

SEATTLE URBAN FORESTRY COMMISSION

Tom Early, Chair • Steve Zemke, Vice-Chair
Weston Brinkley • Leif Fixen • Megan Herzog • Craig Johnson
Joanna Nelson de Flores • Sarah Rehder • Andrew Zellers

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

October 4, 2017

Meeting Notes

Seattle Municipal Tower, Room 2750 (27th floor)
700 5th Avenue, Seattle

Attending

Commissioners

Tom Early – chair
Steve Zemke – vice-chair
Weston Brinkley
Leif Fixen
Megan Herzog
Craig Johnson
Joanna Nelson de Flores
Sarah Rehder
Andrew Zellers

Staff

Sandra Pinto de Bader - OSE

Guests

None

Public

Garet Munger

Absent- Excused

None

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

Tom called the meeting to order. Joanna invited the group to participate in Green Seattle Day on November 4. The HUB site will be Jefferson Park.

Sandra received an email from SDCI’s Director, Nathan Torgelson, requesting time on the November 1 agenda to brief the Commission on the Tree Regulations Research Project.

Steve put in a request for public disclosure for documents related to SDCI/OSE Tree Regulations Research Project. He received the requested documents and asked Sandra to send the materials he got as background for the Commission to prepare for SDCI’s briefing. Steve is interested in getting more details on the research done around tree ordinances in other cities and any other materials relevant. Sandra will include in the December 6 meeting agenda discussion about a letter of recommendation. One of the questions to ask SDCI is whether there will be need for support regarding budget to implement recommendations.

ACTION: A motion to cancel next week’s meeting was made, seconded, and approved.

Public comment

None

Adoption of September 6 and September 13 meeting notes

ACTION: A motion to approve the September 6 meeting notes as written was made, seconded, and approved.

ACTION: A motion to approve the September 13 meeting notes as written was made, seconded, and approved.

Seattle Children's letter of support

Tom will put together a draft letter of support.

Commission Bylaws update

Tom brought the Commission's attention to a couple of elements within the Bylaws:

1. Act as a Body – when members are interacting with the public or elected officials and they are talking about urban forestry issues, they need to make sure to clarify that they are providing comment or speaking as an individual and not representing the Commission.
2. Quorum – when responding to emails don't 'reply all' because that constitutes a 'meeting' and it needs to be open to the public. Reply only to Sandra and she will distribute the information.

2017 UFC Work Plan review

Commissioners identified work plan items they want to be involved in and the 2017 work plan was updated accordingly.

Public comment

Garet Munger is a member of the Parks District Oversight Committee. When he was interviewed by City Council for the position, he was asked what was a pressing issue with Parks, and he stressed that a big problem is communication. He doesn't see much communication to the public about the Urban Forestry Commission. Sandra offered to add him to the UFC email list.

New Business

None

Adjourn

Public input:

From: Emma Roberts [mailto:emma@emmadesignco.com]

Sent: Monday, September 18, 2017 11:57 PM

To: PRC <PRC@seattle.gov>

Cc: Juarez, Debora <Debora.Juarez@seattle.gov>; Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>; Rebecca Kelley <rkelley@halcyon.com>

Subject: Project # 3028516; 11340 23rd Ave. NE // urban forest

Emma Roberts, Ruby Wilson, and Lorelei Wilson

11510 24th Ave NE

Seattle, WA 98125

206/ 652-9928

emma@emmadesignco.com

Seattle Department of Construction and Inspections
ATTN: Public Resource Center
PO BOX 34019
Seattle, WA 98124-4019

Dear Sir or Madam,

I am writing in regards to the Seattle Department of Construction and Inspection Notice of Application that was recently sent to me for the property at 11340 23 rd Ave NE, Project 3028516.

I am very concerned about the proposed subdivision of this property. The subdivision as proposed would eliminate the forest home of many of the **urban wildlife** the city has vowed to protect: this being a substantial number of birds (specifically merlins, owls, and eagles).

I am incredibly concerned about the wildlife and also of:

- a) the stability of the hillside
- b) the windbreak it provides to buffer the other old growth trees in the neighborhood (taking trees out would leave existing trees vulnerable in a wind storm).
- c) the character and beauty of the neighborhood—this being one of the few remaining old growth tree neighborhoods. AND this being one of the benefits of living off of the noisy, light polluted Lake City Way.

