

**CITY OF TUMWATER  
HEARING EXAMINER STAFF REPORT  
Hearing Date: May 24, 2023**

**Project Name:** Sunrise Hills Preliminary Plat

**Case Number:** TUM-21-0551

**Applicant:** Chul M. Kim  
454 SW 297th Street  
Federal Way, WA 98023

**Type of Action Requested:** Preliminary Plat approval to divide 10.72 acres into 36 single-family lots, with 7 tracts, as a Clustered Subdivision. (Exhibit 5)

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

**SEPA Determination:** A Determination of Nonsignificance issued on June 27, 2019 for development of a preliminary plat, with its associated studies and reports are incorporated by reference. (Exhibit 10)

**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 March 7, 2023. The notice was published in The Olympian on March 10, 2023. (Exhibit 6)

Public notification for the public hearing was mailed to property owners within 300 feet of the subject property, persons who provided written comments on the notice of application, and various agencies, and posted on-site on May 12, 2023, and published in The Olympian on May 12, 2023. (Exhibit 6)

**Staff Recommendation:** Approve Preliminary Plat as Clustered Development, subject to proposed conditions as specified at the end of the staff report.

**Staff Planner:** Tami Merriman, Permit Manager

Phone: 360-754-4180

E-Mail: [tmerriman@ci.tumwater.wa.us](mailto:tmerriman@ci.tumwater.wa.us)

## **I. BACKGROUND INFORMATION**

### **Application and Review Process**

The Preliminary Plat application was submitted on March 22, 2021. The application, while complete did not meet the density requirements of TMC Chapter 18.08. The applicant worked on revising the application, and the application was deemed complete on March 10, 2023. (Exhibit 6) Under TMC 2.58.090. Review authority for Preliminary Plat applications fall under the purview of the Hearing Examiner.

### **Background**

The applicant applied for and was denied a preliminary plat application in September 2019 (TUM-19-0317). The application was to subdivide a 10.72 acre parcel into 36 single family lots with 5 community tracts meant for open space, private roads/alleys, park/play area and tree preservation. At that time, City staff recommended denial of the preliminary plat, as stated: *“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.”* Page 3, City of Tumwater Staff Report, August 23, 2019 (Exhibit 7)

The Hearing Examiner, after hearing the matter denied the preliminary plat request, as *“the proposal does not meet the requirements related to allowable density under the City’s zoning ordinances and is not consistent with the Comprehensive Plan designation for the property.”* Hearing Examiner Findings, Conclusions, and Decision, September 20, 2019. (Exhibit 8)

The applicant filed a request for reconsideration, which was denied October 7, 2019. The applicant then filed a LUPA appeal, which was later withdrawn. (Exhibit 9)

The applicant now applies for a preliminary subdivision, excluding critical areas from density calculation, and providing for a clustered development as permitted in Chapter 18.08.050.2.E.

*18.08.050.2. Maximum: four dwelling units per acre, or if a land division is subject to the clustering provisions of subsection E of this section and not subject to the wetland protection standards of TMC Chapter 16.28, the maximum density shall be no greater than one hundred twenty-five percent of the maximum density that would*

*otherwise be allowed.*

....

*E. Clustered Subdivision. Any site in this zone district may be subdivided as a clustered subdivision, subject to the following:*

- 1. The portion of the site set aside for open space use shall be at least thirty percent of the area of the entire site;*
- 2. At least one-half of the area set aside for open space shall be useful for passive recreational purposes;*
- 3. The area set aside for open space shall be located so as to include environmentally sensitive areas (e.g., wetlands, riparian areas) to the maximum extent possible;*
- 4. The clustered subdivision must meet all other provisions of this chapter.*

### **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 Chapter 16.20.

### **Project Description**

The proposal is to subdivide 10.72 acres into a clustered subdivision of 36 single-family lots and 7 community tracts meant for open space and access, streets, and tree preservation. Improvements will include grading for streets and building sites, 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 5)

## **II. REGULATORY FRAMEWORK**

The proposal is subject to the following policies and regulations:

### **Tumwater Comprehensive 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) 2 – 4 dwelling units per acre. The Residential Sensitive Resource Land Use Designation in the Comprehensive Plan states:

The purpose of this designation is to recognize areas of unique open space character and sensitivity to environmental disturbance such as around stream corridors, lakes, and wetlands within the city limits and Tumwater's Urban Growth Area.

In addition to being of a relatively low density, development in these areas should be clustered. Clustering means grouping or "clustering" development onto part of a property so that the remainder can be preserved as unbuilt open space. The intent of clustering development in this area is to preserve open space along environmentally sensitive areas and provide a lot configuration that allows for the preservation of the specified amount of open space and also allows for future applied density to be achieved over the 20-year time period. Densities in this designation should be two to four dwelling units/acre.

