

# Tree Policy Issues

Daryl Tapio - March 13, 2013

Reason to Remove	Trees Self-Sustaining	City Control - Regulations - Negative Plan	Property Owner Control
fear of it falling	Property Owners like trees	permits	Built in incentive to have trees
sunlight	They plant them on their own	regulations	many benefits
solar energy	Expensive to Remove	finest	costly to remove
build a home	Expensive to Remove or Prune	financial guarantees	Have a good track record
remodel home	Stump removal expensive	covenants	Tree Canopy Report
build a garage	Many benefits of trees	maintenance agreements	47% in Single Family Res
have a bigger yard	Beauty	inspections	51% in Med Density Res
unhealthy or dead	Helps drainage	code enforcement	If they remove a tree, they have a reason
not a nice tree	Stabilizes soil	24/7 hotlines	
7 utilities	Privacy	neighbors calling	<b>Positive Plan - Property Owners Control</b>
infiltrations trench	Shade	surveys/studies/reports	education
driveway	Lowers cooling costs	protect root zone - huge dia.	tree planting programs
private road	Makes for nice neighborhood	poor relationships with owners	share best practices
turn around 85 ft		city micromanages owners	develop tree lists
		expensive for city to administer	how to plant
		City becomes obstacle to plans	how to care for
			help property owners achieve their dreams
			lower cost to city
			share tree canopy goal and involve community
			better relationships

Make sure your solution doesn't create more problems  
Test out any solutions to make sure it is practical



**Daryl Tapio**

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Carol Lumb and Sandra Whiting  
Tukwila Planning Dept.  
City of Tukwila  
6200 Southcenter Blvd  
Tukwila, WA 98188

March 12, 2013

SENT VIA EMAIL

CC: Tukwila City Council, Planning Commission, Mayor, and City Administrator

RE: Comments on Staff Comp Plan Amendment Proposal on Urban Forestry

Attn: Carol and Sandra

I reviewed the Tukwila Planning Department's proposed Comp Plan Amendments that were posted on the city website for the March 13, 2013 Tree Committee meeting. I have also attended two committee meetings and listened to the audio of the last meeting. I have the following comments to share with the Committee, Staff, Mayor, Council, and Planning Commission. This will also be shared with property owners in Tukwila and throughout the region.

There are two paths to choose with tree and environmental policy; paths that diverge significantly in the cost of administration, reputation for a municipality, and the outcomes for positive development and tree canopy.

One path is a positive approach that involves education, organizing tree planting programs, preparing recommended tree lists and sharing best practices, and helping property owners achieve their dreams of improving their property. This path recognizes the complexity of redevelopment and the many factors that go into a property owner's decision to modify their homes or property.

The other path is a negative approach that starts with the assumption that property owners make poor decisions regarding their landscaping and need to be micromanaged by the city and monitored closely by neighbors utilizing methods such as 24/7 hotlines. This involves transferring the control of trees from the property owners to the city and then requiring permits, expensive surveys/studies/reports from so-called experts, regulations, code enforcement, penalties, tree assessments, financial guarantees, covenants, maintenance agreements, and prohibiting any construction activity in large diameter areas around trees. This path involves the city being an obstacle for property owners in the effort to improve their property.

According to the Canopy Report dated Dec. 2012, residential property owners in Tukwila without government regulations are currently doing an exceptional job protecting tree canopies in residential areas. For single-family property the tree canopy is 47%, and for multi-family 51%, numbers much higher than many other cities. This empirical data is being ignored and arbitrary goals of desired canopy targets are being proposed.



*Daryl Tapio*

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Is the goal of this effort about trees or is it about control? This is a fundamental question that needs to be adequately discussed and answered definitively. It also should be clearly specified in the Comp Plan. If this effort is truly about trees and achieving a certain percentage of tree canopy in each zone, then the goal can be met by the second approach described above with relative ease.

We are fortunate enough to live in a climate that is virtually ideal for growing trees. They grow quickly and if properly selected and planted require very little maintenance or watering. I have planted many trees in the area and some of the trees planted four years ago are now 8 to 10 feet in height. On some of my property a grove of trees appeared without planting, both coniferous and deciduous, and many grew to heights of 30 feet in 5 years.

