

Tree Protections Updates

2021 Priority Community Engagement Summary Report

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Introduction

In September 2019, the Mayor and City Council adopted Resolution 31902 directing Seattle’s Department of Construction and Inspections (SDCI) and Office of Sustainability & Environment (OSE) to explore strategies to strengthen tree protection. The intent of the Resolution is to find opportunities to balance tree regulations while accommodating future growth and density as required by the City's Comprehensive Plan. The Resolution called for engagement with community in the process of this work. Outreach and engagement for tree protection is a joint endeavor between SDCI and OSE.

In response to Council direction in the Resolution that the community engagement plan prioritize engagement with residents of low-income and low-canopy neighborhoods, SDCI and OSE are conducting a two-pronged approach to the community engagement. One approach includes working with Department of Neighborhoods’ Community Liaisons to conduct culturally appropriate engagement with their communities. The other approach focuses on engaging other key stakeholders to hear their input.

In both processes, participants were provided some basic background on the City’s urban forest, as well as information on current tree regulations and the types of trees across the city (private, public and street trees.) The engagement discussions then focused on four topic areas for tree protections¹:

- Expand the definition of exceptional trees to include all trees over 24” in diameter.
Currently, over 70 species of trees are considered exceptional (and thus protected from removal) once they reach a certain size. While a few species with smaller trunks, such as Madrona and Spruce, are exceptional once they are 6”, most species must be much larger. This change would not affect smaller trees. It would protect more of the largest trees from removal, including: 1) species with the largest trunks, such as Cedar and Sequoia, which are currently exceptional once they grow to 30” diameter, and 2) other species, such as a Cottonwood, that are currently not exceptional at any size unless part of a tree grove. This change would result in more trees protected from removal, except when hazardous.
- Add a category for “significant” trees and require a simple permit for removal.
A property owner interested in removing a significant tree would apply for a permit online and pay a modest inspection fee. The goal of this permit would be to better track and monitor tree removal, not to prohibit removal.
- Allow a payment in-lieu option for exceptional trees.
Exceptional trees would still be protected from removal unless they are authorized to be removed, however as an alternative to replacing them on-site, a builder could opt to make a payment in-lieu. The payment amounts would be based on the size and species of the tree, ranging from several hundred to several thousand dollars for an exceptional tree, and could be used to support tree planting and establishment in low-canopy neighborhoods, many of which are BIPOC communities.

¹ These topics are all areas for potential tree protection expansion as called out in the Resolution. These same topic areas are being focused on in both outreach processes.

- Require tree service providers to have certain qualifications and register with the City.
All tree service providers operating in Seattle would be required to meet minimum certification and training requirements and to register with the City.

The engagement focused on trees on private property, since this is where there is the greatest potential to meet and maintain canopy cover goals and to address historic environmental justice issues, and where there is the greatest housing pressure. While providing feedback and suggestions in the areas described below, participants were asked to consider how potential strategies could prioritize low-income and low-canopy neighborhoods.

2021 Community and Stakeholder Engagement

Focus Groups Outreach

For this effort, staff conducted five listening sessions in July and August 2021. Participants were stakeholders with technical expertise and/or lived experience working with current tree regulations. Listening sessions were held with the following groups, as directed by the Resolution:

1. Environmental organizations
2. Community organizations
3. Arborists
4. Developers
5. Homeowners

Listening Session Process

The listening sessions were facilitated, online meetings, and groups were limited in size to allow for focused feedback through a structured conversation. This approach allows for people to share their individual experiences, as well as engage in conversation with each other for an iterative feedback loop. A total of 29 people participated, in groups ranging from 2- 9 people. The engagement discussions focused on the four topic areas.

Results: Key Themes Across Stakeholder Groups

The following key themes emerged when comparing feedback across groups. Some feedback was common across all groups, and it is noted where feedback was split

In addition to the key themes, focus group participants had a wide range of creative ideas that were outside the scope of SDCI and OSE's questions. These are noted below under the relevant categories.

Each listening session has a set of detailed notes that capture all ideas and feedback, organized by each specific group: Environmental organizations, Community organizations, Arborists, Developers, and Homeowners. These detailed notes are available in Appendix A.

Expand the definition of exceptional trees

General feedback on proposal/concept:

- Most groups felt that a “one-size-fits-all” approach to protecting exceptional trees (shifting to a definition based solely on size) would not work well. The majority of groups appreciated the nuance of the definition of exceptional tree in the current code. While the current code is a bit complicated, the majority of groups noted that it captures the nuance and value of trees that won’t reach 24” in diameter but are nevertheless exceptional for their species and doesn’t reduce the diameter for species that more easily reach this diameter.
- Some groups were in favor of reducing the threshold for trees to be considered exceptional. Some of these participants also felt that 24” may not be a low enough number.
- Expanding the definition to all trees over 24” diameter doesn’t consider the location of the tree, the health of the tree, or if the tree is native to Seattle.
- SDCI should use data to understand where trees are being lost and how existing code is working to protect exceptional trees.

Specific ideas/suggestions:

- Create an expedited permitting process for projects that increase housing stock *and* protect existing exceptional trees.
- Get non-profits involved with grant programs. Grants could be offered for tree maintenance on lower income private property to incentivize homeowners to preserve their trees.
- Consider the health of trees in evaluating exceptional trees and evaluate trees based on the life-expectancy of the new construction on a site.
- Allow code departures or create incentives (increased height, more FAR, reduce setbacks) for projects that protect existing trees.
-

Defining “Significant” trees and requiring a simple permit for removal

General feedback on proposal/concept:

- Groups were split on whether to add a definition for Significant trees. Groups that favored a lower threshold for exceptional trees, didn’t see the need for a Significant tree definition, and groups that preferred more nuance for exceptional trees noted that while the idea of a “Significant” tree definition could be good, it would need to be straightforward and quick to permit removal. Most were skeptical that SDCI could achieve a streamlined permitting process.
- There was understanding that a new permitting process would help contribute to data, which is good and necessary, but would need to be easy to understand and quick.

Allow a payment in-lieu option for exceptional trees

General feedback on proposal/concept:

- All groups supported this option, to some degree. Most groups agreed it should not be an option for developers or property owners to use as a first resort.
- Regarding location of replanting, the groups were split, with a slight majority in agreement that funds should be allowed to contribute to mitigation projects in neighborhoods other than where the project occurs. Those groups supported using funds for projects in priority areas for addressing equity issues.

