Urban Forestry Commission (UFC)

November 3, 2010
Meeting Notes

Seattle Municipal Tower Room 1940
700 5th Avenue, Seattle
3:00 p.m. – 5:00 p.m.

Attending

Commissioners
Elizabeta Stacishin-Moura (ESM) - chair
Nancy Bird (NB)
Gordon Bradley (GB)
John Hushagen (JH)
Kirk Prindle (KP)
Jeff Reibman (JR)
John Small (JS)
Peg Staeheli (PS)

Staff
Sandra Pinto de Bader (SPdB) - OSE
Brennon Staley (BS) - DPD
Gordon Clowers (GC) - DPD

Absent- Excused
Matt Mega – vice chair (MM)

Call to Order

ESM called the meeting to order and opened the floor for public comment

Public Comment

Barbara Downward is a resident of Magnolia and a tree and forest steward. Commended the UFC for the letter on proposed tree regulations. Suggests that UFC recognize the importance of using native plants. Recommended the book Bringing Nature Home by Tallamy.

JH asked Barbara to name two top priorities to increase tree canopy
BD responded that what would help the most increase tree canopy would be to give Seattle parks unlimited access to undeveloped street ends in the city. She believes SDOT will begin charging parks for that use and it would be devastating. There is a fair amount of acres in Seattle in undeveloped street ends and that would be the best way to increase canopy.

Kurt Fickeisen is a certified arborist and is part of the Heritage Tree Committee. He doesn't feel regulations provide enough protection for tree, especially in already developed properties. Other cities surrounding Seattle have restrictions and they are thriving communities. There is no reason why Seattle can't do the same thing.

Approval of October 13 and October 20 meeting notes

ACTION: **A motion was made to approve the October 13 meeting notes as written. The motion was unanimously carried.**

ACTION: **A motion was made to approve the October 20 meeting notes as written. The motion was unanimously carried.**

DPD Permit System Findings Briefing – Brennon Staley (DPD)

BS presented a permit discussion PowerPoint (included in UFC website and below)

NB has a question on scope of the study. Did they look at the national level?

BS They looked at Portland and tried to find the strictest codes: Athens, Palo Alto, Pasadena, and Denver

The group asked about Vancouver, BC, Atlanta and Cape Cod

KP In terms of permit processes Issaquah doest Point 2 "no-review- free on line permit. The presentation said that they didn't find any examples. KP said that people go to the website and print out a form, scan it and send it back. He looked at all the forms. Based on their lot size they could remove "x" number of trees per year. Issaquah has 28,000 people and assess a $60 fee for not complying.

NB – they are not call that a 'permit'

KP – it's a 'form' level, vs. a 'permit' level

BS – Issaquah is really a 'notification only' case

Steve Zemke: Kirkland requires a permit before cutting down any tree

BS it's important to look at process, standards and alternatives in a holistic way

Regarding Permit Standards: Monitoring/Education Only approach:
BS there is 100% margin of error
ESM – could they use a statistical sample?
BS – this would be different
JR If we did the tree by tree inventory of an area, they could figure out how many trees were cut. Combined with tree by tree inventory it would produce good results

NB – be careful about making statements that make a point for a permit system not working

BS - education of property owner would only happen if the system relied on the property owner to provide the information (and not the tree services company). Some of the data required (such as type of tree and age) could only be provided by a tree services person. Quantifying tree value would be more of a civic question. They are evaluating input and overall permit options. They'll go over several permutations.

NB – wanted clarification on whether DPD will go back and hear input from other groups. Given comments coming in, if the overwhelming majority didn't support DPD's proposed regulations, how will the comments be considered going forward? How can DPD and the UFC work together better?

BS – they are going to create a matrix to articulate comments and re-evaluate their approach. Will get together with the Mayor and City Council on major issues.

NB – is there room for DPD to consider a permit system?

BS – yes

JH – permit system would reduce the rate of tree removal. Alternatives to removal need to be talked about

BS –they are also considering alternatives. Consider the baseline on what has been done since 2007 and consider additional measures.

Major Institution Overlays Briefing – Gordon Clowers (DPD)

GC handed out the document "Major Institution Master Planning" see below:

MAJOR INSTITUTION MASTER PLANNING

1. Purpose and Intent – SMC Chapter 23.69, section 23.69.002
   - Allow appropriate institutional growth than minimizes adverse growth impacts
     - Accommodate changing needs;
     - Encourage high-quality environment
     - Parking, traffic controls
   - Balance public benefit from institutions changes with protecting neigh. livability/vitality
     - Compatibility, transition, setbacks
   - Encourage concentration within existing campuses; OR, decentralization (>2500+ ft.)
   - Zones to accommodate the intended concentration (in most cases), and that discourage the need to expand an institution's geographic boundaries
     - Give clear guidelines and standard for long-term planning/development
     - Give advance notice to the neighborhoods and City of future development
     - Provide basis for determining mitigation for adverse growth impacts
   - Encourage significant community involvement in the development, monitoring, implementation, and amendment of master plans – citizen's advisory committees

2. Regulatory Coverage – SMC 23.69.004-.030
   - For uses related to the major institutions, the overlay zones apply. For other uses, the underlying zones' use and development standards apply.
   - Major Institution Overlay Districts (MIO) with prescribed height levels (37, 50, 65, 70, 90, 105, 160, 200, 240 feet)
   - Master plans may modify most kinds of development standards (must provide a reason why, and special standards that apply)
   - Development standards in a master plan shall include: landscaping, percent of district to remain in open space, ped. circulation routes, height, lot coverage, setbacks (23.69.030)

3. Process Steps – SMD 23.69.032-.033
   - Master plans have 3 components: development program; development standards; transportation management program
   - Institution submits preliminary concept plan with amount of uses, street vacations, alternatives for development options
   - Citizen advisory committee formed (6-12 people), to participate directly in the formulation of the master plan w/institution and City, in open meetings
   - SEPA checklist and/or EID; comment period of draft master plan and draft EIS
   - Director's Report and recomm. on the master plan; also, an advisory committee report
   - Hearing Examiner considers the master plan, recommends to City Council, who decides

4. Advisory Committee, institution reps, architects, and planners should discuss existing vegetation to preserve, landscaping, and open spaces that will support tree cover objectives

GC from DPD delivered a briefing on Major Institution Overlays (MIOs). Major Institution Master Planning was developed 20 years ago to deal with unique needs of large hospitals and institutions located in lower density neighborhoods, for example North Seattle Community college, Children's hospital, and other institutions on First Hill. These master plans were created to minimize impacts that institutions would have if they were to grow unchecked. The idea was to balance public benefits while protecting neighborhood livability and vitality. Pay attention the transition of uses at the edges of the institution, looks at parking and traffic controls and how to concentrate use within spaces. Important to encourage concentration within existing campuses or, if there is decentralization to have the different sections separated by 2,500 ft from the main campus to provide a buffer zone.

An MIO is an overlay of different added regulations to what is there now.

ESM asked whether it's true that an MIO adds regulations to what's there now or is it more that it modifies regulations to suit the institution's master plan?

GC agreed that MIOs then to supersede regulations more than to add restrictions.

ESM – so, they are fewer restrictions.

GC – There is a lot of experience in the UW. If something is off campus, things might be balanced by the underlying zoning.

ESM – is the trend of increasing or decreasing canopy cover in MIO zones?

GC – there is no way to determine that. Master Plans lay out locations of buildings and where they'll go. Open spaces are less defined.

JH question: Is the institution supposed to come to DPD first? For example Children's wanted to expand and bought condos next door to their campus. They plan to take down 116 trees. Another example is Ingraham High School. Did the School District come to the DPD before moving forward? Do they think about tress as they think about design?

GC – Institutions do come to DPD to talk about issues but in general it is not about landscaping. SMC 23.69 establishes time limits when things should happen. An Advisory Committee is formed to review the plan and includes community members. The Advisory Committee should hone in into what results are desired. There is a standing committee for the UW.

KP – Do master plans have a specific piece for trees and the urban forest?

GC – It would be contained under the landscape section, that's where the standards exist

KP – in Issaquah they were required to include trees and forestry in master plans to get people thinking of trees ahead of time

JR – if a project is being developed within an existing master plan (MP) how is the development process the same or different from a typical process? Is the design reviewed by DPD? Are there things that they skip?

ESM – Virginia Mason has an MP and they are exempt from design review. It's clear that if the expansion project had gone through design review, it would have turned out different.

NB – Because it met the plan's threshold.

GC – MIO pre-dates design review

ESM – Need to be re-done or amended. Virginia Mason is expanding and are in the process to do a new MP. They want to add significant bulk. This is the time for the city to interject and add urban forest and canopy standards to the process. Another opportunity is via an amendment to add height or bulk. The city can interject and give you the right to add five stories but want you to add more canopy cover. How does the UFC provide input in this regard? A letter to DPD's director? Advising to add canopy standards?

JH – what happened in the UW campus? The HUB remodel removed 71 trees to remodel the façade of one building. Why isn't DPD involved in that?

ESM – what happened that allowed this to occur? How can it be prevented in the future?

GC – the UW has its own MP. The City has had to take a removed role. The campus has said that their state authority supersedes the City's authority.
JS – this is not the way the City engages with WSDOT

PS – Is the UW considered a Master Institution? It has a different standing

JS – The HUB yard shows up as a special conservation area in the original MP

PS – there must be someone at the city that handles permits for UW. How do we find that out?

KP – who manages it? How much of the changes are considered to be maintenance?

GC – We do reserve SEPA authority to do decision making project by project. It is used is impacts are identified.

NB – one objective is to determine if there are new standards that need to be addressed. Could GC help?

GC – if want to provide more specificity to MIOs in terms of canopy cover, that would be a small detail to add to the MIO section of the code. Install it as something to be addressed or improved. More so than "have open space and landscape' standards.

JR – it could be done through an amendment to the code section as part of the current tree ordinance or as MP updates happen.

PS – could it be done through a Director's Rule?

ESM – a Director's Rule is clarification of code

GC – add a section on land use code to address this SMC 23.69

ESM – this tree ordinance could be the opportunity to request addition of this piece

GC – could happen

ESM – maybe one of the committees could learn more and understand the process for amending code

JH – UW did not expand the footprint of the building. It removed 71 trees to place a scaffolding. The UFC's goal is to have DPD think of trees as infrastructure.

BS- MIO specifies different standards institutions have to meet. They have to comply with all standards except with standards that are different.

JR – if the institution's landscaping plan has different standards that current standards, then they use the ones in their plan

GC – most likely institutions are not zoned commercial, they are usually an amalgamation of zones

BS – the UW doesn't have an underlying zone

JR – is it the planner at DPD who goes through plans and code and looks at things and decides?

BS – the city didn't want to get into a complicated lawsuit (to the supreme court) due to UW

PS – institution standards look weaker because they are old and we now have more stringent standards.

GC – having canopy cover and tree preservation on a list raises it to al level to be discussed by people in the room, including the architects

JH – if there were a forestry bureau….

ESM – the MP of the institution would override it

PS – there is a good reason for MI not taking every issue to the city. The institutions provide a service to the city, it's important to avoid the expense of going through the rigor of MP. Now sensitivities have changed and we need to raise the level. Their current MPs let them do that

ESM – we are not more stuck with this issue than we are with the tree ordinance

GB – it's important to have a sense of what's going on with each of these institutions. UW has a landscape review committee.

JS – their 2003 MP does not address renovation of the HUB

NB – if it's outside of their threshold then they violated SEPA

GC – it might be necessary for UFC to roll up their sleeves and work with UW planners

UFC 5-year Work Plan – Vote

ACTION: **A motion was made to approve the Five-year Workplan as written. The motion was unanimously carried.**

The Role of the UFC Committees

ESM – should committees be task oriented or standing, or a combination of both?

NB – now that we have a work plan, use the one-year table as an example for new structure

JR – having standing committees provided more flexibility to work on issues

PS – the UFC had tons of things to address, the tree protection ordinance, and canopy cover issues, so they got scattered. Prioritizing is a good idea.

JR – sent email regarding committees:
From: Jeff Reibman [mailto:jreibman@weberthompson.com]
Sent: Wednesday, November 03, 2010 1:09 PM
To: kirk prindle; John Small; Gordon Bradley; Peg Staeheli; John Hushagen; Elizabeta Stacishin; Matt Mega; Bird, Nancy; PintodeBader, Sandra
Subject: UFC Management Committee, Next Steps

Hi all,

Just a heads up that I'm considering different directions for the management committee in the short term and I wanted to get a bit of feedback. You can e-mail me individually or, If necessary I can state the

question publicly at the meeting later today. My purpose is to guage people's feelings about what is most important and what they are personally willing to commit time too. These are not mutually exclusive but may need to be prioritized in terms of sequence as we can't do everything at once.

Option 1) work to develop specific recommendations on a tree permit system.
Option 2) examine the question of exceptional tree protection and make recommendations for a system going forward
Option 3) seek interdepartmental / public input on augmenting the future TPO
Option 4) work on researching / building the civic infrastructure and economics case

Thanks,

Jeff

Dealing with a permit system might be a Management Committee issue.

NB – now we have five priority outcomes, it would be good to assign champions. This first year of the UFC has been a learning year.

JR – elevate committee briefings. The UFC directs and committees report back?

GB – the problem is that some issues dealt with at committee level don't have the benefit of full UFC input. We could prioritize and add tasks to ad-hoc committees. There is merit on having flexibility but it's nice to work as a group.

Include taking a stab at committees at next meeting. Include in agenda.

JR – issue with ad-hoc committees is that a lot of the work would be done outside of Public Meetings Act. With fewer than four members it's okay to have an ad-hoc committee.

GB – the public is better service with most of the work being done by the full commission

NB – will provide beginning work on five work plan priorities and committees.

New Business and Announcements

ESM – The UFC needs to elect a new chair. She is not interested in remaining as chair.

JR – do we want to have a Management Committee meeting? No
Do we want to have full commission meetings twice a month? No

Adjourn

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Community Input:

From: Donna Kostka [mailto:donna4510@comcast.net]
Sent: Monday, October 25, 2010 2:49 PM
To: PintodeBader, Sandra
Subject: Please distribute to SUFC

Sandra – Please distribute this note and the attachment to members of the SUFC. Thanks in advance:

To Members of the Seattle Urban Forest Commission: Please accept our thanks for all your good work in preparing such a well conceived response to DPD's tree initiative. You'll find our organization's response attached, very similar to yours. But, be sure to read #4, in which we comment on the importance of keeping exceptional trees, tree groves, and habitat buffers and point out that the city's critical area ordinance regulations should intersect with its tree regulations, including strengthening Director's Rule 5-2007 regarding heronries. Best wishes, HHH

Donna Kostka, Chair
Outreach Committee
Heron Habitat Helpers
6516A 24th Ave. NE
Seattle, WA 98115
(206) 283-7805
donna4510@comcast.net

Heron Habitat Helpers

October 22, 2010

Seattle City Council
P. O. Box 34025
Seattle, WA 98124

Re: Standards for Tree Cutting proposed by DPD

Dear Council Members:

Heron Habitat Helpers is an organization whose mission is to protect and enhance the Kiwanis Ravine heron colony. We are concerned about this ordinance because the protection of trees is crucial to maintaining the heron habitat and allowing them to remain in their urban location. We concur with the Seattle Urban Forestry Commission (SUFC) that the standards proposed by the Department of Planning and Development are not adequate to protect the urban forest or to meet the criteria set by the City Council for preparation of the regulations. Our comments are as follows:

1. **Trees as Infrastructure**
A tree protection ordinance must demonstrate that it is clearly related to the protection of the public health, safety and welfare. When trees are considered as part of the infrastructure that is a clear statement of intent about their importance and value to the public.

2. **Permit System**

Without a specific permit system, it is difficult to see how the tree standards will have a major impact. We would suggest a two-tiered system that begins with a low-cost simplified permit for any tree cutting. This gets people into the City before a development is proposed or property is sold for development. If the application is under a certain threshold, which would be established in the regulations, the permit would be issued over the counter. If it is over the threshold, the permit would be escalated to a more comprehensive tree permit and a tree survey or site plan review would be required.

As the SUFC has said, this system would also allow better tracking of the tree canopy and building a database that lets us know what the condition of our urban forest is.

3. Tree Credit System
A credit system does not seem to make sense without some kind of permit procedure, and the size of the tree is not necessarily the most important factor. The credit system should be expanded to include value factors such as type of tree, age, health, native/non-native, canopy, historical value, location and place. We also believe that there should be incentives to protect the trees rather than destroy them.

4. Exceptional Trees
We think this category should be retained and expanded as there are many tall trees remaining in Seattle that have significant cultural, historical and wildlife habitat value. This category needs to be better defined rather than eliminated. These factors should be included in the credit system and protected by permits. Nesting trees for eagles, great blue herons, ospresy, hawks, etc. all depend on tall trees and buffering habitat. These factors need to intersect with the City's critical area ordinances, including building in better protections to other measures such as Director's Rule 5-2007, which protects the City's two largest heronries.

5. Hazardous Trees
These need to carefully defined, especially if their removal is to be excluded from further permit review at the threshold level. The ordinance should not allow this to become a loophole for cutting down healthy trees.

6. Guidelines for Solar Access
This category also needs careful definition as it could also provide a loophole for wholesale tree cutting.

7. Bonding
Maintenance bonds for two years should be required on commercial and institutional projects.

8. Coordination of Tree Protection Programs
Green factor, Critical Areas tree protection, and other tree protection programs should be administered together either through the site plan review process or other coordinating devices. Administration of the tree protection ordinance needs to be incorporated into a single, new department, as proposed by the SUFC, or incorporated into the mission of the Planning and Development Department. However the ordinance is administered it needs to be the responsibility of a Department Director who reports directly to the Mayor. Other City Departments should not have competing missions in regard to protection of trees, and should be subject to the Tree Regulation ordinance.

9. Payment in Lieu Fund
Payments made for removal of trees should be maintained in a separate fund, not for general disbursal. The funds could then be used in a tree replacement program. Funds collected from tree-cutting should be used to plant trees.

10. Enforcement
Whether enforcement remains implemented by complaint only or not, there should be personnel designated and accessible who have the responsibility and necessary training to follow up on enforcement complaints. The City should emphasize that there will be significant penalties for destructive tree cutting.

11. Education and Public Information
The City should undertake an active education program to inform the public about the value of trees and the procedures the City intends to use to protect them. Tree planting and maintenance is not something

the City does by itself. Many private organizations and citizens are concerned about the urban forest and can be enlisted to help implement the goals of the ordinance. Tree planting is something anyone can do.

We want to thank you for consideration of our concerns.

Sincerely,

John “Hooper” Havekotte, President
Heron Habitat Helpers
Steward of Kiwanis Ravine Park

cc: Mayor McGinn

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From: Rod Crawford [mailto:tiso@u.washington.edu]
Sent: Thursday, October 28, 2010 5:07 AM
To: Staley, Brennon
Cc: Morgenstern, Tracy
Subject: Public comment on proposed tree regulations

To whom it may concern,

I have read the city's Proposed Tree Regulations, document dated July 14, 2010 (but I was not aware of its existence until the media publicity a few days ago). These are my comments, both as a member of the public and as a professional invertebrate biologist.

First, a general comment: The rationale for this and other Seattle "urban forestry" related documents seems to be that tree canopy (as measured from aerial sensing) is good, and increasing tree canopy would be beneficial to wildlife and other environmental values.

While this is true to an extent, it misses something very important. Much of Seattle's tree canopy does *not* constitute a true urban forest because there is no native understory vegetatation, and no natural leaf litter "forest floor" habitat, under these trees. Tree canopy with no understory or litter may be fine habitat for birds and squirrels and some arboreal insects, but the majority of the fauna that would inhabit a natural forest is not served by such canopy. In particular, the vast majority of the invertebrate species (including insects, spiders, worms etc.) are not served. And these species constitute the bottom of the animal food pyramid. Without them, there can be no balanced ecology. While it may often be impractical to enhance canopy-only habitats to full forest habitats, city planning should recognize the fact that this is very desirable whenever it can be done, and should encourage the retention not only of trees, but of natural shrub and fern understory flora, and forest floor leaf litter, whenever such retention does not severely conflict with other uses of the land.

Also, planning and regulations should recognize another biological factor that has been ignored. Re-planting vegetation after land clearing is *not* equal to retaining pre-existing vegetation, in large part because nursery stock brought on and planted after the fact will always carry non-native, invasive insects and spiders with it. Every time this is done, our native invertebrate fauna is further degraded.

- -
My other comment is a specific one on the proposal to have no permit system for private property tree removal and to remove the requirement to preserve significant trees.

Although considerable of a "greenie" myself, I do understand and, in part, agree with the rationale for these controversial proposals. However, I think they go a little too far.

