



**JOINT PLANNING COMMISSION AND TREE BOARD WORKSESSION  
MEETING AGENDA**

**Online via Zoom and In Person at  
Tumwater Fire Department  
Headquarters, Training Room, 311 Israel  
Rd. SW, Tumwater, WA 98501**

**Tuesday, October 11, 2022  
7:00 PM**

1. Joint Meeting Called to Call to Order
2. Roll Call Planning Commission
3. Roll Call Tree Board
4. Changes to Agenda
5. Approval of Minutes - Planning Commission
  - [a.](#) Planning Commission Minutes September 27 2022
6. Approval of Minutes - Tree Board
  - [a.](#) Tumwater Tree Board August 8, 2022 Minutes
  - [b.](#) Tumwater Tree Board September 12 2022 Minutes
7. Commissioner's Reports
8. Board Member's Reports
9. Manager's Report
  - [a.](#) 2022 Planning Commissioner Interviews
  - [b.](#) E-mail - RE Turning Olympia (and Tumwater) into an asset class for investors - Works in Progress
10. Coordinator's Report
11. Public Comment
- [12.](#) Joint Planning Commission and Tree Board Worksession on Tree and Vegetation Preservation Regulation Update
13. Next Planning Commission Meeting Date – 10/25/2022  
Next Tree Board Meeting Date – 11/7/2022
14. Adjourn

**Meeting Information**

The public are welcome to attend in person, by telephone or online via Zoom.

**Watch Online**

[https://us02web.zoom.us/webinar/register/WN\\_K24LBN47SGeNZnks\\_3A5cQ](https://us02web.zoom.us/webinar/register/WN_K24LBN47SGeNZnks_3A5cQ)

**Listen by Telephone**

Call (253) 215-8782, listen for the prompts, and enter the Webinar ID 816 8758 2800 and Passcode 054992.

**Public Comment**

The public is invited to attend the meeting and offer comment. The public may register in advance for this webinar to provide comment:

[https://us02web.zoom.us/webinar/register/WN\\_K24LBN47SGeNZnks\\_3A5cQ](https://us02web.zoom.us/webinar/register/WN_K24LBN47SGeNZnks_3A5cQ)

After registering, you will receive a confirmation email containing information about joining the webinar.

The public may also submit comments prior to the meeting by sending an email to:

[cdd@ci.tumwater.wa.us](mailto:cdd@ci.tumwater.wa.us). Please send the comments by 1:00 p.m. on the date of the meeting.

Comments are submitted directly to the Commission Members and will not be read individually into the record of the meeting.

If you have any questions, please contact Planning Manager, Brad Medrud at (360) 754-4180 or

[bmedrud@ci.tumwater.wa.us](mailto:bmedrud@ci.tumwater.wa.us).

**Post Meeting**

Audio of the meeting will be recorded and later available by request, please email

[CityClerk@ci.tumwater.wa.us](mailto:CityClerk@ci.tumwater.wa.us).

**Accommodations**

The City of Tumwater takes pride in ensuring that people with disabilities are able to take part in, and benefit from, the range of public programs, services, and activities offered by the City. To request an accommodation or alternate format of communication, please contact the City Clerk by calling (360) 252-5488 or email [CityClerk@ci.tumwater.wa.us](mailto:CityClerk@ci.tumwater.wa.us). For vision or hearing impaired services, please contact the Washington State Relay Services at 7-1-1 or 1-(800)-833-6384. To contact the City's ADA Coordinator directly, call (360) 754-4128 or email [ADACoordinator@ci.tumwater.wa.us](mailto:ADACoordinator@ci.tumwater.wa.us).

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**What is the Planning Commission?**

*The Tumwater Planning Commission is a citizen advisory commission that is appointed by and advisory to the City Council on the preparation and amendment of land use plans and implementing ordinances such as zoning. Actions by the Planning Commission are not final decisions; they are Commission recommendations to the City Council who must ultimately make the final decision. If you have any questions or suggestions on ways the Commission can serve you better, please contact the Community Development Department at (360) 754-4180.*

**What is the Tree Board?**

*The Tumwater Tree Board is a citizen advisory board that is appointed by and advisory to the City Council on urban forestry issues, including drafting and revising a comprehensive tree protection plan or ordinance, or any other tree matter. Actions by the Tree Board are not final decisions; they are Board recommendations to the City Council who must ultimately make the final decision. If you have any questions or suggestions on ways the Tree Board can serve you better, please contact the Community Development Department at (360) 754-4180.*

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**Decorum Statement**

Welcome to the Joint Planning Commission and Tree Board worksession. We are pleased you are interested in the City's update of its tree and vegetarian preservation regulations, and thank you for attending.

The City Council encourages community engagement in local government and provides a variety of ways to participate.

The Chair of the Planning Commission will be responsible for conducting orderly and efficient meetings within the scheduled time. To accomplish that, the Chair will maintain order and decorum and can regulate inappropriate debate, repetitious discussion, and disruptive behavior when needed.

The Chair will recognize those that wish to speak and may limit the time allowed for individual comments. City staff and the project consultant will record questions and comments during the meeting. If an issue or question cannot be addressed during the meeting, the Chair and City staff will address the issue or respond to the question by following up with the individual.

We respectfully request that attendees refrain from disruptions during the meeting and comply with decorum rules.

Thank you for participating.

**TUMWATER PLANNING COMMISSION  
MINUTES OF HYBRID MEETING  
September 27, 2022 Page 1**

**CONVENE:** 7:00 p.m.

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

Staff: Planning Manager Brad Medrud.

**TUMWATER  
PLANNING  
COMMISSION  
MINUTES AUGUST  
23, 2022 &  
TUMWATER  
PLANNING  
COMMISSION  
MINUTES  
SEPTEMBER 13, 2022:**

The following corrections were requested to the minutes:

- Correct a change in font on page 1 of the August 23, 2022 minutes.
- Correct the spelling of Kelly Von Holtz in the minutes of September 2022.

**MOTION:** Commissioner Schumacher moved, seconded by Commissioner Kirkpatrick, to approve the minutes of August 23, 2022 and September 13, 2022 as amended. Motion carried unanimously.

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

**COMMISSIONER'S  
REPORTS:** Several Commissioners spoke in support of the recent one-on-one meetings with the Chair and staff.

Commissioner Tobias commented on the reopening of the Brewery Park at Tumwater Falls. The renovation of the fish facility is worth a trip especially to the salmon observation areas. The lower bridge at the park continues to be closed requiring a detour for pedestrians.

**MANAGER'S  
REPORT:** Manager Medrud reported he drafted a set of minutes from the one-on-one meetings and will forward to the Commission after they are finalized.

The first meeting in October 2022 is a joint meeting with the Tree Board to kick off the update to the Tree Preservation Ordinance.

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

**PUBLIC HEARING:**

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**ORDINANCE NO.**  
**O2022-003, FINAL**  
**DOCKET FOR 2022**  
**COMPREHENSIVE**  
**PLAN**  
**AMENDMENTS:**

Chair Robbins described the public hearing process and opened the public hearing at 7:08 p.m.

Manager Medrud reported the final docket of the 2022 Comprehensive Plan Amendments includes one private map amendment and associated rezone, three City sponsored text amendments, and one City sponsored map amendment and associated rezone.

The proposed private map amendment and associated rezone is the Wells Littlerock Comprehensive Plan Land Use Map Amendment and Corresponding Rezone submitted by Glenn Wells representing the estate of Marvin L. Beagles. The three adjacent parcels totaling 2.76 acres are located to the south of 7223 Littlerock Road SW in Tumwater. The parcels are vacant. The current Comprehensive Plan map designation and zone district for the parcels is Single Family Medium Density Residential (SFM). The applicant proposes changing the Comprehensive Plan map designation and zone district to Multi-Family Medium Density Residential (MFM). For most properties within the City, the zone district within the Comprehensive Plan map designation is typically the same with some differences in certain circumstances. Manager Medrud displayed an aerial map and identified the properties and the surrounding land uses.

The three text amendments included in the final docket were not recommended for inclusion by the Planning Commission following its review. The Commission recommends including them within the larger 2022-2025 Comprehensive Plan Update process.

The first text amendment is the Neighborhood Character Review of the Comprehensive Plan Housing and Land Use Elements to determine if there are amendments needed to address neighborhood character. Staff reviewed and recommends no amendments in 2022 but recommends including the amendment in the larger 2022-25 review and update of the Comprehensive Plan.

The second text amendment is the Thurston Climate Mitigation Plan to update greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311. Staff reviewed and recommends no amendments to address the requirements of HB 2311 in 2022. Staff recommends including the amendment as part of the larger 2022-25 review and update of the Comprehensive Plan.

The third text amendment is Essential Public Facilities Amendments by reviewing the Comprehensive Plan Land Use Element to determine whether amendments are needed to address essential public facilities, including but not limited to: intensive inpatient facilities; long-term

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF HYBRID MEETING**  
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residential drug treatment facilities; recovery house facilities. Staff reviewed and recommends no amendments to address essential public facilities in 2022 and defer possible amendments as part of the larger 2022-25 review and update of the Comprehensive Plan.

The last amendment is the Dennis/Linderson Triangle proposed by the City of Tumwater located at 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW. The site is 5.73 acres in size and is vacant. The current Comprehensive Plan map designation and zone district is Single Family Medium Density Residential (SFM). The proposed Comprehensive Plan map designation and zone district is Multifamily High Density Residential (MFH). The site is a portion of a larger parcel that recently was developed as a multifamily housing project. The triangle shaped property was adjacent to Linderson Way that previously abutted right-of-way adjacent to Interstate 5, which has since been relocated to its current site. The subject site has subsequently been landscaped as part of the multifamily project. The owner of the developed area has been contacted about the proposed amendment and staff received no response in terms of any issues with the proposal.

Commissioner Tobias asked whether the pedestrian footbridge crossing Interstate 5 is maintained by the City or by the state. Manager Medrud said he believes the facility is maintained by the state as it crosses state right-of-way.

Staff recommends that following the public hearing, the Commission forward a recommendation to the City Council approving the two proposed Comprehensive Plan map amendments and corresponding rezones within Ordinance No. O2022-003. Additionally, staff recommends forwarding a recommendation to include the three text amendments within the larger 2022-2025 Comprehensive Plan Update. If the Commission recommends the proposed actions, the amendments would be forwarded to the General Government Committee for its review followed by the Council worksession and the Council's consideration.

Commissioner Schumacher asked about the potential use of the property if the Dennis/Linderson Triangle proposed amendment is approved. Manager Medrud replied that the proposal for intents and purposes is a map correction.

Commissioner Tobias asked for an explanation as to the intent of the language that speaks to "multimodal mobility" within the context of the proposed text amendment on Neighborhood Character. Manager Medrud said the information is derived from the City of Olympia's 2021 process to review and amend the Land Use and Urban Design section of its

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MINUTES OF HYBRID MEETING  
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Comprehensive Plan to address the use of the term “neighborhood character.” Multimodal mobility speaks to accessibility for all types of travel to include motor vehicles, pedestrian, bikes, and ADA accessibility.

With there being no public testimony, Chair Robbins closed the public hearing at 7:22 p.m.

**MOTION:**

**Commissioner Tobias moved, seconded by Commissioner Schumacher, to recommend the City Council approve the Wells Littlerock Comprehensive Plan Land Use Map Amendment and Corresponding Rezone and the Comprehensive Plan Map Amendment and Corresponding Rezone to change Triangle West of the Dennis Street SW and Linderson Way SW Intersection; Ordinance No. O2022-003. A voice vote approved the motion unanimously.**

**MOTION:**

**Commissioner Kirkpatrick moved, seconded by Commissioner Von Holtz, to recommend the City Council refer the three proposed text amendments not included in Ordinance No. O2022-003 for Neighborhood Character; Thurston Climate Mitigation Plan – Update of greenhouse gas emission (GHG) targets in the Conservation Element; and Essential Public Facilities Amendments for incorporation within the 2022-2025 Comprehensive Plan Update. A voice vote approved the motion unanimously.**

**PLANNING  
COMMISSION  
TRAINING  
PROGRAM –  
DEVELOPMENT  
REVIEW CASE  
STUDY:**

Manager Medrud said that as part of the Commission’s training program, a recent development proposal completing the development review process will be reviewed. The Commission’s meeting packet included relevant information pertaining to the project.

The specific project is the Forest Park Townhomes project. Manager Medrud identified the location of the 7.73-acre parcel. The topography of the property was hilly with steep slopes. The project has been in progress in various forms over the last 20 years with various development applications submitted for the development of the parcel. In 2015, a prior owner received permission to construct a multifamily development of townhomes comprised of three-story fiveplex townhomes on one parcel. The development failed to proceed for five years and the property was resold to another owner with the former project approvals intact. The new owner moved forward on construction. Subsequently, another developer purchased the property after construction began and requested a change to subdivide the parcel into separate parcels with the triplexes located on individual parcels.

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The new developer pursued the proposal at risk as it entailed reopening the subdivision application despite the site being under construction as the code had changed since the proposal was approved in 2015 that might affect the project. Additionally, subdivisions, planned unit developments, and variances required the project to undertake a hearing examiner public hearing to receive approval. It also enabled another opportunity for the public to raise objections or speak to issues regarding the proposal. The proposal was unusual as the developer was seeking approval of the updated proposal while construction of streets and other infrastructure was in process.

The applicant requested approval of a preliminary plat, a preliminary planned unit development for private internal roads, and a variance from required zoning setbacks (because of a school) and required open space area requirements. The applications resulted in approval to subdivide the 7.73-acre parcel into 22 multifamily family lots totaling 67 dwelling units, with four open space tracts (Tracts A – D) and one private roadway tract (Tract E).

Councilmember Schumacher asked whether the intent to subdivide was to sell the dwelling units separately. Manager Medrud explained that the City is not involved in the ownership of lots; however, the developer would be able to retain ownership of all lots or sell them individually.

Chair Robbins asked about the possibility of individual lot owners electing not to construct a three-story unit that might require the owner to seek a variance from the City. Manager Medrud said the proposal was very unusual as the developer submitted building plans for review by staff as staff was completing the approval process for the subdivision. The building plans depicted triplexes on each parcel. The developer is bound by minimum and maximum densities of the site, which would require triplexes and speaks to another underlying issue. The proposal is for 67 dwelling units on 22 lots, which meets the density requirement at the low end.

Commissioner Tobias asked whether there is a legal distinction between condominiums, townhomes, and triplexes and whether it speaks to the design or the ownership. Manager Medrud said it is a mixture of codes. Under the City's zoning regulations, condominiums are not addressed as those generally pertain to ownership comprised of a larger building with internal dwelling units under separate ownership. A townhouse or multifamily project speaks more to the type of structure rather than ownership. A townhome is multiple units sharing common walls with separate owners. Duplexes/triplexes/fourplexes are located on one parcel with one owner.

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Commissioner Kirkpatrick asked about the option of the City assuming ownership of private streets within the development. Manager Medrud replied that the City has a number of private streets. It is unlikely the City would assume ownership of the streets because part of the subdivision approval process requires formation of a homeowners association (HOA) to oversee responsibility for maintenance of the stormwater system, private internal roads, parks, and general landscaping areas. Commissioner Kirkpatrick said his concern involves the 2.5-year escape clause that would absolve the developer from maintaining the streets, which would transfer the responsibility to the owners, who might be unable to afford road maintenance. Manager Medrud said the concern speaks to recent changes in codes for private road standards. The change limited the number of units that can be on a private road to avoid those types of situations. Commissioner Kirkpatrick said that in those cases where the HOA is small, road maintenance cost would be a substantial bill for owners. It would be difficult for the City to require owners to contribute to a fund to pay for road maintenance.

