

SEATTLE URBAN FORESTRY COMMISSION

John Floberg, Chair • John Small, Vice-Chair
Gordon Bradley • Tom Early • Leif Fixen • Matt Mega • Jeff Reibman • Erik Rundell • Peg Staeheli

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

September 11, 2013

Meeting Notes

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

Attending

Commissioners

John Floberg (JF) - chair

Gordon Bradley (GB)

Tom Early (TE)

Matt Mega (MM)

Jeff Reibman (JR)

Erik Rundell (ER)

Absent- Excused

John Small (JS) – vice-chair

Leif Fixen (LF)

Peg Staeheli (PS)

Staff

Sandra Pinto de Bader (SPdB) - OSE

Mark Mead (MMe) - Parks

Jana Dilley - SPU

Public

Steve Zemke

Darcy Edmunds

Jim Snell

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

Chair report

JF – thanks to Tom and Peg for putting together a letter of recommendation to shorten pruning cycles for maintenance of public trees.

Has it bothered any of you that they top 10 best urban forest programs designation of Seattle has gone into hiding? We are not capitalizing on that or our Tree City USA status. It's wonderful that we have a lot of products and then someone recognizes us as being one of the top programs in the country. Is there an opportunity we are missing?

JR – the recurring question is what is our scope? Our mandate is to provide professional and technical to the Mayor and Council. I can only speak for myself in terms of time commitment but I would like to stick to our mandate. Maybe we make a recommendation to city departments about increased messaging.

JR – Making a bigger deal about those items is aligned with the concept we’ve been supporting to increase the awareness and stewardship. We could do outreach and goal setting around those designations.

JF – maybe have other organizations help us stress these things.

GB – maybe it can be a good agenda item for the IDT. Those are the people that do a lot of the activities.

JF – I called the 684-TREE number and there was not a human being answering, there were many options. It doesn’t sound very inspirational it feels like drudgery to go through it.

JR – you are making a good point.

ER – is there an opportunity with the passing of the UFSP. I also received a mailer from SCL, maybe we can also include information to the public like this?

PLUS Committee vote on UFSP – update

SPdB – Council’s Planning, Land Use, and Sustainability Committee voted to move the UFSP forward for adoption to Full Council on Monday, September 16. The Plan included two new action agenda items. One, introduced by CM Rasmussen that reads: “P10 - Develop a policy that seeks to increase the portion of City right-of-way planted with street trees and other vegetation when SDOT conducts major maintenance or constructs street improvements. (SDOT, OSE)”

Council also included a new P13 Action Agenda item following the Commission’s letter of recommendation. The action item reads: “P13- Improve maintenance cycles for all Seattle public trees to bring them closer to industry standard (SDOT, Parks)”

The UFSP Resolution was adopted as amended by a paragraph on Section 1 introduced by CM Burgess that reads: “It is anticipated that action on individual plan recommendations will be considered by the Seattle City Council after a more complete analysis of each recommendation’s costs and benefits to the public and private sector as part of future policy and budget decisions.”

Council also added a Section 2 to the resolution that reads:

“Section 2. The City Council requests that departments move forward quickly on the following actions and provide by December 31, 2013 an implementation strategy, schedule, outline of policy decisions and costs to accomplish each of those actions:

- A. Identify programs, strategies and communication requirements to strengthen public outreach, education and engagement, building on efforts already underway.
- B. Action Agenda Item R2 to update the existing regulatory framework to promote the Plan’s goals and mitigate the impacts of development while providing flexibility for property owners to balance multiple goals and competing uses.
- C. Provide initial recommendations to implement funding-related Action Agenda Items P24, P25, and P27 to explore coordinated approaches to seeking funding from private sources, possible creation of a tree donation account, and creative urban forestry financing mechanisms (such as the use of Parks Levy funds for tree maintenance on parklands).
- D. Action Agenda Item U6 to further explore using the concept of eco-hoods as geographic areas for urban forest management.
- E. Action Agenda Item U13 to develop a methodology and decision tool for replacement over time of the functional benefits lost when mid- and large-sized trees are removed.

