



**GENERAL GOVERNMENT COMMITTEE  
MEETING AGENDA**

**Online via Zoom and In Person at  
Tumwater City Hall, Council Conference  
Room, 555 Israel Rd. SW, Tumwater, WA  
98501**

**Wednesday, February 08, 2023  
8:00 AM**

1. Call to Order
2. Roll Call
- [3.](#) Approval of Minutes: General Government Committee, October 12, 2022, November 9, 2022 & January 11, 2023
- [4.](#) Interlocal Agreement Amendment Two with Regional Housing Council (Thurston County, Cities of Lacey, Olympia, Tumwater, and Yelm) for Regional Housing Council Structure (Brad Medrud)
- [5.](#) Urban Forestry Management Plan – Tree and Vegetation Preservation Regulations (Brad Medrud)
- [6.](#) Preliminary Docket for 2023 Comprehensive Plan Amendments (Brad Medrud)
7. Additional Items
8. Adjourn

**Meeting Information**

All committee members will be attending remotely. The public are welcome to attend in person, by telephone or online via Zoom.

**Watch Online**

<https://us02web.zoom.us/j/84814417561?pwd=eWxCdHIUQm5pek53ZGt0U2dzZ2J1QT09>

**Listen by Telephone**

Call (253) 215-8782, listen for the prompts and enter the Webinar ID 848 1441 7561 and Passcode 571669.

**Public Comment**

The public may submit comments by sending an email to [council@ci.tumwater.wa.us](mailto:council@ci.tumwater.wa.us), no later than 5:00 p.m. the day before the meeting. Comments are submitted directly to the Committee members and will not be read individually into the record of the meeting.

**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).

**TUMWATER GENERAL GOVERNMENT COMMITTEE**  
**MINUTES OF VIRTUAL MEETING**  
**October 12, 2022 Page 1**

**CONVENE:** 2:00 p.m.

**PRESENT:** Chair Michael Althaus and Councilmembers Joan Cathey and Leatta Dahlhoff.

Staff: City Administrator John Doan, City Attorney Karen Kirkpatrick, Planning Manager Brad Medrud, and Communications Manager Ann Cook.

**ORDINANCE NO. O2022-003, FINAL DOCKET FOR 2022 COMPREHENSIVE PLAN AMENDMENTS:** Manager Medrud reported the proposed Final Docket for 2022 Comprehensive Plan Amendments include a 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 comprised of three adjacent vacant parcels located to the south of 7223 Littlerock Road SW. The amendment would change the current Comprehensive Plan map designation and zone district of Single Family Medium Density Residential to Multi-Family Medium Density Residential. Manager Medrud displayed a 2019 aerial photo of the properties. The Planning Commission recommended approval of the proposed amendment.

The first proposed text amendment is to review the Comprehensive Plan Housing and Land Use Elements to determine if there are amendments needed to address “neighborhood character.” The Planning Commission recommended no amendments and deferring the review as part of the larger 2022-25 review and update of the Comprehensive Plan.

Councilmember Cathey asked about the intent of the description of “neighborhood character.” Manager Medrud said the Commission identified a number of instances in the Comprehensive Plan where terminology often focuses on protecting and preserving existing neighborhoods above the requirements of the Comprehensive Plan and other City plans promoting affordable housing, etc. Some language speaks to “residential stability” and other similar terms that can often be interpreted to reflect a desire for no new changes to an existing neighborhood’s character today. The proposed review is from the perspective of considering language that incorporates other elements of need rather than language that tends to restrict existing conditions permanently.

Councilmember Cathey commented that her concern surrounds City goals on climate change, tree canopy, and the environmental stability of Tumwater that are often interpreted as causing some damage to neighborhoods in the City. Manager Medrud said the review of

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“neighborhood character” and similar language in the Comprehensive Plan would not negatively affect the City’s efforts as identified in the Climate Mitigation Plan or the Urban Forestry Management Plan. The community evolves over time in different forms and shapes. Obviously, there are some elements that should be preserved throughout the City to ensure the type and level of development in some residential areas are appropriate to ensure against development of excessive density not intended for particular areas of the City. The Council’s action on affordable housing text amendments envisions some level of gradual change, which speaks to the purpose of reviewing the language through that lens.

Manager Medrud reported the second text amendment is a review of Comprehensive Plan Conservation and Land Use Elements to determine if there are amendments needed to address any updates to greenhouse gas emissions targets. The Planning Commission reviewed and recommended no amendments to address the requirements of HB 2311 in 2022 and deferring the review as part of the larger 2022-25 review and update of the Comprehensive Plan that addresses climate change because the targets established by the state versus the targets adopted as part of the Thurston Climate Mitigation Plan are different. It is important that any adjustment to City targets adopted in 2021 match the Thurston Climate Mitigation Plan adopted through a regional effort.

Chair Althausen cited his previous communication last spring with staff to create an element within the Comprehensive Plan for climate change and sustainability. Proposed legislation last year in House Bill 1099 included requirements for municipalities to establish a stand-alone element on climate change and conservation within comprehensive plans. He asked whether that effort could be considered during the larger review of the Comprehensive Plan.

Manager Medrud provided information on the status of the update from 2022 through 2025 of the Comprehensive Plan. The Legislature had considered a number of changes to requirements for comprehensive plans. The City will need to address many elements as part of the housing element related to affordable housing. There was also consideration for a climate mitigation element within comprehensive plans. However, the Legislature did not pass legislation. The City has the option to consider adding an element; however, funding resources are not available. Instead, staff is developing a work program for the update to include meeting with City departments, as well as briefings to the Planning Commission. The proposal would incorporate climate mitigation throughout the Comprehensive Plan rather than developing a separate element. It is important not to isolate climate mitigation within its own element as the City has established the direction based on the Climate Mitigation Plan, which should be incorporated within all

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discussions on land use, housing, transportation, and parks, etc., to ensure all connections are identified. A similar process will be undertaken for the Comprehensive Plan update to address equity issues to ensure all plan elements are reflective of equity rather than confining equity to only one element.

The Council is scheduled to review the proposed 2023 work program in December during a joint worksession with the Planning Commission.

The proposed Essential Public Facilities Amendments requires a review of the Comprehensive Plan Land Use Element to determine if there are amendments needed to address essential public facilities, including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; and recovery house facilities. The proposal was prompted by an existing use in the City seeking to expand. There are some issues associated with underlying zoning and how essential public facilities are addressed in that particular situation. The Planning Commission reviewed and recommended no amendments to address essential public facilities in 2022 and deferring the review as part of the larger 2022-25 review and update of the Comprehensive Plan. It was recognized that addressing the options would require a more extensive public engagement process. Staff resources limits that review this year, which is why the review has been deferred to the larger and extensive review of the Comprehensive Plan.

Councilmember Dahlhoff asked whether the delay in the review would affect the proposed project as she often receives negative feedback from constituents about bureaucratic delays caused by City development processes. Manager Medrud said the larger concern was adopting a change without proper outreach that results in a change that might only benefit one party. He noted that the issues rolled forward as part of the larger Comprehensive Plan update would be part of the larger discussion for the work program in December. Because of the number of issues identified for inclusion in the larger update process, those issues have not been prioritized at this point. The update will enable a review of all issues concurrently. At the end of the update process, staff will propose multiple amendments to the Comprehensive Plan to address all issues.

Councilmember Cathey conveyed concerns about continually delaying issues, such as what occurred with tree protection. She offered that at the December meeting, some suggestions might be offered about possibility moving issues forward in the work program to address sooner rather than later.

Chair Althausen cited legislation adopted in 2021 adding a type of juvenile rehabilitation facility identified as “community facilities.” Those facilities were defined as essential public facilities in the

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legislation. Manager Medrud affirmed staff utilizes a checklist provided by the Department of Commerce on all recent legislation, as well as a checklist from the Department of Ecology for environmental changes. The checklist encompasses both required updates in comprehensive plans and development regulations.

The last City sponsored map amendment and associated rezone is for property located at 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW Parcel Numbers for a portion of vacant property currently zoned Single Family Medium Density Residential to Multifamily High Density Residential. The proposal is applicable to a piece of vacant land located at the end of Dennis Street. Previously, the subject area was affected by the construction of Interstate 5 when right-of-way was relocated affecting the subject property. The subject property has been landscaped as part of recently completed multi-family development project. The owner was notified of the proposed action by the City. The owner has not responded to those contacts.

Following a public hearing on the proposed amendments, the Planning Commission recommended the City Council approve the two proposed Comprehensive Plan map amendments and corresponding rezones by Ordinance No. O2022-003 and defer the three text amendments to the larger 10-year update of the Comprehensive Plan. Staff recommends the committee consider forwarding a recommendation for consideration to the City Council during its November 15, 2022 meeting.

Chair Althausen inquired as to whether staff received any public comments on the proposed Wells Littlerock Comprehensive Plan Land Use Map Amendment and Corresponding Rezone. Manager Medrud advised that only one comment was received from a neighbor across the street from the subject property, who owns a commercial property. The owner requested updates on any actions by the City. Staff notified and added the owner's name to the City's mailing list pertaining to any actions affecting the property.

Councilmember Dahlhoff shared that three of her neighbors have commented on the City's growth and population and how the City is addressing infrastructure needs. The proximity of the subject property with surrounding residential density speaks to the lack of sidewalks on many of county roads in that area of the City. She has received comments conveying concerns about the increase of density so quickly and the inability for roads and infrastructure to keep pace. Manager Medrud explained that all projects submitted to the City must meet the City's standards and level of service for transportation, as well as providing adequate water, sewer, and parks. All improvements, including improvements to Littlerock Road include sidewalks and

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transportation improvements as dictated by the requirements generated by the proposed development.

Councilmember Dahlhoff said the issue speaks to rural areas of the City lacking street infrastructure, yet density continues to increase in those areas resulting in gaps in sidewalks and other street standards. Manager Medrud replied that issues associated with existing sidewalks that are not necessarily in the immediate adjacency to a project are a continuing issue facing the City. Staff has discussed with the Transportation Manager other similar issues as part of the Transportation Plan review during the update of the Comprehensive Plan. Staff is reviewing the possibility of conducting a sidewalk connectivity study to assist in identifying gaps in the sidewalk system.

Councilmember Dahlhoff recommended staff consider overlapping sidewalk study maps with maps developed by Director Smith identifying areas for future conversion to City water and sewer.

Councilmember Cathey inquired about the proposed development plans for the parcels. Manager Medrud advised that the City has not received any development proposals for the subject parcels at this time. The type of development is dictated by zoning and other City regulations.

**MOTION:**

**Chair Althaus moved, seconded by Councilmember Dahlhoff, to recommend the City Council approve Ordinance No. O2022-003, Final Docket for 2022 Comprehensive Plan Amendments as presented by staff and include them on the November 15, 2022 City Council consent calendar for the Council's consideration. Motion carried unanimously.**

**ORDINANCE O2022-010 -  
TUMWATER HOUSING  
ACTION PLAN –  
UNFAIR HOUSING  
PRACTICES:**

**&**

**ORDINANCE O2022-012 -  
TUMWATER HOUSING  
ACTION PLAN –  
RENTAL HOUSING  
CODE:**

Manager Medrud provided some history on the two proposed ordinances. Following the Council's adoption of a resolution in 2018, staff embarked on a review of measures to support renters accessing housing and remaining housed. In 2021, the City Council adopted the Housing Action Plan, which included tenant protection actions. Since then, staff integrated both actions and presented the proposal to the General Government Committee in January and February 2022. The City Council subsequently prioritized a list of actions at a March 2022 meeting to include the two ordinances to address tenant protections.

During the development of the two ordinances, staff reviewed current tenant protections contained in Tumwater Municipal Code (TMC) Chapter 5.70 on fair housing practices in Tumwater, state requirements under the Residential Landmark Tenant Act, changes the Legislature has made to the Residential Landlord Tenant Act since 2018, and a review of actions by other jurisdictions of similar size and makeup to address tenant protections.

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Ordinance Nos. O2022-010 Unfair Housing Practices contains minor amendments to TMC 5.70 Unfair Housing Practices, while Ordinance No. O2022-012 Rental Housing Code adds a new chapter entitled Chapter 5.75 Rental Housing Code.

Following discussion during a Council worksession on March 22, 2022, staff was directed to prepare three priority items for further consideration:

- 1) Two ordinances to address tenant protections in Title 5 Business Taxes, Licenses and Regulations
- 2) An ordinance to establish a rental registration program in Title 5 Business Taxes, Licenses and Regulations to communicate with tenants and landlords about rental regulations and to consider using the program in the future for regular inspections of rental units
- 3) A scope for a contract with the Dispute Resolution Center for tenant and landlord conflict resolution services.

Manager Medrud reviewed a series of measures and addressed questions from the committee:

1. Measure 2: Require landlords to distribute certain housing related information, including rights and responsibilities to tenants. A new section, Chapter 5.70, requires landlords to distribute summaries of state and local fair housing laws and resources, and requires the City to create a City website for housing-related information.
2. Measure 3: Require deposits as well as recurring and one-time fees are included in written agreements. New section Chapter 5.70 requires written rental agreements include recurring fees that are not deposited and clearly specify recurring and non-refundable fees. A penalty has been included if the provision is not followed.
3. Measure 4: Make landlord failure to comply a renter defense to eviction and the landlord subject to liability and penalties. *The committee commented on the need to improve clarity of the intent.*
4. Measure 5: Prohibit waiving of city requirements. The rental agreement cannot waive any right, benefit, or entitlement created by the Chapter. The rental agreement is considered voided with no lawful affect or force if the landlord does so.
5. Measure 7: Require notification a set number of days prior to eviction due and of no-cause eviction. Except under certain circumstances, state law requires a 60-day notification to tenants. *Chair Althausen commented that 60 days is likely a challenging timeframe for people to locate a new housing unit that is*



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*affordable and available. Councilmembers Cathey and Dahlhoff supported including a 90-day notification requirement. Discussion ensued on various scenarios, and reasons and justifications when the requirement would not apply. Chair Althausen noted the provision is applicable for termination of a month-to-month agreement and is different than a landlord eviction of a tenant for other reasons, such as non-payment.*

6. Measure 8: Require notification a set number of days prior to any rent increase. Proposed language is based on City of Olympia language:
  1. A landlord is required to provide a minimum of one hundred and twenty (120) days prior written notice whenever the periodic or monthly housing costs to be charged a tenant will increase by more than five (5) percent of the rent over the periodic or monthly rental rate charged the same tenant for the same housing unit, unless the fixed lease agreement includes agreed-upon rent increases during the term of the tenancy or agreement.
  2. A landlord is required to provide a minimum of one hundred and eighty (180) days prior written notice whenever the periodic or monthly housing costs to be charged a tenant will increase by more than ten (10) percent of the rent over the periodic or monthly rental rate charged the same tenant for the same housing unit, unless the fixed lease agreement includes agreed-upon rent increases during the term of the tenancy or agreement.
  3. Pursuant to RCW 59.18.140, if the rental agreement governs a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, a landlord shall provide a minimum of thirty (30) days prior written notice of an increase in the amount of rent to each affected tenant.
  4. Any notice of a rent increase required by this section must be served in accordance with RCW 59.12.040. *Chair Althausen commented on the importance of adopting similar protections as the City of Olympia as many neighborhoods share different city boundaries.*

Manager Medrud advised that the next step is a Council worksession on November 22, 2022 for both ordinances with the ordinances scheduled for consideration at the Council meeting on December 6, 2022.

**MOTION:**

**Councilmember Dahlhoff moved, seconded by Councilmember Cathey, to move Ordinance No. O2022-010 Unfair Housing Practices with the proposed change to 90 days (as discussed) to the Council worksession on November 22, 2022 with a recommendation**

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**for approval from the General Government Committee. Motion carried unanimously.**

**MOTION:**

**Chair Althausser moved, seconded by Councilmember Cathey, to move Ordinance No. O2022-012 Tumwater Action Plan and Rental Housing Code to the Council worksession on November 22, 2022 with a recommendation for approval from the General Government Committee. Motion carried unanimously.**

**ORDINANCE NO. O2022-023, SUSPENDING ANNUAL COMPREHENSIVE PLAN AMENDMENTS:**

Manager Medrud reported the proposed ordinance suspends the acceptance of private applications for the annual Comprehensive Plan Amendment process. Typically, applications are for map amendments. Staff is requesting the suspension of the annual amendment process to enable staff to focus on the 10-year update process for the Comprehensive Plan. Private applications typically due on the first Monday in December, which would be suspended in 2023 and 2024; however, staff proposes some annual amendments for next year because of the Capital Facilities Plan two-year update cycle. All local jurisdictions are adhering to the same major update schedule. The City of Olympia suspended its annual amendment process as well.

**MOTION:**

**Councilmember Cathey moved, seconded by Councilmember Dahlhoff, to recommend the City Council consider and approve Ordinance No. O2022-023 at its October 18, 2022 meeting. Motion carried unanimously.**

**CITY LOGO:**

City Administrator Doan prefaced the briefing by explaining that the City's logo has existed for many years and during the course of work on equity issues and evaluating the history and story of the City along with unsolicited feedback from numerous new employees questioning how the current logo aligns with the City's beliefs, mission, and vision, staff initiated some preliminary conversations on updating the logo. Those discussions have benefitted from Manager Cook's experience working on logos and branding for other organizations.

Manager Cook described the principles of branding as an experience of the sum of all sensations, thoughts, feelings, and reactions individuals have in response to a brand. It is the lasting impression that remains after someone encounters or engages with a brand in any environment.

Manager Cook shared examples of other logos and asked for feedback on the committee's perception of each logo. Placemaking is a process of differentiating the City from other cities and emphasizing the City's assets, icons, and its historic past. She shared the new logo of the Olympia Tumwater Foundation reflecting a similar shift in design that is occurring with many other logos.

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The committee offered input on City icons and what the City is known for:

- Green spaces
- Water
- Salmon
- Tumwater Falls
- River

Because many of the icons are reflective of other cities, Manager Cook emphasized the importance of ensuring the logo differentiates Tumwater from other cities and logos. Options includes eliminating all icons and taking a time-out to develop a logo type, exploring some examples/concepts and considering the brewtower as the architectural motif representing the City's heritage, future, Tumwater Craft, and the Craft District, or considering different colors and shapes that are not definitive.

Manager Cook shared a logo concept incorporating trees, the brewtower, and the river. Members offered feedback on concept:

- Logo should exclude the brewtower because it is not reflective of what the City is today in terms of community, families, and nature.
- Reduce size and placement of brewtower and enhance the river.
- Logo should be reflective of the prominence of the river as the river serves as the instigator of many historic uses in the City. The brewtower is important as it symbolizes some of the future the City is pursuing through placemaking, Craft District, and other economic development efforts.
- Councilmember Cathey noted the other logo examples do not feature buildings but focus on the setting.

Manager Cook requested feedback on a concept to be presented to the Council to initiate a discussion. Councilmember Dahlhoff suggested removing one of the buildings, reducing the size of the remaining building, and enhancing the size of the river. Councilmember Cathey said the brewtower should be less prominent with water and trees included. Chair Althausen supported recommendations offered by Councilmember Dahlhoff.

Manager Cook displayed and described the City of Olympia's modern logo featuring the Capitol Dome.

Other suggestions for the draft concept included the architectural icon, the river, trees, and colors.

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**ADJOURNMENT:**                      **With there being no further business, Chair Althausser adjourned the meeting at 3:53 p.m.**

Prepared by Valerie L. Gow, Recording Secretary/President  
Puget Sound Meeting Services, [psmsoly@earthlink.net](mailto:psmsoly@earthlink.net)

**TUMWATER GENERAL GOVERNMENT COMMITTEE  
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**CONVENE:** 2:00 p.m.

**PRESENT:** Chair Michael Althausser and Councilmembers Joan Cathey and Leatta Dahlhoff.

Staff: City Attorney Karen Kirkpatrick, Parks and Recreation Director Chuck Denney, and Planning Manager Brad Medrud.

**APPROVAL OF MINUTES:  
SEPTEMBER 14, 2022:**

**MOTION:** Councilmember Cathey moved, seconded by Councilmember Dahlhoff, to approve the General Government Committee meeting minutes of September 14, 2022 as published. A voice vote approved the motion unanimously.

**RESOLUTION NO. R2022-013 – TUMWATER COWLITZ TRAIL:**

Director Denney reported the Historic Preservation Commission forwarded the proposed resolution to the committee with a request for approval to forward the proposed resolution to the City Council for consideration. The resolution speaks to the National Park Service recognizing the end of the Oregon Trail as Oregon City, Oregon. However, based on extensive research, the trail actually extends in many directions, one of which terminates at Brewery Park at Tumwater Falls. The intent of the resolution is to begin a process seeking recognition of the importance of that trail segment to the region and to Tumwater specifically.

Director Denney introduced Dave Nicandri, former Tumwater Councilmember and current member of the Tumwater Historic Preservation Commission.

Mr. Nicandri thanked the committee for considering the resolution. Mr. Nicandri reviewed sections within the resolution outlining the history of the Tumwater community to create the foundation for the request. The Oregon Trail is one of many national historic trails generally recognizable by trail users throughout the country. Historically designated trails feature the National Park Service logo on signage.

Mr. Nicandri commented that it has been generally conceded that the Oregon Trail ended at Oregon City, Oregon, although he believes the designation was at the fault of the historiography of the Oregon Trail designating a single ending point, when in fact, there were many ends to the trail to include the Willamette Valley in Oregon and in Washington.

The proposed resolution includes information on the procedural element. The National Park Service often studies the prospect of

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recommending additions to the National Historic Trail System. Mr. Nicandri said he was personally associated with the extension of the Lewis and Clark National Historic Trail to include locations on the Washington side of the Columbia River. The previous consensus designated the end of the Lewis and Clark Trail at Fort Clatsop. For those who advocated for inclusion of sites in Washington, the actual end of the Lewis and Clark Trail was in Washington near the mouth of the Columbia River. Fort Clatsop was the first stop on the trail when traveling to reach the beginning of the trail.

The process for designating other locations involves an extensive feasibility study process under the National Park Service. In 2020, a Department of the Interior MPS Study formally adopted a study element for including many new segments to the Oregon National Historic Trail including the Cowlitz Trail segment that served as the original trail used by American Colonial settlers traveling from the lower Columbia lowlands to the Puget Sound lowlands as identified in paragraphs 1, 2 and 3 within the proposed resolution.

A planning process dynamic at play within the Department of the Interior - National Park Service is the political element because Congress serves as the default decision-maker, which speaks to the need for external efforts to move requests forward. It is within that context that recognizing the Cowlitz Trail segment is an important first step that is supported by the Tumwater City Council, by the region's local legislative delegation, the Washington State Legislature, and the region's congressional delegation to create an environment whereas the Department of the Interior would consider and advocate for the request and move it forward to Congress.

Mr. Nicandri added that the resolution as revised by the City Attorney speaks inherently to the diverse nature of the community's original colonial party that traveled along the trail (George Bush & family). It could be argued that the request represents an aspect of diversity, equity, and inclusion that could apply above and beyond any other segment. Additionally, should the trail segment be adopted by Congress, the Washington State Department of Transportation to include local transportation departments would be able to install signage along Old Highway 99 with National Park Service trail signage up to and including the Brewery Park at Tumwater Falls.

Mr. Nicandri pointed out that another consideration should the designation of Brewery Park at Tumwater Falls be recognized as the terminus of the trail is the historic location the trail traversed in the south area of Tumwater known as the Bush homestead, part of which the City Council has acquired for a future new Public Works Operations and Maintenance facility. He understands there has been some

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opposition to the proposed facility by the surrounding neighborhood because of traffic and heavy equipment. The City could consider adding some Bush family history and Oregon Trail history within the site to help mitigate neighborhood concerns surrounding the new facility.

Mr. Nicandri urged the committee to approve and forward the proposed resolution to the City Council for consideration and approval.

Councilmember Dahlhoff questioned whether the history surrounding the trail includes the Squaxin Island Tribe as the designated name of seven bands of indigenous people who lived along the river and inlets of the Salish Sea for thousands of years. The resolution speaks to Tumwater originally known as New Market. She suggested revising the language to recognize indigenous people who lived in the area. Mr. Nicandri said the addition could be accommodated and he would encourage the inclusion. However, within the resolution, some revisions would be difficult in several “Whereas” sections as the recommendation speak to settlers arriving at a location that was already settled by indigenous people.

Discussion ensued on the location of the Bush homestead and whether it encompassed both the Oregon Trail and the Trails End property purchased by the City. Mr. Nicandri explained that the issue is closely aligned with another of his projects for recognition by the City of historic Highway 99. The original trail to Tumwater had been identified by General Land Office surveyors in the early 1850s to create a public domain for the purpose of subdividing donation and settler land claims from the larger grant of land the tribes granted in the Medicine Creek and other treaties. The survey noted the trail from Cowlitz Landing terminated at the Brewery Park at Tumwater Falls, which is also the location of the federal designation of the Pacific Coast Highway in the state of Washington. The route transverses along Highway 99 as well. The Oregon Trail is nearly the same footprint as Highway 99 from the south end of Tumwater to the area near Brewery City Pizza in Tumwater. The exact location of the trail was altered with the construction of the freeway, as the original trail was located along the width of the freeway where it crisscrossed and ended at Brewery Park at Tumwater Falls. The Bush donation land claim was possible because of the treaty at Medicine Creek in the 1850s.

**MOTION:**

**Councilmember Dahlhoff moved, seconded by Councilmember Cathey, to move Resolution No. R2022-013 to the City Council for its consideration with the inclusion of the Squaxin Island Tribes within the language at the beginning of the resolution and in the section that speaks to the trail with a recommendation for adoption.**

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In response to a question requesting clarification of the Trails End property location with respect to the Oregon Trail, Mr. Nicandri said he offered the information as an important element if the trail segment is recognized. He is uncertain if the Trails End property was included within the Bush donation land claim. It is likely public works staff could establish the location. However, the comments were not intended to be central to the resolution but offered for community context only.

Director Denney offered to forward the Bush land claim map to the committee.

**MOTION:**

**A voice vote approved the motion unanimously.**

**2022-25**  
**COMPREHENSIVE PLAN**  
**PERIODIC UPDATE**  
**PROCESS WORK**  
**PROGRAM:**

Manager Medrud reported the City is required to conduct a Growth Management Act periodic update of its Comprehensive Plan and related development regulations. For the current cycle, the City is required to complete work on the periodic update by June 30, 2025. The Comprehensive Plan guides all development within the City.

The updated Comprehensive Plan will include shorter individual Elements and Plans with appendices that contain the required technical information. The updated Comprehensive Plan will address diversity, equity, and inclusion throughout the Plan and incorporate climate mitigation, adaptation, and sustainability goals and actions in all Elements and Plans. The update process will also create a brief Comprehensive Plan goal and policy guide for use by staff and policymakers.

Councilmember Dahlhoff asked about the possibility of tracking whether the changes to the document are impactful for both the community and the City. Manager Medrud recommended including a discussion during the update process of what should be included in the documented to measure success or establishing checkpoints to measure progress.

Manager Medrud said the update will span more than two years to complete. A review with the Mayor on the work program has not occurred at this time. A meeting is scheduled with the Mayor at the end of the month to receive input. Additionally all City departments and the Planning Commission have provided input on the work program and will be involved in the update process.

