

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

Project Name: Tumwater Boulevard Townhome Condominiums

Case Numbers: TUM-25-0680 Planned Unit Development and Binding Site Plan
TUM-25-0683

Owner: Tenino Land Company, LLC
17348 Marsh Rd. SW
Tenino, WA 98589

**Project Proponent/
Representative:** JSA Civil, LLC
Whitney Dunlap, PE
111 Tumwater Blvd SE Suite B203
Tumwater, WA 98501

Type of Action Requested: The project proponent is requesting approval of a Planned Unit Development (TUM-25-0680) and Preliminary Binding Site Plan (TUM-25-0683) to construct 24 townhomes on a parcel located in the Single-Family Medium Density (SFM) zone district. The SFM zone allows townhomes within a planned unit development.

Project Location: 715 Dennis Street SE and 934 Tumwater Blvd SE. Parcel Numbers: 79300001100 and 79300001200.

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

1. Notice of Application with Optional MDNS was issued on June 27, 2025 (TUM-25-0169) (Exhibit 6)
2. Mitigated Determination of Non-Significance was issued on July 25, 2025 (TUM-25-0682) (Exhibit 7)

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

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

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I. BACKGROUND INFORMATION

A. Application and Review Process

A pre-application site plan review was reviewed by the development review committee on May 1, 2025 (TUM-25-0169). The Planned Unit Development (TUM-25-0680) and Preliminary Binding Site Plan (TUM-25-0683) applications were submitted on June 4, 2025, and were deemed complete on June 23, 2025.

Under TMC 2.58.090 and TMC 14.16.040, review authority for the planned unit development and consolidated permit review for the preliminary binding site plan fall under the purview of the Hearing Examiner.

B. Existing Conditions

Currently the property is partially cleared with a portion of the property used as access for a sewer lift station that serves the surrounding area. Wetland and wetland buffers occupy a portion of the property to the north, west and east. It does not appear that the property has been developed in the past. (Exhibit 3).

C. Project Description

The application proposes to construct 24 townhomes on two parcels with a total 10.65 acres. The units are proposed to be condominiums through the binding site plan process. The development will include infrastructure, frontage improvements, parking and open space.

II. REGULATORY FRAMEWORK

The proposal is subject to the following policies and regulations:

- A. Tumwater Comprehensive Plan:** The project site is located in the Bush Prairie Neighborhood as designated by the Land Use Element of the City's Comprehensive Plan. The land use designation for the approximately 10.65-acre site is Single-Family Medium Density with Airport Overlay for a portion of the site (SFM2) (Exhibit 4).

The Comprehensive Plan Neighborhood Appendix, Section 3.4 Bush Prairie Single-family Medium Density states:

"The area along Tumwater Boulevard is currently undeveloped but is adjacent to the Airport approach zones for the Olympia Regional Airport. Uses which tend to induce large gatherings of people, such as churches, theaters, or schools and above-ground flammable storage tanks should be prohibited because of potential catastrophic results of a single plane accident. Strong light sources, such as floodlights, glare producing uses such as metal roofs, and smoke/steam sources or open burning, should

also be prohibited because of possible effects on pilot visibility during takeoff and landing. All residential development should be closely evaluated in terms of safety to the home to be constructed, the impact of noise, and the potential impact on Airport operations. New residents should be aware they are within an Airport approach area and new homes should be constructed with additional sound proofing to mitigate noise from aircraft.”

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

Staff Response and Recommended Finding:

The goals stated in the Comprehensive Plan encourage development in line with the surrounding area and the Comprehensive Plan designation. Single-family Residential development is in line with the designation and the surrounding area and would not be in conflict with the airport as the residential development would not produce a strong light source, smoke/steam or open burning. Lighting would be governed by TMC 18.40.035 which regulates the amount of glare allowed at the property line and requires dark sky compliant lighting. TMC 8.16.010 declares open burning as a nuisance and is restricted so as to not cause a health or safety risk.

The proposal includes community open space which is discussed in greater length as a part of the Planned Unit Development section and infrastructure improvements as encouraged by the Comprehensive Plan and required by City Ordinances.

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

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

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

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

The transportation concurrency ruling identified specific mitigation measures to achieve concurrency. Trips are proposed to be sent through the Tumwater Blvd – I-5 Interchange which will also require payment of mitigation fees or construction of the required interchange improvements and construction of a temporary signal prior to issuance of the first building

permit. These findings are reflected in the MDNS issued June 25, 2025 (Exhibit 7).

