



**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**

March 9, 2022, 3:00 p.m. – 5:00 p.m.  
Via Webex call  
(206) 207-1700  
Meeting number: 2490 122 3018  
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  
Stuart Niven  
Jessica Hernandez  
David Moehring  
Blake Voorhees

Staff

Sharon Lerman – OSE  
Patti Bakker – OSE

Guests

Laura Keil  
Toby Thaler

Public

Steve Zemke

Absent- Excused

Elby Jones  
Jessica Jones

**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 and offered a land acknowledgement.

**Public comment:**

Michael Oxman – seven items: 1) the draft ordinance removes some protections for trees and removed the rights of citizens to appeal certain decisions, 2) Resolution 31902 is congruent with the UFC recommendations, but several items are missing in the current draft legislation, 3) the 2016 canopy cover survey requires ground-truthing and it was funded in 2019 but canceled at the start of Covid, 4) zoning

ordinances conflict with the Comp Plan emphasis on environmental protection, 5) administrative costs of the draft ordinance were reflected in two FTEs which did not get funded, 6) actual costs to expand the permit system should be assessed prior to enacting the ordinance, and 7) there's no corrective action addressing equity issues. He also sent two other letters including other thoughts on the draft legislation.

Jerry Ball – employees of Garden Cycles recently became a union. Garden Cycles is a company specializing in restoration work and primarily working under contracts with King County and Parks and Recreation.

Employees cite poor wages, lack of benefits, misclassification of work titles. The need for industry safety standards is primary motivation for organizing. Garden Cycles employees would like to discuss this with the UFC.

June BlueSpruce – there are some good things in the draft tree protection ordinance, but it is severely deficient. The worst problem is that implementation falls under permit Type I classification, which means decisions cannot be appealed to the hearing examiner. Only trees 12" and larger need to be on site plans, which cuts out a large number of trees and the significant trees that are 6" and larger. Physical replacement is 1:1 and doesn't achieve replacement tree canopy soon enough. It doesn't create a separate Urban Forestry Division. Current code encourages tree retention; the draft ordinance does not. Permits should be required for removal of trees starting at 6".

Sam Edsen – Garden Cycles had a crew member as part of the UFC. That person is no longer on the UFC or the Garden Cycles crew due to high costs of living in Seattle and Puget Sound areas. There is work to be done in a partnership between public and private entities and that is necessary. The role that private non-profit organizations have played in the Green Seattle Partnership in seeing that wages and competitive bidding have driven wages down to very low levels. What is the UFC's role in partnering with private groups? There are large areas of right of way where invasive weeds are not being treated.

#### **Chair, Committees, and Coordinator report:**

Patti shared a couple of items:

- City employee return to office starts March 16<sup>th</sup>. There will be a transition period while employees and facilities work out safety protocols and so forth. April meetings will continue as remote-only; Patti can update further in April-May and we can discuss possibilities for the hybrid meetings.
- The Mayor has signed off on the appointments for positions 4 and 6; they'll now proceed to Council for confirmation. We'll invite the appointees to the April meetings to start getting acquainted with the Commission while awaiting confirmation.
- Chanda and Patti provided the quarterly briefing to Council's Land Use Committee this afternoon. There was much public comment provided and Committee members offered many questions and support for the draft tree protection ordinance, which Chanda provided details on.

Josh reported that a small group of people met with Councilmember Strauss. He is excited to champion some improvements to the draft tree protection ordinance. The meeting with Marco Lowe has been confirmed for March 31<sup>st</sup>. Josh acknowledged that this meeting is Weston Brinkley's last as a Commissioner as his term ends this month, and thanked him for his service. Other Commissioners weighed in on Weston's significant contributions during his many years as a Commissioner. Patti noted that Councilmember Strauss also thanked Weston for his service during the LUC meeting today.

#### **Approval of February 2 and February 9 meeting notes**

**ACTION: A motion to approve the February 2 meeting notes as written was made, seconded, and approved.**

**ACTION: A motion to approve the February 9 meeting notes as written was made, seconded, and approved.**

### **Tree protection ordinance recommendations**

Josh drafted a letter for the UFC's recommendations, and explained his rationale for the structure of it. He walked through the content of the draft, and the Commission worked through additions and edits to it.

