

Urban Forestry Commission (UFC)

June 6, 2012

Meeting Notes

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

The Urban Forestry Commission was established to advise the Mayor and City Council concerning the establishment of policy and regulations governing the protection, management, and conservation of trees and vegetation in the City of Seattle

Attending

Commissioners

Matt Mega (MM) – chair
John Small (JS)
Tom Early (TE)
Leif Fixen (LF)
John Floberg (JF)
Jeff Reibman (JR)

Staff

Sandra Pinto de Bader - OSE

Public

Steve Zemke

Absent- Excused

Nancy Bird
Gordon Bradley
Peg Steheli

NOTE: Meeting notes are not exhaustive. For more details listen to the digital recording of the meeting at: <http://www.seattle.gov/urbanforestrycommission/meetingdocs.htm>

Call to Order

Public comment

SZ – filed a public records request with DPD on who is in charge of developing the tree ordinance. Posted on POSA and issued a press release about who is in charge of deregulating tree protection in Seattle. Jim Snell posted in POSA about tree topping for views and Parks. Parks said they briefed the UFC on their policy and they received no feedback.

SPdB – Parks came to the UFC June 2, 2010 to brief them on their policy. Spoke to Mark Mead and he said that the work Mr. Snell referred to was crown reduction and not topping.

JS – He remembers talking about re-vegetation of the slope and that the property owner was paying for that work.

JF – is this a good opportunity for the UFC to go out and see the crown reduction vs. topping?

MM – would be informative. Could ask Mark to come back and tell us more about the project and work done. Maybe get photos.

TE – It would be good to discuss whether or not it would be good for the City to have a citywide policy on views. It's not good policy to consider an individual perception of view because it only benefits an individual and not the whole city. Some cities say that they don't regulate views. Then it becomes a private property manner.

MM – the problem in WA State is that we have all these views.

TE – the City has view corridors.

JF – Recommending to the City to write a policy about it?

MM – Could send a letter to Parks saying that it's not okay to prune trees in public property for views.

LF – had this issue in Boston. The policy there was can't touch public trees (all street trees are protected for shade). How can it be done? The urban forest is a public utility. Could be that if someone wants to top or do crown reduction to protect view, they would have to pay a certain amount (tie a dollar value to each sq ft of canopy reduced) and use that money to plant elsewhere.

JF – would this be a permit system?

LF – homeowner would pay a certified arborist to do the work. Protect property values but also support canopy cover goals (potential solution).

JF – there will be pushback if the City did something like that.

MM – we'll need to talk about this some more.

JS – Mark is working on public property, Mr. Snell has a different view of the issue. What we should consider for the tree protection ordinance is whether or not to include view sheds vs. non-view sheds. We'll get fight back from people with views. Are there other methods we could use to end up with a better tree protection? Pick your battles.

JF – we might lose in the long-term if we go too strong.

JS – recognize that there are multiple values in the urban landscape.

LF – might be a slippery slope for business owners wanting to protect the view of their business signs (view of their property).

JS- it's certainly an issue for SDOT. My comments were more for residential areas.

MM – Leif, could you draft something to this effect? Only for public trees.

Approval of May 2 and May 9 meeting notes

ACTION: A motion was made to approve the May 2 meeting notes as written. The motion was seconded and carried.

ACTION: A motion was made to approve the May 9 meeting notes as written. The motion was seconded and carried.

Ecosystems Metrics Position Paper – continues and possible vote

MM – Sandra changed the paper based on the comments from last meeting.

JS – spent a little time working on this.

Copied from the work plan the purpose of this paper is to measure the effectiveness of a tree protection ordinance and see if it's working over time. There is some research from UW on effectiveness of growth management act. He will talk to one of the researchers. The paper as is doesn't get to corridor and connectivity metrics that are covered in other ordinances that are layered. A suggestion would be to look at several regulations that protect ecosystems function and focus that much more broadly than the tree protection ordinance. Do we want to get that far afield from the original work plan?

MM – the paper could have an intro piece that talks about ecosystems functions in general and then talk about measuring effectiveness of several ordinances.

