



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

Draft meeting notes

March 2, 2022, 3:00 p.m. – 5:00 p.m.
Via Webex call
(206) 207-1700
Meeting number: 2484 298 4133
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
Stuart Niven
Jessica Jones
David Moehring

Staff

Sharon Lerman – OSE

Guests

Laura Keil

Public

Steve Zemke

Absent- Excused

Blake Voorhees
Elby Jones
Weston Brinkley
Jessica Hernandez

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: Julia called the meeting to order and offered a land acknowledgement.

Public comment:

Steve Zemke noted confusion around the extension of the public comment period, and also referred to the comments submitted to the UFC on the draft tree protection ordinance, including reducing the number of

trees included on site plans and questions around how the funds received from the payment in lieu program would be handled.

Jessica Dixon, following up on previous comment regarding the draft ordinance not including a permit. Resolution 31902 called for a permit system and tree tracking, and the UFC recommendations included it, so it is concerning that it is not in the draft ordinance.

Martha Baskin asked if the UFC has referenced the critical role that trees play in the climate crisis and mitigating heat island effects, an issue critical in addressing equity and lack of mature trees in many communities. Also, has the UFC referenced the issue of affordable housing and the issue of protecting mature trees?

Chair, Committees, and Coordinator report:

Sharon shared two items from Patti:

- OSE's new Director, Jessyn Ferrell, will be starting tomorrow. OSE is excited to have Jessyn join; she comes with much experience and background in the environmental community. She will be eager to hear from and meet the Commission; it will be great to invite her to a future meeting.
- Regarding recruitments, appointment packets for Position 4 and 6 appointees have been submitted; we're also told that the Get Engaged confirmation process is being monitored and we hope for action on that soon so that Laura can be an official member. Several applications were submitted for Positions 2 and 13, but none for Position 3, so the application period for that position was extended through March 10.

Josh reported that he has been in touch with Marco Lowe, the Chief Operating Officer in the Mayor's Office, who has urban forestry in his portfolio. Marco is happy to have a meeting with a small group of Commissioners, where he can share his vision for the urban forest and the Commission can do likewise. Josh called for Commissioners who are interested in joining that meeting; he will finalize scheduling of that meeting.

With the Commission running behind on the meeting schedule, Julia proposed skipping the approval of the February meeting notes so that SDCI can proceed with the update on the tree protection ordinance.

Tree protections update – Chanda Emery presentation

Chanda briefly covered Resolution 31902, which the current tree protection update work is responding to. The resolution contained a set of strategies for tree protection, and it called for these 8 strategies to balance the needs of housing and tree protection. These strategies must prioritize the needs of low-income and low-canopy neighborhoods, and call for SDCI and OSE allowing for infill development while balancing tree planting and replacement goals.

She then covered highlights of the SEPA draft legislation, which was developed in coordination and consultation with OSE, stakeholders and the UFC. It is a draft and is not final legislation. The draft:

- Expands the definition of exceptional trees
- Defines "significant" trees and requires replacement at 12" and greater
- Allows adjustments to development standards to accommodate tree retention
- Allows for payment in lieu option in several circumstances
- Addresses hazardous tree removal actions and emergency situations
- Simplifies processes and supports tree tracking
- Updates enforcement provisions

Chanda provided details on each of those components, and then covered next steps for the tree protections update that SDCl will work together on with the UFC toward shared goals.

Chanda answered questions, starting from the list of priority questions submitted by the UFC before the meeting. Questions and discussion topics included:

