

TUMWATER PLANNING COMMISSION
MINUTES OF HYBRID MEETING
May 23, 2023 Page 1

CONVENE: 7:00 p.m.

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

Staff: Planning Manager Brad Medrud and Housing and Land Use Planner Erika Smith-Erikson.

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

COMMISSIONER'S REPORTS: There were no reports.

MANAGER'S REPORT: Manager Medrud reported the next regular meeting is scheduled on June 27, 2023. A joint session with the Tree Board is scheduled on July 11, 2023.

PUBLIC COMMENT: There were no public comments

TREE AND VEGETATION PRESERVATION REGULATION UPDATE: Manager Medrud encouraged Commissioners to provide feedback or offer any questions on the materials provided and presented at the last meeting.

Commissioner Tobias asked whether the goals for carbon offsets could be accomplished through plantings of shrubs and other plants that provide canopy coverage rather than only by trees. Manager Medrud said the Urban Forestry Management Plan does not include any measurements for carbon offsets. However, actions by the City through the Climate Mitigation Plan have broadly considered canopy and how it contributes to carbon reduction. The plan does not specify specific goals either in the policy document of the Urban Forestry Management Plan or within the regulations. The intent is to create a simple plan by concentrating on tree canopy as the primary means of measuring success and using that for addressing other issues ranging from habitat to carbon sequestration.

Chair Robbins asked for an update on the estimated percentages of the total land area of the City and how much would be forested, prairie, or developed. Manager Medrud said he believes the canopy percentage goal is either 40% or 42 % overall for the City. The goal was based on land use and the intensity of land use. Greenbelt or open space was assigned a 55% canopy goal while single-family lower density development was assigned a goal of 50% with commercial and industrial uses assigned a goal of 25%. Staff continues to explore the tree credit concept to develop a similar type of ranking for particular types of uses in specific areas.

TUMWATER PLANNING COMMISSION
MINUTES OF HYBRID MEETING
May 23, 2023 Page 2

Chair Robbins inquired as to whether the City's current coverage reflects 50% of the City's forested areas versus open prairie land with grasses and understory. Manager Medrud said forested areas with canopy in the City equate to approximately 50% of the total land area in the City. Although, native prairies are located within the City, they must be actively managed as prairies otherwise they become populated with trees. The proposed amendments would apply to the entire City. The intent is to preserve existing trees and canopy through tree retention goals, as well as assigning values for each property as part of the tree credit system to identify a specific number of tree credits all properties should have. Some properties could have more credits than required while other properties might have less or no credits because of development. The expectation as development occurs is to increase tree canopy in those areas.

Commissioner Kirkpatrick said he recalled that when the Commission reviewed the plan, the City was in a better position of preserving its existing canopy as opposed to the cities of Lacey and Olympia both of which would need to develop a plan to improve canopy coverage.

Commissioner Varela asked whether the City is currently above the threshold of the goal. Manager Medrud said it is likely the City is below the goal of 42%. The goal was established with the understanding that the City has much undeveloped forested land that would likely be developed for industrial or commercial uses, which would result in a loss of canopy coverage over time. The expectation at the end of the 20-year plan is to ensure the City's canopy coverage has increased realizing that some canopy will be lost over time because of development.

Commissioner Kirkpatrick noted that the plan discusses the City's wooded areas, which would likely be removed as the land develops. There is no reason to remove the trees and replant trees for another 40 years in an urban area. It is important to identify lands where canopies will be lost in the future. Manager Medrud replied that the intent of the Urban Forestry Management Plan was to ensure that as the City develops there would be more space in single-family neighborhoods to plant more trees to offset those other losses.

Commissioner Kirkpatrick commented that with a large area not connected to sewer, the Urban Forestry Management Plan does not address the loss of houses and drain fields, which results in less area to plant trees. That situation will increase as development of duplexes, triplexes, and quads are built. Manager Medrud emphasized that the tree preservation code is enacted when land is redeveloped from a lower intensity use, such as a single house on a larger lot. The expectation is to short plat lots with water and sewer connections to eliminate wells and onsite septic systems with the remaining area available for planting. However, more consideration is warranted in some situations where land is located too far to connect to

TUMWATER PLANNING COMMISSION
MINUTES OF HYBRID MEETING
May 23, 2023 Page 3

sewer and water.

