



NOTICE OF DECISION

City of Woodinville

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

The City of Woodinville has issued a Notice of Decision for the following project:

Project Name: Woodinville Water District Woodinville-Redmond Road/NE 160th Street Sanitary Sewer Upgrade Project

Proponent: Woodinville Water District

Project Number: SCU10001 / SDL10004 / ROW10029

Description of proposal: Replacement of 2,025 linear feet of existing 8-inch diameter sanitary sewer with 12-inch diameter pipe, installed using pipe bursting construction methods, and a jack and bore crossing of SR 202 and railroad right-of-way to include 140 linear feet of 12-inch DI within 24-inch casing. The project also includes installation of 10 manholes, 7 side-sewer reconnections, asphalt repair, traffic control and sewer bypassing. SEPA is required due to the presence of water on-site. A Shoreline Conditional Use Permit is required to complete the work within the Shoreline Management area.

Project Location: Woodinville Water District sewer easement located within Woodinville-Redmond Road right-of-way, 15800 Woodinville Redmond Road, and 15900 Woodinville Redmond Road, Woodinville, WA.

Notice of Decision Date: December 13, 2010

End of Appeal Period Date/Time: December 27, 2010 by 4:00 p.m.

Project Permit Expiration Date: Two years from date of DOE approval

Project Decision: A public hearing was held before the Woodinville Hearing Examiner on November 16, 2010, for review of the Shoreline Conditional Use Permit application. After considering comments by the public, City staff, and outside agencies, the project was approved with conditions by the Woodinville Hearing Examiner, subject to the attached Findings of Fact, Conclusions and Decision

The Shoreline Conditional Use Permit shall be valid for two (2) years from the date of Department of Ecology's approval. If a issued permit is not obtained within this period, the Shoreline Conditional Use Permit shall become null and void, and a Shoreline Conditional Use Permit application would need to be submitted.

The Shoreline Conditional Use Permit shall also be declared void if there is a failure to comply with the approved plans or conditions of approval.



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The application, supporting documents, and studies are available for review at the City of Woodinville, 17301 133rd Avenue NE, Woodinville, WA 98072. Contact: Erin Martindale, Project Manager, at (425) 489-2754, Ext. 2283. Email address: erinm@ci.woodinville.wa.us

Appeals: A Party of Record must file an appeal of this decision within 14 days from date of final this notice. The final decision of the Hearing Examiner's Decision is appealable to the City Council. Appeals must be delivered to the Planning Director and must be filed no later than December 27, 2010 by 4:00 p.m. Appellants must be a party of record. To receive additional information on appeals for this application, please contact the Project Manager listed below.

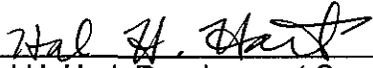
Department of Ecology Review: This decision and associated permit will be sent to the Washington State Department of Ecology, who shall either approve, approve with conditions, or deny the application. The department shall render and transmit to local government and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by local government pursuant to WAC 173-27-110.

Affected property owners may request a change in valuation with King County for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the King County Assessor's Office at 206-296-7300.

Contact person: Erin Martindale, Project Manager

(425) 877-2283

Email address: erinm@ci.woodinville.wa.us

Signature: 
Hal H. Hart, Development Services Director

Date: December 13, 2010

Methods of Notice:

