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

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**Staff Report to Hearing Examiner  
Woodinville Water District Temporary Water Line**

Date of Report: March 9, 2016  
Date of Hearing: March 16, 2016

**File Number:** SCU16001

**Project Description:** Shoreline conditional use permit to place a temporary water line over Little Bear Creek. The temporary water line will service two existing business for the duration of the WSDOT culvert replacement project on SR 202. The temporary water line is estimated to be in place for approximately 18 months. A permanent water line will be re-established over the new culvert once WSDOT construction is completed.

**Applicant:** Christian Hoffman; Woodinville Water District  
PO Box 1390  
Woodinville, WA 98072  
425-487-4142; [choffman@woodinvillewater.com](mailto:choffman@woodinvillewater.com)

**Contact:** Mary Dahl, CHS Engineers  
12507 Bel-Red Road #101  
Bellevue, WA 98005  
425-637-3693; [maryd@chsengineers.com](mailto:maryd@chsengineers.com)

**Property Owner:** Parcel No. 7269100006: Edith Gosson  
Parcel No. 7269100035: Bob and Kathy Cartwright  
Parcel No. 7269100040: Wood Creek II LLC  
Parcel No. 7269100046: MRM Redmond 152<sup>nd</sup> LLC

**Location Of Proposal:** 130<sup>th</sup> Ave NE at NE 178<sup>th</sup> Street, Woodinville, WA  
17831 131<sup>st</sup> Avenue NE, Woodinville, WA  
17820 131<sup>st</sup> Avenue NE, Woodinville, WA  
12930 NE 178<sup>th</sup> Street, Woodinville, WA

**Staff Recommendation:** Recommend approval of the shoreline conditional use permit, subject to conditions.

**Staff Contact:** Agnes Kowacz, Associate Planner  
425-877-2293; [agnesk@ci.woodinville.wa.us](mailto:agnesk@ci.woodinville.wa.us)

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**PROJECT INFORMATION**

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**Location:** 130<sup>th</sup> Ave NE at NE 178<sup>th</sup> Street over Little Bear Creek to serve 17820 and 17831 131<sup>st</sup> Ave NE; Woodinville, WA

<b>Property Size:</b>	Parcel No. 7269100006: 0.59 acre Parcel No. 7269100035: 0.45 acre Parcel No. 7269100040: 0.64 acre Parcel No. 7269100046: 3.62 acres
<b>Current Zoning:</b>	Parcel No. 7269100006: Central Business District (CBD) Parcel No. 7269100035: Central Business District (CBD) Parcel No. 7269100040: Central Business District (CBD) Parcel No. 7269100046: General Business (GB)
<b>Comprehensive Plan Designation:</b>	Parcel No. 7269100006: Central Business Parcel No. 7269100035: Central Business Parcel No. 7269100040: Central Business Parcel No. 7269100046: General Commercial
<b>Shoreline Designation:</b>	Aquatic, Conservancy and Urban Conservancy.
<b>Site/Area Description:</b>	Proposed work start at the north end of 130 <sup>th</sup> Avenue where the temporary line will connect to the existing water main. The temporary line will then continue north, underground, to the south edge of the creek. The project will cross the creek above ground and will remain above ground along the north edge of the creek. The project affects the 200-foot shoreline jurisdiction of Little Bear Creek (Type 1 stream). The adjoining properties to this project are developed with commercial uses. There is a culvert that crosses Little Bear Creek to the east of this project (SR 202/131 <sup>st</sup> Avenue NE).
<b>Available Utilities:</b>	Water: Woodinville Water District Sewer: Woodinville Water District Electricity: Puget Sound Energy Natural Gas: Puget Sound Energy Telephone/Cable: Frontier and Comcast
<b>Fire Service:</b>	Woodinville Fire and Rescue
<b>Surrounding Land Uses/Zoning:</b>	The land uses surrounding the subject site are Commercial Business District and General Business.

