



SEATTLE URBAN FORESTRY COMMISSION

Julia Michalak (Position #1 – Wildlife Biologist), Co-chair
Joshua Morris (Position #7 – NGO), Co-Chair
Elby Jones (Position #2 – Urban Ecologist - ISA) • **Weston Brinkley** (Position #3 – University)
Stuart Niven (Position #5 – Arborist – ISA) • **David Moehring** (Position # 8 – Development)
Blake Voorhees (Position # 9 – Realtor) • **Jessica Hernandez** (Position #11 – Environmental Justice)
Jessica Jones (Position # 12 – Public Health)

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

Meeting notes

February 9, 2022, 4:00 p.m. – 5:30 p.m.
Via Webex call
(206) 207-1700
Meeting number: 2493 552 5021
Meeting password: 1234

In-person meeting are not being held at this time due to the pandemic. Meeting participation is limited to access by joining the meeting through a computer or telephone conference line.

Attending

Commissioners

Josh Morris – Co-Chair
Julia Michalak – Co-Chair
Weston Brinkley

Staff

Patti Bakker – OSE

Guests

Toby Thaler
Laura Keil

Absent- Excused

David Moehring
Blake Voorhees
Stuart Niven
Jessica Jones
Jessica Hernandez

Public

Steve Zemke

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: Josh called the meeting to order 4:03, without a quorum of Commissioners, and offered a land acknowledgement.

Public comment:

Steve Zemke discussed the presentation at the Land Use Committee regarding the ordinance. It is on the Seattle Channel; there was a lengthy discussion. There are concerns on it that he will be writing up. The

timing of when it returns to Council is not known at this point. He also commented on the draft state bill HB1782 dealing with middle housing; there is a concern on how it might impact tree canopy.

Jim Davis – looking forward to the SDCI presentation; the canopy maps showing trees of different sizes in the presentation are interesting. The technology allows for determining the numbers and that would be helpful also. He also thought the legislation on tree providers was interesting and suggests that consequences to tree providers who are intimidating to folks be incorporated into it.

Chair, Committees, and Coordinator report:

Josh noted that he, Julia and Patti participated in interviews with the two current position candidates. His interview went very well and the candidate is impressive. Julia noted that the interview she participated in went similarly and is looking forward to that going through.

Patti noted that those were the candidates for positions 4 and 6. Given the positive outcomes of those interviews, we will be taking next steps to appoint those candidates to those positions. There is action happening now to confirm the Get Engaged member appointments, which needed to be refreshed so that they are coming from the new Mayor and forwarded to Council for confirmation. Again, Laura Keil is our Get Engaged candidate that we are looking to get confirmed in this process and has been patient with it, and attending meetings and participating with the Commission in the meantime.

Recruitments for positions 2, 3 and 13 have been discussed recently, and the application for those positions was posted earlier this week; with applications due Feb. 24th. Patti sent information on this to Commissioners, and will post the link to the application in the chat so meeting attendees can share with interested groups or people in their networks.

Ordinance 120207 re: tree service provider registration debrief

Josh provided an overview of this item at the Land Use Committee meeting, which included a lengthy and good conversation. Yolanda Ho from central staff provided an overview of what the bill contains and will do. It establishes a registry process for tree service providers that would be doing business on private property, and includes definitions and describes the actions covered. The process would be administered by SDCI. Comments from Councilmembers included concern for potential impacts to Hispanic businesses and a request that outreach be done to those types of businesses. Committee Chair Straus indicated to SDCI that they should work out what this bill means for their operations and determine how to implement it. His preference is that it be part of the overall package of tree protection updates that SDCI and OSE have been working on rather than a separate legislation, so there may be a delay in moving this forward to determine the process for that legislation moving forward.

Weston noted that characterization of impacted businesses is critical because that can impact this moving forward. SDOT has a process they are using, so much can be learned from how they implement their registration process. Also, there are two characterizations/stereotypes of businesses that this effort is attempting to address that have been used as tropes as this has proceeded and which weren't addressed: people doing tree work that are not with businesses (untrained, unskilled), and well-trained, skilled, well-resourced businesses who are practicing predatory cutting. These result in significant negative effects to the city's tree canopy. They were not addressed in the discussion at the LUC meeting today and should be part of the UFC recommendations.

