



**PLANNING COMMISSION
MEETING AGENDA**

Online via Zoom

**Tuesday, March 08, 2022
7:00 PM**

1. Call to Order
2. Roll Call
3. Changes to Agenda
4. Approval of Minutes
 - a. Planning Commission Draft Meeting Minutes February 22, 2022
5. Commissioner's Reports
6. Manager's Report
7. Public Comment
8. Urban Forestry Management Plan – Tree Preservation Regulation Update, Scope of Work
9. Urban Forestry Management Plan – Landscaping and Buffering Regulation Update, Scope of Work
10. Next Meeting Date - 03/22/2022
11. Adjourn

Remote Meeting Information

To comply with Governor Inslee's Proclamation 20-28, Tumwater Planning Commission meetings will be conducted remotely, not in-person, using a web-based platform. The public will have telephone and online access to all meetings.

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

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

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

cdd@ci.tumwater.wa.us. Please send the comments by 1:00 p.m. on Tuesday, March 8, 2022.

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

If you have any questions, please contact Planning Manager Brad Medrud at (360) 754-4180 or bmedrud@ci.tumwater.wa.us.

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. 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.

Post Meeting

Audio of the meeting will be recorded and later available by request, please email CityClerk@ci.tumwater.wa.us.

What is the Planning Commission?

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

**TUMWATER PLANNING COMMISSION
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CONVENE: 7:01 p.m.

PRESENT: Chair Elizabeth Robbins and Commissioners Grace Edwards, Terry Kirkpatrick, Nam Duc Nguyen, Nathan Peters, Meghan Sullivan, and Michael Tobias.

Staff: Planning Manager Brad Medrud and Senior Planner David Ginther.

CHANGES TO AGENDA: The recognition of Commissioner Catlin was moved to later in the meeting.

**APPROVAL OF
MINUTES –
FEBRUARY 8, 2022:**

MOTION: Commissioner Tobias moved, seconded by Commissioner Kirkpatrick, to approve the minutes of February 8, 2022 as presented. Motion carried unanimously.

COMMISSIONER REPORTS: There were no reports.

MANAGER’S REPORT: There was no report.

PUBLIC COMMENT: There were no public comments.

ORDINANCE NO. O2022-004, BINDING SITE PLANS Planner Ginther reported binding site plans was added to the Long Range Planning Work Program by the Council. State law authorizes binding site plans as an alternative method for land division. A binding site plan essentially is a comprehensive site plan containing details of the development and is binding to the property, such as circumstances where there are shared amenities, such as stormwater, parking, or access, etc.

The City’s existing code governing the use of binding site plans is minimal and it was added following the adoption of the Growth Management Act and the first zoning code in the 1990s. The provision is unclear as to how binding site plans correlate with other sections in Title 17 governing land use divisions and approvals, as well as vesting provisions in the code.

Planner Ginther reviewed proposed changes addressing binding site plans:

1. TMC Chapter 15.44 Vesting of Development Rights - Added “binding site plan” to sections that specify the type of land

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- division that is vested to clarify how and when binding site plan applications are vested.
2. TMC 17.08.010 Binding site plan - Clarified that binding site plans can be utilized for manufactured home parks. The code already states condominiums and commercial/industrial developments are allowed to utilize binding site plans. State law allows manufactured home parks to use this method of land division as well. Added references to the land division processes addressed in the other portions of TMC Title 17 Land Division.
 3. In TMC 17.14.040 Review Criteria, added several review criteria specific to binding site plans to address the following:
 - Identify building envelopes and land uses
 - Parking lot plans
 - Access, roads and utilities
 - Identification of previously approved uses
 - Identification of open space tracts, critical areas and buffers, and utility easements
 - Uses allowed in the underlying zone district
 - Adjacent properties and future development
 4. TMC 17.14.050 Administrative Consideration - Required findings for approval were added that are specific to binding site plans and include the following:
 - Consistency with the Comprehensive Plan, Tumwater Development Guide, Tumwater Municipal Code, and any applicable state laws
 - A statement that uses approved for the property and the conditions under which they are allowed are binding to the property
 - A statement that a binding site plan may not create new nonconforming uses or structures or increase the nonconformity of existing nonconforming uses or structures
 - A reference to the criteria in TMC 17.14.040 was added
 5. TMC 17.14.080 Duration of approval - "Binding site plan" was added to the section to clarify that it applies to binding site plans. Like other land divisions, such as plats, short plats, etc., the initial period of approval is for five years with up to three additional one-year extensions allowed.
 6. TMC 17.14.090 Phasing of development - Phasing of a residential binding site plan is allowed if it contains 10 or more residential dwellings. This is consistent with the SEPA exemption threshold that Tumwater adopted for short plats. Commercial or industrial binding site plans over 20 acres in size are allowed to phase development. Phased binding site plans are considered for approval or disapproval by the City's hearing examiner.

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Planner Ginther reported the proposed public hearing is recommended for March 22, 2022 to ensure adequate time for the SEPA process to be completed. The General Government Committee is scheduled to consider the proposal in April followed by a Council worksession. The proposal is scheduled for review and consideration by the City Council on May 17, 2022. He invited questions or comments on the proposal. The Commission offered no questions or comments.

MOTION:

Commissioner Sullivan moved, seconded by Commissioner Tobias, to schedule a public hearing on Ordinance No. O2022-004, Binding Site Plans, on March 22, 2022. Motion carried unanimously.

**PLANNING
COMMISSION
TRAINING
PROGRAM
DISCUSSION:**

Manager Medrud reported the review continues the discussion by the Commission on training and includes a review of a training proposal for new Commissioners and continuing education training for existing Commissioners. In both instances, the focus would be similar.

Staff contacted the City of Lacey and City of Olympia for information on what training each jurisdiction provides to its respective planning commission. In both cases, the cities provide some level of training for new Commissioners but limited continuing education training for existing commissioners.

