

Staff Report to Hearing Examiner

Exhibit 1



Development Services Department
425-489-2754 • 17301 133rd Avenue NE • Woodinville, WA 98072
Desk Hours • Monday – Thursday 7:30am – 5:00pm • Friday 7:30am – 4:00pm

PROJECT NAME: Woodinville-Duvall Road Widening Project

FILE NUMBER: SEP11018 / CAE12001

PROJECT DESCRIPTION: Critical area exception for a roadway widening project within public right-of way on NE Woodinville-Duvall Road filling approximately 400 square feet of wetland area

DATE OF REPORT: June 6, 2012

DATE OF HEARING: June 13, 2012

APPLICANT/CONTACT: Thomas E. Hansen, PE, Public Works Director
City of Woodinville

PROPERTY OWNER: Public right-of-way

LOCATION OF PROPOSAL: NE Woodinville-Duvall Road from approximately 400 feet west of 156th Avenue NE to the east City limits, 50 feet east of 171st Place NE

ASSESSOR'S PARCEL NUMBER(S): N/A

CURRENT USE: Public right-of-way

PROPERTY SIZE: N/A

CURRENT ZONING (Adjacent property): Residential, 1 unit per acre, and Neighborhood Business

COMPREHENSIVE PLAN DESIGNATION: Low Density Residential, Neighborhood Business

FIRE SERVICE: Woodinville Fire and Rescue

WATER & SEWER SERVICE: Woodinville Water District

SCHOOL DISTRICT: Northshore School District

STAFF RECOMMENDATION: STAFF RECOMMENDS THAT THE HEARING EXAMINER APPROVE WITH CONDITIONS THE PROPOSED CRITICAL AREA EXCEPTION

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Project Description

Location: Project is located within existing public right-of-way on Woodinville-Duvall Road, within the Leota neighborhood.

Site/Area Description: The project location is currently used as public right-of-way for street purposes. The roadway is generally flat with a decrease in elevation as the roadway moves from west to east. Cold Creek, a Type 4 stream, crosses the roadway just east of NE Old Woodinville-Duvall Road on its way to Lake Leota. Lake Leota is south of the project area. Just west of 167th Avenue NE, Cold Creek follows alongside the south side of NE Woodinville-Duvall Road in the project area, before heading south at 168th Avenue NE.

Surrounding Land Uses/Zoning: North: Service Stations, Retail Centers, Vacant, Single-Family Residential, Church / Low Density Residential, Neighborhood
South: Business
Vacant, Single-Family Residential, Production Winery / Low Density Residential

Background

As part of the 2011-2012 budget, a road widening project for NE Woodinville-Duvall Road is authorized for design, with Council action to authorize construction anticipated in the fall of 2012. The project scope includes widening NE Woodinville-Duvall Road to a three-lane configuration, including a center turn lane and pedestrian and bicycle facilities; as well as drainage, traffic signal, street lighting, landscaping improvements.

A critical area study was prepared for the project. There are four wetlands identified within the project area. Wetland 1 is located near the intersection with 167th Avenue NE and is associated with the Cold Creek Stream on the south side of NE Woodinville-Duvall Road. Wetland 2 is located on the north side of NE Woodinville-Duvall Road, west of the intersection with 165th Avenue NE. Wetland 3 and Wetland 4 are located on the south side of NE Woodinville-Duvall Road, east of the intersection with 156th Avenue NE.

All four of these wetlands are classified as a Class 3 wetland by Woodinville Municipal Code (WMC) 21.24.320. A Class 3 wetland has a standard 50 foot wide buffer under WMC 21.24.330, measured from the delineated wetland edge. The buffer requirement is allowed under this same section of code to be administratively reduced to 25 feet with buffer enhancement.

The chart below shows the proposed impacts to wetlands and buffer, and the actual proposed buffer for wetland buffer impacts. Wetlands 3 and 4 are proposed be filled. Wetlands 1 and 2 will have buffer impacts to within 7, and 1 feet, respectively, of the delineated edge of the wetland. WMC 21.24.080(1) allows for a critical area exception for a public agency project to construct improvements within the buffer (closer than 25 feet). A critical area exception is required for the proposed wetland fill and impacts to the wetland buffer, as there is no other permitted alteration in WMC 21.24.340 for direct impacts to wetlands by a roadway project.