The applicant proposes 36 residential lots as part of a clustered subdivision.

Density is calculated by excluding land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for roads and dedicated public open spaces.

The preliminary plat shows that landslide hazard areas (steep slopes) equal 1.61 acres, and proposed roads and access easements equaling 1.17 acres, leaving 7.94 acres in which to determine density. The clustered subdivision requires a minimum of 30 percent of the gross area to be open space, to provide for passive open space and to protect critical areas. 30 percent of 10.72 acres 3.22 acres.

When a clustered subdivision is provided, it allows for an increase in density of 125 percent of maximum density. Maximum density at 7.94 acres is 30 dwelling units. The clustered subdivision increase of 125 percent would allow 37 units. The applicant proposes 36 units.

**Staff Response and Recommended Finding:**

*Staff finds that by excluding steep slopes, public roads and access tracts from gross acreage, providing 30% of total acreage as open space, and providing a clustered development, the project is consistent with the Comprehensive Plan.*

**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.

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, the clustered subdivision requires a minimum of 30% of the gross area to be set aside as private open space. This is well over the minimum required in the Land Division Code TMC 17.12.210, which 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 30.05 acres. This meets the minimum open space requirement.

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

*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.*

**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.

The applicant provided a trip generation report in in 2019 with lot locations and trip generation similar to what is proposed in this application. Staff reviewed the materials and determined that the concurrency ruling still applies.

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

*After review of a Transportation Trip Distribution Report, the Public Works Director issued a transportation concurrency ruling on May 8, 2019, 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 11)*

*Staff finds that the project trip generation and distribution of the proposed layout does not change the determination in 2019, and that by constructing street improvements on Sapp Road along the property's frontage, building the two internal streets to City standard and payment of transportation impact fees for each dwelling unit the project is consistent with the Tumwater Transportation Plan.*

**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.*

**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 public streets 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 Response and Recommended Finding:**

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

**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 was mailed to property owners within 300 feet of the subject property and various agencies and posted on-site on March 7, 2023. The notice was published in The Olympian on March 10, 2023. (Exhibit 6)*

*Public notification for the public hearing was mailed to property owners within 300 feet of the subject property, persons who provided written comments on the notice of application, various agencies, and posted on-site on May 12, 2023. The public hearing notice was published in The Olympian on May XX, 2023, in conformance with Tumwater Municipal Code (TMC) 14.06.070. (Exhibit 6)*

**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. (Exhibit 10)

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

*The City incorporates the original SEPA determination pursuant to WAC 197-11-230(3). The project has not changed substantially, and does not require any revision to the determination issued in 2019.*

**Tumwater Zoning Code, Title 18:**

**Residential Sensitive Resource zone district TMC 18.08 - Permitted Uses and Development Standards:**

Single-family detached dwelling units are allowed at a minimum density of 2 dwelling units per acre and a maximum of 4 dwelling units per acre, or if a land division is subject to the clustering provisions of subsection E of this section and not subject to the wetland protection standards of TMC Chapter 16.28, the maximum density shall be no greater than one hundred twenty-five percent of the maximum density that would otherwise be allowed.

Maximum building height is 35 feet.

For lots less than nine thousand five hundred square feet in area, yards shall be as follows:

- a. Front: twenty feet minimum from frontage property line on streets interior to a development, twenty-five feet minimum from frontage property line on streets classified in the Tumwater transportation plan as urban collectors, minor arterials, and major arterials;
- b. Side: seven and one-half feet from property line, minimum;
- c. Rear: ten feet, minimum, from rear property line; twenty-five feet minimum from rear property line abutting streets classified in the Tumwater transportation plan as urban collectors, minor arterials, and major arterials. Exception: Storage, garden, and tool sheds two hundred square feet in area or less, and residential mechanical equipment, may be located a minimum of five feet from the property line.

***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.*

*TMC 18.08.050.B. Density Calculation requires certain land be excluded when determining density. "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; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be set aside 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 park and open space areas that consists of stormwater 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).

The increased open space required by the clustered subdivision is intended to protect the critical areas as well as provide open space for the residents of the subdivision. The open space is not dedicated to the public, and should not be removed for the purpose of density calculation.

The preliminary plat map shows landslide hazard area (steep slopes) of 1.61 acres, proposed roads and access easements of 1.17 acres, leaving 7.94 acres. Chapter 18.08 requires minimum density of 16 dwelling units, and maximum 30 dwelling units. The clustered subdivision allows density to be increased to 125% with the provision of 30 percent of the gross area to be open space. 125% of 30 units allows up to 37 units. The applicant proposes 36 units.

Staff finds that by excluding steep slopes and roads and access tracts from gross acreage, providing 30% of total acreage as open space, and providing a clustered development, the project meets the minimum and maximum density of TMC Chapter 18.08.

