

Lake Forest Park Tree Regulations Update



Public Comments
Received During and After
Planning Commission
Open House on
July 26, 2016

This document contains public comments regarding the Planning Commission's draft update to Lake Forest Park's tree regulations, LFPMC 16.14. At the open house, community members were invited to discuss changes to the regulations at four different stations, each regarding a different part of the update. The first four pages of this document contain comments made at these stations. The remainder of the document contains written comments that were submitted in the comment box at the Open House, or via email following the meeting.

Please note: The comments contained herein are made by members of the community and do not necessarily reflect the views or opinions of the City of Lake Forest Park or the Lake Forest Park Planning Commission.

Comment Board Station 1 - Streamline/Improve The Permitting Process

#	Comment	# of thumbs up
1	Two days is not enough! One week?	
2	Streamline it? Seriously?	X ("maybe")
3	Entrenching minor landscaping along property lines that affects neighbor's tree	
4	Right to cut branches of overhanging neighbors trees?	
5	Create a way for city to notify owner/developers regarding a dangerous tree and if not acted on, then remove the hazard and bill the owner/developer	
6	Reconsider 30 year period (% coverage by 30, 20, 10 years?)	XX
7	Moritorium until laws are in order (developers rushing in to get in before enacted)	
8	Moritorium/penalty on absuers on building in future (5 years or more)	X
9	Tree fund = buying your way out of doing the right thing (1%)	
10	Rules (consequences) not goals. Not "may", he "will" do this	
11	Trees are expensive to maintain >>> dangerous. Community fund?	
12	Rules (consequences) not goals. Not "may", he "will" do this	
13	citizens can pro-actively address removal before a tree falls knocking out power or blocking the roadway. Possibly streamline process to allow quick approval with no fees to property owner.	
14	Tree removal limits should be based in part on lot size. 2 trees every 3 years is significantly different for a 10,000sqft lot versus a 2 acre lot.	
15	Tree removal limits should be based in part on lot size. 2 trees every 3 years is significantly different for a 10,000sqft lot versus a 2 acre lot.	
16	Does this imply that going from 90% to 80% canopy overnight is okay?	
17	Re-notice cycle for people who change their plan. Post during work, before work, after work for awhile. Post notice where people can easily see from the street.	
18	Have city staff verify on ground what and how permit is executed. Accountability	
19	Online access--post page where permit requests are listed so we are aware of what is happening and inquire about process (before permits are granted - when they are submitted).	

Comment Board Station 2 - Close Loopholes For Developers

#	Comment	# of thumbs up
1	Fee-in-lieu is based on a national standard and is canopy-based	
2	\$300/1000 ftsq canopy coverage [This amount needs to be much higher. This amount is not a disincentive]	
3	Could also be based on the actual benefits that the tree provides (itree standard)	
4	Could also be based on economic value of the lumber.	
5	Which should LFP use?	
6	Definition of canopy? Anything that can be seen from above. ROW trees should be the resp. of the city (rather than adjacent prop. owner)	
7	Developers should not be allowed to sell the trees they cut - no profiting from the tree removal	
8	But if trees are to be removed - certainly would hope they are used, not just cut up as firewood/chips	
9	Only developers should have to pay for a tree permit - not LFP home owners	
10	The incentive has to be to leave trees where they are	
11	5% not enough for tree, tract-15%	X
12	Raise 5% tree track, too low	
13	Large fines for developers (and individuals) who take down trees without permit	X (and "tree care" businesses)
14	In lieu of fees incentive to cut and get on with it! Higher fees!	XXXX
15	Taxes are high enough!	
16	More restriction, protect canopy	
17	Higher fee in lieu, or more canopy replacement	
18	Eliminate "in lieu system" altogether	
19	30 years after permit is issued development begins? No - there needs to be a term limit	X
20	9600 sqft lots seem small for LFP. I thought the minimum for subdivision was larger. Don't want tiny lots forcing more tree removal!	
21	Would love to receive a notcie if landmark trees or whole lots will be cleared near my home	
22	I'm concerned that developers can run a muk in this current system. They can basically clear cut the lots, pay an in lieus fund of \$200 AND retain the timber which on a heritage cedar might be worth \$800-\$1000. The timber should go into the tree fund, not save as a profit center for the developer	
23	Significant, more restrictions on developers. \$\$ making harder & more expensive to remove trees	
24	Better communication of developer plans	
25	Why is Southern gateway in the code/ordinance at such a low canopy goal?! They should have to work in the long term toward a higher goal	
26	Stronger, more timely enforcement of the code!	
27	Paying into the fund instead of replanting on property seems too easy and leads to some lots that are barren. The priority should be on keeping trees on all lots, so the we have a continuous forest that actually benefits our local ecosystem	
28	Tree valuation shouldn't be based on canopy area alone	XXXX

Comment Board Station 3 - Additional Protection of Tree Canopy

#	Comment	# of thumbs up
1	Re-do Tree Survey	
2	Put value on the whole result	
3	Each tree is now based on the survey. (Actual Value)	
4	Would Seattle also need to contribute to the tree fund or replace a tree to	
5	I'm concerned about the tree density in new developments. Is there a minimum requirement for new trees planted when a lot have been	
6	Putting signage on trees that are trying to be saved during construction but could be removed because of damage is a great idea	
7	Concerned about renaming "Exceptional Trees" as "Contingent" since this provides additional leniency on how tree is treated during development. It	
8	Definitely concerned about "mullet" lots! Keep LFP beautiful!	
9	Higher valuation of trees = greater penalties assessed for illegal removals and/or higher "fees-in-lieu" to incentivize replacement + retention over	XXX
10	Would like to see the economic value of timber/trees considered/donated to Tree Fund from trees removed from major developments	
11	Agree-in the example of recent development, developer paid \$17k to drop 60+ trees?! If only a few of those are "lumber" quality, the trees cover the	
12	Require developer to achieve canopy levels in 15 years, not 30 years.	
13	The trees ARE the view.	
14	Five-Year restriction on removal of viable trees after Major Development	
15	Lower Landmark Tree threshold (24" diameter?)	XX
16	Mullet lot- If tree canopy goals are met, I don't see the need to regulate the front yard setback. It could be the only source of sun.	
17	More recognition and support for property owners who are doing a great job	
18	What are the resources that are available from the city and community for	
19	What is the incentive for property owners to manage, nurture, enhance, etc.	
20	Bamboo/Rodies - How do they lend to or count as a canopy? (Greater than	
21	Does replacement of a landmark tree have to occur if you are above tree	
22	Legal Implications - Saying no, and tree falls and causes damage	
23	Heritage Trees should be automatically converted to Exceptional trees	
24	Trees in the right of way belong to the city. (Separate public hearing	
25	Landowner responsible for maintenance, (but can't remove)	
26	What do we do with cases where trees are diseased and the owner can't	
27	Suggestion: Pay into a pool - for a community wide removal of diseased trees	
28	Tie development cost more to true value of trees "iTree" valuation system)	X
29	Check into 156th street - Between 35th + 37th city property	
30	Tree fund - see sticky note [No sticky note was on the same page, but it's most likely typed somewhere on this document/sheet]	
31	Use iTree as standard for tree valuation	
32	Fines for illegal tree removal & excessive limbing	
33	Use 15 years instead of 30 years for canopy coverage goal.	
34	How does the canopy goal for the city get impacted by development? (i.e. if many properties are subdivided, how does the city track the impact?)	

35	Utilize the \$ in the tree fund to offset costs of larger replacement trees --> incentivizing larger replacement trees to jump start canopy coverage	X
36	How does tree fund money used as an offset for planting trees achieve the tree canopy goals overall, and with respect to the parcel?	
37	Provide tools for estimating % tree canopy for lots in LFP (Use Sat. Maps, or	

Comment Board Station 4 - Targeted Flexibility		
#	Comment	# of thumbs up
1	City has to determine compliance - Access, investigation, staff time/\$ to enforce	
2	Make clear what trees need to be identified in a plan (what trees will be in plan?)	
3	Incentives for developers to get to tree canopy % over 15 years rather than 30	
4	Do not allow removal of trees for solar. Balance loss/gain is not in any favor	
5	Agreed [see above] At least need more restrictions. A lot of trees might come down for enough sunlight.	
6	Fee waivers for lots that exceed canopy %	X
7	For exempt trees - is there a replacement process for soil and water issues when they are removed?	
8	After tree removal why should homeowner, who has significantly higher than max canopy on adjoining lots, and doesn't want to replace any more tall trees, have to pay into the tree fund? They are already stewarding and paying for care of a lot of trees. Homeowners with few or no trees should be planting and or paying instead	
9	Solar is great, but this is a sticky thing to regulate. A few solar panels could be an excuse to drop a lot of trees.	
10	[5-year permit] sounds like a good proposal, but with tree inventory. Arborist requirements probably prohibitive for most homeowners. Least costly to file for a permit to remove trees every three years.	
11	No exception for solar - not worth it - trees benefit climate and reduce energy use	
12	Do not allow removal for view, solar panels, etc.	
13	Hooray for lists of invasive species	
14	Average canopy coverage when owner owns two adjacent lots, then separate when	
15	Strongly support the idea to change regulations that would provide incentives to replace trees versus paying a fee	
16	Loved the idea to place signage on "contingency trees."	
17	Seems the tree canopy goals set by the regulations would handle groups or groves of trees, don't see designating them in a manner similar to sensitive areas as	
18	How do we keep owners accountable for replacing trees? Keeping them alive?	
19	There should be a huge penalty for trees taken down without a permit.	

