

May 15, 2018

Phil Bourquin, Community Development Director
City of Camas Community Development Department
616 NE Fourth Avenue
Camas, WA 98607

RE: Draft Camas Urban Tree Program

Please allow this document to be entered into the formal record as professional testimony regarding the Draft Camas Urban Tree Program: Draft Code Revisions for Tree Protection and Permitting Citywide (Program), dated May 9, 2018. Please find below comments regarding a review of the Program as received on Friday, May 11, 2018, by Mike Odren, Registered Landscape Architect with Olson Engineering, Inc.

Olson Engineering commends the City of Camas for pursuing the development of a comprehensive tree, urban forestry and landscaping code; a code that has been long needed. The development of the Program appears to have been the result of decisions made by the Urban Tree Program Ad Hoc Committee and City staff with the assistance from the consultants with Davey Resource Group over the last couple of months; the Program being developed as a result of a grant being awarded to the City by the Department of Natural Resources. However, it is unclear when the City received the grant, when draft code language was developed, or when the ad hoc committee was gathered.

The ad hoc committee appears to be represented by people affiliated with City of Camas government, neighboring jurisdictional staff, parks representatives, property owners/citizens and a civil engineer. Conspicuously absent from the ad hoc committee appear to be representatives affiliated with the following: developers (that would bear the financial burden associated with implementation of the Program); landscape architects/designers, biologists and arborists (that would have to interpret and meet elements of the Program); and development industry advocates (such as the BIA). In the Background section of the Program, it appears that Davey Resource Group "interviewed key urban forest stakeholders on March 23, 2017." However, a quick personal check of professional colleagues would indicate that representatives of those listed above may not have been approached. Absent a well balanced advisory committee, issues such as potential financial impacts, design issues, implementation challenges, and full interpretation of any such Program cannot be fully recognized. Any such committee should include representatives from all stakeholder groups potentially affected by the implementation of any such Program, code revision or code development.

Regarding specifics of the Program itself, please find below a list of concerns:

1. Page 12 - 17.19.030(A)(2) Vegetation - The proposed language states, "every reasonable effort shall be made to preserve existing significant trees and vegetation..." However, the term "every reasonable effort" is subjective in nature; its interpretation being a potential issue between City staff, consultants and developers. While retention of trees and vegetation may be desirable, the determination whether this code section is met by any particular applicant could lead to unintended, unforeseen consequences and potential disagreements between the applicant and staff.

2. Page 12 - 18.03.040 Significant Trees - The proposed definition of Significant Trees fails to take into consideration a distinction for unhealthy, dead, diseased, hazardous or invasive trees.
3. Page 14 - 18.13.045(B)(1)(b) Tree Survey - The requirement for an inventory of "all significant trees" does not take into consideration the fact that any particular site may have been a Christmas tree farm, with hundreds of trees originally planted for commerce. A survey of this extreme example, or any other heavily treed site, can carry with it a significant financial burden.
4. Page 15 - 18.13.045(B)(2)(d) Assessment - A tree survey is to analyze, "Recommendation for preservation or removal. The recommendation will consider proposed grading, trenching, paving, fencing and other construction plans." At the time of a Tree Survey, a development proposal will not know the extent of grading, trenching, paving, fencing or have construction plans developed. One might question how this section is to be addressed far in advance of any construction plans, let alone preliminary design, having been developed.
5. Page 15 - 18.13.050(C)(1) - A requirement for providing "a minimum of sixty (60) percent native vegetation, or drought-tolerant vegetation, and fifty (50) percent evergreen" does not allow for site or development specific landscape design requirements. Additionally, the strict interpretation of this section, for Staff to provide a finding of fact, would require a review of the landscape plan in the minutiae, adding to additional staff review time. Native vegetation, while encouraged, should be left up to the individual designer with the ability to provide other non-native ornamental, dwarf native cultivar, or other appropriate plants for any particular development. With very few exceptions, native shrubs often get too big for consideration in smaller commercial, industrial or residential developments. Additionally, with the requirement for providing irrigation, any plant material considered appropriate by a designer will survive and thrive.
6. Page 15 - 18.13.050(F) - A 5-gallon minimum size for shrubs does not take into consideration dwarf shrubs, shrubs unavailable in a 5-gallon minimum size, or other shrubs that are not typically specified in a 5-gallon or larger size. Additionally, the requirement for shrubs to have a minimum width of eighteen inches does not take into consideration shrubs that are columnar in nature.
7. Page 16 - 18.13.050(G) - The prohibition of lawn, unless approved for stormwater conveyance, will limit any particular development's ability to provide active open space areas, offer a certain aesthetic, or allow for landscape design flexibility. Additionally, the cost to install a ground cover over a large landscape area is significantly higher than lawn and lawn provides for a cleaner look, while large groundcover areas can collect trash, may not be weeded, and can result in a more "messy" look.
8. Page 16 - 18.13.051(A) Tree Density - "Net acre" is not defined. "Net acre" should be defined as the net acreage of developed area. This will take into consideration smaller portions of larger sites with other areas being undeveloped, portions of larger developed sites that are being redeveloped, building and parking lot additions, etc.
9. Page 16 - 18.13.051 Table 1: Required Tree Density - For new commercial or industrial development, should a site zoned for any such development be heavily treed, the requirement for replacing all significant trees (again, not well defined) at a ratio of three tree units for every one tree unit removed could be cost prohibitive. For example, should a small commercially zoned site of one acre (where 30 tree units per net developed acre is required) have three 36-inch caliper cottonwoods on it, 42 tree units (based on one 36-inch tree equaling 14 tree units) would be required to be replaced on the site, far exceeding the minimum 30 tree unit requirement. Additionally, the site would be challenged to accommodate 42 2-inch caliper deciduous or 5-foot tall conifer trees. This would be even more challenging for a site with even more "significant trees." Furthermore, it is unclear what the "30 Tree Units per acre" refers to regarding residential development.

