



SEATTLE URBAN FORESTRY COMMISSION

Julia Michalak (Position #1 – Wildlife Biologist), Co-chair
Joshua Morris (Position #7 – NGO), Co-Chair
Elby Jones (Position #2 – Urban Ecologist - ISA) • **Weston Brinkley** (Position #3 – University)
Stuart Niven (Position #5 – Arborist – ISA) • **David Moehring** (Position # 8 – Development)
Blake Voorhees (Position # 9 – Realtor) • **Jessica Hernandez** (Position #11 – Environmental Justice)
Jessica Jones (Position # 12 – Public Health)

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

Meeting notes

January 12, 2022, 3:00 p.m. – 5:00 p.m.
Via Webex call
(206) 207-1700
Meeting number: 2498 456 6390
Meeting password: 1234

In-person meetings are not being held at this time due to the pandemic. Meeting participation is limited to access by joining the meeting through a computer or telephone conference line.

Attending

Commissioners

Josh Morris – Co-Chair
Julia Michalak – Co-Chair
David Moehring
Weston Brinkley
Elby Jones
Jessica Jones
Blake Voorhees

Staff

Patti Bakker – OSE

Guests

Public

Steve Zemke

Absent- Excused

Jessica Hernandez
Stuart Niven

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: Julia called the meeting to order and offered a land acknowledgement.

Public comment:

Steve Zemke – regarding the SDCI omnibus code corrections, there is not a link to the actual proposal, so there isn't a way to know what they are proposing now. Being able to see the actual language is necessary for those potentially wanting to comment.

Chair, Committees, and Coordinator report:

Patti discussed the meeting models, as the Commission had started discussing back in October when we might be able to reintroduce in-person options. In reviewing the recording of the December 1 meeting test of the technology set-up at the Seattle Municipal Tower, it's clear there are some fixes needed. Also, the employee return-to-office for those currently working from home has been pushed out again to spring 2022, and we still need to answer the question of non-employee access to the building. So there are still issues to work on considering any return to in-person meeting options.

Josh noted that he left a message for the Mayor, welcoming him, stressing the importance of updating the tree protection ordinance, and noting the letter from the Commission.

Environmentally Critical Areas Updates Briefing

Emily Lofstedt and Christy Carr from Seattle Department of Construction and Inspections provided this briefing, starting with an overview of what the omnibus is. SDCI routinely updates codes for clarity and corrections, and packages small scale changes together in the omnibus. The scale of the changes is small enough that they don't warrant independent legislation. SDCI heard from members of the public that they would like more time to review the proposed changes, so the comment period was extended to January 20, and appeal period to January 27.

Christy provided an overview of chapter 25.09.070, which is standards for tree and vegetation and impervious surface management, and described where it applies and what it applies to. This chapter applies only in environmentally critical areas (ECAs); it is not the tree protection code (25.11) and no changes to 25.11 are proposed with this omnibus. 25.09.070 provides standards for tree topping, hazard tree removal, voluntary restoration, normal and routine maintenance, tree and vegetation and impervious surface plan requirements, and mitigation requirements.

Changes proposed included in the omnibus mainly includes clarifying language. The main audience of this chapter is homeowners, so the intent is to make the language more clear and easily understood. Highlights of the changes include clarification and more plain language in several sections.

Emily walked through SDCI's code correction [webpage](#), noting what information is there and how to find project documents related to the ordinance.

Questions included whether there was anything they suggest the UFC consider specifically in these changes, given that there aren't substantive changes to tree protection or management. Does this chapter apply during development? It is applied during development if there is a permit type (grading, construction, etc.) in the system that includes any of the ECA types that apply to this chapter, a vegetation review is triggered and the standards of this chapter applied. No tree inventory required before developing in ECAs. Commissioners requested walking through some specific pieces of the language in the omnibus. An example of some of the language clarifications include making it more clear that the standards and exemptions in place in this chapter apply whether or not there is a permit required for an activity. There are no Director's Rules that need to be updated in association with the omnibus, but SDCI will be working on updating some of the Tips so that they are consistent with code. Christy is also working on creating some new Tips, including the topics of Great Blue Heron and riparian management areas.

