HEARING EXAMINER
MEETING AGENDA

Online via Zoom

Wednesday, April 27, 2022
7:00 PM

The Tumwater Hearing Examiner is an appointed official of the City, and rules upon land use and zoning matters. Within 10 business days of the conclusion of the hearing, the Examiner shall render a decision, including findings and conclusions. Questions on the operation and procedures of the Hearing Examiner may be directed to the Community Development Department at 360-754-4180.

1. Call to Order
2. Public Hearing
   a. Craft District II, LLC Variance & Site Plan Review (TUM-22-0070 and TUM-21-0460)
3. Adjourn

Remote Meeting Information
To comply with Governor Inslee's Proclamation 20-28, the City of Tumwater meetings will be conducted remotely, not in-person, using a web-based platform. The public will have telephone and online access to all meetings.

Watch Online Go to http://www.zoom.us/join, and enter the Webinar ID 856 7889 0752 and Passcode 336196.

Listen by Telephone
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The City of Tumwater Hearing Examiner will hear testimony from interested parties via computer audio or by telephone by registering in advance to provide comment.

Public Comment – Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_fCG_L19pSh61E35ONUR1IA

After registering, you will receive a confirmation email containing information about joining the webinar.

Written comments may be submitted to City of Tumwater, Community Development Department, 555 Israel Road SW, Tumwater, WA 98501, or by email at tmerriman@ci.tumwater.wa.us or by fax at (360) 754-4138, and must be received by 6:00 p.m. on April 27, 2022.

Post Meeting
Audio of the meeting will be recorded and later available by request, please email CityClerk@ci.tumwater.wa.us

Accommodations
The City of Tumwater takes pride in ensuring that people with disabilities are able to take part in, and benefit from, the range of public programs, services, and activities offered by the City. To request an accommodation or alternate format of communication, please contact the City Clerk by calling (360) 252-5488 or email CityClerk@ci.tumwater.wa.us. For vision or hearing impaired services, please contact the Washington State Relay Services at 7-1-1 or 1-(800)-833-6384. To contact the City's ADA Coordinator directly, call (360) 754-4128 or email ADACoordinator@ci.tumwater.wa.us.

TO: City of Tumwater Hearing Examiner

FROM: Tami Merriman, Permit Manager

DATE: April 20, 2022

SUBJECT: Craft District II, LLC Variance & Site Plan Review (TUM-22-0070 and TUM-21-0460)

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1) Recommended Action:
Staff recommends the Variance and underlying Site Plan Review be approved, subject to conditions of approval outlined in this staff report.

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2) Background:
Applicant requests approval of a variance from sections of Title 18 TMC in regards to building design and open space requirements.

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3) Alternatives:

- ❑ Approve Case No. TUM-22-0070 and TUM-21-0460
- ❑ Approve Case No. TUM-22-0070 and TUM-21-0460 with additional conditions
- ❑ Deny Case No. TUM-22-0070 and TUM-21-0460
- ❑ Remand Case No. TUM-22-0070 and TUM-21-0460 to staff for further analysis

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4) Attachments:

1. Staff Report Dated 04-20-2022
2. Application and Variance Narrative 02-07-2022
3. Aerial Map
4. Comprehensive Plan Map
5. Public Notice Certification
6. Notice of Application 01-28-2022
7. NOA Comments
8. Determination of Nonsignificance 03-10-2022
9. SEPA Comments
10. Cultural resource Assessment 04-13-2022
11. Tree Survey 01-07-2022
12. Preliminary Civil Plans 01-07-2022
13. Trail Alignment 04-15-2022

EXHIBIT 1

CITY OF TUMWATER
HEARING EXAMINER STAFF REPORT
Hearing Date: April 27, 2022

Project Name: Craft District II, LLC Apartments Variance and Site Plan Review Approval

Case Numbers: TUM-22-0070 and TUM-21-0460

Applicant/Owner: Craft District II, LLC, John Peters
2840 Black Lake Blvd. SW, #C, Tumwater, WA 98512

Project Proponent/ Representative: Ferguson Architecture, Megan Johnson
1916 Jefferson Ave, Tacoma, WA 98402

Type of Action Requested: The project proponent is requesting approval of a variance from sections of Title 18 TMC in regards to building design and open space requirements (Exhibit 2).

The City has reviewed the formal site plan review application for this project and determined that a variance is required. This staff report provides findings and recommendations for the site plan review as well as the variance request.

Project Location: The property is located at 4300 Capitol Blvd. SE, Tumwater, WA 98501, Section 26, Township 18 North, Range 2 West on Thurston County Tax Parcel No. 33870000400 (Exhibit 3).

Public Notification: TMC 14.06.010 requires a notice of application to be issued on all project permit applications for which the hearing examiner has decision making authority, or SEPA is required.

A notice of 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 28, 2022 (Exhibit 6).

Comments were received from Nisqually Indian Tribe stating no concerns. Comments from the Squaxin Island Tribe recommended a cultural resources survey and report. A local citizen contacted the City with questions regarding development standards. (Exhibit 7).

SEPA Determination: Pursuant to the State Environmental Policy Act, the City of Tumwater issued a Determination of Nonsignificance on March 10, 2022. (Exhibit 8).

Comment received from the Squaxin Island Tribe recommended a cultural resources survey and report. Comments from the Washington State Department of Ecology provide guidance on existing regulation, and that a construction stormwater general permit may be required. (Exhibit 9).

Hearing Notification: Public notification for the April 27, 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, April 15, 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
Phone: (360) 754-4180
E-Mail: tmerriman@ci.tumwater.wa.us

I. BACKGROUND INFORMATION

A. Background

Pursuant to Section 14.02.070 TMC, the project proponent attended both a preliminary and formal site plan review conference for this project. The site plan review approval is an administrative approval, however the project proponent has requested a variance from some requirements of Title 18 TMC in regards to building architecture, frontage and corner treatments, and minimum open space requirement. The project approval is subject to the granting of the variance request.

B. Application and Review Process

A variance application with narrative was submitted on January 7, 2022, and deemed complete January 28, 2022 (Exhibit 6).

Under TMC 2.58.090, review authority for variances fall under the purview of the Hearing Examiner.

Site Plan Review for this project is an administrative approval and underlying permit. The site plan review approval is subject to the decision of the Hearing Examiner in regards to the variance request.

C. Existing Conditions

The site is approximately 3.47 acres, and is currently vacant. The site is relatively flat to the west, has a steep slope on the east, and has some trees (Exhibit 3).

D. Project Description

The proposal is to construct 96 apartment units with associated parking. The project proponent requests a variance from the strict interpretation of the City of Tumwater Municipal Code sections 18.27.050 Development Standards, 18.27.080(A)(5) Ground Floor Residential Units, 18.27.080(A)(6) Building Frontage, 18.27.080(B)(2)(d) Corner Treatments, and 18.42.130(A) Open Space.

II. REGULATORY FRAMEWORK

A. Variance

Chapter 18.58 TMC provides guidance and requires findings for the granting of a variance. Section 18.58.040 TMC Granting – Findings required provides process for granting a variance request.

A. A variance may be granted, after investigation, provided all of the following findings of fact exist:
   1. That special conditions exist which are peculiar to the land, such as size, shape, topography, or location, not applicable to other lands in the same district, and that literal interpretation of the provisions of this title would deprive the property owners of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title;
   2. That the special conditions and circumstances are not the result of actions of the applicant;
   3. That the granting of the variance requested will not confer a special privilege to the property that is denied other lands in the same district;
   4. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property of improvements of the vicinity and zone in which the subject property is situated; and
   5. That the reasons set forth in the application justify the granting of the variance, and that the variance, if granted, would be the minimum variance that will make possible the reasonable use of the land.

B. In no event may a variance be granted if it would permit a use that would not be permitted as a primary, accessory or conditional use in the district involved.

Section 18.27.080.A.5 TMC Ground Floor Residential Units: When ground floor residential units are provided on a street-facing building facade within ten feet of the street-facing property line, ground floor entries to individual units must be provided. Ground floor unit entries must be oriented and directly connected to the sidewalk, as

required in subsection (A)(3)(a) of this section. The unit entrance must be accessed via a raised stoop or porch measuring a minimum of three feet and no more than four feet six inches above grade. Building entrances to street-facing, ground floor residential units must provide an awning or canopy, or must be set back behind the front building facade a minimum of two feet.

Variance Request to Section 18.27.080.A.5. The project proponent requests a variance to street facing ground floor entrances due to the vehicular nature of Capitol Boulevard, and the 12' easement between the face of the buildings and the sidewalk. The project proponent proposes to provide pedestrian access to all buildings from the public sidewalk, with courtyards and internal sidewalks connecting all buildings (Exhibits 2 & 12).

Staff Findings:

1. *Special conditions exist on the property due to the shape, and topography;*
   The property is rectangular in shape, and is encumbered by a steep slope and wetland buffer on the east property line.

2. *The special conditions and circumstances are not the result of actions of the applicant;*
   Capitol Boulevard has existing infrastructure that requires a greater setback between the buildings and sidewalks in most areas. There is no on street parking on or near the site that would require pedestrian access from the street.

3. *Granting this variance request is not a special privilege to the property that is denied on other lands in the same district;*
   The relocation of residential entrances is not a special privilege that would be denied to others with the same or similar circumstances.

4. *Granting this variance will not be materially detrimental to the public welfare or injurious to the property of improvements of the vicinity and zone in which the subject property is situated;*
   The location of residential entrances away from the street is not materially detrimental to public welfare.

5. *This variance will make possible the reasonable use of the land.*
   The steep slope and wetland buffer provide challenges to achieve required development standards for parking, landscaping and stormwater treatment. The variance allows the reasonable use for development and convenience for future residents.

The variance does not permit a use that would not be permitted as a primary, accessory or conditional use in the district.

The project meets the criteria for a variance, and further provides additional amenities of pedestrian access from the public sidewalk to internal courtyards and sidewalks connecting the buildings.

Section 18.27.080.A.6 TMC Building Frontage: See Table 18.27.050 for minimum street-facing building frontage required within the minimum and maximum street-facing setback area.

18.27.050 Properties fronting more than one public street are required to meet the minimum building frontage requirements along both street frontages, and in so doing must locate the building in the corner of the property within the maximum street-facing setback of both streets. The Deschutes Subdistrict requires minimum street-facing building frontage of 50%.

Variance Request to Section 18.27.080.A.6. The project proponent requests a variance to reduce the street facing building frontage on Tumwater Valley Drive to 30% due to the ingress/egress location and steep slope on the east property line. (Exhibits 2 & 12)

Staff Findings:

1. *Special conditions exist on the property due to the shape, and topography;*
   The rectangular property shape and steep slope restrict the building and parking configuration and the resulting location of ingress and egress on Tumwater Valley Drive.

2. *The special conditions and circumstances are not the result of actions of the applicant;*
   The rectangular property shape and steep slope restrict the building and parking configuration and the resulting location of ingress and egress on Tumwater Valley Drive.

3. *Granting this variance request is not a special privilege to the property that is denied on other lands in the same district;*
   The location of access and parking is not a special privilege that would be denied to others with the same or similar circumstances.

4. *Granting this variance will not be materially detrimental to the public welfare or injurious to the property of improvements of the vicinity and zone in which the subject property is situated;*
   The location of ingress/egress was based on public safety for vehicular and pedestrian movement, and is not detrimental to public welfare.

5. *This variance will make possible the reasonable use of the land.*
   The rectangular property shape and steep slope restrict the building and parking configuration and the location of ingress and egress on Tumwater

Valley Drive. The variance allows the reasonable use for development, and safety for access and parking.

The variance does not permit a use that would not be permitted as a primary, accessory or conditional use in the district.

The project meets the criteria for a variance, and further provides safe access to the site and parking.

Section 18.27.080.B.2.d TMC Corner Treatments: Buildings located at the corner of two streets shall locate the primary building entry at or within twenty feet of the corner of the building. In addition, these buildings shall address the corner through one of the following methods, as illustrated in Figure 18.27.080.B.3:

i. Set back the corner of the building, such that it creates a plaza or forecourt space in front of the building entrance;
ii. Provide a chamfered (or forty-five-degree "cut") corner, or a rounded building corner;
iii. Provide increased building height (and associated roof forms) at or within twenty feet of the corner of the building.

Variance Request to Section 18.27.080.B.2.d. The project proponent requests a variance to required corner treatments due to the residential use having no primary entrance and limited amount of commercial space (Exhibits 2 & 12).

Staff Findings:

1. *Special conditions exist on the property due to the shape, and topography;*
   The property is rectangular in shape, and is encumbered by a steep slope and wetland buffer on the east property line.

2. *The special conditions and circumstances are not the result of actions of the applicant;*
   The proposed use is multi-family residential, and does not include a primary entrance. The corner treatments described in 18.27.080 are more conducive to commercial or mixed-use buildings. The project proponent proposes to deviate from the requirement by providing a covered entry to the leasing office, similar to the required courtyard, which is located at the corner of the building.

3. *Granting this variance request is not a special privilege to the property that is denied on other lands in the same district;*
   Reducing the building setback and full height corner treatment would not create a special privilege, as the intent is more for commercial/mixed use structures.

4. *Granting this variance will not be materially detrimental to the public welfare or injurious to the property of improvements of the vicinity and zone in which*

the subject property is situated;
Reducing the building setback and full height corner treatment would not create a special privilege, as the intent is more for commercial/mixed use structures.

5. *This variance will make possible the reasonable use of the land.*
   The building use is multi-family that does not provide a primary entry. The leasing office is located at the corner of the building and provides a covered entry, similar to the required courtyard. Not reducing the building setback on the full height of the building prevents reducing the site of the units located there.

The variance does not permit a use that would not be permitted as a primary, accessory or conditional use in the district.

The project meets the criteria for a variance, and further provides a corner entry with covered area.

Section 18.42.130.A TMC Open Space: For new residential developments in which the majority of the dwelling units will be multifamily dwellings or rooming houses, or five or more dwelling units as rowhouses or townhomes, and the land is not being divided, a minimum of fifteen percent of the gross site area shall be set aside for park and open space area, with 50% active and 50% passive recreation. Open space areas are required to be separate from required yards, setbacks, and landscaping areas.

Variance Request to Section 18.42.130.A. The project proponent requests a variance to the requirement to provide 50% of required open space as active open space. Thirty percent of the site is steep slopes, which creates difficulty in achieving development requirements. The applicant proposes to provide an active play area onsite, as well as providing pathways to join the site to the wetland trail system at the bottom of the hillside, with access at both the north and south, creating a looped trail system (Exhibit 13).

Staff Findings:

1. *Special conditions exist on the property due to the shape, and topography;*
   The property is rectangular in shape, and is encumbered by a steep slope and wetland buffer on the east property line. Thirty percent of the site is designated as open space due to critical areas protection.

2. *The special conditions and circumstances are not the result of actions of the applicant;*
   The minimum development requirements of parking, landscape and stormwater treatment, and critical areas onsite creates a hardship in providing the required active open space. The applicant proposes to provide an active play area onsite, as well as providing pathways to join the site to the wetland trail

system at the bottom of the hillside, with access at both the north and south, creating a looped trail system.

3. *Granting this variance request is not a special privilege to the property that is denied on other lands in the same district;*
   The deviation of open space is not a special privilege, and is a creative solution that will not only benefit this project, but also other public in the area by creating access and a looped trail system.

4. *Granting this variance will not be materially detrimental to the public welfare or injurious to the property of improvements of the vicinity and zone in which the subject property is situated;*
   Providing access to a public trail system, as well as onsite play area for the residents is not detrimental to public welfare or injurious to the property.

5. *This variance will make possible the reasonable use of the land.*
   This variance provides both onsite play area and a looped connection to a public trail system. It allows the project to meet the development requirements on a parcel subject to unique conditions, and provides both active and passive recreation.

The variance does not permit a use that would not be permitted as a primary, accessory or conditional use in the district.

The project meets the criteria for a variance, and provides for both active and passive recreation for its residents and others.

III. Site Plan Review Findings

A. Zoning:

The project is located within the Deschutes Subdistrict of the Brewery Zoning District and Aquifer Protection Overlay Zoning District. (Exhibit 4)

Multi-family residential is a permitted use within these zones. [Chapters 18.27 & 18.39 TMC]

The project is subject to the Brewery District design guidelines Chapter 18.27 TMC.

Section 18.27.060.A TMC Residential Density Calculation. Minimum net density: 20 dwellings per acre.

The conceptual site plan meets this requirement.

Section 18.27.080.A.1 TMC Building Height. Maximum building height is 55 feet, first floor is required to be 12 feet in height.

The conceptual site plan meets this requirement.

Section 18.27.080.A.2 TMC Street Facing Setbacks. Street facing setback is a minimum of 5 feet.

The conceptual site plan shows buildings located within public right-of-way. Vacation of right-of-way is required.

Section 18.27.080.A.3. TMC Building Orientation. All buildings must provide at least one building entrance that faces the street and is directly connected to the public sidewalk via a hardscape pathway measuring a minimum of six feet wide. All street-facing building entrances must either be covered by an awning or canopy and/or be recessed behind the front building facade such that it is tucked under the second floor.

The conceptual site plan meets this requirement.

Section 18.27.080.A.5 TMC Ground Floor Residential Units. When ground floor residential units are provided on a street-facing building facade within ten feet of the street-facing property line, ground floor entries to individual units must be provided.

The conceptual site plan meets this requirement with the approval of variance request TUM-22-0070.

Section 18.27.080.A.6 TMC Building Frontage. Properties fronting more than one public street are required to meet the minimum building frontage requirements along both street frontages, and in so doing must locate the building in the corner of the property within the maximum street-facing setback of both streets.

The conceptual site plan meets this requirement with the approval of variance request TUM-22-0070.

Section 18.27.080.A.9 TMC Surface Parking Screening. When surface parking areas abut a public right-of-way, parking must be screened from view via a landscaped buffer.

The conceptual site plan meets this requirement.

Citywide Design Guidelines require that Service areas (loading docks, trash dumpsters, compactors, recycling areas, electrical panels, and mechanical equipment areas) shall be located to avoid negative visual, auditory (noise), olfactory, or physical impacts on the street environment.

The conceptual site plan does not meet this requirement where the trash enclosure is located adjacent to Capitol Boulevard. Additional screening is required.

Section 18.27.080.B TMC Building Design Standards. Building design standards are intended to ensure that new development provides high quality, well-designed buildings with engaging, pedestrian-oriented ground floors.

1.a.ii. Where residential units are provided on street-facing ground floors, transparent windows must be provided along a minimum of thirty percent of the ground floor, street-facing facade area of the residential portion of the building.

The conceptual site plan meets this requirement.

Section 18.27.080.B.2.a TMC Building Articulation. All building facades shall be articulated such that a change in building material and/or a horizontal change in building plane measuring a minimum of four feet is provided a minimum of every thirty feet. A change in plane may be provided through projecting bays, building recesses, upper-level balconies (projecting or recessed), recessed building entries, and/or building stepbacks. Ground floor facade areas providing commercial uses are exempt from this requirement.

The conceptual site plan meets this requirement.

Section 18.27.080.B.2.d TMC Corner Treatments. Buildings located at the corner of two streets shall locate the primary building entry at or within twenty feet of the corner of the building.

The conceptual site plan meets this requirement with the approval of variance request TUM-22-0070.

B. Design Standards:

Setbacks for the Deschutes Subdistrict: Front yard: Minimum facing Capitol Boulevard is five feet, no minimum for other streets. Side and rear yards: No minimum.

Setback areas shall be kept free of any building or structure not exempted under Section 18.42.040 TMC.

Maximum attainable lot coverage is subject to on-site parking requirements in Chapter 18.50 TMC, minimum landscaping requirements in Chapter 18.47 TMC, minimum setback requirements, and on-site stormwater management requirements as described in the city of Tumwater drainage design and erosion control manual.

The conceptual site plan does not meet this requirement. Vacation of right-of-way is required.

Parking: Minimum parking requirements are 1.0 spaces per 1 – 2 bedroom dwelling unit and 1.5 spaces per 3+ bedroom unit if within one-half mile of a transit stop by sidewalk or paved path.
Parking stall sizes are as follows:
9' x 18' – Standard and Barrier-free stalls
8' x 17' – Compact stalls (maximum 15% of total parking)
16' x 18' - Barrier-free van stalls

The parking area is to be hard-surfaced (asphalt, concrete or turfstone) and the spaces shall be defined by white striping a minimum of 4" wide.

The conceptual site plan does not meet this requirement. A maximum of 20 parking stall may be compact.

A minimum 8-foot walkway is required between the building and the parking stalls.

The conceptual site plan meets this requirement in most areas, with two relatively small areas at approximately 7 feet, due to the layout and topography. There is adequate pedestrian access meeting ADA requirements, and the site meets the intent of the guidelines.

Parking spaces must utilize approved wheel stops to prevent vehicle overhang of a sidewalk or walkway or planter bed where a tree is within three feet of the curb.

The conceptual site plan does not meet this requirement. Wheel stops are not shown.

Parking aisle required to be a minimum of 22' 6" feet wide. If buildings are over 30' feet in height, a 26' wide aisle is required.

The conceptual site plan meets this requirement.

Section 18.50.120 TMC requires bicycle storage facilities. Based on 96 dwelling units, a minimum of 24 short-term Class II facilities (12 bike racks) and 24 long term Class I facilities (bike lockers) are required.

The conceptual site plan shows the location of these facilities. Site development and grading plans must show details meeting the classification types.

Exterior Lighting: Site lighting shall be directed downward and inward, or other techniques may be utilized to minimize impacts on off-site uses. Light fixtures shall be limited to 24 feet in mounting height.

The conceptual site plan does not meet this requirement. A photometric lighting plan complying with the light trespass requirements outlined in Section 18.40.035.D TMC shall be submitted at building permit issuance.

Landscaping: A Type 2 buffer is required for perimeter yard areas and shall have a minimum 8-foot wide planter area and shall contain 1 tree every 25 lineal feet with no less than 50% of the trees be evergreen variety. The planter bed shall also contain shrubs and groundcover to provide 75% coverage of the area within 4 years.

Parking area landscape meeting the requirements of Section 18.47.050(E) TMC is required. For every ten parking spaces, an eight foot by eighteen-foot landscape island must be provided. The island must include a tree and groundcover plants. Irrigation of all landscape beds is required.

The conceptual site plan does not provide landscape details. A detailed landscape plan showing proposed plantings, tree types and heights, and other vegetation is required be submitted with the site development/grading and engineering permits.

Signs: Section 18.44.155 TMC, Multiple building complexes, multiple tenant buildings, and large commercial or industrial buildings. The following regulations shall apply to all freestanding signs located within multiple building complexes, or intended to serve multiple tenant buildings; and further shall apply to wall signs installed upon large commercial or industrial buildings having more than fifty thousand square feet of floor area:

> One freestanding sign for a multiple building complex or a multiple tenant building may be located within yard setback areas; provided that it is part of an overall landscaping plan and it is not determined by the city to create a sight distance hazard. Any such sign in a yard setback area may exceed the height limits set forth in Section 18.44.040 TMC, but it must conform to all other height restrictions in the underlying zone district.
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> Any freestanding sign for a multiple building complex or multiple tenant building located outside yard setback areas may exceed the maximum freestanding sign size restrictions set forth in Section 18.44.150 TMC by thirty-five percent; provided, that the sign is a part of a consistent signage plan for the entire site.

