

SEATTLE URBAN FORESTRY COMMISSION

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

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

March 12, 2014

Meeting Notes

SMT 2750

700 5th Avenue, Seattle

3:00 p.m. – 5:00 p.m.

Attending

Commissioners

Peg Staeheli (PS)- chair

Tom Early (TE) - vice-chair

Leif Fixen (LF)

Donna Kostka (DK) non-voting

Steve Zemke (SZ)

Staff

Sandra Pinto de Bader

Lynn Best - SCL

Rory Denovan - SCL

Brent Schmidt - SCL

Darren Morgan - SDOT

Brennon Staley - DPD

Absent- Excused

Gordon Bradley (GB)

Erik Rundell (ER)

Jeff Reibman (JR)

Public

Mary Fleck

Tod Rodman

Michael Oxman

Cass Turnbull

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

Chair report

None

SCL surplus substations in West Seattle – Lynn Best

SCL made a presentation on their surplus substation disposition process.

SCL has nine former substation properties currently scheduled for disposition: six sites in West Seattle, one in the Rainier Valley, one in Burien, and one in Seatac. When they start the disposition process, they first offer the properties to other City Departments and then they offer them to other public agencies. They have worked with the Department of Neighborhoods to identify appropriate Community Councils and other interested groups to include them in the process. They have had seven public meetings and two public hearings. They have also placed signs on each property and have sent mailings to nearby owners and tenants.

Background:

- In 2009, the City Council Energy and Technology Committee recommended the sale of surplus properties to raise revenue to help keep power rates low.
- In 2011, Resolution 31317 requested City Light to conduct a Surplus Property Disposition Pilot Project to test improved means for community outreach.
- Following the successful pilot project, Resolution 31424 requested that City Light use the same procedure in the future.

SCL cannot use its properties for non-utility purposes such as parks or community gardens. SCL must receive true and full value when properties are sold or transferred to other City departments.

Parks reviewed the properties currently in the disposition process and explained that none of them were in areas called out in their gap analysis for new parks and/or they did not meet minimum size criteria.

SCL has received community input that includes:

- Concern that high-density development will be allowed in those sites
- Interest in using the substations as parks or open green spaces
- Interest in rezoning the property from residential to small commercial center
- Interest in using the properties for residential development, not for parks.

Next Steps:

- Review all comments received
- Request City departments to consider proposals for other public uses suggested in the outreach process.
- Submit report to City Council summarizing outreach and comments
- Provide recommendations on disposition along with authorizing legislation.

Before disposing of properties SCL has to clean them up. Four of the sites in West Seattle they found really high levels of pesticides that are now banned. DDT and Dieldrin. The levels were 100 times higher than the cleanup levels. Records on pesticide contamination go back to the '70s but they are not necessarily complete. Records don't show application of these chemicals, but it might have happened in the past.

Sites tend to have trees on the edges. They are now cleaning the contamination from the sites using air spading. Their plan is not to cut down any trees as they do their cleanup. They will remove the contaminated soil and replace with clean fill. Will replant according to SPU specs. Saving trees adds cost of around 30% to cleanup. Cost averages \$40K.

The Commission discussed the issue. Comments include:

- City light has a lot of trees under power lines and they have to keep spending money to prune them. Could these sites be their mitigation for pruning? These could become fee-in-lieu sites for departments to plant trees. These 'mitigation banks' could benefit SCL by reducing their pruning costs.
- Would like to schedule a conversation with the Law department to understand legal issues.

Genessee/Schmitz Neighborhood Council and SCL surplus stations – Mary Fleck

Mary Fleck and Tod Rodman presented information on the West Seattle SCL substations scheduled to be disposed of.

Their comments included:

- It's hard for community groups to find funding without a commitment from SCL to sell to them.
- The properties should be looked at in the aggregate.
- They would like to see a full and comprehensive review on the value of the properties, including the value to the city, not just to developers.
- Appreciate the City's and Commission's creativity.
- CM Rasmussen said maybe we need a department of open space or urban forestry (could be similar to the p-patch program but for open space with trees).
- They are committed to the project and invite the City and UFC to work with them.
- Would like UFC support to slow the process down.
- The aggregate value of all properties comes to \$2M.

