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TUMWATER HEARING EXAMINER AGENDA

Tumwater Council Chambers
Wednesday, September 4, 2019
Time: 7:00 p.m.

The Tumwater Hearing Examiner is an appointed official of the City, and rules upon land use and zoning matters. Within 10 business days of the conclusion of a hearing, the Examiner shall render a decision, including findings and conclusions. Questions on the operation and procedures of the Hearing Examiner may be directed to the Community Development Department at 360-754-4180.

I. CALL TO ORDER

II. ADMINISTRATIVE AFFAIRS

A. Changes to Agenda

III. PUBLIC HEARING

A. Application **TUM-19-0317 – Sunrise Hills Preliminary Plat**

Sunrise Hills LLC is requesting Preliminary Plat approval to divide 10.72 acres into 36 single-family lots.

IV. ADJOURN

Enclosure:

Agenda Packet:

- TUM-19-0317

AGENDA ITEM NO. III.A
HEARING DATE: September 4, 2019

TO: John Doan, City Administrator
jdoan@ci.tumwater.wa.us

FOR: Tumwater Hearing Examiner

FROM: Chris Carlson, Permit Manager
ccarlson@ci.tumwater.wa.us

RE: Preliminary Plat application (TUM-19-0317)
Sunrise Hills Preliminary Plat

A. Exhibits: (List only those attached)

1. Staff Report, dated August 23, 2019
 2. Site Aerial Photo Map
 3. Preliminary Plat Application, dated March 25, 2019
 4. Preliminary Plat Map
 5. Certification of Public Notice
 6. Environmental Checklist, dated March 25, 2019
 7. DNS, dated June 27, 2019
 8. Notice of Application, dated May 23, 2019
 9. Forester's Report, dated September 20, 2018
 10. Geotechnical Report, dated September 4, 2018
 11. E-mail from Engineering Geologist, dated June 7, 2019
 12. Preliminary Storm Drainage Report, dated May 2019
 13. Transportation Trip Distribution Report, dated May 3, 2019
 14. Tumwater Public Works Director Concurrency Ruling, dated May 8, 2019
 15. Tumwater Public Works Department Water and Sewer Availability Ruling, dated April 1, 2019
 16. DOE Comments, dated June 6, 2019
 17. DOE Comments, dated July 11, 2019
 18. Squaxin Island Tribe Comments, dated May 23, 2019
 19. Tumwater School District letter, dated August 22, 2019
 20. Jim Oberlander Comments, dated May 28, 2019
 21. Amanda Gress Comments, dated May 28, 2019
 22. Eric Trimble and Sydne Cogburn Comments, dated June 5, 2019
 23. Geoffrey Provost Comments, dated June 5, 2019
 24. Janine Beaudry Comments, dated June 6, 2019
 25. Applicant's summary statement with attachments
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B. Action Requested / Staff Recommendation:

Staff recommends that after reviewing the Staff report, taking testimony, and evaluating all other relevant facts and criteria, Case No. TUM-19-0317 be denied. If the Hearing Examiner chooses to approve the request, staff recommends the project be subject to the conditions of approval outlined in the staff report.

C. History and Facts Brief:

The applicant is requesting Preliminary Plat approval to subdivide 10.72 acres into 36 single-family lots.

D. Discussion & Alternatives:

- ☐ Deny Case No. TUM-19-0317 for cause
- ☐ Approve Case No. TUM-19-0317 as conditioned by staff
- ☐ Approve Case No. TUM-19-0317 with additional conditions
- ☐ Remand Case No. TUM-19-0317 to staff for further analyses

CITY OF TUMWATER
HEARING EXAMINER STAFF REPORT
Hearing Date: September 4, 2019

Project Name: Sunrise Hills Preliminary Plat

Case Number: TUM-19-0317

Applicant: Sunrise Hills LLC - Chul Kim
454 SW 297th Street, Federal Way, WA 98023

Representative: Contour Engineering – Stephen Bridgeford
P.O. Box 949, Gig Harbor, WA 98335

Type of Action Requested: Preliminary Plat approval for 36 single-family lots on 10.72 acres. (Exhibits 3 & 4)

Project Location: The property is located on the north side of Sapp Road SW between Antsen Street and Crosby Boulevard, Tumwater, WA 98512, within a portion of the southwest quarter of southwest quarter, Section 27, Township 18 N., Range 2 W.W.M. Parcel #12827330000. (Exhibit 2)

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 Determination of Non-significance on June 27, 2019. (Exhibits 6 & 7)

Public Notification: Public notification for the application was mailed to property owners within 300 feet of the subject property and various agencies and posted on-site on May 23, 2019. The notice was published in *The Olympian* on May 24, 2019, in conformance with Tumwater Municipal Code (TMC) 14.06. (Exhibits 5 & 8)

Staff Recommendation: Denial. If the Hearing Examiner chooses to approve the application, staff recommends that the project be conditioned as specified at the end of the staff report.