Published

Posted: 1) In-House, 2) Post Office & 3) Website

Post Site

Mailed to Parties of Record

King County Assessor's Office



NOTICE OF DECISION

City of Woodinville

Development Services Department

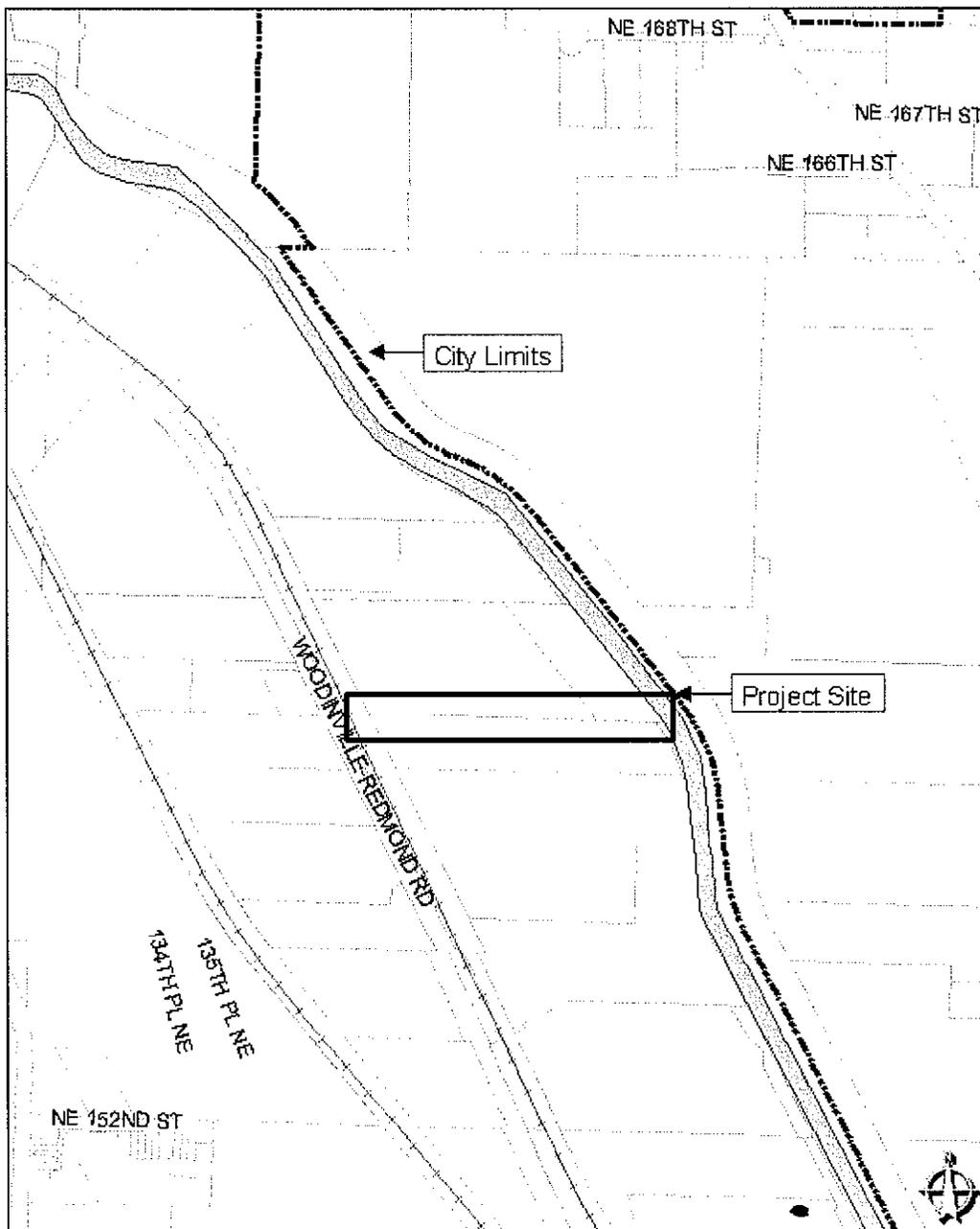
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Location Map

Project Name: Woodinville Water District Woodinville-Redmond Road/NE 160th Street Sanitary Sewer Upgrade Project

File Numbers: SCU10001/SDL10004/ROW10029



**BEFORE THE HEARING EXAMINER
FOR THE CITY OF WOODINVILLE**

In the Matter of the Application of)	No. SCU10001
)	
Woodinville Water District)	Sanitary Sewer Upgrade
)	
<u>For a Shoreline Conditional Use Permit</u>)	FINDINGS, CONCLUSIONS, AND DECISION

SUMMARY OF DECISION

The request for a shoreline conditional use permit to replace existing eight-inch diameter sanitary sewer pipe with 12-inch diameter sanitary sewer pipe within the Sammamish River shoreline near the Woodinville-Redmond Road/NE 160th Street intersection, in Woodinville, Washington, is **APPROVED**, with conditions. Conditions of approval are necessary to mitigate specific impacts of the proposed development.

SUMMARY OF RECORD

Request:

The Woodinville Water District requests a shoreline conditional use permit to replace existing eight-inch diameter sanitary sewer pipe with 12-inch diameter sanitary sewer pipe within the Sammamish River shoreline near the Woodinville-Redmond Road/NE 160th Street intersection, in Woodinville, Washington.

Hearing Date:

The Hearing Examiner held an open record hearing on the request on November 16, 2010.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Erin Martindale, City Senior Planner
Nic Schmidt, Applicant Representative

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated November 9, 2010

*Findings, Conclusions, and Decision
City of Woodinville Hearing Examiner
Woodinville Water District SCUP, No. SCU10001*

RECEIVED

DEC 01 2010

**CITY OF WOODINVILLE
DEVELOPMENT SERVICES**

2. Application materials
 - a. Shoreline conditional use permit application and application statement, received July 15, 2010
 - b. Determination of Nonsignificance, received May 28, 2010
3. Proposed construction plans, received July 15, 2010
4. Notice of Application, dated August 9, 2010, including Affidavits of Mailing, Posting, and Publication
5. Notice of Public Hearing, dated November 1, 2010, including Affidavits of Posting, Mailing, and Publication
6. Agency Comments, including: Letter from the Stillaguamish Tribe of Indians, dated August 16, 2010; Email message from the Washington State Department of Transportation, dated September 15, 2010; Letter from the Woodinville Fire District and attached conditions of approval, dated September 18, 2010; Email messages from the City of Woodinville Public Works Department, dated November 3, 2010 and October 26, 2010
7. 2007 General Sewer Plan, Woodinville Water District Capital Improvement Program, Figure 8-1, last updated June 2006
8. PowerPoint presentation slides, received November 16, 2010

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

1. The Woodinville Water District (Applicant) requests a shoreline conditional use permit (SCUP) to replace existing eight-inch diameter sanitary sewer pipe with 12-inch diameter sanitary sewer pipe within the Sammamish River shoreline near the Woodinville-Redmond Road/NE 160th Street intersection, in Woodinville, Washington.¹ *Exhibit 2a.*
2. The City of Woodinville (City) determined the SCUP application was complete on August 2, 2010. *Exhibit 4.* On August 6, 2010, the City posted notice of the application at official City posting locations, and mailed notice of the application to owners of property in the vicinity of the property subject to the application, interested parties, the Applicant, and the Applicant representative.² The City published notice of the