Manager Medrud recommended beginning with new Commissioner training as the goal is seeking input on the type and extent of information to provide. He outlined proposed training for new Commissioners:

1. Legal basis for planning and the role of the Planning Commission
 - a. Washington State Law
 - b. Tumwater Municipal Code
 - c. Open Government Training
 - d. Other legal training as identified
2. Organization of the Planning Commission and its relationship to City government
 - a. Planning Commission Rules of Procedure
3. Meeting management
 - a. Robert's Rules and other materials that discuss what makes productive meetings
4. Open Public Meetings Act (OPMA) and records training – required for new Commissioners and then every four years as continuing education
5. Specific long range planning topics
 - a. How much time to expect to spend on Planning Commission meetings and preparation

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- b. Continuing education opportunities
- c. List of materials/websites for information
- d. City of Tumwater and Planning Terms Glossary (created at the request of Commissioner Peters)
- e. Schedule for regular updates of Plans and Codes, color coded over next ten years (draft of the schedule is in progress)
- f. Relationships with other organizations – Department of Commerce, Municipal Research Service Center (MRSC), Regional Housing Council (RHC), Thurston Regional Planning Council (TRPC), and others
- g. How to be better ambassadors for the City by knowing who to ask and where to look for more information:
 - i. Who to contact if you have questions, including:
 - 1. City Staff
 - 2. Planning Commission chair and vice chair
 - ii. Structure of the City website
 - iii. How to access City Records
 - iv. City social media outlets
 - v. Frequently Asked Questions (FAQs) for Planning Commissioners, including:
 - 1. Meeting agenda structure
- 6. The City's Long Range Planning Work Program
- 7. Specific long range planning topics addressing:
 - a. Growth Management
 - b. The Comprehensive Plan and subarea plans and policies
 - c. Development regulations, including:
 - i. Tumwater Municipal Code
 - ii. Tumwater Development Guidelines
 - iii. Citywide Design Standards
 - d. Housing and other topics that are of current interest

Chair Robbins and Commissioner Peters conveyed appreciation for the draft glossary of terms.

Manager Medrud invited feedback on the best format for new Commissioner training.

Commissioner Edwards recommended an initial orientation/overview of the information would be beneficial with the understanding that the volume of information is substantial and difficult to grasp at the onset, which would speak to the need of an initial orientation followed by periodic check-ins to review information in more detail.

Commissioner Kirkpatrick suggested a meeting with staff is important, as well as meeting individually with the Mayor when first appointed. Manager Medrud noted that he would include the suggestion within the

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final document. The Mayor would likely agree with the suggestion. Mayor Sullivan has been focused on meeting each City employee and likely would extend that effort to all Commissioners as well individually.

Manager Medrud reviewed the proposal for continuing education for the Commission and noted that similar to new Commission training, some of the general training topics would be the same:

1. Legal basis for planning and the role of the Planning Commission
2. Organization of the Planning Commission and its relationship to City government
3. Meeting management – Robert’s Rules of Procedures
4. Open Public Meetings Act and Records training
5. The City’s Long range Planning Work Program, including discussions on:
 - a. What to include on work programs
 - i. Continuation of joint City Council/Planning Commission meetings to develop work programs
 - ii. Reflections on previous work programs to gauge what went well, what did not, and what was learned and applied to the next year’s work
 - iii. Preparation for new work program:
 1. Identify ways to help Commissioners prepare to consider new issues, manage magnitude of information, engage in healthy deliberations, and achieve well thought decisions.
 2. Confirm the amount of time each Commissioner spends preparing for meetings.

Manager Medrud invited feedback on sub 1 and 2 in terms of assisting the Commission prepare for consideration of new issues and managing the magnitude of information.

Chair Robbins suggested that providing the historical context or the reason the City Council has assigned specific topics to the Commission would be helpful. Often, that information is shared during joint meetings with the Council. However, it would be helpful for the Commission to have a sense of the context for specific topics to assist in identifying information that would help inform the Commission as it prepares its recommendations to the Council. Manager Medrud invited the Commission to continue sharing feedback during the course of the year as different issues are under consideration.

During the recent City Council retreat, the Council reviewed its Strategic Goals. The Council uses the goals to determine City priorities. It appears the Council may have shortened the list of goals to four

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important goals with all goals pertinent to the Commission's work.

Commissioner Kirkpatrick suggested involving the Commission early in the development of the different elements of the Comprehensive Plan as part of the major update of the Plan. The Commission should not be confined to a one meeting review of the Elements that have been drafted over a six-month period. Manager Medrud agreed and shared that staff has initiated some discussions with the Transportation and Engineering Director and other directors to enable sufficient time for the Commission's review.

Chair Robbins offered the suggestion of assembling a series of resources available through the Department of Commerce or from other cities or even the American Planning Association for different ideas on addressing issues. A sole resource sheet on issues highlighting recent actions or state of the art solutions by others would be helpful information for the Commission.

Manager Medrud advised that the Department of Commerce is releasing information on a series of updated resources this summer for the Comprehensive Plan Update process. The City's requirements and deadline for the update is one year behind other Puget Sound jurisdictions enabling the City to contact other jurisdictions to take advantage of information and resources.

6. Specific long range planning topics such as Comprehensive Plans, housing, or other current topics
7. Information on the development review process – *Manager Medrud noted that the Tree Board has asked questions about the development review process and some specific approvals. He offered to allocate time during a meeting to walk through a development application review process to provide the Commission with information on what occurs when staff implements updated codes and regulations. He suggested scheduling a session during the summer as the update of the Comprehensive Plan begins to share information on how policies are translated into regulations and how those regulations are applied to development proposals.*
8. Schedule annual individual meetings with Commissioners and staff to assess current efforts
9. Consider opportunities for internal training and coordination to include:
 - a. Annual meetings with City Council to coordinate long range work programs and address specific long range topics
 - b. Meetings with other City boards or commissions to coordinate specific long range topics
 - c. Field trips to support review of specific long range topics

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- d. Retreats to discuss special Planning Commission topics
- 10. Opportunities for external training could include:
 - a. Washington State Department of Commerce Short Course for Planners
 - b. American Planning Association – Washington Chapter and South Sound and Planning Association of Washington annual conferences and trainings
 - c. Municipal Research and Service Center trainings
 - d. Other trainings and special topics
- 11. Receiving regular updates on City activities from City monthly newsletters, Tumwater on Tap
- 12. Some other information to consider:
 - a. What information do Commissioners find important when deliberating decisions?
 - b. How do Commissioners access information?
 - c. What framework is helpful to Commissioners in understanding the issues on the work program?
 - d. What information would Commissioners like to see in an executive summary?
 - e. What is policy and what is technical?
 - f. How do Commissioners know when they have received sufficient and balanced information needed to make decisions?

Manager Medrud requested feedback on ways to recognize the work completed by the Planning Commission. He recommended using the draft as an outline moving forward.