Presentation debrief:

Weston and David volunteered to work on a follow-up letter, to include the thank you and the comments on the Omnibus. There has been a large uptick in hazard trees being removed (potentially a 50% increase?) Hazard trees in ECAs are part of the changes made in the code, so encourage reviewing the changes to ensure the letter includes everything the Commission should comment on. Commissioners should conduct a

closer read of the changes to confirm agreement with the assessment that there are not significant changes to how trees are managed or protected in this omnibus. Including more detail or showing some examples of the language changes would have been helpful in the presentation. The letter should include that the Commission would like to see the Tips Christy is developing and have opportunity to review and comment on them.

New City Attorney letter

Weston oriented Commissioners on this letter he drafted, which was based on the letter sent in December to the previous City Attorney, with an added first sentence to welcome the incoming City Attorney and reference to the previous letter. No edits were suggested to the letter. Commissioners noted that a phone call to the City Attorney's office was discussed, and Josh volunteered to make that call.

Action: A motion to adopt the letter was made, seconded and approved.

City Councilmember welcome letter

Josh outlined this draft letter, which was based on the letter welcoming the new Mayor, with some pieces personalized to tailor the letter to Councilmember Nelson, including that she has expressed support for updating the tree protection ordinance. Commissioners discussed some edits to the letter to clarify and strengthen it. Josh will also make a call to the new Councilmember.

Action: A motion to adopt the letter as amended was made, seconded and approved.

Draft Annual Report

Patti introduced the topic of the annual report and outlined the process for the annual reports, which includes introduction of draft text, amending and editing the text for adoption, then final design and adoption of the report. The Commission then transmits the final report to Council. Patti walked through the draft content for the 2021 annual report. Many of the challenges and ongoing work from 2020 continued in 2021, so some content is carried over and updated. Additional issues and focus areas such as climate change impacts were also added.

Potential additions and edits include adding a section at the beginning to contain key messages and topics, and starting the introduction with a more positive message. Commissioners expressed support for making this document more of a tool rather than a listing of actions done. With this report, the Commission can reflect back on the year and also note what is coming ahead in the next year. This can help clarify what is the driving force and what is the purpose of the Commission and what is it trying to accomplish. How to use the week-to-week tasks and ensure progress toward the big picture goals.

Commissioners discussed the process for making edits to the draft report, and brainstormed items to include in the new Reflections section. Josh volunteered to draft the transmission letter for when the report is ready to go to Council. Commissioners are asked to send any additional feedback they have on the draft report to Patti, who will incorporate it into a new version to consider and potentially adopt at the next meeting.

2022 Work plan

Patti provided a recap of the previous work planning discussions and the current thinking for the new template for work planning. The template is populated currently with the topics/actions that were prioritized with the survey conducted in October-November. A number of questions were raised in previous discussions including:

- Does the Commission want to use these items currently populated in it as carried over from last year's work plan, or start from scratch and populate items as fresh entries?
- Characterizing actions – the group has discussed incorporating new ways of characterizing items – ongoing, time-sensitive – four categories total

- Incorporating a column to indicate priority level (using tiers rather than straight numbering)

Commissioners discussed the process of Commissioner assignments for tasks. This has been done by volunteering and assigning those who make sense in the past. Patti will share the draft work plan with Commissioners, including the populated items. Commissioners are asked to send requests for which action items they want to be involved in (leading or participating in), as well as any edits to the items; if there are items with no interest expressed, those can potentially be removed. Commissioners are asked to consider signing up for a mix of action types since some items require more active work than others.

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Public comment:

Steve Zemke – regarding the SDCI presentation, they noted that the omnibus doesn't deal with code chapter 25.11. It tends to get overlooked that the UFC deals with all nine city departments that deal with trees; it's not just the tree protection ordinance with SDCI. SMC 23 the land use code includes a lot of provisions related to trees that don't get looked at closely, but they have just as much impact on trees. Urge the Commission to keep focus on the broader areas, not just tree protection code. Likewise, the Comprehensive Plan may not seem like it pertains directly to tree protections, but as the overarching plan for the city, items need to be in that in order to filter down to tree issues elsewhere.

Adjourn: The meeting was adjourned at 5:00 PM.

