

**From:** [Heather Tschaekofske](#)  
**To:** [Caleb Perkins](#); [Kraig Chalem](#)  
**Cc:** [Kerrie McArthur](#); [Jeff Yates](#)  
**Subject:** RE: Review of recent wetland report submittal dated April 2024 for project 2023100649  
**Date:** Thursday, April 11, 2024 4:49:39 PM  
**Attachments:** [Plat wetland review requests.docx](#)

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Hello,

The recently submitted critical area report was turned in on April 8, 2024, and County staff initiated a quick review turnaround, providing comments by April 11, 2024, thus there was no delay in this most recent review. No prior critical area report had been accepted, and County staff have made similar revision requests during the review time period, please see attached email chronology. Elements within this latest report were never included in any of the prior reports, such as the proposed “temporary impact area”, and the new restoration mitigation plan for this new impact area. These are newly proposed impacts and mitigation, and they are now being reviewed to the current code. As you have referenced the standard wetland buffer table in the email below, you will note the minimum allowance for buffer reduction as the “buffer width with mitigation”. This is what is considered the administrative buffer reduction. When I refer to the “inner” buffer area, it is the area of intrusion further into the wetland buffer than what would be administratively allowed. The maximum allowed reduction using buffer averaging for the wetlands is based on the code within TCC 24.30.060 (B), specifically 7.)

“The reconfigured buffer shall be no less than one hundred feet wide at any point, or no less than seventy-five percent of the standard buffer, whichever is more. The reconfigured buffer shall contain the same square footage as the standard buffer. It shall not exceed one hundred percent of square footage of the standard buffer, as modified pursuant to TCC [24.30.050\(B\)](#) or [24.30.055](#), without the landowner's consent.”

Since we cannot “reduce” a wetland buffer for the plat development, the offsite wetland buffer must be represented as the standard wetland buffer, unless it is to be reconfigured. Per TCC 24.30.045: “Table 24.30-1 identifies the standard buffer widths. Buffer widths are specified for both water quality and habitat protection. The widest of the applicable buffers under habitat and water quality applies.” Therefore, the minimum buffer required for the offsite wetland is 100 feet.

Finally, the proposed impact area within the inner wetland buffer area is for the development of the plat. Impacts within the inner portion of the wetland buffer, beyond what can be administratively allowed through buffer reconfiguration, are not permitted for the plat.

Thanks so much,

**Heather Tschaekofske** | Associate Planner/Biologist, MES  
**Thurston County Community Planning & Economic Development**  
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Thanks for your patience.

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**From:** Caleb Perkins <caleb@rjdevelopment.com>

**Sent:** Thursday, April 11, 2024 3:57 PM

**To:** Heather Tschaekofske <heather.tschaekofske@co.thurston.wa.us>; Kraig Chalem <kraig.chalem@co.thurston.wa.us>

**Cc:** Kerrie McArthur <kerrie.mcarthur@confenv.com>; Jeff Yates <jeff@rjdevelopment.com>

**Subject:** RE: Review of recent wetland report submittal dated April 2024 for project 2023100649

Heather,

As mentioned earlier, please see below our more in-depth response to your comments from yesterday afternoon. This response was the result of Kerrie, LDC, and RJ's discussion and code review.

To begin, we reviewed TCC 24.55.030. Within that section of code, there is a list of criteria that need to be met to subdivide the property. That criteria is listed below with our analysis/response shown in red.

