

# Exhibit 9

**From:** Alex Baruch  
**Sent:** Monday, July 24, 2023 1:38 PM  
**To:** 'A Escudero'  
**Subject:** RE: 460 Apartment Unit Concern

Good afternoon,

Thank you for your email regarding the New Market Apartment development proposal. The property is within the Town Center zone district. This district was the center of a large planning effort with the intent to create a mixed use, urban density, transit supported town center. The specific sub district within the Town Center zone that applies to this property is the Town Center Mixed Use zone district.

The intent of this particular area per the ordinance and Town Center Plan (per [18.23.010.A](#)) is to provide:

*“mixed retail, office and residential uses at a level of intensity sufficient to support transit services and to provide a focus for the town center. Mixed use can include: development of a parcel or structure with one or more different land uses, such as a combination of residential, office, retail, public or entertainment in a single or physically integrated group of structures. A broad mix of land uses are allowed in this subdistrict, including retail, personal and professional services, restaurants, entertainment, lodging, community facilities and residential. Along designated main streets, ground floor retail sales, personal services and restaurants are encouraged with residential uses, professional services and general offices on the upper stories.”*

This development proposal meets these requirements by providing about 19,000 sqft of commercial space along New Market St which will meet or exceed the amount required for the whole development. Residential is proposed on upper floors for Phase I. Phase II and III are both fully residential with associated open space meeting the intent of the district as stated in the intent above.

The State Growth Management Act has various planning goals; some of which include encouraging development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner and reducing sprawl of low density development. This property has various public facilities adjacent to the development making it a prime location for development and meeting the best practice mentioned above. Additionally, sprawl is defined as outward expansion of low-density residential and commercial development into the outer edges of cities far from downtown areas. By providing high density apartments close to public services in the middle of Tumwater we are both accomplishing the goals of the Town Center plan and planning best practices.

Please let me know if you have any additional questions or comments and I will be happy to help.

Sincerely,

Alex Baruch | he/him  
Associate Planner, Community Development  
City of Tumwater  
555 Israel Rd SW | Tumwater, WA 98501  
(360) 754-4180 | [ABaruch@ci.tumwater.wa.us](mailto:ABaruch@ci.tumwater.wa.us)  
[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

-----Original Message-----

From: A Escudero <[escuderoaj@gmail.com](mailto:escuderoaj@gmail.com)>

Sent: Sunday, July 23, 2023 10:44 AM

To: Alex Baruch <[ABaruch@ci.tumwater.wa.us](mailto:ABaruch@ci.tumwater.wa.us)>

Subject: 460 Apartment Unit Concern

Good morning,

As a citizen of Tumwater, I am writing that you stop the development of the apartments near New Market Vocational Skills Center. Urban sprawl is becoming uncontrollable here and you will destroy a trail which many people use to relax and decompress. This isn't Lacey nor do we want it to be. That city is having real issues due to unmitigated growth and I doubt you are using smart growth planning when choosing development. It makes no sense what you are all doing unless you are in the pockets of the developers which we all know you people are. Stop the development because it hurts this great city and anyone who cares about the character of this city and the mental wellness of its citizenry would not allow for this apartment complex to be built. I would like a reply.

Sent from my iPhone

**Avigation Easement and Right-of-Way at Olympia Regional Airport (KOLM)**  
**City of Tumwater, Washington**

This indenture, made on \_\_\_\_\_ [date], between New Market Apartments (Robert & Kathleen Woolf, owners) and its successors and assigns ["Grantor"], and the City of Tumwater of the State of Washington, ("Grantee"), provides that:

1. The Grantor, for and in consideration of fulfillment of a condition of project approval, does hereby grant to the Grantee, its successors and assigns, a perpetual ~~and assignable~~ easement in and over that certain parcel of real property (the "Parcel") more particularly identified and described in exhibits attached to and made a part of this instrument, and a right-of-way for the free and unrestricted passage and flight of aircraft of the class, size and category as is now or hereinafter may be operationally compatible with the Olympia Regional Airport, <sup>as now defined</sup> in, through, across and about the airspace above an imaginary plane, as such plane is defined by Part 77 of the Federal Aviation Regulations, <sup>(200' ABOVE THE GROUND)</sup> over said Parcel, as described below (the "Airspace").
2. The Airspace for avigation easement purposes above said Parcel consists of all of the air space above the imaginary plane that is described by Part 77 of the Federal Aviation Regulations, <sup>AS OF THIS DATE.</sup>
3. The easement and right-of-way described in Paragraphs 1 and 2 includes but is not limited to:
  - a. For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons or aircraft, of the class, size and category as is now or hereinafter may be operationally compatible with the Olympia Regional Airport, <sup>AS OF THIS DATE</sup> in, through, across or about any portion of the Airspace described above; and
  - b. The easement and right to cause or create, or permit or allow to be caused or created within the Airspace, such noise, dust, turbulence, vibration, illumination, air currents, fumes, exhaust, smoke and all other effects as may be inherent in the proper operation of aircraft,

now known or hereafter used for navigation of or flight in air; and

c. The continuing and perpetual right to clear and keep clear the Airspace of any portions of buildings, structures, or improvements of any and all kinds, and of trees, vegetation, or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees or any other objects which extend into said Airspace and the right to cut to the ground level and remove any trees which extend into the Airspace; and

d. The right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects now upon, or that in the future may be upon, said Parcel, and which extend into the Airspace; and

e. The right of ingress to, passage within, and egress from said Parcel, solely for the above stated purposes.

4. Grantor, on behalf of itself, its successors and assigns hereby covenants with the Grantee, as follows:

a. Grantor, its successors and assigns, will not construct, install, permit or allow any building, structure, improvement, lighting and/or illumination, tree, or other object on said Parcel, to extend into the Airspace, or to constitute an obstruction to air navigation, or to obstruct or interfere with the use of the easement and right-of-way herein granted; and

b. Grantor, its successors and assigns, will not use or permit the use of the Parcel in such a manner as to create electrical or electronic interference with radio communication or radar operation between any installation upon the Tacoma Narrows Airport and any aircraft.

5. The easement and right-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which now or hereinafter constitutes the Olympia Regional Airport, and shall further be deemed in gross, being conveyed to the Grantee for the benefit of the Grantee, and any and all members of the general public who may use said easement or right-

of-way, taking off from, landing upon, or operating such aircraft in or about the Olympia Regional Airport, or otherwise flying through said Airspace.

6. This grant of avigation easement shall not operate to deprive the Grantor, its successors or assigns, of any rights that it may otherwise have from time to time against any individual or private operator for negligent or unlawful operation of aircraft.

7. It is understood and agreed that these covenants and agreements run with the land and shall be binding upon the heirs, representatives, administrators, executives, successors, and assigns of the Grantor, ~~and that for the purposes of this instrument, the Parcel shall be the servient easement and the Olympia Regional Airport shall be the dominant tenement.~~

8. The avigation easement, covenants and agreements described herein shall continue in effect until the Olympia Regional Airport shall be abandoned or shall cease to be used for public airport purpose, at which time it shall terminate.

9. Should any portion of this avigation easement be invalidated by local, state, or federal laws, then the remaining portion(s) of the easement remain in effect.

*[Signatures]*

*[Date]*

*[Acknowledgment]*

*[Attached: Parcel Exhibits]*

**Alex Baruch**

**From:** Warren Hendrickson <warrenh@portolympia.com>  
**Sent:** Friday, July 28, 2023 3:34 PM  
**To:** Alex Baruch  
**Subject:** Comment Submission: New Market Apartments Permit Nos. TUM-21-1322 and TUM-23-0909  
**Attachments:** 1 TUM-21-1322 New Market Apartments Parcel Location.pdf; 2 Location of New Market Apts Parcel to Land Use Zones.pdf; 3 Compatible Land Use - Urban Residential Recommendations - Highlighted.pdf; 4 Avigation Easement and Right-of-Way Olympia Regional Airport - 1February2023.pdf

Good afternoon Alex,

I submit the following comments, relating to the subject line New Market Apartments proposal, on behalf of the Port of Olympia and Olympia Regional Airport ("Port").

