

CITY OF TUMWATER
HEARING EXAMINER STAFF REPORT
Hearing Date: June 8, 2022

Project Name: Kirsop Crossing Division 3 Preliminary Plat & Planned Unit Development

Case Number: TUM-21-1887 and TUM-21-1889

Applicant: Evergreen Heights LLC
1868 State Avenue NE, Olympia, WA 98506

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

Type of Action Requested: The applicant is requesting preliminary plat and planned unit development approvals to subdivide 10.43 acres into 41 single-family lots, one storm drainage/open space tract, one tree/open space tract, one wetland/open space tract, one tract for future BLA, and two private road tracts (Exhibit 2).

Project Location: The property is located at 6139 Kirsop Road SW, Tumwater, WA 98512. Section 05, Township 17N, Range 2W. Parcel # 79900002400 (Exhibit 3).

SEPA Determination: Pursuant to the State Environmental Policy Act, the City of Tumwater Community Development Department, after review of a SEPA environmental checklist and other information, issued a Mitigated Determination of Non-significance on February 18, 2022 (Exhibit 4).

Public Notification: Public notification for the June 8, 2022 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 Friday, May 25, 2022, in conformance with Tumwater Municipal Code (TMC) 14.06 (Exhibit 5).

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

Staff Planner: Tami Merriman, Permit Manager
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I. BACKGROUND INFORMATION

Application and Review Process

The Preliminary Plat and Planned Unit Development application was submitted on December 9, 2021. The applications were deemed complete on December 30, 2021 (Exhibits 6 & 7).

Under TMC 2.58.090, review authority for Preliminary Plat and Planned Unit Development applications fall under the purview of the Hearing Examiner.

Existing Conditions

The site is relatively flat, and mostly pasture with some trees. There is a wetland in the northwest corner. The existing manufactured home and miscellaneous outbuildings located on the property will be demolished.

The site is surrounded by residential zoned property. The properties to the north and northeast are zoned Residential/Sensitive Resource. The parcel to the south is zoned Multi-family Medium Residential, and developed as Kirsop Crossing Div I. The parcels to the west are zoned Single Family Low Density. The area is developed with older residential uses. There is a large wetland complex to the northeast, as well as southeast of the site (Exhibits 2 & 8).

Project Description

The proposal is to subdivide 10.43 acres into 41 single-family lots, one storm drainage/open space tract, one tree/open space tract, one wetland/open space tract, one tract for future BLA, and two private road tracts.

Improvements will include grading for a public roads and lot pads, construction of approximately 540 lineal feet of frontage improvements on Kirsop Road SW and Kirsop Extension Road, and the intersection of Kirsop Road SW & Kirsop Extension Road SW.

Improvements include the extension of City water and sewer utilities to serve the project, storm water systems to treat and detain/retain storm water generated from new pollution generating impervious surfaces, street lighting and extension of private utilities (i.e. power, gas, cable and telephone)

The proposal includes the continuation of Lanai Street SW through the subdivision to Kirsop Road SW, as well as a private street connection to Patio Drive to the South (Exhibit 2).

Water and sewer will be provided by the City of Tumwater, electricity and natural gas by Puget Sound Energy, telephone and cable by Comcast and CenturyLink, and garbage collection by Pacific Disposal. All utilities on-site will be underground pursuant to Tumwater Municipal Code (TMC) 17.12.200.

II. REGULATORY FRAMEWORK

The proposal is subject to the following policies and regulations:

Comprehensive Plan

The site is located in Littlerock Neighborhood as designated by the City's Comprehensive Plan. The Littlerock Neighborhood Plan anticipates both residential and commercial growth. The plan includes reference to several subarea plans in regards to development, transportation, and open space and parks.

The land use designation for the 10.43 acre site is Single-Family Low Density Residential. The Single-Family Low Density Residential Zoning in the Littlerock Neighborhood Plan was created by existing development patterns and to help preserve existing neighborhoods, while also limiting high density development near sensitive land uses. The Single-Family Low Density Residential zone allows a density of 4 to 6 units per acre.

Staff Response and Recommended Finding:

The overall density of the project with 41 lots is 6 dwelling units per acre. The proposed densities meet the densities envisioned in the Comprehensive Plan.

