CONVENE: 7:00 p.m. Planning Commission Chair Elizabeth Robbins and Commissioners **PRESENT:** Grace Edwards, Terry Kirkpatrick, Brian Schumacher, Meghan Sullivan, Michael Tobias, Anthony Varela, and Kelly Von Holtz. Tree Board Chair Trent Grantham and Commissioners Joel Hecker. Michael Jackson, Dennis Olson, and Jim Sedore. Excused: Commissioners Brent Chapman and Tanya Nozawa. Staff: Planning Manager Brad Medrud and Sustainability Coordinator Alyssa Jones Wood. Others: Kim Frappier, Environmental Planner & Urban Forester, and Devin Melville, Environmental Planner, The Watershed Company. **CHANGES TO THE** Approval of minutes was removed from the agenda. **AGENDA: COMMISSIONER'S** There were no reports. **REPORTS:**

BOARDMEMBER'S REPORTS: Boardmember Sedore reported on his recent networking efforts with different organizations and a referral to the Arbor Foundation's website. The website hosts information on a Tree Board University, an online eight-class course. He has completed three classes and found the information helpful. He encouraged other members to visit the site and consider participating in the classes.

During a recent walk, he noticed a public announcement at the intersection of Israel Road and Tyee Drive for a proposed development of an apartment complex project comprised of 1,150 apartments on 22 acres of land. The notice advised of the closure of public comments on January 9, 2023. He asked about the possibility of adding the Tree Board to mailing lists for development proposals. The Board has discussed that particular location in the past. Manager Medrud invited members to email him if they are interested in receiving information on development projects.

MANAGER'SManager Medrud advised that the General Government Committee is
scheduled to review the Long Range Planning Work Program. The City
Council is scheduled to consider approval of the work program at its
meeting on Tuesday, January 17, 2023.

Four candidates completed interviews last week for the open planning position within the Community Development Department.

Manager Medrud reported he and Chair Robbins are interviewing applicants to fill the Commission's vacant position.

Manager Medrud referred members to an updated list of topics scheduled for review by the Commission.

COORDINATOR'SCoordinator Jones Wood reported the Carbon Sequestration White Paper**REPORT:**from Thurston Regional Planning Council has not been received.

Quarterly check-in meetings with all staff related to the Urban Forestry Management Plan have been scheduled.

The Council adopted the compost procurement ordinance applicable to tree plantings and landscape projects completed in the City. The ordinance requires projects to incorporate compost within landscaping projects.

Coordinator Jones Wood reported on her recent meeting with staff from the Communications Department on the heritage tree map. Work is scheduled to begin to complete the map. She asked Boardmembers to assist in providing several photographs of heritage trees in the community.

Boardmember Hecker is attending his last Board meeting and is scheduled to join the Parks and Recreation Commission as a new member.

The City's Arbor Day event is scheduled on April 22, 2023 on Earth Day at 10 a.m. at Tumwater Historical Park.

PUBLIC COMMENT: Cindy Cooper, 1085 Ebbets Drive SW, Tumwater, said she is interested in the work of the Tree Board. She is retired from the State Department of Agriculture as a Program Manager. She worked on pest issues and would like to create a connection with the Board for a potential recommendation on tree selections and the possibility of exotic stress tests for recommended tree species.

JOINT PLANNING
COMMISSION AND
TREE BOARDKim Frappier, Environmental Planner & Urban Forester, briefed
members on the Street Tree Plan and the status of the ordinance draft.WORKSESSION ON
THE STREET TREEThe Street Tree Plan and ordinance update to Tumwater Municipal Code
(TMC) 12.24 Street Trees is a key implementation action of the City's

PLAN UPDATE: Urban Forestry Management Plan with the overarching goal to grow a healthy resilient urban forest and increase Citywide canopy cover. The Street Tree Plan update builds on the work initiated last year. The goal of the project is updating the street trees ordinance and developing a revised Street Tree Plan based on best available science and horticultural practices responsive to a changing climate and grounded in environmental equity and justice.