### **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. 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.*

**Inadvertent discovery of archaeological and cultural resources – TMC 18.40.065:**

Building, grading, land clearing, shoreline, and development permits shall include the following note:

When an unanticipated discovery of protected cultural material (e.g., bones, shells, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains are discovered, the property owner or contractor will immediately stop all work, completely secure the location, and contact the Washington State Department of Archaeology and Historic Preservation and other contacts as identified in the City of Tumwater Standard Inadvertent Archaeological and Historic Resources Discovery Plan. The individual or representative whom the permit was issued to must send written notification of the inadvertent discovery to the city of Tumwater department of community development.

**Hearing Examiner, TMC 2.58.090: – Hearing Examiner authority to review Preliminary Plat requests:**

The examiner shall receive and examine all available information, conduct public hearings and prepare a record thereof and enter findings of fact and conclusions based upon these facts, which conclusions shall represent the final action on the application, unless appealed as provided for herein, for Preliminary plats.

***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.*

**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 12)*

*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).*

### **Geologically Hazardous Areas, TMC 16.20:**

TMC Chapter 16.20 regulates geologically hazardous areas.

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

*The applicant submitted a geotechnical report for the project in 2019. (Exhibit 14) 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.*

*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.*

### **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 17.14.02, and 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:

The amount of open space proposed for the subdivision meets the minimum amount required by TMC Chapter 18.08 to meet the clustered subdivision requirements. The open space areas will contain critical areas, as well as passive and active recreation elements as required by TMC 17.12.210.

Thurston County requires a preliminary plat to reserve a plat name. The Plat

Name Reservation Certificate provided by the applicant expired in April 2023. The certificate will need to be renewed. (Exhibit 13)

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.

A storm drainage system complying with the City's 2022 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 17)

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 18)

The site is not currently being considered by the Tumwater School District for their future needs and Intercity Transit does not currently have a route that serves the site.

Current Tumwater Fire Department facilities are adequate to service the proposed project.

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 requested during the previous application process in 2019, 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 A. (Exhibit 19)

### III PUBLIC COMMENT

Four (4) comment letters were received during the first public noticing for the project application in June 2021. A letters from the Squaxin Island Tribe noting no cultural concern, and 3 comment letters from property owners in the vicinity. (Exhibit 15)

June 18, 2021 Janine Beaudry. Included her comments from the application in 2019.

June 22, 2021 Squaxin Island Tribe No specific comment or concern, requests notice of any Inadvertent Discovery.

June 24, 2021 Jeanette Parks. Expresses concern regarding impacts to wildlife, excavation, and loss of privacy.

July 2, 2021 Jeff Parks. Concerned that land is not suitable for development and loss of trees adjacent to his property.

Eight (8) comment letters were received during the public noticing for the project application. Letters from both the Squaxin Island and Nisqually Indian Tribes noted no cultural concern, comment from the City of Olympia inquiring about connected streets, a letter from Representative Doglio office requesting application information, and 4 comment letters from property owners in the vicinity. (Exhibit 16)

March 7, 2023 John J. Ryan. Notifies City to expect an appeal.

March 8, 2023 City of Olympia; David Smith and Nicole Floyd. Inquiry into street connectivity.

March 8, 2023 Nisqually Indian Tribe. No specific comment or concern, requests notice of any Inadvertent Discovery.

March 14, 2023 Squaxin Island Tribe No specific comment or concern, requests notice of any Inadvertent Discovery.

March 16, 2023 Eric Trimble and Sydne Cogburn. Objects to development of two lots adjacent to their property to prevent possible future damage, to provide screening and retain views. If construction is approved, they request additional vegetation and fencing adjacent to their property, along with required protection of root zones, and the prohibition of the use of heavy machinery during construction.

March 17, 2023 Darin & Denise Rice – Express concern about water runoff that may impact their property

March 23, 2023 Kathy & Philip Searles – Express concern about map clarification, specifically parcels that may be interpreted as future access or lines that appear to delineate lot lines.

April 2, 2023 Emily Oberoi – request redistribution of Notice of Application as she did not receive the notice.

April 10, 2023 Representative Doglio office requested information regarding the plat application materials.

## **IV STAFF ANALYSES & RECOMMENDATION**

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.

