

PLANNING DIVISION

**CERTIFICATE OF EXEMPTION**  
**FROM CRITICAL AREAS REGULATIONS**  
**EVALUATION FORM & DECISION**

**DATE:** March 9, 2015

**PROJECT NAME:** Maplewood Creek Stormwater Outfall Improvement  
Project - Critical Areas Exemption

**PROJECT NUMBER:** LUA15-000033, ECF, CAE

**PROJECT MANAGER:** Kris Sorensen, Associate Planner

**OWNERS:** PID 281630-0100: Collin & Christina Fowler; 4515 SE 2<sup>nd</sup>  
St; Renton WA 98059, and  
Public Right-of-Way: City of Renton

**APPLICANT:** City of Renton, Stormwater Utility  
Attn: Allen Quynn; 1055 S Grady Way, 5<sup>th</sup> Floor  
Renton WA 98057

**PROJECT LOCATION:** The private property at 4515 SE 2<sup>nd</sup> St and the  
stormwater facilities along the public right-of-way of  
Chelan Ave SE between SE 4<sup>th</sup> PI and SE 2<sup>nd</sup> PI.

**PROJECT DESCRIPTION:**

City of Renton is requesting Environmental (SEPA) Review and a Critical Areas Exemption to re-route two stormwater outfalls that currently discharge at the top of a hillside slope to be routed in the right-of-way subsurface to the intersection of Chelan Ave SE and SE 2nd Place where a new outfall will be constructed in the southwest corner of private property 4515 SE 2nd St (PID 2816300100). Stormwater would be piped from the outfall to the bottom of the hillside, just west of the Maplewood Creek Class 3 stream and nearby Category 3 wetland that is 212 square feet in area. Approximate areas of work are 3,200 sf of public right-of-way and 1,300 sf of private property, all within the Residential-8 zone designation. The outfalls near SE 4th PI have resulted in erosion of the hillside and bank of the stream and would be capped and abandoned. Stormwater flow would be re-routed to the north within the Chelan street right-of-way through approximately 700 feet of new 12- to 18-inch diameter subsurface pipe to the catch basin at Chelan Ave SE and SE 2nd Place. From the catch basin the water route would

then be directed 32 feet in length of new 24-inch diameter pipe onto private property to the northeast and to the top of the hillside, where the pipe would be reduced to 16-inch diameter and daylighted and extended approximately 47 feet overland down the slope to a new 48-inch dissipater manhole structure. No trees would be impacted. Critical areas include the stream, wetland, aquifer protection area, regulated slopes, and erosion hazards. The project would result in temporary impacts of 1,200 sf of critical areas buffers for site access and construction. The new overland pipe, outfall, and energy dissipater pad will result in 155 sf of permanent buffer impact. Approximately 1,355 sf of buffer restoration and enhancement are proposed. Studies provided are a geotechnical report, hydrologic/hydraulic analysis, and supplemental wetland and stream study and buffer restoration plan.

**CRITICAL AREAS:** Three critical areas: Geological Hazard – Sensitive and Protected Slopes; Class 3 Stream Buffer; and Category 3 Wetland Buffer.

**EXEMPTION JUSTIFICATION:** Pursuant to RMC 4-3-050.C.5 “d.i” for streams and wetlands, “d.iv” for geological hazard areas, and “f.ii” for wetland disturbances and pursuant to RMC 4-3-050.C.7 “a.iii” for stream and wetland buffer areas of the Critical Areas Regulations is hereby granted:

RMC 4-3-050.C.5: Specific Exemptions – Critical Areas and Buffers	
X	<p>d. Surface Water:</p> <p>i. New Surface Water Discharges: New surface water discharges to wetland Categories 1, 2 and 3, or buffers of Categories 1, 2 and 3, and to streams or lakes from detention facilities, presettlement ponds or other surface water management structures; provided, the discharge meets the requirements of the Storm and Surface Water Drainage Regulations (RMC 4-6-030); will not result in significant adverse changes in the water temperature or chemical characteristics of the wetland or stream/lake water sources; and there is no increase in the existing rate of flow unless it can be demonstrated that the change in hydrologic regime would result in equal or improved wetland or stream/lake functions and values. Where differences exist between these regulations and RMC 4-6-030, these regulations will take precedence.</p>
X	<p>d. Surface Water:</p> <p>iv. Storm Drainage Piping: Installation of new storm drainage lines in any geologic hazard area when a geotechnical report clearly demonstrates that the installation would comply with the criteria listed in RMC 4-3-050J2b and that the installation would be consistent with each of the purposes of the geologic hazard regulations listed in RMC 4-3-050A4. Also, to qualify for the exemption, the report must propose appropriate mitigation for any potential impacts identified in the report.</p>

X	<p>f. Wetland Disturbance, Modification and Removal:</p> <p>ii. Temporary Wetland Impacts: Temporary disturbances of a wetland due to construction activities that do not include permanent filling may be permitted; provided, that there are no permanent adverse impacts to the critical area or required buffer, and areas temporarily disturbed are restored at a 1:1 ratio. Category 1 wetlands and Category 2 forested wetlands shall be enhanced at a 2:1 ratio in addition to being restored. For habitat conservation areas, this exemption applies only to Category 1 wetlands.</p>
RMC 4-3-050.C.7 – Exemptions in Buffers	
X	<p>a. Activities in Critical Areas Buffers:</p> <p>iii. Stormwater Conveyance in Buffer: Necessary conveyance systems including stormwater dispersion outfall systems designed to minimize impacts to the buffer and critical area, where the site topography requires their location within the buffer to allow hydraulic function, provided the standard buffer zone area associated with the critical area classification is retained pursuant to subsection L or M6c of this Section, and is sited to reduce impacts between critical areas and surrounding activities.</p>

**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.

**DECISION:** An exemption from the critical areas regulations is **approved with a condition that the project comply with the mitigation measures of the SEPA Determination of Non-Significance Mitigated decision**, for work within protected slopes, stream and wetland buffers, and where existing and proposed public stormwater facilities are located along Chelan Ave SE, between SE 4<sup>th</sup> Pl and SE 2<sup>nd</sup> Pl, and on the private property of 4515 SE 2<sup>nd</sup> St:

- Capping and abandonment of two existing stormwater outfalls,
- Installation of 24-inch 16-inch diameter subsurface and overland stormwater pipes,
- Installation of a 48-inch manhole dissipator structure, and
- Mitigation plantings and plantings maintenance.

**DATE OF DECISION ON LAND USE ACTION:**

**SIGNATURE:**



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

3/9/2015  
**Date**

The above land use decision will become final if the decision is not appealed within the 14-day appeal period (RCW 43.21.C.075(3); WAC 197-11-680).

**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 March 23, 2015. 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:** Five (5) years from the date of decision March 9, 2015.