## **BACKGROUND AND PROJECT DESCRIPTION**

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WSDOT is replacing the SR 202 (131<sup>st</sup> Avenue NE) culvert over Little Bear Creek with a fish habitat enhancement culvert. Their design requires Woodinville Water District's existing water line to be out of service during the culvert construction, which is anticipated to be approximately 18 months. Two businesses (Dairy Queen and the "Red Barn" building) are served by this line and cannot be without water and fire protection during the time of construction.

Woodinville Water District will be installing a temporary water line to serve these two businesses for the duration of the WSDOT culvert replacement project on SR 202. The temporary line will connect to the existing main in 130<sup>th</sup> Avenue NE and continue underground to the south edge of Little Bear Creek. The line will then cross the creek above grade on a steel beam raised up by ecology blocks to the north side of the creek. The ecology

block will be placed five feet from the edge of the creek bank on both sides of the creek to account for the difference in bank elevations. On the north side of the creek, the line will be placed on the south side of the existing driveway ramp. The temporary line will connect to the businesses at the existing meters. The temporary line will also connect to a temporary fire hydrant which will be installed as close as possible to the existing one located at 17831 131<sup>st</sup> Ave NE (Dairy Queen). The existing hydrant will be inactive with the temporary hydrant in use.

The temporary water line is estimated to be in place for approximately 18 months for the duration of the culvert construction. A permanent water line will be re-established over the new culvert once WSDOT construction is completed and the temporary line will be removed.

The proposal would include excavation to connect to the existing water main, installation of a steel beam for the creek crossing of the temporary line, placement of ecology blocks on the north side of the bank, installation of a temporary fire hydrant and re-establishment of the permanent water line over the replaced culvert. Other activities include the removal of noxious weeds (knotweed) as needed for installation of temporary water line, and restoration of the disturbed areas with plants and grasses approved by the Department of Fish and Wildlife.

Proposed work occurs within 200 feet of the ordinary high water mark (OHWM) of Little Bear Creek. The proposal is subject to the policies and requirements of the Shoreline Management Program. Utility projects are listed as a conditioned use in the Shoreline Management Program and a Shoreline Conditional Use Permit is required for this proposal.

A SEPA Determination of Nonsignificance was issued on November 2, 2016 by the Woodinville Water District (Exhibit 6).

## NOTICE AND PUBLIC COMMENT

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The applicant submitted an application for a shoreline conditional use approval on January 4, 2016. The application was reviewed and determined complete on January 20, 2016.

A Notice of Application was issued on January 25, 2016, pursuant to WMC 17.11.010(1)(b). Pursuant to WAC 173-27-110(2)(e) and WMC 17.11.010(1)(c), a 30-day comment period was utilized ending on February 24, 2016. Notice was provided in accordance with the provisions of Title 17 WMC, including publishing in the Woodinville Weekly; mailing the notice to property owners within 500 feet of the project and interested agencies; and posting the notice at the site and at the official locations for City Notices.

A Notice of Public Hearing was issued on February 29, 2016, more than 15 days before the scheduled public hearing pursuant to WMC 17.11.030(3)(a). The notice was mailed to property owners pursuant to WMC 17.11.040(4), interested parties, published in the Woodinville Weekly, posted on-site and other official public notice locations. The decision of the Hearing Examiner will be submitted to the Department of Ecology, pursuant to RCW 90.58.140, for review and approval of Shoreline Conditional Use Permits.

Agency Comments:	The following agencies replied stating they had no comments:  The City's Building Department, Public Works Department, Police Department and Woodinville Fire and Rescue. (Exhibit 11)
Public Comment:	No public comments were received.

## COMPREHENSIVE PLAN

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The Comprehensive Plan encourages northwest woodland character design, promotes pedestrian friendliness and traffic linkages, requires protection and preservation of critical areas, and requires adequate infrastructure for development within the City limits. Pursuant to WMC 17.13.010, the proposal complies with the intended goals, objectives, and policies of the Comprehensive Plan. The following Comprehensive Plan Policies apply to this project:

**Goal E-1:** To preserve and enhance aquatic and wildlife habitat.

Policy E-1.1: Identify and ensure the protection of fish and wildlife habitat areas.

