

Urban Forestry Commission (UFC)

December 5, 2012

Meeting Notes

Seattle Municipal Tower Room 2750
700 5th Avenue, Seattle
3:00 p.m. – 5:00 p.m.

The Urban Forestry Commission was established to advise the Mayor and City Council concerning the establishment of policy and regulations governing the protection, management, and conservation of trees and vegetation in the City of Seattle

Attending

Commissioners

John Small (JS) – vice-chair
Gordon Bradley (GB)
Tom Early (TE)
Leif Fixen (LF)
Erik Rundell (ER) – non voting
Peg Staeheli (PS)

Staff

Sandra Pinto de Bader - OSE

Public

Nicholas Dankers
Margaret Thouless
Michael Oxman

Absent- Excused

John Floberg (JF)
Matt Mega (MM) – chair
Jeff Reibman (JR)

NOTE: Meeting notes are not exhaustive. For more details listen to the digital recording of the meeting at: <http://www.seattle.gov/urbanforestrycommission/meetingdocs.htm>

Call to Order

Introduced Erik Rundell as new Position #9 appointment to be confirmed by Council on 12/13.

Public comment

Michael Oxman – Doesn't know if Commissioners read an article about trees in the paper that said that large trees close to houses are dangerous. This is a fallacy. He went to look at comments for the tree regulations proposal. People are afraid of trees due to comments by authoritative figures such as arborists. What we have here is fear mongering and inaccurate statements such as large trees close to buildings are dangerous. To carry that further the street tree ordinance has a provision to allow arborists that are not certified to remove trees in the ROW. I think this is a mistake. This fact was not explained in the public meetings he attended. It was not revealed at the SDOT presentation to the UFC. When it was brought up later there was a request to have the UFC act on this issue. I've been gone so I don't know if you acted on it. But now that the street tree ordinance has been stalled for an eleventh year you could dig it out and comment. Should a plumber be able to remove a tree in the ROW. Having insurance is not enough to authorize someone to remove trees. You should make sure that all contractors are certified arborists that way you won't have people making blank statements such as any tree close to buildings is dangerous. These statements snowball.

Nick Dankers – Crafted a response to the artist and editor of the article Michael mentioned. Got in touch with the company mentioned in the article as well. The guy was quoted out of context. I will send another letter trying to get in touch with someone of increasing stature. One of the things tree professionals can do is manage risk. Growing awareness needs to be at the forefront. Public education is fundamental. Maybe having a new tree program with a mascot would be an idea. Went to consulting arborist conference in San Diego and they were talking about risk. The permit system should be self supporting through permit fees.

Approval of November 7 and November 14 meeting notes

ACTION: A motion was made to approve the November 7 meeting notes as written. The motion was seconded and carried.

ACTION: A motion was made to approve the November 14 meeting notes as written. The motion was seconded and carried.

Bell Street Park briefing – Mark Mead (Parks)

This presentation will be re-scheduled to next week.

Chair and co-chair elections

Ballots were sent around and a new chair was elected: John Floberg. John Small will continue as vice-chair.

UFMP update recommendation/letter of support – initial discussion

JS – Part of next year’s work plan should be to identify any opportunity to eliminate the differences in approach to urban forest management by different departments in the City. An example of that is the fact that DPD and SDOT ordinances are moving forward to Council on parallel track at the same time but without being coordinated among each other. It shows that the IDT talk to each other and let each other know where they are but there is still opportunity for better coordination.

LF – What’s preventing it? Is it department politics? Why can’t they just coordinate things?

JS – you have a mandate and direction above and below. I get the sense that when dealing with rate dollars and general fund dollars things get complicated, but it’s in the interest of the UF to eliminate those gaps. The people I have talked to about street trees are completely confused. In my neighborhood where there are no sidewalks the ROW is not well defined so street trees are not clearly identified.

PS – the other issue is the maintenance of the trees in the ROW. There is a scattered approach to tree ownership. There has to be a better way to sort through that problem. I know there is an issue with cost maintenance but as it is it’s too confusing. I don’t think the updated SDOT ordinance is clear enough. Maybe it should be a new position paper.

JS – permitted tree removals and pruning for SPU, for example, are not given the same level of review as a resident.

LF- would this be a good thing to talk about with Council as a round table? Who affects the change there?

JS – I think providing a recommendation for the UFMP is an opportunity to provide guidance in that.

I think it's going to take years to get there not try to change the IDT 180 degrees all at once. It will take a process to do, but we can start to tackle this now.

