



## City of Seattle

### Urban Forestry Commission

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#### SEATTLE URBAN FORESTRY COMMISSION

**Becca Neumann** (Position 4 – Hydrologist), Co-chair

**Joshua Morris** (Position 7 – NGO), Co-Chair

**Alicia Kellog** (Position 2 – Urban Ecologist) • **Hao Liang** (Position 6 – Landscape Architect – ISA)

**David Baker** (Position 8 – Development) • **Nathan Collins** (Position 9 – Financial Analyst)

**Logan Woodyard** (Position 10 – Get Engaged) • **Jessica Hernandez** (Position 11 – Environmental Justice)

**Jessica Jones** (Position 12 – Public Health) • **Lia Hall** (Position 13 – Community/Neighborhood)

*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 meeting notes

December 6, 2023, 3:00 p.m. – 5:00 p.m.

Via Webex call and in-person at the  
Seattle Municipal Tower, Room 1872 (18<sup>th</sup> floor)  
700 5<sup>th</sup> Avenue, Seattle

(206) 207-1700

Meeting number: 2488 684 7823

Meeting password: 1234

#### Attending

##### Commissioners

Josh Morris – Co-Chair

Becca Neumann – Co-Chair

Alicia Kellogg

Nathan Collins

Logan Woodyard

Lia Hall

##### Absent- Excused

Hao Liang

David Baker

Jessica Hernandez

Jessica Jones

##### Staff

Patti Bakker – OSE

Lauren Urgenson – OSE

##### Guests

Allen Taylor, Seattle Arborist Association

##### Public

Steve Zemke

Sandy Shettler

JoAnn Herbert

Tina Cohen

Cathy Baker

**NOTE: Meeting notes are not exhaustive. For more details, listen to the digital recording of the meeting at:**  
<https://www.seattle.gov/urbanforestrycommission/meetingdocuments>

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

**Public comment:**

Steve Zemke noted that the Department of Commerce has proposed model legislation for middle housing ordinances. The deadline for providing comments on it is today; he urged Commissioners to submit comments as individuals. House Bill 1110 said that cities cannot have more stringent requirements for single family housing, regarding trees and other issues, than what is currently in place for single family homes. There are no tree requirements in the model legislation, not even for street trees. He also noted that Councilmember Strauss at the last Land Use Committee meeting said that he would not be moving forward with additional legislation at this point, since there is a report due in mid-2024 as called for in the attachment to the tree ordinance. Lastly, he noted hope that the new schedule of one UFC meeting per month is an experiment and that the UFC will evaluate how that is working and adjust as necessary.

Sandy Shettler noted that her group is releasing a report on SDCI's management of the urban forest, based on examples they have collected over two years. They have a petition attached to the report asking the city to consider having trees as an independent division.

Joann Herbert noted she hopes the city can find ways to prune trees away from power lines with more skill. She is also concerned with the number of trees that are being removed. The city doesn't report on the number of trees removed, as they do report trees planted.

Tina Cohen questioned why there is not an Arborist position on the UFC currently.

Cathy Baker is supportive of the tree ordinance but has had difficulty managing trees on her property under the new ordinance. There are Leland cypress trees on the property that are causing problems, but she can't remove them under the new ordinance. She would like the UFC to consider recommending that species be added to the nuisance species list under the new ordinance.

**Chair, Committees, and Coordinator report:**

Patti provided an update on the timing for the next steps in the Comprehensive Plan update process. The next step in the process is release of the draft plan and Environmental Impact Statement. The original schedule for that was October 2023; OPCD reports that will likely now be early 2024.

Josh provided highlights on the budget outcomes. In addition to providing an additional \$30,000 for the Canopy Equity and Resilience Plan development, Council included two of the UFC's other recommendations: that SDCI develop a monitoring and evaluation plan for trees on private property and that they provide options to improve complaint response times during after-hour emergency response.

**Welcome new OSE UF staff Lauren Urgenson**

Lauren introduced herself and her role in the new Senior Urban Forestry Advisor position. She noted that the role of the position is to knit together the vision and strategy for urban forestry across Seattle departments. One of the near-term projects she'll be leading is the development of the Canopy Equity and Resilience Plan. Questions from Commissioners included plans for working with external stakeholders and organizations in developing the plan.

