

EDMONDS CITY COUNCIL VIRTUAL ONLINE MEETING APPROVED MINUTES February 2, 2021

ELECTED OFFICIALS PRESENT

Mike Nelson, Mayor
Susan Paine, Council President
Adrienne Fraley-Monillas, Councilmember
Kristiana Johnson, Councilmember
Luke Distelhorst, Councilmember
Diane Buckshnis, Councilmember
Vivian Olson, Councilmember
Laura Johnson, Councilmember

STAFF PRESENT

Patrick Doherty, Econ. Dev & Comm. Serv. Dir.
Shane Hope, Development Services Director
Rob Chave, Planning Manager
Kernen Lien, Environmental Programs Mgr.
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Dave Rohde, GIS Analyst

ALSO PRESENT

Brook Roberts, Student Representative

1. CALL TO ORDER/FLAG SALUTE

The Edmonds City Council virtual online meeting was called to order at 7:00 p.m. by Mayor Nelson. The meeting was opened with the flag salute.

2. LAND ACKNOWLEDGEMENT

Councilmember Olson read the City Council Land Acknowledgement Statement: "We acknowledge the original inhabitants of this place, the Sdohobsh (Snohomish) people and their successors the Tulalip Tribes, who since time immemorial have hunted, fished, gathered, and taken care of these lands. We respect their sovereignty, their right to self-determination, and we honor their sacred spiritual connection with the land and water."

3. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present, participating remotely.

4. APPROVAL OF AGENDA

COUNCIL PRESIDENT PAINE MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

5. AUDIENCE COMMENTS

Mayor Nelson invited participants and described the procedures for audience comments.

George Bennett, Edmonds, thanked Mayor Nelson and My Edmonds News for an in-depth and candid interview with the Mayor, commenting that understanding the approach and the context of city leaders is very important. With regard to the equity and justice task force report, reading the experiences in the report were heartbreaking. He cited positives in the report: 1) 752 of the 5,992 police shootings in the U.S. had body cameras, a program the City of Edmonds plans to implement. 2) Additional training is always good; defunding the police as stated in the equity handbook is somewhat loaded and is a misnomer; shifting or increasing funding including special task forces, domestic violence task forces, community involvement resources or other needs is a good idea. 3) Community outreach, educational sessions in schools, devoted time for community concerns in an open forum would hopefully create more dialogue and interactive feedback; however, the police cannot force the public to attend. He cited things he found disheartening about the report and the approach: 1) not sure the task force was ever presented with any statistics, training, commendations or history of the effectiveness and equity within the Edmonds Police Department. 2) Lived experiences and perceived biases are inherent in each of us; lived experience should never be discounted. However, this report, guided by a professional versed and trained equity consultant weighted perception more than data. Taken together, data and perception lead to actual and measurable solutions. 3) The report did not mention the systemic failures within the policing policies leading to racism and inequity in our local police force. This report was based on assumptions and steered by a consultant with a somewhat negative and false narrative. He thanked the task force for bravely sharing their experiences with the community to bridge the racial divide, but he faulted the process and the basis. Since commenting in the local press, he has been labeled a misogynist, a racist, a fat rich white person and ironically a potential Council candidate. Those labels do not change his ask of the Mayor, Police and Council to put a plan together and agree to pay for, measure and move forward with. Perhaps a shift of funds from equity consultants to training consultants may have been a better move. He thanked the task force for their report and real thoughts about the City.

Maxine Mitchell, Edmonds, commented on the tree-related regulations. She and her husband have lived in Edmonds for the past 10 years; one of the main things that attracted them to Edmonds was the beautiful views of Puget Sound and Olympic Mountain range. She concurred with Anna Forslund West's comments to the City Council dated 11/20/20 which were posted in the public comment section on the City's website that suggested protection of water views be inserted into the intents and purposes section of the proposed tree code. Trees have the potential to block water views and can adversely affect property values. Having this very salient point omitted shows a complete disregard for homeowners' vested interests. Real estate agents know how valuable property with a view of Puget Sound and the Olympic Mountains, adding substantial value to the price tag. The City has maximum height guidelines for buildings and fences, but no one seems to care when planting trees how tall the tree will eventually grow. The 2019 Urban Forest Management Plan addresses this issue via an entire section on trees and views, stating when views become obstructed, enjoyment of one's property as well as property values may be impacted. The UFMP goes on to state, when considering planting trees in the bowl and other view areas, lower growing trees will help preserve the views of neighboring properties. In other words, when a developer plans a site, he/she should take into consideration the height of the new trees chosen for the site and how their eventual height could adversely affect neighbors' views. That should be included in the tree code, not just penalties for cutting down trees. Just as there are building codes that establish a maximum height on new construction, the tree code should address mature tree heights and how that affects property owners' views. She implored the Council to add a clause in the intent and purposes section of the proposed tree code that refers to protecting water views for homeowners and selecting lower growing trees when land is being developed. Choosing the right tree for the right place is a mantra of the UFMP and should be incorporated into the tree code.

Councilmember K. Johnson pointed out there was a public hearing later on the agenda. Mayor Nelson requested the public hold their comments regarding the tree code until that agenda item. This agenda item is for public comments regarding any topic other than the tree code.

Nicole Hughes, Edmonds, chair of the Citizens Economic Development Commission, spoke in support of the agenda item to consider a zone amendment to add hotels to the list of permitted primary uses in the Commercial Waterfront zone. This issue was in front of the Council for consideration in February 2020. At that time, the Council heard from the EDC in the form of a memo in support of the zone update. She renewed that support and refreshed the reasoning through the lens of the impact that COVID has had on Edmonds businesses and property owners. In considering the post-COVID emergence of the City and businesses, this zone update will provide even greater flexibility for some properties in the CW district and possibly provide the City the potential to have one of the only boutique beachfront hotels in the greater Seattle area. The zone amendment applies only to development that would occur as a reuse of current buildings, only three exist in the zone, and will not change the character or view corridors on the waterfront. The benefit of a boutique hotel on the waterfront could amplify the success of the Waterfront Center as well as business activity in the waterfront area and the downtown core. When the EDC studied this opportunity, they learned overnight guests spend 2-3 times more in the local economy than day-trippers. This change also gives existing property owners the ability to pivot or repurpose a property into a new use like a boutique hotel. Having that ability to adjust a business strategy with an expanded list of use options gives property owners the greatest flexibility possible to emerge in the post-COVID economy. From an economic standpoint, the expansion of permitted uses to include a hotel could have significant economic impact and potentially accelerate post-COVID recovery for the City. She thanked the Council for putting this back on the agenda and considering this zone amendment.

Beth Fleming, Edmonds, a 12-year resident, spoke about the recent happenings regarding the Police Chief hiring. Although that may seem like dragging it through the mud again, as a citizen she has been following a lot of what transpired although she was not looped in on the candidates before the Council's vote. When she missed the Council's vote, believing it would occur on December 15th but was moved to the 8th, she began to educate herself on what was going on. She expressed disappointment with Mayor Nelson's lack of transparency. She was hopeful the recent MEN interview would contain more information to clarify what went wrong in process, but was disappointed once again when even though Mayor Nelson admitted he was human and all humans make mistakes, he made the choice to once again blame people who were asking for answers, something she found surprising because the community looks to him as their leader, mayor and elected official. She thanked Councilmember Olson for showing great integrity and character in the process and making sure the information was thorough and shared with the Council before the vote. Unfortunately that was not taken under serious consideration. She read an October 24, 2019 quote from Mayor Nelson when he was running for mayor in response to the Edmonds Beacon asking what role the mayor provides in the community, "As a public servant it is vital that the mayor listen to the community that they represent. We have seen what happens in Edmonds when elected officials move forward without listening to our citizens first. While listening and learning are important, actions speak louder than words. To be an effective leader, the mayor must also act on what they hear and learn from our citizens." She respectfully asked Mayor Nelson to listen to the community and to be a good leader.

Finis Tupper, Edmonds, referred to an email sent by Council President Paine to the Edmonds Beacon stating the City's Comprehensive Emergency Plan was optional. He pointed out emergency planning is a federal mandate that started after Katrina. The federal government provides funds to the state which are distributed to cities. One only needs to look at the interlocal agreement to determine that the City of Edmonds needs a functional, current, updated Comprehensive Emergency Management Plan. That City response was totally misstated with regard to what the City's duties are. He asked who wrote that

response stating the City's position that the CEMP was optional and not to supplant and augment the county plan. He requested Council President Paine answer that during Council comments.

(Written comments submitted to PublicComment@Edmondswa.gov are attached.)

6. **APPROVAL OF THE CONSENT AGENDA ITEMS**

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT PAINE, TO APPROVE THE CONSENT AGENDA.

COUNCILMEMBER OLSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND THE MOTION TO ACCEPT THE JANUARY 26, 2021 MEETING MINUTES AS AMENDED BY THE CITY CLERK ON MONDAY. AMENDMENT CARRIED UNANIMOUSLY.

MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY. The agenda items approved are as follows:

1. **APPROVAL OF COUNCIL MEETING MINUTES OF JANUARY 26, 2021**
2. **APPROVAL OF CLAIM CHECKS AND WIRE PAYMENTS**
3. **ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM KATHLEEN BARRETT AND RAPHAEL & MARIEKA MILLER**

7. **PUBLIC HEARING**

1. **PUBLIC HEARING DRAFT TREE REGULATIONS AND SUBDIVISION CODE AMENDMENT**

Environmental Program Manager Kernen Lien reviewed:

- Urban Forest Management Plan
 - 2014/2015 Tree Code Update (abandoned)
 - 2019 Urban Forest Management Plan
- Tree Regulations Update Goals
 - Improve tree retention with new development on private property
 - Implement low impact development principles
 - Establish a Tree Fund
 - Other updates
 - Definitions
 - Existing permitting process
 - Penalties
- Related UFMP Goals
 - Goal 1 –Maintain or enhance citywide canopy coverage
 - A. Update tree regulations to reduce clearcutting or other development impacts on the urban forest and to consider changes to tree replacement requirements and penalties for code violations
 - B. Adopt policy goal of no net loss to overall tree canopy and continue to enhance canopy in parks according to the PROS plan. These tree regulations in and of themselves will not meet the no net loss policy.
 - C. Ensure protection of tree resources in environmentally critical areas
 - F. Establish a tree bank or fund to which donations can be made for tree planting and other tree programs

- i. Use any penalty fees from tree cutting violations to fund tree programs
 - o Goal 3 - Incentivize planting trees on private property
 - A. Have a program of giving away trees and/or tree vouchers for use in Edmonds
- Draft Tree Regulations
 - o New Chapter 23.10 ECDC
 - Exemptions, permit process, definitions, tree retention, tree protection, tree replacement, violations
 - o New Section 20.75.XXX Conservation Subdivision Design Flexibility
 - o New Chapter 3.95 ECC Tree Fund
- ECDC 23.10.020 - Definitions
 - o Diameter at Breast Height (DBH) - Diameter of tree measured 4.5 feet from the ground
 - o Significant tree – A tree with at least 6-inch DBH
 - o Protected tree – A tree identified for retention and protection, or a replacement tree required during development of a site
- ECDC 23.10.060 - Tree Retention Associated with Development
 - o Short Subdivision (up to four lots)
 - o Subdivision (five or more lots)
 - o New multi-family development
 - o New single-family development on a vacant lot or demolition and replacement of a single-family house
 - o Tree removal on developed site not exempted by ECDC 23.10.040
- ECDC 23.10.040 - Exemptions
 - o Removal of trees on an improved single-family lot without critical areas
 - o Removal of non-significant trees not protected by other means
 - o Removal of trees for utility maintenance
 - o Removal and maintenance of trees in City parks by the Park's Department
 - o Routine landscaping and maintenance
 - o Exemption with supporting documentation
 - Hazard Tree Removal
 - Nuisance Tree Removal
- ECDC 23.10.050 – Tree Removal Prohibited
 - o Removal of protected trees unless trees are determined to be hazard or nuisance trees
 - o Removal of trees from vacant lots prior to development unless trees are determined to be hazard or nuisance trees
 - o During permitted demolition of structures except as reasonably necessary to conduct demolition activity
 - o Trees in critical area and critical area buffers except as allowed in Chapters 23.40 – 23.90 ECDC
- Trees and Development
 - o First retain existing trees
 - o Second replace trees that are removed
 - o Third pay for trees removed but not replaced
- ECDC 23.10.060.C – Tree Retention Requirements
 - o ECDC 23.10.060.C Tree Retention for Proposed Development

Development	Retention Requirement
New single family, short subdivision, or subdivision	30% of all significant trees in the developable site
Multi-family development, unit lot short subdivision, or unit lot subdivision	25% of all significant trees in the developable site
 - o Retention Priority