¹ Nic Schmidt, Applicant Representative, testified the property subject to the shoreline conditional use permit (SCUP) application is identified by Tax Assessor's Parcel Nos. 1526059-023, 1526059-060, 1526059-063, and 1526059-068. *Testimony of Mr. Schmidt.* A legal description of the subject property is included with the application materials. *Exhibit 2.*

² Erin Martindale, City Senior Planner, testified that the City mailed notice of the SCUP application and associated open record hearing to owners of property up to approximately 1,200 feet from the subject property to distribute notice to the amount of property owners required by City ordinances. *Testimony of Ms. Martindale.* Woodinville Municipal Code (WMC) 17.11.040(3)(a) requires that mailed notice be sent to owners of property in an area within

application in *The Woodinville Weekly* on August 9, 2010. *Exhibit 4*. On November 1, 2010, the City posted notice of the open record hearing associated with the application at official City posting locations, published notice in *The Woodinville Weekly*, and mailed notice to owners of property in the vicinity of the subject property, interested parties, the Applicant, and Applicant Representative. *Exhibit 5*.

3. The Woodinville Water District (District) acted as lead agency³ and analyzed the environmental impact of the proposed project, as required by the State Environmental Policy Act (SEPA), Ch. 43.21C RCW. The District determined that the proposal would not have a probable significant adverse impact on the environment, and issued a Determination of Nonsignificance (DNS) on April 23, 2010. Nic Schmidt, Applicant Representative, testified that the District did not receive any comment on the DNS, and that the DNS was not appealed. *Exhibit 2b; Testimony of Mr. Schmidt*.
4. A portion of the subject property is located within City Woodinville-Redmond Road right-of-way,⁴ a portion of the subject property is located within Port of Seattle railroad right-of-way, and the remainder is located within a Woodinville Water District easement located at 15800 and 15900 Woodinville-Redmond Road, Woodinville, Washington.⁵ The Woodinville Water District easement is located on property currently used by Matheus Lumber Company and Woodinville Lumber Company. *Exhibit 1, Staff Report, page 2; Exhibit 2a; Exhibit 3*.
5. The proposed project would consist of replacing approximately 2,025 linear feet of existing eight-inch diameter sanitary sewer pipe with 12-inch diameter pipe. The proposed project is identified as a section of existing surcharged pipes by the

500 feet of the site of the proposed action, and that such area shall be expanded as necessary to send notice to at least 20 different property owners, and tenants or residents. *WMC 17.11.040(3)(a)*.

³ The first agency receiving an application for or initiating a nonexempt proposal shall determine the lead agency for that proposal, unless the lead agency has been previously determined, or the agency receiving the proposal is aware that another agency is determining the lead agency. The lead agency shall be determined by using the criteria in WAC 197-11-926 through 197-11-944. *WAC 197-11-924*. WAC 197-11-926 provides that when an agency initiates a proposal, it is the lead agency for that proposal. "Agency" means any state or local governmental body, board, commission, department, or officer authorized to make law, hear contested cases, or otherwise take the actions stated in WAC 197-11-704, except the judiciary and state legislature. *WAC 197-11-714(1)*.

⁴ City staff are reviewing the project for a Site Development Permit (SDL), SDL10004) and a City Right-of-Way Permit (ROW10029) concurrent with the SCUP under review by the Hearing Examiner. *Exhibit 1, Staff Report, page 2*.

⁵ The properties affected by the easement are identified as Tax Assessor Parcel Nos. 1526059068 and 1526059063. *Exhibit 3*.

Woodinville Water District Capital Improvement Program (Program).⁶ The Applicant would undertake the proposed pipe replacement to meet current and future capacity requirements outlined within the Program, which was approved by the Washington State Department of Ecology (DOE). Approximately 415 feet of pipe to be replaced lies within 200 feet of the Sammamish River shoreline and is located within the Woodinville Water District easement. The area of shoreline within the easement is vegetated with grass. The City staff report describes this section of shoreline as a degraded riparian corridor. The Applicant would replace the grass following sewer pipe replacement. The City staff report states trees or shrubs should not be planted within utility easements because trees and shrubs limit access to sewer lines for repair. All replacement sewer pipe would be placed underground. The City staff report states the Applicant is required to submit a final landscaping plan for City review and approval prior to Site Development Permit (SDL) issuance. *Exhibit 1, Staff Report, pages 2 - 4; Exhibit 2; Exhibit 3.*