The first section of the letter covers the issue of the type of decision tree protections would be subject to. There is still confusion given that Chanda indicated there wasn't a change to whether decisions are appealable; it's just a change in the type of Type I category from Design Review Board to Administrative Decision. There is still thought that some of the Chapter 25 decisions are currently Type II decisions that are appealable, so more clarification is needed. It's important to have the appropriate level of public involvement in the process, especially if the ordinance is moving forward without a permit system.

The second section deals with the lack of a permit system in the ordinance and concerns about incomplete data collection. Part of the rationale for not including a permit option in the draft ordinance was the cost to the landowner being prohibitively high. The UFC notes that policy shouldn't be thrown out because the price mechanism doesn't work; permits could be subsidized. Several recommendations on this were added to the letter, including protections for replacement trees and posting/notice requirements.

Commissioners want to highlight what is good in the draft ordinance and also push for what the UFC believes should be added or changed. The letter includes a list of items the UFC supports in the draft ordinance.

There is a section on ways that the draft ordinance continues to undervalue trees. This includes the 6" versus 12" questions and continued need for further clarification. The UFC reiterated the recommendation to reduce the number of trees allowed to be removed per year. There is also not language in the draft ordinance expressing an expectation that developers maximize tree retention throughout the development process.

The UFC noted in the letter that they will be adding to their recommendations throughout the remainder of the process phases for this legislation.

The recommendations also include the topic of equitably replacing removed trees. Given the city's tree canopy goals, the tree replacement requirements are not adequate to compensate for the many ways trees can be removed through development. Tree retention is an important component that needs to be maximized. Several recommendations were made to address this, and a line was added to the beginning of the letter to state the current proposal does not support the city's canopy cover goals.

**Action: A motion to adopt the recommendations letter as amended was made, seconded, and approved.**

### **Bylaws amendment regarding meeting schedule**

Patti shared the proposed draft changes to the Bylaws in the Meetings section. The changes include switching out the word "second" for "third" related to the Wednesdays meetings are held, and also including language to allow flexibility in changing meeting schedules in the future to avoid conflicts with other urban forestry-related events.

**Action: A motion to adopt the amended Bylaws as prepared was made, seconded, and approved.**

**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>**

**Public comment:**

Sam Edsen reiterated how the high cost of living in Seattle impacts the ability of restoration professionals to remain in the area. He would like direction about tree size related to trees that are exceptional and non-exceptional; how would that affect removal of invasive plants? Would like to see a relationship between private sector and public entities like the Council. They would like a letter of support from the UFC sent to the head of Garden Cycles regarding the collective bargaining efforts.

Steve Zemke – the draft ordinance is complicated; recommend that whatever goes to Council for their review, have several people work on comparing the UFC recommendations with that final draft ordinance. The limits for removal in the draft ordinance are no more than three trees 6”-12” can be removed per year; this is an improvement. Also trees over 12” require replacement. Trees less than 12” are important because of the proportion of the canopy they represent.

**Adjourn:** The meeting was adjourned at 5:10 PM.

**Meeting Chat:**

from Weston to everyone: 3:34 PM

thanks Sharon!

from Michael Oxman to everyone: 3:37 PM

Nice long run Weston!

from Weston to everyone: 3:37 PM

Thanks, Dan!

from Weston to everyone: 3:37 PM

Thanks, Patti!

from Jessica Hernandez to everyone: 3:38 PM

Congrats Weston!!!

from Michael Oxman to everyone: 3:42 PM

My public comment at the beginning of this meeting.

Here's 7 thoughts on the draft tree ordinance presented by SDCI.

1) Draft tree ordinance removes some tree protections, and removes the right of citizens to appeal Type 1 tree removal actions.

2) Council Resolution 31902 is largely congruent with recommendations by Urban Forestry Commission.

3) 2016 Canopy Cover Survey is not an adequate basis for management decisions. It requires "ground truthing" with a "Natural Capital Assessment", authorized by SLI 75-1-A-2 2015. Funding for the Natural Capital was authorized, but rescinded at the beginning of COVID.

