

EXHIBIT 1

**CITY OF TUMWATER
HEARING EXAMINER STAFF REPORT
Hearing Date: September 30, 2020**

Project Name: I-5 Commerce Place Preliminary Plat

Case Number: TUM-20-0220

Applicant: Kaufman Construction
7908 Sweat Iron Court SE, Tumwater, WA 98501

Representative: Hatton Godat Pantier, Jeff Pantier, PLS
3910 Martin Way East Suite B, Olympia, WA 98506

Type of Action Requested: Preliminary Plat approval for 12 commercial/industrial lots, 3 storm water tracts and 1 tree tract on 40.26 acres (Exhibits 2, 3 & 6).

Project Location: The property is located within the 2700 block of 93rd Avenue SW, Tumwater, WA 98512, within a portion of the SE ¼ and a portion of the NW ¼ and the SW ¼ of the SE ¼ of Section 16, Township 17 N., Range 2 W.W.M. Parcels #12716420000, #12716340100, #12716340102 and #12716340101 (Exhibits 3 & 6).

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 August 6, 2020 (Exhibits 9 & 10).

Public Notification: Public notification for the hearing was mailed to property owners within 300 feet of the subject property, various agencies and posted on site on September 18, 2020. The hearing notice was published in *The Olympian* on September 18, 2020, in conformance with Tumwater Municipal Code (TMC) 14.06 (Exhibit 8).

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

Staff Planner: Chris Carlson, Permit Manager
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I. BACKGROUND INFORMATION

A. Application and Review Process

The Preliminary Plat application was submitted on February 6, 2020. The application was deemed complete on March 27, 2020 (Exhibits 2, 6 & 11). Under TMC 2.58.090, review authority for Preliminary Plat applications falls under the purview of the Hearing Examiner.

B. Existing Conditions

The properties are currently vacant.

The topography of the property is relatively flat. The site has a mixture of open grassed areas and stands of trees (Exhibits 3 & 6).

C. Project Description

The proposal is to subdivide 40.26 acres into 12 commercial/industrial lots, 3 storm water tracts and 1 tree tract. Improvements will include mass grading for a public roads and lot pads, construction of approximately 325 lineal feet of frontage improvements on 93rd Avenue abutting the south side of the project site, 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) (Exhibits 2, 6 & 7).

II. REGULATORY FRAMEWORK

The proposal is subject to the following policies and regulations:

A. Tumwater Comprehensive Plan:

The project site is located in the Southwest Tumwater Neighborhood as designated by the City's Comprehensive Land Use Plan (Exhibit 4). The land use designation for 40.26 acres of the project site is Light Industrial.

The Light Industrial Land Use Designation in the Comprehensive Plan states:

Staff Response and Recommended Finding: *The Economic Development Element makes several recommendations for portions of this area. The Land Use Element incorporates these Economic Development Element recommendations. For the area immediately south of the Olympia Regional Airport, the Economic Development Element recommends Industrial/Commercial land uses, with*

specific preferred land uses being the following:

- *Wholesale*
- *Warehouse*
- *Industrial*
- *Heavy equipment*

The Economic Development Element also recommends industrial/commercial uses for the vicinity of the Interstate 5 - 93rd Avenue interchange. North of the interchange area, the element also recommends industrial/commercial uses, except for low density residential along the west side of the interstate in areas containing environmentally sensitive conditions. Current City zoning limits the size of distribution warehouses in this area to reduce the impacts of truck traffic on the neighborhoods to the east of Kimmie Road. This restriction should remain in place and further clarifications made to City code to better define allowable industrial uses in this area.

The recommendations of the Economic Development Element are reaffirmed by the Light Industrial land use designations in this plan. The southern subarea includes several features that provide a supportive and attractive environment in which businesses could locate. These include good access to Interstate 5 at the 93rd Avenue interchange, close proximity to the Olympia Regional Airport, availability of a variety of large and small parcels for different types of businesses, primarily flat topography, and the prospect of municipal utilities available in the future.

Staff finds that the project is consistent with the Land Use Element of the Comprehensive Plan.

