



Trees & Vegetation Preservation Amendments

General Government Committee Briefing
May 10, 2023



Agenda

- Issue
- Two Questions
- Background
- Relation to Other City Strategic Priorities
- Project Actions to Date
- Draft Amendments
- Related Issues
- Status of Other Urban Forestry Code Updates
- Public Approval Process

Issue

- Tree and vegetation preservation regulations have not been updated substantially since 2006
- The Urban Forestry Management Plan & the “Right Tree in the Right Place”
- Introduction to amendments & road map for review



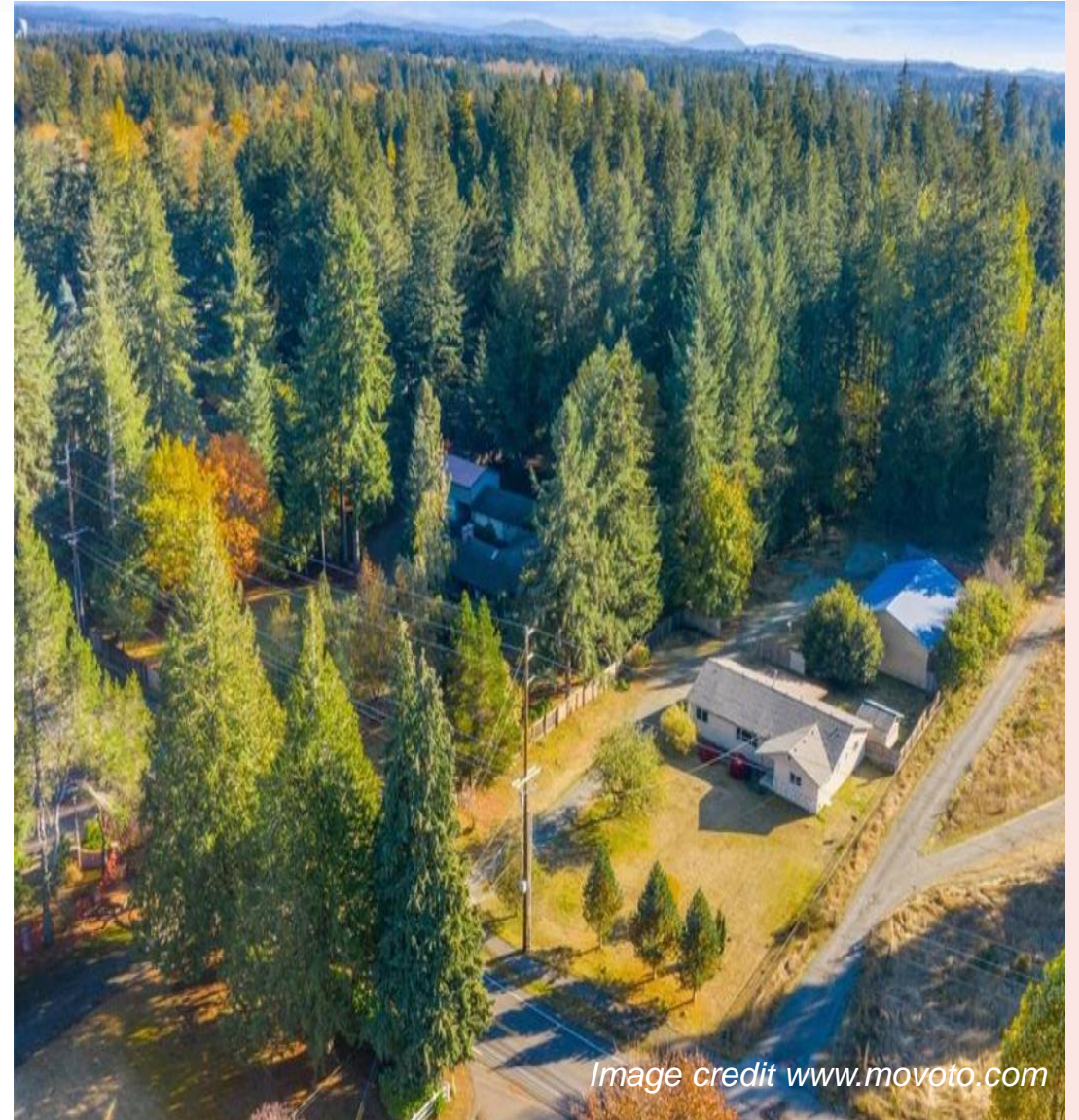


Two Questions

- What were the big takeaways for you from the community conversations and public outreach?
- What is the primary issue that you want to see addressed as part of the code amendments?

