



NOTICE OF APPLICATION AND PROPOSED DETERMINATION OF NON-SIGNIFICANCE-MITIGATED (DNS-M)

DATE: February 23, 2006

LAND USE NUMBER: LUA05-138, SP, SM, ECF

PROJECT NAME: Lake Washington/May Creek Dredging

PROJECT DESCRIPTION: Proposed dredging of May Creek Delta to remove coarse sands and gravels that accumulate at the mouth of May Creek and substantially increase the risks and potential damages from flooding of the Barbee Mill property by May Creek. In addition, the proposed dredging would maintain navigational depths. The project area to be dredged covers an area of approximately 55,000 square feet. Approximately 3,000 to 4,000 cubic yards of coarse sand and gravel will be dredged every 3 to 4 years. No fill is proposed.

PROJECT LOCATION: 4300 Lake Washington Boulevard

OPTIONAL DETERMINATION OF NON-SIGNIFICANCE, MITIGATED (DNS-M): As the Lead Agency, the City of Renton has determined that significant environmental impacts are unlikely to result from the proposed project. Therefore, as permitted under the RCW 43.21C.110, the City of Renton is using the Optional DNS-M process to give notice that a DNS-M is likely to be issued. Comment periods for the project and the proposed DNS-M are integrated into a single comment period. There will be no comment period following the issuance of the Threshold Determination of Non-Significance-Mitigated (DNS-M). A 14-day appeal period will follow the issuance of the DNS-M.

PERMIT APPLICATION DATE: January 31, 2006

NOTICE OF COMPLETE APPLICATION: February 23, 2006

APPLICANT/PROJECT CONTACT PERSON: Michael Lloyd, LLoyd & Associates, Inc.; Tel: (425) 888-1905;
Eml: rml@centurytel.net

Permits/Review Requested: Environmental (SEPA) Review, Special Grading Permit, Shoreline Substantial Development Permit

Other Permits which may be required: Grading License, Hydraulic Project approval (WDFW), Water Quality Certificate (DOE), Maintenance & Dredging Permit (Corps of Engineers)

Requested Studies: Biological Evaluation, Engineering Report

Location where application may be reviewed: Planning/Building/Public Works Department, Development Services Division, Sixth Floor Renton City Hall, 1055 South Grady Way, Renton, WA 98055

PUBLIC HEARING: Public hearing is tentatively scheduled for April 18, 2006 before the Renton Hearing Examiner in Renton Council Chambers. Hearings begin at 9:00 AM on the 7th floor of the new Renton City Hall located at 1055 South Grady Way.

CONSISTENCY OVERVIEW:

Zoning/Land Use: The subject site is designated Commercial/Office/Residential (COR) on the City of Renton Comprehensive Land Use Map and Commercial/Office/Residential (COR) on the City's Zoning Map.

Environmental Documents that Evaluate the Proposed Project: Environmental (SEPA) Checklist

Development Regulations Used For Project Mitigation: The project will be subject to the City's SEPA ordinance, RMC 4-3-090, Shoreline Master Program, 4-4-030 Development Guidelines and Regulations, 4-4-060 Grading, Mining and Excavation Regulations and other applicable codes and regulations as appropriate.

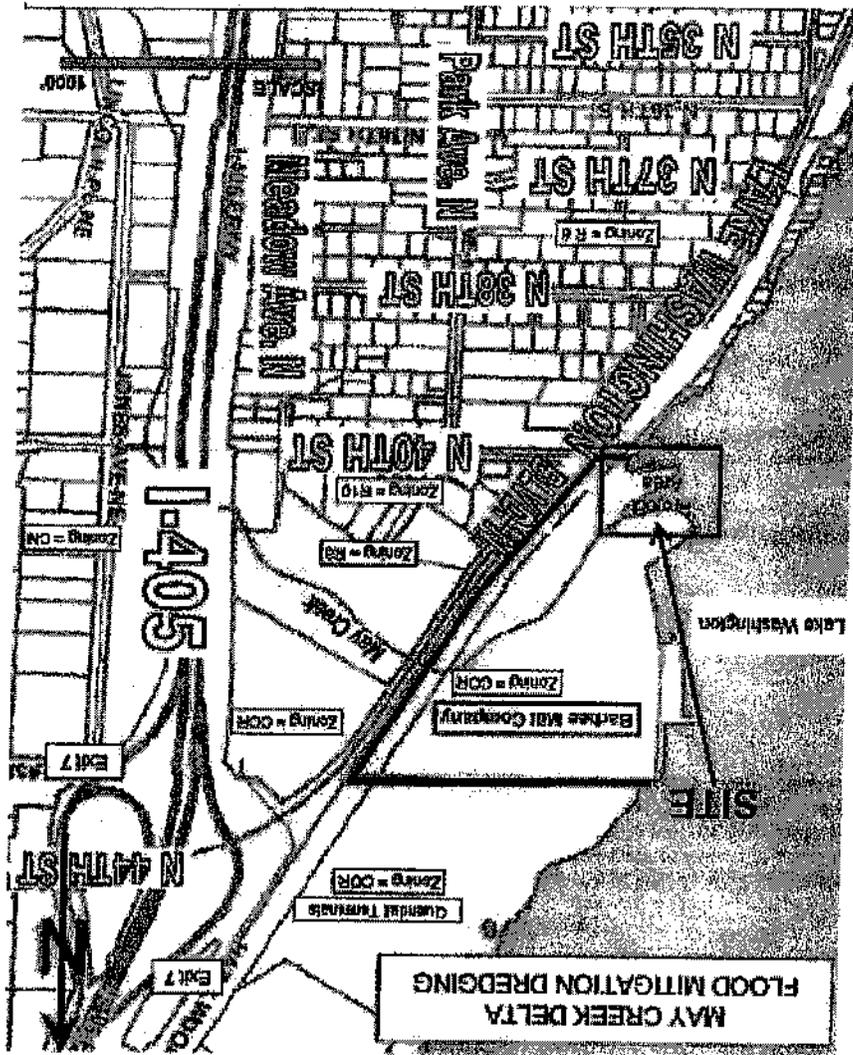
Proposed Mitigation Measures:
 The following Mitigation Measures will likely be imposed on the proposed project. These recommended Mitigation Measures address project impacts not covered by existing codes and regulations as cited above.

The applicant will be required to comply with the recommendations found in the Biological Evaluation.

Comments on the above application must be submitted in writing to Jill Ding, Associate Planner, Development Services Division, 1055 South Grady Way, Renton, WA 98055, by 5:00 PM on March 7, 2006. This matter is also tentatively scheduled for a public hearing on April 18, 2006, at 9:00 AM, Council Chambers, Seventh Floor, Renton City Hall, 1055 South Grady Way, Renton. If you are interested in attending the hearing, please contact the Development Services Division to ensure that the hearing has not been rescheduled at (425) 430-7282. If comments cannot be submitted in writing by the date indicated above, you may still appear at the hearing and present your comments on the proposal before the Hearing Examiner. If you have questions about this proposal, or wish to be made a party of record and receive additional information by mail, please contact the project manager. Anyone who submits written comments will automatically become a party of record and will be notified of any decision on this project.

CONTACT PERSON: Jill K. Ding, Associate Planner; Tel: (425) 430-7219

PLEASE INCLUDE THE PROJECT NUMBER WHEN CALLING FOR PROPER FILE IDENTIFICATION



If you would like to be made a party of record to receive further information on this proposed project, complete this form and return to: City of Renton, Development Planning, 1055 So. Grady Way, Renton, WA 98055.
 Name/File No.: Lake Washington/May Creek Dredging/LWA05-138, SP, SM, ECF

NAME:

MAILING ADDRESS:

TELEPHONE NO.:

CITY OF RENTON
DETERMINATION OF NON-SIGNIFICANCE-MITIGATED
ADVISORY NOTES

APPLICATION NO(S): LUA05-138, SP, ECF
APPLICANT: Barbee Mill Company
PROJECT NAME: Lake Washington/May Creek Dredging

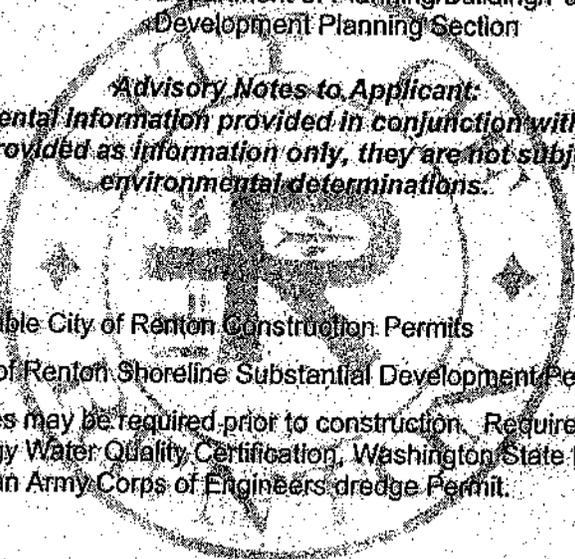
DESCRIPTION OF PROPOSAL: Applicant proposes to dredge the May Creek Delta to remove coarse sands and gravels that accumulate at the mouth of May Creek and substantially increase the risks and potential damages from flooding of the Barbee Mill property by May Creek. In addition, the proposed dredging would maintain navigational depths. The proposed dredging area is approximately 55,000 square feet. Approximately 3,000 to 4,000 cubic yards of coarse sand and gravel are proposed to be dredged every 3 to 4 years. A 10 year approval is requested. No filling is proposed.

LOCATION OF PROPOSAL: 4300 Lake Washington Blvd N

LEAD AGENCY: The City of Renton
Department of Planning/Building/Public Works
Development Planning Section

Advisory Notes to Applicant:

The following notes are supplemental information provided in conjunction with the environmental determination. Because these notes are provided as information only, they are not subject to the appeal process for environmental determinations.



Planning:

1. The applicant is to obtain applicable City of Renton Construction Permits
2. The applicant is to obtain a City of Renton Shoreline Substantial Development Permit.
3. Other permits from other agencies may be required prior to construction. Required permits may include but are not limited to a Department of Ecology Water Quality Certification, Washington State Department of Fish and Wildlife Hydraulic Project Approval, and an Army Corps of Engineers dredge Permit.

Property Services:

1. No fees are triggered.

Plan Review:

1. A construction plan indicating haul route and hours, construction hours and a traffic control plan shall be submitted for approval prior to any permit being issued. Haul hours shall be restricted to 8:30 a.m. to 3:30 p.m. unless approved in advance by the Development Services Division.

**CITY OF RENTON
DETERMINATION OF NON-SIGNIFICANCE-MITIGATED
MITIGATION MEASURES**

APPLICATION NO(S): LUA05-138, SP, ECF
APPLICANT: Barbee Mill Company
PROJECT NAME: Lake Washington/May Creek Dredging

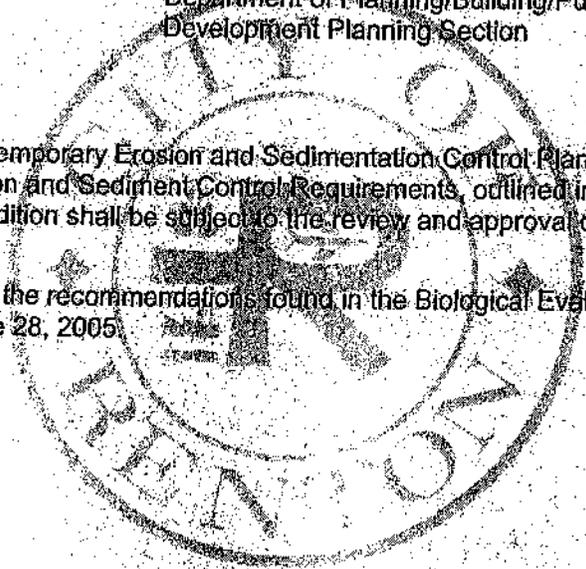
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LOCATION OF PROPOSAL: 4300 Lake Washington Blvd N

LEAD AGENCY: The City of Renton
Department of Planning/Building/Public Works
Development Planning Section

MITIGATION MEASURES:

1. The applicant shall provide a Temporary Erosion and Sedimentation Control Plan (TESCP) designed pursuant to the Department of Ecology's Erosion and Sediment Control Requirements, outlined in Volume II of the 2004 Stormwater Management Manual. This condition shall be subject to the review and approval of the Development Services Division.
2. The applicant shall comply with the recommendations found in the Biological Evaluation prepared by Meridian Environmental, LLC, dated June 28, 2005.





Kathy Keolker, Mayor

CITY OF RENTON

Planning/Building/Public Works Department
Gregg Zimmerman P.E., Administrator

March 17, 2006

Michael Lloyd
Lloyd & Associates, Inc.
38210 SE 92nd Street
Snoqualmie, WA 98065

SUBJECT: Lake Washington/May Creek Dredging
LUA05-138, SP, SM, ECF

Dear Mr. Lloyd:

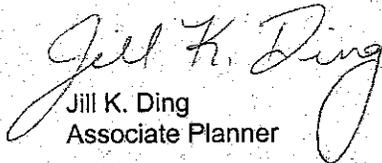
This letter is written on behalf of the Environmental Review Committee (ERC) to advise you that they have completed their review of the subject project and have issued a threshold Determination of Non-Significance-Mitigated with Mitigation Measures. Please refer to the enclosed ERC Report and Decision, **Section C** for a list of the Mitigation Measures.

Appeals of the environmental determination must be filed in writing on or before 5:00 PM on April 3, 2006. Appeals must be filed in writing together with the required \$75.00 application fee with: Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98055. Appeals to the Examiner are governed by City of Renton Municipal Code Section 4-8-110.B. Additional information regarding the appeal process may be obtained from the Renton City Clerk's Office, (425) 430-6510.

A Public Hearing will be held by the Renton Hearing Examiner in the Council Chambers on the seventh floor of City Hall, 1055 South Grady Way, Renton, Washington, on April 18, 2006 at 9:00 AM to consider the Special Grading Permit. The applicant or representative(s) of the applicant is required to be present at the public hearing. A copy of the staff report will be mailed to you one week before the hearing. If the Environmental Determination is appealed, the appeal will be heard as part of this public hearing.

The preceding information will assist you in planning for implementation of your project and enable you to exercise your appeal rights more fully, if you choose to do so. If you have any questions or desire clarification of the above, please call me at (425) 430-7219.

For the Environmental Review Committee,



Jill K. Ding
Associate Planner

cc: Barbee Mill Company / Owner(s)
John Hannsen / Party(ies) of Record

Enclosure



**STAFF
REPORT**

City of Renton
Department of Planning / Building / Public Works

ENVIRONMENTAL REVIEW COMMITTEE

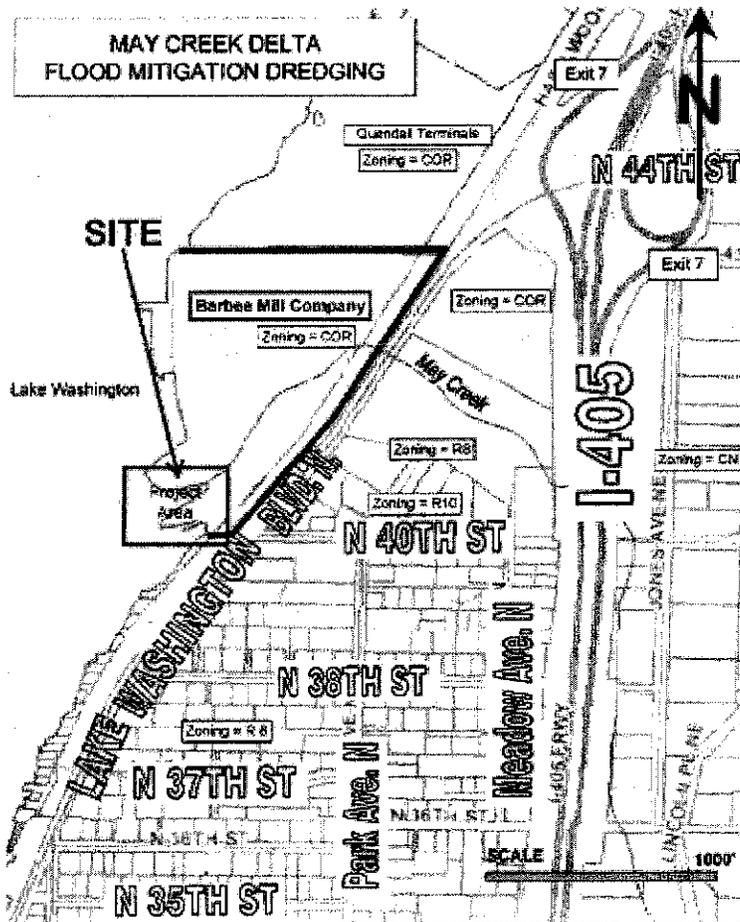
A. BACKGROUND

ERC MEETING DATE: March 14, 2006
Project Name: May Creek Dredging
Project Number: LUA05-138, SP, SM, ECF
Project Manager: Jill K. Ding, Associate Planner

Project Description: Applicant proposes to dredge the May Creek Delta to remove coarse sands and gravels that accumulate at the mouth of May Creek and substantially increase the risks and potential damages from flooding of the Barbee Mill property by May Creek. In addition, the proposed dredging would maintain navigational depths. The proposed dredging area is approximately 55,000 square feet. Approximately 3,000 to 4,000 cubic yards of coarse sand and gravel are proposed to be dredged every 3 to 4 years. No filling is proposed. (Project Description continued on following page)

Project Location: 4300 Lake Washington Blvd N (King County Parcel No. 322405-9034)

Exist. Bldg. Area gsf: N/A **Site Area:** 55,000 sq. ft. (1.3 acres)



PROJECT DESCRIPTION/BACKGROUND (CONTINUED)

The Barbee Mill Company has been dredging the May Creek Delta for more than 45 years. The purpose of the proposed dredging is to remove coarse sands and gravels that accumulate at the mouth of May Creek due to upstream erosion problems. The applicant has requested an extended approval for the dredging of May Creek for a period of 10 years. The applicant estimates that dredging of the May Creek Delta will occur 3 times over the next 10 years. The applicant requests that the frequency and the amount of material they are permitted to remove remain flexible as the frequency of the need for dredging and the amount of material required to be removed is dependant upon weather conditions. The applicant estimates that the total amount of dredging that will be required over the next 10 years could be any where from 12,000 cubic yards to 40,000 cubic yards to maintain the proposed dredge contours. The applicant requests that rather than proposing estimated dredge quantities for the issuance of the required permits, that the applicant be permitted to maintain the dredge profiles as shown on the submitted plans.

B. RECOMMENDATION

Based on analysis of probable impacts from the proposal, staff recommends that the Responsible Officials make the following Environmental Determination:

| DETERMINATION OF NON-SIGNIFICANCE | DETERMINATION OF NON - SIGNIFICANCE - MITIGATED. |
|--|--|
| Issue DNS with 14 day Appeal Period. | XX Issue DNS-M with 14 day Appeal Period. |
| | Issue DNS-M with 15 day Comment Period followed by a 14 day Appeal Period. |

C. MITIGATION MEASURES

1. The applicant shall provide a Temporary Erosion and Sedimentation Control Plan (TESCP) designed pursuant to the Department of Ecology's Erosion and Sediment Control Requirements, outlined in Volume II of the 2001 Stormwater Management Manual. This condition shall be subject to the review and approval of the Development Services Division.
2. The applicant shall comply with the recommendations found in the Biological Evaluation prepared by Meridian Environmental, LLC, dated June 28, 2005.

D. ENVIRONMENTAL IMPACTS

In compliance with RCW 43.21 C. 240, the following project environmental review addresses only those project impacts that are not adequately addressed under existing development standards and environmental regulations.

1. Earth

Impacts: The topography of the subject site is relatively flat with a gentle slope to the west towards Lake Washington. The soils found on the subject site are coarse sands and gravels with little silt or clay content, these same soil types are found within the May Creek Delta, which is proposed to be dredged.

The proposed dredging of 3,000-4,000 cubic yards of coarse sand and gravel is proposed to occur approximately every 3-4 years, although the applicant requests that the volume and timing of the grading remain flexible due to variable weather conditions. The applicant instead requests permission to maintain the proposed post dredging contours of the May Creek Delta. In addition two bermed areas adjacent to May Creek are proposed as dewatering areas for the dredged material. The material will then be used onsite as fill or will be sold and removed from the subject site. The last of the material dredged from May Creek will remain onsite in the dewatering areas and the dewatering areas will be regraded to their original condition. It is anticipated that during the course of the 10 year dredging permit requested that development of the upland portion of the subject site will occur and that the northern location for dewatering may not be available. If that occurs only the southern dewatering area may be utilized.

Due to the potential for erosion resulting from the construction of the dewatering areas, staff recommends a mitigation measure requiring the applicant to provide a Temporary Erosion and Sedimentation Control Plan (TESCP) designed pursuant to the Department of Ecology's Erosion and Sediment Control Requirements, outlined in Volume II of the 2001 Stormwater Management Manual. This condition shall be subject to the review and approval of the Development Services Division.

Mitigation Measures: The applicant shall provide a Temporary Erosion and Sedimentation Control Plan (TESCP) designed pursuant to the Department of Ecology's Erosion and Sediment Control Requirements, outlined in Volume II of the 2001 Stormwater Management Manual. This condition shall be subject to the review and approval of the Development Services Division.

Policy Nexus: N/A

2. Air

Impacts: Only minor adverse impacts are anticipated to the air quality during the dredging of May Creek and while the dredge spoils are dewatered. Exhaust from the dredging equipment and vehicles needed to transport the material will be a source of air pollution. Maintenance of the equipment to meet State and Federal air quality requirements will mitigate the potential adverse impacts.

Wind blown dust from the dredge spoils would also have an adverse impact on the air quality. However, for most of the time that the material is stored at this location, the dredge spoils will be dewatering and should retain enough moisture to hold the material in place. The applicant will also have temporary erosion control measures in place to prevent wind erosion from occurring.

Mitigation Measures: No further mitigation is recommended

Nexus: N/A

3. Water

Impacts: The proposed dredging along May Creek and Lake Washington and the installation of plant materials along May Creek could have some short-term adverse impacts. The dredging itself will stir up some sediment in the water but the sediments should settle out of the water fairly quickly after the dredging has been completed. The planting along the stream could also release some sediment into the stream but again this should not be the cause of a significant amount of erosion. The plantings in the long term should help to stabilize the creek's banks during time periods of high water or flooding. The dredging of the sediment that has built up in the delta will reduce the flooding potential of the creek.

The applicant submitted a Biological Evaluation prepared by Meridian Environmental, Inc. dated June 28, 2005. According to the report, the proposed dredging is not anticipated to adversely affect any fish at the proposed location due to the work windows proposed and the proposed 10-foot buffer of plantings along the shoreline. The conceptual planting scheme is as follows (see attached):

1. Taller native shrubs and trees will be planted at the east ends of both Areas A & B;
2. Shorter native shrubs and ground covers will be planted toward the west-end of the peninsulas to maintain viewsheds;
3. Willows will predominate on the southern shoreline adjacent to the delta to provide maximum shading impact for fishes;
4. Habitat areas will be 10 to 12 feet wide, as measured from the OHWL;
5. If there is a conflict between this plan and the planned habitat areas along the shoreline under proposed site development plans, the site development plans will take precedent.

The plantings along the shoreline are anticipated to provide suitable habitat for juvenile fish species.

Mitigation Measures:

The applicant shall comply with the recommendations found in the Biological Evaluation prepared by Meridian Environmental, LLC, dated June 28, 2005.

Nexus: SEPA Environmental Regulations.

4. Noise

Impacts: The proposed project will result in some additional short-term noise impacts during the proposed dredging activities. Generally, noise impacts will come from the operation of the heavy construction equipment. The applicant indicates that all the construction noise impacts are anticipated to occur during daylight hours. No unusual noise impacts are proposed, which would require further levels of mitigation.

Mitigation Measures: No further mitigation is recommended.

Nexus: N/A

E. COMMENTS OF REVIEWING DEPARTMENTS

The proposal has been circulated to City Departmental / Divisional Reviewers for their review. Where applicable, these comments have been incorporated into the text of this report as Mitigation Measures and/or Notes to Applicant.

- Copies of all Review Comments are contained in the Official File.
 Copies of all Review Comments are attached to this report.

Environmental Determination Appeal Process: Appeals of the environmental determination must be filed in writing on or before 5:00 PM October 31, 2005.

Appeals must be filed in writing together with the required \$75.00 application fee with: Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98055. Appeals to the Examiner are governed by City of Renton Municipal Code Section 4-8-110. Additional information regarding the appeal process may be obtained from the Renton City Clerk's Office, (425)-430-6510.