- Priority 1 –Specimen trees, trees which form a continuous canopy, trees on slopes and critical areas, trees over 60 feet in height or 18 inches DBH
 - Priority 2 –Tree groupings, trees within setbacks or around perimeter, trees performing a screen function, other significant native and nonnative trees
 - Priority 3 –Alders and cottonwoods
- ECDC 23.10.080 – Tree Replacement
 - Replacement required for each significant tree removed
 - Number of required replacement based diameter of trees removed:
 - 6 inches to 10 inches DBH –1 replacement tree required
 - 10.1 inches to 14 inches DBH –2 replacement trees required
 - Above 14 inches –3 replacement trees required
- ECDC 23.10.080.E – Tree Replacement Fee-in-lieu
 - A fee-in-lieu may be allowed after consideration of all other options
 - \$1,000 multiplied by the number of trees required to satisfy the replacement requirement but not planted
 - Paid into the City’s Tree Fund
- ECDC 23.10.085 – Protected Trees Notice on Title
 - The owner of any property that included a tree(s) identified for retention and protection on an approved tree retention plan, replacement in relation to a permit or plan, and/or permanently protected by easement, tract, or covenant restriction shall, as a condition of permit issuance, record a notice on title of the existence of such protected trees against the property with the Snohomish County auditor’s office.
- ECDC 20.75.XXX – Conservation Subdivision Design
 - Provide flexibility during subdivision design to aid in tree retention
 - Setbacks
 - No street setback less than 15 feet
 - No rear setback less than 10 feet
 - No side setback less than 5 feet
 - Lot size may be reduced to allow clustering while not increasing the overall density allowed by the zone
 - Coverage on individual lots may be increased as long as the overall coverage allowed by the zone is not exceeded
 - Allow variations in access widths
- Chapter 3.95 ECC – Tree Fund
 - Funding Sources
 - Revenue from Chapter 23.10 ECDC: fee-in-lieu or civil fines
 - Civil penalties from critical area violations
 - Donations or grants for tree purposes
 - Other monies allocated by the City Council
 - Funding Purposes
 - Tree vouchers for planting trees in the City of Edmonds
 - Paying for services provided by a qualified tree professional
 - Paying for services that support urban forest management and health
 - Acquiring, maintaining, and preserving wooded areas within the City
 - Purchasing supplies for Arbor Day and other education purposes
 - Funds from fee-in-lieu program must be used to purchase trees for planting (added by Planning Board prior to examples, could be significant amounts paid into fee-in-lieu program, may not be enough places to plant trees in city, Council consider other uses)
- ECDC 23.10.030 - Permits
 - Tree removal not specifically exempted in section 23.10.040 processed as Type I permit

- Procedural exemption. Tree removal associated with building permit, subdivision or other land use approval will be reviewed with the associated project and will not require a separate tree removal permit.
- ECDC 23.10.100 – Violation, Enforcement and Penalties
 - Civil Penalties
 - Economic benefit derived from violation
 - Appraisal for trees 12 inches DBH or larger
 - \$1,500 for trees less than 12 inches DBH
 - Aiding and Abetting: Tree cutter equally liable as property owner
- Development Examples
 - Next five slide are examples of implementing the draft regulations
 - Compare the fee-in-lieu tree fund payments with other development fees
 - City Impact Fees
 - Traffic - new single family residence \$6,249.14
 - Parks - new single family residence = \$2,734.05
 - Utility Charges
 - Water – ¾” meter = \$5,050
 - Sewer – new single family +\$4,417
 - Credit is given for existing development
- 1. New Single-Family Development
 - 15 Trees Predevelopment
 - 30% Retention – 5 Trees
 - Tree Retained – 6 Trees
 - Assume Plant 3 Replacement Trees
 - Required replacement trees not planted 22
 - Tree Fund Payment \$22,000
 - Retain one additional tree and plant three more
 - \$16,000 Tree Fund Payment
 - Parks/Traffic/Sewer/Water -\$18,450
- 2. Short Subdivision – Four Lots
 - 41 Trees Predevelopment
 - 30% Retention – 12 Trees
 - Trees Retained – 13 Trees
 - Assume 3 Trees/lot – 12 Trees
 - Required replacement trees not planted – 58 Trees
 - Tree Fund Payment - \$58,000
 - Retain 8 additional trees
 - \$37,000 Tree Fund Payment
 - Parks/Traffic/Sewer/Water - \$55,351
- 3. Subdivision –Ten Lots
 - 90 Trees Predevelopment
 - 30% Retention – 27 Trees
 - Trees Retained – 20
 - Assume 3 Tree/lot – 30
 - Required replacement trees not planted – 98
 - Tree Fund Payment - \$98,000
 - Retain 1 additional tree and plant 4 per lot
 - \$85,000 Tree Fund Payment
 - Parks/Traffic/Sewer/Water - \$129,151
- 4A. Conservation Subdivision Design (Standard development)
 - 153 Trees Predevelopment

- 30% Retention – 46 Trees
 - Trees Retained – 15 Trees
 - Assume 3 Tree/Lot – 12 Trees
 - Required Replacement trees not planted – 315
 - Tree Fund Payment - \$315,000
 - Parks/Traffic/Sewer/Water - \$70,801
- 4B. Conservaton Subdivision Design (Flexible development)
- 153 Trees Predevelopment
 - 30% Retention – 46 Trees
 - Trees Retained – 62 Trees
 - Assume 3 Tree/Lot – 12 Trees
 - Required Replacement trees not planted – 202)
 - Tree Fund Payment - \$202,000
 - Parks/Traffic/Sewer/Water - \$70,801
5. Multi-Family Development –10 Unit Apartment
- 8 Trees Predevelopment
 - 25% Retention –2 Trees
 - Trees Retained – 0 Trees
 - Required Replacement Trees –18 Trees
 - Tree Planted – 36 Trees
 - Tree Fund Payment - \$0
 - Parks/Traffic/Sewer/Water - \$38,595

Mayor Nelson opened the public hearing.

Larry Temple, Edmonds, said he and his wife moved here 18 years ago and live a block north of City Hall on 5th Avenue north in a condo with a view of Puget Sound, mountains and ferry. A lot of work and planning has gone into the tree code, but it is little more than protection of trees. Although he understood the ecological need for trees, particularly with global warming, but the code needs to include something about controlling tree heights. They have watched their view diminish over the 18 years. He referred to an article in the Edmonds Beacon on May 30, 2013 written by Vivian Olson, relaying that she chose to move to Edmonds in part due to the great water and mountain views. Many others would agree that was why they came to Edmonds, for the unique views. The article included Ms. Olson recalling when she lived in the Seaview neighborhood and the splendid view of the Puget Sound and mountains that disappeared as the trees took over. Water views are an asset unique to Edmonds that does not exist in Mill Creek; in Mill Creek the view is the trees. Edmonds has something that needs to be protected in addition to the trees and kept as a focal point which requires managing the trees. He recalled meeting with Parks Maintenance Manager Rich Lindsay in November and explaining that the trees on 3rd Avenue were growing into the view and his response that the City has nothing to do with maintaining trees for views. He was hopeful some protection for the views that residents paid a lot for could be included in the tree code.

Marjie Fields, Edmonds, acknowledged she is a tree hugger. At the last city council meeting, it sounded like the city was acknowledging problems with the scope and effectiveness of the tree code, but was proposing passage of a partial code, with a promise of more to come. However the timeline and coverage for additions to the code were not addressed. Without that information, it is difficult to know whether to support the proposal or not. There are so many questions, such as will additions address more of the Urban Forest Management Plan that was supposed to be the basis of the tree code? Will additions be based on science, with data to back up regulations regarding various tree species and various locations of trees? For instance, will trees essential to managing stormwater runoff be prioritized for retention? Will additions be specific about what constitutes a nuisance tree?? Will experts be involved in determining

what trees are not protected? Testimony from fellow citizens adds to the list of unanswered questions. She summarized she was worried about the great hopes for a meaningful tree code.

Bill Phipps, Edmonds, a Tree Board member, but not speaking for the Tree Board, referred to a letter he submitted on January 26, 2021 that reflects his current thoughts on the tree code. The tree code is a good start and he encouraged the Council to finish it and not kick it down the road. However, a tree code should address all the trees in a city, not just a few. He encouraged the City to, 1) set up a tree bank where replacement trees could be planted, 2) set up a tree loss notification where tree loss on private developed lots could be tracked so all the tree lost in Edmonds could be accounted for, 3) plant multiple of kind replacement trees for every significant tree lost any place at any time for any reason, and 4) and ensure the tree code addresses all the trees in the City. He also suggested the City assure residents with water views that the aim of the tree code is not to plant large conifer trees in the bowl area. The City needs to set up a tree bank or tree preserve or join a group that already has a preserve and plant replacement trees there where they will not block anyone's water views.

Lora Hein, Edmonds, applauded the City Council, Tree Board and Planning Board for all the hours spent meeting and deliberating on the tree code. However, after reading through detailed numbers and pages of exemptions, these regulations are not enough to serve the stated purpose, to protect, enhance and preserve significant trees. Protecting, enhancing and preserving a viable tree canopy will require tougher restrictions on removing trees on any property. Replacement of trees will not be served unless trees that are removed are replaced with trees at minimum equivalent to or in excess of the volume of the tree canopy removed. Without such stringent regulations, the City will continue to lose these living, breathing protectors of clean air, climate, and quality of all life including native wildlife. She relayed hearing that up to 90% of residential properties in Edmonds are already developed and exempt from any regulations to protect, enhance and preserve the remaining canopy. Thus all but 10% of the residential area of Edmonds is subject to removal of any or all remaining trees. She read in City of Kirkland materials regarding revision of its tree code that shoppers spend 9-12% more in areas with high quality tree canopy. She found the streets adjacent to retail in Edmonds contain only a smattering of trees. Her favorite places to stroll, linger and look at shops are those with the dappled proximity of a street tree. In her personal experience walking to and from downtown on summer day on streets named after trees, few trees shade those streets, requiring her to weave from one side of the street to the other to find a place to pause and appreciate the cooling relief of a tree. As long as most of Edmonds is exempt from tree removal and the small area addressed in the tree code is subject to additional exemptions and administrative override, the intent of enhancing the Edmonds quality of life with all that trees provide will be for naught. As she has stated in previous remarks regarding these regulations, what is needed is a complete moratorium on any tree removal until the Planning Board returns with a stronger, more effective tree code that meets the stated purpose of protecting, enhancing and preserving significant trees. Such code should be based on best available science, support the known benefits of trees and puts clear and management rules in place to serve the future wellbeing of all City residents rather than allow the continuation of business as usual while quality of life erodes away.

Maxine Mitchell, Edmonds, said she and her husband have lived in Edmonds for 10 years; one of the main attractions is the views of Puget Sound and the Olympic Mountain range. She concurred with the comments expressed by Anna Forslund West to the City Council in November in which suggested protection of water views be inserted into the intents and purposes section of the proposed tree code. Real estate agents know how valuable property with a view of Puget Sound and the mountains is, adding substantial value to the price tag. Edmonds is a very special place to live and to buy a house. When trees are planted without regard to their mature height, they could destroy a resident's view. The Urban Forest Management Plan has an entire section on trees and views, stating when considering planting trees in the bowl and other view areas, lower growing trees will help preserve the views of neighboring properties. In other words, when a developer plans a site, he/she should take into consideration the height of the new

trees chosen for the site and how their eventual height could adversely affect neighbors' views. That should be included in the tree code, not just penalties for cutting down trees. Just as there are building codes that establish a maximum height on new construction, the tree code should address mature tree heights and how that affects views for property owners. She implored the Council to add a clause in the intent and purposes section of the tree code that refers to protecting water views for homeowners and selecting lower growing trees when land is being developed. Choosing the right tree for the right place is a mantra of the UFMP and should be incorporated into the tree code.

Nicholas Kathis, Edmonds, said in consultation with his neighbors in the Pine Ridge area, they plan to draft a letter to the Council outlining their concerns, too numerous for a three minute comment. He was hopeful the letter would reach the Council in the time required to consider their concerns. He summarized not only does there need to be a code that considers all trees, but a code that responds to all people.

Susie Schaefer, Edmonds, said she sent the Council a letter this morning. She has a sign in her house that says I live in the Pacific Northwest and trees are the view. She noted we all live in the Pacific Northwest.

Joe Scordino, Edmonds, said he sent in written comments last week and today regarding the draft tree code. The draft tree code needs substantive changes and he questioned why the City would go through the long process of developing an Urban Forest Management Plan that was supposed to set the way for the tree code and then not implement the goals and objectives of that plan. He was not an expert on trees so could comment on the specifics, but he did not see the science in many of the metrics such as the 3:1 replacement. He recommended the Council turn to the Tree Board which includes a number of tree experts and get their recommendations on what the metrics should be. He cited his background in regulations, 30 years with federal government primarily writing and implementing federal regulations; he sees a lot of loopholes in these regulations that need to be closed. He questioned the City would draft regulations with so many loopholes for developers to work around. His written comments address how to close those loopholes, streamline the tree code, and make it effective while acknowledging some of the public's concerns.

Gary Nelson, Edmonds, said he grew up on a horticulture farm before urbanizing and moving to Edmonds 58 years ago. The Tree Board and the City Council have ignored several goals in the GMA in RCW 36.70 via this tree code. In the first goal, cities are encouraged to have growth in urban areas, and the fourth goal is to encourage the availability of affordable housing. One of the top five reasons that affordable housing is lacking in Edmonds and throughout the Puget Sound area is over government regulation. The sixth goal of the GMA is to protect private property owners so they are not affected by arbitrary actions. The Comprehensive Plan requires sufficient capacity of land for development of housing. The tree code hampers the use of available land. Fees are a barricade to development, not just developers, but regular people who have a lot next to the home they currently live in. If there is serious thought to preserving more trees on private land in Edmonds, the City should purchase the property with the trees to be retained instead of punishing property owners with overreaching laws.

Hearing no further comment, Mayor Nelson closed the public hearing.

Council President Paine announced that Councilmember Fraley-Monillas had been feeling ill and had left the meeting.

Council President Paine asked how tree canopy changes would be measured over time. Mr. Lien answered the UFMP did a canopy coverage analysis based on a 2015 aerial photo. One of goals in the UFMP is to update that canopy coverage periodically. There is nothing currently scheduled but a periodic

review is stated in the UFMP. Council President Paine observed it had not been decided what periodically entails. Mr. Lien recalled it was 5-10 years. Ms. Hope said that could be budgeted in the near future.

