

# FINAL BILL REPORT

## E2SHB 2844

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### PARTIAL VETO

C 299 L 08

Synopsis as Enacted

**Brief Description:** Regarding urban forestry.

**Sponsors:** By 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).

**House Committee on Ecology & Parks**

**House Committee on Appropriations**

**Senate Committee on Natural Resources, Ocean & Recreation**

**Senate Committee on Ways & Means**

#### **Background:**

##### Urban Forestry.

The Department of Natural Resources (DNR) is authorized to establish a community and urban forestry program. Community and urban forests are identified as land within human settlements that does, or could, support trees. The program authorized at the DNR may include assistance to local governments to encourage proper tree maintenance, policy and program coordination assistance, and the provision of surplus equipment to local governments to aid urban forestry programs.

The DNR is also authorized to enter into agreements with non-profit tree planting organizations and other entities with interests related to urban forestry. Funding may 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.

##### Urban Forestry and Utilities.

Many utility companies provide information to their customers regarding 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 the form of a billing statement check-off, that would fund urban forestry efforts.

#### **Summary:**

##### Evergreen Communities Recognition Program.

Cities and counties are authorized to pursue recognition as an Evergreen Community. There can be multiple gradations of Evergreen Communities, and the Department of Community, Trade and Economic Development (DCTED) is responsible for identifying the criteria necessary for each gradation. Criteria for becoming an Evergreen Community includes developing a community forestry program, recognizing Arbor Day, and completing a forest inventory. The application process for becoming an Evergreen Community is managed through an existing DNR urban forestry recognition program.

Designated Evergreen Communities are entitled to use logos and signage developed for that purpose by the DCTED. In addition, Evergreen Communities 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.

#### Evergreen Community Management Plans.

Cities and counties pursuing designation as an Evergreen Community are required to adopt an Evergreen Community Urban Forestry Management Plan (Management Plan). The Management Plans developed by local governments are required to be based on urban forest inventories. The inventories may be developed by the local government, or the local government may rely on inventories developed by the DNR.

The DCTED must develop a model Management Plan for cities to consider. There are 16 elements presented for consideration in the model 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. The model Management Plans must contain measurable goals and timelines and recognize eco-regional differences in the state.

Once developed, a local government's Management Plan may not be implemented until it 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 all proposed Management Plans and focus on a plan's consistency with the model Management Plan. The DCTED and the DNR are also authorized to offer technical assistance in the Management Plan adoption process. In addition to the DCTED and the DNR, communities located adjacent to Puget Sound must submit their management plans to the Department of Fish and Wildlife and the Puget Sound Partnership.

#### Evergreen Community Ordinances.

The process of becoming recognized as an Evergreen Community also requires cities and counties to adopt an Evergreen Community Ordinance. In addition to a model Management Plan, the DCTED is also required to develop a model Evergreen Community Ordinance for consideration. The model ordinance development process is required to consider at least 12 elements. Topics that must be included in the model Evergreen Community Ordinance 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 Community Ordinances may also include a mechanism for civil enforcement, hardship waivers, and appeal procedures.

Like Management Plans, Evergreen Community 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 Community Ordinances. The Evergreen Community Ordinances and their predecessor Management Plans do not apply to working agriculture and forestry land until that land is converted into new development.

#### Role of Counties.

Like cities, counties are also eligible for Evergreen Community designation. A county may adopt its own Evergreen Community Ordinance and apply that ordinance to new development within its jurisdiction. As an alternative, a city may request that a county apply its Evergreen Community Ordinance to new development within its Urban Growth Area.

#### Identification of Lands for Purchase.

Cities pursuing Evergreen Community designation are encouraged to identify potential land that can be purchased from willing sellers that, due to the urban trees on the land, are appropriately situated for public purchase. The list of potential land purchases must be provided to the DCTED by October 31, 2008, and a summary of those reports provided for the Legislature by the DCTED in December 2008.

#### Evergreen Communities Partnership Task Force.

The DCTED is required to assemble an Evergreen Communities 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 model Management Plans and Evergreen Community Ordinances and provided a similar service to the DNR on its development of urban forestry assessments.

The Task Force is to have up to 25 members that must be selected in consultation with the DNR and provide balanced representation from across the state's eco-regions. 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.

The DCTED is instructed to implement the Evergreen Communities 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 Community Ordinance, or to local governments that state an intent to become Evergreen Communities. In addition, recipient local governments must be able to show that they have developed partnerships with local not-for-profit organizations. Funding for the Grant Program must come from direct budget appropriations.

Cities may also receive money from their local utilities to fund urban forestry projects. 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 may be used one of two ways. It may be used by the utility to complete projects consistent with the model Management Plans developed by DCTED, or it may be used to support the development of Management Plans and Evergreen Community Ordinances for cities within the utility's service area.

Changes at the Department of Natural Resources.

The DNR is directed, subject to appropriations, 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. An initial assessment and inventory of two counties must be completed by no later than June 1, 2010.

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

**Votes on Final Passage:**

House	73	22	
Senate	31	18	(Senate amended)
House	68	26	(House concurred)

**Effective:** June 12, 2008

**Partial Veto Summary:** Removes the intent section.