



## City of Edmonds

Citizen Tree Board

Approved Meeting Summary Minutes

October 4, 2012

The meeting was called to order at 6:10 p.m. by Anna-Marie Heckman, Chair.

**Members present:** Steve Hatzenbeler, Anna-Marie Heckman, Susan Paine, Sandy Seligmiller

**Members absent:** John Botton, Rebecca Wolfe.

**Staff present:** Dave Timbrook

**City Council Liaison present:** Joan Bloom

Public attendee: Jenny Anttila

The September 2012 minutes were approved with no corrections.

27-year Edmonds resident Jenny Anttila brought some concerns to the Board concerning large English Laurel hedges that overhang and block public sidewalks or create other safety hazards in terms of their height or width. She asked if they should be no more than 6 foot tall, and could we look at what exists or could be done in city code about this issue. Although this is more of a vegetation rather than tree matter, we discussed the city's role. Typically, if a complaint is received by the City, the property owner is requested to remove anything blocking the sidewalk or right-of-way. There are restrictions described under existing right-of-way maintenance guidelines. Education is a key element in encouraging more appropriate plant material for a given situation, but the city has no ability to control what or where a home owner actually plants.

An example was mentioned of the city asking that a private a hedge (not Laurel) be reduced, the property owner failing to comply, and the city doing the pruning and billing the owner. In this case, the hedge subsequently died and the city was sued and ended up replacing the plants. It was suggested to recommend language in the guidelines that would indemnify the city against repercussions in such a situation. Where trees are overhanging one property from another, homeowner's insurance can be notified and utilized as a tool to encourage removal of a (arborist documented) safety issue.

### Unfinished business:

The Arbor Day booth at Edmonds Market on Saturday October 6 was discussed. It was unclear if an announcement had been sent to media. Susan will try and get something on *My Edmonds News* in time. Hours will be 8 am to 3 pm and probably in 2-hr shifts, or as we feel able.

### New Business:

Joan Bloom discussed some of the limitations and concerns we are faced with in working toward rewriting code. She feels reluctant to charge the Board with rewriting, when we were established to have no staff allocation whatever. Many other Boards do have staff minutes-takers, agenda creators, etc.. She is looking at staff providing more support.

She recently met with Rob Chave and city attorney Jeff Taraday. Basically the code gives no guidelines. Penalties range widely for Critical Areas and Right of Way, from \$0 to \$1000 on trees up to 3" caliper, and up to \$3000 for trees larger than 3" caliper in a Critical Area. In 2010, The City Council added tripling in Critical Areas. The staff is frustrated in handling complaints and presenting them to the hearing examiner.

In the case brought to the Board's attention in July by Karen Launceford (regarding an across-the street neighbor cutting her right-of-way trees and shrubs), the assessed \$9000 penalty was reduced to \$7000 and no replanting was required, and the slope issue was not enforced. This was decided through appeal to the hearing examiner. Dave Timbrook said he was called in and he noted that the cedar had been topped many times in the past. To replant, all vegetation on the slope would have had to be removed, and to plant on the top of the slope brought plants within 2 feet of the sidewalk. He didn't recommend replanting and disturbing the soil, but stated he's not a geotechnician.

There is no uniform code enforcement or definitions. Hearing examiner Phil Obhrect is focused on fine amounts and Rob and Jeff express other concerns. Questions were raised about there not being general agreement in the arborist community, whether there is a checklist (for arborists), and if there is a definition of topping or hazard in the code. Anna said some arborists will allow topping if the tree is maintained until a substitute tree grows nearby (20 years?). It all depends on the arborist's own experience, knowledge and opinion. Dave said there are standards and a form all arborists must use to assess hazardous trees, but individual answers. If an arborist is hired by the property owner, s/he is more likely to take their client's side.

The code "doesn't speak arborist". It needs clearer definitions of terms. What are the pruning standards—ANSI, ISA? Standards change over time and with the source. What are options for the arborist issue? We need a 3rd party arborist report, and a list of approved arborists to draw from that is updated regularly. Do arborists apply to be on it? Would an arborist on staff be fundable? or could existing staff (Dave?) be designated to do reports?

Longer term issues discussed: 'view covenants' in some Critical Areas conflict and have lack of clarity for dealing with them. Anna mentioned Dave's attempts to create an Urban Forestry Division in the past. Joan is looking at non-represented positions, and what specialties are needed on staff. Can existing positions be used? What are the Tree Board's recommendations or needs? Consultants? We need stronger, clearer enforcement guidelines. Anna mentioned finding funding for additional staff with fees (permits, fines, ?) geared to support this.

In The Board's November meeting, we will be talking about Tree Code with staff present.

Jeff had suggested we temporarily adopt an existing tree code from another city to bridge the gap until we get ours revised. The last major rewrite was before 1980 and was focused more on tree clearing than tree protection. If speed is a concern, we should focus on Title 18 and work directly with Council. The Board should look at both 18.45 and 23.40 for inconsistencies and make recommendations to Council. Critical Areas stuff would go to the Planning Board and a public hearing.

Possible city codes to study/use:

Mercer Island, Bellevue, Issaquah, Lynnwood, Shoreline.

Public information is important—a newsletter to update people? A panel discussion with arborists on view issues? Susan discussed some of the problems with Seattle’s interim code, but one goal was to plant as much as possible. There is \$0 permit fee for homeowners, but education provided when applied for. ‘Baby steps’ are best when creating standards for Public Right-of-Way, etc.

Could 2 or 3 Board members meet and come up with an agenda and compile info on existing codes before next meeting?

Other business:

Should we start recording the meetings and produce “summary” written minutes, to save on note-taking?

Anna talked about her Canopy Assessment project and that a staff member can be of great help if 8 hours of his time can be budgeted.

Homework: please read codes 18.45 and 23.40.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted by:  
Sandy Seligmiller