

Seattle Urban Forestry Commission

Elizabetha Stacishin-Moura, Chair • Matt Mega, Vice Chair • Nancy Bird • Gordon Bradley
John Hushagen • Kirk Prindle • Jeff Reibman • John Small • Peg Staeheli

D R A F T

October 7, 2010

RE: Response to DPD's proposed tree regulations updates

Dear,

On July 14, 2010 the Department of Planning and Development released the City of Seattle Proposed Tree Regulations document. Public comment for this proposal will end on October 31, 2010. On August 13, 2010 the Urban Forestry Commission provided Council with a letter stating our concerns with the proposal as released. Our primary concern was that “the deregulatory nature of the proposed changes neither preserves nor enhances Seattle’s Urban Forest, leaving it more vulnerable to decline and attrition.”

While there are elements of the proposal that we do support there are several elements that need further refinement and others that need to be added and/or re-evaluated. The Commission is providing you with these additional comments to help move the process forward in a positive and constructive manner. Our comments are divided into three broad categories:

1. **Process (both public and internal)**
 - A more inclusive public process is needed.
 - Public comment period needs to be extended.
 - City Departments, such as City Light, SPU, Parks and Department of Neighborhoods need to provide written input.
 - The Urban Forestry Commission needs to be engaged more constructively.
 - Arborists and those with specific urban forest responsibilities need to be engaged more constructively.
2. **Goals of an effective tree protection ordinance**
 - Promote a healthy urban forest across the city.
 - Formally adopt and implement the Urban Forest Management Plan
 - Elevate and recognize the urban forest as critical infrastructure.
 - Ensure public education and outreach is integrated into the release and implementation of the tree protection ordinance.
 - Ensure a comprehensive urban forest management approach
3. **Tools for implementing an effective tree protection ordinance**
 - Permit system
 - Professional standards
 - Tree standards
 - Tree Credit system in Single-family zones

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- Green Factor

Process (both public and internal)

More inclusive public process and more engaged internal process

To date only one open house has been held by DPD on September 21, 2010 to gather general feedback from the citizens of Seattle. DPD did present the tree proposal to a variety of 'standing' groups, but we believe the comment period will end on October 31 without sufficient citizen representation. The Commission fully understands that Council cannot extend DPD's comment period. We are recommending Council provides their own public comment period to address specific elements DPD has dismissed or removed from the proposal. Specifically these elements include, the adoption of a permit process for tree removal, providing details on the proposed tree credit system, the inclusion of bonding requirements for tree establishment and qualifications for professional arborists working in the City. In addition, the Commission is recommending a more inclusive internal process that engages other City Departments and this Commission not only in commenting on the proposal but also providing elements and language that should be added. Significant weight should be given to the input of city arborists in this process.

Goals of an effective tree ordinance

Healthy Urban Forest Across the City:

A healthy urban forest includes a *sustainable mix of trees and shrubs of various species, ages and geographic distribution*. It places value on large or *heritage trees* and groves. It also ensures the *distribution of large trees* throughout the city for equitable access. The monetary and habitat values of a vibrant urban forest should be measured and promoted.

Comment [m1]: Jeff and John H conflict

Elevation of Trees as Infrastructure:

The understanding that *trees are critical urban infrastructure* has most certainly grown over the last few years. However, the Commissioners believe more needs to be done. Specifically the tree protection ordinance needs to be more explicit in its acknowledgment of the monetary *and public health systems approach* benefits of a healthy urban forest. For instance, the cost-benefit analysis on whether or not to implement a permit system in the DPD proposal only took into account the direct cost to city staff budgets, but did not account for the monetary benefit accrued by the ecosystem services provided by a healthy urban forest. A permit system which reduces the premature removal of trees will save money in stormwater management or air pollution mitigation.

Comment [m2]: peg and jeff conflict

Public Outreach:

Public outreach while not explicitly part of the tree protection ordinance is still an integral component of the process. Especially, since DPD has proposed the removal of all regulation of trees on private property outside of development (over 99% of the private

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land in the city). The DPD proposal as written will defer their obligations, costs and responsibilities to preserve and enhance the urban forest on to other city departments, especially those that deal with tree give away programs, as they will need to ramp up their services to ensure private property tree planting keeps pace with tree loss.

Comprehensive Urban Forest Management:

To ensure successful protection and enhancement of the urban forest, the City of Seattle must look at the urban forest in a *comprehensive* manner. From the perspective of the tree protection ordinance itself this means an *equitable* ordinance with *clear compliance and equitable mitigation requirements*. It means that there needs to be a strong *enforcement* mechanism with *punitive measures as a deterrent*. From the larger perspective it means the city must implement the tree protection ordinance and all other urban forest efforts *efficiently*.

Formally Adopt and Implement the Urban Forest Management Plan (UFMP):

By ratifying the UFMP and the 30% tree canopy cover goal and the mechanisms within the UFMP to meet this goal, the Council will signal their commitment to our City's urban forest and provide a tangible goal to evaluate the effectiveness of the tree protection ordinance against. Implementation of the tree ordinance and achieving the City's 30% canopy goals requires that a *realistic budget* be created, approved and sustained.

