

SEATTLE URBAN FORESTRY COMMISSION

Weston Brinkley (Position #3 – University), Chair • Joanna Nelson de Flores (Position #7 – NGO), Vice-Chair
Steve Zemke (Position #1 – Wildlife Biologist) • Sandra Whiting (Position #2 – Urban Ecologist)
Sarah Rehder (Position #4 – Hydrologist) • Stuart Niven (Position #5 – Arborist – ISA)
Michael Walton (Position #6 – Landscape Architect – ISA) • Andrew Zellers (Position #8 – Development)
Craig Johnson (Position #9 – Economist) • Megan Herzog (Position #10 – Get Engaged)
Megan Herzog (Position #10 – Get Engaged) • Whit Bouton (Position #11 – Environmental Justice)
Jessica Jones (Position #12 – Public Health) • Shari Selch (Position #13 – Community/Neighborhood)

The Urban Forestry Commission was established 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

August 31, 2018
Extraordinary Meeting Notes
Seattle Municipal Tower, Room 2750 (27th floor)
700 5th Avenue, Seattle

Attending

Commissioners

Weston Brinkley – chair
Joanna Nelson de Flores – vice-chair
Whit Bouton
Craig Johnson
Sarah Rehder
Michael Walton
Sandra Whiting
Andrew Zellers
Steve Zemke

Staff

Sandra Pinto de Bader - OSE
Michael Oxman
Jim Davis
Tyler Bunton
Lynn Fitzhugh
June BlueSpruce
Carolyn Rodenberg
Kathy Kerkof
Donna Hartmann-Miller
Mary Fleck
Richard Ellison
Lance Young
Dominic Barrera
Donna Barrera

Absent- Excused

Megan Herzog (term expired)
Jessica Jones
Stuart Niven
Shari Selch

NOTE: Meeting notes are not exhaustive. For more details, listen to the digital recording of the meeting at: <http://www.seattle.gov/urbanforestrycommission/meetingdocs.htm>

Call to order

Weston called the meeting to order

Public comment

Michael Oxman – He is an arborist and would like to discuss the Draft Tree Regulations Ordinance DNS. He would like to get a recap from the differences of the current and proposed ordinance. Director's Rule 17-2018 passed in May – on how to appraise the value of a tree using the trunk formula (ISA). In August 1, there is a new way of assessing trees. The UFSP establishes that the City will use consistent terminology. Several things in the draft need to be changed, such as the title. This is really a tree removal and replacement ordinance. No longer protecting exceptional trees.

Lynn Fitzhugh – Wants to talk about LiDAR. She is uncomfortable with the way LiDAR is being used in the ordinance. It would be better if we use methods other cities use, mainly that people have to have DBH measurement of all trees on their property. As currently written, people would have to use a tree service. This ordinance allows for removal as long as there is mitigation. What happens if a neighbor's tree is overhanging on your property and they decide to cut it down, what happens to your canopy cover?

Jim Davis – lives in Magnolia. Has always been interested in trees and now wonders how many trees are left. The latest LiDAR allows for identifying trees in a property. Maybe we can take this a step further and find out how many trees are left in Seattle. This would provide a good benchmark.

Carolyn Rodenberg – she is the chair of 153 and Me. She tends to think about trees rather than canopy. Having measurements of actual trees is very important. Measure trees on a property and determine its canopy through a calculation. This would be helpful.

Dominic Barrera – Director of Plant Amnesty, would like to ask the Commission to discuss the enforcement language currently in the ordinance. In many cases it's up to SDCI's Director.

Kathy Kerkof – She understands that there's been a recent finding of non-significance regarding the tree ordinance. It ignores the science that establishes how important trees are. In order to have social justice you don't have to sacrifice the environment. The elderly, young, and poor people will be suffering if we keep on losing trees. The Guardian published an article that said when the trees die, we die. When it's a choice between the environment and development, the City has always chosen development.

Donna Barrera – would like to hear what the changes from the last iteration of the ordinance are. There is no mention of conifers vs. deciduous. Conifers provide so many more benefits and need to be valued more than deciduous. Would like to have science incorporated in the policy.

Mary Fleck – Seattle Green Spaces Coalition. We count on the UFC as the voice for people of Seattle. Encourages the UFC to be bold and push the City.

Richard Ellison – the proposed ordinance is not going to fulfill SEPA requirements because it doesn't protect landmark trees, habitat and flyways. SEPA has been modified over time to adapt to the needs of the City, but still need to protect large trees that provide habitat and so many benefits. Research into SEPA requirements.

Lance Young – wants to talk in favor of trees. What he sees in the latest draft of the tree code. Going from a tree count that it's easy to keep track of, to canopy cover that is not as easy to measure. Also losing protection for exceptional trees and tree groves. Those protections need to be part of the ordinance. Please push the City to do the right thing and speak for all of us. Don't back-track. Studies provide more benefits as they get bigger.

Draft Tree Regulations Bill discussion and possible vote

The last discussion the UFC had was on the version D5. The current version, D7, was discussed. Commissioners discussed the draft letter of recommendation and voted.

ACTION: A motion to adopt the draft tree regulations ordinance letter of recommendation as amended was made, seconded, and approved.

**NOTE: The discussion about the current draft tree ordinance was very detailed. The meeting notes are not exhaustive. For more details, listen to the digital recording of the meeting at:
<http://www.seattle.gov/urbanforestrycommission/meetingdocs.htm>**

Public comment

June BlueSpruce – appreciate the UFC producing this recommendation and would like to encourage the process to continue moving.

Michael Oxman – This is an attempt to rush through the tree ordinance so MHA upzone can proceed.

New Business

None

Adjourn

Public input

From: Steve Zemke <stevezemke@msn.com>
Sent: Thursday, August 16, 2018 3:41 PM
To: Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>
Subject: Comments on 1st working draft for an updated Tree Protection Ordinance

FYI - comments I sent off to the mayor and City Council.

Coalition for a Stronger Tree Ordinance



Below are my comments and evaluation of the first working draft of the Seattle City Council's Tree Protection Ordinance update.

On August 1st Councilmember Rob Johnson released the first draft of an updated Seattle tree ordinance and a new Council memo.

Draft Tree Regulation Update – August 1, 2018

Central staff memo – proposed tree regulation bill – August 1, 2018

SMC 25.11 – Tree Protection Ordinance being repealed

The draft tree ordinance is not a finished product as there are sections referenced but missing and links and numbers missing in the text.

While it incorporates a number of positions that the Coalition for a Stronger Tree Ordinance and numerous other organizations including the Seattle Urban Forestry Commission urged the city to include, like tree permits for all trees 6" DBH and above and fees to replace trees in all zones, it also removes major tree protections that are in the current ordinance. It repeals much but not all of the current ordinance without including the repealed language in the draft which makes it difficult for people to track the changes.

