



City of Seattle
Urban Forestry Commission

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

April 20, 2022, 3:00 p.m. – 5:00 p.m.

Via Webex call

(206) 207-1700

Meeting number: 2498 607 7814

Meeting password: 1234

In-person meeting 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

Jessica Hernandez

Blake Voorhees

Staff

Patti Bakker – OSE

Guests

Laura Keil

Hao Liang

Public

Steve Zemke

Absent- Excused

Jessica Jones

Elby Jones

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

Public comment:

Rob McVicars noted that housing is a major crisis in the city and worries that as policies are made and ordinances drafted that housing gets forgotten about and drops down on the list. He worries that the

development representative on the Commission is anti-density and against creation of housing. Rob promoted the idea of density and trees, but felt that development voice is anti-development instead of the pro-housing he believes it should be. He cautions the Commission on whose voices are represented.

Steve Zemke responded to Rob's concern that tree advocates and the Commission have in their goals both increasing housing and tree canopy; it's not an either/or issue. Regarding the canopy cover assessment, he attended today a meeting of the Department of Fish and Wildlife regarding their LiDAR study for much of the state. One take-away from that is if canopy is only considered at the 8' level, it is a vegetation study rather than tree canopy. He recommends the canopy cover assessment include other heights in addition to 8', and provided those additional height classes. They also discussed issues around data being collected at different times.

Barbara Bernard, social media manager for The Last 6,000, shared that they've received weekly concerns in the last month about exceptional trees being removed. Specifically last week they received a message about an exceptional cedar tree being cut down as it was happening. This concern was reported to SDCI and the work stopped temporarily, only to be resumed an hour later and the tree fully removed. An SDCI inspector was sent out to the site that afternoon. This points out that the complaint-based system is not sufficient to protect trees. The general public doesn't know to call SDCI when they see situations like this. There should be consequences to companies performing this work illegally. She asks for the Commissions help in how to speak out loudly about this issue.

Chair, Committees, and Coordinator report:

Josh reported that the meeting with OSE Director Jessyn Farrell has been confirmed for May 3rd. He also noted that he, Julia and Patti have discussed setting up meetings with Commissioners individually to get feedback on how to better engage with and promote participation in the digital format meetings.

Patti noted that Jessyn Farrell also wanted to join today's meeting to say hello and introduce herself to the Commission, and will be joining later today to do that. She also noted that the Get Engaged members are slated to be confirmed at the City Council meeting next week, so Laura Keil will be an official member of the Commission at that point. Progress is being made on the other recruitments as well. Confirmation of the two existing appointees, Hao Liang and Becca Neumann, along with the three new folks who were interviewed recently, could be going to Council for approval at the May 11 Land Use Committee meeting.

SEPA draft tree protection ordinance

SDCI has not been able to submit their response to the Commission's recommendation letter yet. In lieu of having that to respond to, Commissioners discussed what has been learned and clarified on the SEPA draft ordinance, what their concerns are currently, and what remaining questions and issues they have.

Patti related some communications that have been happening with Chanda and Stuart around the new Significant tree designation and clarifications on what is proposed for trees 6-12" and trees over 12". The draft ordinance creates the category of Significant trees which is trees over 6" that aren't exceptional. Trees over 12" require mitigation for removal. Homeowners would be allowed to remove three trees per year that are in the 6-12" category and they would not be allowed to remove trees over 12" outside of development.

Commissioners reviewed the recommendation letter in order to verify areas where additional information and clarification is needed. One area of concern discussed is the issue of whether the draft ordinance changes the ability to appeal decisions. Patti clarified what SDCI has communicated on this, that the draft ordinance doesn't change the ability to appeal. There are two categories of Type I decisions – those applications that need to go through the Design Review Board and those that are decided administratively by the Director. Neither category of Type I decisions are appealable. The draft ordinance proposes changing the category of decision from those that go to Design Review Board to those that are administratively decided; it

doesn't change the fact that they are Type I decisions. There are still questions around other types of decisions, such as the recent Tree Ordinance SEPA Determination of Non-Significance appeal, that the Commission would like to get the City Attorney to provide their determination on. Would that appeal have been possible if the newly proposed ordinance revision to Table A for SMC 23.76.004 already been adopted in a prior code revision?

