

Seattle Urban Forestry Commission

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February 7, 2011

Honorable Council President Richard Conlin
Chair, Regional Development & Sustainability Committee
Seattle City Council
PO Box 34025
Seattle, WA 98124

RE: Seattle Urban Forestry Commission Position Paper on Tracking and Permitting of Tree Removals

Dear Council President Conlin,

In our October 20, 2010 response to the Department of Planning and Development's Proposed Tree Regulations the Urban Forestry Commission (UFC) laid out several areas for further study including a tree removal permit system. This position paper follows up by providing more specific recommendations regarding a tree removal permit system in the City of Seattle.

Along with planting and community outreach and engagement, the preservation of existing trees is essential to achieving the city's goal of 30% canopy coverage by 2037. The UFC believes that a tree removal permit system is an appropriate tool to achieve an overall canopy gain and further the goals of the city's Urban Forest Management Plan (UFMP). Specifically, the goals of increased environmental and infrastructure benefits from trees, improved condition of the urban forest, equitable urban forest resource allocation citywide, and support for community education can all be supported by a tree removal permit system.

The UFC has seen examples of successful permit implementation in other cities in our region as well as in comparable large metropolitan areas elsewhere in the country (See Appendix B). These cities have recognized that trees make a significant contribution to public health and safety and are an essential component of their infrastructure. Already, the Seattle Department of Transportation administers a permit system for tree work by private parties in the right of way. With proper outreach and implementation a single permit system covering all significant tree work on private property can be successful.

Before embarking on a path to new regulation and permit requirements it is essential to understand the goals and why a permit system is an appropriate mechanism to achieve them. ***The overarching goal of the permit system is to promote the stewardship and growth of Seattle's urban forest on private property.*** In addition, the following specific goals are intended to contribute to that larger mission.

- To provide the City with quality data on tree removal trends in Seattle
- To set standards for the quality of major tree work in the city and to ensure that this work is done safely and by appropriately qualified workers and licensed companies.

- To slow the loss of mature tree canopy by providing disincentives to removal of large trees and education on alternatives to removal.
- To serve as a vehicle for public outreach and engagement about tree canopy goals, efforts to increase canopy and the benefits of a healthy urban forest.
- To retain and increase the ecosystem benefits of the existing urban forest canopy
- To protect and enhance the valuable infrastructure functions of the urban forest

We believe a permit system is an appropriate mechanism because, if properly designed and implemented it will provide the following benefits:

- **Treat trees as valuable infrastructure and a public asset:** The City regulates work on utilities systems, including on private property. As a component of green infrastructure trees perform storm water management and other valuable services. The city has an economic interest in preserving these services for its residents.
- **Tracking:** Understanding tree removal patterns in the city will help allocate replacement resources to maintain equitable access. Gathering information about why people choose to remove trees will help target outreach and engagement, intervention, and planting programs to make effective use of public investment.
- **Enforcement:** Seattle relies primarily on a complaint-based system of reporting to enforce tree regulations. The permit system should support this approach by creating an online database of permit applications so that community members and City staff can quickly search by address to determine whether work has been permitted and what data was entered into the application. In addition, proper tracking can bring to light any patterns of violation which might exist and need to be addressed.
- **Safety:** Tree removal in an urban area has inherent risks. The safety of the people doing the work and of the public in general merits that professional standards be established for the removal of large trees. A permit system is a necessary component of establishing and enforcing these standards.
- **Revenue:** Permit fees can be set such that the system is revenue neutral. In addition, a permit system allows a simple mechanism for reasonable punitive fines when violated.

UFC Assumptions about a Permit System:

- 1) The permit system should be easy to understand and use for a typical property owner.
- 2) The permit system should be revenue neutral, collecting reasonable fees to cover the cost of operation.
- 3) Just as building permits are not intended to prevent development, tree removal permits are not intended to prevent removal but to ensure that it is done safely and with consideration for the public interest in maintaining a healthy urban forest.
- 4) The permit system should not interfere with the timely removal of hazardous trees.
- 5) The permit system should apply to all zones, recognizing the different canopy goals and land use patterns of each.
- 6) On lots undergoing development, tree removal should be regulated by the land use and/or building permit processes. This system is intended for lots outside the development process.
- 7) The permit system should apply to all parcels within the city equally.

- 8) Pruning should be addressed in the permit system. Topping or other excessive pruning which permanently damages or kills a tree is considered equivalent to removal.
- 9) The system should consider mechanisms for replacement of canopy lost to permitted removals.
- 10) Tree removals should be divided into three or more general categories depending on safety and the public interest.
- 11) Because this system is intended for lots outside of development, the question what department should administer the permits is an open one.

In order to align with these assumptions we recommend that permits be available through a web-based interface and also in person through the administering department or neighborhood service centers. The online interface should ask questions that provide useful data to the City while being accessible at the homeowner level. In addition, the interface should be designed to offer information on alternatives to removal, incentives to retention and replacement, or replanting programs. Links to information on proper pruning and anti-topping regulations could also be incorporated into the welcome screen.

These questions should be adequate to divide the system response into three categories. These would be based primarily on the size of the tree but could also consider condition, species, quantity, location, and possibly lot size in some cases. Some sub-sets will also be necessary in certain cases. An example of questions the UFC thinks would meet the permit goals is available in Appendix A.

The three general categories of removal the UFC envisions would be:

Exemption

The first category would be for removals determined to be exempt from permitting. This would be based on size and possibly quantity thresholds. In these cases the applicant would be thanked for registering and informed that the work can proceed at any time and no fee would be assessed. A record of the application data and case number would be provided to the applicant and filed in the online data base. The applicant would also receive information on the value of trees in the urban forest, and links to resources or programs promoting stewardship and retention or replanting.

