



CITY OF  
**TUMWATER**

**HEARING EXAMINER  
MEETING AGENDA**

**Online via Zoom and In Person at  
Tumwater City Hall, Sunset Room, 555  
Israel Rd. SW, Tumwater, WA 98501**

**Wednesday, October 25, 2023  
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. Blomberg 99-2 Conditional Use Permit TUM-23-1327
3. Adjourn

**Meeting Information**

All committee members will be attending remotely. The public is welcome to attend in person, by telephone or online via Zoom.

**Watch Online**Go to <http://www.zoom.us/join>, and enter the Webinar ID 833 2077 4230 and Passcode 882351.

**Listen by Telephone**Call (253) 215-8782, listen for the prompts and enter the Webinar ID 833 2077 4230 and Passcode 882351.

The City of Tumwater Hearing Examiner will hear testimony from interested parties in person, 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\\_asvcFg7SSHanEEM4Y1\\_zjg](https://us02web.zoom.us/webinar/register/WN_asvcFg7SSHanEEM4Y1_zjg)

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](mailto:tmerriman@ci.tumwater.wa.us), and must be received by 5:00 p.m. on Wednesday, October 25, 2023.

**Post Meeting**

Audio of the meeting will be recorded and later available by request, please email [CityClerk@ci.tumwater.wa.us](mailto: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](mailto: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](mailto:ADACoordinator@ci.tumwater.wa.us).

TO: City of Tumwater Hearing Examiner  
FROM: Tami Merriman, Permit Manager  
DATE: October 13, 2023  
SUBJECT: Blomberg 99-2 Conditional Use Permit TUM-23-1327

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1) Recommended Action:

Staff recommends approval of the Conditional Use Permit, subject to the conditions outlined in this staff report.

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2) Background:

Applicant requests approval to operate a marijuana producer/processor business within existing buildings.

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3) Alternatives:

- ☐ Approve Case No. TUM-23-1327 with recommended conditions
  - ☐ Approve Case No. TUM-23-1327 with amended conditions
  - ☐ Deny Case No. TUM-23-1327
  - ☐ Remand Case No. TUM-23-1327 to staff for further analysis
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4) Attachments:

- Exhibit 1. Staff Report, dated October 9, 2023
- Exhibit 2. Conditional Use Permit Application with Narrative, dated August 16, 2023
- Exhibit 3. Formal Site Plan Amended, dated August 30, 2023
- Exhibit 4. Vicinity Map
- Exhibit 5. Zoning Map
- Exhibit 6. Public Notice Certification, dated October 9, 2023
- Exhibit 7. Determination of Non-Significance with attachments, dated September 18, 2023
- Exhibit 8. Public Hearing Notice, dated October 13, 2023
- Exhibit 9. Tum-23-0794 Formal Site Plan Review Approval, dated October 9, 2023
- Exhibit 10. Public comments
- Exhibit 11. Tumwater Municipal Code Excerpts



## CITY OF TUMWATER HEARING EXAMINER CONDITIONAL USE PERMIT

### STAFF REPORT

Hearing Date: October 25, 2023

**Project Name:** Blomberg 99-2 Conditional Use Permit  
**Case Number:** TUM-23-1327 Conditional Use Permit. Additional permits associated with this project; TUM-23-0794 Site Plan Review, and TUM-23-1328 SEPA Determination

**Applicant:** Blomberg LLC, 4220 S 164<sup>th</sup> St., Suite #101, Tukwila, WA 98188

**Type of Action Requested:** The applicant is requesting approval of a Conditional Use Permit to operate a marijuana producer/processor operation in an existing building complex. (Exhibits 2 & 3)

**Project Location:** The property is located at 9630 Blomberg Street SW, Tumwater, WA 98512, within Section 21, Township 17N, Range 2 W.W.M. Parcel #12721230500. (Exhibit 4)

**Notice of Application:** Pursuant to the State Environmental Policy Act, the City of Tumwater Community Development Department, after review of a SEPA environmental checklist and other information, issued a Notice of Application with Optional DNS on September 1, 2023. The notice mailed to property owners within 300 feet of the subject property and various agencies, posted on-site and on the City's website on August 31, 2023, and published in The Olympian on September 1, 2023. (Exhibit 6)

**SEPA Determination:** The City of Tumwater Community Development Department, after review of a SEPA environmental checklist and other information, issued a Determination of Non-significance on September 18, 2023. (Exhibit 7)

**Notice of Hearing:** A notice of public hearing was issued and mailed to property owners within 300 feet of the subject property and various agencies, posted on-site and on the City's website on October 13, 2023, and published in The Olympian on October 13, 2023 in conformance with Tumwater Municipal Code (TMC) 14.06. (Exhibits 6 & 8)

**Staff Recommendation:** Approval of the Conditional Use Permit, subject to conditions.

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Tumwater City Hall  
555 Israel Road SW  
Tumwater WA 98501

[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)



## BACKGROUND INFORMATION

### Application and Review Process

The Conditional Use Permit application was submitted on August 16, 2023. The application was deemed complete on August 22, 2023. Under TMC 2.58.090, review authority for Conditional Use Permit applications falls under the purview of the Hearing Examiner.

### Existing Conditions

The topography of the property is flat. The property is approximately 4.74 acres in size. There are 3 existing warehouse buildings that were constructed between the years 2004 - 2010. The most eastern 25,000 square foot building was approved for a marijuana processor prior to annexation into the City. The two other buildings, an 18,000 square foot shell and a 25,000 square foot warehouse have been used for manufacturing and storage of engineered wall panel systems and or lumber.

The site is surrounded by industrial zoned properties to the north, east, and south, and a Washington State Department of Natural Resources Agricultural tree farm to the west.

### Project Description

The applicant is requesting approval of a Conditional Use Permit for a marijuana producer/processor in two existing warehouse buildings. (Exhibits 2 & 3)

## REGULATORY FRAMEWORK

### Conditional Uses

Conditional Uses listed in TMC 18.56 may be permitted upon granting of a Conditional Use Permit by the Hearing Examiner after notice and public hearing per TMC 18.56.030 and a finding that the proposed use is consistent with the intent of the comprehensive plan and zoning requirements, per TMC 18.56.035. (Exhibit 11)

### Conditional Use Permit Review

#### TMC 18.56.035

A. The hearing examiner shall be guided by the following criteria in granting a conditional use permit:

1. The proposed use shall be in keeping with the goals and policies of the Tumwater comprehensive plan, including subarea plans, and applicable ordinances;

The comprehensive plan land use designation for the subject property is Light Industrial. The Land Use Element of the City of Tumwater Comprehensive Plan states that the Light industrial designation provides for the location of a broad array of activities, including manufacturing, wholesale trade, and distribution activities. The purpose of the Light Industrial designation is to provide lands for industrial development that will allow for attraction of new industries and expansion of existing ones while maintaining a high quality environment.

#### Staff Analysis and Recommended Finding:

*The project is an industrial use, and surrounded by existing industrial uses and activities. The project is consistent with the Comprehensive Land Use Plan.*

The Neighborhood Appendix to the Comprehensive plan - SW Tumwater Neighborhood envisions the area located near the Interstate 5 and 93rd Avenue interchange as light industrial development, with supporting information in the Economic Development Element. The area includes good access to Interstate 5 at the 93rd Avenue interchange, close to the Olympia Regional Airport, with primarily flat topography, and availability of municipal utilities.

*Staff Analysis and Recommended Finding:*

*The project is an industrial use, located on the west side of Interstate 5 and south of 93rd Avenue, on a site with existing structures and infrastructure. The project is consistent with the Comprehensive Land Use Neighborhood Appendix.*

The subject property is located within the Light Industrial zone district TMC 18.24.

TMC 18.24.040.D allows a marijuana processor within a fully enclosed secure indoor structure only as a Conditional Use, and TMC 18.24.040.E allows a marijuana producer within a fully enclosed secure indoor structure only as a Conditional Use (Exhibit 11).

According to TMC 18.04.130.M, “marijuana processor” means a person licensed by the State Liquor and Cannabis Board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers. A “marijuana producer” means a person licensed by the State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

*Staff Analysis and Recommended Finding:*

*Marijuana producer/possessor within a fully enclosed secure structure is an allowed use in the Light Industrial zone, subject to Conditional Use Permit. The use is proposed to occur within 2 existing buildings.*

2. The proposed use shall not be materially detrimental to the public health or welfare, the environment, or injurious to the property or improvements near the proposed use or in the zone district in which the subject property is situated. The following shall be considered in making a decision on a conditional use permit:
  - a. The generation of noise, noxious or offensive odors or emissions, light, glare, traffic, surface water or groundwater pollution, electronic interference, impacts to environmentally sensitive areas or protected species, impacts to historic or cultural resources, or other impacts or nuisances that may be injurious to the public health or welfare or to property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;

*Staff Analysis and Recommended Finding:*

*The producing/processing is proposed to occur entirely within fully enclosed structures. HVAC equipment will be located outside of building setbacks, with engineered odor control systems. The proposed use is similar to the existing uses, retaining existing traffic patterns. Producing/processing occurs within enclosed buildings, with no impacts to environmentally sensitive areas or species.*

- b. Availability of public services, which may be necessary or desirable for the support of the proposed use. These may include, but shall not be limited to,

availability of utilities, transportation systems, education, police and fire facilities, and social and health services; and

*Staff Analysis and Recommended Finding:*

*The site is served by City of Tumwater water service, as well as City of Tumwater police and fire. The buildings are served by an onsite septic system approved by Thurston County to accommodate a maximum of 33 employees.*

- c. The adequacy of landscaping and screening consistent with TMC Chapter 18.47, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the proposed use upon neighboring properties;

*Staff Analysis and Recommended Finding:*

*The site has existing perimeter landscaping, and the project proposes to add wooden fencing for additional screening of mechanical equipment.*

- 3. The proposed use shall meet or exceed the performance standards that are required in the zone district it will occupy; and

*Staff Analysis and Recommended Finding:*

*The proposal, as conditioned by the Formal Site Plan Review Approval, dated October 9, 2023, meets the zoning requirements of TMC Chapter 18.24.*

- 4. Any additional minimum conditions identified for a particular type of proposed use in TMC 18.56.100 through TMC 18.56.350.

*Staff Analysis and Recommended Finding:*

*The proposal, as conditioned, below meets minimum conditions identified in TMC Chapter 18.56.100 through TMC 18.56.350.*

## **Zoning**

The subject property is located within the Light Industrial zone district TMC 18.24. Marijuana processor and/or producer, within a fully enclosed secure indoor structure is a conditional use in TMC Chapter 18.24.

*Staff Analysis and Recommended finding:*

*The proposed use will be operated in within existing enclosed structures.*

Analyses of the proposal reveals the following with respect to minimum conditions for a marijuana processor/producer. The following minimum conditions for siting the proposed use within a Light Industrial zone district can be found in TMC 18.42.080.A, (Exhibit 11) and are as follows:

- a. Meet Washington State licensing requirements (WAC 314-55).

*Staff Analysis and Recommended finding:*

*The applicant has an existing active state license, No. 417201, for non-retail cannabis processor at this location. The applicant or his successor(s) will have to demonstrate that they meet this requirement for the new structures prior to issuance of a certificate of occupancy.*

- b. Comply with all building, fire safety, health code, and business licensing requirements.

*Staff Analysis and Recommended finding:*

*The applicant currently has an active City of Tumwater Business License, No. 87378 for the existing processor building. The applicant or his successor(s) will be required to secure applicable building permits for any required improvements to the two added structures, and receive a certificate of occupancy.*

- c. Lot size, building size, setbacks and lot coverage conform to the standards of the zone district except if the structure is a legal nonconforming structure.

*Staff Analysis and Recommended finding:*

*The structures are existing, and comply with the lot-size, building size, setbacks, and lot-coverage standards of the Light industrial zone district.*

- d. Signage, if any, will conform to TMC 18.44.

*Staff Analysis and Recommended finding:*

*No signage is proposed with this project. Any new signage will be required to secure the applicable permit(s) in compliance with TMC 18.44 and Washington State Liquor and Cannabis Board requirements.*

- e. Be within a fully enclosed secure indoor structure.

*Staff Analysis and Recommended finding:*

*The proposed use will be operated inside the three existing buildings.*

- f. All buildings must be equipped with ventilation/air filtration systems so that no odors are detectable at the property line.

*Staff Analysis and Recommended finding:*

*The applicant will be required to secure the applicable permit(s) for any required improvement(s) to the structure(s). Also, the applicant will be required to efficiently maintain the ventilation/air filtration system(s) so that no odors are detectable at the property line.*

- g. All buildings associated with the production of marijuana must be set back a minimum of 300 feet from RSR, SFL, SFM, MFM, MFH, MU, CBC, TC, BD, GB, OS, and MHP zone districts.

*Staff Analysis and Recommended finding:*

*The project site meets this requirement.*

- h. The City may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.

*Staff Analysis and Recommended finding:*

*The above provisions are listed among the conditions of approval of this conditional use permit, if approved by the Hearing Examiner.*

## **Public Notice**

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

*Staff Analysis and Recommended Finding:*

*The Notice of Application with Optional DNS was posted on site, on the City website, mailed to property owners within 300', and published in the Olympian on September 1, 2023.*

*Public notice for the October 25, 2023 open record hearing was mailed to property owners within 300 feet of the subject property, affected agencies, posted on-site and on the City website, and published in The Olympian on October 13, 2023 (Exhibits 6 & 8).*

### **Comments from other agencies and citizens:**

The Nisqually Indian Tribe and Squaxin Island Tribe provided comment that they have no specific concerns regarding archaeological and cultural resources. (Exhibit 10)

The Washington State Department of Ecology provided two comments. Comment on the notice of application is in regards to possible contamination on a site within a quarter mile of this project. Comment on the DNS suggested a requirement to determine management of waste if/when generated.

#### Staff Comment:

*The possibility of contamination on the adjacent site is noted. The representative for the applicant confirmed with Ecology that the applicant does not intend to extract THC oils, so no THC waste will occur. (Exhibit 10)*

Comment from Carly Christiansen with concern about adding offensive odor to an area that already smells very bad.

Staff Comment: *The City responded that state requires specific ventilation to prevent odor from leaving the site, and that there are other producer/processors in the area that may be operating under older regulations. (Exhibit 10)*

### **Site Plan Review:**

The applicant attended preliminary and formal site plan review with the City of Tumwater Development Review Committee. The Formal Site Plan Review Approval provides conditions of approval to meet City zoning and design review requirements, along with a condition for an approved Conditional Use Permit. (Exhibit 9)

The zoning code places minimum conditions on siting a marijuana processor/producer in the Light Industrial zone district. In addition, the Hearing Examiner may impose any additional conditions deemed necessary to ensure the protection of adjacent uses, health, safety and general welfare in accordance with TMC 18.56.090. (Exhibit 11)

The Hearing Examiner may impose appropriate restrictions and conditions on the use, which may include time limits, increased setbacks, suitable landscaping, off-street parking, and any other restrictions, conditions or safeguards that would uphold the spirit and intent of the zoning requirements and mitigate any adverse effects upon neighborhood properties, per TMC 18.56.040. (Exhibit 11)

### **RECOMMENDATION**

Pursuant to TMC 2.58.110, staff recommends approval of the Conditional Use Permit request for the marijuana producer/processor described herein with the following conditions:

1. TUM-23-0794 Formal Site Plan Review Approval with conditions, dated October 13, 2023, is hereby referenced and considered conditions of this approval.
2. The applicant or his successor(s) shall meet Washington State licensing requirements (WAC 314-55). A copy of the most current license shall be submitted to the City of Tumwater, prior to issuance of a certificate of occupancy.

3. The proposed facility/project shall comply with all building, fire safety and health code requirements.
4. The applicant or his successor(s) shall maintain a State of Washington Business License with a City of Tumwater endorsement.
5. All existing and new sign(s) shall conform to TMC 18.44 and Washington State Liquor and Cannabis Board requirements.
6. The proposed facility/project shall be conducted entirely within fully enclosed secure indoor structure(s).
7. All buildings must be equipped with ventilation/air filtration systems and efficiently maintained so that no odors are detectable at the property line.
8. Building plans and specifications shall be prepared and stamped by an architect and engineer licensed to practice in the State of Washington.