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

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

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

The site is located more than a half-mile from an urban center, however is located within a half-mile of the intersection of Tumwater Blvd and Capitol Blvd which is a major intersection in Tumwater. 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 enhancing environmentally sensitive lands as a part of the Planned Unit Development.

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

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

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

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

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

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

Staff Response and Recommended Finding: *Planned Unit Developments require a public hearing and decision by the Tumwater Hearing Examiner. Consolidated review for the preliminary binding site plan is required per 14.16.040.B. Final binding site plan approval authority is administrative and will be completed by City of Tumwater staff.*

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

Staff Response and Recommended Finding: *A notice of application with optional MDNS for the planned unit development and Preliminary Binding Site Plan were mailed to property owners within 300 feet of the subject property, affected agencies and posted on-site; and published in the Olympian on June 27, 2025. (Exhibits 5 & 6)*

Public comments:

Squaxin Island Tribe and the Department of Archeology and Historic Preservation (DAHP) commented on the application requesting a cultural resource study be completed for the project as the property has a high potential for cultural resources.

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

The city responded stating that a cultural resources study will be a condition of approval (Condition 7) of the planned unit development and binding site plan. The study will need to be completed and approved prior to any land disturbance on the property.

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

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

- G. State Environmental Policy Act – TMC 16.04:** The City of Tumwater Community Development Department reviewed a SEPA Environmental Checklist and other information submitted by the project proponent and issued a Mitigated Determination of Non-Significance on July 25, 2025.

Staff Response and Recommended Finding: *The City of Tumwater Community Development Department, as lead agency, completed environmental review in accordance with TMC 16.04, RCW 43-21C and WAC 197-11. The City's SEPA threshold determination was mailed to property owners within 300 feet of the subject property, affected agencies and posted on-site; and published in the Olympian. The City's SEPA threshold determination, a Mitigated Determination of Non-significance was issued on July 25, 2025 (Exhibit 7).*

Public comments:

No public comments were received during the MDNS appeal period.

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

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

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

Staff Response and Recommended Finding: *A professional forester's report that included a tree inventory, and tree protection plan in compliance with TMC Chapter 16.08 was submitted. The inventory showed a total of 447 trees located on-site. TMC 16.08 requires retention of 20% or 12 trees per acre, whichever is greater. 12 trees per acre would require retaining 126 trees on-site. The foresters report states that 407 trees are proposed to be retained. Approximately 40 trees will need to be removed as a part of development construction. The amount of trees proposed to be retained is over the required amount. Additional trees will be planted as part of the site landscaping and street trees. (Exhibits 2 and 13) Due to the property being adjacent to a Light Industrial zoned property there are higher landscaping requirements adjacent to that zoning designation. The landscape plans proposed to use existing mature vegetation wherever possible to help screen the light industrial use from the new development and will supplement where necessary to achieve the higher landscaping requirements.*

Staff finds that the proposed planned unit development, binding site plan, preliminary landscape plan and preliminary civil plans are consistent with TMC 16.08.

- J. Fish and Wildlife Habitat Protection – TMC 16.32:**

TMC Chapter 16.32 regulations fish and wildlife and species.

Staff Response and Recommended Finding: *The parcel has soil preferred by the Mazama Pocket Gopher. A Mazama Pocket Gopher Screening report dated July 2024 concluded that no gopher mounds were found on the property after two screenings were conducted in June 2024 and July 2024. (Exhibit 12).*

- K. Wetlands – TMC 16.08:**

A Critical Area Report was submitted for review for this application. (Exhibit 11) Two wetlands were found on the properties.

- Wetland A is located to the north and east of the property and is rated a category II wetland. The standard buffer for a category II wetland is 150 feet. The buffer can be reduced to 110 feet as long as the requirements in 16.28.170(C) are met. A wetland buffer reduction is proposed.
 - Since the wetland score for habitat was over 5 points the width of the buffer can only be reduced if both of the following criteria are met 16.08.170.c.1.(a and b):
 - A relatively undisturbed vegetated corridor at least 100 feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the priority habitat via some type of legal protection such as a conservation easement, and
 - Measures to minimize the impacts of different land uses on wetlands such as examples summarized in Table 16.28.170(5) are applied.

