

**JOINT TUMWATER PLANNING COMMISSION  
& TUMWATER TREE BOARD MEETING  
MINUTES OF HYBRID MEETING  
February 14, 2023 Page 1**

**CONVENE:** 7:02 p.m.

**PRESENT:** Planning Commission Chair Elizabeth Robbins and Commissioners Grace Edwards, Terry Kirkpatrick, Michael Tobias, Anthony Varela, and Kelly Von Holtz.

Excused: Commissioners Brian Schumacher and Meghan Sullivan.

Tree Board Chair Trent Grantham and Commissioners Michael Jackson, Tanya Nozawa, and Dennis Olson.

Excused: Commissioners Brent Chapman, Joel Hecker, and Jim Sedore.

Staff: Planning Manager Brad Medrud and Sustainability Coordinator Alyssa Jones Wood.

Others: Kim Frappier, Environmental Planner & Urban Forester, The Watershed Company; Drew Foster, Arborist & Urban Forester, The Watershed Company; Dan Penrose, Malissa Paulsen, and Rachel Granrath, SCJ Alliance.

**WELCOME & INTRODUCTIONS:** Planning Commission Chair Robbins welcomed everyone to the meeting. A meeting quorum was established.

**CHANGES TO AGENDA:** There were no changes to the agenda.

**APPROVAL OF PLANNING COMMISSION MINUTES:  
OCTOBER 25, 2022:**

**MOTION:** Commissioner Varela moved, seconded by Commissioner Kirkpatrick, to approve the minutes of October 25, 2022 as published. A voice vote approved the motion unanimously.

**COMMISSIONER'S REPORTS:** There were no reports.

**BOARD MEMBER'S REPORTS:** There were no reports.

**MANAGER'S REPORT:** Manager Medrud reported the department's new Associate Planner, Erika Smith-Erickson is scheduled to join the City on Thursday, February 16, 2023

**JOINT TUMWATER PLANNING COMMISSION  
& TUMWATER TREE BOARD MEETING  
MINUTES OF HYBRID MEETING  
February 14, 2023 Page 2**

**COORDINATOR'S  
REPORT:** There was no report.

**PUBLIC  
COMMENT:** There were no public comments.

**STREET TREE  
PLAN UPDATE:** Manager Medrud reported the joint worksession will cover proposed amendments to Tumwater Municipal Code (TMC) Chapter 12.24 and an update of the Street Tree Plan. He introduced Kim Frappier and Drew Foster with The Watershed Company. They are assisting the City with updating Tumwater's urban forestry ordinances and regulations.

Ms. Frappier referred to the prior briefing on the Street Tree Plan update as well as the draft Street Tree Plan Gap Analysis of the 2002 Street Tree Plan and TMC 12.24. The briefing will include an opportunity to review the analysis and provide feedback. The gap analysis includes an introduction, methodology, overview of street tree regulations, overview of the 2002 Street Tree Plan, additional topics to explore, regulatory linkages with other City plans and policies, and a revised Street Tree Plan framework.

Mr. Foster reviewed the proposed organization/framework of the Street Tree Plan. The introduction and background covers the scope, intent, project background, background information, and the purpose of the plan. The section on policies and regulations summarizes (new/amended) regulations, policies, permitting pathways, and regulatory connections with other City codes and regulations. The Street Tree Plan implementation addresses vision for future street tree plantings, long-term goals, benchmarks, recommendations for specific corridors, and design best practices to ensure tree health and to reduce conflicts with infrastructure. The next section is street tree care and protection, best practices for pruning, planting, maintenance, tree protection during construction activities, and ways to address conflicts between trees and sidewalks. The last section is comprised of appendices including a Street Tree List and short-targeted documents for specific audiences (homeowners, contractors, arborists, City staff, etc.).

Mr. Foster invited questions and comments on the proposed outline of the Street Tree Plan.