Policy E-1.2: Protect the functions and values of critical areas, including wetlands, streams, and shorelines.

**GOAL U-1:** Coordinate utility, land use, and transportation planning so that utilities are available or can be provided to serve in a manner which is fiscally and environmentally responsible, aesthetically acceptable to the community, and safe for nearby inhabitants.

Policy U-1.2: Allow utility facilities as a permitted use where appropriate to ensure that land is available for the siting of such facilities.

Policy U-1.8: Require utility providers to design, locate, and construct facilities within City owned properties and rights-of-way to reasonably minimize significant, individual, and cumulative adverse impacts to the environment and to protect environmentally sensitive areas.

## SHORELINE MASTER PROGRAM

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The Shoreline Master Program (SMP) encourages shoreline protection and restoration, compatible uses, public access, economic development, and recreational opportunities. The goals and policies for development along Woodinville's shoreline are set forth in Chapter 3 of the SMP. Figure 5-2 of the SMP designates this property as within the Conservancy management Zone and Urban Conservancy zone. The following SMP goals and policies apply to this project:

**Policy SU-1.5:** Ensure that all uses on the shoreline will protect and improve water quality by property design of drainage, sewer connections and other measures made necessary by particular uses and locations.

**Goal FHM-1:** To manage flood water along Sammamish River and Little Bear Creek in a manner which reflects and balances City goals and policies for water quality, fish and wildlife habitat, flood hazard management, recreation, aesthetics, and other beneficial uses of the waterways and their shorelines.

Policy FHM-1.1: Manage flood prone areas and storm and flood waters of the City through the City's Comprehensive Stormwater Management Plan and frequently flooded area regulations in a manner consistent with the Shoreline Management Act and this Master Program.

**Goal CON-1:** To preserve nonrenewable resources and enhance and/or restore natural resources that make Woodinville shorelines uniquely attractive and valuable to a large ecosystem.

Policy CON-1.1: Protect, preserve, rehabilitate, and, where possible, enhance water and habitat quality in the Sammamish River and Little Bear Creek.

Policy CON-I.5: Protect features along the shoreline that provide ecological or recreational benefits.

Policy CON-I.6: Uses or activities that substantially degrade natural resources should not be allowed.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

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### **GENERAL:**

1. Christian Hoffman of Woodinville Water District submitted a Shoreline Conditional Use Permit to place a temporary water line over Little Bear Creek. The applicant is proposing a temporary water line to be installed to serve two businesses (Dairy Queen and the "Red Barn" building) for the duration of the WSDOT culvert replacement project on SR 202. The temporary line will connect to the existing line in 130<sup>th</sup> Avenue NE and extend near the south shore of the creek (this segment will be buried). The line will then come out of the ground and cross the creek on a temporary steel beam raised up by ecology blocks to account for the difference in bank elevations. On the north side of the creek, the line will be placed on the south side of the ramp in order to maintain access to the businesses. The temporary line will connect to the businesses at the existing meters. The temporary water line will also connect to a temporary fire hydrant which will be installed as close as possible to the existing one located at 17831 131<sup>st</sup> Ave NE (Dairy Queen). The existing hydrant will be inactive with the temporary hydrant in use (Exhibit 2 and 4).
2. The temporary water line would cross four private properties owned by Edith Gossan, Bob and Kathy Cartwright, Wood Creek II LLC and MRM Redmond 152<sup>nd</sup> LLC. Woodinville Water District was granted a temporary construction easement for installing and removing the temporary water line on each property (Exhibit 3).
3. The application was determined complete on January 20, 2016 and a letter of complete application was sent the same day. A Notice of Application for the proposal was published, mailed, and posted on January 25, 2016, within 14 days of the determination of completeness (Exhibit 8 and 9). The project was circulated for review in accordance with the City's normal review and permitting procedures pursuant to WMC 17.09.040, and WMC 17.11.010.
4. Three of the properties are zoned Central Business District (CBD) and one is zoned General Business (GB). The properties range from 0.45 acre to 3.62 acres, for a total of 5.3 acres. The properties are developed with commercial buildings with the exception of Parcel No. 7269100035, which is a vacant gravel lot bordered by Little Bear Creek to the north.
5. The properties are bordered by 131<sup>st</sup> Avenue NE (State Route 202) to the east, SR 522 to the north, NE 178<sup>th</sup> Street and 130<sup>th</sup> Avenue NE to the south and west. Little Bear Creek runs east to west through these properties. Primary access to the properties is provided through 130<sup>th</sup> Avenue NE and SR 202. 130<sup>th</sup> Avenue NE is designated as a local access street and SR 202 is designated as a principal arterial street.
6. The proposed work includes excavating and replacing approximately 40 cubic yards of earth, at NE 178<sup>th</sup> Street and 130<sup>th</sup> Avenue NE. All grades will be restored to existing conditions after the installation of the temporary line and after removal is decommissioned. (Exhibit 2)
7. The project is located within 200 feet of the ordinary high water mark of Little Bear Creek. Pursuant to RCW 90.58.030(2)(d) and (e) and SMP Section 1.2, this area is defined as the shoreline jurisdiction and is subject to the Woodinville Shoreline Master Program (SMP). The proposal crosses the aquatic, conservancy, and urban conservancy zones.

