Urban Forestry Commission (UFC)
February 9, 2011
Meeting Notes

Seattle Municipal Tower Room 2750
700 5th Avenue, Seattle
3:00 p.m. – 5:00 p.m.

Attending

Commissioners
Matt Mega (MM) – chair
John Small (JS)– vice chair
Gordon Bradley (GB)
John Floberg (JF)
John Hushagen (JH)
Elizabeta Stacishin-Moura (ESM)
Peg Staeheli (PS)

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

Public
Michael Oxman (MO)
Margaret Thouless (MT)
Steve Zemke (SZ)

Absent- Excused
Nancy Bird (NB)
Jeff Reibman (JR)

Call to Order
MM called the meeting to order once quorum was present

Chair Report
MM will do regular Chair reports.
Met with Conlin's office staff, Sara Nelson. Will be setting regular meeting with her. Sara said Conlin has been thinking a lot about trees. Interested in groves of trees and linking habitat. Looking for ways to stress the right tree in the right place. More natives and conifers where appropriate. Need clarification on thoughts on UFMP and value of the 30% goal.
Has been hearing from private property rights side. Not fight over every single tree.

JH – saw email from Conlin's saying that he will not be taking issue up this year

MM – DPD proposed something that was shot out of the water

JH- why not suggest someone else to write the regulations? Why is DPD writing it? If going back to drawing board, whose drawing board?

MM – It's in the regulatory environment and DPD does the regulations. Appropriate for DPD write a big chuck of it and to involve other groups.

JH – doesn't know that Department of Neighborhoods has weighed in at all. They are the natural partner and being there at the table

JF – There are two questions, the question of Urban Forestry expertise and is it broad enough to represent all perspectives and we can check into that

MM – Maybe having conversation around trees in general to promote educational aspects and benefits of trees outside of the regulatory side. Maybe doing town hall meeting. Conlin seemed to be open to that.

JH – Does Council want DPD doing the writing?

JS- DPD's role would be enforcement. Consider referring to the IDT to get more of a city-wide approach to tree management and expanding disparate systems and combining them.

JH – what is IDT?

SPdB – is an interdepartmental team that brings together all departments that have to do with management or regulations of trees. They come together once a month.

JF – is the IDT the same as the Urban Forest Coalition?

SPdB – yes

MM – he will write a letter to the IDT about working better together with coordinated management. Can have an explicit paragraph on this.

JH – fine with giving to DPD for enforcement but they don't have enough creativity to write this. They don't even have a forester in their staff. Borrow one from SDOT.

JH – if Council is not going to take this up, this is the optimal time to recommend that the scope of the authorship be broadened and DPD is not the leader.

MM – Kirk was highlighting more the role that townhall meetings played in building buy-in for the process in Issaquah

GB – Write to the IDT and invite them to talk about these issues. Have joint meeting with UFC and IDT. Could that be done?

SPdB – yes, we can invite the IDT to one of the UFC meetings.

JH - maybe include David Miller (Maple Leaf Neighborhood Council).

GB – There is some question about the 30% canopy cover goal. This also relates to the annual report, where it talks about the UFMP having been adopted in 2007. But the UFMP has not been adopted by Council.

SPdB – We are working towards the 30% goal. I don't know that it needs to be adopted by Council for the plan to guide city departments' actions.

JF – passed a draft letter to Council recommending adoption of the UFMP. Because the 30% canopy goal is the foundation of all our efforts.
The letter presented by Commissioner Floberg reads:

" Dear Seattle City Council:

In April 2007, the City of Seattle's Urban Forest Management Plan was created by the City of Seattle's Urban Forest Coalition, a group representing nine City departments with tree management or regulatory responsibility. This visionary plan recommends tangible measures to preserve an expand Seattle's urban forest, which has experienced significant decline over the past several decades. The Coalition's objective in this plan was to ensure that Seattle would be worthy of its name as Emerald City and "a city among the trees."

The Seattle Urban Forestry Commission was created to carry out the goals in this Plan, especially its overarching goal to increase city tree canopy from 20 to 30% over the next 30 years. In order for the Commission to effectively answer this charge and succeed with important initiatives including tree permits, planting programs and incentives, we respectfully ask for the full support of the City Council in endorsing the Urban Forest Management Plan.

