

Urban Forestry Commission
August 4, 2010
Regular Meeting Summary

Seattle Municipal Tower Room 1940
700 5th Avenue, Seattle 3:00pm – 5:00pm

<u>Attending</u>	
<u>Commissioners</u>	<u>Staff</u>
Elizabetha Stacishin-Moura, Chair	Brennon Staley - DPD
Matt Mega	Tracy Morgenstern – OSE
Peg Staeheli	Jana Dilley - OSE
Nancy Bird	
John Hushagen	<u>Community</u>
John Small	Michael Oxman, Kay Shoudy, Nicholas Dankers
Jeff Reibman	Steve Zemke, Ruth Williams, Gail Ewall, David Miller
Kirk Prindle	Margaret Thouless, Cass Turnbull, Linda Vane, Rich Ellison
Gordon Bradley	

Public Comment

Elizabetha made the following statement:

The Commission provides for public comment at all regular meetings but does not hold public hearings since the Commission is an advisory body. We provide recommendations to elected leaders that in turn make the actual decisions. So, as a reminder, individuals who make comments to the Commission should remember that the Mayor and City Council make the decisions. Therefore we encourage individuals as well as representatives of organizations to provide comments to elected officials. Specifically, we strongly encourage you to attend and present your comments at the August 17th Regional Development and Sustainability Committee meeting at City Hall in Council Chambers.

Public comment was provided by the following:

Michael Oxman
Kay Shoudy – DR 5-2007 Tree Regulations
Nicholas W. Dankers – Tree service perspective & consultant’s role
Steve Zemke- Tree regulations
Ruth Williams – Tree ordinance
Gail Ewall – L3 code
David Miller – Tree regs
Cass Turnbull – tree regs
Rich Ellison

Approval of July 7, 2010 Minutes

The minutes were approved as amended.

Proposed Tree Protection Regulation, Briefing & Discussion

Brennon Staley (DPD) provided an overview of the proposal and the process for public comment.

John H. requested that the minutes note that in 4 years with a lot of building happening, there was a .4% increase in tree canopy cover.

No formal recommendations were made by the commission. The following comments were made by individual commissioners:

- Major institutions can request alternative land use requirements through a council-approved master plan. This process may allow too much leeway.
- Is the proposal responsive to resolution 31138?
 - Response: Yes, the requested items were considered in drafting the proposal.
- Who at DPD was involved in developing the proposal?
 - Response: A wide range of people involved in the regulatory process including the applicant service center review staff, review & inspection staff, policy and technical group, site and building inspectors, arborists, public resource center, law, the internal Urban Forest Interdepartment Team, and DPD management
- Under this proposal, can trees be removed prior to development?
 - Response: Yes, the credits are intended to provide an incentive to retain trees prior to development as retained trees will help the developer meet the tree credit requirement.
- The City needs a policy to reduce private tree removal – a permit is not necessarily a burden. For example, SDOT has a permit process for ROW trees which is not perceived to be a burden.
- There needs to be a process that allows for tree removal when trees outgrow their space.
- The proposal will maintain current canopy levels and more needs to be done to meet goals.
- The proposal would only address a tiny percentage of the city (land undergoing redevelopment) and therefore would not improve canopy on the majority of the city.
- The slight increase in canopy noted in the satellite study may be within the margin of error and is not a justification for not doing more.
- The website information implies that the Commission supports the proposal and was directly involved in developing the proposal. The language should be revised to more accurately reflect the role of the commission.
 - Response: it was not the intent to imply that the commission supports the proposal or was directly involved in writing it. DPD will review the language and make needed changes.
- This is a missed opportunity to craft a system that will work to replace a system that doesn't work. While there are not a lot of examples of what will work, we need to be more creative.
- This approach will result in a lot of trees that are in the teenage stage of their lifespan
- Proposal doesn't reflect the value of trees as infrastructure
- This is a good start but needs to go further. We won't get there fast enough by relying on education and incentives
- Is cost the biggest factor in the proposal not including a permit?
 - Response: Cost is a consideration but effectiveness is the primary driver
- Proposal is moving backward from the interim regulation and doesn't reflect the intentions of the City Council
- How much canopy can we expect from incentives and education? Is the scope and scale of the incentives/education adequate to meet the goals considering the scope of the regulatory proposal?
- The City research leading to the proposal was done from a perspective that a permit won't work, more unbiased research is needed.

Next Steps:

Jeff will draft a response to Council based on comments for consideration at the August 11th 3:00 – 5:00 meeting. This response will be high level and not provide detailed feedback about specific elements of the proposal.

OSE 2011 Urban Forest Workplan, Briefing & Discussion

Tracy Morgenstern (OSE) provided an overview of the Office of Sustainability & Environment urban forest workplan for 2011. No formal recommendations were made by the commission. The following comments were made by individual commissioners:

- If the Mayor/Council has a 30% goal, they either need to increase the level of effort for education and incentives or lower the goals.
- There is a funding disconnect between goals and program
- SPU should help fund education about the value of trees in slowing stormwater, cleaning the air etc. – A film would be a good outreach tool.

