



**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:** 3005533  
**Applicant Name:** Don Holert  
**Address of Proposal:** 2530 55<sup>th</sup> Ave SW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow two single family lots with one residence per lot in an environmentally critical area. Proposed lot sizes are: Parcel A) 5,539 sq. ft. and Parcel B) 17,270 sq. ft.

The following approvals are required:

**Short Plat** - Chapter 23.24 Seattle Municipal Code

**SEPA – Environmental Determination**- Chapter 23.05 Seattle Municipal Code

**ECA Conditional Use Determination** –Chapter 25.06.260 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 DATA**

### Site & Area Description

The subject site is located on the west side of 55<sup>th</sup> Avenue SW. The site is located within an environmentally critical area (ECA1) containing steep slopes of more than 40%. The subject site is located in a Single Family Residential zone, (SF7200) with a minimum density limit of one unit per 7,200 square feet of lot area. The development site encompasses a land area of approximately 32,809 square feet. The site is triangular in shape with frontage on 55<sup>th</sup> Avenue SW.

### Proposal

The land use proposal is to allow two single family lots with one residence per lot in an environmentally critical area. The proposal includes clustering the dwelling units away from the steep slope area in order to minimize critical area disturbance.

### Public Comment

Public Notice of this application was given on January 3, 2008, with a public comment period ending on January 17, 2009. DPD received six comment letters regarding this application. These included: remarks about a history of hillside instability on the site, questions of disputed property lines, the narrowness of the abutting street and implications for vehicular access to the site.

## **ANALYSIS - SHORT SUBDIVISION**

SMC Section 23.24.040 provides that the Director shall use the following criteria to determine whether to grant, condition, or deny a short plat application:

1. *Conformance to the applicable Land Use Policies and Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Chapter 23.53;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land; and*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivisions and subdivisions in environmentally critical areas.*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, and review by the Land Use Planner, the above cited criteria have been met, subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions of the standards authorized by the Land Use Code. As conditioned, this short subdivision can be provided with vehicular access as well as public and private utilities. Adequate provisions for drainage control, water supply and sanitary sewage disposal can be provided for each lot and service is assured, subject to standard conditions governing utility extensions.

The proposal site is located in an environmentally critical area, identified as a Potential Slide Area due to Geologic Conditions, with reported landslides, and characterized by Steep Slope areas. The analysis of the administrative conditional use component of this decision conditions the proposal to limit the footprints of disturbance areas on each of the parcels to be created. The proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

Due to surface and subsurface conditions at the subject property, referenced in the report, "Geotechnical Engineering Study, Proposed Single-Family Residences, 24XX –55<sup>th</sup> Avenue Southwest, Seattle, Washington," prepared by Geotech Consultants, Inc., for Donald Holert, dated March 16, 2006, the applicant's geotechnical consultants have recommended construction considerations for temporary soldier piles and tieback shoring systems, augercast pier foundations, and a 10-foot high catchment wall on the uphill side of the proposed structure(s). Additionally, the report notes that landslide activity is likely to continue on the site once developed and discusses the need to maintain the freeboard of the catchment wall by periodically removing soil that accumulates behind the catchment wall.

Review by DPD's geotechnical engineers concurs with the recommendations of the geotechnical report. Since these recommendations are considered critical elements to the success of proposed development on each of the proposed parcels of land, the applicant, or subsequent applicants for development on either of the proposed parcels, will be required to provide on plans appropriate notes to reflect the need for specific geotechnical provisions prior to, during and subsequent to any actual development on the sites. These will include calculations of the total steep slope areas, the areas of steep slope that are proposed for disturbance and the percentages of disturbed steep slope areas to the total steep slope areas.

The plat prepared for final recording will be required to clearly show the areas of proposed disturbance. Prior to any disturbance or construction on either of the parcels a highly visible temporary fence shall be erected on site precisely delineating the edge of areas of non-disturbance on each parcel. Prior to or concurrent with the filing of the Plat, the applicant will be required to file Environmentally Critical Area Covenant document(s), which will include the delineation of the non-disturbance areas on each parcel.

## **ANALYSIS - ECA ADMINISTRATIVE CONDITIONAL USE (ACU) TO RECOVER DEVELOPMENT CREDIT AND PERMIT CLUSTERED DEVELOPMENT**

### Environmentally Critical Areas Regulations

Seattle Municipal Code (SMC) Sections 25.09.015 and 25.09.060 establish applicability and standards that for development within designated *Environmentally Critical Areas*. SMC Section 25.09.180 provides specific standards for all development on *steep slopes* and *steep slope buffers* on existing lots, including the general requirement that development shall be avoided in *steep slope* areas. The General requirements and standards described in Section 25.09.335 include the recording of *Conditions of Approval* and of the identified ECA areas in a permanent covenant with the property, as well as specific construction methods and procedures.

