



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300



December 4, 2014

Ms. Cari Hornbein, Senior Planner, AICP
City of Olympia
Community Planning and Development Department
PO Box 1967
Olympia, WA 98507-1967

Dear Ms. Hornbein:

I have reviewed the SCJ Alliance "Bayan Trails Site - Wetland and Soils Report and Mitigation Proposal" dated November, 2014. I concur with the Wetland Rating, habitat score, and buffer width. The project proposes 4739 square feet of unavoidable wetland buffer impacts due to some code requirements for parking spaces and road design requirements. I have some comments about the trail.

As Ms. Palazzi correctly identifies, the applicant must use the mitigation sequence outlined in your code to avoid, minimize impacts, etc. I can understand the need for parking, but am not sure why the trail is needed in the area of impact. If the trail is not needed there, I would recommend that it is removed in the area of impact and have the rest of the trail realigned. I would also like to see impacts avoided in northern parts of the trail. Instead of running the trail along the existing path, I would replant the area of existing path and relocate the path outside of the buffer. A discussion of why the trail impacts are unavoidable would be needed to allow further encroachment on the buffer and then they should at least maintain the trail in the outer 75 percent of the buffer.

I am more than a little concerned about the whole idea of a trail near the wetland. These trails are usually well used, and disturb the wildlife with domestic pets and garbage and provide new opportunities for degrading the habitat no matter how hard we try to maintain it. We have better opportunities to view/learn about wetlands in Thurston County and sometimes its best just to leave them alone rather than trying to make a wetland near a development a learning opportunity. I would recommend some kind of maintenance agreement and ongoing vegetation performance standards if the City decides it wants to keep the trail as proposed.

The rest of the mitigation that is proposed seems appropriate; removing invasives, enhancing the density/biodiversity of the native vegetation, and buffer averaging should give us reasonable assurance that the wetland functions and values will be maintained.



Thank you for allowing me the opportunity to review this important project.

Sincerely,

A handwritten signature in black ink that reads "Alex Callender". The signature is written in a cursive style with a long, sweeping underline.

Alex Callender
Wetland/Shoreland Specialist for Lewis, Thurston, and Pierce Counties
Shorelands and Environmental Assistance Program
acal461@ecy.wa.gov
360-407-6167



SERVICE CENTER

NORTH THURSTON PUBLIC SCHOOLS

6620 Carpenter Road SE • Lacey, WA 98503
(360) 412-4424 • FAX (360) 412-4421

April 30, 2015

City of Olympia
 Community Planning & Development
 601 4th Ave E
 PO Box 1967
 Olympia, WA 98501

RE: NORTH THURSTON PUBLIC SCHOOLS NO. 3
 Comments Re. Project 20141111, Bayan Trails

To Whom It May Concern:

North Thurston Public Schools (NTPS) received City of Olympia (City's) request for review of the proposed Project 20141111, Bayan Trails development. NTPS has had the opportunity to review the application for the proposed development which the City forwarded along with the notice. In response to your consultation request, NTPS provides the following:

The proposed development will create senior adult housing as well as additional multi-family residential units within North Thurston Public Schools boundaries. The proposed residential units are planned to be served by Pleasant Glade Elementary School, Chinook Middle School and North Thurston High School.

NTPS has determined that the proposed housing units will generate approximately .76 full-time equivalent (FTE) students per single family lot and .40 FTE per multi-family unit. This determination is based on multipliers derived from the attached Student Generation Factor worksheet for NTPS and U.S. Census data as presented in Demographic Multipliers for Common Configurations of Standard Housing Types for School Age Children from U.S. Department of Commerce. Applying these accepted student generation factors to this proposal, the seventy (70) multi-family units proposed by the Bayan Trails Project would generate approximately twenty eight (28) new students to be served by this district.

As described in the district's Capital Facilities Plan (CFP), NTPS schools are over capacity. NTPS does not own sufficient land for additional schools nor sufficient facilities to house the projected additional students generated by the proposed development. Purchases of land with available water and sewer service, temporary classrooms and future facilities to house children are anticipated as a result of the increased enrollment projected from new residences such as this subdivision. In addition, sidewalks and bus facilities must be created to provide safe walking routes and transportation services for school children.

