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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In Re: Appeal by

MASTER BUILDERS ASSOCIATION OF
KING AND SNOHOMISH COUNTIES,
LEGACY GROUP CAPITAL, LLC,
BLUEPRINT CAPITAL SERVICES, LLC, AA
ASHWORTH DEVELOPMENT LLC,
BLACKWOOD BUILDERS GROUP LLC,
AND BUILD SOUND, LLC,

of the SEPA Threshold Determination of Non-
Significance for the Tree Protections Update.

Hearing Examiner File: W-22-003

APPELLANTS' WITNESS AND
EXHIBIT LIST

COMES NOW the Appellants, who intend to call the following witnesses and
introduce the following exhibits, but reserve the right to not call one or more of these
witnesses and not introduce one or more of these exhibits as the Appellants determine to be
appropriate at the hearing.

I. WITNESSES

1. Roque Deherrera. Mr. Deherrera is the representative of appellant Legacy
Group Capital, LLC. He is expected to testify regarding the facts of this case, the SEPA
DNS, the current Tree Protection Ordinance, the proposed Tree Protection Ordinance, and

1 their environmental impacts, including their impacts on housing. Mr. Deherrera is expected
2 to testify for approximately 45 minutes.

3 2. Lucas Deherrera. Mr. Deherrera is the representative of appellant Blueprint
4 Capital Services, LLC. He is expected to testify regarding the facts of this case, the SEPA
5 DNS, the current Tree Protection Ordinance, the proposed Tree Protection Ordinance, and
6 their environmental impacts, including their impacts on housing. Mr. Deherrera is expected
7 to testify for approximately 45 minutes.

8 3. Trevor Johnson. Mr. Johnson is the representative of appellant Blackwood
9 Builders Group LLC. He is expected to testify regarding the facts of this case, the SEPA
10 DNS, the current Tree Protection Ordinance, the proposed Tree Protection Ordinance, and
11 their environmental impacts, including their impacts on housing. Mr. Johnson is expected to
12 testify for approximately 45 minutes.

13 4. Rob McVicars. Mr. McVicars is the representative of appellant Build Sound,
14 LLC. He is expected to testify regarding the facts of this case, the SEPA DNS, the current
15 Tree Protection Ordinance, the proposed Tree Protection Ordinance, and their environmental
16 impacts, including their impacts on housing. Mr. McVicars is expected to testify for
17 approximately 45 minutes.

18 5. Michael Pollard. Mr. Pollard is the Vice President of Entitlements at Shelter
19 Homes, a local developer. He has a B.S. in Architectural Studies from Washington State
20 University. Mr. Pollard has extensive experience in permitting and related land use issues in
21 the City of Seattle, including the Tree Protection Ordinance. Previously, Mr. Pollard was an
22 owner of The Seattle Land Use Company, who served as the permitting applicant for many
23 local builders and developers. He is expected to testify regarding the facts of this case, the
24 SEPA DNS, the current Tree Protection Ordinance, the proposed Tree Protection Ordinance,
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1 and their environmental impacts, including their impacts on housing. Mr. Pollard is expected
2 to testify for approximately 45 minutes.

3 6. Andrew Lyon. Mr. Lyon is an ISA Certified Arborist # PN-6446A. He has
4 significant experience serving as an arborist in Seattle, Shoreline, and the greater Puget
5 Sound area. He has extensive experience with tree inventories for developed and
6 undeveloped lots, preparing arborists reports for a variety of land use and construction
7 permits, identifying tree species, preparing tree protection plans, and expertise with the
8 City's tree protection code and regulations. He is expected to testify regarding the facts of
9 this case, the SEPA DNS, the current Tree Protection Ordinance, the proposed Tree
10 Protection Ordinance, and the City's methodology for determining the number of
11 Exceptional Trees and Significant Trees that will be protected under the Proposed Tree
12 Protection Ordinance. Mr. Lyons is expected to testify for approximately 45 minutes.

13 7. Michael Swenson. Mr. Swensen is a Professional Traffic Operations
14 Engineer and principal of Transpo Group. He has over 20 years of experience in broad
15 transportation and traffic engineering operations. Mr. Swenson received his B.S. in Civil
16 Engineering from Montana State University, and is a licensed professional engineer in
17 Washington, Oregon, Idaho, Arizona, California, and Wyoming. He is expected to testify
18 regarding the facts of this case, the SEPA DNS, the proposed Tree Protection Ordinance,
19 and its environmental impacts, including the impacts on traffic and parking. Mr. Swensen is
20 expected to testify for approximately 45 minutes.

21 8. Todd Britsch. Mr. Britsch is a Senior Vice President and the Director of
22 Market Research at Level Capital LLC (formerly Cyan Funding). He has spent the last 18
23 years creating custom reporting services for the new construction industry along with
24 consulting with builders, developers and lenders and many other industry professionals. At
25 Level Capital, Mr. Britsch manages its external and internal market data, along with playing

1 a key role in risk management. He has also owned and operated multiple industry related
2 businesses. Previously, Mr. Britsch was the Northwest Regional Director at Metro Study
3 where he was its new home market expert focusing on supply and demand, local and
4 national economic factors impacting the new construction industry and changing trends in
5 buyer profiles and product type. Mr. Britsch is expected to testify on regarding the facts of
6 this case, the SEPA DNS, the proposed Tree Protection Ordinance and its impact on
7 development patterns, housing supply, affordable housing, and displacement of people from
8 affordable housing.