**Submitted on Behalf of  
the Community Development  
Department by:**

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

**Report Issue Date:** October 9, 2023

**List of Exhibits:**

- Exhibit 1. Staff Report, dated October 9, 2023
- Exhibit 2. Conditional Use Permit Application with Narrative, dated August 16, 2023
- Exhibit 3. Formal Site Plan Amended, dated August 30, 2023
- Exhibit 4. Vicinity Map
- Exhibit 5. Zoning Map
- Exhibit 6. Public Notice Certification, dated October 9, 2023
- Exhibit 7. Determination of Non-Significance with attachments, dated September 18, 2023
- Exhibit 8. Public Hearing Notice, dated October 13, 2023
- Exhibit 9. Tum-23-0794 Formal Site Plan Review Approval, dated October 9, 2023
- Exhibit 10. Public comments
- Exhibit 11. Tumwater Municipal Code Excerpts



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

**CONDITIONAL USE PERMIT**  
**Application**

TUM - 23-	DATE STAMP
1327	08-16-2023
Britt	
RCVD BY	

Application fee: \$2,090.00

**SUBJECT PROPERTY**

ADDRESS OF PROPERTY (COMPLETE): 9630 Blomberg Street SW, Tumwater, WA 98512

PROJECT NAME: 9630 Blomberg CUP PARCEL NUMBER(S): 12721230500

**APPLICANT** (please print neatly) Blomberg 99-2

NAME OF APPLICANT: Blomberg LLC

APPLICANT'S MAILING ADDRESS (COMPLETE): 4220 S 164th St #101 Tukwila WA 98188

APPLICANT'S TELEPHONE(S): 206-229-7001 APPLICANT'S E-MAIL: omied@oryanhomes.com

**PROJECT REPRESENTATIVE**

NAME OF PROJECT REPRESENTATIVE: Hatton Godat Pantier, Attn: Chris Carlson

REPRESENTATIVE'S MAILING ADDRESS (COMPLETE): 3910 Martin Way E, Ste B, Olympia, WA 98506

REPRESENTATIVE'S TELEPHONE(S): 360-943-1599 REPRESENTATIVE'S E-MAIL: chrisc@hattonpantier.com

**PROPERTY OWNER**

NAME OF PROPERTY OWNER: Same as applicant

OWNER'S MAILING ADDRESS (COMPLETE):

OWNER'S TELEPHONE(S): OWNER'S E-MAIL:

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

Tenant improvement to convert existing warehouses to marijuana grow operation.

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.

Michelle Brown for Chris Carlson, AICP  
 Signature of Applicant/Representative

8/16/2023  
 Date

Please attach the **Conditional Use Permit submittal checklist** to this Application.

August 23, 2023

H A T T O N   G O D A T   P A N T I E R

City of Tumwater Community Development  
Attn: Tami Merriman  
555 Israel Road SW  
Tumwater, WA 98501

RE: 9630 Blomberg CUP  
TUM-23-1327

Dear Ms. Merriman:

We are supplementing the above referenced application with responses to the City's conditional use permit criteria outlined in TMC 18.56.035, TMC 18.56.220, TMC 18.42.080(A)(1) and TMC 18.42.080(A)(2).

Our responses are as follows:

**TMC 18.56.035 Conditional use permit criteria.**

- A. The hearing examiner shall be guided by the following criteria in granting a conditional use permit:
1. The proposed use shall be in keeping with the goals and policies of the Tumwater comprehensive plan, including subarea plans, and applicable ordinances;

*Response: The project site is in the SW Tumwater neighborhood and has a Light Industrial designation according to the City's Comprehensive Plan. The zoning designation for the property is also Light Industrial.*

*Section 2.9 of the Comprehensive Plan Land Use Element reads as follows:*

To augment the role of industry in Tumwater's future, it is necessary to provide a reasonable supply of land for a variety of uses consistent with the policies of the Tumwater Economic Development Element. The Light Industrial designation provides for the location of a broad array of activities, including manufacturing, wholesale trade, and distribution activities. The purpose of the Light Industrial designation is to provide lands for industrial development that will allow for attraction of new industries and expansion of existing ones while maintaining a high-quality environment.

Industrial uses should be grouped on a variety of parcel sizes in order to provide coordinated development and sharing of facilities and services. Light industrial areas should also have controls to establish compatibility with surrounding non-industrial development and to protect from nuisance-creating occurrences such as noise, dust, odor, vibration, and air and water

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ENGINEERS AND SURVEYORS



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pollution. Additionally, areas designated Light Industrial in Tumwater should follow the recommendations and regulations of the North Thurston Groundwater Protection Plan. Light industrial areas need to be located within reasonable access to truck routes, rail, freeway, or air routes. Similarly, public sewer, water, and storm drainage either should be presently available or should be easily provided during the development process.

*Chapter 9, Section 9.2 Light Industrial – SW Tumwater Neighborhood of the Comprehensive Land Use Plan – Neighborhood Appendix reads as follows:*

The Economic Development Element makes several recommendations for portions of this area. The Land Use Element incorporates these Economic Development Element recommendations. For the area immediately south of the Olympia Regional Airport, the Economic Development Element recommends Industrial/Commercial land uses, with specific preferred land uses being the following:

- ☐ Wholesale
- ☐ Warehouse
- ☐ Industrial
- ☐ Heavy equipment

The Economic Development Element also recommends industrial/commercial uses for the vicinity of the Interstate 5 - 93rd Avenue interchange. North of the interchange area, the element also recommends industrial/commercial uses, except for low density residential along the west side of the interstate in areas containing environmentally sensitive conditions. Current City zoning limits the size of distribution warehouses in this area to reduce the impacts of truck traffic on the neighborhoods to the east of Kimmie Road. This restriction should remain in place and further clarifications made to City code to better define allowable industrial uses in this area.

The recommendations of the Economic Development Element are reaffirmed by the Light Industrial land use designations in this plan. The southern subarea includes several features that provide a supportive and attractive environment in which businesses could locate. These include good access to Interstate 5 at the 93rd Avenue interchange, close proximity to the Olympia Regional Airport, availability of a variety of large and small parcels for different types of businesses, primarily flat topography, and the prospect of municipal utilities available in the future.

The area also has some potential constraints to this type of development, including areas with sensitive aquifers, poor drainage, and the existence of wetlands. The portions of the area that are designated Light Industrial are those that can most likely take advantage of the favorable conditions for industrial/commercial development while avoiding significant adverse impacts to the environmentally sensitive features in this subarea.

The Light Industrial designation has been applied to several properties on the east side of Interstate 5, south of 93rd Avenue, that currently take direct access off 101st Avenue and Nunn Road. In order to ensure that any industrial uses on these properties do not impact residential uses that abut them to the south, industrial development can only occur if direct road access is provided from 93rd Avenue or Kimmie Road.

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It is recommended that all areas designated Light Industrial west of Interstate 5 and north of 93rd Avenue in this area be provided automobile access from 93rd Avenue. A network of internal connections and shared access between parcels and developments should also be required. This would be the most advantageous access for these uses because it provides convenient ingress and egress from the interstate. Access to light industrial uses should be avoided along Blomberg Road north of 93rd Avenue because of potential conflicts of truck traffic with the residential neighborhood in this area. An access road parallel to and east of Blomberg Road, north of 93rd Avenue is recommended to provide access to the light industrial uses west of Interstate 5. Once this access is provided, use of Blomberg Road by industrial traffic should be curtailed.

Light industrial uses adjacent to residential areas should be buffered from adjacent residential development, using required setbacks, landscaping, walls, or other appropriate means. The intent of this buffering is to ensure that residential areas are not adversely affected by noise, light, dust, traffic or other impacts that may be associated with industrial development.

*Based on the language the above language, the project is consistent with the Comprehensive Land Use Plan and Light Industrial zone designation.*

2. The proposed use shall not be materially detrimental to the public health or welfare, the environment, or injurious to the property or improvements near the proposed use or in the zone district in which the subject property is situated. The following shall be considered in making a decision on a conditional use permit:
  - a. The generation of noise, noxious or offensive odors or emissions, light, glare, traffic, surface water or groundwater pollution, electronic interference, impacts to environmentally sensitive areas or protected species, impacts to historic or cultural resources, or other impacts or nuisances that may be injurious to the public health or welfare or to property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;

*Response: The project will not be detrimental be materially detrimental to the public health or welfare, the environment, or injurious to the property or improvement near the proposed use or in the zone district in which the subject property is located as follows:*

- *All production and processing will occur within the existing buildings. Noise associated with the operation will be limited to the HVAC systems necessary to control the indoor climate of the buildings.*

*All new HVAC equipment will be located out of the required building setbacks per TMC 18.42.040.D.*

- *Odors from the production process will be addressed through the engineered design of the HVAC systems for the buildings. This normally takes the form of activated carbon filtration systems, although there are other technologies that are used to address the odor issue.*
- *No additional outdoor lighting is proposed for the project.*

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- *No additional traffic impacts are anticipated as a result of repurposing the buildings.*
- *Since all production/processing will be occurring inside the existing buildings, no impacts to surface water or groundwater, electronic interference, environmentally sensitive areas or protected species or historic or cultural resources will occur.*
- b. Availability of public services, which may be necessary or desirable for the support of the proposed use. These may include, but shall not be limited to, availability of utilities, transportation systems, education, police and fire facilities, and social and health services; and

*Response: The project site is currently served by the City of Tumwater water system. The applicant is in the process of upsizing the existing domestic water meter serving the site to meet the needs of the anticipated operation.*

*Fire protection is available on-site by way of existing City watermains and fire hydrants. All of the existing buildings have fire sprinklers and fire alarm systems.*

*City sewer is not currently available at the site. The existing buildings are served by on-site septic systems. The systems are designed to accommodate a maximum of 33 employees (13 employees – eastern building, 7 employees – center building and 13 employees western building).*

*The production/processing of the product will utilize a state-of-the-art drip irrigation system. No discharge of production/processing water will be directed to the on-site septic systems.*

- c. The adequacy of landscaping and screening consistent with TMC Chapter 18.47, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the proposed use upon neighboring properties;

*Response: The site has existing perimeter landscaping/native vegetation along the north, south and west property boundaries. The properties to the north and east of the site are set aside as a Mazama Pocket Gopher conservation areas through a federally approved Habitat Conservation Plan. No additional landscaping is necessary to mitigate impacts of repurposing the buildings on the project site.*

*The existing buildings meet current building setback requirements.*

- 3. The proposed use shall meet or exceed the performance standards that are required in the zone district it will occupy; and

*Response: The existing developed site meets all requirements outlined in TMC 18.24.050.*

- 4. Any additional minimum conditions identified for a particular type of proposed use in TMC 18.56.100 through TMC 18.56.350.

*Response: See below.*

9630 Blomberg, TUM-23-1327  
August 23, 2023

**TMC 18.56.220**

"Marijuana producer"

A. Minimum Conditions.

1. Those conditions as listed under TMC 18.42.080(A)(1), "Marijuana producer."

*Response: See below.*

"Marijuana processor"

A. Minimum Conditions.

1. Those conditions as listed under TMC 18.42.080(A)(2), "Marijuana processor."

*Response: See below.*

**TMC 18.42.080(A)(1) & TMC 18.42.080(A)(2)**

A. Conditions of Approval. Marijuana businesses may be permitted but only if the following conditions are met:

1. Marijuana Producer. A marijuana producer shall be a conditional use in LI and ARI zone districts and shall be subject to the following requirements:
  - a. Meet Washington State licensing requirements (Chapter 314-55 WAC);

*Response: We acknowledge that all Washington State licensing requirements will need to be met to be granted a license by the Washington State Liquor and Cannabis Control Board.*

- b. Comply with all building, fire safety, health code and business licensing requirements;

*Response: We acknowledge that the project must comply with all building, fire safety, health code and business licensing requirements.*

- c. Lot size, building size, setbacks and lot coverage conform to the standards of the zone district except if the structure is a legal nonconforming structure;

*Response: The existing developed site meets all requirements outlined in TMC 18.24.050.*

- d. Signage, if any, will conform to TMC Chapter 18.44;

*Response: No signs are proposed at this time. Should signage be proposed in the future, we acknowledge that signs will be required to conform to TMC 18.44 and any building permit requirements.*

9630 Blomberg, TUM-23-1327

August 23, 2023

- e. Be within a fully enclosed secure indoor structure;

*Response: All production/processing is proposed within existing enclosed and secure indoor structures.*

- f. All buildings must be equipped with ventilation/air filtration systems so that no odors are detectable at the property line;

*Response: We acknowledge that all buildings must be equipped with ventilation/air filtration systems to mitigate odors per City requirements.*

- g. All buildings associated with the production of marijuana must be set back a minimum of three hundred feet from RSR, SFL, SFM, MFM, MFH, MU, CBC, TC, BD, GB, OS, and MHP zone districts; and

*Response: There are no properties with the above zone classifications within 300 feet of the project site.*

- h. The city may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.

*Response: Acknowledged.*

2. Marijuana Processor. A marijuana processor shall be a conditional use in the LI and ARI zone districts and shall be subject to the following requirements:

- a. Meet Washington State licensing requirements (Chapter 314-55 WAC);

*Response: We acknowledge that all Washington State licensing requirements will need to be met to be granted a license by the Washington State Liquor and Cannabis Control Board.*

- b. Comply with all building, fire safety, health code and business licensing requirements;

*Response: We acknowledge that the project must comply with all building, fire safety, health code and business licensing requirements.*

- c. Lot size, building size, setbacks and lot coverage conform to the standards of the zone district except if the structure is a legal nonconforming structure;

*Response: The existing developed site meets all requirements outlined in TMC 18.24.050.*

- d. Signage, if any, will conform to TMC Chapter 18.44;

*Response: No signs are proposed at this time. Should signage be proposed in the future, we acknowledge that signs will be required to conform to TMC 18.44 and any building permit requirements.*

9630 Blomberg, TUM-23-1327

August 23, 2023

- e. Be within a fully enclosed secure indoor structure;

*Response: All production/processing is proposed within existing enclosed and secure indoor structures.*

- f. All buildings must be equipped with ventilation/air filtration systems so that no odors are detectable at the property line;

*Response: We acknowledge that all buildings must be equipped with ventilation/air filtration systems to mitigate odors per City requirements.*

- g. All buildings associated with the production of marijuana must be set back a minimum of three hundred feet from RSR, SFL, SFM, MFM, MFH, MU, CBC, TC, BD, GB, OS, and MHP zone districts; and

*Response: There are no properties with the above zone classifications within 300 feet of the project site.*

- h. The city may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.

*Response: Acknowledged.*

In closing, the project is consistent with the Comprehensive Land Use Plan and applicable zoning and Conditional Use Permit criteria.