- B. City of Tumwater Strategic Plan:** Starting in 2010, the City of Tumwater embarked upon a strategic planning process to establish organization-wide goals and action plans on key issues and opportunities facing the community, including residential quality of life, economic development and the fiscal sustainability of the City government, place-making, environmental sustainability, and the cultivation of a healthy community.

Staff Response and Recommended Finding: *After a thorough review of the Tumwater Strategic Plan, staff finds no apparent inconsistencies with the project and the goals and policies of the Strategic Plan.*

- C. City of Tumwater Economic Development Plan:**

Building off the goals and policies in the adopted Strategic Plan, the City adopted this plan to further define the City's vision related to economic development.

Staff Response and Recommended Finding: *In crafting the Economic Development Plan, Tumwater's Economic Development Advisory Committee (EDAC) defined economic development as the effort to retain and attract capital and talent. The Plan therefore focuses on strengthening and enhancing the City's economic base by retaining existing firms and attracting new investment in a manner that is consistent with the City's vision. The anticipated benefits of these economic development efforts include a strong local job market; diverse local shopping and recreation opportunities; and a vibrant community with strong amenities. An ever-present consideration for the Committee was the need to strengthen the City's tax base and enable the City of Tumwater to continue to provide high quality services for residents and business or property owners. Below are several relevant excerpts from the City's Economic Development Plan.*

- *Provide a predictable and efficient process for investors, allowing proposing development that is aligned with guiding regulations and codes.*
- *Meet the City's fiscal needs and follow citizen direction to respond with proactive economic development.*
- *Take advantage of locational, economic, and community strengths, including Tumwater's location along I-5, the diversity of its existing economic base, and a strong community character.*
- *Maintain and strengthen the diversity of Tumwater's economy, with proactive efforts in office, light industrial and manufacturing, and retail sectors.*
- *Locate commercial users strategically, taking advantage of the City's large geography to create specialized business districts that minimize disruption to residents and other institutions or businesses.*
- *Establish a Development Climate that Stimulates Economic Activity and Desirable Investment.*
- *Encourage Economic Development that Strengthens the Tumwater Community.*

Staff finds that the proposed project is consistent with the goals and policies of the Economic Development Plan.

D. Tumwater Parks and Recreation Plan: The Parks Plan indicates a need for

a Community Park in the South/Southwest portion of the City. The specific language in the Parks Plan is as follows:

“Acquire land/develop a future Community Park. Located in the South/Southwest region of the City, community park land (40+ acres) is needed for meeting the active recreation and community space needs already identified in previous park plans.”

Staff Response and Recommended Finding: *The Parks Plan expresses the desire to acquire and develop a future community park in the south/southwest region of the City. None of the exhibits in the Parks and Recreation Plan identify the subject property as a potential future park site.*

Staff finds development of the project will not preclude implementation of the Comprehensive Park Plan Element of the Comprehensive Plan.

- E. Tumwater Transportation Plan:** The Transportation Plan includes language speaking to regional consistency and coordination to address both motorized and non-motorized transportation links and corridor.

Staff Response and Recommended Finding: *Goal and policy excerpts from the Transportation Plan relevant to the project are as follows:*

Goal 9. Streets, Roads, and Bridges: Establish a street and road network that provides for the safe and efficient movement of people and goods while supporting adopted land use goals.

Policy 9.a: Design and construct multimodal, context-sensitive, complete streets and roads.

Policy 9.d: Develop an interconnected grid of local streets and roads to increase individual travel options and neighborhood connectivity, while improving efficient use of the overall transportation system.

Policy 9.g: Ensure that street, road, and bridge projects are integrated with pedestrian amenities in districts and neighborhoods, and add lasting value to the community.

Policy 9.j: Meet pm peak Level of Service (LOS) standards:

- *LOS E or better in Urban Core Areas [where these areas overlap with Strategy Corridors the LOS may exceed adopted standards].*
- *LOS D or better elsewhere inside the City limits.*

After review of a Transportation Concurrency Application and Transportation Impact Analysis (Exhibit 16), the City's Transportation Manager 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. The Transportation Manager's concurrency ruling is conditioned that a modern roundabout be constructed at the intersection of 93rd Avenue and Lathrop Industrial Drive (Exhibit 17).