- A. A contiguous portion of each proposed lot is located outside of the critical area, hazard area or associated buffer that is of sufficient size and configuration to contain all structures and all related appurtenances associated with the allowed use. Sufficient size means the minimum required by the environmental health division for an on-site sewage disposal system. If the lot will be served by sewer, it shall be at least five thousand square feet or the minimum lot size, if less than five thousand square feet.
  - The proposed development creates lots that meet this requirement. Lots 31-34 are located outside of the critical area, hazard area, or associated buffer of 100'-0". The lots are of sufficient size and configuration to contain all structures and all related appurtenances associated with the allowed use. Since the lots will be served by sewer provided by the City of Olympia, space for an on-site sewage disposal system is not required. And despite the requirement in this section that lots be 5,000 square feet ("s.f."), the lot sizes proposed meet the requirements of the Planned Residential Development ("PRD") applied for. Code sections governing PRD requirements state that "the hearing examiner may allow lot sizes to be reduced ... to enable creation of common open space or allow preservation of significant wildlife habitat or a wellhead protection area." We are doing exactly what the code allows – creating open space to preserve significant habitat, i.e., wetlands – so the requirement that the lots be at least 5,000 s.f. is not applicable.
  - We find no language in the code stating that grading within the buffer to create a

lot is not allowed. Rather, Table 24.30-4 and TCC 24.30.150 state explicitly that clearing and grading within wetlands and buffers is allowed for all wetland categories so long as the criteria within TCC 24.30.150 is met. We are proposing only grading activities within a small portion of the wetland buffer to create lots so it seems appropriate that these criteria would simply become conditions of approval for the work on Lots 31-34.

- You mention that our proposed development impacts the “inner” portion of the wetland buffer. We cannot find within TCC any distinction between “inner” or “outer” or other terminology as it relates to wetland buffers, and it’s our understanding we are subject to the provisions within TCC.
- B. The proposed lots shall be accessible by a legally existing road or a proposed road located outside of critical areas or hazard areas, or as otherwise provided for by this title.
  - The proposed road is located outside of critical areas or hazard areas; therefore, this requirement is met.
- C. If sewer does not serve the site, the proposed lots must also have a suitable sewage disposal system location and a reserve drainfield location outside of the buffer.
  - Sewer service through the City of Olympia will serve all lots within the proposed development; therefore, this requirement is not applicable.
- D. Where possible, subdivisions must be able to be designed to maintain adequate habitat connectivity, as determined by the review authority.
  - The proposed project provides adequate habitat connectivity; therefore, this requirement is met.
- E. Also see requirements for critical area tracts and easements (Chapter 24.65 TCC).
  - A separate tract containing the wetlands and associated buffers will be created and owned by the HOA governing the proposed project; therefore, this requirement is met.

Further, we reviewed TCC 24.30.045, specifically Table 24.30-1. Based on the characteristics of the off-site wetland (as evaluated and reported by Kerrie), the off-site wetland is an approximately 3,191 s.f.-category IV wetland with a habitat score of 3 and a water quality score of 7. Table 24.30-1 contains a section titled “Buffer to Maintain Water Quality.” That section lists the following criteria for a 50’-0” buffer. And, again, our analysis/response is shown in red.

1. Wetland rates a 3 for habitat score – the off-site wetland scored a 3; therefore, this requirement is met.
2. Wetland scores a 7 or less for water quality – the off-site wetland scored a 7; therefore, this requirement is met.
3. Wetland is less than 10,000 s.f. in size – the off-site wetland is approximately 3,191 s.f.; therefore, this requirement is met.
4. Wetland is not part of a functional mosaic – the off-site wetland is not part of any mosaic; therefore, this requirement is met.
5. Wetland does not support priority wildlife species – the off-site wetland is not documented by WDFW PHS to support priority wildlife species, nor does it contain the

preferred habitat conditions of priority wildlife species; therefore, this requirement is met.

6. Wetland does not drain to a stream or category I or II wetland – the off-site wetland does not drain to a stream or category I or II wetland; therefore, this requirement is met.