Advisory Notes to Applicant:

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Property Services:

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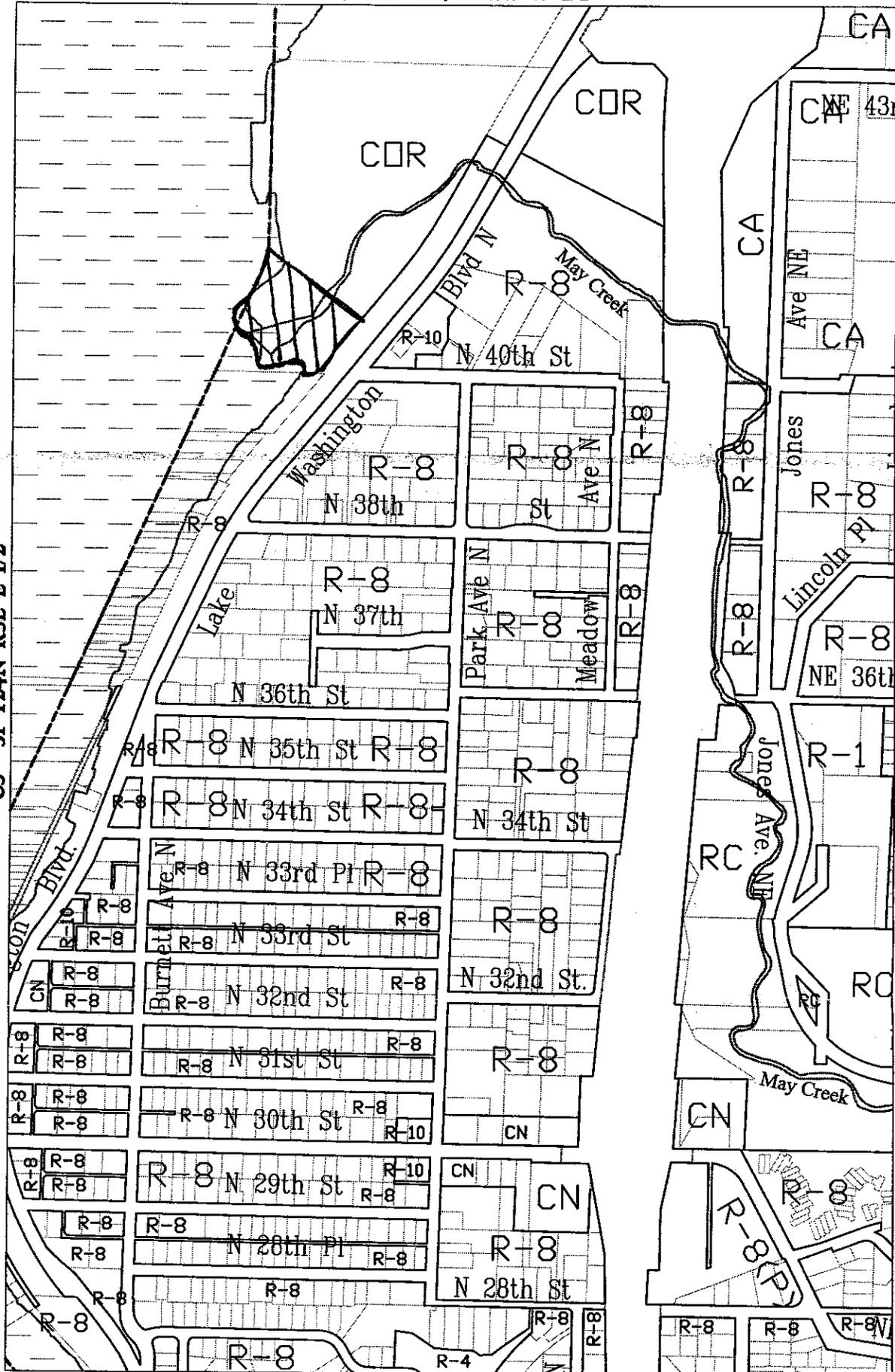
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B4 - 29 T24N R5E W 1/2

C3 - 31 T24N R5E E 1/2

C4 - 32 T24N R5E E 1/2

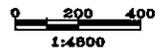


D4 - 5 T23N R5E W 1/2



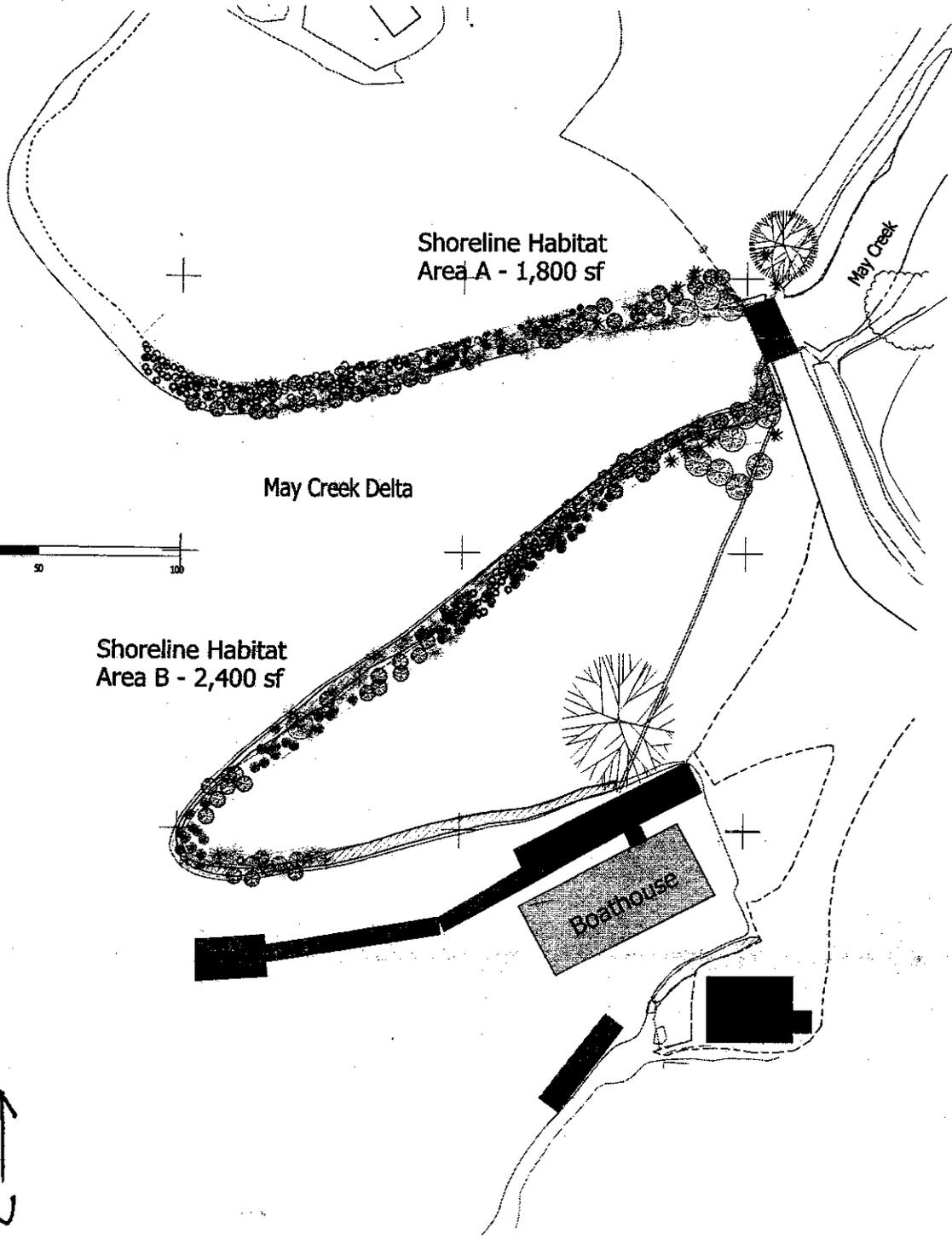
ZONING
 P/B/PW TECHNICAL SERVICES
 12/28/04

----- Renton City Limits



C4
 32 T24N R5E W 1/2
 5432

Barbee Mill Company



Flood Mitigation Maintenance Dredging - May Creek Delta / Lake Washington

PROJECT LOCATION
IN: Lake Washington
AT: 4300 Lake Washington Blvd. N.
King County, Renton, WA 98056

Shoreline Planting Plan

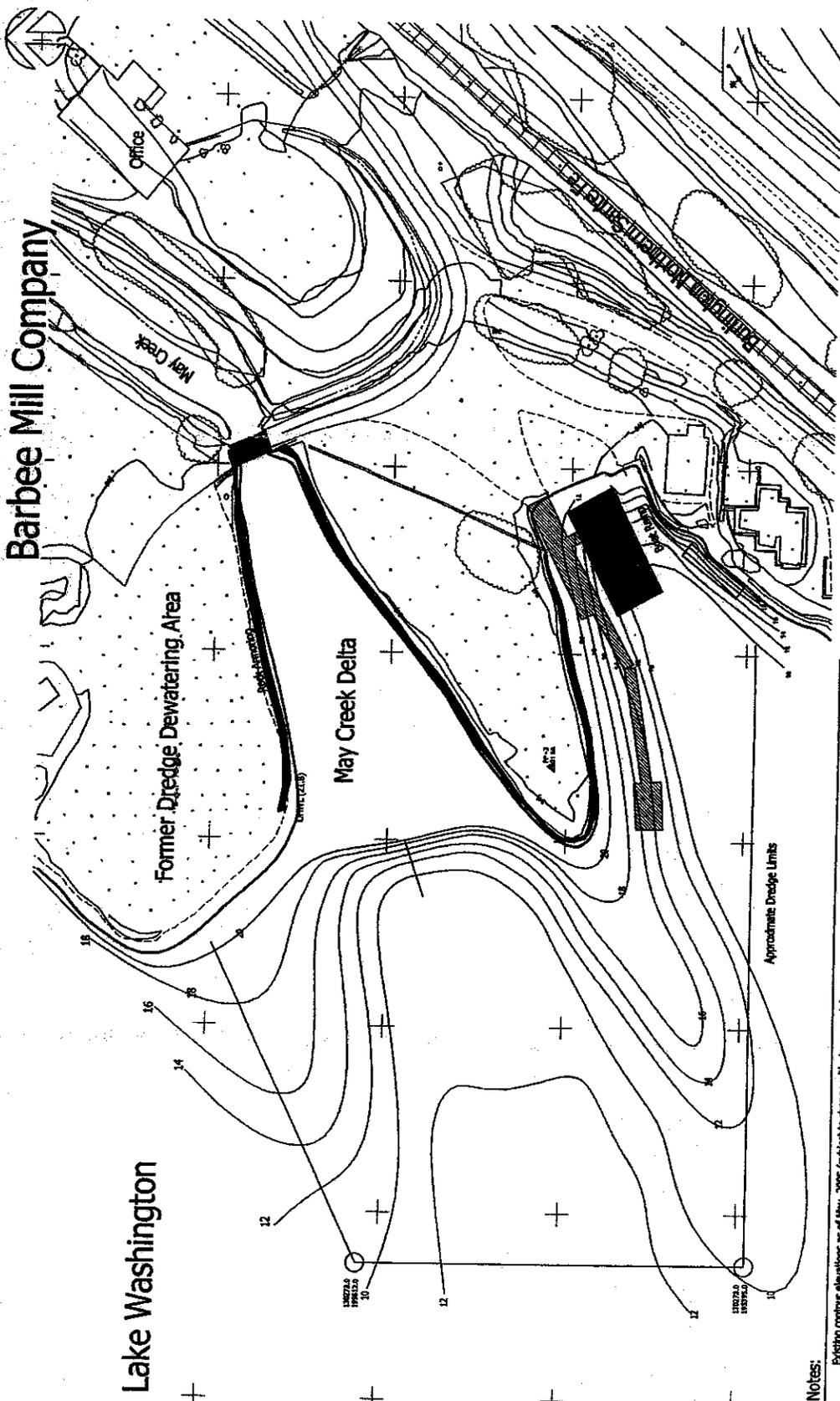
SHEET
1 of 1

L&AI
9/18/05

Shoreline Plant List

| Botanical Name | Common Name | Size | Area A 1,800 | Area B 2,700 | Total |
|----------------------------------|----------------------|-----------|--------------|--------------|----------|
| | | | sf | sf | |
| | | | Est. Quan. | Est. Quan. | Quantity |
| Trees | | | | | |
| <i>Cornus Nuttallii</i> | Pacific Dogwood | 5 gal | 4 | 6 | 10 |
| <i>Acer Circintum</i> | Vine Maple | 5 gal | 6 | 12 | 18 |
| <i>Pinus Contorta</i> | Shore Pine | 10 gal | 2 | 4 | 6 |
| Willows | | | | | |
| <i>Salix hookeriana</i> | Hooker's Willow | Cutting | 16 | 48 | 64 |
| <i>Salix lasiandra</i> | Pacific Willow | Cutting | 16 | 48 | 64 |
| <i>Salix sitchensis</i> | Sitka Willow | Cutting | 16 | 48 | 64 |
| Shrubs | | | | | |
| <i>Amelanchier alnifolia</i> | Serviceberry | 4" pots | 6 | 9 | 15 |
| <i>Cornus stolonifolia</i> | Red Twig Dogwood | 1 gal | 12 | 24 | 36 |
| <i>Sambucus racemosa</i> | Red Elderberry | bare root | 18 | 32 | 50 |
| <i>Rosa Nootka</i> | Nootka Rose | bare root | 16 | 32 | 48 |
| <i>Rhododendron Macrophyllum</i> | Pacific Rhododendron | 5 gal | 4 | 6 | 10 |
| Groundcovers | | | | | |
| <i>Carex obnupta</i> | Slough Sedge | 4" pots | 24 | 24 | 48 |
| <i>Gaultheria shallon</i> | Salal | 4" pots | 24 | 24 | 48 |
| <i>Iris Tenax</i> | Native Iris | 1 gal | 24 | 24 | 48 |
| <i>Juncus acuminatus</i> | Tapered Rush | bare root | 48 | 64 | 112 |
| <i>Juncus ensifolius</i> | Dagger Leaf Rush | bare root | 48 | 64 | 112 |
| <i>Glyceria elata</i> | Tall Mannagrass | seed | 100 | 100 | 200 |

| Description/Concept | Area |
|---|-----------------------|
| Habitat Area A | 1,800 ft ² |
| Greater height trees and shrubs at mouth of creek | |
| Lower height native plants at west to maintain views of Lake Washington | |
| Predominately shrubs and groundcovers at end of peninsula | |
| Provides some shading for fishes in May Creek Delta area | |
| Habitat Area B | 2,700 ft ² |
| Predominately willows and taller shrubs/trees near bridge to west | |
| Provide shading for fishes in May Creek Delta area | |
| Lower height native plants at west to maintain views of Lake Washington | |
| Willow density increase to east | |



Notes:

- Existing contour elevations as of May, 2005 (subject to change with storm events).
- Existing Contours will vary from year to year depending on storm events (frequency/intensity) that deposit sand and gravel eroded from the May Creek Valley.
- Dredge area will include occasional dredging in front of the Boathouse to maintain navigational depths and access.
- Proposed dredge elevations / contours shown on Sheet 3 of 4.
- Lake Elevation maintained by USACE. Ordinary High Water Line (OHWL) = 21.8 feet
- Dredge elevations and locations based on 100YR3.

DEVELOPMENT PLANNING
CITY OF RENTON



Revised: 5/30/05

SHEET
2 of 4

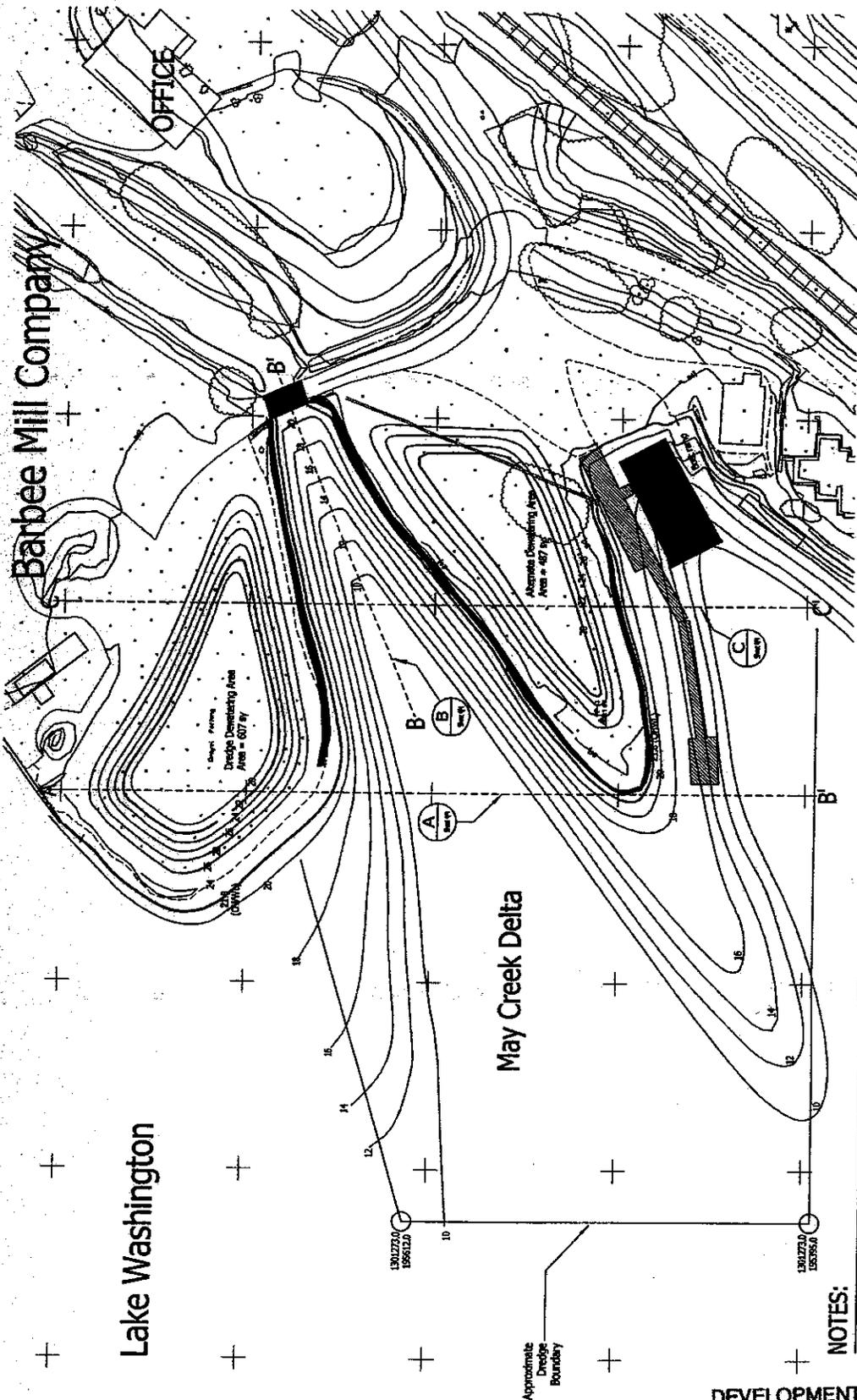
EXISTING CONTOUR ELEVATIONS

Flood Mitigation Maintenance Dredging - May Creek Delta / Lake Washington

APPLICATION BY
Barbee Mill Company
4300 Lake Washington Blvd. N.
Renton, WA 98056

PROJECT LOCATION
1000 Lake Washington
AT: 4300 Lake Washington Blvd. N.
1000 Corbin, Renton, WA 98056

DATUM: USACE / Seattle District
Base Map: 07AK (Renton, WA)
Latitude: 47°N 31' 40", Longitude: 122°W 12' 29"
Section / Township Range: 10Y 24 05



NOTES:

See Sheet 4 for Cross-Sections A-A, B-B, C-C
 Two dewatering areas are shown. Dredging events after site development will utilize a dredge pump to be installed at Quonset Terminal for sediment as clean fill.
 Dredge materials are coarse sand and gravel and rapidly settles.
 Approximately 3,000 to 4,000 cu yd to be dredged every 3-4 years depending upon storm frequency and intensity.
 Dredging to be completed with a clamshell bucket from a barge moored canal. No dewatering will be allowed in the water.

DEVELOPMENT PLANNING
 CITY OF RENTON

JAN 31 2006

RECEIVED

L&M
 Revised: 6/5/05

**SHEET
 3 of 4**

PROPOSED DREDGING CONTOURS

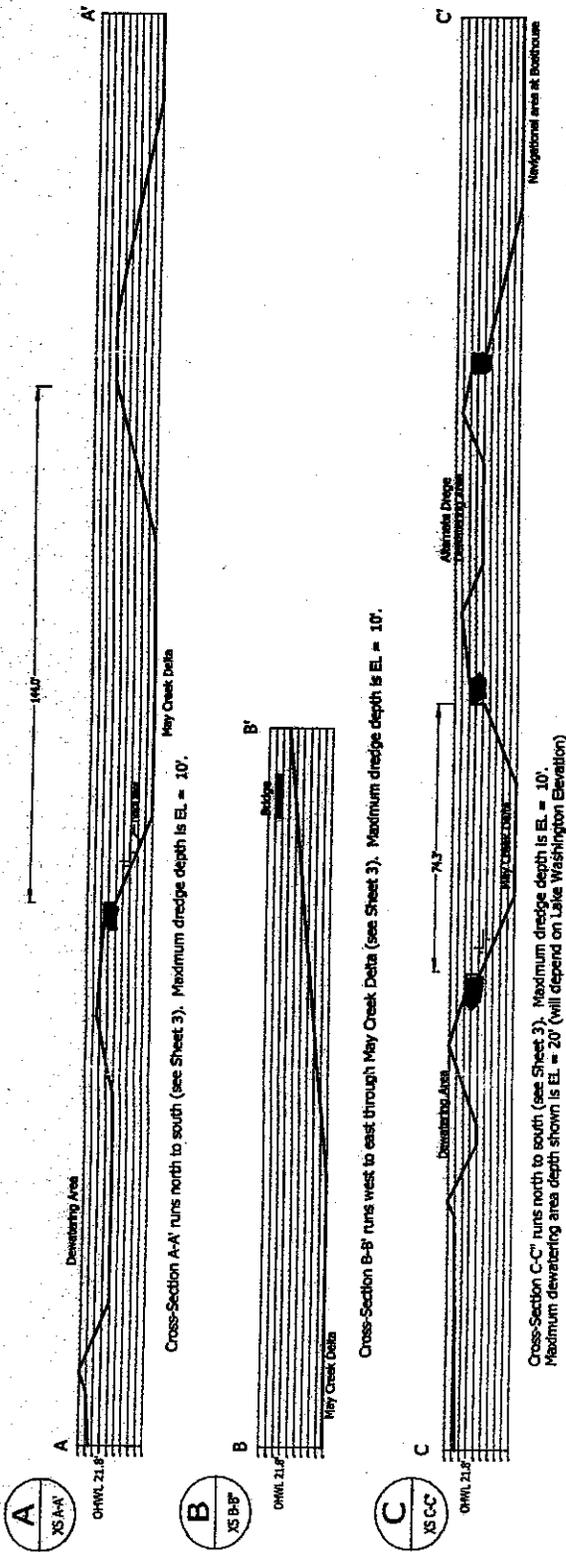
Flood Mitigation Maintenance Dredging - May Creek Delta / Lake Washington

DATE: USACE / Seattle District
 Base Map: 07AK (04/04/04, WA)
 Latitude: 47N 31' 40", Longitude 122W 12 29"
 Section Township Range: NW 24 05

PROJECT LOCATION
 Lake Washington
 Trt: 4300 Lake Washington Blvd. N
 AT: King County/ Renton, WA 98056

APPLICATION BY
 Barbee Mill Company
 4300 Lake Washington Blvd. N
 Renton, WA 98056

Cross-Sections A-A', B-B', and C-C' (See sheet 3 of 4)



Scale



NOTES:

- Slopes within delta to be dredged no steeper than 2:1 slope to minimize bank erosion.
- Dewatering area(s) increased to EL = 20' (higher/lower, depending on Lake Elevation). A portion of material to be used for berm around dewatering area.
- Dewatering area(s) to be returned to original condition and hydroperiod upon completion.
- Dewatering area use will be discontinued with site development (future years).

**DEVELOPMENT PLANNING
CITY OF RENTON**

Flood Mitigation Maintenance Dredging - May Creek Delta / Lake Washington

DATUM: USACE / Seattle District.
Base Map: OTAK (Kirkland, WA)
Latitude: 47N 31' 40", Longitude 122W 12' 29"
Section Township Ranges: NW 32 24 05

APPLICATION BY
Erickson Hill Community
25300 Lake Washington Blvd. N.
Renton, WA 98056

DREDGE AREA CROSS-SECTIONS

**SHEET
4 of 4**



Revision 6/9/05

JAN 31 2006
RECEIVED



Kathy Keolker, Mayor

CITY OF RENTON

Planning/Building/Public Works Department
Gregg Zimmerman P.E., Administrator

October 12, 2006

State Department of Ecology
Northwest Regional Office
3190 160th Ave. SE
Bellevue, WA 98008-5452

SUBJECT: **Shoreline Management Substantial Development Permit for
File No. LUA-05-138, SP, SM, ECF**

Dear Sir or Madam:

Enclosed is the Shoreline Substantial Development Permit for the above referenced project. The permit was issued by the City of Renton on October 12, 2006. A Determination of Non-Significance - Mitigated was issued by the City's Environmental Review Committee on February 23, 2006. The appeal period ended March 7, 2006, no appeals of the threshold determination were filed.

We are filing this action with the Department of Ecology and the Attorney General per WAC 173-14-090. Please review this permit and attachments and contact me at (425) 430-7219 if you have any questions or need additional information.

Sincerely,

Jill K. Ding
Project Manager

Enclosures:

- Administrative Decision
- Legal Description
- Copy of Master Application
- Project Narrative
- Project Area Rehabilitation Planning
- Correspondence to USACE dated February 3, 2006
- Neighborhood Detail Map
- Aerial photograph, existing contour elevations, proposed contour elevations, dredge area cross sections
- Notice of Application
- SEPA Checklist
- SEPA Determination
- DNS-M Mitigation Measures
- DNS-M Advisory Notes

cc: Office of Attorney General
Applicant/Owner

2006-24

**CITY OF RENTON
SHORELINE MANAGEMENT ACT OF 1971
PERMIT FOR SHORELINE MANAGEMENT
SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

APPLICATION NO.: LUA-05-138, SP, SM, ECF
DATE RECEIVED: January 31, 2006
DATE OF PUBLIC NOTICE: February 23, 2006
DATE APPROVED: October 12, 2006
TYPE OF ACTION(S): Substantial Development Permit
 Conditional Use Permit
 Variance Permit

Pursuant to Chapter 90.58 RCW, the City of Renton has granted a permit.

This action was taken on the following application:

APPLICANT: Barbee Mill Company
PROJECT: Lake Washington/May Creek Dredging

DEVELOPMENT DESCRIPTION:

Proposed dredging of May Creek Delta to remove coarse sands and gravels that accumulate at the mouth of May Creek and substantially increase the risks and potential damages from flooding of the Barbee Mill property by May Creek. In addition, the proposed dredging would maintain navigational depths. The project area to be dredged covers an area of approximately 55,000 square feet. Approximately 3,000 to 4,000 cubic yards of coarse sand and gravel will be dredged every 3 to 4 years. No fill is proposed. A Special Permit for dredging for a period of 10 years was requested. The hearing examiner issued a decision issuing the permit for a period of 5 years, however after an appeal was filed by the applicant, the City Council overturned the hearing examiner's decision and the permit was issued for a period of 10 years.

The dredged spoils are proposed to be dewatered in two bermed areas located to the north and south of the mouth of May Creek. The material will then be used onsite as fill or will be sold and removed from the subject site. The last of the material dredged from May Creek will remain onsite in the dewatering areas and the dewatering areas will be regraded to their original condition. It is anticipated that during the course of the 10 year dredging permit that development of the upland portion of the subject site will occur and that the northern location for dewatering may not be available. If that occurs the southern dewatering area would be utilized or the spoils may be dewatered offshore on a barge mounted dewatering area. The project area is located within the Urban Shoreline Environment.