**Adoption of October 4 and 18 meeting notes**

**Action: A motion to adopt the October 4, 2023 meeting notes as written was made, seconded and approved.**

**Action: A motion to adopt the October 18, 2023 meeting notes as written was made, seconded and approved.**

**2024 Leadership election**

Patti reported that four nominations were received for folks to serve as Co-Chairs in 2024: Josh, Becca, Alicia and Hao. Confirmation was needed as to whether Alicia is able to accept the nomination to serve as Co-Chair,

and Alicia confirmed that she is not able to do so. The remaining nominees discussed their interest in serving as Co-Chairs, with Patti reading information provided by Hao via email since he was not able to attend the meeting. A vote of Commissioners resulted in unanimous election of Josh, Becca and Hao to serve as Co-Chairs for 2024.

### **Tree Protection Ordinance**

#### **- Seattle Arborist Association – implementation observations**

Allen Taylor shared information on what tree service providers are experiencing with the new ordinance.

Observations noted by arborists include:

- Enforcement challenges – they are still seeing unmarked trucks out doing work, while the registered TSPs are trying to follow the complicated new rules.
- Tree list associated with Green Factor is from 2008 and needs updating.
- The Environmentally Critical Areas code was not updated along with the tree ordinance and there are challenging aspects between the two codes that make it hard to comply with.

Allen described an exercise of working through SDCI's system to determine what can/should be done with/about trees. He walked through the process and the various decision points and difficulties in navigating the system. If it's a Tier 1 or 2 tree, you need to review which of the 10 types of permits would be needed for work on or remove it. They are concerned that the complexity of the rules will discourage people from planting trees. He noted that it's a confusing system, it's hard for the tree service provider professionals to figure out, and there isn't one portal folks can refer to.

Questions and comments from the Commissioners included:

- Has the SAA worked with SDCI on this yet? They have asked SDCI to come talk with them but they have not yet done so.
- How does the issuance of permits work? Does an inspector come out prior to the work or after? They do not; it is up to the resident and the TSP to do the work according to the appropriate process. The burden on homeowners could be lifted if a city Arborist would come out to evaluate and potentially make the determination of whether a permit is needed. Inspectors only come out if a complaint is made. SDOT does send out an Arboriculturist to make a first evaluation and only if needed do homeowners need to hire a TSP.
- Does SAA experience inconsistency in evaluation of permit processes?
- With the truck marking requirements, is SAA seeing more illegal removals or is it just more apparent because of the marking requirements?
- They have referred to the simplicity of Portland's model, is that something SAA would recommend Seattle move to? It is good to have one point of contact. Our current system is basically unnavigable for regular folks.
- One intent of the ordinance was to prevent indiscriminate removal of trees – is that happening under the ordinance? The ordinance does protect more trees, and there are more trees planted now.
- Since the process for removing a hazard or dead tree is simpler/easier, has that encouraged people to poison or harm their trees so that they will be allowed to remove? Most of the permits his company helps people get are hazard/dead trees. He has only heard stories of this happening, but he hasn't experienced it firsthand. It's hard to pinpoint cause of death. WSDA regulates pesticide use and is very concerned with any of this kind of activity. There is an incentive to let trees die and that is a concern. E.g., structural flaw in a tree that can be saved with proactive management – the process to get approved is harder than the process to remove a hazard tree.
- What are the recommendations to improve processes
- Has SAA seen any action with the payment in lieu option yet? No; Allen predicts few very will use that option since it is much cheaper to plant a tree on site.

#### **- Subgroup report**

The group has developed a spreadsheet of skills and interests of Commissioners, which Patti shared with Commissioners to fill in their skills and interests. Lia also reminded Commissioners that she would like to highlight Commissioners in a series of social media posts, so she would like Commissioners to provide information. Nathan and Josh met today to initiate budget subgroup work and will have a standing agenda item on that and can provide a social media post.

#### **New and returning council members letters**

Josh described the draft letters he'd prepared to welcome new Councilmembers and congratulate returning Councilmembers. Commissioners discussed and edited the letters. The letter to welcome new Councilmembers was adopted. Commissioners decided to wait on adopting the letter for returning Councilmembers so that additional content can be added.

**Action: a motion to adopt the new Councilmember welcome letter was made, seconded and approved.**

**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:**

Graham Brooks from Arbor Day Foundation noted his appreciation for the UFC's work, and noted that ADF has a lot of resources to offer in the realm of urban forestry.

