

Small Town. Real Life.

February 3, 2014

Richard L. Wienke, TNR and Nordic Associates LLC's
2680 139th Avenue SE, #13
Bellevue, WA 98005

RE: **Notice of Decision:** North Hill Preliminary Plat Modification (PPA13-001)

Dear Mr. Wienke:

On February 3, 2014, the Planning Manager, Lara Thomas, approved the above referenced application with conditions. The City issued a MDNS (5/14/2009) for the project at time of preliminary plat application. The Staff Report is available online at www.duvallwa.gov, under Planning Department – Notice of Decision **North Hill Preliminary Plat Modification (PPA13-001)**.

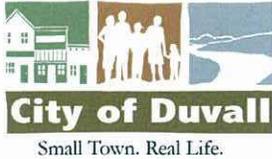
The administrative decision is appealable to the hearing examiner in accordance with DMC 14.08, Permit Processing. The appeal deadline is February 18, 2014 at 4:30 PM.

If you have any further questions please contact me at 425-788-2779 or email me at lara.thomas@duvallwa.gov.

Sincerely,

Lara Thomas, Planning Manger

Cc: City Council and Mayor
Planning Commission
Department Heads
Parties of Record
File



CITY OF DUVALL
Planning Department
PO Box 1300, Duvall, WA 98019 425.788.2779
www.duvallwa.gov

PLANNING DEPARTMENT STAFF REPORT AND DECISION

TO: Todd Levitt, Pulte Group
FROM: Lara Thomas, Planning Manager
DATE: February 3, 2014
FILE: North Hill Preliminary Minor Plat Modification (PPA13-001)

I. INTRODUCTION

A. APPLICATION

Owner: Richard L. Wienke, TNR and NORDIC Associates LLC's
2680 139th Ave SE, #13
Bellevue, WA 98005

Owner's Representative: Todd, Levitt, Pulte Group
11241 Slater Avenue
Kirkland, WA 98033

Site Location: North 286th Avenue NE and 287th Avenue NE

Parcel Number: 1826079071 and 1826079004

Request: Minor plat modification (Exhibit 1) to adjust 43 lots, the addition of one lot, and minor grading modifications

Review Process: Type II, Planning Director decision

Project Timelines:

Submitted:	August 29-30, 2013
Notice of Complete Application:	September 9, 2013
Notice of Application:	September 12, 2013
NOA Comment Period End:	September 25, 2013
Community Meeting:	November 12, 2013

Exhibits:

1. Minor Plat Modification Application
2. Site Plan - Modification
3. Notice of Decision for Preliminary Plat
4. Preliminary Plat Map (original)
5. Notice of Application (NOA)
6. Public Comments from NOA
7. City Response to public comments

B. BACKGROUND

The property was annexed into the City in the spring of 2007 after a pre-annexation agreement was signed by the developer and the City on March 8, 2007. The North Hill preliminary plat for 112 residential lots was submitted in July of 2007. The property received preliminary plat approval for 112 residential units with the opportunity for one additional lot on July 16, 2009. The property set idle during the recent recession. In 2013, Pulte Homes entered into an agreement with the owner to purchase the property.

The property is located on the northern property boundary of Legacy Ridge Development on 286th Avenue NE and 28ty Avenue NE (parcels 182607-9004 and 182607-9071). The site is approximately 40 acres and is zoned R4 (Residential 4 units per acre). The Comprehensive Plan designation is R4-R4.5 (Residential 4 to 4.5 units per acre).

C. REQUEST

The developer Todd Levitt, proposed a preliminary plat amendment to modify lot lines, modify existing grading plan, and add additional residential lot.

II. ANALYSIS AND PROCESS

A. SITE DEVELOPMENT AND ZONING

Existing Property Conditions

Size: 40 acres

Land Use: Single-family residence

Zoning: R4 (Residential - 4 units per acre)

Comprehensive Plan Designation: R4-4.5 (Residential 4-4.5 units per acre)

Site Description: The western portion of the site has steep slopes up to 40 percent, whereas the middle portion of the site has some moderate slopes and the eastern portion of the site has gentle slopes. The site also slopes moderately from south to north. The property is undeveloped and undisturbed other than historic logging.