The project was launched in late 2022 by developing an addendum to the Public Engagement Plan originally created for the Tree Preservation Code update project. Additionally, a draft gap analysis was created. Public engagement efforts will be launched during the first quarter of 2023 as well as reviewing the Street Tree Plan gap analysis with City staff, Tree Board, and the Planning Commission. By spring, the consultant team will finalize the Street Tree Plan for submittal to the City. During the summer, the consultant team will continue working with the City Council, Planning Commission, and the Tree Board to refine and revise the Street Tree Ordinance. During the fall, the Council will consider the revised Street Tree Plan and ordinance for adoption.

Ms. Frappier reviewed the components of the Public Engagement Plan addendum. Community engagement for the Street Tree Plan mirrors efforts for the Tree Preservation Code update by using online tools, stakeholder meetings, online open houses at Tumwatertreecity.com, and social media to share information and generate public feedback. The City will continue to engage directly with interested community members and organizations. A second round of community conversations will focus on the Street Tree Plan update via hybrid meetings. The overall strategy is to solicit outreach and engage a wide and diverse audience and compile, distill, and interpret the feedback into actionable guidance and recommendations to inform the ordinance update and the Street Tree Plan.

Manager Medrud confirmed that he would share the most current list of organizations and community stakeholders with the Board and Commission to assist in identifying other stakeholders or organizations that might be missing.

Ms Frappier advised that the street tree gap analysis was provided to members to review and provide feedback. The gap analysis will be reviewed at the joint Tree Board and Planning Commission meeting scheduled on February 14, 2023. The gap analysis is organized into five main sections comprised of a review of existing street tree regulations (TMC 12.24), the 2002 Street Tree Plan, additional topics for consideration not previously captured in the current Street Tree Plan,

regulatory linkages with other key City policies and priorities, and a revised proposed outline for the Street Tree Plan.

JOINT PLANNING COMMISSION AND TREE BOARD WORKSESSION ON TREE AND VEGETATION PRESERVATION REGULATION UPDATE: Ms. Frappier reported the briefing will cover the gap analysis for TMC 16.08. In October 2022 public engagement commenced with external stakeholder meetings (community conversations) and development of a policy gap analysis. The third and final community conversation concluded the previous evening. The project team is hosting an internal stakeholder meeting with City staff next week to discuss the gap analysis. Over the next three months, draft amendments to the tree ordinance will be drafted for review by the Tree Board and the Planning Commission during worksessions.

Some of the themes and ideas emerging from the third community conversation included:

- Protection of large diameter trees
- Consideration of habitat value of trees and groves
- Developing clear permitting requirements with specific consideration for a creating minor and major permit structure
- Stronger tree retention and replacement requirements
- Interest in incentives for homeowners and developers
- Integrating climate change mitigation and adaptation into the framework of the code
- Stricter code enforcement, strong but fair penalties for violations
- Consider using a point or credit system for determining tree retention and replacement requirements.

Moving into the next phase of developing the ordinance, the project team will consider and discuss the feedback and ideas shared by the community.

The gap analysis for TMC 16.08 is organized into three sections of a review and assessment of the existing ordinance, important topics that may not be included within the present code, and an overview of coordination needed with other City plans and guidelines. The project team identified the following topics to discuss during the joint worksession:

- Tree retention and replacement requirements
- Tree protection designations for large diameter trees
- o Updating the methodology for quantifying tree retention
- Permit types and requirements
- o Incentives for development projects and existing property owners

• Maintenance requirements for tree tracts within homeowner associations (HOAs) and commercial and industrial sites

Currently, the code allows for a certain amount of tree removal based on the development proposal. On non-developed sites, 30% of existing trees can be removed within a ten-year period. On sites proposed for development, 20% of existing trees or 12 trees per acre must be retained, whichever is greater. Six trees every three years can be removed on developed properties except for heritage trees or in critical areas. Replacement requirements are applicable if tree retention does not meet code standards. On sites without a development proposal, a 1:1 placement ratio is required. On sites with new development, a 3:1 replacement ratio is required. Replacement trees as required in the existing code must be seedlings at least two years of age of the same or similar species of the trees removed.

A discussion on replacement trees standards is included in section 2.9.3 of the gap analysis. The gap analysis proposes the following for amending the Tree Preservation Code:

- 1. Revise the methodology for quantifying tree retention and replacement.
- 2. Establish tree size, species, and location as criteria for retention.
- 3. Provide additional protections for retention of large diameter trees, such as those equal to or greater than 24 inch DBH.
- 4. Consider decreasing the removal allowances on developed properties.