Chair Robbins inquired about the City's history of failed maintenance of private roads or other infrastructure. Manager Medrud replied that the main issue is the maintenance of stormwater facilities. A number of situations have occurred where HOAs have not maintained stormwater facilities. The City has the ability to place a lien on an individual property to repair or maintain infrastructure if it is affecting other properties or is posing a risk to the City's stormwater permit with the Department of Ecology. Typically, the City has worked with the parties to resolve the situation. In cases where those situations have failed the City can pursue a lien against the property. The City has encountered some situations as the Department of Ecology notified the City of a failing stormwater system.

Commissioner Schumacher commented on the possibility of the City enacting requirements for HOAs or developers to implement measures to accrue funds to pay for maintenance of roads and stormwater systems.

Commissioner Kirkpatrick asked about the difference between public and private roads if private roads must be constructed to City standards. Manager Medrud said private roads can be reduced in width, turning radiuses can be different, and sidewalks are not required on both sides of the street.

Manager Medrud invited questions on the development proposal or on any of the information contained in the staff report. The Hearing Examiner Staff Report is a legal document with the format consistent for most projects. In the City of Tumwater, an appeal of the hearing examiner's decision is to Thurston County Superior Court rather than to

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the City Council. Rezone applications are considered by the Council, which are unusual, as most rezones require a Comprehensive Plan amendment to the Comprehensive Plan land designation.

Commissioner Kirkpatrick referred to a map of HOAs in the City, which reflects less than 10% of the City. He asked how the City plans to contend with neighborhoods without HOAs in terms of maintenance responsibility costs. Manager Medrud said the map lacks designations for other types of land uses for commercial, industrial, and public development. A substantial portion of the City is Port of Olympia property. The City has the ability and has required homeowners to bring property to proper standards. However, on individual single-family lots in areas experiencing stormwater issues, such as flooding, the City can provide assistance otherwise the City does not become involved. All properties in the City pay a stormwater fee.

Chair Robbins noted that most cities in the state have not exercised full authority for stormwater taxation, which speaks to the City having the opportunity to increase its stormwater rate.

Commissioner Tobias inquired about the location of stormwater flow from the development. Manager Medrud said that generally, current stormwater regulations require the site to manage stormwater onsite and any excess must be released at a rate that does not exceed natural flow. Many sites construct large retention ponds designed to hold stormwater on the site and release flow over time. The purpose is to avoid creating flooding downstream of a site.

Manager Medrud reported the developer received approval to proceed with the development and he believes construction is either ongoing or nearly completed.

**NEXT MEETING  
DATE:**

The next meeting is scheduled on October 11, 2022 with the Tree Board.

**ADJOURNMENT:**

**Commissioner Varela moved, seconded by Commissioner Schumacher, to adjourn the meeting at 8:10 p.m. A voice vote approved the motion unanimously.**

Prepared by Puget Sound Meeting Services, psmsoly@earthlink.net

**TUMWATER TREE BOARD MEETING  
MINUTES OF IN-PERSON/VIRTUAL MEETING  
August 8, 2022 Page 1**

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

**PRESENT:** Chair Trent Grantham and Commissioners Brent Chapman, Michael Jackson, Tanya Nozawa, Dennis Olson, and Jim Sedore.

Excused absence: Commissioner Joel Hecker.

Staff: Sustainability Coordinator Alyssa Jones Wood.

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

**APPROVAL OF  
MINUTES:  
TUMWATER  
TREE BOARD  
MEETING  
MINUTES MAY 9,  
2022 & JULY 11,  
2022:**

**MOTION:** Chair Grantham moved, seconded by Commissioner Nozawa, to approve the May 9, 2022 and July 11, 2022 meeting minutes as published. A voice vote approved the motion unanimously.

**TREE BOARD MEMBER REPORTS:** Commissioner Jackson inquired about the status of scheduling a field trip during the summer to visit recent development in the City.

Coordinator Jones Wood advised that she would follow up with Manager Medrud to reschedule a presentation on the development process to afford time for a field trip in September.

The Board discussed several new residential subdivisions and the species of trees planted. Members offered suggestions on several new subdivisions to visit. The Board was asked to email recommended sites to visit to Coordinator Jones Wood. Commissioner Nozawa offered to provide some photographs of a site prior to removal of trees for a new residential development. Chair Grantham recommended contacting Manager Medrud for copies of landscape proposals for new residential developments.

**MANAGER'S REPORT:** Coordinator Jones Wood reported she and staff have met twice with the consultant for amendments to the Tree Preservation and Vegetation Ordinance. The Board will receive a draft Community Engagement Plan for review and is asked to provide comments to staff by August 29, 2022.

New state law requires the City to adopt an ordinance prior to the end of the year requiring the provision of compost to be provided by the City for City

**TUMWATER TREE BOARD MEETING**  
**MINUTES OF IN-PERSON/VIRTUAL MEETING**  
**August 8, 2022 Page 2**

landscape and transportation projects requiring additional soil. The draft ordinance can be provided to the Board for review prior to presentation to the Public Works Committee and the City Council. A draft ordinance by the Department of Ecology discourages the disposal of organic material in landfills. The Board expressed interest in reviewing the draft ordinance.

A second Heritage Tree nomination has been received by the City.

The November meeting agenda includes a tentative discussion with City Directors on implementation of the Urban Forestry Management Plan.

A contract was executed with the Watershed Company to provide consultant support on the street tree plan. Three firms responded to the landscape RFP with interviews scheduled on August 19, 2022.

The City Council approved the Heritage Tree nomination submitted by the Tree Board last month. The person who nominated the tree has been contacted to schedule a visit to assess the condition of the tree. A future conversation by the Board could be scheduled to discuss the design of a plaque.

Commissioner Sedore asked whether the City has a list of memorial, commemorative, and heritage trees. Coordinator Jones Wood advised that the City has a heritage tree list along with a list of all tree recognitions since 2003. Commissioner Sedore suggested the lists should be included online for public access. Coordinator Jones Wood affirmed she would follow up on the request.

Commissioner Chapman asked that the Board receive information on the balance of the Tree Board fund and the balance of the City's Tree Fund. Coordinator Jones Wood affirmed the request.

Commissioner Sedore referred to the recent retirement of Don Trosper and inquired as to whether the City and the Olympia Tumwater Foundation have a relationship in terms of historic sites with heritage/historical trees. Coordinator Jones Wood offered to follow up with information. She cited information in the staff report identifying current designated heritage trees in Tumwater, which discerns champion, historic, and landmark trees. She affirmed she would follow-up with information on the definitions between the different designations.

**PUBLIC  
COMMENT:**

There were no public comments.

**HERITAGE TREE  
NOMINATION  
DISCUSSION:**

Chair Grantham reported on the receipt of a Heritage Tree nomination from Christina Randazzo. The walnut tree is located on a homestead property with a house that was built in 1894.

Commissioner Chapman recommended the City should have the consulting

**TUMWATER TREE BOARD MEETING**  
**MINUTES OF IN-PERSON/VIRTUAL MEETING**  
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arborist assess the age of the tree prior to consideration by the Board.

Commissioner Sedore offered that it might be possible for the Olympia Tumwater Foundation to assist the City in obtaining any historical information that could be noted on the significance of the location in association with the nomination.

Chair Grantham questioned the outcome if the site is not a location of historical significance in terms of the nomination. Commissioner Sedore replied that should the nomination speak only to older trees, it might be a question for the Board to determine whether the age of a tree is the overriding criteria for designating a heritage tree when historical significance is lacking.

Commissioner Chapman cited the City's criteria for nomination of a heritage tree. One criterion pertains to the historical nature. Other criteria speak to the specimen based on age, size, and health, or quality, rare or a significant grove that affects the City's landscape.

Commissioner Sedore questioned the significance of age unless it is tied to some human historical event, as many trees will continue to age.

Chair Grantham acknowledged the point but noted that if all trees eventually age there is no point in designating a tree as significant.

Commissioner Sedore said he associates "heritage" with human history rather than environmental factors and while he understands the presence of "rare tree" or rare to the climate zone or large trees exceeding state or world records, Tumwater's history as one of the first cities in the state should factor in the Board's recommendation by determining a way to identify the location of older trees that are historically significant to the history of the City or the state.

Chair Grantham noted that the criterion would require specific searches of trees that are historically significant. The issue is the assignment of the person who would perform that type of work. Commissioner Sedore said his references to the Olympia Tumwater Foundation could be a source of that type of information. Recently, he viewed a documentary on a southern state that historically marked a tree where the last lynching had occurred in the 1800s because it was historically related to civil rights and the reconstruction period following the Civil War.

Chair Grantham noted that the Olympia Tumwater Foundation is responsible for the Brewery Park at Tumwater Falls as part of a trust granted by the brewery to the Foundation and is unsure whether the Foundation would be willing to assist.

Commissioner Sedore volunteered to research historical books to identify any mention of trees in Tumwater's history.

**TUMWATER TREE BOARD MEETING**  
**MINUTES OF IN-PERSON/VIRTUAL MEETING**  
**August 8, 2022 Page 4**

Chair Grantham confirmed that staff would follow up to determine whether the contract forester can be contacted to assess the nominated tree. Following receipt of the information the Board can move forward to consider the nomination.

Discussion ensued on posting information on the City's website on definitions of champion, heritage, and landmark trees. Coordinator Jones Wood shared that when GIS staff added the most recently designated heritage tree with no specific category of champion, historic, or landmark designation, the color of the designation was not determined at that time. It might be necessary to define the different classifications to determine the appropriate classification of past and current designations and assign colors for each classification for GIS mapping.

Commissioner Sedore suggested the next meeting should include a review of the definitions of champion, landmark, and historic trees. Coordinator Jones Wood offered to provide additional information for discussion at the October meeting.

The Board discussed Coordinator Jones Wood's interpretation of the Board's request to have all trees that are submitted for nomination to be reviewed by the City's forester prior to submittal to the Board for consideration. Chair Grantham said the nomination includes a form for submittal by the owner and if the City does not want to assess the tree, the owner of the tree should have the opportunity to submit the nomination to the Board to either approve and forward a recommendation to the City Council or recommend the City assess the tree. Commissioner Sedore offered that in the event the City elects not to assess a tree, a member of the Board could visit and inspect the tree, as some members are professional arborists. He agreed that some owners may not have the information on the species or the age of the tree. All nominations should be verified before a recommendation is forwarded to the City Council.

Coordinator Jones Wood added that in the next biennium budget, a request has been included for tree professional services.

**NEXT MEETING:** The next meeting is on September 12, 2022 and likely will include a field trip as discussed.

**ADJOURNMENT:** **With there being no further business, Chair Grantham adjourned the meeting at 7:48 p.m.**

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

**TUMWATER TREE BOARD MEETING**  
**MINUTES OF MEETING**  
**September 12, 2022 Page 1**

**CONVENE:** 6:00 p.m.

**PRESENT:** Commissioners Brent Chapman, Joel Hecker, Michael Jackson, Tanya Nozawa, and Jim Sedore.

Excused absence: Chair Trent Grantham and Commissioner Dennis Olson.

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

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

**TREE BOARD DEVELOPMENT FIELD TRIP:** Coordinator Jones Wood addressed questions raised during the August meeting. The Board's budget balance effective August 12, 2022 is \$224.53 and is available until the end of 2022. The City's Tree Fund balance totals \$73,641.25. City Administrator Doan has flagged the balance for tree plantings of \$25,000 over the next three years. Coordinator Jones Wood offered to follow up with more details.

The Heritage Tree map on the City's website is reflective of some trees, such as the Bush Butternut and some landmark trees not formally approved through the City's Heritage Tree designation process. The Board has the option to nominate those trees for formal designation. Coordinator Jones Wood advised that she has contacted the funeral home where the champion chestnut trees are located to seek permission for nominating the tree. Additionally, she contacted Megan Ockerman with the Olympia Tumwater Foundation about knowledge of any other historic trees in the City. The only tree Ms. Ockerman noted was the Garry oak tree near the airport. The City has indicated support for a tree professional to confirm the age and species of all trees nominated to receive a Heritage Tree designation. She has contacted some tree professionals to visit the site of two pending tree nominations.

The Board and staff visited the Foster development site located at Israel Road and 70<sup>th</sup>. The site was developed in 1975 and extended in 1980 with construction occurring around existing trees. Commissioner Sedore advised that he suggested the location because the lots are 1/3-acre in size with mature Douglas fir and Western red cedar trees on the sites. He asked about the number of tree permits the City has waived. Manager Medrud suggested the upcoming code amendments for tree preservation should consider opportunities for saving tree clusters on sites. The Foster development was completed prior to the Growth Management Act and does not meet density requirements. Current right-of-way is much narrower than what the City requires today. Commissioner Sedore pointed out how stormwater is able to infiltrate directly on the site.

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**MINUTES OF MEETING**  
**September 12, 2022 Page 2**

Manager Medrud offered that the review process should also consider stormwater and tree retention, such as islands with trees, which may not be favored by project engineers.

Commissioner Sedore reported the City recently removed two trees to accommodate the ability of garbage trucks to navigate a roundabout. He asked whether the City intends to replace the trees. Manager Medrud advised that he would follow up with staff on the status of the tree replacement at the site.

Commissioner Jackson noted that the Foster development, if approved today, would require sidewalks and street trees. Commissioner Sedore said all the homes within the development are on septic systems and wells.

Staff and Commissioners visited the second site of Kirsop Crossing, a former mobile home park surrounded by multifamily zoning. The development proposal was approved by Thurston County prior to the property annexed to the City.

Commissioner Sedore pointed out how maple trees were used as street trees, which will likely create future issues.

Manager Medrud reported the development density is 9 units per acre. The stormwater facility is located under the power lines. Although, the development consists of single-family homes, the developer was able to meet density requirements. Since the development was constructed to county standards, the development would not meet the City requirements of sewer, sidewalks, and open space.

Commissioner Chapman inquired about the minimum size of a street tree. Manager Medrud replied that for low impact development, conifers are more valuable than deciduous species.

Discussion ensued on the narrowness of the alley and the inability to accommodate parked vehicles and standards applicable for the distance between streetlights and street trees. Staff advised of the requirement for sidewalks to meet ADA requirements and that in some areas sidewalks can meander to accommodate site conditions. Coordinator Jones Wood offered to forward a PowerPoint presentation of the City of Renton's street tree and sidewalk standards. City operations can assist in maintaining street trees if capacity exists, but there is no guarantee the City will maintain street trees.

Members discussed how placement of homes near power lines is determined. Manager Medrud advised that Bonneville Power Administration has implemented standards in terms of the location of homes near power lines.

Members and staff commented on stormwater infrastructure and the possibility of planting trees in stormwater ponds. Coordinator Jones Wood described

**TUMWATER TREE BOARD MEETING**  
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different types of stormwater facilities. Many stormwater ponds include liners making the planting of trees nearly impossible. She offered to follow-up with Water Resources and Sustainability Director Dan Smith to obtain more information on the planting of vegetation in and around storm ponds. Commissioner Nozawa commented on the practice of topping tree around power lines and that it should not be allowed and Puget Sound Energy should prune trees versus topping trees.