Another issue is being able to frame the Commission's recommendation on and analysis of the ordinance in terms of its relation to developing new housing, which types of housing and development are not being impeded by the ordinance. Using that frame, it would be useful to pull out which changes can happen to protect trees and increase the canopy without having a negative impact on availability and affordability of housing. This can include focusing on and prioritizing protections that happen outside of development, for example pushing harder for replacement requirements for hazard tree removal.

A working group was formed to continue reviewing the SEPA draft ordinance and analyzing it through that lens and pulling out the policies that wouldn't affect housing. Julia and David volunteered to participate on this working group, and other Commissioners will have opportunity to volunteer on this as well. In addition, Josh will reach out to Chanda to discuss when a deliberative session can be scheduled to continue to work with SDCI on the ordinance.

In response to public comment, the Commissioners expressed enthusiasm to meet with the development community as mentioned within prior UFC meetings. The narrative of 'density and tree canopy' needs to be continued and expanded to all City conversations. The Commission including the Position 8 representative does not have an interest to stop development; and noted that the existing rules within the City of Seattle always prioritize the allowed development area over tree retention. Whether it's Neighborhood Residential (single-family) or Multifamily development, there are examples to retain large trees and provide space for large trees to grow. What is needed are more tree advocates advocating for density, and more density advocates advocating for trees.

UFC Community engagement

Patti provided a recap of the community engagement discussions this year, and noted that only three responses to the survey for input on community engagement goals have been received. In order to get more input, she developed a new padlet with the survey questions on it that Commissioners can add input to during this meeting. The responses previously received were imported into the padlet. Commissioners spent some time adding input to the questions in the padlet.

Jessyn Farrell joined the meeting at this time and introduced herself to the Commission. She noted her enthusiasm for working with the Commission on preserving and enhancing the urban forest. She noted the need for a baseline understanding of urban forest spending in the city, as something she wants to work on, as it informs building out a strategic vision for ensuring equitable canopy across the city.

Commissioners all talked through their input. Next steps include synthesizing the input into draft statements to frame the Commission's community engagement work, and to have Commissioners note which of the community engagement actions suggested they want to add to the work plan.

Racial equity and UFC work

Patti noted that the intent of this agenda item was to keep the Commission's racial equity work centered within the overall work, given the priority in using this lens to frame the work. The bullet items listed for this topic have been carried over from previous discussions last year, and Patti went through them with notes on the status of them in current Commission work.

- Letter writing and briefings protocol – This section of the bylaws was amended last year to introduce equity components. In the last year, the Commission’s recommendation letter was updated to incorporate land acknowledgement components suggested by Jessica Hernandez.
- UFC membership recruitment practices and barriers – The recruitment process was updated starting last fall to utilize an application process intended to be easier for folks to participate. We now have appointees identified for all of the vacant positions; the new members can be consulted regarding how the process felt for them and any other feedback they have on the process.
- Applying environmental justice to UFC work – the 2022 work plan includes the language that all Commission work will be done utilizing this lens. There was discussion on how to restart the Diversity and Equity Committee. Julia, Josh and Laura are noted in the work plan for this item; there may be more from the new slate of Commissioners who are interested as well. Josh noted that work to start this committee will be started through email to get some meetings set up.

Canopy cover assessment follow-up

Julia and Patti outlined a draft letter that was prepared regarding Commission recommendations on the canopy cover assessment. There was discussion to clarify some of the elements of the assessment work and the datasets that come out of it, as mentioned in the draft comments. Commissioners expressed interest in including Steve Zemke’s recommendation on including different height classes in the analyses.

There is a section of the draft letter listing a number of different ways that change in canopy can be analyzed over time. These things can all be done with that canopy data layer, whether as part of this current assessment work or separately.