6. The State Shoreline Management Act (SMA) and the Woodinville Shoreline Master Program (City SMP) govern work within 200 feet of the Sammamish River ordinary high water mark. *Woodinville SMP; RCW 90.58.030(2)(f)*. Any “substantial development” within the shoreline requires a permit under the local government shoreline master program. Substantial development is any development in which the total cost or fair market value exceeds \$5,718.00, or any development that materially interferes with the normal public use of the water or shorelines of the state. *RCW 90.58.030(3)(e)*.⁷ The projected cost of the proposed project is approximately \$54,475.00. *Exhibit 1, Staff Report, page 3.*
7. The subject property is designated a Conservancy and Urban Conservancy shoreline environment under the City SMP. The first 100 linear feet nearest the Sammamish River within the subject property is designated Conservancy shoreline environment, and the next 100 linear feet nearest the Sammamish River is designated Urban Conservancy shoreline environment. *Exhibit 1, Staff Report, page 3.* The purpose of the Conservancy environment is to protect and restore ecological functions, while making the areas available for limited human use, when appropriate and nondestructive of critical areas. The chief constraints on human uses of land within the Conservancy Environment are that they be non-intensive and non-destructive. Allowed uses should meet the SMA guideline, set forth in WAC 173-26-211(2)(a), of being non-consumptive of the physical and biological resources of the area. The Conservancy Environment is intended to

⁶ Ms. Martindale testified that the Capital Improvement Program is also known as the Woodinville Water District’s 2007 General Sewer Plan. *Testimony of Ms. Martindale.*

⁷ “Development” includes construction of structures; filling; and removal of any sand, gravel, or minerals. *RCW 90.58.030(3)(d)*.

and biological resources of the area. The Conservancy Environment is intended to balance the existing development in the City's shoreline areas and to be consistent with the City's Critical Area regulations. *City SMP, Section 5.2.2.1, page 5-3 (adopted December 8, 2009)*. The purpose of the Urban Conservancy environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses as established by the Comprehensive Plan. *City SMP, Section 5.2.4.1, page 5-8 (adopted December 8, 2009)*.

8. The subject property is designated Industrial by the City Comprehensive Plan, and is located within the City's Industrial zoning district. *Exhibit 1, Staff Report, page 1*. The Industrial Comprehensive Plan designation is applied to areas currently suited for industrial and business park activities. These areas are located along major arterial streets. *City of Woodinville Comprehensive Plan, Land Use Element, Chapter 3, page 11 (December 2006)*. Comprehensive Plan goals and policies applicable to the proposed project provide for coordination of utility, land use, and transportation planning; regulate utilities construction within sensitive areas according to City sensitive areas regulations; and recognize the Woodinville Water District 2008 Comprehensive Water Plan. *City Comprehensive Plan, Utilities Element, Chapter 11, pages 1 – 3 (December 2002); Exhibit 1, Staff Report, page 3*.
9. Erin Martindale, City Senior Planner, testified the proposed project is to replace an accessory utility service line under the City SMP. Accessory⁸ utility service lines are an allowed use within the Urban Conservancy shoreline environment and are allowed with a shoreline conditional use permit (SCUP). *City SMP, Table 6.1 Shoreline Use Matrix, page 6-6 (adopted December 8, 2009); Testimony of Ms. Martindale*.
10. City SMP policies applicable to the proposed project include those use and activity policies and regulations that apply to both primary and accessory utilities:
 - wherever feasible, primary utility facilities shall be located outside the shorelines area, but whenever these facilities must be placed in a shoreline area, the location shall be chosen so as not to adversely impact shoreline ecological functions or obstruct or destroy scenic views;
 - whenever feasible, accessory utilities shall be placed underground or otherwise designed to do minimal damage to the ecological functions and aesthetic qualities of the shoreline area;
 - upon completion of installation/maintenance projects on shorelines, stream banks shall be restored to pre-project configuration, replanted with non-invasive species, and provided maintenance care until the newly planted vegetation is established;

⁸ An "accessory" utility use is a small-scale distribution service connected directly to uses along the shoreline. *City SMP, Section 6.15.1, page 6-26 (adopted December 8, 2009)*.

- utilities shall be located to meet the needs of future populations in areas planned to accommodate this growth;
- applications for utility facility installation shall include required minimum elements; utilities shall be installed and designed in such a way as to minimize damage to the scenic view or aesthetic qualities of the shoreline area; and
- all underwater pipelines or those paralleling the waterway transporting liquids potentially injurious to aquatic life or water quality are prohibited, unless no other alternative exists to serve a public interest, and where permitted, shut-off valves shall be provided at both sides of the water body except for public sanitary sewers of a gravity or siphon nature; and sanitary sewers shall be separated from storm sewers.

City of Woodinville Shoreline Master Program, Section 6.15 Utilities, Policies 6.15.2(1), 6.15.2(3), 6.15.2(5), 6.15.2(7), 6.15.2(10), 6.15.2(11), and 6.15.2(16), pages 6-26 – 6-28 (adopted December 8, 2009).

11. The subject property is currently used for industrial purposes, including lumber company, warehouse, and manufacturing uses. Other property adjacent to the north, south, and west currently contains industrial uses, and is located in the City's Industrial zoning district. Other property adjacent to the east currently contains agricultural uses, and is located in the City's Agriculture zoning district, which permits development of one dwelling unit per 10 acres. *Exhibit 1, Staff Report, page 2.*
12. The City received comment on the proposed project from the Stillaguamish Tribe of Indians, which determined "no cultural concerns at this time"; the Washington State Department of Transportation (WSDOT), which found the proposed work to be within City jurisdiction for required permits; City Fire and Rescue, which recommended a condition that City Fire and Rescue be notified of any road closures/restrictions, water shut-down or hydrants out of service; and City Public Works, which requested that the Applicant submit additional documentation prior to ROW permit approval, protect the City storm sewer system, install straw wattles or best management practices, and address potholes within the roadway. *Exhibit 6.*
13. Mr. Schmidt testified that the existing eight-inch diameter sewer pipe within the subject property is reaching capacity and beginning to sag. Mr. Schmidt also testified that the Applicant is still negotiating replacement of the existing pipe within the Port of Seattle railroad right-of-way with a jack-and-bore method.⁹ Mr. Schmidt added that only a small portion of sewer pipe would be replaced using an open-trenching method. A portion of

