



LAND USE COMMITTEE
MARCH 7, 2016
NOON
COUNCIL CHAMBERS

- 1. GATEWAY RESIDENTIAL 2 BRIEFING**
RICK WALK, COMMUNITY DEVELOPMENT DIRECTOR
(NO ATTACHMENT - VERBAL)

- 2. WOODLAND SQUARE TREE MITIGATION PLAN BRIEFING**
SARAH SCHELLING, ASSOCIATE PLANNER
(STAFF REPORT ATTACHED)



LAND USE COMMITTEE
March 7, 2016

SUBJECT: **Woodland District Replanting Plan**

RECOMMENDATION: No action required, informational only.

STAFF CONTACT: Scott Spence, City Manager *SS*
Rick Walk, Community Development Department *RW*
Sarah Schelling, Associate Planner *SS*

ORIGINATED BY: Community Development Department

- ATTACHMENTS:**
- (1) [Timeline of Events dated 2/16/16](#)
 - (2) [Mitigation and replanting plan approval letter dated 2/22/2016](#)
 - (3) [Revised Tree Appraisal from Sound Urban Forestry dated 2/18/16](#)
 - (4) [MJR Mitigation Plan Review & Approval from Sound Urban Forestry dated 2/18/16](#)
 - (5) [Overall Site Replanting Plan](#)

FISCAL NOTE: NA

PRIOR REVIEW: NA

BACKGROUND:

In July 2015, MJR Development began removing trees from parcels within the Woodland District without the proper permits in place. Since that time, MJR has been working with City Staff and the City of Lacey Forester to prepare a plan that would mitigate the impacts associated with the unauthorized tree removal in accordance with the requirements of LMC 14.28 "Tree and Vegetation Protection and Preservation". In February 2016, MJR submitted a final landscape mitigation plan that was reviewed by the City Forester, who has recommended approval. On February 22, 2016, staff issued a letter, approving the plans

allowing the applicant to begin to move forward with the mitigation plan and begin site revegetation. The attached documents provide a timeline of events, the final appraised value of the removed trees, the landscape mitigation plan and cost estimate, and the final mitigation plan approval letter.

ADVANTAGES:

1. With the approval of the mitigation plan, the applicants can now begin to repair the damage and replant the sites at 605 and 676 Woodland Square Loop.

DISADVANTAGES:

1. None identified

memo

Date: February 16, 2016

To: File 15-188

From: Sarah Schelling

Subject: Time line of Events (tree removal and replanting plan review)

- On July 27, 2015 The City stopped work at 676 & 605 Woodland Square Loop where unauthorized tree removal was occurring. MJR Development was issued a Tenant Improvement permit on March 25, 2015. The permit plans contained a landscape set with proposal for tree removal and replanting. The plans were not reviewed as part of the tenant improvement permit set. Prior to work starting the landscape plans had been revised with additional tree removal, the plans were never submitted to the City for review. The landclearing activities would require Class IV Forest Practices and Landclearing permit approval.
- The City of Lacey Forester, Kevin McFarland of Sound Urban Forestry, provided an assessment of the environmental damage that occurred with the unauthorized tree removal. The report, dated August 18, 2015 provided the appraised value of the trees removed without authorization; the value of the trees removed without authorization from 605 & 676 Woodland Square Loop based on the August 18, 2015 report was \$404,200. On August 28, 2015 the City provided a copy of the appraisal report and a letter outlining the steps necessary to move forward with mitigation and replanting.
- On October 2, 2015, MJR Development provided a response to the appraisal report, and submitted an appraisal prepared by a privately contracted forester, and a revegetation plan. The private appraisal assessed the value of the environmental damage at \$59,100.00. The response requested the following from the City:
 1. Four trees be removed from the City appraisal. Four of the trees identified on the appraisal report, trees #11, #14, #15, & #18, were included with the original tenant improvement plans and were identified as trees to be removed (The landscape plans were not review, however the plans were issued with the tenant improvement permit set). MJR argues that they should not be penalized for removal of these trees because there were included within the plans of the permit set.
 2. Review the appraisal report submitted and request that the City Forester collaborate with the private arborist to resolve conflicts within the two appraisals.