Commissioners and staff visit the third site at Liberty Lane, a location that serves as a good example of infill development. The site is long and narrow and requires density to meet the requirements of the Growth Management Act. The City's minimum density requirements apply except in critical areas.

Commissioner Jackson pointed out that a large magnolia and other species of trees were supposed to be saved when the site was developed. However, the initial developer sold the site to another developer, who removed the trees. He suggested it is a potential issue the City should explore when developments change ownership as the retention of those trees likely fell through the cracks when the site changed ownership.

Commissioner Chapman inquired as to whether Arborvitaes are considered trees. Manager Medrud offered to follow-up with more information. He noted that the City of Renton examines the dripline area of existing trees and if removed, the developer is required to replace the tree within the dripline footprint of the previous tree. Commissioner Chapman noted that street trees were not required at this location because the road is a private street.

Commissioner Sedore asked whether the City has regulations governing the use of gravel landscaping. Manager Medrud advised that the landscaping regulations would be reviewed during the larger review of the landscaping code. Commissioner Sedore commented that households that lack landscaping and rely mostly on gravel create problems for families with dogs that often walk their dogs to other HOA parks to potty creating another series of problems.

The fourth site visited by the Board and staff was Skyview Estates. The development's large stormwater feature was constructed to accommodate the area's high groundwater. Some large native trees were planted that likely could have been spaced more efficiently. The site will house 117 single-family homes.

Commissioner Nozawa commented on the desire to ensure large stands of trees remained protected and methods that are used to identify the presence of any endangered species. Manager Medrud advised of the City's ongoing process to develop the Habitat Conservation Plan (HCP) for the Mazama pocket gopher, Oregon spotted frog, and other species found in Tumwater and the surrounding area. Those species are under federal protection. Without a Citywide HCP, homeowners would need to contact U.S. Fish and Wildlife Service to obtain an incidental take permit for development activity. Following approval of the

**TUMWATER TREE BOARD MEETING**  
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City's HCP, developers can set-aside large tracts of land for endangered species. If the developer fails to pass the gopher screening after two site visits during specific times of the year, the developer must delay construction activity until the City's HCP is approved by the federal government. Commissioner Nozawa noted that she has observed the presence of Douglas squirrels and Fishers in the Countryside neighborhood in Tumwater.

Commissioner Sedore asked about the process for approving a mix of tree species within a development. Manager Medrud advised that tree species approval is handled by permitting staff as the City lacks an arborist to review landscaping plans. However, the City is considering contracting with an arborist as a consultant to review landscaping plans in the future. Additionally, the review of the landscaping code should also include a discussion on requirements for irrigation and the timing for constructing irrigation systems to support vegetation.

Commissioner Chapman asked whether the City requires landscape timber around street trees. Manager Medrud offered to follow-up on information, as it may be included in the City's design review guidelines.

The last site visit was to The Preserve, located off Old Highway 99 south of the Olympia Airport. The development's name was because the site is home to a gopher preserve prior to the federal listing of the species. The development was only required to replace six trees and planted more than the code required.

Commissioner Jackson commented that early fall is the best time to trim street trees. He asked whether the City could require native trees if there is space to accommodate them. Discussion followed on a goal to create requirements for planting of native species and establishing a list of desired trees that pertains to the site as well as for street trees. The Commission commented on the importance of discussing irrigation requirements during the review of the landscape code.

**NEXT MEETING  
DATE:**

The October meeting is scheduled as a joint meeting with the Planning Commission to begin work on the Tree Preservation Code. The meeting is tentatively scheduled for Tuesday, October 11, 2022 at 7 p.m.

**ADJOURNMENT:**

**With there being no further business, the meeting was adjourned at 8:15 p.m.**

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

## **2022 Planning Commissioner Interviews**

Brad Medrud, Planning Manager, and Elizabeth Robbins, Planning Commission Chair, conducted one-hour interviews with each of the Commissioners the week of September 19, 2022.

### **Tuesday, September 20, 2022**

- Elizabeth Robbins, 1:00 p.m.
- Terry Kirkpatrick, 2:00 p.m.
- Brian Shoemaker, 3:00 p.m.

### **Wednesday, September 21, 2022**

- Michael Tobias, 6:00 p.m.
- Kelly Von Holtz, 7:00 p.m.

### **Thursday, September 22, 2022**

- Meghan Sullivan, 10:00 p.m.

### **Friday, September 23, 2022**

- Grace Edwards, 5:00 p.m.
- Anthony Varela, 6:00 p.m.

## **Common Questions for All Commissioners:**

### *“How are things going?”*

- All the Commissioners noted that things were going well
- Newer Planning Commissioners (Anthony, Brian, Grace, and Kelly) noted that they were in the process of working on understanding the basics of what is expected, which is going well

### *“How much time do you spend preparing for meetings?”*

- Most Commissioners responded to the question, with a range preparation time from one to two hours per meeting
- All the Commissioners found the preparation time to be appropriate

### *What do you need from staff?*

- Aside from suggestions about how to improve staff reports outlined below, materials for meeting are good
- At the beginning of staff reports, provide a bulleted, short summary of all the meetings to date and the issues discussed and/or resolved as a table (date-meeting type-issues) with page references to the sections of the staff report
- Packets can be too big

## 2022 Planning Commissioner Interviews

Week of September 19, 2022

Page 2

*“What is Tumwater?”*

- Different answers from all the Commissioners
  - It is a home base to easily get to other places: Seattle to the north, Portland to the south, Ocean and Peninsula to the west
  - Special local places
    - Where do you take visitors?
      - ✓ The falls
    - Locally owned businesses
  - Stability, but not static
    - Something taken for granted
  - Change from the Brewery town to the brewery and something more
    - Craft district and redevelopment
  - As time passes and the City grows, the brewery is no longer the dominate aspect
  - People may leave, such as military families, but they will rent their houses with intention of coming back
  - The shape of the City is like a butterfly with overlapping east and west sections
  - A City, community, vibrant great place to live
  - First home after being in the military

*“Have you been harassed or pressured, either on line or in person, because you are on the Planning Commission?”*

- All responded no. Brad and Elizabeth asked that all Commissioners let City staff know if they have issues in the future.

*“What are you excited about?”*

- Tumwater School District
- Homeowner associations
- Opportunities ahead

*“What are you worried about?”*

- Tumwater School District and equity
- Fewer volunteers than in the past

*What are your strengths?*

- Good at meeting preparation

## 2022 Planning Commissioner Interviews

Week of September 19, 2022

Page 3

- Learning and networking

*What do you need to work on?"*

- Need help on the background to planning discussions
- Need help running meetings so that they are procedurally correct

Comprehensive Plan Update Background

- Staff told all the Commissioners about the proposed Update process and when the Planning Commission will discuss overall scope, schedule, and public engagement.
- Suggestion of a field trip in the spring of 2023 was well received
  - Former WSDOT HQ – Past, present, and future planning (and other examples)
  - Capitol Boulevard
- Look to coordinate with Thurston County, Olympia, and Lacey on a public interest campaign focused on a single message along the lines of “Why you should care...” versus “State law says we have to...”
- Important to hear from people outside the process about the Comprehensive Plan update
- How do we make the City home for future residents?

Other Comments

- Have Citywide maps available at meetings
- Introductory packets:
  - A lot of information
  - Good materials
  - Use Training Program to supplement these
- For Capital Facilities Plan update, bring back lunchtime outreach meetings and start the process earlier
- Do we plan for people or structures, or both?
- Explore support for local banks investing in smaller/medium commercial and residential projects that do not fit the larger banks
- Learning to ask more question, which will take time
- Look for outside training opportunities
  - Commerce Planning Short Courses
  - How to use the Planning Commission to make places
- Support for in person meetings to allow more communication, but recognized that the remote meetings allowed Commissioners to attend a meeting that would not be possible in person because of other life commitments

## 2022 Planning Commissioner Interviews

Week of September 19, 2022

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- Provide a one page summary of actions by the City Council and other Boards and Commissions to the Planning Commission on a monthly basis
- Different ways of seeing the City: by car, walking, bicycling
- A number of the Commissioners are volunteers or participate in nonprofits in the community
- Look for ways to support helping people stay in housing, including mental health and drug addiction support
- Look for community celebration opportunities
- Explore ways we want to be looking at materials being reviewed
  - Such as how the issue addresses the broader values we have: sustainability, accessibility, equity, strategic priorities of the Council, Comprehensive Plan Goals and Policies
  - Use the values as a screen for actions
  - Ask the question “Is this issue/subject matter forwarding sustainability, accessibility, equity”
  - Look to develop opportunities for the Commission to use generative communications: set up “look up” opportunities for the Planning Commission to have those

**From:** NANCY PARTLOW <[nanpartlow@comcast.net](mailto:nanpartlow@comcast.net)>

**Sent:** Tuesday, September 20, 2022 11:43 AM

**To:** Council <[Council@ci.tumwater.wa.us](mailto:Council@ci.tumwater.wa.us)>

**Subject:** Turning Olympia (and Tumwater) into an asset class for investors - Works in Progress

Dear Mayor and Council Members,

This is an excellent article that I hope you keep forefront of mind when making housing policy for Tumwater's citizens moving forward. Especially since Tumwater is doing the same thing as Olympia is:

<https://olywip.org/turning-olympia-into-an-asset-class-for-investors/>

Last spring, the mobile home park where I own my home was purchased by an investor corporation that owns many other properties nationwide. We will soon be getting a large rent increase.

I read the recent Olympian article about the 1,000 apartments that are to be built south of Israel Road. Many other apartments are already being built or proposed throughout the Littlerock Road neighborhood. I believe that all of them are getting a big multi-year tax deferral from the city. This, while our roads and schools become more and more crowded and store parking lots are full to overflowing.

We may bemoan the climate crisis exacerbated by the massive deforestation of the South American rainforest. Yet acre for acre I think here in Tumwater we're just as destructive of forest ecosystems to create investor-asset development.

I request that this email is shared with members of the Planning Commission.

Thank you.

Nancy Partlow

TO: Planning Commission and Tree Board  
 FROM: Brad Medrud, Planning Manager  
 DATE: October 11, 2022  
 SUBJECT: Joint Planning Commission and Tree Board Worksession on Tree and Vegetation Preservation Regulation Update

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1) Recommended Action:

Review the packet and be prepared for a discussion with the City's consultant and staff to start the project.

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2) Background:

Trees are an essential part of the character of the City. As part of a healthy community and urban forest, they provide many environmental, economic, and community benefits. Trees and their associated vegetation work constantly to mitigate the negative effects of development, while protecting and enhancing lives within the community. In addition to environmental benefits such as improving and protecting water and air quality, directly and indirectly addressing the effects of climate change, and buffering urban noise, trees and their associated vegetation also have socioeconomic and aesthetic benefits, including promoting equity and environmental justice within the community by ensuring each neighborhood in the City receives community investment and support.

The Tumwater City Council made urban forestry one of four top priority actions for 2022-23. The City Council adopted the *Urban Forestry Management Plan* on March 2, 2021 after four years of entirely City-funded work by City staff, stakeholders, a consultant, the Tree Board, and the Planning Commission.

The City's urban forest consists of all trees and understory plants on public and private property in the City. It includes a diverse mix of vegetation that is managed by a broad group of individuals and groups that are located in a range of urban and natural settings including private properties, developed parks, rights-of-way, conservation areas, and other public lands.

The focus of the *Urban Forestry Management Plan* is the "The Right Tree in the Right Place." The *Urban Forestry Management Plan* guides the stewardship of the urban forest within the City through a series of implementation actions. The primary goals, objectives, and actions that address the preservation of trees and vegetation include:

**Goal 1.** Restore and enhance the community and urban forest.

**Objective 1.1.** Increase canopy cover in the City to expand the community and urban forest.

**Action B.** Ensure that landscaping regulations provide for the preservation of trees with potential and the planting of new trees and understory when removing existing trees and understory on public and private properties.

**Action C.** Require appropriate tree planting in new development and redevelopment, by emphasizing proper planning for trees, correct planting

techniques, and aftercare that supports the healthy establishment of newly planted trees.

**Goal 2.** Protect and preserve the community and urban forest, which includes trees, understory, habitat, and soils.

**Objective 2.1.** Use regulatory and non-regulatory approaches to protect and retain the community and urban forest to the extent practicable within the context of necessary growth and development.

**Action A.** Enforce tree protection regulations to protect healthy existing trees and forested areas and replace on public and private properties.

**Action J.** Designate, register, and promote heritage trees.

**Goal 4.** Balance the protection and support of the community and urban forest with other City strategic priorities, which include, in part, providing affordable housing, developing a walkable urban community, economic development, addressing climate change, and protecting endangered species.

**Objective 4.1.** Update the *Urban Forestry Management Plan* and supporting regulations regularly and ensure they work in harmony with other City strategic priorities.

**Action D.** Review tree preservation, landscaping, and street tree regulations regularly to ensure that they are working with other City strategic priorities, plans, and regulations, responding to changes in climate, and implementing the *Urban Forestry Management Plan*.

The tree and vegetation preservation regulation update is the next step in the City's implementation of the *Urban Forestry Management Plan*. As part of this project, the City's consultant, The Watershed Company, and City staff will work with stakeholders and the Tree Board, Planning Commission, and City Council to update the City's tree and vegetation preservation regulations (TMC 16.08 *Protection of Trees and Vegetation*), as well as review and update other relevant regulations and standards.

The City will also be updating the City's street tree regulations (TMC 12.24) and preparing a Street Tree Plan and updating City's landscaping regulations (TMC 18.47) in 2022 and 2023.

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3) Alternative:

☐ None.

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4) Attachments:

- A. Public Engagement Plan – Tree and Vegetation Preservation Code Update
- B. TMC Chapter 16.08 *Protection of Trees and Vegetation*
- C. Presentation

## Public Engagement Plan

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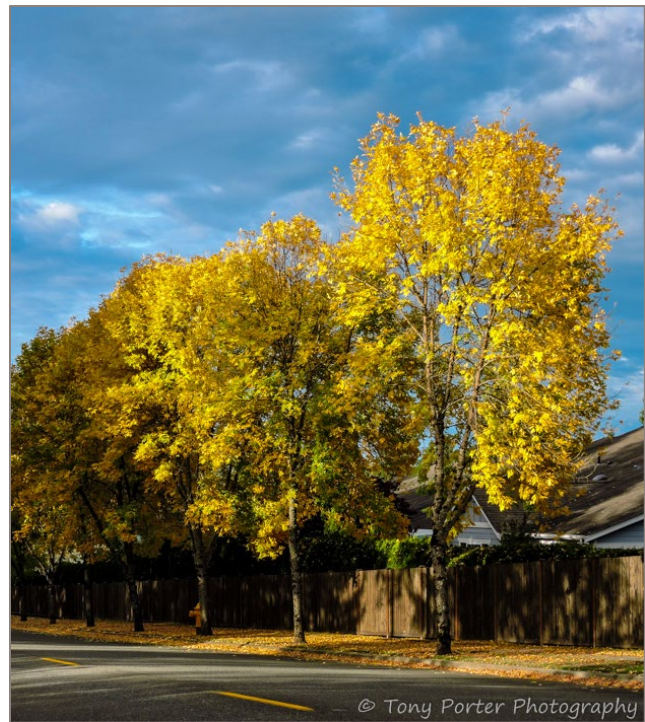
# TREE AND VEGETATION PRESERVATION CODE UPDATE CITY OF TUMWATER

September 28, 2022

Prepared for:

Brad Medrud, AICP  
Planning Manager  
City of Tumwater  
Community Development Department  
555 Israel Road SW  
Tumwater, WA 98501

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*Title-page image: Fall in Tumwater by Tony Porter Photography*

All discussions, conclusions and recommendations reflect the best professional judgment of the author(s) and are based upon information available at the time the plan was developed. All work proposed within this document does not supersede the approved scope and fee. Deliverables described will be provided within the previously agreed upon scope, budget, and timeline. No other warranty, expressed or implied, is made.