Regarding TUM-21-1322 New Market Apartments to be located on Parcel #82701500000:

There are literally 100's of RESIDENTIAL UNITS IN LAND ZONE 6 including 2 High Schools

1. The proposal for this parcel is to provide for high density residential use, including a day care center. Please note that this parcel is completely surrounded by non-residential use parcels (Attachment 1), namely, the City of Tumwater, School District #33, and the Port of Olympia. The center of the subject parcel is located just .3 kilometer from the fence line of Olympia Regional Airport. **DISTANCES ARE TYPICALLY MEASURED TO THE CENTER OF THE AIRPORT AS WITH HEIGHT RESTRICTIONS**
2. Per WSDOT Aviation's Airports and Compatible Land Use Guidebook ("Guidebook"), the designated parcel lies within Zone 6. The center of the parcel is only 1,180 feet (approximately) from Zone 3 (Attachment 2). **CITY HALL IS CLOSER**
3. While this proposed use is indeed permitted under the City of Tumwater's zoning and is also a permissible use for Zone 6 of the Guidebook, the close proximity of this residential property – ~~surrounded completely by non-residential property~~ – to Olympia Regional Airport as well as the impact of airport operations on the future residents of New Market Apartments (Attachment 3) is of great concern to the Port. **NOT CORRECT**
4. The Port also calls attention to 2023 state legislature action, specifically [ESHB 1554](#) (hyperlink redirects to bill language). While not passed into law at the 2023 legislative session, this bill is expected to be reconsidered in the 2024 legislative session. The Port calls specific attention to Section 3 of the bill (highlighting added):

*NEW SECTION. Sec. 3. A new section is added to chapter 43.70 36 RCW to read as follows:  
The department (Commenter's note: Department of Health) must update its blood lead testing guidance for health care providers related to children living near airports at which aviation gasoline is used. The update must include children at risk of lead exposure due to airport operations among the high-risk populations broadly recommended for a blood lead test, without respect to the clinical judgment of the health care provider. For purposes of determining which children are at highest risk of lead exposure due to airport operations, the department must consider including children living, attending day care, preschool, or school within one kilometer of a general aviation airport, among other populations. The department must conduct outreach with and provide information to health care providers about the guidance.*

THIS WAS NOT PASSED IN THIS FORM AND MOST LIKELY WILL NOT BE.

The New Market Apartments site, just .3 kilometer west of Olympia Regional Airport, will be directly impacted by this legislation, should it be passed into law.

Zone 3 of the

and is approximately a 1 mile radius from the center of the Airport

5. The Port therefore strongly recommends:

- a. The City of Tumwater subject this parcel to an Avigation Easement (Attachment 4) to ensure that current and future owners are made universally aware of:
  - i. the impacts and requirements to be met by locating the proposed residential development in such close proximity to the airport, and
  - ii. the language cited within ESHB 1554, and further,
- b. That every future tenant lease include the language of Paragraph 3 of this Avigation Easement to ensure the full disclosure and their awareness of the possibilities of:
  - i. "...such noise, dust, turbulence, vibration, illumination, air currents, fumes, exhaust, smoke and all other effects as may be inherent in the proper operation of aircraft, now known or hereafter used for navigation of or flight in air..." and
  - ~~ii. That children living, or spending time at the planned day care center, within one kilometer of the airport may be subject to the recommendations of ESHB 1554.~~

*This is not law and as recommended by a*

I will be happy to discuss this topic further with City staff or the developer at your convenience. Thank you for your *majority* consideration.

*of legislators will not be law in its current form*



**PORT of OLYMPIA**

Warren Hendrickson  
Acting Director of Operations  
Airport Senior Manager  
Olympia Regional Airport  
Airport 360-528-8074 Downtown 360-528-8050  
Mobile 206-999-3111  
Web [www.PortOlympia.com](http://www.PortOlympia.com)  
Email [WarrenH@PortOlympia.com](mailto:WarrenH@PortOlympia.com)  
7643 Old Highway 99 SE, Olympia, WA 98501



PART 77 OF FAR AND AS

EVERYTHING IS CONSTANTLY BEING REVISED ANY REFERENCE TO IT HAS TO BE BASELINED

## Chapter 10 - Airspace Obstructions

### Introduction

An airspace obstruction can be an object created by man, whether existing or planned, permanent or temporary, and can also be natural growth on terrain. Obstructions to air navigation are presumed to be hazards to air navigation until a Federal Aviation Administration (FAA) study determines otherwise. **The airport sponsor or applicant requesting a study has the burden of proving the object is not a hazard.** Federal Aviation Regulation (FAR) Part 77, states that an object is an obstruction if it is higher than any of the following:

- A height of 500 feet above ground level at the site of the object.
- A height of 200 feet above ground level or above the established airport elevation, whichever is higher; within 3 nautical miles of the established airport reference point (mathematically calculated center of the airport), excluding heliports, with its longest runway more than 3,200 feet in actual length. That height increases 100 feet for each *additional* nautical mile of distance from the airport up to a maximum of 500 feet.
- A height that is within the terminal obstacle clearance area which results in the vertical distance between any point on that object, and an established minimum instrument flight altitude within that area, being less than what is the required obstacle clearance.
- A height within an en route obstacle clearance area of a Federal airway or approved airway route, which would make the minimum obstacle clearance altitude increase.
- A height that would penetrate any imaginary surfaces associated with a public use airport (civil airport), military airport or heliport.

Obstructions and airport imaginary surfaces are detailed, defined and discussed in FAR Part 77, "Objects Effecting Navigable Airspace."

### Notice Of Construction Or Alteration

In administering FAR Part 77, the prime objective of the FAA is to ensure the safety of aircraft and the efficient use of navigable airspace by aircraft. The FAA recognizes that there are varied demands for the use of airspace, both by aviation and non-aviation interests. When conflicts arise out of construction proposals, the FAA emphasizes the need for conserving the navigable airspace.

Early notice of proposed construction or alteration provides the FAA the opportunity to:



NEW MARKET  
APARTMENTS  
PARCEL

LAND USE  
COMPATIBILITY  
ZONE 6

LAND USE  
COMPATIBILITY  
ZONE 3



Distance from  
center of parcel  
to Zone 3 =  
~1,180 feet  
(yellow line)

	Compatibility Zones					
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
<b>2. Rural Centers</b>						
Single-family dwelling; up to 12 dwelling units/acre	X	X	L	L	X	L
Two - Four family dwelling (duplex) (*)	X	X	X	X	X	L
Multi-family dwelling; 12-20 units/acre	X	X	L	X	X	P
21+ units/acre	X	X	P	P	X	P
Agriculture/forest/mineral resources or industry (see item A)						
Community services (see item D2)						
Retail and commercial service (see items D4 & D5)						
Industrial/manufacturing (see item D4s & D5)						
<b>C. Education Facilities</b>						
<b>1. Education Facilities</b>						
Junior or community college	X	X	L	L	L	P
Schools, K-12 elementary, middle, senior high	X	X	X	X	X	X
Business school	X	L	L	L	L	P
Vocational schools	X	L	L	L	L	P
<b>D. Urban Development</b>						
<b>1. Residential</b>						
Single-family dwelling; up to 12 dwelling units/acre	X	X	X	X	X	L
Two - four-family dwelling (duplex)(*)	X	X	X	X	X	L
Multi-family dwelling(*): 15 or more	X	X	LSC	X	X	P
Mixed-use office/commercial/residential use	X	X	P	P	X	P
Residential development cluster 40% > open space	X	X	L	L	X	L
Residential infill	X	X	L	L	L	P
Mobile home parks	X	X	L	L	X	L
Boarding house	X	X	L	L	L	L
Retirement homes	X	X	X	X	X	L

**Chart Symbols**

- **"L" Limited** – Uses or activities that may be compatible with airport operations depending on their location, size, bulk, height, density and intensity of use.
- **"LSC" Limited Special Conditions** – Development should be moved away from the extended runway centerline. Open space should be devoted to areas that experience elevated risk.
- **"P" permitted** – Uses or activities that should be permitted, however, these activities should be reviewed to ensure that they will not create height hazard obstructions, smoke, glare, electronic, wildlife attractants, or other airspace hazards.
- **"X" Prohibited** – uses or activities that should not be constructed near the airport.

