EXHIBIT 1

CITY OF TUMWATER
HEARING EXAMINER STAFF REPORT
Hearing Date: October 5, 2026

Project Name: Deschutes Valley Trail – Segment C

Case Numbers: TUM-26-1184 Wetland Infrastructure Exception

Owner:
City of Tumwater
555 Israel Rd SW
Tumwater, WA 98501

Project Proponent/ Representative:
Jared VerHey
City of Tumwater
555 Israel Rd SW
Tumwater, WA 98501

Type of Action Requested: The project proponent is requesting approval of a Wetland Infrastructure Exception (Infrastructure Exception) (TUM-26-1184) to construct a paved non-motorized trail with gravel shoulders linking Tumwater Valley Drive to Deschutes Valley Park located in the Open Space (OS) zone district. The OS zone allows parks and other related active and passive recreation facilities as a permitted use. The request for the Infrastructure Exception is to construct the proposed associated stormwater facilities for the trail within critical area buffers.

Project Location: The project is located at 4611 Tumwater Valley Dr SE, Tumwater, WA 98501 totaling 220.53 acres; Tax Parcel Numbers 09470051000 and 12835430000.

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

1. Determination of Non-Significance on July 24, 2026 (TUM-26-0924) (Exhibit 7)
2. Combined Notice of Application and Notice of Hearing issued on September 18, 2026 (TUM-26-1184) (Exhibit 8)

Public Notification: Public notification for the October 5, 2026, 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 18, 2026, in conformance with Tumwater Municipal Code (TMC) TMC 14.16 (Exhibit 8).

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

Staff Planner:
Sam Hunter, Associate Planner
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E-Mail: shunter@ci.tumwater.wa.us

I. BACKGROUND INFORMATION

A. Application and Review Process

During pre-application review of the project, staff identified that an Infrastructure Exception would be required for portions of the proposed project. Over the past several months the applicant has been working to identify appropriate mitigation to address impacts of the project to adjoining wetlands and wetland buffers. The proposed design balances golf course operations, the long-term vision for a multi-use trail, and various critical areas. The proposed scope includes impacts to wetland buffers that require an Infrastructure Exception. The Infrastructure Exception request (TUM-26-1184) was submitted on September 8, 2026 and deemed complete on September 11, 2026.

A Site Development Grading Permit will be required to construct the proposed scope of work.

Under TMC 2.58.090, and TMC 16.28.115(C), review authority for the Infrastructure Exception falls under the purview of the Hearing Examiner.

B. Existing Conditions

The property has historically and currently is being utilized as a municipal golf course. The topography of the property is mostly flat except for a gradual upward slope to the west and steep slopes on the southwestern-most edges of the property. There are three wetlands located within the project boundary. Wetland A, B, and C are located in depressions or along a slope on the southwestern portions of the property and are also partially located on the adjacent Palermo Valley Park and residential properties (Exhibits 5 & 6).

C. Project Description

The applicant is proposing to construct a paved non-motorized trail with gravel shoulders, linking Tumwater Valley Drive to Deschutes Valley Park. The project includes fencing between the trail and golf course and plans for a future prefabricated bridge to cross over a stream within the Shoreline jurisdiction (Exhibit 3).

II. REGULATORY FRAMEWORK

The proposal is subject to the following policies and regulations:

A. **Tumwater Comprehensive Plan:** The project site is located primarily within the Deschutes Neighborhood and partially within the Brewery Neighborhood and SE Capitol Boulevard Neighborhood as designated by the Land Use Element of the City's Comprehensive Plan. The land use designation for the approximately 220.53-acre parcels is Parks and Open Space (Exhibit 6).

The Comprehensive Plan Land Use Element Part 2, Section 7.D. Deschutes neighborhood states:

"The dominant feature of this neighborhood is the Deschutes River Valley. Recreation and open space, including Pioneer Park and the Tumwater Valley Municipal Golf Course, are the main uses in the valley. The northern and eastern portions of the neighborhood are composed of single family and duplex residential uses."

"In the next 20 years the neighborhood will continue to be predominately parks and open space with low density residential where possible. Development will continue to be low intensity since most of this neighborhood is classified as a flood plain."

