

## SEATTLE URBAN FORESTRY COMMISSION

Peg Staeheli, Chair • Tom Early, Vice-Chair  
Gordon Bradley • Leif Fixen • Matt Mega • Jeff Reibman • Erik Rundell

*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*

**DRAFT February 5, 2014**

### **Meeting Notes**

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

#### **Attending**

##### Commissioners

Peg Staeheli (PS) - chair  
Tom Early (TE) – vice-chair  
Gordon Bradley (GB)  
Leif Fixen (LF)  
Jeff Reibman (JR)  
Steve Zemke (SZ) –not voting

##### Staff

Sandra Pinto de Bader (SPdB) - OSE  
Brennon Staley - DPD

##### Public

Louise Miller  
Jo Roberts

#### **Absent- Excused**

Erik Rundell  
Donna Kostka  
Matt Mega

**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**

Steve Zemke has been appointed by Council to Position #1 (wildlife biologist). His educational background includes an MA in biology and graduate work from the University of Washington's College of Fisheries. Steve's broad experience includes environmental research, real estate, and public policy related to growth management, recycling, public energy, minimum wage, and toxic waste cleanup. He is adept at working with diverse groups and helping them reach compromise in order to move efforts forward.

Steve manages rental properties he and his wife own. This has given him a useful perspective on the concerns of both neighborhoods and the business community. He is very involved with non-profit environmental organizations. He is the chairperson of Save the Trees – Seattle; board member of the Cascade Chapter of the Sierra Club, member of Washington Citizens for Recycling, the Seattle Audubon Society, Washington Environmental Council, and Washington Native Plant Society.

Steve's broad experience and strong background in natural science will be an asset to the Urban Forestry Commission. He is being appointed to a three-year term that ends December 1, 2016. His

confirmation hearing will take place at Council's Seattle Public Utilities and Neighborhoods Committee February 11 meeting.

### **Public comment**

Louise Miller – She lives in South Lake Union now. She likes to take advantage of one of the places with the greatest concentration of available culture in the country. What's starting to bother her is that Seattle doesn't have the green it needs in the urban core. South Lake Union was up-zoned. Has been working on trying to save the Seattle Times Parks since before the new up-zone took place. Would like the City to buy the Park. Parks has too much to take care of now. Offered to have the gardener employed by Mirabella residents maintain the place. Council did put language about this park in the up-zone ordinance saying that every effort should be made to preserve this park. Denny Park and Cascade Park in the area but they are different. This park is the kind of place people go to take a deep breath. It's a peaceful urban spot between Denny Street and Fairview Avenue. Not sure how the new development can accommodate the density proposed. Preserving the park is a small amount of mitigation that the City could stand behind and support.

Jo Roberts – a friend of Seattle Times Parks. Thank you for putting together the letter of support for the preservation of the park. It's important that the Mayor's office get this letter. He needs to be educated about your Commission as a new Mayor. Suggested changes to the letter, more important to remind the City about the values trees bring to urban neighborhoods. They will be more likely to find a way to pay for the park if they are reminded of the importance of those trees. Incorporate more of the values of trees.

Intro is great and second page is also great. Jo handed out a new version of the letter with additional language to emphasize the benefits of the park.

TE – to clarify when Bill Ames looked at the trees, each of the trees exceeds 30" in diameter.

Jo – yes. They classify as exceptional trees.

PS – Did Bill Ames produce a report? And was it sent to DPD?

Louise – we can check.

PS – I would rather his report stay with that report and not include it in the letter because we have not seen it. What's the timing of this letter? My understanding is that time is of the essence.

SZ – the other way is that Louise can send the report with a separate letter, so the UF doesn't include that in the letter.

PS – would like to get approval to send a letter, amended or not?

TE – when I read through these suggestions, I like the idea of describing the habitat value in a more condensed way, canopy cover, habitat value including 14 species, and briefly address how the neighborhood enjoys the respite provided by the park.

SZ – the temperature is not as significant in Seattle, we like the warmth. Preserving mature trees, diverse sizes, mature trees are important because of the value they have to the city but also as replacement trees for other dying.

