



City of Seattle

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: 3011089
Applicant Name: Susan Detweiler
Address of Proposal: 3423 Sound View Dr W

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a Revegetation Management Plan for work already performed in an environmentally critical area. This application is in response to Case No. 1021613. Project includes repairing and re-routing portions of an existing drainage system.

The following approval is required:

SEPA – Chapter 25.05 Seattle Municipal Code for excavation and construction in an Environmentally Critical Area.

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 Description

The site is an irregularly shaped lot taking access from Sound View Drive W from the east and bounded by Puget Sound on the west. The property is undeveloped but at one point there was a small boathouse or shed near the shore. A riprap bulkhead, a very rudimentary road leading from the east side of the lot to the west side near the shore, and an old drainage system originally installed by the Works Progress Administration (WPA) in the 1930s comprise existing infrastructure on the site. The property is zoned Single Family 7,200 (SF 7200). A large portion

of the lot is considered to be a steep slope Environmentally Critical Area (ECA). The site slopes down from the east to the waterfront at the western side. A small Category 4 wetland less than 1,000 square feet has been identified during a previous development proposal that was cancelled. The land within 100 feet of the ordinary high water mark is considered shoreline habitat buffer. Wetlands wetland, shoreline habitat, and the steep slopes are regulated by the City of Seattle Regulations for Environmentally Critical Areas.

Surrounding Area Description

The adjacent area is zoned SF 7200 with parcels characterized by steep slopes and larger Puget Sound view single-family homes.

Project Description

The applicant acquired the subject parcel in 2006 with the intention of preserving the land in an undeveloped condition and establishing a conservation easement restricting future development. Soon after acquiring the property, the applicant retained contractors to: 1) clear and grub the entire lot of all existing vegetation; 2) cover nearly the entire site with a weed barrier fabric in an attempt to suppress invasive weeds prior to planned replanting with native vegetation; 3) improve the existing rudimentary road by placement of quarry spalls on the roadbed to facilitate heavy equipment access to the west side of the property; 4) perform repairs and upgrades to the existing WPA drainage system with design guidance from staff at Seattle Public Utilities, 5) perform repairs to the existing riprap bulkhead (work approved by Shoreline Exemption issued June 6, 2010); and 6) perform minor contouring of the steep slopes. These actions involved grading approximately 80 cubic yards of material, most of which occurred in steep slopes and the shoreline habitat buffer regulated by the City of Seattle's Regulations for Environmentally Critical Areas. The stated objective for much of this work was to rehabilitate existing infrastructure and prepare the site for reestablishment of a native plant community, which the property owner understood was a requirement to obtaining a conservation easement for the lot through a local land conservation trust.

The work that has been completed, particularly conducting land disturbing activities (grading and clearing) in Environmentally Critical Areas, is not specifically permitted without the appropriate permits or approvals from the Seattle Department of Planning and Development. The scope of work also triggers the need for environmental review. Because this work was not authorized by permit, the applicant was issued a Notice of Violation (Case # 1021613) on January 25th, 2010. The applicant is now seeking required permits and approvals from Seattle DPD to approve work already done and complete the revegetation work, stabilization of the steep slopes, and application of a bark mulch surface to the roadway. The revegetation plan includes planting 74 native trees, 568 native shrubs, and more than 18,000 native ground cover plants. Slope stabilization would be achieved by installing a biodegradable geo-coir fabric on the slopes and planting with native vegetation. The proposal includes a five-year monitoring and maintenance plan to ensure revegetation objectives are met. Continued maintenance beyond the scope or timeline presented in the submitted plans will need to comply with the limitations and requirements of the City of Seattle's ECA regulations.

Public Comments

The application was deemed complete on June 30th, 2010, and notice of application was sent on July 8th, 2010. The 14-day public comment period initially ended on July 21st, but was extended an additional two weeks at the request of a concerned party. This project generated eight comment letters within the comment period. Comments were generally supportive of the applicant's objective of removing invasive weeds and replanting with native vegetation, and generally "cleaning up" what some view as a neglected property. However, several parties also raised concerns regarding what is seen as an excessive amount of time to get the work done, the adequacy of the revegetation plan and monitoring plans, and detrimental habitat impacts from the repairs to the bulkhead.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated June 23rd, 2010. The information in that checklist, associated plans and reports, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The project site is located in multiple environmentally critical areas (steep slope, wetland and wetland buffer, and shoreline habitat and shoreline habitat buffer) and therefore, 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 evaluating the need additional for mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and applicable environmental laws.

The Department of Planning and Development has reviewed and analyzed the environmental checklist submitted by the project applicant, the accompanying project plans and geotechnical report and determined that this action will not result in significant adverse impacts to the environment. Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

Short -Term Impacts

The following temporary construction-related impacts are expected: site preparation for planting native trees, shrubs, and groundcover may expose soil leading to increased soil erosion and sedimentation during planting activities and following plant installation until the new vegetation is adequately established on site. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for the identified impacts. The Stormwater, Grading and Drainage Control Code (SMC Chapter 22.800) requires that soil erosion control techniques be in place for the duration of the land disturbing activities. The Regulations for Environmentally Critical Areas (SMC Chapter 25.09), with a stated purpose of avoiding adverse environmental impacts, regulate all activities within ECAs. Compliance with these applicable codes will minimize or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

The ECA Ordinance and Director's Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendation for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement, the applicant submitted a geotechnical engineering study prepared by Terracon Consulting Engineers and Scientists dated March 4th, 2010. The report evaluates the geologic conditions, and the landslide and erosion potential due to past development and the more recently completed clearing and grading and proposed revegetation. The report provides recommendations to temporarily stabilize the site until proposed native vegetation takes hold. The geotechnical reports and construction/grading plans, including erosion control techniques, have been reviewed by the DPD geotechnical engineer. Based on DPD's geotechnical engineer's review of the materials, modifications to the recommendations and erosion control plan were necessary to comply with the city's regulations.

Long-term Impacts

Long-term impacts from the vegetation removal and other construction activities are anticipated to be limited to temporary loss of tree canopy cover and other vegetative habitat, and increased potential for erosion until new vegetation is established. In order to mitigate for the vegetation removal in the Environmentally Critical Area and for the bulkhead repair work, the applicant has submitted an Environmentally Critical Area restoration plan conforming to requirements in SMC 25.09.320. The restoration plan and other associated plans and documents have been reviewed by the DPD Senior Environmental Analyst. Based on this review of the materials, modifications to the planting plan and monitoring plan were required. This proposal includes complete revegetation of the impacted areas with native trees, shrubs, and ground cover. Implementation of this revegetation plan is expected to contribute to long-term slope and soil stabilization and provide improved habitat conditions over the previous condition in which the site was dominated by invasive weeds. After the revegetation and other site work are completed, it is anticipated that the potential for long-term significant adverse environmental impacts will not occur. The applicant has provided a five-year monitoring and maintenance plan, which requires an 80 % plant survival rate of installed plants. This will be achieved by ongoing control of invasive plants, irrigation as needed, and replacement of any dead plantings. Mid-course corrections can be achieved as a result of reviewing the annual monitoring reports to prevent any long-term adverse environmental impacts. As possible long-term impacts are expected to adequately mitigated through compliance with the Environmentally Critical Area restoration plan, no further conditioning is warranted.

