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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 AMENDED WITNESS AND  
EXHIBIT LIST

The City of Seattle ("City") submits the following amended witness and exhibit list. The City adds an updated Exhibit No. 26, as well as Ex. 28 and Ex. 29. No parties oppose this amendment that adds these exhibits.

**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

1 raised in this appeal related to the proposal and associated environmental review. Ms.  
2 Emery's testimony is expected to take approximately 60 to 90 minutes.

3 2. **Gordon Clowers, SDCI.** Mr. Clowers is a Senior Planner with SDCI that reviewed the  
4 environmental documents, including the checklist that was prepared by Ms. Emery, and  
5 issued the SEPA Determination of Non-Significance. Mr. Clowers' testimony is expected  
6 to take approximately 30 to 60 minutes.

7 3. **Patricia Bakker, Office of Sustainability and Environment ("OSE").** Ms. Bakker is an  
8 Urban Forestry Advisor that is a staff liaison to the Urban Forestry Commission and is  
9 expected to testify regarding the facts of this case, the 2016 Tree Canopy Assessment, the  
10 2020 Urban Forestry Management Plan, and OSE's/Urban Forestry Commission's  
11 advisory role in the development of the proposed Tree Protection Ordinance. Ms. Bakker  
12 is expected to testify for 30 minutes.

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

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

6. **Deborah McGarry, SDCI.** Ms. McGarry is a Senior Arborist with SDCI. Ms. McGarry  
is expected to testify regarding the facts of this case regarding her involvement in the City's  
methodology for determining the number of Exceptional Trees and Significant 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

1	<b>Ex. 9</b>	<b>Draft Director’s Rule regarding Payment in Lieu</b>
2	<b>Ex. 10</b>	<b>City’s Response to Appellants’ Interrogatories and Requests for Production dated May 4, 2022</b>
3	<b>Ex. 11</b>	<b>City’s Amended Response to Appellants’ Interrogatories and Requests for Production dated June 10, 2022</b>
4	<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>
	<b>Ex. 14</b>	<b>Tree Canopy Map – 30” or Greater</b>
5	<b>Ex. 15</b>	<b>Chart comparing Existing Tree Protection with Draft Legislation</b>
	<b>Ex. 16</b>	<b>Tree Protection Outreach Report</b>
6	<b>Ex. 17</b>	<b>Resume of Gordon Clowers</b>
	<b>Ex. 18</b>	<b>Tree Protection Ordinance Recommendations comparison</b>
7	<b>Ex. 19</b>	<b>Resume of Patricia Bakker</b>
8	<b>Ex. 20</b>	<b>Chart comparing the similarity of existing code development adjustments to Draft Legislation</b>
9	<b>Ex. 21</b>	<b>Resume of Deborah McGarry</b>
	<b>Ex. 22</b>	<b>SEPA GIS Presentation – Methodology for estimating number of trees affected</b>
10	<b>Ex. 23</b>	<b>March 21, 2021, Tree Protection Updates to the Land Use and Neighborhoods Committee</b>
11	<b>Ex. 24</b>	<b>Proposed Amendment (added 91719) Resolution 31902</b>
12	<b>Ex. 25</b>	<b>SEPA Published Notice</b>
	<b>Ex. 26</b>	<b>Exceptional Tree - Examples</b>
13	<b>Ex. 26</b>	<b>Updated Exceptional Tree - Examples</b>
	<b>Ex. 27</b>	<b>March 10, 2022, Email regarding Lidar Arrival</b>
14	<b>Ex. 28</b>	<b>Urban Center Urban Village Growth Report Through 4<sup>th</sup> Quarter 2021</b>
15	<b>Ex. 29</b>	<b>Central Seattle absorbed more than half of the city’s housing growth in the last decade – Seattle Times Article</b>

16 In addition to the exhibits listed above, the City also includes in its exhibit list every  
17 document listed by the Appellant in its list of exhibits, and every document listed by TreePac in its  
18 list of exhibits.

19 **III. RESERVATION OF RIGHTS**

20 By identifying a specific witness or exhibit, the City does not concede, and hereby reserves  
21 the right to object, that the same or similar witnesses and exhibits are not relevant to the appeal  
22 issues and should not be considered by the Hearing Examiner or admitted into evidence. The City  
23 also reserves the right to present additional witnesses and exhibits and to elicit additional testimony

1 from the witnesses listed herein to rebut, impeach, and respond to testimony and exhibits presented  
2 by other parties in this matter.

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

7 DATED this 13<sup>th</sup> day of June 2022.

8 ANN DAVISON  
9 Seattle City Attorney

10 By: *s/Daniel B. Mitchell*, WSBA #38341  
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12 Seattle City Attorney's Office  
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18 Attorneys for Respondent City of Seattle,  
19 Department of Construction and Inspections  
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**CERTIFICATE OF SERVICE**

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

<p>Brandon Gribben <a href="mailto:bgribben@helsell.com">bgribben@helsell.com</a> Samuel M. Jacobs <a href="mailto:sjacobs@helsell.com">sjacobs@helsell.com</a></p> <p>Attorneys for Appellants 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</p>	<p><input checked="" type="checkbox"/> E-Service <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Facsimile</p>
<p>Claudia Newman Bricklin &amp; Newman, LLP 123 NW 36th Street, Suite 205 Seattle, WA 98107 <a href="mailto:newman@bnd-law.com">newman@bnd-law.com</a></p> <p>Attorney for Intervenor TreePAC</p>	<p><input checked="" type="checkbox"/> E-Service <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Facsimile</p>

Dated this 13<sup>th</sup> day of June 2022, at Seattle, Washington.

s/ Eric Nygren  
ERIC NYGREN, Legal Assistant