



## City of Edmonds

Citizen Tree Board

Approved Meeting Summary Minutes

July 12, 2012

The meeting was called to order at 6:05 p.m. by Laura Spehar, Vice-Chair.

**Members present:** John Botton, Steve Hatzenbeler, Susan Paine, Sandy Seligmiller, Laura Spehar, Rebecca Wolfe

**Members absent:** Anna-Marie Heckman (excused)

**Staff present:** None

**City Council Liaison present:** Joan Bloom

The June 2012 minutes were approved with no corrections.

Public attendees: Ken Reidy, Karen Launceford

Karen Launceford spoke at length to the Board about a situation in which a neighbor from across the street from her property cut trees and brush on the sloping (designated 'landslide hazard area') right-of-way adjacent to her property without right, notification, or permission of the city, Snohomish PUD, or herself. She described the difficulties in accessing and participating in the city's deliberation process after filing her complaint, and has felt unsatisfied with the city's attention to, and interest in, the accurate facts of her case.

When the first cutting occurred last winter, the road was closed off without permit by the tree company hired by the neighbor. When Karen first saw the cutting, she assumed it was done by PUD. At a later date, the neighbor was seen making further cuts himself. Apparently PUD had refused to do any trimming on the neighbor's request, so he took it upon himself to improve his view.

Karen filed a "Request for Code Enforcement" with the city in February, 2012. The offending neighbor claimed to have only cut a couple of trees, and provided arborist reports claiming there was no harm or damage, and no cuts were more than 3" diameter. This was untrue from Karen's observations and photos. In the city's response, the trees were said to have been regularly trimmed. Karen recalls PUD cutting trees in that area only once in the 17 years they have lived there, and only on 2 trees. From pictures provided to the Board, it is clear that this new damage is much more extensive, and has removed her privacy from the road.

The city wouldn't alert Karen to the timing of any meetings on her case, and would not allow her participation. She feels she did not get responses to many of her questions, and was unable to see the final report, or the letter sent to the offending neighbor by May 31. She finally received a copy of this letter on June 7 after calling and requesting it.

The offending neighbor has been fined for some of the cutting, but is challenging the city's disposition of the case. Karen is left responsible for the safety hazard created on the slope, and for the health of the damaged trees. The city has told her she can't replant the area.

Ken Reidy stated that it is the victim who is burdened to find justice and that the city should have taken the lead. He pointed out a need for clarifying and updating all city codes and enforcement policies. He stated that funds of \$300,000 were approved in 2005 by the City Council for code rewrites to be done in 2006-2007, that this was a budgeted priority, that a retainer was paid to an attorney, but that the work was not done. He also stated that Code 18:45 is full of flaws and ambiguities, and needs to be rewritten. He added that we also need to do something about trees adjacent to developments as the current code doesn't require disclosure of them even though they might be damaged.

Joan Bloom recalled that the only Council discussion about work on all of the codes has been at the Council's retreat, and that there was no official vote or approval made about a code rewriting process. She suggested at the retreat to have a 'Code Rewrite Committee', and to see if funds need to be allocated, etc.

Steve Hatzenbeler remarked that it will require a significant monetary investment from the city, which may not be feasible now. In regards to Karen Launceford's case, Steve stated that the arborist's letter submitted by the offending neighbor did not address that the cutting had been done in a 'Critical Area', and that she might need a geotechnical engineer to refute the arborist's claims and to support an increased hazard on the slope. Karen is aware of the 'Critical Area' designation of her right-of-way because her family had to pay a large additional sum when remodeling her home in order to address this fact.

Karen is planning to attend the Refute Hearing of her case on August 9, and Laura asked if there is something Board members can do to support her. It was determined that we can be present or speak as impacted members of the public, or be a party of record, but not attend as Tree Board representatives. Karen would like to have her privacy barrier restored, and wonders how a resident can have a road closed, hire someone, and do this.

Karen continued to say that she has received no return documentation for her many requests of information on the process of her case, and Joan suggested she do a Public Records Request, which must be responded to within 5 days.

Susan Paine asked if Karen would serve as a resource as the Board works on code revisions, and that both she and Ken send any emails to all Board members. John Botton expressed the view that her expectations of the city may be somewhat idealistic, and that a determination has been made on her case, and that there is a process in place. Steve added that there is a high probability that the trees in question have been topped before and that her claim will likely be upheld, and that we don't owe her anything more. Rebecca Wolfe expressed that she doesn't think the Tree Board owes Karen anything, but that we do owe something to the citizens.

#### Unfinished business:

At the August 2 meeting, Kernan Lien from Planning will be presenting tree issues that the city encounters. We also expect to hear from other Departments as well on their tree concerns. Questions from the Board for these city representatives will include: What do you want/need from us? We're hearing about code enforcement issues from the public—what can we do to support the code?

Sandy Seligmiller handed out some material gleaned from the CTMI class on Tree Board recruitment, skills makeup and assessment, and member utilization and satisfaction, for a future discussion on our internal Board process.

Rebecca, Laura and Anna will be meeting on Arbor Day event planning. They need to establish the vision first. Laura hopes to make a presentation at the October 2 City Council Meeting. Edmonds Arbor Day will most likely take place on the 1st Saturday, October 6.

The website was briefly discussed. Susan has links in mind, including tree benefit assessment, and will present a draft of ideas in September. Both Steve and Sandy expressed that there is no mention yet of our Tree City USA award, and Laura asked how we post web additions. Sandy said she is the conduit, but not a writer or web guru. It is her understanding that Jana forwards all web posts to the webmaster, but the Board hasn't agreed on any specific requests to post as yet. Steve and Rebecca may check on making theirs directly. Sandy also mentioned that only 3 months of the meeting minutes are available online. She has recently spoken to Jana Spellman about this, and will be re-sending all approved minutes to her, hopefully to be posted soon.

Laura reminded everyone of the desire to get photos of us and staff with the newly posted Tree City USA sign. Daytime meetings are difficult, so some Board members will be photographed separately from city staff. No dates were decided on. An article is to appear in "the Beacon".

Joan hoped to get the Student Representative issue on the City Council Agenda. It has been put on a Committee Agenda, and she spoke about it Wednesday. The City Attorney has to put it into ordinance form. Several schools are interested. An application needs to be created, and Susan has experience doing this. Steve mentioned that the application needs to have the 'enticement' of describing our goals, mission statement, what we'll be doing, etc.

Joan said that our Board has no staff support or budget, and that she is looking into getting help with minutes-taking when we get into discussing Code issues.

Laura brought up the outreach involvement in the 4th of July parade. Rebecca carried (wore) the Tree City USA flag and walked the whole parade. Susan participated during part of it also. The Commentator didn't announce the Board's participation, which was a disappointment.

#### New Business:

Laura mentioned an outreach event during Edmonds in Bloom on Sunday at the Demo Garden at Willows Creek Hatchery from 11 am to 4 pm.

The meeting was adjourned at 8:04 pm.

Respectfully submitted by:  
Sandy Seligmiller