The staff proposed Comp Plan embraces the negative approach. I have attached a copy of the Staff Comp Plan Proposal with all of the sections highlighted in yellow that could result in regulations, fees, permits, and ultimately transferring the control of trees from property owners to the city.

In the meetings I have attended and listened to it is apparent that there is nobody on the committee or in the room with first-hand experience in the areas of building homes or small-site development. This is a critical piece of the puzzle that is missing. The discussion of the committee is a one-sided discussion. Without input from property owners who want to improve their property and have permitting and construction experience it is impossible to create a policy that would allow efficient redevelopment in a city that desperately needs more redevelopment.

Some of the discussion at the last meeting was offensive, outrageous and truly despicable. A committee member referred to creating an enforcement policy that embraced high fines and financial penalties on property owners for cutting or pruning their own trees as follows: "HIT THEM HARD! We may not catch every one, but those that we do, MAKE THEM PAY! MAKE AN EXAMPLE!" The most telling part of this discussion was that nobody in the room countered this statement or said that they disagreed. A policy created in this environment will not result in a harmonious relationship between property owners and the city.

The committee and city staff are deliberately ignoring empirical data, presenting a one-sided argument and proposing Comp Plan amendments that would lead to transferring the control over trees from the property owners to the city. There is a better policy choice that would lead to better relationships with property owners and builders and result in a better and greener city. The Mayor, Council, and management needs to provide clear direction on this issue prior to more city resource expenditures.

Sincerely,



Daryl Tapio

Attachments: Highlighted Comp Plan Proposal, Tree Canopy Report p. 17



### Landcover: High Density Residential

High-Density Residential: allows up to 22.0 dwelling units per net acre. Senior citizen housing is allowed up to 60 dwelling units per acre, subject to additional restrictions. The district is intended to provide a high-density, multiple-family district which is also compatible with commercial and office areas.

The majority of High Density Residential land cover is impervious (56%), with 33% canopy. Pervious surface represents 11% while bare soil represents less than one percent (0.1%)

*Property owners are doing an exceptional job managing their trees without gov. regulations*

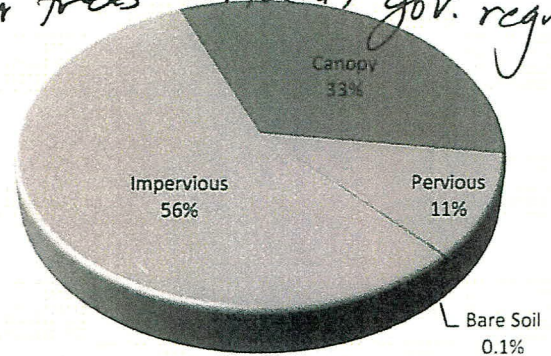


Figure 8 – High Density Residential

### Landcover: Medium Density Residential

Medium Density Residential: allows up to 14.5 dwelling units per net acre. The district is intended to provide areas for family and group residential uses, and serves as an alternative to lower density family residential housing and more intensively developed group residential housing and related uses.

Slightly over half of Medium Density Residential landcover is canopy (51%), while 35% is impervious and 14% is pervious. Bare soil represents less than one percent (0.05%).

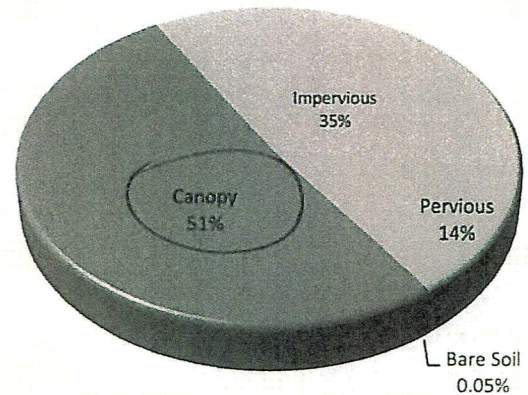


Figure 9 – Medium Density Residential

### Landcover: Low Density Residential

Low Density Residential: allows a maximum of 6.7 dwelling units per net acre. It is intended to provide low density family residential areas together with a full range of urban infrastructure services in order to maintain stable residential neighborhoods and to prevent intrusions by incompatible land uses.

Almost half of the landcover in the Low Density Residential zone is canopy (47%) while 29% is pervious. Impervious land cover represents 22% and bare soil and open water represent 1% each.