Reading the bill by itself, it appears to be a good draft until you realize what has been removed. You have to search though

- Existing Legislation (SMC 25.11) that Would Be Repealed by the Ordinance

to ascertain what was repealed and what was kept.

What is added, changed or removed:

- **added** – requires permits for removing trees greater than 6" DBH in all zones of city

- **added** – requires tree replacement if canopy falls below Urban Forestry Management Plan canopy goal for zone that lot is in
- **added** – requires fee in lieu if trees cannot be replaced on site
- **added** – tree care providers must sign statement they have read and are familiar with tree regulations
- **added** – increases penalties for illegal tree removal
- **added** – on site posing required (2 days – minor permit, 2 weeks – major permit)
- **major change** – going from a concept of tree removal to canopy removal. Canopy is a much less precise measurement dependent on LIDAR studies which are really a vegetation cover analysis, not a tree cover analysis. The 2016 LIDAR analysis measured canopy at 8 feet which can include a lot of shrubs like laurel bushes. And while a tree trunk may be on one lot, the tree's canopy can actually be on two or more lots depending on location of the trunk. The city should stick with tree removal, not canopy removal which crosses lot lines.
- **changed** – SMC 25.11.090 requiring developers to replace all trees over 24' DBH and that are exceptional. It replaces it with requiring developers nall property owners to replace all trees over 6' DBH but only up to the canopy goal in that zone. This will result in a net loss of trees where the original canopy is greater than the average for the zone. (Note – SMC 25.11.090 was very seldom enforced by the Seattle Building Department it appears since it was passed in 2001).
- **removed** – [designation and protection of exceptional trees](#) which are the largest trees of a species. The current ordinance said developed property owners can not remove exceptional trees unless they were hazardous. The change significantly reduces protection for large trees. From [Director's Rule 16-2008](#) – “An exceptional tree is a tree that: 1. Is designated as a heritage tree by the City of Seattle; or 2. Is rare or exceptional by virtue of its size, species, condition, cultural/historic importance, age, and/or contribution as part of grove of trees and trees ...”
- **removed** – [protection of tree groves](#) (they were added as exceptional in 2008). Tree groves no longer protected.
- **removed** – a limit of 3 trees per year being removed which were significant (over 6 " DBH) but not exceptional. Draft sets no limit on number of trees that can be removed.
- **removed** – prohibition of cutting down any tree over 6" DBH on an undeveloped lot. Limit would now be by zone allowing a fully treed lot to have its canopy reduced significantly without requiring tree replacement above the canopy goal for that zone, eg 100% canopy cover to 20% in the multifamily zone would be allowed with no replacement required.

A [SEPA Analysis](#) is required under state law. It would require filling out an environmental checklist which is not very detailed. With the major changes proposed, the significance of Seattle's urban forest to the people who live and work here and the uncertainty of what the impacts of a drastically revised draft as currently written would be, requiring an EIS would make sense.

If the city responds by putting back the removed provisions mentioned above from the current ordinance and required tree replacement for all trees removed over 6" DBH either on site or off site in all zones, regardless of whether it is a major or minor permit, while keeping the canopy goals for coverage of lots, then this would be a strengthening of the existing ordinance. However, as written right now, it appears to significantly reduce protection for existing large trees and allows canopy coverage to decrease in zones. A Douglas fir that is 80 years old that is cut down takes 80 years to replace an equivalent canopy. Every tree removed is a loss to the existing canopy coverage and only over a long period of time can it be replaced. Not all trees replaced survive.

According to the [Tree Regulations Research Project Phase 1 Summary](#), the city deals with about 10,000 permits/year. A recent [Seattle Times article](#) put the building permit number last year (a busy one) at 7000. Most of these have trees associated with them. The proposal for major tree permits under the current draft, which are probably mostly during development, would require a detailed tree inventory and tree report identifying trees on site by species and size so identifying exceptional trees would be no problem.

The question is how many minor tree permits are expected. It would appear that it would be far less. It really does not seem it would be a big problem identifying tree species for minor permits, making the “too difficult to determine tree species” not a credible argument compared to the benefit of protecting exceptional trees.

Using canopy goals in the 2013 Urban Forest Stewardship Plan would result in lower goals than actual canopy cover measured in 2016 LIDAR Study in 2 zones. Institutional canopy cover measured in 2016 was 25%, UFSP goal is 20%. Multifamily canopy cover measured in 2016 was 23%, UFSP goal is 20%. LiDAR study also showed higher canopy cover in Developed Parks and Parks Natural Areas than listed as canopy goals.

The Urban Forestry Management Plan is currently being updated and the zone goals could increase. Canopy measurements are actually an average value across a zone meaning lots with more trees average out with lots with less trees – all lots do not have identical canopy.

[Trees for All Timeline](#) now is for a single Sept 5, 2018 public hearing and possible vote by the Planning, Use and Zoning Committee on Sept 19, 2018. If the full Council does not vote by the end of Sept this proposal will be back before the Council in January as they deal with the budget for next year in October and November. There are other issues in the draft to be discussed but we want you to know that the protections mentioned above that were removed are critical to strengthening the existing ordinance and critical to having the support of those of us that have been working for over 10 years to achieve stronger protection for our urban forest. Thank you for your work to date. This is not a simple issue but has many nuances. It is definitely time to move forward.

Steve Zemke

Chair - [Coalition for a Stronger Tree Ordinance](#) - a Project of Friends of Seattle's Urban Forest and TreePAC.
[www.Friends.UrbanForests.org](#) and [www.TreePAC.org](#)

facebook - [Friends of Seattle's Urban Forest](#) and facebook - [Tree PAC](#)

From: heidi calyxsite.com <heidi@calyxsite.com>

Sent: Friday, August 17, 2018 12:09 PM

To: Durkan, Jenny <Jenny.Durkan@seattle.gov>; LEG_CouncilMembers <council@seattle.gov>; McConaghy, Eric <Eric.McConaghy@seattle.gov>; An, Noah <Noah.An@seattle.gov>

Cc: heidi calyxsite.com <heidi@calyxsite.com>; Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>

Subject: Comments on current tree ordinance proposal

Importance: High

Dear Mayor Durkan and Council members:

The comments below pertain to the current proposed changes in Seattle's tree regulations.

It would be consonant with transparent government to make clear **red line changes in the regulations** to make clear what had been deleted.

The City has long struggled with proper tree regulations which, as a matter of first order, needs to be removed from the City's Department of Construction and Inspections. It is a rare city that houses its tree regulations in what's essentially a building department.

While the current tree draft has some positive elements, the way it's written would undermine the City's efforts to protect existing trees and ensure their survival.

I support the findings of the Seattle Urban Forestry Commission and recommend you follow their directions as set forth in their **April 11th, 2018** letter to both of you.

