

MODIFIED MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

This Modified Mitigated Determination of Nonsignificance modifies the MDNS that was originally issued on January 26, 2023.

Description of Proposal: Oakview Preliminary Plat, a 79-lot detached single-family subdivision on a 38.4-acre site. The subdivision would include six additional tracts containing wetland/wetland buffers, tree preservation open space, storm drainage facilities, and primary and reserve septic drainfields. Access between the site and State Route 507 will be provided via 292nd Street South.

Description of Revision 1: A Public Services mitigation measure # 9 has been added in response to new information provided by the Bethel School District that identifies the extent to which the proposal would create a significant, adverse impact on the District's ability to house the students to be generated from the Oakview Plat. Two of the District's schools that will house students from the Oakview Plat, Roy Elementary School, and Bethel High School, are overcapacity. The Oakview Plat will increase the District's housing deficit and cause a need for additional classroom capacity for 27 elementary students and 11 high school students directly related to the plat.

Description of Revision 2: The original MDNS incorrectly identified an administrative appeal process for SEPA determinations. However, as the City has not provided for administrative SEPA appeals in its regulations, the exclusive venue for any appeal of this MDNS is the Pierce County Superior Court under the Land Use Petition Act, Chapter 36.70C RCW.

Description of Revision 3: The references in the original MDNS to the City's adopted Stormwater Manual have been modified to more accurately reflect the corresponding references in the City's code.

Application(s): **PPL-22-0001 and SEP-22-0001**

Proponent: Roy Meadows Development Group, LLC

Location of Proposal: 29401 State Route 507 South, Roy, WA 98580 / Parcel # 0217036009

Lead Agency: City of Roy

The lead agency for this proposal has determined that, as conditioned, it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of an environmental checklist on file with the City of Roy. This information is available to the public on request.

- There is no comment period for this DNS.
- This MDNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

Responsible Official: Kelli Loudin
Position/Title: City Clerk-Treasurer
Phone: (253) 843-1113
Address: PO Box 700, 216 McNaught Street S, Roy WA 98580
Email: roycityhall@cityofroywa.us

Signature: Kelli Loudin **Date:** (Original) January 26, 2023; (Modified) February 23, 2023

NOTE: The issuance of this Mitigated Determination of Nonsignificance does not constitute project approval. The applicant must comply with all other applicable requirements of the City of Roy, the Hearing Examiner, or other reviewing agencies prior to receiving construction permits and final approval.

Pursuant to RCW 43.21C.075, WAC 197-11-680, and the Roy City Code, there is no administrative appeal for SEPA determinations decisions of the Responsible Official. This Mitigated Determination of Nonsignificance may be appealed to the Pierce County Superior Court in accordance with the standards, procedures, and timeframes set forth in the Land Use Petition Act, Chapter 36.70C RCW. Pursuant to RCW 43.21.075, WAC 197-11-680, and RCW 36.70C.040, any such appeal must be filed and served within 21 days of the City's final land use decision approving or denying the Oakview Preliminary Plat.

MITIGATION MEASURES For Oakview Preliminary Plat

The probable environmental impacts of this proposal are documented in an environmental checklist, a preliminary plat application, and other information on file with the City of Roy. In addition to the requirements of the reviewing agencies, which are based on existing regulations other than SEPA, the City of Roy Responsible Official has determined that other mitigation measures will be necessary to ensure that the proposal will not have a significant impact on the environment. These mitigation measures are required under the Substantive Authority of SEPA.

Earth

1. Project design, implementation, construction, and maintenance shall comply with the current applicable Stormwater Management Manual for Western Washington (SWMMWW), as the same may be amended or otherwise updated. The Applicant shall ensure that erosion control measures are in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state.
2. The Applicant shall provide the City of Roy a Construction Stormwater Pollution Prevention Plan (CSWPPP) prepared in accordance with the SWMMWW as part of the site development permit package. Per the SWMMWW, the CSWPPP shall be completed using the Department of Ecology's Construction Stormwater General Permit CSWPPP template.

Water

3. The project design shall ensure that subdivision improvements and facilities will not encroach into the Category III Wetland, or its associated wetland buffer located within Tract C of the Oakview Plat and identified in the Wetland Delineation and Habitat Conservation Areas Assessment prepared by Habitat Technologies, dated March 30, 2022.

Plants

4. The Oakview Plat shall incorporate an Oregon White Oak Conservation Tract to delineate actively managed and protected Oregon White Oak stands. The Applicant and Oakview Plat

Homeowner's Association shall implement the Preliminary Oregon White Oak Woodland Restoration Program prepared by Habitat Technologies, dated June 21, 2022. If the "preliminary" program is superseded by a City-approved "final" program that will be consistent with, and will achieve, the objectives of the preliminary program, the Applicant and Oakview Plat Homeowner's Association shall implement the final approved program.