With added density is added traffic. This neighborhood is NOT engineered for additional traffic. There are few, if any, sidewalks, and our children and teenagers walk to the neighborhood schools.

I understand that the city is growing and has a need for additional housing. But at what cost and with what foresight?

This is our beautiful neighborhood. We happily embrace developers who can work in, around, and in support of the existing landscape. Please consider limiting the amount of large trees that can be removed for this (and any) future development.

Very sincerely,
Emma Roberts
Ruby Wilson
Lorelei Wilson

From: Kim McCormick [mailto:kim.mccormick@comcast.net]

Sent: Tuesday, September 19, 2017 10:09 AM

To: PRC <PRC@seattle.gov>

Cc: Juarez, Debora <Debora.Juarez@seattle.gov>; Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>; Gerry.Pollet@leg.wa.gov; 'John Brosnan' <johnb@seattleudubon.org>; 'Constance Sidles' <constancesidles@gmail.com>; 'John Lombard' <jlombardwriter@gmail.com>; 'Ben Vang-Johnson' <bvjohnson87@gmail.com>

Subject: Public Comment - Project #3028516, re: Merlin habit protection

September 19, 2017
Seattle Department of Construction and Inspection
ATTN: Public Resource Center
P. O. Box 34019
Seattle, WA 98124-4019
FAX: 206-233-7901
PRC@seattle.gov
Contact: Julie Ledoux, 206-459-2364
Planner: Colin Vasquez, 206-684-5639

Project: #3028516
11340 23rd Ave. NE, Seattle, WA

Subject: Project #3028516 – Mature Trees On-site Support Habitat for Merlin (*Falco columbarius*).

Thank you for the opportunity to comment on Project #3028516. We are co-investigators in an independent research project studying Merlins, a small falcon species that resides year-round in Seattle. Our comments focus on the mature trees found within the boundaries of Project #3028516, and their role in Merlin habitat.

Please see the attached PDF file for the full text of our comments and supporting data.

Thank you,
Kim McCormick
Ben Vang-Johnson
Seattle-area Merlin Research Project
www.wos.org/research

September 19, 2017

Seattle Department of Construction and Inspection
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P. O. Box 34019
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Contact: Julie Ledoux, 206-459-2364
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Project: #3028516
11340 23rd Ave. NE, Seattle, WA

Subject: Project #3028516 – Mature Trees On-site Support
Habitat for Merlin (*Falco columbarius*).

Thank you for the opportunity to comment on Project #3028516. We are co-investigators in an independent research project studying Merlins, a small falcon species that resides year-round in Seattle. Our comments will focus on the mature trees found within the boundaries of Project #3028516, and their role in Merlin habitat.



Juvenile Female Black Merlin (photo by Kim McCormick)

Background

Merlins are members of the falcon family, and are smaller than the better-known Peregrine Falcon. As birds of prey, Merlins hunt and eat primarily small birds and large flying insects. There are three subspecies of Merlin found in North America; the migratory “Taiga” subspecies, the pale “Prairie” subspecies found primarily in the central plains of the U.S. and Canada, and the darker “Black” subspecies which inhabits the northwestern United States, British Columbia, and southern Alaska.¹

