

TUMWATER TREE BOARD
MINUTES OF HYBRID MEETING
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CONVENE: 7:00 p.m.

PRESENT: Chair Trent Grantham and Boardmembers Brent Chapman, Michael Jackson, Tanya Nozawa, Hannah Ohman, and Jim Sedore.

Excused: Brodrick Coval.

Staff: Sustainability Coordinator Alyssa Jones Wood and Senior Planner Alex Baruch

CHANGES TO AGENDA: Approval of minutes was removed from the agenda.

TREE BOARD MEMBER REPORTS: Chair Grantham announced the recent resignation of Boardmember Hannah Ohman.

COORDINATOR'S REPORT: Coordinator Jones Wood advised of Boardmember Ohman's potential replacement, who is a staff member of the Thurston Conservation District. The City received the individual's application. The Mayor is scheduling an interview of the applicant.

Coordinator Jones Wood presented a Certificate of Appreciation to Boardmember Ohman from Mayor Sullivan recognizing her service as a member of the Tree Board.

A Climate Action Workshop and Open House is scheduled on Wednesday, August 14, 2024 from 7:00 p.m. - 9:00 p.m. at the ASHHO Cultural Community Center located off Littlerock Road in Tumwater. The open house will feature different stations with staff members. An accompanying online open house will be available for approximately one month to receive feedback and perspectives from the public to assist in drafting the Climate Element. Urban forestry is interwoven in each of the three stations.

Boardmember Sedore asked whether a climate baseline was established for Tumwater. Coordinator Jones Wood said climate data will be shared at the open house and during the online open house in terms of risks anticipated in the next 50 to 100 years based on different climate hazards and projections of emissions or the reduction of emissions to meet state requirements. Another station will feature information on implementation and governance. Each station will also include conversations on environmental justice. The City has historic data for different climate hazards, such as precipitation and how often the area experiences extreme rainfall over a short duration, days of drought, and average days of extreme heat. The data was obtained over a span of several decades. The greenhouse gas emissions baseline for the City is based on the 2015 inventory completed by the Thurston Climate Action Team. New state requirements necessitate a 2022 baseline and establishment of a new goal.

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Projections on weather extremes are based on a small geographical grid within Thurston County.

Boardmember Sedore inquired about the possibility of sharing pre development and post development weather extremes with the Kingswood developer for the area of that new development. Coordinator Jones Wood advised of the availability of Tumwater data in different areas, such as the Olympia Airport, which is typically warmer than most of the City. Staff is scheduled to install data loggers on ambient air temperatures throughout the City to provide more frequent and in-depth observations and data for average ambient air temperature.

Boardmember Sedore commented that if it is possible to document the impact of climate from such a large development it could help inform the City as to whether it would be wise to promote similar development in the future. Coordinator Jones Wood replied that the ambient air temperature sensors would be installed in areas of disadvantaged communities within the City based on the availability of specific sites to affix the sensors. It speaks to the balance within the City as housing is always needed, which often includes impervious surface.

PUBLIC COMMENT:

Coordinator Jones Wood advised of several communications received from Nancy Partlow. Ms. Partlow also forwarded a video containing one of the comments. Coordinator Jones Wood played the video of the kestrel chicks nesting in the Davis Meeker oak tree.

Boardmember Chapman commented on his interest in the concept of tree infrastructure to ensure the safety of people while preserving the tree for many more years. He inquired as to the Board's interest in forwarding a recommendation to the City Council.

Coordinator Jones Wood advised of the Board's role with respect to advice to the City Council on tree-related issues. Normally, recommendations or comments on issues are forwarded when the Board is recommending changes in policy. However, she could forward a recommendation from the Board to the City Council and the City Administrator.

Boardmember Nozawa added that Ms. Partlow also requested the City Council issue an emergency stay and explore other alternatives to save the tree.

Boardmember Sedore said he understands that the Mayor has contracted with another tree assessment. Coordinator Jones Wood said the City released a request for qualifications (RFQ) and has selected an applicant. The City is negotiating the contract with the company on the scope and price for the second assessment.

