



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: 3008268
Applicant Name: Russell Blazier for Rick and Ann Yoder
Address of Proposal: 1235 NW Culbertson Drive

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 1,265 sq. ft. of new disturbance in an environmentally critical area for construction of a new 3,719 sq. ft. single family residence with an attached 560 sq. ft. car garage, a 10 ft. high retaining wall along the (existing) driveway and an accessory septic system. The project involves excavation of 698 cubic yards of earth and 90 cubic yards of fill related to relocation of the septic system.

The following approvals are required:

SEPA – Environmental Determination (Seattle Municipal Code Chapter 25.05)

ECA Variance – to allow reduction of a steep slope buffer and limited intrusion into a steep slope for development (9% proposed disturbance) per Section 25.09.180.E

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

[] DNS with conditions

[] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Vicinity and Site Description

The subject site is located at the end of the right-of-way Culbertson Drive, in a heavily wooded single family neighborhood zoned SF9600, on a 1.15 acre lot overlooking Puget Sound.

Approximately 19,140 sq. ft. or thirty-eight percent (38%) of the entire lot area has slopes greater than forty percent (40%) with a grade change of 100 feet across the 310 feet, from the east property line down to the west property line. Previous grading created the level area for the existing 2,040 sq. ft. single family structure (which is slated for demolition).

The steep slope to the south and west of the previously graded building area slopes down toward two (2) abutting lots, while the steep slope to the north and east slopes up from the existing graded building area to three (3) abutting lots. The site contains mature deciduous and evergreen trees, shrubs, and non-native groundcover. Drainage easements overlay the east, south and west property lines of this hexagonal lot.

The existing one story ranch style structure with a daylight basement is typical of surrounding development which consists of one and two story single family structures on large lots. Additional development on the lot includes patio, deck, driveway, walkways and landscaping typical of a single family residence. The existing home and homes in the immediate area are all served by septic systems due to geography which prevents hook-ups to the public sanitary sewer system. The new home will also be served by a septic system.

Landslides have occurred on adjacent properties to the north and west however none have occurred on the subject site. In 1997, an 800 foot long tension crack developed across several properties in the immediate area including the subject site and in a (small) portion of the right-of way (Culbertson Drive). The crack crossed the slope (from the north west to the south east) on the western portion of the subject lot. There has been monitoring of the condition and no further movement has been recorded.

Proposed Project

The initial application proposed construction of a 3,719 sq. ft. home with an attached 560 sq. ft. two car garage located (primarily) within the existing building pad and an accessory septic system to be located in the slope west of the existing building pad.

Following review of the proposed septic system by King County Health Department it was determined that the soil and ground water conditions required to establish the septic system would require moving the new septic system to the west side of the previously graded building pad (near where the existing septic system is located). Further, the setback from the proposed residence (required by the County) and the design required for the location will require new encroachment into a portion of steep slope. The revised proposal includes 1,265 sq. ft. of new encroachment into the slope and steep slope buffer beyond the previous legal grading that established the current building area, for placement of the septic system. The project will also involve 698 cubic yards of excavation and 90 cubic yards of fill.

An ECA Exemption was granted December 6, 2007 for previous legal grading in the (previously) developed portion of the lot which covers approximately 5,302 sq. ft. (or twenty-eight percent (28%)) of the total area of the ECA Steep Slope on the site. The current proposal includes accessory decks, terraces, an additional parking pad, walkways, a driveway and a 10 ft. high retaining wall along the driveway all outside of the delineated ECA steep slopes and their required buffers and within the ECA exempt areas.

The plans show a reserve drain field that was not reviewed under this decision and will require a separate ECA Variance decision at the time that the project is proposed.

Public Comment

The initial notice of the proposal was issued on April 3, 2008. The comment period was extended, by request, for two additional weeks and ended April 30, 2008. One (1) comment letter was received. Comments included concern for protection of any wetland and the steep slopes on the site and a request for additional information on any potential tree removal.

There are no wetlands identified on the site and a revegetation plan for the disturbance of the ECA steep slope was submitted and approved. No trees will be removed as a result of this project.