4) Comp Plan principals of environmental protection are neutralized by zoning actions of MHA, ADU, and the current Townhome Ordinance (which I testified in the Hearing Examiners Appeal last wednesday).

5) Administrative costs of tree ordinance were reflected in November 2021 Budget hearing to hire 2 FTE's for SDCI.

...continued

from Michael Oxman to everyone: 3:42 PM

6) Actual costs to expand tree removal permit system should be assessed prior to enacting tree ordinance.

7) No corrective action of inequity issues appears in draft tree ordinance.

Thanks!

from Steve Zemke to everyone: 3:44 PM

There is the ability to raise appeals now on projects. So adding this language definitely is a change removing public comment, other wise why is it being added.

from Joshua Morris to everyone: 3:45 PM

The UFC is concerned that is too sweeping. For example, a city-wide zoning change or clearing of a large urban forest area of exceptional trees and tree groves would likely be a threshold for which a SEPA notice would be warranted, whereas proposed removal of trees within a smaller development may be categorically exempt. The current proposal to eliminate SMC 25.11 decisions from all Type II discretionary notices and public comment must be reconsidered for an appropriate threshold.

from Angela Ginorio to everyone: 3:48 PM

Significance should not just hinge on size of project, or size of trees but attend to the systemic impact.

from Steve Zemke to everyone: 3:49 PM

I think you need to ask how many appeals are actually being appealed. I don't think that many are being appealed. The SDCI language seems to remove all appeals for any reason

from Steve Zemke to everyone: 3:52 PM

One way to resolve conflict and appeals is to allow more public input upfront before finalizing a project rather than allowing the only opportunity to be involved is appealing the final decision

from Steve Zemke to everyone: 3:53 PM

Sounds good Weston!

from Steve Zemke to everyone: 3:58 PM

Current system is complaint based for illegal removals. Requiring permits and 2 week public notice would help reduce illegal removals.

from Jim Davis to everyone: 3:59 PM

Many penalties are waived during the appeals process. Inspectors have said that their case needs some legal support at those hearings to offset the attorneys for the violators.

from Steve Zemke to everyone: 4:04 PM

SDOT within the last month now allows permits for removal, replacement and pruning of street trees to be filed on line via Accela database system

from Steve Zemke to everyone: 4:05 PM

Urban Forestry Permits have moved to Accela! Connect to the Seattle Services Portal to file an online permit application. For more information, see the Urban Forestry help page.

SDOT issues Urban Forestry Permits for the following in the public right-of-way:

Plant a tree

Prune a tree

Remove/Replace a tree

from Steve Zemke to everyone: 4:06 PM

SDOT Permits for street trees are free

from Angela Ginorio to everyone: 4:07 PM

In the recommendation: Why only significant trees?

from Steve Zemke to everyone: 4:08 PM

SDCI costs are totally out of line with what other cities do. Also UFC draft ordinance gave director ability to waive permit fees to deal with people that it would be a hardship for.

from Angela Ginorio to everyone: 4:10 PM

Non-significant trees grow to be significant trees.

from Steve Zemke to everyone: 4:11 PM

Exceptional trees and any trees over 6 inches DBH are already required since 2001 to be on site plans. That represents about 45% of trees in single family zone. SDCI draft at 12" DBH on site plans would only cover 18% of trees in SF zone

from Steve Zemke to everyone: 4:12 PM

There are only a few cities that go lower. Six inches is fairly normal for many cities.

from Elizabeth Uding to everyone: 4:14 PM

One suggestion for the “otherwise” is native slow growing trees. Example a yew tree that is 5” has taken a long time to get there

from Steve Zemke to everyone: 4:14 PM

Replacement trees need to be added as protected trees because they can now be removed That happened when Ingraham HS did a second project.

from Michael Oxman to everyone: 4:16 PM

This video shows exactly the same sentiments of betrayal of the promises made by elected leaders to proceed with enacting effective tree protection regulations. This link fast-forwards thru the public comment in the first half of the meeting, but if you want, you can rewind it to hear remarks by PlantAmnesty Founder Cass Turnbull & myself.