Staff Planner: Chris Carlson, Permit Manager
Phone: 360-754-4180
E-Mail: ccarlson@ci.tumwater.wa.us

I. BACKGROUND INFORMATION

A. Application and Review Process

The Preliminary Plat application was submitted on March 25, 2019 and the application was deemed complete on May 7, 2019. (Exhibits 3 & 8) Under TMC 2.58.090, review authority for Preliminary Plat applications fall under the purview of the Hearing Examiner.

B. Existing Conditions

The site is vacant land forested with a mixture of deciduous and coniferous tree species.

The property contains steep slopes regulated by TMC 16.20.

C. Project Description

The proposal is to subdivide 10.72 acres into 36 single-family lots and 5 community tracts meant for open space, private roads/alleys, park/play area and tree preservation. Improvements will include mass grading for public and private roads and lot pads, construction of 159 lineal feet of street frontage improvements on Sapp Road abutting the south side of the project site, extension of City water and sewer utilities to serve the project, a storm water system 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). (Exhibit 4)

II. REGULATORY FRAMEWORK

The proposal is subject to the following policies and regulations:

A. Tumwater Comprehensive Land Use Plan:

The project site is located in the Tumwater Hill Neighborhood as designated by the City's Comprehensive Land Use Plan. The land use designation for the project site is Residential Sensitive Resource (RSR).

The Residential Sensitive Resource Land Use Designation in the Comprehensive Plan states:

“The area north of Sapp Road, east of RW Johnson Boulevard, south of Somerset Hill Drive, and west of Crosby Boulevard has been designated Residential/Sensitive Resource (2-4 Dwelling Units/Acre) to ensure that the unique open space character and environmental sensitivity of Percival Creek is

protected from the effects of intensive urban development. Most of Percival Creek lacks sufficient stream flow to be under the protection of the Shoreline Management Act; and, therefore, lacks the special protection measures afforded by the Act. However, Percival Creek connects two areas of the city that are under the protection of the Shoreline Management Act: Trosper Lake and the Black Lake Drainage Ditch/Percival Creek Lower Reach. Areas in the 100-year flood plain have been designated Parks/Open Space to ensure consistency with the Conservation Element. Areas outside of the 100-year flood plain, however, should receive a land use designation that would be low intensity yet still allow the area to be developed on sanitary sewer in order to protect Percival Creek itself and the groundwater in the area.”

Staff Response and Recommended Finding: *Staff and the applicant have a disagreement regarding how density is calculated for the project. Staff believes that the steep slope areas depicted on the preliminary plat map (Exhibit 4), which are regulated by TMC 16.20, should be excluded from the gross site area per TMC 18.08.050.B.1 before doing the density calculation.*

If the two steep slope areas depicted on the preliminary plat drawing are excluded from the density calculation, the density per acre for 36 lots calculates to 4.76 dwelling units per acre.

By excluding the two steep slope areas from the density calculation, the maximum number of lots for the project is 30.

Based on staff's interpretation of how density is calculated, the proposed density does not meet the density policy of the Comprehensive Plan for the Residential Sensitive Resource zone.

Staff finds that the project density is not consistent with the Comprehensive Plan.

B. Tumwater Parks and Recreation Plan: *The only reference in the Parks Plan affecting the property indicates a desire for a bicycle lane on Sapp Road along the project frontage.*

Staff Response and Recommended Finding: *The Parks Plan expresses the desire to construct bicycle lanes on Sapp Road along the project frontage.*

The City collects community park impact fees as a condition of building permit issuance for all residential units. These fees are used by the City Parks and Recreation Department for acquisition, design and construction of new public park facilities.

In addition to the payment of impact fees, TMC 17.12.210 of the Land Division Ordinance requires a minimum of 10 percent of the gross site area be set aside as

private open space. The code requires that both passive and active recreation elements be included in the open space areas.