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# 1 Introduction

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The City of Tumwater’s urban forest provides environmental, health, and aesthetic benefits to the entire community. The urban forest is a dynamic ecological system that includes canopy trees as well as associated understory vegetation on both public and private land that contribute to the city’s character and a variety of ecosystem services such as reducing urban heat island effects, stormwater absorption, erosion reduction, wildlife habitat and biodiversity, improving mental health and wellness, recreation, and mitigating the impacts of climate change. Like many cities in the Puget Sound region, the Tumwater community is also faced with the need to support smart growth and development while also ensuring environmental sustainability and promoting equity and environmental justice.

To meet this challenge, on March 2, 2021, Tumwater City Council adopted the Urban Forestry Management Plan (UFMP) and made urban forestry one of four top priorities for 2022-23. To achieve the objectives of the UFMP, the City identified review and revision of the City’s tree preservation code (TMC 16.08 *Protection of Trees and Vegetation*) as a high priority action (Tumwater UFMP 2021). The City recognizes that the community’s urban forest is managed by and benefits a diverse group of stakeholders that are in a range of urban and natural settings, including private properties, developed parks, rights-of-way, conservation areas, and other public lands.

To ensure that the implementation of the UFMP and the associated municipal code updates are grounded in equity, inclusion, and environmental justice, the City is embarking on a public engagement process that utilizes a diverse suite of tools aimed at minimizing barriers to participation, provides multiple opportunities and mechanisms to share ideas and perspectives, and engages a wide cross section of Tumwater residents and community stakeholders. The City, with support from The Watershed Company, has developed the following Public Engagement Plan, which lays the framework for a robust community outreach effort.

# 2 Overview of Code Update Process

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The project comprises two major phases: (1) public outreach and engagement and (2) code revision and update. During the public outreach and engagement phase the project team will identify and communicate with stakeholders—both internal and external—to solicit feedback and document attitudes and perceptions about urban forest management and tree and vegetation preservation. To capture a wide range of feedback that represents the varied and

balanced interests of stakeholder groups, public outreach, and engagement efforts will be conducted through the lens of equity and environmental justice.

*Why are environmental justice and equity important to the success of this engagement effort and tree preservation code update project?* Environmental justice refers to fair and equitable treatment of all people regardless of race, color, nationality, physical and mental ability, or income in all areas of natural resource management, policies, and practices. Environmental justice ensures that all community members benefit from a safe, healthy, sustainable environment, are protected from ecological harm (e.g., pollution, impacts from climate change etc.) *and* actively participate in the decision-making that affect their communities.

The uneven distribution of the tree canopy in urban areas and the benefits trees provide have profound implications for environmental equity and justice. Analysis of tree canopy cover distribution across urban areas of the United States, including the Puget Sound region, correlates low tree canopy cover with disadvantaged socio-economic groups and/or people of color. These groups have also been historically marginalized and excluded from local decision-making for environmental policy and natural resource allocation. This public engagement plan seeks to break down barriers to engagement and participation in order for the voices of all Tumwater community members to be heard in a meaningful way.

The public outreach and engagement effort will yield multi-layered feedback, which will be analyzed and interpreted into guidance that will help to inform the subsequent code revision and ordinance update.

## 3 Engagement Goals and Strategies

---

### 3.1 Urban Forest Management Goals and Objectives

The goals and strategies that will guide the outreach and engagement effort are derived from the City's UFMP. The UFMP guides the stewardship of the urban forest within the City through a series of implementation actions; its core focus is "The Right Tree in the Right Place." The primary goals, objectives, and actions of the UFMP that specifically apply to the municipal code updates and address the preservation of trees and vegetation include:

- **Goal 1.** Restore and enhance the community and urban forest.
  - **Objective 1.1.** Increase canopy cover in the City to expand the community and urban forest.
    - **Action B.** Ensure that landscaping regulations provide for the preservation of trees with potential and the planting of new trees and

- understory when removing existing trees and understory on public and private properties.
  - **Action C.** Require appropriate tree planting in new development and redevelopment, by emphasizing proper planning for trees, correct planting techniques, and aftercare that supports the healthy establishment of newly planted trees.
- **Goal 2.** Protect and preserve the community and urban forest, which includes trees, understory, habitat, and soils.
  - **Objective 2.1.** Use regulatory and non-regulatory approaches to protect and retain the community and urban forest to the extent practicable within the context of necessary growth and development.
    - **Action A.** Enforce tree protection regulations to protect healthy existing trees and forested areas and replace on public and private properties.
    - **Action J.** Designate, register, and promote heritage trees.
- **Goal 4.** Balance the protection and support of the community and urban forest with other City strategic priorities, which include, in part, providing affordable housing, developing a walkable urban community, economic development, addressing climate change, and protecting endangered species.
  - **Objective 4.1.** Update the Urban Forestry Management Plan and supporting regulations regularly and ensure they work in harmony with other City strategic priorities.
    - **Action D.** Review tree preservation, landscaping, and street tree regulations regularly to ensure that they are working with other City strategic priorities, plans, and regulations, responding to changes in climate, and implementing the Urban Forestry Management Plan.

## 3.2 Public Outreach Goals and Strategies

The following goals and strategies will guide the outreach process.

- **Learn about the community's preferences for tree and vegetation preservation in the City of Tumwater.**
  - Seek insights and perspectives from community members to capture their desires for tree and vegetation preservation to update the City's tree and vegetation preservation regulations (TMC 16.08 *Protection of Trees and Vegetation*).
  - Establish and maintain on-going long-term relationships with project stakeholders and members of the community.
- **Stay in touch – inform and involve.**

- Keep stakeholders and the public informed on the status of the outreach initiative and code update process.
- Identify a point of contact(s) who will be responsible for ongoing communication and updates on the project.
- Maintain current lists of organizations and groups identified in the Stakeholder Outreach and Engagement section.
- Communicate with key stakeholders on project process, updates, and upcoming outreach and engagement activities.
- Respond to emails whenever possible to acknowledge input and concerns.
- Update project information and status in a timely manner.
- Use multiple avenues, such in-person outreach and interviews, social media, post, and email, to engage diverse user groups. See the Notification Tools section.
- **Be inclusive.**
  - Select activities, locations, and times that are accessible, consider busy schedules, and best create opportunities for inclusive engagement to reach a broad group of participants.
  - Make sure we hear broadly from the community and that input represents the community's diverse demographics and neighborhoods.
  - Create multiple ways to engage, whether on-line or in-person, and through multiple outreach activities.
- **Learn from outreach efforts to improve and document feedback.**
  - Keep records of outreach attendance.
  - Make time to reflect on the outcome of each activity – what went well, what could be improved, and what was learned.
  - Document feedback and update this plan accordingly with summary information.

### 3.3 Success Metrics

The project team will employ the following success metrics to measure achievement of the outreach goals stated in the prior section.

Table 1. Summary of Outreach Success Metrics

Success Strategy	Success Metrics
Reach a broad audience of residents, organizations, and businesses that reflects the Tumwater community.	<ul style="list-style-type: none"> <li>○ Direct mailing to all addresses within the City of Tumwater, including roughly 9,750 households and 670 businesses.</li> <li>○ Aim for 2,500 impressions through the project website and social media campaign (e.g., visitors, views, likes, or reposts), representing approximately 10% of the City's population.</li> <li>○ Conduct targeted outreach to groups, individuals, or organizations representing the three demographic trends outlined in Table 2.</li> <li>○ Conduct direct outreach to groups or organizations representing 11 interests outlined in Table 2.</li> </ul>
Provide flexible opportunities for participation that cater to differing community needs.	<ul style="list-style-type: none"> <li>○ Use social media and a project website to maintain a digital presence throughout the duration of the project that provides on-demand information on project scope, progress, and how to participate.</li> <li>○ Leverage the popularity of mobile phones for assistive technologies and translation by formatting the project website for viewing on phones and tablets.</li> </ul>
Maintain clear and accurate documentation and clearly define project team goals and responsibilities.	<ul style="list-style-type: none"> <li>○ Use a collaborative cloud-based platform for project documentation (i.e., SharePoint), including stakeholder contact lists, project schedules, and feedback logs.</li> <li>○ Use team meetings as a regular touch point to report and reflect on outreach and engagement efforts.</li> </ul>

## 4 Stakeholder Outreach and Engagement

The goal of stakeholder identification is to achieve a representative sample of the Tumwater community that considers both demographic trends and balances the broad and competing interests relevant to the scope of the tree and vegetation preservation ordinance. To achieve this goal, outreach and engagement efforts are structured to target the community's specific needs and profile. Further, targets help to determine the extent to which effective outreach is achieved.

### 4.1 Stakeholder Identification

#### 4.1.1 Demographics

According to Census.gov, as of July 1, 2021, the City of Tumwater hosts a population of 25,844 residents across 9,272 households and 663 employers (non-farm establishments). While

stakeholder participation is encouraged broadly by any interested parties, the project team aims to capture feedback that reflects the specific demographics of the greater Tumwater community. Specifically, the following groups should be represented in the feedback received.

- **Working Families with School-Aged Children.** Several statistics captured by the 2020 U.S. Census paint a picture of working families with school-aged children as a key demographic in Tumwater. Specifically, more than one quarter of the population of Tumwater is under the age of 18 (27.1%) and the average persons per household is 2.51. More than two-thirds of the population is in the civilian labor force (69.2%) and an overwhelming majority of persons over age 25 have at least a high school diploma (95.6%). Further, an overwhelming majority of households have a computer with broadband internet (94.2% and 91.0%, respectively). Altogether, this suggests that digital engagement and outreach to schools and workplaces could be effective means of outreach. Further, it suggests that a middle- to high-school reading level would be appropriate for use in outreach and engagement materials.
- **Diverse Communities.** According to U.S. Census data, most of the Tumwater's population self-identifies as white (76.2%); however, other ethnic communities are significantly represented, including Hispanic or Latino (8.6%), Two or More Races (8.2%), Asian (3.5%), and Black or African American (3.3%). Further, less than 1% of residents self-identify as American Indian and Alaska Native (0.4%) or Native Hawaiian or Other Pacific Islander (0.2%). Although some households speak a language other than English at home (6.2%), a large majority of households are English-speaking (93.8%); therefore, outreach material in English with opportunities for translation, such as using web-enabled translation tools, could be helpful in engaging a broad audience.
- **Long-term Residents.** According to the U.S. Census data, more than three-quarters of residents lived in the same house a least one year prior to the census (80.2%). This is supported by the large number of owner-occupied housing units (57.3%), also captured by the Census. The number of long-term residents and owner-occupied housing units both support that direct mailing could be an effective outreach tool.

Table 2. Summary of Demographic Engagement

Demographic Group	Potential Outreach Avenues, Liaisons, and Partners in Outreach
Working families with school-aged children	<ul style="list-style-type: none"> <li>○ Daycare and childcare centers</li> <li>○ Elementary, middle, and high schools</li> <li>○ School districts</li> <li>○ Parent-Teacher organizations</li> <li>○ Youth advocacy and engagement organizations</li> <li>○ Community centers and libraries</li> </ul>
Diverse communities	<ul style="list-style-type: none"> <li>○ Faith-based organizations</li> <li>○ Cultural and ethnic organizations</li> <li>○ Local circulation media, including English and non-English publications</li> </ul>
Long-term residents	<ul style="list-style-type: none"> <li>○ Neighborhood and community organizations</li> <li>○ Community destinations (e.g., grocery stores, retail centers, parks)</li> <li>○ Homeowner associations</li> </ul>

### 4.1.2 Interest Groups

The City identified numerous stakeholder groups that represent interests related to tree and vegetation preservation. Acknowledging that some groups may be more organized and vocal than others, targeted outreach will be conducted to seek diverse input and to balance the interests of input received.

Table 3. Summary of Stakeholder Interest Groups\*

Interest	Potential Stakeholders
Tumwater residents	<ul style="list-style-type: none"> <li>○ Homeowners</li> <li>○ Renters</li> </ul>
Residential property owners	<ul style="list-style-type: none"> <li>○ Homeowner associations</li> <li>○ Residential landlords (single and multi-family)</li> <li>○ Residential property management companies</li> <li>○ Non-resident homeowners (i.e., owners of second or vacation homes)</li> <li>○ Owners of short-term rentals (e.g., Airbnb, VRBO)</li> </ul>

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Interest	Potential Stakeholders
Commercial, industrial, and institutional property owners	<ul style="list-style-type: none"> <li>○ Business owners and operators and their employees</li> <li>○ Commercial landlords (warehouse, office, service, and industrial)</li> <li>○ Commercial property management companies</li> <li>○ Port of Olympia</li> <li>○ Tribes</li> </ul>
Residential, commercial, industrial, and institutional developers	<ul style="list-style-type: none"> <li>○ Individual construction and development companies</li> <li>○ Construction and developer advocates and trade organizations</li> </ul>
Professional consultants, such as landscape architects, foresters, and arborists	<ul style="list-style-type: none"> <li>○ Companies located in Tumwater</li> <li>○ Companies who serve Tumwater</li> <li>○ Individual consulting companies</li> <li>○ Industry advocates and trade organizations</li> </ul>
Tree cutting/landscape maintenance companies	<ul style="list-style-type: none"> <li>○ Companies located in Tumwater</li> <li>○ Companies who serve Tumwater</li> <li>○ Individual tree cutting/landscape maintenance companies</li> <li>○ Industry advocates and trade organizations</li> </ul>
Environmental groups	<ul style="list-style-type: none"> <li>○ Tribes</li> <li>○ Tree and arboricultural advocacy organizations</li> <li>○ Wildlife groups</li> <li>○ Land conservancies</li> <li>○ Climate change advocacy groups</li> <li>○ Hunting and fishing / sportsman groups</li> <li>○ Outdoor recreational advocacy groups</li> </ul>
Utility providers	<ul style="list-style-type: none"> <li>○ Puget Sound Energy</li> <li>○ Other private utility providers</li> <li>○ Tumwater Water Resources and Sustainability Department (water and stormwater services)</li> <li>○ LOTT (sewer services)</li> </ul>
Economic development groups	<ul style="list-style-type: none"> <li>○ Tumwater Chamber of Commerce</li> <li>○ Thurston Chamber of Commerce</li> <li>○ Olympia Master Builders</li> </ul>
City development review staff	<ul style="list-style-type: none"> <li>○ Community development department staff (zoning, environmental)</li> <li>○ Building department staff</li> <li>○ Transportation and development engineering department staff</li> </ul>

Interest	Potential Stakeholders
City maintenance staff	<ul style="list-style-type: none"> <li>○ Parks and recreation department staff</li> <li>○ Transportation and operations department staff</li> <li>○ Utility department staff</li> </ul>
City code enforcement staff	<ul style="list-style-type: none"> <li>○ Police department staff</li> <li>○ Community development department staff</li> <li>○ Building department staff</li> <li>○ Water resources department staff</li> <li>○ Utility department staff</li> </ul>

\*Stakeholder groups also apply to the Street Tree Plan and Code Update Project

## 5 Outreach Strategy

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The following table describes methods of notification that can be used to provide the public with project information and inform them of upcoming public participation opportunities. When providing notification about upcoming opportunities for public engagement, the City should consider how best to reach key stakeholders and demographic groups identified in the Stakeholders section.