New Business/Old Business

The commission should look at the City's response to the Commission's recommendations on the DR 5-2007. There is some question about what best available science was considered and how the conclusions based on science were drawn. Other cities looked at the same science and came to different conclusions.

The commission will send DPD a letter asking them for the information regarding their assessment of the best available science regarding the size of trees that should be protected.

The meeting adjourned at 5:00 p.m.

APPROVED: _____ DATE _____
Elizabetha Stacishin-Moura, Chair
Urban Forestry Commission

July 30, 2010

Urban Forestry Commission
City of Seattle
Seattle, WA



Dear Urban Forestry Commissioners:

The Maple Leaf Community Council Executive Board (MLCC-EB) is elected to represent the nearly 4,000 homes and businesses in the Maple Leaf neighborhood of north Seattle. This letter serves as the first of several comments we expect to provide during the process of remodeling Seattle's tree regulations.

For background, the MLCC-EB was instrumental in the creation of the Interim Tree Ordinance, the Council Resolution that caused tree groves to be afforded protection under DR 2008-16, and the creation of the Urban Forestry Commission itself. Through the efforts of the MLCC-EB and many others, particularly Save Our Trees Seattle & Seattle Urban Forest Stakeholders, Seattle has begun the slow process of updating its antiquated tree protection regulations.

We wish to stress in the strongest possible terms that the regulations proposed at your last meeting by the Department of Planning and Development (DPD) are *completely unacceptable*. That proposal, which removes protections for exceptional trees and tree groves, represents a backwards step. Fortunately, it is likely to be illegal under state SEPA regulations and Federal Regulations mandating protection of endangered salmon runs. To save the UFC's time and effort, we recommend you ignore the proposal and craft a new proposal yourselves.

During our successful effort to save Waldo Woods, a grove of over 80 mature Douglas firs, we learned a great deal about trees and their relationship to our physical environment. We came to understand Seattle's archaic tree regulations very well, including its strengths and weaknesses. We're happy to share these lessons with the UFC.

While we will provide more detail both at your request and in future comments to the UFC, we urge you to construct updated tree regulations using three basic areas of focus.

1. Meaningfully descriptive site plans
2. Enforcement covering both property owners and service companies
3. Predictable preservation of exceptional trees and tree groves

Briefly, we will describe each in turn. More details are available by request.

Meaningfully descriptive site plans

On most site plans provided to DPD, the only items not to scale are the trees. This distorts the relationship of trees to buildings and leads to significant miscommunication and errors. Trunks, drip lines, and heights of existing trees should be shown to scale on every provided site drawing and architectural rendering. For site plans and architectural renderings showing trees to be planted, they also should be shown both at scale as planted and at the species' likely mature trunk, drip lines, and heights. This requirement must extend to all processes associated with the land use and permitting process, particularly the Design Review and Historical Preservation processes. We note other jurisdictions in the area have this requirement.

Enforcement involving property owners and service companies

Trees have an assessable monetary value. When a tree is cut in violation of the law or damaged in a way significantly shortening its life, a monetary fine equivalent to the value of the tree should be levied against both the property owner and the service firm that removed/damaged the tree. Removal of a tree without a permit should carry a fine to both the property owner and the service firm that is a multiple of the tree value. By placing financial risk for improper activity on both property owners and service firms, a reduction in violations is likely to occur. It is also an incentive for service firms to suggest preventative maintenance services (which do not require a permit) in lieu of removal.

Predictable preservation of exceptional trees and groves

In our experience, developers have issues with existing tree rules primarily because they are unpredictable. An exceptional tree is allowed to be removed in one area and not allowed in another, depending only on the plan reviewer and/or neighbor involvement. *Unpredictability* is the key financial problem, not the existence of protective regulations. Making preservation of exceptional trees and tree groves as predictable as requirements for sewer hookups, building sidewalks, and square footage set-asides for refuse/recycling containers must be a central goal of revised tree rules. If a developer knows in advance what is going on, he/she can plan for it.

We commend the UFC for taking up this issue. It has been some two decades since Seattle meaningfully revisited our tree regulations. Those two decades have taught us much about trees, the most important of which is that they are not just pretty-pretty green things. They are as much a part of our urban infrastructure as sidewalks, streets, and sewers.

The MLCC-EB looks forward to participating in this process. Again, please feel free to use us as a resource. I can be reached at David.Miller@MapleLeafCommunity.org. Please also include this letter as part of the public file for the UFC.

Sincerely,



David Miller
Maple Leaf Community Council Executive Board

cc: Council President Richard Conlin
Councilmember Sally Clark, Chair, Committee on the Built Environment
Councilmember Tim Burgess, Vice-Chair, Committee on the Built Environment
Councilmember Sally Bagshaw, Member, Committee on the Built Environment

Comments to Seattle Urban Forestry Commission
Regarding Draft DPD “Proposed Tree Regulations” – August 4, 2010

Save the Trees – Seattle believes that the draft proposal by the Seattle Department of Planning and Development in response to [City Council Resolution 31138](#) is inadequate and does not meet the pressing needs of preserving and enhancing Seattle urban forest and trees. It represents a significant step backwards in protecting this valuable infrastructure of our city.