COMMENTS?

NO OBJECTION TO PLANNING COMMISSION CHANGES.

WOULD LIKE TO SEE ADDED: A PROCESS FOR
CITY AND CITIZENS TO WORK TOGETHER TO ^{PRO-ACTIVELY} IDENTIFY

HAZARD TREES THAT COULD FALL AND KNOCK OUT POWER
OR CLOSE ROADS AND HIGHWAYS. A PROCESS WHEREBY

EITHER PROPERTY OWNERS OR THE CITY COULD IDENTIFY

HAZARD TREES FOR REMOVAL, WHICH COULD BE

DONE PRO-ACTIVELY IN ORDER TO EASE THE

ADMINISTRATIVE BURDENS AND COSTS TO THE

AFFECTED PROPERTY OWNERS WHILE IMPROVING

SAFETY FOR THE PUBLIC.

COMMENTS?

other non-native trees

Home owners should have different rules than developers.

Home owners should not have to get a permit or notify the city in any way to remove holly or laurel, and

We have lived in LFP for over 40 years + love trees and have planted many trees on our property.

I would like to eliminate the fees for private home owners. Over the years we have paid lots of money to maintain our trees. We are already taxed for the land. We should not have to pay more money to the city in order to get permission to cut down our own trees! I feel these rules on private homeowners are intrusive! Please give us a little breathing room!

Key:
Black Text = Tree Board Recommendation
Bold Text = Planning Commission Proposed Changes

NAME (Optional) _____

Neighborhood (Optional): Horizon View

Call back? If so, leave your phone number or email, please:

COMMENTS—

- Some great stuff in the proposed tree regulation update, but I want more.
- What about keeping LFP lots large?
- What about the Forest? "Historic forested area" should be something we'll find in LFP leaders from now. Ideally trees AND forested land that the trees are part of are saved.
- Increase the cost to developers please! ^{Illegals} Tree removal should make them feel financial pain - right now they make so much off of the houses they build, I doubt they care very much if they get fined or have to pay.

NAME (Optional):



Neighborhood (Optional):

181st St

Call back? If so, leave your phone number or email, please:



COMMENTS—

Please enact a moratorium on new
development until the update Ordinance is complete

COMMENTS?

- Economic value of lumber goes into tree fund.
- require developers to achieve canopy levels sooner, e.g. 15 years
- eliminate "in-lieu of system" - require actual replacement
- no exception for solar - not worth it - trees benefit climate + reduce energy use
- email notification
- more notification for contingency trees

Key:

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COMMENTS?

Require tree replacement, or financially penalize removals much more, when canopy cover = $< 60\%$ after removal.

Preserve groves

Waive permits + fees for lots w/ significant % canopy ($> 80\%$?)

Do not allow removal for view, solar panels, etc.

Charge any removal of > 3 significant trees valued cost (beauty, CO_2 , birds, shade, etc.) of those trees.

Enforce regulations - fines for removals w/o permit

Key:

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Have concern for 3 landmark existing trees on
3) our property that may be root structure
compromised & damage to new homes being
built

1) Instead of option of paying ^{or} ~~age~~
replacing a tree / removal
if paying for tree is chosen ^{also} require
planting a replacement for 30 year
growth

adjacent property owners

2) Notify personally (mail; email mail)
of proposal to build & tree removal.

COMMENTS?

NAME (Optional):

Neighborhood (Optional):

Call back? If so, leave your phone number or email, please:

COMMENTS—

1 If you want to incentivize keeping tree canopy then you should reward people keeping the canopy rather than discussing a penalty. Make it an incentive like a reduction in property taxes. If someone has 10% over what is required then reduce property taxes for them by 5%. 20% over gets them a 10% reduction and so on every year. A long term reward system works better than paying a one time penalty.

NAME (Optional):



Neighborhood (Optional):

LFP

Call back? If so, leave your phone number or email, please:

COMMENTS—

LFPWD is currently designating a "critical aquifer recharge area" "CARA" north of McKinna creek into Brier - it is in the current comp plan for LFPWD - what efforts are the city-planning commission using to delineate this as a sensitive area? This should be a part of any tree regulation - protection of the CARA.

NAME (Optional): _____

Neighborhood (Optional): _____

Call back? If so, leave your phone number or email, please:

COMMENTS—

*delimitate aquifer critical recharge area
+ treat as sensitive area in
tree ordinance, development, etc.*

COMMENTS?

- Hooray for lists of invasive species
- Particularly good to simplify/permit process to get ^(increase) participation
- Thank you for ending the "Tree Topping" w/ utilities (that drove me nuts!)
- Making guidelines **CLEAR** (er) will help!

Key:

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Blue Text = Planning Commission Proposed Changes

NAME (Optional): _____

Neighborhood (Optional): _____

Call back? If so, leave your phone number or email, please:

COMMENTS—

This was clearly designed for you to explain away your bad decisions while not allowing the people a forum to be heard and backed up by others in the audience. Divide and conquer. It worked! Shame on all of you!

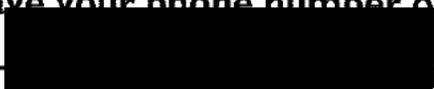
NAME (Optional):



Neighborhood (Optional):

151 25

Call back? If so, leave your phone number or email, please:



COMMENTS—

Education: Require all new property owners to be given free ordinance Fact Sheet by Realtors before purchase

COMMENTS?

KEEP THE FOREST IN
LAKE FOREST PARK.

TOO BAD NO ^{OPEN} CONVERSATION
WAS ALLOWED TONIGHT. WHY NOT?

\$300 A TREE ??!! REALLY?

AND THE TREE FUND IS LAME,
VAGUE + B.MCKE + MIRRORS.

Key:

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NAME (Optional), _____

Neighborhood (Optional): 181st St

Call back? If so, leave your phone number or email, please:

COMMENTS—

Make the Fee in Lieu much
more expensive, and limit the number of
Fee-in-lieu fees per development

NAME (Optional): _____

Neighborhood (Optional): _____

Call back? If so, leave your phone number or email, please:

COMMENTS—

delimitate aquifer critical recharge area
& treat as sensitive area in
tree ordinance, development, etc.

NAME (Optional):



Neighborhood (Optional):

LFP

Call back? If so, leave your phone number or email, please:

COMMENTS—

LFPWD is currently designating a critical groundwater recharge area "CARA" north of McKinna creek into Briar - it is in the current comp plan for LFPWD - what efforts are the city-planning commission using to delineate this as a sensitive area? This should be a part of any tree regulation - protection of the CARA.

NAME (Optional): _____

Neighborhood (Optional): _____

Call back? If so, leave your phone number or email, please:

COMMENTS—

You need to put a higher value on groves
of trees - harder to replace.

NAME (Optional): _____

Neighborhood (Optional): _____

Call back? If so, leave your phone number or email, please:

COMMENTS—

You need to slow down permitting
while tree ordinances are being reviewed to
prevent a rush of applications

LFP City Council & Planning Commission:

Thank you for the opportunity to give input on the latest proposals for tree canopy sustainability.

I support closing the loopholes for new development, especially in tracts for multi-family dwellings.

And, I appreciate the attempts to provide flexibility for certain types of trees and properties.

Many of the comments I've been reading, particularly on the NextDoor site, seem particularly focused on old Lake Forest Park large lots. It is indeed wonderful to live in an area with claim to fame as a Tree City.

That said, a large percentage of residents do not live on large lots. Our properties were not even part of Lake Forest Park when we purchased them. They consist mainly of 1/4 acre lots with houses close together, maybe sidewalks, or maybe not, with density that makes tight tree canopy more problematic than on the old LFP large lots. Many of the trees were planted in the late 30s and early 40s when the neighborhoods were less dense, but over time have become completely built out, urban, structured, and the trees are now very close to houses and have outgrown their spaces.