It is the opinion of the Commission that only through a strongly aligned City Council, Mayor's Office and Interdepartmental Team can we hope to achieve the ambitious goals of the Urban Forest Management Plan. We strongly encourage the City Council to endorse the Plan.

Sincerely,

The Commission"

JF – this might not be the right wording but it would be useful to get something to Council soon. 30% maybe more, maybe less. We need to find out where they are in this regard.

SPdB – The UFMP is supposed to be updated every five years and next year I will be leading the update process. Also in 2012 we are expecting to receive the results of the i-Tree survey inventory. I would like to hear from the UFC on their opinion on the UFMP goals to be considered during the update. Maybe consider 2012 to push for the adoption of the updated plan.

JH – the goal should be higher.

JF – how is the 30% defended in the UFMP

SPdB – there was a study (American Forests) that determined that for the Pacific NW 40% would be an appropriate canopy cover goal. The issue is that the 40% percentage was applicable to cities that were more suburban in nature, didn't have a port, and didn't have such an extensive industrial area as Seattle. That's why the IDT decided that a more realistic goal for Seattle would be 30%. We could invite Tracy Morgenstern, who led this effort, to come and give us more background on how the 30% goal was decided upon.

JF – is not a rigorously defensible number?

PS – 30% is going to be hard to get to

JF – need private property's help

MM – We don't know right now where we are headed

JH – In 1975 we had 35-40% coverage. Population didn't grow from '75 to '07. Where did all the trees go?

PS – there are fewer people per household. If we go back to the 1950s we had even less coverage. Let's not go back, let's go forward

JF – in the proposed letter to Council he talks about our legacy as the 'city among the trees'

JF – looking for defensible information if it exists

PS- concerned about hanging our hats on this. Make it broader to get more buy-in.

MM –the last piece of the chair report is a reminder that the UFC is meeting with Council on 3/1. Will ask Council where they stand with regards to 30% canopy goal.

JF – What's the plan for the briefing on March 1?

MM – it's a formal briefing. We'll talk to Council about our annual report, the five-year and the 2011 work plan

PS- is frustrated that without the Council. And it probably should be separated from the March meeting. A letter telling them, come on, this was given to them to adopt. They formed this Commission yet they didn't adopt the one item that is the overriding factor in everything we look at, so we don't have a metric that is defensible. Because so far is a staff report that has not been adopted by anybody. Yet she hears people referring to the UFMP as a regulatory document.

PS - Don't understand the adoption process. Does someone here understand it?

SPdB – I don't but I will ask and report back

PS – make this a higher priority than tree standards. Getting this out is the basis for our actions. We are operating in a vacuum. The tree ordinance is even beneath this now. You adopt your big goal first and then the steps underneath it.

JH – it's pointless to write position papers if the UFMP is not adopted

MM – it's even more confusing that the Comp Plan talks about 40%

2010 Annual Report - vote

MM – Sandra sent the annual report to everyone and got good feedback and no changes

GB – the document does say that the UFMP was *adopted*. Change to *completed.*

ACTION: **A motion was made to approve the 2010 Annual Plan with the changes requested (Changing the term 'adopted' to 'completed'). The motion was seconded and carried.**

Professional Standards Position Paper - vote

MM – John sent around a second version. Any comments?

JF – interesting to see that tree removal and pruning is among the most dangerous occupations.

JH – last he heard it's number six

JF – written from a perspective of safety

MM – liked the changes

JF – would any of the proposed standards be considered discriminating against some groups? Is it too high a bar to say that an arborist be on site.

JS – the way this is written a company could have many crews and just one arborist out there

JH – the arborist need to be at the work site

MM – likes it but is there a size threshold? An arborist to be present for all pruning?

JH - this is pie in the sky. Would like City to uphold a higher standard

JF – If someone were to read the document would they think the UFC doesn't get it?

PS – somewhere we scaled the pruning. This is a recommendation and they can work it out. On projects that they work on that's the spec. They are there, go back, and make mayor observation. Maybe add managing the work. We are getting more and more people trained. It's not too high a bar now.

MM – there is a lot to be done but this is our recommendation

GB – where it talks about the goals there is an emphasis on standards and performance. Increase level of professionalism with adherence to safe practices. Also to maintain the integrity of existing trees. Maybe add a comma and add the goal: ***"and to maintain the integrity of individual trees and their contribution to a functioning urban forest"***

ESM – likes that because it places it in a context.