To start with it is important to note that the very first directive in Resolution 31138 in Section 1 is not met in several ways by [“City of Seattle Proposed Tree Regulations dated July 14, 2010](#). The resolution states that *“The City Council requests that the Department of Planning and Development (DPD) submit legislation by May 2010 to establish a comprehensive set of regulations and incentives to limit the removal of trees and promote the retention and addition of trees within the City of Seattle on both private and public property, including city park land.”*

DPD’s proposal is not legislation but only a report. And in the introduction it states that *“The Department of Planning and Development (DPD) is proposing to revise Seattle’s regulations governing trees on private property.”* The report completely ignores the public component of protecting the urban forest. If urban forest regulations are to be effective, public and private entities must follow the same regulations.

Another criticism of the report is that it approaches urban forestry protection only from the sense of trees, not urban forestry. It ignores the ecological component of the interrelationship of plants and animals and the need for habitat protection. Impacts of individual tree decisions are never in isolation but affect communities of plants and animals and their ability to survive.

The interim tree ordinance gave protection to groves of trees; yet no mention is made of this in this report. Many species of birds, insects and other animal’s survival depends on the retention of native plant species, including but not limited to “trees”. It is well known that the diversity of plants and animals increases as patch size increases.

Also the whole definition of canopy analysis is dated ecologically. Canopy needs to be defined in terms of canopy volume. In an aerial photo a 100 year old 120 foot tall Douglas fir could appear to cover the same surface area as a group of 5 or 10 street trees yet the canopy volume would be hugely different.

This report needs to take into consideration these concerns of biodiversity and ecosystem sustainability. Many of these concerns are addressed in a 68 page report by the Montgomery Tree Committee entitled [“Urban Tree Conservation: A white Paper on Local Ordinances”](#).

An inherent conflict of interest exists in having DPD develop and oversee urban forest and tree regulations. It represents an internal conflict of interests. DPD’s primary mission is to help people develop their property. As noted in a recent public statement by a DPD employee, the DPD’s interpretation is that trees can be saved unless they prohibit the development potential of a lot. As such DPD mission is clear and trees lose.

Seattle’s urban forest needs an independent advocate for its protection. The most likely candidate is to vest tree regulation and oversight in one city agency, not 9 as is currently the situation. The Office of Sustainability and Environment is the most logical choice. The recent city Auditor’s Report in 2009 entitled [“Management of City Trees Can be Improved”](#), concurred with this view when it stated that the City *“Unify all City Departments behind a single mission through clear and demonstrated leadership by the Office of Sustainability and the Environment. The City’s current approach to trees lacks top leadership with the authority and accountability to ensure implementation of the Urban Forestry Management Plan.”*

Another item in Resolution 31138 directed DPD to look at “*establishing additional protections for all City-designated exceptional trees*”. This seems pretty clear, yet DPD’s response is to propose eliminating any protections for exceptional trees. This would represent a major reversal and repudiation of the goals of protecting unique species, old trees and others currently classified as exceptional. This is unacceptable.

Another directive is to look at “*establishing a requirement to obtain a permit before removing any tree in any residential, commercial or industrial zone*”. Again pretty clear, yet DPD’s response is to oppose this, despite other cities requiring permits before trees can be cut down. Seattle’s Department of Transportation already has a requirement to get a permit to cut down or prune privately planted and maintained trees in the public right of way, like the parking strip in front of one’s home. The report makes no mention of this.

What is needed is to expand this current tree cutting permit system to include all trees on public and private property that are above some minimum diameter. Many cities use a 6 inch diameter. Of course a special case needs to be dealt with in replacement trees that are planted as the result of, e.g., a land use action. Many of these trees will be less than 6 inches in diameter for a number of years.

Permits could be several tiered, with a list of exceptional trees being much more difficult to remove. There is no enforcement now of cutting of exceptional trees because DPD operates with a complaint based system, rather than a permit system. It is a dismal failure. By the time you hear the chainsaw, it is impossible to save exceptional trees or any other trees.

Permits could be applied for on the internet, and posted for at least a week before final approval and for a week afterwards so that the public and the city have a chance to check them out. For a large tree like a 70 year old Douglas fir, a week is a small time indeed. Signs should also be posted, visible to the public in the vicinity of the tree to be cut. Neighbors on adjoining properties should be notified since frequently tree disputes are about whose tree it really is. A way to question or appeal the tree cutting should be set up, requiring at least a second opinion by the city or another arborist.

To eliminate the requirement that property owners know every nuance of the law, tree arborists doing business in the city should apply for a special tree cutting license, be professionally certified and attend a briefing by city officials on our tree laws and regulations. If trees are removed contrary to the law, the city could then go after the arborists with fines, and for repeat offenders or multiple violations, revocation also of their license. Most homeowners are not going to cut down large trees on their property because of damage and liability issues. They will probably hire someone.

