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MOVE FORWARD TO VOTE.**

Second draft 1-13-16

Re: Recommendations on Draft Environmental Critical Area Update and Revised Great Blue Heron Director's Rule 5-2007

Dear _____

The Urban Forestry Commission (UFC) has been asked to review recent draft updates of the Department of Planning and Development (DPD).

The mission of the UFC is to advise the Mayor and City Council concerning the establishment of policy and regulations governing the protection, management, and conservation of trees and vegetation in the City of Seattle. It is with this mission in mind that the commission provides the following review.

First, regarding the proposed Environmental Critical Areas (ECA) update, the UFC has some recommendations:

- 1. Overall, the City and DPD should do everything possible to make using the Seattle Municipal Code (SMC) and the portion on ECAs user friendly. A detailed table of contents is needed and an index of where to find every reference of each section. Section numbers should be highlighted on the top of each page. Where the text refers to a different section, the subject of what is in that section should be stated. Text should be shortened by using tables and figures. These changes could improve readability and compliance.**

- 2. Overall, add a new requirement that, before receiving a certificate of occupancy from the City, landowners should demonstrate that they have maintained habitat in critical areas and critical area buffers. Specifically, they should give evidence they have removed non-native, invasive, and noxious plants from critical areas and critical area buffers within their parcel in a manner that will not harm these areas. This addition will provide a tool for the City's current planners and inspectors to aid the on-going efforts of organizations like Great Seattle Partnership et al and further the objective of achieving a healthy urban forest as envisioned in the Urban Forest Stewardship Plan. This addition would require the 25.09.045 Exception to be removed for new development or redevelopment. Here's an example from the Kirkland, WA Zoning Code Chapter 95.51:**

Maintenance of Critical Area and Critical Area Buffers. In critical areas and their buffers, native vegetation is not to be removed without City approval pursuant to KZC.95.23(5)(d). However, it is the responsibility of the property owner to maintain critical areas and their buffers by removing nonnative, invasive, and noxious plants in a manner that will not harm critical areas or their buffers. See also subsection (7) of this section and Chapters 85 and 90 KZC for additional requirements for trees and other vegetation within critical areas and critical area

buffers.

3. On page 17, section f, regarding text on public projects, line 9 -- Add language in caps so text reads: "The applicant INITIATING PUBLIC PROJECTS SHOULD BE HELD TO THE SAME HIGH STANDARD AS PRIVATE PROJECTS AND shall protect vegetation and trees pursuant.... And on line 18, add a sentence at the end: REQUIRE THIRD PARTY INDEPENDENT REVIEW WHERE APPROPRIATE.
4. On page 34-35 -- The tables appear to be two versions of the same table. Delete one.
5. On page 58, section D, line 11, #1 – Change a word so text says "The Director on a QUARTERLY basis shall accept and consider nominations for species...." If a species of local importance is in trouble, DPD should be responsive to the needs of that species and its habitat by accepting nominations on a quarterly (not annual) basis.

Second, regarding the revised draft Great Blue Heron (GBH) Director's Rule 5-2007, the UFC would like to commend DPD for incorporating its earlier recommendations regarding Great Blue Heron nesting habitat protection. The commission pointed out in a letter to Diane Sugimura on April 7, 2010 that screening trees shouldn't have to be 22" diameter at breast height to be protected and the protection should be year round, not seasonal. It is nearly six years later, but it is DPD's first opportunity to make improvements in the regulation. The new draft proposes screening trees are preserved starting at six inches in a year-round protection zone. In addition, the UFC has some recommendations that would improve protections for the GBH to:

1. Extend from February 1 through September 1 (not July 31).
2. Include eggs, not just the birds and habitat.
3. Ensure the seasonal zone is a uniform 500' throughout the City.
4. Update the current location of the Kiwanis colony, which moved to Commodore Park in 2013 due to severe eagle predation.
5. Include in the definition of "GBH management area" staging areas from January 1 through March 31 with a radius of 3,280 feet from each nesting colony throughout the City so that sensitive pre-nesting congregations can conduct their early nest scouting and courtship activities, and in the case of the Commodore/Kiwanis colony with a radius of 1,450 feet based on actual heron monitoring, centering on a turreted house on Gay Avenue.
6. Include in the definition of "GBH management area" potential breeding season marine or freshwater foraging areas from March 1 to September 1 annually; for a colony of up to 99 nests provide a radius of 1.9 miles and for a colony of 100 or more nests provide a radius of 6.2 miles.

The UFC appreciates this opportunity to comment.

Sincerely,