- Need to design the system so that people are not incentivized to cut down trees right before they reach exceptional status.

Specific ideas/suggestions:

- Have two tiers of fee-in-lieu, one for homeowners and one for developers. This could help address the different rules that seem to exist for the different groups.
- Fee-in-lieu funds could be used to pay for scholarships for BIPOC companies to meet required training and certification expectations.
- Allow invasive species removal and habitat restoration as part of the tree loss mitigation process.

Require arborist qualifications and registering with the City

General feedback on proposal/concept:

- The majority of groups supported requiring tree service providers to have certain qualifications and to register with the City.
- There was strong support across groups for both the homeowner and the tree service provider to be held accountable for illegal tree removal.
- tree service provider registration and the potential loss of certification could act as an enforcement mechanism to help prevent illegal tree removal.
- Most groups felt that it was reasonable to require companies working on trees to have a certified arborist on staff. Some groups encouraged the City to weigh the feedback from BIPOC communities (gathered through a separate Department of Neighborhoods outreach process). These groups supported using funds to offer grants to BIPOC service providers to pay fees associated with certification and registration.

Specific ideas/suggestions:

- Impose a surprise inspection to verify that a tree is a high risk when an arborist has said that it is, and impose a penalty if that is found to not be the case.
- Educate homeowners about the value of trees and tree maintenance.

Community Groups Outreach

For this process, SDCI and OSE worked with Department of Neighborhoods (DON) to work with Community Liaisons (CLs) to engage their communities in culturally appropriate ways, including individual communications as well as community and group events and meetings. The goal was to work with the same communities as engaged in recent years during the City's efforts to update its Urban Forest Management plan. This would provide dual benefits of continuing meaningful engagement with community beyond a one-time engagement and also reduce effort required to orient communities on what we mean by the urban forest and why it is important.

Community Engagement Process

Six CLs were engaged in this process, representing the following communities:

- Chinese-speaking
- East African
- Spanish-speaking
- Unhoused
- Seniors
- Disabled
- Low-income communities

SDCI and OSE provided documents to the CLs covering background information on the urban forest and its benefits, as well as outlining the topic areas and proposal questions. The CLs then translated the materials into their languages so that participants in the engagement process were provided the background and framing information for the engagement in their language. During the engagement, community members were asked to discuss their thoughts on the four focus topics.

Results: Key Themes Across Stakeholder Groups

The following key themes emerged for each of the proposal areas when comparing feedback across groups. Some feedback was common across all groups, and it is noted where feedback was split.

Each CL submitted a report that captures their community's feedback. These reports are available in Appendix B. In addition, a wrap-up meeting was held with SDCI, OSE, DON and the CLs wherein the CLs provided a summary of their communities' feedback and some additional notes and clarifications. A recording of this meeting is available upon request.

Expand the definition of exceptional trees

- There was wide support across the groups for expanding the definition. Some recommend even expanding the definition further (a threshold lower than 24") in order to protect more trees.
- One group recommended considering also the condition of exceptional trees when evaluating whether to protect them.

Defining "significant" trees and requiring a simple permit for removal

- Groups were split regarding creating a new category and permit/reporting process for significant trees. Groups that support the proposal were generally in favor of all of the City's proposals, and this is part of the slate of options aimed at protecting trees that are important to their community. Groups not in favor of this proposal expressed a variety of concerns:
 - Concern that additional costs to housing projects will further increase housing prices.
 - Additional concern that, given the high number of trees in this category, requiring a permit for removal will create burden on owners and builders.
 - Concern that this requirement could result in an unintended increase in tree removal before they fall under this category.
 - Concern that this approach could lead to homeowner animosity toward the City.
 - Statements that there are already enough fees and taxes levied on both homeowners and residents.

Allow a payment in-lieu option for exceptional trees

- There was wide agreement that this program should be further developed, however there were concerns expressed to consider in its development, such as increased bureaucracy and limited physical spaces available for planting, such as adequate soil volume onsite.
- Regarding location of replanting trees, the groups were split, with some expressing the importance of keeping tree replacements in the neighborhood where the trees are removed from, while some support using in-lieu funds to address equity issues and disparities in low canopy areas across the city.

Require arborist qualifications and registering with the City

- Groups were split on this topic as well. Some groups were not inclined to support it due to concern that it would raise the cost of tree care services for homeowners/residents. They also questioned whether it is needed, since some tree work is not technical and doesn't need professional skills. Some did not think it makes environmental or economic sense to additional processes for basic work.
- Others expressed support for the proposal in order to ensure the quality of the work and protect trees. Some also acknowledged the importance of training in all levels of tree work from a safety perspective. Sufficiently educated professionals also ensure accurate assessments needed by homeowners and others needing answers/information about their trees (more informed tree removal decisions.) Some offered suggestions for how to make this economically feasible (on-call arborists for single inspections where they are needed could help smaller companies meet this requirement.)

APPENDICES

Appendix A: Focus Group Listening Sessions Detailed Notes

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1. Tree Service Providers
2. Community Organizations
3. Developers/Builders
4. Environmental Groups
5. Homeowners

Tree Protections Listening Session – Tree Service Providers

August 10, 2021
(Virtual Meeting)

Participants (5)

- Out on a Limb Tree Company (2)
- PanorArbor Tree Care
- Seattle Tree Consulting
- Conservation Tree Care

General Code + Permitting Process

- Consider the eventual size of the trees to be planted; don't replace a Douglas fir with a vine maple.
 - Allow flexibility for the right tree/right place. For example, for 6 vine maples vs. 2 Garry oaks.
 - Lately has seen more feedback on permit applications that trees have to be replanted with trees that serve a similar ecological function
- Customers seem to take the requirements seriously even though it is the honor system.
- People who designed the tree risk assessment form do not think it should be a submitted document with the arborist report. It can feel like an entire report comes down to just one word or form.
 - Suggestion: Oversight could be that every 7th or 10th track report that comes in is evaluated. An inspector could go out to look at the tree and conduct a parallel track report. Keep track of the consultants that wrote the track report and have a "3 violations and you're out" rule if they are not writing the correct report.
 - A chance of being reviewed would be a lot better than no enforcement.
- Example of reporting numerous exceptional tree removals and only 1 or 2 has been addressed through the existing city process.
 - Saw a tree company removing a tree and hauling away the tree stump. There was no evidence of a tree removal, so the city can't find them in violation.
 - Creates the question of what site inspectors can inspect. Right now, the process doesn't allow a fine to be given.
- Both the homeowner and the arborist should be accountable for illegal tree removal.
 - If there is an easy phone number for people to call that could help. Community members are the best ally and an easy enforcement arm.
- Enforcement for replanting currently requires the homeowner to take photographs and submit them for 5 years.
 - Suggestion: Create an easy function in the portal to submit photographs. That could go a long way to make it easy for people to submit photos.
- Current challenge with the existing tree code is that a homeowner won't get the permit to remove the tree but a developer will get the permit. Developers should play by the same rules as homeowners.

