

**Urban Forestry Commission (UFC)
December 15, 2010
Meeting Notes**

Seattle Municipal Tower Room 1940
700 5th Avenue, Seattle
3:00 p.m. – 5:00 p.m.

Attending

Commissioners

Matt Mega (MM) – chair
John Small (JS) – vice chair
Gordon Bradley (GB)
John Floberg (JF)
John Hushagen (JH)
Jeff Reibman (JR)
Peg Staeheli (PS)

Staff

Sandra Pinto de Bader (SPdB) - OSE
Brennon Staley (BS) - DPD

Guests

Deb Powers (DP) – City of Kirkland

Public

Art Pederson, Nicholas Dankers, Steve
Zemke

Absent- Excused

Nancy Bird (NB)
Elizabeta Stacishin-Moura (ESM)

Call to Order

MM introduced new Commissioner John Floberg. He is filling position #1 (Wildlife Biologist) and was appointed by City Council.

Once around to introduce everyone.

Note: All meetings are now being recorded and the digital recording will be posted on the website.

Public Comment

Nicholas Dankers: Certified arborist. Works for Tree Solutions. ISA NW Chapter has full support on their staff to help Seattle companies obtain certification. Have new code of ethics. Idea he suggested the city to adopt standard that all crews working in the city to at least have one certified arborist. Raise standards for companies working in the City. Implement guidelines with clear specifications for pruning and how the work would be done. Require a week's notice prior to removing a tree. Increase accounting factor modeled after Green Factor based on points each property has, allow removal of trees or not.

Steve Zemke: Steve brought a copy of the Lake Forest Park (LFP) tree ordinance. Document includes the concept of no net loss of canopy on any tree action. For every tree removed replace on or off site. Shared ideas on what to include in the tree permit being considered. LFP allows no more than two trees being removed in a 3-year period. No fee required instead of no permit required. Any tree over 6" DBH requires a permit. Suggest UFC to do a more thorough search of what's going on out there.

GB question: What would be the off-site options?

SZ – it would be to pay into a tree fund that then can be used to replace city trees elsewhere. Get the concept of what the city is trying to do is what matters.

JH question: is this still being debated?

SZ – it passed December 9

GB question – how did the memorial for Ingraham High School trees go?

SZ – will be re-scheduled to January

Deborah Powers – Kirkland's Tree Permit System

MM – the UFC is working on recommending more research on a tree permit system.

DP – Has been with the City of Kirkland. They have undergone a comprehensive tree regulation.

Current regulation in effect in 2006. In 2009 regulations were amended. Narrow scope: to clean them up and make them user friendly.

Facing budget cuts, they did a permit fee study in April 2010 and implemented a permit fee. Previously permits were free. Without permit fees a lot of the expenses for code enforcement or review was coming out of the General Fund and was found not to be sustainable.

There are different situations regarding tree removal. Her presentation will focus on the average citizen process vs. development review. DB provided a flow chart of Kirkland's permit process.

During the permit application they separate issues related to street (right-of-way) trees from private trees. All permits are in one form and there is a single point of entry for citizens. They are working on making citizen education streamlined and at the planning counter at permit intake.

JF – Were permits always required?

DP – Permit staff needs to be very knowledgeable. Training is key.

Any anticipated, proposed, or active development is considered development and it goes through permit review.

Kirkland allows up to two trees to be removed within a 12 month period of time without a permit. They implemented the permit system in order to track tree removal. Size threshold is 6" DBH.

Removal of 1-2 trees is approved at the counter (not really a 'permit' approval) but used to track. This is considered an authorized removal. Three or more trees require a permit. They don't track anything under 6" DBH.

Underlying a permit process is Intent and Purpose (established by Ordinance). Their shoreline policy is no net loss.

If no request was filed it becomes an education issue.

JF – How would a citizen know if they are in a critical area?

DP – through their GIS layers. There is a penalty for tree removal in critical area.

JH – going to a quasi-voluntary honor system. Has that resulted in canopy loss?

DP – just released an RFP for a canopy analysis.

