

Urban Forestry Commission (UFC)

February 2, 2011

Meeting Notes

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

Attending

Commissioners

Matt Mega (MM) – chair
John Small (JS)– vice chair
Nancy Bird (NB)
John Floberg (JF)
John Hushagen (JH)
Jeff Reibman (JR)
Elizabeta Stacishin-Moura (ESM)
Peg Staeheli (PS)

Staff

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

Public

Steve Zemke (SZ)
Margaret Thouless (MT)

Absent- Excused

Gordon Bradley (GB)

Call to Order

MM called the meeting to order once quorum was present

Public Comment

Steve Zemke: Ingraham trees were taken down. This situation points to a problem. If we can't save these trees, what trees can we save? There were other viable building areas on the site. DPD has a conflict of interest between development and trees.

The proposed permit system at this point in time is mostly an inventory of tree loss. It does nothing to set goals on what we want to keep. It needs to include a tree removal allowance like the Lake Forest Park ordinance does. It's important to adopt a no net loss policy. Mentioned the City of Takoma Park, Maryland.

JH – Question: is there a silver lining in the idea that they didn't cut down the whole grove?

SZ – his personal view is that this is an example of the problem in Seattle. There is no protection for any tree in Seattle. It's a tough task in front of the UFC. SZ proposed to Councilmember Licata to create the UFC and this came out of the effort to save the Ingraham trees. The trees cut down were half of the originally planned to be cut down. He hopes that out of Ingraham, people will realize how serious this problem is. Take heart from other cities. Seattle has been a leader in other areas.

Margaret Thouless: Proposed not to exempt Parks from cutting down trees and it's important to keep track of those that are cut down. Parks has little ambition to increase their canopy. They could add more trees.

Approve January 5 meeting notes

ACTION: A motion was made to approve the January 5 meeting notes as written. The motion was seconded and carried with ESM abstaining.

Potential guest speaker list and calendar

MM mentioned having reached out to the Lake Forest Park planner. He said was willing to answer questions. He was not to keep of coming in but UFC might work on a list of questions to send to him? Regulations don't come into effect until May 1, 2011.

JH – wouldn't want to do a conference call

NB – might not make sense if we are voting on the position paper today.

PS – voting on the position paper no on the details on the permit. We might not have all the pieces but don't have a permit now. Need to vote on position paper to send to DPD. As it moves toward more of a code discussion, then we can look at the details.

ESM – Has DPD provided specific feedback?

NB – Lake Forest Park might help with communications. If we have the wrong message out there it won't go anywhere. Nuance on how to navigate the issue is important. Maybe the message needs to be more about the importance of trees and not so much focus on the permit idea?

JF – talking about a permit might fire back

MM – A communications discussion is on next week's agenda.

ESM – don't focus on the politics. We are an advisory board to Mayor and Council.

JF – should have a process if something comes up and becomes incendiary. Bran Kahn is part of the Green Seattle Partnership Executive Council and might be willing to give UFC ideas on how to respond to public opinion.

JH – The day after the TV sound bites he called the arborist, a friend, to talk about the piece. He said was very frustrated that he had a client with a big tree dropping large branches. The tree was large enough that it was protected and he couldn't get any traction on a ruling for tree removal. Messaging part is always the weak link.

JS – Did he fill out the tree assessment form in CAM 331B?

JH – doesn't know. Tree risk assessors should be qualified and not be providing tree removing services too. There are no teeth in the interim ordinance. People will cut tree down and "catch me if you can."

JF – we might be inadvertently causing tree loss. Due to negative reaction to the tree permit system.

JS – let's remember that there is a tree code in the Director's Rule now.

PS – has gotten inundated with calls about the same tree. People are in different sides of the fence in this issue. Remember that we'll take hits. The trend around the country seems to be moving towards a tree permit.

ESM – we are doing what we can do. We are not political advisors. Only make recommendations.

JS – add caveat. Look at language and avoid lighting rod approach. Class I permit could be called ‘exemption.’