- Regarding the classification of exempt tree decisions from SEPA appeal; please explain the rationale behind that. There are two types of Type I decisions. Currently, the code allows for the type of Type I decision that goes through the Design Review Board. The change proposed would mean that it would now be a Type I decision that is an Administrative Decision. This means that Design Review Board members aren't the ones making the tree decisions, but instead the project would be sent to certified arborists to do that review. This would allow for more creative solutions for tree retention. The Commission asked for further clarification on this: in Chapter 25, when there is a SEPA decision, it was a Type II appealable decision. Is that still the case, or is it only portions of Chapter 25 such as tree protections that will now be Type I? Chanda asked for that question to be sent to her so that she can review it against the draft legislation, respond to it and add it the FAQ document on the website.
- Regarding the funds from the payment in lieu program, the language in the draft is vague. Will there be a separate fund set up? Chanda noted that the funds will be passed through to the departments doing the planting (likely SDOT and Parks and Recreation), and that more detail will be added in the final legislation. How the funds will set up and tracked will be determined. There was also clarification on the voluntary part of that section. Whenever replacement is required, there always preference for replanting on site; this is adding the voluntary option of making the payment in lieu of planting on site. The mitigation requirements apply to homeowners as well as developers.
- How will homeowners be notified of their obligations for replacement? Outside of development, would be covered under Ordinance 120207 which sets up a tree service provider self-reporting process for all trees 6" and greater. The draft legislation also counts trees down to 12" for the replacement requirements. Homeowners would be notified of the obligations by the tree service provider.
- Clarification was requested on what happens with the 6" and 12" thresholds. Chanda clarified that at 6", trees are required to be reporting when removing. At 12" and greater, replacement or payment in lieu is required. For now, in the draft, the annual removal limits are the same – remaining at three – for removal by homeowners outside of development. That can be adjusted; Chanda acknowledged that UFC has recommended a lower limit.
- Why does the draft change what size trees are required to be included on site plans? The number of trees protected in going down to 12" tree protection is significant. 12" is also in line with what other similar cities are doing. There continued to be confusion on what protections would be in place for the size categories; Chanda offered to follow up via email to continue to work to clarify. SDCl is tracking and mapping trees 6" and greater, with the additional staff that was hired last year. Chanda also noted that the decision to keep the lower threshold for protection at 12" (vs. the recommendation of 6" by the UFC) was a compromise to balance with other priorities and concerns, in addition to being in line with what other cities are doing.
- Tree replacement requirements – there is concern that the replacement requirement stays at 1:1. The draft states that the replacement tree(s) need to result in canopy cover at maturity equal to or greater than the tree removed. Commissioners noted that there is generational inequity in the 1:1 replacement requirement due to the lag time until the replacement trees reach that canopy size.

Commissioners recommended making sure that the language in the draft makes clear that intent to ensure equal or greater canopy cover with replacement trees. Replacement requirements should also ensure there is adequate conditions for the replacement trees to survive to maturity (soil volume and quality, space.)

- The UFC recommends that protection of replacement trees needs to be official in some way. Chanda noted that there is new language in the draft ordinance that talks about a permit covenant that prohibits development in tree protection areas. It's a condition added to the permit and the site plan showing that it's permanent protection and it's publicly viewable on the website and with the Recorder's Office. That would include a survey where they would delineate the protection area.
- The UFC wanted to know the rationale for not including the permit requirement for tree removal on private property and making it voluntary reporting instead. Chanda noted that during the internal and community outreach, this was one option that was not supported by any groups. Arborists said that a permit requirement would have unintended consequences causing homeowners to remove many trees before they triggered the permit requirement. So SDCI included this option of voluntary reporting to achieve tracking. Feedback received on this also included the cost being potentially prohibitive. The UFC is concerned that without a permit system, there is not a way to enforce the requirements. Costs, benefits and impacts of the permit system versus self-reporting were considered, as well as looking at what other cities do. Enforceability of the permit is questionable. Education is reported to be big piece of success in protection; that is included in plans for rolling out and implementing the legislation.
- The UFC is concerned about the limit for homeowner tree removals staying at three per year. Chanda explained that the intent is to evaluate effects of the other changes to tree protections, and then see if a change to that limit is warranted in the future. There was a need to balance all of the strategies in the Resolution, and the feedback from stakeholders and other needs of homeowners. The existing limit does necessarily mean that all homeowners remove three years every year. The limit can be changed in the future.

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:

Tina Cohen – there are a number of exceptions to the exceptional trees definition in the draft that allow developers to easily remove trees, that are holdovers from the previous code.

Adjourn: The meeting was adjourned at 5:03 PM.

Meeting Chat:

3:14 PM from Martha Baskin to everyone:

Has the UFC referenced the critical role trees have in a climate crisis and ability to mitigate heat islands -- an issue that;s critical to addressing equity and the lack of mature trees in many communities?

3:14 PM from Martha Baskin to everyone:

Has the UFC referenced affordable housing in the issue of protecting mature trees.

3:18 PM from Stuart Niven to everyone:

Please count me in!

3:19 PM from Tina Cohen to everyone:

Josh, please speak up

3:20 PM from Martha Baskin to everyone:

I asked this question, in part, because of the city's housing crisis. Yet on the visual level, it appears that the majority of housing going up = and trees being razed - is for market-rate housing.

3:21 PM from David Moehring Pos 8 to everyone:

Josh, March 31st possible at 10:30am (cannot make it March 29)

3:27 PM from Heidi Siegelbaum to everyone:

Isn't all residential development NOT subject to design review? This would exempt areas where most of our trees are located

3:27 PM from Steve Zemke to everyone:

Is the 12" DBH replacement cover both during development and outside development?