Kirkland implemented regulations right after a big building boom, but did not have prior data. Will go back and amend regulations and change policy if needed after they get their canopy analysis results.

MM – how many calls lead to code enforcement?

DB – tree enforcement are the majority of all enforcement cases. Kirkland has a pretty restrictive zoning code

JF – Does the permit fee cover the system costs?

DP – the fee study showed instances that required review spent the same amount of time as a single family development review. The review was dictated by their tree ordinance (it has its own chapter in zoning code). No species are distinguished; it's about number and size.

JF – will any permits be denied for protected trees?

DP – no, unless they are under a 5-year maintenance agreement or in shoreline.

JR – regulation has to have goals. Was there a statement of goals?

DP – Chapter 98 of the zoning code – Kirkland's goal is to enhance its canopy to 40%. The permit system is slowing tree loss outside of development. Their canopy cover was roughly calculated to be at 32% in 2003. They will get imaging from a time prior to regulations being implemented and to date to see the change.

The permit fee recovers staff time. It's important for it to be fair and equitable and at the same time allow property owners to responsibly manage hazardous trees. If they can prove with photographs that a tree is hazardous, then the permit can be approved at the counter. Kirkland requires arborist review and report and a \$200 permit fee. This came into effect back in April. From April 1 to December 15 they had 46 tree removal permits. When compared to the prior year, they saw a decrease in private property removals and an increase in public property removals. The system is now revenue neutral.

JH – Do you have a replacement policy?

DP – only ROW trees require pruning permit and are free. Only when it's the last two trees that trigger replacement requirement. Houghton Community Council did not approve the amendment. Replanting is done one-to-one with a minimum size of 2" DBH just for the last two. Succession planning is done by limiting removal to two per year.

JF – Is maintenance required as part of replacement?

DB – no if this happens outside of development. There is no point in putting regulations in place if they can't enforce them.

JH – thought Kirkland was though

MM – they will be able to tell once then get their data back

JS – Look at Kirkland's tree credit system – does a better job at weighing larger trees more substantially

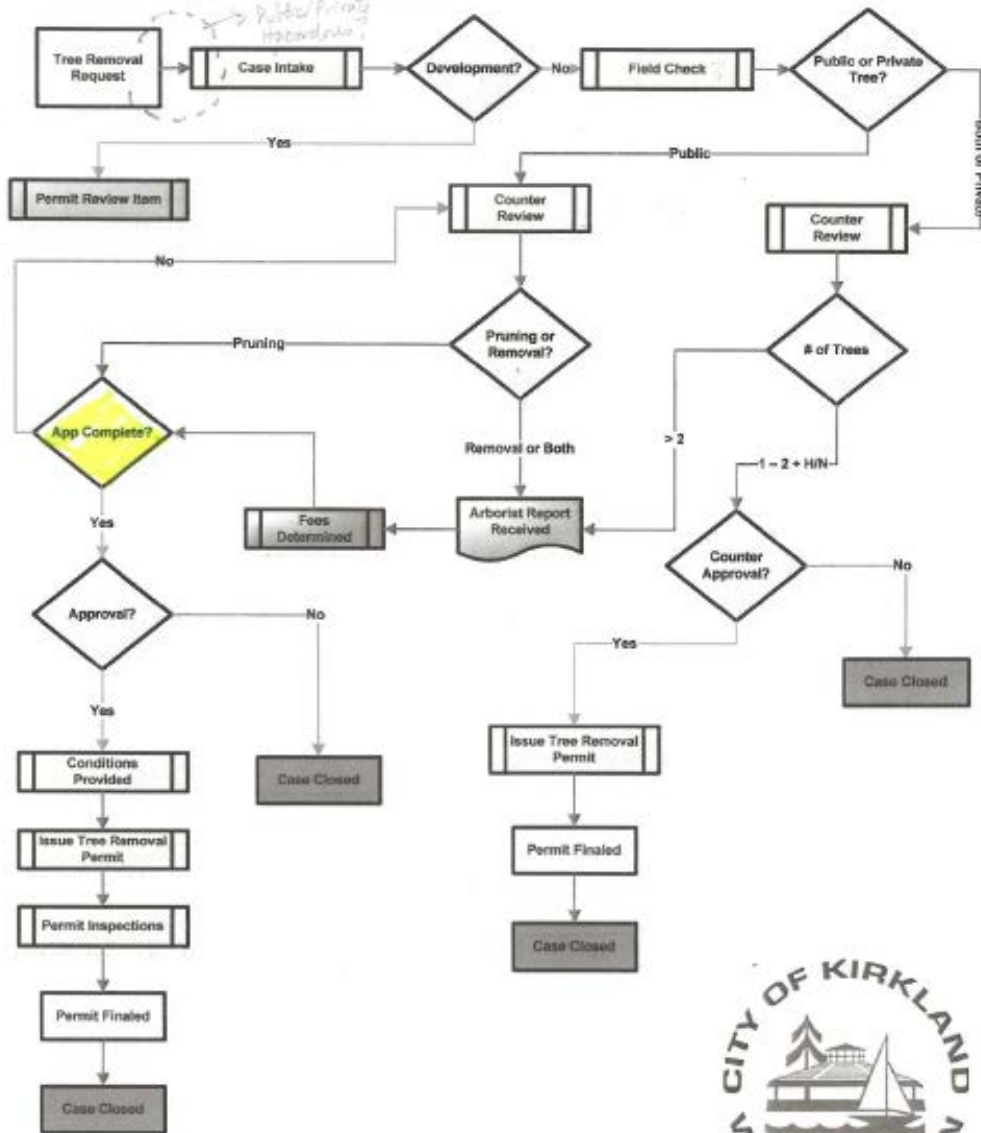
JH – are people respecting the usefulness of trees?

