

**TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
February 8, 2023 Page 1**

CONVENE: 8:00 a.m.

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

Staff: Planning Manager Brad Medrud.

**APPROVAL OF MINUTES:
GENERAL GOVERNMENT
COMMITTEE, OCTOBER 12,
2022, NOVEMBER 9, 2022 &
JANUARY 11, 2023:**

MOTION: **Councilmember Dahlhoff moved, seconded by Councilmember Cathey, to approve the minutes of October 12, 2022, November 9, 2022, and January 11, 2023 as published. A voice vote approved the motion unanimously.**

**INTERLOCAL AGREEMENT
AMENDMENT TWO WITH
REGIONAL HOUSING
COUNCIL (THURSTON
COUNTY, CITIES OF LACEY
OLYMPIA, TUMWATER,
AND YELM) FOR REGIONAL
HOUSING COUNCIL
STRUCTURE:** Manager Medrud presented the proposed second amendment to the Interlocal Agreement executed by the City in 2021. The intent of the amendment is to include new responsibilities the Regional Housing Council (RHC) is tasked to address for sales and use tax for housing related services adopted by Thurston County and the City of Olympia. Staff recommends the committee review and schedule the proposed amendment as a consent calendar item at the February 21, 2023 City Council meeting and recommend approval of the amendment for signature by the Mayor.

Staff continues to work regionally on language within a clause proposed by Thurston County. Staff has not reviewed the document pending receipt from Thurston County.

Manager Medrud said the primary purpose of the RHC is to leverage resources and partnerships across the region to address homelessness and affordable housing. The RHC has evolved and can utilize Home Fund dollars through the RHC process. The proposed amendment also seeks to establish several advisory boards comprised of community members and service providers to address homelessness service allocations and affordable housing components. Staff completed the review of the applications for the board positions. Interviews are scheduled later in the day in order to activate the boards in time to work on the next funding cycle. The next meeting of the RHC has been rescheduled to February 15, 2023.

Chair Althausser asked for an additional review of changes in SHB 1406, as it represents a substantive change to the interlocal agreement. Originally, the interlocal agreement addressed SHB 1406 (sales tax

**TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
February 8, 2023 Page 2**

retention enabling funds of approximately \$30,000 annually for RHC projects). The partners envisioned pooling the funds regionally while also having the discretion of utilizing the funds. However, if no projects by partner jurisdictions have been identified, the RHC preferred utilizing the funds instead of retaining funds in an account. The proposed amendment changes the process to some extent. The amendment proposes that all funds are under the jurisdiction of the RHC and if a jurisdiction elects to expend its 1406 funds differently, the RHC authorizes the use.

Manager Medrud explained that previously, if more than a year had elapsed and 1406 funds had not been allocated, a participating jurisdiction could request RHC return 1406 funds. The amendment removes the one-year provision and changes funds to reflect that SHB 1406 tax revenue and HSF funds collected by the RHC may be returned to local jurisdictions with the approval of the RHC for eligible projects consistent with adopted funding priorities through an annual application process. The proposed amendment also removes provisions pertaining to funding priorities and plans for years 1, 2, and 3 for SHB 1406 funds.

MOTION:

Councilmember Cathey moved, seconded by Chair Althausser, to refer the proposed Interlocal Agreement Amendment Two (in substantively similar form) with the Regional Housing Council (Thurston County, Cities Of Lacey, Olympia, Tumwater, And Yelm) for Regional Housing Council structure to the February 21, 2023 City Council meeting as a consent calendar item. A voice vote approved the motion unanimously.

**URBAN FORESTRY
MANAGEMENT PLAN –
TREE AND VEGETATION
PRESERVATION
REGULATIONS:**

Manager Medrud reported the update will cover the project status, timeline, public engagement, Gap Analysis, and key topics for consideration of amendments to tree and vegetation preservation regulations. He introduced Kim Frappier, a consultant with The Watershed Company. Ms. Frappier is assisting staff with the update.