LEGAL DESCRIPTION: See attached
SEC-TWNP-R: 32-24N-5E
WITHIN SHORELINES OF: May Creek and Lake Washington
APPLICABLE MASTER PROGRAM: City of Renton

The following section/page of the Master Program is applicable to the development:

| <i>Section</i> | <i>Description</i> | <i>Page</i> |
|----------------|-------------------------------------|-------------------|
| 4-3-090.J | Urban Environment | page 3-25 |
| 4-3-090.L | Specific Use Regulations – Dredging | pages 3-29 & 3-30 |

Development of this project shall be undertaken pursuant to the following terms and conditions:

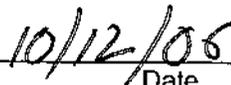
1. The applicant shall comply with all construction conditions by the State agencies and all construction conditions provided in the application and modifications submitted to the City.

This permit is granted pursuant to the Shoreline Management Action of 1971 and pursuant to the following:

1. The issuance of a license under the Shoreline Management Act of 1971 shall not release the applicant from compliance with federal, state, and other permit requirements.
2. This permit may be rescinded pursuant to Section 14(7) of the Shoreline Management Act of 1971 in the event the permittee fails to comply with any condition hereof.
3. A construction permit shall not be issued until twenty-one (21) days after approval by the City of Renton Development Services Division or until any review proceedings initiated within this twenty-one (21) day review period have been completed.



Gregg Zimmerman, Administrator
Planning / Building / Public Works Administrator



Date

cc: Attorney General's Office
Applicant / Owners
Yellow File

CHICAGO TITLE INSURANCE COMPANY
A.L.T.A. COMMITMENT
SCHEDULE A
(Continued)

Order No.: 1164869
Your No.: BARBEE FOREST PRODUCTS

LEGAL DESCRIPTION EXHIBIT
(Paragraph 4 of Schedule A continuation)

THAT PORTION OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 24 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, AND OF SECOND CLASS SHORELANDS ADJOINING, LYING WESTERLY OF THE NORTHERN PACIFIC RAILROAD RIGHT OF WAY;

EXCEPT THAT PORTION, IF ANY, OF SAID SHORELANDS DESCRIBED AS LYING NORTH OF THE WESTERLY PRODUCTION OF THE NORTH LINE OF SAID GOVERNMENT LOT 1.

May 25, 2006

**OFFICE OF THE HEARING EXAMINER
CITY OF RENTON**

Minutes

OWNER/APPLICANT: Barbee Mill Company
PO Box 359
Renton, WA 98057

CONTACT: Michael Lloyd
Lloyd & Associates
38210 SE 92nd Street
Snoqualmie, WA 98065

Lake Washington/May Creek Dredging
File No.: LUA 05-138, SP, SM, ECF

LOCATION: 4300 Lake Washington Blvd.

SUMMARY OF REQUEST: Applicant seeks a 10-year Special Permit for grade and fill in order to dredge the mouth of May Creek where sediments collect. Removal of fill will prevent flooding of the Barbee Mill property and maintain navigational depths.

SUMMARY OF ACTION: Development Services Recommendation: Approve with conditions

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on April 11, 2006.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

MINUTES

*The following minutes are a summary of the April 18, 2006 hearing.
The legal record is recorded on CD.*

The hearing opened on Tuesday, April 18, 2006, at 9:01 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

| | |
|---|---|
| <u>Exhibit No. 1:</u> Yellow file containing the original application, proof of posting, proof of publication and other documentation pertinent to this request. | <u>Exhibit No. 2:</u> Neighborhood Detail Map and Zoning Map |
| | |

| | |
|--|--|
| Exhibit No. 3: Map of Existing Contour Elevations of May Creek Delta Area | Exhibit No. 4: Proposed Dredging Contours of the May Creek Delta Area |
| Exhibit No. 5: Cross Sections AA-BB-CC for Proposed Dredging Area | Exhibit No. 6: Video Showing 1990 Flooding of May Creek |
| Exhibit No. 7: Exhibit 6 from Preliminary Plat Hearing showing the Southern Portion of the Plat | |
| | |

The hearing opened with a presentation of the staff report by Jill Ding, Senior Planner, Development Services, City of Renton, 1055 S Grady Way, Renton, Washington 98055. The subject's property is quite large and is zoned Commercial Office Residential. May Creek flows through the southeastern portion of the property and discharges into Lake Washington at the southern terminus of the property. The mouth of May Creek is where the proposed dredging would occur. The subject site is located to the west of Lake Washington Boulevard North and approximately north of North 40th Street. The existing uses to the north include vacant property and residential property, to the east are residential properties, to the south are residential properties and to the west is Lake Washington.

The site is currently utilized by the Barbee Mill Company, however a residential development proposal is being reviewed. The preliminary plat has been approved and the project is waiting for site plan review and approval.

The applicant is requesting a 10-year permit to dredge the mouth of May Creek, they estimate that the dredging would occur three times over the next 10 years. They have requested that the frequency and amount of material to be removed remain flexible, that amount can vary dependent upon the weather conditions. They are estimating that the total amount of dredging over that 10-year period would be anywhere from 12,000 – 40,000 cubic yards to maintain the proposed dredge contours.

The project was last reviewed at a public hearing on December 16, 1997, at that time they requested an annual dredging permit for a 5-year period.

The dewatering areas are located to the north of the site with an alternate dewatering area that is located to the south. The alternate site has been proposed due to the development projected for the north.

The Environmental Review Committee issued a Determination of Non-Significance – Mitigated for the project with 2 mitigation measures. No appeals were filed.

The material could be removed via Lake Washington by boat, a portion is proposed to remain on site and some of it could be removed by trucks to Lake Washington Blvd. The applicant has identified a 608 square yard dewatering area to the north of the proposed dredging area and a 487 square yard dewatering area to the south of the proposed dredging area.

During the dredging operations, it is estimated that as many as 150-200 truck loads of sand and gravel may be moved off site over a three-six week time frame. A portion of the clean fill may be used on site. The traffic impacts are expected to be limited in duration and are not anticipated to cause significant adverse impacts to the existing roads.

No screening, landscaping, fencing or setbacks are required for the dredging area. The proposed dewatering area required compliance with the DOE 2001 Storm Water Management Manual for erosion and sedimentation

control. In addition a shoreline restoration plan with a 10-foot vegetative buffer was proposed as part of the biological assessment that was submitted to the US Army Corps of Engineers. The plan proposed a variety of native shrubs, trees and groundcover to provide habitat areas along that shoreline.

The dredge material would temporarily be stockpiled on the dewatering areas to dewater the spoils. The applicant will need to remove the spoils from the temporary storage areas to an upland location within six months of each dredging cycle. The applicant intends to sell the majority of the dredge spoils, some may be used on site as fill during the site development of the residential development.

The noise levels are anticipated to be limited in duration during the dredge cycles. The water from the spoils would drain out into the soil and eventually back into Lake Washington. No testing of the dredge soils has been recommended at this time.

Michael Lloyd, Lloyd & Associates, 38210 SE 92nd Street, Snoqualmie, WA 98065 stated that in terms of the volume of materials to be dredged, the number is higher than obviously what is anticipated, but the weather is not always predictable. Three to four thousand yards seems to have been the historical tradition in this area.

The dewatering site on the north shore has been used in the past for eight to ten years. It has worked very effectively, as the material go into the stockpile, it was not necessary to use trucks, the dredge materials themselves rapidly dewater. If the development should occur, the area to the south, alternate dewatering area, should work just fine, it will result in a slightly slower pace but not extensive modification of the pace of the work.

Typically testing is done at each dredging, they have always been very clean, it is not a big issue to grab a sample and run it through a lab.

Robert Cugini, Barbee Mill Co., PO Box 359, Renton, WA 98057 stated that the reason for the 10-year permit is to deal with the issues for the future with May Creek and the development of the property as residential property. This will provide some surety that all issues will be dealt with in the future. In the past they have operated under five-year permits that resulted in one or two dredges during that time. The cost of getting the permits is substantial, in fact the permitting cost associated with obtaining one is generally larger than the cost of doing the work. The mouth of May Creek has been dredged since 1947 on a 3-5 year cycle.

The southern dewatering area has been chosen because of the development going on in the northern section. Lot 48 in the new plat is the former northern dewatering area. The southern dewatering area is a storm water detention area and is scheduled as open space, there is some discussion as to how the turnarounds will work in this area. There is residential to the south, that land is also under the ownership of the Cugini's.

The material could be moved off-site via water, there is potential for reuse on the Quendall site, which is the site just to the north.

A video was shown of the January 1990 flooding on May Creek. The water was 10-20 times more than normal for the creek. The dredging was on a cycle of every two to three years.

As development grows in the area, the cost of the dredging will be turned over to the homeowners. The last permit cycle was approximately \$200,000 and that does not include the dredging, just the cost of obtaining a permit. There are 115 homes proposed for the development. In the last cycle there were bark and wood waste issues in front of the pre-existing sawmill and that was included in some of the costs.

Kayren Kittrick, Development Services stated that there is a storm drainage pond that is part of the erosion control for the plat on the south shore, directly adjacent to the boathouse lot. A scow has been used in the past for dredging portions of the creek/river and the resultant sand and gravel was transported to another site. This prevents any stockpiling close to the creek. Dewatering can be accomplished without stockpiling on site.

Truck traffic is more difficult. The roads inside this plat are not specifically designed for large amounts of traffic. The property owners would most likely not be happy with this kind of traffic every three to four years.

The Examiner questioned if ten years was appropriate for this permit. The future homeowners would be burdened with a large expense every three to four years with this process. Should nature just be allowed to take its natural course?

Ms. Kittrick stated that the Cedar seems to be mellowing out, May Creek uplands are still significantly underdeveloped and most likely will remain that way. If nature would be allowed to take its course, she was not sure what it would do without some sort of study to see what would happen, the fact that it has been dredged all this time, the greater concern seems to be with testing the site. The Corps of Engineers and DOE most likely have that well covered. Because this is a ten year request, the people who move into the new development will have a severe interest in this process, both monetarily as well as the impacts to their daily lives.

Although a ten-year permit could be granted, the Corps of Engineers and the DOE still would review each and every dredging process.

Mr. Cugini stated that regarding the potential for contamination in the spoils that are removed during the dredging. They test every time they dredge and have found nothing. The site is removed from the potential contamination to the north and separated by quite a distance. The May Creek channel is quite far from any potential issues. They will continue to sample the dredge material and validate that there are no issues.

At this point all three sites along the lake had some contamination from the industrial activity over the years. The Quendall Terminal site was the site of the Riley Tar and Creosote Manufacturing facility and of the three sites has the most issues. Both the Barbee Mill site and the Allen site to the north have been undergoing voluntary clean up under the DOE supervision.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 10:01 am.

FINDINGS, CONCLUSIONS & RECOMMENDATION

Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. The applicant, Michael Lloyd, Lloyd & Associates, filed a request for approval of a Special Permit for dredging the mouth of May Creek.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Environmental Review Committee (ERC), the City's responsible official, issued a Declaration of Non-Significance - Mitigated (DNS-M) for the subject proposal.

4. The subject proposal was reviewed by all departments with an interest in the matter.
5. The subject site is located at 4300 Lake Washington Boulevard. The site is located on the shoreline of Lake Washington. May Creek flows southwest across the site.
6. A plat has been approved for the former lumber mill operation that occupied the subject site. The proposed use and past use are located on both sides of the creek.
7. The subject site was annexed to the City with the adoption of Ordinance 1804 enacted in December 1959.
8. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of Office and Residential uses, but does not mandate such development without consideration of other policies of the Plan.
9. The subject site is zoned COR (Center: Office/Residential) a category applied in June 1993 with the enactment of Ordinance 4404.
10. The applicant proposes a new permit that would extend approval for the periodic dredging of materials that accumulate at the mouth of May Creek. An existing five (5) year permit was approved for the site in December 1997. That permit has expired. The applicant would like a ten (10) year permit. The applicant noted that permit process is time-consuming and costly. In addition, the applicant needs an Army Corps permit, which has a duration of ten years so that the time periods would coincide if this permit were also issued for 10 years.
11. As indicated above this site was reviewed for a previously approved permit. Until recently there have not been many changes in the area but a plat for detached single-family homes has been approved for the subject site.
12. The proposed project area is approximately 55,000 square feet. The applicant has estimated that between 12,000 to 40,000 cubic yards of material would be dredged from the mouth of May Creek. The amount is an estimate and varies depending on the storm conditions and the amount of material deposited by those storm events. The accumulated materials interfere with flows of the creek and the impeded creek can cause flooding. Routine maintenance is a permitted exemption allowed the applicant under the Shoreline Management Program.
13. Materials would be stockpiled on the site and dewatered to reduce their weight and make them suitable for other uses. The dewatering will occur north of the mouth of the creek but could get displaced if the plat were developed during the permit period. Water will drain from the materials back into the lake. This area will provide temporary storage while water drains from the materials. There is also a possibility that the materials would be taken away from the site by barge if stockpiling locations become limited.
14. The applicant proposes selling the materials. Some materials, if suitable, could be used for the development of the subject site.
15. Each dredge event requires separate review by both the State Departments of Ecology and Wildlife (for fisheries review). Actual dredging would be dictated by storm events and the amount of material that such events deposit in the delta area. There may be years without any need to dredge. The estimate is

that over the life of a ten-year permit dredging would occur approximately three times. The historic trend has been to remove approximately 3,000 to 4,000 cubic yards of material every three to four years.

16. The process will be subject to erosion and sedimentation control measures under State Department of Ecology guidelines. There will be a ten-foot shoreline restoration plan along the shoreline, which was required by the Army Corps. Staff was concerned that screening and buffering for the potential residential development was not included and recommended that a plan be submitted.
17. The removal of the materials from the site would require approximately 100 to 200 round trips for the exportation of materials. These trips will depend on how much material is deposited by flood and normal accretion. The haul route would be via Lake Washington Boulevard. Staff indicated that the temporary nature of the hauling would not substantially interfere with traffic in the area. Staff has recommended that all spoils be removed from the site within six months and that no storage, after dewatering, occur within 200 feet from the edge of the planted area of May Creek.
18. Testing in the past has demonstrated that the materials show no significant levels of contamination. Sampling of materials will continue as needed since their use at other sites could cause liability if it were not clean and most sites that accept materials also require the materials to be tested.
19. All operations will be monitored by appropriate state and federal agencies to assure that fisheries are not interfered with and water quality is maintained.
20. The new permit would potentially allow dredging after the plat is developed and occupied. That could affect the permit and issues like stockpiling, haul routes and noise. There will also be a multiplicity of ownerships if the property is platted as proposed. There probably should be a way to provide notice to those purchasing homes in the plat that they might be responsible for periodic but substantial dredging costs.

CONCLUSIONS:

1. The proposed dredging operation appears to serve the public use and interest. If the materials proposed to be dredged were left in place they would lead to flooding along May Creek. Both life and property could be harmed if the creek overflows its banks. The removal of the materials building up at the delta will prevent flood damage and should be approved.
2. As in the past, the applicant will have to work under permits issued by other jurisdictions to avoid an interference with fish migrations. All operations will remain subject to review by agencies with appropriate jurisdiction and expertise.
3. In the past, the dredging has apparently not created any untoward problems in the way of traffic, contamination or noise. But conditions have changed since the last permit was issued. Approval has been granted for a substantial residential development immediately adjacent to the site of the proposed dredging. The dredging does create impacts that might not affect the industrial character of the existing area which would definitely affect a residential community if the plat were ultimately developed. Dredging, hauling and noise are just some of the possible consequences of this operation. Again, those impacts on the current area probably are negligible but that would not be the case if the area were surrounded by single-family homes or other residential uses. Therefore, rather than create an unduly long period before another review that would occur for a ten year permit, this office believes that a shorter permit is appropriate even given some of the issues raised by the applicant. Clearly, convenience and timing with an Army Corps permit would be nice but the Army Corps is not interested

in the affects on a residential community that might be developed in the next year or two. Therefore, the permit shall be issued for five years.

4. The applicant shall remain under the same constraints as were found in the earlier permit. The materials will have to be removed from the subject site within a reasonable time. Staff's recommendations are appropriate for the length of stockpiling, location and movement.
5. The other previous conditions regarding the temporary storage of the materials on the site in a location that is at least 200 feet from the outer edge of any landscaping located along May Creek or the shoreline of Lake Washington are still appropriate.
6. Any storage or placement of materials on the site that results in any permanent or topographical changes of the applicant's property shall be subject to separate review under the Mining, Excavation and Grading Ordinance unless permitted under the platting development regulations for the currently approved plat.
7. The conditions recommended by staff are appropriate given the sensitive nature and location of the subject site.
8. The size and intensity of the operation and restoration efforts appear appropriate given the nature of the site and its current uses. The additional truck traffic will not unnecessarily burden the adjoining streets.

DECISION:

The Special Permit for Grade and Fill is approved subject to the following conditions:

1. The permit shall be for a period not to exceed five years. The applicant shall be entitled to apply for a new permit under the regulations that exist when a new permit application is submitted.
2. The applicant shall provide documents outlining the joint and several responsibility of future homeowners in the currently approved plat for paying for the future permitting and dredging operations. These documents shall be subject to review and approval of the City Attorney.
3. The applicant shall be required to comply with all of the ERC Mitigation Measures.
4. A plan indicating how the dredging activities and dewatering areas will be screened from the proposed residential development shall be submitted to the Development Services Division Project Manager prior to the issuance of residential building permits on the upland portion of the subject site.
5. The dredging spoils are to be temporarily stored in the area described in this permit for no more than six months from the date that the dredging is completed for each dredging cycle. The applicant shall provide the City with the date the maintenance dredging is started and completed, and the date by which the dredging spoils are to be removed each year that it is necessary to complete the maintenance dredging. This will avoid any confusion between the applicant and City staff.


FRED J. KAUFMAN
HEARING EXAMINER

TRANSMITTED THIS 25th day of May 2006 to the parties of record:

Jill Ding
1055 S Grady Way
Renton, WA 98055

Barbee Mill Company
PO Box 359
Renton, WA 98057

Kayren Kittrick
Development Services Div.
Renton, WA 98056

Michael Lloyd
Lloyd & Associates
38210 SE 92nd Street
Snoqualmie, WA 98065

Robert Cugini
Barbee Mill Company
PO Box 359
Renton, WA 98057

TRANSMITTED THIS 25th day of May 2006 to the following:

Mayor Kathy Keolker
Jay Covington, Chief Administrative Officer
Julia Medzegian, Council Liaison
Larry Warren, City Attorney
Gregg Zimmerman, PBPW Administrator
Alex Pietsch, Economic Development
Jennifer Henning, Development Services
Stacy Tucker, Development Services

Stan Engler, Fire
Larry Meckling, Building Official
Planning Commission
Transportation Division
Utilities Division
Neil Watts, Development Services
Janet Conklin, Development Services
King County Journal

Pursuant to Title IV, Chapter 8, Section 100G of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., June 8, 2006.** Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$75.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., June 8, 2006.**

If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in

private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.

2. ENVIRONMENTAL REVIEW

Pursuant to the City of Renton's Environmental Ordinance and SEPA (RCW 43.21C, 1971 as amended) on March 14, 2006 the Environmental Review Committee (ERC) issued a Determination of Non-Significance – Mitigated (DNS-M) for the project. The DNS-M included 2 mitigation measures. A 14-day appeal period commenced on March 20, 2006 and ended on April 3, 2006. No appeals of the threshold determination were filed.

3 COMPLIANCE WITH ERC MITIGATION MEASURES

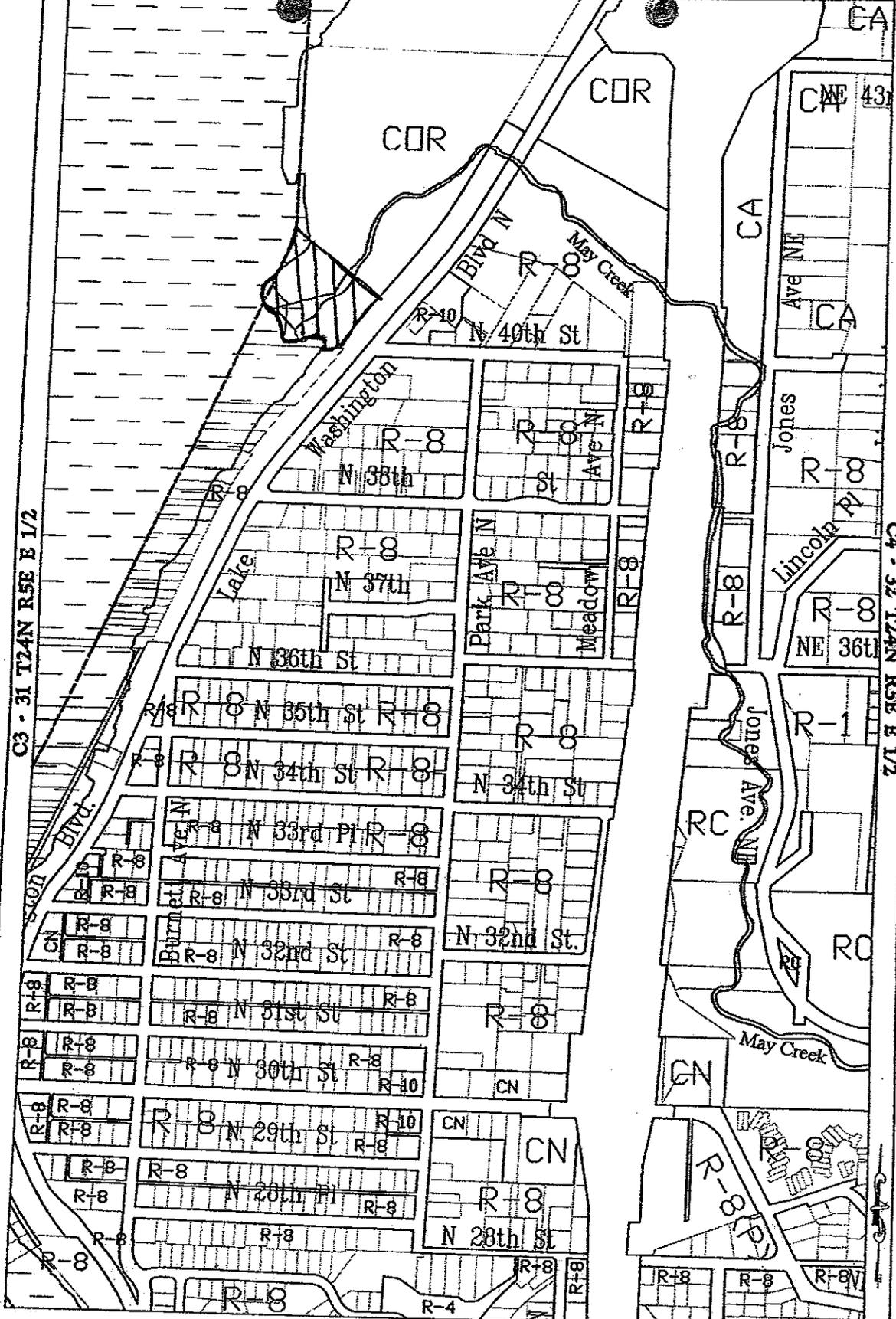
Based on an analysis of probable impacts from the proposal, the Environmental Review Committee (ERC) issued the following mitigation measures with the Determination of Non-Significance – Mitigated:

1. The applicant shall provide a Temporary Erosion and Sedimentation Control Plan (TESCP) designed pursuant to the Department of Ecology's Erosion and Sediment Control Requirements, outlined in Volume II of the 2001 Stormwater Management Manual. This condition shall be subject to the review and approval of the Development Services Division.
2. The applicant shall comply with the recommendations found in the Biological Evaluation prepared by Meridian Environmental, LLC, dated June 28, 2005.