When it became clear that the scope of the project would include intrusion into the ECA (steep slope and steep slope buffer) notice for the project was reissued to reflect the expanded scope of the project which involved a second Master Use component for an ECA Variance. The second notice was issued on October 23, 2008 and no additional comments were received during the comment period which ended November 5, 2008.

ANALYSIS – SEPA

Proposed development of a single family residence exceeding 9,000 sq. ft. in an environmentally critical area (i.e. 11,291 sq. ft. of proposed developmental coverage in steep slopes over 40% slope as well as known and potential landslide) is subject to SEPA review. 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.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project were made in the environmental checklist (dated December 28, 2007) submitted March 25, 2008. The information in the checklist, project plans, the information provided in a geotechnical study, prepared for the applicant by Shannon & Wilson Inc. (dated August 31, 2007, supplemented by an addendum dated May 12, 2008) and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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, along with certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. Pursuant to SMC Section 25.05.908 B, this review is limited to: 1) Documenting whether the project is consistent with Seattle Municipal Code; and

2) Evaluating for any significant impacts that may not be addressed by adopted ordinances, including identification of mitigations.

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). Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The Stormwater, Grading and Drainage Control Code regulates site excavation and requires that soil erosion control techniques be initiated for the duration of construction.
- The Building Code provides for construction measures in general including insurance and bonding for excavation.
- The Environmentally Critical Area (ECA) Regulations provide for general standards and specific measures applied to steep slopes undergoing development.

SMC 25.09.360 references the ECA Chapter 25.09 for the minimum standards to be applied to ECA steep slopes and compliance with these applicable codes and ordinances will reduce or eliminate most impacts to the environment. It also clarifies the relationship between SMC Chapter 25.09 (ECA) and SMC 25.05 (SEPA). Under certain limitations (found in SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the short and long term impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion and potential for earth movement. These impacts are not considered significant (as defined in 25.05.794) because they are temporary and/or minor in scope but because of their potential effects they warrant some further consideration with regard to the related SEPA policies

Earth

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Earth Policy (SMC 25.05.675.D) allows the City to protect life and property from loss or damage by landslides, strong ground motion and soil liquefaction, accelerated soil creep, settlement and subsidence, abnormal erosion, and other hazards related to earth movement and instability.

The decision maker may condition or deny projects to mitigate impacts related to earth movement or earth instability consistent with the Overview Policy set forth in SMC Section 25.05.665; provided, that in addition to projects which meet one (1) or more of the threshold criteria set forth in the Overview Policy, projects located in environmentally sensitive areas and areas tributary to them may be conditioned or denied. Mitigating measures may include:

- Reducing the size or scope of the operation or project;
- Limiting the duration of the project or the hours of operation;
- Requiring landscaping, the retention of existing vegetation or revegetation of the site;

- Requiring additional drainage-control measures or drainage facilities;
- Requiring water quality and erosion controls on or off site to control earth movement; and
- Requiring additional stabilization measures.

The Stormwater, Grading and Drainage Control Code (Title 22, Subchapter VIII) requires preparation of a soils report to evaluate the site conditions and provide recommendations for construction related on sites where grading exceeds 25 cubic yards of cut and/or fill. The current proposal involves excavation of approximately 698 cubic yards of material to establish the septic system and additional cuts (of a maximum 4 ft. high, as recommended by Shannon&Wilson) to construct the retaining wall along the driveway.

Environmental Critical Area regulations (SMC 25.09.060) include (but are not limited to) best management practices to assure safe construction techniques are used, such as: code provisions for establishing a non-disturbance line before construction begins and staged work to minimize soil exposure. The Stormwater, Grading and Drainage Control code provides provisions for erosion control during construction and provisions in the Building code provide authority to require liability insurance for excavation work if required.