Neighboring Development and Zoning:

North: The properties to the north is currently undeveloped and forested. It is outside the City limits and zoned by King County at 1 home per 10 acres.

East: The property to the east is owned by the Riverview School District and is currently undeveloped and zoned PF (Public Facilities).

South: An existing subdivision, Legacy Ridge, is located along the southwestern property border. This development is zoned R4 (Residential, 4 dwelling units per acre). The property to the southeast is zoned PF (Public Facilities) and owned by the Riverview School District and is developed with sports facilities and stormwater retention.

West: The steeply sloped property to the west is forested open space owned by the City of Duvall.

Public Access:

Currently, there are two residential access streets, 286th Ave NE and 287th Ave NE, that serve Legacy Ridge and terminate at the southern property line of this site. 286th Avenue NE connects to NE 150th Street which is a Collector Arterial that connects the high school to the east and Main Street to the west.

Sensitive Areas:

The project site includes two wetlands (one 5,782 square feet in size and one 1,724 square feet in size) along a portion of the southern property line

The site is also constrained by two areas of steep slopes. Slopes exceeding 40 percent exist on the western portion of the site, and additional steep slopes also exist along the northern property line.

B. PROPOSED DEVELOPMENT AND IMPROVEMENTS

General Description

The developer proposes a preliminary plat modification includes minor lot line changes, modifications to the existing grading plan and the add addition of one residential lot .

The proposal modifies an approved preliminary plat which subdivided two parcels into a total of 113 lots – (see Exhibit 1). The residential lots are proposed to range from 5,596 – 9,618 square feet in size. The residential lots are planned to accommodate a mix of single family detached unit styles.

Steep slopes preclude most development west of 286th Avenue NE. Some steep slopes exist on the northern property line as well, where the developer proposes a trail on and off-site.

Roads/Sidewalks

The northerly extension of 286th Avenue NE will be the primary access point for the proposed development. The northerly extension of 287th Avenue NE will also serve the site.

286th and 287th Avenue NE Improvements

286th and 287th Avenue NE within the existing Legacy Ridge subdivision are two-lane residential access streets with an approximately 28-foot wide paved roadway located within an existing 50-foot wide right-of-way with a sidewalk on one side of the street. The northerly extension of 286th and 287th Avenue NE will include removal of the existing temporary cul-de-sacs and construction of a new 30-foot wide roadway with 5-foot sidewalks and 4.5-foot landscape strips on both sides; the right-of-way width will remain the same at 50 feet.

Road B, C, D and E Improvements

The proposed residential subcollector streets, Roads B, C, D and E will be 30-foot-wide roadways with full street improvements with curb and gutter, a 4.5 foot landscape strip and a five-foot sidewalk on both sides.

Road G Improvements

The north-south portion of Road G will have a profile similar to that of Roads B, C, D and E. The east-west portion of Road G will be designated as a residential subaccess street and will have a 26-foot wide full street improvement with curb and gutter, a 4 foot wide landscape strip and a five-foot wide sidewalk on both sides.

Parking

A minimum of 240 spaces are required to meet the city's residential parking standards. These spaces are being provided through a combination of garages and on-street parking, as itemized below.

- | | |
|-------------------------------------|--|
| • Off-street parking per DMC 14.44: | 2 spaces/unit x 112 units = 224 spaces |
| • Guest parking per DMC 14.44: | <u>1 space/7 units x 112 units = 16 spaces</u> |
| | Minimum required: 240 spaces |

The developer proposes to provide a total of 224 off-street parking spaces within garages. The proposed width of the roadways allow for parking on one side of the street which will allow at least 16 on-street spaces to serve guests. Thus, the project will meet the minimum residential parking requirements.

Stormwater

The project will result in the creation of approximately 16.3 acres of new impervious area within the approximately 26.8 acres of developed area at the site. The developer is proposing to construct storm water facilities to accommodate drainage from the proposed improvements. Two detention wet-vaults are proposed for the developed property: one in the north central portion of the property and one in the northeastern corner of the property. The vaults will be designed in accordance with conservation level flow control and water quality treatment consistent with the King County Surface Water Design Manual and conditions of approval. The stormwater will then discharge via a tight-line system to an appropriate off-site discharge location within a defined conveyance. Stormwater from upslope property and wetlands will be bypassed through or around the site. The developer is currently working with King County and the city to finalize the location of the off the stormwater facility. This will be completed at time of construction drawing review.