Councilmember Buckshnis said she was going to propose including it in the 2021 budget, but envisioned including it in the 2022 budget. With her knowledge of development that has occurred, there has been significant tree loss since 2015. She recommended remanding the tree code to the Planning Board as she did not like having the Council attempt to approve a half completed code. She did not recall the Council telling the Planning Board to develop half a code. There are a number of issues with the tree code as emails from citizens have pointed out. The code needs to address incentives, no new loss, and a tree notification system that does not penalize people for removing trees but keeps track of trees. She recommended discussing net ecological gain and offered to send Mr. Lien a letter from Puget Sound Partnership whose issue is the current no net loss model is a misnomer, an approach that turns a blind eye to centuries of devastating habitat loss. Edmonds is not the only city with a tree code; Mr. Phipps has looked at the tree codes in all the local cities. All cities have GMA issues to deal with. She recommended the Council discuss what needs to be added to the tree code and send it back to the Planning Board because there is time and she believed it was inadequate.

Councilmember Distelhorst asked Ms. Hope to comment on an email she sent today about the escalation pricing around DBH versus the same cost or fee for every tree. Development Services Director Shane Hope said it was related to instead of the way the in-lieu-fee program is currently proposed and focusing on tree retention, focusing on trees proposed to be cut and to higher fees for larger trees to provide motivation to retain them. Mr. Lien said that idea comes from Medina's tree code where the \$200/inch fee is based on diameter of the trees that are cut. For example, the fee for removal of a 10 inch diameter tree would be \$2,000 and \$4,000 for removal of a 20" diameter tree.

Councilmember Distelhorst referred to the low impact development conservation subdivision example and asked staff to explain whether the area on one side where the trees are retained would be owned by an HOA or how ownership of that area was accomplished. Mr. Lien displayed the conservation subdivision design and referred to the diagram on the right (clustered houses), explaining that area could be set aside as a conservation easement where the responsibility for the property is spread between the property owners. Typically 4-lot subdivisions do not establish an HOA, but it could be set aside as an easement or a separate tract, or a number of other ways.

Councilmember Olson wanted to address how the Council will move forward. She agree if the Council was able to stay focused on the narrow scope of this tree code, they were more likely to reach agreement and have something move forward in the next 1-2 weeks. She personally felt some pressure to move the tree code forward based on the fact that there is a moratorium in place. She supported the moratorium but felt it was a significant move for a city to take because it was not good for business. The part of the tree code that was most relevant to the moratorium was new development such as new subdivisions which as proposed the tree code did address.

Councilmember Olson agreed that the proposed tree code did not get the City to the UFMP goals which she fully supported and wanted to know the timeline for addressing trees on other property that need to be protected. She was interested in getting information from the Administration this week so the Council knew what it was working toward. The tree code as proposed does not contain the foundation for that aspect and she was concerned if the Council tried to address that within the window necessary from the standpoint of the moratorium, it would end up not being great policy. Ms. Hope answered there have discussions at the Administrative level regarding what could be done to address the expected timeline; what could be accomplished now to address the first level of problems and what things can be done to address the second and third levels. She and Lien have discussed that and have heard from Councilmembers and the public. She offered to return with that next week for Council review and input.

Councilmember L. Johnson echoed some of the previous comments, pointing out as stated in the presentation, the proposed tree code does not meet the no net loss requirement nor was it intended to. However, by calling it the tree code, she was concerned it gives the impression that it is the code that will offer that protection. It is a start but it needs to be expanded to a code that will get the City toward no net loss or better yet, the net ecological gain that has been mentioned. She was interested in code that would look at single family lots and whether the timeline could be reasonably met. The UFMP stated the canopy analysis would be updated periodically; she recalled the Council approved an interlocal agreement with Snohomish County for GIS data a couple weeks ago, data that would be available to the City. She asked if that data would allow the City to compare today's canopy to 2015 to determine tree loss that has occurred during those 6 years. Ms. Hope said it would be necessary to determine whether the methodology Snohomish County used was the same as was used for the 2015 inventory. If it is, that makes it very easy, if the methodology is different, it may not provide credible, science based information. Staff will look into that.

Councilmember K. Johnson referred to Section 23.10.040 which indicates there are exemptions for the removal of trees on private property. She cited two aspects of that, first, property rights, what people can do on their own property which must be balanced with the significant removal of old growth, mature trees that people want to remove for no particular reason. She often hears chainsaws in her neighborhood; it used to be heavily treed and now it is much less so. She questioned how to balance those two perspectives, the desire to protect private property rights versus the desire to maintain tree coverage. Mr. Lien agreed that was a difficult question, it is a balancing act when preparing the code. One of the reasons for focusing on development with this code update is clearcutting during development is the most frequent complaint. The previous tree code update looked at tree removal on all property throughout the City; private property concerns was one of the reasons so many people came out against that tree code. The focus of this tree code is on development; the exemption is for single family properties without critical areas. Critical area regulations still apply; if there are streams, wetlands, steep slopes, etc. the property would not be exempt from tree cutting requirements. However, a flat, developed single family lot falls under the exemption. He agreed private property rights was a tough balancing act when developing any code.

Councilmember K. Johnson suggested focusing on significant trees or protected trees on private property to maintain older forest trees. Ms. Hope said one of things that has been discussed is some kind of a heritage tree program that would identify special trees, either particular species, size or some other aspect as another way to address tree retention not part of development. Councilmember K. Johnson asked if that would be on a voluntary basis. Ms. Hope answered there are two types of programs, one is voluntary and the other is mandatory. Staff could explore that and give Council options.

Councilmember K. Johnson asked if staff anticipated being able to do that during this code update. Ms. Hope expected to be able to do it this year but not in two months to provide a good product. Mr. Lien commented meeting the 30% canopy coverage requirement will require more than code. There could be a voluntary heritage tree program and consideration could also be given to incentives. This code provides for tree vouchers and a tree fund. There have also been discussions about possible financial benefits for property owners who retain trees such as property tax breaks, breaks in the stormwater utility fees, etc. to encourage people to retain trees on their property. There is also an education element to inform people about the importance of retaining trees on their property. He summarized it will take more than code to meet the 30% requirement; it will require a more holistic approach that includes education, incentives, etc.

Councilmember K. Johnson referred to the replacement program, if one tree is cut, three are supposed to be planted. She asked if that could specify that the same species of tree be planted so that a Douglas fir is

not replaced with three Japanese maple that do not provide the same tree coverage. Mr. Lien said that gets to the right tree right place. There have been comments tonight about views in the bowl; if a Douglas fir is cut down, replanting another Douglas fir might not be the right tree in the right place, a Douglas fir is not really an urban tree. Different tree species have different canopy coverage; the code prefers native trees for replacement, but requiring the exact same species will not result in the right tree in the right place most of the time. For example if someone cuts down an apple tree, should they be required to replant apple trees? Ms. Hope said that is the reason for prioritization of trees so that higher priority trees are preferred. She agreed it depends on the circumstances and is another example of private property rights and interests; some people want orchard trees, some do not and often the particular site determines what makes the most sense.

Council President Paine raised the issue of tracking, permitting and how to keep track of what is going on. Some cities have free or low cost tree permits for pruning or tree removal on single family private property. That way if it is a protected tree or has other qualities that the city wants to preserve, there is an opportunity for education. She asked if there were ways to incentivize the permitting process for low impact development such as fast tracking for good tree retention, good stormwater infiltration, etc. That would allow combining good practices with strong tree retention. She cited the importance of tracking which trees are being removed, and questioned why there was hesitancy to have tree removal permits or tree pruning permits to assist with tracking larger canopy trees.

Ms. Hope answered if a city wants a have permit system, it is important to determine whether the permit system is intended to say no or to say yes. A permit system only tracks what happens to come to the City's attention, there are plenty of other things that happen that the City does not know about, raising the question of how valid the information is. It is also important to recognize that if the City Council wants everybody to get a permit for pruning and cutting, it will require quite a lot more staffing. There are millions of trees in the City and it would take a much greater financial commitment to make that happen unless the intent was to pass something there was no intent to enforce. Council President Paine said there is often a missed opportunity for education. At some point the City needs to track what is happening with larger stands of trees or larger specimen trees that the City wants to retain.

Councilmember Olson referred to points made in citizen letters such as rhododendrons and laurels which are bushes, but over time develop quite substantial trunks that would exceed the significant tree specifications. She asked if those would be included in number of trees on a site and used to determine fees and replacement requirements, commenting sometimes those bushes are more like landscape clean up during a construction project. Mr. Lien read the definition of tree, a self-supporting, woody plant characterized by one main trunk for certain species or multi-trunks that is recognized as a tree in the nursery and arboricultural industries. He concluded rhododendrons and laurels probably would not meet that definition.

Councilmember Olson referred to replacement trees and the 30% retention rate, pointing out someone would still be responsible for zero net loss on that lot. If someone purchased and developed a site with a lot of trees, the financial impact could be very significant because the requirement is not just to replace the trees that existed. She acknowledged the reason a higher in-lieu-fee was recommended was to retain trees, but in fact it is impossible to keep all the trees in order to construct a building or buildings on a site. It ends up being punitive to charge more than the cost to replace the trees. She was not comfortable with the \$1,000 amount when last week's minutes state Parks indicated the cost to replant a tree was \$300. She questioned why the higher amount was proposed as it would penalize the developer.

Mr. Lien responded that dollar value was discussed a lot during the Planning Board's review. One way it was looked at was if the amount was lower, a developer would not make as great an effort to retain more trees and the higher amount would result in a greater effort to retain trees on the site, basically a reverse

incentive. Developers who want to save money would retain more trees so the fee-in-lieu payment would be less. With regard to no net loss in UFMP, the intent is to replace trees cut with development. Having the fee-in-lieu program could fund tree planting throughout the City via tree vouchers in parks and if the tree code is revised slightly, could also be used to preserve wooded lots. Consideration was given to ways of potentially lowering the fee-in-lieu of amount but the Planning Board was adamant it should be that higher amount.

Councilmember Olson said the math and the examples provided illustrate it is not even an option to keep the number of trees that the developer would be responsible for funding. In light of that, the trees should be funded at the true price, not an amount almost three times higher. Mr. Lien said the fee-in-lieu in some other jurisdictions in the cost of the tree replacement; often a fee is not stated, it is just the fair market value of replacing the tree. Councilmember Olson said she was making the point in the context of the developer, but it ends up getting passed onto the consumer and has a direct impact on the bottom line cost of the house.

Councilmember Buckshnis referred to Ms. Hope's comment about completing the tree code in two months, commenting it sounds like the Administration is expecting to have the tree code completed in two months. Ms. Hope answered that was this part of the tree code that is related to development only; it would be good to have that finished within two months and then pursue the other parts if there was agreement on key points. The City has a moratorium related to development; therefore, finishing the development portion first as has been presented and returning on other issues would allow the development part to exist while the rest of the work is done over the next 2-6 months or whatever it takes.

Councilmember Buckshnis said her concern with the development aspect of the tree code was staff used the current development code and examples that relate to million dollar houses when a housing code was coming up that she hoped would deal with low impact housing that would preserve trees. She was concerned with piecemealing the code when it was a very important topic. She offered to provide examples of what was missing. With regard to exemptions and allowing the director to waive requirements such as replacement trees, that was not something not many cities have in their codes. Mr. Lien answered a lot of other codes have that flexibility. One of the areas where the director can allow a difference is in the size of the replacement trees. He has heard over the years on critical areas and also in tree planting that planting a smaller tree is actually better than planting a larger tree. Planting a small tree where the ratio of the tree to the root ball is lower, the tree gets established faster and grows better. Planting a larger tree takes longer for the tree to get established and begin growing again. That is one of the flexibility in this code. Apart from that, there is not much flexibility from the requirements in the code. He summarized that language is in a lot of codes not only in Edmonds but in other cities.

Councilmember Buckshnis said she was not interested in planting Doug firs in the bowl. She recalled that was addressed in the UFMP and an exhibit that illustrated planting Doug firs in the bowl was removed. She referred to the Right Tree, Right Place and Before You Grab the Chainsaw brochures developed by the Tree Board. She agreed there was an educational aspect. The proposed tree code is addressing development, but it is hoped development changes will impact the retention of trees, yet the examples still utilize the current codes. She suggested developing a list of things and remand back it back to Planning Board and develop a comprehensive tree code in 2-4 months. During that time the Council will also be vetting the Housing Commission's recommendations. She was leery because there were so many important things coming forward and it may be better to step back and get it them all in place.

Council President Paine said her biggest concern was there was not enough focus on canopy retention and including understory which will impact the quality of the remaining trees. She wanted to focus on groves which impact spaces much larger than are currently being considered. It is unfortunate this is not a comprehensive tree code, but there are enough pieces to get something in place before the moratorium

expires. She was not ready to make amendments tonight and suggested the Council discuss it again next week.

Observing that was the consensus of the Council, Mayor Nelson advised the tree code would be returned to Council at the next meeting.

8. NEW BUSINESS

1. RECOGNITION OF HOUSING COMMISSION'S WORK

Development Services Director Shane Hope explained the Citizens' Housing Commission (CHC), appointed by the City Council has completed its work. The Council agenda memo outlines some of the process. She reviewed:

- Council appointed the Citizens' Housing Commission in 2019 after a citywide application process
 - Postcards mailed city wide
 - Numerous applications received
 - 15 commissioners and 8 alternates appointed by Council and Mayor
- CHC began holding public meetings in September 2019 (video recorded and livestreamed)
- Open house at Edmonds-Woodway High School
- Following COVID shutdowns, CHC began holding online meetings
- 80 people attended the in person open house
- 3,700 people participated in the three online open houses
- Information shared with the public via a City webpage
- Information sent to 600-700 local residents and emails to community groups to remind them of the process and invite them to participate in the survey
- Council set timeline of end of January 2021 for the CHC to provide their recommendation
- After 23 meetings, the CHC has provided 15 recommendations for further consideration and public input
 - CHC recommendations are not the subject of tonight's agenda item
 - Staff will present recommendations to Council, starting with those with the most interest and opportunity
- CHC was a diverse group with different opinions/ideas
- Two Council liaisons attended CHC meetings and shared information when needed
- Staff provided information and acted as resource, but allowed CHC to do its work and develop recommendations

Ms. Hope recognized the great job done by the volunteers on the CHC of meeting their deadline, focusing on their mission and providing recommendations to the Council. Now that the CHC's work is done, the next phase will be for staff to bring their recommendations to Council in the near future.