MM – Calendar – send out letter to Urban Forestry IDT saying we want to work with you guys and have better communication. March meeting – letter approved to send out to IDT? He will call the Lake Forest Park planner to invite him in March.

JS – invite Diane Sugimura in March. Good opportunity to talk about what the issues are for DPD.

DPD Update

Brennon Staley announced that the summary of comments received during the public comment process will be going on line but he wanted to let the UFC know first. He will send the link out tomorrow. Over the last couple of months, DPD has not done more than putting together public comments. This was done at the request of the UFC to put more information together, work through the issues and put the position paper together. Clearly there won't be legislation this year they were going on a fast timeline to get the legislation in early. Now due to election cycle and budget cycle it might not be possible.

There is a lot to do before legislation comes out. He is working on finding out schedule and capacity levels for Council (specifically President Conlin's Regional Development and Sustainability Committee) this year.

DPD feels like there is no point on starting legislation until there is resolution on big issue = will this involve a permit system or not. Council and Mayor need to weigh in. DPD has extremely low staffing levels.

ESM – when will Mayor and Council review?

BS – If Conlin feels like his committee is already committed and might not be able to review this year.

JH – They can still kick the can down the road?

ESM – they could not decide at all

JR – Brennon needs to get direction from Mayor and Council

ESM – what happens if you don't get direction in two years?

NB – we would keep the interim regulations in place

JH – which are not enforceable...

PS – they did do changes to the interim regulations to close a loop

BS – DPD can't enforce current regulations unless they know about it

ESM – sounds like Council is pretty busy. Maybe should write a letter to Council?

SPdB – The UFC is scheduled to give a briefing to Council on March 1. This is an opportunity to communicate directly with Council.

NB – Is not all about regulations, it's also about education and information, maybe we need to amp up the education component. Continue down the path we are. Maybe Brad would be willing to volunteer time on strategic for climate adaptation? It would also be interesting to know what the City is doing in terms of becoming carbon neutral and how are trees a part of that picture? That's the point.

JR – would be good to try and avoid being political and stick to being experts as much as we can.

PS – is there a possibility to link people to what other cities are doing? Put on our website? Without comment. Just show what other cities are doing...

MM - Community education. Invite Jana help us brainstorm. We need to ramp up messaging, fact-based, and promoting tree planting.

JH – is anybody else as concerned as I am that the City didn't hit its target to plant 15,000+ trees last year?

SPdB – I'm in the process of producing the report. The giveaway program is only a piece of the Urban Forest Management Plan. The intention was never to have the tree provide the totality of the trees that need to get planted to get to our canopy cover goal.

PS – Maybe the system can register trees that have been planted

BS – last thing that he wanted to say is to encourage the UFC to consider the best way to tackle their work, some position papers might be radically different based on whether a permit process is included or not. Keep working on those questions on the permit system but wait until the decision has been made. If you think you can influence that decision that's great. Also the Street Tree Ordinance is moving forward and the UFC might want to weigh in.

Invite SDOT to come in and talk about the Street Tree Ordinance.

Tree Removal Permit Position Paper

JR – The draft in front of UFC incorporates comments received from JH and NB. Very similar to what was posted. He is ready to hear whether people want to do more editing or move to vote.

A discussion about whether or not to include the words "removal" and "pruning" in the title took place. Pros and cons were considered because excessive pruning can be equivalent to removal. It's important not to have people be confused that we are trying to regulate all pruning and reach even further than we really are.

It was agreed that the term 'removal' would be added consistently throughout the document.

ESM – you have to get into the text to know what it really is. The title won't give you enough information.

ACTION: A motion was made to amend the first line to say "Seattle Urban Forestry Commission Position Paper on Tracking and Permitting of Tree Removal." The motion was seconded and carried.

MM – Maybe include terminology that says that this expands existing permit system (building on SDOT's permit system).

JS – Provided additional comments in several areas of the document.

JR – the direction comments are going is to add a preamble, change the title, closing the preamble with 'we already have a permit system' is good enough, but if it needs to be stronger we can move it to the top.