Utilities

The developed site will connect into the existing City water and sanitary sewer facilities within 286th and 287th Avenue NE. A new sewer pump station will be required at the site and will be designed and constructed to accommodate sewage from the development and existing flow to the sanitary sewer lift station currently located west of 286th Avenue NE. The existing lift station located west of 286th Avenue NE will be abandoned as part of the development.

The preliminary plat amendment proposes one additional lot as allowed by the preliminary plat conditions (Tract 992); however, the additional lot will only be allowed if the drainfield easement is vacated.

Landscaping

The developer has submitted a preliminary landscape plan identifying proposed landscaped areas and tree locations. The developer has proposed street trees along all of the proposed roadways throughout the development. Additional trees will be planted within the common open space areas and around the lift station.

The preliminary landscape plan has not been updated to be consistent with the proposed site layout. A final landscape plan will be prepared by the developer and reviewed in conjunction with engineering plans during construction drawing review.

Significant trees

Per the Tree Replacement Plan there are a total of 608 significant trees located on the project site. However, the Tree Replacement Plan concluded that all trees located within

the clearing zone are a hazard. The City disagrees with this analysis, and the developer will be required to revise the Tree Protection Plan consistent with the peer review comments referenced in the Conditions of Approval of this staff report.

Per DMC 14.40, the developer is required to meet the 35 percent tree retention requirement. In addition, the developer shall plant additional trees to achieve a no-net loss of trees as required in DMC 14.40.050.C. As agreed upon in the pre-annexation agreement some of the replacement trees may be located in the Non-UGA property to the north, which is also owned by the developer, if the portions of such site are permanently retained in open space through a tract, easement or dedication.

Per DMC 14.40.050.B, one-quarter of the trees to be saved shall be outside of sensitive areas and buffers. Due to the steep slopes on-site and overall gradient of the development, it is not feasible to retain significant trees outside of sensitive areas and buffers due to the mass grading necessary for this site.

The preliminary tree retention plan has not been updated to be consistent with the proposed site layout. A final tree retention plan, in accordance with the Conditions of Approval, will be prepared by the developer and reviewed in conjunction with engineering plans during construction drawing review.

Sensitive Areas

The project site includes two wetlands (one 5,782 square feet in size and one 1,724 square feet in size) along a portion of the southern property line. The smaller westernmost Category IV wetland (Wetland C) straddles the property line and extends into the property to the south. The developer proposes to fill the wetland on-site. This would also include filling the on-site buffer for the remaining wetland on the adjacent property. The developer also is proposing a reduced buffer for the larger easternmost Category III wetland (Wetland A).

The Critical Areas and Conceptual Wetland Mitigation Plan would compensate for 672 SF of fill in Wetland C by purchasing mitigation bank credits for the entire area of Wetland C (1,724 SF).

The maximum allowable buffer reduction for Wetland A, a Category III wetland, is 30 feet, not 25 feet as the developer has proposed. The developer will provide a final mitigation plan and site plan prior to construction drawing approval.

Dimensional Requirements

<i>Setbacks</i>	<i>Required</i>	<i>Proposed</i>
Street	10 feet	10 feet
Side	5/10 feet	15 feet combined *

Rear	15 feet	15 feet
Minimum lot width circle	40 feet	55 - 80 feet
Minimum lot frontage	25 feet	25 - 80 feet
Minimum lot size	5,000 sf	5,953 – 9,618 sf
Floor area ratio	45% or 2,000 sf whichever is greater	Will review at time of building permit
Maximum lot coverage	50% - lots > 7,200 sf 60% - lots 5,000-7,199 sf	Will review at time of building permit
Maximum height – uphill/downhill	25/35 feet	Will review at time of building permit
Minimum sidewalk/landscape strip	5 feet/5 feet	5 feet/4 feet **

*The developer requested and received the variance from DMC14.12. the 5 and 10 foot side setbacks (Exhibit 14). The developer proposes a combination of side yard setbacks that allows a minimum of 5 feet and a combination which is 15 feet or greater. This combination approach is adopted in the 2007 Unified Development Regulations.

