CITY OF PUYALLUP

Development Services Department
333 South Meridian St
Puyallup, WA 98371
253.841.5418 voice 253.840.6678 fax
cbeale@ci.puyallup.wa.us

MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

for

Fairfield Inn

Preliminary Site Plan/Binding Site Plan (SEPA)

Project # P-10-0007

Date of Issuance:	June 15, 2010
Description of Proposal:	Construct one six-story, 120 room hotel facility and one three-story 18,000 square foot business professional office building with associated site grading, parking, utilities, landscaping and storm water facilities. The project will impact approximately 15,939 square feet of wetland buffer and require approximately 40,000 cubic yards of earth work. The subject site is located on a hillside that maintains erosion and landslide hazard characteristics. Isolated areas on the subject parcel maintain slopes in excess of 40 percent.
Location of Proposal:	The project is located on the south side of the 15th Ave SW right-of-way, approximately 500' to the west of the intersection of South Meridian and 15th Ave SW (parcel number 0420338067) [Section 33, Township 20, Range 04, Quarter 41]
Proponent:	Hollander Investments, Inc. 119 North Commercial, Suite 165 Bellingham, WA 98225

Lead Agency Responsible Official:	Thomas C. Utterback, AICP Planning Director City of Puyallup Development Services Dept. 333 South Meridian Street Puyallup, WA 98371 (253) 840-6678
City of Puyallup Permits:	Binding Site Plan, Preliminary Site Plan, Variances (2), Civil, Building and Public Works Permits
Other agency Permits:	NPDES (Ecology), HPA (Fish and Wildlife), WSDOT right-of-way clearing/grading general permit
Zoning:	General Commercial (CG)
Comprehensive Plan	Auto Oriented Commercial (AOC)

Notes:

1. This finding is based on review of the following documents submitted by the applicant:
   a. Updated SEPA checklist dated **June 08, 2009**. Prepared by Mel Garland, 2601 S. 35th, Suite 200, Tacoma, WA 98409.
   b. Updated preliminary site plan received **May 07, 2010**. Submitted by David Murphy, 2101 Ninth Ave, Suite 211, Seattle, WA 98121.
   c. Updated wetland buffer averaging plan received **May 07, 2010.** Prepared by Jeff Jones, PWS, 402 East Main, Suite 402, Auburn, WA 98002.
   d. Preliminary landscape plan received **May 07, 2010.** Prepared by Colleen Hallenbeck, 13217 167th St E, Puyallup, WA 98374.
   e. Architectural elevations received **May 07, 2010**. Submitted by David Murphy, 2101 Ninth Ave, Suite 211, Seattle, WA 98121.
   f. Traffic Impact Analysis and traffic scoping worksheet received **May 07, 2010**. Submitted by Greg Heath, P.E., 2214 Tacoma Road, Puyallup, WA 98371.
   g. Geotechnical Engineering study received **February 19, 2008**. Prepared by Robert A Blomquist, L.G., 1805 136th Place NE, Suite 201, Bellevue, WA 98005.
   h. Technical memorandums addressing geologically hazardous areas on the subject site, received **May 28, 2010, June 02, 2010** and **June 08, 2010**. Prepared by Austin X. Huang, L.G., 2715 Meridian Street, Bellingham, WA 98225.
   i. Wetland Assessment report dated **March 28, 2007**. Prepared by Jeff Jones, PWS, 402 East Main, Suite 110, Auburn, WA 98002.

j. Wetland Functional Assessment, pre and post buffer averaging conditions report dated **December 3, 2007**. Prepared by Angelo Josue, Wetland Scientist, 402 East Main, Suite 110, Auburn, WA 98002.

k. Preliminary stormwater drainage report received **January 8, 2009**. Prepared by Geoff Sherwin, 2601 S. 35th, Suite 200, Tacoma, WA 98409.

l. Tree evaluation and protection plan prepared **August 6, 2007**. Prepared Galen M. Wright, ISA Board Certified Master Arborist, 1919 Yelm Highway Southeast, Olympia, WA 98501.

2. This finding is based on review of the following citizen comments:

   a. No formal written public comment was received based on the notice of application for the subject permit action. The applicant held a pre-application vicinity meeting on **Monday, December 7, 2009, 5:30pm** in which property owners within 300' of the project site were invited to attend.

3. This finding assumes Hearing Examiner concurrence with staff recommended approval of two variance requests for the subject site development (permit # P-10-0006, P-10-0054). P-10-0006 is a requested variance to eliminate the required landscape buffer setbacks on site along the west property line; P-10-0054 is a requested variance to reduce overall parking requirements on site by 21 percent at full phase II build out. The hearing for these requested variances took place June 14, 2010. As of the date of the issuance of the subject SEPA environmental determination – June 15, 2010 – the Hearing Examiner's final decision has yet to be transmitted to city staff and the project proponent.