Critical Area	Location	Closest Distance to Proposed Improvements	Proposed Wetland Impacts	Proposed Buffer Impacts
Wetland 1	SW Corner 167th Ave NE and NE Woodinville-Duvall Rd Intersection	7-feet	0 SF	825 SF
Wetland 2	North-Side of NE Woodinville-Duvall Rd, West of 165th Ave NE	1-foot	0 SF	1305 SF
Wetland 3	Ditch along South-Side NE Woodinville-Duvall Rd, East of 156th Ave NE	0 feet (Wetland Fill Proposed)	130 SF	765 SF
Wetland 4	Ditch along South-Side NE Woodinville-Duvall Rd, East of 156th Ave NE	0 feet (Partial Wetland Fill Proposed)	175 SF	700 SF

Cold Creek enters the project area in two locations. Just east of the intersection with NE Old Woodinville-Duvall Road, Cold Creek crosses the roadway from north to south, where it then enters Lake Leota (outside the project area). Just west of 167th Avenue NE, Cold Creek re-enters the project area, and runs along the south side of NE Woodinville-Duvall Road for about a block, before turning south at 168th Avenue NE into unincorporated King County and out of the project area. Cold Creek is categorized as a Type 4 stream WMC 21.24.370. A Type 4 stream has a standard 50 foot wide buffer under WMC 21.24.380, measured from the ordinary high water mark. The project proposes to cross Cold Creek in two locations. The first crossing is in between the intersections with NE Old Woodinville-Duvall Road and 160th Avenue NE where NE Woodinville-Duvall Road actually crosses over Cold Creek. The second is the crossing under 167th Avenue, where the project will replace an existing 24" culvert for Cold Creek. A stream crossing is allowed under WMC 21.24.390(6) as a permitted critical area alteration. Critical area alterations are approved by the Development Services Director.

The City of Woodinville Public Works Department submitted an application for SEPA Determination and Critical Area Exception on October 25, 2011. The application was vested on November 22, 2011. A Notice of Complete Application was sent on November 29, 2011. A Notice of Application issued on December 12, 2011, with a comment period through December 28, 2011. A SEPA Determination of Nonsignificance was issued on March 12, 2012, with a comment period through March 26, 2012.

This project requires a SEPA Determination and Critical Area Exception from the City of Woodinville. Buffer enhancement is proposed on and off-site, pursuant to WMC 21.24.400.

A critical area exception is required to be processed per WMC 2.30, Appeal Procedures. Per WMC 21.24.380, the Hearing Examiner holds a closed record hearing to review the recommendation from the Development Services Director on critical area exceptions. A public notice is not provided; the applicant and any appellants are informed of the meeting date. There are no appellants for this application, and the Public Works Department was informed of the meeting date.

Comprehensive Plan

The road widening proposal, with conditions, complies with applicable Comprehensive Plan Goals and Policies. The following goals are stated with the appropriate policies that apply to this development.

Community Development GOAL CD 4: To create pedestrian friendly environments in Woodinville.

CD 4.4 Promote and plan for pedestrian/bicycle connections to and through residential neighborhoods.

Transportation GOAL T-6: To promote non-motorized travel and ensure its safety, convenience, and comfort.

T-6.1 Actively promote the use of bicycle and pedestrian transportation as viable alternatives to motorized transportation.

T-6.12 Plan for a continuous non-motorized transportation system that provides Woodinville's citizens and visitors safe and direct access to the City's schools, employment, housing, shopping and recreation areas.

Transportation Goal T-10 To provide safe, convenient, and comfortable neighborhood access and circulation properly integrated with the city-wide transportation system.

T-10.4 Emphasize design of the arterial street system to minimize the potential for external traffic to cut through neighborhoods.

T-10.9 Design the arterial street system to accommodate regional trips and minimize the potential for external traffic to use residential streets for through access.

Transportation GOAL T-12: To provide transportation facilities and services that enhance the health, safety, welfare, and mobility of all citizens regardless of age, disability, or income.

Zoning Code

In accordance with the consistency test outlined in the Growth Management Act (RCW 36.70B.040), prior to making a decision or recommendation on an application, the City must consider whether a project meets the adopted development regulations and/or Comprehensive Plan policies. The subject property is located in the Residential 4 units per Acre and Industrial zones and the following standards apply:

Regulation	Requirement	Submitted
Critical areas:	Protect critical areas, including wetlands, streams, steep slopes, and fish and wildlife habitat areas.	Cold Creek currently has two existing road crossings in the project area. Work is proposed to be done within these two existing road crossings. Road crossings are a permitted alteration to streams, as stated in WMC 21.24.390, and are approved by the Development Services Director. The Director has approved the crossing for this project, as: <ul style="list-style-type: none"> • The crossings are existing, and no new crossings are proposed. • They are designated as Type 4 streams, with perennial or intermittent flows and no use by fish. • The work at/near these crossings will occur during the summer

