

# **TUMWATER TREE BOARD MEETING**

## **MINUTES OF VIRTUAL MEETING**

**July 11, 2022 Page 1**

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

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

Excused absence: Commissioner Tanya Nozawa.

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

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

**APPROVAL OF MINUTES:** Consideration of the May 9, 2022 minutes was deferred to the next meeting.  
**TUMWATER TREE BOARD MEETING MINUTES MAY 9, 2022:**

**TREE BOARD MEMBER REPORTS:** Commissioner Chapman asked staff to provide an update on the grant received by the City.

**MANAGER'S REPORT:** Manager Medrud reported the consultant is under contract to assist staff in updating the tree preservation ordinance. The initial meeting is scheduled on July 21, 2022 with future meetings scheduled in August.

Staff is in the process of reviewing a consultant contract for the update of the street tree ordinance.

The City received a \$25,000 grant from the Department of Natural Resources for the Street Tree Plan.

Staff released a Request for Proposal (RFP) for the landscaping ordinance. Some proposers contacted staff with some questions.

Commissioner Chapman asked whether the DNR grant would cover the full scope of work. Manager Medrud said the grant would cover one-third to one-half of the project cost. The tree preservation and landscaping updates are entirely funded by the City with no supporting grants.

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

**HERITAGE TREE NOMINATION** Sustainability Coordinator Jones Wood reported the City received an application from Kate Thedell nominating a Douglas fir at the end of

## **TUMWATER TREE BOARD MEETING**

### **MINUTES OF VIRTUAL MEETING**

**July 11, 2022 Page 2**

#### **DISCUSSION:**

Glenwood Drive near the shore of Trosper Lake as a Heritage Tree for consideration by the Tree Board. Ms. Thedell communicated with a knowledgeable faculty member at The Evergreen State College who suggested that by looking at the bark characteristics, branching patterns, and diameter at breast height (DBH) that the tree is an estimated 400-500 years old. The Board is requested to review the application and forward a recommendation to the City Council.

Commissioner Chapman said he supports the nomination but is hesitant to include the approximate age of the tree within the public record. He suggested that the age of the tree should be professionally assessed prior to including the information in the documentation.

Chair Grantham asked whether the tree is located within the limits of the City. Sustainability Coordinator Jones Wood advised that the location of the tree is in an area recently annexed by the City. Chair Grantham asked whether the tree is within an area that could be encumbered by right-of-way or extension of roads or sidewalks. Staff advised that the tree is located in a neighborhood park. Manager Medrud said the park is located in the Glenwood subdivision located at the south end of Trosper Lake. The park is owned by the homeowners association.

#### **MOTION:**

**Chair Grantham moved, seconded by Commissioner Sedore, to support the nomination of the Douglas fir tree to the City Council for consideration as a Heritage Tree.**

Commissioner Sedore commented that a photograph of the tree and its location should be entered into a database and included as part of the application to provide visual information on the setting, the location of the tree, and the surrounding area. He encouraged inclusion of the information within the application materials forwarded to the Council.

Sustainability Coordinator Jones Wood affirmed staff would visit the site and take photographs of the tree and surrounding area. Chair Grantham recommended including a Google map reflecting its location.

Commissioner Hecker asked whether designation as a heritage tree provides some protection for the tree. Manager Medrud said the designation is a formal process that recognizes the tree as a Heritage Tree, which includes specific protections. If the designation is approved, any future actions affecting the tree must be reviewed and approved by the City Council.

#### **FRIENDLY AMENDMENT:**

*The makers of the motion accepted the friendly amendment to include a map of the tree location and a photograph of the tree within the application materials forwarded to the City Council.*

**TUMWATER TREE BOARD MEETING**  
**MINUTES OF VIRTUAL MEETING**  
**July 11, 2022 Page 3**

**MOTION:**

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

**TREE BOARD  
TRAINING  
PROGRAM –  
DEVELOPMENT  
REVIEW  
DISCUSSION:**

Manager Medrud reported a review of the development review process was prompted by the Tree Board's request to receive information on the City's project development process. The Tree Board is scheduled to review several ordinances affecting project reviews. The intent of the training is to begin with the broader development review process the City is required to follow with a development project proposal presented at a future meeting.

