

ATTACHED CONDITIONS  
CASE NUMBERS  
SEPA-020244, PLAT020244, and SSDP 020244

**NOTE:**

This revised Mitigated Determination of NonSignificance is being issued to incorporate revised traffic analysis, City of Tumwater comments on traffic impacts, and because the original Mitigated Determination of NonSignificance (issued on February 12, 2004) was not routed to the Washington State Department of Fish and Wildlife nor to the Washington State Department of Transportation.

**Background**

This Mitigated Determination of Non-Significance is based on the project as proposed and the impacts and mitigation reflected in the following materials:

- Environmental checklist
- Preliminary Drainage Report, SCA Consulting Group, May 2003 with January 2004 Addendum
- Hydrogeologic Assessment, GeoEngineers, June 5, 2001
- Wildlife and Habitat Study, Russell and Associates, October 2000
- Wetland Delineation, Applied Environmental Services, May 8, 1997
- Wetland Review, Russell & Associates, October 18, 2000
- Tree Protection and Replacement Plan, Washington Forestry Consultants, May 31, 2002
- Traffic Impact Study, Transportation Engineering Northwest, March 2002
- Tumwater School District Comment Letter, August 26, 2002
- Roads and Transportation Memorandum (May 3, 2004) from Scott Davis, regarding Traffic Mitigation and giving preliminary approval for the drainage and erosion control plan.
- Public Health and Social Services Department Memorandum (September 25, 2003) from Gary Duvall, regarding preliminary approval of the project.
- Project comments from Chris Carlson, City of Tumwater, February 11, 2004
- Additional traffic analysis, Transportation Engineering Northwest, March 12, 2004
- Comment letter from Debbie Carnevali, Washington Department of Fish and Wildlife, April 9, 2004

**Conditions:**

**Schools**

1. To assure compliance with Chapter 58.17 RCW and Chapter 82.02 RCW, the applicant must mitigate the direct impact of this subdivision on schools. Mitigation must be negotiated with the Tumwater School District. Development Services must receive a letter from the school district, stating that a mitigation agreement has been completed before final plat approval will be granted. Evidence of compliance with the mitigation agreement is required before individual building permits will be issued.

**Specific Goals and Policies related to the school condition:**

- Capitol Facilities Chapter Six of the Thurston County Comprehensive Plan, Goal 2, Objective A, Policy 1.

**Traffic**

2. To mitigate traffic impacts within Thurston County, the proponent will need to contribute \$70,545 to Thurston County Roads & Transportation Services prior to final plat approval, pursuant to County Road Standards and Title 17.10 of the Thurston County Code.
3. To mitigate traffic impacts within the City of Olympia, the proponent will need to contribute \$218,784 to the City prior to final plat approval, pursuant to County Road Standards. Timing of the contributions may be altered if approved by both the City of Olympia and Thurston County.
4. To mitigate traffic impacts within the City of Tumwater, the proponent will need to mitigate impacts to the City prior to final plat approval, pursuant to County Road Standards. Timing of the contributions may be altered if approved by both the City of Tumwater and Thurston County. Traffic Mitigation total is \$157,142 and payment is required prior to final plat approval. The breakdown of the traffic mitigation is as follows:
  - a. Henderson Blvd/Old Hwy 99 Intersection Signalization = \$126/trip x 26 trips = \$3276
  - b. Tumwater Blvd Improvements = \$619/trip x 80 trips = \$49,250
  - c. Tumwater Blvd & I-5 Over crossing = \$2797/trip x 28 trips = \$78,316
  - d. Tumwater Blvd & NB Ramp Improvement = \$306/trip x 28 trips = \$8,568
  - e. Custer and Capitol Improvements = \$451/trip x 39 trips = \$17,589
  - f. Trosper Road Corridor Improvements = \$13/trip x 11 trips = \$143

5. The traffic study prepared for this project found traffic safety and capacity problems at the intersection of 65<sup>th</sup> and Henderson Boulevard SE. The study recommended safety and capacity improvements to the intersection of Henderson Boulevard SE and 65<sup>th</sup> Avenue to mitigate the impact of this development. These improvements include but are not limited to signalization, channelization, sight distance improvements, illumination and stormwater management facilities. The traffic study's recommendation is viewed as the applicant's proposal. These improvements shall be made at the time specified in the traffic study.

