



PLANNING COMMISSION MEETING AGENDA

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

Tuesday, January 13, 2026
7:00 PM

1. Call to Order
2. Roll Call
3. Changes to Agenda
4. Approval of Minutes
 - a. Planning Commission May 27, 2025 Minutes
 - b. Planning Commission December 9, 2025 Minutes
5. Commissioner's Reports
6. Deputy Director's Report
 - a. Memorandum on Unconstitutional Takings of Private Property
7. Public Comment
8. Urban Forestry Code Updates
9. 2026 Development Code Periodic Update
10. Next Meeting Date - 01/27/26
11. Adjourn

Meeting Information

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

Watch Online

Go to <http://www.zoom.us/join> and enter the Webinar ID 827 4912 9725 and Passcode 342745.

Listen by Telephone

Call (253) 215-8782, listen for the prompts and enter the Webinar ID 827 4912 9725 and Passcode 342745.

Public Comment

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

https://us02web.zoom.us/webinar/register/WN_7ks0Q4VZTNyso5fWqDI6GQ

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. Please send the comments by 1:00 p.m. on the date of the meeting. Comments are submitted directly to the Commission/Board Members and will not be read individually into the record of the meeting.

If you have any questions, please contact Deputy Community Development Director, Sharon Lumbantobing at (360) 754-4180 or slumbantobing@ci.tumwater.wa.us.

Post Meeting

Video of this meeting will be recorded and posted on our City Meeting page: <https://tumwater-wa.municodemeeetings.com>.

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's ADA Coordinator directly, call (360) 754-4129 or email ADACoordinator@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.

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.

Decorum Statement

Welcome to the Planning Commission meeting. We 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 will record questions and comments during the meeting. If an issue or question cannot be addressed during the meeting, 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.

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CONVENE: 7:00 p.m.

PRESENT: Chair Elizabeth Robbins and Commissioners Nelida Daniel, Grace Edwards, Gina Kotek, and Sandra Nelson.
Excused: Commissioners Terry Kirkpatrick and Brandon Staff.
Staff: Community Development Department Director Michael Matlock, Deputy Director Brad Medrud, and Associate Planner Dana Bowers.

CHANGES TO AGENDA: A farewell address from Director Michael Matlock was added to the agenda.

FAREWELL ADDRESS: Director Matlock acknowledged and thanked Commissioners for their work and support to the City and to the community. He extended his thanks for the opportunity to work closely with the Commission during his tenure with the City and is looking forward to his upcoming retirement.
Commissioners wished Director Matlock well during his retirement.

APPROVAL OF MINUTES:

**TUMWATER PLANNING
COMMISSION MINUTES
AUGUST 13, 2024:**

MOTION: **Commissioner Edwards moved, seconded by Commissioner Kotek, to approve the minutes of August 13, 2024 as presented. A voice vote approved the motion unanimously.**

**COMMISSIONER'S
REPORTS:** Chair Robbins encouraged Commissioners to sign up and participate in the upcoming July 4 Tumwater Parade.

**DEPUTY DIRECTOR'S
REPORT:** Deputy Director Medrud reported on the status of the draft of the Habitat Conservation Plan (HCP). Internal review of the draft will be pursued with comments provided to the consultant for any final revisions. The revised draft will be forwarded to the Department of Fish and Wildlife Service for review. The schedule anticipates releasing the draft to the public by end of summer/early fall. Once issued for public review, staff will initiate the environmental review for both state and federal required reviews (SEPA & NEPA). Stakeholder meetings will support the environmental review process, as well as several community conversations.

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The Regional Housing Council (RHC) scheduled a half-day retreat. The RHC is responsible for affordable housing and homelessness services and funding across the region. The retreat will provide a good opportunity for members to calibrate the status of goals and discuss ways to improve working together to achieve desired outcomes.

PUBLIC COMMENT: There were no public comments.

2025 COMPREHENSIVE PLAN PERIODIC UPDATE Planner Bowers presented the draft Conservation Element of the Tumwater Comprehensive Plan.
- CONSERVATION:

The format of the element includes Part 1 covering Goals, Policies, and Actions in four chapters and Appendix A, and Part 2 covering technical information in 3 chapters and two appendices.

Chapter 1 is an introduction section identifying the legal framework and the importance of the element. Chapter 2 focuses on Growth Management Act (GMA) goals and relevant element goals supporting GMA goals. Chapter 3 includes the County-wide Planning Policies. Chapter 4 includes element goals and policies in a table format. Appendix A serves as the draft of implementation actions. Each action is tied to a policy or policies.

Part 2 of the element includes technical information. Chapter 1 is the introduction section. Chapter 2 includes information on natural resources, and Chapter 3 covers critical areas.

The Natural Resources chapter includes three classifications of urban agriculture, forest lands, and mineral resources. The City has only 7% of soils classified as prime farmland. Other lands are classified as prime farmland soils if drained and irrigated. Those two classifications comprise 70% of all City soils. However, the amount is not aligned with other water and soil conservation priorities. Draining of wet soils was not included as part of the calculation for prime farmland in the assessment because it would not be a viable, long-term resource for farming.

Because one of the GMA goals is increasing density within the City and utilizing land for housing, economic growth, commercial development and industrial uses, the amount of sprawl can be limited within the county where more agricultural resources and larger parcels are more conducive to sustainable agriculture. Current uses for agriculture in the City include urban agriculture (smaller plot sizes), farm stands, corn mazes, and animals and livestock. As agriculture uses can be limited by water resources and the amount of land available, those resources within the City are often used for other uses.

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Forest lands in the City fall under the Open Space Taxation Act for parcels classified as forest land. An incentive program offers a reduced tax rate to enroll in the program if the property owner of five acres or more preserves forest land, although harvesting is allowed. Replanting is required. The City has approximately 371 acres of land categorized as forest land to include the City's urban growth area (UGA). The largest parcel is 120 acres.

Chair Robbins asked whether the current acreage of forest land is viable for the City. Planner Bowers replied that the lands are owned by larger timber companies with multiple forested acres. It is likely the forested lands would remain intact until the market changes. Additionally, if a property owner sells forested land, the property owner must pay back seven years of taxes under the Open Space Taxation program. Additionally, the City's tree preservation code includes regulations for tree removal and retainage based on different factors. Some factors are in the Urban Forestry Management Plan in terms of the types of trees the City prioritizes, the location, and the type of tree for the right space.

Deputy Director Medrud shared that as part of the update of the tree preservation and landscaping ordinances, staff is considering a balance of tree species to avoid any great loss of trees because of particular diseases. It speaks to a need for a variety of trees species as well as native varieties when possible.

Planner Bowers added that other topics addressed in the Urban Forestry Management Plan are pruning, invasive removal, replanting, and the right tree in the right place.

The chapter on Mineral Resource lands includes an introduction, classification, identification of resources, and protection of resources. The Department of Natural Resources created maps of mineral resource locations in the county. Data is obtained from Thurston County on mineral resource areas in the City. Protection of mineral resources is a two-fold process of protecting nearby uses and the mineral resource to ensure the City has a local source. The City's only zone district allowing mining is the Heavy Industrial zone district.

The Conservation Element supports and aligns with the City's Urban Forestry Management Plan, Hazard Mitigation Plan, and the City's development codes. The City's Development Code implements the plans and the Conservation Element.