The City's project development review process is based on state laws, City plans, policies, codes, and regulations that have established the following:

- Determining how and where the City will grow and providing areas for new housing and jobs based on the requirements of the Growth Management Act (GMA)
- Separating incompatible land uses
- Providing for essential public facilities
- Supporting affordable housing and other City goals
- Establishing timelines for review and vesting requirements

The City's Comprehensive Plan establishes goals, policies, and actions for land use, transportation, housing, parks, recreation, and the environment, as well as other factors. Those goals and policies in conjunction with City Council Strategic Priorities (updated annually) focus the direction of the Community Development Department's annual work program. Updating Comprehensive Plan goals and policies is limited to a yearly process with the state requiring a major update of the Comprehensive Plan every eight years. The major update of the City's Comprehensive Plan is scheduled to begin in fall 2022 and conclude by June 2025.

The Comprehensive Plan also includes subarea plans and other plans that support the Comprehensive Plan, such as the Brewery District Plan, Capitol Boulevard Corridor Plan, Urban Forestry Management Plan, and the Climate Mitigation Plan as examples. A number of subsidiary plans guide the direction of regulations. Regulations codify and implement the policies for application to all types of projects, large and small. Additionally, the City utilizes a set of guidelines, such as the Tumwater Development Guide containing all construction regulations for building roads and utilities, as well as the Citywide Design Review Guidelines that oversee design requirements and guidelines of projects.

A series of state laws codified within the Growth Management Act determine how and where the City will grow. The state provides a

## **TUMWATER TREE BOARD MEETING**

### **MINUTES OF VIRTUAL MEETING**

**July 11, 2022 Page 4**

forecast on the population the City must plan for in both housing and jobs. The Comprehensive Plan identifies locations to support housing and jobs with regulations ensuring those goals are compatible. The City has also adopted goals to support affordable housing and protection of the environment (Urban Forestry Management Plan).

The state has defined vesting and timelines for project review.

Manager Medrud responded to questions about the state requirement to accommodate growth in the City. The growth forecast is over a 20-year period. The Office of Financial Management and the Department of Commerce assign all counties and cities planning under the GMA a forecast of the population each jurisdiction must accommodate over a 20-year period. If the City fails to plan to accommodate the forecasted population, the City could be exposed to several levels of penalties. One penalty is the state's ability to withhold funds from the City. However, those circumstances are very rare as jurisdictions work closely with the state to resolve issues.

In addition to the development review process, protecting the environment is another goal within the GMA. The City's Climate Mitigation Plan, open spaces, and the Urban Forestry Management Plan all support those requirements. Another requirement is the efficient movement of people and good through the transportation system.

Manager Medrud reviewed a typical process a project undertakes and how public input is factored and influences the development review process. Citizen influence is greatest at the legislative level when the Council establishes, policies, goals, codes, regulations, and guidelines for development. Citizen influence begins to lessen during the City's prescriptive processes, which outlines the public process and how decisions could be altered. At the permitting process level, the ability for the public to influence the outcome is limited within the confines of codes and regulations.

Tumwater established a Development Review Committee comprised of the City's Building Permit Manager, Associate Permit Planner, Community Development Director, Building Official, and development engineering staff serving as the fundamental group to review and process all project applications submitted to the City for all types of development projects. The committee is responsible for ensuring development applications meet the intent and the letter of all codes. The City also has implemented a Consolidated Development Application and Review process to afford a developer an opportunity to submit other development permits, such as a conditional use permit or a planned unit development application concurrently with the development application for one joint review rather than separate reviews. Each project requires a Project

**TUMWATER TREE BOARD MEETING**  
**MINUTES OF VIRTUAL MEETING**  
**July 11, 2022 Page 5**

Permit Application that is specific to the type of project that requires a review by staff, such as application forms, proof of water or sewer service, fees, and specific types of plan sets.

The City's process for submittal of an application is a rigid process and outlined in Title 14 of the Tumwater Municipal Code. The first step is a feasibility review of a project idea to a well-developed set of plans. All preapplication reviews occur with the Development Review Committee with meetings scheduled weekly. The feasibility review serves as an informal discussion about a potential project with no commitments from the City or the applicant. Two formal meetings required as part of the project review process are the preliminary and formal reviews of projects by the Development Review Committee. In each case, specific requirements are reviewed from the applicant as part of the submittal package. The goal is to ensure project applications submitted to the City do not require additional documentation to complete a project review. All preapplication meetings are open to the public and notices of each meeting are published. A public comment period is not afforded during review meetings other than listening to the proceeding and submitting written comments to staff, which are included in the file and considered as part of the application package.