SMC Section 25.09.260 provides a process for DPD to authorize the recovery of development credit in a single-family zone through an Administrative Conditional Use review. This process allows flexibility in certain development standards (such as clustering of structures) to allow up to the same number of units on the lot as would be allowed if there were no *ECA* areas and seeks to minimize impacts on and intrusions into the *ECA* areas. The Director may approve, condition, or deny an application based upon a determination of whether the proposed recovery of development credit on the site meets the applicable criteria. The Director may approve, deny, or approve with conditions smaller than required lot sizes and yards. But in no case can the Director allow more than the zone allowed number of lots or a number of dwelling units greater than that permitted by the underlying zoning. An *ECA* Administrative Conditional Use decision is a Type II decision, subject to the provisions of SMC 23.76, and is appeal-able to the City Hearing Examiner.

SMC 25.09.260.A. *When the applicant demonstrates it is not practicable to comply with the requirements of Section 25.09.240.B considering the parcel as a whole, the applicant may apply for an administrative conditional use permit, authorized under Section 23.42.042, under this section to allow the Director to count environmentally critical areas and their buffers that would otherwise be excluded in calculating the maximum number of lots and units allowed on the parcel under Section 25.09.240.E.*

The site is predominately characterized by steep slopes with three (3) small areas along 55<sup>th</sup> Avenue Southwest where the slopes fall below the forty percent (40%) definitional determination for steep slopes. These areas are not flat, however, but have a minimum slope of approximately 30%. The inclusion of the site's steep slope areas in the allowed unit calculation permits the otherwise allowed number of units in this Single-Family 7,200 zone for this size parcel. The proposed location of the single-family structures on the most western portion of the subject parcel(s) would avoid intrusion into the site's critical areas and the majority of the steep slope areas.

### B. Standards.

*The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one (1) dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:*

*1. Environmental Impacts on Critical Areas.*

*c. No development is on a steep slope area or its buffer unless the property being divided is predominantly characterized by steep slope areas, or unless approved by the Director under Section 25.09.180.B.2.a, b or c.*

The subject site is predominantly characterized by steep slope areas. Therefore, it is not practicable to comply with the requirements of Section 24.09.240 B.

*(1) The preference is to cluster units away from steep slope areas and buffers.*

The proposed development will be clustered away from the steep slope area and its buffer to minimize intrusion into the critical areas. Under the authority of the director an administrative conditional use for smaller than required lot sizes and yards are permitted. For this proposal the front yard has been reduced from 10' to 8' to further cluster the proposed development away from the steep slope and buffer.

*2. General Environmental Impacts and Site Characteristics.*

*a. The proposal keeps potential negative effects of the development on the undeveloped portion of the site to a minimum and preserves topographic features.*

To minimize ground disturbance and excavation, a non-disturbance covenant will be recorded with King County, limiting intrusion, disturbance, and development activity to the allowed disturbance areas on each parcel.

*b. The proposal retains and protects vegetation on designated non-disturbance areas, protects stands of mature trees, keeps tree removal to a minimum, removes noxious weeds and protects the visual continuity of vegetated areas and tree canopy.*

The development proposal includes the removal of trees within the disturbance area. To determine the health and importance of the trees proposed for removal, and to specify plans for protecting the trees that will remain during construction, DPD requested a site report to be submitted by a Certified Arborist. The steeply sloped lot is filled with big leaf maples and red alders that have been found to be topped in the past. Most of the trees proposed to be removed were identified as diseased or damaged by the ISA Certified Arborist in a report dated October 20, 2008. A big leaf maple on parcel B has been determined to be an "exceptional tree," as regulated by the Land Use Code (SMC 25.11.040, SMC 25.11.050, and SMC 25.11.050) and a non-disturbance zone and specific conditions regarding protection within the tree's drip line will be noted on the plat creating the parcel and such conditioning will be applicable to any subsequent applications for disturbance or construction on site.

*3. Neighborhood Compatibility.*

*a. The total number of lots permitted on-site shall not be increased beyond that permitted by the underlying single-family zone.*

Lacking the environmentally critical areas encumbrances on the property, the underlying SF 7200 zoning would allow 4-5 lots to be created from the 32,809 square foot site. This proposal is for 2 single-family structures, each to be located on a newly created parcel.