- F. Action Agenda Item C4 to develop decision-making tools related to tree retention or removal decisions where infrastructure conflicts exist.
- G. Action Agenda Item C5 to develop a monitoring framework and set of indicators to track progress toward the Plan's goals.
- H. Action Agenda Item I13 to work with local universities, agencies and research organizations to pursue to Plan's research agenda including developing more detailed methods for quantifying storm water and water quality benefits of trees."

MM – I think it's a good opportunity as we are getting to the end of the year and look at how all of this can fit in. It's a good path that has been setup by Council. It's focused and has good priorities. Maybe we can set up sub-committees to help this along.

JR – it's a good idea.

JF – when the rubber meets the road and money is being spent, it might be a good idea to invite a Commissioner to participate.

MM – I would like to create a process that would allow us to be more interactive with the IDT.

JF – there are only some windows of opportunity.

MM – the pruning cycles are a direct tie to budget and money. We are taking a more forceful line on what needs to go into the budget to accomplish these goals.

JR – we have to move our approach with the legislation. This is moving to a nuts and bolts implementation stage. We need to assert ourselves and create some relevant sub-committees to get our input.

Strategy discussion on industrial areas outreach

TE – I wanted to throw this out there to the Commission. The industrial area was one of the areas where we could increase canopy cover. I identified two organizations that we could approach. Freight Advisory Board and the Manufacturing and Industrial Council.

The idea is to simply lay that out. We are interested in planting more trees and making you greener.

GB – we can talk about fuel efficiency and other items that are 'green' that might not have anything to do with trees.

JR – one big nexus is going to be storm water. That's where their expenses and concerns lie.

JR – we are interested in facilitating investments that benefit your property. Filling some of the gaps in industrial areas would help fulfill their goals.

TE – ultimately at the end of this I'd like for us to figure out what we want to talk to them about, then we put together a recommendation where we show there are ways to increase canopy.

MM – the north might be more industrial.

SANDRA TO START THE CONVERSATION WITH FREIGHT ADVISORY BOAR. TO SCHEDULE A TOUR.

TE – we need to prepare for that meeting.

MM – we'll need to involve John Small and their expertise.

JR – we have three of the right organizations. After working with the Freight mobility group then we would bring SDOT. The other group would be the Port.

JF – who is interested? Tom, Jeff, Erik.

Duwamish reforestation

JF – there is an audio recording and an article with Urban Waters Partnership that would result in increased reforestation of the Duwamish. They are going to have a meeting at the end of September to bring 13 organizations to work on greening up the Duwamish. The Commission should be aware of this and maybe see if there is a nexus with the Industrial areas work. The USFS is the lead agency. The Green Cities Research Alliance is working on this.

JF – one of my other hats is working with NOAA. Salmon safe designation for industrial areas is a conversation that is out there with potential planting. There is a lot going on with so many organizations involved. It's an opportunity for us to increase reforestation of this industrial zone.

Pruning for views Q&A – Parks

SPdB – Mr. Snell sent a letter with photos today. Maybe Commissioners could take a moment to read it and then ask questions of Mark?

JF – there is a lot here. This is a dense letter but the bottom line is that Mr. Snell disagrees with the approach taken by Parks. This is property on an ECA. He starts by saying that sucker sprouts were removed from the hillside. In his estimation the trees were not encroaching on any property's view, there are concerns about slides. He believes there should be a policy. He talks about the multiple signatures that should have been gathered. I'm very glad to have Mark here to talk about this.

Mark – As far as the timeline and the facts, the letter is correct. The interpretation of some of the things that occurred might not be the same we would have. We have a form that goes out during permitting process, it's not a consent form, is more a notice for neighbors to be informed that work will be done in the neighboring property. There is a form that comes with the document that mentions the location, and the actions to be taken. WE don't necessarily that we were trying to gain consent. If significant concerns are raised by the community then we would take the issue to the parks Board.

JF – was there this concern by the community?

MMe – no. There was no official moratorium process. We called it a moratorium during the term of review. That was not an official process. What we were asked was to bring the issue to the UFC and the Parks Board. We did that and didn't receive any substantive changes to be made to the rules. If we were to be making changes to Parks policy we would have to engage a formal process.

