



**TREE BOARD  
MEETING AGENDA**

**Online via Zoom**

**Monday, February 14, 2022  
7:00 PM**

1. Call to Order
2. Roll Call
3. Changes to Agenda
4. Approval of Minutes - December 13, 2022 and January 10, 2022
  - [a.](#) Tree Board Meeting Minutes December 13, 2021
  - [b.](#) Tree Board Meeting Minutes January 10, 2022
5. Tree Board Member Reports
6. Manager's Report
7. Public Comment
- [8.](#) 2022 Arbor Day Discussion
- [9.](#) Urban Forestry Management Plan – Street Tree Plan Scope of Work
- [10.](#) Ordinance No. O2022-008 Urban Forestry Management Plan – Tree Preservation Regulation Update, Scope of Work
- [11.](#) Ordinance No. O2022-007 Urban Forestry Management Plan – Landscaping and Buffering Regulation Update, Scope of Work
12. Next Meeting Date - 03/14/2022
13. Adjourn

**Remote Meeting Information**

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

**WATCH Online**

<https://www.zoom.us/join> and enter the Webinar ID 870 7216 5329 and Passcode 238357.

### **LISTEN by Telephone**

Call (253) 215-8782, listen for the prompts, and enter the Webinar ID 870 7216 5329 and Passcode 238357.

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

[https://us02web.zoom.us/webinar/register/WN\\_6rZb2LIySuS15JU2I\\_hxpA](https://us02web.zoom.us/webinar/register/WN_6rZb2LIySuS15JU2I_hxpA)

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

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

[cdd@ci.tumwater.wa.us](mailto:cdd@ci.tumwater.wa.us). Please send the comments by 1:00 p.m. on Monday, February 14, 2022.

Comments are submitted directly to the members of the Tree Board and will not be read individually into the record of the meeting.

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

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

### **Accommodations**

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

### **Post Meeting**

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

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

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### **What is the Tree Board?**

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

**TUMWATER TREE BOARD MEETING  
MINUTES OF VIRTUAL MEETING  
December 13, 2021 Page 1**

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

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

Excused: Commissioner Tanya Nozawa.

Staff: Planning Manager Brad Medrud.

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

**TREE BOARD MEMBER REPORTS:** New member Joel Hecker provided self-introduction. Commissioner Hecker said he has lived in Tumwater for approximately four years and is originally from the Midwest. He serves as a geologist for a local company involved in environmental clean-up projects. He learned of the Tree Board vacancy from Mayor Kmet during their work on several environmental projects. Mayor Kmet encouraged him to apply for the position.

Commissioner Sedore inquired about any opportunity to invite Mayor-elect Debbie Sullivan to attend a meeting to learn about her priorities for the Board. Manager Medrud advised that Mayor-elect Sullivan would likely present a City update to the Board in March or April 2022 affording time to discuss City priorities.

Commissioner Chapman said he forwarded an email from the Department of Natural Resources (DNR) Urban and Community Forestry Program on an annual grant program for urban and community forestry activities. DNR has funds available in 2022 for urban and community forestry grants and is hosting a webinar on the grant program on December 16, 2021. With the City's adoption of the Urban Forestry Management Plan, the City could likely be in a highly competitive position to receive a grant to help launch the Street Tree Plan or begin completing some initial actions.

Manager Medrud advised that staff plans to submit a grant application. He recommended a review at the January meeting to identify actions to pursue with the grant funds.

Commissioner Chapman asked staff to provide an executive summary of the Board's top priorities for the Urban Forestry Management Plan during the next several years.

Chair Grantham asked whether the Council has identified any actions to pursue next year. Manager Medrud advised that at this time, the Council has not provided any feedback. The Council and the Planning

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Commission are meeting jointly on Tuesday, December 14, 2021 to review the 2022 Long Range Planning Work Program. Identifying potential actions in support of the Urban Forestry Management Plan would be an appropriate discussion during the review of the work program.

Commissioner Sedore mentioned DNR's presentation on street tree manuals as some of the information spoke to the importance of cities requesting grants to create or develop street tree manuals. He asked about the possibility of the City contracting with a technical writer using DNR grant funds to draft a manual. Manager Medrud supported the suggestion as it speaks to the importance of expertise involved in the draft of any technical document.

Commissioner Sedore reported on November 16, 2021, he participated in an online course sponsored by the Tree Fund, an international organization funding research on urban forestry. The presentation was presented by an Italian forester on *Growing Trees in Paved Sites*. The presentation attracted 1,300 participants from around the world. The project was funded by the Tree Fund and sponsored by Auburn University.

The speaker constructed 24 plots in northern Italy of impervious surfaces, buried monitoring equipment, planted two species of trees (Fraxinus Ash & Celtis (Hackberry) in the plots, and monitored the trees for nine years to track the physiology of the trees based on the ground surface. The plots included non-pervious surface, porous asphalt (permeable) surface, brick & sand surface to enable infiltration, and plots with no surface covering (control plots). The results indicated soil temperatures under impermeable surfaces were significantly higher as was soil moisture because moisture did not evaporate when subjected to radiant heat.

Most significantly was the level of carbon dioxide in soil with impermeable and permeable pavements at ten times higher than porous and controlled surface plots. Carbon dioxide was high because it was not possible to escape under plot surfaces creating a reduction in tree root growth but not affecting height growth. The experiment revealed how permeable pavement, similar to what is occurring in some developments in the City, have experienced damage more over the test period than non-permeable surfaces because of water freezing between permeable surfaces.

Additionally, species selection was the most significant issue, as Celtis (Hackberry) grew four to five times better than Fraxinus Ash under identical conditions. It appears some species tolerate permeable and impermeable conditions much better than other tree species.

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Commissioner Sedore said he reviewed the City's tree survey that tracked performance with notations of information on damage to the hardscape. Based on the results of the inventory, a percentage of trees caused the damage; however, the analysis did not identify any one species that would likely cause hardscape damage than another species. He suggested reviewing the inventory and using information from the survey to identify species that might be causing significantly more hardscape damage than other species.

Commissioner Sedore reported DNR recently announced that the carpinus caroliniana, also known as Musclewood, or American hornbeam, a low-growing deciduous tree has been crowned the 2022 Society of Municipal Arborists Urban Tree of the Year. The City of Seattle has designated the tree as a preferred tree for the city as the mature height of the tree is below the level of power lines. Commissioner Sedore recommended the Board visit sites in Seattle and possibly add some trees to the City's recommended tree list on the website.

**MANAGER'S  
REPORT:**

Manager Medrud reported the draft 2022 Long Range Planning Work Program includes completing the Street Tree Plan, updates to the Landscape Code, and a review and update of the Tree Protection Ordinance (the last two updates would be facilitated by a consultant).

Commissioner Chapman inquired about the status of hiring the Sustainability Coordinator. Manager Medrud said the position would likely be filled by mid-2022; however, it appears the City is recruiting applicants during the first quarter of 2022. The position will serve as staff support for the Tree Board and assume the lead for the Urban Forestry Management Plan in addition to supporting the Thurston Climate Mitigation Plan and City sustainability actions. Planning staff will work closely with the Sustainability Coordinator. Approval of the work program is anticipated by the Council in January 2022.

In response to Manager Medrud 's inquiry for feedback on the format of next year's Arbor Day celebration, which was held at Historical Park in conjunction with Earth Day activities, Commissioners shared their respective preferences acknowledging that COVID-19 restrictions would likely still be in effect next April. Commissioner Sedore preferred to sponsor the Arbor Day event at a local retail store to attract more community participation. Chair Grantham commented that the lack of attendance at this year's event was likely because of weather and is unsure sponsoring the event at a local retailer would be beneficial as local stores attract regional shoppers whereas the Arbor Day event is focused for the Tumwater community. He suggested hosting the event at the library as it has been prior to the pandemic. Manager Medrud offered to follow up with Parks and Recreation Department staff on a potential

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format, such as a drive-through event because of COVID restrictions.

Commissioner Olsen asked about any follow up by the City in terms of how many of the individuals receiving trees during the giveaway planted their trees. Manager Medrud advised that follow-up could be considered by including information in the materials with the trees encouraging residents to follow up with City on the status on their tree. Commissioner Olsen reported the City of Tacoma offers coupons for a specific dollar value as a giveaway during Arbor Day. The coupons provide residents with an option of purchasing larger-sized trees as local garden centers or nurseries from a list of suggested tree species.

Commissioner Sedore offered an option of asking community members to consider volunteering for follow-up by the City by seeking photographs of their trees. The City could use the photographs to advertise future Arbor Day events. The City could also seek photographs from other previous year beneficiaries of trees. Photographs submitted by residents would be posted on the City's website. He also recommended following up with Parks and Recreation Department during projects involving landscaping to take advantage of having the Mayor plant a tree. Those photographs could be incorporated within the Arbor Day webpage.

Commissioner Hecker recommended adding tags with City social media addresses/contact information so recipients can submit future photos of them and their trees to avoid soliciting contact information from community members.

Manager Medrud noted the meeting in January includes a discussion on the Arbor Day celebration in 2022.

Manager Medrud reminded Commissioners to participate in online open public meetings training for those members who have not completed training within the last four years. Commission and board members are required to participate in training every four years. More information will be provided in January 2022.

**URBAN FORESTRY  
AMENDMENTS –  
STREET TREE  
PLAN, ORDINANCE  
NO. O2021-016:**

Manager Medrud reported a draft of a new Street Tree Plan was included in agenda materials with many elements from the 2002 Comprehensive Street Tree Plan and the Urban Forestry Management Plan included to assist the Board's discussion in January.

