City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND SUBSTANTIVE CONDITIONING OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

DPD Project Number: 3012954

Applicant Name: Terry Smith for King County

Address of Proposal: 2001 West Garfield St.

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to allow a 1.5 million gallon underground tank for combined sewer overflow storage. Project includes a 2,050-sq. ft. ancillary building at grade and 26,000 cubic yards of grading. Determination of Non-Significance and associated Addendum have been conducted by King County.

The following approvals are required:

Shoreline Substantial Development Permit to allow construction of underground tank in the Urban Industrial (UI) Shoreline Environment.

SEPA – Conditioning Only - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: [ ] Exempt [] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions (*)

BACKGROUND, SITE AND PROPOSAL

The King County Wastewater Treatment Division (WTD) proposes to construct a storage tank, associated ancillary equipment facility, and gravity sewer to store combined sewer overflows (CSOs) from the South Magnolia Basin in the City of Seattle. As part of King County's National Pollutant Discharge Elimination System (NPDES) permit for the West Point Treatment Plant (WPTP), State of Washington standards require no more than one untreated discharge per year on a long term average. To meet this control standard, King County is proposing the improvements to the County's sewer system serving the South Magnolia Basins combined sewer system. These improvements will meet the standard by storing combined sewage during high

(*) *Determination of Non-Significance published by King County issued on May 23, 2011*

flow periods (i.e., storms) and then discharging it back into the sewer system when flows in the system have subsided.

The 744-acre South Magnolia Basin sewer system was originally constructed as a combined (wastewater and stormwater) system, but modifications have been made to the system over time and some sections of the system have been partially separated. WTD's South Magnolia Trunk Sewer (SMTS) was constructed in 1969 and conveys combined sewage flows from the South Magnolia Basin to the Interbay Pump Station for conveyance to the WPTP. When heavy rains cause flows to exceed the 4.3 million gallon per day (mgd) capacity of the SMTS, a combination of stormwater and diluted sewage overflow from the fixed weir in the Magnolia CSO Control Structure to an overflow sewer and then to an outfall in Puget Sound. Over the last 20 years there has been an average of 19 overflows per year at this CSO structure with an average total volume of 20 million gallons per year.

The proposed South Magnolia CSO Control Facility will be integrated with the existing SMTS system and consist of an approximately 1.5-million gallon rectangular, below-grade, CSO storage tank with an ancillary equipment facility, and 2,700 linear feet of 24-inch diameter gravity sewer. A force main will connect from the storage tank to the existing SMTS to discharge flows after a storm event. A diversion structure will be constructed in the existing CSO structure to allow flows to enter the gravity sewer and flow to the storage tank.

The storage tank and ancillary equipment facility will be located on property adjacent to 23rd Avenue West and West Garfield Street in Seattle. The tank will have a total depth of approximately 38 feet and will be approximately 85 feet wide by 136 feet long. There will be at-grade paved areas on either end of the storage tank that will include access hatches, manholes, and lift slabs for access to equipment in the storage tank. The ten access hatches on the east end of the storage tank will each measure approximately 7.5 feet by 10 feet. A pump will be located in the storage tank to discharge tank contents to the existing SMTS. An approximately 500-foot force main will run from the storage tank to the existing discharge manhole. The ancillary equipment facility associated with the storage tank will be a single story, approximately 51 foot by 43 foot above-grade structure. The structure will house utility water, electrical equipment, mechanical equipment, and a stand-by generator for power outages. Odor control equipment and a diversion structure (to divert flows to either the tank or the force main) will be located underground, adjacent to the ancillary equipment facility, which will be located outside the Shoreline District.

Public Comment

The DPD comment period for this proposal ended on June 29th, 2012. During the public comment period, DPD received no written comments.

ANALYSIS — SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: A substantial development permit shall be issued only when the development proposed is consistent with:

A. The policies and procedures of Chapter 90.58 RCW;

B. The regulations of this Chapter; and

C. The provisions of Chapter 173-27 WAC.

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the State to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against effects to public health, the land use and its vegetation and wild life, and the waters of the state and their aquatic life, while protecting public right to navigation and corollary incidental rights. Permitted uses in the shoreline shall be designed and conducted in a manner to minimize, insofar as possible, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60.

Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The proposal is subject to the Shoreline Policies of SMC 23.60.004 because the site is located within the shoreline district and the cost of the project exceeds $6,416. The proposed development has been designed to ensure minimum impact to the public health, land and waters of the state, and their aquatic life. The location of the proposed work on the shoreland will not interfere with the public rights of navigation and corollary rights, thus providing for the management of the shorelines by planning for and fostering all reasonable and appropriate uses. Therefore, the subject application is consistent with the procedures outlined in RCW 90.58.

