



City of Seattle

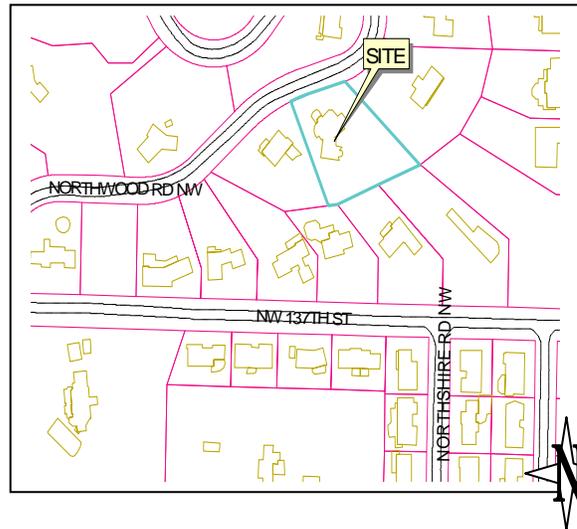
Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3005296
Contact Person: Patrick See
Address of Proposal: 13772 Northwood Road NW



1SUMMARY OF PROPOSED ACTION

Land Use Application to remove 15 evergreen trees (approximately 3,000 square feet of impacted area) and prune an additional 18 evergreen trees in an environmentally critical area. Project includes replanting of 15 deciduous and evergreen trees. Project is pursuant to a court order under case number 00-2-13954-3SEA.

The following approval is required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code).

- SEPA DETERMINATION:** Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site Location: The site is a residential property located along the south side of Northwood Road Northwest.

¹ The public notice incorrectly advertised the removal of 12 Douglas fir trees, the pruning of 14 Douglas fir trees and the replanting of 12 deciduous and evergreen trees. No public comments were received and the changes were a minor deviation from the advertised description, the public notice was not re-noticed.

Zoning: Single Family 9600 (SF 9600).

Parcel Size(s): The parcel size for this property is 33,960 square feet.

Existing Use: This property is currently developed with a single family residence.

Zoning in the Vicinity: The zoning in the vicinity is SF 9600.

Use in the Vicinity: The development in the vicinity consists of single family residences.

Proposal

Land use application to remove 15 evergreen trees (approximately 3,000 square feet of impacted area) and prune an additional 18 evergreen trees in an environmentally critical area. Project includes replanting of 15 deciduous and evergreen trees. The removal of the 15 evergreen trees is due to the trees being dead. The pruning that will be performed on the existing evergreen trees will be limited to: removal of co-dominant tops and removal of any diseased or weakened limbs. The project is not to lower the overall height of the trees but to make the canopies and the trees themselves more stable. All pruning will be performed to ISA 300 standards. Project is pursuant to a court order under case number 00-2-13954-3SEA.

Public Comments

The application was deemed to be complete on August 22, 2006 and notice of application was sent on September 7, 2006. The 14 day public comment period ended on September 20, 2006. No public comments were received through the public notice process.

ANALYSIS - SEPA

The proposal site is located in an environmentally critical area-steep slope thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Pursuant to SMC 25.09.320.E, the ECA ordinance states, "*The Director shall consider the following circumstances and conditions in rendering a decision on a vegetation and tree removal permit: 1) The applicant shall justify the need for tree and/or vegetation removal; 2) The applicant shall demonstrate that any tree and/or vegetation removal shall not adversely affect stability, erosion potential, existing drainage conditions, and/or fish and wildlife habitat areas on-site, on adjacent sites, or within the drainage basin; 3) The applicant shall demonstrate*

that the activity shall not be a precursor of a later development proposal, unless a plan is approved by the Director for public safety reasons and/or except to conduct soil testing subject to DPD's Director's Rule for Investigative Field Work in Environmentally Critical Areas; and 4) The Director may require a vegetation and tree removal and replacement plan and may otherwise condition the permit to protect the public health and safety and prevent harm to the affected environmentally critical area.”

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 10, 2006. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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, specifically the Arborist report. Technical assistance was provided by an SDOT City Forester. As indicated in the checklist, 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. Under certain limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary impacts on the identified critical areas are expected: vegetation removal (including removal of fifteen (15) mature trees); increased soil erosion and sedimentation during tree removal and following until vegetation is adequately established on site, and increased runoff. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code require that soil erosion control techniques be initiated for the duration of the tree and vegetation removal. The ECA ordinance regulates activity within designated ECA areas. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Earth

The ECA Ordinance requires submission of technical reports to detail soils, geological, hydrological, drainage, plant ecology and botany, vegetation and other pertinent site information. Pursuant to this requirement the applicant submitted the following technical report:

- An arborist report prepared by Patrick See, dated July 21, 2006. The report includes an inventory of the existing trees, trees to be removed and trees to be pruned on the site. The report also provides recommendations for tree/vegetation restoration and tree/vegetation management.

This report and associated plans have been reviewed by DPD's geotechnical experts and an SDOT City Forester, who have concluded that the proposed tree and vegetation removal and restoration may proceed. The tree and vegetation removal, restoration and monitoring plans will be reviewed by DPD. Applicable codes and ordinances provide extensive conditioning authority and prescriptive methodology for tree and vegetation removal. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

A possible long-term impact anticipated as a result of this proposal would be adverse impacts with regards to slope stability or soil erosion control if the tree restoration plan is not continually monitored per the arborist requirements.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code. Unfortunately, these codes don't provide specify the manner in which the restoration plan should be monitored and how frequent this planting monitoring should occur. Therefore, a condition has been added to address this requirement.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