JF – are we trying to come up with something that will be measured over time? Who would implement it?

LF – maybe incorporate into UFMP. Every 5 years do a canopy cover assessment and then every 10 years do something like i-tree.

MM – the paper is getting too big. Try to connect it with UFMP. Don't lose track of the bigger piece.

JF – if that smaller subset is identified and it costs \$X, who would pay for that?

SPdB – Talked about taking on organizing all tree related ordinances, rules, etc next year and link it to this paper.

MM – We are already starting to plan for the annual UFC/IDT meeting. Please send Sandra emails with agenda topics for the UFC/IDT annual meeting.

TE – will we include i-tree as a metric?

MM – We will need to ask Forterra about itree costs when they brief us on 7/18.

JS – knows of at least three funding sources for this effort in the future.

LF – don't need to specifically talk about i-tree but the tracking of metrics.

Urban Forest holistic approach matrix - continues

JR – what does it mean to take a holistic approach? Conlin’s letter was a political letter. Look at what tools can be effective. Dividing the process or set of tools very broadly, into things that happened within the City, City-owned land, parks, right-of-way, etc. and then everything else, such as what people do in private property. Then you can make two sets of recommendations for a holistic approach, coordination, IDT, and UFMP. On the public side is about programs, incentives, and education. It’s clear we are not going to regulate at this point. The holistic approach is going to be one that basically fosters the result we want on the public side, on the private side do that plus the efficient use of public resources. How would we make recommendations to council to further the goal on each side? Or is it going back to square one?

TE – if it’s holistic approach then it wouldn’t be divided.

JR – agree but those realms are totally different.

JF – trying to get back to what we are doing...

JR – the project review component is a bit outside of our mandate, unless the project is something that requires council action. People are looking for UFC fingerprints to support a project.

TE – design committees have more power over changing proposals. We don’t have a whole lot of teeth.

JR – design review is a point of strong leverage. It’s more of a negotiation and an opportunity.

TE – to include more of an urban forestry prism we need to include the urban forest in the design guidelines

JR – shared design guidelines for a project he is participating. 25 guidelines spread over 21 pages. One of them is landscaping –enhance the building or the site. It doesn’t mention trees. That’s the only thing in the package that refers to landscape.

JF – there is no way to violate that guideline of landscape because there is nothing in there.

JR – re-vamping design guidelines would make a big difference.

MM – is it feasible? To call out eco-system function as an element of design?

JR – yes, in the context of the UFMP.

MM – it’s a long process.

JR – would give opportunity to tree advocates to participate and be heard.

LF – this fits our role.

JR – in a large sense these guidelines are an arm of the Mayor.

MM – it’s probably the usual prospects involved but there is the opportunity to provide opportunity for more broad participation.

LF – this is a first step towards a more robust legislation.

MM – design guidelines are more on the incentive side of things.

JR – they provide guidance when there are departures from code. To get those departures granted is through design review.

MM – UFMP gives us the foundation to get involved in design guidelines. Not all trees are created equal. How do we strengthen that?

JR – there are opportunities to address those kinds of priorities. A neighborhood that has a lot of low-rise zones could advocate for tree clustering.

MM – how much flexibility do design guidelines give you to depart from code?

JR – on an urban infill project there will be several departures from code. The whole point of the guidelines is to provide an avenue so one can be responsive to context in a way that the process doesn’t favor someone. Can’t depart on height, floor area ratios... need to work with your project planner.

MM – there is where we might have to be stronger. To respond to context... if someone would need to cut many trees and that’s the context, how can we influence that?

JR - Exceptional tree ordinance already covers this. Height would be very attractive. The code says that height is not subject to departure. There are other incentives. Incentive zoning can help you capture height. Guidelines are written for neighborhoods and sub-neighborhoods and sometimes city-wide for certain projects. Guidelines last for five years.

MM – will meet with Nancy and talk about the holistic approach matrix.

JS – to summarize where I think we are. The design guidelines are a great way to affect projects at design stage. Tree ordinance would affect projects during development. Look at major activities that are within our mission to advise City Council and Mayor. When do we sit down with SCL on how they are spending funds? I feel I get hit with a lot of after the fact pictures of stomps from departments ongoing work. The chance for the UFC to weigh in was a long time before the tree was cut down.