A. THE REGULATIONS OF CHAPTER 23.60

Chapter 23.60 of the Seattle Municipal Code is known as the "Seattle Shoreline Master Program." In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SMC 23.60.030 (cited above). Development standards of the shoreline environment and underlying zone must be

considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special requirements use permit) or conditioning that is necessary to protect and enhance the shorelines area (SMC 23.60.064).

Pursuant to SMC 23.60.064C, in evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that the proposed use: 1) is not prohibited in the shoreline environment and the underlying zone and; 2) meets all applicable development standards of both the shoreline environment and underlying zone and; 3) satisfies the criteria for a shoreline variance, conditional use, and/or special use permits, if required.

SMC 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district.

The Shoreline Goals and Policies are located in Section C-4 of the Land Use Element. There are three goals specific to the protection of the shoreline and aquatic environment: LUG 43, "Protect those areas of shoreline that are geologically dangerous or fragile, or biologically fragile."; LUG 48, "Preserve, protect and restore areas such as those necessary for the support of wild and aquatic life or those identified as having geological or biological significance.": and LUG 49, "Insure that all future uses will preserve and protect environmental systems, including wild and aquatic life." The overall project purpose is to prevent combined sewage overflows into Puget Sound and to fulfill requirements of the National Pollutant Discharge Elimination System. The project will enable the County to capture and direct untreated flows into a new storage pipe instead of Puget Sound, which will improve water quality and shoreline habitat in this area and Puget Sound, and is consistent with the Land Use goals cited above for protection of the natural shoreline environment.

The proposed project is located within the Urban Industrial Shoreline Environment. Pursuant to SMC 23.60.220, the purpose of the UI Environment is to provide for the efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses. Views shall be secondary to industrial development and public access shall be provided mainly on public lands or in conformance with an area-wide Public Access Plan. The overall project purpose is to prevent combined sewage overflows into Puget Sound and to fulfill requirements of the National Pollutant Discharge Elimination System. The project will enable the County to capture and direct untreated flows into a new storage pipe instead of Puget Sound, which will improve water quality and shoreline habitat in this area and Puget Sound. The proposed mechanical building and other upgrades and best management practices that will be employed during construction described above and/or in more detail in the application serves the overall project purpose use as well as the purpose of the UI Shoreline Environment.

Use Standards

Utility service uses whose operations require a shoreline location are permitted outright in the UI Shoreline Environment. This CSO facility requires a shoreline location as it is gravity-fed sewer system that requires a location at or near sea level to operate efficiently. Pursuant to the Seattle Shoreline Master Plan, the proposed action is therefore subject to:

Development Standards

1. *the general development standards (SSMP 23.60.152);*
2. *the development standards for uses in the UI environment (SMC 23.60.840-882).*

1. *General Development Standards for all Shoreline Environments (SMC 23.60.152)*

All uses and developments shall be subject to the following general development standards:

A. *The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best Management Practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.*

B. *Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels.*

C. *The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.*

D. *All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and planted buffers.*

E. *All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.*

F. *All shoreline developments and uses shall control erosion during project construction and operation.*

G. *All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project*

mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

H. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.

I. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.

J. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

K. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.

L. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.

M. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.

N. Navigation channels shall be kept free of hazardous or obstructing development or uses.

O. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

The Stormwater Code (SMC 22.800) places considerable emphasis on protecting water quality. This generally takes the form of best management practices being required on building permits. These measures, including required temporary erosion and sediment control measures for construction as described in the SEPA checklist and application material will be adequate to ensure protection of the shoreline area from the construction that is proposed, and will be required to be implemented during construction as a condition of approval.

As described above, the completed project will result in reduced volumes of untreated stormwater and sanitary sewage that is discharged to Puget Sound at this location, which will contribute to long-term improvements in water quality and habitat quality at this location and in Puget Sound.

Development Standards UI Shoreline Environment (SMC 23.60.870-882)

The development standards set forth in the Urban Industrial (UI) relate to height, lot coverage, view corridors, setbacks, water-related uses on waterfront lots and public access. The proposal conforms to all applicable development standards for the UI Shoreline Environment.

B. THE PROVISIONS OF CHAPTER 173-27 WAC

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of the SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Summary

Development requiring a Shoreline Substantial Development Permit can only be approved if it conforms to the policies and procedures of the WAC and RCW and with the regulations of Chapter 23.60 of the Seattle Shoreline Master Program.