10. Page 17 - 18.13.052(B) - The required Landscape, Tree and Vegetation plan is required to demonstrate an effort to retain healthy, wind firm trees. This section appears to be subjective nature, again left up to the interpretation of the applicant's consultant and City staff to determine whether this section has been met, potentially leading to disagreements.
11. Page 17 - 18.13.052(B) Mitigation and Replacement - This section is not clearly defined as it is left up to the applicant's consultant and City staff to determine whether any particular area contains an inadequate number of trees to meet minimum tree density, where trees are inappropriate for preservation, the soils are poor or there are significant invasive species. Also, it is unclear if this includes areas to be developed, or those areas to remain undeveloped. It should be noted that a tree survey, per Section 18.13.045(B)(1)(a) states, "Open space tracts to be set aside for conservation purposes do not need to be included in the survey." Based on this, there would be no objective way to determine whether "any particular area contains an inadequate number of trees." Should meeting minimum tree density only apply to net developable area, this argument is moot as it would not include those areas not slated for development and, therefore, not needing mitigation and replacement per this section.
12. Page 18 - 18.13.053 - Native Vegetation Management Plan - The requirement for a Native Vegetation Management Plan to address areas assumed to be voluntarily set aside in a development, which are not part of a critical area regulated by other sections of the Camas Municipal Code and Washington State Department of Ecology regulations, may result in developments not setting aside areas because of this additional management plan. The management plan with its 10 sections, requirement for bonding (with no basis for a bonding amount indicated), maintenance obligations and potential issues with enforcement may lead some developments to forego the retention of native vegetated areas. One other reason for this is because of the unknown costs associated with the long-term management of any such area and how that would be absorbed and enforced by any particular homeowner's association. Should this section impose additional requirements on critical areas already regulated, the costs of bonding, maintenance, or City enforcement may become unattainable, as large wetland and habitat areas may be too large to manage by a homeowners association.

The above are only a few items identified through a cursory review of the draft Program. Additionally, it was identified that the required minimum landscape requirements for certain zoning designations (previously Section 18.13.050(C)) is proposed to be removed. Not having a minimum landscape percentage reduces, and may eliminate, the certainty in how much developable land may be used for any particular development. Additionally, this would make it difficult for the City to determine how much land is available for any particular commercial, industrial or residential development, making it difficult to meet Comprehensive Plan requirements. It can be surmised that the landscape percentage has been removed from the code because the amount of landscaping to be provided in any particular development may depend upon the existing condition of the site; essentially whether the site contains trees or not. This results in an inequitable approach to landscape compliance, making it significantly more expensive to develop a treed site than a parcel that has been cleared or does not contain trees.

Regarding the requirement for providing for 30 tree units per acre for single-family development, in this designer's experience, the only way to meet the requirement is to plant trees on single-family lots, as street trees do not count toward the minimum tree unit requirements (even though the right-of-way is considered a part of the net developable area). Trees are then proposed on lots that future lot owners may not want, or may remove regardless of any covenants requiring the homeowners to keep the trees in perpetuity, which

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may then result in a significant code enforcement issue. At a minimum, street trees proposed in single-family development should count toward 1/2 of the minimum required tree unit requirement.

The subjective nature of certain elements of the Program may result in potential conflicts between City staff, the applicant or the applicant's consultants. Should these sections remain, it is suggested that a section be added to the Program to allow the Community Development Director the discretion to provide or approve reasonable alternatives to mitigation, preservation or any other standard herein for unique or significantly impacted sites.

Because of the number of issues raised above, as well as what appears to be an underrepresented ad hoc committee associated with the development of the Program, it is respectfully requested that the Planning Commission remand the Program in its entirety back to staff for further work.

Respectfully submitted,



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Olson Engineering, Inc.