Section 18.44.150A TMC. The following general regulations shall apply to "…the Brewery District brewery district":

Any sign located within the front yard area shall comply with fence height regulations, as outlined in Chapter 18.46 TMC;

Signs shall be located at least two feet from the curb line or a service drive or travel lane;

All wall signs shall be flush against the building and shall not project above the roofline;

No freestanding sign shall be permitted to be higher than the principal building on the lot; provided, that no sign shall be higher than thirty feet; and provided

also, that the height of any freestanding sign shall be limited to the heights set forth within each zoning district; and

No permanent window sign affixed to or incorporated into an exterior window shall exceed twenty-five percent of each window area.

Section 18.44.150 D TMC. The following specific regulations shall apply to signs in the "…brewery district":

Signs shall be limited to a total of two hundred square feet in area on all faces of all permanent freestanding signs; provided, that no one sign face is larger than fifty percent of the total allowable sign area;

Wall signs shall be limited to an area not to exceed twenty percent of the public facade; provided, that the total area of signs on an individual public facade or other wall of a building does not exceed fifty percent of the sign area allowed for freestanding signs;

Seventy-five square feet in area shall be allowed for temporary signs; however, the temporary sign allowance shall be included in the signage amounts allowed for permanent signs;

No freestanding sign shall be higher than thirty feet; and

The following specific regulations shall apply to pedestrian-oriented signs in the MU mixed use, GC general commercial, LI light industrial, CBC capitol boulevard community, BD brewery district, and HI heavy industrial zone districts:

Signs shall not exceed eight square feet in area per sign face; provided, that such signs located below a pedestrian weather protection structure shall not exceed four square feet in area;

One such sign is allowed for each public entry of the first floor use onto the adjacent street;

The bottom of any sign of this type shall be at least nine feet above the sidewalk and shall not contain commercial messages other than the name of the use or business;

The maximum height of a pedestrian-oriented sign shall not exceed fifteen feet above the sidewalk; and

A pedestrian-oriented sign shall not be free-swinging and must not extend horizontally beyond the limits of a pedestrian weather protection structure.

The conceptual site plan does not show proposed signage. Sign permits are required and are subject to Chapter 18.44 TMC.

Open Space: Section 18.42.130 TMC requires a minimum of fifteen percent of the gross site area to be set aside for park and open space area, with 50% active and 50% passive recreation. Open space areas are required to be separate from required yards, setbacks, and landscaping areas.

The conceptual site plan meets this requirement with the approval of variance request TUM-22-0070.

Impact Fees: Impact fees including transportation, school and parks will be assessed at building permit issuance. The amount of the fee will be in accordance with the adopted fee resolution in place at the time of submittal of fully complete building permit applications.

Transportation Concurrency: A transportation concurrency memo was issued by the City of Tumwater Transportation Manager on March 4, 2022 (Exhibit 10).

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

The forester's report and tree survey discusses a 1.82-acre site, while the entire parcel is 3.47 acres. It appears that the report reviewed only the area of the site that would be disturbed by development, and did not include the steep slope.

The report states the site requires significant grading, which would negatively impact trees onsite. The total number of trees to be removed is approximately 45, and the number of trees to be retained is 40 - 42. It is unclear if the forester's tree survey included the trees located on the steep slope. However, whether or not those trees were included in the survey, the minimum number of trees required to be retained is 12 trees per acre. For the 3.47-acre site, a minimum of 41 trees are required to be maintained. The report shows 40-42 to be retained (Exhibit 11).

The conceptual site plan meets this requirement.

The project proponent provided a cultural resource assessment dated April 13, 2022. The survey showed no archaeological materials or historic properties were observed within the project area, and recommends the project comply with a standard inadvertent discovery plan during construction. (Exhibit 12).

An inadvertent discovery plan shall be submitted with site development and grading permit application.

C. Building and Fire:

A minimum of (4) barrier free parking stalls and (2) van accessible barrier free parking stalls and one garage parking space shall be provided for this site. [IBC Section 1106]

- Accessible parking spaces shall be not less than 96 inches in width and shall have an adjacent access aisle not less than 60 inches in width. Van accessible parking spaces shall be not less than 96 inches in width and have an adjacent access aisle not less than 96 inches in width. Where two adjacent spaces are provided, the access aisle may be shared between the two spaces. Boundaries of access aisles shall be marked so that the aisles will not be used as parking space. [ANSI A117.1 Chapter 502]
- Where accessible parking spaces are required for vans; the vertical clearance shall be not less than 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrances and exits. [ANSI A117.1 Chapter 503.5]
- Barrier free parking spaces and access aisles shall slope not more than 1 in 48, and shall be firm, stable and slip resistant. [ANSI A117.1 Chapter 503.4]
- All barrier free parking stalls shall be identified by a sign at the head of the parking space, 60 inches minimum above grade measured to the bottom of the sign. The sign shall be marked with the international symbol of access and shall bear the words: "State Disabled Parking Permit Required." Van stalls shall also state "VAN" [ANSI A117.1 Chapter 502.6 & IBC Section 1101.2.4]

  The building and site are required to be accessible. An accessible route of travel shall be provided to all portions of the building, to accessible building entrances, and connecting the building and the public way. The accessible route of travel shall be shown on the engineering plans WAC 51-30

A site development/grading permit will be required for this site. The permit application shall be accompanied by the application checklist, plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report prepared and signed by a licensed soils engineer. This project will be considered "engineered grading." Special hazards may include steep slopes, terracing with rockeries or multiple retaining walls. 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.

a. 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

Special inspectors may be required for the following types of work: concrete, bolts installed in concrete, special moment-resisting concrete, reinforcing steel and pre-stressing steel tendons, structural welding, high strength bolting, structural masonry, reinforced gypsum concrete, insulating concrete fill, spray-applied fireproofing, piling, drilled piers and caissons, shot-crete, special (engineered) grading, excavation and filling, soils compaction testing, retaining walls and smoke-control systems. All special inspections are to be performed by WABO registered inspectors and at the expense of the owner. [IBC Section 1704.1]

The proposed buildings occupancy is R-2 of 2018 [IBC Section 3]

The proposed buildings are required by code to be protected with NFPA 13R fire sprinkler systems throughout. [IBC 903.2.8]

Exterior walls are required to be of 1-hour fire-rated construction when less than 10 feet to the property line. Protected openings are required when less than five feet to the property line. No openings are permitted less than 3 feet to the property line. [IBC Section 704.8]

Water cross connection control shall be provided in accordance with the provision of the Plumbing Code. Cross connection control devices or assemblies must be models approved under WAC 246-290-490.

If water pressure at the meter exceeds 80 psi, a pressure-reducing valve will be required to be installed on the private side of the water line.

This site is within a critical area and steep slopes. Engineers shall reference and design to the Geo-tech along with the slope setbacks established by the Geo-tech.

The proposed buildings are required by code to be provided with automatic fire alarm systems, including pull stations, throughout.

The applicant shall show the location of the Fire Department connection, post indicator valve, remote annunciator panel and key box on the engineering plans. Ductile iron pipe is required from the fire apparatus into the structures.

The required fire flow for this project is derived from Appendix B of the International Fire Code. Type 5B buildings of this size are required to have a fire flow of 4,000 gallons per minute at 20 psi. However, based on the approval of the Fire Chief, a 50% reduction for fully sprinkled buildings allowed in Section 105.2 will be allowed for this site. Therefore, the required fire flow will be 2,000 gallons per minute at 20 psi. [IFC 903]

Any buildings constructed on site that are more than 150 feet from an approved Fire Department vehicle access point shall be provided with asphalt, concrete or turf-stone

paved access roads a minimum of 20 feet wide. The fire lane shall be constructed to meet minimum city street standards. The engineer shall submit drawings and details on how the fire lane is to be constructed. Any dead end fire access roads that are in excess of 150 feet in length shall be provided with an approved turnaround. [IFC 501, Section 15.16.015 TMC and policy 96-02]

In Group R-2 occupancies containing more than 10 dwelling units or sleeping units, at least 5 percent but not less than one of the units shall be a Type A unit. All Group R-2 units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units. Where the sleeping units are grouped into suites, only one sleeping unit in each suite shall count towards the number of required Type A units.

Gates blocking access to the site for fire department equipment shall be provided with an Opticom security control.

Fire lane signs and **yellow** striping shall be provided on-site to identify Fire Department access roads and prohibit the obstruction thereof. IFC 503.3 and Policy 96-02. Fire lanes shall be identified on the engineering plans.

When any portion of a building constructed on site is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the building, there shall be provided on site fire hydrants capable of supplying the required fire flow.

Placement of the hydrants shall be coordinated with the Building Safety Official. Fire hydrant locations shall be shown on the engineering and landscape plans. [IFC 501]

The water main shall be "looped" through the site. Fire protection shall be from parking area not capitol boulevard.

Fire hydrants and paved access roads shall be installed, tested for fire flow by the Fire Department, made serviceable by the Public Works Department prior to any vertical or combustible construction. **No exceptions.** [IFC 503]

Each building will have a physical street address off Capitol Blvd SW, assigned by the Building & Fire Official.

Each apartment will be identified as Unit #.
Example: 43XX Capitol Blvd SW, unit 100 for 1st floor apartments.
200 for 2nd floor apartments.
43XX Capitol Blvd SW, unit 100 for 1st floor apartments.
200 for 2nd floor apartments.
43XX Capitol Blvd SW, unit 100 for 1st floor apartments.
200 for 2nd floor apartments.

Building plans and specifications shall be prepared and stamped by an architect and engineer licensed to practice in the State of Washington.

All building permit applications shall include architectural, structural, plumbing, mechanical and energy plans and specifications. No exceptions, and no deferrals. Fire sprinkler and fire alarm permits and plans may be submitted separately from the main permit application but must be submitted before the main building permit will be issued.

Plans and specifications shall be submitted along with application and plan review fees.

The following permits are required for this project:

- Site Development/Grading permit
- Building, including plumbing and mechanical
- Fire sprinkler
- Fire alarm
- Retaining walls
- Sign

This project is required to provide for the storage of recycled materials and solid waste. The storage area shall be designed to meet the needs of the occupancy, efficiency of pick-up, and shall be available to occupants and haulers. The location of this facility shall be shown on the site plan.

Dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eaves lines unless the area is protected by an approved automatic sprinkler system. [IFC Section 304.3.3]

D. PUBLIC WORKS

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.

All designs/construction shall comply with the City of Tumwater's Development Guide and WSDOT standards.

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. Include the line sizes on the water and sewer mains and services. All rockeries proposed shall also be shown on the site plan.

All street construction, main installation and storm drainage work requires engineered plans certified by a professional engineer.

The applicant is responsible for all plan check, inspection and connection fees.

Any private or public utility relocation is the responsibility of the applicant.

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 Public Works Director. Please refer to Chapter 3 of the Development Guide for further clarification.

Provide all easements and bills-of-sale documents with the engineered plans.

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.

The owner or owner's representative is also responsible for furnishing the City with electronic files compatible with release 2014 or newer Auto-CAD format. Drawings shall be in TCHPN (Thurston County High Precision Network) horizontal datum and NGVD '29 vertical datum. 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. A storm water maintenance agreement, utility maintenance agreement, easements and bills-of-sale will also be required.

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.

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.

The vertical datum required to be used is NGVD29. No exceptions.

Frontage improvements are required per Tumwater Municipal Code 12.12.010. These improvements include historical street lighting on the east and west sides of Capitol Boulevard.

All access to the property will be consistent with City standards and policies. The ingress/egress access on to Tumwater Valley Drive will be restricted to a RI/RO only with curbing or other method to physically restrict the LI/LO movements.

Please have the traffic engineer verify the access location on Tumwater Valley Drive

is far enough from the intersection as to not create any issues at Capitol Boulevard.

Full lane overlays are required across the frontage on Capitol Boulevard if any cuts into the new pavement occur.

We suggest the application for the vacation of the right-of-way be submitted as soon as possible, as this process can take several months.

Please provide a Statutory Warranty Deed for the right-of-way needed for the Linwood Roundabout.

A development agreement between the City of Tumwater and the project proponent is being drafted that may stipulate what type of and when access improvements are required. In the event that the agreement is cancelled, or becomes null, prior to any occupancy of any structure or use on this parcel, the signalized intersection at Capitol Boulevard and realigned Tumwater Valley Drive must be completed.

A drainage design and erosion control plan will be required according to City's 2018 Drainage Design and Erosion Control Manual.

Maintenance of the on-site storm water system will be the responsibility of the property owner and a maintenance agreement will be recorded against the property.

This project will be paying a monthly storm water utility fee based on the amount of impervious surface per Tumwater Municipal Code 13.12.060.

No connection fees will be assessed because of the existing credit of the Olympia Brewing Company.

The project must meet minimum fire flow requirements.

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. Please contact maintenance at 754-4150 for more information.

Any water main extension will require a minimum of an 8" system. The main size will depend on the fire flow requirements for this project. The system shall be designed for a maximum velocity of 8 feet per second.

Water meters need to be placed in the public right-of-way or clustered on site within an easement. The professional engineer will need to provide calculations on the maximum

IV. RECOMMENDATION

Pursuant to TMC 2.58.110, staff recommends approval of the Variance request and the underlying Site Plan Review permit described herein with the following conditions:

1. Vacation of right-of-way is required in order to meet building setbacks.

2. The trash enclosure located adjacent to Capitol Boulevard requires additional screening.

3. A maximum of 15% of total parking are allowed to be compact stalls.

4. Parking stalls are required to have wheel stops to prevent overhang of sidewalks, or planter bed where a tree is within three feet of the curb.

5. Details for Class I and Class II bicycle storage facilities are required as part of site development and grading plan or building plan submittal.

6. A photometric plan is required as part of building permit submittal.

7. An inadvertent discovery plan shall be submitted with site development and grading permit application.

8. A detailed landscape plan is required as part of site development and grading plan submittal.

9. Consolidated postal drop off facilities shall be provided for the site. The location of the facilities must be coordinated and approved by the U.S. Postal Service.

10. A school bus pad may be required along one of the exterior streets and will be dictated by the Tumwater School District. The project proponent must contact the District to coordinate the bus pad location.

11. The building designs shall conform to the City of Tumwater's Citywide Design Guidelines. Architectural elevation drawings of each building-type shall be submitted for review and approval prior to issuance of Building Permits.

12. 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.

13. Any signage will require a separate sign permit.

14. A minimum of (4) barrier free parking stalls and (2) van accessible barrier free parking stalls and one garage parking space shall be provided for this site.

15. An accessible route of travel shall be provided to all portions of the building, to accessible building entrances, and connecting the building and the public way. The accessible route of travel shall be shown on the engineering plans.

16. A site development/grading permit will be required for this site. Engineers shall reference and design to the Geo-tech along with the slope setbacks established by the Geo-tech.

17. Special inspectors may be required. All special inspections are to be performed by WABO registered inspectors and at the expense of the owner.

18. Buildings are required to be protected with NFPA 13R fire sprinkler systems.

19. Exterior walls are required to be of 1-hour fire-rated construction when less than 10 feet to the property line. Protected openings are required when less than 5 feet to the property line. No openings are permitted less than 3 feet to the property line.

20. Water cross connection control shall be provided in accordance with the provision of the Plumbing Code.

21. If water pressure at the meter exceeds 80 psi, a pressure-reducing valve will be required to be installed on the private side of the water line.

22. Automatic fire alarm systems, including pull stations, are required.

23. Fire Department connection, post indicator valve, remote annunciator panel and key box locations shall be shown on the engineering plans. Ductile iron pipe is required from the fire apparatus into the structures.

24. Required fire flow will be 2,000 gallons per minute at 20 psi.

25. Any buildings constructed on site that are more than 150 feet from an approved Fire Department vehicle access point shall be provided with asphalt, concrete or turf-stone paved access roads a minimum of 20 feet wide. Any dead end fire access roads that are in excess of 150 feet in length shall be provided with an approved turnaround.

26. Group R-2 occupancies containing more than 10 dwelling units or sleeping units, at least 5 percent but not less than one of the units shall be a Type A

unit. All Group R-2 units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units. Where the sleeping units are grouped into suites, only one sleeping unit in each suite shall count towards the number of required Type A units.

27. Any gates blocking access to the site for fire department equipment shall be provided with an Opticom security control.

28. Fire lane signs and **yellow** striping shall be provided on-site to identify Fire Department access roads and prohibit the obstruction thereof. Fire lanes shall be identified on the engineering plans.

29. When any portion of a building constructed on site is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the building, there shall be provided on site fire hydrants capable of supplying the required fire flow.

30. Placement of the hydrants shall be coordinated with the Building Safety Official. Fire hydrant locations shall be shown on the engineering and landscape plans.

31. The water main shall be "looped" through the site. Fire protection shall be from parking area not capitol boulevard.

32. Fire hydrants and paved access roads shall be installed, tested for fire flow by the Fire Department, made serviceable by the Public Works Department prior to any vertical or combustible construction.

33. Building plans and specifications shall be prepared and stamped by an architect and engineer licensed to practice in the State of Washington.

34. All building permit applications shall include architectural, structural, plumbing, mechanical and energy plans and specifications. No exceptions, and no deferrals. Fire sprinkler and fire alarm permits and plans may be submitted separately from the main permit application but must be submitted before the main building permit will be issued.

35. This project is required to provide for the storage of recycled materials and solid waste. The storage area shall be designed to meet the needs of the occupancy, efficiency of pick-up, and shall be available to occupants and haulers. The location of this facility shall be shown on the site plan.

36. Dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible

walls, openings or combustible roof eaves lines unless the area is protected by an approved automatic sprinkler system.

37. 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.

38. All designs/construction shall comply with the City of Tumwater's Development Guide and WSDOT standards.

39. The site plan shall show all existing and proposed utilities and easements including street lights, street trees, water, sewer, storm, gas, cable, power, telephone, signage and striping. Include the line sizes on the water and sewer mains and services. All rockeries proposed shall also be shown on the site plan.

40. All street construction, main installation and storm drainage work requires engineered plans certified by a professional engineer.

41. The applicant is responsible for all plan check, inspection and connection fees.

42. Any private or public utility relocation is the responsibility of the applicant.

43. 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 Public Works Director. Please refer to Chapter 3 of the Development Guide for further clarification.

44. The applicant shall provide a stormwater maintenance agreement, utility maintenance agreement, easements and bills-of-sale documents with the engineered plans.

45. All legal descriptions must be accompanied with an appropriate drawing that the City Surveyor can use to verify the legal description.

46. The applicant is responsible for furnishing the City with electronic files compatible with release 2014 or newer Auto-CAD format.

47. 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.

48. The vertical datum required to be used is NGVD29.

49. Frontage improvements are required and include historical street lighting on

the east and west sides of Capitol Boulevard.

50. All access to the property will be consistent with City standards and policies. The ingress/egress access on to Tumwater Valley Drive will be restricted to a RI/RO only with curbing or other method to physically restrict the LI/LO movements.

51. Proponents traffic engineer shall verify the access location on Tumwater Valley Drive is far enough from the intersection as to not create any issues at Capitol Boulevard.

52. Full lane overlays are required across the frontage on Capitol Boulevard if any cuts into the new pavement occur.

53. Please provide a Statutory Warranty Deed for the right-of-way needed for the Linwood Roundabout.

54. Frontage improvements are required.

55. The signalized intersection at Capitol Boulevard and realigned Tumwater Valley Drive is required.

56. A drainage design and erosion control plan according to City's 2018 Drainage Design and Erosion Control Manual is required.

57. Maintenance of the on-site storm water system will be the responsibility of the property owner and a maintenance agreement will be recorded against the property.

58. The project must meet minimum fire flow requirements.

59. 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.

60. Any water main extension will require a minimum of an 8" system. The main size will depend on the fire flow requirements for this project. The system shall be designed for a maximum velocity of 8 feet per second.

61. Water meters are to be placed in the public right-of-way or clustered on site within an easement.

62. The professional engineer will need to provide calculations on maximum instantaneous water demand and size of the meter for the project. .

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

Staff Contact: Tami Merriman, Permit Manager
Phone: (360) 754-4180
E-mail: tmerriman@ci.tumwater.wa.us

Report Issue Date: April 20, 2022

List of Exhibits:

1. Staff Report Dated 04-20-2022
2. Application and Variance Narrative 02-07-2022
3. Aerial Map
4. Comprehensive Plan Map
5. Public Notice Certification
6. Notice of Application 01-28-2022
7. NOA Comments
8. Determination of Nonsignificance 03-10-2022
9. SEPA Comments
10. Cultural resource Assessment 04-13-2022
11. Tree Survey 01-07-2022
12. Preliminary Civil Plans 01-07-2022
13. Trail Alignment 04-15-2022

EXHIBIT 2

CITY OF TUMWATER

555 ISRAEL RD. SW, TUMWATER, WA 98501
Email: cdd@ci.tumwater.wa.us
(360) 754-4180

VARIANCE
Application

TUM - 22-0070 Kelly RCVD BY	DATE STAMP 01/07/22

Application fee: $1000.00

SUBJECT PROPERTY

ADDRESS OF PROPERTY (COMPLETE): 4300 Capitol Blvd, SE Tumwater, WA 98501

PROJECT NAME: Craft District II, LLC

PARCEL NUMBER(S): 33870000400

APPLICANT *(please print neatly)*

NAME OF APPLICANT: John Peters

APPLICANT'S MAILING ADDRESS (COMPLETE): 2840 Black Lake Blvd SW #C, Tumwater, WA 98512

APPLICANT'S TELEPHONE(S): 360.790.8570

APPLICANT'S E-MAIL: rdp.peters@gmail.com

PROJECT REPRESENTATIVE

NAME OF PROJECT REPRESENTATIVE: Megan Johnson

REPRESENTATIVE'S MAILING ADDRESS (COMPLETE): 1916 Jefferson Ave, Tacoma, WA 98402

REPRESENTATIVE'S TELEPHONE(S): 253.248.6060

REPRESENTATIVE'S E-MAIL: mjohnson@fergusonarch.com

PROPERTY OWNER

NAME OF PROPERTY OWNER: John Peters

OWNER'S MAILING ADDRESS (COMPLETE): 2840 Black Lake Blvd SW #C, Tumwater, WA 98512

OWNER'S TELEPHONE(S): 360.790.8570

OWNER'S E-MAIL: rdp.peters@gmail.com

PROJECT DESCRIPTION *(attach additional sheets and documentation, as needed)*

(4) 3-story type V-B apartments (R-2) for a total of 95 dwelling units and 1 leasing office. 127 off-street parking surface parking stalls will be provided and (3) trash enclosures. See attached for proposed variance narrative.

I affirm that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge. I also affirm that I am the owner of the subject site or am duly authorized by the owner to act with respect to this application. Further, I grant permission to any and all employees and representatives of the City of Tumwater and other governmental agencies to enter upon and inspect said property as reasonably necessary to process this application. I agree to pay all fees of the City that apply to this application.

John Peters
Signature of Applicant

1/4/2021
Date

Please attach the **Variance submittal checklist** to this Application.

FERGUSON
ARCHITECTURE

December 20, 2021

City of Tumwater
555 Israel Road SW
Tumwater WA 98501

RE: Variance Application
Craft District II Apartments
4302, 4312, 4408, 4422 Capitol Blvd SE
Tumwater, WA 98501

To Whom it May Concern,

We are requesting a variance for the above property for the following sections of the Tumwater Municipal Code Title 18. All sections not mentioned here have been met with compliance.

18.27.080.A.5 Ground Floor Residential Units. When ground floor residential units are provided on a street-facing building facade within ten feet of the street-facing property line, ground floor entries to individual units must be provided. Ground floor unit entries must be oriented and directly connected to the sidewalk, as required in subsection (A)(3)(a) of this section. The unit entrance must be accessed via a raised stoop or porch measuring a minimum of three feet and no more than four feet six inches above grade. Building entrances to street-facing, ground floor residential units must provide an awning or canopy, or must be set back behind the front building facade a minimum of two feet.