The Comprehensive Plan was prepared in response to the state Growth Management Act (Chapter 36.70A RCW) which requires Tumwater to show how the Land Use Element meets the fifteen planning goals included within the act. A larger goal of the RCW reflected within the Comprehensive Plan Land Use document includes providing efficient multi-modal transportation systems that will reduce greenhouse gas emissions and per capita vehicle miles travelled, providing open space and recreation, and protection and enhancement of the environment.

The Comprehensive Plan Land Use Element Part 1 includes goals such as:
LU-2.4: Support complete neighborhoods consisting of connected, transit-oriented communities with a range of transportation choices for all residents.
LU-5.2: Establish and maintain multimodal links between land uses.
LU-6.1: Ensure development conforms with environmental standards and requirements.
LU-6.2: Evaluate and set reasonable conditions on development to mitigate anticipated adverse environmental impacts.
LU-10.1: Coordinate provision of open space, parks, trails, and space for recreational opportunities with the Parks, Recreation, and Open Space Plan.
LU-11.2: Distribute public facilities throughout Tumwater to ensure multimodal access.
LU-12.2: Ensure that where possible, essential public facility sites are used jointly for public benefit.

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. A multi-modal paved bike path is in line with the designation and the surrounding area and meets several goals specified within the Comprehensive Plan.*

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

B. **Tumwater Park, Recreation & Open Space Plan:** The Park, Recreation & Open Space Plan analyzed the city-wide need for parks and trail facilities based on growth patterns, public feedback, and feasibility. Goals of the plan include fiscal responsibility and feasibility, coordination with external agencies, environmental conservation and

protection, and historic preservation. The plan includes the general scope for future proposed boat launches, public waterfront access, multi-purpose trails, enhanced streetscapes, public artworks, on-road bicycle facilities, support facilities, community facilities, and various types of public parks. The City adopted the Parks, Recreation, & Open Space Plan August 2007.

Staff Response and Recommended Finding: *The Tumwater Park, Recreation & Open Space plan includes the Deschutes River Trail within the scope of future multi-purpose trails (Sec. 4.4, pg. 45). The proposed scope of this project includes a segment of the overall planned "multipurpose gravel-based hike and bike trail along the Deschutes River from the brewery complex south through Pioneer Park to the railroad line south of 93rd Ave" (pg. 47).*

Staff finds that the project is consistent with the goals of the Tumwater Park, Recreation & Open Space plan.

C. **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.

The Tumwater Transportation Plan, Appendix C – Bicycling, Walking, and Rolling Plan identifies an overall goal of increasing non-motorized trips within the City of Tumwater. In addition, the Deschutes Valley Trail Corridor is identified as one of the priority trail segments to be constructed in Tumwater.

Staff Response and Recommended Finding: *Staff finds that the project is consistent with the goals of the Tumwater Transportation Plan.*

D. **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 to become a carbon-neutral community by 2050 and to reduce or offset greenhouse gases, which includes the goal of reducing annual per capita vehicle miles traveled.*

The trail is situated between growing commercial development of the Brewery District and municipal amenities such as the Valley Athletic Club and the Tumwater Valley Golf Club and connects these areas to a larger residential and commercial area at the intersection of Trosper Road and Capitol Blvd, providing an important and safe pedestrian and bicycle corridor in a developed area of town. In addition to casual recreational users, the trail will also provide a safe off-road trail that will serve as an alternative to more high-risk bike travel on roadways that may not have dedicated bike lanes. The proposed plan seeks to balance preservation of the adjacent natural areas and wetlands as well as providing accessible and safe alternatives to motorized travel.

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

E. **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 one of the future proposed trails within the regional trail network outlined in the Thurston Regional Trail Plan and will connect the City of Tumwater to the larger network of Thurston County existing and proposed trails.*

Staff finds that approval of the project is in line with the Thurston Regional Trail Plan.

F. **Hearing Examiner – TMC 2.58.090, 14.12.020, 16.28.115.C:** The Hearing Examiner has authority to review Infrastructure Exceptions.

Staff Response and Recommended Finding: *Infrastructure Exceptions require a public hearing and decision by the Tumwater Hearing Examiner. Site Plan Review is being reviewed concurrently so all applications need to be considered by the Hearing Examiner per 14.12.020.A.1.*

G. **Public Notice Requirements –TMC Title 14:** TMC Title 14 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 14.18.040).