Have opportunity to alert Council and Mayor and say we think something is a mistake or not. Then we are not reacting to one person's opinion on what happened. That's a bit of what this matrix is supposed to accomplish.

TE – we are really about trying to affect policy. It would be interested in looking at projects and see how policy is being applied. Not so much to give them feedback.

MM – is this an IDT agenda item?

TE- this is a back channel for policies that are not as effective as they could be. For example, one of the developers took out additional trees because they bumped into utilities that were not correctly located at the beginning of the design process. There is no policy to apply in this case... interested in looking at how policies are being carried out.

JR, and JS - agreed

JS – look at SCL's work plan and funding for tree pruning.

JR – when you get to SCL, I don't know a lot about them to know how to work on the policy side.

JS – there are clear guidelines on how SCL spends rate payer money. If they spent more money on outreach and talking to homeowners and be able to remove trees that are in the wrong place and replace that with the right tree in the right place that could be good.

MM – agree. My concern is getting away from the tree ordinance that will be presented to us next month. We need to have a conversation with Peg and Nancy and understand how the two pieces (project review and holistic view) are related.

JR – for all mayor public projects they don't go through a design review process but they go through the Seattle Design Commission. Don't know what criteria they use.

Te – would be interesting to see SCL's vegetation management plan.

MM – overview on how they spend their budget and talk about a vegetation management plan.

JS – good place to start is looking at metrics and adapt to measure efficacy of tree ordinance and effectiveness of various departments' actions.

JR – probably to be evaluated on a site by site basis.

JS – don't know how much influence CC and Mayor have over schools.

LF – in Boston school district was independent.

TE – they still need to get a permit to do work.

JS – good time to talk to Seattle Public Schools now that they are doing a lot of planning work.

MM – would be interesting to talk to them. LOOK INTO INVITING THEM TO COME BRIEF THE UFC.

New business and announcements

MM – the next several agendas are full with UFMP and DPD ordinance. We might need to do some heavy lifting in smaller groups. Very concerned about the DPD ordinance.

JS – might want to look at finding ways to work in the evening by geographic area. Maybe hook up outside the work day and do some work that way.

MM - what some of the topics might be and create sub-groups and create consistency with attendance.

JS – Four people per sub-committee.

Adjourn

Community comment:

From: Jim & Diane [mailto:jdsnell1@comcast.net]

Sent: Thursday, May 24, 2012 2:30 PM

To: Pinto_de_Bader, Sandra

Subject: My Battle With Parks

I am forwarding this combination of emails to you because I think the facts of my complaint, as well as the feelings of Steve Zemke of Save the Trees-Seattle may be of value to the UFC in their negotiations with the Parks Department in future.

Jim Snell

Reply to POSA letter:

I fully agree that the UFC should be given more powers of supervision and encouraged and supported in a move to take a role in the development of a truly tree-protective city policy. My experience with Parks recently has been quite troubling and I feel the only solution to straightening out the Parks leadership's interpretation of their tree-trimming policy is a restructuring of the city's line of tree policy authority to put the UFC in a supervisory role over Parks.

Parks was about to approve a cutting of trees in the Leschi Natural Area for a neighbor's view for the second time in 2010 when I protested to the Mayor and as a result (announced the next day, at least) a moratorium was placed on trimming of Parks trees until the UFC and the Parks Board had a chance to review the trimming policy. At least that is what Mark Mead stated in a memo. Last year I heard chain saws above my house and found Mead had approved the planned cutting and removal of vegetation over 1600 square feet on this environmentally sensitive and slide-prone slope (see map B-28 in DPD's Landslide Study online). He says that no recommendations were made regarding their tree trimming policy so they went ahead. This despite two presentations by me to the Parks Board protesting the establishment of such a precedent which involved the maintenance of a view corridor through Park property that was originally created by the poisoning of a large Big-Leaf Maple.