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Chair Grantham reported the City received approximately six detailed proposals. One company declined to participate and thanked the City Council for notifying them of the RFQ opportunity.

Discussion ensued on the timing of the assessment and the potential timeline for a decision regarding the tree. Boardmember Sedore said he assumed that the Washington State Department of Transportation (WSDOT) would need to approve any type of infrastructure system placed over Old Highway 99 to support the tree. If such approval is required, that process could take several years.

Coordinator Jones Wood noted that the tree is located on City right-of-way.

The Board and staff discussed potential requirements to meet height regulations, jurisdictional oversight of any infrastructure measures used to support and preserve the tree, and signage placed near the tree warning of the possibility of falling limbs.

Boardmember Chapman queried members on interest in forwarding a recommendation to the City Council to explore options for preservation of the tree regardless of the outcome of the assessment as a way to protect the City from liability moving forward. Boardmember Sedore said he is not aware of any type of structure around a tree that would prevent or catch limbs if they were to fall from the tree, although there are some structural supports on the Capitol Campus to support branches. It would appear the structure would be more of a barrier or net.

Boardmember Chapman recommended encouraging the Council to explore the parameters and possibility of installing a structure regardless of the outcome of the assessment.

Boardmember Sedore offered that the tribe might be willing to sponsor the cost if designed properly to preserve the cultural importance of the tree.

Chair Grantham noted that the assessment could include the possibility of adding some cabling mechanism to prevent the loss of tree limbs.

The Board agreed to forward a recommendation following any decision by the City after completion of the tree assessment.

**CASE STUDY OF
CURRENT
PROTECTION OF
TREES AND**

Planner Baruch reviewed the topics of the overview of the City's protection of trees and vegetation codes:

- Tree removal and land clearing exemption permits

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VEGETATION CODE
(TMC 16.08)
IMPLEMENTATION:

- Development regulations framework
- Standards, Tree Reports
- Case Study Review
- Response to Board's prior questions

Planner Baruch outlined his education and work experience. He has been with the City of Tumwater for three years and recently attained certification as an American Institute Certified Planner.

Tree removal waivers and land clearing exemptions are typically obtained by homeowners for different reasons. Tree removal waivers are the most common. Waiver criteria are included in TMC 16.08.080 under exemptions for tree codes. The removal of not more than six trees from any parcel of land in three consecutive calendar years is allowed under the code. Staff requires applications and photos of the subject trees to document the removal of specific trees on properties to enable the City to ensure property owners are not exceeding the removal of six trees within a three-year period.

Boardmember Sedore asked whether a parcel could be of any size, such as a small lot or multiple acres. Planner Baruch affirmed parcel size can vary and can encompass multiple acres. Any tree exceeding six inches in diameter at breast height is considered a tree. Property owners are not required to state the reason for removal of a tree(s) as the ordinance allows removal of trees as long as the owner obtains a permit and does not exceed removal of six trees within the three-year period. Additionally, the City's permit system has the ability to track all parcels in the City to include all permits issued for a parcel. Any tree removed in the City requires a permit or a tree removal waiver.

Land clearing exemption permits are issued for dead, diseased, or hazardous trees following verification by the City's tree protection professional or any certified arborist or forester. The exemption requires a replacement tree for each tree removed. A parcel is designated through Thurston County with a legal description describing the property boundaries. A plat is considered a subdivision. Street trees as identified by the City's Transportation and Engineering Department include requirements for planting trees within the City's right-of-way, which can often extend beyond a paved road. Planting of street trees requires root barriers on both sides of a tree to protect adjacent infrastructure and to encourage the growth of roots in a downward direction. The size of the root barrier is dependent upon the size of the landscape strip. The City ensures the right species of trees are planted as street trees.

