



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

HERITAGE TREES

MEMORANDUM

TREE BOARD DISCUSSION – July 11, 2022

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Background

After the City Council adopted the Urban Forestry Management Plan on March 2, 2021 by Ordinance No. 2020-004, the Tree Board began a discussion at their April 12, 2021 meeting of the actions that are the Tree Board’s primary responsibility in implementing the Plan.

At their April 12, 2021 meeting, the Tree Board asked staff to:

- Make sure that the City’s designated heritage trees lists and maps are updated and current
- Look at adding memorial trees, such as the September 11, 2001 tree and Arbor Day trees such as those trees south of the library.
- Look into the process for adding signage for the heritage trees

Among the Urban Forestry Management Plan actions to be implemented, two addressed heritage trees:

Action 2.1.J. Designate, register, and promote heritage trees.

Priority	Leads [Primary (P) & Secondary (S)]	Timing	Monitoring Action
#2	Community Development (P) Tree Board (S)	Start in Spring 2023 based on Peninsula Environmental Group work and update every five years thereafter	Track number of trees considered heritage trees on an ongoing basis

Action 8.1.B. Identify tree specimens, including heritage trees, on City property that illustrate proper tree care and discuss in articles on the City website and social media.

Priority	Leads [Primary (P) & Secondary (S)]	Timing	Monitoring Action
#2	Community Development (P) Parks and Recreation (S) Public Works (S) Tree Board (S)	Start in Spring 2023 and evaluate every five years thereafter	Evaluate program as compared to the Goals, Objectives, and Actions of the Plan

Definition and Resources

From the City’s Heritage Trees website, heritage trees are:

“Trees that have historical significance, by virtue of age, association to a historical structure, district, person or event, rare or unique species, or significant stand (grove) of trees can be designated as Heritage Trees, and therefore provided with special protections.”

You can find out more about heritage trees on our website here:

<https://www.ci.tumwater.wa.us/departments/community-development/trees/heritage-trees>

And in TMC 16.08.075 *Heritage trees designated* here:

<https://www.codepublishing.com/WA/Tumwater/#!/Tumwater16/Tumwater1608.html#16.08.075>

Appendix 2 contains the definitions section of TMC 16.08 *Protection of Trees and Vegetation* as well as TMC 16.08.075 *Heritage trees designated*.

“Heritage trees” and “historic trees” are defined in TMC 16.08.030 as follows:

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.*

Section 1.03(A) *The Community and Urban Forest: The Early Years* of the Urban Forestry Management Plan notes that:

*“Over one hundred years ago, the City contained a variety of native tree species. Maple, alder, cedar, ash, hazelnut, hemlock, fir, pine, willow, and Garry oak were predominant. In addition, the early settlers planted orchards for food and planted trees from their homelands for beauty, shade, and historical significance. The Mills and Mills Funeral Home and Memorial Park next to Pioneer Cemetery on Littlerock Road SW have ancient American chestnut (*Castanea dentata*) trees, a relic from the most abundant tree on the eastern coast before the 1900s.”*

Appendix 3 to the staff report contains an e-mail from Edible Forest Gardens discussing heritage trees.

Current Listed Heritage Trees

Appendix 1 contains a summary of the historical review process used to determine what heritage trees may already have been approved by the City Council.

Proposed Heritage Tree Nominations

1. Kate Thedell filed a nomination form for a Douglas Fir at the end of Glenwood Drive near the shore of Trosper Lake. Kate emailed back and forth with a knowledgeable person on the Evergreen Faculty who suggested that by looking at the bark characteristics, branching patterns, and DBH that the tree is an estimated 400-500 years old. Kate thinks that the neighborhood may be in what was either the Ferguson or Rutledge homestead, as it is behind the monument where the blockhouse was built.

Next Steps

Staff suggests the Tree Board review the materials in the packet and discuss next steps at today’s meeting.

