park area.

5. Consolidated postal drop-off facilities shall be provided for the site. The location must be coordinated and approved by the U.S. Postal Service with location shown on the civil engineering plans.
6. Two off-street parking spaces are required for each lot. Driveways and off-street parking spaces must be hard surfaced (asphalt, concrete or turnstone). No parking will be allowed in a cul-de-sac turnaround and shall be posted accordingly.
7. A landscape and irrigation plan meeting the requirements of TMC 18.47 shall be submitted as part of site development grading submittal.
8. The project proponent shall complete a cultural resource study for the property which shall be reviewed and approved by the Department of Archeological and Historic Preservation (DAHP), Squaxin Island Tribe and Nisqually Indian Tribe prior to any permit approval for land disturbance for this project. After the study has been approved, the applicant shall follow the findings in the study along with the procedures in the City of Tumwater Standard Inadvertent Archeological and Historic Resources Discovery Plan. If any archaeological or cultural resources are uncovered during construction, the project proponent shall stop work in the area of discovery and follow the procedures in TMC 18.40.065 Inadvertent Discovery of Archeological and Cultural Resources.
9. Conditions listed in the Mitigated Determination of Non-Significance dated December 20, 2024, are hereby referenced and incorporated. If the applicant decides to pay mitigation fees for the Tumwater Blvd – I-5 intersection, the fee shall be paid prior to issuance of the initial building permit for a single-family home.
10. The following condition will be required to be noted on the Final Plat: All landscaped areas in public rights-of-way shall be maintained by the Home Owners Association, owner(s) and his/her successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to City road purposes.
11. Impact fees for traffic, parks and schools will be assessed to each dwelling unit in the subdivision as Building Permits are issued. The impact fees will be in accordance with the most current fee resolution adopted by the City at the time complete Building Permit applications are submitted.
12. A Site Development/grading permit will be required for this site. The permit application shall be accompanied by the application checklist and digital plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report prepared and signed by a licensed soils engineer. Inspection of the grading shall be provided by the civil engineer and Geotechnical engineer. In addition special inspectors approved by the building official shall

perform inspections of fill placement, compaction testing, and blasting. All special inspections are to be performed by WABO registered labs and inspectors who have expertise in grading and earthwork.

13. All lots will show buildable lot pads to verify that the lots proposed will be buildable. If retaining walls are required please show them on civils and submit engineering details.
14. Separate building permits are required for retaining walls or rockeries over four feet in height, measured from the bottom of the footing to the top of the wall or walls supporting a surcharge. A licensed structural engineer shall design the rockeries or retaining walls. In addition to the engineers' design full time inspection by a WABO Special Inspector is required. Proposed rockeries shall be shown on the engineering and grading plans.
15. When the grading work is complete and ready for final inspection the civil engineer of record is responsible for providing a final inspection report which will include the geotechnical engineers and special inspector's reports. In addition, as-built drawings for the site will be submitted in a PDF format. IBC Appendix J.
16. The owner will need to submit the name of the WABO registered firm who will conduct the special inspections, to the Building Official, prior to issuance of the site development/grading permits
17. That no vertical or combustible construction will be allowed on the construction site until the fire hydrants and paved roads are installed, tested and approved by the City of Tumwater. Note: testing will also include verification of fire flow by the fire department.
18. The Fire Department requires two exits to a public road for this development.
19. The required fire flow for this plat is derived from Appendix B of the International Fire Code. Type 5B buildings of this size are required to have a fire flow of 1000 gallons per minute at 20 psi. Please provide calculations to support the design. IFC 903, prior fire flows are available on file. 1700-1850 gpm are the ranges.
20. The Fire hydrant locations shall be shown on plans that will meet hydrant spacing per IFC Appendix D.
21. Fire hydrants and paved access roads shall be installed, tested for fire flow by the Fire Department and made serviceable by the Transportation and Engineering Department prior to any building permits being issued. IFC 503.2.3
22. The buildings are proposed to be R3 single family occupancies and of type V-B construction. IBC Chapter 3 & IBC Chapter 6. The walls are required to be of 1- hour fire-rated construction when less than 5 feet to the property line. No openings are permitted less than 3 feet to the property line. IBC 704.5