8. The WSDOT culvert replacement project on SR 202 necessitates installation of this temporary water line during the construction process. This proposal qualifies as a fish habitat enhancement project under RCW 77.55.181. The project has received hydraulic project approval through the Washington Department of Fish and Wildlife, and is exempt from a substantial development permit pursuant to WAC 173-27-040(2)(p). The Development Services Director has determined that this proposal to install a temporary water line in conjunction and support of the WSDOT culvert replacement project qualifies as part of the fish habitat enhancement project for the purposes of the shoreline substantial development exemption. A shoreline substantial development permit is not required.
9. A shoreline conditional use permit is processed as a Type III application pursuant to WMC 17.07.030. If the conditional use permit is approved by the Hearing Examiner, the approved permit shall be submitted to the Department of Ecology for a final decision, pursuant to WAC 173-27-200.
10. Pursuant to WAC 173-27-160, a shoreline conditional use permit shall only be granted when the development proposed is consistent with the policies and procedures of the Shoreline Management Act, the provisions of Chapter 173-27 WAC, and the Woodinville Shoreline Master Program. .

**SHORELINE MASTER PROGRAM:**

11. The proposal is located within the Aquatic, Conservancy and Urban Conservancy shoreline environment. Pursuant to Section 5.2.4, the Conservancy designation is to “protect and restore ecological functions, while making the areas available for limited human use, when appropriate and non-destructive of critical areas” and the Urban Conservancy designation is to “protect and restore ecological functions of open space, flood plain 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.” SMP Section 6.1 identifies shoreline modification or uses compatible within the Aquatic, Conservancy and Urban Conservancy shoreline environment.
12. The temporary water line serves two businesses and qualifies as a service line. Service lines are a conditional use pursuant to SMP Section 6.1. Conditional uses require a conditional use permit pursuant to SMP Section 7.5.3.
13. SMP Section 6.1 requires all uses and developments to be comply with the Shoreline Master Program and City’s adopted development codes, including the Woodinville Zoning Code and Transportation Infrastructure Standards.
14. Service lines qualify as accessory utilities pursuant to SMP Sections 6.1 and 6.15.1. SMP Section 6.15.2(3) states that accessory utility facilities shall be placed underground or otherwise designed to do minimal damage to the ecological functions and aesthetic qualities of the shoreline area. The proposed temporary water line will connect to an existing main in 130<sup>th</sup> Avenue NE and will be placed underground to the south edge of Little Bear Creek. The temporary line will cross the creek above the high ordinary water mark and will be placed on the ground surface along the north side of the creek. The temporary line will be visible for people walking along the creek, however, because of existing vegetation the line will be camouflaged from street and business views. Safeguards and appropriate erosion control measures will be in place during installation and removal of the line. Once the temporary line is removed, the area will be restored to its natural condition including removal of noxious weeds in construction area and replanting of the disturbed areas with suitable vegetation. This criterion is met.