The LUC meeting discussion included whether the insurance requirement and the ISA certification requirement were too onerous. Julia would like more information on whether research has gone into whether non-ISA-certified tree work has resulted in damage to the canopy.

To engage on this, the UFC will start with a recommendation letter, which Josh and Julia volunteered to draft. This could be used to request a meeting with the Mayor, since Councilmember Strauss's preference for this to be included in the overall tree protection package relies on support from the Mayor.

Tree protection recommendations and process update

Chanda Emery started by noting that this effort is a team effort, with many groups in the city and including the UFC and the community. The recommendations have been analyzed and balance sought between Resolution 31902 and city priorities.

She covered the eight strategies called out in the Resolution, which prioritize the needs of low-income and low-canopy neighborhoods, and are also supposed to allow for infill development while balancing citywide tree protection and replacement goals.

There are three types of regulated trees: exceptional, significant and heritage trees. Significant trees are not currently part of city code. Trees under 6" diameter are not regulated unless they are in environmentally critical areas. Chanda covered the types of applicable zoning, and the additional zones inside those. Industrial and Downtown zones are not included.

The five proposals are:

- Support for Council's TSP registration legislation
- Expand definition of exceptional trees
- Define significant trees and require replacement at 12" and greater
- Allow payment-in-lieu option in several circumstances
- Simplify processes and update enforcement provisions

There are two items requested by Council in the Resolution are not included in these proposals.

Chanda shared maps comparing tree canopy across the city with protection of trees at three different sizes. The tree canopy for the 24" and 30" size class are nearly identical, but the tree canopy at 12" and greater is significantly higher density. This helped inform the proposals for tree protection.

Chanda went through slides showing two example scenarios to illustrate how the proposed tree protection changes would play out during planning and review of development projects. The scenarios show different project types and layouts with various sizes of trees, and different decisions and mitigations for the various trees, and explain how those vary from current regulations to the proposed regulations.

Environmental equity is a major focus of this work to update tree protections. The funds received in the payment-in-lieu program would be directed to the census tracts with high percentage of people of color. Chanda shared maps showing those census tracts that would be focused on and the city properties and rights-of-way in those areas where tree planting can be directed. Similarly, the team is mapping lower income areas to be targeted for planting.

The draft recommendations for SEPA environmental review are set to be issued this month. Chanda stressed that this is a draft and that the team will continue working with stakeholders to make updates to the proposal as final recommendations for legislation are developed. The target for the final recommendations to move forward is end of second quarter 2022.

Questions from Commissioners included requesting more detail on the two items mentioned that were in the Resolution but not included in the current recommendations. Those include the existing tree removal limits, which are currently not recommended to change (to be maintained at 3 removals allowed per year) because of the need to balance all of the recommendations with the feedback received and the need to gather more

data. The other strategy not moving forward at this point was to require a tree removal permit. The homeowner self-reporting proposal is in lieu of that at this point, along with the replacement requirements for removal of trees down to 12", which is comparable to the city of Portland. The self-reporting will feed into the tree tracking system developed. Chanda clarified that the tree service provider registration was being developed by staff as part of this process, but since City Council is moving forward with that in separate legislation, the recommendations don't include that specifically but would include support for and developing processes to implement it. Chanda also clarified details of the new significant tree category (how the 6" and 12" thresholds differ) and the exceptional tree category protections. She also noted how ecological function will be incorporated into replacement requirements.

Presentation debrief

The timing of next steps and how best to structure UFC participation/input was discussed. Since the draft recommendations are set to be issued this month, Patti will share the link to them with Commissioners so that folks can review and be familiar with the content prior to the March meetings. Additional questions from Commissioners include the actual numbers that go along with the maps shared of the canopy coverage at different tree sizes, and wanting more background for why the current limit of removing three trees per is being maintained.