Project Background

- The City's history of supporting tree & vegetation preservation
- The many benefits of trees:
 - Environmental
 - Climate mitigation
 - Aesthetics
 - Water & air quality
 - Among many others
- Equity & environmental justice



Project Background

- The City Council made urban forestry one of its four top priority actions for 2022-23
- The community and urban forest consists of all trees and vegetation on public and private property in the City
- The Council adopted the Urban Forestry Management Plan in 2021
- The focus of the Plan is the “The Right Tree in the Right Place”
- The Plan guides the stewardship of the community and urban forest within the City through a series of implementation actions
- The tree & vegetation preservation regulation (TMC 16.08) update is one of the next steps in the City’s implementation the Plan (Plan Action 4.1.D)

Relation to Other City Strategic Priorities

UFMP Goal 4. *Balance the protection and support of the community and urban forest with other City strategic priorities, which include, in part, providing affordable housing, developing a walkable urban community, economic development, addressing climate change, and protecting endangered species.*

UFMP Objective 4.1. *Update the Urban Forestry Management Plan and supporting regulations regularly and ensure they work in harmony with other City strategic priorities.*

UFMP Action D. *Review tree preservation, landscaping, and street tree regulations regularly to ensure that they are working with other City strategic priorities, plans, and regulations, responding to changes in climate, and implementing the Urban Forestry Management Plan.*

Working with Other City Strategic Priorities

- The regulations protecting the City's community and urban forest do not exist in a vacuum
- A balance is needed between tree & vegetation protection amendments and achieving other City strategic priorities
- The need for balance applies to all the City's strategic priorities, not just tree & vegetation preservation
- The proposed tree & vegetation protection amendments support a number of City strategic priorities such as creating a healthy, equitable, and climate resilient community

Working with Other City Strategic Priorities

- The proposed amendments could conflict with other City strategic priorities, such as reducing sprawl, creating and maintaining affordable housing, protecting endangered prairie species, and supporting economic development and redevelopment
- The proposed amendments will likely result in increased costs to property owners, homeowners, and renters as they comply with these regulations, as well as increased costs to the City for enacting and enforcing the regulations

Working with Other City Strategic Priorities

- While considering the details of the proposed tree & vegetation protection amendments, staff asks that the General Government Committee consider how the amendments may affect other City strategic priorities



Project Actions to Date

Timeline



Public Engagement

- Project consultant DCG/Watershed and staff developed the Public Engagement Plan
- The overall public engagement strategy for the project is to:
 - Solicit broad outreach
 - Engage a wide and diverse audience
 - Compile, distill, and interpret feedback into actionable guidance that informs the regulation update process





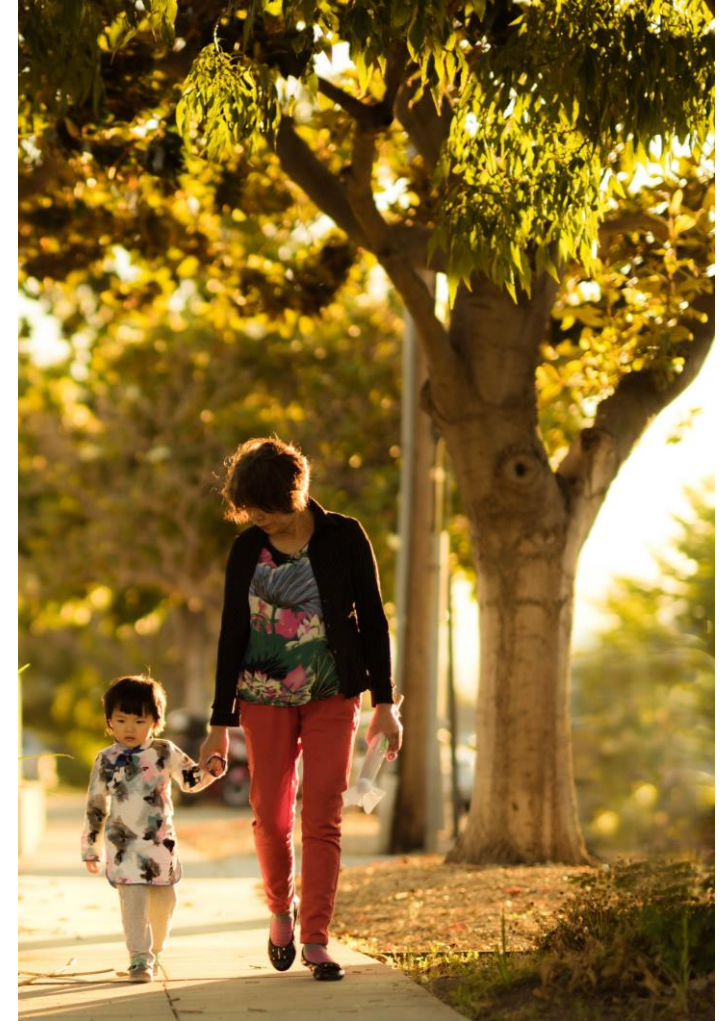
Public Engagement

- Online Open House and website – tumwatertreecity.com
- Social Media Promotion
- Print materials – Postcards & Posters
- Community Conversations – External Stakeholder Meetings
- Direct Engagement

