

CITY OF TUMWATER
HEARING EXAMINER STAFF REPORT
Hearing Date: June 22, 2022

Project Name: Three Lakes Crossing Preliminary Plat & Planned Unit Development

Case Number: TUM-21-1895 and TUM-22-0036

Applicant: Evan Mann Copper Ridge, LLC
PO BOX 73790, Puyallup, WA 98373

Representative: Sheri Greene, AHBL
2215 N. 30th Street #300, Tacoma, WA 98403

Type of Action Requested: The applicant is requesting preliminary plat and planned unit development approvals to subdivide 9.68 acres into 45 single-family lots, three open space and tree tracts, one storm/open space/active/passive recreation/tree retention tract, one active recreation tract, two private shared access tracts and a wetland buffer tract. (Exhibit 2).

Project Location: The property is located at 6609, 6715 and an unaddressed parcel on Henderson Blvd, Tumwater, WA 98501. Section 02, Township 17, Range 2W Q NE SE. Parcel Numbers 12701320105, 79300000100 and 79300000101 (Exhibit 3).

SEPA Determination: Pursuant to the State Environmental Policy Act, the City of Tumwater Community Development Department, after review of a SEPA environmental checklist and other information, issued a Mitigated Determination of Non-significance on May 13, 2022 (Exhibit 4).

Public Notification: Public notification for the June 22, 2022 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 Thursday, June 9, 2022, in conformance with Tumwater Municipal Code (TMC) 14.06 (Exhibit 5).

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

Staff Planner: Alex Baruch, Associate Planner
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I. BACKGROUND INFORMATION

Application and Review Process

The Preliminary Plat and Planned Unit Development application was submitted on December 16, 2021. The applications were deemed complete on January 11, 2022 (Exhibits 6 & 7).

Under TMC 2.58.090, review authority for Preliminary Plat and Planned Unit Development applications fall under the purview of the Hearing Examiner.

Existing Conditions

The site is relatively flat and slopes down on the western portion of the property. There is a wetland buffer in the southern portion of the site. The existing home, business and miscellaneous outbuildings located on the property will be demolished.

The site is mostly surrounded by residential zoned property with the exception of one property to the south that is zoned Neighborhood Commercial. The property to the north is zoned Multifamily Medium. The parcels to the east, west and south west are zoned Single Family Low Density with a portion of those properties being developed as the Tumwater Boulevard Plat. The area is developed with a mixture of newer subdivisions that were approved in the County and are finishing up the site development/final plat process, older residential uses, small businesses and undeveloped parcels. There is a wetland located on the parcel to the south of the site (Exhibits 2).

Project Description

The proposal is to subdivide 9.68 acres into 45 single-family lots, three open space and tree tracts, one storm/open space/active/passive recreation/tree retention tract, one active recreation tract, two private shared access tracts and a wetland buffer tract.

Improvements will include grading for a public roads and lot pads, construction of approximately 680 lineal feet of frontage improvements on Henderson Boulevard and the intersection of 68th Ave SE.

Improvements include the extension of City water and sewer utilities to serve the project, storm water systems to treat and detain/retain storm water generated from new pollution generating impervious surfaces, street lighting and extension of private utilities (i.e. power, gas, cable and telephone)

The proposal includes the continuation of 68th Ave SE through the subdivision to Three Lakes Crossing Preliminary Plat & PUD TUM-21-1895 & TUM-22-0036

connect with the Tumwater Boulevard Plat improvements to complete the connection from Henderson Boulevard to Tumwater Boulevard (Exhibit 2).

Water and sewer will be provided by the City of Tumwater, electricity and natural gas by Puget Sound Energy, telephone and cable by Comcast and CenturyLink, and garbage collection by Pacific Disposal. All utilities on-site will be underground pursuant to Tumwater Municipal Code (TMC) 17.12.200.

II. REGULATORY FRAMEWORK

The proposal is subject to the following policies and regulations:

Comprehensive Plan

The site is located in Bush Prairie Neighborhood as designated by the City's Comprehensive Plan.