Staff Contact

Alyssa Jones Wood, LEED Green Associate, Sustainability Coordinator
City of Tumwater Water Resources & Sustainability Department
360-754-4140
ajoneswood@ci.tumwater.wa.us

Appendix 1 – Review Summary

Staff reviewed past Tree Board and City Council meeting minutes and other sources from 1990 to the present to identify what work was done on this issue. The following is a summary of the meeting minutes that addressed heritage trees:

- From April 19, 1999 Tree Board meeting: mentioned made of the Davis-Meeker tree and plaque and the “Mayor’s Grove” and trees to be planted.
- From June 21, 1999 Tree Board meeting: Nancy Partlow recommended including the chestnut tree on Linwood Avenue as a heritage tree.
- From April 17, 2000 Tree Board meeting: Tree Board suggested that the Meeker Oak Tree be nominated as the City’s first Heritage tree.
- From June 5, 2000 Tree Board meeting: Tree Board suggested that the Meeker Oak Tree be the first tree nominated as the City’s first Heritage tree, during discussion of Ordinance No. O2000-012.
- From October 16, 2000 Tree Board meeting: Commissioners asked staff to notify Ms. Eisler about the Board’s interest in “The Acorn House” for nomination of the Heritage Tree Award. Another commissioner nominating the Davis-Meeker Oak as a heritage tree.
- From December 18, 2000 Tree Board meeting: *“The Commission discussed the nominees for the Heritage Tree Program. Chair LeClair stated that the Deodora Cedar owned by the Department of Transportation was not visible. He suggested only considering 2 of the London Plain trees. The Commission discussed the age of the trees. Manager Vrabel stated that Director Gellenback has aerial shorts of the area dated back to the early 1940’s. These photos may be beneficial in determining the age of the trees.*

Commissioner Anderson asked what the Myrtlewood tree owned by Robert and Diane Pape looked like. Chair LeClair stated that the Myrtlewood looks like a broad leaf Maple.

Commissioner Anderson questioned who would be examining the nominated trees and briefing the Commission on the identification and status of the trees. Manager Vrabel responded staff could hire someone to evaluate the trees. The cost is approximately \$50 for every site that is evaluated. Chair LeClair

suggested that he or other Commissioners who are knowledgeable about trees could evaluate the trees.

Chair LeClair Stated that the oak tree owned by Wendy Eisler should be added to the Heritage Program because it is the only one of its size within the City.

The Commission decided to have Commissioner Jackson evaluate the trees and provide the Commission with a brief report of each nomination. Additionally, all Commissioners will visit the properties and view the trees themselves.”

- From January 22, 2001 Tree Board meeting: The Board agreed to consider only the four London Plains trees.
- From April 3, 2001 City Council Packet Heritage Tree Nomination
- From May 15, 2001 City Council Minutes: *“Mayor Pro Tem Kmet presented three Heritage Tree awards to citizens to formally recognize trees that are of particular value to the community due to historic value, uniqueness, or significant growth. The nominations were submitted to the Tree Board, which submits recommendations to the City Council. Trees placed on the Heritage Tree listing are eligible to receive an annual evaluation by the City’s arborist to assist with tree care. Awards were presented to Wendy Eisler for the Acorn House Oak Tree, Robert & Diane Pape for Myrtlewood Trees, and the Department of Transportation for 4 London Plain and 1 Deodar Cedar.”*
- From July 16, 2001 Tree Board meeting: There were no heritage tree nominations in 2002.
- From February 11, 2002 Tree Board meeting: Mention of the Davis – Meeker Oak Tree and September 11, 2001 memorial tree
- From July 19, 2004 Tree Board meeting: A commissioner suggested the Tree Board nominate the chestnut at Memorial as a heritage tree.
- From September 20, 2004 Tree Board meeting: *“Chairman Chapman stated the Board was able to view some nice heritage trees on its tour last month. There was discussion of providing plaques instead of certificates as well as a map showing the location of heritage trees.*

Supervisor Lobaugh reported this year’s nomination for heritage trees include four London plan trees and a Deodora cedar at the Department of Transportation, maple and Myrtlewood trees on Cleveland Avenue,

and an oak tree on Hoadly Street. Property owners must agree with the nominations. Chair Chapman added an owner has the option of removing the “Heritage Tree” designation at any time. Commissioner Winter suggested the Board should view the trees prior to the next meeting.