In addition, the geotechnical report by Shannon&Wilson (dated August 31, 2006), provided with the initial application together with an addendum (dated May 12, 2009), provide for the appropriate “best management practices” (BMP’s) specific to the site including drainage and earth stabilization, as well as design and installation of the retaining wall. Specifically, the proponents’ geotechnical report provides recommendations for:

- the oversight of grading and fill by an engineer
- the type of fill material appropriate for each application
- limits to the height of cut and fill work
- setback from slopes for construction equipment; and
- if wet soil conditions are encountered
 - limited construction traffic over excavated areas
 - limited scope of work area so that excavation and fill within a given area is completed within the same day
 - pumping if water accumulates on site during construction

Drainage is directly related to slope stability on this project and the SEPA Overview Policy (SMC 25.05.665) and the SEPA Earth Policy (SMC 25.05.675.D) allow the reviewing agency to mitigate impacts associated with drainage. A “best management practice” adopted by the City limits work on the site to the dry season (April to October) and the Stormwater, Grading and Drainage Control code will also require silt fencing and the cover of bare soil. The ECA code (SMC 25.09) limits removal of vegetation in the non-disturbance area.

The applicable environmental critical area, drainage, stormwater, and building codes provide for extensive review, conditioning authority and prescriptive requirement for best management practices to assure compliance to grading and drainage standards and safe construction techniques. These regulations will be applied to the project during review of the construction plans that will be prepared for the building permit. Adopted ordinances and the recommendations of the applicants

Geotechnical Engineer and the conditions imposed as part of the Variance approval (see below) provide adequate mitigation for the short term drainage and erosion control impacts.

Long-term Impacts

The geotechnical report prepared by Shannon&Wilson Inc. (dated August 31, 2007, supplemented by an addendum dated May 12, 2008) states that “construction of the proposed project can be accomplished in such a way that the potential for soil instability on the subject or adjacent properties during and after construction will not be increased”. Long-term or use-related impacts associated with approval of this proposal are primarily related to drainage and vegetation within the ECA as they relate to slope stability.

Several adopted City Ordinances provide mitigation for the identified impacts. The Stormwater, Grading and Drainage Control Code (Title 22, Subchapter VIII) regulates the design and function of on site stormwater collection, for the life of the project. Specifically, the Stormwater, Grading and Drainage Control Code requires on-site collection of stormwater with provisions for controlled tightlined release to an approved outlet. The ECA code (SMC 25.09.060) provides for regulation of vegetation removal and replanting to provide for erosion control over the life of the project.

In addition, the applicant’s geotechnical engineer has made recommendations for long term drainage conditions including: “crowning the top of slopes; a tight-lined stormwater system; the type of the fill to be used (i.e. material that contains less than 5 percent “fines”) to mitigate potential long term impacts to slope stability (see the geotechnical prepared by Shannon&Wilson Inc. dated August 31, 2007, supplemented by an addendum dated May 12, 2008). While a recommendation was made for a tightlined drainage system, the geotechnical report will need to provide additional information during the review of the construction plans, about the discharge of the stormwater to an approved location.

Compliance with all applicable codes and ordinances when reviewing the plans for the construction permit, along with application of the recommendations found in the applicant’s geotechnical report and the conditions of the Variance Decision are adequate to achieve sufficient mitigation of most long term impacts.

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).

Environmentally Critical Areas Regulations

General requirements and standards for Environmental Critical Areas, described in SMC 25.09.060 of the ECA ordinance and discussed below, apply to the review of the proposed project. Submittal of a geotechnical report, methods and procedures related to construction, the recording of conditions of approval and the recording of the identified ECA areas in a permanent covenant are included in the general requirements. All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

Landslide-prone critical areas (SMC 25.09.080)

The standards for Landslide-prone Critical Areas described in SMC 25.09.080, including site stabilization, types and methods of construction, limits and controls to avoid adverse impacts and potential harm, and bonds and insurance will apply to the proposed project. All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

Trees and Vegetation (SMC 25.09.320)

The code section SMC 25.09.320 is often referenced in other Environmentally Critical Area code sections. Decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD. The applicant has proposed limited vegetation removal of non-native invasive vegetation and only in the immediate area of the proposed work. No trees will be removed and a non-disturbance area on the remainder of the hillside will be provided.