The project as proposed meets the specific standards for development in the UI environment. It also conforms to the general development standards, as well as the requirements of the underlying zone.

The Director's authority under Seattle's Shoreline Master Program is to ensure that development proposals are consistent those policies and procedures, and conforms to specific development standards of the underlying zones. Having established that the proposal is consistent with the Seattle Shoreline Program, it is hereby approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The Shoreline Substantial Development Permit is **GRANTED.**

ANALYSIS - SEPA

Environmental impacts of the proposal have been analyzed in the environmental documents prepared by King County's Wastewater Treatment Division. The applicant submitted an environmental checklist and threshold determination for this project dated May 9, 2011. The information in the checklist, construction plans, information submitted by the applicant and the experience of the Department with the review of similar projects form the basis for this analysis and SEPA conditioning.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in King County's determination of non-significance, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts are anticipated.

Short - Term Impacts

Construction Impacts

Construction activities for the project could result in the following adverse impacts: construction dust, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and an increase in traffic and parking impacts due to construction workers' vehicles. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

Temporary traffic impacts would result during construction for as long as 30 months. Heavy construction trucks and personal vehicles moving to and from the construction site and onto the local street system may cause temporary increases in traffic volumes and possible congestion in the area. Traffic could be periodically stopped along access roads to allow truck and trailer access to the construction site, causing delays for general purpose traffic. The project will generate on average about twenty-one vehicle trips per day during the six-month excavation period and less than ten one-way trips during the remainder of construction.

King County has committed to discussing with each affected property owner prior to commencing construction activities. Prior to any temporary road closures, coordination would be conducted with all service providers in the area to ensure service to area residents is maintained throughout. Advance notification would include posting signage at the site as well as written notification of impacted residences. The notification would include the name and phone number of the King County staff person to be contacted regarding questions or concerns about construction activity.

Construction activities such as road closures and temporary traffic re-channeling will be reviewed with SDOT for the related construction in adjacent rights of way. As part of the required street use permits, a traffic control plan will be submitted to SDOT and approved prior to commencing any construction activities. The plan will include detailed measures to address residential access, emergency vehicle access, road closures and detours and pedestrian safety. King County proposes to maintain access to Smith Cove Park (west of the underground storage tank area and outside the Shoreline District) throughout the construction period, a portion of the park will be used for construction staging for 6 to 10 months. King County will work with City of Seattle Department of Parks and Recreation to address any temporary access issues, including

any necessary mitigation, as part of the construction easement. As a result no conditioning is necessary related to these specific activities.

Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project, such as: Noise Ordinance; Street Use Ordinance; Grading and Drainage Code; Environmentally Critical Areas Ordinance, Land Use Code and Building Code.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through SDOT.

Construction is expected to temporarily add some particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (SMC 25.05.675-A.2).

Existing City code (SMC 11.62) requires truck activities to use arterial streets within the City to every extent possible. Prior to construction approval SDOT will review and approve a specific traffic control plan for the proposed project, therefore, no conditioning is necessary from DPD.

City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed en route to or from a site.

King County is proposing to implement a number of Best Management Practices to control dust during construction, including street sweeping, watering exposed soil surfaces, and covering soil stockpiles to help minimize the amount of fugitive dust and particulate pollution to the surrounding areas.

Noise associated with the heavy construction processes and overall length of the proposed construction process could adversely affect surrounding properties in the area, which include residential and recreational uses. During construction, all activities will be performed consistent with the City of Seattle's Noise Control Ordinance. Best Management Practices will be used to minimize construction noise, such as:

- Using effective vehicle mufflers, engine intake silencers, and engine enclosures, and shutting off equipment when not in use;
- Using portable noise barriers placed around stationary equipment;
- Using broadband back-up alarms to eliminate impacts of single frequency high-pitched alarms;
- Encouraging equipment drivers to avoid backing up as much as possible to reduce use of back-up alarms;
- Locating activities away from sensitive receptors when possible;

Noise associated with excavation could adversely affect surrounding properties in the area, which include residential uses. Due to the proximity of the project site to residential and recreational uses to the east, DPD finds the limitations of the Noise Ordinance to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), conditioning is warranted (condition #2).

In addition, it is a condition of this permit that King County establish a 24-hour construction hotline to promptly response to questions and complaints and a website with that provides regular updates on construction activities. Advance notification of activities will also include posting signage at the site, as well as written notification of impacted residences. (Conditions #1 and #3).