MM – two changes, comma with "and to maintain the integrity of individual trees and their contribution to a functioning urban forest", and in the last bullet point "…***arborist to manage tree pruning or removal on each work site"***

SPdB – does it need a preamble so it can stand on its own?

MM – where does this go from here? To DPD?

PS – To Council too?

SPdB: this is follow up to UFC's response to DPD's proposal

PS – do we want to number them?

JF – do we want to do it piece meal or all at once

MM – the permit one needed to get out there quickly

PS – We can adopt and have them ready to go

JS – maybe ask Conlin's committee

MM – let's take a motion to adopt this and then figure out how and when to send out

PS – the backlash will be, training available, Seattle Community College, Edmonds, Lake Washington are all providing training to get ISA certified.

JH – the bigger picture is that trees are infrastructure. Take them seriously. Let's do what we can to elevate the language.

GB- these are all the things a company like yours John does?

JH – yes

PS – She likes that this addresses the bigger question of health, safety and welfare for Seattle citizens

JF – What about other regs outside ECAs? ECAs are one component of the regs that they need to be aware of?

EMS – those are issues the City requires anyway

MM – Why not just put "companies shall be knowledgeable of city regulations…"

JS – "***knowledgeable of ALL city regulations"*** and remove "from environmentally critical areas.

JH – add ***"the pruning and removal"***

> **ACTION**: **A motion was made to approve the Professional Standard Position Paper with the changes requested. The motion was seconded and carried.**

SPdB – I will hold on to this final document but not send it until we decide when. We currently have a section on the website showing all position papers

Media Contact Strategy
MM – Jeff sent over a few suggestions. My concern as chair, the media will ask more and more questions as we make great recommendations. One of the problems I had is that it wasn't clear that we are an advisory body. It's hard to get across in a short time. Maybe can come up with points that we all stick to when we get called. Jeff proposed to have all requests to the chair.

Have points that we can agree on. We are advisory, and trees are infrastructure

Unless there are factual mistakes in the piece, we need to live with the piece.

JH – they interview you for several minutes and edit you out to a few seconds.

MM – you have to keep saying the same thing over and over again. What else needs to be added?

JH – a vision of a healthy urban forest in Seattle

ESM – every time we get media attention let's use it to ring attention to the City's canopy cover goal

JF – that's what so frustrating but we don't have a real number

JS – Combine the ideas to a vision

PS – for her it's easier to remember 3 bullets: Advisory not regulatory, trees are infrastructure, and….
It sounds better as a sentence but it's easier to remember as bullets

JF – Conlin talked about wildlife habitat. Should we talk about wildlife values?

SPdB – read the current UFMP vision:
Seattle's urban forest is a thriving and sustainable mix of tree species and ages that creates a contiguous and healthy ecosystem that is valued and cared for by the City and all of its citizens and is an essential environmental, economic, and community asset.

PS – we should have that written into a business card

SPdB – the points could be advisory not regulatory, trees are infrastructure, Healthy urban forest for Seattle, with more canopy cover than we currently have.

MM – get our main messages out there and not get caught off guard

GB – the group has been involved with this but the terminology might not translate for the common person. We may want to work on user-friendly mission statement that people can actually relate to

JH – it's the right thing to do

ESM – it doesn't say anything

GB – when they call you they ask you a question and then you are answering the question and the thing is to ask them a question back. Give me an idea of what the story is, what are the issues.

MM – we had a good conversation prior to going on camera. Try to get to what's the angle they are looking for

JF- can say I don't know. Don't have to have a knee jerk reaction

MM – all our meetings are open public meetings. We are recording them. You can refer people to them.

There was a discussion on how the media contact took place.

MM – he was asked a question about existing interim regulations

ESM – maybe we need to work on fixing the existing rules

MM – the problem is that the current rules are not enforceable. The new ordinance is probably one or two years out. Should we be spending our time working on enforcement of current regulations?

PS- It's important to keep on moving the ordinance along. Might need to write a letter to DPD on enforcing current regulations. It's a complaint driven process and needs to happen as the chain saw starts (which is too late).

ESM – maybe UFC needs to do more work on case studies on how the current regulations are not working. Be more hands on.