Several examples of other types of land clearing exemptions include land clearing in an emergency with replacement tree(s) planted after the

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situation has been resolved or land clearing required as part of a public project within the public right-of-way while maintaining the 1:1 replacement ratio. The size of a replacement tree is a tree with a 2-inch caliper six inches above the root ball or a 6-foot evergreen. Several instances in the recent past have received discretion whereby staff worked with a homeowner association arborist and received an arborist report for the entire subdivision identifying hazards caused by street trees growing into the sidewalk. Property owners were authorized to use the overarching report rather than securing a separate report for each tree. Another recent situation involved a subdivision experiencing compromised waterline issues caused by tree roots. The trees were initially planted in small front yards under a required landscape tree plan for each home. The subdivision, as a whole, has a sufficient number of trees that were planted as part of the landscape plan, as well as retained trees surrounding a wetland for the development. Staff determined that the subdivision had planted more than the required number of trees and subsequently did not require replacement trees in front of each home to avoid future encroachment of waterlines by tree roots. Staff members work with applicants to resolve those types of issues. It is an important development tool to enable the City to achieve its densities or to accommodate growth within the City.

Boardmember Sedore inquired about the possibility of the Tree Board receiving an annual report on the number of exemptions and the number of tree removals to assess potential trends occurring in the City. Planner Baruch acknowledged the request.

Boardmember Chapman acknowledged the exemptions, waivers, and variances within the code that are utilized under specific and unique applications; however, the code should include some definitions as to the differences between the various applications.

Planner Baruch commented on the requirement by the City to update the Comprehensive Plan by the end of 2025. Applicable city and counties are required to undergo planning with counties allocating a specific amount of housing to each jurisdiction for future planning. Future housing needs are essentially divided among all the jurisdictions with each city and county required to plan to meet the higher housing requirements. The City of Olympia led the region in allowing middle housing types in single-family housing developments.

Boardmember Chapman inquired as to whether native trees that are removed are replaced with similar native trees. Planner Baruch said staff encourages native tree replanting.

Boardmember Chapman asked whether the consultant is reviewing all tree codes. Coordinator Jones Wood explained that the review has been paused until the City fills the Urban Forester position. Staff drafted an ordinance

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based on the previous reviews and community engagement, as well as during the reviews with the Tree Board last year.

Discussion followed on code requirements for planting of the 5% tree track. Planner Baruch explained that as long as the developer meets the tree standard, a 5% tree track is not required. It only applies when a developer is approved for a modification or a waiver. Then a 5% tree tract is required of the developed property.

If the developer cannot meet replanting standards within the development, the developer can provide a cash payment of \$400 per tree to the City's Tree Fund.

Boardmember Sedore asked whether the City has ever denied a developer's request. Planner Baruch advised that applicants have been able to achieve the requirements through different methods. Development regulations are the parameters and the City lacks the authority to require any developer to reduce density or increase density as long as the proposal aligns with the requirements of the ordinance. In a situation whereby a parcel of land to be developed does not meet the retention standard in an undeveloped state, the requirement is 12 trees per acre. If the property contains only eight trees, the development does not meet the required amount. In many instances, more trees are planted as part of landscaping requirements creating more trees prior to development of the parcel.

Planner Baruch reviewed case studies of the Belmont Flats and Yorkshire developments located south of Israel Road off Tyee Drive.

Belmont Flats Tree Report: 626 apartment units and 27,500 square feet of commercial space. Summary of tree retention calculations:

Gross acreage is 15.18 acres with 1.12 acres of dedicated right-of-way. The City required retention of 12 trees per acre. The proposed retention is 32 trees; however, the developer had a shortfall of 137 trees requiring the replanting of 411 trees as part of the proposed development. A majority of the 32 trees are located within the 5% tree tract. The priority of replanting is within the 5% tree tract as long as spacing is available and appropriate. The remaining trees are distributed throughout the site through landscape code requirements and parking requirements. A forester/arborist creates a plan for replanting the 5% tree tract to ensure appropriate spacing based on tree species.

Yorkshire Tree Report: 1,150 apartment units, 9,000 square feet of commercial and a 324-unit self-storage facility. Total impervious surface is 73% of the property. Maximum impervious surface is 85% of the property with a zoning density of 53 units per acre (no maximum). Required replanting totaled 645 trees throughout the property. The

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developer is required to prioritize planting in the tree tract. Once the tree tract is appropriately planted, the remaining trees will be planted throughout the property as part of landscaping for the development.