Steep Slopes SMC 25.09.180

SMC 25.09.180 provides specific standards for all development on steep slopes and steep slope buffers, including the general requirement that development shall be avoided in these areas whenever possible. Decisions subject to these standards (SMC 25.09.180) are non-appealable Type I decisions made by the Director (or designee) of DPD however, SMC Section 25.09.180.E authorizes variances to ECA development standards under specific conditions as discussed below.

NOTE- *the following non-appealable Type I decisions, made as part of the review of the proposal, will apply to the project:*

a) Per adopted City ordinances, prior to the issuance of the construction permit a determination will be made on the bonding and / or insurance needed for the proposed excavation, as provided for in the applicable grading and construction Code.

And as per the recommendation of geotechnical engineering consultants (Shannon&Wilson Inc.), including:

b) If indicated, pumping will be conducted during construction to prevent soil saturation.

c) All excavation (especially the work associated with the construction of the retaining wall) involving cuts in slopes will be staged to limit cuts to 4 ft. in height and shall limit the scope to an area that can be stabilized within the same work day.

d) During construction the contractor will provide for a drainage control system and backfill voids behind the retaining wall with the type of back fill materials and to the method of installation as recommended by the geotechnical report by Shannon&Wilson Inc. (dated August 31, 2007, supplemented by an addendum dated May 12, 2008) and as specified by the City's Stormwater, Grading and Drainage Control Code (Title 22, Subchapter VIII). Special inspections will be set up to assure the recommendations of the geotechnical report are implemented.

ECA Variance

SMC Section 25.09.180.E authorizes variances to ECA development standards when certain criteria are met. Development may occur in up to 30% of the steep slope area with this variance. Relevant criteria are discussed below. ECA Variance decisions are Type II decisions, subject to the provisions of SMC 23.76 and are appealable to the City Hearing Examiner.

SMC Section 25.09.180.E.1 and 2 authorizes variances to ECA development standards subject to the following criteria. SMC 25.09.180E1 states: *The Director may reduce the steep slope buffer and may authorize limited intrusion into the steep slope and steep slope buffer to the extent allowed in E2* and SMC 25.09.180.E.2 states: *If any buffer reduction or development in the critical area is authorized by a Variance under E1, it shall be the minimum to afford relief.* Relevant criteria are discussed below.

ANALYSIS – STEEP SLOPE AREA VARIANCE

Pursuant to SMC 25.09.180.E the Director may reduce the steep slope area buffer and authorize limited development in the steep slope area and buffer only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

SMC 25.09.180.

E. Steep Slope Area Variance.

1. The Director may reduce the steep slope area buffer and may authorize limited intrusion into the steep slope area and steep slope buffer to the extent allowed in subsection E2 only when the applicant qualifies for a variance by demonstrating that:

a. the lot where the steep slope or steep slope buffer is located was in existence before October 31, 1992; and

The applicant provided a copy of the plat creating the lot, dated September 22nd 1955, that was recorded with the King County Clerk. The Plat indicates that the lot was legally in existence prior to October 31, 1992.

b. the proposed development otherwise meets the criteria for granting a variance under Section 25.09.280.B, except that reducing the front or rear yard or setbacks will not both mitigate the hardship and maintain the full steep slope area buffer.

As noted in the site description at the beginning of this Decision, the use of the property is constrained by a steep slope on both the eastern and western portions of the lot (equal to 19,

140 sq. ft. (or 38%)) of the entire lot area. In addition, the subject property must provide for private sewage treatment due to geology that prevents hook-up to the public system and the septic system requires certain soil and ground water levels to function properly. The location identified requires encroachment into the ECA.

The extent of the steep slope area is more restrictive than the yard requirements. Reducing the front yard and locating the proposed house closer to the “front” lot line, to accommodate the septic system, would mean leaving the previously graded building pad and encroaching into the steep slope on the west portion of the lot. Reducing the rear yard would still result in an impact to the western slope and buffer to install the septic system in the required location.

SMC 25.09.280.B. Yard and setback reduction and variance to preserve ECA buffers and riparian corridor management areas.