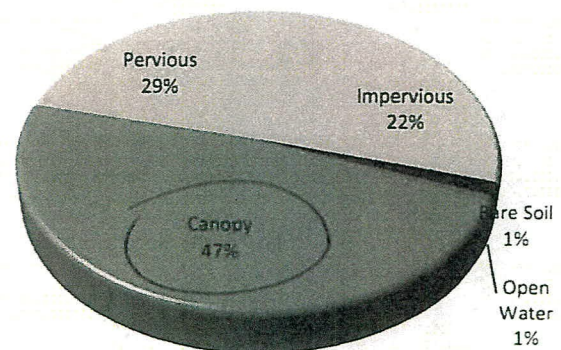


Figure 10 – Low Density Residential





## Proposed Urban Forestry Goals, Policies for the Natural Environment Chapter

*The following goals are an expansion of the existing goals and policies in Chapter 1 of the Comprehensive Plan: See Goal 1.3 and Policies 1.3.1, 1.3.2; Goal 1.4 and policies 1.4.1 and 1.4.2; Goal 1.6, second bullet; Policy 1.6.4; Goal 1.7 and policy 1.7.4; Goal 1.8, policy 1.8.3 and 1.8.6; Goal 1.10, Policy 1.10.12*

**Goal 1:** Trees are recognized by Tukwila citizens, businesses, City staff and decision-makers for their benefits to the environment (air quality, habitat, climate change), urban infrastructure (stormwater attenuation, slope stability, temperature) and their aesthetic value (economic benefits, safety/crime reduction, visual and recreational benefits, etc.) *Note: a discussion of the benefits of trees will be included in a narrative section that introduces the goal, so they won't need to be in the goal itself).*

### Policies for Goal 1:

1. Develop a formal urban forest management plan to promote and guide preservation, restoration and maintenance of a sustainable urban forest, using the goals and policies of this chapter (as a basis) for guidance.
2. Ensure that the benefits of trees are factored into site design and permit decisions.
3. Ensure that regulations recognize that larger trees provide more benefits than small trees.
4. Seek to create and fund an urban forester/municipal arborist position within the City, or contract for such services, to provide expertise for urban forest management planning, oversight of tree planting and maintenance, and assistance to all City departments that have responsibilities for tree management.
5. Educate the public, elected officials and City staff about the importance of and benefits provided by trees in Tukwila.
6. Develop tree valuation methods to reflect the value trees provide, for use in assessing fines, determining damages or estimating loss of tree benefits.
7. Identify funding sources to support urban forestry planning and management and establish an urban forestry budget and account.
8. Consider developing an "exceptional" or "heritage" tree program to foster tree appreciation in the community.
9. Encourage public involvement in urban forest stewardship through volunteer events, free training workshops, and other means.

*Highlighted sections would result in regulations, fees, permits, fines and transfer the control of trees from property owners to the city.*



**Goal 2. Tree Canopy Goal: Overall city-wide tree canopy increased to a total of 28% by 2028 by achieving the following goals for different land use categories:**

Industrial zones: 1 % increase to 14% cover

Medium and High Residential Density zones: No net loss to maintain current 40% cover

Low Density Residential: No net loss to maintain current 47% cover

Office and Commercial: 1% increase to 30% cover

Tukwila Urban Center and Tukwila South: 3% increase to achieve 16% cover

**Policies for Goal 2:**

1. Promote tree retention throughout the City by:
  - a. implementing educational programs for property owners and managers;
  - b. exploring incentives for tree retention and planting;
  - c. prohibiting tree removal on all undeveloped property without an approved development permit;
  - d. protecting healthy stands or groves of trees on property proposed for development through changes in regulations, including incentives; and
  - e. requiring financial assurances for required tree replanting and maintenance.
2. Improve retention of trees on steep slopes through modifications in regulations, ensuring the evaluation of the role that trees play in slope stability during geotechnical reviews, and by providing incentives.
3. Require in-kind replacement of trees where removal is allowed to ensure that replacement trees at maturity will have similar canopies to that of the removed tree(s), except where existing or future infrastructure impedes the planting of large trees.
4. Require protection of trees for all public and private infrastructure installation or maintenance, and require the presence of a certified arborist when working in the critical root zone. Where damage to trees is not avoidable, require replanting or payment into a tree replacement fund as compensation.
5. Require professional assessment of damaged trees and require corrective actions to restore tree health or replace trees that are not likely to survive and thrive.
6. When all required replacement trees cannot be accommodated on a site, require off-site planting of replacement trees, or payment into a dedicated tree replacement fund.
7. Identify potential tree planting locations on publicly owned properties and develop tree planting and urban forest rehabilitation programs for City parks and other publicly owned lands. Collaborate with other agencies, such as Washington Department of Transportation to promote planting in highway interchanges and other locations.
8. Collaborate with other government, non-profit organizations and private sector entities to promote urban forest management and restoration.