*c. The development is reasonably compatible with and keeps the negative impact on the surrounding neighborhood to a minimum. This includes, but is not limited to, concerns such as neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of the tree canopy and other vegetation.*

The development proposes two (2) single family structures of a size and design typical for this style of building in similar single family zones. The proposed single family dwelling unit footprints are consistent with the existing single family footprints in the neighborhood.

The proposed development will adhere to all development standards that are applicable to the underlying zoning standards of SF 7200, except that.

The vegetation proposed to be removed is within the allotted development area and designated by a certified arborist to be diseased or damaged. An “exceptional” tree on proposed Parcel B will be retained and protected during any development on site. Some new trees are proposed to be planted outside the allowed disturbance area, while the existing vegetation to the east of the subject site area will remain mostly undisturbed.

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#### C. Conditions.

1. *In authorizing an administrative conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions necessary to protect riparian corridors, wetlands and their buffers, shoreline habitats and their buffers, and steep slope areas and their buffers, and to protect other properties in the zone or vicinity in which the property is located.*

The proposal and accompanying geo-technical report were reviewed by DPD’s geotechnical engineers and, following the submittal of additional information, found, with proper conditioning, to minimize adverse impacts on the site’s *steep slopes* and *buffers* and to minimize any impacts on other properties in the surrounding vicinity. The accompanying report by Geotech Consultants Inc. recommends that all cuts into the hillside be shored using soldier piles. Based on the proposed heights of the cuts and the slope surcharges, tieback anchors would be needed to restrain the shoring piles. Additionally, the report anticipates installing a permanent tied-back soldier pile wall with a cantilevered catchment wall at the top across the back of the excavations as the chosen method of retaining. Following these recommendations, the proposed area of disturbance as currently delineated on Parcel A appears excessive to DPD’s geotech and land use reviewers and as a condition of approval the authorized disturbance area for Parcel A shall be limited to 2200 square feet. The allowed disturbance area on Parcel B shall not exceed 3100 square feet. Other project conditions, as outlined in this document have been imposed to protect trees and vegetation and assure neighborhood compatibility.

2. *In addition to any conditions imposed under subsection 1, the following conditions apply to all administrative conditional uses approved under this subsection:*

- a. *Replacement and establishment of native vegetation shall be required where it is not possible to save trees or vegetation.*

With appropriate conditioning applied, the proposed siting of structures, access driveways, and other site improvements generally maximizes the retention of trees and vegetation. The proposed site plan does, however, require the removal of some trees within the allowed disturbance areas. Much of the ground cover vegetation (other than trees) in the area proposed for structures and driveways invasive weeds, including English Ivy, Himalayan Blackberry and stinging nettles, although a minimal amount of native vegetation may be slated for removal by this proposal.

One of the trees is considered *Exceptional*, as defined in DPD Director's Rule 6-2001 and as regulated by SMC 25.11.040, SMC 25.11.050, and SMC 25.11.060. This is the Big Leaf Maple (*Acer macrophyllum*), located on proposed Parcel B and identified as "Tree 4" on the site plan, A 1.1 (revised and dated May 5, 2009). Per SMC 25.11.050 the basic tree protection area for an exceptional tree is that area within the drip line of the tree. This tree protection area may in some instance be reduced if approved by the Director according to a plan prepared by a certified tree-care professional. The "Tree Protection Report" prepared on behalf of the applicant by ISA Certified Arborist Sue Nicol and dated March 23, 2009, notes that "[proposed] house construction will encroach to the edge of the inner drip line for approximately 20 to 25% of the outer root zone, with no impact expected to the remaining 75%."

The Director approves a maximum disturbance of the outer half of the area within the drip line not to exceed 25 percent of the total area within the outer half of the area within the drip line of designated Tree 4 on proposed Parcel B. Absolutely no disturbance shall be allowed within the inner half of the area of the drip line. The revised site plan submitted to DPD on May 5, 2009, shows a proposed disturbance area that encroaches into the outer half within the drip line of Tree #4, in excess of the 25 percent allowable disturbance of the feeder root zone. The allowable disturbance area indicated on the plat for recording as well as the MUP site plan shall be modified prior to final plat approval and MUP issuance to show and notate the exception granted for a 25 percent maximum of disturbance within the outer half of the inner root zone.