My suggestion would be to require, not a permit, but a consultation before removing any tree over a certain size. It could be emphasized that the consultation would not lead to prohibiting property owners from doing what they wish. but would rather ensure that owners wishing to remove trees would be aware of all options and of the advantage to them of the proposed credit system. In connection with this, the significant tree registry could be maintained without being seen as part of onerous bureaucratic restrictions.

Without requiring consultation, I fear that all your other good proposals and programs will in many cases be ignored by people who simply think "I don't have to pay any attention to this because it doesn't require a permit."

I hope the Department of Planning will take these suggestions under advisement. Feel free to contact me (email is easiest, I'm hard to reach by phone) for any clarification or further info.

---Rod Crawford, Burke Museum, Seattle, USA <tiso@u.washington.edu>

From: Cheryl Trivison [mailto:ctrivison@richhaagassoc.com]
Sent: Thursday, October 28, 2010 3:16 PM
To: McGinn, Mike; Conlin, Richard; Licata, Nick; 'Mike O'Brien'; Harrell, Bruce; Clark, Sally; Bagshaw, Sally; Rasmussen, Tom; Burgess, Tim; Godden, Jean; PintodeBader, Sandra
Cc: Brennan.Stanley@seattle.gov; 'Steve Zemke'; david.miller@mapleleafcommunity.org; 'Michael Oxman'; 'Richard Ellison'; 'Kit O'Neill'; 'Ilze Jones'; SeattlePOSA@yahoogroups.com
Subject: DPD Tree Regulations

October 28, 2010

Mike McGinn, Mayor, City of Seattle
Council President Richard Conlin
Councilmember Nick Licata, Councilmember Mike O'Brien, Councilmember Bruce Harrell, Councilmember Sally Clark, Councilmember Tim Burgess, Councilmember Tom Rasmussen, Councilmember Sally Bagshaw, Councilmember Jean Godden,
Seattle Urban Forestry Commission

RE: DPD Proposed Tree Ordinance

TREES—"The Worlds Lungs…Purveyors of water, consumers of carbon, treasure-houses of species…In every leaf, chlorophyll molecules are seizing the day for photosynthesis. Using sunlight to ship electrons, they split water molecules and combine the resulting hydrogen with carbon dioxide extracted from the air. This produces carbohydrates that the trees turn into sugars, to be burnt off in respiration chemical process turned into new plant-matter…oxygen, they emit through their stomata…"

This quote was taken from The Economist Magazine, September 25th—1st October 2010 issue cover story, a 14 page report entitled "*The World's Lungs-Forests and how to save them*". This extensive report is about world forests: information about trees, forests, climate change, global warming, importance of mature trees, and regulation of water run-off.

Sierra Magazine, November—December 2010 issue graphically points out U.S. deforestation between 2000 and 2005 was at 6%, highest in the world.

These world/national indicators alert us that we must continue to move toward more responsible Tree Regulations than proposed by the Seattle Department of Planning and Development *Proposed Tree Regulations July 14, 2010* document.

- Tree Regulations should clearly state the goal to save/grow Seattle's Urban Forest and in all ways use mature trees to protect our environment and increase tree canopy for the health, safety and welfare of Seattle Citizens.

- Seattle Urban Forestry Commission [Ordinance 123052 "…provide policy direction to the Mayor and City Council on preserving and protecting the City's urban forest…in the City, whether on public or private property."] should have been involved in the development of the Proposed Tree Regulation. By not including SUFC, DPD's proposed document is flawed, regressive, and seriously hinders Council's stated objective to increase the city's tree canopy.

- SUFC letter dated October 20, 2010 reiterates their concerns with the "Process", "Goals" and "Tools" of DPD's Proposed Tree Ordinance: create a more inclusive public and internal process; trees are infrastructure and should be maintained to grow large; create a permit system that incorporates the stated recommendations to allow for public education and on-line access to information about trees benefits and values.

- Update the Urban Forest Management Plan 2007 for relevancy before it is adopted. Statistics in the plan are erroneous and the "two for one" replacement planting of trees is bogus. Carried to a 'final solution' Seattle would have no mature trees, only seedlings.

Thank you for your attention.
Cheryl Trivison
Founding member of Seattle Urban Forest Stakeholders

Cc: Brennan Stanley, DPD; Steve Zemke, David Miller, Michael Oxman, Rich Ellison—Save Our Trees; Seattle Parks and Open Space Advocates; Kit O'Neill, Ilze Jones
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From: Cheryl Trivison [mailto:ctrivison@richhaagassoc.com]
Sent: Monday, November 01, 2010 1:18 PM
To: Sugimura, Diane
Cc: PintodeBader, Sandra; 'Steve Zemke'; 'David Miller'; 'Michael Oxman'
Subject: Tree Regulations Proposal--letter dated 10-28-10

Diane Sugimura, Director
Seattle Department of Planning and Development

Dear Ms. Sugimura,
It has been brought to my attention that Brennon Staley, DPD staff person who authored DPD's Proposed Tree Regulations is designing a matrix of citizen comments regarding this document. I was remiss in not adding your name to the list of people I think should receive citizen letters responding to DPD's tree regulations. I consider a matrix an incomplete tool and hope that you have had the opportunity to read in full all citizen letters.

Thank you for your attention,
Cheryl Trivison

Cc: Seattle Urban Forestry Commission; Steve Zemke, David Miller, Michael Oxman Seattle, Save Our Urban Forest Infrastructure

(This email had a letter enclosure which had already been distributed to UF Commissioners)

From: Sugimura, Diane
Sent: Monday, November 01, 2010 1:37 PM
To: Cheryl Trivison
Cc: PintodeBader, Sandra; 'Steve Zemke'; 'David Miller'; 'Michael Oxman'; Staley, Brennon
Subject: RE: Tree Regulations Proposal--letter dated 10-28-10

Thank you. I will be reading the letters.

Diane M. Sugimura, Director
Dept. of Planning and Development
700 Fifth Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019
206-233-3882

From: SeattlePOSA@yahoogroups.com [mailto:SeattlePOSA@yahoogroups.com] **On Behalf Of** Michael Oxman
Sent: Friday, October 29, 2010 10:29 AM
To: Staley, Brennon
Cc: Sugimura, Diane
Subject: [SeattlePOSA] Public comment on tree regulations proposal

Hi Brennon,

You state the current tree regulations are not achieving their desired intent, so they should be repealed. This is a mealy-mouthed way of saying the city is gutless, when it comes to enforcement of violators caught red-handed.

Here is a narrative showing the Code Compliance function of the DPD is ineffective at enforcing Seattle's tree regulations. Environmental degradation may be occurring at a much greater pace than DPD is willing to accept. The city website says there are several ways to file a complaint:
1) fill out the online complaint form;
2) phone;
3) walk into the DPD Code Compliance office in person;
4) email.

Since email doesn't work, the reporting system is broken. Here's an example:

http://web1.seattle.gov/DPD/permitstatus/Project.aspx?id=1024207 is a complaint at Harbor Lights Condos, 2349 Harbor AV SW that was not filed for weeks after it was reported by email and phone to the proper authorities. This video of the bulldozer actually logging on the 30% slope of the hillside was posted on Youtube; http://www.youtube.com/watch?v=0x2xg2Jqw6I I spoke with the DPD inspector and the Parks Natural Resources manager; and the video web link was sent to DPD within the hour. The logging continued on into the next day, and no inspector was sent to the site until after I walked into Dianne Kelso's office to re-report the omission more than a month later. Please see attached emails at the end of this letter.

The problem seems to have resulted from confusion about 2 violations on the same block. There was a previous violation issued two doors down at 2315 Harbor AV SW, adjacent to Admirals Watch Condos, http://web1.seattle.gov/DPD/permitstatus/Project.aspx?id=1023646 that also had a video posted (known as the

Alki Tree Massacre) showing the perpetrators caught in the act
http://www.youtube.com/watch?v=go7MWOKt_6w.

The staff simply didn't believe me when I called with the second address in a short timeframe, and disregarded the information. They never looked at the second video to confirm or deny the accusation. These videos were even sent to City Council Members, who must have assumed DPD was doing it's job.

Even now, the official policy is to only require replacement of the lost vegetation with saplings, discounting the cubic volume of foliage lost to unregulated dozing. The note on the complaint website is only Violation, not Notice of Violation, which may soon be replaced with Voluntary Compliance (VCOMP). The notation will not be properly appended with an addendum--it will be overwritten, which conceals the true process. A 'slap on the wrist' will be administered in the form of a requirement to show a revegetation plan, nothing more. There will be no record of the property owner ever being caught on video in the act of logging on a steep slope in an Environmentally Critical Area without a permit, which is improper.

This 'backdating' of DPD records serves to hide the extent of the problem, and should be looked at by the legal department as a pervasive problem. It is what allows DPD to "sweep under the rug" it's code compliance and environmental degradation problems. The sense that 'ordinances are not for lawbreakers' must be de-institutionalized by legislators with guts. The goal of the Code Compliance department is VCOMP, or Voluntary Compliance, which is the sanitized version of a very messy enforcement process.

Another example of the backdating can be seen in the degraded condition of the Exceptional Hemlock tree at 926 N 96th St.. This huge tree will have a drastically shortened lifespan as a result of the Notice of Violation that was was overwritten by the VCOMP notation that is currently on the complaint website at: http://web1.seattle.gov/DPD/permitstatus/Project.aspx?id=1022390. 2 feet of topsoil was piled on the root zone of this property in a failed attempt to avoid the required stormwater detention tank that has been installed, because the property is below grade. There is no trace of the NOV. How can citizens find it? Are the historical notations on this file available to the public?

When the Seattle Auditor was investigating his May 15, 2009 report, I suggested that she take a survey of commercial tree service operators and biomass processors to find out how many trees are being removed from Seattle per day. I received a polite letter saying this was 'outside the scope' of the report. I also suggested this to the Seattle Urban Forestry Commission during public comment months later, but they never responded. By refusing to aquaint itself with the scope of the problem, the municipal government won't be able to decide how to address the fact that hundreds of trees are removed daily.

A tree inventory must take the form of vacant tree spaces and the short term timeframe tree losses, as well as the estimated 1% + canopy growth that takes place through twig elongation each year.

Please do not repeal the tree ordinance. Please extend the public comment period. Until a tree inventory can be taken, we won't know which trees are an asset, and can be spared. Trees are not a burden to the citizens.
Arboreally yours,
Michael Oxman
2317 Harbor AV SW
(206) 949-8733
www.treedr.com
michaeloxman@comcast.net

From: Michael Oxman
Sent: Friday, August 27, 2010 5:54 PM
To: Nyland, Kathy
Subject: Re: Logging on steep slopes

Hi Kathy,

Thanks for your followup message about the logging at 2349 Harbor Av SW.

Prior to filing the complaint, I did speak to Mark Mead at Parks, because the site is adjacent to the Duwamish Head Greenbelt. He suggested trying code compliance, as the area is just outside his jurisdiction. I then called DPD & spoke with Dianne Kelso, and sent the complaint email with the video link attached. http://www.youtube.com/watch?v=0x2xg2Jqw6I I also spoke with the DPD wetlands biologist, who said the creek pouring out of the side of the hill is not mapped on the city GIS. If there is a fish-bearing creek the riparian setback would be 75', if there are no fish, the setback would be 50'.

No Service Request is listed on the Code Compliance website, and I don't know how the case is progressing. I did speak with the SureCo condo property manager at (425) 455-0900, who described the project as slope rehabilitation by removing many 'weedy' Alder trees. The apparent intention is to replant with a more appropriate species. She was as skeptical as the people in the video about the possibility that DPD oversight is triggered by the Critical Areas ordinance. http://www.youtube.com/watch?v=0x2xg2Jqw6I. She said the contractor is AAA All City Contracting. See Photo #1 below.

There was another complaint about the adjacent property at 2315 Harbor AV SW, for topping a dozen trees on a steep slope. That resulted in Service Request #33075.
http://web1.seattle.gov/DPD/permitstatus/Project.aspx?id=33075
Roger Moore is the DPD code compliance inspector, but I haven't spoken with him. An email was sent to fireinfo@seattle.gov, as lots of dry brush was left behind over an area of about a 1/4 acre. A video of that violation in progress is at: http://www.youtube.com/watch?v=go7MWOKt_6w See Photo #2 below.

Hope this helps.

Michael Oxman
(206) 949-8733

Photo #1 2349 Harbor AV SW:

Photo #2: 2315 Harbor Av SW:

From: Michael Oxman
Sent: Thursday, August 12, 2010 8:47 AM
To: fireinfo@seattle.gov
Subject: Dry brush at 2315 Harbor Ave SW

Howdy,

Report of tree cutting has left large amounts of dry brush on the hillside below a dozen large maple trees that were topped at 2315 Harbor Ave. SW. Corner of Lotus Av SW & Harbor Av SW

Contact condo resident at 2325 Harbor Av SW, Unit C1, who paid for work.
Owner: 2315 Harbor Ave SW
KIET NGUYAN
10245 16TH AVE SW
SEATTLE, WA 98146
>>>>>>>>>>>>>>>>>>>>>>
Aug. 24, 2010
Hi Diann,

I would like to file this compliant with Code Compliance. I'm using email format so photos can be attached.

1). The location is 2315 Harbor Ave SW, at the corner of Harbor Ave SW and Lotus Ave SW in West Seattle.
2). This is a very steep slope.
3). Several trees were topped. Topping is prohibited.
4). An untouched tree that is just downhill from the topped trees has died in the past few days.
5). Brush has been left in large quantities on the hillside, and has dried out & turned brown.
6). I believe an active building permit is open at 2315 Harbor AV SW.
7). The neighbor in the closest condo to the topped trees, Unit C1, 2325 Harbor Ave SW, told me he paid for the work.
8). I have video online of the arborist doing the work. http://www.youtube.com/watch?v=go7MWOKt_6w

SMC 25.09.320 Trees and vegetation.
A. 1. Removing, clearing, or any action detrimental to habitat, vegetation or trees is prohibited, except as provided below, within the following areas: landslide-prone critical areas, (including steep slopes), steep slope buffers, riparian corridors, shoreline habitat, shoreline habitat buffers, wetlands, and wetland buffers.
2. Tree-topping is prohibited.
3. The vegetation and tree removal and revegetation activities listed in subsections 3a -- d are allowed. The application submittal requirements and general development standards in Sections 25.09.330 and 25.09.060 do not apply to actions under subsections 3a, b(1), c(2)(a) or d, provided that no other development is carried out for which a permit is required.
From: Nyland, Kathy
Sent: Friday, August 27, 2010 1:26 PM
To: 'Michael Oxman'
Subject: RE: Logging on steep slopes

Hi Michael-
Do you know if there was any response from DPD Code Compliance?
Just wanted to follow-up and check in with you.

-Kathy

Kathy Nyland
Seattle City Council
Legislative Assistant to Councilmember Sally Bagshaw
(206) 684-8801

Please consider the environment before printing this message.

From: Michael Oxman [mailto:michaeloxman@comcast.net]
Sent: Tuesday, August 24, 2010 1:13 PM
To: Conlin, Richard; Bagshaw, Sally; Clark, Sally; Burgess, Tim
Subject: Logging on steep slopes

Howdy,

Here's a current logging operation going on since about 9:30 this morning. I'm sending this notice out just in case the proper authorities can't get out there in time to investigate before the loggers leave the site.

This video was emailed & phoned in to DPD Code Compliance manager Dianne Kelso this morning at 684-5839. Address is 2349 Harbor Ave SW, just downhill from the Duwamish Head Greenbelt. If I'm not mistaken, any tree removal from steep slopes needs to have a permit, and none shows up on the DPD Permit Status website. No name on any of the loggers 3 trucks. They threw me off the property, then I got some more footage from waaay up the hill. Something about that 20X zoom lens! Enjoy.
http://www.youtube.com/watch?v=0x2xg2Jqw6I

This is right next door to that topping at the Alki Tree Massacre 2 weeks ago at 2315 Harbor AV SW.
http://www.youtube.com/watch?v=go7MWOKt_6w.

Arboreally yours,
Ox

From: Michael Oxman
Sent: Tuesday, August 24, 2010 12:02 PM
To: Michael Oxman ; dianne.kelso@seattle.gov
Subject: Tree Removal at 2349 Harbor Ave SW

Hi Dianne,

A backhoe is removing trees now.

http://www.youtube.com/watch?v=7207Cr7FsRE Video of tree removal on this steep slope at 2349 Harbor Ave SW.

Arboreally yours,

Michael Oxman

From: Carol Hiltner [mailto:carol.hiltner@gmail.com]
Sent: Friday, October 29, 2010 10:54 AM
To: McGinn, Mike; Conlin, Richard; Licata, Nick; Clark, Sally; Bagshaw, Sally; O'Brien, Mike; Godden, Jean; Burgess, Tim; Rasmussen, Tom; Harrell, Bruce; PintodeBader, Sandra; stevezemke@msn.com
Subject: Fwd: comment on tree management

---------- Forwarded message ----------
From: **Carol Hiltner** <carol.hiltner@gmail.com>
Date: Fri, Oct 29, 2010 at 10:50 AM
Subject: comment on tree management
To: Brennon.Staley@seattle.gov

Dear Brennon!
Please add one more vote for PUBLIC management of our urban forest that invites public participation and actively incorporates input from activist groups and professional arborists.

I am especially concerned that groves and large trees be preserved as much as possible.
Thank you!

Best regards,

Carol Hiltner
Founder, Altai Mir University
206-525-2101 (Seattle)
913-462-6912 (Novosibirsk)
carol.hiltner@gmail.com
www.AltaiMir.org
www.AltaiBooks.com

_____

Brennon Staley
Seattle Department of Planning & Development
700 5th Ave, Suite 2000
P.O. Box 34019
Seattle, WA 98124

October 25, 2010

Re: July 2010 Proposed Tree Regulation

Dear Brennon,

I have been following the City's effort to revise its tree regulations and have reviewed the Proposed Tree Regulation, dated July 14, 2010. As a landscape designer, I have extensive experience working with the existing codes and am familiar with the approaches employed by other cities to protect and manage their urban forests. While well intentioned, Department of Planning & Development's (DPD) proposed regulations are based on several flawed assumptions about the ecology of the urban forest and how owners and developers make decisions regarding whether to preserve existing trees. As a result, the proposed regulations will not protect our existing tree canopy. In fact, they are likely to hasten its destruction.

Newly planted trees are not as valuable as existing, mature trees
The proposed regulations focus almost exclusively on increasing Seattle's tree canopy by incenting people to plant new trees. In order to meet the City's canopy coverage goals, more new trees will indeed need to be planted, and the proposed regulations do a fairly good job of encouraging new plantings. However, new trees have nowhere near the ecological value of existing trees. Depending on the species, it will take a new tree 15-25 years to reach a size and maturity that will provide the same stormwater management, heat island reduction, air pollution reduction, habitat, and carbon sequestration benefits as an existing, mature tree.

Given the City's commitment to reducing our carbon footprint, given the State's demand that the City improve its stormwater management systems, and given the community's desire to improve life in the City, we cannot afford to wait 15-25 years to receive the benefits from trees planted today. We need to build upon the tree canopy that we currently have.

Incentive systems are not better than tree protection ordinances at preserving existing trees
As a landscape designer, I deal with the City's tree protection ordinances on a regular basis. I can attest that owners and developers don't like them. They complain about the process, they complain about the cost, they complain about having to modify their site designs to accommodate existing trees. However, the ordinances work. They save trees. Additionally, the need to modify a site design to protect existing trees generally results in more interesting and livable places. For example, the mature trees at High Point are one of the community's most beloved and distinctive features. It would have been far easier and cheaper for the developer to bulldoze them and start from bare earth. We have examples all over the region of this kind of development – new buildings amidst empty landscapes of spindly young trees that will take decades to leaf out.

The danger of relying solely on an incentive system is that the incentives one creates are often not the incentives one intended. Owners and developers are generally most interested in minimizing their project's total cost and are most focused on their buildings. Landscaping is often the last priority in design development and the first to get value engineered in the face of cost overruns. Preserving existing trees is more complicated and more expensive than wiping a site clean and

planting new trees at the end of the project. Working around existing trees requires more design time and construction requires greater care - hence more expense. When looking at the project's total estimated cost and potential sources of cost overruns, virtually all owners and developers will choose to remove existing trees. Simply consider how many times existing trees are "accidentally" damaged during construction, even though there is a financial penalty associated with that damage. Because the financial penalty is cheaper than the developer's calculated cost to comply with the code, the developer chooses accordingly.