Chair Grantham questioned the context of the Street Tree Plan with respect to the Urban Forestry Management Plan. Manager Medrud explained that the introduction of the plan is similar to the introduction of the Urban Forestry Management Plan with a focus on the purpose of a Street Tree Plan. Chapter 2 covers more of the background on street tree

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policies, regulations, data collection efforts in 2018, and results of a tree survey completed within the past 20 years. The information is important because it speaks to the importance of street trees assisting the City to meet its goals for tree canopy cover in the Urban Forestry Management Plan, as well as emphasizing the importance of staggering age and species diversity, managing street trees for climate mitigation, matching soil to tree species, and microclimatic considerations. The review also includes discussion on street tree selection. Street tree selection was a component of the original 2002 Comprehensive Street Tree Plan. The plan also included construction details for proper planting and the appropriate selection of trees. The issue is whether the plan should provide another level of detail to developers not included in the Urban Forestry Management Plan. The intent of the plan is to provide guidance to several different audiences, such as developers responsible for a majority of street tree plantings, staff who are responsible for ongoing maintenance and replacement, and individuals who might want to remove and replace street trees as sidewalk damage occurs or homeowner associations pursue improvements. A plan could serve as one reference source for all audiences to ensure comprehensive guidance is provided on the proper planting and maintenance of street trees.

Commissioner Sedore offered that developers might have a different perspective than a homeowner. Developers might be more willing to review an extensive document whereas a typical homeowner might not be interested. He suggested including an executive summary for homeowners and homeowner associations.

Commissioner Chapman questioned whether the policies could be enforced by the City and the outcome when developers do not follow the policies. Manager Medrud responded that the section on tree planting specifications within the Comprehensive Street Tree Plan guide developers in the selection and planting of trees. The City's enforcement is through landscape inspections when trees are planted and landscaping is installed. The City inspects those plantings to ensure plantings are according to the standards. Additionally, if changes are warranted to practices, an update could include changes, such as including additional inspection criteria. The City also has street tree details as part of the City's development guidelines.

Chair Grantham pointed out that typically, developers only plant to the bare minimum as required by the code. Any additional elements that would increase tree canopy or extend the life of plantings should be in the code and not part of a guideline.

Manager Medrud explained how the development code is applied to projects. The Tumwater Municipal Code governs all City development and other activities in the City. Title 18 is the zoning code and includes

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the landscaping code. Title 12 includes the street tree code. The City's tree protection ordinances are in Title 16 (Critical Areas). Street tree provisions are embedded throughout many sections of the Tumwater Municipal Code, as well as engineering details and requirements that fall within the development guidelines as requirements. Tree planting specifications could be referenced in the Tumwater Municipal Code as requirements while also residing within Development Guidelines as part of the development review process which identifies which guidelines are applicable to a project to ensure plans notate proper requirements to be addressed. References to "guidelines" can be misleading as the guidelines are essentially requirements and are enforceable.

Chair Grantham suggested ensuring details include all the requirements desired by the Board and the City. Manager Medrud advised that the staff report includes existing language as an appendix. Appendix 6 includes detailed specifications for review to ensure they are the most current requirements.

Chair Grantham pointed to the code that speaks to allowing irrigation only if necessary; however, if a developer deems it is unnecessary, the City has no option to enforce the requirement. Manager Medrud advised that the intent of the review is to identify those instances where the Board believes the provision(s) should be updated.

Manager Medrud reported the 2003 Comprehensive Street Tree Plan focused on arterials and collector streets in terms of species and the appearance of trees. He asked for feedback on whether to retain or update the sections as individual street tree themes are identified for particular road sections. The section also includes a table of street segments with primary, secondary, and accent trees identified. He asked members to consider whether the information should be retained, updated, or is no longer necessary.

Commissioner Chapman expressed interest in whether the City has implemented the street tree plan over the last several years and reasons for any exceptions that might have been granted. He asked staff to provide information on the planting plan for the new Sky View development to determine if actual plantings correlate with the current street tree plan. Manager Medrud said he would follow up with staff and obtain some recently approved landscaping plans. He also plans to identify other larger development projects throughout the City to provide information on current planting activities to assist the Board in identifying whether actual conditions are matching with City goals.

Manager Medrud referred to the chapter on street tree planning, which addresses separation and planting widths. He asked members to review the chapter and provide feedback on whether the chapter should be



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retained or updated. The chapter also includes a calendar for general street tree planting in terms of timing of planting, watering, and fertilizing.

Commissioner Chapman suggested that any graphics included in the chapter should represent the current International Society of Arboriculture graphics. Manager Medrud said the graphics are from the original plan (2002). New graphics would be included as part of the update of the chapter.

Manager Medrud encouraged members to review the information and provide feedback on information to retain, update, or eliminate. Commissioner Chapman asked whether consultant services would be available to assist the Board. Manager Medrud replied that the Board has the option of deferring the review to a consultant who has the expertise with staff directing the review. Timing would be based on whether the City receives a grant. If successful, the work would likely be deferred until fall 2022. The department received approval to contract with a consultant to update tree protection and landscaping codes. Staff did not pursue contracting with a consultant for the street tree review. Consultant assistance for the street tree review would be dependent upon the City receiving the grant.

Commissioner Chapman supported seeking a grant to provide consultant assistance despite delaying the review until fall. Commissioner Sedore agreed. He added that he applied the section on the introduction that speaks to the benefits and values of street trees to the Gunning Fog Index (a tool rating readability). The tool rated the section with a readability score of 21.8 equating to a person with 21 years of formal education able to understand the section in one reading. He recommended considering readability of the code as part of the review as well. Manager Medrud acknowledged the suggestion.

Chair Grantham recommended the Board review the information for a future discussion in the next several months despite delaying the overall review until later next year. Manager Medrud suggested the Board's review could be used to develop a scope of work for the consultant as part of the grant application.

Commissioner Chapman added that the scope should also include ensuring all graphics and standards are current, as well as considering how the plan supports achieving urban forestry goals within the Urban Forestry Management Plan.

Commissioner Hecker questioned the City's odds of receiving a grant. Manager Medrud said he believes the City has good odds because the City recently completed the Urban Forestry Management Plan without

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grant funding, has an active Tree Board, and has been designated a Tree City U.S.A. for many years. The next step is ensuring development of a good scope of work, which can benefit from the Board's discussion. The grant deadline is March 4, 2022.

The Board discussed some next steps in support of developing the grant application. Several suggestions included surveying staff responsible for implementing street trees codes, some local developers, and homeowners or homeowner associations to receive feedback on what should be included in a street tree plan. Additionally, the plan should identify the responsible party for maintaining street trees. Manager Medrud added that as part of the development code update next year, maintenance of street trees would be clarified. Commissioner Chapman asked about the probability of staff providing a draft scope of work plan for the consultant by the January meeting. Manager Medrud affirmed that he would draft a general scope of the work for the Board's January meeting. He plans to provide some links to other jurisdiction's street tree plans as well.

**NEXT MEETING  
DATE:**

The next meeting is scheduled on January 10, 2022.

**ADJOURNMENT:**

**With there being no further business, Chair Grantham adjourned the meeting at 8:20 p.m.**

Prepared by Puget Sound Meeting Services, [psmsoly@earthlink.net](mailto:psmsoly@earthlink.net)

**TUMWATER TREE BOARD MEETING  
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**CONVENE:** 7:00 p.m.

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

Excused: Commissioner Jim Sedore.

Staff: Community Development Director Michael Matlock.

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

**TREE BOARD MEMBER REPORTS:** There were no reports.

**MANAGER'S REPORT:** There was no report.

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

**2022 ARBOR DAY DISCUSSION:** Director Matlock reported the Arbor Day celebration in 2022 is scheduled either on Saturday, April 23 2022 from 10 a.m. to noon or Saturday, April 30, 2022 from 10 a.m. to noon. The Tree Board's budget for the event is \$1,000. Staff anticipates that because of the pandemic, the event will be a drive-through format. Staff is seeking feedback on the location of the event, the format of the event, support for the event, and advertising for the event. Staff anticipates beginning public outreach efforts later in the month through April. The Council is scheduled to issue the Arbor Day proclamation on March 15, 2022.

Several event configurations could include hosting the Arbor Day event in conjunction with City Earth Day activities at Tumwater Historical Park, at the City Hall parking lot, or at a large commercial area. Parks and Recreation Department staff indicated availability to provide support if the event is held at Historical Park. Based on prior feedback from Commissioner Olson, staff contacted the City of Tacoma, which provides coupons for a specific dollar value of a tree that the Board might want to consider as an option in lieu of the tree giveaway. Other options are coordinating with the Mayor and the City Council to plant trees as part of the celebration, or as part of the tree seedling giveaway include a tag with social media information for the recipient to upload pictures of tree plantings and photographs to track progress on the growth of trees planted from Arbor Day tree giveaways.

Commissioner Hecker supported sponsoring the event in conjunction with Earth Day activities for convenience to the community.

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Commissioner Chapman asked about the possibility of coordinating a tree planting(s) either with the Council or with students. Director Matlock offered to follow up as to whether a location could be identified for a tree planting. Chair Grantham noted that prior Earth Day activities at Historical Park typically involved the removal of ivy and weeding. The North Fire Station has indicated a need for a tree on the property to serve as screening for the patio. He suggested following up with Public Works or Parks and Recreation to plant a tree at that location.

The Board noted that Earth Day is celebrated on April 22, 2022 this year.

Chair Grantham suggested moving forward with the joint Arbor Day/Earth Day event at Historical Park. The lack of turnout last year was mainly because of the weather.