<http://www.seattle.gov/urbanforestrycommission/ufcissueddocuments>

The above link contains all the UFC letters sent to you related to tree policies.

Stormwater Connections, Puget Sound and Biophilia

On a personal note, I work in stormwater management and previously had a business in sustainable tourism. The City vastly underestimates the value of trees on health, water retention, flood buffering, temperature reduction (we rank 10th in the nation for heat island effect), citizen gathering and community development, climate resilience and revenue associated with trees and other forms of biophilia. I'm sure you are all fully aware of the work of the University of Washington (Kathy Wolf, Nancy Rottle et. al.) which sets forth the full range of benefits from appropriate tree retention and protection.

https://www.fs.fed.us/psw/topics/urban_forestry/

In our line of work restoring Puget Sound, I am seeing increased emphasis on tree retention and encourage you to look at WDFW's High Resolution Change Detection results to see the sobering results of forest conversion to impervious surfaces. The latter are a direct superhighway to pollution so if we all like salmon on our dinner plates, forest retention plays a very important role.

<http://www.pshrcd.com/#/intro>

You also might read ***The Nature Fix*** by Florence Williams to see how national scale strategies related to biophilia (which includes trees) yield economically and socially attractive benefits, improves health and avoids having taxpayers finance pollution remediation related to poor urban management.

<http://www.florencewilliams.com/the-nature-fix/>

It's fair to say that most Seattle Residents and businesses understand that the City is under a good deal of development pressure, but there are ways to accommodate growth without removing healthy trees at the rate we are currently doing so. We need to do a much better job of place making and design in Seattle and should seek out advice from colleagues in other places to evaluate what methods are working. IN our rush to find solutions for homelessness and soaring rates of housing/rentals, we are destroying the very essence of what brought us here in the first place. Once we pave it over, it's done (Unless you want to DePave as the trend is increasing, including conversions of large parking lots).

100% Destruction during Development

There is virtually not one lot I have seen developed or re-developed which has not been scraped clean, down to the subsurface, not a Wall-E plant left in sight: large trees, 60 year old fruit trees, cherry trees, hydrangeas, lilacs, large shrubs, flowers- poof! In one redevelopment project in Ballard, I photographed over 100 trees and shrubs/plants that had been destroyed.

In some cases there is some re-vegetation that is robust but most of it is pretty pathetic, with no tree shields between buildings (except on development marketing materials) and little Olive Oyl sticks replacing 150 year old trees removed.

Specific Recommendations

1. Focus on Trees, not canopy, as a metric
2. All trees, regardless of status or location, must be inventoried
3. All trees need permits for removal including use of an arborist
4. Establish a tree removal system- ideally each tree removed would also require a corresponding ecosystem benefit evaluation which would calculate associated losses (flood buffering, temperature reduction, habitat removal etc)
5. All tree removal companies have to be certified by the City and go through regulatory training
6. Step up and address enforcement in line with the UFC's January 10, 2018 letter
7. Remove tree protection exemption for single family lots smaller than 5,000 sf (isn't this more than half of all SF lot sizes?)
8. Keep protection for exceptional trees
9. All real estate transactions are required to have a tree benefit/care/contact information to incent and inspire proper tree care
10. Eliminate any provision that permits tree clearing for views

I would also encourage the city to have developers pay into a **tree bonding mechanism** which would pay for maintenance and long term tree protection and replacement.

CHANGES from current law which must be addressed/restored:

- **major change** – going from a concept of tree removal to **canopy** removal. Canopy is a much less precise measurement dependent on LIDAR studies which are really a vegetation cover analysis, not a tree cover analysis. The 2016 LIDAR analysis measured canopy at 8 feet which can include a lot of shrubs like laurel bushes. And while a tree trunk may be on one lot, the tree's canopy can actually be on two or more lots depending on location of the trunk. The city should stick with tree removal, not canopy removal which crosses lot lines.

- **changed** – SMC 25.11.090 requiring developers to replace all trees over 24' DBH and that are exceptional. It replaces it with requiring developers and all property owners to replace all trees over 6' DBH but only up to the canopy goal in that zone. This will result in a net loss of trees where the original canopy is greater than the average for the zone. (Note – SMC 25.11.090 was very seldom enforced by the Seattle Building Department it appears since it was passed in 2001).
- **removed** – designation and protection of exceptional trees which are the largest trees of a species. The current ordinance said developed property owners cannot remove exceptional trees unless they were hazardous. The change significantly reduces protection for large trees. From [Director's Rule 16-2008](#) – “An exceptional tree is a tree that: 1. Is designated as a heritage tree by the City of Seattle; or 2. Is rare or exceptional by virtue of its size, species, condition, cultural/historic importance, age, and/or contribution as part of grove of trees and trees ...”
- **removed** – protection of tree groves (they were added as exceptional in 2008). Tree groves no longer protected (this is also why the recent Madison Valley PCC project is in litigation)
- **removed** – a limit of 3 trees per year being removed which were significant (over 6" DBH) but not exceptional. Draft sets no limit on number of trees that can be removed (which is ludicrous- we could just mow down the trees altogether over time).
- **removed** – prohibition of cutting down any tree over 6" DBH on an undeveloped lot. **Limit would now be by zone allowing a fully treed lot to have its canopy reduced significantly WITHOUT requiring tree replacement above the canopy goal for that zone, eg 100% canopy cover to 20% in the multifamily zone would be allowed with no replacement required.**

We appreciate your work on this critical issue and urge you to find **balance** in your work- tree protection isn't just a "nice" thing, but it's a necessary complement to the City's livability, climate resilience and its public service commitment to residents, not just developers. Addressing this issue properly might also help you in the court of public opinion as you address related issues which have raised the emotional voice of many (and for good reason, although we could all stand to back off the name calling and incivility).

Thank you for considering these comments.

With best regards,

Heidi Siegelbaum

From: James O'Halloran <ojim1@blarg.net>
Sent: Friday, August 17, 2018 1:31 PM
To: Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>
Subject: Regarding Seattle tree ordinance changes

Hi, my name is Jim O'Halloran. I have been a homeowner in Seattle since 2001, and lived in Seattle since 1976, except for 7 years between 1985 and 1992. In addition to being a homeowner, I have been a renter, and also spent a brief period as a homeless person. I am a proud member of SEIU, and a full-time RN working at Swedish Cherry-Also a bicycle commuter.

I felt it important to respond to the proposed changes to the tree ordinance in Seattle, sharing my personal story. I am emailing to urge support of the recommendations of the Urban forestry commission.

First, although it is common knowledge, it seems important to briefly review the advantages of trees.