The open space area for the proposed subdivision is 1.1 acres. This amounts to slightly over 10 percent of the gross site area, meeting the minimum open space requirement.

Staff finds that the applicant constructing frontage improvements on Sapp Road which will accommodate a future bicycle lane, payment of community park impact fees for each single-family residence proposed in the subdivision and setting aside the minimum amount of private open space with both passive and active recreation elements the project is consistent with the Comprehensive Parks Plan.

- C. Tumwater Transportation Plan:** The Transportation Plan includes language speaking to providing for the safe, efficient, cost-effective movement of people and goods in ways that support adopted land use plans, enhance neighborhood and community livability, support a strong and resilient economy, and minimize environmental impacts.

Staff Response and Recommended Finding: *After review of a Transportation Trip Distribution Report (Exhibit 13), the Public Works Director has issued a transportation concurrency ruling indicating that traffic generated from the project will not cause the level of service at any impacted corridors or intersections to fall below the City's level of service standard. (Exhibit 14)*

Staff finds that by constructing street improvements on Sapp Road along the property's frontage, building the two internal cul-de-sac streets to City standard and payment of transportation impact fees for each dwelling unit the project is consistent with the Tumwater Transportation Plan.

- D. Thurston Regional Trails Plan:** The City of Tumwater is a participating member of the Thurston Regional Planning Council (TRPC). TRPC adopted the Thurston Regional Trails 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 Trails Plan.*

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

- E. Sustainable Development Plan for the 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.

To implement the goal in the Plan to reduce vehicle miles traveled, strategies are stated including connecting streets, sidewalks and trails to provide multiple safe travel routes and shorter distances for all travel modes and encouraging a multimodal transportation system that includes walk, bike, bus, carpool, vanpool, telework, car, truck, and rail transportation systems.

With the extension of a public street with sidewalks into the project as well as providing street improvements on the site frontage of Sapp Road, the project is contributing to the goal in the Plan of reducing vehicle miles traveled.

The Plan also 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 project site is located approximately .7 mile south of the intersection of Crosby Boulevard and Irving Street. Properties in the vicinity of the intersection have a zone designation of General Commercial (GC) and include professional service, retail and restaurant uses.

Staff finds that the project is not in conflict with the Sustainable Development Plan for the Thurston Region.

- F. 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: *Public notice for the application containing notification for the September 4, 2019 public hearing was mailed to property owners within 300 feet of the subject property, affected agencies and posted on-site on August 23, 2019; and published in The Olympian on August 23, 2019, in conformance with Tumwater Municipal Code (TMC) 14.06.070. (Exhibit 5)*

The application was deemed complete on May 7, 2019. 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 and

posted on-site May 23, 2019; and published in the Olympian on May 24, 2019. (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 applicant and issued a Determination of Non-significance on June 27, 2019. (Exhibits 6 & 7)

Staff Response and Recommended Finding: *The City of Tumwater Community Development Department, as lead agency, has completed environmental review in accordance with TMC 16.04, RCW 43-21C and WAC 197-11.*

The City's SEPA threshold determination was issued on June 27, 2019. (Exhibit 7)

No appeals of the City's SEPA threshold determination were filed.

H. Tumwater Zoning Code, Title 18:

1. Residential Sensitive Resource zone district TMC 18.08 - Permitted Uses and Development Standards

Staff Response and Recommended Finding: *TMC 18.08.020.A lists single-family homes as a permitted use in the Residential Sensitive Resource zone district.*

As mentioned in Section II.A above (Tumwater Comprehensive Land Use Plan), staff and the applicant have a disagreement regarding how the density is calculated for the project. Staff believes that the steep slope areas regulated by TMC 16.20 and depicted on the preliminary plat drawing (Exhibit 4) should be excluded from the gross site area per TMC 18.08.050.B.1 before doing the density calculation.

TMC 18.08.050.B.1 states: *Density Calculation. The calculation of the density requirements in subsection A of this section is based on the portion of the site that contains lots devoted to residential and associated uses (e.g., dwelling units; private community clubs; storm water detention, treatment and infiltration). The following land is excluded from density calculations:*

*1. Land that is required to be dedicated for public use as open space, right-of-way, **or land on which development is prohibited by TMC Title 16, Environment**, and land that is to be used for private roads; provided, that portion of open space/park areas that consists of storm water facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations;*

2. *Land that is intended for future phases of development created in accordance with TMC [18.08.060](#);*

3. *Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment and infiltration facilities).*

It's staff's interpretation that development is prohibited in the steep slope areas regulated by TMC 16.20 depicted on the preliminary plat map and these areas must be excluded from the density calculation per TMC 18.08.050.B.1.