Limiting how property owners can use their property is not unfair - it's part of living in a community

DPD argues that having a permit system for the protection and removal of trees places an unfair burden on property owners and limits how they can use their property. Yes, a tree protection permit system places limits on property owners. However, this is the fundamental basis of our entire permitting system. We as a society believe that individual behavior should be regulated in certain instances for the good of the community. Requiring property owners to obtain a permit to remove a tree is no more burdensome than requiring them to obtain a permit to build a deck or to install a new plumbing system.

When someone buys a property, they take on the conditions of that property - be that a steep slope that limits construction, a side sewer that needs to be replaced or a tree that needs to be preserved. It is irrelevant whether their neighbor does not face the same construction restrictions or challenges. Property owners are always facing such "unfair" differences in the complications and costs they face because no two properties are exactly alike.

Problems with enforcement don't mean you should abandon the regulation; they mean you should improve enforcement

In its arguments for the proposed tree regulation, DPD repeatedly asserts that the current tree permitting system doesn't work because DPD has trouble enforcing it. The department argues that only 60% of people apply for tree removal permits. A 60% compliance rate is actually quite good, given how much people hate having to obtain permits. This 60% number also doesn't reflect the number of people who decide not to remove a tree once they realize that a permit is required. If the problem is enforcement, improve enforcement. We don't throw out speed limits just because not everyone who speeds gets caught.

As I said at the start, I have no doubt that DPD's proposal is well intentioned. But it will not get the results that DPD intends. I would propose that instead, DPD retain the existing tree protection ordinance, expand the Green Factor program to cover all zoning types, including single family residential, and incorporate the Proposed Tree Credit Table into the Green Factor program. The City will then be able to see whether the proposed incentive system leads to an increase in compliance and a reduction in disputes between the City and owner/developers over existing trees without removing the safety net provided by the existing tree protection ordinance.

Sincerely,

Sarah Preisler

Cc: Seattle Urban Forestry Commission c/o Tracy Morgenstern
Mayor Mike McGinn
Seattle City Council

Washington Native Plant Society

Appreciate, Conserve, and Study Our Native Flora

6310 NE 74th Street, Suite 215E, Seattle, WA 98115
(206) 527-3210

October 21, 2010

Councilor Richard Conlin
Chair, Regional Development and Sustainability Committee
Seattle City Council
PO Box 34025
Seattle, WA 98124-4025

Dear Councilor Conlin,

A copy of the letter from the chair of the Puget Sound Chapter of the Washington Native Plant Society, to Mayor McGinn, suggesting that he does not accept the July 14 plans for the new tree ordinance, accompanies this letter. Details are given as to why we think the tree canopy objective for Seattle can not be achieved without the protection of trees on private property and incentives to plant evergreen native trees in Parks as well as on private property.

The Urban Forestry Commission was set up to advise the Mayor and Council on matters relating to trees in Seattle. I have attended almost every meeting, from January until the end of August. I am currently away but have read the minutes of the latest meeting. The members of the Commission are an impressive group of people. They were chosen to represent nine different groups, arborists, business etc. They all have a real interest in trees and in how we are to increase the canopy cover, for the well being of all Seattle residents. I hope you will accept their advice for alternative plans for the new tree ordinance.

Sincerely,

Margaret Thouless
Co-Chair Conservation Committee, Central Puget Sound Chapter
Washington Native Plant Society

✓ Cc: Seattle Urban Forestry Commission

Washington Native Plant Society

Appreciate, Conserve, and Study Our Native Flora

6310 NE 74th Street, Suite 215E, Seattle, WA 98115
(206) 527-3210

October 21, 2010

Mayor Mike McGinn
Office of the Mayor
PO Box 94749
Seattle, WA 98124-4749

Dear Mayor McGinn,

The Central Puget Sound Chapter of the Washington Native Plant Society has serious concerns about the July 14 draft of the proposed new City of Seattle Tree Ordinance. It does not appear to be designed to protect existing native trees nor to encourage the planting of more native trees.

The proposal removes the few existing protections of established trees. The concept of exceptional trees has disappeared. That concept provided protection for large trees of some species. It did show that the city valued large old specimen trees. The interim Tree Ordinance allowed no more than three unexceptional trees to be cut down per year without a permit. The DPD is proposing to rescind this minimal constraint and allow unlimited cutting on private property. This will not help us to increase the canopy cover from 20% to 30% by 2037.

The DPD proposal removes all control from already built single family house lots. This represents something like half the area of the city. There are good ideas about "Green Factor" and "Tree Credits," but it does not get away from the problem that requiring planting along streets and around high density housing does not allow for trees large enough to significantly increase canopy and to reduce floods and erosion caused by rain runoff.

To restore the canopy, to sequester more carbon dioxide, and to reduce runoff, the tree ordinance needs to provide incentives for private property owners to plant and maintain trees. WNPS is particularly interested in native trees playing their traditional role in the canopy -especially our native conifers. They grow large and keep their foliage in winter and are much better than leafless trees at intercepting rainwater during our region's wettest season.

The Urban Forestry Commission voted unanimously against the DPD proposal for the new tree ordinance. They are currently working on an alternative proposal. The Urban Forestry Commission was set up last year to advise the Mayor and Council on matters pertaining to trees in the city. I hope you will take their advice into account.

Sincerely,

Kim Traverse
Chair, Central Puget Sound Chapter, Washington Native Plant Society

Cc: Councilor Richard Conlin
Chair, Seattle City Council Committee for Regional Development and Sustainability

✓Cc: Seattle Urban Forestry Commission

From: Wilson, Barb
Sent: Friday, October 29, 2010 3:09 PM
To: Sugimura, Diane; Brower, Josh
Cc: McGinn, Mike; Bagshaw, Sally; Burgess, Tim; Clark, Sally; Conlin, Richard; Godden, Jean; Harrell, Bruce; Licata, Nick; O'Brien, Mike; Rasmussen, Tom; Raup, Ethan; Birkholz, Liz; Deehr, Rebecca; Jenkins, Michael; Hahn, Peter; Foster, Marshall; Powers, Robert; Skelton, John; Mallory, Sandra; Staley, Brennon; Krawczyk, Tracy; Costa, Dorinda; VanValkenburgh, Cristina; Gray, Barbara; Simmons, Jill; PintodeBader, Sandra; Morgenstern, Tracy; Hoffman, Ray; elizabeta.stacishin@gmail.com; SPC_Planning_Commission_Members
Subject: Planning Commission comments: Trees Regs for Private Property

Diane,

Attached you will find the Planning Commission's early feedback on the proposed tree regulations that govern trees on private property. The complexity of the issue spurred robust discussion from the Commission and while they did not achieve consensus on all the important matters at hand they provide many recommendations, ideas for further exploration and balancing considerations. As the public outreach moves forward in the coming months and ordinance language is developed the Commission will continue to provide you with our assistance. Please contact me or SPC Chair, Josh Brower, for questions or clarifications.

Barb Wilson, Executive Director
Seattle Planning Commission
barb.wilson@seattle.gov
206-684-0431

City of Seattle
Seattle Planning Commission

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Barbara Wilson, Executive Director
Katie Shoshy, Planning Analyst
Diana Canzonari, Demographer & Senior Policy Analyst

October 29, 2010

Diana Sugimura, Director
Department of Planning and Development
PO Box 34019
Seattle WA 98124-4019

RE: Regulating Trees on Private Property

Ms. Sugimura,

Thank you for the opportunity to review and provide early feedback on the proposed tree regulations that govern trees on private property. We appreciate the time and energy that you and your staff have put into addressing the challenge of finding a balance between multiple interests. It is clear that the pros and cons of various approaches to regulating trees on private property were carefully weighed in order to help achieve the vision for a thriving and sustainable urban forest. The complexity of the issue spurred robust discussion on the Commission as well, and we did not achieve consensus on which regulations we thought would best achieve this goal.

We recognize that the City's Urban Forest Management Plan (UFMP) and the 5-year Implementation Strategy (2010 – 2014) include a multi-pronged approach to preserving, planting, maintaining, and restoring the urban forest. The regulation of trees on private property is merely one of many tools outlined in the UFMP needed to achieve a healthy urban tree canopy and reach the goal of 30% tree canopy by 2037. As the public outreach moves forward in the coming months and ordinance language is developed, the Commission will continue to provide you with assistance.

See the Forest *and* the Trees

As stewards of Seattle's Comprehensive Plan, we view any regulation of Seattle's land use through the lens of the state Growth Management Act. This means balancing urban forest goals with best practices that encourage future development in proximity to existing public facilities and services, high-quality transportation choices, and housing and open space opportunities. In devising tree regulations for private property, it will be important to weigh the impacts of measures focused on areas within the City's direct control, such as the rights-of-way and parks, with new tools for privately owned land. A verdant Public Realm in Seattle is a key component of enabling a vibrant and sustainable region. To align property rights, social equity, economic development issues, and ecological stewardship, we asked ourselves these overarching questions:

Is there a trade-off between preserving urban tree canopy and promoting growth in urban areas?

Creating urban density by accommodating the large percentage of future jobs and households in Seattle will better preserve Washington's farmland, forest lands and natural places. Seattle's denser and more compact neighborhoods add significantly to sustainability goals and reduce carbon emissions for the region. In this way, Seattle plays an important role in protecting the larger habitats and ecosystems by accommodating growth in urban centers. Regulating trees on private property must acknowledge and account for balancing this fundamental tenant of Washington's Growth Management Act.

Department of Planning and Development, 700 5th Ave Suite 2000; PO Box 34019 Seattle WA 98124-4019
Tel: (206) 684-8594, TDD: (206) 684-8118, Fax: (206) 233-7883
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In regulating trees on private property, how do we recognize all the competing interests that residents have for using their outside spaces?

People living and working in denser, compact communities have an even greater need for trees and plants to mitigate the impacts of urban living. Tree canopy provides essential breathing room and improves urban quality of life by reducing air and noise pollution, protecting the soil, providing shade to pedestrians, cooling the air and increasing the aesthetic attractiveness of the surroundings. In short, trees are an essential component of sustainable infrastructure and desirable urban living. With that said, Seattle should do more to educate residents on the value of trees on their property and in public spaces. In addition we should look for opportunities to put a monetary value on the benefits of our urban tree canopy.

At the same time, some people value solar access, gardens and urban agriculture, while others may value providing a cottage in their backyards to keep their extended families close by. In fact, the city has recently revised its rules to better enable and allow for these very uses in our city because we recognize their inherent value to our individual citizens and our collective community. Regulating trees on private property must acknowledge and account for balancing a variety of property owner needs.

The Right Tree in the Right Place

We recognize the need to increase the tree canopy while preserving the existing healthy tree canopy.
To achieve the goal of 30% tree canopy coverage, we encourage an approach that ensures planting *the right tree in the right place*. For example, tree cover on rights of way or parking lots is especially important because canopy cover over paved surfaces, such as sidewalks, has been found to be more useful in controlling stormwater runoff and reduce hydrocarbon emissions than tree cover over pervious surfaces. By taking a focused approach we will see increased environmental and habitat benefits. The availability of detailed data and maps, showing the geography of both distress and opportunity allow us the ability to be more precise and fine grained in our efforts to increase canopy.

We concur with the Urban Forestry Commission recommendation for increased professional standards to better ensure the implementation of an effective tree ordinance. Implementation should include proper tree selection, planting technique and location, and long-term maintenance as well as protecting and maintaining existing trees. Trees planted properly on a site around a building provide important benefits to energy use, stormwater management, and aesthetics, without adverse impacts to power lines, sewer systems or sidewalks. We generally support funding mechanisms that allow for education efforts, maintenance and preservation programs, and tree give away programs.

Tools for Regulating Trees on Private Property

In our review of the proposal to regulate trees on private property, it is clear that we have a diversity of opinion and lack consensus on many issues, namely the value of a permit system, the effectiveness of a tree removal fee, and generally how much emphasis the city should place on private versus public land. We recognize that regulating trees on private property is fraught with challenges including the finer points of administration and enforcement, as well as ensuring these trees are properly maintained. We concur that regulations are a part of the approach and we look forward to continuing to work with you on the development of the ordinance in the coming months. As you do, we urge you to consider an approach weighted toward positive incentives and education rather than one dependent upon penalties. .

We encourage greater city leadership in using our public right-of-way and parklands to increase our urban tree canopy. Many jurisdictions have taken an approach that relies heavily on public spaces for canopy increases, noting that they can be more effective in planting programs and ongoing maintenance as well as enforcement and monitoring. However, trees planted on public right-of-way and parks are likely to be insufficient to achieve the 30% tree canopy goal. Private property has an essential role to play.

We support a multipronged approach to regulating trees on private property that considers multiple and contradictory interests like —sunshine versus shade or density versus open space. It is clear that the City is considering an assortment of tools that can be applied to individual circumstances, including incentives, education, and partnerships, in addition to regulations and penalties. Though the Commission has not achieved consensus on the best approach, we offer the following ideas and suggestions from our discussions.

- **Trees as Sustainable Infrastructure**

We concur with the Urban Forestry Commission that more should be done to promote trees as important infrastructure. The impact of tree canopy has a direct link to stormwater and energy cost. We strongly support using a host of strategies and tools that account for trees as infrastructure. Some ideas include:

Educate residents that "Trees = Money": Trees add value to home sale prices and provide a direct benefit to stormwater/drainage. Residents should be better educated that preserving and planting trees on their lot has a direct impact on their pocketbook.

Tree Fee (aka Lorax Tax): We recommend that the City explore the development of a fee or tax to create a citywide tree fund with the aim of reaching our canopy goals. The fee or tax should take the same "everybody pays, everybody benefits" approach of compost/recycling and other programs used citywide. The Commission discussed the pros and cons of a variety of approaches including adjusting fee structure rates based on canopy cover or property tax assessments, and implementing a flat-rate utility fee. We encourage continued exploration to create a larger fund that would go to tree give-away programs as well as education efforts that teach homeowners to properly plant and maintain their trees.

- **Departures**

Recognizing that preserving trees could place limits on other uses we encourage development departures to create stronger incentives to preserve existing and valuable trees by allowing homeowners flexibility on height, setbacks, FAR, parking requirements and a host of other development conditions. The Commission concurs with DPD that the City "simplify the process for allowing departures to height, setbacks, and parking to preserve large trees during development by creating an alternative to the design review process".

- **Trees for Single Family Neighborhoods**

In Seattle, Single Family residential zoning comprises the majority of the land area. Therefore, a successful urban forestry program necessarily includes the yards of these homes to support the urban tree canopy.

Tree Credit: We are intrigued by the idea of a Tree Credit Requirement for Single Family Zones; however we are not yet convinced of its efficacy. The merits of the tree credit system are that it strongly emphasizes and provides much greater incentive to preserve existing trees, that it allows for flexibility in how to meet the requirement; and it allows residents more flexibility in determining competing uses for their property. However, we find the tree credit program confusing and suspect it would be challenging for the average homeowner to use. Additionally, it is applied only to those properties undergoing development. We suggest allowing single family homeowner the ability to count trees in the right-of-way toward their canopy coverage. This will help to build stronger stewardship by residents who plant, maintain and properly care for street trees. Lastly, we strongly support fee-in-lieu programs. We believe that such programs allow the city to take a more focused approach by planting and managing new trees where they will have the greatest benefits.

Tree Removal outside Development: We understand DPD is still grappling with the best way to regulate the preservation of trees outside a development process. We recognize DPD is concerned about the effectiveness and enforceability of permit programs. We have already suggested considering adjusting the utility rate structure as a way to encourage residents to preserve existing trees. In addition, we need to further consider the value of a permit system in tracking and preserving trees, as well as their potential value in educating the public about the value of trees. We look forward to exploring this issue with you in more detail in the coming months.

Tree Rebate: Consider a rebate program for Single Family residents. Since trees provide an important benefit for both the city and the resident, we recommend exploring a program that would allow residents to purchase trees and receive a rebate on their utility bills. This could be done at appropriate times of the year, perhaps in partnership with private suppliers and partner organizations that could use 'master gardeners' to educate residents on tree selection, proper planting, upkeep and maintenance.

– **Trees for Multi-Family Communities**

Green Factor: Residents living in denser development patterns already contribute less to carbon emissions, stormwater runoff and energy consumption. At the same time, people living in denser development need breathing space and the benefits provided by an urban tree canopy. Regulating tree canopy in multifamily development should have a strong focus on urban tree canopy as an essential component for livability. We also recommend increasing the value of trees compared to other menu items like green walls.

Maintaining Trees: The Planning Commission has expressed concerns about the ability to ensure the long-term maintenance of landscaping provided by the new Green Factor requirements for multifamily development. We are very cautious about the proposed maintenance bond as there is not yet adequate information about the details of this approach. We need more time and information to further explore how this would work and consider other tools.

– **Green Factor for Industrial Business Centers**

In general, the Commission supports very limited stand-alone retail and commercial uses on industrial zoned land. However, where these are allowed by the Land Use Code we propose fair development standards equitable to what is required in commercial and retail zones. Any development standards in an industrial jobs center must account for freight mobility and not unduly limit marine and industrial operations. For guidance look to land use code SMC 23.50.016 which outlines street landscaping requirements and designations in industrial zones.

In addition, secondary retail and commercial uses directly related to a primary industrial use, as outlined by the land use code, should be treated differently than non-industrial, stand-alone retail and commercial uses. These businesses need much more flexibility in meeting any tree requirements to ensure unencumbered freight mobility.

Thank you for the opportunity to provide our comments and ideas regarding the proposed tree regulations. We look forward to assisting you and your staff as you continue to explore these challenging questions. Please feel free contact me or our Director, Barbara Wilson at (206) 684-0431 for more detail or explanation of our comments.

Sincerely,

Josh Brower, Chair
Seattle Planning Commission

cc: Mayor Mike McGinn
Seattle City Councilmembers
Ethan Raup, Liz Birkholz, Rebecca Deehr, Mayor's Office
Michael Jenkins, Council Central Staff
Marshall Foster, John Skelton, Sandra Mallory, Brennon Staley, DPD
Jill Simmons, Sandra Pinto deBlader, Tracy Morgenstern, OSE
Peter Hahn, Tracy Krawczyk, Barbara Gray, Dorinda Costa, Cristina VanVulkenburgh, SDOT
Ray Hoffman, SPU
Urban Forestry Commission

Disclosures and Recusals:
- Commissioner Chris Persons disclosed that his firm, Capitol Hill Housing, does work on housing including the development of affordable apartments and their work could be impacted by the City's tree regulations especially regarding any maintenance bonds that may be required in the future.
- Commissioner Catherine Benotto disclosed that her firm, Weber Thompson, has clients that may be impacted by the regulations. She also disclosed that an employee at Weber Thompson serves on the Urban Forestry Commission.
- Commissioner Colie Hough Beck disclosed that her firm, Hough Beck & Baird, has public and private clients that could be affected by the regulations.
- Commissioner Josh Brower disclosed that his firm, Tupper Mack Brower Jensen Wells, PLLC., represents developers that could be impacted due to the regulations.
- Commissioner Amalia Leighton disclosed she served on the Emerald City Task Force and Commissioner. She also disclosed that she works with Peg Staehli at SvR Design who serves on the Urban Forestry Commission.
- Commissioner David Cutler disclosed that his firm, GGLO, designs projects that may be impacted by the regulations.
- Commissioner Bradley Khouri disclosed that his firm, b9 Architects, has clients that may be impacted by the regulations.

MASTER BUILDERS ASSOCIATION
of King and Snohomish Counties
100 Years of Building Community

Master Builders Association
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October 29, 2010

Ms. Diane Sugimura, Director
Department of Planning & Development
City of Seattle
700 5th Ave, Suite 2000
PO Box 34019
Seattle, WA 98124-4019

RE: Support for DPD's Proposed Tree Regulations dated July 14, 2010.

Dear Director Sugimura,

On behalf of the members of the Master Builders Association of King and Snohomish Counties, the Seattle Builders Council, NAIOP, the Commercial Real Estate Development Association, the Seattle-King County Association of REALTORS®, the Seattle Dock Company, and the North Seattle Industrial Association, we are writing in support of the city of Seattle's Proposed Tree Regulations dated July 14, 2010.

The city appears to be struggling over the question of whether Seattle is an urban city with trees, or a forest where people happen to live. Depending on who is asked, the answer is not so clear, even after three years of discussion surrounding Seattle's tree ordinance. And yet the discussion fails to contemplate the reality that every residential, commercial and industrial use not accommodated in Seattle, the region's largest urban center, will sprawl to the suburban edge and threaten trees that provide high levels of environmental function because they are part of a forest.

In the midst of all this discussion, the Department of Planning & Development is being asked to draft Proposed Tree Regulations as a framework for legislation the City Council will adopt in 2011.

