

**TUMWATER HEARING EXAMINER PUBLIC HEARING  
MINUTES OF VIRTUAL MEETING  
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**CONVENE:** 6:00 p.m.

**CASE NUMBER:** TUM-23-0650, TUM-24-0108, and TUM-24-0119

**DESCRIPTION OF PROPOSAL:** The applicant is requesting approvals of Site Plan Review (TUM-23-0650), Conditional Use Permit (TUM-24-0108) for a 4-Story 898-unit self-storage facility with leasing office, and a Variance (TUM-24-0119) from required zoning setbacks along the southern portion of their parcels.

**PROJECT NAME:** Littlerock Self-Storage – Site Plan Review, Conditional Use Permit and Variance Request.

**APPLICANT:** Trevor Colby  
3228 Crosby Blvd SW  
Tumwater, WA 98512

**Representative:**  
Brandon Johnson, PE JSA Civil, LLC  
111 Tumwater Blvd SE, Suite C210  
Tumwater, WA 98501

**PUBLIC HEARING:** Hearing Examiner Mark Scheibmeir convened the public hearing at 6:00 p.m. to consider the applicant's request for approvals of Site Plan Review (TUM-23-0650), Conditional Use Permit (TUM-24-0108) for a 4-Story 898-unit self-storage facility with leasing office, and a Variance (TUM-24-0119) from required zoning setbacks along the southern portion of their parcels. The City's case numbers are TUM-23-0650, TUM-24-0108, and TUM-24-0119. The applicant is represented by Brandon Johnson with JSA Civil, LLC. The City is represented by Permit Manager Tami Merriman. Prior to the hearing, he reviewed the Staff Report prepared by City staff.

Examiner Scheibmeir reported the purpose of the hearing is to provide City staff with an opportunity to explain its Staff Report and recommendations and any proposed conditions followed by an opportunity for the Applicant to respond to the City's presentation and either add to or subtract from the City's suggestions. Public testimony will follow. Both the City and the Applicant will have an opportunity to respond to any testimony. All testimony will be under oath or affirmation. To date, no public comments were received and no members of the public are present at this time.

**CITY TESTIMONY:** Examiner Scheibmeir administered the oath to Tumwater Permit Manager Tami Merriman.

Manager Merriman reported the Applicant is requesting approvals of

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Site Plan Review (TUM-23-0650), Conditional Use Permit (TUM-24-0108) for a 4-Story 898-unit self-storage facility with leasing office, and a Variance (TUM-24-0119) from required zoning setbacks along the southern portion of the parcels.

The property is located at 6115 & 6119 Littlerock Road SW, Tumwater, WA 98512. The parcels are within Section 03, Township 17N, Range 2 W. W.M. Parcel Numbers 12703211802 & 12703211801.

Public notification for the hearing was mailed to property owners located within 300 feet of the subject property, various agencies, and published in The Olympian on April 12, 2024, in conformance with Tumwater Municipal Code (TMC) 14.06.070.

The applicant participated in preliminary and formal site plan review meetings. The application for a Formal Site Plan Review, Conditional Use Permit, and Variance was submitted on January 3, 2024. The application was deemed complete on February 1, 2024. Under Tumwater Municipal Code, Conditional Use Permits and Variances fall under the purview of the Hearing Examiner.

The two parcels equal approximately 1.77 acres, is relatively flat, and currently developed as single-family homes.

Staff reviewed the project for consistency with the Tumwater Comprehensive Plan, Transportation Plan, Economic Development Plan, and the Thurston Regional Trail Plan and deemed the project as consistent with all plans.

Conditional use permit and variance requests require a public hearing and decision by the Tumwater Hearing Examiner. Site Plan Review is being reviewed concurrently so all applications need to be considered by the Hearing Examiner. The code requires public notice. When the application was deemed complete, the City issued a notice of application and a Notice of Open Record Hearing as required in TMC 14.06.070. The Notice of Application was mailed to property owners located within 300 feet of the subject property and affected agencies, posted on-site, and published in The Olympian on February 9, 2024. Comments were received from Washington State Department of Archaeology and Historic Preservation and the Nisqually Indian Tribe concurring with the results of the Cultural Resource Assessment provided by the applicant.