23. Addresses for this plat will be assigned before final plat approval by the Building & Fire Official. Street/private lanes shall have names provided by this time. Lots 9,10,156 and 157 will be known as flag lots and will require addressing posted on structure and at head of driveway.
24. Demolition permits are required prior to removal of any existing structures. A separate permit is required for each structure. All demolition work shall be done in accordance with TMC chapter 15.50.
25. Existing water wells on adjoining properties have protective radius that encroach on lots in this plat. A determination regarding building on these lots from Thurston County Health will be required prior to final plat approval or issuance of any building permits.
26. Existing septic systems to be abandoned require a permit from Thurston County Health prior to abandonment. Copies of these permits shall be provided to the building official prior to issuance of grading permits.
27. A permit from the Department of Ecology is required if existing on-site water wells are being abandoned. Copies of the permit shall be submitted to the building official prior to issuance of grading permits.
28. The applicant shall be responsible for providing the City with all costs associated with the installation of water, sewer, street, and storm drainage systems that are dedicated to the City of Tumwater.
29. All designs/construction shall comply with the City of Tumwater's Development Guide and WSDOT standards.
30. The site plan shall show all existing and proposed utilities and easements including streetlights, street trees, water, sewer, storm, gas, cable, power, telephone, signage, and Community Development 555 Israel Road SW Tumwater, WA 98501-6515 Phone: 360-754-4180 10 striping. Provide street sections showing dimensions of existing and proposed improvements. Include the line sizes on the water and sewer mains and services. All rockeries proposed shall also be shown on the site plan.
31. All street construction, main installation, and storm drainage work requires engineered plans certified by a professional engineer.
32. The applicant is responsible for all plan check, inspection and connection fees.
33. Any private or public utility relocation is the responsibility of the applicant.
34. The applicant shall be responsible for the maintenance and timely repair of all public improvements for a period of 30 months following final certification by the City and shall submit a surety for maintenance equal in value to fifteen (15) percent of the total

value of the required public improvements certified by the Transportation and Engineering Director. Please refer to Chapter 3 of the Development Guide for further clarification.

35. Provide all easements and bills-of-sale documents with the engineered plans.
36. All legal descriptions must be accompanied with an appropriate drawing that the City Surveyor can use to verify the legal description. All engineering drawings will be on 24" x 36" paper sheets.
37. The owner or owner's representative is also responsible for furnishing the City with electronic files, compatible with release 2019 or newer Auto-CAD format. Provide individual drawings independent of x-refs. Include all non-standard font files and plot files. Also, please furnish PDF files printed from the Auto-CAD files 300 DPI or greater. A storm water maintenance agreement, utility maintenance agreement, easements and bills-of-sale will also be required.
38. Site plan modifications may occur as a result of the engineering review process. For engineering issues, the approved engineering plans take precedence over the approved site plan.
39. Please note on the plans that the PLS responsible for the surveying of the project must obtain a permit from DNR before any monuments are disturbed.
40. The City vertical and horizontal control datum is NGVD 29 and NAD 83(HARN) / Washington South U.S. Survey Feet respectively.
41. Testing shall be required at the developer or contractor's expense. The testing shall be ordered by the developer or contractor, and the chosen testing lab shall be approved by the City Construction inspector. Testing shall be done on all materials and construction as Community Development 555 Israel Road SW Tumwater, WA 98501-6515 Phone: 360-754-4180 11 specified in the WSDOT/APWA Standard Specifications and with frequency as specified in the current City of Tumwater Development Guide.
42. This project proposes utility crossings with an active railroad. The applicant shall coordinate the crossings with the operator of the railroad and any required permitting. The utility crossings shall be turned over to the City for ownership upon completion.
43. The project proposes utility crossings in unopened City right-of-way, under electric transmission lines operated by the Bonneville Power Administration (BPA). The unopened City right-of-way should be subject to the same terms and conditions as the adjacent private property and whatever easements have been put in place on that property with the BPA. The applicant will complete whatever coordination necessary with the BPA for those utility extensions as required by the recorded easements.