Staff finds that by aligning the proposed public street along the west property boundary provides opportunity to create east/west connections to the adjacent properties to the west for future public street access. In addition, the project will not adversely affect level of service standards and that the project is consistent with the Tumwater Transportation Plan with the condition that a modern roundabout be constructed at the intersection of 93rd Avenue and Lathrop Industrial Drive.

- F. 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.

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

Staff Response and Recommended Finding: *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 93rd Avenue that includes a bike lane, the project is contributing to the goal in the Plan of reducing vehicle miles traveled.

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

- H. 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 (TMC 14.06.070).

Staff Response and Recommended Finding: *Public notice for the application containing notification for the September 30, 2020 public hearing was mailed to property owners within 300 feet of the subject property, affected agencies and posted on-site on September 17, 2020; and published in The Olympian on September 18, 2020, in conformance with Tumwater Municipal Code (TMC) 14.06.070 (Exhibit 8).*

The application was deemed complete on March 27, 2020. 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 June 22, 2020; and published in the Olympian on June 23, 2020 (Exhibits 8 & 11).

- I. 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 Mitigated Determination of Non-significance on August 6, 2020 (Exhibits 9 & 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 August 6, 2020 and mailed to property owners within 300 feet of the subject property, affected agencies and posted on-site August 6, 2020. The SEPA threshold determination was published in the Olympian Newspaper on August 7, 2020 (Exhibit 8).

No appeals of the SEPA threshold determination were filed.

J. Tumwater Zoning Code, Title 18: The subject property is located in the Light Industrial Zone District (Exhibit 5).

1. Light Industrial zone district TMC 18.24 - Permitted Uses and Development Standards

Staff Response and Recommended Finding: *TMC 18.24.020 and TMC 18.24.040 list permitted and conditional uses in the Light Industrial zone district.*

Futures uses on the lots created on the project site will be limited to the uses outlined in the zoning ordinance.

If a use on the site is listed as a conditional use, the use will be required to obtain a conditional use permit through the Hearing Examiner.

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.*

Future uses on the lots within the proposed subdivision will be those that are not considered a restricted land use in the AQP overlay.

K. Hearing Examiner, TMC 2.58.090: – Hearing Examiner authority to review Preliminary Plat and Planned Unit Development 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 after a determination that all conditions imposed in the Hearing Examiner decision have been met.*

L. 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 14).*

According to the report, the City's tree protection ordinance requires 12 trees per acre or 484 trees to be retained on the project site. The report indicates that 101 existing trees are proposed for retention. The tree protection ordinance requires that 3 new trees be planted for each existing tree that is removed in excess of the 12 tree per acre retention standard. This results in the planting of 1,149 trees on the project site (383 trees not retained multiplied by 3 replacement trees = 1,149 new trees).

Staff finds that the project complies with the City's Tree Protection and Replacement Ordinance (TMC 16.08) if conditioned that a minimum of 1,149 replacement trees be planted.

- M. Wetland Protection, TMC 16.28:** TMC 16.28 regulates areas meeting the criteria of a wetland as defined in TMC 16.28.030.MM.

Staff Response and Recommended Finding: *A wetland delineation report has been submitted with the application (Exhibit 13). The report indicates there is an off-site regulatory wetland at the northeast portion of the project site. The report categorizes the off-site wetland as a Category 3 with a total functional rating point score of 18, with the habitat score function being 6 points. In accordance with Table TMC 16.28.170(3) a Category 3 wetland with a functional habitat score between 5 and 7 with a high intensity land use proposed requires a 150-foot wetland buffer.*

The preliminary plat map shows the required buffer (Exhibit 6). As a condition of preliminary plat approval, staff is recommending that the wetland buffer boundary be identified with wetland buffers signs informing the public of the sensitive nature of the area.