Community outreach

Josh reviewed the work on this recently, including the padlet survey initiated by Jessica Hernandez, and the need to clarify goals. Without more Commissioners present, there was not as much discussion on this topic. Along with clarifying goals, there needs to be some prioritizing of potential community engagement efforts. The group discussed preparing a survey for Commissioners to weigh in on goals and priorities; Patti will prepare this survey prior to the March meetings.

2021 year-end report final design and transmission letter

Patti shared the draft designed annual report, but without a quorum, there could not be action taken on this item.

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Public comment:

Steve Zemke expressed disappointment in the tepid recommendations put forward for tree protection, and suggested review of the UFC draft ordinance and compare with current proposals. Without permits being required, it's still a complaint-based system and that doesn't work. With the voluntary reporting system, people likely won't comply. The limit of three tree removals per year is too many; other cities like Shoreline have lower limits. Posting is also not included in the recommendations and better requirements for posting is needed.

Adjourn: The meeting was adjourned at 5:25 PM.

Meeting Chat:

from Steve Zemke to everyone: 4:45 PM

Why not reducing number of significant trees that can be removed from 3/year UFC recommended 2/3years. Shoreline limits to 1 tree/year?

from Sandy Shettler to everyone: 4:45 PM

Yes--why start with such a low bar?

from Sandy Shettler to everyone: 4:46 PM

Heavy reliance on in-lieu with such a poor survival rate of new plantings is also a concern.

from Steve Zemke to everyone: 4:47 PM

Need tree care providers to report, not homeowners. Should be permits required as many other cities do.

from Toby Thaler to everyone: 4:48 PM

Chair: May I ask a question?

from Steve Zemke to everyone: 4:50 PM

Presentation says replace 12" trees yet examples show replacement 6" and larger trees or am I not reading it right?

from Steve Zemke to everyone: 4:52 PM

Can you also do the map on 6" tree canopy cover. for comparison when put out maps?

from Tina Cohen to everyone: 4:55 PM

I noticed the loophole that Exceptional trees cannot be removed unless developers can't reach their lot coverage. Could you explain? Can this loophole be closed?

from Tina Cohen to everyone: 4:56 PM

I think this is very weak protection

from Toby Thaler to everyone: 4:57 PM

Please correct Slide 8 if I'm right: Shows 30" Cedar as significant, not exceptional. I thought Cedars at 30 are currently exceptional.

from Tina Cohen to everyone: 4:57 PM

Many are lost due to lot line changes. This could be stopped

from Toby Thaler to everyone: 4:57 PM

Thanks!

from Jim Davis to everyone: 4:58 PM

And the "undue hardship" loophole will continue to exist.

from Tina Cohen to everyone: 4:59 PM

What about incentive to SAVE the trees?

from Steve Zemke to everyone: 5:00 PM

80 year old tree replaced takes 80 years to replace. Any discussion of requiring replacement of more trees as size of removed tree increased .Portland require 3 trees for replacement trees 12" to 20" DBH

from Toby Thaler to everyone: 5:00 PM

I'm leaving you to your work; thank you very much...

from Sandy Shettler to everyone: 5:04 PM

Does anyone know which cities have more appropriate in-lieu and/or penalty fees than we do?

from Steve Zemke to everyone: 5:12 PM

The Ecosystem Services Report using on ground sampling a number of years ago had an analysis showing large number of city trees are less than 6" DBH

from Steve Zemke to everyone: 5:17 PM

Actually Don't Clearcut Seattle alone sent in over 1500 e-mails on updating tree ordinance in last 2 years supporting UFC draft ordinance

Public input: (see next page and posted notes):

From: Alice Kuder <info@email.actionnetwork.org>

Sent: Thursday, February 3, 2022 1:42 PM

To: Bakker, Patricia <Patricia.Bakker@seattle.gov>

Subject: Please Strengthen Seattle's Tree Ordinance

Urban Forestry Commission Coordinator Urban Forestry Commission c/o Patti Bakker,

It's time to end the delay by the Seattle Department of Construction and Inspections (SDCI) on presenting the Seattle City Council with an updated draft Tree and Urban Forest Protection Ordinance. Over the last

12 years, the Seattle City Council has repeatedly asked successive Seattle Mayors and SDCI for an updated workable and effective ordinance draft to consider and it is obvious SDCI is not responding as requested. In its most recent 2019 Resolution 31902, the Council gave specific issues for SDCI to address.