Community Conversations

Community Conversation #1 – November 21, 2022

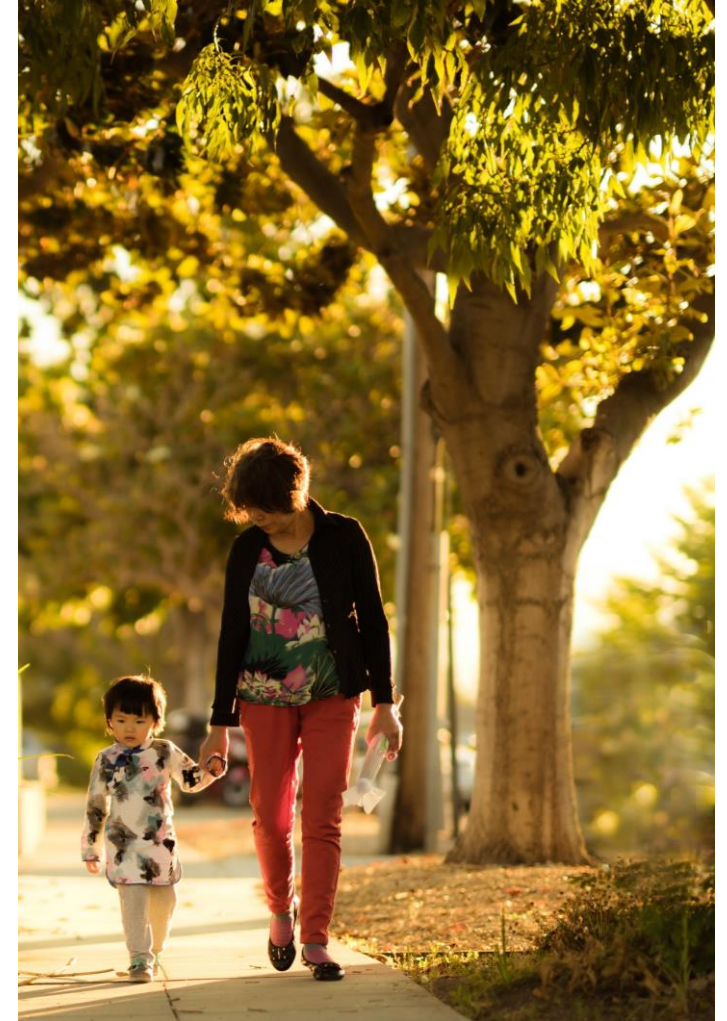
- Presentation from DCG/Watershed introduced project
- Community members provided their input on the following:
 - Addressing environmental justice and equitable allocation of resources
 - Using programs and incentives to support the community by tree planting and reforestation on public property
 - Preserving and replacing of trees
 - Designating special trees and groves
 - Allocating tree account funds



Community Conversations

Community Conversation #2 – December 8, 2022

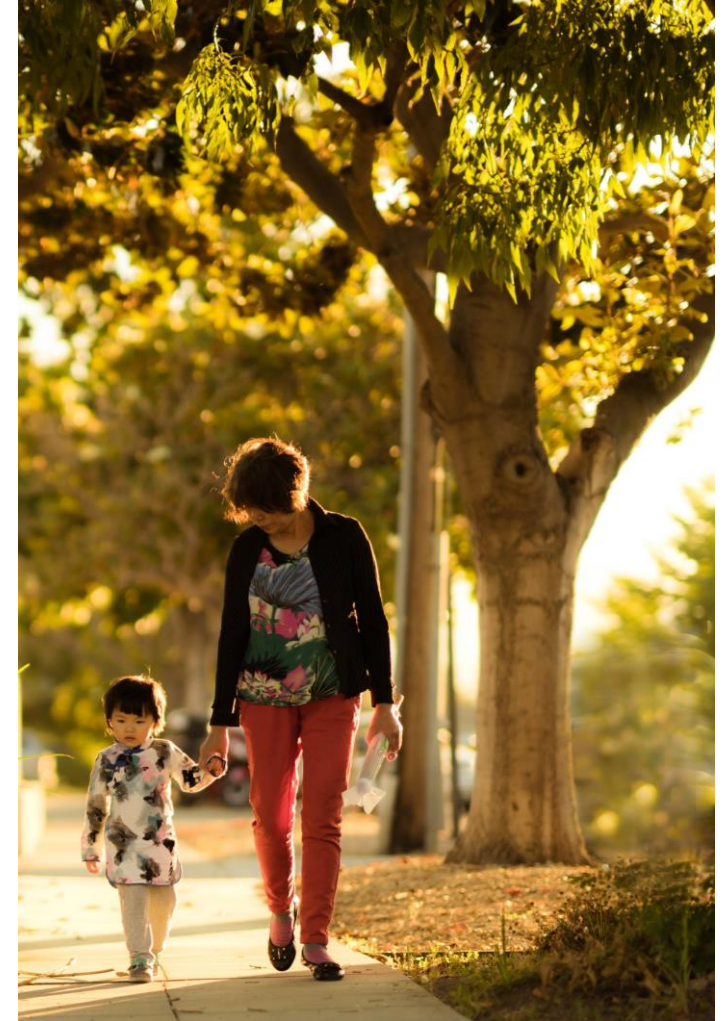
- Community members who attended the first Community Conversation were asked if they wanted to participate in specific focus group discussions
- Based on stakeholder feedback, five topics were identified for discussion by the focus group:
 - Environmental equity and resource allocation
 - Protection of large trees and groves
 - Tree retention and replacement standards
 - Development incentives
 - Enforcement and penalties