**The developer requested and received a departure from DMC 14.70.040 regarding the five-foot landscape strips, due to the steep nature of the site This reduction of landscape strips is allowed per the Duvall Development Design Standards, Section 3-2.03, Note 16.

Pre-Annexation Agreement

A pre-annexation agreement was signed by the developer and the City on March 8, 2007. The pre-annexation agreement outlines three areas of agreement between the developer and the City: parks and open space, trees, and traffic calming devices.

Open Space

The pre-annexation agreement outlines three commitments by the developer regarding open space. The developer will dedicate approximately 8 acres of public open space, predominately located on the westernmost portion of the property. The developer will also dedicate three areas totaling 64,780 square feet for parklands that will provide recreational opportunity and uses, generally consistent with the site plan attached to the signed pre-annexation agreement. Finally, the developer will construct approximately 1,952 linear feet of trails.

The developer is proposing three main areas of open space (Tracts 994, 989, and 996), with a smaller area of open space (Tract 995). These three main areas equal 86,916 square

feet of common open space, more than the required square footage of open space in the Pre-Annexation Agreement. Two of the tracts (Tracts 993 and 994) are stormwater detention vaults with open space on top of them. The westernmost tract, Tract 999, is 9.8 acres and will be dedicated to the City, which meets the 8 acres of open space to be dedicated as outlined in the Pre-Annexation Agreement. The proposed site plan also indicated 3,415 lineal feet of trails, around the development from the westernmost entrance to the northwest corner, which includes 700 lineal feet of trails in the adjacent property to the north. This proposal is consistent with the Pre-Annexation Agreement as it pertains to trails.

Tree Retention

The developer shall comply with the Duvall Municipal Code regarding tree retention (DMC 14.40). If the developer cannot retain 35 percent of the significant trees on-site, the developer can meet the code requirements through on-site replacement or through off-site replacement, or through fee in-lieu of replacement. The developer may use portions of the adjacent Non-UGA property to the north for off-site replacement if the portions of the site are permanently retained in open space through a tract, easement or dedication. The developer has chosen to replace the significant trees on-site, and thus has met the conditions of the Pre-Annexation Agreement as it pertains to tree retention. The replacement trees the developer must plant to achieve no net loss of trees post-development may be replaced off-site if requested by the applicant.

Traffic Calming Devices

To mitigate potential impact of increased traffic due to the utilization of 286th Avenue NE by future residents of the North Hill subdivision, the developer also agreed to construct up to two traffic calming devices within the existing right-of-way. In the SEPA checklist submitted by the applicant, the developer proposed traffic calming devices on 286th Avenue NE at the two intersections located on 286th from NE 150th Street to the project boundary. Final traffic calming device type and location shall be determined as part of the final Traffic Impact Analysis and shall be shown on the plan sets before construction drawing approval. The applicant is currently working with the engineering department to determine the off-site traffic calming devices.

C. PUBLIC COMMENT – NOTICE OF APPLICATION

The minor plat modification comment period for the Notice of Application ran from September 12 to September 25, 2013. Comments were received and attached as Exhibit 6.

D. STATE ENVIRONMENTAL POLICY ACT (SEPA) REQUIREMENTS

A Modified Mitigated Determination of Non-Significance was issued on May 14, 2009. As part of the plat modification planning reviewed the existing documents including the SEPA checklist and the MDNS. Following the review of the preliminary plat amendment documents, planning determined that there were no new impacts created by the plat modification.

F. PROJECT ANALYSIS

Duvall Municipal Code 14.66.105 states that a minor modification to a preliminary plat shall be reviewed to ensure that:

1. The application does not qualify as a major modification which includes substantial changes such as the creation of additional lots, the elimination of open space, change to the overall layout that would change the quality of the design or product, or changes to conditions of approval on an approved preliminary subdivision.