B. The Director may approve a yard or setback reduction greater than five feet (5') in order to maintain the full width of the riparian management area, wetland buffer or steep-slope area buffer through an environmentally critical areas yard or setback reduction variance when the following facts and conditions exist:

1. The lot has been in existence as a legal building site prior to October 31, 1992.

As stated above, the subject property was in existence prior to October 31, 1992.

2. Because of the location of the subject property in or abutting an environmentally critical area or areas and the size and extent of any required environmentally critical areas buffer, the strict application of the applicable yard or setback requirements of Title 23 would cause unnecessary hardship; and

As found in the discussion for SMC 25.09.180.E.1.b (above); the location and extent of the steep slope(s) and buffer(s) impacts essentially all of the area outside of a previously graded building pad and the location for the septic system is being prescribed by the soil and ground water conditions required for the system to function properly. Reducing the required yards will not prevent encroachment into the slopes.

3. The requested variance does not go beyond the minimum to stay out of the full width of the environmentally critical area or required buffer and to afford relief; and

Approximately thirty-eight percent (38%) or 1,940 square foot of the lot is steep slopes, virtually all of the lot to the east and west of the previously graded building pad. A private on-site sewage treatment is required due to the geology in the area and development would not be possible on the site without a septic system. The applicant has responded to King County’s requirements for the design and location of the septic system which means a 30 ft. setback from the residence. The proposed location for the septic system has been selected to meet the conditions for proper function of the system and the design of the system (subsurface irrigation) provides for the smallest possible footprint given the soil conditions on the site.

The requested variance to encroach 1,265 sq. ft. in to the steep slope and buffer is the minimum necessary to accommodate the septic system.

1. *The granting of the variance will not be injurious to safety or to the property or improvements in the zone or vicinity in which the property is located; and*

The proposed development will be subject to geotechnical and engineering review at the construction permit stage to ensure there is no (short or long term) impact to the environmentally critical area on site (as discussed above in the SEPA analysis) or to adjacent properties in the immediate vicinity. Seattle Municipal Code including; Environmentally Critical Area regulations, Building Code and Stormwater, Drainage and Grading Code provide for extensive prescriptive standards and authority to condition a project including: design and construction standards, erosion control, shoring and insurance requirements.

The applicant has also provided a geotechnical report prepared by Shannon&Wilson Inc. (dated August 31, 2007, supplemented by an addendum dated May 12, 2008) which has been reviewed by DPD geotechnical staff, that provides for site specific mitigation, design and construction procedures.

Subject to conditions of approval of this Master Use Permit and the review of associated plans for the grading and construction permits, granting the variance to minimally intrude into the steep slope areas will not be injurious to safety, property, or improvements in the zone or vicinity.

2. *The yard or setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining; and*

The yards will not be reduced. A revegetation plan is part of the plan set. All sites in the immediate vicinity must also provide for the same onsite sewage treatment due to the same geologic conditions. The proposed encroachment into the slope is in the interior of a large lot and will not affect surrounding properties.

6. *The requested variance would be consistent with the spirit and purpose of the environmentally critical policies and regulations.*

The environmentally critical policies and regulations were created to preserve existing environmentally critical areas while allowing reasonable use of existing parcels. The applicant proposes demolition an existing single family structure and redevelopment in (essentially) the same foot print on the site.

New construction of a single family structure is a permitted use in the zone. Due to the geography in the vicinity the lots in this area cannot be served by the public sewer system. King County Health Department has required setback, size and design criteria for the septic system that requires limited intrusion into the ECA. The design of the system provides for the smallest possible footprint given the soil conditions on the site. Limited intrusion into environmentally critical area (an area equal to 9% of the ECA on the site), a revegetation

plan and establishment of an ECA non-disturbance area, will protect the mature trees and other vegetation on the site which in turn protects the slope stability.

Additional review of the plans for construction under the existing ECA, Building and Stormwater, Grading and Drainage Control Code will require erosion control, construction methods and drainage to further protect the.

The proposal would be consistent with the spirit and purpose of the environmentally critical policies and regulations, subject to the Conditions required below.

C. When an environmentally critical areas variance is authorized, the Director may attach conditions regarding the location, character and other features of a proposed development to carry out the spirit and purpose of this chapter.