Several suggestions/questions:

1. I encourage more flexibility, especially in re-planting requirements, where large trees will continue to disrupt driveways, sewer lines and other structures.
2. I also encourage flexibility in canopy percentage factoring where the resident owns two or more adjoining lots, considers them and uses them as one property even though the house may only be on one of those 1/4 acre lots. Why can't the canopy of the two lots be averaged as long as that homeowner owns and stewards the canopy as one personal "backyard"? If and when the property is sold, and if it is divided rather than continuing as one "yard", the single lot canopy could be re-calculated.
3. I've read the definitions and understand the reasons for trees and good canopy coverage, but I do not understand why other 12, 15, even 20 foot high vegetation such as rhododendrons and camellias can not count for canopy. They have wide branch & leaf spread, sturdy trunks, and are usually evergreen, providing benefit all year.
4. In the past, homeowners have been told they are responsible for maintaining parking strips in front of their homes, even though that land is City right-of way. The proposed ordinance says the homeowner may not trim any street trees, often trees in those parking strips, without supervision of City Public Works staff. Does this mean just tall trees that need professional trimming? Or does this also mean any smaller tree or vegetation in the right-of way?

Final thoughts, for the moment. While I am aware of a few people taking advantage of loopholes, or just cutting trees seemingly without regard for tree benefit, I believe most people are thoughtful and appreciative of what we have in Lake Forest Park and will follow tree guidelines without the extreme oversight and regulation of residential private property by the City and the threat of onerous, punitive penalties as outlined in these new proposals.

Thank you for listening.



Additional Planning Commission Recommendations

- Replacement requirements can be waived when tree removal is necessary for the installation of solar panels or other alternative energy. Copy of contract or receipt for system required in order to receive this exemption (Station Four)
- Allow for removal of Nuisance Trees in sensitive area buffers if criteria is met (Station Four) - what is the definition of "nuisance"?
- Do not allow utilities to top trees

COMMENTS?

- It's not "just" about trees. "Fee in lieu" does not take into account wildlife and ecosystem impact. Replanting a huge tree that provided homes and food for countless species with a tiny stick is not acceptable.
- Smaller homes tucked into the forest are being replaced with huge McMansions (see the corner of 178th + 37th across from Animal Acres) that stick out like a sore thumb, not blend in per LFP's original charter.
- It's not about \$\$\$ for the community. Developers don't care about trees. We, LFP, are NOT obligated to sell "buildable" lots. Our infrastructure cannot handle more density, and why can't we keep some lots "unbuilt"?

Key:

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Blue Text = Planning Commission Proposed Changes

Comments

1. If too many trees ~~are~~ are to be removed in order to build, then don't build. The current situation is backwards — the trees get removed. That favors developers. Developers don't live here. They don't care about wildlife killed/displaced or ecosystem impact, and "fees in lieu" aren't painful enough to make them reconsider. It's simple: if too many trees have to be removed, the lot can't be developed. Developers will always find another lot. We do not need to favor them.
2. Streamline the permitting process: how does this "help the community"? That kept being mentioned but it only helps the city govt. and the developers. "The community" doesn't want it to be easier for developers.
3. "Fee-in-lieu" needs to be painful enough (the Giant Sequoia is a perfect example) so tree removal ceases to become as easy as it is now.
4. No to "no tree removal for 5 years". In 5 years, what trees can be removed? Viable trees? No. No viable trees can be removed regardless of years. There are more places without trees than with them, so people who don't want trees need to live there — Newcastle, Bellevue, Renton, Ballard, Lynnwood, Everett, West Seattle, etc. etc.

Suggested Changes and Comments to the proposed changes to Chapter 16.14 from

Black type = current context

Red type = Suggested Changes

Blue Type = Questions or comments

16.14.030 Definations:

Page 3:

"Five Year Forest Management Plan" means a plan for tree removal, tree planting, tree maintenance and forest enhancement over the course of five years.

The Five Year Forest Management Plan shall meet the Canopy Coverage Goals of this Ordinance. A Five Year Forest Management Plan cannot be associated with Major Development Activity.

Question: What insures completion of the Five Year Forest Management Plan? Should the 5 year plan be bonded?

Page 5:

"Target" or "Risk Target" means people, **structures (vs.property)**, or activities that could be injured, damaged, or disrupted by a tree. **Not applicable to trees within a sensitive area or its buffers which requires review by the Planning Director.**

Page 6:

"Tree Risk Manager" – What is the purpose of the last sentence in this paragraph? "Tree Risk Manager is assumed to be the property owner except in the cases of permit denial" This last sentence does not appear to be compatible with the previous part of the paragraph.

"Wildlife Habitat Tree" last sentence — The actual wildlife habitat tree height must consider the surrounding targets **that are outside of sensitive areas or their buffers or structures that are grandfathered within sensitive areas and their buffers.**

16.14.050 Tree Removal Criteria.

Page 9:

B. 2. The removal of Dead Trees does not require a permit, provided that the person undertaking such an action obtains Administrator approval prior to removal. **Dead trees located in riparian sensitive areas and their buffers should not be removed.** Dead trees located in steep slope or landslide hazard area or its buffers etc....

C. 2. Nuisance Trees within sensitive areas or their buffers may be removed if their targets are grandfathered structures or pathways.

16.14.070 Standards for permit approval

Page 11

An applicant for a tree removal permit must submit a tree plan that complies with this section prior to permit issuance. This tree plan (and replacement plan if required by the provisions below or by LFPMC 16.14.080) shall be reviewed and approved by the Administrator and, in cases which require arborist review, by the City's Qualified Tree Professional. **(should be a paragraph change here as below)**

A. Tree Removals and Canopy Assessment. A tree removal and replacement permit not associated with Major Development Activity or Minor Development **may** be approved based on the following:

Page 14

C.6 To insure that the City is compensated for the requirements of this paragraph the expense amount should be deposited with the city prior to permit issuance. Perhaps a bond similar to the bond requirements of 16.14.080, C. 12 on page 17.

16.14.080 Tree retention and replacement standards

Page 17

D. 2 Fee in Lieu. The Administrator may wave all or a portion of the tree tract requirement, provided that the applicant pay an amount into the City Tree Account equal to the valuation to tree that would provide full canopy coverage to the tract. An appraisal of the trees' value by the City's Qualified Tree Professional shall determine this amount, using the current edition of the International Society of Arboriculture's Guide for Plant Appraisal.

The issue here is that the Guide lists two basic methods, the REPLACEMENT COST METHOD and the TRUNK FORMULA METHOD. This ordinance should specify the TRUNK FORMULA METHOD. The Trunk Formula Method should also be used in any event where penalties are formulated for non-compliance with either this ordinance or the Sensitive Area Ordinance.

Purdue University has an excellent document explaining the ISAG's appraisal methods. mdc.itap.purdue.edu

Tree Appraisal

Price \$0.00/ Each Shipping & Handling

[Free Download](#)

Description This publication provides an explanation of the tree appraisal process, and the methods and considerations appraisers use when they assign a value to trees. Species, location and condition rating tables are included to assist in the valuation process for landscape trees. This publication replaces *Landscape Tree Appraisal (HO-201-W)*.

Produced 9/27/2012
Last Review Date - 9/1/2015

Author(s) Lindsey Purcell



Product Code FNR-473-W

Page 34

Add New Section

16.14.13? Requirements for Real Estate firms doing business of selling property in the City of Lake Forest Park

A. Add a requirement that places an obligation on Real Estate firms assisting in the purchase of property in Lake Forest Park that they notify and supply to the purchaser of property in Lake Forest Park the most current version of the Tree Canopy Preservation and Enhancement Act.

Logic for this addition. Purchasers of property in LFP that are in areas that have covenants that supersede city ordinances are informed of these covenants before purchase. The same should apply to our somewhat unique tree ordinance. The livability, character and desirability of being a resident of LFP is enhanced by our community forest. If a prospective purchaser of property in LFP desires open, non-treed landscapes then perhaps that purchaser should look elsewhere rather than attempt to change our community environment and values.

My husband and I were at the meeting. We have been LFP residents for 38yrs. We support the proposal to streamline the permitting process.

We do NOT support a five-year restriction on removal of viable trees for new single-family, multi-family, and commercial construction. A two-year restriction is certainly adequate.

Requiring a double canopy replacement for a landmark tree is absurd! In just a few years the property owner will likely have to remove one to ensure the health of the other.

Making a resident wait 3yrs. to remove another tree, if two have been removed, is ridiculous.

Believe it or not, but some of us would like to see the sun!

Charging a resident \$300 if they don't replant a tree to replace one they removed, is highway robbery. A \$200 fee is more than enough.

We don't need other resident's telling us how to run our lives, and how many trees we must have on our property.

Why don't you spend more time evaluating the work performed by tree service companies hired to remove branches of trees that encroach on power lines. We end up with bare tree's above power lines, and overgrown branches that encroach on the street, below the power lines. In addition, they look awful.

Lake Forest Park has become so restrictive and over regulated when it comes to tree removal. Tree service companies seem to charge a minimum \$1,000.00 if they remove a tree. Do you think we like paying that amount? NO! So don't make it worse by adding exorbitant costs to an already expensive project.

It is NOT a conspiracy by resident's. We want existing trees to be safe trees. We want to be able to remove some trees that have become too big over the years. They can pose a safety hazard to the resident's of the property, and their neighbor's.