DB – loopholes are being found by developers, not so much by single family lot owners. In SF they can address issues through education and outreach

JF – If she could, how would she amend the regulation?

DP – She would look at property sizes and account for replacement based on size of property, or similar to the credit system, apply a threshold for removal

Tree Pruning and Removal Workflow



The information contained in this document is confidential and all rights are reserved.
EnerGov Solutions, 2010



Tree Permit System for Seattle

JR presented the draft position paper for a tree removal permit.

PS – large conifers are being damaged by gad pruning. It would be good to add pruning regulations on private property to the assumptions.

MM – can we roll them into professional standards?

PS – no because is similar to removal

JS – make the public and private standards/process the same so people can better understand. Look at SDOT standards and be perhaps more lenient but apply them to private property.

DP- pruning in private property is hard to regulate. Kirkland has an anti-topping regulation. In ROW they allow up to 25% of total canopy to be removed. If they remove between 25-50% it's considered topping. Over 50% pruning is equal to removal.

MM – part of the permit process would seek to educate home owners

JR – Define amount of pruning and when it becomes removal

JH - when we have a storm bad tree work done shows and we have more removals

PS – people are willing to mitigate – maybe contribute to a mitigation fund.

JR – how about equitability – have a threshold below which it would kick in.

JH – it would behoove the UFC to thoroughly read the Lake Forest Park ordinance

MM – the city may want to go to no net loss. UFC should provide advice, not be prescriptive.

JS – a goal of no net loss will not be enough to achieve the City's goal.

PS – we have to go beyond no net loss

JF – Seattle needs a net gain

MM – a good permit system would save staff time in responding to complex inquiries.

DP – all enforcement is complaint based. Enforcement is only as good as what happens after you get the complaint

JS – it's well known that to get rid of your trees you have to do it before applying for development

JH – This situation deals with home owners who control most of the trees in Seattle. Development is 1.5% of property in any given year.

DP – what private property owners bear the burden of slowing loss and increasing canopy cover. This permit would be focused on single family. Broaden the permit to act as a performance measure.

JR – Seattle has goals for each zone. It would be good if the permit would fill in the zone automatically based on a property address.

MM – let people know what the goal for the zone is and how much coverage is on their property. We should provide detail but not try to solve every problem.

JS – We can work on a purpose and intent as part of the issue paper?