Community Conversations

Community Conversation #3 – January 9, 2023

- Presentation from DCG/Watershed discussed the themes heard at the first two Community Conversations
- Community members provided their input on the following:
 - How to quantify tree retention
 - Incentives for tree preservation



Community Conversations Themes



Protect large diameter trees

Consider habitat value of trees, groves, and corridors

Clear permitting requirements

Stronger tree retention and replacement requirements

Incentives for homeowners and developers

Climate change mitigation and adaptation

Stricter code enforcement

Strong, but fair penalties for violations

Use a credit system for determining tree retention and replacement

Gap Analysis Overview



Introduction & Methods



Analysis of existing ordinance



Additional recommendations



Coordination with other City plans & policies

Gap Analysis

*Potential Changes to TMC
16.08 & Permitting*

Reorganization
of code sections

Early Urban
Forestry Review
at Pre-submittal

Arborist
Reports/Site Plan
Requirements

Tree Retention &
Replacement
Standards

Major/Minor
Permit Types

Gap Analysis

Priority Topics Identified



Tree retention & replacement requirements



Tree protection designations for large diameter trees



Update methodology for quantifying tree retention



Permit types & requirements

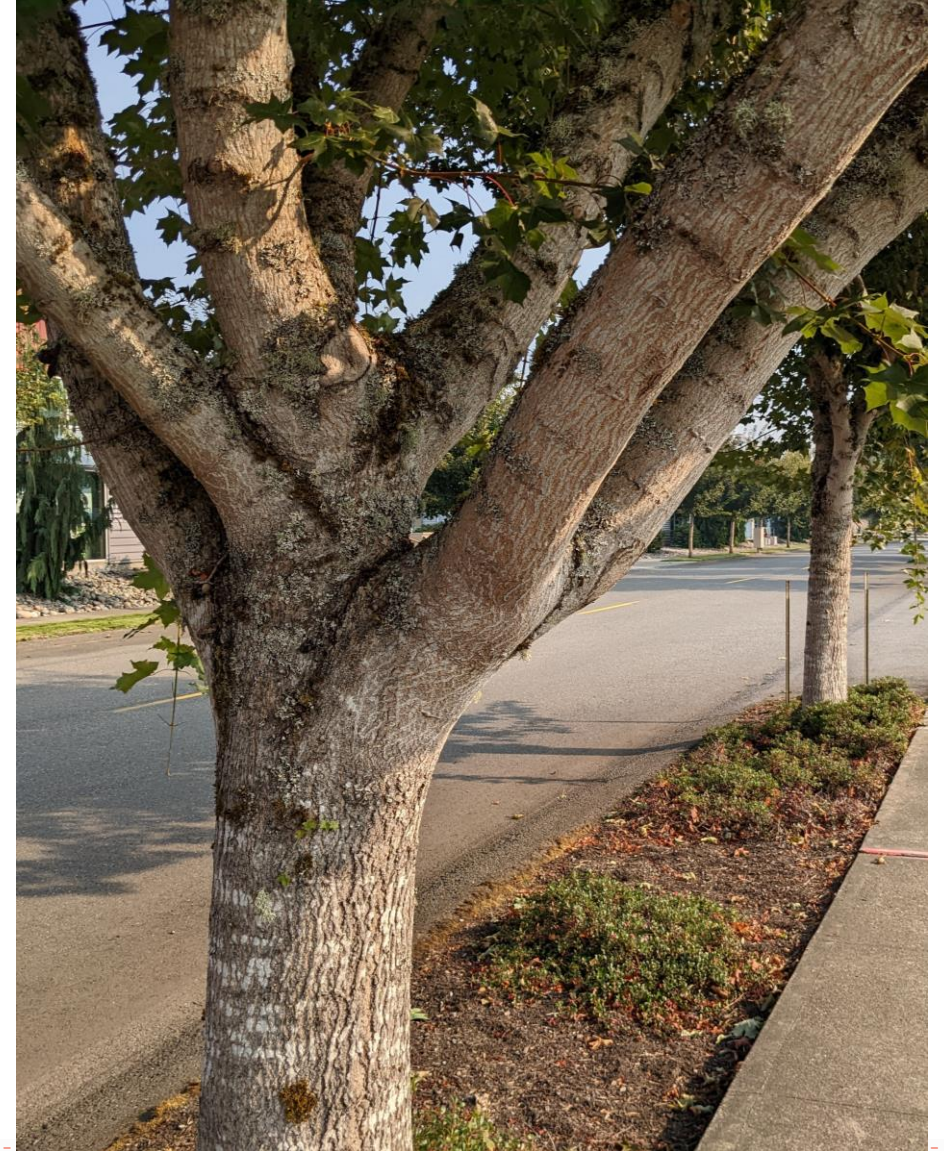


Incentives for development projects & existing property owners



Maintenance requirements for tree tracts within HOAs & commercial/industrial sites

Draft Amendments



Note on Code Versions

- The staff report shows both the current and proposed versions of the code
- Staff and DCG/Watershed developed the proposed version of the code based on the Gap Analysis and feedback from the community through the community conversations, online open house, and written comments as well as meetings with the Planning Commission, Tree Board, and General Government Committee
- Staff and DCG/Watershed are reviewing the details of certain proposed code sections, which are noted in the staff report
- The final version of the amendments in Ordinance No. O2023-006 and the June 13, 2023 staff report at the joint worksession may differ from the draft version presented in this presentation and staff report

