



## STAFF REPORT & DECISION

**TO:** Lara Thomas, Community Development Director  
**FROM:** Troy Davis, Senior Planner  
**DATE:** July 30, 2020  
**FILE:** 275<sup>th</sup> Avenue NE Complete Streets Project (SPR20-002)

### I. INTRODUCTION

#### A. APPLICATION

Owner: City of Duvall  
15535 Main Street NE  
PO Box 1300  
Duvall, WA 98019

Applicant: Alana McCoy, Project Manager  
City of Duvall Public Works Department  
15535 Main Street NE  
PO Box 1300  
Duvall, WA 98019

Project Location: 14500 – 15000 Blocks of 275<sup>th</sup> Ave NE, Duvall, WA 98019

Parcel Number: 1326069020

Request: Site Plan Review Approval

Review Process: Type II, Community Development Director

Project Timelines:

Application Submitted:	February 21, 2020
Notice of Complete Application:	March 5, 2020
Notice of Application (NOA):	March 19, 2020
NOA Comment Period End:	April 2, 2020
First Round Review Comments:	May 4, 2020
Application Resubmittal:	May 6, 2020
SEPA Threshold Issued:	May 27, 2020
SEPA Comment Period ended:	June 10, 2020
<b>Number of days in review:</b>	<b>146</b>

## **B. EXHIBITS**

1. Staff Report *dated*
2. Master Permit Application *dated May 6, 2020*
3. Site Plan Review Permit Application *dated February 21, 2020*
4. Right-of-Way Permit *dated May 6, 2020*
5. Plan Set *dated April 8, 2020*
6. Tree Retention Plan *dated April 10, 2020*
7. PSE Agreement *dated December 6, 2019*
8. SEPA Checklist *dated May 11, 2020*
9. SEPA Threshold Determination *dated May 27, 2020*
10. City Affidavit of SEPA Mailing *dated May 26, 2020*
11. City Affidavit of SEPA Posting *dated May 26, 2020*
12. Newspaper Affidavit of SEPA Publishing *dated June 3, 2020*
13. Notice of Complete Application *dated March 5, 2020*
14. Notice of Application *dated March 19, 2020*
15. City Affidavit of Mailing & Posting NOA *dated March 20, 2020*
16. SEPA Comments with City Responses *dated June 9, 2020*
17. Site Plan Justification *dated May 6, 2020*
18. Zoning Map *adopted December 4, 2018*
19. Arborist Report Peer Review Memo from Bartlett Consulting *dated May 19, 2020*

## **II. BACKGROUND INFORMATION**

### **A. PROPOSED LAND USE ACTION**

The Applicant is proposing to install pedestrian improvements along the east side of 275<sup>th</sup> (within the Puget Sound Energy utility corridor) between NE 145<sup>th</sup> Lane and NE 150<sup>th</sup> Street.

The proposal includes the installation of roughly 1,200 linear feet of sidewalk with an adjacent five-foot landscape strip, three streetlamps, Rapid Flashing Beacons at the 275<sup>th</sup> Avenue crosswalk at Judd Park, and an activity center with three exercise stations. These improvements will necessitate the removal of vegetation such as alder and cottonwood trees and Himalayan blackberries.

### **B. EXISTING CONDITIONS**

The subject site is currently utilized as an overhead and underground utility corridor by Puget Sound Energy (PSE). The site is mostly level and runs parallel to 275<sup>th</sup> Ave NE. It is vegetated with native and invasive non-native species. Some clearing of the vegetation has already occurred.

Project Area: PSE Easement approximately 65,000 square feet – active construction area – 22,000 square feet

Current Land Use: Utility Corridor

Zoning Classification: None

Comprehensive Plan Designation: None

Site Description: Site is mostly flat and vegetated with above-ground and below-ground utility lines along the east side of the corridor.

Neighboring Uses and Zoning:

*North:* PSE Corridor

*East:* Highland Grove (single-family neighborhood) / Zoned R4 (Residential 4 Units/Acre)

*South:* PSE Corridor

*West:* Miller’s Homestead (single-family neighborhood) / Zoned R4 (Residential 4 Units/Acre)

### **III. REVIEW PROCESS AND ANALYSIS**

#### **A. DEVELOPMENT REVIEW PROCESS**

This Type II Application for administrative Site Plan Review is subject to the applicable regulations set forth in the following chapters of Title 14 (Unified Development Regulations) of the Duvall Municipal Code:

1. DMC Chapter 14.08 – Permit Processing
2. DMC Chapter 14.10 – Zones, Maps, and Designations
3. DMC Chapter 14.34 – Design Guidelines
4. DMC Chapter 14.38 – Landscaping Standards
5. DMC Chapter 14.40 – Tree Protection
6. DMC Chapter 14.60 – SEPA
7. DMC Chapter 14.64 – Additional Development Standards

#### **B. STAFF FINDINGS OF FACT**

Sections I-III.A above are included with the following Staff Findings of Fact:

1. DMC Chapter 14.08 – Permit Processing

This Chapter of the Duvall Municipal Code prescribes the procedures for processing land use applications that are submitted to the City. The City has six different land use permit types that each require a specific process for completing review.