Steve, Ande, Jake -

I thought last night's meeting was great! Thanks to you and the Planning Commission for the meeting and all the work that's been done on moving ahead with tree ordinance updates. The people I spoke with who follow these matters were impressed, as I was, with the quality of the proposed changes - those in the PC's draft, and those that are still emerging from the Planning Dept. (And BTW, I would encourage you to include those additional ideas you deem appropriate into the proposal that goes to the council.) I think some of the new language being proposed will give the Department and city arborist a much firmer basis for decisions to save more of the trees we want to save.

One comment several people made to me was that the method for determining tree value, eg, when "in lieu of" contributions are made to the tree fund, doesn't acknowledge the true economic value of trees. I may be wrong, but I think the i-tree program that Mike uses in establishing tree value is more inclusive than the International Society of Arboriculture standards. I wonder if any reliable, accepted method for true tree value is emerging. Earth Economics, located here in Seattle has done a lot of work in establishing true value for a number of environmental factors.

Thanks again,



Hello,

I am writing to include some comments I had at the presentation last week on the new city tree ordinance:

- I agree with the suggestion that there should be clear signs on or around large trees that are planned to be removed.
- I agree that there should be longer advanced notice before trees are removed.
- I agree with the suggestion to improve protection for historic or continuous sections of forest. Similarly, I would suggest that replanting efforts should be focused in the same way to create continuous forest in the future.
- I support the idea of having tree permit applications listed online.
- I would like the record of how tree fund money is spent to be transparent and easily accessible (hopefully online).
- I think there should be a better way to evaluate the economic value of a tree rather than just canopy coverage. This is a poor way to assess a tree's overall significance to the environment and the community. I talked with the arborist and heard him mention some other metrics that can be used.
- I would like the money that the city receives from tree permit applications to go into the tree fund as well (even if it means higher taxes to fill that void in income)
- I think it should be much harder for developers to pay off to cut down an area. This will leave us with some very bare plots of land, and I don't think the money paid into the city tree fund is as important as the trees that were already standing. The number of trees cut down in our city shouldn't just be based on the economy, because there will always be people willing to pay small fees like the ones we have now.
- I think few people are sympathetic to the infrastructure needs of a developer determining how many trees can be removed on a property, if a site is not suitable and would require drastic changes to the landscape or removal of almost all trees then that land should not be developed.

Finally, I would just like to voice support for any plans by the city to buy the 5 acre woods, as I haven't heard how that action was playing out.

Thank you for giving the community a chance to have input on these issues,



Thank you for holding an Open House on the Tree Ordinance Update. Here are my comments/observations:

- 1) Thank you to Ande for creating the special presentation showing some recent real world issues that have come up and ideas for additions to the Tree Ordinance. I support adding these into the current update process.
- 2) Thank you to Jake for keeping the meeting on track when it threatened to go off the rails. And thanks to all for efficiently organizing the presentation and discussion into topic areas. The main thing that would be nice is a way for all of us to “hear” you reflect back to us in summary form what was said/written during the Open House.
- 3) After reading through the proposed updates, I felt they seemed on target and useful, so I would support those as well.
- 4) I heard some comments that tree regulations should be relaxed for solar energy generation. NO! This is a zero sum game to me. Cut down a natural (Free!) ecological service in order to put in renewable energy. Probably any gain from the renewable is lost when you no longer have the shade, habitat, and hydrological services of the tree. If you want to have solar, MOVE to a property that is suitable.
- 5) I would like to see the City Arborist partner with an educational group to help prepare some sort of informational presentation/podcast along the lines of “Living with Trees”. That is, try to educate people on how they can have large trees but reduce the chances of property damage - i.e. removing ivy, proper maintenance, etc. so that they can have other solutions/reactions to large trees than just fear and the desire to remove them.

Possible Tree Ordinance Additions:

- 1) One part of Ande’s presentation that didn’t come through clearly for me was the discussion on Contingency Trees, so I may be off-base in this suggestion. However, it sounded like the development process in and of itself can cause enough damage that a tree that is initially slated to be saved is ultimately killed and cut down. So could the Tree Ordinance include having developers pay into an escrow account an amount based on the value of the tree that is kept there X years. If tree survives, they get money back. If tree dies, money goes to tree fund.
- 2) Also, several people have mentioned how clear cut type tree removals on neighboring properties have ultimately caused issues for the trees on their property resulting in wind throws or expensive tree maintenance. Perhaps again the Tree Ordinance could include some sort of contingency plan/escrow account for addressing this problem.
- 3) Trees that may seem like they are part of a property but are actually in the street ROW should be managed by the city. The city should be able to deny their removal EVEN if this prevents a person from doing what they want on land they own, just the same as any other neighboring land owner could do if the same person requested tree removal on their land.

Thank you for the opportunity to provide input, [REDACTED]

My name is [REDACTED] I have been a citizen of Lake Forest Park for 18 years. I love my street (187th Place off 45th Pl. NE), because it feels rural. I live two houses away from the current Pacific Ridge project. I attended Planning Commission informational meeting on July 26, and was prompted to make the following comments and suggestions.

My main concern is that, despite City Hall having carefully followed the current Tree Canopy Code, and negotiated in good faith with developers, the nearby residents are upset and angry. Why? Because until now we experienced house builders who have carefully tucked away single houses on existing lots, while altering the lot as little as possible. I don't know what has changed to allow this. Now suddenly two forested areas have been entirely clear cut. The sight, sound, and ground shaking caused by those huge trees falling were unnerving. There is a huge difference in the approach to developing these new projects. Instead of watching a lovely new home being raised in the midst of out forest, we see lots cleared and prepared as they would be in any other relatively unregulated area. I thought LFP was different. Where are our safeguards?

- 1) Protect the forested ambience of neighborhood. In my neighborhood we enjoy walking along tree-lined streets. We enjoy the "borrowed" view of trees on neighboring lots. We live here because we want to live in a forest. The current practice of leaving a buffer along a property line on the side, or in the back of a lot does not preserve the feeling of living in a forest. We need trees left along the streets, and in the front of lots as well to protect the forested atmosphere of the area.
- 2) Consider reassessing how trees are protected. Protect groups or groves rather than single trees. Leaving a single tree standing alone is not a good practice Removal of all trees around a single, "exceptional" tree can make it dangerous—subject to wind damage when no longer protected by the mixed grove.
- 3) Thoughts on the "in Lieu of" option.
Eliminate this option and require the full canopy (58%/39%/28%) to be retained or replaced. If developers are able to get around the intent of the law by paying a fee to clear cut, then the law needs to be fixed so that does not happen.

Or allow this option only for permits for single lots with existing homes, or for only a small percentage of trees on lot (such as directly in spot where house is to be built).

Consider separate "in Lieu of" fees and other fees for lots with existing homes, and commercial developers who stand to make a profit. The commercial value of large trees is much more than \$300. I am sure that developers are turning around and reselling the logs. Log prices: Doug fir: \$500, cedar \$1200, alder \$600 (I just did some quick research on this. This is ballpark information—and averaged. Some sellers get much more per tree.

- 4) Also consider separate permit fee schedules for individual home owners in existing homes. I'm sure the Arborist's time for such permits is less than 2 hours. The existing fees seem steep for many home owners, but a pittance for developers. Many people are annoyed with having to pay such fees to get permission to remove sickly, dangerous trees, or trees that have simply grown too large for the location. While the fees don't seem to deter developers from clear-cutting entire lots.
- 5) I don't like the "contingency" tree idea. Builders should be required to save the tree, not bulldoze the lot, build the house and see whether it survives.
- 6) Lastly, I want to emphasize the requirement that permits to be posted where they can be read from the Street. (Perhaps the type could be bigger so that I can read it without my glasses). I never saw the permit for either the Staunton Cove, or the Pacific Ridge sites. During the destruction, I walked over to take a look. I had to climb over blackberry vines and other shrubbery to get close enough to read the one at Pacific Ridge.

Thank you for the opportunity to review the tree ordinance. The tree canopy here in LFP is a valuable asset, and as our regional climate continues to warm, its value in keeping our city several degrees cooler than neighboring communities will serve to make LFP an attractive place to live and help to maintain property values.

As it stands I believe the current proposed enforcement provisions are inadequate to protect the tree canopy.

After reviewing materials and doing some research it is apparent the proposal to use the International Society of Arboriculture's Guide for Plant Appraisal would significantly undervalue our tree canopy and give a green light for developers and unscrupulous individuals to remove trees.