Young trees were topped, though that was not in the proposal. Mead says in his public pronouncements that he opposes such topping. However he also publicly said at a Leschi Community Council meeting that he has sympathy for homeowners who buy property with views and then find Park's trees growing into their view. There was no way to preserve this neighbor's view without the topping that took place. My requests to the Superintendent and Mead for information regarding the details of this project and any follow-up review of its implementation were first ignored and then, when a public records request was

filed, responded to with a reply that the file only contained what they had previously sent me, i.e., just the proposed plan from the neighbor and the boiler-plate recitation of the Parks requirements in order to get approval for such a project.

Their treatment of me, I believe, indicates I have the honor of having been promoted to a "crank" or "enemies" list, which I don't mind. But it does bother me that Parks seems to feel it can violate City ordinances and their own policy with impunity and ignore any issues raised regarding their performance. The only way Parks trees can be properly topped is under an exception to the policy approved by the Senior Urban Forester (Mead). It does seem that such a decision would be well-documented in their records. One would also expect some record of correspondence regarding negotiation of such an extensive project and a review of its proper completion.

The last chapter in this saga is the apparent movement of the house of the neighbor in question. Extensive work has taken place, installing stabilizing deep pilings. If this house moves down the hill or if there is extensive earth movement (as occurred last year on Lake Dell, just up the street) it will threaten my house and that of another neighbor. Three of us opposed the cutting proposal as did the Leschi Community Council's Greenspace Committee. Parks policy seems to require neighborhood approval. I don't think this was secured. I brought up the sorry situation to the Mayor at a recent meeting, but he didn't indicate he intended to pursue the matter. He hadn't answered an email sent some time ago regarding this or a phone follow-up to his office, so I don't expect anything from that quarter. Sally Bagshaw similarly only related praise for Mead when I told her of the cutting.

I think that the only solution is a letter-writing campaign in support of a new tougher policy administered by an empowered Urban Forestry Commission, removed in some way from the Mayor's real-estate-centric control. It would hit the Mayor at an appropriate moment. See today's Seattle Times front page. Jim Snell (206)726-0923

From: SeattlePOSA@yahoogroups.com [<mailto:SeattlePOSA@yahoogroups.com>] **On Behalf Of** stevezemke

Sent: Wednesday, May 23, 2012 5:35 PM

To: SeattlePOSA@yahoogroups.com

Subject: RE: [SeattlePOSA] Mayor McGinn's Developer Friends Pulling Strings on Tree Ordinance Comments of Steve Zemke – Chair Save the Trees-Seattle before Seattle City Council's Planning, Land Use and Sustainability Committee May 23, 2012

My name is Steve Zemke. I am the Chair of Save the Trees – Seattle a city wide advocacy group working for strong protection and sustainability of Seattle's urban forest.

We support the appointment of Leif Fixen to the Urban Forestry Commission's arborist position. It is important that this position be filled and Mr Fixen is a well qualified applicant.

I do however feel the need to comment on his and other Urban Forestry Commission members and the public's limited ability to be effective in helping to craft a new urban forestry and tree ordinance. A DPD representative who is the point person to the Urban Forestry Commission has informed DPD earlier this month that DPD has drafted a new proposed tree ordinance. This was news to the Urban Forestry Commission as none of them appeared to have been involved in reviewing or writing this new proposed ordinance even though there are many experts on the Urban Forestry Commission.

Who drafted the proposed ordinance which we are told will be released in July? The article in today's Seattle Times entitled "[Developer interests guide mayor Mayor's growth proposals](#)" seems to answer the question – Mayor McGinn's shadow government which is operating out of the public eye No one in the urban forestry and tree protection community was involved to my knowledge.

This secretive cabal of special interest adviser's to McGinn is operating outside the public eye and without public scrutiny. DPD's Diane Sugimura is involved and that explains how last year's flawed tree protection proposal supposedly written by DPD that would have removed protection for most trees in

Seattle and that opposed a tree permit system to remove trees came to be the exact opposite of what the Seattle City Council requested.

The Seattle Urban Forestry Commission and tree advocates strongly objected to last year's proposed ordinance and the flawed public review process that DPD held. When asked, DPD's representative on several occasions publicly stated that they did not have to tell the public where and when public meetings were being held where people could give input. They would not post on the city's website the places and times publicly paid city workers were discussing the proposed ordinance.