As outlined in the gap analysis, commonly used strategies for assessing tree retention and replacement in tree codes include a tree credit approach, a point system, or a canopy cover approach. The methods require a measurement of existing on-site trees and have specific size thresholds for which trees are regulated. Typically, those trees are at least 6 inches in diameter.

The tree credit approach considers density of existing trees on a parcel based on tree trunk diameter. Trees are assigned as credits based on their diameter or size. Knowing the diameter at breast height (DBH), the species, and the condition of the trees can provide insight into the habitat value and ecosystems services the trees provide. The tree code would specify a minimum number of credits required to remain on the parcel after development. The number of credits varies by the size of the parcel. If the minimum credits are not achieved, replacement planting would be required. Tree credit methods are commonly used because of ease of data collection and it does not require access to aerial imagery or online

data sources. Trunk size is easily measured and verified in the field. Ms. Frappier cited several jurisdictions in the Puget Sound region that use the tree credit approach to include the City of Olympia.

Another approach for quantifying on-site trees is using canopy cover measurements. Tree canopy refers to all branches and foliage that make up a tree's crown measured by the tree's drip line or the outer edge of the canopy. A parcel's canopy cover is measured as a percent of the gross site area and can be measured through on-the-ground tree survey or through aerial estimation using aerial photos. The use of aerial imagery should be used in combination with ground-based assessments to determine the condition and species of trees. The tree code would specify a minimum percent canopy cover required to remain on the site. Tree canopy cover could also include not only the trees to be retained that the projected canopy covers but also any newly planted trees. The calculations would ideally be calculated by a qualified arborist or confirmed by the City's on-call urban forestry professional for permit review. Since tree canopy width and shape varies by tree species, the City would need to consider additional provisions to account for any kind of large tree diameter protections. Jurisdictions currently using this approach include Lake Forest Park in Snohomish County.

Boardmember Sedore requested additional clarification as to how tree canopy is factored on replacement trees when the trees mature. Ms. Frappier explained that the methodology includes an arborist calculating an estimated based on available data for projected mature tree canopy of a specific tree at 20 or 30 years maturity. Boardmember Sedore responded that in a new development, the canopy cover would be significantly less. Estimating assumes that all trees would survive to a mature size in 20 years. Ms. Frappier said there are definitely limitations to the approach; however, it was important to provide the option for consideration.

Chair Robbins suggested consideration should be factored for irrigating small trees or other kind of support to ensure survival to produce a future mature canopy. Ms. Frappier replied that those provisions would be included within the maintenance discussion, which is a provision within the tree code.

Boardmember Sedore cited an example of a development that had planted trees approximately ten years ago and during a recent storm, approximately five trees were lost. He asked how that would be accounted for within the tree replacement section of the code. Ms. Frappier responded that it likely would fall under the maintenance provisions within the code.

Ms. Frappier invited feedback and direction on the tree credit method versus the canopy cover method.

Chair Grantham remarked that the point system is not a perfect system and sometimes developers plant trees indiscriminately to achieve the necessary count. In many cases, that method results in planting the wrong tree in the wrong location. It also appears that the canopy calculation would be very cumbersome and difficult to quantify in some circumstances. He asked about any other methodologies other than the two presented. Ms. Frappier said the effort is the first review of two methodologies. It is important to consider that both methods represent a simplified explanation as there are many more details necessitated by the For example, the City of Kirkland's code includes requirements. numerous layers with the first step quantifying on-site trees while also considering extra protections for large diameter trees. The City of Kirkland also has landmark tree protections for trees 24" DBH and greater, as well as requirements for replacement trees, species, and location. She is familiar with many variations of the credit-debit system or the point system with wide variations in the models.

Commissioner Varela asked how canopy cover methodology factors the time necessary to achieve the outcome. He asked whether the code accounts for any trees that might be destroyed in the interim. Ms. Frappier responded that with any development project there would be a temporal loss of canopy when replacement trees are planted. One solution is requiring a higher ratio of replacement trees to account for future loss of trees. The credit system could also account for replacement trees based on the accumulative DBH of trees on a site rather than just a one to one replacement ratio. She cited the City of Burien as an example. The city awards credits based on different sized replacement trees planted. The replacement of those trees would follow the credit system as well. Removal of an 18-inch conifer would require a larger tree replacement.