One possible incentive system could be patterned after the senior exemption for property owners. The senior exemption is not automatic but property owners have to fill out an application and not exceed certain income levels. A rebate or reduction in water and sewer bills for maintaining trees and forested area could be made available but people would have to apply for them, listing tree species and sizes. This would help to establish the connection between trees and the benefits they provide property and home owners and the city.

Unfortunately the DPD report was prepared in secret without any major public input. It really does not represent an open process or even examine many issues brought up in resolution 31138. And it is by no means comprehensive. Besides some of the major concerns we’ve brought up, any urban forestry or “tree” regulation is subject to the details in how the law would actually be written. The devil is in the details and there are very few details in this report.

As an example the DPD should use as a starting guideline an evaluation of any proposed regulation on the level proposed by The International Society of Arboriculture in its 181 page “[Guideline for](#)

[Developing and Evaluating Tree Ordinances.](#)” A smaller and incomplete checklist was also developed by the Georgia Forestry Commission entitled, “[Tree Ordinance Development Guideline](#)”.

Both these reports should act as a starting point to discuss the multitude of issues and specific concerns that need to be addressed in the development of any comprehensive tree ordinance that both works and is accepted by the public. The current report is incomplete and unacceptable.

Steve Zemke
Chairperson Save the Trees – Seattle
2131 N 132nd St
Seattle, WA 98133
stevezemke@msn.com
206-366-0811

Dear Tracy,

Please send the following statement to the members of the Urban Forestry Commission:

One year ago the Seattle City Council passed Ordinance 123052 and Resolution 31138. Ordinance 123052 created the Urban Forestry Commission. The number one responsibility of this commission is "to provide policy direction to the Mayor and City Council on preserving and protecting the City's urban forest habitat and its trees and understory vegetation in the city, whether on public or private property."

Resolution 31138 requests DPD to propose new tree regulations creating a permitting system for the removal of trees on private land with exceptions for emergency, maintenance and other public purposes.

The proposed tree regulations by DPD neither preserves and protects the City's trees nor does it provide a permitting system for the removal of trees on private land.

To achieve a canopy cover of 30% by 2030 (down from 40% forty years ago), we need to not only protect our current canopy but to provide incentives for planting new trees. This new proposal fails to provide incentives other than for new or replaced homes.

The proposed tree credit system for new development would have gone a long way to protecting and providing for future canopy 50 years ago when we had a significant forest still intact in North Seattle. The concept is still viable today if we eliminate payment in lieu of planting in Single-Family zones. Bear in mind that only a small percentage of the land base is affected. Very few undeveloped lots exist in Seattle today and very few homes are being torn down.

On July 14 Brennon Staley used the word burden over and over again when describing trees in Seattle. "Trees are burden. We must unburden Seattle citizens." In his conclusion of **Proposed Tree Regulations** Brennon states: "the proposed amendments remove less effective provisions and streamline others in order to make the development process more consistent and equitable and to ensure that **trees are not seen as burden to property owners.**"

We have now come to the point where trees in Seattle are considered a burden. Do you, the Urban Forestry Commission, consider trees a burden? If not, I strongly suggest that you vote down DPD's Proposed New Tree Regulations.

John Dixon

Comments on Proposed Tree Regulations: August 4 Urban Forestry Commission

Margaret Thouless,

Representing the Washington Native Plant Society, Puget Sound Chapter

I am very concerned about the July 14 City of Seattle Proposed Tree Regulations. I do not believe that we can achieve the desired increase in the city's tree canopy if there is no control over the tree canopy in already built single family dwellings.

I can see problems with the "special tree" concept. People cut smaller trees to prevent them gaining that status. There are trees, which should not be cut, and are not included in the special tree list. There does not seem to have been adequate investigation of the possibility of rewards for having trees on one's property. Please consider a rebate from SPU or Property Tax reduction for significant trees on one's property. One would need to apply. There could then be Google earth or on the ground spot checks. Computers ought to be able to handle this. After all SPU manage to charge us for different sized bins.

There is not enough land available for building, so reliance on regulations for tree planting on new single family dwellings to increase the canopy may not increase the tree canopy, or even protect the existing canopy adequately. The plans do have quite significant requirements for contractors to plant trees before handing over new houses. However there does not seem to be anything in the Proposed Tree Regulations to stop home owners from immediately pulling out the newly planted trees.

There is nothing in the proposal about permits for cutting trees. These should be cheap WEB based permits. As I see it, if you have to buy a permit before cutting a tree it might help people think more about trees. The reason for permits would be largely to inventory how fast we are losing tree canopy over private property. Fines could only be levied on evidence; photographs of trees no longer there, stumps Google Earth etc.

Most importantly, and tied into the permit concept, is the need for training and licensing of arborists. Assuming arborists cut most large trees, they would know they could be fined heavily if a permit has not been issued.

Tied to the training of arborists is the need to allow for the selective thinning and pruning of trees for views. Without it, many single family homeowners will not be supportive of any control over trees on private property. Parks' current policy of only trimming trees for their health and never for views may be counterproductive. Big penalties need to be in place to stop arborists from topping trees.