Chair Robbins offered that the plan should speak to the main category of users of the plan, and as such, the plan should include information users need to know, information that has changed, and current information. She asked about the possibility of an electronic version of the plan including the option for users to search for different information or categories within the document that are more relevant to the user. Mr. Foster agreed end users are

**JOINT TUMWATER PLANNING COMMISSION  
& TUMWATER TREE BOARD MEETING  
MINUTES OF HYBRID MEETING  
February 14, 2023 Page 3**

an important consideration as the plan is developed in terms usefulness of the plan and ways the plan could be utilized. The sections were intended to group different categories to increase accessibility to users.

Ms. Frappier added that the team is planning to develop some audience-specific educational materials in support of the Street Tree Plan after the plan is developed. The materials can be included as an appendix and published online for easier access.

Chair Grantham commented that the plan includes limited information on existing plantings while lacking information on the process for removing and repairing existing sidewalks in subdivisions damaged by trees.

Ms. Frappier responded that the plan will include references to permitting requirements in TMC 16.08; however, the details of the permitting process are currently in progress. The Street Tree Plan not only addresses new plantings, but also protection and maintenance of existing street trees.

Manager Medrud cited Chapter 5 of the proposed outline, which covers management of sidewalk conflicts.

Commissioner Kirkpatrick spoke to concerns surrounding unfunded mandates. Numerous discussions on urban forestry ordinances and regulations have spoken to requiring residents to assume the cost of maintaining street trees planted by the developer as required by the City. Developers are generally responsible for those trees for several years. Following that limited period, homeowners are required to maintain street tree. Homeowners must hire an arborist to address tree issues, which can be expensive. It is more cost effective for the City to contract with arborists for maintenance of street trees. Inflicting the cost of street tree maintenance on homeowners will cost more to a homeowner who likely did not anticipate the additional cost.

Mr. Foster replied that those issues would be addressed in the plan in terms of plantings, maintenance, and best practices. Maintenance cost is an ongoing issue the City and the community need to address. The intent of the plan is establishing clear definitions and a clear scope in terms of applicability and maintenance responsibility. The plan will include information on best practices to reduce future costs.

Mr. Foster reviewed the definition of a street tree. A street tree is often defined differently by cities based on the management structure of street trees, e.g. staffing, funding level, maintenance responsibility, or location of trees (unimproved right-of-way or improved right-of-way, easements, park, planting strip, or boulevard median). The gap analysis includes information

**JOINT TUMWATER PLANNING COMMISSION  
& TUMWATER TREE BOARD MEETING  
MINUTES OF HYBRID MEETING  
February 14, 2023 Page 4**

on the definition of street trees with examples from Seattle, Vancouver, Portland, and Shoreline.

Currently, the City of Tumwater defines a street tree as a tree planted along the edge of a right-of-way or easement, or just inside the lot or parcel from the right-of-way or easement and is of a variety approved by the City for such placement. Although not specified in the City code, some discussions with staff indicate street trees are also defined as those trees associated with specific improvement projects that are managed by the City. Mr. Foster invited members to consider whether the definition should be updated to reflect applicability and maintenance responsibility. During the gap analysis and policy reviews, the current definition in TMC Title 17 was found not to include all street trees and it is unclear as to trees in the improved right-of-way versus unimproved right-of-way. The 2018 Street Tree Inventory includes data on trees planted in the right-of-way between a public sidewalk and private property and some trees along boulevards and on the edge of the sidewalk.

During discussions with City staff, there was a consensus that street trees in an improved right-of-way are the responsibility of the adjacent homeowner unless identified as a City managed street improvement project. That situation would likely remain unchanged other than for some conversations to explore other possibilities, such as homeowners maintaining street trees. However, additional funding would be required as well as programmatic work to determine the entity responsible for street tree maintenance.

Mr. Foster displayed several visual scenarios of street tree placements and cited outstanding questions to resolve of whether trees are managed differently, regulated differently, establishing different goals for planting trees, removing them, or maintaining trees under different scenarios. If so, the issues surround whether the definition should be different or whether to change applicability within the code. The same questions should also apply to unimproved rights-of-way. The main issue is whether to update the current definition. For example, the City of Portland's broad definition speaks to any tree planted in the City right-of-way whether improved or unimproved. Alternatively, the City of Tumwater's code or Street Tree Plan could include different scenarios.