The proposal is an improvement over the current Interim Tree Ordinance approved in 2009. We are especially pleased with potential departures to height, setbacks and parking to preserve large trees during development. Also, doing away with the exceptional tree regulations makes sense in lieu of a tree credit system that doesn't punish individual property owners due to the tree species on his/her property. The idea of a tree bank, similar to a wetland bank, that identifies what trees (or grove) will be saved, should be explored as a fee-in-lieu methodology.

However, making a maintenance bond the responsibility of the developer once the consumer lives in the property for three years will have legal challenges and is not the best avenue to achieve homeowner care for trees.

Key Principles and Considerations

1. *Trees are a critical infrastructure element with social, economic, and environmental benefits, including stormwater mitigation, climate protection, air quality improvement, reduced energy costs, carbon sequestration, improved aesthetics, better business environments, and increased land value.*

   We do not dispute the benefits trees provide to a community and encourage more trees be planted where appropriate.

2. *Regulations and incentives should ensure trees are perceived as a benefit, not burden.*

   The economics of today's lending market do not allow for much, if any, financial value for a tree, or trees, on a site with development potential. The market views the space a tree occupies as potential mortgage or rental income. Until the market recognizes an alternative value for trees, which could be due to any number of reasons (stormwater, low-impact development, shade, etc.), a site will always be valued at its highest development potential.

   Mandatory tree retention hurts property values. When Seattle mandates trees of a certain size and species be retained, the property owner loses the development potential of that space, or density, which lowers a property's value.

   It is not possible to force an added value per tree. An ordinance written to force value to a tree only burdens the property owner to account for that cost when selling for development potential. Of course, it is possible to lower property values based on good intentions, but we do not believe that is a reasonable approach.

   Existing property owners desire flexibility and choice. While tree canopy may be the choice for some, others may choose garden space or a backyard cottage. Throughout much of Seattle, small lots limit the options.

3. *Measures to achieve tree canopy goals must also take into account other city-wide goals for sustainability, growth management, transportation, housing affordability, and urban design as well as property owner's interest in solar energy, gardening, light and air, accessory structures, access, property maintenance and other important goals.*

   The Growth Management Act cites 14 separate goals that must be taken into account when making land use planning decisions throughout Washington State in cities and counties. All are supposed to be valued equally, and balancing those goals is fundamental to how we grow.

The city of Seattle is advised to use this approach when determining how to legislate trees. Is the individual who wants to install solar panels simply out of luck because Seattle has prioritized trees over any other use of that sunlight? The same goes for the prospective gardener, green roofer, backyard cottage owner, food grower and others.

There is a great deal of discussion around the idea of making trees an untouchable infrastructure necessity that would trump any other use of that sunlight. This is not a reasonable approach to managing trees and circumvents other interests who arguably have as much right to that sunlight as the trees.

4. *Regulations governing development must be coordinated and consistent with regulations applicable when a property is not anticipated to be redeveloped, to avoid regulatory redundancy, gaps and conflicts.*

   Unless the process of tree removal becomes easier, reasonable, and more predictable, there will always be an effort to circumvent tree regulations in order to receive full market value for a property. (see comments from Principal 2)

5. *Regulations and incentives should be understandable, enforceable and financially feasible.*

   From the business point of view, Seattle needs to offer an incentive to businesses. Often times, the financial return doesn't outweigh the cost of doing business through the alternative method, and it costs more to do the incentive than to maintain the status quo.

   The key term in these economic times is predictability. Lenders are not willing to accept the risk of the market three years ago, and unknowns derail good projects. Therefore, any certainty Seattle can provide as to whether a tree can or cannot be cut is essential.

A Tree Permit System

We agree with DPD's assessment that a tree permit system is not viable at this time due to reasons 1-5, but also because:

- Any tree permit system will at some point include an appeals process to stop the cutting of any tree in the city larger than X caliper inches. This would be unacceptable in a process that must include all the predictability possible.
- "Asking for forgiveness" will supersede "asking permission."
- At no time in the near future will Seattle have the number of staff necessary to implement, enforce and administer a citywide tree permit system.
- No funding sources are available to cover the cost of a tree permit system.
- A permit system places trees higher in the hierarchy of uses than gardens, renewable energy systems, backyard cottages, etc.

Proposal

Implement a tree credit requirement for new construction in Single-Family zones.

We support the use of a tree credit system during development to achieve a minimum standard of tree retention and replacement. The property owner would have the flexibility necessary to accomplish what is best for his property.

By incorporating Seattle's new stormwater code and the forthcoming Low Impact Development (LID) standards, the value of tree retention vs. tree replacement will have a comparative value, and retaining a tree will be worth more than replacing at a higher ratio.

The greatest challenge for a developable piece of property with a tree is whether that tree can be removed. Construction lending institutions no longer take the risk of developing a piece of property that might allow the tree to be removed. The current process punishes the development if a tree is retained by mandating design review, so the current incentive is to remove all the trees to keep the structures affordable.

A tree credit requirement would allow the property owner, developer and lending institution the predictability necessary to move forward on a project and guarantee trees will be included. For added value, once the minimum tree credit is met, could the developer exceed the minimum tree credit and be compensated with additional height and tighter setbacks?

We do not support a tree credit system that would apply tree credits to all single-family properties and require tree plantings of property owners to meet the credit.

Implement landscaping requirements in Single-Family zones.

We support minimum landscaping standards for new development.

Require street trees during development in Single-Family zones.

The policy itself makes sense, but not every property in Seattle has room for street trees. There must be exceptions for situations where street trees are simply not appropriate. Please include an appeals process.

Use Green Factor as an incentive-based approach to tree retention during development and remove exceptional tree regulations in Lowrise, Midrise and Commercial zones; revisit Green Factor scoring methodology to consider further incentives for the retention of larger trees.

An incentive-based approach rather than a punitive approach is always preferred, and the removal of the exceptional tree list makes sense for the development process. Especially in this economy, it is important to note the carrot works better than the stick for moving projects forward.

We certainly support the concept of incentives, but more information is needed on what incentives are available.

Simplify the process for allowing departures to height, setbacks, and parking to preserve large trees during development by creating an alternative to the design review process.

The current Interim Tree Ordinance is punitive to the developer if he tries to preserve trees onsite because his project must go through design review. In addition, any departure to height, setbacks and/or parking also requires design review prior to construction.

Many developers in Seattle, especially those building close to the affordable end of the market, often try to avoid design review due to its expense and the unknown amount of time it takes to complete.

Unfortunately, often times tree retention is never seriously considered due to its punitive nature.

The desire for added height and smaller setbacks occurs from the density lost due to tree retention. If that density can be "made up" through smaller setbacks and/or added height, then the loss to the property owner and developer is minimal.

Often times a tree will supplant the space necessary to provide parking onsite. Requiring a parking space and retaining a tree may be too much to ask of a property owner who has limited space available for cars or trees. It is more feasible to waive the parking requirement if the alternative is cutting down a tree.

For developers in Seattle to seriously consider retaining trees, an incentive to retain trees must be developed. Removing the aforementioned burdens of regulation and process would go very far to retain more trees.

Apply Green Factor requirement for principal commercial and retail uses in Industrial Areas.

Generally in commercial and multifamily zones, the market will demand that the landscaping be maintained. The intent of this proposal seems to target the aberrant property owner who does not keep up the appearance of his or her property. It is not appropriate to punish all property owners because of a few bad players. The current nuisance laws in Seattle appear to handle these situations, and we are unaware of a pervasive history relating to a lack of maintenance, except the city's own street trees.

Integrate tree regulations into SMC Title 23.

We do not oppose including tree language in the Landscape Standards section of Seattle Land Use Code, but please include us in drafting of the language. This should not be an opportunity for DPD, or the Council, to apply a more rigid standard than what the new code implies.

Discontinue interim tree regulations.

The Interim Tree Code should expire with the implementation of a new tree code.

A requirement for a maintenance bond to ensure establishment of new plantings for multifamily and commercial zones.

Common sense dictates that commercial and multifamily zones are not meant for expanded tree growth. Because we designate the commercial zone for jobs and warehousing and the multifamily zone for housing, neither provide the necessary space to establish long term tree growth.

The city needs to prioritize what each zone's expectations should be and manage from that perspective, which means trees are a low priority in commercial and multifamily zones. In addition, forcing trees into zones not meant for trees only increases the likelihood of failure.

Industrial zones have more need for loading zones and sightlines than trees. In addition, diesel fumes and trees don't mix.

A maintenance bond stating it is the responsibility of the developer for all trees planted onsite for the next 3-5 years is problematic. We understand the intention of the maintenance bond in this case, but trying to establish a legal nexus between the developer's responsibilities and the activities of the property owner after the property has been sold will most likely be challenged if ever implemented.

Allowing payment in lieu of planting in Single-Family zones.

Consider using a "tree bank" to identify and preserved special trees, or groves of trees.

From the Environmental Protection Agency's (EPA) website:

A mitigation bank is a wetland, stream, or other aquatic resource area that has been restored, established, enhanced, or (in certain circumstances) preserved for the purpose of providing compensation for unavoidable impacts to aquatic resources permitted under Section 404 or a similar state or local wetland regulation.[] HYPERLINK "http://www.epa.gov/owow/wetlands/facts/fact16.html" \l "one" [1][] A mitigation bank may be created when a government agency, corporation, nonprofit organization, or other entity undertakes these activities under a formal agreement with a regulatory agency. Mitigation banks have four distinct components:

- *The bank site: the physical acreage restored, established, enhanced, or preserved;*
- *The bank instrument: the formal agreement between the bank owners and regulators establishing liability, performance standards, management and monitoring requirements, and the terms of bank credit approval;*
- *The Interagency Review Team (IRT): the interagency team that provides regulatory review, approval, and oversight of the bank; and*
- *The service area: the geographic area in which permitted impacts can be compensated for at a given bank.*

The value of a bank is defined in "compensatory mitigation credits." A bank's instrument identifies the number of credits available for sale and requires the use of ecological assessment techniques to certify that those credits provide the required ecological functions. Although most mitigation banks are designed to compensate only for impacts to various wetland types, some banks have been developed to compensate specifically for impacts to streams (i.e., stream mitigation banks).

Mitigation banks are a form of "third-party" compensatory mitigation, in which the responsibility for compensatory mitigation implementation and success is assumed by a party other than the permittee. This transfer of liability has been a very attractive feature for Section 404 permit-holders, who would otherwise be responsible for the design, construction, monitoring, ecological success, and long-term protection of the site.

Could the above concept be applied to trees? Would this allow Seattle to adopt a no-net-loss of tree canopy policy? Could developers help purchase the trees to be planted via a fee-in-lieu program?

In addition, a **no-net-loss-of-canopy** policy should also be explored, and must incorporate the use of a "tree bank". It may not save an individual tree, but would facilitate that canopy loss be accounted for in another location that is already identified as tree space. Preliminary work would be necessary to identify designated tree sites, which could then be purchased and retained as a grove in perpetuity. A fee-in-lieu could be one method to accumulate the dollars needed to purchase the property. A grove has more ecological function and value than an individual tree.
We would like to explore this option further.

Engage the community with carrots, not sticks.

Seattle homeowners will do the right thing if given the opportunity. Efforts must be made to engage property owners, usually single-family homeowners, to plant additional trees on their site. It is difficult to force trees into areas not designed to for tree growth, and retaining trees during the development process affects relatively few trees throughout the city.

A concentrated volunteer effort is necessary to interact with individual homeowners and explain the value of added tree canopy.

From a business perspective, today's lending market must have certain guarantees on how much a project will cost, how long the permit process will take and, once approved, how long until a potential buyer can purchase the home. Banks will not tolerate anything in that process that limits their ability to predict how long and for how much. To work together for added tree canopy, policy changes are necessary that do not punish the property owner by lowering property values or mandating design review. Furthermore, policy changes cannot come at the expense of other, important city-wide goals. Additional conversations about potential incentives are encouraged, and our members would welcome the opportunity to engage in these discussions.

Overall, our organizations support the current draft. Although a few challenges remain, the draft represents a good start that balances the goals of the stakeholders.

One final concern with the tree planning process: **there was no property owner or private sector involvement in drafting of the Urban Forestry Management Plan** that is the basis for the current Interim Tree Ordinance, the Urban Forestry Commission and the ordinance DPD will be writing between now and the end of 2010. With the exception of Puget Sound Energy and one consultant, both of which we doubt were included in the plan for their opposing views, the full page of acknowledgements is made up of government entities.

Granted government involvement is necessary to construct an overarching tree plan, but where in this list of acknowledgements is a dissenting opinion? Is there nobody who spoke for the private property owner? What about the construction industry that relies on the removal of trees for development (accessory dwelling units)? Did anyone speak for solar energy? Or green roofers? Or food growers? Single-family property owners? Or commercial business? Or industrial zones? **We certainly hope the City Council will recognize the shortcomings in the process used to develop the Urban Forestry Management Plan and fair consideration of our interests will be weighed when voting on a tree ordinance.**

Thank you for the opportunity to comment. If you have any questions, please contact Garrett Huffman with the Master Builders Association of King and Snohomish Counties at (425) 460-8236, or Randy Bannecker with the Seattle-King County Association of REALTORS® at (206) 296-6912.

Sincerely,

Garrett J. Huffman
Seattle Manager
Master Builders Assoc.

Kari-lynn Frank
Local Government Affairs Director
NAIOP

Brittani Ard, Chair
Ard Consulting
Seattle Builders Council

Suzie Burke
President
Fremont Dock Co.

Randy Bannecker
Seattle King County Assoc. of
REALTORS®

Eugene Wasserman
Director
North Seattle Industrial Association

From: Chuck Dolan [mailto:chucklesd2@hotmail.com]
Sent: Friday, October 29, 2010 10:54 PM
To: PintodeBader, Sandra; Staley, Brennon
Cc: McGinn, Mike; Clark, Sally; Burgess, Tim; Harrell, Bruce; Godden, Jean; O'Brien, Mike; Rasmussen, Tom; Licata, Nick; Conlin, Richard; Bagshaw, Sally; frankbackus@comcast.net; clsouthwick@q.com; kkmahler@earthlink.net; mlbackus@comcast.net; judyngaryol@msn.com; bluecanoe2@gmail.com; rosencrantz6@hotmail.com; janetway@yahoo.com; ruthalice@comcast.net; jlaufle@comcast.net; cakaea@comcast.net; bmand@mandthomas.name; mcatero@comcast.net; cunninghamtom39@hotmail.com; adskipknox@yahoo.com; johnlombard@q.com; Eastberg, Cheryl; jambrose@geoengineers.com; renbarton@aol.com; Antieau, Clayton; cbcb66@hotmail.com; rcecil@ci.shoreline.wa.us; Kurko, Keith; chrisp@islandwood.org; mbrokaw@sccd.ctc.edu
Subject: Tree Preservation and Protection Ordinance
Importance: High

October 29, 2010

Dear Mr. Staley and Ms Pinto de Bader,

As a home owner, parent and creek steward I value the big trees of Seattle. They are the green of my childhood and the emerald highlight of our skyline. But far, far too often as I move through my neighborhood, I hear the whine of the chainsaw and know that another big tree is coming down.

As a knowledgeable watershed resident, I know that, not only is the neighborhood losing another arboreal gem, but that the watershed is being damage in the worst possible way. The first line of defense for any stream and that stream inhabitants is its tree canopy. It is the stream's shield from too much water too fast and too much sun. Big trees provide the very structure of the creek itself and the substrate that nurtures the aquatic food chain.

Seattle needs a Tree Preservation and Protection Act that does just that; preserves and protects. The current proposal does neither. It is regressive, destroying the very rules that saved Waldo Woods and the Ingram High Grove. It should be discarded and rules with a basis in science and an eye to the future adopted in its place.

Such an ordinance would include the following:

- Maintain and expand protection for exceptional trees and tree groves where ever they are, public or private. I have a large cedar on my property, older than my house, and I want it to outlast my house as it is creation with a life span of hundreds if not thousands of years. Its benefits are public, as much as private, and it should be protected by the public law of the land
- Consolidate oversight, regulation and enforcement arboreal protection in an independent department other than DPD because of DPD inherent conflict of interest
- Basic contractor and city personnel training in the new rules and in the basis of tree maintenance that protects the tree foremost, I have seen too many hack jobs by City Light employees. Protecting power lines does not mean destroying trees
- Emphasis should be put on native trees and plants and protecting and enhancing natural soils and ground cover

This city and region are endowed with the scientists and arborist to create rules that improve the preservation and protection of our city's trees and habitats. Academic Derek Booth, McCarthy Award winner David Montgomery, North Seattle Community College groundskeeper Michael Brokaw, forester Jerry Franklin are just a few of many knowledgeable citizens that should be consulted in the creation this essential environment protection.

Please keep me informed of any action on this proposal or any like it in the future.

Thank you for your time and consideration.

Chuck Dolan
1220 NE 97th St.
Seattle, WA 98115
chucklesd2@hotmail.com

cc: City Council, Mayor, TCA, TCWOC

From: Jan Price [mailto:janprice213@msn.com]
Sent: Saturday, October 30, 2010 7:48 PM
To: McGinn, Mike; Conlin, Richard; Licata, Nick; Clark, Sally; Bagshaw, Sally; O'Brien, Mike; Godden, Jean; Burgess, Tim; Rasmussen, Tom; Harrell, Bruce; PintodeBader, Sandra
Cc: Staley, Brennon
Subject: Seattle Department of Planning and Development "City of Seattle ProposedTree Regulations"

In 1967 our family moved into our new home at 14008 Roslyn Place North; we still reside in this home. We chose this home because of the incredibly beautiful stand of more than 10 magnificent evergreen trees which were at that time over 70 feet tall. We have treasured these trees ever since. They are now even taller and more beautiful.

We did lose 3 of these trees when the new water mains were installed and one other in a windstorm. We attribute the success of our urban forest partially due to the heavy stand of neighboring trees to the south of our property which provided protection for our trees.

Over the years many of these trees have been cut down by the property owners for various reasons. To date we still have our urban forest and have added to the trees with volunteer trees. Each of our children now have their own urban forest ranging at least 30' tall.

The trees provide at least 10 degrees of cooling in hot weather, a winter wonderland when it snows and a sound barrier of the local noise level. We do not have to travel far to enjoy our personal forest.

My husband was raised in one of the oldest neighborhoods in Philadelphia and still appreciates how lucky we are to enjoy our marvelous gift of our very own forest.

Our surroundings have changed radically because of the frantic crowding of new buildings on every square inch of land. If the City of Seattle permits open season on trees we are going to regret the deterioration of the beauty and enviormental health of our surroundings.

We sincerely hope serious consideration is given to the ramification of the results of these rule changes.

From: FRANK I BACKUS [mailto:frankbackus@comcast.net]
Sent: Saturday, October 30, 2010 8:36 PM
To: McGinn, Mike; Staley, Brennon; PintodeBader, Sandra
Cc: Conlin, Richard; Licata, Nick; Clark, Sally; Bagshaw, Sally; O'Brien, Mike; Godden, Jean; Burgess, Tim; Rasmussen, Tom; Harrell, Bruce
Subject: City of Seattle Proposed Tree Regulations

Mayor McGinn, Brennon Staley and Sandra Pinto de Bader

City of Seattle

Re: City of Seattle Proposed Tree Regulations

Dear Mayor McGinn, Mr. Brennon Staley, and Sandra Pintodebader:

The Thornton Creek Alliance, an all-volunteer organization of over 130 people interested in protecting the watershed, voted unanimously at its September General Membership meeting to support the efforts of the Save Our Urban Forest Infrastructure.

The proposed new Seattle Tree Ordinance does NOT give enough protection to existing large trees, native trees, and groves. It takes away protection. It is a double step backward. It takes away protection to 99.5% of the acreage of the city that is not under development, and leaves no control of the urban forest canopy in the 0.5% acreage that is being developed.

The Interim Tree Ordinance in effect now has been an improvement. City Council stated (August 3, 2009): “City of Seattle Resolution Number No. 31138 is a resolution concerning policies for the protection of trees on public and private property within the City of Seattle, stating the Council's priorities for legislative and Departmental actions to INCREASE the overall health, quality and the extent of trees within the City of Seattle.” It states “ENHANCING existing protections for trees, provided in the City's Comprehensive Plan and the Municipal Code, [is] necessary to ensure that these efforts are sustainable,” and “the City has a legitimate interest in EXTENDING tree protections to uses in all of the City's zones, as well as EXPANDING, clarifying and improving on existing tree protection regulations affecting such permitted uses.” [CAPITAL letters by me]

I am pleased that the City of Seattle acknowledges a need to increase the overall tree canopy cover. Trees are very important for many reasons. They add to property values, have a calming effect on people, decrease crime, decrease air pollution, provide food and habitat, contribute to the character and esthetic beauty of our neighborhoods and business districts, stabilize soil, and moderate the effects of stormwater runoff with associated cost benefits.