The site is located outside of the Littlerock and Black Hills subarea Plans.

Staff finds that the preliminary plat is in compliance with the intent and densities allowed in the comprehensive plan.

Tumwater Parks and Recreation Plan

The Parks and Recreation element of the Tumwater Comprehensive Plan does not identify any neighborhood or community parks at this location. The developer must set aside the required amount of open space to meet the recreational needs of the future residents of the subdivision.

Staff Response and Recommended Finding:

The proposed open space area for the proposed subdivision is 3.30 acres. This amounts to 31.6 percent of the gross site area. The amount of open space provided for the project exceeds the minimum open space set aside requirement of the Land Division Ordinance.

Park impact fees are required for new residential development and paid at building permit issuance.

Staff finds that with the payment of park impact fees for each single-family residence proposed in the subdivision and setting aside more than the minimum amount of private open space with both passive and active recreation elements the project is consistent with the Comprehensive Parks Plan.

Tumwater Transportation Plan

The Tumwater Transportation Plan contemplates a modernized network of streets, sidewalks and bicycle routes. The Transportation Plan anticipates that such facilities will be provided through a combination of development-related improvements and City improvements funded by impact fees, grants, SEPA based mitigation fees, and general funds. The motorized Level of Service (LOS) standard for Kirsop Road is LOS-D.

Staff Response and Recommended Finding:

Staff finds that the proposed preliminary plat is consistent with the Tumwater Transportation Plan, if the internal roadways are constructed in accordance with the Tumwater Development Guide.

Thurston Regional Trail Plan

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

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

Staff Response and Recommended Finding:

The project site is not affected by the regional trail network outlined in the Thurston Regional Trail Plan.

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

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.

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

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

The project meets this goal by providing compact development in the urban area, and protecting environmentally sensitive lands by developing at a lower density.

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

Hearing Examiner TMC 2.58

The Hearing Examiner has the authority to review Preliminary Plat requests.

Staff Response and Recommended Finding:

Preliminary Plats require a public hearing and decision by the Tumwater Hearing Examiner.

Tumwater Municipal Code TMC 14.06 – Public Notice Requirements

TMC Chapter 14.06 requires the City to provide public notification of certain application types by issuing a Notice of Application (TMC 14.06.010) and a Notice of Open Record Hearing. (TMC 14.06.070).

Staff Response and Recommended Finding:

The application was deemed complete on December 30, 2021. Public notice for the application indicating that the application was submitted and deemed complete was mailed to property owners within 300 feet of the subject property, affected agencies, posted on-site, and published in the Olympian on January 3, 2022 (Exhibits 7 & 9).

Public notice for the June 8, 2022 open record hearing was mailed to property owners within 300 feet of the subject property, affected agencies, posted on-site on; and published in The Olympian on May 27, 2022 (Exhibit 5).

COMMENTS FROM OTHER AGENCIES/CITIZENS:

Several comments were received from the Notice of Application (Exhibit 10).

Comment from the Squaxin Island Tribe requests a Cultural Resource Survey.

Staff comment: Cultural Resource Survey Completed.

Comments from surrounding property owners have a similar theme with concern for increased traffic, safety due to vehicle speed, existing condition of Kirsop Road in the area of wetland flooding, as well as increased development in an area of existing farms and environmental areas.

Staff comment on similar concerns;

Transportation; the project was reviewed by our Transportation Manager who provided a concurrency ruling. Impacts from this development are mitigated by the applicant completing frontage improvements and off-site improvements including the intersection upgrade to Kirsop Road and Kirsop Extension Road. Trips are disbursed by 2 connections to the south, and a third at the intersection of Kirsop Road/Kirsop Extension Road.

The existing conditions of Kirsop Road and maintenance is the responsibility of the City.

Issues with vehicles speeding should be brought to the attention of the police department.

Construction vehicles are exempt from street weight limits for construction. The City requests that construction vehicles use 70th Ave. SW for main access during construction.

The wetland on site has been delineated, and all development is located well outside appropriate buffers. Water runoff from new impervious surfaces will be treated, detained and released onsite. A gopher report showed no evidence of gophers on this site. The Growth Management Act requires development within Cities to meet specific density requirements, which protect lands outside the city for agriculture and resource land, which also provides wildlife habitat. The surrounding area is zoned at a lower density, as well as critical areas, most of the surrounding land will remain undeveloped.

