



## **Memorandum**

**To:** City Council  
**Cc:** Mary Jane Goss, Mayor  
Pete Rose, City Administrator  
Steve Bennett, Planning and Building Director  
**From:** Tree Board, Sub-committee of the Environmental Quality Commission  
**Date:** October 26, 2015  
**Re:** Recommendation for update to Tree Ordinance LFPMC 16.14

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### **Executive Summary**

The Tree Board, in conjunction with the community, has developed a number of recommendations for the update to the Lake Forest Park Tree Ordinance. These recommendations focus on changes to regulations, policies, and community education that will strengthen and enhance the urban forest that defines our community.

### **Background**

The City of Lake Forest Park has long recognized the value of an extensive tree canopy. Indeed, our “urban forest” is the most distinctive characteristic of the city. In 2011, 45% of Lake Forest Park was covered with tree canopy. To maintain and enhance our urban forest, ordinances regarding trees have been established and revised over the last few decades. The goal of these ordinances has been to (1) maintain a healthy urban forest environment, (2) enable property owners to wisely manage their own tree canopy, and (3) prevent abuses on the part of certain developers, tree removal companies, and individuals who seek to benefit economically with little or no regard to the LFP tree canopy.

Tree ordinances must be able to apply to the city as a whole, while leaving enough targeted flexibility to recognize that every tree removal situation is unique. While the City’s tree ordinances (including the permitting process) have become more nuanced and flexible over the years, we have learned that the current ordinance has shortcomings, and have undertaken a carefully-considered revision process that will incorporate available data about the City’s tree canopy, the experience we have gained over the years, and—above all—the ideas and priorities of LFP residents and property owners. The public outreach process included two public meetings and a panel discussion, in which residents were able to express their opinions and ask questions of experts. Please see Appendix A for citizen comments. Appendix B contains information on tree permit numbers over the last several years.

The Tree Board recommends the following changes to the current tree ordinance:

## **1. Regulations**

- A. Close loop-holes within current regulations.
  - i. Define a “dead” tree as it relates to permit exemption.
  - ii. Remove definition of “New development” so that the City Arborist is involved with all new single-family, multi-family, and commercial construction, especially as these relate to canopy coverage goals.
  - iii. Clarify criteria for tree tracts; including consideration for building setbacks.
  - iv. Define multi-stemmed trees
  - v. Provide reasonable definition of trees vs. shrubs
- B. Exempt certain species tree removal requirements.
  - i. Create a list of invasive species which would be exempt.
- C. Credit high-canopy properties among the community.
  - i. Encourage long-term forestry management planning for lots over 60% canopy coverage, through use of a multi-year permit.
- D. Standardize replacement requirements.
  - i. All replacement requirements, including those for sensitive area and administrative permits, should be related to canopy coverage, not 1:1.
  - ii. Require an initial fee that covers the cost of replacement.
    - a) With this, the default fees due for replacement inspection or non-compliance could be directed to the tree fund, not the general fund.
- E. Change the permitting process to ensure canopy replacement.
  - i. Consider alternatives for permit-holders to report tree replacement for a “permit final.”
- F. Incentivize removal and replacement of diseased or infested trees.
  - i. Provide a path for staff to encourage removal of trees that threaten neighboring trees.
- G. Require moratorium on tree removal for new development.
  - i. New single-family development has typically undergone a thorough inventory and planting process, guided by the City Arborist. Unless a new, unforeseen hazard arises, there will likely be no reason to remove trees on newly built lots.
- H. Increase City authority to deny tree removal permits
  - i. Consider additional criteria for permit denial.

## 2. Policies

- A. Raise fees for removal.
  - i. Require payment for all types of permits so that the City Arborist can assess canopy, and therefore, replacement requirements.
  - ii. Consider including a fee for replacement trees, to be returned through a voucher or other method.
- B. Increase transparency of current permits in review.
  - i. Allow the public better notice for tree removal during the review process.
  - ii. Increase notice period to two weeks for all permit requests.
  - iii. Notice period must start over if arborist discovers permit has not been placed or has been placed incorrectly.
- C. Streamline permitting process.
  - i. Allow applicants to fill out the same form initially, if possible, online
- D. Permit fee waiver request process.
  - i. Consider allowing residents with financial difficulties to apply to have permitting fees waived.
- E. Educate the community on the principles and goals of the Community Forest Management Plan.
  - i. Produce and distribute tree regulation materials for realtors.
  - ii. Use volunteers to provide education for homeowners and developers on proper tree planting and care.
  - iii. Expand volunteer base for tree planting
  - iv. Involve Youth Conservation Corps

The Tree Board recommends that the Lake Forest Park City Council and Planning Commission review these recommendations and incorporate them into the update to the tree ordinance.

