

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

PRESENT: Chair Trent Grantham and Boardmembers Brent Chapman, Brodrick Coval, Michael Jackson, Tanya Nozawa, Hannah Ohman, and Jim Sedore.

Staff: City Administrator Lisa Parks, Water Resources and Sustainability Director Dan Smith, and Sustainability Coordinator Alyssa Jones Wood.

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

APPROVAL OF MAY 13, 2024 TREE BOARD MEETING MINUTES: On page 4 within the fifth paragraph of the May 13, 2024 minutes “contracted” should be corrected to “contacted.”

MOTION: **Boardmember Sedore moved, seconded by Boardmember Jackson, to approve the minutes of May 13, 2024 as amended. Motion carried unanimously.**

TREE BOARD MEMBER REPORTS: There were no reports.

COORDINATOR’S REPORT: Coordinator Jones Wood reported the City Council is scheduled to consider approval of the U.S. Forest Service River Network grant. Urban Forester funding was submitted by her department through the budget process for review.

Coordinator Jones Wood said she recently met with officials from the Arbor Day Foundation to learn about a new program, Community Canopy Tree Distribution. The program would support the City’s tree distribution incentive included in the urban forestry grant. The program enables the City to produce a list of trees to offer to the community. The program includes a mail order option or attending a City event to receive a tree. During events, community members would have the ability to learn about proper tree care and maintenance. Community members would apply for a tree online and receive training on the “right tree in the right place.” The City would have the capability to identify planting locations on private properties. She offered to invite a representative from the Arbor Day Foundation to review the program with the Tree Board and follow up with the City Attorney about appropriate procurement guidelines to follow. The Tree Board and the future Urban Forester could be part of the process to determine the selection of trees to offer. The program typically offers 5-gallon trees or a maximum of 13-gallon trees. Trees are provided by nurseries in Washington and Oregon. The grant would fund the Urban Forester position of up to 50% with the remaining funding for the position included in the 2025-2026 biennium budget.

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Discussion ensued on whether the City has ever received the Arbor Day Foundation Sterling Award.

Coordinator Jones Wood advised that the City has never received a Sterling Award because a prerequisite requires participation in the Tree City USA Growth Award program for 10 consecutive years. Qualifications to receive the Sterling Award automatically are reflective of efforts beyond the annual recertification of Tree City U.S.A.

Boardmember Tanya Nozawa arrived at the meeting.

City Administrator Parks briefed the Board on several matters. In the fall, a discussion is scheduled with the Council to discuss the potential of providing a stipend to all members of City advisory boards and commissions. She asked members to provide feedback on the appropriate level of staff resources to the Board, stipends, and questions about the City's process to address the Davis-Meeker Garry oak tree due to the level of inaccurate information circulating within the community. It is important the Board has an opportunity to ask questions. She thanked the Board for their time and expertise to support a good cause for the community. The City of Tumwater is very appreciative of the time and energy afforded by each member.

City Administrator Parks invited feedback on whether the level of staff resources is adequate or whether more resources are needed to support the Board in its work.

Boardmember Chapman pointed out that the previous discussion highlights the need for more time and resources for achieving actions in the City's Urban Forestry Management Plan. Boardmember Sedore echoed similar sentiments as the complexity of the issues have increased warranting more time and consideration. Without more support, maintaining the status quo will be difficult. Any improvements require more time and resources.

Boardmember Jackson said the hiring of an Urban Forester would provide much needed support as the City has discussed hiring an urban forester for the last 20 years.

City Administrator Parks noted that the position will receive a substantial new source of revenue. The City Council supports environmental sustainability by funding the Sustainability Coordinator's position and commitments to environment stewardship programs that have been instituted and implemented in the City.

Boardmember Sedore stressed the importance of considering the time stamp in terms of decisions made today affecting the urban forest

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environment in the future.

City Administrator Parks commented on the challenges of planning for growth and development as required by the state to reduce rural sprawl while concentrating growth and development within the urban areas. The City benefits by having a Tree Board because members provide advice on ways to address the different and often competing interests that must be balanced. Local government perform balancing acts each day in terms of having adequate resources to complete the work the City is obligated to fulfill by the state or the federal government. Advisory board and commission members assist the City in navigating that balance and assessing the best path forward.