It should be noted that Table 24.30-1 also states that “The Larger of the Buffers for Habitat and Water Quality Applies”; however, our interpretation is that this statement applies to wetlands that do not meet all of the above criteria. If that statement applied across all wetland, habitat, and water quality ratings, then reference to an achievable 50’-0” buffer is meaningless. Moreover, the Thurston County Critical Areas Ordinance Update from July 24, 2012, references “buffers ranging from 50 to 300 feet of relatively intact native vegetation to adequately protect wetland functions and values.” See Section 1.B of the attached. It seems clear that there was an intent to provide qualifying wetlands with buffers down to 50’-0”, and we believe the off-site wetland adjacent to this proposed project does qualify for a 50’-0” buffer.

Additionally, we looked at TCC 24.25.015 to ensure compliance with Fish and Wildlife Habitat Conservation Areas. This section of code designates the following areas as fish and wildlife habitat conservation areas. Our analysis/response is shown in red.

1. Riparian habitats – there are no riparian habitats within 300’-0” of the proposed project.
2. Important marine habitats – there are no marine habitats within 300’-0” of the proposed project.
3. Ponds and Lakes – the off-site wetland is not a pond as defined in TCC 24.03.010 and shown below.
  - a. “Pond” means a naturally existing or artificially created body of standing water less than twenty acres in size and not defined as "Shorelines of the State" by chapter 90.58 RCW (Shoreline Management Act) or as a wetland under this title.
    - i. The off-site wetland is less than 20 acres in size; therefore, this requirement is met.
    - ii. The off-site wetland is not defined as a Shoreline; therefore, this requirement is met.
    - iii. The off-site wetland is defined as a wetland; therefore, this requirement is not met thus the off-site wetland is not a pond.
4. Important habitat and species:
  - a. ESA listed species/habitats – no ESA listed species within 300’-0” of the property.
  - b. PHS species and habitats – myotis and brown bats are listed as occurring in the general area, but no roosting/hibernating habitats are within 300’-0” of the property. WDFW only recommends management of roosting/hibernating habitat.
  - c. Prairies – no prairies are within 300’-0” of the property.
  - d. Oregon White Oaks – no Oregon White Oaks are on the property.
  - e. State listed plant species – no State listed plant species are within 300’-0” of the property.

As you can see from the analysis above, our current design complies with Thruston County’s wetland requirements. And as mentioned previously, we do not believe any further delay in the project is

warranted at this time. Maintaining the hearing examiner date of April 23 is appropriate. If you have other comments or questions, we are happy to coordinate a Teams call with the group. Thank you.

**Caleb Perkins, PMP**

*Project Manager*

**RJ Development**

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Olympia, WA 98501

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**From:** Caleb Perkins

**Sent:** Thursday, April 11, 2024 11:59 AM

**To:** Heather Tschaekofske <[heather.tschaekofske@co.thurston.wa.us](mailto:heather.tschaekofske@co.thurston.wa.us)>; Kraig Chalem <[kraig.chalem@co.thurston.wa.us](mailto:kraig.chalem@co.thurston.wa.us)>

**Cc:** Kerrie McArthur <[kerrie.mcarthur@confenv.com](mailto:kerrie.mcarthur@confenv.com)>; Jeff Yates <[jeff@rjdevelopment.com](mailto:jeff@rjdevelopment.com)>

**Subject:** RE: Review of recent wetland report submittal dated April 2024 for project 2023100649

Heather and Kraig,

I wanted to briefly touch base and let you know that we are working with Kerrie and our civil engineer on addressing your comments received late yesterday. We disagree with the comments and are putting together a response with pertinent code references, but we do not believe this should affect the hearing examiner date currently scheduled. We think we should continue moving forward as we correspond about these comments, and, at worst, make these issues conditions of approval for the hearing examiner. If we are unable to resolve the comments, even after the hearing examiner date, then we would propose another submittal subject to another hearing examiner date.

But I will say it's very frustrating as the applicant to receive a comment so late in the process that could further delay the project and potentially render the project infeasible, especially when the information on the offsite wetland has been in the report we submitted back in August/September 2023. So hopefully we can work out a solution that allows the project to continue on its current timeline. Thank you.