3:28 PM from Heidi Siegelbaum to everyone:

Why would payment in-lieu be a good thing? Particularly when the money goes to SDCI?

3:29 PM from Heidi Siegelbaum to everyone:

Will the ordinance compel a retrospective analysis of past patterns whereby most ECA applications for tree removal lacked proper documentation?

3:33 PM from Steve Zemke to everyone:

TChanda - hat is not clear in the email you sent out that the appeal is still Mach 10th. That confused many people and an extension on the appeal needs to be made!

3:36 PM from Steve Zemke to everyone:

MUP 1 seems to apply to all decisions made by SDCI, not just design review? Am I mistaken?

3:36 PM from Stuart Niven to everyone: Is this an SDCI arborist or 'indpendent', contracted arborist?

3:37 PM from Stuart Niven to everyone: Not all projects are reviewed by Design Review Board, so can the smaller projects be appealed, as they can be now?

3:41 PM from Steve Zemke to everyone:

language says "application of tree provisions pursuant to Chapter 25.11" would be Type 1 and not appealable. doesn't says just design review would be Type 1 permits

3:42 PM from Heidi Siegelbaum to everyone:

How many arborists does SDCI have right now?

3:43 PM from Stuart Niven to everyone: Thanks,

3:43 PM from Sandy Shettler to everyone:

Yes please confirm the number of arborists employed by SDCI

3:43 PM from Stuart Niven to everyone: I think David's questions and Chanda's answers to this answered my question

3:46 PM from Heidi Siegelbaum to everyone:

It is would be implausible 2 arborists could do this review work

3:47 PM from Stuart Niven to everyone: 'Voluntary' payment-in-lieu is NEVER going to work as no one will pay them! Why would this option not be enforced as mandatory for all removals to result in either replacement on site or a significant payment?

3:48 PM from Steve Zemke to everyone:
Portland has a separate fund "Tree planting and Maintained Fund" You could put that specifically in legislation to insure funds not diverted to other used.

3:48 PM from Stuart Niven to everyone:
Really? Wow. I did not know this.

3:48 PM from Heidi Siegelbaum to everyone:
Which is why this should be jettisoned

3:49 PM from Stuart Niven to everyone:
We must pursue this with the State

3:49 PM from David Moehring Pos 8 to everyone:
For follow-up on the ordinance, here is the link of the proposed ordinance change:
javascript: __doPostBack('attachmentList\$gdvAttachmentList\$ctl05\$lnkFileName','') Page 2

3:49 PM from David Moehring Pos 8 to everyone:
Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision
(Administrative review through land use interpretation as allowed by Section 23.88.0202)

* * * *

Building height increase for minor communication utilities in downtown zones

*

Application of tree provisions pursuant to Chapter 25.11

*

Other Type I decisions that are identified as such in the Land Use Code

3:50 PM from Toby Thaler to everyone:
RCW 90.58? Did I hear correctly; that's the Shoreline Management Act.

3:50 PM from Steve Zemke to everyone:
Doesn't voluntary mean it is voluntary whether to plant on site or pay a fee, not that the fee itself is voluntary?

3:55 PM from Steve Zemke to everyone:
Current draft doesn't say specifically in lieu applies to homeowners. Am I mistaken? . Are homeowners required to replant trees removed or pay an in lieu fee?

3:55 PM from Stuart Niven to everyone:
I have a question about significant trees if and when the time is right to ask it. Thanks

3:56 PM from Heidi Siegelbaum to everyone:
How would homeowners be notified of their obligations?

3:57 PM from Heidi Siegelbaum to everyone:

No the replacement

3:59 PM from David Moehring Pos 8 to everyone:

Correcting by ambiguous link, this should link should take one to the proposed tree ordinance Page 2.

https://cosaccela.seattle.gov/Portal/cap/CapDetail.aspx?type=1000&fromACA=Y&agencyCode=SEATTLE&Module=DPDPublicNotice&capID1=22SCI&capID2=00000&capID3=17090#tab-record_detail

4:00 PM from Sandy Shettler to everyone:

Can you clarify what occurs when trees which are 6-12 inches DSH are removed by developer or homeowner? This isn't clear

4:01 PM from Sandy Shettler to everyone:

So they are tracked? Is that the only action?

4:02 PM from Heidi Siegelbaum to everyone:

Didn't you just say 6 inches?