<https://youtu.be/Z-V8lv-XnPk?t=271>

from Steve Zemke to everyone: 4:17 PM

Annapolis MD does permits at 5 inches DBH but it is an anomaly. Six inches is lowest minimum standard in most cases.

from Michael Oxman to everyone: 4:18 PM

The Urban Forestry Commission deliberated for a few months in 2010 and produced a recommendation that I recorded on video at their meeting on August 11th of that year. Their statement was that the draft tree ordinance “neither preserves, nor enhances the urban forest”.

<https://youtu.be/XO6MfPXA4w>

from Steve Zemke to everyone: 4:18 PM

Recommend making posting for 2 weeks on site and on line to follow SDOT system rather than have 2 different times.

from Michael Oxman to everyone: 4:20 PM

Another remarkable coincidence between now, and 2010 is that both eras had concurrent revisions of the multi-family zoning density ordinance, and the tree ordinance. This next video shows staff briefing the Urban Forestry Commission on the Low-Rise Multi-family code revision. The camera catches staff admitting that trees were not considered when the zoning ordinance was drafted and presented to council. The audio is hard to hear, but you can read the notes in the Youtube Description.

<https://youtu.be/5VE9no5-3RI>

The similarity to 2010 is concurrent deliberation on the tree ordinance and the appeal hearing W-21-007 of the Determination of Non-Significance of the proposed Townhome zoning ordinance, which is scheduled to begin on Monday, February 28th, 2022, in the Office of the Hearing Examiner. What a coincidence! In the spirit of full disclosure, I was, and am, an appellant in both cases.

from Joshua Morris to everyone: 4:24 PM

No more than three significant trees 6 less than 12 inches in diameter at standard height, measured 4.5 feet above the ground, may be removed in any one-year period on lots in Lowrise, Midrise, commercial, and single-family zones

from Angela Ginorio to everyone: 4:26 PM

But the current ordinance is NOT supportive of trees.

from Angela Ginorio to everyone: 4:27 PM

What about maximizing retention?

from Steve Zemke to everyone: 4:29 PM

2 significant non-exceptional trees every 3 years in ufc draft

from Steve Zemke to everyone: 4:33 PM

from SDCI draft - Limits on tree removal where development is proposed. No more than three significant

from Angela Ginorio to everyone: 4:34 PM

Scenario: someone wants a view

from Tina Cohen to everyone: 4:35 PM

What about tree removal in anticipation of development? Not addressed that I know of. Stuart is mentioning this now. Kirkland doesn't allow it

from Angela Ginorio to everyone: 4:36 PM

Firs are not exceptional except if one does not consider their carbon capture and overflow slowdown capacities.

from Tina Cohen to everyone: 4:37 PM

If a tree is removed within one year of a development permit, then it should be considered removed during development and therefore replaced or paid for

from Steve Zemke to everyone: 4:37 PM

In SDCI draft - "No more than three significant trees less than 12 inches in diameter... may be removed in any one year period..." I read this as trees greater than 12" DBH can not be removed outside development

from Steve Zemke to everyone: 4:41 PM

From Seattle Forest Ecosystem Report - "within the Single-family Resi

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dential management unit, 18% of the urban forest trees are over 12 inches in diameter and 55% are less than 6 inches diameter. On average, 46% of the tree species that will be large at maturation currently have a trunk diameter less than 12 inches."

from Steve Zemke to everyone: 4:46 PM

Replacement tree requirements should increase as size of removed tree increases

from Steve Zemke to everyone: 4:47 PM

Could not find replacement or in lieu fee requirements in draft outside development. Chanda said were required outside development.

from Jim Davis to everyone: 4:51 PM

Thank you Weston so much for all your work to protect our trees. If there was a merit badge given by the Western Red Cedars or Douglas Firs, you would get one.

from David Moehring to everyone: 4:53 PM

Thought: remove or replace sentence 2 in opening paragraph: "... is long overdue and we are unenthusiastically reviewing this proposed ordinance released without an prior opportunity."

from Weston to everyone: 4:53 PM

Thanks Jim! I'll be continuing to contribute towards the effort in other ways

from Steve Zemke to everyone: 4:53 PM

That is too low. Some other cities go 3,4,5 trees as trees get larger. Removing a 30" DBH tree with two 6' trees is not any equivalency to what is lost!