Permits and licensed arborists should not be an alien concept to private property owners. Their plumbers are licensed and many projects on private property require a permit.

The Proposed Tree Regulations are relying heavily on dense housing, institutions, and street trees to increase the canopy. Almost all of these trees will be in a confined space and if they grow large will be removed and replaced by smaller trees.

The Proposed regulations do not even discuss industrial space. Planting would probably be more acceptable to businesses if they know that they can cut a tree if they need the space later.

I hope the Urban Forestry Commission will not recommend the City of Seattle Proposed Tree Regulations to the City Council as they stand and will consider my comments.

These comments are the opinion of the author. A letter from the WNPS Puget Sound Chapter Board Members will be sent to the Urban Forestry Commission in September.



July 20, 2010

Dear Mayor Mike McGinn

City Council President Conlin; Councilmember Rasmussen, Chair Transportation Committee; Councilmember Licata; Councilmember O'Brien; Councilmember Harrell; Councilmember Burgess; Councilmember Clark; Councilmember Bagshaw; Councilmember Godden:

We are writing on behalf of the trees that exist near and around the viaduct, particularly the London Plane trees in the Historic Pioneer Square that may be impacted by WSDOT's south portal on/off ramps and/or 'improvement' to the street grid. The ambience/appeal of Pioneer Square is not just the beautiful old brick buildings but the shade and enhanced lively urban life from the tree canopy for so many blocks down 1st Ave, Occidental Park, and along Alaskan Way.

WSDOT's significant improvements to the functionality of the street grid in the area must include the preservation of the existing canopy in the Pioneer Historic District and planting additional trees that would continue the arboreal entrance into the southern end of Pioneer Historic District. The benefits would add immeasurably to Seattle's Urban Forest.

Notably the London Plane tree is one of 10 trees rated highest in sequestering CO2 <http://www.news@treelink.org> . Other trees that WSDOT should consider from this list are: Maple [200 different species], American Beech, Oaks [600 varieties], Linden and American Elm.

Protection of existing trees is essential. The "University of Washington's Temporary Tree and Plant Protection" is attached for your information.

Don't throw what we have away in the process of creating a new road and access.

Thank you for your consideration,
Kit O'Neill and Cheryl Trivison, Co-founders, Seattle Urban Forest Stakeholders [SUFS]

Cc: Seattle Urban Forestry Commission; Seattle Parks Open Space Advocates [POSA]; Ilze Jones

TO: UFC
FROM : Cass Turnbull
RE: DPD's proposed tree ordinance

dpdcomments

Notes on DPD Tree Protection Proposal

Current budget problems are a poor excuse to write an insufficient law. Wishful thinking is the enemy of clear thinking. We need **some real regulations and incentives**

Carrot and stick approach must be used- **the Green factor alone is wildly insufficient** . But I do like the concept of total canopy cover- e.g. You don't have to plant a tree on your parking strip if your entire back yard is treed! Maybe you want to grow tomatoes!

The Tree Canopy Coalition (a division of PlantAmnesty) and I support:

Permit for all tree removal over 6 "

Protection for groves and exceptional trees

One time buy out for people denied taking down their exceptional tree (\$400 in cash or utility credit- don't believe DPD, we **can** do this).

Implement an ongoing tax or utility credit based on canopy cover (use satellite imagery)
Slowly raise rates on tree-free properties, lower rates for those with more green cover. Use City Light, sewer, gas, or fund program as a % of DOT (concrete) budget. These can all be justified.

Hire code enforcers that are arborists in DPD – stable funding please!

Tree Czar over DPD (and every dept dealing with trees)

Make set-backs with BIG trees required for industry sites, they've gotten away with no responsibilities for way too long. Please, more setbacks with required LARGE trees for commercial sites- these two do the most (concrete) harm to the environment. They need to mitigate better.

If we don't significantly change anything, nothing will significantly change.

To make a difference it will necessarily 1) cost money and 2) upset people. But I've been waiting 23 years for Seattle to catch up to sister cities and live up to our 'green' reputation. As it is now, we are a disgrace!

All for now,
Cass Turnbull
PlantAmnesty

To: Seattle Urban Forestry Commission

Date: August 4, 2010

From: Rich Ellison, SaveSeattlesTrees.org, 8003 28th Ave NE, Seattle, WA 98115

RE: DPD's Proposed Tree Ordinance

There are many assumptions within this proposed ordinance which are overly optimistic in their success, the biggest being it being that tree retention is all voluntary, in all new developments, regardless of the quality of the tree, and education and incentives would be enough to encourage tree preservation. Unfortunately, this is the old tired horse being reworked again. Voluntary tree retention of trees by developers was originally spearheaded by former Councilmember Jan Drago 10 years ago with her formation of the Seattle Urban Forest Task Force, of which I was a member. The voluntary process failed to provide adequate tree preservation.