The Board discussed the availability of trees to purchase for the giveaway. Commissioner Jackson cited the Board's previous discussions about purchasing trees in containers recognizing that it would likely increase the cost with fewer trees to giveaway. Commissioner Chapman cited a nursery located south of the airport for tree availability. A one-gallon vine maple costs approximately \$7 as an example. Commissioner Jackson said that typically, the Board limited the purchase to 100 trees ranging from bare root stock of conifers and graduating to other species of trees/shrubs in more recent years.

Director Matlock suggested offering a mix of container trees and bare root seedlings. Commissioner Jackson volunteered to follow up on pricing and availability and provide information at the February meeting. He suggested offering native bare root roses or other types of flowering shrubs as well.

Commissioner Olson suggested contacting the Native Plant Society as it schedules a plant sale each year.

Chair Grantham recommended reviewing availability of trees and plants at the February meeting and following up with staff on the current inventory of giveaway items (coloring books, posters, etc.). Commissioner Chapman recommended following up with Commissioner Sedore to develop some informational sheets on the species featured for giveaways this year. He asked about the possibility of scheduling a parallel event for planting a tree at the fire station or another site in the City. Chair Grantham recommended following up with the Parks and Recreation Department to identify a location in the City either in conjunction with Arbor Day activities or on another day dependent upon coordination of logistics and the size of the tree.

Director Matlock said staff would contact staff from Public Works and

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Parks and Recreation and discuss options.

Commissioner Hecker suggested featuring the tree planting prior to Arbor Day to advertise and increase awareness of the Arbor Day event. Commissioner Chapman added that the City's Communications Department could advertise the event through social media to generate more publicity for the Arbor Day event.

Commissioner Olson recommended engaging in conversations with participants to learn if they have received prior giveaways to obtain information on the status of the tree(s) they planted and provide information to the Board on the status of trees residents received through the event giveaway. It could also afford an opportunity to ask residents to forward photographs of successful tree plantings. Commissioner Olson offered to serve as the coordinator to organize any feedback from the community. Director Matlock said staff could also coordinate with Communications Manager Cook for ideas on a feedback process.

Commissioners discussed the probability of more successful tree plantings if plants were provided in containers as opposed to tree seedlings.

Director Matlock supported hosting a tree planting event prior to the Arbor Day event as a way to publicize Arbor Day activities. He plans to follow up with Communications Manager Cook on publicizing the event through different City venues. Next month, with information from Commissioner Jackson on tree ordering information and with an update on advertising options, the Board can begin solidifying details of the event. He confirmed that the \$1,000 is the budget specific for Arbor Day.

Chair Grantham asked about the option of using Tree Fund monies for planting a tree. Director Matlock said he believes Council approval is required to access funds from the Tree Fund; however, a tree planting should not be problematic.

For the benefit of Commissioner Hecker, Chair Grantham explained the purpose of the Free Fund. Essentially, the City requires a specific number of trees on new development and if the development is unable to meet the requirements, the developer is assessed fees that are deposited to the Tree Fund. The fund was utilized to plant new trees along Capitol Boulevard when trees were damaged during a winter storm. Commissioner Jackson cited the Home Depot in Tumwater and the absence of trees on the property as an example. The developer was unable to meet the tree retention requirement and was required to pay the Tree Fund. The funds are used for plantings throughout the City.

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Commissioner Olson referred to the City of Tacoma's tree voucher/coupon program and invited feedback. Commissioner Chapman asked how he foresees implementing a similar program this year for the Arbor Day event. Commissioner Olson said the program requires some coordination to develop the program, research different species of trees, contact local garden centers and nurseries to assess interest in participation, establish some timelines, and implement a program. He assumes it would not be a staff effort; however the City could mediate a program through the community college to establish a project offering college credits with some collaboration with the City. Initiating the project could be through a pilot project with the evaluation and promotion completed by the City.

Commissioner Chapman offered that fall planting of trees and shrubs is much more successful than in the summer for survivability. He suggested the program could be a companion program to the Arbor Day celebration. Commissioner Olson concurred. The program could be a supplement to street trees to engage neighborhoods and residents in the City. The program could assist the City is achieving the goal of increasing tree canopy throughout the City through a process that can be measured, tracked, and perhaps expanded. The City of Cleveland, Ohio has promoted a similar program by offering training and support to increase tree canopy across the city.

Commissioner Chapman inquired as to whether Habitat for Humanity or other low income housing programs could benefit from the program as they might have the economic ability to plant trees. Director Matlock said the City is working with Homes First on a house acquired by the City off Henderson Boulevard, which might be a good candidate for a project. Commissioner Olson said the program would not necessarily require the planting of trees but rather vegetation that is site-specific to the owner and is conducive for the site.

Commissioners discussed different configurations of a voucher program that could cover up to three-fourths of the cost of the tree/vegetation.

Chair Grantham agreed the program could support some of the outreach and community engagement improvements included in the Urban Forestry Management Plan. He supported the Board working on initial steps of a program. Director Matlock suggested identifying a proposed budget and potential source of funding and administrative details for coordination of the program. Chair Grantham offered that a program might be a Board-directed effort with the Board accepting applications with funds from the Board or seeking additional funds from the Council to support the program.

Commissioner Chapman offered to work on the program in support of

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the Board.

Chair Grantham recommended following up the suggestions with Manager Medrud as a way to also increase public attendance to Board meetings.

Commissioner Olson added that the City could also assist high school students fulfill community service hours by having students evaluate applications based on a set of criteria through a Request for Proposal process.

The Board discussed a potential connection to students enrolled in the Tumwater FRESH program at Isabella Bush Park who might be interested in serving on a review panel, as well as Boy Scouts who might be working on an eagle scout project.

Commissioner Chapman supported the Board becoming more active in a tangible project.

Commissioner Jackson mentioned previous membership of students on the Board as another consideration. Commissioner Olson noted that with the advent of climate change, students are much more aware and engaged in activities.

Chair Grantham supported tying the recommendation to the Urban Forestry Management Plan as one of the implementation actions by the Board and continue conversations on development of a program.

**STREET TREE PLAN**  
**SCOPE OF WORK:**

Director Matlock reported the proposal is for an application of a grant for a Community Forestry Assistance Grant through Department of Natural Resources, which is due by March 4, 2022. Staff prepared a scope of work for feedback for submittal of a grant application. The grant is offered to assist communities in planning and implementing projects that improve the management, care, and public engagement of trees in natural areas, parks, rights-of-way, and as an impetus for projects addressing social and environmental disparity. The grant is one of the next steps for implementation of the Urban Forestry Management Plan. The grant supports amendments to the City's Street Tree Plan in support of the Urban Forestry Management Plan. The plan guides street tree plantings and maintenance requirements.

The draft scope of work should define the users of the information and information needs. Stakeholders have been identified as property owners, homeowner associations, residential, commercial, and industrial developers, City tree maintenance staff, and tree cutting and landscaping maintenance companies.

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Commissioner Chapman suggested substituting tree management companies or tree care companies rather than labeling them as tree cutting companies.

Director Matlock said the proposal is submittal of the grant prior to March 4, 2022. If successful in securing the grant, staff would prepare a draft scope of work and request proposals for a consultant to support the project with several Commissioners participating in the interview and selection of the consultant.

The proposed Street Tree Plan would include street tree plantings for arterials and connector streets, maintenance and guidance, summary of street tree management responsibilities, best management practices for street tree care, a street tree planting list, street tree design recommendations, street planting specifications and details, and street tree pruning guidelines. The Street Tree Plan also supports regulatory amendments to Tumwater Municipal Code Title 12 Streets, Sidewalks, and Public Places, Title 16, Environment – Protection of Trees and Vegetation, and Title 17 Land Division. Additionally, revisions would be required to the Tumwater Development Guidelines, Littlerock Road Subarea Plan, Tumwater Town Center Street Design Plan, and the Capitol Boulevard Community Design Guidelines. The proposed schedule to complete the work includes the Board, Planning Commission, and the Council providing input on the grant scope followed by submittal of the grant in March. During May and June, the City would conduct the RFP process and select a consultant with grant funds available to the City in July 2022. With consultant assistance, staff anticipates completion of the Street Tree Plan by the end of the year. Staff is seeking input on the scope of work and the proposed schedule.

Commissioner Chapman inquired about the process for identifying the amount of the grant the City is seeking. Director Matlock explained that it is a combination of the maximum grant award and the scope of work. If the scope of work exceeds the grant amount, the difference would need to be augmented with City funds.

Commissioner Chapman recommended emphasizing the intent of the update of street tree management responsibilities as it is unclear as to whether it also addresses the responsibility of abutting property owners to maintain street trees.

Chair Grantham asked that the Board receive a copy of the grant application for its review. He asked Commissioners to provide any feedback to staff by January 28, 2022.

**NEXT MEETING**  
**DATE:**

The next meeting is scheduled on February 14, 2022.



**TUMWATER TREE BOARD MEETING  
MINUTES OF VIRTUAL MEETING  
January 10, 2022 Page 7**

**ADJOURNMENT:**        **With there being no further business, Chair Grantham adjourned the meeting at 8:13 p.m.**

Prepared by Puget Sound Meeting Services, [psmsoly@earthlink.net](mailto:psmsoly@earthlink.net)

TO: Tree Board  
FROM: Brad Medrud, Planning Manager  
DATE: February 14, 2022  
SUBJECT: 2022 Arbor Day Discussion

---

1) Recommended Action:

Review attached memorandum and be prepared to discuss.

---

2) Background:

The City of Tumwater's Arbor Day Celebration 2022 will be 10 AM – 12 noon Saturday, April 23, 2022 at Historical Park. It will be held in the same place and date as the Earth Day Celebration, which will be from 9:00 Am to noon. The Tree Board's biennial budget for 2021-22 is \$1,000.00.

It is anticipated that the 2022 celebration will be a drive-through Arbor Day event including free tree related give-away items for kids, tree planting instructions, and tree care information.