Additionally, since this exception and these restrictions are applicable to a living, biologic organism, the tree, growth and even movement of the tree should be anticipated. Both the plat and the MUP plans should note that the delineation of the allowed encroachment area into the maximum 25 percent of the outer half of the inner root area is reliable for a maximum of two years following recording of the plat or the date the MUP is ready for issuance. If no development authorized by a DPD construction application and issued permit has commenced on site prior to the expiration of the two year limit to this exception, the locations of the inner and outer inner root zones must be field verified by a certified arborist, documented in a report to be submitted with any application to construct on or otherwise disturb the site, and re-delineated on submitted site plans as a no-disturbance area.

To replace the trees and minimize the amount of stabilizing vegetation to be removed within the development site, any construction application shall be required to submit a Landscape Plan that will include details of a Vegetation Mitigation and Restoration Plan, and detail proposed trees, shrubs, and ground cover plants, the majority of which will be required to be drought tolerant and native. The maintenance of the plantings in the approved Landscape (including Vegetation Mitigation and Restoration) Plan is a *condition* of ACU approval, as noted above.

- b. *Where new lots are created, the provisions of Section 23.22.062, Unit lot subdivisions, or Section 23.24.045, Unit lot subdivisions, apply, regardless of whether the proposal is a unit lot subdivision, so that subsequent development on a single lot does not result in the development standards of this chapter being exceeded for the short subdivision or subdivision as a whole.*

Division of the land into two distinct parcels is a component of this land use action. Construction of two separate single-family residences is anticipated. Regarding Unit lot subdivision, SMC 23.24.045 notes that the unit lot subdivision of a lot approved and in conformance with development standards at the time of the (building) permit application (and in conformance with any applicable MUP approvals, such as this ACU application) may become nonconforming based on an analysis of the subsequent individual unit lot, and therefore any subsequent platting actions, additions, or modifications to the structures may not create or increase any nonconformity of the parent lot. Further this section requires a note on the recorded plat stating that additional development of the individual lots may be limited as a result of the application of the development standards to the parent lot. Development outside the footprints of the authorized disturbance areas on either Parcel A or Parcel B will be prohibited by the terms of the ECA permanent covenant as required by SMC 25.09.335, noted above.

#### **DECISION – ADMINISTRATIVE CONDITIONAL USE**

The proposal to recover development credit is **CONDITIONALLY GRANTED**. This approval is based upon proposed disturbance footprints that must be reviewed and approved according to conditions enumerated below prior to plat filing or issuance of the MUP. Future building permit applications must meet all land use code development standards except those explicitly set forth in this decision (e.g., reduction in front yards). All development intended for the right-of-way, including driveways and future grade determinations must receive Seattle Department of Transportation approval.

#### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated March 7, 2007. This information, along with the experience of the lead agency in similar situations, forms the basis for this analysis and decision. Short- and long-term adverse impacts are anticipated from the proposal.

The SEPA Overview Policy (SMC 25.05.665.D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising SEPA authority. The Overview Policy states “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 limitations. Further, under SMC Section 25.05.908 B, the scope of environmental review within critical areas is limited to documenting that the proposal is consistent with ECA regulations, SMC Chapter 25.09, and to evaluating potentially significant impacts on the environmentally critical areas resources not adequately addressed in the ECA Policies or the requirements of Chapter 25.09.

The proposal, as conditioned by this decision, is determined to be consistent with ECA regulations. In addition, several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (soil erosion); and Building Code (construction standards for retaining walls and foundations in *steep slope* areas). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified adverse impacts. However, under certain limitations or circumstances mitigation can be considered (SMC 25.05.665.d); therefore, a more detailed discussion of some of the impacts is appropriate.

#### Short-term Impacts

The following temporary or construction-related impacts are expected: slope stability, increased soil erosion during general site work and increased runoff. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794).

#### Earth (slope stability) and Erosion

There is a potential for erosion during grading and excavation for site stabilization, site improvements, access driveway, and structures. The applicant will follow recommendations from the soils engineer and DPD geo-tech reviewer. Pursuant to these proposals, and by complying with the requirements for implementation of Best Management Practices as well as existing Environmentally Critical Areas requirements, no additional mitigation is necessary.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by increased impervious surfaces and possible soil instability and increased neighborhood traffic. These long-term impacts are not expected to be significant.

#### Trees and Vegetation

Removing, clearing, or any action detrimental to habitat, vegetation or trees within landslide-prone critical areas, including steep slopes and steep slope buffers is generally prohibited. Restoring or improving vegetation and trees, including removing non-native vegetation or invasive plants and noxious weeds by hand to promote or enhance a naturally functioning condition may be allowed when the Director approves a vegetation and restoration plan meeting the requirements of SMC 25.09.320. Conditions imposed below will require that any application for land disturbance or construction that may occur on the two created parcels shall be accompanied by a vegetation mitigation and restoration plan, prepared by a certified tree professional and approved by a geotechnical engineer or geologist licensed in the State of Washington. The vegetation mitigation and restoration plan will delineate the specific areas proposed for vegetation mitigation and restoration, detail the work that will occur, and be consistent with the requirements of SMC 25.09.320 (Regulations for Environmentally Critical Areas) and best management practices.