1. cooling in summer via shade and release of moisture from leaves and needles
2. warmth in winter by reducing winter storm velocity
3. oxygen production and carbon dioxide reduction
4. reduction of pollutant particulate matter, including transit exhaust and industrial emissions
5. urban wildlife habitat
6. soil replenishment
7. enhancement of the quality of life for the people in Seattle

Here is my story, which I believe highlights the shortcomings of the current tree ordinance, and calls into question the proposed changes.

In about 2011 the single family home on the double lot next door was demolished. In 2014, two 3,000 share foot homes were built, which have no resemblance to the other homes on the block. These two homes are occupied by a total of THREE people, and sold for approximately one million dollars each.

What was lost?

About 13 trees, including a towering Douglas fir which was 1/4" shy of being a heritage tree, a western hemlock, a spruce, a few apple trees, a walnut tree and an ornamental cherry tree, along with an enormous grape vine, ferns, and other undercover. All this vegetation was replaced by a few consolation maples and other small trees.

What else was lost?

The bald eagle roost, the deer which showed up in our driveway one morning, the occasional coyote, many bird nests, habitat for squirrels, raccoons, etc.

We as a community can't afford to lose heritage tree classification, so three people can occupy 6,000 sf of living space. If anything, the classification should be for an even smaller caliper tree.

Had that been the case, all the understory plants would be likely to remain also, providing benefit for the human and non-human citizens of Seattle.

Lidar is a good concept, and is lower expense-and may be a valuable statistical tool, but cannot be a substitute for on the ground assessment. It does not take into account property lines, nor does it provide distinction between trees and shrubs. It could be likened to using a hammer to fix a watch.

I fail to understand how this helps to alleviate the housing shortage in Seattle, provide quality of life for the general populace, give access to affordable housing, or contribute to the environmental health of our city. This is especially pressing now, when our air quality has been worse than that in Beijing!

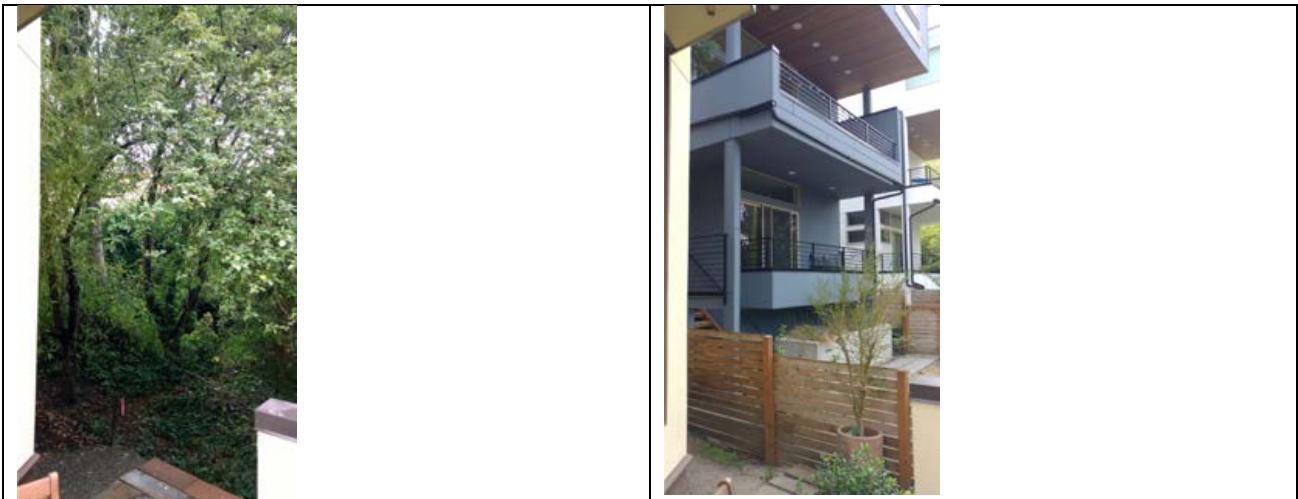
Here are some before and after photos of what occurred next door to me.

From our driveway, rear deck and satellite, before and after:

Thanks much for your time!

Jim O'Halloran





Jim O'Halloran - ojim1@blarg.net

From: James Davis <jamesdavis1400@gmail.com>
Sent: Friday, August 24, 2018 12:57 PM
To: Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>
Subject: Need for Legal Services Funding for Tree Ordinance

Hello Sandra,

I would like to recommend that the Commission consider asking for specific funding for legal services to support either the current ordinance or the new ordinance under consideration.

The attached example shows that even with laws in place to protect Exceptional Trees and an inspector doing his or her job building the case and developing the appropriate fine, the fine then gets thrown out or reduced at the Directors Review Level because an attorney shows up or a tree services company lies – blatantly in the example. The current ordinance or new ordinance has to have funding for legal support to take the violators to court if necessary and not just back down as happened here, and in many other cases I assume. (I have personally seen two other cases like this.)

Additionally, this type of process that lets violators off can only be demoralizing to inspectors working hard to protect our trees and apply the laws.

Best regards, Jim Davis



City of Seattle
Seattle Department of Construction and Inspections
Nathan Torgelson, Director
Code Compliance Division

Tree Penalty Worksheet

Address: 4405 Gilman Ave W Case#: 1044344-VI
(ECA: Potential Slide Area - ECA2 & Wildlife Habitat - ECA9) Date of Inspection: 5/22/2018
Tree Name/Species: Western Hemlock - Tsuga heterophylla

The Tree Value amount is determined using the formula:

Tree Value = (Basic Tree Cost) x (Species Rating %) x (Condition Rating %) x (Location Rating %).

Species rating varies depending on whether the tree cut is an Exceptional tree with a different species rating; however, if a tree has already been cut and the tree species cannot readily be determined, SDCI uses species, condition and location ratings of 70% each.

Basic Tree Cost is the area of a cross-section of the trunk multiplied by the base price for the type of tree, which is \$57 per square inch for conifers and \$72 per square inch for deciduous trees. The area of the cross section is calculated using the formula $\pi \times (1/2 \times \text{diameter})^2$.

For each tree:

Base Price per tree type:

Deciduous base price = \$72 per square inch

X Conifer base price = \$57 per square inch

Tree Diameter*: 38.7-inches

(43-inches reduced by 10% = 38.7-inches)
*(Measurement taken below 4.5ft and a 10% reduction was applied per DR 17-2018)

Basic Tree Cost is calculated using $\pi \times (\text{diameter}/2)^2 \times \text{the base price per square inch}$.

FALSE

Tree Value is the Basic Tree Cost multiplied by the species(%), condition(%), and location(%) ratings.

The Tree Value is \$67,014 X 60% X 70% X 60% = \$16,888 in penalty for this tree.