If the steep slope areas depicted on the preliminary plat map are excluded from the density calculation, the density per acre for the 36 proposed lots calculates to 4.76 dwelling units per acre. This density exceeds the maximum density of 4 dwelling units per acre allowed in the Residential Sensitive Resource zone.

Based on staff's interpretation of how density is calculated, the proposed density does not meet the requirements of the zoning regulations.

Staff finds that the project density is not consistent with the Tumwater Zoning Ordinance.

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 proposed residential subdivision is not a restricted land use in the AQP overlay. In addition, an Integrated Pest Management Plan (IPMP) approved by Thurston County Environmental Health will be required to be recorded against the properties. An IPMP is a written instrument that outlines prevention, monitoring, and control which offers the opportunity to eliminate or drastically reduce the use of pesticides, and to minimize the toxicity of and exposure to any products which are used.

I. Hearing Examiner, TMC 2.58.090: – Hearing Examiner authority to

review Preliminary Plat requests.

Staff Response and Recommended Finding: *Preliminary Plats require a public hearing and decision by the Tumwater Hearing Examiner. Final Plat approval authority is with City of Tumwater staff.*

J. 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 has been submitted for the project. (Exhibit 9)*

The report indicates that there are a total of 353 trees regulated by TMC 16.08 on the property. The City's tree protection ordinance requires 20 percent of the existing trees or 12 trees per acre, whichever is greater to be retained.

In this case, the 12 tree per acre standard is the greater number requiring 112 trees to be retained. The report specifies that 167 trees are proposed for retention on the site.

Staff finds that the project complies with the City's Tree Protection and Replacement Ordinance (TMC 16.08).

K. Geologically Hazardous Areas, TMC 16.20: TMC Chapter 16.20 regulates geologically hazardous areas.

Staff Response and Recommended Finding: *The applicant has submitted a geotechnical report for the project (Exhibit 10). The report indicates that the property contains areas with slope characteristics which designates them "geologically hazardous" per TMC 16.20.045.B.8. Specifically, the report calls out areas of the property characterized by slopes of forty percent or steeper and with a vertical relief of ten or more feet.*

In accordance with TMC 18.08.050.B.1, areas where development is prohibited by TMC Title 16 shall be excluded when calculating density for a project.

The Engineering Geologist who prepared the report followed up with an e-mail articulating why he feels the geologically hazardous area should not be excluded from the density calculation (Exhibit 11).

Staff concludes that the areas designated as geologically hazardous by the applicant's

geotechnical engineer must be excluded from the density calculation before the City can recommend approval of the project.

- L. TMC Chapter 17.14 – Preliminary Land Division 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 applicant 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 for 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 amount of open space proposed for the subdivision is the minimum amount required by code. The open space areas will contain both passive and active recreation elements as required by TMC 17.12.210.*
- 2. New public streets that comply with the City's current Development Guide are proposed to be constructed and dedicated to the City. In addition, public right-of-way dedication and street improvements, including widening, a bike lane, sidewalks and street illumination will be completed on Sapp Road along the entire abutting frontage of the property.*
- 3. A storm drainage system complying with the City's 2018 Drainage Design and Erosion Control Manual will be constructed for the site. A preliminary storm drainage report, including a geotechnical investigation has been submitted to support the preliminary design. (Exhibit 12)*
- 4. Sanitary sewer and water will be extended into the property to serve the*

proposed homes. The Tumwater Public Works Department has issued a water availability ruling indicating that the City has the ability to serve the subdivision with potable water. (Exhibit 15)

5. *Intercity Transit does not currently have a route that serves the site.*
6. *The site is not currently being considered by the Tumwater School District for their future needs.*
7. *Current Tumwater Fire Department facilities are adequate to service the proposed project.*
8. *The children residing within the proposed subdivision will attend Tumwater Hill Elementary, Tumwater Middle School and Black Hills High School. Tumwater Hill Elementary is approximately 1 mile from the site by the shortest walking route. Tumwater Middle School is approximately 2 miles from the site by the shortest walking route. Black Hills High School is approximately 3.5 miles from the site by the shortest walking route.*

The Tumwater School District has a policy for children walking to school. The District will offer bus service to children attending the schools serving the proposed subdivision.

