



City of Tacoma

City Council Action Memorandum

TO: Elizabeth A. Pauli, City Manager
FROM: Michael Carey, Urban Forest Program Manager, Environmental Services
Michael P. Slevin III, P.E., Director, Environmental Services
COPY: City Council and City Clerk
SUBJECT: Ordinance - Amending Title 9 of the Tacoma Municipal Code Relating Urban Forestry -
December 5, 2023
DATE: November 3, 2023

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SUMMARY AND PURPOSE:

An ordinance amending Title 9 of the Tacoma Municipal Code, relating to urban forestry, by repealing Chapters 9.18, 9.19 and 9.20; replacing Chapter 9.20 with a new chapter entitled "Urban Forestry", establishing permit requirements and related regulations for pruning, removal and planting of street trees, establishing policies and procedures for discretionary review of requests to prune trees on public property, establishing a heritage tree program, providing for enforcement and imposition of monetary penalties for violations; and amending Chapter 1.23 of the Tacoma Municipal Code, to provide for administrative appeal of permit denial and establishing effective dates.

COUNCIL SPONSORS:

Mayor Victoria Woodards; Deputy Mayor Kristina Walker

BACKGROUND:

This Department's Recommendation is Based On: The City Council has adopted numerous policies directly supporting improved urban forestry outcomes through better tree protections, increased tree planting, fixing operational workflows, removing contradictions within Tacoma Municipal Code (TMC), and increasing local food access. Relevant adopted policies include: Urban Forest Policy Element passed in 2010 by Ordinance No. 27892, Environmental Action Plan adopted in 2016 by Resolution No. 39427, Urban Forest Management Plan adopted in 2019 by Resolution No. 40492, Climate Emergency Resolution adopted in 2019 by Resolution No. 40509, and the Climate Action Plan adopted in 2021 by Resolution No. 40878. Some specifics of these adopted policies include:

- One Tacoma: Comprehensive Plan
 - "Require BMPs in the siting, design, planting, maintenance and removal of trees and vegetation in public ROW"
 - "Retain as many mature trees as practicable and appropriate during development of City owned land and street ROW"
- Environmental Action Plan:
 - Improve tree regulations for the ROW and private property
- Urban Forest Management Plan:
 - Update TMC to align with Comprehensive Plan urban forest policy
 - "Improve regulations and procedures to encourage tree preservation and protection on private property and in the City ROW"
 - Adopt Heritage Tree Ordinance



Related to the implementation of these policies, staff have been directed by the Infrastructure, Planning, and Sustainability (IPS) Committee to pursue the following categories of updates to TMC related to trees in the right-of-way (ROW) issues:

- Remove the prohibition on food producing trees in the ROW;
- Clarify protections and update language to industry standards for ROW trees, to reduce illegal removal and damage leading to poor tree health and potential public hazard;
- Update the antiquated penalties and fines structure to recover costs of enforcement and replacement of illegally damaged trees in the ROW; and,
- Establish a heritage tree program.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

The proposed update to Chapters 9.18, 9.19, and 9.20 of the TMC was initiated in 2018, under the direction of City Council during the development of the Urban Forest Management Plan (UFMP), adopted in December 2019 by Resolution No. 40492. The UFMP process to develop the scope of the update included:

- Staff Interviews (Element 2 of UFMP, Ph 1): Recommendations were made by staff who currently enforce the existing TMC through permit reviews, enforcement, etc.;
- Public Comment (Element 5 of UFMP, Ph 1): Recommendations were provided by a series of public workshops and community surveys, as well as meetings held with City Commissions and Committees, and public special interest groups;
- Industry Standard Benchmarking (Elements 3 & 6 of UFMP, Ph 1): The consultant team conducted industry BMP research on urban forest management, and summarized the results through the national standard “Urban Forest Audit System” developed by the Forest Service, to see where Tacoma ranks across the nation; and,
- Code update Pre-Prospectus: multiple presentations with City Council and Council Committees, as well as a two-year public engagement process informed the Pre-Prospectus that was adopted in the final UFMP by City Council, which solidified the scope of the TMC update.

Following the adoption of the UFMP and Pre-Prospectus, staff worked closely with IPS to establish the draft TMC update. The IPS and City Council meeting schedule was as follows:

- Dec. 3, 2019 – City Council adopted UFMP with TMC update pre-prospectus.
- Nov. 10, 2021 – IPS confirmed TMC update intent and scope.
- Sept. 14, 2022 – IPS further refined scope, benchmarking, and code development.
- Jan. 25, 2023 – IPS discussed outstanding policy questions.
- Feb. 22, 2023 – IPS reviewed new TMC structure.
- Sept. 13, 2023 – IPS reviewed draft TMC update document and provided feedback. IPS voted to move the proposed draft to the full City Council at a Study Session in advance of the First Reading.
- Oct. 31, 2023 – City Council Study Session to present draft TMC update, as recommended by IPS.