Meeting Chat:

from Steve Zemke to everyone: 3:16 PM

SMC 25.09.070 deals with trees and vegetation so the UFC has an interest in this chapter, not just SMC 25.11.

from Weston to everyone: 3:19 PM

Does 25.09.070 apply to Peat Bog Settlement ECAs?

from Dave Van Skike, SDCI, Policy Lead to everyone: 3:21 PM

Ordinance draft.

<https://www.seattle.gov/Documents/Departments/SDCI/Codes/ChangesToCodes/CodeCorrections/2021OmnibusDraftOrdinance.pdf>

from Steve Zemke to everyone: 3:22 PM

when I searched it came up with 2018 critical areas update.

from Weston to everyone: 3:22 PM

Does 25.090.070 apply during development?

from Steve Zemke to everyone: 3:26 PM

It appeared 2018 draft a tree inventory was required previously but was removed in the draft . Is a tree inventory required prior to developing in a critical area currently?

from Steve Zemke to everyone: 3:28 PM

Why was tree inventory removed in 2018?

from Steve Zemke to everyone: 3:35 PM

Is removal of invasive plants required when construction is occurring in a critical area? It appeared this was discussed in draft in 2018 but not certain still there.

from Weston to everyone: 3:37 PM

Are there concurrent updates necessary to the Directors Rules?

from Steve Zemke to everyone: 3:41 PM

Could this legislation include requirement to remove all invasives like ivy on any critical area undergoing development, not just a steep slope, or does this need to be separate legislation?

from Lofstedt, Emily to everyone: 3:42 PM

that would be beyond our authority of the Omnibus

from Steve Zemkee to everyone: 3:44 PM

or equitable canopy at maturity

from Joshua Morris to everyone: 3:47 PM

Thank you, Emily and Christy!

from D. Moehring Pos 8 to everyone: 3:48 PM

Thank you

from Steve Zemkee to everyone: 3:50 PM

David - You saw it in Tree Regulations Research Project Report

from Steve Zemkee to everyone: 3:52 PM

Report was done by OSE and SDCI -

<https://www.seattle.gov/documents/Departments/UrbanForestryCommission/Resources/TreeRegsResearchProjectPhaseIIFinalReport033117.pdf>

from Tina Cohen to everyone: 3:54 PM

I think the TIPS will need to be carefully reviewed. It's the main source for homeowners.

from D. Moehring Pos 8 to everyone: 3:55 PM

Good point on SDCI Tips

from Steve Zemkee to everyone: 3:57 PM

The big changes came in 2018 draft when they removed things like requiring a Tree Inventory being done at the beginning of any permit approval.

from Steve Zemkee to everyone: 4:00 PM

Maybe suggest look at changes that need to be made in future and involve UFC on front end - like tree inventory added back and invasive removal

from Tina Cohen to everyone: 4:01 PM

Could this be enlarged?

from Tina Cohen to everyone: 4:02 PM

Very tough to read your letter, please enlarge. Thanks.

from D. Moehring Pos 8 to everyone: 4:05 PM

<https://www.seattle.gov/Documents/Departments/UrbanForestryCommission/2022/2022docs/DRAFTCityAttorneyLetter011122.pdf> for guests

from D. Moehring Pos 8 to everyone: 4:06 PM

<https://www.seattle.gov/Documents/Departments/UrbanForestryCommission/2022/2022docs/DRAFTWelcomeLetterCMSaraNelson011022.pdf> if need larger on your computer

from Steve Zemkee to everyone: 4:31 PM

How about mentioning priority in coming year to update Tree and Urban Forest protection Ordinance.

from Steve Zemkee to everyone: 4:34 PM

Suggest Chief Arborist position should instead be an Urban Forester. Please consider

from D. Moehring Pos 8 to everyone: 4:36 PM

1. Tree Tracking Assessment 2. SLI for centralize review 3. Community Engagement 4. Environmental Justice / Tree Equity 5. Comp Plan 6. Broadening tree protections in NR-zones outside of development 6.