**Caleb Perkins, PMP**

*Project Manager*

**RJ Development**

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**From:** Heather Tschaekofske <[heather.tschaekofske@co.thurston.wa.us](mailto:heather.tschaekofske@co.thurston.wa.us)>

**Sent:** Wednesday, April 10, 2024 4:20 PM

**To:** Kraig Chalem <[kraig.chalem@co.thurston.wa.us](mailto:kraig.chalem@co.thurston.wa.us)>

**Cc:** Caleb Perkins <[caleb@rjdevelopment.com](mailto:caleb@rjdevelopment.com)>; Kerrie McArthur <[kerrie.mcarthur@confenv.com](mailto:kerrie.mcarthur@confenv.com)>

**Subject:** Review of recent wetland report submittal dated April 2024 for project 2023100649

Hello Kraig,

I have reviewed the revised critical area report dated April 2024 for the proposed plat, project 2023100649. The revisions as submitted, and the map as depicted shall require revision for plat approval under CAO standards for subdivision (TCC 24.55.030). The project is proposing impacts within the inner portion of the wetland buffer alongside lots 31-34, and despite being labelled as a "temporary impact area", it is still a buffer impact that is not administratively allowed under buffer averaging. In addition, the depiction of the required wetland buffer of 100 feet for the offsite wetland is inaccurately mapped on the plat, in the upper NE corner. The buffer would extend into the proposed roadway. An RUE could be applied for the road impact area, but the buffer needs to be maintained at 100 feet for any other proposed lot/development areas. Finally, any proposed buffer reductions associated with the offsite wetland will need to meet no net loss, either through additional buffer averaging area, or separate mitigation if processed via RUE application.

I am including the consultant on this email, as the time frame for making revisions prior to the scheduled Hearing is quite small.

Let me know if you have any questions.

Thanks so much,

**Heather Tschaekofske** | Associate Planner/Biologist, MES  
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**Copy of County Wetland revision requests chronologically:**

From: Heather Tschaekofske  
Sent: Wednesday, April 12, 2023 5:59 PM  
To: Brett Bures <brett.bures@co.thurston.wa.us>  
Subject: initial wetland review for 2023100650

Hello Brett,

I have completed the initial review of the wetland report submitted for parcel 09750029001, and a site visit was conducted on 4/12/23 to review report results. Please thank the consultant for submittal of a thorough assessment, and request the following additional information and/or revisions:

- Per the County site visit today, it appears the wetland onsite may have been underestimated. Wetland A currently has standing water, and hydrophytic vegetation which extends up to the northern property line. Further wetland delineation is required to assess this area in depth, especially since this is the appropriate time frame for a wetland review to occur during the early growing season.
- Wetland A appears to continue offsite to the south, until it meets up with Burbank Ave, at which point it appears to be more channelized into a drainage. Presence of instream/riparian habitat within 330 feet of the wetland unit would trigger additional habitat points for rating question H 3, which would at minimum result in a Medium rating. This will change the total habitat score to at minimum M, M, L, which results in a standard wetland buffer of 160 feet.
- There are some considerably large trees within proximity to the wetland onsite, which would potentially trigger the additional buffer requirements per TCC 24.30.065. Please re-evaluate the wetland and buffer area per this section of code, to determine if additional tree protection areas are required.
- The report states the buffers in Section 4.0. as 140 feet for Wetland A, and 100 feet for Wetland B. It does not however show these distances, or what the averaged buffer distances are on any of the site plans. This will be required to be added to all the site plans.
- The depiction of the averaged Wetland A buffer within the wetland report does not look the same as the submitted site plan for the plat. This again will need to be shown with buffer distances on the site plans.
- The buffer averaging proposed is the only mitigation they are offering, and this is acceptable per TCC 24.30.060. However, the report author does not demonstrate how they are meeting mitigation sequencing, as it appears there is room for the project to occur without buffer averaging.