Comment from Bonnie Blessing expressing concern for street stabilization due to wetlands and large construction equipment.

Comment from Brian McCarroll opposing further development at 6139 Kirsop Road due to deteriorating streets, safety issues due to vehicle speed, water runoff, and wildlife.

Comment from JD Darbro expressing concern for increase in traffic and litter, impacts to wildlife and pollution, and lack of sidewalks in the area.

Comment from Katie Worthington expressing concern about trees.

Staff comment: The applicant provided a tree mitigate plan that retains 35 trees surrounding the wetland at the northwest corner of the site. An additional 270 trees will be planted within designated open spaces, and street trees.

Comments from Rick Guthrie include request to retain large trees onsite, concern that the onsite wetland will flood the new homes, a request for children's play area, and request confirmation that dove birds nest in the large trees.

Staff Comment: The tree mitigation plan did not provide a survey of trees by height, but plans to retain all trees in the wetland buffer. Street and lot layout will remove many large trees that surround the current home. Mitigation requires 270 new trees to be planted. The retention of trees surrounding the wetland should provide for keeping 35 mature trees and nesting areas for existing birds.

The applicant is providing a .28 acre open space with "tot lot" play area, with tables and benches.

The critical areas report submitted provides great detail regarding the wetland that touches the northwest corner of the site, with description of the entire wetland system around, as well as a stream within the wetland. The development falls well outside of riparian areas of the stream, and greater than the buffer required for the onsite wetland.

Transportation Concurrency TMC 15.48

In accordance with TMC 15.48, the City's Transportation Manager issued a transportation concurrency ruling for the project on February 8, 2022. The concurrency ruling indicates that the project meets concurrency with conditions. These include payment of transportation impact fee, construction of frontage improvements and adjacent street connections, mitigation fees for trips generated to the Tumwater Boulevard/I-5 Interchange, and reconstruction of the Kirsop Road/Kirsop Extension Road Intersection (Exhibit 11).

Staff Response and Recommended Finding:

Staff finds that, as conditioned, the project passes the City of Tumwater's concurrency test.

Tumwater Environment Code Title 16

Environmental Policy: The City of Tumwater Community Development Department reviewed a SEPA Environmental Checklist and other information submitted by the applicant and issued a Mitigated Determination of Non-significance (MDNS) on February 18, 2022 (Exhibit 4).

The MDNS was posted on-site, mailed to property owners within 300 feet of the subject property and agencies, and published in "The Olympian" newspaper on February 18, 2022 (Exhibit 9).

The MDNS includes traffic mitigation fees for trips generated to the Tumwater Boulevard/I-5 Interchange, and reconstruction of the Kirsop Road/Kirsop Extension Road Intersection.

Staff Response and Recommended Finding:

The City's SEPA threshold determination was issued on February 18, 2022. No appeals of the SEPA threshold determination were filed.

COMMENTS FROM OTHER AGENCIES/CITIZENS:

Several comments were received from the Mitigated Determination of Non-significance (Exhibit 12).

Comment from the Olympic Region Clean Air Authority requires asbestos survey for demolition of existing buildings.

Staff comment: Asbestos survey should be a condition of approval.

Comment from the Squaxin Island Tribe requests a Cultural Resource Survey.

Staff comment: Cultural Resource Survey Completed. An inadvertent discovery plan is required as part of Site Development/Grading.

Comment from The Washington State Department of Ecology was related to solid waste management, toxic cleanup and that the development is subject to coverage under a Construction Stormwater general permit.

Comment from Cheryl Threatt expressed concern for existing condition of Kirsop Road and heavy equipment traffic, and confirming extension of sewer line.

Staff comment: See Responses above for traffic. Provided sewer extension documents.

Tree Protection: A Forestry Tree Plan dated December 1, 2021 indicates 157 trees are located on site, of which 35 trees are proposed to be retained. This number is less than the "12 trees per acre" retention of 157 required by TMC 16.08.070. The applicant is unable to retain trees located outside of the wetland buffer and open space tract due to infrastructure requirements, and proposes to plant trees at a 3-to-1 ratio as provided in Chapter 16.08.070, resulting in 270 trees planted (Exhibit 13).