from Steve Zemke to everyone: 4:56 PM

UFC draft adds additional tree required for every 6" increase in diameter. for example

from Elizabeth Uding to everyone: 5:02 PM

Is there an email address to send comments to?

from Joshua Morris to everyone: 5:02 PM

patricia.bakker@seattle.gov

from Elizabeth Uding to everyone: 5:03 PM

Thanks

from Bakker, Patricia to everyone: 5:03 PM

Elizabeth, you can send comments to me at: patricia.bakker@seattle.gov. I will add them to the meeting notes for the record.

from Elizabeth Uding to everyone: 5:04 PM

Thank you. I will do that. I appreciate all the work of UFC!

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

**From:** MICHAEL OXMAN <michaeloxman@comcast.net>

**Sent:** Thursday, March 3, 2022 9:24 AM

**To:** Treepac <Treepac@groups.outlook.com>; Clowers, Gordon <Gordon.Clowers@seattle.gov>; Bakker, Patricia <Patricia.Bakker@seattle.gov>; LEG\_CouncilMembers <council@seattle.gov>; Harrell, Bruce <Bruce.Harrell@seattle.gov>

**Subject:** Comments on Tree Ordinance DNS

**CAUTION: External Email**

Howdy Seattle staff & Urban Forestry Commission,

In November 2021, the council passed a resolution to eventually hire a City Arborist, but failed to approve funds for 2 staff SDCI arborists. They also failed to pass a 'proviso' to restrict funds from the planning department pending presentation of a Tree Ordinance proposal.

What would the new 'Tree Czar' think about this ordinance when she considers getting hired, and relocating to Seattle?

This ordinance could actually be a way for departments to avoid having to knuckle under, because no one would apply for an advertised position announcement to run a tree program as a City Arborist that does not give authority to implement it's stated goals.

This ambiguous DNS proposal could just be a smokescreen to avoid having an outsider come in and plug all the loopholes in our tree regulation policy.

If the new boss were asked how the staff resources are to be re-allocated, probably all 12 people in the Parks tree crew & the 12 people in the Street tree crews, plus the administrative staff in planning & administrative services departments would best be consolidated in a single tree department.

This proposal would have to be cleared with the union that oversees municipal workers.

At some point, council will have to reorganize our staff into a unified body, as stated in the 2009 Tree Program Audit.

This recommendation can never happen unless a plan comes from an outside consultant.

Continuing to ask in-house staff to lay out the tree program re-organization will result in a draft of the tree ordinance that is full of assumptions that the departments will refuse to accept.

That is what we are looking at in this confused, contradictory DNS, that actually refuses to protect 153,000 of the smaller trees in our community.

Now if we had a Mayor who stated this diffuse staff resource would be empowered to require proper ecosystem management, that would be a different story.

Arboreally yours,  
Michael Oxman  
(206) 949-8733

**From:** RICHARD E <climbwall@msn.com>  
**Sent:** Thursday, March 3, 2022 11:59 PM  
**To:** Clowers, Gordon <Gordon.Clowers@seattle.gov>; Emery, Chanda <Chanda.Emery@Seattle.gov>; Bakker, Patricia <Patricia.Bakker@seattle.gov>; Harrell, Bruce <Bruce.Harrell@seattle.gov>; LEG\_CouncilMembers <council@seattle.gov>  
**Cc:** Treepac <Treepac@groups.outlook.com>; Executive Director PlantAmnesty <executivedirector@plantamnesty.org>; Steve ZemkeSAVEOURTREES <stevezemke@msn.com>  
**Subject:** Comments to proposed Tree Ordinance for the DNS on the SEPA

**CAUTION: External Email**

**TO:** [gordon.clowers@seattle.gov](mailto:gordon.clowers@seattle.gov); [chanda.emery@seattle.gov](mailto:chanda.emery@seattle.gov);  
[patricia.bakker@seattle.gov](mailto:patricia.bakker@seattle.gov) ; [bruce.harrell@seattle.gov](mailto:bruce.harrell@seattle.gov); [council@seattle.gov](mailto:council@seattle.gov)