JR – a couple of questions: I want to understand more about the process. Regarding permit notification. What is the standard about proximity and timeline.

MMe – 300 feet around the work area. It's a guideline, in some cases where we think there'll be more concern we expand the area and sometimes blanket the neighborhood to inform residents. If there is much concern then Parks hosts a public meeting.

JF – in terms of timeline for the notification in relation to permit approval...

MMe – the approval of the work to be done comes in with the permit application. We send out a package that includes the tree policy, the actual notice, and description of the work that will be done, that occurs at the behest of the permit requester.

JR – the permit requestor can be a contractor or the property owner.

MMe – the property owner.

JR – when the re-submit the permit is there a review period?

MMe- there is a review period and it boils down to my time. We were allowed to increase the fee, it used to be \$25 + \$100.

JF – how much time did you spend on this one?

Mme – 40-60 hours over the course of a year. In this case the initial request was a bit excessive. Usually we ask them to send a plan of work to be done. If they don't provide it we meet on site and talk about the plan. Tree by tree conversation. After we reach agreement on approach and scope, we send out a letter, which acts as the permit.

The issue with the Broe property, the form shows the time period that covers the permit (6 months).

JF – was there anything illegal done in this case.

MMe- I went to see the site last week and the re-vegetation is doing much better than what you see in the photos. The majority of the site was blackberry, ivy, laurel. The re-planting includes conifers and the amount of work done on the site was more than what would have been done in restoration.

Some canopy reduction was made according to the rules. All the rules were followed in this case. Sometimes this is a contentious process because contractors would rather coppice the trees. In this case I was very pleased with the success of the site. There are not many invasives coming back. In 4-5 years it won't be noticeable that the brush and invasive trees were cut.

MMe – Parks recommended having a public meeting but the Parks Board didn't think it was necessary.

JF – do you have recommendations on how to improve the process in the future?

MMe – It is an open policy and we are working on using best practices. We swapped from a forest of tall trees to one that is shorter and that was going to have a large impact on canopy cover.

MMe – we are starting to charge \$500 (as a deposit) and we charge additional fees if the work done by the department exceeds the deposit. If we don't use all the deposit then we refund it. WE are also encouraging hormone regulators to manage growth. Geotechnical report was not needed because of the size of the work area didn't reach the size required by the ECA ordinance. Parks has a general exclusion for invasive removal in steep slope (as long as re-vegetation is done properly). I'm more

concerned about the news of sliding of the house. We have not been notified of this issue that Mr. Snell mentioned. Based on the size of the holes being drilled in the photos, there are probably deep seated geological issues that are not related to removal of invasive species. In this case the contractor was asking for signatures as consent (mistakenly). I spoke with Mr. Snell and explained to him that the form was not a consent form but a notification and I considered our conversation to fulfill the notification requirement.

JR – are there seasonal restrictions on the work? Especially in slide-prone areas?

MMe – there are no restrictions but we do them ourselves. During the summer is when we remove invasives, we do plant those sites during the winter after we have put in place erosion control.

Prior condition: Blackberry, laurel, there were 2 laurel shrubs 10 feet tall, one holly tree 10 feet tall, it was covered with clematis and blackberry, there was ivy understory under everything. 80% was non-native.

The post condition – is salal, Oregon grape, shore pine and other native species. There is some slow growing shrub species. The stumps were not removed. We advise that stumps remain in place. If the woody material grows out of the same stump we consider it a single tree. A side benefit to the trimming technique we do coupled with hormone treatment is that the big leaf maple will have heavier canopy up above with fewer lower branches, thus giving fewer options to reduce the crown. The hormones help with growth of lower branches. Which give us more options?

Public comment

Steve – the notification issue based on Ingraham case, they did notification by mailing but they left out a bunch of addresses. Having a sign on the site would be reasonable. Add a provision that someone signs for receiving the notification at an address. Helps create fewer misunderstandings.