The land use designation for the 9.68 acre site is Single-Family Low Density Residential (SFL) and Single-Family Medium (SFM) Density. The Single-Family Low Density Residential zone allows a density of 4 to 7 units per acre, with transfer of development rights required for more than 6 and the Single-Family Medium Density Residential zone allows a density of 6 to 9 units per acre with transfer of development rights required for more than 8 units per acre..

Staff Response and Recommended Finding:

The overall density of the project with 45 lots meets the density for each district without the need for a transfer of development rights. For the SFL zoned property 6 dwelling units per acre is proposed and for the SFM zoned property 8 dwelling units per acre is proposed.

Staff finds that the preliminary plat is in compliance with the intent and densities allowed in the comprehensive plan.

Tumwater Parks and Recreation Plan

The Parks and Recreation element of the Tumwater Comprehensive Plan does not identify any neighborhood or community parks at this location. The developer must set aside the required amount of open space to meet the recreational needs of the future residents of the subdivision.

Staff Response and Recommended Finding:

The proposed open space area for the subdivision is .97 acres. This amounts to 10 percent of the gross site area. The amount of open space provided for the project meets the minimum open space set aside requirement of the Land Division Ordinance.

Park impact fees are required for new residential development and paid at building
Three Lakes Crossing Preliminary Plat & PUD TUM-21-1895 & TUM-22-0036

permit issuance.

Staff finds that with the payment of park impact fees for each single-family residence proposed in the subdivision and setting the minimum amount of private open space with both passive and active recreation elements the project is consistent with the Comprehensive Parks Plan.

Tumwater Transportation Plan

The Tumwater Transportation Plan contemplates a modernized network of streets, sidewalks and bicycle routes. The Transportation Plan anticipates that such facilities will be provided through a combination of development-related improvements and City improvements funded by impact fees, grants, SEPA based mitigation fees, and general funds. The motorized Level of Service (LOS) standard for Henderson Boulevard and the project access is LOS-D and is projected to be at a LOS-D after project buildout.

Staff Response and Recommended Finding:

Staff finds that the proposed preliminary plat is consistent with the Tumwater Transportation Plan, if the new intersection, frontage improvements and internal roadways are constructed in accordance with the Tumwater Development Guide.

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.

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.

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, and protecting environmentally sensitive lands.

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

Hearing Examiner TMC 2.58

The Hearing Examiner has the authority to review Preliminary Plat requests.

Staff Response and Recommended Finding:

Preliminary Plats require a public hearing and decision by the Tumwater Hearing Examiner.

Tumwater Municipal Code TMC 14.06 – Public Notice Requirements

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:

The application was deemed complete on January 11, 2022. Public notice for the application indicating that the application was submitted and deemed complete was mailed to property owners within 300 feet of the subject property, affected agencies, posted on-site, and published in the Olympian on January 18, 2022 (Exhibits 7 & 9).

Public notice for the June 22, 2022 open record hearing was mailed to property owners within 300 feet of the subject property, affected agencies, posted on-site on; and published in The Olympian on June 9, 2022 (Exhibit 5).

COMMENTS FROM OTHER AGENCIES/CITIZENS:

Several comments were received from the Notice of Application (Exhibit 10).

Comment from the Squaxin Island Tribe and Nisqually Indian Tribe requested a Three Lakes Crossing Preliminary Plat & PUD TUM-21-1895 & TUM-22-0036

Cultural Resource Survey.

Staff comment: Cultural Resource Survey Completed.

Comments from surrounding community members (Bryon Agan and Robert Kondrat) have a similar theme with concern for increased traffic, safety and natural habitat/wetland.

Staff comment on similar concerns;

Transportation; the project was reviewed by our Transportation Manager who provided a concurrency ruling. Impacts from this development are mitigated by the applicant completing frontage improvements and off-site improvements including the intersection upgrade to Henderson Boulevard and 68th Ave SE. Trips are disbursed north or south on Henderson Boulevard and west on Tumwater Boulevard. Additionally, a through connection to Tumwater Boulevard through the Tumwater Boulevard plat will be available once the connection is completed.