CONSENSUS: **The Commission supported using the draft outline as the training plan for new and existing Commissioners moving forward.**

NEXT MEETING DATE: The next meeting is scheduled on March 8, 2022. The agenda includes the scope of work for amendments to tree preservation. The City is contracting with a consultant to assist staff with the amendments. The scope of work will be presented to the Commission for input to release a Request for Proposal to consultants. At the last meeting in March, the Commission is scheduled to discuss the scope of work for the landscaping updates.

RECOGNITION OF COMMISSIONER DOTY CATLIN: Chair Robbins recognized the service of Commissioner Catlin during her tenure on the Commission. Commissioner Catlin contributed much in all discussions, particularly discussions and recommendations on housing issues. The Commission wishes her well on her future endeavors.

ADJOURNMENT: **Commissioner Peters moved, seconded by Commissioner Tobias, to adjourn the meeting at 7:52 p.m. Motion carried unanimously.**

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

TO: Planning Commission
FROM: Brad Medrud, Planning Manager
DATE: March 8, 2022
SUBJECT: Urban Forestry Management Plan – Tree Preservation Regulation Update, Scope of Work

1) Recommended Action:

Review attached memorandum and be prepared to discuss.

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. The process will involve hiring a consultant to work with staff, stakeholders, and the Tree Board, Planning Commission, and City Council to update the City's tree and vegetation preservation regulations (Tumwater Municipal Code (TMC) 16.08 Protection of Trees and Vegetation), as well as review and update other relevant regulations, plans, and handouts.

The attached draft scope of work for the consultant will be included in a Request for Proposals (RFP) that the City will be issuing later in March 2022 for a consultant to work on the regulation update.

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.

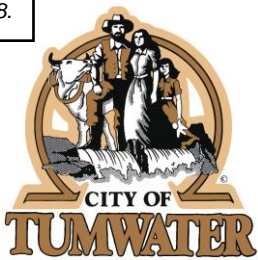
Land Use Element Implementation Policy 16: Implement the Urban Forestry Management Plan through the municipal code, Development Guidelines, City employee processes, and community education and engagement.

4) Alternatives:

None.

6) Attachment:

A. *Urban Forestry Management Plan – Tree Preservation Regulation Update Scope of Work* Memorandum



City Hall
555 Israel Road SW
Tumwater, WA 98501-6515
Phone: 360-754-5855
Fax: 360-754-4138

Memorandum

Date: March 8, 2022

To: Planning Commission

From: Brad Medrud, Planning Manager

Subject: Urban Forestry Management Plan –
Tree Preservation Regulation Update, Scope of Work

Issue

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

The Tumwater City Council made urban forestry one of four top priority actions for 2022-23. The City Council adopted the *Urban Forestry Management Plan* on March 2, 2021 by Ordinance No. O2020-004 after four years of entirely City-funded work by City staff, stakeholders, a consultant, the Tree Board, and the Planning Commission. The City's urban forest consists of all trees and understory plants on public and private property in the City. It includes a diverse mix of vegetation that is managed by a broad group of individuals and groups that are located in a range of urban and natural settings including private properties, developed parks, rights-of-way, conservation areas, and other public lands.

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

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

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

Urban Forestry Management Plan – Tree Preservation Regulation Update

Scope of Work

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

Action C. Require appropriate tree planting in new development and redevelopment, by emphasizing proper planning for trees, correct planting techniques, and aftercare that supports the healthy establishment of newly planted trees.

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

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

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

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

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

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

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

The next step in the implementation of the *Urban Forestry Management Plan* is the preparation of an update to the City's tree preservation regulations. The process will involve hiring a consultant to work with staff, stakeholders, and the Tree Board, Planning Commission, and City Council to update the City's tree and vegetation preservation regulations (Tumwater Municipal Code (TMC) 16.08 *Protection of Trees and Vegetation*), as well as review and update other relevant regulations, plans, and handouts.

The draft scope of work for the consultant below will be included in a Request for Proposals (RFP) that the City will be issuing later in March 2022 for a consultant to work on the regulation update.

Urban Forestry Management Plan – Tree Preservation Regulation Update
 Scope of Work
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Purpose of the Regulations

Currently, TMC 16.08 *Protection of Trees and Vegetation* establishes the purpose of the tree and vegetation preservation regulations is to:

- 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 ordinances.*

The complete current version of TMC 16.08 *Protection of Trees and Vegetation* can be found at the end of this memorandum.

Urban Forestry Management Plan – Tree Preservation Regulation Update
 Scope of Work
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Draft Scope of Work

The anticipated Scope of Work includes, but is not limited to:

➤ **Task 1: Project Administration**

The Consultant will work with City staff to do the following:

- a. Attend one (1) kickoff meeting with City Staff
- b. Conduct meetings with City Staff and general coordination with the City Project Manager during the course of the project. There may be up to six (6) general coordination meetings with City Staff during the project.

➤ **Task 2: Prepare Public Engagement Plan**

The Consultant will take the lead and work with City staff to do the following:

- a. Define the stakeholders for the update process, their different information needs, and their role in the update process:
 - 1) Residential property owners
 - 2) Homeowner associations
 - 3) Commercial, industrial, and institutional property owners
 - 4) Residential, commercial, industrial, and institutional developers
 - 5) Professional consultants, such as landscape architects, foresters, and arborists
 - 6) Tree cutting/landscape maintenance companies
 - 7) City development review staff, including planning, building and development engineering staff
 - 8) City maintenance staff
 - 9) City code enforcement staff
- b. Explicitly address how the Public Engagement Plan will promote equity and environmental justice
- c. Establish external and internal stakeholder groups
- d. Develop a project schedule for:
 - 1) Community and stakeholder meetings
 - 2) Staff stakeholder meeting schedule
 - 3) Draft work product delivery schedule for review by staff, stakeholders, and the Tree Board, Planning Commission, and City Council
 - 4) Public worksessions with the Tree Board and the Planning Commission

Urban Forestry Management Plan – Tree Preservation Regulation Update
 Scope of Work
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- 5) Formal adoption of the supporting regulations through the Tree Board, the Planning Commission, including a public hearing, General Government Committee briefing, City Council worksession, City Council consideration and adoption
- e. Identify materials for the implementation of the Public Engagement Plan
 - 1) City website and social media materials
 - 2) Materials to support the external and internal stakeholder groups
 - 3) Explanatory materials to support the community and stakeholder meetings, public worksessions with the Tree Board and Planning Commission, and adoption of the regulations
- f. Coordinate review of the draft Public Engagement Plan by City staff, Tree Board, Planning Commission, and City Council

➤ **Task 3: Implement the Public Engagement Plan**

The Consultant will take the lead and work with City staff to do the following:

- a. Conduct stakeholder meetings
 - 1) External stakeholders
 - 2) Internal stakeholders
 - b. Conduct a public open house, if needed
 - c. Conduct one (1) worksession with the City Council prior to the start of the formal amendment approval process
 - d. Prepare materials for the implementation of the Public Engagement Plan
- **Task 4: Prepare work products, as needed**

The Consultant will support City staff to do the following:

- a. Amendments to the following, as needed, in the final form of an ordinance:
 - 1) Municipal Code in Title 16 Environment (TMC 16.08 *Protection of Trees and Vegetation*)
 - 2) Other relevant sections of the Tumwater Municipal Code as identified during the process
 - 3) *Tumwater Development Guide*, text and details as needed
 - 4) *Citywide Design Guidelines*, text and details as needed
 - 5) *Comprehensive Plan* and Subarea Plans as needed
 - 6) *Little Rock Road Subarea Plan*, Chapter 5 *Implementation* as needed

Urban Forestry Management Plan – Tree Preservation Regulation Update
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7) *Capitol Boulevard Community Zone Design Guidelines* as needed

- b. The ordinance should be assessed for compliance with the Growth Management Act (GMA) requirement to comply with the Attorney General's Guidance regarding takings

➤ **Task 5: Formal amendment approval process**

The Consultant will work with City staff to do the following:

- a. Conduct public briefings and worksessions with the Tree Board and Planning Commission, included two joint worksessions.
- b. Conduct formal adoption of the regulations through the Tree Board, the Planning Commission, including a public hearing, General Government Committee briefing, City Council worksession, City Council consideration and adoption
- c. It is anticipated that there will be ten (10) Tree Board, Planning Commission, General Government Committee, and City Council meetings total.

➤ **Task 6: Reimbursable Expenses (Travel, Data Costs, and Printing)**

Proposed Schedule

- January 18, 2022 – City Council approved 2022 long range planning work program – Completed
- February 14, 2022 – Tree Board input on draft scope of work – Completed
- March 8, 2022 – Planning Commission input on draft scope of work
- March 9, 2022 – General Government Committee input on draft scope of work
- March – April 2022 – RFP process and consultant selection
- May 2022 – Consultant work starts

Tree Board Meetings

- May 9, 2022 – Tree Board worksession
- June 13, 2022 – Tree Board worksession
- July 11, 2022 – Tree Board worksession – Schedule joint meeting with Planning Commission
- August 8, 2022 – Tree Board worksession – Schedule joint meeting with Planning Commission

Notice of Intent and SEPA Review

- July 2022 – Submit Notice of Intent to Commerce

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- July 2022 – SEPA Review

Planning Commission

- July 12, 2022 – Planning Commission worksession – Schedule joint meeting with Tree Board
- July 26, 2022 – Planning Commission worksession
- August 9, 2022 – Planning Commission worksession – Schedule joint meeting with Tree Board
- August 23, 2022 – Planning Commission hearing

City Council

- March 9, 2022 – GGC briefing
- May 24, 2022 – City Council Worksession
- September 14, 2022 – GGC briefing
- September 27, 2022 – City Council worksession
- October 11, 2022 – City Council worksession
- October 25, 2022 – City Council consideration
- October – November 2022 – Project completion

Other Notes

- The *Urban Forestry Management Plan* was reviewed for guidance in developing the scope of work.
- Staff has asked our Permitting Division staff if they could provide recent as-built plans and landscaping plans for recent projects such as Skyview to the Planning Commission and Tree Board. As part of this scope of work, staff will spend a worksession taking the Planning Commission and Tree Board through the development review process.
- Staff has reviewed materials related to the scope of work provided by Ben Thompson and his staff at the Washington State Department of Natural Resources.
- On December 16, 2021, the City issued the job posting for the new sustainability coordinator position, which will be taking lead on urban forestry projects in 2022. The position closed in January 2022 and staff are reviewing candidate for the position in February and March 2022. The new

Urban Forestry Management Plan – Tree Preservation Regulation Update

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sustainability coordinator will be taking over as lead staff for the Tree Board, but Planning Division staff will continue to lead the work on the code update.

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Chapter 16.08

PROTECTION OF TREES AND VEGETATION

Sections:

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

16.08.010 Short title.

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

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

16.08.020 Purposes.

The regulations are adopted for the following purposes:

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

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- J. To ensure prompt development, restoration and replanting, and effective erosion control of property after land clearing;
- K. To promote conservation of energy;
- L. To educate the public regarding urban forestry;
- M. To implement objectives of the State Environmental Policy Act and Growth Management Act; and
- N. To implement and further the city's comprehensive plan and other related ordinances.

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

16.08.030 Definitions.

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

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- 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

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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

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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;

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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

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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;

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

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

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

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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.

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- 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.

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(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.

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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;

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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 ordinances.

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

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

16.08.100 Appeal procedure.

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

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

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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.

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

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

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

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

TO: Planning Commission
FROM: Brad Medrud, Planning Manager
DATE: March 8, 2022
SUBJECT: Urban Forestry Management Plan – Landscaping and Buffering Regulation Update, Scope of Work

1) Recommended Action:

Review attached memorandum and be prepared to discuss.

2) Background:

The next step in the implementation of the *Urban Forestry Management Plan* is the preparation of an update to the City's landscaping and buffering regulations. The process will involve hiring a consultant to work with staff, stakeholders, and the Tree Board, Planning Commission, and City Council to update the City's landscaping and buffering regulations (Tumwater Municipal Code (TMC) 18.47 *Landscaping and Buffering*), as well as review and update other relevant regulations, plans, and handouts.

The attached draft scope of work for the consultant will be included in a Request for Proposals (RFP) that the City will be issuing later in March 2022 for a consultant to work on the regulation update.

3) Policy Support:

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

Land Use Element Policy LU-2.5: Encourage development of architectural and landscape design standards.

Land Use Element Policy LU-11.5: Encourage existing and new development to use landscaping to take advantage of the sun's warming rays in winter and to provide shade in summer.

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.

4) Alternatives:

None.