## **Appendix A: Citizen Comments by Category Following Tree Board Consolidation**

*Please note that the comments in this section are recommendations from the community and do not necessarily represent the views and recommendations of the Tree Board.*

### **Regulations**

#### **Credit high-canopy properties among community**

- Create city-wide tree tax assessed based on property owners' canopy cover; if below average, assess a fee, if below bottom 25%, a bigger fee and if bottom 10% bigger fee. Allow access to this revenue for tree maintenance vouchers for those in the 25% canopy coverage
- Ask or require residents in tree sparse areas to pay for the benefits of trees that we all receive.
- Future incentives like stormwater utility credits may become powerful tools to incentivize local residents.(from Community Forest Management Plan)

#### **Require replanting to use native species and/or trees of similar final biomass**

- Require eventual growth of similar biomass to what is being cut. In other words, do not replace 100 ft. Doug fir with dogwood.
- Replace native trees with "like" trees
- Require replacement trees to be of a particular species.
- Replant with native trees
- Replant old native species that have been lost over time.
- When trees are removed they should be replaced by native species capable of equal measure of canopy and iTree performance unless doing so would create a hazard as determined by arborist review.

#### **Change permit structure to reduce allowable tree removals**

- Lower # of trees on administrative permit to 1.
- Limit total number of trees on arborist permit (4?)
- Require permit for each tree, not each property.

#### **Increase City's authority to deny permits for developers and residents, keeping canopy coverage, wind risk, and the larger neighborhood in mind.**

- Provide the city with more authority to deny a tree cutting permit in order to preserve tree canopy (especially for landmark trees).
- Consider canopy coverage vs. number of trees. Areas of heavy canopy should be treated differently than low canopy.
- Do not allow removal merely to create a staging area for construction.
- Consider the cumulative impact of removing trees from the surrounding area that might have occurred before or might occur later. In other words, consider the general neighborhood, the tree cover in it, and other actions that might also affect the tree.

- Constrain removal when it would expose more trees (esp. neighbors') to wind risk.
- Higher protection for low-risk trees.
- Make it harder to get a permit to cut healthy trees
- Never allow property owners to cut more than two trees.
- Do not allow homeowners to remove trees simply because they fear that branches might fall onto their property and cause damage. Homeowners should recognize that living in a forest carries some risk.
- Do not allow landmark trees that are at low risk to be removed without more serious consideration or clear circumstances.
- Create maximum # of trees that can be removed by one homeowner in 10 year period.
- Restrict landmark tree removal to one every three years.
- Restrict significant tree removal to five every three years.
- When arborist has made recommendations less severe than removal, require the owner to follow them or provide a *convincing* reason for removal.
- Make still requirements for the takedown of any healthy tree, not at the owners whim, substantial rationale relating to threat to safety. *Not* power line interference
- Increasing sun exposure is an unacceptable reason to cut down any tree.
- Consider *cumulative impact* for permitting. Able to place moratorium on non-hazard tree removal if canopy decreases by x% in an x foot radius.

### **Policies**

#### **Raise fees for tree removal, especially landmark trees, with or without refundable deposit**

- Fees/Fines assessed by the foot, 150' tree x \$100 = \$15,000
- Fee schedule for cut trees needs to reflect actual value of trees (note that large landmark trees' actual value can exceed \$10,000; landowners are paid at least \$1,800 for each such tree cut)
- Charge \$1,500 (?) per Landmark Tree. Removal deposit, refundable after 2 years if replaced by the same species at least 12 ft. tall; refundable if replacement is satisfactory
- Charge \$10,000 for the removal of any landmark tree
- Make fines or fees high to provide more of a deterrence effect
- Require a per-tree fee for cutting a living, viable tree (e.g. \$75 or enough to replace it with a tree of proper size, age, species etc. ) and offer the homeowner a voucher to be used within one year to get and plant a replacement tree.
- If property owner elects to remove healthy low risk trees, a fee should be assessed based on the 30yr financial benefits in terms of carbon footprint, groundwater

absorption, pollution control, etc. (based on iTree Calculation from US Forest Service)

- Raise bond required for replanting to \$15,000 per site or \$1,500 per tree.

**Increase transparency of fees**

- Detail cost of permit to alleviate hidden costs

**Keep/make permitting process simple and affordable.**

- Keep permitting process simple and affordable to discourage unpermitted tree removal. Fine homeowners/arborists heavily for illegal removal.
- Onerous code is seldom followed. Consider keeping tree regulations simple, easily followed.

**Allow for free removal of non-native species if they are replaced with native species**

- Removal of non-native invasive tree species should require a permit, but the permit should be free of cost. Replanting of a native tree in the removed tree's spot should be required.
- Include an exemption for specific invasive or undesirable species.

**Incentivize removal and replacement of infected or hazardous trees**

- When trees are removed because they are infected, the city should provide free trees to the property owner to replant appropriate species and the property owner should be educated on how to take care of them.
- Allow over-mature trees in decline to be removed to prevent a dangerous situation

**Strengthen follow-up on tree replacement plans**

- Add monitoring process with accountability for recommended replacement.
- Strict monitoring once a year that trees are being replanted and maintained, for five years.
- Especially strict monitoring on commercial developers.
- Tree board members could do inspections on high-concern replantings.
- Tree board check for replacement trees.
- Need some follow-up on replanted.
- Require homeowners to follow through with their replacement plan.
- Strengthen incentives for homeowners to follow through with their replacement plans (bonds, support, asking if replanting has happened)
- City to verify compliance with tree replanting requirements when any tree removed.
- Enforcement/inspection of trees planted for mitigation. Penalties for failure to replant. Fines go to tree fund.
- Hire interns from UW Forest Resources Plan to help arborist measure trees and do follow-up work.