Manager Medrud outlined the scope of the work program:

- Schedule
- Stakeholders – a incomplete list was developed from a variety of sources, which will be expanded



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- Media – Social Media, Utility Inserts, Interested Parties e-mail listserv for periodic update, E-Newsletter, Webpage, Public Survey, Policy Talks with various community groups, Articles, and Citizen's Guide
- Process and Scope of the Update:
  - Council Strategic Priorities – updated annually by City Council
  - Community Engagement - periodic update community outreach, Community Engagement Plan (draft anticipated by February 2023), and timeline for each phase of the update
  - Gap Analysis – review of current policies and goals to identify potential overlaps
  - During the update, consultant assistance is anticipated to support the review of the Transportation Plan and an update to the Economic Development Plan
  - Ongoing regional coordination
  - Phase 2 – Plan development estimated to start at the end of summer 2023 and throughout spring 2024
  - Phase 3- legislative process – amendment cycle, formal adoption process

Manager Medrud reported that for regular annual Comprehensive Plan Amendments, staff proposes suspending submission of private applications until the update process is completed; however, if an applicant wants to submit a private amendment or map or text amendment, staff will include those amendments within the discussions during the update process. Some required updates initiated by the City will be processed, such as the adoption of the Capital Facilities Plan update and the Old Highway 99 Corridor Study for inclusion in the Comprehensive Plan.

The state requires the City to update the development code in conjunction with the Comprehensive Plan update to ensure the City meets all state requirements. The review of the development code is scheduled to begin 2024/2025 following initial completion of work on the Comprehensive Plan. The deadline for updates to the development code is the same as the Comprehensive Plan.

To accomplish the tasks, additional resources will be required within the Community Development Department of approximately 75% of an FTE to devote to the update. Currently, resources are limited and the department is actively seeking additional resources. Additional support is anticipated from the City's Economic Development Manager, a consultant, Communications Department staff, Transportation and Engineering staff to include the GIS team to support the update with mapping and data analysis, and the Water Resources and the

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Sustainability Department for support on water, sewer, stormwater, and climate mitigation.

The State Legislature considered an option of requiring a separate Climate Mitigation Element within the Comprehensive Plan. The proposal was not adopted; however, staff supports incorporating climate mitigation into each element of the plan rather than including a separate element on climate mitigation.

Manager Medrud reported the Department of Commerce is providing \$125,000 to the City to complete the update of the plan; however, the funding does not cover an update to the Parks, Recreation, and Open Space Plan. Staff discussed whether to include an update to that plan and determined that since the Parks and Recreation Department is working on a series of projects to include major work on the new community center, an update could be delayed until after completion of the plan update.

Manager Medrud referred members to other resources for information on the update process to include the websites of the Department of Commerce and Puget Sound Regional Council in Seattle.

Councilmember Dahlhoff recommended adding more updates to the Council throughout the update process to avoid any unintended consequences, as well as incorporating more touch points with the Planning Commission throughout the process. Additionally, publishing a timeline on the status of the process would be helpful to enable anyone to track the status of efforts.

Councilmember Cathey commented on the public's lack of understanding or hesitancy surrounding a "comprehensive plan." She recommended explaining to the public the different elements contained within the plan of which some may be of interest or affect them personally. Manager Medrud replied that he has engaged in conversations with other planners from surrounding cities and Thurston County on different way of communicating with the public the requirement for updating the plan, as well as explaining what is entailed in a Comprehensive Plan, why it is important, and how it might affect the community.

Councilmember Cathey commented on the need for the reviews by both the Council and the public to be in smaller portions to increase the effectiveness of communicating to the public to receive feedback.

Chair Althaus said he has conversed with Manager Medrud over the last several months on the process for incorporating climate change, environmental, and sustainability elements within the plan. Rather than

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producing a stand-alone element, incorporating the information into the other elements is a better option moving forward as climate and the environment touches all aspects of development. In terms of overarching priorities, the plan could be improved by ensuring the priorities are appropriately included in the plan.

**CONTRACT APPROVAL  
FOR AN 8-YEAR  
MULTIFAMILY TAX  
EXEMPTION FOR THE  
350 NORTH STREET  
APARTMENTS (TUM-22-  
1338):**

**&**

**CONTRACT APPROVAL  
FOR AN 8-YEAR  
MULTIFAMILY TAX  
EXEMPTION FOR THE  
CRAFT DISTRICT  
APARTMENTS (TUM22-  
1393):**

Manager Medrud reported the Council adopted the Multifamily Housing Tax Exemption program in 2017 to stimulate desired housing development within key areas of the City, such as the Brewery District and Capitol Boulevard Corridor. In 2019, the Council approved expanding the 12-Year Multifamily Housing Tax Exemption program to the Town Center and Littlerock Subarea areas to encourage the development of permanent affordable housing as part of the 2019 Housing Affordability Work Plans. The program includes both an 8-year exemption for providing multifamily housing in the designated areas and a 12-year exemption for development providing a minimum of 20% of units designated for low or moderate-income households.

Both applications are for the 8-year multifamily tax exemption program. The first application is for the 350 North Street Apartments located within the Brewery District Subarea. The second application is for the 95-unit Craft District Apartments in the Brewery District Subarea. Staff reviewed both applications and deemed both applications as complete.

As part of the multifamily tax exemption process, the City Council reviews and considers whether to approve the contracts. The request to the committee is a recommendation to the City Council to review and consider the applications during a worksession. The applicant is required to file a complete conditional certificate application with the City, an application submitted concurrently with the development application for either a site development permit or a building permit. The conditional certificate serves essentially as an approval indicating the City agrees the project should receive the tax credit, provided the applicant completes required steps and the project is completed to meet the terms of the contract.

Following a review of the applications for the conditional certificates to ensure the applications are complete and meet all conditions, the Community Development Director issues an approval for the conditional certificate. The Council considers the contract with the City stipulating the applicant agrees to complete the development as outlined in the contract. Following Council approval of the contract, the contract is valid for three years to enable the applicant to complete the project during that period or file an extension. Upon completion of the improvements, the applicant files for a final certificate application for administrative review and approval by the Community Development

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Director. The certificate of tax exemption is then filed with the Thurston County Assessor's Office. The process then proceeds to the annual review and reporting phase. The City is required to file a report to the Department of Commerce on the status of each active contract.

Manager Medrud outlined the location of both developments.

Manager Medrud requested the committee forward both contracts for discussion at the November 22, 2022 City Council worksession.

Chair Althausen questioned whether the requirement for the City Council to approve each contract is a City or state requirement as the City established the process. He asked about the possibility of the Hearing Examiner considering each contract to render a decision on whether the contract meets all requirements to receive approval.

City Attorney Kirkpatrick advised that based on the state statute, the applicant is required to execute a contract with the City as approved by the City Council. Potentially, the Council could approve a standard contract and delegate the authority to staff as long as it meets the requirements within the contract. However, the practice to date has included presenting each contract to the Council for approval. It is possible for the Council to discuss a change in the process.

Chair Althausen noted that both contracts would affect future revenue streams for the City. He asked how the lack of revenue is considered during the budget process for the next biennium.

Manager Medrud said he discussed the issue with Director Niemeyer earlier in the day and would provide additional information at the worksession on November 22, 2022.

Councilmember Cathey commented that she did not support establishing the programs because of how the programs favor developers and do not provide sufficient benefits to tenants. A constituent recently questioned the City's impending budget gap while the Council supports providing the development community a tax exemption for eight years with no benefits to tenants. She questioned the validity of the monitoring and recording process and cited an example of the displacement of tenants whose apartments were demolished and replaced by a new apartment complex. She questioned the accuracy of the monitoring program to ensure adherence to all requirements. She plans to vote against the proposals, as the City should not sacrifice its tax base even though the program may create more housing.

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Councilmember Dahlhoff remarked that although she does not disagree with those sentiments, she also considers the initial intent of the programs that could shift, adapt, or change, as well as encouraging different types of housing. As a former member of the Planning Commission she recalls the conversations surrounding the tipping point for the Brewery District, Capitol Boulevard Corridor, New Market, and Littlerock Road areas. She supports pursuing different options to ensure opportunities exist to attract development of other types of housing. At this point, the programs are the best solution for attracting housing to those areas, which will attract business and perhaps other opportunities, as well as additional revenue to help offset any loss in revenue.

Chair Althausen said his perspective is similar. The issue is spurring redevelopment in the Brewery District. One of the desired primary outcomes is a large population base living within walking distance to services and amenities. The Brewery District includes properties that could support increased housing density. If the Brewery District had redeveloped and the City achieved some of its density goals, his position might be different with respect to the programs in those specific areas. He views the programs as a tool the City has that serves as an economic development purpose and helps to diversify the housing base.

Councilmember Cathey noted that based on the design of the North Street proposal, the parking area for the apartments faces an existing neighborhood rather than the area of commercial properties. The Craft District proposal of 95 units off Capitol Boulevard would likely require the removal of another 95 trees from an area that is one of the last remaining forested areas along Capitol Boulevard. She questioned the practice of affording tax breaks and enabling the developer to destroy the environment in the hope of prompting development rather than waiting for redevelopment to occur. Her concern surrounds the lack of consideration for the environment.

Manager Medrud explained that the proposed actions are to refer the proposed contracts to the City Council worksession on November 22, 2022 if further discussion is preferred, or to the December 6, 2022 Council meeting for consideration.

**MOTION:**

**Councilmember Dahlhoff moved, seconded by Chair Althausen, to refer Contract Approval for an 8-Year Multifamily Tax Exemption for the 350 North Street Apartments (TUM-22-1338) to the City Council worksession on November 22, 2022 for further review and discussion. A voice vote approved the motion unanimously.**

**MOTION:**

**Councilmember Dahlhoff moved, seconded by Chair Althausen, to refer Contract Approval for an 8-Year Multifamily Tax Exemption for the Craft District Apartments (TUM22-1393) to the City**

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**Council worksession on November 22, 2022 for further review and discussion. A voice vote approved the motion unanimously.**

**ADJOURNMENT: With there being no further business, Chair Althausen adjourned the meeting at 3:26 p.m.**

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

**TUMWATER GENERAL GOVERNMENT COMMITTEE**  
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**CONVENE:** 2:00 p.m.

**PRESENT:** Chair Michael Althaus and Councilmembers Joan Cathey and Leatta Dahlhoff.

Staff: City Attorney Karen Kirkpatrick and Planning Manager Brad Medrud.

**GENERAL GOVERNMENT COMMITTEE MEETING TIME:** The committee discussed the committee's monthly meeting time and date. The committee supported changing the meeting time to 8 a.m. in alignment with meeting times of other Council committees.

**MOTION:** **Councilmember Dahlhoff moved, seconded by Councilmember Cathey, to approve a change in the committee's monthly meeting to begin at 8:00 a.m. effective February 2023. A voice vote approved the motion unanimously.**

**ORDINANCE NO. O2022-014 – RENTAL HOUSING REGISTRATION:** Manager Medrud presented the proposal rental housing registration ordinance in support of actions identified by the Council in 2018. Staff is reviewing measures to assist renters in accessing housing and to remain housed. The Council adopted the Housing Action Plan in 2021 and prioritized three actions in 2022 to address tenant protections one of which included establishing a rental housing registration program.

The ordinance the City Council adopted last year for tenant protections becomes effective on April 8, 2023, affording time to establish the rental housing registration program. Staff and Communications staff have been meeting regularly to prepare to outreach to all property owners/landowners in the City to inform them of the new requirements. Staff is developing rental information packets and a webpage for rollout in early March.

The proposed rental housing registration enables the City to develop a current and active list of property owners with rental properties in the City. Staff reviewed other similar programs implemented by the cities of Auburn, Tacoma, Aberdeen, Lacey, and Tukwila. The programs for the cities of Auburn and Tacoma were the most developed of all programs.

The proposal will initially apply to rental properties of five or more units (at one location) because of the ease of identifying rental properties in the City versus single-family rental homes. The proposal could be expanded in the future to require licensing of all rental properties, and well as serving as the basis for future regular inspections of rental units, if the Council desires.

The proposal requires the property owner to obtain a City business license to operate that will serve as a mechanism for communications with tenants

# TUMWATER GENERAL GOVERNMENT COMMITTEE

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and landlords about any rental regulations or educational information to share. Business licenses in the City cost \$50 annually with annual renewal of \$20. Long-term rental properties are exempt from business and occupation tax.

Staff requests the committee refer the proposal to the Council worksession on January 24, 2023 for discussion. Staff proposes including the proposal for Council consideration at its February 7, 2023 meeting.

### MOTION:

**Councilmember Dahlhoff moved, seconded by Councilmember Cathey, to refer Ordinance No. O2022-014, Rental Housing Registration, to the City Council worksession on January 24, 2023 for further review and discussion. A voice vote approved the motion unanimously.**

### DISPUTE RESOLUTION CENTER – TUMWATER TENANT – LANDLORD DISPUTE RESOLUTION SERVICES:

Manager Medrud said the proposal represents the third tenant protection action item directed by the Council.

Another important component of efforts to strengthen tenant protections is a program to provide tenants and landlords with the ability to resolve conflicts easily. Utilizing the Dispute Resolution Center of Thurston County to support those efforts is the proposed action, as it would provide and alternative to the parties to using the court system and provides an equal process for both tenants and landlords to resolve differences.

The proposal represents a scope of service for inclusion in a proposed contract. If approved by the committee, the next step is drafting a contract. The proposal contract would be for the provision of mediation services exclusively for access by residents of Tumwater. In support of the program, the City would contribute funding to the Dispute Resolution Center to provide those services as stipulated in the contract.

The scope of the services would cover intake and mediation for housing-related cases that do not qualify for the Early Resolution Pilot Program. Cost of the service would be based on a sliding scale.

Councilmember Dahlhoff cited an incident communicated to the City from a community member about disputing a rent increase of a home located within a manufactured home park for people aged 55 years or above. She asked how services by the Dispute Resolution Center would address those types of situations.

Manager Medrud replied that the Dispute Resolution Center requires both parties to participate willingly in the process. The City has no method to compel one party to participate if unwilling to participate; however, the contract could include an expanded scope to include options to help both



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parties resolve differences beyond the scope, such as paying rent late or other issues.

Manager Medrud reported contribution of City funds would be \$50,000 from ARPA funds to help subsidize costs for the first year of the program. Some staffing by the City could be possible to track the program to ensure the program's effectiveness. If additional staff resources are necessary, staff would identify those needs at the end of the contract. Other sources of funding, given the uncertainty of and nature of future federal and state funding, is uncertain for future years.

If the committee agrees with the proposed scope of services, staff will draft a contract and schedule the contract for approval by the Council during the first quarter 2023.

**CONSENSUS:**

**The General Government Committee supported staff moving forward to draft a contract with the Dispute Resolution Center of Thurston County for Tumwater Tenant – Landlord Dispute Resolution Services based on the scope as presented by staff.**

**2023 LONG RANGE  
PLANNING WORK  
PROGRAM:**

Manager Medrud referred to the joint meeting of the Planning Commission and the City Council in December on the proposed 2023 Long Range Work Program. The Council approves the work program each year in January. During the worksession, the General Government Committee was asked to review the work program and offer any suggestions, changes, or comments. If the committee accepts the proposed work program as presented, staff recommends the committee refer the work program to the City Council for consideration on the January 17, 2022 consent calendar.

Councilmember Cathey asked whether the list is prioritized. Manager Medrud explained that the list is neither prioritized nor ranked. The work program is structured on the department's ability to complete the work. He reviewed and identified the items on the proposed work program:

- Comprehensive Plan Amendment Docket:
  - 2023-2025 Comprehensive Plan Periodic Update (continued from 2022) b. 2023
  - Comprehensive Plan Amendments (City-initiated amendments)
- Development Regulation Amendment Docket
- Tumwater Housing Action Plan Amendments – Rental Registration (continued from 2022)
- Urban Forestry Management Plan Amendments – Landscaping, Street Tree Standards, and Tree and Vegetation Preservation (continued from 2022 and forecasted for completion in 2023)

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- Other Amendments: 2023 Housekeeping (New), Development Regulation Periodic Update (New), and Thurston County Code Title 22 – Tumwater Urban Growth Area Zoning (continued from 2022)
- Other Planning Projects:
  - Bush Prairie Habitat Conservation Plan (continued from 2022 working in coordination with the Department of Fish and Wildlife and the U.S. Fish and Wildlife Service)
  - Equity Toolbox (continued from 2022)
  - Hazard Mitigation Plan Update (continued from 2022)
  - Managing MFTE Program (continued from 2022)
  - Permit Review Support, FEMA Flood Studies, Public Inquiries, and other items
  - General Management and Coordination

Manager Medrud addressed questions about the difference between the Habitat Conservation Plan (HCP) and the Hazard Mitigation Plan. The HCP addresses development mitigation for the protection of threatened species within the City while the Hazard Mitigation Plan as directed by the Federal Emergency Management Agency (FEMA), covers all potential natural disasters that could occur in the City or in the county. Climate mitigation is considered in both plans in terms of potential climate impacts that speak to the specific purpose of each plan.

Manager Medrud explained that the projects listed below the line are other projects that cannot be supported because of the lack of capacity or time but have been identified as projects to work on in the future. Following the joint meeting in December, no comments were submitted by the Council or the Commission on particular items to add or delete.

In response to questions as to potential impacts of code enforcement amendments to the existing workload of code enforcement staff, Manager Medrud said the amendments have been included on the work program for several years. Based on the changes implemented by the City in code enforcement in 2017, staff is considering additional support necessary to address nuisance violations.

Councilmember Dahlhoff reported on the update on code enforcement the Public Health and Safety Committee recently received. With the retirement of one code enforcement officer, a new officer is scheduled to start next week. In 2022, the City experienced 54 code violations. Approximately 19% of the violations were for overgrown vegetation, 23% were violations for trash, 19% were related to abandoned vehicles or vehicles parked in the right-of-way, 9% of the violations were individuals living in their vehicle, and 5% were for graffiti.

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Councilmember Cathey inquired about the appropriateness for a Councilmember to provide feedback or suggestions on changes to rules for tree preservation.

Manager Medrud replied that the discussion on the tree preservation ordinance is scheduled with the committee in March. At that time, it is likely input from the community has been identified, as well as the larger issues and ways to address those issues. At that time, staff proposes to brief the committee on the proposed direction of the update and any identified issues. Staff welcomes input from Councilmembers to share with the Planning Commission and the Tree Board during their respective discussions.

**MOTION:** Councilmember Dahlhoff moved, seconded by Chair Althausen, to forward the 2023 Long Range Planning Work Program for consent at the January 17, 2023 City Council meeting. A voice vote approved the motion unanimously.

**ADJOURNMENT:** With there being no further business, Chair Althausen adjourned the meeting at 3:00 p.m.

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

TO: General Government Committee  
 FROM: Brad Medrud, Planning Manager  
 DATE: February 8, 2023  
 SUBJECT: Interlocal Agreement Amendment Two with Regional Housing Council (Thurston County, Cities of Lacey, Olympia, Tumwater, and Yelm) for Regional Housing Council Structure

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1) Recommended Action:

Review and schedule the attached Interlocal Agreement Amendment Two for the February 21, 2023 City Council meeting as a consent item.

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2) Background:

Working together with Thurston County and the cities of Lacey, Olympia, and Yelm, elected officials and staff drafted an interlocal agreement to establish the roles and responsibilities of the Regional Housing Council. The intent of the Interlocal Agreement was to create the Regional Housing Council to aid in efficient and effective decision making related to responding to the homeless and housing affordability crisis.

The City Council approved the original Regional Housing Council Interlocal Agreement for signature by the Mayor at their January 5, 2021 regular meeting. The Agreement created the Regional Housing Council.

Amendment One to the Regional Housing Council Interlocal Agreement was adopted on April 30, 2021. The amendment added clarification and requirements to how the signatories of the Interlocal Agreement would manage and make decisions concerning RCW 82.14.540 ("SHB 1406") funds.

Amendment Two is needed to create an administrative/executive arm to effectively guide the Regional Housing Council on its recommendations for the use of the Sales and Use tax for Housing and Related services adopted by Thurston County and the City of Olympia.

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3) Policy Support:

Housing Element Goal H-3: To provide adequate, affordable housing for residents of all income groups, including sufficient housing affordable to low and moderate-income groups.

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4) Alternatives:

- ☐ Modify and recommend the City Council approve the Regional Housing Council Interlocal Agreement Amendment Two for signature by the Mayor
  - ☐ Recommend the City Council reject the Regional Housing Council Interlocal Agreement Amendment Two
- 

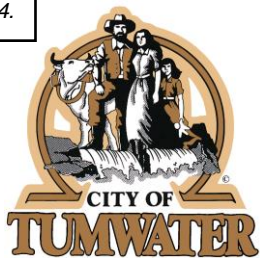
5) Fiscal Notes:

Regional Housing Council participation is an internally funded work program task. Expected City contributions are outlined in the Interlocal Agreement and the Staff Report and consistent with current practice. This agreement commits the City to a goal of making 1406 housing monies available for a regional project.

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6) Attachments:

- A. Staff Report
- B. Regional Housing Council Interlocal Agreement Amendment Two



## REGIONAL HOUSING COUNCIL

### INTERLOCAL AGREEMENT AMENDMENT TWO

### STAFF REPORT

#### Summary

The intent of Regional Housing Council – Interlocal Agreement Amendment Two is to create an administrative/executive arm to effectively guide the Regional Housing Council on its recommendations for the use of the Sales and Use tax for Housing and Related services adopted by Thurston County and the City of Olympia.

#### Proposal

1. Review and schedule the attached Regional Housing Council – Interlocal Agreement Amendment Two as a consent item for the February 21, 2023 City Council meeting.
2. Recommend that the City Council approve the Regional Housing Council – Interlocal Agreement Amendment Two for signature by the Mayor.

#### Background

The City Council has devoted considerable time to discussions addressing homelessness and the lack of affordable housing in Tumwater since 2018.

The primary purpose of the Regional Housing Council is to leverage resources and partnerships through policies and projects that promote equitable access to safe and affordable housing. The Regional Housing Council considers issues specifically related to funding a regional response to homelessness and affordable housing and coordinating existing funding programs. These programs may include, RCW 36.22.179 (ESSHB 2163) and RCW 36.22.178 (SHB 2060) funds, HOME Investment Partnership Program (HOME), Consolidated Homeless Grant (CHG), Housing and Essential Needs (HEN), RCW 82.14.540 (SHB 1406), Community Development Block Grant (CDBG) and other related funding sources such as a regional home fund to help implement the five-year Homeless Crisis Response Plan and increase affordable housing options.

To achieve this purpose, the Regional Housing Council assists in monitoring the implementation of the County's five-year Homeless Crisis Response Plan by setting priorities and making funding decisions on projects and programs that implement the Homeless Crisis Response Plan. Additionally, the Regional Housing Council provides a forum for consideration of policy options related to homelessness and encourages

development of regional approaches to planning for, responding to, and funding homeless services and facilities and expanding affordable housing options.

The term of the Interlocal Agreement is five years. The Interlocal Agreement establishes procedures for governance, scope of work, funding, and other related items for the Regional Housing Council. The Jurisdictions comprising five percent or more of the County population allocate a minimum annual amount equal to not less than one half of one percent of the last full year of general sales and use taxes pursuant to RCW 82.14.030(1) for projects, programs, and activities providing direct support to the Jurisdictions' most vulnerable residents. In addition, the City of Tumwater makes an in-kind contribution of up to 0.25 FTE staff to support the work of the Regional Housing Council.

Amendment One to the Interlocal Agreement was adopted on April 30, 2021. The amendment added clarification and requirements to how the signatories of the Interlocal Agreement would manage and make decisions concerning RCW 82.14.540 ("SHB 1406") funds.

In the 2021 Regular Session, the Washington State Legislature approved, and the Governor signed, House Bill 1070 (Chapter 222, Laws of 2020), modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities; amending RCW 82.14.530 and 67.28.180; and declaring an emergency.

The City of Olympia Council passed Ordinance No. 7127 on March 6, 2018, as authorized under RCW 82.14.530 to be used for the Olympia Home Fund to construct affordable and supportive housing and housing-related services, including mental and behavioral health-related facilities, and providing for other matters relating thereto and properly permitted by state law.

The Thurston County Board of Commissioners passed Ordinance No. 16128, on January 26, 2022, as authorized under RCW 82.14.530 to be used for the Thurston County Home Fund to construct affordable and supportive housing and housing-related services, and providing for other matters relating thereto and properly permitted by state law.

Amendment Two is needed to create an administrative/executive arm to effectively guide the Regional Housing Council on its recommendations for the use of the Sales and Use tax for Housing and Related services adopted by Thurston County and the City of Olympia.

### **Public Approval Process**

The City Council will need to approve Regional Housing Council – Interlocal Agreement Amendment Two for signature by the Mayor.

**Applicable Revised Strategic Priorities and Goals (December 6, 2022)**

- A. *Build a Community Recognized for Quality, Compassion and Humanity*
1. *Support and advance intergenerational housing opportunities*
  2. *Implement the Tumwater Housing Action Plan*
  4. *Support housing stability policies/programs*

**Staff Recommendation**

1. Staff recommends that the General Government Committee review and schedule the attached Regional Housing Council – Interlocal Agreement Amendment Two as a consent item for the February 21, 2023 City Council meeting.
2. Staff recommends that the City Council approve the Regional Housing Council – Interlocal Agreement Amendment Two for signature by the Mayor.

**Effects of the Proposed Action**

The Regional Housing Council – Interlocal Agreement Amendment Two will amend the original Regional Housing Council Interlocal Agreement approved by the City Council in January 2021 and amended in April 2021 as noted above.

**Staff Contact**

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City of Tumwater Executive Department  
360-754-4120  
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Brad Medrud, Planning Manager  
City of Tumwater Community Development Department  
360-754-4180  
bmedrud@ci.tumwater.wa.us



**Amendment ~~One~~Two**  
**INTERLOCAL AGREEMENT FOR**  
**DISSOLVING THE HEALTH AND HUMAN SERVICES COUNCIL, THE COMMUNITY INVESTMENT**  
**PARTNERSHIP, AND CREATING THE REGIONAL HOUSING COUNCIL**

**WHEREAS**, This Interlocal Agreement ("Agreement") ~~is was~~ entered into pursuant to the authority of Chapter 39.34 RCW in duplicate originals between the City of Olympia, Washington, a Washington municipal corporation; the City of Lacey, Washington, a Washington municipal corporation; the City of Tumwater, Washington, a Washington municipal corporation; the City of Yelm, Washington, a Washington municipal corporation; and Thurston County, Washington, a Washington municipal corporation; collectively referred to as "Jurisdictions" and individually as "Jurisdiction;," and

~~In consideration of the terms, conditions, covenants, and performances contained herein, it is mutually agreed by the Jurisdictions as follows:~~

**WHEREAS**, Amendment One to this agreement adopted on April 30, 2021, added clarification and requirements to how the signatories of this agreement will manage and make decisions concerning RCW 82.14.540 ("SHB 1406") funds; and

**WHEREAS**, in the 2021 Regular Session, the Washington State Legislature approved, and the Governor signed, House Bill 1070 (Chapter 222, Laws of 2020), modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities; amending RCW 82.14.530 and 67.28.180; and declaring an emergency; and

**WHEREAS**, the City of Olympia Council passed Ordinance No. 7127 on March 6, 2018, as authorized under RCW 82.14.530 to be used for the Olympia Home Fund to construct affordable and supportive housing and housing-related services, including mental and behavioral health-related facilities, and providing for other matters relating thereto and properly permitted by state law; and

**WHEREAS**, the Thurston County Board of Commissioners passed Ordinance No. 16128, on January 26, 2022, as authorized under RCW 82.14.530 to be used for the Thurston County Home Fund to construct affordable and supportive housing and housing-related services, and providing for other matters relating thereto and properly permitted by state law; and

**WHEREAS**, the Thurston County Board of Commissioners in Ordinance No. 16128, directed the county manager to a) develop an Interlocal Agreement with the City of Olympia outlining roles, responsibilities, administration, and other requirements related to combining the Sales and Use Tax funds For Housing and Related Services; and (b) work with participating jurisdictions to amend the Regional Housing Council Interlocal Agreement to create an administrative/executive arm to effectively guide the Regional Housing Council on the use of the Sales and Use Tax For Housing and Related Services; and

**WHEREAS**, the City of Olympia Council approved a Resolution of Intent on January 12, 2022, to bring their HOME fund dollars to the Regional Housing Council in coordination with the County's HOME fund to achieve a regional decision making process on these combined funds; and

**WHEREAS**, the City of Tenino approved an additional of one-tenth of one percent on the Sales

and Use Tax per RCW 82.14.530, via a Councilmanic action under Ordinance No. 919 on January 11, 2022; and

=

**WHEREAS**, the Regional Housing Council was created in January 2021 with the primary purpose to leverage resources and partnerships through policies and projects that promote equitable access to safe and affordable housing; and

**WHEREAS**, the Regional Housing Council has developed a strategic framework to create an initial stock of 150-200 Permanent Supportive Housing units which requires additional funding to fully implement; and

**WHEREAS**, a second amendment is needed to create an administrative/executive arm to effectively guide the Regional Housing Council on its recommendations for the use of the Sales and Use tax for Housing and Related services adopted by Thurston County and the City of Olympia; and

**WHEREAS**, the Jurisdictions agree that it is mutually beneficial to share decision making responsibilities related to homelessness and affordable housing in Thurston County; and

**WHEREAS**, the Jurisdictions agree that it is mutually beneficial to collaborate to expand affordable housing options and share the planning for, identification of, and resource allocation to activities and programs intended to support individuals experiencing homelessness in Thurston County; and

**WHEREAS**, the Jurisdictions agree that by collaborating, these activities and programs will be delivered more efficiently and effectively and the costs and impacts of managing them will be shared equitably by the Jurisdictions.

