City of Seattle
Gregory J. Nickels, Mayor

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

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIR-ECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3009943

Applicant Name: John Harrison

Address of Proposal: 14036 38th Ave NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 6,000 sq. ft. of vegetation restoration in an environmentally critical area. Project includes a re-vegetation plan.

The following approval is required:

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

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS
[X] DNS with conditions
[ ] DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site Description The site is an undeveloped, residentially-zoned property located in the Lake City area, about a quarter mile west of Lake Washington. The site contains steep slopes and is classified as a potential slide area.

Background: The site sits below a row of houses that front on 38th Avenue NE and is subject to a 1973 agreement between certain property owners regarding maintenance of vegetation for view protection. Continuous topping of big leaf maple trees and prevalence of invasive weeds have left the site in poor condition. A seep (seasonal surface drainage) that runs through the property, along with silty clay soils, creates a need for appropriate vegetation management to ensure slope stability. This, along with the desire for preservation of views has

resulted in this application for revegetation and vegetation management to ensure a healthy ecosystem over time that is also appropriate to the human uses of the site.

Zoning: SF 9600.

Parcel Size(s): The area of work is approximately 6000 sq. ft.

Existing Use: Vacant.

Zoning in the Vicinity: SF 7200 west of the subject site; SF 9600 east of the subject site.

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

Proposal

This proposal is to remove 3 maple trees that have been continuously topped, replant with native vegetation and remove invasive species. New plantings will include 3 conifer trees, indian plums, and native understory shrubs. Other maples on the site will be pruned and maintained over time.

The maples to be removed are south of the seep and are in poor condition. Knotweed has invaded the area. While knotweed crowds out other vegetation, its roots are comparatively shallow and it does not provide good slope stability.

The project includes specific recommendations from Scott D. Baker and Holly Iosso, Certified Arborists on the work to be performed. Per the Arborist Report and identified plans, the project includes the following:

Vegetation removal / pruning

- Remove three (3) Bigleaf Maple trees to the ground. Keep the stumps in place and manage the growth of sprouts so that there is one year's growth. This will allow transition to the new plantings while keeping the root systems of the maples in place.
- Keep five (5) Bigleaf Maple in place, prune to favor lateral growth, and continue to manage crown canopy over time. Extend the pruning cycle to 5 years through the use of a tree growth regulator such as Paclobutrazol.
- Remove identified invasive species – knotweed, blackberry, and ivy by cutting to the ground, sheet mulching with landscape fabric and wood chips, and re-cutting every two weeks during the growing season for at least 3 years. Potential use of the herbicide glyphosate or triclopyr is discussed since control of Knotweed and blackberry is difficult.

Planting / revegetation

- Plant the following:

Zone 1 – 39 Indian Plums (lower northern portion of site & upper southern portion of site)
– 3 Western Red Cedar (lower northern portion of site)
Zone 2 – 35 Mock Orange (middle northern portion of site)
Zone 3 – 11 Red Elderberry (lower southern portion of site)
Zone 4 – 6 Beaked Hazelnut (middle central portion of site)
Zone 5 – 41 Red Huckleberry (along seep from upper northern portion of site to central portion of site)

Throughout all zones - Sword Fern (344)

Site Maintenance

Adhere to a maintenance plan.

- Cutting of invasives (knotweed, blackberry, and ivy) every 2 weeks during the growing season; potential use of chemical herbicide at specified times of year.
- Annual pruning of maple stumps to limit sprouts to one year's growth

Public Comments

The required public comment period ended on February 25, 2009. DPD received no written comments regarding this proposal.

ANALYSIS - SEPA

Code Requirements.

The site is located in an environmentally critical area-potential landslide and 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.A3, tree removal and revegetation within a critical area is allowed under certain circumstances. This includes the following situation that applies to the site:

SMC 25.09.320 A3c (2) (b). *"Restoring or improving vegetation and trees, including removing non-native vegetation or invasive plants and noxious weeds…to promote maintenance or creation of a naturally functioning condition that prevents erosion, protects water quality, or provides diverse habitat…*

The code goes on to stipulate that when the area of work is greater than 1,500 sq. ft. in area or if the removal of invasive plants/noxious weeds is by machine or chemicals, the removal must be done in conjunction with a plan filed with the City that:

- is prepared by a qualified professional;
- keeps environmental impact to a minimum;
- is approved before any disturbance occurs;
- is performed by or under the direction of a qualified professional;
- is consistent with best management practices.

Additionally, for landslide prone areas, the plan must be approved by a geotechnical engineer or geologist experienced with analyzing slope stability with regard to vegetation removal.