As part of environmental review, the applicant submitted a SEPA Environmental Checklist with the project application. After consideration of comments received from interested agencies and

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citizens solicited from issuance of the Notice of Application for the project, review of the SEPA checklist and other technical reports, the City of Tumwater issued a Mitigated Determination of Non-significance (MDNS) on February 29, 2024. Comments received on the MDNS from Washington State Department of Ecology referred to existing regulations for solid waste management and toxic cleanup. The MDNS determined that there was no evidence of gophers. The completed Cultural Survey prompted a response from the Washington State Department of Archaeology and Historic Preservation concurring with the results and recommendations in the report. Traffic mitigation for impacts to Tumwater Boulevard were identified in the environmental documents. No other endangered species or habitat was identified. There was no appeal of the SEPA threshold determination.

As part of transportation concurrency, Tumwater's Transportation Manager reviewed the Applicant's trip generation report and found the project to be concurrent as long as transportation impact fees and mitigation fees for trips through the Tumwater Boulevard I-5 interchange were paid. The trip generation report identified the generation of one trip at the interchange, which resulted in mitigation measures within the MDNS.

As part of development, the City requires preservation of trees on the site to be developed of no less than 20% of the trees existing on the site or no less than 12 trees per acre. When sites lack a sufficient number of trees, the Applicant is required to provide the minimum number of trees at the time of development at a 1:1 ratio. The Applicant submitted a Landscape Plan for the 1.77-acre site. A minimum of 22 trees will be retained; however, the site lacked sufficient trees for the required retention. The preliminary Landscape Plan accounts for the planting of 64 trees exceeding the minimum number of trees required on the site.

Staff met with the Applicant to ensure all the project scope meets the City's development code. Mini storage units are permitted in the zoning district with a maximum building height of 65 feet. The General Commercial zone does not specify minimum building setback requirements. However, it is important for the site to have adequate landscaping and parking. There are no building setback requirements except for when a development abuts a residential zone. Although the project site is zoned General Commercial, the property to the south is zoned Single Family Low Density requiring specific setbacks of a minimum of 20 feet and increased by 10 feet for every story above the ground level.

Other zoning requirements are meeting the design review guidelines through development site planning and street fronts. The Applicant

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provided a narrative on how the project meets design requirements. Building elevations are reviewed and approved at building permit issuance. The proposal is providing landscaping of a 10-foot landscape buffer on the south of the site and an eight-foot landscaping around the remaining perimeter. The project includes parking lot landscaping and internal landscaping. The site plan meets the minimum amount of parking required for mini storage units.

Special criteria are required for the Conditional Use Permit. The use must meet the goals and policies of the Tumwater Comprehensive Plan including all subarea plans and applicable ordinances. The project is not materially detrimental to the public, health, or welfare. The use shall meet the City's performance standards required in the zone and any other minimum conditions that might be identified for the use. Following a review of the plan, staff determined no inconsistency between the use and the goals and policies within the Comprehensive Plan and no apparent adverse impacts. The Applicant is addressing traffic impacts through the Mitigated Determination of Non-significance. The site is served by adequate water and sewer facilities. Landscaping and screening meets the requirements of Chapter 18.47 and the project is consistent with all applicable performance standards of the General Commercial zone.

Within the Conditional Use Chapter of TMC, minimum conditions are also required for mini storage units. They include no off-street parking or loading areas in any of the required yard areas. The site plan reflects no parking or loading areas. Screening along all properties shall be provided to lessen visual impacts to neighboring properties in the right-of-way. The Applicant is providing an increased landscape buffer on the south side of the property and is meeting the standard landscape requirements. The site area is adequate to provide for required parking and yards.

Staff finds that the project meets the criteria for a Conditional Use Permit.