**THEREFORE**, the Interlocal Agreement creating the Regional Housing Council including Amendment One- is hereby amended as follows:

**1. Regional Housing Council to Replace Health and Human Services Council.**

The signatories of this agreement hereby agree to dissolve the Health and Human Services Council ("HHSC") and create the Regional Housing Council ("RHC"). All records related to the HHSC shall be preserved by Thurston County. Dissolving the HHSC does not change any prior commitments made by that Council. Any assets remaining with the HHSC are hereby transferred to the RHC.

**2. Purpose of the RHC.**

- A. The primary purpose of the RHC is to leverage resources and partnerships through policies and projects that promote equitable access to safe and affordable housing. The RHC will consider issues specifically related to funding a regional response to homelessness and affordable housing and how to better coordinate existing funding programs, which may include, RCW 36.22.179 (ESSHB 2163) and RCW 36.22.178 (SHB 2060) funds, RCW 36.22.176 (ESSHB 1277) HOME Investment Partnership Program ("HOME"), Consolidated Homeless Grant ("CHG"), Housing and Essential Needs ("HEN"), RCW 82.14.540 (SHB 1406), Community Development Block Grant

("CDBG"), Olympia Home Fund and Thurston County Home Fund, and other related funding sources ~~such as a regional home fund~~ to help implement the five-year Homeless Crisis Response Plan (HCRP) and increase affordable housing options.

- B. To achieve this purpose, the RHC may assist in monitoring the implementation of the County's five-year HCRP by setting priorities and making funding decisions on projects and programs that implement the HCRP. Additionally, the RHC may provide a forum for consideration of policy options related to homelessness and to encourage development of regional approaches to planning for, responding to, and funding homeless services and facilities and expanding affordable housing options.

### 3. Term.

The term of this Agreement shall be effective upon the approval of the last Jurisdiction's governing body, and shall be effective for five years, unless amended pursuant to Section 12 of this Agreement. Prior to commencement, this Agreement shall be filed or posted in accordance with RCW 39.34.040. This Agreement may be extended upon the mutual written approval of the Jurisdictions on an annual basis thereafter.

### 4. Governance.

- A. The RHC shall consist of one voting member and one alternate member from each of the Jurisdictions which comprise more than 5% of the county population.
- B. Individual Jurisdictions which comprise less than 5% of the county population may participate on the RHC in a non-voting capacity.
- C. One voting member and one alternate member shall be selected by and from the group of Jurisdictions whose population is 5% or less of the county population.
- D. Each Jurisdiction shall send a decision-making member of its staff to support and participate on the RHC in a non-voting capacity.
- E. The chairs of ~~the Technical and Communications Working Teams~~ Advisory Boards, as established in Section 9 of this Agreement, and the program manager of the Lead Agency, as established in Section 8 of this Agreement, shall serve in an ex officio capacity and will also participate in the RHC in a non-voting capacity.

i. The Vice Chairs of the Advisory Boards created in Section 9.C of this Agreement shall serve as the alternate ex officio members.

ii. The Chair and Vice Chair of the Advisory Boards may not be staff employed by an RHC member jurisdiction.

- F. All meetings of the RHC shall be open and public as provided for in Title 42.30 RCW.

- G. A quorum, defined as a minimum of three (3) voting members, is required to hold a meeting.
- H. It is the intent of the RHC to operate based on consensus. If a consensus cannot be achieved, action by the RHC shall be by vote of those members present. A minimum of three (3) affirmative votes are required to approve an action. Absent voting members cannot delegate their voting authority; however, alternate members shall have full voting rights when the regular member is not present. Non-voting members, decision-making staff (as specified in Paragraph D of this Section), Working Team Chairs, and ex officio members shall not have a vote; however, they are encouraged to participate in committee discussions and deliberations.
- I. If necessary, actions taken by the RHC shall be taken for final consideration and approval to the respective legislative Councils and Commissions.
- J. Officers shall be elected annually by vote of the members. The RHC shall annually elect a chair and vice-chair. Either the chair or vice-chair shall be from the Lead Agency, as described in Section 8 of this Agreement. The duties of the chairs shall be to preside over the RHC meetings and provide a direct link to the RHC with administrative staff of the Lead Agency. The vice-chair will preside over the RHC meeting if the chair is not present and will support the chair in their duties.—
- K. Membership of the RHC may only be increased or changed following an affirmative vote of the members of the RHC and by amending this Agreement as provided in Section 12 below.
- L. The RHC may adopt a set of bylaws setting forth the manner in which it will perform its functions.

## 5. Scope of Work.

- A. The responsibilities of the RHC SHALL include, but are not limited to:
  - i. Making recommendations to regional elected and appointed leaders on funding decisions related to implementing the five year HCRP and expanding shelter and affordable housing, including but not limited to ESSHB 2163, ~~and SHB 2060, ESSHB 1277~~ funds, HOME, CHG, HEN, SHB 1406, County Home Fund and Olympia Home Fund dollars and other funding sources as may be created or identified in the future.
  - ii. Recommending an annual RHC budget, which shall detail the authorized expenditures for the coming fiscal year, for approval by the governing body of each Jurisdiction. The fiscal year for the RHC shall be July 1 to June 30.
  - iii. Establishing an annual RHC work plan, specifying the activities planned for the coming fiscal year, to accompany the recommended annual budget.
  - iv. Submitting an annual report to the governing body of each Jurisdiction, apprising that Jurisdiction of the tasks undertaken and accomplishments of the

RHC in the previous fiscal year.

B. The responsibilities of the RHC MAY include, but are not limited to:

- i. Monitoring the five-year HCRP and support actions necessary to implement the plan.
- ii. Identifying and supporting projects, programs, and policies that increase shelter and affordable housing throughout the region.
- iii. Identifying and supporting projects, programs, and policies that further the objectives of the HCRP and will reduce the number of unsheltered individuals living in the Jurisdictions.
- iv. Identifying and supporting the construction and operation of supportive housing options and units in the Jurisdictions.

Serving as a regional forum for development and implementation of policies, programs, and projects related to homelessness and affordable housing.

- v. Developing communication protocols to assist local elected officials and the community in understanding the extent and nature of the homeless and housing crisis in the Jurisdictions.
- vi. Considering changes to the organization structure necessary to create organizational capacity to effectively carry out these responsibilities over the long term. This may include a review of role and relationship between the RHC and the HHH, HAT, and other groups playing a role in the housing and homeless policy development and funding decisions.
- vii. Taking other appropriate and necessary action to carry out the purposes of this Agreement, provided that any commitment of resources outside the scope of the annual budget or policies not within the annual work plan shall be subject to the ultimate approval of the governing bodies.

## 6. **Funding.**

- A. Members agree to pool funding including, but not limited to, ESHB 2163, SHB 2060, ESSHB 1277, HOME, CHG, SHB 1406, Human Services Fund (HSF), County Home Fund, Olympia Home Fund, and other related funding sources as may be identified or created in the future to the extent allowed by federal and state law.
- B. The Jurisdictions comprising 5% or more of the County population shall allocate a minimum annual amount equal to not less than one half of one percent of the last full year of general sales and use taxes pursuant to RCW 82.14.030(1) as of the time the jurisdiction is adopting its budget to HSF for projects, programs, and activities providing direct support to our Jurisdictions' most vulnerable residents. For example, the 2020 funding contribution for a jurisdiction adopting its budget in the fall of 2019 would be based upon the 2018 full year of collections. In addition, any jurisdiction

may choose to contribute additional funding subject to the approval of its Council and the requirements of the applicable fund source. The funds will be incorporated as part of the RHC's purview. Funds remaining at the end of the calendar year shall be available for expenditure in the following year. The Lead Agency shall earmark such funds for future expenditures, and, if necessary, budget the same in the adoptive budget for the ensuing year.

- i. The Lead Agency will utilize 10% of the annual required funding contribution by the participating Jurisdictions, pursuant to Section 6.B, above, for administrative costs, such as contract and fiscal management.
  - ii. Jurisdictions that individually comprise less than 5% of the county population shall be exempt from the HSF allocation.
- C. All funds contributed by members of the RHC and any other funds devoted to the purposes set forth in this Agreement, shall be deposited in the treasury of the Lead Agency, as described in Section– 8, for the period in which the funds are to be expended.
- D. The SHB 2060 surcharge funds will be used as the twenty-five percent (25%) match requirement for HOME entitlement funds.
- E. Unspent funds may be carried over and used in subsequent years to the extent allowed by federal and state law for projects, programs, and activities consistent with this Agreement.
- F. The RHC will make funding recommendations and will serve in an advisory capacity to the BoCC, which have final approval of awards and distribution of grant funding. The BoCC shall give substantial weight and consideration to the recommendations of the RHC. With respect to the HSF and SHB 1406, the BoCC will authorize funding for these grants but will not deviate from the funding recommendations provided by the RHC.
- G. In the event the BoCC deviates from the funding recommendations provided by the RHC, the BoCC will provide revised recommendations to the RHC for consideration. After the RHC reviews the BoCC revised recommendations, the RHC will submit a final recommendation to the BoCC. The BoCC will assess the recommendations by the RHC and make a final decision.
- ~~H. With respect to SHB 1406, the Jurisdictions commit to a regional project using this funding. Further, the BoCC will not approve any project until and unless each legislative body has taken action to endorse the RHC recommendation.~~
- ~~H.~~ Jurisdictional allocations of the CDBG fund shall take into consideration the goals, objectives, programs, and projects developed and approved by the RHC.
- ~~J.~~ I. The Jurisdictions agree to pool SHB 1406 funds received after January 1, 2021, under the following conditions and processes:

- i. The RHC will determine whether to bond SHB 1406 tax revenue.

~~The RHC will implement a process to identify and select projects and actions using SHB 1406 tax revenue. The RHC will prepare, and update, as needed, both Year One annual funding plans and Year Two and Three funding plans for using SHB 1406 tax revenue.~~

~~Year One annual funding plans will identify specific projects or actions for using SHB 1406 tax revenue.~~

~~Year Two and Three funding plans will outline the RHC's general funding priorities for using SHB 1406 tax revenue during that period.~~

- ii. The Jurisdictions will submit SHB 1406 tax revenue on a quarterly basis to the RHC Lead Agency, which will serve as the contracting agency for pooled SHB 1406 tax revenue.
- iii. The RHC Lead Agency will abide by SHB 1406 requirements regarding an administrative fee for managing SHB 1406 tax revenue. As of January 2021, the SHB 1406 legislation does not provide for administrative costs.
- iv. The RHC Lead Agency will coordinate with the Jurisdictions in preparing the required local and state reporting materials.
- v. The Jurisdictions may not utilize its own SHB 1406 tax revenue prior to adding the funds to the pooled account.
- ~~v.vi. SHB 1406 tax revenue and HSF funds collected by the RHC may be returned to local jurisdictions with the approval of the RHC for eligible projects consistent with adopted funding priorities through an annual application process.~~

~~If more than one year of SHB 1406 tax revenue is collected without a project or action being identified and the funds have not been bonded, the Jurisdictions may request to have a portion of their contribution returned for use by the Jurisdiction. The RHC must vote to approve returning funds to a Jurisdiction.~~

- J. With respect to the County Home Fund and Olympia Home Fund revenue, the Interlocal Agreement (ILA) between Thurston County and City of Olympia executed on December 19, 2022, shall be incorporated by reference into this Agreement.

=

## 7. Contribution.

- A. Each Jurisdiction that is a member under Section 4.A of this Agreement, shall strive to make an in-kind contribution of up to 0.25 FTE staff to support the work of the RHC. Staff support may include, but is not limited to, participation on Working Teams as defined under Section 9 of this Agreement, tasks identified in the annual work plan required under Section 5.A.c, or tasks to support the operation of the RHC. As needed, Jurisdictions shall discuss dedicating additional staff resources beyond a

0.25 FTE to achieve the annual work plan or to implement special projects.

- B. Costs associated with the operations of the RHC, in excess of the revenues available from program funded administrative allocations, shall be distributed among the Jurisdictions on a pro rata basis using the most recent population figures provided by the State of Washington.
- C. These operational costs may include but are not limited to: staff, office space, furnishing, equipment and supplies, and administrative overhead necessary for the Lead Agency to support the RHC. Where administrative dollars are provided for in the funding source, these funds shall be used to offset operational costs of the RHC to the extent allowed by the funding source. These administrative costs shall be allocated to the Fiscal Agent of the RHC, as described in Section 8 of this Agreement.

## 8. Lead Agency.

A. Thurston County will act as the Fiscal Agent and Lead Agency on behalf of the Jurisdictions in administering all contracts and processing all invoices and receipts. Thurston County shall name a program manager who shall be responsible for the operations of the RHC. The task of the program manager will include, but are not limited to: meeting coordination and agenda preparation in consultation with the chair and vice-chair, preparation of meeting minutes, support to develop and implement the annual work plan, and coordination of the annual request for proposal and award process. The Lead Agency will submit invoices to each Jurisdiction for their share of the costs as identified in Section 6.B.a. The Jurisdiction will remit payment to the Lead Agency no later than 30 days from the date of the invoice.

B. The Lead Agency may transfer program or administrative funds to a partner jurisdiction to implement specific RHC-approved tasks or programs on an as-needed basis.

A. The Lead Agency and Fiscal Agent roles shall be revisited every five (5) years throughout the duration of this Agreement.

B.C.

## 9. Working Teams and Advisory Boards.

A. The RHC may use the following staff Working Teams to inform and support the RHC:

- i. Technical Working Team to provide objective technical feedback regarding project and policy proposals.
- ii. Communications Working Team to develop clear and coordinated communications around project and policy proposals and funding recommendations.



B. Each voting member Jurisdiction that is a member under Section 4.A of this Agreement will assign at least one staff member to participate on each Working Team. The RHC may create additional Working Teams or dissolve Working Teams in accordance with Section 4.I of this Agreement.

C. The RHC shall establish two Advisory Boards comprised of subject matter experts to make recommendations to the RHC on funding priorities, funding awards, and policies for RHC consideration, as appropriate. The RHC shall approve a Charter that guides the membership, operation, and responsibilities of the Boards.

i. Affordable Housing Advisory Board. This Board shall have responsibility for federal HOME Investment Partnership, SHB 2060, SHB 1406, County Home Fund, and Olympia Home Fund and other related capital funding sources as may be identified or created in the future. The RHC shall ensure that this Advisory Board is composed of community members, including private sector stakeholders representing the Jurisdictions and that at least one-third (1/3) of members of this Advisory Board are comprised of residents of Olympia, or represent organizations based or located in Olympia.

ii. Homeless Services Advisory Board. This Board shall have responsibility for ESHB 2163, ESSHB 1277, CHG, HEN, and HSF and other related services funding sources as may be identified or created in the future. The Homeless Services Advisory Board will make recommendations on any funding designated for homeless services by the RHC from the Thurston County Home Fund. -The RHC recognizes the role of the Homeless Housing Hub ("HHH") as the local Continuum of Care. -

## **10. Relationship of the Jurisdictions.**

This Agreement is for the benefit of the Jurisdictions. No separate legal entity is created by this Agreement. No administrator or joint board is created by this Agreement, although a Fiscal Agent and Lead Agency are established by Section 8 herein. No personal or real property is to be jointly acquired or held. Each Jurisdiction is responsible for directing the work of its staff. RHC members may not direct or supervise the work of staff from another Jurisdiction. An RHC chair or vice-chair may coordinate and work with staff from another Jurisdiction to fulfill the responsibilities of the RHC.

## **11. Indemnification and Hold Harmless.**

A. To the extent permitted by law, each Jurisdiction agrees to indemnify, defend, and hold harmless the other Jurisdiction, their officers, officials, employees, agents, and volunteers from and against any and all claims, demands, damages, losses, actions, liabilities, expenses, and judgments of any nature whatsoever, including without limitation, court and appeal costs and attorneys' fees, to or by any and all persons or entities, including without limitation, their respective agents, licensees, or representatives, caused by or arising out of any negligent act, errors, or omissions, of that Jurisdiction, its employees, agents, or volunteers or arising out of, in connection with, or incident to that Jurisdiction's performance or failure to perform any aspect of this Agreement.

- B. The Jurisdictions waive their immunity under the Washington State Industrial Insurance Act, Title 51 RCW, to the extent required by this indemnification and hold harmless provision. Provided, however, the foregoing waiver shall not in any way preclude a Jurisdiction from raising such immunity as a defense against any claim brought against a Jurisdiction by any of the Jurisdiction's respective employees. This waiver has been mutually negotiated by the Jurisdictions.
- C. The provisions of this section shall survive the completion or expiration of this Agreement or termination whether termination is by all Jurisdictions, or by one or more Jurisdictions.
- D. The Jurisdictions agree to support each other in pursuing these purposes and responsibilities and operate in good faith and partnership in carrying them out. Risk and accountability shall be shared to the extent possible by the Jurisdictions.

## 12. **Amendments.**

This Agreement may be amended as needed by mutual written agreement of all Jurisdictions as executed by each Jurisdiction's authorized governing authority as provided in Chapter 39.34 RCW.

## 13. **Termination.**

This Agreement may be terminated as to any single Jurisdiction when the terminating Jurisdiction provides written notice to all other Jurisdictions, as set out in Section 14, at least 60 days prior to its intended withdrawal from this Agreement. The withdrawing Jurisdiction agrees to be responsible for its share of any costs incurred or encumbered pursuant to this Agreement through the remainder of the year of such withdrawal.

## 14. **Jurisdiction Representative.**

The following are designated as representatives of the respective Jurisdictions. Notice provided for in this Agreement shall be sent to the designated representatives by certified mail to the addresses set forth below. Notice will be deemed received three business days following posting by the U.S. Postmaster.

**City of Lacey**, c/o City Manager, 420 College Street SE, Lacey, WA 98503

**City of Olympia**, c/o City Manager, P.O. Box 1967, Olympia, WA 98507

**City of Tumwater**, c/o City Administrator, 555 Israel Road SW, Tumwater, WA 98501

**City of Yelm**, c/o Mayor, 106 Second St. SE Yelm, WA 98597

**Thurston County**, c/o County Manager, 2000 Lakeridge Drive SW, Olympia, WA 98502

## 15. **Governing Law and Venue.**

This Agreement has been and shall be construed as having been made and delivered within the State of Washington, and it is agreed by each Jurisdiction hereto that this Agreement shall be governed by the laws of the State of Washington both as to its interpretation and performance. Any action of lawsuit in equity, or judicial proceeding arising out of this Agreement shall be instituted and maintained only in a court of competent jurisdiction in Thurston County, Washington.

**16. Severability.**

If a court of competent jurisdiction holds any part, term, or provision of this Agreement to be illegal, or invalid in whole or in part, the validity of the remaining provisions shall not be affected, and the Jurisdictions' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid. If any provision of this Agreement is in direct conflict with any statutory provision of the state of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict and shall be deemed modified to conform to such statutory provision.

**17. Entire Agreement.**

The Jurisdictions agree that this Agreement, is the complete expression of its terms and conditions. Any oral or written representations or understandings not incorporated in this Agreement are specifically excluded.

**18. Non-Waiver of Rights.**

The Jurisdictions agree that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

**19. Equal Opportunity to Draft.**

The Jurisdictions have participated and had an equal opportunity to participate in the drafting of this Agreement. No ambiguity shall be construed against any Jurisdiction upon a claim that that Jurisdiction drafted the ambiguous language.

IN WITNESS WHEREOF, the Parties hereto have caused this Interlocal Agreement to be executed by the dates and signature herein under affixed. The persons signing this Interlocal Agreement on behalf of the Parties represent that each has authority to execute this Interlocal Agreement on behalf of the Party entering into this Interlocal Agreement.

**Thurston County****City of Lacey**

~~Tye Menser~~ Carolina Mejia, Chair of the Board of County \_\_\_\_\_ Rick Walk, Acting City  
Manager  
Commissioners \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

Approved as to form:  
JON TUNHEIM  
PROSECUTING ATTORNEY

Approved as to form:

By: \_\_\_\_\_  
Deputy Prosecuting Attorney

By: \_\_\_\_\_  
City Attorney

**City of Olympia****City of Tumwater**

\_\_\_\_\_  
–Steven J. Burney, City Manager

\_\_\_\_\_  
Debbie Sullivan, Mayor

Date \_\_\_\_\_

Date \_\_\_\_\_

Approved as to form:

Approved as to form:

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
City Attorney

**City of Yelm**\_\_\_\_\_

\_\_\_\_\_  
Joe DePinto, Mayor

\_\_\_\_\_  
Date

Approved as to form:

By: \_\_\_\_\_  
City Attorney

RHC Interlocal Agreement Version Tracking:

- Original ILA: Executed January 28, 2021
- Amendment #1: Executed April 30, 2021

TO: General Government Committee  
 FROM: Brad Medrud, Planning Manager  
 DATE: February 8, 2023  
 SUBJECT: Urban Forestry Management Plan – Tree and Vegetation Preservation Regulations

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1) Recommended Action:

Review attached materials and be prepared to discuss.

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2) Background:

The next step in the implementation of the *Urban Forestry Management Plan* is the preparation of an update to the City's tree preservation regulations found in TMC 16.08 *Protection of Trees and Vegetation*.

The update process involved hiring The Watershed Company to work with staff, stakeholders, and the Tree Board, Planning Commission, and City Council to update the City's tree and vegetation preservation regulations, as well as review and update other relevant City development guides, plans, and manuals.

The project started in October 2022 with the development of the Public Engagement Plan for the project. Public engagement efforts were launched in the fall of 2022. They included a project website, community survey, and external stakeholder meetings called Community Conversations. The project team also developed a gap analysis that looked at the City's current tree preservation regulations.

In January 2023, the community survey, external and internal stakeholder meetings, and initial worksessions with the Planning Commission and Tree Board were completed. Based on the information gathered to date, The Watershed Company will develop draft amendments to the Tree Ordinance for staff review and feedback in February and March 2023.

Worksessions on new Ordinance No. O2023-006 with the Tree Board, Planning Commission, and City Council will start in April 2023 with the final adoption of the new tree and vegetation regulations by the City Council expected by the end of summer 2023.

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3) Policy Support:

Conservation Element Policy C-1.1: Protect the ecological integrity of the natural environment while allowing for compatible growth and development.

Conservation Element Policy C-1.5: Maximize retention of a healthy tree cover and native vegetation and encourage restoration, replacement, and enhancement of unhealthy trees and disturbed vegetation.

Land Use Element Implementation Policy 16: Implement the Urban Forestry Management Plan through the municipal code, Development Guidelines, City employee processes, and community education and engagement.

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4) Alternatives:

None.

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5) Fiscal Notes:

Internally funded.