**Goal 3. Tukwila's streetscapes and landscaped areas are sustainable and attractive and its urban forest is healthy, diverse, and safe.**

**Policies for Goal 3:**

1. Encourage retention of existing healthy trees wherever possible, through regulations, incentives, and education.
2. Develop tree/urban forest inventories and assess the health of trees and forests in Tukwila's public spaces.
3. Develop maintenance plans and programs for trees on City property or rights-of-way to ensure that maintenance pruning is properly carried out, diseases and pest infestations are managed, hazardous trees are identified and managed in a timely manner to reduce risks, and invasive vegetation is managed.
4. Modify codes and educate property owners, property managers, landscape maintenance companies and tree companies to promote best practices for soil preparation, planting techniques, pruning, trenching, and general tree care.
5. Ensure that landscaping and replacement trees in new development or re-development are properly cared for and thrive in perpetuity, through such means as maintenance agreements, monitoring and enforcement.
6. Develop a mechanism to ensure that tree removal and maintenance companies have the necessary qualifications and liability insurance for work in Tukwila.





Carol Lumb, Senior Planner  
Department of Community Development  
City of Tukwila  
6300 Southcenter Blvd., Suite 100  
Tukwila, WA 98188

April 9<sup>th</sup>, 2013

As a current property owner and former resident of Tukwila, I'm writing to comment on the work ahead of the Tree Commission. I am very supportive of policy development that preserves existing trees in Tukwila and encourages the cultivation of new trees through city sponsored education and planting programs. It is my belief, and many residents of Tukwila, that a more progressive and enforceable tree plan needs to be put in place to maintain and preserve tree canopy and green space. This in turn will enhance the environment and increase property values.

This issue is especially important concerning the few remaining undeveloped lots in Tukwila. These are a treasure store of mature trees that have taken generations to grow and could not be duplicated in our lifetime. If there is any doubt as to the financial and aesthetic value of mature trees in a neighborhood, please envision Seattle's E. Capitol Hill, Montlake or The Highlands neighborhoods.

I would hope that the Tree Committee, the Planning Commission and eventually the City Council will consider the voices of the Tukwila citizens over transient developers and outside agitators in developing new tree ordinances that will guide the direction of a modern, enlightened Tukwila.

Thank you,  
David Shumate

Property Owner:  
11534 E. Marginal Way S.  
Tukwila, WA 98168





## Carol Lumb

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**From:** Daryl Tapio <dtolympic@yahoo.com>  
**Sent:** Monday, May 06, 2013 10:10 PM  
**To:** Carol Lumb; Sandra Whiting; Nora Gierloff  
**Subject:** Fwd: Comments on Tree Committee  
**Attachments:** Tukwila Tree Letter 031213.pdf; ATT00001.htm

Carol,

Can this letter dated March 12th be added to the Tree Committee website along with the letters from Alford and Shumate? Since they rebutted my letter it seems appropriate that my letter be included as well.

It is a shame that they have decided to resort to name calling such as "transient developers" and "outside agitators" and have avoided the substantive issues raised in the letter and in the public comments. The people who attended the meeting are interested in good policy not in agitating.

I have built many houses in Tukwila, am a former resident of Tukwila and used to have an office in Tukwila near the mall. I have owned property in Tukwila for the past 15 years and currently own multiple properties. I also currently live within 1/2 mile of Tukwila.

The committee continues to lack representation from experienced people who have gone through the permitting process and built and developed residential projects. Without that representation Tukwila will suffer from a decreased amount of redevelopment in a city that desperately could use investment and redevelopment in the single family residential areas if more regulations and penalties are implemented regarding trees.