I understand that increasing urban density impinges on urban forest infrastructure, but it must be balanced. With the Proposed Tree Regulation Ordinance there is no protection for older established larger trees. This is unacceptable. A permit system is possible as is noted in a number of ordinances in surrounding cities locally and across the nation.

You are in a position to make a difference on this. Please make the changes that are needed.It might be wise to delay the ordinance until it can be further worked out with input from more sources.

Sincerely,

Frank I. Backus, MD
President, Thornton Creek Alliance
POBox 25690
Seattle, WA 98165-1190

CC: City Council members

From: Ruth Williams [mailto:ruthalice@comcast.net]
Sent: Saturday, October 30, 2010 11:47 PM
To: McGinn, Mike; Staley, Brennon; PintodeBader, Sandra
Cc: Conlin, Richard; Harrell, Bruce; Licata, Nick; Rasmussen, Tom; Bagshaw, Sally; Clark, Sally; O'Brien, Mike; Godden, Jean; Burgess, Tim
Subject: Seattle's New Tree Ordinance

Dear People:

I have just a few more comments with regard to Seattle's new tree ordinance. First of all, I support the document that will be sent to you from SOUFI/SST-S, e-mailed by Steve Zemke.

I would like to stress that education and outreach are key. Many people don't know what forest infrastructure is or appreciate its importance. It is obvious from the comments in the local on-line periodicals that few people really understand the issues at stake. At meetings many don't even know what questions to ask.

A campaign of public education is called for. To that end it would be appropriate to authorize the Seattle Urban Forestry Commission to undertake the mission of public education. I urge you to give this serious consideration. If not the SUFC, then some other entity must take on this task. (The point has been made that SOUFI is an advocacy group that shows up at community meetings. The DPD is also an advocacy group, and so is the Master Builders Association that is sending its letters directly to DPD. The issues SOUFI raises actually help to educate listeners.)

Another matter is the purpose of the ordinance itself. It should not be just a vehicle for assisting developers in getting the most for their dollar. Rather the DPD should provide some flexibility for builders while the ordinance assumes the role of spelling out the concrete methods DPD and other city agencies will use, and periodically evaluate, to reach Seattle's stated tree canopy goals.

The double plank of licensing arborists and requiring tree cutting permits with public notification will go a long way toward stemming the loss of existing mature trees and groves. Some may feel this infringes on their property rights, but living in the city requires some contribution to the common good. By the same token we have noise ordinances, public nuisance ordinances, and building codes. Try leaving the lumber for your unpermitted remodel in the front yard and see what happens.

The ordinance should also reference native species. Our own plants and trees require few or no chemicals to maintain their health, they support more wildlife, and they never generate invasive swaths of monoculture the way many imported species continue to do.

In this era of density let's not be dense about our urban forest infrastructure. We must make provision for it now, *before* everything is paved over and built up. A healthy urban forest will pay huge dividends down the road in cleaning the air and water, inhibiting flooding, creating habitat for animals, improving quality of life for people, and increasing our property values besides.

The Emerald City and *all* its denizens thank you for your consideration.

Sincerely,

Ruth Williams
1219 NE 107th St.

Seattle, 98125
206-365-8965

From: Michael Oxman [mailto:michaeloxman@comcast.net]
Sent: Sunday, October 31, 2010 4:40 AM
To: PintodeBader, Sandra; Staley, Brennon
Cc: Conlin, Richard; SeattlePOSA@yahoogroups.com; Harrell, Bruce; Godden, Jean; Licata, Nick; O'Brien, Mike; Rasmussen, Tom; Bagshaw, Sally; Clark, Sally; Burgess, Tim; Sugimura, Diane; McGinn, Mike
Subject: Public comment on tree regulations proposal

Howdy,

Thanks for the opportunity to submit comments on the tree regulations proposal.

The tree credit system is too complex for citizens to understand. Diameter classes are arbitrary, and bely the suitability of variable growing conditions. A tree permit system is superior because it recognizes that no tree may be removed without a complete assessment. By requiring a permit before a tree is removed, the credit system table becomes a checklist for assessing the tree removal application.

The tree credit system needs a soil component in addition to a trunk size dimension to provide a way to recognize designs that allow retained trees to survive by minimizing construction impacts. Eventual tree size is determined by the amount of soil available for root growth. The number of credits given to a single family project for retaining existing trees should be determined by the staff planner reviewing the building permit application. The table needs more columns recognizing multiple factors.

The tree credit system is presented as a table of trunk sizes and relative points for diameter classes. This simplistic table is an attempt at a substitute for actual knowledge of how to assess designs that will result in survival of existing trees following completion of the project. Arborists should be involved in planning at the earliest stages of the design. The table should be not be a substitute, but a supplement to the expertise of the project design staff.

Reports on trees and site factors that have potential impacts should be required to be submitted by the applicant's arborist as a condition of a building permit. The arborist report should detail design, treatment, inspection and maintenance schedules. The arborist needs to have authority to control and stop activity that may adversely affect trees on site. City planners should be cross trained in tree retention to recognize pertinent factors. The city arborist should inspect projects to determine suitabilty of actions relating to the retention of existing trees. An appeal process should involve an independent arborist report, to be paid for by the applicant.

The amount of soil that would be left undisturbed within the root zone is the primary factor in survivability. This radius could be added as a column in the tree credit system table. The current code allows for an inner inviolable root zone equalling 1/2 the radius within the dripline, and allows incursion into 1/3 of the circumference of the outer half of the root zone. This system could be given a smaller number of points in a range. The Critical Root Zone is recognized as one foot of radius for each inch of trunk diameter, and could be given a mid range of points. Actual root zones assessed by excavation on site could be afforded the maximum range of points for being placed off limits to construction activity.

The species of tree may be indexed by susceptibility to damage from root disturbance. Trees such as Mardones and Hemlocks with poor tolerance to root disturbance should receive fewer points. The Pacific Northwest Chapter of the Intenational Society of Arboriculture publishes a species rating guide for assessing factors that contribute to value of trees in the our regional landscape.

A range of points could be subtracted for landscape elements that require incursions into the root zone for excavation; utility trenches; irrigation systems; paths; grade changes; or other disruptions of native soil habitat that may affect the future viability of the tree in the landscape following completion of the project.

Roots are not necessarily constrained by ownership boundaries. The proximity of trees to property lines may subject them to impacts that occur on the adjoining property. The code needs to recognize the impacts of construction on abutting trees owned by neighbors. Future canopy growth credit should only include coverage within the borders of the property subject to the building permit application. Trees planted near property lines should not receive credit for canopy coverage that extends over the property line, because neighbors have the right to prune encoaching growth for solar access and physical clearance.

Measurements and dimensions should be in industry standard units. The 15 year growth projection is related to canopy goals set by the City of Seattle, and is inappropriate for this use. It should not be substituted for mature size growth tables at 20 years used as the accepted industry standard by the American Society of Landscape Architects and American Association of Nurserymen.

A Directors Rule accompanying this tree ordinance could indicate which standards and specifications are to be used. A list of pre-approved contractors and consultants could be part of this rule.

The Seattle Urban Forestry Commission should be involved in determining the public acceptance of this proposal.

Arboreally yours,

Michael Oxman
(206) 949-8733
www.treedr.com

From: Duff Badgley [mailto:eduffb@hotmail.com]
Sent: Sunday, October 31, 2010 10:59 AM
To: Staley, Brennon
Cc: Steve Zemke; McGinn, Mike; Conlin, Richard; Licata, Nick; Clark, Sally; Bagshaw, Sally; O'Brien, Mike; Godden, Jean; Burgess, Tim; Rasmussen, Tom; Harrell, Bruce; PintodeBader, Sandra
Subject: Scrap proposed DPD tree preservation rules and start anew

Hello Brennan,

The proposed DPD tree 'preservation' rules are fatally flawed and must be scrapped for a fresh start. If these rules proposed now by DPD are adopted, the carnage of tree slaughter in our city will continue unabated. For real tree preservation to happen in Seattle, DPD must stop acting like an arm of the city development industry--or relinquish its tree oversight role to another less biased agency.

Specfically, and looking ahead to tree presevration rules that will actually preserve trees in Seattle:

- Build and expand on the tree protections in the current interim tree ordinance. Do not repeal the interim provisions; instead keep and add to the existing protections for mature and large trees and tree groves.
- Expand the current permit system that exists for street trees in the public right of way run by the Seattle Department of Transportation and the permit required to remove hazardous trees in critical areas and exceptional trees. Require that a permit be issued before trees larger than 6” in diameter at breast height can be removed on any property in the City. Require a two week posting both at the tree site and on the internet for permits applied. Allow an appeal process. Tree permits are necessary to both slow the loss of large trees in the city and to monitor our progress in increasing the City’s tree canopy to 30%.

- Require that regulations cover both the public and private sector. This means that the City of Seattle would have to comply with the same permit and posting requirements as the private sector.
- Consolidate oversight, regulation and enforcement in an independent department other than DPD that does not have a conflict of interest.
- To better enforce tree protections, require that all arborists working in the City be professionally certified and trained. Require licensing of all arborists and tree cutting operations; hold them accountable for complying with the City's urban forestry laws with fines and suspension for violations of the law.
- Give priority to the retention and planting of native trees and vegetation to help preserve native plants and animals in our urban forest.
- Place an emphasis on habitat protection and maintaining ecological processes and soil viability as part of sustaining the urban forestry infrastructure.
- Require all real estate sales to disclose exceptional trees on property and all trees that require a permit to be removed.
- Define canopy in terms of volume rather than area since this is a critical measurement of its functionality.
- Give a rebate on utility bills based on exceptional trees or canopy volume on property; property owners would file to get rebate like seniors now can file for a senior property tax exemption.
- Require site plans for development to show all trees over 6 inches in diameter. Provide meaningful and descriptive site plans that show existing and proposed trees to drawn to scale.

Thanks.

Duff Badgley
for Citizens' Coalition for Trees
1900 W. Nickerson St., # 116,
Seattle, WA, 98119
206-283-0621

From: Fred Miller [mailto:freefred@comcast.net]
Sent: Sunday, October 31, 2010 3:00 PM
To: Staley, Brennon; PintodeBader, Sandra; McGinn, Mike; Conlin, Richard; Licata, Nick; Clark, Sally; Bagshaw, Sally; O'Brien, Mike; Godden, Jean; Burgess, Tim; Rasmussen, Tom; Harrell, Bruce
Subject: Tree Ordinance

The proposed Tree regulations are wholly inadequate if Seattle is ever going to reach 30% canopy.

Current tree regulations are short term. I don't see this changing much in the proposed regulations. Trees are protected only in the short term. For a tree with a 100-1000 year lifespan, that doesn't work.

Damage done to a tree during construction or landscaping may not even begin to show for many years. I recently helped my father remove an oak that was killed by root rot, a consequence of his planting a lawn in the early '80s. The proposed ordinance doesn't seem to make any imopact on the slow but deadly consequences of changes to a tree's environment, especially to soil conditions and soil ecology, that are a major threat to urban trees.

For example, a new apartment building goes in, with several large trees retained and a dozen new trees planted. but one of the retained trees was growing a couple feet from a tree that was removed. Their roots are intertwined. As the roots of the removed tree rot, they infest the retained tree's roots. Plus, one of the tenants parks a nonworking car under the tree, blocking all rain from the roots under it. The tree takes a few years, but eventually dies. Another tree is damaged when a tenant leaves a young, energetic dog tied to it. He claws at the bark while barking at squirrels, or just out of boredom. And so on.

.
The newly planted trees do worse: they are planted in their burlap root bags by minimum-wage laborers who don't know any better. This keeps the roots from spreading nearly as fast as they should. The first summer they are watered a few times, but the second summer they get no water. By the end of the third summer, most of them are gone. The rest are struggling.

If you want people to take care of trees, they need incentives for doing so and sanctions for failure. The latter need to be enforced adequately.

Fred Miller
9535 4th ave NW
98117

From: Tracy Hasenkamp [mailto:troo0071@gmail.com]
Sent: Sunday, October 31, 2010 3:35 PM
To: Staley, Brennon; McGinn, Mike; Conlin, Richard; Clark, Sally; PintodeBader, Sandra; MLCC@MapleLeafCommunity.org
Subject: Improving Seattle's Tree Regulations

Dear Mayor McGinn and Council President Conlin:

I am joining Seattle's science-based Urban Forestry Commission, the Maple Leaf Community Council, and many other groups and individuals across Seattle in objecting to the Urban Forest Infrastructure Ordinance proposed by Seattle's Department of Planning and Development (DPD) in July of this year.

DPD's deregulatory approach to removing all protections for existing trees is an environmentally damaging move backwards for our city. It would make Seattle's urban forest policies weaker than any neighboring city with urban forest ordinances. DPD's proposal is not supported by the current science behind urban trees as urban forest infrastructure. It does not and cannot help Seattle to meet our goal of 30-40% canopy coverage.

This is unacceptable for a city aiming to create new opportunities based on the green economy and billing itself as The Emerald City.

I object to DPD's refusal to preserve existing trees. Preserving our large existing trees is critical to preserve habitat and increase our urban forest canopy. Replacing large conifers with small deciduous trees creates long-term problems in Seattle's urban forest canopy given our climate patterns.

I also object to DPD's refusal to properly investigate a permit system or similar controls on cutting of trees outside the development process. Many other cities in Washington State and across the country have figured out how to control tree loss outside of development. DPD seems to think people in Seattle are not smart enough or committed enough to our urban forest infrastructure to create or copy an effective system for our city. I disagree and believe we can and should have regulations covering the 99.5% of acreage in Seattle that is not under development in any given year.

DPD's proposed tree credit system needs additional work so new development can't satisfy canopy cover requirements by replacing existing large exceptional trees with small dwarf evergreens. DPD's reliance on the Green Factor system for larger developments is flawed because Green Factor can be satisfied with no tree retention or planting.

In any given year, DPD has responsibility for only 23 acres of trees. SDOT has responsibility for 2,500 acres and Parks has responsibility for 2,400 acres. Even if Maple Leaf hadn't experienced DPD's

disregard for tree protection via the Waldo Woods issue, these data really make me question why DPD is leading the process to create new rules for our urban forest infrastructure. DPD's track record on those acres is bad, allowing an average of 28% tree loss and over 60% tree loss in some types of development. The independent, science-based Urban Forest Commission or at least another department with more urban forestry experience (and a better track record) should lead the process.

I believe Seattle needs to do a better job managing our urban forest infrastructure. DPD's proposal is a deregulatory step backwards. I urge you to scrap the proposal and take the next year to develop a better one via a public process managed by someone other than DPD. In the meantime, please pass without further delay the more responsible SDOT proposal on street trees.

Sincerely,
Tracy, Scot & Alex Hasenkamp
*Maple Leaf Neighborhood Residents since 2004

From: Erik Macki [mailto:macki@seanet.com]
Sent: Sunday, October 31, 2010 4:12 PM
To: Staley, Brennon; McGinn, Mike; Conlin, Richard; Clark, Sally; PintodeBader, Sandra
Subject: Comments in favor of DPD's new Urban Forest Infrastructure Ordinance

Dear Mayor McGinn, President Conlin, Council Member Clark, Mr. Staley, and Ms. Pinto de Bader:

Although I support the Urban Forestry Commission and the Maple Leaf Community Council and other pro-urban tree canopy entities in their efforts to increase tree planting in Seattle per se, I am actually writing to provide comments in FAVOR of the Urban Forest Infrastructure Ordinance proposed by the DPD last July. I think that the opponents of these rules are responding a bit hysterically to what are in fact generally needed and generally sensible rules, and I encourage you to adopt the proposed rules, perhaps with some common-sense tweaks.

The fact is that a city like Seattle is facing an increasing need for more density in city to avoid urban sprawl and the ecological and environmental harm that sprawl causes. Increased in-city density shifts transportation use to buses and trains, shortens commute times, it increases walking (and health benefits from that), and it encourages spaces for commercial and creative enterprises that create jobs and enhance the vibrancy of city dwelling. Current tree rules are major and costly obstacles to these things and ought not stand unbendingly in the way of this evolution over the next few decades.

Moreover, we see year after year large Douglas firs and other trees crashing after winter storms into streets, over power lines, and in some cases right into houses. It ought not be as difficult as it currently is for homeowners and other property owners to remove potentially dangerous trees, and it ought not be as difficult as it is to change or modify landscaping as it is. Indeed, Seattle City Light routinely mutilates trees approaching power lines too closely--the same trees residents or developers cannot always easily have removed and replaced with more rationally proportioned trees themselves.

There are extremely effective ways to address the pro-canopy side's concerns

and promote urban tree canopy retention without restricting in-city development and without preventing homeowners from making their own decisions about the flora that grows on their own property.

The proposed tree-credit system is one good idea, probably with some needed tweaking. Developers could be given real and compelling financial or tax incentives to preserve certain kinds of trees and urban forests. In addition, developers could be required to replace trees removed with ecologically equivalent trees planted in equal numbers, allowing greater flexibility in site development.

Another idea is to create real and compelling property tax incentives on properties at sale, if existing trees are retained.

When tax incentives are not utilized, the city could devote the difference in revenue it takes in to increase the tree canopy itself. The city itself already could be doing more to increase the canopy by planting trees, e.g. on the many, many streets that lack parking-strip trees currently.

Had provisions like these all been in place, the Waldo Woods drama might never have occurred--the developer would probably have retained the trees voluntarily without any need for government or community involvement. However, any developer or homeowner should have latitude to redo landscaping and plantings to further their reasonable interests and to accommodate Seattle's increasing density.

Where I do agree with opponents of the new rules is that DPD is a sloppily and inconsistently run department that has a poor track record managing Seattle's growth generally and in dealing with tree issues specifically. DPD lacks the staff, expertise, and experience on canopy issues to act as the central player moving forward. Although the UFC does have this staff, expertise, and experience, the UFC in turn appears myopic in its understanding of the importance of increased density and of homeowners' and developers' legitimate and important concerns.

Imagine if DPD and UFC could have proposed new rules jointly how much better they would be--serving the needs of increased density (which on a macroscale is ecologically and environmentally desirable) AND the needs of homeowners and developers burdened with problem trees.

Sincerely,

-Erik Macki
1516 NE 98th St. 206-329-3038

From: David Sucher [mailto:davidseattle727@gmail.com]
Sent: Sunday, October 31, 2010 5:12 PM
To: McGinn, Mike; Conlin, Richard; Clark, Sally
Cc: Staley, Brennon; David Miller; PintodeBader, Sandra
Subject: trees on private property

To Officials of the City of Seattle.

I can't say that I have fully digested the **Proposed Tree Regulations** dated July 14, 2010 but it looks to me that **DPD is on the right track**. What caught my eye is that there should be **no**

permit for property-owners to remove trees on their own property when not doing any development. (Obviously trees in the ROW are sacrosanct at any time.)

I like DPD's thinking about cost/benefit:

"It is further estimated that an unsubsidized tree removal permit with basic review and approval would cost about $100 without inspection or about $200 with an inspection. Giventheseestimates, the total cost of administering the tree permit pro- cess would equal at least $680,000 per year (6,800 permits x $100 per permit)."

I planted ten trees immediately after buying my house 13 years ago -- and it would irk me enormously to have to pay for a permit to cut down trees that I **voluntarily** grew. I had the decency and commonsense (for myself and my neighbors) to plant them in the first place and I see no reason to get nosey-parkers involved. (I would have planted trees in the ROW but Street Use said NO because planting strip too shallow, which I think is overly restrictive.)

•••

But there's a larger issue which foots the hysteria and I'd like to share it:

There has been a myth going around that Seattle has lost some huge percentage of tree canopy -- often stated as **"canopy coverage in Seattle has declined from 42% to 18% over thirty-five years."** That's the line repeated everywhere -- even in many City documents; (and I am very glad to note that such a myth **does not seem to appear** in the July 14 **Proposed Tree Regulations**.)

Seattle was largely developed in 1970 and there is no factual basis for making such claim of tree canopy loss. I did a Public Disclosure request two years ago to try to find any study to prove it. There aren't any. There was one very sketchy study showing that "**42% to 18% over thirty-five years"** but it applied to a much larger region from Tacoma to Everett and to the east side of Lake Sammamish. And those numbers makes intuitive sense for the suburbs.

From my own recollection I'd bet that Seattle's **tree canopy has grown** over the last 35-40 years.

To all those people who claim we have lost so much, I ask *"If Seattle has lost so much of its canopy since 1972 or so, where were all these great forests back then?"*

They can't answer that because such forests didn't exist.

I don't think any of you folks can remember Seattle in the late 60s and early 70s (**sorry I have misread your bios!**). But I can remember those days. And they weren't so pretty. Seattle was barren -- Ballard was the worst except for the industrial area or North Aurora which is still pretty bad.