SDCI, once again, has not responded in a timely manner with a comprehensive tree protection ordinance update. It's been delay after delay. Please remove tree and urban forestry protection from their Department. In 2009 the Seattle City Auditor proposed transferring tree and urban forestry oversight and authority to an independent entity that does not have a conflict of interest. The Auditor proposed oversight be moved to the Office of Sustainability and the Environment.

Much has changed since 2009 and it is time to create an independent Department with authority over environment, urban forestry, and climate issues. SDCI has a conflict of interest in tree oversight – their priority mission has been to help developers build, not protect trees. Years of inaction on effective oversight and protection of trees by SDCI demands that a separate independent entity take over the city's responsibility to protect and enhance our urban forest. We propose that an Urban Forestry Division be created within a new Department of the Environment and Climate.

Seattle's trees and urban forest are vital to keeping our city healthy and livable. Trees and the urban forest comprise vital green infrastructure needed to keep our city and people healthy. Trees reduce air pollution, storm water runoff and climate impacts like heat island effects, while providing essential habitat for birds and other wildlife. They are important for the physical and mental health of our residents. A robust urban forest is critical for climate resilience and tree equity.

Seattle's rapid growth and an outdated tree ordinance are reducing these beneficial effects as trees are removed and not even replaced. It is urgent to act now to stop this continued loss of existing trees, particularly large mature trees and tree groves. It is important to promote environmental equity by retaining as many trees as possible and replacing those removed.

Please update Seattle's Tree Protection Ordinance as recommended in the latest draft by the Seattle Urban Forestry Commission.

Here are the key provisions that need to be in an updated tree ordinance:

1. Expand the existing Tree Removal and Replacement Permit Program, including 2-week public notice and posting on-site, as used by the Seattle Department of Transportation (SDOT) – to cover all Significant Trees (6" and larger diameter at breast height (DBH)) on private property in all land use zones, both during development and outside development.
2. Require the replacement of all Significant Trees removed with trees that in 25 years will reach

equivalent canopy volume lost – either on site or pay a replacement fee into a City Tree Replacement and Preservation Fund. Allow the Fund to also accept fines, donations, grants, purchase land and set up easements.

3. Expand current protections for Exceptional Trees and reduce the upper threshold for Exceptional Trees to 24" DBH, protect tree groves and heritage trees and prohibit Significant Trees being removed on undeveloped lots.
4. Allow removal of no more than 2 Significant non-Exceptional Trees in 3 years per lot outside development.
5. Establish one citywide database for applying for Tree Removal and Replacement Permits and to track changes in the tree canopy.
6. Post online all permit requests for 2 weeks prior to removal and all permit approvals for public viewing. Establish and maintain a city-wide database and inventory of existing trees, trees removed, and trees planted. Post on-line quarterly reports.
7. Expand SDOT's existing tree service provider's registration and certification to register all Tree Service Providers (arborists) working on trees in Seattle.
8. Require developers throughout the development process to maximize the retention of existing trees with adequate space for trees to grow and survive.
9. Require a Tree Inventory and Tree Landscaping Plan prior to any development permits being approved.
10. Provide adequate funding in the budget to implement and enforce the updated ordinance.

Alice Kuder
aakuder@gmail.com
8427 30th Ave SW
Seattle, Washington 98126

From: Jayn Foy <info@email.actionnetwork.org>
Sent: Thursday, February 3, 2022 2:37 PM
To: Bakker, Patricia <Patricia.Bakker@seattle.gov>
Subject: Please Strengthen Seattle's Tree Ordinance

Urban Forestry Commission Coordinator Urban Forestry Commission c/o Patti Bakker,

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undeveloped lots.