Commissioner Sedore asked whether the application process seeks information from the applicant of possible impacts the project could pose to the City's existing tree canopy. Manager Medrud said the application does not address that issue primarily because each application is different. Staff considers the goal of tree canopy coverage through the application of other codes, such as open space requirements, landscaping requirements, and tree conservation requirements to provide some equilibrium to developers constructing different types of projects in balance with other City goals to preserve tree canopy and ensuring tree canopy coverage goals are achieved over the 20-year horizon. Tree canopy coverage is considered on a Citywide basis rather than at the parcel level.

Commissioner Sedore suggested tree canopy coverage is a standard that presents an opportunity for the City to seek input from the applicant to ensure the developer is aware of the City's goal as well as considering how it might factor when considering the mitigation of specific impacts. Manager Medrud advised that the suggestion is appropriate to consider as part of the update of the tree preservation ordinance and the landscaping ordinance as the City has the ability to ask for more information from the applicant in terms of how the applicant plans to meet a particular requirement. Commissioner Sedore remarked that when he has observed different development sites in the City, he often feels as though he is being "nibbled to death" as each development regardless of size often clearcuts trees on project sites. He noted that at

## **TUMWATER TREE BOARD MEETING**

### **MINUTES OF VIRTUAL MEETING**

**July 11, 2022 Page 6**

one time when the Labor and Industries Building (L&I) was built, someone ensured some trees were preserved on the site. Individual projects are removing trees, which at some point will reduce the City's tree canopy. Manager Medrud agreed a discussion during the update of the tree preservation is warranted because not addressing the issue with the development community will likely mean the practice of removing trees will continue.

Commissioner Chapman cited the new lab constructed behind the L&I Building and whether the project could have been constructed as a two-story building meeting both the needs of the state and preserving trees on the site. It also appears that City development staff grant many exceptions to the City's tree protection code. He is interested as the review moves forward to receive some data on how many tree exceptions the City has granted for development projects as it speaks to identifying who has the control over the tree protection ordinance. Manager Medrud advised that he was not aware of the specific uses within the new lab building and why the state did not pursue a multi-story building given the price of land. In terms of waivers and the system, it is not a good sign of a functioning code if many waivers are necessary to accommodate basic development actions. It is a current issue, as many of the actions that should entail the ability to either approve or deny have required staff to undergo a formal waiver process, which speaks to code being too stringent and not producing the desired results for specific projects. He plans to follow-up with permitting staff to determine if data have been maintained on exceptions and waivers. There is also some flexibility within the tree protection ordinance to make different choices as to whether retaining trees on a site make sense and is worth the economic cost to the developer versus the cost of paying for removal of trees. He cited the importance of preserving stands of trees rather than single trees.

Discussion ensued on prior actions when the Fred Meyer, Costco, and Walmart sites were developed, which preserved large stands of trees. Manager Medrud cited other considerations for projects, such as how the site is conducive for grading, stormwater, and utility infrastructure, which plays a part in how the structure is placed and how many trees can be preserved. However, an effective analysis upfront of existing natural systems and how to preserve those systems for both tree preservation, stormwater and other environmental benefits would be important to include within the tree ordinance update discussion.

Manager Medrud reported the project review process is applicable to both small and large projects with different applications for the size and type of project. Applications can be submitted electronically to the City. Under state law, the City has 28 calendar days from the receipt of an application to determine whether the application package is complete. Following determination of a complete application, the City has 14 days

## TUMWATER TREE BOARD MEETING

### MINUTES OF VIRTUAL MEETING

July 11, 2022 Page 7

to issue a public notice of application, which is typically applied to larger projects. The notice is posted at City Hall, mailed to adjacent property owners located within 300 feet of the boundary of the project site, and published in *The Olympian* newspaper. Following determination of a complete application, the City has 120 days to review all project materials and issue a decision. The City has the ability to seek additional information for clarification, which essentially stops the clock. The timeline is intended to ensure all applications are processed timely and move forward. Prior to issuance of a final decision, the City pursues the SEPA environmental review process. Today, the intent of the SEPA determination is to ensure the project does not create impacts that would rise to a level that is determined to be significant based on state law and City codes. Today, the City rarely encounters projects that have been issued a Determination of Significance because of effective state and City codes and regulations. Issuance of a SEPA determination is mailed to the same group receiving the notice of application. The Notice of Application and the SEPA decision are also posted on the site.

