

**CITY OF TUMWATER
HEARING EXAMINER STAFF REPORT
Hearing Date: September 24, 2025**

Project Name: Henderson 94

Case Numbers: TUM-25-0244 Preliminary Plat and Site Plan Approval (TUM-23-0604)

Owner: Allito Properties, LLC
PO Box 26116
Federal Way, WA 98093

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

Type of Action Requested: The project proponent is requesting approval of a Preliminary Plat (TUM-25-0244) to construct 10 townhomes and Site Plan Review (TUM-23-0604) to construct 84 apartments on a parcel located in the Multi-Family Medium Density (MFM) zone district. The MFM zone allows townhomes and apartments as permitted uses.

Project Location: A parcel totaling 9.22 acres located at 7501 Henderson Blvd SE, Tumwater, WA 98512. Tax Parcel Number 12711110300.

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

1. Notice of Application issued on March 28, 2025 (TUM-23-0604) (Exhibit 6)
2. Mitigated Determination of Non-Significance on June 13, 2025 (TUM-25-0245) (Exhibit 7)

Public Notification: Public notification for the September 24, 2025, public hearing was mailed to property owners within 300 feet of the subject property and various agencies, posted on-site and published in *The Olympian* on September 12, 2025, in conformance with Tumwater Municipal Code TMC 14.06 (Exhibits 5 and 8).

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

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I. BACKGROUND INFORMATION

A. Application and Review Process

A formal site plan review application was reviewed by the development review committee on September 5, 2024 (TUM-23-0604). The Preliminary Plat (TUM-25-0244) application was submitted on February 28, 2025, and was deemed complete on March 20, 2025.

Under TMC 2.58.090 and TMC 14.16.040, review authority for the preliminary plat and consolidated permit review fall under the purview of the Hearing Examiner.

B. Existing Conditions

The site is rectangular in shape and relatively flat with a slope to a wetland on an adjoining property to the west/northwest. Currently the property is mostly treed and it does not appear that the property has been developed in the past. The earliest aerial imagery the area (1941) shows a portion of the property toward Henderson Blvd as cleared with trees closer to the wetland.

C. Project Description

The applicant proposes to subdivide a single parcel totaling 9.22 acres into eleven lots that will include eighty-four apartments on one lot and ten townhomes on individual lots. The development will include infrastructure, frontage improvements, parking and open space.

II. REGULATORY FRAMEWORK

The proposal is subject to the following policies and regulations:

- A. Tumwater Comprehensive Plan:** The project site is located in the Bush Prairie Neighborhood as designated by the Land Use Element of the City's Comprehensive Plan. The land use designation for the approximately 9.22-acre site is Multi-Family Medium Density (Exhibit 4).

The Comprehensive Plan Neighborhood Appendix, Section 3.5 Bush Prairie Multi-family Medium Density states:

"A(n)...area near the intersections of Henderson Boulevard with 73rd Avenue and Trail's End Drive is designated Multi-Family Residential Medium Density. This area contains some multi-family development currently. The remainder of this area is primarily vacant, with a portion occupied by single-family residences."

"During an annexation on Durell Road that occurred in the mid-2000s the City Council directed staff to integrate a requirement for a connection between Durell Road and Henderson Boulevard into the Comprehensive Plan."

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

Staff Response and Recommended Finding:

The goals stated in the Comprehensive Plan encourage development in line with the surrounding area and the Comprehensive Plan designation. Multi-family Residential development is in line with the designation and the surrounding area. Durell Road is being extended to the furthest point possible within the extent of the property as there is a property in-between that would need to develop to make the full connection.

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

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

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

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

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

The transportation concurrency ruling identified specific mitigation measures to achieve concurrency. Trips are proposed to be sent through the Tumwater Blvd – I-5 Interchange which will also require payment of mitigation fees or construction of the required interchange improvements and construction of a temporary signal prior to issuance of the first building permit. These findings are reflected in the MDNS issued June 13, 2025 (Exhibit 7).