Critical areas are sensitive areas not necessarily conducive for development or are a conflict with other state or local priorities or obligations. Critical areas can include aquifer recharge areas, wetlands,

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frequently flooded areas, geological hazardous areas, and fish and wildlife habitat conservation areas.

Goals for wetlands include a short-term goal of no-net loss and long-term goal of enhancing and improving wetlands. Wetlands are classified as to how they function and the type of species present. Some wetlands can be improved and preserved despite a lower classification because of the presence of a rare species.

Chair Robbins emphasized the importance of connectivity or interplay between critical areas, which could be emphasized through the evaluation of the full value and function of a critical area(s).

Planner Bowers noted that buffers are one way of protecting wetlands. Considering the connectivity of critical areas is an important element as well. The City has many environmental policies pertaining to wetlands. They include the Clean Water Act, the state's Shoreline Management Act, state Hydraulic Code, state wetland rating system, and local protections that are included within the Development Code. Local protections for wetlands are included in Tumwater Municipal Code 16.28. The City's trees and vegetation code also protects wetlands.

Commissioner Daniel disconnected from the meeting.

Critical aquifer recharge areas protect drinking water. Criteria identify recharge areas that speak to the depth of groundwater, size of the aquifer, and type of soil, etc. Buffer distances of critical aquifer recharge areas are identified by years, as one drop of water can require one year of traveling to a well. Buffers areas are identified in six-month, one-year, five-year, and 10-year increments (time of travel).

Chair Robbins inquired as to whether the City is aware of the number of withdrawals of water from any of the City's aquifers. Planner Bowers advised that the City documents the number of water rights (withdrawals) within the Water System Report produced by the Water Resources and Sustainability Department.

The City's Wellhead Protection Plan supports the Conservation Element. The plan was adopted in 2016 and identifies risks to wellheads and ways to reduce and eliminate risks.

Planner Bowers reviewed the sections on Frequently Flooded Areas, Geologically Hazardous Areas, and Fish and Wildlife Habitat Conservation Areas.

Planner Bowers reviewed element goals and requested feedback:

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- Goal C-1 – Recognize the significant role played by natural features and systems in determining the overall environmental quality and livability of Tumwater.

Highlights:

- *Natural systems make Tumwater livable*
- *Protect and enhance environment*
- *Use adopted plans*

Chair Robbins noted that in addition to natural systems and features being part of the living space within Tumwater, they are also a part of the City's economic system as clean air and water enable people to live and conduct business in the City.

- Goal C-2 – Promote conservation of natural resources and the protection of the environment in cooperation with residents, property owners, other jurisdictions, and others.

Highlights:

- *Support education programs*

Councilmember Nelson suggested including working with businesses as well.

- Goal C-3 – Support urban agriculture for access to local food production.

Highlights:

- *Work with partners to ensure agricultural viability*
- *Support local food production*

Chair Robbins noted that the goal could also expand beyond local food production but to wider economic interests outside the region as well.

- Goal C-5 – Support urban forestry.

Highlights:

- *Canopy retention*
- *Conversions compatible with surrounding development pattern*

Chair Robbins recommended inclusion of language that references the importance of many of the climate goals, such as carbon sequestration and other benefits of forest lands.

- Goal C-6 – Protect mineral resource lands.

Highlights:

- *Allow extraction where it will not cause degradation*
- *Protect sites from incompatible uses*
- *Restoration of extraction sites*

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- Goal C-7 – Protect and enhance water quality.

Highlights:

- *Enhance ecological functions*
- *Support restoration of stream channels and wetlands*
- *Allow public access for monitoring and education*
- *Balance habitat, water supply, recreation, and all other needs*

- Goal C-8 – Improve natural drainage systems.

Highlights:

- *Develop watershed management plans and fish conservation measures*
- *Improve drainage systems for water quality*
- *Use best management practices to control erosion through construction and redevelopment*

Chair Robbins questioned whether improving drainage systems for water quality include measures such as improving fish passage. Planner Bowers advised that fish passage is emphasized as part of habitat conservation under the section on Fish and Wildlife Habitat Conservation.

Deputy Director Medrud added that a major change in the goal for conservation was to include ‘enhance’ in addition to protection. It speaks to what is required to enhance or improve water quality that could include improving naturalized systems.

- Goal C-9 – Improve air quality.

Highlights:

- *Support and entrust state programs*
- *Require appropriate vegetation retention*
- *Reduce vehicle miles traveled*

- Goal C-10 – Protect and enhance rivers, streams, and lakes.

Highlights:

- *Protect, enhance and restore water channels*
- *Require mitigation for alterations*

- Goal C-11 – Protect and enhance wetlands.

Highlights:

- *Protect wetlands where possible*
- *Use buffers to preserve functions*
- *Allow reasonable use*
- *Maintain stormwater treatment facilities and flow control*

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Commissioner Nelson asked about the reason for the number of new policies included in the Conservation Element. Planner Bowers explained that many of the new policies were prompted from new state laws and mandates on health and enhancements.

Deputy Director Medrud added that the Climate Element also plays a large role in the number of new policies because the Conservation Element supports many of the policies and goals within the Climate Element.

Commissioner Nelson questioned the number of goals required under the GMA and goals pertinent to the City and its residents. Deputy Director Medrud explained that the structure of the element follows the state-required format, such as natural resource lands, critical areas, Goals and policies important to the City include urban agriculture and other areas of greater interest to the City, such as forested lands or trees.

Commissioner Nelson commented that the distinction is important as all residents are part of the City and the goals and policies that make the City unique are important but are often lost in a comprehensive document required by the state.

Deputy Director Medrud responded that the City is required to develop plans and documents each year. However, the intent is focusing and pursuing implementation actions contained in the appendices to assist the Council in strategically planning and developing the City's annual work programs that support goals and initiatives important to the City.

Discussion ensued on ways to emphasize the City's goals and achievements within the Comprehensive Plan elements in addition to meeting the requirements of the state.

- Goal C-12 – Protect groundwater.

Highlights:

- *Protect aquifers, recharge areas, and wellheads*
- *Protect waterways*

- Goal C-13 – Protect geologically hazardous areas.

Highlights:

- *Regulate development intensity, site coverage, and vegetation*
- *Minimize soil disturbance*
- *Require erosion control throughout construction*

- Goal C-14 – Preserve floodplains and floodways

Highlights:

- *Minimize changes that impact flow*
- *Require mitigation for engineered flood control measures*

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- *Emphasize non-structure flood control*
 - *Allow low-impact development only*
- Goal C-15 – Protect and enhance wildlife habitat.
Highlights:
 - *Minimize fragmentation*
 - *Protect habitat for listed species*
 - *Encourage vegetated buffer areas*
 - *Control invasive species*

Planner Bowers reviewed next steps. The next review by the Council is a meeting with the General Government Committee on June 7, 2025 followed by a release of the draft plan for public review. Some chapters will be subject to different audiences. The timeline includes adoption of the Comprehensive Plan in fall 2025. She encouraged Commissioners to send questions and comments to the periodic update email at complan@ci.tumwater.wa.us.