4:02 PM from Sandy Shettler to everyone:

Please clarify the point of tracking?

4:03 PM from Julia Michalak She/Her to everyone:

I think spending the time on this is the priority.

4:03 PM from Steve Zemke to everyone:

SMC25.11.090 currently in draft says 12" DHB and larger and exceptional trees removed during development that is removed in association with development trees must be replaced Is replacement and in lieu fees someplace else for homeowners?

4:05 PM from Stuart Niven to everyone: We are missing a critical point here, regarding what tree removal is allowed currently versus what is being proposed in the draft. Can I ask about this please?

4:05 PM from Steve Zemke to everyone:

Can you do a Lidar map for 6" DBH to number of trees?

4:05 PM from Heidi Siegelbaum to everyone:

But this is a tree ordinance that is supposed to address trees, not benefit SDCI and the development process. This is why your dept should not be heading tree policies

4:05 PM from Martha Baskin to everyone:

But wouldn't reducing the numbers from 12 to 6, fly in the face of the city's canopy goals?

4:07 PM from Steve Zemke to everyone:

A number of other cities in the area require permits for removing 6" DBH and larger The 17000 trees currently on property is not how many are being removed every year is it?

4:09 PM from Sandy Shettler to everyone:

This is very helpful Stuart and glad you asked. Your question is very clear.

4:09 PM from Steve Zemke to everyone:

Current code only deals with protecting exceptional trees during development. You are right Chanda - current code doesn't require saving non-exceptional trees.

4:11 PM from David Moehring Pos 8 to everyone:

Minor questions on design departures in lowrise multifamily zones (where 9% of Seattle's tree canopy existed in 2016). LR1 at 30 ft. , LR2 at 40 feet, LR3 at 50 feet.

4:11 PM from Heidi Siegelbaum to everyone:

Did SDCI also evaluate how the proposed ordinance intersects the race and equity, climate change and other green new deal policies? It's not just trees and housing but trees in the context of sustainable community development

4:11 PM from Stuart Niven to everyone:

Perhaps I am mistaken, but the current code as per Tip 242:

4:11 PM from Stuart Niven to everyone:

Developed Land Tree removal on developed land is limited in all singlefamily, lowrise, midrise, and commercial zones. The following applies, unless trees are found to be hazardous (see Hazardous Tree section), or where tree removal is proposed as part of a development (see Tree Protections During Development section). n No exceptional trees may be removed. n No more than three non-exceptional trees six inches in diameter or greater may be removed on a lot in any one-year period.

4:11 PM from David Moehring Pos 8 to everyone:

LR -zones include 3,900 acres of Seattle's land.

4:11 PM from Steve Zemke to everyone:

Six inches covers 45% of trees in singlefamily lots. If only put 12" DBH trees that is only 18% of trees on site according to Ecosystem Services Report done by city

4:12 PM from Stuart Niven to everyone: Last sentence is critical as the draft update is proposing the limit is "no more than three significant trees less than 12" can be removed in one year!

4:13 PM from Toby Thaler to everyone:

I appreciate that SDCI views the current proposal as a draft with provisions subject to refinement. However, because of the SEPA overlay, it makes it very difficult for the Council to get the bill for consideration before a potentially lengthy and divisive SEPA appeal. Is SDCI able to withdraw the SEPA decision while discussions on the numerous items SDCI agrees need to be adjusted proceed? I note that the Council is not in a position to conduct those discussion; they should occur with the UFC *before* the SEPA decision is done so we'll know what we're dealing with when we get it.

4:13 PM from Stuart Niven to everyone:

Ergo, trees of 6-12", despite being named 'significant' will be unprotected which goes against the request of Resolution 31902 requiring the protection of all trees over 6"

4:14 PM from Heidi Siegelbaum to everyone:

Resolution 31902 Informed by the approach that the City of Portland took to complete a robust public outreach

process prior to drafting legislation and implementing new regulations, Resolution 31902 lays out a number of strategies that the City is committed to exploring in 2020, which will include:

1. Retaining protections for exceptional trees and expanding the definition of exceptional trees.
2. Adopting a definition of significant trees as trees at least six inches in diameter, and creating a permitting process for the removal of these trees.

3. Adding replacement requirements for significant tree removal.
4. Simplifying tree planting and replacement requirements, including co

4:14 PM from Steve Zemke to everyone:

How many trees are currently being removed during development each year. Is the data tyou were putting in Accela updated yet?

