



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: 3004181
Applicant Name: Doug Starup
Address of Proposal: 2639 NW 95th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to remove approximately 350 cubic yards of contaminated soil from a site in an environmentally critical area. The underground residential heating oil tank was removed in 2005.

The following approval is required:

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

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

BACKGROUND DATA

Date of Site Visit: March 27, 2006
Zoning: Single Family Residential 7200 (SF 7200)
Uses on Site: One single-family residence with attached carport.

Substantive Site Characteristics:

This 7,749 square foot subject site is a rectangular lot that fronts on NW 95th Street, and is just west of 26th Place Northwest. The site is within an area zoned Single Family Residential 7200 (SF 7200) which extends to the west and south. The area to the north and east is zoned Single Family Residential 5000 (SF 5000). The right-of-way of NW 95th Street is a 2-lane asphalt street with no sidewalks, curb, or planting strip and that has some on-street parking on the gravel shoulder.

The majority of the subject site has a mild slope from the southern portion downward to the northern portion; however, there is an area of steep slopes in the southeastern corner of the lot with a grade of 40% or more. The environmental checklist states that there is an approximate 1% slope in the project work area which is located in the northern portion of the lot and is in the front yard.

The southern portion of the lot is heavily vegetated with trees and shrubs. There is a creek which flows year-round that traverses the property from the southwest to the northeast of the lot. The creek enters a culvert just south of the foundation for the single-family residence and is channeled under the home and NW 95th Street, and is daylighted on the north side of this right-of-way. The site is within a potential slide area and has steep slopes and is located within a mapped environmental critical area. The environmental checklist notes that the southern end of the site is located within the Great Blue Heron Management Area, and that the project work area (northern portion of the lot) is within the 500-foot buffer zone for this Great Blue Heron Management Area.

Proposal Description:

Master Use Permit to remove approximately 350 cubic yards of contaminated soil from a site in an environmentally critical area. The underground residential heating oil tank was removed in 2005.

Public Comment:

The comment period for this proposal ended on April 12, 2006. During this period, no written comment letters related to this project were received.

ANALYSIS - SEPA

The proposal site is located in an environmentally critical area, 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.

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 was made in the environmental checklist submitted by the applicant dated March 16, 2006. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant and reviewed the project plans and any additional information in the file. As indicated in this analysis, 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.

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 and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to applicable SEPA policies.

The applicant states in the environmental checklist that it will take approximately four weeks to complete the soil excavation activities for remediation of the soil contaminated by heating oil. In the environmental checklist, the project is described as exposing an area of approximately 600 square feet, and the applicant states that if groundwater is encountered during excavation activities, that it will be pumped from the excavation site and stored in a temporary aboveground storage tank at the site. The contaminated soil will be transported from the project site for disposal at a facility licensed by the Washington State Department of Ecology.

Several construction-related impacts to the environmentally critical area are mitigated by existing City codes and ordinances applicable to the project, such as: the Critical Areas Ordinance and the Stormwater Grading and Drainage Control Code. Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation, and further mitigation by imposing specific conditions is not necessary for these 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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