Manager Medrud reported the Council adopted the Urban Forestry Management Plan in 2021 with a series of actions to include updating regulations pertaining to trees. Staff identified three updates involving the Tree Protection and Vegetation Protection regulations in TMC 16.08, Street Tree Plan, and regulations, and landscaping regulations. All update processes are in progress with work staggered to ensure changes are in alignment. The project was initiated in October 2022. A public engagement plan was prepared inclusive of all outreach efforts. Outreach included a website, community survey, and external and internal stakeholder meetings. The Watershed Company completed a Gap Analysis of the current codes. The first phase of public outreach has been completed with work transitioning to development of draft language. As requested by the Council, the

TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
February 8, 2023 Page 3

committee receives briefings on the status of the process and work completed to date.

Ms. Frappier reported she serves as an Environmental Planner and Urban Forester with The Watershed Company. She outlined the presentation agenda.

The public engagement plan was reviewed by the Tree Board and the Planning Commission. Public engagement efforts were initiated in the fall of 2022 and concluded in December 2022. The current phase is the drafting of proposed amendments based on feedback received from stakeholders, Tree Board, and the Planning Commission. During the second quarter of 2023, efforts will focus on the ordinance update process, continued worksessions with the Tree Board and Planning Commission, and a public hearing by the Planning Commission. City Council worksessions will be scheduled during the third quarters with briefings scheduled with the committee.

During the public engagement process, a series of three external stakeholder meetings were conducted as community conversations. The meetings engaged community members through hybrid meetings both online and in person. The overall goal was to solicit feedback, engage a diverse audience, and compile and distill the feedback within the update process. Print materials were mailed to the community and distributed throughout the City. City staff directly engaged with different stakeholders as well.

During the community conversations, the focus was on key discussion topics surrounding Urban Forestry Management Plan actions and the code update process. Topics included incentives to support tree planting and retention, preserving and replacing trees, designating special trees and groves, allocation of the City Tree Fund, and addressing environmental justice and equitable allocation of resources.

Some themes and ideas generated from the community conversations were protecting large diameter trees, considering habitat values of trees, groves, and corridors, developing clear permitting requirements with specific consideration for creating a minor and major tree permit structure, stronger tree retention or replacement requirements, incentives for homeowners and developers for tree preservation, climate change mitigation, structured code enforcement, developing strong but fair penalties for violations, and use of a point or credit system for determining tree retention and replacement requirements.

Concurrently, development of the Gap Analysis was in progress. The Gap Analysis focuses on TMC 16.08 with the goal and objective of reviewing existing regulations, the City's internal process for

TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
February 8, 2023 Page 4

permitting and administering the code, and exploring specific issues involving the Urban Forestry Management Plan and City goals. The Gap Analysis did not cover street tree or landscaping ordinances except to identify how they intersect. The Gap Analysis did not result in any specific amendments but suggestions and issues for further discussion. The Gap Analysis is organized in three sections of an introduction to the project components and analysis methods, analysis of existing regulations, and additional recommendations, considerations, and identification of some topics not present in the existing code. Additionally, a section on an overview of coordination with other City planting guidelines is included.

The following topics emerged as priorities for consideration for the code update:

- Tree retention and replacement requirements
- Tree protections for large diameter trees
- Updating methodology for quantifying tree retention
- Permit types and requirements
- Incentives for development projects and existing property owners
- Maintenance requirements for tree tracts within homeowners associations and commercial and industrial sites

The project team will explore a suite of potential amendments to the tree preservation code and permitting process focusing on reorganization of the code sections to increase user friendliness and clarity of the process. The team will also consider an early presubmittal urban forest review that could be included in the code or as a programmatic change in the permitting process. Tree retention and replacement standards will be reviewed in terms of how to quantify existing trees on parcels and requirements for replacement trees that are removed. Other suggestions include improving the process of data collection and information applicants are required to provide to the City for clarity and consistency. The team will explore developing a major and minor permit.