### 5.1 Notification Tools

The following table describes methods of notification used to promote the project and share opportunities for public participation.

Table 4. Summary of Notification Tools

Notification Tool	Key Actions	Due	Lead
<b>Online Open House</b> The online open house will provide a homebase for information about the project and engagement opportunities, including links and schedules.	Build framework Populate content Soft (test) launch Launch	Launch ASAP, at least 2 weeks prior to the first stakeholder workshop	Watershed
<b>Postcard</b> A postcard will provide direct outreach to all mailing addresses within the City of Tumwater to promote the project and drive traffic to the online open house.	Design postcard Coordinate printing and mailing	ASAP, at least 2 weeks prior to the first stakeholder workshop	Watershed to design postcard; City to coordinate printing and mailing
<b>Poster*</b> A poster will provide direct outreach to select venues within the City of Tumwater to promote the project and drive traffic to the online open house.	Design poster Coordinate printing and distribution	ASAP, at least 2 weeks prior to the first stakeholder workshop	Watershed to design poster; City to coordinate printing and distribution. Locations include the library, post office, Senior Center, Olympia-Tumwater Foundation Park
<b>Social Media Promotion</b> Use the City's established social media channels for broad engagement beyond the city limits to raise awareness of project goals and objectives, promote the project, and drive traffic to the online open house.	Regular and frequent posting across all social media channels	At project milestones (e.g., online open house launch, collateral mailing, and distribution); per Schedule of Outreach	City

Notification Tool	Key Actions	Due	Lead
<b>Direct Engagement</b> Project liaisons will forge and foster direct relationships with stakeholder groups identified. Direct engagement may include email, phone, or in-person communication; attendance at regular group meetings; and routing of project information and feedback between interest groups and the project team.	Regular communication with leadership or key representatives of each group	At least monthly, or as needed, throughout project duration	City

*\*Poster design is not included in Watershed's executed contract but was discussed as an additional useful tool to reach a wide audience. Project team to discuss additional budget needed and benefits to outreach.*

## 5.2 Alternate Engagement Tools

The project team identified several alternate means of outreach that may or may not be possible within the scope of the Tree and Vegetation Preservation Ordinance Update effort, due to schedule constraints, or the availability of budgetary or staff resources.

Table 5. Outline of Alternate Engagement Tools

Engagement Tool	Potential Benefits, Limitations, and Concerns	Status
<p><b>Community Task Force</b> A formal body of community members who convene regularly for direct consultation with City staff. The task force may be appointed for a single project or advise on multiple projects. They make formal recommendations to the City.</p>	<ul style="list-style-type: none"> <li>○ Provides regular recurrent feedback to City and project team, from a body who is willing to participate in in-depth discussions and be educated on topics, if needed.</li> <li>○ Requires pre-planning and ongoing effort by City staff. May require formal authorization from City Council, Mayor, or other leadership.</li> <li>○ Requires volunteer community members who have interest and availability to serve on Task Force for designated term.</li> <li>○ May attract stakeholders who are likely to be proactive participants in the regular engagement process, which could result in overrepresentation of well organized, vocal, and/or privileged populations.</li> <li>○ Should target representatives of historically underrepresented populations and interests.</li> </ul>	<p>The City's Tree Board will satisfy this role for the purpose of this project.</p>

### 5.3 Stakeholder Meetings

A major component of the engagement effort will include a series of both internal and external stakeholder meetings. A total of one internal and three external stakeholder meetings are planned. If needed, a fourth external stakeholder meeting may be conducted. The purpose of the stakeholder meetings will be to facilitate iterative discussions that build on the feedback received and inform subsequent steps in the ordinance update process. An outline of the scope of discussion for each stakeholder meeting is provided below.

#### Internal Stakeholder Meeting (1 of 1)

- Attendees: City departments and staff
- Discussion: Scope of project, project schedule, scope of current ordinance
- Desired feedback: Concerns about current code, experience with current code, primary concerns regarding tree and vegetation preservation
- Exercises:

- Priority setting (ex. “What do you see as the main priorities for tree and vegetation preservation? heritage trees, climate change, canopy cover, environmental justice, etc.)
- Rank priority
- What are the key concerns affecting each priority?
- What is the desired outcome for management of each priority?
- Which of these priorities are inextricably linked? (Generate pairs or groups)

### External Stakeholder Meeting (1 of 3)

- Attendees: Any external stakeholders
- Discussion: Scope of project, project schedule, scope of current ordinance
- Desired feedback: Concerns about current code, experience with current code, primary concerns regarding tree and vegetation preservation
- Exercises:
  - Priority ranking (ex. “What do you see as the main priorities for tree and vegetation preservation? (Rank top 3) champion trees, climate change, canopy cover, environmental justice, etc.)
  - “If we had a focused discussion about your TOP priority, would you be interested in participating in that session? If yes, provide your contact information.”

### External Stakeholder Meeting (2 of 3)

- Attendees: Select external stakeholder based on interest from External Stakeholder Meeting 1 (invite only)
- Discussion: Focused breakouts on priorities that emerged from External Stakeholder Meeting 1
- Desired feedback: Gaps, targets for revision, focus areas within code
- Engagement questions:
  - What are the key concerns affecting this priority?
  - What is the desired outcome for management of this priority?
  - What are some methods or strategies for achieving the desired outcome?

### External Stakeholder Meeting (3 of 3)

- Attendees: Select external stakeholders chosen based on interests represented at External Stakeholder Meeting 2, but targeting equal representation across interest (invite only)
- Discussion: Breakouts on balanced interested that emerged from External Stakeholder Meeting 2

- Desired feedback: Actionable code guidance, compromise
- Engagement questions

## 6 Outreach Schedule

To provide accountability and build trust with community stakeholders, the project team will maintain a regular schedule of outreach through the duration of project. In the initial phase of outreach and engagement, outreach will be interactive, including both outreach to and feedback from community members. Through the later project phase of code revision and outreach, the project team will keep stakeholders informed of project progress and milestones. An outline and relative schedule of social media posting is provided after the overall schedule of outreach.

Table 6. Target Schedule of Outreach and Engagement

Date	Milestone / Notes
August 2022	<ul style="list-style-type: none"> <li>○ Draft Public Engagement Plan</li> </ul>
September 2022	<ul style="list-style-type: none"> <li>○ Finalize Public Engagement Plan</li> <li>○ Build online open house framework and content outline</li> <li>○ Draft templates for outreach collateral</li> <li>○ Final postcard and poster provided to City</li> <li>○ Soft Internal Launch online open house</li> </ul>
October 2022	<ul style="list-style-type: none"> <li>○ City coordinates postcard mailing and poster distribution</li> <li>○ Joint meeting of Tumwater Tree Board and Planning Commission (Scheduled for October 11<sup>th</sup>)</li> <li>○ Live Launch Event - online open house</li> <li>○ Internal Stakeholder Meeting (late October)</li> </ul>
November 2022	<ul style="list-style-type: none"> <li>○ External Stakeholder Meeting #1</li> </ul>
December 2022	<ul style="list-style-type: none"> <li>○ External Stakeholder Meeting #2</li> <li>○ Work Session with Tree Board</li> </ul>
1 <sup>st</sup> Quarter 2023	<ul style="list-style-type: none"> <li>○ External Stakeholder Meeting #3 (Early January)</li> <li>○ Work Session with Tree Board</li> </ul>
2 <sup>nd</sup> Quarter 2023	<ul style="list-style-type: none"> <li>○ Ordinance Adoption Process</li> </ul>

## Social Media Promotion

The following table provides an outline of key messages for social media posts along with a targeted timeline for posting relative to project milestones and events.

Table 7. Outline of Social Media Promotion

Milestone / Event	Key Messages	Relative Timing
Online open house launch	<ul style="list-style-type: none"> <li>○ Visit the Online Open House [provide direct link]</li> <li>○ Share project goals</li> <li>○ Share project timeline</li> <li>○ Sign up for project updates [provide direct link to sign up form]</li> <li>○ Who should participate? (Everyone!)</li> </ul>	Coincident with launch of online open house
Postcard mailing	<ul style="list-style-type: none"> <li>○ Look out for postcard [share image of postcard]</li> <li>○ Visit the Online Open House [provide direct link]</li> <li>○ Sign up for project updates [provide direct link to sign up form]</li> <li>○ Who should participate? (Everyone!)</li> </ul>	1 day before expected delivery date
Poster distribution	<ul style="list-style-type: none"> <li>○ Look out for poster [share image of poster]</li> <li>○ Visit the Online Open House [provide direct link]</li> <li>○ Sign up for project updates [provide direct link to sign up form]</li> <li>○ Who should participate? (Everyone!)</li> </ul>	2 days after expected distribution date
External stakeholder meetings	<ul style="list-style-type: none"> <li>○ Are you interested in tree and vegetation preservation?</li> <li>○ Sign up for project updates [provide direct link to sign up form]</li> <li>○ Save the Date [publish date]</li> <li>○ Register today! [share registration link]</li> <li>○ Reminder, meeting is tomorrow!</li> <li>○ Reminder, meeting is today!</li> </ul>	Starting at least 6 weeks before scheduled meeting
Project milestone achieved	<ul style="list-style-type: none"> <li>○ The City is making progress on the tree and vegetation preservation update! [share about milestone and share direct link, if available]</li> </ul>	Within 3 days of achievement

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Milestone / Event	Key Messages	Relative Timing
New content posted to online open house for public review	<ul style="list-style-type: none"><li>○ The City needs your input about tree and vegetation preservation! View the [content description] and share your feedback! [provide direct link]</li><li>○ Reminder: your input is needed by [date]!</li></ul>	Coincident with posting 2 weeks before feedback period is closed 1 week before feedback period is closed 1 day before feedback period is closing

## References

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Census.gov, Tumwater, WA: Quickfacts. Accessed, August 2022.

City of Tumwater Urban Forestry Management Plan. March 2021



## Appendix A

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# DETAILED STAKEHOLDER INDEX

Content to be added during the public engagement and municipal code update process.



## Appendix B

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# STAKEHOLDER MEETING SUMMARIES

Content to be added during the public engagement and municipal code update process.

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**Chapter 16.08**

**PROTECTION OF TREES AND VEGETATION**

Sections:

- 16.08.010 Short title.
- 16.08.020 Purposes.
- 16.08.030 Definitions.
- 16.08.035 City tree protection professional.
- 16.08.038 Forest practice applications.
- 16.08.040 Tree account.
- 16.08.050 Permit required – Applications – Requirements – Processing – Conditions of issuance.
- 16.08.060 Performance and maintenance bond may be required.
- 16.08.070 Standards.
- 16.08.072 Maintenance requirements.
- 16.08.075 Heritage trees designated.
- 16.08.080 Exemptions.
- 16.08.090 Alternative plans.
- 16.08.100 Appeal procedure.
- 16.08.110 Violation – Criminal penalties.
- 16.08.120 Violation – Civil penalties – Presumption – Other remedies.

**16.08.010 Short title.**

This chapter shall be known and may be cited as the “tree and vegetation protection ordinance” of the city.

(Ord. O2002-012, Amended, 07/16/2002; Ord. O94-029, Amended, 09/20/1994; Ord. 1190, Added, 05/16/1989)

**16.08.020 Purposes.**

The regulations are adopted for the following purposes:

- A. To promote public health, safety and general welfare of the citizens of Tumwater, and to retain as many existing mature trees as possible, without preventing the reasonable development and maintenance of land;
- B. To preserve and enhance the city’s physical and aesthetic character by preventing indiscriminate removal or destruction of trees and ground cover, and by encouraging development that incorporates existing trees and ground cover into site development practices;
- C. To retain trees and vegetation for their positive environmental effects including, but not limited to, the protection of wildlife habitat;

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- D. To promote identification and protection of trees that have historical significance; are unusual due to their size, species, or age; are unusual for their aesthetic quality; or have other values or characteristics that make them worthy of protection;
- E. To prevent erosion and reducing the risk of landslides;
- F. To protect environmentally sensitive areas;
- G. To minimize surface water runoff and diversion. To reduce siltation and other pollution entering city storm sewer systems, other utility improvements, and the city's rivers, streams, and lakes;
- H. To retain trees and ground cover to assist in abatement of noise, to provide wind breaks, and for improvement of air quality;
- I. To promote building and site planning practices that are consistent with the city's natural topographical, soil, and vegetation features and to reduce landscaping costs for new development by utilizing existing trees and ground cover to help fulfill landscaping requirements;
- J. To ensure prompt development, restoration and replanting, and effective erosion control of property after land clearing;
- K. To promote conservation of energy;
- L. To educate the public regarding urban forestry;
- M. To implement objectives of the State Environmental Policy Act and Growth Management Act; and
- N. To implement and further the city's comprehensive plan and other related ordinances.

(Ord. O2006-014, Amended, 04/17/2007; Ord. O2002-012, Amended, 07/16/2002; Ord. O2000-012, Amended, 08/01/2000; Ord. O97-029, Amended, 03/17/1998; Ord. O94-029, Amended, 09/29/1994; Ord. 1190, Added, 05/16/1989)

**16.08.030 Definitions.**

- A. "Buildable area" is that portion of a parcel of land wherein a building, parking and other improvements may be located and where construction activity may take place. Buildable area shall not include streams, flood hazard areas, geological hazard areas or wetlands and their buffers as defined in TMC Chapter 18.04. For the purpose of calculating required tree protection open space area, existing and newly dedicated city rights-of-way shall not be included.
- B. "City" means the city of Tumwater, Washington.
- C. "Code administrator" means the director of the community development department or the director's designated representative.
- D. "Conversion option harvest plan (COHP)" means a voluntary plan developed by the landowner and approved by the Washington State Department of Natural Resources and the city

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of Tumwater, indicating the limits and types of harvest areas, road locations, and open space. This approved plan, when submitted to the Department of Natural Resources as part of the forest practice application and followed by the landowner, maintains the landowner's option to convert to a use other than commercial forest product production (releases the landowner from the six-year moratorium on future development).

E. Critical Root Zone or CRZ. Unless determined otherwise by the tree protection professional, the root protection zone for trees means an area contained inside an area on the ground having a radius of one foot for every inch of tree diameter, measured from four and one-half feet above ground level, but in no event shall the root protection zone be less than a six-foot radius.

F. "Drip line" of a tree means an imaginary line on the ground created by the vertical projections of the foliage at its circumference.

G. "Environmentally sensitive area" means any lands with the following characteristics:

1. "Geologically hazardous areas" as defined in TMC Chapter 16.20;
2. Lakes, ponds, stream corridors, and creeks as defined in TMC Chapter 16.32;
3. Identified habitats with which endangered, threatened, or sensitive species have a primary association as defined in TMC Chapter 16.32;
4. Wetlands as defined in TMC Chapter 16.28.

H. "Grading" means excavation, filling, or any combination thereof. Excavation and grading is governed by the International Building Code (IBC).

I. "Greenbelt" means certain designated areas of a project or development that are intended to remain in a natural condition, and/or private permanent open space, or serve as a buffer between properties or developments.

J. "Greenbelt zone" means any area so designated on the official zoning map of the city and subject to the provisions of TMC Chapter 18.30.