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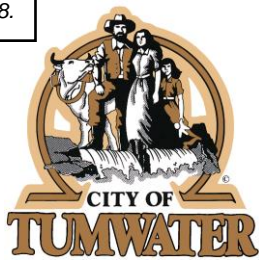
3) Alternatives:

None.

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4) Attachments:

- A. 2022 Arbor Day Memorandum
- B. Draft Arbor Day Proclamation
- C. Draft Arbor Day Layout
- D. Example 2021 Arbor Day Plants Handout
- E. Arbor Day Inventory List



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

## Memorandum

Date: February 14, 2022  
To: Tree Board  
From: Brad Medrud, Planning Manager  
Subject: 2022 Arbor Day Memorandum

---

### Issue

The Tree Board is planning for the City of Tumwater's 2022 Arbor Day Celebration and this memorandum discusses actions to consider while preparing for it.

### Background

The Mayor and City Council will make their annual Arbor Day Proclamation as a special item at their Tuesday, April 5, 2022 regular meeting.

The City of Tumwater's Joint 2022 Earth Day and Arbor Day Celebration will be Saturday, April 23, 2022 at Tumwater Historical Park. Like last year, the Arbor Day Celebration will be held in the same place and date as the Earth Day Celebration, which will be from 9:00 AM to noon.

The Tree Board will host an annual celebration of Arbor Day:

10 AM – 12 noon  
Saturday, April 23, 2022  
Tumwater Historical Park  
802 Deschutes Way SW, Tumwater, WA

Set up for the Arbor Day event will begin at 9:00 AM at the large picnic shelter. See Attachment C in the packet for a map.

Parks and Recreation Department staff will help with setting up tables and hanging banners. We will be able to use the front of the picnic shelter with a couple of picnic tables and long built in table for Tree Board materials. They will also provide safety vests for all volunteers, since we will be taking materials out to parked cars in the parking lot in front of the picnic shelter and answering questions there.

I will send the City Communications staff updated event descriptions and will ask them to contract the School District to advertise.

February 14, 2022  
2022 Arbor Day Memorandum

Staff will find out about the current COVID-19 restrictions as well. It is expected that occupancy of the picnic shelter will be limited to 50%. Everyone will need to continue to practice all safety measures—wearing a mask and appropriate physical distancing and follow the City’s vaccination protocols for volunteers.

The Tree Board’s available biennial budget for 2021-22 is \$2,000.00 with \$1,000 budgeted for 2021 and another \$1,000 for 2022. The Tree Board has only spent \$360.35 so far this biennium, so there is \$1,639.65 available to spend.

At the event, residents can take home Arbor Day memorabilia, free native plant seedlings for the first sixty people, and have the opportunity to ask professional arborists about the proper care and planting of trees.

The Arbor Day celebrations are also intended to raise awareness of Urban Forestry Management Plan. We will have an Urban Forestry Management Plan brochure available.

For the giveaways, refer to Attachment E Inventory for what we have on hand and what we will need to order. It appears that ~58 bags of giveaway items and seedlings were given away in 2021.

Communication Department staff will be publicizing the event.

### **Actions for the Tree Board to Consider**

1. Decide on what will be done at the event:
  - a. Decide on tree seeding order and place order.
  - b. Review the list of handouts and other giveaway materials that were handed out last year, what is on hand for 2022, and determine what needs to be ordered by staff.
2. Review the draft 2022 Arbor Day Proclamation
3. Work out volunteer staffing by the Tree Board for the event
4. Staff is working on scheduling a Tree Board sponsored tree planting by Mayor and City Council before Arbor Day on City property with the Parks and Recreation Department.

### **Schedule**

- Monday, February 14, 2022, Tree Board discussion of Arbor Day Event
- February 2022 schedule public outreach activities for the event with City Communications staff
- February 2022 staff orders any additional materials needed for handouts
- Monday, March 14, 2022, Tree Board discussion of Arbor Day Event
- Tuesday, March 15, 2022, City Council approves Arbor Day proclamation

February 14, 2022  
2022 Arbor Day Memorandum

- Monday, April 11, 2022, Tree Board discussion of final details for the Arbor Day Event

### Other Notes

- The City of Tacoma provides coupons for a dollar value of a tree. Staff will see if they can find out more about this.
- As part of the tree seedlings handouts, include a tag for social media with information on uploading pictures of tree plantings and then after one or more years afterwards.
- As part of the tree seedlings handouts, find participants to interview and photograph them as they plant their tree. The City could follow-up with the families a year or two later to observe the condition of the tree to create a storyline for the Arbor Day event.
- City communications staff could conduct interviews and publish an article in the City's newsletter.
- Establish a relationship with a local nursery to raise tree seedlings as a source of trees for the City's Arbor Day tree giveaway.
- The survivability of the trees would be increased if the giveaway offered quart or gallon stock. Providing a larger specimen creates transportation and storage issues in addition to the increased expense.
- Provide a variety of plant species for compatibility with smaller lot sizes.
- Another potential way to celebrate Arbor Day by planting trees at local schools and involving students, where the City work with the School District to schedule events at several schools or rotate schools each year.

# Proclamation

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the world; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, provide habitat for wildlife, and are a source of joy and spiritual renewal; and

WHEREAS, trees are a renewable resource providing paper, wood to build our homes, fuel for our fires, and countless other valuable and necessary products; and

WHEREAS, trees increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, since 1995, the City of Tumwater has been recognized by the National Arbor Day Foundation as a Tree City USA; and

WHEREAS, the City Council adopted the *Urban Forestry Management Plan*, which guides the growth, protection, and maintenance of the City's community and urban forest and to encourage "the right tree in the right place"; and

WHEREAS, the City of Tumwater will celebrate Arbor Day with a free event on Saturday, April 23, 2022, from 10:00 a.m. to 12:00 p.m. with a drive through event at Tumwater Historical Park. At this event, residents can take home Arbor Day memorabilia, free native plant seedlings for the first sixty people, and have the opportunity to ask professional arborists about the proper care and planting of trees.

NOW, THEREFORE, I, Debbie Sullivan, Mayor of the City of Tumwater, do hereby proclaim

Arbor Day  
April 23, 2022

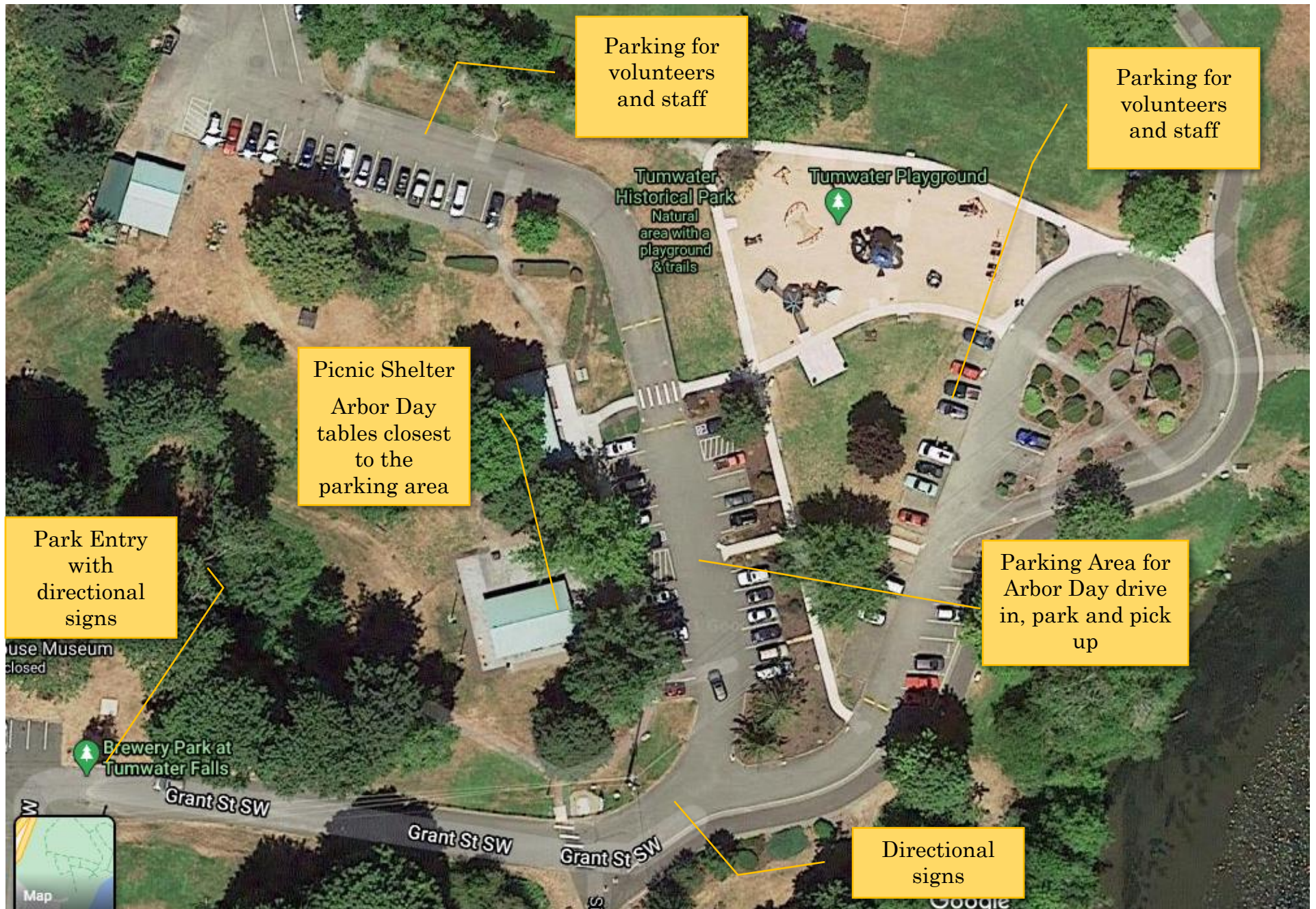
FURTHER, I encourage all people in the City of Tumwater to participate in our Arbor Day and Earth Day celebrations and support efforts to protect our trees and woodlands.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Tumwater to be affixed at the City Hall, this 5<sup>th</sup> day of April, in the year, two thousand and twenty-two.