Staff Response and Recommended Finding: *A combined public Notice of Application and Notice of Hearing for the Infrastructure Exception application was mailed to property owners within 300 feet of the subject property, affected agencies and posted on-site; and published in the Olympian on September 18, 2026 (Exhibit 8).*

Public comments:
No comments have been received as of the date of this report.

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 on July 24, 2026 (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 and toxic cleanup.

Two community members also sent comments to the City about the SEPA determination. The comments were positive and in support of the project.

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

H. **State Environmental Policy Act – TMC 16.04:** The City of Tumwater Community Development Department reviewed a Washington Department of Transportation (WSDOT) National Environmental Policy Act (NEPA) Documented Categorical Exclusion (DCE) and other information submitted by the project proponent and issued a Determination of Non-Significance by adoption of an existing document on July 24, 2026.

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, a Determination of Non-significance was issued on July 24, 2026 (Exhibit 7). See above for public comment received.*

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*: An arborist report completed by SCJ Alliance, dated September 4, 2026 shows a total of approximately 6,200 trees located across multiple sites totaling 220.5 acres. Parcel 09470051000 has a total of approximately 3,200 trees across 135.9 acres and parcel 12835430000 has a total of approximately 3,000 trees across 84.6 acres. TMC 16.08 requires retention of 20% or 12 trees per acre, whichever is greater. 12 trees per acre would require retaining 2,646 trees across both sites. Parcel 09470051000 requires 1,631 minimum trees to be retained and parcel 12835430000 requires a minimum 1,015 trees to be retained. A total of 334 trees are proposed to be removed across both sites with parcel 09470051000 having 35 trees proposed to be removed and parcel 12835430000 having 299 trees proposed to be removed. A sufficient number of trees are proposed to be retained with the project. Tree protection fencing and best management practices will be required as a part of the site development grading permit review. Additionally, new trees are proposed to be planted per the required mitigation and wetland enhancement proposed for the project (Exhibits 4 & 9). The submitted arborist report is preliminary in nature and will go through a full review with potential revisions during the Site Development Grading permit review.*

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

J. Fish and Wildlife Habitat Protection – TMC 16.32:

TMC Chapter 16.32 regulates fish and wildlife and species.

Staff Response and Recommended Finding: The parcels include both more and less preferred soils by the Mazama Pocket Gopher. A Mazama Pocket Gopher Screening report dated October 2025 found no mound formations exhibiting characteristics created by the Mazama pocket gopher were identified on the subject property during gopher screenings or by agency databases. (Exhibit 11).

No Oregon Spotted Frog critical habitat is mapped on the subject property (Exhibit 4).

K. Wetland Protection Standards Ordinance – TMC 16.28: TMC Chapter 16.28 is intended to avoid or minimize impacts to wetlands wherever possible and provide mitigation for any direct or indirect impacts to wetlands.

1. Critical Areas and Mitigation Report:

A Critical Area and Wetland Mitigation Plan were submitted for review for this application (Exhibits 4 & 5). Three wetlands were found on the subject properties (parcels 09470051000 and 12835430000) and partially located on adjacent properties to the west (parcel 12835320200, 54500001800, and 54500001700).

Wetland A is located on the western portion of the property and partially within the adjacent City owned Palermo Valley Park parcel (12835320200) and is rated a category II wetland. Wetland A also has a type 3 stream that discharges directly to the Deschutes River.

Wetland B is located in the southwestern portion of the subject property entirely on-site and is rated as a category III wetland. Wetland B includes a type NS stream that discharges to a culvert. Wetland B is a forested slope wetland that appears to have City stormwater discharge from upland which may be impacting the system and scouring the wetland.

Wetland C is located on the southern portion of the subject property and partially within adjacent residential parcels (54500001800, and 54500001700) and is rated as a Category II wetland.

In addition to these standards, TMC 16.28.180.A states that regulated activities shall not be authorized in a regulated wetland buffer except where it can be demonstrated that the impact is both unavoidable and necessary or that all reasonable economic uses are denied. The applicant outlines the reasons to approve the work within the wetland buffers with proposed mitigation as discussed in the wetland and mitigation report (Exhibit 4). The project scope includes utilization of existing disturbed areas to the maximum extent possible without impacting the function of the existing adjacent golf course, and includes extensive mitigation proposed for new impacts to the buffer. Additionally, the

construction of the non-motorized multi-use paved trail to this area is in line with the Comprehensive Transportation Plan Appendix C and Thurston Regional Trail Plan and will allow for an important non-vehicular transportation connection between two established areas of the city with existing residential and commercial development.

