BEFORE THE CITY OF TUMWATER HEARINGS EXAMINER

IN RE:	)	HEARING NO. TUM-26-1184
DESCHUTES VALLEY TRAIL - SEGMENT C. WETLAND INFRASTRUCTURE EXCEPTION.	)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

APPLICANT: City of Tumwater
555 Israel Road SW
Tumwater, Washington 98501

REPRESENTATIVE: Jared VerHey
City of Tumwater
555 Israel Road SW
Tumwater, Washington 98501

SUMMARY OF REQUEST:

The Applicant, the City of Tumwater, requests a Wetland Infrastructure Exception in order to construct a paved non-motorized trail with gravel shoulders linking Tumwater Valley Drive to Deschutes Valley Park. The project is located in the Open Space (OS) zoning designation which allows parks and related activities as a permitted use. The requested Infrastructure Exception is needed to construct stormwater facilities within critical area buffers.

LOCATION OF PROPOSAL:

4611 Tumwater Valley Drive SE, Tumwater. Parcel No. 09470051000 and 12835430000.

SUMMARY OF DECISION:

The requested Infrastructure Exception is **approved** subject to recommended conditions by City Staff.

BACKGROUND

The Tumwater Valley Golf Course has long been an important recreational resource for the City of Tumwater. The City would like to expand the current use of this property by establishing the Deschutes River Trail alongside the existing golf course facilities. The Deschutes River Trail is envisioned as a multipurpose gravel-based hike and bike trail along the

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Deschutes River from the brewery complex south through Pioneer Park to the railroad line south of 93rd Avenue. The first proposed phase of this trail would link Tumwater Valley Drive to Deschutes Valley Park.

There are three wetlands located along the municipal golf course, Wetlands A, B and C. All are located along the southwestern portion of the property and are also partially located on the adjacent Palermo Valley Park and nearby residential properties. These wetland are in close proximity to the proposed trail. Proper trail construction includes appropriate stormwater management which, in turn, requires the requested Infrastructure Exception in order to allow important stormwater features to be in close proximity to these wetlands - but not encroach into the wetlands themselves.

City Planning Staff recommend approval of the requested Infrastructure Exception subject to several conditions. There has been no public opposition and, to the contrary, there has been notable public support.

PUBLIC HEARING

The public hearing commenced at 6:00 p.m. on Monday, October 5, 2026. The hearing was conducted in a hybrid format allowing for both in person participation as well as remote participation utilizing the Zoom platform with the City serving as host. The City appeared through Sam Hunter, Associate Planner. The Applicant, also the City of Tumwater, appeared through Jared VerHey, Project Manager. Several members of the public were present and three asked to testify. All testimony was taken under oath and a verbatim recording was maintained. Documents considered at the time of the hearing were the Staff Report (Exhibit 1) along with the following additional exhibits:

Exhibit 1. Staff Report, dated September 18, 2026
Exhibit 2. Wetland Permit Application, dated September 8, 2026
Exhibit 3. Civil Plans, dated September 8, 2026

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

Three additional public comments were received shortly before the hearing and recognized as Exhibit 13.

City's Presentation:

The hearing began with the testimony of Sam Hunter, Associate Planner, and author of the City's Staff Report. Mr. Hunter's testimony was relatively brief and generally followed the Staff Report. He began by correcting a statement found in Section II(F) of the Staff Report which indicates that site plan review is also being reviewed concurrently. This statement is incorrect and site plan review is not taking place concurrently. Instead, the only matter before the Hearing Examiner is the requested Infrastructure Exception. That exception is required as part of the City's plan to construct the first phase of the new Deschutes Valley Trail. This first phase would construct a paved non-motorized trail with gravel shoulders linking Tumwater Valley Drive to Deschutes Valley Park. Fencing between the trail and the golf course is also included. Future phases of the trail would extend the trail across the Deschutes River.

