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BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In Re: Appeal by

MASTER BUILDERS ASSOCIATION OF  
KING AND SNOHOMISH COUNTY,  
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**

CITY’S WITNESS AND EXHIBIT LIST

The City of Seattle (“City”) submits the following witness and exhibit list.

**I. WITNESS LIST**

The City plans to call the following witnesses in this matter:

1. **Chanda Emery, Seattle Department of Construction and Inspections (“SDCI”).** Ms. Emery is a Senior Planner with SDCI and had the lead role in the preparation of the proposed legislation amending the tree protection ordinance and associated environmental analysis/checklist at issue in this appeal. Ms. Emery is expected to testify regarding issues raised in this appeal related to the proposal and associated environmental review. Ms. Emery’s testimony is expected to take approximately 60 to 90 minutes.
2. **Gordon Clowers, SDCI.** Mr. Clowers is a Senior Planner with SDCI that reviewed the environmental documents, including the checklist that was prepared by Ms. Emery , and

1 issued the SEPA Determination of Non-Significance. Mr. Clowers’s testimony is  
2 expected to take approximately 30 to 60 minutes.

3 **3. Patricia Bakker, Office of Sustainability and Environment (“OSE”).** Ms. Bakker is  
4 an Urban Forestry Advisor that is a staff liaison to the Urban Forestry Commission and is  
5 expected to testify regarding the facts of this case, the 2016 Tree Canopy Assessment, the  
6 2020 Urban Forestry Management Plan, and OSE’s/Urban Forestry Commission’s  
7 advisory role in the development of the proposed Tree Protection Ordinance. Ms. Bakker  
8 is expected to testify for 30 minutes.

9 **4. Charles Spear, SDCI.** Mr. Spear is a Strategic Advisor with SDCI. Mr. Spear’s is  
10 expected to testify regarding the facts of this case, including the development of the GIS  
11 analysis and methodology for determining the number of Exceptional Trees and  
12 Significant Trees that will be subject to the proposed Tree Protection Ordinance. Mr.  
13 Spear is expected to testify for approximately 40 to 60 minutes.

14 **5. Christina Thomas, Seattle Information and Technology.** Ms. Thomas is a GIS  
15 Analyst with Seattle Information and Technology. Ms. Thomas is expected to testify  
16 regarding the facts of this case regarding her involvement in the City’s methodology for  
17 determining the number of Exceptional Trees and Significant Trees that will be subject to  
18 the proposed Tree Protection Ordinance. Ms. Thomas is expected to testify for  
19 approximately 15 minutes.

20 **6. Deborah McGarry, SDCI.** Ms. McGarry is a Senior Arborist with SDCI. Ms. McGarry  
21 is expected to testify regarding the facts of this case regarding her involvement in the  
22 City’s methodology for determining the number of Exceptional Trees and Significant  
23 Trees that will be subject to the proposed Tree Protection Ordinance. Ms. McGarry will  
also testify to the permit review process under the existing code.

## II. EXHIBIT LIST

Ex. 1	2016 Tree Canopy Assessment
Ex. 2	Resolution 31902
Ex. 3	2020 Urban Forest Management Plan
Ex. 4	SEPA DNS dated February 17, 2022
Ex. 5	SEPA Checklist dated February 10, 2022
Ex. 6	Director’s Report dated February 11, 2022
Ex. 7	Draft Ordinance dated February 11, 2022
Ex. 8	Draft Director’s Rule regarding Exceptional Trees
Ex. 9	Draft Director’s Rule regarding Payment in Lieu
Ex. 10	City’s Response to Appellants’ Interrogatories and Requests for Production dated May 4, 2022
Ex. 11	City’s Amended Response to Appellants’ Interrogatories and Requests for Production dated June 10, 2022

