

# SENATE BILL REPORT

## E2SHB 2844

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As Reported By Senate Committee On:  
Natural Resources, Ocean & Recreation, February 28, 2008  
Ways & Means, March 03, 2008

**Title:** An act relating to preventing air and water pollution through urban forestry partnerships.

**Brief Description:** Regarding urban forestry.

**Sponsors:** House Committee on Appropriations (originally sponsored by 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, McIntire and Roberts).

**Brief History:** Passed House: 2/18/08, 73-22.

**Committee Activity:** Natural Resources, Ocean & Recreation: 2/25/08, 2/28/08 [DPA-WM, DNP].

Ways & Means: 3/03/08 [DPA, DNP, w/oRec].

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.  
Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Rockefeller and Spanel.

**Minority Report:** Do not pass.  
Signed by Senators Morton, Ranking Minority Member; Stevens.

**Staff:** Sherry McNamara (786-7402)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended.  
Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Carrell, Fairley, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller and Tom.

**Minority Report:** Do not pass.  
Signed by Senators Zarelli, Ranking Minority Member; Honeyford.

**Minority Report:** That it be referred without recommendation.  
Signed by Senators Brandland, Parlette, Roach and Schoesler.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Elise Greef (786-7708)

**Background:** The Department of Natural Resources (DNR) is currently authorized to establish a community and urban forestry program. The statute defines "community and urban forests" as land within human settlements that does, or could, support trees.

DNR's program may include assistance to local governments to encourage proper tree maintenance, policy and program coordination assistance, and providing surplus equipment to local governments to aid urban forestry programs.

DNR is authorized to enter into agreements with nonprofit tree-planting organizations and other entities with interests related to urban forestry. Funding can be received by DNR from the federal government or by gifts and grants, and DNR may charge fees for workshops and distribution of informational materials.

Currently, many utility companies provide information to their customers on how to landscape and plant trees to reduce energy costs and improve utility safety. Utility companies have also received voluntary donations from their customers, in the form of a billing statement check-off, that would fund urban forestry efforts.

**Summary of Bill (Recommended Amendments):** All cities, towns, and counties in Washington are encouraged to voluntarily develop and implement urban forest management plans and ordinances and become designated as an Evergreen Community.

Evergreen Community Management Plans. The Department of Community Trade and Economic Development (CTED) must develop model Evergreen Community Management Plans (Management Plans) for cities, towns, and counties to consider. In the development of the model, CTED must consider 21 elements that address such issues as: canopy cover goals, restoration of public forests, vegetation management practices, prioritized planting sites, pest management, staff and volunteer training requirements, storm water management improvements, and plans for maximizing building energy efficiency.

At least 60 days before a community can implement its Management Plan, CTED and DNR are required to review the plan for consistency with the model Management Plan. CTED and DNR are authorized to offer technical assistance in the development of Evergreen Communities Management Plans and Ordinances.

Evergreen Community Ordinances. CTED is also required to develop model Evergreen Community Ordinances for consideration by cities. In the development of the model, CTED must consider 14 policy elements including: tree canopy cover, tree spacing, tree conservation and retention, street tree installation and maintenance, vegetation buffers for riparian areas, tree maintenance to promote utility safety, and use of trees and vegetation to reduce storm water runoff.

Evergreen Community Ordinances may include a mechanism for civil enforcement, hardship waivers, and appeal procedures. Evergreen Community Ordinances must also be reviewed by CTED and DNR prior to implementation.

Evergreen Communities Recognition Program. CTED with the advice of the Evergreen Communities Partnership Task Force, must develop criteria for an Evergreen Communities Recognition Program. To satisfy the first graduated step to be recognized as an Evergreen Community, a community must have a tree board or tree department, a tree care ordinance, a community forestry program with an annual budget of at least \$2 for every city resident, an officially recognized Arbor Day, and a completed community and urban forestry inventory.

The second graduated step of designation as an Evergreen Community includes adopting an Evergreen Communities Urban Forest Management Plan that exceeds the minimum standards in the model Management Plan.

CTED may require additional graduated steps and establish minimum requirements for each recognized step. Any city, town or county may apply for the Evergreen Community designation.

Identification of Lands for Purchase. Cities, towns, or counties pursuing Evergreen Community designation are encouraged to identify potential community and urban forest land that may be purchased from willing sellers that are appropriately situated for public purchase. Local governments must provide the list of potential land purchases to CTED by October 31, 2008. CTED must provide a summary of the properties to the Legislature by December 15, 2008.