(As an aside I worked for the City of Seattle from 1971 to 1978 in DPD -- first person to work on Shoreline Management and did the first "shoreline inventory." Others land use stuff too. So I spent all my work days studying Seattle's environment, from shore to shore. So it's not as if I have some mythical memory.)

Now let's be clear on one thing: **Should the City plant more street trees and spend tax money? Yes! Fine with me**. I am all for it and have no problem whatsoever in taxing me for

growing a great urban forest. (And as a developer I have **no problem planting required street trees**; in fact it is a good idea.) Should the City get involved to **educate and encourage people to plant trees and take care of them? Great idea**. But enough with the rules.

So overall, and so far as I understand it. DPD's **Proposed Tree Regulations** is a good one. I'm all ears for others to show me where I have missed (and frankly it's very good that people at Maple Leaf CC, and others, are being critical and raising every point but I just think they are **wrong** on this one aspect of **trees on private property when no development**.)

Best,
David Sucher
author, ***City Comforts: How to Build an Urban Village***
former member, ***Seattle Planning Commission***

From: Scott Freutel [mailto:scottscape@me.com]
Sent: Sunday, October 31, 2010 7:56 PM
To: Staley, Brennon
Cc: McGinn, Mike; Conlin, Richard; Licata, Nick; O'Brien, Mike; Clark, Sally; Bagshaw, Sally; Godden, Jean; Burgess, Tim; Rasmussen, Tom; Harrell, Bruce; PintodeBader, Sandra
Subject: At the least, please extend the window...
Importance: High

...for public input into DPD's proposal to change Seattle's tree regulations.

I have read the proposal very closely, and also City Council Resolution 31138 requesting increased protection for the city's trees. Although in many respects a well-written and cogent document, on its face the proposal would seem not to be responsive to the resolution. Perhaps there's a good explanation for this disparity; if so, that explanation should be enunciated and placed before the public.

I have also read, and I endorse, the letter Save the Trees - Seattle sent Council President Richard Conlin on October 20. I would urge you at the least to respond, in writing to the Mayor, the Council, and the public, to the concerns that letter raises.

Please keep me abreast of developments regarding further consideration and amendments to, or adoption of, the proposal.

Thank you.

Sincerely,

Scott Freutel
909 N 103rd St Apt 1
Seattle WA 98133-9243
(206) 250-7487
scottscape@me.com

From: FRANK I BACKUS [mailto:frankbackus@comcast.net]
Sent: Sunday, October 31, 2010 9:00 PM
To: Staley, Brennon
Cc: McGinn, Mike; Conlin, Richard; Licata, Nick; Clark, Sally; Bagshaw, Sally;

Godden, Jean; O'Brien, Mike; Burgess, Tim; Rasmussen, Tom; Harrell, Bruce; PintodeBader, Sandra
Subject: City of Seattle Proposed Tree Regulations

Mr.Brennon Staley, DPD
City of Seattle

Re: City of Seattle Proposed Tree Regulations

Dear Mr. Staley:

I have lived in Seattle for 50 of my 74 years, and have lived in my current house for 40 years. I am concerned about the City of Seattle Proposed Tree Regulations.

The proposed new Seattle Tree Ordinance takes away protection to existing large trees, native trees, and groves. Although its intent is good, it is a step backward. Rather than adding protection, it deletes protection. I have frequently heard the chainsaws in my neighborhood over the past 40 years as people cut down trees and put in asphalt. The clearest result has been the increased problem with stormwater and flooding, but in addition, there are other problems that are associated. Climate change is a global issue, but is related.

The City is wise in acknowledging a need to increase the overall tree canopy cover. Trees are important because they add to property values, have a calming effect on people, decrease crime, decrease air pollution, provide food and habitat, contribute to the esthetic beauty and character of our neighborhoods and business districts, decrease flooding, and moderate the effects of stormwater runoff with its associated costs.

The Proposed Tree Regulation Ordinance takes away protection for older established (and generally larger) trees. This is unacceptable. Replacing larger, older trees with even several saplings is NOT an equivalent replacement.

I favor a permit system, which would help with citizen education and can actually be a source of funds to the city, as proven in Florida.

The three-year-old Interim Tree Ordinance in effect now has been an improvement. The City Council, on August 3, 2009, in City of Seattle Resolution Number No. 31138, asked DPD to develop a proposal to increase the overall health, quality and the extent of trees within the City of Seattle. It states, “Enhancing existing protections for trees, provided in the City's Comprehensive Plan and the Municipal Code, is necessary to ensure that these efforts are sustainable.” It says, “the City has a legitimate interest in extending tree protections to uses in all of the City's zones, as well as expanding, clarifying, and improving on existing tree protection regulations affecting such permitted uses.”

I suggest delaying the ordinance and having a different group develop it. DPD is an advocacy group for construction. A group that is concerned for the city’s infrastructure, such as the Urban Forest Commission, should develop this ordinance.

You are in a position to make a difference on this. I hope you will act accordingly. Thanks for at least considering this.

Sincerely,

Frank I. Backus, MD
12737 20th Avenue NE
Seattle, WA 98125-4118

CC: Mayor McGinn, Ms. Sandra Pinto de Bader (Urban Forestry Commission), City Council members

---

From: Brad Johnson [mailto:bradleyjseattle@gmail.com]
Sent: Monday, November 01, 2010 12:01 AM
To: Staley, Brennon; PintodeBader, Sandra; McGinn, Mike; Conlin, Richard; Licata, Nick; Clark, Sally; Bagshaw, Sally; O'Brien, Mike; Godden, Jean; Burgess, Tim; Rasmussen, Tom; Harrell, Bruce
Subject: Seattle Tree Ordinance

Hello,

As a Seattle resident, I hope you'll all reconsider the new DPD Tree Ordinance as currently proposed. I feel that it's completely inadequate & even backwards relative to the long-term health of our city & community. I fully support the efforts & concerns of SOUFI/SST-S

Thank you,
Brad Johnson

From: M Tritt [mailto:mgtritt@msn.com]
Sent: Monday, November 01, 2010 12:20 AM
To: Staley, Brennon; McGinn, Mike; Conlin, Richard; Clark, Sally; PintodeBader, Sandra; mlcc@mapleleafcommunity.org
Subject: Objection to the Urban Forest Infrastructure Ordinance

Dear Mayor McGinn and Council President Conlin:

I am joining Seattle's science-based Urban Forestry Commission, the Maple Leaf Community Council, and many other groups and individuals across Seattle in objecting to the Urban Forest Infrastructure Ordinance proposed by Seattle's Department of Planning and Development (DPD) in July of this year.

DPD's deregulatory approach to removing all protections for existing trees is an environmentally damaging move backwards for our city. It would make Seattle's urban forest policies weaker than any neighboring city with urban forest ordinances. DPD's proposal is not supported by the current science behind urban trees as urban forest infrastructure. It does not and cannot help Seattle to meet our goal of 30-40% canopy coverage.

This is unacceptable for a city aiming to create new opportunities based on the green economy and billing itself as The Emerald City.

I object to DPD's refusal to preserve existing trees. Preserving our large existing trees is critical to preserve habitat and increase our urban forest canopy. Replacing large conifers with small deciduous trees creates long-term problems in Seattle's urban forest canopy given our climate patterns.

I also object to DPD's refusal to properly investigate a permit system or similar controls on cutting of trees outside the development process. Many other cities in Washington State and across the country

have figured out how to control tree loss outside of development. DPD seems to think people in Seattle are not smart enough or committed enough to our urban forest infrastructure to create or copy an effective system for our city. I disagree and believe we can and should have regulations covering the 99.5% of acreage in Seattle that is not under development in any given year.

DPD's proposed tree credit system needs additional work so new development can't satisfy canopy cover requirements by replacing existing large exceptional trees with small dwarf evergreens. DPD's reliance on the Green Factor system for larger developments is flawed because Green Factor can be satisfied with no tree retention or planting.

In any given year, DPD has responsibility for only 23 acres of trees. SDOT has responsibility for 2,500 acres and Parks has responsibility for 2,400 acres. Even if Maple Leaf hadn't experienced DPD's disregard for tree protection via the Waldo Woods issue, these data really make me question why DPD is leading the process to create new rules for our urban forest infrastructure. DPD's track record on those acres is bad, allowing an average of 28% tree loss and over 60% tree loss in some types of development. The independent, science-based Urban Forest Commission or at least another department with more urban forestry experience (and a better track record) should lead the process.

I believe Seattle needs to do a better job managing our urban forest infrastructure. DPD's proposal is a deregulatory step backwards. I urge you to scrap the proposal and take the next year to develop a better one via a public process managed by someone other than DPD. In the meantime, please pass without further delay the more responsible SDOT proposal on street trees.

Sincerely,

Maja Tritt

From: Capella7@aol.com [mailto:Capella7@aol.com]
Sent: Monday, November 01, 2010 1:58 AM
To: PintodeBader, Sandra
Subject: Save the Trees!

Weakening protection for trees is an insane plan! Trees play a vital role in counteracting the pollutants which are hastening the effects of global warming. It's almost as if those who are lobbying for less tree protection don't realize that trees actually combat the increasing carbon problem and consequent greenhouse effect by absorbing carbon and releasing oxygen into the atmosphere.

Global warming is a fact. It is occurring right now. Why are government officials planning so many convoluted and ultimately ineffective means of "stopping" global warming while becoming completely apathetic toward consideration of trees as a simple weapon in the battle of global warming? No human activity will completely stop global warming, but protecting trees is a small step toward mitigating its consequences which could be the ultimate destruction of this planet and all life forms on it. Global warming is here to stay. Politicians and policy makers speak with forked tongues when they enact legislation on cars and plastic bags while ignoring the simplest, least expensive means of lessening the effects of that global warming: saving and encouraging tree growth.
Mary Anderson
206-523-7485

From: Matt Weatherford [mailto:matt.weatherford@pobox.com]
Sent: Sunday, October 31, 2010 6:22 PM
To: McGinn, Mike; Conlin, Richard; Clark, Sally; PintodeBader, Sandra; MLCC@MapleLeafCommunity.org; Staley, Brennon

Subject: DPD Tree plan is useless, toothless, and ineffective: Scrap it and start over

Dear Mayor McGinn and Council President Conlin:

My neighbor recently cut down 3 trees that were 80 ft tall. She did this because a tree-cutting service told her trees were diseased and a threat to her home. I think she got bad information from a company looking to make a profit. This is the kind of situation I had hoped to see the "DPD tree plan" would prevent.

I was sorely disappointed when I read the text of the new plan.

I am joining Seattle's science-based Urban Forestry Commission, the Maple Leaf Community Council, and many other groups and individuals across Seattle in objecting to the Urban Forest Infrastructure Ordinance proposed by Seattle's Department of Planning and Development (DPD) in July of this year.

DPD's deregulatory approach to removing all protections for existing trees is an environmentally damaging move backwards for our city. It would make Seattle's urban forest policies weaker than any neighboring city with urban forest ordinances. DPD's proposal is not supported by the current science behind urban trees as urban forest infrastructure. It does not and cannot help Seattle to meet our goal of 30-40% canopy coverage.

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I also object to DPD's refusal to properly investigate a permit system or similar controls on cutting of trees outside the development process. Many other cities in Washington State and across the country have figured out how to control tree loss outside of development. DPD seems to think people in Seattle are not smart enough or committed enough to our urban forest infrastructure to create or copy an effective system for our city. I disagree and believe we can and should have regulations covering the 99.5% of acreage in Seattle that is not under development in any given year.

DPD's proposed tree credit system needs additional work so new development can't satisfy canopy cover requirements by replacing existing large exceptional trees with small dwarf evergreens. DPD's reliance on the Green Factor system for larger developments is flawed because Green Factor can be satisfied with no tree retention or planting.

In any given year, DPD has responsibility for only 23 acres of trees. SDOT has responsibility for 2,500 acres and Parks has responsibility for 2,400 acres. Even if Maple Leaf hadn't experienced DPD's disregard for tree protection via the Waldo Woods issue, these data really make me question why DPD is leading the process to create new rules for our urban forest infrastructure. DPD's track record on those acres is bad, allowing an average of 28% tree loss and over 60% tree loss in some types of development. The independent, science-based Urban

Forest Commission or at least another department with more urban forestry experience (and a better track record) should lead the process.

I believe Seattle needs to do a better job managing our urban forest infrastructure. DPD's proposal is a deregulatory step backwards. I urge you to scrap the proposal and take the next year to develop a better one via a public process managed by someone other than DPD. In the meantime, please pass without further delay the more responsible SDOT proposal on street trees.

Sincerely,
Matt Weatherford
Pinehurst area of North Seattle

From: Ruth Williams [mailto:ruthalice@comcast.net]
Sent: Monday, November 01, 2010 9:57 AM
To: McGinn, Mike; Staley, Brennon; PintodeBader, Sandra
Cc: Conlin, Richard; Harrell, Bruce; Licata, Nick; Burgess, Tim; O'Brien, Mike; Godden, Jean; Clark, Sally; Bagshaw, Sally; Rasmussen, Tom
Subject: Tree Protection Incentives for Seattle

Dear People:

Thank you for this opportunity to comment on a matter that over time will have a profound effect on the quality of life in our city. Keeping Seattle's forest infrastructure in the balance with urban density needs is an important part of our legacy to future generations and must be built into the process now, before it is too late.

Save Our Urban Forest Infrastructure (SOUFI) has drafted a list of eight incentives to plant and preserve native trees and groves for your consideration. The first two items are ideas we liked in the DPD proposal, with our comments at the bottom of each. We hope you find some of these suggestions useful.

If you have any questions or comments, or if you would like our assistance in further development of some of these please let us know. Please note that the remainder of the SOUFI concerns have been sent in by others.

Sincerely,

Ruth Williams
1219 NE 107th St.
Seattle, 98125
206-365-8965

TREE PROTECTION INCENTIVES

1. (Verbatim From DPD) Tree Credits. For Single-Family zones, this proposal would implement a minimum tree credit standard for new or replaced homes. A tree credit standard would require applicants to meet a specified tree credit number per lot area (one credit per 200 sq. ft. after the first 1500 sq. ft.) that could be met through retention or planting. The tree credit allowed per tree retained or planted would be based on the diameter of the tree with additional credit for larger trees. The proposed tree credits were calculated based on the goal that each lot should reach a canopy cover of 30% in 15 years after development,

assuming that each retained tree is, at a minimum, a medium sized tree. The exception for the first 1,500 sq. ft. would minimize the burden on small lots where it would be considerably more difficult to meet these standards. Additionally, a 25% bonus would be given to trees that are native or evergreen. Small, small/medium, medium/large, and large trees are categorized in the Green Factor tree list.

Proposed Tree Credit Table
Minimum of one credit per 200 sq. ft. excluding first
1500 sq. ft.; 25% bonus for evergreen or native trees.

Tree Provided	Tree Credits
New small species tree	1
New small/medium species tree	2
New medium/large species tree	3
New large species tree	4
Preserved tree 6-9"	6
Preserved tree 9-12"	7
Preserved tree 12-15"	8
Preserved tree 15-18"	9
Preserved tree 18-21"	10
Preserved tree 21-24"	11
Preserved tree 24-28"	12
Preserved tree 28-32”	13
Preserved tree 32-36”	14
Preserved tree 36” and greater	15

The tree credit system is designed to result in more canopy cover than existing landscaping and exceptional tree retention standards by requiring retention or planting linked to meeting the City’s canopy cover goal. Additionally, enacting a tree credit system will allow flexibility about decisions to preserve trees to ensure that trees are of an appropriate size and location considering the site and the design of new buildings.

Comments: We could have a version of this apply to public, commercial and industrial zones as well. It should be noted that for a healthy city environment the final tree canopy goal is actually 40% by 2050. The adopted 30% by 2037 is really only a stepping stone. To attain these goals the Urban Forestry Commission or some other pertinent entity should calculate how much progress needs to be made each year and regularly recalibrate programs as needed.

2. (Verbatim from DPD) Bonds. Consider requiring maintenance bonds to ensure establishment of new plantings in Multifamily and Commercial zones. A maintenance bond would require project applicants to set aside funds to ensure that trees and landscaping are maintained after initial planting. After a certain period (likely two to three years) applicants would be required to schedule an additional inspection to demonstrate that required landscaping has been established. Maintenance bonds would likely make tree and landscaping requirements more effective because lack of maintenance often results in substantial attrition after planting. Once established, it is much more likely that property owners will keep trees and that landscaping will survive beyond this period. Bonding might be especially difficult for mixed-use or multifamily developments where ownership and maintenance is generally divided among multiple owners as it would be more difficult to track responsibility.

Comments: This could be applied to public and industrial zones as well. Bonds should be for at least five years to ensure better compliance. Native species and trees should be encouraged in all cases.

3. Rewards for Keeping Trees over a Certain Size or a Grove. Property owners can apply for a utility bill discount and exemption from added yard waste charges for cleanup after large deciduous trees during the autumn leaf fall through SPU. To be fair, multi-unit dwellers should be given a chance for discounts when they install solar panels, recycle gray or rain water, install roof gardens, etc. Besides utility discounts the city can also offer in-kind services such as Metro passes, landscaping assistance, museum or aquarium memberships, priority for community gardens, arborist discounts, discounts on understory plants, or other rewards as appropriate.

4. Urban Shelterbelts. This would be an adaptation of the established windbreaks/shelterbelts in the Plains States. Along each side of the backyard property lines in Single Family areas, residents can plant an array of native trees and plants. The reward would increase exponentially for every property in a block that participates. This should encourage the establishment of a contiguous greenbelt in the back yards of each participating block. The city could facilitate this by offering workshops, discounted trees and plants, landscaping advice, etc. These new greenbelts should also enhance property values.

5. Green List. The city could publish a “Green List” of professionals who pledge to abide by certain sustainable standards. This would include arborists who register with the city, report tree cutting, and counsel clients on good choices and how to preserve trees wherever possible; realtors who attend a seminar and counsel clients on the value of trees; landscapers who encourage environmentally responsible methods and plantings; auto mechanics who encourage careful car maintenance, building contractors, etc. For the list to be useful the included professionals would also have to maintain responsible business practice.

6. Public Acknowledgment. When a company or individual has done something extraordinary to preserve a tree or grove the city should publicly thank them for their contribution. This could take the form of a plaque at the site, a ceremony, party, or whatever is appropriate, possibly in the context of an annual event. The ‘Wildlife Sanctuary’ designation should be formally defined, publicized and encouraged.

7. Conservation Easements and Land Trusts. Make it much easier for citizens to obtain conservation easements or establish land trusts. This would involve making the city the trust or easement holder. Possibly SOUFI/STTS (Save the Trees-Seattle) could create our own, low-cost easement program called Seattle Urban Forest Land Easement (SUFLE, pronounced ‘soufflé’).

8. Tree Give-away Programs. These are a good idea and should be continued. Another method might be to establish a tradition of giving a tree to each student upon entering middle school. The tree could be incorporated into their conservation studies, referred to in class, and measured as compared to the student’s growth, etc. The students would be looking after their tree at least through high school.

From: Janet Miller Gerry Pollet [mailto:gerry-pollet@msn.com]
Sent: Monday, November 01, 2010 10:43 AM
To: Staley, Brennon
Cc: McGinn, Mike; Conlin, Richard; Licata, Nick; Clark, Sally; Bagshaw, Sally; O'Brien, Mike; Godden, Jean; Burgess, Tim; Rasmussen, Tom; Harrell, Bruce; PintodeBader, Sandra
Subject: Tree Ordinance comments - extension needed; SEPA violated; significant protections needed; Public Records Act request

Oct 31, 2010

Dear DPD and Mayor McGinn:

DPD needs to extend the comment period, and hold public meetings, on the proposed tree regulations - which represent a shocking rollback of protections and an approach whose potential success or failure, and reasonable alternatives, has not been analyzed as required by the State Environmental Policy Act (SEPA).

I have waited for the posting of a SEPA analysis as well as the analysis of the Urban Tree Commission appointed by the City for its review. The latter was only posted on October 22nd. There are no SEPA determinations or analyses posted on line for the public to review and comment upon accompanying the proposal as required. At minimum, DPD needs to re-open the comment period and hold public comment meetings following posting and mailing of SEPA analyses, allowing for comment on them at the same time.

On an issue as important to the citizenry of Seattle and the livability of our City, and our commitment to both a healthful environment and combating climate change, it is shocking that DPD has failed to hold any public comment meetings, and failed to produce and distribute any meaningful environmental review of the proposal and reasonable alternatives. DPD's materials make utterly unsupported claims that regulating exceptional tree removal via permit on private property is a burden and unworkable. Yet, numerous cities do exactly this, including many in our backyard.