6) Attachment:

A. *Urban Forestry Management Plan – Landscaping and Buffering Regulation Update Scope of Work Memorandum*



City Hall
555 Israel Road SW
Tumwater, WA 98501-6515
Phone: 360-754-5855
Fax: 360-754-4138

Memorandum

Date: March 8, 2022

To: Planning Commission

From: Brad Medrud, Planning Manager

Subject: Urban Forestry Management Plan –
Landscaping and Buffering Regulations Update, Scope of Work

Issue

The next step in the implementation of the *Urban Forestry Management Plan* is the preparation of an update to the City's landscaping and buffering regulations. The process will involve hiring a consultant to work with staff, stakeholders, and the Tree Board, Planning Commission, and City Council to update the City's landscaping and buffering regulations (Tumwater Municipal Code (TMC) 18.47 *Landscaping and Buffering*), as well as review and update other relevant regulations, plans, and handouts.

The draft scope of work for the consultant below will be included in a Request for Proposals (RFP) that the City will be issuing later in March 2022 for a consultant to work on the regulation update.

Policy Support

Policy support for the update of landscaping and buffering regulations are found in the *Conservation* and *Land Use Elements* of the *Comprehensive Plan*:

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

Land Use Element Policy LU-2.5: Encourage development of architectural and landscape design standards.

Land Use Element Action LU-2.5.1: Implement Goals 5 and 6 of the *Economic Development Element*.¹

¹ Economic Development Element Goal #5: Develop the City's craft food and beverage sector and Goal #6: Work with the Port of Olympia to develop the New Market Industrial Campus and the Olympia Regional Airport.

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Land Use Element Policy LU-7.4: Provide a variety of open spaces including landscaped buffers, small parks, plazas, and other community areas to balance higher density development and enhance quality of living.

Land Use Element Policy LU-10.8: Ensure commercial and industrial structures, where practical, are low profile and provide landscaping including lawns, trees, and shrubs.

Land Use Element Policy LU-11.5: Encourage existing and new development to use landscaping to take advantage of the sun's warming rays in winter and to provide shade in summer.

Land Use Element Policy LU-11.7: Consider the impact of new development and landscaping on solar accessibility of adjoining lots and mitigate wherever feasible.

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.

Purpose of the Regulations

Currently, TMC 18.47.010 establishes the intent of the landscaping and buffering regulations is to:

The intent of this chapter is to establish minimum requirements and standards for landscaping multifamily residential, commercial and industrial sites, and residential manufactured home parks, in order to maintain and protect property values, enhance the general appearance of the city and provide the residents of the city with a sense of place.

In general, these provisions will ensure landscaping criteria that will curtail soil erosion, reduce the hazards of flooding; absorb carbon dioxide and supply oxygen; reduce the effects of noise, glare, dust, heat, and other objectionable activities generated by some land uses; buffer and screen adjacent properties; provide shade; and promote the pleasant appearance and character of neighborhoods and the city.

The complete current version of TMC 18.47 *Landscaping and Buffering* can be found at the end of this memorandum.

Draft Scope of Work

1. Prepare Public Engagement Plan, which will:
 - a. Define the stakeholders for the update process, their different information needs, and their role in the update process:
 - 1) Residential, commercial, industrial, and institutional developers
 - 2) Homeowner associations

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- 3) Commercial, industrial, and institutional property owners
- 4) Professional consultants, such as landscape architects, foresters, and arborists
- 5) City development review staff, including planning, building and development engineering staff
- 6) City maintenance staff
- 7) City code enforcement staff
- b. Explicitly address how the Public Engagement Plan will promote equity and environmental justice
- c. Establish external and internal stakeholder groups
- d. Establish a project schedule for:
 - 1) Community and stakeholder meetings
 - 2) Staff stakeholder meetings
 - 3) Draft work product delivery schedule for review by staff, stakeholders, and the Tree Board, Planning Commission, and City Council
 - 4) Public worksessions with the Tree Board and the Planning Commission
 - 5) Formal adoption of the supporting regulations through the Tree Board, the Planning Commission, including a public hearing, General Government Committee briefing, City Council worksession, City Council consideration and adoption
- e. Identify materials for the implementation of the Public Engagement Plan
 - 1) City website and social media materials
 - 2) Materials to support the external and internal stakeholder groups
 - 3) Explanatory materials to support the community and stakeholder meetings, public worksessions with the Tree Board and Planning Commission, and adoption of the regulations
- f. Review of the draft Public Engagement Plan by City staff, Tree Board, Planning Commission, and City Council
2. Implementation of the Public Engagement Plan
 - a. Conduct stakeholder meetings
 - 1) External stakeholders
 - 2) Internal stakeholders
 - b. Conduct a public open house, if needed

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- c. Conduct public worksessions with the Tree Board and Planning Commission
 - d. Conduct formal adoption of the regulations through the Tree Board, the Planning Commission, including a public hearing, General Government Committee briefing, City Council worksession, City Council consideration and adoption
 - e. Prepare materials for the implementation of the Public Engagement Plan
3. Prepare scope for work products needed
- a. Amendments to the following, as needed, in the final form of an ordinance:
 - 1) Municipal Code in Title 18 Zoning (TMC 18.47 *Landscaping and Buffering*)
 - 2) Other relevant sections of the Tumwater Municipal Code as identified during the process
 - 3) *Tumwater Development Guide*, text and details as needed
 - 4) *Citywide Design Guidelines*, text and details as needed
 - 5) *Comprehensive Plan* and Subarea Plans as needed
 - 6) *Little Rock Road Subarea Plan*, Chapter 5 *Implementation* as needed
 - 7) *Capitol Boulevard Community Zone Design Guidelines* as needed
 - b. The ordinance should be assessed for compliance with the Growth Management Act (GMA) requirement to comply with the Attorney General's Guidance regarding takings

Proposed Schedule

- January 18, 2022 – City Council approved 2022 long range planning work program – Completed
- February 14, 2022 – Tree Board input on draft scope of work – Completed
- March 8, 2022 – Planning Commission input on draft scope of work
- April 13, 2022 – General Government Committee input on draft scope of work
- April – May 2022 – RFP process and consultant selection
- May 2022 – Consultant work starts

Tree Board Meetings

- June 13, 2022 – Tree Board worksession

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- July 11, 2022 – Tree Board worksession – Schedule joint meeting with Planning Commission

Notice of Intent and SEPA Review

- June 2022 – Submit Notice of Intent to Commerce
- June 2022 – SEPA Review

Planning Commission

- June 14, 2022 – Planning Commission worksession
- July 12, 2022 – Planning Commission worksession – Schedule joint meeting with Tree Board
- July 26, 2022 – Planning Commission hearing

City Council

- August 10, 2022 – General Government Committee briefing
- September 13, 2022 – City Council worksession
- September 20, 2022 – City Council consideration
- October 2022 – Project completion

Other Notes

- The *Urban Forestry Management Plan* was reviewed for guidance in developing the scope of work.
- Staff has asked our Permitting Division staff if they could provide recent as-built plans and landscaping plans for recent projects such as Skyview to the Planning Commission and Tree Board. As part of this scope of work, staff will spend a worksession taking the Planning Commission and Tree Board through the development review process.
- Staff has reviewed materials related to the scope of work provided by Ben Thompson and his staff at the Washington State Department of Natural Resources.
- On December 16, 2021, the City issued the job posting for the new sustainability coordinator position, which will be taking lead on urban forestry projects in 2022. The position closed in January 2022 and staff are reviewing candidate for the position in February and March 2022. The new

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sustainability coordinator will be taking over as lead staff for the Tree Board, but Planning Division staff will continue to lead the work on the code update.