The Applicant applied for Site Plan Review on February 21, 2020. Site Plan Reviews less than ½ acre are a Type II project permit application (*see DMC 14.34.010.C.1*).

Final decisions on Type II applications are made by the Community Development Director (*see DMC 14.08.010.C.2*). The Planning Department's recommendation is in Section VI of this report (*Exhibit 1*).

The procedural requirements for Type II applications listed in DMC 14. 08.010.C.3-4 were met on the following dates:

1. The Developer applied for Site Plan Review approval on February 21, 2020; and
2. A Notice of Complete Application was issued on March 5, 2020; and
3. A Notice of Application was issued March 19, 2020 with a comment period that ended at the close of business on April 2, 2020. No comments were received during this window; however public comments were submitted; and
4. A SEPA Threshold Determination was issued May 27, 2020 with a comment period that ended June 10, 2020. Written comments from the public were received.

Applications for Site Plan Review require a notice of final decision within 120 days after the applicant is notified that their application is complete (*see DMC 14.08.020.G*). The application for Site Plan Review was under review for 146 days from Notice of Complete Application.

## 2. DMC Chapter 14.10 – Zones, Maps, and Designations

All land within City limits, except for rights-of-way and corridors, are assigned a zoning classification. Zoning classifications specify the permissible land uses and development standards within that zone. The Official Zoning Map of the City of Duvall shows that the subject property does not have a zoning classification.

## 3. DMC Chapter 14.34 – Design Guidelines

The City's Design Guidelines require streets to have sidewalks and planter strips on both sides with minimum widths of 5 feet each (DMC 14.34.042.B.9). The proposal would

complete the missing link of sidewalk and planter strip along the east side of 275<sup>th</sup> Ave NE between NE 145<sup>th</sup> Lane and NE 150<sup>th</sup> Street. Variations in the planter strip width occur in order to minimize impacts to retained trees.

4. DMC Chapter 14.38 – Landscaping Standards

All new developments are required to provide landscaping to preserve the aesthetic character of the community, improve the aesthetic quality of the built environment, promote the retention and protection of existing vegetation and reduce the impacts of development on storm drainage systems and natural habitats (*see DMC 14.38.010*). All pervious areas within a project area left undeveloped are required to be landscaped inclusive of soil amendment.

The proposed Landscape Plan proposes to add 33 trees (9 Vine Maple and 24 Paperbark Maples) and 76 shrubs consisting of Red Twig Dogwood, Kelsey Dogwood, Mock Orange, and pacific ninebark. Approximately 16,196 square feet of area will be grassed.

5. DMC Chapter 14.40 – Tree Protection

New developments within the City are subject to tree protection requirements to protect existing stands of trees within the City to the greatest extent possible and ensure a certain level of tree canopy remains within the City through supplemental tree planting (*see DMC 14.40.010*).

The City's peer review consultant (Urban Forestry Services) reviewed the Arborist Report and Plan Set for conformance with the City's tree protection standards that included recommendations for tree protection (Exhibit 19).

6. DMC Chapter 14.60 – SEPA

This proposal was reviewed for environmental impacts under the State's Environmental Policy Act and the City issued a Determination of Non-Significance (DNS) on May 27, 2020. The City mailed notice of the Threshold Determination to surrounding property owners, agencies, and parties of record. The comment period closed on June 10, 2020. Comments were received from three residents.

## **IV. CONCLUSIONS**

Having viewed the project area and reviewed the application and supporting materials, staff makes the following findings and conclusions:

1. This proposal is for the installation of roughly 1,200 linear feet of sidewalk with an adjacent five-foot landscape strip, three streetlamps, Rapid Flashing Beacons at the 275<sup>th</sup> Avenue

crosswalk at Judd Park, and an activity center with three exercise stations. No property acquisitions are proposed for this project.

2. A Recreational Use Agreement was granted by Puget Sound Energy to the City of Duvall on December 6, 2019.
3. The project site located adjacent to residential development. Zoning in the vicinity is Residential 4.5 units per acre (rights-of-way/corridors are not zoned).
4. This application is subject to and has been processed in accordance with DMC Section 14.08.010.C as a Type II “Site Plans for public parks less than ½ acre in size or new area” permit which requires approval by the Community Development Director.
5. A Notice of Application was issued in accordance with DMC 14.08.02.E on March 19, 2020 with a comment period that ended at the close of business on April 2, 2020.
6. This application has been reviewed under the provisions of the State Environmental Policy Act (SEPA). A Determination of Non-Significance (DNS) was issued on May 27, 2020. No SEPA appeals were filed.
7. The statutory requirements for environmental review under the State Environmental Policy Act and public notification have been duly satisfied.
8. Subject to the conditions recommended below, the proposed project is consistent with the requirements of the Duvall Municipal Code and the Duvall Development Design Standards.
9. The proposal meets the Goals and Policies of the City’s Parks, Trails, and Open Space Plan (Goal 5, Policies 5.4 and 5.8).