Definitions

- Based on Gap Analysis Sections 2.3 and 2.4 and community feedback:
 - Reviewed definitions to be clear and easy to understand
 - Removed definitions no longer used
 - Reviewed definitions for consistency
 - Added more definitions of trees
 - Added other definitions as needed

Definitions

- Suggested General Government Committee review focus on the following:
 - Buildable area
 - Critical root zone
 - Development
 - Grove tree
 - Hazard and unhealthy trees and nuisance
 - Landmark tree
 - Project permits
 - Significant tree
 - Tree
 - Vegetation

Heritage Trees

- Based on Gap Analysis Section 2.11 and community feedback:
 - Added a more information about how the City evaluates heritage trees
 - Added more specificity for the process for heritage tree removal
- Added a requirement for a written landowner consent form and the notice on title

Landmark Trees

- New section added based on the Gap Analysis and community feedback to recognize that larger trees should be retained more than smaller trees because of greater benefits such as carbon sequestration and habitat
- Landmark trees are defined in the Definitions section above
- Size thresholds for a landmark trees vary in the state as does when they can be removed
- Critical habitat protections for animals and vegetation will continue to be addressed in TMC 16.32 *Fish and wildlife habitat protection*
- Greater protections for landmark trees should be balanced with other City strategic priorities and property owner rights and responsibilities

Tree Credits

- New section added based on the Gap Analysis and community feedback to assign values to current and proposed trees
- Explored tree credit and a canopy cover approaches
- Tree credits are a general indicator of tree size and canopy cover over time
- Tree diameter by species is used as a correlate for canopy, age, and ultimate size when assessing retention values for specific species
- Specific land use zone districts or uses will have specific minimum tree density credits that must be met
- During permit review, existing tree credits will be calculated based on trees retained versus removed