K. "Ground cover" means vegetation that is naturally terrestrial excluding noxious or poisonous plants and shall include trees that are less than six inches in diameter measured at four and one-half feet above ground level.

L. "Hazardous tree" means any tree that, due to its health or structural defect, presents a risk to people or property.

M. "Heritage tree(s)" means tree(s) designated by the city and their owners as historical, specimen, rare, or a significant grove of trees.

N. "Historic tree" means any tree designated as an historic object in accordance with the provisions of TMC Chapter 2.62.

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- O. “Land clearing” or “clearing” means any activity which removes or substantially alters by topping or other methods the vegetative ground cover and/or trees.
- P. “Open space” means unoccupied land that is open to the sky and which may or may not contain vegetation and landscaping features, subject to the provisions in TMC 17.04.325 and 17.12.210.
- Q. “Parcel” means a tract or plot of land of any size which may or may not be subdivided or improved.
- R. “Qualified professional forester” is a professional with academic and field experience that makes them an expert in urban forestry. This may include arborists certified by the International Society of Arboriculture, foresters with a degree in forestry from a Society of American Foresters accredited forestry school, foresters certified by SAF, or urban foresters with a degree in urban forestry. A qualified professional forester must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development. Additionally, the qualified professional forester shall have the necessary training and experience to use and apply the International Society of Arboriculture’s Guide for Plant Appraisal and to successfully provide the necessary expertise relating to management of trees specified in this chapter.
- S. “Topping” is the removal of the upper crown of the tree with no consideration of proper cuts as per the current ANSI A300 Standard. Cuts created by topping create unsightly stubs that promote decay within the parent branch and can cause premature mortality of a tree. Topping a tree is considered to be a removal, and may require a tree removal permit.
- T. “Tree” means any healthy living woody plant characterized by one or more main stems or trunks and many branches, and having a diameter of six inches or more measured four and one-half feet above ground level. Healthy in the context of this definition shall mean a tree that is rated by a professional with expertise in the field of forestry or arbor culture as fair or better using recognized forestry or arbor cultural practices. If a tree exhibits multiple stems and the split(s) or separation(s) between stems is above grade, then that is considered a single tree. If a tree exhibits multiple stems emerging from grade and there is visible soil separating the stems, then each soil-separated stem is considered an individual tree. Appropriate tree species under six inches may be considered with approval of the city tree protection professional.
- U. “Tree plan” is a plan that contains specific information pertaining to the protection, preservation, and planting of trees pursuant to this chapter.
- V. “Tree protection open space” is a separate dedicated area of land, specifically set aside for the protection and planting of trees.
- W. “Tree protection professional” is a certified professional with academic and field experience that makes him or her a recognized expert in urban tree preservation and management. The tree protection professional shall be either a member of the International Society of Arboriculture or the Society of American Foresters or the Association of Consulting Foresters, and shall have specific experience with urban tree management in the Pacific

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Northwest. Additionally, the tree protection professional shall have the necessary training and experience to use and apply the International Society of Arboriculture's Guide for Plant Appraisal and to successfully provide the necessary expertise relating to management of trees specified in this chapter.

(Ord. O2013-017, Amended, 08/19/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2011-002, Amended, 03/01/2011; Ord. O2006-014, Amended, 04/17/2007; Ord. O2002-012, Amended, 07/16/2002; Ord. O97-029, Amended, 03/17/1998; Ord. O94-029, Amended, 09/20/1994; Ord. 1311, Amended, 04/07/1992; Ord. 1190, Added, 05/16/1989)

**16.08.035 City tree protection professional.**

In the city's interest of achieving professional assistance in the city's tree protection efforts and achieving consistency in tree protection decisions; the city shall contract with a "city tree protection professional" that qualifies as a tree protection professional under the definition of this chapter. The tree protection professional shall be responsible for providing the information and services required of a tree protection professional described herein.

Individual applicants will be responsible for payment of costs of the tree protection professional for projects necessitating work to be performed by the tree protection professional with the exception that the code administrator may waive payment by the applicant for minor work of the tree protection professional in determining an exempt project; provided however, that the city shall be responsible for billing and collecting costs charged to the applicant and transferring payment to the tree protection professional unless the city has opted for some other mechanism of providing for the costs, such as inclusion of costs in application fees.

(Ord. O2002-012, Amended, 07/16/2002; Ord. O97-029, Added, 03/17/1998)

**16.08.038 Forest practice applications.**

Pursuant to RCW 76.09.240, requiring local jurisdictions to set standards for and to process class IV forest practice applications, such permits shall be processed as a land clearing permit, and shall meet the requirements of this chapter.

A. The application of this chapter to forest practice activities regulated by the Washington State Forest Practices Act (Chapter 76.09 RCW) shall be limited to:

1. General forest practices.

B. This chapter is intended to allow the city of Tumwater to assume jurisdiction for approval of general forest practices, approvals occurring in the city of Tumwater, as authorized under the Washington State Forest Practices Act, Chapter 76.09 RCW. Until such time as jurisdiction for these permits is transferred to the city by the State Department of Natural Resources, the city will act as the State Environmental Policy Act (SEPA) lead agency for all general forest practice approvals occurring within the city limits. This chapter shall rely upon existing definitions contained within the Washington State Forest Practices Act (Chapter 76.09 RCW), Rules for the Washington State Forest Practices Act (Chapter 222-16 WAC), and the Tumwater Municipal Code.

(Ord. O2006-014, Amended, 04/17/2007; Ord. O2002-012, Added, 07/16/2002)

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**16.08.040 Tree account.**

There is hereby established within the city a “tree account” for the purposes of acquiring, maintaining and preserving wooded areas, and for planting and maintaining trees within the city.

- A. Collections and Deposits. All fines collected for violations of this chapter shall be deposited into the tree account. All donations and mitigation fees collected related to the preservation of trees or the enhancement of wooded buffer areas shall also be deposited into the tree account.
- B. Maintenance of Account. The tree account shall be maintained by the finance director as a separate, interest-bearing account.
- C. Use of Funds. Funds in the tree account shall be used only upon appropriation by the city council. Funds may be withdrawn from the tree account with the approval of the code administrator, and may be used for any purpose consistent with the intent of this chapter. Funds used to plant trees may be used only on city-owned property, or on property upon which the city has been granted an easement for the purpose of establishing or maintaining trees or other vegetation.

(Ord. O2002-012, Amended, 07/16/2002; Ord. O94-029, Added, 09/20/1994)

**16.08.050 Permit required – Applications – Requirements – Processing – Conditions of issuance.**

- A. No person, corporation, or other legal entity not exempt under TMC 16.08.080 shall engage in land clearing or tree removal in the city without having received a land clearing permit.
- B. Requirement Established. The application for land clearing permit shall be submitted with any project permit as defined in TMC 14.02.020(O), including single-family and duplex structures unless a land clearing permit was previously reviewed as part of prior project permit. A tree protection plan is required to obtain a land clearing permit and is also required for any land development not exempt under TMC 16.08.080. The tree protection plan shall be developed by a qualified professional forester and be submitted in conjunction with other environmental submittals and site plan development permits. For single-family homes on lots created prior to November 1994, the applicant has the option of using the city tree protection professional to prepare the permit application. This service will be provided at the same hourly rates charged to the city under its contractual arrangement with the tree protection professional.
- C. An application for a land clearing permit shall be submitted on a form provided by the city. Accompanying such form shall be a report which includes the following information:
  1. General vicinity map;
  2. Date, north arrow and scale;
  3. Property boundaries, the extent and location of proposed clearing and major physical features of the property (streams, ravines, etc.);

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4. Tree Inventory. Drawn to scale on the preliminary or conceptual site plan: a map delineating vegetation types. Each type should include the following information:
  - a. Average trees and basal area per acre, by species and six-inch diameter class. For nonforested areas, a general description of the vegetation present.
  - b. Narrative description of the potential for tree preservation for each vegetation type. This should include soils, wind throw potential, insect and disease problems, and approximate distance to existing and proposed targets.
  - c. Description of any off-site tree or trees, which could be adversely affected by the proposed activity;
5. Tree Protection Plan. Drawn to scale on the site plan, grading and erosion control and landscape plans. It should include the following information:
  - a. Surveyed locations of perimeters of groves of trees and individual trees to be preserved, adjacent to the proposed limits of the construction. General locations of trees proposed for removal. The critical root zones of trees to be preserved shall be shown on the plans.
  - b. Limits of construction and existing and proposed grade changes on site.
  - c. Narrative description, buildable area of the site, and graphic detail of tree protection, and tree maintenance measures required for the preservation of existing trees identified to be preserved.
  - d. Timeline for clearing, grading and installation of tree protection measures.
  - e. Final tree protection plan will be drawn to scale on the above described plans and submitted with the final application packet;
6. Tree Replacement Plan. Drawn to scale on the site and landscape plans. The tree replacement plan shall be developed by a licensed Washington landscape architect, Washington certified nursery professional, ISA certified arborist, board certified horticulturist, qualified professional forester or Washington certified landscaper. It should include the following information:
  - a. Location, size, species and numbers of trees to be planted.
  - b. Narrative description and detail showing any site preparation, installation and maintenance measure necessary for the long-term survival and health of the trees.
  - c. Narrative description and detail showing proposed locations of required tree planting, site preparation, installation and maintenance within critical root zones of preserved groups or individual trees.
  - d. Cost estimate for the purchase, installation and three years' maintenance of trees;

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7. A timeline for implementation and monitoring of the tree protection, and/or replacement plan;
8. A plan indicating how the site will be revegetated and landscaped;
9. A proposed time schedule for land clearing, land restoration, revegetation, landscaping, implementation of erosion controls, and any construction of improvements;
10. Information indicating the method to be followed in erosion control and restoration of land during and immediately following land clearing;
11. A note indicating that the city will have the right of entry upon the subject property for the purpose of performing inspections consistent with the provisions of this chapter;
12. The approved tree protection plan map will be included in contractor's packet of approved plans used for construction on the project; and
13. Other information as deemed appropriate to this chapter and necessary by the code administrator or city tree protection professional.

D. In addition to the requirements noted in subsection C of this section, on timbered property greater in size than one acre or commercial property with more than fifteen trees, or other sites the city deems necessary because of special circumstances or complexity, the code administrator may require review of the site and proposed plan and submittal of a report by the city's tree protection professional for compliance with the requirements of this chapter.

Further provided, that the code administrator may modify the submittal requirements of subsections C and D of this section, on individual applications where the information is not needed or is unavailable.

E. Each application shall be submitted with a fee established by resolution of the city council, to help defray the cost of handling the application, no part of which fee is refundable.

F. The code administrator shall notify the applicant whether the application is complete within twenty-eight calendar days of receipt of the application. If incomplete, the code administrator shall indicate in the notice the information required to make the application complete. The code administrator shall approve, approve with conditions or deny the permit within thirty calendar days of receipt of the complete application, or within thirty calendar days of completion of any environmental review, whichever is later. For applications such as site development proposals where there is more than a land clearing permit pending, the code administrator shall, whenever feasible, coordinate reviews, notices and hearings, and act upon the land clearing permit concurrently with other pending permits.

G. Any permit granted under this chapter shall expire eighteen months from the date of issuance, unless said permit is associated with another development permit. If it is associated with another development permit, the restrictions and deadlines of that approval will apply. Upon a written request, a permit not associated with another development permit may be extended by the code administrator for one six-month period. Approved plans shall not be

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amended without being resubmitted to the city. Minor changes consistent with the original permit intent will not require a new permit fee or full application standards to be followed. The permit may be suspended or revoked by the city because of incorrect information supplied or any violation of the provisions of this chapter.

H. Once issued, the permit shall be posted by the applicant on the site, in a manner so that the permit is visible to the general public.

(Ord. O2017-022, Amended, 12/05/2017; Ord. O2006-014, Amended, 04/17/2007; Ord. O2002-012, Amended, 07/16/2002; Ord. O97-029, Amended, 03/17/1998; Ord. O94-029, Amended, 09/20/1994; Ord. 1190, Added, 05/16/1989)

**16.08.060 Performance and maintenance bond may be required.**

A. The code administrator may require bonds and bond agreements in such form and amounts as may be deemed necessary to assure that the work shall be completed in accordance with the permit. Bonds, if required, shall be furnished by the applicant or property owner. A bond agreement shall provide assurance that the applicant has sufficient right, title and interest in the property to grant the city all rights set forth in the agreement.

B. In lieu of a bond, the applicant may file assigned funds or an instrument of credit with the city in an amount equal to that which would be required in a bond.

C. The amount of bonds or other assurance instrument shall not exceed the estimated cost of the total restoration, revegetation, planting or landscaping work planned, as determined by the code administrator.

D. The duration of any bond or other required surety shall be not less than three years from the date that said restoration, revegetation, planting or landscaping has been accepted by the code administrator.

(Ord. O2006-014, Amended, 04/17/2007; Ord. O2002-012, Amended, 07/16/2002; Ord. O94-029, Amended, 09/20/1994; Ord. 1190, Added, 05/16/1989)

**16.08.070 Standards.**

All land clearing not exempt under TMC 16.08.080 shall conform to the approved plan and the following standards and provisions unless alternate procedures that are equal to or superior in achieving the purposes of this chapter are authorized in writing by the code administrator:

A. No land clearing and/or ground surface level changes shall occur in a greenbelt zone as delineated on the official zoning map except as required for uses permitted in that zone. In addition, such land clearing and/or ground surface changes shall be subject to all other applicable standards and regulations;

B. Land clearing in designated greenbelt, open space, tree tract or buffer areas of approved and recorded subdivisions or approved projects which would substantially alter the character or purpose of said greenbelt or buffer areas is prohibited, except in cases involving land clearing plans approved by the code administrator for removal of hazard trees, invasive or noxious plant species and replanting with native plant and tree species;

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- C. Erosion control measures shall be provided by the applicant's professional engineer, in conformance with the Drainage Design Erosion Control Manual for the Thurston Region, Washington, as currently written and subsequently amended. The erosion control measures shall be reviewed and subject to approval by the code administrator. The requirement for a professional engineer may be waived by the code administrator on a case-by-case basis;
- D. Land clearing shall be accomplished in a manner that will not create or contribute to landslides, accelerated soil creep, settlement and subsidence on the subject property and/or adjoining properties;
- E. When land clearing occurs that does not include development, the proposal shall contain provisions for the protection of natural land and water features, vegetation, drainage, retention of native ground cover, and other indigenous features of the site;
- F. Land clearing shall be accomplished in a manner that will not create or contribute to flooding, erosion, or increased turbidity, siltation, or other form of pollution in a watercourse;
- G. Land clearing in wetlands, and fish and wildlife habitat areas shall be in accordance with the provisions of TMC Chapter 16.28, Wetland Protection Standards, and TMC Chapter 16.32, Fish and Wildlife Habitat Protection;
- H. During the months of November, December, and January, no land clearing shall be performed in areas with average slopes of fifteen percent or greater, or any slopes of forty percent or greater;
- I. During the months of November, December, and January, no land clearing shall be performed in areas with fine-grained soils and a slope greater than five percent. For the purposes of this section, fine-grained soils shall include any soil associations which are classified in hydrologic soil groups C or D, as mapped in the Thurston County Soil Survey, or as determined by a qualified soil scientist;
- J. Land clearing shall be undertaken in such a manner as to preserve and enhance the city's aesthetic character. The site shall be revegetated and landscaped as soon as practicable, in accordance with the approved revegetation plan. Where the construction schedule does not provide for revegetation of the site prior to October 15 of any year, all disturbed areas shall be hydro seeded or otherwise revegetated on an interim basis. The revegetation plan shall include plantings along public streets and adjoining property boundaries, especially between areas of differing intensities of development. For land clearing permits that are part of a specific development proposal, land use development shall be initiated or a vegetative screen or buffer established within six months of the date of initiation of land clearing activities;
- K. Land clearing shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time, consistent with the construction schedule. Provisions shall be made for interim erosion control measures;
- L. Land clearing activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on Saturdays in accordance with TMC Chapter 8.08;