Respectfully,



Chris Carlson, AICP  
Planning Manager



9630 BLOMBERG CUP

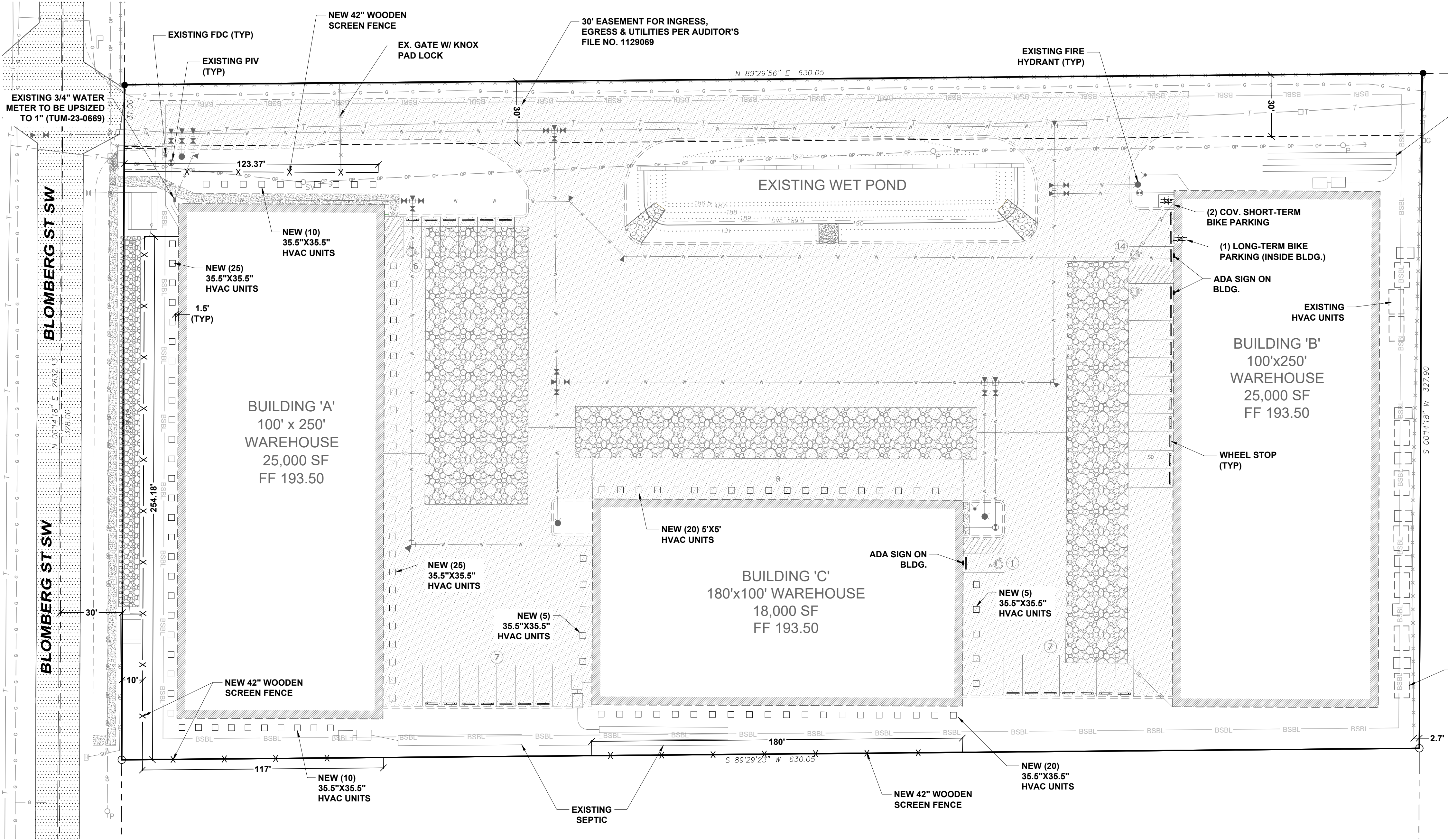
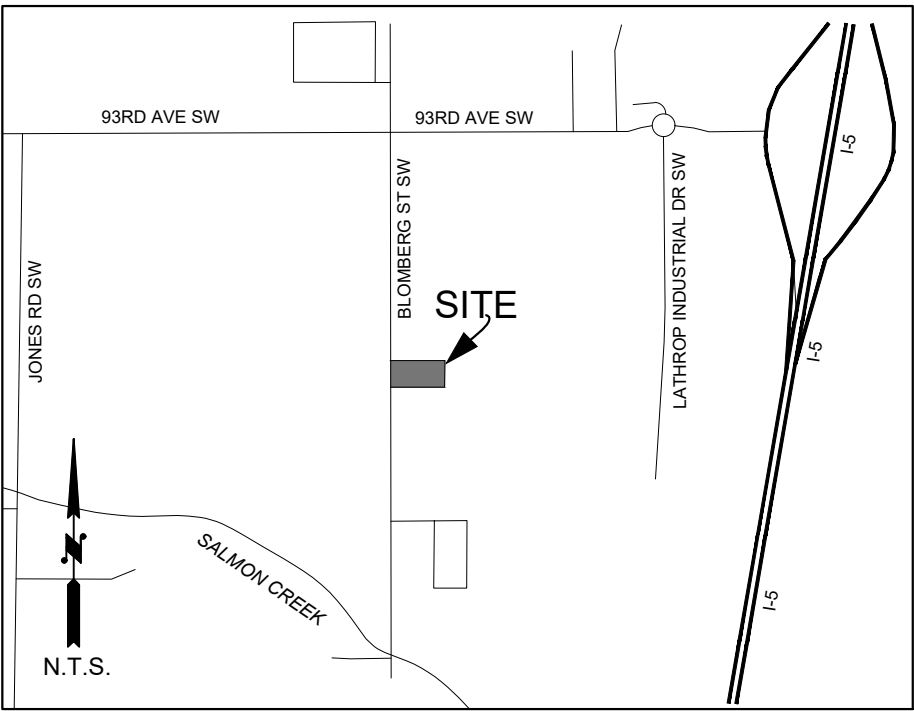
9630 BLOMBERG ST SW, TUMWATER, WA 98512

PROJECT PROPONENT

BLOMBERG LLC  
SIAVOOSH PAZOOKI  
4220 164TH STREET, UNIT 101  
TUKWILA, WA 98189-3296



CITY OF TUMWATER	
VERTICAL DATUM NGVD 29 THURSTON COUNTY TARGET # 196AT BRASS DISK AT INTERSECTION 93RD AVE. SW & BLOMBERG RD. ELEV. = 194.68	MERIDIAN HORIZONTAL DATUM  SURVEY RECORDED UNDER AUDITOR'S FILE NO. 9206250204
30 15 0 30 60 SCALE: 1" = 30'	



SITE DATA / PROJECT INFORMATION

PARCEL NUMBER, ADDRESS	#12721230500 9630 BLOMBERG ST SW, TUMWATER, WA 98501
ZONING:	LI (LIGHT INDUSTRIAL)
JURISDICTION:	TUMWATER
DENSITY REGULATIONS:	YARDS: FRONT = 20' SIDE = 10' REAR = 10' LOT COVERAGE (IMPERVIOUS) = 85% MAX
PROPOSED IBC TYPE:	TYPE IIB - F1
BUILDING SIZE:	BUILDING A: 25,000 SF BUILDING B: 25,000 SF BUILDING C: 18,000 SF
BUILDING HEIGHT:	30'
PARKING REQUIREMENTS:	MANUFACTURING: 1 STALL PER EMPLOYEE ON THE LARGEST SHIFT (5 STALLS MINIMUM) TOTAL EMPLOYEES: 32  TOTAL: 32 STALLS REQ. TOTAL PROVIDED: 35 STALLS (4 ADA) 10% INCREASE PER TMC 18.50.075.A
BIKE PARKING:	TOTAL REQ. STALLS: 2 (SHORT-TERM COVERED) TOTAL REQ. STALLS: 1 (LONG-TERM INSIDE WAREHOUSE 'B')
AREA SUMMARY:	TOTAL LOT AREA: 206,608 SF (4.74 ACRES) EXISTING BUILDING FOOTPRINTS: 68,000 SF ASPHALT: 84,545 SF CONCRETE: 802 SF TOTAL IMPERVIOUS COVERAGE: 153,346 SF (74%)
WATER PROVIDER:	CITY OF TUMWATER
SEWER PROVIDER:	ON-SITE SEPTIC

DESIGNED BY: SDH  
DRAWN BY: MJM  
CHECKED BY: SDH  
DATE: JULY 2023  
SCALE: H Y



HATTON GODAT PANTIER  
AND SURVEYORS  
ENGINEERS  
3910 MARTIN WAY E, SUITE B  
OLYMPIA, WA 98506  
TEL: 360.943.1599 FAX: 360.357.6299  
hatterpantier.com

DATE: \_\_\_\_\_  
REVISIONS: \_\_\_\_\_

TPN# 12721230500  
9630 BLOMBERG ST SW  
9630 BLOMBERG ST SW, TUMWATER, WA 98512  
PRELIMINARY SITE PLAN  
A PORTION OF SECTION 21, TOWNSHIP 17 NORTH, RANGE 2 WEST, W.M.

AGENCY NO. \_\_\_\_\_  
SHEET: 1 OF 1  
H:/DGN/23-041/23-041/PRELIMINARY  
INDEX: 23-041-cup.dwg  
JOB: 23-041



Blomberg 99-2 Conditional Use Permit TUM-23-1327  
TPN 12721230500



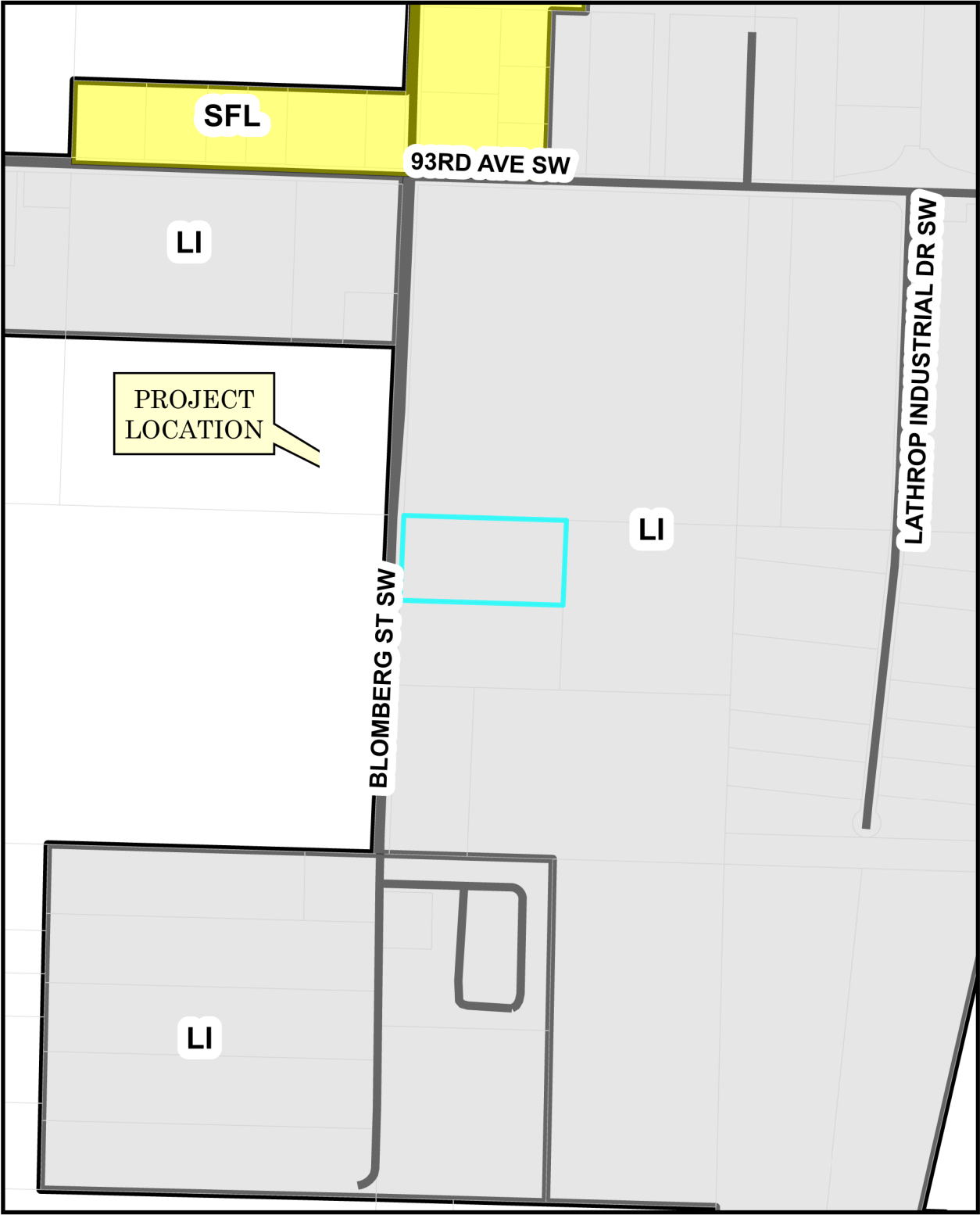
DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

1 inch = 1,000 feet





Zoning Map  
Blomberg 99-2 Conditional Use Permit TUM-23-1327  
TPN 12721230500



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.



580



Feet



### CERTIFICATION OF PUBLIC NOTICE

I, Tami Merriman, Permit Manager for the City of Tumwater hereby certify that public notice for the Project # TUM-23-0794; Blomberg 99-2 Conditional Use Permit was given as follows:

#### NOTICE OF APPLICATION WITH OPTIONAL DNS

Notice of Application Published in Olympian:	September 1, 2023
Notice of Application Uploaded to Website:	August 31, 2023
Notice of Application Mailed:	August 31, 2023
Notice of Application Posted:	on or before September 1, 2023
Posting Locations:	On property facing Blomberg Road
Environmental Determination Published:	September 18, 2023
Environmental Determination Uploaded to Website:	September 15, 2023
Environmental Determination Mailed:	September 15, 2023
Environmental Determination Posted:	September 20, 2023
Posting Locations:	On property facing Blomberg Road

#### NOTICE OF PUBLIC HEARING

Notice of Application Published in Olympian:	October 13, 2023
Notice of Application Uploaded to Website:	on or before October 13, 2023
Notice of Application Mailed:	on or before October 13, 2023
Notice of Application Posted:	on or before October 13, 2023
Posting Locations:	On property facing Blomberg Road

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

Tami Merriman, Permit Manager

NAME, TITLE

October 9, 2023

Date

Tumwater City Hall  
555 Israel Road SW  
Tumwater WA 98501

[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)



**NOTICE OF APPLICATION AND  
SEPA REVIEW NOTICE OPTIONAL DNS PROCESS  
Blomberg 99-2 Marijuana Processing CUP  
TUM-23-0794  
September 1, 2023**

Description of Proposal: Convert existing manufacturing warehouses into marijuana processing facilities.

Applicant: Blomberg LLC, 4220 S 164<sup>th</sup>, Ste #101, Tukwila, WA 98188

Representative: Hatton Godat Pantier, Attn: Chris Carlson, 3910 Martin Way E. Ste B, Olympia, WA 98506

Location of Proposal: 9630 Blomberg Street SW, Tumwater, WA 98512

Required Permits/Approvals: The following may be required: Site Plan Review Approval, Environmental Review (SEPA Determination), Design Review Approval, Landscape Plan Approval, Transportation Concurrency Ruling, Conditional Use Permit, Building Permit(s).

Date of Complete Application: August 22, 2023.

Determination of Consistency: At this time, no determination of consistency with City plans or standards has been made. At a minimum, this project will be subject to the following regulations: Tumwater Comprehensive Plan, Zoning Code, Shoreline Master Program, Wetland Protection Ordinance, Fish and Wildlife Habitat Protection Ordinance, Tree Protection Ordinance, and Development Guide (street, utility and storm water standards), and International Building and Fire Codes.

SEPA Review: The Tumwater Community Development Department expects to issue a Determination of Non-Significance (DNS) for the proposal. This project is being reviewed under the optional DNS process in accordance with WAC 197-11-355.

This decision was made after review of a completed environmental checklist and other information on file with the City of Tumwater. This information is available to the public upon request. A copy of the subsequent threshold determination for the proposal may also be obtained upon request. This may be the only opportunity to comment on the environmental impacts of the proposal. The proposal may include mitigation measures

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Tumwater City Hall  
555 Israel Road SW  
Tumwater WA 98501

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under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared.

Public Hearing: A public hearing is required due to the use being a conditional use permit in the light industrial zoning district. Public notice will take place once the meeting date is scheduled.

Public Comment Period: The duration of the comment period for this notice is 15 days. Written comments may be submitted to City of Tumwater, Community Development Department, Attn: Tami Merriman, 555 Israel Road SW, Tumwater, WA 98501, or email to [tmerriman@ci.tumwater.wa.us](mailto:tmerriman@ci.tumwater.wa.us), and must be received by 5:00 p.m. on September 18, 2023.