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

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

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

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

The project meets this goal by providing compact development in the urban area (almost maximizing the density for the multi-family medium density zone district) and protecting environmentally sensitive lands.

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

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

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

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

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

- E. Hearing Examiner – TMC 2.58.090 and TMC 14.16.040:** The Hearing Examiner has authority to review Preliminary Plats and consolidated review of other permits.

Staff Response and Recommended Finding: *Preliminary plats require a public hearing and decision by the Tumwater Hearing Examiner. Consolidated review for the site plan approval of the apartment use is required per 14.16.040.B. Final plat approval authority is administrative and will be completed by City of Tumwater staff.*

- F. Public Notice Requirements –TMC Chapter 14.16:** TMC Chapter 14.16 requires the City to provide public notification of certain application types by issuing a Notice of Application (TMC 14.16.050) and a Notice of Open Record Hearing (TMC 14.10.050).

Staff Response and Recommended Finding: *A notice of application for the Preliminary Plat*

and Site Plan Review were mailed to property owners within 300 feet of the subject property, affected agencies and posted on-site; and published in the Olympian on March 28, 2025. (Exhibits 5 & 6)

Public comments:

Squaxin Island Tribe commented on the application stating that they did not have any specific cultural resource concerns for the project and recommends an inadvertent discovery plan on-site during the land disturbance.

Robert Long (property owner at 915 73rd Ave SE), the property immediately to the west of the project, inquired about fencing along the northern boundary and potential access to Durell Road. The applicant responded to the fence question stating that a fence is proposed along the shared property line with the portion adjacent to the wetland buffer being a split rail fence and the remainder being a different style fence along the property line.

The city responded to the Durell Road question stating that since a portion of Robert's property bi-sects the project and the current terminus of Durell Road this project would not be completing the connection. The city asked if Robert would want to dedicate the right-of-way so this project could complete the connection. Robert said he was interested but the city has not received definitive plans to dedicate the road at this time.

Two other community member comments were received. They include comments about removal of trees, traffic, climate impacts, bus routes, sidewalks and housing policy. The city responded to the different concerns which are included in the response letters.

Public comments received from the Notice of Application are found in Exhibit 6a-g.

Public notice for the September 24, 2025, public hearing was mailed to property owners within 300 feet of the subject property, affected agencies, and those who provided comment, posted on-site, and published in the Olympian on Friday, September 12, 2025, in conformance with TMC 14.06.070 (Exhibits 5 & 8).

Public comments received from the Public Hearing are found in Exhibit 8a-b.

One community member raised concerns about traffic and parks. Staff provided the community member with the approved traffic impact analysis and transportation concurrency and described the different components of the traffic review that was completed and how the city evaluates level of service as it relates to intersections in the vicinity of the project. Staff also stated that the development would pay park impact fees that could be used for the purchase of land for new parks or enhancing existing parks in addition to providing open space within the development for the people that live in the development.

G. State Environmental Policy Act – TMC 16.04: The City of Tumwater Community Development Department reviewed a SEPA Environmental Checklist and other information submitted by the project proponent and issued a Mitigated Determination of Non-Significance on June 13, 2025.

Staff Response and Recommended Finding: *The City of Tumwater Community Development Department, as lead agency, completed environmental review in accordance with TMC 16.04, RCW 43-21C and WAC 197-11. The City's SEPA threshold determination was mailed to property owners within 300 feet of the subject property, affected agencies and posted on-site; and published in the Olympian. The City's SEPA threshold determination, a Mitigated Determination of Non-significance was issued on June 13, 2025 (Exhibit 7).*

Public comments:

Olympia Regional Clean Air Agency (ORCAA) made comments on the requirements for construction dust.

Washington State Department of Ecology provided comments regarding water quality, solid waste management and toxic cleanup. These comments will be addressed with the Site Development Grading permit.