9 9. Chanda Emery. Ms. Emery is a Senior Land Use Planner with the Seattle
10 Department of Construction and Inspections. She is expected to testify regarding the facts of
11 this case, the SEPA DNS, the SEPA Checklist the current Tree Protection Ordinance, and
12 the proposed Tree Protection Ordinance. Ms. Emery is expected to testify for approximately
13 45 minutes.

14 10. Gordon Clowers. Mr. Clowers is a Senior Land Use Planner with the Seattle
15 Department of Construction and Inspections. He is expected to testify regarding the facts of
16 this case, the SEPA DNS, the SEPA Checklist the current Tree Protection Ordinance, and
17 the proposed Tree Protection Ordinance. Mr. Clowers is expected to testify for
18 approximately 45 minutes.

19 11. Charles Spear. Mr. Spear is a Strategic Advisor with the Seattle Department
20 of Construction and Inspections. He is expected to testify regarding the facts of this case, the
21 SEPA DNS, the current Tree Protection Ordinance, the proposed Tree Protection Ordinance,
22 and the City's methodology for determining the number of Exceptional Trees and
23 Significant Trees that will be protected under the proposed Tree Protection Ordinance. Mr.
24 Spear is expected to testify for approximately 45 minutes.

1 12. Patricia Bakker. Ms. Bakker is an Urban Forestry Advisor with the Office of
2 Sustainability and Environment. She is expected to testify regarding the facts of this case,
3 the SEPA DNS, the current Tree Protection Ordinance, the proposed Tree Protection
4 Ordinance, and the 2020 Urban Forest Management Plan. Ms. Bakker is expected to testify
5 for approximately 30 minutes.

6 13. Christina Thomas. Ms. Thomas is a GIS Analyst with Seattle Information
7 Technology. She is expected to testify regarding the facts of this case, the SEPA DNS, the
8 current Tree Protection Ordinance, the proposed Tree Protection Ordinance, and the City's
9 methodology for determining the number of Exceptional Trees and Significant Trees that
10 will be protected under the proposed Tree Protection Ordinance. Ms. Thomas is expected to
11 testify for approximately 30 minutes.

12 **II. EXHIBITS**

- 13 1. SEPA DNS dated February 17, 2022.
14 2. SEPA Checklist dated February 10, 2022.
15 3. Director's Report dated February 11, 2022.
16 4. Draft Ordinance dated February 11, 2022.
17 5. Draft Director's Rule regarding Exceptional Trees.
18 6. Draft Director's Rule regarding Payment in Lieu.
19 7. City's Response to Appellant's Interrogatories and Requests for Production
20 dated May 4, 2022.
21 8. Exceptional Tree Power Point dated October 7, 2021.
22 9. Email regarding Accela Analysis dated February 11, 2021.
23 10. Email re: SEPA Checklist dated January 10, 2022.
24 11. Email regarding Permit Volume dated December 1, 2021.
25 12. Email regarding 2021 LiDAR Report dated January 6, 2022.

- 1 13. Email regarding 2021 LiDAR Report dated March 10, 2022.
- 2 14. 2021 LiDAR Report dated November 1, 2021.
- 3 15. SEPA Checklist version 1 with Gordon Clowers's comments.
- 4 16. SEPA Checklist version 3.
- 5 17. SEPA Checklist version 4.
- 6 18. SEPA Checklist version 5 with Mike Podowski's edits.
- 7 19. SEPA Checklist version 6.
- 8 20. DBH Distributions Report.
- 9 21. Michael Pollard Excel.
- 10 22. Lucas Deherrera Excel.
- 11 23. 2016 Tree Canopy Assessment.
- 12 24. 2020 Urban Forest Management.
- 13 25. Q1 2022 Tree Presentation.
- 14 26. Tree Count Spreadsheet.
- 15 27. SDCI Development Site Report.
- 16 28. Development Site Report.
- 17 29. Appeal dated March 10, 2022.
- 18 30. Every document listed by the City in its list of exhibits.
- 19 31. Every document listed by TreePac in its list of exhibits.

20 III. RESERVATION OF RIGHTS

21 By identifying a particular witness or exhibit, Appellants do not concede, and
22 specifically reserve the right to object, that the same or similar witnesses and exhibits are not
23 relevant to the appeal issues and should not be considered by the Hearing Examiner or
24 admitted into evidence. Appellants also reserve the right to present additional witnesses and
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1 exhibits and to elicit additional testimony from the witnesses listed herein to rebut, impeach,
2 and respond to testimony and exhibits presented by other parties in this matter.

3 Appellants further reserve the right to introduce any exhibit listed as an exhibit by
4 another party in this matter, to introduce illustrative exhibits and to utilize copies of code
5 and other provisions of law. Withdrawal of a listed witness or exhibit listed by another party
6 will not preclude appellants from calling that witness or utilizing that exhibit.

7 Respectfully submitted this 6th day of June, 2022.

8 HELSELL FETTERMAN LLP

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10 By: s/ Brandon S. Gribben

11 Brandon S. Gribben, WSBA No. 47638

12 Scott D. Johnson, WSBA No. 22956

13 Attorneys for Appellants
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