

EMERALD CITY TASK FORCE AUGUST 2, 2007 MEETING SUMMARY

On August 2, 2007, the Emerald City Task Force (ECTF) held their second meeting at the Seattle Municipal Tower. The meeting discussions included a review of the goal of the task force, discussing Seattle's laws pertaining to trees, and discussing the challenges of preserving & planting trees in three urban zones (single-family, multi-family/ townhouses, and commercial). The task force heard a presentation on the challenges presented by current tree laws and rules.

Task Force Members in Attendance

Dan Duffus, Soliel Development LLC

Ann Hirschi, Tree Solutions, Inc.
Garrett Huffman, Master Builders
Association
John Hushagen, Seattle Tree
Preservation

Martin Liebowitz, The Madrona
Company

Eric Pravitz, HomeSight
Paul Tomita, Weinstein A/U
Amalia Leighton, SvR & the Seattle
Planning Commission

Others in Attendance

Scott Dvorak, Dept. of Planning &
Development (DPD)

John Skelton, DPD
Tracy Morgenstern, Office of
Sustainability & Environment (OSE)
Brennon Staley, DPD

Eli Levitt, OSE

Diane Kelso, DPD
Mark Mead, Seattle Parks & Recreation
Janet Osland, DPD

Nolan Rundquist, Seattle Dept. of
Transportation (SDOT)

Task Force Members Not in Attendance

Randy Bannecker, Seattle/King
County Association of Realtors
Deb Guenther, Mithun

Members of the Public

Favero Greenforest
Barbara Warren
Michael Oxman

General questions

Members of ECTF were given a chance to ask questions and provide general comments.

- What is the minimum size of a tree for it to show up in canopy cover surveys?

Trees with a canopy diameter of at least twelve feet or greater show well in Lidar surveys. In addition to assembling canopy cover data, the Seattle Department of Transportation (SDOT) hopes to complete an inventory of Seattle's street trees in the next two to four years.

Reviewing the Goal of the Emerald City Task Force

Scott Dvorak (DPD) briefly reviewed the goal of ECTF as a group and the process by which any recommendations will be reviewed within the City. The goal of this task force is to gather insights and critique the City's existing tree regulations for private property and to discuss innovative ideas on tree protections in Seattle – given the tremendous value that trees contribute to our city and that protecting trees has to be balanced with competing demands for limited space. Questions & discussion:

- How will the information or recommendations produced by ECTF will be shared with City Council?

Any recommendations or material produced by ECTF will inform the DPD staff proposal for revised/updated legislation. And the recommendations produced by ECTF will be forwarded to the Mayor's Office and City Council directly accompanying the staff proposal.

- How will these recommendations interface with other departments such Seattle Public Utilities (SPU) and SDOT?

DPD will seek input and advice from other relevant agencies including SPU, SDOT, OSE, Parks and Recreation, Seattle City Light, Department of Neighborhoods, etc. as it develops a draft proposal. Once DPD has a proposal in hand, staff will seek feedback from a number of agencies, as necessary.

Challenges - Exceptional Trees

The group reviewed a hypothetical case where no development is proposed for an area or plot. Questions & discussion:

A question for the group – does the exceptional tree rule do enough? Do landscaping codes do enough? Landscape rules currently require that a two inch caliper tree be planted for every 1,000 square feet of residence or business.

- Plan reviews need to enter into the process in the preliminary stages. Decisions need to be made earlier and we must recognize that these decisions lead to costs. There is a need for a pre-plan submittal process to allow a single-family developer to access development standard departures in order to protect an exceptional tree – waiting until submittal of building plans is too

late and too cost prohibitive.

- Groupings of small trees may be just as valuable as saving an exceptional tree.

Challenges - During Development

The group discussed the challenges and opportunities of preserving trees during development.

- Saving an exceptional tree is expensive, costing up to \$20,000 or more. It could price individuals out of the market for homes. A family may prefer to pay \$20,000 less for a home without a preserved tree. The City should recognize that costs are recovered over time through surface water management and other benefits. The City should bare some of the cost of preserving exceptional trees.
- Seattle needs to establish a replacement standard – for every exceptional tree removed, another two or three trees must be planted. Replacement should be on a caliper for caliper basis. If the full caliper removed cannot be replaced on site, the additional value should be placed in a tree bank.
- There are many new townhouses in the city – this promotes density, prevents sprawl, increases walk-ability while decreasing space for trees and creating some affordability issues. Is tree protection and planting contrary to some growth management objectives?
- Several tree species promoted in Seattle, such as the Quacking Aspen, should be removed from the list of acceptable trees.
- “Exceptional tree” is not an ideal term. “Viable tree” is a more fitting term. There are a lot of trees worth protecting. Do current rules and regulations recognize this?
- Part of the challenge is that our measurement tools including Lidar and inventories are not ideal or perfect. The City needs more sophisticated tools to analyze the value of trees and better understand the services they provide (e.g. carbon storage and storm water protection).
- The City should consider requiring payments to a tree bank in lieu of Green Factor or other requirements. Creating a program to replace trees off-site is an important part of planting more trees – this creates flexibility while working toward canopy cover goals.
- Parking lots provide a great opportunity for increasing tree canopy (e.g. Husky Stadium Parking Lot).

Flexibility Versus Consistency

The group discussed the challenges and opportunities of seeking to create tree laws that are both flexible and consistent.

- A member of the public noted that trees on the south and west side of a home

protect against late afternoon sun and provide heating and cooling savings each year – this illustrates the need to create incentives or requirements to lower utility costs and maximize environmental benefits.

