



March 7, 2012

To: The Urban Forestry Commission  
From: SDOT Urban Forestry  
RE: Comments and suggestions for the proposed Ordinance and Street Tree Manual

Dear Commissioners:

Thank you for providing input on the proposed update of the Street Tree Ordinance and supporting materials. We appreciate the time and effort that went into your review document. We have listed your comments below, with our responses highlighted in italics immediately under the comment section.

Your comments were as follows:

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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.

***The specifics of allowable pruning are listed in the Street Tree Manual, and are covered by the requirement of all pruning needing to meet ANSI A300 specification.***

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.

***Language will be included in Section 4.20 B of the Street Tree Manual to adopt the PNW Tree Risk Assessment 12 point rating system, with the PNW-ISA Trace Bulletin being listed as an appendix of the Street Tree Manual. All risk assessments will be verified and approved by SDOT Urban Forestry prior to issuance of a permit.***

**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.

***The reference to 15% of foliage bearing area is intended as a general reference to indicate when a permit might be required. We believe that the definition is adequate in relation to how the ordinance requirements will be enforced. The reference to excessive pruning is not related to permit requirements.***

**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. ***Public place was redefined by Ordinance Number: 123830, signed by the Mayor on March 1, 2012. It is now specifically limited to right-of-way. The definition now specifically excludes private property.***

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

***Tree canopy is not regulated in the ordinance, so a definition in the ordinance is not appropriate. Canopy is referenced in the Street Tree Manual as individual tree canopy. A definition of canopy will be written for the Street Tree Manual, and the Canopy definition has been removed from Chapter 15 in relation to the awning of a building.***

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 please 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.

***We work with utilities, specifically City Light, on a case by case basis in regards to removal and replacement of trees that the utility deems inappropriate. Since larger trees provide a great deal of canopy cover, even when planted under power lines, we wish to retain those trees that can be successfully maintained, as the current canopy cover they provide cannot be replaced with a smaller stature tree. These trees were planted many years ago and will be replaced with more appropriate trees as they reach the end of their useful lives or if pruning***

***to clear power lines is so severe as to compromise the health or structure of the tree. We are also working closely with Seattle City Light to revise the street tree list to ensure that trees planted in the future under power lines will be more compatible. We also meet regularly with them to discuss these and related issues.***

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).

***This is current procedure. Pruning permits do not give authorization to destroy or remove trees to protect wires. If the contractor proposes to exceed the scope of the permit, they must get approval from SDOT Urban Forestry to do so.***

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.

***We currently target mitigation to the location of the loss, or as close to the location as possible. The executive order requiring 2 trees planted for each 1 removed was limited to the actions of city departments on city owned assets. We do not propose to require a 2 for 1 replacement requirement on property owners.***

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).

***Since the utility is not responsible for the planting of inappropriate trees under their wires, it would be difficult to enforce this. State Law also currently limits liability for electrical utilities, as long as they notify the tree owner. City ordinance cannot supersede the WAC.***

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.

***The penalty section allows for collection of fines that are equal to the value of the resource that is lost. There may be instances where enforcement is not possible, due to not having the***

***ability to identify the party responsible for the infraction. We see no viable means to address those situations other than by education and cooperation of the 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.

***During the public meeting process, SDOT Urban Forestry did point out during our public meetings and briefings to community groups that the attachment of holiday lighting requires a permit. We have been requiring light installation permits for many years, but the requirement was listed in the permit ordinance, rather than the tree ordinance. Essentially, nothing changes from current policy.***

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

***The ordinance states "The permittee is responsible for all expenses related to the planting, pruning, and removal of street trees" in the referenced section. We believe that financial responsibility is clearly stated.***

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

***The reference to shrub planting will be removed, and the language describing permit requirements will be simplified in the ordinance, with detail being provided in the Street Tree Manual.***

**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 precludes to this ordinance and the urban forest management plan goals of increasing tree canopy.

***Since this section is taken from the current ordinance, we will need concurrence from the owners of the assets that can potentially be damaged by trees before we would propose to eliminate this section. We will contact SDOT Street Maintenance (owners of sidewalks and pavement) and Seattle Public Utilities (owners of public sewers and storm drains) for their input.***

### **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.

***Material from the Standard Plans and Right-of-Way Improvements Manual were included in the Street Tree Manual, with the intent of using the manual as both a Client Assistance Memo and a Director's Rule. Our intent is to provide tree information relating to the ordinance in one document.***

### **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?

***Plant material in a non compliant intersection would be grandfathered if there is no safety hazard. Ideally, the rules governing sight triangles are applied to the planting process to reduce future conflicts. According to National Traffic Safety guidelines, 30' feet is generally considered a minimum setback. We would not require removal of a tree for the sole reason of it being closer than 30' feet from the intersection, but would not approve replacement if it were to be removed. For this reason we do not believe that there will be noticeable economic impacts.***

### **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?

***Currently, the only requirements (standards) for tree maintenance is providing clearance of 8' feet over sidewalks and 14' feet over streets. The ordinance expands those requirements to***

***include other instances where a tree would interfere with the safe operation of the transportation system. SDOT would not require a maintenance bond for plantings mandated by development, as the planting requirements are administered by DPD.***

#### **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.

***We will confer with the American Society of Consulting Arborists, to see if they have informational materials that could be included as an appendix to the Street Tree Manual.***

#### **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.

***Comment was extended until February 29, to allow input from meetings that were not scheduled prior to the UFC's letter. SDOT Urban Forestry also sent letters to businesses, which also necessitated the extension of the comment period***

SDOT Urban Forestry appreciates the thoughtful comments and concerns that the Urban Forestry Commission has given in its review of the proposed ordinance. We hope that we have provided a satisfactory response to all comments.

Sincerely,

Roy Francis, Urban Forestry Manager  
Seattle Department of Transportation