Basic Tree Cost: \$67,014

When Property is Located in ECA

Penalty (per each exceptional tree): \$16,888

Penalty (per tree): \$5,000 (SMC 25.09.460)

Total # of Trees Cut: 1

Total # of Trees Cut: 1 (over 6-inches)

Total Penalty Amount = \$16,888

Total ECA Penalty Amount: \$5,000

Due to a willful or malicious act**, the Total Penalty Amount is \$50664 (SMC 25.11.100.I) in addition to

\$5000 for cutting in ECA for a TOTAL of \$55664

**

From: heidi calyxsite.com <heidi@calyxsite.com>

Sent: Monday, August 27, 2018 7:11 PM

To: An, Noah <Noah.An@seattle.gov>; Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>;

LEG_CouncilMembers <council@seattle.gov>

Cc: heidi calyxsite.com <heidi@calyxsite.com>

Subject: Comments on D7 Most recent Tree regulations

Dear Colleagues:

Below please find updated comments regarding the City's proposed tree regulations. Please consider them my formal comments for the September 5th hearing. They update but do not amend my last set of comments:

1. Clearly the drafters have not done their homework or they cared not to. The implications of large scale removal of tree groves, heritage trees, exceptional trees and replacing them with 2 inch caliper seedlings will have devastating and enormous implications for stormwater, climate change, water quality, hydrologic patterns within the city, the urban heat index and habitat. For each tree removed, it will take that equivalent time to regrow and confer benefits. The city has not calculated what a 10-100 year time lag in benefits will mean for all the environmental functions and structure involved in a SEPA determination
2. The tree canopy assessment - using a gross technique which captures shrubs and other forms of vegetation (LiDAR), cannot be used for the private land portion this ordinance addresses. The 28% canopy figure was city wide and includes open space, ROW and other forms of public land not applicable here.
3. In the preamble of the ordinance, it cites the values of urban forests yet the ordinance permits- by its own writing- tree removal on 67% of the city's land where trees are located.
4. You should title 25.11.080 for what it is: Tree permit REMOVAL criteria and conditions. Don't hide behind what it is.

5. It is laughable and constrains any sense of reality that homeowners would be able to perform the tree canopy lot coverage estimates and invites gaming the system. We are already dealing with a scenario whereby most homeowners have no idea what the law is on tree protection or removal and where the law is blatantly violated by both property owners hungry for sun/views or tree companies hungry for money.
6. You reduced the institutional overlay canopy requirements from 25% to 20%- why? On what basis? UW pressure?
7. The off-site planting options also strain reality: do you really think that a property owner will be able to convince another private property owner or a public agency (who needs “Director” approval) to permit a tree replacement when they (the latter) will be on the hook legally for ensuring the tree’s survival? What about private entry? Easements? Contingent liabilities associated with latent defects on the receiving property?
8. The provisions that permit removal by developers who must determine “to the greatest extent practicable? Is code for doing nothing.
9. 25.11.080 does not require the development application approval to be conditioned to require notice about tree protection on the title. Is this so subsequent buyers/developers will not have sufficient notice or an encumbrance on that title?
10. “Minor” significant tree removals do not require that the applicant state what type of tree is being removed. Why?
11. 25.14.120: Notice of violation will not be served on the new owner- why not?
12. You don’t have a definition of conifer “invasive root structure” which will incent- as written- removal of the high value conifer.
13. Why aren’t you requiring tree companies to take training? Do you really think that requiring them to passively read the ordinance and say ok will actually change behavior or outcomes? I think not.
14. There is also no geographic guidance for WHERE geographically within a zone, receiving trees should be sited. This is a huge gap and misstep.
15. How will you communicate with all the developers, property managers, real estate agents, contractors, tree companies and residents about these new regulations?
16. How will you finance enforcement? How will you cover weekend violations when most of them occur? I called community policing and they know nothing about the tree regulations. They are cited as your secondary backup for violation calls after 4:30pm.
17. Why don’t you address leaf area index in the ordinance?

I look forward to your response after the hearing.

Sincerely,

Heidi Siegelbaum

(206) 784-4265

From: James Davis <jamesdavis1400@gmail.com>

Sent: Friday, August 31, 2018 9:20 AM

To: Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>

Subject: Continue Protection of Exceptional Trees

Sandra, I have attached a document on the value of our large trees and a concern about the tree canopy percentage approach for the Urban Forestry Commission. Thank you, Jim Davis

CONTINUE THE PROTECTIONS FOR EXCEPTIONAL TREES IN SEATTLE’S PROPOSED NEW TREE ORDINANCE

As John Steinbeck said about the redwood trees in California, we also feel about the large trees in the Emerald City: “They are ambassadors from another time.”

Not only do they inspire us, but they protect our well-being as well. According to the American Forestry Association, a tree with a 30” inch trunk diameter will deliver 70% more environmental services than a 3” sapling.

The Seattle’s Forest Ecosystem Values report of August 2012 stated the following: “Seattle’s urban forest stores approximately 36 metric tons of CO₂ equivalent (or 9.9 metric tons of carbon) per acre and sequesters approximately 26 metric tons of CO₂ equivalent (or 0.7 metric tons of carbon) per acre.”

That same report states: “The urban forest CO₂ removal rate per year is 2%, or 7 days, of the city’s total annual emissions.”

Our large trees are one of our most important public health infrastructures. Yet they are endangered.



The 2016 Seattle Canopy Cover Assessment stated that there were only 6,338 trees of trunk diameter of 30" and greater left in the city. The same study stated there were only 3,188 tree groves left.

Large trees require space – an estimated 900 square feet - and require protection during this development boom. The space they need to survive and the public health benefits they provide are not represented among the market forces currently in play.

For example, the current rules for development allow a mature tree to be cut down in exchange for four new saplings to be planted. This is like trading Marshawn Lynch for four junior varsity running backs.

We appreciate the efforts to enhance the protection of our tree canopy in the new Seattle Tree Ordinance currently being considered and the more rigorous enforcement in that Ordinance.

However, the protection of large trees is not fully represented in the canopy coverage metric alone. For example, a large tree can have the same canopy coverage as four smaller trees. If a single-family lot has 50% canopy coverage currently with this situation of five trees, then we believe the large tree will be cut down and the 32% canopy coverage baseline will still be met.

We strongly urge that the current protections for Exceptional Trees be continued.

From: Lance Young <lance_young@yahoo.com>

Sent: Friday, August 31, 2018 5:59 PM

To: Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>

Subject: Findings Contradict Assumptions, Trees actually Accelerate Growth as they age!

Hi Sandra

Would you please forward this email and attachments to the Forestry Commission for me.

Lance

=====
Subject: Findings Contradict Assumptions, Trees actually Accelerate Growth as they age!

THIMC

Studies make it more clear than ever that it is very important to save our big trees where possible since they sequester more carbon and produce more canopy growth per year the older and larger they get.