A condition of approval has been added to ensure a conservation easement or some type of legal protection is in place for the 100' buffer and measures to minimize the impacts on wetlands are implemented. Additionally, measures to minimize the impacts of the development on wetlands will need to be incorporated into the development as a part of the site development grading and building permit.

- Wetland B is located to the east and is rated a category III wetland. The standard buffer for a category III wetland is 150 feet with a buffer reduction possible to 110 feet. No reduction is proposed.

Staff Response: The wetland buffer will have signs every 50 feet and will have a continuous split rail fence across the buffer. These items will be shown on the site development grading plans as a part of the development. The requirements in 16.28.170.(c) will be applied to the project during construction and during building permit review. Covenants and restrictions will be added to ensure wetlands are protected. Notes will also be added to the final binding site plan referencing wetland protection requirements.

L. Preliminary Binding Site Plan Design Standards – TMC Title 17:

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

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

Staff Response and Recommended Finding: This project is proposing to construct internal roads no future connections are proposed as there are critical areas to the north and east. Sidewalks are proposed throughout the subdivision and to open spaces. Bicycle lanes will be completed as a part of the frontage improvements along Tumwater Blvd.

With these conditions, staff finds that the preliminary binding site plan is consistent with TMC 17.12.020.

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

Staff Response and Recommended Finding: The proposal includes a townhome development that will be recorded as condominium units. The proposed lots shall meet the required minimum lot sizes as required by the underlying zone district. The minimum lot width in the SFM zone district is 50 feet, which each of the six lots meet as shown on the preliminary civil plans. The minimum lot size is 3,200 feet, which each of the six lots meet.

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.040.

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

Staff Response and Recommended Finding: The smallest lot sized proposed by this development is approximately 10,589 sf. The lots will be served by public water and sewer and will be served by public roads. No building site will exceed a 25% cross slope.

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.060.

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

Staff Response and Recommended Finding: A professional forester's report, tree inventory, and tree protection plan that complies with TMC Chapter 16.08 were submitted, reviewed, and are recommended for approval with the proposed preliminary binding site plan. The wetland

report is discussed in section K of this report, and the applicant provided a gopher survey.

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.070.

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

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

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.080.

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

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

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.090.

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

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

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.100.

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

Staff Response and Recommended Finding: The development proposal includes frontage improvements along Tumwater Blvd SE. Construction of the new internal public road is required as a part of this development proposal. The roads shall meet the required width as determined by the Transportation and Engineering Director and Engineering Department at the time of site development grading submittal.

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.110.

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

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

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.120 with the proposed conditions.

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

Staff Response and Recommended Finding: *The cul-de-sac will be required to meet the development regulations at the time of civil plan submittal.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.130.

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

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

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.140.

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

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

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.150.

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

Staff Response and Recommended Finding: *All proposed street grades shall be designed in accordance with the adopted standards. Preliminary grading plan can be found in the preliminary civil plans (Exhibit 2).*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.160.

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

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

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.170.

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

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

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.180.

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

Staff Response and Recommended Finding: *No private streets are proposed with this development.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.190.

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

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

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.200.

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

[...]

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

[...]

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

[...]

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

Staff Response and Recommended Finding: *The preliminary binding site plan encompasses approximately 10.77 acres and requires 1.62 acres of open space. The proposal includes a total of 1.62 acres of open space with a combination of active and passive open space. This includes a walking path on the edge of the reduced wetland buffer, basketball court, playground, benches and disc golf basket along with grassy areas. The site development grading plan shall include details about all amenities proposed as a part of the active and passive open space.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.210.

M. Land Division

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

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

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

TMC 17.14.040 and RCW 58.17.035 require the Hearing Examiner to inquire into the public use and interest proposed to be served by the establishment of the proposed land division and any public dedications associated with a project.