All uses or activities identified herein are subject to intensity and density limitations set forth in Table F-1. Particular attention should be given to developments that when located in combination with other permitted or limited activities may create cumulative impacts on airport operations. All uses should be reviewed to ensure that they will not create airspace hazards.

## Alex Baruch

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**From:** Bonnie Blessing <bonnie.blessing@gmail.com>  
**Sent:** Thursday, July 13, 2023 9:41 AM  
**To:** Alex Baruch  
**Subject:** New Market gophers

Oh Hi Alex;

I understand the need for housing. And the applicant for TUM-21-1322 and TUM23-0909 (apartment proposal near New Market Skills Center?) may need to check in w/ USFWS on ESA issues.

If I recall correctly, there's alot of gopher mounds on that parcel..I think visible from the road itself. It may make real nice mitigation even if a bit isolated.

Can you ask the project applicant to consult w/ USFWS on this or do some sort of mitigation upfront?

I realize its another hoop the developer needs to jump through. Prairies sustained people in the past and this little critter reminds us of Tumwater legacy. Its unclear whether Tumwater should approve a construction permit at this parcel without appropriate consultation.

Thank you.

Bonnie Blessing

## Alex Baruch

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**From:** Alex Baruch  
**Sent:** Thursday, July 13, 2023 10:17 AM  
**To:** 'Bonnie Blessing'  
**Subject:** RE: TUM-21-1322, TUM-23-0909  
**Attachments:** Gopher Report 10-14-2022.pdf

Hi Bonnie,

I've attached the gopher study for this project to this email. Please let me know if you have any additional questions.

Sincerely,

**Alex Baruch | he/him**  
**Associate Planner**, Community Development  
City of Tumwater  
555 Israel Rd SW | Tumwater, WA 98501  
(360) 754-4180 | [ABaruch@ci.tumwater.wa.us](mailto:ABaruch@ci.tumwater.wa.us)  
[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

**From:** Bonnie Blessing <bonnie.blessing@gmail.com>  
**Sent:** Thursday, July 13, 2023 10:05 AM  
**To:** Alex Baruch <ABaruch@ci.tumwater.wa.us>  
**Subject:** TUM-21-1322, TUM-23-0909

NRCS maps of the soil type of TUM-21-1322 and TUM-23-0909 is Nisqually loamy sand and should be surveyed for gophers.

And its unclear how Tumwater can meet future mitigation needs if it permits so many developments on Oly pocket gopher soils that also are occupied.

Bonnie Blessing

## Alex Baruch

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**From:** Alex Baruch  
**Sent:** Monday, July 24, 2023 12:36 PM  
**To:** 'Julie Sky'  
**Subject:** RE: New Market Apartments comment  
**Attachments:** Forester Report 09-30-2022.pdf; Formal Site Plan Review Architectural Site Plan 07-11-2023.pdf

Hi Julie,

Thank you for your email and comments related to the New Market Apartments development proposal. I've attached two documents; the forester report for the project and the most recent site plan showing the proposed improvements.

**Foresters Report:**

- The report identifies this tree as tree 105 which on page 13 shows it is in very poor condition and infected with Kretzschmaria deusta.

**Architectural Site Plan:**

- When you zoom into 73<sup>rd</sup> Ave you can see that there are certain trees outside of the building and infrastructure improvements that are proposed to be retained as a part of the development.

This development is required to retain either 12 trees/ acre or 20% of the trees on site (whichever is larger). 12 trees per acre is the larger amount which requires a minimum of 118 trees to be retained. If they are not able to retain the required amount of trees the development will need to replant at a 3 to 1 ratio for any amount of trees under 118.

Due to the condition of the tree as stated in the forester report and location of required infrastructure improvements the development does not intend to retain this tree.

Please let me know if you have any additional questions and I will be happy to help.

Sincerely,

**Alex Baruch | he/him**  
**Associate Planner**, Community Development  
City of Tumwater  
555 Israel Rd SW | Tumwater, WA 98501  
(360) 754-4180 | [ABaruch@ci.tumwater.wa.us](mailto:ABaruch@ci.tumwater.wa.us)  
[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

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**From:** Julie Sky <JulySki@hotmail.com>  
**Sent:** Thursday, July 20, 2023 7:17 PM  
**To:** Alex Baruch <ABaruch@ci.tumwater.wa.us>  
**Subject:** New Market Apartments comment

Alex,

We are concerned about the very old maple that is on the location of the new development that will be going in. There is a roughly 200-year-old maple on the property and I am concerned that it would be demolished. I am not sure if the property owners have taken into consideration the local community surrounding this project. The

high school kids and the city and state workers have always enjoyed the nature it provides for the area. We are losing more and more natural spaces every year and a balance should remain. There is not a natural trail anywhere near by and this could provide the perfect opportunity if taken into consideration in the planning stage. I had always wished the parks would have been able to get that and save it for our future generations. It would be sad to see our community loose such a treasure. Thank you for listening please let us know if there is anything that could be done to save such a rare tree in our historic area. We included a picture of the tree for reference.

Levi & Julie Brubaker

Get [Outlook for iOS](#)

## Alex Baruch

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**From:** Alex Baruch  
**Sent:** Tuesday, July 25, 2023 11:25 AM  
**To:** 'lynn@fitz-hugh.org'  
**Cc:** Brad Medrud; Tami Merriman; 'sherylahlblad@yahoo.com'; Alyssa Jones Wood  
**Subject:** RE: Almost two hundred year old Tumwater tree to be cut down  
**Attachments:** Forester Report 09-30-2022.pdf; Formal Site Plan Review Architectural Site Plan 07-11-2023.pdf

Hi Lynn,

Thank you for your email and comments related to the New Market development proposal. I wrote Julie back yesterday in response to her email about the tree. Please see an excerpt of the email below. If you have any additional questions feel free to reach out and I'll be happy to help.

From Email to Julie:

I've attached two documents; the forester report for the project and the most recent site plan showing the proposed improvements.

Foresters Report:

- The report identifies this tree as tree 105 which on page 13 shows it is in very poor condition and infected with Kretzschmaria deusta.

Architectural Site Plan:

- When you zoom into 73<sup>rd</sup> Ave you can see that there are certain trees outside of the building and infrastructure improvements that are proposed to be retained as a part of the development.

This development is required to retain either 12 trees/ acre or 20% of the trees on site (whichever is larger). 12 trees per acre is the larger amount which requires a minimum of 118 trees to be retained. If they are not able to retain the required amount of trees the development will need to replant at a 3 to 1 ratio for any amount of trees under 118.

Due to the condition of the tree as stated in the forester report and location of required infrastructure improvements the development does not intend to retain this tree.

Sincerely,

**Alex Baruch | he/him**

**Associate Planner**, Community Development

City of Tumwater

555 Israel Rd SW | Tumwater, WA 98501

(360) 754-4180 | [ABaruch@ci.tumwater.wa.us](mailto:ABaruch@ci.tumwater.wa.us)

[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

---

**From:** Brad Medrud

**Sent:** Tuesday, July 25, 2023 10:09 AM

**To:** 'Lynn Fitz-Hugh' <[lynn@fitz-hugh.org](mailto:lynn@fitz-hugh.org)>; Alyssa Jones Wood <[AJonesWood@ci.tumwater.wa.us](mailto:AJonesWood@ci.tumwater.wa.us)>

**Cc:** [sherylahlblad@yahoo.com](mailto:sherylahlblad@yahoo.com)

**Subject:** RE: Almost two hundred year old Tumwater tree to be cut down

Lynn:



Thank you for sending us your email. I am familiar with the tree, as it is on my daily walk, and you are right it is a great tree.

I will forward your message to our permitting staff for their consideration.