Staff Response: The wetland mitigation plan proposes to enhance impacts to the buffer of Wetlands A and C at a 12:1 ratio and enhance the buffer of Wetland B at an 8:1 ratio per the standards of TMC 16.28.220(6). In total, 296,986 square feet of enhancements to the buffer will be implemented, exceeding the minimum required 267,398 square feet of enhancement mitigation. Enhancement will include removal of invasive weeds from the buffer, plantings and will also include the re-establishment of a buffer in areas which had been previously cleared and maintained as part of the golf course. Overall, no direct impacts to the wetlands are anticipated and mitigation is being provided to off-set any indirect impacts created by the project being located within portions of the wetland buffers, particularly in areas which were not previously disturbed. Mitigation would be implemented with the site development grading plans and after development is complete, through a 10-year monitoring plan.

2. **Exceptions - Infrastructure: TMC 16.28.115.A:**

TMC 16.28.115 (A) states that if the application of the wetland protection standards found in Title 16 of the Tumwater Municipal Code would prohibit a development proposal by a public agency, public utility, or a private entity installing public or private infrastructure that is in compliance with the comprehensive transportation, capital facilities or utility plans of Tumwater, the agency or utility may apply for an exception pursuant to this section.

Under 16.28.115 (B) – Exception Request and Review Process: An application for an Infrastructure Exception shall be made to the City and shall include a Critical Area Identification Form; Critical Area Report, including Mitigation Plan; and any other related project documents such as permit applications to other agencies, special studies and environmental documents prepared pursuant to the State Environmental Policy Act. The community development director shall prepare a recommendation to the hearing examiner based on review of the submitted information, a site inspection and the proposal's ability to comply with Infrastructure Exception review criteria in 16.28.115.D.

Subsection C states that the hearing examiner shall review the application and the community development director's recommendation and conduct a public hearing. The hearing examiner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the Infrastructure Exception review criteria in subsection D.

The applicant is requesting an Infrastructure Exemption from the requirements of TMC 16.28.170.H.3 which does not allow stormwater management facilities in the buffer of category I or II wetlands and TMC 16.28.170.H.2. which does not allow stormwater

management facilities outside of the outer 25% of the wetland buffer. The applicant is requesting the Infrastructure Exemption as the proposed trail was determined to not be feasible without utilization of sheet flow dispersion within the buffer of Wetlands A, B, and C.

Infrastructure Exception Review Criteria:

1. There is no other practical alternative to the proposed development with less impact on the critical areas;
   a. *Applicant Response:*
      - *The majority of the project is aligned with the existing Tumwater Valley Golf course golf cart trail along the right side of the fairways. The Deschutes Valley Trail relies on existing infrastructure (Tumwater Valley Golf Course Cart Path) which was legally built for the purpose of providing a non-degrading surface along the Tumwater Valley Golf Course primarily for use by golf carts, although pedestrian use is accommodated too. Widening will occur from the edge of the existing path and extend towards the golf course to allow for a dedicated cart path and shared-use path, opening access to other patrons to experience the exceptional natural environment associated with the wetlands, streams and open spaces that are situated along this path. The current alignment has moved tee boxes and golf course infrastructure to the maximum extent practical while maintaining the viable golfing uses.*
      - *Other areas for the path were considered, however alternative areas of the golf course were not available without creating additional environmental impacts to floodplains, wetlands and shorelines. The original design, completed prior to 2018, proposed retaining the existing golf cart path and expanding the path toward the wetlands to accommodate the shared-use trail. Following delineation of the wetland in 2025, the design was revised at each project milestone to reduce impacts to the wetland and wetland buffer. The current proposed alignment will replace both the existing cart path and the shared-use trail within the footprint of the existing cart path, allowing the alignment to shift farther toward the golf course and away from the wetland and wetland buffer. As a result, impacts to the wetland and wetland buffer have been reduced to the maximum extent feasible with the proposed alignment. The expansion in use is accommodated by expanding the existing cart path for the majority of the trail and creating new trail areas in specific locations. The majority of the path expansion will occur to the east of the existing cart path, however there are two locations where the path will result in new impacts within the wetland buffer. These two locations could not remain outside of the wetland buffer without impacting portions of the golf course functional facilities, specifically near the Tee Boxes for Hole 2 and 4 (Exhibit 4 - Appendix J).*
      - *A portion of the area the new path is proposed is routinely mowed and cleared of invasive species, including, but not limited to blackberry bushes, based on aerial imagery over the years (Exhibit 4 - Appendix K). The routine clearing and mowing within the wetland buffer presents an ongoing negative impact on wetland functions. This impact will be mitigated through wetland buffer*