Debbie Sullivan  
Mayor



## Draft Arbor Day Layout







## 2021 Tumwater Tree Board Arbor Day Plant Descriptions

# Twinberry (shrub)

*Lonicera involucrate*

Twinberry honeysuckle, a Washington State native, is also known as “twinberry honeysuckle”. Named for its twin-forming flower and fruit, this is a fast-growing, attractive shrub Twinberry likes sun or partial shade and moist soil.



**Height:** 9 feet (3 meters)

**Leaves:** 3 inches long.

- Deciduous (no leaves in winter)
- Summer leaf color - Green
- Fall leaf color – Yellow

**Stems:** Brown & fire resistant

**Best places to plant:**

- Sunny or shady spot
- Moist soil 5 feet from any building or fence (It will grow to be 10 feet wide)

Photos from

<https://green2.kingcounty.gov/gonative/Plant.aspx?Act=view&PlantID=108&PhotoID=380>

**Flowers:** In spring, pairs of small, tubular yellow flowers. These provide nectar for hummingbirds and bees.

**Fruit:** Two bright black berries surrounded by red bracts, like two dark eggs in a little red nest. Birds eat the berries in the fall and winter.





# Pacific Ninebark (shrub)

## *Physocarpus capitatus*

Alternatively, *tall ninebark*, is native to western North America from southern Alaska to southern California, and east to Montana and Utah. It is a dense deciduous shrub growing to 3-4 meters tall. The name references the appearance of the bark, which peels in many layers. The shrub has distinctive maple-like lobed leaves.



Photos from:

<http://nativeplantspnw.com/pacific-ninebark-physocarpus-capitatus/>

**Height:** about 12 feet (4m) to 18 feet (6m)

**Leaves:** Green, toothed leaves are 3-5 lobed.

Fall leaf color – Brown

**Flowers:** Small and white with yellow centers and pink stamens, tightly packed in a hemispherical cluster.

**Bloom time:** April-June

Provides pollen for Bees, Butterflies & Hummingbirds.

**Fruit:** Small, reddish, inflated follicles (dry one-celled seed capsules or pods, which split open one side). Fruit ripens: September-October

**Best place to plant:** Full sun to part shade, moist to fairly wet soil. Requires some pruning to keep its naturally graceful, arching shape

## 2022 Arbor Day Inventory List

Attachment E

Giveaway Items	Materials in Bags Packed in 2021	Unpacked Materials	Suggested Amount to Re-Order
<b>Items for Giveaways</b>			
Small Brown Paper Bag for Giveaways	26	65	35
Giveaway Containers for Giveaways	13	Out	50
Zoo Crayons (Box Of 4) or Forest Animals Crayons (4 Pieces In Bag)	39	Out	100
Coloring Books	15	Out	100
Coloring Sheets	24	Can Print More	0
"Trees Are Good" Temporary Tattoos	39	~40	100
"Plant Trees" Temporary Tattoos	39	~20	100
Arbor Day Patches	33	Out	100
"Right Tree – Right Place" Wrist Bands (Large)	39	~100+	0
"Right Tree – Right Place" Wrist Bands (Small)	1	Out	0
"Don't Top Trees" Wrist Bands	6	Out	0
Animal Stickers - Small	39	~40	100
"Plant Trees" Arbor Day Pins	14	23	100
"Plant Trees" Arbor Pencils	14	11	100
Compostable Bags (3 gallon size) for Seedlings	0	-35	100
<b>Printed Materials for Giveaways</b>			
Trees for America – How to Plant a Tree National Arbor Day Foundation Brochure	39	~100+	0
How to Select and Plant a Tree Brochure	13	~100+	0
Urban Forestry Management Plan Brochure	39	Can Print More	0
The Right Tree for the Right Place Brochure	13	~100+	0
2021 Plant Descriptions Brochure	39	Update for 2022	0
How to Prune Young Shade Trees Brochure	13	~100+	0

- It appears that ~58 bags of giveaway items and seedlings were given away in 2021.

February 3, 2022

## 2022 Arbor Day Inventory List

Attachment E

**Other Items**

Description	Quantity	Notes
4 x 6 Arbor Day Foundation Banners	14	
Acrylic Pamphlet Stand	1	
Arbor Day Foundation Banner (with gold fringe)	1	
Assorted CDs, DVDs, etc.	3	
Assorted Handouts & Guides (See List Below)	>100	
Assorted Pamphlets (See List Below)	>200	
City of Tumwater Banner (old Logo)	1	
Code (Codie/Codette) Stickers	1 Roll	
Container of Gallon Storage Bags	1 (abt. 50 bags)	
Duct Tape	1 Roll	
Folded Posters (Arbor Day Poster Contest, Stewardship, etc.)	8	
Large 24 Year / 25 Year /Growth Award Stickers	abt. 5	
Needs Bag (scissors, post-its, binder clips, pens, sanitizer, ibuprofen, rubber bands)	1	
Neon Yellow Masking Tape	1	
Packing Tape	1 Roll	
Painter's Tape	1 Roll	
Proclamation	2	2019, 2021
Ruler	1	
Tape Dispenser + Tape Refill	1	Need tape refill
Tree Board Binder	1	

**Handouts, Guides, and Pamphlets Inventory List**

How to Prune Young Shade Trees
Certified Arborist
Tree Bulletins #3, #4, #5, #8, #13, and #19
Trees for America
Vegetation Management

February 3, 2022

TO: Tree Board  
FROM: Brad Medrud, Planning Manager  
DATE: February 14, 2022  
SUBJECT: Urban Forestry Management Plan – Street Tree Plan Scope of Work

---

1) Recommended Action:

Review attached memorandum and be prepared to discuss.

---

2) Background:

The Tree Board has recommended that the City pursue an urban forestry grant through the Department of Natural Resources to hire a consultant to prepare a street tree plan.

The attached memorandum outlines the scope of work for that street tree plan for the consultant that will be included in the Urban Forestry Grant application that will be filed with the Washington State Department of Natural Resources before March 4, 2022.

The Tree Board and Planning Commission reviewed the scope of work in January 2022.

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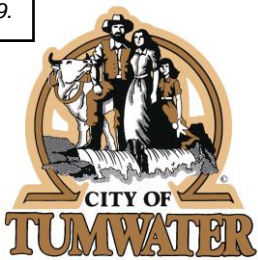
3) Alternatives:

None.

---

4) Attachments:

A. Street Trees Scope of Work Memorandum



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

## Memorandum

Date: February 14, 2022

To: Tree Board

From: Brad Medrud, Planning Manager

Subject: Urban Forestry Grant – Street Tree Plan Scope

---

### Issue

Community Forestry Assistance Grants are available from the Department of Natural Resources to support the City's implementation of the Urban Forestry Management Plan. Grant applications are due March 4, 2022.

The purpose of this grant is to assist communities with planning and implementing projects that improve management, care, and public engagement with trees growing in parks, natural areas, and along public rights-of-way. Projects should also address social and environmental disparities in Washington communities by investing in community-identified urban forestry needs that advance environmental, social, or public health outcomes.

The next step in the implementation of the *Urban Forestry Management Plan* is the preparation of a *Street Tree Plan*, which is intended to guide street tree planting and maintenance in the City. The *Street Tree Plan* will be an element of the *Urban Forestry Management Plan*. In addition, the process will update the City's street tree regulations (Tumwater Municipal Code (TMC) 12.24) and Chapter 3 of the Tumwater Development Guidelines), as well as review and update other relevant regulations and plans.

The City is looking at submitting a grant application to support a consultant to work on the *Street Tree Plan*.

The attached scope of work for the street tree plan for the consultant will be included in the Urban Forestry Grant application that will be filed with the Washington State Department of Natural Resources before March 4, 2022.

The Tree Board and Planning Commission reviewed the scope of work in January 2022.

