



City of Edmonds

Citizen Tree Board

Approved Meeting Summary Minutes

August 2, 2012

The meeting was called to order at 6:08 p.m. by Anna-Marie Heckman, Chair.

Members present: Anna-Marie Heckman, John Botton, Steve Hatzenbeler, Susan Paine, Sandy Seligmiller, Laura Spehar, Rebecca Wolfe

Members absent: none

Staff present: Jeanie McConnell (Engineering Program Manager), Kernen Lien (Associate Planner), Rich Lindsay (Parks Maintenance Manager), Dave Timbrook (Parks Maintenance Lead, Arborist)

City Council Liaison present: none

Public attendees: Karen Launceford

Presentations with slides were made by City of Edmonds staff concerning urban tree problems they face. Rich Lindsay discussed tree issues in Parks and other public settings that he and Dave Timbrook are called upon to address. Jeanie McConnel discussed Right-of-Way and Infrastructure tree concerns. Kernen Lien discussed Private Property Development tree issues, and city tree codes and policies.

Presentations were audio taped, and summary notes follow:

Kernan: Talked about doing this for a long time. Helpful for Board in developing new code, shows breadth of issues staff is faced with.

PARKS

Rich: Works with various citizens, merchants, especially on issues about trees blocking views.

- At 2nd and Alder treatment plant—wouldn't remove trees, but pruned properly.

Projects for board: recommending ideas for view issues, appropriate trees to plant.

- At 2nd and Dayton—hasn't pruned any (sweetgums), trees were there before condominium.

Dave: have removed a couple deemed a hazard (lost leaders), cleared low branches. 9' clearance over sidewalk. Generally trim away from communication lines.

Rich: Willing to prune, but not remove, for view issues. Has gone into condos and looked down—sees their point.

- Ferry holding lanes, Mariner Plaza mini park. 1995 got approval from city council to keep shore pines at 25' so has been done since (removing 20' of growth). Trees were there before buildings. Kept as low as possible, won't remove.

Hear from public on weekly and daily basis about paying taxes on lost views—real sensitive issue. In Bowl area could show 50 photos. Especially hear from public in spring and summer, less in winter as are mostly deciduous. Citizens usually call Parks if it's a tree concern.

- 220th & 84th. Norway maples replaced with cherries in 1992 that aren't doing well. Like to remove all and have Board recommend great replacement and long range plan—75 trees? or more—big project to work toward.

Susan: what about consolidating utilities on one side, lost aerial space? Jeanie: Can't force utilities to go underground except with new developments. Rich: in Street Tree Plan it is designated a gateway to Edmonds, a main thoroughfare into the city. Is the Board willing to recommend tree selections?

Anna: only a 31" planting strip. Jeanie: option of tree grate encroaching into sidewalk, but still ADA accessible, to provide more tree area. Susan: larger trees will keep traffic calmer, safer for kids to walk to nearby school, etc.. Consolidate with sidewalk improvements? Trees essential component on very busy streets. Steve: City has lot of control in Right-of-Way. Does code address private development—on this street does developer have to add new trees? Yes, using list of acceptable trees by city, but trees don't always fit situation.

Anna: opportunity for grant money from DOT for safety improvements? Yes, will be a very expensive project. Also Federal Highway commission funds? Rich: need Board's help with research on options, financial/grants available. Public involvement also needed. Dave: wiggle room, as situation variable on street—places where can't add a tree. Jeanie: lifespan of tree in a given location—want to see in code or policy. Dave: usually 30 years in typical urban setting. Anna: not look at that street in terms of super large trees. Grant money available is big. John: maybe group 2-3, blank spaces.

Rich: Tree canopy research—trees important to vitality of Edmonds. Anna has some info about 50 years ago, is working on canopy figures to present to council maybe in November. About 25% canopy now—less than Puyallup, Seattle 23%. iTree and Google maps useful, Google Earth has historic photos and Anna is talking to them. Kernan: city has other digitized info, historic photos. Anna: we need to know what we have to set goals for what we want, and write code to enforce.