Staff Response and Recommended Finding:

TMC 16.08.070(R) requires that if tree retention cannot be achieved due to compliance with applicable zoning and development regulations, replacement trees shall be planted at a three-to-one ratio.

Staff finds that the planting of 270 additional trees meets the requirements of TMC 16.08.070(R).

Wetlands:

A Critical Areas Report dated August 11, 2020 was submitted for the project. The report investigated 2 wetlands, however, after review, only 1 impacts the property. Wetland “A” located at the northwest corner of the site is considered a category III wetland. Wetland “B” located to the east of the property is considered a Category IV. Wetland A requires a 150 foot buffer, and Wetland B a 50 foot buffer. Neither buffer is proposed to be reduced (Exhibit 14).

Staff Response and Recommended Finding:

Staff finds that the proposal is consistent with the wetland protection ordinance for the City of Tumwater. Wetland information and notations required by code must be identified on the final plat drawing and/or specified in the covenants, to assure that the land subject to wetland restrictions are guaranteed in perpetuity. In addition, wetland signage must be provided along the buffer boundary in accordance with TMC 16.28.

Fish and Wildlife Habitat Protection:

TMC Chapter 16.32 regulates fish and wildlife habitat and species.

Staff Response and Recommended Finding: *The geographic area of the subject property has soils preferred by the Mazama Pocket Gopher. The Gopher is listed as a protected species under both Washington State and Federal threatened and endangered species lists.*

A Mazama Pocket Gopher report dated October 30, 2020 concludes that no gopher mounds were observed on the subject property (Exhibit 15).

Cultural Resources:

The Squaxin Island Tribe requested a cultural resource survey as the WISAARD map by the Department of Archaeology & Historic Preservation shows the site as high risk of archeological resources.

Staff Response and Recommended Finding:

A Cultural Resource Assessment dated April 20, 2021 found no archaeological materials or historic properties in the project area, however recommends compliance with a standard inadvertent discovery plan. The Department of Archeology & Historic Preservation concurs (Exhibit 12).

Tumwater Subdivision Code Title 17

The preliminary plat process requires consideration by the Hearing Examiner of all relevant evidence in order to determine approval or disapproval of the preliminary plat. The preliminary plat must be submitted in conformance with TMC 17.12 and TMC 17.14. All required improvements must either be installed or an agreement accompanied by a bond or other approved surety shall be entered into between the City and the applicant before Final Plat approval can be granted.

Staff Response and Recommended Finding:

Staff finds that the preliminary plat has been submitted in accordance with the Chapter 17.12 to include compliance with general design standards such as; lot size, protect wetlands and natural drainage, streets designed in accordance with adopted development standards, utilities installed underground, and provisions for open space.

Tumwater Zoning Code Single-Family Low Density (SFL) residential zone district TMC 18.10.

Single-family detached dwelling units are allowed at a minimum density of 4 dwelling units per acre and a maximum of 6 dwelling units per acre. Minimum lot size is 3,200 sq. ft., and minimum lot width is 50 feet, except for alley load, which reduces the lot width to 40 feet. Lots adjacent to a wetland or wetland buffer shall be encouraged to be as large as possible. Maximum building height is 35 feet.

Front yard setbacks are 10 feet, side yard is 5 feet, and rear yard is 20 feet.

Minimum open space requirement is 10 percent of total land area.

Staff Response and Recommended Finding:

The intended use for each lot within the proposed subdivision is for one single-family detached dwelling unit. Density is 6 dwelling units per acre. The smallest lot-size is 4,000 square feet. Lot widths are minimum 50 feet, with 40 foot width for alley load lots. Lots adjacent to the wetland buffer are 50 feet or greater in width. Open space is greater than minimum required. The plat is consistent with the SFL zone district.

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

The AQP zone restricts hazardous uses to protect aquifer recharge areas.

Staff Response and Recommended Finding:

The intent of the aquifer protection (AQP) overlay zone district is to identify, classify and protect vulnerable and/or critical aquifer recharge areas within the city and urban growth area. Protection is to be accomplished by controlling the use and handling of hazardous substances. The proposed residential subdivision is not a restricted land use in the AQP overlay.