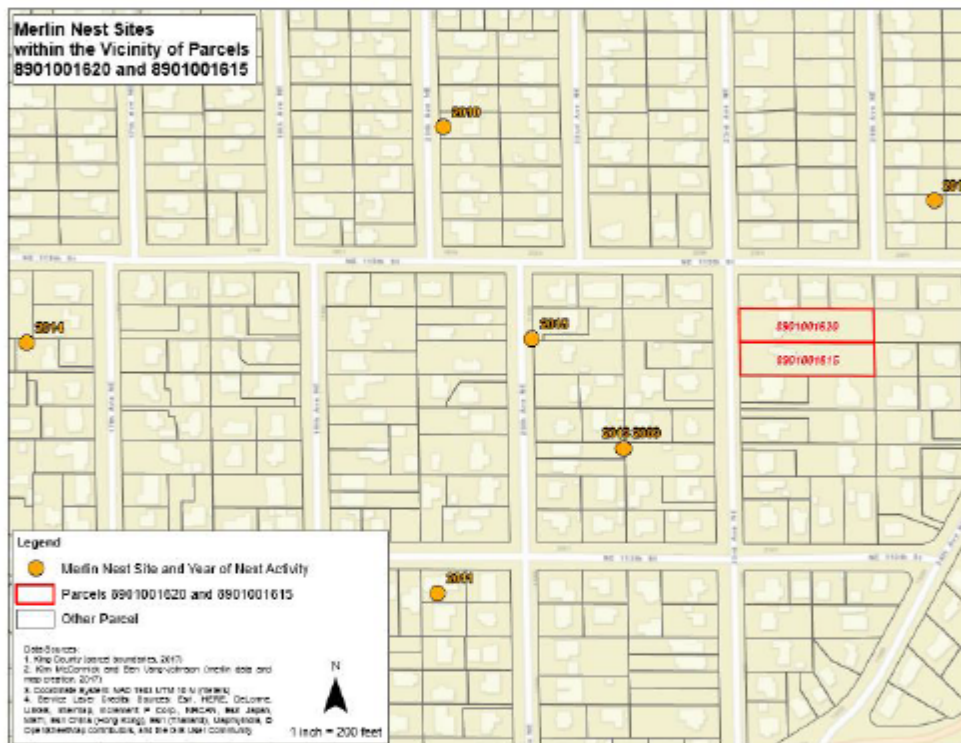
Merlins are generally considered to be uncommon within their range, though their population has increased in western North America and elsewhere on the continent in recent decades, presumably due to recovery from the impacts of DDT. The Taiga subspecies of Merlin are winter visitors to western Washington, whereas the “Black” subspecies historically were rare and localized breeders, found mainly in the coastal forests. Merlins were placed on the Washington State Candidate List as a Species of Concern in 1997, due to apparent rarity and a concern about the effects of timber harvest practices. Since the early 2000’s, Merlin nests have been found in urban/suburban settings, particularly within the Puget Sound region, and in 2010 Merlins were removed from the Washington candidate list.²

¹ Cornell Laboratory of Ornithology, All About Birds – Merlin. <https://www.allaboutbirds.org/guide/Merlin/id>.

² Washington Department of Fish and Wildlife. Threatened and Endangered Wildlife – State of Washington, Annual Report 2011 (<http://wdfw.wa.gov/publications/01385/wdfw01385.pdf>).

The Victory Heights neighborhood, where the Project #3028516 site is located, is an established Merlin nesting territory.

The first known nesting pair of Merlins in Seattle was discovered in 2008 in the Victory Heights neighborhood.^{3 4} Merlins have nested in within a few blocks of the Project #3028516 site for all but two breeding seasons since 2009 (see the street map, below). From our observations, it is likely that the same pair of Merlins nested in the Victory Heights area from 2008 through 2015. In 2017, we found that a new pair had taken up residence in Victory Heights, less than one block from the Project #3028516 site. The fledglings from this nest used trees within the Project #3028516 site as perches for prey deliveries from their parents. This long-term use of distinct breeding territories by different, sequential, Merlin pairs has been observed at several other sites within our study area. It is likely that Merlins will continue to nest in the Victory Heights neighborhood for years to come.⁵



Street map showing Merlin nest sites near the Project #3028516 site, since 2009. The parcels located within Project#3028516 are outlined in RED.