The cost of purchasing land and temporary classrooms and constructing new school facilities is estimated to be \$3,728 per new single-family and \$1,184 per new multi-family residential unit. This

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assessment of costs is based upon Appendix A of the CFP, Tables 18 and 19. The district adjusts this assessment annually to reflect the district's current costs. Therefore, for the 70 multi-family townhouse units proposed under this application, the cost of mitigating impacts is found to be \$82,880.00. Such costs are subject to inflation.

The State Environmental Policy Act requires proposed developments to mitigate probable significant adverse environmental impacts on the environment, which includes public schools. See WAC 197-11-444(2)(d)(iii). The addition of 28 new students to NTPS facilities as a result of the proposed development constitutes such an impact. Similarly, the State Subdivision Act, in RCW 58.17.110(2), requires that the permitting jurisdiction find that proposed plats adequately provide for schools and school grounds. The proposed development must provide mitigation to ensure that such facilities are available for the proposed new residents.

For these reasons, NTPS has determined that mitigation measures are needed to compensate for the impact of the increased student enrollment that this development will generate on its schools. NTPS requests that the developer and school district execute a voluntary mitigation agreement prior to final plat approval. That agreement should provide for dedication of land or payment of fees sufficient to mitigate the impacts identified herein. NTPS recommends that the City note such mitigation measures in the City's staff report for consideration of the proposed application, in its SEPA threshold determination, and on the face of the plat when recorded.

If the proponent of this proposed development provides NTPS with evidence that the assumptions of the CFP's Appendix A are not applicable to its proposed new units, NTPS may revise this assessment. NTPS may consider unusual circumstances of specific developments and may adjust the projected fee amount for specific developments if necessary. Should the developer provide NTPS with cause to revise its assessment, NTPS shall set forth its reasons for adjusting the fee in written findings submitted to the City by letter.

For the senior housing portion of the development, the applicant shall mitigate impacts to North Thurston Public Schools by doing the following:


1. Enter into an agreement with North Thurston Public Schools allowing for the applicant to be released from any requirement for school mitigation upon recording a restrictive covenant pursuant to that agreement that would, at a minimum, achieve the following:
 - a. Prohibit residents 20 years of age or younger;
 - b. Require that at least one resident in each household be 55 years of age or older (the "Qualifying Resident");
 - c. Allow for persons younger than age 55 but older than 20 years of age to occupy a residence only with a Qualifying Resident;
 - d. Expressly state that the developer intends for the property to constitute "housing for older persons: under the Federal Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995 and applicable regulations thereunder ("Senior Housing Status");
 - e. Require that the property be owned, occupied, used, conveyed and marketed for sale as housing for older persons consistent with the age restriction and the minimum requirements of the Senior Housing Statutes;
 - f. Require each buyer of property within the CUP development to provide the applicant with age verification information prior to purchasing property and periodically thereafter pursuant to federal regulations;

- g. Recognize that the City, in reliance on the restrictive covenant, has identified no school impact fees for the CUP;
- h. Before amending or modifying the restrictive covenant so as to allow for non-age restricted use or development, require the applicant or its successor or assigns to promptly notify both the City and NTPS; and
- i. Expressly provide that, upon notice of such a change in the age restriction, the City shall thereupon have authority to determine whether the change to non-age restricted development results in impact to NTPS and to require mitigation reasonably necessary to address such impact as and if required by the State Environmental Policy Act and/or the State Subdivision Act and consistent with Chapter 82.02 RCW

Finally, we would appreciate it if the City would promptly provide us notice of the date and time of any hearing on the proposal and a copy of any environmental determination made or other notice generated concerning this proposed project. These comments are provided based upon the information that has been made available to NTPS at this time. Please note that NTPS reserves its rights to provide further and additional comments on this application.

Thank you for the opportunity to respond concerning this proposed development. Please call me at (360) 412-4424 if you have any questions.