### **III. PARTIES OF RECORD**

The following individuals are listed on file as Parties of Record as of the date of this report:

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| 1. Cynthia Schommer<br>14715 275 <sup>th</sup> Place NE<br>Duvall, WA 98019<br><a href="mailto:cschommer4@gmail.com">cschommer4@gmail.com</a>    | 2. Meghan Whitestone<br>14533 275 <sup>th</sup> Place NE<br>Duvall, WA 98019<br><a href="mailto:megabyte31@gmail.com">megabyte31@gmail.com</a> |
| 3. Heather Downing<br>14703 275 <sup>th</sup> Place NE<br>Duvall, WA 98019<br><a href="mailto:downing234@outlook.com">downing234@outlook.com</a> | 4. Tracie and Adam Rakus<br>14601 275 <sup>th</sup> Ave NE<br>Duvall, WA 98019<br><a href="mailto:rakusnw@hotmail.com">rakusnw@hotmail.com</a> |

### **V. STAFF RECOMMENDATIONS AND CONDITIONS**

Based on the forgoing information and associated exhibits, staff recommends that the proposed 275<sup>th</sup> Ave NE Complete Streets Project (SPR20-002) be **APPROVED** subject to the following conditions:

1. A Final Site Plan Permit shall be obtained in accordance with the requirements of DMC 14.62.070 at time of project completion.
2. Appendix B in the Applicant's Tree Retention Plan shall be updated to include all trees not voluntarily removed by Puget Sound Energy.
3. The tree clearing and grading plans shall be updated to identify all tree protection areas.
4. Tree protection fencing and wood chip mulch shall be installed prior to further work within the tree protection zone for all trees.
5. Areas where the silt fence is within the Critical Root Zone of protected trees shall be highlighted and be adjusted where possible to be outside the tree protection zone.
6. A note to install temporary Tree Protection Fencing around the Critical Root Zone shall be added to the plan set for on the ground reference.
7. A note to install 4-6 inches of wood chip mulch and provide supplemental water through construction within the CRZ shall be added to the plan set.
8. All trees shown on the plan set that are not planned for retention and protection during construction shall be removed if deemed a hazard or dangerous by the arborist. The removed trees can be snagged for habitat.
9. The proposed location of the temporary tree protection fencing along the outside of the CRZ shall be clearly identified on the plan set.
10. Areas within the CRZ where construction is planned shall be identified on the plan set.
11. A clear notation that all work within the CRZ must be overseen and documented by an ISA Certified Arborist shall be provided on the plan set.
12. The permanent tree protection fencing shall be expanded out as far as the CRZ in all areas where grading and construction are not planned.
13. The CRZ and tree protection fence for tree #5082 shall be adjusted to maximize root zone protection.
14. A note on the plan set shall be added requiring pruning for clearance of tree #5082 and surrounding canopy shall be provided by an ISA Certified Arborist.

15. A note in the TESC detail to install low impact silt fencing using wood chip mulch and no soil excavation for the fence on the edge of, or inside the tree protection areas shall be added to the plan set.
16. Tree protection detail to specify wood chip mulch type, and depth shall be added to the plan set.
17. Tree protection barriers shall be a minimum of six feet high, constructed of chain link or similar material, subject to approval by the director. "Tree Protection Area" signs shall be posted visibly on all sides of the fenced areas facing toward areas of site grading and construction. On large project sites, the director may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.
18. A detail for flexi pave or other root friendly pavement design decided on for the path within the Interior CRZ of retained trees on site shall be add to the plan set.
19. The trees from the landscape plan that are not being retained shall be removed from the plan set.
20. Tree protection for all significant and non-significant trees shall be identified on the plan set. Reference DMC 14.38.130.J.5 for non-significant tree guidance.
21. The soil preparation notes (#1) on the plan set shall be changed to meet DMC 14.38.130.I.5 compliance for soil scarification depth and meet 24 inch rooting depth in the right-of-way.
22. Soil protection regulations (DMC 14.38.130.J.5) within tree protection areas shall be referenced in the plan set.
23. Areas where landscape screening adjacent to the private property fence lines will occur shall be identified on the plan set.
24. A note shall be added to "Remove all wire, ties, and burlap from root ball and planting hole" on the plan set.
25. The detail for soil preparation within the planter strip shall be fixed to comply with Tree Planting Standards in DMC 14.38.130.I.5 and J.5.
26. Notes in Figure V5.3.3 shall be adjusted to be in compliance with DMC code requirements.
27. A pre-construction meeting shall be scheduled prior to the commencement of the project.
28. A clearing limits meetings shall be scheduled prior to construction.

**VI. DECISION**

- Approved, subject to the conditions listed in Section V of this report.  
 Denied

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Lara Thomas, Community Development Director  
PO Box 1300, Duvall, WA 98019, (425) 788-2779

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Date of Issuance