SEPA decisions can be different dependent upon the type of the project. Smaller scale applications for a building permit typically receive an Administrative Decision with staff issuing the decision. If someone appeals the decision, the decision moves to an open record hearing before the Hearing Examiner. Larger projects, such as a subdivision, a conditional use permit, planned unit development, or appeals are referred to the Hearing Examiner for an open record hearing. The Hearing Examiner conducts a public hearing and accepts written comments, exhibits, and recommendations submitted by staff, public testimony, and testimony by the applicant. All the information is part of the official record and considered as part of the Examiner's decision. All appeals of the Examiner's decision are referred to Thurston County Superior Court.

Manager Medrud shared examples of some projects that required a Hearing Examiner process. One project example is the Lake Forest Park project located on Tumwater Hill near Crosby Boulevard and Barnes Boulevard. The first half of the project is currently under review and the rear section is currently under construction. The site is located immediately north of Tumwater Hill Elementary School. The project underwent a series of changes that included a Hearing Examiner process; however, when construction started, the developer sold the project with the new owner electing to develop the site differently and offering townhouse units for sale, which required a subdivision process to create the lots. Another Hearing Examiner process was required even though construction was nearly completed.

Manager Medrud reviewed TMC 14.08.030 depicting a table listing different project types that are subject to a Hearing Examiner process.

## **TUMWATER TREE BOARD MEETING**

### **MINUTES OF VIRTUAL MEETING**

**July 11, 2022 Page 8**

The Notice of Application and SEPA Determination are posted on the department's webpage. The Development Review Committee meeting and agendas are posted on the website. All zoning maps are published on the website. City Hall is now open five days a week. Manager Medrud identified Development and Permit staff members and their respective responsibilities.

Commissioner Chapman asked about the frequency of utilizing the City's contract forester to review development applications. Manager Medrud said the forester is typically involved in special cases that require a higher level of review. Permitting staff review tree plans and the specific requirements that are included in the tree plan. If the information is not clear or the project would impose significant impacts, the contract forester provides assistance to staff.

Manager Medrud said the next step is to provide a review of a project proposal that has completed the development review process.

Commissioner Sedore asked to receive information on the location of the project example to enable the Board to visit and view the site to provide some context during the review. Manager Medrud suggested the discussion could also include the possibility of scheduling a field trip, as it can often be difficult to decipher a two-dimensional plan versus reviewing plans that do not depict topographical challenges well.

Commissioner Chapman asked whether the application for the property west of the I-5 interchange off Tumwater Boulevard could be used as a case study. Manager Medrud advised that although there have been several development review meetings for various proposals for the site no formal application has been submitted to the City.

Commissioner Jackson remarked that over the years, the City worked with developers to consider existing vegetation prior to developing the project, which speaks to the problem that continues to exist today. A development proposal for a five-acre site developed as a subdivision of a specific number of houses is indicative of a developer that has already determined the number of houses to build. Tree retention is a secondary consideration. Following the Mayor's recent presentation to the Board, he contacted the Mayor and suggested she should visit some of the sites developed over the last 20 years. On June 1, 2022 he, Mayor Sullivan, and Sustainability Coordinator Jones Wood spent several hours touring Tumwater and visiting different parcels and some sites experiencing tree issues.

Commissioner Jackson emphasized the importance of involving the forester at the front end of the development process rather than at the end of the process. The ordinance stipulates retaining 12 trees per acre. A



## **TUMWATER TREE BOARD MEETING**

### **MINUTES OF VIRTUAL MEETING**

**July 11, 2022 Page 9**

5% tree tract is not required if the developer retains 12 trees per acre. Too many developers are removing trees, which is an issue the Board will be contending with during the review of the ordinance. He noted one area of concern by the Mayor was the City's unsuccessful attempt to coordinate with the Port of Olympia and Panattoni on the future development of Port properties

**NEXT MEETING  
DATE:**

The next meeting is scheduled on August 8, 2022. Review of the development proposal would likely be scheduled during the September meeting.

**ADJOURNMENT:**

**With there being no further business, Chair Grantham adjourned the meeting at 8:29 p.m.**

Prepared by Valerie L. Gow, Recording Secretary/President  
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