> **Proposed Deviation:** Due to the vehicular nature of Capitol Boulevard, and the 12' easement between the face of the proposed buildings and the sidewalk, it is proposed that ground floor entrances *not* be required at individual units. The main access to the units is from the parking lot (east) side of the building, and there is no parking along the Capitol (west) side of the property that would require pedestrian access from this side of the building. In lieu of direct entrances from the street-facing façade, courtyard paths are provided between each building which will allow pedestrians to easily pass from west to east in order to gain access to the main unit entries.

18.27.080.A.6 Building Frontage. See Table 18.27.050 for minimum street-facing building frontage required within the minimum and maximum street-facing setback area.

a. Properties fronting more than one public street are required to meet the minimum building frontage requirements along both street frontages, and in so doing must locate the building in the corner of the property within the maximum street-facing setback of both streets.

FERGUSON ARCHITECTURE

Table 18.27.050: Development Standards

Subdistrict	Maximum Building Height	Maximum Lot Coverage	Setbacks (7)			Minimum Rear Setback	Minimum Street-Facing Building Frontage (3)	Minimum Residential Net Density (4)
			Minimum Street-Facing Setback	Maximum Street-Facing Setback	Minimum Side Setback			
Deschutes	55 feet (12)	— -1	5 feet facing Capitol Blvd.; no minimum for other streets	No maximum facing Capitol Blvd.; 15 feet maximum for other streets (2)	No minimum	No minimum	50%	20 du/acre

Proposed Deviation: A significant portion of parcel 33870000400 restricts placement of parking elements due to steep slope conditions. Therefore, it is proposed that the required street-facing frontage at Tumwater Valley Dr. be reduced to a minimum of 30% to allow placement of adequate parking. That portion of parking facing Tumwater Valley Dr. will be screened with a landscape buffer to reduce the visual impact of parking.

18.27.080.B.2.d Corner Treatments. Buildings located at the corner of two streets shall locate the primary building entry at or within twenty feet of the corner of the building. In addition, these buildings shall address the corner through one of the following methods, as illustrated in Figure 18.27.080.B.3:

i. Set back the corner of the building, such that it creates a plaza or forecourt space in front of the building entrance;
ii. Provide a chamfered (or forty-five-degree "cut") corner, or a rounded building corner;
iii. Provide increased building height (and associated roof forms) at or within twenty feet of the corner of the building.

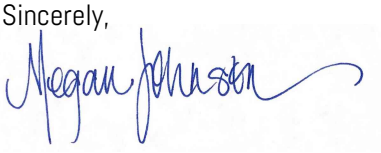
Proposed Deviation: Due to the limited amount of commercial space (the only commercial space being a leasing office at the corner of Capitol Boulevard and Tumwater Valley Drive), a full corner treatment as described about would inhibit the overall building design and rhythm along Capitol Boulevard. In lieu of a full height corner treatment (setting back the full height of the building at the corner, chamfering the full corner, or increasing the building height at the corner), a cut back and full storefront is proposed at the first floor only to indicate a commercial space entrance. It is proposed that this space be covered and have a clear path to the entry to differentiate it from the residential unit portion(s) of the buildings.

FERGUSON
ARCHITECTURE

18.42.130.A Open Space. For new residential developments in which the majority of the dwelling units will be multifamily dwellings or rooming houses, or five or more dwelling units as rowhouses or townhomes, and the land is not being divided, a minimum of fifteen percent of the gross site area shall be set aside for park and open space area, with 50% active and 50% passive recreation. Open space areas are required to be separate from required yards, setbacks, and landscaping areas.

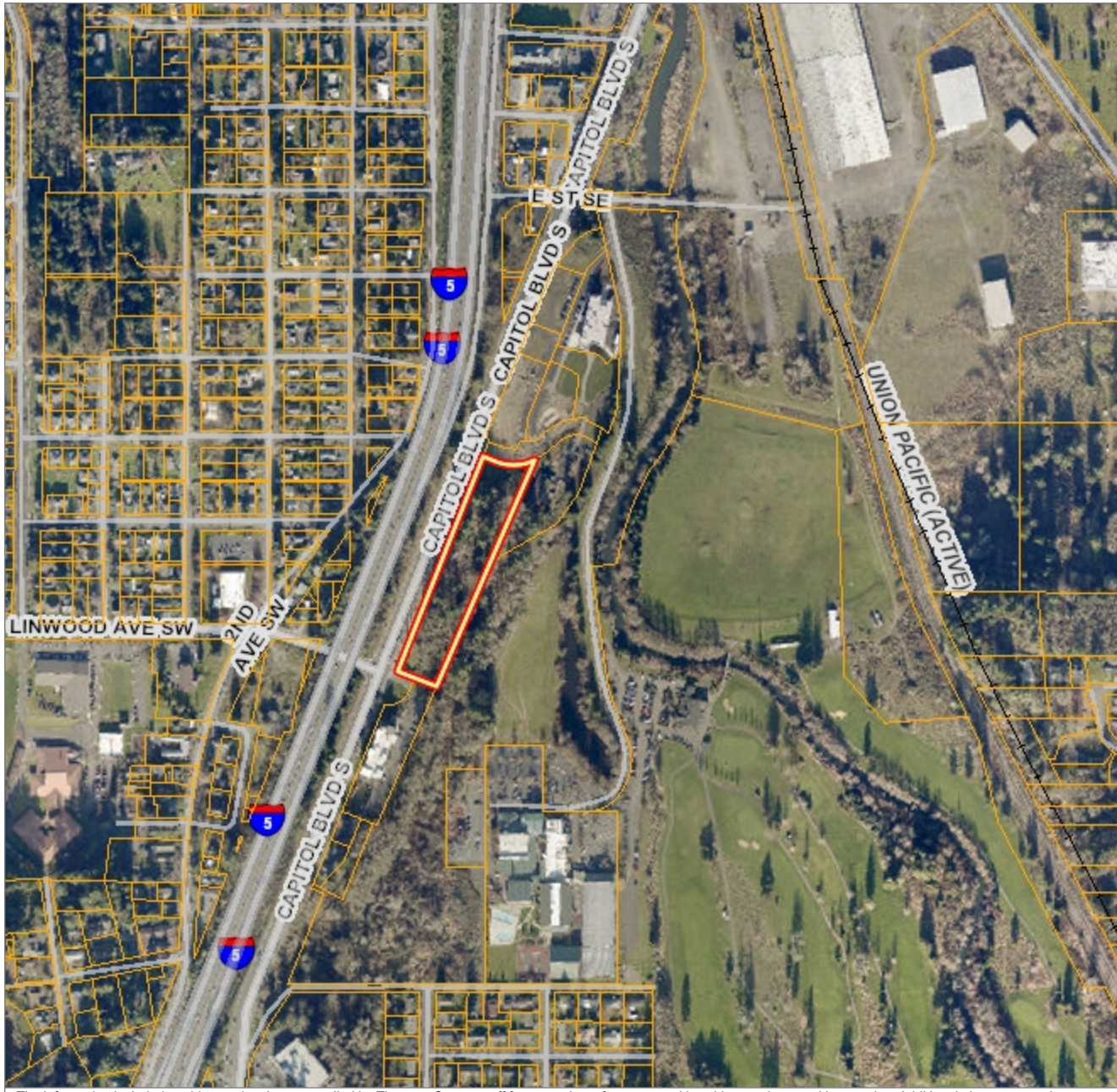
> **Proposed Deviation:** 30% of the site (43,950sf) is a wooded steep slope, including a wetland buffer. Due to these constraints, it is prohibitive to satisfy the open space requirements while also fulfilling the setback, frontage and parking requirements. Therefore, it is proposed that an active play area be installed on the central eastern portion of the property as well as a 500-700 foot long pedestrian trail through the mature forested wetland buffer to access the 0.5-mile jogging/walking trail network and athletic facilities on the neighboring parcels. The connection trail will be installed subject to City requirements.

Sincerely,



Megan Johnson
Project Architect

EXHIBIT 3



Craft District II Apartments

Legend

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

Scale 1: 10,738

0 500 1000

Feet

Map Created Using GeoData Public Website

Published: 4/18/2022

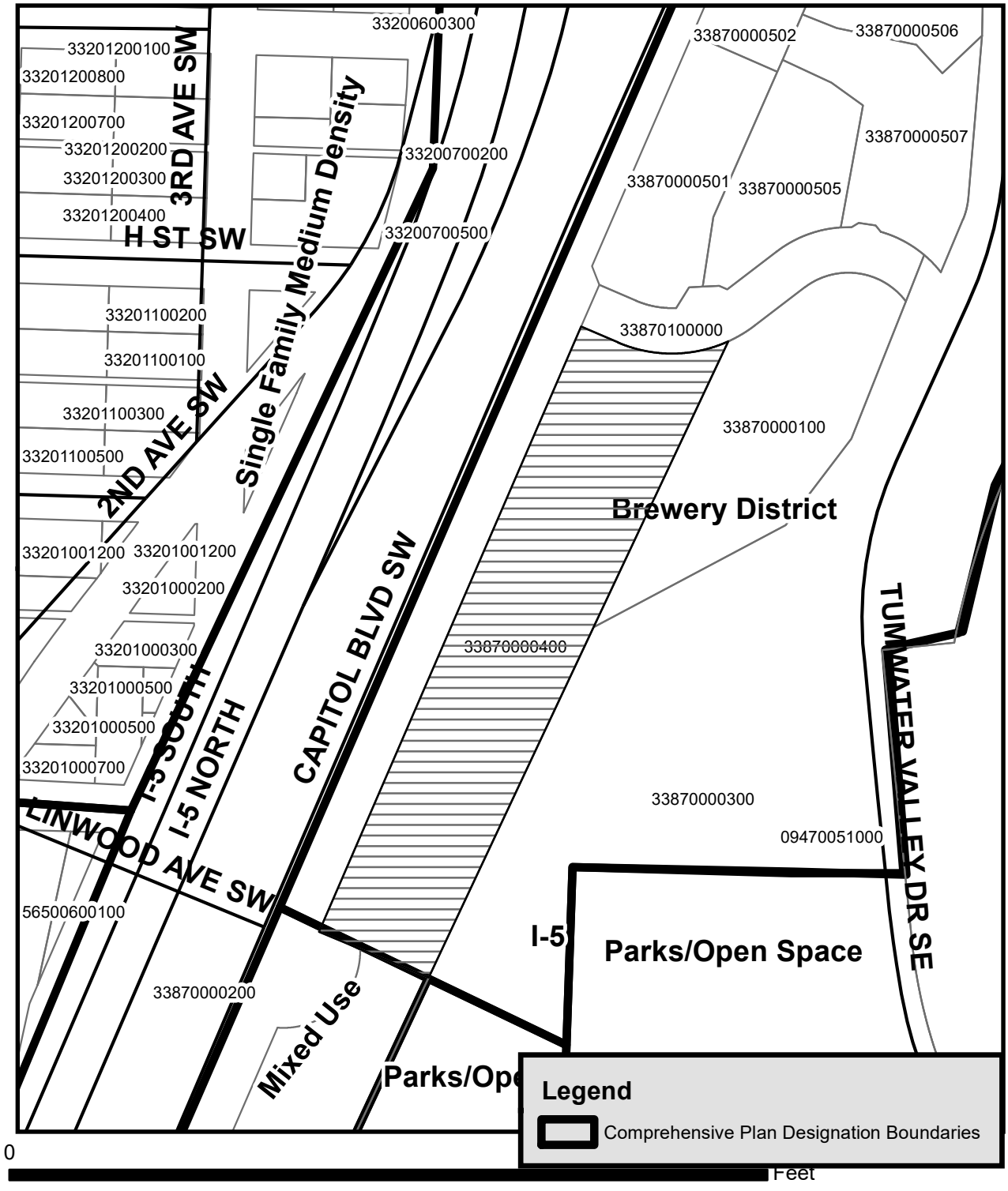
Note:

THURSTON COUNTY
WASHINGTON
SINCE 1852

Thurston County GeoData Center

EXHIBIT 4

COMPREHENSIVE PLAN MAP
Craft District II Apartments
TUM-22-0070



1 inch = 200 feet

N

DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Map Date: 03-22-2022

EXHIBIT 5

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

CERTIFICATION OF PUBLIC NOTICE

I, Tami Merriman, Permit Manager for the City of Tumwater hereby certify that public notice for the Project # TUM-22-0070; Craft District II Apartments, was given as follows:

APPLICATION

Notice of Application Published in Olympian:	January 28, 2022
Notice of Application Uploaded to Website:	January 28, 2022
Notice of Application Mailed:	January 28, 2022
Notice of Application Posted:	January 28, 2022
Posting Locations:	on site facing Capitol Blvd.

SEPA DETERMINATION OF NONSIGNIFICANCE

Determination Published in Olympian:	March 10, 2022
Determination Uploaded to Website:	March 10, 2022
Determination Mailed:	March 10, 2022

HEARING

Notice of Public Hearing Published:	April 15, 2022
Notice of Public Hearing Uploaded to Website:	April 15, 2022
Notice of Public Hearing Mailed:	April 15, 2022
Notice of Public Hearing Posted:	on or before April 15, 2022
Posting Locations:	on site facing Capitol Blvd.

The above is an accurate accounting of the public notice provided for the project.

Tami Merriman, Permit Manager — April 13, 2022 Date

EXHIBIT 6

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

NOTICE OF APPLICATION
Craft District II, LLC
TUM-22-0070
January 28, 2022

Proposal: The applicant seeks a variance to specific design standards to construct a 96 unit apartment complex with associated parking.

Applicant: John Peters, 2840 Black Lake Blvd. SW, #C, Tumwater, WA 98512.

Location: 4300 Capitol Blvd. SE, Tumwater, WA 98501, in S26, T18, R2W. Parcel #33870000400.

Complete Application: Application submitted: January 7, 2022. Application deemed complete: January 28, 2022.

Project Permit/Approvals: The following permits or approvals may be required: Variance Approval, SEPA threshold determination, Transportation Concurrency Ruling, Site Plan Review Approval, Site Development/Grading and Building Permits.

Environmental Documents Relating to the Project: A completed environmental checklist and related reports were submitted.

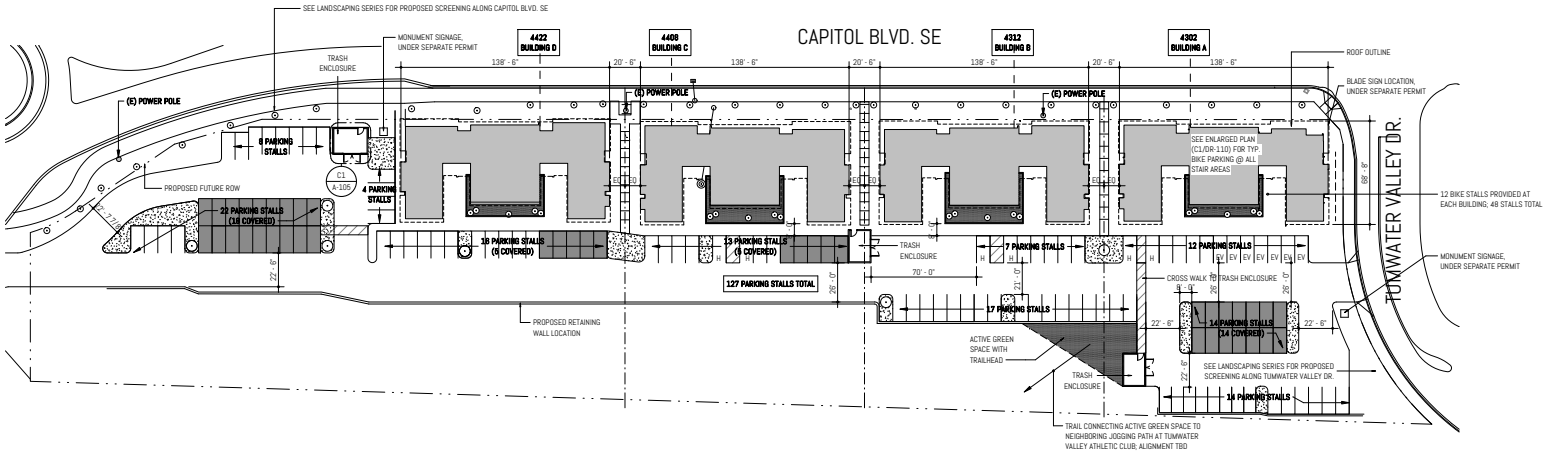
Preliminary No determination of consistency with City of Tumwater or State of Washington plans, regulations, or standards has been made. At a minimum, this project will be subject to the following plans and regulations: Tumwater Comprehensive Plan, Tumwater Zoning Code (TMC Title 18), Tumwater Environmental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

Public Hearing: A public hearing is required for this project. No specific date has been set for the hearing, however, persons receiving this notice will be informed of the date, time, and place of the hearing a minimum of 10 days prior to the hearing date.

Public Comment Period: The 15 day comment period ends at 5:00 p.m. on February 14, 2022. Written comments may be submitted to City of Tumwater Community Development Department, Attn: Tami Merriman, 555 Israel Road SW, Tumwater, WA 98501, or email tmerriman@ci.tumwater.wa.us.

If you have any questions or would like additional information, please contact Tami Merriman, Permit Manager, at 360-754-4180.

C1 OVERALL ELEVATION - NORTH
NOT TO SCALE



A1 OVERALL ARCHITECTURAL SITE PLAN
SCALE: 1" = 40'-0" @ FULL SCALE

0' 20' 40' 80' 160'

TRUE NORTH PROJECT NORTH

CRAFT DISTRICT II APARTMENTS

4300 CAPITOL BLVD SE
TUMWATER, WA 98501

MARK	REVISION	DATE

PROJECT NO: 050-01-21
PRINCIPAL-IN-CHARGE: BF
PROJECT ARCHITECT: MJ
DRAWN BY: FD

PROJECT STATUS:
SPR REVIEW 12/21/2021

SHEET TITLE:
SITE PLAN & ELEVATION

SHEET NO.
DR-100

EXHIBIT 7

Nisqually Indian Tribe
Tribal Historic Preservation Office
4820 She-Nah-Num Dr. S.E.
Olympia, WA 98513
(360) 456-5221

January 31, 2022

To: Tami Merriman, Permit Manager
City of Tumwater
Community Development Department
555 Israel Road SW
Tumwater, WA 98501

Re: TUM-22-0070

The Nisqually Indian Tribe's THPO has reviewed the notice of application that you provided for the above named project and has no specific comments or concerns at this time. Please keep us informed if there are any Inadvertent Discoveries of Archaeological Resources/Human Burials.

Although the Nisqually Indian Tribe has no specific concerns at this time, we respect the traditional cultural knowledge of affected tribes and support their opinions on this matter as well.
Sincerely,

Brad Beach, THPO
Nisqually Indian Tribe
360-456-5221 ext 1277
beach.brad@nisqually-nsn.gov

cc: Annette Bullchild, Director, Nisqually Indian Tribe

Tami Merriman

From: Shaun Dinubilo <sdinubilo@squaxin.us>
Sent: Tuesday, February 1, 2022 10:24 AM
To: Tami Merriman
Subject: RE: NOA - Craft District II, LLC

Hello Tami,

Thank you for contacting the Squaxin Island Tribe Cultural Resources Department regarding the above listed project for our review and comment. The project area has a high potential for the location of cultural resources. We recommend a cultural resources survey and report be completed for this project. We would prefer to receive an electronic copy by email once completed.

Shaun Dinubilo
Archaeologist
Cultural Resource Department
Squaxin Island Tribe
200 S.E. Billy Frank Jr. Way
Shelton, WA 98584
Office Phone: 360-432-3998
Cell Phone: 360-870-6324
Email: sdinubilo@squaxin.us

Email is my perfered method of communication.

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

From: Kelly Wallace <KWallace@ci.tumwater.wa.us>
Sent: Wednesday, January 26, 2022 12:00 PM
Subject: NOA - Craft District II, LLC

Please see attached.

Kelly Wallace, CPT | Permit & Planning Technician
City of Tumwater, Community Development
555 Israel Rd SW | Tumwater, WA 98501
(360) 754-4180
KWallace@ci.tumwater.wa.us | www.ci.tumwater.wa.us

From: Tami Merriman
To: Jeff Sandy
Subject: RE: Craft District II, Tum-22-0070
Date: Tuesday, February 8, 2022 11:40:09 AM

Hello Mr. Sandy
Thanks for contacting the City.

As far as I am aware, these apartments will be market rate, not subsidized. They are proposing 127 parking spaces which is more than the minimum required parking of 1 space per 1 - 2 bedroom unit +1 guest space for every 10 units. This low number of stalls is allowed and encouraged for smaller units and close to transit services. The existing entrance to the Valley Athletic Club (Tumwater Valley Drive) will remain. There will be a new street connection between the apartments and the parcel to the north to the bottom of the hill at Tumwater Valley Drive.

I am unsure how to address the question of impact by adding a traffic circle. Traffic circles are proven to decrease congestion and wait time, as well as improve safety at intersections. This should provide a benefit to traffic movement on Capitol Blvd.

I hope this answers your questions. Please feel free to contact me if you would like more information.

Tami Merriman | Permit Manager
City of Tumwater Community Development
555 Israel Rd SW | Tumwater, WA 98501
(360) 754-4180 | TMerriman@ci.tumwater.wa.us
www.ci.tumwater.wa.us

-----Original Message-----
From: Jeff Sandy <jeffgsandy@yahoo.com>
Sent: Tuesday, February 8, 2022 10:14 AM
To: Tami Merriman <TMerriman@ci.tumwater.wa.us>
Subject: Craft District II, Tum-22-0070

Hello,

I was hoping to get a detailed description as to what type of Apt these will be. Will they be market rate or subsidized? How do they plan to handle all the cars that will be using the parking lot? I see barley enough parking for 1 car per apt, that seems be severely low.

What will the impact be by adding a traffic circle? Where will the entrance to The Valley Athletic Club/Golf Course be located?

Thanks for answering my questions

Jeff Sandy
206-390-2731
jeffgsandy@yahoo.com

EXHIBIT 8

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

DETERMINATION OF NON-SIGNIFICANCE (DNS)

TUM-22-0070

Craft District II, LLC

Description of proposal: The applicant seeks a variance to specific design standards to construct a 96 unit apartment complex with associated parking.

Proponent: John Peters, 2840 Black Lake Blvd. SW, #C, Tumwater, WA 98512.

Location of proposal: 4300 Capitol Blvd. SE, Tumwater, WA 98501, in S26, T18, R2W. Parcel #33870000400.

Lead agency: City of Tumwater, Community Development Department.
As provided by RCW 43.21C.240 and WAC 197-11-158, the lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the applicable development regulations and comprehensive plan adopted under RCW 36.70A and in other local, state, or federal laws or rules. Therefore, this proposal is not likely to have a probable significant adverse impact on the environment. An Environmental Impact Statement is not required under RCW 43.21C.030(2)(c), and the lead agency will not require additional mitigation measures under SEPA. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340; the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted no later than March 24, 2022, by 5:00 p.m.

Date: March 10, 2022

Responsible official:

Michael Matlock, AICP
Community Development Director

Contact person: Tami Merriman, 360-754-4180
555 Israel Road SW
Tumwater, WA 98501

Appeals of this DNS must be made to the City Clerk, no later than March 30, 2022, by 5:00 p.m. All appeals shall be in writing, be signed by the appellant, be accompanied by a filing fee of $175, and set forth the specific basis for such appeal, error alleged and relief requested.