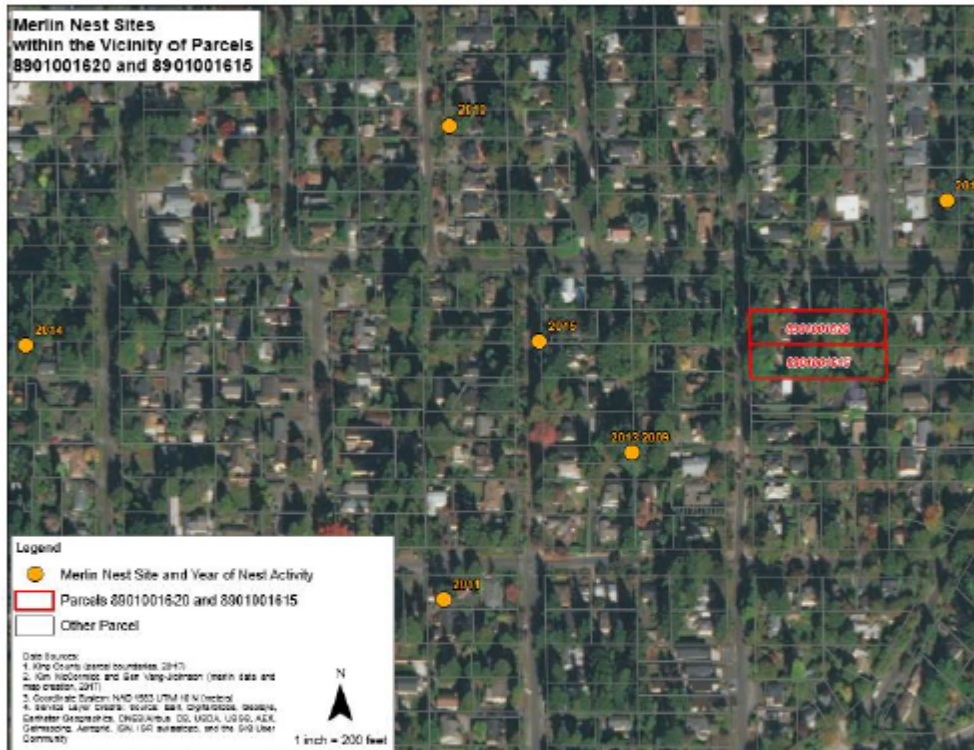
³ Seattle Times. Merlins Nest in Northgate-area Neighborhood. July 22, 2008. <http://www.seattletimes.com/seattle-news/merlins-nest-in-northgate-area-neighborhood/>.

⁴ Seattle Audubon Society. (<http://www.seattleaudubon.org/sas/About/Conservation/Archive/Merlins.aspx>)

⁵ Kim McCormick and Ben Vang-Johnson, unpublished observations.

The site of Project #3028516, in its current state, has the potential to become a future Merlin nest site.

Instead of building their own nests, Merlins occupy stick nests built during previous breeding seasons by other species, such as crows. These nests are located near the top of mature conifers. In our study of Merlins in the Seattle area, Douglas Fir is the most common nest tree species. Other tree species in which we have documented Merlin nests are Western White Pine and Grand Fir. Merlin nest trees are located within clumps or stands of trees, with nearby trees serving as tall look-out perches, perches for mating, prey transfers, eating, and caching of prey. This aerial map of previous Merlin nest sites near the location of Project #3028516 illustrates the significant amount of tree canopy coverage that is preferred by Merlins.



Aerial View showing the tree canopy and Merlin nest site locations near the Project #3028516 site.

Merlins typically chose a new nest each year within their nesting territory. For this reason, it is difficult to state, with certainty, that a specific parcel of land will host a pair of nesting Merlins. However, it is possible to evaluate a site for characteristics that are common to other known Merlin nest sites. We have compared the topography of the Project #3028516 site to a set of nine nest sites from the 2017 breeding season. These nests were located within North Seattle, Shoreline, Lake Forest Park, and Edmonds, and the data set includes this year's nest in the Victory Heights neighborhood. As shown in Tables I and II, the average elevation of the Project #3028516 site, approximately 277 feet, falls comfortably within the elevation range typically found for Merlin nest sites. We have observed that Merlin nest trees tend to be sited on ridges which run in a north to south direction. The topography of the project site fits this ridgetop orientation.

Merlin nest trees are generally over 100 feet tall (Table I). The Project #3028516 site is heavily-treed. We noted several trees within the project boundaries that are species favored by Merlins as nest trees (i.e. Douglas Fir and White Pine), which we determined to be greater than 100 feet in height (see Table III); and could potentially serve as Merlin nest trees. It should be noted that the trees listed in Table III were specimens that we were able to measure by standard methods without trespassing on the property. There several other potential nest trees that we were unable to measure from the street. We included a very large, multi-trunked Deodar Cedar in our tree height data set, because we have observed that Deodar Cedars are favored for Merlin mating and prey transfers. Multiple Western Red Cedars are also located within the boundaries of Project #3028516. Though not generally used as nest trees, cedars are often used by Merlins for caching prey and as perches for eating. Other evergreen and deciduous trees on the property may serve as habitat for Merlin prey species.