Criteria to be considered include if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, other grounds, transit stops, potable water supplies, sanitary wastes, parks and recreation playgrounds, schools and school grounds, fire protection and other public

facilities, and shall consider all other relevant facts, including the physical characteristics of the site, and determine whether the public interest will be served by the land division and dedication. Further, consideration shall be given to sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

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

1. The proposal includes both passive and active open spaces (*Exhibit 2*).
2. A storm drainage system complying with the City of Tumwater's 2022 Drainage Design and Erosion Control Manual will be constructed for the site. A preliminary storm drainage report was submitted to support the preliminary design and will be approved as a part of the Site Development/Grading Permit (*Exhibit 14*).
3. Construction of frontage improvements and road extensions will occur during the first portion of development. Traffic impact fees and mitigation fees for the identified level of service failure at the Tumwater Boulevard/I-5 interchange are due at building permit issuance (*Exhibits 2 and 7*).
4. The City of Tumwater Water Resources and Sustainability Department has issued a water and sewer availability ruling indicating that the City has the ability to serve the preliminary binding site plan with water and sewer connections (*Exhibit 17*).
5. The site is within the Tumwater School District and will pay school impact fees at building permit issuance.
6. City of Tumwater Fire Department facilities are adequate to service the proposed project.
7. No portion of the property is located within the shoreline of the state or known flood hazard areas.

N. Tumwater Zoning Code – TMC Title 18:

1. Single-Family Medium Density Zone District TMC 18.12 – Permitted Uses and Development Standards

Staff Response and Recommended Finding: *The project site is located in the Single-Family Medium Density (SFM) zone district (*Exhibit 4*).*

18.12.020 lists townhomes as a permitted use within an approved planned unit development. The development standards allow a minimum of six dwelling units per acre with a maximum of eight dwelling units per acre by-right. Density calculations for the development show that the proposed dwelling units for this development are below eight dwelling units per acre.

The minimum lot size in the SFM zone district is 3,200 sf.

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

Maximum structure height is 35' and required setbacks are: front: 10', side: 5' and rear: 20'. The side setback is proposed to be reduced to 0' through a planned unit development.

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

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

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

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

3. Planned Unit Development – 18.36:

Planned unit developments provide flexibility in regard to the site design, placement of buildings, use of required open spaces, setbacks, lot sizes and dimensions, and otherwise better utilize the potential of sites characterized by special features, such as geography, topography, size or shape.

According to TMC 18.36.110, 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;*
 - Staff analysis discussed in section II.A*
- b. Conformance to the Tumwater Municipal Code and Tumwater development guide;*
 - Staff analysis discussed in section II.E-N*
- c. The quantifiable public benefits required by TMC 18.36.010;*
 - Staff analysis: The applicant has provided a narrative outlining the proposed public benefits for this project. (Exhibit 18). Two points of public benefit are required due to the development proposing 20 units or more..*
 - The first point of public benefit proposed is enhanced useable parks and open space.*
 - The second point proposed is to go significantly beyond the minimum requirements for critical area protections to preserve, enhance or rehabilitate critical areas and buffers.*
- d. The public health, safety, and general welfare;*
 - Staff analysis discussed in section II.M*
- e. The adequacy of the size of the proposed planned unit development to accommodate the contemplated developments;*

- *Staff analysis: The proposed development has provided the appropriate preliminary civil documentation to demonstrate the ability to accommodate all elements of the proposed design.*
- f. *Adequate access to the project site for all users of the project including the public, if applicable;*
 - *Staff analysis: A new public road will provide access via a new road and additional sidewalk for community members to use which are adequate to serve the proposed development.*
- g. *Appropriate access for public safety such as fire protection and police services; and*
 - *Staff analysis: The preliminary civil plans have been reviewed by the building and fire official with no concern for fire protection.*
- h. *Adequate mitigation measures for impacts associated with the physical characteristics of the site such as groundwater, stormwater, floodplains, critical areas, steep slopes, and critical habitat.*
 - *Staff analysis discussed in section II.J and K.*

Staff Analysis and Recommended Finding: *Planned unit developments are permitted in the SFM zone district. Approval of the planned unit development shall modify and supersede the regulations of the underlying zone district as outlined in the code. The minimum project size shall be over one acre.*

Through the site plan review process city staff and the applicant have negotiated the different elements of public benefit proposed with this project. While the acreage of proposed open space is equal to the amount required, the amount of components included within the open space went above and beyond the base amount required.

Additionally, the critical area enhancement proposes to enhance the prairie and wetland habitat in the vicinity of Wetland A by removing Himalayan blackberry and scotch broom (invasive plants), planting native plants in their place and adding three wood duck boxes, three bat boxes and two martin houses to enhance the wildlife habitat at the site is above and beyond what the ordinance would require for a development proposal.

The development proposal meets the requirements within 18.36 and therefore staff recommends approval of the planned unit development with conditions listed in this report.