The wetland buffer on site has been delineated, and all development is located outside appropriate buffer. Water runoff from new impervious surfaces will be treated, detained and released onsite. A gopher report showed no evidence of gophers on this site. The Growth Management Act requires development within Cities to meet specific density requirements, which protect lands outside the city for agriculture and resource land, which also provides wildlife habitat. The surrounding area is zoned at a similar or lower density.

Comment from Robert Kondrat expressing concern for tree cutting and notice regulations.

Staff comment: The applicant provided a tree mitigation plan that retains 10 trees. An additional 210 trees will be planted within designated open spaces and street trees.

Staff added the community member to the public notification list for this project moving forward once this comment was received. The community member was provided with the SEPA determination and public hearing notice. There is not a way for staff to notify residents of projects going on in a specific area of the City, we ask interested residents to review the Development Review Committee proposals from time to time to see what projects are being brought forward for review and provide us with comment if they have questions.

Transportation Concurrency TMC 15.48

In accordance with TMC 15.48, the City's Transportation Manager issued a transportation concurrency ruling for the project on February 8, 2022. The concurrency ruling indicates that the project meets concurrency with conditions. These include payment of transportation impact fee, construction of frontage improvements and

adjacent street connections, mitigation fees for trips generated to the Tumwater Boulevard/I-5 Interchange, and new intersection improvements at 68th Ave SE and Henderson Boulevard SE (Exhibit 11).

Staff Response and Recommended Finding:

Staff finds that, as conditioned, the project passes the City of Tumwater's concurrency test.

Tumwater Environment Code Title 16

Environmental Policy: The City of Tumwater Community Development Department reviewed a SEPA Environmental Checklist and other information submitted by the applicant and issued a Mitigated Determination of Non-significance (MDNS) on May 9, 2022 (Exhibit 4).

The MDNS was posted on-site, mailed to property owners within 300 feet of the subject property and agencies, and published in "The Olympian" newspaper on May 13, 2022 (Exhibit 9).

The MDNS includes traffic mitigation fees for trips generated to the Tumwater Boulevard/I-5 Interchange and intersection improvements to 68th Ave SE and Henderson Boulevard.

Staff Response and Recommended Finding:

The City's SEPA threshold determination was issued on May 13, 2022. No appeals of the SEPA threshold determination were filed.

COMMENTS FROM OTHER AGENCIES/CITIZENS:

Two comments were received from the Mitigated Determination of Non-significance (Exhibit 12).

Comment from the Squaxin Island Tribe and Nisqually Indian Tribe requested a Cultural Resource Survey.

Staff comment: Cultural Resource Survey Completed. An inadvertent discovery plan is required as part of Site Development/Grading.

Comment from Bryon Agan expressed concern for traffic safety on Henderson Boulevard and lacking data in the transportation impact analysis.

Staff comment: Staff responded to the community member's questions stating that the traffic study does show mitigated safety concerns per the requirements outlined by the Transportation and Engineering Department. Additionally, the PM trips on Henderson Boulevard turning left into the development is shown on figure 4, page 12 of the traffic impact analysis (Exhibit 16).

Tree Protection: A Tree Replacement Plan dated March 24, 2022 indicates 368 trees are located on site, of which 10 trees are proposed to be retained. This number is less than the “12 trees per acre” retention of 80 required by TMC 16.08.070. The applicant is unable to retain trees due to infrastructure requirements, and proposes to plant trees at a 3-to-1 ratio as provided in Chapter 16.08.070, resulting in 210 trees planted (Exhibit 13).

Staff Response and Recommended Finding:

TMC 16.08.070(R) requires that if tree retention cannot be achieved due to compliance with applicable zoning and development regulations, replacement trees shall be planted at a three-to-one ratio.

Staff finds that the planting of 210 additional trees meets the requirements of TMC 16.08.070(R).