Councilmember Buckshnis thanked the commission, staff, consultants and Council liaisons Distelhorst and Olson. She asked if the Council was provided the CHC's recommendations. Ms. Hope advised she emailed Council the 15 recommendations and 7 proposals that may not fit mission were but worthy of consideration on January 29th following the CHC's January 28th meeting. Staff made a few corrections and resent it yesterday. The CHC's recommendations have also been posted on the City's website as well as a press release to inform the public.

Councilmember Buckshnis asked if the CHC automatically sunsets. Ms. Hope said the resolution states the CHC ends on February 1st. This agenda item is to recognize that the CHC's work is done and there is

work ahead. Councilmember Buckshnis agreed there were a variety of different opinions on the commission. She asked how the recommendations would be presented to Council, whether 1-2 recommendations would be highlighted. Ms. Hope said that would likely be the best way. There are complex issues, some more than others, and it would be easier to focus on 1-2 at a time. Councilmember Buckshnis said she was excited to move forward.

Councilmember L. Johnson recognized the CHC for having 23 meetings which represents an enormous amount of work on the part of many individuals including two Councilmembers. She expressed her appreciation to the CHC for their time and dedication on a very important issue, commenting it was now time for Council to get to work on the same issues.

Councilmember K. Johnson asked Ms. Hope to explain how the Planning Board would be involved in the process moving forward. Ms. Hope answered some of the recommendations are not related to zoning. For example, some are related to partnerships with organizations, etc. which are not Planning Board issues. If the Council wants to pursue something the CHC recommended that is zoning related, she envisioned the Council would refer that to the Planning Board with direction, it would then go through the regular public process which may take months and then would come back to the City Council for a final decision. Other recommendations may be budgetary issues such as how to spend sales tax revenue dedicated to low income housing. She summarized any of the recommendations related to zoning that the Council wanted to have explored further would involve the Planning Board.

Councilmember K. Johnson thanked Ms. Hope for her efforts, commenting there was a lot of staff involved in this effort as well as a lot of dedicated community involvement. She applauded Ms. Hope and the CHC for meeting their goal by the end of January, commenting Zoom meetings brought everyone together.

2. **ORDINANCE AMENDING THE EDMONDS COMMUNITY DEVELOPMENT CODE TO ADD "HOTEL" AS A PERMITTED USE IN THE CW ZONE**

Economic Development/Community Services Director Patrick Doherty commented it has been a year since the Council last considered this topic. He explained hotels are an allowed use in the Downtown Business (BD) zoning districts. However, in the waterfront district of Downtown Edmonds - the Commercial Waterfront (CW) zone district - hotels are not included on its list of "permitted primary uses." The CW zone encompasses all of the properties waterward of the BNSF railroad south of Brackett's Landing South park to the City's southern limits. That being said, only limited opportunities may exist for hotel uses to be developed in the CW zone, given that there are few, if any, viable, vacant properties. If a property owner or investors were to respond to market demand for hotel rooms, it would likely be in the form of re-use of an existing commercial building.

A review of the history of several of the extant commercial buildings along the waterfront indicates that they have housed a succession of different uses over the decades, including such marked changes in use as apartments to offices, offices to restaurants and back again, retail to office, etc. These changes have occurred in response to changes in market demand over the decades and in response to changing economic conditions. The one, otherwise standard, commercial use that has not been available in this zone is lodging.

The Economic Development Commission (EDC) considered this issue over the past two to three years, spurred by their interest in potentially capturing more economic impact from the thousands of visitors who come to Edmonds. While day-trippers spend on average from \$44 to \$85 per person, per day (depending on their activities) in our local economy, overnights in Snohomish County spend up to \$179

per person, per night, a substantial increase in local economic impact (Dean Runyon Associates, May 2019).

What's more, in proposing this potential code amendment, the EDC believed that additional lodging opportunities in and around greater Downtown Edmonds would also serve as a welcome complement to the important arts, culture, entertainment and culinary scene. For these reasons, the EDC proposed consideration of adding "hotel" to the listed of "primary permitted uses" in the CW zone. The Planning Board considered this recommendation and concurred with adding hotels to the list of permitted uses.

It should be noted that since this matter was first considered, the COVID-19 crisis has up-ended the local, national and global economies and substantially impacted the financial viability of traditional mainstays of the local economy, including retail, office-based and other establishments. Many business and property owners are facing an uncertain future with their traditional business models. Office-building owners have been left wondering if pre-existing and/or traditional tenants will return once the pandemic has receded, given the current work-at-home environment. It is quite possible that previously well-occupied office buildings may see long-lasting vacancies. Such property owners may start to seek and consider any possible alternative uses that could be more financially viable. Re-use of such buildings for lodging should be an available option.

For these reasons, and in an effort to expand the opportunities for developing potential lodging establishments in and around Downtown Edmonds, the Administration accepts and forwards the EDC proposal to consider adding "hotel" to the listed of "primary permitted uses" in the CW zone.

The current version of the CW zone is attached to the packet. Generally, the City's zoning code provides for hotels in commercial zones, and includes this definition:

21.40.060 Hotel.

Hotel means any building containing five or more separately occupied rooms that are rented out for sleeping purposes. A central kitchen and dining room and interior accessory shops and services catering to the general public can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care. (See also, Motel.)

The current proposal can be accomplished by adding hotels to the list of Permitted Primary Uses in Chapter 16.55.010 (CW zone). Staff does not recommend adding 'motel' as a permitted use since the purposes of the CW zone are focused on public access and pedestrian use in the waterfront area, and the definition of a motel is more focused on supporting vehicle use and access.

This potential amendment is consistent with the Shoreline Master Program (SMP), which allows this type of use in the Urban Mixed Use shoreline environments. In fact it is arguable that reuse of an existing building that may be office now as a hotel could potentially better meet the SMP than office use. One of the primary objectives of the State SMP is to encourage use or enjoyment of the shorelines of the state. Use of and enjoyment includes visual access, passive access and active access. Most office building are fairly closed environments whereas a hotel tends to have more public.

The City Council had some discussion regarding parking during its review on February 4th. Briefly, the standard for all commercial uses in the downtown area is as follows:

"All new buildings or additions in the downtown business area shall provide parking at a flat rate of one parking stall for every 500 sq. ft. of gross floor area of building. If it is a mixed use or residential building, the portions of the building used exclusively for residential uses shall only be required to provide parking at one stall per dwelling unit. For purposes of this chapter, "residential uses" shall refer to lobbies, stairwells, elevators, storage areas and other similar features." [ECDC 17.50.010.C]

If the Council is concerned that the normal downtown commercial parking rate is insufficient for hotels, the Council could instead specify that hotels use the residential parking rate of "one stall per {dwelling} unit". This could be accomplished by amending the proposed ordinance to permit hotels as:

"Hotels that include parking at one stall for every unit"

During the previous presentation, questions were raised whether a hotel would have great parking needs than the existing office uses. The availability of adequate parking to meet demand will be very important to a hotel developer. The existing parking will be a critical path in determining the number of hotel room that could be provided on a site.

In summary, the Administration believes it is incumbent upon the City to provide a fertile platform for robust economic opportunity within our local business community - such as opportunities to pivot from traditional business models to keep businesses and property owners viable in the new economic realities we will be facing. The potential of a mostly vacant office building at the Waterfront does not serve our community's nor nearby businesses' best interests. If market conditions warranted re-use of such a building as a hotel, the Administration believes such an opportunity should be available, as it is elsewhere in Downtown Edmonds.

Exhibit 1 includes a draft ordinance that would implement the Planning Board's recommendation to add "Hotels" to the permitted uses in the CW zone.

Council President Paine recalled Mr. Doherty's response to an email indicating that there would be a possibility of 40-60 hotel rooms. Mr. Doherty clarified the most that would be seen in the largest building was 30-40. Council President Paine asked in addition to one parking space per hotel room, how much employee parking would be required. She observed the standard for all commercial uses in the downtown area was one parking stall for every 500 square feet of gross floor area of building. She suggested crafting language such as whichever is most beneficial to keep cars on the property. Mr. Doherty explained every potential proposal to reuse a building will be different, one may be large luxurious rooms with a small bar or café so the 1:500 parking ratio may better capture the parking demand, whereas another proposal may be smaller rooms with a larger common area and amenities where one space per room would better capture the parking demand. He emphasized there is no vacant land on the waterfront other than one small parcel with two small homes that is not big enough for a hotel. The only chance that this would occur would be reuse of an existing building. Those existing buildings currently have a parking impact so it would not be an entirely new net impact.

Mr. Doherty explained for example an office building may a spillover peak parking impact of 10 spaces who park on the street; a hotel may have 15 spaces of spillover peak parking impact or it could be the converse. When creating code, it is impossible to know in advance all the possible future development proposals. The parking impact does not start from zero, it is trading uses. For example, restaurants are currently allowed in the CW; the top floor of one of the office buildings could revert to a restaurant as it has been in the past which would have a much greater parking impact. Planning Manager Rob Chave said the City moved away from specified parking ratios for individual uses because it began to be separated from reality. A lot of the ratios were rooted in studies done 20-40 years ago and business models and how parking is provided changes. Staff found using individual parking ratios that were out of date tended to restrict the flow of businesses. For example, if one business closed and another moved in that had a different parking ratio, it hindered businesses occupying spaces and continuing to provide a lively commercial area.

Councilmember Buckshnis said it was her understanding there was only one building as the rest were on Port property. Mr. Doherty answered there are two office buildings and one residential building. It is very

unlikely that the residential building would change to a hotel. Councilmember Buckshnis asked if the residential building was the Ebb Tide. Mr. Doherty answered there was another residential building. The proposed change would impact a maximum of 2-3 buildings. The current vacancy rate is somewhat immaterial because he has heard from some office buildings who are worried about tenants not renewing leases in the next few months due to people working from home, being nervous about COVID, etc. It may be 2022 until high vacancy rates are seen in office buildings. He pointed out this is just an idea, like any zoning ordinance, the list of possible uses are identified but it may take decades for the uses to be acted upon. Councilmember Buckshnis commented there is an apartment building next to the Ebb Tide and the property with two little houses. Mr. Doherty said the property containing the two little houses was underdeveloped under the zoning but it was a very small site that could not accommodate a hotel building.

Councilmember Buckshnis referred to Harbor Inn across the street and asked if there was a need for another hotel and whether they or the Port has voiced any concern about this proposal. Mr. Doherty recalled there was a comment from Port Commissioner Preston last year that there was a downtown hotel in Harbor Square. Mr. Doherty pointed out the City did not insert itself into the market dynamics of competition. For example, if a grocery store was allowed in a business commercial zone, there was no restriction on other grocery stores. Likewise, the City does not decide there are too many auto dealerships, grocery stores, bookstores, etc. The City provides the platform of zoning that allows a rich array of commercial and lets investors, the market, developers and banks determine whether there is enough demand. A hotel demand consultant the City hired a couple years ago advised that before a hotel is financed, the bank requires the hotel developer do a hotel demand study. A bank will not finance a hotel if the demand and the supply do not warrant a new hotel. The study done two years ago determined there was a deficit in supply based on demand of about a 75 room hotel within downtown and about the same in the Highway 99 area. At that time, the study determined the market in Edmonds was not meeting the inherent demand. Councilmember Buckshnis recalled as a regulator, she looked for that information with regard to hotels.

Councilmember Buckshnis pointed out there were funds in the budget for a comprehensive planning review of the entire waterfront area. She personally believed that should look at the entire waterfront, parking, transit hub, the Port, the marsh, open space, public beaches, etc. She asked if this change should be delayed until after that comprehensive review was completed which will give the Council a good understanding of the CW zone as well as the numerous other zones within the waterfront. Mr. Doherty answered there is an urgency to ensure commercial properties and business owners have a wide-open platform to respond to these changing economic times. That comprehensive study will take 1-2 years. Ms. Hope said the Comprehensive Plan process and looking at that area holistically will take quite a lot of time and steps need to be followed. The proposal is not to change the zoning, it is simply to add a particular commercial use in existing buildings. She summarized if that was something the Council wanted to allow the market to consider, it would not hurt the bigger project.

Councilmember Olson said the Comprehensive Plan changes may/may not be consistent with the current allowable uses. She pointed out the 2019 Planning Board minutes reflect that the consultant study said there was demand but due to building heights, the supply could only be met via boutique type enterprises. With regard to competition, the Harbor Inn and a boutique hotel have different market niches. She suggested googling the Lido House in California to get a better idea of a boutique hotel, noting the target market is wholly different. For example, families would be more of the Harbor Inn's target versus a person attending a wedding at the Waterfront Center or a show at Edmonds Center for the Arts. As someone who has spent a lot of time around local business owners, she assured they are a very enterprising group and she fully expected and trusted that anyone interested in taking on that mission would ensure they had sufficient parking to support their operation or come up with ways such as

providing a shuttle to the hotel from the ferry or train. She was confident they would deal with that as part of their business model and the Council did not need to micromanage the parking for this possibility.

Councilmember Distelhorst appreciated the creativity with the potential for an adaptive reuse of a building. He would be much more comfortable having it conform to current parking guidelines and not encourage more driving which would be contrary to the City's climate goals. He was comfortable having this on the Consent Agenda next week if other Councilmembers were also comfortable with that.