MM – it doesn't have to be either or. Continue working moving the new ordinance forward.

PS – allocate 10 min in agendas for public comment for what's happening on the street.
Is there a database of complaints?

PS – it's hard to make a complaint. Don't know the address, look at permit to get address, can't call up outside of working hours. Does the complaints database include phone complaints?
We have a work plan, let's stick to it and get information from the public comment periods.

ESM – advise people on the UFC website – link to complaint page? To the relevant CAMs?

MM -
Public Comment
SZ – As observer of process, trying to get involved in a system that doesn't work. By the time it takes to cut a tree down, is so short that a complaint system doesn't work. Have to do the work on the front end, how do you avoid trees from being cut? A permit system. Look at the larger picture. A year for an ordinance is not too long. Look at issues in tree ordinance. Can help shape the process. Part of the UFC mission is education. What do we want to have in place in 3-4 years in the future? Dealing with crises one by one doesn't work. Explain what urban forest infrastructure means: reduce storm water runoff, clean air, protect wildlife habitat in the city, deflect and continue to talk about your mission when talking to the media. Don't get caught up in the controversy, don't have to respond to their questions. Have joint meeting with IDT. Doesn't make sense to have efforts not coordinated.

DPD summary is worthless compared to Shoreline. They should post all comments without interpretation.

May want to ask some things privately vs. publicly.

MO – Permit position paper could have talked about recycling resources. Make Council feel good if UFC wants to have their help. Salvage value of trees.
Shift from taking care of trees to taking care of trees' owners problems. File your own complaints to see how the process works. There are two projects to take a look at 2349 Harvard Avenue SW and 2315 Harvard Avenue SW. Both have u-tube of the act – takes 3 weeks for code compliance to be involved. Public comment just released are all over the map and staff can do anything.
UFMP – problems with it. At the time (2007) Green Factor was new and untested.

Sustainable Cities initiative – gives points for preserving. You can bulldoze down a site and still get Leed platinum certification.

Next month's agenda items
Add UFMP discussion, reLeaf update and brainstorming on messaging, Council debrief, letter to IDT

Note: There is an MP3 recording of this meeting in the UFC website:
http://www.seattle.gov/trees/meetingdocs.htm

Adjourn

Community input:

From: Steve Zemke [mailto:stevezemke@msn.com]
Sent: Wednesday, February 09, 2011 1:14 PM
To: PintodeBader, Sandra
Subject: Comments to UFC regarding DPD's summary of comments on their draft tree regualtion proposal

Seattle Department of Planning and Development Continues Faux Public Comment Process

The Seattle Department of Planning and Development (DPD) is continuing a rigged phony public involvement process in seeking comment on its proposed plan to deregulate tree protection in Seattle. DPD's posting of a "Summary of Comments Received on DPD Tree Regulations" does little if anything to clarify the issues involved in trying to protect trees in Seattle or help in drafting real urban forestry and tree protection legislation.

The problem starts with the fact that the very people who produced the summary are opposed to tree regulations and proposed to deregulate all tree protection for the City in their draft document. They ignored the Seattle City Council's resolution #31138 urging development of a proposal to increase tree protection and chose to propose the opposite by wiping out the existing protections for mature trees and tree groves and proposing instead to "provide incentives and educate people to save trees". They cited no examples of where this has worked elsewhere.

Now, rather than publishing the actual letters and comments of those that gave input on their proposal, like other cities have done (eg see Shoreline's public comments on their tree protection proposal here) , DPD choose instead to anonymously publish what seems to be their edited "notes" of so called public meeting comments and and written comments.

At least two separate DPD personnel were probably involved in this so called summation. Without any written record being presented we are expected to accept DPD's version of feedback made in some instances by "numerous commenters", while other comments are attributed to a single person or a group. A summation is fine if one can refer to the original comments but all that is available on the Internet by DPD is their version of what was said. Unfortunately many comments are missing fronm their summation or were edited by DPD.

Having attended 7 of these community sessions, I noted that no audio or video recording was made at any of these meetings, no one was visibly taking notes most of the time and response forms were maybe present once or twice but otherwise no record seemed to be kept of individual meetings or comments. The summary is not attributed to any author or staff person but was probably done mainly by DPD staffer Brennon Staley since he did many of the meetings mentioned.