- On November 5, 2015; City Staff and Kevin McFarland met with the private arborist, Daniel Maple, to discuss the appraisal reports and next steps. The Arborists would meet on site to complete a final assessment.
- On December 2, 2015 Kevin McFarland submitted a Revised Tree Appraisal report based on the site visit; the revised appraisal is \$298,100.00. The report included the four trees that the applicant requested be removed from the appraisal. The four trees together are valued at \$58,700.
- Following review of the request and the permit material, it was determined that it is appropriate to remove the 4 trees that were included with the original permit issued on March 25, 2015. With removal of the 4 trees the total cost to mitigate the environmental damage resulting from the unauthorized tree removal is \$239,400.00.
- On December 31, 2015 MJR submitted a revegetation plan that was reviewed and revised. The final mitigation plant replacement plan and cost estimate dated January 22, 2016 showed a value of \$247,588.08 in mitigation only costs. Total cost associated with the landscape and revegetation plan, including mitigation value, is \$378,383.06.

CITY COUNCIL

ANDY RYDER
Mayor

CYNTHIA PRATT
Deputy Mayor

VIRGIL CLARKSON
JEFF GADMAN
LENNY GREENSTEIN
JASON HEARN
MICHAEL STEADMAN

CITY MANAGER
SCOTT H. SPENCE



February 22, 2016

Mark LaHaie
MJR Development
6725 116th Avenue Northeast, Suite 100
Kirkland, Washington 98033

Subject: City of Lacey File #15-188; Mitigation and Replanting Plan for 605 & 676 Woodland Square Loop

Dear Mr. Lahaie:

We have reviewed the replanting plans prepared to mitigate the environmental damage that occurred as a result of the unauthorized tree removal from the properties located at 605 & 676 Woodland Square Loop Southeast in July 2015. Based on the review of the submitted materials; the City of Lacey Forester has found the proposed mitigation plan and the cost estimate dated January 22, 2016 will mitigate the impacts associated with the tree removal.

The replanting plans are approved subject to the below conditions of approval:

1. Prior to stamped approval of the landscape plans, two revised sets of plans shall be submitted to the Community Development Department. The plans shall be revised to show the three Douglas fir trees located in the planter strip on the north side of Woodland Square Loop (shown on sheet L2-13 and on sheet L2-5) replaced with western red cedar, per the recommendations of Kevin McFarland of Sound Urban Forestry. Both sheets shall be corrected prior to final approval of the plans.
2. All plantings shall be installed during the next appropriate planting season; the replanting shall be complete no later than December 1, 2016.
3. A maintenance guarantee shall be submitted to the City of Lacey Community Development Department and shall be in the amount of 20% of the cost estimate submitted on January 22, 2016. The maintenance assurance shall be held for a minimum period of one year from the completion of the planting.

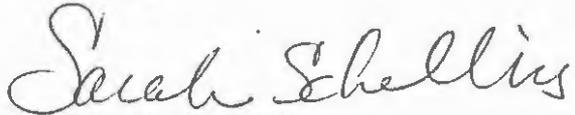
The approval of the mitigation plan is based on the following findings of fact:

1. In July 2015 the City of Lacey stopped work at 676 & 605 Woodland Square Loop where unauthorized tree removal was underway. A tenant improvement permit was issued to MJR development on March 25, 2015 for building modifications, although site and landscape plans were submitted with the tenant improvement permit package these were not reviewed as they were outside of the scope of a tenant improvement permit. Additionally, the submitted landscape plans did not cover the scope of the tree removal taking place on site.
2. Based on the scope of the tree removal a landclearing and Class IV Forest Practices permit was required. MJR submitted the required applications and a Class IV Forest Practices and Land Clearing Permit approval was issued on September 17, 2015.
3. Kevin McFarland with Sound Urban Forestry, the City of Lacey Forester, completed an assessment of the environmental damage that occurred as a result of the tree removal. The initial assessment report dated August 18, 2015 valued the overall damage to be \$404,200. The report with a letter outlining the steps to move forward, based on LMC 14.32.090, was sent to the applicant on August 28, 2015.
4. Between October 2, 2015 and January 2016 the property owner, MJR Development, hired a privately contracted arborist to review the initial assessment. Based on that review, the City Forester reevaluated the trees and updated his initial appraisal report.
5. On January 22, 2016 a final mitigation plan and cost estimate was submitted to the City of Lacey for review and approval. The final mitigation value proposed was \$247,588.08.
6. On February 18, 2016 Kevin McFarland submitted the final tree appraisal with a total value for the unauthorized tree removal of \$239,400.00. This appraisal is attached as Exhibit A. Also on February 18, 2016, Kevin McFarland submitted a mitigation plan review and approval letter to the City of Lacey. This document is attached as exhibit B.
7. All documents associated with the above described actions are on file with the City of Lacey Community Development Department.
8. The replanting plans have been reviewed in accordance with LMC 14.32.090.