The new proposed "Green Factor" is a misnomer. The formulas provided are, in fact, a disincentive to preserving trees. With the credits proposed, using the 25% bonus for native tree species, the following is possible:

1. An existing 28" DBH tree is equivalent to 2 new saplings that have the potential to mature to large size.
2. "Allow payment in lieu of planting trees in SF zones."
3. An existing 6" DBH tree is equivalent to a 4" thick green roof 7'x7'

Assumptions:

1. **"Canopy cover.... is actually increasing slightly across all zones."** The data from different analysis's are being compared, as well as its likely statistically insignificant increase as the margins of error are greater than the perceived increases. It is also admitted that the canopy cover in all properties that have undergone development are reduced in tree canopy.
2. **New landscaping will mature/ be similar in size to existing (replaced) trees in 15 years.** There is little data or evidence to support these assumptions. The likelihood of new plantings surviving and growing to maturity is suspect, considering the low survivorship of street tree plantings.
3. **"DPD believes that in partnership with expanded education and incentives:** Under Jan Drago, proposed education and incentives were a failure to preserve Exceptional Trees in development.
4. **Exceptional Trees: "place a substantial burden on property owners and could create a disincentive to retaining such trees."** There are no real incentives to retaining trees offered by this proposal.
5. Tree Permits – "Costs ... outweigh the benefits." Tree permits are highly successful in other jurisdictions, even if not 100%.
6. Limited effectiveness: "allows few options for practical management of trees." **This proposal itself has little more to offer being all voluntary and weighted to effect tree removal over retention.**
 - i. Enforcement complaint driven
7. **Permit fees of \$100: "disproportionately impact low income communities."** These fee proposals do not reflect costs of permits in other cities.
8. "generally consistent with approaches used by many large PNW cities which have stronger tree regulations than most other parts of the country... and may not have the same COMPETING GOALS OF TREE CANOPY AND SMART GROWTH (i.e. CREATING MORE JOBS AND HOUSING IN URBAN CENTERS AND VILLAGES CLOSE TO TRANSIT AND OTHER SERVICES)."

August 4, 2010

Mayor Mike McGinn

City Council President Conlin; Councilmember Licata; Councilmember Rasmussen; Councilmember Harrell; Councilmember Clark; Councilmember Bagshaw; Councilmember O'Brien; Councilmember Burgess; Councilmember Godden

Seattle Urban Forestry Commission

C/o Tracy Morgenstern

Seattle Office of Sustainability & Environment

Seattle Department of Planning and Development [DPD] Proposed Tree Regulations, dated July 14, 2010 is regressive and lacks understanding for the ecological/environmental benefits of trees and urban wildlife habitat; scientific knowledge of tree values; the importance of a tree inventory; and the direction the city has taken to move forward towards the preservation and maintenance of the urban canopy and to increase the urban canopy to 30% [or more] including trees on public as well as private properties.

For instance, with the establishment of the Seattle Urban Forestry Commission [Council Bill Number 116577](#) [Ordinance 123052 —signed by the Mayor August 10, 2009] Councilmembers unanimously created legislation which recognized that “the City is undertaking efforts that promote the benefits of retaining and protecting the urban forest through the adoption of plans, policies and regulations protecting these resources...”

At the same time Councilmembers unanimously, with the Mayor concurring, passed [Resolution 31138](#) which directed DPD to: establish permit requirements to obtain a permit before removing any tree; prohibit the removal of trees in required yards or required setbacks during construction [with exceptions]; provide incentives to retain existing trees; provide incentives to protect groves of trees; establish a system of fines for tree removal without a permit; establish additional protections for city-designated exceptional trees; and adopt tree planting and tree retention requirement for all new or modified structures serving Institutions, City Facilities, Public Facilities, Schools, etc.

The City Auditor completed a management audit [5/09] on Urban Forest Management Plan. <http://www.seattle.gov/audit/2009.htm#trees> . The audit was clear that the City's management framework is not effective for tree preservation or increase of the city's canopy. **DPD's July 2010 Proposed Tree Regulation Report gives evidence that the City Auditor's report is correct—“different departments lack ability and interest to care...for the city's urban forest.”**

Thank you for your attention,

Cheryl Trivison

Seattle Urban Forest Stakeholders founding member

From: Ruth Williams [mailto:ruthalice@comcast.net]
Sent: Wednesday, August 04, 2010 6:59 PM
To: 'Tracey.morgenstern@seattle.gov'; 'mike.mcgin@seattle.gov'
Cc: 'richard.conlin@seattle.gov'; 'sally.bagshaw@seattle.gov'; 'Nick.Licata@Seattle.gov';
'sally.clark@seattle.gov'; 'mikeobrien@seattle.gov'
Subject: Seattle's Proposed Tree Regulations

Dear People:

Below is the text of my comments at today's Urban Forestry Commission Meeting. I spoke as a longtime park steward of Thornton Creek Park Six and as a concerned citizen.

I like some of the elements of the DPD proposal: the tree credit and the five year bond can be developed and implemented to good effect. Perhaps the proposal's best feature might be that it is bringing environmentalists of every stripe together to work together on this issue.