EXHIBIT 9

Tami Merriman

From: Brittaney Kelton
Sent: Friday, March 11, 2022 12:35 PM
To: Alex Baruch; Tami Merriman
Subject: FW: DNS - Craft District II, LLC

From: Shaun Dinubilo <sdinubilo@squaxin.us>
Sent: Friday, March 11, 2022 11:59 AM
To: Brittaney Kelton <BKelton@ci.tumwater.wa.us>
Subject: RE: DNS - Craft District II, LLC

Hello Brittaney,

Thank you for contacting the Squaxin Island Tribe Cultural Resources Department regarding the above listed project for our review and comment. After reviewing the attachment, it should be noted that cultural resource site TN470 is adjacent to the project area. Additionally, the project area has a high potential for the location of cultural resources. We recommend a cultural resources survey and report be completed for this project. We would prefer to receive an electronic copy by email once completed.

Shaun Dinubilo
Archaeologist
Cultural Resource Department
Squaxin Island Tribe
200 S.E. Billy Frank Jr. Way
Shelton, WA 98584
Office Phone: 360-432-3998
Cell Phone: 360-870-6324
Email: sdinubilo@squaxin.us

Email is my perferred method of communication.

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

From: Brittaney Kelton <BKelton@ci.tumwater.wa.us>
Sent: Tuesday, March 8, 2022 2:39 PM
Subject: DNS - Craft District II, LLC

Please see attached.

Brittaney Kelton | Department Assistant II
City of Tumwater Community Development
555 Israel Rd SW | Tumwater, WA 98501

(360) 754-4180
bkelton@ci.tumwater.wa.us | www.ci.tumwater.wa.us

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

March 24, 2022

Tami Merriman, SEPA Contact
City of Tumwater
Development Services Department
555 Israel Road Southwest
Tumwater, WA 98501

Dear Tami Merriman:

Thank you for the opportunity to comment on the determination of nonsignificance for the Capitol Boulevard Lot 4 Multifamily Project (TUM-22-0070) located at 4300 Capitol Boulevard Southeast as proposed by John Peters. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

TOXICS CLEANUP: Thomas Middleton (360) 407-7263

If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator for the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Thomas Middleton with the SWRO, Toxics Cleanup Program at (360) 407-7263.

WATER QUALITY/WATERSHED RESOURCES UNIT:
Evan Wood (360) 407-7320

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:
The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
    a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
    a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
    b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Carol Serdar at Carol.Serdar@ecy.wa.gov, or by phone at (360) 742-9751.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx.

The applicant may apply online or obtain an application from Ecology's website at: http://www.ecy.wa.gov/programs/wq/stormwater/construction/ - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(GMP:202201093)

cc: Derek Rockett, SWM
Thomas Middleton, TCP
Evan Wood, WQ

EXHIBIT 10

City Hall
555 Israel Road SW
Tumwater, WA 98501-6515
Phone: 360-754-4140
Fax: 360-754-4142

Memo

To: Tami Merriman, Permit Manager

From: Mary Heather Ames, Transportation Manager

Date: March 4, 2022

Re: Transportation Concurrency – Craft District II Apartments

Based on the Trip Generation Diagram and the Traffic Scoping Analysis for the Craft District II Apartments project, dated February 11, 2022 and July 14, 20221 and the City of Tumwater Capital Facilities Plan, the City finds that the Craft District II Apartments project is concurrent in regards to Transportation conditioned as follows:

1. Shall pay Transportation Impact Fees per the Fee Resolution current at time of permit application.
2. Shall construct transportation improvements as shown on the formal site plan.

EXHIBIT 11

April 20, 2021

Craft District II, LLC Development Proposal Tree Survey

Olympia Timber Company, Inc. presents this letter to Craft District II, LLC for exclusive use by the City of Tumwater for development proposal support. This tree survey was completed according to the disturbance limits as shown in the schematic site plan layout provided by Craft District II, LLC and attached to this letter. Property boundaries and disturbance limits were not surveyed at the time the field work for this report was completed therefore tree counts are presented as a range. Existing topography and fence line shown in the schematic site plan layout were used to estimate disturbance limits. The site is approximately 1.82 acres.

It is understood that the proposed development plan includes significant grading changes to the site in order to be economically feasible while meeting required Development Standards. This necessitates the removal of trees that would be unearthed, damaged, impacted such that the anticipated life would be less than 10-years, or present hazards to post-development use. In addition, the site primarily consists of steep slope's therefore the proposed schematic design includes vertical wall elements to create usable area while reducing disturbed native land.

The total number of trees range from 79-84 trees depending on the surveyed property line. These trees range in species including Douglas-fir, Western redcedar, Red alder, Cottonwood, and smaller unidentified species due to access limitations. Per the attached site development plan, approximately 41-45 trees will require removal to meet the proposed development plan, of which 2 trees are currently dead.

There are currently 79-84 trees on the project site, approximately 39-43 live trees will be removed and 40-42 live trees retained upon completion. The City of Tumwater Municipal Code requires 22 trees are retained and the tree credit documents on title allow for a 12 tree/acre credit for this site, therefore the clearing proposed is in compliance with current code requirements without additional planting requirements.

_____ 4/20/2021

Dylan Parsons, Forester Date

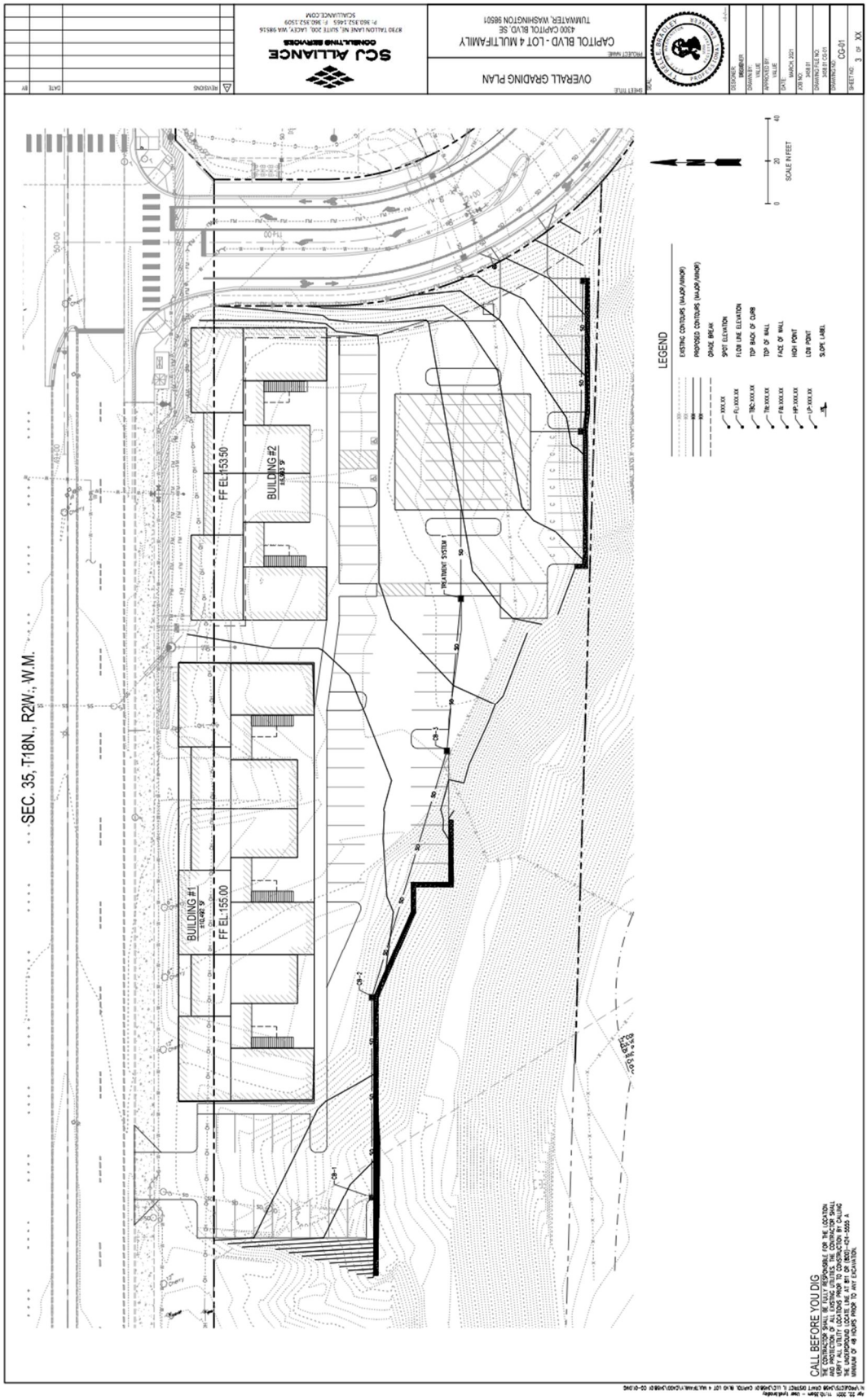

OVERALL GRADING PLAN
CAPITOL BLVD - LOT 4 MULTIFAMILY
4300 CAPITOL BLVD. SE
TUMWATER, WASHINGTON 98501
SCJ ALLIANCE
CONSULTING SERVICES
8730 TALLON LANE NE, SUITE 200, LACEY, WA 98516
P: 360.352.1465 F: 360.352.1509
SCJALLIANCE.COM
SEC. 35, T18N., R2W., W.M.
BUILDING #1
FF EL=155.00
BUILDING #2
FF EL=153.50
LEGEND
EXISTING CONTOURS (MAJOR/MINOR)
PROPOSED CONTOURS (MAJOR/MINOR)
GRADE BREAK
SPOT ELEVATION
FLOW LINE ELEVATION
TOP BACK OF CURB
TOP OF WALL
FACE OF WALL
HIGH POINT
LOW POINT
SLOPE LABEL
SCALE IN FEET
CALL BEFORE YOU DIG
THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR THE LOCATION
AND PROTECTION OF ALL UTILITIES DURING CONSTRUCTION.
VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION BY CALLING
THE UNDERGROUND LOCATE LINE AT 811 OR (800)-424-5555 A
MINIMUM OF 48 HOURS PRIOR TO ANY EXCAVATION.

EXHIBIT 12

CULTURAL RESOURCES REPORT COVER SHEET

Author: Bethany K. Mathews

Title of Report: Cultural Resource Assessment for the Capitol Boulevard Lot 4 Multifamily Development, Tumwater, Thurston County, WA

Date of Report: 13 April 2022

County(ies): Thurston Section: 35 Township: 18 N Range: 2W

Quad: Olympia, WA Acres: 2.5

PDF of report submitted (REQUIRED) ☒ Yes

Historic Property Inventory Forms to be Approved Online? ☐ Yes ☒ No

Archaeological Site(s)/Isolate(s) Found or Amended? ☐ Yes ☒ No

TCP(s) found? ☐ Yes ☒ No

Replace a draft? ☐ Yes ☒ No

Satisfy a DAHP Archaeological Excavation Permit requirement? ☐ Yes # ☒ No

Were Human Remains Found? ☐ Yes DAHP Case # ☒ No

DAHP Archaeological Site #:

_____
_____
_____
_____
_____
_____
_____
_____

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Cultural Resource Assessment for the Capitol Boulevard Lot 4 Multifamily Development, Tumwater, Thurston County, Washington

Prepared by:
Bethany K. Mathews, MA, RPA
Archaeologist & Principal
Antiquity Consulting, LLC
1107 West Bay Dr, Suite 101
Olympia, WA 98502
antiquityconsulting@gmail.com
www.AntiquityConsulting.com
360.819.4998

Prepared for:
Craft District II, LLC
John Peters
2840 Black Lake Blvd, Suite C
Tumwater, WA 98512
360.790.8570

DAHP Project #:
2022-04-02350

Lead Agency:
City of Tumwater
SEPA 202201093
Tumwater TUM-22-0070

Date of Report:
13 April 2022

CONTAINS CONFIDENTIAL INFORMATION – NOT FOR PUBLIC DISTRIBUTION

CONTENTS

TABLES

FIGURES

EXECUTIVE SUMMARY

Antiquity Consulting was contracted by Craft District II, LLC to conduct a cultural resource assessment for the Capitol Boulevard Lot 4 Multifamily Development, located at 4300 Capitol Boulevard, Tumwater, Thurston County, WA (parcel 33870000400; Township 18N Range 2W Section 35 NW ¼ NW ¼). The proponent proposes to develop a 96-unit, 4 building residential complex across the 2.5-acre project area. During the State Environmental Policy Act review for the project, the Squaxin Island Tribe and the Nisqually Indian Tribe requested a cultural resources survey for the project. The project is in an area considered to have high probability for encountering cultural resources. Antiquity Consulting completed a cultural resources survey for the proposed project area in March 2021. No cultural resources were identified in the study area. Antiquity Consulting recommends compliance with a standard inadvertent discovery protocol during project ground disturbing activities.

INTRODUCTION

Antiquity Consulting was contracted by Craft District II, LLC to conduct a cultural resource assessment for the Capitol Boulevard Lot 4 Multifamily Development, located at 4300 Capitol Boulevard, Tumwater, Thurston County, WA (parcel 33870000400; Township 18N Range 2W Section 35 NW ¼ NW ¼). Craft District II, LLC intends to develop a 96-unit, 4 building residential complex across the 2.5-acre project area. During the City of Tumwater State Environmental Policy Act review for the project, the Squaxin Island Tribe and the Nisqually Indian Tribe requested a cultural resource assessment to be completed by a qualified professional. The project is in an area that is considered very high risk for encountering archaeological resources due to environmental factors.

Project Background

During the City of Tumwater State Environmental Policy Act review for this project (TUM-22-0070; SEPA 202201093), the Squaxin Island Tribe and the Nisqually Indian Tribe requested a cultural resources survey be completed. Antiquity Consulting was contracted by Craft District II, LLC to conduct a Cultural Resources Assessment for the project. Per the Washington State Standards for Cultural Resources Reporting (Washington State Department of Archaeology and Historic Preservation 2021), this cultural resource assessment was led by Secretary of the Interior-qualified Archaeologist Bethany Mathews, MA, RPA.

Project Description

Craft District, LLC intends to develop a 96-unit, 4 building residential complex across the 2.5-acre project area (Figures 1-2).

Tribal Coordination

The Squaxin Island Tribe, the Nisqually Indian Tribe, and the Confederated Tribes of the Chehalis Reservation cultural resources staff were notified of the archaeological survey schedule via email on 27 February 2022. At that time Antiquity Consulting notified the Tribes that a standard pedestrian and subsurface survey would be conducted, including approximately 11 shovel probes, and requested to incorporate information from the respective departments into the historic context and research design.

Regulatory Context

This survey was completed at the request of the Squaxin Island Tribe and the Nisqually Indian Tribe to meet the requirements of the State Environmental Policy Act (SEPA). SEPA requires that all major actions sponsored, funded, permitted, or approved by State and/or local agencies provide consideration of the impacts of the planned action on the environment, which includes properties of historical, archaeological, scientific, or cultural importance (Washington Administrative Code 197-11-960). The Department of Archaeology and Historic Preservation is the agency with the technical expertise to consider the effects of a proposed action on cultural resources and to provide formal recommendations to local governments and other State agencies for appropriate treatments or actions.

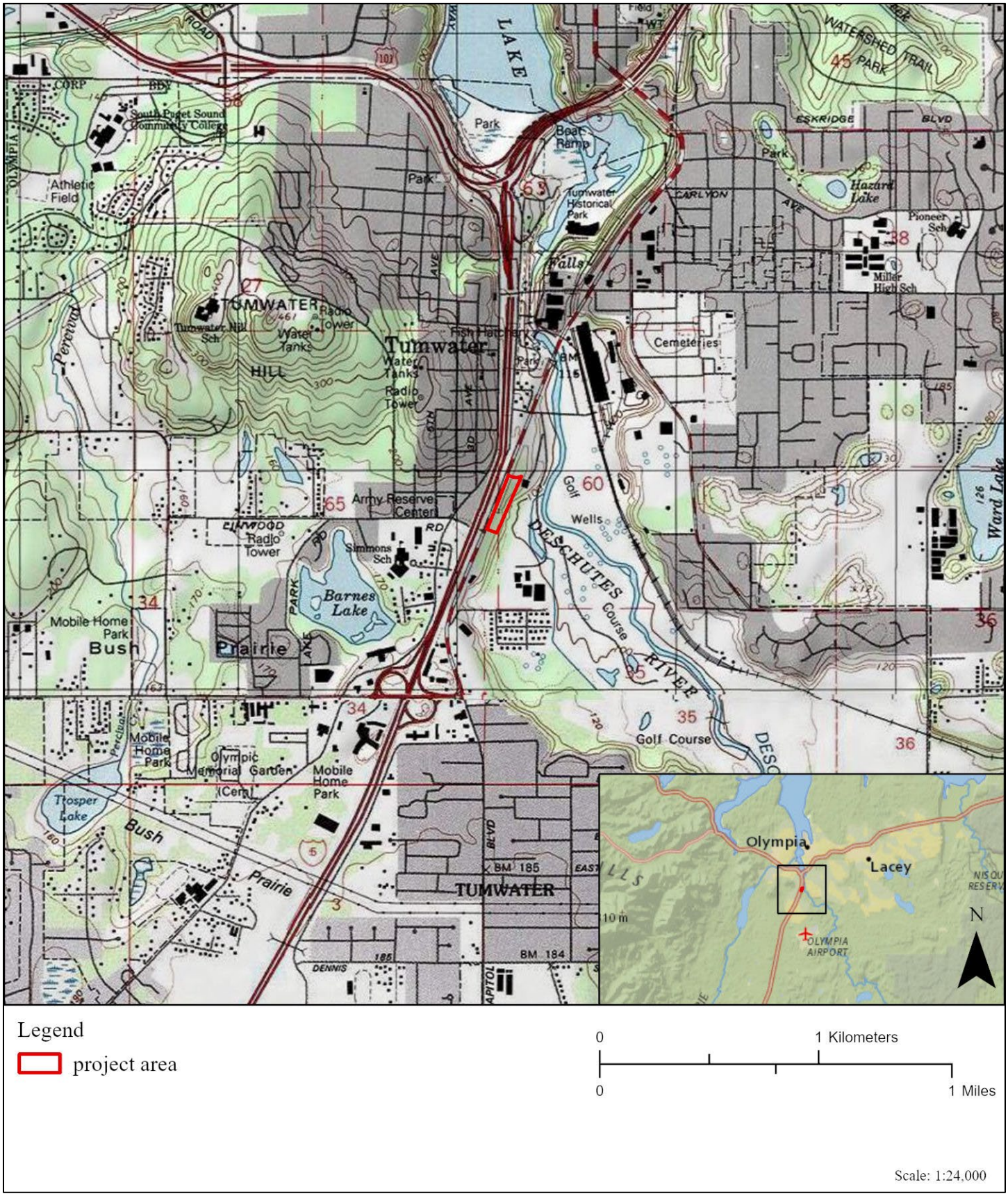


Figure 1. Project location marked on 1:24,000 Olympia, WA USGS 7.5-minute quadrangle.

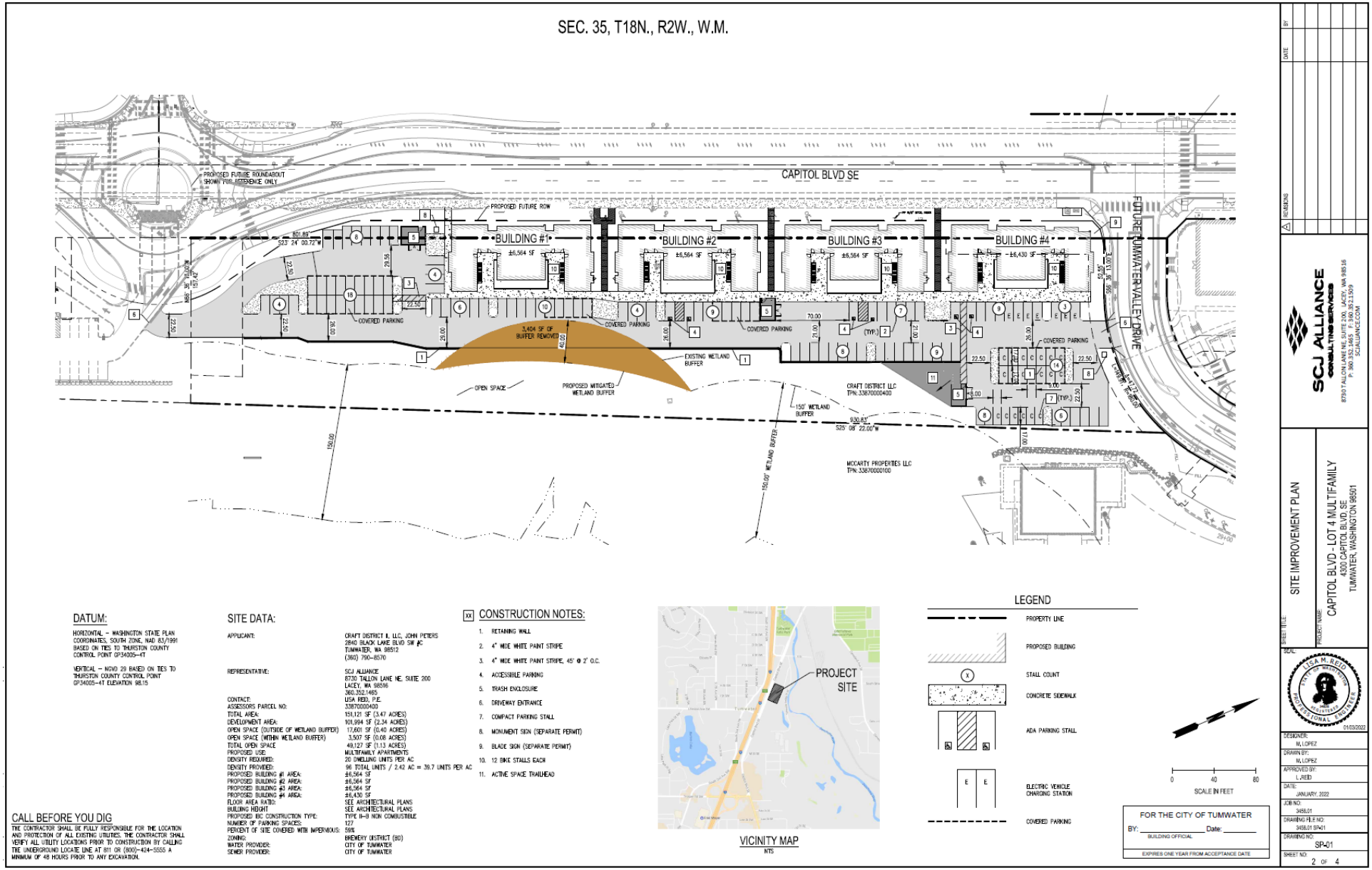


Figure 2. Project plan, courtesy SCJ Alliance.

Washington State protects its archaeology and heritage resources under various laws. In Washington State it is illegal to knowingly disturb archaeological sites or certain archaeological materials on state and private lands. Laws protecting these resources include the Archaeological Sites and Resources Law (RCW 27.53), Indian Graves and Records Law (RCW 27.44), Human Remains Law (RCW 68.50), and Abandoned and Historic Cemeteries and Historic Graves Law (RCW 68.60). Per RCW 27.53.060 and WAC 25-48-060 the Department of Archaeology and Historic Preservation may issue an archaeological site alteration/excavation permit for impacts to an archaeological site in accordance with a professional scientific research plan.