PUBLIC WORKS/ENGINEERING

Jeanie: When resident comes about removing tree in Right-of-Way, need Right-of-Way construction permit, refers to 2002 Tree Removal & Trimming Policy, tree must be diseased, damaged or dying to be approved. Also how is it affecting our infrastructure?. On Private Development projects, follow Street Tree Plan, which needs updating. Not always right tree, so needs adjustment by street and location.

In 2009, project at 5th and Dayton, trees in poor condition, lifting sidewalk—public outcry, moratorium placed on tree cutting, including removal/replacement, even if in poor condition and lifting sidewalks. Maintenance patchworking repairs (grinding sidewalk, etc), not best solution. An immediate hazard can be removed (a branch fell in front of council member at 5th and Dayton, tree was removed). Very political, signs saying 'please don't cut'.

Trees on private property, or borders the Right-of-Way, have to consider when permits come in. Can't always make appropriate decision with moratorium in place. Moratorium established Aug 25, 2009 to allow updates on street tree plan and policy, come up with better guidelines and policies. John: some street trees have been removed. Dave: was a remove and replace for some specific imminent issue. Jeanie: the regular program of removing and replacing, redoing sidewalk panels, not doing, but are making temporary fixes instead. Rich: so many people complained about this instance (5th & Dayton), Council said you have to go through us. There are a few trees definitely to be removed as too far gone (split one by P.O.). Can Board see actual moratorium document?

Jeanie: Street trees situation for private development projects—size, lifespan, damage to city infrastructure already caused, damage during construction. Susan: how is Public Works incorporating tree

retention into in permit #2 (stormwater, LID improvements). Jeanie: no LID incentives currently. Nothing specific to stormwater permit right now. Sept 1st draft version out, not required to be implemented until 2015, Edmonds Tier 2, Seattle Tier 1.

- Main Street between 2nd and 3rd—Lifting sidewalk, temporary asphalt taper, ground down concrete.
- Dayton East of 4th, along bank, planned w/ property owners (private and business), lot of coordination. At time of moratorium, so halt—plum leaning out has to be walked around.
- Bell St. East of 6th Ave—bolted tree, overhang into street hit by trucks.
- 6th Ave North of Bell St.—tree not happy, asphalt repairs to concrete sidewalk.
- 179th off Talbot—entire cul de sac, sidewalk lifted, paint marking danger, rotted tree. After—replaced as sensible for development, only replaced sidewalk panels, not entire. Dave: only 1 tree lost total. Response from neighbors positive, happy to water and care for. Maybe 4th cul-de-sac they've done. Abutting property owner's responsibility for maintenance. Steve: who to go after if person tripped and injured. Jeanie: probably both city and property owner. Doesn't know if any private property owners have been held responsible for medical costs.

Anna: city plants and removes (\$\$), but property owner has no incentive to maintain. Missing link? Rich: one of code issues. Jeanie: pruning standards in Street Tree Plan. Dave: there are pruning standards, but not general knowledge that they exist. Rich: some people do know and are willing to prune, ask for advice on how (Dave may go out and talk to them).

Jeanie: example of tree under powerlines, on private property, owner doesn't want it cut down, so PUD has to prune chunk out of center creating eyesore. City can't just do what would like. Rich: if PUD wants to remove a tree, Rich doesn't let them, just trim (unless dead). Jeanie: PUD happy to replace w/ better fit, but Edmonds needs to create guidelines for this.

• Bank at 3rd and Main. Operations ready to replace matching trees on other side, but unable due to moratorium. Bank development went ahead, took out existing trees and replaced with new trees as ADA compliance and sidewalk improvements required it. The tree specified on the Street Tree Plan was not a good fit for this situation, so an alternative was chosen. Discussed whether can take money from developer to do work in future, but no guidelines in place to take a different approach so went ahead. Approved by development staff—removals not taken to council because saving trees wasn't deemed an option. John: why didn't follow moratorium? Ambiguous. How to resolve. Dave: it's actually the squeaky wheel. Rich: why we need to redo codes. Anna: What power does council have over moratorium? Jeanie: not certain how it is enforced or why inconsistencies. What's best on development side doesn't always seem so on operations and maintenance side. Staff has ability, knowledge, but don't always have support. Susan: need to talk about the effect of inconsistent practices by city in terms of current policy, have to just honor the situation for the decisions made, and start working on policy development and putting code into place.