Boardmember Hecker commented on the different size of development sites. He asked whether the code accounts for the process of measuring tree diameters on larger parcels. Ms. Frappier said it would require establishing a system for both small and large landowners. Those provisions would likely fall under a different provision within the code. A provision is currently included for Forest Practices as outlined in the gap analysis. The project team recommends retaining that provision within the code and clarifying and expanding the provisions. A community stakeholder shared that as a landowner of 10 acres of forested land, they want to retain the ability to manage their forest for ecological

health.

Chair Robbins requested feedback on how either one of the measurement methodologies might provide greater benefits for continuity of habitat or wildlife corridors. Ms. Frappier advised that the examples are based on small lots; however, in terms of capturing habitat values of trees, it is assumed to correlate with the tree size, condition, canopy, and the species of the trees. Many codes do not quantify habitat features; however, inherent in the protection of larger trees or stands of trees and associated vegetation is an assumption of habitat value within those sites. The amendment process includes a review of protecting tree groves and habitat corridors as the issue has been addressed frequently.

Manager Medrud added that in some recent codes for tree preservation, the tree preservation code applies outside of any critical areas identified on the site or within the shoreline. Habitat value for trees, vegetation, connectivity for habitat, and wetlands and buffers are addressed in the City's critical areas ordinance. The tree management approach for larger lots is another way to address habitat value through tree preservation codes.

Chair Robbins said she would like consideration included in the tree preservation codes to avoid disruptions of habitat occurring lot-by-lot or parcel-by-parcel. It is important to identify the value of habitat in a context beyond a parcel.

Ms. Frappier asked for feedback on establishing special protections for large diameter trees, such as establishing landmark tree specifications/classifications. Some jurisdictions do not allow the removal of large diameter trees from a site, which entails additional permit and replacement requirements.

Commissioner Kirkpatrick offered that the tree credit method is easier to manage than the canopy method. However, some definitive requirements within the credit-based approach would need to be included.

Boardmember Jackson commented that one of the main issues concerning development within the City is tree requirements for development. Recent developments along Littlerock Road require an increase in the elevation of the site. Standing trees would need to be removed in order to develop the site. He opposes any requirement that must accommodate 24" diameter trees or larger based on the City of Olympia's experience. It is difficult to preclude total development of a parcel. For instance, a five-acre tract containing 15, 24-inch to 30-inch diameter Douglas firs would be difficult to protect if development is to

occur. The City's current code includes two provisions. The first is prior to any development proposal, it would be important to assess the condition of a stand trees to save. Securing a five percent tree tract early in the development process in the area of healthy standing trees would enable developers to identify remaining area that could be developed. Another provision in the ordinance applies to existing riparian areas surrounding wetlands or critical areas. Existing trees in those areas could meet the 12 tree per acre requirement. He has been involved in many development proposals since the ordinance was adopted. In many cases, the ordinance was effective; however the 12 tree per acre requirement often resulted in the retention of maples and maple clumps that should not have been considered. The canopy option could entail leaving poor quality maple trees. However, if the trees are healthy and can be setaside early to satisfy the 5% tree tract requirement, the City's other codes, such as the landscaping ordinance would aid in developing a proposed plan. He does not support the canopy option. Additionally, the basal area form of measurement is also a difficult method for measuring. He contended that based on his experience, a large parcel off 93rd Avenue includes a large number of tree that are over 24" in diameter. The developer was able to save the entire tract of those trees because the developer identified the 5% tree tract prior to development.

Ms. Frappier commented that the intent is to define clearly within the code the quality, size, and species of groves and tree tracts to ensure any set-aside tree tracts are comprised of healthy trees. From a development perspective, trees on a parcel are often not compatible with infrastructure. In those instances, the code could specify tree size, species, and location criteria for tree retention that could include trees within a grove or tree tract.

Ms. Frappier invited feedback on the proposal to decrease the removal allowance on developed properties. The current provision allows for the removal of six trees every three years on an existing developed site. Suggestions from the community include amending the provision.

Commissioner Tobias asked whether any exceptions are allowed for trees that have become either nuisance or hazard trees. Ms. Frappier advised that the trees would need to be assessed by an arborist. Exceptions are allowed for hazard trees.