GB – It might be too much to add. I would agree that some additions of benefits would be useful. One that speaks to the physical health and a respite from the urban environment. Supporting restorative aspects of this park for workers. In addition to the importance to increasing canopy, the importance of the link between urban nature and health... to provide a green space for employees that would be a restorative experience during their work day... it's important because the Olmsted plans have classic quotes as the importance of parks as a place to escape urban environments. Historic significance should be mentioned. The historic connection of a workplace to a green space.

PS – very interesting opportunity for an interpretive element in the park.

Jo – my personal dream is that we can remove the ivy and get into a native garden. It could be a place where students could come and see our native plants. We are going to have lots of kids in this neighborhood and having a water feature like they have at the Seattle Center would be great for kids.

JR – as far as moving forward with the letter, inserting some reference to the intent and the continued value of that in a changing neighborhood. In terms of the seven original bullet points. Put in a streamlined sentence about habitat

PS – we need to raise the issues up higher. This letter got a bit into the weeds.

#### **Approval of January 8 meeting notes**

**ACTION: A motion was made to approve the January 8 meeting notes as written. The motion was seconded and carried.**

#### **Interim Ordinance interpretation and Project 6376676 - DPD**

PS – what we've been seeing is on various projects that residents have brought in, is what appears to be an inconsistent interpretation of the interim ordinance across the projects. We would like to better understand the ordinance.

Brennon Staley (DPD) – Current regulations – there was an ordinance to implement interim protection for trees. The changes have been included in the code. In Environmental Critical Areas (ECAs) there is very little one can do during or outside development. Outside ECAs there are rules in place when new development is proposed. If no development is proposed, Multi-family (MF), Commercial, Single Family (SF) 5,000 sf or greater – can't remove exceptional tree unless it's found to be hazardous. Can't remove more than three trees unless they are deemed hazardous. There was no permit requirement. If using hazardous tree process must to file a hazardous tree assessment. All enforcement is complaint based.

GB – complaints are after the fact.

Brennon – if we get a complaint during the work week we prioritize those cases.

JR – is there any plan for outreach for community and arborists?

Brennon – we sent a letter to tree service companies we knew about. There are many small single-operator outfits. We have been actively updating that list. That's the only plan and no dedicated budget. Generally we are alerted about a lot where the tree is located. The only person we can fine is

the owner of the lot. The tree is tied to a lot, if there is evidence that it was a specific contractor then we address both as responsible parties. A court of law will determine who is responsible; they will usually be the property owner. In most cases the contractor will say they were commissioned to do something and they did it.

SZ - ECA is it written into law that there has to be a permit or how is that stated if someone wants to remove a tree.

Brennon - ECA code never says you need to file a permit. The City doesn't require a permit. Instead we require that they file a plan. It's different because the State's Environmental Policy Act requires an Environmental Impacts Assessment (EIS) checklist for any action taken by a municipality, unless the action is specifically exempted. If we required a permit then we would be asking everyone to do a SEPA checklist.

SZ – if you are already using a form then we could do the same to keep track of tree removals. Once you hear the chainsaw on a weekend,

PS – we don't want to get into a deep conversation on the permit or no permit. We want to know what the current interpretation of the ordinance is. We will get to the discussion on permit or no permit.

SZ – when people say an exceptional tree has been cut down, I wonder if DPD could institute a form.

Brennon – we could potentially do it but it would still require Council action. Because of the implications it would have. During development you need to preserve exceptional trees. Exceptional trees have to be preserved unless doing so would preclude the development from reaching its full potential. For SF lot coverage is the main factor for other land uses is development potential or floor area. There are departures that encourage trees to be preserved. Green factor (based on diameter inches, and encourages tree preservation) and something different for SF.

JR – is there a mitigation process when an exceptional tree has to be removed?

Brennon – The mitigation process or Multi-family is Green Factor. For SF it's diameter inches.

JR – on SF have flexibility because have set back. In Commercial areas we have less flexibility. Can't gain height.

Brennon – depends on specific existing conditions. For SF larger than 5,000 sf there is a maximum 35% lot coverage. Can't remove an exceptional tree unless it precludes development potential. For SF smaller than 5,000 sf the requirement is 15% + 1,000 sf. They can remove exceptional tree.

GB – a developer looking to buy a property would want to have trees removed first. How often do you see developers that have to deal with the tree issue?

TE – going back to development potential. Does DPD have the power to tell someone that they should move the location of a garage?