B4 - 29 T24N R5E W 1/2

C3 - 31 T24N R5E E 1/2

C4 - 32 T24N R5E E 1/2

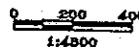


D4 - 5 T23N R5E W 1/2



ZONING
 P/B/F/W TECHNICAL SERVICES
 12/28/04

----- Benton City Limits



C4

32 T24N R5E W 1/2

5432



SHEET
2 of 4

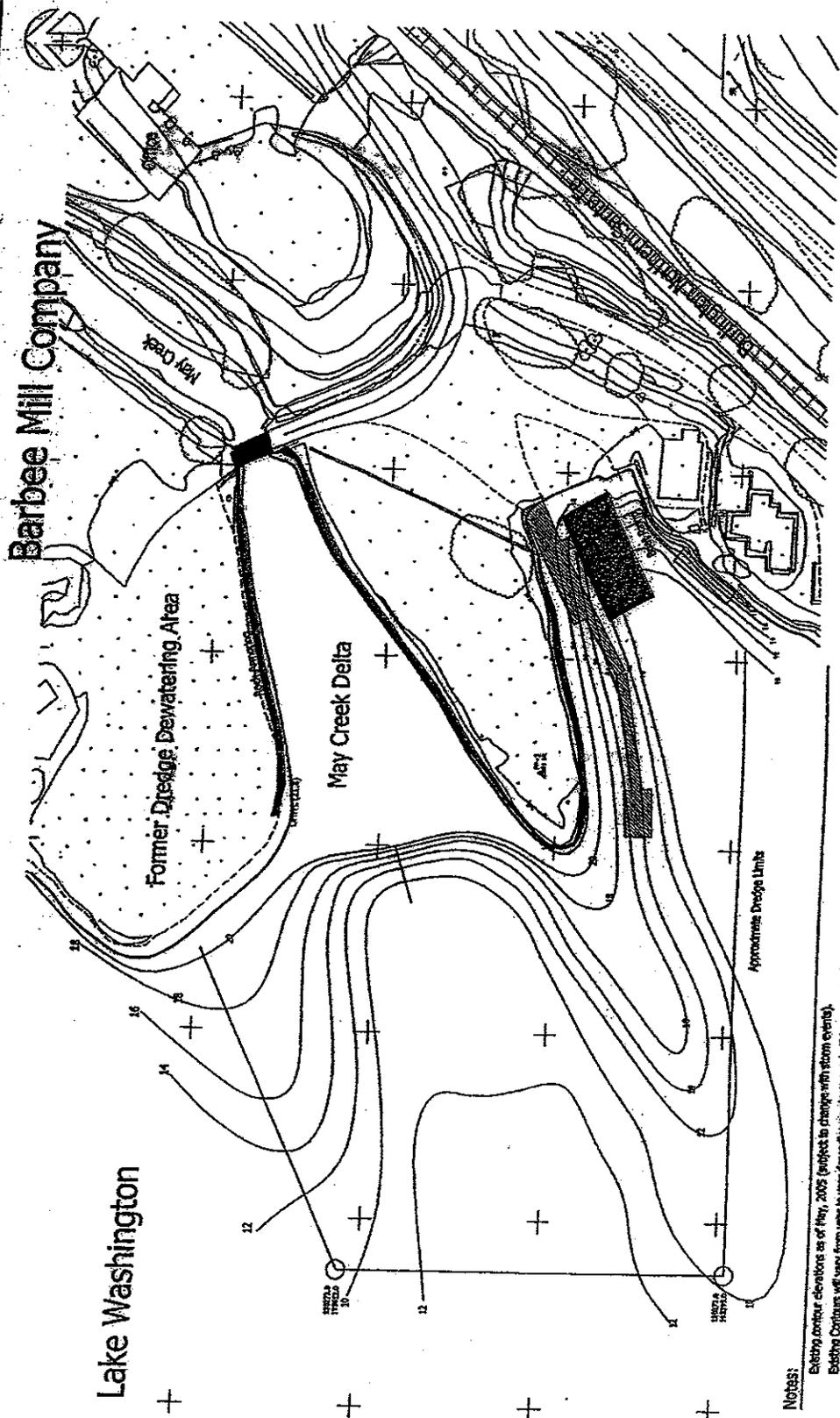
EXISTING CONTOUR ELEVATIONS

Flood Mitigation Maintenance Dredging - May Creek Delta / Lake Washington

PROJECT LOCATION
11100 1st Avenue NE
Seattle, WA 98125

DESIGNED BY
T&M Engineering, Inc.
11100 1st Avenue NE
Seattle, WA 98125

DATE: 05/20/06
DRAWN: J. [Name]
CHECKED: [Name]



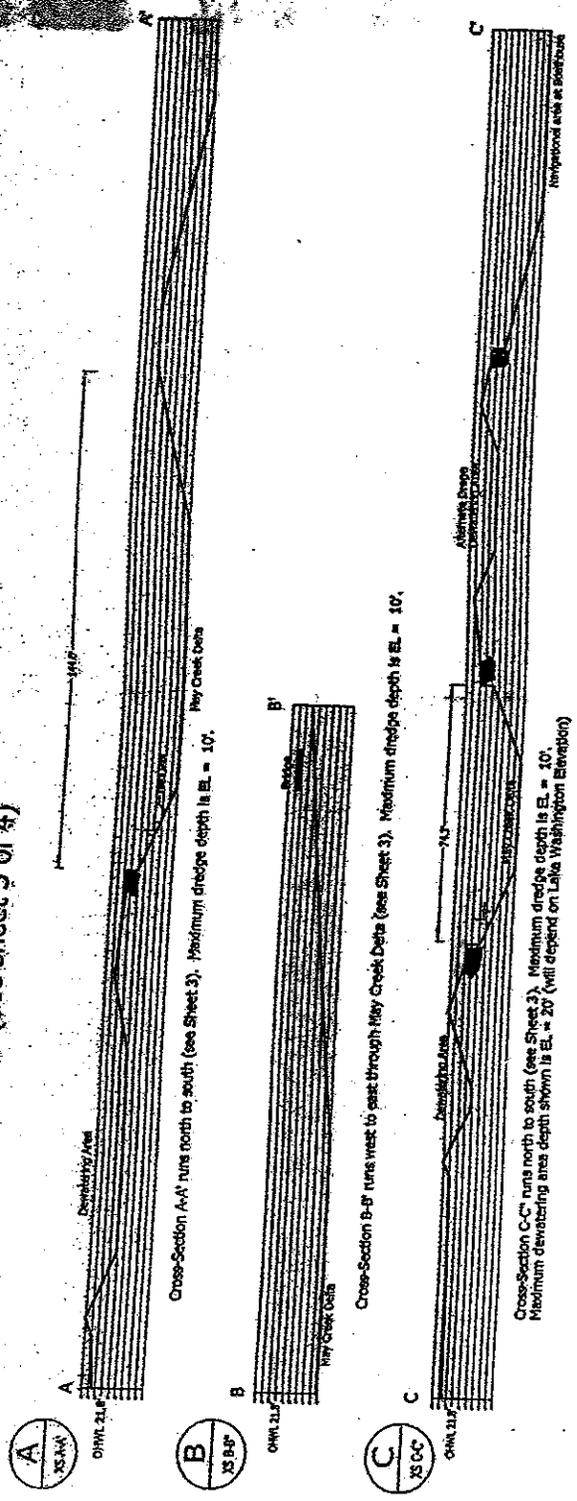
Notes:
Existing contour elevations as of May, 2005 (subject to change with storm events).
Existing contours will vary from year to year depending on storm events (frequency/threshold) that deposit sand and gravel eroded from the May Creek Valley.
Dredge area will include occasional dredging in front of the boathouses to maintain operational depths and access.
Proposed dredge elevations / contours shown on Sheet 2 of 4.
Lake Elevation marked by (ELEV). Contour High Water Line (CHWL) = 214.8 feet
Dredge elevations and possible bases on NAD83.

DEVELOPMENT PLANNING
CITY OF RENTON

JAN 31 2006

RECEIVED

Cross-Sections A-A', B-B', and C-C' (See sheet 3 of 4)



Scale

NOTES:

- 1. Slopes within ditches to be checked no steeper than 2:1 slope to nearest bank erosion.
- 2. Ditching (width) increased to EL = 20' (higher flows, depending on Lake Elevation). A portion of material to be used for berm around dewatering area.
- 3. Dewatering area use will be coordinated with site development (Normal yields).

Flood Mitigation Maintenance Dredging - May Creek Delta / Lake Washington

PROJECT LOCATION
 1300 Lake Washington Blvd. N.
 Bellevue, WA 98005

DESIGNED BY
 1300 Lake Washington Blvd. N.
 Bellevue, WA 98005

CONSTRUCTION BY
 1300 Lake Washington Blvd. N.
 Bellevue, WA 98005

SHEET
 4 of 4

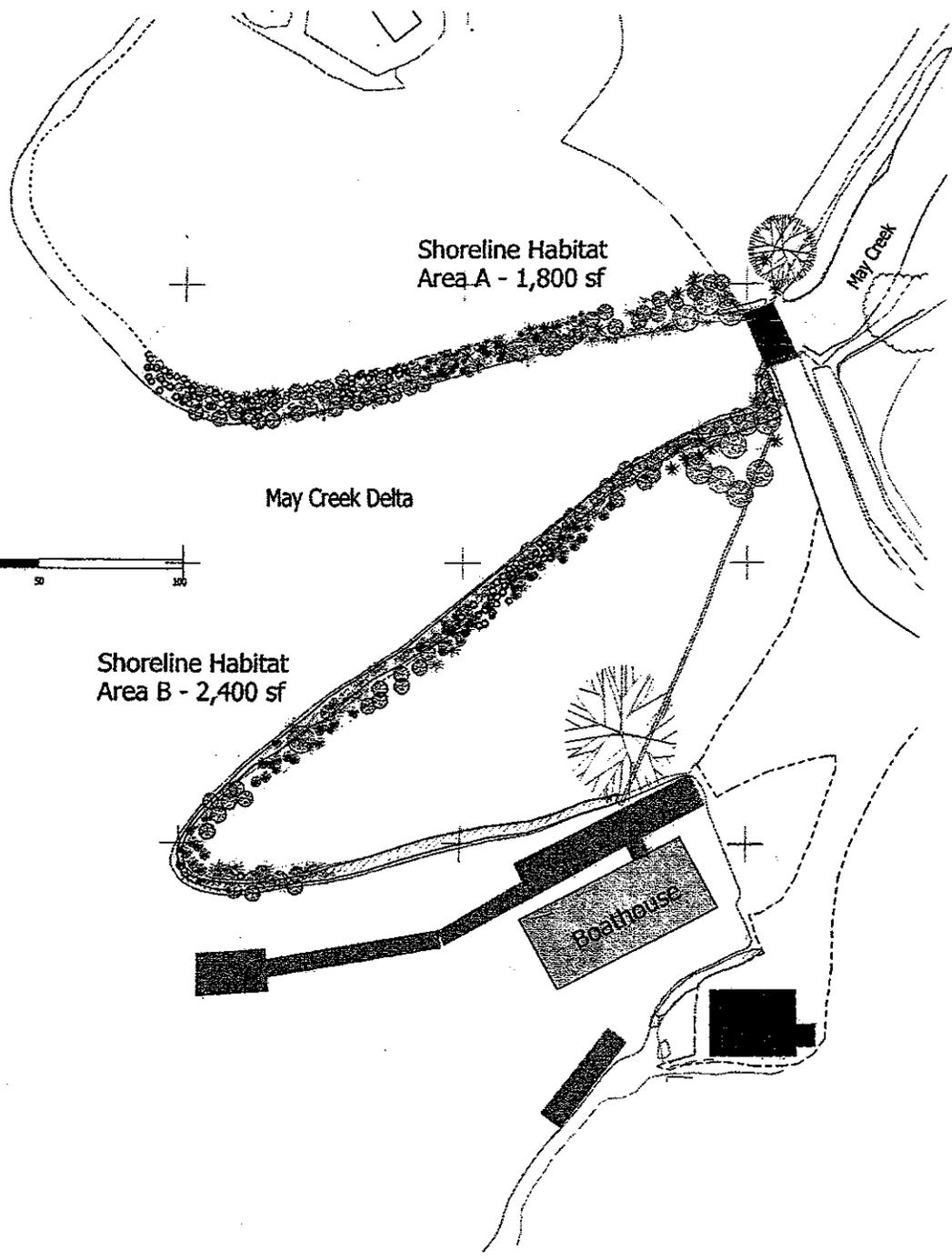


DEVELOPMENT PLANNING
 CITY OF RENTON

JAN 31 2006

RECEIVED

Barbee Mill Company



Flood Mitigation Maintenance Dredging - May Creek Delta / Lake Washington

PROJECT LOCATION
IN: Lake Washington
AT: 4300 Lake Washington Blvd. N.
King County, Renton, WA 98056

Shoreline Planting Plan

SHEET
1 of 1

L&AI
9/18/05



June 8, 2006

City Council
City of Renton
1055 South Grady Way
Renton, Washington 98055

RE: Appeal of the Hearing Examiner's ORDER
Lake Washington/May Creek Dredging
File No. LUA-05-138, SP, SM, ECF

Attention: City Council

Pursuant to Title IV, Chapter 8, Section 110 of the City of Renton Code, the Barbee Mill Company appeals portions of the ORDER of the Hearing Examiner dated May 25, 2006 for a Special Permit for Grade and fill (hereafter, Permit). Specifically, the Barbee Mill Company is appealing Permit approval Conditions No. 1 and 2 of the Special Permit for Grade and Fill.¹ Concurrently with this appeal, the Barbee Mill Company is making a Request for Reconsideration to the Office of the Hearing Examiner of Permit approval Conditions No. 1 and 2. If the Barbee Mill Company is successful in the Request for Reconsideration, this appeal will be withdrawn. These two Permit conditions provide:

1. *The permit shall be for a period not to exceed five years. The applicant shall be entitled to apply for a new Permit under the regulations that exist when a new permit application is submitted.*
2. *The applicant shall provide documents outlining the joint and several responsibility of future homeowners in the currently approved plat for paying for the future permitting and dredging operations. These documents shall be subject to review and approval of the City Attorney.*

1. The Hearing Examiner's Decision to limit the Permit duration (Condition No. 1) to only five years was an error in judgement not supported by law or facts presented in the admitted case file and supporting documentation, City of Renton staff reports, or by testimony offered at the public hearing. As stated in the transmittal letter of the May Creek Mitigation Dredge Application (Lloyd & Associates, Inc., September 27, 2005), "flood mitigation dredging is necessary to protect the property and future homeowner's interests" from flood damages, and that "the importance of establishing a longer term Permit is an essential and fundamental step in providing a measure of certainty to the Barbee Mill Company and future property owners."

We agree in major part with Ms. Kayren Kittrick's (City of Renton, Development Services Division) statement presented at the Public Hearing that: "the people who move into this new development will have a severe interest in this process, both monetarily as well as the impacts to their daily lives." As presented in the public hearing, the cost of securing Permits is a substantial burden that will eventually be carried by homeowners. We also agree with Conclusion No. 1 that "Both life

¹ The Barbee Mill Company takes no exception to Conditions 3, 4, and 5 of the Special Permit for Grade and Fill.

and property could be harmed if the creek overflows its banks”² as this would severely impact their daily lives. Adding the uncertainty caused by a shorter Permit duration to the mix does not protect the monetary or personal impacts on people's lives, or the interests of the current owner, The Barbee Mill Company.

The ORDER further states in Conclusion No. 3 that granting a ten year Permit will create an “unduly long period” before another review, limiting the options of future homeowners to participate in the process. The implication is that the people who may live at the new development will be bound by a ten year Permit and will not have the opportunity to participate in the process for an unduly long period. This is incorrect. There is nothing in the Permit, application materials, project files, public testimony or the ORDER which limits future owners' options for submitting a new Permit application to the City of Renton specific to their wishes. Alternatively, they could seek a revision in the Permit, which would likely trigger a full review process by the City of Renton. Finally, the residents, if they so desire, could simply not dredge the May Creek Delta. The ORDER does not place any requirement to dredge the May Creek Delta to mitigate potential flooding. Nor does the ORDER require the Barbee Mill Company to transfer the permit to the homeowners. Implementation of the permitting process and dredging has been a voluntary burden that has been funded to date entirely by the Barbee Mill Company.

The Barbee Mill Company has dredged the May Creek Delta for over 50 years for navigational and flood protection purposes. The permitting process has resulted in numerous hearings before the Hearing Examiner of the City of Renton. The request for a ten year Permit does not represent an unduly long period of time for a maintenance dredging Permit given that dredging has been conducted for decades and will be necessary for many more decades or until such time that May Creek Basin source control measures are effectively implemented to minimize the deposition of sediments in the May Creek Delta. A ten year Permit duration is also reasonable in the context of site development. Site build-out will take a number of years from the point in time that all Permits have been secured, infrastructure improvements constructed, and mitigation work is implemented before residents will be able to move in. A ten year Permit is not an unduly long period of time by any stretch of the imagination and will only afford the owner's a short buffer of time before new permits (local, state, and federal) must be secured to conduct dredging.

The Findings of Fact also recognize the participation of numerous state and federal agencies directly involved with every dredging event. These regulatory entities include the U.S. Army Corps of Engineers, National Marine Fisheries Service, Washington State Departments of Fish and Wildlife, Natural Resources, and Ecology. Each of these regulatory entities provides substantial process and review prior to issuing conditioned approvals or Permits.

During the public hearing, the Hearing Examiner posed the rhetorical question, “Should nature be allowed to take its natural course?” The implication is that there is some rationale or fact to suggest that dredging is unnecessary. As referenced in the Biological Assessment,³ The May Creek Basin Action Plan (April 2001), makes the primary conclusion and recommendation that “continued dredging is the only viable alternative”⁴ [until such time as effective erosion control measures are implemented in the May Creek Drainage Basin]. The City of Renton Council and the City of Renton Building/Planning/Public Works Department were participants in developing the May Creek Basin Action Plan. In response to the Examiner's remarks about the necessity of dredging, there is no support for this inference in the referenced scientific literature, project files, application materials,

² See Conclusion No. 1 of the attached ORDER, p. 7

³ The Biological Assessment (Meridian Environmental, Inc.) was presented as Item 14 of the Land Use Permit Application and submitted to the City of Renton.

⁴ May Creek Basin Action Plan, p.3-23

public testimony, City of Renton policies, guidelines, or adopted planning documents. If the purpose for the judgement, which conditions the Permit with a five-year duration is based on speculative questions of necessity of dredging in the future, then Condition No. 1 of the Decision is not grounded in fact.

One of the primary recommendations of the adopted May Creek Basin Action Plan was that [*public policy should*] “Facilitate Permitting for May Creek Delta Dredging.”⁵ This policy of “facilitating Permitting” as identified by the May Creek Basin Action Plan does not mean that shorter Permit cycles facilitates the public interest in mitigating potential flood damages to life and property. Rather, the recommendations of the May Creek Basin Action Committee recognize the necessity of dredging the May Creek Delta and that facilitation of this action should be promoted and not burdened by the additional cost of permitting and uncertainty that is created with every Permit process.

Conclusion No. 3 of the ORDER provides that “dredging has apparently not created any untoward problems in the way of traffic, contamination or noise.” Recent dredge events have been of considerably larger scope than flood mitigation/maintenance dredging permitted by the ORDER. While these dredging events have occurred at the site, the facility has existed within a largely residential community⁶ for many years without untoward problems in the way of traffic, contamination or noise arising from dredging. The City of Renton recognized the non-conforming land use status of former mill operations with the COR land use designation in 1993.

Conclusion No. 3 also states that “conditions have changed since the last Permit was issued.” While it is true that mill operations have been discontinued, the residential nature of immediately adjacent properties has not. Development of the Barbee Mill property will create additional immediately adjacent residential area subject to these impacts. However, there is a substantial difference, and it is more than just proximity. Residents at the new community will have a vested interest in protecting their property from flooding. This is a distinctly different perspective than that which is entertained by the current adjacent residential community. The Barbee Mill Company is sensitive to the potential for short-term equipment noise and truck traffic impacts that are an unavoidable consequence of dredging. As discussed in our Permit application materials and as presented at the public hearing, at build-out we will mitigate these impacts to the extent possible by off-loading dredged materials at Quendall Terminals. The net result is that noise to nearby homeowners will be reduced substantially and heavy truck traffic within the development can be eliminated. If effective erosion control measures are ever implemented in May Creek Valley, then the “changed conditions argument” would take on a meaning that we could all agree with.

Given the high cost of Permitting and the uncertainty of a shorter Permit cycle, the benefits of a predictive level of certainty over a ten year period is a substantial benefit to the Barbee Mill Company and to future homeowners. Rather than accept the high cost and uncertainty associated with a five year Permit, the Barbee Mill Company will retain title to the Permit for the next ten years. While this is not the most desirable situation, this is an acceptable condition to the Permit for a Special Grade and Fill Permit provided that Condition No. 2 is waived and that other unacceptable terms or conditions are not added to the current Permit.

2. Condition No. 2 of the Decision requires: “The applicant shall provide documents outlining the joint and several responsibility of future homeowners in the currently approved plat for paying for the future Permitting and dredging operations,” subject to the review and approval of the City Attorney. This condition presents an unnecessary and unreasonable interference in private contracting matters. Rather than argue the legal basis of this Permit condition, the Barbee Mill

⁵ Recommendation No 10, May Creek Basin Action Plan, April 2001, p3-1

⁶ See the List of Surrounding Property owners provided in Item 6 of the Dredge Permit Application.

Company is prepared to retain ownership of the Permit and to seek compensation from the homeowner's without involving the City of Renton. Acceptance of The Barbee Mill Company's offer to retain title to the Special Permit for Grade and Fill for the next ten years effectively obviates the need for submitting documents outlining the joint and several responsibility for future homeowners to the City of Renton. There is a certain efficiency to this result. The City of Renton can maintain a prudent distance from having to approve of the process and contractual terms by which responsibility for payment of dredging will be implemented. Alternatively, if Condition No. 2 cannot be waived, the Barbee Mill Company requests that a document "outlining the joint and several responsibility of future homeowners in the currently approved plat" be delayed until such time that such a transfer is contemplated.

Respectfully submitted this 8th day of June, 2006

LLOYD & ASSOCIATES, INC.
R. Michael Lloyd

cc. R. Cugini, Vice President, Barbee Mill Company



Kathy Keolker, Mayor

CITY OF RENTON

City Clerk
Bonnie I. Walton

October 5, 2006

Barbee Mill Company
P.O. Box 359
Renton, WA 98057

Michael Lloyd
Lloyd and Associates, Inc.
38210 SE 92nd St.
Snoqualmie, WA 98065

Re: Appeal of Hearing Examiner's decision dated 5/25/2006;
Lake Washington/May Creek Dredging Permit - LUA-05-138

Dear Appellant and Representative:

At the regular Council meeting of September 25, 2006, the Renton City Council took action on the referenced appeal by adopting the recommendation of the Planning and Development Committee to modify the decision of the Hearing Examiner. A copy of the Planning and Development Committee report is enclosed.

Unless the appropriate land use appeal of the decision of the City Council is filed with King County Superior Court as indicated in Renton Municipal Code, the decision of the City Council will be final.

For information regarding the process, you may call the Development Services Division at 425-430-7200.

Please feel free to contact me if I can provide further information or assistance.

Sincerely,

Bonnie I. Walton
City Clerk

Enclosure

cc: Mayor Kathy Keolker
Council President Randy Corman
Jennifer Henning, Principal Planner
Jill Ding, Development Services Div.

2006-23

PLANNING & DEVELOPMENT COMMITTEE
COMMITTEE REPORT

APPROVED BY
CITY COUNCIL

Date 9-25-2006

September 25, 2006

Appeal of Lake Washington/May Creek Dredging Permit
File LUA-05-138, SP, EM, ECF
(Referred July 10, 2006)

The Planning and Development Committee ("Committee") heard this appeal on September 21, 2006. Applicant Robert Cugini appealed the Hearing Examiner's Decision, conditions Nos. 1 and 2. Applicant otherwise accepts the remaining conditions. The Committee recommends that the Council find a substantial error of fact and thereby modify the Hearing Examiner's Decision No. 1 from a 5 year period to a 10 year period. The Committee further recommends that the Council find an error of law in No. 2 and strike that provision of his decision.

The subject property is located to the west of Lake Washington Boulevard North and approximately north of N. 40th Street. The site is currently owned and utilized by the Barbee Mill Company. However, a portion of that site is currently slated for multi family residential development. This property contains part of May Creek which flows through the southeastern portion of the property and discharges into Lake Washington.

Applicant sought a permit to dredge the mouth of May Creek. There is nothing in the City Code that requires the Applicant to dredge. However, in order to maintain navigational waters and prevent flooding, Applicant has maintained dredging at this site in the past. In order to undertake the dredging, Applicant is required to obtain a Special Permit pursuant to RMC 4-9-080(F)(2). In the past, Applicant applied for a 5 year permit. Applicant now seeks a 10 year permit (which is consistent with the Army Corp. of Engineer's permit) citing extensive costs associated with preparing for the application and the history of having maintained dredging in the area. Applicant also objects to condition No. 2 requiring Applicant to provide documents regarding joint and several liability to future homeowners. Applicant finds this condition not only onerous, but vague and difficult to implement.

Pursuant to RMC 4-8-110F(5) and (6), the Planning and Development Committee's decision and recommendation is limited to the record, which consists of, but is not limited to the Hearing Examiner's Report, the Notice of Appeal and the Submissions by the Parties. Having done so, the Planning and Development Committee hereby recommends to the Council that it find a substantial error in the Hearing Examiner's Decision. As to Condition No. 1, the Committee recommends that the Council find that a 10 year period for the permit is more appropriate and better meets the conditions set out in RMC 4-9-080(F)(2). Therefore, the Council should modify the Hearing Examiner's Decision No. 1 to read, "The permit shall be for a period not to exceed *ten* years." As to Condition No. 2, the Committee recommends that the Council find an error of law in that the requirements stated therein are vague and difficult to enforce given that the dredging requirement is optional and the future homeowners of the property are unknown at this juncture. Accordingly, Condition No. 2 should be stricken. The Committee recommends that the remaining conditions set forth in the Hearing Examiner's Decision remain the same.



CITY OF RENTON

Building Permit

Permit Number: **B080077**

Permission is hereby given to do the following described work, according to the conditions hereon and according to the approved plans and specifications pertaining thereto, subject to compliance with the Ordinances of the City of Renton.

Nature of Work:

REPAIR OF EXISTING BOATHOUSE/CUGINI

Job Address:

4201 LAKE WASHINGTON BLVD N

Owner:

**CUGINI ROBERT
PO BOX 359
RENTON WA 98057**

Tenant:

CUGINI BOATHOUSE REPAIR

Contractor:

**DOUGLAS JOHNSON & COMPANY INC
1100 NW 52ND ST
SEATTLE, WA
98107**

Contractor License **DOUGLJC055LE**
Contractor Phone **206-323-1399**
City License **24760**

Const Lender:

Other Information:

Date of Issue **02/12/2009**
Date of Expiration **08/11/2009**
Construction Value **\$97,000.00**
Parcel Number

UBC Type of Construction
Building Height **0**
Story Count **0**
Building Sq. Ft. **0**
Dwelling Count **0**
Occupancy Group

I hereby certify that no work is to be done except as described above and in approved plans, and that work is to conform to Renton codes and ordinances.

Subject to compliance with the Ordinances of the City of Renton and information filed herewith permit is granted.

Applicant X

Building Official



CITY OF RENTON

Inspection Record

Permit Number: **B080077**

Call by 4:00 pm for inspections the following day - Phone 425-430-7202
Call before work is concealed or concrete poured/Do not pour concrete until approved
Do not cover until approved/Do not occupy until final inspection is complete

Nature of Work: **REPAIR OF EXISTING BOATHOUSE/CUGINI**

Job Address: **4201 LAKE WASHINGTON BLVD N**
Lot#/Unit#/Bldg#/Tenant: **CUGINI BOATHOUSE REPAIR**

Owner: **CUGINI ROBERT** UBC Type: **0** Sq. Ft: **0**
Height: **0** Occupancy:

Contractor: **DOUGLAS JOHNSON & COMPANY INC** Phone: **206-323-1399**

| Inspection Type | Date | Inspector | Comments |
|------------------|------|-----------|----------|
| UFER Ground - 55 | | | |
| Footing - 10 | | | |
| Foundation - 11 | | | |
| Framing - 12 | | | |
| Shearwall - 13 | | | |
| Insulation - 14 | | | |
| Roof - 15 | | | |
| Ceiling - 16 | | | |
| Other - 17 | | | |
| Landscape - 18 | | | |
| Final - 100 | | | |

FINAL INSPECTION REQUIRED

Post this record at job site at all times



Permit Number: **B080077**

| Item |
|------|
|------|

- 1: ALL CONSTRUCTION, DEMOLITION AND LAND CLEARING WASTE MUST BE RECYCLED AT A KING COUNTY LICENSED OR APPROVED FACILITY, OR TAKEN TO REGIONAL DISPOSAL FACILITIES.
- 2: APPROVAL FOR BUILDING PERMIT ONLY-SEPARATE APPROVAL AND PERMITS REQUIRED FOR ANY MECHANICAL, PLUMBING, ELECTRICAL, FIRE SUPPRESSION OR HAZARDOUS MATERIALS SYSTEM.
- 3: GROUND ELECTRODE SYSTEM (EITHER 1 OR 2 ARE APPROVED METHODS):
 1. AN ELECTRODE OF AT LEAST 20 FT LONG BARE COPPER, SIZED IN ACCORDANCE WITH TABLE 250-66, 2005 NEC
 2. AN ELECTRODE OF 20 FT LONG #4 REBAR (NOT LESS THAN 1/2 INCH IN DIAMETER) AND SIZED PER NEC 250.52EITHER ONE SHALL BE ENCASED BY AT LEAST 2 INCHES OF CONCRETE, LOCATED WITHIN AND NEAR THE BOTTOM OF A CONCRETE FOOTING THAT IS IN DIRECT CONTACT WITH THE EARTH, AND SHALL BE INSTALLED IN ALL NEW RESIDENTIAL AND COMMERCIAL CONSTRUCTION.
- 4: AUTHORIZED HOURS OF CONSTRUCTION/ACTIVITY:
7AM-8PM MONDAY THROUGH FRIDAY
9AM-8PM SATURDAY
NO WORK ALLOWED ON SUNDAY. PER ORDINANCE 4703, 2-2-1998



1055 S Grady Way
Renton WA 98055

AUTHORIZATION FOR SPECIAL INSPECTION ACTIVITIES

CUGINI BOATHOUSE REPAIR 4201 LAKE WA. BLVD, RENTON WA.
Project Name Address

Responsibility under Section 109 of the International Building Code for selection of a testing laboratory lies with the owner or his agent (architect or structural engineer of record).