Table I. Merlin Nest Site Characteristics

Nest ID	Elevation (ft)	Tree Species	Tree Height (ft)
EDE-2017	466.5	Grand Fir	119.4
MB-2017	103.5	Douglas Fir	104.0
VH-2017	239.5	Douglas Fir	121.3
OH-2017	269.6	Douglas Fir	110.1
WW-2017	365.3	Douglas Fir	117.5
WWE-2017	337.1	Douglas Fir	101.9
LFP-2017	259.4	Douglas Fir	109.0
EL-2017	418.0	Douglas Fir	123.5
BV-2017	429.2	Douglas Fir	123.1
Average value	320.9		114.4

Table II. Project #3028516 Site Elevation

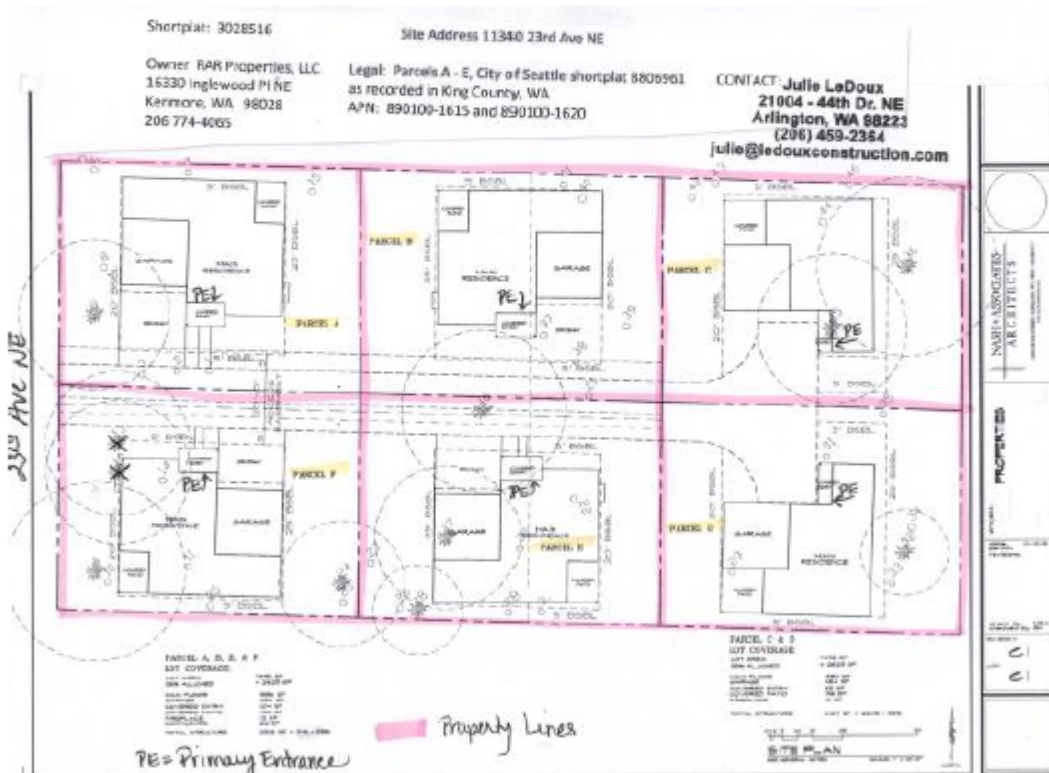
Minimum Elevation (ft)	257.0
Maximum Elevation (ft)	290.4
Average Elevation (ft)	277.2

Table III. Height of Select Trees Found within Project #3028516

Tree Species	Location	Height (ft)
Douglas Fir	Northern-most DF, near road	123.6
Douglas Fir	Next-northern-most DF, near road	132.2
White Pine (Western?)	Near road, next to cedars	109.9
White Pine (Western?)	Behind house	112.4
Deodar Cedar	By road, south side of property	110.5

Concerns regarding the fate of mature trees located within the boundaries of Project#3028516.