Councilmember K. Johnson said before moving forward, the Council should have a better idea of whether or not this development is feasible under the code. She cited ECDC 23.80.040 which identifies this as a geological hazard area which excludes residential or use for places for employment or public access. She requested a determination whether it was feasible to have hotel under the existing code. With regard to parking, it was stated that the parking requirement was one space per 500 square feet in downtown; however, these sites are more confined with less sharing and less street parking. She suggested counting the number of parking spaces per site to determine the number of parking spaces available for the adaptive uses. That preliminary information would be very helpful before moving forward and until those questions were answered, she could not support this zoning change.

Mr. Doherty explained the issue of a geological hazard area is regarding development. The proposal is related to the potential for adaptive reuse of existing buildings. If the land were vacant and a new building were proposed, there may be a different approach to the first floor height as was done with the Waterfront Center. This is related to reuse of an existing building and the feasibility of that is high because there are already systems, parking, etc. in place. With regard to parking, a developer would count the parking spaces, and using the current parking requirement of one space per 500 square feet would determine the amount of hotel space, literally right-sizing a hotel to the parking supply. Regardless of the parking requirement, the existing supply will determine the number of room and size of the hotel. That does not need to be done in advance because it is self-regulating.

Councilmember K. Johnson commented if there were only 12 spaces, that would not accommodate a boutique hotel but 60 space would. She asked if there was a sense of the amount of parking available. Mr. Doherty said he did not know the exact number of parking spaces the largest building has, but it is around 30 which would be adequate for a boutique hotel. Councilmember K. Johnson said that may not be sufficient for a boutique hotel plus a restaurant which would require more parking and parking on the waterfront is insufficient overall. She agreed looking at the waterfront overall as Councilmember Buckshnis suggested would take more time but needed to be done regardless of what the Council did regarding a waterfront hotel.

Council President Paine suggested the Council continue this conversation next week. She recalled during the last presentation, there was abundant discussion about the definition of "hotel." Mr. Doherty sent her several definitions and she preferred Kirkland's definition. She requested staff provide that definition next week for Council consideration. Mr. Doherty agreed, recalling some people raised questions about the validity of the existing definition of hotel in the City's code. Staff does not have a problem with the definition as nothing else meets that definition because, as arcane as the definition may be, it does not mean an apartment, a boarding house, a drug rehab center, etc. It basically means an establishment that provides rooms available for sleeping. He said the reason sleeping is included is dwelling unit is a unit of building area for housekeeping. Housekeeping means living in a unit versus just sleeping. He said if the preference is to have a more modern definition, Issaquah's definition states a building with rooms for rent on a weekly or monthly basis.

Councilmember Buckshnis asked if the City would have any liability if a building were retrofitted for a hotel and a catastrophic event occurred with railroad or an earthquake. She viewed an office building as

having little traffic and a hotel having more traffic and events. The new Waterfront Center is built very well and can withstand an earthquake versus a retrofitted building that would not be built to the new standards. She request staff address the liability aspect, if any, during next week's discussion.

Councilmember K. Johnson recalled asking Mr. Doherty about the seismic hazard, and he said it would not apply because this was an adaptive reuse. It was her understanding a hotel could not be built in that area if it were bare ground due to the seismic geological hazard. Mr. Doherty answered if someone did a substantial enough rehab such as gutting a building, they could trigger current standards related to fire, life safety, seismic, etc. A lesser building rehab with minor tenant improvements may not trigger the threshold and they may not have to bring it up to the current codes. He noted some thresholds, especially related to fire, are very low.

Councilmember K. Johnson said her question was not related to the building code but codes related to critical areas that state residential should not be built in seismic hazardous areas. If a hotel could not be built there because the bare land is seismically hazardous, she asked why a hotel would be allowed just because it was a retrofit. Mr. Chave said the codes do not say a hotel cannot be built. The seismic requirements trigger more stringent building code requirements. With a conversion from one use to another under the building code, a lot of different building considerations are applicable particularly when the use is changing from an office into a place with sleeping quarters, there are more exiting and access requirements, window openings, structural, etc. It doesn't mean it cannot be done, it is just potentially more expensive and a lot more attention needs to be paid to what is being done.

Mr. Doherty said what Councilmember K. Johnson was referring to was exactly what the Waterfront Center found when they realized they needed to raise the first floor due to sea level rise. A new building would have a much higher burden to achieve than reusing an existing building. He noted a hotel is not residential, it is commercial. The current code would allow any of the office building to be reused for a restaurant and a couple of the buildings had restaurants in the past. Those uses, which are quite active and would attract a lot of people, are currently allowed.

9. MAYOR'S COMMENTS

Mayor Nelson said the COVID news is encouraging; the two week rolling average in Snohomish County is down to 184/100,000, a 50% drop since the height this winter. People are making a big different by continuing to physically distance, wear masks and avoid large gatherings. Those things still need to be done to stay safe and beat the virus especially as Snohomish County moves into Phase 2 which provides more options.

Mayor Nelson announced with sadness the passing of Bill Anderson, a local nature photographer. Many people are familiar with his work, but may not have seen Bill. He displayed a photograph of Bill and a quote from another photographer, "you don't shoot things, you capture them. Photograph means painting with light. You paint a picture only by adding light to things you see." Mayor Nelson said Bill added light to the marsh, to the bird, to all the wildlife in Edmonds, all the natural wonders that people miss every day. He extended his condolences to Bill's wife Pauline and son Daren. He thanked the Parks Department for posting several of the photographs Bill took for the Arts Commission, BirdFest, and the Discovery Program on the Edmonds Parks Facebook page.

10. COUNCIL COMMENTS

Councilmember K. Johnson offered her condolences to Mr. Anderson's family, relaying the community has enjoyed his educational and illuminating wildlife pictures.

Councilmember Buckshnis commented Bill Anderson was a wonderful man and she learned a lot from him. She was honored to have had him in her life; he was a nice, kind, intelligent man who knew everything about the wildlife in the marsh. She was greatly saddened by his passing but relieved he was no longer in pain.

Councilmember L. Johnson said it was exciting and comforting to hear that first responders, medical professionals and mature individuals including her own parents who have been able to get COVID vaccinations. However, one educational piece that is missing; people still need to take precautions after being vaccinated. The vaccination works by reducing or preventing the individual from getting sick with COVID; however it does not prevent the individual from spreading the virus, asymptomatic infection despite immunization. She congratulated those who have been vaccinated and urged them to continue taking precautions and keep in mind those who are still waiting to get vaccinated. Regardless of their vaccination status, she urged everyone to keep interactions to a minimum, wear a mask and socially distance.

Councilmember L. Johnson said Bill Anderson's work has touched her, she has long appreciated his photograph. His work will be appreciated for years to come. She offered her sympathies to his family and may his memory be a blessing.

Councilmember Olson commented it was fitting that the Council was talking about the tree code and climate issues today as they remember Bill Anderson because he helped the community appreciate the wildlife in Edmonds and made a big difference to the community. She was thinking of him and his family.

Councilmember Olson expressed her shared value of the views in Edmonds. Most of the comments today were from the standpoint of homeowners, but views are something that all residents and visitors enjoy. The letter to the editor she wrote in the past was not the view from her home, but the view she enjoyed leaving a neighborhood. She acknowledged we can't have it all and the environment is of the utmost importance, but to the extent that those can be valued and balanced when possible, that is good policy for a town like Edmonds and goes a long way toward making tree lovers out of everybody. She hoped Councilmembers would keep that perspective in mind as they move forward on this important support of climate goals that she supported as well as the UFMP which is the basis for the tree code.

Councilmember Distelhorst expressed his sincere condolences to the Anderson family and friends. He reported February is Black History Month and expressed his appreciation to Sno-Isle Libraries for developing a reading list from very young children through adults on many topics related to Black history. Sno-Isle also has a list of local organization and local Snohomish County Black owned business that the community can support. The Edmonds School District also has lunchtime readings.

Councilmember Distelhorst highlighted the equity tool kit developed by the Diversity Commission available on the Chamber of Commerce website. It includes a pledge that businesses can take to create and strengthen an equitable and welcoming culture for each and every neighbor and visitor. It includes the pledge, tools, educational resources, podcasts, websites and local leaders and trainers. Tomorrow night the Diversity Commission will talk about how they plan to roll that out to the community. He urged the public to continue to stay safe, stay home if they can, mask up and take care of the community.

Council President Paine announced she will be reappointing Kevin Harris to the Economic Development Commission. She expressed her appreciation to the Citizens' Housing Commission, the Councilmembers who devoted a lot of time, and the staff team that kept the CHC together for a year. Edmonds gets a lot of mileage from its citizen volunteers who commit their time to making Edmonds a better place.

Council President Paine said she will miss Bill Anderson. He was a great observer of the natural environment as well as a caretaker of the Edmonds Marsh who highlighted the Edmonds Marsh in abundance through his photograph. His photography was admired across the country and he would send links to his fan club. She was sorry he was gone, but glad he was no longer in pain. She expressed her sincerest condolences to his family and friends, everyone will miss him and the impact he made on the community. She urged everyone to mask up and stay safe.

Student Representative Roberts expressed condolences to Bill Anderson's family, commenting he just discovered his work this morning and was amazed by his contributions and thankful for the impact he left for his and future generations of Edmonds.

As we approach nearly a year spent in quarantine, Student Representative Roberts reminded of the importance of taking care of all aspect of your health, but especially your mental health. Over the past few months he has seen an unfortunate number of suicides among youth, and is heartbroken for each one. Those lost are children, brothers, sons, sisters, daughters, coworkers, students, and friends and he wondered what could have prevented their suicides. While the COVID-19 situation cannot be changed, we can change our attitude toward others; we can choose to be respectful and positive toward one another, choose to reach out to our friends to check in or get help, and have the difficult and emotional discussions. He urged everyone to check in with friends and family about mental health and take it seriously; no one has a reason to pretend they are having issues with their mental health. For anyone struggling, he assured there is always help available and urged them to reach out. He encouraged everyone to wear a mask and make safe choices. In addition to preventing as many illnesses and deaths from this virus as possible, there are so many other things on the line; businesses, the mental health of those feeling alone and afraid, and families depend on your choices, please make the right one.

11. ADJOURN

With no further business, the Council meeting was adjourned at 9:56 p.m.


MICHAEL NELSON, MAYOR
SCOTT PASSEY, CITY CLERK

Public Comment for 2/2/21 Council Meeting:

From: Marjie Fields

Sent: Wednesday, February 3, 2021 10:48 AM

To: Council <Council@edmondswa.gov>

Subject: written version of tree code comment.

Thank you for all your hard work for our city.

Just in case you didn't memorize every word I said at the meeting last night, I'm sending you a written version:

At the last city council meeting, it sounded like the city was acknowledging problems with the scope and effectiveness of the tree code, but was proposing passage of a partial code, with a promise of more to come.

However the timeline and coverage for additions to the code were not addressed. Without that information, it is difficult to know whether to support the proposal or not. There are so many questions: such as

Will additions address more of the Urban Forest Management Plan that was supposed to be the basis of the Tree Code?

Will additions be based on science, with data to back up regulations regarding various tree species and various locations of trees? For instance, will trees essential to managing stormwater runoff be prioritized for retention?

Will additions be specific about what constitutes a Nuisance tree?? Will experts be involved in determining what trees are not protected?

Testimony from my fellow citizens adds to the list of unanswered questions.

I am worried about our great hopes for a meaningful tree code.

Marjie Fields

From: Lora M. Hein

Sent: Tuesday, February 2, 2021 8:21 PM

To: Council <Council@edmondswa.gov>

Subject: Tree Code

Dear City Council and Mayor Nelson,

Thank you for the chance to speak at the hearing this evening. I am sending these remarks I made with a couple of additional notes.

I applaud all of you as well as the Tree Board and Planning Board members for the numbers of hours spent meeting and deliberating over the tree code. However, after wading through detailed numbers and pages of exemptions, these regulations are not enough to serve the stated purpose to “protect, enhance, and preserve, significant trees”

To “protect, enhance, and preserve” a viable tree canopy for the city, we need tougher restrictions on removing trees on any property. Another part of the purpose, replacement of trees, will not be served unless trees removed are replaced with trees at minimum equivalent to or in excess of the volume of the tree canopy removed. Without such stringent regulations, we will continue to lose these living and breathing protectors of clean air, climate and quality of all life, including native wildlife.

I have heard that up to 90 % of residential properties in Edmonds are already developed and exempt from any regulation to “protect, enhance, and preserve” what canopy is left. Thus all but 10 per cent of the residential area of Edmonds is subject to removal of any or all remaining trees.

I read recently in Kirkland City materials regarding revision of its tree code that shoppers spend 9-12 % more in areas with high quality tree canopy. I checked our streets adjacent to retail and found only a smattering of trees. My favorite places to stroll and linger to look at shops are those with the dappled proximity of a street tree.

From personal experience walking to and from downtown on a summer day, on streets named Maple, Fir, Pine and Cedar, few trees shade those streets. I have to weave from one side to the other to find any place to pause and appreciate the cooling relief of a tree.

As long as most of Edmonds is exempt from tree removal, and the small area addressed in this code is subject to additional exemptions and administrative override, the intention of enhancing the Edmonds quality of life with all trees provide will be for naught.

As I have stated in previous remarks regarding these regulations, what is needed is a complete moratorium on any tree removal until the Planning Board returns with a stronger, more effective tree code that meets the stated purpose of protecting, enhancing, and preserving, significant trees. Such code must be based on best available science. It must support the known benefits of trees and needs to put clear and manageable rules in place to serve the future well-

being of all city residents rather than allow the continuation of business as usual, while our quality of life erodes away.

I also would like to mention the sacred spiritual connection of the original inhabitants of this land who are acknowledged at the beginning of every meeting who have taken care of this land, including far more trees than are present today.

I also would like to reiterate what someone who followed me referred to. In the Pacific Northwest trees ARE the view. If people want to have unobstructed water views they might want to consider moving to Southern California. A significant part of the view across the water is of the forested slopes of the Olympic Peninsula.