Attached is a good summary from the guardian of a study published in the Journal Nature Jan 15, 2014. The study was a team of 38 researchers lead by Nate Stephenson with the US Geological Survey. The study says effectively that unlike most mammals which slow and eventually stop growing with age, trees continue to accelerate their growth rate so long as they are healthy throughout their lifespan. As they grow they continue to add canopy to photosynthesize the neutrals needed to support this growth, and continue to accelerate carbon sequestration at the same rates. Basically with a linear relationship between Diameter at Standard Height DBH, and tree height and canopy diameter. So older larger trees provide a significantly larger environmental benefit than smaller trees.

1. The scientists from 16 countries studied measurements of 673,046 trees of more than 400 species growing on six continents, and found that large, old trees actively fix larger amounts of carbon compared to smaller trees.

2. The study also shows old trees play a disproportionately important role in forest growth. Trees of 100cm in diameter in old-growth western US forests comprised just 6% of trees, yet contributed 33% of the annual forest mass growth.

3. A single big tree can add the same amount of carbon to the forest in one year of growth as is contained in an entire mid-sized tree (of say 40 years old).
4. In absolute terms, trees 100cm DBH typically add an average of 103kg per year. This is nearly three times the rate for trees of the same species at 50cm in diameter, and is the mass equivalent to adding an entirely new tree of 10-20cm in diameter to the forest each year.
5. "This finding contradicts the usual assumption that tree growth eventually declines as trees get older and bigger," said Nate Stephenson, the study's lead author and a forest ecologist with the US Geological Survey (USGS). "

Also attached is a study that found a trees diameter at standard height DBH, is directly comparable (a linear relationship) to the trees height and canopy.

Thank you for our cities canopy

Lance Young
Interurban Trees (ITTPS), Tree Pac
206-363-0859

From: David Moehring <dmoehring@consultant.com>
Sent: Friday, August 31, 2018 6:09 PM
To: An, Noah <Noah.An@seattle.gov>; McConaghy, Eric <Eric.McConaghy@seattle.gov>
Cc: Sawant, Kshama <Kshama.Sawant@seattle.gov>; Juarez, Debora <Debora.Juarez@seattle.gov>; Herbold, Lisa <Lisa.Herbold@seattle.gov>; Harrell, Bruce <Bruce.Harrell@seattle.gov>; Bagshaw, Sally <Sally.Bagshaw@seattle.gov>; O'Brien, Mike <Mike.OBrien@seattle.gov>; Johnson, Rob <Rob.Johnson@seattle.gov>; cynthia.phillips@seattle.gov; Mosqueda, Teresa <Teresa.Mosqueda@seattle.gov>; Lumsden, Faith <Faith.Lumsden@seattle.gov>; Joe3 Veyera <qamagnews@nwlink.com>; Dilley, Jana <Jana.Dilley@seattle.gov>; DOT_SeattleTrees <Seattle.Trees@seattle.gov>
Subject: Planning, Land Use, and Zoning Committee Agenda – Public Hearing – 9/5/18
Importance: High

RE: Draft Tree Removal Ordinance

Please enter into the public record for the September 5th Hearing.

Copy to:

The Honorable Rob Johnson, Chair of Planning, Land Use & Zoning Seattle City Council
The Honorable Mike O'Brien
The Honorable Lisa Herbold
The Honorable Lorena Gonzalez
The Honorable Sally Bagshaw,
The Honorable Lorena Gonzalez
The Honorable Debora Juarez
The Honorable Teresa Mosqueda
The Honorable Lorena Gonzalez
The Honorable Kshama Sawant

Dear Mr. An and Mr. McConaghy,

Please explain how and why the "*Draft Tree Protection Ordinance*" and program mislabeled "*Trees for All*" results in the proposed **removal of tree protection** - making it easier for **new home builders** to remove trees without replacing them.

There are too many examples of reduced tree protections being proposed within the new ordinance. Please provide a citywide open forum. It is unjust to allow just ten (10) minutes of researched feedback on this significant issue! Most important, how may a City Council propose reductions in tree protection while disregarding the State requirements for an environmental impact study?

A Case in Point:

The proposed 'tree protection ordinance' weakens tree protection the most where the most of Seattle's "urban forest" exists - single-family zoned lots which hold almost **two-thirds of Seattle's trees**. Although the City proposed changes places additional burdens on existing home owners, it removes all barriers to tree removal from new home builders. Yet, Seattle does not suffer so much the residents yielding chain saws. The damage is done by the **home builders clear-cutting established groves and significant trees**. The new ordinance allows this to happen with the complete removal of section **23.44.008 paragraph 'I'** from the Seattle Municipal Code.

For years, Seattle codes required that NEW houses on single-family zoned lots maintain their heart of the urban forest. If, however, this environmentally smart code section is not maintained as it is today, **retaining existing trees and/or planting new trees in a size that is proportionate to the lot area will no longer be required**. To help explain the significant risk of striking this current tree retention and refurbishment requirement, I have added a general diagram herein. Specifically, if one builds a new house on a typical 5,000 square foot lot, then they also must retain and/or plant enough trees so that the total of all trees measured are at least 10-inches in width (measured at a set location). If that 5,000 square foot lot already has and will retain existing trees that at least total 10-inches in width - then no additional new trees are required to be planted. That seems in part a fair incentive to **retain existing mature trees** that do so much more for the micro-climate of Seattle than some convoluted "green factor"!

Why might some *councilpersons* likely be promoting the removal of this enduring tree retention / replanting code section? We all need to know. I suspect that without the existing trees being in the way on residential development lots (where most of Seattle's Urban Forest exists), it makes the forthcoming changes to Accessory Dwelling Unit (ADU) easier to be achieved.

For reference, I have copied and pasted the relative text that is shown by Mr. McConaghy to be completely struck from the Seattle Municipal Code --- which will definitely have a potential for significant environmental impacts. This text is at the bottom of the message - below the illustrative diagram.

Yes, Trees for all ...**including new** development sites!

David Moehring AIA
3444 23rd Ave W
Member, TreePAC

From: David Moehring <dmoehring@consultant.com>
Sent: Friday, August 31, 2018 1:44 PM
To: Steve Zemke <stevezemke@msn.com>; Kevin Orme (via treepac_seattle Mailing List) <treepac_seattle@lists.riseup.net>; RICHARD ELLISON <climbwall@msn.com>; Mike Dey <MSDey50@aol.com>; michaeloxmancomcast.net <michaeloxman@comcast.net>; Michael Ruby <mruby@envirometrics.com>; Toby Thaler <toby@loupeloup.net>
Cc: Baker Street Community Group Steering Committee <baker-street-community-group-steering-committee@googlegroups.com>; urbanmagnolia@pacificwest.com
Subject: Why does "Trees for All" void current tree planting requirements for SF-zones?