I would strongly encourage the tree board to use a more rigorous and scientifically driven method of assessing the value of trees, specifically the i-Tree analysis program. i-Tree is a state-of-the-art, peer-reviewed software suite from the USDA Forest Service that provides urban and rural forestry analysis and benefits assessment tools. This program evaluates the full value of large, healthy mature trees over time and takes into account the following:

- Pollution Removal
- Carbon Storage
- Carbon Sequestration
- Oxygen Production
- Avoided Runoff
- Building Energy Savings

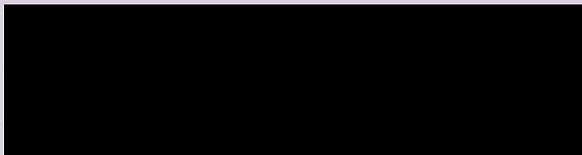
- Overall Structural Value

A recent analysis by i-Tree of the "5 Acre Woods 40th Pl NE" should serve as a reasonable example. The 798 trees on this property were assessed to have a Structural Value of \$836,000. Compare this to the \$1,300 fee that was paid recently for the clearcut removal of 79 healthy trees by a local developer. Even a ballpark estimate of comparative values shows the city grossly undervalued these trees and failed to collect funds by something approaching 800%.

This recent development further stresses the need for the tree board to eliminate opportunities for developers or individuals to be able to take down healthy trees by paying a nominal fee or penalty in lieu of adhering to the rules designed to preserve our tree canopy.

In frustration, many in the community have suggested it is going to be necessary to take developers and city administrators to court in order to make progress on this issue. I remain however optimistic a practical solution can be agreed upon.

Sincerely,



Ande,

I have read through everything available on the City website regarding the new tree ordinance and respectfully offer the following comments.

1. Currently Section 16.14.080 B mentions that a "Tree Tract" be established for short plat, etc. However it is unclear if the area within the "Tract" is able to be used for lot area or not. A "Tract" is not defined in the municipal code that I can find but in other jurisdictions it is usually a separate unit of land that is non-buildable, like a wetland or steep slope area. See Section 600.042.5 of the King County Code. We discussed this during the Schoening Short Plat and ended up with an easement line area that was included in the Lot area. I ask that this be clarified in the code. Note that in the Definitions for Protected Tree it appears that trees may be protected by "easement, tract, or covenant restriction. Perhaps the easement and covenant language can be added to Section 16.14.080B in order to make the subdivision process more flexible.
2. There is no minimum size (shape) of the Tree Tract but only a minimum (5%) area that needs to be considered. There is not much clarity as to what can be done within a Tree Tract, like driveways, drainage swales or infiltration pits, utility trenches and such. All of which should be able to co-exist with trees and their canopy. I am aware of a site where I could have designated a 2' wide Tree Tract around the perimeter which would have more than equaled the minimum area but would not have been practical or effective as far as protection is concerned.
3. I am concerned that under the new ordinance being considered a lot of responsibility is being put on a contract employee being the Arborist. Unless this professional is under long term contract or is an employee of the City it will be difficult to be consistent from year to year. In addition, I do not see where the decision of the City Arborist is appealable or can be challenged. I would like provisions to do so included in the ordinance.
4. Currently I don't think that one can count trees that are adjacent to a property that lie within the City right-of-way. I would like this to be changed as lot owners gain benefit but also harbor responsibility for maintenance of these trees.

Thank you for your time and consideration.

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I noticed on the Tree List that there are a couple of trees that are listed on the King County Noxious Weed List as "Weeds of Concern", not classified as noxious but species that impact and degrade native plant and animal habitat. Control is recommended where possible and new plantings are discouraged. These are the Black Locust (*Robinia pseudoacacia*) and the Mountain Ash (*Sorbus aucuparia*). I think these should be removed from the Tree List.

Thank you.

██████████

Sent from my iPad

Dear Planning Commission,

We live very close to to the Pacific Ridge development. There was no environmental mitigation for the total destruction of the habitat for the building of 5 residential homes. You make us have environmental responsibility for the trees we care for but allow developers to come in and completely eradicate habitat. Birds and small mammals have been displace into surrounding yards. The people who will move into the homes their environmental obligation will be nothing compared to those of us who have big treed properties.

There are a lot of developments taking place right now because of the changes happening to the tree ordinance. I request that you halt all applications until the tree ordinance is in place. Otherwise there will be no trees left.

I also request that some compensation be in place for the filtration of water and air that the harvested trees provide. There must be a plan for landscaping to replace the lost trees. The value of the habitat the trees provide is far too low. Pacific Ridge paid 17,000 for 79 trees. This is robbery of our environment and our future environment for our children.

Please force developers to have a mitigation plan for their development actions. I insist that clear cutting practices not be allowed.

Sincerely,

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Here is our feedback for the tree ordinance.

1. Recognize the tree culture of Lake Forest Park and preserve this culture with the best of intentions. Rules can always be bent or manipulated so it is important to have the staff person know the intent of LFP citizens for their community so our tree culture can be preserved.

2. No Tract housing like the Pacific Homes company where there is clearcutting and cement everywhere : "**Tract housing**, also known colloquially in the United States and Canada as cookie-cutter **housing**, is a type of **housing** development in which multiple similar homes are built on a **tract** of land which is subdivided into individual small lots. "

3. Instead of Big commercial building companies allow single builders preferably ones who live in Lake Forest park who actually care about what is built and care about preserving the trees

4. Do not allow only one tree left standing and think the is a victory. Establish how many trees are needed to allow the trees to protect each other and make that the rule

5. Establish for LFP as they do in Germany where each town has its forest. If we are going to build more have us start to preserve large acreage of forest for the wildlife as well as our air, water and citizenry.

6. **Bigger - a lot bigger** monetary penalties for cutting trees and /or damaging trees. The money should go directly to a project like the Stewardship has started that preserves 5 Acre woods. Not for any other reason than to preserve our tree canopy. Ideally, one big forest- not a bunch of tiny forests all over. With the money from the cutting of trees from builders, make the 5 acre woods into the 100 acres woods. This would then sustain our community.

Also, a neighbor who is on a fixed income wanted me to say- it is expensive to upkeep her trees. She said, when the new people come and they have cut all of their trees down- it is just not fair. Maybe there should be a tree tax. If you have X number of trees on your land, you do not have to pay the tax. If you do not, then you pay a tax the helps support the up keep of trees on other people's land— or that goes to the 100 acres woods.

7. For every person, I read there should be at least 7-8 trees for clean air. If a builder is going to clear out a bunch of trees for their houses- they must have X- amount of trees (for the size of the house) in a collective forest for their tract housing.

8. Keep the Tree Board going. Make its power equal to the planning committee

9. Make a paid staff person position to work with the arborist for the purpose of up-holding the tree and environmental culture of LFP.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Lake Forrest Park Planning Commission/Planning department,

I am writing with regard to the proposed changes to the city Tree Ordinance. I appreciate the work and effort that has been put forth to draft this proposal, however I would like to suggest several changes for consideration to the proposed ordinance.

1. The fee in –lieu option as currently proposed seems to vastly undervalue the worth of the trees in our city. I believe we should write the ordinance to place a premium on the value of trees in this area since they are in part a reason why many of us moved here in the first place. Historically our city was originally conceived and planned with the upmost consideration for natural resources. It is because of that reverence for nature and preservation efforts of previous inhabitants that many of us were drawn to this unique area. The proposed fee of \$300.00 per 1000ft of canopy would not encourage builders to design their plans with tree conservation in mind. Indeed, it would be much easier to write a check and clear-cut a lot than to preserve trees under this proposed ordinance. I understand that due to growth management requirements we will have to increase density but we should have control on how this is achieved. Our fees for cutting down trees by developers should come a cost more in line with the I-tree valuation that considers the functional value that trees contribute to our area in terms of wildlife, storm water retention, carbon sequestration, heat mitigation, sound buffering and so much more. We should place a premium value on our urban forest and discourage the type of development that will eliminate what makes Lake Forest Park an oasis of green. If developers remove significant trees, they should pay a fee and plant replacements so we maintain our forest. In addition large-scale cutting should be limited to seasons in which impact to wildlife is minimized and not during nesting season. I urge you to do everything in your power to discourage the destruction of our forests and maintain this resource for future generations.

2. I have heard there is an uptick in the request for permits as developers attempt to get approvals before the rules change. If this is so, I would urge you to place a moratorium on tree permit approval to prevent large-scale alteration of our city.

3. I would like the tree fund to be available for saving large tracts of contiguous urban forest, such as the 5-Acre Woods, so that our last remaining tracts of mature forest can be maintained. We have an opportunity to conserve this area as a natural area and possible park.

4. I am concerned about the tree tract provision does not provide enough guidance. There are no requirements around the size of the tract only a percentage. For maintaining forest, the spatial arrangement should be considered and not just a percentage, otherwise they might not create an effective buffer zone.

5. How does the city choose a qualified arborist and does the public have input to how this person is selected or at least the in the selection criteria?

6. How will enforcement of the tree ordinance be maintained? Is ongoing funding for enforcement and some kind of allowance for rapid response or work stoppages incorporated in the city budget and staffing? Enforcement will be a key element to carrying out the intent of the tree ordinance. It won't matter what is written in the ordinance if it can't be enforced.

The landscape of my immediate neighborhood has been radically altered and will not be replaced in my lifetime. My hope is you will listen to the people who were drawn here because of our forest and put some provisions in our tree ordinance that have some ability to maintain our way of life for now and for future generations.