In addition, in response to the person who claimed that trees degrade property values, the city of Portland found the presence of trees adds an average of \$9000 to a house's selling price, the equivalent of an added 129 square feet of finished area to a house.

Conservation Subdivisions Design is another issue that could be woven into the Housing code considerations. I am curious what the number of lots are that actually would be able to make use of these regulation changes.

The tree code needs to address a total tree program.

Many other cities have tree codes that require permits for tree removal from any property. Many of those permits have regulations in place with the intention of maintaining the benefits of caring for our tree neighbors. Rather than punitive fines, property owners are allowed up to a certain number of trees to be removed and provide for replacement of excessive tree loss.

Thank you for considering a more thorough approach to the need for improving urban tree retention and well being. Until a working tree code is approved it is essential to maintain a moratorium on removing trees that cannot be replaced until and unless this code requires clear and adequate maintenance and improvement of our existing environment.

Thank you very much for your attention to this critical matter.

Lora Hein

Submitted by Val Stewart:

February 2, 2021

Dear Mayor Nelson and esteemed City Council members

My name is Val Stewart. I lived in Edmonds for over 30 years. I know most of you through my City involvement for many years including Planning Board where I served alongside Mayor Nelson and councilmember Kristiana Johnson. I chaired the Climate Protection committee for

two years and started Students Saving Salmon, a student led group that restores salmon habitat and educates the public and decision makers about how they can be better stewards of their watershed. I appreciate all the hard work you are doing during these unprecedented times. This is when citizens really need you to represent them.

Tree code is near and dear to my heart. I happened to chair the meeting back when the tree code first came to Planning Board. There were 100 people who wanted to comment. It was a long night. That was when we all learned the hot button items. It became clear that an Urban Forest Management Plan needed to be developed to guide tree code updates. That finally got done and now here we are looking at the latest proposed updates passed on by Planning Board.

I think the proposed tree code should focus more on undeveloped land and how to protect environmental assets on a tract that could be developed. LID is a step in the right direction. Assessment of existing ecosystems and species of wildlife they support should be imperative. One aspect of the proposed tree code provides for the option of using flexibility measures to try and arrange the building sites in a way so more trees are preserved. Using such measures would require the developer and the city planner to reach a common agreement on a modified plan. I hope that means that building footprints can be moved to where they would not impact an already established ecosystem of trees. Townhomes and cluster housing could allow for common areas with nature to be retained and appreciated by residents. This could also contribute to affordable housing with increased density requirements with code adjustments.

What I don't see in this draft is enough attention paid to wildlife habitat. Edmonds is a NWF certified Community Backyard Wildlife Habitat. We need to revive that and continue to educate citizens on how they can certify their properties. They would need to provide food, water, shelter, and a place to raise young for wildlife. The emphasis is on native plants where possible.

When older trees are cut down, we set ourselves back generations and destroy a complex ecosystem that has been evolving often a hundred years or more. I believe in the UFMP it states : "Tree physiology for most trees in Western Washington can take up to 7 years to establish after planting, and another 10 years before they reach functional maturity. Trees provide the majority of their ecosystem services when they reach

functional maturity." That's 17 years. So when you take down a hundred year old tree and everything under it, ask yourself how many human generations it will take to replace that complex ecosystem it supported. it's not just the tree you removed, but the whole network of life under the tree, the roots, understory shrubs and the complex network in the soils that have been developing and nurturing diverse life for decades. Planting a few trees with a much smaller diameter and not replacing the ecosystem that has been destroyed falls way short.

The UFMP asks the City to provide a report which documents Ecosystem Services provided by Public Trees. I think it should include private property trees as well. I am not in favor of a fee in lieu program since I see it as giving developers permission to take down trees indiscriminately and assuage guilt by paying what amounts to not much money to them in a tree bank.

With regard to views, trees can be windowed to reveal some view. We did that on our property and got the benefit of beautiful trees along with a water view through them and alongside. That was until a developer took all the trees down on a neighboring lot when it was redeveloped. Look up “Not a Tree Left Standing” in the Beacon archives. I wrote that at the time. A 4 ft diameter Big leaf Maple along with at least 10 other significant native trees and understory shrubs went down. We never did see the diversity of wildlife we enjoyed ever return.

Seaview woods is a precious and fragile ecosystem since it encompasses a portion of Perrinville Creek drainage basin. This area has been under a microscope for years by neighbors who want to protect it. Development would not be a good idea on that 5 acre tract. Citizen Duane Farmen said recently in an editorial “ Parks, Recreation and Open Space Plan recommends new open space acquisitions to preserve environmentally sensitive land, particularly land that is adjacent to an existing park or open space. The Seaview Woods is exactly what those recommendations call for.” I propose that citizens and the City come up with a plan to purchase the land from the developer who bought it. That should have happened years ago. It’s not too late.

There’s a lot of talk about property rights. But what about the rights of trees. After living for so long and contributing to cleaning our air and water, controlling erosion, providing shade and coolness, and providing critical habitat for wildlife, we are jeopardizing our own sustainability if we don’t protect them. I’d like to end with a quote from the Rights of Nature by David Boyd, 2017. “Who Speaks for Trees? And now I ask all of you Will you speak for the trees?”

Thank you for your consideration and service to our community.
Kind regards,
Val Stewart

From: Richard Senderoff
Sent: Tuesday, February 2, 2021 4:01 PM
To: Council <Council@edmondswa.gov>; Public Comment (Council) <publiccomments@edmondswa.gov>
Cc: Lien, Kernan <Kernan.Lien@edmondswa.gov>; Hope, Shane <Shane.Hope@edmondswa.gov>; Nelson, Michael <Michael.Nelson@edmondswa.gov>
Subject: Public Comment- Perspectives on Draft Tree Code

Dear Councilmembers,

I’m writing to address some overall perspectives regarding the draft tree code and then further elaborate on the relationship between development, storm water, and trees. First, some overall draft tree code perspectives:

- There are way too many exemptions! The KISS (Keep It Simple Silly) principle needs to be followed. The exemptions are subjective and will be subject to “interpretation” by the Planning Department and, subsequently, the Hearing Examiner/Superior Court. Exemptions should be few and far between, not the rule. Developers will look for “loopholes” in the code, which will lead to “band-aids” and a messy code. Keep It Simple!
- The requirements to replace significant trees or charge developers per tree removed is much too lenient! The number of replacement trees should be doubled if not tripled. And the charges per tree removed should be at least 2-3 times (if not up to 5-10 times) higher. Developers will just see these “costs” as the price of doing business.
 - There should also be requirements for replacement based on the number of trees removed per sq. ft. regardless of size/type; trees removed beyond a specified number per sq.ft. need to be replaced or the developer charged. This is the only way to protect pocket forests and to dissuade developers from their current practice of essentially clearcutting prior to construction.
- The Tree Fund needs to be better described in terms of how it will be managed and this should include tree vouchers provided for free on a first come basis to citizens who want to plant trees on their properties (as per Lynnwood).
- More than three (3) tree code violations should result in a developer/contractor being banned from working in Edmonds, as should have happened during Point Edwards construction years ago. Developers/contractors need to understand the City is serious. Again, developers will just view charges for violations as the price of doing business. Carrots won’t work for tree preservation; sticks are required!
- It’s insufficient to focus on code ONLY pertaining to new development. We need a comprehensive tree code and this includes currently developed property, etc.
 - If we approve only a tree code pertaining to new development, Council will simply believe they have “checked the box” and move on, without completing a more comprehensive code. And the tree code will be left unfinished for a long time (if not forever).
 - I don’t believe current developed property owners should be charged for permits. But they should be required to obtain a free permit, allowing the City to document the number of allowable trees being removed for tracking purposes. And at this time, they could also be encouraged to donate to the tree fund based on the cost of a tree voucher/removed tree that could be provided to other citizens (as described above). Developers should also need to document the number of trees being removed during construction.

Finally, we can’t make decisions regarding tree preservation in a vacuum that doesn’t consider the impact on the environment and utility/stormwater requirements. I shouldn’t need to

remind you of the importance of trees regarding stormwater handling, purifying water draining into our salmon streams, and cleansing the air (in addition to providing wildlife habitat).

I previously was a Steering Committee member on the Edmonds Backyard Wildlife Project. The objective of this project was to enhance the wildlife corridors within neighborhoods that connect to pocket forests, parks, and other open spaces. The speed at which we achieved Community Wildlife Habitat designation for Edmonds from the National Wildlife Federation is a testament to the concern and interest that Edmonds citizens have for maintaining and enhancing our environment. In fact, we were achieving the specified requirements so quickly (e.g., record time) that the National Wildlife Federation seemed to keep changing the rules in terms of how they calculated “points” which extended the time for us to achieve the designation. My point being that the Edmonds community has much interest and concern regarding our natural areas and tree canopy.

As such, the environment, including tree canopy preservation must be seriously considered when adopting any development proposals. And the impact of tree removal and development on our existing stormwater issues MUST be given serious consideration; flooding that results increases both the City’s liability and disrupts the lives of families.

For instance, ALL of our current storm water systems throughout the City failed during recent rain events, especially in the Perrinville watershed. This included issues on my street in the Seaview neighborhood, in which stormwater ultimately drains into the Perrinville watershed.

In trying to address these issues with both the Snohomish Conservation District and Public Works it was stated clearly to me that the Perrinville watershed is the most challenging stormwater handling area in the City and the current system is insufficient. Yet, the Planning Department continues to advocate for zoning changes to allow development in Perrinville Woods. It’s as if the Planning Department and Public Works aren’t working in a coordinated manner. In other words, the Planning Department works on behalf of developers to facilitate development proposals and leaves it up to Public Works stormwater engineers to deal with the consequences, with a stormwater handling system that currently is insufficient! Don’t get me wrong. As a scientist, I have great respect for engineers. But frankly, they are not always right and there are many examples of this. And when stormwater systems do not adequately keep pace with development, solutions become even more challenging and expensive.

Yes, I’m aware of the “excuse” that this was a historic storm. But to offer this excuse is to deny that climate change (and global warming) is real and the frequency and extent of these events won't continue to increase. Remember, it’s not about temperature. Rather, it’s about energy. And when more energy (e.g., heat) is put into a system the frequency and extent of the subsequent reaction is increased.

We MUST keep these factors in mind when considering development projects; otherwise, current and future taxpaying residents will suffer the consequences. There should be NO more development within the Perrinville watershed, especially Perrinville Woods, until the current

stormwater issues there are sufficiently addressed. To allow otherwise, is legislative malpractice!

Respectfully,

Rich

From: joe scordino

Sent: Tuesday, February 2, 2021 2:18 PM

To: Council <Council@edmondswa.gov>; Public Comment (Council)
<publiccomments@edmondswa.gov>

Cc: Lien, Kernan <Kernen.Lien@edmondswa.gov>; Hope, Shane
<Shane.Hope@edmondswa.gov>; Nelson, Michael <Michael.Nelson@edmondswa.gov>

Subject: Public Comment for Public Hearing on Tree Code

Council Members;

The draft Tree Code needs substantive revisions!!!!

The draft Tree Code **does NOT even come close to achieving the goals and objectives** of the Urban Forest Management Plan (UFMP) of 2019. Why did the City go through the whole process of developing and the Council approving a UFMP, if it only results in an ineffective Tree Code?

There is no apparent scientific basis for what appears to be arbitrary numbers, percentages, and provisions in the draft. Further, the draft lacks acknowledgment of the functions and ecological values of different species of trees and the conditions of the watersheds that these trees occur in.

The Council **NEEDS TO REQUEST the City's Tree Board**, which consists of citizens knowledgeable on trees, to provide recommendations based on the "best available science" on each of the metrics (diameters, numbers, percentages, etc.) in the draft Tree Code.

As a starting point to fixing the draft code, attached (and below) are suggested changes to definitions, exemptions, permit requirements, and other sections that need to be made to the draft Tree Code to start making it more consistent with the UFMP.

Council Members;

Below are suggested changes to only some of the sections of the draft Tree Code necessary to start making it more consistent with the UFMP.

Section 23.10.020 Definitions

Change definition of part **F. Hazard tree** to read as follows:

"A significant tree that is dead, dying, diseased, damaged, structurally defective as determined by a qualified tree professional, or causing significant physical damage to a private or public structure, sidewalk, curb, road, water or sewer or stormwater utilities, driveway, or parking lot."

Delete ~~F. Nuisance Tree~~ and change all references of ~~Nuisance tree~~ to "Hazard tree".

(see revised definition of Hazard tree above. There is no reason to separately distinguish trees that are causing significant damage to property - they are a "hazard")

Delete ~~K. Protected Tree~~ and change all references of ~~Protected Tree~~ to "Significant Tree".

(This makes it clear that primary purpose of this code is to protect and retain trees with 6" or more diameter)

Section 23.10.030 Permits

Change **A. Applicability:** to read as follows:

"No person shall remove, excessively prune, or top any significant tree without a permit except for removal of trees, with notification to the Planning Department, by the Public Works Department, Parks Department, Fire Department and or franchised utilities for one of the following purposes:

1. Installation and maintenance of public utilities.
2. In response to situations involving public safety, substantial fire hazards, or interruption of services provided by a utility."

Delete part B. (Not needed with above change to part A)

Add new part B.

"B. Fees. Permit application fees will be assessed for each significant tree proposed to be removed, except no fees will be charged for permits solely for removal of trees on an improved single-family lot that is not suitable for subdivision."

Section 23.10.040 Exemptions

Delete entire ~~Section 23.10.040 Exemptions.~~

(Exemptions should only apply in specific and necessary situations such as permit requirements and fees, and be noted in the applicable sections of the code)

Section 23.10.050 Tree Removal Prohibited

Change/simplify this section to read as follows:

“Removal or alteration of a significant tree is prohibited except as provided in a permit issued by the City of Edmonds.”