BS – It would be helpful to start with goal statements

JH – question for Brennon. What did people say in the public input period?

BS – He is summarizing public input into a document that will be ready in January. People care about trees. There are different opinions within communities and areas of the city. The North interior have interest in regulations. The South area has lower interest in regulations. There was support for the concept of a tree permit (in concept) once they get into the details fewer people support it. The for the proposed tree regulations timeline was extended to 2012.

JR – will revisit the draft with feedback from people.

JF – including some sort of public notice would be good so neighbors can talk to each other about tree removal.

First year Work Plan discussion – Continues

MM asked Commissioners to review the draft work plan and identify things they would want to own.

New Business and Announcements

None

Adjourn

Community Input:

From: Michael Oxman [mailto:michaeloxman@comcast.net]

Sent: Saturday, December 04, 2010 6:11 PM

To: PintodeBader, Sandra

Subject: Comment to Urban Forestry Commission

Howdy,

John Floberg is employed by the Cascade Land Conservancy, a key player in the Green Seattle Partnership. The GSP should be a committee of the Seattle Urban Forestry Commission. It has purview over only the wildland portion of city parkland, while the UFC oversees the entire city's forest.

The only interaction I have observed between the CLC and the UFC was last summer when the CLC inventory manager briefed the commission on the iTree sample plot inventory done under a grant of federal Stimulus Package funds. A much closer relationship is needed. GSP & CLC should brief the UFC with its report to clarify their multiple hat relationships of grantee, contractor, fundraiser, volunteer labor force, and advisor.

The pro development interests that want to substitute responsible management of rural forests for sustainable urban ecosystems will result in an uneven canopy distribution. This is a flawed basic political assumption that concrete is primary and plants are optional. Seattle's tree cover must be contiguous. Political distractions away from this goal must be recognized, because simple minds tend to want to believe a wildland tree budget will suffice to cover the needs of the entire urban forest.

With the meaty agenda of the UFC, a valuable opportunity was missed at the most recent UFC meeting. SDOT representative Roy Francis gave a briefing on the new policy of ending the pruning of street trees along the Seafair parade route. What the SDOT person should have presented was their annual report on the \$2.5 million tree management program their department administers. No questions were asked about anything other than what SDOT wanted to discuss.

The UFC could have asked SDOT about progress on resolving the several overdue items in Resolution 31138. This city council laundry list asks SDOT to determine among other things, the relationship between planting trees along streets that are below overhead power lines maintained by City Light, tree inventory budget, and coordinating maintenance practices. SDOT should be presenting a list of all vacant street tree planting spaces in the city. A mayoral goal formed 4 years ago to plant one tree for every resident in the city needs to have a plan of action, and the council needs to know how much it will cost to implement. The variable cost of planting in tree pits cut in sidewalks is much more than in parking strips, and council cannot know how much to budget until it is apprised by staff of the logistics.

The UFC could have asked the SDOT representative questions about other departments, since he is also the manager of the city's Urban Forestry Interdepartmental Team (UFIDT). If his introduction had included a job description, perhaps the commission members would have known who they were dealing with.

The UFC missed a similar opportunity to ask staff questions last summer when Parks gave a briefing on the new policy to refrain from issuing permits for tree topping or removal to owners of abutting properties. The staff came & went without being asked by commissioners for a comprehensive report of parks tree management activities, staff duties, projected work plan, tree inventory methods, number of vacant planting spaces, equipment needs, or projected budget. Perhaps citizens could have been notified of the upcoming \$40,000 bucket truck overhaul bill that precipitated the layoff of 2 parks arborists starting January 1st, 2011.

Another significant event occurred this month. The UFC dissolved its standing committees in favor of an accelerated meeting schedule. Ecosystem Committee Chair Kirk Prindle had allowed citizen participation during it's meetings, which unfortunately will cease. Kirk also provided the audio files to augment the full commission minutes. The full commission meetings allow citizen participation for only 2 minutes at the beginning of each meeting. It is common for citizens to be interrupted by the commission chair during expressions of their opinions about the complex concepts involved with integrating the tree management policies of 9 different city departments. For example, could the opinions expressed in this letter be stated clearly during a 2 minute public comment session?