Sincerely,



Mike Laverty
Director of Construction & Design

cc: Raj Manhas, Superintendent, NTPS
John Bash, Deputy Superintendent, NTPS
John Suessman, Director of Transportation, NTPS
Andrew Pitman, Principal of Pleasant Glade Elementary



SERVICE CENTER

NORTH THURSTON PUBLIC SCHOOLS

6620 Carpenter Road SE • Lacey, WA 98503
(360) 412-4424 • FAX (360) 412-4421

April 30, 2014

Golden Alon Development, LLC
PO Box 1068
Olympia, WA 98507

SCJ Alliance
8730 Tallon Ln NE
Lacey, WA 98516

RE: NORTH THURSTON PUBLIC SCHOOLS NO. 3
Request for Mitigation re. Project 20141111, Bayan Trails

To Whom It May Concern:

North Thurston Public Schools (NTPS) requests that all developers pay a proportionate amount to mitigate the impacts their developments have on NTPS school facilities. As an applicant for development of property located within NTPS boundaries, this letter is to advise you that your project will generate additional students and increase demand on NTPS facilities. Approval of your proposed development will therefore be, among other considerations, subject to the provision of sufficient mitigation as provided under applicable law and described in the NTPS six-year Capital Facilities Plan.

The additional multi-family townhouse units that you are requesting allow construction of additional residences that will generate approximately .40 FTE per multi-family unit. This determination is based on multipliers derived from the attached Student Generation Factor worksheet for NTPS and U.S. Census data as presented in Demographic Multipliers for Common Configurations of Standard Housing Types for School Age Children from U.S. Department of Commerce. Applying these accepted student generation factors to this proposal, the 70 multi-family units proposed by the Bayan Trails Project would generate approximately 28 new students to be served by this district.

The cost of purchasing land and temporary classrooms and constructing new school facilities is estimated to be \$1,184 per new multi-family residential unit. This assessment of costs is based upon Appendix A of the CFP, Tables 18 and 19. The district adjusts this assessment annually to reflect the district's current costs. Therefore, for the 70 multi-family units proposed under this application, the cost of mitigating impacts is found to be \$82,880.00. Such costs are subject to inflation.

If you file a formal application, the district will request that you sign an agreement that requires the payment be made at the time a building permit is issued. This agreement is called a "Voluntary Mitigation Agreement" because Washington State statutes authorizing these agreements use that language. If your property is restricted in a manner that precludes residential

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construction or prohibits school age residents, you may request the district waive its request. I would be happy to discuss the district's position concerning this matter at your convenience.

For the senior housing portion of the development, the applicant shall mitigate impacts to North Thurston Public Schools by doing the following:

1. Enter into an agreement with North Thurston Public Schools allowing for the applicant to be released from any requirement for school mitigation upon recording a restrictive covenant pursuant to that agreement that would, at a minimum, achieve the following:
 - a. Prohibit residents 20 years of age or younger;
 - b. Require that at least one resident in each household be 55 years of age or older (the "Qualifying Resident");
 - c. Allow for persons younger than age 55 but older than 20 years of age to occupy a residence only with a Qualifying Resident;
 - d. Expressly state that the developer intends for the property to constitute "housing for older persons: under the Federal Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995 and applicable regulations thereunder ("Senior Housing Status");
 - e. Require that the property be owned, occupied, used, conveyed and marketed for sale as housing for older persons consistent with the age restriction and the minimum requirements of the Senior Housing Statutes;
 - f. Require each buyer of property within the CUP development to provide the applicant with age verification information prior to purchasing property and periodically thereafter pursuant to federal regulations;
 - g. Recognize that the City, in reliance on the restrictive covenant, has identified no school impact fees for the CUP;
 - h. Before amending or modifying the restrictive covenant so as to allow for non-age restricted use or development, require the applicant or its successor or assigns to promptly notify both the City and NTPS; and
 - i. Expressly provide that, upon notice of such a change in the age restriction, the City shall thereupon have authority to determine whether the change to non-age restricted development results in impact to NTPS and to require mitigation reasonably necessary to address such impact as and if required by the State Environmental Policy Act and/or the State Subdivision Act and consistent with Chapter 82.02 RCW

If you have any questions, please call me at 412-4424.