15. Pursuant to SMP Section 6.15.2(2), primary utility production and collection facilities are not permitted within the 100-year floodplain. The temporary line qualifies as an accessory utility pursuant to SMP Section 6.15.1, and therefore this criterion does not apply.
16. Pursuant to SMP Section 6.15.2(4), 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 replanted vegetation is established. The existing construction area consists of trees, shrubs and grass. Noxious weeds, specifically knotweed, and garbage will be removed and area will be re-seeded once work is completed and will be restored to pre-project configuration. Additionally, erosion control best practices will be used during the duration of work to ensure no debris or sedimentation enters Little Bear Creek. This criterion is met.
17. Pursuant to SMP Section 6.15.2(5), utilities must be located to meet the needs of future populations in areas planned to accommodate this growth. The proposed temporary water line is only temporary to serve two business until the WSDOT SR 202 culvert replacement project is completed. The permanent service line that will replace this temporary line will support future uses and businesses that are served by this service. This criterion is met.
18. No water rights are associated with the applicant or project, therefore, the criterion in SMP Section 6.15.2(6) does not apply.
19. No new utility infrastructure is proposed for installation. The criteria in SMP Section 6.15.2(7) and (8) do not apply.
20. Pursuant to SMP Section 6.15.2(9), any publically owned utility which must of necessity cross the shoreline shall be designed and operated to reserve the option of general public recreational usage of the right-of-way in the future. At this location, the creek is on private property and does not serve a recreational use. The temporary water line that will be removed once the WSDOT SR 202 culvert replacement project is completed in Fall of 2017. This project will not prohibit any future recreational use of the creek and this criterion is met.
21. Pursuant to SMP Section 6.15.2(10), utilities shall be designed and installed in such a way as to minimize damage to the scenic view or aesthetic qualities of the shoreline area. The temporary line will be visible for people walking along the creek, however, because of existing vegetation the line will be camouflaged from street and business views. The impacted areas and views will be restored to the pre-project configuration once temporary line is removed, which will minimize impacts to the aesthetic qualities of the shoreline area. This criterion is met.
22. The temporary water line will run along the north side of Little Bear Creek. Pursuant to SMP Section 6.15.2(11), utilities 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. The temporary line will supply water to two existing business, the line will not transport any liquids potentially injurious to aquatic life or water quality. This criterion is met.
23. Pursuant to SMP Section 6.15.2(12), lines buried under the stream bed are permitted, providing the stream bed is restored to existing conditions. The temporary line will span the stream and located above ground. The project does not include any lines buried in the stream bed, this criterion does not apply.
24. Pursuant to SMP Section 6.15.2(14)(a), all new accessory utility transmission, distribution, and service lines for power, gas, sewage, communication, oil, water, etc. shall be installed outside the shoreline areas or underground, unless it is physically impossible to do so. The temporary line will be placed underground

until it reaches the south edge of the creek. This line will cross the creek to the north bank and continue above ground to connect to the businesses. The steep bank elevations and the temporary nature of this line do not warrant undergrounding. This criterion is met.