Section 23.10.080 Tree Replacement

Change/simplify this section to read as follows:

“Every significant tree removed or altered must be replaced with “an ecologically equivalent number of same species trees (taking into account the growth and survival of replacement trees) in the parcel where removed, or in another parcel or park in the same watershed.”

Subsequent Sections

Revise subsequent sections of the draft tree code to be consistent with the changes noted above.

From: Ken Reidy

Sent: Tuesday, February 2, 2021 6:01 AM

To: Public Comment (Council) <publiccomments@edmondswa.gov>; Public Comment (Council) <publiccomments@edmondswa.gov>

Cc: Council <Council@edmondswa.gov>; Judge, Maureen <Maureen.Judge@edmondswa.gov>; Nelson, Michael <Michael.Nelson@edmondswa.gov>; Passey, Scott <Scott.Passey@edmondswa.gov>; Taraday, Jeff <jeff@lighthouselawgroup.com>

Subject: Public Comments for the February 2, 2021 City Council Meeting

At the end of the May 5, 2020 City Council discussion of City Code Chapter 6.60, Councilmember Susan Paine said August would be an opportune time if it is available to “meet” the **new CEMP** as the Emergency Management Policy. Her comments, however, were not included in the May 5, 2020 Approved City Council Meeting Minutes.

Council Discussion of City Code Chapter 6.60 finally showed up on the September 15, 2020 Agenda. The **new CEMP** was NOT included in the Agenda Packet, however. There was no **new CEMP** to “meet”!

What was included in the Agenda Packet was of such **POOR QUALITY** that it was immediately voted off Council’s Agenda. Despite months of time to get ready, it was not ready. It contained errors as I pointed out in my September 13, 2020 email to City Council.

It is now February 2, 2021 and citizens have no way on knowing when City Code Chapter 6.60 will be fixed or when the **new CEMP** will be presented to Council for approval.

Council President Susan Paine has chosen to not respond to my emails asking her about City Code Chapter 6.60 and the **new CEMP**. **I believe her conduct is contrary to the City’s Code of Ethics which clearly states that it is mandatory to keep the community informed on municipal affairs and encourage communications between the citizens and all municipal officers.**

I encourage all to **watch the video** of the May 5, 2020 City Council discussion of City Code Chapter 6.60. That discussion included Mayor Nelson’s representation that the disaster coordinator is busy coordinating a disaster, implying he was **too busy to attend a Council meeting.**

I have attached that portion of the minutes. I have highlighted some of the more important points. Please also see my documentation of the major error in the May 5th minutes. **I encourage Council to correct that error as soon as possible.**

The City of Edmonds knows that WAC 118-30-060 (7) requires the CEMP to be reviewed AND updated at least once every **two** calendar years. WAC 118-30-060 (9) requires revised and updated portions of the plan to be submitted to the director within ninety calendar days of

revision. City of Edmonds **Resolution 1386** provides clear evidence that the City of Edmonds has known for years that Washington State law requires the CEMP to be reviewed and updated at least once every two calendar years.

The CEMP attached to **Resolution 1386** is dated January 2017 on each page of the CEMP document. That CEMP had to be reviewed AND updated by December 31, 2018. Per Statute, the revised and updated portions of the CEMP had to be submitted to the director within ninety calendar days of revision.

Please notify all parties, including all citizens of Edmonds, of the City's failure to review AND update the City's **CEMP** as required by statute. Thank you.

Attachment:

From the May 5, 2020 Edmonds City Council Approved Minutes:

3. COUNCIL DISCUSSION OF CITY CODE CHAPTER 6.60

Councilmember Paine said this is continued discussion from the March 24th meeting. This is not meant to be a comprehensive change to the code but for the code to more closely match the RCW and WAC. There were no changes to the emergency powers section other than minor tweaks. She suggested

returning this to Council on August 18th to include a review of Comprehensive Emergency Management

Plan (CEMP) if it is ready for review and to make other changes based on the administration's needs. The administration has not had the opportunity or bandwidth to make changes to this code and they really do need to have an opportunity to weigh in on the operational structure and how things work.

This is the year when the CEMP gets updated.

Councilmember Buckshnis said she sent some amendment/ideas about Section 6.60.090 because Items C and D are duplicative. She asked what Councilmember Paine wanted from the Council tonight.

Councilmember Paine said she was interested in a review and a full bodied discussion and she will bring

it back next week or the following week to enact those changes so the code reflects the requirements in the RCW and the WAC.

Councilmember Buckshnis referred to Section 6.60.080 Proclamation of emergency, Item 3, which states, "The proclamations of emergency do not need to be ratified by the city council," and pointed out the CEMP requires ratification. Councilmember Paine said her

understanding of the CEMP was the City did not have a safety and disaster coordinator position in place so it was a limited update and that may be a relic. The CEMP was the operational manual and if the code was changed, the CEMP instead of the code would be out of line.

Councilmember Buckshnis said she personally believed the City Council needed to ratify the proclamation or make a declaration via a resolution of emergency because she believed the City Council should be involved with approving/supporting the Mayor's proclamation. She recommended the statement she cited be removed from 6.60.080.3. City Attorney Jeff Taraday said he was trying not to build a lot of process into this for the sake of process. Subsections 3 and 4 need to be read together; subsection 4 states, "If in the case that city council disagrees with the proclamation of emergency or believes that the emergency is no longer pending, city council may nullify the proclamation of emergency through resolution." He explained the intent was not to take any power away from the City Council but to put the power in a place where the Council has the option to do things versus creating process where the administration has to jump through a bunch of hoops. In the midst of emergency, checking every last box set forth in the code may not be on everyone's mind. For example, if there was a 9.0 earthquake, procedural things like getting the Council to ratify a proclamation may not be front of mind. While leaving the power with the City Council to take away emergency powers, he did not want to create a lot of unnecessary process.

Councilmember Buckshnis said she and Mr. Taraday may need to agree to disagree; she did not view it as an unnecessary administrative thing, basically all the Council would be doing was affirming the Mayor's proclamation. She recalled Mayor Nelson had called her to say he was declaring an emergency as outlined in subsection 2. Regardless of whether there was an earthquake, when an emergency was declared, the Council should in open session ratify the proclamation so the citizens could see what happened. She viewed it as communication, transparency and acceptance of the emergency. She questioned how the Council could remove it if it were not in place. Councilmember Distelhorst said he had a similar question to Councilmember Buckshnis' question regarding 080. He asked what the Mayor can include in a proclamation of emergency and whether it was simply this is an emergency full stop or could there be other items that are considered under the order that require Council ratification. Mr.

Taraday said any order, even if bundled with the proclamation, still needs to be ratified by the City Council.

Councilmember Distelhorst clarified there could not be a proclamation that includes an item covered by the order that does not need Council ratification. Mr. Taraday said the Council would not be able to avoid what was otherwise be a ratification-requiring order by just including it in the initial proclamation.

-MISTAKE – MR. TARADAY WAS REFERRING TO THE MAYOR NOT COUNCIL. Anything that looked like

an order would still have to be ratified. The proclamation simply states there is an emergency.

Councilmember K. Johnson explained the CEMP is coordinated at a state and county level. In the last iteration, there were only minor changes made. That does not make it a relic; it is a living document that needs to be updated every two years. She agreed the City did not have an emergency management coordinator when the CEMP was last updated; then-Police Chief Compaan was the director responsible for updating the CEMP and it had been reviewed and adopted by Council.

Councilmember Olson referred to Section 6.60.090 and suggested removing Subsections C, D and E and renumbering the remaining subsections. Anything that gets done under these emergency orders are things the actual emergency necessitates. Being specific about what might happen during an emergency isn't helpful, may cause someone concern, and those issues will not come into play unless required by the emergency. Subsection B is broad and

includes the specifics cited in Subsections C, D and E. She referred to 6.60.065 Continuity of government, stating she felt strongly that the experience of whoever was stepping up was of the utmost value in an emergency situation versus spending time figuring out who the players were. The people who have been around the longest are the most likely to know how to act. She recommended deleting Subsection B so that remaining city councilmembers in order of continuous seniority would follow the council president. The council president is guaranteed some seniority because they were likely pro tem before becoming council president.

Council President Fraley-Monillas asked whether the subsections in Section 6.60.090 already existed. Councilmember Paine said they were the result of discussion over the last six weeks. Mr. Taraday clarified the entire section was added in March, but nothing has been added since the Council last amended it. Council President Fraley-Monillas asked where that language came from. Mr. Taraday answered Section 6.60.090 was a conglomeration of Seattle and Everett primarily; several other cities have similar provisions.

Council President Fraley-Monillas suggested in the future identifying it as new language so it was easier to understand. Mr. Taraday clarified it was not new language. They had only highlighted changes that had been made since the last time the Council saw this. Mayor Nelson clarified Mr. Taraday's definition of "new" and Council President Fraley-Monillas' definition were different.

Council President Fraley-Monillas observed that language was not in the policy before the pandemic and before the Council began working on this. Mr. Taraday agreed. Council President Fraley-Monillas said it would be clearer and easier to understand, especially in a document of this size, if that was indicated.

She found it difficult to track because it was so large and some sections seem duplicative. Mr. Taraday said it would be helpful for future packet preparation to know which version the Council wanted the document redlined against. His custom was to only show the most recent changes. Council President Fraley-Monillas said normally the most recent was fine, but because this was a new section, it would be easier to understand if what was added in previous months was highlighted. One of the issues is this is a large policy to comprehend.

Councilmember Buckshnis said the original is attached to Ordinance 4177. She agreed there were a lot of new sections. She recommended Mr. Taraday use Marysville instead of Seattle or Everett. She concurred with Councilmember Olson's suggestion to remove Subsections C, D and E because they were redundant and already addressed in B. She has received a lot of comments about Subsections C, D and

E. The issue with C is closing bars, taverns and liquor stores. One person expressed concern that the Mayor can decide whether those businesses remain open or not. Marysville's code does not even address that issue nor does it address guns which was in the former Subsection G. She suggested attaching Ordinance 4177 which shows the new language.

Councilmember K. Johnson said she also received emails from citizens about the policy and they are generally confused. She suggested it would be helpful for Council and citizens to put

everything in context in the narrative. Some people are under the mistaken impression that the City is still under ESCA when in fact the City is now under Snohomish County emergency management. It would also be helpful to describe the new 911 coordination because that has also changed.

Councilmember Paine said much of the language in the changes proposed today are from Lake Stevens and Lynnwood; Lake Stevens updated their code in 2019 and Lynnwood updated their code in 2018. She thought they were good sources of information because they are both local and part of Snohomish County Department of Emergency Management.

Council President Fraley-Monillas said she understood the desire to potentially take out Subsection C, but she was likely the only Councilmember who has been through a Category 5 hurricane in a third world country where one of the first thing they did was shut off all the alcohol. There may need to be other changes made such as an order requiring the closure of any businesses that the Mayor deems. The Council will likely need to discuss this policy amendment-by-amendment because everyone will have their own opinions.

For Councilmember Buckshnis, Councilmember Paine confirmed the verbiage in pink is from Lake Stevens and Lynnwood. Councilmember Buckshnis agreed with Council President Fraley-Monillas that some of the sections are new so they need to be differentiated. She still has concerns with Section 6.60.090 but not as many concerns as when the subsection regarding guns was included. She reiterated the Council should ratify the proclamation.

Council President Fraley-Monillas thanked Councilmember Paine for the unbelievable amount of time she has spent creating a good valid policy. She also thanked Mr. Taraday for his work.

Councilmember Paine asked the Council's preference whether to bring this back next week or in two weeks. The majority of the Council preferred to have it come back in two weeks.

Councilmember K. Johnson suggested now that the City has an emergency management coordinator, it would be nice to have him be part of the presentation so the Council can meet him, understand his role and get his input on the policy, because once the policy is established, he will be implementing it. Mayor Nelson said the disaster coordinator is busy coordinating a disaster and will be coordinating it until there is no longer a disaster. At that point, he would be happy to make the disaster coordinator

available to
talk about policies like this.

Councilmember Buckshnis questioned why the policy would come back in two weeks, recalling Councilmember Paine suggested August 18th in the memo. Councilmember Paine said she would like to bring the policy back in August because the administration has not had an opportunity to review the policy because they have been busy coordinating an emergency and she did not envision that slowing down until probably August. She wanted to bring the policy back in two weeks to get it closer to compliance with the RCW and WAC. The WAC has a long list of requirements for the CEMP. One that is not required in the WAC and likely does not need to be detailed in the code is placing notices on all school doors. When the Council next reviews the policy, she planned to request that be removed. The City will be better served by having the emergency coordinator do this work in August and August will also provide an opportunity for the public to provide input.

Councilmember Buckshnis commented the Council may make an amendment and find out the administration wants something different. She acknowledged the policy would still be in limbo until August.

From: Clara Cleve
Sent: Tuesday, February 2, 2021 9:43 AM
To: Council <Council@edmondswa.gov>
Subject: Tree Code

Dear Edmonds City Council,

I would like to add to my message from yesterday. We have a Climate Crisis. Our Edmonds Tree Canopy are our lungs for our community. To increase our tree Canopy maybe we need to give an incentive to our community to help increase the planting of trees. And an incentive not to cut them down, for instance in our own back yards.

Thank you for all your work helping us to become a better community.
Sincerely,
Clara Cleve

Edmonds, WA
98020

From: Clara Cleve
Sent: Monday, February 1, 2021 3:42 PM
To: Public Comment (Council) <publiccomments@edmondswa.gov>
Subject: Tree Code

Dear Edmonds City Council,

I am a residence here in Edmonds. I am alarmed at the fact that we allow building lots to be completely stripped of any trees especially old growth trees. It will take years to replace the carbon reducing element of those trees. The sheer beauty of our tree canopy needs to be maintained and enlarged. We need to preserve our existing tree canopy and make it better, plant more trees and stop cutting down trees.