The following have been or will be contracted with to perform all SPECIAL INSPECTIONS required per chapter 17, IBC and the Renton Building Department.

o Structural Considerations

OTTO ROSENAN & ASSOCIATES 6747 MARTIN LUTHER KING JR. WAY S.
Testing Agency Address
(206) 725-4600
Telephone

o Geotechnical Considerations Per Soils Report

EARTH CONSULTING INCORPORATED (425) 643-3780
Geotechnical Engineer of Record Telephone

OTTO ROSENAN & ASSOCIATES 6747 MARTIN LUTHER KING JR WAY S.
Testing Agency Address

We understand that these assignments cannot be changed (transferred) once the building permit has been issued without the approval of the Building Official.

The completed form must be returned to City of Renton Plans Examiner prior to issuance of the Building Permit.

Robert Cugini
Signature of Owner/Authorized Agent

04-07-08
Date

ROBERT CUGINI, OWNER
Print or Type Name Signed Above

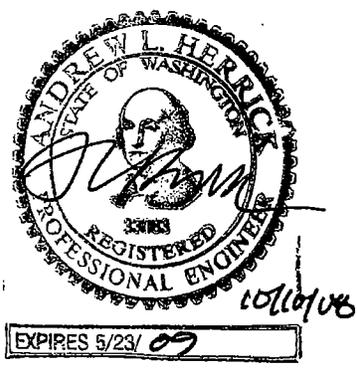


CITY OF RENTON
RECEIVED
OCT 14 2008
BUILDING DIVISION

Cugini Boathouse

Renton, Washington
Project Number: 2008.1302.00

Project Engineer: Andrew L. Herrick, P.E.
Sliderule Engineering Works, LLC
1932 First Avenue Suite 809
Seattle, Washington 98101
(206) 728-4844



Architect: Johan Luchsinger, AIA
Baylis Architects
10801 Main Street
Bellevue, Washington 98004
(425) 454-0566

Design Criteria: 2006 International Building Code

| | | | |
|---------------------------|---------------------------------|--------------------------|--------------------------|
| Roof | Dead Load: 10 psf | Deck/Mezzanine | Dead Load: 10 psf |
| | Live Load: 25 psf (snow) | | Live Load: 40 psf |
| Wind Speed: 90 mph | Exposure C | Seismic Criteria: | D-2 |
| | | | R = 6.0 (shear walls) |
| | | | R = 4.5 (wood frames) |
| | | | Ss = 1.45, S1 = 0.45 |

Allowable Soil Passive Soil Pressure: 450 pcf (Earth Consulting Inc. date 1/24/2008)

- Use:** All wood members shall be separated from concrete w/ (2) layers of 15# building felt.
All metal connectors exposed to weather shall be galvanized, min Z-MAX if attached to treated material.
- All wood members exposed to weather or concrete shall be treated.
 - All metal connectors exposed to weather shall be galvanized.
 - All nails and/or bolts exposed to weather shall be galvanized or stainless steel.
 - All steel plates A-36 per ASTM Structural Steel Specifications, Fy = 36ksi.
 - All steel tubes A-500 per ASTM Structural Steel Specifications, Fy = 46ksi.
 - All steel shapes A-572 per ASTM Structural Steel Specifications, Fy = 50ksi.
 - A-325 bolts at steel to steel connections
 - E70XX Electrodes for all welds, unless noted otherwise.
 - Stainless steel bolts at all exposed connections.
 - 2x Lumber HF#2 KD Fb=1155 psi (min), E=1,300,000 psi (min).
 - Glue Laminated Members Fv=165 psi (min), Fb=2,400 psi (min), E=1,800,000 psi (min).

RECEIVED
OCT 10 2008
BAYLIS ARCHITECTS

CITY OF RENTON
1055 S. Grady Way
Renton, WA 98055

Printed: 02-12-2009

**Building Permit
RECEIPT**

Permit#: B080077

Payment Made: 02/12/2009 10:52 AM

Receipt Number: R0900566

Total Payment: **1,092.95**

Payee: **BARBEE MILL CO**

Current Payment Made to the Following Items:

| Trans | Account Code | Description | Amount |
|-------|--------------------|---------------------|----------|
| 5001 | 000.322.10.00.0011 | Building Permit Fee | 1,088.45 |
| 5042 | 000.237.09.00.0000 | Building Code Fee | 4.50 |

Payments made for this receipt

| Trans | Method | Description | Amount |
|---------|--------|-------------|----------|
| Payment | Check | 19099 | 1,092.95 |

Account Balances

| Trans | Account Code | Description | Balance Due |
|-------|--------------------|--------------------------|-------------|
| 5001 | 000.322.10.00.0011 | Building Permit Fee | .00 |
| 5035 | 000.345.83.00.0000 | Plan Check Fee | .00 |
| 5042 | 000.237.09.00.0000 | Building Code Fee | .00 |
| 5043 | 000.237.22.00.00 | Kent/Issaquah School Fee | .00 |
| 5945 | 000.341.42.00.01 | Issaquah Admin Fee | .00 |

Remaining Balance Due: **\$0.00**



Lloyd & Associates, Inc.

38210 SE 92nd Street, Snoqualmie, Washington 98065 425-888-1905(v/f) rml@envlloyd.com

June 14, 2006

TRANSMITTAL

Susan Powell
Regulatory Branch
U. S. Army Corps of Engineers
Seattle District
P.O. Box 3755
Seattle, Washington 98124-2255

Reference: 200501279
Barbee Mill Company

Subject: City of Renton Permitting
Shorelines/SEPA/Special Permit for Grade & Fill

Dear Ms. Powell:

Enclosed is a copy of the City of Renton Hearing Examiner's Order granting a Special Permit for Grade and Fill to the Barbee Mill Company. The Order addresses Shorelines, Environmental Review (SEPA), and dredging of the May Creek Delta for flood mitigation and navigational purposes as briefly summarized below:

- Shorelines Management Program: An exemption was granted for routine maintenance dredging of the May Creek Delta.
- Environmental Review (SEPA): A Declaration of Non-Significance-Mitigated (DNS-M) was entered by the City's Environmental Review Committee.
- Special Permit for Grade and Fill: The Special Permit grants permission to dredge the May Creek Delta.

The Barbee Mill Company has submitted a Request for Reconsideration/ Appeal of the Hearing Examiner's ORDER of Conditions No. 1 and 2 of the Special Permit for Grade and Fill. The Barbee Mill Company is not challenging the Shorelines Determination or the SEPA Decision DNS-M.

I very much appreciate your patience and consideration as we worked through the City of Renton's permitting process. Because of the long time since we filed the JARPA application, I am hoping that we can set up a joint meeting to include: the Washington State Departments of Fish & Wildlife, Natural Resources, and Ecology; and National Marine Fisheries Service. My intent is to chart out the process and to establish working relationships for consideration of the JARPA

Letter to S. Powell, USACE Reference: 200501279
June 14, 2006

application. Since September 2005 I have received verbal input from Stuart Reingold (DFW), Monica Durkin (DNR), and Helen Pressley (DOE) in support of a meeting to discuss the permit application. I will contact you in the next few days to get your thoughts. The Barbee Mill Company is willing to host any meeting(s) that may result. The advantage to meeting at the Barbee Mill Company is the proximity to the project area at the May Creek Delta.

If you have any questions, comments, or recommendations, please call.

Sincerely,
LLOYD & ASSOCIATES, INC.

R. Michael Lloyd, PhD/JD
425-888-1905(O)/425-785-1357 (cell)

cc. R. Cugini (Barbee Mill Company)

May 25, 2006

**OFFICE OF THE HEARING EXAMINER
CITY OF RENTON**

Minutes

OWNER/APPLICANT: Barbee Mill Company
PO Box 359
Renton, WA 98057

CONTACT: Michael Lloyd
Lloyd & Associates
38210 SE 92nd Street
Snoqualmie, WA 98065

Lake Washington/May Creek Dredging
File No.: LUA 05-138, SP, SM, ECF

LOCATION: 4300 Lake Washington Blvd.

SUMMARY OF REQUEST: Applicant seeks a 10-year Special Permit for grade and fill in order to dredge the mouth of May Creek where sediments collect. Removal of fill will prevent flooding of the Barbee Mill property and maintain navigational depths.

SUMMARY OF ACTION: Development Services Recommendation: Approve with conditions

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on April 11, 2006.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

MINUTES

*The following minutes are a summary of the April 18, 2006 hearing.
The legal record is recorded on CD.*

The hearing opened on Tuesday, April 18, 2006, at 9:01 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

| | |
|---|---|
| <u>Exhibit No. 1:</u> Yellow file containing the original application, proof of posting, proof of publication and other documentation pertinent to this request. | <u>Exhibit No. 2:</u> Neighborhood Detail Map and Zoning Map |
| | |

| | |
|--|--|
| Exhibit No. 3: Map of Existing Contour Elevations of May Creek Delta Area | Exhibit No. 4: Proposed Dredging Contours of the May Creek Delta Area |
| Exhibit No. 5: Cross Sections AA-BB-CC for Proposed Dredging Area | Exhibit No. 6: Video Showing 1990 Flooding of May Creek |
| Exhibit No. 7: Exhibit 6 from Preliminary Plat Hearing showing the Southern Portion of the Plat | |
| | |

The hearing opened with a presentation of the staff report by Jill Ding, Senior Planner, Development Services, City of Renton, 1055 S Grady Way, Renton, Washington 98055. The subject's property is quite large and is zoned Commercial Office Residential. May Creek flows through the southeastern portion of the property and discharges into Lake Washington at the southern terminus of the property. The mouth of May Creek is where the proposed dredging would occur. The subject site is located to the west of Lake Washington Boulevard North and approximately north of North 40th Street. The existing uses to the north include vacant property and residential property, to the east are residential properties, to the south are residential properties and to the west is Lake Washington.

The site is currently utilized by the Barbee Mill Company, however a residential development proposal is being reviewed. The preliminary plat has been approved and the project is waiting for site plan review and approval.

The applicant is requesting a 10-year permit to dredge the mouth of May Creek, they estimate that the dredging would occur three times over the next 10 years. They have requested that the frequency and amount of material to be removed remain flexible, that amount can vary dependent upon the weather conditions. They are estimating that the total amount of dredging over that 10-year period would be anywhere from 12,000 – 40,000 cubic yards to maintain the proposed dredge contours.

The project was last reviewed at a public hearing on December 16, 1997, at that time they requested an annual dredging permit for a 5-year period.

The dewatering areas are located to the north of the site with an alternate dewatering area that is located to the south. The alternate site has been proposed due to the development projected for the north.

The Environmental Review Committee issued a Determination of Non-Significance – Mitigated for the project with 2 mitigation measures. No appeals were filed.

The material could be removed via Lake Washington by boat, a portion is proposed to remain on site and some of it could be removed by trucks to Lake Washington Blvd. The applicant has identified a 608 square yard dewatering area to the north of the proposed dredging area and a 487 square yard dewatering area to the south of the proposed dredging area.

During the dredging operations, it is estimated that as many as 150-200 truck loads of sand and gravel may be moved off site over a three-six week time frame. A portion of the clean fill may be used on site. The traffic impacts are expected to be limited in duration and are not anticipated to cause significant adverse impacts to the existing roads.

No screening, landscaping, fencing or setbacks are required for the dredging area. The proposed dewatering area required compliance with the DOE 2001 Storm Water Management Manual for erosion and sedimentation

control. In addition a shoreline restoration plan with a 10-foot vegetative buffer was proposed as part of the biological assessment that was submitted to the US Army Corps of Engineers. The plan proposed a variety of native shrubs, trees and groundcover to provide habitat areas along that shoreline.

The dredge material would temporarily be stockpiled on the dewatering areas to dewater the spoils. The applicant will need to remove the spoils from the temporary storage areas to an upland location within six months of each dredging cycle. The applicant intends to sell the majority of the dredge spoils, some may be used on site as fill during the site development of the residential development.

The noise levels are anticipated to be limited in duration during the dredge cycles. The water from the spoils would drain out into the soil and eventually back into Lake Washington. No testing of the dredge soils has been recommended at this time.

Michael Lloyd, Lloyd & Associates, 38210 SE 92nd Street, Snoqualmie, WA 98065 stated that in terms of the volume of materials to be dredged, the number is higher than obviously what is anticipated, but the weather is not always predictable. Three to four thousand yards seems to have been the historical tradition in this area.

The dewatering site on the north shore has been used in the past for eight to ten years. It has worked very effectively, as the material go into the stockpile, it was not necessary to use trucks, the dredge materials themselves rapidly dewater. If the development should occur, the area to the south, alternate dewatering area, should work just fine, it will result in a slightly slower pace but not extensive modification of the pace of the work.

Typically testing is done at each dredging, they have always been very clean, it is not a big issue to grab a sample and run it through a lab.

Robert Cugini, Barbee Mill Co., PO Box 359, Renton, WA 98057 stated that the reason for the 10-year permit is to deal with the issues for the future with May Creek and the development of the property as residential property. This will provide some surety that all issues will be dealt with in the future. In the past they have operated under five-year permits that resulted in one or two dredges during that time. The cost of getting the permits is substantial, in fact the permitting cost associated with obtaining one is generally larger than the cost of doing the work. The mouth of May Creek has been dredged since 1947 on a 3-5 year cycle.

The southern dewatering area has been chosen because of the development going on in the northern section. Lot 48 in the new plat is the former northern dewatering area. The southern dewatering area is a storm water detention area and is scheduled as open space, there is some discussion as to how the turnarounds will work in this area. There is residential to the south, that land is also under the ownership of the Cugini's.

The material could be moved off-site via water, there is potential for reuse on the Quendall site, which is the site just to the north.

A video was shown of the January 1990 flooding on May Creek. The water was 10-20 times more than normal for the creek. The dredging was on a cycle of every two to three years.

As development grows in the area, the cost of the dredging will be turned over to the homeowners. The last permit cycle was approximately \$200,000 and that does not include the dredging, just the cost of obtaining a permit. There are 115 homes proposed for the development. In the last cycle there were bark and wood waste issues in front of the pre-existing sawmill and that was included in some of the costs.

Kayren Kittrick, Development Services stated that there is a storm drainage pond that is part of the erosion control for the plat on the south shore, directly adjacent to the boathouse lot. A scow has been used in the past for dredging portions of the creek/river and the resultant sand and gravel was transported to another site. This prevents any stockpiling close to the creek. Dewatering can be accomplished without stockpiling on site.

Truck traffic is more difficult. The roads inside this plat are not specifically designed for large amounts of traffic. The property owners would most likely not be happy with this kind of traffic every three to four years.

The Examiner questioned if ten years was appropriate for this permit. The future homeowners would be burdened with a large expense every three to four years with this process. Should nature just be allowed to take its natural course?

Ms. Kittrick stated that the Cedar seems to be mellowing out, May Creek uplands are still significantly underdeveloped and most likely will remain that way. If nature would be allowed to take its course, she was not sure what it would do without some sort of study to see what would happen, the fact that it has been dredged all this time, the greater concern seems to be with testing the site. The Corps of Engineers and DOE most likely have that well covered. Because this is a ten year request, the people who move into the new development will have a severe interest in this process, both monetarily as well as the impacts to their daily lives.

Although a ten-year permit could be granted, the Corps of Engineers and the DOE still would review each and every dredging process.

Mr. Cugini stated that regarding the potential for contamination in the spoils that are removed during the dredging. They test every time they dredge and have found nothing. The site is removed from the potential contamination to the north and separated by quite a distance. The May Creek channel is quite far from any potential issues. They will continue to sample the dredge material and validate that there are no issues.

At this point all three sites along the lake had some contamination from the industrial activity over the years. The Quendall Terminal site was the site of the Riley Tar and Creosote Manufacturing facility and of the three sites has the most issues. Both the Barbee Mill site and the Allen site to the north have been undergoing voluntary clean up under the DOE supervision.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 10:01 am.

FINDINGS, CONCLUSIONS & RECOMMENDATION

Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. The applicant, Michael Lloyd, Lloyd & Associates, filed a request for approval of a Special Permit for dredging the mouth of May Creek.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Environmental Review Committee (ERC), the City's responsible official, issued a Declaration of Non-Significance - Mitigated (DNS-M) for the subject proposal.

4. The subject proposal was reviewed by all departments with an interest in the matter.
5. The subject site is located at 4300 Lake Washington Boulevard. The site is located on the shoreline of Lake Washington. May Creek flows southwest across the site.
6. A plat has been approved for the former lumber mill operation that occupied the subject site. The proposed use and past use are located on both sides of the creek.
7. The subject site was annexed to the City with the adoption of Ordinance 1804 enacted in December 1959.
8. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of Office and Residential uses, but does not mandate such development without consideration of other policies of the Plan.
9. The subject site is zoned COR (Center: Office/Residential) a category applied in June 1993 with the enactment of Ordinance 4404.
10. The applicant proposes a new permit that would extend approval for the periodic dredging of materials that accumulate at the mouth of May Creek. An existing five (5) year permit was approved for the site in December 1997. That permit has expired. The applicant would like a ten (10) year permit. The applicant noted that permit process is time-consuming and costly. In addition, the applicant needs an Army Corps permit, which has a duration of ten years so that the time periods would coincide if this permit were also issued for 10 years.
11. As indicated above this site was reviewed for a previously approved permit. Until recently there have not been many changes in the area but a plat for detached single-family homes has been approved for the subject site.
12. The proposed project area is approximately 55,000 square feet. The applicant has estimated that between 12,000 to 40,000 cubic yards of material would be dredged from the mouth of May Creek. The amount is an estimate and varies depending on the storm conditions and the amount of material deposited by those storm events. The accumulated materials interfere with flows of the creek and the impeded creek can cause flooding. Routine maintenance is a permitted exemption allowed the applicant under the Shoreline Management Program.
13. Materials would be stockpiled on the site and dewatered to reduce their weight and make them suitable for other uses. The dewatering will occur north of the mouth of the creek but could get displaced if the plat were developed during the permit period. Water will drain from the materials back into the lake. This area will provide temporary storage while water drains from the materials. There is also a possibility that the materials would be taken away from the site by barge if stockpiling locations become limited.
14. The applicant proposes selling the materials. Some materials, if suitable, could be used for the development of the subject site.
15. Each dredge event requires separate review by both the State Departments of Ecology and Wildlife (for fisheries review). Actual dredging would be dictated by storm events and the amount of material that such events deposit in the delta area. There may be years without any need to dredge. The estimate is

that over the life of a ten-year permit dredging would occur approximately three times. The historic trend has been to remove approximately 3,000 to 4,000 cubic yards of material every three to four years.

16. The process will be subject to erosion and sedimentation control measures under State Department of Ecology guidelines. There will be a ten-foot shoreline restoration plan along the shoreline, which was required by the Army Corps. Staff was concerned that screening and buffering for the potential residential development was not included and recommended that a plan be submitted.
17. The removal of the materials from the site would require approximately 100 to 200 round trips for the exportation of materials. These trips will depend on how much material is deposited by flood and normal accretion. The haul route would be via Lake Washington Boulevard. Staff indicated that the temporary nature of the hauling would not substantially interfere with traffic in the area. Staff has recommended that all spoils be removed from the site within six months and that no storage, after dewatering, occur within 200 feet from the edge of the planted area of May Creek.
18. Testing in the past has demonstrated that the materials show no significant levels of contamination. Sampling of materials will continue as needed since their use at other sites could cause liability if it were not clean and most sites that accept materials also require the materials to be tested.
19. All operations will be monitored by appropriate state and federal agencies to assure that fisheries are not interfered with and water quality is maintained.
20. The new permit would potentially allow dredging after the plat is developed and occupied. That could affect the permit and issues like stockpiling, haul routes and noise. There will also be a multiplicity of ownerships if the property is platted as proposed. There probably should be a way to provide notice to those purchasing homes in the plat that they might be responsible for periodic but substantial dredging costs.

CONCLUSIONS:

1. The proposed dredging operation appears to serve the public use and interest. If the materials proposed to be dredged were left in place they would lead to flooding along May Creek. Both life and property could be harmed if the creek overflows its banks. The removal of the materials building up at the delta will prevent flood damage and should be approved.
2. As in the past, the applicant will have to work under permits issued by other jurisdictions to avoid an interference with fish migrations. All operations will remain subject to review by agencies with appropriate jurisdiction and expertise.
3. In the past, the dredging has apparently not created any untoward problems in the way of traffic, contamination or noise. But conditions have changed since the last permit was issued. Approval has been granted for a substantial residential development immediately adjacent to the site of the proposed dredging. The dredging does create impacts that might not affect the industrial character of the existing area which would definitely affect a residential community if the plat were ultimately developed. Dredging, hauling and noise are just some of the possible consequences of this operation. Again, those impacts on the current area probably are negligible but that would not be the case if the area were surrounded by single-family homes or other residential uses. Therefore, rather than create an unduly long period before another review that would occur for a ten year permit, this office believes that a shorter permit is appropriate even given some of the issues raised by the applicant. Clearly, convenience and timing with an Army Corps permit would be nice but the Army Corps is not interested

in the affects on a residential community that might be developed in the next year or two. Therefore, the permit shall be issued for five years.

4. The applicant shall remain under the same constraints as were found in the earlier permit. The materials will have to be removed from the subject site within a reasonable time. Staff's recommendations are appropriate for the length of stockpiling, location and movement.
5. The other previous conditions regarding the temporary storage of the materials on the site in a location that is at least 200 feet from the outer edge of any landscaping located along May Creek or the shoreline of Lake Washington are still appropriate.
6. Any storage or placement of materials on the site that results in any permanent or topographical changes of the applicant's property shall be subject to separate review under the Mining, Excavation and Grading Ordinance unless permitted under the platting development regulations for the currently approved plat.
7. The conditions recommended by staff are appropriate given the sensitive nature and location of the subject site.
8. The size and intensity of the operation and restoration efforts appear appropriate given the nature of the site and its current uses. The additional truck traffic will not unnecessarily burden the adjoining streets.

DECISION:

The Special Permit for Grade and Fill is approved subject to the following conditions:

1. The permit shall be for a period not to exceed five years. The applicant shall be entitled to apply for a new permit under the regulations that exist when a new permit application is submitted.
2. The applicant shall provide documents outlining the joint and several responsibility of future homeowners in the currently approved plat for paying for the future permitting and dredging operations. These documents shall be subject to review and approval of the City Attorney.
3. The applicant shall be required to comply with all of the ERC Mitigation Measures.
4. A plan indicating how the dredging activities and dewatering areas will be screened from the proposed residential development shall be submitted to the Development Services Division Project Manager prior to the issuance of residential building permits on the upland portion of the subject site.
5. The dredging spoils are to be temporarily stored in the area described in this permit for no more than six months from the date that the dredging is completed for each dredging cycle. The applicant shall provide the City with the date the maintenance dredging is started and completed, and the date by which the dredging spoils are to be removed each year that it is necessary to complete the maintenance dredging. This will avoid any confusion between the applicant and City staff.


FRED J. KAUFMAN
HEARING EXAMINER

TRANSMITTED THIS 25th day of May 2006 to the parties of record:

Jill Ding
1055 S Grady Way
Renton, WA 98055

Barbee Mill Company
PO Box 359
Renton, WA 98057

Kayren Kittrick
Development Services Div.
Renton, WA 98056

Michael Lloyd
Lloyd & Associates
38210 SE 92nd Street
Snoqualmie, WA 98065

Robert Cugini
Barbee Mill Company
PO Box 359
Renton, WA 98057

TRANSMITTED THIS 25th day of May 2006 to the following:

Mayor Kathy Keolker
Jay Covington, Chief Administrative Officer
Julia Medzegian, Council Liaison
Larry Warren, City Attorney
Gregg Zimmerman, PBPW Administrator
Alex Pietsch, Economic Development
Jennifer Henning, Development Services
Stacy Tucker, Development Services

Stan Engler, Fire
Larry Meckling, Building Official
Planning Commission
Transportation Division
Utilities Division
Neil Watts, Development Services
Janet Conklin, Development Services
King County Journal

Pursuant to Title IV, Chapter 8, Section 100G of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., June 8, 2006.** Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$75.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., June 8, 2006.**

If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in

private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.

2. ENVIRONMENTAL REVIEW

Pursuant to the City of Renton's Environmental Ordinance and SEPA (RCW 43.21C, 1971 as amended) on March 14, 2006 the Environmental Review Committee (ERC) issued a Determination of Non-Significance – Mitigated (DNS-M) for the project. The DNS-M included 2 mitigation measures. A 14-day appeal period commenced on March 20, 2006 and ended on April 3, 2006. No appeals of the threshold determination were filed.