Commissioner Schumacher asked about the amount of City land ownership in the City. Manager Medrud said the City Hall campus is approximately 10 acres in size in addition to 15 acres at the Trails End property, and golf course acreage which is not developable. Commissioner Schumacher offered that the City might consider leading by example by planting trees on specific City-owned parcels. Manager Medrud said some groups, such as the Stream Team are engaged in riparian plantings along the Deschutes River; however, other considerations have been discussed such as whether the City has any land to contribute to gopher habitat or for affordable housing. Unlike other cities, the City lacks a sufficient land bank to sponsor tree plantings.

Commissioner Kirkpatrick offered that the City could expand the sewer system and remove all properties from septic systems resulting in the creation of open land where trees could be planted. Connecting to the sewer system before failure of a drain field would help property owners save funds.

Commissioner Schumacher inquired about the percentage of the City served by septic systems. Manager Medrud said a majority of the City's southeast and southwest corners are not served by sewer. The City continues to extend sewer to the extent possible as part of a roadway project. The issue is how sewer extensions are funded. The City, with funding assistance from neighborhoods, could assist in extending sewer. However, the City would not arbitrarily extend sewer without financial contribution. In some situations, it would be beneficial to extend sewer when development is anticipated within a span of five years to recoup the cost. The City is pursuing some areas of the City to extend sewer and water if there are a sufficient number of property owners who have the financial means to connect.

Manager Medrud reported the City is required through the State Building Council to adopt the Washington Wildland Urban Interface Code. The code is a cross between the Building Code and Fire Code addressing those areas with high vegetation and high-density development. The code is a new statewide requirement. The Washington Department of Natural Resources has completed mapping for wildland fire hazards. The Department has assigned values dependent upon the level of vegetation and development. The maps are available online. With the exception of the area along Capitol Boulevard and I-5, most of the City is covered by the code. The purpose of the code is to minimize building and development activities that increase wildland fire. The code requires new structures to be constructed to a specific fire resistance level, such as the type of roofing materials, type of windows, doors, and siding. If structures are built to the prescriptive fire resistance level, vegetation is allowed on the property. For

TUMWATER PLANNING COMMISSION
MINUTES OF HYBRID MEETING
May 23, 2023 Page 4

structures not meeting the code, the structure must include a clear zone, which could be between 30 and 100 feet around the perimeter of the structure. Within the zone, trees are allowed as long as the canopy does not extend closer than 10 feet from one tree to another tree. The new code is having an impact on the urban forestry update process. Staff is contemplating probable adoption of the code in July or August as required by the state as part of the City's building code update process. Staff is considering adding a one-line exemption in the code addressing those requirements. The code may require greater emphasis on seeking other opportunities to plant trees that do not create risks.

Commissioner Kirkpatrick inquired as to whether the state has assigned a state agency to assist municipalities in solving problems created by the code. Manager Medrud said he does not believe a specific agency has been assigned as staff recently learned about the code during the update of the Hazard Mitigation Plan. One major element in the Hazard Mitigation Plan is minimizing wildfire risk in the community in addition to other natural hazards. The State Building Council is focused on minimizing risks and harms while other state agencies have not learned about the potential impacts of the code to react to the new requirements.

Commissioner Schumacher shared his experience of responding to a brush fire in the Rochester area. The swiftness of the fire was incredible with hundreds of first responders fighting the fire. It opened his eyes to the risks facing everyone in the state. At that time, he reviewed a report prepared by insurance companies in northern California that spoke to the average cost during an initial build of a 2,000 square-foot home of less than \$2,500 to bring the structure to a fire-safe standard.

Commissioner Kirkpatrick noted that when he moved to his house, he had the cedar shake roof replaced at a cost of more than \$2,500. Unfortunately, there are many cedar shake roofs in existence in the City representing one of the biggest fire hazards for a house.

