

**Urban Forestry Commission (UFC)  
November 14, 2012  
Meeting Notes**

Seattle Municipal Tower Room 2750  
700 5<sup>th</sup> 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

Matt Mega (MM) – chair  
John Small (JS) – vice chair  
Gordon Bradley (GB)  
Tom Early (TE)  
John Floberg (JF)  
Jeff Reibman (JR)

Staff

Sandra Pinto de Bader (SPdB) - OSE  
Brennon Staley (BS) - DPD

**Absent- Excused**

Leif Fixen (LF)  
Peg Staeheli (PS)

Public

Margaret Thouless  
Nicholas Dankers  
Steve Zemke

**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**

**DPD tree regs update – Brennon Staley (DPD)**

BS – I would like to share a document for discussion. Looking at making changes to the ordinance based on public comment. Moving away from focusing in retention of trees to requiring mitigation from people removing trees. Permit required to remove any trees 12” or greater in single-family, multi-family, commercial, and mixed zones. Trees can only be recommend if they are hazardous, they are on the King County’s noxious weeds list or providing mitigation. Mitigation is provided by meeting Green Factor or the Single Family tree requirement where required as part of development, except that trees more than 30 feet from a proposed building structure shall not be included, or by planting on site or adjacent ROW, 12”-18” replacement of 1 x1, 18”-24” 2x1, 24”-30” 3x1 and greater than 30” 4x1. The can also mitigate by providing payment in-lieu of planting equal to \$200-\$500 (TBD) per replacement treed.

Mitigation can be reduced or waived if the applicant demonstrates that the removal improves health of forest, existing and proposed plantings would comply with a landscaping plan

approved as part of previous building or grading permit; or existing and proposed plantings would at the time of planting result in a canopy cover of 40% for SF zones, 25% for multi-family zones, or 20% for commercial or mixed zones. Protections of groves will be revisited as part of ECA update.

Online permit with the option to send it in paper. Permit would be required before removal unless there is an emergency situation. The permit would be required within 3 business days after the emergency removal. ECA removal would be sent to the website describing the ECA process. Permit would likely be \$60 - \$120 for the first tree and more for additional trees (does not include inspecting of tree planting).

Enforcement – property owners removing trees without a permit would be required to get a retroactive permit at twice the regular permit fee and provide twice the mitigation that would normally be required. Failure to get a retroactive permit within 30 days will result in \$100/day fines.

This is consistent with the concept the UFC has been talking about. The only major thing is trying to figure out a way to get a permit that meets our needs but it's also efficient so that people are more likely to get permits. It's important that people feel the permit is doable by residents.

If there are too many requirements for people to get a permit (bring in professional to produce a site plan, etc) then people are less likely to get a permit. The most challenging piece is the inspection piece. To require people to get a permit and require an inspection before the permit is finalized would require much more staff time and would become more expensive.

The fee in lieu cost is going to be a challenging question. Right now there is a variety of places where we could want to use that money: GSP, ROW, Trees for Neighborhoods, etc. Establishment in ROW is \$500 total, T4N = \$100, GSP is a very different situation. The cost is not about putting trees in the ground but removal of invasives over time. Setting a payment in lieu... we can't say that we are getting the same number of trees that are being removed, but also set it low enough so that people are willing to pay (what's the break point that would make the program work – if it's too high, people will rather plant a tree themselves and then let it die, or try to skirt the rules entirely). Replacement cost outside of development will be different than during development.

The real issue is getting feedback on how to balance the permit so it's not so burdensome that it's ignored. How much mitigation can we reasonably expect from people, and then where the fee in lieu should end up at?

Timetable, trying to get something to Council in Q1 2013. Street tree Ordinance is being held. Wanting to put something out to the public in December and January, Mayor in February, and Council in March. To do this before election time.

JR – like the direction this is headed. Have questions: have planting mitigation program that is substantially different if we were to take point system used under development. For a larger

tree less mitigation is required. If you are using a retained tree within a planting program, vs. planting trees is somewhere drawing parity. It's a different context, but the idea of trying to establish parity between what's being removed and what's being planted is important. Parity is important in terms of how the system works. Otherwise you create a loophole. In SF there is not vegetation plan maintenance bond. The trees I just planted are no longer protected. People might plant them and then pull them because it's cheaper. Need to make sure there is enough money in the permit fee for a high enough percentage of spot checking so there is a reasonable chance that you are going to get caught.