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Jayn Foy

jaynfoy@gmail.com

3302 S. Charles St.

Seattle, Washington 98144

From: John Cook <info@email.actionnetwork.org>

Sent: Friday, February 4, 2022 5:39 PM

To: Bakker, Patricia <Patricia.Bakker@seattle.gov>

Subject: Save Our Trees!

Urban Forestry Commission Coordinator Urban Forestry Commission c/o Patti Bakker,

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9. Require a Tree Inventory and Tree Landscaping Plan prior to any development permits being approved.

10. Provide adequate funding in the budget to implement and enforce the updated ordinance.

John Cook

johnvcook@hotmail.com

19324 Fremont Ave N

Shoreline, Washington 98133

From: Aleksandra Hungerford <info@email.actionnetwork.org>

Sent: Tuesday, February 8, 2022 9:13 PM

To: Bakker, Patricia <Patricia.Bakker@seattle.gov>

Subject: Please, keep Seattle green and protect our trees.

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Aleksandra Hungerford
olahungerford@gmail.com
5522 27th Avenue Northeast
Seattle, Washington 98105

From: Eric Thomassian <info@email.actionnetwork.org>

Sent: Tuesday, February 8, 2022 9:17 PM

To: Bakker, Patricia <Patricia.Bakker@seattle.gov>

Subject: Please Update Seattle's Tree Ordinance

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5. Establish one citywide database for applying for Tree Removal and Replacement Permits and to track changes in the tree canopy.
6. Post online all permit requests for 2 weeks prior to removal and all permit approvals for public viewing. Establish and maintain a city-wide database and inventory of existing trees, trees removed, and trees planted. Post on-line quarterly reports.
7. Expand SDOT's existing tree service provider's registration and certification to register all Tree Service Providers (arborists) working on trees in Seattle.
8. Require developers throughout the development process to maximize the retention of existing trees with adequate space for trees to grow and survive.
9. Require a Tree Inventory and Tree Landscaping Plan prior to any development permits being approved.
10. Provide adequate funding in the budget to implement and enforce the updated ordinance.

Eric Thomassian
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SEATTLE, Washington 98115

From: shana kelly <info@email.actionnetwork.org>
Sent: Wednesday, February 9, 2022 10:40 AM
To: Bakker, Patricia <Patricia.Bakker@seattle.gov>
Subject: Keep Seattle Livable!

Urban Forestry Commission Coordinator Urban Forestry Commission c/o Patti Bakker,

It's time to end the delay by the Seattle Department of Construction and Inspections (SDCI) on presenting the Seattle City Council with an updated draft Tree and Urban Forest Protection Ordinance. Over the last 12 years, the Seattle City Council has repeatedly asked successive Seattle Mayors and SDCI for an updated workable and effective ordinance draft to consider and it is obvious SDCI is not responding as requested. In its most recent 2019 Resolution 31902, the Council gave specific issues for SDCI to address.

SDCI, once again, has not responded in a timely manner with a comprehensive tree protection ordinance update. It's been delay after delay. Please remove tree and urban forestry protection from their Department. In 2009 the Seattle City Auditor proposed transferring tree and urban forestry oversight and authority to an independent entity that does not have a conflict of interest. The Auditor proposed oversight be moved to the Office of Sustainability and the Environment.

Much has changed since 2009 and it is time to create an independent Department with authority over environment, urban forestry, and climate issues. SDCI has a conflict of interest in tree oversight – their priority mission has been to help developers build, not protect trees. Years of inaction on effective oversight and protection of trees by SDCI demands that a separate independent entity take over the city's responsibility to protect and enhance our urban forest. We propose that an Urban Forestry Division be created within a new Department of the Environment and Climate.

Seattle's trees and urban forest are vital to keeping our city healthy and livable. Trees and the urban forest comprise vital green infrastructure needed to keep our city and people healthy. Trees reduce air pollution, storm water runoff and climate impacts like heat island effects, while providing essential habitat for birds and other wildlife. They are important for the physical and mental health of our residents. A robust urban forest is critical for climate resilience and tree equity.

Seattle's rapid growth and an outdated tree ordinance are reducing these beneficial effects as trees are removed and not even replaced. It is urgent to act now to stop this continued loss of existing trees,

particularly large mature trees and tree groves. It is important to promote environmental equity by retaining as many trees as possible and replacing those removed.