Elementary school students in the northern portion of the subdivision can walk to an existing bus stop on Woodland Drive via new and existing sidewalks. Middle and High School students in the northern portion of the subdivision can walk to an existing bus stop on Crosby Boulevard.

The Tumwater School District has requested that the developer be required to install a bus waiting area for students living in the southern portion of the subdivision at the northeast intersection of Sapp Road and proposed Road A south of proposed Tract D.

III. PUBLIC COMMENT

10 comment letters/e-mails have been received during the public noticing for the project application. Two letters are from the Washington State Department of Ecology, one letter from the Squaxin Island Tribe, one letter from the Tumwater School District, one letter with attachments from the applicant and five comments from property owners in the vicinity of the project site. (Exhibits 16 through 25)

- Exhibit 16. Department of Ecology Comments, dated June 6, 2019
- Exhibit 17. Department of Ecology Comments, dated July 11, 2019
- Exhibit 18. Squaxin Island Tribe Comments, dated May 23, 2019
- Exhibit 19. Tumwater School District Comments, dated August 22, 2019
- Exhibit 20. Jim Oberlander Comments, dated May 28, 2019

- Exhibit 21. Amanda Gress Comments, dated May 28, 2019
- Exhibit 22. Eric Trimble and Sydne Cogburn Comments, dated June 5, 2019
- Exhibit 23. Geoffrey Provost Comments, dated June 5, 2019
- Exhibit 24. Janine Beaudry Comments, dated June 6, 2019
- Exhibit 25. Chul M. Kim Comments, dated August 16, 2019

IV. RECOMMENDATION

Pursuant to TMC 2.58.110, staff recommends denial of the Preliminary Plat request because the project exceeds the density allowed by the Tumwater Zoning Code and the proposed density is not consistent with the Comprehensive Land Use Plan designation for the site.

Should the Hearing Examiner disagree with staff and choose to approve the application, staff recommends 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. Blasting permits will be required if the underlying rock cannot be removed by conventional methods. If the blast area is within 100 feet of other structures, the permit applicant is required to notify the affected property owners a minimum of two weeks in advance of any blast. If the affected property owners request a pre-blast inspection of their structure, one shall be performed at the developer's cost. The permit application shall include the surrounding property owner's information and copies of the letters notifying them of their option. Blasting permits are not issued "over the counter" so sufficient time needs to be incorporated in the schedule to receive the permit.
3. Some of the lots in this plat have steep slopes that exceed 15% and may be located on rock or areas containing ground or surface water. In addition, areas of fill and construction of rockeries or retaining walls may be required to establish lots suitable for building. Therefore, the footings and foundations for structures are required to be designed by a licensed structural engineer and geo-tech slope report submitted for each lot. The Building Official will decide upon completion of the grading and site development if this requirement will apply to all lots.
4. The Fire Department has determined that because access may be difficult for some of the lots in the plat additional fire protection measures are needed. Authority for the following requirement is derived from the International Fire Code (IFC) 503.1.1 and 503.2.
 - A. Residential fire sprinklers, meeting the requirements of NFPA 13D will be required to be installed in the homes on the following lots: 7, 8, 9, 10, 16,

17, 18, 19, 20, 21, 22, 23, 24 and 25.

The lots that are requiring sprinklers will need 1" water meters installed, unless design fire flows can be achieved with ¾" water meters.

5. The maximum grade on the private lanes associated with the subdivision shall be 15 percent.
6. 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.
7. 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.

In accordance with TMC 18.08.070, clearing, grading or other activities that remove or substantially alter vegetative ground cover shall not be permitted during the wet season (between November 1 and April 30) to protect environmentally sensitive areas from potential sedimentation and runoff associated with these activities.

8. 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.
9. 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.
10. Fill for the project shall be clean material, void of solid waste or organic debris.
11. 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.

12. The applicant shall secure a National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit from the Washington State Department of Ecology.
13. The proposed public streets and private streets within the subdivision shall comply with the Tumwater Development Guide design requirements in place at the time the preliminary plat application was vested. The public streets shall be dedicated to the City of Tumwater.
14. No parking signs shall be installed in the cul-de-sac turnaround areas.
15. 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 Sapp Road. Additional right-of-way, as necessary, shall be dedicated to contain the improvements.
16. 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.
17. The minimum fire flow requirement for the project shall be 1,000 gallons per minute at 20 pounds per square-inch. The system shall be designed for a maximum velocity of 8 feet per second.