TE – new stadium will cause a big push for planting to make SODO more pedestrian friendly. It might be nice to open up the discussion with whoever is going to be on the City side for this planning process. This new project can be used as a catalyst for tree-planting in the industrial area.

PS – this is a great idea to involve the freight community early and work with them on what are ways to plant trees in a way that works for everyone.

TE – there are some inroads that are already happening

JS – in terms of the SODO community interest, separating ROW planting from private property planting will be critical. Whatever you do on the ROW, as long as it doesn't impair freight mobility, they are very open about.

PS – we have properties that are quite large... certainly you wouldn't want to do a spread like a parking lot, but could take a piece and look at current use. I've worked on some of those properties and heard that same comment and found places (wasted spots) where planting could happen. I would be hesitant to let them off the hook completely.

JS – separating the discussion would be more successful and have little opposition to planting in the ROW.

TE – my comment was really revolving more around land use, not zoning. SODO is being used more as a public benefit rather than an industrial endeavor. Would like to plant the idea in the planner's ear.

2013 Work Plan – initial discussion

CAM – public education piece related to an ordinance

Director's Rule – Directors have discretion within an ordinance and they issue those.

Mitigation standards to be wrapped into recommendation on DPD's tree regs. Can become a Client Assistance Memo or a Director's Rule.

JS – get something in place for January to interact with Council to manage proactively the potential of backlash from any increase in protection of trees. Raising awareness ahead of time would be helpful. Reaching out to CC and Mayor would be a first step.

GB – The challenge is that most people appreciate the benefits of individual trees and the Urban Forest. The challenge is the mechanism to ensure protection of trees on their own property. If we think of the UF belonging to everybody and an individual removing part of it then it's something that impacts everyone. When the Mayor visited he emphasized that this relates to private property. People feel they have every right to do anything they want in their property (which is not always the case, there is plenty of things that are regulated).

LF – it's an issue of value. At the end of the day it depends on what they value most, their view or the canopy. How do you adjust that, without regulating it.

PS – we don't have a public outreach, it's through Council. Projects I've been involved with recently I'm concerned that while there's a general love of the urban forest, it goes down to about 50% when it

comes to my property. We've seen placement of trees in the public ROW become quite an issue. If these issues continue I don't think we can meet our canopy goals at all. Maybe we do need to look at our parks in a different way. I don't believe it in the sectors/quadrants... I think we have a problem.

GB – in the link I sent out, it shows cities trying to get to this issue. There was also an editorial about walkable cities. One of the things that make Seattle walkable was trees.

PS – we do need to have stronger meetings with Council early. Get them scheduled. We need to have better information out there about this issue.

LF – Do you remember the events that led up to the wetland protection. This is similar. If you make the same arguments for the urban forest it would take this discussion to another level. How did they get the regulation to protect wetlands and how can we use that.

JS – it's an extension of the clean water act. Because it's federal...

LF – the process that brought about that regulation. It came from a higher level, broader jurisdiction.

GB – How can we regulate some of these things, how can we do that now.

LF – it's not popular regulation...

GB – You ask the question, how can you do that in private land to protect wildlife, etc. In commercial forestry there has been this progression of understanding these landscapes as functioning ecosystems.

LF – there have been significant environmental disasters due to some practices.

TE – for moving this forward and arming CC for this arguments, we need to elevate this argument to encompass the community wellbeing. I wouldn't lead with ECA.

PS – Maybe 51% is all we need. I'm wondering I guess people get it on a citywide basis. Some people that get it on a city-wide basis don't get it when we are talking about their property. I think that CA condition that we may be thinking about the wrong trees. We may have gone from 6 to 6" to protect those and some will be getting bigger. At the moment I see that our smaller trees, everything, is at risk. We need to beef up something under the outreach to Council. Maybe outline .

Phyllis – I want to change the paradigm and shift the formality. I think it would be really helpful to figure out how to work together now, but come the New Year that we sit down and have some working session on the agenda to talk through some of the issues we are grappling with instead of through formal recommendations. As a work program, at the beginning of the year, have working sessions, discussions, to inform Council's thinking. Part of that would be what would be an appropriate outreach effort, prior, during and after the action. We would like to hear from you what would be useful. Another work plan item would be to work with Council to develop that. Also talk about ideas on how that manifests afterward. WE are talking about a culture change in a way, and it's not just a briefing. We would like to engage you in that way.

JS – would it be appropriate to reach out to the broader Council and their staff?

Phyllis – you want to do that once we are closer. Richard might then do some internal work. Then maybe briefings would come into play. The value is the whole of the Commission, not through a recommendation right now.