The proposed changes do not qualify as a major modification. The developer proposes to exercise the option of including an additional lot as allowed by the Hearing Examiner's decision. Additional changes include the modification of lots lines and existing grading plan. The minor plat modification does not propose to eliminate open space. Finally the developer is proposing traffic calming devices such as bulb-outs and a traffic circles or other approved traffic calming device as required by the Hearing Examiner's decision. The proposed application does not change the conditions of approval.

2. The minor modifications are reviewed in accordance with the process set out in DMC Chapter 14.08 for Type II permit applications. The following modifications of preliminary plat approval may be reviewed administratively: engineering detail unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary plat approval; minor changes in lot lines or lot dimensions; decrease in the number of lots to be created.

The engineering changes do not eliminate features required under the preliminary plat approval. Minor changes in lot lines or lot dimensions proposed as part of this minor preliminary plat modification.

3. The amendment maintains the design intent or purpose of the original approval.

The amendment maintains the design intent of the original approval. The road, lots and open space layout remain generally consistent with the approved preliminary plat.

4. The amendment does not cause a significant environmental or land use impact on or beyond the site.

Based on the review of all existing environmental documentation, the amendment does not cause a significant environmental or land use impact on or beyond the site.

5. The amendment is not precluded by the terms of this title or by state law from being decided administratively.

The amendment complies with Title 14 and applicable state law.

6. Circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish the subject condition or requirement of preliminary plat approval.

All conditions and requirements of the approved preliminary plat will be met under the proposed amendment.

III. FINDINGS AND CONCLUSIONS

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

1. The request is for the approval of a minor plat modification. The developer proposes a preliminary plat modification includes minor lot line changes, modifications to the existing grading plan and the add addition of one residential lot.
2. The preliminary plat amendment proposes one additional lot as allowed by the preliminary plat conditions (Tract 992); however, the additional lot will only be allowed if the drainfield easement is vacated.
3. The subject site is located in the Residential 4 units per acre (R4) zone district and is designated as Residential 4 -4.5 units per acre (R4-4.5) on the Comprehensive Plan Land Use Map. Single-family homes are permitted outright in the R4 zone district.
4. In accordance with DMC Section 14.66.105(B), Subdivision modifications are processed as a Type II permit, requiring review and approval by the Planning Director.
5. A notice of complete application was issued on September 9, 2013.
6. A notice of application was issued on September 12, 2013.
7. The preliminary plat was reviewed under the provisions of the State Environmental Policy Act (SEPA). A Mitigated Determination of Non-Significance (MDNS) was issued on December 18, 2008. The proposed preliminary plat modification does not generate new or increased significant adverse environmental impacts; therefore, an amended MDNS was not issued for the project.

8. The proposed project has been reviewed and found to be consistent with the 2004 Comprehensive Plan.
9. Subject to the conditions recommended in the Hearing Examiners decision, the proposed project is consistent with the requirements of the 2005 Duvall Municipal Code, including, but not limited to, the criteria in DMC 14.66.105 - Subdivision modifications.

IV. STAFF RECOMMENDATIONS AND CONDITIONS

Based on information provided in this staff report and the exhibits, staff recommends approval for the minor plat modification; PPA13-001 subject to the conditions of approval.

This minor plat modification application is subject to compliance with all applicable provisions, requirements, and standards of the Duvall Municipal Code, standards adopted pursuant thereto, and the following special conditions:

General:

1. The Preliminary Plat Modification shall be substantially consistent with Exhibit 2, Sheets 1-5 submitted October 11, 2013. Minor adjustments are allowed and administrative and part of the final plat process.
2. The additional lot is allowed only if the septic drainfield easement is abandoned prior to final plat.
3. Tract 992 can be consolidated into Tract 994 if the septic drainfield easement is abandoned prior to final plat.
4. Comply with the Preliminary Plat Conditions of Approval outlined in the Hearing Examiner's decision dated July 16, 2009.

VI. DECISION

DECISION

Based upon the preceding Findings of Fact and Conclusions of Law, the application materials, Preliminary plat decision, and evidence submitted, the Planning Manager **APPROVES** the requested minor plat modification **SUBJECT TO THE ABOVE CONDITIONS**.

Decision issued February 3, 2014


Lara Thomas
Planning Manager