The first phase involves needed stormwater improvements along the trail. These improvements are what trigger the requested Infrastructure Exception, as portions of the stormwater system will be in close proximity to three onsite wetlands, Wetlands A, B and C. All

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are located along the southwest portion of the property and extend into the adjacent Palermo Valley Park as well as residential properties. The project proposes to widen the existing golf cart path and improve its surface to meet ADA standards for accessible design. New fencing will be installed to assure that trail users are protected from golf balls. Mr. Hunter explained that the trail has been designed to reduce impacts to wetlands and their buffers to the fullest extent possible and will replace the existing cart path within its existing footprint, thus avoiding any further encroachment into wetland buffers. In return, the proposed Wetland Mitigation Plan is intended to assure that there is no net loss of wetland and stream functions and values by enhancing the buffers for Wetlands A and C at a 12:1 ratio, and the buffer for Wetland B at an 8:1 ratio. Altogether, there will be 296,986 square feet of enhancements to these three buffers, well exceeding the minimum requirement of 267,398 square feet of mitigation. Enhancement will include removing invasive weeds, additional plantings, and reestablishment of buffers in areas in which had previously been cleared and maintained as part of the golf course.

Mr. Hunter concluded his testimony by noting that the project is consistent with the City's Comprehensive Plan, the City's Park and Open Space Plan, the City's Transportation Plan, the Thurston Regional Trail Plan and the Sustainable Development Plan for Thurston Region. In addition, and as conditioned, the project complies with all tree and wildlife protection requirements and wetland protections. Staff therefore recommends approval subject to the conditions set forth in the Staff Report.

Applicant's Presentation:

Following Mr. Hunter's testimony the Applicant appeared through Jared VerHey. Mr. VerHey's testimony was also brief. He explained that the proposed trail will utilize the existing golf cart path located onsite. With only minor exception, the trail will be no closer than the existing cart path to adjoining wetlands, while significant mitigation is proposed to offset any project impacts to the wetlands and their buffers. No direct impacts to the wetlands will occur.

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Mr. VerHey added that a 12-foot fence will also be installed to protect users from golf balls but that the fence will have appropriate gaps to allow for the free movement of wildlife.

Public Testimony:

At the conclusion of Mr. VerHey's testimony the hearing was opened for public comment. Three individuals asked to testify:

Margaret Thomas. Ms. Thomas lives next door to the proposed trail and is excited by its planned construction. She fully supports the application.

Angela Tauscher. Ms. Tauscher merely had a few questions relating to the trail. She wished to know its proposed entire length (two miles) and whether any lighting was intended. Mr. VerHey responded that no lighting is intended and that the trail is expected to operate from dawn to dusk.

Jim Lazar. Mr. Lazar explained that he is an avid cyclist and strongly favors the project, although he questions whether the fence is truly necessary. Except for this issue, Mr. Lazar is fully in support of the application.

The application is straightforward, well explained, and provides more than adequate mitigation for any project impacts. City Staff recommends approval subject to a few conditions. There has been no public opposition and instead the project has seen broad public support. I concur with Staff that the project, as conditioned, easily satisfies all requirements for the requested Infrastructure Exception.

I therefore make the following:

FINDINGS OF FACT

General Findings.

1. Any Findings of Fact contained in the foregoing Background or Public Hearing Sections are incorporated herein by reference and adopted by the Hearing Examiner as his Findings of Fact.

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2. The Applicant is requesting a Wetland Infrastructure Exception ("Infrastructure Exception") in order to construct a paved non-motorized trail with gravel shoulders linking Tumwater Valley Drive to Deschutes Valley Park. The request for the Infrastructure Exception is to construct the proposed associated stormwater facilities within critical area buffers.

3. The project is located at 4611 Tumwater Valley Drive SE and is within the Tumwater Valley Golf Course, a municipal golf course.

4. The project has a zoning designation of Open Space (OS). The OS zoning designation allows parks and other related active and passive recreation facilities as a permitted use.

5. The site has a historical and ongoing use as a municipal golf course. The site is generally flat except for a gradual upward slope to the west and steep slopes along the southwestern edge of the site.

6. The majority of the project is aligned with the existing Tumwater Valley Golf Course golf cart trail along the right side of the fairways. The golf cart path is a legally nonconforming use within the wetland buffers.

7. Widening of the existing path will occur from the edge of the existing path and extend toward the golf course to allow for a dedicated cart path and shared use path. There are two locations where the path will result in new impacts within the wetland buffer near the tee boxes for holes #2 and #4 (see Exhibit 4, Appendix J).

Findings Relating to Consistency with the Comprehensive Plan and Other Plans.