Tools

Permit System

The DPD proposal spent significant time refuting the feasibility of a permit system. Its conclusion relied heavily on additional costs and their determination of effectiveness. The Commission disagrees with DPD and recommends that Council take another look at the permit system and its feasibility for Seattle. Specifically, we recommend a full cost accounting that looks at the potential cost savings benefits of a permit system as well as the costs. The Commission is following up on recent data that may suggest the City of Atlanta has a net monetary gain from permits and fees in excess of \$300,000 annually. These reports are currently unconfirmed.

Below are four distinct advantages the Commission feels a permit system will bring to Seattle. If the city decides against a permit system it must decide how to achieve these benefits or they will not meet their canopy cover goals.

- **Tracking:**

Knowing exactly when, where and what type of trees are being removed in the city. This is a vital tool for the city to measure progress toward the canopy cover goals. Under the proposed DPD changes, private landowners have no requirements to meet before removing a tree. At the very least this could lead to unsafe removal that puts neighbors or the public at large in danger. There is no method of even volunteer registration of tree planting.

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- **Public Education**

The permit application process is an opportunity to give a homeowner pause and promote alternatives to removal. In some cases posting to inform neighbors of removal plans may also be warranted.

- **Enforcement**

The current complaint driven enforcement system would function much better in conjunction with a permit system. Citizens or staff could easily check to see if a permit was obtained. When a tree is removed without a permit or based on incorrect information the penalties can be straightforward and easily collected.

- **Recognition of Value and Benefits**

DPD's case against a permit system, they equated permits with the permanent protection of certain trees and the burden it would place on citizens. The commission believes that a simple online permit system would be sufficient in many cases and could easily reduce the cost to DPD and the burden to citizens. The protection of large trees is part of the UMFP, but so is the removal of hazard trees. Many trees eventually become too big for their space in the urban environment and in some cases require removal for safety. Public safety is often cited as a primary reason permits are currently required for sewer work, fixing retaining walls, building high fences, electrical work, building decks and many other activities. A permit system will help elevate trees to urban infrastructure status and ensure that the work is being done safely and efficiently by trained professionals. A permit system may or may not be the best method for Seattle, but we believe DPD needs to do a better analysis than simply concluding it costs too much and burdens citizens.

Specifically we recommend a permit or registration system that incorporates the following elements:

- Online access with the ability to apply and print documentation from home
- Collect tree and parcel information appropriate to homeowner understanding
- An education component that promotes options to removal and programs for replacement.
- A mechanism to stop people from unknowingly removing trees illegally such as street trees they may think they own.
- Size and location thresholds above which a certified arborist must be engaged to do the work.
- Emergency approval mechanisms for removing diseased trees which pose a threat to the larger urban forest

Professional Standards

One of the key ways to ensure safe removal or pruning of trees is to require professional standards. Currently, the only qualification that the City requires of tree companies and arborists working for private clients is a business license. To ensure the implementation of an effective tree ordinance the city needs to be diligent in who is

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doing the tree work and the professional standards that should be required. Tree care professionals are also more inclined to suggest pruning options versus total removal. Enforcement and damages for improper work by professional companies should be part of the ordinance.

We recommend that the ordinance establish the following:

- Thresholds above which all work must be done by a certified Arborist
- Professional registration of Arborists working in the city
- Strong penalties for those who violate the tree protection ordinance as part of their business practice.

Tree Standards

In order to promote the establishment of a healthy and varied urban forest the ordinance should require appropriate tree selection and proper planting and maintenance.

- Tree credit systems and landscape standards should promote native and conifer selection and species variety.
- Best practices should be required and established by secondary documents such as planting standards, maintenance standards and approved tree selection lists.
- The city should investigate financial programs such as landscape maintenance bonds to ensure survival or required trees

Tree Credit in SF Zones

The proposed tree credit for single family zones is a good approach. The proposed credits however do not place enough weight or incentive on tree preservation and it is unlikely that a tree would be maintained under new construction or major renovation.

Green Factor for MF, Commercial

The proposal refers to monitoring the 2009 revisions to the Green Factor for effectiveness in tree preservation however since this proposal intends to give flexibility and incentives for tree retention we suggest that the Green Factor reassessment occur with this change in code and not wait for additional monitoring. The Green Factor likely needs additional incentives to allow for tree retention.

Industrial Zones

We agree with the tree planting requirements for commercial uses in industrial zones however we also suggest that some tree planting or offsite mitigation within these zones should be required for sites under development. Locations within industrial zones for mitigation should be identified as part of the city wide canopy coverage.

In summary, an effective tree ordinance protects all elements of the urban forest: both public and private, both inside and outside of development. An effective tree ordinance is comprehensive, bold and enforceable, yet predictable and flexible. It maintains the

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health of a diverse and geographically dispersed urban forest and recognizes the urban forest as an integral part of the green infrastructure system. Trees are elevated to the same status as stormwater management elements, transportation and sewer infrastructure.

Thank you for the opportunity to comment and please contact us with any questions you may have. We look forward to continuing to work with the Mayor City Council, City Departments and our citizens to ensure protection and enhancement of our urban forest.

Sincerely,