Arboreally yours,

Michael Oxman

From: Cheryl Trivison [mailto:ctrivison@richhaagassoc.com]

Sent: Tuesday, December 07, 2010 10:45 AM

To: PintodeBader, Sandra

Cc: 'kirk prindle'

Subject: FW: [SeattlePOSA] Today's Regional Development and Sustainability Committee Meeting

Agenda Item: appointment to Urban Forestry Commission

Importance: High

[Please forward to Urban Forestry Commission members. Thank you.](#)

Cheryl Trivison

From: SeattlePOSA@yahoogroups.com [mailto:SeattlePOSA@yahoogroups.com] **On Behalf Of** Cheryl Trivison

Sent: Tuesday, December 07, 2010 10:41 AM

To: Richard.Conlin@Seattle.Gov; Mike.OBrien@Seattle.Gov; 'Jean Godden'; 'Burgess, Tim'; 'Licata, Nick'

Cc: 'Michael Oxman'; 'Janet Way'; 'Bill Bradburd'; 'Duff Badgley'; 'Steve Zemke'; browmad@yahoo.com; barbdeihl@comcast.net; jeannieh@serv.net; 'Rich ellison'; rickbarrett@gmail.com; barber-osa@comcast.net; gloriabutts@hotmail.com; 'David Miller'; 'John Dixon'; tereche52@hotmail.com; max.dixon@gmail.com; ruthalice@comcast.net; kammerer2@mindspring.com; frankbackus@comcast.net; 'Kay Shoudy'; timnuse@gmail.com; savethetrees@live.com; 'Mike Ruby'; 'Bird, Nancy'; 'John Hushagen'; elliott@greenbeltconsulting.com; 'Ilze Jones'; 'Irene Wall'; 'Kit O'Neill'; SeattlePOSA@yahoogroups.com

Subject: [SeattlePOSA] Today's Regional Development and Sustainability Committee Meeting Agenda Item: appointment to Urban Forestry Commission

Importance: High

December 7, 2010

Dear Council President Conlin, Councilmember O'Brien, Councilmember Godden and Councilmember Burgess—Regional Development and Sustainability Committee Members and Councilmember Licata:

RE: 311157/311156 Appoint of John Floberg/Reappointment Nancy Bird Urban Forestry Commission—Agenda items for today's RDS Committee

Please postpone the appointment of John Floberg as member, Urban Forestry Commission until he has been thoroughly vetted and information of UFC vacancy made public. It was brought to my attention late last week that Kirk Prindle was not reappointed to the UFC after serving only one year and Mr. Floberg was nominated to fill his position.

I find it disheartening that this appointment and reappointment of Nancy Bird to the UFC were not announced on the SUFS web site or made public in any other form—these 'de facto' appointments go against urban forest/trees communities' efforts for public transparency. This swift appointment of Mr. Floberg was done behind closed doors and without citizens' access to public information; this is not the action of open government officials.

Finally, Mr. Prindle is a strong advocate for Seattle's Urban Forest and I have found him to be the most transparent and community based of all current Urban Forest Commissioners.

Thank you for your attention,

Cheryl Trivison, Co-Founding Member Seattle Urban Forest Stakeholders [SUFS]
Coalition Member, Save Our Urban Forest Infrastructure [SOUFI]

From: Steve Zemke [mailto:stevezemke@msn.com]

Sent: Wednesday, December 08, 2010 9:12 AM

To: PintodeBader, Sandra

Subject: FW: Ingraham Decision

Here is the Ingraham decision that the UFC wanted to see. I included our attorney's comment on the decision below. There is no discussion of any of the issues we raised or how the judge viewed any of the issues raised.

Subject: Ingraham Decision

Unfortunately, Judge Doyle denied our appeal. The decision is attached; its very, very scanty, and provides no information on why she ruled the way she did.