		<p>months when there is no flow/surface water present.</p> <ul style="list-style-type: none"> • The crossing over NE Woodinville-Duvall Road will not be altered by the project. • The existing concrete culvert under 167th Avenue NE will be replaced. • There are no salmonid spawning areas in the project area. <p>Per the Mitigation Concept Memorandum, there will be approximately 400 square feet of wetland fill.</p> <p>Mitigation is proposed to be completed in Woodin Creek at Woodin Creek Park and consists of fish enhancement and wetland buffer enhancement. The existing physical barrier will be altered to notch an existing log so that in low flows, water will continue to flow over the log. Additionally, buffer enhancement, including removal of existing non-native invasive species and planting of native species will be completed. A final planting plan will be submitted prior to construction for this enhancement plan. Any changes to the mitigation plan are subject to approval by the Development Services Director.</p>
<p>Critical Area Exception Criteria:</p>	<p>WMC 21.24.080 requires a critical area exception to meet these criteria:</p> <ol style="list-style-type: none"> 1. There is no other practical alternative to the proposed development with less impact on the sensitive area. 2. The proposal minimizes the impact on critical areas. <p>Critical area exceptions are not allowed for regional retention/detention facilities within some types of high functioning stream and wetland buffers.</p>	<ul style="list-style-type: none"> • The proposed project will widen the roadway as a capacity and safety improvement to NE Woodinville-Duvall Road and is warranted in order to provide a safe travel area for vehicles, bicyclists and pedestrians. This roadway is the major connection point for the east half of the City to downtown Woodinville and to the State Route 522, Highway 9, and State Route 202. It also provides through-access for communities to the east of Woodinville. The current average daily travel for NE Woodinville-Duvall Road is 25,300, and is expected to increase to 33,500 by 2030. • Road improvements, intended to increase safety and capacity, include

		<p>adding a center turn lane, an additional signal at 160th Avenue NE, improvement the existing signals, implementing turn restrictions.</p> <ul style="list-style-type: none"> ▪ Addition of a center turn lane will separate left-turning traffic from through traffic. ▪ The new signal at 160th Avenue NE will improve local access for the neighborhood south of NE Woodinville-Duvall Road. ▪ Signed and striped bike lanes and sidewalks will increase connectivity to adjacent residents and businesses, as well as provide better walking routes to Wellington Elementary and Leota Junior High schools. <ul style="list-style-type: none"> • The project is designed to avoid impacts to roadside wetlands wherever possible, and minimized by limited incursions to the extent possible. Use of soldier pile and modular block walls will be used to minimize impacts to wetlands, as well as to minimize grading and tree removal. • NE Woodinville-Duvall Road is an existing arterial roadway, and making improvements to this roadway has less impacts than building a new roadway or upgrading nearby local access streets to provide for arterial-level traffic. • Storm drainage improvements, both water quality and detention, are proposed in order to improve the water quality for Cold Creek and Lake Leota. • Some replacement replanting will occur on-site, including stream buffer areas directly impacted. • Off-site mitigation to Woodin Creek, will be provided in order to replace the lost functions and values of the filled wetlands. • Temporary erosion control measures will be installed, including storm drain inlet protection; silt fencing; check dams; seeding, fertilizing and
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		<p>mulching; street cleaning; and a stabilized construction entrance</p> <ul style="list-style-type: none"> • This project is not for a regional stormwater facility.
<p>Drainage:</p>	<p>The drainage plan shall utilize the criteria of the 2009 King County Surface Water Design Manual.</p>	<p>Currently, stormwater drains away from the roadway to south, both as sheet flow and as concentrated flow conveyed in drainage ditches and pipes, with little detention or water quality treatment. The only existing detention or treatment is in the northwest corner of the project, and was built by a private development as required by the City's Code.</p> <p>The project is exempt under the 2009 King County Surface Water Design Manual from providing water quality treatment, since the project provides for a net decrease in pollution-generating impervious surface, as existing road shoulder is being converted from impervious area to planter area and sidewalk (which is considered non-pollution generating surface). However, due to the existing condition of Lake Leota, which is downstream of this project, additional water quality and detention improvements are proposed in order to improve the water quality of Lake Leota.</p> <p>The project will include the installation of a stormwater conveyance system and installation of both detention and water quality facilities. The first conveyance facility, as proposed, will collect and convey stormwater from west of the Upper Cold Creek culvert where it crosses the road, treat and detain the water, then outfall it to the outlet at 167th Avenue NE. The second facility, east of the 167th Avenue NE outlet, will convey the stormwater to the downstream piped portion of Cold Creek located under NE Woodinville-Duvall Road. The third facility, between 168th Avenue NE and the east project limits will be collected and conveyed to a detention facility near 171st Avenue NE and outlet at one of two existing outfall locations in this vicinity.</p>