⁹ The City staff report states that proposed construction would occur using a jack and bore method, a traditional open trenching method, and a pipe bursting method. According to the staff report, the areas of disturbance would be limited to the edges of construction through the digging and restoration of pits, and the City would require that the Applicant verify construction did not harm the City's stormwater system following construction, as the system is in close proximity to proposed construction. *Exhibit 1, Staff Report, pages 4 – 5.*

the proposed project is located in the shoreline area because the pipe to be upgraded is connected to an existing sewer line siphon located under the Sammamish River. The proposed project would be constructed to address a sewer line capacity issue just west of the Sammamish River, from which the existing eight-inch diameter pipe is insufficient to carry current and future flows. Mr. Schmidt added that the portion of the sewer pipe to be replaced would be bypassed during replacement. He testified that there is enough capacity within the surrounding sanitary sewer system to absorb flows during replacement of the eight-inch pipe. *Exhibit 1, Staff Report, page 4; Testimony of Mr. Schmidt.*

14. Ms. Martindale testified that the City received comment from agencies and the Stillaguamish Tribe of Indians but no public comment on the proposal. Ms. Martindale testified that City staff recommends approval of the proposed project with 14 proposed conditions of approval to mitigate project impacts and comply with the City SMP and applicable development regulations. Mr. Schmidt testified that the Applicant has read, understands, and accepts proposed conditions of approval. *Exhibit 1, Staff Report, pages 2 – 3; Testimony of Ms. Martindale; Testimony of Mr. Schmidt.*

CONCLUSIONS

Jurisdiction

The City of Woodinville Hearing Examiner is authorized to hear and decide shoreline conditional use permit requests. *Woodinville Municipal Code (WMC) 17.07.030.*

Criteria for Review

The Hearing Examiner may approve, conditionally approve, or deny a shoreline conditional use permit, after considering the cumulative impact of additional requests for like actions in the area; whether special conditions may be attached to the permit to prevent the undesirable effects of the proposed use; and whether the applicant has demonstrated that all of the following criteria exist:

1. The proposed use is consistent with the policies of RCW 90.58.020 and the policies of the Woodinville Shoreline Master Program;
2. The proposed use would not interfere with the normal public use of public shorelines;
3. The proposed use of the site and design of the project is compatible with other existing and planned uses within the area;
4. The proposed use will cause no avoidable adverse effects to the shoreline environment in which it is to be located;
5. That water, air, noise, and other classes of pollution will not be more severe than the pollution that would result from the uses which are permitted in the particular environment;

*Findings, Conclusions, and Decision
City of Woodinville Hearing Examiner
Woodinville Water District SCUP, No. SCU10001*

6. That none of the goals, policy statements, or specific aims of the particular environment would be violated, abrogated, or ignored;
7. That no other applicable regulations will be violated; and
8. The public interest suffers no substantial detrimental effect.

Woodinville Shoreline Master Program (SMP), Sections 7.5.3.2 and 7.5.3.3 (adopted December 8, 2009).

Chapter 90.58 RCW, the Washington State Shoreline Management Act of 1971 (SMA), establishes a cooperative program of shoreline management between the local and state governments with local government having the primary responsibility for initiating the planning required by the chapter and administering the regulatory program consistent with the Shoreline Management Act. *RCW 90.58.050*. Applicable policies of the Shoreline Management Act (SMA) include those to foster “all reasonable and appropriate uses;” protect against adverse effects to the public health, the land and its vegetation and wildlife; and give priority to single family residences and appurtenant structures in authorizing alterations to the natural condition of the shoreline. Permitted shoreline uses must be designed to “minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public’s use of the water.” *RCW 90.58.020*.

The Department of Ecology shoreline regulations are located in Chapters 173-26 and 173-27 of the Washington Administrative Code (WAC). Chapter 173-26 sets forth procedures and guidelines for local adoption of shoreline master programs that are not applicable to the Applicant’s permit request. Chapter 173-27 sets forth permitting procedures and permit criteria.

In addition, RCW 36.70B.040 and WMC 17.13.100 require the Hearing Examiner to review a proposed project for consistency with City of Woodinville development regulations during project review, by consideration of the type of land use; level of development, such as units per acre or other measures of density; infrastructure, including public facilities and services needed to serve the development; and characteristics of development, such as development standards. *RCW 36.70B.040; WMC 17.13.100*.