Wetlands:

A Critical Areas Report dated September 15, 2021 was submitted for the project. The report investigated one wetland on 6911 Henderson Boulevard to the south of the subject property. Wetland “A” located on the adjacent property is considered a category III wetland. Wetland “A” requires a 150 foot buffer. There is no request to reduce the buffer. (Exhibit 14)

Staff Response and Recommended Finding:

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 signage must be provided along the buffer boundary in accordance with TMC 16.28.

Fish and Wildlife Habitat Protection:

TMC Chapter 16.32 regulates fish and wildlife habitat and species.

Staff Response and Recommended Finding: *The geographic area of the subject property has soils preferred by the Mazama Pocket Gopher. The Gopher is listed as a protected species under both Washington State and Federal threatened and endangered species lists.*

A Mazama Pocket Gopher report dated September 28, 2021 concludes that no gopher mounds were observed on the subject property (Exhibit 15).

Cultural Resources:

The Squaxin Island Tribe requested a cultural resource survey as the WISAARD map by the Department of Archaeology & Historic Preservation shows the site as high risk of archeological resources.

Staff Response and Recommended Finding:

A Cultural Resource Assessment dated April 15, 2022 recommends compliance with a standard inadvertent discovery plan. The Department of Archeology & Historic Preservation concurs (Exhibit 17).

Tumwater Subdivision Code Title 17

The preliminary plat process requires consideration by the Hearing Examiner of all relevant evidence in order to determine approval or disapproval of the preliminary plat. The preliminary plat must be submitted in conformance with TMC 17.12 and TMC 17.14. All required improvements must either be installed or an agreement accompanied by a bond or other approved surety shall be entered into between the City and the applicant before Final Plat approval can be granted.

Staff Response and Recommended Finding:

Staff finds that the preliminary plat has been submitted in accordance with the Chapter 17.12 to include compliance with general design standards such as; lot size, protect wetlands and natural drainage, streets designed in accordance with adopted development standards, utilities installed underground, and provisions for open space.

Tumwater Zoning Code Single-Family Low Density (SFL) residential zone district TMC 18.10.

Single-family detached dwelling units are allowed at a minimum density of 4 dwelling units per acre and a maximum of 7 dwelling units per acre, with transfer of development rights required for more than 6 units per acre. Minimum lot size is 3,200 sq. ft., and minimum lot width is 50 feet, except for alley load, which reduces the lot width to 40 feet. Lots adjacent to a wetland or wetland buffer shall be encouraged to be as large as possible. Maximum building height is 35 feet.

Front yard setbacks are 10 feet, side yard is 5 feet, and rear yard is 20 feet.

Minimum open space requirement is 10 percent of total land area.

Staff Response and Recommended Finding:

The intended use for each lot within the proposed subdivision is for one single-family detached dwelling unit. Density is 6 dwelling units per acre. The smallest lot-size is 3,998 square feet. Lot widths are minimum 50 feet, with 40 foot width for alley load lots. Open space meets the minimum requirements. The homes will need to meet the

Single Family Design Guideline requirements per 18.43.010. The plat is consistent with the SFL zone district.

Tumwater Zoning Code Single-Family Medium Density (SML) residential zone district TMC 18.12.

Single-family detached dwelling units are allowed at a minimum density of 6 dwelling units per acre and a maximum of 9 dwelling units per acre, with transfer of development rights required for more than 8 units per acre. Minimum lot size is 3,200 sq. ft., and minimum lot width is 50 feet, except for alley load, which reduces the lot width to 40 feet. Lots adjacent to a wetland or wetland buffer shall be encouraged to be as large as possible. Maximum building height is 35 feet.

Front yard setbacks are 10 feet, side yard is 5 feet, and rear yard is 20 feet.

Minimum open space requirement is 10 percent of total land area.

Staff Response and Recommended Finding:

The intended use for each lot within the proposed subdivision is for one single-family detached dwelling unit. Density is 8 dwelling units per acre. The smallest lot-size is 3,998 square feet. Lot widths are minimum 50 feet, with 40 foot width for alley load lots. Open space meets the minimum requirements. The homes will need to meet the Single Family Design Guideline requirements per 18.43.010. The plat is consistent with the SFM zone district.