Thank you for your consideration,

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

Hello. I would like to share a few recommendations I would like to go on record to be considered for inclusion in the Committee's proposed Tree Ordinance Revision.

1- I would like to request a MORATORIUM on any/all new permits for lots to be developed until the new Ordinance is approved

2- I would like to request that the Ordinance ask for higher valuation of trees (use iTree), and make it a dis-incentive to remove trees

3- I feel strongly that the ordinance should require developers to pay a much higher fee for any tree removals, and that any trees removed remain the property of the City of LFP so that the city would receive reimbursement for the lumber generated from said removal.

4- That developers be required to plant new native trees in ADDITION to the removal fee when they are requesting the removal of trees for development or pay the city additional fees to cover the loss of canopy.

4- I would like the Ordinance to look at mitigating wildlife disturbance when trees are cut. For example, trees, when allowed, could be cut in fall or winter, when no more nesting is happening.

5- I would like to see a tax rebate or reduction instituted for homeowners who meet a certain level of carbon neutral status due to their tree population. Maybe start with senior citizen population??

Thank you for all of your efforts to gather citizen input for this revised ordinance and for your hard work to truly do what is right for this special place we call LFP. I hope we can continue to live up to the name of our great city.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPad

Dear City of Lake Forest Park,

My family moved to Lake Forest Park about two years ago, and our biggest motivation was the trees. Lake FOREST Park. We found a city that values trees as much as we do! We love them so much, in fact, that we bought a whole acre of them. There were problems, of course: the previous owners of our house & property had deferred maintenance for many years, and we found ourselves having to cut down 16 of our trees due to a raging root rot and various other tree diseases. We worked closely with Mike Woodbury and our arborist, we went through all the proper hoops and fees that the city requires, saved as many of the trees as we could, and spent a small fortune doing it. We have two sons who attend Lake Forest Park Elementary and our forest is their playground.

Imagine our dismay when the lot down the street from us on 40th Place was CLEAR CUT. One single tree was saved out of a one acre forest. ONE TREE. I spoke with Mike Woodbury the other day and he said that many of the trees that were bulldozed were still in good health. The 'shady side of the street' no longer has a single tree to line it on that block. Apparently the developers who plan to put 4 houses on the lot did not have to save their trees. They just paid \$17,000 and sold the logs. What about the people who live in LFP who appreciated those trees? They provided shade and oxygen. What about the wildlife that was displaced? During the clear cutting process, I witnessed countless birds screeching and diving into the fallen canopies, looking for their homes amid the destruction. I happen to know that there was at least one Cooper's Hawk nest in that forest, because we regularly heard the juveniles calling for food through the trees.

Our neighbors agree that the clear cutting is tragic. We understand progress, but we do not understand the abandonment of canopy regulations by the city. If this kind of permitted deforestation continues, Lake Forest Park will need to change it's name.

I am writing today because I want my voice heard on the Tree Ordinance proposal. I want the city to understand that the people who LIVE in LFP (not the developers), treasure the trees, the creeks, and the wildlife. That's why we move here and why generations of families stay here. Here are my thoughts:

1. The 'fee in lieu' of saving a tree is not an adequate deterrent for developers. Any development should include the planting of new native trees when old trees are removed. Our city's ecosystem REQUIRES it.
2. Trees are worth more than their wood. They provide oxygen, shade, environmental habitats, and they cool our community! I'm sure you know that LFP is 3 degrees cooler than our neighboring towns, and it's because of the trees. The iTree valuation system for trees is imperative.
3. Developers who rape the land should be required to pay into a fund that will support the LFP ecosystem. Perhaps, just as we citizens pay permit fees that correspond to the cost of our home projects, developers should pay a percentage of their profits towards preserving our existing forests and wetlands which their developments threaten.
4. Wildlife habitat destruction needs to be addressed. How many baby birds were killed when those towering trees fell? Was there an eagles nest in that forest? There used to be a family of coyote that lived on the lot... We need them more than ever to control the exploding rabbit, rat, and mountain beaver populations. The ecosystem will not work if it is destroyed.

Please help save the city we love. I am begging you to make changes for the sake of your citizens. Thank you for your time and consideration.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

The book on Planning the Urban Forest: Ecology, Economy and Community Development has a very pertinent section entitled "Opportunities for Urban Forestry Programs" which states in part:

If Challenges exist in communicating fully the value and benefits of urban forests, built-in opportunities for advancing urban forestry in the context of existing community responsibilities also exist. For instance, some of them may be mandated by federal or state laws and programs. Since trees produce demonstrable benefits in reducing storm water runoff, these measurable benefits can also be tied to federal environmental requirements for managing storm water. Since trees help filter air pollution, communities can use the Clean Air Act as an incentive for enhancing their urban forest and achieving air quality compliance. Mayors across the country have signed on to the U.S. Conference of Mayors Climate Protection Agreement and are looking for best management practices to incorporate into their cities. Since the urban forest provides vital habitat for local wildlife, an urban forestry program may facilitate compliance with the Endangered Species Act. Because urban forests can help buildings use less energy, they indirectly help reduce carbon emissions from power plants. Even where mandates do not exist, better management of the urban forest may facilitate access to grants and other incentives from the state or federal governments. In some cases, piggybacking urban forestry concerns on mandated environmental responsibilities, including storm water management may make compliance more attractive because of the clear and popular aesthetic benefit of trees.

The article goes on to state that:

Once the objective is clear - in this case, the desire for urban forestry to succeed in its mission - one well established mechanism is to audit local plans and regulations to determine their impact on the resource. What, for instance, has been the outcome of existing subdivision regulations regarding open space dedication and tree planting in rights of way? Do existing tree ordinances that mandate tree canopy goals actually help meet federal clean air and water regulations or comprehensive plan goals? A thorough audit by an outside consultant may be able to determine where existing plans and regulations work against urban forestry, where regulations have failed and what tools are needed for better spatial and environmental analysis.

I think we have an opportunity here to look beyond just "amending the city's tree planting policy" and to implement a forward thinking urban forestry plan. We may not be able to have it in place by the end of the year, but I think it is worth the time to put a plan like this in place.

Thank you.

██████████

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City of Lake Forest Park
Planning Commission
c/o Jake Tracy, Assistant Planner

via email

Monday, August 8, 2016

RE: Tree Canopy Preservation and Enhancement

The Board of the Lake Forest Park Stewardship Foundation would like to heartily thank the Mayor and City Council for their leadership in prioritizing the update of the City of Lake Forest Park's tree ordinance. Special thanks go to the Planning Department and the Environmental Quality Commission, and most especially to the Tree Board, for the countless volunteer hours they have devoted to developing a tree ordinance that accurately reflects the goals and wishes of our citizenry.

Well-articulated in our Legacy 100-Year Vision, the City's Green Infrastructure is necessary for the community's well-being. In the process of developing the 100-Year Vision, citizens repeatedly identified preserving tree canopy and enhancing tree cover as a top priority. The Legacy Vision specifies protecting water through natural drainage facilities (trees and wetlands), protecting habitat through preserving existing trees and restoring the integrity of existing forests, and concentrating growth so that large contiguous areas of canopy are preserved. The trees of Lake Forest Park define our city. As is often said, trees are our middle name.

The City has articulated specific goals to:

- Preserve, restore, and enhance a healthy and diverse community forest
- Maintain and improve wildlife habitat
- Support actions to improve air quality
- Be a role model in addressing climate change
- Promote effective storm and surface water management
- Promote, support, and facilitate human coexistence with urban wildlife
- Protect environmentally sensitive areas, wildlife habitats, and wooded areas to provide relief from urban development.

To do this, we need our trees.

As we update our tree ordinance, it is imperative that we keep in mind the wishes of our citizens, well demonstrated by the large numbers of citizens participating in public forums, and the passionate testimony they have made for strong regulations on tree removal. Our citizens overwhelmingly support forward-thinking and even aggressive urban forestry management. The new ordinance must reflect that.

Trees provide pollution removal, carbon storage, carbon sequestration, oxygen production, avoided runoff, and building energy savings. The Urban Forest Effects Model (UFORE), or i-Tree Eco, developed by the US Forest Service, which is widely used and available for free, quantifies each of these functions in today's dollars. On a more esoteric side, studies indicate that humans who spend time around trees have reduced stress levels, lower blood pressure, less depression and anxiety, and stronger feelings of unity with neighbors (which in at least one study correlated with reduced levels of crime and aggression.) When subjects view nature scenes, the areas of the brain associated with empathy light up on MRI imaging. There are powerful reasons that the aesthetics of trees are appealing and inherently valuable for us as individuals and as a community. Last month's Journal of the American Medical Association featured an article on the correlation between the ability to walk in a natural environment near to home and reductions in the long term risk of obesity and diabetes.