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6) Attachments:

- A. Tree and Vegetation Preservation Regulations Public Engagement Plan
- B. Tree and Vegetation Preservation Regulations Gap Analysis
- C. Presentation

## Public Engagement Plan

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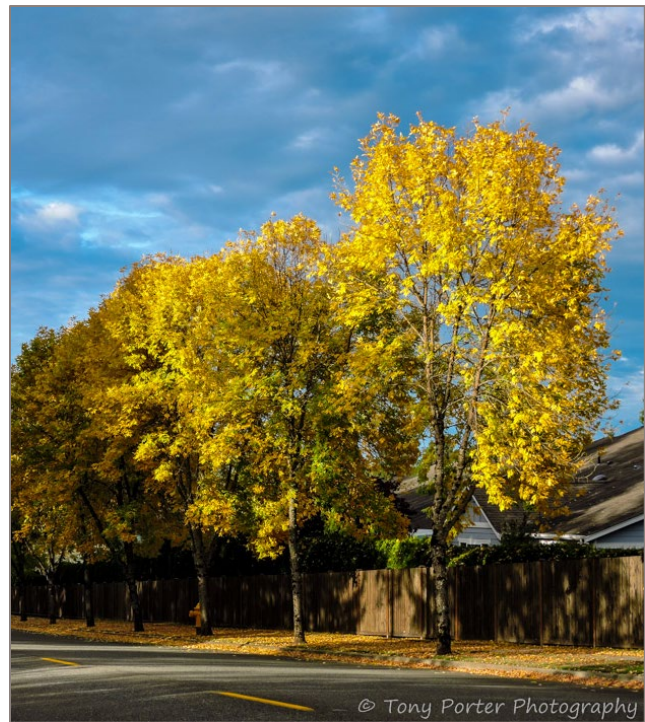
# TREE AND VEGETATION PRESERVATION CODE UPDATE CITY OF TUMWATER

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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Amber Mikluscak

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Detailed Stakeholder index

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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

---

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

<b>Milestone / Event</b>	<b>Key Messages</b>	<b>Relative Timing</b>
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 B **STAKEHOLDER INDEX**

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

## Appendix B **STAKEHOLDER MEETING SUMMARIES**

### Tumwater Urban Forestry Municipal Code Updates

#### TMC 16.08 Protection of Trees and Vegetation

#### Community Conversation #1 – Questions and Comments November 21, 2022

1	<b>Question or Comment</b>	<b>These topics are all interconnected. Hard to separate them or a comment!</b>
	<b>City Response</b>	Staff agrees that the topics under tree preservation are interconnected, but in order to evaluate potential options, the topics should be considered both individually and together to ensure they achieve the goals of the City's Urban Forestry Management Plan. Staff would like to hear suggestions about how to best present the issues for discussion.
2	<b>Question or Comment</b>	<b>Has the City of Tumwater identified through its surveys residential areas that are tree poor? If yes, where are they?</b>
	<b>City Response</b>	<p>Yes, as part of the development of the City's Urban Forestry Management Plan, a public street tree survey was conducted that showed which neighborhoods were lacking street trees.</p> <p>In addition, as part of the City's recent work on affordable housing, climate mitigation, and urban forestry, questions about neighborhood equity are often raised. Through some preliminary mapping we have identified such areas, which include areas where tree cover is lacking.</p> <p>The City has used the Tree Equity Score tool and the Washington Health Disparities Map to determine areas that are "tree poor" and the links to these tools is below</p> <p><a href="#"><u>Tree Equity Score</u></a></p> <p><a href="#"><u>Information by Location   Washington Tracking Network (WTN)</u></a></p> <p>The Urban Forestry Management Plan has identified actions that are separate from this code update process to address this issue.</p>
3	<b>Question or Comment</b>	<b>Did the canopy/green space survey already identify "hot spot" areas or neighborhoods lacking street trees? Do some of these areas also overlap with environmental justice considerations (for example lower income or industrial edge areas etc.)? Are these areas with appropriate space/opportunities where tree planting and long-term stewardship could be a focus? If no, could retrofits be considered to accommodate tree planting initiatives etc.</b>
	<b>City Response</b>	See answer above.
4	<b>Question or Comment</b>	<b>I think it's important to evaluate the investments that the City can make to increase forest cover and habitat, through a multi-criteria analysis that includes human health data (disparities, risks, possible benefits/beneficiaries), as well as environmental quality (air, water, climate).</b>

## Community Conversation #1 – Questions and Comments

November 21, 2022

	<b>City Response</b>	That is part of the actions identified in the Urban Forestry Management Plan. See answer above.
5	<b>Question or Comment</b>	<b>I appreciate the challenge of the City to balance the competing interests of achieving growth management/compact development, affordable housing, and the desire of residents for protecting forest land and having access to open space/green space.</b>
	<b>City Response</b>	Comment acknowledged.
6	<b>Question or Comment</b>	<b>Can the city consider reducing tree removal permits from six to three or four trees, as part of the Climate Solution? Lacey amended its tree removal permits to preserve more trees; With growth in Grand Mound and other adjacent areas, Tumwater will need to go further than Lacey's amendment.</b>
	<b>City Response</b>	The City will be evaluating potential options to consider through the code amendment process. The growth in Grand Mound and other adjacent areas is in Thurston County, not the City of Tumwater.
7	<b>Question or Comment</b>	<b>We are several hundred thousand units short for housing in this state. That includes several tens of thousands of units in this community. We also are facing another existential threat in climate change. If we use code as a punitive measure to stifle development, while saving the trees, we will only see that impact working families in our community. We must find a way to balance both of these existential crises. How will the city utilize code to incentivize, rather than punish, homebuilders to make housing more affordable and available for all of the working families that will inevitably move here? Maybe this is an incentive for private tree planting? Moving and preserving old growth? The fact is people are coming here whether we accept it or not. How will we incentivize smart choices for future property developers/owners?</b>
	<b>City Response</b>	<p>The City will be evaluating potential regulatory and incentive based options to consider through the code amendment process.</p> <p>We recognize that it is also important to identify and discuss the possible effects of actions taken on this project will have on other City priorities, such as providing more housing to increase overall housing supply to reduce homelessness in the community and to provide more affordable housing opportunities, as well as protecting federally listed prairie species and other City priorities.</p> <p>Under the Growth Management Act, the City will need to accommodate nearly 9,000 more people in 2035, which translates into nearly 6,500 new housing units in the City by 2035 built primarily by private developers. Because of the aftereffects of the 2008 recession, despite the recent surge in building single-family and multifamily housing in the City, the City has not built enough new housing units to make up for the deficient in housing units of the past decade.</p>
8	<b>Question or Comment</b>	<b>Excellent point by the current speaker about the preferably of keeping contiguous tracts of forest land/cover, particularly corridors, in the ongoing efforts of maintain trees/vegetation... from a habitat/conservation standpoint, that seems correct.</b>

Community Conversation #1 – Questions and Comments  
November 21, 2022

	<b>City Response</b>	Comment acknowledged.
9	<b>Question or Comment</b>	Good point on the value of older trees in terms of sequestering carbon, and the opportunity to pool funds (from a variety of projects) to ensure they are used to address areas underserved in terms of forest cover across the city.
	<b>City Response</b>	Comment acknowledged.
10	<b>Question or Comment</b>	General comment regarding the last topic- I appreciate the emphasis on incentives for work on both public/private lands, both are critical for successful urban forest preservation/reforestation. I think there is opportunity to partner with local organizations to achieve this goal. With clear priorities and focus areas (like replanting street trees in specific tree deserts or public spaces), the city can work with their Stream Team program volunteers, the Conservation District, or other organizations to create effective community initiatives to plant additional trees. Any of these efforts will need to integrate a long-term stewardship plan as well, with adequate funding to maintain new plantings in public spaces over time.
	<b>City Response</b>	Comment acknowledged.
11	<b>Question or Comment</b>	I like the comment about the importance of providing good information/education for local residents, developers and other project managers, to ensure we're understanding each other and ultimately better compliance toward City goals.
	<b>City Response</b>	Comment acknowledged.
12	<b>Question or Comment</b>	Re: tree preservation/replacement- what types of incentives could be made available to promote tree retention? (For example) reduced stormwater fees for properties that have retained/maintain large trees or plant a certain percentage of their property in tree/shrub cover, vs. those properties that instead maintain lower-performing vegetation like lawn? Can there be greater costs in development fees or taxes for properties/development strategies that remove urban forests and lower fees for those that maintain or protect them?



## Community Conversation #1 – Questions and Comments

November 21, 2022

	<b>City Response</b>	The City will be evaluating a range of potential incentives to support tree preservation through the code amendment process.
13	<b>Question or Comment</b>	Thank you, to several of the folks speaking in the past half-hour, for your bringing up the connection of forest protection to the capture and storage of carbon, to help reduce the pace of climate change. That aspect of tree management has numerous health impacts, in addition to the more acute mitigation of air pollutants and direct health benefits of access to green space.
	<b>City Response</b>	Comment acknowledged.
14	<b>Question or Comment</b>	A special tree/grove designation program would likely need support for those people who end up having designated trees on their properties- they would benefit and possibly be more accepting of the designation if they received support/guidance on actions to protect/care for the tree, and potentially help with appropriate tree care costs like hazard proper pruning etc. With support they can maintain those trees properly and they will be less likely to be threatened by the idea of having a tree with special status- otherwise many people will see this type of designation as a burden rather than privilege. Another consideration would be transfer of land ownership - how could the tree designation be disclosed - would it be attached to a deed/parcel? How do you ensure new landowners are aware of the tree status, and are willing to maintain care rather than remove more trees as typically happens with each successive landowner (I hope noting observations this way is a useful way to contribute to the conversation).
	<b>City Response</b>	Comment acknowledged. The City's experience in managing the existing heritage tree program in TMC 16.08 will inform any changes to the designated tree process in the code update. The City recognizes that education and incentives will be as important as regulations in making it easier for the community to care for the urban forest.

Community Conversation #1 – Questions and Comments  
November 21, 2022

15	<b>Question or Comment</b>	<b>Consider strategies for how regulatory penalties can impact both individuals/businesses that remove trees improperly and the companies that do that work for them, despite knowing they should not (if this doesn't already happen).</b>
	<b>City Response</b>	Comment acknowledged.
16	<b>Question or Comment</b>	<b>Tree account funds should be invested in the city's urban forest maintenance fund, to ensure consistent and quality care for street trees - skilled arborists, better tree selection etc., replacement as needed. There is never enough funding for maintenance.</b>
	<b>City Response</b>	Comment acknowledged.

# Tumwater Urban Forestry Municipal Code Updates

## TMC 16.08 Protection of Trees and Vegetation

### Website and Email – Questions and Comments

As of December 13, 2022

1	Question or Comment	Unless the city is willing to provide for all costs of trees, maintenance, insurance, etc. there should be no requirements on the landowner in excess of those protections required under State Forest Practices Act RCW, 79.06, the Forest Practices Rules, Title 222 WAC, and the Stewardship of Non-industrial Forest and Woodlands, RCW 76.13.
	City Response	The state has not precluded the ability of cities and counties to regulate the preservation of trees and vegetation beyond what is required under state law. Under its strategic priority “Be a Leader in Environmental Sustainability,” the City Council has identified the goals of implementing the Urban Forestry Management Plan and updating the City’s current tree and vegetation protection regulations. This project is a part of that work and the Urban Forestry Management Plan includes a number of actions that emphasize using education and incentives to achieve the City’s goals in addition to regulation.
2	Question or Comment	In my community, we have huge maple trees lining the street, which are ripping up the sidewalks. In accordance with Tumwater's "Urban Forest" commitment, what provisions does it include for community sidewalk restoration?
	City Response	The City is undertaking a related project in 2022 and 2023 to update the Street Tree Plan. As part of those discussions, we anticipate that the City will be discussing the ongoing issues of damage from street trees to public sidewalks, streets, and curbs.
3	Question or Comment	The more trees, the more forests, the better for our health. They clean the air, provide oxygen, shade to cool us. Also, as I am Adjunct Faculty at the Evergreen State College, I have read the copious research that shows that being around trees is immensely good for psychological health. You simply can't go wrong with trees, trees, and more trees. Trees should be native to our area
	City Response	Comment acknowledged.
4	Question or Comment	<p>As a resident participant in the past two public forums addressing the city's Urban Forest objectives, I was thankful for the opportunity. It was an enlightening experience. My attendance, combined with prior knowledge regarding the subject, has led me to the following post-forum conclusions and confirmations.</p> <p><b>CONFIRMATIONS:</b></p> <p>1. "If you build it, they will come." National studies have demonstrated that development does NOT pay for itself (schools, hospitals, police, fire, roads) - it just places more demand on the economic and natural resources of the "developed" community.</p> <p>2. There is NO disincentive for development anywhere in America where fresh air, clean water, and moderate climate exists - all of which Tumwater possesses.</p>

		<p><b>CONCLUSIONS:</b></p> <p><b>1. Based on #2 above, our city has lost, and is continuing to lose, the rich urban forest (and the by-products thereof) at a much faster pace than we can possibly ever expect to retain or reclaim - regardless of proposed future incentives, fines, or education.</b></p> <p><b>2. Because the numerous municipal agencies (i.e. Parks, Transportation, Water Resources) involved in addressing the sustainability of the city's urban forest have their own self-identified interests and challenges (silos if you will), and there exists no ONE substantive central agency responsible for the accountable management of the same, a viable Urban Forest policy is an exercise in futility.</b></p> <p><b>Tumwater is faced with a zero-sum game regarding our "Urban Forest." Unless the city is committed to having developers (the LARGEST destroyer of the urban forest in my opinion) INTEGRATE existing vegetation and forest THROUGHOUT their developments (not just a patch of trees here and there to meet the city's non-scientific numbers), the resources to be dedicated to an "Urban Forest" project should be suspended. As a taxpayer, bureaucracy without a return on investment is not what I expect of my government.</b></p>
	<b>City Response</b>	<p>Thank you for your detailed comments.</p> <p>Under the Growth Management Act since the 1990s, the state has directed most of the growth into cities to reduce sprawl outside cities and protect rural lands in the state; however, as noted, it did not give the cities the ability to stop growth, only to direct how it could occur.</p> <p>While that does mean it is more difficult to protect and grow the urban forest in the City while still accommodating required growth, the City Council asked that the Urban Forestry Management Plan be developed and implemented to pursue for all the benefits a healthy urban forest can bring. Balancing all the competing goals of the City, such as affordable housing, protecting the urban forest and prairie species, economic development, etc., is an ongoing challenge.</p> <p>The Urban Forestry Management Plan recognizes that while individual City departments will have different responsibilities to address the City's urban forest there is an ongoing need to coordinate those actions. Our Sustainability Coordinator does this work on a daily basis. In addition, our Tree Board meets together on an annual basis with all City department directors to discuss how they are implementing the Urban Forestry Management Plan.</p>

**Tumwater Urban Forestry Municipal Code Updates**  
**TMC 16.08 Protection of Trees and Vegetation**  
**Community Conversation #2 – Questions and Comments**  
**December 8, 2022**

<b>1</b>	<b>Question or Comment</b>	<b>Is road or street placement a consideration as part of equity?</b>
	<b>City Response</b>	The City is beginning a broader work effort to develop an equity toolkit that the City can use to examine equity issues for a wide variety of City processes, including policy, budget, and administrative decisions. This ongoing discussion is intended to improve equity in all facets of City operations. While not a part of the discussion about tree preservation, the location of streets is an important part of the larger equity discussion.
<b>2</b>	<b>Question or Comment</b>	<b>Is this the topical area for discussion of wildlife habitat corridors?</b>
	<b>City Response</b>	Habitat corridors fall into several possible areas, but are primarily part of critical areas regulations. While the tree protection regulations do not address wildlife habitat corridors, they can support other City policies and regulations.
<b>3</b>	<b>Question or Comment</b>	<b>Please consider streamlining permits. Tracking permits and exemptions of tree protection and tree loss is, and will be, critical to ensure no net loss. A clear, transparent process for measuring no net loss and net ecological gain would protect the tree environments and increase public confidence that the county's shoreline master program is being effectively implemented.</b>
	<b>City Response</b>	Comment acknowledged.
<b>4</b>	<b>Question or Comment</b>	<b>I totally agree with giving incentives to homeowners to save heritage trees. How they are identified might be a challenge perhaps.</b>
	<b>City Response</b>	Comment acknowledged.
<b>5</b>	<b>Question or Comment</b>	<b>Could the city adopt a point system that more highly values larger trees (rather than the minimum number of trees)? Habitat is key.</b>
	<b>City Response</b>	As part of the tree and vegetation protection regulation update process, the City is looking at a variety of options to address the issue and a point system or something similar.
<b>6</b>	<b>Question or Comment</b>	<b>Is there data on infractions?</b>
	<b>City Response</b>	As part of the Urban Forestry Management Plan and a new permit tracking system, the City is implementing new data tracking means. In the meantime, City staff would need to do an individual search of our electronic and paper data files to gather the data.

Community Conversation #2 – Questions and Comments  
December 8, 2022

7	<b>Question or Comment</b>	<b>For larger plots of forest land, please consider establishing an ordinance to place a non-commodity based “working forest” conservation easement through the Forest Legacy Program (with the USFS) and DNR.</b>
	<b>City Response</b>	As part of the tree and vegetation protection regulation update process, the City is looking at a variety of options to address the issue of larger properties in the City that want to manage actively the urban forest on their site.
8	<b>Question or Comment</b>	<b>Regarding streamlining the permit process, public confidence would be increased regarding the city’s SMP and other programs.</b>
	<b>City Response</b>	Comment acknowledged.
9	<b>Question or Comment</b>	<b>I appreciate the process. I learned a lot this evening even though I came in late to the discussion. I concurred with the concept of a point system related to the value of a tree. As far as incentives and enforcement...a major education program will be needed to make the system work. I can't emphasize that enough.</b>
	<b>City Response</b>	Comment acknowledged.

## Municipal Code Gap Analysis

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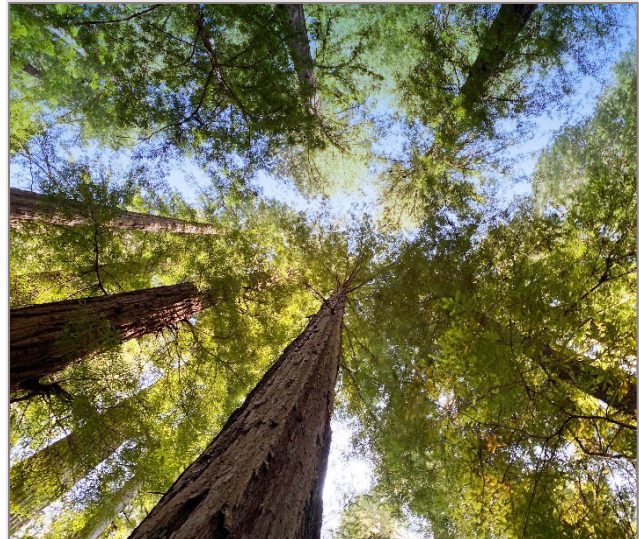
# TREE AND VEGETATION PROTECTION REGULATIONS (TMC 16.08) CITY OF TUMWATER

February 2023

Prepared for:

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*Title-page image: Tree Canopy taken by Il Kern.*

The information contained in this report is based on the application of technical guidelines currently accepted as the best available science. All discussions, conclusions, and recommendations reflect the best professional judgment of the author(s) and they are based upon information available at the time the study was conducted. All work was completed within the constraints of budget, scope, and timing. The findings of this report are subject to verification and agreement by the appropriate local authorities. No other warranty, expressed or implied, is made.



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Jurisdictional comparison summary

## Appendix B

TMC 16.08 Protection of trees and vegetation

# 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. It contributes to the City's character, economic vitality, and a variety of environmental and human health benefits such as reducing urban heat island effects, stormwater management and water quality improvement, 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 faced with the need to support population growth and development while also ensuring environmental sustainability and promoting equity and environmental justice in its policies.

To meet this challenge, the City Council established "Be a Leader in Environmental Sustainability" as one of its Strategic Priorities in the City of Tumwater Strategic Priorities 2021-2026 with the goal of "Develop new approaches to tree preservation and urban forestry management." The City Tree Board, with support from the Community Development Department and community stakeholders, created the Urban Forestry Management Plan (UFMP), which was adopted by City Council on March 2, 2021. To achieve the objectives of the UFMP, the City established review and revision of the City's tree and vegetation preservation code (TMC 16.08 *Protection of trees and vegetation*) as a high priority action (UFMP 2021). In addition, the City will also be looking at other related codes, including TMC 12.24 *Street trees* and TMC 18.47 *Landscaping*, in 2023.

The challenge of municipal code updates for urban forest management lies in the fact that these are complex regional and watershed scale natural systems where regulatory practices differ across local jurisdictions. There are multiple approaches for how to regulate the retention and replacement of trees and vegetation within the urban setting. This includes a growing body of best practices for urban forest management informed by best available science regarding arboriculture<sup>1</sup> and silviculture best practices, urban tree canopy science, critical areas, stormwater management, climate change impacts and adaptation, and sustainable landscape strategies.

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<sup>1</sup> Best practices for arboriculture include but are not limited to the American National Standards Institute (ANSI) which are industry consensus standards developed by the Tree Care Industry Association written by the Accredited Standards Committee. ANSI standards cover everything from specific tree care specifications such as pruning and planting to worker safety.

Tree preservation code updates are also informed by the priorities, values, and resources of the community and will therefore need to be tailored to address the needs of specific neighborhoods, business districts, landowners, and existing City resources and balance competing priorities including developing to urban intensities, protecting federally listed prairie species, and providing affordable housing in a geographically constrained area. Furthermore, urban forest types vary by ecoregion and climate type; what may work in eastern Washington cities may not work for the species and habitat types found in western Washington. This Gap Analysis draws from industry best practices, trends in local urban forest management, and regulatory approaches from within the Puget Sound region.

## 1.1 Methodology

The Watershed Company (Watershed) met with City Staff, Tree Board, and Planning Commission to discuss the current tree and vegetation protection regulations and recently launched a public engagement process to solicit input from external stakeholders. Priorities identified during stakeholder meetings and public comment provided on the Tumwater Urban and Community Forest Online Open House ([www.tumwatertreecity.com](http://www.tumwatertreecity.com)) coupled with existing code and policy review will inform and guide the tree and vegetation preservation code update process. This Gap Analysis is the first step in reviewing the current regulations and framing discussion topics to be discussed and addressed by the Tree Board, Planning Commission, and City Council. Community members will also have the opportunity for further involvement by participating in public hearings in 2023.

## 1.2 Plan and Policy Review

Watershed reviewed TMC 16.08 and other city codes that reference tree management including Title 16 *Environment*, TMC 12.24 *Street trees*, and TMC 18.47 *Landscaping*. In addition, Watershed reviewed City and regional planning and policy documents to assess tree protection and management references, identify nexus with the existing tree preservation code, and note opportunities for revision. Those documents include the following:

- 2021 Tumwater Urban Forestry Management Plan
- Tumwater Town Center Street Design Plan
- Design Guidelines for Capitol Boulevard Community Zone
- Capitol Boulevard Corridor Plan
- Tumwater Development Guide
- Tumwater Citywide Design Guidelines

- Tumwater Brewery District Plan
- Tumwater Littlerock Road Subarea Plan

Watershed also completed a jurisdictional code comparison of other Washington jurisdictions within the Puget Sound region with similar land use and urban interfaces that are referenced throughout this document. See Appendix A for a table of findings. Additionally, Watershed staff reviewed other critical City and regional planning documents, including the Tumwater Comprehensive Plan and Thurston Climate Mitigation Plan, to ensure that the tree and vegetation protection code update is aligned with local climate change, sustainability priorities, and the Growth Management Act.

### *1.2.1 Urban Forestry Management Plan*

The goals and strategies that will guide the TMC 16.08 update process are derived from the 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 inform regulatory strategies and the code update of TMC 16.08 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.*

*Action E. Support and incentivize the use of large-canopy trees in appropriate areas to provide maximum benefits.*

*Action F. Promote the use of native tree and understory species on public and private property to enhance desired wildlife habitat in the City.*

*Objective 1.2. Improve and maintain an optimal level of age distribution and species diversity of trees in the community and urban forest by increasing the use of desirable trees.*

*Action A. Designate tree species based upon specific purposes and site conditions for each project and maximize the benefits of trees while maintaining species diversity.*

***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 3. Manage City-owned community and urban forestry resources for maximum benefit.***

Objective 3.1. Promote efficient and cost-effective management of the community and urban forest by selecting, situating, and maintaining urban trees appropriately to maximize benefits and minimize hazards, nuisances, hardscape damage, and maintenance costs.

Action B. Develop and enforce design phase and preconstruction coordination protocols to ensure “The Right Tree in the Right Place.”

***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 A. Ensure that mitigation and conservation areas created under an approved Habitat Conservation Plan are exempt from tree preservation regulations.

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 UFMP recognizes that there are different community and urban forest subtypes that may require different approaches to tree management based on environmental conditions and land use designations, as described in the City’s Comprehensive Plan. Environmental conditions account for the tree species and plant types most appropriate for a site, historic use and conditions, as well as soils, hydrology, and microclimates. Land use accounts for density of development within a subarea. Tree management differs in higher density urban land

developments compared with lower density residential areas or open space and critical areas. The tree and vegetation protection code update aims to integrate these concepts. The complete UFMP can be found at [www.tumwatertreecity.com](http://www.tumwatertreecity.com).

### 1.3 Internal and External Stakeholder Engagement

City and Watershed staff will be facilitating public meetings with external stakeholders between November 2022 and January 2023, collectively called Community Conversations, to educate the public on the tree and vegetation preservation code update and solicit feedback, concerns, and priorities for tree preservation within the City. These will be “hybrid” meetings hosted online, with in-person attendance provided at City Hall as well. An internal stakeholder session with City staff will be conducted in early January 2023 to enlist input from City employees who implement and enforce the City tree preservation code.

Additionally, the City is hosting an Online Open House website to engage community members that are unable to attend the stakeholder meetings. The Tumwater Urban and Community Forestry Online Open House invited all stakeholders to provide public comment and serves as a hub for project updates and background information ([www.tumwatertreecity.com](http://www.tumwatertreecity.com)). Public comment provided online and during stakeholder meetings will be summarized as an appendix in a final version of this Gap Analysis. Data will be assessed and integrated into the regulations update as applicable and feasible.

### 1.4 Document Organization

Recommendations for updating the City’s existing tree and vegetation protection regulations are provided in Section 2. Potential gaps are identified within each section by topic. Section 3 addresses additional regulatory or urban forest management topics not addressed within the analysis of the existing regulations. The current tree regulations (TMC 16.08) are found in Appendix B.

## 2 Analysis of Existing Regulations

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### 2.1 Introduction

Section 2 of this Gap Analysis outlines specific recommendations or topics for further research and discussion, and it is organized by subsection of TMC 16.08. The subject regulations (See Appendix B) would benefit from additional subsections by specific topics, particularly within TMC 16.08.050 *Permit required* and TMC 16.08.070 *Standards*. This would provide clarification and improve functionality for greater ease of use and application by the reader.

## 2.2 Purposes (TMC 16.08.020)

The City may consider updating the purpose and intent of the TMC 16.08 for policy consistency with the adopted 2021 UFMP. Currently there is one Purpose section for the code. This section should include an introductory paragraph that describes the recent UFMP planning efforts and the needs or issues faced by municipalities, developers, and landowners in managing trees in the urban environment. Other informative additions could include:

- Reference UFMP goals and policies that the code implements. Many UFMP elements are captured in the existing Purposes section of TMC 16.08. However, consider updating it to reference UFMP Goal 4 about the need to balance this with other City priorities as listed above.
- Add a statement addressing the City's canopy cover goals and the need for mitigation and consequences of required tree removal during land development, with the goal of enhancing the City's tree canopy to achieve an overall tree canopy cover of at least 39 percent citywide established by the UFMP. Specify that TMC 16.08 supports the canopy cover targets established in the UFMP which vary by land use type across the City (See Figure 1).
- Include a statement that reflects the UFMP's guiding principle of "Right Plant, Right Place" to manage trees and vegetation in accordance with industry standards, best management practices established by the International Society of Arboriculture (ISA) and the American National Standards Institute (ANSI) for Management of Trees During Site Planning, Development and Construction, Pruning, and Tree Risk Assessment.

Two important components of the UFMP are climate change resilience and equity. Consider adding specific language to this code section such as:

- (1) Mitigation of climate change through the absorption of greenhouse gases, reducing the heat island effect, and removing air pollutants.
- (2) Maintaining and increasing tree canopy and allocating urban forestry resources equitably throughout the City.



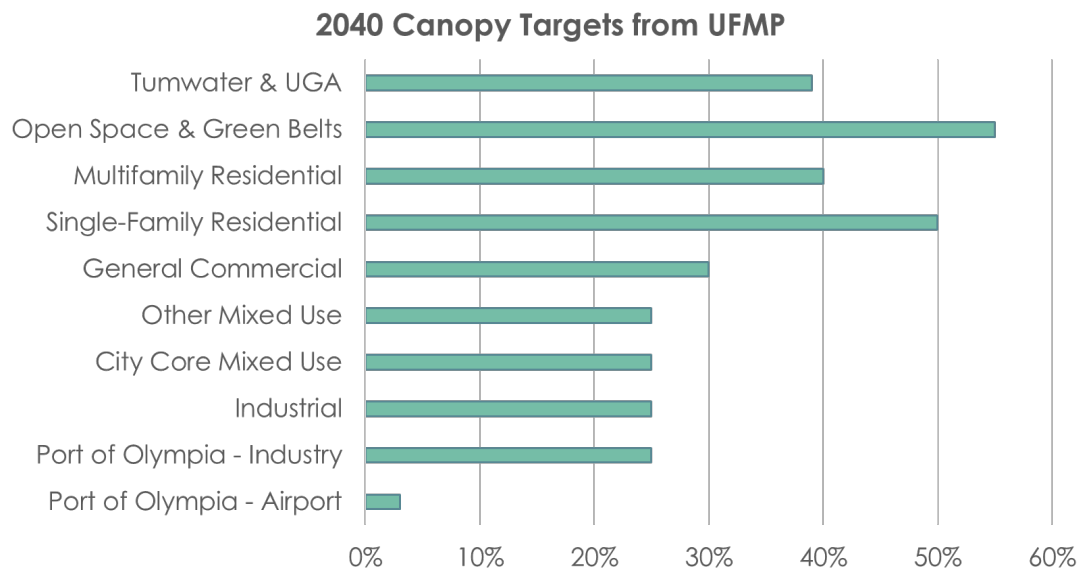


Figure 1. 2040 Canopy Targets by Land Use - Tumwater Urban Forestry Management Plan

## 2.3 Definitions (TMC 16.08.030)

One goal of this code update is to ensure that the revised regulations are clear and easy to understand. To that end, additional terms are necessary to ensure the regulations are accessible to City planners, industry professionals, and community members. As specific amendments are proposed, additional definitions may be needed to ensure conciseness within the regulations. Furthermore, there may be definitions remaining that are no longer applicable and can be removed. Terms should be removed if not present in the code. Definitions should be crafted to reduce ambiguity and adhere to industry standards, best management practices established by ISA and ANSI. Definitions should also be reviewed for consistency across other chapters of the Tumwater municipal code including TMC 17.04 *Definitions* and TMC 18.04 *Definitions*. TMC 17.12 *General design standards* and TMC 18.42 *General land use regulations* address tree protection areas and should also be reviewed for consistency and updated as needed.