4:14 PM from Stuart Niven to everyone:

There are thousands of these trees which in essence are some of the most important trees as smaller trees become larger in time!

4:17 PM from Stuart Niven to everyone:

Can I make a comment about this please?

4:17 PM from Steve Zemke to everyone:

It says replacement at maturity!

4:18 PM from Stuart Niven to everyone:

One to one replacment in theory can be possible in time, but in practical implementaion, it can very easily not work at all. I have a very good example of this to offer to the group.

4:21 PM from Steve Zemke to everyone:

draft says "tree replacement required shall be designed to result, upon maturity, in a canopy cover roughly proportional to to the canopy cover prior to maturity"

4:22 PM from Stuart Niven to everyone:

Replacement trees require the same space, both above ground and below as the existing tree that is being removed, so in essence, it is better to retain the existing tree!

4:22 PM from Steve Zemke to everyone:

The in lieu fee is proportional to the tree size but the language on replacemnt on site isonly 1;1

4:22 PM from Stuart Niven to everyone:

As typically the development process reduces the soil volume / planting space for the replacement tree, making it almost impossible to ever have a decent 'replacement' tree.

March 2, 2022 4:24 PM from Stuart Niven to everyone:

Yes, thank you David. The tree in question literally will not be able to have a canopy wider than 10ft wide yet the pre-existing tree had a canopy spread of at least 70ft

4:24 PM from Steve Zemke to everyone:

Covenant is a good idea!

4:25 PM from Stuart Niven to everyone:

It will likely be removed or die within the enx 5-10 years so quite simply, it is not a valid 'replacement' tree!

4:27 PM from Steve Zemke to everyone:

Tree removal size requiring permits

Annapolis, MD – 5 inches DBH (Diameter Breast Height – 4.5 feet)

Atlanta, GA – hardwood trees – 6 inches DBH; pine trees – 12 Inches DBH

Black Diamond, WA – 6 inches DBH

Cambridge, MA – 8 inches DBH
Issaquah – 6 inches DBH, cottonwood, alder 8 inches DBH
Kirkland, WA – 6 inches DBH
Lake Forest Park, WA – 6 inches DBH
Lake Oswego, OR – 6 inches DBH
Mercer Island, WA – 10 inches DBH
Medina, WA – 6 inches DBH
Miami Beach, Florida – 6 inches DBH
Portland, Oregon – 12 inches DBH
Princeton, NJ – 8 inches DBH
Redmond, WA – 6 inches DBH

4:28 PM from Stuart Niven to everyone:

I was in the arborist listening session and I did not say that! I do not remember my colleagues saying this either. Permitting is a great idea!

4:28 PM from Steve Zemke to everyone:

With no permits you are continuing a complaint based system for enforcement.

4:29 PM from Stuart Niven to everyone:

Oh

4:29 PM from James Davis to everyone:

At the last Urban Forest Symposium, co sponsored by the OSE, there was a presentation on how the Racial Equity Toolkit was applied to the Urban Forest Draft Plan and findings. One of the findings was to not rely on a complaint based system.

4:30 PM from Stuart Niven to everyone:

Were the BIPOC groups made aware of the implications of no permits? That is to say, fewer restrictions result in increased removals.

4:30 PM from Steve Zemke to everyone:

the public comment outreach only involved 29 people, including 8 in the building community and 2 architects as homeowners. 6 BIPOC communities were summarized.

4:31 PM from Heidi Siegelbaum to everyone:

Also people outside this call are working on the role of trees and green infrastructure. If you say only 70 people attended, how can you justify writing a rule on a sample size that small?

4:32 PM from Stuart Niven to everyone:

Did SDCI release a summary of the community outreach, beyond the listening sessions?

4:32 PM from Heidi Siegelbaum to everyone:

That sounds very suspicious, I'm sorry. Being a veteran of public participation I find this hard to swallow or accept

4:32 PM from Stuart Niven to everyone:

In terms of the meeting notes and comments made by community groups?

4:32 PM from Sandy Shettler to everyone:

I never heard about these and I'm very interested. I think the process was flawed.

4:33 PM from Steve Zemke to everyone:
And the city received over 1000 e-mails the last several years urging city adopt UFC draft ordinance

4:33 PM from Heidi Siegelbaum to everyone:
Take a page from King County Wastewater- they go to the people to get feedback

4:34 PM from Stuart Niven to everyone:
Can the UFC invite the same or similar groups to discuss this situation?

4:34 PM from Steve Zemke to everyone:
Chands -I asked several months ago to get recording on BIPOC feedback but never received it Can you send me a copy.?

