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**Ecology & Parks Committee**

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**HB 2844**

**Brief Description:** Regarding urban forestry.

**Sponsors:** Representatives Kagi, Priest, Upthegrove, Campbell, Simpson, Hunt, Blake, Jarrett, Nelson, Rolfes, Dickerson, Appleton, Takko, Loomis, Lantz, Pettigrew, Hunter, Moeller, Hudgins, Quall, O'Brien, Anderson, Kenney, Pedersen and McIntire.

**Brief Summary of Bill**

- Requires certain local governments to develop and implement management plans and ordinances related to urban forestry.
- Creates a new account and grant program for local government's urban forestry programs.
- Provides preference in certain grant programs with local governments with qualifying urban forestry programs.
- Changes the authority for the Department of Natural Resources to conduct a community and urban forestry program from discretionary to mandatory.
- Requires the Department of Natural Resources to develop and conduct inventories and assessments of community and urban forests.

**Hearing Date:** 1/22/08

**Staff:** Jason Callahan (786-7117).

**Background:**

The Department of Natural Resources (DNR) is authorized to establish a community and urban forestry program [RCW 76.15.020]. Community and urban forests are identified as land within human settlements that does, or could, support trees [RCW 76.15.010]. The program authorized at the DNR may include assistance to local governments to encourage proper tree maintenance,

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policy and program coordination assistance, and the provision of surplus equipment to local governments to aid urban forestry programs [RCW 76.15.020].

The DNR is also authorized to enter into agreements with non-profit tree-planting organizations and other entities with interests related to urban forestry [RCW 76.15.030 & 050]. Funding can be received by the DNR from the federal government or by gifts and grants, and the DNR may charge fees for workshops and material distribution. Once received, the DNR utilizes the funding for the purposes of forwarding urban and community forestry in the state [RCW 76.15.030].

### Urban Forestry and Utilities

Many utility companies currently provide information to their customers in regards to how landscaping and tree planting can reduce energy costs and improve utility safety. Utility companies also have received past legislative encouragement to request voluntary donations from their customers, in a the form of a billing statement check-off, that would fund urban forestry efforts (RCW 35.92.930, 35A.80.040, 80.28.300).

### **Summary of Bill:**

#### Evergreen City Management Plans

Every city with a population of greater than 5,000 residents are required to adopt an Evergreen Cities Management Plan (Management Plan) and related performance standards if the city is also required to engage in land use planning under the Growth Management Act (GMA). Cities not planning under the GMA are encouraged, but not required, to also adopt a Management Plan.

The Management Plans developed by cities are required to be based on urban forest inventories. The inventories may be developed by the city, or the city may rely on inventories developed by the DNR. There are 16 required elements for each Management Plan. These elements address issues such as pest management, prioritization of planting sites, staff training requirements, canopy cover goals, stormwater management improvements, and plans for maximizing building energy efficiency.

All Management Plans must be consistent with performance standards adopted by the Department of Community, Trade, and Economic Development (DCTED). The DCTED performance standards are to be adopted in rule and contain clearly stated measurable goals and timelines recognizing eco-regional differences in the state. The performance standards must be adopted by June 1, 2010.

Once developed, a Management Plan may not be officially adopted until is has been reviewed by the DCTED. The Management Plan must be submitted to the DCTED for review and comment at least 60 days before its planned implementation date. The DCTED and the DNR are both required to review proposed Management Plans and focus on the plan's compliance with the performance standards adopted by the DCTED. Both departments are also authorized to offer technical assistance in the Management Plan adoption process.

Cities required to adopt a Management Plan are required to do so at the time of any updates to the city's GMA plan.

#### Evergreen City Ordinances

A city must adopt an Evergreen City Ordinance within the two years following its development of a Management Plan. The Evergreen City Ordinance condenses the Management Plan into the city's policy rules, and like the Management Plan, must be consistent with the performance standards developed by the DCTED.

All Evergreen City Ordinances are required to have at least 12 elements. Topics that must be included in the Evergreen City Ordinances include tree conservation and retention, tree spacing, use of native trees to reduce storm water runoff, use and protection of native soils, promotion of tree maintenance to promote utility safety, street tree installation, and riparian tree buffers. The Evergreen City Ordinances must also include a mechanism for civil enforcement, hardship waivers, and appeal procedures.

Like Management Plans, Evergreen City Ordinances must also be submitted for review by the DCTED and the DNR. The same direction given to the departments for Management Plans apply to Evergreen City Ordinances. The Evergreen City Ordinances and their predecessor Management Plans do not apply to working agriculture and forestry land until that land is converted into new development.

#### Identification of Lands for Purchase

Each city either required to or opting to adopt an Evergreen Cities Ordinance must, by July 2010, identify community and urban forests within their urban growth area that are appropriately situation for the local government to assume ownership. The list of identified properties must be provided to the DCTED.