### **Draft Scope of Work**

1. Define users of the information and their different information needs:
  - a. Property owners
  - b. Homeowner associations
  - c. Residential, commercial, industrial, and institutional developers
  - d. City maintenance staff
  - e. Tree cutting/landscape maintenance companies
2. Prepare project schedule, including the following:
  - a. Grant submittal
  - b. Draft scope of work and RFP for consultant
  - c. RFP process and consultant selection
  - d. Community and stakeholder meeting schedule
  - e. Determine type and content of work products
  - f. Draft work product schedule for review by staff, Tree Board, Planning Commission, and City Council
  - g. Tree Board, Planning Commission, and City Council meeting schedule
3. Prepare scope for work products needed
  - a. Street Tree Plan – One document with the following:
    - 1) Street Tree Planning for Arterials and Connectors, and Guidance for other street types
    - 2) Street Tree Planting and Maintenance Guidance
    - 3) Summary of Street Tree management Responsibilities
    - 4) Best Management Practices for Street Tree Care
    - 5) Street Tree Planting List
    - 6) Street Design Recommendations
    - 7) Street Tree Planting Specifications and Details
    - 8) Street Tree Pruning Guidelines
  - b. Amendments to the following, as needed:
    - 1) Other relevant sections of the Municipal Code in TMC Title 12 *Streets, Sidewalks and Public Places* (TMC 12.08 *Street and Sidewalk Obstructions*, TMC 12.12 *Construction of Curbs and Sidewalks*, and TMC 12.24 *Street Trees*), Title 16 *Environment* (TMC 16.08 *Protection of Trees and Vegetation*), and Title 17 *Land Division* (TMC 17.04 *Definitions*)

## Urban Forestry Grant – Street Tree Standards Scope

February 14, 2022

- 2) Tumwater Development Guide Chapter 3 *General Engineering Considerations* and Chapter 4 *Transportation*, text and details
- 3) The Littlerock Road Subarea Plan, Chapter 5 *Implementation*
- 4) The Tumwater Town Center Street Design Plan
- 5) The Capitol Boulevard Community Zone Design Guidelines

### Schedule

- January 18, 2022 – City Council approved 2022 long range planning work program
- February 2022 – Tree Board input on grant scope
- March 4, 2022 – Department of Natural Resources grant submittal due
- May and June 2022 – RFP process and consultant selection
- July 1, 2022 – June 1, 2023 – Department of Natural Resources grant money will be available
- July 2022 – Project start
- December 31, 2022 – Project completion

### Other Notes

- Review the 2018 Tree Survey to determine which tree species caused the most infrastructure damage.
- Provide Seattle Street Tree list to Tree Board.
- Planning Division staff has asked our Permitting Division staff if they could provide me with recent as-built plans and landscaping plans for recent projects such as Skyview to the Tree Board.
- Planning Division staff has asked Ben Thompson at DNR if he had good, recent examples from around the state. He said he would work with other staff to respond to our question in January 2022.
- At the December 14, 2021 City Council worksession on the Planning Division department work program, Councilmember Dahl recommended contacting the company she used that would like to review ‘tree’ related documents and plans. They also voiced interest in joining the Tree Board if there is room in the future. <https://www.doubledtreellc.com/>
- Also at the December 14, 2021 City Council worksession, Councilmember Schneider recommended avoiding the Bradford pear as a street tree.
- 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.

TO: Tree Board  
FROM: Brad Medrud, Planning Manager  
DATE: February 14, 2022  
SUBJECT: Ordinance No. O2022-008 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 for a consultant to work on the regulation update.

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3) Alternatives:

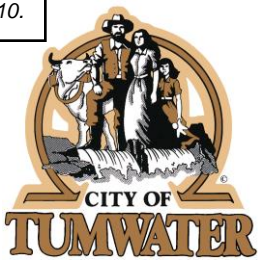
None.

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4) Attachments:

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: February 14, 2022

To: Tree Board

From: Brad Medrud, Planning Manager

Subject: Urban Forestry Management Plan –  
Tree Preservation Regulation Update, Ordinance No. O2022-008  
Scope of Work

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### Issue

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 for a consultant to work on the regulation update.

### 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;*

## Urban Forestry Management Plan – Tree Preservation Regulation Update

Ordinance No. O2022-008

Scope of Work

February 14, 2022

*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.

### **Draft Scope of Work**

1. Define the stakeholders for the update process, their different information needs, and their role in the update process:
  - a. Residential, commercial, industrial, and institutional developers
  - b. Property owners
  - c. Homeowner associations
  - d. Professional consultants, such as landscape architects, foresters, and arborists
  - e. Tree cutting/landscape maintenance companies

## Urban Forestry Management Plan – Tree Preservation Regulation Update

Ordinance No. O2022-008

Scope of Work

February 14, 2022

- f. City permit review staff, including planning, building and development engineering staff
  - g. City maintenance staff
  - h. City code enforcement staff
- 2. Prepare project schedule, including the following:
  - a. Staff stakeholder meeting schedule
  - b. Tree Board meeting schedule
  - c. Community and stakeholder meeting schedule
  - d. Draft work product delivery schedule for review by staff, stakeholders, and the Tree Board, Planning Commission, and City Council
  - e. Tree Board, Planning Commission, and City Council meeting schedule for review and approval of the ordinance
- 3. Prepare scope for work products needed
  - a. Determine type and content of work products
  - b. Stakeholder Outreach Plan and Schedule
    - 1) Supporting materials for stakeholder engagement
  - c. Staff Reports updated throughout the process as the discussion of the ordinance goes through the Tree Board, Planning Commission, and City Council – One document with the following:
    - 1) Introduction
    - 2) Stakeholder Outreach Process and Findings
    - 3) Required Changes to Regulations Explained
    - 4) Public Approval Process for the Ordinance
    - 5) Public Notification Process
    - 6) Applicable Urban Forestry Management Plan Goals and Actions
    - 7) Applicable Comprehensive Plan Goals and Policies
    - 8) Conclusions
    - 9) Recommendations
    - 10) Effects of the Proposed Amendments
  - d. 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*)

# Urban Forestry Management Plan – Tree Preservation Regulation Update

Ordinance No. O2022-008

Scope of Work

February 14, 2022

- 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) The Capitol Boulevard Community Zone Design Guidelines as needed

## **Proposed Schedule**

- January 18, 2022 – City Council approved 2022 long range planning work program
- February 14, 2022 – Tree Board input on draft scope of work
- February – March 2022 – RFP process and consultant selection
- April 2022 – Consultant work starts

## Tree Board Meetings

- April 11, 2022 – Tree Board briefing
- July 11, 2022 – Tree Board worksession
- August 8, 2022 – Tree Board worksession
- July 2022 – Submit Notice of Intent to Commerce
- July 2022 – SEPA Review

## Planning Commission

- April 12, 2022 – Planning Commission briefing
- July 12, 2022 – Planning Commission worksession
- July 26, 2022 – Planning Commission worksession
- August 9, 2022 – Planning Commission hearing

## City Council

- April 13, 2022 – GGC briefing
- September 14, 2022 – GGC briefing
- September 27, 2022 – City Council worksession

## Urban Forestry Management Plan – Tree Preservation Regulation Update

Ordinance No. O2022-008

Scope of Work

February 14, 2022

- October 11, 2022 – City Council worksession
- October 25, 2022 – City Council consideration
- October – November 2022 – Project completion

### Other Notes

- Review the Urban Forestry Management Plan for guidance in developing a scope of work.
- Planning Division 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 Tree Board.
- Planning Division staff review of materials 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 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;

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- I. To promote building and site planning practices that are consistent with the city's natural topographical, soil, and vegetation features and to reduce landscaping costs for new development by utilizing existing trees and ground cover to help fulfill landscaping requirements;
- J. To ensure prompt development, restoration and replanting, and effective erosion control of property after land clearing;
- K. To promote conservation of energy;
- L. To educate the public regarding urban forestry;
- M. To implement objectives of the State Environmental Policy Act and Growth Management Act; and
- N. To implement and further the city's comprehensive plan and other related ordinances.

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

## **16.08.030 Definitions.**

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

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- H. “Grading” means excavation, filling, or any combination thereof. Excavation and grading is governed by the International Building Code (IBC).
- I. “Greenbelt” means certain designated areas of a project or development that are intended to remain in a natural condition, and/or private permanent open space, or serve as a buffer between properties or developments.
- J. “Greenbelt zone” means any area so designated on the official zoning map of the city and subject to the provisions of TMC Chapter 18.30.
- K. “Ground cover” means vegetation that is naturally terrestrial excluding noxious or poisonous plants and shall include trees that are less than six inches in diameter measured at four and one-half feet above ground level.
- L. “Hazardous tree” means any tree that, due to its health or structural defect, presents a risk to people or property.
- M. “Heritage tree(s)” means tree(s) designated by the city and their owners as historical, specimen, rare, or a significant grove of trees.
- N. “Historic tree” means any tree designated as an historic object in accordance with the provisions of TMC Chapter 2.62.
- O. “Land clearing” or “clearing” means any activity which removes or substantially alters by topping or other methods the vegetative ground cover and/or trees.
- P. “Open space” means unoccupied land that is open to the sky and which may or may not contain vegetation and landscaping features, subject to the provisions in TMC 17.04.325 and 17.12.210.
- Q. “Parcel” means a tract or plot of land of any size which may or may not be subdivided or improved.
- R. “Qualified professional forester” is a professional with academic and field experience that makes them an expert in urban forestry. This may include arborists certified by the International Society of Arboriculture, foresters with a degree in forestry from a Society of American Foresters accredited forestry school, foresters certified by SAF, or urban foresters with a degree in urban forestry. A qualified professional forester must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development. Additionally, the qualified professional forester shall have the necessary training and experience to use and apply the International Society of Arboriculture’s Guide for Plant Appraisal and to successfully provide the necessary expertise relating to management of trees specified in this chapter.
- S. “Topping” is the removal of the upper crown of the tree with no consideration of proper cuts as per the current ANSI A300 Standard. Cuts created by topping create unsightly stubs that promote decay within the parent branch and can cause premature mortality of a tree. Topping a tree is considered to be a removal, and may require a tree removal permit.
- T. “Tree” means any healthy living woody plant characterized by one or more main stems or trunks and many branches, and having a diameter of six inches or more measured four and one-half feet above ground level. Healthy in the context of this definition shall mean a tree that is rated by a professional with expertise in the field of forestry or arbor culture as fair or better using recognized forestry or arbor cultural practices. If a tree exhibits multiple stems and the split(s) or separation(s) between stems is above grade, then that is considered a single tree. If a tree exhibits multiple stems emerging from grade and there is visible soil separating the stems, then each soil-separated stem is considered an individual tree. Appropriate tree species under six inches may be considered with approval of the city tree protection professional.
- U. “Tree plan” is a plan that contains specific information pertaining to the protection, preservation, and planting of trees pursuant to this chapter.
- V. “Tree protection open space” is a separate dedicated area of land, specifically set aside for the protection and planting of trees.