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

The AQP zone restricts hazardous uses to protect aquifer recharge areas.

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 proposed residential subdivision is not a restricted land use in the AQP overlay.

Planned Unit Development - TMC 18.36.

The intent of the Planned Unit Development (PUD) overlay is to encourage development by encouraging flexibility for more efficient use of land.

Staff Response and Recommended Finding: *An application for a Preliminary Planned Unit Development accompanied the Preliminary Plat application for this project and was submitted on December 16, 2021. The application was deemed complete on January 11, 2022. Under TMC 2.58.090, review authority for Planned Unit Development applications fall under the purview of the Hearing Examiner.*

The PUD application was submitted to seek relief from the minimum lot widths. 26 of the 45 proposed lots are less than the prescriptive requirement of 50 feet wide, not adjacent to an alley.

According to TMC 18.36.050, the Hearing Examiner's decision to approve or deny the development shall be based on at least, but not limited to, the following criteria:

- A. Substantial conformance to the Tumwater comprehensive plan;*
- B. The proposal's harmony with the surrounding area or its potential future use; and*
- C. The adequacy of the size of the proposed overlay to accommodate the contemplated developments.*

As discussed above, Staff finds that:

- This proposal is in conformance with the Tumwater Comprehensive Plan.*
- This proposal is consistent with surrounding residential development at urban densities.*
- This proposal complies with the densities allowed in the SFL and SFM zoning districts.*

In accordance with TMC 18.36, a planned unit development shall be exempt from the minimum zoning ordinance requirements, as listed at TMC 18.36.080, except as provided for below:

- A. Minimum Project Size: There is no minimum project size for a planned unit development.*
- B. Project Densities: Densities established by the underlying zone district shall prevail.*
- C. Setbacks: Project setbacks as required by the underlying zoning district shall prevail on all perimeter boundary lines.*
- D. Land Coverage: Maximum land coverage as established by the underlying zone district may be exceeded by no more than 25 percent.*
- E. Uses Allowed: The use of the development shall be limited to those allowed either as permitted, accessory, or conditional uses in the underlying zones.*
- F. Open Space/Park: The open space/park dedication requirements of the underlying zoning district shall prevail.*

IV. STAFF ANALYSES:

As per Section 17.14.040 of the Tumwater Municipal Code, the Hearing Examiner is required to review the preliminary plat based on certain criteria and prepare findings of fact.

Staff analyses is as follows:

1. The preliminary plat, as conditioned, conforms to the subdivision regulations, comprehensive plan, zoning ordinance, wetland ordinance, fish and wildlife habitat protection ordinance, tree protection ordinance, and to planning standards, development standards, specifications and policies of the City of Tumwater.
2. Adequate provisions have been made for public health, safety, and general welfare for such open spaces, drainage ways, streets, sanitary wastes, parks and recreation, schools, sidewalks, and, that the public use and interest will be served by the subdivision of the property.

III. RECOMMENDATION

Pursuant to TMC 2.58.110, staff recommends approval of the Preliminary Plat and Planned Unit Development requests described herein with the following conditions:

1. Storm water from impervious surfaces associated with the project shall be managed in accordance with the City of Tumwater 2018 Storm Drainage Manual.
2. Erosion and sediment control measures that comply with the City of Tumwater 2018 Storm Drainage Manual shall be implemented during construction of the project to prevent sediment laden runoff from entering surface waters.
3. A Site Development/Grading Permit shall be obtained from the City for grading, street, sidewalk and utility construction, tree removal and construction of storm drainage facilities.
4. Should contaminated soils be encountered during construction, all of the following shall apply:
 - a. Construction activity shall be immediately suspended;
 - b. The contractor shall immediately notify the Washington State Department of Ecology;
 - c. Contaminated materials shall be properly handled, characterized, and disposed of consistent with applicable regulations.
5. Should archeological artifacts be encountered during construction, all of the following shall apply:
 - a. Construction activity shall be immediately suspended;
 - b. The contractor shall immediately notify the City of Tumwater Community Development Department;
 - c. The contractor shall immediately notify the Washington State Department of Archeology and Historic Preservation; and