**2025 COMPREHENSIVE
PLAN PERIODIC
UPDATE – HOUSING:**

Deputy Director Medrud asked for feedback on the draft Housing Element surrounding any initial concerns or questions.

Chair Robbins said the draft represents much work and is on the right track; however, one area of importance is the percentage of people that are affected by the Housing Element.

Deputy Director Medrud explained that the focus and the expectation of the plan speaks to more than half of the City's population with an income of less than 80% of the annual median income for the county. The plan speaks to ways to best provide for that population.

Commissioner Nelson noted that plan also emphasizes the preservation of existing housing, which was surprising as it is likely not possible for the City to have the ability to preserve housing.

Deputy Director Medrud cited the state requirements for the plan to reduce displacement to the extent possible. Preserving housing is an element of that goal as existing housing is often more affordable. The City is also required to ensure the availability of housing for specific income groups and expansion of overall housing in the community.

Chair Robbins commented that including goals to ensure housing is provided is largely dependent upon market forces and any incentives the City may offer. However, if housing is lacking in the City, people will move to other places or become homeless. If the City desires a different outcome, it is important to address ways the City can address the issues to avoid that scenario.

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Deputy Director Medrud pointed out that the Housing Element is comprehensive, and it is difficult to portray the issues within the technical information. The technical conclusions, however, do speak to the inability of the City to control the situation because the private market builds the majority of housing. The City's ability to support that achievement is important. However, the City does not have resources to build housing without the support of state and federal funding. The goals and policies speak to the need to build the relationships with private and public builders, assist them in their respective needs, as well as pursuing a regional focus for different sources of funding. The element not only identifies the need for housing, but also wraparound services required to ensure people remain housed by obtaining the skills to avoid becoming homeless.

Deputy Director Medrud shared information on the City's contributions to increase housing and reduce homelessness through its participation in the federal Community Development Block Grant (CDBG) program. The City participates with Thurston County and receives funding once every three years to contribute to housing projects. The City has explored an option to pursue participation in the CDBG program independently by receiving a reduced amount annually rather than a larger lump sum once every three years. The amount the City would receive annually is based on population and the availability of federal funds. The City also contributes Home funding to the RHC to fund local projects at approximately \$100,000 annually. He agreed the element should emphasize that housing is a larger issue than cannot be solved independently by the City.

Discussion ensued on the importance of home ownership in terms of promoting generational wealth. Chair Robbins recommended exploring other similar-sized jurisdictions with similar resources for future discussions on creating a guaranteed income program. She suggested the option should be part of the discussion surrounding the issue of affordability issues experienced by many in the City.

Commissioners commented on the many different complicating factors and difficulty of housing issues and the limited City's capability and its role.

Based on scheduling issues, the Commission agreed to continue discussion on the Housing Element during the June 10, 2025 meeting.

NEXT MEETING DATE: The next meeting is scheduled on June 10, 2025.

ADJOURNMENT: **With there being no further business, Chair Robbins adjourned the meeting at 8:40 p.m.**

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

MEETING MINUTES

TUMWATER PLANNING COMMISSION

December 9, 2025



CONVENE: 6:10 p.m.

PRESENT: Chair Elizabeth Robbins, Vice Chair Brandon Staff and Commissioners Sandra Nelson and Gina Kotek.

Excused: Commissioners Terry Kirkpatrick and Grace Edwards.

Commissioner Daniel resigned November 17, 2025.

Staff: Associate Planner Erika Smith-Erickson, Associate Planner Dana Bowers, Deputy Community Development Director Sharon Lumbantobing, and Community Development Director Brad Medrud.

CHANGES TO THE AGENDA: No changes were made.

APPROVAL OF THE MINUTES: Vice Chair Staff moved, seconded by Commissioner Kotek, to approve the minutes of March 25, 2025, April 22, 2025, and November 10, 2025, as published. A voice vote approved the motion unanimously.

PUBLIC COMMENT: No public comment was given.

PUBLIC HEARING:

ORDINANCE NO. 02025-011 – 2025 Chair Robbins opened the public hearing at 6:15 p.m.

DEVELOPMENT CODE PERIODIC UPDATE: Planner Smith-Erickson provided an overview of the development code amendments, public approval process, the review and approval criteria, and the staff conclusions for Ordinance No.

O2025-011, Development Code Periodic Update as presented in the staff report.

Planner Smith-Erickson informed the Planning Commission that a Draft Comment Letter was received from the Washington State Department of Commerce on the proposed Comprehensive Plan and Development Code Update. Staff addressed all comments from Commerce in the revised Ordinance included in the meeting packet.

Chair Robbins opened the public comment portion of the public hearing at 6:24 p.m.

No public comment was given.

Chair Robbins closed the public comment at 6:25 p.m.

Chair Robbins closed the public hearing at 6:26 p.m.

MOTION: **Vice Chair Staff moved, seconded by Commissioner Nelson, to forward Ordinance No. O2025-011 to the City Council for adoption. A voice vote approved the motion unanimously.**

NEXT MEETING DATE: A joint Work Session with the City Council is scheduled for 6:30 pm on Tuesday, December 9, 2025.

The next Planning Commission meeting is scheduled for Tuesday, January 13, 2026.

ADJOURNMENT: **With there being no further business, Chair Robbins adjourned the meeting at 6:27 p.m.**

Prepared by Erika Smith-Erickson, Associate Planner

MEMO



Date: January 6, 2026

To: Mayor Dahlhoff
Tumwater City Council Members
Tumwater Planning Commission Members

From: Karen Kirkpatrick, City Attorney

CC: Kelly Adams, Assistant City Administrator
Brad Medrud, Community Development Director
Sharon Lumbantobing, Deputy Community Development Director

Subject: Attorney General's Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property

The Attorney General is directed under RCW 36.70A.370 to advise state agencies and local governments on an orderly, consistent process that better enables the government to evaluate proposed regulatory or administrative actions to assure that these actions do not result in unconstitutional takings of private property or raise substantive due process concerns. This process must be used by local governments that plan under the Growth Management Act (GMA). As a result of this direction, the *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property* (Advisory Memorandum) was prepared. The Attorney General's Office reviews the Advisory Memorandum annually and updates it as necessary.

The current version was issued October 2024 and is available at this link:
[Microsoft Word - October 2024 AGO Takings Guidance FINAL.docx](https://www.ago.wa.gov/sites/default/files/2024-10/AGO%20Takings%20Guidance%20FINAL.docx)

The recommended process outlined in Part 1 of the four-part Advisory Memorandum includes the following:

1. Review and Distribute. In addition to review by the City Attorney, it is recommended that the Advisory Memorandum be distributed to all of the City's decision makers and key staff.
2. Use Warning Signals. The Advisory Memorandum states that local governments should use the "Warning Signals" to evaluate proposed regulatory actions. Examples are listed in Part Three starting on Pg. 13.