4. Key environmental issues addressed and associated findings made during the threshold determination process are as follows:

   a. ***Geologically Hazardous Areas***- The site is located on a sloping hillside that maintains a natural contour in excess of 15 percent across the entirety of the subject parent parcel. The natural slope of the site moves from the southwest to north-northeast. A long lineal swath of slope area on site contains steeper grades in excess of 40 percent, occurring in the south to southeast portions of the site. The Pierce Soil Conservation Survey has mapped the site soils as Kitsap silt loam (20D, 15 to 30 percent slopes and 20F, 30 to 65 percent slopes); the submitted geotechnical report found concurrence with the available soil mapping data.

      Puyallup Municipal Code (PMC) 21.06.1210 (3)(a)(vi) identifies landslide hazard areas as all natural slopes in excess of 40 percent; PMC 21.06.1230 (1) prohibits alteration of all slopes in excess of 40 percent. PMC 21.06.210 (40) defines "erosion hazard areas" as lands or areas with slopes in excess of 15 percent which are underlain by certain soil groups – Kitsap silt loam is specifically identified – which when exposed have "severe" to "very severe" erosion characteristics depending upon the slope gradient associated with this soil type.

Subsequent review of the geotechnical information provided resulted in staff making the following critical areas determinations related to the subject site:

- ❖ Given the combination of soil types and site slopes – per PMC 21.06.210 (40) – the subject parcel is located wholly within an erosion hazard area and associated buffer
- ❖ Given the presence of slopes in excess of 40 percent in the southeast area of the site, a long, lineal swath of landslide and erosion hazard area and associated buffer are contained on the subject parcel

The geotechnical report dated May 19, 2010 provided technical analysis regarding the identified site critical areas and concluded: "(W)e preliminarily conclude and it is our opinion that the proposed development should not adversely impact the steep slope and that the proposed plan should improve the stability of the slope." The geotechnical engineer provided significant analytical findings and recommendations regarding best management practices related to prevention and containment of potential erosion hazards as well as provided buffer recommendations for the slope areas in excess of 40 percent. The report goes on to provide more recommendations regarding site preparations for civil improvements including temporary erosion and settlement control as well as potential structural fill design for site development in the future. The 40 percent landslide hazard slope area on site will be protected in an undisturbed condition with corresponding planting enhancements using native plant species to further stabilize the slope area. Staff finds concurrence with the Geotechnical Engineer's finding that the proposed development, as designed will not impact the subject site's geological hazard areas.

b. ***Wetlands/streams*** – The subject site is located just to the west of a riverine wetland and stream corridor system; the wetland was rated as a Type II with a corresponding 100' buffer as stipulated by PMC 21.06.930 (2)(b). The stream, which provides a hydrologic link intrinsic to the riverine wetland, is rated as a Type III watercourse with an associated 50' buffer; the two critical area buffers overlap and project on to the subject site the length of the north, east and southeast property boundaries. In accordance with PMC 21.06.930 (3), the project wetland biologist proposed the averaging of the 100' wetland buffer and has provided a significant level of analysis to support said averaging. The following is a summary provided as a part of the averaging proposal, which staff finds to be in substantial conformance with the code section relating to this technique:

> *"The existing buffer will be reduced by 15,939 square feet along the northern and eastern edges of the property. The minimum buffer width will be 57.25 feet. Additional impacts will occur in the buffer for site grading. Impacts will be mitigated by increasing 16,477 square feet (of) buffer along the southern edge of the development, restoration of buffer*

impacted by grading and enhancement (of) the remaining non-forested buffer area."

The project wetland biologist provided a pre and post wetland buffer functional assessment relative to the proposed buffer averaging and enhancement plan which demonstrates that the wetland's functional qualities relating to water quality, hydrologic characteristics and habitat will be sustained and – in some cases – improved as a result of the subject averaging proposal. Specifically, the buffer mitigation plan targets an increase in native plant species richness and habitat suitable for wetland associated birds as goals of the overall mitigation plan; all other functional qualities of the wetland are proposed to be sustained at ratings, which were determined using Department of Ecology's "Methods for Assessing Wetland Functions" (Publication #99-116).

Additionally, the applicant is proposing additional invasive removal and replanting plans for the neighboring parcel, which is city owned. The applicant wishes to complete this work presumably for aesthetic reasons so that the native plantings completed as a part of the averaging mitigation can seamlessly blend onto the adjacent wetland areas; this voluntary planting proposal will provide additional assurances that the native plantings on-site will not be overwhelmed by invasives on the adjacent property.