DPD failed to analyze how developers will, under its proposal, simply delay removal of trees or allow tree removal by the subsequent owners under its proposal, even if tree preservation is committed to in development approvals and SEPA documents. This pattern has been seen and can be documented in Seattle and neighboring jurisdictions.

By requiring permits for removal of significant trees, and having a tree replacement fee or physical replacement schedule, significant habitat, runoff prevention and canopy goals can be met - and, are met in neighboring jurisdictions and cities across the nation. DPD has provided no analysis that the permit fees and schedule for replacement tree planting (e.g., if cut tree falling into category x, then a certain number of trees of type x, y or z must be planted) or costs will not cover the City's costs or even provide additional revenue to meet the City's goals.

Enforcement via inspection based on complaints is not only viable - in contrast to the unsupported claims made in DPD's documents - but, has worked in Seattle in rather well known cases of high profile individuals cutting significant trees on city properties to support views from their home(s).

Public Records Act request:

Pursuant to the Public Records Act, please provide (via electronic copy, preferably; and, posting on-line

per PRA for others in the public to review) all records relating to:
a) the SEPA analyses which are required to accompany the proposal through the decision making process (including, but not limited to: threshold determination, analyses of alternatives and mitigation to meet City goals and policies);
b) all studies and analyses relied upon by DPD in reaching the conclusions stated in its posted FAQ document
(http://www.seattle.gov/dpd/cms/groups/pan/@pan/@plan/@treeregulation/documents/web_informational/dpdp019349.pdf)
that:

i) A tree removal permit process "creates a substantial burden on property owners and could create a disincentive to retaining such trees"

ii) "A tree removal permit process allows few options for practical management of trees."

iii) "Based on the experience of other municipalities, it is likely that a substantial number of people (estimated by staff in other cities as 20% - 40%) will not apply for permits due to the overall burden, costs, and lack of knowledge about permit requirements."

iv) analyses of the environmental benefits of preserving large canopy trees in comparison to DPD's reliance on planting young uniform trees "to meet tree canopy goals through direct planting."

In addition to responding to this PRA Request, I request that DPD and the Mayor respond to this comment as to how each of the points above were considered; in what SEPA document the analyses occurred; and, why those SEPA and environmental documents and studies were not available on line on DPD's website for documents on the proposed regulation.

I will also point out that closing comment periods on a Sunday is subject to the rule for the City and SEPA, that deadlines falling on Sundays and holidays are extended to the next business day.

Gerry Pollet, JD;
7750-17th NE
Seattle, WA 98115
gerry-pollet@msn.com

Please send all electronic copies of requested records to the address above.
and,

Legal Advocates for Washington
1314 NE 56th St. #100
Seattle, WA 98105

Heart of America Northwest
1314 NE 56th St. #100
Seattle, WA 98105

office@hoanw.org

Please forward to Seattle Urban Forestry Commission

Comments on DPD's proposed Tree Regulations Document
October 31, 2010

The Seattle Department of Planning and Development's proposal to deregulate and eliminate most protections for trees in our urban forest is not the direction this city needs to go. Entitled "City of Seattle Proposed Tree Regulations", the proposal represents a complete reversal from our current protections for our urban forest and runs counter to efforts in neighboring cities to increase protections. It runs counter to the goals of the city to have a sustainable and viable urban forest that provides benefits to the city and its citizens by reducing and controlling storm water runoff impacts; that cleans our air of CO2 and other air pollutants; that provides habitat for plants and insects, birds and other animals; that reduces the heat island effect of cities, that shelters from wind impacts on energy use; that increases property values of homes and businesses; that calms traffic flow; that enhances a neighborhood's sense of community; that reduces crime; that increases education; and much more. These are all documented benefits.

DPD's proposal only deals with the .5% of property in any given year that is undergoing development. The other 99.5 % is ignored. The proposal suggests that education and incentives will protect our trees from being cut down but offers little in specifics. They may be able to contribute but have been proposed by the city before with little impact that one can see in protecting trees from being removed.
One of our criticisms of the proposal is that it is short on specifics and lacks discussion of many of the elements typically found in urban forest ordinances. There are a number of references to designing an urban forest and tree protection ordinance yet none of these seem to have been used as a guideline for organizing the discussion. Most of the elements mentioned in Resolution #31138 passed by the City Council are either missing in the discussion or the opposite of what was asked for.

What Save the Trees-Seattle believes must be in an urban forestry ordinance:

1. Build and expand on the tree protections in the current interim tree ordinance. Do not repeal the interim provisions; instead keep and add to the existing protections for mature and large trees and tree groves.
2. Expand the current permit system that exists for street trees in the public right of way run by the Seattle Department of Transportation and the permit required to remove hazardous trees in critical areas and exceptional trees. Require that a permit be issued before trees larger than 6" in diameter at breast height can be removed on any property in the City. Require a two week posting both at the tree site and on the internet for permits applied. Allow an appeal process. Tree permits are necessary to both slow the loss of large trees in the city and to monitor our progress in increasing the City's tree canopy to 30% or more.
3. Require that regulations cover both the public and private sector. This means that the City of Seattle would have to comply with the same permit and posting requirements as the private sector.
4. Consolidate oversight, regulation and enforcement in an independent department, other than DPD, that does not have a conflict of interest.
5. To better enforce tree protections, require that all arborists working in the City be professionally certified and trained. Require licensing of all arborists and tree cutting operations; hold them accountable for complying with the City's urban forestry laws with fines and suspension for violations of the law.
6. Give priority to the retention and planting of native trees and vegetation to help preserve native plants and animals in our urban forest
7. Place an emphasis on habitat protection and maintaining ecological processes and soil viability as part of sustaining the urban forestry infrastructure.
8. Require all real estate sales to disclose exceptional trees on property and all trees that require a permit to be removed.
9. Define canopy in terms of volume rather than area since this is a critical measurement of its functionality.
10. Give a rebate on utility bills based on exceptional trees or canopy volume on property; property owners would file to get a rebate, a process like what seniors do to file for a senior property tax exemption.

11. Require site plans for development to show all trees over 6 inches in diameter. Provide meaningful and descriptive site plans that show existing and proposed trees to drawn to scale.

Looking at how others have organized their proposals for tree regulations, we recommend that the DPD redraft their "proposal" in terms of the elements that need to be considered to be comprehensive. An example of this type of organization is given in

An example of issues that should comprise an urban forest ordinance:

We believe the drafting process needs to be more directed and focused. There are a number of examples of what topics generally should be in an urban forestry ordinance based on the experiences of other cities that have gone through this process. There are also summary papers detailing this process. At the same time we need to be willing to add items specific to Seattle's needs and be willing to propose new ideas, not just recycling other peoples past ideas.

Here is one list from "Tree Ordinance" at http://conservationtools.org/tools/general/show/37 . The original document is only 7 pages long but I have copied verbatim several sections that I think are relevant in determining the things that need to be in an urban forest and tree ordinance.

"6. Prepare a tree ordinance.

If your community decides that a tree ordinance is an appropriate tool, it is time to develop it. If possible, review tree ordinances of nearby communities and speak with members of their working group to learn about successes and problems they had in their creation process, as well as learn how they dealt with issues similar to those your community faces. Your community though should avoid the tendency to simply copy the tree ordinance of another community, as it will not reflect your community's unique needs and government structure.

The ordinance should address 5 key areas:

1. **Goals** should be clearly defined and the ordinance should address how these goals will be attained. Goals should be specific and easy to quantifiably evaluate.
2. **Acceptable and unacceptable basic performance standards** should be set and the language used to define these practices should be clear and quantifiable so that the ordinance will be enforceable. At the same time, communities should be cautious of including too many details, as materials and methods often change and this would render the ordinance out-of date. Specific details about items such as allowed species and plant sizes should be included in a management plan, which can be frequently updated.
3. **Flexibility** should be part of the ordinance's design to allowed trained personnel to make decisions that factor in site-specific physical and biological conditions.
4. **Channels of responsibility and authority should be set**, either to one to two people or a tree commission, and amounts of responsibility and authority should be commensurate with each other.
5. **The means of enforcement, including penalties** for not following the ordinance should be clearly designated.

The following further breaks down the typical sections of a tree ordinance. The two main portions of the ordinance are the **basic topics** and the **special topics**.

The basic topics section can be thought of as the boilerplate or the ordinance core. It is usually in the beginning of the ordinance, consisting of the following sections:

- **Title**: Brief description that reflects the purpose of ordinance.
- **Findings**: Describes the community's vision and perspective of itself in terms of its tree resources. This section can also establish the legal authority of the ordinance.
- **Purpose**: Clearly states the goals.
- **Definition of Terms:** Defines each term that is used in the ordinance, including what a tree is so that there can be no misunderstanding.
- **Applicability**: Delineates the extent of the property covered.
- **Authority**: Defines who is responsible for the work and whose has the authority to make decisions. This could designate a single person (a tree manager), possibly already employed by the community, multiple people, or create a tree advisory committee.
- **Tree Committee**: If a tree advisory committee is created, this states how long the members are in office and who will appoint them. It defines the governing rules of the committee, the number of members and

required expertise and place of residence of members, compensation (if any), rotation of terms and how vacancies will be dealt with. Tree committees can be either advisory or administrative, and this section should outline the responsibilities of the group, which could include reviewing and proposing revisions to the tree ordinance, public outreach and education, adjudicating tree-related disputes, approving permits for tree planting, pruning and removal and arranging for tree planting and removal.

- **Appeals**: Establishes how decisions can be appealed
- **Permits:** Delineates the process of getting permission to do removals, pruning or planting.
- **Enforcement**: Defines who addresses violations and issues permits and stop work orders.
- **Penalties**: Sets fines and restitutions for being out of compliance with the ordinance.
- **Exceptions**: Lists what allowances are made for unusual situations such as weather or emergencies.
- **Performance Evaluation**: Designates who is responsible for monitoring the effectiveness of the ordinance and the basics of how the monitoring is to be done.
- **Public Notice**: States how public meetings will be announced.
- **Severance**: If one portion of the ordinance is disallowed, the whole ordinance will not be voided.
- **Effective date**: Gives the date the ordinance will become enforceable.
- **Non-liability**: This is the hold harmless provision that will protect tree commission members from liability from civil litigation.

Special topics are additional provisions that are needed to reach the community's goals and may consist of any number of items, including what is suggested below:

- **Utility trimming**: Defines requirements and responsibilities.
- **Park trees**: Defines management practices and responsibilities for management of trees in public parks.
- **Hardscape conflict resolution**: This section sets priorities in the resolution of conflicts between trees and street hardscapes. For example when repairs to sidewalks damaged by tree roots are made, this could direct the community tree manager work with the city engineer to minimize damage to the tree.
- **Guidelines for species diversity**: Sets basic standards for species diversities, and directs the community to keep updated, specific guidelines in its tree management plan.
- **Arborist registration and licensing**: Sets a registration or licensing process, which might involve showing proof of insurance and certification of training.
- **Requirements for private landowners**: This could include permits and restrictions on development, tree protection during construction, tree removal, replanting and mitigation. This section could require landowners to file plans or assessments of these activities.
- **Plan review process**: This defines the process developers must follow to have their plans for new development reviewed/approved.
- **Tree replacement**: Establishes how trees lost to development should be replaced. Some processes could be requiring developers to set aside wooded areas, off-site reforestation, percentage replacement or flexible, no-net loss formulas.
- **Incentives for compliance**: Defines incentives for compliance with voluntary measures.
- **Care of private trees**: This can establish guidelines for when municipal staff should aid private owners, or for when private owners should hire professional staff. Funding assistance for low-income residents could be established.
- **Tree Removal**: Requirements for the removal of dead, dangerous or diseased trees.
- **Clearance limits**: Sets tree clearance limits over roadways and sidewalks to allow for vehicular, bicycle and pedestrian traffic.
- **Buffers**: Defines buffer requirements.
- **Landmark and historical trees**: Establishes what defines landmark and historical trees and how they should be managed."

Reference material that should be used to frame the necessary components of a comprehensive urban forestry ordinance:

This list, while comprehensive is not complete, but it is a starting point for organizing the discussion.

Relevant material that should be looked at for guidance includes:

http://www.mnstac.org/RFC/preservationordguide.htm - an 8 page brief introduction entitled "A Guide to Developing a Community Tree Preservation Ordinance"

http://www.conservationtools.org/tools/general/show/37 "Tree Ordinance" a 7 page brief discussion that has an excellent starting list of basic topics and special topics that should be in any tree ordinance.

http://www.isa-arbor.com/publications/ordinance.aspx the most comprehensive and lengthy , even though from 2001, is the "Guidelines for Developing and Evaluating Trees Ordinances" done by the International Society for Arboriculture.
http://www.urbanforestrysouth.org/resources/library/urban-tree-conservation-a-white-paper-on-local-ordinance-approaches/ You can print out a copy from here of an excellent paper on protecting trees on private property entitled: Urban Tree Conservation: A White Paper on Local Ordinance Approaches.
http://www.gfc.state.ga.us/communityforests/documents/2005TreeOrdinance-100.pdf "Tree Ordinance Development Guidebook" 32 pages with a checklist of items for a tree ordinance - not a complete list but again gives ideas.
http://www.dnr.wa.gov/Publications/rp_urban_guideucfprograms.pdf a 2009 report entitled "A Guide to Community and Urban Forestry Programming" done by the Washington State Department of Commerce and the Evergreen Communities Partnership Task Force.
These references all point to the need to consider a number of areas that DPD ignored.

Problems with the Process

Drafting an effective Urban Forestry and Tree Ordinance is a critical task facing the Seattle City Council and Mayor. Unfortunately the current process is not moving the city forward and is not being carried out in a way that creates the necessary public support to implement it. The process is confusing, closed and non-inspiring. It is coming from only one Department while 9 city departments have tree management or regulatory responsibilities according to the Office of the City Auditor.
Department meetings with those involved in the city in drafting the framework document were behind closed doors and participants were instructed to not keep notes. Public meetings with community groups and District Councils to present the report around the city were not posted on the internet or communicated via the internet list on the web where I signed up to be kept informed . The person directing the effort has several times personally said he did not have to and would not tell us where or when he was giving public presentations on the document he has prepared so that we could notify interested citizens to listen to the proposal or comment. There appeared to be, based on several meetings I was aware of and attended, no recording kept of public comments or anyone taking notes of public comments. Only at the one Urban Forest Open House held by DPD was there a feedback sheet and I encouraged this to be available at all presentations. At a meeting with Save the Trees – Seattle, when questioned on this, the response was that he was taking notes, although very little appeared to be written down.

The framework proposed is incomplete and very vague on details. It deregulates tree protection and mostly deals with the .5% of property undergoing development in any year, rescinding and eliminating protections for our urban forest and trees on the other 99.5% of property. It is actually similar in scope to SMC 25.11 prior to the 2009 additions, in that it mainly addresses the development process.

DPD has drafted a framework based on its perspective and that, as they have repeated numerous times, is to protect trees unless it prevents the full development potential of a lot. DPD is approaching tree protection or lack thereof based on their mission to assist the public in development of their property. There is an inherent conflict of interest in asking the same department to oversee and manage our urban forest across the city, while that same department is responsible for helping people develop their property to the full potential. DPD funding depends on permit fees. It is the same conflict that resulted in lack of effective regulation of the oil industry by the federal agency that both issued permits and received the permit fees, that was also asked to oversee safety and environment regulations of the oil industry. President Obama, after the Gulf Oil Spill, split the agency to eliminate this conflict.

Management and oversight of our urban forest needs to be done by an independent entity, whose mission is not divided but is to advocate for, monitor and oversee efforts to protect, maintain and enhance our urban forest infrastructure for the benefit of all citizens who live and work in Seattle.

Save the Trees-Seattle also believes that the Urban Forestry Commission, as a panel of experts, without the conflict of interdepartmental turf conflicts, should be more heavily involved in creating the new ordinance and helping to oversee a better public process for developing a comprehensive tree ordinance. We believe the current process basically only represents the view of one city department. We can not necessarily fault DPD for trying to push their mission of assisting people in their building plans. Instead it was maybe a mistake of the Mayor and City Council to assign them sole responsibility to oversee the development of a city wide comprehensive urban forestry and tree protection ordinance.

The Urban Forestry Commission was formed at the same time that the council passed resolution 31138. In hindsight it seems that the Urban Forestry Commission would have been the more appropriate agency in the city to oversee the development of an urban forestry ordinance, given that its mission is not in conflict. It is also vital that the interests of all nine city departments having tree oversight be fairly represented in the process. It is important that the public be involved in the process and that the discussion and drafting of a proposed new ordinance be done in public.

Volme The City needs to recognize that making critical choices behind closed doors was how the Legislature used to work many years ago. It now holds open committee meetings. One possibility is to redirect the process of developing an Urban Forestry Ordinance to be a joint public effort of the Urban Forestry Commission and the representatives of the nine Departments comprising the cities internal forestry group. They have never officially publicly met as a joint group, which we believe is important to exchange ideas and foster cooperation. Their interest in drafting an effective working ordinance is mutual.

We believe the development of an ordinance needs to have a more effective and open public involvement processes where the drafting committee on an ongoing basis seeks public input and review of proposals. It needs to be seeking ideas and representing them to the public for comment. It needs to involve an educational outreach effort to the public about discussing the value of a sustainable urban forest infrastructure. It needs to listen to public concerns. The current process is a black box. It's like the Wizard of Oz; someone is behind the curtain pulling the levers, while the rest of us watch.

We believe the drafting process needs to be more directed and focused. There are a number of examples of what topics generally should be in an urban forestry ordinance based on the experiences of other cities that have gone through this process. There are also summary papers detailing this process. At the same time we need to be willing to add items specific to Seattle's needs and be willing to propose new ideas, not just recycling other peoples past ideas.

Some other specific concerns:

In particular we would like to see more emphasis placed on the ecosystem and habitat value of our urban forest. The ecosystem function of a healthy urban forest needs to be considered which may not always be assigned a monetary value or benefit until it is lost. For example there is no mention of maintaining biodiversity in the document. We can increase our canopy with a monoculture of maple trees or cherry trees but this is not an ecosystem that protects native birds and insects and other animals that live here.

A healthy urban forest needs to be look at minimizing the introduction and increase in non-native species and give preference to native trees, plants and animals. Wildlife survivability needs to be considered in terms of protecting habitat and connections between habitats. Fragmentation and decrease of habitat size reduces species diversity. Invasive exotics need to be prohibited.

There needs to be an evaluation of the consideration of protecting and increasing canopy as volume not just area and what changes are taking place in our urban forest in a 3 dimensional aspect, not just 2 dimensional. Consideration needs to be given to tree loss as loss in canopy volume and its impact on ecosystem function and infrastructure impacts. Tree removal need to be considered in terms of a long term or permanent decrease in canopy volume. Replacement needs to be done in terms of volume. Replacement also needs to be considered in terms of reduction or increase in native habitat values. We could wind up increasing canopy area only to see a diminishment in terms of ecosystem value and habitat viability for native species of plants and animals because canopy volume significantly decreased.

Along with a more thorough evaluation of potential permit systems to enhance tree protection and canopy increase, there also needs to be a more thorough vetting of possible incentives to encourage protection of trees. In addition to a permit system helping stop illegal removal of street trees, it would help to reduce boundary line disputes as to who owns a tree, including cases where the tree is actually physically on two or more properties because it is physically on the property line.

Posting to inform neighbors of removal would strengthen neighborhood involvement and education in protecting trees"
The issue of consolidating the disparate urban forestry oversight into one department should be on the list of issues to publicly be given more consideration.
No mention is made of also requiring all city departments to comply with permit requirements to remove trees. The concept of everyone operating by the same rules will go a long way to getting acceptance by the public of the need for a permit system. And the city complying means that they would also be involved in helping to document the loss or gain of forest canopy as a result of their actions.
One way to consider tree removal permits, exceptional trees being saved and the development process is to divide the permit process into two components. Permits during development and permits outside development could be accorded different weight. That means that unless development was occurring, trees classified as exceptional would have strict rules for retention and removal. During development more emphasis could be given to canopy replacement volume and habitat and ecosystem replacement values to ensure that any tree loss was strictly mitigated to ensure no net loss of canopy volume.
The Summary of Pacific Northwest Municipal Tree Protection Regulations needs to be reviewed carefully. Short phrase and statements don't accurately assess the various tree regulations elsewhere.
Example in the permit required column for Kirkland it says " Only for hazard and nuisance trees beyond maximum removal; encourage a tree removal request for any tree removal to make sure within limits." Yet the City ordinance (http://www.mrsc.org/ords/K53o4238.pdf) states the following. "No person, directly or indirectly, shall remove any significant tree on any property within the City, or any tree in the public right-of-way except City right-of-way, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in KZC 95.20 10 and KZC 95.23(5)." (One exemption is on private property for 2 trees a year.) Obviously a few words in a matrix can misrepresent or not fully explain what each city's ordinance says.