Agency Review

- Environmental Review:** As the lead agency the City of Woodinville issued a Determination of Nonsignificance under Washington Administrative Code 197-11-340(2) on March 12, 2012. No appeals were filed and the Determination stands as issued.
- Notice:** Notice of this application has been provided in accordance with the provisions of WMC Title 17. This project was circulated for review and comment on December 12, 2011, by publishing the Notice of Application in the newspaper of record; mailing a copy of the Notice to property owners within 500 feet of the project and interested agencies; and posting the Notice at the site and at the official locations for City Notices.
- Agency Comments:** Agencies with comments:
- City of Woodinville Building Department
 - City of Woodinville Public Works Department
 - King County Metro
 - Muckleshoot Tribe of Indians
- Public Comment:** No written public comment letters have been received in regard to this project.

Determination of Consistency

Revised Code of Washington 36.70B.040 – Determination of Consistency and WMC 17.13.100 requires that a proposed project shall be reviewed for consistency with a local government's development regulations during project review by consideration of:

1. Type of land use;
2. Level of development, such as units per acre or other measures of density;
3. Infrastructure, including public facilities and services needed to serve the development; and
4. The characteristics of the development, such as development standards.

Based on the above analysis, and with the proposed conditions listed below, staff finds that the Woodinville-Duvall Road Widening Project has met the requirements of the City of Woodinville 1999 Infrastructure Standards, 2009 Comprehensive Plan, and Woodinville Municipal Code. The project has also made appropriate provisions for the public health, safety, and general welfare by:

1. Improving the existing roadway to create a safer vehicular and non-motorized transportation route through the City;
2. Providing minimum acceptable width for facilities constructed, including 11-foot travel lanes, 5-foot bike lanes, and 5' sidewalks.
3. Providing for storm drainage improvements;
4. Avoiding impacts to the on-site critical areas to the maximum extent possible; and
5. Providing for mitigation of impacts to critical areas through on-site restoration and off-site buffer mitigation.

Staff Recommendation

The proposed project was found to be consistent with and meet the intent of the Woodinville Comprehensive Plan and applicable development regulations; therefore, the Development Services Director recommends **APPROVAL** of the Woodinville-Duvall Road Widening Project (SEP11018 / CAE12001), subject to the following conditions:

1. All improvements shall be constructed in reasonable conformance with the approved 85% design plans, and as they are amended and clarified by the contracting and design process directed by the Public Works Director. The Planning Director may approve minor modifications of the plans submitted if the modifications do not change the Findings of Fact or the Conditions of Approval.
2. A final buffer mitigation plan shall be provided prior to the start of construction for review and approval by the Development Services Director. This plan shall include buffer enhancement at Woodin Creek at a ratio of 1:1.5 of the wetland area impacted by the NE Woodinville-Duvall Road (approximately 600 square feet), and shall show the improvements in the submitted Mitigation Concepts Memorandum prepared by Otak and dated July 13, 2011. Any proposed changes shall be reviewed and approved by the Development Services Director prior to doing the changes work. All mitigation work shall be completed prior to finalizing the road widening project, or within the next planting season.
3. All required state, federal and other permits shall be obtained prior to beginning construction.
4. Any wall on private property over four (4) feet in height, or that carries a surcharge is required to obtain a separate building permit.
5. The stream biologist shall be on-site at all times during the use of heavy equipment within Woodin Creek or its buffer for the off-site mitigation
6. Tree removal on private property requires a tree removal permit and Tree Plan IV.
7. The final irrigation plan shall provide for coverage as required by WMC 21.16.110.

Exhibit List

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| Exhibit 1 | Staff Report |
| Exhibit 2 | Application forms and materials received October 25, 2011 and November 29, 2011 |
| Exhibit 3 | 85% Design Plans received November 29, 2011 prepared by Otak |
| Exhibit 4 | Notice of Complete Application sent November 29, 2011 |
| Exhibit 5 | Notice of Application issued December 12, 2011 |
| Exhibit 6 | SEPA Determination issued March 12, 2012 and SEPA checklist dated October 25, 2011 |
| Exhibit 7 | Agency Comments Received and Response from Applicant dated January 27, 2012 |
| Exhibit 8 | Email from City Attorney on Critical Area Exception Process dated June 17, 2010 |
| Exhibit 9 | Wetland and Stream Assessment Report dated April 21, 2011 prepared by Otak |
| Exhibit 10 | Mitigation Concept Memorandum dated July 13, 2011 prepared by Otak |
| Exhibit 11 | Draft Geotechnical Engineering Report dated July 29, 2010 prepared by Terracon Consultants, Inc. |
| Exhibit 12 | Cultural Resources Assessment dated November 11, 2010 prepared by Northwest Archaeological Associates, Inc. |