In terms of the proposed variance, the Applicant is requesting a variance from the zoning setback requirement. The code indicates where structures are constructed over one story, the setback of the structure from the adjacent property line or lines shall be increased by 10 feet for each story above the ground level story of the new building. A variance can be granted when the proposal meets specific criteria:

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

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of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title. *An existing powerline easement along the northern side of the parcel limits how far the structure can be located away from the southern property line. The property to the south is owned by the Tumwater School District and contains a parking lot for Tumwater Middle School, but has no single-family residences. In the City of Tumwater, zones separated by public streets are not considered abutting. The parcel to the south includes a private drive and parking lot to serve the Tumwater Middle School. That parcel is not likely to develop as a residential use. The drive and parking lot separate the uses. The private access road and parking are similar to the allowance for zones separated by public streets. Because of the special conditions of the proposed project, staff finds that allowing a variance is justified.*

2. That the special conditions and circumstances are not the result of actions of the applicant. *Special circumstances regarding the proximity of the General Commercial property adjacent to the Single Family Low Density zone district are not the result of actions by the applicant. Because of the special conditions of the project, staff finds that allowing for a variance is justified.*
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. *As previously noted, the intent of the code is met regarding setbacks complying with City standards, therefore not conferring any special privilege on this property.*
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. *The intent of the code is met with the proposal and granting a variance would not be materially detrimental to the public welfare or injurious to the surrounding properties. Allowing the building to be constructed at a +/- 3' reduced setback from the south property line is the minimum variance possible to reasonably accommodate the special conditions existing on the site due to the adjacent property zoned Single Family Low Density and used as a public-school campus and the high voltage power lines to the north.*
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. *Staff recommends approval of the variance. If approved, staff finds that the project is consistent with the Tumwater Municipal Code with conditions as outlined in the*

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*Staff Report.*

A portion of the parcel is encumbered by an easement for the Bonneville Power Administration (BPA). The BPA has easements throughout the City. In some instances, the easement requires development plans to be reviewed and approved by BPA to assure the right to construct certain improvements within the easement. The Applicant states that the easement does not have that same requirement. The Applicant provided a draft indemnity agreement to the City for not requiring BPA's approval as a condition of approval for the project. The Applicant also owns and is currently developing parcels to the east of the subject site, across Littlerock Road. Those parcels are also encumbered by the same BPA easement. As part of that development, the Applicant provided an indemnity agreement to the City, which was approved as part of its land use approval and signed by the City. It is anticipated that the City will agree to this indemnity agreement as well.

TMC 17.06 requires that in cases where there are multiple lots; parcels or tracts will all be used for one building site. This project proposes building a structure across a property line requiring the lots, parcels, or tracts to be consolidated into one lot, parcel, or tract. A lot consolidation shall be prepared and recorded with Thurston County prior to issuance of any building permit. The project must also comply with the City's 2022 Drainage Design and Erosion Control Manual.

Manager Merriman advised that the Staff Report includes 60 conditions. Most of the conditions are ordinary conditions. In conjunction with the 60 conditions, staff believes the proposal meets the City's development and design standards, criteria for a Conditional Use Permit and a Variance and recommends approval of the Site Plan Review, Conditional Use Permit, and Variance requested by the Applicant.

Examiner Scheibmeir asked about the history of a wide sidewalk and driveway located immediately south of the project site that appears to lead to nowhere. Manager Merriman responded that the City owns the property located to the west at the end of the driveway. The property is slated to become a future park. The access road was constructed to private road standards similar to city road standards. As part of the frontage the school district was required to construct the sidewalk, which is common for many projects to provide connections for future new development.

Examiner Scheibmeir asked whether the road and sidewalk are owned by the school district or the City. Manager Merriman advised that the roadway is private and is owned by the school district.

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Examiner Scheibmeir questioned whether it is envisioned that the roadway would become a public road when the property to the west is developed as a park. Manager Merriman said the roadway is envisioned to serve as access to the park but is uncertain as to whether the roadway would be dedicated to the City as right-of-way. She offered to follow-up with information after the hearing. Examiner Scheibmeir noted that if the roadway had previously been dedicated to the City, a variance request would be unnecessary. Manager Merriman affirmed the statement. Examiner Scheibmeir said it appears that the road is not sufficient to make unnecessary the variance application, which is partly, as he understands it, why the City is supportive of the variance because it is a highly unusual situation as to whether the situation requires a variance coupled with what is occurring to the north with the Bonneville power lines.