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W. “Tree protection professional” is a certified professional with academic and field experience that makes him or her a recognized expert in urban tree preservation and management. The tree protection professional shall be either a member of the International Society of Arboriculture or the Society of American Foresters or the Association of Consulting Foresters, and shall have specific experience with urban tree management in the Pacific Northwest. Additionally, the tree protection professional shall have the necessary training and experience to use and apply the International Society of Arboriculture’s Guide for Plant Appraisal and to successfully provide the necessary expertise relating to management of trees specified in this chapter.

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

## **16.08.035 City tree protection professional.**

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

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

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

## **16.08.038 Forest practice applications.**

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

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

1. General forest practices.

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

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

## **16.08.040 Tree account.**

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

A. Collections and Deposits. All fines collected for violations of this chapter shall be deposited into the tree account. All donations and mitigation fees collected related to the preservation of trees or the enhancement of wooded buffer areas shall also be deposited into the tree account.

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B. Maintenance of Account. The tree account shall be maintained by the finance director as a separate, interest-bearing account.

C. Use of Funds. Funds in the tree account shall be used only upon appropriation by the city council. Funds may be withdrawn from the tree account with the approval of the code administrator, and may be used for any purpose consistent with the intent of this chapter. Funds used to plant trees may be used only on city-owned property, or on property upon which the city has been granted an easement for the purpose of establishing or maintaining trees or other vegetation.

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

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

A. No person, corporation, or other legal entity not exempt under TMC 16.08.080 shall engage in land clearing or tree removal in the city without having received a land clearing permit.

B. Requirement Established. The application for land clearing permit shall be submitted with any project permit as defined in TMC 14.02.020(O), including single-family and duplex structures unless a land clearing permit was previously reviewed as part of prior project permit. A tree protection plan is required to obtain a land clearing permit and is also required for any land development not exempt under TMC 16.08.080. The tree protection plan shall be developed by a qualified professional forester and be submitted in conjunction with other environmental submittals and site plan development permits. For single-family homes on lots created prior to November 1994, the applicant has the option of using the city tree protection professional to prepare the permit application. This service will be provided at the same hourly rates charged to the city under its contractual arrangement with the tree protection professional.

C. An application for a land clearing permit shall be submitted on a form provided by the city. Accompanying such form shall be a report which includes the following information:

1. General vicinity map;
2. Date, north arrow and scale;
3. Property boundaries, the extent and location of proposed clearing and major physical features of the property (streams, ravines, etc.);
4. Tree Inventory. Drawn to scale on the preliminary or conceptual site plan: a map delineating vegetation types. Each type should include the following information:
  - a. Average trees and basal area per acre, by species and six-inch diameter class. For nonforested areas, a general description of the vegetation present.
  - b. Narrative description of the potential for tree preservation for each vegetation type. This should include soils, wind throw potential, insect and disease problems, and approximate distance to existing and proposed targets.
  - c. Description of any off-site tree or trees, which could be adversely affected by the proposed activity;
5. Tree Protection Plan. Drawn to scale on the site plan, grading and erosion control and landscape plans. It should include the following information:
  - a. Surveyed locations of perimeters of groves of trees and individual trees to be preserved, adjacent to the proposed limits of the construction. General locations of trees proposed for removal. The critical root zones of trees to be preserved shall be shown on the plans.
  - b. Limits of construction and existing and proposed grade changes on site.

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- c. Narrative description, buildable area of the site, and graphic detail of tree protection, and tree maintenance measures required for the preservation of existing trees identified to be preserved.
    - d. Timeline for clearing, grading and installation of tree protection measures.
    - e. Final tree protection plan will be drawn to scale on the above described plans and submitted with the final application packet;
  - 6. Tree Replacement Plan. Drawn to scale on the site and landscape plans. The tree replacement plan shall be developed by a licensed Washington landscape architect, Washington certified nursery professional, ISA certified arborist, board certified horticulturist, qualified professional forester or Washington certified landscaper. It should include the following information:
    - a. Location, size, species and numbers of trees to be planted.
    - b. Narrative description and detail showing any site preparation, installation and maintenance measure necessary for the long-term survival and health of the trees.
    - c. Narrative description and detail showing proposed locations of required tree planting, site preparation, installation and maintenance within critical root zones of preserved groups or individual trees.
    - d. Cost estimate for the purchase, installation and three years' maintenance of trees;
  - 7. A timeline for implementation and monitoring of the tree protection, and/or replacement plan;
  - 8. A plan indicating how the site will be revegetated and landscaped;
  - 9. A proposed time schedule for land clearing, land restoration, revegetation, landscaping, implementation of erosion controls, and any construction of improvements;
  - 10. Information indicating the method to be followed in erosion control and restoration of land during and immediately following land clearing;
  - 11. A note indicating that the city will have the right of entry upon the subject property for the purpose of performing inspections consistent with the provisions of this chapter;
  - 12. The approved tree protection plan map will be included in contractor's packet of approved plans used for construction on the project; and
  - 13. Other information as deemed appropriate to this chapter and necessary by the code administrator or city tree protection professional.
- D. In addition to the requirements noted in subsection C of this section, on timbered property greater in size than one acre or commercial property with more than fifteen trees, or other sites the city deems necessary because of special circumstances or complexity, the code administrator may require review of the site and proposed plan and submittal of a report by the city's tree protection professional for compliance with the requirements of this chapter.
- Further provided, that the code administrator may modify the submittal requirements of subsections C and D of this section, on individual applications where the information is not needed or is unavailable.
- E. Each application shall be submitted with a fee established by resolution of the city council, to help defray the cost of handling the application, no part of which fee is refundable.
- F. The code administrator shall notify the applicant whether the application is complete within twenty-eight calendar days of receipt of the application. If incomplete, the code administrator shall indicate in the notice the information required to make the application complete. The code administrator shall approve, approve with conditions or deny the permit within thirty calendar days of receipt of the complete application, or within thirty calendar days of completion of any environmental review, whichever is later. For applications such as site

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development proposals where there is more than a land clearing permit pending, the code administrator shall, whenever feasible, coordinate reviews, notices and hearings, and act upon the land clearing permit concurrently with other pending permits.

G. Any permit granted under this chapter shall expire eighteen months from the date of issuance, unless said permit is associated with another development permit. If it is associated with another development permit, the restrictions and deadlines of that approval will apply. Upon a written request, a permit not associated with another development permit may be extended by the code administrator for one six-month period. Approved plans shall not be amended without being resubmitted to the city. Minor changes consistent with the original permit intent will not require a new permit fee or full application standards to be followed. The permit may be suspended or revoked by the city because of incorrect information supplied or any violation of the provisions of this chapter.

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

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

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

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

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

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

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

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

## **16.08.070 Standards.**

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

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

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

C. Erosion control measures shall be provided by the applicant's professional engineer, in conformance with the Drainage Design Erosion Control Manual for the Thurston Region, Washington, as currently written and subsequently amended. The erosion control measures shall be reviewed and subject to approval by the code administrator. The requirement for a professional engineer may be waived by the code administrator on a case-by-case basis;

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D. Land clearing shall be accomplished in a manner that will not create or contribute to landslides, accelerated soil creep, settlement and subsidence on the subject property and/or adjoining properties;

E. When land clearing occurs that does not include development, the proposal shall contain provisions for the protection of natural land and water features, vegetation, drainage, retention of native ground cover, and other indigenous features of the site;

F. Land clearing shall be accomplished in a manner that will not create or contribute to flooding, erosion, or increased turbidity, siltation, or other form of pollution in a watercourse;

G. Land clearing in wetlands, and fish and wildlife habitat areas shall be in accordance with the provisions of TMC Chapter 16.28, Wetland Protection Standards, and TMC Chapter 16.32, Fish and Wildlife Habitat Protection;

H. During the months of November, December, and January, no land clearing shall be performed in areas with average slopes of fifteen percent or greater, or any slopes of forty percent or greater;

I. During the months of November, December, and January, no land clearing shall be performed in areas with fine-grained soils and a slope greater than five percent. For the purposes of this section, fine-grained soils shall include any soil associations which are classified in hydrologic soil groups C or D, as mapped in the Thurston County Soil Survey, or as determined by a qualified soil scientist;

J. Land clearing shall be undertaken in such a manner as to preserve and enhance the city's aesthetic character. The site shall be revegetated and landscaped as soon as practicable, in accordance with the approved revegetation plan. Where the construction schedule does not provide for revegetation of the site prior to October 15 of any year, all disturbed areas shall be hydro seeded or otherwise revegetated on an interim basis. The revegetation plan shall include plantings along public streets and adjoining property boundaries, especially between areas of differing intensities of development. For land clearing permits that are part of a specific development proposal, land use development shall be initiated or a vegetative screen or buffer established within six months of the date of initiation of land clearing activities;

K. Land clearing shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time, consistent with the construction schedule. Provisions shall be made for interim erosion control measures;

L. Land clearing activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on Saturdays in accordance with TMC Chapter 8.08;

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

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

O. Any trees or groups of trees to be retained shall have temporary fencing installed around the critical root zone. 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;

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

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

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

## 1. Size, Type and Condition of Retained Trees.

- a. For the purpose of calculating tree retention standards, trees twenty-four inches or greater in diameter measured four and one-half feet above ground level shall count as two trees.
- b. Species such as willow, cottonwood, poplar and other species, the roots of which are likely to obstruct or injure site improvements, sanitary sewers or other underground utilities, shall not be considered trees for the purpose of calculating tree retention standards if located within the buildable portion of the lot.
- c. A tree must meet the following standards in order to be counted for the purpose of meeting tree retention standards:
  - i. Must have a post-development life expectancy of greater than ten years;
  - ii. Must have a relatively sound and solid trunk with no extensive decay or significant trunk damage;
  - iii. Must have no major insect or pathological problems;
  - iv. Must have no significant crown damage;
  - v. Should be fully branched and generally proportional in height and breadth for the tree age;
  - vi. Must be windfirm in their post-development state.