3 COMPLIANCE WITH ERC MITIGATION MEASURES

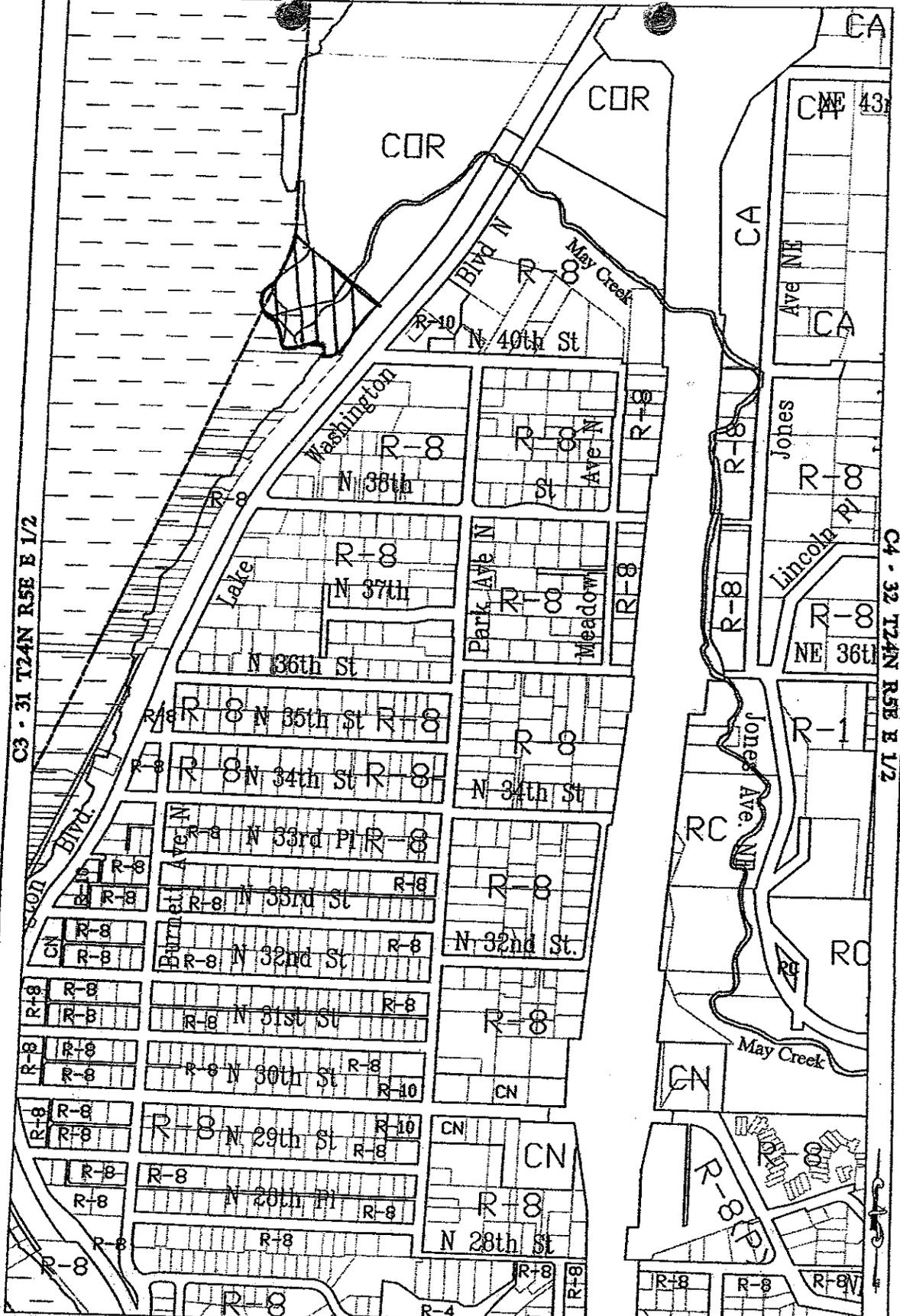
Based on an analysis of probable impacts from the proposal, the Environmental Review Committee (ERC) issued the following mitigation measures with the Determination of Non-Significance – Mitigated:

1. The applicant shall provide a Temporary Erosion and Sedimentation Control Plan (TESCP) designed pursuant to the Department of Ecology's Erosion and Sediment Control Requirements, outlined in Volume II of the 2001 Stormwater Management Manual. This condition shall be subject to the review and approval of the Development Services Division.
2. The applicant shall comply with the recommendations found in the Biological Evaluation prepared by Meridian Environmental, LLC, dated June 28, 2005.

B4 - 29 T24N R5E W 1/2

C3 - 31 T24N R5E E 1/2

C4 - 32 T24N R5E E 1/2

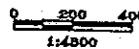


D4 - 5 T23N R5E W 1/2



ZONING
 P/B/FW TECHNICAL SERVICES
 12/28/04

--- Benton City Limits



C4

32 T24N R5E W 1/2

5432



SHEET
2 of 4

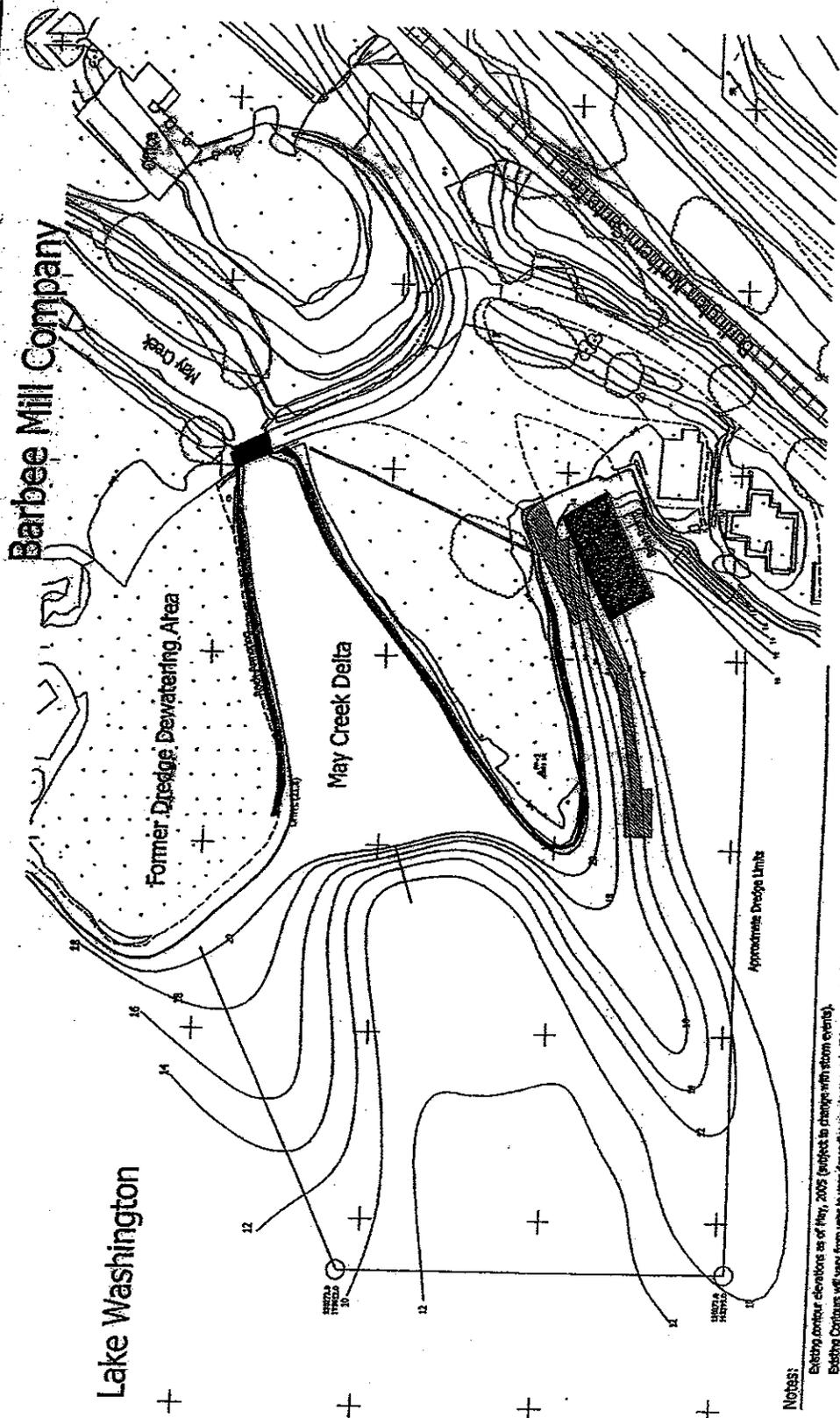
EXISTING CONTOUR ELEVATIONS

Flood Mitigation Maintenance Dredging - May Creek Delta / Lake Washington

PROJECT LOCATION
11100 1st Avenue NE
Seattle, WA 98125

DESIGNED BY
T&M Engineering, Inc.
11100 1st Avenue NE
Seattle, WA 98125

DATE: 05/23/06
SCALE: AS SHOWN



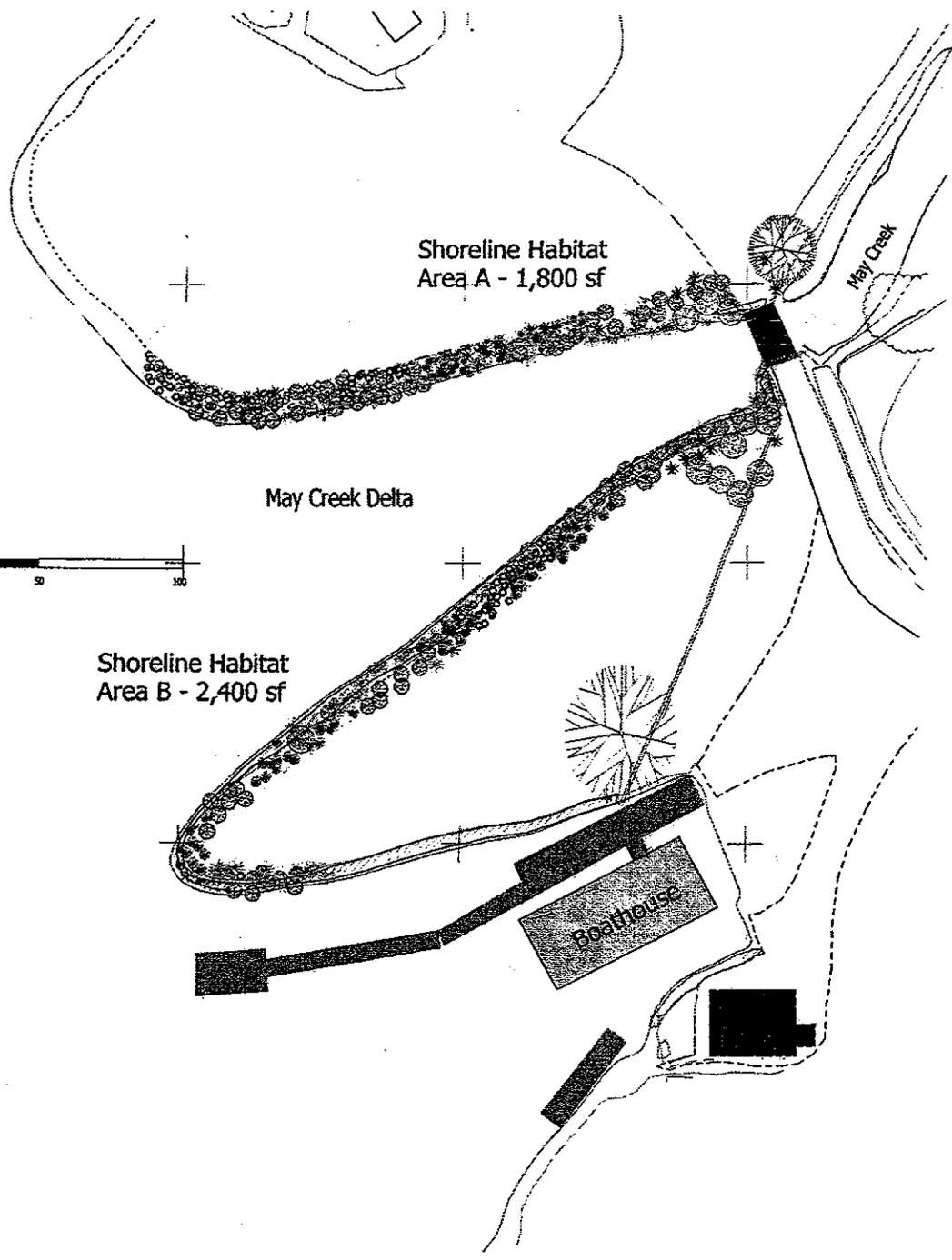
Notes:
Existing contour elevations as of May, 2005 (subject to change with storm events).
Existing contours will vary from year to year depending on storm events (frequency/threshold) that deposit sand and gravel eroded from the May Creek Valley.
Dredge area will include occasional dredging in front of the boathouses to maintain operational depths and access.
Proposed dredge elevations / contours shown on Sheet 2 of 4.
Lake Elevation marked by (1000). Contour High Water Line (CHWL) = 21.6 feet
Dredge elevations and possible bases on NAD83.

DEVELOPMENT PLANNING
CITY OF RENTON

JAN 31 2006

RECEIVED

Barbee Mill Company



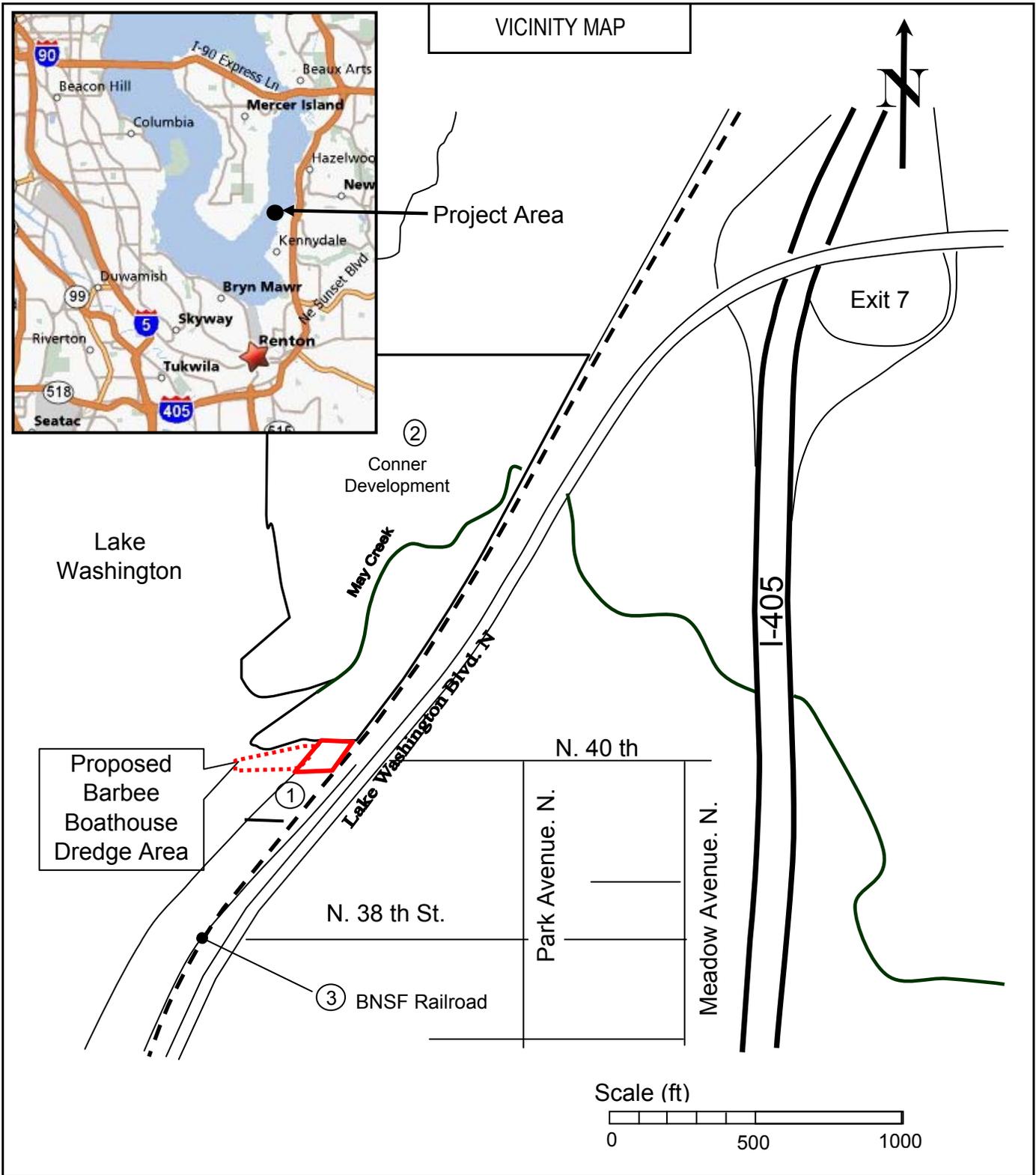
Flood Mitigation Maintenance Dredging - May Creek Delta / Lake Washington

PROJECT LOCATION
IN: Lake Washington
AT: 4300 Lake Washington Blvd. N.
King County, Renton, WA 98056

Shoreline Planting Plan

SHEET
1 of 1

L&AI
9/18/05



PURPOSE: Maintain Navigational Access to the Boathouse

DATUM: USACE / Seattle District (NAD83)

ADJACENT PROPERTY OWNERS:

- ① Cugini Family
- ② Conner Development
- ③ Burlington Northern-Sante Fe

APPLICANT: Barbee Company
 REFERENCE: NWS-2007-1019-NO
 LOCATION ADDRESS:

3901 Lake Washington Blvd. N.
 Renton, King County, WA 98055
 Section Township Range: NW 32 24 05
 Lat: 47N 31' 40" Long: 122W 12' 29"

PROPOSED: Boathouse Area Dredging
 WATERBODY: Lake Washington

VICINITY MAP

SHEET 1 of 8

Revised: 9/30/07

L&AI

May Creek Delta



Notes:

- 1. Dredging to maintain navigational access to boathouse. Dredge area < 10,000 sf. See sheets 7 and 8 for Boathouse plan and section views.
- 2. Floats to be rebuilt with grated decking to increase light transmission (see Details, Sheet 6.)
- 3. Shoreline slopes and shallow water habitat will not be dredged to protect near shore habitat
- 4. See Sheet 4 for Cross-Sections A-A' and B-B'
- 5. Clean fish habitat gravel (1" minus), as may be approved by the Department of Fish & Wildlife, will be placed along the rocky shoreline to the south as shown in Sheet 5. Dredged materials will be barged off site for off-loading and upland beneficial uses.
- 6. Upland shoreline planting area East of Boathouse (see, Sheet 6);

OHWL (21.8' MSL) →

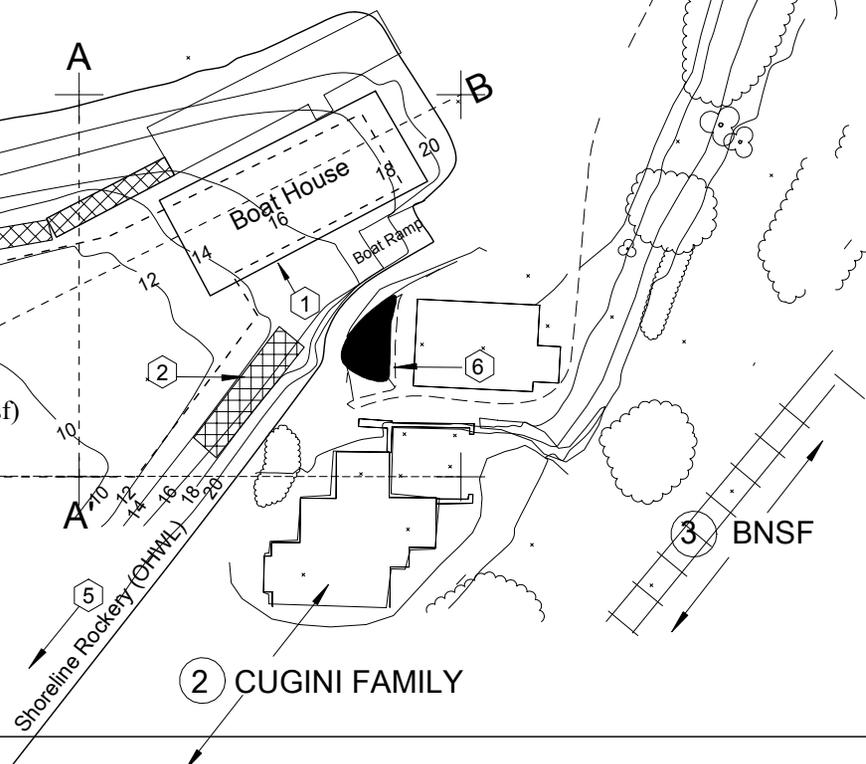
1 CONNER DEVELOPMENT

Lake Washington

SCALE (ft)



Dredge Area (<10,000 sf)



REFERENCE: NWS-2007-1019-NO
 APPLICANT: Barbee Company
 PROPOSED: Boathouse Area Dredging
 AT: Renton, Washington

EXISTING CONTOUR
 ELEVATIONS

SHEET 2 of 8
 Revised: 9/30/07

L&AI

May Creek Delta



Notes:

- ① Dredging to maintain navigational access to boathouse. Dredge area < 10,000 sf. See sheets 7 and 8 for Boathouse plan and section views.
- ② Floats to be rebuilt with grated decking to increase light transmission (see Details, Sheet 6.)
- ③ Shoreline slopes and shallow water habitat will not be dredged to protect near shore habitat
- ④ See Sheet 4 for Cross-Sections A-A' and B-B'
- ⑤ Clean fish habitat gravel (1" minus), as may be approved by the Department of Fish & Wildlife, will be placed along the rocky shoreline to the south as shown in Sheet 5. Dredged materials will be barged off site for off-loading and upland beneficial uses.
- ⑥ Upland shoreline planting area East of Boathouse (see, Sheet 6);

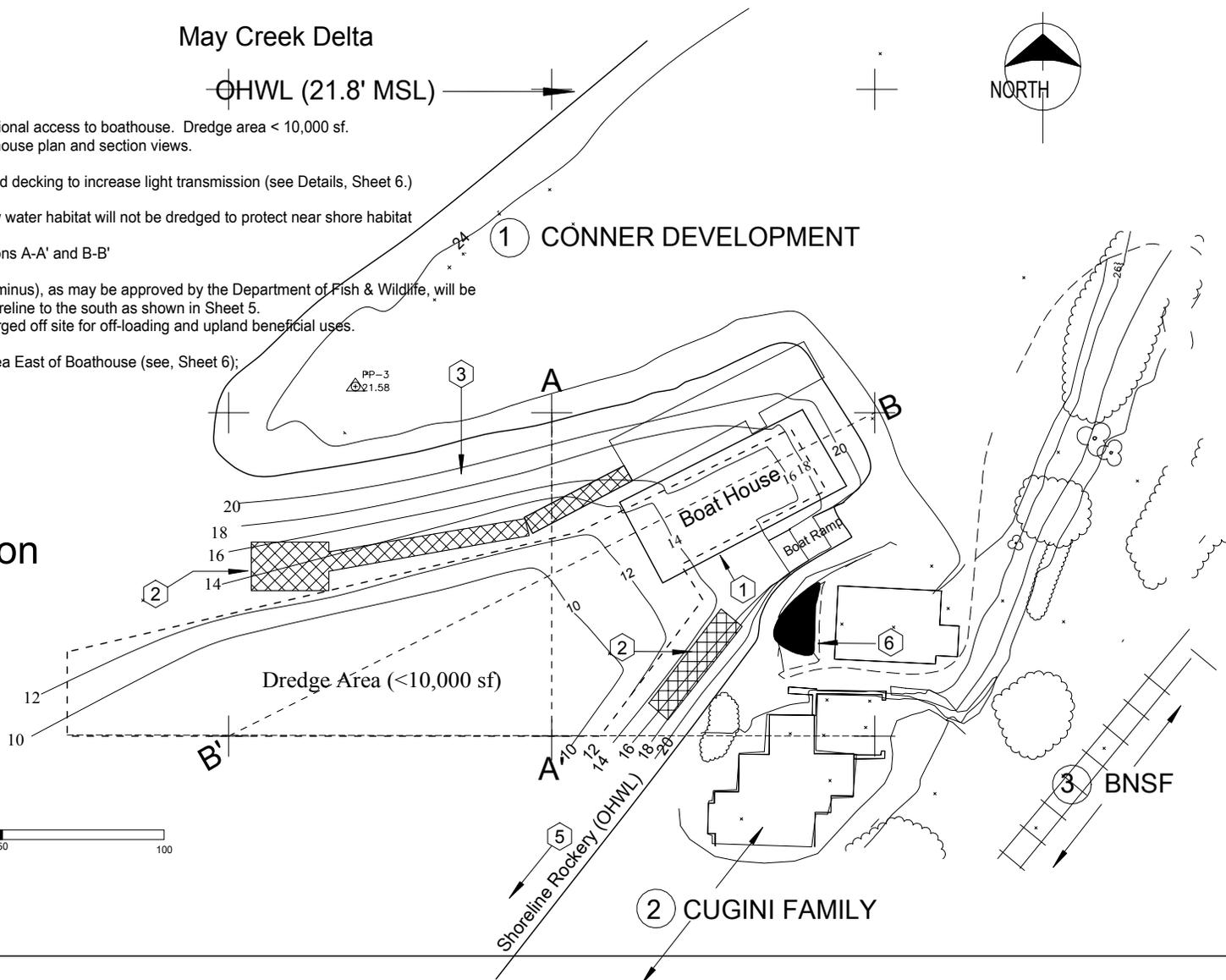
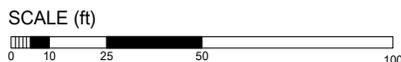
OHWL (21.8' MSL) →

Lake Washington

① CONNER DEVELOPMENT

② CUGINI FAMILY

③ BNSF

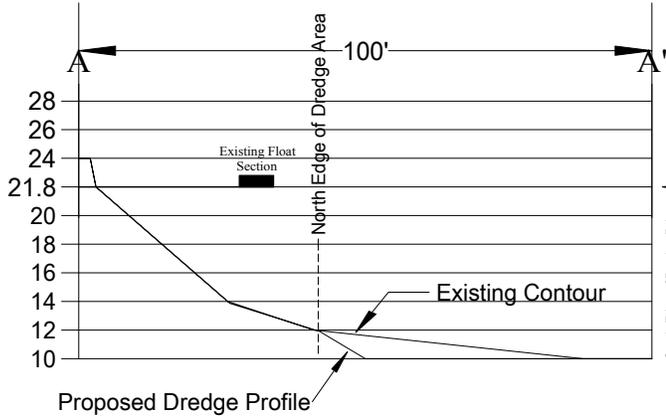


REFERENCE: NWS-2007-1019-NO
 APPLICANT: Barbee Company
 PROPOSED: Boathouse Area Dredging
 AT: Renton, Washington

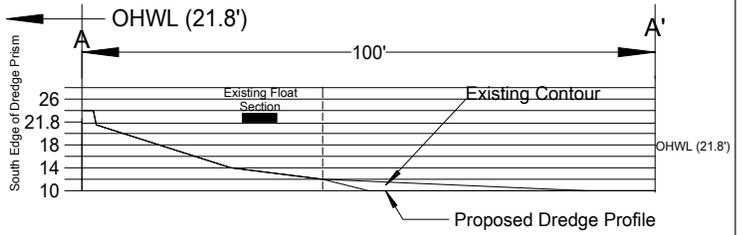
PROPOSED CONTOUR
 ELEVATIONS

SHEET 3 of 8
 Revised: 9/30/07

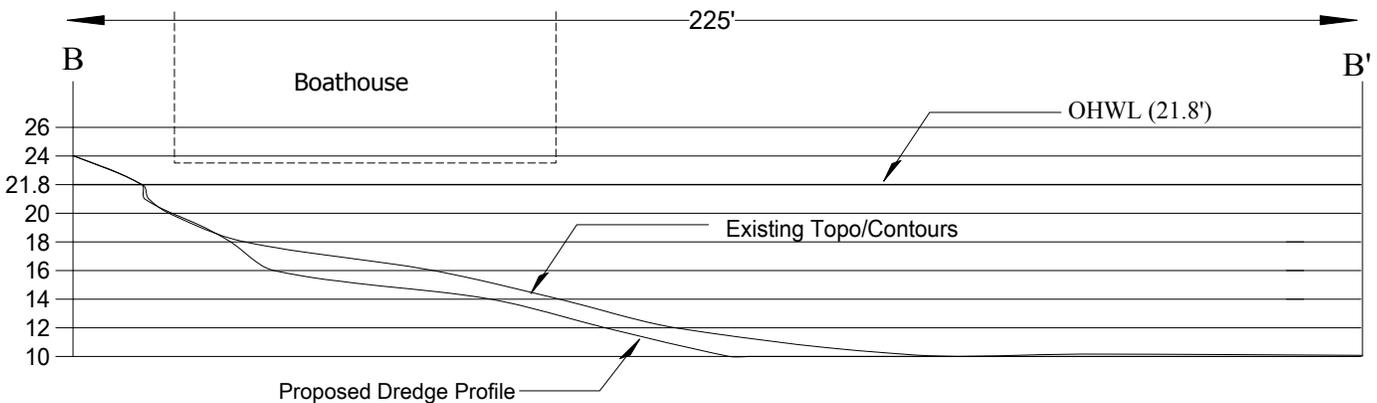
L&AI



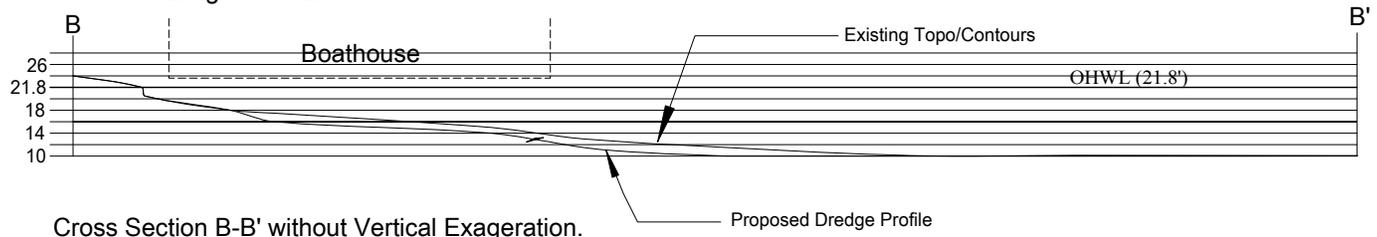
Cross Section A-A" runs north to south (see Sheets 2 & 3). Proposed Maximum dredge depth is EL = 10' (MSL). Vertical Exageration 2.5 x



Cross Section A-A" without Vertical Exageration



Cross Section B-B' runs northeast to southwest (see Sheets 2 & 3). Proposed Maximum dredge depth at EL = 10' (MSL). Cross Section B-B' extends from the boathouse area to the edge of the dredge prism. Vertical Exageration 2.5x



Cross Section B-B' without Vertical Exageration.