3. Develop an Internal Process. Staff and legal counsel have developed an internal process based on the Advisory Memorandum for assessing constitutional issues that uses confidential attorney-client communications and legal memoranda. This process occurs whenever action is taken to implement the Growth Management Act, adopt development regulations or land use designations, establish policies or guidelines for conditions, exactions, or impact fees, condition or deny permits for land use development or other regulatory or administrative actions are taken impacting private property.
4. Incorporate Constitutional Assessments into the Agency Review Process. The nature and extent of the assessment will depend on the type of regulatory action and the specific impacts on private property. The City assesses constitutional issues through the City Attorney's office. This information is communicated to staff and decision makers via confidential attorney-client communications including confidential attorney-client memoranda and executive sessions.
5. Develop an Internal Process to Respond to Identified Constitutional Issues. The City Attorney prepares an analysis of potential constitutional issues and options based on the Advisory Memorandum, independent analysis, and advice of outside counsel. That analysis is then communicated to staff and decision makers through verbal communication, confidential attorney-client communications and legal memoranda, and executive sessions.

Please review the Attorney General's Advisory Memorandum and use it when considering amendments to the Comprehensive Plan and associated rezones and any other land use actions that come before you. If you have any questions, please contact me.

If you have a problem with the above link to the Advisory Memorandum, prefer a printed copy, or have any questions, please contact my assistant, Sharleen Johansen, by phone at 360-701-3748 or email sjohansen@ci.tumwater.wa.us.

TO: Planning Commission
FROM: Dana Bowers, Associate Planner; Sharon Lumbantobing, Deputy Director
DATE: January 13, 2026
SUBJECT: Urban Forestry Code Updates

1) Recommended Action:

Discussion item only. No Action Requested.

2) Background:

Tumwater has been recognized as a Tree City USA for more than 30 years and identifies trees as an essential part of the City's character and livability. Recognizing the environmental, ecological, and social benefits of trees, Tumwater adopted an Urban Forestry Management Plan in 2018. Objective 4.1 of the Urban Forestry Management Plan requires regularly updating supporting regulations, including tree preservation, landscaping, and street tree standards.

Work to update Tree and Vegetation Preservation (TMC 16.08), Street Tree (TMC 12.24), and Landscaping (TMC 17.47) codes began in 2022. That effort was paused to allow time for clarity on state-level Wildland Urban Interface codes to progress. Staff monitored state discussions, which removed the immediate point of conflict with the urban forestry code updates.

In 2025, City Council directed staff to resume work on updating the urban forestry codes. Staff will present the proposed approach for resuming this work to the Planning Commission.

3) Alternatives:

None.

4) Attachments:

- A. Staff Report
- B. Presentation

STAFF REPORT

Date: January 13, 2026
To: Planning Commission
From: Dana Bowers, Associate Planner; Sharon Lumbantobing, Deputy Community Development Director



Urban Forestry Code Updates and Street Tree Plan – Project Restart

1 – Background

Tumwater has been a Tree City USA for more than 30 years and identifies trees as an essential part of the character of the City. The community identified the need for updated urban forestry codes and City Council included them in the 2018 Long Range Planning Work Programs. Staff began the work by developing an Urban Forestry Management Plan.

On March 2, 2021, the City Council approved adoption of the Urban Forestry Management Plan (Ordinance No. O2020-004). Objective 4.1.D of the Plan is to “review tree preservation, landscaping, and street tree regulations regularly,” with the intended timing to start in Spring 2023 and then every four years.

In 2022, the City secured Washington Department of Natural Resources grant funding to develop a coordinated package of urban forestry code updates, including Street Trees (TMC 12.24), Trees and Vegetation Preservation (TMC 16.08), Landscaping (TMC 18.47), and a Street Tree Plan. Significant progress was made on drafting the code updates and substantial public engagement was completed between 2022 - 2024.

In May 2023, this work was paused due to uncertainties related to how the state’s Wildland Urban Interface (WUI) requirements (RCW 19.27.560) impact implementation of the draft code. As the WUI requirements are still in development, the City will restart the project from the point where work concluded in May 2023. Staff will continue to monitor proposed changes to the Wildland Urban Interface requirements and how they relate to the Urban Forestry Management Plan and update if necessary. At this time, the portion of the WUI mandated for local adoption appears to be limited to building code and does not appear to affect the urban forestry code amendments.

The draft code updates and Street Tree Plan are well developed but require further refinement to ensure alignment with the City’s adopted plans and emerging regulatory requirements, including the recently adopted 2025 Comprehensive Plan, the Citywide Design Guidelines, and

the Development Guidelines. As part of this work, a tree list was developed and adopted in July 2025.

Restarting the code updates and Street Tree Plan will allow the City to update outdated regulations, improve implementation of the UFMP, respond to climate and growth pressures, and ensure that all related codes, plans, and guidelines function together as a cohesive urban forestry framework.

2 – Tree and Vegetation Preservation Code (TMC 16.08)

2.1 Project Initiation

Following adoption of the Urban Forestry Management Plan (UFMP) in 2021, the City initiated a comprehensive update to TMC 16.08 to ensure the regulations aligned with the UFMP's goals and complemented other City plans and development guidance. The City hired DCG/Watershed (now known as Facet) in October 2022 to support the update and to assist staff, the Tree Board, the Planning Commission, and the public in developing proposed amendments.

2.2. Public Engagement

The project began with preparation of a [Public Engagement Plan](#), followed by three “community conversations¹” in fall 2022 and winter 2023, and the development of a project website. Concurrently, during fall 2022 and winter 2023, the project team conducted internal stakeholder meetings, held joint work sessions with the Planning Commission and Tree Board, and developed a [Gap Analysis](#) to evaluate strengths and limitations of the existing code.

Below is a summary of the themes that were discussed throughout the engagement process:

- Address environmental justice and equitable allocation of resources
- Support tree planting and reforestation on public property
- Allocate tree account funds
- Protect large diameter trees
- Consider habitat value of trees, groves, and corridors
- Create a minor and major permit structure
- Develop stronger tree retention and replacement requirements
- Consider impact of regulations on cost of affordable housing
- Provide incentives for homeowners and developers
- Consider climate change mitigation and adaptation
- Assess strong, but fair penalties for violations
- Use a point or credit system to determine tree retention and replacement requirements

¹ Recordings of the community conversations and associated documents utilized in the public engagement process are available at [Protection of Trees and Vegetation — Tumwater Urban and Community Forestry Online Open House](#).

2.3 Project Status When Paused

Using this information, Facet and staff drafted a full set of proposed amendments to TMC 16.08 and underwent multiple rounds of internal review. While the overall structure of the amendments was established, several sections still needed “code testing” against development applications, and more revisions. These areas were noted within the draft code document as comments. As of May 25, 2023, City staff and Facet staff were working on a sixth draft of the ordinance. Staff anticipated continuing the review and refinement process with the Planning Commission and Tree Board when the update was paused.

2.4 Next Steps

Next steps include refining the draft amendments to ensure alignment with the landscape code updated Street Tree Plan, coordination with the Development Guidelines, and incorporation of best available science, operational staff needs, and arboriculture best management practices. The selected consultant, through the forthcoming RFP process, will assist staff in completing the code drafting, preparing updated graphics and standards, and facilitating work sessions with the Planning Commission, Tree Board, and City Council.

3 – Street Tree Code (TMC 12.24)

3.1 Project Initiation

Following adoption of the UFMP in 2021, the City initiated a comprehensive update to TMC 12.24 to ensure the regulations aligned with the UFMP’s goals and complemented other City plans and development guidance. The City hired DCG/Watershed (now known as Facet) in October 2022 to support the update and to assist staff, the Tree Board, the Planning Commission, and the public in developing proposed amendments.