The Squaxin Island Tribe requested a cultural resource survey be completed for this project as it is an area of high potential for cultural resources. Please see Condition 7 as it relates to requiring cultural resources study prior to any land disturbance.

Intercity Transit provided comments requesting a 8' x 24' ADA compliant bus stop contiguous to the sidewalk along Henderson Blvd. The applicant provided an updated site plan calling out the location of the slab which will be completed with the frontage improvements for the project.

Public comments received from the Mitigated Determination of Non-significance are found in Exhibit 7a-d.

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

Staff Response and Recommended Finding: *The applicant submitted a Transportation Impact Analysis for the project. The report was reviewed by the City's Transportation Manager who has issued a transportation concurrency ruling stating that the project is concurrent in regard to transportation when 1) transportation impact fees are paid and 2) either construction of improvements at the I-5 interchange at Tumwater Blvd or payment of mitigation fees for trips through the Tumwater Boulevard/I-5 Interchange (Exhibit 9 and 10).*

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

Staff Response and Recommended Finding: *A professional forester's report that included a tree inventory, and tree protection plan in compliance with TMC Chapter 16.08 was submitted. The inventory showed a total of 498 trees located on-site. TMC 16.08 requires retention of 20% or 12 trees per acre, whichever is greater. 12 trees per acre would require retaining 111 trees on-site. The foresters report states that 106 trees are proposed to be retained which leaves a deficit of five trees. When developments cannot meet the retention*

standards they shall replace the trees at a 3:1 ratio. A total of 15 trees shall be installed as a part of the site landscaping. The preliminary landscape plan shows that there is adequate space for replanting and there is already a plan that would include installation of more than the required amount of trees. (Exhibit 13)

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

J. Fish and Wildlife Habitat Protection – TMC 16.32:

TMC Chapter 16.32 regulations fish and wildlife and species.

Staff Response and Recommended Finding: The parcel has soil preferred by the Mazama Pocket Gopher. A Mazama Pocket Gopher Screening report dated July 2023 concluded that after referencing the USFWS (2019) Mazama Pocket Gopher Screening Protocol and completing a site visit the site would qualify as a site with greater than 30% forested cover with dense understory with no openings and therefore would not require screening. (Exhibit 12).

K. Wetlands – TMC 16.08:

A Critical Area Report was submitted for review for this application. One wetland was found on the property.

- Wetland A is located in the northwest portion of the property and is rated a category III wetland. The standard buffer for a category III wetland is 150 feet. No reduction is proposed. A trail is proposed within the wetland buffer which is a permitted within the buffer per 16.28.170.H.1.

Staff Response: The wetland buffer will have signs every 50 feet and will have a continuous split rail fence across the buffer. These items will be shown on the site development grading plans as a part of the development. The only gap in fencing will be for the proposed 5' wide wood chip trail which would be considered a pervious surface and an allowed use within the wetland buffer.

L. Preliminary Plat Design Standards – TMC Title 17:

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

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

Staff Response and Recommended Finding: *This project is proposing to construct internal roads with proposed stub-roads that will provide future connectivity and infrastructure to adjacent properties. Sidewalks are proposed throughout the subdivision and to open spaces. Bicycle lanes will be completed as a part of the frontage improvements along Henderson Blvd.*

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

- 2) **TMC 17.12.040 – Minimum Lot Size:** Lots or tracts shall conform to the size set forth in the zoning district unless dedicated or restricted by covenant for open space, park, recreational or other community or public use. In subdivisions intended for single family dwelling units or townhouse/row house development, a separate lot or tract shall be provided for each dwelling unit, not including accessory dwelling units. If the land division is submitted in phases/divisions of development, each phase/division submitted for approval shall meet all provisions of this section.