Be sure to include our public comments the weakened tree ordinance with the complete removal of section **23.44.008 paragraph 'I'** in the Seattle Municipal Code.

To help explain the loss of this current code requirement, I have added a diagram below. the requirement applies only to NEW houses on single family zoned lots. If this code section is not maintained and included as it is today, retaining existing trees on the site and/or planting new trees in a size that is proportionate to the lot size will no longer be

required. Today, if you build a new house on a typical 5,000 square foot lot, then you need to plant as many trees so that the total of all new trees planted is 10-inches in width measured just above the ground. Better, if that 5,000 square foot lot retains existing trees that at least total 10-inches in width - then no additional new trees are required to be planted. That sounds like a fair incentive to me to preserve existing mature trees that do so much for the micro-climate of Seattle!

Why are the "*build-build-build*" *councilpersons* likely promoting this removal of this enduring tree retention / replanting code section? I suspect that without the existing trees being in the way or new native species being added on a single-family lots (where most of Seattle's Urban Forest exists), it makes the forthcoming changes to Accessory Dwelling Unit (ADU) easier to be achieved. How? Folks will be allowed adding up to two dwellings each of 1000 square feet in size in the backyard of the primary residence, and would no longer be restricted by the space required for significant trees. The illusionary 'green factor' attempts to compensate for the loss of tree growth areas. We all know mature trees need at least a 20 foot by 20 foot area to grow... and with ADU you only need to leave a 5 foot wide space from the edge of the ADU to the property line.

For reference, I have copied and pasted the relative text that is shown to be completely struck from the Seattle Municipal Code --- which will definitely have a potential for significant environmental impacts. It's at the bottom of this message below the illustrative diagram.

Trees for all (AND including development sites),

David Moehring AIA NCARB
Magnolia Community Council Land Use Committee, Board member
TreePAC, Board member
Baker Street Community Group, Steering Committee member
312-965-0634

23.44.008 - Development standards for uses permitted outright

Diagrammed interpretation on the Tree Requirements in Single-Family Zones.