3.2 Public Engagement

The project began with preparation of a [Public Engagement Plan](#), followed by three “community conversations²” in winter and spring of 2023, and the development of a project website. Concurrently, the project team conducted internal stakeholder meetings, held joint work sessions with the Planning Commission and Tree Board, and developed a [Gap Analysis](#) to evaluate strengths and limitations of the existing code.

Below is a summary of the themes that were discussed throughout the engagement process:

- Consider impacts and disturbance to soils.
- Outline proper planting practices.
- Provide training for maintenance of trees and landscaping near the trees.
- Use root barriers to protect sidewalks, curbs, and gutters.

² Recordings of the community conversations and associated documents utilized in the public engagement process are available at [Street Trees – Tumwater Urban and Community Forestry Online Open House](#).

- Consider using smaller trees but more of them for canopy coverage.
- Consider clearance needed for garbage trucks with lifting containers.
- Consider requiring a planting bed area similar in size to the ones used on Littlerock Road to protect trees from equipment.
- Provide guidance on irrigation for street trees because of dry summers and nearest to street and sidewalk heat causing stress.
- Consider interactions with street trees and other City goals such as undergrounding utilities.
- Clarify ownership and maintenance responsibility for sidewalks and street trees – particularly given homeowner association agreements and required tree tracts.
- Consider requiring different varieties of street trees in subdivisions.
- Restrict planting for maples and sweetgums.
- Consider alternatives to street trees: location behind sidewalk, in separate tracts balanced with the needs of heat reduction for streets and sidewalks and aesthetics.

3.3 Project Status When Paused

Development of proposed amendments to TMC 12.24 was underway and substantial public engagement had been completed. Draft code language had been partially developed; however, revisions were still needed to ensure consistency with the evolving Street Tree Plan, Development Guidelines, and other urban forestry updates.

Based on the draft street tree list provided by Facet, City staff pursued the administrative task to update the city's current approved Street Tree List in 2023 and 2024. This list was updated and finalized on July 10, 2025, following years of vetting with internal and external experts.

3.4 Next Steps

Next steps include refining the draft amendments to ensure alignment with the updated Street Tree Plan, coordination with the Development Guidelines, and incorporation of best available science, operational staff needs, and arboriculture best management practices. The selected consultant, through the forthcoming RFP process, will assist staff in completing the code drafting, preparing updated graphics and standards, and facilitating work sessions with the Planning Commission, Tree Board, and City Council.

4 – Street Tree Plan

4.1 Project Initiation

The City hired DCG/Watershed (now known as Facet) in October 2022 to support the update to the existing 2001 Street Tree Plan and to assist staff, the Tree Board, the Planning Commission, and the public in developing proposed amendments.

4.2 Public Engagement

Outreach conducted for the Street Tree Code (TMC 12.24) was utilized for the development of the new Street Tree Plan.

Some specific themes that were discussed related to the Street Tree Plan in addition to the comments considered for the Street Tree included considerations for:

- Requiring native plants and assessing the cost bias for required trees.
- Clarifying definition of Street Trees to exclude natural trees.
- Simplifying and permitting permit processes.

4.3 Project Status When Paused

As of June 2024, a second draft of the Street Tree Plan had been completed, along with a draft ordinance incorporating key policy elements. However, further revisions are still needed. The draft Street Tree Plan incorporated best management practices, species selection guidance, planting standards, and maintenance expectations, informed by the [Gap Analysis](#), public engagement results, and coordination with related City plans and manuals.

The City's Approved Street Tree List was updated and finalized administratively July 10, 2025.

4.4 Next Steps

The Street Tree Plan will need refinement to ensure consistency with updated code language, the Development Guidelines, operational needs, and the Citywide Design Guidelines. The selected consultant will assist in updating the plan, integrating graphics and diagrams, and preparing a final public review draft. Staff will then conduct additional engagement as needed and proceed with legislative review and adoption.

5 – Landscaping Code (TMC 18.47)

5.1 Project Initiation Following adoption of the UFMP in 2021, an RFP was issued in July 2022, and SCJ Alliance was hired in September 2022 to lead the update of the landscaping code.

5.2 Public Engagement

SCJ and the project team developed a [Public Engagement Plan](#) for amending the Landscaping Code and held two “community conversations³” in the spring of 2023 with the general public on the topic. SCJ Alliance conducted background research through late 2022 and early 2023, including a capacity assessment, review of all relevant City plans and regulations, analysis of regional practices, and synthesis of best available science and arboriculture standards. This work culminated in a [Baseline Assessment](#), which was reviewed by staff, the Tree Board, and the Planning Commission and used to guide the code development process.

³ Recordings of the community conversations and associated documents utilized in the public engagement process are available at [Landscaping – Tumwater Urban and Community Forestry Online Open House](#)

Below is a summary of the themes that were discussed throughout the engagement process:

- Buffering to protect water resource areas.
- Water conservation, including reducing sod and turf and irrigation.
- Stormwater management through landscaping.
- City resources to implement actions.

5.3 Project Status When Paused

Following completion of the Baseline Assessment and initial public engagement efforts, City staff and SCJ Alliance drafted proposed amendments to TMC 18.47. Over three months, the team developed updated section-by-section code language based on the Baseline Assessment, public feedback, and input from the Planning Commission, Tree Board, and General Government Committee. Meeting packets, minutes, and supporting documents were produced throughout this process.

5.4 Next Steps

Completion of the TMC 18.47 update will require reviewing and refining the draft code language to ensure it aligns with updates to TMC 12.24 and TMC 16.08, as well as with Citywide Design Guidelines, Development Guidelines, and citywide water conservation goals. The consultant selected through the upcoming RFP will support final revisions, refine/develop graphics and technical standards, and assist with public outreach and legislative review. The finalized code language will then be brought forward for Planning Commission and Tree Board review prior to City Council consideration.

6 – Status Summary

Task	Landscaping Ordinance Update (TMC 18.47)	Street Tree Ordinance Update (TMC 12.24)	Street Tree Plan	Tree and Vegetation Ordinance Update (TMC 16.08)
Consultant	SCJ	Facet	Facet	Facet
Public Engagement	<ul style="list-style-type: none"> - Engagement Plan completed - 2 community conversations completed - Planning Commission and Tree Board consultation 	<ul style="list-style-type: none"> - Engagement Plan completed - 3 community conversations completed - Planning Commission and Tree Board Consultation 	Used Street Tree Ordinance Outreach data	<ul style="list-style-type: none"> - Engagement Plan completed - 3 community conversations completed - Planning Commission and Tree Board consultation

Task	Landscaping Ordinance Update (TMC 18.47)	Street Tree Ordinance Update (TMC 12.24)	Street Tree Plan	Tree and Vegetation Ordinance Update (TMC 16.08)
Baseline Assessment	Completed	Completed	Completed	Completed
Drafts	Completed	Completed	Second Draft Completed	Sixth Draft Completed
Internal Review	<ul style="list-style-type: none"> - In progress - Planning Commission and Tree Board feedback provided - Paused to consider State WUI code adoption 	<ul style="list-style-type: none"> - In progress - Planning Commission and Tree Board feedback provided - Paused to consider State WUI code adoption 	<ul style="list-style-type: none"> - In progress - Planning Commission and Tree Board feedback provided - Paused to consider State WUI code adoption 	<ul style="list-style-type: none"> - In progress - Planning Commission and Tree Board feedback provided - Paused to consider State WUI code adoption

7 – Timeline

Work to restart the Tree and Vegetation preservation code updates started in November 2025 as part of the 2025 Long Range Planning Work Program.