The critical area reporting for the site development does not assess the critical social values (i.e. educational value, aesthetic properties, noise and visual screening, etc.) the wetland may have for the surrounding vicinity as required in a function and value assessment per PMC 21.06.210 (55)(56). The applicant is however proposing additional wetland educational signage on site with an observation desk bordering the lower parking lot, which will provide information regarding the functional qualities of riverine wetland systems. This will provide an increase in beneficial social values the wetland provides to the community. Overall, staff finds the proposed wetland impacts to be in substantial conformance with the buffer averaging options outlined in the city's Critical Area Ordinance as well as providing a corresponding retention and increase of the ecological functions and societal values of the adjacent wetland based on the applicant's voluntary measures in conjunction with the subject mitigation measures set forth in this document. This SEPA determination assumes the applicant's voluntary measures as described to be depicted and implemented in future building permits for the site development.

c. ***Trees*** – The site is generally considered to be in a forested condition with a large swath of the site covered in a thick stand of red alder trees at an approximate density of 827 trees per acre spread out over 1.82 acres. This roughly equates to some 1,505 red alder trees which are densely packed across a major portion of the site. As reported by ISA Master Certified Arborist for the project, the density of the tree plantings has created a stand which is poorly developed with co-dependent, slender trees (3-8" DBH) which are unsuitable for retention.

However, these trees play an important role on site of creating habitat for birds and small mammals while simultaneously providing storm water and aesthetic benefits.

Most of the alders will be cleared as a part of either site grading activities or clearing for wetland buffer enhancement actions. The arborist made a specific finding that the proposed removal of the alder trees will not impact trees on the adjacent wetland/stream parcel to the east nor the forested portions of the right-of-way outside of the areas to be affected by the clearing and grading activities for site development, so long as best management practices are followed to protect those trees. Some 370 trees – ranging from Douglas Fir, Big-Leaf Maple, Vine Maple and Western Hemlock – are proposed to be added to the site as a part of the wetland buffer mitigation plantings. Additionally, downed woody debris will be added to the site as a part of the wetland mitigation plan; staff and the applicant have agreed to incorporate standing snags in addition to the downed woody debris as a part of the wetland mitigation plan. This will augment the stated goal of increasing habitat value to the site by providing an excellent medium for burrowing birds and small mammals. Additionally, in accordance with the stated mitigation plan goal of increasing the habitat functions of the subject wetland buffer, city staff and the applicant have agreed to modify the wetland planting plan to include the establishment of a forested buffer component utilizing Oregon white oak. The establishment of an Oregon white oak stand will create an urban priority habitat area in accordance with PMC 21.06.210 (100). In accordance the Department of Fish and Wildlife (WDFW) document *Management Recommendations for Washington's Priority Habitats – Oregon white oak*, the modifications to the planting plan shall also include a careful reconfiguration and reduction in the number of conifers proposed as well as modifications to the understory plantings proposed as to allow robust growth of the Oregon white oak plantings and associated habitat benefits which will be realized through the establishment of an Oregon white oak stand. Staff finds that the overall size and scope of tree replacement plantings – including a substantial amount of trees as conditioned – to be an acceptable measure to replace the functional benefits of the alder trees removed.

The Master Certified Arborist report dated August 7, 2007 recommends the retention of four (4) mature evergreen trees which border the southwestern part of the site along the abutment with the WSDOT SR-512 right-of-way. This small stand of mature trees is composed of three (3) Douglas Fir and one (1) Western Red Cedar, ranging from 18 to 36 inches in diameter measured at DBH (4.5' above adjacent grade); each of these trees qualifies as significant as defined by the city's vegetative management standards manual and are subject to retention if recommended by an arborist. These trees will be retained and protected prior to site clearing and grading work commencing and shall not be impacted by site construction activities until final inspection and certificate of

occupancy has been granted for the site. Wetland buffer averaging mitigation areas will need to be adjusted in accordance with root zone protection standards. Additionally, the alder trees which are not scheduled to be cleared as a part of the site preparation will also be retained and protected accordingly. This subject SEPA determination will set forth specific protective measures that will be incorporated into the site civil permit plans in order to achieve the project tree protection plan objectives.

