Urban Forestry Commission

September 15, 2010
Special Meeting Notes - Tree Ordinance

Seattle Municipal Tower Room 4090

700 5th Avenue, Seattle

2:00 p.m. – 4:00 p.m.

Attending	
Commissioners	Staff
Elizabeta Stacishin-Moura (ESM) – chair	Tracy Morgenstern (TM) - OSE
Matt Mega (MM) – vice chair	Sandra Pinto de Bader (SPdB) - OSE
John Hushagen (JH)	
Kirk Prindle (KP)	Pyramid Communications
Jeff Reibman (JR)	Brad Khan
John Small (JS)	Emily Goetz
Peg Staeheli (PS)	
Absent- Excused	
Nancy Bird (NB) Gordon Bradley (GB)	

White board goals and tools exercise:

Goals

Intro:
- A tree protection ordinance should be tree centric, not development centric.
- More players involved in writing Tree Protection Ordinance with a comprehensive focus
- Tree Protection Ordinance to go beyond addressing land use code

1. Healthy Northwest urban forest across the city
    a. Tree value equivalency ?
    b. Tree planting
    c. Equitable across zones/geography
    d. Distribution of large trees throughout city
    e. Habitat recognition
    f. Good tree age/species/geographic distribution
2. Formally adopt and implement the Urban Forest Management Plan
    a. Mechanism to reach 30% canopy cover goal tied to tree protection ordinance (TPO)
    b. Appropriate maintenance funding
3. Elevation of trees as infrastructure
    a. Make business case for trees
    b. Trees as economic engine

  c. Slow tree removal rate
 4. Public education
  a. Increase awareness of tree value
   i. Aesthetic
   ii. Spiritual
   iii. Beyond property lines
   iv. Legacy?
   v. livability
   vi. Memorable places/Civic realm
   vii. Storm water
   viii. CO_2 sequestration
   ix. Traffic calming
  b. Elevate perception of trees
  c. Associate trees to Dollar value
 5. Comprehensive urban forest management
  a. Equitable
  b. Efficient
  c. Centralized
  d. Coordinated
  e. Enforceable
   i. Punitive measures as deterrent
  f. Clear compliance requirements

Tools:
 1. Permit system (to control what happens outside of development)
  a. Enforcement
  b. Financial incentives/disincentives for retention/removal of trees outside of development
 2. Professional standards
  a. Licensing
  b. Independent arborist process
 3. Central tree authority
  a. Single point of contact
   i. Decision
   ii. Inspection
 4. Positive incentives
 5. Flexibility for compliance
  a. Design flexibility with trees in mind
  b. Replacement criteria
  c. Green Factor/Tree Credit
  d. Fee in lieu
  e. Conservation easements
  f. Tax credits
  g. Storm water fees
  h. Posting
  i. Overlay districts

        j.   Tree bank – transfer of development rights (incentive based)

        k.   Other green infrastructure

6. Tree standards
   a. Tree planting requirements
   b. Maintenance standards
   c. Tree consideration at pre-application stage
   d. Diseased trees/invasive species
   e. Right tree/right place
   f. Protection thresholds
   g. Annual cutting limits

Other tools:
- Low canopy area prioritization (via GIS mapping)
- Bonding
- Tree protection ordinance effectiveness monitoring

Background notes from meeting:

(1) Identifying goals of Tree Protection Ordinance (2:00pm-2:40pm)

What should a tree protection ordinance accomplish?
What are the goals?
Replacement? Does one large equal two small? Etc.?

Peg: A distribution of large trees throughout the city.
Peg: Replacement trees.
Jeff: Concept of tree value equivalency.
John S: The other thing, getting back to larger question is it needs to provide a mechanism for reaching canopy goals of the city, this will be the principal tool for that.
Kirk: Echo that the ordinance needs to be directly tied to canopy goals, wish that it would increase awareness of importance of trees to people of city of Seattle. Having a permit system alone may communicate this.
John H: Expand on Kirk's, better understanding of trees as infrastructure. A retaining wall, sewer line, tree and a sidewalk should have equal status in terms of how they're looked at and dealt with. And slow down the rate of tree removal in the city.
Elizabeta: Canopy goal, overarching goal that should be tied into each one of these other goals.
Jeff: Habitat recognized.
Peg: Trees as an economic engine through the TPO, if you look at scale of city of Seattle, and that by doing all these things we will create green jobs, etc. Could create economic engine.
Matt: Good age distribution and species mix of trees. Trees need to be the centerpiece of this Ordinance, doesn't mean we won't balance, but trees need to be bottom line.

BK: Peg, when you say distribution, what did you mean?

Peg: I was thinking geographic, age, and species. We don't have a good distribution of trees now in Seattle. We need to look as a whole and not discriminate between neighborhoods, areas, etc.

BK: Distribution in terms of relationship to people? Quality of life?

Understanding of the deeper value of trees.
Elizabeta: Creating legacy, streetscapes and open spaces that give Seattle memorable places. We haven't gone there because we are desperate to save what we can, but yes, we should think of what trees bring to civic realm.