The first term that requires clarification is “tree.” TMC 16.08 currently defines a tree as “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...” (TMC 16.08.030(T)). The City should consider refining the definition of trees as “significant” or “regulated.” The term “significant tree” is used in TMC 18.47.020(B) but is not used in TMC 16.08 or TMC 12.24. It is important to ensure consistent use of tree designations across all three urban forestry related codes. Other definitions to specify include hazard trees,

groves, hedges, nuisance trees, public trees, street trees, and viable tree (or healthy versus unhealthy tree).

Definitions that relate to each other and appear in the code in different sections include “Tree Protection Professional” and “Qualified Professional Forester.” Consider consolidating this definition and using one term throughout the code. Since not all arborists are experienced in tree risk assessment or managing tree protection during construction, consider specifying levels of experience and credentials required beyond the ISA certification. All arborists assessing tree health and safety should be Tree Risk Assessment Qualified (TRAQ). The ISA Tree Risk Assessment Qualification is a specialized certification that ISA credentialed arborists receive additional training in tree health assessments (aka hazard trees).

This code update approach proposes clarifying this definition and strengthening the professional requirement. Example requirements are found in the City of Mercer Island City Code *MICC 19.16.010* or the City of Burien *BMC 19.10.432*. One example from the City of Burien’s recent tree preservation code update (*BMC 19.10.432*) reads as follows:

*“Qualified Tree Professional*

*A qualified tree professional is: An individual with relevant education and training in arboriculture or urban forestry, having the International Society of Arboriculture (ISA) Tree Risk Assessment Qualification (TRAQ) and one of the following credentials:*

- 1. ISA certified arborist;*
- 2. ISA certified arborist municipal specialist;*
- 3. ISA board certified master arborist;*
- 4. American Society of Consulting Arborists (ASCA) registered consulting arborist (RCA);*
- 5. Society of American Foresters (SAF) certified forester for forest management plans.*

*A qualified arborist must also be able to prescribe appropriate measures for the preservation of trees during land development. Any provision in this title referring to using an arborist or qualified arborist or tree professional or qualified professional shall be interpreted to require using a qualified tree professional.”*

It is also important to use consistent terms throughout the regulations as described in the definitions section. For example, “tree plan” is listed in the definitions section but labeled “Tree Replacement Plan” in TMC 16.08.050 *Permit required* and TMC 16.08.072 *Maintenance requirements*. Consistent terminology throughout the regulations and other chapters of the municipal code will help City staff when assisting developers, homeowners, and other

customers. For example, TMC 14.08 *Approval, review and appeal authority* should also be reviewed as it includes Table 14.08.030 which defines the process for reviewing, approving and appealing tree plan applications.

Additional recommended definitions include but are not limited to the following:

- Caliper
- Crown
- DBH (Diameter-At-Breast-Height)
- Approved And Prohibited Plant List
- Pruning
- Tree Protection Zone (TPZ)
- Covenant
- Right Of Way (ROW)
- Forest Practices
- Maintenance/Performance Bond

Other items that need to be addressed include Forest Practices terms listed in the definitions section that do not appear directly in TMC 16.08, but they may be defined in a related code. For example:

- Conversion option harvest plan (COHP). This definition pertains to TMC 16.08.038 *Forest practice applications*.
- Class IV Forest Practices and other key terms with a reference to the definitions section of Revised Code of Washington (RCW) 76.09.

## 2.4 City tree protection professional (TMC 16.08.035)

The description and role of the City Tree Protection Professional could be clarified. For instance, does the City contract with the tree protection professional primarily to support the Community Development Department's permit review and ensure that tree inventories, replacement, and protection plans meet standards? This section assumes the reader already understands the role permitting and review process and role of the tree professional. If this is intended to serve as a general definition, consider moving this to the definitions section. The following information could be added here as applicable:

*The City tree protection professional is a City or contract employee who conducts the Community Development Department's urban forestry review of land clearing applications including the arborist report, tree protection and replacement plans, forest management plans, and accuracy of site plans to ensure consistency with City tree and development codes. The City tree protection professional may also verify hazard tree assessments for non-permitted tree removal requests.*

## 2.5 Forest practice applications (TMC 16.08.038)

The forest practices section would benefit from further explanation to put the provisions of RCW 76.09.070 in the context of the City's Comprehensive Plan and development within the City. This section could include an introduction or intent section that refers the reader to Objective 2.4 of the UFMP. Suggested language can be found in the City of Lacey tree protection and preservation code [LMC 14.32.045 Class IV Forest practice applications](#). The Lacey code section outlines rules regarding the Urban Growth Area and RCW 76.09.070, guidelines for conversions and timing; provisions for maintenance and thinning; and jurisdiction for processing of applications. Also, consider providing an FAQ or additional information to landowners on the City's website.

## 2.6 Tree account (TMC 16.08.040)

The existing Tree Account was established for the purposes of "acquiring, maintaining and preserving wooded areas, and for planting and maintaining trees within the City." All fines collected for violations of the regulations are deposited into this account and the funds are used to plant trees on City-owned property or easements.

In keeping with the City's aim to integrate equity into its urban forest management practices, consider expanding use of the account to prioritize tree planting efforts where tree canopy goals fall short of the City's established canopy cover goals. The City could consider developing a homeowner tree give-a-way program that provides trees to be planted on private land and adjacent rights of way in specific neighborhoods or zone districts as needed to achieve equity and canopy cover goals outlined in the UFMP. Consider expanding this section to support potential future opportunities. The City of Burien provides for this in CH 19.26.100 *Tree replacement* in their 2022 regulations update. The following suggested language is based on the City of Burien code:

*Tree account funds may be used for the City's urban forestry initiatives to achieve the objectives of the Urban Forestry Management Plan and the Thurston Climate Mitigation Plan including but not limited to forestry education, restoration activities, the purchase of land for the purpose of reforestation or preservation, the planting of individual trees, funding a tree give-away program, purchase, and installation of infrastructure to preserve existing trees and protect new trees, funding*

*for future monitoring efforts, and/or for enforcement of this chapter. Tree account monies may also be used for off-site replacement plantings at city-owned parks, public street rights-of-way, and other public or private open spaces. All trees to be replaced offsite shall meet the replacement standards of this section.*

## 2.7 Permit required – Applications – Requirements – Processing – Conditions of issuance (TMC 16.08.050)

### 2.7.1 User Guide – New Section

To improve usability and clarity of the permitting provisions, consider creating an introductory “user guide” to TMC 16.08.050. The user guide summarizes when a permit is needed, the required elements of the permit submittal, the review process and timeline, and conditions of issuance. Examples of user guide sections from other jurisdictions can be found in Burien Municipal Code (BMC) 19.26.010 and Kirkland Zoning Code (KZC) 19.40.

### 2.7.2 Permit Types and Requirements

The existing regulations apply to private property outside of critical areas, critical area buffers, and shoreline management areas.<sup>2</sup> The current regulations require a land clearing permit for any land clearing that involves tree removal in the City. The requirements for land clearing permits do not differentiate between large-scale land clearing for the construction of a single-family home, multifamily, or commercial development versus smaller scale tree removals on lots with existing development. If amendments are approved for land clearing permits, the City will need to review TMC 14 *Development code administration* and TMC 15.44 *Vesting of development rights* to ensure the new permitting requirements work with other approvals. TMC 16.08 does outline additional requirements or considerations for “timbered” properties and addresses forest practice applications for processing of Class IV applications per RCW 76.09.240.

The City could consider designating specific permit requirements based on the type of associated land clearing activity. As an example, the Cities of Kirkland (KZC 95.25 and .30) Burien (BMC 19.26.060 and .070), and Mercer Island (MICC 19.10.050 and .060) have provisions for tree retention, removal and replacement based on whether they are associated with development, with different permit submittal requirements. The City could consider creating criteria for (1) tree removal on private property, not associated with development (aka minor permits or tree removal permits) and (2) tree removal associated with large scale land clearing in preparation for a development project (aka major permits).

<sup>2</sup> The project team will not make amendments to the Critical Areas Ordinance or the Shoreline Master Plan as part of this ordinance update but may suggest future amendments to consider in the future.

TMC 16.08 outlines specifications for timbered property greater in size than one acre or commercial property with more than fifteen trees (TMC 16.08.050(D)). The City could also consider having a specific designation for tree removal on wooded property over a certain acreage that is being managed for forest health or timber versus development.

Adding more specificity to the permitting types and requirements as described above could allow the City to streamline the permitting process and more efficiently allocate staff resources for small-scale permit review versus large-scale development projects. This could also aid in enforcement of the code and aid in monitoring short- and long-term trends in tree removal types and processes.

Some Puget Sound jurisdictions provide applicants with a permitting checklist to ensure the applicant provides all required information for a complete permit application. This is more an internal programmatic recommendation versus a code recommendation but could be a useful tool for implementing code requirements and permit review. The City of Kirkland has a [Tree Removal Permitting Guide](#) on the City website to help applicants navigate their tree code.

### 2.7.3 Report and Site Plans

TMC 16.08.050 establishes permit submittal requirements that includes a report with a site plan, tree protection plan, and tree replacement plan. The report must describe existing environmental site conditions, property boundaries, location of proposed clearing, and a tree inventory and have tree protection and tree replacement plans drawn to scale. Each of these components would benefit from some clarification. The City could refine this by breaking out the data required on the 'to-scale' site plans versus a detailed arborist report that provides a narrative description of tree conditions, vegetation, and recommendations following best management practices. The report would supplement what is graphically depicted on the site plan. Recommended site plan requirements could include:

- (1) Name, address of the applicant and owner of the property
- (2) Legal description of the property
- (3) Date, north arrow, and scale
- (4) Topography showing contours not greater than ten-foot intervals of proposed clearing projects.
- (5) Boundary of critical areas such as wetlands, steep slopes, creeks, and shorelines.
- (6) Location of proposed improvements and needed excavation including but not limited to existing structures, new structures, additions to existing structures, appurtenances,

accessory structures, storm drain structures, utilities, driveways, and any required yard setbacks or perimeter buffering as defined under the City landscaping code.

- (7) The location, type, size, inventory tree number (if feasible/applicable), dripline, and critical root zone (CRZ) of regulated trees and groves and the location and type of other vegetation to be preserved/removed.<sup>3</sup> Those regulated trees proposed for removal should be marked with an “X” or ghosted out on the plan set for ease in permit evaluation.
- (8) The tree protection and replacement plan details (discussed below in Section 4.7.4 of this report) should be included in the final site plan submittal (This is already noted in TMC 16.08.050(C)(5)(e)).

TMC 16.08.050(D) states, “...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.” The City should consider refining the administrative process and outlining what types of alternative documentation would be applicable. This topic could also be consolidated with or reference TMC 16.08.090 *Alternative plans*.

#### 2.7.4 Arborist Reports

TMC 16.08.050 establishes the requirement that applications for land clearing permits be accompanied by a “report” that includes many of the above-mentioned components such as a tree inventory, tree protection plan, and tree replacement plan, a timeline for implementing protection and/or replacement.

The “report” could be retitled “arborist report” with the requirement that it be completed by a certified professional arborist or forester as defined in the definitions section of TMC 16.08. Due to tree growth and changes in environmental conditions over time, specify that the report must have been completed within the last three years. In addition to the current requirements listed in TMC 16.08.050(C), the report should include the following information:

- (1) A map showing the location of existing regulated trees on the subject property *and* trees on adjacent properties whose CRZs extend into the subject property. When feasible/applicable, trees should be labeled by inventory number within the report that

<sup>3</sup> The Critical Root Zone (CRZ) is the area encircling the trunk of a tree equal to one foot radius for every inch of DBH. Example: a 24-inch DBH tree has a 24-foot radius CRZ measured from the face of the trunk. The dripline is the distance from the tree trunk that is equal to the furthest extent of the tree’s crown and is typically measured in all four cardinal directions (north, south, east, west). Depending on the tree species and canopy shape, the CRZ will sometimes extend beyond the tree’s dripline.



is consistent with the site plan so the arborist report can serve as a reference when evaluating permit applications.

- (2) A tree viability rating based on the overall health and structure of on-site regulated trees and estimated condition for off-site trees that may be impacted by construction or land clearing activities. Ratings should be based on the most recent edition of the *Guide for Plant Appraisers* written by the Council of Tree and Landscape Appraisers (CTLA) and published by ISA (CTLA 2020) (See Table 1).
- (3) Identification of groves or tracts of trees suitable for protection based on the topography, tree species, tree health, soil types, and project design limitations.
- (4) The feasibility of retaining regulated (aka significant) trees based on existing conditions and proposed development, including but not limited to new structures, additions to existing structures, appurtenances, accessory structures, utilities, and driveways.
- (5) Provide a summary of best practices and specifications for tree and soil protection measures. This includes the placement of construction fences, recommended on-site monitoring during construction activity (including areas of ingress/egress to the site), and tree protection measures based on ISA's current edition of *Managing Trees During Construction*.<sup>4</sup>

Should the City consider using minor versus major tree removal permit application types, the requirements and review process for minor tree removal not associated with development could be adjusted. For example, the minor permit could require a different application form accompanied by a minor site plan or aerial photograph showing the approximate location of regulated trees, clearly designating which trees are to be removed and retained. A planting plan would still be required for replacement plantings but would not necessarily require the more detailed site plan of a development project.

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<sup>4</sup> ISA's *Managing Trees During Construction* is a companion publication to the ANSI A300 Part 5: Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Management of Trees and Shrubs During Site Planning, Site Development, and Construction).



Table 1. Assessment of plant condition considers health, structure, and form. Each may be described in rating categories that could be translated into a percent rating (CTLA 2020) as shown in this table or listed as 'viable' or 'nonviable'. Having clear documentation of assessment data will assist the City in urban forestry evaluations of permit applications.

Rating Category	Condition Components			Percent Rating
	Health	Structure	Form	
<b>Excellent - 1</b>	High vigor and nearly perfect health with little or no twig dieback, discoloration, or defoliation.	Nearly ideal and free of defects.	Nearly ideal for the species. Generally symmetric. Consistent with the intended use.	81% to 100%
<b>Good - 2</b>	Vigor is normal for species. No significant damage due to diseases or pests. Any twig dieback, defoliation, or discoloration is minor.	Well-developed structure. Defects are minor and can be corrected.	Minor asymmetries/deviations from species norm. Mostly consistent with the intended use. Function and aesthetics are not compromised.	61% to 80%
<b>Fair - 3</b>	Reduced vigor. Damage due to insects or diseases may be significant and associated with defoliation but is not likely to be fatal. Twig dieback, defoliation, discoloration, and/or dead branches may compromise up to 50% of the crown.	A single defect of a significant nature or multiple moderate defects. Defects are not practical to correct or would require multiple treatments over several years.	Major asymmetries/deviations from species norm and/or intended use. Function and/or aesthetics are compromised.	41% to 60%
<b>Poor - 4</b>	Unhealthy and declining in appearance. Poor vigor. Low foliage density and poor foliage color are present. Potentially fatal pest infestation. Extensive twig and/or branch dieback.	A single serious defect or multiple significant defects. Recent change in tree orientation. Observed structural problems cannot be corrected. Failure may occur at any time.	Largely asymmetric/abnormal. Detracts from intended use and/or aesthetics to a significant degree.	21% to 40%
<b>Very Poor - 5</b>	Poor vigor. Appears dying and in the last stages of life. Little live foliage.	Single or multiple severe defects. Failure is probable or imminent.	Visually unappealing. Provides little or no function in the landscape.	6% to 20%
<b>Dead - 6</b>				0% to 5%

### 2.7.5 Tree Protection and Replacement Plan

#### 2.7.5.1 General Provisions

TMC 16.08.050(C)(5) *Tree protection plan* and TMC 16.08.050(C)(6) *Tree replacement plan* may require revision as needed to integrate other code provisions as part of this update, add clarity for the reader, and strengthen tree protections by outlining detailed requirements that are readily enforceable.

The Tree Protection and Replacement Plans should include the CRZ of all significant trees as well as the location of protected tree groves as defined in the code. The CRZ is also referred to as the tree protection zone (TPZ). Although the CRZ can be estimated by looking at the drip line of a tree, the CRZ typically extends beyond the boundary of the dripline. Should the City decide to regulate tree retention based on canopy cover by parcel, the tree protection plan should also indicate the proposed retained canopy cover on the parcel as a percentage of the total lot square footage (See section 2.10.3 for further discussion of tree retention standards).

#### 2.7.5.2 Tree Protection Detail and Signage

The City could consider providing applicants more detailed requirements for tree protection. This could include an approved checklist and diagram to be provided to applicants at the pre-submittal meeting and then used by permitting staff to evaluate applications and conduct fencing inspections on development projects. The tree protection detail should provide for protections of trunk, canopy, and the critical root zone and include specifications for the type and location of fencing, treatment of roots exposed during construction, prohibition of stockpiling materials, vehicular traffic, or storage of machinery within the fencing area, and fencing signage requirements. The City may consider providing a TPZ engineering detail with instructions for contractors within the Tumwater Development Guide. Example details and best practices from other Puget Sound jurisdictions or industry professionals can be found on the following websites:

- International Society of Arboriculture ([Tree Protection \(isa-arbor.com\)](http://isa-arbor.com))
- City of Mercer Island ([Tree Protection During Construction](#))
- City of Kirkland ([Tree Fencing](#))

## 2.8 Performance and maintenance bond may be required (TMC 16.08.060)

There are no significant recommended revisions to this section. However, the City may add clarification that “all bond releases or assignment of funds returned to the applicant shall be approved in writing by the community development director.”

## 2.9 Standards (TMC 16.08.070)

### 2.9.1 Organization

TMC 16.08.070 requires reorganization and use of subheadings to improve clarity and conciseness. Specific provisions would benefit from subheadings including but not limited to the following:

- Management of public trees
- Tree retention standards
- Tree replacement standards
- Tree protection details and fencing
- Approved and prohibited tree lists
- Critical areas and their buffers
- Erosion control and soil protection requirements
- Stormwater management
- Schedule and timing
- Nuisance trees
- In lieu fee requirements
- Commercial tree farms

### 2.9.2 Tree Protection Designations

Like many jurisdictions within the Puget Sound Region, the City’s code currently regulates trees greater than or equal to six-inch DBH as well as Heritage Trees as defined in TMC 16.08.075. Some jurisdictions also have protections for large diameter trees based on their DBH often referred to as Landmark or Exceptional Trees. The threshold for Landmark or Exceptional trees varies across jurisdictions but is typically equal to or greater than 24-inch DBH (See Appendix A - Edmonds EMC 23.20, Shoreline SDC 20.50.360, and Kirkland KZC 95). The City

may consider creating a Landmark Tree designation to protect both large diameter trees and groves.

### *2.9.3 Tree Retention and Replacement Standards*

The tree retention standards found in TMC 16.08.070(Q) state, "...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." On parcels not associated with development, a 1:1 tree replacement ratio is required when the retention standard is not met. TMC 16.08.070 (R) states that with a development proposal, a minimum of 20% of trees shall be retained with a 3:1 replacement ratio when the retention standards are not met. The introductory section includes language directing applicants to "leave healthy dominant and codominant trees well distributed throughout the site." TMC 16.08.070(R)(1), which outlines the required size, type, and condition of retained trees, lacks detailed specifications, protections, or incentives for large size classes except for the City's existing heritage tree designation.

#### *2.9.3.1 Quantifying Retention and Replacement Standards*

To determine the level of tree retention and replacement requirements, cities and counties throughout the Pacific Northwest and the United States use different methodologies. Commonly used strategies or approaches for quantifying tree retention and replacement include (1) a tree credit or density approach and (2) a canopy cover approach. Within these strategies, there is variation in application and implementation based on other City development and landscaping codes, community priorities, and City programmatic and staffing resources. Each of these methodologies has cost implications to the City and the applicant, which vary based on the level of in-house urban forestry staffing and the rigor of review requirements established in the City's tree preservation code.

Tree density consists of existing trees, replacement trees, or a combination of both. Tree density credit models are similar to a timber stocking level that quantifies density based on the trunk diameter (DBH) of existing trees. This is considered a general indicator of tree size and canopy cover over time. Parcels within the City or specific land use zones will then have specific minimum tree density credits that must be met. During the permit review, the existing tree credits are calculated based on trees retained versus removed. Tree credit methods are commonly used due to the ease of data collection regardless of expertise - does not require access to aerial imagery or online data sources and trunk size is easily quantifiable. In addition, tree diameter by species can be used as a correlate for canopy, age, and ultimate size when assessing retention values for specific species. Other Puget Sound jurisdictions that use variations of the tree density credit approach include Olympia, Burien, Kirkland, and Woodinville (See Appendix A and Reference section for link to City codes).

Another metric for tree retention standards used by the Cities of Edmonds (EMC 23.10) and Shoreline (SMC 20.50.350) is by measuring the percent of significant trees (six-inch DBH or greater) retained in the developable area of a parcel. Edmonds specifies minimum percent requirements based on the type of development (e.g., new single family, short subdivision, multi-family, or unit lot subdivisions) (See Appendix A).

Another methodology used to set minimum tree retention and replacement standards is the “canopy-based approach.” This approach is currently used by the City of Lake Forest Park (See LFPMC 16.14.070 *Tree permit approval criteria and conditions*). Tree canopy coverage is determined by measuring the canopy provided by existing trees to be retained as well as the projected canopy coverage provided by newly planted trees (at 30-year mark). Another example of this approach can be found in the Snohomish County Code (SCC 30.25.016 *Tree canopy requirements*) which specifies required tree canopy cover based on the type of residential development within the urban growth area. A lot’s canopy coverage would be calculated by the City’s qualified arborist or designee (e.g., on-call consulting arborist) for all permits requiring arborist review. Canopy cover goals are established for parcels within land use types (e.g., single-family, multi-family, and commercial). If the City chose to explore this methodology, minimum parcel level canopy retention requirements could be established based on the canopy cover goals per land use established in the UFMP. The challenge to this approach is in using projected future canopy of a newly planted sapling to calculate the anticipated tree replacement and the need for professional qualified arborists to conduct the calculations.

Each of these methodologies has cost implications to the City and the applicant, which vary based on the level of in-house urban forestry staffing available to review permit applications and the rigor of review requirements established in the City’s tree preservation code. The City could consider using a hybrid approach that sets minimum canopy requirements on parcels within a specific land use while prioritizing protections for trees of specific species (e.g., native conifers) and size classes (Landmark or Exceptional trees).

#### 2.9.4 Tree Replacement Standards

The City’s current tree preservation code requires a 1:1 replacement ratio on parcels not associated with development, when the retention standard is not met (TMC 16.08.070 (Q) and (R)(4)). Per TMC 16.08.070 (R)(3), on sites with an associated development proposal, a 3:1 replacement ratio is required when the standards of the chapter are not met.

The code states that replacement trees must consist of seedlings of the same or similar species to those trees removed, which shall be at least two years old. Where the standard is waived or modified, applicants are expected to plant a minimum of three trees for each tree cleared in excess of the standards established in the TMC 16.08.

The approach to tree replacement standards will be driven in part by the City's approach to establishing and quantifying minimum tree requirements. Ideally, tree retention and replacement standards should be structured based on the size (DBH) and species of the trees removed to ensure that for example if an 18-inch diameter western redcedar is removed, it is not replaced by a deciduous ornamental cherry that will not replace the ecological values provided by the conifer even at maturity. If replacing in kind is not feasible due to design or development constraints, then a combination of on and off-site planting should be required – with species appropriate to the conditions be planted on-site and off-site planting of larger canopy trees be located at another appropriate location. Although there would still be a temporal loss in canopy cover, the goal is that eventually the canopy and the ecological value will be at some point replaced. For example, the City of Edmonds requires a 1:1 replacement for each significant tree between six and ten inches DBH removed; two trees for significant trees between 11 and 14 inches DBH removed; and three replacement trees for significant trees removed between 14 and 24 inches DBH removed (See Appendix A).

In terms of the specifications for replacement plantings, most jurisdictions use size (caliper and/or height) versus age, which the City currently requires. Typically, the minimum size for replacement trees is 1.5 to 2-inch caliper for deciduous trees and 6 to 7 feet in height for conifers.

#### *2.9.5 Tree Species Selection, Location, and Quality*

The current City code references species selection and preferences in various sections. Willow, cottonwood, and poplar trees are identified as nuisance species due to the invasive quality of their root systems and are excluded from tree retention calculation standards (TMC 16.08.070(R)(1)(b)). These are also included on the list of prohibited trees. The City also has a list of trees not allowed in public rights of way to minimize impacts to sidewalks and other infrastructure conflicts. The City may consider expanding its prohibited tree list to include trees known to be invasive in natural areas and open spaces such as English holly (*Ilex aquifolium*), which can create dense thickets – especially in upland forests of Western Washington, outcompete native vegetation, and is on the monitor list with the Washington State Noxious Weed Board (WANWCB).

The City should consider strengthening the location, species, and quality requirements for retention and replacement trees:

1. Location - This code update approach proposes adding more specificity to the location of replacement trees when on-site replacement planting is not feasible. Although the City's average urban tree canopy coverage is 39%, tree canopy cover is less in more heavily developed areas such as mixed use, industrial, and commercial zone districts. Loss of canopy cover in more urbanized neighborhoods has implications for stormwater

management, shading and cooling, property values, and livability. To minimize future canopy losses in a specific land use zone, the City should prioritize, whenever feasible, that replacement trees be planted in the same zone in which they were removed.

Replacement tree planting locations should include developments with high rates of impervious surface coverage to reduce the heat-island effect in these areas. The City should also specify that adjacent street trees and frontage improvements associated with development, should not count towards the canopy cover/retention credits on private property associated with a development project.

2. Species – The retention and replacement of native conifers (or other conifer species as approved by the City arborist) should be prioritized. Conifer species such as Douglas fir and western redcedar would ideally be retained or replaced in kind. Native deciduous trees (e.g., black cottonwood and red alder), small ornamental trees, and fruit trees, though valuable canopy, do not offer the same level of year-round ecosystem service benefits that conifers provide in Western Washington.
3. Quality – The quality or health of a retained tree should be included as a criterion when developing a tree retention plan. Trees in severe decline or that have been deemed a hazard by a Tree Risk Assessment Qualified (TRAQ) arborist should not be included in the canopy cover calculation/tree credits of a specified development. The City should develop specific tree health/hazard thresholds based on the International Society of Arboriculture tree assessment standards as noted in section 2.8.4 of this report.

#### *2.9.6 Preferred Tree List and Education Materials*

Growing healthy full-sized canopy trees in the built environment requires careful consideration of optimal growing conditions by species, proper planting practices, and protection of infrastructure (e.g., buildings, utilities, driveways, sidewalks, fences). To achieve this the City has developed an Approved Tree List ([Approved Street Tree Species | City of Tumwater, WA](#)) primarily for street trees directed to commercial, industrial, and residential development projects. The City could expand this list to provide homeowners and other landowners with “Right Tree, Right Place” guidance on preferred and prohibited tree species and planting practices aligned with planting specifications outlined in TMC 18.47 *Landscaping*.