Unlike Shoreline which last year conducted a public process to receive citizen input on their proposed tree ordinance and posted citizen comment on the website, DPD only "summarized" input and did not release or post what citizens and others actually submitted. They did not as far as I could tell record most public comments at meetings I attended or have a form for people to respond to or take notes of most comments. In other words I did not really see a public record being kept of public input.

This process is in danger of being repeated again. This is the wrong way to draft legislation. Seattle should look to Portland as an example where a public process involved public meetings conducted jointly by their Urban Forestry Commission and their Planning Commission. Legislation crafted by special interests behind closed doors has no place in Seattle and needs to be rejected. It's up to the City Council to step in to change this flawed process. DPD and their developer interests have a conflict of interest in drafting a tree protection ordinance and should not be in charge of doing so.

From: Kyle Stetler [mailto:kmstetler@gmail.com]
Sent: Wednesday, May 30, 2012 3:23 PM
To: Pinto_de_Bader, Sandra
Subject: Re: UFC - new documents posted to the UFC website

Thanks a bunch Sandra.

On Wed, May 30, 2012 at 3:22 PM, Pinto_de_Bader, Sandra <Sandra.Pinto_de_Bader@seattle.gov> wrote:

Thank you, Kyle. I will send it to the Urban Forestry Commission and also to the community list I have.

Thank you,

Sandra Pinto de Bader | Environmental Sustainability Coordinator | Seattle Office of Sustainability and Environment | [\(206\) 684-3194](tel:2066843194)

From: Kyle Stetler [mailto:kmstetler@gmail.com]
Sent: Wednesday, May 30, 2012 3:19 PM
To: Pinto_de_Bader, Sandra
Subject: Re: UFC - new documents posted to the UFC website

Sandra,

I think I envisioned the journal article going out to the community. It is on the relationship between crime and urban canopy cover and it seemed relevant to a section of the Ecosystem Metric draft. More informative than anything. Thanks

Kyle

On Wed, May 30, 2012 at 3:16 PM, Pinto_de_Bader, Sandra <Sandra.Pinto_de_Bader@seattle.gov> wrote:
Hi Kyle,

Are you wanting to send your feedback to the Commission or to the community? If you want to provide input to the Commission, then you can send it to me. I will send it to the Urban Forestry Commissioner working on it and it will also be included in the UFC notes as public comment. If you want to send it out to the community at large, please let me know, send me your input and I will send it out to the listserv.

Thank you,

Sandra Pinto de Bader | Environmental Sustainability Coordinator | Seattle Office of Sustainability and Environment | [\(206\) 684-3194](tel:2066843194)

From: Kyle Stetler [mailto:kmstetler@gmail.com]
Sent: Wednesday, May 30, 2012 1:19 PM
To: Pinto_de_Bader, Sandra
Subject: Re: UFC - new documents posted to the UFC website

Sandra,

What is the policy for responding too or adding input via a journal article related the Ecosystems Metric Paper? Can we just send the paper out to the listserv or should we send it to you and then you send it out? Thanks

Kyle
(Link to document shared by Kyle: http://www.nrs.fs.fed.us/pubs/jrnl/2012/nrs_2012_troy_001.pdf)

From: Steve Zemke [mailto:stevezemke@msn.com]
Sent: Wednesday, May 30, 2012 4:36 PM
To: Pinto_de_Bader, Sandra
Subject: Press Release - Save the Trees-Seattle asks Mayor and DPD to make public records available

Hi Sandra,

Please forward to members of the Urban Forestry Commission. Thanks.

Steve Zemke

for immediate release
for more information:
contact Steve Zemke - Chair - Save the Trees-Seattle
stevezemke@msn.com
206-366-0811 (home)
206-999-6095 (cell)

Press Release:
Who is behind the effort to deregulate tree protection in the city of Seattle?