JF – to achieve an overall gain in canopy cover should be included instead of only achieve gains.

JS – UFC assumptions #6. Take ROW out of the exceptions because we are suggesting consolidating with the ROW permit system.

PS – we don't know if it is possible to merge two departments' permits

NB – that's an IT question

JR – if we think systems should be merged we need to be explicit in our assumptions

NB – I don't think we have enough information

JR – provide an appendix with examples of cities with permit systems

JF – Does UFC feel that the mechanism for replacing canopy is clear enough? # 8. Should we be more explicit? Do we want to go into the mechanisms?

JR – not sure about what the legal requirements would be

PS - Takoma has three options: give money, plant in site, plant elsewhere.

JS – concern about replacement requirements making home owners feel like trees are a liability or a burden

MM – likes replacement

JF – don't know how this is going to play out. Others have done it that we can ask.

NB – The way Brennon says if the City decides to move forward with a permit system we can get into the details.

BS – He is happy to share what they've learned. A couple of ways other localities do replacement:

- Tree credit system – requires submission of a permit with site plan showing your yard with types of trees, position, size, etc. Do calculation on how many tree credits are there and see if you are below the threshold you have to provide 1:1 or 1:2 replacement
- Only if we are talking about a large tree (let's say over 24") you have to do 1:1 or 1:2 replacement. It's only for larger trees and it doesn't happen often
- Wealthier municipalities say it's across the board and you can buy your way out of it by contributing to a fund

They didn't find data at all about whether the replacement program has been successful or not in terms of impacting canopy cover.

JR – at one point we talked about the permit system being revenue neutral or revenue generator for tree planting. However, it could be a revenue generator if it was a 1:1 payment in lieu replacement.

BS – We can't raise the permit fee, we could say, you need to plant trees and if you don't want to they you need to contribute to a tree fund. But it's a mitigation measure. But there are some complicated legal issues. But mitigation can be looked into.

ACTION: A motion was made to amend the document with all the changes made. The motion was seconded and was carried.

Jeff will send his final version to Sandra with his electronic signature and she will finalize with all carbon copies.

Professional Standards Position Paper - introduction

JH prepared the Professional Standards position paper

NB – is here a way to say if you do assessments you can't remove trees?

JH – Might not be legal. It could be considered restraining trade. It's more of an ethical debate.

PS – opens up work for older arborists that are no longer doing removals.

JR – Doesn't need to be tied to removal permit. Could be requirement for obtaining a business license?

JH – make sure that if city is granting a permit for tree removal these are professional standards recommended.

JH – the main concern is professionalism and safety (health safety and welfare).

A discussion about de-coupling the professional standards position paper from the permit system position paper took place.

JH doesn't have a problem broadening the scope for tree work in general

Will continue the conversation at next week's meeting.

New Business and Announcements

None

Adjourn

Community Input:

From: Donna Kostka [mailto:donna4510@comcast.net]

Sent: Monday, January 31, 2011 3:48 PM

To: PintodeBader, Sandra
Cc: Havekotte, John "Hooper"; Kay Shoudy; Miller, David; Zemke, Steve
Subject: Tree Protection Info for Takoma Park, MD

Sandra, please forward these websites to SUFC members. I requested them from my cousin who lives in Takoma Park, MD, after I heard what a good permit system they have. Be sure to pull up the report from the University of Vermont's Spatial Analysis Center available on the first website. As you know, the Heron Habitat Helpers favors a tree permit system for Seattle private property not under development. Thank you, Donna Kostka

Donna Kostka, Chair
Outreach Committee
Heron Habitat Helpers
6516A 24th Ave. NE
Seattle, WA 98115
(206) 283-7805
donna4510@comcast.net

From:
Sent: Sunday, January 30, 2011 4:12 PM
To: donna4510@comcast.net
Subject: Tree Protection Info for Takoma Park, MD

....You can find the "requirements" for tree permit Takoma Park has by going to www.takomaparkmd.gov Then click on Permits and Licenses in the left sidebar. Once there click on Tree Protection and Removal.... I think you enter Title 12 Municipal Code as a search term. You could try www.takomaparkmd.gov/publicworks/arborist/treeprotection.html which should take you to the same place.