4. Airport Overlay – 18.32:

The intent of the Airport Overlay Zone District is to protect the viability of the Olympia Regional Airport as a significant resource to the community by encouraging compatible land uses and densities and reducing hazards that may endanger the lives and property of the public and aviation users.

The proposed development includes a portion of the property within zone three of the airport overlay. Site development must comply with TMC 18.32.080.A residential standards. The applicant has provided an analysis of the criteria in Exhibit 18 page 3.

The criteria include:

1. The land division is approved as a clustered development with the residential lots located as far away from the runway centerline as possible;
 - *Staff analysis: Critical areas encumber the site to the north and east. The developable portion of the site is being developed to the maximum extent possible to comply with requirement in as condensed of a development allowed by the zone district.*
2. An open space area is provided on the project site. The purpose of this open space area is to provide sites that are suitable for the emergency landing of aircraft. The required minimum size of this open space area is one-half acre or ten percent of the gross site area, whichever is greater. This open space area may be used to fulfill other applicable open space/park requirements for residential developments; provided, that active recreation facilities and above-ground stormwater ponds and infiltration facilities shall not be located in this open space area. This open space area should be contiguous to other open space areas within or adjacent to the project site and may include wetlands and their buffers and other critical areas.
 - *Staff analysis: Due to most of the property being taken up by critical areas the only area on the site that provides a contiguous open space would be the wetland and wetland buffers. This area could be used in a last-ditch effort for emergency landing purposes.*

Staff Analysis and Recommended Finding: *Staff finds that the development proposal meets the requirements of 18.32.080.A.*

III. RECOMMENDATION

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

1. Wetland Sensitive Resource Tract:
 - a. Protection of Sensitive Area Tracts/Easements. The city shall require, as a condition of any permit issued pursuant to this section, that the sensitive area tract or tracts created pursuant to this section be protected by one of the following methods:
 - i. The permit holder shall convey an irrevocable offer to dedicate to the city of Tumwater or other public or nonprofit entity specified by the city an easement for the protection of native vegetation within a wetland and/or its buffer; or
 - ii. The permit holder shall establish and record a permanent and irrevocable deed restriction on the property title of all lots containing a sensitive area tract or tracts created as a condition of this permit. Such deed restriction(s) shall prohibit, as long as wetland function exists, the development, alteration, or disturbance of vegetation within the sensitive area except for purposes of habitat enhancement as part of an enhancement project which has received prior written approval from the city of Tumwater, and any other agency with jurisdiction over such activity.

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

8. Conditions listed in the Mitigated Determination of Non-Significance dated July 25, 2025, are hereby referenced and incorporated. If the applicant decides to pay mitigation fees for the Tumwater Blvd – I-5 intersection, the fee shall be paid prior to issuance of the initial building permit.
9. The following condition will be required to be noted on the Final Binding Site Plan: All landscaped areas in public rights-of-way shall be maintained by the Condo Association, owner(s) and his/her successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to City road purposes.
10. Impact fees for traffic, parks and schools will be assessed to each dwelling unit in the binding site plan as Building Permits are issued. The impact fees will be in accordance with the most current fee resolution adopted by the City at the time complete Building Permit applications are submitted.
11. Two points of public benefit are required for approval of the Planned Unit Development. Verification that two points of public benefit have been met shall be completed prior to issuance of the first building permit for the project.
12. A Site Development/grading permit will be required for this site. The permit application shall be accompanied by the application checklist and digital plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report prepared and signed by a licensed soils engineer. Inspection of the grading shall be provided by the civil engineer and Geotechnical engineer. In addition, special inspectors approved by the building official shall perform inspections of fill placement, compaction testing, and blasting. All special inspections are to be performed by WABO registered labs and inspectors who have expertise in grading and earthwork.
13. Separate building permits are required for retaining walls or rockeries over four feet in height, measured from the bottom of the footing to the top of the wall or walls supporting a surcharge. A licensed structural engineer shall design the rockeries or retaining walls. In addition to the engineers' design full time inspection by a WABO Special Inspector is required. Proposed rockeries shall be shown on the engineering and grading plans.
14. When the grading work is complete and ready for final inspection the civil engineer of record is responsible for providing a final inspection report which will include the geotechnical engineers and special inspector's reports. In addition, as-built drawings for the site will be submitted in a PDF format. IBC Appendix J.
15. The owner will need to submit the name of the WABO registered firm who will conduct the special inspections, to the Building Official, prior to issuance of the site development/grading permits
16. No vertical or combustible construction will be allowed on the site until the fire hydrants and paved roads are installed, tested and approved by the City of Tumwater. Note: testing will also include verification of fire flow by the fire department.