Additionally, species selection and recommendations should be informed by current trends in the region’s changing climate. The University of Washington Climate Impacts Group predicts that Western Washington will likely see increasingly drier conditions and higher temperatures during the summer months, with potential increases in precipitation during the winter months. This increases stressors on urban trees such as drought, insect, and tree disease outbreaks. As the City develops its preferred tree lists and resources, species should be prioritized that



perform well under summer drought conditions and outline best practices for tree installation and establishment. The City should reference this resource in the applicable tree protection, landscaping, and development codes as well as provide access on the City's urban forestry website.

Example planting resources and tree lists include the Seattle Department of Transportation's Approved Street Tree List and City of Kirkland tree lists and homeowner education materials, both of which are linked in the References section for further consideration.

### *2.9.7 Critical Areas*

Land clearing in wetlands and fish and wildlife habitat areas is regulated under TMC 16.28 and 16.32, respectively. Land clearing and tree removal are not explicitly called out as an allowed use or activity in TMC 16.08, nor are they identified as a prohibited use. The City should consider adding the provision that "no trees or ground cover shall be removed from critical areas or their buffer unless the proposed activity is consistent with the critical area standards" (Example language from City of Shoreline, SMC 20.50.350(A)).

### *2.9.8 Management of Public Trees*

The City should consider adding a subsection specific to the protection and management of public trees and forests. Provisions for street trees would reference TMC 12.24 *Street trees*. TMC 16.08 could include added direction for trees within unimproved rights-of-way, public parks, and natural areas (not regulated by the critical areas regulations). This should include restrictions on pruning, topping, and tree removal by private landowners who live adjacent to public land that are under the purview of the City maintenance department. This section could also outline provisions for when community stewardship of publicly managed trees is supported.

## *2.10 Maintenance requirements (TMC 16.08.072)*

The maintenance requirements section may require restructuring depending on the revision direction taken for any new permitting requirements of the regulations. The current regulations require a maintenance agreement be in place for three years from the date of the final plat or the date the trees are planted. One question to address is whether the maintenance agreement applies to those trees planted off-site when onsite replacement is not feasible. The City may also consider whether maintenance agreements of required trees and tree protection open spaces within homeowners' associations are sufficient or need refinement.



## 2.11 Heritage trees designated (TMC 16.08.075)

The heritage tree designation could benefit from additional detail to provide a more detailed framework for how the City evaluates heritage trees in addition to other tree designations as discussed in Section 2.9.2 of this report. This section references a “tree removal permit” but does not specify the specific requirements compared to the land clearing permit. Permit requirements related to heritage tree removal should be specified here.

## 2.12 Exemptions (TMC 16.08.080)

Exemptions to TMC 16.08 are generally consistent with exemptions found in tree preservation codes reviewed from other jurisdictions as part of this analysis. One provision where variation exists across municipalities is the allowance of a specified number of significant tree removals, without a permit, within a specified timeframe (See Appendix A). TMC 16.08.080 currently allows removal of up to six trees every three consecutive years on developed properties.

Minimum tree removal per parcel

Allowed tree removals within the existing code require revision to address inconsistencies. TMC 16.08.080(G) allows for 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, critical area and associate buffers, or tree topping.

In addition, TMC 16.08.070(Q) and (R) also reference thresholds. TMC 16.08.070(Q) states “...not more than thirty percent of the trees on a parcel of land shall be removed within a ten-year period, unless the clearing is accomplished as part of an approved development plan...” TMC 16.08.070(R) states, “...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.” These provisions should be revisited and revised to ensure consistency. The City could consider adjusting the number of allowed removals in a given timeframe and/or requiring that tree removals will require a permit and replacement plan if proposed removals result in the parcel having less than a specified number of tree credits or canopy cover.

### 2.12.1 Minor pruning and thinning standard

Consider adding an exemption for minor pruning and thinning of trees that complies with ANSI A300 (Part 1 – 2017), Tree, Shrub, and Other Woody Plant Management – Standard Practices, to maintain long-term health of existing trees. Example language could include:

*Minor pruning or thinning of trees; provided, that such activity is consistent with the following requirements:*

1. *The selective removal of branches in the inner crown of the tree provided no more than 25 percent of a tree's leaf-bearing crown is removed. An even distribution of interior small branches and foliage on remaining limbs shall be maintained to avoid over-thinning or "lion-tailing."*
2. *Work involving the removal of more than 25 percent of a tree's crown mass shall demonstrate that the removal is necessary for the clearance of electrical distribution and service lines only.*
3. *The removal of the lower branches of a tree; provided, that the height of the pruned portion shall not exceed one-third of the total tree height and that removal of branches from the lower portion shall not exceed 25 percent of the tree's leaf-bearing crown; and*
4. *Mature and old growth trees are more susceptible to permanent damage or death from pruning. Pruning of mature trees should only be done as a corrective or preventative measure, such as the removal of decayed, rubbing, or crowded branches.*

### 2.12.2 Endangered Species and Habitat Conservation Plans

The City and the Port of Olympia's Olympia Regional Airport are home to unique flora and fauna of the South Puget Sound Prairie ecosystem. This is critical habitat for three federally listed species protected under the Endangered Species Act including Olympia pocket gopher (*Thomomys mazama pugetensis*), streaked horned lark (*Eremophila alpestris strigata*), and Oregon spotted frog (*Rana pretiosa*). The City plans to incorporate an exemption to TMC 16.08 to allow for planned development, maintenance of City and Port facilities, and maintenance at conservation reserve sites within the City ([bushprairiehcp.org](http://bushprairiehcp.org)). This is supported by Action 4.4.1.A of the UFMP, which states, "Ensure that mitigation and conservation areas created under an approved Habitat Conservation Plan are exempt from tree preservation regulations" (UFMP 2021).

### 2.12.3 Habitat Corridors

Section under development.

## 2.13 Alternative plans (TMC 16.08.090)

Consider moving TMC 16.08.090 *Alternative plans* to the section where permitting criteria will be located, as this will apply to alternative reports or plans submitted in place of the required site plans and arborist report for a development project or land clearing permit. Consider naming section 'Modification plans', a modification approval may be tracked administratively within a land use decision or noted in an administrative report by City planning staff. This can be

determined as amendments are developed and any other changes to the structure of the code are established.

#### 2.14 Appeal procedure. (TMC 16.08.100)

No changes proposed, the appeals procedure is cross-referenced to the appropriate development code to avoid redundancy and consistent language during future code updates to the section.

#### 2.15 Violation – Criminal penalties (TMC 16.08.110)

The City may consider adding the Community Development Director as the authority to withhold land use and clearing and grading permits unless prohibited by Tumwater Municipal Code or state law.

#### 2.16 Violation – Civil penalties – Presumption – Other remedies (TMC 16.08.120)

Based on the date of the last code update on this section (2002), it is advisable to review the current minimum costs for tree replacement, materials, and installation in addition to the administration and staff time to process violations to match inflation.

Similar to section 2.15, above, the City may consider adding the Community Development Director as the authority to withhold land use and clearing and grading permits unless prohibited by Tumwater Municipal Code or state law.

## 3 Additional Recommendations and Considerations

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### 3.1 Early Review

To achieve the best outcomes for protection of large trees and groves during proposed development, urban forestry and tree retention codes should be discussed early and often in the design and development review process. For example, City of Lacey's tree protection and preservation code LMC 14.32.060 Application for permits states:

*“Prior to application for land use permits and actions such as a land division, commercial site plan review (SPR), or a conditional use permit (CUP), a pre-submission conference shall be required consistent with the requirements of Chapter 1 of the Development Guidelines and Public Works Standards. The pre-submission conference is designed to review the proposed action and identify permit requirements and issues an applicant may incur if the project is implemented. As part of this*

*review, it should be made clear that the city of Lacey has an Urban Forest Management Plan and tree protection regulations that require early consideration of tree protection options, and that urban forest concepts and strategies shall be part of the early design considerations for new projects. Location and design of major infrastructure, buildings, and planned uses must consider the tree protection opportunities to further the purposes of the Urban Forest Management Plan.”*

The City may consider initiating this in its urban forestry (or preliminary application) review process.

### 3.2 Contractor Requirements

Consider requiring that any arboriculture or forestry professional working within the City be licensed and bonded, obtain a City endorsement to their State Business License, as well as submit a signed statement declaring their understanding of the City’s urban forestry regulations. Jurisdictions with similar requirements include the City of Lacey and the City of Mercer Island

### 3.3 Climate Change Resilience

#### 3.3.1 Thurston Climate Mitigation Plan

Cities and towns in the Puget Sound region are already feeling the impacts of climate change including hotter summers, extended periods of summer drought, an increase in air pollution, extreme flooding, and increased rain events (Climate Impacts Group 2022). A healthy urban tree canopy helps to mitigate some of these impacts through carbon sequestration; the capture, filtration, and slow release of stormwater; and providing shade. The Thurston Regional Planning Council, a partnership between the Cities of Tumwater, Lacey, Olympia, and Thurston County, seeks to reduce climate polluting greenhouse gases and develop a regional framework to address this critical environmental issue. Together they developed the Thurston Climate Mitigation Plan (TCMP 2021) that serves as a regional framework for regional sustainability planning and reducing local contributions to climate change.

According to ongoing research and tracking conducted by the Thurston Regional Planning Council, the greatest sources of greenhouse gas emissions (GHGs) in the region include buildings and energy (54.3% of total emissions) and Transportation and Land Use (35.63% of total emissions). Although deforestation causes the release of stored carbon in trees and prevents further sequestration, silvicultural activities, land conversions, and agricultural practices make up for a much smaller component of the region’s GHGs (2.4% of total emissions) (TCMP 2021).

This framework of the TCMP outlines regional sustainability goals, emissions reduction targets, and implementation action items. Implementation strategies are outlined for the following

sectors: (1) buildings and energy use reductions, (2) transportation and land use, (3) water and waste, (4) agriculture, forests, and prairies sector, and (5) “Cross-Cutting” sector which addresses education, outreach, enhanced monitoring, and advocacy.

Specific to this regulation update, the TCMP recognizes the important role that trees, vegetation, and healthy soils play in carbon sequestration as well as erosion reduction, stormwater management, and providing habitat. Strategy A5/A6/A7: *Preserve tree canopy and manage forests and prairies to sequester carbon* includes specific actions consistent with the Urban Forestry Management Plan including:

*A6.5 Municipal Canopy. Maximize tree canopy on jurisdiction owned or managed land, where appropriate in balance with other jurisdictional goals.*

*A6.9 Tree Canopy Preservation. Develop tree canopy regulations that establishes a baseline for current urban canopy and sets goals for future canopy to increase resilience. Combine direct cooling value (urban heat island mitigation) with carbon sequestration value when evaluating urban tree management.*

### *3.3.2 Climate Change Impacts: Implications to the Regulations*

As much as trees and urban forests help to mitigate the impacts of climate change, they are also greatly affected by the shifts in temperature, precipitation, the growing season, and other factors such as an increase in pest infestations that result from these changes. Heatwaves, drought, and flooding cause decline in tree health and increased mortality in some species. Although many tree species grow in a wide geographic range and may exhibit adaptations and “plasticity” in the face of changing growing conditions, the Puget Sound is starting to see decline of some of our key native species including bigleaf maple (Betzen et al 2021) and western redcedar (Fischer 2019) as well as challenges to tree establishment and vigor in other horticultural varieties.

As noted in the UFMP, the City will need to employ management strategies to ensure the resilience of the City’s urban forest. The City tree regulations can serve as a tool in this regard by guiding tree species selection as noted earlier, timing of landscape plant installations, and monitoring protocols to assess tree health and potential pest outbreaks.

## **3.4 Urban Forestry Permitting Education Materials**

The City may consider creating instructional materials for arborists, developers, and homeowners that aid in the interpretation and execution of the City code. This could include a checklist of requirements for permit submittal and examples of what is expected within the arborist report, site plan, tree replacement, and retention plan etc.

The City does not appear to have a Forest Practices form on the 'Permit Applications, Planning Forms and Legal Forms' on their application website page. Although not a common permit, a form or submittal checklist might be useful for applicants and staff to supplement the code and state law.

The City should consider providing an Approved Tree List for developers and homeowners to reference when selecting new or replacement trees to be planted. Providing such a list would educate developers and homeowners so that trees can be an integral part of a development plan and allow for site considerations at an early stage. The list could include species, approximate height and width, preferred soil type, shade and sun tolerance, and minimum required spacing. The list could be all inclusive and include specific species for street trees, or two separate lists could be created.

### 3.5 Incentives

The City may consider form-based design incentives such as cluster development and flexible setbacks, to encourage infill development and maximize tree retention. For example, the City of Shoreline allows the Director to grant reductions or adjustments to site development standards, including but not limited to variations of the area, width, or composition of required open space or landscaping, variations in parking lot design or access driveway requirements, variations in building setbacks, and variations of grading and stormwater requirements. The City should consider further discussion with stakeholders and City departments to determine which incentives would work best with the jurisdiction's development codes and requirements.

### 3.6 Monitoring

As outlined in Objective 4.1 Action D of the UFMP (see Section 2.2 of this report), the City will review urban forestry regulations in the municipal code to evaluate their effectiveness in achieving other City strategic priorities, plans, and regulations, responding to changes in climate, and implementing the UFMP. This will begin with this code update anticipated to be completed by summer 2023 and then every four years. The City could consider including the monitoring requirements in the municipal code itself.

### 3.7 Wildfire Resilience at the Urban-Rural Interface

Washington State experienced record fires during the last decade and these continue to be a threat in our region with increases in the intensity and duration of summer drought. As the regional population is expected to grow and development pressures rise, homeowners are at increased risk to wildfires due to increasing in populations living within proximity to the "wildland urban interface." During the October 2022 work session with the Tree Board and Planning Commission, members raised the topic of wildfire resilience in the context of tree

removal and protection. The City may explore whether the code could include specific provisions for landowners at the urban/rural interface seeking to manage forest stands for wildfire resilience versus for timber management or development. This could address tree removals required by homeowners on properties seeking to initiate wildfire readiness by creating defensible space to protect the perimeter of their property. This issue is also being addressed in the Thurston Hazard Mitigation Plan update that will be completed in 2023.

### 3.8 Habitat Corridors

Urban development contributes to habitat loss and fragmentation in the landscape. The reduction in total area of continuous habitat segments creates edge and isolation effects that decreases habitat quality and prevents wildlife from moving between habitat patches and features.

A habitat corridor is generally defined as an uninterrupted tract of land characterized by undisturbed forests, wetlands, riparian zones, prairies, and other habitat types. These areas are critical for protecting species richness and biodiversity, providing food and shelter to a variety of amphibians, fish, bird, and animal species. In a rapidly changing landscape with increased urban development, habitat corridors not only provide critical connectivity in the landscape for wildlife, but they also contribute to clean water, reduce wildfire risk, and improve climate resilience.

Urban forest enhancement at a landscape scale and establishing habitat corridors are two strategies for mitigating the negative effects of habitat fragmentation in urbanizing landscapes (Hennings 2010). Adding wildlife and habitat conservation considerations into local zoning codes and regulations, as well as development plans, is one tool that local governments can utilize to address these issues.

Currently, TMC 18.30 establishes a Greenbelt Zone District intended to provide protected open space and other natural assets that provide habitat for wildlife, preserve natural areas for passive recreational use, and protect the aesthetic quality of the Tumwater community. The updates to the City's urban forestry codes also serves an important function in addressing protections for large trees and groves in development scenarios. TMC 18.42.130 *Park and open space area standards for development without divisions of land* and 17.12.210 *Park and open space area standards for divisions of land* also provide for protection of natural areas in the context of the urban environment. To build upon these policy efforts, the city could consider exploring additional strategies to enhance open space and habitat connectivity at a landscape scale by establishing additional habitat corridors or pathways throughout other land use zones and neighborhoods outside of this regulatory update process. This could include a matrix of urban



land-uses that includes public land while also engaging private landowners and developers in the overall goal of urban ecosystem health and sustainability.

### 3.9 Regulatory Linkages – Coordination with other City Plans and Guidelines

Several City policy and code documents were reviewed for language and content related to TMC 16.08, including TMC 12.24 *Street trees*, the Tumwater 2002 Street Tree Plan, Tumwater Comprehensive Plan Land Use Element, Tumwater Town Center Street Design, Design Guidelines for Capitol Boulevard Community Zone, Capitol Boulevard Corridor Plan, Tumwater Development Guide, and the Tumwater Brewery District Plan. While these documents primarily contain references applicable to TMC 12.24 *Street trees*, there are some sections in each that would benefit from TMC 16.08 code updates and updates to the plans themselves, as outlined below. The Gap Analysis for TMC 12.24 *Street trees* will be completed in the future and it will address street tree code updates at that time.

#### 3.9.1 TMC 12.24 *Street Trees*

A separate Gap Analysis will be completed for TMC 12.24 *Street trees* and the Tumwater Street Tree Plan as part of this larger municipal code and plan update. As the project team considers amendments - implications for TMC 16.08, TMC 12.24, and the Street Tree Plan will be evaluated. A couple of items to be considered include:

- TMC 12.24.010 and TMC 12.24.020 could include reference to the new Approved Tree List, as both sections include certain species that are prohibited from being planted.
- TMC 12.24.050 *Fire hazards- abatement* should be updated for consistency with the above proposed Wildfire Resilience (Section 3.7), if included in the update of TMC 16.08.
- Contractor licensing requirements for tree removal contractors.
- Climate change resilience and best management practices identified for planting and maintenance in a changing environment.
- Updates to definitions and use of terms to ensure consistency across TMC 18.47, TMC 16.08, and TMC 12.24.

#### 3.9.2 TMC 16.20-16.32 *Critical Areas Regulations*

Although updated recently, future updates to the Critical Areas Regulations may consider future mandatory state updates, improving cross-references to TMC 16.08 for any added provisions addressing tree protection area standards, critical root zones, and permanent critical



area fencing proposed. This will enable consistent tree protection during construction across non-critical areas and critical area parcels in the City.

### 3.9.3 TMC 18.47 Landscaping

A separate gap analysis will be developed for TMC 18.47 *Landscaping* in 2023 as part of the City's urban forestry municipal code updates. As the City considers amendments and updates for TMC 18.47, implications for TMC 12.24 will be evaluated. The following outlines a preliminary list of revisions or updates that may be needed for consistency with TMC 12.24:

- Review landscaping plan requirements in TMC 18.47.020 to ensure consistency with updated tree retention plan requirements in TMC 16.08 *Protection of trees and vegetation* for depicting significant trees, critical root zones, tree protection fencing requirements, and appropriate species and spacing.
- Reference updated permitting requirements outlined in TMC 16.08 *Protection of trees and vegetation* and TMC 12.24 *Street Trees*.
- Section 18.47.020(L) could include a reference to the revised Approved Street Tree Species List.
- Review species choice in Section 18.47.020(N) to ensure consistency definition of invasive plant species and noxious weeds that are prohibited.
- Update maintenance recommendations in TMC 18.47.040 for consistency with those outlined in the updated Street Tree Plan and TMC 12.24, as it pertains to maintenance of street trees.
- Section 18.47.050(A)(2)(b) could include a reference to the Approved Street Tree list and/or expand on how street trees would be best to accomplish 75 percent coverage in four years and perform well in urban landscape conditions. Additionally, include reference to the Approved Street Tree List throughout TMC 18.47.050(B), (D), and (E).
- Updates to definitions and use of terms to ensure consistency across TMC 18.47, TMC 16.08, and TMC 12.24.

### 3.9.4 Tumwater Littlerock Road Subarea Plan

This document serves to create an understanding of the existing conditions and desired design of the Littlerock Road Subarea. The overall vision for the development of this area was informed by public input. The area is 410 acres within city boundaries composed of commercial and multi-residential mixed uses. The goal of future development is to create a "village" that is "transit oriented and pedestrian friendly." The build-out of the area brings

forward two major concerns “provisions of adequate infrastructure to serve new development...and stormwater [management].” Significant development would impact existing trees as well as provide opportunities for new plantings. Most of the document describes the opportunities available in this subarea for growth and change as well as the overall vision for the area. Suggested road sections, detailing street trees and trees planted in the median, include six-foot-wide planter strips and 12-foot-wide median planter strips. Trees are a noted part of the existing infrastructure. The importance of preserving the existing urban forest to offset significant development is emphasized. Consider the following updates:

- Section 2.1 Community Involvement could benefit from including updates pertaining to tree retention and tree protection standards. Additionally, include a reference to the new Approved Tree List.
- Section 3.2 Vision for the Subarea could include a reference to the new Approved Tree List.
- Section 5.1 Necessary Implementation Actions could include updated tree protection measures for existing trees to be retained, as well as requiring replacement trees or street trees to be selected from the new Approved Tree List.

### *3.9.5 Tumwater Town Center Street Design Plan*

This document provides recommendations for types of landscaping along specific streets and includes recommended tree species to be planted. This document could benefit from an in-depth look at the types of landscaping and species recommended to be planted, to ensure the species and landscaping types are consistent with the overall canopy and vegetation goals identified in TMC 16.08. A table of the Approved Trees List, or reference to the list, would also be beneficial.

### *3.9.6 Design Guidelines for Capitol Boulevard Community Zone*

This document complements TMC 18.21 *CBC Capitol Blvd Community Zone District*. There are specific requirements listed for development regarding frontage improvements. According to this document, tree replacement is considered a major change and needs to follow the guidelines outlined within. Details include appropriate tree spacing, planting strip width, and sidewalk specifications for various types of projects. There are additional sections that discuss landscaping installation specifically as well as expected maintenance. These sections contain broad best management practices but do contain information that should be reviewed and referenced as the Street Tree Plan is updated in 2023.

Although this document primarily contains standards specific to street trees, the Applicability section includes reference to tree replacement standards that should be updated. Section C.3.4 Maintenance should be updated to reflect the maintenance standards contained in TMC 16.08 for consistency.

### *3.9.7 Tumwater Capitol Boulevard Corridor Plan*

This document focuses on economic conditions, transportation options and safety, and aesthetics of the Capitol Boulevard (Blvd). Street trees are addressed peripherally in the context of preservation in specific sections of the thoroughfare as well as identifying areas that would benefit from new street tree plantings as new development happens. Most of the document is dedicated to overarching goals and objectives for different segments of the Blvd, such as the addition of bus stops or the installation of new bike lanes. These objectives parallel the goals outlined in the UFMP. Listed goals include “choose appropriate species and locations for tree planting and attend to maintenance issues” (Goals and Objectives: Respect the environment). The document also notes the importance of parks and green spaces within the city scape.

Although this document primarily contains standards specific to street trees, the Goals and Objectives section could be updated with maintenance standards from TMC 16.08, rather than just stating, “...be aware of maintenance that comes with trees.” This section could also reference the new Approved Trees List where it states, “...choose appropriate species and locations for trees.”

### *3.9.8 Tumwater Development Guide*

This document, adopted in 1995 with subsequent amendments, contains standards related to development activities. General engineering considerations, street, sidewalk, right of way sections, land division improvements and public utility standards for public and private developments are included.

#### *Chapter 1- Zoning & Related Issues*

Section 1.11 includes a reference existing tree retention during design review. Referencing the Urban Forestry Management Plan may provide a useful cross reference to supporting plans and policies relating to trees and vegetation retention.

Section 1.14 includes a summary of the permit requirements for tree removal, exempt activities and Forest Practices. On City Council adoption of tree and vegetation preservation regulation updates, the City should review Development Guide pages 1-8 and 1-9 for consistency with regulations, state law, and TMC cross-references.

#### *Chapter 2- Land Divisions*

TMC Chapter 17 *Land Division* is adopted by reference in the City's Development Guide, Chapter 2. TMC Section 17.12 *General Design Standards* specifically relates to tree and vegetation preservation and retention goals in TMC 16.08. Specifically, trees are mentioned in the following sections:

- TMC 17.04 *Definitions*
  - .205 *Forest land*
  - .450 *Street tree*
- TMC 17.12.070 *Natural vegetation and features*
- TMC 17.12.210 *Park and open space area standards for divisions of land.*

The City may consider streamlining definitions for similar terms in TMC 17.12 and TMC 16.08 ('tree protection areas' and 'tree protection open space'). TMC 17.12 does not appear to define 'tree protection areas', although they appear to be synonymous terms. TMC 17.12.210 should directly reference the sub-section TMC 16.08.070 and TMC 17.24.030, to clarify how and when tree protection areas are established or set-aside mechanism used by the Department in practice (i.e., a dedicated tract, easement, or covenant/notice on title).

#### *Chapter 3- General Engineering Considerations*

Street trees are discussed in Chapter 3. It states that all arterial and collector streets be planted with street trees. Specific tree species are listed as are planting size requirements, tree spacing within a planting strip, and expected width of planting strips. A brief overview of maintenance expectations is also outlined. The maintenance responsibility regarding development and the planting of street trees is noted as well.

#### *Chapter 4 and Addendum – Transportation*

Transportation infrastructure is discussed in Chapter 4 and 2020 Addendum. The chapter contains specific design considerations for street sections. Within the addendum planter strip, widths along arterials and collectors were increased from a maximum of 6 feet to a range of between 6-10 feet at the discretion of staff.

The Street Section Design table (Chapter 4 Addendum, page 3) may include a footnote update, to cross reference an Approved Trees List, with commentary on appropriate tree species when abutting proposed bike lanes for Public Works and Facilities maintenance and root impacts to infrastructure.

Section 4.49 Street Trees (pages 4-40, 4-41, and 4-42) could be updated with the new Approved Trees List, in addition to updating the maintenance standards for residential and commercial projects for consistency.

*Chapter 5- Stormwater Management*

Development Guide, Chapter 5 adopts the City of Tumwater Drainage Design and Erosion Control Manual (DDECM) by reference (effective July 1, 2022) to meet Washington State Department of Ecology requirements. As it relates to trees and vegetation, the City's DDECM includes standards for stormwater facility vegetation and tree maintenance detention ponds and drainage systems for new development and redevelopment projects. This includes removal and pruning of trees in these facilities.

Volume V-Stormwater BMPs of the DDECM, includes best management for stormwater management according to Ecology BMPs. Chapter 3 – LID Site Design BMPs includes Ecology BMP T5.40 for preserving and restoring native vegetation on a site – with the goal of protecting large, connected tracts of native forests and soils.

Volume V, Chapter 8, includes Ecology BMP T5.16 for tree planting and tree retention. This outlines standards for newly planted or retained trees to receive flow control credits including design criteria, best management practices for tree protection during construction, and operations and maintenance criteria. Section 18.16 Landscaping of Chapter 18 Detention Ponds outlines the methods and criteria for the design and analysis of detention ponds. This includes site and planting specifications for landscaping and tree installation within stormwater tracts, as well as guidelines for naturalist planting. Guidelines for tree species selection are included for an open woodland planting scheme. Any amendments to TMC 16.08 as well as TMC 18.47 *Landscaping*, should consider the tree specifications and maintenance requirements. For example, trees cannot be planted on berms that meet the criteria of dams or within 10 feet of inlet or outlet pipes of detention ponds.

Additionally, Chapter 26 Wet Pool Facilities outlines similar criteria for preserving the functions of this stormwater facility. This may require pruning or tree removal to manage unwanted vegetation. This chapter also encourages the planting of clusters of trees and shrubs as part of the design scheme when feasible.

Appendix V-F – Planting and Landscaping Requirements and states that whenever possible, “existing trees and other native vegetation around the facility should be saved.”