Sincerely,



Mike Laverty
Director, Construction & Design

cc: City of Olympia, Community Planning & Development

COUNTY COMMISSIONERS

Cathy Wolfe
District One

Sandra Romero
District Two

Karen Valenzuela
District Three



THURSTON COUNTY
WASHINGTON
SINCE 1852



**PUBLIC HEALTH AND
SOCIAL SERVICES DEPARTMENT**

December 29, 2014

Don Sloma, MPH
Director

Rachel C. Wood, MD, MPH
Health Officer

Olympia Community Planning and
Development Department
Att'n: Cari Hornbein, Senior Planner
PO Box 1967
Olympia, WA 98507-1967

Subject: Written comment submission for inclusion in the Public Meeting to be held by the Design Review Board concerning Bayan Trails, Case # 14-0139 to be held on or about January 8, 2015

Dear Ms. Hornbein:

See the attached written comment dated November 24, 2014, sent to you by email on or about that date concerning this project. Please include it as part of the Public Meeting by the Design Review Board concerning the Bayan Trails proposal.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Robert Poole".

Robert Poole
Environmental Health Specialist

Enclosure: Comment concerning development proposals that include a water recreation facility such as a swimming pool or spa dated November 24, 2014

Notice to include in response to development project proposal reviews that include a potentially permitted swim pool, spa pool or other similar water recreation facility under Chapter 246-260 WAC

Date: 11-24-2014

“This project includes a proposal to construct and operate a water recreation facility (swimming pool, spa pool, wading pool, spray pool) that may need to be permitted under Chapter 246-260 of the Washington Administrative Code (hereafter WAC). The Water Recreation Program of the Washington State Department of Health reviews the plans and specifications for such water recreation facilities proposed to be built in the cities and the unincorporated areas of Thurston County under Chapter 246-260 WAC. Please contact them (tel. # (360) 236-3073) for the application form and other information concerning this part of the development process. The Thurston County Public Health & Social Services Department is responsible for the pre-opening construction inspection(s) required under Chapter 246-260 WAC and the issuance of the annual operating permit. Contact the Food and Environmental Services Section (tel. # (360) 867-2667) to arrange for a pre-opening construction inspection, to receive the annual operating permit application form and a fee schedule. BE ADVISED that there may be issues beyond what the State Department of Health’s plan review addresses, e.g., the disposal of waste water from the pool or spa, that you may need to address before you will be issued a permit to operate.”

Cari Hornbein

From: Callender, Alexander (ECY) <acal461@ECY.WA.GOV>
Sent: Monday, January 05, 2015 2:04 PM
To: Cari Hornbein
Cc: Yahnke, Amy (ECY); Lowery, Darric C (DFW)
Subject: RE: Wetland Review Bayan Trails

Hi Cari,

I am writing in regards to the wetland site visit we had today at the proposed Bayan Trails site at located at 607 and 709 Sleater Kinney Road NE, Olympia, WA (S17, T18N, R1W), Tax Parcel Numbers 11817210100, 11817210200. I have reviewed the *Washington State Wetland Rating System for Western Washington* (Hruby, 2006) submitted by SCJ Alliance for the wetland found on the Bayan Trails project site. There appears to be over 19 different plants within the wetland which would change the habitat score from 21 to 22 points (list attached below). According to the table X Wetland Buffer Widths, found in the current Olympia critical areas code, a wetland buffer width of 120 feet would be warranted.

Let me know if there is anything else we can do for you in this matter.