Staff Response and Recommended Finding: *The proposal includes a mixture of townhomes with individual lots and multi-family residential units. The proposed lots shall meet the required minimum lot sizes as required by the underlying zone district. The multi-family medium zone district does not have a minimum lot size or width.*

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

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

Staff Response and Recommended Finding: *The smallest lot sized proposed by this development is approximately 2,651 sf and the average lot size is 3,506 sf. The lots will be served by public water and sewer and will be served by public roads. No building site will exceed a 25% cross slope.*

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

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

Staff Response and Recommended Finding: *A professional forester's report, tree inventory, and tree protection plan that complies with TMC Chapter 16.08 were submitted, reviewed, and are recommended for approval with the proposed preliminary plat. The wetland report is discussed in section K of this report, and the applicant provided a gopher survey.*

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

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

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

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

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

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

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

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

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

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

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

Staff Response and Recommended Finding: *The development proposal includes frontage improvements along Henderson Blvd SE. Construction of the new portion of Trails End Drive and Durell Road are required as a part of the development proposal. The roads shall meet the required widths as conditioned or as required by the Transportation and Engineering Department at the time of site development grading submittal.*

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

- 9) TMC 17.12.120 – Driving Surfaces and Rights-of-Ways: All roads shall be designed and constructed in accordance with the adopted “Development Standards for the City of Tumwater” in effect at the date of acceptance of the preliminary land division.

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

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

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

Staff Response and Recommended Finding: *No cul-de-sacs are proposed with this development, all roads are proposed to be extended to future development or connect to existing right-of-way.*

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

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

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

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

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

Staff Response and Recommended Finding: *Streets are proposed to be designed to conform to the topography of the site.*

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

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

Staff Response and Recommended Finding: *All proposed street grades shall be designed in accordance with the adopted standards.*

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

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

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

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

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

Staff Response and Recommended Finding: *The proposal shows all parcels fronting a public street.*

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

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

Staff Response and Recommended Finding: *The apartment buildings have frontage on both Durell Road and Trails End Drive with a private parking lot for each of the buildings. No private streets are proposed with this development.*

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

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

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

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

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

[...]

B. For residential subdivisions in which the majority of the dwelling units will be fourplexes, multifamily dwellings, roominghouses, rowhouses, townhomes, or triplexes, a minimum of fifteen percent of the gross site area shall be set aside for park and open space area.

[...]

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

[...]

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

Staff Response and Recommended Finding: *The preliminary plat encompasses 9.22 acres and requires 1.38 acres of open space. The proposal includes a total of 2.69 acres of open space with a combination of active and passive open space. This includes a walking path through the wetland buffer, pool and spa, recreation building and grassy areas. The site development grading plan shall include details about all amenities proposed as a part of the active and passive open space. The ten townhomes shall be granted access and use of the open space in perpetuity to satisfy the open space requirements for the subdivision.*

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

M. Land Division

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

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

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

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

Criteria to be considered include if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads,

alleys, other public ways, other grounds, transit stops, potable water supplies, sanitary wastes, parks and recreation playgrounds, schools and school grounds, fire protection and other public facilities, and shall consider all other relevant facts, including the physical characteristics of the site, and determine whether the public interest will be served by the land division and dedication. Further, consideration shall be given to sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

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

1. The proposal includes both passive and active open spaces (*Exhibit 3*).
2. A storm drainage system complying with the City of Tumwater's 2022 Drainage Design and Erosion Control Manual will be constructed for the site. A preliminary storm drainage report, including a geotechnical investigation was submitted to support the preliminary design and will be approved as a part of the Site Development/Grading Permit (*Exhibit 14*).
3. Construction of frontage improvements and road extensions will occur during the first portion of development. Traffic impact fees and mitigation fees for the identified level of service failure at the Tumwater Boulevard/I-5 interchange are due at building permit issuance (*Exhibits 3, 9 and 10*).
4. The City of Tumwater Water Resources and Sustainability Department has issued a water and sewer availability ruling indicating that the City has the ability to serve the preliminary plat and apartments with water and sewer connections (*Exhibit 17*).
5. The site is within the Tumwater School District and will pay school impact fees at building permit issuance.
6. City of Tumwater Fire Department facilities are adequate to service the proposed project.