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M. Open burning of land clearing debris is prohibited. Slash shall be properly disposed of off site or chipped and applied to the site within six months of the completion of the land clearing. Chipped material deposited on the site shall be spread out or other means used to prevent fire hazard;

N. Any trees to be retained shall be flagged or otherwise marked to make it clear which tree or groups of trees are to be retained;

O. Any trees or groups of trees to be retained shall have temporary fencing installed around the critical root zone. Temporary fencing must be adequate to protect the critical root zone of trees designated for retention. On construction sites where circumstances warrant, the code administrator may require more substantial tree protection fencing, as necessary, to protect intrusion of construction activity into the CRZ areas. Machinery and storage of construction materials shall be kept outside of the CRZ of trees designated for retention. The code administrator may require fencing beyond the CRZ if, in the code administrator's determination, such additional protection is needed to protect the tree from damage. Trees designated for retention shall not be damaged by scoring, ground surface level changes, compaction of soil, attaching objects to trees, altering drainage or any other activities that may cause damage of roots, trunks, or surrounding ground cover;

P. Any trees designated for retention shall be field verified by the city tree protection professional before land clearing begins;

Q. Not more than thirty percent of the trees on any parcel of land shall be removed within any ten-year period, unless the clearing is accomplished as part of an approved development plan. Such clearing shall be done in such a way as to leave healthy dominant and codominant trees well distributed throughout the site (taking into account the interdependency of the trees) unless, according to the determination of the city tree protection professional, this requirement would conflict with other standards of this section. For every tree removed at least one replacement tree shall be planted. Replacement trees shall consist of seedlings of the same or similar species to those trees removed, which shall be at least two years old. In lieu of this planting of replacement trees, the applicant may contribute a cash payment to the city's tree account in an amount equal to one hundred twenty-five percent of the retail value replacement cost. The time schedule for the planting of replacement trees shall be specified in the approved plan. If a land clearing permit is applied for as part of a development plan within ten years of clearing under this subsection, all trees removed under this standard will be counted towards required tree retention/replacement when a land clearing permit is issued;

R. When land clearing is performed in conjunction with a specific development proposal not less than twenty percent of the trees, or not less than twelve trees per acre (whichever is greater), shall be retained.

Provided, however, where it can be demonstrated that the trees on a site were planted as part of a commercial Christmas tree farm, then no less than seventeen percent or twelve trees per acre, whichever is less, shall be retained. Commercial tree farm status must be verified by the city tree protection professional.

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1. Size, Type and Condition of Retained Trees.
  - a. For the purpose of calculating tree retention standards, trees twenty-four inches or greater in diameter measured four and one-half feet above ground level shall count as two trees.
  - b. Species such as willow, cottonwood, poplar and other species, the roots of which are likely to obstruct or injure site improvements, sanitary sewers or other underground utilities, shall not be considered trees for the purpose of calculating tree retention standards if located within the buildable portion of the lot.
  - c. A tree must meet the following standards in order to be counted for the purpose of meeting tree retention standards:
    - i. Must have a post-development life expectancy of greater than ten years;
    - ii. Must have a relatively sound and solid trunk with no extensive decay or significant trunk damage;
    - iii. Must have no major insect or pathological problems;
    - iv. Must have no significant crown damage;
    - v. Should be fully branched and generally proportional in height and breadth for the tree age;
    - vi. Must be windfirm in their post-development state.
2. These standards may be waived or modified by the code administrator if the applicant provides substantial evidence demonstrating that strict compliance would make reasonable use of the property impracticable for three or more of the following reasons:
  - a. Removal of the tree or trees is needed to enable use of a solar system. A waiver for this reason must be accompanied by a bond assuring completion of the solar system within the timeframe associated with the underlying building permit issued for the project.
  - b. The tree retention standard cannot 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 (FAR), parking requirements, stormwater requirements, street construction requirements, etc.
  - c. The tree retention standard cannot be achieved because the tree or trees do not have a reasonable chance of survival once the site is developed or modified and may pose a threat to life or property if retained.

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- d. The applicant has made reasonable efforts to reconfigure or reduce the building footprint(s), site access, on-site utility systems and parking area(s) to avoid impacts to trees on the property.
  - e. For commercial and industrial land uses, the project pro forma demonstrates that economically viable use of the property cannot be achieved while meeting the tree retention standards in this chapter. This standard is presumed to be met without a pro forma if the area disturbed by development of the property would be less than eighty-five percent of the land.
  - f. The granting of the waiver or modification will not result in increasing the risk of slope failure, significant erosion or significant increases in surface water flows that cannot be controlled using best management practices.
3. Where the standard is waived or modified, the applicant shall plant not less than three trees for each tree cleared in excess of the standard.
  - a. These replacement trees shall be at least two inches in diameter measured at a height of six inches above the root collar.
  - b. Replacement trees shall be planted on the same parcel as the proposed development, unless the code administrator approves of an alternate location.
  - c. Replacement trees must first be planted in a “tree protection open space.” The tree protection open space shall be comprised of a minimum of five percent of the buildable area for the purpose of retaining existing trees and/or for the planting of replacement trees. Replacement trees in the tree protection open space shall be a mix of native coniferous and deciduous trees. The tree protection open space shall be a contiguous area. The tree protection open space is required to be eighty percent covered by tree canopy after fifteen years utilizing retained and/or replacement trees. Approved trees and their CRZ area within a critical area buffer may count for up to fifty percent of the required tree protection open space. Stormwater facilities can be considered as part of the tree protection open space if trees can be retained and/or planted successfully and not disable the operating functions of the facility.
  - d. If more replacement trees are required than necessary to meet the canopy requirement in the tree protection open space, then these trees (either native and/or nonnative species) can be planted elsewhere on the parcel(s).
  - e. If the city tree protection professional determines that more replacement trees are required than can be planted in the tree protection open space and the rest of the parcel, then the applicant shall contribute a cash payment to the city’s tree account in an amount determined by the current city fee resolution.
4. In situations where a parcel of land to be developed does not meet the retention standards above in an undeveloped state, the applicant shall be required to reforest the site to meet the applicable standard outlined above at a 1:1 ratio as a condition of project approval.

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5. In determining which trees shall be given the highest priority for retention, the following criteria shall be used:

- a. Heritage or historic trees;
- b. Trees which are unusual due to their size, age or rarity;
- c. Trees in environmentally sensitive areas;
- d. Trees that act as a buffer to separate incompatible land uses;
- e. Trees which shelter other trees from strong winds that could otherwise cause them to blow down;
- f. Trees within greenbelts, open space, tree protection open space or buffers;
- g. Trees with significant habitat value as identified by a qualified wildlife biologist or by the city tree protection professional; and
- h. Trees which are part of a continuous canopy or which are mutually dependent, as identified by a qualified professional forester or the city tree protection professional;

S. In addition to the provisions of this chapter, the cutting or clearing of historic trees requires the issuance of a certificate of appropriateness in accordance with TMC Chapter 2.62.

(Ord. O2013-017, Amended, 08/19/2014; Ord. O2006-014, Amended, 04/17/2007; Ord. O2002-012, Amended, 07/16/2002; Ord. O97-029, Amended, 03/17/1998; Ord. O94-029, Added, 09/20/1994)

**16.08.072 Maintenance requirements.**

A. Maintenance Requirement. Trees are to be maintained in a vigorous and healthy condition, free from diseases, pests and weeds. Trees which become diseased, severely damaged or which die shall be removed by the owner as soon as possible but no later than sixty days after notification by the city. As it pertains to this section, all replacement trees that die shall be replaced with healthy trees of the same size and species as required by the approved tree protection plan for the property. If retained trees die due to construction damage or negligence on the part of the applicant, the city tree protection professional shall determine the appraised landscape value of the dead trees, and the applicant shall plant the equivalent value of trees back onto the site. In the event that space is not available for the required replacement trees (as determined by the city tree protection professional), the equivalent value shall be paid into the tree fund.

B. For areas dedicated as tree protection open space areas, street trees and single-family residential land divisions, the maintenance requirement of this section shall be in effect for three years from the date the final plat is approved or the trees are planted. The tree plan shall be a condition of approval and identified on the face of the plat. The applicant shall also execute a covenant in a form agreeable to the city, which shall require the applicant and his successors to comply with the maintenance requirement of this section. The covenant shall obligate both the

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property owner and the homeowner's association and shall be recorded with the county auditor. The recording fee shall be paid by the applicant.

C. For multifamily residential, commercial, and industrial developments, the maintenance requirement for all trees covered by the tree plan shall apply in perpetuity. The applicant shall execute a covenant in a form agreeable to the city, which shall require that the applicant and his successors comply with the maintenance requirement imposed by this section. The covenant shall be binding on successor property owners and owners' associations. The covenant shall be recorded with the county auditor and the recording fee shall be paid by the applicant.

D. Maintenance Agreement. Each development to which the maintenance requirement for this chapter applies and that contain a heritage tree(s) shall also be subject to a maintenance agreement. The code administrator shall require the applicant to execute a maintenance agreement with the city, in a form acceptable to the city attorney, which shall include the provisions of the maintenance requirement in this chapter, to ensure the survival and proper care of any heritage trees identified in the tree plan.

E. Failure to Maintain. Retained trees, replacement trees and street trees as per the requirements of this chapter and/or TMC Chapter 18.47, Landscaping, shall be maintained according to the American National Standards Institute, current edition of the American National Standards, ANSI A300. Failure to regularly maintain the trees as required in this section shall constitute a violation of this chapter and, if applicable, the plat covenant.

(Ord. O2006-014, Added, 04/17/2007)

**16.08.075 Heritage trees designated.**

A. Trees can be nominated for designation by citizens, the Tumwater tree board, or city staff.

1. Application for heritage tree designation must be submitted to the community development department. The application must include a short description of the trees, including address or location, and landowner's name and phone number. The application must be signed by both the landowner and nominator.
2. The tree board reviews the application and makes a recommendation to the city council.
3. All heritage trees will be added to city tree inventory and public works maps.

B. Trees that are designated as heritage trees shall be classified as follows:

1. Historical – A tree which by virtue of its age, its association with or contribution to a historical structure or district, or its association with a noted citizen or historical event.
2. Specimen – Age, size, health, and quality factors combine to qualify the tree as unique among the species in Tumwater and Washington State.
3. Rare – One or very few of a kind, or is unusual in some form of growth or species.

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4. Significant Grove – Outstanding rows or groups of trees that impact the city's landscape.

C. The city will provide an evaluation and recommendation for tree health and care and will provide up to one inspection annually upon request of the landowner. The city may, at its discretion, provide a plaque listing the owner's name and/or tree species/location.

D. Heritage Tree Removal.

1. A tree removal permit is required for removal of any heritage tree(s).
2. The city tree protection professional shall evaluate any heritage trees prior to a decision on the removal permit. Recommendations for care, other than removal, will be considered.
3. Dead or hazardous trees are exempt from a tree removal permit after verification by the city tree protection professional.

E. Heritage Tree Declassification. Any heritage tree may, at any time, be removed from heritage tree status at the request of the landowner after providing two weeks' written notice to the community development department. Unless an agreement can be reached to preserve the tree, the tree will be removed from the heritage tree inventory list and the plaque, if any, will be removed.

(Amended during 2011 reformat; O2006-014, Amended, 04/17/2007; Ord. O2002-012, Amended, 07/16/2002; Ord. O2000-012, Added, 07/18/2000)

**16.08.080 Exemptions.**

The following shall be exempt from the provisions of this chapter; provided however, the code administrator may require reasonable documentation verifying circumstances associated with any proposal to remove trees under any of the following exemptions:

- A. Land clearing in emergency situations involving immediate danger to life or property. For every tree cleared under this exemption, at least one replacement tree shall be planted. Except for the number of trees, replacement trees shall conform to the standard for replacement trees described in TMC 16.08.070(R);
- B. Land clearing associated with routine maintenance by utility companies such as the power company and telephone company. Utility companies shall notify the community development department at least two weeks prior to the start of work and shall follow appropriate vegetation management practices;
- C. Land clearing performed within any public right-of-way or any public easement, when such work is performed by a public agency and the work relates to the installation of utilities and transportation facilities (such as streets, sidewalks and bike paths). To the greatest extent possible, all such work shall conform to the standards set forth in this chapter;

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D. Land clearing within ten feet (when required for construction) of the perimeter of the single-family or duplex dwellings and associated driveways or septic systems must be indicated on the plot plan submitted to the building official with an application for a building permit. This exemption does not apply to land clearing located within environmentally sensitive areas, or to areas subject to the provisions of the shoreline master program;

E. Clearing of dead, diseased, or hazardous trees, after verification by the city tree protection professional. For every tree cleared under this exemption, at least one replacement tree shall be planted. Except for the number of trees, replacement trees shall conform to the standard for replacement trees described in TMC 16.08.070(R);

F. Clearing of trees that act as obstructions at intersections in accordance with the municipal code;

G. The removal of not more than six trees from any parcel of land in three consecutive calendar years. This exemption does not apply to heritage or historic trees, or to trees located in a greenbelt or greenbelt zone, or in wetlands or critical areas and their buffers or to tree topping. A letter of “waiver” for the exempt removals must be obtained from the community development department prior to tree removal;

H. Land clearing associated with tree farming operations specifically preempted by Chapter 76.09 RCW, Washington Forest Practices Act; provided, that a harvesting and reforestation plan is submitted to the code administrator prior to any land clearing;

I. Clearing of noxious ground cover for the purposes of utility maintenance, landscaping, or gardening. This exemption applies solely to ground cover, for protected trees clearing must conform to subsection G of this section;

J. Clearing of trees that obstruct or impede the operation of air traffic or air operations at the Olympia Airport. The tree replacement standards of this chapter must be met. Trees should be replanted outside the air operations area;

K. Clearing of not more than six trees every three consecutive calendar years on developed properties, when such clearing is necessary to allow for the proper functioning of a solar-powered energy system. Such clearing may be done only after verification of the need to clear the trees, issuance of a waiver letter, and the issuance of a building permit for such a system by the code administrator.

(Amended during 2011 reformat; O2006-014, Amended, 04/17/2007; Ord. O2002-012, Amended, 07/16/2002; Ord. O97-029, Amended, 03/17/1998; Ord. O94-029, Amended, 09/20/1994; Ord. 1311, Amended, 04/07/1992; Ord. 1190, Added, 05/16/1989)

**16.08.090 Alternative plans.**

Required tree mitigation must conform to the standards contained in this chapter unless alternate plans that are equal to or superior in achieving the purposes of this chapter are authorized in

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writing by the code administrator. The code administrator may modify or waive the requirements of this chapter only after consideration of a written request for any of the following reasons:

- A. Special circumstances relating to the size, shape, topography or physical conditions, location, or surroundings of the subject property, or to provide it with use rights and privileges permitted to other properties in the vicinity and zone in which it is located;
- B. Improvement as required without modification or waiver would not function properly or safely or would not be advantageous or harmonious to the neighborhood or city as a whole;
- C. The proposed modification would result in an increased retention of mature trees and/or naturally occurring vegetation on the site;
- D. The proposed modification represents a superior result than that which could be achieved by strictly following the requirements of this chapter, the proposed modification complies with the stated purpose of TMC 16.08.020 and the proposed modification will not violate any city of Tumwater codes or ordinances.