We need to have a Tree Code that does not allow builders to strip lots of trees! The Tree Code needs to only allow trees to be cut down that are in the way of the Actual Building! The Code needs to not allow exceptions, period! "No net loss" is a weak policy. We need to have a strong tree replacement within the Code.

There were two other areas that makes this version of the tree code rather ineffective. There are too many exemptions in the code that circumvent a good tree retention plan and too many situations included where administrative decisions can be made to accommodate the landowner.

I would like to see the council send the Tree Code update back to the Planning Board to come up with a strong and more effective tree code. You need to rid some of the exceptions and administrative accommodating sections of the code and strengthen the no net loss policy.

Thank you for the work you are doing to improve our community.

Sincerely,

Clara Cleve Edmonds, WA

From: K Keefe
Sent: Monday, February 1, 2021 7:42 AM
To: Council <Council@edmondswa.gov>
Subject: Public Comment- Draft Tree Regulations

Dear Edmonds City Council Members,
First of all, thank you for the work you do on behalf of our city.

Second, please consider my comments regarding the draft tree regulations, I cannot make the public hearing meeting due to conflicting medical appointments, but I sincerely hope that you will read this and consider it before the hearing.

Allow me to relay a great example as to why tree regulations are important in our city: Tomorrow, Tuesday (ironically the same day you will be holding a public hearing on tree regulations), my neighbor is being forced to cut down two of her beautiful, tall cedar trees because her next door neighbor does not like them. He finds them to be "too messy," which is silly as cedars loose very little foliage or branches. He has bullied her for nearly two years about this, and as a single, disabled, older woman, she has very little recourse to stand up against him. Why should SHE be forced to remove HER trees on HER property because he simply does not like them? This has devastated her and caused her chronic health condition to flare. This a situation where a strong tree regulation code could help save trees.

Further, the removal of her trees will have a domino effect on my trees which benefit from southern wind block from her trees. Their removal could potentially cause more damage to my trees. Will my trees be damaged and need to be removed? If that is the case, the initial removal of two trees will become the loss of thirteen trees.

Because of one neighbor who "doesn't like" trees, we all loose out as a community who enjoys clean air and wildlife. This is allowable in our city because there are no regulations preventing senseless acts of tree removal such as in the example I just gave.

Situations such as this CAN be prevented and CAN be prevented by elected officials such as yourself.

I implore you to pass the tree code as it is for now, because something is better than nothing, however please don't stop here! Move towards strengthening regulations on private property (where the majority of Edmonds tree canopy exists) before it is too late! Our native tree canopy is a gem and is part of what makes Edmonds, Edmonds. Let's not loose something that we cannot get back.

With thanks,
Killy Keefe
Edmonds

From: Gayla Shoemake <gaylashoemake@yahoo.com>
Sent: Sunday, January 31, 2021 10:36 PM

To: Council <Council@edmondswa.gov>; Public Comment (Council)
<publiccomments@edmondswa.gov>

Subject: Tree Code Public Hearing

Dear City Council,

In this time when the world, the US, the state, and Edmonds City are all taking climate change and saving the planet, exceedingly seriously, and because our time is down to 9 years before it is too late, it is critical for us to look at every possible way to reduce our carbon and increase our carbon sequestration. As I understand, the Mayor's Climate Protection Committee is in the process of preparing the framework for a new Climate Action Plan for the City of Edmonds, and one of the items to be included will be increasing the number of trees in our home town to assist with carbon sequestration. Clearly, not only are trees essential for our canopy to protect us from the increased heat of the sun, but they sequester carbon in miraculous ways, over 48 pounds per tree per year; that's over 1 ton during a 40 year lifetime times the number of trees. Once a tree is lost or gained, the impact on our community is immense. While Edmonds is looking for ways to sequester the carbon we keep generating, one fairly easy way to sequester a lot of that carbon is to increase the number of trees in the city, by 1) Maintaining the ones we have and 2) Planting more.

The current TreeCode being presented simply does NOT do either to a sufficient extent. Changes are needed: First, there must be attention paid to current, healthy trees on private property since MOST of the trees in Edmonds are on private property. Those healthy trees must remain on that private land, and incentives devised to make it easy for property owners to keep the trees. Various incentives have been suggested and they should be enacted. Second change, additional trees on private land must be encouraged, and on public land and new to-be-developed land must be required. Again, incentives for private land, requirements for public land, and increased requirements for land to be developed.

These changes are not difficult, and they can be a win-win for everyone, especially our children, grandchildren, and great-grandchildren. We are the adults who can make a difference now, please take action now to save and increase the trees in Edmonds, which can help save our city and planet.

Sincerely,
Gayla Shoemake

From: Finis Tupper
Sent: Sunday, January 31, 2021 11:37 AM
To: Paine, Susan <Susan.Paine@edmondswa.gov>
Cc: Public Comment (Council) <publiccomments@edmondswa.gov>
Subject: CEMP City Response

Good morning Susan

Who authored the City response that you provided to the Edmonds Beacon?

As you should be now well aware the response contained misinformation which needs to be admitted to by the City and corrected. Or does the City really think the CEMP is optional?

Is it your decision to not respond to a citizens request for information? Or have you been advise not to respond because it's hard to admit you misspoke for the City?

Let's clear this matter up and create a functional CEMP for the purpose of providing Public Safety and Welfare to the Citizens of Edmonds. Also let's do an accountability audit of the Disaster & Safety Manager including an evaluation of tasks and accomplishments since his date of hire.

Finis Tupper

From: Joan Bloom

Sent: Saturday, January 30, 2021 3:05 PM

To: Paine, Susan <Susan.Paine@edmondswa.gov>; Council <Council@edmondswa.gov>; Taraday, Jeff <jeff@lighthouselawgroup.com>; Public Comment (Council) <publiccomments@edmondswa.gov>

Cc: Ken Reidy <kenreidy@hotmail.com>; Lora Petso <votepetso@aol.com>

Subject: Fwd: Ordinance amending the Edmonds Community Development Code to add "Hotel" as a Permitted Use in the CW zone

Council,

Here is an additional email, sent on February 4, related to the previous discussion of adding "Hotel" as a permitted use.

For Council President Paine's reference, the email I forwarded earlier was dated February 18, 2020.

Joan Bloom

From: Joan Bloom

Sent: Saturday, January 30, 2021 10:08 AM

To: Council <Council@edmondswa.gov>; Nelson, Michael <Michael.Nelson@edmondswa.gov>; Taraday, Jeff <jeff@lighthouselawgroup.com>; Public Comment (Council) <publiccomments@edmondswa.gov>; Paine, Susan <Susan.Paine@edmondswa.gov>

Cc: Ken Reidy <kenreidy@hotmail.com>; Lora Petso <votepetso@aol.com>

Subject: Conditional hotel use at waterfront

Council,

Ken Reidy alerted me that Council will again be discussing the issue of "Conditional hotel use at the waterfront." He also noted that my email, below, is not in your packet for this Tuesday's meeting, so I am re-sending the email.

Council President Paine,

I request that in the future, the Council President makes sure that previous public comments received on issues be included in your packets for review. This simple task could be delegated to Council assistant, Maureen Judge. Valuing citizen input in this manner would demonstrate respect for citizens and for their time spent following Council agenda and providing input for your consideration.

Joan Bloom

Council member Olson, Council, and Mayor Nelson,

Thank you, Council member Olson, for your response to my email regarding hotel use at the waterfront. I appreciate the time you took to respond to my concerns.

As you suggested, I listened to the council discussion on February 4, and continue to urge every Council member to vote AGAINST adding conditional hotel use at the waterfront. The following points were not satisfactorily addressed by staff:

- (1) Council member Buckshnis raised concerns regarding parking. The pending waterfront multi-generational center will bring added burden to parking at the waterfront.
- (2) Council member Buckshnis asked for data on whether or not Edmonds Harbor Inn is consistently full throughout the year. The EDC should have been provided with that information in advance of making a recommendation to Council, yet staff was unable to provide that information to Council at your meeting.
- (3) Mr. Doherty presented nothing to support his "argument" that a hotel would be more accessible to the public. A "boutique hotel" would cater to wealthy tourists. The Edmonds public would not be welcome inside to enjoy the facilities, ambience, or views, unless they were paying customers.

My major concern, however, remains the fact that our staff continues to ignore a critical element of our environmental code related to seismic hazard areas, in which the entire

waterfront is located. To refresh Council members' memories, the code I refer to is the following:

"which are not residential structures or used as places of employment or public assembly;"

<https://www.codepublishing.com/WA/Edmonds/#!/Edmonds23/Edmonds2380.html#23.80.060>

"ECDC 23.80.040 Geologically Hazardous areas

B. Seismic Hazard Areas. The following activities are allowed within seismic hazard areas:

1. Construction of new buildings with less than 2,500 square feet of floor area or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly;
2. Additions to existing single-story residences that are 250 square feet or less; and
3. Installation of fences. [Ord. 4026 § 1 (Att. A), 2016; Ord. 3527 § 2, 2004]."

Under our former administration, staff presented the Harbor Square Master plan for Council review. The entire plan is in direct violation of ECDC 23.80.040, above.

And to state the obvious, the new multi-generational center is also in direct violation of ECDC 23.80.040.

Why does the COE administration and staff continue to ignore this code, and continue to bring uses for approval to Council that violate this code? My trust level of our city government is so low that every time I look it up, I expect the code to have disappeared.

Please consider future environmental challenges when making any decisions about changes to code at our waterfront. Please vote against adding a conditional hotel use at our waterfront.

I have copied Ken Reidy because he has brought many violations of our code to Council's attention. I have copied Lora Petso because she was referenced in Council member Olson's response to me.

Regards,
Joan

From: Katy Levenhagen

Sent: Wednesday, January 27, 2021 11:28 AM

To: Council <Council@edmondswa.gov>; Public Comment (Council)
<publiccomments@edmondswa.gov>

Subject: Perrinville Trees

Hello,

I understand that the Edmonds City Council is meeting tonite to review the Tree Code update about the trees remaining in the Seaview/Perrinville woods. As an Edmonds resident living very close to the woods and what would be the new proposed development I would like to weigh in on the tree code proposal. I advocate that as many trees as possible be left standing to ensure the integrity of the tree corridor between Seaview Park and South County Park on both sides of Olympic View Drive. I understand some development is important for the city's revenue. That should never supersede the natural habitat that makes Edmonds the very appealing livable place that it is. Removing large swaths of those trees would decrease the livability of the area for the wildlife, increase noise levels, and possibly impact run-off and remove the natural progression of trees and shrubs for a 1 mile area.

Please be very thoughtful about your choices to greatly change this area of the Seaview/Perrinville woods.

Sincerely,
Katy Levenhagen
Edmonds, WA 98026
Thank you.

Public Comment submitted in writing by Dawna Lahti 1/30/21

Dear Revered Councilmembers:

Please allow me to join the conversation again.

--Perrinville Woods contains irreplaceable canopy of mature trees with all of the ecological benefits that entails; I urge you to make every effort to preserve it intact as a city park and habitat-rich greenspace. In the world of wildlife corridors, canopy and naturally sculpted earth, the whole is truly greater than the sum of its parts. There are ways to extend city dollars through grants such that the cost becomes nominal. But the will to do it must be shown now while the acreage and its biodiversity remain a unit.

--As a person enthralled by the beauty and benefits of trees, I ask you as city leaders to take a favorable stance on the proposed Tree Code. I would, however, ask you to broaden the stated uses of the "fee in lieu" kitty. As currently understood this fund would be restricted to tree purchase. In fact, this would buy more trees than Edmonds has space to plant them—probably in the first year. Manpower must be diverted to the task and saplings must have protection and maintenance. Broaden the language to include the cost of anything required to have a healthy urban forest. I thank you for the gracious, tree-rich city you will bequeath us.

Respectfully,
Dawna L. Lahti

Mrs. Lahti asked that the following excerpt be placed in the public record as well:

the continued rise in atmospheric carbon dioxide. This is very easy to measure, but it seems very difficult to do anything about.

When we lose forest cover, which we have been doing globally, continually, for the last five thousand years, we lose one of our best carbon sinks. An estimated third of the increase in carbon dioxide since 1750 is due to removal of forests. But forests can only be protected locally, can't they? And if the local decision makers don't care about global effects, the tragedy of the commons is something we all have to live and breathe, literally.

We are frequently reminded to turn off the lights to save electricity—because burning fuels that release carbon dioxide provides most of our electricity—but we are less frequently reminded to save the forests.

The faster a tree grows, the more carbon dioxide it takes out of the atmosphere in a unit of time. This is true, but how do we know how fast a tree grows? We used to rely on foresters to answer that question. They would screw a long, thin hollow metal tube into a tree and extract a core about the size of a long drinking straw. On this core one could see stripes that each corresponded to a year's growth. The wider the stripe, the more wood the tree had added to its trunk that year, and hence the more carbon it had sequestered. As the trees got older, the stripes (tree rings) got narrower and narrower. This led the foresters to assume that the growth rate of the trees was slowing down. If you are growing trees for money, this is the point at which you might want to take them down. Remember that economics principle about diminishing returns? It is looking at forests in this way that leads to short rotation times (years between harvests). In Maryland the rotation time is only about forty years now for loblolly pines.

And if trees are growing more slowly, they are taking in less carbon dioxide, right? And it's better for the environment to have young actively growing trees, right? Wrong.

The problem with the former rationale is that while growth rings get narrower, they also gain in circumference as a tree grows. A little mathematics shows that a narrower ring of greater circumference can

Nature's Temples - Joan Maloof 2016
The complex world of Old-Growth Forests