The City's DDECM was adopted in summer 2022. Therefore, changes or improvements related to tree and vegetation preservation should be considered during the next state mandated stormwater/drainage regional manual update. To ensure consistency between Volume V and TMC 16.08, the following updates are recommended:

1. Section 3.2.2 *Design Criteria* specifically references TMC 16.08.050 for compliance with tree protection and replacement requirements. This should be updated for consistency with the revised tree preservation code.
2. Section 7.2 Full Dispersion (Ecology BMP T5.30) references removal of dangerous or diseased trees that may require approval by the city. Consider adding specific reference to TMC 16.08 related to hazard tree requirements.
3. Section 8.4.2 Newly Planted Trees includes a reference to (1) an approved list of tree species on the city website and (2) standard practices for planting materials and methods. The city should ensure these educational materials are up to date and meet the standards set forth in any future updates to TMC 16.08.
4. Ensure consistency with Appendix V-F – *Planting and Landscaping Requirements* and any future updates to TMC 18.47 *Landscaping*. Add references to the city's approved and prohibited tree lists developed in tandem with updates to TMC 16.08 and TMC 12.24 *Street Trees*.

#### *Chapters 6 & 7- Public Utilities*

Development Guide, Chapter 6 and 7 discuss the Tumwater Water and Sanitary System, managed by the City of Tumwater Water Resources & Sustainability Department and the LOTT Clean Water Alliance. These chapters include requirements for domestic water connections/extensions and fire flow. These chapters may benefit from ensuring trees and vegetation cover types installed do not conflict with underground utility connections and easements. A cross-reference to any internal utility policy documents or tree and vegetation cover species list from an abutting Water District may be beneficial to guide homeowners and developers. Particularly, during a formal development application process to implement UFMP goal: 'The Right Tree Right Place'. Tumwater Citywide Design Guidelines

This document contains design guidelines for projects that are not addressed by other City planning and design guidelines, with the intent of implementing the City's Comprehensive Plan vision. The guidelines apply to all new commercial, mixed use, residential, industrial, and institutional development projects that are not already addressed by specific district or corridor design guidelines, additions to existing buildings that increase gross floor area by 1,000 square feet or more or increase gross floor area by 50 percent or more, and exterior modifications of existing structures. Design guidelines are organized by land use type and they include guidelines for site planning, pedestrian access, amenities, and open space, parking areas, building, and lighting. The City may consider the following updates to the Design Guidelines based on updated best practices outlined in the revised Street Tree Plan or include by reference:

1. Update Section 1.A.1 Purpose to include purposes identified in Gap Analysis Section 2.2.
2. Section 1.A.2 Administrative Procedures is an opportunity to include a statement about incentives/variation allowances in development standards to encourage tree retention.
3. Consider adding a statement about trees and the aesthetics and functional benefits that selecting the appropriate street tree species can provide to the Intent bullet list in Section 2.B.2 Relationship to Street Front.
4. Opportunity to add a reference to the Approved Street Tree List in Figures 2.B.2-1 and 2.B.2-2.
5. Opportunity to add a reference to the Approved Street Tree List in Section 2.B.2.6 Streetscape.
6. There is an exception on page 2-8 regarding requirements for residential buildings on signature roads (Section 2.B.2.5.b(3)) that states that departures from maximum setbacks may be allowed to preserve existing large trees. "Existing large tree" could be defined with a specific DBH, or DBH based on species; allowed setback departures could be elaborated upon by clarifying within the document itself or adding a reference to the new section in TMC 16.08 that discusses development incentives, including allowed setback reductions.
7. Section 2.B.4.2 Internal Roadways and Vehicular Circulation contains street tree requirements.
8. Section 2.B.5.1 Unified Site Plans (for lots with multiple buildings or a total area greater than 2 acres) criteria could include the preservation of large trees (to be defined) and groves.
9. Section 2.B.7.2(g) Integration of Stormwater Facilities into Site Design provides an opportunity to suggest the use of specific tree species best suited for biofiltration, LID, and stormwater management needs.
10. Section 2.B.2.8.1(a) discusses requirements for common open space in multifamily developments. In addition to the requirements outlined, the City could consider requiring the common open space area be located to preserve and retain landmark trees and/or groves, when possible.
11. Section 2.B.2.9.1 discusses requirements for non-residential open space. The City could consider requiring the open space to include landmark trees and/or groves when possible.



12. Section 2.B.11.1.b(2) could include a reference to the Approved Street Tree List.
13. Section 2.C.1.2(a) could reference the Approved Street Tree List.
14. Section 2.C.3.2(f) could include a direct reference to the Approved Street Tree List, and (m) could include a reference to the Approved Tree List.
15. Section 2.C.3.5(a) states that maintaining existing mature evergreen trees and including existing and new evergreens in site development is an important objective. When appropriate, the Director may also relax other standards, such as setbacks and geometric requirements, to promote the retention of mature trees. This section could be elaborated upon by clarifying within the document itself or adding a reference to the new section in TMC 16.08 that discusses development incentives, including allowed setback reductions. Further, this section includes the protection of roots and setbacks to maintain the tree's health and should be reviewed to include potentially any updates to tree protection measures.
16. Section 2.D.2 Parking Area Landscaping could include a list of trees best suited for improving water quality and stormwater management. Section 2.D.2.1(b) states that mature conifer trees over 24 inches in caliper may count as two trees (with regard to tree retention standards). The City should consider updating this sentence to use DBH rather than caliper.
17. Section 2.E.1.1.a(1) includes the retention of a substantial number of large trees, especially native trees such as conifers, to accomplish the objective that the architectural design of new development must reflect and add to Tumwater's design character by incorporating distinctive and substantial landscaping to enhance the building's setting. The City should consider making the retention of large trees a requirement in this section rather than calling out the retention of large trees as an option to accomplish an objective. The goal would be to require new development to prioritize the preservation of high-retention value trees when possible.

### 3.9.9 Tumwater Brewery District Plan

This document describes the redevelopment vision for the Brewery District. It encompasses a *"series of recommended transportation enhancements, public realm improvements, a vision for building character and development intensity, and a set of implementation and phasing strategies."* As road improvements happen, street tree planting opportunities occur. The addition of trees helps to calm the overall atmosphere and creates a more welcoming environment. The document includes design recommendations and broad street tree placement recommendations (i.e., *"trees should be interspersed with on-street parking"*) and notes the importance of using trees and the



landscape to help link together different areas. Trees are mentioned peripherally when building frontages are being improved. Consider the following updates:

- TMC 18.27.050 *Table of development standards* references “preservation of mature tree stands” in note (2). A definition of what constitutes a mature tree stand or alternate language could be included here for clarity.
- Goals/Objectives Section 1.3 could benefit from updating vegetation and tree replacement standards. This section could also include a reference to the new Approved Tree List.



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JURISDICTIONAL COMPARISON SUMMARY

Topic	Tumwater TMC 16.08	Lacey LMC 14.32	Edmonds EMC 23.10	Lake Forest Park LFPMC 16.14	Burien BMC 19.26	Olympia OMC 16.56, 16.58, 16.60	Shoreline SDC 20.50.350 and .360
	<i>(Current, last amended 2017, last substantial amendment 2006)</i>	<i>(UFMP updated 2021)</i>	<i>(Updated 2021)</i>	<i>(Updated 2017)</i>	<i>(Updated 2022)</i>	<i>(Updated 2021)</i>	<i>(Updated 2022)</i>
Tree Retention Standards	<p>Tree retention standards required by percent of trees on parcel or number of trees per acre.</p> <ul style="list-style-type: none"><li>Maximum 30% of trees on any parcel allowed to be removed within any 10-year period unless part of an approved development plan.</li><li>When land clearing is performed in conjunction with a specific development proposal, minimum retention of 20% of the trees or 12 trees per acre (whichever is greater).</li><li>Separate retention standard for sites that were formerly Christmas tree farms.</li></ul>	<p>Tree standards applied are specific to the type of development and lot size. Requirements are based on either the number of saved or new trees.</p> <ul style="list-style-type: none"><li>Developing Single &amp; Multi-family: 2-5 new or retained trees. Developed Single &amp; Multi-family: Four new or retained trees per 5,000 ft.</li><li>Developing Commercial or Industrial: Two new or retained trees per 10,000 ft.</li><li>Developed Commercial, Industrial, Multi-family proposing addition, tree removal, or site disturbance: Two new or retained trees per 10,000 ft.</li><li>Class IV Forest Practice Activity: replanting required when average stocking* falls below 80 ft squared per acre.</li></ul> <p><i>*Stocking is a quantitative measure of the area occupied by trees relative to a desired or targeted tree density.</i></p>	<p>Tree retention standards required by percent of significant trees on parcel, specific to type of development.</p> <ul style="list-style-type: none"><li>New Single Family, short subdivision, or subdivision: 30% of all significant trees in the developable site.</li><li>Multi-family development, unit lot short subdivision, or unit lot subdivision: 25% of all significant trees in the developable site.</li><li>For developing properties with fewer than three significant trees, trees shall be retained and/or planted that will result in the site having at least three trees per 8,000 SF of lot area.</li></ul>	<p>Minimum Tree Canopy Requirement. Tree canopy cover goals are based on lot size and land use types.</p> <p>Tree canopy coverage is measured by the percentage of canopy provided by existing trees or projected canopy coverage of new trees and is calculated by the City's arborist.</p> <ul style="list-style-type: none"><li>Single family &gt; 15,000 sf: 58%</li><li>Single family 10,000-15,000 sf: 39%</li><li>Single family less than 10,000 sf: 28%</li><li>Multifamily lots: 15%</li><li>Commercial lots: 15%</li><li>Southern Gateway neighborhood: 5-15%</li></ul>	<p>Minimum tree credit requirement.</p> <ul style="list-style-type: none"><li>The required minimum tree credits for single-family and multi-family developments are one tree credit per 1,000 SF of developable area. For commercial, industrial, or non-residential lots, the minimum tree credit is 0.15 per 1,000 SF.</li><li>Tree credits are derived from the size of a tree. See <a href="#">Table 19.26.050-2 Tree Credits</a> for more information.</li><li>Tree credits are assessed by existing healthy trees, replacement trees, and fee-in-lieu.</li></ul>	<p>Minimum tree density requirement.</p> <ul style="list-style-type: none"><li>A minimum tree density of 30 tree units per acre is required on the buildable area of each site, except within the Green Cove Basin and in critical areas.</li><li>Tree units are based on the trunk size of the tree and vary by size. See the <a href="#">Olympia Urban Forestry Manual Table 4-A</a>.</li><li>Developing properties are required to meet a minimum tree density of 30 tree units/acre.</li><li>Commercial/Industrial/Multifamily (5 units or more) properties, proposing an addition or other site disturbance are required to replace a minimum tree density of one tree unit for every 500 sq. ft. of site area to be disturbed and three tree units for every one tree unit proposed for removal, up to the minimum tree density of 30 tree units per acre for the entire site.</li></ul>	<p>Tree retention standards required by % of significant trees on parcel.</p> <ul style="list-style-type: none"><li>At least 25 percent of significant trees on a given site shall be retained, excluding critical areas and critical area buffers, or</li><li>At least 30 percent of the significant trees on a given site (including critical areas and critical area buffers) shall be retained.</li></ul>

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Tree Replacement Standards	<p><b>1:1 replacement ratio.</b></p> <ul style="list-style-type: none"><li>Replacement trees shall consist of seedlings of the same or similar species to those trees removed, which shall be at least two years old.</li><li>Where the standard is waived or modified, the applicant shall plant a minimum of three trees for each tree cleared in excess of the standard.</li></ul>	<p><b>Replacement standards based on lot size.</b></p> <ul style="list-style-type: none"><li>Developing Single &amp; Multi-family: # of new trees based on lot size- anywhere from 2-5 trees</li><li>Developed Single &amp; Multi-family: four trees per 5,000 ft</li><li>Developing Commercial or Industrial: Two trees per 10,000 ft</li><li>Developed Commercial, Industrial, Multi-family proposing addition, tree removal, or site disturbance: Two trees per 10,000 ft</li><li>Class IV Forest Practice Activity: replanting required when average stocking falls below 80 ft squared per acre</li><li>Every commercial project over one-acre in size and every land division over two acres in size shall be required to designate a tree tract(s).</li><li>Tree tract shall cover 5% or more of the site.</li><li>Minimum replacement sizes are 2" caliper for deciduous and 7' tall for conifers.</li></ul>	<p><b>Replacement standards based on size of tree removed.</b></p> <ul style="list-style-type: none"><li>One replacement tree for each significant tree between 6 and 10" DBH removed.</li><li>Two trees for each significant tree between 10.1 and 14" DBH removed.</li><li>Three replacement trees for each significant tree greater than 14" but less than 24" DBH removed.</li><li>Minimum size for replacement trees is 1.5" caliper for deciduous and 6' in height for evergreen trees.</li><li>Replacement trees shall be primarily native species.</li></ul>	<p><b>Replacement standards are based on canopy coverage calculated by City Arborist.</b></p> <ul style="list-style-type: none"><li>Replacement species shall be selected from the approved general tree list maintained by the City.</li><li>When removing native trees, native trees selected as replacements.</li><li>All replacement trees shall meet the minimum standards for size and quality according to the current edition of the ANSI Z60.1 for nursery stock.</li></ul>	<p><b>Replacement standards based on required tree credits.</b></p> <ul style="list-style-type: none"><li>Any exceptional healthy tree required to be removed as part of a development permit requires replacement at a ratio of three trees for each tree removed and shall follow size and planting standards.</li><li>This replacement is in addition to the minimum required tree credits in BMC 19.26.050-1.</li><li>Two-inch caliper at the time of planting for deciduous or broadleaf trees and 6' in height for evergreen conifers.</li></ul>	<p><b>Replacement standards based on required tree density.</b></p> <ul style="list-style-type: none"><li>Replacement trees shall meet the quality and size and be planted pursuant to standards delineated in the Urban Forestry Manual.</li><li>Replacement trees shall be native species or well-adapted drought-tolerant vegetation, and at least 60% conifer trees, unless determined by the Urban Forester as not appropriate for site conditions.</li></ul>	<p><b>1:1 replacement ratio or greater depending on replacement size, with 3 trees maximum.</b></p> <ul style="list-style-type: none"><li>One existing significant tree of 8" in diameter for conifers or 12" diameter for all others equals 1 new tree.</li><li>Each additional 3" in DBH equals 1 additional new tree, up to 3 trees per significant tree removed.</li><li>Minimum size requirements for replacement trees: deciduous trees shall be at least 1.5" in caliper and evergreens 6' in height.</li></ul>
Significant Tree Threshold	6" DBH or greater (Though not labeled "significant" in code)	Not defined.	6" DBH or greater	6" DBH or greater	6" DBH or greater	6" DBH or greater	8" DBH or greater

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Protection of Large Trees or Groves	Heritage trees defined are unusual, rare, and high quality. <ul style="list-style-type: none"><li>Groves mentioned but not clearly defined.</li></ul>	Historic trees, Groves of trees, and Specimen trees defined. Defined as unusual, rare, or high-quality trees.	<ul style="list-style-type: none"><li>Landmark trees - 24" DBH or greater.</li><li>Grove - Three or more significant trees with overlapping or touching crowns</li></ul>	<ul style="list-style-type: none"><li>Exceptional trees - defined based on species and DBH.</li><li>Landmark trees- 24" DBH or greater.</li><li>Groves of trees- contiguous grouping of trees with overlapping canopies that are 12" DBH or greater and occupy a minimum of 7,000 SF in size</li></ul>	<ul style="list-style-type: none"><li>Exceptional trees - trees greater than 30" DBH or based on diameter by species.</li><li>See Table 19.26.040-1 Exceptional Tree Table with Threshold Diameters at Standard Height.</li><li>Heritage trees - Any tree identified by size and species specific.</li></ul>	<ul style="list-style-type: none"><li>Landmark trees - means a tree or group of trees designated as such by the city because of its exceptional value to the residents of the city.</li><li>Value is determined by factors such as association with historic figures, events, or properties, rare or unusual species, or exceptional aesthetic quality.</li><li>Note entire chapter on Landmark tree protection (OMC 16.56). Includes provisions for groves.</li></ul>	Landmark trees - greater than 30" DBH
Tree Protection Requirements	Requires temporary fencing around CRZ and field verification of retained trees by the city tree protection professional.	All requirements for protection of trees and vegetation detailed in plans prepared by the city’s tree protection professional or in land clearing conditions required by staff such as fencing and other protection measures shall be satisfied.	Requires minimum 3-foot-tall fencing and signage along LOD spaced no further than 15' apart stating: “Tree and Soil Protection Area, Entrance Prohibited.” Orange polyethylene laminar fencing is acceptable.	Conditions necessary to safeguard trees identified for protection.	Requires 6-foot-tall chain link fencing and sign stating, “Tree Protection Zone – Keep Out.” Signage every twenty (20) feet around TPZ, fencing inspection.	Prior to initiating tree removal on the site, soils, vegetated areas, and individual trees to be preserved shall be protected from potentially damaging activities pursuant to standards in the Urban Forestry Manual.	Requires 6-foot-tall chain link fencing and "Tree Protection Area" signage around tree protection zone.
Incentives for Higher Level of Tree Protection	None specified.	None specified.	None specified.	None specified.	None specified.	None specified.	Reductions or adjustments to other site development standards, including but not limited to variations of the area, width, or composition of required open space or landscaping, variations in parking lot design or access driveway requirements, building setbacks, grading and stormwater requirements.



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Protection and Management of Public Trees	<p>Restrictions on planting willow, cottonwood, poplar, and any other trees the roots of which are likely to obstruct or injure sanitary sewers or other underground utilities, except as approved by the director of public works in accordance with a city-approved plan or project.</p> <p>See also <a href="#">TMC 12.24 Street trees.</a></p>	<ul style="list-style-type: none"><li>It is unlawful for any person or city department to top any street tree, park tree or other tree on public property.</li><li>Street trees can be counted towards tree replacement requirements for individual lots.</li><li>See Chapter 12.20 for planting location, species, and size requirements.</li></ul>	<p>Pertains to Street Trees Chapter 18.85:</p> <ul style="list-style-type: none"><li>When it is necessary to remove a street tree in connection with paving of a sidewalk, or the paving or widening of the portion of a street or highway used for vehicular traffic, the city shall replant the tree(s) or replace them. If conditions prevent replanting, this requirement may be satisfied if any equivalent number of trees are planted nearby in accordance with the street tree plan.</li><li>Replacements shall meet the standards specified in the street tree plan for size, species, and placement.</li><li>The permittee shall bear the costs of removal and replacement. Removal, planting and replacement of all street trees shall conform to the standards in the material labeled “Standards for Planting Street Trees Within the City of Edmonds.”</li></ul>		<ul style="list-style-type: none"><li>The city shall maintain all trees and other vegetation on the city maintenance responsibility list established pursuant to this chapter.</li><li>No person shall prune or remove trees or other vegetation on the city property identified on the city maintenance responsibility list.</li><li>The owner of property adjacent to an improved or unimproved right-of-way not listed on the city maintenance list shall maintain street trees and other vegetation located within the maintenance area.</li><li>New trees planted in the right-of-way shall be selected from a list of recommended species approved by the city.</li></ul>	<ul style="list-style-type: none"><li>No City trees shall be cut down, killed, or removed for any reason without filing an application with the Urban Forester; procuring a permit for removal from the Urban Forester; and mitigating the loss of the removed tree(s) pursuant to the mitigation section of this ordinance.</li><li>The mitigation value shall be calculated by the Urban Forester using the formula outlined the "Guide for Establishing Values of Trees and Other Plants," published by the International Society of Arboriculture and shall be paid into the City Tree Account.</li><li>All or a portion of this mitigation may be met by planting replacement trees on the site.</li><li>Vegetation Management Plans. When a private party (non-city) requests the removal of a public tree, the applicant shall be required to develop and implement a vegetation management plan for the property. The applicant shall be required to pay all costs.</li></ul>	<ul style="list-style-type: none"><li>Planting of Public Trees: A right-of-way use permit shall be required and issued by the director of public works (hereafter “director”) for planting public trees in rights-of-way adjacent to an applicant’s property according to the variety and spacing approved in the Engineering Development Manual.</li><li>Nonexempt Pruning and Removal of Public Trees: A right-of-way use permit shall be required and issued by the director for the nonexempt pruning or removal of public trees in rights-of-way adjacent to an applicant’s property.</li><li>Maintenance of Public Trees: All planted trees and replacement trees shall be maintained in good health and condition by an applicant, or their successor in interest, in accordance with the issued right-of-way use permit or other authorizing permit.</li></ul>

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Code Enforcement/ Mitigation for Violations	<p>Corrective actions may include:</p> <ul style="list-style-type: none"><li>Restoration and replanting of surface vegetation with plant material similar in character and extent as existed prior to the unauthorized clearing;- Implementation of drainage and erosion control measures;</li><li>Replanting of trees equal in value to those lost through unauthorized clearing.</li><li>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.</li><li>Civil penalties such as withholding of permit issuance and corrective actions.</li><li>Criminal penalties including fines and misdemeanor charges.</li></ul>	<p>Corrective actions may include:</p> <ul style="list-style-type: none"><li>Mitigation</li><li>Potential Environmental Damage Review</li><li>Comprehensive plan for revegetation</li><li>Fee to City Tree Account</li></ul>	<ul style="list-style-type: none"><li>Penalty for illegal removal of trees shall be \$1,500 per tree less than 12 inches in diameter and the appraised value of trees twelve inches or more in diameter.</li><li>Removal of existing 12-inch diameter or larger trees in violation of this chapter will require an appraisal of the tree value by the city tree protection professional using trunk formula method in the current edition of the Guide for Plant Appraisal.</li><li>The cost of the appraisal shall be paid by the person(s) who removed existing trees in violation of this chapter.</li><li>Penalties shall be paid into the city tree fund. If diameter of removed tree is unknown, determination of the diameter size shall be made by the city arborist by comparing size of stump and species to similar trees in similar growing conditions.</li></ul>	<ul style="list-style-type: none"><li>Removal of existing trees in violation of Chapter 16.14 will require an appraisal of the tree value by the qualified arborist using the trunk formula method.</li><li>Payment goes into the city tree account. Tree replacement required.</li></ul>	<ul style="list-style-type: none"><li>Table 19.26.100-1 is a table containing number of required replacement trees for illegal removal of trees, based on DBH.</li><li>Requires fines for illegal tree removal that range from \$700 to \$15,000.</li><li>This allows for an education period prior to penalizing people who violate the code.</li></ul>	<ul style="list-style-type: none"><li>Any person who violates the chapter shall be subject to a civil fee and/or be required to replace the trees.</li><li>The city may use any reasonable means to estimate the tree loss or destruction of the illegally removed or damaged trees.</li><li>The fee here created may be collected by an action in any court of competent jurisdiction. The fee shall accrue to the city, and, if necessary, the city may place a lien against the property in the amount of the fee.</li><li>The city shall place any sum collected in the city tree account.</li></ul>	<ul style="list-style-type: none"><li>Where development activity has occurred that does not comply with the requirements of this subchapter, the requirements of any other section of the Shoreline Development Code, or approved permit conditions, the Director may require the site to be restored to as near pre-project original condition as possible.</li><li>Removal of significant trees without a permit can result in a penalty of \$9,000 per tree.</li><li>Removal of landmark trees without a permit can result in a penalty of \$15,000 per tree.</li></ul>

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Tree Protection Plan (Permit) Requirements	<p><b>Report required for Land clearing permit.</b></p> <p>Application must include the following:</p> <ul style="list-style-type: none"><li>• Tree inventory</li><li>• Tree protection plan</li><li>• Site plan</li><li>• Tree replacement plan</li><li>• Timeline for implementation</li><li>• Monitoring of the tree protection/replacement plan.</li></ul>	<p><b>Tree Protection Professional Report</b></p> <p>required on forested property greater in size than one acre or commercial property with one or more trees, or other sites deemed necessary.</p>	<ul style="list-style-type: none"><li>• <b>Tree retention and protection plan required</b> for short subdivision, subdivision, new multi-family, and new single-family development applications, as well as tree removal on developed sites not exempted by EDC 23.10.040.</li><li>• Tree removal associated with building permit, subdivision, or other land use approval will be reviewed with the associated project and will not require a separate tree removal permit.</li><li>• Tree Retention Plan components include tree inventory (containing numbering system, size, proposed tree status, brief health rating, and tree species), site plan, and an Arborist Report.</li></ul>	<p><b>Permit categories include</b></p> <p><b>Minor tree permit</b></p> <p><b>Major tree permit</b></p> <p><b>Utility permits</b></p> <p><b>Forest management</b></p> <ul style="list-style-type: none"><li>• Minor permits may be issued without review by the City arborist, whereas tree removal under major tree permits must be reviewed by the City's arborist.</li><li>• Minor tree permits are required for removal of two or less significant trees within a 3-year period (unless trees are protected or located in a critical areas or buffers), invasive tree removal, and removal of trees covered by an approved forest management permit.</li><li>• Major tree permits are required for landmark tree removal, removal of three or more significant trees in three-year period, minor development activity within the CRZ of significant trees, major development activity, and trees located in critical areas or buffers.</li></ul>	<p><b>Permit categories include:</b></p> <ul style="list-style-type: none"><li>• Minor tree permit (tree removal not associated with development)</li><li>• Major tree permit (tree removal associated with development)</li><li>• For Major Tree Removal permits, applicants shall submit a tree retention plan prepared by a qualified tree professional and development plan concurrent with a land use review application, grading permit, building permit, subdivision, or short subdivision application.</li><li>• The retention plan shall consist of a tree survey that identifies the location, size, and species of all significant trees on-site, labels any tree 18" or greater for the purpose of establishing wildlife habitat, and any tree designated as a Heritage tree.</li></ul>	<ul style="list-style-type: none"><li>• Soil and Vegetation Plan required for Tree removal permits and land development on property having a tree density below the minimum required.</li><li>• The scale of the project and the size and quantity of trees proposed for removal, preservation, and planting will determine which level of Soil and Vegetation Plan is required, as delineated in the Urban Forestry Manual. Permits are reviewed by Urban Forester.</li></ul>	<ul style="list-style-type: none"><li>• Pre-construction meeting required prior to the commencement of clearing and grading activities.</li><li>• Requires an Arborist or Qualified Professional to prepare a report documenting baseline conditions.</li><li>• Requires applicant to prepare a tree plan that highlight retained trees, tree protection measures, calls out landmark trees, and replacement trees specifications.</li><li>• If any construction work needs to be performed inside the dripline, critical root zone, or inner critical root zone, project arborist will be on-site to supervise work.</li></ul>