Conclusions Based on Findings

1. **With conditions, the proposed use is consistent with RCW 90.58.020 policies and Woodinville Shoreline Master Program policies.** The proposed project would comprise substantial development under the SMA, and thus requires a permit under the Woodinville Shoreline Master Program (City SMP). The proposed accessory utility line replacement requires a Shoreline Conditional Use Permit (SCUP) within the Conservancy shoreline environment under the City SMP, and is an allowed use within the Urban Conservancy shoreline environment under the City SMP. The Woodinville Water District determined the proposed project would not have a probable significant adverse impact on the environment. The proposed sewer pipe replacement would not destroy

*Findings, Conclusions, and Decision
City of Woodinville Hearing Examiner
Woodinville Water District SCUP, No. SCU10001*

critical areas, as the portion of the pipe to be replaced within the shoreline management area consists of grass within a degraded riparian corridor. Replacement sanitary sewer pipe would be buried underground, so not to adversely impact ecological functions, destroy scenic views, or damage the aesthetic qualities of the shoreline, and any excavation required to replace pipe would only temporarily expose soil. Existing grass within the shoreline management area would be replaced by the Applicant following sewer pipe replacement, minimizing any resultant damage to the ecology and environment of the shoreline area and restoring shoreline area to its pre-project configuration. The proposed sewer pipe replacement would meet existing and future demand for capacity within the sanitary sewer system. The portion of sewer pipe to be replaced would be bypassed and accommodated within the existing sanitary sewer system during proposed replacement activity, to protect against any adverse effects to the public health. Sewer pipe replacement within the shoreline management area of the subject property would not interfere with public use of the water, as the portion of the subject property found within the shoreline management area is private property. Consistent with City SMP policies applicable to accessory utilities, replacement sewer pipe would satisfy existing and future demand within an existing public sanitary sewer system, and the replacement sanitary sewer pipe would be separated from City storm sewer.

Conditions are necessary to ensure that the Applicant verify no impact to the City storm sewer system following proposed sanitary sewer pipe replacement; that all proposed work shall be performed outside the Sammamish River ordinary high water mark; perform erosion control in accord with an approved temporary erosion control and sedimentation plan; submit a final landscaping plan for review and approval prior to City issuance of the site development permit; prevent disturbance of vegetative cover beyond construction limits; and store construction materials and equipment outside the shoreline management area. *Findings 1, 3, 5 – 7, 9, 12 – 14.*

2. **The proposed use would not interfere with the normal public use of public shorelines.** Proposed sanitary sewer pipe replacement would be located underground. No change is proposed to the normal public use of public shorelines, as the portion of the subject property found within the shoreline management area is private property. *Findings 1, 4, 5.*
3. **With conditions, the proposed use of the site and design of the project would be compatible with other existing and planned uses within the area.** The proposed project would replace an existing sanitary sewer pipe within the subject property with a larger-diameter sewer pipe, to better serve existing and future demand for capacity within the sanitary sewer system. Surrounding uses consist of industrial and agricultural uses. The City did not receive comment from the lumber companies located on the property containing the Woodinville Water District easement, in response to City notice of

application and notice of the associated open record hearing. City staff is reviewing a City right-of-way permit to allow proposed construction within the Woodinville-Redmond Road right-of-way. Construction within the Port of Seattle railroad right-of-way is contingent on negotiating an agreement allowing construction with the Port of Seattle. The proposed project is consistent with the Woodinville Water District Capital Improvement Program (Program). The Applicant would undertake the proposed project to meet current and future capacity requirements outlined within the Program. Proposed replacement sewer pipe would connect to an existing sanitary sewer system siphon located under the Sammamish River.

Conditions are necessary to ensure final civil plans showing improvements designed in accord with City Code and Infrastructure standards are submitted to the City for review and approval prior to site development or right-of-way permit issuance; and that all work shall proceed largely in conformance with the approved plans. *Findings 1, 2, 4, 5, 11 – 14.*

4. **With conditions, the proposed use would cause no avoidable adverse effects to the shoreline environment in which it is to be located.** The Woodinville Water District acted as lead agency under SEPA and determined the proposed project would have no probable significant adverse impact on the environment. The proposed project would be located in the Conservancy and Urban Conservancy shoreline environment, and would replace existing sanitary sewer pipe with larger-diameter sanitary sewer pipe. Replacement pipe would be buried underground, and existing grass would be replaced following pipe replacement. No other changes to the shoreline environment are proposed. Conditions of approval are necessary to ensure all work occurs outside the Sammamish River OHWM; erosion control is implemented in accord with a final temporary erosion control and sedimentation plan reviewed and approved by the City; vegetative cover beyond construction limits is not disturbed; construction materials and equipment are stored outside the shoreline management area; and proposed road closures are subject to City Public Works Director approval. *Findings 1, 3, 5, 7, 14.*

5. **With conditions, water, air, noise, and other classes of pollution would not be more severe than the pollution that would result from the uses which are permitted in the Conservancy and Urban Conservancy shoreline environment.** The proposed project would result in only temporary construction impacts to the shoreline environment, and existing grass overlying existing sewer pipe would be replaced following proposed sewer pipe replacement. The section of sewer pipe to be replaced would be bypassed during replacement activity, and there is enough capacity within the surrounding sanitary sewer system to absorb flow from bypass during replacement activity. The proposed project is meant to address an existing lack of capacity within the system, to reduce a future chance of pollution. Construction by open-trenching method would be minimized. Conditions

are necessary to ensure that the Applicant implements a City-approved temporary erosion and sedimentation control plan, and that the proposed project complies with City noise ordinances. *Findings 1, 4, 5, 13, 14.*