Discussion ensued on the displacement of wildlife and the possibility of creating wildlife corridors. City developments continue to segment existing wildlife corridors making it impossible for animals to migrate safely across the region.

Boardmember Sedore pointed out the option of the City considering the location of retained trees to help create wildlife corridors. Planner Baruch responded that when there are existing opportunities such as wetland buffers and other connected areas where development is not possible, connectivity can be preserved. However, it could be possible to create more connectivity through the City's development regulations.

Coordinator Jones Wood added that many species of wildlife have adapted to living in urban conditions. For example, more deer live in the urban area than previously because of the reduction in predators. Other species are adapting and are surviving in an urban environment while insects may suffer, which speaks to the importance of planting native plants and different species of trees. She offered to invite WSDOT staff members who work on habitat corridors and wildlife crossings to brief the Board on recent efforts in the state.

Planner Baruch reported that the 20% or 12 trees per acre was waived for both developments because compliance could not be achieved because of the necessity of complying with applicable zoning and development requirements including, but not limited to, residential densities, open space requirements for active recreation, floor area ratios, parking requirements, stormwater requirements, and street construction requirements, etc.

Planner Baruch reviewed the parking requirements for each development.

Planner Baruch referred to the Kingswood Apartments project. In situations where a parcel of land to be developed does not meet the tree retention standards in an undeveloped state, the applicant is required to meet applicable standards at a 1:1 ratio as a condition of project approval.

Code variances are approved or denied by the City's Hearing Examiner. Modifications and waivers are imbedded in the code as administrative allowances as long as the applicant satisfies specific criteria.

Planner Baruch reviewed and responded to previous questions from members:

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- How many land clearing exemptions have been applied for in the last three years? Land clearing exemption applications in 2021 totaled 16, 17 in 2022, 28 in 2023, and 25 in 2024 year-to-date.
- What advice could the Board offer to the City for specific changes to the tree protection codes to retain more trees for each development project to meet the City's tree canopy goals? The addition of the City's Urban Forester will provide in-house expertise to address questions during development reviews of applications, as well as making in-roads with the community regarding tree removal and land clearing exemption permits. Other suggestions could include requiring native plants for landscaping in new developments or removing the ability to use storm facilities for active open space during the dry season.
- What are the parking stalls marked "C" on the map? They are compact car spaces.
- Has the City ever fined a contractor for removing more trees than the Tumwater Municipal Code allows? Several fines were issued by the previous planner for several instances; however, documentation on the details could not be located.
- Why does the City allow contractors to remove mature Western cedar and suggest they replant with Western cedar? In those instances where trees need to be cleared to develop a property to the highest and best use within City limits, the arborist recommends replacing the mature trees with native trees. The City has the ability to require native trees to be replanted in the tree tract but lacks the ability in other areas of the development.
- What percentage of land development applications over the past two years were in the category on not meeting the 5% tree protection open space? The 5% tree protection area is only required if the development cannot retain 20% of the trees on the site or 12 trees per acre. All of the developments that request a waiver from the standards are required to set aside 5% of the developable land for a tree tract.
- Were any code variances granted for any of the projects? If so, what were they and how were they? Variances required approval through the Hearing Examiner. No variances have been applied for tree related code requirements over the past three years based on a records review.

The Board expressed appreciation for the presentation and the information shared. Planner Baruch commented on the feedback he and other staff receive through the public engagement process, from Tree Board meetings, and the Comprehensive Plan update process. Feedback is conveyed to staff experts. Staff plans to continue working on the tree and vegetation protection codes to implement best practices. He expressed appreciation for the Board's feedback and expertise.

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NEXT MEETING: The next meeting is scheduled on September 9, 2024 as a field tour with stops at the Sapp Road Park and the future Operations and Maintenance Facility and park. Departure from City Hall is scheduled at 6 p.m.

ADJOURNMENT: **With there being no further business, Chair Grantham adjourned the meeting at 9:12 p.m.**

Prepared by Valerie L. Gow, Recording Secretary/President
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