Planned Unit Development - TMC 18.36.

The intent of the Planned Unit Development (PUD) overlay is to encourage development by encouraging flexibility for more efficient use of land.

Staff Response and Recommended Finding: *An application for a Preliminary Planned Unit Development accompanied the Preliminary Plat application for this project and was submitted on December 9, 2021. The application was deemed complete on December 30, 2022. Under TMC 2.58.090, review authority for Planned Unit Development applications fall under the purview of the Hearing Examiner.*

The PUD application was submitted to seek relief from the minimum lot widths and to allow private streets in the SFL zone district. 9 of the 41 proposed lots are less than the prescriptive requirement of 50 feet wide, not adjacent to an alley. The plat also includes two private streets.

According to TMC 18.36.050, the Hearing Examiner's decision to approve or deny the development shall be based on at least, but not limited to, the following criteria:

- A. Substantial conformance to the Tumwater comprehensive plan;*
- B. The proposal's harmony with the surrounding area or its potential future use; and*
- C. The adequacy of the size of the proposed overlay to accommodate the contemplated developments.*

As discussed above, Staff finds that:

- This proposal is in conformance with the Tumwater Comprehensive Plan.*
- This proposal is consistent with surrounding residential development at urban densities.*
- This proposal complies with the densities allowed in the SFL zone district.*

In accordance with TMC 18.36, a planned unit development shall be exempt from the minimum zoning ordinance requirements, as listed at TMC 18.36.080, except as provided for below:

- A. Minimum Project Size: There is no minimum project size for a planned unit development.*
- B. Project Densities: Densities established by the underlying zone district shall prevail.*

- C. Setbacks: Project setbacks as required by the underlying zoning district shall prevail on all perimeter boundary lines.*
- D. Land Coverage: Maximum land coverage as established by the underlying zone district may be exceeded by no more than 25 percent.*
- E. Uses Allowed: The use of the development shall be limited to those allowed either as permitted, accessory, or conditional uses in the underlying zones.*
- F. Open Space/Park: The open space/park dedication requirements of the underlying zoning district shall prevail.*

IV. STAFF ANALYSES:

As per Section 17.14.040 of the Tumwater Municipal Code, the Hearing Examiner is required to review the preliminary plat based on certain criteria and prepare findings of fact.

Staff analyses is as follows:

1. The preliminary plat, as conditioned, conforms to the subdivision regulations, comprehensive plan, zoning ordinance, wetland ordinance, fish and wildlife habitat protection ordinance, tree protection ordinance, and to planning standards, development standards, specifications and policies of the City of Tumwater.
2. Adequate provisions have been made for public health, safety, and general welfare for such open spaces, drainage ways, streets, sanitary wastes, parks and recreation, schools, sidewalks, and, that the public use and interest will be served by the subdivision of the property.

RECOMMENDATION

Pursuant to TMC 2.58.110, staff recommends approval of the Preliminary Plat and Planned Unit Development requests described herein with the following conditions:

1. Storm water from impervious surfaces associated with the project shall be managed in accordance with the City of Tumwater 2018 Storm Drainage Manual.
2. Erosion and sediment control measures that comply with the City of Tumwater 2018 Storm Drainage Manual shall be implemented during construction of the project to prevent sediment laden runoff from entering surface waters.
3. A Site Development/Grading Permit shall be obtained from the City for grading, street, sidewalk and utility construction, tree removal and construction of storm drainage facilities.

4. Should contaminated soils be encountered during construction, all of the following shall apply:
 - a. Construction activity shall be immediately suspended;
 - b. The contractor shall immediately notify the Washington State Department of Ecology;
 - c. Contaminated materials shall be properly handled, characterized, and disposed of consistent with applicable regulations.
5. Should archeological artifacts be encountered during construction, all of the following shall apply:
 - a. Construction activity shall be immediately suspended;
 - b. The contractor shall immediately notify the City of Tumwater Community Development Department;
 - c. The contractor shall immediately notify the Washington State Department of Archeology and Historic Preservation; and
 - d. The contractor shall immediately notify potentially affected tribal nations including, but not limited, to the Squaxin Island Tribe, Chehalis Tribe and Nisqually Tribe.
6. Fill for the project shall be clean material, void of solid waste or organic debris.
7. Disposal of construction debris and overburden associated with construction and grading activity that is not suitable for fill is required to be disposed of at an approved location.
8. The applicant shall secure a National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit from the Washington State Department of Ecology.
9. Construction vehicles shall use 70th Ave. SW for main access during construction.
10. Road A as shown on the Preliminary Plat/PUD map shall be constructed to the same design standard as Kirsop Road, and dedicated for public right-of-way on the face of the final plat.
11. Street frontage improvements including curb and gutter, sidewalk, landscape strip, bike lane, street illumination and storm drainage facilities complying with the design requirements of the Tumwater Development Guide shall be constructed along the property frontage on Kirsop Road and Kirsop Extension Road. Adequate right-of-way shall be dedicated to contain the improvements.