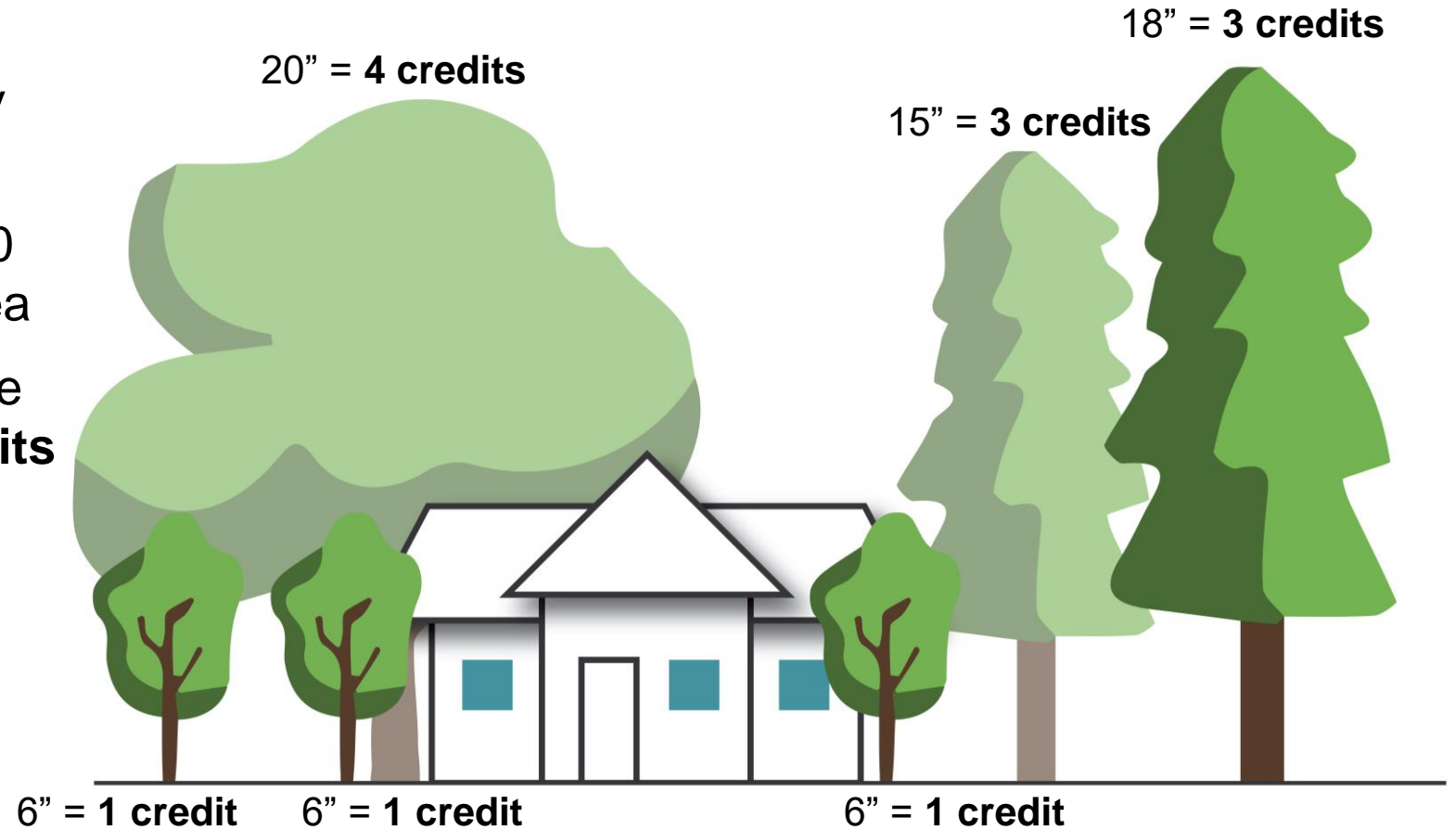
Tree Credits

- Tree credits are used due to the ease of data collection regardless of expertise as they do not require aerial imagery or online data sources and trunk size is easily quantifiable
- Tree credit method has cost implications, which vary based on the level of staffing available to review permit applications and the rigor of review requirements

Tree Credits – Example

Example – City of Burien

- 5,400 square foot single family residential property
- 1 tree credit required per 1,000 square feet of developable area
- 5,400 square feet/1,000 square feet = **5.4 minimum tree credits**
- Total tree credits on site:
 $4+3+3+1+1+1=$
13 tree credits



Tree Credits

- The current version of TMC 16.08 allows for tree removal based on the development proposal:
 - On any parcel of land, 30% of existing trees can be removed within a ten-year period [TMC 16.08.070(Q)]
 - On sites proposed for development, 20% of existing trees or 12 trees per acre must be retained, whichever is greater [TMC 16.08.070(R)]
 - Six trees every three years can be removed on developed properties except for heritage trees or in greenbelts or critical areas [TMC 16.08.080(G)]

Tree Account

- Based on Gap Analysis Section 2.6 and community feedback:
 - Updated when tree account may be used, especially in support of addressing equity

Tree & Vegetation Removal Permits

- Based on Gap Analysis Section 2.7 and community feedback:
 - Created new permit types that differentiate based on project size and type
 - Added more specificity to the permitting types and requirements to streamline the permitting process and more efficiently allocate staff resources for small-scale permit review versus large-scale development projects
 - More specificity could also aid in enforcement of TMC 16.08 and monitoring short- and long-term trends in tree removal types and processes
 - Updated the types of reports and plans that need to be submitted for a complete application for each permit type, including the level of detail needed for arborist reports

Tree & Vegetation Removal Permits

- The proposed version of the code integrates the current land clearing permit process into the proposed minor and major tree removal permit process:
 - **Minor tree removal permits** would be for tree removal on properties that are not part of a development permit application being reviewed
 - **Major tree removal permits** would be for tree removal on properties that are a part of a development permit application being reviewed
- Updated the materials required to be submitted with permit applications