Brennon – yes, but In this case is not an exceptional tree.

SZ – is this something that you think should be included in the new ordinance, given that we need trees of different ages.

JR – under development the lot has a tree point requirement, regardless of whether the tree is exceptional or not.

PS – If a lot came across with non-exceptional trees but good size trees, you couldn't require them at all to save those trees?

Brennon – no, you can't.

JR – what's the threshold where the tree point system comes into play?

Brennon – only new homes.

SZ – what's the impact allowed for neighboring trees? How much can be removed in terms of root zone?

Brennon – there is a Civil Engineering question. The exceptional tree rules still apply. They can't do something that damages adjacent exceptional trees. Courts have found that people have a right to develop their land.

SZ – Nancy raised the question about parking and parking spaces. Building the garage would actually remove one parking space from street parking. It's a net loss of parking space. It's clearly a privatization of the public ROW. People don't always use private parking spaces. DPD is aware of the tradeoff. In general DPD has moved to having lower parking requirements.

Brennon - The ROW is an easement on private property and it has different rules applied to it.

PS – that was very helpful.

TE – I was not completely aware of all that.

PS – there has been inconsistency with the interpretation, based on the experience we've had with projects in my office.

**BRENNON WILL PROVIDE FLOW CHART ON THE TREE PROTECTION ORDINANCE CURRENTLY IN PLACE.**

Brennon – Currently applies to all MF, Neighborhood commercial, commercial in urban village/centers, and private property regulations. The update proposes to extend it to industrial zones properties with commercial uses.

JR – that would be important because there are areas that are developed to underlying zoning but are not being developed to standards.

#### **SANDRA TO SCHEDULE GREEN FACTOR BRIEFING**

JR – Green Factor is typically applied to lots with 100% coverage would be acceptable.

PS – the Plan establishes canopy coverage goals for all land use zones. Are current goals achievable? The nuances of the ordinance are difficult for a typical resident of Seattle to understand.

TE – we talked about training for your plan reviewers (to be delivered by Nolan or Bill), give them rules of thumb for protection of trees.

Brennon – we are planning on doing the training when new regulations are in place.

JR – there are some key elements such as drawing standards on surveys and plans, should be very clear that exceptional trees need to be shown in the plans.

PS – this training is separate from the regulations. On the track we are we are 1.5 years away from the new regulations. It's about the existing regulations and how they are currently being implemented. Exceptional trees are not being shown accurately. They don't show adjacent trees on plans either. Reviewers were felt it would be helpful to get training on that.

TE – might be enough to know that there are resources available for them.

JR – it needs to start with people doing preliminary reports. They need to be able to eyeball a tree and say that it might be exceptional and ask for that info in the drawings.

Brennon – there are a lot of subtleties, we can't delay a permit application because we don't think the trees are properly shown.

JR – it can be a correction. Need arborist report or a survey to show diameter and species.

#### **Draft letters of recommendation: Mayor, CM Bagshaw, Seattle Times Park**

**ACTION: A motion was made to approve the welcome letter to the Mayor as amended. The motion was seconded and carried.**

**ACTION: A motion was made to approve the letter to CM Bagshaw as amended. The motion was seconded and carried.**

**ACTION: A motion was made to approve the Seattle Times Park letter of recommendation as amended. The motion was seconded and carried.**

**2013 Annual Report and 2014 work plan – continues and adoption**

**ACTION: A motion was made to approve the 2013 Annual Report as amended. The motion was seconded and carried.**

**SANDRA TO CREATE LETTER TO TRANSMIT TO CITY COUNCIL AND MAYOR'S OFFICE**

The 2014 work plan conversation will continue next week.

**ADD TO AGENDA – LOOK AT DRAFT STORMWATER CODE AND MAYBE ADVISE FOR APRIL.**

JR – is there science to back up the idea that there is more than a linear benefit in incorporating trees into GSI calculations and incentivize trees?

SZ- species relationship to number of trees is not linear

PS – the stormwater number is already there but this would be on top of it.

**Race and Social Justice – Pacific Science Center event debrief**

Move to future meeting.

**UFC community outreach and stakeholder engagement – initial conversation**

Move to future meeting.

**New business and announcements**

**Adjourn**

**Community input**