JF – can the records be public so that other people can be aware. Maybe send a photo of the trees planted so the community can keep track.

JR – people can go online and check to see if the neighbor had a permit to remove.

BS – could make a separate database to keep the photos.

JF – how would you go beyond this property and figure out where the trees were planted.

JR – on the enforcement side, the requirement to provide double the mitigation in a retroactive permit it's effectively doubling the fine. Is that the intent?

JF – does the fee include spot checking?

BS – we are still working on that. It might make the fee go to the higher number.

JF – if trees don't receive irrigation in the summer they die. Is this asking too much? Is it better to go full mitigation? Can we trust home owners to water during the summer?

TE – people that are trying to do the right thing will water the trees. Maybe you can build up the cost and mail them a tree-gator. But it's probably will going to be more of a Tree Ambassador type follow up.

MM – that way the TAs would get involved and provide support. Maybe the spot check is once a year to see if the program is working and build up the data.

TE- I'd still like to see the permit software require information of any tree removed 2" DBH or greater. It would be helpful to input that. Most people are trying to do the right thing.

JF – it would be great if TAs would have enough energy to track tree plantings in their neighborhood.

TE – Another question. Replacement trees required. What's the size?

BS – consistent with new plantings, minimum of 1.5 caliper inches and it would be included in the permit.

TE – maybe provide resources such as TA info. The fee in lieu could go to T4N and TA.

BS – we would figure out the best place to allocate the funds based on programs situations.

JS – some considerations: one reason to have an initial threshold that is low like 2”, there are a lot of people that won’t know what’s going on, if they go to a website to get information, it will help with the St Tree Ordinance. From a citizen’s perspective is confusing to have two ordinances. The other benefit of that is if you are asking for small trees to be planted, there needs to be a way to make sure that a mitigation planted tree is not cut when the house gets sold. What would the permitting path look like if we are talking about a tree in the ROW. Does having to work with SDOT and DPD increase cost to homeowner?

BS – planting a street tree is a free SDOT permit.

TE – I would through in, be explicit about requiring photographs and be diligent about that.

JR –after the fact is a tough question. How do we get people the information ahead of time so that they are not discouraged to proceed with the permit once they find out what the requirements will be? He would like to get the information of what was planted.

MM – we would rather do a fee in lieu and not have them have to choose a specific species. Provide info before the process starts.

JS- provide a much lower standard for native species. These trees outperform non-native trees. Standards need to be the same for people in and out of development. The discrepancy is a replacement ratio based on canopy cover, not a point system. The standard could become the lesser of the two.

BS – They are different, but they don’t create a huge conflict. Under this proposal there would be no incentive to remove trees prior to development. I don’t think there’s a conflict because it doesn’t encourage bad practices. The purpose of this proposal is to mitigate for the removal of a healthy trees, the other one is to make sure that after development there is a reasonable amount of planting.

JS – concerned about the mitigation waiver when the removal improves the urban forest. The reviewer would determine if this is the fact. Homeowner would have to prove this by hiring a professional to say so, and then reviewer would determine whether this is the case.

GB – this addresses some of the issues brought up before. From a DPD development programs requirement permits what are the challenges to implement this program.

BS – making it not too onerous so that people will actually do it yet you get what you want from the program.

JF – property owners won’t report that they didn’t get a permit. It’s going to be a neighbor reporting them.

TE – will the permit website be able to allow complaints?

BS – we already have a complaints website.

MM – that raises a question. If a homeowner cuts a tree and someone says that their neighbor just cut a 14" tree, but how is the City going to verify that the removed tree was 14"? Regulations are there to help people who want to do the right thing do it. Those that are not going to report or follow rules are not going to do it anyway. If tree companies record removals could build momentum. There several differences: size threshold, mitigation requirement (per tree or by point), with credits pay a lot more than with trees, we got rid of the bonus for conifers.

JS – the canopy cover is more subjective than the point system.

MM – we have to discuss the issue of the mitigation and fee in lieu. But we still don't know how much people are willing to pay and what's fair.

JS – the canopy cover has nothing to do with the type of lot we are talking about, we are all over the place in Seattle. I favor the point system.

MM – point system would be less onerous than then canopy cover... they wouldn't have to hire an arborist.

BS – could use aerial photo.

JS – if we place value of a healthy tree at \$2,000 we probably won't get the ecosystem value back for at least 10 years.