4:34 PM from jessica dixon to everyone:
do we know how many renters were included in the outreach?

4:34 PM from Tina Cohen to everyone:
So will we drop permits for electrical or plumbing if people don't care for it? The point of permits is to track loss and inform about proper replacement.

4:35 PM from Stuart Niven to everyone:
Outreach can easily be biased depending on what outcome the 'asking entity' is desiring!

4:36 PM from Heidi Siegelbaum to everyone:
Austin does a very good job <https://www.austintexas.gov/department/community-participation>

4:37 PM from Stuart Niven to everyone:
From the summary of the listening session with the developers for example, the comments being made were borne of misinformation and ignorance of the current code and of trees in the urban environment, which would have been good to correct but likely have not been. Perhaps OSE / SDCI and UFC can host an open session with all 'stake holders' so there can be a larger mix of questions, comments and discussion to help remove the large gap in knowledge and understanding that seems to be out in the public realm?

4:38 PM from Steve Zemke to everyone:
Other cities do online permit applications with pictures If tree care providers remove trees they can file for permit. The costs you propose seem unreasonable.

4:40 PM from Steve Zemke to everyone:
You enforce permits by requiring tree care providers to get them to remove trees and also doing posting like SDOT does works.

4:40 PM from jessica dixon to everyone:
where is education in the process/proposed ordinance?

4:43 PM from Stuart Niven to everyone:
Any news on LIDAR canopy cover survey results?

4:43 PM from Stuart Niven to everyone:
Surely this must be reviewed before any ordinance updates can be edited?

4:43 PM from Steve Zemke to everyone:

Is SDCl going to create an Urban Forestry Division to enforce and monitor updated Tree Protection Ordinance?

4:44 PM from Steve Zemke to everyone:

Three trees in one year is an option.

4:45 PM from Stuart Niven to everyone:

Pruning can increase light and reduce shade! No need to remove the whole tree by the way.

4:46 PM from Tina Cohen to everyone:

I'm concerned about the general provisions that allow removal of exceptional trees due to development constraints. Please see page 14, under section 25.11.050. This is a loophole held over from the Directors Rule 16-2008

4:47 PM from Steve Zemke to everyone:

Whoops got that three trees wrong in posting. Shoreline only allows removing 3 trees in 3 years or 1 per year.

4:47 PM from Stuart Niven to everyone:

The draft is reducing protection for trees 6-12". This is clear. Perhaps I have lost my mind but I have always known the current code limits the removal of non-exceptional trees to no more than three trees 6" or greater.

4:51 PM from Steve Zemke to everyone:

It means there is no limit on the number of trees you can remove that are 6 "- 12 " DBH

4:58 PM from James Davis to everyone:

Will trees of 6" up to 12" no longer be required to be on site plans for new buildings and remodels?

5:00 PM from Steve Zemke to everyone:

It becomes confusing - needs more clarification if we are confused.

5:00 PM from Heidi Siegelbaum to everyone:

It would be useful for the City to use its Lean services to simplify legal writing because if we cannot understand this I doubt outside folks can. It's a worthy goal to write transparent laws. Thanks all.

5:00 PM from Lerman, Sharon to everyone:

Project Documents can be found here: <http://www.seattle.gov/sdci/codes/changes-to-code/tree-protection/project-documents>

5:02 PM from Stuart Niven to everyone:

Yeah, thanks Suzanne!

5:02 PM from Stuart Niven to everyone:

Seattle's Best Tree-Rock Singer and Writer!

5:03 PM from Suzanne Grant to everyone:

Just for Stuart!

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

From: John Rito <John.rito@ymail.com>
Sent: Monday, February 14, 2022 11:34 AM
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.
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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 Rito

John.rito@ymail.com

5954 Beach Dr sw

Seattle, Washington 98136

From: Mona Lee <mona_lee@centurylink.net>

Sent: Monday, February 14, 2022 5:38 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.

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

Mona Lee

mona_lee@centurylink.net

4802 S Othello St.

Seattle, Washington 98118

From: wm waldman <wwaldmanmd@erols.com>

Sent: Tuesday, February 15, 2022 8:13 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

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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.

wm waldman
wwaldmanmd@erols.com
3701 South Hudson Street
Seattle, Washington 98118

From: Kevin Shurtluff <info@email.actionnetwork.org>
Sent: Wednesday, February 16, 2022 6:18 AM
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.