**Brad Medrud, AICP | Long Range Planning Manager**

City of Tumwater Community Development

555 Israel Road SW | Tumwater, WA 98501

O (360) 754-4180 | M (360) 915-2185

[bmedrud@ci.tumwater.wa.us](mailto:bmedrud@ci.tumwater.wa.us) | [www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

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**From:** Lynn Fitz-Hugh <[lynn@fitz-hugh.org](mailto:lynn@fitz-hugh.org)>

**Sent:** Tuesday, July 25, 2023 9:58 AM

**To:** Brad Medrud <[BMedrud@ci.tumwater.wa.us](mailto:BMedrud@ci.tumwater.wa.us)>; Alyssa Jones Wood <[AJonesWood@ci.tumwater.wa.us](mailto:AJonesWood@ci.tumwater.wa.us)>

**Cc:** [sherylahlblad@yahoo.com](mailto:sherylahlblad@yahoo.com)

**Subject:** Almost two hundred year old Tumwater tree to be cut down

Hi Brad and Alyssa:

I know the tree ordinance is on hold while we try to sort out the fire code issues. However, in the meantime people send me the below sort of thing. The tree pictured is magnificent and is exactly the sort of thing the public was talking about when we were pushing for protections for exceptional trees. If this is 200 years old it is not just exceptional but probably original growth. It is literally irreplaceable. I ask you is there anything that can be done to save this tree? I don't know where it is on the property but I wonder if it is on the edges and could be saved while still allowing development?

(Sorry to bother you with individual trees but when we don't have a strong ordinance yet... then it sort of comes down to this.)

Thanks,

Lynn Fitz-Hugh

8:19

LTE 

◀ Mail



# General



**Julie B.**



Alpine Hills · 2d





Julie B.



Alpine Hills • 2d

New Market Apartments comment



You

Yesterday

To abaruch@ci.tumwater.wa.us



Image

jpeg - 2.7 MB

Alex,

We are concerned about the very old maple that is on the location of the new development that will be going in. There is a roughly 200-year-old maple on the property and I am concerned that it would be demolished. I am not sure if the property owners have taken into consideration the local community surrounding this project. The high school kids and the city and state workers have always enjoyed the nature it provides for the area. We are losing more and more natural spaces every year and a balance should remain. There is not a natural trail anywhere near by and this could provide the perfect opportunity if taken into consideration in the planning stage. I had always wished the parks would have been able to get that and use it for our future generations. It would be sad to





# Julie B. Alpine Hills • 2d



City Hall  
555 Israel Road SW  
Tumwater, WA 98501-6515  
Phone: 360-754-5855  
Fax: 360-754-4138

## NOTICE OF APPLICATION New Market Apartments Permit Nos. TUM-21-1322 and TUM-23-0909 July 14, 2023

**Proposal:** A three lot preliminary binding site plan that includes one mixed use building and two residential buildings with 416 residential units, commercial square footage that meets the requirements set forth in 18.23.050.E, associated open space, parking, landscaping and infrastructure.

**Applicant:** Bob Woolf; 6808 Hawks Prairie Rd NE, Olympia WA 98516.

**Representative:** Glenn Wells Architect and Tyrell Bradley, 324 West Bay Dr. Ste 214, Olympia WA 98502

**Location:** Unaddressed parcel at the corner of New Market St. SW and 73<sup>rd</sup> Ave. SW, south of Tumwater City Hall. Tax Parcel # 82701500000.

**Complete Application:** Application submitted: May 31, 2023. Application deemed complete: July 11, 2023.

**Project Permit/Approvals:** The following permits and approvals may be required: Site Plan Approval, Design Review Approval, Preliminary and Final Binding Site Plan, Landscape Plan Approval, On-site Lighting Approval, Building Permit, Site Development/Grading Permit, Sign Permits and NPDES Permit.

**Environmental Documents Relating to the Project:** A completed environmental checklist and related reports were submitted. Persons receiving this notice will be informed about the City's threshold determination when it is issued.

**Determination of Consistency:** No determination of consistency with City of Tumwater or State of Washington plans, regulations, or standards has been made. At a minimum, this project will be subject to the following plans and regulations: Tumwater Comprehensive Plan, Tumwater Zoning Code (TMC Title 18), Tumwater Environmental Policy Ordinance (TMC 16.04), the City of Tumwater Drainage Design and Erosion Control Manual, and the International Building Code.

**Public Hearing:** A public hearing is not required for this project.

**Public Comment Period:** The 14 day comment period ends at 5:00 p.m. on July 28, 2023. Written comments may be submitted to City of Tumwater Community Development Department, Attn: Alex Baruch, 555 Israel Road SW, Tumwater, WA 98501, or email [abaruch@ci.tumwater.wa.us](mailto:abaruch@ci.tumwater.wa.us).

If you have any questions or would like additional information, please contact Alex Baruch at 360-754-4180.

## Alex Baruch

---

**From:** Natasha Hays <nthays1403@gmail.com>  
**Sent:** Tuesday, July 25, 2023 11:50 AM  
**To:** Alex Baruch  
**Subject:** Re: Email contact from City of Tumwater, WA

Thank you. Of course, the disease makes a big differenceq.

On Tue, Jul 25, 2023 at 11:26 AM Alex Baruch <[ABaruch@ci.tumwater.wa.us](mailto:ABaruch@ci.tumwater.wa.us)> wrote:

Hi Natasha,

Thank you for your email and comments related to the New Market Apartments development proposal. I've attached two documents; the forester report for the project and the most recent site plan showing the proposed improvements.

#### Foresters Report:

- The report identifies this tree as tree 105 which on page 13 shows it is in very poor condition and infected with Kretzschmaria deusta.

#### Architectural Site Plan:

- When you zoom into 73<sup>rd</sup> Ave you can see that there are certain trees outside of the building and infrastructure improvements that are proposed to be retained as a part of the development.

This development is required to retain either 12 trees/ acre or 20% of the trees on site (whichever is larger). 12 trees per acre is the larger amount which requires a minimum of 118 trees to be retained. If they are not able to retain the required amount of trees the development will need to replant at a 3 to 1 ratio for any amount of trees under 118.

Due to the condition of the tree as stated in the forester report and location of required infrastructure improvements the development does not intend to retain this tree.

Please let me know if you have any additional questions and I will be happy to help.

Sincerely,

**Alex Baruch | he/him**

**Associate Planner, Community Development**

City of Tumwater

[555 Israel Rd SW](#) | Tumwater, WA 98501

(360) 754-4180 | [ABaruch@ci.tumwater.wa.us](mailto:ABaruch@ci.tumwater.wa.us)

[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

**From:** City of Tumwater, WA <[no-reply@ci.tumwater.wa.us](mailto:no-reply@ci.tumwater.wa.us)>

**Sent:** Tuesday, July 25, 2023 10:33 AM

**To:** Alex Baruch <[ABaruch@ci.tumwater.wa.us](mailto:ABaruch@ci.tumwater.wa.us)>

**Subject:** Email contact from City of Tumwater, WA

Message submitted from the <City of Tumwater, WA> website.

**Site Visitor Name:** Natasha Hays

**Site Visitor Email:** [nthays1403@gmail.com](mailto:nthays1403@gmail.com)

Dear Mr. Baruch,

I am highly concerned about the decision to cut down the very large and old maple tree that is in an area marked for development (I believe it is at the corner of New Market St SW and 73rd Ave SW), both because it is beautiful and because cutting down very large trees contributes to climate change. This is not in the best interest of our community. I see that a public hearing is not required for this project and that is why I am contacting you in this manner.

Please take this into consideration in the development for which you have given permission.

Thanks.

Sincerely,

Natasha Hays, MD



**NISQUALLY INDIAN TRIBE**  
**Tribal Historic Preservation Office**

4820 She-Nah-Num Drive S.E.  
Olympia, Washington 98513  
360.456.5221 (main)  
877.768.8886 (toll free)  
[www.nisqually-nsn.gov](http://www.nisqually-nsn.gov)

---

July 20, 2023

To: Alex Baruch, Associate Planner  
City of Tumwater  
Community Development  
555 Israel Rd SW  
Tumwater, WA 98501

Re: **TUM-21-1322 & TUM-23-0909**

The Nisqually Indian Tribe's THPO has reviewed the notice of application that you provided for the above-named project and requests that the City of Tumwater require a cultural resources survey before permitting any ground disturbing activities. Please keep us informed if there are any Inadvertent Discoveries of Archaeological Resources/Human Burials.