For practical purposes, we believe that any tree regulations that do not compensate the City for the loss of existing functions performed by healthy low-risk trees, particularly storm water management, constitutes degradation of existing valuable infrastructure and results in increased costs to the rest of the citizenry. As global warming continues, the value of carbon storage and sequestration becomes an increasingly valuable commodity which could at some point provide a revenue stream to our small city. A critical number of trees is required to mitigate the "Heat Island effect." Even now, we are told that our city tends to be three degrees cooler than surrounding cities. It is easy to see that this quality of life feature, and the associated reduced energy costs, will increasingly positively impact the value of living in Lake Forest Park, but only if we retain our trees.

As we understand it, the Cities Insurance Association of Washington (CIAW) recently clarified that the City is protected from liability for tree permit refusal, when this is performed in good faith and consistent with existing code. Our new code needs to reflect this information by allowing for denial of tree removal permits. Based on the clearly expressed wishes of our community, the canopy benefits for temperature and surface water management, and the improvement of urban habitat for humans and other species, this asset requires proactive management and protection, similar to codified protections for our air, water and infrastructure.

Assessment

The City's arborist has mentioned a tree inventory of 2011, though the city's website has older data (2009). To start, the City must complete a current Tree Inventory or Canopy Assessment. In order to monitor the effect of current development practices and the effects of new ordinances, we request an annual reassessment of canopy cover, to be reported to the citizenry. We must know how our canopy is doing to know if our policies are working.

Targets

Current canopy goal is articulated at 30%. Our understanding of best-available science indicates that salmon cannot recover when canopy cover decreases below 40%. Salmon recovery is a high priority for our citizens, and we believe that our citizens support sustained canopy in excess of 40%. We encourage the Planning Commission to recommend, and the Council to adopt a clearly articulated goal of gradually increased canopy cover to 40% over the next one to two decades.

Burden

While some residents steward a natural asset, that is their trees, for the benefit of us all, other property owners have canopy far below goal. We believe that removing healthy low-risk trees from properties below canopy goal should reflect the true cost of removing that asset. We cannot see any compelling reason why the Southern Gateway should have reduced canopy goals. They are part of the city and deserve the same services and standards as the rest of our city.

We believe that a portion of the Tree Fund should be made available to low income property owners who need assistance with tree maintenance. They are doing more than their share, for the benefit of us all.

Healthy Green Infrastructure

Tree Tracts should be made conservation tracts in perpetuity, thus causing the tree tracts to be linked to the property and persist regardless of changes in ownership, or the passage of time. Five percent Tree Tracts promote healthy stands of trees, but to remain an asset the trees must remain. Previous Conservation Tracts were recorded with the deed, and Tree Tracts should be required to meet the same bar. Consideration of split rail fencing, as is used around wetland buffers, might be used as one option to demonstrate preservation. Additionally, the retention of downed trees and retention or promotion of a healthy understory should be integral to the Tree Tract. Retention of understory is part of maintaining urban forest.

Just as development proposals in Sensitive Areas must consider cumulative impact, tree removal must consider cumulative impact. The removal of significant trees (by size and/or number) causes a shift of wildlife to adjacent property. The large scale removal of trees affects air flow and wind velocities which can place previous healthy stable trees at risk. Adjacent property owners have a right to be well informed, well in advance of permit approval, whenever significant tree removal, especially clear-cut from lot line to lot line, is being considered as a potential option. Any construction activity that damages the root system or otherwise harms trees on adjacent land should automatically constitute a violation of the permit, and place the developer and contractor at risk for stop-work, damages paid to the City and the adjacent property owner, and an increased requirement for re-planting/mitigation.

Sensitive Areas

Tree removal from Sensitive Areas has always received special protection. Sensitive Area and buffer tree removal, except in the case of invasives, specifies the retention of all organic matter on-site in addition to the standing snag, or “wildlife habitat tree.” Trees taken down within a stream buffer should be specified to remain near the stream in a pre-determined location, and a mechanism developed for evaluation of the log for placement in the stream, to help address our significant shortage of large woody debris (LWD). LFPSF would be happy to partner with StreamKeepers to accomplish LWD placement, if helpful.

We support the idea of protecting contiguous stands of trees as Sensitive Areas. We should be preserving/developing just such stands as urban wildlife habitat, as identified as a priority in the Legacy Plan. With this said, we ask, where will that be supported in the new ordinance? Note that Seattle has provisions for protecting groves of trees. Seattle Municipal Code Chapter 25.11, Tree Protection, provides means for protecting trees in Seattle. Under this chapter, exceptional trees are given particular protections and are broadly defined as follows: "Exceptional tree" means a tree or group of trees that

because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is determined as such by the Director according to standards and procedures promulgated by the Department of Planning.

Street Trees

Currently, adjacent property owners can apply for a routine permit for removal of trees located on City right-of-way. Removal of trees on City property should meet the needs of the City and not the discretion of the adjacent land owner. Replacement of street trees should meet very high standards for appropriate tree replacement. Other cities, from Edmonds to the east coast, impose hefty fines for the damage of street trees.

Enforcement

Fees and fines from the Tree Ordinance should flow into the Tree Fund. The Tree Fund should remain separate from the general fund and be dedicated to maintaining and restoring our urban forest.

A part of the Tree Fund should be devoted to public education about the value of our urban forest, and the city's tree ordinances and procedures. Additional information on how to keep your trees healthy and at low risk for pest infestation would also be helpful.

The Tree Fund should be used in part to provide enforcement. Current tree ordinances have suffered from inadequate resources for enforcement. As we understand it, even if there were time or money for enforcement, current code does not mandate that property owners grant access for follow up inspection, to see if permit specifications are being met. There must be a clearly articulated mechanism for on-site inspection to confirm compliance with permit requirements over the long term. This might involve, for example, written notice of intent to enter the property a week or more in advance. Staff time allocated for enforcement could be paid out of the Tree Fund. Responsibility for compliance with permits must follow with the property, and the need for compliance should be required to be disclosed whenever property changes hands.

Penalty statements as proposed are ineffective as all are prefaced with "may." We counted 45 occurrences of "may" in the most recent draft ordinance. All 45 of these instances should be investigated as a potential weaknesses in forest protection. If we are to protect this asset for the common good, penalties SHALL be imposed for illegal tree removals. Lake Forest Park must send a strong message that protecting and enhancing our tree canopy is a core goal for our city, reflecting our Legacy Vision and citizens' strong desire. These regulations are not suggestions, but rather requirements for working in Lake Forest Park. Violations are not simply a "cost of doing business" if you get caught. There should be an unambiguous mechanism to suspend repeat-offense contractors from work in Lake Forest Park, and a mechanism to increase fines for repeat-offense landowners. The legal ramifications of less flexible language have been addressed in other city's tree ordinances- we recommend that any legal review includes looking at how other cities are enforcing their Tree Ordinances.

Best Practices

We are delighted to see that topping trees has been excluded.

We would like to see the ordinance have strong language requiring tree service companies that operate in LFP to comply with the spirit and the letter of the ordinance in order to maintain their license to operate in Lake Forest Park. Tree removal companies routinely solicit door to door, boasting of the large amount of work they do in LFP/have already done for many neighbors, and then fear-mongering residents by telling them that they are at very high risk of serious personal or property damage from their trees. They then promote crown thinning (“A safety for you and your family”), “centering” (“By removal of inner growth of foliage from trees, this improves the health of your trees”), chopping off naturally growing limbs for “balancing” (to keep tree weight “dispersed evenly for storm safety.”) These representatives do much to promote the notion that our trees represent a serious threat, and scare residents into paying large fees for services that potentially decrease the health of their trees. Those who cannot afford to have these services often simply live in fear.

There needs to be an easily searchable database of tree companies licensed to work in LFP.

General Recommendations regarding Preliminary Process and Implementation

- LFPSF recommends an emergency moratorium that TEMPORARILY curtails the removal of trees associated with land clearing and development while the Tree Ordinance is being updated. We are concerned that the current tree canopy is being impacted at an alarming rate due to extraordinary pressures on development and a possible eagerness to attain permits to remove as many trees as possible under the older ordinances. The new ordinances cannot in this case be retroactive given that mature trees cannot be immediately replaced.

In considering the moratorium, a better understanding is needed:

- How many permits have been granted but not yet addressed? How many permits are in the pipeline?
 - Is a list of all such granted or applied for permits available? If not, we recommend compiling this data for public information as soon as possible.
- Determine where the LFP Tree Ordinance fits within the nation-wide efforts to preserve and increase local tree canopies to support sustainability and address climate change concerns:
 - A “U.S. Conference of Mayors Community Trees Task Force was created in 2006 in response to mayors’ increasing awareness of the value of urban forests and their increasing interest in ways that communities can be improved through expansion of community tree programs.” <file:///C:/Users/v-dklewe/AppData/Local/Microsoft/Windows/INetCache/IE/61CLM32W/treefinalreport2008.pdf>
 - By aligning LFP’s efforts with those of other cities engaged in the Mayors’ Community Trees Task Force, the City can increase awareness and understanding of the changes to the code. This will increase access to and potential participation in active research that can be used to help promote and articulate the importance of strengthening our Tree Ordinance.
 - Additionally, LFP could leverage the evidence-based research that shows how urban forests are paramount to fighting climate change and help citizens understand the full potential economic value of our trees here in LFP.