- Suggestions for how to solve development pressure and housing needs:
 - Focus on redevelopment of buildings that are underutilized/derelict.
 - Examples of other considerations that are playing into the conversation:
 - Site where owner has passed away or the house has been inherited by someone that doesn't live here, then everything gets razed. This is happening and it's not be recognized in discussion of increased housing and affordable housing – because most are not affordable.
 - Small house being replaced by many units, but none of the units are affordable. This is skewing the discussion of density and affordability and pitting tree protection against density and affordability.
 - Be aware of creating too many veto points for higher density development. One of the biggest mistakes we've made in urban planning is the lack of density. Hard to miss the number of veto points for adding density, and the trees are playing a part of veto points.
 - Suggestion: Apply the code differently for higher density housing vs. lower-density housing.
 - Example: Seeing a 200-year-old oak cut down for a 200-unit apartment building vs. seeing a big tree cut down for replacement of 1-2 single-family houses feels like entirely different tradeoffs.
- Used to be sites with unbuildable slope, but seeing building on those slopes because developers are willing to spend the money to build there for the price they get for the house.
 - Suggestion: slow developers down a little from building on steep slopes and removing trees.
 - Suggestion: Consider the survivability of trees that are preserved. If the trees suffer so much ground disturbance or pruning, they may not survive. At the same time, there is still some value because even if the tree dies, at least there is room for a future tree planting.
- Suggestions for simplifying the code so that the average person can understand if they can or can't take down a tree:
 - Educate the public and have a single point of contact at the city who can give people information. City should message exceptional trees as a community asset.
 - Example: Send out a regular mailing on tree requirements. Example of King County Tax Assessor mail to property owners.
 - Have the company that writes a hazardous tree report not be the company that cuts the tree down. This way the arborist won't be in a position to tell the client that they can't cut down the tree because of the report they wrote, but instead because of the city's decision on an existing report.
 - Provide people with a list of registered tree providers.
 - Integrate with SDOT so that there isn't back and forth for street tree removal requirements.
- **Question:**
 - Regarding hedgerow vs. hedges, at a property on Capitol Hill the arterial had two rows of Leyland Cypress maintained as a hedge. Arborist was allowed to remove the Cypress that had been maintained but not the ones that had grown non-hedge.

- Answer: This has come up in conversations at the city. We're aware of the issue and it is something we are looking at updating.
- Sloped tree that is in bad shape because it's hard to figure out a long-term strategy for dealing with those trees when removal / replacement is not an option. This is one of the hardest situations to navigate.

Defining Exceptional Trees

- Eliminating species specific definition of exceptional trees is a bad idea. There are a lot of species that don't get to 24" inches, especially in the city. With this type of definition there are species that won't be protected at all.
- Admires Seattle's current tree code because it does address specific tree species, even though it is complicated and takes some effort and an arborist.
 - Question: Thought that the city was thinking about incorporating the Director's rule so that you can start protecting Madrona's but ALSO reduce to 24/26 so that you protect Douglas firs, etc.
- Suggestion: Protect species that don't get as big. Could do this with planting requirements.
- Supports tree protections dropping to 24", but also need to protect smaller trees in addition to larger trees. Need to have younger/next generation trees protected.
- So many trees that could be lost if that threshold is put in place. Protecting smaller/intermediate trees is important. Could result in only have big trees and nothing else. Consider the significant trees – these could be the most important trees for the future. A blanket approach is a bad idea.
- It's silly that exceptional trees that are dead require a permit for removal – not sure she 100% agrees, but in other cities if you send a picture of your dead tree with your application, then you don't have to submit a permit to remove it.

Creating a New Category for "Significant" Trees

- A significant tree definition could be good as long as it is relatively straightforward and doesn't take too long to permit. Anything in the Seattle Services Portal is awful. If process or requirements are too difficult, people will just ignore them.
- Suggestion: Allow removal of invasives without having to replant (for example, 6 or more trees that are invasive without having to replant).
- Suggestion: Separate hedge rows from requirements.

Certification for Tree Arborists

- Yes, certification for arborists is needed and would improve the quality of the tree care in the city.
- International Society for Arboriculture (ISA) certification is a floor, not a ceiling because you don't need a lot of experience for this certification. It is 10-20 years behind the ball. Any company that can't come up with 1 certified arborist is pathetic.
 - Suggestion: Require a certification that you could potentially lose. This would be a better stick (and not a carrot).

- Suggestion: Utilize the STP status with SDOT. Potential of losing that status would have a big impact. If city says you can't work in Seattle for one or more months, that would be a financial hit.
- Just having one certified arborist on staff doesn't necessarily mean anything because it could just be the owner and they could have gotten it years ago, or yesterday.
 - Suggestion: Require at least one member of the crew doing the work to be certified.
 - Suggestion: Make requirements stricter than currently written so that there is incentive for good arborists in the city. Currently, salesman from less reputable companies reach out to people to say you could cut down this tree because in a year or two it will be exceptional.
- Make it easier for community members to report violations. If there is a tree company with no name or logo and they are doing something that they shouldn't be doing, it is hard to call and report their actions. If there was a registration in place, community members could approach the company and ask if they are registered to work in the city. This would be great to get in place as soon as possible.
 - Suggestion: Require to have a company name and phone number on every work truck. And this shouldn't be a financial burden.
 - Example: Companies can get magnetic stickers for their vehicles.
 - Should be a requirement for getting a business license in the city; having name and phone number, so that residents + others can look them up.
- Equity considerations:
 - Make registration available in other languages.
 - Registration would allow city to send out updates to registered companies.
 - Keep costs for registration reasonable.