44. Frontage improvements are required per Tumwater Municipal Code 12.12.010. These improvements include separated sidewalks, curb and gutter, street patch, street lighting, bike lanes, street trees/landscaping, and any storm drainage necessary to take care of the impervious area in the right-of-way. The applicant is responsible to the centerline of the right-of-way. Dedication of additional right-of-way to contain the improvements is required.
45. 49th Ave is a future three-lane section. Right-of-way dedication will be for the three-lane section, but an interim two-lane section shall be constructed. This section consists of 16' of pavement (11' vehicle lane and 5' bike lane), concrete curb and gutter, 6' planter strip with street trees and street lighting, 6' sidewalk. Existing overhead utilities shall be converted underground. A dedicated left-turn lane will be constructed on 49th Ave for vehicles turning onto A Road. The structural section of the road shall be 0.50' HMA, 0.20' CSTC, 1.50' CSBC. Streetlight spacing shall be 150' and at every intersection, streetlights shall be 30' poles with 8' arms.
46. Black Lake Belmore Rd is a future three-lane section. Right-of-way dedication will be for the three-lane section, but an interim two-lane section shall be constructed. This section consists of 16' of pavement (11' vehicle lane and 5' bike lane), concrete curb and gutter, 6' planter strip with street trees and street lighting, 6' sidewalk. The project will be required to construct additional sidewalk along the eastern portion of Black Lake Belmore Rd connecting on-site sidewalk to the existing sidewalk directly to the south on Black Lake Belmore Rd. The structural section of the road shall be 0.50' HMA, 0.20' CSTC, 1.50' CSBC. Streetlight spacing shall be 150' and at every intersection, streetlights shall be 30' poles with 8' arms.
47. 58th Ln will be a future collector type road. The applicant shall provide 18' of pavement (12' vehicle lane, 6' bike lane), concrete curb and gutter, 6' planter with street trees and streetlights, 6' sidewalk. An additional paved 12' vehicle lane shall be provided for two way traffic. These improvements will require right-of-way dedication. 58th Ln should terminate in a paved cul-de-sac that will allow for vehicles to turnaround and travel back to the west. The structural section of the road shall be 0.50' HMA, 0.20' CSTC, 1.50' CSBC. Streetlight spacing shall be 150' and at every intersection, streetlights shall be 30' poles with 8' arms.
48. The internal roads meeting the neighborhood collector standard shall provide 36' of pavement, concrete curb and gutter, 6' planters with street trees and streetlights, 6' sidewalks. The internal roads meeting the local access standard shall provide 32' of pavement, concrete curb and gutter, 6' planters with street trees and streetlights, 6' sidewalks. The structural section of the internal roads shall be 0.33' HMA, 0.20' CSTC, 0.80' CSBC. Streetlight spacing shall be 120' and at every intersection, streetlights shall be 25' poles with 6' arms.
49. All access to the property will be consistent with City standards and policies.
50. All streets should be designed to conform to the topography of the site, in order to reduce street grades and minimize the need for cuts and fills. Currently the site plan

shows significant cuts along its eastern property line that will impact adjacent properties if they were to develop. The project has filed an agreement with the owner of 3528 54th Ave SW TPN 12832420500 in which the parties acknowledge and agree to the proposed cuts and impacts they may incur on the properties.

51. This project will be responsible for completing improvements as identified by the transportation impact analysis.
52. A drainage design and erosion control plan will be required according to City's 2022 Drainage Design and Erosion Control Manual.
53. The project will address stormwater runoff for on-site and off-site improvements.
54. The project shall confirm separation to seasonal high groundwater or highest low permeability layer whichever is the most restrictive. 6' of separation shall be required from the bottom of the stormwater facility to high groundwater or other low permeability layer. This separation may be reduced down to 3' with a successful mounding analysis reviewed and approved by the City designated third party reviewer.
55. Maintenance of the on-site stormwater system will be the responsibility of the property owner and a maintenance agreement will be recorded against the property.
56. Test pits conducted for stormwater design will comply with the 2022 Drainage Design and Erosion Control Manual for location and frequency. Test pits will be conducted between December and April to accommodate for seasonal high groundwater.
57. The project shall construct a new lift station to serve the area with sanitary sewer. This lift station is identified as LS217 in the sewer comprehensive plan. Currently the sewer comprehensive plan shows LS217 near the intersection of Black Lake Belmore Rd and 49th Ave. The City may consider relocating LS217 as long as the service basin can still be served via gravity sewer as currently depicted in the sewer comprehensive plan. The applicant shall verify this design. Water service is required to be extended to the lift station for testing and operation.
58. The project will require a lift station report. The downstream system shall be analyzed in the report. If the project exceeds capacity in the downstream system, then upgrades to the downstream system will be required.
59. Any sewer main extension will require a minimum of an 8" system. The main size will depend on the requirements for this project. The system shall be designed per the City of Tumwater Development Guide and current Sewer Comprehensive Plan. Max spacing between manhole shall be 300 feet and at every intersection.
60. The project shall extend gravity sewer internally to serve the plat, along its frontages on 49th Ave, 58th Ln out to Black Lake Belmore Rd, and to adjacent properties.