Commissioner Kirkpatrick suggested that if maintenance of trees requires the service of an arborist it should be a City responsibility rather than the responsibility of the individual. The issue also speaks to equity across the City because all areas of the City should be aesthetically pleasing; however, any regulation must apply Citywide and not individually.

Commissioner Tobias asked about the fairness of requiring homeowners to

**JOINT TUMWATER PLANNING COMMISSION  
& TUMWATER TREE BOARD MEETING  
MINUTES OF HYBRID MEETING  
February 14, 2023 Page 5**

maintain trees planted by the City. Mr. Foster replied that based on his understanding, when the City plants a tree, the homeowner assumes maintenance responsibility for the tree.

Ms. Frappier noted the City has created a list of street corridors the City is responsible for tree maintenance. The list could be included within the Street Tree Plan denoting which corridors fall under the City's jurisdiction for street tree management versus those street trees that are the responsibility of landowners. Another outstanding question is the timeline for the City's management of those trees along corridors.

Manager Medrud explained that the City has documented a list of various areas of the City for maintenance responsibility. The update of the Street Tree Plan could codify and identify those specific areas for clarity.

Commissioner Kirkpatrick reiterated how the plan speaks to the requirement for landowners to seek a permit from the City to maintain the tree and that an arborist is required to either complete an assessment or instruct the landowner on the proper pruning technique. The language speaks to new requirements that would be expensive for a landowner to address but much less expensive for the City to complete through contracting.

Ms. Frappier pointed out that the gap analysis includes some suggestions and some topics for discussion. No decisions have been rendered at this time. Staff feedback during a recent meeting spoke to less desire for additional street tree permitting requirements other than requiring permits as part of a development project or tree removal on private properties not located in the right-of-way. The discussion is whether there is a preference to include some kind of permitting or permission process for major tree pruning that if improperly completed could be to the detriment of the tree.

Mr. Foster encouraged members to consider the different scenarios and alternative options to address different situations.

Ms. Frappier reported the discussion on street tree regulations are within Section 2 of the Gap Analysis. The current code is brief and focuses on establishing jurisdiction and authority and species prohibited for planting due to the invasive quality of the species and negative impacts on infrastructure. Part of the scope of work for the project is refining the City's prohibitive and approved street tree list for review by the Board and Commission. The current code addresses abatement of nuisances, specifically to infrastructure, such as sidewalks and streets, as well as fire hazards. The code speaks to stump and root removal. A section is on best management practices and enforcement. She recommended reviewing suggested updates and identifying outstanding questions to address as part of the Street Tree

**JOINT TUMWATER PLANNING COMMISSION  
& TUMWATER TREE BOARD MEETING  
MINUTES OF HYBRID MEETING  
February 14, 2023 Page 6**

regulation update. Some of the suggested updates outlined in the Gap Analysis include adding purpose and intent for clarity in the code, including a street tree management standard that would include stump and removal provisions while referring to the Street Tree Plan by reference in the code. One approach is including a summary of best management and maintenance practices or referring the user to the Street Tree Plan, which addresses those issues in detail.

One major question is clarifying jurisdiction as discussed by describing the roles and responsibilities of tree management and maintenance in City right-of-ways, clarifying any specific roles related to improved versus unimproved right-of-ways, and exploring when private landowners are responsible for management of trees. The last issue is permits.

One key question to resolve is any scenarios the City might consider, such as some kind of permitting requirement for street tree removal or maintenance. Any permit requirements could have implications for landowners financially as well as for the City. The issue before the Board and the Commission is whether some form of street tree permit should be required when a private landowner wants to remove a street tree.

Chair Grantham commented that any management standard speaks to the issue of enforcement and the City's capability of managing the enforcement process. He also believes the City currently requires a permit for any activity occurring in the City right-of-way. The issue speaks to a gray area pertinent to trees located behind the sidewalk and ownership of the tree. It would be difficult for the City to assume ownership. Many have voiced concerns about the inability of removing trees on private property. He suggested simplifying the permitting process for property owners.