Save the Trees - Seattle has filed a public records request for Mayor McGinn and DPD to disclose who is involved in drafting legislation to significantly reduce protection for trees in Seattle

Save the Trees-Seattle has filed public records requests with the Seattle Department of Planning and Development (DPD) and with the Office of the Mayor regarding their roles in implementing and carrying out the directives in [Seattle City Council Resolution 31138](#) and to find out who else is involved. [Resolution 31138](#) passed August 3 2009 and requested “*that the Department of Planning and Development (DPD) submit legislation by May 2010 to establish a comprehensive set of regulations and incentives to limit the removal of trees and promote the retention and addition of trees within the City of Seattle on both private and public property, including city park land. DPD shall consult with all city departments that own lands that will be affected by these regulations or incentives.*” However in response to this resolution DPD submitted a scoping document in 2011 that *mostly ignored the issues and direction that the Seattle City Council asked to be considered. Instead they proposed dropping all existing regulations to protect significant trees and tree groves in Seattle. saying that all that was needed were incentives and education. This is contrary to the direction most other cities are moving.*

The [Seattle Urban Forestry Commission](#) and tree advocates strongly objected to last year’s scoping document’s conclusions and the flawed public review process that DPD held. When asked, DPD’s representative on several occasions publicly stated that they did not have to tell the public where and when public meetings were being held where people could give input. They would not post on the city’s website the places and times publicly paid city workers were discussing the proposed ordinance. They then tried to claim that they sought public input.

Unlike Shoreline which last year conducted a public process to receive citizen input on their proposed tree ordinance and posted citizen comment on the website, DPD only “summarized” what input they received and did not release or post what citizens and others actually submitted. They did not as far as we could tell record most public comments at meetings we attended or have a form for people to respond to nor did they take notes of most comments. In other words we did not really see a public record being kept of public input.

A DPD representative who is the point person to the Urban Forestry Commission informed the Urban Forestry Commission earlier this month that DPD has now drafted a new proposed tree ordinance. This was news to the Urban Forestry Commission as none of them appeared to have been involved in reviewing or writing this new proposed ordinance even though there are many experts on the Urban Forestry Commission.

Who drafted this proposed ordinance which we are told will be released in July for public comment? The recent article in the Seattle Times entitled [“Developer interests guide mayor Mayor’s growth proposals”](#) seems to answer the question – Mayor McGinn’s shadow government which is operating out of the public eye. No tree protection advocates in the urban forestry and tree protection community was involved to our knowledge.

This secretive cabal of special interest adviser’s to McGinn is operating outside the public eye and without public scrutiny. Yet DPD’s Head – Diane Sugimura is involved and that probably explains how last year’s flawed tree protection proposal supposedly written by DPD and that represents the developer’s position and would have removed protection for most trees in Seattle and that opposed a tree permit system to remove trees, came to be the exact opposite of what the Seattle City Council requested. DPD’s proposal pushed for deregulation rather than protection for trees and Seattle’s urban forest.

There will always be differences of opinion on proposed legislation but a process that is a sham and shuts out the public, but listens to special interests, has no place in Seattle. It has no credibility. That is why we are seeking information so that the public knows who is driving this effort to deregulate tree protection in Seattle. We believe the City Council needs to remove the drafting of a new tree

ordinance from DPD which has a conflict of interest in representing development interests and not tree protection. They get revenue from issuing building permits, not saving trees.

Seattle Public Utilities or the Office of Sustainability and the Environment would be better city Departments to propose draft legislation and oversee such legislation. Nine city Departments deal with tree issues. A combination of the Urban Forestry Commission, the Planning Commission and the Parks Commission would not have a conflict of interest in overseeing a public review process of proposed legislation. DPD did a terribly flawed process and is not to be trusted.

This flawed DPD faux public process is in danger of being repeated again. This is the wrong way to draft legislation. Seattle should look to [Portland](#) as an example where a public process involved public meetings conducted jointly by their Urban Forestry Commission and their Planning Commission and received strong public support.

Legislation crafted by special interests behind closed doors has no place in Seattle and needs to be rejected. It's up to the City Council to step in to change this flawed process. DPD and their developer interests have a conflict of interest in drafting a tree protection ordinance and should not be in charge of doing so.