- N. Fish and Wildlife Habitat Protection, TMC 16.32:** 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.*

The applicant has obtain approval of Habitat Conservation Plan (HCP) from the U.S. Fish and Wildlife Service allowing incidental take of the Mazama Pocket

Gopher species on this and other properties the applicant controls within the City of Tumwater (Exhibit 12).

- O. **Thurston County Critical Areas Notice:** There is an existing Critical Areas Notice recorded against a portion of the property. The notice was recorded when the property was located in unincorporated Thurston County prior to the property being annexed to the City of Tumwater.

The notice was required to be recorded by Thurston County as a condition of a permit to log timber off the site.

The notice is in relation to an area on the property that Thurston County considers a High Ground Water Hazard Area (Exhibit 19). The County regulates High Ground Water Hazard Areas through their critical areas ordinance.

The City of Tumwater does not regulate High Ground Water Hazard Areas through its critical areas ordinance. High Ground Water Hazard Areas are regulated through the City's 2018 Drainage Design and Erosion Control Manual with no notice required to be recorded when the property develops.

Staff Response and Recommended Finding: *The property subject to the preliminary plat application is now within the corporate limits of the City of Tumwater. The City of Tumwater does not regulate High Ground Water Hazard Areas through its critical areas ordinance, rather High Ground Water Hazard Areas are regulated through the City's 2018 Drainage Design and Erosion Control Manual.*

Upon annexation of the property to the City of Tumwater, the Critical Areas Notice is no longer applicable in relation to the City's regulatory scheme. The City supports relinquishment of the notice from property title.

- P. **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 9.99 acres which is approximately two and one half more than 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 Guidelines are proposed to be constructed and dedicated to the City. In addition, public right-of-way dedication and street improvements, including widening, sidewalks, bike lanes and street illumination will be completed on 93rd Avenue 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 15)*
- 4. Sanitary sewer and water will be extended into the property to serve the proposed subdivision (Exhibit 7). 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).*
- 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 safe walk condition required in RCW 58.17.110 is not applicable to*

this commercial/industrial subdivision., however, the Tumwater School District has a policy for children walking to school. The District currently offers bus services to children attending the schools for children residing in the immediate vicinity of the project site.

- Q. City of Tumwater 2018 Drainage Design and Erosion Control Manual and Salmon Creek Drainage Basin Standards:** Storm Drainage generated from pollution generating impervious service are subject to the design requirement of the 2018 Drainage Design and Erosion Control Manual and the Salmon Creek Drainage Basin Standards.

Staff Response and Recommended Finding: *A storm drainage system complying with the City's 2018 Drainage Design and Erosion Control Manual and the Salmon Creek Drainage Basin Standards shall be constructed for the site.*

III. PUBLIC COMMENT

Two comment letters/emails have been received during the public noticing for the project application. One letter is from the Washington State Department of Ecology and one email from the Squaxin Island Tribe (Exhibits 20 & 21).

The Department of Ecology has indicated that all fill material used for the site must be clean and that all material and debris removed from the site must be disposed of at an approved facility. They also indicate that if contamination is discovered or suspected during construction of the project their Department must be notified. They also note that the project requires coverage under a Construction Storm Water General Permit (CSWGP). Finally they indicate that any unused wells of any kind on the property must be properly abandoned and abandonment reports submitted to the agency.

The Squaxin Island Tribe has recommended that a cultural resource report and survey be prepared for the project.

City staff is recommending a condition that an Inadvertent Discovery Plan be prepared outlining steps to be taken if cultural resources are discovered during the construction phase of the project.

IV. 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 and the Salmon Creek Drainage Basin Standards.

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 Archaeology 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. 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. The public streets shall be dedicated

to the City of Tumwater.

10. The north/south access road into the project shall be aligned in the manner shown on the preliminary plat map for future extension to abutting properties to the west.
11. 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 93rd Avenue. Additional right-of-way shall be dedicated to contain the improvements.
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 easements will need to be dedicated.
13. The minimum fire flow requirement for the project shall be in accordance with the International Fire Code Appendix B, Section B105. The system shall also be designed for a maximum velocity of 8 feet per second.
14. A separate permit and engineered design is 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.
15. 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.