If the required fire flow cannot be achieved, NFPA 13D residential fire sprinklers shall be required in each home in the subdivision.

18. Separate permits and engineered designs are required for all 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.
19. 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. The report shall also include recommendations for measures to protect existing and future homes and

properties in the event of slope failure related to the steep slopes identified on the property.

All grading and filling work shall be conducted in accordance with the approved soils report. Compaction testing of the soils under the building foundations and utility trenches shall be verified by the geotechnical engineer of record and the WABO registered special inspector.

20. Fire hydrants shall be provided at all intersections and at approximately 600-foot spacing along the internal streets.
21. Fire hydrants and paved access roads shall be installed, tested for fire flow by the Fire Department and made serviceable by the Public Works Department prior to any building permits being issued.
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. Sanitary sewer is required to be extended across the frontage on Littlerock Road. The City will accept a FILO (fee in lieu of) for this requirement.
30. A water main special assessment fee has been recorded against this property. The fee in the amount of \$12,216.01 shall be paid to the City of Tumwater prior to recording the final plat map with the Thurston County Auditor.
31. Back flow prevention is required on all irrigation services in accordance with the AWWA Cross Connection Control Manual.
32. A landscape and irrigation plan must be submitted 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 Sapp Road and the proposed interior public streets in accordance with the Tumwater Development Guide and Comprehensive Street Tree Plan. This plan must be submitted and approved prior to final plat approval.
33. Each residential lot 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 minimum lot size shall be 9,500 square feet.
34. The maximum impervious surface for all lots within the subdivision shall be forty percent of the total area of the lot.
35. Two off-street parking spaces are required for each lot. Driveways and off-street parking spaces must be hard-surfaced (asphalt, concrete or turfstone).
36. 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.
37. An integrated pest management plan approved by Thurston County Environmental Health must be submitted to the City of Tumwater prior to final plat approval.
38. 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.

39. The Professional Land Surveyor responsible for the surveying of the project must obtain a permit from Department of Natural Resources before any existing monuments are disturbed.
40. The applicant must maintain a current Plat Name Reservation Certificate approved by the Thurston County Auditor.
41. Property taxes must be paid in full for the current year, including any advance and delinquent taxes, before a Final Plat can be recorded.
42. A Homeowners Association is required to be formed for the project. 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.
43. At the request of the Tumwater School District, the developer shall be required to install a new concrete school bus waiting area at the northeast intersection of Sapp Road and proposed Road A, south of proposed Tract D.

In addition, the developer is required to install a "School Bus Stop Ahead" sign at the corner of Sapp Road and Crosby Boulevard. The final location of the sign shall be approved by the City's Public Works Department.

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

Chris Carlson, Permit Manager



Phone: 360-754-4180

E-mail: ccarlson@ci.tumwater.wa.us

Report Issue Date: August 23, 2019

List of Exhibits:

1. Staff Report, dated August 23, 2019

2. Site Aerial Photo Map
3. Preliminary Plat Application, dated March 25, 2019
4. Preliminary Plat Map
5. Certification of Public Notice
6. Environmental Checklist, dated March 25, 2019
7. DNS, dated June 27, 2019
8. Notice of Application, dated May 23, 2019
9. Forester's Report, dated September 20, 2018
10. Geotechnical Report, dated September 4, 2018
11. E-mail from Engineering Geologist, dated June 7, 2019
12. Preliminary Storm Drainage Report, dated May 2019
13. Transportation Trip Distribution Report, dated May 3, 2019
14. Tumwater Public Works Director Concurrency Ruling, dated May 8, 2019
15. Tumwater Public Works Department Water and Sewer Availability Ruling, dated April 1, 2019
16. DOE Comments, dated June 6, 2019
17. DOE Comments, dated July 11, 2019
18. Squaxin Island Tribe Comments, dated May 23, 2019
19. Tumwater School District letter, dated August 22, 2019
20. Jim Oberlander Comments, dated May 28, 2019
21. Amanda Gress Comments, dated May 28, 2019
22. Eric Trimble and Sydne Cogburn Comments, dated June 5, 2019
23. Geoffrey Provost Comments, dated June 5, 2019
24. Janine Beaudry Comments, dated June 6, 2019
25. Applicant's summary statement with attachments