N. Tumwater Zoning Code – TMC Title 18:

1. Multi-Family Medium Density Zone District TMC 18.14 – Permitted Uses and Development Standards

Staff Response and Recommended Finding: *The project site is located in the Multi-Family Medium Density (MFM) zone district.*

18.14.020 lists townhomes and multifamily dwellings as permitted uses. The development standards allow a minimum of nine dwelling units per acre with a maximum of 14 dwelling units per acre by-right. Density calculations for the development show that the proposed dwelling units for this development are below 14 dwelling units per acre.

There is not a minimum lot size or width in the MFM zone district.

Maximum lot coverage is 70 percent of the total area of each lot. At the time of building permit submittal the applicant shall provide a site plan providing this calculation for each lot.

Maximum structure height is 40 and required setbacks are: front: 10', side: 5' and rear: 5'.

Staff finds that the preliminary plat and site plan are consistent with the permitted uses and development standards in the Multi-Family Medium Density (MFM) Zone.

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

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

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

3. Site Plan Review:

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

The applicant attended preliminary and formal site plan review and has provided a preliminary plat that includes the requirements for site plan review approval. Site plan review approval shall be consolidated with the highest requirement for review on a proposal TMC 14.16.040.

Staff Response and Recommended Finding: *The multifamily component of the proposed development meets the zoning requirements for density, lot coverage and open space. Bike parking, landscaping and other infrastructure requirements shall be shown on the site development grading and building permits and will be reviewed for approval at that time.*

Staff recommends approval of the site plan review for the apartment component of the development proposal with conditions listed in this report.

III. RECOMMENDATION

Pursuant to TMC 2.58.110, staff recommends approval of the Preliminary Plat and Site Plan Review described herein with the following conditions:

1. Wetland Sensitive Resource Tract:
 - a. The location of the outer extent of the wetland buffer and the areas to be disturbed pursuant to an approved permit shall be marked in the field, and such field marking shall be approved by the city prior to the commencement of

- permitted activities. Such field markings shall be maintained throughout the duration of the permit.
- b. The site development grading plans for the project shall include a wetland buffer fence along the edge of the wetland buffer to be installed prior to site development grading final inspection approval. It shall consist of a four foot tall wood split rail fence or alternative approved by the Community Development Director. Wetland buffer signs shall be installed every 50'.
2. The most current design guidelines shall apply at the time of building permit application.
 3. Parks and Open Space:
 - a. All open space elements shall be useable by the townhome units (Lots 1-10) as the open space elements are necessary to meet the open space requirements of the plat and site plan approval. This shall be described in the CC&Rs and shall be noted on the face of the plat.
 - b. The site development grading plan shall include an open space sheet showing the total amount of open space meeting or exceeding the amount shown on the preliminary site development grading plans (Exhibit 3). The open space sheet shall include details of proposed equipment/infrastructure meeting the requirements in 17.12.210.G and design guidelines. The open space sheet can be combined with the landscape plan if desired. The approved equipment/infrastructure shown on the plans shall be installed prior to site development grading final inspection approval or as allowed through alternative arrangements approved by the Community Development Director.
 4. Consolidated postal drop-off facilities shall be provided for the site. The location must be coordinated and approved by the U.S. Postal Service with location shown on the civil engineering plans.
 5. Two off-street parking spaces are required for each townhome lot. Driveways and off-street parking spaces must be hard surfaced (asphalt, concrete or turnstone). No parking will be allowed in a cul-de-sac turnaround and shall be posted accordingly.
 6. A landscape and irrigation plan meeting the requirements of TMC 18.47 shall be submitted as part of site development grading submittal.
 7. The project proponent shall complete a cultural resource study for the property which shall be reviewed and approved by the Department of Archeological and Historic Preservation (DAHP), Squaxin Island Tribe and Nisqually Indian Tribe prior to any permit approval for land disturbance for this project. After the study has been approved, the applicant shall follow the findings in the study along with the procedures in the City of Tumwater Standard Inadvertent Archaeological and Historic Resources Discovery Plan. If any archaeological or cultural resources are uncovered during construction, the project proponent shall stop work in the area of discovery and follow the procedures in TMC 18.40.065 Inadvertent Discovery of Archaeological and Cultural Resources.