Sincerely,

Brad Beach, THPO  
Nisqually Indian Tribe  
360-528-1084  
360-456-5221 ext 1277  
[beach.brad@nisqually-nsn.gov](mailto:beach.brad@nisqually-nsn.gov)

cc: Annette Bullchild, Director, Nisqually Indian Tribe



**From:** Shaun Dinubilo <[sdinubilo@squaxin.us](mailto:sdinubilo@squaxin.us)>  
**Sent:** Friday, July 21, 2023 1:14 PM  
**To:** Alex Baruch  
**Subject:** RE: City of Tumwater Notice of Application - New Market Apartments TUM-21-1322 & TUM-23-0909

Hello Alex,

Thank you for contacting the Squaxin Island Tribe Cultural Resources Department regarding the above listed project for our review and comment. We have no specific cultural resource concerns for this project. However, if DAHP recommends a survey, or any other additional recommendations, we concur with DAHP's recommendations. We would prefer to receive an electronic copy by email once completed. If any archaeological or cultural resources are uncovered during implementation, please halt work in the area of discovery and contact DAHP and the Squaxin Island Tribe's Archaeologist, Shaun Dinubilo via email at [sdinubilo@squaxin.us](mailto:sdinubilo@squaxin.us).



Shaun Dinubilo  
Archaeologist  
FAA Certified (Section 107) sUAS Remote Pilot  
Cultural Resource Department  
Squaxin Island Tribe  
200 S.E. Billy Frank Jr. Way  
Shelton, WA 98584  
Phone: 360-432-3998  
Email: [sdinubilo@squaxin.us](mailto:sdinubilo@squaxin.us)

Email is my preferred method of communication.

As per 43 CFR 7.18[a][1]) of the Archaeological Resource Protection Act, Section 304 of the National Historic Preservation Act, and RCW 42.56.300 of the Washington State Public Records Act- Archaeological Sites, all information concerning the location, character, and ownership of any cultural resource must be withheld from public disclosure.

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**From:** Brittaney McClanahan <[BMcClanahan@ci.tumwater.wa.us](mailto:BMcClanahan@ci.tumwater.wa.us)>  
**Sent:** Thursday, July 13, 2023 8:34 AM  
**Subject:** City of Tumwater Notice of Application - New Market Apartments TUM-21-1322 & TUM-23-0909

Good morning,

[The Notice of Application for New Market Apartments, TUM-21-1322 & TUM-23-0909](#) is ready to view. If you have any questions or would like additional information, please contact Alex Baruch, Associate Planner, at (360) 754-4180 or [abaruch@ci.tumwater.wa.us](mailto:abaruch@ci.tumwater.wa.us).

Thank you,

**Brittaney McClanahan | Department Assistant II**

City of Tumwater Community Development

555 Israel Rd SW | Tumwater, WA 98501

(360) 754-4180

[bmccclanahan@ci.tumwater.wa.us](mailto:bmccclanahan@ci.tumwater.wa.us) | [www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

## Alex Baruch

---

**From:** Alex Baruch  
**Sent:** Tuesday, July 25, 2023 1:11 PM  
**To:** 'Teresa Jennings'  
**Subject:** RE: New Market Apartments Permit #TUM-21-1322 and TUM-23-0909  
**Attachments:** Forester Report 09-30-2022.pdf; Formal Site Plan Review Architectural Site Plan 07-11-2023.pdf

Hi Teresa,

Thank you for your email and comments related to the New Market Apartments development proposal. We've received a few emails similar to yours regarding the 200 year old tree and wanted to provide you with the same response I provided the others:

I've attached two documents; the forester report for the project and the most recent site plan showing the proposed improvements.

**Foresters Report:**

- The report identifies this tree as tree 105 which on page 13 shows it is in very poor condition and infected with Kretzschmaria deusta.

**Architectural Site Plan:**

- When you zoom into 73<sup>rd</sup> Ave you can see that there are certain trees outside of the building and infrastructure improvements that are proposed to be retained as a part of the development.

This development is required to retain either 12 trees/ acre or 20% of the trees on site (whichever is larger). 12 trees per acre is the larger amount which requires a minimum of 118 trees to be retained. If they are not able to retain the required amount of trees the development will need to replant at a 3 to 1 ratio for any amount of trees under 118.

Due to the condition of the tree as stated in the forester report and location of required infrastructure improvements the development does not intend to retain this tree.

Please let me know if you have any additional questions and I will be happy to help.

Sincerely,

**Alex Baruch | he/him**  
**Associate Planner**, Community Development  
City of Tumwater  
555 Israel Rd SW | Tumwater, WA 98501  
(360) 754-4180 | [ABaruch@ci.tumwater.wa.us](mailto:ABaruch@ci.tumwater.wa.us)  
[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

**From:** Teresa Jennings <teresajj5499@gmail.com>  
**Sent:** Tuesday, July 25, 2023 1:07 PM  
**To:** Alex Baruch <ABaruch@ci.tumwater.wa.us>  
**Subject:** New Market Apartments Permit #TUM-21-1322 and TUM-23-0909

I am requesting that you require the developers of these apartments to preserve the 200 year old Maple that is on this site. Such a tree is an asset to our entire area. And its loss will be very difficult to replace. It is easier to

preserve a tree than cut it down and then try to mitigate such losses. The new apartments would benefit and are enhanced by this tree.

Thank you for listening.

Sincerely,  
Teresa Jennings

## Alex Baruch

---

**From:** Warren Hendrickson <warrenh@portolympia.com>  
**Sent:** Friday, July 28, 2023 3:34 PM  
**To:** Alex Baruch  
**Subject:** Comment Submission: New Market Apartments Permit Nos. TUM-21-1322 and TUM-23-0909  
**Attachments:** 1 TUM-21-1322 New Market Apartments Parcel Location.pdf; 2 Location of New Market Apts Parcel to Land Use Zones.pdf; 3 Compatible Land Use - Urban Residential Recommendations - Highlighted.pdf; 4 Avigation Easement and Right-of-Way Olympia Regional Airport - 1February2023.pdf

Good afternoon Alex,

I submit the following comments, relating to the subject line New Market Apartments proposal, on behalf of the Port of Olympia and Olympia Regional Airport ("Port").

Regarding TUM-21-1322 New Market Apartments to be located on Parcel #82701500000:

1. The proposal for this parcel is to provide for high density residential use, including a day care center. Please note that this parcel is completely surrounded by non-residential use parcels (Attachment 1), namely, the City of Tumwater, School District #33, and the Port of Olympia. The center of the subject parcel is located just .3 kilometer from the fence line of Olympia Regional Airport.
2. Per WSDOT Aviation's Airports and Compatible Land Use Guidebook ("Guidebook"), the designated parcel lies within Zone 6. The center of the parcel is only 1,180 feet (approximately) from Zone 3 (Attachment 2).
3. While this proposed use is indeed permitted under the City of Tumwater's zoning and is also a permissible use for Zone 6 of the Guidebook, the close proximity of this residential property – surrounded completely by non-residential property – to Olympia Regional Airport as well as the impact of airport operations on the future residents of New Market Apartments (Attachment 3) is of great concern to the Port.
4. The Port also calls attention to 2023 state legislature action, specifically [ESHB 1554](#) (hyperlink redirects to bill language). While not passed into law at the 2023 legislative session, this bill is expected to be reconsidered in the 2024 legislative session. The Port calls specific attention to Section 3 of the bill (highlighting added):

*NEW SECTION. Sec. 3. A new section is added to chapter 43.70 36 RCW to read as follows: The department (Commenter's note: Department of Health) must update its blood lead testing guidance for health care providers related to children living near airports at which aviation gasoline is used. The update must include children at risk of lead exposure due to airport operations among the high-risk populations broadly recommended for a blood lead test, without respect to the clinical judgment of the health care provider. For purposes of determining which children are at highest risk of lead exposure due to airport operations, the department must consider including children living, attending day care, preschool, or school within one kilometer of a general aviation airport, among other populations. The department must conduct outreach with and provide information to health care providers about the guidance.*

The New Market Apartments site, just .3 kilometer west of Olympia Regional Airport, will be directly impacted by this legislation, should it be passed into law.

5. The Port therefore strongly recommends:
- a. The City of Tumwater subject this parcel to an Avigation Easement (Attachment 4) to ensure that current and future owners are made universally aware of:
    - i. the impacts and requirements to be met by locating the proposed residential development in such close proximity to the airport, and
    - ii. the language cited within ESHB 1554, and further,
  - b. That every future tenant lease include the language of Paragraph 3 of this Avigation Easement to ensure the full disclosure and their awareness of the possibilities of:
    - i. "...such noise, dust, turbulence, vibration, illumination, air currents, fumes, exhaust, smoke and all other effects as may be inherent in the proper operation of aircraft, now known or hereafter used for navigation of or flight in air..." and
    - ii. That children living, or spending time at the planned day care center, within one kilometer of the airport may be subject to the recommendations of ESHB 1554.

