

PLANNING DIVISION

CERTIFICATE OF EXEMPTION
FROM CRITICAL AREAS REGULATIONS
EVALUATION FORM & DECISION

DATE OF PERMIT ISSUANCE: September 23, 2014

LAND USE ACTION FILE NO.: LUA13-001568

PROJECT NAME: Pipers Bluff Critical Areas Exemption

PROJECT MANAGER: Clark H. Close, Associate Planner

OWNER/APPLICANT: Conner Homes at Pipers Bluff, LLC
Attn: Rob Risinger
846 108th Ave NE, Suite 200
Bellevue, WA 98004

PROJECT LOCATION: Parcel No. 0323059054

CRITICAL AREA: Class IV Stream Buffer and Category 2 Wetland

PROPOSAL DESCRIPTION: Conner Homes is requesting a Critical Areas Exemption in order to perform emergency maintenance and removal of 30 to 40 cubic yards of sediment that accumulated in Honey Creek downstream of the Pipers Bluff Plat (Exhibit 1). The sediment that has accumulated downstream is a direct result of their vault facility failure which subsequently released substantial amounts of fine sediment from Pipers Bluff stormwater vault into the wetland, stream system and their buffers. Such adverse impacts to the downstream pond warrant mitigation. Site work includes placing sand bags on each side of the pond, pump out standing water from the pond down stream, removing sediment with a mini excavator, hauling sediment with small skid steers from the pond to loader position on NE 12th Avenue. The access route/existing trail will be maintained and repaired using hog fuel and jute matting. The work is anticipated to begin in September 2014 and be complete by October 14, 2014.

On September 15, 2014 Washington State Department of Fish and Wildlife issued an emergency HPA permit to remove the sediment from Honey Creek downstream of the Pipers Bluff outfall (Exhibit 2).

CRITICAL AREA: Honey Creek

EXEMPTION JUSTIFICATION: RMC 4-3-050C.5.g.ii. *Maintenance and Repair – Any Existing Public or Private Use: Normal and routine maintenance and repair of any existing*

public or private uses and facilities where no alteration of the critical area and required buffer or additional fill materials will be placed. The use of heavy construction equipment shall be limited to utilities and public agencies that require this type of equipment for normal and routine maintenance and repair of existing utility or public structures and rights-of-way. In every case, critical area and required buffer impacts shall be minimized and disturbed areas shall be restored during and immediately after the use of construction equipment.

RMC 4-3-050C.5.h.i. Emergency Activities: Emergency activities are those which are undertaken to correct emergencies that threaten the public health, safety and welfare pursuant to the criteria in subsection C9b of this Section. An emergency means that an action must be undertaken immediately or within a time frame too short to allow full compliance with this Section, to avoid an immediate threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.

FINDINGS: The proposed development is consistent with the following findings pursuant to RMC section 4-3-050C.5:

1. The activity is not prohibited by this or any other chapter of the RMC or state or federal law or regulation.
2. The activity will be conducted using best management practices as specified by industry standards or applicable Federal agencies or scientific principles if submitted plans are followed and the conditions of approval of this exemption are met.
3. Impacts will be minimized and disturbed areas will be immediately restored, if submitted plans are followed and the conditions of approval of this exemption are met.
4. Where vehicle disturbance occurs during construction or other activities in accordance with this exemption, the site will be maintained and repaired with hog fuel and jute matting as required as a condition of approval for this exemption.
5. No significant trees will be removed as part of the silt removal from the pond.

DECISION: An exemption from the critical areas regulations is **approved** for the sediment removal activities, listed above, within the pond.

SIGNATURE:



**Jennifer Henning, Planning Director
Department of Community & Economic Development**



Date

APPEALS: An appeal of this administrative land use decision must be filed in writing together with the required fee to the City of Renton Hearing Examiner, City of Renton, 1055 South

Grady Way, Renton, WA 98057, on or before 5:00 p.m., on October 07, 2014. RMC 4-8-110 governs appeals to the Hearing Examiner and additional information regarding the appeal process may be obtained from the Renton City Clerk's Office, (425) 430-6510.

RECONSIDERATION: Within 14 days of the decision date, any party may request that the decision be reopened by the approval body. The approval body may modify his decision if material evidence not readily discoverable prior to the original decision is found or if he finds there was misrepresentation of fact. After review of the reconsideration request, if the approval body finds sufficient evidence to amend the original decision, there will be no further extension of the appeal period. Any person wishing to take further action must file a formal appeal within the 14-day appeal time frame.

EXPIRATION: One (1) year from the date of decision (date signed).



HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: September 15, 2014
Project End Date: October 14, 2014

Permit Number: 2014-4-204+01
FPA/Public Notice Number: N/A
Application ID: 1594

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
<p>Conner Homes ATTENTION: Rob Risinger 846 108th Ave NE, Suite 200 Bellevue, WA 98004</p>	

Project Name: Pipers Bluff Storm Damage Cleanup

Project Description: Remove an accumulation of sediment from Honey Creek downstream of the Pipers Bluff outfall, where there was a slope failure at the construction site last winter.

PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin immediately and shall be completed by October 14, 2014.
 2. Work shall be accomplished per the discussion with the Washington Department of Fish and Wildlife (WDFW) Area Habitat Biologist (AHB) listed below, which is reflected in the following provisions.
 3. Sediment removal shall occur in the dry or in isolation from the flow by the installation of a bypass flume or culvert, or by pumping the flow around the work area.
- Provisions 4-9 apply if the watercourse is flowing at the time channel maintenance occurs:
4. A temporary bypass to divert flow around the work area shall be in place prior to initiation of other work in the wetted perimeter.
 5. A sandbag revetment or similar device shall be installed at the bypass inlet to divert the entire flow through the bypass.
 6. A sandbag revetment or similar device shall be installed at the downstream end of the bypass to prevent backwater from entering the work area.
 7. The bypass shall be of sufficient size to pass all flows and debris for the duration of the project.
 8. Prior to releasing the water flow to the project area, all bank protection or armoring shall be completed.
 9. Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to pre-project or improved conditions.
 10. Disturbance of the streambed and banks and their associated vegetation shall be limited to that necessary to perform the project. Affected streambed and bank areas shall be restored to pre-project or improved habitat configuration. Prior to December 31 of the year of sediment removal, the disturbed areas of woody vegetation shall be revegetated with native or other woody species approved by the WDFW AHB listed below. Vegetative cuttings shall be planted at a maximum interval of three feet (on center). Plantings shall be maintained as necessary for three years to ensure 80 percent or greater survival approved by the AHB.



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11. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Emergency Management Division at 1-800-258-5990, and to the AHB.

12. Erosion control methods shall be used to prevent silt-laden water from entering the watercourses. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas.

13. Prior to starting work, the selected erosion control methods (Provision 12) shall be installed. Accumulated sediments shall be removed during the project and prior to removing the erosion control methods after completion of work.

14. Wastewater from project activities and water removed from within the work area shall be routed to an area landward of the OHWL to allow removal of fine sediment and other contaminants prior to being discharged to the state waters.

15. All waste material such as construction debris, silt, excess dirt or overburden resulting from this project shall be deposited above the limits of floodwater in an approved upland disposal site.

16. If adverse weather conditions that may cause siltation are encountered during this project, work shall stop until favorable weather conditions resume.

17. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into state waters.

LOCATION #1: Site Name: Honey Creek at Pipers Bluff 11XX Hoquiam Ave NE, Renton, WA						
WORK START: September 15, 2014			WORK END: October 14, 2014			
WRIA		Waterbody:		Tributary to:		
08 - Cedar - Sammamish		Honey Creek		May Creek		
1/4 SEC:	Section:	Township:	Range:	Latitude:	Longitude:	County:
NE 1/4	10	23 N	05 E	47.503	-122.149	King
Location #1 Driving Directions						
From SR 900, go south on Hoquiam Ave NE. Turn left at the construction site. Go downstream of the outfall and waterline crossing.						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS



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This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person (s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person (s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA. A minor modification to the required work timing means up to a one-week deviation from the timing window in the HPA when there are no spawning or incubating fish present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. Minor modifications do not require you to pay additional application fees or be issued a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you do not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Include the HPA number and a description of the requested change and send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to HPAapplications@dfw.wa.gov. Do not include payment with your request. You should allow up to 45 days for the department to process your request.

MAJOR MODIFICATIONS TO THIS HPA: You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you paid an application fee for your original HPA you must pay an additional \$150 for the major modification. If you did not pay an application fee for the original HPA, no fee is required for a change to it. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you do not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Include the HPA number, check, and a description of the requested change. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You should allow up to 45 days for the department to process your request.



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APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

A. INFORMAL APPEALS: WAC 220-110-340 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee will conduct an informal hearing and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-110-350 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.



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Habitat Biologist

Larry.Fisher@dfw.wa.gov

A handwritten signature in cursive script that reads "Larry Fisher".

for Director

Larry Fisher

425-313-5683

WDFW