Boardmember Sedore commented on those situations where some homeowners with large mature trees often remove the trees to increase sunlight leaving a developed parcel with no trees. In many cases, those homes are sold with new owners unaware of prior tree removals and no plans to replant trees. The issue of homeowners removing healthy or unhealthy trees speaks to the importance of working with HOAs and homeowners, as many property owners perceive the right to remove trees from their property at their own discretion. Trees not only benefit the environment, they benefit other surrounding property owners leading to a new realm of thought of property owners not having the right to change the environment by removing trees on their property.

Boardmember Jackson commented on the number of recent annexations to the City where properties were developed under county regulations. Those properties now reside in the City and trees under county regulations many years ago were only 40 feet tall and have since grown to reach 100 feet or more. Many property owners are fearful of those trees that may exist in buffers. It is often difficult to remove those trees.

Boardmember Olson asked whether tree removal by property owners would be the appropriate provision in the code to address programs to assist and educate property owners. Ms. Frappier acknowledged the opportunities for the City as outlined in the Urban Forestry Management Plan to expand urban forestry education to the community that could include the tree care industry and tree professionals as well. Some jurisdictions require any tree care company working within the city to obtain a city business license and sign a statement attesting to understanding tree rules and regulations. Other jurisdictions provide informational materials and educational information on websites directed to homeowners, arborists, developers, and architects outlining regulations and available support to ensure different stakeholders have the correct information.

Ms. Frappier referred to permit types and requirements. The discussion on the topic is included within the gap analysis in Section 2.7. Suggestions include developing a user guide for the permitting process outlining the process clearly for permitting staff, applicants, and the public. Additionally, another suggestion is developing a major and minor permit system that includes different criteria for tree removal on private property not associated with development and large-scale land clearing in preparation for a development project. Jurisdictions using this approach include the cities of Kirkland, Burien, and Mercer Island.

Commissioner Varela asked whether the codes include any differentiation of homes regulated within a HOA. Ms. Frappier said it is likely that homes located within a HOA would be subject to other requirements that would need to be clarified during the amendment process.

Manager Medrud noted that homeowners living within a subdivision that

are subject to a HOA might be required to complete two separate permitting processes. The issue is often dependent upon whether the HOA is active or as in many cases, a name only HOA that is dormant. Regardless of the level of the HOA, homeowners would be required to obtain a permit from the City.

Chair Grantham remarked that during the last update of the code there were discussions surrounding property owners who wanted to clear or cut trees on their large property for firewood or to sell. Sometimes, dependent upon the number of trees, the property owner would be required to follow the requirements of the major permit even though the owner is not completing land-clearing activities. He also recently became aware of an issue on the campus of a community college where the city is requiring a large number of replacement trees for the trees the college wants to remove because of damage to infrastructure caused by trees. He suggested that in those types of instances, another permit type might be appropriate to address those situations.

Ms. Frappier referred to incentives for tree preservation in Section 3.5 of the gap analysis. She invited input on some of the feedback the City received from the community. Some suggestions included expediting the permitting process, permit fee reductions, reducing stormwater fees, development design incentives, provisions for small forest landowners, and tax breaks or rebates for homeowners. The community was interested in affording incentives. The current code does not include incentives. Some of the incentives could be integrated within the landscaping code as well. During the recent community conversation, interest was conveyed of affording incentives not only to homeowners but to developers as well.

Chair Robbins noted the importance of understanding the difference between "incentives" and "exemptions" for preservation. In some instances, an exemption from adherence to the code is an incentive. Ms Frappier explained that in the instance of an "incentive," it would entail additional actions that would assist the developer in exceeding the minimum tree protection requirements. An exemption could entail those situations where site characteristics or the design parameters were such that an exemption to remove more trees could occur without the developer being penalized. However, in some cases, exemptions from the code, using the small forest landowner as an example, could entail an exemption in the code to enable the homeowner to harvest more than the code allows because of the desire to use the wood for a specific purpose or the owner has a forest management plan in place.

Comments from members included pursuing a conversation on incentives

for potential recommendations acknowledging that many municipalities leave the option of incentives to the discretion of the director as the municipality and applicant pursue the development process. Essentially, the goal of developers is to generate revenue from a lot. It would be difficult to identify incentives for developers not to develop a lot and retain existing trees. There likely would need to be a financial incentive, which is unlikely for development. The issue of incentives is a different conversation for homeowners than for developers.