The Commission did not have time to finish editing and finalizing the letter during this meeting.

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>

Public comment:

Steve Zemke appreciated the Commission’s including the analysis of canopy at different heights, that will help give a better definition of what comprises the canopy. He recommends taking time to refine the list of recommendations on the canopy cover assessment, and recommends the Commission look at provisions in the tree ordinance that are high priorities that should be passed now, including adequate posting for tree work. Adequate time should be given to the recommendations made previously by the Commission that are not included.

Adjourn: The meeting was adjourned at 5:03 PM.

Meeting Chat:

from Toby Thaler to everyone: 3:21 PM

Please forward the emails discussed during public comment about removal of exceptional cedar to me and Kye Lee in Mayors Office.

from Bakker, Patricia to everyone: 3:27 PM

Will do, Toby.

from Steve Zemke to everyone: 3:33 PM

If homeowner's cannot remove trees 12" and larger then why aren't they called exceptional.trees? Do they need to be replaced? in lieu fee? still unclear

from Steve Zemke to everyone: 3:35 PM

My understanding is that any appeals on tree ordinance is not type.one now. Agree get city attorney to clarify?

from Angela Ginorio to everyone: 3:38 PM

AFFORDABILITY of the new stock must be emphasized.

from Angela Ginorio to everyone: 3:41 PM

YESSSS!!!!

from Sandy Shettler to everyone: 3:41 PM

Thank you David! Well said!

from Steve Zemke to everyone: 3:43 PM

Barbara's story of exceptional tree removal points to need for tree permits to remove trees and 2 week posting on site and on line. Complaint based system doesn't work

from David Moehring Pos 8 to everyone: 3:47 PM

file:///C:/Users/dmoehrin/Downloads/2022%200322%20W-22-003%20Prehearing%20Order.pdf June 14, 15, 22 appeal hearing dates (if not dismissed by the Seattle Hearing Examiner. Examiner decision on tree ordinance appeal maybe a month after in mid-July... but City Attorney may have better undersatnding for timing.

from Bakker, Patricia to everyone: 3:49 PM

<https://padlet.com/patriciabakker/cj79w4eljcsrc5t>

from David Moehring Pos 8 to everyone: 3:57 PM

my laptop is dying, I may be transitioning to mobile phone after padlet work.

from Hao Liang (privately): 4:01 PM

Hi Patti, I just submitted some thoughts throught the original survey link. Will the inputs go through to Padlet?

to Hao Liang (privately): 4:05 PM

Hi Hao - they won't automatically come through to the padlet, but I can import them, and you can discuss your input also during the current discussion.

from Hao Liang (privately): 4:06 PM

Sounds good. Thanks Patti

from Blake Voorhees - UFC 9 to everyone: 4:10 PM

so nice to meet you Jessyn!

from Steve Zemke to everyone: 4:11 PM

Ken Pierce WA Dept of Fish and Wildlife noted that the high resolution LIDAR analysis they do is broken down by height. They use 0-10,11-20, 21-50, 51-80, 81-110,

from Steve Zemke to everyone: 4:21 PM

and 111-196 feet Noted they have 3 categories - ground cover, shrub and trees. in their LIDAR analysis. Noted that there are acknowledged problems comparing canopy cover done in different years, including shadows, edge effects and time frame. Trees are assessed in LIDAR as polygons and translated by removing ground base from vegetative cover. He suggested could do analysis as e.g. 20% < 20feet, 10% >80 feet as a way of understanding the makeup of the tree canopy..

from Blake Voorhees - UFC 9 to everyone: 4:33 PM

are we discussing the new template, as I do have one minor suggestion.

from David Moehring pos8 to everyone: 4:46 PM

I may have missed the proposal (last year or Feb 2022 meeting?) Was it sent by UF Core Team to UFC? David

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

From: BB Photo <bbphoto@gmail.com>

Sent: Monday, April 18, 2022 5:49 PM

To: Josh Morris <joshm@seattleaudubon.org>; Bakker, Patricia <Patricia.Bakker@seattle.gov>

Subject: Another lost exceptional tree without a permit

CAUTION: External Email









Hi, I'm Barbara Bernard, Seattle resident and the social media manager for The Last 6000. Last week, we received a direct message on Instagram asking for help and guidance. One of our followers came across an unfortunate scene of an exceptional tree being cut down. I replied and was able to guide the IG follower and provide contacts for them to report to SDCI. They called in and a complaint was filed, the chainsaws stopped momentarily.