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.

16. Fire hydrants shall be provided at all intersections and in accordance with the International Fire Code Appendix C for spacing along the internal street.
17. All water wells on the site shall be abandoned in accordance with Washington State Department of Ecology requirements. Abandonment reports shall be submitted to the Department of Ecology Water Resource Program.

18. If contamination of the site is suspected or discovered testing of the contaminated media must be conducted. If contamination is apparent or revealed by testing the Department of Ecology Toxic Cleanup program shall be notified.
19. If applicable, all septic systems on the property shall be abandoned in accordance with Thurston County Environmental Health requirements. A permit shall be obtained for each separate system that will be abandoned.
20. 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.
21. All engineering designs and construction will need to be in accordance with the City of Tumwater's Development Guide and WSDOT standards.
22. 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 approved by the City.
23. Any public or private utility relocation necessary to construct the project is the sole responsibility of the project proponent.
24. 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 applicant's engineer's estimate of completing the required public improvements.
25. 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 Department.
26. 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.
27. Sanitary sewer is required to be extended to serve the project.
28. A water main is required to be extended to serve the project.

29. Backflow 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 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 93rd Avenue and the proposed interior public street in accordance with the Tumwater Development Guide and Comprehensive Street Tree Plan. This plan must be submitted and approved prior to final plat approval.
31. The maximum coverage for impervious surface for each lot created shall be 85 percent of the total area of the lot.
32. Impact fees for transportation impacts for businesses locating in the subdivision will be collected 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.
33. An integrated pest management plan approved by Thurston County Environmental Health must be submitted to the City of Tumwater prior to final plat approval.
34. 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.
35. 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.
36. The applicant must maintain a current Plat Name Reservation Certificate approved by the Thurston County Auditor.
37. Property taxes must be paid in full for the current year, including any advance and delinquent taxes, before a Final Plat can be recorded.
38. In order to comply with the City's Tree Protection and Replacement Standards, a minimum of 1,149 replacement trees must be planted on the site. The replacement trees must be planted in the proposed tree protection open spaces on the project site, tract D, shown on the Preliminary Plat Map. 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.
39. A Property Owner 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.

40. To comply with the City's Mitigated Determination of Non-significance and the Transportation Concurrency Ruling issued by the City's Transportation Manager, the applicant shall be required to construct a modern roundabout able to accommodate semi-truck traffic at the intersection of 93rd Avenue and Lathrop Industrial Drive.
41. The applicant shall be required to get the Critical Areas Buffer Notice Recorded under Thurston County Auditor's File Numbers 3796189 and 3795844 relinquished prior to recording the final plat document. The Auditor's file number for the relinquishment document shall be noted on the final plat document.

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

Chris Carlson, Permit Manager



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Report Issue Date: September 21, 2020

List of Exhibits:

1. Staff Report, dated September 21, 2020
2. Preliminary Plat Application, dated February 6, 2020
3. Site Aerial Photo Map
4. Comprehensive Plan Map
5. Zoning Map
6. Preliminary Plat Map
7. Conceptual Utility Plan
8. Certification of Public Notice
9. Environmental Checklist, dated March 13, 2020
10. MDNS, dated August 6, 2020
11. Notice of Application, dated June 22, 2020

12. U.S. Fish and Wildlife Habitat Conservation Plan, dated January 2016
13. Wetland Report, dated January 31, 2020
14. Forester's Report, dated March 18, 2020
15. Preliminary Storm Drainage Report, dated June 1, 2020
16. Transportation Concurrency Application, dated February 6, 2020 and Transportation Impact Analysis, dated January 2020
17. Tumwater Transportation Manager Concurrency Ruling, dated July 17, 2020
18. Tumwater Public Works Department Water and Sewer Availability Ruling, dated September 15, 2020
19. Thurston County High Groundwater Hazard Map
20. Department of Ecology Comments, dated July 7, 2020
21. Squaxin Island Tribe Comments, dated June 22, 2020