Evaluation of Historic Properties for the City of Tumwater Register of Historic Places

The Tumwater Register of Historic Places is a list of buildings, structures, sites, objects, or districts significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community (Tumwater Code 2.62.050). To be listed on the TCHR a property must typically be 50 years old or of exceptional importance.

Evaluation of Historic Properties for the Washington Heritage Register

The Washington Heritage Register (WHR), which is maintained by the DAHP, is a list of historically significant districts, sites, buildings, structures, and objects that are considered significant in local or state history (Washington State Department of Archaeology and Historic Preservation 2018). To qualify for listing on the WHR a building, site, structure, or object must be at least 50 years old, or should have documented exceptional significance if less than 50 years old. The resource should have documented historical significance at the local, state, or federal level, and should maintain a high to medium level of integrity of important character defining features.

Evaluation of Historic Properties for the National Register of Historic Places

Evaluation of historic properties at local levels is typically modeled after evaluation of historic properties for the National Register of Historic Places. A historic property is defined as "a district, site, building, structure or object significant in American history, architecture, engineering, archeology or culture at the national, state, or local level." These properties are typically evaluated in terms of historic significance, integrity, and the general stipulation that the property be 50 years old or older (for exceptions see 36 CFR 60.4, Criteria Considerations [a–g]). National Register Bulletin Guidelines state that to be eligible for listing in the NRHP, a historic property must represent a significant part of American history, architecture, archaeology, engineering, or culture (Little and Hardesty 2000; Shrimpton 1990). Additionally, to be considered eligible, a historic property must meet one or more of the four NRHP criteria:

A) be associated with events that have made a significant contribution to the broad patterns of our history; or

B) be associated with the lives of persons significant in our past; or

C) embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D) have yielded, or may be likely to yield, information important in prehistory or history.

Most archaeological sites are evaluated under Criterion D, their potential to yield important information. This objective is accomplished by developing historic contexts. A historic context is a body of information about the past and the tangible expressions of past events organized by the elements of theme, place, and time (NPS 1991). The historic context for the project area is summarized in this report and serves as a foundation for evaluating cultural resources in the project area.

Historic Property Integrity

Integrity is the ability of a historic property to convey its significance. Integrity must be evident through historic qualities, which may include location, design, setting, materials, workmanship, feeling, and association (NPS 1991:1). Degree of integrity should be taken into consideration when evaluating resources under the NRHP criteria, for example:

- If eligible for its historic associations under Criterion A, then the resource should retain substantial aspects of its overall integrity, although design and workmanship may not weigh as heavily as those aspects related directly to its historic associations (NPS 1991:44-48).

- To be eligible for its association with a prominent person under Criterion B, the resource should retain some aspects of integrity, although design and workmanship may not be as important as the others (NPS 1991:44–48).

- To be eligible for its architectural merits under Criterion C, a resource must retain its physical features that constitute a significant construction technique or architectural style. Critical aspects of integrity for such properties are design, workmanship, and materials. Location and setting will also be important for those resources whose design reflects their immediate environment (NPS 1991:44–48).

- Resources significant under Criterion D may not have the type of integrity described under the other criteria but are considered to have integrity if these aspects support data potential (NPS 2020:35). Of the seven aspects of integrity, location, design, materials, and workmanship are generally the most important for Criterion D properties (NPS 1991:44–48).

ENVIRONMENTAL SETTING

The natural and cultural characteristics of a place inform the likelihood for encountering cultural resources at a geographic location. Natural and cultural characteristics of the project area were the foundation for establishing a research methodology for this cultural resource assessment. This assessment included a review of environmental information on the project area, as illustrated in reports on regional geology, local soils data, and the environmental history of the project vicinity. Post-depositional processes likely to affect any cultural deposits in the study area were also considered.

Geomorphology

The project is located on a shallow terrace within a late Pleistocene glacial drift deposit, on a terrace 60 feet above the Deschutes River.

Glacial Geomorphology

Puget Lowland landforms were largely shaped by Pleistocene glacial events (Kruckeberg 1991). Beginning two million years ago, the bedrock in this province was depressed and deeply scoured by glaciers, and sediments were deposited and often reworked as glaciers advanced and retreated at least seven times. A mantle of glacial drift and outwash deposits were left across much of the region by the end of this glacial period (Easterbrook 2003). The last glacial advance and retreat to cover the region, the Vashon Stade of the Fraser Glaciation began around 19,000 BP with an advance of the Cordilleran Ice Sheet into the lowlands (Porter and Swanson 1998). The Puget Lobe of this ice sheet advanced from the Cascade Mountains down into the Puget Lowland and reached the Olympia area about 17,350 BP (unknown author 2018). The Puget Lobe began to retreat shortly after reaching its terminus near Tenino and had retreated to Olympia by 16,650 BP (Porter and Swanson 1998). Glacial lakes formed around the margins of the Puget Lobe due to the high topography of the southern Puget Sound and the ice dam of the Puget Lobe which could not yet permit drainage of the glacial meltwater and local runoff to the Pacific Ocean (Figge 2008). Outflow from glacial-lake outbursts and subglacial fluvial erosion typically flowed south toward the Chehalis River valley, and later northward-flowing streams filled the deep glacial outburst troughs with sandy sediments (Walsh et al. 2003).

Local Geologic Units and Soils

The United States Geological Survey identifies the project area as geologic unit Qgos which is part of a Pleistocene continental glacial drift deposit from the Latest Vashon Stade, and is described as moderately well-sorted, moderately to well-rounded, fine- to medium-grained sand with minor silt (Figure 3; Washington State Department of Natural Resources 2022A). Qgos, also known as Tumwater sand, was deposited in stream channels, inset terraces, and deltas flowing into or out of glacial lakes during deglaciation when stagnant ice occupied much of the southern Puget Lowland. This geologic unit extends about 400 feet (120 meters) below the ground surface (Walsh et al. 2003).

Soils in the Puget Lowland typically form in weathered glacial materials. Indianola loamy sand is mapped in the project area by NRCS (NRCS 2022; Table 1; Figure 4). The typical soil profile is detailed in Table 1. Indianola loamy sand forms on eskers, kames, and terraces in sandy glacial outwash, and is hydric.

Table 1. Soil descriptions of project area.

Note: derived from Natural Resource Conservation Service 2022.

Map Unit	Soil	Horizon	Description	Depth (cm)	(in)	Acidity
46/48	Indianola loamy sand, 0 to 5 percent slopes	Oi	Slightly decomposed plant material	0-3	0-1	Neutral
		A	Very dark grayish brown loamy sand	3-15	1-6	Neutral
		Bw1	Yellowish brown loamy sand	15-43	6-17	Neutral
		Bw2	Yellowish brown sand	43-69	17-27	Neutral
		BC	Pale brown sand	69-94	27-37	Neutral
		C	Pale brown sand	94-152	37-60	Neutral

Water

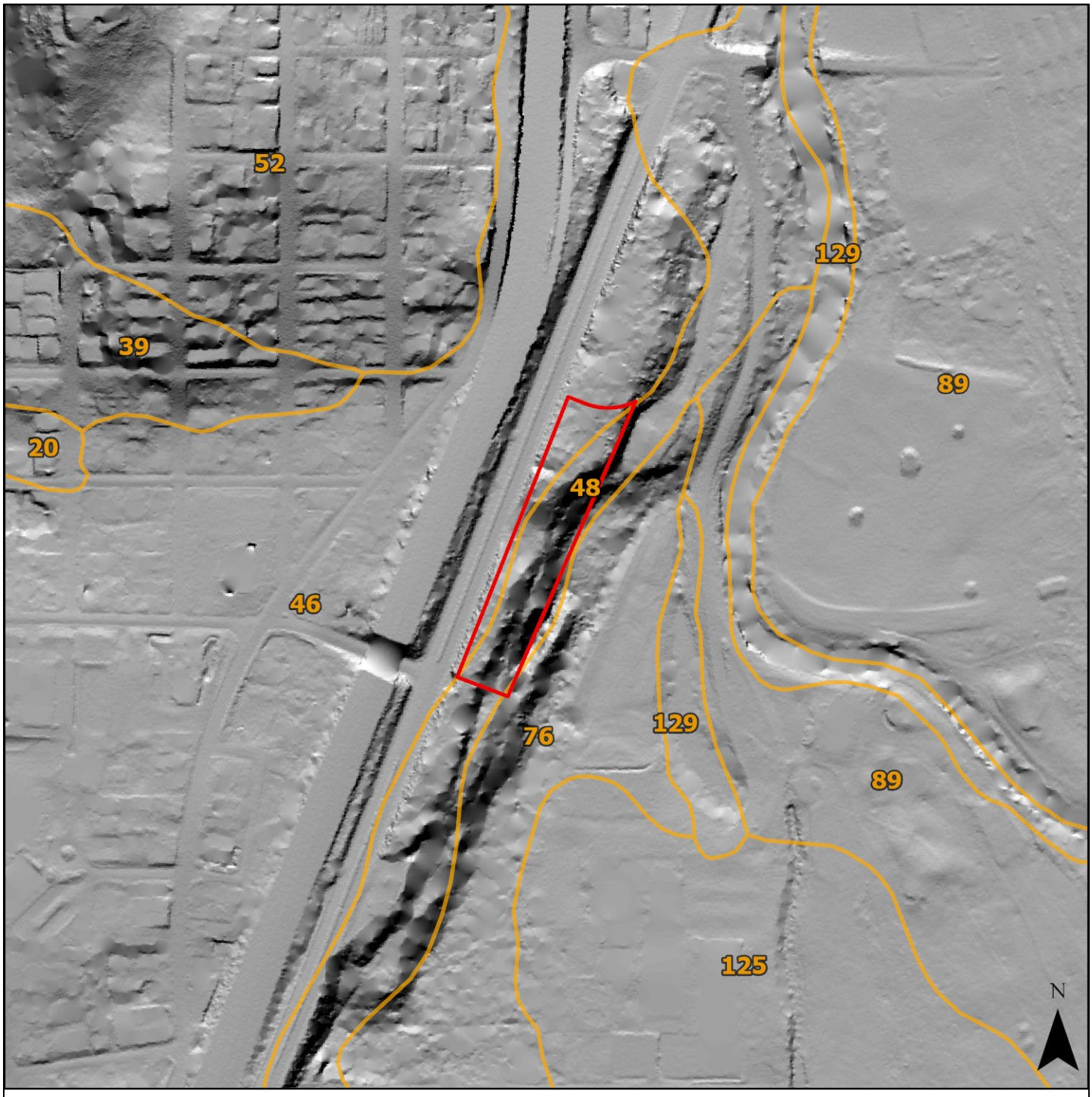
The study area is situated in an area that is rich in freshwater resources, although no freshwater sources are located in the project area. The project parcel is located 100 meters west of the Deschutes River.

Vegetation and Fauna

The project area is located within the Western hemlock (*Tsuga heterophylla*) vegetation zone (Franklin and Dyrness 1988). The Puget Lowland forest populated the region shortly after retreat of the glaciers in the late Pleistocene. Prior to historic-era clearing, western Washington forest overstories were dominated by western red cedar (*Thuja plicata*), western hemlock (*Tsuga heterophylla*), and Douglas fir (*Pseudotsuga menziesii*). Under natural conditions Indianola soils support Douglas fir (*Pseudotsuga menziesii*), western hemlock (*Tsuga heterophylla*), western red cedar (*Thuja plicata*), red alder (*Alnus rubra*), and bigleaf maple (*Acer macrophyllum*), with an understory of vine maple (*Acer circinatum),* salal (*Gaultheria shallon*), Oregon grape (*Mahonia aquifolium*), red huckleberry (*Vaccinium parvifolium*), evergreen huckleberry (*Vaccinium ovatum*), western brackenfern (*Pteridum aquilinum*), western swordfern (*Polystichum munitum*), thimbleberry (*Rubus parviflorus*), and trailing blackberry (*Rubus ursinus*) (NRCS 2022).

A wide variety of mammals and fish are adapted to the Puget Sound. Vertebrate animals common in the Puget Lowland forests include deer, elk, mice, rabbits, squirrels, numerous bird species, black bear, raccoon, beaver, opossum, coyote, bats, cougar, bobcats, weasels, mole shrews (Kruckeberg 1991). The Puget Sound supports 3,000 species of invertebrates including shellfish, 200 species of marine fish, hundreds of species of birds, and marine mammals including orcas, sea lions, sea otters, gray whales, humpback whales, and harbor seals (National Wildlife Federation 2019).

Figure 3. Surface geology of project vicinity (data from DNR 2022A).



Legend

project area

soil unit

0 30 60 90 Meters

0 100 200 300 Feet

Scale: 1:5,000

Figure 4. Soil units mapped in project area over LiDAR image (data from WSDNR 2022B and NRCS 2022).

CULTURAL SETTING

The project vicinity has hosted a variety of significant historic events of local, regional, and national importance. The probability for historic properties to be located within the project area is primarily based on a review of local environmental and cultural contexts, as well as local cultural resource studies and known cultural, historic, or archaeological sites. Research conducted for this assessment included review of local histories and ethnographies, and resources available in the DAHP's Washington Information System for Architectural and Archaeological Records Data database, United States Surveyor General Bureau of Land Management's General Land Office Survey Records database, HistoryLink.org, HistoricMapWorks.com, and USGS Historical Topographical Map Explorer. Consulted sources included Bancroft 1890, Blankenship 1914, Carpenter 2002, Crowell et al. 2019, Meany 1923, and Thurston County Historic Commission 1992.

Precontact and Ethnohistoric Periods

The project is located in the traditional territory of the Squaxin Island Tribe and the Nisqually Indian Tribe (Carpenter 2002; Smith 1940; Spier 1936:26; Suttles and Lane 1990:485-487). The people of the Nisqually River watersheds considered themselves to be an economic, political, and social unit (Carpenter 2002). Like most Coast Salish, the Nisqually maintained social and economic ties with neighboring bands and tribes resulting in shared use of local resources (Smith 1940). Traditional use of the Coast Salish area is generally oriented toward resource locations (i.e., fresh water, terrestrial and marine food resources, forests, and suitable terrain). Precontact settlements of Coast Salish groups were often located along major waterways and at heads of bays or inlets, where abundant resources of coastal, riverine and inland environments supported a relatively rich, diverse, and reliable subsistence base.

The Steh-chass village was located about 4 kilometers north of the project area on the Deschutes estuary. *Steh-chass* were a Southern Lushootseed-speaking band within the Southern Coast Salish culture region. The *Steh-chass* village was located on the Olympia peninsula on the eastern shore of Budd Inlet, on land now occupied by downtown Olympia (Squaxin Island 2018:7). Edmond Meany (1923:197) noted that a "small band" lived here. Early American settler reports confirm that *Steh-chass* remained on the Olympia peninsula as the American settlement developed in the 1850s. Lurana Percival reported that canoes and huts lined the shoreline in 1853 (Thurston County Historic Commission 1992). "Chinook street," the location of a longhouse near Columbia and Fourth Streets, was frequented by American settlers for trading. Thomas Talbot Waterman (Waterman et al. 2001:2), who conducted ethnogeographic fieldwork sometime between 1911 and 1920, indicates the village site was originally located on land that was later occupied by the Fourth Avenue bridge, near Water Street and 4th Avenue. This site was considered a portage terminus of the Cowlitz Trail, which connected the Puget Sound waterways with regional overland travel corridors (Croes et al. 2000).

During the winter months Coast Salish lived in large villages of cedar plank houses. Nisqually occupied at least 40 villages along the Nisqually River (Ruby et al. 2010:213). Upper villages, villages nearest *Ta-co-bet* (Mount Rainier), were relatively small and are thought to be the first villages occupied by Nisqually people as they emigrated south and west of *Ta-co-bet* (Carpenter 1994:61). Trade regularly occurred between the Yakima east of *Ta-co-bet*, the Lower villages, and the Upper villages, whose people were also referred to as the Mountain Nisqually. The middle river segment, which extended from Ohop Creek to Murray Creek, was primarily used for fishing stations and camping en route to *Ta-co-bet* or beyond (Carpenter 2002:27). Lower villages consisted

of at least 13 villages between the confluence of the Nisqually River and Murray Creek down to Puget Sound (Carpenter 2002:27). Villages in the Olympia area which were considered to be closely associated with Nisqually in the Treaty era included *Nu-sh-t-sat*, on the shores of South Bay/Henderson Inlet, *Steh-chass* on Budd Inlet, *Sq-uai-aitl* on Mud Bay/Eld Inlet, *Sa-wa-mish* on Oyster Bay/Totten Inlet, and *Sa-heh-wa-mish* at Hammersley Inlet (Carpenter 2002:27).

Spring and summer months were spent at seasonal encampments while fishing, hunting, and plant/berry collecting. Prairies were critically important to the Nisqually economy because they offered diverse resources (Smith et al. 2008:17). Camas fields on prairies near Lake Steilacoom, Lake Spanaway, and south of Yelm and Tenino were utilized (Carpenter 1986:8). Camas bulbs were carried home after gathering, typically in the late spring and cooked in an outdoor fire pit or boiled. Many other types of roots were collected on prairies as well. Foothills were also especially important resource locations in the summer and fall (Carpenter 1986:8). Women collected berries, medicinal plants, and basketry materials, while men hunted for birds and deer.

Fish have always been a staple of local diet (Carpenter 2002). Culturally important fish species include Chinook, Chum, Humpback, Coho, and Sockeye salmon; trout; smelt; flounder; and herring; as well as less available kinds of fish such as cod, perch, skate, sole, bullhead, devil fish, and eels. Freshwater fishing typically occurred in the quieter waters of river tributaries, where fish weirs could safely be constructed without fear of loss to seasonal flooding. Fishing in marine waters was accomplished by canoe with nettle string nets or a clam-baited hook on a line. When fishing in a cove or eddy, fish could be speared or clubbed by wading from the shore. Whales, sharks, seals, and halibut were rarely encountered in the Puget Sound.

Shellfish were also an important staple food for people living along the Puget Sound (Carpenter 2002). Puget Sound villages hosted clambakes during the late Spring and early Summer, which were attended by relatives throughout the region. Seafoods were also dried and traded with neighboring bands.

Many ethnographic place names are recorded in the southern Puget Sound, including coves, creeks, resource locations, and promontories (Smith 1940:8–12, Waterman et al. 2001:312–321; Figure 5). Thomas Talbot Waterman, who conducted ethnogeographic fieldwork in the Puget Sound sometime between 1911 and 1920 (Waterman et al. 2001:2), recorded numerous place names along the shorelines of the Puget Sound. Marian Smith, who mapped the locations of village sites in the southern Puget Sound but cautions that these were only the locations of the permanent “headquarters” of a group and that people were everywhere on the local landscape, recorded several village sites along the shoreline of Puget Sound. Four ethnogeographic places have been recorded within 3 kilometers of the project area, along the Deschutes Estuary (Table 2).

Table 2. Ethnogeographic places within 3 kilometers of the project area.

Author	Map Designation	Salish Name	English Translation	Common Name of Place	Description
Smith 1940	28	*Statcásabc*		Budd Inlet	--
Waterman et al. 2001	121	*Xweuq!qwakwaudup*	Where there are white shells on the ground	Small promontory north of the mouth of Percival Creek	--
	122	*Qexc'bld*	Lots of clawing	Percival Creek	--
	123	*SpEkwa 'L*	Cascade	Tumwater Falls	--

Figure 5. Ethnogeographic locations mapped in project vicinity.

Historic Period

The landscape of western Washington has been radically transformed over the last 150 years, transitioning from old-growth forest to timberland and farmland, to its current use for residential, recreational, agricultural, and industrial purposes. This shift of land use is typical of western US settlement patterns. The history outlined in this report focuses on regional events as they pertain to cultural resources in the project vicinity.

History of Land Ownership in Washington State, 1800s to 1900s

The first non-native immigrants to the area were European, Hawaiian, and Metis employees of the Hudson's Bay Company (HBC) who arrived in the early 1800s with the development of HBC trading posts and agricultural stations (Nisbet and Nisbet 2011). The Puget Sound Agricultural Company (PSAC), an agricultural subsidiary of the HBC, was established in 1838 (Crooks 2007). PSAC operations focused at two locations: one at Cowlitz Farm (Toledo, WA) and the other at Fort Nisqually (DuPont, WA). By the mid-nineteenth century, the PSAC holdings included 150,000 acres between the Puyallup and Nisqually Rivers, much of which was worked from outstations and satellite farms.

The project vicinity was jointly occupied by the United Kingdom and the United States until the Oregon Treaty of 1846. The presence of the HBC, a British company, began to decline at this time, being replaced by American settlement and industry. Few American settlers lived in what would become Oregon Territory by the 1840s. To encourage American settlement in Oregon Territory, the US passed the Donation Land Claim Act of 1850, which amended previous land claim laws and required that land surveys and claims conform to government standards.

The Donation Land Claim Act was passed prior to treaty discussions with the native peoples of what would become the Washington Territory. The act granted 320 acres of land to white male citizens over 18 (Riddle 2010). A married man could claim 640 acres. Recipients only needed to prove, within 4 years, that they lived on and cultivated the land. If a claimant arrived between 1850 and 1855, they could claim 160 acres if single and 320 acres if married. In 1854, an extension of the act also allowed for purchase of the claims at $1.25 an acre instead of proof of cultivation and residence. About 25% of western Washington lands were claimed through the Donation Land Claim Act (Mathews 2019).

In 1862, the United States government passed the Homestead Act, which granted 160 acres to heads of households (Muhn and Hanson 1998:20). Homestead applicants were issued a patent on their land if they either proved residence and cultivation after five years, requiring the investment and labor of building a residence, clearing land, and planting crops; or they could purchase the land via a "cash entry" after only 6 months. Only about 40% of claims were "proved up" and 20% of lands in Washington State were claimed through this act (Mathews 2019). In Thurston County, 4% (n=26) of Homestead Act patents were granted to women, which is much lower than in other parts of the West but average for Washington (Mathews 2021).

The United States also granted lands directly to railroad companies to encourage the development of transcontinental rail lines in the 1860s (Muhn and Hanson 1988:21). In 1862, rail companies were granted five alternate odd-numbered sections for each mile of planned railroad, within 10 miles of the planned railroad. In 1864, this was increased to twenty sections for each mile of railroad. Railroad land grants were considered controversial, as they limited the potential for settlement of the area, and the policy of granting to railroads

ended in 1871.

The United States passed several land grant acts and amendments to the Homestead Act through the early 1900s, to encourage settlement and industry in the west. The Timber Culture Act of 1873 granted 160 acres to individuals who planted 40 acres with trees, with trees spaced no more than 12 feet apart (6,750 trees), for a period of 10 years (Muhn and Hanson 1988:22). In 1877, the Desert Land Law granted 640 acres to individuals who paid $0.25 an acre and irrigated dry, treeless property within 3 years. The Dawes Severalty Act of 1887 assigned 160-acre allotments to individual tribe members and opened the remainder of lands to homesteaders (Wilma 2000). The Enlarged Homestead Act of 1909 increased the maximum homestead grant acres to 320 acres for individuals who homesteaded non-irrigable lands (Bradsher 2012). The Stock Raising Act of 1916 granted up to 640 surface acres, to include lands that were deemed only useful for grazing and raising forage crops (United States Congress 1916).

Early American Settlements in Thurston County

In 1845, the southern Puget Sound was the site of the first American settlement in what would become Washington Territory (Dougherty 2006). The Simmons-Bush Party, a group of 31 settlers who traversed an overland trail from Missouri, settled several claims in the Olympia/Centralia area (Crooks 2009:20; Millner 1995:14). The Simmons family established a settlement and mill near Tumwater Falls, which also marked the beginning of the timber industry on the Puget Sound (Fowler 2009:78). The establishment of the settlement at Tumwater Falls attracted newcomers Edmund Sylvester and Levi Lathrop Smith to the area in 1846 (Kirk and Alexander 1990:356).