## 2. These standards may be waived or modified by the code administrator if the applicant provides substantial evidence demonstrating that strict compliance would make reasonable use of the property impracticable for three or more of the following reasons:

- a. Removal of the tree or trees is needed to enable use of a solar system. A waiver for this reason must be accompanied by a bond assuring completion of the solar system within the timeframe associated with the underlying building permit issued for the project.
- b. The tree retention standard cannot be achieved because of the necessity of complying with applicable zoning and development requirements including, but not limited to, residential densities, open space requirements for active recreation, floor area ratios (FAR), parking requirements, stormwater requirements, street construction requirements, etc.

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

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- e. Trees which shelter other trees from strong winds that could otherwise cause them to blow down;
- f. Trees within greenbelts, open space, tree protection open space or buffers;
- g. Trees with significant habitat value as identified by a qualified wildlife biologist or by the city tree protection professional; and
- h. Trees which are part of a continuous canopy or which are mutually dependent, as identified by a qualified professional forester or the city tree protection professional;

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

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

**16.08.072 Maintenance requirements.**

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

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

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

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

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

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

**16.08.075 Heritage trees designated.**

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



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1. Application for heritage tree designation must be submitted to the community development department. The application must include a short description of the trees, including address or location, and landowner's name and phone number. The application must be signed by both the landowner and nominator.

2. The tree board reviews the application and makes a recommendation to the city council.

3. All heritage trees will be added to city tree inventory and public works maps.

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

1. Historical – A tree which by virtue of its age, its association with or contribution to a historical structure or district, or its association with a noted citizen or historical event.

2. Specimen – Age, size, health, and quality factors combine to qualify the tree as unique among the species in Tumwater and Washington State.

3. Rare – One or very few of a kind, or is unusual in some form of growth or species.

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

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

D. Heritage Tree Removal.

1. A tree removal permit is required for removal of any heritage tree(s).

2. The city tree protection professional shall evaluate any heritage trees prior to a decision on the removal permit. Recommendations for care, other than removal, will be considered.

3. Dead or hazardous trees are exempt from a tree removal permit after verification by the city tree protection professional.

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

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

## **16.08.080 Exemptions.**

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

A. Land clearing in emergency situations involving immediate danger to life or property. For every tree cleared under this exemption, at least one replacement tree shall be planted. Except for the number of trees, replacement trees shall conform to the standard for replacement trees described in TMC 16.08.070(R);

B. Land clearing associated with routine maintenance by utility companies such as the power company and telephone company. Utility companies shall notify the community development department at least two weeks prior to the start of work and shall follow appropriate vegetation management practices;

C. Land clearing performed within any public right-of-way or any public easement, when such work is performed by a public agency and the work relates to the installation of utilities and transportation facilities (such as streets,

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sidewalks and bike paths). To the greatest extent possible, all such work shall conform to the standards set forth in this chapter;

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

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

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

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

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

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

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

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

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

## **16.08.090 Alternative plans.**

Required tree mitigation must conform to the standards contained in this chapter unless alternate plans that are equal to or superior in achieving the purposes of this chapter are authorized in writing by the code administrator. The code administrator may modify or waive the requirements of this chapter only after consideration of a written request for any of the following reasons:

A. Special circumstances relating to the size, shape, topography or physical conditions, location, or surroundings of the subject property, or to provide it with use rights and privileges permitted to other properties in the vicinity and zone in which it is located;

B. Improvement as required without modification or waiver would not function properly or safely or would not be advantageous or harmonious to the neighborhood or city as a whole;

C. The proposed modification would result in an increased retention of mature trees and/or naturally occurring vegetation on the site;

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D. The proposed modification represents a superior result than that which could be achieved by strictly following the requirements of this chapter, the proposed modification complies with the stated purpose of TMC 16.08.020 and the proposed modification will not violate any city of Tumwater codes or ordinances.

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

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

## **16.08.100 Appeal procedure.**

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

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

## **16.08.110 Violation – Criminal penalties.**

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

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

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.

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

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

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

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

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

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

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

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

TO: Tree Board  
FROM: Brad Medrud, Planning Manager  
DATE: February 14, 2022  
SUBJECT: Ordinance No. O2022-007 Urban Forestry Management Plan – Landscaping and Buffering Regulation Update, Scope of Work

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1) Recommended Action:

Review attached memorandum and be prepared to discuss.

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2) Background:

The next step in the implementation of the Urban Forestry Management Plan is the preparation of an update to the City's 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 for a consultant to work on the regulation update.

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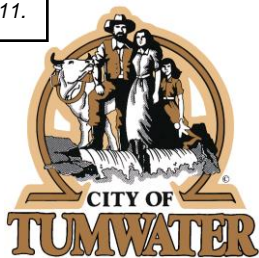
3) Alternatives:

None.

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4) Attachments:

- 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: February 14, 2022

To: Tree Board

From: Brad Medrud, Planning Manager

Subject: Urban Forestry Management Plan –  
Landscaping and Buffering Regulations Update  
Ordinance No. O2022-007  
Scope of Work

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

### Intent 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.*

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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. Define the stakeholders for the update process, their different information needs, and their role in the update process:
  - a. Residential, commercial, industrial, and institutional developers
  - b. Property owners
  - c. Homeowner associations
  - d. Professional consultants, such as landscape architects, foresters, and arborists
  - e. Landscaping and irrigation installation and maintenance companies
  - f. City permit review staff, including planning, building and development engineering staff
  - g. City maintenance staff
  - h. City code enforcement staff
2. Prepare project schedule, including the following:
  - a. Staff stakeholder meeting schedule
  - b. Tree Board meeting schedule
  - c. Community and stakeholder meeting schedule
  - d. Draft work product delivery schedule for review by staff, stakeholders, and the Tree Board, Planning Commission, and City Council
  - e. Tree Board, Planning Commission, and City Council meeting schedule for review and approval of the ordinance
3. Prepare scope for work products needed
  - a. Determine type and content of work products
  - b. Stakeholder Outreach Plan and Schedule
    - 1) Supporting materials for stakeholder engagement
  - c. Staff Reports updated throughout the process as the discussion of the ordinance goes through the Tree Board, Planning Commission, and City Council – One document with the following:
    - 1) Introduction
    - 2) Stakeholder Outreach Process and Findings

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- 3) Required Changes to Regulations Explained
  - 4) Public Approval Process for the Ordinance
  - 5) Public Notification Process
  - 6) Applicable Urban Forestry Management Plan Goals and Actions
  - 7) Applicable Comprehensive Plan Goals and Policies
  - 8) Conclusions
  - 9) Recommendations
  - 10) Effects of the Proposed Amendments
- d. 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) The Capitol Boulevard Community Zone Design Guidelines as needed

### **Proposed Schedule**

- January 18, 2022 – City Council approved 2022 long range planning work program
- February 14, 2022 – Tree Board input on draft scope of work
- February – March 2022 – RFP process and consultant selection
- March 2022 – Consultant work starts
- June 2022 – Submit Notice of Intent to Commerce
- June 2022 – SEPA Review

### Tree Board

- March 14, 2022 – Tree Board briefing
- June 13, 2022 – Tree Board worksession
- July 11, 2022 – Tree Board worksession



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Planning Commission

- March 22, 2022 – Planning Commission briefing
- June 14, 2022 – Planning Commission worksession
- July 12, 2022 – Planning Commission worksession
- July 26, 2022 – Planning Commission hearing

City Council

- March 9, 2022 – General Government Committee briefing
- 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**

- Review the Urban Forestry Management Plan for guidance in developing a scope of work.
- Planning Division 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 Tree Board.
- Planning Division staff review of materials 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 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.

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

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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.

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.

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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 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

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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:

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.

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- 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.
  - 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.

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(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.

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
<b>RSR</b>	1	1	1	1	1	1	1	1	1	1	1	2	2	2			
<b>SFL</b>	1	1	1	1	1	1	1	1	1	1	1	2	2	2			
<b>SFM</b>	1	1	1	1	1	1	1	1	1	1	1	2	2	2			
<b>MHP</b>	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2
<b>MFM</b>	1	1	1	1	2	2	2	2	2	2	2			2	2	2	
<b>MFH</b>	1	1	1	1	2	2	2	2	2	2	2			2	2	2	
<b>NC</b>	1	1	1	2	2	2	2	2	2	2	2	2	2	1	1	1	1
<b>MU</b>	1	1	1	2	2	2	2	2	2	2	2	2	2	1	1	1	1
<b>CBC</b>	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1
<b>BD</b>	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1
<b>HC</b>	1	1		2	2	2	2	2	2	2	2	2	2	1	1	1	1
<b>CS</b>	1	2		2	2	2	2	2	2	2	2	2	2	1	1	1	1
<b>TC</b>	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1



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	Abutting Zone**																
Zone Where Landscaping Is Required	HI	LI	ARI	GC	TC	CS	HC	MU	CBC	BD	NC	MFH	MFM	MHP	SFM	SFL	RSR
<b>GC</b>	1	2	2	2	2	2	2		2	2	2	1	1	1	1	1	1
<b>ARI</b>	2	2	2	2	2	2	1	1	2	2	1	1	1	1	1	1	1
<b>LI</b>	2	2	2	2	2	2	1	1	2	2	1	1	1	1	1	1	1
<b>HI</b>	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.

**LEGEND**

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