enhancements and will prevent future clearing on the east side of the course due to the separation the trail will create between the wetland and golf course.

- *The project will increase the area of non-pollution generating impervious surface. However, maintained golf course areas are considered pollution generating pervious surfaces per the definition in WAC 173-218-030 and the majority of the additional non-pollution generating impervious surface area will replace areas currently managed as pollution generating pervious areas due to the fertilizers and maintenance that occurs on golf course.*
- *Due to site constraints with high ground water, the proximity of the wetlands, and the shoreline, many stormwater best management practices (BMPs) are not feasible. The BMP selected for this project is sheet flow dispersion, which is considered low impact and the preferred BMP when feasible. Sheet flow dispersion is based on using overland flow across native vegetation to provide stormwater flow control. The current condition of the wetland buffer on the golf course side contains non-native species, primarily Himalayan Blackberry, that encroaches on the wetland and the golf course. The wetland buffer enhancement will remove non-native species from the wetland buffer increasing its wetland buffer function and stormwater dispersion efficacy as it will realign the area with its native state. With enhanced and rehabilitated vegetation, the wetland buffer will be closer in line to a natural wetland buffer than its current state. A natural wetland buffer is an ideal condition for sheet flow dispersion as it uses the natural ecology to manage stormwater.*
- *Even with the avoidance and minimization measures incorporated into the project, some new impacts will occur. These impacts will be mitigated through an extensive mitigation and enhancement plan including invasive species removal, as described in Section 9.0 of this Wetland Report. This combination of wetland enhancement and invasive species removal will result in a substantial improvement in wetland and adjacent upland functions while also providing additional amenities for the public.*

2. The application of this title would unreasonably restrict the ability to provide utility services to the public;
   a. *<u>Applicant Response:</u>*
      - *Without approval of the Infrastructure Exception, there is no feasible alternative alignment that would allow the project to meet its intended purpose while avoiding additional impacts to regulated critical areas and maintaining the functional use of the golf course. Relocating the shared-use path farther east would conflict with the operational functions of the golf course and would result in increased encounters with regulated environmental constraints, including wetlands, wetland buffers, floodplains, and shoreline areas. Accordingly, further eastward relocation does not provide a practicable means of avoiding or minimizing critical area impacts.*
      - *The Segment C alignment of the Deschutes Valley Trail has been refined through the project design process to avoid encroachment into the shoreline and to reduce impacts within the floodplain. The current alignment also reflects iterative design modifications following wetland delineation and has*

been configured to avoid and minimize impacts to the wetland and wetland buffer to the maximum extent feasible. The remaining wetland buffer impact is associated with the proposed stormwater best management practice (BMP), which is necessary to provide stormwater management for the trail improvements. The BMP has been located to minimize additional disturbance and will maintain the existing drainage pattern, including the existing flow path and sheet flow toward the wetland. Therefore, the proposed design represents the practicable alternative that minimizes impacts to regulated critical areas while maintaining the functional use of the golf course and providing the intended shared-use trail connection.