In January 1850, a meeting of local American settlers resolved to establish a town site at Olympia (Crooks 2009:21). It was assumed that the location would be advantageous for shipping and trade, because of its position on Budd Inlet, near Tumwater Falls, and near good agricultural and timber lands (Bancroft 1945:339). Sylvester offered free lots for development within the new townsite, and Olympia quickly became a draw for American settlers. Several of the local settlers relocated to the townsite immediately, and the lands surrounding Budd Inlet were claimed by new settlers soon after. Michael Troutman Simmons, who had hoped his settlement at Tumwater Falls would rival the HBC trading post at Fort Nisqually, established the first mercantile in Olympia at Main and First Streets with Charles Smith (Crooks 2009:22).

Other members of the Simmons-Bush part included Isabella and George Bush, and their six sons, emigrated from Missouri in 1844 in hopes of avoiding racial prejudice and establishing a better life for their family (Olsen and Stevenson 2007). Although little is known about his early life, George Bush was probably of West Indian and Irish heritage. When the Simmons-Bush Party, a group of five families and six single men, reached Oregon in 1844 they learned the Oregon Provisional Government had passed the Black Exclusion Law which banned African American settlement, and the party decided to settle along the Deschutes River instead (McLagan 2009). The 1850 Donation Land Claim Act excluded all but white men from claiming land, but a petition signed by 55 members of the Washington Territorial Legislature and resulting Act of Congress permitted the Bush family to retain legal rights to their claim. The Bush family were finally able to patent the claim of 640-acres in 1879.

American settlers in the region began organizing for self-governance in 1851, resulting in the establishment of

Washington Territory in early 1853. Originally part of Lewis County, Thurston County formed in 1852 (Dougherty 2006). Olympia was declared the territorial capital, and Sylvester donated 12 acres for the establishment of the Capitol. Legislature began meeting in a two-story wood frame building here in 1854. The establishment of Olympia as the Territorial Capital encouraged local population growth, and Olympia was officially incorporated as a town in 1859 (City of Olympia 2019). Washington was admitted to the Union in 1889 (Crowley 2003A).

Study Area Property Ownership and Land Use History, 1845 to present

In the 1850s, the United States sought to make treaties with Washington tribes and assign them to reduced reservations in order to open land for American settlement (Richards 2005:343). American colonization and settlement of indigenous people's lands began illegally according to the United States' Nonintercourse Act (U.S.C. § 177). In 1854, the United States entered into the Medicine Creek Treaty with the Nisqually, Puyallup, Steilacoom, Squawksin, S'Homamish, Stechass, T'Peeksin, Squi-aitl, and Sa-heh-wamish nations (Crowley 2003B). The Nisqually Reservation was established in 1854, enlarged in 1857, and partially condemned in 1917 for the creation of Fort Lewis. During the Puget Sound War, an armed conflict that occurred between 1855–1856, Medicine Creek Treaty Tribes and other bands were forcibly confined to Squaxin and Fox Island (Ruby et al. 2010:318).

No improvements are recorded within the project area on the 1854 General Land Office survey map of Township 18N Range 2W (Bureau of Land Management 2022A; Figure 6). At this time, the Cowlitz Trail/Road is marked 150 meters west of the project area, the Kindred residence and farm is mapped about 800 meters (1/2 mile) south of the project, and the Ward Hays & Co. sawmill is mapped (1/4 mile) north at Deschutes Falls. The project is located in GLO Survey 60, which was a 300-acre Donation Land Claim patented by Smith Hays in March 1873 (Bureau of Land Management 2022B). The 1937 USGS topographic map of the project area indicates a drainage from Barnes Lake drained along the southeastern boundary of the project area towards the Deschutes River, and that residences had been constructed along Highway 9 about ¼ mile west of the project (USGS 1937; Figure 7). By 1949 Highway 99 had been moved to the western boundary of the project area, which is now Capitol Blvd (USGS 1949; Figure 8). A residence is mapped on the north edge of the property by 1949. By 1959, no residence is mapped here by there is a structure mapped east of the project, accessed by a road from the north (USGS 1959; Figure 9). The 1962 Metsker map indicates the northern portion of the property is one lot of a subdivision (Metsker 1962; Figure 10). Nothing is mapped within the project area on the 1968 or 1981 USGS topographic maps (USGS 1968, 1981; Figures 11-12). According to Thurston County Assessor data, a chain-link fence was erected on the property in 1988 (Thurston County 2022). LiDAR imagery of the project area indicates mechanical grading has occurred near the center of the parcel on the upper terrace, and that an unimproved road accesses a lower terrace of the Deschutes along the steep slope on the east side of the parcel (WSDNR 2022B). According to Thurston County Assessor Data the buildings at the end of this road was constructed in 1988, although a structure was located here in the 1950s (Thurston County 2022).


Legend
project area
0
1 Kilometers
0
1 Miles
N
Scale: 1:24,000

Figure 6. Portion of 1854 Township 18N Range 2W GLO Map, with project location indicated (Source: Bureau of Land Management 2022A).

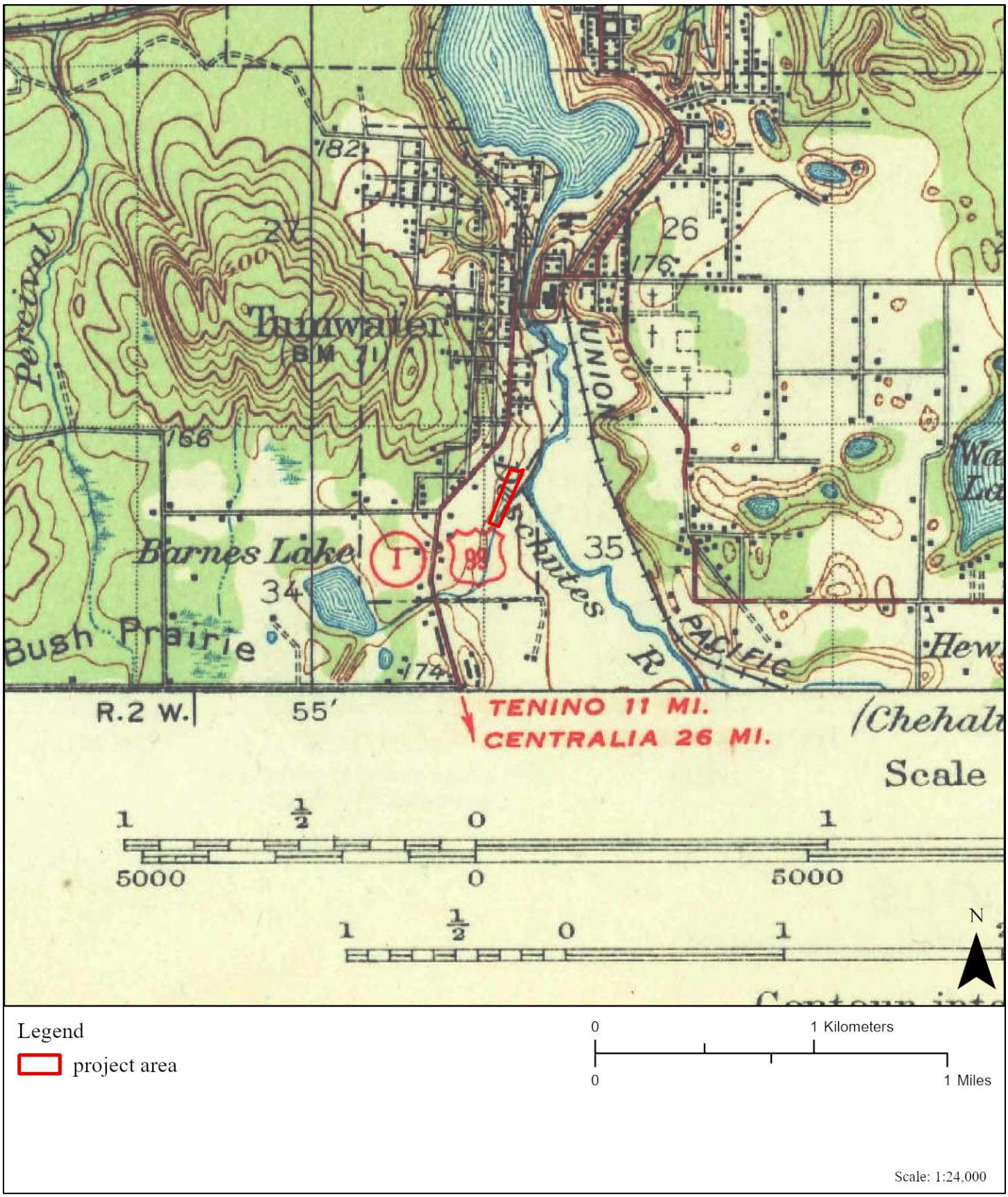
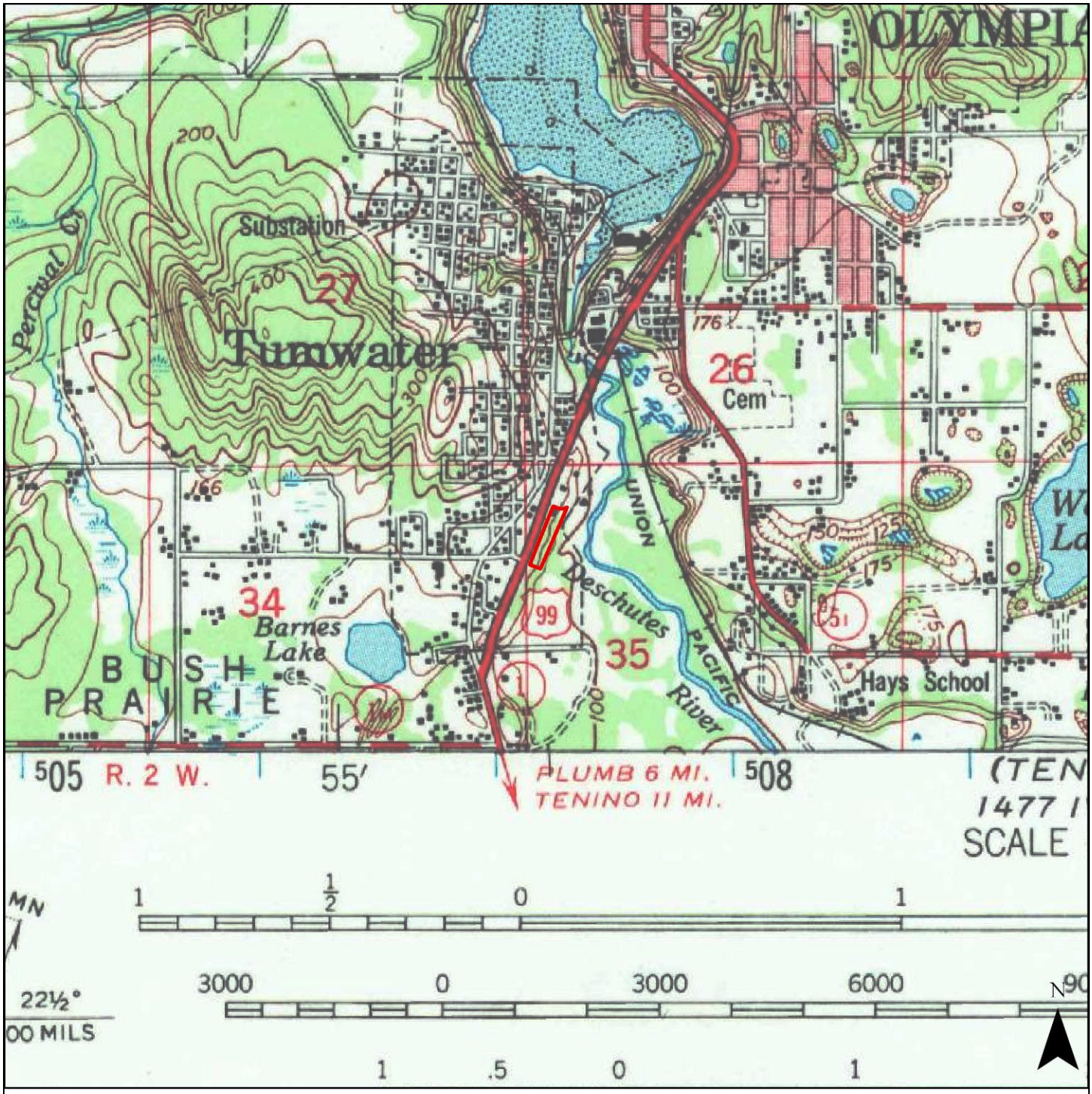

Tumwater
BM 71
Barnes Lake
Bush Prairie
Deschutes R
UNION
PACIFIC
R.2 W.
55'
TENINO 11 MI.
CENTRALIA 26 MI.
Scale
1 ½ 0 1
5000 0 5000
1 ½ 0 1
N
Legend
project area
0 1 Kilometers
0 1 Miles
Scale: 1:24,000

Figure 7. Portion of 1937 1:62,500 Olympia topographic map, with project location indicated (Source: USGS 1937).



Legend

project area

0 1 Kilometers

0 1 Miles

Scale: 1:24,000

Figure 8. Portion of 1949 1:62,500 Olympia topographic map, with project location indicated (Source: USGS 1949).

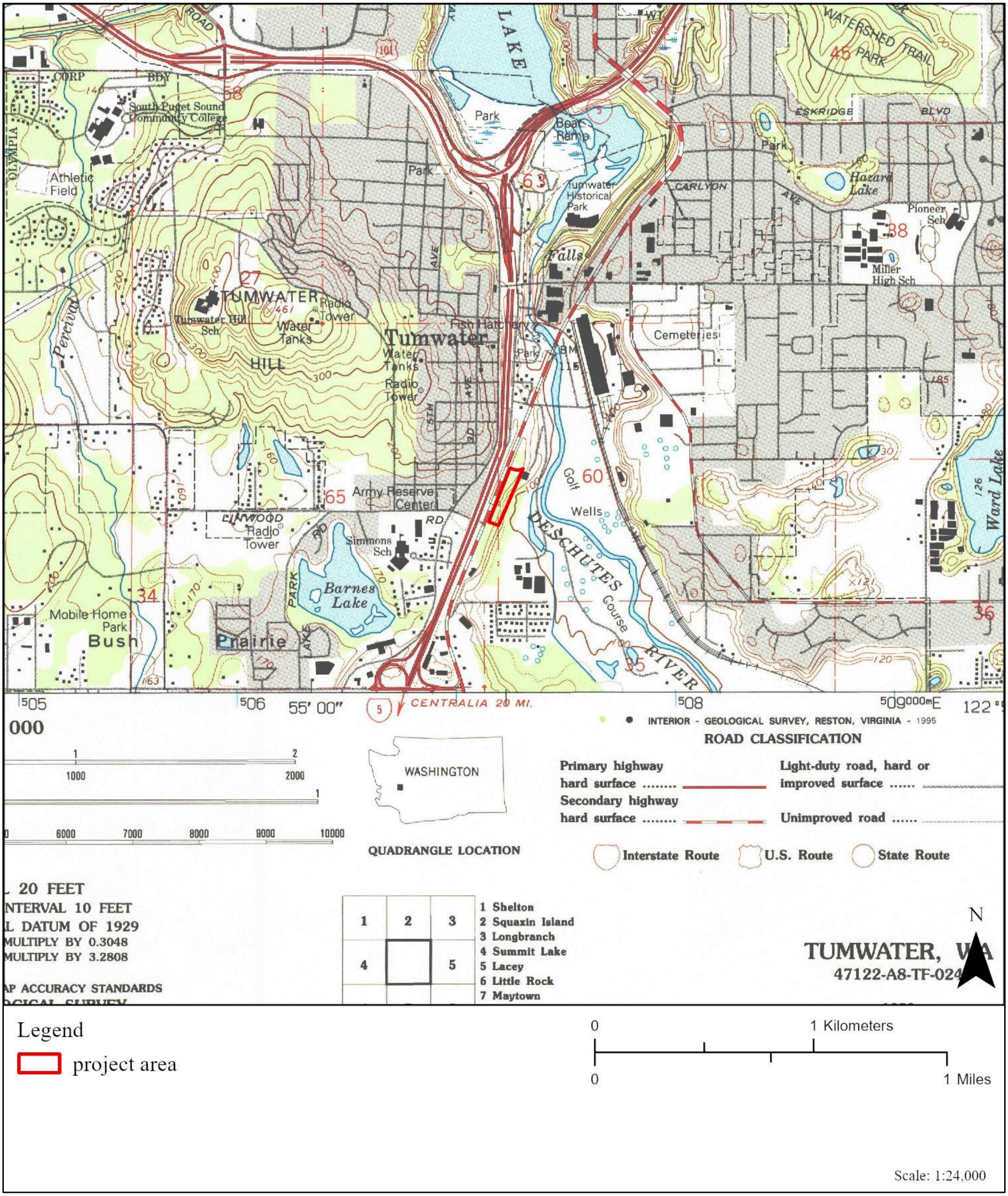

Tumwater
TUMWATER HILL
Deschutes River
Barnes Lake
Ward Lake
Hazard Lake
Capitol Lake
Army Reserve Center
Simmons Sch
South Puget Sound Community College
Tumwater Historical Park
Miller High Sch
Pioneer Sch
Cemeteries
Golf Course
Bush Prairie
CENTRALIA 20 MI.
INTERIOR - GEOLOGICAL SURVEY, RESTON, VIRGINIA - 1995
ROAD CLASSIFICATION
Primary highway hard surface
Light-duty road, hard or improved surface
Secondary highway hard surface
Unimproved road
Interstate Route
U.S. Route
State Route
WASHINGTON
QUADRANGLE LOCATION
1 Shelton
2 Squaxin Island
3 Longbranch
4 Summit Lake
5 Lacey
6 Little Rock
7 Maytown
TUMWATER, WA
47122-A8-TF-024
N
Legend
project area
0
1 Kilometers
0
1 Miles
Scale: 1:24,000

Figure 9. Portion of 1959 1:24,000 Tumwater topographic map, with project location indicated (Source: USGS 1959).

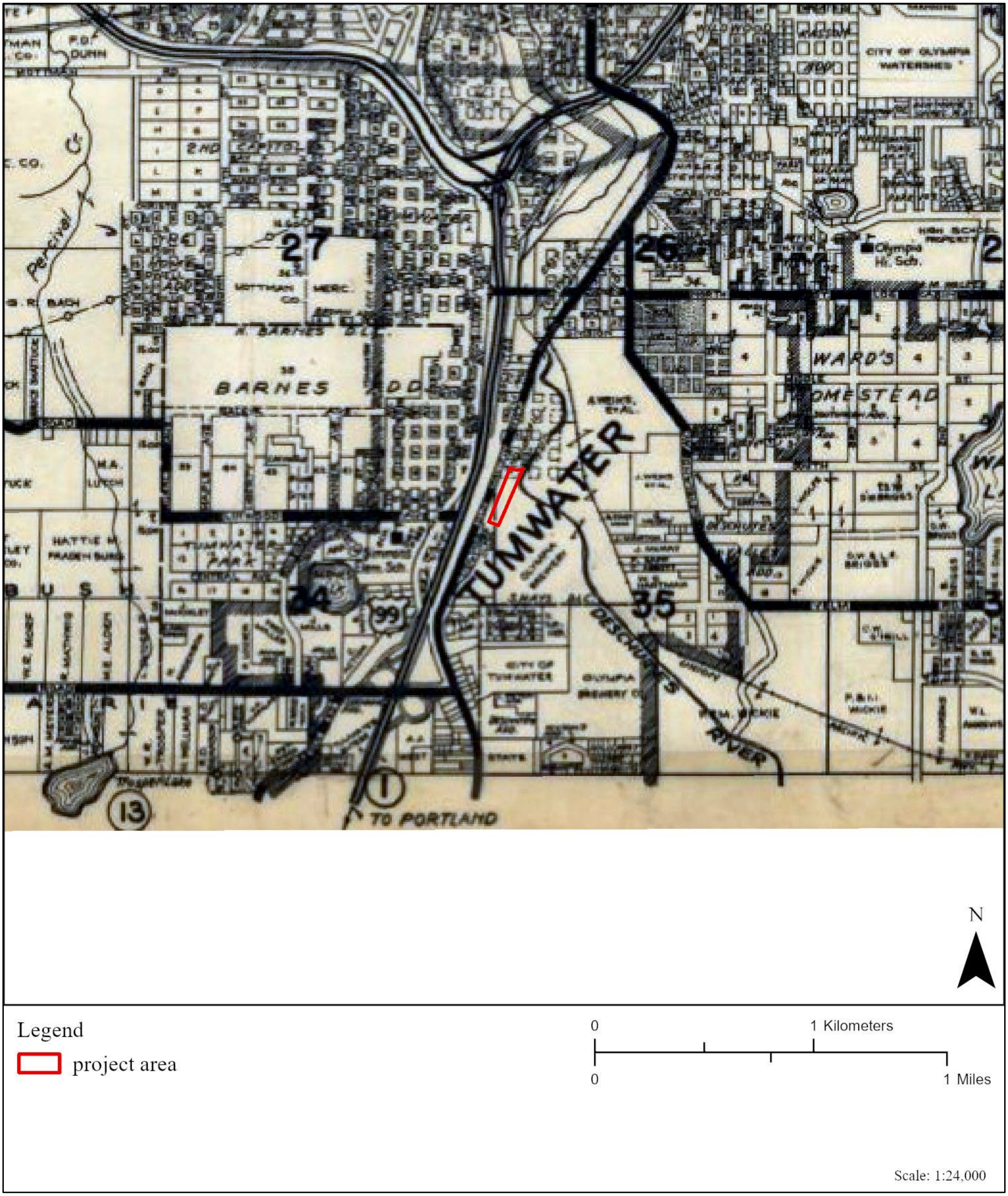

27
26
35
BARNES
WARD'S
TUMWATER
TO PORTLAND
N
Legend
project area
0
1 Kilometers
0
1 Miles
Scale: 1:24,000

Figure 10. Portion of 1962 Metsker map of Township 18N Range 2W, with project location indicated (Source: Metsker1962).