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Chapter 18.47

LANDSCAPING

Sections:

- 18.47.010 Intent.
- 18.47.020 General requirements.
- 18.47.030 Minimum planting requirements.
- 18.47.040 Maintenance.
- 18.47.050 Types of landscaping.
- 18.47.060 Alternative landscaping plan.
- 18.47.070 Penalty provision.

18.47.010 Intent.

The intent of this chapter is to establish minimum requirements and standards for landscaping multifamily residential, commercial and industrial sites, and residential manufactured home parks, in order to maintain and protect property values, enhance the general appearance of the city and provide the residents of the city with a sense of place.

In general, these provisions will ensure landscaping criteria that will curtail soil erosion, reduce the hazards of flooding; absorb carbon dioxide and supply oxygen; reduce the effects of noise, glare, dust, heat, and other objectionable activities generated by some land uses; buffer and screen adjacent properties; provide shade; and promote the pleasant appearance and character of neighborhoods and the city.

(Ord. O97-024, Added, 03/03/1998)

18.47.020 General requirements.

A. A landscaping plan shall be prepared describing how the requirements of this chapter will be met for the following:

1. Any proposed commercial or industrial development or multifamily residential development consisting of five or more dwelling units with a new building or building expansion that amounts to or exceeds either four thousand square feet or twenty-five percent of the assessed valuation of the existing building within any twelve-month period;
2. Any proposed residential manufactured home park consisting of five or more dwelling units on a lot or expansion that amounts to or exceeds five additional dwelling units.

The plan should be prepared by a licensed Washington landscape architect, Washington certified nurseryman, or Washington certified landscaper. The community development department shall review a proposed plan for compliance with the requirements of this chapter. The city review shall be limited to compliance with city standards. A proposed plan may consist of a mutually agreed upon alternative plan in accordance with TMC 18.47.060. If the community development director believes a proposed plan does not meet the requirements of this chapter, the applicant shall be notified in writing of the director's findings.

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

B. Landscaping plans shall be drawn to scale and include existing and proposed pavement and structures, irrigation, vehicular use areas, significant trees and/or landscape features and topographic elevations.

C. Landscaping required pursuant to an approved site plan shall be installed or bonded for under an agreement approved by the city attorney prior to temporary occupancy, and installed before the issuance of final certificate of occupancy.

D. Table 18.47 indicates requirements for perimeter buffering in specific zoning categories.

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E. Where perimeter landscaping is located, breaks in vegetation and/or fencing for pedestrian access and transit passenger pads may be required as determined by the community development department during site plan review.

F. For sites not located in the ARI zone district: where a particular site abuts a zoning district(s) which requires type 2 landscaping, such landscaping shall be required in an amount which, when combined with other on-site landscaping requirements, does not exceed fifteen percent of the total site area (i.e., if other landscaping requirements exceed fifteen percent of the site area, no type 2 landscaping is required). Type 2 landscaping may be placed on the perimeter of the site adjacent to the abutting zoning district, or in other locations on the site, subject to site plan review.

G. For sites located in the ARI zone district: perimeter landscaping must conform to the siting requirements established in TMC Chapter 18.34. Refer to Table 18.47 for a determination of whether type 1 or 2 landscaping is required within the side and rear yards. Type 2 landscaping is required in the front yard unless other types of landscaping such as are described in TMC 18.47.050 are required.

H. Landscaping planted in setback areas and around the perimeter of stormwater retention areas can be applied to the required landscaping amounts consistent with these requirements.

I. Natural vegetation or stands of trees existing prior to site development should be used toward meeting all or part of the landscaping requirements. Incorporation of native species which have food or habitat value is encouraged.

J. Irrigation of landscaped areas is required, except for landscaping which incorporates native or drought-tolerant vegetation. An irrigation plan shall be submitted along with a proposed landscaping plan to the community development department for review and approval.

K. Required landscaping must comply with intersection sight obstruction requirements (Chapter 4 of the Tumwater Land Development Guide Manual).

L. Required landscaping must incorporate trees which do not have the potential of interfering with overhead power lines or penetrating imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department.

M. Landscaped areas may be used for stormwater management if the landscaping requirements of this chapter for buffering, screening, or aesthetics are satisfied.

N. Species Choice. The applicant shall utilize plants that are adaptable to local climatic conditions. The use of drought tolerant species is recommended to reduce or eliminate the need for irrigation. It is also recommended that any vegetation retained or planted consist of noninvasive plant species to reduce future maintenance requirements and encroachment on other property. An invasive plant species is a nonnative plant species that escapes into the wild and displaces native vegetation. Noxious weeds are prohibited pursuant to TMC Chapter 8.04. English ivy (*Hedera helix*) is a particularly aggressive, invasive plant species and use of this species for landscaping is prohibited.

(Ord. O2017-022, Amended, 12/05/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O2004-009, Amended, 12/07/2004; Ord. O2003-001, Amended, 02/18/2003; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O97-024, Added, 03/03/1998)

18.47.030 Minimum planting requirements.

A. To provide a proper planting area, the minimum dimension of any required planting area must be no less than five feet in both length and width, except as specified in other sections of this chapter.

B. At the time of planting, deciduous trees must be at least two inches in diameter measured six inches above the base, and coniferous trees must be at least six feet in height.

C. Shrubs must be eighteen inches in height at time of planting. Shrubs and groundcover should be planted so that they attain a coverage of at least seventy-five percent of the planting area within four years.

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D. Any planting of grass or sod shall be established by using a turf grass developed for conditions of the Northwest.

E. Beauty bark use shall be minimized and shall not be a substitute for live ground cover. Organic compost materials are encouraged for use in mulching shrubs and groundcover beds.