At the Save the Trees meeting, e.g. to which Brennon Staley was invited, we spent an hour discussing issues. We presented a written 10 point plan on what we felt should be in a good urban forestry protection law. When asked how he was recording our discussion he indicated he was taking "notes", although I saw little note taking.

So in the DPD summary a specific written comment from our handout like "Consolidate oversight, regulation and enforcement in an independent department other than DPD, that does not have a conflict of interest." became "Consider consolidating all regulations, permits and staff dealing with trees into a single Department." This is the type of editorial revision that takes place in the summary. Other specific comments like "2 week posting of permits on the Internet and visible sign on the site" are likewise abbreviated and reworded.

A comment supposedly attributed to me (my name is misspelled) says "Requirements shouldn't be based on development potential; they should be based on the existing conditions on a lot" is not how I would have expressed this idea. My comment related to requiring consideration of building within the existing environment, rather than largely ignoring it, which is what currently policy seems to do.

Another comment also attributed to Save the Trees says, "Lots without trees could have their property tax increased." This is not a Save the Trees position and to attribute a comment supposedly made by an individual in a discussion as from Save the Trees is a misuse and misrepresentation of the organization's name and position.

We submitted an official statement to DPD as to our position and I think it is unprofessional and unethical to ignore those comments and instead allow one or two staff members from DPD to interpret and put in their own words what "the public said".

This is all the continuation of a biased process, driven by interests within DPD that want to deregulate tree protection and have basically done so in their permitting process based on their history. DPD is trying to put in law what they have been doing for years, basically saying they are all for protecting trees "unless it limits the development potential of a lot."

As neighbors learned in the Ingraham appeal process, DPD instructs its people not to put their policy considerations used to arrive at a decision in writing, so that they cannot be required to be produced and challenged in Court.

The same thing has happened in the development of the proposed DPD tree regulations. Internally, the urban forest contingent from the different City Departments has been told not to keep notes of any of their discussions and deliberations. While taxpayers pay their salaries, we are not allowed access to their deliberations. There are no notes kept of meetings according to those we have talked to.

So the summary follows a similar process and DPD seemingly thinks this is acceptable and normal procedure for a public process. Don't publish what people actually wrote or record what they said but "summarize" it and interpret it and emphasize what you want and ignore what you don't want. It

becomes a very subjective evaluation based on the summarizer's memory and focus and DPD's politics and bias.

This is an attempt to control the dialogue and information flow and discussion. In politics this is called spin. Rather than letting the public see the actual comments as written or hear them on an audio or video recording like the City Council does, DPD states that "numerous commenter's" said such and such and equates many comments as numerous. But what is numerous; anything more than 1 person, 2, 5 or 10 or more than one group? What did they actually say?

The whole process was actually not a very public process besides the Sept. open house, since no other meetings were publicly announced or posted on the City's website. Although DPD speakers were being paid with tax dollars to basically promote DPD's tree deregulation proposal, Brennon Staley refused several public requests from me to say where they were speaking.

He said he did not have to tell us. He stated this in two separate public meetings. He refused to post any of these taxpayer paid speaking engagements on the website for public outreach. Without any basis, he insinuated that "we would come and disrupt" the meetings.

And efforts by us and others to get public input in, when they were excluding public participation at meetings they were speaking at, are labeled as "Organized participation (including letter writing campaigns) by advocacy groups predominantly supported stronger tree protections." The allusion is that this is not good. I did not know this was something bad, to ask people to respond, when DPD was doing little to invite public involvement or comment. Would this same comment have been made if we were urging people to say we liked DPD's proposal?

All in all, I think DPD's summary of comments is of limited value except to say there is a diversity of viewpoints out there. DPD has used the summation process to selectively pick certain comments to print, to put their interpretation on them by paraphrasing as best they can remember them without any recording, changing wording and excluding other comments. The summary presents a smattering of ideas but equates many as equal by calling them all either numerous or only citing one commenter making it. It's all political spin by DPD to control the process rather than open the process up for public dialogue.

All in all, DPD is trying to create the illusion of public input, while tightly trying to limit and spin to their advantage what the public said. Without recorded comments or producing the written record, we only have DPD's version of events. And that is not very credible.

Steve Zemke

Chair Save the Trees-Seattle