Notes:

1. All elevations shown are MSL (mean sea level).
2. Estimated Dredge Volume = 800 - 1,000 cy every 3-5 years. As sediment in the May Creek Delta to the immediate north builds up, dredge volumes will likely increase to maintain depth.
3. Sediment to be dredged with a small clamshell bucket or excavated with a barge mounted excavator.
4. Dredged materials will be placed in a small scow and offloaded with an excavator for upland beneficial uses. Alternatively, if permitted, dredged materials (typically gravel, coarse sand, and finer materials) may be placed along rockery to the south to enhance shallow water habitat for aquatic plants and fishes.
5. A debris boom and/or turbidity curtain will be employed as BMPs if visual turbidity is observed or measured above anticipated water quality certification requirements.

REFERENCE: NWS-2007-1019-NO
 APPLICANT: Barbee Company
 PROPOSED: Boathouse Area Dredging
 AT: Renton, Washington

CROSS SECTIONS
 A-A' and B-B'

SHEET 4 of 8
 Revised: 9/30/07

L&AI

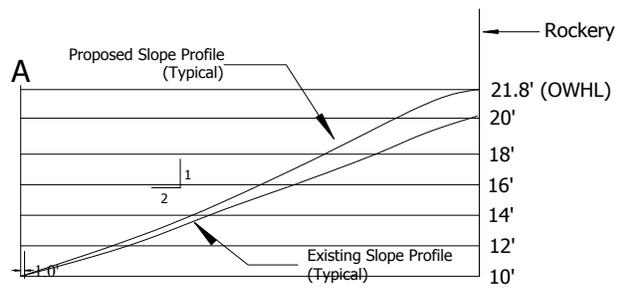


Lake Washington

OHWL 21.8 feet

Boathouse

Cross Section



Rockery Face

32.0'

Existing Residence
Waterfront Lot A

58.0'

Waterfront Lot B

Proposed Sediment/Gravel Area A
Placement Volume = 20 CY

Existing Rock Retaining Wall
OHWL (21.8' MSL) at face of Rockery

62.0'

Waterfront Lot C

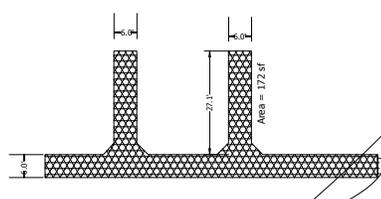
(Elevations MSL)

Proposed Sediment/Gravel Area B
Placement Volume = 20 CY

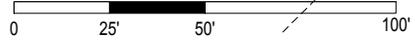
104.0'

Waterfront Lot D

BNSF Right-of-Way



SCALE:



REFERENCE: NWS-2007-1019-NO
 APPLICANT: Barbee Company
 PROPOSED: Boathouse Area Dredging
 AT: Renton, Washington

PROPOSED SEDIMENT/GRAVEL
 PLACEMENT
 SHEET 5 of 8
 Revised: 9/30/07

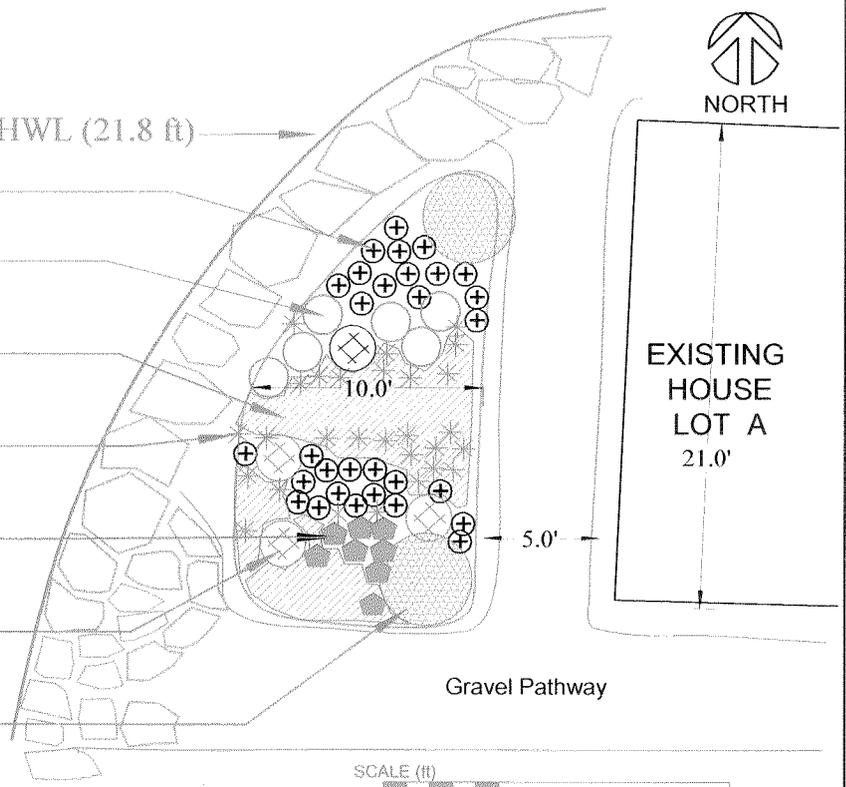
File:BB07-5

L&AI

Planting Detail - Lot A

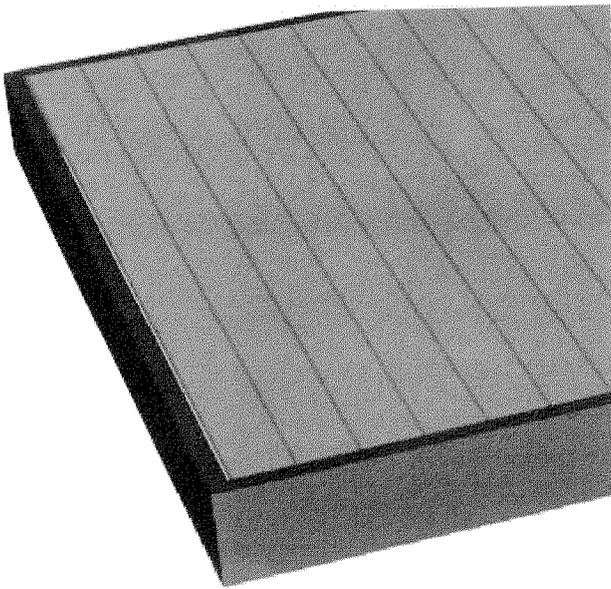
- ⊕ *Iris Tenax*
Native Iris (1 GAL)
- *Mahonia Repens*
Creeping Mahonia (1 GAL)
- ▨ *Festuca occidentalis*
Western Fescue (seed)
- * *Leucanthemum vulgare*
Oxeye Daisy (4" pots)
- ⬠ *Achillea Millefolium*
Common Yarrow (4" pots)
- ⊗ *Cornus Stolonifera*
Red Twig Dogwood (3 GAL)
- ⊙ *Rhododendron Macrophyllum*
Pacific Rhododendron (5 GAL)

OHWL (21.8 ft)

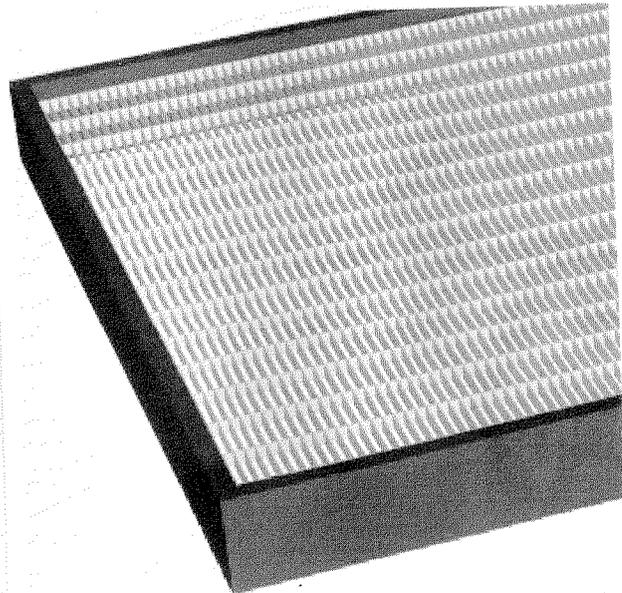


Float Reconstruction Notes:

Existing floats have treated wood planking surfaces as shown at left below. Wood planking will be replaced with a welded and galvanized grate such as a McNichols SGW 3/16 inch with > 67% light transmission.



Typical wood planking surface



Grating for light transmission

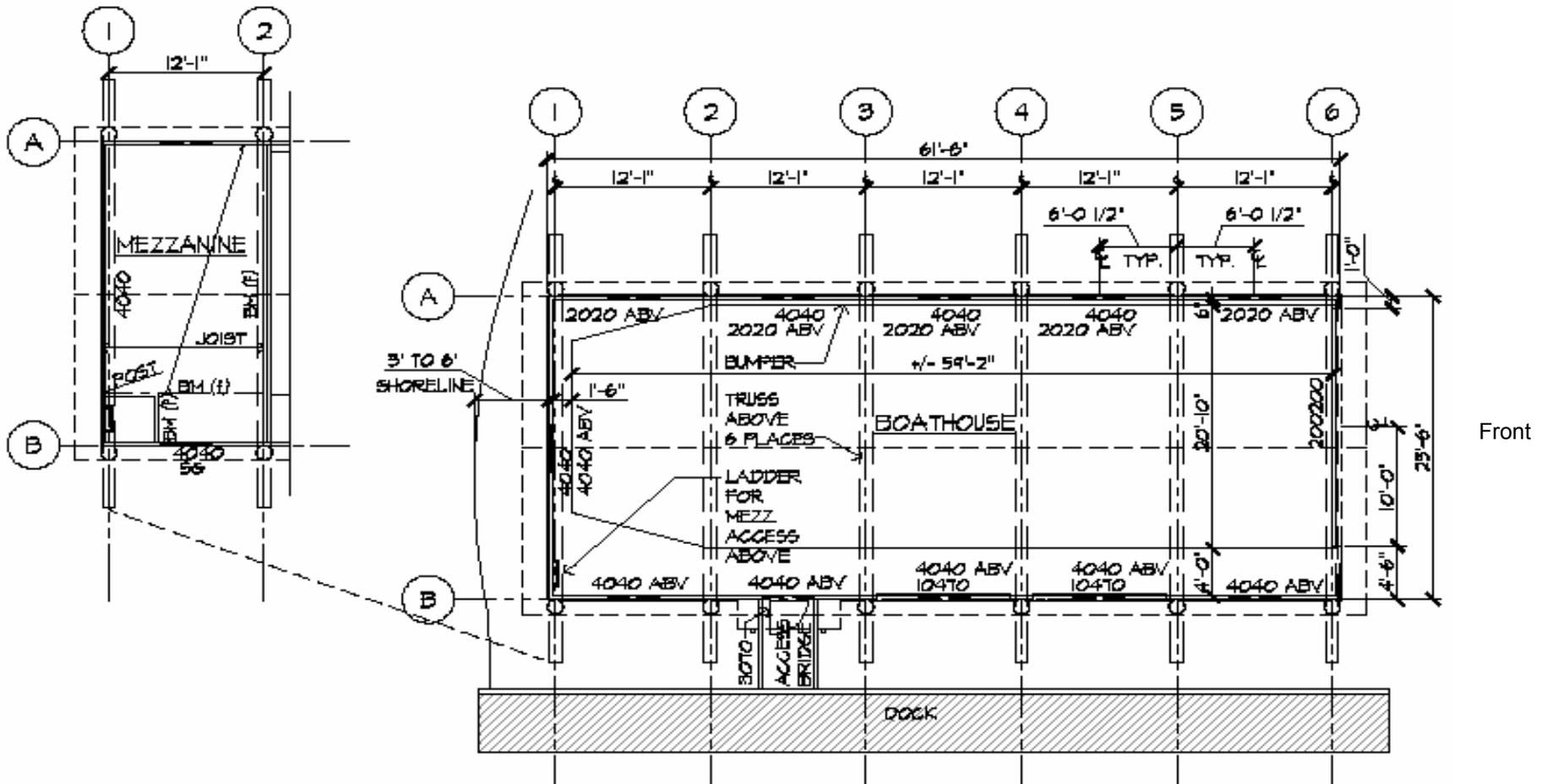
REFERENCE: NWS-2007-1019-NO
 APPLICANT: Barbee Company
 PROPOSED: Boathouse Area Dredging
 AT: Renton, Washington

PLANTING DETAIL &
 RENOVATED FLOAT DETAIL

SHEET 6 of 8

Revised: 9/30/07

L&AI



Notes:

- Existing structure is proposed for renovation in conjunction with boathouse area dredging for navigational access.
- Renovated boathouse will not enlarge the boathouse footprint.
- Translucent side panels will substantially increasing light transmission to shallow water habitat.
- Building Permit application for renovation work currently with the City of Renton. See Sheets 2 and 3 for boathouse orientation

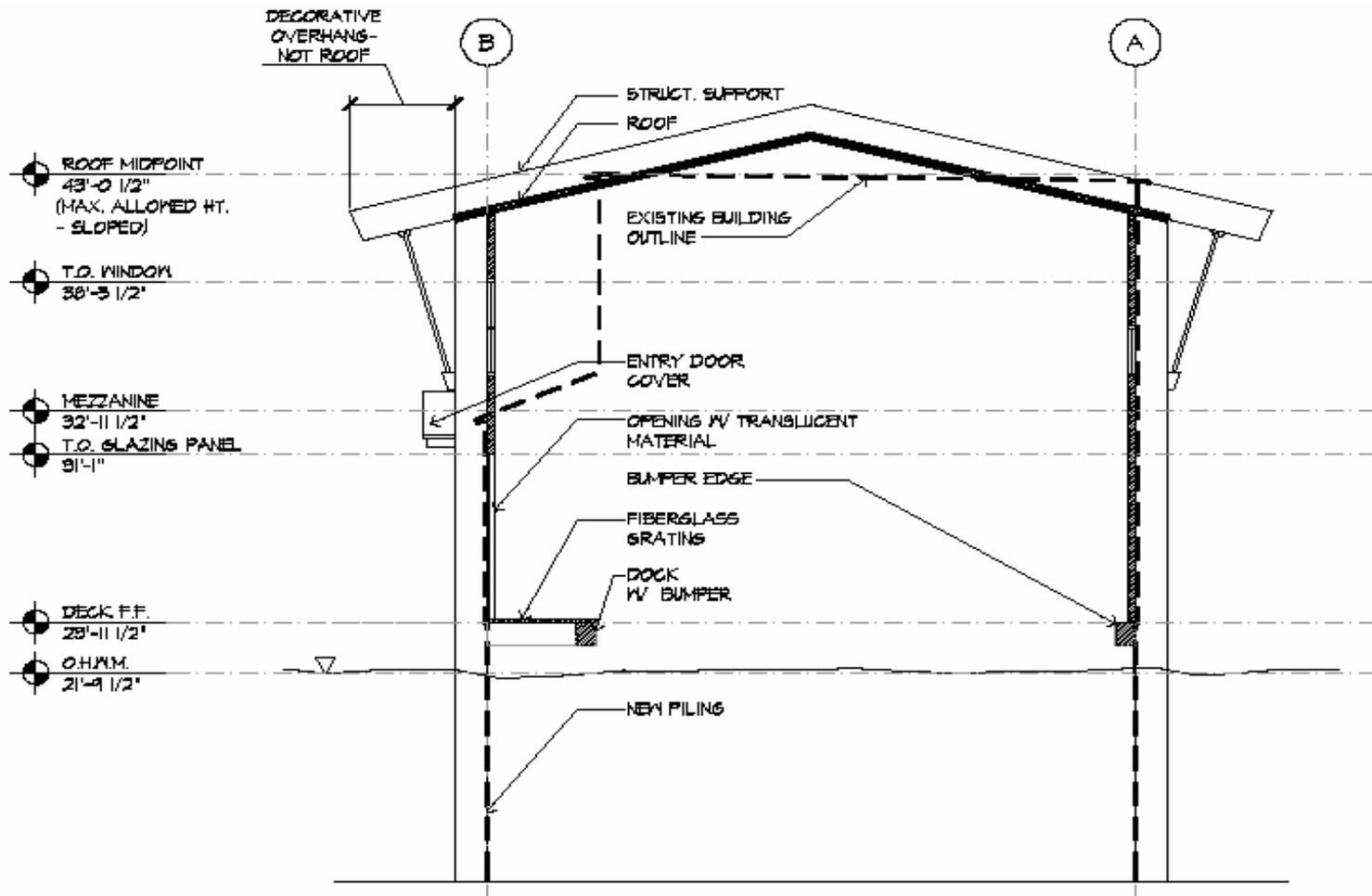
REFERENCE: NWS-2007-1019-NO
 APPLICANT: Barbee Company
 PROPOSED: Boathouse Area Dredging - Proposed Boathouse Renovation
 AT: Renton, Washington

BOATHOUSE PLAN VIEW

SHEET 7 of 8

Revised: 9/30/07

Baylis Architects



Notes:

- Depth from OHWL to existing and proposed sediment varies from front of boathouse to the back (see Sheets 3 and 3)
- Renovated boathouse will not enlarge the boathouse footprint.
- Translucent side panels will substantially increasing light transmission to shallow water habitat.
- Building Permit application for renovation work currently with the City of Renton. See Sheets 2 and 3 for boathouse orientation