Manager Medrud cited how incentives can be structured in different ways. For example, the City provided some incentives if development provided permanently affordable housing at some level. Different incentive examples are increased height of structures or reforestation of water storage facilities. The Urban Forestry Management Plan is a good avenue to address larger landowners who want to manage their forest. If there are situations where trees are increasing in size and impeding space for structures and infrastructure, there may be some point where the City needs to address those situations, which would likely not include adding more tree to exacerbate the problem in 25 years. Other options could be considered to offset those types of problems, such as paying into a tree fund or planting trees in other areas of the City.

Ms. Frappier recommended focusing the remaining time on maintenance requirements and other topics dependent upon time remaining.

Ms. Frappier referred to maintenance requirements in Section 2.10 of the gap analysis. Current regulations require maintenance agreements to be effective for three years from the date of the final plat or date of planting. The City project team is interested in feedback on whether the maintenance agreement applies to trees planted off site when onsite replacement is not feasible and how the City should address tree and tree tract within HOAs and commercial and industrial sites.

Chair Grantham commented that maintenance is an important factor as it has been problematic for the City to enforce maintenance requirements. Maintenance can be heavily regulated; however, if resources are not available for enforcement, regulations are ineffective. He supported retaining the requirement for maintenance agreements. The focus should be on strengthening enforcement actions.

Boardmember Jackson supported the recommendation based on his experience living in a subdivision overseen by an active HOA that quickly replaces trees that have been destroyed or damaged during accidents. Little is gained from planting numerous trees if maintenance is not enforced. Manager Medrud affirmed maintenance requirements

are also included in the landscape code.

Manager Medrud explained how maintenance agreements cover the first three years following the initial planting of trees to ensure trees survive and thrive. The second threshold is ensuring existing trees are healthy and properly pruned. The existing code focuses on the three-year initial window.

Boardmember Sedore commented on confusion landowners often experience in terms of responsibility for tree maintenance because many times City crews often prune trees or when trees are lost because of storms. Many landowners question the City's lack of response for removal and replacement of damaged trees. The responsibility of maintenance of trees is often confusing particularly in specific areas, such as cul-de-sac islands and other areas within the City. Manager Medrud said the maintenance responsibility for trees is the homeowner's responsibility. In some cases where the City has the resources and the ability to deal with situations, City crews have removed trees; however, the City is not committing to providing support across the City.

Commissioner Kirkpatrick suggested that publishing a maintenance guide on the City's website could be the best option. The guide should be capable of downloading.

Chair Robbins supported including requirements for off-site maintenance agreements.

Discussion ensued on whether the code distinguishes between volunteer maintenance versus paid professional maintenance and provisions within the tree fund allowing for maintenance activities or using funds to plant trees in areas of the City lacking trees.

Boardmember Sedore cited information shared during public engagement that spoke to large diameter trees 21 inches or more comprising 3% of the total stems but accounting for 42% of carbon storage. The reason for saving large trees in addition to habitat is carbon sequestration. Larger trees sequester much more carbon than smaller trees. He noted that the science-based information was not considered as an incentive for retaining large trees.

Coordinator Jones Wood referred to the information that specifically focused on Pacific Northwest forests and not within the urban environment. Urban settings have different conditions, although larger trees are known to hold more carbon, the statistics may not apply to trees in an urban setting.

Ms. Frappier reminded members of the opportunity to continue the discussion during another joint meeting.

Boardmember Sedore asked whether both bodies would have the opportunity to review the final recommendations. Manager Medrud said the information will be presented to both bodies in addition to the ordinance. The Council will receive a briefing as part of the update process moving forward; however, the process includes both bodies providing recommendations to the City Council for consideration.

NEXT MEETING The next meeting of the Planning Commission is scheduled on January **DATE - PLANNING** 24, 2023. **COMMISSION:**

NEXT MEETING The next meeting of the Tree Board is scheduled on February 24, 2023 as a joint meeting with the Planning Commission. **BOARD:**

ADJOURNMENT: Commissioner Varela moved, seconded by Councilmember Tobias, to adjourn the meeting at 8:59 p.m. A voice vote approved the motion unanimously.

Prepared by Valerie Gow, Recording Secretary/President Puget Sound Meeting Services, <u>psmsoly@earthlink.net</u>