Commissioner Schacht said Board members viewed several potential heritage trees on its tour – two Chestnuts at the cemetery site and two big leaf maples on property on the Corner of Hoadly and Middle Streets, and asked if the trees should be considered in addition to those already on the nomination list. The Board asked staff to provide them with a list of the existing trees prior to the next meeting.

Supervisor Lobaugh said Manager Vrabel explained once the trees have been nominated the tree undergoes an initial evaluation. At the request of the property owner, another evaluation can be performed annually. The evaluations are completed by Mr. McFarland.”

Council approved heritage tree program in August 2000

- From November 21, 2005 Tree Board meeting: *“Manager Vrabel reported the Bush Butternut tree is located in the urban growth area of the City. The owner of the tree contracted the Historic Commission requesting assistance. Grounds Maintenance Supervisor Wayne Lobaugh inspected the tree and determined the tree has reached the end of its life span. Mr. Lobaugh provided the owner with some suggestions on how to prolong the life of the tree. The tree is registered on the Tumwater Historic Register. The Historic Commission is requesting the Tree Board assist by hiring an arborist to reevaluate the tree. Manager Vrabel reported the cost of an evaluation ranges between \$120 and \$180.*

Chairman Chapman asked whether it is appropriate to spend funds on a tree outside of City limits. Manager Vrabel reported he researched gifting of public funds and the location. Because the tree is within the urban growth area of the City, the location is acceptable. The Board can expend funds on the tree because the tree is registered.

Commissioner Dickerson suggested obtaining seeds from the tree to plant for continued legacy of the tree.”

- From July 16, 2007 Tree Board meeting: *Tree Board field trip would include heritage trees designated by the City.*

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- From April 21, 2011 HP Minutes: Mark Bowns said he is a native of Tumwater and is interested in the work of the Commission. Last March he donated a Bush apple tree to the City.

Commissioner Trospen acknowledged that the tree was provided to staff for planting at a location on the Crosby House property.

Mr. Bowns presented another tree to the Commission. Commissioner Trospen shared that his family lives in the area of Jessie Ferguson's homestead. Mr. Ferguson planted an apple orchard on his homestead. Today, several original trees that were planted in 1850 are producing apples. The tree donated by Mr. Bowns is from one of those trees.

- From July 9, 2012 Tree Board meeting: Commissioner Schacht asked whether the ordinance includes any reference for retaining heritage trees. Manager Carlson affirmed the ordinance includes a definition for heritage trees. There are only two heritage trees within the City. The trees must be nominated and the property owner must agree with the designation of a heritage tree. The Garry oak tree at the airport is one of the City's heritage trees.
- From May 27, 2014 CC meeting: *“Councilmember Oliva suggested the ordinance shouldn't include a provision for a property owner to declassify a Heritage Tree designation. Mayor Kmet said the City has only one designated Heritage Tree, which is the Meeker Oak located near the airport. Manager Carlson said it's likely the provision was included as a way for citizens to classify a heritage tree while also affording a way to declassify the tree if there is an ownership change.*

Discussion ensued on some impressive trees located in various areas of the City.”

- From September 9, 2019 Tree Board meeting: Tree inventory should include list of heritage trees.

Further information from 2021:

- Information from Chuck Denney, Parks and Recreation Director: Bush Butternut Tree, the Davis-Meeker Oak Tree, as well as the Cemetery Chestnut and Heritage Trees were discussed at the August 19, 2010 Tree Board meeting.
- Information from Mike Matlock Community Development Director: There is a super rare American Chestnut trees at the Mills and Mills cemetery.