Commission ideas and comments:

- If the City had \$2M to buy open space, would these be the properties to acquire?
- Need to ask questions of Law Department regarding restrictions
- Would like to explore ways to abide by highest and best use of properties for SCL and allow for accommodation of ownership by entity in City government for neighborhood use.
- Explore setting fee-in-lieu for tree removal mitigation to fund purchasing of parcels.
- Other departments to find creative ways to purchase properties to use as mitigation for tree removal.
- What's the budget SCL spends on pruning in Seattle per year.

SCL will not sell properties within the next year and will continue to use spading to remove contaminants while working on saving the trees.

SCL surplus substation disposition letter of recommendation – initial conversation

Sandra to invite Law Department to Commission meeting to explore options before producing a recommendation.

2013 UFMP Progress Report and 2014 UFSP Work Plan – UF IDT

Sandra presented highlights of the 2013 Progress Report and the 2014 Work Plan.

Request/comments by UFC:

- Would like to receive mid-year reports on tree removal and tree planting.
- Don't want to wait for DPD to train staff on tree protection until the new ordinance is ready. If it's a funding issue we could probably organize training with the UFC. We keep on hearing from the public and this is important.
- Ask DPD to require a tree canopy impact assessment when property development takes place.

Letter of recommendation for mountain biking in natural areas – possible vote

Steve presented the first draft recommendation. Commissioners will provide feedback via Sandra and Steve will make edits for a second draft review and approval at the April meeting.

Public comment

Cass – One of the pieces missing from turning goals and strategic plans into actions that matter on the ground is that ecological services are split between departments. Energy savings – SCL, drainage – SPU and things of that nature. No department can take ownership of it all. There is no way to budget for this because it keeps on getting divided between departments. Sent a recommendation regarding SCL disposition process. Would like the UFC support.

Michael Oxman – the Mayor has a neighborhood summit coming up to capture the comments the City Council has received about trees being lost due to increased density. There is a petition recommending a moratorium to building permits for zones that have achieved their growth target for 2024. DPD's ordinance is coming up this year; this is an opportunity to put the message in front of the public. We need to progress not only get caught up. Would like the UFC to sign the petition and to implement impact fees on development.

Next month's agenda items

Adjourn

Public input:

From: Michael Oxman [mailto:michaeloxman@comcast.net]

Sent: Friday, March 07, 2014 9:42 AM

To: Pinto_de_Bader, Sandra

Cc: SeattlePOSA@yahoogroups.com

Subject: 13 story building proposal at Harrison & Fairview

Dear Urban Forestry Commission,

Project #3012575. Please notify me of progress on this project.

Troy Laundry Historic Landmark building. Proposal for 13 story building occupying the entire block at Boren & Harrison.

47 page .pdf

<http://www.seattle.gov/dpd/AppDocs/GroupMeetings/DRProposal3012675AgendaID4424.pdf>

Requests for 2 departures will unnecessarily remove required open space that provides for relief from the stark concrete, perforated metal, & glass walls.

This project will not contribute to Seattle Comp Plan goals of increasing citywide tree canopy coverage area to 30% by 2038.

Departure #2 requests the setbacks be reduced to beyond what the 12' code allows.

This will result in no planting space at grade for trees, vegetation and landscaping between the building and the sidewalk. Approval of this departure will remove sunlight and growing space of the street trees growing near the curb, which will also be blocked by the 400' tall Amazon buildings across the street. The size of these street trees will be stunted due to the presence of the building wall only 11 feet away. This means the canyon between the buildings across the street will be too narrow to grow trees of any significance. The tree species list includes Beech & Tupelo trees that can grow to 100' tall, yet the allowed root area will limit their lifespan to be able to grow only a fraction of that size.

Departure #4 requests increase in allowable floor size by the narrowing of the space between the 2 buildings.

This increasing of the allowable floor plate size by 3,000 square feet, will further restrict the amount of light to sustain the plants.

The proposal includes a steep pedestrian passage way between the 2 buildings. This sloped area has a grade change that requires pedestrians to climb up & down wide stairways. These stairways & their retaining walls occupy much of the space at grade level that could be available for trees, vegetation, and landscaping.