8. Conditions listed in the Mitigated Determination of Non-Significance dated June 13, 2025, are hereby referenced and incorporated. If the applicant decides to pay mitigation fees for the Tumwater Blvd – I-5 intersection, the fee shall be paid prior to issuance of the initial building permit.
9. The following condition will be required to be noted on the Final Plat: All landscaped areas in public rights-of-way shall be maintained by the Home Owners Association, owner(s) and his/her successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to City road purposes.
10. Impact fees for traffic, parks and schools will be assessed to each dwelling unit in the subdivision as Building Permits are issued. The impact fees will be in accordance with the most current fee resolution adopted by the City at the time complete Building Permit applications are submitted.
11. Site Plan Approval for the apartment component of the project is valid for a period of 18 months from the date of approval. A complete building permit and construction permit are required to satisfy the approval conditions after which those permit expiration deadlines would apply. It is the responsibility of the applicant to track this deadline. TMC 14.10.070.B.1.
12. A Site Development/grading permit will be required for this site. The permit application shall be accompanied by the application checklist and digital plans and specifications and supporting data consisting of a soils engineering report and engineering geology report prepared and signed by a licensed soils engineer. Inspection of the grading shall be provided by the civil engineer and Geotechnical engineer. In addition, special inspectors approved by the building official shall perform inspections of fill placement, compaction testing, and blasting. All special inspections are to be performed by WABO registered labs and inspectors who have expertise in grading and earthwork.
13. All lots will show buildable lot pads to verify that the lots proposed will be buildable. If retaining walls are required please show them on civils and submit engineering details.
14. Separate building permits are required for retaining walls or rockeries over four feet in height, measured from the bottom of the footing to the top of the wall or walls supporting a surcharge. A licensed structural engineer shall design the rockeries or retaining walls. In addition to the engineers' design full time inspection by a WABO Special Inspector is required. Proposed rockeries shall be shown on the engineering and grading plans.
15. When the grading work is complete and ready for final inspection the civil engineer of record is responsible for providing a final inspection report which will include the geotechnical engineers and special inspector's reports. In addition, as-built drawings for the site will be submitted in a PDF format. IBC Appendix J.

16. The owner will need to submit the name of the WABO registered firm who will conduct the special inspections, to the Building Official, prior to issuance of the site development/grading permits
17. That no vertical or combustible construction will be allowed on the site until the fire hydrants and paved roads are installed, tested and approved by the City of Tumwater. Note: testing will also include verification of fire flow by the fire department.
18. The Fire Department requires two exits to a public road for this development.
19. If pool is not covered then a system shall be designed to go into storm/sewer when drained and left unfilled.
20. The required fire flow for this project is derived from Appendix B of the International Fire Code. Type 5B Townhouse buildings of this size are required to have a fire flow of 1000 gallons per minute at 20 psi. Type 5B R-2 buildings of this size are required to have a fire flow of 1500 gallons per minute at 20 psi. Please provide calculations to support the design.
21. The Fire hydrant locations shall be shown on plans that will meet hydrant spacing per IFC Appendix D.
22. Fire hydrants and paved access roads shall be installed, tested for fire flow by the Fire Department and made serviceable by the Transportation and Engineering Department prior to any building permits being issued. IFC 503.2.3
23. The buildings are proposed to be R3/R2 single family occupancies and of type V-B construction. IBC Chapter 3 & IBC Chapter 6. The walls are required to be of 1- hour fire-rated construction when less than 5 feet to the property line. No openings are permitted less than 3 feet to the property line. IBC 704.5
24. Addresses for this plat will be assigned before final plat approval by the Building & Fire Official. Street/private lanes shall have names provided by this time.
25. Demolition permits are required prior to removal of any existing structures. A separate permit is required for each structure. All demolition work shall be done in accordance with TMC chapter 15.50.
26. Existing water wells on adjoining properties have protective radius that encroach on lots in this plat. A determination regarding building on these lots from Thurston County Health will be required prior to final plat approval or issuance of any building permits.
27. Existing septic systems to be abandoned require a permit from Thurston County Health prior to abandonment. Copies of these permits shall be provided to the building official prior to issuance of grading permits.