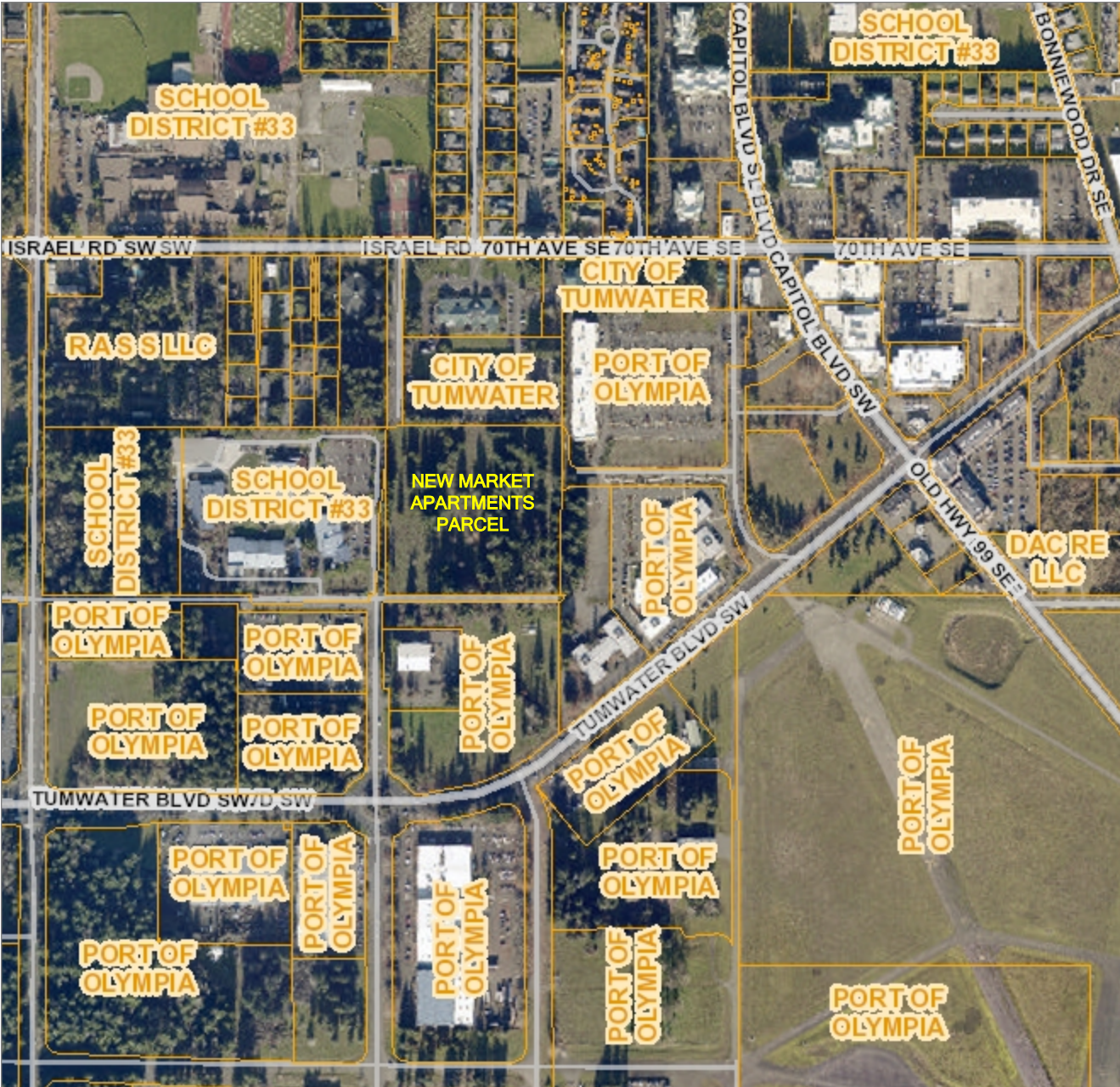
I will be happy to discuss this topic further with City staff or the developer at your convenience. Thank you for your consideration.



**Warren Hendrickson**  
**Acting Director of Operations**  
**Airport Senior Manager**  
Olympia Regional Airport  
**Airport** 360-528-8074 **Downtown** 360-528-8050  
**Mobile** 206-999-3111  
**Web** [www.PortOlympia.com](http://www.PortOlympia.com)  
**Email** [WarrenH@PortOlympia.com](mailto:WarrenH@PortOlympia.com)  
7643 Old Highway 99 SE; Olympia, WA 98501



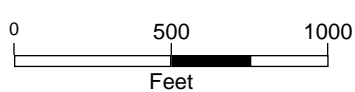
# TUM-21-1322 Closeup



### Legend

- Label - Owner Name
- Parcel Boundaries
- Roads - Major
  - Major Roads
  - Ramp
  - I 5; US 101
  - Roads (Large Scale)
  - Railroads
- County Border

Scale 1: 10,738



Map Created Using GeoData Public Website  
 Published: 1/26/2023

Note:



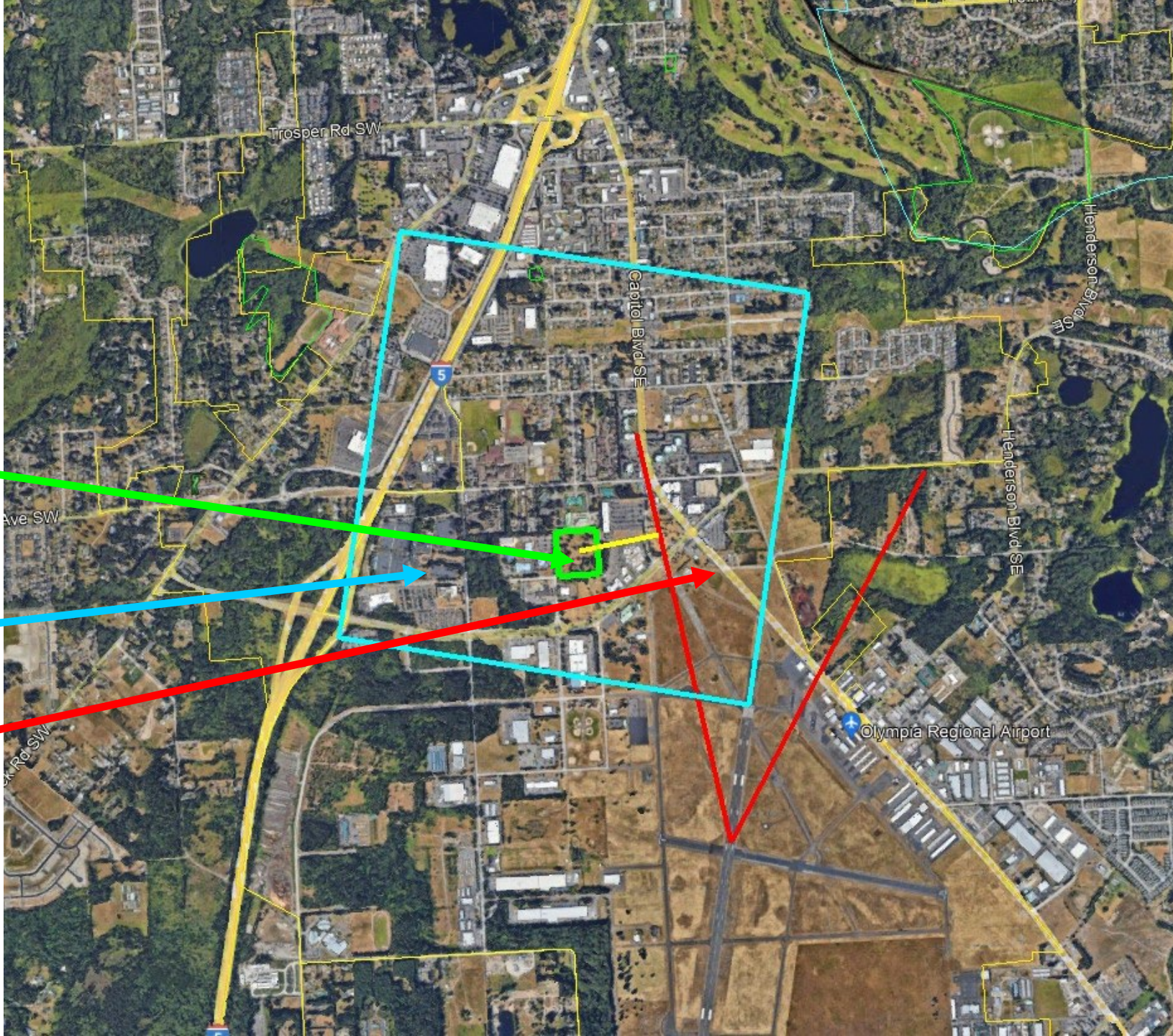
The information included on this map has been compiled by Thurston County staff from a variety of sources and is subject to change without notice. Additional elements may be present in reality that are not represented on the map. Ortho-photos and other data may not align. The boundaries depicted by these datasets are approximate. This document is not intended for use as a survey product. ALL DATA IS EXPRESSLY PROVIDED 'AS IS' AND 'WITH ALL FAULTS'. Thurston County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. In no event shall Thurston County be liable for direct, indirect, incidental, consequential, special, or tort damages of any kind, including, but not limited to, lost revenues or lost profits, real or anticipated, resulting from the use, misuse or reliance of the information contained on this map. If any portion of this map or disclaimer is missing or altered, Thurston County removes itself from all responsibility from the map and the data contained within. The burden for determining fitness for use lies entirely with the user and the user is solely responsible for understanding the accuracy limitation of the information contained in this map. Authorized for 3rd Party reproduction for personal use only.