Then just as quick, Davey Tree resumed and cut down a second tree. Panicked, the follower reached out again and I guided the follower to call Paul Humphries at SDCI direct, and they did.

Through that person's actions, the Seattle Department of Construction and Inspections sent out an inspector to document the apparently unpermitted removal of an exceptional cedar tree, (the remaining stump was 42 inches in diameter at ground level.)

If it was not for the awareness of our Instagram follower, notifying us and asking for guidance, it is most likely even more trees would have been removed. The citizen complaint system is ineffective. Assuming someone actually sees a tree being removed and then knows to call SDCI is one thing- getting SDCI out immediately to respond and prevent further destruction is a whole other.

We need a way to urge SDCI to fine against this home owner, who when questioned by SDCI claimed no knowledge of the trees being removed, despite him living on site in the basement of the home and that he had left a voicemail message for the upstairs tenant the week before that the trees were coming down.

Davey should have their business license suspended and pay the highest fine as they know better than to remove an exceptional tree without a permit. It sets the example that business's can get away with breaking the cities law with no consequence and actually be rewarded with city contracts. We need to speak out loudly against this and I am asking for your help.

**Thank you for all your hard work,
Barbara**

--

Continue your path to creative energy

From: Steve Zemke <stevezemke@msn.com>

Sent: Wednesday, April 20, 2022 12:56 PM

To: Josh Morris <joshm@seattleaudubon.org>; Julia Michalak <jmichalak@gmail.com>; David M Moehring <dmoehrin@uw.edu>; Stuart Niven <panorarbor@gmail.com>; Bakker, Patricia <Patricia.Bakker@seattle.gov>; Emery, Chanda <Chanda.Emery@Seattle.gov>; James Davis <jamesdavis1400@gmail.com>; Farrell, Jessyn <Jessyn.Farrell@seattle.gov>; Torgelson, Nathan <Nathan.Torgelson@seattle.gov>

Subject: Assessing loss of big trees and canopy volume in current Seattle canopy cover analysis.

CAUTION: External Email

I think doing a canopy cover analysis of the data collected at different heights would be very helpful in confirming loss and retention of big trees which currently provide the most environmental and climate resiliency benefits. Planting new trees will take decades to receive any significant benefits.

Canopy cover at different heights above the ground can be done from the data collected. The previous 2016 analysis was done at 8 feet above the ground giving a 28% canopy cover.. Rich Ellison asked for what it was at 20 feet which is what the Army Corps of Engineers uses to determine tree canopy cover and Sandra Pinto de Bader followed up with the Vermont people and came back with a figure of 26%. In reviewing e-mails from the 2016 effort obtained by public records request , the "[large tree" number of some 6338 trees](#) was based on a decision of looking at canopy cover at 140

feet above ground. This seemed to be an arbitrary size chosen, as big leaf maples that can become exceptional are usually around 100 feet high.

I would suggest reviewing the current data and comparing it with the 2016 data at the following heights. 8, 20, 60, 100 ,and 140 feet high to get a much better assessment of possible canopy volume lost and reduction in climate resiliency and ecosystem services benefits.

The [Tree Regulations Research Project](#) done by SDCI and OSE noted that "Public Resource Center / Over-the-Counter approvals - We are losing exceptional trees (and groves) in general. Most in Environmental Critical Areas with most tree loss in landslide-prone areas. - When trees come out as hazardous there is no replacement required."

Steve Zemke
stevezemke@TreePAC.org