What can the UFC do might be not putting press releases, but maybe press advisories. You can put out a press advisory about the UFSP adoption and the UFC involvement. You have a mailing list of people interested in UF issues, take other city lists and invite them to participate and receive information.

We haven't had a discussion about industrial zones, I would like to see a meeting with the school district to get them move involved with the goals of the UFSP. Might be a good thing to do.

In terms of promotion, Plant Amnesty and Seattle Audubon were involved in Festival of Trees. Keep that tradition going.

Jim Snell – I sent a letter. I could give you the material that Marks hasn't given you. I'm pretty burned out on the story. Mark and I have fought to the nail over this issue. Parks has lost canopy over the years, Parks policy has to change. They are not about compromising one bit on this.

New business and announcements

Adjourn

Community input

From: Jim and Diane Snell [mailto:jdsnell1@comcast.net]
Sent: Wednesday, September 11, 2013 11:59 AM
To: Pinto_de_Bader, Sandra
Subject: Letter to UFC re Parks Policy on Trimming for View

Ms. de Bader: Please distribute this letter to members of the Commission.

Dear Sirs:

I want to thank you for your strong position on trees and views conveyed to the Mayor on June 5, 2013. However, I must express my concern whether it will be accepted and enforced, especially since its enforcement represents a case of bureaucratic practice and convention coming into conflict with the general public interest. This is due to my experience in dealing with the Parks Department's leadership in past years. To explain this I think I need to describe that experience in detail. Should any of this be challenged I have background documents in great abundance to support my narrative.

In May 2008, I learned that "sucker sprouts" were removed from a stump in the Leschi Natural Area. This stump was left when a dangerously leaning tree was removed at the request of my neighbor. The "sprouts" had grown over the years and become what I would call saplings, at least one of which had a diameter of about 6 inches. They were growing into another neighbor's view of Mt. Rainier. I inquired about this and received information about the permit from Parks. I went up and inspected the cutting and found that more trees were cut than was approved. I also wondered why the cutting was approved at all. The trees were far from any house and not "encroaching" on anyone's house as claimed.

In August of 2009, I learned from my next door neighbor at 308 34th Ave. that an application had been made for extensive removal of underbrush and foliage from the Natural Area behind 3333 E. Terrace Ave. My neighbor had been asked to sign an approval of the plan and she had refused as she worries about the slides we have had and this area was immediately above her house. The person asking for her signature said the neighbor at 317 E. 35th St. had signed. This neighbor later said she had not signed. I was not asked though I had been in touch with Parks about cutting in this canyon for years. The landscape contractor in his July 20, 2009 memorandum acknowledged a requirement that "several adjacent neighbors" need to sign indicating their consent to the plan. He refers to an enclosed signature sheet indicating it is properly completed. This signature sheet was never provided to me though I asked for all the appropriate material in Park records in a public records request. I resorted to this formal request under State law because I could not believe that the few documents provided me when I asked, actually represented the full record in such an extensive project in an environmentally critical area (ECA). The Parks Department's instructions to the applicant mentions that the DPD Critical Area Ordinance applies in this case because it is on a steep slope.

On September 10, 2009, after my expression of opposition to the plan as well as my neighbor's and that of the Leschi Community Council's Parks and Greenspace Committee, I made my feelings known in person to the Parks Board of Commissioners. I made my points as well as I could, in the two minutes allowed. However I was able to meet with Mr. Williams in his office, explaining my position thoroughly. I also was able to give him a letter setting out my position that it seemed unreasonable to approve cutting to maintain a view through public forest when the view was originally created by any means, blowdown, ill health, or poisoning. That is especially so when the city is trying to increase its tree canopy.

On September 24, 2009, Mr. Williams gave a short report to the Board inaccurately presenting my position as one requesting that Parks investigate the poisoning that occurred years ago. Nevertheless, John Barber suggested the need for a review of Parks' policy on trimming for view. This was seconded by Terry Holm. On October eighth, I returned to the Board to attempt to explain my position more clearly. I also provided photos of the poor and unnecessary coppicing of the young saplings approved up to that time and a view of the house showing how extensive the total of foliage removal had been due to the two incidents. I received no response from the Board to either of my presentations.