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

Kevin Shurtluff
spantastico23@hotmail.com
6020 24th Ave S
Seattle , Washington 98108

From: Jean Buskin <info@email.actionnetwork.org>
Sent: Wednesday, February 16, 2022 10:46 PM
To: Bakker, Patricia <Patricia.Bakker@seattle.gov>
Subject: Save our Trees!

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

Seattle's trees and urban forest are vital. Preserving and increasing trees are steps to slow climate change. We are having unprecedented heat. Trees help keep our homes cool and allow us to live without energy-guzzling air conditioners. Every town and city, and especially Seattle, should be encouraging trees. It's a great way to suck up excess CO2.

Jean Buskin
jeanbuskin@gmail.com
9728 3rd Ave NW
Seattle, Washington 98117

From: Noushin Safaie <info@email.actionnetwork.org>
Sent: Thursday, February 17, 2022 1:21 AM
To: Bakker, Patricia <Patricia.Bakker@seattle.gov>
Subject: Please Update 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.

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

Noushin Safaie

noushinsafaie@gmail.com

604-11th ave East, 205

Seattle, Washington 98102

From: Sandra Martin <info@email.actionnetwork.org>

Sent: Thursday, February 17, 2022 7:11 AM

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

Subject: Save Our Trees!

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

It looks like new development clears lots without replacing or adding green canopy. 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

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Sandra Martin
sandjomar@yahoo.com
8330 22nd Ave NW
Seattle , Washington 98117

From: Steve Simpson <info@email.actionnetwork.org>
Sent: Thursday, February 17, 2022 9:25 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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Steve Simpson
simpson.steve@gmail.com
, 745 N. 83rd Street
Seattle, Washington 98103

From: Kjersten Gmeiner <info@email.actionnetwork.org>
Sent: Thursday, February 17, 2022 11:09 AM
To: Bakker, Patricia <Patricia.Bakker@seattle.gov>
Subject: PLEASE! Protect Seattle's Trees

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

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Kjersten Gmeiner
gmeiner.k@gmail.com
12051 14th NE
Seattle, Washington 98125

From: Jonathan Gallant <jgallant@uw.edu>
Sent: Thursday, February 17, 2022 4:09 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.

I would put particular emphasis on Points 1-4 above.

////Jon Gallant (Fremont)

Jonathan Gallant

jgallant@uw.edu

4404 2nd Avenue NW

SEATTLE, Washington 98107

From: MICHAEL OXMAN <michaeloxman@comcast.net>

Sent: Friday, February 25, 2022 3:37 PM

To: Bakker, Patricia <Patricia.Bakker@seattle.gov>; Herbold, Lisa <Lisa.Herbold@seattle.gov>; Clowers, Gordon <Gordon.Clowers@seattle.gov>

Subject: New Seattle Tree Ordinance Proposal

CAUTION: External Email

Howdy Urban Forestry Commissioners,

Many people know that I commonly shoot video, as a way of taking 'notes' of topics that interest me. Here's a rather embarrassing 12 year old video of one of your meetings. Please see my notes in the Description on the Youtube player.

<https://youtu.be/Azu8uk1uSi0>

FYI, When I asked Seattle Channel for videos of the deliberations of the initial meetings on development of tree policy around the 2009 tree ordinance, Seattle Channel has written to me, explaining that they delete videos after a few years, and that my request cannot be fulfilled.

We must reinvent the wheel, without the benefit of past experience. So, my videos are the only visual record of these discussions, that are now being re-litigated.

Enjoy!

We can see a double standard existed in 2009, and still exists, that some people believe trees are commonly regarded as an impediment to construct buildings in Seattle.

Some other people believe that the value of new buildings surrounded with large trees is increased, due to:

1) Better health and emotional security that comes from being 'enveloped' by an attractive, well maintained urban forest;

2) Higher monetary sale price on the real estate market; and

3) Lighter touch on the ecological processes in the vibrant biological web of creeks, hillsides, and the animal & plant habitat in our community.

What lessons can we learn from my old home-movies of the Seattle Urban Forestry Commission and the City Council?

You tell me.

Does it seem like the developer's claims are true, that they can't make any money, because regulations create clear zones under the driplines of trees?

Are new buildings required to be too small, and therefore too unprofitable, because property line setbacks prevent structures from being built close to the edges of lots?

Are we unfairly reserving Environmentally Critical Areas, such as creeks, and steep slopes for habitat, and excluding the right of an owner of private property from doing whatever they wish on their own land?

The gist of the conflict is that environmental regulations are blamed for loss of profit of developers, even though the eventual purchaser of the finished construction project pays all costs associated with development.