Creating Payment (or Action) in Lieu of Option

- Would like to first make it more difficult to remove the trees.
- Suggestion: Include a requirement to replant and enforcement of replanting requirement.
 - Replanting considerations: What's the survival rate of the planted tree if it isn't in the yard of someone who remembers to water it for two years?
 - Example of developer who replants the tree, sells it to a homeowner, who is responsible for maintenance of the tree so that it survives?
 - Replanting on site should be an important part of the requirements, but not opposed to fee in lieu, for example one that follows Mercer Island's model where you have to show that you have no more room on the site before you can propose fee-in lieu.
- A fee in lieu would just be the cost of doing businesses to a developer.
- Consideration: Expense of tree removal in low-income communities and cost of replanting.
 - Suggestion: Have a fund that could support low-income people in paying fees or for arborists.
 - Emphasized the concern for lower-income clients that have an exceptional tree that is threatening the wires and it needs to be removed, but will cost thousands. Having a fund to help in these situations would be good.



Seattle

- Fee in lieu is a good idea because it would be better than the city not getting anything for the removal of an exceptional tree.
 - Considerations: Where does the money go? Ideas: helping low-income people pay fees, connects to trees for neighborhoods program, pays for another arborist or more than one at SDCI.
- Suggestion: Have two tiers of fee in lieu, one for homeowners and one for developers. This could help address the different rules that seem to exist.

Tree Protections Listening Session - Community Organizations

July 21, 2021
(Virtual Meeting)

Participants (9)

- Trees + People Coalition
- Friends of Seattle's Olmsted Parks (2 people)
- Thorton Creek Alliance (2 people)
- Rainier Beach Neighborhood
- Little Brook Neighborhood
- Seattle Chinatown International District Community
- Wallingford Community Council

General Code + Permitting Process

- Look at research from Kathy Wolfe at the University of Washington on sociologic impacts of trees in societies.
- Don't forget about tree groves. Tree groves have additional environmental benefits and these should continue to be protected in neighborhoods.
- Example of neighbor removing 30' western red cedar and it was not reported.
 - Question: are these types of removals are being tracked? How to enforce permitting when right now it feels like it is on the honor system?
- Suggestion: Property owners that plan to remove trees should be required to submit a master plan of their lot showing the trees they want to remove in 3-5 years. This would create a record at the city and if it goes over the threshold set by the new regulations, they would have to get permission to go over that threshold. Before any tree company comes in to take trees down, the company would have to certify that there is an approved plan.
 - Alternatively, instead of every 3 years, ask for a 10-year plan and combine with GIS and aerials for monitoring.
- Suggestion: The tree inventory could be tied to the property and escrow and real estate transactions could be used for enforcement.
- Suggestions to incentivize keeping trees:
 - Get non-profits involved with grant programs. Grants could be offered for tree maintenance on private property to incentivize homeowners to preserve their trees.
 - Allow adjustments to density, footprint, or setback requirements to incentivize keeping trees on the site.
 - Engage developers to understand how they do calculations.
 - Reduce a homeowner's taxes when they preserve more trees, for example through a real estate tax credit. This tax credit could increase for bigger trees. Make the tax credit transferable with sale of the property.
 - Shift to thinking about trees as a community benefit.
- There is a need to be more careful about requirements for replacement. The code should not allow a vine maple to replace a giant sequoia.

- It seems like developers are not incentivized to be creative to preserve trees, and that is needed.
- Suggestion: If a tree is removed illegally, fine the developer what value of the tree is from arborist's calculations.
- Suggestion: Permit process could require notification and concurrence with neighboring property that would be affected, so you would be giving neighboring property some recourse or say in the future of the tree.
- Tree removal should incorporate outreach to the broader community.
 - Example: There was a site with large maples and cedars adjacent to our property. The site was allowed to be clear cut for development. The same developer is developing a site with market rate housing, which makes property rates increase and then people are moving away because they can't afford the property taxes. A lot of sites are getting subdivided and development is happening quickly and the neighborhood can't keep track of it all to inform the city. There is a need for more permitting and enforcement and a mechanism for the city to do more active outreach or put it on the developer to do outreach at least a few blocks away, especially when the site is of a significant size.
 - If there is broader community notification, then the community can be involved at the beginning of the site design rather than finding out after the fact.
 - Incorporate a process for input and appeal that is accessible, with Office of Sustainability and Environmental oversight of trees rather than Seattle Department of Construction and Inspections, which has incentives to give permits.

Defining Exceptional Trees

- It would be better to go by species for exceptional trees rather than changing to 24" diameter for all tree species. There are quite a few species where 24" is a very large size, such as Japanese maple.
- Suggestion: 24" should be a floor, not a threshold.
 - Example: There are a lot of trees that are just 1" shy of 30," so would be better to decrease the threshold for any exceptional tree to 24" and also have species specific exceptions for trees that rarely get that large but are important to our environment.
- Should not eliminate the exceptional tree that is a rare species even though it is not 24" or rare. Also consider historic trees.
- Suggestion: Use 16" as the threshold for exceptional trees. This is bigger than a telephone pole and would better support tree canopy. If exceptional trees are defined at 24" and above and everything below is cut, then we'll lose all canopy.

Creating a New Category for "Significant" Trees

- Suggestion: Allow a certain number of significant trees to be removed in a 3–5-year period (rather than in a 1-year period).
- Suggestion: Require that development considers trees on the property and replants trees of a similar caliper. Trees should be replanted on site, even if it affects the size of the building.
- Support for protections for in-between trees. Removal of a certain number of trees per year makes sense, but 3 per year seems too high.

Certification for Tree Arborists

- The problem is that arborists are not operating with honesty.
 - Example: Arborist submitted a report that a tree was dangerous and severely compromised and then was permitted to remove the tree. Didn't see any evidence that this was actually the case.
 - Example: Arborist removed tree that they said was 29", but neighbor's measurement found 32". Developer had lied to get the permit to remove the tree.
- Developers and arborists who violate requirements should lose their license and the city should stop their development permits.
 - Suggestion: Revoke the arborist's license if they take down trees without permit approval.
- Suggestions for certification or enforcement of arborists:
 - Fine the arborist or property owner the value of the tree that was removed illegally.
 - The city could publish a list of arborists and tree companies who have not operated by their permits as well as a list of arborists in good standing, but there should also be a way for arborists to get back into good graces if they do get on the violator's list. The list of arborists could be modeled after the Rainwise landscapers.
 - Arborist registration should include the consulting arborist as well as the commercial arborist. Only allow one violation per year for exceptional trees; could allow 3 violations a year in general.