Boardmember Nozawa commented that members really do not have a voice, especially pertaining to the Garry oak tree as the Board was informed that it did not matter what the Board thought or even have an opportunity to provide input. She watched the Historic Preservation Commission meeting and the Commission's decision not to delist the tree, which was overridden by the City. She joined the Board because she wanted to make a difference. However, there are many instances where the Board has been unable to make a difference. She lives near Black Lake High School and has witnessed a local developer remove many mature trees with the remaining site likely to be converted to a wetland because so many trees were removed. The developer is able to continually remove trees and add more homes because of the City's three-year rule. She is appreciative of the Board's work on updating urban forestry codes and is hopeful the Board can make a difference. She cited an example of a local development containing 561 mature trees with the developer saving only 32 trees. She inquired as to the possibility of the City adopting better codes and encouraged the City to give the Board a voice in how the community is developed. The situation with the Garry oak tree opened her eyes as to the number of people who care about their environment but lack the time to volunteer. She has heard many stories about new development, especially new apartments near Home Depot. A mother shared that she was heartbroken as the apartment complex is five stories tall and blocks existing neighborhood views. Growth is occurring quickly and lacks transparency. The Board should assist in connecting with the community.

City Administrator Parks said she understands the confusion and frustration. There are processes and codes, competing interests, and the goal to achieve the best outcome despite competing interests. In terms of specific developments in the City, if codes are not accomplishing a balance, there are opportunities to reevaluate codes, which is currently in progress.

Boardmember Chapman observed that the challenges surrounding the

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codes are City employees responsible for reviewing development applications that grant many variances and exemptions to the code. Often, it makes no differences as to the effectiveness of the codes if variances are issued. Perhaps there is some data as it could be the case of perceptions not matching with the data.

City Administrator Parks recommended pursuing that perspective until the Board has an opportunity to meet with staff responsible for implementing codes. Staff can schedule a briefing to the Board. Variances have a specific regulatory context in the land use planning environment with strict guidelines that must be attained. Variances and exemptions are not indiscriminately issued as land use regulations and permits are governed by quasi-judicial or administrative processes established in codes.

City Administrator Parks addressed issues surrounding the Davis-Meeker Garry oak tree. The situation was unclear at the onset in terms of the regulations governing the outcome of the tree. She was unaware of the tree assessment report until it was issued in October 2023. Late last year City administration researched whether the oak tree was a designated heritage tree as there were differences of opinions by City employees. Additionally, managing a living object listed on an historic register is also difficult as historic registers are typically oriented around buildings and structures. At that time, the process was paused to establish a clear path moving forward with public safety as the overall goal. The arborist's report determined the tree posed a high level of risk of failure and that if a failure were to occur in the future, the probability of a limb hitting a target and causing significant damage or injury was high. Based on the report, the City engaged in conversations with WCIA, the City's insurance authority. Representatives from WCIA verbally recommended removal of the oak tree after evaluating the report. The City ultimately pursued that course of action because the code exempts a landowner from obtaining a tree removal permit for a tree verified to be of high risk. The decision to remove the tree did not pertain to any Old Highway 99 project or Port of Olympia project. The adopted plan for Old Highway 99 is for expansion of the highway to a four-lane profile on the eastside of the road, which would be opposite of the tree. Corridor improvements along the frontage are not planned for the next five to ten years. The road could be moved outside the tree's drip line, but at a cost. The Mayor is seeking a second level 3 tree risk assessment. That assessment includes an estimated cost of moving the road fully outside of the tree's drip line.

Boardmember Chapman commented that it appeared odd that the information was not included in the decision making process. Making such a decision in a vacuum appears to be negligent.

City Administrator Parks appreciated the perspective but cautioned that the decision by the Mayor was based on recommendations received from

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the tree professional, the City Attorney, and risk management through the City's insurance authority.

Boardmember Jackson asked whether the FAA was involved in the disposition of the tree. City Administrator Parks advised that the FAA was not involved as the tree is located outside of the runway protection zone but is located within the City's right-of-way. Additionally, no future development plans by the Port of Olympia would affect the Garry oak tree.

Boardmember Nozawa conveyed confusion as to how the City was unaware that the Davis-Meeker oak was not a heritage tree or know about its approximate age. Coordinator Jones Wood advised that some heritage trees were designated prior to the City's code authorizing heritage trees. Many of the heritage trees that are listed are also older than document retention requirements. The City lacks information on when a heritage tree was designated by the City Council. The intent moving forward to rectify the issue is adopting a resolution for designation of a heritage tree. When she joined the City she was provided with a map of heritage trees that included a number of landmark trees which are not officially designated. Heritage trees designated within the last 15 years are documented within meeting minutes. The Garry oak documents assert that the tree was placed on the historic register but documentation is lacking that it was designated as a heritage tree.

City Administrator Parks commented on the importance of reviewing and updating codes to ensure proper documentation moving forward. However, there are instances where trees can pose a hazard to public safety. The City often removes trees in parks and other locations regularly because they present a hazard to people who visit City parks. It is a legitimate issue the City must manage to reduce risk.