17. The required fire flow for this project is derived from Appendix B of the International Fire Code. Type VB Townhouse buildings of this size are required to have a fire flow of 1000 gallons per minute at 20 psi.
18. Fire hydrants and paved access roads shall be installed, tested for fire flow by the Fire Department and made serviceable by the Transportation and Engineering Department prior to any building permits being issued. IFC 503.2.3
19. The buildings are proposed to be R3 Townhouse single family occupancies and of type V-B construction. IBC Chapter 3. The walls are required to be of 2- hour fire-rated construction.
20. Addresses for this binding site plan will be assigned before final binding site plan approval by the Building & Fire Official. Street/private lanes shall have names provided by this time.
21. The applicant shall be responsible for providing the City with all costs associated with the installation of water, sewer, street, and storm drainage systems that are dedicated to the City of Tumwater.
22. All designs/construction shall comply with the City of Tumwater's Development Guide and WSDOT standards.
23. The site plan shall show all existing and proposed utilities and easements including streetlights, street trees, water, sewer, storm, gas, cable, power, telephone, signage, and striping. Provide street sections showing dimensions of existing and proposed improvements. Include the line sizes on the water and sewer mains and services. All rockeries proposed shall also be shown on the site plan.
24. All street construction, main installation, and storm drainage work requires engineered plans certified by a professional engineer.
25. The applicant is responsible for all plan check, inspection and connection fees.
26. Any private or public utility relocation is the responsibility of the applicant.
27. The applicant shall be responsible for the maintenance and timely repair of all public improvements for a period of 30 months following final certification by the City and shall submit a surety for maintenance equal in value to fifteen (15) percent of the total value of the required public improvements certified by the Transportation and Engineering Director. Please refer to Chapter 3 of the Development Guide for further clarification.
28. Provide all easements and bills-of-sale documents with the engineered plans.
29. All legal descriptions must be accompanied with an appropriate drawing that the City Surveyor can use to verify the legal description. All engineering drawings will be on 24"

x 36" paper sheets.

30. The owner or owner's representative is also responsible for furnishing the City with electronic files, compatible with release 2019 or newer Auto-CAD format. Provide individual drawings independent of x-refs. Include all non-standard font files and plot files. Also, please furnish PDF files printed from the Auto-CAD files 300 DPI or greater. A stormwater maintenance agreement, utility maintenance agreement, easements and bills-of-sale will also be required.
31. Site plan modifications may occur as a result of the engineering review process. For engineering issues, the approved engineering plans take precedence over the approved site plan.
32. Please note on the plans that the PLS responsible for the surveying of the project must obtain a permit from DNR before any monuments are disturbed.
33. The City vertical and horizontal control datum is NGVD 29 and NAD 83(HARN) / Washington South U.S. Survey Feet respectively.
34. Testing shall be required at the developer or contractor's expense. The testing shall be ordered by the developer or contractor, and the chosen testing lab shall be approved by the City Construction inspector. Testing shall be done on all materials and construction as specified in the WSDOT/APWA Standard Specifications and with frequency as specified in the current City of Tumwater Development Guide.
35. Frontage improvements are required per Tumwater Municipal Code 12.12.010. These improvements include separated sidewalks, curb and gutter, street patch, street lighting, bike lanes, street trees/landscaping, and any storm drainage necessary to take care of the impervious area in the right-of-way. The applicant is responsible to the centerline of the right-of-way. Dedication of additional right-of-way to contain the improvements is required.
 - a. Tumwater Blvd is a future three lane section. The project shall complete pavement widening to ensure 23' of pavement from CL of existing right-of-way to face of curb (12' vehicle lane, 11' widened shoulder), concrete curb and gutter, 6' planter, street trees, street lighting, 6' sidewalk, and any dedication necessary to contain the improvements. Street lighting on Tumwater Blvd shall have a 35' mounting height with 8' arms. Street lighting will be provided at every intersection and then every 150'. The structural section of the road shall be 0.50' HMA, 0.20' CSTC, 1.50' CSBC.
 - b. The internal roads meeting the local access standard shall provide 32' of pavement, concrete curb and gutter, 6' planters with street trees and streetlights, 6' sidewalks. The structural section of the internal roads shall be 0.33' HMA, 0.20' CSTC, 0.80' CSBC. Streetlight spacing shall be 120' and at every intersection, streetlights shall be 25' poles with 6' arms.
 - c. The road shall terminate in a cul-de-sac with a radius not less than 35' from center to face of curb.