25. The proposed temporary line qualifies as an accessory utility pursuant to SMP Section 6.15.1, and therefore, SMP Section 6.15.2(14)(b), (c) and (d) do not apply.
26. Pursuant to SMP Section 7.5.3, conditional uses are required to meet the approval criteria listed in SMP Section 7.5.3.3.
27. Pursuant to SMP Section 7.5.3.3(1), the proposal is consistent with the policies of RCW 90.58.020 and the policies of this Master Program. As indicated in the Shoreline Master Program section of the staff report, the proposal is consistent with the SMP and RCW 90.58.020. This criterion is met.
28. Pursuant to SMP Section 7.5.3.3(2), the proposed use will not interfere with the normal public use of public shorelines. The creek is currently not used for recreational use. In addition, the proposed use is temporary, which will not create permanent or continued impacts with the normal use of the shoreline. This criterion is met.
29. Pursuant to SMP Section 7.5.3.3(3), the proposed use of the site and design of the project is compatible with other existing and planned uses within the area. The proposal for a temporary water line will be temporary and will be compatible with the existing uses in the area. The temporary line will be camouflaged by existing vegetation and design to be least visible. This criterion is met.
30. Pursuant to SMP Section 7.5.3.3(4) and (5) the proposed use will cause no avoidable adverse effects to the shoreline environment and water, air, noise and other classes of pollutants will not be more severe than the pollution that would result from the uses. The proposed project will not produce and air or noise pollution, other than minimal during time of construction. Erosion controls measure will be in place to protect the creek. The disturbed area will be restored and reseeded, which will improve the shoreline environment. The proposal will not cause any adverse impacts to the shoreline environment. This criterion is met.
31. Pursuant to SMP Section 7.5.3.3(6) and (7), the goals, policy statements or specific aims of the particular environment would be violated, abrogated or ignored nor shall other applicable regulations be violated. As indicated in the staff report above and application materials, the proposal is consistent with the SMP and will follow all other applicable regulations. This criterion is met.
32. Pursuant to SMP Section 7.5.3.3(8), public interest shall not suffer substantial detrimental effect. The proposed temporary line will provide temporary water service and fire protection that will serve the public interest. This criterion is met.

**CRITICAL AREAS:**

33. Little Bear Creek is designated as a Type I stream with a standard stream buffer of 150 feet pursuant to WMC 21.24.380. This stream area and buffer is also designated as a Fish and Wildlife Habitat Conservation Area pursuant to WMC 21.24.410. The project crosses over Little Bear Creek, approximately four feet above the stream elevation. The proposal is exempt under WMC 21.24.060(3)(d) from a critical areas review, however work must be consistent with the critical areas regulations in Chapter 21.24 WMC.

SEPA:

34. Pursuant to the State Environmental Policy Act, Woodinville Water District was designated as the lead agency for review of the proposed development. A determination of non-significance was issued under WAC 197-11-340(2).

OTHER:

35. No trees are proposed for removal as part of the project. Construction work is required to remain within the designated limits of disturbance as shown on the plans and delineated in the field through silt fencing or other barriers. Any tree removal, pruning, or maintenance may require a permit and activities shall be conducted in accordance with the tree regulations in Chapter 21.15 WMC.

## **DETERMINATION OF CONSISTENCY**

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

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

Based on the above analysis, and with the proposed conditions listed below, staff finds that the Woodinville Water District Temporary Water Line Project has met the requirements of the City of Woodinville Infrastructure Standards, 2015 Comprehensive Plan, and Woodinville Municipal Code. The shoreline conditional use proposal has made appropriate provisions for the public health, safety, and general welfare by:

1. Providing water and sewer improvements;
2. Protection of shoreline and critical areas through site mitigation and ensuring no net loss of ecological function.

## **CONCLUSION**

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Staff has reviewed the proposal and based on the findings provided within this staff report, concludes that the proposal is consistent with the applicable criteria for approval in SMP Section 7.5.3.3:

1. The proposed use is consistent with the policies of RCW 90.58.020 and the policies of this Master Program.
2. The proposed use will 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.
6. That none of the goals, policy statements, or specific aims of the particular environment would be violated, abrogated, or ignored.