Creating Payment (or Action) in Lieu of Option

- Fee in lieu is dangerous because developers have money and it may result in the loss of more trees. First step needs to be to preserve the trees that are there.
- Tree species needs to be taken into account with fee in lieu.
- OK with fee in lieu to plant trees in other areas, especially low-income communities, but should also make sure the local neighborhood doesn't have too many impacts.
- Suggestion: Look at the fee in lieu payment for the Shoreline Management Plan. Use the lessons learned, successes, and failures to inform the fee in lieu consideration for tree removal.

Tree Protections Listening Session - Developers / Builders

August 10, 2021
(Virtual Meeting)

Participants (8)

- Shelter Homes
- Legacy Group Capital (2)
- Master Builders Association of King and Snohomish Counties
- Hellsell Fetterman
- Gamut 360
- KOArchitecture
- Blueprint Capital

General Code + Permitting Process

- Questions:
 - When was the city's last tree canopy study completed?
 - Answer: 2016. The city is waiting for 2021 data to do an update.
 - If the canopy cover increases, is it fair to assume developers have increased the canopy cover on private property because of planting requirements? We don't know if there is a problem of meeting our canopy goals. Data on whether we are meeting the tree canopy goal is needed before the city updates the code.
 - Is the city tracking tree survival rates on private property?
 - Who are the stakeholders driving the tree regulation update process?
- Expanding the tree code is going to "gum up the system" that much further. Any property owner is entitled to their development rights, so expanding the code is going to slow down getting more housing on the ground in the middle of a housing crisis.
- There is a perception that some people in the community are using trees to stop development.
- A tree lasts as long as the house/building. If a site is cleared, but new trees are planted, they will mature with the house.
 - Suggestion: Evaluate trees based on the life-expectancy of the new construction on a site.
- The current code is very difficult and nuanced, but it saves a lot of trees; it works. The story isn't being told about how many trees developers are saving or planting, just what trees they are removing.
- Once you become knowledgeable enough about the tree code, it is easy to understand what you can do with your development and retain the trees. However, it is nuanced and is hard for someone who is new to the code to understand.
- Homeowners should have to hire an arborist, just like developers do.
- Any code that is very specific that takes common sense out of the decision is problematic. The requirements should be relative to the site.
- If requirements are too stringent, developers will not take on the project, so then you won't get the housing you want.

- How can we grow and urbanize as a city, and how can the city and developers work together? Infill development means that one less family will move to the suburbs and tear down acres of trees for a new suburban development.
- The difference between the tree code requirements for single-family residential and low-rise zones is predictability:
 - In single-family zones arborists on staff are great to work with and it feels like a partnership.
 - In low-rise zones, it doesn't feel like the same model.
 - The low-rise development code that puts the decision in the public domain is problematic. In design review process, the planners have an opinion and the neighbors have an opinion, and then all bets are off.
- If there is science behind the regulations, the public shouldn't have to weigh in on whether developers should get Type 1 deviations. It should be a Type 1 decision.
- Development is like electricity; it takes the path of least resistance (example of mandatory housing affordability). If you want more trees, make the path to keeping a tree as the path of least resistance.
- Property owners/developers should be able to remove trees that are in active decline.
 - Suggestion: If the tree isn't dead, it is still allowed to be considered exceptional regardless of its health, and that doesn't make sense. It doesn't make sense to save a tree that might not survive another 5 years. The code should have language to acknowledge this.
- If someone has something on their property (like a tree) that is of that much value to the city, then the city should pay for it. Why does it come back to the property owner? Property owners shouldn't have development rights impacted by something that is of value to the city.
- Anything within the building footprint should be negotiated for removal, and anything along the perimeter should be identified for retention.
- With any change to the code, we believe that it is unfair to change the rules in the middle of the game, especially in Seattle when it takes 12 –18 months to permit a project. The Master Builders' Association requests that builders get an 18-month notice before new requirements are implemented. If there is going to be a big change, the city should allow what is currently in the pipeline to get completed before changes go into effect.

Defining Exceptional Trees

- Questions:
 - Has the city looked at trees that will be captured by changing the definition of exceptional trees to trees over 24" in diameter and how many lots will be impacted by changing the code?
 - Answer: The city is looking to do some initial concepts this fall. SDCI will do a SEPA analysis by the end of the year. This will look at the impacts to housing as well as other impacts.
- It is impractical to expand the definition of exceptional trees. There are some trees that don't have any business being in Seattle. Expanding the definition to all trees over 24" diameter doesn't take into account the location of the tree, the health of the tree, or if the tree is native to Seattle.

- Any expansion of the definition of exceptional trees is going to be detrimental [to development].
- If you are in support of affordable housing, looking at the numbers, expanding the definition of exceptional trees is a terrible idea.
- Reducing the definition of exceptional trees from 36" to 24" would take away the meaning of what an exceptional tree is. Don't really understand the thought process behind that.

Certification for Tree Arborists

- Question:
 - Certified by whom? Wouldn't a certification requirement be the same as architects, engineers?
- Any time you increase requirements, you increase costs. Increasing requirements would also limit the number of arborists who can work in the city, which would increase the cost to developers.
- Certification for arborists shouldn't be a requirement for private property.
- Having a certified arborist makes sense, but should not be required for people cutting down the tree/doing the work.

Creating Payment (or Action) in Lieu of Option

- Who is going to make the decision on the value of the tree? Shouldn't be based on straight size alone.
- For the replacement of over 24" trees, you are allowed to plant in the planter strip. If this is allowed, why not promote it?
- Suggestion: Do not just offer a fee in lieu option, also allow for planting off-site trees. From the perspective of single-family sites, would be willing to plant trees in street right of way.
- Suggested incentives for saving larger trees:
 - Allow increased lot coverage or increased height (e.g. for detached accessory dwelling units).
 - Offer a credit on mandatory housing affordability fees if a tree is saved.
 - For single-family, the remedy should be practical. Don't want an extra story incentive for single family.
 - Offer expedited permitting for saving a tree. Allow the Priority Green permitting process if you are saving an exceptional tree and design standards are being met.