Feedback from members included a scenario where a street tree damages the street and the financial responsibility for repairing the street abutting a private property. Manager Medrud said he would review the scenario with the City's Transportation Manager.

Discussion ensued on the focus of achieving a balance for the homeowner, the City, and green infrastructure, and the possibility of providing some mechanisms for homeowners in situations where the homeowner has incurred a financial hardship, such as affording a waiver or the City sponsors the cost with specific requirements as a way to ensure equity for the community. Additionally, older neighborhoods with well-established trees often create a falling hazard or are diseased and need to be removed. The City could explore providing a waiver or scheduling neighborhood pruning of older trees that are obstructing power lines or creating other hazards.

**JOINT TUMWATER PLANNING COMMISSION  
& TUMWATER TREE BOARD MEETING  
MINUTES OF HYBRID MEETING  
February 14, 2023 Page 7**

Ms. Frappier encouraged members to submit written feedback to staff. The project team is currently drafting the Street Tree Plan and regulation updates and will integrate all feedback from the Commission and Tree Board. The second round of community conversations will be at the end of February during hybrid, in-person, and online community engagement meetings. Any specific topics or questions to present during the community meetings are welcome as well.

Manager Medrud reviewed the community meeting dates, internal stakeholder meeting, and briefings scheduled to the Council.

**LANDSCAPE CODE  
UPDATE:**

Manager Medrud introduced Dan Penrose, Malissa Paulsen, and Rachel Granrath with SCJ Alliance. They briefed members on the draft of the gap analysis.

Mr. Penrose said the intent of the Landscape Code update is to ensure the Urban Forestry Management Plan is implemented, that it reflects the City's current goals and needs, reflects best practices at the local, state, and federal level, and to ensure City staff, developers, and landscape professionals have an opportunity for ease of use.

The first step was evaluating existing conditions through a series of different codes. The 2016 Comprehensive Plan Land Use Element is a 20-year vision for development in the City and includes a series of land use policies for landscaping. The codes also include design review and guidelines addressing circulation, stormwater run-off, landscaping, buffering, building location, and design. The code addresses buffers and multiple uses that landscaping fulfills. The team reviewed a variety of plans including the Brewery District Plan, Capitol Boulevard Corridor Plan, Black Hills Subarea Transportation Plan, and the Littlerock Road Subarea Plan and evaluated the plans and the visions for landscaping provisions throughout the City. The team also reviewed the Urban Forestry Management Plan.

The consultant team prepared a code audit from an examination of TMC 18.47. The last substantial update of the code was in 2008. The update of the Landscape Code was prompted by the recent focus on best practices, adoption of the Urban Forestry Management Plan, sustainability measures, climate mitigation, and the update of the Street Tree Plan to ensure the code is consistent and reflects both the supporting documents, staff recommendations, and the City's vision.

During the review of the codes, staff requested evaluation of other areas of TMC landscaping provisions. Areas of specific focus during the review of the Development Guide include adding Tree City and Backyard Habitat

**JOINT TUMWATER PLANNING COMMISSION  
& TUMWATER TREE BOARD MEETING  
MINUTES OF HYBRID MEETING  
February 14, 2023 Page 8**

language to the intent and introduction section, evaluating tree and vegetation protection ordinance for a potential update, reviewing illumination design standards and potentially limiting the intensity of lights, and considering lighting and security access for alignment with other codes. TMC 18.47 speaks to street trees in coordination with the Landscaping Code. The consultant team plans to meet with The Watershed Company consultants to ensure efforts are aligned. Other areas include updating and changing some of the trees, shrubs, and groundcover based on lists developed by City staff. The team will also review the Drainage Design Erosion Control Manual and consider potential updates to the irrigation section.

Chair Robbins asked whether the team has discovered any dated or inconsistent methods currently employed by either the City or developers. Ms. Granrath responded that any outdated provisions would be identified through the team's review and during topic reviews during workshops. The team is working closely with staff. Many of the updated techniques under consideration pertain to sustainability considerations such as updating the adaptive plant list, inclusion of pollinator plants, updating water conservation practices, and reviewing best practices and codes.