A discussion on the permit types and requirements is located in Section 2.7 of the Gap Analysis. The team recommends developing a user guide within the code to provide an outline on the types of permits and the associated process for applicants. For major and minor permits, the team is considering two different criteria of tree removal on private property not associated with development requiring a minor permit and tree removal associated with large-scale land clearing in preparation for a development project requiring a major permit. The requirements would be different for each type of permit with minor permits simpler and easier to administer. A landowner clearing property to build a home

TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
February 8, 2023 Page 5

would be required to obtain a major permit. For landowners wishing to log forest resources on private property, the project team recommends considering a third type of permit or a different process for property owners utilizing forest products from their property.

Councilmember Cathey asked whether the provisions include an allowance for a homeowner to remove a specific number of trees without the need to obtain a permit. Ms. Frappier advised that the team is considering the option and that there would be a specific allowance for the removal of trees on private property. The proposal would be included in the proposed amendments. The intent is shifting from the current code that allows for the removal of a specific number of trees within a specific timeframe and that each parcel is required to retain a certain number of tree credits on their property. If a landowner has accumulated tree credits, the landowner can remove trees up to the allowable standard. The proposal is a similar process but is different in terms of accountability.

Councilmember Cathey commented that the current provisions are too generous and many landowners have taken advantage of the code with some property owners never obtaining permits for removal of trees. She stressed the importance of considering actual conditions with respect to the minor permit to ensure retention of trees and tree canopies.

Ms. Frappier pointed out that the new permitting system would not necessarily resolve challenges where some property owners remove trees without seeking a permit. Some of the themes emerging during the community conversations concerned the need for robust urban forestry education and outreach to the community surrounding the importance of tree canopies, large diameter trees, and the importance of good enforcement of current regulations. Outreach, education, and good follow through are critical to the success of protecting trees and discouraging illegal tree removal.

Councilmember Dahlhoff complimented staff and Ms. Frappier for the thoroughness of the presentation as well as the report and the different suggestions. She looks forward to future conversations and accounting for different scenarios that have occurred throughout the community. She is aware of three of her neighbors who removed trees. She was also required to trim trees to accommodate the installation of solar panels, which could be an example to include for obtaining a minor permit.

Ms. Frappier shared that other jurisdictions have required companies, as part of securing a business license, to review and acknowledge via a signature an understanding of the city's tree regulations and requirements. Some other jurisdictions that use minor and major tree

**TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
February 8, 2023 Page 6**

permit processes include the cities of Kirkland, Burien, and Mercer Island. She added that the consultant team and staff have completed the first draft of amendments with a permit exemption for solar panel installations based on specific criteria.

Tree retention and replacement standards are contained in Section 2.9.3 of the Gap Analysis. The amendment revises the methodology for quantifying tree retention and replacement, includes criteria for tree size, species, and location as important factors to consider when identifying priorities for tree retention, proposes additional protections for retention of large diameter trees, and decreasing the removal allowance on developed properties.

Commonly used strategies for assessing trees retention requirements in tree preservation codes include a tree credit approach often considered as tree density, a point system, or a canopy cover approach. Both methods require a measurement of existing onsite trees and have specific size thresholds to identify trees to regulate. Typically, retention credits or points are only awarded to regulated trees of specific size, typically set at 6 to 8 inches in diameter or greater. Invasive trees, noxious weeds, or trees deemed incompatible with infrastructure are excluded. The recommended approach is a tree credit to account for density of existing trees on a parcel based on diameter of the tree trunk. Trees are assigned credits or points based on the size with the species and condition of the tree providing insight into the habitat value and ecosystem services the trees provide. Larger trees are correlated with greater habitat and ecosystem health values.

The tree preservation code would specify a minimum number of credits required to remain on the parcel after development with credits varying by the size of the parcel. If minimum credits were not achieved, replacement planting would be required. Tree credit methods are commonly used because of the ease of data collection that does not require access to aerial imagery or online data sources. Trunk size is easily measured and verified in the field. Some other Puget Sound jurisdiction using variations of the tree credit approach are the cities of Olympia, Burien, Kirkland, and Woodinville. Trees not included in the calculation are hazard and diseased trees based on an arborist assessment of tree conditions on a site.