The 2026 Long Range Work Program includes updates to the following:

1. Tree and vegetation preservation code (TMC 16.08)
2. Street tree code (TMC 12.24)
3. Landscaping code (TMC 18.47)
4. Street Tree Plan

The timeline for major project milestones is included below:



8 – Overall Next Steps

An RFP will be issued to complete the remaining work, including updating the following:

1. Tree and vegetation preservation code (TMC 16.08)
2. Street tree code (TMC 12.24)
3. Landscaping code (TMC 18.47)
4. Street Tree Plan
5. Maintaining the project website (www.tumwatertreecity.com)

In addition to the work above, the RFP will also include:

- Code testing with case studies that reflect Tumwater's current and future development proposals.
- Crosswalk tables for alignment with recently adopted codes and plans.
- Public Engagement to review the changes and provide feedback. Boards and commissions asked for feedback include:
 - Planning Commission Review
 - Tree Code Tour to review practical implementation of code revisions
 - Tree Board Review
 - Parks Commission
 - Historic Commission
- Conduct a formal Planning Commission Hearing to accept testimony for consideration.
- City Council Review including the following committees:

- Public Works Committee
- General Government Committee
- Council Adoption

These tasks will complete a robust review to ensure alignment with current codes and plans and test out the proposed code and develop User Guides for City staff and the public.



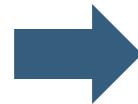
Urban Forestry Code Updates & Street Tree Plan

Planning Commission Briefing, January 13, 2026

Dana Bowers, Community Development

Timeline of Work

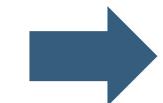
2021
Urban Forestry Management Plan adopted by City Council



2022
Grant funding secured to support three tree code amendments and Street Tree Plan



2022-2023
Public Engagement: Community Conversations



May 2023
Washington Wildland Urban Interface Code causes disruption



May 2023
Initial drafts completed
Project paused



November 2025
Project restarted

Public Comment Summary

Tree Selection,
Growth and
Maintenance

Peripheral impacts
and benefits

Flexible yet clear,
protective codes

Balance between
vegetation and other
land uses

Allocation of
resources

Code Compliance
and Enforcement

Anticipated Timeline



Questions?



Submitting Comments or Questions

Written comments or questions are welcome at any time

- Long Range Planning website:
<https://www.ci.tumwater.wa.us/departments/community-development-department/long-range-planning>
- Community Development email: cdd@ci.tumwater.wa.us
- City of Tumwater contact:
Community Development Department
555 Israel Road SW
Tumwater, WA 98501
Phone: 360-754-4180
Email: cdd@ci.tumwater.wa.us

TO: Planning Commission
FROM: Erika Smith-Erickson, Housing and Land Use Planner
DATE: January 13, 2026
SUBJECT: 2026 Development Code Periodic Update

1) Recommended Action:

Discussion item only. No action requested.

2) Background:

Under the Growth Management Act, Tumwater is required to conduct a periodic update of its Comprehensive Plan and related development regulations on a ten-year cycle. For the current cycle, staff completed the Comprehensive Plan periodic update on December 31, 2025.

State law requires adoption of certain development code updates within six months of adoption of the 2025 Comprehensive Plan update. This briefing is intended to inform the Planning Commission about the specific code amendments required as part of the State-mandated 2025 update.

The code updates will involve amendments to multiple titles of the Tumwater Municipal Code, including:

- Title 3 Revenue and Finance
- Title 14 Development Code Administration
- Title 16 Environment
- Title 17 Land Division
- Title 18 Zoning

3) Alternatives:

None.

4) Attachments:

A. Presentation



2026 Development Code Update

Planning Commission Briefing, January 13, 2026

Erika Smith-Erickson, Community Development

Content

- Background
- Code Amendments
- Review Criteria
- Next Steps



Background



On December 16, 2025, Tumwater adopted the 2025 Comprehensive Plan and the first round of State-required municipal code updates.



By June 30, 2026, a second round of State-required municipal code updates is required.

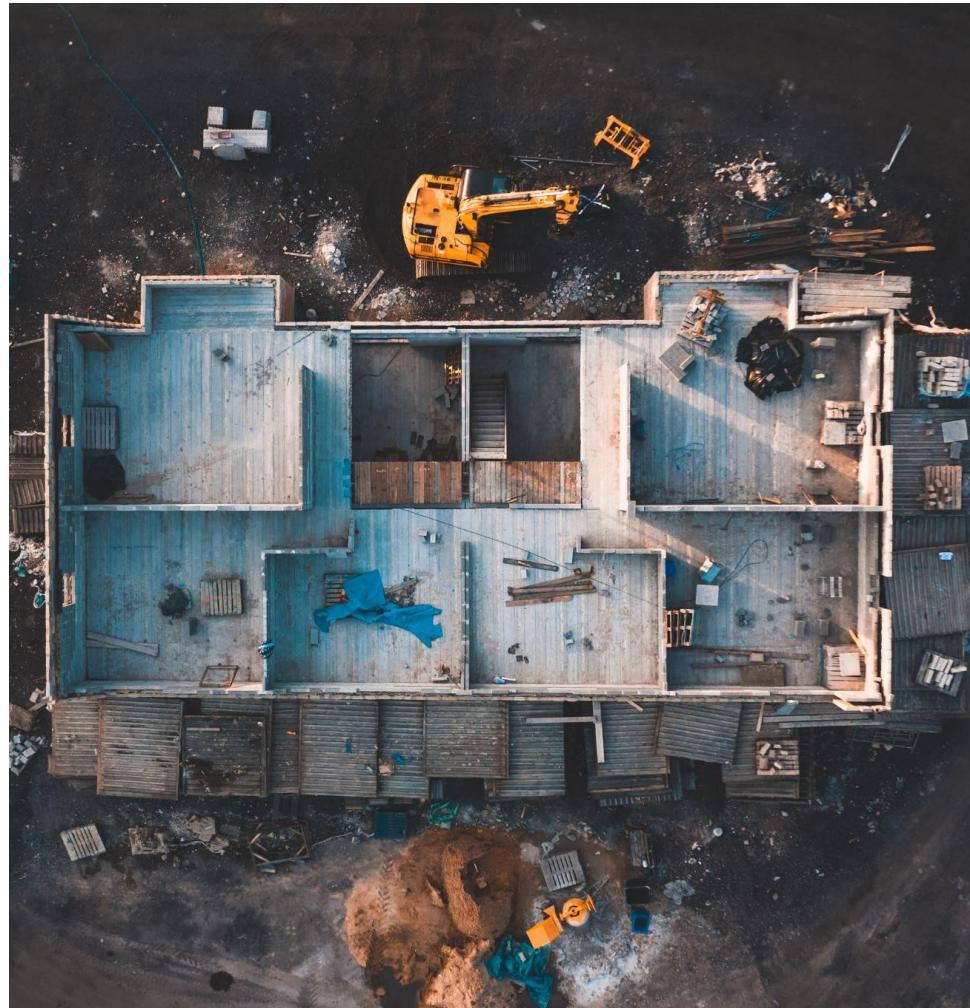
Code Updates (Required by June 2026)

1. Allow reuse of existing buildings for housing.
2. Reduce barriers to adaptive reuse and housing production.
3. Create proportionate impact fees.
4. Implement impact fees for low income and emergency housing.
5. Clarify essential public facilities requirements.
6. Support diverse land uses adjacent to natural resource lands.
7. Clarify Highways of Statewide Significance.
8. Update SEPA processes to support timely housing development.