8. The project site is primarily within the Deschutes neighborhood and partially within the Brewery Neighborhood and SE Capital Blvd. Neighborhood in the Land Use Element of the City Comprehensive Plan. The site has a land use designation of Parks and Open Space in the Comprehensive Plan.

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9. The Comprehensive Plan recognizes that the Deschutes Neighborhood is dominated by the Deschutes River Valley and its recreational opportunities, including Pioneer Park and the Tumwater Valley Municipal Golf Course.

10. The proposed use is consistent with its land use designation as Parks and Open Space.

11. Staff finds that the project, as conditioned, is consistent with the City Comprehensive Plan Land Use Element Part 1 including Goals LU2.4, 5.1, 6.1, 6.2, 10.1, 11.2, and 12.2. These goals encourage further recreational development in the Deschutes River Valley. The Hearing Examiner concurs with these Findings.

12. Staff also finds that the project is consistent with the Tumwater Park, Recreation and Open Space Plan, noting that the plan specifically identifies the Deschutes River Trail which it describes as a "multipurpose gravel-based hike and bike trail along the Deschutes River from the brewery complex south through Pioneer Park to the railroad line south of 93rd Avenue." The Hearing Examiner concurs with this Finding.

13. Staff also finds that the project, as conditioned, is consistent with the Tumwater Transportation Plan as it expressly supports bicycling and walking trails with the goal of increasing non-motorized trips. Further, the Deschutes Valley Trail Corridor is expressly identified as a priority trail segment in the Transportation Plan. The Hearing Examiner concurs with these Findings.

14. Staff finds that the project is consistent with the Sustainable Development Plan for Thurston Region, noting that the goal of the plan is to reduce vehicle travel, and that the project will provide a safe pedestrian and bicycle corridor in a developed area of the town while preserving adjacent natural areas and wetlands. The Hearing Examiner concurs.

15. Staff finds that the project is consistent with the Thurston Regional Trail Plan, again noting that the project is one of the recognized proposed trails in the Regional Trail

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Network as outlined in the Regional Trail Plan. The Staff further notes that the project will help connect the City of Tumwater to the larger network of Thurston County existing and proposed trails. The Hearing Examiner concurs.

Findings Relating to Public Notice and SEPA.

16. A combined Public Notice of Application and Notice of Hearing for the Infrastructure Exception was mailed to property owners within 300 feet of the subject property and to affected agencies; posted on-site; and published in the Olympian on September 18, 2026. No public comments were received in response to the notice.

17. Acting as lead agency, the City issued a SEPA Determination on July 24, 2026 (Exhibit 7). In response, standard comments were received from the Olympia Regional Clean Agency and the Department of Ecology. Two public comments were also received, both in support of the project (Exhibits 7a-7d).

18. Notice of the public hearing before the Hearing Examiner was mailed to property owners within 300 feet of the subject property and to various agencies, posted on-site and published in the Olympian on September 18, 2026. Three additional public comments were received, all in favor of the project (Exhibit 13).

Finding Relating to Tree Protection and Replacement, Chapter 16.08 TMC.

19. The Applicant has provided an Arborist's Report dated September 4, 2026 (Exhibit 9) which identifies a total of approximately 6,200 trees located across the entire site covering 220.5 acres.

20. The City's Tree Protection Ordinance, Chapter 16.08 TMC, requires retention of 20% or 12 trees per acre, whichever is greater.

21. Twelve trees per acre over 220.5 acres requires a minimum of 2,646 trees to be retained.

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22. The project proposes to remove 334 trees, retaining nearly 6,000 trees. The project therefore satisfies the requirements for tree retention found in Chapter 16.08 TMC.

23. The remaining trees will be protected through appropriate fencing and the use of Best Management Practices.

24. In addition, the proposed Mitigation Plan provides for the planting of additional trees within wetland buffers (Exhibit 4).

Findings Relating to Fish and Wildlife Habitat Protection, Chapter 16.32 TMC.

25. The Applicant has provided a Gopher Report dated October 20, 2025 (Exhibit 11) which found no evidence of the Mazama Pocket Gopher on the subject property.

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

Findings Relating to Onsite Wetlands and Buffers.