Areas within the WSDOT right-of-way which will be cleared and graded as a part of the subject site's development are required by WSDOT to be re-vegetated using acceptable plant materials. In previous conversations with WSDOT staff and in examining the 1996 WSDOT Roadside Classification Plan – which sets forth specific landscape treatment alternatives for specific areas along WSDOT state route highways – staff has determined that only evergreen trees and shrubs will be allowed in the areas cleared along the 512 right-of-way. While the revegetation activities will not fully buffer the site from the adjacent highway, a combination of existing vegetation south of the right-of-way areas to be cleared and graded along with planting activities in the areas depicted to be cleared and graded will provide some visual buffering of the site from the adjacent highway. Staff will be examining the proposed landscape treatment in conjunction with WSDOT's staff review of general permit #43983 to ensure that native evergreen plant material will be utilized in the re-vegetation activities. In accordance with the conditions attached to variance application P-10-0006, the landscape plan to re-vegetate the WSDOT right-of-way shall be submitted to the city and WSDOT staff for concurrently reviewed and approval relative to the findings contained herein.

Issuance of this threshold determination does not constitute approval of the permit. This proposal will be reviewed for compliance with all applicable City codes that regulate development activities, including, but not limited to, the International Fire and Building Codes, City of Puyallup Engineering Standards, Surface Water Design Manual, Impact Fees and the Critical Areas Ordinance.

Mitigated Determination of Non-Significance (MDNS)

The responsible official of the lead agency finds that the above described proposal does not have a probable significant adverse impact on the environment, provided the mitigation measures agreed to by the Applicant are incorporated into the proposal and/or applied as conditions of permit issuance. The identified mitigation measures include mitigation for potential impacts to the following:

A. Tree retention, street lighting, wetland buffer mitigation

The full text of the identified mitigation measures appears in Attachment A to this document. The mitigation measures and the project documents upon which this determination was based are available for review at the Puyallup Development Services Center, 333 South Meridian, during normal business hours.

An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c).

This finding is made pursuant to RCW 43.21C, PMC 21.04.120 and WAC 197-11 after reviewing a completed environmental checklist and other information on file with the lead agency and considering mitigation measures which the agency or the Applicant will implement as part of the proposal. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. This information is available to the public upon request.

Comments

Comments on this MDNS must be submitted within 14 days or by **5:00 p.m.** on **June 29, 2010**, to the Responsible Official at City of Puyallup Development Services Center, 333 South Meridian, Puyallup, WA 98371. Contact Chris Beale, Assistant Planner at (253) 841-5418 or at cbeale@ci.puyallup.wa.us with questions about the project.

Appeals

Any person directly affected by this proposal may appeal the MDNS by filing a written appeal with the Responsible Official, Tom Utterback, within 10 business days of expiration of the comment period, or by **5:00 pm** on **July 09, 2010**, at the above address. **Prior to submittal and payment of the $650.00 appeal fee, consult PMC 21.04.205 regarding SEPA Appeals or contact Chris Beale, Assistant Planner at (253) 841-5418 to ask about the appeal procedures. Be prepared to make specific factual reasons, rationale, and/or the basis for the appeal. Parties are encouraged to submit comments during the comment period prior to appealing.**

Publication Date: 6/23/10 Notice Published in: Puyallup Herald

Chris Beale, Assistant Planner — Date: 6.15.10

Tom Utterback, AICP
Planning Director
City of Puyallup Responsible Official — Date: 6/15/10

Attachment: Site Plan & Environmental Checklist

Attachment A

Mitigation Measures
for
Fairfield Inn

Project # P-10-0007

---

1. **Tree retention –** The four trees recommended in the August 6, 2007 report by the project arborist and approved for retention by the city Planning Division shall be protected, along with other trees and non-invasive vegetation within the protected root zone of the trees to be retained, using the following methods:
    - The project arborist or landscape architect shall prepare – as a part of the final landscape plan to be reviewed and approved prior to issuance of the civil permits for site development – a tree protection plan which demarcates the exact trunk diameter measured at 4.5' above grade (diameter breast height – DBH), establishes and demarcates the critical root protection zone (CRPZ) for each tree, provides protective fencing details including "no entry" signage to be attached to the fencing and provides both a watering schedule during construction and recommended maintenance and protection activities during and after construction, addressing strategic pruning, aeration of the critical root zone, fertilization/watering schedule and invasive/weed removal with associated mulching activities. In no event shall equipment activity (including rototilling) or stock piling of materials be allowed within the CRPZ of the subject tree stand.
    - The CRPZ shall be equal to 1.5 feet for every inch of DBH, or the lateral extent of the tree's dripline, whichever is greater. The tree retention plan shall itemize the CRPZ conversion from DBH to 1.5 and the lateral diameter of the dripline of each tree to verify the most protective measure is taken.
    - A temporary enclosure shall be erected around the stand to be retained to protect at the outer boundary of the CRPZ. Tree protection fencing shall consist of six (6) foot high chain link fence, mounted on two inch diameter metal posts, driven into the ground to a depth of at least 2-feet at no more than 10-foot spacing.
    - Warning signs shall be prominently displayed on each fence. Signs shall be a minimum of 8.5 x 11-inches and clearly state: "WARNING – Tree Protection Zone - This fence shall not be removed, modified or altered and no person, piece of equipment, storage of materials or any other item shall encroach beyond the boundaries of this fence as established without prior approval from the City of Puyallup Planning Division. Any injury to this or these trees is subject to penalty according to PMC 20.95." The warning sign shall be created using an approved all-weather format (i.e. laminated) and posted at 20' intervals along the established protective fencing.

