

Seattle Urban Forestry Commission

Matt Mega, Chair • John Small, Vice-Chair • Nancy Bird • Gordon Bradley
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January 11, 2012

Roy Francis
Seattle Department of Transportation
Urban Forestry Division
P.O. Box 34996
Seattle, WA 98124-4996

RE: UFC Recommendation to SDOT on Draft Street Tree Ordinance

Dear Roy,

The Urban Forestry Commission appreciates SDOT's efforts in cooperation with other City departments to propose the 2011 Street Tree Ordinance. Providing our residents, departments, franchise operators, and developers with updated guidance on managing right-of-way trees in our city is a major step toward improving our urban forest canopy. We have reviewed the draft document dated October 5, 2011 and the subsequent December 12, 2011 version and put forth the following comments and recommendations:

Street Tree Ordinance:

The Ordinance does not clearly describe limitations to the type and extents of pruning allowed or clearly describe ramifications (exceptions/mitigation planting/contribution to tree fund/citation) to work beyond these limitations.

Definitions:

We recommend clarifying the following terms:

- **Hazardous tree (15.02.044 E)** - Add a rating number in which a tree is considered hazardous. Also identify the method in which a hazard tree is assessed, typically either the specific Pacific Northwest International Society of Arboriculture Tree Risk Assessment in Urban Areas or Hazardous Tree Assessment. We are concerned that any tree may be considered a hazard without a specific number to designate a hazard tree.
- **Major pruning (15.02.046 F)** - We believe that describing major pruning by percentage of canopy will be difficult for citizens to determine unless part of the public notice procedure includes supplying a digital photograph of the tree. (Note in the Tree Standards Excessive is described as 25% versus the 15% mentioned in the Ordinance). We suggest either adding a graphic for the general public or describing in another way such as no more than one out of five limbs over 1 inch.
- **Public place (5.02.046 G)** – We suggest clarifying this further because there are public places not controlled by SDOT. We suggest giving examples of what is not considered a public place.

- **Tree canopy** - The ordinance is missing this definition.

Tree service provider requirements:

Supervision (15.43.050 D) – During our first review we were concerned that existing provisions (15.43.050 C in the first version reviewed) might allow for one qualified supervisor to supervise multiple crews without being physically present on site. We were pleased to find in our review of an updated version of the Ordinance (15.43.050 D) that SDOT had included supervision at the site by an ISA certified arborist or ISA certified tree worker.

Mitigation:

We have specific recommendations regarding developing additional guidance related to major pruning and removal of trees due to sidewalk, utility and franchise work.

Revisit the power and franchise issues in view of the reality that many necessary practices to keep trees from power lines results in detrimental effect to the health of the tree. We suggest a more streamlined approach to replacement of inappropriate trees with species adaptable to power line locations and/or mitigation through replanting.

1. If in order to maintain the integrity of power or communications line there is a detrimental effect on the tree the Utility should consult with SDOT's City Arborist (this is in addition to the broader permit that is issued).
2. Mitigation could occur in different locations however, we suggest that mitigation be tracked to the same neighborhood zone as the removal. The sixth prelude identifies replacement of two trees for every one tree removed from City property. How would one determine the criteria for this replacement? Currently, the ordinance identifies replacement only within 15.43.030 B.2.c.
3. Automatic trigger for mitigation when utilities ‘top’ or perform severe crown reduction on a tree. This mitigation, as stated in point #2 above, may occur in a different location within the neighborhood, may be in the form of a tree fund contribution (fee-in-lieu) or may be exempt (due to felling during a severe storm event).

Ownership and damage:

Tree preservation and protection (15.43.020) - What are the repercussions to the individual that destroys, kills, injures, mutilates, or defaces a street tree or vegetation by the means described in this section of the Ordinance? We suggest that enforcement be clarified so that there is improved compliance. The concern is that restrictions that are not enforced may actually cause more confusion in the general public.

Tree preservation and protection (15.43.020 C 3) - This requires a permit for seasonal tree lights. We suggest this requirement be actively publicized during the public comment period so citizens are aware that this permit will be required.

Street Use permits required (15.43.030) - Clarify financial responsibility for removal of privately installed and maintained street trees (Yakima vs. Shaw on ownership).

Planting (15.43.030 A 1 a) – We suggest tree planting be separated from shrub planting to assist public understanding of issues.

Major Pruning (15.43.030 B.2.b) - We appreciate SDOT including clarification stating that all major pruning shall use ANSI A-300 Standard Specifications and comply with best management practices in the Street Tree Manual, as previously recommended by the Commission.

Maintenance of trees (15.43.040 C) - Describes private party responsibility for damage to underground utilities due to root intrusion. We recommend deleting the reference to damage done by the tree roots to the public sewers and storm drains. The wording would discourage tree planting in most urban frontage property and this is in conflict with the preludes to this ordinance and the urban forest management plan goals of increasing tree canopy.

Street Tree Manual:

The modified Tree Manual contains valuable information. We would like to discuss broader use of this document with you. There is some cross-referencing in the Manual however, we suggest an additional review to see if there is other information contained in SDOT's Street Tree Manual Standards and Specifications that could be incorporated into the City's Right-of-Way Implementation Manual, the Standard Specifications, and the Standard Plans to improve all the documents used as sources for tree planting and maintenance.

Section 3 - Sight Distance

If the right-of-way is wider than typical (5 feet planting strip and 6 feet sidewalk), are there variances to this 30 feet setback requirement? Many right-of-ways have planting strips that are wider than 10 feet so we are wondering if there is any allowance for plant height or tree placement in these conditions, or could this be looked at from a sight triangle point of view at controlled intersections and additional plant height and planting of trees be allowed? This would allow more room for tree planting where appropriate. With this requirement of 30 feet have you considered the economic implications to the City and the public of bringing all intersections into compliance? Would trees in non-compliant intersections, which don't constitute a safety hazard, be grandfathered?

Section 5 - Tree Maintenance Guidelines

We suggest reviewing the wording to clarify what are guidelines versus standards for regulated trees. There is quite a bit of valuable information but it's hard to determine what property owners should do versus what they are required to do. We also wonder if this information will be conveyed by DPD for new trees planted as part of development requirements. Finally will SDOT be considering a maintenance bond for trees planted during development to allow for the first few years of maintenance and described pruning requirements?

Section 6 - Tree Reports

This section is very helpful. We suggest SDOT consider adding a standard matrix or table format so that tree reports have a consistent reporting, improving readability for the general public.

Public comment:

Our understanding is that the deadline for public comment is January 20, although we cannot find reference to this date in SDOT's website. Since the release occurred during the busy holiday season we suggest extending the comment period by at least three weeks.

The Commission is pleased to see the inclusion of arborist certification requirements, requiring posting for tree removal, and the positive results with SDOT's permit system. We commend the Department for taking significant steps in improving the understanding and care of Seattle's trees within our right-of-way corridors. We believe these corridors provide critical links for our urban habitats. Finally, we would like to congratulate SDOT for their recent release of SDOT's web-based street tree map.

Sincerely,



Matt Mega, Chair
Seattle Urban Forestry Commission



Peg Staeheli
Recommendation author
Seattle Urban Forestry Commission

cc: Council President Sally Clark, Councilmember Bagshaw, Councilmember Burgess,
Councilmember Richard Conlin, Councilmember Godden, Councilmember Harrell,
Councilmember Licata, Councilmember O'Brien, Councilmember Rasmussen, Peter Hahn, Jill
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