### **RecommendationN**

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. Stormwater from impervious surfaces associated with the project shall be managed in accordance with the City of Tumwater 2022 Drainage Design and Erosion Control 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.
5. Residential fire sprinklers, meeting the requirements of NFPA 13D will be required to be installed in the homes on the following lots: 7, 6, 9, 10, 16, 17, 19, 21, 22, 23, 24, 25, 28, 29, 30, 32, 33, 36 and 35. Pursuant to comment #4 above, additional lots may be added to this list.
6. The lots that are requiring sprinklers will need 1" water meters installed, unless design fire flows can be achieved with ¾" water meters.
7. The maximum grade on public streets within the subdivision shall be 15 percent.
8. Erosion and sediment control measures that comply with the City of Tumwater 2022 Drainage Design and Erosion Control Manual shall be implemented during construction of the project to prevent sediment laden runoff from entering surface waters.
9. 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.
10. 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 October 1 and April 30) to protect environmentally sensitive areas from potential sedimentation and runoff associated with these activities.
11. 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.
12. Pursuant to TMC18.40.065, Building, grading, land clearing, shoreline, and

development permits shall include the following Inadvertent Discovery note:

When an unanticipated discovery of protected cultural material (e.g., bones, shells, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains are discovered, the property owner or contractor will immediately stop all work, completely secure the location, and contact the Washington State Department of Archaeology and Historic Preservation and other contacts as identified in the City of Tumwater Standard Inadvertent Archaeological and Historic Resources Discovery Plan. The individual or representative whom the permit was issued to must send written notification of the inadvertent discovery to the City of Tumwater Community Development Department.

13. Fill for the project shall be clean material, void of solid waste or organic debris.
14. 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.
15. The applicant shall secure a National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit from the Washington State Department of Ecology.
16. The proposed public streets within the subdivision shall comply with the Tumwater Development Guide design requirements in place at the time the preliminary plat application was vested, subject to the following: Road A as depicted in the preliminary plat map shall provide 40-foot right-of-way, and Road B shall provide 48 foot right-of-way. Public streets shall be dedicated to the City of Tumwater.
17. No parking signs shall be installed in the cul-de-sac turnaround areas.
18. 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.
19. 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.

20. 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.
21. If the required fire flow cannot be achieved, NFPA 13D residential fire sprinklers shall be required in each home in the subdivision.
22. 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.
23. 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.
24. 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.
25. Fire hydrants shall be provided at all intersections and at approximately 600-foot spacing along the internal streets.
26. 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.
27. 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.
28. All engineering designs and construction will need to be in accordance with the City of Tumwater's Development Guide and WSDOT standards.
29. 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.

30. Any public or private utility relocation necessary to construct the project is the sole responsibility of the project proponent.
31. 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.
32. 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.
33. Maintenance of the on-site storm water system will be the responsibility of the project proponent, their successors or assigns. A stormwater maintenance agreement will be recorded against the property prior to or concurrent with final plat approval.
34. 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.
35. Back flow prevention is required on all irrigation services in accordance with the AWWA Cross Connection Control Manual.
36. 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 as part of site development grading application, and approved prior to final plat approval.
37. 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.

38. The minimum lot size shall be 7,600 square feet.
39. The maximum impervious surface for all lots within the subdivision shall be forty percent of the total area of the lot.
40. Two off-street parking spaces are required for each lot. Driveways and off-street parking spaces must be hard-surfaced (asphalt, concrete or turfstone).
41. 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.
42. An integrated pest management plan approved by Thurston County Environmental Health must be submitted to the City of Tumwater prior to final plat approval.
43. 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.
44. 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.
45. The applicant must maintain a current Plat Name Reservation Certificate approved by the Thurston County Auditor.
46. Property taxes may need to be paid for the current year, including any advance and delinquent taxes, before a Final Plat can be recorded. Please contact Thurston County Auditor's Office to confirm taxes due.
47. 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.

48. 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 A.
49. 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:**

**Tami Merriman, Permit Manager**  
Phone: 360-754-4180  
E-mail: [tmerriman@ci.tumwater.wa.us](mailto:tmerriman@ci.tumwater.wa.us)

**Report Issue Date:** May 17, 2023

**List of Exhibits:**

- Exhibit 1 Staff Report 05-12-2023
- Exhibit 2 Vicinity Map
- Exhibit 3 Zoning Map
- Exhibit 4 Preliminary Plat Application 03-22-2021
- Exhibit 5 Preliminary Plat Map 11-23-2022
- Exhibit 6 Public Notice Certifications May 12, 2023
- Exhibit 7 TUM-19-0317 Staff Report 08-23-2019
- Exhibit 8 Hearing Examiner Decision 09-20-2019
- Exhibit 9 Hearing Examiner Reconsideration and LUPA Appeal
- Exhibit 10 DNS and Checklist 06-27-2019
- Exhibit 11 Public Works Director Concurrency Ruling 05-08-2019
- Exhibit 12 Tree Plan 09-20-2018
- Exhibit 13 Plat Name Certificate 04-22-2023
- Exhibit 14 Geotech Report 09-04-2018
- Exhibit 15 Notice of Application Comments 06-18-2021
- Exhibit 16 Notice of Application Comments May 2023
- Exhibit 17 Preliminary Stormwater Site Plan 02-21-2023
- Exhibit 18 Water Sewer Availability 05-10-2023
- Exhibit 19 Tumwater School District Comment 8-23-2019