Level 1 - Permit Required

For trees requiring a level 1 permit the system would inform applicants and prompt them to pay a reasonable fee online to the administering department or at a neighborhood service center. If paying online, the applicant would get a .PDF of the permit to print or keep electronically for their records. If not paying online, then the system would generate a .PDF of the application data and a case number which could be printed and taken to a payment location. In either case the information would also be available in the online permit data base. The applicant would also receive the information and resource links listed above.

Level 2 - Permit Required

For trees requiring a level 2 permit there would be a larger fee and a requirement that the work be done by a certified arborist. If the questionnaire indicates that the applicant is, or has hired, an arborist then the permit will be available online. If not, the applicant will receive a case number and instructions on contacting an arborist to complete the process. A higher level of information would be expected for level two permits including general species information.

Thank you for your time in reviewing this position paper. The members of the Seattle Urban Forestry Commission are available to answer any questions you may have about this position paper or other matters regarding Seattle's urban forest.

We ask that Seattle's elected officials provide feedback to the UFC and to City staff as soon as possible on the contents on this position paper. The decision whether or not to pursue a tree removal permit system will have a significant impact on the development of the revised tree protection ordinance. With your input we are confident that staff can craft an ordinance which recognizes the value of trees to our emerald city and helps achieve our canopy coverage goals.

Sincerely,



Matt Mega, Chair
Seattle Urban Forestry Commission



Jeff Reibman, Position Paper Author
Seattle Urban Forestry Commission

cc: Mayor Mike McGinn, Diane Sugimura, Jill Simmons, Marshall Foster, Brennon Staley, Councilmember Bagshaw, Councilmember Burgess, Councilmember Clark, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember Rasmussen, Councilmember O'Brien, Michael Jenkins, Christa Valles

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Appendix A:

Examples of questions the interface could ask of someone applying for a permit:

Name and address of applicant

Preferred contact method and info

Address of removal

Applicant relationship to property (multiple-choice)

- 1) **Property owner or manager**
- 2) **Renter of the property (note: if this is selected the permit should then require consent from the owner)**
- 3) **Certified arborist hired to remove the tree (enter Seattle business license number)**
- 4) **Licensed contractor hired to remove the tree (enter Seattle business license number)**
- 5) **Other (please specify)**

At this point the system should have enough information to understand parcel zoning and size, applicant qualifications, and to check for current development permits. The following questions or the permit requirements may be informed by this information.

Do you intend to remove the tree entirely or prune the tree?

Make information available about severe pruning regulations

How many trees do you intend to remove from the property?

For each tree you intend to remove please answer the following questions:

Is this tree

- 1) **Deciduous (broad leafed)**
- 2) **Conifer (needle leafed)**

Make icons available to help choose

What is the approximate diameter of the tree trunk at 54" above the ground?

- 1) **< 6"**
- 2) **6"-12"**
- 3) **12"-18"**
- 4) **18"-24"**
- 5) **> 24"**

Provide a help button with information on measuring and guidelines for multi-stem trees.

What is the tree species?

Provide a list of common species with images to choose from and also a not sure option.

Where is this tree located on the property?

- 1) **Rear yard**
- 2) **Side yard**
- 3) **Front yard**
- 4) **Between the street and the sidewalk or property line**

Is the tree entirely on the property or does the trunk or branches cross a property line?

Why are you considering removal of this tree?

- 1) **Concerned that it is hazardous to the structure**
- 2) **Concerned that the tree is diseased**
- 3) **Concerned about maintenance of the tree**
- 4) **In order to reduce shade on the property**
- 5) **In order improve access to solar energy**
- 6) **In order to enhance a view from the property**
- 7) **A neighbor has requested that I remove the tree**
- 8) **In order to replace with a different tree**
- 9) **Other, please explain**

Who will the do the removal work?

- 1) **The applicant**
- 2) **Friends or family**
- 3) **A contractor (enter name and / or license #)**
- 4) **A certified arborist (enter name and / or license #)**
- 5) **Other...**

This question will not be necessary for small trees or if the applicant has already stated that they are a certified arborist.

Thank you for the information. Your permit request is processing. In the mean time here is some information on the value of Seattle's urban forest...

Would you like to receive information on alternatives to removal?

Would you like to receive information on incentive programs for planting/re-planting

Would you like to be contacted by a volunteer tree steward from your neighborhood to discuss options for this tree.

Provide links to Urban Forest Management Plan, canopy coverage maps etc.

Appendix B

Tree removal permit systems in other localities researched in the preparation of this paper:

Atlanta, Georgia http://www.atlantaga.gov/client_resources/government/planning/arborist/tree_ordinance.pdf

Issaquah, Washington

<http://www.ci.issaquah.wa.us/Files/Ord2546andCodeOnly.pdf>

Kirkland, Washington

<http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/Trees/Tree+Plan+IV.pdf>

Lake Forest Park, Washington

<http://www.cityofflp.com/news/2002pr/treeord800.html>

Portland, Oregon: [http](http://www.portlandonline.com/parks/index.cfm?c=39712)

<http://www.portlandonline.com/parks/index.cfm?c=39712>

Redmond, Washington

<http://www.redmond.gov/cms/One.aspx?portalId=169&pageId=18898>

Takoma Park, Maryland

<http://www.takomaparkmd.gov/publicworks/arborist/treeprotection.html>

Vancouver, British Columbia

<http://vancouver.ca/commsvcs/planning/treebylaw/treeidxj.htm>