Tree Removal Not Associated with Development

- New section describes minor tree removal permits based on the Gap Analysis and community feedback
- Minor tree removal permits would be for removing trees on properties that are not part of a development permit application being reviewed
- Establishes permit application submittal requirements and review process
- **Minor tree removal permits:**
 - Are administrative approvals
 - Defines when tree replacement is required
 - Defines how many significant trees can be removed without a permit

Tree Removal Associated with Development

- New section describes major tree removal permits based on the Gap Analysis and community feedback
- Major tree removal permits would be for removing trees on properties that are a part of a development permit application being reviewed
- Establishes permit application submittal requirements and review process
- **Major tree removal permits:**
 - Submitted with and reviewed in conjunction with project permits
 - Need to include tree retention plan
 - Need to include replacement plans if property is below required number of tree credits

Tree Retention

- Based on Gap Analysis Section 2.9.3 and community feedback:
 - Updated tree retention standards for the number of trees that need to be retained on a property either subject to or not part of a current development
 - Established tree condition rating standards
 - Tree retention priorities and locations
 - Considering decreasing the removal allowances on properties without a development permit
 - Established tree size, species, and location as criteria for retention
 - Provided additional protections for retention of large diameter trees, such as those equal to or greater than 24 inch dimension at standard height

Tree Retention Plan

- Based on Gap Analysis Section 2.9.3 and community feedback:
 - Updated how retained trees are identified, surveyed, and protected
 - Strengthened tree protections by outlining detailed requirements that are readily enforceable
 - Created standards for tree retention, protection, and replacement plans, arborist reports, and how that information should be shown in a development project's application materials

Replacement Trees

- Based on Gap Analysis Sections 2.7.5 & 2.9.4 and community feedback:
 - Replacement requirements are applicable if tree retention does not meet code standards
 - Established tree replacement standards and ratios that related to tree credits
 - Updated standards related to tree species section, location, and quality

Replacement Trees

- In the current version of the code:
 - On sites without a development proposal, a 1:1 placement ratio is required with trees 24 inches or more in diameter equal to two trees
 - On sites with new development, a 3:1 replacement ratio is required
 - Replacement trees as required in the existing code must be seedlings at least two years of age of the same or similar species of the trees removed [TMC 16.08.070(R)]

Maintenance and Construction

- Updated maintenance sections based on the Gap Analysis and community feedback to address:
 - Maintenance requirements
 - Maintenance agreements
 - Tree pruning
 - Maintenance on City property
 - Failure to maintain
 - Performance and maintenance bonds

Exemptions

- Based on Gap Analysis Section 2.12 and community feedback:
 - Reviewed current exemptions
 - Exemptions in the current version of TMC 16.08 are generally consistent with exemptions found in tree preservation codes reviewed from other jurisdictions as part of the Gap Analysis
 - An exemption based on Action 4.1.A of the Urban Forestry Management Plan, which states

Ensure that mitigation and conservation areas created under an approved Habitat Conservation Plan are exempt from tree preservation regulations.
 - An exemption was added to address reasonable use of properties based on the current version of TMC 16.08.070(R)

Alternative Plans

- Based Gap Analysis Section 2.13 and community feedback:
 - Moving alternative plans to the section where permitting criteria will be located, as this will apply to alternative reports or plans submitted in place of the required site plans and arborist report for a development project or land clearing permit
 - Considering naming section 'Modification plans', a modification approval may be tracked administratively within a land use decision or noted in an administrative report by City planning staff

Appeals and Violations

- The appeal procedure section was revised and updated in the proposed version based on the Gap Analysis and community feedback
- Violation – Criminal penalties section was revised and updated in the proposed version based on the Gap Analysis and community feedback
- Based on Gap Analysis Section 2.12 and community feedback the Violation – Civil penalties section:
 - Reviewing the current minimum costs for tree replacement, materials, and installation in addition to the administration and staff time to process violations to match inflation



Related Issues

Related Issues to Be Addressed

1. **Process for Regulating Businesses that Prune and Remove Trees**

- Based on the Gap Analysis and community feedback, staff and DCG/Watershed are reviewing processes for regulating businesses that prune and remove trees
- These processes could include the following:
 - Requiring registration and education with penalties if trees are pruned or removed improperly or without a permit
 - Requiring that any arboriculture or forestry professional working within the City be licensed and bonded, obtain a City endorsement to their State Business License, as well as submit a signed statement declaring their understanding of the City's urban forestry regulations