The committee and certain individuals can attempt to discredit my arguments but time will tell and if the city passes more regulations there will be fewer new homes built.

The current regulations are already limiting development in the city. Adding regulations will limit development even more.

I am very disappointed that builders and developers have not been involved with the city of Tukwila to share their concerns and inform the staff and Council of the effects of the many regulations that have been passed. This is likely the result of so little residential building in the city that it is not worth the time and effort of the Master Builders Association or individual builders.

The committee and the city may think that they are saving trees and the environment but in reality the number of saved trees will be trivial and the effect on development will be great.

I was at Lowes in Tukwila last week and observed an estimated 200 trees in their inventory ready to sell to customers. Other home improvement stores and nurseries have even more. Homeowners buy these trees and plant them on their property, not because of a government regulation, but because they like trees. Trees are self-regulating because of the many benefits they provide. Nobody on the tree committee brings this point out. They only choose to think that the only way to increase the tree canopy is through regulations and penalties. The empirical data of the Tukwila Tree Canopy Report supports my position not theirs in residential areas.

Please forward this email to the Tree Committee, Planning Commission, and Council and include this email on the tree committee website along with the letter dated March 12th. I, along with others in the region, will monitor the recommendations of this committee and the ongoing process.

Sincerely,

Daryl Tapio  
Tukwila Property Owner

Begin forwarded message:

**From:** Daryl Tapio <[dtolympic@yahoo.com](mailto:dtolympic@yahoo.com)>  
**Date:** March 12, 2013, 12:15:35 PM PDT  
**To:** Carol Lumb <[Carol.Lumb@TukwilaWA.gov](mailto:Carol.Lumb@TukwilaWA.gov)>, Sandra Whiting <[Sandra.Whiting@TukwilaWA.gov](mailto:Sandra.Whiting@TukwilaWA.gov)>, Nora Gierloff <[Nora.Gierloff@TukwilaWA.gov](mailto:Nora.Gierloff@TukwilaWA.gov)>  
**Subject:** **Comments on Tree Committee**  
**Reply-To:** Daryl Tapio <[dtolympic@yahoo.com](mailto:dtolympic@yahoo.com)>

Hi Carol, Sandra, and Nora,

Attached are my comments on the Comp Plan proposal on Urban Forestry and the Tree Committee.

Can one of you forward this letter to the Council, Planning Commission, Mayor, City Administrator, and management?

Thanks,  
Daryl Tapio





De'Sean Quinn

**TTEAC: note to the committee**

1 message

**brooke alford**  
To: De'Sean Quinn

Wed, Apr 10, 2013 at 2:19 PM

Councilmember Quinn,

I would like to submit some comments to the TTEAC for consideration. I was disconcerted to hear that a delegation from another municipality (SeaTac) attended the Tukwila committee's meeting to give comment and attempt to sway policy in our city. It is by choice that I live in this community and serve as a community advocate here. So, as a resident and landowner in Tukwila I will be very dismayed if this delegation from another city serves to sway policy in this one, or take up this committee's precious time.

**Pertaining to tree regulation on undeveloped property:** During the urban forestry research I conducted in review of other municipality programs and policies, all of the municipalities sampled regulated the removal of trees on undeveloped property. It was my impression from discussion with staff from some of these municipalities that this policy was necessitated by the continued actions on undeveloped properties whereby these properties were clearcut prior to submission for development permits, thereby avoiding any kind of tree preservation requirements. These kinds of actions serve to undermine any canopy retention goals the City might craft.

**Other comments.** Upon reviewing the minutes from last months meeting, I would like to submit a few more comments.

1. I agree with the committee members who felt the canopy targets too low, particularly in the areas of office, commercial, the Urban Center and Tukwila South.
2. I commend the committee in their focuses on education and incentivization. And I value highly words such as "encourage" and "collaborate." However, I also strongly urge the committee and staff to use thoughtful caution in the overuse of such terms in the policy, as it could ultimately render the policy ineffective.

I want to thank you, Chair, the Committee and staff for all of the hard work on this policy. I think sound urban forestry management is crucial to a healthy community and look forward to a strong product from your efforts.

Sincerely,

Brooke Alford