Steve: lower Queen Anne area project in Seattle last year—addition to front of church. Initially approval to remove large trees and replace w/ smaller. SDOT arborist later said no, even though this created a hazard. The roots had to be pruned excessively to get in the ADA approved sidewalk. Anna: SDOT arborist is taking full responsibility for the outcome. Decision maker representing the tree, not engineers, etc..

PLANNING

Kernen: Planning Division—Reviewing, tree cutting and preservation on private property, code enforcement. Enforcement goes to Mike Thies, passes on often to planning or other party needed to deal with it. Land Clearing and Tree Cutting Code, Critical Areas. Planning informs public on code, permits. Come to counter or call, department tries to answer code questions. Calls about views, disagreements between neighbors (usually a civil matter). Development reviews—landscapes, street trees—work with

engineering. Development review also considers tree retention—id trees on site plans, maintain trees as much as can, often subjective.

Tree codes and policies spread throughout our development regulations. They're hard to implement and there are many conflicts.

ECC—city code

ECDC—development code

ECC 9.20.060 -.070 Abutting property owner—responsible for maintaining trees, can't necessarily cut down in right-of-way, conflict

ECDC 18.45 Land clearing and Tree Cutting—clearing, tree cutting code on private property

ECDC 18.60 Right-of-Way Construction Permit—to cut tree in right-of-way

ECDC 18.85 Street Trees—includes street tree plan— **Main tree code**

ECDC 20.13 Landscaping requirements—part of development review, landscape plan in conjunction with street trees—often use street trees to meet requirements, mesh w/ existing

Critical area regulations: not remove trees in critical area or critical area buffer w/ exceptions

ECDC 23.40.220.C.7 Hazard Tree Removal

ECDC 23.40.240.E Penalties for Cutting in Critical Area

ECDC 23.80.070.A.4 and A.5 Vegetation Retention in Erosion or Landslide Hazard Areas

ECDC 23.90.040.C Retention of Vegetation on subdividable lots in certain zones—rs 20 or rs 12 zone being subdivided, must retain or establish 35% in native growth. This restriction has been challenged in King County

City of Edmonds Comprehensive Plan: street trees, retaining, benefits of trees, vegetation retention.

Public Works Policy for Cutting Trees in Right-of-Way: clarification on permit, one specific item—cutting or topping for views not permitted

Tree regulations all over the place, hard when someone comes into counter. Planning says “kinda depends”. Application of code: tree on private property, w/in city right-of-way, on boundary between, in critical area?

- Permit to remove/cut down not always needed. Exemptions: on single family lots, no critical area, not subdividable, hazard trees, emergency situations, routine maintenance (undeveloped subdividable not exempt). Already topped in past for view can be recut to previous level considered routine maintenance. Would be fined if top uncut tree. No permit for private property owner to top tree if not Critical Area or subdividable. Critical Area overrides view easements.

- Type 2 Permit: if single family, hazard tree, or Critical Area. Staff issued, conditional use, public notice required (notify prop owners w/in 300', publish in paper). Tree cutting violations on private property use this type 2 process to deal with litigation plans. Permit for single-family \$570.

Anna: any replanting requirements? Kernen: only in Critical area—ratio of 2 to 1. 18.45 can require up to 3 to 1 if not Critical Area. Most of time 2:1 (tree hazard section of critical area code).

- Type 1 Permit: commercial development or multi-family, staff decision, no notice. Considered landscape modification request. Fee \$115.

Steve: no public notice on larger projects? Not on modifications to existing, but new development may require public notice. There is an equity issue in current code between these two fee options.

- New development and additions to new development require no separate tree cutting permit including single-family. Landscape plan is reviewed for consistency with code and street tree plans.

Summary of permit levels: Exempt, Single-family, Multi-family/Commercial, Urban new development

New development is under building permit/ master permit.