MM – maybe state the ecosystems value of the tree being removed so that people can become aware.

JF – you want to give people the information so that they can make an informed decision.

GS – in some situations you are up against individual preferences and some people don't want to keep a tree. But we are not there yet with people realizing that trees are part of the community's assets. But people also want to have freedom to do as they please in their property.

TE – let's use this opportunity to make people aware of the ecosystems values of trees.

JR – you have to give people an out but not everyone is going to take it.

BS – from my perspective this conversation is very useful.

JR – this would go public in December, go to SEPA in January, and then go to Council in March. I think we do need to comment.

BS – I can put something public out right after Thanksgiving.

MM – give more credit for planting or retaining conifers.

JR – the development scenario is still part of the ordinance. In order to be subject to the point system what's the threshold -- SF only, new or replaced buildings, it doesn't touch additions or remodels. But it would include requirements for tree removals.

**UFMP update and DPD tree ordinance recommendation – possible vote**

Probably good idea to wait until DPD has a new version so the UFC can comment.

JS – I'm grappling with us still having a gap between development and non-development situations. I would rather see more consistency there than what DPD will put in.

MM – the threshold will be also something we need to comment on.

JS – Different cities have different thresholds: Redmond is 6", Bellevue is 8", Medina is 10", Kirkland is 6". Seattle's 12" is high based on other ordinances.

JF – how can we resolve the diameter issue?

MM – it's getting down to a matter of what we are willing to accept. We could have a re-evaluation of this in 2-3 years. There are many options to go into different directions and how are we going to make sure that's the right one.

GB – different people have different goals. What you are willing to accept and what you want to accomplish will play a role. 6" gives you more to work around bio-diversity. 12" gives you bigger trees. It's a matter of advocating for a particular goal that says something about a healthy and vibrant urban forest.

JF – is there a way to establish the number based on science instead of getting out of a hat.

GB – canopy is a good measure. There are very valuable trees that would disappear if the threshold is 12".

MM – I'm more concerned on what's going to be a successful program.

JF – if our role is to go to the political feasibility of a program, then how do we learn what the public will bear?

MM – maybe we need some sort of poll or a survey.

JS – the smaller the diameter of the threshold the better. More trees will survive to be protected if the threshold is lower.

MM – why don't we compile a list of these different alternatives and discuss them at our next meeting.

TE – 6 to 12 is a vulnerable range because of views.

People to send notes to Sandra.

## **2013 chair and co-chair elections – initial conversation**

### **Public comment**

SZ – Agree that the discussion is progressing with DPD getting closer to accepting tree permit and replacement. Those are two of the most critical pieces of a good ordinance. The other point is that you don't report to Brennon, your mandate is to advise City Council and the Mayor and if you don't agree with DPD then say so. One of the issues to try to figure out is the difference between 6" – 12" the larger trees are going to require arborists to deal with. Instead of looking at this as a burden for the homeowner, it should be the responsibility of the arborist to deal with permits. Same as if you do an electrical permit. The arborist can do options of replanting for the owner. The other thing is the tree wiki, identifying trees over time; I would urge Audubon to try to look at this as a public/private partnership that includes tree pictures with more information on the trees. Involve Tree Ambassadors into getting the information. One thing that wasn't discussed is the question of small, medium, and large trees. Are trees viable in the place that you are putting them in? Getting to 6" is better. 2" is too small and people will probably not appreciate it.

ND – The responsibility should be on the tree service. Have business license and understand the new rules (this is not unreasonable). Owner could fill out the permit but the tree service would provide the tree data. It's a good opportunity for City to implement pruning and care guidelines and make that available for the public. He likes the idea of a website and the automatic nature of the permit system. Build in incentive into the program. Do basal diameter right on the ground so that captures multi-stem trees. Have a special class for hemlock, madrones, etc. Price permit per significant tree removal and build some incentives for leaving chips on site, etc. IF it's exceptional tree is a \$200 permit. If the tree service is doing the management of it, you can have the fee be a business tax, so that tree services can provide this as part of their operations. This is a great step in the right direction to have a very dynamic ordinance with flexibility for people.

Margaret Thouless – support what Jeff was saying. It should be the diameter that the owner can't cut down themselves. There are situations where trees have seeded themselves and might need to be removed for the health of the rest.

### **Next month's agenda items**

#### **Adjourn**