In Project #3028516, property on which two single family homes are currently sited is to be subdivided into six single family home parcels connected by a common driveway. The application for development of the site implies that the property has already been subdivided into five parcels. However, tax assessor maps show only two parcels (#8901001620 and #8901001615). After viewing the site, it appears that some of the site's exceptional trees may have been left off the site plan. In addition, several circles which presumably indicate the location of trees on the property are drawn such as they fall in, and immediately adjacent to, the building envelopes of the six proposed structures, as well as within the common driveway, implying that these trees will be removed.



Proposed Site Plan of Project #3028516

Recommendations

After reviewing the site plan for Project #3028516, viewing the site from the street, and analyzing our data regarding site elevation and tree height, we have the following recommendations:

1. Conduct an accurate assessment of trees greater than six inches in diameter, as well as trees determined to be exceptional for their species.
2. Create an accurate tree map for the project site.
3. Do not allow waivers for the removal of exceptional trees on site, due to the ecological importance of the site as a Merlin habitat.
4. Consider the designation of Heritage Trees on the site.
5. Consider the treatment of the trees on the site as a "grove" of trees with significant ecological value.
6. Investigate the legality of the assumption that the property has previously been divided into five parcels.
7. Do not approve the proposed subdivision of the site into six separate parcels.
8. Limit the re-plat of the site to no more than four parcels, with the structures sited such as to avoid the removal of exceptional trees.

As a species, Merlins have rebounded from the effects of DDT. Within Washington State, the "Black" subspecies of Merlins are adapting successfully to urban/suburban habitats. However, retention of this habit is crucial for the continued success of this subspecies. Merlins require a tall conifer with a large stick nest to serve as a nest tree, as well as several additional trees nearby to serve as perches for mating, prey transfers and for caching prey. Neighborhoods that are established Merlin nesting territories, such as Victory Heights, are at risk of losing their resident Merlin population due to inappropriately-planned development which values maximum lot coverage above habitat preservation. We hope that you will consider our recommendations, and minimize tree removal as much as possible in Project #3028516.

Thank you,

Kim McCormick

Ben Vang-Johnson

Seattle-area Merlin Research Project

www.wos.org/research

Copied:

Debora Juarez, Seattle City Council, District 5

Sandra Pinto de Bader, Seattle Urban Forestry Commission

State Representative Gerry Pollet

John Brosnan, Executive Director, Seattle Audubon Society

Constance Sidles, Conservation Committee Chair, Seattle Audubon Society

John Lombard, District 5 Community Network

From: John Brosnan [mailto:johnb@seattleaudubon.org]

Sent: Tuesday, September 19, 2017 11:05 AM

To: Johnson, Rob <Rob.Johnson@seattle.gov>

Cc: Steve Zemke <stevezemke@msn.com>; Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>;

Connie Sidles <constancesidles@gmail.com>; Judith Leconte <tbackster@gmail.com>

Subject: Seattle Audubon's position on Land Use and Zoning Committee CB 119057

Dear Councilmember Rob Johnson:

With the tremendous growth underway in Seattle today, trees are more threatened than ever. Seattle Audubon is aware that current legislation before the City Council Planning, Land Use and Zoning Committee, CB 119057 modifying the design review process, is set to be moved on in committee today, September 19, 2017. Our understanding is that it will speed up the design review process and make decisions more administrative rather than subject to citizen review.

Based on consultation with our conservation partners, Seattle Audubon believes the current tree protection ordinance is out of date and unable to sufficiently preserve local habitat values in the face of tremendous development pressures. We feel that it is past time to update the tree protection ordinance as development interests maintain increased pressure on tree loss. On behalf of 4,000 local members, Seattle Audubon supports the Seattle Urban Forestry Commission's two recent recommendations to the City Council to act on now:

- The first recommendation is to **track tree and canopy removal per project. Specifically, the Commission recommends tracking significant tree removals, exceptional tree removals, and removed canopy coverage, in square feet, as part of a complete application.** Without this data, the City cannot accurately quantify tree and canopy removal and implement appropriate tree planting efforts. See the Commission's previous [letter of recommendation dated June 25, 2014](#).
- The second recommendation is to **provide a fee-in-lieu option for projects unable to replace trees equal to the number of trees and amount of canopy removed by a project.** There is a lost public benefit associated with the removal of public and private trees which impacts human wellbeing, ecosystem services, public health, and neighborhood character. A tree removal fee-in-lieu option should be similar to the alternative compliance option for stormwater mitigation yet deposited in an Urban Forestry Account to fund planting and maintaining for long-term, healthy trees in Seattle.