On December 18, 2009, as it appeared from a letter from Mr. Gallagher that the planned cutting would be approved, I wrote to the Mayor. I did not receive a reply until May of the next year. It mentioned the UFC's plans to review the trimming for view policy and referred me back to Mark Mead, who had made the decision to approve the cutting. I took a letter with photos to the Mayor's Office telling the door keepers that I felt my complaint had been peremptorily brushed off. The next day I received a phone call from the Mayor's Office assuring me there would be no cutting in the Natural Area until the UFC had reviewed the cutting for view policy of Parks.

On September 28, 2011, I heard chainsaws above my house and learned that the cutting had begun. The next day my neighbor sent a letter of protest to Mark Mead. She mentioned her concern for cutting on such a steep bank and reiterated that neighbors had not signed the proffered consent form, nor been informed of the approval. (I later found that an 8x11 memo was posted to the cyclone fence next to 3333 E. Terrace. (This is a fence necessary because of evident slides that have undercut the sidewalk and required an extensive cement bulkhead under the sidewalk for support, a sure sign of slope instability at this spot.

I asked Mark Mead why they had begun without the planned review by either the Parks Board or the UFC. He said there was really no "official" moratorium in effect and that Parks had just informally decided to hold up approval of permits until the organizations had a chance to perform a review. There had been a review of their policy by both, he said, and no substantive recommendations had been made.

In the Spring of 2012, I by chance walked by 3333 E. Terrace Ave. and saw the efforts you see in my photograph of efforts to stabilize the house which was apparently beginning to slip down the steep slope on which it was perched.

In June 2013, I noticed that you were developing a position paper on trees and views. Becoming interested, I began to look at your materials and found to my surprise that on August 8, 2012 the Parks Dept. had chosen this very project at 3333 Terrace to display, in a power point presentation for the UFC, as an example of their careful and sensitive treatment of cutting for view on steep slopes. (If anyone should want to check this, it can be seen using a hyperlink in the UFC archived meeting notes for that date.) It is hard to believe that whoever supervised the preparation of that presentation did not see the clear evidence of the topping of the young Maples on that site. (See my previously provided photos). I also think they were negligent in not considering the danger of slides at this location since we have had slides just to the west of here that closed Lake Dell in 2011 and in other recent years. If they had consulted the Seattle City Landslide Study Vol. 2, they would have seen that this very address is shown in the Madrona map B-27 as well within a designated "potential landslide area" and that a recorded landslide is shown at that location (probably the one that undercut the sidewalk on the unbuildable property next door to the west.)

As for the removal of such a volume of foliage as this plan contemplated, DPR's policy for environmentally critical area (see TIP 331) stipulates "no topping, tipping, or reduction of tree height" and sets limits on the area of foliage removal. The Ordinance also calls for geotechnical engineering

examination of ECA sites before approval of removals of vegetation of this size. I believe Parks violated all of these restrictions. Mark Mead has said he has a waiver from DPD to make his own decisions, but in this case it seems his judgment was faulty. The Mayor, when this matter was brought up at a public meeting, admitted as much, but showed no further curiosity about the matter as far as could be seen.

This history is confined to a very small spot here in our fair city (the 8x11 notice indicated it involved 1600 sq. ft.). Nevertheless, it provides a dramatic and instructive view in miniature of the way the Parks Dept. treats mere citizens who try to protest a policy that is being badly administered. And in this case, I believe, just by chance, the dangers created by their slipshod, free and easy policy interpretation, is revealed by what could have been a disastrous landslide. A landslide a few years ago just missed a house by feet on Lake Dell, a few hundred yards away.

I hope you will use this case study as evidence of the need to develop a trusted and close relationship with the Mayor's Office. For it is my experience after fruitlessly writing to every source of help in the city that I could think of, that it is the Mayor and only an engaged Mayor who can make the necessary changes at Parks and see that policy changes are made and enforced.

James Snell
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Attached Photos: 3333 Terrace Back Yard
Stabilizing House
Seattle Landslide Map B-27