(Ord. O97-024, Added, 03/03/1998)

18.47.040 Maintenance.

A. Any plant material used in the landscaping project shall be maintained in a healthy growing condition. The property owner shall bear responsibility for maintenance of required landscaping. The city will work with a property owner in establishing a realistic replanting plan when landscaping required by this chapter is lost due to situations beyond the control of the city or property owner, such as drought or other related circumstances.

B. The city shall require that a maintenance agreement be executed in order to ensure compliance with the requirements of this chapter.

C. Action upon noncompliance: failure, neglect or refusal of owner to perform the required maintenance action shall be taken in accordance with the enforcement section of this chapter.

(Ord. O97-024, Added, 03/03/1998)

18.47.050 Types of landscaping.

All multifamily residential, commercial, and industrial projects shall be required to provide landscaping that satisfies the functions and specific requirements of this section. Single-family housing, individual manufactured homes (not part of a manufactured home park), and duplex housing are specifically exempted from the requirements of this chapter.

A. Type 1 Landscaping – Sight Barrier Buffers.

1. Purpose. To provide a very dense sight barrier and physical barrier to significantly separate abutting incompatible zones (see Table 18.47). Landscaping of this type shall be used around the perimeter of the site, except where access for autos and pedestrians is required. Zones separated by public streets are not considered abutting and do not require vegetative separation in accordance with this section, except for proposed land uses listed under subsection C of this section that require type 1 landscaping on all sides.

2. Description.

a. A minimum of ten feet in width shall be required for each planting area.

b. A screen of at least six feet in height at time of planting, that results in a noise and sight obscuring buffer that is any one or a combination of the following methods:

i. A solid row of evergreen trees or shrubs.

ii. A solid row of evergreen trees and shrubs planted on an earthen berm an average of three feet high along its midline.

iii. A combination of trees or shrubs and fencing (metal or wood) or wall (brick, masonry or textured concrete).

c. Trees and shrubs should be spaced to grow together within four years from planting, and ground cover be provided to attain seventy-five percent coverage within four years.

B. Type 2 Landscaping – Visual Separation Buffers.

1. Purpose. To provide visual separation of compatible uses so as to soften the appearance of streets, parking areas and building elevation (see Table 18.47). Landscaping of this type may be used around the perimeter of

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the site, except where auto and pedestrian access is required. Zones separated by public streets are not considered abutting and do not require vegetative separation in accordance with this section, except for proposed land uses listed under subsections (C)(3) and (4) of this section that require type 2 landscaping on all sides. See TMC 18.47.020(F) for additional requirements that pertain to type 2 landscaping.

2. Description.

- a. Trees shall be any combination of deciduous and evergreen (with no more than fifty percent being deciduous). One tree shall be provided for each twenty-five lineal feet of landscaped area.
- b. A minimum planting area of eight feet in width shall be required.
- c. Evergreen shrubs and ground cover must provide seventy-five percent coverage of the designated area within four years from planting.

C. Planting Requirements for Specific Uses.

1. The following uses require type 1 landscaping on all sides when located aboveground and not housed within a building or accessory to another use; and if located outside the public right-of-way:

- a. Utility substation;
- b. Sewage pumping station;
- c. Water distribution facility;
- d. Wireless communication tower; and
- e. Wireless communication facility.

2. The following uses require type 1 landscaping on all sides not abutting a public street:

- a. Medical clinic or hospital;
- b. Mental health facility;
- c. Inpatient facility;
- d. Campgrounds/RV park;
- e. Transportation facility, large scale or regional; and
- f. Prison, jail, other corrections facilities, juvenile detention facility.

Note: Landscaping within fenced security areas and parking lots of facilities listed under subsection (C)(2)(f) of this section should not exceed a height of twenty-four inches at maturity. Proposed landscaping plans should be reviewed by facility personnel to ensure landscaping does not interfere with facility security measures.

3. The following uses require type 2 landscaping on all sides:

- a. School;
- b. Church; and
- c. Neighborhood community center.

4. The following uses require type 2 landscaping on all sides. Type 1 landscaping must be used in place of type 2 landscaping for any side bordering a mixed use zoning district or any residential zoning district:

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- a. Industrial uses (wholesaling, manufacturing, assembling, storing, repairing, fabricating and distribution of goods and other handling of products and equipment) within the LI and ARI zoning districts.

D. Landscaping between Parking Lots and Public Rights-of-Way.

1. Purpose. To provide visual relief and separation of parking areas from public rights-of-way. The following requirements apply to all parking lots located adjacent to a public right-of-way, except those provided for, and on the same lots with, single-family dwellings, and except for those land uses listed in subsection C of this section, which require type 1 landscaping on all sides. When a parking lot in any zone is located adjacent to a public right-of-way, a landscape strip as described below shall be provided on the property between the parking lot and the right-of-way. The landscaped strip may not include any paved area except pedestrian sidewalks or trails which cross the landscaped strip. Pedestrian access may be required to facilitate transit usage. Shrubs must be maintained at a maximum height of thirty-six inches. Any of the following landscaped strip treatments may be used singly or in combination:

- a. Provide a minimum ten-foot-wide landscape strip between the right-of-way and the parking lot to be planted with a minimum of one shade tree and ten shrubs per thirty-five linear feet of frontage, excluding driveway openings.
- b. Provide a berm, the top of which is at least two and one-half feet higher than the elevation of the adjacent parking lot pavement. The slope of the berm shall not exceed thirty-three percent for lawn areas. Berms planted with ground covers and shrubs may be steeper. However, no slope shall exceed fifty percent. Berms should be graded to appear smooth, rounded, naturalistic forms. Avoid narrow bumps, which result from creating too much height for width of the space. Plant with a minimum of one shade tree and five shrubs per thirty-five linear feet of frontage, excluding driveway openings.
- c. Provide a minimum six-foot-wide landscaped strip and a minimum three-foot grade drop from the right-of-way line to the adjacent parking lot pavement. Plant the resulting embankment with a minimum of one shade tree and five shrubs per thirty-five linear feet of frontage, excluding driveway openings. Ground cover or low shrubs shall be planted to attain seventy-five percent coverage within four years.
- d. Provide a minimum five-foot-wide landscaped strip between the right-of-way line and the parking lot, with a minimum three-foot-high brick, stone or finished concrete wall to screen the parking lot. The wall shall be located adjacent to but entirely outside the five-foot landscaped strip. Plant with a minimum of one shade tree per thirty-five linear feet of frontage, excluding driveway openings.
- e. Provide a minimum twenty-five-foot-wide strip of existing native vegetation, unless the creation of such a strip creates a hazard of existing trees as determined by a certified landscaper or forester.