Reuse of Existing Buildings for Housing

ESHB 1042 as amended HB 1757 (2025)

- Allows reuse of existing commercial, industrial, and institutional buildings for housing.
- Allows up to a 50% density increase in multifamily zones.
- Sets standards for design, energy code, and parking.



Reducing Barriers to Adaptive Reuse and Housing Production

HB 1183 (2025)

- Allows flexibility in setbacks, height, and gross floor area requirements when converting existing buildings to housing or other uses.
- Updates parking and affordable housing size requirements.
- Allows increased density in multifamily zones.
- Limits new design and exterior appearance requirements.



Proportionate Impact Fees

SB 5258 (2023)

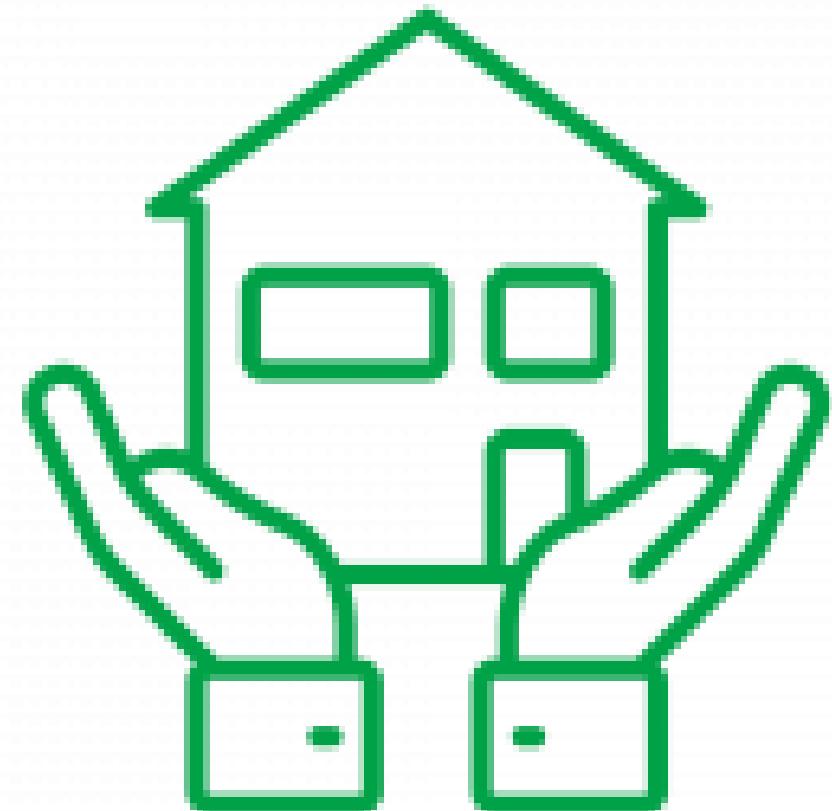
- Updates impact fees so smaller middle housing units pay less than single family units.
- Requires jurisdictions to document the methodology and calculations used to set for impact fees.
- Updates impact fee provisions for low income & emergency housing RCW 82.02.060 (revised 2023).
- Includes reduced impact fees for early learning facilities.



Impact Fees for Low-Income & Emergency Housing

RCW 82.02.060; RCW 82.02.090(1)(b)
(as amended 2023)

- Authorizes impact fee exemptions for low-income housing and emergency housing
- Updates statutory definitions related to eligible housing types
- Allows local jurisdictions to adopt or revise impact fee programs to implement these exemptions



Essential Public Facilities

2E2SSB 5536 (2023)

- Updates definition of Essential Public Facility to include: Opioid treatment programs (OTPs), mobile or fixed-site medication units within OTPs, recovery residences, and harm reduction programs including syringe service programs.
- Requires these facilities follow same permitting process as other essential public facilities.



Use of Lands Adjacent to Natural Resource Lands

RCW 36.70A.060(1)(a); WAC 365-190-040 (as amended 2023)

- Requires local regulations to limit conflicts between development and resource lands
- Encourages buffers, setbacks, and compatible land uses near designated resource areas
- Supports continued viability of working lands while allowing appropriate nearby development



Highways of Statewide Significance



RCW 36.70A.070(6)(a)(iii)(C) (as amended 2025)

- Exempts state highways (e.g., I-5 and other designated routes) from local transportation concurrency requirements
- Clarifies that WSDOT, not cities, is responsible for managing capacity and mobility on these highways
- Prevents development delays caused by local concurrency standards outside local control

SEPA Updates to Support Timely Housing Development

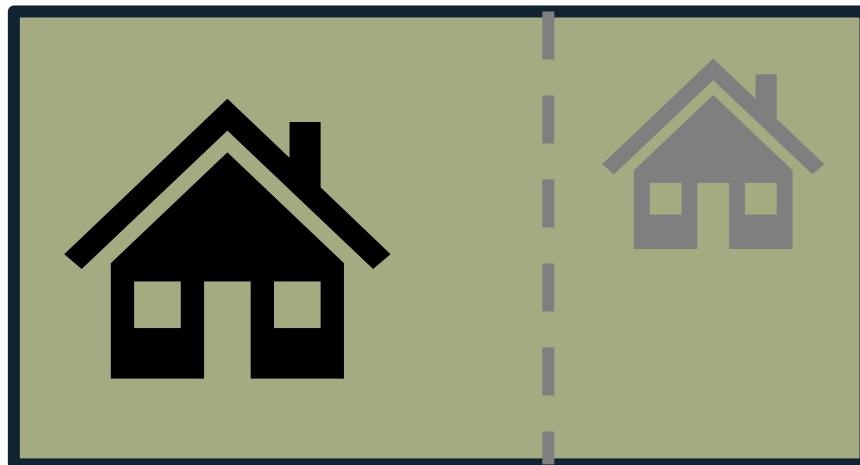
SSB 5818/2SSB 5412 (as amended 2023)

- Authorizes SEPA categorical exemptions for housing in Urban Growth Areas
- Expands exemptions for attached, multifamily, and mixed-use development
- Requires upfront environmental review when adopting higher exemptions
- Maintains SEPA review for projects affecting critical areas



State Required Code Amendments (Not Required by June 2026)