**NEW MARKET  
APARTMENTS  
PARCEL**

**LAND USE  
COMPATIBILITY  
ZONE 6**

**LAND USE  
COMPATIBILITY  
ZONE 3**



Distance from  
center of parcel  
to Zone 3 =  
~1,180 feet  
(yellow line)



	Compatibility Zones					
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
<b>2. Rural Centers</b>						
Single-family dwelling; up to 12 dwelling units/acre	X	X	L	L	X	L
Two - Four family dwelling (duplex) (*)	X	X	X	X	X	L
Multi-family dwelling; 12-20 units/acre	X	X	L	X	X	P
21+ units/acre	X	X	P	P	X	P
Agriculture/forest/mineral resources or industry (see item A)						
Community services (see item D2)						
Retail and commercial service (see items D4 & D5)						
Industrial/manufacturing (see item D4s & D5)						
<b>C. Education Facilities</b>						
<b>1. Education Facilities</b>						
Junior or community college	X	X	L	L	L	P
Schools, K-12 elementary, middle, senior high	X	X	X	X	X	X
Business school	X	L	L	L	L	P
Vocational schools	X	L	L	L	L	P
<b>D. Urban Development</b>						
<b>1. Residential</b>						
Single-family dwelling; up to 12 dwelling units/acre	X	X	X	X	X	L
Two - four-family dwelling (duplex)(*)	X	X	X	X	X	L
Multi-family dwelling(*): 15 or more	X	X	LSC	X	X	P
Mixed-use office/commercial/residential use	X	X	P	P	X	P
Residential development cluster 40% > open space	X	X	L	L	X	L
Residential infill	X	X	L	L	L	P
Mobile home parks	X	X	L	L	X	L
Boarding house	X	X	L	L	L	L
Retirement homes	X	X	X	X	X	L

### Chart Symbols

- **“L” Limited** – Uses or activities that may be compatible with airport operations depending on their location, size, bulk, height, density and intensity of use.
- **“LSC” Limited Special Conditions** – Development should be moved away from the extended runway centerline. Open space should be devoted to areas that experience elevated risk.
- **“P” permitted** – Uses or activities that should be permitted, however, these activities should be reviewed to ensure that they will not create height hazard obstructions, smoke, glare, electronic, wildlife attractants, or other airspace hazards.
- **“X” Prohibited** – uses or activities that should not be constructed near the airport.

All uses or activities identified herein are subject to intensity and density limitations set forth in Table F-1. Particular attention should be given to developments that when located in combination with other permitted or limited activities may create cumulative impacts on airport operations. All uses should be reviewed to ensure that they will not create airspace hazards.

**Avigation Easement and Right-of-Way at Olympia Regional Airport (KOLM)  
City of Tumwater, Washington**

This indenture, made on \_\_\_\_\_ [date], between New Market Apartments (Robert & Kathleen Woolf, owners) and its successors and assigns ["Grantor"], and the City of Tumwater of the State of Washington, ("Grantee"), provides that:

1. The Grantor, for and in consideration of fulfillment of a condition of project approval, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement in and over that certain parcel of real property (the "Parcel") more particularly identified and described in exhibits attached to and made a part of this instrument, and a right-of-way for the free and unrestricted passage and flight of aircraft of the class, size and category as is now or hereinafter may be operationally compatible with the Olympia Regional Airport, in, through, across and about the airspace above an imaginary plane, as such plane is defined by Part 77 of the Federal Aviation Regulations, over said Parcel, as described below (the "Airspace").
2. The Airspace for avigation easement purposes above said Parcel consists of all of the air space above the imaginary plane that is described by Part 77 of the Federal Aviation Regulations.
3. The easement and right-of-way described in Paragraphs 1 and 2 includes but is not limited to:
  - a. For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons or aircraft, of the class, size and category as is now or hereinafter may be operationally compatible with the Olympia Regional Airport, in, through, across or about any portion of the Airspace described above; and
  - b. The easement and right to cause or create, or permit or allow to be caused or created within the Airspace, such noise, dust, turbulence, vibration, illumination, air currents, fumes, exhaust, smoke and all other effects as may be inherent in the proper operation of aircraft,

now known or hereafter used for navigation of or flight in air; and

c. The continuing and perpetual right to clear and keep clear the Airspace of any portions of buildings, structures, or improvements of any and all kinds, and of trees, vegetation, or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees or any other objects which extend into said Airspace and the right to cut to the ground level and remove any trees which extend into the Airspace; and

d. The right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects now upon, or that in the future may be upon, said Parcel, and which extend into the Airspace; and

e. The right of ingress to, passage within, and egress from said Parcel, solely for the above stated purposes.

4. Grantor, on behalf of itself, its successors and assigns hereby covenants with the Grantee, as follows:

a. Grantor, its successors and assigns, will not construct, install, permit or allow any building, structure, improvement, lighting and/or illumination, tree, or other object on said Parcel, to extend into the Airspace, or to constitute an obstruction to air navigation, or to obstruct or interfere with the use of the easement and right-of-way herein granted; and

b. Grantor, its successors and assigns, will not use or permit the use of the Parcel in such a manner as to create electrical or electronic interference with radio communication or radar operation between any installation upon the Tacoma Narrows Airport and any aircraft.

5. The easement and right-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which now or hereinafter constitutes the Olympia Regional Airport, and shall further be deemed in gross, being conveyed to the Grantee for the benefit of the Grantee, and any and all members of the general public who may use said easement or right-

of-way, taking off from, landing upon, or operating such aircraft in or about the Olympia Regional Airport, or otherwise flying through said Airspace.

6. This grant of aviation easement shall not operate to deprive the Grantor, its successors or assigns, of any rights that it may otherwise have from time to time against any individual or private operator for negligent or unlawful operation of aircraft.

7. It is understood and agreed that these covenants and agreements run with the land and shall be binding upon the heirs, representatives, administrators, executives, successors, and assigns of the Grantor, and that for the purposes of this instrument, the Parcel shall be the servient easement and the Olympia Regional Airport shall be the dominant tenement.

8. The aviation easement, covenants and agreements described herein shall continue in effect until the Olympia Regional Airport shall be abandoned or shall cease to be used for public airport purpose, at which time it shall terminate.

9. Should any portion of this aviation easement be invalidated by local, state, or federal laws, then the remaining portion(s) of the easement remain in effect.