12. Kirsop Road/Kirsop Extension Road intersection shall be designed as a 4-way stop, with the entire intersection reconstructed.
13. Full lane overlays are required after patching. Additional improvements might be required on the opposing frontage, such as widening, realigning the crown to centerline of right-of-way or feathering to meet City of Tumwater standards. All accesses will meet city standards.
14. The City's water and sewer utilities shall be extended to serve the needs of the subdivision. The utility extensions shall be in accordance with the Tumwater Development Guide requirements in place at the time the preliminary plat application was vested. All necessary right-of-way and/or easement will need to be dedicated.
15. A 12" water main is required in Kirsop Road. The system shall be designed for a maximum velocity of 8 feet per second.
16. The project must meet minimum fire flow requirement. If the required fire flow cannot be achieved, residential fire sprinklers shall be required in the dwelling units.
17. A separate permit and engineered design is required for any retaining walls on-site if the height of the wall is over 4 feet measured from the bottom of the footing or if the wall is supporting a surcharge.
18. A final geotechnical engineering report shall be submitted for the grading and site work. The report shall include conclusions and recommendations for grading procedures, soil design criteria for structures or embankments required to accomplish the proposed grading and recommendations and conclusions regarding the site geology.
 - a. All grading and filling work shall be conducted in accordance with the approved geotechnical report. Compaction testing of the soils under the building foundations and utility trenches shall be verified by the geotechnical engineer of record and the Washington Association of Building Officials (WABO) registered special inspection agency and inspectors.
19. Fire hydrants shall be provided at all intersections and at approximately 600-foot spacing along the internal streets.
20. Demolition permits are required to be issued by the City prior to removal of

existing structures on the property. A separate permit is required for each structure.

21. A demolition permit is required to be issued by the Olympic Region Clean Air Agency for each structure proposed to be removed from the property. Olympic Region Clean Air Agency (ORCAA) regulations require an asbestos survey for all demolition projects. Prior to any demolition project, the following must be completed:
 - a. A good faith asbestos survey must be conducted on the structure by a certified Asbestos Hazardous Emergency Response Act (AHERA) building inspector;
 - b. If asbestos is found during the survey, an Asbestos Removal Notification must be completed and all asbestos-containing material must be properly removed prior to the demolition; and,
 - c. If the structure is larger than 120 sq. ft., a Demolition Notification must be submitted regardless of the results of the asbestos survey.
22. All water wells on the site shall be abandoned in accordance with Washington State Department of Ecology requirements. A permit from the Department of Ecology shall be obtained for each well to be abandoned.
23. All septic systems on the property shall be abandoned in accordance with Thurston County Environmental Health requirements. A permit shall be obtained from Thurston County Environmental Health for each separate system that will be abandoned.
24. The project proponent shall be responsible for providing the City with all costs associated with the installation of water, sewer, street and storm drainage systems that are dedicated to the City of Tumwater.
25. All engineering designs and construction will need to be in accordance with the City of Tumwater's Development Guide and WSDOT standards.
26. All street construction, utility installation and storm drainage work requires engineered plans certified by a professional engineer licensed to practice in the State of Washington. The plans shall be submitted for review and approval by the City.
27. Any public or private utility relocation necessary to construct the project is the sole responsibility of the project proponent.
28. The applicant is required to submit a performance surety and surety agreement prior to release of the Site Development/Grading Permit to ensure successful

completion of the required public improvements. The amount of the surety shall be 150% of the proponent engineer's estimate of completing the required public improvements.