Seattle Audubon leads a local community in appreciating, understanding, and protecting birds and their natural habitats. We are Washington State's oldest environmental conservation organization and recently celebrated our 100th anniversary. We maintain a current staff of 14, reach a local membership base of approximately 4,000 people, and we lead an urban conservation program that prioritizes genuine community engagement, addressing environmental justice impacts, and protecting the urban habitat we have left for birds, wildlife, and people. We strongly urge the City Council to act on the two recommendations above. If you have questions or would like to speak further about this, I would welcome the conversation.

Sincerely,

John Brosnan

John Brosnan

Executive Director

Seattle Audubon Society

8050 35th Ave NE Seattle, WA 98115

[\(206\) 523-8243 ext. 101](tel:(206)523-8243)

johnb@seattleaudubon.org

www.seattleaudubon.org



-----Original Message-----

From: Constance Sidles [mailto:constancesidles@gmail.com]

Sent: Tuesday, September 19, 2017 2:30 PM

To: PRC <PRC@seattle.gov>

Cc: Juarez, Debora <Debora.Juarez@seattle.gov>; Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>; Gerry.Pollet@leg.wa.gov

Subject: Project 3028516 comments, Seattle Audubon Conservation Committee

To: Seattle Department of Construction and Inspection

ATTN: Public Resource Center

PO Box 34019

Seattle WA 98124-4019

PRC@seattle.gov

Contact: Julie Ledoux

Planner: Colin Vasquez

Re: Project 3028516

11340 23rd Avenue NE

Seattle WA

Dear Department of Construction and Inspection:

We are writing to formally ask you to hold a public hearing before granting any building permits for construction at the following site - Project 3028516, 11340 23rd Avenue NE, Seattle, WA.

As chair of Seattle Audubon's Conservation Committee, I and the committee are concerned about the destruction of heritage conifers in a part of the city that has hosted nesting Merlins every year since 2008. Merlins are small falcons that are usually found only in forested areas, especially areas that border open habitat. In 2008, much to the delight of all our members - and every birder in town - two

Merlins elected to build a nest in the Victory Heights neighborhood. They successfully raised chicks, and they and their progeny have been doing so every year since. Many of the grown chicks have spread their hunting territories to other parts of the city, creating an urban population of falcons that never existed here before.

Merlins require a different, mature conifer to nest in every year. They do not build their own nests but take over nests abandoned by other birds, especially crows. Merlins also require other big conifers nearby to roost in, hide from other birds until they can explode out and catch another bird to eat. If they catch more birds than they need, they will cache prey in still another big conifer.

So you see, if the builder cuts down the trees on this site, it will put unacceptable pressure on these birds. It will also diminish the tree canopy of our city. The City Council set a goal of 30% canopy cover. Yet how can we achieve this level of tree canopy for the good health of our citizens and our wildlife, when 72% of the canopy is in private hands and you allow a major set of mature trees to be cut?

Surely there must be a way for the builder to design houses that would preserve heritage trees. In fact, such designs could very well be an added value to the finished houses: Think of marketing houses that lie in the heart of wild falcon territory.

Furthermore, the ridge along which this plat lies is great habitat for migrating Merlins, who pass through our region in both spring and fall. This boosts the local Merlin population even more, and makes it even more likely that homeowners could experience the thrill of seeing one of these raptors, which, pound for pound, are one of the fiercest hunters in the animal kingdom.

We would very much like to express this concern in public. Seattle Audubon leads a local community in appreciating, understanding, and protecting birds and their natural habitats. We are Washington State's oldest environmental conservation organization and recently celebrated our 100th anniversary. We maintain a current staff of 14 and reach a local membership base of approximately 4,000 people. We would like to explain in public the value of preserving urban habitat for birds. We acknowledge that housing is in the public interest, but so is urban nature. Therefore, we ask again that you hold a public hearing about this project before you grant any permits. Thank you. - Constance Sidles, Chair, Seattle Audubon Conservation Committee

Seattle Audubon Society
8050 35th Avenue NE
Seattle WA 98115