

Urban Forestry Commission (UFC)

Special Meeting on Tree Ordinance

October 13, 2010

Meeting Notes

Seattle Municipal Tower Room 2240

700 5th Avenue, Seattle

3:00 p.m. – 5:00 p.m.

Attending

Commissioners

Matt Mega – vice chair (MM)

Gordon Bradley (GB)

John Hushagen (JH)

Kirk Prindle (KP)

Jeff Reibman (JR)

John Small (JS)

Peg Staeheli (PS)

Staff

Sandra Pinto de Bader (SPdB) - OSE

Brennon Staley (BS) - DPD

Absent- Excused

Elizabeta Stacishin-Moura

Nancy Bird

Call to Order

Matt Mega chaired the meeting

Public Comment

Michael Oxman: on further communication with the Atlanta Program he found out that they actually have \$250K-\$300K per quarter for fines and fees on their permit system. Atlanta might be a better metropolitan area to compare Seattle to with more similarities than the smaller cities in the Puget Sound Area.

JH question: Is it required to get a permit to take down a tree? How do they fine you?

MO response: don't know, he got information from the website. They have four inspectors, each one in charge of a quadrant of the City. Mr. Ainsley, the city Arborist was on vacation so he couldn't get additional information.

Steve Zemke: He urged the Commission to continue using the commissioners initials in the meeting notes. Recommends the Commission and the Inter-departmental team to meet in joint session because currently there is a disconnect. They should be meeting together in joint meetings. Not doing so brings in suspicion and mistrust. This process is difficult to track and

understand. The summaries of ideas that don't relate to ordinance. Use information provided on what needs to be included in a tree ordinance. Produce an interim guideline on areas to include such as licensing and permits. It's difficult to track the way it is now.

Approval of September 29 and October 6 meeting notes

PS made a motion to approve the September 29 meeting notes as they are. The motion was unanimously carried.

October 6 meeting notes. Steve Zemke remarked that John Dixon's name was misspelled. It was agreed that we should be referring to meeting notes and not minutes. JR and KP would like to go back to using initials in the notes. SPdB said Elizabetha instructed her to stop using initials. MM tabled the conversation and said he would like to check the UFC bylaws and would like to revisit at the November UFC meeting.

There was a motion to approve the October 6 meeting notes that include John Dixon's name correction. The motion was unanimously carried.

Letter to Council regarding DPD Proposal and the new Tree Ordinance

MM incorporated comments provided by JR, JS, JH, and PS. Comments were provided to him with either track changes or on hard copy. He went page by page and incorporated all comments.

PS requested 10 minutes to skim through the new version of the letter.

KP said this is a great letter. Does seem that the letter could end with a paragraph of thanks and then include the rest of the letter with the details as an addendum.

PS thinks that's a good idea that would allow Council to read the first part and have their staff read the details.

MM would like to end the cover letter with an action statement

JS some of the ideas would need to be made into full thoughts

JH thinks we have two letters: One would tell Council what the commission doesn't like about DPD's proposal. The other would provide ideas of what needs to be included in a tree ordinance. Agrees with PS. He feels we are blending thing talked about in the work plan session and the ordinance.

PS – we already sent a letter saying we have a problem with the plan and that we'll get back to you.

JH he feels planting and Urban Forestry Management Plan (UFMP) are things UFC is encouraging Council to do, but the issue is the current tree regulations proposal. He would like to see in an ordinance letter:

- More public and professionals included in the process
- A permit system to slow down loss of trees
- Fine tuning the exceptional tree list
- Clarity for developers and support for Green factor

KP we don't have to lose what's in the letter.

JR – don't we already have those four points in the letter?

MM – Council needs input. If we mention a permit system by itself and say that it will fly, we need to add the nuts and bolts to justify it.

PS – talked about going short or long and said go long. We added the UFMP. Without them adopting it there is disconnect as to why have a tree protection ordinance. Is not disagreeing with JH but would like to see things bolder and bullets and not worry about it.

JH to what extent will the UFC be listened to by the City? Parks board sets parks policy. UFC is new and I don't know where we stand.

JR – already sent quick letter. This is the second letter and we it's in pretty good shape. Huge step forward from the past iteration. Tracks and reads much better. Would be great if we can shorten it and polish it. This provides the opportunity for someone's staff to read it.

KP – reiterated to finish the letter

JR – sign at the end

PS – moves to have a single document

JS – I pulled up the first letter where we set the stage with Resolution 31138 and the UFMP. Let's set the second letter in the context of the first one by making a reference to the past letter.