27. The Applicant has provided a Critical Area and Wetland Mitigation Plan and Mitigation Map (Exhibits 4 and 5).

28. Three wetlands have been delineated on-site, Wetlands A, B and C, which extend onto adjacent properties to the west.

29. Wetland A is located on the western portion of the property and partially within the adjacent Palermo Valley Park. Wetland A is a large, depressional wetland. It is rated a Category II wetland with an overall score of 22 and habitat score of 7. Its standard buffer width is 150 feet. Within Wetland A is a Class 3 stream (Stream Z) having a standard buffer width of 200 feet. Wetland A flows to the Deschutes River via a culvert and stream Z.

30. Wetland B is located in the southwest portion of the site and is entirely located on-site. Wetland B is a large, forested sloped wetland that forms a stream in the midst of a swale. Wetland B is a Category III wetland with an overall score of 16 and a habitat score of 7, resulting in a standard buffer of 50 feet. Within Wetland B is a Type NS stream (stream Y) also

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having a standard buffer of 50 feet. Wetland B drains to a culvert which crosses the golf course to the northeast.

31. Wetland C is located on the southern portion of the property and is partially found on adjoining residential properties. Wetland C is a large depressional wetland. It is Category II wetland with an overall score of 21 and a habitat score of 6, resulting in a standard buffer of 150 feet.

32. A map identifying Wetlands A, B and C, their standard buffers, and the standard buffers for the streams within Wetlands A and B, can be found as Figure 4 to Exhibit 4.

Findings Relating to Impacts to Wetland Buffers.

33. The project does not encroach into Wetlands A, B or C or stream Z or stream Y, but it does encroach into their standard buffers.

34. The existing golf cart path significantly predates the City's wetlands and other critical areas protections. The path is therefor a legally nonconforming use. The project proposes to utilize the existing golf cart path to the fullest extent possible but the project requires expansion of its driving/walking surface, resulting in impacts to wetland buffers.

35. Some buffer impacts will occur within buffer areas currently maintained as part of the golf course ("Maintained Areas"), while other impacts will occur in portions of the buffers not maintained as part of the golf course ("Unmaintained Areas").

36. The project will have the following impacts to Maintained Areas and to Unmaintained Areas within the buffers of Wetlands A, B and C:

Wetland	**Impacts within Maintained Areas**	**Impacts within Unmaintained Areas**
Wetland A	10,661 Square Feet	8,238 Square Feet
Wetland B	3,603 Square Feet	6,631 Square Feet
Wetland C	2,836 Square Feet	1,675 Square Feet
	17,100 Square Feet	16,544 Square Feet

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37. The Applicant's proposed Mitigation Plan provides for buffer rehabilitation in impacted buffers within Maintained Areas of the golf course, and buffer enhancement with Unmaintained Areas.

38. Wetlands A and C, both Category II wetlands, are proposed to have buffer rehabilitation within Maintained Areas of the golf course at a ratio of 6:1, and enhancement mitigation to Unmaintained Areas at a ratio of 12:1. Wetland B, a Category III wetland, is proposed to have buffer rehabilitation within Maintained Areas at a ratio of 4:1 and buffer enhancement in Unmaintained Areas at ratio of 8:1.

39. As set forth in Table 3 of Exhibit 4, the following is a summary of buffer impacts and proposed mitigation:

Wetland Impacts	Impacts Within Golf Course Maintained Areas			Impacts within Unmaintained Areas		
	Proposed Impacts sq. ft.	Ratio	Proposed Rehabilitation on Mitigation sq. ft.	Proposed Impacts sq. ft.	Ratio	Proposed Enhancement Mitigation sq. ft.
Wetland A; Category II	7,661	6:1	63,9661	8,238	12:1	98,856
Wetland B; Category III	3,603	4:1	14,412	6,631	8:1	53,048
Wetland C; Category II	2,836	6:1	17,016	1,675	12:1	20,100
TOTAL	17,100		95,394	16,544		172,004

40. The Mitigation Plan, at page 37, identifies all impact reducing measures included in the Mitigation Plan including: directing lights away from the wetland areas; locating noise generating activities away from the wetland; routing all new runoff away from the wetland while also assuring that the wetland is not dewatered; limiting use of pesticides; applying integrated pest management; modernizing stormwater detention and treatment; maximizing infiltration and treatment of stormwaters; avoiding pet/human disturbance by using fencing, planting dense

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vegetation and placing wetlands and their buffers in separate tracts; utilizing Best Management Practices to control dust.