Chair Althaus asked whether the size of the development structure triggers the required tree credits. Ms. Frappier said the size pertains to the size of the parcel and buildable area on the parcel. Another proposal includes not inhibiting private property owners from reasonable use of property while encouraging the protection of larger diameter trees.

**TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
February 8, 2023 Page 7**

Manager Medrud added that staff is exploring how well tree credits will be effective in the short term as well as over the long term as it is important for trees planted today to be healthy in 20 years.

Councilmember Dahlhoff suggested exploring areas that are served by septic systems in terms of limited number of trees. Those areas that eventually transition to City water and sewer should be monitored for potential infill of trees to increase the diversity of trees in specific areas of the City. Manager Medrud said he would contact Director Smith to obtain a map of areas in the City served by private septic systems for consideration during the amendment process.

Manager Medrud reported the March committee meeting includes an introduction to the Street Tree Plan update and Landscaping Code update. The schedule is to present the amendments as an ordinance draft at the July meeting. He offered to brief the committee in April or May on the status of the direction by staff on some of the code changes. He offered to forward a copy of the City's of Burien's code to members.

Chair Althauser inquired as to other types of consideration for retention of trees such as trees that serve dual ecological benefits. Ms. Frappier said the option could be included for consideration during the amendment process. Some cities provide additional points for conifers because those trees provide year-round stormwater management benefits. Other examples are trees that provide additional habitat benefits for birds and wildlife. There are many different variables to consider in terms of prioritizing habitat value. The discussions on regulations have veered to using the tree diameter as a measurement for habitat value. It is also possible to consider adding other incentives trees may provide. Because of a highly urbanized environment, some larger native trees may not be appropriate for development sites and often would not mature to a healthy size in a constrained urban environment surrounded by infrastructure. It is also important to consider the practices of "right tree in the right place," climate change adaptation, and how some species of trees perform better under extended periods of drought and high heat.

Councilmember Cathey conveyed some nervousness of using only the size of the tree trunk because the approach should be from the lens of the environment and climate change. If the City does not balance environment and development, the City is not fulfilling its vision and its beliefs for combating climate change. Amendments to the code are more substantive than just the size of trees. Balance is an important component of the update.

Ms. Frappier acknowledged the comments and noted that from a regulatory and implementation process, large diameter trees provide

**TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
February 8, 2023 Page 8**

greater stormwater benefits, create broader habitat value, carbon sequestration, mitigate the impacts of higher temperatures, and larger diameter trees provide shade and other values that should not be discounted. Although tree trunk diameter is only one measure, the tree regulation process should not appear to be over simplified as the team has discussed and considered all important variables as addressed by the committee. The ongoing update process affords more opportunities to shape regulations to address more options that provide for the reasonable use of properties and development while also protecting the City's environmental health and addressing climate change. A large body of social science research links trees to human and ecological health.

**PRELIMINARY DOCKET
FOR 2023
COMPREHENSIVE PLAN
AMENDMENTS:**

Manager Medrud reported on the arrival of Associate Planner Erika Smith-Erickson to the department on Thursday, February 15, 2023. She currently works at Thurston County.

Manager Medrud presented the preliminary docket for the 2023 Comprehensive Plan Amendments. Last fall, the Council placed a hold on all private Comprehensive Plan amendment applications during the major update of the Comprehensive Plan. Staff is proceeding with City-sponsored amendments that need to be considered and approved prior to completing the update. Two proposed amendments on the docket reviewed and recommended by the Planning Commission to move forward include the Capital Facilities Plan updated every two years and adoption of the Old Highway 99 Corridor Plan.

MOTION:

Councilmember Dahlhoff moved, seconded by Chair Althausser, to recommend placement of the Preliminary Docket of 2023 Comprehensive Plan Amendments on the consent calendar during the City Council meeting on February 21, 2023. A voice vote unanimously approved the motion.

ADJOURNMENT:

With there being no further business, Chair Althausser adjourned the meeting at 9:07 a.m.