Boardmember Nozawa acknowledged the need for removal but recommended considering other alternatives as well. She forwarded information to the City Council on an option of constructing a wildlife bridge similar to bridges constructed in cities in north Puget Sound. Removal of the Garry oak will be expensive. The City could consider utilizing those funds to preserve the tree. She noted that the Historic Preservation Commission did not delist the Garry oak and asked for consideration of a second arborist report, which did not occur. Later, the issue took on life of its own along a different path, which is why so many in the community feel slighted. She was not aware of the City's intent to remove the tree following the Historic Preservation Commission's recommendation to complete a second assessment. Processes generally work if the City follows them and listens to its committees and members who volunteer their time and expertise.

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City Administrator Parks remarked that several hours could be expended on the different elements leading to the issue since last October. Nothing that has occurred at this point has been inconsistent with or in violation of any of the City's codes or regulations. The reason the initial request to the Historic Preservation Commission was forwarded was based on an application to remove the tree because of the hazard it presented. The Tree Board was briefed about the tree at its March meeting. The City conducted a work session at the same time, which included conversations about the tree and public safety issues. The path forward was confusing, as it was believed a tree removal permit was required. Delisting from the Historic Preservation Code did not or could not prevent it from going through a process as a hazard tree to be removed because of public safety. The entire issue has been unfortunate and led to mistreatment of the Mayor, which has made any future decision much more difficult. Alternatives were evaluated by Kevin McFarland, the City's contract arborist. The alternatives included mitigation measures to reduce the risk posed by the tree. However, Mr. McFarland's final recommendation was to remove the tree based on input from two other arborists and his evaluation and consideration of the assessment. The alternatives were evaluated. Moving the road would cost millions of dollars while removing the tree would be considerably less. Removal of the tree provides a cost benefit for the City that has a finite set of resources and an obligation to protect the public. Should the tree remain and a limb falls and kills or injures someone, the City would be responsible for paying for an outcome from a successful lawsuit.

The City has scheduled completion of a second assessment and report. A Request for Qualifications was released within the last week with proposals due by July 18, 2024. The City will select firms for interviews with the goal to contract with the successful firm by the end of July 2024. The qualifications were based on conversations with other urban foresters from the City of Olympia and the City of Seattle Department of Transportation. The RFQ qualifications require ISA Board Certified Master Arborist, as well as being a registered arborist through the American Society of Consulting Arborists.

Boardmember Sedore asked about the role of the Tree Board with respect to circumstances surrounding the Garry oak. He asked whether the Board is only to provide guidance when the Council requests such guidance. City Administrator Parks replied that the Tree Board, Historic Preservation Commission, and the Planning Commission have a stated purpose and set of bylaws and tasks. The Tree Board's primary role is to review and advise the City on issues related to trees in terms of codes, inventories, the Urban Forestry Management Plan with recommendations forwarded to the Planning Commission or directly to the City Council. The Tree Board is an advisory board on policy and program-level issues. Opinions about specific subjects are welcome by the City. Generally, if

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the Tree Board reviews and considers issues and votes on a recommendation, the recommendation is forwarded to the City Council.

Discussion ensued on the Board's role in the advocacy of the environment and the importance of balancing those interests with other City regulatory obligations and state mandated requirements to accommodate growth. The City has restrictions in which to manage and control growth and development as well as state obligations and requirements for managing growth and development in an environment of competing interests.

City Administrator Parks responded to questions about the status of protecting the pocket gophers listed as endangered species. Under the Endangered Species Act (ESA), an incidental take permit is issued by the U.S. Fish and Wildlife Service for development that enables the project to affect habitat as long as mitigation is completed. The City is working with the Port of Olympia to complete a Habitat Conservation Plan (HCP) to receive an incidental take permit to enable development to occur within the urban growth area. Based on feedback from the U.S. Fish and Wildlife Service on the draft HCP, the City has pursued additional research with the subconsultants to complete more biological studies, economic studies, and analysis of the regulatory requirements that could be imposed by U.S. Fish and Wildlife Service. U.S. Fish and Wildlife is currently reviewing the additional science and data submitted by the City. The City is planning to purchase 300 acres for habitat mitigation with funding from the State Legislature and potential funding from the Port of Olympia.

Coordinator Jones Wood announced the departure of Boardmember Hannah Ohman. Her last meeting will be in August as she is moving from the area.

PUBLIC COMMENT: **Pamela Hansen** asked whether the property considered by the City located near Black Hills High School for pocket gopher mitigation would be transacted through a purchase or as a taking. Coordinator Jones Wood said the transaction would be a purchase by the City.

DRAFT URBAN FORESTER JOB DESCRIPTION: Coordinator Jones Wood requested feedback on the draft Urban Forester job description. Grant funding awarded to the City (contingent upon acceptance by the City Council) includes some limitations, such as 50% of the grant focused on occurring or otherwise directly benefitting the EPA IRA Disadvantaged Communities census blocks as reflected in an attachment. The remaining 50% of funding for the position is proposed in the forthcoming 2025/2026 Biennium Budget and is subject to City Council approval.