BK: Other goals?

Kirk: Ordinance should include practical financial disincentives for cutting. Real financial incentives for retention of large trees. Percent reduction in storm water fees based on amt. of trees on your lot. Ordinance should focus on positive incentives.

BK: Do you think storm water is the primary financial incentive? Others worth exploring?

Peg: There are others, in order to make that work we have to come up with a few more. That alone, is probably not going to get us where we need to be with code requirements.
John S: That is something that is fee based. In terms of public benefit, carbon sequestering. Opportunity to create tax incentive. Public benefit that is well researched. This provides x dollar value to the city. Showing cause and effect.
Elizabeta: Or electricity, maybe more tangible.
Matt: One more goal, multiple avenues to compliance. Establishing concept of tree equivalency, plant more of this, or less of that, etc. While we are tree focused, there are other forms.
John S: Combine Matt and Pegs two points, into a goal of a healthy urban forest that spans the city. A healthy forest that is part of the city. Vice versa. When you start talking about incentives you have to start thinking about what your piece of the forest is worth.
John H: People want to go shopping in areas where there are trees. There is a business incentive for reforesting the city. Not sure how to measure it.
Peg: Maybe that's the goal, to demonstrate the business case, right now there isn't a business case.

BK: What about aesthetic/spiritual? Higher level connector?

Jeff: That would fall along healthy forest over the city, for all people to access.
John H: Largest share of this ordinance should not be written by DPD. They are about slopes, building, have nothing to do with tree planning. There are not enough players involved in writing this ordinance at this point.
Kirk: When DPD is driving process, you get an ordinance that is DPD focused.

BK: Maybe frame it in terms of clear, regular opportunities for input, from commission and community.

Elizabeta: Ordinance needs to be tree centric and not Development centric.

John H: That was a tactical mistake, DPD deals with a very narrow area of urban forestry.

BK: What about the creation of an interdisciplinary team?
If this letter goes to Council in three weeks, what is opportunity down the road?

Jeff: Helpful to separate out the proposal as written, the eventual land use code, and the ordinance. Ordinance could create title 23 language and office of Seattle urban forestry.
Kirk: I'd like to see it be very equitable across zones, geographic regions, downtown and near dome have nothing. People think industrial areas don't need trees. Want an equitable system.
Jeff: The ordinance should go beyond addressing the land use code.
Elizabeta: That is a tree centric versus development centric approach.

Retention of trees outside of development, you should be rewarded for having a lot of trees on your property. A lot of that comes into question of currency and equivalency of trees.

BK; A mechanism for reaching canopy goals? More specific level?

Kirk: We need to see a logical mechanism. For all areas.
John H: Permits looked tough, so people don't want to try, that leaves 98% of the city uncovered.
Elizabeta: We should use quantitative methods, but we need city council to adopt these things. 30% goal and underlying zone standards should be the premise.

BK: City needs a permit system in place for trees? Is that a goal of ordinance?

Jeff and Peg: It's a tool. Looking elsewhere, tools are used such as permits to reach canopy coverage goals. You could get canopy coverage and not have healthy forest, so we have to be careful that they are separate goals.
Elizabeta: Agree.
John S: I would love not to have a permit system, but cant think of another way to do it. A permit is a loaded word, but there needs to be a mechanism that controls what is going on outside of development.
Elizabeta: Permit implies a slew of things. Permit is desirable bc it helps us collect data, if someone cuts down a tree we will know why.
John H: A permit can be seen as part of the price of admission of contributing to the commons. You wouldn't give a second thought to building retaining wall, etc. on your property. Trees have never had this status, any ordinance that comes out of here has to have a mechanism to elevate trees to that level. Permit is not a dirty word.
Elizabeta: What would be our argument for instating a permit system?
John H: Trees on your property are part of urban forest, you have responsibility for your part.
Jeff: Public health and safety is the answer, Elizabeta.
Jeff: Actual process of removal and loss of what trees contributes.
John H: Unspoken part, is that we have to get people to pause about full scale removal. If they have to get a permit they will think twice about removal.
Peg: If we have a permit, people stop and reflect on task ahead of them. Whether its removal or planting, allows a point of reflection.

BK: We've said public education/raising awareness…explicitly what do you see as goals around public education?

Kirk: W/permit question, hitting on big one, increasing understanding of importance of trees. Permit system in itself is huge education opportunity.

Elizabeta: The minute there are financial incentives in place, people will get educated about value of trees. One of most powerful things we can do is to associate trees to dollar value, whether for sewer, electricity bills whatever.

Jeff: Attaching dollars is one way to elevate trees, other way is to understand tree value goes beyond property lines.

Matt: Ordinance piece of public education should focus on letting people know that there is an ordinance out there.

BK: Other goals of urban forest management plan we have not raised that should be a part of TPO?

Jeff: Getting into tools, ordinance should fully adopt urban forest management plan.