**RE:** Comments to proposed Tree Ordinance for the DNS on the SEPA

**DATE:** Thursday March 3, 2022,

**FROM:** Richard Ellison, TreePAC Vice President  
8003 28<sup>th</sup> Ave NE, Seattle, WA 98115  
[climbwall@msn.com](mailto:climbwall@msn.com)

**Preliminary Analysis of the draft SDCI Tree Ordinance issues:**

1. **APPEALS NOT ALLOWED.** A major problem with this proposal is that SDCI's new language says implementation of SMC 25.11 falls under the Master Use Permit I classification, implying that **SDCI decisions regarding trees during development will no longer be appealable to the Hearing Examiner.** Under this designation, the Director or anyone he designates will be able to make decisions regarding tree protection and issue SEPA Determinations of Non-Significance, and they will be final and not appealable. This is not acceptable

**2. SDCI'S PROPOSAL ALMOST COMPLETELY IGNORES SUFC SUGGESTIONS.** "PER CITY COUNCIL REQUEST, THE URBAN FORESTRY COMMISSION (UFC) PROVIDED LINE-ITEM INPUT TO THE VERSION D7 OF THE DRAFT LEG TREE REGULATION UPDATES ORDINANCE". [Seattle Urban Forestry Commission draft Tree and Urban Forest Protection Ordinance](#)

It is good that SDCI does follow SUFC's recommendation to reduce the upper limit for exceptional trees to be lowered from 30" DBH to 24" DBH, making it easier to identify what is an exceptional tree. However, it should really be reduced down to 18" DBH, as few trees are found at this size in Seattle currently. Additionally, there are many species, especially native species, that will never reach 24" DBH at maturity, but are still large for their species. These are currently listed as Exceptional Trees in the current ordinance, many which are listed in the book by Arthur Lee Jacobson's "Trees of Seattle."

The new proposal says that homeowners can remove 3 trees per year that are less than 12" DBH. This is an improvement on the current ordinance, that says they can remove 3 significant non-exceptional trees per year.

**3. TREES 6"- 12" NOT SHOWN ON SITE PLANS.** Under the SDCI proposal, only trees 12" DBH and larger would be on site plans. The current requirement is that site plans have to show all trees 6" DBH and larger.

The [Seattle's Ecosystem Services Report](#) done in 2012 states that "...within the Single-Family Residential management unit, 18% of the urban forestry trees are over 12 inches in diameter and 55% are less than 6" in diameter. On average 46% of the tree species that will be large at maturation currently have a trunk diameter less than 12 inches."

This implies 45% of Seattle's trees in the single-family zone are over 6" DBH. **SDCI's plan to reduce trees on site plans to only include those 12" DBH and larger, means only about 18% of the trees on single family sites would be noted on site plans.**

In addition, in their SEPA Draft Director's Report Tree Regulations Updated Feb 11, 2022, Table 5 says regulating trees 12" DBH and larger plus exceptional tree equals 16% of the sites in the applicable zones.

**4. SDCI DOES NOT FOLLOW THE LEAD OF OTHER NEIGHBORING CITIES.** SDCI ignores the recommendation to adopt Portland's Tree Inventory Assessment program (which uses Excel) to do Tree Inventory and Landscape Plans prior to a building permit being issued. There are many good examples within the Portland ordinance that would improve the current proposal.

**5. TREES REPLACEMENT.** Physical replacement for trees on site is only 1 for 1. Many other cities require that as the size of the tree removed increases, so does the number of trees that need to be replanted, SDCI keeps the current language that only says remove a tree, replant a tree that at maturity approximates the one removed. This overlooks the current value of the tree's ecosystem services and ignores the continued growth and value of the tree if it was not removed.

**Replacement in lieu fees go into SDCI general funds, not into a dedicated Tree Planting and Preservation Fund that has separate accounting** like Portland, Oregon does. As part, payments for tree replacement are set by Director's Rule, not set in the ordinance as Portland did originally.