LF – there is a lot of public comment but mostly on the side of supporting more protection. We have not yet heard about the other side.

GB – there were some individuals from the development community a couple of years ago.

JS – it might be helpful to have Council staff be present at some of the discussions we are having with DPD. We are pushing DPD in the right direction but how far is the political will willing to go.

Phyllis – I don't know that we know right now. Having a more round table approach would be helpful.

PS – I have a question on the tie between the UFMP and the ordinance. We see a disconnect and is that okay?

Phyllis – has SDOT ordinance on my desk, met with DPD and have read the UFMP. WE want all of this to be integrated. I have my own feelings about it on what I've read so far. Right now we are not ready to move any piece forward. Is the framework what we want so then the policies follow.

SPdB – Would like to better understand how the logistics of such working meetings would work?

Phyllis – I'm open to that.

PS – I think it might be both.

Phyllis - To see where that dialogue evolves into. This is probably most likely with Phyllis and include Central staff (maybe Michael Jenkins). It would be a working session, not 15 minutes. Having DPD there would be helpful.

SANDRA TO SET UP – talk to Phyllis about this and run through

PS – include SPU in the discussion for Ecosystem Metrics paper.

LF – when should we assign leads.

JS – the early items in January and February we should assign now.

PS – mitigation standards

JS – move that work up to ASAP Dec/Jan

PS – my view of development standards is wait until we have the tree ordinance

LF – the tree ordinance would set the policy for development?

PS – they are more detailed.

TE – the idea is to put together a position of mitigation standards that are being proposed and also for under development.

JS – part of our discussion is to have allowances for a certain number of trees, whether you cut and plant or retain to get there, it will depend.

JS – we heard that neighborhood plans do have some weight in terms of trees. Reach out to neighborhoods going through the development of plans and provide feedback then.

TE – I don't know that we want to go neighborhood by neighborhood.

JS – maybe track what neighborhoods that are going through the process.

New business and announcements

Proclamation for Roy Francis. Read by Sandra motion to approve and all sign.

ACTION: A motion was made to approve the Proclamation for Roy Francis as written. The motion was seconded and carried.

Nick Dankers – guidelines he wrote about risk evaluation – makes a convenient basis for a permit system. Many times easier to regulate the tree services industry than to regulate trees. If there is some sort of approval process for the service, with guidelines to follow.

We should be measuring at the ground level (not at DBS which is for timber) because it gives us more information about the tree. Need to better understand the value of the urban forest and have a way to guide the process.

Adjourn

Community input:

From: Nicholas Dankers [mailto:nwdankers@gmail.com]
Sent: Friday, November 30, 2012 3:24 PM
To: Pinto_de_Bader, Sandra
Subject: Feedback on DPD's Proposal

Sandra,

Now that I am down at the American Society of Consulting Arborists (ASCA) conference here in San Diego, I have had the chance to type of some of my comments on DPD's proposed Tree Removal Permit system.

Could you send this document to the Urban Forestry Commission? Matt had asked that I send it at least to him.

Thank you again for all of your work with the UFC. I look forward to the meeting next week.

Sincerely,

Feedback for Seattle DPD's Tree Care Ordinance

Given the proposed permit requirements for significant/exceptional tree removals and the emphasis on mitigation through replanting of appropriate species, I offer the following considerations:

1. In order to promote public awareness, this program could have a name, such as "Emerald City ReLeaf," "Seattle ForesTree," "Rain City Canopy Restoration," etc.
2. The overall goals for Seattle's urban forest could be to preserve healthy trees, restore the city-wide canopy, and mitigate the next generation of the local climate.
3. Any tree service who works within the Seattle city limits would need to participate in this program, retain a current City Business License, sign an agreement to follow DPD's guidelines, and acknowledge that the primary responsibility for upholding Seattle's Tree Care Ordinance begins with the contractor.
4. As this program continues, Seattle could phase-in requirements that tree services need to have ISA Certified Arborists performing or supervising all work.
5. Ideally, after a tree work estimate has been accepted by the client, the tree service will log in to the (proposed) Seattle Urban Tree Website to fill in the information about the tree to be removed. The homeowner can submit a request for the tree removal permit, though the tree service must determine that the removal permit has been approved by the City Arborist prior to performing the work.
6. The website where tree removal permits are entered could have all information about the permit system, links to tree identification guides, interactive maps of city neighborhood canopy coverage goals, general standards for pruning, assessment tools for what trees should be removed/retained, and mitigation strategies for reducing risk while preserving ecological and aesthetic values.
7. With GIS tools, this website could allow arborists to add private trees to the inventory.
8. All urban trees could be categorized by type, age, and size. For deciduous, evergreen, and "special" species; each group would have a sapling, significant, and exceptional size thresholds. The diameter could be most easily measured at the basal caliper. For example:
 - a. A Western hemlock sapling would become significant at 6-inches caliper and exceptional larger than 30-inches.
 - b. A Red alder sapling would be significant at 10-inches basal diameter and exceptional at 24-inches.
 - c. A Pacific madrona, Pacific dogwood, or Pacific yew sapling would become significant at 2-inches in caliper and exceptional greater than 12-inches.