MM-can also add carbon copy of the first letter

JR – tighten the intro saying "in follow up to our letter dated August 13..." He would like to propose under Tools for Implementation to have the tree credit system and Green Factor as

separate with tree standards. Tree credit is for single family zones, Green Factor for development standards as tool. Further along on under Development Standards create a bullet point – Development Standards: DPD proposal focuses mainly on development standards: tree credit, Green Factor, Payment in lieu, bonding... He would also like to better understand tree standards.

PS – Includes planting details and specs. It should also include preservation details.

JH – need to be stand alone thoughts. Permit system doesn't have enough justification for Council to see. Justification of bullet points. Add a thought to each bullet. Need to justify all to a degree.

PS, KP, and JR agree to add one sentence to bullets.

JR: Tree standards to establish best practices; permit system to manage tree removal; professional standard to ...

JH strike professional standards until we get people dialed into understanding tree removal.

PS – does a lot of writing for specs. Have to put a lot of words on specs. The City needs to have language.

JH – permit system in Lake Forest Park – don't have to hire certified arborist. It's assumed a certified arborist will get the job. Only need a business license.

MM – Professional standards to ensure safe, legal, and competent tree work. To establish best practices and educate home owners.

PS – need to require certification. Talking about large trees. Development standards to mitigate losses during development

GB – track removal and encourage retention, educate

JH – add implementation of exceptional tree list. This needs to go back in. The current list is pretty dumb. It includes weeping willows.

PS – requested an exceptional tree round robin to know what others think

GB – unless the list is meaningful it's going to be challenging. There needs to be agreement in terms of size and species.

PS – we need one and it needs to have flexibility for removal and have significant fees for removal

KP – defers to PS

JH – have to have exceptional tree program make sense, be flexible and be taken seriously. Some trees are worthy of protection. Won't move house or tear driveway for tree. Many trees should not be saved. Don't want to make it punitive though.

JS – don't like the existing sudden threshold. Ordinance needs to value large trees over smaller ones based on species. Some trees like black cottonwoods don't work in an urban environment. Adapt to size and health of the tree. Point system is on right track.

JR – exceptional tree ordinance is a demonstrable failure. It doesn't protect trees. Pushing threshold idea as replacement. Creating permit system with thresholds and have city arborists get involved around big trees.

MM doesn't have personal knowledge of it. Likes threshold Jeff mentioned focus on protecting large trees. Isn't tree credit doing it?

PS – If corrected the tree credit system might work. Currently is very expensive and difficult to work with. Currently there is \$10K of investment needed to consider the tree, without even getting to save the tree. Recommend that an area to frame something that works.

JH – can guarantee that within the next 10 years more exceptional trees will be removed from property not under development when it starts tearing up other infrastructure.

MM – should do a field trip to take a look at exceptional trees and see if they are tearing up foundations.

JH – Saint Joe's Catholic Church has very large trees that they care about.

MM – is in areas where large Douglas Fir trees are not pushing on pavement. How to convince the owner not to cut the tree?

JH – how do we deal with pros and cons? That's when professional standards come to bear.

KP – this provides opportunity for decision makers to take a look at it. Here only when there is a fine and fees things work. We are looking at apples and oranges. Exceptional tree ordinances

are successful in other parts of the country. They protect big trees. The credit system is maybe a viable approach.

JR – question to the group: with a permit system and threshold system – what would we have to do once the threshold is hit? What to do next to effectively present alternatives and mitigate loss if the tree is cut.

PS – follow Director’s Rules like we do with retaining walls – above 4 feet you have to pay. With a tree over a certain size – you have to go to the counter and then make decision. Use the Client Assistance Memo approach.

JR – the system builds on itself positively. Enter data – if it’s a large tree you need to bring an arborist. If cutting tree it would cut much more than pruning it. That would be a way to promote retention.

PS – we don’t need to find the solution, we just need a bullet for the letter.

JS – add ‘with stronger protection for larger trees’ in a bullet under goals.

JR – a viable replacement for the exceptional tree ordinance

KP – having 24” as threshold people knew would help people know what is being removed illegally.

JS – don’t like threshold, he prefers a gradient and fussy tolerances. A 23 DBH is not significantly less important than a 24” DBH tree.

KP – it allows the public to know

MM – a few things we are not sure paragraph?

JR – we can get there regardless of what you call it. Simplicity is good, people understand and help with compliance.

MM – we know what we want to accomplish we know the goal, just don’t know if the tools are appropriate.

JR – advantage is to keep it at a level that home owner can understand

PS – at what size is removing a tree dangerous for the homeowner?

JH if the tree could fall of and hit something of value. Depending on size and height combined. Don't do this at home. Anything above 25 feet tall and 5" DBH.