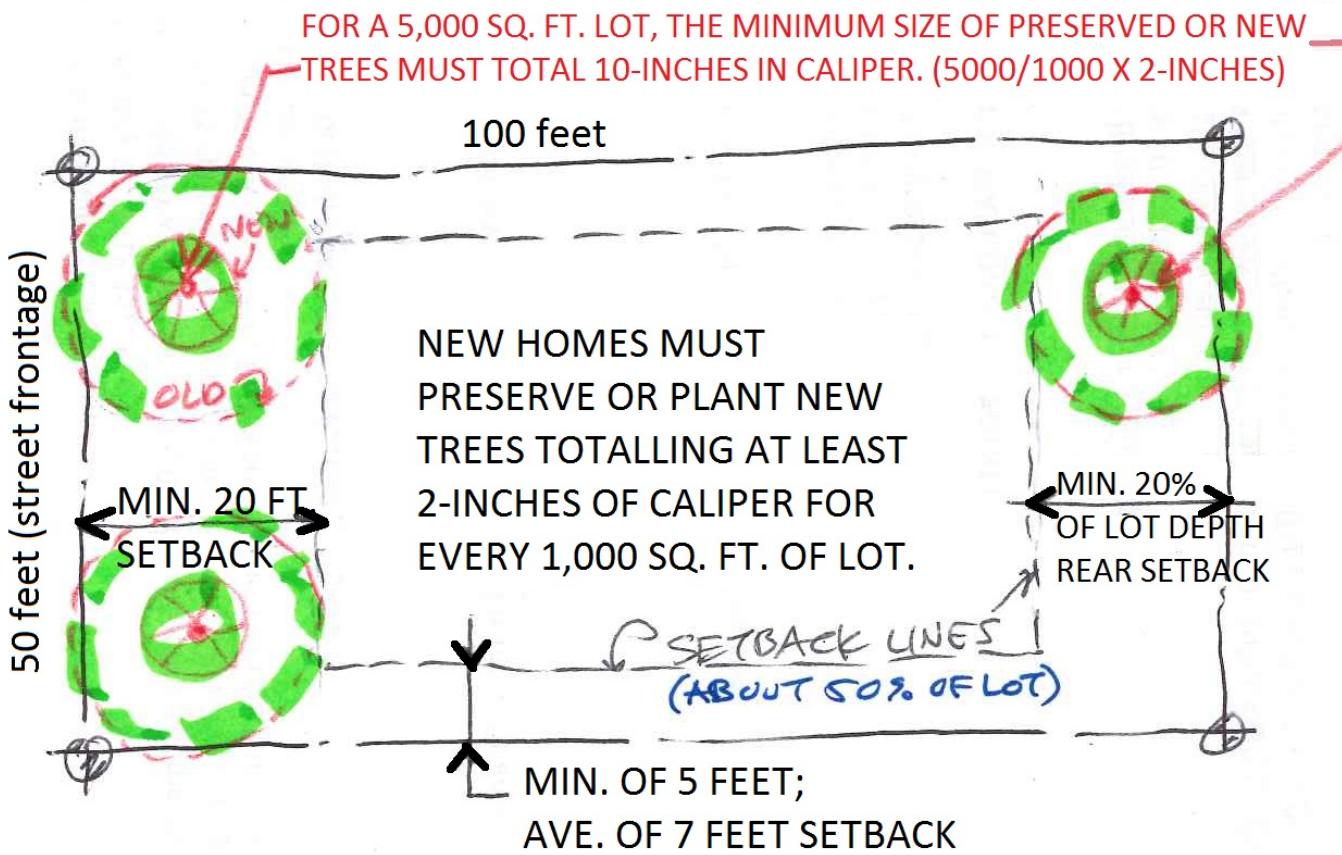


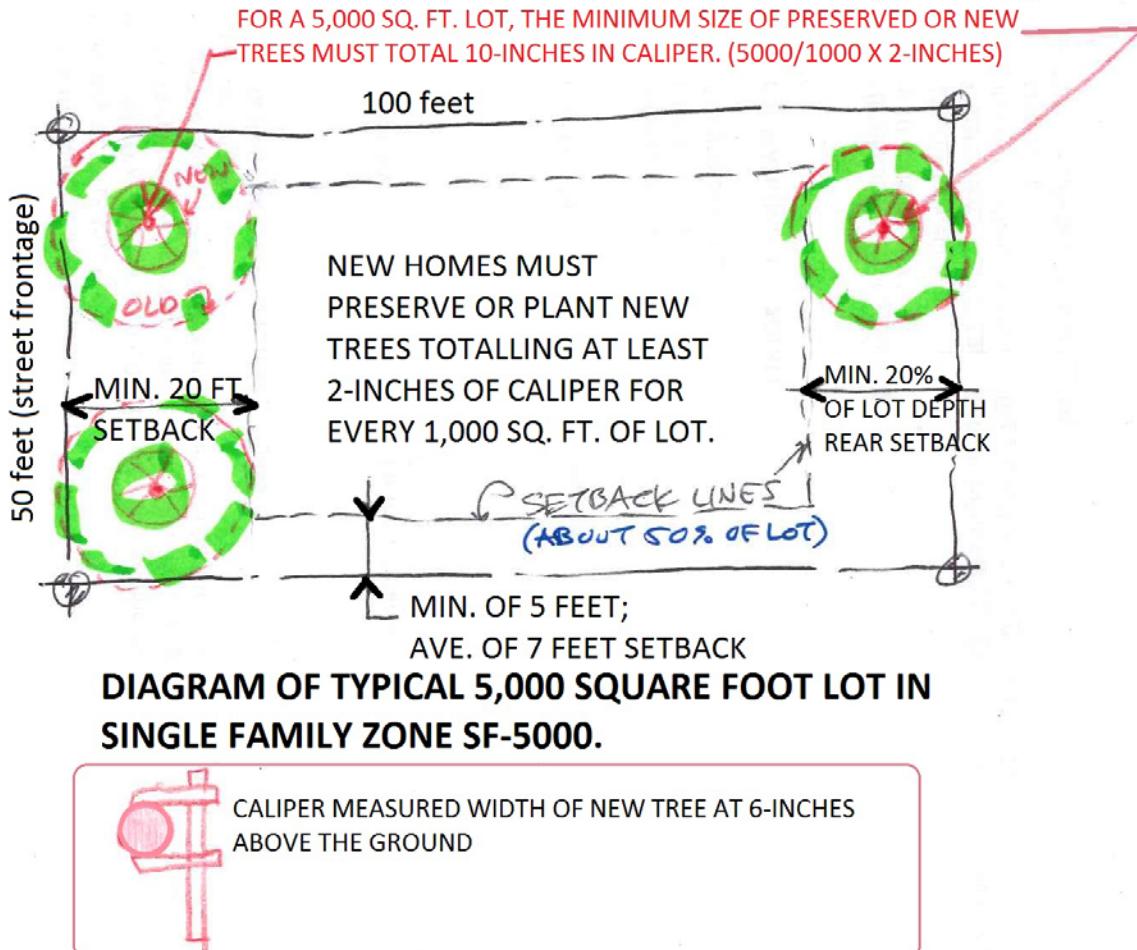
DIAGRAM OF TYPICAL 5,000 SQUARE FOOT LOT IN SINGLE FAMILY ZONE SF-5000.



CALIPER MEASURED WIDTH OF NEW TREE AT 6-INCHES ABOVE THE GROUND

23.44.008 - Development standards for uses permitted outright

Diagrammed interpretation on the Tree Requirements in Single-Family Zones.



Subject: Planning, Land Use, and Zoning Committee Agenda – Public Hearing – 9/5/18

PLEASE KEEP IN THE CURRENT TREE REQUIREMENT of SMC 23.44.008 in ITS ENTIRETY IN ORDER TO AVOID NEGATIVE IMPACTS TO THE SEATTLE ENVIRONMENT:

Template strikes the below section as last revised by the City November 21, 2017 by Eric McConaghay (LEG Tree regulation updates ORD D7)

I. Tree Requirements.

1. Trees are required when single-family dwelling units are constructed. The minimum number of caliper inches of tree required per lot may be met by using either the tree preservation option or tree planting option described in subsections 23.44.008.I.1.a. or I.1.b., or by a combination of preservation and planting. This requirement may be met by planting or preserving street trees in the public right-of-way. Submerged land shall not be included in calculating lot area for purposes of either the tree preservation option or tree planting option.
 - a. Tree Preservation Option. For lots over 3,000 square feet, at least 2 caliper inches of existing tree per 1,000 square feet of lot area must be preserved. On lots that are 3,000 square feet or smaller, at least 3 caliper inches of existing tree must be preserved per lot. When this option is used, a tree preservation plan is required.
 - b. Tree Planting Option. For lots over 3,000 square feet, at least 2 caliper inches of tree per 1,000 square feet of lot area must be planted. On lots that are 3,000 square feet or smaller, at least 3 caliper inches of tree must be planted per lot.
2. Tree Measurements. Trees planted to meet the requirements in subsection 23.44.008.I.1 shall be at least 1.5 inches in diameter. The diameter of new trees shall be measured (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5 feet above the ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as 1 inch

toward meeting the tree requirements in subsection 23.44.008.I.1. When an existing tree is more than 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count as 3 inches toward meeting the tree requirement.
3. Tree Preservation Plans. If the tree preservation option is chosen, a tree preservation plan must be submitted and approved. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the [SDCI] Director.)

From: Kristin Gearin <dharmadog7@comcast.net>
Sent: Saturday, September 01, 2018 2:31 PM
To: Johnson, Rob <Rob.Johnson@seattle.gov>
Cc: Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>
Subject: honoring history and timeless values when moving forward

Hello Mr.Johnson,

I am a 30 year Wedgwood resident. My husband and I fell in love with this neighborhood in the early 80's, drawn to it by its amazing trees. After years renting in Wedgwood we finally were able to buy our family home here for \$249,000 in the year 2000.

The Wedgwood neighborhood has a wonderful and well documented history in a news letter named the "Wedgwood Echo" that was published 6 times a year from mid-1950's until 2012. .

Albert Bach the original developer had the vision that the trees where to be valued and included in the plans, yes he really did plan and build around them!

Valarie, (who refers to herself by first name only) is the former writer/publisher of the "Wedgwood Echo" and who now has a Blog titled "Wedgwood In Seattle History" wrote,

"In Wedgwood, one of the advertised features was that the trees had NOT been cut down. Instead of the bare, scraped-earth appearance of an all-new development, the tall Douglas fir trees of Wedgwood gave the neighborhood a finished look and a sense of being nestled in a natural environment."

In this time of fast and often reckless change, I think if we paused and looked deep ahead before casually chopping down irreplaceable 25, 50 or 100 year old great trees, if we could think creatively, if developers could tolerate being challenged or inconvenienced to accommodate the existing trees in their building projects, we could be moving toward investing in a future that is healthier and more beautifully alive.

There is nothing that razing a lot, destroying every living thing on it, casually plowing down all the trees to build huge million to 2 million-dollar homes that feature an instant lawn a few bushes and some ornamental grass does for affordable housing or air-quality, mitigating climate change, or assisting in efficient drainage.

Is it possible we could change our concept from viewing land as a commodity belonging to us to seeing it as Aldo Leopold, the great American conservationist and author did when he wrote "When we see land as a community to which we belong, we may begin to use it with love and respect."?

With hope for a truly Emerald City,

Kristin Gearin