Manager Medrud advised that he would follow up with the City's Building Official to provide an estimate in the difference in costs of a typical home versus a fire resistant home.

Manager Medrud invited feedback on the tree credit approach and its applicability while understanding all properties would have an assigned value. For properties below the value, specific actions would be required to increase the value.

Commissioner Kirkpatrick asked about the cost of an average hourly tree professional, as it is the main issue associated with the proposal. It would be important to identify the cost of the proposal. Manager Medrud advised that three members of the Tree Board could provide some information

TUMWATER PLANNING COMMISSION
MINUTES OF HYBRID MEETING
May 23, 2023 Page 5

because they are tree professionals. He agreed to the importance of having a better understanding of the potential costs of the proposal.

Chair Robbins suggested drafting an array of actions that might be required, such as the actions to take and the approximate cost or other alternatives in the interim.

Commissioner Edwards asked about the timeframe for planting trees to achieve the proper tree credit. Manager Medrud said the amendment includes some timelines for permits, but it is likely a timeline is not included for replanting. It is important to include some flexibility because of preferred planting times during the year. He offered to follow-up with an answer.

Commissioner Varela noted that the average hourly cost of an arborist is \$20 to \$40 per hour. He asked about the possibility of connecting with local colleges and universities with arborist programs to leverage some assistance. Manager Medrud replied that the hourly rate of an arborist is likely much higher; additionally, much is dependent upon the code requirements, such as preparation of an arborist report versus a site visit for a quick tree survey.

Chair Robbins commented on the option of a neighborhood approach to assist in balancing costs to avoid burdening a property owner. The intent is promoting community values voiced by the community and supported by City plans. It would be beneficial if the City could collaborate and share some of the costs in areas that need to be replanted.

Commissioner Kirkpatrick questioned the process of informing property owners of the requirements and the enforcement methods. Manager Medrud said the City has a limited process for documenting the designation of a heritage tree through the Auditor's Office to ensure future owners are aware of the heritage tree designation on their property. The formal mechanism for informing property owners of the tree credit requirement would be through the homeowners association through covenants. He acknowledged that there are certain circumstances where the City would want the information included on the property title; however, the intent is not to pursue that course for tree credit requirements.

Discussion ensued on the difference between a significant tree and a landmark tree. Chair Robbins commented on the importance of defining the differences. Manager Medrud explained that landmark trees are any tree above a certain diameter in breast height, such as a specific height above the ground. Typically, landmark trees are at least 24 inches in diameter dependent upon the species. The code includes specific requirements for landmark trees in terms of acceptable and unacceptable actions. Staff is working on identifying when it might be appropriate to

TUMWATER PLANNING COMMISSION
MINUTES OF HYBRID MEETING
May 23, 2023 Page 6

remove a landmark tree.

Manager Medrud asked members to provide feedback on the Tree Account in terms of funds supporting the fund and the withdrawal of funds from the account. Commissioner Kirkpatrick said he supports the proposed version as it includes the ability to use the funds in the Tree Account to purchase trees for private properties. The new language in #7 that speaks to funding of trees and vegetation giveaways or incentive programs was not included in the existing ordinance. He appreciates the addition of the language.

Chair Robbins questioned whether funding for future monitoring efforts also includes re-evaluation and status of parcels and whether a change in tree credit value is required. Manager Medrud said the language is broad as the intent is capturing those types of situations. The Urban Forestry Management Plan would include timelines for re-evaluation. The City recently received a grant to complete another street tree survey to update the survey completed in 2018. A five-year cycle of evaluation is under consideration for the amendment.

Commissioner Kirkpatrick spoke to the issue of equity and suggested the City could evaluate areas in the City in need of trees with efforts focusing the incentives in those areas without encountering legal challenges. Over the years in areas where trees were not maintained properly the City could prepare a development plan utilizing Tree Account funds. Manager Medrud said the important consideration is to ensure some allowance is included for ongoing maintenance of newly planted trees. The language should encompass the broader goal rather than only the initial plantings.