Long - Term Impacts

Air Quality, Water Quality, and Environmental Health

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in small increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively small contribution of greenhouse gas emissions from this project due to its function and nature.

Odors generated within the storage tank from stored wastewater or solids not removed from the wash-down system would be mitigated through operation of the odor control system. The odor control system would consist primarily of a carbon adsorption scrubber vessel, mist eliminator, and fan. Gas concentrations at the odor control facility would be actively monitored to determine the functional performance of the facility and create and accurate schedule for replacement of the carbon filer media.

After the project is completed, stormwater on the storage tank site would flow into new bioretention facilities on the property. The soils and plantings in the bioretention facilities would settle, absorb, and filter the stormwater runoff prior to infiltration, improving long-term surface and groundwater quality at the site.

The overall purpose of this project is to prevent combined sewage overflows into Puget Sound and to fulfill permit requirements of the National Pollutant Discharge Elimination System. . WTD's South Magnolia Trunk Sewer (SMTS) was constructed in 1969 and conveys combined sewage flows from the South Magnolia Basin to the Interbay Pump Station for conveyance to the WPTP. When heavy rains cause flows to exceed the 4.3 million gallon per day (mgd) capacity of the SMTS, a combination of stormwater and diluted sewage overflow from the fixed weir in the Magnolia CSO Control Structure to an overflow sewer and then to an outfall in Puget Sound. Over the last 20 years there has been an average of 19 overflows per year at this CSO structure with an average total volume of 20 million gallons per year.

This project is designed to meet the NPDES requirements and allow no more than one untreated discharge per location per year on average, substantially improving water quality in Puget Sound at this location compared to current conditions.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. Meeting the self-imposed mitigation commitments listed in King County's SEPA checklist and Determination of Non-Significance, conditions stated below and analyzed above, the project will be consistent with applicable SEPA policies.

CONDITIONS – SEPA

During Construction

1. King County shall execute the public outreach plan including: establishment of a website to provide project information and regular updates on construction activities, including names and contact information for project; establishment of a 24-hour construction hotline to promptly respond to questions and complaints; and provide affected public with names and contact information for project contacts. These contacts shall also be mailed to nearby property owners (King County should define the appropriate area of the mailings).

2. The hours of all general construction work should be limited to between 7:00 AM – 6:00 PM on non-City holiday (pursuant to SMC 25.08.155) weekdays and between 9:00 AM – 6:00 PM Saturdays. Work using impact types of equipment are further limited consistent with subsection SMC 25.08.425 C of the Noise Ordinance (8:00 AM – 5:00 PM weekdays and 9:00 AM – 5:00 PM weekends).

3. Construction activities conducted outside the above stated hour limits, but within the sound level limits of the Noise Ordinance, may be authorized by DPD when a Construction Management Plan is provided and approved. This plan will be coordinated with the DPD Noise Abatement Office King County, applicant and the contractor. The plan will include the following elements:

    a. Construction Communication - including a Contact and Community Liaison.

    b. Construction Hours and Sensitive Receivers - identifying demolition and construction activities within permissible construction hours.

    c. Construction Noise Requirements - all demolition and construction activities shall conform to the sound level limits specified in the Noise Ordinance, except as otherwise approved through the noise variance process.

    d. Measures to Minimize Noise Impacts – list of measures to be implemented to reduce or prevent noise impacts during demolition and construction activities during standard and non-standard working hours.

    e. Construction Milestones – a description of the various phases of demolition and construction, including a description of noise and traffic generators, and anticipated construction hours for each phase.

f. Construction Noise Management – identify techniques to minimize demolition and construction noise including: timing restrictions, noise reduction construction technologies, process modifications. These techniques may go beyond code requirements.

4. King County shall maintain a project website with regular and timely updates for potential construction impacts and generally implement public outreach plan, including maintenance of construction hotline.

5. The applicant shall implement Best Management Practices approved and/or required by the State Department of Ecology and the DPD construction inspector to minimize the amount of erosion caused by construction and operations at the site. Materials and construction methods shall be used which prevent toxic materials, debris, waste material, concrete slurry, petrochemicals, and other pollutants from entering surface water during and after construction. All debris and other waste shall be disposed of in such a way as to prevent entry into Puget Sound.

6. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:

- Stop work immediately and notify DPD (Ben Perkowski 206.684.0347) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

For Life of Project

7. All landscaping for project and planting in bioretention facilities shall be monitored and properly maintained by King County.

Signature: (signature on file) Date: February 28, 2013
Ben Perkowski, Senior Land Use Planner
Department of Planning and Development

BP:drm

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