6. **With conditions, none of the goals, policy statements, or specific aims of the Conservancy and Urban Conservancy shoreline environment would be violated, abrogated, or ignored.** In accord with the purpose of the Conservancy and Urban Conservancy shoreline environment, the proposed sewer pipe replacement would not destroy critical areas, as the portion of the pipe to be replaced within the shoreline management area consists of grass within degraded riparian corridor. Replacement sanitary sewer pipe would be buried underground, so not to adversely impact ecological functions, destroy scenic views, or damage the aesthetic qualities of the shoreline, and any excavation required to replace sewer pipe would only temporarily expose soil. Existing grass within the shoreline management area would be replaced by the Applicant following sewer pipe replacement, minimizing any resultant damage to the ecology and environment of the shoreline area and restoring shoreline area to its pre-project configuration. The proposed sewer pipe replacement would meet existing and future demand for capacity within the sanitary sewer system. The proposed project would not interfere with continued use of the subject property consistent with the Industrial designation of the property under the City Comprehensive Plan.

Consistent with City SMP policies applicable to accessory utilities, the proposed use would be buried underground and would not adversely impact shoreline ecological functions, obstruct or destroy scenic views, or damage aesthetic qualities of the shoreline area. Existing grass within the shoreline area would be replaced following sewer pipe replacement, consistent with SMP policies requiring restoration to pre-project configuration. Proposed sewer pipe replacement would address a lack of capacity within the existing sanitary sewer system, to provide capacity for existing conditions and future growth. The proposed replacement sanitary sewer pipe would be separated from storm sewer lines. Conditions of approval are necessary to ensure the proposed project does not impact the City's existing storm sewer in proximity of the proposed project; that the Applicant submits a final landscaping plan for City review and approval; and that the Applicant implements a City-approved erosion and sedimentation control plan. *Findings 1, 5 – 10, 12 – 14.*

7. **With conditions, no other applicable regulations would be violated.** The City provided adequate notice and opportunity to comment, as required by City ordinances. The Woodinville Water District acted as lead agency and analyzed the impact of the proposed project under SEPA. The proposed project is an allowed use within the Urban Conservancy shoreline environment and allowed with a SCUP in the Conservancy shoreline environment, under the City SMP. Consistent with the SMA guideline set forth

Findings, Conclusions, and Decision
City of Woodinville Hearing Examiner
Woodinville Water District SCUP, No. SCU10001

in WAC 173-26-211(2)(a), the proposed project would not consume physical or biological resources of the area, as soil would only be temporarily exposed during sewer pipe replacement, replacement sewer pipe would be buried underground, and existing grass overlying existing sewer pipe would be replaced following sewer pipe replacement. Proposed sewer pipe replacement would not change the existing industrial use of the subject property, consistent with the property's Industrial designation under the City Comprehensive Plan and location within the City's Industrial zoning district.

Conditions are necessary to ensure that the Applicant obtain all required permits; conduct all work outside the Sammamish River OHWM, with City critical areas code applicable to any work within the OHWM; design improvements to conform to City Code and Infrastructure Standards, and proceed with all work largely in conformance with approved plans; submit a final landscape plan for review and approval prior to SDL issuance; obtain City review and approval for a final temporary erosion control and sedimentation plan; not disturb vegetative cover beyond construction limits; store materials and equipment outside the shoreline management area; maintain emergency vehicle access, with notification to City Fire and Rescue if any road closure/restrictions, water shut-off or hydrants out of service; limit construction noise in accord with City ordinances; attend a pre-construction meeting; protect City storm drain from impact resulting from proposed sewer work; and notify the City for approval prior to any proposed road closures. *Findings 1 – 12, 14.*

8. **With conditions, the public interest would suffer no substantial detrimental effect.** The City gave adequate notice and opportunity to comment, and received substantive comment from City Fire and Rescue and from City Public Works. Conditions of approval are necessary to ensure that the Applicant notify City Fire and Rescue of any road closures/restrictions, water shut-down or hydrants out of service, as recommended by City Fire and Rescue; and that the Applicant submit additional documentation prior to ROW permit approval, protect the City storm sewer system, install straw wattles or best management practices, and CDF potholes within the roadway, as recommended by City Public Works. Proposed sewer pipe replacement would result in only temporary construction impacts to the shoreline area, and would result in increased capacity within the sanitary sewer system for the area, for existing conditions and future growth. Conditions are necessary to ensure the Applicant implements a temporary erosion control and sedimentation plan; replaces existing grass in accord with a City-approved final landscape plan; does not disturb vegetation beyond construction limits; and does not store materials or equipment within the shoreline area. *Findings 1, 2, 4 – 6, 11 - 14.*
9. **With conditions, the proposed project would be consistent with City development regulations, as required by RCW 36.70B.040 and WMC 17.13.100.** The proposed project would result in only temporary construction impacts and would not interfere with

uses of the subject property allowed within the City's Industrial zoning district. Conditions are necessary to ensure that the Applicant obtains all required permits; conducts all work outside the Sammamish River OHWM, with City critical areas code applicable to any work within the OHWM; designs improvements to conform to City Code and Infrastructure Standards, and proceeds with all work largely in conformance with approved plans; submits a final landscape plan for review and approval prior to SDL issuance; and obtains City review and approval for a final temporary erosion control and sedimentation plan. *Findings 1, 4, 5, 8, 11, 12, 14.*