The amount of sunlight is limited by the space between the 2 buildings. The height of the buildings is so tall that sunlight coming from directly overhead will only last for about 32 minutes per day. Making the buildings with an even wider footprint will reduce this duration of direct sunlight to only 27 minutes per day. By definition, any plants in the space between the 2 buildings would be categorized as understory plantings, and would not meet the definition of trees, which means the Green Factor calculations are skewed.

Arboreally yours,

Michael Oxman
ISA Certified Arborist #PN-0756A
(206) 949-8733

From: Ruth Alice Williams [mailto:ruthalice@comcast.net]
Sent: Monday, March 10, 2014 12:05 AM
To: Pinto_de_Bader, Sandra
Subject: Write-up of my Comments on March 5th

Greetings Commissioners:

Thank you for doing a thorough job of investigating and discussing the merits of protecting our natural areas.

This group, the SUFC, must send a clear message to Seattle Parks and Recreation and to City Hall that our natural areas are serving a useful purpose right now as they provide native tree canopy and understory, a diversity of native habitat for wildlife, educational opportunity, and a refuge from city life for people. Seattle's natural areas must be protected from special interest or commercial pressures to add active uses or make other changes to the current use policy that would diminish the NA's effectiveness in reaching their intended goals.

Maintaining urban forest that supports biodiversity is important for the health of our city and the people who enjoy our public spaces. Over the years and with greater frequency community pressure will push for use changes in Seattle's natural areas. If Seattle Parks and Recreation gives in each time we won't have any functional natural areas left.

It would be helpful to have a policy of no net loss of tree canopy and understory that takes into account not only the current value, but also the potential value of a site that hasn't yet been restored. Then, in those cases where Parks does allow a use deleterious to potential habitat or canopy value, they would be required to add land to Seattle's natural area acreage.

It is especially important to protect upland sites as they usually receive no other consideration under the law. Riparian sites are considered 'Environmentally Critical Areas' and therefore get some protection at the local, state, and federal level.

If the bicycle pilot project at Cheasty Greenbelt moves forward and becomes permanent it would be a good idea to change its designation from 'greenbelt' to 'park', so as to avoid confusing park users and to keep a clear distinction between the 'natural area' or 'greenbelt' designation where passive uses are the rule, and parks that allow specialized uses.

Thank you for your consideration.

Sincerely,

Ruth Williams, President
Thornton Creek Alliance

Thornton-creek-alliance.org

From: Cass Turnbull [mailto:cassturnbull@comcast.net]

Sent: Monday, March 10, 2014 9:53 AM

To: Koritz, Joshua; LEG_CouncilMembers

Cc: 'Steve Zemke'; cassturnbull@plantamnesty.org; 'Karen Lyons'; 'Mary Fleck'; 'Tod Rodman'; Pinto_de_Bader, Sandra

Subject: Agend Item

Hello Joshua and Sandra,

I would like to speak at the two upcoming meetings, the Energy Committee and the Urban Forestry Commission meeting, on Wednesday, the 12th.

Below is my proposal regarding the surplus Seattle City Light substations, (about to be sold for development), which I would like to read. It is also attached.

Adoption of the resolution would have far reaching implications for the other \$20 million worth of Seattle surplus and excess properties.

The take home message: Please support efforts to designate these properties as **COMPLEX**, not simple, and have City Council put a **HOLD on their sales for a year**.

Cass Turnbull

206-783-9093

My name is Cass Turnbull, I'm a professional gardener, arborist, and 63 year resident of Seattle. I represent TreePAC and PlantAmnesty in the matter of the Seattle City Light Surplus substation dispositions.

We have reached the phase in the disposition process that City representatives have begun to advise citizen's groups to look for funding. But asking private citizens to raise money, to buy land which is already owned by the City, so that it can be used for the public good, doesn't make sense. And most people sense selling off public property for private development is wrong. I understand that this is the endgame for these orphan properties due to a strange patchwork of restrictive policies and laws. I've read them all. That doesn't make selling them to the highest bidder right, and it may not be inevitable, as many seem determined to believe.

I propose the conveyance of remaining SCL surplus substations to joint jurisdiction (Joint Use). The fair market value, being offset by the value of Ecosystem Services, calculated over a period of 20 years, provides the required municipal purpose and is accordance with goals stated in Seattle's Comprehensive Plan and the Urban Forestry Stewardship Plan.