The code also has a provision for removing trees when it is determined they are a threat to health or safety (SMC 25.09.320 A3d). In such cases the removal must be based on a report by a qualified professional and the tree removal done under the direction of a qualified professional. Certain aspects of this proposal could potentially fall within this provision.

Analysis of Proposal.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 16, 2009. 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 and geotechnical report. Technical assistance was provided by the DPD's Environmental Analyst, Seth Amrhein, a certified arborist, and DPD's geotechnical reviewer. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant provided recommendations made by the applicant's Arborist and conditions contained herein are followed.

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.

<u>Short-term Impacts</u>

The following temporary impacts on the identified critical areas are anticipated:

Herbicide Use. Use of herbicide for noxious weed control can have a temporary negative impact on habitat and water quality runoff. This impact can be minimized if herbicide is applied by a licensed applicator that uses established best management practices to achieve the maximum weed control with the minimum amount of chemical. The elimination of noxious weeds and establishment of a stable native ecosystem will have a long term positive effect on habitat and slope stability. While the consultant's report discusses the use of the herbicide glyphosate or triclopyr, upon further discussion with the consultant, glyphosate is recommended over triclopyr due to its ability to bind with soil particles and because it works well for both blackberry and knotweed. It is also recommended that the herbicide be applied by wiping rather than spraying to minimize its impact on species other than the invasives intended. It is also recommended that it be applied in September before the rainy season when there is less moisture in the soil. The King County website contains best management practices specific to the removal of Blackberry and Knotweed. They are an excellent source of additional information. A condition is stated at the end of the decision that if herbicide is used it be applied by a qualified professional licensed in the use of the chemical, that the chemical be applied directly to the specific plants, rather than sprayed, and that glyphosate be used.

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 reports:

- An arborist report prepared by Scott D. Baker and Holly Iosso, dated June 4, 2008. The report includes a description of the existing site vegetation and its condition, along with recommendations for tree/vegetation restoration and tree/vegetation management.
- A geotechnical report prepared by Engineering Geological Services, dated March 20, 2002 analyzing the soil composition.

This report and associated plans have been reviewed by DPD's geotechnical experts and DPD's Environmental Analyst. It was determined that the proposal should not impact slope stability since there will be minimal ground disturbance --no stumps will be removed and noxious vegetation control will be done through cutting and mulching with potential selective use of herbicide. Plantings will require that soil be exposed but only during the planting itself. After planting with understory native species, the soil will be mulched with wood chips to prevent erosion. The number of plants proposed to be used is substantial.

Long-term Impacts

A possible long-term impact 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 fully implemented or maintained over time. If the maples are cut while invasives are not kept down, and if new plants do not have a chance to establish themselves, the long-term slope stability could be impacted. Since the stumps are being left in place, it is not likely that such impact would happen very quickly.

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.

Watering and maintenance was discussed with the consultant. The consultant stated the site is quite wet and shady, and watering would not likely be needed. However, if needed, water bags for trees, and soaker hoses could be used until plants are established. The consultant recommended an initial planting inspection, and a monitoring check at the beginning and at the end of the growing season for two years. This need for inspection and monitoring is reflected in the conditions for the decision.

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).

CONDITIONS – SEPA

Prior to Finalization of the Tree and Vegetation Site Approval (DPD #6211975)

1. The arborist conducting the work must attend an on-site pre-construction conference with DPD's Site Inspector to discuss erosion control measures prior to the start of work.

2. Planting shall be done per the arborist's report. The arborist conducting the work shall send a brief installation report to the DPD planner after the planting has been completed.

3. The site shall be maintained per the arborist's report. The site shall be monitored for planting success at the beginning and end of the growing season for two years. Notes from the monitoring site visit, including an estimate of percentage of plant survival and weed control across the site, shall be sent to the DPD planner. The report shall include contingency plans if necessary. If at the end of two years the planting plan is a success, then the monitoring reports may be discontinued. If needed, the monitoring shall be continued for up to two additional years with the goal of ensuring new planting are surviving and invasives are under control.

During Construction

4. The herbicide glyph sate may be used if applied directly to the invasive weeds through wiping or injecting. Spraying of herbicide is not allowed. The use of any other herbicide is allowed only if specifically approved by the DPD planner. Any chemical removal of noxious weeds shall be done only be a qualified professional certified in the use of such chemicals. Recognized best management practices appropriate to this site shall be utilized (see the King County website for best management practices for the control of Blackberry and Knotweed).

Signature: (signature on file) Date: April 02, 2009
Holly Anderson, Land Use Planner
Department of Planning and Development

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