- LFPSF recommends the development of a provisional “Urban Forestry Task Force.” The Task Force should include members from the community and should act independently from the city Planning Department. The Task Force will be charged with the following responsibilities:
 - On-going review of the Tree Ordinance to ensure it is effective and reflects best available science, (e.g. has canopy percentage decreased/increased? Have instances of clear-cuts and other incidents detrimental to the urban canopy been reduced? Is there more woody debris in streams and riparian zones? How many five-year forest plans are in place? How are five-year tree plans used most effectively?)
 - Develop programs that support and promote the LFP Tree Ordinance, e.g. a “Tree Ambassador” program;
 - Develop a credible grievance procedure with the appropriate authority to correct or remedy grievances that are determined to be well-founded.
 - Continue to recommend policy and regulations governing the protection, management, and conservation of trees and vegetation in LFP;
 - Review the “in-lieu” fees, and civil penalties assessed to assure that they continue to reflect the changing valuation of trees over time.
 - Make recommendations on effective use of the Tree Fund.
- Determine a threshold of removal which would trigger a public hearing, to meet the public demand for greater awareness and opportunity to provide input and information. Cases that would trigger public hearings *before* Planning Department recommendations on permitting might include:
 - Some number of significant trees to be removed.
 - Any retreat from current canopy percentage.
 - Any plan that doesn't meet or exceed the lot's canopy percentage goal
 - Canopy percentage after removal will be less than actual canopy percentage of any lot within 1000 feet.
 - Removal of listed Heritage Trees.
- Change tree permit information to a more prominent location on the website, to facilitate access to information, and combat public perception that permitting is happening behind closed doors. The tab that says, "I want to..." could add a choice that says: "LEARN ABOUT TREE PROTECTIONS / GET A TREE PERMIT". Tree permits are currently under Planning & Development tabs, and require navigating several screens, which is frustrating for some citizens. The link could still go to Planning & Development (and likely needs to be in both places.) There should be an easy to read, one page message about what's allowed and not allowed, see for example, City of Seattle <http://www.seattle.gov/trees/illegalCutting.htm> and <http://www.seattle.gov/dpd/codesrules/codes/treeprotection/default.htm>
- Clarify, in what circumstances would a home owner be allowed to not meet the canopy requirement? What are the consequences if home owner does not? How does this get managed or monitored over time?

- “Contingency” or “Conditional” trees – what is the incentive to promote efforts for saving trees? Currently it seems to be at the developer’s convenience whether or not “Contingency trees” survive construction. There needs to be a bottom line incentive (or disincentive) in the ordinance to make clear the expectation that these trees need to be protected.
- Generate a registry of trees, starting with the list of heritage trees (this data has already been collected.) Every decision to grant a permit should be “data driven.” A registry helps collect data required to guide these decisions. (The “Urban Forestry Task Force” could be accountable for this recommendation)
- Realtors or developers selling homes or land in LFP should be required to give prospective buyers an LFP Tree Ordinance Fact Sheet. We want to ensure that prospective new neighbors understand the constraints that we as a community have chosen to build into our code so that people moving into LFP understand that there may be restrictions on tree removal on their new property and recognize the community tree ethic.
- Improved permit notification/signage. The signage should be made much larger than currently required so that people driving by the lot can better see the notifications. The 8 x 10 yellow posting currently used are easy to miss. Also number of days of required notice should be increased for removal of significant or large number of trees.
- Separate penalties from payments “in-lieu” of mitigation.
- Payments “in-lieu” should be based on full functional value of the tree. Fees must be increased so the “cost” of tree removal is not based on “nursery value” of buying a small replacement tree. This calculation should be based on an iTree valuation which takes into account all the ecological and economic values of standing trees. The “Fee-in-lieu” calculation should be altered to encourage developers and homeowners to consider the economic value of the trees
- We are concerned about the 30-year goal for canopy replacement. Even though 30-years may be considered standard for regrowth of canopy, we should consider that for each tree lost, we are losing nearly 3 decades’ ecological function while we wait for it to regrow. It would be beneficial and forward-thinking to decrease this threshold by encouraging the planting of larger trees as replacement, and/or by planting in a 2:1 or 3:1 ratio, at additional on-site locations identified as suitable

Specific Recommendations

- RE: Number 8. ‘trees removed shall be converted to wildlife habitat’. What does this mean exactly? Does this mean leave the downed tree on site? The ordinance only indicates that vegetation shall remain in the sensitive area or buffer.
- RE: Section 16.14.10
E. Penalties..\$5000 per tree is too low! It also says, “the Administrator “may” impose penalties.” This is not strong enough wording, see our comments above about the use of “may.”

- Note that in Bellevue: A city code provision, added in 1991 to deter illegal tree cutting, allows the city to charge triple the amount of damages for unauthorized destruction or damage of trees. This could also apply for ex post facto permit applications.
- The “Urban Forestry Task Force” could be accountable for assessing damage recommendations.
- Re: Southern Gateway
Section 16.14.080 Table1 lists the lot size/tree canopy goals
 - We challenge why the Southern Gateway is seeming to receive a pass on tree canopy regulations. It may be that the City made some concessions with the developer but even so, why is this written into the Tree Ordinance? It does not seem appropriate. Even if these lots are differently sized due to zoning, shouldn't they still be required to rebuild a tree canopy over the long-term?
- Same Section, number 5. If we have tree canopy goals, why aren't we encouraging people to work toward them? This section allows a property that is already under the canopy goal to replace a tree that is removed, just to bring it back up to the same canopy percentage prior to removal...if the lot is already under the goal, shouldn't we be encouraging/requiring more than 1:1 replacement on those lots?

Enforcement of the Tree Ordinance

- Regarding enforcement of the Tree Ordinance, we recommend reviewing "Model Ordinance" recommendations for Cities at: <http://www.scenic.org/issues/tree-conservation/model-ordinance/>
This states:
 - Enforcement: Ultimately, after all the decisions of what to protect and how to protect it have been made, to be of any value the ordinance must contain some provisions for penalizing violators. Small fines might just be seen as a cost of doing business. However, such measures as linking fines and penalties to the actual value of trees destroyed, considering each tree damaged or removed as a separate violation, and invoking penalties for each day the violations persist can have a significant impact on the attitudes of potential violators;
- Additionally, we would like to see a mechanism developed for assessing cumulative impact and understanding how the overall urban tree canopy will be growing toward the goals set. This should be data-driven so that we know, for example, if an exception is being given on one lot or development, what impact it will have on the overall canopy percentage -- and therefore better determine what must be done to compensate for this loss. We would like to see how LFP plans to objectively (driven by data) protect/enhance/manage its urban forest (especially given the pressure for continued development).

In Review, we request:

- Assess the tree canopy now and annually, with a report available to the citizens of how we are doing.
- Use i-Tree for assessing the value of a tree.
- Fee in-leiu must accurately reflect the value of that asset, and should be structured to be a deterrent to tree removal.
- Increase canopy coverage goals for the Southern Gateway.
- Consider increasing canopy goals over time for the entire city.
- Provide some financial incentive for the successful retention of Contingency trees.
- Designate contiguous stands of trees as Sensitive Areas.
- Increase protection for Street Trees.
- Trees taken down within a stream buffer should remain and a mechanism developed for evaluation of the log for placement as large woody debris.
- Record Tree Tracts as conservation tracts, which track with the deed, not the permittee.
- Consider cumulative impact when permitting.
- Use Tree Fund monies for education and enforcement, as well as tree replacement.
- Provide long term monitoring for enforcement of permit conditions, with significant fines for non-compliance.
- Penalty statements must be strengthened.
- Enhance permit notification, by making more prominent on website, consider simply requiring posted signs to be bigger.
- Consider an Urban Forestry Task Force.
- Use Public Hearings to address citizen concerns about desired input and the overall sense that developers hold sway with the City.
- Consider a moratorium on any large scale tree removal until the updated ordinance is in place.
- Create a registry of trees, starting with the Heritage Trees.

LFPSF acknowledges that our constituency leans toward tree preservation, and we understand that balance and compromise are required for effective and enforceable code.

Thank you again for your efforts. The updated Tree Ordinance represents the thoughtful work of many talented people, and reflects the high value our citizens place on our natural environment. We have attempted to convey accurately the concerns we are hearing from citizens and constituents, and realize that the process is ongoing. We sincerely hope that our thoughts provide further engagement and discussion, as we continue to make Lake Forest Park the best place in the world to live.

Thank you for helping us keep the “Forest” in Lake Forest Park.

Sincerely,



Jean Reid
President