36. All access to the property will be consistent with City standards and policies.
37. The project will rechannelization the portion of Tumwater Blvd across its frontage to provide a center turn lane and two vehicle lanes to the maximum extent feasible.
38. All access to the property will be consistent with City standards and policies.
39. The project will rechannelization the portion of Tumwater Blvd across its frontage to provide a center turn lane and two vehicle lanes to the maximum extent feasible.
40. A drainage design and erosion control plan will be required according to City's 2022 Drainage Design and Erosion Control Manual.
41. The project will address stormwater runoff for on-site and off-site improvements.
42. Maintenance of the on-site stormwater system will be the responsibility of the property owner and a maintenance agreement will be recorded against the property.
43. Test pits conducted for stormwater design will comply with the 2022 Drainage Design and Erosion Control Manual for location and frequency. Test pits will be conducted between December and April to accommodate for seasonal high groundwater.
44. The project shall complete a stormwater scoping meeting with City engineering staff.
45. Sewer is available on Tumwater Blvd, the project shall connect to the City sewer and extend services to all newly created lots.
46. Any sewer main extension will require a minimum of an 8" system. The main size will depend on the requirements for this project. The system shall be designed per the City of Tumwater Development Guide and current Sewer Comprehensive Plan. Max spacing between manhole shall be 300 feet and at every intersection.
47. One 6" lateral should be extended to serve two units with a 6" cleanout at the common property line/corner. This cleanout will be the City owned portion of the lateral.
48. The project shall coordinate with the City on alterations to the existing lift station access. One concrete driveway 30' in width shall be provided for access, additional pavement work will be necessary to provide a hammerhead-style turnaround and eliminate the additional existing pavement that is no longer necessary. Removable bollards shall be installed off the back of future walk to restrict access. A water meter service line and setter shall be extended to the lift station from the new water main in Tumwater Blvd.
49. The project must meet minimum fire flow requirements.
50. Back flow prevention is required on all fire services and irrigation services and in accordance with the AWWA Cross Connection Control Manual. A reduced pressure backflow assembly is required on all commercial domestic services per WAC 246-290-490.

51. Off-site water main extension is required, water main in Tumwater Blvd shall be a 16" diameter main per the Water Comprehensive plan.
52. All other water main extensions will require a minimum of an 8" system. Water shall be extended to all newly created lots. The main size will depend on the fire flow requirements for this project. The system shall be designed per the City of Tumwater Development Guide and current Water Comprehensive Plan. Hydrants will be set per the Building Department.
53. Water meters need to be placed in the public right-of-way or clustered on site within an easement.

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

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Report Issue Date: September 17, 2025

List of Exhibits:

- Exhibit 1. Staff Report September 24, 2025
- Exhibit 2. Vicinity Map
- Exhibit 3. Zoning map
- Exhibit 4. Preliminary Civil Plans 06-04-2025
- Exhibit 5. Public Notice Certification 09-12-2025
- Exhibit 6. Notice of Application with Optional MDNS 06-27-2025
- Exhibit 6a-c. Notice of Application Comments
- Exhibit 7. Mitigated Determination of Non-significance with SEPA Checklist 07-25-2025
- Exhibit 8. Public Hearing Notice 09-12-2025
- Exhibit 9. Traffic Scoping Memo 06-10-2025
- Exhibit 10. Concurrency Ruling 06-11-2025
- Exhibit 11. Critical Area Report 06-04-2025
- Exhibit 12. Gopher Report 06-04-2025
- Exhibit 13. Arborist Report 06-04-2025
- Exhibit 14. Drainage Report 06-04-2025
- Exhibit 15. Regulated Prairie Absence Report 06-04-2025
- Exhibit 16. Preliminary Floor Plan and Elevations 06-04-2025
- Exhibit 17. Water and Sewer Availability Letter 06-04-2025
- Exhibit 18. Project Narrative 06-04-2025
- Exhibit 19. Title Report 06-04-2025