*[Signatures]*

*[Date]*

*[Acknowledgment]*

*[Attached: Parcel Exhibits]*

## Alex Baruch

---

**From:** Alex Baruch  
**Sent:** Friday, July 14, 2023 11:09 AM  
**To:** 'Larson, Andy'  
**Subject:** RE: [EXTERNAL] City of Tumwater Notice of Application - New Market Apartments TUM-21-1322 & TUM-23-0909

Hi Andy,

You can find the New Market Apartments TIA [here](#). Let me know if you have any questions.

Sincerely,

**Alex Baruch | he/him**  
**Associate Planner**, Community Development  
City of Tumwater  
555 Israel Rd SW | Tumwater, WA 98501  
(360) 754-4180 | [ABaruch@ci.tumwater.wa.us](mailto:ABaruch@ci.tumwater.wa.us)  
[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

---

**From:** Larson, Andy <[LarsonA@wsdot.wa.gov](mailto:LarsonA@wsdot.wa.gov)>  
**Sent:** Friday, July 14, 2023 8:36 AM  
**To:** Alex Baruch <[ABaruch@ci.tumwater.wa.us](mailto:ABaruch@ci.tumwater.wa.us)>  
**Subject:** FW: [EXTERNAL] City of Tumwater Notice of Application - New Market Apartments TUM-21-1322 & TUM-23-0909

Hi Alex,

Please send me a copy of the TIA for this project when it is available. Thanks.

Andrew Larson, PE  
Development Services Engineer (he/him/his)  
(360) 900-9541

---

**From:** Brittaney McClanahan <[BMcClanahan@ci.tumwater.wa.us](mailto:BMcClanahan@ci.tumwater.wa.us)>  
**Sent:** Thursday, July 13, 2023 8:34 AM  
**Subject:** [EXTERNAL] City of Tumwater Notice of Application - New Market Apartments TUM-21-1322 & TUM-23-0909

**WARNING:** This email originated from outside of WSDOT. Please use caution with links and attachments.

Good morning,

[The Notice of Application for New Market Apartments, TUM-21-1322 & TUM-23-0909](#) is ready to view. If you have any questions or would like additional information, please contact Alex Baruch, Associate Planner, at (360) 754-4180 or [abaruch@ci.tumwater.wa.us](mailto:abaruch@ci.tumwater.wa.us).

Thank you,

**Brittaney McClanahan | Department Assistant II**

City of Tumwater Community Development  
555 Israel Rd SW | Tumwater, WA 98501  
(360) 754-4180  
[bmccclanahan@ci.tumwater.wa.us](mailto:bmccclanahan@ci.tumwater.wa.us) | [www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)



## PLANS, SPECIFICATIONS AND ESTIMATE Review Comment Disposition Form

Project Title:	SR-5 New Market Apartments			Job Charge #:	
Reviewer (name & office) Daniel Grimm – Traffic Design Sarah Bogue – Traffic Design				Responses By:	
Date of Review Comments: 7/26/2023				Date of Disposition:	
Comment No.	Sht or Pg.	Review Comment	Status Code	Designer's Response	
1.	PDF p12	Please use the 7th edition of the Highway Capacity Manual.			
2.	PDF p18	From Figure 4.2 in the Trip Generation Handbook 3rd Edition, fitted curve equation would be appropriate to use for LUC 221. Please revise LUC 221 trip generation to reflect this, or add justification of why average rate is suitable.			
3.	PDF p20	Please include attached TIAs in pipeline volumes (South Sound Commerce Center, Berch Thurston County, Sec. of State Library Archive).			
4.	GEN	Please conduct a safety analysis in section 6.9 of our Safety Analysis Guide. <a href="https://wsdot.wa.gov/publications/fulltext/design/ASDE/Safety-Analysis-Guide.pdf">https://wsdot.wa.gov/publications/fulltext/design/ASDE/Safety-Analysis-Guide.pdf</a>			
5.					
6.					
7.					
8.					
9.					
10.					

Status Code Legend: **A = Incorporated**    **B = Open/Under Review**    **C = Evaluated/Not Incorporated**    **D = Beyond Scope/Not Evaluated**  
 All "B" and "C" responses require explanatory comments.

## Alex Baruch

---

**From:** Arthur Saint <arthur.saint@co.thurston.wa.us>  
**Sent:** Tuesday, August 1, 2023 3:31 PM  
**To:** Alex Baruch  
**Subject:** RE: City of Tumwater Notice of Application - New Market Apartments TUM-21-1322 & TUM-23-0909

Thanks.

I reviewed it and won't have any mitigation request.

### Arthur Saint, PE

Civil Engineer | Thurston County Public Works | Development Review Section  
3000 Pacific Avenue SE | Suite 100 | Olympia, WA 98501  
Ph: 360.867.2043 | [arthur.saint@co.thurston.wa.us](mailto:arthur.saint@co.thurston.wa.us)

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**From:** Alex Baruch <ABaruch@ci.tumwater.wa.us>  
**Sent:** Tuesday, August 1, 2023 2:34 PM  
**To:** Arthur Saint <arthur.saint@co.thurston.wa.us>  
**Subject:** RE: City of Tumwater Notice of Application - New Market Apartments TUM-21-1322 & TUM-23-0909

Hi Arthur,

The Notice of Application stage is complete but we are still accepting comments through the SEPA process (which has not started yet). We are still working through the transportation study review so there is still time to get any comments in to Mary Heather. You can download the TIA [here](#).

Sincerely,

### Alex Baruch | he/him

**Associate Planner**, Community Development  
City of Tumwater  
555 Israel Rd SW | Tumwater, WA 98501  
(360) 754-4180 | [ABaruch@ci.tumwater.wa.us](mailto:ABaruch@ci.tumwater.wa.us)  
[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

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**From:** Arthur Saint <[arthur.saint@co.thurston.wa.us](mailto:arthur.saint@co.thurston.wa.us)>  
**Sent:** Tuesday, August 1, 2023 2:27 PM  
**To:** Alex Baruch <[ABaruch@ci.tumwater.wa.us](mailto:ABaruch@ci.tumwater.wa.us)>  
**Subject:** FW: City of Tumwater Notice of Application - New Market Apartments TUM-21-1322 & TUM-23-0909

Would it still be possible to get a copy of this projects traffic study and submit for mitigation if needed?

### Arthur Saint, PE

Civil Engineer | Thurston County Public Works | Development Review Section  
3000 Pacific Avenue SE | Suite 100 | Olympia, WA 98501  
Ph: 360.867.2043 | [arthur.saint@co.thurston.wa.us](mailto:arthur.saint@co.thurston.wa.us)

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**From:** Delicia Durden <[delicia.durden@co.thurston.wa.us](mailto:delicia.durden@co.thurston.wa.us)>

**Sent:** Thursday, July 13, 2023 10:03 AM

**To:** Ramiro Chavez <[ramiro.chavez@co.thurston.wa.us](mailto:ramiro.chavez@co.thurston.wa.us)>; Arthur Saint <[arthur.saint@co.thurston.wa.us](mailto:arthur.saint@co.thurston.wa.us)>; Joshua Cummings <[joshua.cummings@co.thurston.wa.us](mailto:joshua.cummings@co.thurston.wa.us)>; Brett Bures <[brett.bures@co.thurston.wa.us](mailto:brett.bures@co.thurston.wa.us)>

**Subject:** FW: City of Tumwater Notice of Application - New Market Apartments TUM-21-1322 & TUM-23-0909

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**From:** Brittany McClanahan <[BMcClanahan@ci.tumwater.wa.us](mailto:BMcClanahan@ci.tumwater.wa.us)>

**Sent:** Thursday, July 13, 2023 8:34 AM

**Subject:** City of Tumwater Notice of Application - New Market Apartments TUM-21-1322 & TUM-23-0909

Good morning,

[The Notice of Application for New Market Apartments, TUM-21-1322 & TUM-23-0909](#) is ready to view. If you have any questions or would like additional information, please contact Alex Baruch, Associate Planner, at (360) 754-4180 or [abaruch@ci.tumwater.wa.us](mailto:abaruch@ci.tumwater.wa.us).

Thank you,

**Brittany McClanahan | Department Assistant II**

City of Tumwater Community Development

555 Israel Rd SW | Tumwater, WA 98501

(360) 754-4180

[bmccclanahan@ci.tumwater.wa.us](mailto:bmccclanahan@ci.tumwater.wa.us) | [www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)