2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

Tacoma has a goal of 30 percent overall tree canopy coverage adopted in our Comprehensive Plan to be accomplished by 2030. Currently the City’s average tree canopy is 20 percent, the lowest assessed tree canopy in the Puget Sound region. The ROW represents 26 percent of the City’s land area, which is an important asset in achieving our 30 percent tree canopy goal.

ROW tree regulations impact every resident in Tacoma, though the impacts are not shared equally. While the whole city stands to benefit from improved ROW regulations on trees, those living in historically underserved communities stand to benefit most from the proposed changes to Title 9. In Tacoma, higher opportunity neighborhoods on the Equity Index have 15 percent more tree cover than lower opportunity neighborhoods. The benefits of trees are amplified to those in close proximity, and include improvements to air quality, stormwater absorption reducing flooding and runoff, and soil stability on hillsides, as well as cooling the urban heat island effect, calming traffic, and contributing to positive mental health. With the disparity in tree distribution across the city, these localized benefits of trees are not shared equitably in Tacoma.

By enacting this legislation, the City would adopt protections to improve the health and longevity of our community’s trees, which when coupled with the City’s programs to increase tree canopy in historically underserved communities, would help to ensure the health benefits of trees are shared equitably across Tacoma.

Livability: *Equity Index Score:* Moderate Opportunity

Improve health outcomes and reduce disparities, in alignment with the community health needs assessment and CHIP, for all Tacoma residents

Choose an item.

Explain how your legislation will affect the selected indicator(s).

As identified in Tacoma’s Climate Action plan, our urban forest makes our community more livable by providing shade and cooling during extreme heat events. Trees also help to store carbon (mitigate carbon emissions), filter stormwater and reduce the severity of flooding events, improve air quality, and improve residents’ mental health. This proposed legislation will support the 2025 Strategic Goal of Livability, by specifically supporting the priority to “sustain and improve Tacoma’s natural environment”, through protecting and strengthening Tacoma’s urban forest asset, and increase the benefits provided to the community by our natural systems.



ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. No change to the existing TMC	Staff would not need training to administer updated legislation	A continued poor level of service to our community regarding tree management; inconsistent expectations between the City and the community on how to comply with the TMC; continued environmental justice disparities; disregard for Council adopted policies; and poor outcomes for the urban forest.
2. Partial implementation of TMC update; updating permitting processes but not adopting industry BMPs for tree management	Updates to the permit process for tree management in the right-of-way would alleviate some community concerns around difficult permitting processes and expectations	Not aligning the municipal code with Council adopted policy will continue to result in tree canopy loss, poorer community health conditions, and potential for more tree hazards and nuisances.

EVALUATION AND FOLLOW UP:

During the implementation phase of this ordinance staff will spend approximately six months creating new customer tip sheets, updating our Accela permit system, training staff, and implementing an education and outreach campaign to inform the community and tree care professionals about the new Code updates. This six-month outreach period is intended to be completed prior to the revised permit requirements going into effect. Staff will spend the remaining year collecting permitting data for tree pruning, planting, and removals, as well as violations. Staff will reevaluate resourcing needs for implementation and enforcement during the 2025/2026 biennial budget and may request additional resources to support implementation at that time. Additional metrics indicating success include those identified in the adopted Urban Forest Management Plan, including quantifying the canopy loss or gain as indicated by tree removal and planting permits. Customer feedback will also inform modifications to the Accela permit system as well as Planning and Development Services permit tip sheets.

STAFF/SPONSOR RECOMMENDATION:

Staff recommends passage of this ordinance amending Title 9 of the Tacoma Municipal Code, relating to urban forestry, by repealing Chapters 9.18, 9.19 and 9.20; replacing Chapter 9.20 with an new chapter entitled “Urban Forestry”, establishing permit requirements and related regulations for pruning, removal and planting of street trees, establishing policies and procedures for discretionary review of requests to prune trees on public property, establishing a heritage tree program, providing for enforcement and imposition of monetary penalties for violations; and amending Chapter 1.23 of the Tacoma Municipal Code, to provide for administrative appeal of permit denial and establishing effective dates.

FISCAL IMPACT:

If passed, the proposed ordinance will not have a direct fiscal impact. However, the effective implementation of this ordinance may require additional customer support, plan review, inspections, and code enforcement. One new employee, a Development Services Arborist, was budgeted during the 2023 mid-biennium modification process to



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support ordinance enforcement. Once enacted, staff will monitor efforts to determine if and what additional support may be necessary in the future.

The Development Services Arborist will be supervised by the City's Urban Forester in the Office of Environmental Policy and Sustainability to align the position tasks with the City's urban forest policies and provide the technical support for arborist staff. The position's day to day work will be housed within Planning and Development Services under the Natural Resources Program as the lead for permit review and compliance for RTRE Permits (right-of-way trees) as well as land use permits specific to review for tree requirements. The funding for this position (approximately \$150,000 per year) is proposed as a 3-way split between PDS permit fees (\$50,000 per year), Stormwater utility revenues (\$50,000 per year), and the General Fund (\$50,000 per year).

ATTACHMENTS:

- Draft language for revised TMC 9.20
- Draft language for TMC 1.23.050