- d. The contractor shall immediately notify potentially affected tribal nations including, but not limited, to the Squaxin Island Tribe, Chehalis Tribe and Nisqually Tribe.
6. Fill for the project shall be clean material, void of solid waste or organic debris.
7. Disposal of construction debris and overburden associated with construction and grading activity that is not suitable for fill is required to be disposed of at an approved location.
8. The applicant shall secure a National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit from the Washington State Department of Ecology.
9. Street frontage improvements including curb and gutter, sidewalk, landscape strip, bike lane, street illumination and storm drainage facilities complying with the design requirements of the Tumwater Development Guide shall be constructed along the property frontage on Henderson Boulevard. Adequate right-of-way shall be dedicated to contain the improvements.
10. The 68th Ave SE improvements shown on the site plan shall be shown on the site development grading plan submittal and constructed prior to final plat approval.
11. Full lane overlays are required after patching. Additional improvements might be required on the opposing frontage, such as widening, realigning the crown to centerline of right-of-way or feathering to meet City of Tumwater standards. All accesses will meet city standards.
12. The City's water and sewer utilities shall be extended to serve the needs of the subdivision. The utility extensions shall be in accordance with the Tumwater Development Guide requirements in place at the time the preliminary plat application was vested. All necessary right-of-way and/or easement will need to be dedicated.
13. A 16" water main is required in Henderson Boulevard.
14. The project must meet minimum fire flow requirement. If the required fire flow cannot be achieved, residential fire sprinklers shall be required in the dwelling units.
15. A separate permit and engineered design is required for any retaining walls on-site if the height of the wall is over 4 feet measured from the bottom of the footing or if the wall is supporting a surcharge.

16. A final geotechnical engineering report shall be submitted for the grading and site work. The report shall include conclusions and recommendations for grading procedures, soil design criteria for structures or embankments required to accomplish the proposed grading and recommendations and conclusions regarding the site geology.
 - a. All grading and filling work shall be conducted in accordance with the approved geotechnical report. Compaction testing of the soils under the building foundations and utility trenches shall be verified by the geotechnical engineer of record and the Washington Association of Building Officials (WABO) registered special inspection agency and inspectors.
17. Fire hydrants shall be provided at all intersections and at approximately 600-foot spacing along the internal streets.
18. Demolition permits are required to be issued by the City prior to removal of existing structures on the property. A separate permit is required for each structure.
19. A demolition permit is required to be issued by the Olympic Region Clean Air Agency for each structure proposed to be removed from the property. Olympic Region Clean Air Agency (ORCAA) regulations require an asbestos survey for all demolition projects. Prior to any demolition project, the following must be completed:
 - a. A good faith asbestos survey must be conducted on the structure by a certified Asbestos Hazardous Emergency Response Act (AHERA) building inspector;
 - b. If asbestos is found during the survey, an Asbestos Removal Notification must be completed and all asbestos-containing material must be properly removed prior to the demolition; and,
 - c. If the structure is larger than 120 sq. ft., a Demolition Notification must be submitted regardless of the results of the asbestos survey.
20. All water wells on the site shall be abandoned in accordance with Washington State Department of Ecology requirements. A permit from the Department of Ecology shall be obtained for each well to be abandoned.
21. All septic systems on the property shall be abandoned in accordance with Thurston County Environmental Health requirements. A permit shall be obtained from Thurston County Environmental Health for each separate system that will be abandoned.