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

Do not publish below this line

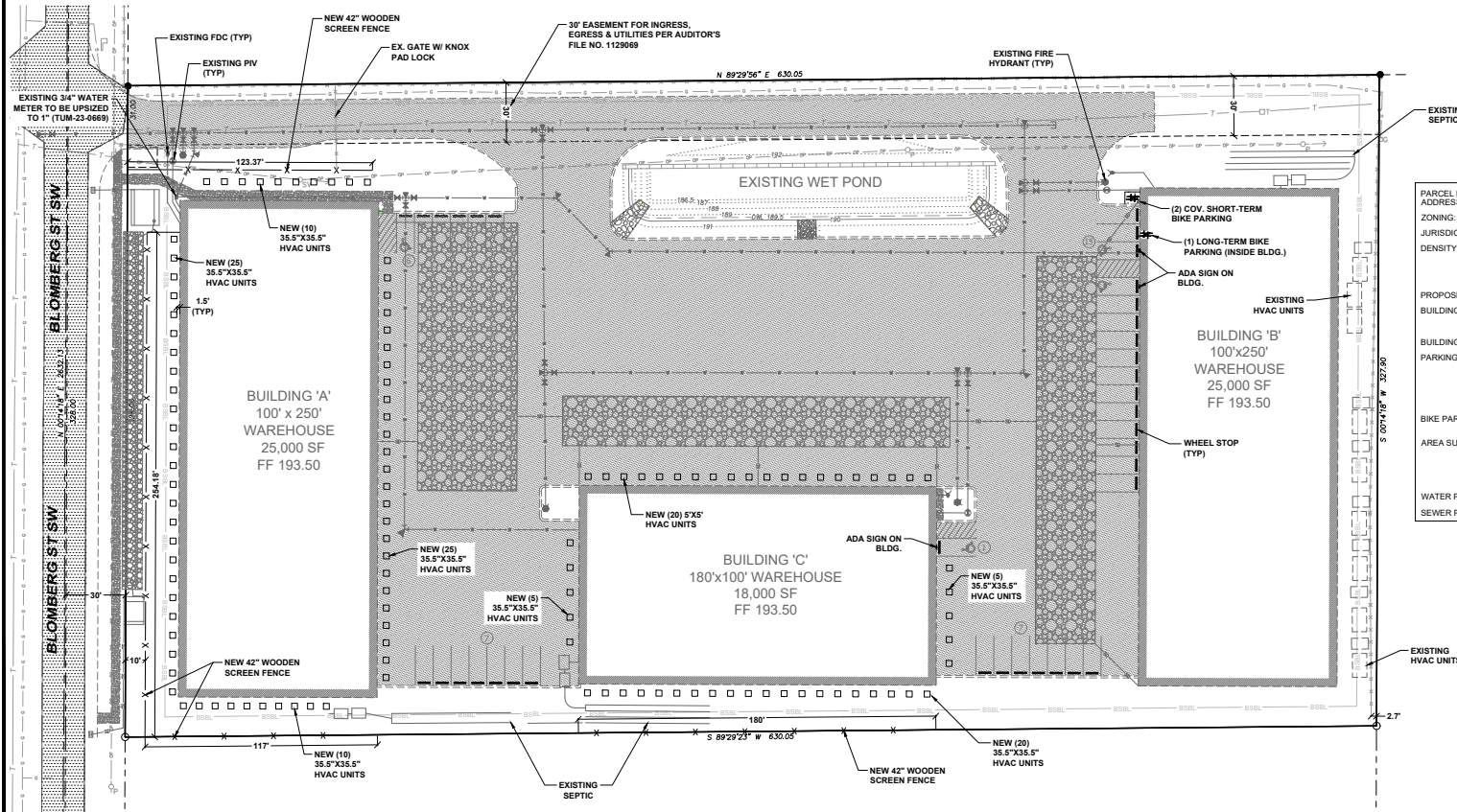
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Published: September 1, 2023

Posted: On or before September 1, 2023

# 0 BLOMBERG CUP

AGENCY NO. \_\_\_\_\_  
SHEET: 1 OF 1  
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INDEX: 23-041-cup.dwg  
JOB: 23-041





**DETERMINATION OF NON-SIGNIFICANCE (DNS)  
TUM-23-0794  
Blomberg 99-2 Marijuana Processing**

Description of Proposal: Convert existing manufacturing warehouses into marijuana processing facilities.

Applicant: Blomberg LLC, 4220 S 164th , Ste #101, Tukwila, WA 98188

Location of Proposal: 9630 Blomberg Street SW, Tumwater, WA 98512


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 197-11-355, the optional DNS process. No comment period is provided with this DNS pursuant to WAC 197-11-355(4)(a).

Date: September 18, 2023

Responsible official:

  
Mike Matlock, AICP  
Community Development Director

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

Appeals of this DNS must be made to the City Clerk, no later than September 25, 2023, 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.

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Tumwater City Hall  
555 Israel Road SW  
Tumwater WA 98501

[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)



**NOTICE OF PUBLIC HEARING**  
**Blomberg 99-2 Conditional Use Permit**

October 13, 2023

**NOTICE IS HEREBY GIVEN** that the City of Tumwater Hearing Examiner will conduct a public hearing at or about 7:00 p.m. on **Wednesday, October 28, 2023**, for consideration of the following items:

Case #: TUM-23-1327 Blomberg 99-2 Conditional Use Permit for Marijuana Producer/Processor.

Description of Proposal: Convert existing manufacturing warehouses into marijuana processing facilities.

Applicant: Blomberg LLC, 4220 S 164<sup>th</sup>, Ste #101, Tukwila, WA 98188

Location of Proposal: 9630 Blomberg Street SW, Tumwater, WA 98512

The public hearing will be held both virtually via Zoom and in person at Tumwater City Hall.

ATTEND in Person

Tumwater City Hall, 555 Israel Rd. SW, Tumwater, WA 98501.

WATCH Online

Go to <http://www.zoom.us/join>, and enter the Webinar ID: 833 2077 4230 and Passcode 882351.

LISTEN by Telephone

Call (253) 215-8782, listen for the prompts, and enter the Webinar ID: 833 2077 4230 and Passcode 882351

The City of Tumwater Hearing Examiner will hear testimony from interested parties in person or via computer audio or by telephone. To provide comments via computer audio or by telephone you must register in advance:

[https://us02web.zoom.us/webinar/register/WN\\_asvcFg7SSHanEEM4Y1\\_zjg](https://us02web.zoom.us/webinar/register/WN_asvcFg7SSHanEEM4Y1_zjg)

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

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Tumwater City Hall  
555 Israel Road SW  
Tumwater WA 98501

[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)



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](mailto:tmerriman@ci.tumwater.wa.us), and must be received by 5:00 p.m. on Wednesday, October 25, 2023. Verbal testimony will be received during the hearing either virtually, or in person.

The staff report for this request will be available for review at least five business-days prior to the public hearing. If you have any questions or would like additional information, please contact Tami Merriman at 360-754-4180.

Do not publish below this line

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Published: October 13, 2023

Posted: October 13, 2023





**DETERMINATION OF NON-SIGNIFICANCE (DNS)  
TUM-23-0794  
Blomberg 99-2 Marijuana Processing**

Description of Proposal: Convert existing manufacturing warehouses into marijuana processing facilities.

Applicant: Blomberg LLC, 4220 S 164th , Ste #101, Tukwila, WA 98188

Location of Proposal: 9630 Blomberg Street SW, Tumwater, WA 98512


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 197-11-355, the optional DNS process. No comment period is provided with this DNS pursuant to WAC 197-11-355(4)(a).

Date: September 18, 2023

Responsible official:

  
Mike Matlock, AICP  
Community Development Director

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

Appeals of this DNS must be made to the City Clerk, no later than September 25, 2023, 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.

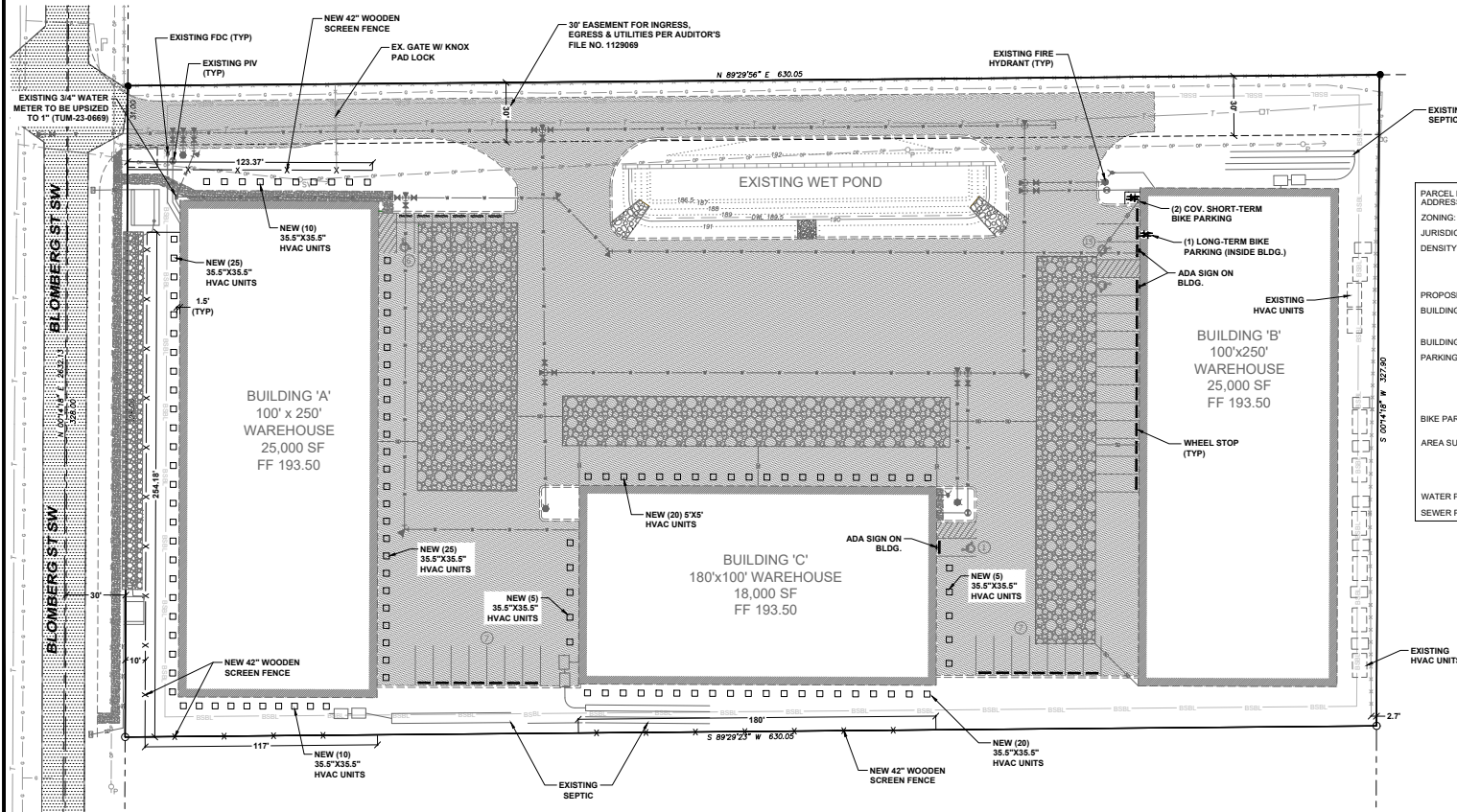
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Tumwater City Hall  
555 Israel Road SW  
Tumwater WA 98501

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# 0 BLOMBERG CUP

AGENCY NO. \_\_\_\_\_  
SHEET: 1 OF 1  
H:\DGN\23-041\23-041\PRELIMINARY  
INDEX: 23-041-cup.dwg  
JOB: 23-041





**CITY OF TUMWATER**  
**555 ISRAEL RD. SW, TUMWATER, WA 98501**  
 Email: [cdd@ci.tumwater.wa.us](mailto:cdd@ci.tumwater.wa.us)  
 (360) 754-4180

TUM- 23 - 1328

DATE STAMP

RECEIVED BY: \_\_\_\_\_

Any person proposing to develop in the incorporated limits of the City of Tumwater is required to submit an environmental checklist unless the project is exempt as specified in WAC 197-11-800 (Categorical Exemptions) of the State Environmental Policy Act Rules. **SUBMITTAL REQUIREMENTS** are as follows:

1. **A COMPLETE ENVIRONMENTAL CHECKLIST.** If the project is located within the Port of Olympia property, the checklist must also be signed by a representative of the Port.
2. **FEE OF \$880.00 TO BE PAID UPON SUBMITTAL.** This includes the Public Notice fee.
3. **NAME AND ADDRESS LIST OF PROPERTY OWNERS WITHIN 300 FEET OF THE SUBJECT PROPERTY.**

## SEPA ENVIRONMENTAL CHECKLIST

### Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold

determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

### Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the [Supplemental Sheet for Nonproject Actions \(Part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in "Part B: Environmental Elements" that do not contribute meaningfully to the analysis of the proposal.

## A. Background [Find help answering background questions](#)

### 1. Name of proposed project, if applicable:

9630 Blomberg CUP

AKA Blomberg 99-2

### 2. Name of applicant:

Blomberg LLC, Attn: Siavoosh Pazooki

### 3. Address and phone number of applicant and contact person:

Blomberg LLC, Attn: Siavoosh Pazooki, 4220 164<sup>th</sup> Street, Unit 101, Tukwila, WA 98189-3296

### 4. Date checklist prepared:

August 4, 2023

### 5. Agency requesting checklist:

City of Tumwater

### 6. Proposed timing or schedule (including phasing, if applicable):

It is intended that tenant improvement work to the existing buildings would begin after Hearing Examiner approval of the conditional use permit and issuance of building permits by the City of Tumwater.

### 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No.

### 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Transportation Concurrency Application.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No applications are pending for other governmental approvals for the property.

10. List any government approvals or permits that will be needed for your proposal, if known. Preliminary and Formal Site Plan Reviews, Conditional Use Permit, building permits, Transportation Concurrency Ruling.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Conditional Use Permit and tenant improvement permits to convert existing buildings to marijuana production and processing.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The site is located in the 9630 Blomberg Street SW, Tumwater WA.

The West 660 feet of the North one-half of the Southwest one-quarter of the Northwest one-quarter of Section 21, Township 17 North, Range 2 West, W.M.; EXCEPT therefrom the south 330 feet and EXCEPT County Road known as Nursery Road, now known as Blomberg St SW, along the west boundary.

## B. Environmental Elements

### 1. Earth [Find help answering earth questions](#)

#### a. General description of the site:

Circle or highlight one: **Flat**, rolling, hilly, steep slopes, mountainous, other:

#### b. What is the steepest slope on the site (approximate percent slope)?

Approximately 4%.

- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

The USDA soils map for Thurston County identifies one soil type within the project boundary. Cagey Loamy Sand.

- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

No.

- e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

No grading is proposed.

- f. **Could erosion occur because of clearing, construction, or use? If so, generally describe.**

No grading is proposed.

- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

Approximately 74% for buildings, driving surfaces, parking and sidewalks.

- h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

Not applicable



## 2. Air [Find help answering air questions](#)

- a. **What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

None. HVAC systems will be designed to keep odor from processing/production within the boundary of the property.

- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

No.

- c. **Proposed measures to reduce or control emissions or other impacts to air, if any.**

None. HVAC systems will be designed to keep odor from processing/production within the boundary of the property.





### 3. Water [Find help answering water questions](#)

#### a. Surface Water: [Find help answering surface water questions](#)

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No.

2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No.

3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable.

4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.

No.

5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The FEMA Flood Map Panel associated with the project site indicates that the project site is not within a 100-year floodplain. The Panel No. for the project site is 53067C0280E.

6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

#### b. Ground Water: [Find help answering ground water questions](#)

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.

No withdrawal of groundwater is proposed. The buildings are connected to the City of Tumwater's municipal water system for domestic consumption, irrigation and fire protection needs.

2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No waste materials are proposed to be discharged into the ground. Production water will be

from product production/processing will be recycled.

**c. Water Runoff (including stormwater):**

- a) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

Stormwater generated from pollution generating impervious surfaces on the project site are collected in a series of catch basins and pipes and directed to approved treatment/filtration facilities on site.

Roof water from structures are tight-lined to onsite stormwater retention systems.

- b) Could waste materials enter ground or surface waters? If so, generally describe.**

Not likely.

- c) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

No.



- d) Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.**

100% recycling of production/processing water.

**4. Plants** [Find help answering plants questions](#)

- a. Check the types of vegetation found on the site:**

☒ deciduous tree: alder, maple, aspen, other

☒ evergreen tree: fir, cedar, pine, other

☒ shrubs

☒ grass

☐ pasture

☐ crop or grain

☐ orchards, vineyards, or other permanent crops.

☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

☐ water plants: water lily, eelgrass, milfoil, other

☐ other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?**

None

- c. List threatened and endangered species known to be on or near the site.**

After searching the US Fish & Wildlife information for Planning and Consultation (IPaC) database, the Golden Paintbrush was listed as potentially affected.

A search of Washington State Department of Natural Resources Natural Heritage database did not find any State listed threatened or endangered species on or near the site.



- d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.**

None proposed.

- e. **List all noxious weeds and invasive species known to be on or near the site.**

A search of the Thurston County Geodata website does not show any occurrences of invasive or noxious weed on or near the site.



## 5. Animals [Find help answering animal questions](#)

- a. **List any birds and other animals that have been observed on or near the site or are known to be on or near the site.**

Examples include:

- **Birds:** hawk, heron, eagle, songbirds, other:
- **Mammals:** deer, bear, elk, beaver, other:
- **Fish:** bass, salmon, trout, herring, shellfish, other:

Other typical urban mammals would include rabbit, raccoon, squirrel, opossum, rats, mice, moles, voles, coyote, bats, frogs and salamanders.

- b. **List any threatened and endangered species known to be on or near the site.**

The Mazama Pocket Gopher, Oregon Spotted Frog, Streaked Horn Lark and Oregon Vesper Sparrow, and Taylor's Checkerspot Butterfly are known to occur in the southern part of the City of Tumwater and Thurston County.

- c. **Is the site part of a migration route? If so, explain.**

Western Washington is a part of the Pacific Flyway for migratory bird species.

- d. **Proposed measures to preserve or enhance wildlife, if any.**

None proposed.

- e. **List any invasive animal species known to be on or near the site.**

Although no invasive species have been observed on or near the site, the Gypsy Moth is considered invasive with known occurrences in Thurston County. The Norway Rat is also known to be present in Thurston County.

Project meets City of Tumwater Administrative Decision, dated 07-25-2018 to not require a critical areas report.

## 6. Energy and Natural Resources [Find help answering energy and natural resource questions](#)

1. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Energy needs for the project will include electricity and natural gas. Both energy sources will be used for heating and lighting the building and lighting the site.

2. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

No.

- 3. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.**

Building improvements will be designed in compliance with current WA State Energy Code requirements.



## **7. Environmental Health** [Find help with answering environmental health questions](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.**

No.

- 1. Describe any known or possible contamination at the site from present or past uses.**

A search of the WA State Dept. of Ecology Toxic Cleanup database and the contaminated site layer on the Thurston Geodata website resulted in the following cleanup site in the vicinity of the project site. WA Dept. of Natural Resources Webster Nursery, Shell Station on 93<sup>rd</sup> Ave. at I-5, Restover Truck Stop and USDA Pacific NW Forest Range Exp.

- 2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

There are no known hazardous chemical/conditions or active hazardous liquid or gas transmission pipelines in the immediate vicinity of the project site.

- 3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

It is not anticipated that toxic or hazardous chemicals will be used during project development and construction.



The building tenant may store small quantities of hazardous or toxic chemicals for building maintenance and cleaning.

- 4. Describe special emergency services that might be required.**

It is not anticipated that special emergency services will be needed related to toxic or hazardous materials.

- 5. Proposed measures to reduce or control environmental health hazards, if any.**

None proposed.

### **b. Noise**

- 1. What types of noise exist in the area which may affect your project (for example:**

**traffic, equipment, operation, other)?**

Various industrial uses to the south and east and traffic from Interstate 5 will be the primary noise generators affecting the property.

- 2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**

Short-term noise will be created during construction of the project by construction tools.

Long-term noise will be created by the building occupant employees, guest and delivery vehicles coming to and from the site.

Short-term noise will be created during normal construction operating hours. The project will abide by the City of Tumwater's noise regulations listed in Tumwater Municipal Code 8.08 which limit construction hour from 7 am to 8 pm on weekdays and 9 am and 8 pm on weekends.

Long-term noise from the building occupant and guests will vary based on the specific uses throughout the day.

- 3. Proposed measures to reduce or control noise impacts, if any.**

Compliance with City of Tumwater noise regulations outlined in Tumwater Municipal Code 8.08 and with WA State Permissible Noise Standards outline in WAC 173-60.



**8. Land and Shoreline Use** [Find help answering land and shoreline use questions](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

The eastern bldg. on site is currently used as a licensed marijuana production/processing facility. The remaining two buildings are currently used for manufacturing of building wall systems.

Developed land use in the vicinity of the site include Dairy Fresh Farms to the south, the WA State Dept. of Natural Resources Webster Nursery to the west. Vacant industrial zoned land to the north and east.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

To our knowledge, the site has not been used for agricultural purposes in the last 60 years.

- 1. Will the proposal affect or be affected by surrounding working farm or forest land**

**normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

No.

**c. Describe any structures on the site.**

There are 3 existing commercial/industrial buildings on the site. Two of the building are 25,000 sf and one building is 18,000 sf.

**d. Will any structures be demolished? If so, what?**

No.

**e. What is the current zoning classification of the site?**

The zoning for the site is Light Industrial (LI) with an Aquifer Protection Overlay (AQP).

**f. What is the current comprehensive plan designation of the site?**

The Comprehensive Plan designation of the site is Light Industrial (LI).

**g. If applicable, what is the current shoreline master program designation of the site?**

Not applicable.

**h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

No.

**i. Approximately how many people would reside or work in the completed project?**

After the project is completed, approximately 30 people would work at the project site.

**j. Approximately how many people would the completed project displace?**

None.

**k. Proposed measures to avoid or reduce displacement impacts, if any.**

None

**l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.**

The project will be designed to meet all applicable Comprehensive Plan policies, Zoning regulations, Development Standards, Design Guidelines and Building and Fire Code standards adopted by the City of Tumwater.



**m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.**

There are no agricultural or forest lands of long-term significance that will be impacted by the project.

**9. Housing** [Find help answering housing questions](#)

**a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

None.

**b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

None.



**c. Proposed measures to reduce or control housing impacts, if any.**

None.

**10. Aesthetics** [Find help answering aesthetics questions](#)

**a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

The existing buildings are approximately 30' in height.

Exterior materials are metal with brick accents.

**b. What views in the immediate vicinity would be altered or obstructed?**

None.



**c. Proposed measures to reduce or control aesthetic impacts, if any.**

Screening new mechanical equipment with 42" solid wood fence.

**11. Light and Glare** [Find help answering light and glare questions](#)

**a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

Light from the project is produced by existing fixtures outside the building.

**b. Could light or glare from the finished project be a safety hazard or interfere with views?**

Not likely.

**c. What existing off-site sources of light or glare may affect your proposal**

Typical lighting from existing industrial land uses and public streets in vicinity of the project site.

**d. Proposed measures to reduce or control light and glare impacts, if any.**

No new lighting is proposed.



**12. Recreation** [Find help answering recreation questions](#)

**a. What designated and informal recreational opportunities are in the immediate vicinity**

Black Hills Soccer Club fields and American Heritage Campground.

**b. Would the proposed project displace any existing recreational uses? If so, describe.**

No.



**c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.**

None proposed.

**13. Historic and Cultural Preservation** [Find help answering historic and cultural preservation questions](#)

**a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

A search of the Thurston County Geodata website Historic Sites Layer shows no buildings, structures or site listed in or eligible for listing on said registers on or near the project site.

**b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

No.

**c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

A search of the Thurston Geodata website Historic Sites layer shows no buildings, structures or sites listed in or eligible for listing on said registers on or near the project site.

The Dept of Archaeology and Historic Preservation WISSARD predictive model indicates a high risk of encountering historic/cultural resources.



- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

None. No excavation or ground disturbance is proposed. All work on the site will be in the interiors of the existing buildings.

#### **14. Transportation** [Find help with answering transportation questions](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

The site will be served from Interstate 5, 93<sup>rd</sup> Ave SW and Blomberg Street SW.

The site has an existing driveway access from Blomberg Street SW.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

No. The nearest Intercity Transit stop is approximately 3.5 miles northwest of the project site near the intersection of Tumwater Blvd. and Linderson Way.

- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

30 parking stalls for employees and guests are proposed.

- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

No.

- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

No new vehicular trips are anticipated from the change of use inside the existing buildings.

- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

The project will not generate any new daily weekday trips as all of the existing buildings are currently used for manufacturing.

**g. Proposed measures to reduce or control transportation impacts, if any.**

None.

Exempt from Concurrency  
as the change of use  
does not create new trip  
generation.  
TMC 15.48.050.A

**15. Public Services** [Find help answering public service questions](#)

**a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

No.

**b. Proposed measures to reduce or control direct impacts on public services, if any.**

Update building fire alarm systems to current code.

**16. Utilities** [Find help answering utilities questions](#)

**a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:**

**b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

Water is currently provided by the City of Tumwater. Electricity and natural gas is currently provided by Puget Sound Energy. Telephone is currently provided by both Comcast and Centurylink. Refuse service is provided by LeMay Inc.

Applicant to provide  
documentation from  
TC Health that  
existing system is  
adequate to serve  
proposed use.

**C. Signature** [Find help about who should sign](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

X *Chris Carlson*

Type name of signee: Chris Carlson, AICP

Position and agency/organization: Planning Manager / Hatton Godat Pantier

Date submitted: 08-04-23 Click or tap to enter a date.



## D. Supplemental sheet for nonproject actions [Find help for the nonproject actions worksheet](#)

**IT IS NOT REQUIRED** to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**
  - **Proposed measures to avoid or reduce such increases are:**
2. **How would the proposal be likely to affect plants, animals, fish, or marine life?**
  - **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**
3. **How would the proposal be likely to deplete energy or natural resources?**
  - **Proposed measures to protect or conserve energy and natural resources are:**
4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

- Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

- Proposed measures to avoid or reduce shoreline and land use impacts are:

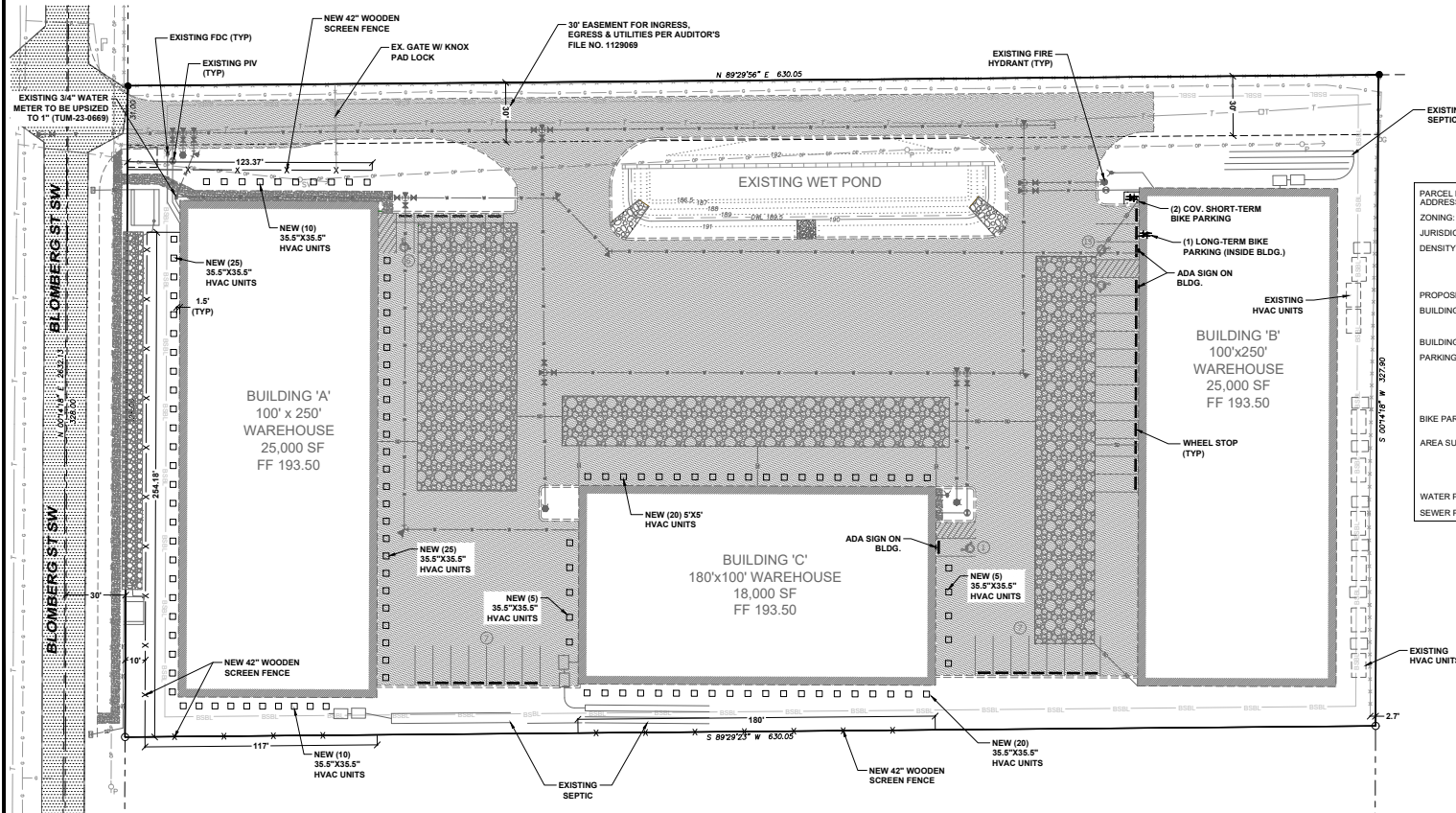
6. How would the proposal be likely to increase demands on transportation or public services and utilities?

- Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

# 0 BLOMBERG CUP

AGENCY NO. \_\_\_\_\_  
SHEET: 1 OF 1  
H:\DGN\23-041\23-041\PRELIMINARY  
INDEX: 23-041-cup.dwg  
JOB: 23-041



August 23, 2023

H A T T O N   G O D A T   P A N T I E R

City of Tumwater Community Development  
Attn: Tami Merriman  
555 Israel Road SW  
Tumwater, WA 98501

RE: 9630 Blomberg CUP  
TUM-23-1327

Dear Ms. Merriman:

We are supplementing the above referenced application with responses to the City's conditional use permit criteria outlined in TMC 18.56.035, TMC 18.56.220, TMC 18.42.080(A)(1) and TMC 18.42.080(A)(2).

Our responses are as follows:

**TMC 18.56.035 Conditional use permit criteria.**

- A. The hearing examiner shall be guided by the following criteria in granting a conditional use permit:
1. The proposed use shall be in keeping with the goals and policies of the Tumwater comprehensive plan, including subarea plans, and applicable ordinances;

*Response: The project site is in the SW Tumwater neighborhood and has a Light Industrial designation according to the City's Comprehensive Plan. The zoning designation for the property is also Light Industrial.*

*Section 2.9 of the Comprehensive Plan Land Use Element reads as follows:*

To augment the role of industry in Tumwater's future, it is necessary to provide a reasonable supply of land for a variety of uses consistent with the policies of the Tumwater Economic Development Element. The Light Industrial designation provides for the location of a broad array of activities, including manufacturing, wholesale trade, and distribution activities. The purpose of the Light Industrial designation is to provide lands for industrial development that will allow for attraction of new industries and expansion of existing ones while maintaining a high-quality environment.

Industrial uses should be grouped on a variety of parcel sizes in order to provide coordinated development and sharing of facilities and services. Light industrial areas should also have controls to establish compatibility with surrounding non-industrial development and to protect from nuisance-creating occurrences such as noise, dust, odor, vibration, and air and water

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ENGINEERS AND SURVEYORS

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pollution. Additionally, areas designated Light Industrial in Tumwater should follow the recommendations and regulations of the North Thurston Groundwater Protection Plan. Light industrial areas need to be located within reasonable access to truck routes, rail, freeway, or air routes. Similarly, public sewer, water, and storm drainage either should be presently available or should be easily provided during the development process.