#### Role of Counties

All counties that are planning under the GMA and have a population greater than 50,000 residents are also required to adopt an Evergreen City Ordinance. The county must either apply its own Evergreen City Ordinance to new development within that county's urban growth area or choose to apply the standards of the Evergreen City Ordinance adopted by the city in the county located closest to the new development.

#### Enforcement of Evergreen City Ordinances and Management Plans

The primary enforcement for Evergreen City Ordinances is to be identified by the city as part of its Ordinance development. However, if a city fails to fulfill its obligations for promulgating or enforcing Evergreen City Ordinances, then the Office of the Attorney General (OAG) or a resident of the city may file an appeal to the Growth Management Hearings Board.

In addition, the OAG or a city resident may also file an action in the local district court seeking an injunction against any new development that is in violation of the applicable Evergreen City Ordinance.

#### Evergreen Cities Partnership Task Force

The DCTED is required to assemble an Evergreen Cities Partnership Task Force (Task Force) that will, in its primary role, aid and advise the DCTED in its responsibilities as they relate to urban forestry. The Task Force may be disbanded by the DCTED after it has advised on the development of the performance standards and provided a similar service to the DNR its development of urban forestry assessments and inventories.

The Task Force is to have between 15 and 25 members that must be selected in consultation with the DNR and provide balanced representation from across the state's ecoregions. There are 19 required stakeholder and government representatives on the Task Force, and the Task Force may be assembled in a way that allows an individual to represent more than one perspective. The required perspectives include that of cities, counties, land developers, conservation organizations, the state and federal governments, university professors, tree nurseries, foresters, utilities, and technology specialists.

Members of the Task Force must serve without compensation, but may be reimbursed for travel expenses.

#### Funds for Local Governments

A new appropriated account, the Evergreen Cities Support Account (Support Account) is created. Revenue in the Support Account is to be used by the DCTED to implement the Evergreen Cities Grant Program (Grant Program). The Grant Program must be administered by the DCTED in coordination with the DNR, and have both needs-based and competitive elements. Grants from the Grant Program may be awarded to local governments in full compliance with the required Management Plans and Evergreen City Ordinances. In addition to full compliance with Management Plans and Evergreen City Ordinances, recipient local governments must be able to show that they have developed partnerships with local not-for-profit organizations and that they are able to match any grant funding with local funding or in-kind contributions.

Funding for the Support Account can come from either direct budget appropriation or from the voluntary contributions of utility customers. The existing authorization for billing statement check-offs that utilities are encouraged to use for urban forestry donations is expanded. If a utility chooses to request voluntary donations from its customers, the money can be used one of three ways. It can be used by the utility to complete projects consistent with the performance standards developed by DCTED, it can be used to support the development of Management Plans and Evergreen City Ordinances for cities within the utility's service area, or it can be donated to the Support Account to fund the Grant Program run by the DCTED.

Utilities receiving voluntary urban forestry donations must report annually to the DCTED the amount that was donated, along with whether or not the utility choose to match the voluntary donations. The Legislature intends to biannually match total donations to utilities in the form of funding to the Support Account. To aid this process, the Office of Financial Management must include as a proviso in developing budgets an appropriation for the Support Account matching the amount of voluntary contributions reported to the DCTED by the various utilities.

#### Evergreen Cities Recognition Program

The DCTED is directed to develop an Evergreen Cities recognition program that identifies local governments that meet or exceed the performance standards for urban forestry developed by the DCTED. Being designated as an Evergreen City signifies official recognition by the DCTED, the Governor, and the DNR's Urban and Community Forestry Program.

Designated Evergreen Cities are entitled to use logos and signage developed for that purpose by the DCTED. In addition, Evergreen Cities are entitled to a competitive advantage for certain state Grant Programs benefitting local governments. These programs include grants for public works

projects, water pollution control facilities, water quality, habitat improvements, and aquatic lands enhancement.

#### Changes at the Department of Natural Resources

The authority for the DNR to conduct a community and urban forestry program is changed from discretionary to mandatory, and definitions are provided for the terms "community and urban forest assessment" and "community and urban forest inventory". Any grants or other forms of financial aid to cities may only be provided by the DNR if the recipient is in compliance with all Evergreen City Ordinance requirements.

In addition to requiring the current program to continue, the DNR is also directed to conduct a statewide inventory of community and urban forests, conduct an urban forest assessment, and develop an implementation plan for the inventory and assessment of community and urban forests. The DNR is directed to participate with appropriate stakeholders in the development of these products. The final assessment and inventory must be completed by no later than June 1, 2010.

The uniform criteria for the inventory and assessment must be developed by the DNR with the advice of the Task Force. The criteria must be consistent with the performance standards for urban forests developed by DCTED and emerging urban forest reporting protocols developed for registering and reporting forest baselines for carbon market offset credits.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/16/08.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.