**SUFC also recommends** developers must **replace all exceptional trees and trees 12" DBH or larger** that are removed. SUFC also suggests developers have **an option to pay a replacement fee to replant these trees off site in public areas for street trees and parks.**

**6. NO PROFESSIONAL FORESTRY EXPERTS ON SDCI STAFF.** SDCI's proposal does not create a separate Urban Forestry Division or propose hiring professional urban forestry staff to oversee tree and urban forestry protection

Need to coordinate tree definitions with SDOT Tree Ordinance and add more definitions.

**7. NO PLANS TO MAXIMIZE THE RETENTION OF EXISTING TREES.** A key noted feature of the SUFC was to add a requirement that throughout the entire development process, developers needed to maximize the retention of existing trees.

**8. SDCI ENFORCEMENT STAFF NOT ALLOWED ON SITE INSPECTIONS OF VIOLATIONS ON PRIVATE PROPERTY.** Need to add ability of SDCI staff to enter property if a violation of the tree ordinance is occurring,

**9. TREE REMOVAL PERMITS NOT REQUIRED OR ONLY VOLUNTARY.** A major improvement to protection of trees, as suggested by the SUFC, was to require permits to remove trees starting at 6" DBH. If a tree care provider does work, they file for permit, otherwise homeowner does it online. Requirements were to including tree species, diameter at 54" height photo, and photos of the tree from a distance, and leaf or needle picture for identification.

City Resolution 31902 asked to require replacement of 6" DBH and larger trees. The SEPA review does not discuss numbers of trees at 6'DBH and larger versus those 12" DBH and larger.

Does not note that many other cities locally require permits to remove 6" DBH trees.

The SEPA review does not discuss problems and costs with city entering data from site plans into Acella database versus requiring developers to enter data via Excell spreadsheets, as is done in Portland, Oregon does. Accompanying documents claim it is hugely expensive to process tree permits without discussing what costs are elsewhere for other cities.

Does not mention or provide evaluation of data collected from last several years on tree retention, tree loss and replacement and entered into Acella system

**10. DATA GATHERING ON TREE REMOVAL** As required by Mayor Tim Burgess's Executive Order 2017-11 Tree Protection, the new ordinance cannot track all tree removals on private property by homeowners if no permits are required and is all voluntary.

Additionally, the SEPA document does not discuss negative impact of reducing data tracking lost by excluding trees 6-12"DBH trees from developer site plans.

**11. TREE GROVES.**

does not discuss potential loss of tree groves and associated loss of bird habitat by not including street trees in definition of a grove

**12. LIDAR CANOPY UPDATE MISSING**

does not mention that 2022 urban canopy results are being evaluated right now and will soon be available to compare tree loss with 2016 canopy study

**13. WILDLIFE IMPACTS**

The tree ordinance proposal removes black cottonwood, bitter cherry, and Lombardy poplar, from tree grove protection, but does not discuss how this will impact canopy goals or wildlife.

Does not discuss impact removing trees during bird's nesting season.

It does not discuss impacts to migratory birds, native bird numbers and diversity of species, as both coniferous and deciduous trees are lost in development.

14. **HERITAGE TREES DESERVE SPECIAL PROTECTION**. A 'heritage tree' is technically the same as an 'exceptional tree' in terms of the level of 'protection' it is given by the City, under the current code. **Native trees are not given any additional protection**

15. **TREE CANOPY GOALS**.

Proposal does not evaluate current or proposed ordinance's impact on reaching 2037 30% tree canopy cover or aspirational 40% in current comprehensive.

The SEPA study does not mention or evaluate impact of up zoning in Seattle for light rail, as present and future plans will affect tree loss retention.

16. **INVASIVE SPECIES IMPACTS AND REMOVAL**. The document does not discuss the impacts that invasive non-native plant species have on the current canopy, its impacts to urban forest health, tree recruitment, landslide potential, potential costs of restoration of landslides on steep slopes. It does not discuss the opportunity to remove invasives during development activities, and make it a requirement to remove invasives on properties undergoing permitted development.

**From:** Chris Crooks <info@email.actionnetwork.org>

**Sent:** Friday, March 4, 2022 3:21 PM

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

**Subject:** Save Our Trees!

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.