Tree Protections Listening Session - Environmental Organizations

July 20, 2021
(Virtual Meeting)

Participants (5):

- Seattle Audubon
- Center for Urban Horticulture
- Plant Amnesty (2 people)
- TreePAC

General Code + Permitting Process

- Design the code to be intentional so that it does not create loopholes and also does not fine people that don't have the education up front.
 - Suggestion: allow multiple infractions before there is a fine imposed, but the fine should be meaningful.
 - Suggestion: be cautious of people taking advantage of the allowance of multiple infractions before a fine.
- Improve the requirement for proof of hazardous trees before allowing removal. There's an impression that hazardous tree removal has increased because people are claiming a tree is hazardous when it is not.
- A Heritage Tree should not be allowed to be cut down under any circumstances (implied that this is true especially in cases of development).
- Suggestion: have one person at the City responsible for trees and a central place that someone can go for all kinds of tree issues.
- Invasive vegetation is also a big issue, and impacts tree and ecosystem health. SDCI should incorporate a requirement to remove invasive vegetation from properties when people are developing in areas where this is a problem.
- Recommendation to coordinate with the Urban Forestry Commission on the draft code language before the SEPA process.

Defining Exceptional Trees

- Change the definition of exceptional trees to be any tree 24" and above at chest height would mean that certain species would lose protections, specifically tree species that never get to 24". These could be mature trees but not be protected under this new definition.
 - Example: Pacific Yew is a tree species that will never reach this size.
- If the goal is to simplify the process to identify exceptional trees, develop tools for tree identification and tree assessment tools to help figure out the value of trees.
 - Example: Tree assessment tool used during construction of the Arboretum Loop Trail helped construction crews understand the risk of interfering with the tree protection zone.
- Interest in understanding how other Cities define exceptional trees, including Portland, Redmond, and Kirkland.

- Seattle should strive to be leader in this area.
- Developers should find ways to build around trees with the right incentives for example by being able to build taller.
- Create a follow-up evaluation / inspection element incorporated into the permit process.

Creating a New Category for “Significant” Trees

- Support to protect significant trees, for example, sometimes it can be better to save three 8” trees over one 24” tree.
- Support for having a graduated scale, including protections for significant trees so that people can’t remove a tree right before it reaches exceptional status.
- This new category is generally a good idea as long as it is clearly defined and the process for getting the permit is not onerous.
 - Example of Redmond experience: sent photos of the trees and proof of infestation, demonstrated that she would replace the trees.
 - Whole process took a couple of weeks, no payment was required. Adding a payment could make it more onerous, but could add a token payment to help finance the department.

Certification for Tree Arborists

- Tree arborists should be licensed and have certain qualifications and should be liable to the city.
 - There is currently an ISA certification that requires arborists to take a pledge.
 - There is a tree risk assessment qualification that has not be as accessible during the COVID pandemic, but should be more available as things open up.
- Suggestion: impose a surprise inspection to verify that a tree is a high risk when an arborist has said that it is, and impose a penalty if that is found to not be the case.
- Need to make sure that the arborists doing the work are certified, or someone on-site is certified, rather than just having someone at the company certified.
- Consider that you have a lot of smaller landscaping companies where English is a second language.
 - Suggestion: Could there be scholarships for certification and could programs be adapted / offered in other languages? Someone at SDCl who is operating the system and working with smaller organizations, BIPOC organizations, to get the training and not feel overlooked
 - Suggestion: training and scholarship could come out of payment in lieu of fund.
- The City should maintain a roster of certified arborists and there should be enough capacity on the roster that people can find someone to do the work within about a month.
- The City should provide resources if they are going to require certification.
- If the City isn’t requiring an additional certification on top of the ISA certification, the ISA website lists ISA certified arborists and the City could just provide a link to that list. (This was not referenced as a suggestion to not require additional certification, but was shared as a reference).
- Gather feedback from arborists to understand how to best regulate their peers.

Creating Payment (or Action) in Lieu of Option

- Support for including either a replanting requirement or having a fee used to fund replanting somewhere else.
- Support for payment in lieu of, with the qualification that the payment needs to be high enough to discourage people from just paying the fee to be able to cut a tree down.
- This should be a last-resort option, not an option that is offered as a choice up front. The funds should be reinvested in lower income neighborhoods and not necessarily the neighborhood where the tree was removed.
- Before allowing a payment in-lieu of, the focus should be on replacing trees on site that would get back to size in a set number of years. Should also maintain requirements for replanting on private property and not just planting in parks an in right-of-way.

Relevant resources shared by this group

- Introductory article to tree appraisal: <https://tcimag.tcia.org/business/an-introduction-to-tree-appraisal/>
- The Urban Forestry Commission put out a one pager on what they would like to see in a tree protection ordinance. It's an excellent summary of important policy details: <http://www.seattle.gov/Documents/Departments/UrbanForestryCommission/Resources/ADOPTEDTPOUpdateOnePager100919.pdf>

Tree Protections Listening Session - Homeowners

July 20, 2021
(Virtual Meeting)

Participants* (2)

- North Capitol Hill homeowner
- Phinney Ridge homeowner

General Code + Permitting Process

- Most important thing is to have a path that all players can plan for and is easy to anticipate the outcome of. Clear expectations are important.
- Currently arborists know they can cut down three trees a year, so they cut down three automatically and then cut three more the next year.
- Suggestion: Establish a permit for documentation purposes and to encourage code compliance. Experience of seeing tree loss happen on the weekends when SDCI staff are not working.
- Increase tree protections but don't make it too difficult for all stakeholders. Clarify the process and incentivize people to keep trees.
 - Key issue is that it takes eight weeks to get a permit, which means it takes two months to cut down a tree; that would be really frustrating from homeowner perspective.
- Most people in neighborhood know that they need a permit to cut a tree, but process is expensive and time consuming so they are just going for it and if they get caught.
 - Example: Experience as a homeowner where there was a huge evergreen tree that was split at the top. She needed an arborist to do a report and certify her opinion before she could cut it down. She gets permits all the time, so it wasn't hard for her, but for some people getting a permit is an overwhelming process.
 - If just over the counter permit, that would be easier.
- Suggestion: Model the permitting process like the pre-application site visit and the cost to city could be covered by the application cost?
- Suggestion: Model after the PAR process. Sort through different types of permits and whether they are discretionary or non-discretionary. Flag things with exceptional trees and send them to an arborist to take a look at. This could be a way of funneling projects to the right workgroups at beginning of the process.