## STAFF RECOMMENDATION

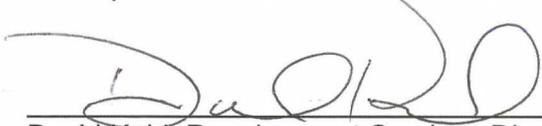
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The proposed project was found to be consistent with and meet the intent of the Woodinville Comprehensive Plan, Shoreline Master Program and applicable development regulations; therefore, staff recommends **APPROVAL** of the Woodinville Water District Temporary Water Line Project, Permit No. SCU16001, subject to the following conditions:

1. All improvements shall be constructed in reasonable conformance with the approved "Permit Review" level design plans, and as they are amended and clarified by the contracting and design process directed by the Public Works Director. The Planning Director may approve minor modifications of the plans submitted if the modifications do not change the Findings of Fact or the Conditions of Approval.
2. The applicant shall obtain all required local, state and federal permits for the proposed project. A hydraulic project approval and right of way permit is required for this project.
3. 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, in accordance with the approved plans.
4. Stormwater best management practices shall be employed at all times during construction work. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, or any other toxic or deleterious materials are allowed to enter or leach into surface waters. The permittee shall report all spills immediately to the Washington Department of Ecology (425-849-7000) and the City of Woodinville.
5. Any soils exposed during construction shall be appropriately re-vegetated consistent with the proposed best management practices. A final temporary erosion control and sedimentation plan shall be prepared in compliance with the 2009 King County Surface Water Design Manual prior to the start of construction work. 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.
6. All storage of construction materials and equipment shall be located outside of the 200-foot shoreline management area.
7. Work requiring traffic control shall occur between the hours of 8:30 AM and 3:30 PM Monday through Friday, or upon special permission of the Public Works Director. 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 and the Woodinville Police Department.
8. Any damage to paving will be restored to match existing surfaces.
9. The use of herbicides and pesticides is prohibited for maintenance of landscaping along roadways within or immediately adjacent to critical areas or their buffers as defined by the City's Zoning Code (WMC 21.24).
10. The permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with Shoreline Management Act (RCW 90.58).
11. Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date the permit decision was filed pursuant to RCW 90.58.140(6), except as provided for in RCW 90.58.140(5).
12. This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms or condition thereof.
13. Construction activities shall be commenced within two years of the effective date as set forth in RCW 90.58.143. However, the City may authorize a single extension for a period not to exceed one year based

on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the shoreline conditional use permit and to the Department of Ecology.

14. Final design and layout shall substantially comply with the site plans dated January 4, 2016 (Exhibit 4).
15. Revisions to this approval shall be reviewed pursuant to WAC 173-27-100. Substantial revisions of the shoreline conditional use permit shall require approval by the Director of Development Services as a Type III permit pursuant to WMC 17.07.030.
16. The Development Services Director and/or the Public Works Director shall have the authority to direct the developer or the developer's on-site representative to immediately cease activities and redirect their attention to resolving any problem, particularly any environmental degradation, which in the Director's opinion needs immediate resolution. Failure of the developer or his representative to redirect such labor and equipment shall result in immediate project closure and resolution of the problem by the City.
17. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains be observed during project activities, all work in the immediate vicinity should stop. The State Department of Archaeology and Historic Preservation (360-586-3065), the City planning office, the affected Tribe(s) and the county coroner should be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) is required. Failure to comply with this requirement could constitute a Class C Felony.



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David Kuhl, Development Services Director

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March 9, 2016  
Date

**EXHIBIT LIST:**

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| Exhibit 1  | Staff Report   |
| Exhibit 2  | Application materials, including application, project narrative and site maps, submitted January 4, 2016                                     |
| Exhibit 3  | Owner authorization forms and temporary construction easements, submitted February 22, 2016  |
| Exhibit 4  | Construction Plans prepared by CHS Engineers, LLC, submitted January 4, 2016   |
| Exhibit 5  | Excavation Quantity Estimate, submitted January 4, 2016  |
| Exhibit 6  | SEPA Checklist and Determination of Nonsignificance (DNS) issued November 2, 2015  |
| Exhibit 7  | Hydraulic Project Approval issued January 28, 2016   |
| Exhibit 8  | Application Submittal Notification – Complete Application, dated January 20, 2016 and corrected Complete Application, dated January 21, 2016 |
| Exhibit 9  | Notice of Application  |
| Exhibit 10 | Public Hearing Notice  |
| Exhibit 11 | Agency Comments Received   |