Kirk: Understand what it means to adopt that.

John S: What is good for the goose is good for the gander, if we make citizens play by rules, city should be giving strong sense of commitment.

BK: Word enforcement? Is there an enforcement goal?

John S: Important to have baseline of equivalency.

Elizabeta: If there were a strong punitive measure for cutting trees, word would go around. If it is strong enough, word will spread.

Peg: If enforcement is a goal, I don't want to play. I believe it is a tool to get to the goal.

Kirk: It should be assumed that ordinance will be enforced. Also want to look at self enforcement, self policing – permit system where everything is automated and then effectively get policing by neighborhood

Jeff: I think enforceability is a legitimate goal.

(2) Developing tools to achieve the goals (2:40pm-3:10pm)

Peg: Licensing. A list, or something that adds rigor to planning, pruning and cutting.

Tracy: Separate test in criteria.

Peg: Some criteria for the work.

John H: If people have to think of something other than removal, increasing professionalism.

Elizabeta: If a tree is above 10 inches, maybe only certified enlisted arborists can cut trees. Then it becomes easier to regulate, because you have a smaller group of professionals.

Jeff: I think one tool to that in part is thresholds of protection, can make arguments from a variety of angles about where you might establish thresholds. By diameter maybe.

Matt: Conservation easements, tax credits, storm water credits, posting/public noticing, financial incentives, replacement criteria, urban forestry commission: Maybe appeal process for rules goes to SUFC. Or some central tree authority.

Central tree authority.

Matt: Use independent arborists. Process that allows outside arborist to get in to look at trees.

John H: Designers and developers should be required to fit trees fit into designs. Design flexibility.

Peg: Tree management approach be part of the master use process, early design guidance and over the counter one of the minimum documents required. Something at the early stage.

Jeff: Tree consideration pre-application.

Elizabeta: Canopy goal review at pre-application stage.

Matt: Tree credits and green factor.

Jeff: Nobody has central authority.

John S: However the code is written, it needs to be straightforward for substantive components to be teased out.

Peg: We do not have clarity in governance.

Matt: Annual cutting limits on trees city-wide, tree bank, expand that to transfer development rights for tree values, overlay districts: in terms of conservation easements, priorities that are identified?

John S: Focus higher standards, more energy on generation than preservation in certain areas.

Matt: Exemption or process to deal with invasive or disease.

John S: Combining into one central resource, so we can also tap into efforts of city light, etc.

BK: How many people should realistically be the "go to" people?

Peg: At least 10.

John H: Bureau of forestry, which would have same credibility as public utilities, would be present. Maybe it's a staff of 12 arborists.

Peg: Would need to report to the central though. Not to different places.

Matt: Right tree in the right place requirements and thought process.

John S: Tree planting needs to be given measure of thought.

Matt: Prioritizing natives.

Peg: Effective planting requirements, not just getting trees in but proper prep., better tools for that. Improve tree planting requirements.

Maintenance budget for a goal. Maintenance guidelines.

Jeff: Publicly maintained trees, then privately, tool for that is bonding.

Elizabeta: Universal maintenance standards.

Peg: Best practices standards guidelines, and then each area becomes more detailed.

John H: Under maintenance standards, I would add adequate funding.

Elizabeta: Tool could be the bureau.

Jeff: W/govt. side, what are tools for securing long term money?

(3) Outlining a vision for the TPO (3:10pm-3:50pm)

Tools:
John S: Some tools may be part of ordinance but not part of city.

1-BK: Notion of centralized authority. Bureau, or something else…agreed as critical.

1-Permitting system? Yes.

1-Separate test, where Peg was trying to talk about a list of approved arborists that could operate in the city…licensing…professional standards for arborists.

1-Flexibility: Fee in lieu, replacement criteria, green factor tree credit, invasive, diseased, tax credits, etc.

1-Positive incentives

1-Tree standards, planting requirements and maintenance standards

BK: Some way to measure, on an annual basis maybe, make sure that we are achieving goals.

Peg: Have to tie enforcement in somehow. Sub under permit system?

John H: In SDOTs recent history, collect 10-15 k every two years in fines for removing street trees outside the law.

Goals:

Intro-Focus on trees

Intro-TPO to go beyond addressing land use code

1-Healthy NW Urban Forest across city

1.1-Tree value equivalency

1.2-Tree planting

1.3-Equitable across zones and geography

1.4-Distribution of large trees throughout city

1.5-Habitat recognition

2-Formally adopt and implement UFMP

2.1-Mechanism to reach 30% canopy goal tied to TPO

3-Elevation of trees as infrastructure

3.1-Make a business case for trees.

3.2-Trees as economic engine

3.3-Slow tree removal rate

4-Public education

5-Comprehensive/Centrlized/Coordinated/Efficient Urban Forest management

5.1-Enforceability

Clear compliance requirements

(4) Next Steps (3:50-4:00)

Matt Mega to draft.

SUFC to review at next meeting.