In 2007 the City of Atlanta, GA passed a very comprehensive tree ordinance whose stated goal was only to preserve the existing tree canopy

(http://www.atlantaga.gov/client_resources/government/planning/arborist/tree_ord_2007.pdf). Among other things, this ordinance requires a permit for cutting any tree over six inches in diameter. The process calls for a 15 day notification period when notices are posted on the web and at the site of the tree/s to be cut, so that there is opportunity for public appeals.

Clearly, Seattle can do much better than we have done so far.

Thank you for your consideration,

Ruth Williams
1219 NE 107th St., 98125
206-365-8963

Aug. 4, 2010

TO: Seattle Urban Forestry Commission
FROM: Heron Habitat Helpers

My name is Kay Shoudy and I am a volunteer with Heron Habitat Helpers. We are a non-profit group working to protect the heron colony in Kiwanis Ravine Park. We wish to comment on two issues before the Commission: Proposed changes to Director's Rule 5-2007, the Great Blue Heron Management Plan, and the proposed changes to the draft Seattle Tree Regulations.

The Dept. of Planning and Development has denied the recommendation to extend protection given to screening trees during the nesting season to a year-round protection because they did not believe that there was sufficient evidence that screening trees are needed to protect the colony during nesting season. We fail to understand the Department's sudden reversal on the existing Director's Rule since this interpretation would effectively eliminate the protective buffer zone around the heron colony.

DPD now claims that fully exposing the nesting trees would not damage the colony on the false rationale that there is no science available that says otherwise and to prevent the removal of trees is not consistent with state requirements. This is really a stretch as many cities regulate tree cutting without specific scientific studies and particularly in buffer zones for sensitive areas. There is no state requirement that tree cutting not be allowed, only that "Best Available Science" be used as a criteria for regulations.

We do not accept that the "lack" of science is the "Best Available Science". It is likely there is research available but it has not been located. We don't believe this is an adequate reason to deny the regulatory changes proposed. This interpretation eliminates any reason to have a buffer zone and allows the removal of all the buffer trees. Given the level of eagle predation and the sensitivity of herons to human activity, the removal of buffering trees would effectively doom the colony. Because of the extreme potential for damaging consequences from loss of the colony's protective tree buffer, we believe that prevention of cutting in the buffer zone at any time of the year should be required unless "real" science emerges that says otherwise.

In regard to the draft Tree Regulations, we strongly oppose removal of "exceptional trees" as a protected category. HHH would favor the improvement of the City's exceptional tree program and a broadening of tree protection to include permits.

We will be submitting further written material to the Commission regarding these issues in the future, as we did not have adequate time to respond to the proposals as an organization. Thank you for your attention.

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912 N. 96 St., Seattle, WA 98103
July 26, 2010
re: proposed L3 zoning changes

Attention: Seattle Forestry Commission
Seattle, WA

Dear Forestry Commission:

I can see the mistakes in the L3 low rise, multi-family, residential zoning regarding trees as I stroll from my apartment on N. 96 Street between Aurora and Linden Ave., N. to the Greenlake P.C.C. Co-op on Aurora and N. 75 St.. The neighborhood has been overtaken to its detriment with rampant townhouse building gone wild. I can see another example of the mistakes in the L3 zoning next door, just east to where I live, where a developer bought the former Jensen Trailer Court in 2007, partitioned it somehow so he was able to avoid SEPA and design review, and has been unimpeded from removing the extraordinary trees that were in his plan's way so he can create another example of a sterile, cookie cutter type townhouse housing project bereft of nature which is so typical of these townhouses being allowed to go up throughout Seattle, built to the lot lines, removing existing trees because their roots encompass too much space that the developer wants to use to make money on square footage for his unsightly (in my opinion) dwelling units. The code, as currently written, does not provide adequate protection of existing trees. It's contributing to a rapid reduction of our existing tree canopy, which decreases Seattle's livability, increases global warming, fails to protect our air quality, provide shade and moisture retention, remove pollution and retain native habitat and its associated wildlife.

The laws protecting trees need to be strong enough to protect them and made to be enforced. I'd like to see the code changed so developers have to allow adequate setbacks, and can't build up to the lot lines. There should be an adequate front, back and side yard where our huge, native trees and their extensive root systems are protected. Developers then would be forced to build around the trees and the laws protecting trees would have teeth, where precedence goes to the tree not the developer. A tree and its bird inhabitants can't talk for themselves. Why should the tree lose and the building go up? Make the building come down and force the tree's root zone it wrongly occupied or was wrongly planned to have occupied have that native tree's roots occupy it, if that's what the tree's roots need. In addition to mandating adequate setbacks as means of protecting existing tree root zones, protecting the circumference around an existing tree's root zone that one intends to retain and prescribing that the building go up around it is a necessary protection L3 zoning should require.