- *It is not anticipated that the new shared use path will have adverse impacts to the wetlands. The buffer enhancements and rehabilitations will provide increase wetland functionality and restore the wetland buffer closer to its natural functional state. The shared use path will also provide a separation from the golf course maintenance and pollution generating elements further enhancing the wetland and wetland buffer function.*

3. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposed site;
   a. *Applicant Response:*
   - *The new trail will not pose an unreasonable threat to public health, safety, or welfare. Public safety will be improved through the proposed upgrades, including new fencing to keep golf balls from the shared non-motorized path area and wetland. The existing path will be widened and its surface improved to meet the ADA standards for Accessible Design. Public use of the path will also provide a public health benefit by providing opportunities for walking, exercise, and recreation.*
   - *The project is not expected to result in an increase in environmental impacts, as supported by the functional analysis. The increase in native vegetation from the mitigation plan described in Section 9.0 will improve the overall environmental health by removal of invasive species and planting of native species.*
4. The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with other applicable regulations and standards.
   a. *Applicant Response:*
   - *An assessment of critical area functions has been provided to demonstrate that the critical area functions and values will be maintained due to the planned mitigation actions in accordance with applicable critical areas regulations and standards. The project includes a mitigation plan designed to meet the Department of Ecology's applicable mitigation standards.*
   - *Even with the proposed encroachment of the wetland buffer, there will be no-net-loss of wetland functions and values, as demonstrated by the assessment of wetland and stream functions provided in Section 9.3 of this report.*

Staff Response: Though the burden of proof for the Infrastructure Exception is the responsibility of the applicant, staff agrees with the applicant's findings and further states that the proposed improvements are in line with the City's Transportation Comprehensive

Plan, Tumwater Park, Recreation & Open Space Plan, and wetland protection standards.

With the proposed mitigation plans listed in the Wetland Report and Mitigation Plan (Exhibit 4 & 5) and recommendations to protect the wetlands identified in the Drainage Report (Exhibit 10) staff recommends approval of the Infrastructure Exception.

Staff Response to Wetlands Section and Recommended Finding: *Overall, Staff finds that the proposal is consistent with the wetland protection ordinance for the City of Tumwater. The applicant has analyzed the requirements for the Infrastructure Exception and staff agrees with the applicant's analysis and recommends approval.*

L. Tumwater Zoning Code – TMC Title 18:

3. Open Space Zone District TMC 18.31 – Permitted Uses and Development Standards

Staff Response and Recommended Finding: *The project site is located in the Open Space (OS) zone district (Exhibit 6).*

18.31.020 lists 'Parks and other related active and passive recreation facilities' as a permitted use.

Staff finds that the proposed project is consistent with the permitted uses and development standards in the Open Space (OS) Zone.

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

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

The proposed use is not a restricted land use in the aquifer protection (AQP) overlay zone district.

III. RECOMMENDATION

Pursuant to TMC 2.58.100, staff recommends approval of the Infrastructure Exception described herein with the following conditions:

1. Project shall follow the mitigation plan requirement outlined in the Deschutes Valley Trail Wetland/Stream Delineation and Mitigation Plan dated September 2, 2026 (Exhibit 4).

2. Stormwater facilities within the wetland buffers shall meet the requirements of the Wetland Hydroperiod Protection (method 2) outlined in Appendix I-C, Volume I of

the 2019 Stormwater Management Manual for Western Washington per the Tumwater Drainage and Design Manual as identified in the submitted Drainage Report dated June 2026 (Exhibit 10). Mean daily and monthly total discharge volumes from the existing site and proposed modeling shall be provided with the project prior to Site Development Grading approval.

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

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Report Issue Date: September 24, 2026

List of Exhibits:

Exhibit 1. Staff Report, dated September 18, 2026
Exhibit 2. Wetland Permit Application, dated September 8, 2026
Exhibit 3. Civil Plans, dated September 8, 2026
Exhibit 4. Wetland Mitigation Plan, dated September 2, 2026
Exhibit 5. Mitigation Map, dated September 2, 2026
Exhibit 6. Zoning and Vicinity Map
Exhibit 7. SEPA Determination, dated July 24, 2026
Exhibit 7a. SEPA Comment OORCA, dated August 4, 2026
Exhibit 7b. SEPA Comment Thomas, dated August 3, 2026
Exhibit 7c. SEPA Comment ECY, dated August 6, 2026
Exhibit 7d. SEPA Comment Oberlander, August 4, 2026
Exhibit 8. Notice of Application and Public Hearing, dated September 18, 2026
Exhibit 9. Arborist Report, dated September 4, 2026
Exhibit 10. Drainage Report, dated June 1, 2026
Exhibit 11. Gopher Report, dated October 20, 2025
Exhibit 12. Public Notice Certification, dated September 18, 2026