Findings Relating to the Requirements for an Infrastructure Exception.

41. TMC 16.28.115.A allows for the Applicant to apply for an Infrastructure Exception if the wetland protection standards prohibit development proposed by public agency when installing public infrastructure that is otherwise in compliance with the Comprehensive, Transportation, Capital Facilities or Utility Plans of the City. This project qualifies as a proposal by a public agency to install public infrastructure that is otherwise in compliance with the City's Comprehensive Plan, its Transportation Plan, and other plans as noted in earlier Findings.

42. TMC 16.28.170.H.3, generally prohibits stormwater management facilities in the buffer of Category I or II wetlands, while TMC 16.28.170.H.2 prohibits stormwater management facilities outside of the outer 25% of any wetland buffer. The Applicant requests a Infrastructure Exception from both of these requirements in order to allow stormwater improvements within the buffers of Wetlands A, B and C.

43. As a project qualifying for an Infrastructure Exception, the Applicant then has the burden of demonstrating that all Infrastructure Exception requirements set forth in TMC 16.28.115 are satisfied

44. The Applicant must demonstrate that there is no other practical alternative to the proposed development with less impact on critical areas.

45. City Staff finds:

- The majority of the trail is already aligned with the existing golf cart trail along the right side of fairways. This trail is a legally nonconforming use. Its widening will occur along the edge of the existing path extending toward the golf course and away from wetland buffers. The golf course has already been redesigned to move tee boxes and other infrastructure

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away from the wetlands to the maximum extent practical, and no substantial new impacts will occur.

- Other areas of the golf course were considered for the trail but every alternative would have resulted in creating additional environmental impacts to floodplains, wetlands and shorelines. As the trail's design has evolved, it has constantly been redesigned to reduce impacts to wetlands and buffers. The current alignment replaces both the existing cart path and shared use trail within the footprint of the existing cart path, allowing for alignment to shift farther toward the golf course and away from wetland buffers. As a result, impacts to wetland buffers have been reduced to the maximum extent feasible.
- A portion of the area for the new trail is currently routinely mowed and cleared of invasive species - a negative impact to wetland buffers. This historic impact will be eliminated as this routine maintenance will no longer occur on the wetland side of the path, allowing for wetland buffers to be restored.
- Although the project increases the area of impervious surfaces, it replaces areas currently managed as pollution-generating pervious areas due to the use of fertilizers and other maintenance commonly occurring on a golf course.
- Best Management Practices (BMP's) will be used when feasible. The project will rely on sheet flow dispersion for stormwater management. This is a low impact management system and the preferred BMP. Meanwhile, wetland buffer enhancement will remove nonnative species from the buffer, increasing its function as well as stormwater dispersion of efficacy. As a result, the wetland buffer will be closer in line to a natural wetland buffer than currently.
- Even with avoidance and minimization measures, some new impacts will occur. These will be mitigated through the Mitigation Plan which combines wetland enhancement with the removal of invasive species, resulting in a substantial improvement in wetland functions.

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46. Staff therefore finds that there is no other practical alternative to the proposed development with less impact on the critical areas. The Hearing Examiner concurs and adopts the Staff's Findings as his own.

47. The Applicant must demonstrate that the normal application of the wetland's regulations would unreasonably restrict the ability to provide utility services to the public.

48. Staff finds:

- Without the Infrastructure Exception there is no feasible alternative alignment of the trail that would allow the project to meet its intended purpose while avoiding additional impacts to critical areas. Relocating the shared use path farther east would conflict with the operation of the golf course and would increase unwanted encounters and would conflict with environmental constraints. At the same time, further eastward relocation would not provide any practical benefit to avoiding or minimizing critical area impacts.
- At each refinement of the proposed trail, this segment has been redesigned to avoid encroachment into shoreline areas and to reduce impacts within floodplains. The current design has been configured to avoid and minimize impacts to wetlands and their buffers to the maximum extent feasible. All remaining wetland buffer impacts are associated with the necessary stormwater management which has been designed to apply Best Management Practices to minimize buffer impacts. The stormwater system is designed to maintain existing drainage patterns, including the existing flow path and sheet flow toward the wetlands. As a result, it represents the practical alternative that minimizes impacts to regulated critical areas while maintaining the functional use of the golf course and also providing the intended shared use trail connection.
- Buffer enhancements and rehabilitation provided for in the Mitigation Plan will provided increased wetland functionality and restore the wetland buffer closer to its natural

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functional state. The new path will also provide a separation between the golf course maintenance and the wetlands and their buffers.