Sincerely,

Alex Callender
Wetland/Shoreland Specialist for Lewis, Thurston, and Pierce Counties
Shorelands and Environmental Assistance Program
WA Department of Ecology
acal461@ecy.wa.gov
360-407-6167

From: Yahnke, Amy (ECY)
Sent: Monday, January 05, 2015 1:17 PM
To: 'Lisa Palazzi'
Cc: 'chornbei@ci.olumpia.wa.us'; Callender, Alexander (ECY)
Subject: Bayan Trails plants

Hi,

From our meeting at the Bayan Trails wetland today I collected the following list of plants (with additions from Alex and Lisa) that occurred within the wetland at 10 sq ft or more:

Galium triflorum
Alnus rubra
Spiraea douglasii
Rosa pisocarpa
Rubus spectabilis
Thuja plicata

Physocarpus capitatus
Cornus alba
Typha latifolia
Populus balsamifera
Carex deweyana
Carex obnupta
Fraxinus latifolia
Salix x 2 (I didn't record the two species that Lisa listed- was it lucida and scouleriana with a possible sitchensis?)
Juncus effusus
Populus tremuloides
Schoenoplectus acutus
Brasenia schreberi
Persicaria amphibian

Take care,
Amy

Amy Yahnke, Senior Wetland Ecologist
Washington Department of Ecology
Shorelands and Environmental Assistance Program
PO Box 47600
Olympia, WA 98504-7600
360-407-6527

From: Cari Hornbein [<mailto:chornbei@ci.olympia.wa.us>]
Sent: Monday, November 24, 2014 8:00 PM
To: Callender, Alexander (ECY)
Subject: Wetland Review

Hi Alex,

We received an application for a multifamily project and routed it last week for internal review. You had indicated several weeks ago that you could help with the review, so am sending the wetland report. I'm hoping to have comments back by December 12. If your schedule has changed and you don't have time to review the report, can you let me know as soon as possible? I'll send plans under a separate e-mail; they're too large to include here.

Thanks,

Cari Hornbein, Senior Planner, AICP
Community Planning and Development Department
360-753-8048 | chornbei@ci.olympia.wa.us

Cari Hornbein

From: Lowery, Darric C (DFW) <Darric.Lowery@dfw.wa.gov>
Sent: Monday, January 05, 2015 2:24 PM
To: Cari Hornbein
Subject: RE: Bayan Trails site visit

Likewise Cari! With an increased buffer, strong storm water runoff treatment, salvage of mature trees, and general site cleanup I think that the resource will be sufficiently protected.

Darric Lowery

*WA Department of Fish and Wildlife
Region 6 - Habitat Biologist*
1111 Washington St SE
Olympia, Washington 98501
360-902-2425 (office)
360-628-2198 (cell)
Darric.Lowery@dfw.wa.gov

From: Cari Hornbein [<mailto:chornbei@ci.olympia.wa.us>]
Sent: Monday, January 05, 2015 2:17 PM
To: Lowery, Darric C (DFW)
Subject: RE: Bayan Trails site visit

Darric,

It was great to meet and glad you were able to join us this morning! Based on Alex and Amy's findings, it looks like the buffer will be slightly greater with a corresponding increase in habitat protection.

Thanks,

Cari Hornbein, AICP, Senior Planner
City of Olympia
Community Planning and Development Department
360-753-8048 | chornbei@ci.olympia.wa.us

From: Lowery, Darric C (DFW) [<mailto:Darric.Lowery@dfw.wa.gov>]
Sent: Monday, January 05, 2015 1:58 PM
To: Cari Hornbein; Callender, Alexander (ECY); Yahnke, Amy (ECY)
Cc: Michelemeconi@hotmail.com; Eric Christensen
Subject: RE: Bayan Trails site visit

Cari,

Thank you for coordinating today's meeting. My concerns surrounding the development's impacts to the resource have been addressed. I will stay tuned to see that the changes to the project design/footprint are made. Lastly, the lack of connectivity (on either end) provides me great confidence that anadromous species are not present. Further investigation of resident fish presence will still be need, but it will not have a bearing upon the protective nature of the

wetland buffer so we will conduct that investigation separately from the Bayan Trails application. If more assistance from WDFW is needed on this project, please contact me and I will address your needs.