Chris Crooks

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**From:** Pat Hartmann <info@email.actionnetwork.org>

**Sent:** Wednesday, March 9, 2022 9:14 AM

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

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**From:** Pat Hartmann <info@email.actionnetwork.org>  
**Sent:** Wednesday, March 9, 2022 9:20 AM  
**To:** Bakker, Patricia <Patricia.Bakker@seattle.gov>  
**Subject:** End the delay! Adopt, with amendments, SDCI's Director's Rule 13-2020

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

As recent record temperatures have demonstrated, the climate crisis is real. Trees are a buffer to help reduce extreme temperature impacts in urban areas.

Please adopt, with the amendments recommended by the Seattle Urban Forestry Commission, SDCI's Director's Rule 13-2020 (Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree service provider requirements).

Seattle must move forward now, without the delay urged by some, in adopting this updated Director's Rule with the amendments proposed below. This process of increasing protection for our urban forest was first proposed by the Seattle City Council 12 years ago and is long overdue.

The following updates as proposed in the draft Director's Rule are great steps forward:

- Reducing the upper threshold on exceptional trees to 24 inches in diameter at standard height (DSH) from 30 inches
- Designating trees 6 inches DSH and larger as protected trees, starting in the platting and short platting process
- Requiring Tree Care Providers to register with the City as the Seattle Dept. of Transportation already requires
- Continuing protection of tree groves as exceptional trees, even if a tree is removed from the grove
- Making clear that all exceptional trees removed during development must be replaced per SMC 25.11.090
- Tightening tree removal requirements for exceptional trees as hazard trees

The following changes to the draft Director's Rule are needed:

- Change Subject Title to remove words "land division" and replace with "Development"
- PURPOSE AND BACKGROUND. add "SMC 23 requires that all trees 6 inches DSH and larger must be indicated on all site plans throughout the platting and sub-platting process, and that projects must be

designed to maximize the retention of existing trees. This requirement continues throughout any subsequent development on all lots in all zones in the city.”

- SECTION 1. Reduce the number of trees and sizes required to be a tree grove. Kirkland, Woodinville, and Duvall all define a tree grove as “a group of 3 or more significant trees with overlapping or touching crowns.” Include street trees in groves.
- Add “Significant trees may become exceptional as they grow in size. They are future replacements in the urban forest for exceptional trees when they die. Development projects must be designed to maximize the retention of both exceptional and significant trees to maintain a diversity of tree species and ages.”
- Add “All replacement trees regardless of size are protected trees and can’t be removed.”
- SECTION 2. Change the heading to “TREE PROTECTION”. Remove references to “Exceptional Trees” only and change to “Trees”. e.g., change “Exceptional Tree Protection Areas” to “Tree Protection Areas”.
- SECTION 4. Add “The Director shall have the authority to allow replacement trees on both public and private property to meet the goals and objectives of race and social justice under Seattle’s Equity and Environment Initiative.”
- Under SMC 25.11.090 the Director has the authority to require “one or more trees” to be planted as replacement trees for removed exceptional trees during development. The number of trees required should increase with the size of the tree removed, with a goal to achieve equivalent canopy area and volume in 25 years. Any in-lieu fee must also rise as the size of the removed tree increases. The city can not wait 80 years to replace an 80-year-old western red cedar tree and expect to maintain its canopy goals as large exceptional trees are removed during development.
- SECTION 5. SEPA requirements under SMC 25.05.675 N are for protecting special habitats and need to be considered at the beginning of the development process. The language of this SEPA code section should be included in the Director’s Rule to be certain that the code is complied with.
- SECTION 6. SDCI should adopt SDOT’s registration process and requirements to assist Tree Care Providers in complying with city code and regulations. Reduce the number of citations that will remove a Tree Care Provider from being registered with the city to no more than 2 per year. Require annual registration same as Seattle business licenses require. Require that Tree Care Provider companies have a WA State contractor’s license to ensure they have workers’ compensation. Require they have a certificate of insurance that lists the city as an additional insured so the city cannot be sued. Require that all jobs either have a certified arborist on the work site or that they have visited the site and officially sign off on the specific work being done.

Thank you for protecting our urban forest.

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