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- Tree immediately east of City Hall next to the storm facility with plaque.
- Don Trosper asked about heritage trees in the City in March 2021. His list of Tumwater historic trees included the Garry Oak by the airport, the Bush Butternut tree at the Bush Farm site, and the two Jesse Ferguson planted nut trees at Mills & Mills cemetery on Littlerock Road. He would also add Jesse Ferguson "Northern Spy" apple trees (one at our Trosper property and a cutting on display on Littlerock Road) and a recently discovered Kindred farm apple tree at the Capital Region Educational School District #113 offices off Tye Drive.
- In September 2021, Mayor Kmet shared some information regarding the Davis Meeker Oak tree. This is the tree on Old 99 by the historic state airplane hangar. The road jogs around the tree. There is a bit of a story around the name of that tree. From what I recall, Jack Davis, a prominent local conservationist at the time, requested that the tree be preserved. When it came before the Council for designation as a heritage tree, there was some discussion about what we should name the tree. Some thought it should be the Davis Oak in honor of Jack. One council member asked the tree be designated as the Meeker Oak in honor of Ezra Meeker figuring he must have passed by it on his way to settling in Puyallup, although there is no record of that. In the end, we settled on the Davis-Meeker Oak as the name of the tree. That should be reflected in the Council minutes from the mid 1990's.
- In September 2021, Mayor Kmet provided some more information on the location of heritage trees he got from the Assessor's parcel search and his 2018 list of registered voters.

Wendy L. Eisler 3146 Hoadly St, Tumwater (while still owned by Wendy, this appears to be a rental as there is a different person registered to vote at this address.).

Robert A Pape 4500 Cleveland Ave, Tumwater (Robert and Diane are still registered to vote at this address).

It appears from street view that both residences still have a large tree(s).

He has also contacted former Mayor Ralph Osgood to see if he remembers any Heritage trees.

- In 2021 Councilmember Schneider’s November Heritage Tree Nomination of an offspring of the Bush Butternut Tree was approved by City Council.

Appendix 2 – TMC 16.08 Protection of Trees and Vegetation

[...]

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;

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2. Lakes, ponds, stream corridors, and creeks as defined in TMC Chapter 16.32;
 3. Identified habitats with which endangered, threatened, or sensitive species have a primary association as defined in TMC Chapter 16.32;
 4. Wetlands as defined in TMC Chapter 16.28.
- H. “Grading” means excavation, filling, or any combination thereof. Excavation and grading is governed by the International Building Code (IBC).
- I. “Greenbelt” means certain designated areas of a project or development that are intended to remain in a natural condition, and/or private permanent open space, or serve as a buffer between properties or developments.
- J. “Greenbelt zone” means any area so designated on the official zoning map of the city and subject to the provisions of TMC Chapter 18.30.
- K. “Ground cover” means vegetation that is naturally terrestrial excluding noxious or poisonous plants and shall include trees that are less than six inches in diameter measured at four and one-half feet above ground level.
- L. “Hazardous tree” means any tree that, due to its health or structural defect, presents a risk to people or property.
- M. “Heritage tree(s)” means tree(s) designated by the city and their owners as historical, specimen, rare, or a significant grove of trees.
- N. “Historic tree” means any tree designated as an historic object in accordance with the provisions of TMC Chapter 2.62.
- O. “Land clearing” or “clearing” means any activity which removes or substantially alters by topping or other methods the vegetative ground cover and/or trees.
- P. “Open space” means unoccupied land that is open to the sky and which may or may not contain vegetation and landscaping features, subject to the provisions in TMC 17.04.325 and 17.12.210.
- Q. “Parcel” means a tract or plot of land of any size which may or may not be subdivided or improved.
- R. “Qualified professional forester” is a professional with academic and field experience that makes them an expert in urban forestry. This may include arborists certified by the International Society of Arboriculture, foresters with a degree in

forestry from a Society of American Foresters accredited forestry school, foresters certified by SAF, or urban foresters with a degree in urban forestry. A qualified professional forester must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development. Additionally, the qualified professional forester shall have the necessary training and experience to use and apply the International Society of Arboriculture's Guide for Plant Appraisal and to successfully provide the necessary expertise relating to management of trees specified in this chapter.