- Views present a complex issue in Seattle. The City does not protect private views. Those seeking views cut or top trees and this leads to a significant loss in canopy cover.
- Consistency in the Code could mean using fewer words, simpler language, and adding more flexibility. It is important that we do not let exceptions govern the code.
- A city could require a certified arborist to assess trees on private property. In this case, the City must provide a list of assessors. A consistent pricing system would be needed.
- In Kirkland, a private arborist reports on the health and structure of a tree. He or she does not recommend preserving or cutting the tree. The city arborist makes the final call on permits for cutting.
- One challenge in multi-family and commercial zones: the environmental benefit of buying and planting trees is lower because space and growth potential are limited.
- One large problem in single-family areas is that small homes are torn down and replaced by much larger homes on the scale of 3,000 square feet. This makes it difficult to plant more trees. How do we work with home owners to provide effective incentives to plant trees?
- The right of way (ROW) area or planting strip presents a significant opportunity for increased tree planting.

Challenges - During Development (continued)

- Arborist can report on the health of a tree – not whether it should be removed or not. This eliminates the possibility of purchasing bias from tree professional (e.g. Kirkland, WA). In terms of protecting trees during construction, there is a need for bigger, heavier, and stronger protective barriers. The signs on trees that show their value are important – construction workers and home builders do not always know or understand the rules. There is a lack of compliance and enforcement of tree protection plans.
- City could explore enforcement of landscape rules – it is too easy to eliminate required trees and no one notices.
- Several cities have had success with tree seminars to discuss the how, when, and why of protecting trees during construction. A similar seminar could be designed for Seattle.
- When building a new home, neighboring trees and tree roots can cause problems and may leave little room for utilities or a driveway. Trees are a fluid resource – preservation may cost more than planting.

- There are three ways to protect a tree during development – using a fence, having a person on site responsible for the protection of trees, or charging a penalty.
- Job site supervisors play a key role in spreading the message and protecting trees during development. Unfortunately, trees that look good at the end of the construction phase may show some side effects in three to four years.
- Regulations are only good as the level of owner buy in and overall planning. For example, a Capitol Hill church considered removing a tree until an arborist created a simple system to irrigate the tree through a concrete driveway.
- It is important to remember that not all projects have a supervisor on site – sometimes there is little or no supervision during construction and tree protection requirements may not be understood or respected by all workers who may be on the site.
- The responsibility falls on DPD to increase tree labeling, ramp up staffing, and improve enforcement. If there is no money or staff for enforcement, than any tree law or rule is moot. Any penalties received due to tree rule violations should go into a tree fund, not a general fund. The City could launch a complaint line for people to report information on downed or topped trees.
- There is only one arborist in the City who deals with development issues. This is not sufficient.
- It is important to inform and educate contractors – especially when the tree laws, rules, or enforcement policies have changed. It is tough to make sure people know this information – ranging from the site supervisor to the backhoe operators.
- There are currently no incentives in place for protecting trees during the construction phase in Seattle. The City needs to place a value on a tree arriving in good health at the end of the construction phase. Is it possibly worth waiving the permit fee if the tree survives in good health? Developers understand that trees provide value. The question is how the City can make protecting trees worth the effort.
- In multi-family zones, businesses that plant or preserve more trees should have some flexibility. Businesses that protect trees should receive a density bonus (such as the flexibility to add floors) or increase floor to area ratio (FAR). For those who are not able to plant or protect trees, they should pay into a tree fund. More flexible or reduced parking requirements may leave more room for trees. Those who do not own cars should get cheaper homes and condos.
- Perhaps there is a need to change curb cut rules on the front and alley sides of developments. Although, it is a continual challenge to balance street aesthetics and parking requirements.
- Redmond requires landscaping plans and monitoring over two years for all

new projects. Once the property is turned over to the new owner, the developer has no control over things like protecting new landscaping and trees. Therefore, developers should not be responsible for landscaping problems when new owners neglect to water or care for their trees.

- Sometimes a tree deposit or bond is collected by a city and returned within one to two years. Passing the bond and the cost on to the new owner raises the price of the property but also transfers the responsibility.
- Currently planting a two and one half inch caliper tree meets landscaping requirements in Seattle. This is a minimal standard.
- Unfortunately, enforcing or regulating tree planting and protection on private property is very difficult. ECTF should consider expanding the flexibility around set backs and enlarging ROW areas. Cities on the west coast often have five foot ROWs, while Midwestern cities like St. Paul, Minnesota have ten foot ROWs. Seattle should explore underground utilities and larger ROWs whenever possible.

Challenges - Lots Where No Development Proposed

The group discussed the challenges and opportunities of preserving trees when no development is proposed.

- The functions and services of trees need to be considered in new developments. What value do trees provide in terms of carbon stored, storm water prevented, pollution reduction, etc? These are important considerations now that the City is focused on climate change as a priority. Meeting the Kyoto commitments must be reflected in more than just words alone (especially for new developments).
- Requiring permits to cut or fall trees is an accepted practice in other jurisdictions. Lake Forest Park requires permits for tree cutting, as do many other cities in the Puget Sound area. Seattle is behind in terms of designing and implementing a tree permitting program. Permits for tree removal will cause people to stop and think before cutting down a tree. The permits should be affordable and easily obtained (e.g. at neighborhood service centers) to improve compliance. It could also serve as a means to significantly slow the rise of tree cutting and topping in the city.
- The challenge is to provide a permit for \$50 or less. It is important to make the process work if someone needs to remove a rotten or diseased tree. The goal is to minimize cost and red tape.
- There is a need for incentives - a tree replacement requirement should be at least two for one. The City could consider selling trees at a reduced rate to encourage tree planting.
- If people clear cut undeveloped lots, they should pay a serious penalty or fine and the payment enters directly into a tree banking account.