From: Steve Zemke [mailto:stevezemke@msn.com]
Sent: Wednesday, February 02, 2011 9:56 AM
To: PintodeBader, Sandra
Subject: comments to Urban Forestry Commission 2/2/2011

Comments from Steve Zemke
Chair - Save the Trees-Seattle

As you probably know the trees slated to be cut down at Ingraham High School were cut down this last Friday. Several TV stations, including Channel 13, Channel 7 and Channel 4 covered the removal, marking the end of a 3 year effort to save them. The challenge remains for the Urban Forest Commission to stop this continuing removal of mature trees in Seattle. Trees continue to have no standing in Seattle because of DPD's continuing policy of interpreting and abusing Seattle's current tree protections to be "support efforts to protect trees unless they limit the development potential of a lot."

Almost any effort to save trees can be interpreted as limiting the "development potential of a lot". In this instance even that was not considered because other sites clearly existed on the Ingraham campus to build yet they were allowed instead to remove an area that comprised over 40% of the NW tree grove (about 1/4 of the trees) at Ingraham High School in spite of the clear possibility of building elsewhere.

DPD clearly has a conflict of interest in protecting trees because its primary mission is to assist applicants in building their projects; it is not to protect trees. This is why protection for our urban forest and trees needs to be shifted to another city department like Seattle Public Utilities which has a vested interest in trying to protect trees for their benefits like reducing urban storm water runoff and pollution.

Regarding your tree permit proposal we applaud you for helping to articulate the need for a permit system to help protect our urban forest and retain its many benefits for Seattle and its citizens. Coming as we are, far behind many other cities in trying to protect our urban forest, it needs however to be strengthened to being more than just an inventory system for tree loss. Any viable tree permit system needs to also include a policy of **no net loss of canopy**. To do that you need to include a tree replacement policy and a limit on the number of trees that can be removed per year. We currently have no clear tree replacement policy and the number of trees that can be removed per year is too high.

Lake Forest Park, Washington has both policies in place. They require an equivalency of canopy cover in 30 years from any tree loss by replacement either on site or off site. They also limit the removal of significant trees to no more than 2 in a 3 year period. They define significant tree as over 6 inches in diameter.

Seattle's current interim policy is allowing 3 trees per year to be removed and even that is proposed to be eliminated by the current DPD proposal from Mayor McGinn. That is unacceptable. If Seattle is going to get serious about stopping the loss of our urban forest canopy, especially mature and large trees, it needs to get serious. Merely implementing a tracking system and fining people who do not get permits to cut down trees is not a system that will work effectively to increase our forest canopy.

You state permits will work "to slow the loss the loss of mature canopy". That is a good goal but by itself is not a goal that will stop the loss of our urban forest canopy and increase the canopy over time.

Besides our current permit system administered by the Seattle Department of Transportation, (Tree Pruning and Removal Permits -<http://www.seattle.gov/transportation/treepruning.htm> also <http://www.seattle.gov/transportation/docs/TREEPRUNINGAPP-42806.pdf>) you neglect to mention the other permit system in place with the DPD regarding removal of hazard trees in critical areas.

See Client Assistance memo 331B <http://www.seattle.gov/dpd/publications/cam/cam331b.pdf>. Both permits systems are in place and working.

The permit system should also incorporate some posting notice of trees to be cut. The Seattle DOT has a 2 week posting period before trees are removed.

Another city with posting, which they actually do on line also, is the city of Takoma Park in Maryland.

You can see more information here:

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

Your professional standards need to expand to include not just knowledgeable of city regulations

affecting removal of trees from environmentally critical areas but all areas. Why aren't SDOT regulations included? What are protecting uncommon, unique, rare plant or animal habitat? What about tree permits?

Also what about special training or a workshop on tree regulations in Seattle? You need to be expansive on what they need to know, including fines for violating Seattle urban forestry and tree protection laws.