

SENATE BILL REPORT

SB 6469

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 07, 2008

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

Brief Description: Regarding urban forestry.

Sponsors: Senators Murray, Swecker, Jacobsen, Pridemore, McDermott, Fraser, McAuliffe, Kohl-Welles and Rockefeller.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/30/08, 2/7/08 [DPS-WM, DNP].

Ways & Means: 2/11/08.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 6469 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Rockefeller and Spanel.

Minority Report: Do not pass.

Signed by Senator Stevens.

Staff: Sherry McNamara (786-7402)

SENATE COMMITTEE ON WAYS & MEANS

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 non-profit tree-planting organizations and other entities with interests related to urban forestry. Funding can be received by DNR from

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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 Substitute): 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 City. However, cities with a land area of more than 19,000 acres and must plan under the Growth Management Act, are required to adopt an Evergreen Cities' urban forest management plan and ordinance after the model plan and ordinances are developed and made available statewide.

Evergreen City Management Plans: CTED must develop model Evergreen City Management Plans (Management Plan) for cities 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 city 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 Cities Management Plans and Ordinances.

Evergreen City Ordinances: CTED is also required to develop model Evergreen City 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 City Ordinances may include a mechanism for civil enforcement, hardship waivers, and appeal procedures. Evergreen City Ordinances must also be reviewed by CTED and DNR prior to implementation.

Evergreen Cities Recognition Program: CTED, with the advice of the Evergreen Cities Partnership Task Force, must develop criteria for an Evergreen Cities Recognition Program.

To satisfy the first graduated step to be recognized as an Evergreen City, a city must have a city tree board or tree department, a tree care ordinance, a community forestry program with an annual budget of at least two dollars for every city resident, an officially recognized Arbor Day, and a completed community and urban forest inventory.

The second graduated step of designation as an Evergreen City includes adopting an Evergreen Cities 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 or county may apply for the Evergreen City designation.

Identification of Lands for Purchase: Cities pursuing Evergreen City 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 Cities Partnership Task Force: CTED must assemble and convene a 25 member Evergreen Cities 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.

DNR, CTED, and the Department of Revenue, in conjunction with the Task Force must develop recommendations and report to the Legislature by December 1, 2009 on a system that will provide individual landowners a property tax incentive through valuation of the trees on their property.

Assessment and Inventory: DNR must conduct a community and urban forestry program. DNR is directed to conduct an initial inventory and assessment of one county east of the Cascade Mountains and one county west of the Cascade Mountains by June 1, 2010.

The uniform criteria for the assessment must be developed by DNR with the advice of the Task Force. The inventory must be developed with the assistance of a technical advisory committee appointed by the Commissioner of Public Lands.

Local Government Funding: CTED, in coordination with DNR, 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.

Cities may also receive money from their local utilities to fund urban forestry projects. If a utility chooses to request voluntary donations from its customers, the money can be used to complete projects consistent with the model Management Plans or it can be used to support the development of Management Plans and Ordinances for cities within the utility's service area.

Utilities receiving voluntary urban forestry donations must report annually to the Department of Revenue the amount donated, along with whether or not the utility chooses to match the voluntary donations. The Legislature intends to biennially match the total donations to utilities in the form of funding appropriated to CTED.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Substitute): The requirement that cities with a population over 5,000 residents and counties with a population over 50,000 residents that are required to plan under the Growth Management Act must adopt an Evergreen Cities Management Plan and Ordinance is removed. However, cities with a land area of more than 19,000 acres and must plan under the Growth Management Act, are required to adopt an

Evergreen Cities' urban forest management plan and ordinance after the model plan and ordinances are developed and made available statewide

DNR must conduct and complete an initial inventory and assessment of one eastern county and one western county by June 1, 2010. The Commissioner of Public Lands must assemble a technical advisory committee to assist in the development of the criteria and implementation plan for the statewide community and urban forest inventory and assessment.

CTED, with the advice of the Task Force, must develop an Evergreen Cities Recognition Program with a series of steps and provide criteria for each recognized step. A grant program is established to assist cities, towns, and counties in the process of becoming an Evergreen City instead of providing grants to cities that have already received the designation.

The Evergreen Support Account is removed. Utilities can still collect a voluntary contribution from their customers, which would go to cities to help fund local projects and would not be provided to the state.

Provides grant preferences and prioritization for certain funding programs and boards as it relates to being designated an Evergreen City, such as the Recreation and Conservation Funding Board, the State Conservation Commission, and the Public Works Board.

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Appropriation: None.

Fiscal Note: Requested on January 23, 2008.

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 Original Bill (Natural Resources, Ocean & Recreation): PRO: This bill is known as the Evergreen Cities Act. It is important for Washington to protect our city trees by having a reasonable state policy approach that empowers local jurisdictions and citizens. Maintaining our urban and community trees protects air quality, water quality, and the overall quality of life. A healthy urban forest slows climate change by absorbing carbon from the atmosphere, and acts as a buffer to mitigate the effects of storm water runoff. Federal Way did not maintain any trees when it was developed, and it is the least desirable and attractive city on the I-5 corridor. Children live, thrive, and learn better if they live in a community with trees.

CON: This bill will have a significant impact on housing affordability. The storm water regulations are already very restrictive.

OTHER: Local government strongly opposes unfunded mandates; however, we can support legislation that provides guidance in developing and providing incentives to keep and maintain our urban canopy. DNR should be the lead agency for the community and urban forestry program. The deadlines in this bill seem to be unrealistic and unworkable. There is a concern with placing this program under the criteria to be considered for the Public Works Fund as it relates to health and safety for wastewater. There is redundancy and duplication in advisory boards and delivery of services. The Tree City recognition program already exists, and has recognized 71 cities in Washington. This bill may restrict federal funds.

Persons Testifying (Natural Resources, Ocean & Recreation): PRO: Senator Murray, prime sponsor; Cliff Traisman, Washington Environmental Council, Washington Conservation Voters; Nina Carter, Audubon Society; Shawn Cantrell, Seattle Audubon; Kevin Raymond, Pacific Forest Trust; Sara Kath, self; Peggy Bruton, League of Women Voters.

CON: Andrew Cook, Building Industry Association of Washington.

OTHER: Vicki Christiansen, Department of Natural Resources; Melodie Selby, Department of Ecology; Dave Williams, Association of Washington Cities; Elizabeth Walker, City of Duvall Council; Kelly Snyder, Department of Community, Trade and Economic Development.

Staff Summary of Public Testimony on Recommended Substitute (Ways & Means):

PRO: The bill is a work in progress; has evolved from a regulatory bill to a largely voluntary program and will continue to be refined as it moves through the legislative process. The emphasis on vegetation management and protection of utility infrastructure is appreciated. The bill has moved from a regulatory bill to a proposal for state funds to be directed to local governments for programs by way of the Departments of Natural Resources and Community, Trade and Economic Development, although there are still concerns about the mandates for cities with more than 19,000 acres. This bill provides tools and resources cities would like to have to protect and restore urban forests. Urban forests are one of the most cost-effective ways to manage storm water and improve air quality, with a recent City of Portland study showing a return on investment of \$3.80 for every \$1.00 spent. The DNR welcomes this bill, with the state engaging in policy and fiscal discussions about a program that has been entirely federally

funded. The bill has DNR agency-request legislation folded into it that will help maintain, preserve, and restore resources.

Persons Testifying (Ways & Means): PRO: Cliff Traisman, Washington Environmental Council/Conservation Voters; Kim Hoff, Puget Sound Energy; Dave Williams, Association of Washington Cities; Heath Packard, Audubon Society; Vicki Christiansen, Department of Natural Resources (DNR).