*Chapter 9, Section 9.2 Light Industrial – SW Tumwater Neighborhood of the Comprehensive Land Use Plan – Neighborhood Appendix reads as follows:*

The Economic Development Element makes several recommendations for portions of this area. The Land Use Element incorporates these Economic Development Element recommendations. For the area immediately south of the Olympia Regional Airport, the Economic Development Element recommends Industrial/Commercial land uses, with specific preferred land uses being the following:

- ☐ Wholesale
- ☐ Warehouse
- ☐ Industrial
- ☐ Heavy equipment

The Economic Development Element also recommends industrial/commercial uses for the vicinity of the Interstate 5 - 93rd Avenue interchange. North of the interchange area, the element also recommends industrial/commercial uses, except for low density residential along the west side of the interstate in areas containing environmentally sensitive conditions. Current City zoning limits the size of distribution warehouses in this area to reduce the impacts of truck traffic on the neighborhoods to the east of Kimmie Road. This restriction should remain in place and further clarifications made to City code to better define allowable industrial uses in this area.

The recommendations of the Economic Development Element are reaffirmed by the Light Industrial land use designations in this plan. The southern subarea includes several features that provide a supportive and attractive environment in which businesses could locate. These include good access to Interstate 5 at the 93rd Avenue interchange, close proximity to the Olympia Regional Airport, availability of a variety of large and small parcels for different types of businesses, primarily flat topography, and the prospect of municipal utilities available in the future.

The area also has some potential constraints to this type of development, including areas with sensitive aquifers, poor drainage, and the existence of wetlands. The portions of the area that are designated Light Industrial are those that can most likely take advantage of the favorable conditions for industrial/commercial development while avoiding significant adverse impacts to the environmentally sensitive features in this subarea.

The Light Industrial designation has been applied to several properties on the east side of Interstate 5, south of 93rd Avenue, that currently take direct access off 101st Avenue and Nunn Road. In order to ensure that any industrial uses on these properties do not impact residential uses that abut them to the south, industrial development can only occur if direct road access is provided from 93rd Avenue or Kimmie Road.

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It is recommended that all areas designated Light Industrial west of Interstate 5 and north of 93rd Avenue in this area be provided automobile access from 93rd Avenue. A network of internal connections and shared access between parcels and developments should also be required. This would be the most advantageous access for these uses because it provides convenient ingress and egress from the interstate. Access to light industrial uses should be avoided along Blomberg Road north of 93rd Avenue because of potential conflicts of truck traffic with the residential neighborhood in this area. An access road parallel to and east of Blomberg Road, north of 93rd Avenue is recommended to provide access to the light industrial uses west of Interstate 5. Once this access is provided, use of Blomberg Road by industrial traffic should be curtailed.

Light industrial uses adjacent to residential areas should be buffered from adjacent residential development, using required setbacks, landscaping, walls, or other appropriate means. The intent of this buffering is to ensure that residential areas are not adversely affected by noise, light, dust, traffic or other impacts that may be associated with industrial development.

*Based on the language the above language, the project is consistent with the Comprehensive Land Use Plan and Light Industrial zone designation.*

2. The proposed use shall not be materially detrimental to the public health or welfare, the environment, or injurious to the property or improvements near the proposed use or in the zone district in which the subject property is situated. The following shall be considered in making a decision on a conditional use permit:
  - a. The generation of noise, noxious or offensive odors or emissions, light, glare, traffic, surface water or groundwater pollution, electronic interference, impacts to environmentally sensitive areas or protected species, impacts to historic or cultural resources, or other impacts or nuisances that may be injurious to the public health or welfare or to property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;

*Response: The project will not be detrimental be materially detrimental to the public health or welfare, the environment, or injurious to the property or improvement near the proposed use or in the zone district in which the subject property is located as follows:*

- *All production and processing will occur within the existing buildings. Noise associated with the operation will be limited to the HVAC systems necessary to control the indoor climate of the buildings.*

*All new HVAC equipment will be located out of the required building setbacks per TMC 18.42.040.D.*

- *Odors from the production process will be addressed through the engineered design of the HVAC systems for the buildings. This normally takes the form of activated carbon filtration systems, although there are other technologies that are used to address the odor issue.*
- *No additional outdoor lighting is proposed for the project.*

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- *No additional traffic impacts are anticipated as a result of repurposing the buildings.*
- *Since all production/processing will be occurring inside the existing buildings, no impacts to surface water or groundwater, electronic interference, environmentally sensitive areas or protected species or historic or cultural resources will occur.*
- b. Availability of public services, which may be necessary or desirable for the support of the proposed use. These may include, but shall not be limited to, availability of utilities, transportation systems, education, police and fire facilities, and social and health services; and

*Response: The project site is currently served by the City of Tumwater water system. The applicant is in the process of upsizing the existing domestic water meter serving the site to meet the needs of the anticipated operation.*

*Fire protection is available on-site by way of existing City watermain and fire hydrants. All of the existing buildings have fire sprinklers and fire alarm systems.*

*City sewer is not currently available at the site. The existing buildings are served by on-site septic systems. The systems are designed to accommodate a maximum of 33 employees (13 employees – eastern building, 7 employees – center building and 13 employees western building).*

*The production/processing of the product will utilize a state-of-the-art drip irrigation system. No discharge of production/processing water will be directed to the on-site septic systems.*

- c. The adequacy of landscaping and screening consistent with TMC Chapter 18.47, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the proposed use upon neighboring properties;

*Response: The site has existing perimeter landscaping/native vegetation along the north, south and west property boundaries. The properties to the north and east of the site are set aside as a Mazama Pocket Gopher conservation areas through a federally approved Habitat Conservation Plan. No additional landscaping is necessary to mitigate impacts of repurposing the buildings on the project site.*

*The existing buildings meet current building setback requirements.*

- 3. The proposed use shall meet or exceed the performance standards that are required in the zone district it will occupy; and

*Response: The existing developed site meets all requirements outlined in TMC 18.24.050.*

- 4. Any additional minimum conditions identified for a particular type of proposed use in TMC 18.56.100 through TMC 18.56.350.

*Response: See below.*

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**TMC 18.56.220**

"Marijuana producer"

A. Minimum Conditions.

1. Those conditions as listed under TMC 18.42.080(A)(1), "Marijuana producer."

*Response: See below.*

"Marijuana processor"

A. Minimum Conditions.

1. Those conditions as listed under TMC 18.42.080(A)(2), "Marijuana processor."

*Response: See below.*

**TMC 18.42.080(A)(1) & TMC 18.42.080(A)(2)**

A. Conditions of Approval. Marijuana businesses may be permitted but only if the following conditions are met:

1. Marijuana Producer. A marijuana producer shall be a conditional use in LI and ARI zone districts and shall be subject to the following requirements:
  - a. Meet Washington State licensing requirements (Chapter 314-55 WAC);

*Response: We acknowledge that all Washington State licensing requirements will need to be met to be granted a license by the Washington State Liquor and Cannabis Control Board.*

- b. Comply with all building, fire safety, health code and business licensing requirements;

*Response: We acknowledge that the project must comply with all building, fire safety, health code and business licensing requirements.*

- c. Lot size, building size, setbacks and lot coverage conform to the standards of the zone district except if the structure is a legal nonconforming structure;

*Response: The existing developed site meets all requirements outlined in TMC 18.24.050.*

- d. Signage, if any, will conform to TMC Chapter 18.44;

*Response: No signs are proposed at this time. Should signage be proposed in the future, we acknowledge that signs will be required to conform to TMC 18.44 and any building permit requirements.*



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- e. Be within a fully enclosed secure indoor structure;

*Response: All production/processing is proposed within existing enclosed and secure indoor structures.*

- f. All buildings must be equipped with ventilation/air filtration systems so that no odors are detectable at the property line;

*Response: We acknowledge that all buildings must be equipped with ventilation/air filtration systems to mitigate odors per City requirements.*

- g. All buildings associated with the production of marijuana must be set back a minimum of three hundred feet from RSR, SFL, SFM, MFM, MFH, MU, CBC, TC, BD, GB, OS, and MHP zone districts; and

*Response: There are no properties with the above zone classifications within 300 feet of the project site.*

- h. The city may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.

*Response: Acknowledged.*

2. Marijuana Processor. A marijuana processor shall be a conditional use in the LI and ARI zone districts and shall be subject to the following requirements:

- a. Meet Washington State licensing requirements (Chapter 314-55 WAC);

*Response: We acknowledge that all Washington State licensing requirements will need to be met to be granted a license by the Washington State Liquor and Cannabis Control Board.*

- b. Comply with all building, fire safety, health code and business licensing requirements;

*Response: We acknowledge that the project must comply with all building, fire safety, health code and business licensing requirements.*

- c. Lot size, building size, setbacks and lot coverage conform to the standards of the zone district except if the structure is a legal nonconforming structure;

*Response: The existing developed site meets all requirements outlined in TMC 18.24.050.*

- d. Signage, if any, will conform to TMC Chapter 18.44;

*Response: No signs are proposed at this time. Should signage be proposed in the future, we acknowledge that signs will be required to conform to TMC 18.44 and any building permit requirements.*

9630 Blomberg, TUM-23-1327

August 23, 2023

- e. Be within a fully enclosed secure indoor structure;

*Response: All production/processing is proposed within existing enclosed and secure indoor structures.*

- f. All buildings must be equipped with ventilation/air filtration systems so that no odors are detectable at the property line;

*Response: We acknowledge that all buildings must be equipped with ventilation/air filtration systems to mitigate odors per City requirements.*

- g. All buildings associated with the production of marijuana must be set back a minimum of three hundred feet from RSR, SFL, SFM, MFM, MFH, MU, CBC, TC, BD, GB, OS, and MHP zone districts; and

*Response: There are no properties with the above zone classifications within 300 feet of the project site.*

- h. The city may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.

*Response: Acknowledged.*

In closing, the project is consistent with the Comprehensive Land Use Plan and applicable zoning and Conditional Use Permit criteria.

Respectfully,



Chris Carlson, AICP  
Planning Manager



**NOTICE OF PUBLIC HEARING**  
**Blomberg 99-2 Conditional Use Permit**

October 13, 2023

**NOTICE IS HEREBY GIVEN** that the City of Tumwater Hearing Examiner will conduct a public hearing at or about 7:00 p.m. on **Wednesday, October 25, 2023**, for consideration of the following items:

Case #: TUM-23-1327 Blomberg 99-2 Conditional Use Permit for Marijuana Producer/Processor.

Description of Proposal: Convert existing manufacturing warehouses into marijuana processing facilities.

Applicant: Blomberg LLC, 4220 S 164<sup>th</sup>, Suite #101, Tukwila, WA 98188

Location of Proposal: 9630 Blomberg Street SW, Tumwater, WA 98512

The public hearing will be held both virtually via Zoom and in person at Tumwater City Hall.

ATTEND in Person

Tumwater City Hall, 555 Israel Rd. SW, Tumwater, WA 98501.

WATCH Online

Go to <http://www.zoom.us/join>, and enter the Webinar ID: 833 2077 4230 and Passcode 882351.

LISTEN by Telephone

Call (253) 215-8782, listen for the prompts, and enter the Webinar ID: 833 2077 4230 and Passcode 882351

The City of Tumwater Hearing Examiner will hear testimony from interested parties in person or via computer audio or by telephone. To provide comments via computer audio or by telephone you must register in advance:

[https://us02web.zoom.us/webinar/register/WN\\_asvcFg7SSHanEEM4Y1\\_zjg](https://us02web.zoom.us/webinar/register/WN_asvcFg7SSHanEEM4Y1_zjg)

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

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Tumwater City Hall  
555 Israel Road SW  
Tumwater WA 98501

[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

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](mailto:tmerriman@ci.tumwater.wa.us), and must be received by 5:00 p.m. on Wednesday, October 25, 2023. Verbal testimony will be received during the hearing either virtually, or in person.

The staff report for this request will be available for review at least five business-days prior to the public hearing. If you have any questions or would like additional information, please contact Tami Merriman at 360-754-4180.

Do not publish below this line

---

Published: October 13, 2023

Posted: October 13, 2023



October 9, 2023

Blomberg LLC  
4220 S 164<sup>th</sup>  
Suite #101  
Tukwilla, WA 98188

RE: Formal Site Plan Review Approval; TUM-23-0794 - Marijuana grow facility  
9630 Blomberg St SW, Tumwater, WA 98512  
Parcel #12721230500.

The City of Tumwater reviewed your Formal site plan review application for the above referenced project. As conditioned below, the City grants formal site plan approval for the project.

## **GENERAL**

All requirements of the Tumwater Municipal Code (TMC) pertaining to zoning, environmental review, building, fire code, and engineering shall be met.

## **PLANNING**

1. Comprehensive Plan: The City of Tumwater Comprehensive Plan identifies this area as Light Industrial.
2. Use: The site is located within the Light industrial (LI) zone district and Aquifer Protection (AQP) overlay zone district. A Marijuana producer, within a fully enclosed secure indoor structure only, is allowed as a Conditional Use. TMC 18.24 and 18.39
3. Lot Coverage: The maximum impervious surface allowed is 85 percent of the total area of the parcel. TMC 18.24.050.B

The site plan submitted meets this requirement.

4. Structure height: A maximum of 65 feet. TMC 18.24.050.C

The buildings are existing and meet this requirement.

---

Tumwater City Hall  
555 Israel Road SW  
Tumwater WA 98501

[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

5. Yards/Setbacks: The minimum required structural setbacks from the property lines are as follows, per TMC 18.24.050.D:

Front: 20 feet.

Side: 10 feet.

Rear: 10 feet.

Heating, air conditioning or ventilation units, and other mechanical or hydraulic units are not permitted within any required setback. TMC 18.42.040.D

The site plan submitted meets this requirement.

6. Conditional Use: Conditional Use Permit required for a marijuana producer, within a fully enclosed secure indoor structure only. TMC 18.24.040.E

Approval of a Conditional Use Permit by the City of Tumwater Hearing Examiner is required.

7. Design Review: Design guidelines apply to new buildings, additions to existing buildings, and exterior modifications of existing buildings. Any changes to the exterior of the building shall conform to the City of Tumwater's Design Guidelines. TMC 18.43.010

Elevation drawings shall be submitted with building permit if any changes are proposed to the exterior of the buildings.

8. Parking: A manufacturing use requires one parking space for each employee on the largest shift, with a minimum of 5 spaces, or the Community Development Director may require a parking demand study or determine the standards that should be applied to the use in question, per TMC 18.50.070.

The surface of all parking and vehicle maneuvering areas shall have an approved hard surface such as asphalt, concrete or turfstone per TMC 18.50.060.E, and shall be defined by white striping a minimum of four-inch-wide. Parking spaces must utilize approved wheel-stops to prevent vehicle overhang of a sidewalk or walkway, per TMC 18.50.060.D. The automobile parking spaces shall be 9 feet in width by 18 feet in depth. The parking aisle shall be a minimum of 22 feet 6 inches in width. Parking-lot light poles shall not exceed 24 feet in height, per TMC 18.50.060.E.

Bicycle facilities must be provided if the parking area accommodates 10 or more vehicles and any development over 3,000 square feet, per TMC 18.50.120. For parking areas or buildings with less than 150 vehicular parking spaces, provide 2 short-term bicycle spaces or 5-percent of vehicular spaces, whichever is greater, and one long-term bicycle space per 50 vehicular spaces, plus one space per 100 additional vehicular spaces. This project is required to provide ? short-term and ? long-term bicycle parking facilities, per Figure 18.50.120.A. The facilities shall comply with TMC 18.50.120. The location of these facilities shall be shown on the site plan.

Off-street parking spaces shall not be allowed within 10 feet of all property-lines, per TMC 18.50.020.F. Also, the parking area(s) must meet the landscape buffer requirements, per TMC 18.47.050, if applicable.

The applicant states maximum employees will be 33, and proposes 36 stalls, using an administrative approval for 10% increase.

The site plan provided shows 2 short term covered bicycle stalls to be located in front of Building B, along with 1 long term bicycle facility located within Building B.

The site plan submitted meets this requirement.

9. Lighting: Site lighting shall comply with the City's exterior illumination regulations outlined in TMC 18.40.035. These regulations require any new exterior light fixtures to be fully shielded and directed downward to minimize impacts on off-site uses.

If new or updated building and/or parking lot lighting is proposed, a photometric plan must be submitted for review with building permit submittal.

10. Landscaping: A landscape plan showing proposed plantings, tree types and heights, and other vegetation is required. Street trees, if required, must be installed in accordance with the Tumwater Development Guide and Urban Forestry Management Plan. TMC 18.47.050.