Related Issues to be Addressed

2. *Wildlife Urban Interface*

- Late April 2023, the State Building Code Council adopted the International Wildland Urban Interface Code
- Code established minimum requirements for land use and built environment in designated wildland-urban interface areas, such as limiting the amount and type of trees and vegetation that are near structures
- The City will likely adopt the Code as part of its state-required Building Code update that needs to be complete by July 1, 2023
- More than half the City will be affected by the new requirements
- The City is evaluating how the adoption of the Code will affect the update to TMC 16.08, as well as the update to the City's landscaping code (TMC 18.47), and may result in changes to the proposed version of TMC 16.08

Status of Other Urban Forestry Updates



Street Tree Code & Street Tree Plan Update

- The following tasks have been completed:
 - Contracted with DCG/Watershed summer 2022
 - Background research fall 2022
 - Public Engagement Plan fall 2022
 - Community engagement process, [project website](#) and social media fall 2022 & winter 2023
 - Three community conversations & internal stakeholder meetings winter 2023
 - Discussions with Planning Commission, Tree Board, & City Council winter 2023
 - Gap Analysis winter 2023
 - Drafting code amendments & the Street Tree Plan spring 2023
 - Ordinance review, recommendation, and approval expected fall 2023 & winter 2024

Landscaping Code (TMC 18.47) Update

- The following tasks have been completed:
 - Contracted with SCJ Alliance September 2022
 - Background research fall 2022 & winter 2023
 - Public Engagement Plan winter 2022
 - Community engagement process, [project website](#), and social media fall 2022 & winter 2023
 - Two community conversations & internal stakeholder meeting winter & spring 2023
 - Discussions with Planning Commission, Tree Board, & City Council winter 2023
 - Gap Analysis winter 2023
 - Drafting code amendments spring 2023
 - Ordinance review, recommendation, and approval expected summer & fall 2023



Next Steps

SEPA Review & Notice of Intent

- Once draft of Ordinance No. O2023-006 is complete, an Environmental Checklist for a non-project action is expected to be prepared May 2023 with a Determination of Non-Significance expected to be issued May or June 2023
- The draft ordinance will be sent to the Washington State Department of Commerce for the required state 60-day Notice of Intent review May or June 2023

Commission & Board Review

Worksessions

- The worksessions will be hybrid meetings & start at 7 p.m.
- The meeting agendas will have information on how to attend meetings in person or remotely
- Planning Commission & Tree Board meeting agendas, agenda packets, and minutes can be found here:

<https://www.ci.tumwater.wa.us/departments/city-meetings>

- **Planning Commission Worksession** – Tuesday, May 23, 2023 to follow up on questions raised at the May 9, 2023 joint worksession

Commission & Board Review

Planned Worksessions for Review of Ordinance

- **Joint Planning Commission & Tree Board Worksession** – Tuesday, June 13, 2023 to start review of Ordinance No. O2023-006
The expected focus of this joint worksession will be definitions, landmark trees, tree credits, & tree account
- **Planning Commission Worksession** – Tuesday, June 27, 2023 to follow up on questions raised at the June 13, 2023 joint worksession
- **Joint Planning Commission & Tree Board Worksession** – Tuesday, July 11, 2023
The expected focus of this joint worksession will be tree retention & replacement, tree & vegetation removal permits system, exemptions, & alternative plans

Commission & Board Review

Planned Worksessions

- **Planning Commission Worksession** – Tuesday, July 25, 2023 to follow up on any questions raised at the July 11, 2023 joint worksession
- **Joint Planning Commission & Tree Board Worksession** – Tuesday, August 8, 2023

The expected focus of this joint worksession will be sections addressing forest management plans, construction, maintenance, and violations

Planning Commission Hearing

- **Planning Commission Public Hearing** – Expected Tuesday, September 26, 2023 at 7:00 p.m.
- At the hearing, the community will have the opportunity to present oral and written comments for consideration by the Commission
- Following the public hearing & deliberations, the Commission will make a recommendation on the proposed amendments for City Council consideration

City Council Ordinance Approval Process

- The City Council's procedures for public comments are here:
<https://www.ci.tumwater.wa.us/departments/city-meetings/attending-a-city-council-meeting>
- City Council meeting agendas, agenda packets and minutes are here:
<https://www.ci.tumwater.wa.us/departments/city-meetings>

City Council Ordinance Approval Process

- **General Government Committee Briefings** – Scheduled for Wednesday, May 10, 2023 and Wednesday, August 9, 2023 at 8:00 a.m. to be informed of the Commission and Board's ordinance discussions
- **General Government Committee Briefing** – Scheduled for Wednesday, October 11, 2023 at 8:00 a.m.
- **City Council Worksessions** – Scheduled for Tuesday, October 24, 2023 & Tuesday, November 14, 2023 at 6:00 p.m.
- **City Council Consideration** – Scheduled for Tuesday, December 5, 2023 at 7:00 p.m.

Questions?