Cheers,

Darric Lowery

*WA Department of Fish and Wildlife
Region 6 - Habitat Biologist*
1111 Washington St SE
Olympia, Washington 98501
360-902-2425 (office)
360-628-2198 (cell)
Darric.Lowery@dfw.wa.gov

From: Cari Hornbein [<mailto:chornbei@ci.olympia.wa.us>]
Sent: Monday, January 05, 2015 8:30 AM
To: Lowery, Darric C (DFW); Callender, Alexander (ECY); Yahnke, Amy (ECY)
Cc: Michелеmeconi@hotmail.com; Eric Christensen
Subject: Bayan Trails site visit

Hi all –

I'm heading out in a few minutes to the Bayan trails site. Supposedly the main gate will be open, but if not, go to the next entrance to the north and turn left. That driveway will take you back to the caretaker's house and we can park there.

See you shortly. If you need to reach me, my cell is 206-605-9023.

Cari Hornbein

Senior Planner, AICP

City of Olympia

Community Planning and Development Department
360-753-8048 | chornbei@ci.olympia.wa.us

Cari Hornbein

From: Lowery, Darric C (DFW) <Darric.Lowery@dfw.wa.gov>
Sent: Monday, December 29, 2014 3:47 PM
To: Cari Hornbein
Subject: RE: more info on Bayan Trails

Carrie,

Thank you for sharing the detailed plans. The storm water and runoff appears to be designed using BMPs and well thought out. Yet, I still have reservations about the quantity and quality of point source runoff that is directly input into the wetland. Furthermore, I am not able to fully understand how the storm water will enter into the wetland from furthest "downstream" bio swell. An onsite visit accompanied with data/calculations of the point source inputs is strongly desired. Based upon the outcome of the site visit it may be determined that a WDFW Hydraulic Project Approval may be required for the hydraulic inputs into the wetland.

Lastly, I do have concerns about the fill in the wetland as you mentioned so I would hope that those details can be better explained. If more comments are needed, I am willing to take more time and coordinate with the fish biologist, wildlife biologist, and engineers over this area to gain more detailed and specific concerns. If a site visit is conducted in the near future, I will be prepared with this other detail information.

Regards,

Darric Lowery

WA Department of Fish and Wildlife
Region 6 - Habitat Biologist
 1111 Washington St SE
 Olympia, Washington 98501
 360-902-2425 (office)
 360-628-2198 (cell)
Darric.Lowery@dfw.wa.gov

From: Cari Hornbein [<mailto:chornbei@ci.olympia.wa.us>]
Sent: Tuesday, December 23, 2014 12:20 PM
To: Lowery, Darric C (DFW)
Subject: RE: more info on Bayan Trails

Hi Darric,

Your e-mail got buried in my inbox and I just saw it. Drainage plans are included in the civil plans, which are attached. You'll note on the grading plan that quite a bit of fill is proposed in the wetland buffer which will impact habitat. The wetland report does not address this fill, which I am noting this as an issue in a comment letter I'll be sending to the applicant either today or next week.

If you have comments, I'd like to include them in my letter but understand if you need a few days to review the plans. I can pass them along to the applicant separately, but don't want to wait too long in case there are issues to be addressed.

Thanks,

Cari Hornbein

Senior Planner, AICP

City of Olympia

Community Planning and Development Department
360-753-8048 | chornbei@ci.olympia.wa.us

From: Lowery, Darric C (DFW) [<mailto:Darric.Lowery@dfw.wa.gov>]

Sent: Monday, December 08, 2014 2:39 PM

To: Cari Hornbein

Subject: more info on Bayan Trails

Hi Carrie,

Can you send me the drainage plans for this application;

Bayan Trails Multifamily Housing located at **607 & 709 Sleater-Kinney Rd NE.**

PROJECT: **14-0139**

I have some concerns about water infiltration and recharge to the wetland adjacent to the project. The wetland has the potential to have Olympic Mud Minnow in it.

Much appreciated,

Darric Lowery

WA Department of Fish and Wildlife

Region 6 - Habitat Biologist

1111 Washington St SE

Olympia, Washington 98501

360-902-2425 (office)

360-628-2198 (cell)

Darric.Lowery@dfw.wa.gov

Cari Hornbein

From: Lowery, Darric C (DFW) <Darric.Lowery@dfw.wa.gov>
Sent: Monday, December 08, 2014 2:39 PM
To: Cari Hornbein
Subject: more info on Bayan Trails

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Much appreciated,

Darric Lowery

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