Examiner Scheibmeir noted the lack of any discussion within the Staff Report and exhibits that speaks to traffic. Traffic studies were not included with the materials he received. Consequently, he lacks a sense of traffic impacts created by the project. He cited a similar project in the City of Olympia for a large storage facility near the Thurston County Courthouse. The project was assessed \$170,000 in traffic impact fees. During Olympia's hearing, discussions acknowledged traffic impacts caused by the project and the importance of mitigating the impacts. The proposed application includes none of that type of discussion and by comparison, it is rather striking how the Olympia issue went all the way to the Court of Appeals. He asked what the traffic studies documented in terms of peak hour impacts and the cumulative mitigation required for traffic impacts.

Manager Merriman advised that the traffic information should have been included as an attachment to the Mitigated Determination of Non-significance. Examiner Scheibmeir indicated he was unable to identify the information after thoroughly reviewing the materials for the project. He asked for a copy of the information for his review. Manager Merriman advised that the traffic trip generation report documented less than 50 PM peak hour trips. A full traffic impact analysis was not required; however, the size of the building of approximately 130,000 square feet would have a significant traffic impact fee assessed. She offered to provide the information.

Examiner Scheibmeir commented that lacking those sources of information, he was curious as to the reference of one vehicle impact at the Tumwater Boulevard freeway interchange. Manager Merriman explained that at the Tumwater Boulevard I-5 interchange, service level is failing for the north and southbound lanes. The City has identified the issue and has plans to correct the deficiency to improve

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level of service. The trip generation report for the project identified one trip generated to the interchange requiring SEPA mitigation.

Examiner Scheibmeir asked about the requirement for the project because of the impact caused by one trip. Manager Merriman said the Applicant has the option of reconstructing the interchange or paying a per trip fee of \$4,072 per trip.

Examiner Scheibmeir commented that in many jurisdictions conditional use criteria include consideration of cumulative impacts of similar projects in the area. It appears the City lacks that criterion as well any discussion in the materials. Several months ago, he approved a five-story self-storage facility as part of the Tumwater Boulevard project. He asked whether the City has considered cumulative affects of several, very large self-storage facilities within a half-mile of each other, such as considerations of saturating the area with a similar use, altering the aesthetics of the neighborhood, or changes in its intended use. Manager Merriman advised of no discussions; however, in terms of overall impacts, especially for traffic, staff considered future build out in the general area to ensure traffic impacts are mitigated. The City's design standards are strong especially in commercial zones to ensure aesthetically storage units are reflective of a commercial exterior design. The Applicant is aware of some of the stringent requirements by the City for how the structure is situated on the site and how it is designed in front. In terms of the number of self-storage units in the vicinity, she does not believe staff factored that aspect into the review. It is also not a criterion imposed by the City at this time.

Examiner Scheibmeir spoke to aesthetic concerns with commercial/industrial facilities abutting schools and the impacts of the aesthetics and its design alignment with the school and whether the structure would loom over school facilities. He asked about any concerns with the project in terms of its immediate proximity to the middle school while recognizing the school is located some distance to the south and separated by the sidewalk and road, as well as by the parking area. Manager Merriman explained that the Applicant is providing a 10-foot landscape buffer on the south side, as well as security fencing. Design standards are required to reduce blank walls and to include modulation and different colors. The project will also provide pedestrian amenities at the lower floors. In terms of concerns with the structure towering over an adjacent school, those issues are addressed by the City's design guidelines.

Examiner Scheibmeir asked whether staff considered options that have not been proposed as a condition. Manager Merriman responded that the only challenge in terms of design was visibility from the street when driving along Littlerock Road. The design guidelines allow for



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some walls not subject to design standards because they may be located in the rear of the structure. However, in this particular project, all walls are visible from public right-of-ways. Design standards were applicable on all sides visible from the right-of-way and from the school.