DECISION

Based upon the preceding Findings and Conclusions, the request for a shoreline conditional use permit to replace existing eight-inch diameter sanitary sewer pipe with 12-inch diameter sanitary sewer pipe within the Sammamish River shoreline near the Woodinville-Redmond Road/NE 160th Street intersection, in Woodinville, Washington, is **APPROVED**, with the following conditions:¹⁰

1. The Applicant shall obtain all required City, County, and State permits for proposed sanitary sewer pipe improvements.
2. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for work within the stream bank. It is the responsibility of the Applicant to determine if a permit is required, and to obtain any required permit prior to the state of the project in that portion of the project area.
3. All work is shown outside the ordinary high water mark of the Sammamish River. If work is required to be done within the ordinary high water mark, all work shall take place under the supervision of a qualified professional, per the City's critical area requirements, and a critical area report detailing compliance with the critical area code shall be submitted for review and approval by the City prior to any work within the ordinary high water mark.
4. Final civil plans depicting the improvements shall be submitted to the City for review and approval prior to issuance of any site development or right-of-way permits. The improvements shall be designed in conformance with the City's Municipal Code and Infrastructure Standards. At a minimum, the following changes shall be made to the plans:
 - a. Show on the plans how the sags at station 17+00 and station 18+10 will be repaired. Show relationship to the traveled roadway, and show the dimensions of the section of roadway that will need to be excavated and replaced as part of this project. Backfill must be either CDF or 1-1/4" minus rock compacted in two-

¹⁰ This decision includes conditions designed to mitigate impacts of this proposed project as well as conditions required by City Code.

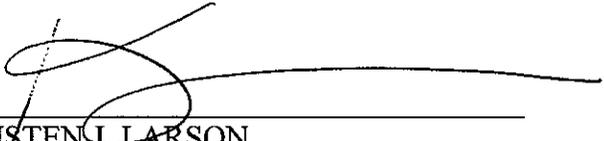
foot lifts. All asphalt must be patched back to a depth of 1" greater than the existing asphalt depth, and T-cut 2-feet out from the trench hole. Depending on the extent of the trench work, an overlay of a traveled lane may be required as part of this project.

- b. For the sewer manholes located adjacent to the Sammamish River, show the stockpile locations and suitable covering/erosion control.
 - c. Show specific traffic control around deep trench/manhole work. An additional lane of traffic may need to be blocked as buffer distance to prevent motorists from falling into the 8 foot + trench. Verify there is adequate room to keep one lane of traffic open on the roadway.
 - d. Straw Bale Barriers are not suitable BMPs inside the roadway ditch/swale, as they have been found to come apart, are difficult to maintain, and are not effective in sediment retention/storm water treatment. Install straw wattles or equivalent BMPs at these intended locations.
 - e. CDF all potholes within the roadway.
5. All work shall proceed largely in conformance with the approved plans. Minor modifications to the approved plans, as established in WMC 17.09.020(6), may be authorized by the Public Works and Development Services Directors.
 6. A final landscaping plan shall be submitted for review and approval prior to issuance of the site development permit.
 7. A final temporary erosion control and sedimentation plan, in compliance with the 2005 King County Surface Water Design Manual shall be submitted to the City for review and approval prior to issuance of any site development or right-of-way permits. Erosion control measures such as silt fencing shall be placed around the construction areas during construction and/or any site grading consistent with roadway improvement plans. Proper temporary erosion control best management practices must be used and inspected daily. The Plan must include spill containment procedures, equipment and materials, which must be on site.
 8. Vegetative cover beyond construction limits shall not be disturbed. The clearing limits shall be clearly delineated in the field. Barrier fencing or siltation fencing shall be installed before site disturbance, subject to City inspection, in accordance with the approved plans.
 9. All storage of construction materials and equipment shall be located outside of the 200 foot shoreline management area.
 10. Access for emergency vehicles shall be maintained at all times. In the case of any road closure or restrictions, water shut off or hydrants out of service, the applicant shall notify Woodinville Fire and Rescue.

Findings, Conclusions, and Decision
City of Woodinville Hearing Examiner
Woodinville Water District SCUP, No. SCU10001

11. Construction noise is not permitted anytime on Sundays and holidays, and outside the hours of 7:00 a.m. through 7:00 p.m., Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday; or, from Memorial Day to Labor Day, anytime on Sundays and holidays and outside the hours of 7:00 a.m. through 9:00 p.m., Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday.
12. The Applicant and contractor shall attend a pre-construction meeting with City staff to discuss expectations and limitations of the site development prior to permit issuance.
13. The Applicant shall TV the storm drain at station 21+20 before and after completing the pipe bursting, because the storm drain i.e. is only 2-feet from your sewer main and we want to verify that the work will not impact the City system.
14. Any work requiring road closures is subject to the approval of the Public Works Director. The City shall be notified a minimum of a week prior to the closure. Work requiring traffic control on Woodinville-Redmond Road NE shall occur between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday, or upon special permission of the Public Works Director.

Decided this 30th day of November 2010.



KRISTEN J. LARSON
Hearing Examiner
Sound Law Center