28. A permit from the Department of Ecology is required if existing on-site water wells are being abandoned. Copies of the permit shall be submitted to the building official prior to issuance of grading permits.
29. The applicant shall be responsible for providing the City with all costs associated with the installation of water, sewer, street, and storm drainage systems that are dedicated to the City of Tumwater.
30. All designs/construction shall comply with the City of Tumwater's Development Guide and WSDOT standards.
31. The site plan shall show all existing and proposed utilities and easements including streetlights, street trees, water, sewer, storm, gas, cable, power, telephone, signage, and striping. Provide street sections showing dimensions of existing and proposed improvements. Include the line sizes on the water and sewer mains and services. All rockeries proposed shall also be shown on the site plan.
32. All street construction, main installation, and storm drainage work requires engineered plans certified by a professional engineer.
33. The applicant is responsible for all plan check, inspection and connection fees.
32. Any private or public utility relocation is the responsibility of the applicant.
33. The applicant shall be responsible for the maintenance and timely repair of all public improvements for a period of 30 months following final certification by the City and shall submit a surety for maintenance equal in value to fifteen (15) percent of the total value of the required public improvements certified by the Transportation and Engineering Director. Please refer to Chapter 3 of the Development Guide for further clarification.
34. Provide all easements and bills-of-sale documents with the engineered plans.
35. All legal descriptions must be accompanied with an appropriate drawing that the City Surveyor can use to verify the legal description. All engineering drawings will be on 24" x 36" paper sheets.
36. The owner or owner's representative is also responsible for furnishing the City with electronic files, compatible with release 2019 or newer Auto-CAD format. Provide individual drawings independent of x-refs. Include all non-standard font files and plot files. Also, please furnish PDF files printed from the Auto-CAD files 300 DPI or greater. A storm water maintenance agreement, utility maintenance agreement, easements and bills-of-sale will also be required.
37. Site plan modifications may occur as a result of the engineering review process. For engineering issues, the approved engineering plans take precedence over the

approved site plan.

38. Please note on the plans that the PLS responsible for the surveying of the project must obtain a permit from DNR before any monuments are disturbed.
39. The City vertical and horizontal control datum is NGVD 29 and NAD 83(HARN) / Washington South U.S. Survey Feet respectively.
40. Testing shall be required at the developer or contractor's expense. The testing shall be ordered by the developer or contractor, and the chosen testing lab shall be approved by the City Construction inspector. Testing shall be done on all materials and construction as specified in the WSDOT/APWA Standard Specifications and with frequency as specified in the current City of Tumwater Development Guide.
41. Frontage improvements are required per Tumwater Municipal Code 12.12.010.
42. Henderson Blvd is a future three lane corridor. The full build out section is 1-12' center turn lane, 2-12' vehicle lanes, 7' bike lanes, concrete curb and gutter, 6' planters, street trees, street lighting, and 6' sidewalk. Dedication as necessary to contain the improvements. The project is responsible for half of this section and shall ensure one additional 12' vehicle lane for two-way traffic. Street lighting on Henderson Blvd shall have a mounting height of 35' and 10' arms, spacing is at every intersection and then 150'
43. Internal roads shall provide 2-12' vehicle lanes, 2-6' parking lanes if desired, concrete curb and gutter, 6' planter, street trees, street lighting, 6' sidewalk. Dedication as necessary to contain the improvements. Street lighting on the internal public roads shall have a mounting height of 25' and 6' arms, spacing is at every intersection and then 120'.
44. This project shall coordinate alignment of Trails End Dr extension with the project directly north. The new public road shall align with the centerline of existing Trails End Dr on Henderson Blvd.
45. This project shall construct an extension to Durrell Rd to the maximum extent feasible. A roadway barricade will be required at the termination of this project's road extension. Proposed roadway grades shall match existing to the extent feasible to reduce future conflicts.
46. The private access road/drive should access the public right-of-way via a concrete driveway. The driveway may be at level with the pavement.
47. The private access road/drive shall meet applicable standards for parking drive aisle and emergency vehicle access.
48. All access to the property will be consistent with City standards and policies.