**Specific Goals and Policies related to the traffic condition:**

- Transportation Chapter Five of the Thurston County Comprehensive Plan, Goal 1., Objective A, Policies 6 and 7; Objective B, Policy 2.
- Chapter eight of the Tumwater / Thurston County Joint Comprehensive Plan, Goals 3.1, 6.1, 6.2, and 6.3; Highways and Arterials Policy #2
- Chapter Six of the Comprehensive Plan for Olympia and Olympia Growth Area, Goal T2, Policy 2.1 and 2.2.

**Drainage and Erosion Control**

6. The proposed development shall incorporate best management practices for the treatment of stormwater including but not limited to high quality oil/water separators, grass-lined swales, extended detention dry ponds, wet ponds or created wetlands as per the Drainage Design and Erosion Control Manual for Thurston County, Washington, as implemented by Thurston County Roads and Transportation Services.
7. Erosion shall be controlled throughout the construction of the facilities. No discharge of sediments into wetland areas, conveyance ditches, Munn Lake, or the Deschutes River shall be permitted at any time. Erosion control best management practices must be installed prior to the construction phase of the project and maintained throughout the construction phase. Erosion control best management practices include, but are not limited to, installation of silt control fences and bank stabilization material.

**Specific Goals and Policies related to drainage and erosion control condition:**

- Capitol Facilities Chapter Six of the Thurston County Comprehensive Plan, Goal 1, Objective I, Policy 1.
- Natural Environment Chapter Nine of the Thurston County Comprehensive Plan, Stormwater Management Goal, Objective 1, Policies 1, 2, 5, 8, and 9.

**Wetlands**

8. Wetland areas have been identified on the subject property and have been generally delineated by a professional wetland biologist using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1987). The wetlands have been classified using the Washington State Department of Ecology Wetland Rating System for Western Washington (1993). Wetland A, located at the base of the slope in the northern portion of the subject property, is a Category II wetland. Wetland B, located at the base of the slope in the northeast portion of the subject property, is a Category II wetland. Wetland C, located at the base of the slope in the eastern portion of the subject property, is a Category II wetland. All three of the wetlands are located adjacent to or within the flood plain of the Deschutes River and are contained within proposed open space tracts. Another smaller Category II wetland has been identified on the subject property off of the northern end of Munn Lake and south of 65<sup>th</sup> Avenue. This wetland will be contained within proposed Open Space Tract B. In addition, a small pothole wetland, classified as a Category II, is located off of the southwest corner of the subject property along the alignment of the proposed emergency access to 73<sup>rd</sup> Avenue.

Due to the importance of these wetlands for wildlife habitat, pollution control, ground water recharge and flood water storage, and pursuant to TCC 17.15.940, a 200-foot undisturbed vegetative buffer shall be established upland of the edge of all Category II wetlands. Any reduction of the required buffers shall comply with buffer reduction criteria of TCC 17.15.940 and be reviewed and approved by Thurston County Development Services Department staff. The wetland edge and undisturbed vegetative buffer shall be surveyed and shown on the final plat map.

9. In addition to the 200-foot wetland buffers, buildings on individual lots adjacent to the wetland buffers should be sited and constructed upland at a point where trees within the buffers areas will not be considered hazard trees. This will provide additional protection in order to keep the buffer zones intact.
10. Wetlands, marshes, bogs and swamps are designated as "Critical Areas" per the Thurston County Critical Areas Ordinance, TCC 17.15. As a condition of approval, the following note shall also be placed on the final plat map:

"This property contains Wetlands which are designated as critical areas in Thurston County and protected under the Thurston County Critical Areas Ordinance 17.15. Due to the importance of these wetlands for wildlife habitat, pollution control, ground water recharge and flood water storage, no clearing, filling, grading, logging, native tree or vegetation removal or other construction activities shall be allowed within the wetland or buffer area except where exempted by and when prior authorization is obtained from Thurston County Development Services."

11. The perimeter of the wetland buffers shall be marked with metal signs that identify the area as a Critical Area. A template for these signs can be obtained from Thurston County Development Services Department. The signs shall be attached to treated wood or metal posts or another material of equal durability. A fence or sections/portions of fence shall be constructed along with the signs to help identify the edge of the buffer to avoid disturbance and construction within these areas. These fence/signs shall be located at the point where lots intersect with the buffer, at corners where the buffer makes a change of direction, and not less than every 200 feet.

**Specific Goals and Policies related to Wetland conditions:**

- Natural Environment Chapter Nine of the Thurston County Comprehensive Plan, Surface Waters Goal, Objective 1, Policies 1, 2, 3, 4, 5, and 6.
- Natural Environment Chapter Nine of the Thurston County Comprehensive Plan, Important Fish, Wildlife, and Plant Habitat Goal, Objective 1, Policies 4, 11, 14.