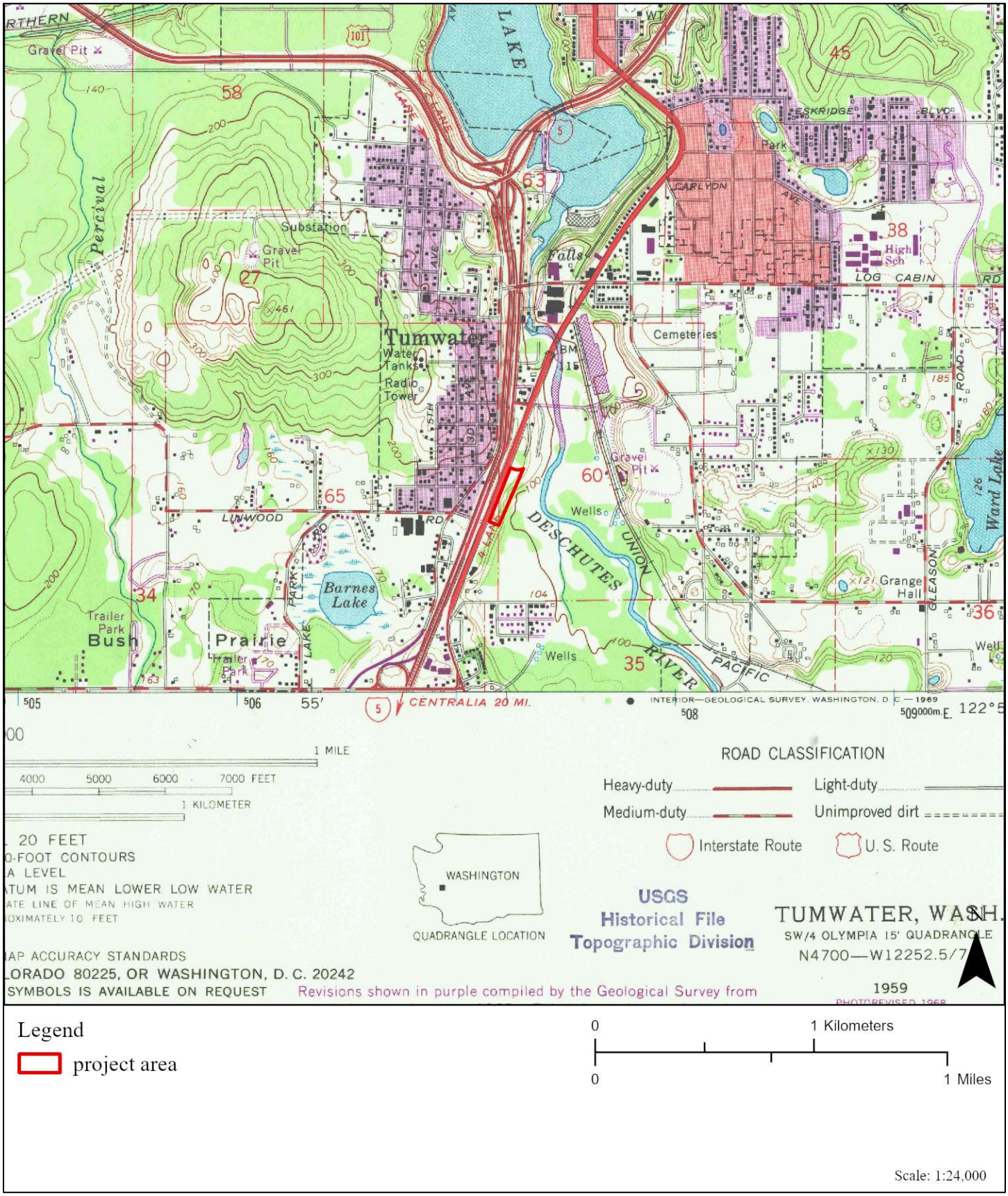

Tumwater
Barnes Lake
Prairie
Bush
Trailer Park
Gravel Pit
Substation
Water Tanks
Radio Tower
Cemeteries
Falls
Park
Grange Hall
Wells
DESCHUTES
UNION
PACIFIC
RIVER
LAKE
Ward Lake
CENTRALIA 20 MI.
1 MILE
1 KILOMETER
ROAD CLASSIFICATION
Heavy-duty
Medium-duty
Light-duty
Unimproved dirt
Interstate Route
U. S. Route
WASHINGTON
QUADRANGLE LOCATION
USGS
Historical File
Topographic Division
TUMWATER, WASH.
SW/4 OLYMPIA 15' QUADRANGLE
N4700—W12252.5/7
1959
Revisions shown in purple compiled by the Geological Survey from
INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D. C.—1969
Legend
project area
0
1 Kilometers
0
1 Miles
Scale: 1:24,000

Figure 11. Portion of 1968 1:24,000 Tumwater topographic map, with project location indicated (Source: USGS 1968).

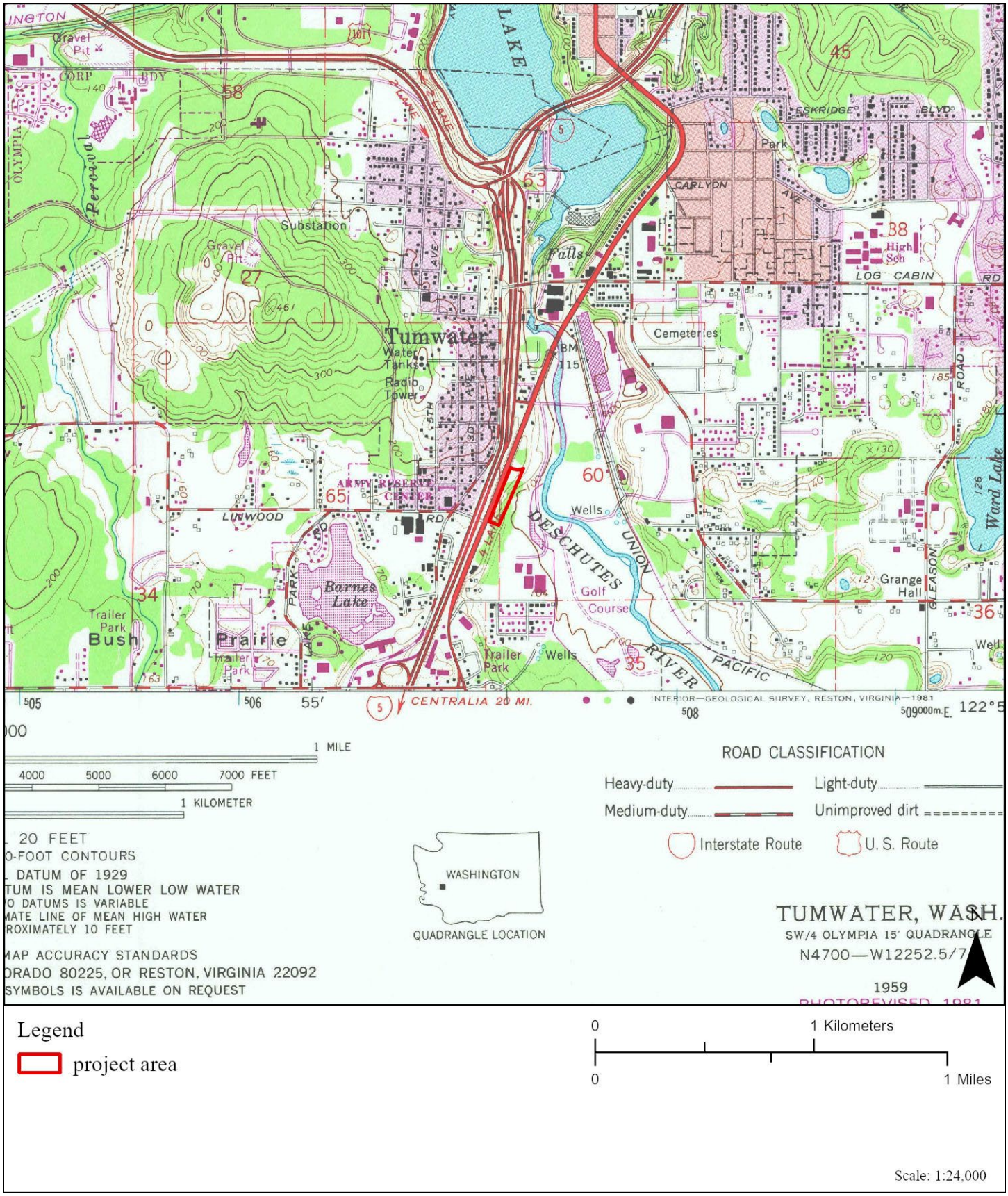

Tumwater
Water Tanks
Radio Tower
Substation
Gravel Pit
Cemeteries
Falls
Park
High Sch
LOG CABIN RD
CARLYDN AVE
ESKRIDGE BLVD
ARMY RESERVE CENTER
LUNWOOD RD
Barnes Lake
Prairie
Trailer Park
Bush
Wells
DESCHUTES
UNION
RIVER
PACIFIC
Golf Course
Grange Hall
GLEASON
Ward Lake
LOG CABIN ROAD
CENTRALIA 20 MI.
INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1981
1 MILE
4000 5000 6000 7000 FEET
1 KILOMETER
20 FEET
O-FOOT CONTOURS
DATUM OF 1929
TUM IS MEAN LOWER LOW WATER
O DATUMS IS VARIABLE
MATE LINE OF MEAN HIGH WATER
ROXIMATELY 10 FEET
MAP ACCURACY STANDARDS
ORADO 80225, OR RESTON, VIRGINIA 22092
SYMBOLS IS AVAILABLE ON REQUEST
WASHINGTON
QUADRANGLE LOCATION
ROAD CLASSIFICATION
Heavy-duty
Medium-duty
Light-duty
Unimproved dirt
Interstate Route
U. S. Route
TUMWATER, WASH.
SW/4 OLYMPIA 15' QUADRANGLE
N4700—W12252.5/7
1959
Legend
project area
0 1 Kilometers
0 1 Miles
Scale: 1:24,000

Figure 12. Portion of 1981 1:24,000 Tumwater topographic map, with project location indicated (Source: USGS 1981).

DAHP LITERATURE REVIEW

The Washington Information System for Architectural and Archaeological Records Data (WISAARD) database (Washington State Department of Archaeology and Historic Preservation 2022) was reviewed to determine whether any archaeological sites or other historic properties had previously been recorded in the project vicinity.

Probability Model

The DAHP archaeological resources predictive model available in WISAARD indicates the project area has a moderate to high risk for containing archaeological resources based on environmental factors, with survey recommended to highly advised.

Cultural Resource Surveys within 1 Kilometer of Project

According to the WISAARD database, eight cultural resource surveys have been completed within one kilometer of the project area since 1996 (the earliest survey data available in WISAARD) (Table 3). None of these surveys resulted in the identification of archaeological resources in the vicinity of the project.

Table 3. Cultural resource surveys completed within one kilometer of project area.

NADB	Author	Title	Survey Method	Resources Observed
1690745	Kelly and Austin 2017	WDFW Tumwater Hatchery Project	Historic property inventory and pedestrian survey	None
1690202	Pentney and DeGiovine	Phase I Archaeological Survey of the COL Edith M. Nuttall Army Reserve Center (WA038/53945), Tumwater	Shovel probe	None
1689526	Schultze and Beckner 2017	Cultural Resources Inventory for Capitol Boulevard/Trosper Rd Intersection Improvements, City of Tumwater	Historic property inventory and shovel probe	None
1688023	Futch 2014	Revised Draft Archaeological Sensitivity Assessment of Selected Facilities in WA, 88th Regional Support Command	Reconnaissance	None in project vicinity
1686860	Shantry 2015	Cultural Resources Assessment for the E Street Outfall Project, Tumwater	Shovel probe	None in project vicinity
1685337	Chambers and Amell 2014	Cultural Resources Assessment for the Cleveland Avenue Stormwater Outfall Retrofit Project Olympia	Pedestrian survey and shovel probe	None
1345689	Murphy and Larson	Letter to Tom deLaat Regarding Proposed LOTT Capitol Lake Pump Station Upgrade, Pipeline Auger Monitoring and Assessment of Four Additional City Blocks in Downtown Olympia	Boring monitoring	None in project vicinity
1344811	Gill 2004	Cultural Resources Assessment of Tumwater Falls Park and Pioneer Park in Association with the Proposed Deschutes Watershed Center	Shovel probe	None

Historic Properties within 1 Kilometer of Project

Five register-listed historic properties have been recorded within 1 kilometer of the project area. These sites are clustered 600-800 meters (about 1/2 mile) north of the project: 1) Upper Custer Way Bridge; 2) Tumwater

Methodist Church; 3) Tumwater Historic District; 4) Lower Custer Way Bridge; and 5) Capitol Boulevard Crossing. Each of these properties is listed on the Washington Heritage Register. The Tumwater Methodist Church and Tumwater Historic District are listed on the National Register of Historic Places.

Cemeteries within 1 Kilometer of Project

A concentration of four cemeteries is located 1 kilometer northeast of the project area: 1) TN369, Temple Beth Hatfiloh Cemetery; 2) TN370, Calvary Catholic Cemetery; 3) TN371, IOOF Memorial Park; and 4) TN372, Masonic Memorial Park. No other cemeteries are located within 1 kilometer of the project.

Archaeological Sites within 1 Kilometer of Project

Two archaeological sites have been recorded within 1 kilometer of the project area. Site TN493, a forked hoe head of an uknown age, is located 250 meters west of the project. Site TN470, a circa 1900s to 1960s debris scatter, is located 330 meters northeast of the project near the Deschutes River.

Archaeological Sites in the Lower Deschutes River Watershed

The Lower Deschutes River watershed contains 21 archaeological sites: 9 of these sites date to the Precontact/Ethnohistoric Period; 1 is a multicomponent site containing mid-1800s Euroamerican deposits overlying a precontact shell midden; 2 are Euroamerican homesteads dating to the Early Historic/Territorial Period; and the remaining 9 sites date to the early to mid-20th century (Table 4).

Table 4. Archaeological sites recorded in the Lower Deschutes River watershed.

Smithsonian #	Description	Age	Depth Below Ground Surface
45TN005	Shell midden	Precontact	0–30 centimeters
45TN040	Stehtsasamish shell midden	Precontact- historic	0–70 centimeters
45TN063	Camp site	Precontact	unknown
45TN080	Black Lake portage site	Ethnohistoric	unknown
45TN091	George Bush homestead	1845 - ca. 1950	unknown
45TN118	Camp site	Precontact	unknown
45TN119	Shell midden and historic settlement features	Precontact- historic	0–80 centimeters
45TN227	Andrew Chambers homestead	1848 - 1940	0-100 centimeters
45TN232	Olympia and Chehalis Valley Railroad grade	1878 - 1916	unknown
45TN233	Steh-chass shell midden	Precontact /Ethnohistoric	0–60 centimeters
45TN238	4th Ave Bridge structural remains	Pre-1920	submerged
45TN239	Refuse concentration	Ca. 1900	unknown
45TN241	Steh-chass shell midden	Precontact/ Ethnohistoric	unknown
45TN242	Olympia Brewing Company refuse concentration	1905 - 1955	30 centimeters –10 ft.
45TN249	Collapsed building and refuse concentration	Mid-20th century	unknown
45TN250	4th Ave Bridge Dump, refuse concentration	1880s - 1900	25 feet
45TN271	Shell midden	Precontact	1.2 meters
45TN333	Isolate flaked-stone tool	Precontact	0–30 centimeters
45TN470	Refuse concentration	Pre-1900 - 1960s	0–80 centimeters
45TN493	Isolate historic artifact (garden tool)	Post-1900	unknown
45TN520	Sawmill features and refuse concentration	1903 to 1928	80 centimeters

Precontact to Ethnohistoric Archaeological Sites

The Lower Deschutes River watershed contains 9 sites dating to the Precontact Period (ca 15,000 BP to 1775) and 1 site dating to the Ethnohistoric Period (1775 to ca. 1860). Seven of the sites consist of shell midden deposits located along the shoreline of the Deschutes Estuary (now Capitol Lake) while 2 are temporary camps consisting of flaked lithic artifacts located along the Deschutes River approximately 2.3 miles and 4.5 miles south of the Deschutes Estuary.

Two of the shell midden sites (45TN233 and 45TN241) are known through Squaxin Island oral history as a single village referred to as the Steh-Chass/Squaxin Site. The site was strategically located near the mouth of Percival Creek—the portage point for the route to Black Lake. Site 45TN233 is a shell midden located on residential property located along Deschutes Parkway SW west of Capitol Lake. Shell midden was identified on the surface and in shovel probes. Intact shell midden including lithic artifacts, FMR and mammal bone was recorded between 30 cm and 50 cm below surface (Robbins 1998). The Steh-Chass/Squaxin Site (45TN241-233) is known through oral history as one large village and the gateway (portage point) for the route to Black Lake.

Site 45TN241 is a precontact site located on the western shoreline of Capitol Lake. Cultural material including FMR and lithic debitage was recovered from 10-20cm below surface in beach deposits beneath historic period fill. The coarse gray sand, gravel, and cobble matrix was interpreted as historic-period beach deposits or fill reworked by wave action. The matrix rests on clayey silt interpreted as the historic period beach. The Steh-Chass/Squaxin Site (45TN241/233) is known through oral history as one large village and the gateway (portage point) for the route to Black Lake.

Site 45TN080 (Black Lake Portage Site), located at the north end of Black Lake is the aboriginal take out spot associated with a former portage from Black Lake to Capitol Lake via the Perceval Creek drainage basin.

The other shell midden sites along Capitol Lake are part of a larger ethnographic site-complex known as the Steh-Chass Terminal District comprised of numerous cultural sites and legends within a two-mile radius. Site 45TN005 is a shell midden located on Monroe Point on the east side of Capitol Lake. The site was originally recorded as a shell midden containing 30cm of shell, bone, charcoal and FMR in an area measuring 30m by 40m. The site was revisited by DAHP archaeologist who observed shell midden in an area about 4 m in diameter and a possible pit house feature. This site is notable as one of the first archaeological sites recorded in Thurston County as well as the presumed 1853 burial site of Thurston County pioneer John Monroe (TN00480) and possibly other family members.

The Stehtsasamish shell midden site (45TN40), located just below Tumwater falls, has been investigated several times and consists of precontact artifacts and faunal remains along with early-historic artifacts including glass, nails and wood suggesting the site was occupied at and perhaps during early Euroamerican settlement of the area. The site is a shell midden site located along the west bank of the Deschutes River, just below Tumwater falls. The site was first recorded in 1963 and test in 1975 when shell, bone, antler, and flaked stone artifacts along with early historic artifacts including glass, nails and wood were recovered. The site was revisited in 1997 when at least eight varieties of marine shell, terrestrial mammal bone, fish bone, fire-cracked rocks, charcoal, and fragments of early historic glassware and ceramics were observed. Excavation in 2015 included three

shovel probes in the southeastern portion of Tumwater Historic Park that were positive for shell midden between 35 and 95 cm below surface.

The Stehtsasamish site is a few hundred feet west of site 45TN119 (Clanrick-Crosby Property), a multicomponent site containing shell midden and precontact features likely related to the Stehtsasamish shell midden, along with buried historic features and domestic materials including Hudson's Bay Company era artifacts.

Site 45TN063 is a pre-contact camp site located on a terrace above the right bank of the Deschutes River. The cultural material including debitage flakes, cores, bifaces and projectile points were collected from plowed fields by the landowner.

Site 45TN118 (Spring Creek Site) is a pre-contact camp site located at the north end of Bush Prairie approximately 0.7 miles southwest of the Deschutes River. Observed cultural material included a pestle fragment, flakes, FMR and charcoal.

Site 45TN271 is a shell midden located on the west side of Capitol Lake approximately 0.3 miles north of the mouth of Percival Creek. The site was observed under fill approximately four feet below the ground surface during mechanical excavation. Approximately three cubic feet of shell midden deposits were removed in one track-hoe bucket of trench matrix. Examination of the shell midden suggested it had been stratified prior to removal. Additional midden was exposed in the base of the same construction trench, east of the first deposits. Cultural materials included three fish vertebra, 25 pieces of mammal bone, Olympia oyster and cockles and four pieces of petrified wood.

Site 45TN333 is an isolated pre-contact lithic biface (knife) inadvertently discovered at a residential property at the north end of Black Lake and just south of the Black Lake Portage Site (45TN080). A single 1- by 2-meter trench was excavated in the discovery area by the University of Washington although no additional cultural material was recovered. The biface measured 27 cm long by 8 cm wide and made from a weathered dark grayish-brown material with weak notching on both margins of the proximal end (Kiers 2005). In addition to poor context, the extraordinarily large specimen is an outlier in terms of size, style, and material type.

Early Historic to Territorial Period Archaeological Sites

The Lower Deschutes River watershed contains 3 sites dated to the Early Historic Period (circa 1830s to 1852) and Territorial Period (1853 to 1889). All three sites are Euroamerican homesteads representing three of Thurston County’s earliest settlers.

Site 45TN091, the Bush Homestead, is situated on a small knoll approximately one-quarter mile northwest of the Deschutes River and 3.5 miles south of Capitol Lake, on land that became known as Bush Prairie. Existing structures on the property consist of a home built in 1972, a barn, a well house and a shed. The former house, built by Owen Bush in 1878, was constructed on the same knoll his father, George Bush built a log cabin in 1845. The Bush family were the first permanent settlers south of the town of Tumwater and the first successful farmers in the area (Vitous 1969). The property was investigated in 2009 by a team of students and historians resulting in 216 historic artifacts mapped and recorded from surface exposures.

Shortly after the Bush family established their homestead, Clanrick and Nathaniel Crosby purchased Simmons's claim near Tumwater Falls and brought their families from New England. The Crosby family built the Lincoln Flour Mill, sold land to other business owners and ran a general store. Site 45TN119, the Clanrick-Crosby Property, is a multicomponent site located in the Tumwater Historic District near the south end of Capitol Lake. Seventeen subsurface features were recorded including four precontact and thirteen historic (Thomas 1986). Cultural material ranged from flaked-stone tools to 20th century domestic debris. Monitoring, testing and data recovery excavations recovered a wide range of pre-contact and early historic materials.

Thomas M. Chambers relocated his family from Missouri to Oregon Territory in 1845. His sons Thomas and Andrew Chambers traveled north to Puget Sound filing adjoining claims on land southeast of Tumwater on what came to be known as Chambers Prairie near the head of Chambers Creek approximately 1.9 miles east of the Deschutes River (Crowell and Stirling 2019). In 1848, Andrew and Thomas Chambers built a log barn and a one room log house on the property. The Chambers family dug troughs and started a small hide-tanning yard, and later made shoes. Andrew Chambers used a barn behind his cabin as a blockhouse during the Indian uprising of 1855, surrounding it with a stockade. At one point the stockade sheltered 32 families, who partitioned sections of the barn. The Chambers family owned the property until 1940 but the land was eventually sold and became part of a residential development. Thompson (1992) first recorded the site as the location of the former house, well, pump-house, concrete barn foundation, and several pits and debris scatters believed to represent former outbuildings and structures. Between 2004 and 2005 Northwest Archaeological Associates (NWAA) conducted archaeological monitoring, testing and data recovery excavations at the site in response to proposed development. NWAA identified and excavated numerous privies and other sub-surface features recovering several thousand late 19th and early 20th century artifacts. NWAA subsequently lost most of the excavation photographs during a computer crash and never produced a final report or updated the original site form (Mike Shong, personal recollection 2021).

Statehood-Era to Mid-Century Archaeological Sites

The Lower Deschutes River watershed contains nine sites dating to the late 1880s through the modern era (1889 to 1970). Six of these sites are historic refuse concentrations and four of these contain structural remains. The oldest of these sites is the Olympia and Chehalis Valley Railroad grade (45TN232) located along the west side of Deschutes Parkway. The railroad was built in 1878 to connect rail terminals between Olympia and Tenino and taken out of commission in 1916. Approximately 20 shovel probes have been excavated along the grade but none contained significant cultural materials.

Perhaps the most significant of these sites is 45TN242 (Olympia Brewing Company's Bottling Works) located on the east side of Capitol Lake. The investigated site consists of a dense layer of broken and complete glass bottles associated with discard activities between 1905 and 1955. The site was originally observed as a layer of broken and complete glass bottles observed in two construction trenches during monitoring for the Heritage Park project. The bottle layer was between 30 and 60 centimeters thick and continued to the base of the trenches. The bottle refuse is associated with the Olympia Brewing Company's Bottling Works located approximately 400 feet south of the site. An additional portion of the site was recorded during archaeological monitoring for the 1063 Block Replacement project in 2017. The new site area consists of three historic-era fill deposits deposited at the base of a steep slope near Capitol Lake and associated with discard activities between 1905 and 1955.