Unit Lot Subdivisions



Childcare Centers



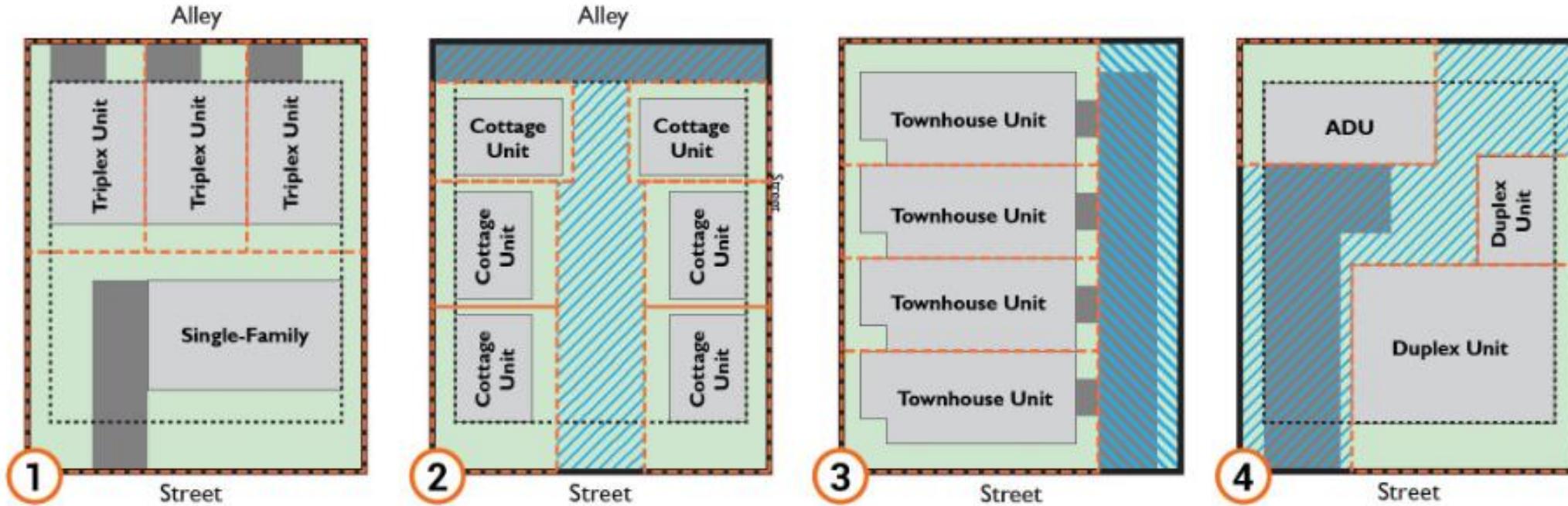
Unit Lot Subdivisions

ESSB 5258 (2023) as amended by
E2SHB 1096 (2025)

- Unit lot subdivisions allow multiple housing units on one property to be divided into individual lots, so each unit can be sold separately (fee simple ownership).
- Must be processed as a short plat.
- Dimensional standards (lot size and width) apply to the parent lot, not the individual lots.
- Required May 20, 2027



Unit Lot Subdivision Examples



- Parent Lot
- Unit Lot
- ▨ Owned in Common
- Parent Lot Setbacks
- Driveway/ Parking

Child Care Centers — Zoning

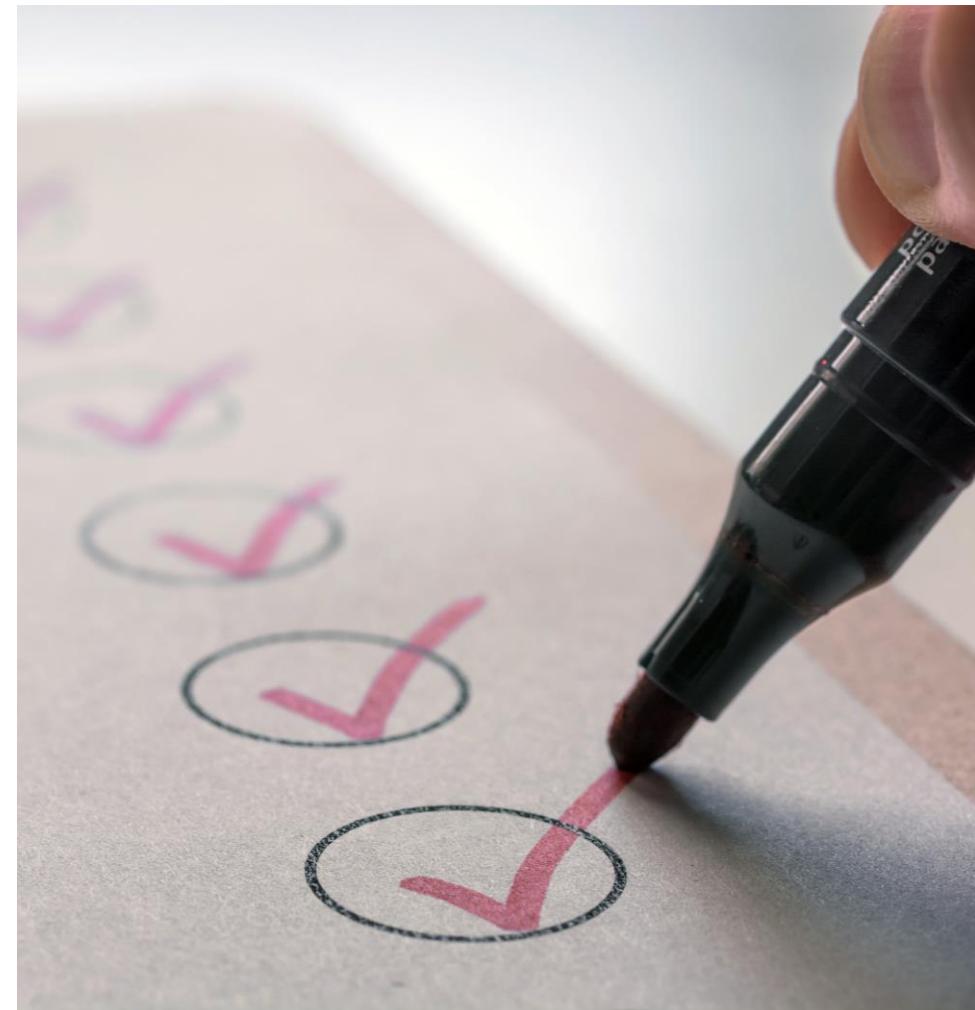
SB 5509 (2025)

- Requires cities to allow child care centers as outright permitted uses in all zones except industrial and light industrial zones
- Requires conditional use approval for on-site child care centers in industrial and light industrial zones (with limited exceptions)
- Allows the conversion of existing buildings for use as child care centers
- Required by July 27, 2027



City-Sponsored Code Updates (No State Deadline)

- Citywide Design Guidelines (Appendix A): update base maps.
- Data Centers
- Battery Energy Storage Systems: add definitions and establish a permit process
- RV/Boat Storage: add definitions
- Impact Fee Study for Bicycle and Pedestrian Facilities (SB 5452 amended RCW 82.02.090)



Review Criteria



Initiated by Planning
Commission or City
Council



Internal and
External Consistency

Next Steps (Anticipated Timelines)

**Jan - March
2026**
Draft Code

April 2026
Internal
Review

May 2026
Planning
Commission
Review

June 2026
City Council
Review and
Adoption

Thank you!

Comments and questions:

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Tumwater, WA 98501
Phone: 360-754-4180
Email: cdd@ci.tumwater.wa.us