E. Parking Area Interior Buffers.

- 1. Purpose. To provide visual relief and shade in parking areas. All parking areas with more than ten parking spaces are required to have landscaping as provided below.
- 2. Description.
 - a. Design.
 - i. Live planting material shall be provided throughout each landscaping area, and may be any combination of grass, shrubs and trees that provide the desired effect of providing visual relief and green space within the parking area.
 - ii. Each planting area shall contain at least one tree. Up to one hundred percent of the trees proposed for the planning area may be deciduous.

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- iii. Landscaping islands must be placed in every parking row at a maximum spacing of every ten parking spaces. Landscaping islands shall be a minimum of eight feet in width and shall extend the length of the parking stall. The minimum required width may be reduced for landscaping islands located in angled parking areas. In cases where no more than two parking rows wide are proposed for the entire parking lot, the maximum spacing requirement (ten spaces) may be varied as part of the site plan review process provided the total requirements for total landscaping area are met.
 - iv. To provide for vehicle overhang, curbs need to be located at least three feet from the trunk of the tree.
- b. Required Amount.
 - i. If the parking area contains more than ten but no more than fifty parking spaces, at least seventeen and one-half square feet of landscape development must be provided for each parking stall proposed.
 - ii. If the area contains more than fifty but no more than one hundred parking spaces, at least twenty-five square feet landscape development must be provided for each parking stall proposed.
 - iii. If the parking area contains more than one hundred spaces, at least thirty-five square feet of landscape development must be provided for each parking stall proposed.

The above requirements are considered a minimum. Additional landscape area may be necessary to meet design requirements above.

F. Street Buffers.

- 1. Purpose. Provide visual relief along pedestrian corridors and to separate pedestrians from streets.
- 2. Description. Shall be in accordance with the development guide manual.

G. Outdoor Storage Buffers.

- 1. Purpose. Provide visual relief surrounding storage areas.
- 2. Description. A storage yard in connection with a permitted commercial or industrial use shall require visual screening from adjacent properties and public rights-of-way. Visual screening shall be required to consist of a continuous fence, wall, evergreen hedge, landscape planting or combination thereof so as to effectively screen the storage yard which it encloses, and be maintained in good condition. In cases where the physical characteristics of the parcel or surrounding parcels make actual screening from adjacent properties impossible or unreasonable, this requirement may be completely or partially waived by the hearing examiner after public hearing and review as required by the variance process.

H. Stormwater Facility Buffers.

- 1. Purpose. Provide buffers around aboveground stormwater detention/retention areas.
- 2. Description. The buffers must be provided according to the standards referenced and adopted in TMC Chapter 13.12.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2008-014, Amended, 10/21/2008; Ord. O99-001, Amended, 04/20/1999; Ord. O97-024, Added, 03/03/1998)

18.47.060 Alternative landscaping plan.

Alternative landscaping plans may be proposed where strict application of the requirements in this chapter would prohibit reasonable development of a property. The community development director may consider the topography, shape, size or other natural features of the property or design features of the development when considering the suitability of a proposed alternative landscaping plan.

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Examples of situations where alternative landscaping plans are more likely to receive favorable consideration are mixed use buildings and developments that qualify for reduced parking under TMC Chapter 18.50. Another technique that can be used in alternative landscaping plans is the enhancement of landscaping in a nearby area to soften the overall effect of the development such as improvement of a nearby existing public right-of-way.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O97-024, Added, 03/03/1998)

18.47.070 Penalty provision.

Any person found to have violated any of the provisions of this chapter shall be deemed to have committed a class 1 civil infraction pursuant to TMC Chapter 1.10.

Provided further, each day of continuing violation shall be considered a separate and distinct civil infraction.

(Ord. O2010-014, Amended, 06/15/2010; Ord. O97-024, Added, 03/03/1998)

TABLE 18.47: REQUIRED LANDSCAPING MATRIX

Zone Where Landscaping Is Required	Abutting Zone**																
	HI	LI	ARI	GC	TC	CS	HC	MU	CBC	BD	NC	MFH	MFM	MHP	SFM	SFL	RSR
RSR	1	1	1	1	1	1	1	1	1	1	1	2	2	2			
SFL	1	1	1	1	1	1	1	1	1	1	1	2	2	2			
SFM	1	1	1	1	1	1	1	1	1	1	1	2	2	2			
MHP	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2
MFM	1	1	1	1	2	2	2	2	2	2	2			2	2	2	
MFH	1	1	1	1	2	2	2	2	2	2	2			2	2	2	
NC	1	1	1	2	2	2	2	2	2	2	2	2	2	1	1	1	1
MU	1	1	1	2	2	2	2	2	2	2	2	2	2	1	1	1	1
CBC	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1
BD	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1
HC	1	1		2	2	2	2	2	2	2	2	2	2	1	1	1	1
CS	1	2		2	2	2	2	2	2	2	2	2	2	1	1	1	1
TC	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1
GC	1	2	2	2	2	2	2		2	2	2	1	1	1	1	1	1
ARI	2	2	2	2	2	2	1	1	2	2	1	1	1	1	1	1	1
LI	2	2	2	2	2	2	1	1	2	2	1	1	1	1	1	1	1
HI	2	2	2	1	1	1	1	1	2	2	1		1	1	1	1	1
Note: Type 1 and 2 landscaping are explained in TMC 18.47.050 preceding this matrix.																	

** Zones separated by public streets are not considered abutting and do not require vegetative separation, except as required in other sections of this chapter.

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LEGEND

RSR	Residential/Sensitive Resource	CS	Community Service	HC	Historic Commercial
SFL	Single-Family Low Density	MU	Mixed Use	ARI	Airport Related Industry
SFM	Single-Family Medium Density	GC	General Commercial	TC	Town Center
MFM	Multifamily Medium Density	LI	Light Industrial	CBC	Capitol Boulevard Community
MFH	Multifamily High Density	HI	Heavy Industrial	NC	Neighborhood Commercial
MHP	Manufactured Home Park	BD	Brewery District		

* Code reviser's note: A scrivener's error in the prior zoning code included the wrong requirements for buffers between MFM/MFH and MFM/MFM, an error that was inadvertently duplicated in Ordinance O2014-007. The Required Landscaping Matrix has been updated to include the correct provisions.

(Ord. O2018-007, Amended, 10/16/2018; Ord. O2014-007, Amended, 07/15/2014)