If adopted, each property would be jointly shared by SPU, SDOT, DPD and other specified public agencies, according to their missions. (Maybe SCL, someday, if energy conservation becomes accepted as a utility function of urban forest canopy cover) Other joint users/managers could be OSE, Parks, Metro, and the King Conservation District. Various duties and responsibilities, as well as the system for conflict resolution, would be spelled out in formal agreements, as they are for other joint use properties in Seattle.

Such properties would *not* be parks. **They would be utilities.** Maintenance costs and liability issues could be minimized by removing all turf and mulching the properties with chips. Placing an ornamental wrought iron fence around each property (with a sign that says TreeBank) would keep out litter and prevent the gathering of undesirables. Annual guided inventories of the properties with local kids would teach basic ecology and remove invasive plants. It can be reasonably assumed that it is cheaper, easier and less controversial to keep undeveloped, surplus open space that to buy it in the future. This also keeps future options open as they would be available when and if other public uses for the land are identified.

The economic value of bundled Ecosystem Services can already be calculated using existing computer programs, and there are three possible ways to fund the purchase of these properties. Yes, this would be a new way of doing things. Given the unpopularity of the current policy, and because we may be headed we into a time of unprecedented ecological/economic crisis, a new way of doing things is called for.

Therefore we request that these properties, taken as a whole, **be designated COMPLEX by the councilmember, and a HOLD be placed on their disposition until a feasibility study on this resolution can be prepared for City Council.** Thank you, Cass Turnbull, cassturnbull@comcast.net. 206-783-9093.

From: Cass Turnbull [mailto:cassturnbull@comcast.net]

Sent: Thursday, March 13, 2014 8:25 AM

To: Best, Lynn

Cc: 'Tod Rodman'; 'Mary Fleck'; 'Karen Lyons'; Pinto_de_Bader, Sandra; Rasmussen, Tom

Subject: requests

Hello Lynn Best,

Those were two interesting and productive meetings yesterday.

We learned to new things: that the final decision on the disposition on the Surplus Substations is not expected to happen until the fourth quarter (is that correct?), and that contaminated soil was found on the two non-Seattle sites. Both of these were news to me and the WSGSC. I was quite surprised. The King Conservation District has expressed an interest in the substations being used as open space. They have grant money.

In order to avoid another acrimonious situation, potentially wasting all of our valuable time, I make the following requests:

Please report the soil test results to Ecology to *determine if an Emergency Cleanup is needed*. It would be good to have these properties and future sites listed on the ISIS website, and the FAS website as well, as I could find no record of the current properties on either. Please forward the canopy inventory.

I request that the process of toxic cleanup be done as an '*Agreement*' (I believe this is what it is called) instead of a *Voluntary Clean-up, and/or an Independent Remedial Action*.

This would give the public an opportunity to give input on the clean-up plan and remediation method. If the City still has concerns about liability, the temporary chainlink fence, such as the one you put around the White Center substation, should effectively minimize the City's and the public's exposure, until the most appropriate remediation method is decided.

And, going forward, it may be in the interest of preserving forest canopy, to *change SCLs internal policy of immediately pursuing clean-ups with the cut, dig and haul method*—once again IF AND ONLY IF THERE IS NOT AN IMMEDIATE RISK TO THE PUBLIC OR ENVIRONMENT—*until after the final disposition has been made*. It seems to be an incredible waste of time and money to vector the significant trees on these sites, if the final determination is to sell to the properties to the private sector who will then cut them down. Likewise it is a terrible waste to cut down the trees if it is decided to retain the properties as open space or TreeBanks.

And let me be clear, SCL would clean them up *in the most appropriate manner*, before selling the properties. This is fact not in question.

And finally, let me reiterate the two requests I made to you at the meetings:

Kindly forward the complete soils report from your consultant for the two non-City properties. And let me know which public agencies were notified, their responses and their contact information to me.

Then I will not be in the dark about what has already happened.

Once again, thank you for this work, I know you have many other important things to do. As a result of this experience I hope to suggest changes to the disposition process that will prevent future conflict. I live in the northwest quadrant of the City, which I learned just yesterday is the next area to be selected for disposition.

Cass Turnbull

206-783-9093