61. The project must meet minimum fire flow requirements.
62. Back flow prevention is required on all fire services and irrigation services and in accordance with the AWWA Cross Connection Control Manual. A reduced pressure backflow assembly is required on all commercial domestic services per WAC 246-290- 490.
63. Any water main extension will require a minimum of an 8" system. The main size will depend on the fire flow requirements for this project. The system shall be designed per the City of Tumwater Development Guide and current Water Comprehensive Plan.
64. The project shall extend water main internally to serve the plat, along its frontages on 49th Ave, 58th Ln out to Black Lake Belmore Rd, and to adjacent properties. Off-site water main extension will be necessary to serve the project. Water services are required at the new sanitary sewer lift station which will require additional off-site extension.
65. Any water main extension on Black Lake Belmore Rd shall be a 12" main. Any water main extension on 49th Ave, Trosper Rd, or 54th Ave shall be a 12" main.
66. Water meters need to be placed in the public right-of-way or clustered on site within an easement. The professional engineer will need to provide calculations on the maximum instantaneous water demand and size of the meter for the project.

**Submitted on Behalf  
Of the City of Tumwater  
Community  
Development  
Department by/  
Staff Contact:**

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**Report Issue Date:** January 22, 2025

**List of Exhibits:**

- Exhibit 1. Staff Report January 22, 2025
- Exhibit 2. Preliminary Plat 11-18-2024
- Exhibit 3. Vicinity Map
- Exhibit 4. Zoning Map
- Exhibit 5. Public Notice Certification 01-21-2025
- Exhibit 6. Notice of Application 10-18-2024
- Exhibit 7. Mitigated Determination of Non-significance with SEPA Checklist 12-20-2024
- Exhibit 8. Public Hearing Notice 08-16-2024
- Exhibit 9. Notice of Application Public Comments (Exhibits 9A-9S)
- Exhibit 10. SEPA Public Comments (Exhibits 10A-10W)

- Exhibit 11. Public Hearing Public Comments (Exhibits 11A-11B)
- Exhibit 12. Critical Area and Wetland Mitigation Plan 08-08-2024
- Exhibit 13. Critical Area Advanced Studies Stand Alone 06-14-2023
- Exhibit 14. Critical Area Pump Station Mitigation Plan 09-20-2024
- Exhibit 15. Preliminary Drainage Report 10-01-2024
- Exhibit 16. Gopher Report 10-30-2022
- Exhibit 17. Gopher Report 08-18-2023
- Exhibit 18. Gopher Report 07-30-2024
- Exhibit 19. Transportation Impact Analysis 11-22-2024
- Exhibit 20. Concurrency Ruling 12-02-2024
- Exhibit 21. Safe Walks to School Analysis 10-01-2024
- Exhibit 22. Tree Retention and Replacement Plan 10-01-2024
- Exhibit 23. Water Sewer Availability Letter 10-01-2024
- Exhibit 24. Project Narrative 10-01-2024
- Exhibit 25. Plat Name Certificate 10-01-2024
- Exhibit 26. Pearsall Recorded Graded Easement 10-01-2024
- Exhibit 27. Pearsall Recorded Waterline Easement 10-01-2024
- Exhibit 28. Easement Agreement 10-01-2024
- Exhibit 29. Preliminary Civil Plans 10-01-2024
- Exhibit 30. Chapter 18.10 Single Family Low Density Residential Zone District
- Exhibit 31. Maps from General Sewer Plan