9. Following DPD's removal requirements, significant tree removal permits could cost \$100. Only exceptional tree removal permits would require review by a City Arborist (or city-approved Certified Tree Risk Assessor) and would cost \$200. The permit cost could be reduced by:
 - a. \$10 for retaining a suitable habitat snag on site.
 - b. \$10 for leaving a nurse log on site.
 - c. \$10 for mulching on site with 6-inches of wood chips from the removed tree spread in 10-foot diameter circles around the replacement trees.
 - d. \$10 removing more than 100-square feet of invasive species on site.
 - e. \$10 for restoring this area with a non-invasive species.
 - f. \$10 for adding the remaining trees on site to the Seattle Tree Inventory.
10. The current Tree Ordinance requiring permits for trees removed along Right-of-Ways, during construction, on Environmentally Critical Areas (ECAs) would remain in place.
11. On private, non-ECA properties; removal permits for significant trees would be granted automatically (within a time allotment) as a set number per year based on the size of the lot and the canopy coverage goals of the neighborhood.
12. The time from a significant tree removal permit application to approval could be 10-days. Or, if the neighbors on all adjacent properties have no objections to the tree removal, then the applicant could check the respective box during the online permitting process.
13. All exceptional trees removal permits would require both a Tree Risk Assessment and review by a City Arborist.
14. Clearing numerous saplings on private property would be permissible as long as it is not on an ECA.
15. A hazardous tree removal would have 3 business days during which a removal permit could be retroactively requested.
16. A limited amount of the online permit application could be public information posted on the website. Other people could request alerts if there are removal permits requested within a certain radius of their house.
17. Payment for the tree removal permit would be required at the time of approval and would activate the permit. Because the tree service is likely to be submitting the permit application, the permit fee could be added onto the final bill to the client. Or, if the homeowner is requesting the permit, they could pay online at the time of application and they would be charged at the time of approval.
18. Based on the removed tree category and size, mitigation would require a specific number of replanted specimens (up to 4 trees) on/off site or a pre-determined payment to the neighborhood tree planting/maintenance program.

19. The tree service performing the removal would be responsible for the replacement trees being planted to meet the specifications outlined in the Best Management Practices provided by Seattle.
20. Penalties for a tree service not upholding the tree ordinance could include warnings, re-attendance of the Tree Ordinance training, requirements for community service, volunteer invasive species removal, temporary revocation of a City Business License, sharing the costs of mitigation with the homeowner, loss of ISA Certification, or fines.
21. Seattle's Tree Removal Permit system could be a pilot program for 6 months after future approval by the City Council. During this time, the city, not-for-profit organizations, consultants, or Tree Ambassadors could help with conveying the permit system to local tree services.
22. Public awareness could be raised through the local media. TV stations and newspapers could direct all potential tree services and the public to the Seattle Tree Ordinance website. These online resources could be available to anyone.
23. Seattle has the opportunity to blend a tree removal permit system with a growing, continually-updated urban tree inventory. By incentivizing qualified tree services to add retained and replanted trees to the municipal inventory, we can quantify the benefits provided by these trees.
24. Tree mapping programs such as iTree can add environmental and appraised value to the tree inventory. This provides a monetary value that can become a basis for long-term management decisions regarding urban trees and municipal infrastructure.
25. With the potential risks from unpredictable weather patterns, climactic instability, invasive species, reactionary tree removals, and improper planting techniques; Seattle can create a resilient urban canopy and associated group of tree care technicians.
26. Ideally, this program would be inherently self-regulating. If all arborists who utilize chainsaws on a daily basis believe in the value of preserving the urban woodland in which they work, then they will convey the importance of managing healthy trees through an accurate permit/inventory system.
27. Clearly, this is a work in progress. By re-stating the overall goals of a moderated urban environment, my hope is that Seattle's Tree Ordinance can reward long-term planning and inspire other communities to value an intelligent arboricultural canopy. If you have any comments, please contact me at 206-963-4302 or nwdankers@gmail.com.