- A 6" layer of coarse mulch or woodchips is to be placed beneath the CRPZ of the protected trees, extending a minimum of five (5) feet beyond the outer extent of the mounted fencing. Mulching activities within the CRPZ prior to site clearing and grading shall only result in the removal of invasive or noxious weeds; all native plant materials within the CRPZ shall also be retained. Mulching is to be applied only by hand. Mulch is to be kept 12" from the trunk and shall be removed, by hand, upon completion of the first phase of site development (final or temporary certificate of occupancy issuance for the hotel).
- During construction, the project proponent's arborist shall periodically (every 3 weeks) inspect the site to ensure all protective measures established are being observed. After each periodic site visit, the arborist shall prepare a short report to be submitted to the Planning Director or designee verifying that all measures taken are still in place and outline any additional measures needed to ensure the continued protection and health of the subject trees scheduled for retention. The arborist shall also oversee the fencing and protective mulch removal activities upon the completion of the project. Proposed fencing and construction mulching removal activities shall only take place after written approval is granted by the Planning Director or designee.
- A pre-construction inspection shall be required to ensure all of these measures are appropriately implemented **prior** to any site work beginning. The applicant or contractor shall contact the staff planner a minimum of three (3) days before commencing site clearing activities to schedule an inspection of the fencing, sign posting, and mulching. Site clearing and grading shall not commence until the Planning Director or designee has made a inspected and approved the implementation of these prescribed protective measures.
- The post construction plan shall address a monitoring program which proposes fertilization, watering and maintenance activities for a minimum of three (3) years beyond the completion of the project; annual reports detailing post-construction monitoring findings and activities undertaken pursuant to the approved monitoring program shall be submitted to the Planning Director or designee for review.

2. **Street lighting** - The project's applicant shall construct a street light – pursuant to city standards – at the entrance along 15th Avenue SW. A street lighting plan, to be prepared and submitted in conjunction with the site civil permits, is required for the city review and approval.

3. **Wetland buffer mitigation** – In an effort to compensate the removal of some 1,500 (+/-) alder trees on site and – pursuant to augmenting the defined goals of increasing the wetland's functional qualities relating to habitat and native plant species richness contained in the *wetland functional assessment – pre and post buffer averaging conditions* as submitted by the project wetland biologist – the following measures have been voluntarily agreed upon by the city and the applicant and shall be incorporated into the final wetland buffer mitigation plan, to be reviewed and approved by city staff prior to issuance of project civil permits:
    - The project wetland biologist shall amend the buffer enhancement planting plan to reflect the planting of an Oregon white oak forested buffer. Oregon white

oak provides critical habitat for threatened and endangered animal species as well as a number of other native birds and mammals. Establishment of an Oregon white oak stand is pursuant to priority habitat areas per PMC 21.06.210 (100). Staff finds that the establishment of this tree type to provide a substantial habitat benefit to the wetland buffer and provides substantial compensation for the red alder trees (some 1,500 trees) to be cleared as a part of the buffer impact compensation area.

- The project wetland biologist shall modify the submitted planting plan in accordance with management recommendations for Oregon white oak Washington state priority habitat areas as outlined by Washington Department of Fish and Wildlife. Considerations shall include, but shall not be limited to, impacts of surrounding tree plantings on the potential growth success and future regeneration capacities of the Oregon white oak tree plantings (i.e. impacts of shading by intermixed conifers on the potential growth of the Oregon white oaks) and the modification of understory plantings to represent a complex mix of species compatible with Oregon white oak stands.
- The project wetland biologist shall modify the submitted planting plan to include the provision of at least three (3) standing woody debris snags in addition to the downed woody debris shown on the plan.
- Given that the buffer averaging mitigation plan will establish a forested component, pursuant to PMC 21.06.630, the wetland mitigation monitoring and release of the associated assignment of funds shall reflect an eight (8) year monitoring time frame to ensure establishment and vigorous growth of the Oregon white oak plantings.