Steve Zemke noted appreciation for the SAA presentation. He noted that it doesn't take action of Council to require tree removal permits in Chapter 25.11. He disagrees with the perception that the in-lieu fee option won't be used much. Portland's program is very similar, and they are getting good use of it, about \$1M/year. There is potential there that is not being considered.

Joann Herbert noted appreciation for being able to attend the meeting.

**Adjourn:** The meeting was adjourned at 4:53 PM.

#### **Meeting chat:**

from Sandy Shettler to everyone: 3:14 PM

Apologies-- major technical difficulties today!

from Sandy Shettler to everyone: 3:15 PM

Here is the link to our report: <https://treeactionseattle.com/sdci>

from Sandy Shettler to everyone: 3:15 PM

Cathy, infrastructure threats are an approved removal justification.

from Sandy Shettler to everyone: 3:18 PM

Welcome Lauren!! So excited for you!

from Urgenson, Lauren to everyone: 3:18 PM

Thank you!

from Cathy Baker to everyone: 3:23 PM

Hi Sandy - thank you for that comment; we've talked to the City and a TRAQ arborist and we don't think we qualify

from Steve Zemke to everyone: 3:26 PM

<https://deptofcommerce.app.box.com/s/ennzxeh6e52imp5u1tv3nqs4pvn76pwr> link to Tier 1 and Tier 2 Cties Middle Housing Model Ordinance

from Steve Zemke to everyone: 3:28 PM

User Guide for Middle Housing Model Ordinance

<https://deptofcommerce.app.box.com/s/n5to9c3272a43zyoyib68lmtmfod5px5>

from Steve Zemke to everyone: 3:30 PM

WA State Dept of Commerce - Middle Housing in Washington - <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-middle-housing/>

from Steve Zemke to everyone: 3:35 PM

Good team for leadership!

from Sandy Shettler to everyone: 3:52 PM

It's important to note that developers do NOT need to use Tree Service Providers if their project is vested prior to implementation of that law on 11-10-22.

from Steve Zemke to everyone: 3:52 PM

Maybe city needs to have people file for permit to remove trees and have the information resolved to some degree by city

from Sandy Shettler to everyone: 3:53 PM

The burden of this ordinance falls entirely on arborists who follow the law, and homeowners. Developers operate in a completely different system with no restrictions on who, how or when trees are removed.

from Sandy Shettler to everyone: 3:57 PM

Following up on vesting, the "window" for vesting is under consideration to be extended by an additional three years. So development could be exempt from following the TSP for an extremely long time, and we will lose thousands more trees before then, many illegally.

from Steve Zemke to everyone: 4:00 PM

Requiring registration and reporting tree removal should be in place for all tree removal work. It is not a vesting issue but a requirement how tree service providers should operate in city

from Sandy Shettler to everyone: 4:02 PM

Allen, that is right on target and an understatement!

from Sandy Shettler to everyone: 4:03 PM

Thank you Steve! That would be the simple solution, and it is also what the public expected when the TSP ordinance passed.

from Jo Ann to everyone: 4:04 PM

Yes on Vashon April 2022 unmarked truck on Sat unwilling to say who hired them, very aggressive when questioned. And took SDCI some many hrs to figure out yes they were paying for that work.

from Steve Zemke to everyone: 4:04 PM

In my neighborhood I have had 3 instances in the last 6 months of tree removal where trees were being removed by unregistered tree service providers in 2 and the third done for a realtor by a landscape person.

from Sandy Shettler to everyone: 4:06 PM

That is a horrifying comment about chainsaws.

from Sandy Shettler to everyone: 4:07 PM

Yes! We have a Change.org petition asking that our system be set up the same way. In Portland, the Parks Department is the Tree Department. Simple!

from Steve Zemke to everyone: 4:07 PM

One report with lots of questions asked and pictures allowable to help make determination would work better.