Site 45TN238 is a concentration of historic structural remains located under the west side of the 4th Avenue Bridge on the west side of the West Bay of Budd Inlet, just north of Capitol Lake. The site consists of the ca. 1920 remains of structures which covered the bay before the current bridge. These remains are likely related to an earlier bridge, dock, or a wharf and some of the remains were possibly used to build the current bridge. The site is composed of 58 log pilings, 4 metal eye rods, an area of rotted lumber, portions of a tile sewer pipe, a concrete sewer pipe, a concrete slab, a pile of dredged spoils and three possible coffer dams.

Site 45TN239 is a historic debris scatter concentrated at the beach on west side of the West Bay of Budd Inlet and just north of Capitol Lake at the interface of the slope and the beach 18 feet south of a small stream. The refuse was likely thrown out from houses which occupied the side slope and the top of the slope. The site is composed of household refuse, such as glass bottles, ceramic fragments, cans, shoe soles, and bricks. Glass bottle fragments consisted of blue, brown, black, clear, green, dark green and amethyst dating to ca. 1900.

Site 45TN249 is a historic building and debris scatter located on a terrace approximately 0.4 mile west of the Deschutes River. The site consists of a collapsed wood and cinderblock structure with wire-nail construction measuring approximately 30 x 10 feet. A small number of fragmented bricks, wire nails, vessel glass (green, colorless, and amber), earthenware ceramics (white and cream-colored) and unidentified metal dating to the mid-20th century was recovered from shovel probes between 0-20 centimeters below surface.

Site 45TN250 is a historic-period debris scatter located on the west shore of West Bay at the tip of Budd Inlet. The site consists of midden of shell and historic artifacts within a silty-clay matrix approximately 25 feet below ground. Shell is numerous and consists of native Olympia oysters, horse clam, butter clam and mussel. Historic artifacts include whole and broken glass and ceramic bottles, ceramic sherds, a piece of fabric, shoe parts, a porcelain figurine fragment, a glass marble, nails, unidentified metal fragments, wood fragments, bricks, two pieces of pumice stone, and animal bone. Approximately 750 square ft. of cultural material was evidently removed by construction excavation before the site was discovered. The cultural material dates between ca. 1880-1900.

Site 45TN470 is a debris scatter located between Capitol Blvd SE and the Deschutes River in Tumwater. Ten shovel probes excavated here were positive for domestic debris including metal, vessel glass, dinnerware ceramic, leather and other items dated between the late 18th century and middle 20th century. The material is likely related to local domestic occupation beginning in the 1870s, specifically the 1st and 2nd Mill Additions.

Site 45TN493 is an isolated artifact (garden tool) discovered 0.3 mile west of the Deschutes River near 4th Avenue SW in Tumwater. The artifact was recovered from a shovel probe (depth unknown) and described as a "fork hoe head" used for small scale home gardening.

Site 45TN520 consists of structural remains and debris identified during monitoring for the Tumwater Falls Hatchery Redevelopment Project. The structural remains consisted of an intact wood plank floor and concrete machinery base along with fragments of milled lumber and other debris related to early industrial development of the Deschutes River at Tumwater Falls including an early sawmill operated between 1903 and 1928.

RESEARCH DESIGN

Information on the local environment and cultural setting were considered prior to fieldwork in order to determine the likelihood for identifying cultural resources in the project area. The DAHP archaeological predictive model indicates there is a high to very high risk for encountering precontact archaeological resources in the project area, and study of the local environment and history indicate the probability for encountering precontact- and historic-period archaeological resources is moderate. Thorough pedestrian survey and sub-surface testing were planned to assess the potential impacts to cultural resources in the planned project area.

Expectations

The potential for precontact or early historic-period archaeological sites associated with Nisqually or Steh-Chass history should be considered high for the project area. Although no discrete traditional sites were identified in the vicinity during a review of ethnographic and archaeological information, it is located on the Cowlitz Trail near the Deschutes River which are high potential features in this region.

The potential for encountering significant historic-age cultural resources in the project area should be considered moderate. The land was granted to Smith Hayes, who was an early resident and businessperson of New Market, however no early historic-period use of the property is known. A building may have been constructed on the north end of the property in the 1940s according to USGS topographic maps, but it was removed by the 1959. The unimproved road on the eastern side of the project property may have been constructed in the 1950s to access a building directly east of the project area on the lower terrace of the Deschutes.

The potential for site preservation due to both environmental and cultural factors should be considered moderate for the project area, due to the lack of development on portions of the project area.

Field Methodology Plan

The archaeological survey was designed to identify archaeological resources in the project area and assess whether proposed project plans might impact cultural resources. Pedestrian survey was planned across the entire project area. Given the high probability for encountering a significant archaeological site within the project area, shovel probes were planned at 30-meter (100 feet) intervals across the project area. Survey was expected to be focused in areas of low to moderate disturbance. If archaeological materials were encountered during subsurface testing, additional shovel probes were to be excavated at 5-meter intervals in each cardinal direction, within the project area. Areas of steep slope or massive disturbance were to be deemed low probability for containing significant archaeological resources.

Shovel probes (SPs) were planned to extend approximately 100 centimeters below surface (cmbs; 3.3 feet), to an undisturbed Pleistocene glacial sediment, or until excavation was deemed unproductive, in order to assess the possible presence and depth of cultural deposits. Hand tools were to include shovels, digging bars, bucket augers, trowels, and pruners. Excavated materials were to be screened through 1/4” hardware mesh and returned to the SP. All cultural materials were to be returned SPs upon completion and recordation of the SP data, placed beneath the sod. SP locations, photographs, and data were to be recorded via ArcGIS Survey123 on a Samsung Pro Active tablet with a horizontal accuracy of approximately 5 meters.

SURVEY RESULTS

Field Methodology

Archaeological fieldwork was conducted on 2 March 2022 by Principal Investigator Bethany Mathews, MA, RPA, and Archaeological Field Technicians Arianna Ambrosio, BA, and Grace Shepherd, BA under overcast but generally dry and cold conditions. No project staff or Tribal cultural resources department staff were met on site. Pedestrian and shovel probe survey was completed in the northern half of the project area. Pedestrian survey was completed on the southern boundary of the property, however portions of the southern half of the property were avoided due to an active homeless encampment (Figure 13). Project files and field notes are on file at Antiquity Consulting, LLC, Olympia.

Survey Findings

A total of 7 shovel probes were excavated in the project area (see Figure 13). Shovel probe descriptions are attached to this report in Appendix A. No precontact or historic-period archaeological materials or features were observed during pedestrian survey or subsurface testing of the project area. Areas of disturbance, including the mechanically graded center of the property, and the northern and southern boundaries were not subsurface tested, but pedestrian survey was conducted. The parcel is forested but relatively open, and foot paths afforded opportunity to observe soils.

Analysis

The project area was considered to have a high risk for encountering archaeological resources due to the proximity of the Deschutes River, the DAHP predictive model, local archaeological site patterns, and the history of the area. Shovel probes were primarily limited to the northern portion of the parcel. Although steep slopes and areas of mechanical grading were avoided during subsurface survey, the slopes did afford opportunity for visual inspection around the boundaries of the parcel. Pedestrian and subsurface testing did not result in the identification of archaeological materials.

CONCLUSIONS AND RECOMMENDATIONS

Background review suggested the proposed project is located in an area of high risk for encountering archaeological resources. The project area was thoroughly surveyed to assess potential project impacts to cultural resources, and no archaeological materials or historic properties were observed within the project area. Although a portion of the project parcel was avoided because of an active homeless encampment, this only impacted the placement of one planned shovel probe and is not likely to have substantially impacted the ability to identify significant archaeological resources. No further cultural resources work is recommended for this project. Antiquity Consulting recommends the project comply with a standard inadvertent discovery plan during ground disturbing activities.

Figure 13. Shovel probe locations illustrated on aerial image.

INADVERTENT DISCOVERY PROTOCOL

Archaeological Materials Inadvertent Discovery Protocol

A cultural resource is an object, site, building, or structure that may be eligible for local, state, or national registers. A cultural resource discovery could be prehistoric or historic and is typically more than 50 years old. When in doubt, assume the material is a cultural resource. If any employee, contractor or subcontractor believes that they have uncovered a cultural resource at any point in the project, all work must stop immediately in compliance with RCW 27.53. Leave the surrounding area untouched and provide a demarcation adequate to provide the total security, protection, and integrity of the discovery. Notify on-site project management and personnel of the work stoppage to ensure security of the discovery. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. Work in the immediate area will not resume until treatment of the discovery has been completed.

Contacts

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Human Skeletal Remains Inadvertent Discovery Protocol

In accordance with RCWs 68.50.645, 27.44.055, and 68.60.055, if ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the State provides notice to proceed. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic.

If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains."

Contacts

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APPENDIX A: SHOVEL PROBE LOG

Shovel Probe #1

Date & Time March 2, 2022 11:47 AM **Probe Diameter** 40cm **Reason for Termination** C-horizon/Glacial sediment	**Archaeologist** Arianna Ambrosio **Tribal Archaeologist**	**Cultural Materials Present?** None	
Stratum I	**Soil Horizon** A: SOIL (zone of leaching with high organic content)		0-19 **cmbs**
Color Dark brown	**Sediment Compaction** slightly loose	**Sediment Texture** Silt loam	
Gravel % 5-15%	**Gravel Sorting** well sorted	**Gravel Angularity** Sub-rounded, Rounded	**Gravel Size** Pebbles
		Lower Boundary Distinctness Clear 2-5cm	**Lower Boundary Topography** Wavy
Stratum II	**Soil Horizon** B: SUBSOIL (zone of accumulation)		19-58 **cmbs**
Color Yellowish brown	**Sediment Compaction** slightly loose	**Sediment Texture** Sand	
Gravel % 5-15%	**Gravel Sorting** well sorted	**Gravel Angularity** Sub-rounded, Rounded	**Gravel Size** Pebbles
		Lower Boundary Distinctness Gradual 5-15cm	**Lower Boundary Topography** Smooth
Stratum III	**Soil Horizon** C: SUBSTRATUM (contains partly weathered bedrock)		58-100 **cmbs**
Color Grayish brown	**Sediment Compaction** slightly loose	**Sediment Texture** Sand	
Gravel % 15-25%	**Gravel Sorting** well sorted	**Gravel Angularity** Sub-rounded, Rounded	**Gravel Size** Pebbles
Notes			

Shovel Probe #2

Date & Time March 2, 2022 11:59 AM **Probe Diameter** 40cm **Reason for Termination** C-horizon/Glacial sediment	**Archaeologist** Grace Shepherd **Tribal Archaeologist**	**Cultural Materials Present?** None	
Stratum I	**Soil Horizon** A: SOIL (zone of leaching with high organic content)		0-10cm **cmbs**
Color Dark brown	**Sediment Compaction** slightly loose	**Sediment Texture** Sandy loam	
Gravel % 15-25%	**Gravel Sorting** poorly sorted	**Gravel Angularity** Sub-angular, Sub-rounded	**Gravel Size** Pebbles, Cobbles
		Lower Boundary Distinctness Clear 2-5cm	**Lower Boundary Topography** Wavy
Stratum II	**Soil Horizon** B: SUBSOIL (zone of accumulation)		10-55cm **cmbs**
Color Reddish yellowish brown	**Sediment Compaction** slightly loose	**Sediment Texture** Sandy loam	
Gravel % 15-25%	**Gravel Sorting** poorly sorted	**Gravel Angularity** Sub-angular, Sub-rounded	**Gravel Size** Pebbles, Cobbles
		Lower Boundary Distinctness Clear 2-5cm	**Lower Boundary Topography** Wavy
Stratum III	**Soil Horizon** C: SUBSTRATUM (contains partly weathered bedrock)		55-80cm **cmbs**
Color Grayish brown	**Sediment Compaction** slightly loose	**Sediment Texture** Loamy sand	
Gravel % 5-15%	**Gravel Sorting** poorly sorted	**Gravel Angularity** Sub-angular, Sub-rounded	**Gravel Size** Pebbles
Notes			
No charcoal.			

Shovel Probe #3

Date & Time March 2, 2022 12:08 PM **Probe Diameter** 40cm **Reason for Termination** Roots (>5cm)	**Archaeologist** Arianna Ambrosio **Tribal Archaeologist**	**Cultural Materials Present?** None	
Stratum I	**Soil Horizon** A: SOIL (zone of leaching with high organic content)		0-21 **cmbs**
Color Yellowish brown	**Sediment Compaction** slightly loose	**Sediment Texture** Silt loam	
Gravel % 5-15%	**Gravel Sorting** well sorted	**Gravel Angularity** Sub-rounded, Rounded	**Gravel Size** Pebbles
		Lower Boundary Distinctness Gradual 5-15cm	**Lower Boundary Topography** Smooth
Stratum II	**Soil Horizon** B: SUBSOIL (zone of accumulation)		21-80 **cmbs**
Color Yellowish brown	**Sediment Compaction** slightly loose	**Sediment Texture** Silty sand	
Gravel % 5-15%	**Gravel Sorting** well sorted	**Gravel Angularity** Sub-angular, Sub-rounded, Rounded	**Gravel Size** Pebbles
Notes			

Shovel Probe #4

Date & Time March 2, 2022 12:25 PM **Probe Diameter** 40cm **Reason for Termination** C-horizon/Glacial sediment	**Archaeologist** Grace Shepherd **Tribal Archaeologist**	**Cultural Materials Present?** None	
Stratum I	**Soil Horizon** A: SOIL (zone of leaching with high organic content)		0-15cm **cmbs**
Color Dark brown	**Sediment Compaction** slightly loose	**Sediment Texture** Sandy loam	
Gravel % 15-25%	**Gravel Sorting** poorly sorted	**Gravel Angularity** Sub-angular, Sub-rounded	**Gravel Size** Pebbles, Cobbles
		Lower Boundary Distinctness Clear 2-5cm	**Lower Boundary Topography** Wavy
Stratum II	**Soil Horizon** B: SUBSOIL (zone of accumulation)		15-50cm **cmbs**
Color Yellowish brown	**Sediment Compaction** slightly loose	**Sediment Texture** Sandy loam	
Gravel % 15-25%	**Gravel Sorting** poorly sorted	**Gravel Angularity** Sub-angular, Sub-rounded	**Gravel Size** Pebbles, Cobbles
		Lower Boundary Distinctness Diffuse >15cm	**Lower Boundary Topography** Broken
Stratum III	**Soil Horizon** B: SUBSOIL (zone of accumulation)		50-100cm **cmbs**
Color Reddish yellowish brown	**Sediment Compaction** slightly loose	**Sediment Texture** Sandy loam	
Gravel % 15-25%	**Gravel Sorting** poorly sorted	**Gravel Angularity** Sub-angular, Sub-rounded	**Gravel Size** Pebbles
Notes			
Mottled b horizon, soil color change at 50cm where there is a more reddish brown mottled with the yellowish brown, however, no sediment change with this color change. No charcoal.			

Shovel Probe #5

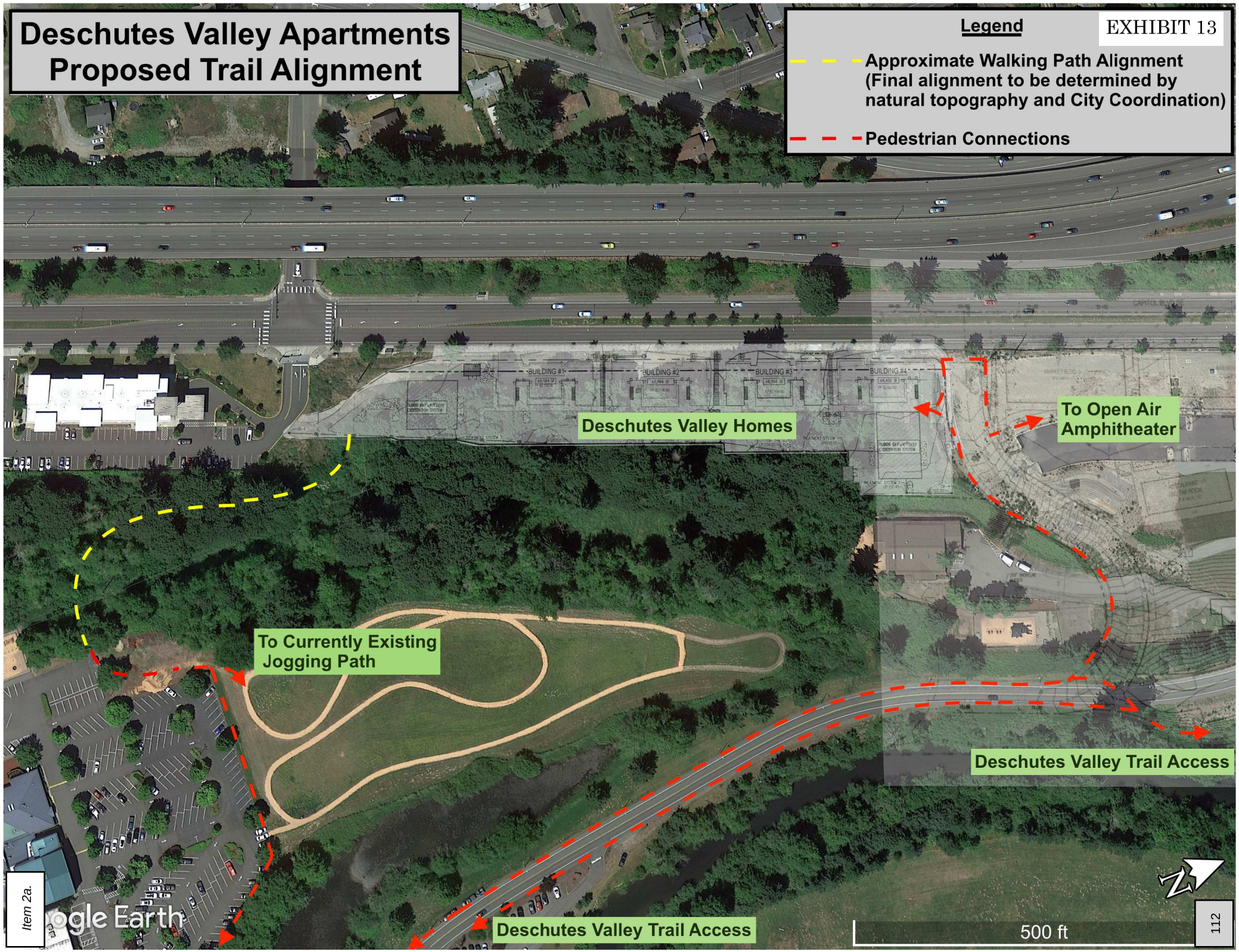
Date & Time March 2, 2022 12:31 PM **Probe Diameter** 40cm **Reason for Termination** C-horizon/Glacial sediment	**Archaeologist** Arianna Ambrosio **Tribal Archaeologist**	**Cultural Materials Present?** None	
Stratum I	**Soil Horizon** A: SOIL (zone of leaching with high organic content)		0-18 **cmbs**
Color Dark brown	**Sediment Compaction** slightly loose	**Sediment Texture** Silt loam	
Gravel % 5-15%	**Gravel Sorting** poorly sorted	**Gravel Angularity** Sub-angular, Sub-rounded, Rounded	**Gravel Size** Pebbles
		Lower Boundary Distinctness Clear 2-5cm	**Lower Boundary Topography** Smooth
Stratum II	**Soil Horizon** B: SUBSOIL (zone of accumulation)		19-60 **cmbs**
Color Brownish yellow	**Sediment Compaction** slightly loose	**Sediment Texture** Silty sand	
Gravel % 15-25%	**Gravel Sorting** poorly sorted	**Gravel Angularity** Angular, Sub-angular, Sub-rounded	**Gravel Size** Pebbles
		Lower Boundary Distinctness Gradual 5-15cm	**Lower Boundary Topography** Smooth
Stratum III	**Soil Horizon** C: SUBSTRATUM (contains partly weathered bedrock)		60-100 **cmbs**
Color Grayish brown	**Sediment Compaction** slightly loose	**Sediment Texture** Sand	
Gravel % 15-25%	**Gravel Sorting** poorly sorted	**Gravel Angularity** Sub-angular, Sub-rounded, Rounded	**Gravel Size** Pebbles, Cobbles
Notes			

Shovel Probe #6

Date & Time March 2, 2022 12:53 PM **Probe Diameter** 40cm **Reason for Termination** C-horizon/Glacial sediment, Roots (>5cm)	**Archaeologist** Grace Shepherd **Tribal Archaeologist**	**Cultural Materials Present?** Modern materials 0-5cm Piece of brown glass, 2" in length.	
Stratum I	**Soil Horizon** A: SOIL (zone of leaching with high organic content)		0-10cm **cmbs**
Color Dark brown	**Sediment Compaction** slightly loose	**Sediment Texture** Sandy loam	
Gravel % 15-25%	**Gravel Sorting** poorly sorted	**Gravel Angularity** Sub-angular, Sub-rounded	**Gravel Size** Pebbles, Cobbles
		Lower Boundary Distinctness Gradual 5-15cm	**Lower Boundary Topography** Irregular
Stratum II	**Soil Horizon** B: SUBSOIL (zone of accumulation)		10-20cm **cmbs**
Color Reddish yellowish brown	**Sediment Compaction** slightly loose	**Sediment Texture** Sandy loam	
Gravel % 15-25%	**Gravel Sorting** poorly sorted	**Gravel Angularity** Sub-angular, Sub-rounded	**Gravel Size** Pebbles, Cobbles
		Lower Boundary Distinctness Clear 2-5cm	**Lower Boundary Topography** Wavy
Stratum III	**Soil Horizon** C: SUBSTRATUM (contains partly weathered bedrock)		20-70 **cmbs**
Color Grayish brown	**Sediment Compaction** slightly loose	**Sediment Texture** Loamy sand	
Gravel % 5-15%	**Gravel Sorting** poorly sorted	**Gravel Angularity** Sub-angular, Sub-rounded	**Gravel Size** Pebbles
Notes			
No charcoal.			

Shovel Probe #7

Date & Time March 2, 2022 1:02 PM **Probe Diameter** 40cm **Reason for Termination** Roots (>5cm)	**Archaeologist** Arianna Ambrosio **Tribal Archaeologist**	**Cultural Materials Present?** None	
Stratum I	**Soil Horizon** A: SOIL (zone of leaching with high organic content)		0-16 **cmbs**
Color Dark brown	**Sediment Compaction** slightly loose	**Sediment Texture** Silt loam	
Gravel % 5-15%	**Gravel Sorting** well sorted	**Gravel Angularity** Sub-rounded, Rounded	**Gravel Size** Pebbles
		Lower Boundary Distinctness Clear 2-5cm	**Lower Boundary Topography** Smooth
Stratum II	**Soil Horizon** B: SUBSOIL (zone of accumulation)		17-80 **cmbs**
Color Pale brown	**Sediment Compaction** slightly compact	**Sediment Texture** Clay sand	
Gravel % 0-5%	**Gravel Sorting** well sorted	**Gravel Angularity** Rounded	**Gravel Size** Pebbles
Notes			


Deschutes Valley Apartments
Proposed Trail Alignment
Legend
EXHIBIT 13
Approximate Walking Path Alignment
(Final alignment to be determined by
natural topography and City Coordination)
Pedestrian Connections
BUILDING #1
BUILDING #2
BUILDING #3
BUILDING #4
Deschutes Valley Homes
To Open Air
Amphitheater
To Currently Existing
Jogging Path
Deschutes Valley Trail Access
Deschutes Valley Trail Access
500 ft
N
Item 2a.
112