Anna: no incentives for tree retention? Kernen: guidance in code and comprehensive plan to retain trees to the maximum, and planning review looks for need to remove, some standards in 18.45. Could be strengthened. Susan: Single family, what % of lot can be developed. Kernen: coverage standard (structural) not more than 35%, impervious surface-no maximum requirement, except for stormwater requirements. Laura: new development—other fees than \$115? Kernen: example: Walgreens replacing Robin Hood Lanes—conditional permit, project triggered SEPA review, major architectural design board review, subdivision. Required 3 permits and significant additional fees.

Fines: city council recently updated fine section of tree cutting code. No minimum fines, and maximum fines by tree diameter and situation. Subjective in applying. Often documentation comes afterwards. Was it an honest mistake, were they aware of the code in advance? All is taken into consideration.

Code is inconsistent and subjective. 18.45 some of exemptions talk about environmentally sensitive areas, slope 25%, buffers in critical areas differ, unclear definition of a hazard tree. Nothing in code requiring ISA/arborist evaluation. Even arborist reports conflicting in definition of hazardous tree recommended removals. No standards for an arborist report. Protection measures for development weak in code. What is a qualified expert? Don't have a recommended arborist list to hand out to people. In new code have definition of qualified expert, and compile list of arborists.

First we need an overarching tree plan— an example is Lake Forest Park. What are our overarching goals for Edmonds? Steve: this is more far reaching than the Tree Board? Kernen: we can start here, develop framework for it. Will need to go to Planning Board, then to City Council—overarching plan for city will be achieved. Susan: Have to have tree/policy elements in the city's comprehensive plan, and other, generalized policy first. Rebecca: Comprehensive Plan under revision now? No. Climate protection plan involvement?

Permit process—discrepancy between fines. Planners like to see a permit for every tree cut and removal, different levels of review and cost.

Anna: Private property Critical Areas, taxes? Kernen: a county issue, not city. Discussion about whether any critical area may need restriction on tree cutting.

Need for a city arborist. Dave is arborist that works for the city. This could be a recommendation of the Board. Should the city have one? Dave has asked for an Urban Forestry Department for years. Karen: protection for citizens, reduce staff decisions. Dave: review of every arborist report that comes in. Anna: put something in code requiring more than one arborist report? Who can we accept as qualified experts? List needed? Susan: couldn't permit fees support arborist? On retainer? Jeanie: no permit fees in her department to pay for it, but need arborist sometimes also.

Discussion of arborist's opinions, ethics, having clients best interests, hard science vs art and subjectivity.

Susan: Cohesive regulations and experts help avoid staff making own determinations.

Kernen: View issues prominent. Preservation of trees—what's our goal? Plans for replacement.

Susan asked about use of silva cells on right-of-way?—yes, looking at these. Pervious pavement?—recently used in parks. Laura noted Parks' reduction in pesticide use.

Unfinished business:

The Student Representative application form worked on Susan and Jana was discussed and a few changes suggested. The 'list of activities' was eliminated, to be replaced with 'possible' tree board activities, to include field assistance, independent projects. Also, the position cannot be called an 'internship'. Susan hopes to have a board member sponsor. Steve asked about publicity: Edmonds News, Community Colleges. All the Boards are considering having student Reps. It's an opportunity to hear a new voice, give them experience.

New Business:

Anna reminded the Board that any sub-committee meeting must involve three members or less to avoid having a quorum, which would require publicizing it in advance and opening it to the public. This does not apply to outreach events as they're already public.

Sub-committees are as follows:

Arbor Day planning and Outreach

Laura, lead

Rebecca

Code Planning

Susan, lead

Barbara Tipton, public contributor

City Staff

everyone on Board will have input, Anna can edit

Web Page

Sandy, contact

Heritage Tree Program

Sandy, lead

Laura asked if a Tree Board email address was ever set up on webpage. Kernan wasn't sure. Anna wants one person to handle reading emails from the website.

Rebecca and Steve asked about the Tree City USA sign and photo op. No decision was made as to when the photo will take place or where the sign is actually located. Susan thought publicizing Arbor Day at the same time (in September) would be good.

Anna has a list of Board accomplishments and (started) projects that will go toward Tree City USA growth awards. The CTMI projects Anna and Sandy are working on will also count.

The meeting was adjourned at 8:33 pm.

Respectfully submitted by:

Sandy Seligmiller