Engage with SDCI on Tree Ordinance proposals

from D. Moehring Pos 8 to everyone: 4:38 PM

Reflections might be echoed in the poll that Patti prepared in Autumn 2021'

from Steve Zemkee to everyone: 4:42 PM

DNR funding for urban and community forests grants due march 4th

<https://dnrtreelink.wordpress.com/2022/01/11/available-funding-2022-urban-community-forestry-grants/>

from D. Moehring Pos 8 to everyone: 5:03 PM

Thank you, will check recording. Have an appointment. David

Public input: (see next page and posted notes):

From: Tony Wetzsteon <info@email.actionnetwork.org>

Sent: Sunday, January 9, 2022 10:41 PM

To: Bakker, Patricia <Patricia.Bakker@seattle.gov>

Subject: Please Update Seattle's Tree Ordinance

Urban Forestry Commission Coordinator Patti Bakker,

It's time to end the delay by the Seattle Department of Construction and Inspections (SDCI) on presenting the Seattle City Council with an updated draft Tree and Urban Forest Protection Ordinance. Over the last 12 years, the Seattle City Council has repeatedly asked successive Seattle Mayors and SDCI for an updated workable and effective ordinance draft to consider and it is obvious SDCI is not responding as requested. In its most recent 2019 Resolution 31902, the Council gave specific issues for SDCI to address.

SDCI, once again, has not responded in a timely manner with a comprehensive tree protection ordinance update. It's been delay after delay. Please remove tree and urban forestry protection from their Department. In 2009 the Seattle City Auditor proposed transferring tree and urban forestry oversight and authority to an independent entity that does not have a conflict of interest. The Auditor proposed oversight be moved to the Office of Sustainability and the Environment.

Much has changed since 2009 and it is time to create an independent Department with authority over environment, urban forestry, and climate issues. SDCI has a conflict of interest in tree oversight – their priority mission has been to help developers build, not protect trees. Years of inaction on effective oversight and protection of trees by SDCI demands that a separate independent entity take over the city's responsibility to protect and enhance our urban forest. We propose that an Urban Forestry Division be created within a new Department of the Environment and Climate.

Seattle's trees and urban forest are vital to keeping our city healthy and livable. Trees and the urban forest comprise vital green infrastructure needed to keep our city and people healthy. Trees reduce air pollution, storm water runoff and climate impacts like heat island effects, while providing essential habitat for birds and other wildlife. They are important for the physical and mental health of our residents. A robust urban forest is critical for climate resilience and tree equity.

Seattle's rapid growth and an outdated tree ordinance are reducing these beneficial effects as trees are removed and not even replaced. It is urgent to act now to stop this continued loss of existing trees, particularly large mature trees and tree groves. It is important to promote environmental equity by retaining as many trees as possible and replacing those removed.

Please update Seattle's Tree Protection Ordinance as recommended in the latest draft by the Seattle Urban Forestry Commission.

Here are the key provisions that need to be in an updated tree ordinance:

1. Expand the existing Tree Removal and Replacement Permit Program, including 2-week public notice and posting on-site, as used by the Seattle Department of Transportation (SDOT) – to cover all Significant Trees (6" and larger diameter at breast height (DBH)) on private property in all land use zones, both during development and outside development.
2. Require the replacement of all Significant Trees removed with trees that in 25 years will reach equivalent canopy volume lost – either on site or pay a replacement fee into a City Tree Replacement and Preservation Fund. Allow the Fund to also accept fines, donations, grants, purchase land and set up easements.
3. Expand current protections for Exceptional Trees and reduce the upper threshold for Exceptional Trees to 24" DBH, protect tree groves and heritage trees and prohibit Significant Trees being removed on undeveloped lots.
4. Allow removal of no more than 2 Significant non-Exceptional Trees in 3 years per lot outside development.
5. Establish one citywide database for applying for Tree Removal and Replacement Permits and to track changes in the tree canopy.
6. Post online all permit requests for 2 weeks prior to removal and all permit approvals for public viewing. Establish and maintain a city-wide database and inventory of existing trees, trees removed, and trees planted. Post on-line quarterly reports.
7. Expand SDOT's existing tree service provider's registration and certification to register all Tree Service Providers (arborists) working on trees in Seattle.
8. Require developers throughout the development process to maximize the retention of existing trees with adequate space for trees to grow and survive.
9. Require a Tree Inventory and Tree Landscaping Plan prior to any development permits being approved.
10. Provide adequate funding in the budget to implement and enforce the updated ordinance.

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