JS – single threshold give him concern.

JH – other cities are using 6" (CHECK NUMBER PLEASE) DBH. Over 6" need a permit. 18" conifer, 24" deciduous.

BS is it different from the existing exceptional tree ordinance?

JS – prefers to see stronger protection for larger trees instead of exceptional trees

JR – Important things to know are: size of lot, deciduous v. conifer, estimate of diameter, location on lot

KP – flexible DBH standards based on tree location. Use 'exceptional' term to follow resolution 31138

KP – simplify the first page. Without permit system that manages tree removal you can't protect trees

JR – does bullet point belong under goals or under tools.

Everyone – under goals.

Steve Zemke – remove 'heritage' term from letter

JH – 'heritage' has reached a level of recognition. Take it out. It was not his intent to include. Unless we slow down the rate of tree removal and encourage planting in the right places we won't reach the UFMP goal. Replacement where appropriate. If someone can remove three 6" DBH trees per year, in nine years they could effectively clear cut their lot. Need to include replacement requirement. Mitigation for tree removal. If a lot is heavily forested, they shouldn't have to replace trees but should mitigate.

JR – mitigation under tools in the front page. Further explanation under permit system keeping the same format.

KP – offered the Ecosystem Committee meeting to continue working on this. Sandra will look for a room from 3:00 p.m. to 5:00 p.m.

JS won't be able to attend.

MM will clean up formatting and send out by Friday for comment. He will also include in the first page an 'ask'.

BS – The UFC continues to say that DPD needs to engage them more constructively. Brennon has continued to offer to answer questions and make himself available for conversations.

KP – thought the UFC was going to be involved in creating the proposal.

BS – DPD clearly explained they process from the beginning. DPD would write the proposal and the UFC would comment.

PS was blown away that UFC didn't know DPD was dumping large tree protection.

KP – DPD should let people know where public process is taking place

BS – DPD doesn't personally invite advocacy groups to community council meetings because they want to hear what the community has to say.

Steve Zemke – his intention was to help inform the people. Put in website where meetings are happening to facilitate the process.

MM – how does the UFC sit down with DPD to debate the permit system issue.

BS – why would DPD spend time with the public if they didn't want input?

MM – are looking for more research and more info on the permit system

PS – if you have done the research, the UFC would like to see it. Without knowing what DPD did, UFC doesn't know what was done. This subject is all over the West Seattle paper. It's very hostile in both directions. Without a permit system people will get mad at each other. A permit system would help.

JR – Back to process. Brennon wanted to engage and the UFC too but there was a barrier – the reality of time. Another part of the barrier is the nature of a document and a public meeting. UFC had the same access as the general public. UFC had no window or sense that they are influencing anything.

MM – when DPD knew there were not doing a permit system, why didn't they let UFC know?

BS – DPD didn't know what they were going to recommend until the proposal was being written.

PS – the public is expecting UFC to know something that they don't know. What kind of information can DPD give UFC and at what time?

JR – DPD did analysis – put it as a public document – where was the UFC prior to that?

GB – the ordinance is not done yet. We are in that process. Next iteration should provide opportunity for UFC input as well.

SPdB – due to Open Public Meetings Act applying to the UFC, DPD could not have shared any information with the commission without it being made available to the public.

JH – maybe DPD should have had public comment before putting forward a proposal. He has no confidence that UFC's input will be considered. He suspects the process.

BS – DPD met with UFC about goals. He spent a 2-hr session talking about general concepts of tree protection. How many times does DPD go out to the public and keep them engaged? Open ended request for comments doesn't work. That's why they waited until they had a proposal to show people.

MM – Use UFC as the intermediary. Talk about exceptional trees, evaluate pros and cons before DPD makes decisions. The biggest confusion is that UFC is just another part of the public. The commission was formed for them to act as experts.

BS – why can't commissioners be experts now?

KP is not sure DPD director is aware

JH – not confident that UFC has clout

GB – wait and see. UFC is advisory and either the city takes their advice or leaves it.

Steve Zemke – proposes to invite Brennon and his team to give updates

PS – give more info on permit evaluation done by DPD

BS – what specifically would UFC want to know?

PS - UFC is pretty much saying 'do a permit system'. If DPD has something more... what date did DPD use?

MM – getting to other elements of a permit system such as tracking.

JR – can have opportunity going forward. Looking back the UFC would have recommended public engagement before putting forward a proposal.

JH – keep eyes on the prize – reforesting the city. UFC was appointed to help the city make perhaps difficult decisions.

Open the floor to New Business

None

Capture Action Items and Adjourn