Mechanical equipment must be screened to avoid noise and visual impact to street and adjoining properties.

A detailed landscape plan shall be submitted with building permit application for any updated landscape or proposed screening.

11. Signs: Signs in the LI zone district shall be limited to a total of 200 square feet on all faces of all permanent freestanding signs; provided, that no one sign-face is larger than 100 square feet. No freestanding sign shall be permitted to be higher than the principal building on the lot; provided, that no sign shall be higher than 30 feet.

Any signage requires a separate permit.

12. Critical Areas: The site meets the criteria of the City of Tumwater Administrative decision dated July 25, 2018 to not require a critical areas report due to the existing buildings and impervious surfaces.
13. Public Notification: A notice of application with optional DNS process was published in the Olympian, posted on site and on the City website, and mailed to property owners within 300 feet of the site on September 1, 2023.

Comment received by Nisqually Indian Tribe and Squaxin Island Tribe stated they had no specific concerns regarding archaeological and cultural resources.

The Washington State Department of Ecology provided two comments. Comment on the notice of application is in regards to possible contamination on a site within a quarter mile of this project. Comment on the DNS suggested a requirement to determine waste type and its removal.

14. SEPA: A DNS was issued for this proposal on September 18, 2023. The DNS was not appealed.
15. Public Hearing Notice: A notice of public hearing was published in the Olympian, posted on site and on the City website, and mailed to property owners within 300 feet of the site on or before October 13, 2023. .
16. Transportation Concurrency: The project is exempt from transportation concurrency review, as there is no additional square footage proposed, and the change of use falls

within the same land use category in the Institute of Transportation Engineers Trip Generation Manual, no new trips generated. TMC 15.48.050.A.

17. Refuse Disposal: Any changes to the refuse-disposal area will require the facility to be gated and screened with masonry walls and/or sight-obscuring fence with landscaping.

A structural enclosure shall be constructed of masonry, heavy-gauge metal, or decay-resistant composite wood, and have a roof. The walls must be sufficient to provide full screening from the affected roadway or use. The enclosure may use overlapping walls to screen dumpsters and other materials. Gates shall be made of heavy-gauge, sight-obscuring material. Industrial Design Guidelines Section 3.B.6.2.a

## **BUILDING**

1. The proposed buildings occupancy is an F-1 Hemp processing/Manufacturing. Old use of S-1 per IBC Section 3

## **FIRE**

1. The proposed building is over 7,500 square feet and is therefore required to have a fire sprinkler/Alarm system installed.
2. Gates blocking access to the site for Fire Department equipment shall be provided with a Knox Padlock.
3. Extraction rooms shall meet all requirements for fire separations and fire dampers for mechanical equipment, and all equipment shall be approved engineered systems.

## **MISCELLANEOUS**

1. The addresses for this site will remain the same unless separate utilities are ran to each structure.
2. Occupant load shall be limited to the use and septic design already approved. Thurston county septic approval shall be submitted.
3. Tenant improvement, Engineered building plans including Plumbing and Mechanical
4. Building plans and specifications shall be prepared and stamped by an architect and engineer licensed to practice in the State of Washington.
5. A building permit application (including shell permits) shall include architectural, structural, plumbing, mechanical and energy plans and specifications. No exceptions. Fire sprinkler and fire alarm permits and plans may be submitted separately from the main permit application.
6. Two sets of plans and specifications shall be submitted along with application and plan review fees. Maximum size plans accepted are 24 x 36 inches. Minimum scale accepted is 1/8 inch.
7. All new building projects are 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 pickup, and shall be available to occupants and haulers. The location of this facility shall be shown on the site plan.



8. 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
9. The following permits may be required for this project:
  - Sign

## **ENGINEERING**

### **GENERAL**

1. 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.
2. All designs/construction shall comply with the City of Tumwater's Development Guide and WSDOT standards.
3. The site plan shall show all existing and proposed utilities and easements including water, sewer, storm, gas, cable, power, telephone, signage and striping. Include the line sizes on the water and sewer mains and services.
4. All street construction, main installation and storm drainage work requires engineered plans certified by a professional engineer.
5. The applicant is responsible for all plan check, inspection and connection fees.
6. Any private or public utility relocation is the responsibility of the applicant.
7. 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.
8. All legal descriptions must be accompanied with an appropriate drawing that the City Surveyor can use to verify the legal description. All engineering drawings must be on 24" x 36" paper sheets.
9. The owner or owner's representative is also responsible for furnishing the City with electronic files on CD ROM, compatible with Release 2000 or newer Auto-CAD format. Drawings shall be in TCHPN (Thurston County High Precision Network) horizontal datum. Provide individual drawings independent of x-refs. Include all non-standard font files and plot files. Also, please furnish a CD with 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.
10. 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.

### **STREET**

1. All access to the property must be consistent with City standards and policies.

2. Per Tumwater Municipal Code, if the proposed building improvements exceed 25% of the current assessed value for on-site buildings then frontage improvements will be required. This includes undergrounding of the existing overhead utilities along Blomberg St.

### **SANITARY SEWER**

1. Additional comments and requirements may be required if the applicant/owner decides to connect and extend the existing City sanitary sewer system.
2. If the facility connects, the professional engineer must provide calculations of the maximum monthly sanitary sewer discharge from the site. The City reserves the right to check the actual use in the future and charge additional connection fees if the actual use is greater than the estimated amount.
3. If the facility decides to utilize the existing septic system, the City of Tumwater will require verification from Thurston County that the system is adequate for the new use of the facility, before permits can be issued.

### **WATER**

1. The project must meet minimum fire flow requirements.
2. 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 show the existing backflow prevention on the site plan.
3. Additional water meters, if required, will need to be placed in the public right-of-way or clustered on-site within an easement. The professional engineer must provide calculations on the maximum instantaneous water demand and size of the meter for the project.

This Preliminary Review does not provide the benefit of vesting, which is currently not allowed until the time a completed Building Permit application is submitted. Therefore, if ordinance changes occur during the life of this approval, your project must conform to those new requirements prior to the issuance of Building Permits.

If you have any questions regarding Planning issues, contact me at [tmerriman@ci.tumwater.wa.us](mailto:tmerriman@ci.tumwater.wa.us) or 360-754-4180. For questions on Building/Fire, contact Alvin Christensen at [achristensen@ci.tumwater.wa.us](mailto:achristensen@ci.tumwater.wa.us) or 360-754-4180. For Engineering questions, contact Jared Crews at [jcrews@ci.tumwater.wa.us](mailto:jcrews@ci.tumwater.wa.us) or 360-754-4140.

Sincerely,



Tami Merriman, Permit Manager

cc: City of Tumwater Development Review Committee  
Chris Carlson, Hatton Godat Pantier

**Tami Merriman**

---

**From:** Tami Merriman  
**Sent:** Monday, September 11, 2023 3:09 PM  
**To:** Carly Christiansen  
**Subject:** RE: Blomburg Marijuana Applicant

Hi Carly

Thank you so much for your comment. Ventilation equipment for this type of processing was not very good years ago when this all started. It is more advanced now and better at mitigating odor. There are several older manufacture businesses in that area that are on the older ventilation systems. This project must meet state standards for ventilation, and hopefully mitigate the issue for this site. For the older businesses, we try to get the ventilation systems updated when the expand or apply for other permits. It is difficult to regulate land uses, and this type of processing is only allowed in our industrial zoned areas.

Please let me know if you have further questions.

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

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**From:** Carly Christiansen <[carly.christiansen@yahoo.com](mailto:carly.christiansen@yahoo.com)>  
**Sent:** Saturday, September 9, 2023 6:38 AM  
**To:** Tami Merriman <[TMerriman@ci.tumwater.wa.us](mailto:TMerriman@ci.tumwater.wa.us)>  
**Subject:** Blomburg Marijuana Applicant

Hi,

I wanted to comment about the proposed marijuana processing building off of 93rd. I drive this way daily with my 6 and 8 year old and the entire exit smells like marijuana. Personally, I hope for more in life for my kids and I am not sure that having an entire area smell like marijuana/cigarettes/alcohol is a great thing to normalize for our children. I ask that Tumwater consider the impact on children becoming in sensitized to drug use and find lesser trafficked areas for these buildings, because my kids ask what the smell is on the 93rd exit weekly.

Thank you,

Carly

[Sent from Yahoo Mail for iPhone](#)

## Tami Merriman

---

**From:** Shaun Dinubilo <sdinubilo@squaxin.us>  
**Sent:** Monday, September 11, 2023 8:28 AM  
**To:** Tami Merriman  
**Subject:** RE: City of Tumwater Notice of Application & SEPA DNS Blomberg 99-2 Marijuana Processing CUP - TUM-23-0794

Hello Tami,

Thank you for contacting the Squaxin Island Tribe Cultural Resources Department regarding the above listed project for our review and comment. We have no specific cultural resource concerns for this project. However, if DAHP recommends a survey, or any other additional recommendations, we concur with DAHP's recommendations. We would prefer to receive an electronic copy by email once completed. If any archaeological or cultural resources are uncovered during implementation, please halt work in the area of discovery and contact DAHP and the Squaxin Island Tribe's Archaeologist, Shaun Dinubilo via email at [sdinubilo@squaxin.us](mailto:sdinubilo@squaxin.us).



Shaun Dinubilo  
 Archaeologist  
 FAA Certified (Section 107) sUAS Remote Pilot  
 Cultural Resource Department  
 Squaxin Island Tribe  
 200 S.E. Billy Frank Jr. Way  
 Shelton, WA 98584  
 Phone: 360-432-3998  
 Email: [sdinubilo@squaxin.us](mailto:sdinubilo@squaxin.us)

Email is my preferred 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 McClanahan <BMcClanahan@ci.tumwater.wa.us>  
**Sent:** Thursday, August 31, 2023 8:37 AM  
**Subject:** City of Tumwater Notice of Application & SEPA DNS Blomberg 99-2 Marijuana Processing CUP - TUM-23-0794

Good morning,

[The Notice of Application for Blomberg 99-2 Marijuana Processing CUP, TUM-23-0794](#) is ready to view. If you have any questions or would like additional information, please contact Tami Merriman, Permit Manager, at (360) 754-4180 or [tmerriman@ci.tumwater.wa.us](mailto:tmerriman@ci.tumwater.wa.us).

Thank you,

**Brittaney McClanahan | Department Assistant II**

City of Tumwater Community Development

555 Israel Rd SW | Tumwater, WA 98501

(360) 754-4180

[bmccclanahan@ci.tumwater.wa.us](mailto:bmccclanahan@ci.tumwater.wa.us) | [www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)



**NISQUALLY INDIAN TRIBE**  
**Tribal Historic Preservation Office**

4820 She-Nah-Num Drive S.E.  
Olympia, Washington 98513  
360.456.5221 (main)  
877.768.8886 (toll free)  
[www.nisqually-nsn.gov](http://www.nisqually-nsn.gov)

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September 14, 2023

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

Re: **TUM-23-0794**

The Nisqually Indian Tribe's THPO has reviewed the notice of application letter 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 doesn't have any specific concerns, 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  
360-528-1084  
360-456-5221 ext 1277  
[beach.brad@nisqually-nsn.gov](mailto:beach.brad@nisqually-nsn.gov)

cc: Annette Bullchild, Director, Nisqually Indian Tribe



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

**Southwest Region Office**  
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

September 18, 2023

Tami Merriman, Permit Manager  
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 optional determination of nonsignificance/notice of application for the Blomberg 99-2 Project (TUM-23-0794) located at 9630 Blomberg Street Southwest as proposed by Blomberg LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

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

All removed debris resulting from this project must be disposed of at an approved site. Contact the Department of Ecology or the local jurisdictional health department for proper management of these materials.

**TOXICS CLEANUP: Thomas Middleton (360) 999-9594**

This property is within a quarter mile of a known or suspected contaminated site. The site is WA DNR Webster Nursery, FSID #8786341. To search and access information concerning this site see <http://www.ecy.wa.gov/fs/> and <https://fortress.wa.gov/ecy/gsp/SiteSearchPage.aspx>. 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 sampling, the Department of Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office 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 Toxics Cleanup Program at the Southwest Regional Office at (360) 999-9594.

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.

Tami Merriman  
September 18, 2023  
Page 2

Department of Ecology  
Southwest Regional Office

(JKT:202304173)

cc: Derek Rockett, SWM  
Thomas Middleton, TCP





**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

**Southwest Region Office**  
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

September 22, 2023

Tami Merriman, Permit Manager  
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 Blomberg 99-2 Marijuana Processing Project (TUM-23-0794) located at 9630 Blomberg Street Southwest as proposed by Blomberg LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**HAZARDOUS WASTE & TOXICS REDUCTION: Garret Peck (564) 669-0836**

The applicant is a producer and processor of useable marijuana and marijuana oil extracts. The applicant should adequately address the disposal and management of waste if/when generated.

Waste with 10% Tetrahydrocannabinol (THC) or greater could designate as a toxic Dangerous Waste (DW). Application should address the disposal and management of waste with 10% THC or greater.

The application should include the list of any chemicals used in the processing of the marijuana. Common chemicals used in the processing of marijuana oil extracts include carbon dioxide and organic solvents. Waste generated from the processing of marijuana extracts needs to be designated before disposal. This will assure that proper management and disposal of hazardous waste containing these chemicals are handled in accordance with the Dangerous Waste Regulations (Chapter 173-303 WAC).

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

(JKT:202301428)

## Tami Merriman

---

**From:** Shaun Dinubilo <sdinubilo@squaxin.us>  
**Sent:** Wednesday, September 27, 2023 11:15 AM  
**To:** Tami Merriman  
**Subject:** RE: City of Tumwater DNS Blomberg 99-2 Marijuana Processing - TUM--23-0794

Hello Tami,

Thank you for contacting the Squaxin Island Tribe Cultural Resources Department regarding the above listed project for our review and comment. We have no specific cultural resource concerns for this project. However, if DAHP recommends a survey, or any other additional recommendations, we concur with DAHP's recommendations. We would prefer to receive an electronic copy by email once completed. If any archaeological or cultural resources are uncovered during implementation, please halt work in the area of discovery and contact DAHP and the Squaxin Island Tribe's Archaeologist, Shaun Dinubilo via email at [sdinubilo@squaxin.us](mailto:sdinubilo@squaxin.us).



Shaun Dinubilo  
 Archaeologist  
 FAA Certified (Section 107) sUAS Remote Pilot  
 Cultural Resource Department  
 Squaxin Island Tribe  
 200 S.E. Billy Frank Jr. Way  
 Shelton, WA 98584  
 Phone: 360-432-3998  
 Email: [sdinubilo@squaxin.us](mailto:sdinubilo@squaxin.us)

Email is my preferred 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 McClanahan <BMcClanahan@ci.tumwater.wa.us>  
**Sent:** Friday, September 15, 2023 11:13 AM  
**Subject:** City of Tumwater DNS Blomberg 99-2 Marijuana Processing - TUM--23-0794

Good morning,

[The DNS for Blomberg 99-2 Marijuana Processing CUP, TUM-23-0794](#) is ready to view. If you have any questions or would like additional information, please contact Tami Merriman, Permit Manager, at (360) 754-4180 or [tmerriman@ci.tumwater.wa.us](mailto:tmerriman@ci.tumwater.wa.us).

Thank you,

**Brittaney McClanahan | Department Assistant II**

City of Tumwater Community Development

555 Israel Rd SW | Tumwater, WA 98501

(360) 754-4180

[bmccclanahan@ci.tumwater.wa.us](mailto:bmccclanahan@ci.tumwater.wa.us) | [www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

## Chapter 18.24 LI LIGHT INDUSTRIAL ZONE DISTRICT

Sections:

[18.24.010 Intent.](#)

[18.24.020 Permitted uses.](#)

[18.24.030 Accessory uses.](#)

[18.24.040 Conditional uses.](#)

[18.24.050 Development standards.](#)

[18.24.060 Screening and buffering requirements.](#)

### **18.24.010 Intent.**

The intent of the light industrial (LI) zone district is to establish and preserve areas for industrial and other uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses; to make provisions for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses, or which are necessary to service immediate needs of people in these areas; to ensure that retail commercial areas are encouraged within one quarter mile of the 93rd Avenue/Interstate 5 intersection; to provide pedestrian and transit orientation in these commercial areas to provide an alternative to driving a private automobile; and to encourage the preservation and provision of open space in industrial areas to ensure a desirable quality of life.