Any modifications under this chapter shall be as limited as possible to achieve the aim of relating required mitigation for tree protection to the impacts caused by the individual development.

(Ord. O2006-014, Amended, 04/17/2007; Ord. O2002-012, Amended, 07/16/2002; Ord. 1190, Added, 05/16/1989)

**16.08.100 Appeal procedure.**

Any person aggrieved by a decision or an action of the code administrator in the enforcement or implementation of this chapter may, within fourteen calendar days of such decision or action, file a written appeal to the hearing examiner. Any decision of the hearing examiner may be appealed to the Thurston County superior court in accordance with the provisions of TMC Chapter 2.58.

(Ord. O2017-022, Amended, 12/05/2017; Ord. O2006-014, Amended, 04/17/2007; Ord. O2002-012, Amended, 07/16/2002; Ord. O94-029, Amended, 09/20/1994; Ord. 1259, Amended, 11/06/1990; Ord. 1190, Added, 05/16/1989)

**16.08.110 Violation – Criminal penalties.**

A. Any person who violates the provisions of this chapter or fails to comply with any of the requirements shall be guilty of a misdemeanor and subject to the penalties set forth in TMC 1.12.010. In keeping with the city's concern regarding protection of the environment, the court should consider the imposition of minimum fines of no less than \$1,000 per occurrence. Each day such violation continues shall be considered a separate, distinct offense. In cases involving land clearing in violation of this chapter, the clearing of any area up to the first acre shall be considered one offense, and the clearing of each additional acre and of any additional fractional portion that does not equal one more acre shall each be considered a separate and distinct offense.

B. Any person who commits, participates in, assists or maintains such violation may be found guilty of a separate offense and suffer the penalties as set forth in subsection A of this section.

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C. In addition to the penalties set forth in subsections A and B of this section, any violation of the provisions of this chapter is declared to be a public nuisance and may be abated through proceedings for injunctive or similar relief in superior court or other court of competent jurisdiction.

D. Upon determination that a violation of the provisions of this chapter has occurred, the building official shall withhold issuance of building permits for the affected property until corrective action is taken by the responsible party. However, if mitigating circumstances exist and reasonable commitments for corrective action are made, the building official may issue building permits. Such corrective action may include:

1. Restoration and replanting of surface vegetation with plant material similar in character and extent as existed prior to the unauthorized clearing;
2. Implementation of drainage and erosion control measures;
3. Replanting of trees equal in value to those lost through unauthorized clearing. The value of the trees removed shall be determined by the city's tree protection professional using landscape tree appraisal methodology published in the current edition of the International Society of Arboriculture's Guide for Plant Appraisal.

(Ord. O2002-012, Amended, 07/16/2002; Ord. O97-029, Amended, 03/17/1998; Ord. O94-029, Amended, 09/20/1994; Ord. 1311, Amended, 04/07/1992; Ord. 1190, Added, 05/16/1989)

**16.08.120 Violation – Civil penalties – Presumption – Other remedies.**

A. As a supplement or alternative to the remedies set forth in TMC 16.08.110, the code administrator shall have the authority to seek civil penalties for violation of the provisions of this chapter.

Any person, corporation, partnership or other entity being the owner of real property or holder of timber rights upon such property who violates the provision of this chapter or fails to comply with any of its requirements shall upon a proper showing be deemed to have committed a class 1 civil infraction as defined by TMC 1.10.120(D)(1). Civil liability shall also attach to others who violate the provisions of this chapter, whether or not such violation occurs at the direction of the owners or holder of timber rights.

As provided by law, the Tumwater municipal court is hereby vested with jurisdiction to hear civil infraction cases under this chapter. Said cases shall be heard by the court without jury and upon a finding that the infraction has been committed by a preponderance of the evidence.

The code administrator shall have the authority to charge as a separate violation each such tree removed or destroyed.

B. **Presumption.** For purposes of administration and prosecution of alleged violations of this chapter, there is hereby created a rebuttable presumption that the person whose name appears on tax records of the Thurston County assessor, with respect to the real property in question, has responsibility for ensuring that violations of provisions of this chapter do not occur on the property in question.

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C. In addition to the penalties set forth in this chapter, any violation of the provisions of this chapter is declared to be a public nuisance and may be abated through proceedings for injunctive or similar relief in superior court or other court of competent jurisdiction.

D. Upon determination that a violation of the provisions of this chapter has occurred, the building official shall withhold issuance of building permits for their affected property until corrective action is taken by the responsible party. However, if mitigating circumstances exist and reasonable commitments for corrective action are made, the building official may issue building permits. Such corrective action may include:

1. Restoration of surface vegetation with plant material similar in character and extent as existed prior to the unauthorized clearing;
2. Implementation of drainage and erosion control measures;
3. Replanting of trees equal in value to those lost through unauthorized clearing. The value of the trees removed shall be determined by the city's tree protection professional using landscape tree appraisal methodology published in the current edition of the International Society of Arboriculture's Guide for Plant Appraisal.

(Amended during 2011 reformat; O2002-012, Amended, 07/16/2002; Ord. O97-029, Amended, 03/17/1998; Ord. O94-029, Added, 09/20/1994)



# City of Tumwater

## Tree & Vegetation Preservation Code Update

### Planning Commission and Tree Board Worksession

### Tuesday, October 11, 2022

# Agenda

- **Policy Objectives & Considerations**
- **Public Engagement Plan**
  - Tools & Strategies
  - Online Open House
- **Municipal Code Update**
  - Capacity Assessment & Background Research
  - Regulation Assessment Topics
- **Project Timeline**
- **Questions & Comments**



*Photo credit Virgil Adams Real Estate*



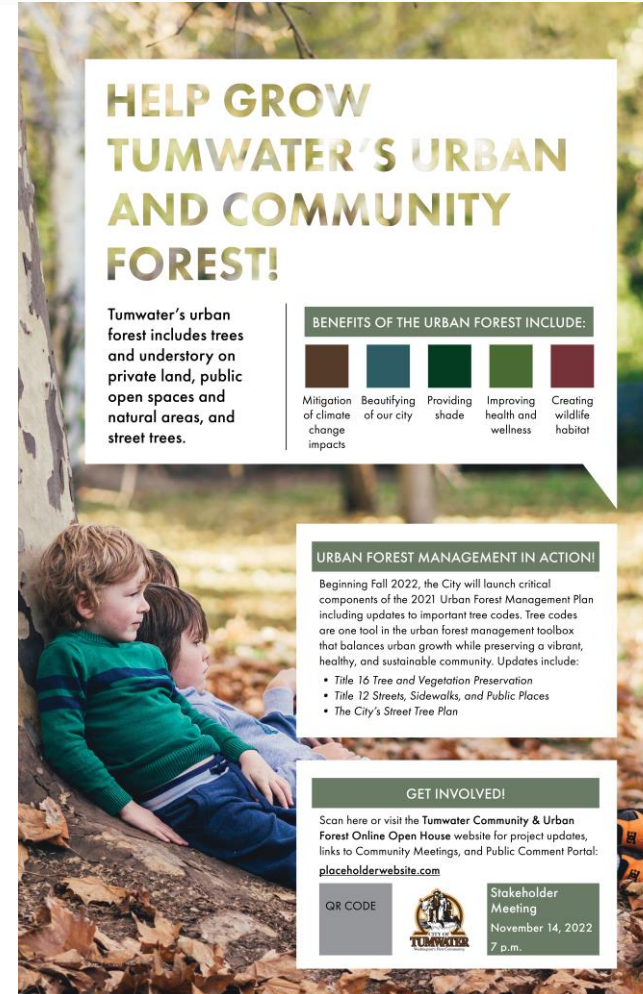
# Policy Objectives & Considerations

- Growing a healthy resilient urban forest
- 2021 Urban Forest Management Plan Implementation
- Climate Resilience – Responding to the Thurston Climate Mitigation Plan
- Growth Management Act – Balancing tree preservation with sustainable development
- Equity and Environmental Justice

# Public Engagement Plan

The Plan Includes:

- Overview of Code Update Process
- Engagement Goals and Strategies
- Stakeholder Demographics and Interest Groups
- Outreach Strategies and Notification Tools
- Draft Outreach Schedule



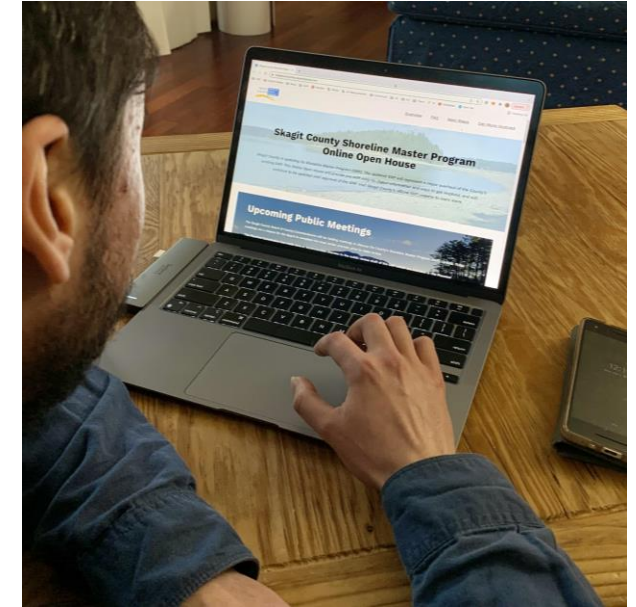
# Community Engagement Tools



Stakeholder Meetings

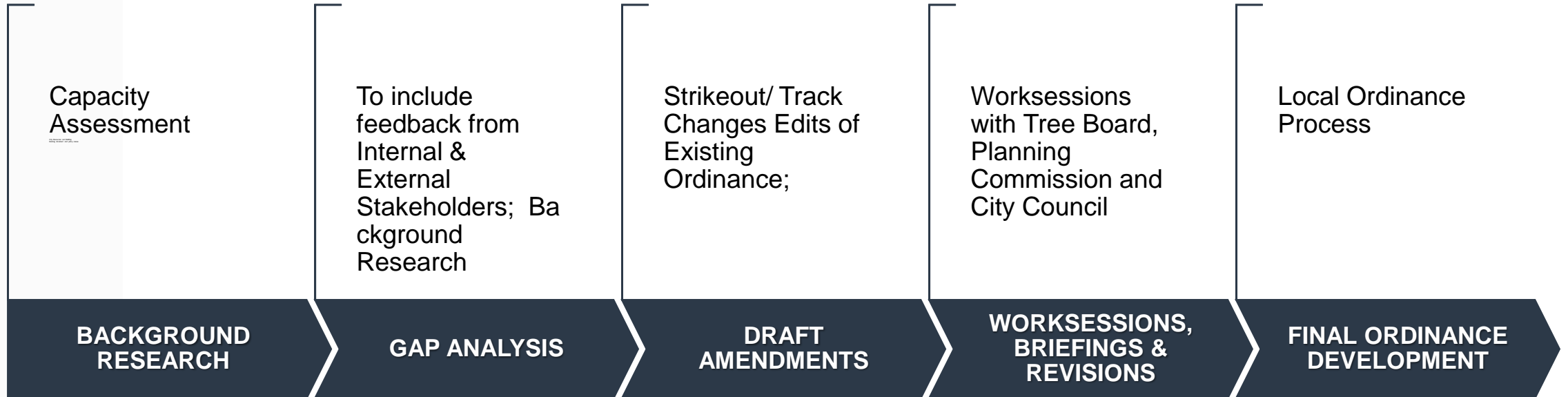


Postcard & Posters



Online Open House  
& Social Media

# Tumwater Municipal Code Update





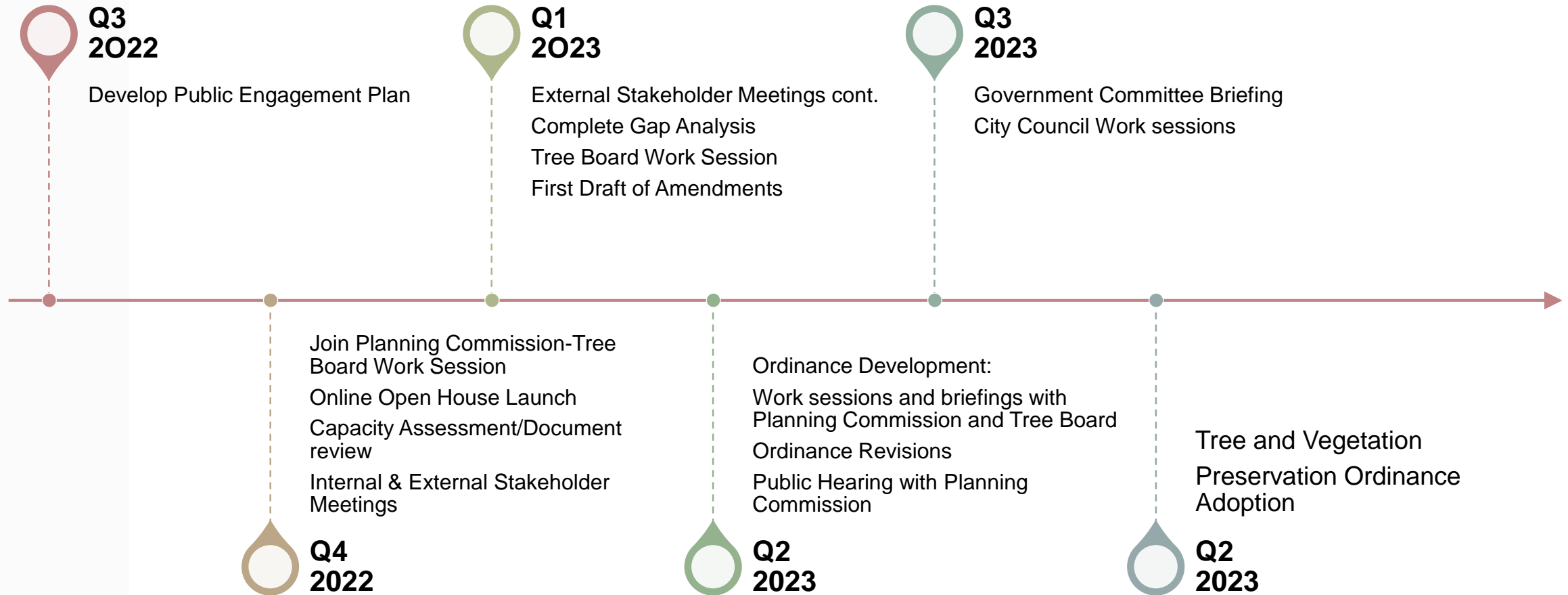
# Capacity Assessment & Background Research

- Tumwater City Planning Documents, City Code, and Policy Review
- Background research/case studies of neighboring jurisdictions
- Review of Best Available Science and Arboriculture Best Management Practices
- Internal Stakeholder Work Session
- Working with Tree Board, Planning Commission, City Council, and Community Members

# Regulation Assessment Topics



# Project Timeline



# Comments & Questions

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