These are my final comments, let me know if you have questions.  
Thanks so much,

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From: Heather Tschaekofske <[heather.tschaekofske@co.thurston.wa.us](mailto:heather.tschaekofske@co.thurston.wa.us)>

Sent: Tuesday, September 5, 2023 12:51 PM

To: Caleb Perkins <[caleb@rjdevelopment.com](mailto:caleb@rjdevelopment.com)>; Kerrie McArthur <[kerrie.mcarthur@confenv.com](mailto:kerrie.mcarthur@confenv.com)>

Cc: Brett Bures <[brett.bures@co.thurston.wa.us](mailto:brett.bures@co.thurston.wa.us)>; Tyler Burbidge <[Tyler@rjdevelopment.com](mailto:Tyler@rjdevelopment.com)>

Subject: RE: initial wetland review for 2023100650

Hello,

I have reviewed the revised wetland report. Thank you for addressing the previous revision requests. I have the following additional comments:

- The submitted site plan should show all buffer lines, as well as exact areas where reduction is proposed versus buffer averaging. The copy I was looking at was a little unclear in a few spots, perhaps this will be more clear in the hardcopy.
- Typically subdivisions that propose areas for buffer reduction would only be approved for the minimum necessary reduction. On the current site plan, there is a large area of buffer shown as reduced, but it isn't actually corresponding to proposed development. The buffer line should be pushed back out if there is no proposed development within those areas of the buffer.
- Wetland B measures less than 1000 feet, which generally means it does not trigger a protective buffer per TCC 24.30.015. But I am unclear if this wetland is possibly meeting mosaic criteria, and would be lumped in with Wetland C? Since these wetlands are being derived conservatively, it might be okay for now to keep it as is with the buffer, but we can discuss this further.
- The emphasis on utilizing alpha-alpha- dipyridyl within the report requires a little tweaking, as it is only a test positive indicator for hydric soils. What this means is it could test negative, but that doesn't necessarily mean it isn't meeting hydric soils. The ultimate test will be whether the area is submerged for 14 days during the growing season. Please see the attached email from DOE regarding this test. I would recommend the language regarding alpha-alpha- dipyridyl be revised within the report.

Let me know if you have any questions.

Thanks so much,

Heather Tschaekofske | Associate Planner/Biologist, MES  
Thurston County Community Planning & Economic Development



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From: Heather Tschaekofske  
Sent: Monday, December 11, 2023 4:35 PM  
To: Kraig Chalem <kraig.chalem@co.thurston.wa.us>  
Subject: FW: initial wetland review for 2023100649

Hello Kraig,

I have looked at the recent submittal for project 2023100649, and the wetland report is the same report that I previously reviewed this September. I had requested the revisions in my Sept 5 email below, which are still apparently needed, see my email to Brett. One of those requests is going to be extra important, because I didn't notice that the proposal is showing a reduced buffer in one spot to 90 feet, which would only be allowed with RUE (not going to work for platting lots). The lowest wetland buffer we can average to per TCC 24.30.060 and TCC 24.30.050 is 100 feet. They will need to revise the lot lines to accommodate this increase in that spot, unless otherwise determined. Please include this additional revision request with the others listed below.

They did send me a revised site plan, see attached, where they moved the buffer line out like I was indicating, but I guess that plan didn't make it into the current submittal packet.

Let me know if you have any questions.

Thanks so much,

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From: Heather Tschaekofske

Sent: Wednesday, April 10, 2024 4:20 PM

To: Kraig Chalem <[kraig.chalem@co.thurston.wa.us](mailto:kraig.chalem@co.thurston.wa.us)>

Cc: Caleb Perkins <[caleb@rjdevelopment.com](mailto:caleb@rjdevelopment.com)>; Kerrie McArthur <[kerrie.mcarthur@confenv.com](mailto:kerrie.mcarthur@confenv.com)>

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