Mr. Penrose added that the City's codes are not generationally outdated, as the codes have completed periodic reviews and updates. However, some existing practices will be evaluated and updated to align with sustainability considerations.

Mr. Penrose recognized the City's priority of sustainability. Coordinator Jones Wood ensures the team considers the City's sustainability goals. The City supports Sustainable Thurston, an important measure local cities are working on to ensure preservation and maintenance of places for people. The City adopted the Thurston Climate Mitigation Plan and established a Water Resources and Sustainability Department dedicated to water resources and sustainability to include climate change, critical resources, and other factors for urban and forest health and canopy retention.

Mr. Penrose described other areas of review:

- Areas of water conservation
- Native and Northwest adaptive plants
- Composting and use of compost in landscaping
- Using plants as pollinators/plants attracting bees
- Forest City certification of Habitat at Home, a Department of Fish and Wildlife certification

Ms. Paulsen reviewed key themes and takeaways identified throughout the

**JOINT TUMWATER PLANNING COMMISSION  
& TUMWATER TREE BOARD MEETING  
MINUTES OF HYBRID MEETING  
February 14, 2023 Page 9**

review process:

- Landscapes should be multi-purpose to address various needs, e.g. stormwater management, visual barriers, trails/recreation
- Be innovative by incorporating flexibility within the codes to enable the City to move forward and address future problems
- Reuse resources to the extent possible – top soil, water, existing foliage versus removal
- Incorporate design flexibility by allowing developers or others to have design and other options
- Water conservation – promoting plants that can survive without irrigation, are drought tolerant, use temporary or seasonal irrigation systems, or adding rain sensor zones
- Habitat preservation to support and protect pollinators, endangered species, and local wildlife
- Crime prevention through environmental design – natural access control, natural surveillance, and maintenance

Chair Grantham asked whether the team is considering alternative landscape options. Manager Medrud responded that it is possible to achieve some flexibility goals as part of the update process.

Commissioner Kirkpatrick said many residential properties are governed by homeowner associations and covenants developed by the developer and filed with Thurston County. Homeowners typically did not have any input in the development of the covenants. Covenants often include specific requirements. To change provisions or requirements within covenants, two-thirds of the homeowners must vote in favor of a change. Somewhere in the process of moving forward on sustainability measures, the City should consider not only changes in policies and codes but ways to address different covenants in existence.

Chair Grantham asked whether the City's codes supersede covenants. Manager Medrud advised that unless there was a conflict with a City requirement, the City is not involved in the regulation of covenants other than the management of stormwater.

Chair Robbins spoke to the importance of tracking progress of any codes through time to enable the City to adjust when needed.

Mr. Penrose commented that the codes typically address new development. It is difficult to effectuate change on a built environment. Additionally, government often does not effectively monitor outcomes. Some best practices exist that provide some checks. In critical areas for example, a five to seven year monitoring period is often included in landscape codes.

**JOINT TUMWATER PLANNING COMMISSION  
& TUMWATER TREE BOARD MEETING  
MINUTES OF HYBRID MEETING  
February 14, 2023 Page 10**

Chair Robbins said that the issue is whether City's policies have been effective over the long term and whether the City is achieving its vision. Mr. Penrose said the team plans to meet with stakeholders for feedback on landscaping and how well the codes have achieved City goals.

Manager Medrud reported stakeholder meetings are planned on March 13 and April 3, 2023. Additionally, the General Government Committee will receive a briefing at its March meeting. He asked members to forward information on any specific issues to review with the committee.

**NEXT MEETING:** The next meeting of the Planning Commission is Tuesday, February 28, 2023 at 7 p.m. The next meeting of the Tree Board is Monday, March 13, 2023 at 7 p.m.

**ADJOURNMENT:** Commissioner Varela moved, seconded by Chair Grantham, to adjourn the meeting at 8:38 p.m. A voice vote approved the motion unanimously.

Prepared by Valerie Gow, Recording Secretary/President  
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