**Landslide Hazard Areas**

12. Portions of the project site meet the criteria for Landslide Hazard Areas according to Thurston County Critical Areas Ordinance, TCC 17.15.200. Pursuant to TCC 17.15.620 a 50-foot buffer of native vegetation shall be maintained from the top and along all sides of the landslide hazard area and a 25-foot buffer of native vegetation shall be maintained from the toe of the landslide hazard area. It is further recommended that homes on lots adjacent to the landslide hazard area be constructed as far away from the slope as possible in order to further protect the stability of the slope.
13. Those areas meeting landslide hazard criteria and the required vegetated buffers shall be depicted on the final plat map along with the following note:

"To minimize damage due to erosion, sliding, earthquake, or other geological events no clearing, grading, filling, logging, removal of native trees or other native vegetation, or other construction activities shall be allowed within the landslide hazard or buffer areas except where exempted by and when prior authorization is obtained from Thurston County Development Services Department."

14. The perimeter of the steep slope buffers shall be marked with metal signs that identify the area as a Critical Area. A template for these signs can be obtained from Thurston County Development Services Department. The signs shall be attached to treated wood or metal posts or another material of equal durability. A fence or sections/portions of fence shall be constructed along with the signs to help identify the edge of the buffer to avoid disturbance and construction within these areas. These fence/signs shall be located at the point where lots intersect with the buffer, at corners where the buffer makes a change of direction, and not less than every 200 feet.

**Specific Goals and Policies related to Landslide Hazard Areas conditions:**

- Natural Environment Chapter Nine of the Thurston County Comprehensive Plan, Geologic Hazard Areas Goal, Objective 1, Policies 2 and 4.

### Shoreline

15. The proposal lies adjacent to Munn Lake and the Deschutes River, which are shorelines within the jurisdiction of the Shoreline Management Act of 1971 (RCW 90.58) and the Shoreline Master Program for the Thurston Region. Approval of this project does not exempt the applicant from meeting the requirements of the Master Program or the Act pertaining to development within a Conservancy Shoreline Environment. The boundary of the shoreline jurisdiction is: (a) 200-foot horizontal distance from the edge of the ordinary high-water mark; (b) the edge of the 100-year flood plain based upon the Flood Insurance Rate Map; or (c) the edge of wetlands associated with Munn Lake or the Deschutes River, whichever is greater. Therefore the following shall be depicted on the final plat map:
- a. Those areas within the Shoreline Management Act jurisdiction.
  - b. The ordinary high-water mark and a lot area calculation based upon dry land area being elevated above that point.
  - c. The extent of the 100-year flood plain.
16. The following notation shall be placed on the final plat map and each property title:
- "No clearing, grading, filling or other construction activities shall be allowed within the Shoreline Master Program jurisdiction prior to home site development except where exempted by and when prior authorization is obtained from Thurston County Development Services Department."

#### Specific Goals and Policies related to Shoreline conditions:

- Natural Environment Chapter Nine of the Thurston County Comprehensive Plan, Surface Waters Goal, Objective 1, Policies 1, 2, 3, 4, 5, and 6; Important Fish, Wildlife, and Plant Habitat Goal, Objective 1, Policies 4, 11, 14.

### Wildlife

17. Raptor nest sites have been identified in the past on the subject property. In order to preserve active bird nest sites, which are protected by State law, the property shall be inspected for the presence of active nests prior to commencement of construction activities. This field review shall be performed by a biologist or someone with experience in wildlife/bird ecology. If a nest site is located, Debbie Carnevali, or other appropriate staff from the Washington State Department of Fish and Wildlife, shall be contacted immediately to determine measures to protect the nest site. These measures may include maintaining buffers surrounding the nest site or seasonal restrictions. The applicant is recommended to address this issue well in advance of planned construction in order to accommodate any seasonal restrictions.
18. Western Pocket Gophers are a priority species in Thurston County. A Washington Department of Fish and Wildlife biologist has found several pocket gopher mounds in the southeast portion of the subject property. This area appears to be within a proposed open space tract. To provide protection for the gophers, a management plan shall be developed for this project by a qualified wildlife biologist. The management plan should address limitations on use of pesticides, removal/control of gophers, and vegetation management. The applicant shall also propose a method of distributing the management plan to lot owners.

#### Specific Goals and Policies related to Wildlife conditions:

- Natural Environment Chapter Nine of the Thurston County Comprehensive Plan, Important Fish, Wildlife, and Plant Habitat Goal, Objective 1, Policy 1.