(Ord. O2002-013, Amended, 08/20/2002; Ord. O95-035, Added, 12/19/1995)

### **18.24.020 Permitted uses.**

Permitted uses in the LI district are as follows:

- A. All uses having to do with buying and selling, or of a general commercial nature;
- B. Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment;
- C. Warehouse distribution centers, subject to the requirements of TMC 18.42.110;
- D. Recreational facilities;
- E. Support facilities;

- F. Parks, open space areas and recreational facilities;
- G. Transportation terminal facilities;
- H. Planned unit developments not including residential uses;
- I. Post offices;
- J. Park and ride facilities;
- K. Schools, ninth grade and above;
- L. Off-site hazardous waste treatment and storage facilities:
  - 1. Off-site treatment and storage facilities must be located a minimum of two hundred fifty feet from surface water, residential zones, and public gathering places;
  - 2. Off-site treatment and storage facilities are subject to the state siting criteria adopted pursuant to the requirements of Chapter 70.105 RCW;
- M. Child day care center, child mini-day care center;
- N. Sexually oriented businesses as defined in TMC Chapter 18.04 subject to the provisions of TMC 18.42.050;
- O. Nurseries, retail or wholesale;
- P. Museum, library, art gallery;
- Q. Transit facilities;
- R. Family childcare homes;
- S. Motor pools and transit facilities;
- T. Automobile service stations;
- U. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;\*
- V. Wireless communication towers;\*
- W. Motor vehicle sales facilities, subject to the requirements set forth in TMC Chapter 18.42;

- X. Equipment rental and sales facilities;
- Y. Motorsports facility – indoor;
- Z. Motorsports sales facility;
- AA. Auto repair facilities;
- BB. Crematories;
- CC. Electric vehicle infrastructure;
- DD. Agriculture;
- EE. Community gardens;
- FF. Farmers markets;
- GG. Marijuana retailer;
- HH. Breweries, wineries, distilleries, and associated restaurants;
- II. Taverns, cocktail lounges;
- JJ. Animal clinics or hospitals;
- KK. Kennels;
- LL. Offices;
- MM. Mini-storage;
- NN. Wildlife refuges and forest preserves;
- OO. Temporary expansions of schools, such as portable classrooms;
- PP. Restaurants;
- QQ. Cross-dock facilities, fifty thousand square feet or smaller in size;
- RR. Motor freight terminals, fifty thousand square feet or smaller in size;
- SS. Warehousing, nondistribution, two hundred thousand square feet or smaller in size;

TT. Warehousing, nondistribution, larger than two hundred thousand square feet in size, subject to the requirements of TMC 18.42.110;

UU. Truck stops or travel centers;\*\*

VV. Food trucks or trailers in accordance with TMC 18.42.120;

WW. Food truck or trailer courts in accordance with TMC 18.42.120;

XX. Optometry clinics;

YY. Personal services;

ZZ. Professional services.

\*Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

\*\* Truck stops or travel centers are limited to an area within one-half mile of the Interstate 5 and 93rd Avenue SW interchange.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-019, Amended, 07/23/2019; Ord. O2019-018, Amended, 04/02/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2008-017, Amended, 10/21/2008; Ord. O2008-016, Amended, 09/16/2008; Ord. O2006-037, Amended, 03/04/2008; Ord. O2005-011, Amended, 07/05/2005; Ord. O2003-001, Amended, 02/18/2003; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

#### **18.24.030 Accessory uses.**

Accessory uses in the LI district are as follows:

A. Living or residential quarters as an accessory use including, but not limited to, security guards' quarters where such quarters are customarily provided for security and/or insurability of the premises and other residential uses directly related to the operation of the primary permitted use;

B. Off-street parking and loading;

- C. Energy systems;
- D. On-site hazardous waste treatment and storage facilities;
- E. Accessory wireless communication antenna;\*
- F. Warehousing, accessory to another use on the same site.

\*Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval if they apply, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

#### **18.24.040 Conditional uses.**

Conditional uses in the LI district are as follows:

- A. Cemeteries;
- B. The following essential public facilities:
  - 1. State education facilities;
  - 2. Large scale or regional transportation facilities;
  - 3. Prisons, jails or other correctional facilities:
    - a. Juvenile detention facilities;
    - b. Work release facilities;
    - c. Prisons and prerelease facilities;
    - d. Jails;
  - 4. Solid waste handling facilities;
  - 5. Sewage treatment facilities (not including individual or community wastewater treatment systems);
  - 6. Emergency communication towers and antennas;\*
  - 7. Secure community transition facilities;



- C. Recycling collection centers;
- D. Marijuana processor, within a fully enclosed secure indoor structure only;
- E. Marijuana producer, within a fully enclosed secure indoor structure only;
- F. Impound yards.

\*Emergency communication towers and antennas are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore the use is subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2006-037, Amended, 03/04/2008; Ord. O2003-001, Amended, 02/18/2003; Ord. O2002-013, Amended, 08/20/2002; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

#### **18.24.050 Development standards.**

Development in the LI zone district must meet the following requirements:

- A. Site area: no minimum, except adequate space must be provided for required parking, yards and landscaping;
- B. Lot coverage, maximum impervious surface: eighty-five percent of the total area of the lot;
- C. Structure height: a maximum height of sixty-five feet; provided, however, that no structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department;
- D. Yards.\*
  - 1. Front: twenty feet minimum setback on all street frontages unless otherwise specified by the Tumwater Design Guidelines.
  - 2. Side: ten feet from property line, minimum. In cases where sites share drive aisles and/or truck maneuvering areas, no side setback is required on the side where an aisle is shared.
  - 3. Rear: ten feet from property line, minimum. In cases where sites share drive aisles and/or truck maneuvering areas, no rear setback is required on the side where an aisle is shared.

Where structures or portions of structures are adjacent to any residential zoning district, the minimum structural

setback shall be twenty feet. Where structures are constructed over twenty-five feet, the setback of the structure from the adjacent property lines shall be increased by one foot for each additional foot in height above twenty-five feet in height of the proposed new building and shall have screening in accordance with TMC Chapter 18.47.

E. Park and Open Space Area. New development in the LI zone district shall set aside land for passive park and open space area as specified in TMC 17.12.210 and 18.42.130 and the citywide design guidelines.

\*See Diagram 18.04.670, Yard Determination Diagram, in TMC 18.04.230, Y definitions.

(Ord. O2020-015, Amended, 02/16/2021; Ord. O2017-021, Amended, 02/20/2018; Ord. O2016-037, Amended, 01/03/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O2008-014, Amended, 10/21/2008; Ord. O2004-009, Amended, 12/07/2004; Ord. O2000-004, Amended, 07/18/2000; Ord. O95-035, Added, 12/19/1995)

#### **18.24.060 Screening and buffering requirements.**

Buffering should be provided between this zoning district and residentially zoned areas. Buffering should be equally shared between the abutting residential and industrial developments, unless one of the uses is already developed as of the effective date of the ordinance codified in this section. If the residential use already exists, no further buffering should be required of the residential property owner. If the industrial use already exists, any change in the use which increases impacts on abutting residential lands such as noise, glare or visual impacts, whether or not it involves enlargement of an existing structure or adding new structures, will require additional buffering measures as outlined in TMC Chapter 18.47.

(Ord. O97-024, Amended, 03/03/1998; Ord. O95-035, Added, 12/19/1995)

#### **18.42.080 Marijuana businesses.**

A. Conditions of Approval. Marijuana businesses may be permitted but only if the following conditions are met:

1. Marijuana Producer. A marijuana producer shall be a conditional use in LI and ARI zone districts and shall be subject to the following requirements:
  - a. Meet Washington State licensing requirements (Chapter 314-55 WAC);
  - b. Comply with all building, fire safety, health code and business licensing requirements;
  - c. Lot size, building size, setbacks and lot coverage conform to the standards of the zone district except if the structure is a legal nonconforming structure;
  - d. Signage, if any, will conform to TMC Chapter 18.44;

- e. Be within a fully enclosed secure indoor structure;
  - f. All buildings must be equipped with ventilation/air filtration systems so that no odors are detectable at the property line;
  - g. All buildings associated with the production of marijuana must be set back a minimum of three hundred feet from RSR, SFL, SFM, MFM, MFH, MU, CBC, TC, BD, GB, OS, and MHP zone districts; and
  - h. The city may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.
2. Marijuana Processor. A marijuana processor shall be a conditional use in the LI and ARI zone districts and shall be subject to the following requirements:
- a. Meet Washington State licensing requirements (Chapter 314-55 WAC);
  - b. Comply with all building, fire safety, health code and business licensing requirements;
  - c. Lot size, building size, setbacks and lot coverage conform to the standards of the zone district except if the structure is a legal nonconforming structure;
  - d. Signage, if any, will conform to TMC Chapter 18.44;
  - e. Be within a fully enclosed secure indoor structure;
  - f. All buildings must be equipped with ventilation/air filtration systems so that no odors are detectable at the property line;
  - g. All buildings associated with the production of marijuana must be set back a minimum of three hundred feet from RSR, SFL, SFM, MFM, MFH, MU, CBC, TC, BD, GB, OS, and MHP zone districts; and
  - h. The city may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.
3. Marijuana Retailer. A marijuana retailer shall be a permitted use in the GC, LI and ARI zone districts and shall be subject to the following requirements:
- a. Meet Washington State licensing requirements (Chapter 314-55 WAC);
  - b. Comply with all building, fire safety, health code and business licensing requirements;

c. Lot size, building size, setbacks and lot coverage conform to the standards of the zone district except if the structure is a legal nonconforming structure;

d. Signage, if any, will conform to TMC Chapter 18.44.

(Ord. O2017-006, Amended, 07/18/2017; Ord. O2013-013, Added, 10/01/2013)

## Chapter 18.56 CONDITIONAL USE PERMITS

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**18.56.220 “M” uses.**

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18.56.330 “X” uses.

18.56.340 “Y” uses.

18.56.350 “Z” uses.

**18.56.010 Intent.**

Certain uses, because of their special requirements, infrequent occurrence, possible safety hazards, or detrimental effects on surrounding properties, and other reasons, shall be permitted only upon the approval of the hearing examiner, after due notice and public hearing, and a finding that it is consistent with the intent of the comprehensive plan and the requirements of this title.

(Ord. O95-035, Amended, 12/19/1995; Ord. 1259, Amended, 11/06/1990; Ord. 883, Added, 05/06/1984)

**18.56.020 Application – Contents and fee.**

A request for a conditional use permit shall be submitted on an application form available at the Tumwater community development department. Each application shall be accompanied by a site plan, floor plan, building elevations, and a fee established by resolution of the city council to help defray the cost of handling the application, no part of which fee is refundable. Additions or deletions to the contents of the application may be made by the administrative official.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O95-035, Amended, 12/19/1995; Ord. 1147, 12/15/1987; Ord. 883, Added, 05/06/1984)

**18.56.030 Hearing.**

A. Upon the filing of an application for a conditional use permit, the hearing examiner shall set a time and place for a public hearing to consider the application under the provisions of TMC Chapter 2.58.

B. Notice of any public hearing shall be in accordance with the provisions of TMC Chapter 14.06.

(Ord. O2017-006, Amended, 07/18/2017; Ord. O95-035, Amended, 12/19/1995; Ord. 1259, Amended, 11/06/1990; Ord. 883, Added, 05/06/1984)

**18.56.035 Conditional use permit criteria.**

A. The hearing examiner shall be guided by the following criteria in granting a conditional use permit:

1. The proposed use shall be in keeping with the goals and policies of the Tumwater comprehensive plan, including subarea plans, and applicable ordinances;
2. The proposed use shall not be materially detrimental to the public health or welfare, the environment, or injurious to the property or improvements near the proposed use or in the zone district in which the subject property is situated. The following shall be considered in making a decision on a conditional use permit:
  - a. The generation of noise, noxious or offensive odors or emissions, light, glare, traffic, surface water or groundwater pollution, electronic interference, impacts to environmentally sensitive areas or protected species, impacts to historic or cultural resources, or other impacts or nuisances that may be injurious to the public health or welfare or to property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;
  - b. Availability of public services, which may be necessary or desirable for the support of the proposed use. These may include, but shall not be limited to, availability of utilities, transportation systems, education, police and fire facilities, and social and health services; and
  - c. The adequacy of landscaping and screening consistent with TMC Chapter 18.47, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the proposed use upon neighboring properties;
3. The proposed use shall meet or exceed the performance standards that are required in the zone district it will occupy; and



4. Any additional minimum conditions identified for a particular type of proposed use in TMC 18.56.100 through TMC 18.56.350.

(Ord. O2017-006, Added, 07/18/2017)

**18.56.040 Imposition of conditions.**

Permits for conditional uses shall stipulate restrictions or conditions which may include a definite time limit, provisions for front, side or rear yards greater than the minimum requirements of this title, suitable landscaping, off-street parking, and any other restrictions, conditions or safeguards that would uphold the spirit and intent of this title and mitigate any adverse effect upon neighborhood properties.

(Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984)

**18.56.050 Notification of hearing examiner decision.**

Notification of the hearing examiner decision shall be in accordance with the provisions of TMC Chapter 2.58 and TMC 14.06.090.

(Ord. O2017-006, Amended, 07/18/2017; Ord. O2000-004, Amended, 07/18/2000; Ord. O95-035, Amended, 12/19/1995; Ord. 1259, Amended, 11/06/1990; Ord. 883, Added, 05/06/1984)

**18.56.060 Resubmittal of application – Appeal.**

The decision of the hearing examiner shall be final unless appealed to superior court in accordance with the provisions of TMC Chapter 2.58.

(Ord. O2014-018, Amended, 12/16/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O95-035, Amended, 12/19/1995; Ord. 1259, Amended, 11/06/1990; Ord. 883, Added, 05/06/1984)

**18.56.070 Time limitations.**

If the use for which the conditional use permit was granted has not been issued a building permit and/or business license by the end of an eighteen-month period, the permit shall expire. A specific approval period, as deemed necessary by the nature of the project or the other permits required by the project, may be imposed by the hearing examiner as a condition of the initial permit approval.

(Ord. O2017-006, Amended, 07/18/2017; Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984)

**18.56.080 Specific conditional use permit.**

Any specific conditional use permit, if granted, shall pertain only to the specific use and specific property for which application was made. Such granted permit does not apply to the applicant for use on any other property he/she may control.

(Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984)

**18.56.090 Minimum conditions.**

Any conditional use shall meet the density regulations of the zone in which it is located, as well as the minimum conditions listed in the applicable sections of this chapter. The hearing examiner may impose any additional conditions deemed necessary to ensure the protection of adjacent uses, health, safety and general welfare.

(Ord. O2001-012, Amended, 03/19/2002; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 1259, Amended, 11/06/1990; Ord. 883, Added, 05/06/1984)

**18.56.220 “M” uses.**

“Marijuana producer”

## A. Minimum Conditions.

1. Those conditions as listed under TMC [18.42.080](#)(A)(1), “Marijuana producer.”

“Marijuana processor”

## A. Minimum Conditions.

1. Those conditions as listed under TMC [18.42.080](#)(A)(2), “Marijuana processor.”

“Medical clinics”

## A. Minimum Conditions.

1. Must meet the licensing requirements of the state;
2. The minimum site area shall be adequate to provide the required parking, yards, and at least one off-street emergency loading space;
3. No off-street parking or loading areas will be allowed in any required yard area, as defined by the applicable zoning district’s density regulations section.

“Ministorage facilities”

## A. Minimum Conditions.

1. No off-street parking or loading areas will be allowed in any required yard area;
2. Screening located along all property lines shall be provided to lessen visual impacts to neighboring properties and street rights-of-way;

3. The minimum site area shall be adequate to provide for the required parking and yards.

(Ord. O2017-006, Amended, 07/18/2017; Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2008-016, Amended, 09/16/2008; Ord. O2003-001, Amended, 02/18/2003; Ord. O99-001, Amended, 04/29/1999; Ord. O97-025, Amended, 12/02/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 1201, Amended, 06/20/1989; Ord. 883, Added, 05/06/1984)