29. The applicant shall be responsible for the maintenance and timely repair of all public improvements for a period of 30 months following final certification by the City and shall submit a surety and surety agreement for maintenance equal in value to fifteen (15) percent of the total value of the required public improvements certified by the Public Works Director.
30. Maintenance of the on-site storm water system will be the responsibility of the project proponent, their successors or assigns. A storm water maintenance agreement will be recorded against the property prior to or concurrent with final plat approval.
31. Back flow prevention is required on all irrigation services in accordance with the AWWA Cross Connection Control Manual.
32. A landscape and irrigation plan must be submitted with Site Development and Grading Permit application for the proposed street planter strips, proposed open space tracts and the storm water facilities showing proposed plantings, tree types and heights, and other vegetation. Street trees are required to be installed along Kirsop Road and the proposed interior public streets in accordance with the Tumwater Development Guide and Comprehensive Street Tree Plan.
33. Lot size requirements, lot coverage and setbacks: Each residential lot shall have a building site no less than 3,200 square feet in area within which a suitable building can be built and served by utilities and vehicular access unless dedicated or restricted by covenant for open space, park, recreation or other public use.
34. The maximum lot-coverage for impervious surface shall be 60 percent of the total area of the lot.
35. Two off-street parking spaces are required for each lot. Driveways shall be a minimum of 18 feet in length.
36. Residences must provide pathway from building entry to sidewalk separate from the driveway, provide weather protection at entries and at least 8percent of front facade shall include transparent windows or doors.
37. Where lots abut an alley, the garage must take access from the alley.
38. Garages must be set back from the public street at least 5' further than the

enclosed portion of the house, and garage doors shall occupy no more than 50 percent of the ground-level façade facing the street.

39. Impact fees for traffic, community parks, and schools will be assessed to each dwelling unit in the subdivision as building permits are issued. The impact fees will be in accordance with the most current fee resolution adopted by the City at the time of vesting of the building permit applications.
40. An integrated pest management plan approved by the Thurston County Environmental Health must be submitted prior to final plat approval.
41. All legal descriptions on documents submitted to the City must be accompanied with an appropriate drawing that the City can use to verify the legal description.
42. The Professional Land Surveyor responsible for the surveying of the project must obtain a permit from Department of Natural Resources before any existing survey monuments are disturbed.
43. The applicant must provide and maintain a current Plat Name Reservation Certificate approved by the Thurston County Auditor.
44. Property taxes must be paid in full for the current year, including any advance and delinquent taxes, before a Final Plat can be recorded.
45. In order to comply with the City's Tree Protection and Replacement Standards, a minimum of 270 replacement trees must be planted on the site. Replacement trees must be planted in proposed tree protection open spaces, prior to other placement on site. The size of the tree protection open space area(s) associated with the project is required to be a minimum of 5% of the buildable area of the site.
46. The following condition will be required to be noted on the Final Plat:
 - a. All landscaped areas in public rights-of-way shall be maintained by the owner and his/her successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to City road purposes.
47. A Homeowners Association is required. Prior to final plat approval, the project proponent shall supply the city with copies of the grantee organization's articles of incorporation and bylaws, and with evidence of a binding commitment to convey. The articles of incorporation shall provide that membership in the organization shall be appurtenant to ownership of land in the land division; that the corporation is empowered to assess such land for costs of construction and maintenance of the improvements and property owned by the corporation, and that such assessments shall be in lien upon the land.

**Submitted on Behalf
Of the Community
Development**

Department by/

Staff Contact:

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Report Issue Date: May 31, 2022

List of Exhibits:

Exhibit 1 Staff Report
Exhibit 2 Plat Map
Exhibit 3 Vicinity Map
Exhibit 4 MDNS w/attachments
Exhibit 5 Public Hearing Notice
Exhibit 6 Applications & Narrative
Exhibit 7 Notice of Application
Exhibit 8 Zoning Map
Exhibit 9 Public Notice Certification
Exhibit 10 Notice of Application Comments
Exhibit 11 Concurrency Ruling
Exhibit 12 SEPA Comments
Exhibit 13 Forestry Plan
Exhibit 14 Critical Areas Report
Exhibit 15 Gopher Report