Topic	Tumwater TMC 16.08	Lacey LMC 14.32	Edmonds EMC 23.10	Lake Forest Park LFPMC 16.14	Burien BMC 19.26	Olympia OMC 16.56, 16.58, 16.60	Shoreline SDC 20.50.350 and .360
Recommended City Trees List	Approved Street Tree List and Prohibited Trees provided on City website. <a href="#">Approved Street Tree Species   City of Tumwater, WA</a>	Street tree and general tree list in Lacey Urban Forest Management Plan: <a href="https://cityoflacey.org/wp-content/uploads/sites/3/2022/03/UFMP-Documents-092621-FINAL.pdf">https://cityoflacey.org/wp-content/uploads/sites/3/2022/03/UFMP-Documents-092621-FINAL.pdf</a>	Tree List for homeowners provided on City website: <a href="#">Trees - City of Edmonds, WA (edmondswa.gov)</a>	City approved tree list: <a href="https://www.cityofflp.gov/239/Tree-List">https://www.cityofflp.gov/239/Tree-List</a>	<ul style="list-style-type: none"><li>• BMC 19.65.340 contains an Invasive Plant List</li><li>• BMC 19.65.350 contains a Nuisance tree species list</li></ul>	None provided in code, but Street Tree List on city website: <a href="#">Allowed Street Tree List.xlsx (revize.com)</a>	Street tree list: <a href="http://www.shorelinewa.gov/home/showdocument?id=2454">http://www.shorelinewa.gov/home/showdocument?id=2454</a>
City Tree Account, Fee in lieu, and Mitigation	City Tree Account <ul style="list-style-type: none"><li>• In lieu of planting of replacement trees, the applicant may contribute a cash payment to the city’s tree account in an amount equal to 125 percent of the retail value replacement cost.</li></ul>	City Tree Account <ul style="list-style-type: none"><li>• If the cost of restoration of the site is less than the true value of environmental damage at the site, the balance shall be paid to the city tree account. The city shall then utilize those funds for planting trees in other areas of the city.</li><li>• Value of damage assessed using the current edition of the ISA “Guide for Plant Appraisal” as determined by the City Tree Protection Professional.</li></ul>	City Tree Fund <ul style="list-style-type: none"><li>• The developer may pay a fee-in-lieu for each replacement tree required but not replaced, with documentation.</li><li>• The amount of the fee shall be \$1,000 multiplied by the number of trees necessary to satisfy the tree replacement requirements of this section and shall be deposited into the city’s tree fund.</li><li>• The fee shall be paid to the city prior to the issuance of a tree removal permit or associated development permit.</li><li>• For each significant tree greater than 24 inches in DBH removed, a fee based on an appraisal of the tree value by the city tree protection professional using trunk formula method in the current edition of the Guide for Plant Appraisal shall be required.</li></ul>	City Tree Account <ul style="list-style-type: none"><li>• Removal of existing trees in violation of this chapter will require an appraisal of the tree value by the qualified arborist using the trunk formula method in the current edition of the Council of Tree and Landscape Appraisers’ Guide for Plant Appraisal. The cost of the appraisal shall be paid by the person(s) who removed existing trees in violation of this chapter and are jointly and severally liable.</li><li>• In addition to tree replacement, the administrator shall require that the persons found in violation of this chapter, or the conditions of a permit pay the appraised value of the trees, paid into the city tree account.</li></ul>	Fee-in-lieu <ul style="list-style-type: none"><li>• For tree credit standard, if on-site trees cannot be retained and/or if new replacement trees cannot be planted, there is a fee-in-lieu option per BMC 19.26.100(5), where each fee-in-lieu will count as one (1) credit.</li><li>• The fee-in-lieu amount shall cover the cost of a tree, installation (labor and equipment), maintenance for two (2) years, and fund administration.</li><li>• The applicant shall pay the fee-in-lieu amounts to Burien upon completion of a site inspection and confirmation.</li><li>• Fee-in-lieu monies may be used for Burien’s urban forestry initiatives to achieve the objectives of the Green Burien Partnership Urban Forest Stewardship Plan and Climate Action Plan. See code for full reference.</li></ul>	City Tree Account <ul style="list-style-type: none"><li>• When on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the replacement trees into the City’s Tree Account.</li></ul>	Fee-in-lieu <ul style="list-style-type: none"><li>• When an applicant demonstrates that the project site cannot feasibly accommodate all the required replacement trees, the Director may allow the payment of a fee in lieu of replacement at the rate set forth in Chapter 3.01 SMC.</li><li>• Fee Schedules, for replacement trees or a combination of reduction in the minimum number of replacement trees required and payment of the fee in lieu of replacement.</li></ul>

Topic	Tumwater TMC 16.08	Lacey LMC 14.32	Edmonds EMC 23.10	Lake Forest Park LFPMC 16.14	Burien BMC 19.26	Olympia OMC 16.56, 16.58, 16.60	Shoreline SDC 20.50.350 and .360
Forest Practice Applications	TMC 16.08.038	<a href="https://lacey.municipal.codes/LMC/14.32.045">https://lacey.municipal.codes/LMC/14.32.045</a>	N/A	N/A	N/A	Undeveloped property proposing a conversion option harvest are required to meet a minimum tree density of 200 tree units per acre.	N/A
Exemptions	List of exempt activities in <a href="#">TMC 16.08.080</a> .	List of exempt activities in <a href="#">LMC 14.32.050</a> .	List of exempt activities in <a href="#">EMC 23.10.040</a> .	List of exempt activities in <a href="#">LFPMC 16.14.050</a> Emergency Actions and <a href="#">LFPMC 16.14.100</a> Reasonable use exception	List of exempt activities in <a href="#">BMC 19.26.030(2)</a> .	List of exempt activities in <a href="#">OMC 16.60.040</a> .	List of exempt activities in <a href="#">SMC 20.50.350</a> .
Tree Removal on Private Property (non-development)	<ul style="list-style-type: none"><li>Allows removal of up to six trees from any parcel of land in three consecutive calendar years.</li><li>Not applicable to heritage or historic trees, trees located in a greenbelt or greenbelt zone, wetlands or critical areas and their buffers or to tree topping.</li><li>Requires a letter of “waiver” for the exempt removals from the community development department prior to tree removal.</li></ul>	<ul style="list-style-type: none"><li>Allows removal of up to three trees during a five-year period provided the minimum required ratio of four trees per each 5,000 SF of total lot area remain on the site or are replanted.</li></ul>	<ul style="list-style-type: none"><li>Allows removal of non-significant trees as long as they are not protected by other means.</li><li>Allows for the removal of nuisance and hazard trees.</li></ul>	Reasonable use exception that allows the applicant to apply for an exception from the requirements of chapter 16.14 if application of chapter will prevent any reasonable economic use of the property.	<ul style="list-style-type: none"><li>BMC 19.26.060-1 is a table of significant tree removal allowances. Private property owners can remove one tree per year on lots under 5,000 SF.</li><li>Up to five trees per year can be removed on lots greater than 20,001 SF.</li></ul>	<ul style="list-style-type: none"><li>See OMC 16.60.040 Exemptions for tree removal provisions not associated with development.</li><li>Allows removal of up to six trees per acre, up to a total of six trees from an undeveloped parcel within any twelve consecutive month period.</li></ul>	Allows the removal of up to six significant trees from any property during a three-year period.

## Appendix B

# TMC 16.08 PROTECTION OF TREES AND VEGETATION

### 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 regulations” 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;

- 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 regulations.

(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 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](#).
- 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 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)

**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.);
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;

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 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;

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](#);
- 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<sup>5</sup>. 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,

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<sup>5</sup>Unless determined otherwise by the tree protection professional, the critical 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 critical root zone be less than a six-foot radius.

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.

#### 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.
- 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.

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 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.
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;
- 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 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 regulations.

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.

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.

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

TMC 16.08 Protection of Trees and Vegetation

General Government Committee – Project Status Briefing

Wednesday, February 8, 2023





# Agenda

- ♦ Project Status & Timeline
- ♦ Public Engagement Update
- ♦ Gap Analysis Overview & Structure
- ♦ Key Topics for Consideration
- ♦ Next Steps



# Project Update & Timeline

## TMC 16.08 *Protection of Trees and Vegetation*





# Public Engagement

- ♦ Online Open House - [tumwatertreecity.com](https://tumwatertreecity.com)
- ♦ Social Media Promotion
- ♦ Print materials – Postcards and Posters
- ♦ Direct Engagement
- ♦ Community Conversations – External Stakeholder Meetings

# Community Conversations

Initial discussion topics for stakeholders from Urban Forestry Management Plan:

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Incentives support tree planting

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Preserving and replacing of trees

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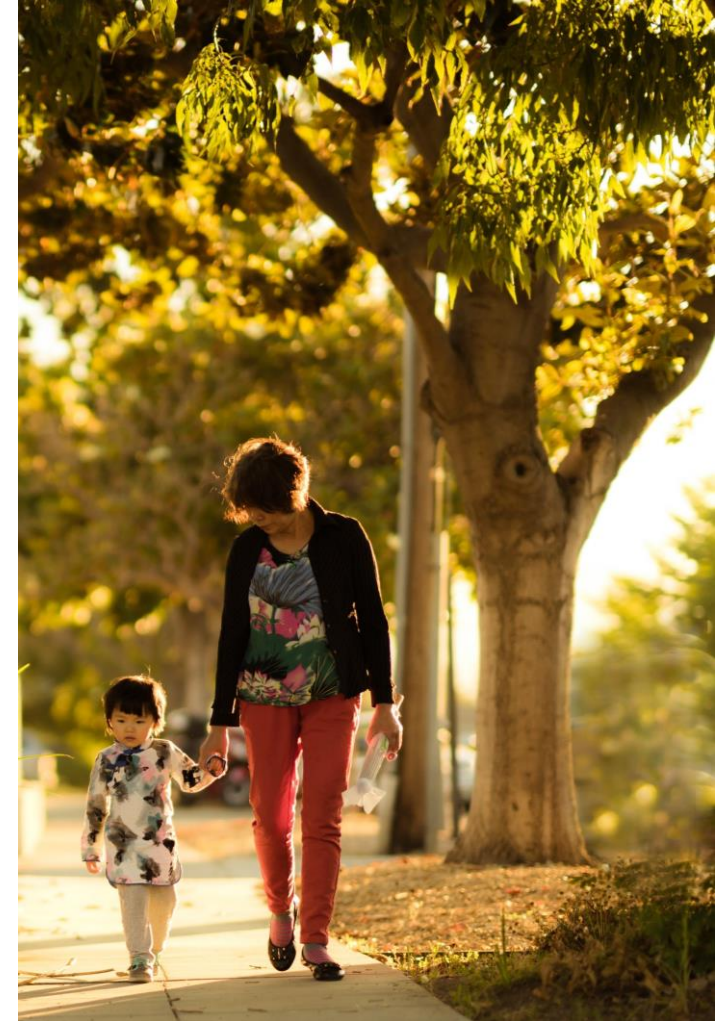
Designating special trees and groves

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Allocating tree account funds

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Addressing environmental justice and equitable allocation of resources





# Community Conversations Themes

Protect large diameter trees

Consider habitat value of trees, groves, and corridors

Clear permitting requirements

Stronger tree retention & replacement requirements

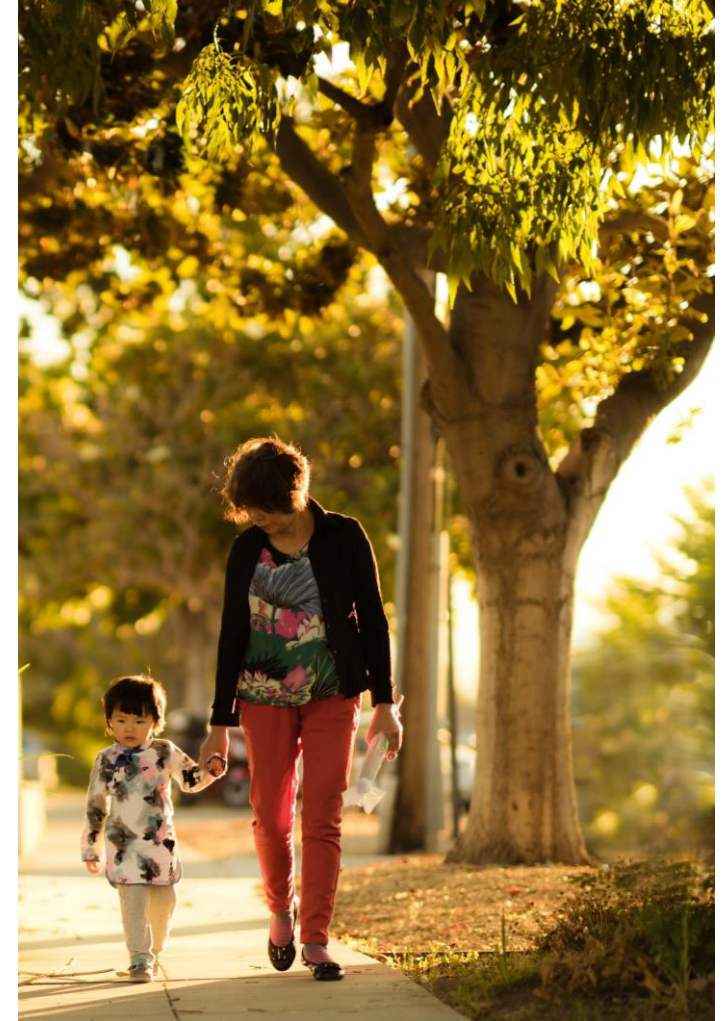
Incentives for homeowners & developers

Climate change mitigation and adaptation

Stricter code enforcement

Strong, but fair penalties for violations

Use of a point or credit system for determining tree retention and replacement requirements



# TMC 16.08 Gap Analysis Overview



**Introduction & Methods**



**Analysis of existing ordinance**



**Additional recommendations**



**Coordination with other City plans  
and policies**

# TMC 16.08

## Gap Analysis

Priority topics under consideration



**Tree retention and replacement requirements**



**Tree protection designations for large diameter trees**



**Update methodology for quantifying tree retention**



**Permit types and requirements**



**Incentives for development projects and existing property owners**



**Maintenance requirements for tree tracts within HOAs and commercial/industrial sites**

# TMC 16.08

## Gap Analysis

*Potential changes to tree code and permitting process*

Reorganization  
of code sections

Early Pre-  
submittal Urban  
Forestry Review

Arborist  
Reports/Site  
Plan  
Requirements

Tree Retention &  
Replacement  
Standards

Major/Minor  
Permit Types



# Permit Types & Requirements

## Section 2.7 of Gap Analysis (page 13)

- Early Urban Forestry Review
- Develop *User Guide* for permitting process
- Major/Minor Permit Types
  - Tree Removal Permits (Minor) – Non-development
  - Land Clearing Permits (Major) – Development Projects





# Tree Retention & Replacement Standards

## Section 2.9.3 of Gap Analysis (page 20)

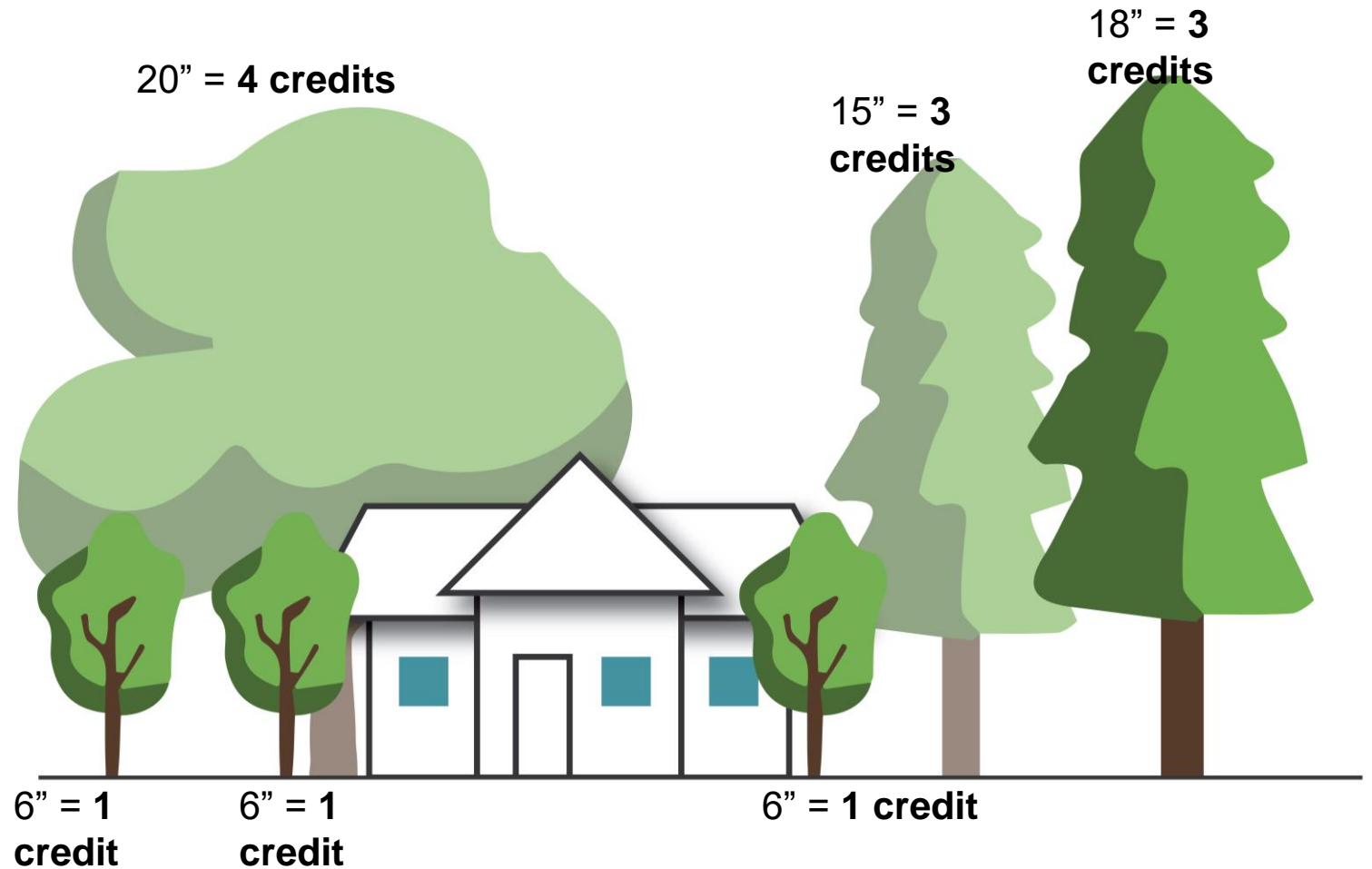
- ♦ Revise methodology for quantifying tree retention and replacement
- ♦ Tree size, species, and location as criteria for retention
- ♦ Additional protections for retention of large diameter trees
- ♦ Decrease the removal allowances on developed properties



# Quantifying tree retention – Tree credits

## Example – City of Burien

- 5,400 square foot single family residential property
- 1 tree credit required per 1,000 square feet of developable area
- $5,400 \text{ sf} / 1,000 \text{ sf} = 5.4$  minimum tree credits
- Total tree credits on site:  
 $4 + 3 + 3 + 1 + 1 + 1 =$   
**13 tree credits**







# Next Steps

TO: General Government Committee  
 FROM: Brad Medrud, Planning Manager  
 DATE: February 8, 2023  
 SUBJECT: Preliminary Docket for 2023 Comprehensive Plan Amendments

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1) Recommended Action:

Review the proposed Preliminary Docket of 2023 Comprehensive Plan Amendments to determine which to include in the 2023 Comprehensive Plan Amendment Final Docket and schedule this item for City Council consent on February 21, 2023.

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2) Background:

Pursuant to RCW 36.70A.130 and TMC 18.60.025(A)(2), proposed map and text amendments to the City's Comprehensive Plan and corresponding rezones are only considered once per calendar year. On October 18, 2022, the City Council approved Ordinance No. O2022-023, which suspended the Comprehensive Plan Annual Amendment Cycle during the 2023 – 2025 Comprehensive Plan Update, except for City-sponsored amendments.

The City's annual 2023 Preliminary Docket of Comprehensive Plan amendments include two City-sponsored Comprehensive Plan amendments: adoption of the 2024 – 2029 Six-Year Capital Facilities Plan Update and adoption of the Old Highway 99 Corridor Plan.

The Planning Commission reviewed the Preliminary Docket on January 24, 2023 and recommended that both items go forward to the review as part of the Final Docket of Comprehensive Plan amendments.

The Planning Commission is scheduled to start consideration of the Final Docket of Comprehensive Plan amendments on July 25, 2023.

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3) Policy Support:

Goal LPP-1: Provide sufficient and efficient services to Tumwater and the Urban Growth Area.

Goal LU-1: Ensure the Land Use Element is implementable and coordinated with all applicable City plans and the plans of other jurisdictions in the Thurston region.

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4) Alternatives:

☐ None

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5) Fiscal Notes:

This is an internally funded work program task.

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6) Attachments:

A. Staff Report

2023 ANNUAL CITY OF TUMWATER  
COMPREHENSIVE PLAN TEXT AMENDMENTS

PRELIMINARY DOCKET

STAFF REPORT

GENERAL GOVERNMENT COMMITTEE BRIEFING

Introduction

Pursuant to RCW 36.70A.130 and TMC 18.60.025(A)(2), proposed text amendments to the City’s Comprehensive Plan can only be considered once per calendar year. On October 18, 2022, the City Council approved Ordinance No. O2022-023, which suspended the Comprehensive Plan Annual Amendment Cycle during the 2023 – 2025 Comprehensive Plan Update, except for City-sponsored amendments.

The first part of the review process for the 2023 Comprehensive Plan amendments is a review of the Preliminary Docket to determine which items will move on to the Final Docket for staff review and consideration by the Planning Commission and City Council later this year.

The 2023 Preliminary Docket includes two City-sponsored Comprehensive Plan text amendments.

- 1. Adoption of the 2024 – 2029 Six-Year Capital Facilities Plan Update
- 2. Adoption of the Old Highway 99 Corridor Plan

The Planning Commission reviewed the 2023 Preliminary Docket at its January 24, 2023 meeting and recommended that both items go forward to the review as part of the 2023 Final Docket of Comprehensive Plan amendments.

The Planning Commission is scheduled to start consideration of the 2023 Final Docket of Comprehensive Plan amendments on July 25, 2023.

Note that this process is separate from the required ten-year update of the Comprehensive Plan and development code that we will be working on this year through 2025.

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#### **A. 2023 CITY SPONSORED COMPREHENSIVE PLAN TEXT AMENDMENTS**

##### **1. Adoption of the 2024 – 2029 Six-Year Capital Facilities Plan Update**

**Proposal**                      1. Adoption of the 2024 – 2029 Six-Year Capital Facilities Plan Update

**Sponsor**                      City of Tumwater

##### **Background**

The purpose of the update is to address Growth Management Act requirements to update the City's Six-Year Capital Facilities Plan with new data and analysis and confirm implementation actions every two years.

City staff has been working on the update of the Six-Year Capital Facilities Plan for the past two years to reflect the changes that have occurred in the City since the Plan's last update as part of the 2021 Comprehensive Plan Text Amendments. The Capital Facilities Plan is an Element of the Comprehensive Plan.

##### **2. Adoption of the Old Highway 99 Corridor Plan**

**Proposal**                      1. Adoption of the Old Highway 99 Corridor Plan

**Sponsor**                      City of Tumwater

##### **Background**

The Old Highway 99 Corridor Plan examines multimodal safety and mobility issues and incorporates land use, environmental, and transportation considerations as

necessary to determine preferred alignment, cross sections, intersection control, stormwater strategies, mitigation strategies, right-of-way needs, implementation strategies, and future project estimates.

Old Highway 99 was first assigned in the mid-1920s as the original north-south highway running along the West Coast of the United States. From Blaine, Washington, in the north to its southern terminus in Calexico, California, it ran 1,600 miles border to border.

In Washington State, this corridor spurred growth and commerce for more than 40 different communities as goods and travelers could quickly navigate from one City to the next.

While this route has since lost many of its once-daily travelers to Interstate 5, the corridor still offers an identity that is closely linked to many early west coast cities. In recent years, many of these communities have invested in revitalizing this route through main street projects, place-making efforts, and expanded boulevards.

At the local level, Old Highway 99 connects south Thurston County, Bush Prairie, and the Olympia Regional Airport to the City of Tumwater and Interstate 5. Commercial and residential use levels have crept upwards in recent years, extending peak commute hours and lengthening vehicle queues.

The City of Tumwater has invested in planning studies and improvements to the north along the Capitol Boulevard corridor. The results of these studies can be found on the *Capitol Boulevard Corridor Planning Project* page on the City website.

Old Highway 99 Corridor Plan addresses the development and improvement of Old Highway 99 from 79th Avenue to 93rd Avenue. Currently, there are no bike lanes along this stretch of the corridor, and sidewalks only exist in a few locations.

The City asked for feedback on the corridor in the fall of 2020 using a platform called Maptionnaire that allowed users to provide map-based comments along the corridor in addition to a traditional survey.

The five main improvements people wanted to see along the corridor included:

- Bicycle Lanes/Paths
- Sidewalks
- Reduced Traffic Congestion
- Intersection Safety
- Street Lighting



In 2016, the City updated the Transportation Element of its Comprehensive Plan. This process determined two lanes are required in either direction on Old Highway 99 from 79th Avenue to 88th Avenue to meet increasing demands of traffic.

Design alternatives were evaluated based on how well they met the identified needs of the community and the requirements of the City's Transportation Plan. Consistent with the Transportation Plan, the project stakeholders recommended the replacement of existing signals with roundabouts.

### **Review and Approval Criteria**

Comprehensive Plan text amendments are subject to the criteria below from Tumwater Municipal Code (TMC) 18.60.025(B):

1. *All amendments to the comprehensive plan must conform with the requirements of the Washington State Growth Management Act, Chapter 36.70A RCW, and all amendments for permanent changes to the comprehensive plan must be submitted to the Washington State Department of Commerce, pursuant to RCW 36.70A.106.*
2. *Text amendments and site-specific rezone applications should be evaluated for internal consistency with the comprehensive plan, and for consistency with the county-wide planning policies, related plans, and the comprehensive plan of Thurston County or cities which have common borders with Tumwater.*
3. *Whether conditions in the area for which comprehensive plan change/zoning amendment is requested have changed or are changing to such a degree that it is in the public interest to encourage a change in land use for the area.*
4. *Whether the proposed comprehensive plan zoning amendment is necessary in order to provide land for a community-related use which was not anticipated at the time of adoption of the comprehensive plan.*

### **Proposed 2023 Comprehensive Plan Amendment Schedule (Note dates subject to change)**

#### 2023 Preliminary Docket Process

##### *Planning Commission*

- January 24, 2023 – Planning Commission briefing (complete)

##### *City Council*

- February 8, 2023 – General Government Committee briefing
- February 21, 2023 – City Council consideration

2023 Final Docket Process*Notice of Intent and SEPA Review*

- July 2023 – Submit Notice of Intent to Commerce
- July 2023 – SEPA Review

*Planning Commission*

- July 25, 2023 – Planning Commission briefing
- August 8, 2023 – Planning Commission worksession
- August 22, 2023 – Planning Commission hearing

*City Council*

- September 13, 2023 – General Government Committee briefing
- September 26, 2023 – City Council worksession
- October 3, 2023 – City Council consideration

**Public Notification**

A Notice of Public Hearing for the Planning Commission will be issued after the Planning Commission establishes a hearing date on the 2023 Final Docket. The notice will be posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*.

**Staff Conclusions**

1. All the proposed Comprehensive Plan text amendments will need to meet the review and approval criteria found in TMC 18.60.025(B).
2. All the proposed Comprehensive Plan text amendments will need to be consistent with the goals of the Washington State Growth Management Act.
3. All the proposed Comprehensive Plan text amendments will need to be consistent with the goals of the Land Use Element of the Comprehensive Plan.
4. All the proposed Comprehensive Plan text amendments will need to be consistent with the goals of the Transportation Plan of the Comprehensive Plan.
5. All the proposed Comprehensive Plan text amendments will need to be consistent with the goals of the Parks, Recreation, and Open Space of the Comprehensive Plan.

6. The potential impacts of all the proposed 2023 Comprehensive Plan text amendments will need to be considered together with the criteria found in TMC 18.60.025(B) and proposed amendments should not create any inconsistencies when evaluated together.
7. Based on the above review and analysis, staff will need to conclude that all the proposed Comprehensive Plan text amendments are consistent with the requirements of the Washington State Growth Management Act, Thurston County-Wide Planning Policies, the goals of Sustainable Thurston, and the Comprehensive Plan.

**Planning Commission Recommendation**

1. The Planning Commission recommends that all the amendments in the 2023 Preliminary Docket go forward as part of the 2023 Final Docket of Comprehensive Plan text amendments.

**Staff Contact**

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