**Allow neighbors to create covenants for tree retention that would apply to future owners**

- Develop covenants similar to those for historic properties that place restrictions on tree cutting in some areas of LFP where all neighboring property owners agree to self-restrictions so that future owners in the area are bound by the norms for that area. This could be done by groups of neighbors who come to mutual agreement about how to manage and maintain the trees in their neighborhood.

**Require developers to include tree tracts in their developments**

- To preserve, restore, maintain, and enhance the tree canopy will require a mix of strategies. Among those strategies, are the designation of tree tracts, the preserving and planting of trees in common areas, and the landscaping of individual lots with tree cover to meet the City's tree canopy/density goals. (from Community Forest Management Plan)
- The City should require a tree inventory and assessment during the design phase to identify those trees or tree tracts suitable to be considered for retention and preservation. A tree protection zone for every tree or tree tract should be identified.
- Preservation of large existing trees in development tracts is most successful when they are in groves or groups of trees, rather than as individual trees isolated from others. Trees in groves are less likely to be blown over during storms.

**Education**

**Educate homeowners and developers on proper tree planting and care**

- Work with homeowners to make sure that they plant the right species of trees of the right age and height in the right seasons. Educate them on watering and other maintenance needs.
- Outreach toward realtors and perspective homebuyers on ordinance and goals of CFMP
- Education outreach of risk mitigation and tree preservation BMPs on private property
- Increased public outreach re: significant events such as infestations or larger scale tree removals.
- Increased citizen participation in achieving goals of CFMP.

**Develop volunteer base for monitoring and maintenance**

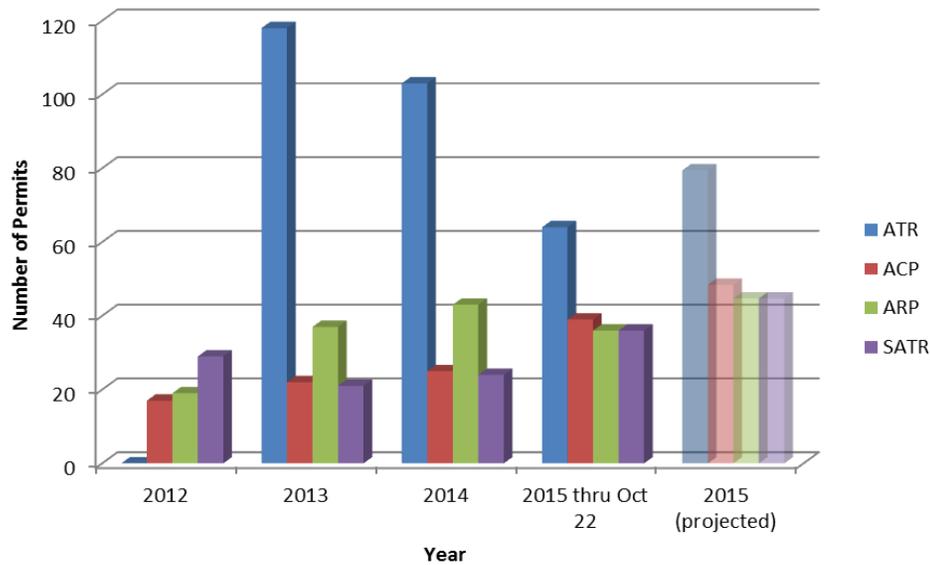
- Add an all-volunteer surveillance team to check out concerns and complaints re: trees in LFP.
- Citizens' group on call or when unpermitted trees are cut, esp. on the weekends when chainsaws run unabashed.

- Develop a volunteer workforce to provide assistance to homeowners who are not able to maintain their trees. Ivy is a big problem in my neighborhood and some owners are elderly and no longer able to take care of their trees.
- Ivy removal could be organized by neighborhoods. This could also include other noxious weeds.

## Appendix B: Number of Tree Permits by Type – 2012-2015

Tree Removal Permits 2012-2015	2012	2013	2014	2015 thru Oct 22	2015 (projected)
ATR (Administrative Tree Permit)	0	118	103	64	79
ACP (Arborist Consult Tree Permit)	17	22	25	39	48
ARP (Arborist Review Tree Permit)	19	37	43	36	45
SATR (Sensitive Area Tree Permit)	29	21	24	36	45
Total	65	198	195	175	217
Total w/o ATR	65	80	92	111	138

### All Tree Permits 2012-2015



### Arborist Consult, Review and Sensitive Area Permits, 2012-2015