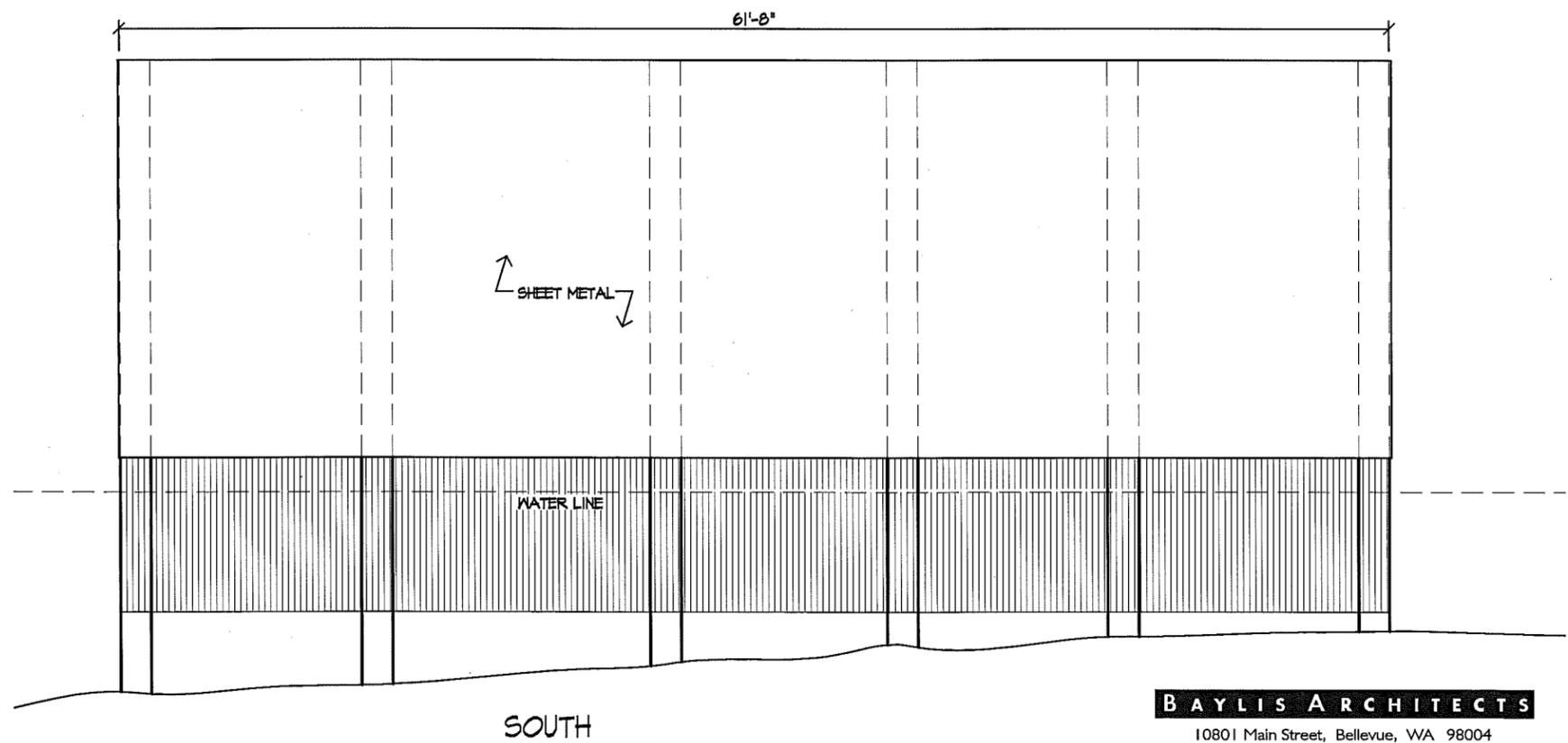
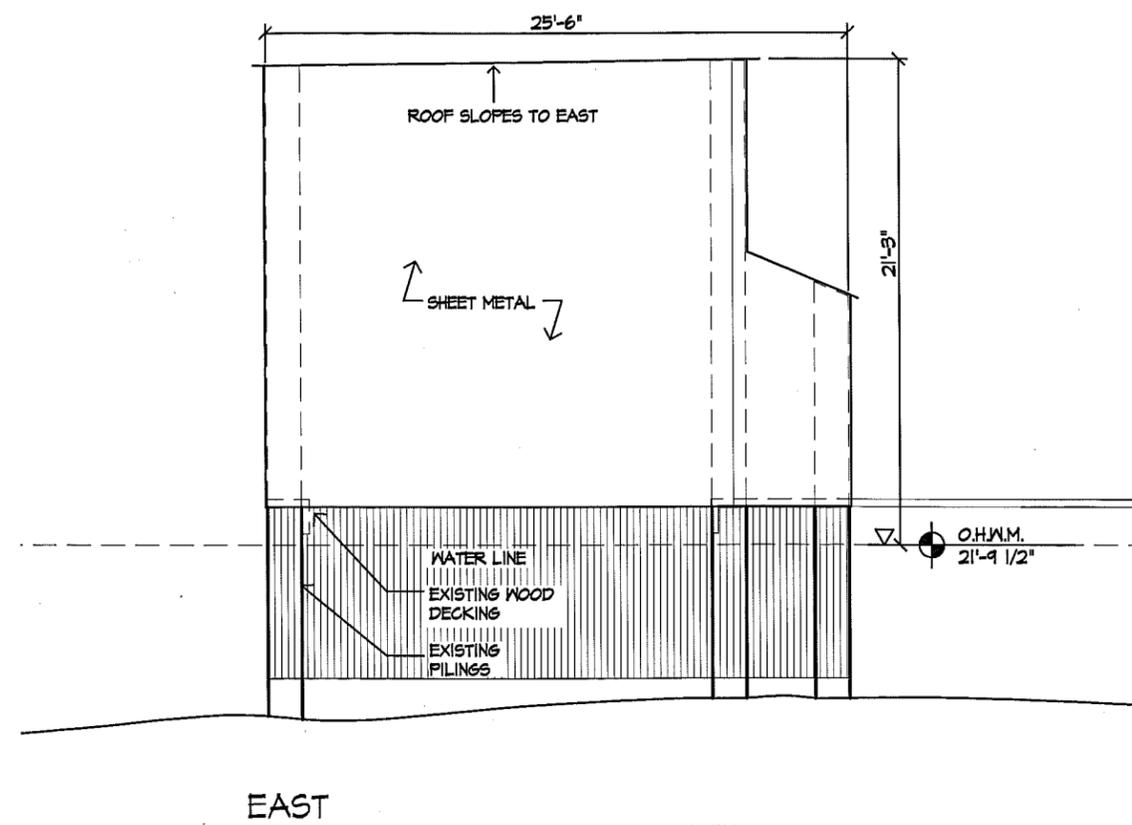
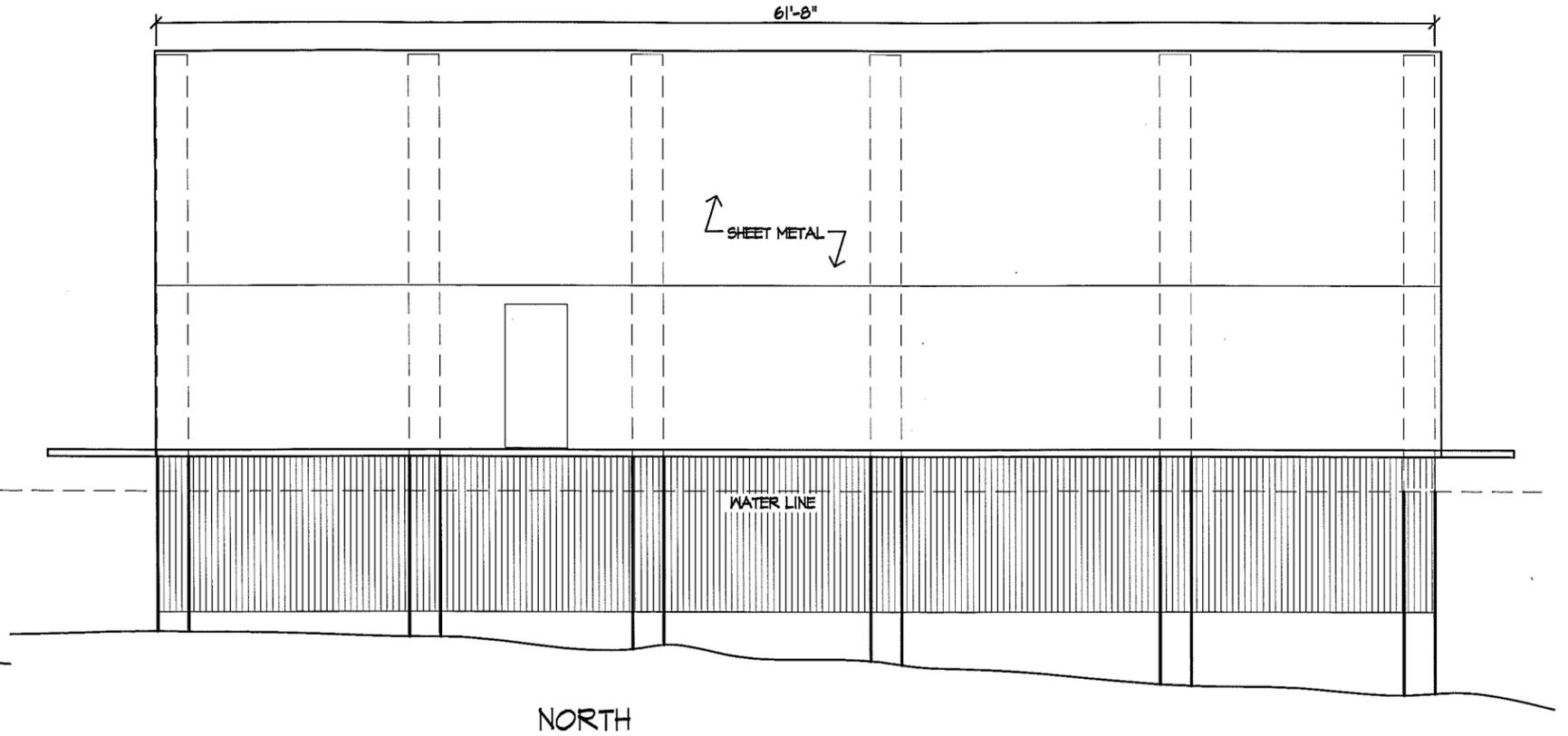
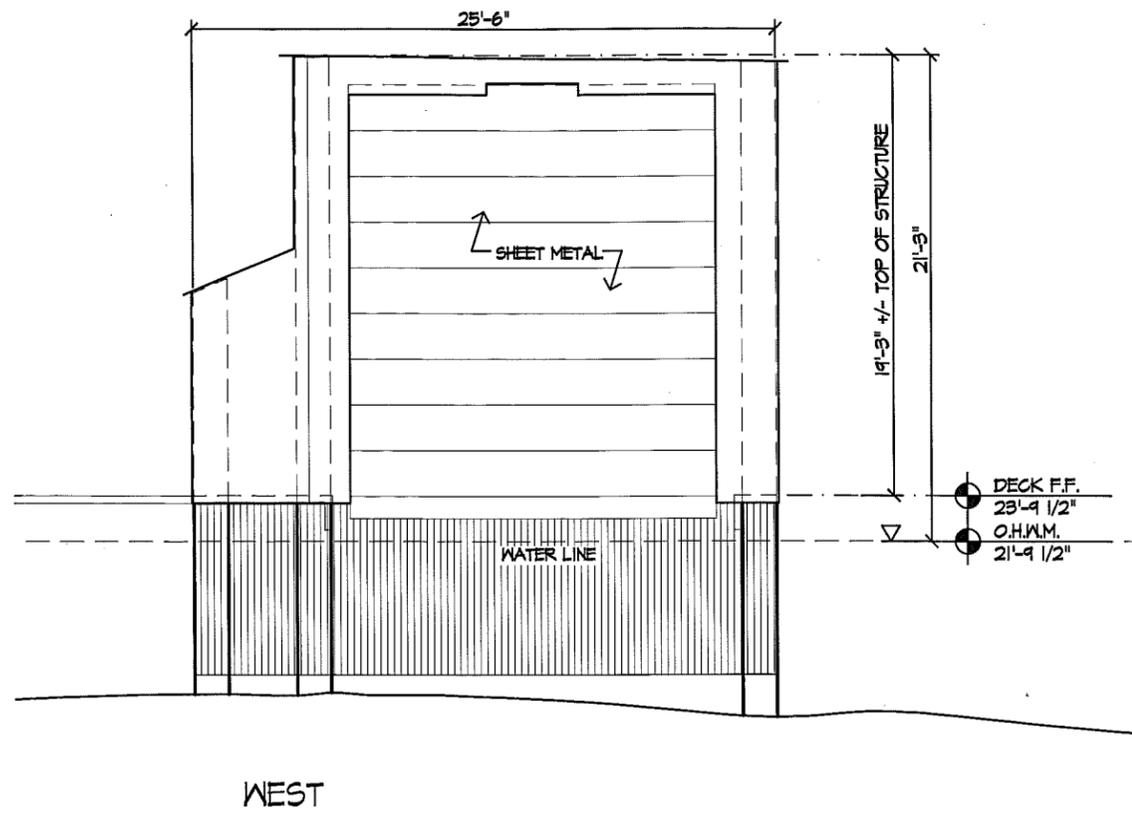
REFERENCE: NWS-2007-1019-NO
 APPLICANT: Barbee Company
 PROPOSED: Boathouse Area Dredging - Proposed Boathouse Renovation
 AT: Renton, Washington

BOATHOUSE SECTION VIEW

SHEET 8 of 8

Revised: 9/30/07

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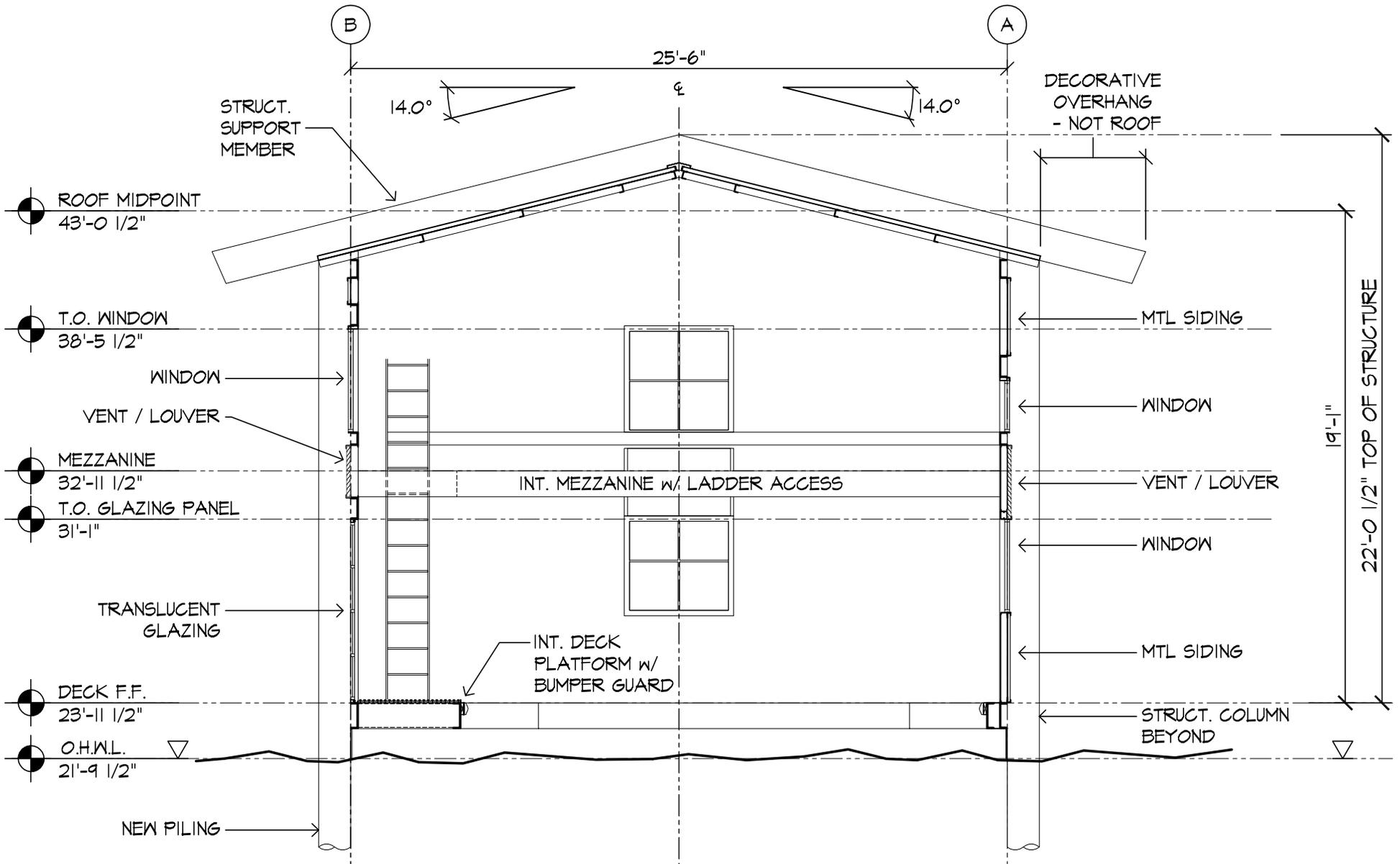
BAYLIS ARCHITECTS

10801 Main Street, Bellevue, WA 98004
F 425 453 8013 T 425 454 0566

○ ELEVATIONS (EXISTING)



| | | | |
|---------|-------------------------|-------------|-----------------------------------|
| Project | Barbee NWS-2007-1019-NO | Sheet Title | BOATHOUSE - ELEVATIONS (EXISTING) |
| Job No. | 06-0851 | Date | 10-25-2007 |
| File | --- | | |



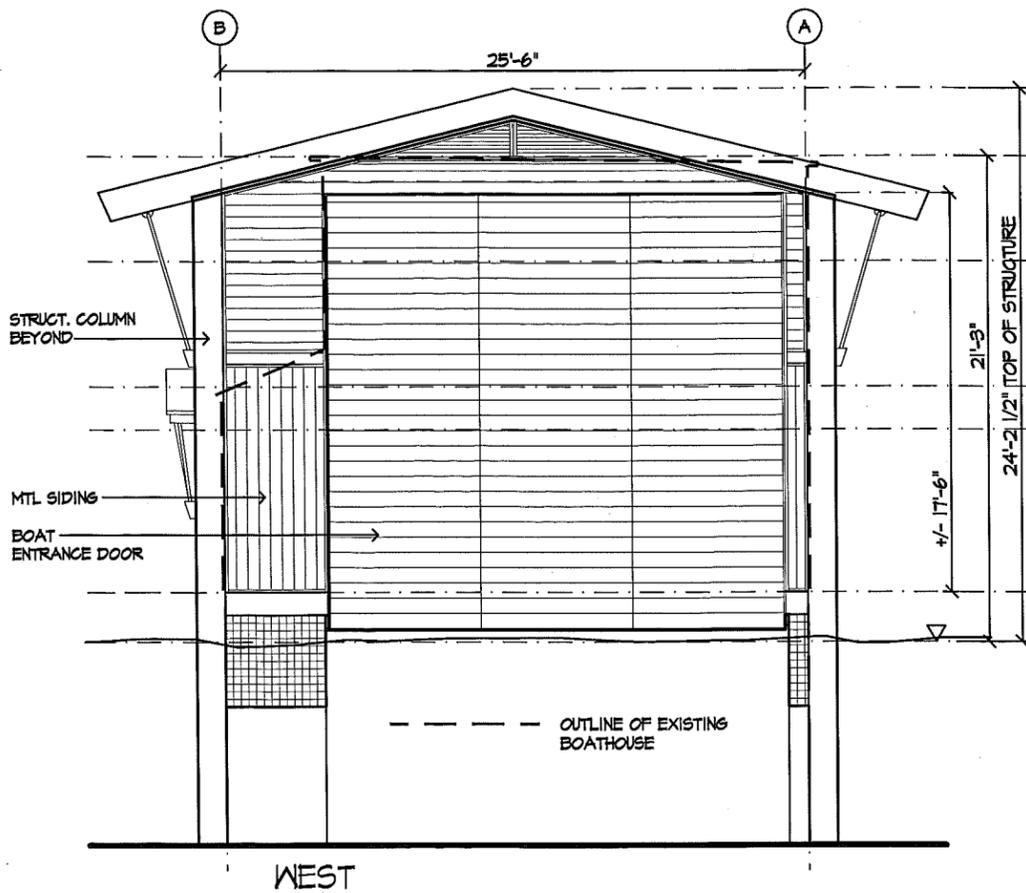
BUILDING SECTION



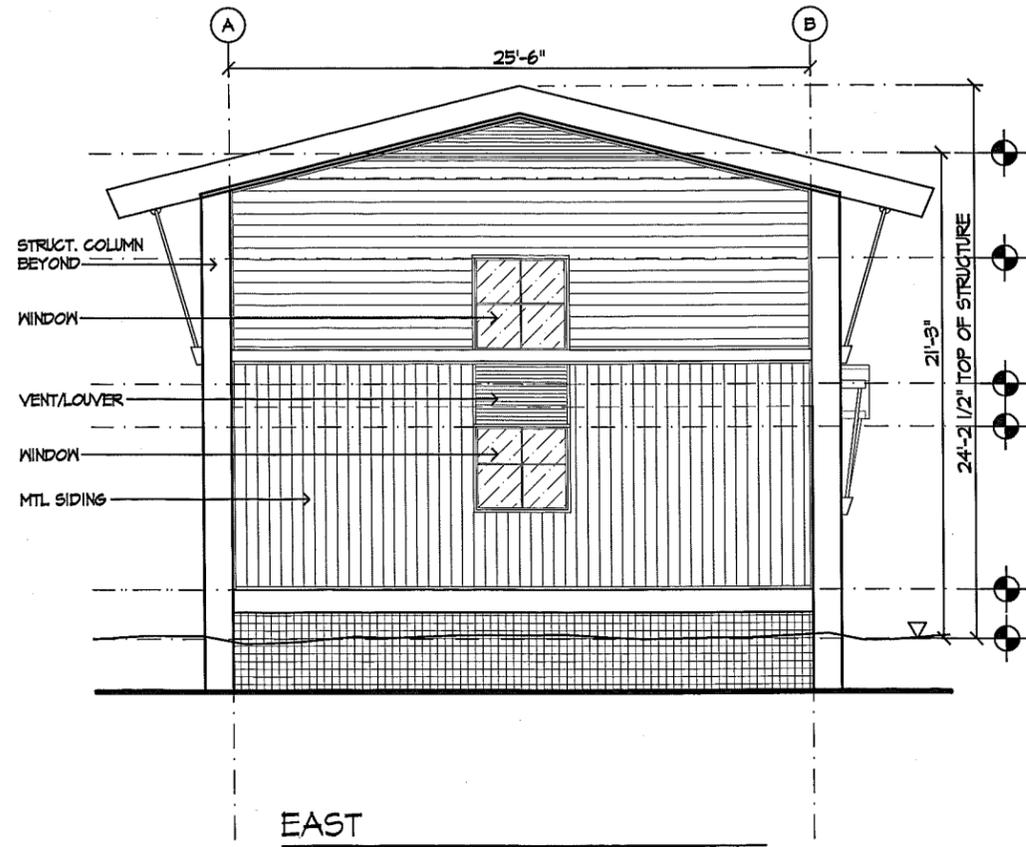
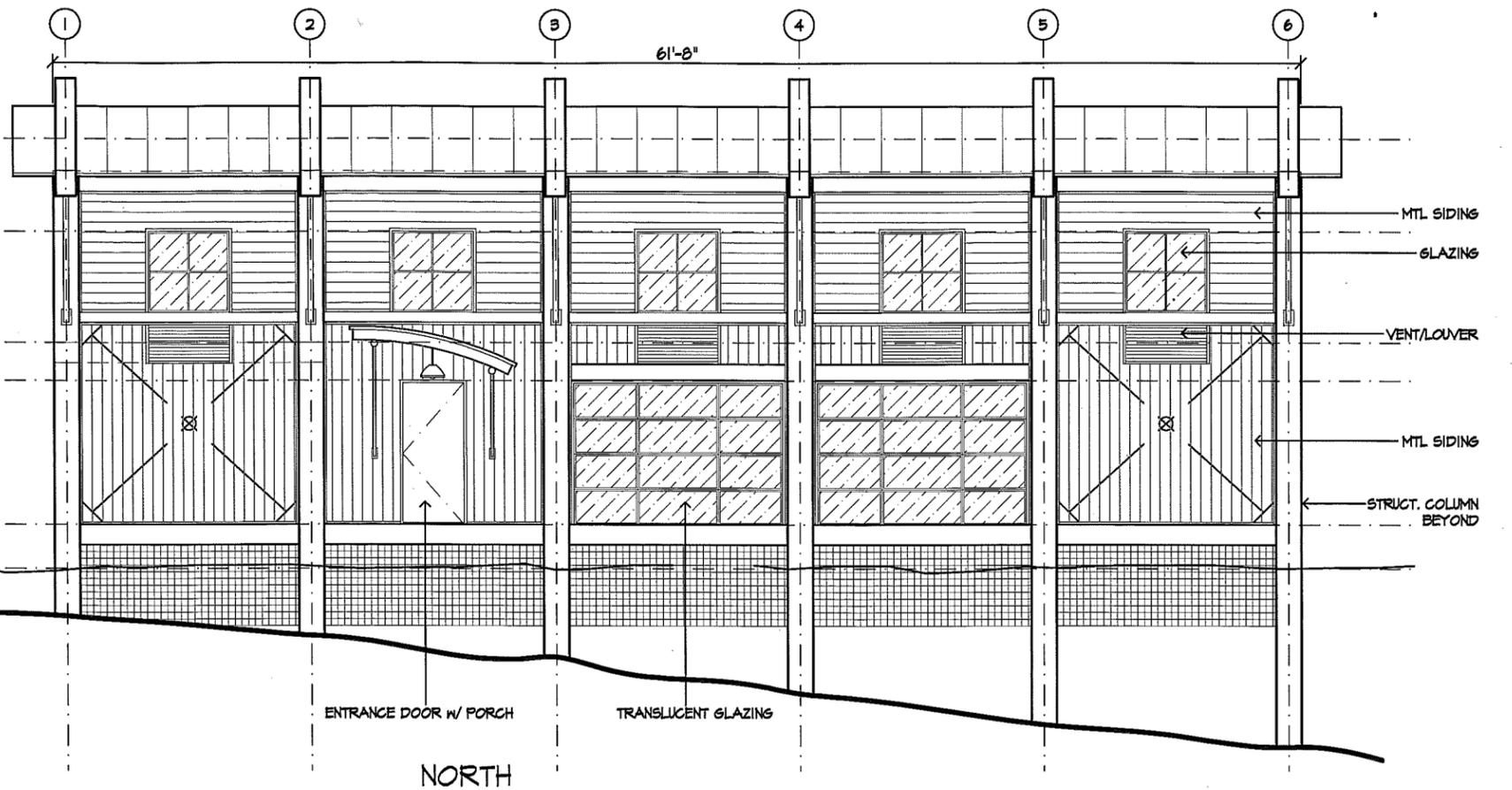
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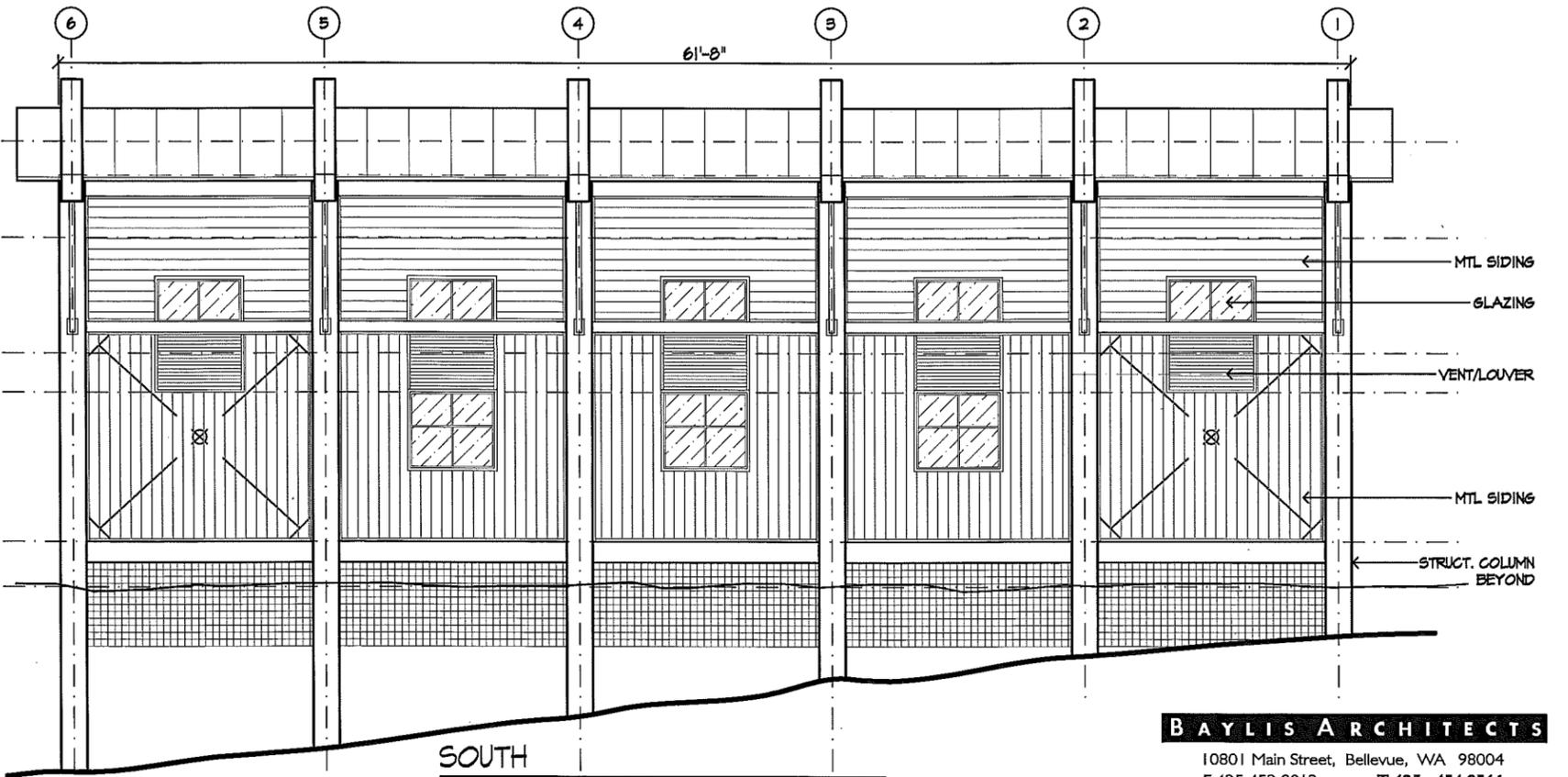
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| Job No. | 06-0851 | Date | 10-25-2007 |
| File | -- | | |



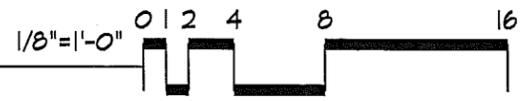
- ROOF MIDPOINT
43'-0 1/2"
(MAX. ALLOWED HT. - SLOPED)
- T.O. WINDOW
38'-5 1/2"
- MEZZANINE
32'-11 1/2"
- T.O. GLAZING PANEL
31'-1"
- DECK F.F.
23'-11 1/2"
- O.H.W.M.
21'-9 1/2"



- ROOF MIDPOINT
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○ ELEVATIONS (PROPOSED)



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| | | | |
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