My belief is that the eventual owners of these projects appreciate increased quality of life and are willing to pay for properties that contain a vibrant setting of plants, animals, and humans, with lower health impacts on humans, and with better cultural amenities.

The new February, 2022 proposal of a revised tree ordinance by city staff is a blend of compromises for people on both sides of the issue. Here's my list of "Top 10 things I don't like about the 2022 tree ordinance proposal"

1) The February, 2022 draft tree ordinance reflects 'sticker shock' about how many new employees would need to be hired to enforce the ordinance, so the draft proposal eliminates protection for trees with trunks that are smaller than 1 foot in diameter.

2) The February, 2022 draft tree ordinance reflects fear of citizen appeals of decisions to condemn trees, so it removes the right of citizens to appeal staff rulings (which is flat-out undemocratic).

3) The February, 2022 draft tree ordinance relies on 'self-reporting' by owners of property where trees are removed to create a database of forest composition. Just look at how ineffective the citizen complaint-based building inspection system is.

4) The February, 2022 draft tree ordinance ignores several recommendations by the Urban Forestry Commission and the City Council Resolution.

5) The February, 2022 draft tree ordinance does not require developers to pay equivalent costs when seeking exemptions to tree preservation that ordinary citizens must pay.

- 6) The February, 2022 draft tree ordinance does not require developers to replace all existing large trees that are removed.
- 7) The February, 2022 draft tree ordinance does not protect trees in certain areas of the city such as downtown and industrial zones.
- 8) The February, 2022 draft tree ordinance does not require posting of advance notice of impending tree removals.
- 9) The February, 2022 draft tree ordinance does not require registration of tree service providers, which, inexplicably, is contained in other legislation.
- 10) The February, 2022 draft tree ordinance does not create a separate fee-in-lieu budget fund for permit fees, fines and restitution for trees removed, as has been a very successful funding method used by other cities.

One reason I am skeptical about how effective the draft tree ordinance would be is the unsuccessful proviso, or sanction proposal against the planning department, introduced in November, 2021 as an unsuccessful amendment during the Seattle Budget Committee hearings. This proviso would have deducted hundreds of thousands of dollars from the planning department budget, unless they produced a draft tree ordinance, as had been promised for years.

The City Council has also cracked down on our administration by requiring quarterly reports (like children sent to the principal's office) for under-performance on management of open space policy by both the planning department, and the parks department.

A lesson learned from the 2007 Urban Forest Management Plan is that a forest inventory is required to intelligently manage a million and a half trees. Unfortunately, the inventory was never completed.

An aerial photo survey taken by radar sensors in satellites in orbit is expected to deliver an updated Tree Canopy Assessment by Spring, 2022. Why, 2 months before completion of mapping of the locations of trees, is this draft tree ordinance being omitted from consideration. I suspect it has been rushed to avoid the indignity of being required to present yet another quarterly report to the council.

The council should ask for the preliminary findings of the Canopy Cover survey prior to acting on this draft tree ordinance, and the public comment period on the DNS should be extended until then.

Another 12 year old video of a staff briefing of the Urban Forestry Commission shows 8 Commissioners in a row, objecting to the 2010 draft of the update of the tree ordinance.

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>

The current tree ordinance was enacted as an interim ordinance in 2009, with a Resolution to update it after 1 year. Why hasn't the City of Seattle done this? The 2010 draft was presented by staff in response to Council Resolution 31138. ***Section 1. The City Council requests that the Department of Planning and Development (DPD) submit legislation by May 2010 to establish a comprehensive set of regulations and incentives to limit the removal of trees and promote the retention and addition of trees within the City of Seattle on both private and public property***

[Online Information Resources - CityClerk | seattle.gov](#)

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>

This 2010 draft was later rescinded. It was revived again in 2012, and that draft tree ordinance was also rescinded. The current draft is also a betrayal, and should also be rescinded, and rewritten to actually protect trees and our urban ecosystem. It does not contain the recommendations of the Urban Forestry Commission, or the requirements of Council Resolution 13902, enacted in 2019.

[Res 31902 - Signed Resolution 31902 \(legistar.com\)](#)

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 Low-Rise 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.

Thanks so much for listening!

Arboreally yours,

Michael Oxman
ISA Certified Arborist #PN-0756A
(206) 949-8733

From: Iona Stenhouse <info@email.actionnetwork.org>

Sent: Saturday, February 26, 2022 11:30 AM

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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ionastenhouse@gmail.com
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Seattle, Washington 98122