5. The Applicant shall retain and replace significant trees in a manner generally consistent with the objectives and recommendations of the Preliminary Tree Protection Plan prepared by Washington Forestry Consultants, Inc, dated August 3, 2022, and the Preliminary Tree Replacement Plan prepared by Bradley Design Group, Inc. dated November 10, 2022. The Applicant's obligation to retain and replace significant trees per the Preliminary Tree Protection Plan may be adjusted to reflect any approvals granted by the City of Roy through its major variance process.

Environmental Health

6. Prior to demolition of any existing structures, the Applicant shall remove and dispose of any potentially dangerous or hazardous materials present, such as asbestos, PCB-containing lamp ballasts, fluorescent lamps, and wall thermostats containing mercury, in accordance with the Department of Ecology's "*Dangerous Waste Rules for Demolition, Construction, and Renovation Wastes*".

Transportation

7. The Applicant shall construct a left-turn lane on SR-507 at 292nd Street S. Final design shall be coordinated with and meet WSDOT standards in terms of storage length, tapers, and other design elements.
8. The Applicant shall provide pavement marking and signage at the railroad crossing on 292nd Street S as agreed to with Tacoma Rail. Along with standard railroad crossing sign assemblies along 292nd Street S, the Applicant shall include a MUTCD warning sign (W10-4) at the western proposed subdivision local neighborhood street due to proximity to the rail crossing.

Public Services

9. The Bethel School District (District) has notified the City of Roy that the Oakview Plat would create a significant, adverse impact on the District's ability to house the students to be generated from the Oakview Plat. As set forth under the District's Capital Facilities Plan 2021-2026 adopted by the Board of Directors of the District consistent with the requirements of the Growth Management Act, the District has determined, based upon a Student Generation Study of residential development within District boundaries, that the Oakview Plat would generate approximately 51 new students, including 27 elementary, 12 middle school, and 11 high school students. Two of the District's schools that would be housing these students, Roy Elementary School, and Bethel High School, are at overcapacity. The District has identified that the Oakview Plat will increase the District's housing deficit and cause a need for additional classroom capacity at these two schools for 27 elementary students and 11 high school students directly related to the plat.

To address the impact of the need for additional classroom capacity to house the students directly generated by the Oakview Plat, the District must provide temporary housing through the acquisition and siting of additional portable classrooms. The District has calculated a sum of \$7,115.00 per lot as the pro rata share of the cost per student to house new students at the elementary school level and at the high school level generated by the Oakview Plat.

The District proposes to address the impact created by the Oakview Plat in the same fashion as other developments of typical residential development within the jurisdictional boundaries of Pierce County. The District has identified the appropriate payment amount from the Applicant as \$4,440.00 per lot for single-family residential development based upon the current Growth Management Impact Fee amount assessed within unincorporated Pierce County. This amount represents a 38% reduction from the District's calculated cost of housing each student generated by the Oakview Plat within new portable classrooms at two overcapacity schools, namely Roy Elementary School, and Bethel High School.

Based upon the above information, the Applicant shall pay a school impact fee of \$4,440.00 per lot to the District prior to the City of Roy issuing building permits for all new homes in the Oakview Plat. Written documentation of the District's receipt of such payment(s) shall be provided to the City prior to building permit issuance for each new home.

<p style="text-align: center;">Technical Reports and Plans Prepared for Oakview Preliminary Plat in Support of Threshold Decision</p>
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1. Geotechnical Report: South Sound Geotechnical Consulting 7/31/2019
2. Traffic Impact Analysis: Heath & Associates, Inc. 7/15/2022
3. Traffic Impact Analysis Scoping Information: Heath & Associates, Inc. 4/25/2022
4. Biological Assessment: Washington Forestry Consultants, Inc. 1/6/2020
5. Preliminary Tree Protection Plan: Washington Forestry Consultants, Inc. 8/3/2022
6. Preliminary Drainage Report: APEX Engineering 3/11/2022
7. Groundwater Mounding Analysis: Aspect Consulting 2/14/2022
8. Soil Resource Report: USDA NRCS sources 7/2/2019
9. Results of Groundwater Study: Pacific Groundwater Group 5/13/2021
10. Tacoma Pierce County Health Department Preliminary Septic Approval 6/28/2022
11. Preliminary Tree Replacement Plan: Bradley Design Group, Inc. 11/10/2022
12. Preliminary Plat: APEX Engineering 8/11/2022
13. Preliminary White Oak Woodland Restoration Program: Habitat Technologies 6/21/2022
14. Wetland Delineation and Habitat Conservation Areas Assessment: Habitat Technologies 3/20/2022
15. Bethel School District Capital Facilities Plan 2021-2026, Bethel School District January 25, 2023 comment letter, and February 3, 2023 Bethel School District combined comment letter and appeal