The Board discussed the necessity of spending time in the area around the airport, which is included within the disadvantaged communities census

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block. Coordinator Jones Wood explained that the area includes City right-of-ways as well as the Davis-Meeker oak tree. The area also overlaps with areas of heat islands in the City, which is another component covered by the grant.

Coordinator Jones Wood addressed questions on essential functions of the position.

Director Smith added that the position should be considered a “work in progress” in terms of how the position will be integrated within other departments dependent upon the individual’s expertise and the expertise within other departments. The proposal has not been reviewed with the City’s leadership team or with City administration. The proposed job description is subject to change. It will be important that the expertise of the individual is available to other departments and utilized fully.

Boardmember Sedore advocated for the job description to identify that the position would be selecting the species of trees/plants and that departments will be able to consult with the individual over time to help maintain a comprehensive view of what species of vegetation are planted in the City through consistent policies.

Boardmember Chapman recommended adding an additional task that speaks to collaborating with other City departments.

Boardmember Coval recommended categorizing essential functions of the position by combining similar tasks into several major categories, such as administrative functions, collaboration and cooperation with other departments and agencies, or training, etc.

The Board discussed time allocation for the different categories of tasks. Members suggested assigning percentage of time to the major categories with consideration that 50% is dedicated to the City’s Disadvantaged Communities census blocks.

The Board discussed the number and size of trees located on Port of Olympia property surrounding the airport. As noted by Boardmember Jackson, the Urban Forester could leverage some influence as to what trees remain in the City of Tumwater within the areas on Port property containing mature trees despite the areas zoned for industrial uses.

Discussed ensued on the minimum qualifications for the position. Coordinator Jones Wood noted that the individual must obtain accreditation within six months of hiring and maintain the credential throughout their employment. She advised that she would revise the language to clarify the intent. Members discussed whether the City should require accreditation at the time of employment. Boardmember

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Chapman supported requiring a base level of accreditation with additional accreditation required within six months of employment. Coordinator Jones Wood cited those circumstances whereby an applicant might have obtained work experience but lacked formal education. Currently, five years of working experience is required before applicants can apply for testing. Boardmember Coval noted the experience is often obtained by an individual working on a typical tree crew with the lead certified. The applicant would work with the crew for a number of years to complete the five years of experience necessary to complete the test.

Boardmember Chapman noted that the City of Olympia and the state requires a certified arborist prior to hiring.

The Board discussed various pros and cons of requiring certification to apply for the position.

Boardmember Coval recommended revising the provision requiring frequent travel under working conditions, such as adding an estimation of the percentage of travel time from the office.

The Board recommended revising language that the position may require attendance at regularly scheduled night meetings once per month by acknowledging that more than one nightly meeting each month might be required.

Boardmember Chapman recommended adding language that speaks to Arbor Day outreach and education and outreach on urban forestry.

The Board affirmed its interest for a member to serve on the interview panel for the position.

**CASE STUDY OF
CURRENT
PROTECTION OF
TREES AND
VEGETATION CODE
(TMC 16.08)
IMPLEMENTATION:**

Coordinator Jones Wood reported on three case studies on how Tumwater Municipal Code 16.08 provisions are applied. Two examples include land clearing permits for development and one example is of a development landscaping plan.

Boardmember Chapman recommended deferring the review to another meeting in a work session format.

Discussion ensued on whether the delay in reviewing the case studies might affect the update of the urban forestry codes. Coordinator Jones Wood explained that the Community Development Department is responsible for the update of the Comprehensive Plan. The City hired a Senior Planner who will focus on the update of the urban forestry codes, which likely will begin later in the year.

MOTION:

Boardmember Chapman moved, seconded by Boardmember Sedore,

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to table the case study review to the August 12, 2024 meeting.

Discussion ensued on whether to defer the review until Boardmember Ohman's position is filled.

MOTION: **Motion carried unanimously.**

SUMMER FIELD TRIP: Coordinator Jones Wood requested input on the timing of the tour and sites to visit.

Chair Grantham suggested including the Trails End property owned by the City. Another site discussed by the Board included the restoration site at the Sapp Road Park. Any private property tour requires permission by the owner and clearance by the City in terms of any risks.

The Board discussed the realignment of Tumwater Valley Drive as a possible tour site. Director Smith advised that the realignment is a private development project for the Craft Brewery District.

The Board agreed to schedule the tour in September to the Trail End property and the restoration site at Sapp Road Park.

NEXT MEETING: The next meeting is scheduled on August 12, 2024.

ADJOURNMENT: **With there being no further business, Chair Grantham adjourned the meeting at 8:58 p.m.**

Prepared by Valerie L. Gow, Recording Secretary/President
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