from Sandy Shettler to everyone: 4:08 PM

Petition: [https://www.change.org/p/stand-up-seattle-demand-climate-action-to-halt-sdci-s-reckless-deforestation?original\\_footer\\_petition\\_id=9934862&algorithm=promoted&source\\_location=petition\\_footer&grid\\_position=1&pt=AVBldGI0aW9uAP%2FePwIAAAAZWrA%2BK0CcepmNzljMDVjNw%3D%3D](https://www.change.org/p/stand-up-seattle-demand-climate-action-to-halt-sdci-s-reckless-deforestation?original_footer_petition_id=9934862&algorithm=promoted&source_location=petition_footer&grid_position=1&pt=AVBldGI0aW9uAP%2FePwIAAAAZWrA%2BK0CcepmNzljMDVjNw%3D%3D)

from Steve Zemke to everyone: 4:09 PM

Portland tree removal approval is by their Parks Dept, unless it is in the building footprint - then their Construction Dept makes the decision. On construction projects Parks Dept oversees tree removal

from Sandy Shettler to everyone: 4:09 PM

Boston, Washington DC, New York City, and Portland all have independent urban forestry divisions.

from Steve Zemke to everyone: 4:09 PM

val outside the Building footprint.

from Tina Cohen to everyone: 4:10 PM

The new ordinance puts the burden on homeowners but gives developers a pass regarding removals.

from Lia Hall to everyone: 4:13 PM

Yes we need to incentivize people who retain trees —prop tax break, utility bill break

from Lia Hall to everyone: 4:14 PM

Maintenance fund for low income

from kathy holzer to everyone: 4:15 PM

lots of trees, however, will be removed before they reach 12" dbh.

from Sandy Shettler to everyone: 4:15 PM

But, we could have gotten that protection by staying with the old ordinance and having a simple Director's Rule reducing the protected DSH:(

from Sandy Shettler to everyone: 4:17 PM

Lia is right. This is happening. Herbicides and worse. I am helping neighbors dealing with this right now.

from Steve Zemke to everyone: 4:18 PM

Also got tree replacement 12" DSH and larger which was not in old ordinance.

from kathy holzer to everyone: 4:18 PM

poisoning has always happened, but it used to be about the uphill neighbor's view. now maybe also homeowners

from Sandy Shettler to everyone: 4:19 PM

I can take you to three trees going through this right now. I will contact WSDA--thank you Allen.

from kathy holzer to everyone: 4:23 PM

YES! agreed. you can't remove it so it has to fall over because there's no target. somebody has to dismantle the thing at some point. or the birch can't be removed until it's 3/4 dead and not climbable - now what?

someone risks their life if there's no bucket access

from kathy holzer to everyone: 4:27 PM

SDCI needs arborist field staff

from Jo Ann to everyone: 4:28 PM

THANK YOU SANDY SHETTLER

from Sandy Shettler to everyone: 4:29 PM

Agree with Kathy--the Housing and Zoning inspectors SDCI sends have absolutely no idea what they are doing. I feel sorry for them, Our SDCI report shows one measuring DSH at 7-8 feet above the ground. I don't think it was intentional, they just had no training or guidance.

from Steve Zemke to everyone: 4:31 PM

Portland collects about \$1 million a year in in-lieu fees. Been doing for 6 or more years

from kathy holzer to everyone: 4:32 PM

one of the presidents of Plant Amnesty board is a registered consulting arborist

from Sandy Shettler to everyone: 4:32 PM

Portland has more limited on-site planting options, therefore the higher fee intake.

from Jessica Dixon to everyone: 4:33 PM

That discussion will have to include issues of current design standards: "ADUs and DADU's = lot sprawl"

from Steve Zemke to everyone: 4:35 PM

<https://friends.urbanforests.org/2020/11/27/portland-oregon-again-leading-the-way-on-stronger-tree-protection/> see in-lieu fees

from Sandy Shettler to everyone: 4:40 PM

I love it!

from Tina Cohen to everyone: 4:40 PM

Add that the new regs need to be reviewed and modified

from Sandy Shettler to everyone: 4:41 PM

Ordinance also misspelled I think--was that already caught?

from Steve Zemke to everyone: 4:44 PM

Check out Portland, Oregon trust find in lieu fees here 7 years of reports. Last report was for \$1.8 million.

Future projects \$1.2 to \$1.6 million per fiscal year. <https://www.portland.gov/trees/tree-code-trust-fund-reports>

from Sandy Shettler to everyone: 4:44 PM

Oh sorry that was my monitor! It looks great, including "ordinance":)

from Tina Cohen to everyone: 4:44 PM

Of course Strauss ignored the UFC comments!

**Public input (additional comments received):**