Keith Scully
Attorney at Law
Newman & Newman LLP

From: Steve Zemke [mailto:stevezemke@msn.com]
Sent: Friday, December 10, 2010 4:32 PM
To: PintodeBader, Sandra
Subject: FW: Come on by at 10 AM on Sunday to say Good-By to the 29 Trees at Ingraham High School that will soon be gone!

To Urban Forestry Commission:

The following e-mail was sent out to neighbors of Ingraham High School. You're also invited to come.

Steve Zemke

Dear Friends,

It is with sadness that we announce that we have reached the end of our efforts to save some 29 mature Douglas fir, western red cedar and madrone trees at Ingraham High School. We recently lost our appeal before King County Superior Court Judge Teresa Doyle and are unable to continue with an appeal to the Appellate Court because of the cost and potential liability if we lose on continued appeal.

Save the Trees - Seattle has succeeded in reducing the trees to be cut in the NW Grove from an initial 70 to less than 30. The 29 trees to be cut down represent about one quarter of the trees in the NW Grove. We also succeed in saving a mixed conifer madrone grove of the trees on the east side of the school that had been protected for 50 years in an agreement with the Parks Department but which the Seattle School District had targeted for a parking lot.

Our efforts to save the NW Tree Grove helped to get the City to pass a stronger interim tree protection law which currently protects tree groves from future development. We also originated the idea and worked to pass legislation to create the current Urban Forestry Commission. And we are working now to fight the proposal by the Mayor and his Department of Planning and Development to deregulate tree protection in the city that would send us back to the roar of chainsaws clearcutting what trees remain in Seattle's reduced tree canopy which has been reduced by half since the 1970's.

The time to appeal expires as of Dec 9th so we expect the Seattle School District to rev up their chainsaws and cut the trees down as early as this weekend. We urge you to stop by and say good-bye to the 29 trees condemned to die because of the City's and the Seattle School District's blindness to environmental and ecological values.

If the trees are gone when you come by, we urge you to pay homage to the 70 plus years of service they provided the city by reducing stormwater runoff, cleaning our city's air, producing oxygen for us to breathe, providing a park area for the school and the neighborhood, providing habitat for birds and squirrels and insects and other animals and plant life, for being part of the last 50 plus acres of an uncommon plant habitat in Seattle (a conifer madrone forest), and for just being there for their beauty and serenity.

This Sunday (Dec 12th) at 10 AM we will hold a Citizen's Memorial Service on the North side of the tree grove to honor the trees for their 70 years of service to our neighborhood and city and to say good -by.

The street is N 135th between Ashworth Ave N and Meridian Ave N. Please come by and bring something in writing or a sign or flowers or something to post on the wire fence circling the grove. Bring a poem or words or a picture to share with others as we grieve for this unnecessary loss of part of our city and our neighborhood and our green urban forest infrastructure.

And vow to write to the Mayor and the Seattle City Council, urging them to reject efforts to eliminate all protections for existing trees as the Mayor proposes. **Urge that they strengthen our tree laws to protect trees like those being cut down at Ingraham.**

And if you are able to - please donate to Save the Trees to help pay off our legal bills and support our efforts needed over the next year to get a much stronger tree protection law passed. Contributions can be sent to Save the Trees-Seattle, c/o Steve Zemke, 2131 N 132nd St, Seattle, WA 98133. If you have questions or would like to help in our fight, you can contact us at stevezemke@msn.com or call 206-366-0811.

We want to thank everyone who has helped over the last three years. Your support has keep us going. While we have not saved all of the NW Grove, we have reduced the impact and loss overall. We as a group are dedicating ourselves to strengthening our City's tree laws so that other trees in our city can avoid the fate facing those trees being cut down at Ingraham. On Sunday we will pay homage to those trees that are dying an unnatural death despite their long service of 70 years to our city. **We hope you will join us in saying thanks on Sunday.**

Steve Zemke

Chair - Save the Trees-Seattle

PS - Come by and see the trees and post something on the fence or leave something when you can. As I noted, there is no guarantee that the trees won't be cut down before Sunday. The 29 trees to be cut down are those closest to the west side of the School Building.

PPS: Please forward this letter to others as time is short. Let neighbors and others know and come on Sunday.