49. ADA ramps at the intersections will need to meet current standards.
50. A drainage design and erosion control plan will be required according to City's 2022 Drainage Design and Erosion Control Manual.
51. The project will address stormwater runoff for on-site and off-site improvements.
52. Maintenance of the on-site stormwater system will be the responsibility of the property owner and a maintenance agreement will be recorded against the property.
53. Test pits conducted for stormwater design will comply with the 2022 Drainage Design and Erosion Control Manual for location and frequency. Test pits will be conducted between December and April to accommodate for seasonal high groundwater.
54. Off-site sewer main extension is required for the project. Sewer main on Henderson Blvd and Trails End Dr extension shall be 10" diameter. Manhole spacing is every 300' and at every intersection. Currently the Four Lakes project directly north is proposing off-site sewer extensions that will serve this development. If the Four Lakes project is abandoned, then this project will need to complete additional off-site sewer extension to serve this development. This project shall coordinate the off-site sewer extension with the Four Lakes project and the City to ensure sizing and the extension route meets City standards.
55. All other sewer main extension will require a minimum of an 8" system. The main size will depend on the requirements for this project. The system shall be designed per the City of Tumwater Development Guide and current Sewer Comprehensive Plan.
56. Back flow prevention is required on all fire services and irrigation services and in accordance with the AWWA Cross Connection Control Manual. A reduced pressure backflow assembly is required on all commercial domestic services per WAC 246-290- 490.
57. Off-site water main extension is required for the project. Water main on Henderson Blvd shall be 12" diameter per the City Water System Plan. All other water main extension will require a minimum of an 8" diameter system. The main size will depend on the fire flow requirements for this project.
58. The project must meet minimum fire flow requirements.
59. Water meters need to be placed in the public right-of-way or clustered on site within an easement. The professional engineer will need to provide calculations on the maximum instantaneous water demand and size of the meter for the project.

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

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Report Issue Date: September 17, 2025

List of Exhibits:

- Exhibit 1. Staff Report September 24, 2025
- Exhibit 2. Preliminary Plat 04-22-2025
- Exhibit 3. Preliminary Civil Plans 08-22-2025
- Exhibit 4. Vicinity and Zoning Map
- Exhibit 5. Public Notice Certification 08-22-2025
- Exhibit 6. Notice of Application 03-28-2025
- Exhibit 6a-g. Notice of Application Comments
- Exhibit 7. Mitigated Determination of Non-significance with SEPA Checklist 06-13-2025
- Exhibit 7a-d. SEPA Comments
- Exhibit 8. Public Hearing Notice 08-22-2025
- Exhibit 8a-b. Public Hearing Comments
- Exhibit 9. Traffic Impact Analysis 02-06-2025
- Exhibit 10. Concurrency Ruling 05-29-2025
- Exhibit 11. Critical Area Report 02-26-2025
- Exhibit 12. Gopher Report 02-26-2025
- Exhibit 13. Forester Report 02-26-2025
- Exhibit 14. Drainage Report 02-26-2025
- Exhibit 15. Geotech Report 02-26-2025
- Exhibit 16. Project Narrative 02-26-2025
- Exhibit 17. Water and Sewer Availability Letter 02-26-2025
- Exhibit 18. Title Report 02-26-2025