S. "Topping" is the removal of the upper crown of the tree with no consideration of proper cuts as per the current ANSI A300 Standard. Cuts created by topping create unsightly stubs that promote decay within the parent branch and can cause premature mortality of a tree. Topping a tree is considered to be a removal, and may require a tree removal permit.

T. "Tree" means any healthy living woody plant characterized by one or more main stems or trunks and many branches, and having a diameter of six inches or more measured four and one-half feet above ground level. Healthy in the context of this definition shall mean a tree that is rated by a professional with expertise in the field of forestry or arbor culture as fair or better using recognized forestry or arbor cultural practices. If a tree exhibits multiple stems and the split(s) or separation(s) between stems is above grade, then that is considered a single tree. If a tree exhibits multiple stems emerging from grade and there is visible soil separating the stems, then each soil-separated stem is considered an individual tree. Appropriate tree species under six inches may be considered with approval of the city tree protection professional.

U. "Tree plan" is a plan that contains specific information pertaining to the protection, preservation, and planting of trees pursuant to this chapter.

V. "Tree protection open space" is a separate dedicated area of land, specifically set aside for the protection and planting of trees.

W. "Tree protection professional" is a certified professional with academic and field experience that makes him or her a recognized expert in urban tree preservation and management. The tree protection professional shall be either a member of the International Society of Arboriculture or the Society of American Foresters or the Association of Consulting Foresters, and shall have specific experience with urban tree management in the Pacific Northwest. Additionally, the tree protection professional shall have the necessary training and experience to use and apply the 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)

[...]

16.08.075 Heritage trees designated.

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

1. Application for heritage tree designation must be submitted to the community development department. The application must include a short description of the trees, including address or location, and landowner's name and phone number. The application must be signed by both the landowner and nominator.
2. The tree board reviews the application and makes a recommendation to the city council.
3. All heritage trees will be added to city tree inventory and public works maps.

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

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

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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)

Appendix 3 – E-Mail from Edible Forest Gardens

From: Edible Forest Gardens EFG edibleforestgardens@gmail.com
Sent: Sunday, September 20, 2020 10:29 AM
To: Tom Oliva
Cc: edibleforestgardens@gmail.com
Subject: Re: Fruit and nut trees in the Urban Forestry Management Plan

You have some good opportunities with those historic trees in Tumwater.

For example, you could ask Michael Dolan to take students from Bush Middle School to pick up butternuts from under the big tree at the Bush homestead, then plant them in pots, create a nursery site at the school and fence it in, with an automatic watering system for summer, then after a couple of years plant them at the school and around town. If they did it every fall they'd have a continual supply of new trees to plant. Of course that would depend on interest from a teacher and the principal. You could give maybe \$200 from the tree fund to Michael Dolan for teaching them.

You could also ask Michael Dolan to take students to the historic fruit trees in February to take cuttings that the students would keep in a refrigerator until April when Michael would help them graft them onto root stock and put them in pots to let them grow in the nursery. In a couple of years they'd have fruit trees to plant around the community and could keep doing it to have a continual supply to plant. I took cuttings from an old fruit tree along Hwy 99 likely planted by Bush, grafted them and am growing them, like I suggest above. It's a Northern Spy, a tasty heritage apple and a good keeper.

Kirsop Farm is in Tumwater. You could ask them to grow rows of nursery nut trees for you. Last spring my interns planted 3,500 chestnuts in rows at Calliope Farm in Olympia to grow chestnut trees they can plant around the community. They're Evergreen students.

These are just a few ideas of possibilities that could help you reach your goals while educating and engaging the community.

The trees would need to be planted in the "right place" by people who commit to care for them and glean from them responsibly in the fall.

I'll forward the Burnt Ridge story of the Bush butternut (an English walnut) separately.