49. Staff therefore finds that the application of the wetland's regulations would unreasonably restrict the ability to provide utility services to the public. The Hearing Examiner concurs.

50. The Applicant must demonstrate that the project does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposed site.

51. Staff finds that the new trail will not pose an unreasonable threat to the public health, safety or welfare. Instead, public safety will be improved through the upgraded trail and new fencing. The existing path will be widened and its surface improved to meet ADA standards. The trail will be available for walking, exercise and recreation and generally beneficial to the public health. Meanwhile, the project is not expected to result in an increase in environmental impacts, while the Mitigation Plan will improve the overall environmental health of the wetlands and their buffers. The Hearing Examiner concurs with these Findings.

52. The Applicant must demonstrate that the proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with other applicable regulations and standards.

53. Staff finds that the Applicant's Wetland Stream Delineation and Mitigation Plan (Exhibit 4) demonstrates that critical area functions and values will be maintained due to the planned mitigation actions. The plan further finds that there will be no net loss of wetland functions and values. The Hearing Examiner concurs with these Findings.

54. Staff further finds that the proposed improvements are in line with the City's Transportation Plan, Comprehensive Plan, Park, Recreation and Open Space Plan, and wetland protection standards.

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Findings Relating to Plans with the Aquifer Protection Overlay Zoning Designation, Chapter 18.39 TMC.

55. The proposed use is not a restricted land use in the Aquifer Protection (QCP) Overlay Zoning District.

56. Subject to compliance with the proposed mitigation plan, together with protections to wetlands identified in the Drainage Report (Exhibit 10) City Staff recommends approval of the Infrastructure Exception.

57. There has been no public opposition to the requested Infrastructure Exception.

Having entered his Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

2. Any Conclusions of Law contained in the foregoing Background and Public Hearing Sections or Findings of Fact are hereby incorporated by reference and adopted by the Hearing Examiner as his Conclusions of Law.

3. The requirements of SEPA have been met.

4. All notice requirements have been met.

5. The proposed use requires an Infrastructure Exception from the requirements of TMC 16.28.170.H.3 (which does not allow stormwater management facilities in the buffer of Category I or II wetlands) and TMC 16.28.170.H.2 (which does not allow stormwater management facilities outside of the outer 25% of the wetland buffer).

6. The Applicant has the burden of demonstrating that all requirements for an Infrastructure Exception found in TMC 16.28.115.A have been satisfied.

7. There is no other practical alternative to the proposed development with less impact on the crucial areas.

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8. The application of the wetland regulations would unreasonably restrict the ability to provide utility services to the public.

9. The proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposed site.

10. The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with other applicable regulations and standards.

11. The Applicant has met its burden of demonstrating that all requirements for an Infrastructure Exception have been satisfied.

12. The requested Infrastructure Exception should be approved subject to the conditions recommended by City Staff.

DECISION

Now, therefore, the Applicant's request for a Wetland Infrastructure Exception in order to construct a paved non-motorized trail with gravel shoulders linking Tumwater Valley Drive to Deschutes Valley Park shall be **approved** subject to the following conditions:

CONDITIONS

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

2. Stormwater facilities within the wetland buffers shall meet the requirements of the Wetland Hydroperiod Protection (method 2) outlined in Appendix I-C, Volume I of the 2019 Stormwater Management Manual for Western Washington per the Tumwater Drainage and Design Manual as identified in the submitted Drainage Report dated June 2026 (Exhibit 10).

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Mean daily and monthly total discharge volumes from the existing site and proposed modeling shall be provided with the project prior to Site Development Grading approval.

DATED this 20th day of October, 2026.

Mark C. Scheibmeir
City of Tumwater Hearing Examiner

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