#### Other Long-Term Impacts

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in 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.

The expected long-term impacts are typical of single family residential development and are expected to be mitigated by the City's adopted codes and/or ordinances. Regarding increased surface water runoff from increased impervious surface and possible soil instability the specific ordinances are: the Storm-water, Grading and Drainage Control Code and Building Code requirements and ECA regulations respectively.

Traffic impacts from two single-family residences will be minimal and are provided for by the current street system and surrounding zoning designation.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible 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).

### **Conditions—Short Plat**

#### **Prior to Recording of Plat**

1. The allowable disturbance area indicated on the plat (as well as the MUP site plan) shall be modified to show and note that an exception is granted for a *25 percent maximum area of disturbance* within the outer half of the inner root zone.
2. The allowable disturbance area on proposed Parcel A of the plat shall be modified so as not to exceed 2200 square feet and so noted on the plat. The allowable disturbance area of Parcel B shall be modified to provide for the maximum 25 percent maximum area of disturbance within the outer half of the inner root zone of the identified Exceptional Tree and shall be so noted on the plat.. The allowable disturbance area on Parcel B shall not exceed 3200 square feet of disturbance in total and shall be so noted on the plat.
3. The plat (as well as the MUP plans) shall be revised to note that the specific delineation of the allowed encroachment area into the maximum 25 percent of the outer half of the inner root area of the Exceptional Tree on Parcel B is reliable for a maximum of two years following recording of the plat (or the date the MUP is ready for issuance). If no development authorized by a DPD construction application and issued permit has commenced on site prior to the expiration of the two year limit to this exception, the locations of the inner and outer inner root zones must be field verified by a certified arborist, documented in a report to be submitted with any application to construct on or otherwise disturb the site, and be re-delineated on submitted site plans as a no-disturbance area.

4. On the cover of the plat to be recorded plat add a note stating: “Additional development of the individual lots may be limited as a result of the application of the development standards to the parent lot, as required by SMC 25.09.260.”
5. On the cover of the plat to be recorded add a note stating: “Development outside the footprints of the authorized disturbance areas on either Parcel A or Parcel B will be prohibited by the terms of the *ECA* permanent covenant as required by SMC 25.09.335.”
6. Record with the King County Office of Records and Elections a permanent covenant that describes the required non-disturbance area, prohibits development on and disturbance of the area, and prohibits considering the area for development credit in future plats or development proposals.
7. Comply with all applicable standard recording requirements and instructions.

**CONDITIONS - ECA CONDITIONAL USE TO RECOVER DEVELOPMENT CREDIT AND PERMIT CLUSTERED DEVELOPMENT:**

Conditions of Approval Prior to MUP Issuance

8. The allowable disturbance area indicated on the MUP site plan shall be modified to show and note that an exception is granted for a *25 percent maximum area of disturbance* within the outer half of the inner root zone.
9. The allowable disturbance area on proposed Parcel A shall be modified so as not to exceed 2200 square feet. The allowable disturbance area of Parcel B shall be modified to provide for the maximum 25percent maximum area of disturbance within the outer half of the inner root zone of the identified Exceptional Tree and shall not exceed 3200 square feet of disturbance in total.
10. The MUP plans shall be revised to note that the specific delineation of the allowed encroachment area into the maximum 25 percent of the outer half of the inner root area of the Exceptional Tree on Parcel B is reliable for a maximum of two years following recording of the plat or the date the MUP is ready for issuance. If no development authorized by a DPD construction application and issued permit has commenced on site prior to the expiration of the two year limit to this exception, the locations of the inner and outer inner root zones must be field verified by a certified arborist, documented in a report to be submitted with any application to construct on or otherwise disturb the site, and be re-delineated on submitted site plans as a no-disturbance area.
11. Embed all conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings. In addition to the Conditions enumerated here, the embedded Conditions shall include: the 16 “Required Tree Protection Measures,” contained in pages 2 and 3, and the 5 items under the heading “Post-Construction Maintenance Required,” page 3, “Tree Protection Report for: Exceptional *Acer macrophyllum*, Big Leaf Maple, dated March 23, 2009 and prepared for Donald C. Holert by Sue Nocol, ISA Certified Arborist.