A qualified arborist could determine the maximum areas our native trees should be allowed in these required setbacks and circumferences needed around necessarily retained root zones of retained trees to assure a minimum allowance is required in our code for the nature we need in our neighborhoods. I submit that we protect feeder root zones of what we would consider to be the furthest extent that a native tree would attain in its natural life. The "exceptional" hemlock on the place being developed next door to me, for example, has a drip line now of about thirty feet, but a more protective allowance for the tree now would be to protect its feeder root zone, which is sixty feet. When it's full grown I don't know what its feeder root zone would be but an expert would know and we could plan to allow space in the code for the full growth the tree needs for its roots. We should require room for the roots of other native trees that exist that we want to remain. The code should require that areas be protected for other tree root zones that we wish to exist on the lot and also should

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protect root zones of trees which exist on a neighboring lot but near the border of the lot being developed. A couple of huge cedars on the lot belonging to next door neighbor on the other side of the lot being developed next door to me, for example, have roots that are in danger because the townhouse foundations are planned too close to its lot's boundary. These beautiful, huge, old cedars' roots should be protected, which an amended L3 zoning code should address.

The tree root zones should be protected to their maximum extent from the time a developer buys a parcel. He shouldn't be able to partition the parcel to avoid SEPA or design review. A large parcel like the trailer court that was bought next door to me should not be allowed to be partitioned into smaller lots without oversight as to whether such partition allows the developer exemption from SEPA and "design review" that would be required for a larger lot but not the smaller lots and would give the better protections of trees that SEPA and "design review" would provide and at the earliest stage in the building project.

The tree root zones should be protected throughout the development process from purchase, getting a grading permit, building permit, through subdivision application and throughout the construction phase, from the ground up including digging and pouring foundations, hammering up framing and walls, etc..

When a development project is not subject to "design review," I have found that the comment period afforded is at the subdivision phase which I've been told is too late to affect the building permit. So if a building has already been approved to be constructed and it interferes with a root zone and it's already too late for planning or the planning commissioner to allow the plans to be modified any more, why aren't public comments solicited before a building permit is granted, not after, so they can be effective and have purpose?

Enforcement should not be dependent on public complaint. The public is too often too busy barely surviving, going to work every day, and doesn't have the time, energy, money or expertise to fight wealthy and powerful developers and their construction cohorts. I don't feel that people in the planning department are always fair players either since their jobs in a constrained budgetary climate as we have today are dependent on the very people they are purported to have to regulate. Enforcement should be mandatory and by an unbiased, expert agent.

The consequences of breaking code relating to trees should be severe and enforceable. Prison, severe monetary fines, forcing plans to change and buildings to come down if necessary should be possible. I must say I am writing with feeling because of the lack of consequences that I have seen to the felling of magnificent trees in the next door parcel. The planners, developers and agents who are at fault should all be held responsible, suffer the consequences, and their mistakes rectified with the necessary tree areas and setbacks, native trees planted and areas for roots mandated on the site.

If a developer is untruthful and says he intends to keep existing trees which he doesn't actually keep, as did the developer next door, there should be inspections and mandatory enforcement procedures to penalize the developer and to protect the trees and the zone we intend their tree roots to occupy.

Canopy is considered as horizontal canopy, but I feel that since it is the tree's area that defines its value as bird and wildlife habitat, etc., vertical canopy is also important. Some trees are broad and wide

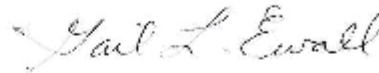
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some narrow and tall. Old trees have more canopy and its associated habitat than younger trees. Native trees support native wildlife better than non-native trees and their canopies are of more value. So I feel we need to measure canopy more accurately, place the proper value on the canopy we want to keep, and not only not see it diminished, but see it increased.

I believe that the current regulations are a free-for-all to developers to make as much money as possible on a parcel to the detriment of citizens, wildlife, neighborhoods and the city as a whole. The developer and his crew next door, for example, seem in such a hurry to make their money that by 7:30 AM his Spanish-speaking construction crew is pounding away, or the earth is being tamped down, in a hurry to lay a foundation. By 7:30 AM again the trucks and logging crew are already busy when they intend to log that remunerative huge douglas fir, or fell that hawthorn that's just in the way, and cart it away (hopefully before anyone notices, it seems).

The zoning for L3 needs revision to achieve a better kind of development that is not the total assault on nature that the current laws seem to have made the norm in this type of zoning. I feel our neighborhoods want and deserve better control of development in L3 zones. Current L3 regulations are woefully too lax and are allowing treasured, native habitat to be replaced with a lesser, non-native, minimal and artificially landscaped type of housing project, which leaves a neighborhood that is pale in comparison to what it was before. Seattle has already met and exceeded its density requirements according to the Growth Management Act. Our neighborhoods shouldn't be allowed to be ruined because of the poorly regulated zoning laws that are not creating the kind of low-rise, multi-family, residential L3 housing we want in our neighborhoods, but instead are changing them for the worse, by denuding them of our existing, mature, northwest trees with their attendant ecosystems they support, and covering the spaces they used to inhabit with thin driveways and huge, ugly townhouses that cover every possible square inch of their lot as their developers deem possible. This should not be allowed. We can do better I believe. L3 code needs to increase setbacks, allow adequate root zones for existing trees and desired native trees, enhance public comment, and assure enforcement of the intent of the L3 zoning code regarding its trees which is to protect and enhance, not destroy, our treasured, native, tree canopy.

Sincerely,



Gail L. Ewall