Defining Exceptional Trees

- Hard to write recommendations and regulations if we don't know what we're trying to protect. For example, how many exceptional trees are in the city? How many would there be with the new threshold?
 - Question: Some trees are never exceptional. Would this continue to be true?
- The city is so punitive on exceptional trees that it encourages land owners to cut trees before they get a survey.
- Suggestions for incentives for developers to keep trees on site:

- Relaxation on design guidelines, such as amenity space, setbacks, trash locations, parking requirements, or bike parking. These are things that are heavily regulated for the site plan, but requiring all of these things can drive the need to take down the tree.
 - Transfer of development rights – save a tree and have a better project elsewhere.
- Suggestions for incentives for single-family sites/homeowners:
 - Single-family residential sites don't seem to be the issue.
 - Setback flexibility for preserving trees could help on single-family sites.
- The easier you make it to identify/define exceptional trees, the better participation you will have.
 - Suggestion: Create a GIS map where the address pops up and offers a menu with photos and you can select the tree type that you think your tree is.
- Be careful about how much permits cost and time it takes to process.
- Consider whether coordination is needed to protect grove trees.
 - Example where three different projects on three adjacent properties all took out trees, but it wasn't regulated since they were on different sites.

Creating a New Category for “Significant” Trees

- Adding a new category may create more complexity.
- Adding another layer for permitting through SDCl sounds very frightening. It is already difficult to get things started, so adding another layer to tree designation sounds difficult.

Certification for Tree Arborists

- From architecture perspective, they are having a hard time finding arborists for projects. If all homeowners need certified arborists, then that would increase difficulty.
- It is a good idea to require developers to have a certified arborist. Certified arborists would help educate homeowners and would help with illegal tree topping.
- All arborists should be certified. Other professions have to register, why shouldn't they have to register.

Creating Payment (or Action) in Lieu of Option

- The current system sets neighbors up for disappointment, costs developers money, and the city doesn't get anything [e.g. a payment in lieu of].
- An arborist report from a recent project said that the site would be undevelopable if preserving all exceptional trees. Favorable for a fee in lieu of for these cases.
- Suggestion: Strike a balance so that fee in lieu is not the first option.
 - For example, \$1000 is not high enough. Worked with a developer who asked: why did we try to save the tree in the first place, and not just cut it down, if it was just \$1000 to remove.
 - Time would be a huge penalty for a developer – that would be a bigger deal than cost.
- Suggestion: Lower income areas of the city don't have as much tree canopy, so use fee in lieu to fund tree planting in lower income communities.
- Suggestion: Could city buy lots to create new parks?
- Suggestion: Invest in right-of-way trees and replace the canopy near projects.

 **Seattle**

- Right now, replacement trees are often maple trees that provide the same canopy but not the same presence. Replacing on site isn't returning the tree canopy to the city; just fluffing it up. If we are going to try to spread the greenery around the city, the city will know better where it needs to go. Plant trees in right-of-way in areas that need it.

*Both participants were homeowners and worked as architects; they had familiarity with the tree code and experience working with arborists.

Appendix B: Community Liaison Reports

Contents

- Chinese Community Report
- East African (Oromo, Amharic, Tigrinya) Report
- East African (Somali) Report
- Seniors, Disabled and Low-Income Report
- Spanish Community Report
- Unhoused Report

Feedback for SDCI Tree Protection Program

Chinese Community Liaison Linda Li

September 2021

This week I communicated with some community members, mainly house owners, and also consulted several real estate agents for their opinions about the tree protection changes to explore. To my surprise, the limits of both time and sample size still yield a great variety of feedbacks, as following:

1. Expanding the Types of Trees Considered “Exceptional”

- It's better to know the real situation of the big tree before defining it as exceptional. If it is too big for the house and its foundation, I feel it better to be removed. Of course for some precious types of trees, we'd better have experts estimate and give a suggestion about removability.
- Do we have any data about the amount of 30" trees and 24" trees? What's the difference? Is that a change from 1000 trees to 10,000 trees? I would like to know more data-based info before making any judgment or suggestion.
- I do not see many exceptionally big trees in my neighborhood, so I don't see the difference.

2. Create Permitting Requirement for “Significant” Trees

- There are so many trees whose diameters are more than 6 inches. It could be a big burden for owners or developers if they have to apply for a permit to remove such a tree.
- There is a hidden risk that homeowners may remove many trees before they grow as big as 6" diameters.
- I worry that permit required for the big amount of relatively small trees of 6" and above will generate chaos. And bureaucracy will consume a large percentage of the money received from permits.
- \$75 is reasonable. But I would like to know upon what factors this amount is decided? And how will the money be used?
- Too many permits required to develop a property will finally make the skyrocketing housing price even higher.

3. In-lieu Payment as Alternative to Replacement

- I totally agree with the idea of payment as alternative to replacement. Very easy and neat. The City can use the money to plant trees elsewhere, which will guarantee the maintenance of tree forest city.
- Sounds like a workable plan. But better not go through the City to avoid bureaucracy.
- Very good system, which raised the threshold for developers to remove trees. There should be an appraisal system to decide the payment of removing a specific tree. Criteria should include the age, type, plantability of that tree.
- Given the fact that more and more people are moving into Seattle, where can the City plant replacement trees?

4. Credentials for Arborists



Seattle

- Not necessary. Many tree-related works do not need very professional skills. For some work, arborists just mean higher charge.
- Do not add too many procedures for basic or simple work, which is neither environmental nor economical.
- Certified workers are usually very expensive. And I don't feel I need hire them just to maintain trees.

SDCI Outreach Summary

By Abdu Gobeni

I did an outreach to East African Businesses in Rainier Beach Area and to Oromo Community Members at Oromo Cultural Center. My outreach was about the meaning of Urban Tree, its benefits and Tree protections-changes to explore. We also discussed on the potential changes to strengthen tree protection on private property. After a through discussion, all participants agreed on the city initiative to address equity issues and suggested that the fund from voluntary payment need to target and address the canopy disparities in low-canopy neighborhoods mainly BIPOC communities. We also discussed on the credentials for arborists and the participants supported the idea to have certified arborists on staff to ensure the quality of the work. The participants also agreed on expanding the types of trees considered exceptional, creating permitting requirements for significant trees and in-lieu payment as alternative to replacement.

Furthermore, we discussed with the community members about the benefits of Urban Trees and the efforts that the City of Seattle is making to include the voices of BIPOC communities in tree Protection. I discussed with them on the Health benefits and others, including environmental, social and economic benefits. We raised the issue of tree protections-changes to explore and the community members supported the city initiatives to address the equity implications.