Please update Seattle's Tree Protection Ordinance as recommended in the latest draft by the Seattle Urban Forestry Commission.

Here are the key provisions that need to be in an updated tree ordinance:

1. Expand the existing Tree Removal and Replacement Permit Program, including 2-week public notice and posting on-site, as used by the Seattle Department of Transportation (SDOT) – to cover all Significant Trees (6" and larger diameter at breast height (DBH)) on private property in all land use zones, both during development and outside development.
2. Require the replacement of all Significant Trees removed with trees that in 25 years will reach equivalent canopy volume lost – either on site or pay a replacement fee into a City Tree Replacement and Preservation Fund. Allow the Fund to also accept fines, donations, grants, purchase land and set up easements.
3. Expand current protections for Exceptional Trees and reduce the upper threshold for Exceptional Trees to 24" DBH, protect tree groves and heritage trees and prohibit Significant Trees being removed on undeveloped lots.
4. Allow removal of no more than 2 Significant non-Exceptional Trees in 3 years per lot outside development.
5. Establish one citywide database for applying for Tree Removal and Replacement Permits and to track changes in the tree canopy.
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9. Require a Tree Inventory and Tree Landscaping Plan prior to any development permits being approved.
10. Provide adequate funding in the budget to implement and enforce the updated ordinance.

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From: RICHARD E <climbwall@msn.com>
Sent: Wednesday, February 9, 2022 2:48 PM
To: Bakker, Patricia <Patricia.Bakker@seattle.gov>
Subject: Fw: Support CB12207 Registration of Arborists and Tree Protection Efforts Citywide

CAUTION: External Email

Helo Patricia,

A copy for the SUFC.

Thanks

Richard Ellison

From: RICHARD E <climbwall@msn.com>
Sent: Wednesday, February 9, 2022 2:41 PM
To: Council@seattle.gov <council@seattle.gov>; Councilmember Dan Strauss <dan.strauss@seattle.gov>; Alex.Pedersen@seattle.gov <Alex.Pedersen@seattle.gov>; An, Noah <noah.an@seattle.gov>; Rundquist, Nolan <Nolan.Rundquist@seattle.gov>; r@seattle.gov <r@seattle.gov>
Subject: Support CB12207 Registration of Arborists and Tree Protection Efforts Citywide

February 9, 2022

To the Seattle City Council Land Use Committee,

I want to thank the committee for moving forward to CB12207 help improve protection for Seattle's mature trees and tree canopy through the registration of tree care providers and holding them accountable for Seattle's proper tree care regulations.

I would also like to support friendly amendments to this bill that would coordinate this arborist registration effort with SDOT's, as it should be easier for the industry to have one working list for Seattle. Additionally, I support arborists suggestions that the new hazardous tree regulations also follow ISA Tree Risk Assessment Qualification methods and standards.

I strongly support the Section 1 language noting that:

"land development has the potential to greatly impact the conservation or loss of urban forest resources on both private and public land," ... and to "increase [of] citywide tree canopy coverage to 30 percent by 2037 and to 40 percent over time."

The proposed tree provider legislation wonderfully notes: "Seattle's urban forest reflects a history of environmental injustice with Widespread Race and Class Disparities in Surface Urban Heat. The City is experiencing numerous losses of significant trees and areas of its

urban forest canopy, both through the land subdivision and development permitting processes and through legal and illegal removal of large significant and exceptional trees.”

Why however, are some members of this Land Use Committee supporting state wide housing legislation that would take away the Cities abilities to both protect its trees during development and any enforcement of tree protection of the precious emerald forest? Why can't we have both more affordable housing and also protect our trees and canopy, to help mitigate the catastrophic climate change impacts of urban island heat effects and improve the quality of living in Seattle?

Can't we be creative enough and demanding enough to build around the healthy trees that are already survivors of climate impacts, and/or leave enough open space for both trees, and people? Every home, be it an apartment, townhouse, or single family, should have

Thank you,

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