Manager Medrud referred to major and minor permits and the differences between the two types of permits. Commissioner Kirkpatrick said he interprets a major permit for developers with minor permits focused on land already developed with some exceptions requiring no permit.

Discussion followed on the different degrees of improvement to properties that would trigger a major permit versus redevelopment of an entire parcel. Requirements triggered for a major permit can be extensive. The question is whether the requirements should be similar for both permits or whether a minor permit has fewer requirements. For major permits, the City requires an arborist report containing specific information, which takes time to produce and increases the cost of developing the permit application.

Commissioner Kirkpatrick said most of the permit application is posted online and consists of boilerplate language. Most contractors have the ability to reproduce the application on a company computer; however, he does not consider that to be a major issue.

Planner Smith-Erikson noted that when tree removal is involved, the City

TUMWATER PLANNING COMMISSION
MINUTES OF HYBRID MEETING
May 23, 2023 Page 7

requires a professional to survey the trees and calculate the total tree credit existing on the property. Commissioner Kirkpatrick advised that a general contractor typically subcontracts that type of work to a tree professional.

Commissioner Schumacher commented on the complexity of the process and frustrations encountered by property owners even though the City is well intentioned. The process has become cumbersome with an application of 140 pages and a requirement to identify significant trees, landmark trees, heritage trees, and whether the project requires either a minor or major permit. He questioned how an individual is expected to navigate the process. He reviewed the materials several times and today would be unable to describe the difference between landmark, heritage, and significant trees. For example, if he wanted to add a shed in his backyard, he has five large Douglas fir trees. He questioned whether that project would require a major permit if he needed to remove two of the trees. He questioned how families navigate the process of adding a 200-square foot shed in their backyard. There should be a way to structure the process to enable the consolidation of different types of trees so a property owner would be able to identify the type of tree that conforms to the description. He supports expansion of tree canopy within the City but the process has become too granular and overwhelming.

Manager Medrud explained that staff has conveyed similar concerns because of the complexity of the information. It is important that a person who pursues the process only once or twice in their lifetime understands the process. He acknowledged the concerns. Staff is addressing those concerns several ways. The first is preparation of a user guide to walk a person through the process with different pathways identified dependent upon the type of project. The second way is simplifying the draft language. Staff continues to contemplate whether the language is the best process and continues to meet to discuss the issues and seek assistance from the Commission on whether a requirement is necessary or whether there is another alternative to achieve the same outcome.

Commissioner Kirkpatrick noted the draft is a work in progress and the current allowance for homeowners to remove a specific number of trees during a specific period would likely reappear in a revised draft. That simplifies the process considerably as the homeowner would only be required to obtain a tree removal permit.

Manager Medrud pointed to draft table in the draft as a starting point. The consultant offered a proposal that staff believes was too aggressive in terms of the number of trees that could be removed over a number of years. Staff continues working on the proposal for review by the Commission in July. The proposal would not apply to landmark or heritage trees. The landmark trees code is aggressive as only removal of a landmark tree can occur unless it is unhealthy or the applicant meets one of the exemptions. Staff

TUMWATER PLANNING COMMISSION
MINUTES OF HYBRID MEETING
May 23, 2023 Page 8

continues to examine and refine language to ensure any requirements are viable and realistic.

Chair Robbins referred to previous public comments about the ongoing management of working forests and orchards that are not related to removal of trees for development purposes. She asked about the status of those situations with respect to the update. Manager Medrud said that in those situations, staff is considering a requirement for a forest management plan for managing trees in situations that are infrequent but are relevant to the City.

Manager Medrud encouraged Commissioners to contact him with any specific questions to enable collection and response so the Commission has access to all the information.

Manager Medrud advised that all stakeholders will be updated on meeting schedule changes.

ADJOURNMENT: **Commissioner Schumacher moved, seconded by Commissioner Varela, to adjourn the meeting at 8:14 p.m. A voice vote approved the motion unanimously.**

Prepared by Valerie Gow, Recording Secretary/President
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