Examiner Scheibmeir cited the issue of stormwater, which is a common concern to members of the public because of the difficulty of controlling stormwater and the complicated systems and management of those systems. The project addresses stormwater by employing an unusual stormwater system underground on the property. He asked for additional information on how the system functions. Manager Merriman explained that stormwater runoff is conveyed to an underground filtration system, treated, and discharged into underground galleries which disperse treated stormwater through perforated pipes. Underground systems require maintenance because the filtration systems must be maintained on a regular basis to provide proper filtration of stormwater.

Examiner Scheibmeir affirmed that he would follow up with the Applicant on the engineering questions as to where treated stormwater is discharged.

Examiner Scheibmeir asked about the process of site plan review in terms of the hearing examiner's role. Manager Merriman responded that the application is essentially consolidated with one decision rendered. The City of Tumwater enables issuance of a Conditional Use Permit where the site plan review decision is rendered by staff under the formal site plan review process with the Conditional Use Permit considered by the hearing examiner. She is accustomed to a consolidated process; however, the City requires variance requests to be included in the entire project for consideration by the hearing examiner.

Examiner Scheibmeir commented on his ongoing frustration with site plan authority because the normal process involves a committee of professionals conducting site plan reviews. He views the process as a basic overlay as the expectation is not a review of design but rather recognizing that the design in general is appropriate for the proposed Conditional Use Permit.

Manager Merriman advised that as noted within the Staff Report, site plan review was completed through preliminary and formal meetings to ensure the proposed site plan meets the City's development regulations for site plan review. Staff recommendations include those findings.

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Examiner Scheibmeir asked whether property to the west of the proposed project is City-owned or privately owned for future development of residential or commercial development. Manager Merriman identified several parcels and indicated one large parcel is currently under review for multifamily development with commercial uses, parking, and access roads under the power lines connecting the two developments.

Examiner Scheibmeir asked whether the proposed project has been deemed in conflict or failed to consider the needs of the other development. Manager Merriman said that both projects have been reviewed by the Project Development Review Committee. She is not aware of any conflicts between the projects.

**APPLICANT  
TESTIMONY:**

Examiner Scheibmeir administered the oath to Brandon Johnson.

Mr. Johnson said the Applicant and others have reviewed the Staff Report and all conditions of approval and have no concerns or exceptions to any of the proposed conditions. As Manager Merriman stated, the project is a mini storage facility adjacent to a single family zoning district that was developed as the Tumwater Middle School. Between Tumwater Middle School and the site is a private roadway within an easement that is in perpetuity to the City. Although not a public road, the road will serve as access to a City park.

Mr. Johnson addressed previous questions. A traffic report was prepared for the project. The project created 15 new PM peak hour trips or 17 new trips with a credit for the existing two single-family houses located on the property for a net increase of 15 trips. Additionally, the project is paying a transportation impact fee of \$172,836.74 along with the Tumwater Boulevard interchange SEPA fee of \$42,019 for a total impact fee of \$176,000.

In terms of stormwater, the project will collect stormwater, treat stormwater, and infiltrate stormwater underground with no release to a neighboring property or a stormwater facility. A City stormwater line is installed along Littlerock Road; however, the line is not sized adequately to accept any runoff from the proposed project.

Mr. Johnson offered to answer any additional questions. Examiner Scheibmeir thanked him and advised that he addressed some of his outstanding questions.

**PUBLIC  
TESTIMONY:**

Examiner Scheibmeir invited members of the public to provide testimony.

Manager Tami Merriman advised that two individual were signed in.

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The individuals did not request to provide comments.

Examiner Scheibmeir closed the public hearing and indicated he plans to approve the applications consistent with the history of the proposal and does not plan to add or subtract any conditions recommended by City staff. Based on the close review of the design standards and other impacts of the project to lessen its scale, he plans to approve the Conditional Use Application and the requested Variance and overall site plan as presented within 10 business days of the public hearing.

Manager Merriman advised that following additional research, the traffic study was in fact, not attached to the SEPA documentation and staff will forward a copy to the Examiner for his review.

**ADJOURNMENT: With there being no further business, Examiner Scheibmeir adjourned the public hearing at 6:53 p.m.**

Prepared by Valerie L. Gow, Recording Secretary/President  
Puget Sound Meeting Services, psmsoly@earthlink.net