Evergreen Communities Partnership Task Force. CTED must assemble and convene a 25 member Evergreen Communities Task Force (Task Force), in consultation with DNR that will primarily aid and advise CTED in its responsibilities related to urban forestry. The Task Force includes representatives from cities, counties, land developers, conservation organizations, state and federal government, tree nurseries, foresters, utilities and technology specialists.

Assessment and Inventory. DNR may conduct a statewide inventory of community and urban forests. In the development of the inventory, DNR must use existing data and current inventory technologies. The criteria for the inventory must support the planning needs of local government and be compatible with existing and developing urban forest protocols for access to carbon markets.

DNR may conduct an urban forest assessment and develop recommendations to the Legislature. The inventory and assessment must support the adoption and implementation of urban forest management plans and ordinances developed by local governments. The criteria and implementation plan for the inventory and assessment must be completed by December 1, 2008.

DNR must conduct an initial inventory and assessment of one county east of the Cascades and one county west of the Cascades by June 1, 2010.

The Commissioner must appoint a technical advisory committee (committee) to provide advice during the development of the criteria and implementation plan for the statewide inventory and assessment. The Commissioner must appoint various professionals, including but not limited to arborists, educators, and researchers as members of the committee. The requirements for a statewide inventory, assessment, initial inventory, and advisory committee are subject to specific appropriation for the purpose.

Funding and Grants. CTED, in coordination with DNR and subject to appropriations, must administer a grant program that is both needs-based and competitive to provide financial assistance to cities, towns, and counties for the development, adoption, or implementation of a Management Plan or Ordinance. Funding for the grant program will come from direct budget appropriation.

Voluntary donations collected by local utilities may be used to complete projects consistent with the model Management Plans, or may be used to support the development of Management Plans and Ordinances for communities within the utility's service area.

Designated Evergreen Cities and Counties 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.

The bill contains a null and void clause.

**EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Amendments):** Throughout the bill, language is changed from "Evergreen Cities" to "Evergreen Communities" for consistency and to encompass towns and counties, as well as cities. Definitions are adjusted accordingly. The DNR statewide assessment and inventory, as well as the initial inventory of two counties and their willing municipalities, is made subject to specific appropriation. Additionally, references to existing department authority to conduct a community and urban forestry program are removed to prevent them from being subject to specific appropriation.

**EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Amendments):** CTED is required to coordinate with DNR in the implementation of this chapter. Additionally, in the development of the model management plans and ordinances, CTED must utilize DNR's technical expertise in arboriculture, tree selection, and maintenance.

In the development of model plans and ordinances, CTED must provide urban forest landowners inventorying their own property the ability to access existing inventories, technology, and other technical assistance available through DNR.

When a county adjacent to Puget Sound or any city located within any of these counties submits an ordinance or management plan for review to CTED and DNR, they must also be reviewed by the Department of Fish and Wildlife and the Puget Sound Partnership.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Engrossed Second Substitute Bill (Natural Resources, Ocean & Recreation):** PRO: Washington's city trees are being lost. Trees are important to our well-being; they protect air quality, water quality, and the overall quality of life in our communities. Our urban forests enhance our recreation and outdoor experience.

Cities face growth pressures and they need to provide a livable community. Many of our communities are trying to protect their trees; this bill will assist their efforts. We need to be more thoughtful in our policies and the approach we take needs to support and provide for local control. A broad base and diverse group of stakeholders have come together to work on this bill. Only 10 percent of our cities have urban forest management plans and inventories. It is important to start with the inventory and assessment and then build on this with a plan. The plan will then determine what the cities may need to implement. Planting a tree in the right place is vital and provides numerous benefits.

CON: We are opposed to Section 9 on model ordinances. Model ordinances become a de facto regulation. Regulations are increasing the cost of our homes. This bill creates a duplicative program in CTED and is not needed at this time.

**Persons Testifying (Natural Resources, Ocean & Recreation):** PRO: Representative Kagi, prime sponsor; Vicki Christiansen, DNR; Doug Peters, CTED; Cliff Traisman, Washington Environmental Council and Washington Conservation Voters; Heath Packard, Audubon Washington; Bill Robinson, The Nature Conservancy; Janet Way, City of Shoreline Councilmember; Dave Williams, Association of Washington Cities; Derek Young, Cities of Pasco, Lakewood, Spokane Valley; Debra Munguia, Washington Forest Protection Association.

CON: Andrew Cook, Building Industry Association of Washington; Bill Clarke, Washington Realtors.

**Staff Summary of Public Testimony (Ways & Means):** None.

**Persons Testifying (Ways & Means):** No one.