1	<b>Ex. 12</b>	<b>Tree Canopy Map – 12” Diameter or Greater</b>
	<b>Ex. 13</b>	<b>Tree Canopy Map – 24” or Greater</b>
2	<b>Ex. 14</b>	<b>Tree Canopy Map – 30” or Greater</b>
	<b>Ex. 15</b>	<b>Chart comparing Existing Tree Protection with Draft Legislation</b>
3	<b>Ex. 16</b>	<b>Tree Protection Outreach Report</b>
	<b>Ex. 17</b>	<b>Resume of Gordon Clowers</b>
4	<b>Ex. 18</b>	<b>Tree Protection Ordinance Recommendations comparison</b>
	<b>Ex. 19</b>	<b>Resume of Patricia Bakker</b>
5	<b>Ex. 20</b>	<b>Chart comparing the similarity of existing code development adjustments to Draft Legislation</b>
6	<b>Ex. 21</b>	<b>Resume of Deborah McGarry</b>
7	<b>Ex. 22</b>	<b>SEPA GIS Presentation – Methodology for estimating number of trees affected</b>
8	<b>Ex. 23</b>	<b>March 21, 2021, Tree Protection Updates to the Land Use and Neighborhoods Committee</b>
	<b>Ex. 24</b>	<b>Proposed Amendment (added 91719) Resolution 31902</b>
9	<b>Ex. 25</b>	<b>SEPA Published Notice</b>
	<b>Ex. 26</b>	<b>Exceptional Tree - Examples</b>
10	<b>Ex. 27</b>	<b>March 10, 2022, Email regarding Lidar Arrival</b>

11 In addition to the exhibits listed above, the City also includes in its exhibit list every  
12 document listed by the Appellant in its list of exhibits, and every document listed by TreePac in its  
13 list of exhibits.

### 14 III. RESERVATION OF RIGHTS

15 By identifying a specific witness or exhibit, the City does not concede, and hereby reserves  
16 the right to object, that the same or similar witnesses and exhibits are not relevant to the appeal  
17 issues and should not be considered by the Hearing Examiner or admitted into evidence. The City  
18 also reserves the right to present additional witnesses and exhibits and to elicit additional testimony  
19 from the witnesses listed herein to rebut, impeach, and respond to testimony and exhibits presented  
20 by other parties in this matter.

21 City further reserves the right to introduce any exhibit listed as an exhibit by another party in  
22 this matter, to introduce any exhibit listed as an exhibit by another party in this matter, to introduce  
23

1 illustrative exhibits and to utilize copies of code and other provisions of law. Withdrawal of a listed  
2 witness or exhibit listed by another party will not preclude the City from calling that witness

3 DATED this 10<sup>th</sup> day of June 2022.

4 ANN DAVISON  
Seattle City Attorney

5 By: *s/Daniel B. Mitchell*, WSBA #38341  
6 Assistant City Attorney  
7 Seattle City Attorney's Office  
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9 Seattle, WA 98104-7095  
10 Ph: (206) 684-8616  
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12 Email: [daniel.mitchell@seattle.gov](mailto:daniel.mitchell@seattle.gov)  
13 Attorneys for Respondent City of Seattle,  
14 Department of Construction and Inspections

11 **CERTIFICATE OF SERVICE**

12 I certify that on this date, I electronically filed a copy of the foregoing document with the  
13 Seattle Hearing Examiner using its e-filing system. I also certify that on this date, a copy of the  
14 same document was sent via email to the following parties:

15 Brandon Gribben  
[bgribben@helsell.com](mailto:bgribben@helsell.com)  
16 Samuel M. Jacobs  
[sjacobs@helsell.com](mailto:sjacobs@helsell.com)

17 Attorneys for Appellants Master Builders Association of King  
18 and Snohomish County, Legacy Group Capital, LLC,  
19 Blueprint Capital Services, LLC, AA Ashworth Development,  
20 LLC, Blackwood Builders Group, LLC, and Build Sound,  
21 LLC

- E-Service
- U.S. Mail
- Legal Messenger
- Facsimile

20 Dated this 10<sup>th</sup> day of June 2022, at Seattle, Washington.

22 *s/ Eric Nygren*  
23 ERIC NYGREN, Legal Assistant