The review on permits is incomplete on local cities. As an Lynnwood is missing. Lynnwood's ordinance http://www.ci.lynnwood.wa.us/Docs/TreeRegulationsCH17-15.pdf states:
17.15.100 Except as otherwise provided in section 17.15.150, it shall be unlawful for any person to remove a tree within the City of Lynnwood without having first obtained a valid tree removal permit.

In summary we have lots of concerns about this process and its conclusions. We firmly believe the drafting process needs to be extended and include all 9 city departments dealing with trees and the Urban Forestry Commission. We believe the process needs to be public, not behind closed doors. To get public acceptance they need to know how this ordinance was developed and hear the arguments and concerns and reasoning. That is not occurring under DPD's direction.

From Save the Trees-Seattle
Save Our Urban Forestry Infrastructure Project
Steve Zemke – Chair
2131 N 132nd St
Seattle, WA 98133
stevezemke@msn.com

From: Bradburd, Bill
Sent: Tuesday, November 02, 2010 4:05 AM
To: Staley, Brennon
Cc: Conlin, Richard; Burgess, Tim; McGinn, Mike; Clark, Sally; Bagshaw, Sally;

Sugimura, Diane; Rasmussen, Tom; Godden, Jean; Harrell, Bruce; O'Brien, Mike; PintodeBader, Sandra; Licata, Nick
Subject: Comments on DPD’s Proposed Tree Regulations

I apologize for these being a little late - I have been traveling in Australia and finding the means to get this to you has been no small challenge.

I hope that my comments will be considered.

October 31, 2010

Brennon Staley
Seattle Department of Planning & Development
700 5th Ave, Suite 2000
P.O. Box 34019
Seattle, WA 98124

DPD's Proposed Tree Regulations document dated July 2010 immediately in its "Lessons Learned" section makes many assertions and draws conclusions that are clearly meant to frame the lax regulations it proposes. How it has acquired the data and what the specifics are remains undeclared. For example, its strained arguments against a tree permitting process or preservation of exceptional trees are contrived and fail to fairly weigh the importance of our tree canopy goals against these supposed 'costs'. By this logic, if a few people feigned indignation at pulling a permit to add an electrical outlet or a room addition, the city's need for plans checkers and codes could be removed.

Our current tree regulations (deemed our 'interim' regulations) have stronger protections than those now proposed by DPD, including recognition of exceptional trees, trees in groves (over which there have been several recent battles costly to the city), or any acknowledgment of conditions outside of the development process. DPD claims the interim controls have failed, but the efficacy of these regulations it seems however are directly related to DPDs failure to manage that responsibility properly, not in the concept of a comprehensive tree protection policy which the interim regs more closely approximates.

The DPD proposal does not look to protect exceptional trees, does not distinguish between deciduous and conifer trees, does not address trees in any zones outside of development (and in particular, the single family zone which is over 60% of our zoned land mass), nor does it effectively tie any of its recommendations to the long list of benefits that an urban forest provides and DPD clearly delineates in the document's opening. The compelling outline for our tree regulations as suggested by Resolution 31138 has been abandoned for a proposal, while perhaps incrementally more effective for some development projects each year, achieves none of what it was asked to do.

In fact what is most apparent about what has been produced in the framework is how little the proposal actually would do to help us reach the UFMP's 30% tree canopy goal, let alone our Comprehensive Plan goal of 40%.

I have attended several public meetings where DPD's proposed tree regulations were presented including the Open House on September 21. What is striking to me about these sessions was how the proposal has been marketed to the public in a way to conceal its broader shortcomings. What was also striking was the consistent opposition to what was proposed – and a seemingly lack of any recording of that fact by DPD. It will be curious to see if the feedback summaries show this.

It is very clear the work produced by DPD in this effort is a dramatic change from the direction given to it by Council in Resolution 31138 with Mayor Nickels concurring. What is unclear is

whether this change in intent and focus of the work is the result of our new Mayor, or if DPD has chosen this obvious decision to disregard the intent of the Resolution on its own.

As a tax paying citizen of Seattle I am distressed by the funding decisions that the city is being forced to make during this budget cycle. To see a year of DPD's time and resource dollars misdirected in this effort to date is an outrage.

It is clear that DPD in developing this proposed framework has prioritized its facilitation role in the development process and has not taken seriously its mission to develop a comprehensive tree policy for the city as directed by Council. Further responsibility for development of these regulations should be removed from DPD's control and be handed over to an agency or cross-department team that is better equipped to meet the mandate.

I have read the recommendations and critiques of the Urban Forestry Commission and I concur with their position. I urge the abandonment of this misdirected effort to date and ask that we follow the direction that the Commission provides.

Other cities around the country and the world are moving the standard for the urban forest forward, and we need to understand and adopt these best practices for ourselves. Our city, its citizens, the Puget Sound and the planet will be better off.

William Bradburd

1642 S. Lane St
Seattle WA 98144-2810

Copy:

Mike McGinn,
Diane Sugimura,
Richard Conlin,
Nick Licata,
Sally Clark,
Sally Bagshaw,
Mike O'Brien,
Jean Godden,
Tim Burgess,
Tom Rasmussen,
Bruce Harrell,
Sandra PintodeBader,
Urban Forestry Commission

From: Sugimura, Diane
Sent: Tuesday, November 02, 2010 7:31 AM
To: Bradburd, Bill; Staley, Brennon
Cc: Conlin, Richard; Burgess, Tim; McGinn, Mike; Clark, Sally; Bagshaw, Sally; Rasmussen, Tom; Godden, Jean; Harrell, Bruce; O'Brien, Mike; PintodeBader, Sandra; Licata, Nick
Subject: RE: Comments on DPD's Proposed Tree Regulations

We will of course consider them. Thank you.

Diane M. Sugimura, Director
Dept. of Planning and Development
700 Fifth Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019
206-233-3882

From: Michael Oxman [mailto:michaeloxman@comcast.net]
Sent: Tuesday, November 02, 2010 7:21 AM
To: Mead, Mark; PintodeBader, Sandra; Rundquist, Nolan; Staley, Brennon; McGinn, Mike; Williams, Christopher
Cc: Harrell, Bruce; Conlin, Richard; editor@westseattleblog.com; gchittim@king5.com; Godden, Jean; Jenkins, Michael; larrylange36@comcast.net; Licata, Nick; O'Brien, Mike; Rasmussen, Tom; Bagshaw, Sally; Clark, Sally; SeattlePOSA@yahoogroups.com; Burgess, Tim
Subject: tree budget

Hi Christopher,

At the recent Seattle City Council budget hearing, we saw 2 arborists are being laid off by the Parks Department. The sheet listed that the outcome of this budget cut will be that the tree pruning cycle will become less frequent, from 17 years to 22 years for a repeat visit to a tree by a Parks arborist.

My public comment during the meeting was that there will be shortened tree lifespans, and increased risk of unmaintained trees failing and causing potential property damage or personal injury. I stated that there is no published data showing how these pruning cycles are calculated, or records showing when repeat visits are made to the same tree by Parks arborists.
http://www.seattle.gov/trees/docs/Commission_docs/DRAFT%202010%20Work%20Plan.pdf After the meeting I asked you to please provide supporting documentaton.

The Urban Forestry Open House at Camp Long in July, 2009 announced a new record-keeping system would be put in place to track work progress by Parks urban foresters, but no followup statement was ever made public that I know of. http://www.youtube.com/watch?v=JKRK1d1cCXI

I attended 2 briefings by Parks arborists for the Seattle Urban Forestry Commission: the background presentation in December; and the tree removal permit policy suspension presentation in August. None of these meetings addressed the pruning cycle in detail.

I feel the Parks department should prepare a report of all of its tree management inventories, policies & procedures. Without a snapshot in time, the Seattle Urban Forestry Commission cannot know what they are supposed to be advising the Mayor and City Council to do. I would like to see a map of all trees Parks

has worked on in the last year, with an attached list of planting, pruning, and removal activities by species and size.

The Green Seattle Partnership should be a committee of the Seattle Urban Forestry Commission. The only interaction by the GSP with the Commission that I know of was a briefing in July by Cascade Land Conservancy on the iTree inventory. The fact that GSP and SUFC are not being integrated after almost a year is not a good sign. The May, 2009 recommendation by the City Auditor that urban forestry elements within the municipal government should team up is not being followed by the Parks department. The Urban Forestry Interdiscliplinary Team composed of arborists from all city departments, of which Parks is a member, has not briefed the Commission, either.

Our City Council cannot continue funding a multimillion dollar program by over 20 arborists without an understanding of the size of the job, the resources required to accomplish it, and the records to show our progress. Thanks.

Arboreally yours,

Michael Oxman
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From: Williams, Christopher
Sent: Tuesday, November 02, 2010 8:02 AM
To: Michael Oxman; Mead, Mark; PintodeBader, Sandra; Rundquist, Nolan; Staley, Brennon; McGinn, Mike
Cc: Harrell, Bruce; Conlin, Richard; editor@westseattleblog.com; gchittim@king5.com; Godden, Jean; Jenkins, Michael; larrylange36@comcast.net; Licata, Nick; O'Brien, Mike; Rasmussen, Tom; Bagshaw, Sally; Clark, Sally; SeattlePOSA@yahoogroups.com; Burgess, Tim; Friedli, Eric; Courtney, Robb
Subject: RE: tree budget

Michael,
Thank you for taking the time to share concerns you have with Parks Urban Forestry program, I will look into the issues you've raised and I will get back to you soon with our response.

Christopher Williams
Acting Superintendent
(206) 684-8022 office
christopher.williams@seattle.gov

From: Michael Oxman [mailto:michaeloxman@comcast.net]
Sent: Tuesday, November 02, 2010 8:28 AM
To: Holmes, Peter; Mead, Mark; PintodeBader, Sandra; Rundquist, Nolan; Staley, Brennon; McGinn, Mike; Williams, Christopher
Cc: Harrell, Bruce; Conlin, Richard; editor@westseattleblog.com; gchittim@king5.com; Godden, Jean; Jenkins, Michael; larrylange36@comcast.net; Licata, Nick; O'Brien, Mike; Rasmussen, Tom; Bagshaw, Sally; Clark, Sally; SeattlePOSA@yahoogroups.com; Burgess, Tim
Subject: Re: [SeattlePOSA] tree budget

Howdy Peter,

I understand the Law Department handles risk management for the city of Seattle. Please provide a tree risk assessment. The current Parks proposal is to eliminate 2 arborists with the extension of the pruning cycle from 17 years to 22 years. What impact will this have on increased risk to citizen safety and property?

Will the lack of these 2 field arborists doing inspections allow unnoticed hazards to persist starting in 2011? What is the risk deferred to the municipal government starting in 18 years?

The 2007 Urban Forest Management plan was not adopted by City Council, partly because it does not contain a risk assessment. With the first year of the Seattle Urban Forestry Commission coming to a close, it is appropriate that their annual report include a citywide assessment of risk posed by these overhead objects weighing several tons that could fail at any time. Thanks.

Arboreally yours,

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- -

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October 28, 2010

Diane Sugimura, Director
Brennon Staley
Seattle Department of Planning & Development
PO Box 34019
Seattle, WA 98124-4019

RE: Proposed Tree Regulations

CC: Mayor McGinn; Jill Simmons; Marshall Foster; Council President Conlin; Councilmember Bagshaw; Councilmember Burgess; Councilmember Clark; Councilmember Godden; Councilmember Harrell; Councilmember Licata; Councilmember Rasmussen; Councilmember O'Brien; and Seattle Urban Forestry Commissioners Elizabeta Stacishin-Moura, Matt Mega, Nancy Bird, Gordon Bradley, John Hushagen, Kirk Prindle, Jeff Reibman, John Small, Peg Staeheli

Dear Director Sugimura and Mr. Staley,

Swift Company is writing as a group to provide comment on the City of Seattle Department of Planning and Development's Proposed Tree Regulations of July 14, 2010. As professional landscape architects and urban designers, we understand the importance of our urban forest and the public policy which supports it. This letter is structured by topic for clarity of use.

To broaden our base of understanding of the issues at hand, we have attended public meetings, and have reviewed the Proposed Tree Regulations with the following resources:

- 2001 Tree Protection Regulations
- 2007 Urban Forest Management Plan
- 2009 Canopy Cover Study
- 2009 Interim tree protection measures
- 2009 Resolution 31138
- Urban Forestry Commission meeting minutes and comments on proposed tree regulations
- The civic ecology research on the human benefit of trees by Kathleen Wolf, Ph.D., Projects Director at the UW College of the Environment
- The research regarding trees in the urban environment by James Urban, FASLA, James Urban and Associates, Annapolis, MD

Our professional experience and deep commitment to enhancing the quality of life and ecological balance in our city has shaped our opinions on

the Proposed Tree Regulations. We support the proposal for more rigorous landscaping standards during construction, the expanded scope of existing regulations in single-family zones, and those for retail and commercial uses in industrial zones. We believe these will help to increase the urban canopy cover. We do not support the elimination of the exceptional tree provisions, and we find fault with the logic and values inherent in this part of the proposal. We strongly urge the City to reconsider this aspect of the proposed changes.

Seattle prides itself on its environmental reputation. While revising our tree regulations, we have an opportunity to become a leader in the development and application of urban tree policy. We must align our practice of planting and sustaining urban trees with the city's aspirations to be globally recognized as environmentally proactive. We recognize that the city is responsible for creating the best environment for all of its citizens and that regulations must accommodate both private interest and public benefit. We support the goals of the 30% tree canopy cover by 2037 as a minimum, and believe more should be done to achieve this sooner.

Trees as Critical Infrastructure

The DPD literature recognizes that trees are a critical infrastructure element with multiple benefits to the health of the city. We agree that regulations and incentives should ensure that trees are perceived as a benefit to the citizens. Unlike other infrastructure elements, trees are living and continue to grow and improve over time, providing greater benefits as they age.

Trees provide multiple benefits to the Seattle environment. The urban forestry commission letter of June 3, 2010 states that "existing mature trees already provide significant benefits in terms of storm water management, noise attenuation, wildlife habitat, climate change, aesthetics, air quality, heat island mitigation, shading and general issues of livability." These benefits should be used to promote the importance of tree planting and protection to the public.

We disagree with DPD's choice of the word burden regarding trees. It sets the wrong tone. Trees should not be perceived by the public as a burden, but as a responsibility. Like other infrastructure which benefits the community, there are acceptable burdens which we bear for the common good. The responsibility of permitting and inspecting other utilities such as sewer, water and electricity should be no different than trees. We must not hesitate to protect existing trees, nor should we feel it a burden to regulate the installation and maintenance of the urban tree canopy. Exceptional and mature trees are much more valuable than young trees, and are worthy of strong protective measures.

True Sustainability

Priority to should be given to sustain the urban forest over time, including continuous retention of existing trees, planting of new trees, and care and maintenance of all trees. We view sustainability in its widest sense, in making the most of available resources, investing wisely to increase ecological and cultural function, and caring for that investment during its lifespan.

Exceptional Tree Protection

There are a limited number of exceptional trees in Seattle. Each exceptional tree has a lifetime that spans generations of citizens, and is significant to the physical and cultural history of our city, much like a historic building. We believe that every effort must be taken to protect this valuable resource, and that the community benefits need to be recognized when weighed against the rights of an individual who would prefer to remove an exceptional tree. The city must find a way to promote and protect exceptional trees.

We need a clear method for measuring significance, and the exceptional tree ordinance is the appropriate tool. The proposed tree credit and Green Factor requirements, while good measures to strengthen our tree canopy, do not adequately replace the existing significant tree protection. The tree preservation credit in the Green Factor does not guarantee the preservation of exceptional trees, as the Green Factor is a highly flexible tool whose requirements could be met without preserved trees.

Preservation of an existing mature tree has a much greater benefit than planting new ones, which take decades and nurturing to achieve the same stature and public benefit. We believe it is important to regulate for exceptional tree removal separate from development, which is the situation of the vast majority of urban lands at any given time. Removal of exceptional trees should be regulated and reviewed by the city, who should take into account the various aspects of a exceptional tree's health, lot size and location to balance it with other uses when granting or denying a permit. While not all people will use the permit process, DPD estimates that 60-80% of people would comply with this requirement, which is worth the effort involved. If the current exceptional tree regulations are ineffective, improve them, but do not abandon them.

We also support a mandatory mitigation fund if exceptional trees are removed, but only if all of the other possible options for tree retention within the code have been explored.

Planting of New Trees

The proposed changes to the tree regulations will help increase the planting of new trees in the city. We strongly support the proposed tree credit and

street tree requirement in singled family zones; the extension of landscaping standards for institutions in single-family zones; the Green Factor requirements for large commercial and retail uses in industrial areas the alternative design review process; and the integration of tree regulations into the land use codes. We also support measures for increasing education and maintenance of these new landscapes to protect this capital investment.

Maintenance and Care of the Urban Canopy

We support the proposal for maintenance bonds for new plantings in multifamily and commercial zones. Changes to land use policy and proposed tree regulations should ensure that site design solutions provide guidelines that support the growth of trees to at least 75% of their typical lifespan. The city should provide the public with design guidelines for minimum vertical and horizontal soil dimensions per size of tree; soil quality; maintenance practices; and watering requirements. Without adequate growing conditions, trees will not be able to sustain themselves and reach maturity.

We need to use the resources and expertise within the various city departments to define and manage this new effort. Coordinated efforts should yield a more sustainable critical infrastructure of urban trees and reduce conflicts with other utilities and civic systems. Keeping trees healthy and vigorous goes far beyond the establishment period – it requires a long-term vision, commitment and action.

Education, Awareness, and Funding

Seattle's Urban Forest is an asset, and the city and the public should emphasize stewardship and education of its value as city infrastructure. Public education and incentives are positive methods to achieve the goals of increasing the urban tree canopy by providing citizens with the knowledge to support the effort to help build the tree infrastructure. Increasing funding for outreach programs and provisions for "free" trees for residents to plant on their properties could spark further interest and develop a stronger connection between citizens and trees. The sense of ownership in the tree infrastructure could develop citizen stewards.

Zoning and Regulations

Regulations are needed to protect our trees. In the same way that traffic laws endeavor to protect the safety of the public from both intentional and negligent harm, regulations ensure the city's trees are protected. The objective is to provide rules that benefit the greater good of the city. Living in a city requires an aggressive movement toward sustainable practices. The regulations for tree protection must be enforceable and financially reasonable; however, the city must not give way to the pressure

of private development to ease regulations such that they become ineffective and irrelevant in meeting the policy objective.

The coordination and clarity of the regulations for all property types and throughout the pre-development, development and post-construction phases is essential. We must measure carefully any trading of benefit to ensure that the whole of the city's tree canopy is protected.

It is fair to assume that not all cases or offenses will be enforced; however, we believe that citizens will endeavor to follow the law with the understanding of the benefits, consequences and penalties for neglect. The DPD presentation implied that fines are not an effective tool to protect "significant tree" removal and that it should no longer be part of city policy/code. This value judgment by DPD which is in the proposal to remove fines needs clarification and careful scrutiny prior to implementation.

Public policy must rapidly move to implement effective changes which result in financially viable stewardship. The issue of urban trees is an excellent example of this change. Research should be done on policy options which work and the 2007 Urban Forest Management Plan outlines how other cities incentivize the public and fund more maintenance programs and healthier urban forests.

Thoughts for Moving Forward

- The current argument to remove the exceptional tree ordinance is insufficient. Evaluate the proposal and alternative strategies which result in public policy fostering stewardship
- Can the City provide credit to properties that plant more trees than are required?
- Can King County provide property owners conservation credits on their tax assessments for maintaining exceptional or significant tree canopies?
- Can the City provide discounts on utility install costs for properties that protect trees?

We are committed to the trees and their role in our city. The simple evaluation of long term return on investment is compelling. We are confident that the majority of the citizens appreciate the significance of our trees. It is important that the entire city understands the role that trees play in our physical environment. In turn, they would support the improvement and sustainable maintenance of the urban tree canopy.

Seattle has a long history of environmental leadership, of understanding the complexity of ecological systems and acting to protect the value of a healthy environment. Urban trees are central to this. We need to protect the city's assets with the interests of the collective as our shared primary

objective. Our trees play a strong role in the identity and ecological health of our city. We must be courageous and do this well.

Sincerely,

Barbara Swift

Lisa Corry

Caitlin Evans

Liz Browning

Mike Koski-Harja

Amy Lindemuth

Gareth Loveridge

Noelle Higgins

Alison Maitland Scheetz