Finally, they appreciated the SDCI and DON for reaching out to the BIPOC community to incorporate their ideas and thoughts on the upcoming tree protection changes. They also acknowledged the document translation in their native language and the language support provided by CL that helped them understand the definition of Urban Tree, its benefits and the tree protection changes to explore.

Thanks

Abdu Gobeni (CL)

Trees Protection

Abdirahman Hashi

I would like to share with you a summary on **Trees Protection**. It was a wonderful opportunity for me to join a conversation about the Trees for Seattle program and I always value trees because of my memory in Somalia. I come from the semi desert region of Somalia and there is a shortage of trees and rainforest. Also, I spent a great deal of my life in Southern Somalia, the home of two rivers. The southern part of Somalia is the food harvest and grain basket of Somalia. My extended family members used to own fruit farms and they used to bring bananas and fruit during harvesting.

Obviously, trees support our clean air, rainforest, and sense of security. Trees support us to have clean and fresh air by absorbing carbon dioxide from the air and help us slow the gas in our atmosphere and our rapidly warming planet. Trees are natural beauty, and they decrease anxiety and boost our mental wellbeing. For example, there is a giant tree in the backyard of our neighbor, and I see its significance of this tree. I feel tranquility and peace because it's magnitude!

My people welcome the policies set forth by the city of Seattle to conserve and protect our forests so generations to come to have the same quality of life that we enjoy today. Truly, you can feel the benefits from trees for a short walk, biking or hike that you do in our Seattle neighborhood. Seattle is the center of Puget Sound and progressive city of Ever-green state. It is also worth mentioning that trees are important species of our universe, and they protect us from harm, so we must look out for them.

Finally, the residents of Seattle shared with me their sense of pride to live in a city that protects trees and champions environmental causes. Community members appreciate the city's approach of Tree Protection but there is an equity issue. They also recommend aggressive engagement to BIPOC because they live, we're drawn to green spaces, and for good reason.

Best regards,
Abdi

SDCI TREES PROTECTION COMMUNITY LIAISON OUTREACH

SUMMARY BY MARY L. MONROE

October 2021

Within my discussions amongst my community we have the overwhelming desire to protect our trees from being removed at a steady rate as they are currently. The increasing of any & all protections so that our tree canopy can stop being reduced is beneficial for all of us to keep our air healthy & breathable. Reducing the threshold for “Exceptional” trees down to 24” would give more ways to save our trees from being just removed as an individual might currently be able to do. However, reducing the threshold diameter even further would allow people to feel that the care for our trees is as important to the City as it is to us as a community.

Whether or not a tree is considered an “Exceptional” tree or not should not be a way to decide how important a tree might be. If we look at all of our trees as exceptional & important it might make the people who choose to remove them so easily think twice about removing that tree if it would cost them plenty in permits &/or fines. The current way of having to pay or replace the tree doesn’t really protect anything if we don’t keep on top of who is doing what.

Regarding something like the apple tree, having to go through a permit process would give people pause as to whether or not removing that tree is really worth what they need to do. If a tree is dead or dangerous that is a whole different type of problem that should require special processes & a more open type of removal process. Just because a tree is annoying for a person should not be allowed as a reason to remove it. However, with even that being said, the process should not be something that is unsurmountable either!!! It should be looked at on a case by case method even if the landowner has to pay that extra cost to get that answer. I personally have witnessed the removal of trees without any due process for the trees at all & the City never knew anything about it!!!

Possibly, some kind of easy reporting system besides “Find it Fix it”?!?!?!?

Regarding the “Significant” trees, the above should be the same!!! The protection of all of our trees should be top priority so that our lives & health have the chance of surviving the present & future. The fact that we had such a significant, noticeable difference around the world at the beginning of the pandemic where when we stopped polluting by staying home the air & visibility of distant landscapes gave us sites that we had not seen in decades. Our trees did what they do without the extra stress of humans adding to the overall problem.

As for the equity part, again, if this was done on a case by case basis the final decision would be based on the inspection & the situation.

The voluntary payment is something that the honest people might do but with the people that are not will take advantage of this type of system. Making that voluntary payment very high would be the only way that that could work with any real results. Using those funds to add to the tree canopy in the lesser covered areas would be beneficial for all that live around that area.

Having people that are trained in all levels of skills in dealing with trees is important for the safety of all who are involved. Having an arborist on staff is a good idea for giving the educated answers needed for



the person having the tree removed. For the smaller companies maybe being able to have an arborist for hire that can do a single inspection would be a feasible so that they stay employed. Keeping people employed, especially these days is vital but every tree should be given the utmost chance & protection that it can possibly be given.

Spanish Community Report**ROCIO ARRIAGA****August 2021**

I think that this new rule about city permits and fees will increase the hate of people to the city staff and the governments.

The State and the cities governments have the obligation to plant or remove trees as needed from the community, of course, if the issue is safety. Simple people pay enough on taxes local, federal, and State plus other government home and business owners taxes and fees. To now pay for something that is their right on their property that belongs to them because they are paying it.

Well, that is what I am hearing from the communities I work with, lately and in the past about rules on trees and plants.

Thank you for considering my job and comments on this city work.

Unhoused Community

August 2021

Urban Trees and the Unhoused

Trees are vital to our areas for many reasons beyond enjoyment. In the demographic that I serve, trees can mean food and shelter materials (Shelter materials as opposed to shelter, trees can actually be a danger to shelters with soft sides during storms). The urban trees that have been planted with the needs of the people and environment are appreciated and valued, especially those that provide food.

With this in mind, it is a very sensitive situation where human beings are going without basic needs such as housing, food, stability and in constant trauma. When asking those in life threatening situations to set aside the very real danger they are in to provide feedback on projects that are not related to the trauma can be harmful. While trees are vital to our existence, so is the ability to enjoy them without the lens of trauma. For a person residing unsheltered, the concern about the trees in the same places that they are trying not to die in might be seen as overshadowing the very real plight they are in. When experiencing homelessness, it is difficult to sort out budgets and projects that have priority over their circumstances and may seem as though their lives are not as important.

While I do think including those in shelters, tiny homes, and transitional housing is beneficial to the project, asking those with no shelter causes extra trauma due to the disparity in wealth and privilege. The privilege of stability and shelter comes with the luxury of thinking outside of basic survival. When outreach is done in this population, it must always be noted that their situation is the most critical and their survival matters.