22. The project proponent 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.
23. All engineering designs and construction will need to be in accordance with the City of Tumwater's Development Guide and WSDOT standards.
24. All street construction, utility installation and storm drainage work requires engineered plans certified by a professional engineer licensed to practice in the State of Washington. The plans shall be submitted for review and approval by the City.
25. Any public or private utility relocation necessary to construct the project is the sole responsibility of the project proponent.
26. The applicant is required to submit a performance surety and surety agreement prior to release of the Site Development/Grading Permit to ensure successful completion of the required public improvements. The amount of the surety shall be 150% of the proponent engineer's estimate of completing the required public improvements.
27. 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 and surety agreement for maintenance equal in value to fifteen (15) percent of the total value of the required public improvements certified by the Public Works Director.
28. Maintenance of the on-site storm water system will be the responsibility of the project proponent, their successors or assigns. A storm water maintenance agreement will be recorded against the property prior to or concurrent with final plat approval.
29. Back flow prevention is required on all irrigation services in accordance with the AWWA Cross Connection Control Manual.
30. A landscape and irrigation plan must be submitted with Site Development and Grading Permit application for the proposed street planter strips, proposed open space tracts and the storm water facilities showing proposed plantings, tree types and heights, and other vegetation. Street trees are required to be installed along Henderson Boulevard and the proposed interior public streets in accordance with the Tumwater Development Guide and Comprehensive Street Tree Plan.
31. Each residential lot shall have a building site no less than 3,200 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.

32. The maximum lot-coverage for impervious surface shall be 60 percent of the total lot area unless using provisions within the PUD to increase the amount up to 25% (maximum 75% impervious surface).
33. Two off-street parking spaces are required for each lot. Driveways shall be a minimum of 18 feet in length and shall be hard surface such as concrete or pavement.
34. Residences must provide pathway from building entry to sidewalk separate from the driveway, provide weather protection at entries and at least 8 percent of front facade shall include transparent windows or doors.
35. Where lots abut an alley, the garage must take access from the alley.
36. Garages must be set back from the public street at least 5' further than the enclosed portion of the house, and garage doors shall occupy no more than 50 percent of the ground-level façade facing the street.
37. Impact fees for traffic, community 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 of vesting of the building permit applications.
38. An integrated pest management plan approved by the Thurston County Environmental Health must be submitted prior to final plat approval.
39. All legal descriptions on documents submitted to the City must be accompanied with an appropriate drawing that the City can use to verify the legal description.
40. The Professional Land Surveyor responsible for the surveying of the project must obtain a permit from Department of Natural Resources before any existing survey monuments are disturbed.
41. The applicant must provide and maintain a current Plat Name Reservation Certificate approved by the Thurston County Auditor.
42. Property taxes must be paid in full for the current year, including any advance and delinquent taxes, before a Final Plat can be recorded.
43. In order to comply with the City's Tree Protection and Replacement Standards, a minimum of 210 replacement trees must be planted on the site. Replacement trees

must be planted in proposed tree protection open spaces, prior to other placement on site. The size of the tree protection open space area(s) associated with the project is required to be a minimum of 5% of the buildable area of the site.

44. The following condition will be required to be noted on the Final Plat:
- a. All landscaped areas in public rights-of-way shall be maintained by the owner and his/her successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to City road purposes.
45. A Homeowners Association is required. Prior to final plat approval, the project proponent shall supply the city with copies of the grantee organization's articles of incorporation and bylaws, and with evidence of a binding commitment to convey. The articles of incorporation shall provide that membership in the organization shall be appurtenant to ownership of land in the land division; that the corporation is empowered to assess such land for costs of construction and maintenance of the improvements and property owned by the corporation, and that such assessments shall be in lien upon the land.

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

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Report Issue Date: June 15, 2022

List of Exhibits:

Exhibit 1 Staff Report
Exhibit 2 Plat Map
Exhibit 3 Vicinity Map
Exhibit 4 MDNS w/attachments
Exhibit 5 Public Hearing Notice
Exhibit 6 Applications & Narrative
Exhibit 7 Notice of Application
Exhibit 8 Zoning Map
Exhibit 9 Public Notice Certification
Exhibit 10 Notice of Application Comments
Exhibit 11 Concurrency Ruling
Exhibit 12 SEPA Comments
Exhibit 13 Forestry Plan

Exhibit 14 Critical Areas Report

Exhibit 15 Gopher Report

Exhibit 16 Traffic Impact Analysis and Traffic Queuing Report

Exhibit 17 DAHP Cultural Resource Study Acceptance Letter

Exhibit 18 Geotech Report