Applicable conditions specific to the site and the proposed development have been applied and are listed in the "Variance Conditions" section below.

SMC 25.09.180.E. Steep Slope Area Variance.

- 3. If any buffer reduction or development in the critical area is authorized by a variance under subsection E1, it shall be the minimum to afford relief from the hardship and shall be in the following sequence of priority:***
- a. reduce the yards and setbacks, to the extent reducing the yards or setbacks is not injurious to safety;***
 - b. reduce the steep slope area buffer;***
 - c. allow an intrusion into not more than thirty percent (30%) of the steep slope area.***

- a) The front yard, rear yard, and side yards are less restrictive than the ECA requirements. Reducing the required yards would not provide relief.
- b) It would not be possible to establish the conditions required for the septic system without intrusion into the steep slope buffer and the slope. In the area of the septic system the buffer is essentially zero.
- c) The proposed septic system and associated grading in a portion of the steep slope will impact 1268 sq. ft. or nine percent (9%) of the total steep slope area and is the minimum intrusion into the steep slopes to allow for septic system.

The proposed development follows the sequence of priority and does not create an intrusion of more than thirty percent (30%) of the steep slope area. The proposal therefore meets this criterion.

4. The Director may impose additional conditions on the location and other features of the proposed development as necessary to carry out the purpose of this chapter and mitigate the reduction or loss of the yard, setback, or steep slope area or buffer.

Reuse of the portion of the site that was previously developed for the footprint of the new construction reduces the impact of the proposed development and limits the intrusion into

the steep slope. Applicable conditions for revegetation and an ECA non-disturbance area, specific to the site have been applied and are listed in the “**Conditions**” section below.

DECISION – STEEP SLOPE AREAS VARIANCE

The applicant has followed the sequence of priority for development in a critical area. The ECA Variance to allow development in up to 9% of the areas measured over 40% steep slope and to place development in the steep slope buffer is **CONDITIONALLY GRANTED**.

CONDITIONS – SEPA

None.

CONDITIONS --VARIANCE

Prior to Issuance of a Master Use Permit

1. Revise all plan sets for accuracy and consistency with all corrections issued by DPD.
2. Permanent visible markers shall be placed along the edge of the Steep Slope areas shown on the survey in the project plan set. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the delineation where the line changes direction (in accordance with instructions contained in Director’s Rule 4-2207). Markers must be in place before issuance of this Master Use permit. Provide proof of placement to Land Use Planner via photograph, survey, or other acceptable means (Justina Guyott justina.guyott@seattle.gov or (206) 233-7898).
3. Provide a signed and notarized ECA Covenant to the Land Use Planner for recording. Addendum A of the covenant shall include a site plan with hatching to indicate the area identified as the non-disturbance area by the Survey and the permanent visible ECA markers established at the edge of the nondisturbance area eca.

Prior to Issuance of Any Construction Permits

The owner and/or responsible party shall:

4. Show on the site plan, the location of a temporary, durable, highly visible construction fence at the boundary between the construction activity area and area of steep slope which is to be left undisturbed.

During Construction

5. The site must be revegetated according to the landscape plan dated January 13, 2009

For the life of the project

6. The owner(s) and/or responsible party(s) shall attach a copy of the recorded Variance to all plans for any permit application.
7. Land disturbing activities such as construction, excavation or grading may not occur in the environmentally critical area or its buffer (together referred to as the "Covenant Area") unless in accordance with the regulations contained in SMC Chapter 25.09 and/or may require city permits. Development is limited to the portions of the Property that are outside of the non-disturbance Covenant Area (Addendum A) per SMC 25.09.240A. Removal and clearing of trees and other vegetation and actions detrimental to trees, such as tree-topping, are not permitted in the Covenant Area except in accordance with SMC 25.09.320. These restrictions do not prohibit entry to, or normal use and maintenance of, the Covenant Area.
8. Provide maintenance for the proper functioning of the septic system.

Signature: _____ (signature on file) Date: April 20, 2009
Justina Guyott, Land Use Planner
Department of Planning and Development

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