When the mitigation planting plans have been updated as required in condition number 1 above, two folded paper copies of the revised plan shall be submitted for stamped approval; work associated with the replanting plan will be authorized after review and stamped approval of the final landscape/mitigation plans.

If you have questions or concerns you may contact me at 360.438.2689 or by email at sschelli@ci.lacey.wa.us.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Schelling".

Sarah Schelling, AICP
Associate Planner

Attachments: Exhibit A – Revised Tree Appraisal dated 2/18/16
Exhibit B – Mitigation Plan Review & Approval dated 2/18/16

Cc: Rick Walk, Director of Community Development
Kevin McFarland, Sound Urban Forestry
Christian LaRocco, MJR Development

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SOUND URBAN FORESTRY, LLC

Appraisals, Planning, Urban Landscape Design and Management

City of Lacey

Sarah Schelling, Associate Planner

420 College St. SE

Lacey, WA 98503

RE: Case #15-188 (The Quad Office Buildings) Revised Tree Appraisal

Date: 2/18/16

Introduction

Upon the request of the City of Lacey, I present the following appraisal information for the tree removals within The Quad Office Buildings complex. This report is a revision to the original submitted to the City dated 8/18/15. This latest appraisal total is based on the omission of four tree removals (#11, 14, 15 & 18) that have been determined they were permitted as part of a tenant improvement plan.

Site Description

My assessments took place within 676 Woodland Square Loop SE (parcel #84990002200) and 605 Woodland Square Loop SE (parcel #8499000200). These properties have also been described as The Quad Office Buildings and the western building. The sites are within a commercial area of Lacey, Washington and were previously developed in the mid-1980's.



Inventory of Removed Trees

The data presented within the original report regarding my inventory of the removed trees remains unchanged.

Method of Plant Appraisal

I utilized the *ISA Trunk Formula Method* in determining the appraised value for all 26 trees. This method is defined as:

“When appraising a tree that is too large to replace, the Basic Value is obtained by adding the Replacement Cost of the largest available transplantable tree to the increase in value of the appraised tree when compared to the size of the replacement tree. The value of the difference in sizes is based on the Basic Price (cost per unit trunk area) of the replacement tree and the Species of the appraised tree. Trees are assigned a regional Species rating which is based on characteristics such as ornamental features and maintenance requirements. The Basic Value is then adjusted by the appraised tree’s Condition and Location (an average of Site, Contribution and Placement) ratings to obtain the tree’s Appraised Value.”

Discussion of Appraisal Revisions

In discussing my appraisal values with staff and Mr. Maple, I had the opportunity to reassess the site and my determinations related to the trees’ conditions, locations and risk factors. As a result, I have adjusted the condition and location ratings (particularly the site and placement factors) as part of the trunk formula method.

My site visit with Mr. Maple on November 12, 2015 involved drilling into several stumps of the removed trees and a discussion of Schweinitzii Butt Rot. This led me to adjust the condition ratings for certain trees. This site visit also gave me the opportunity to reevaluate the two properties, 676 and 605 Woodland Sq. Loop SE. At the time of the tree removals, the campuses and buildings were not at a well maintained level. This has led me to adjust the site ratings. Additionally, based on the damage to some of the surrounding infrastructure, I have made adjustments to certain placement ratings.

Appraisal Calculations

The following values have been determined from my evaluations, The Guide for Plant Appraisal the official publication of the International Society Arboriculture (ISA) – Ninth Edition and the Thurston County website (aerial photograph).

Table 1. Trunk Formula Appraised Value for 676 Woodland Sq. Lp SE

Tree #	*Species Rating (%)	Tree Condition Rating (%)	Tree Location Rating (%)	Appraised Value
5	75	60	80	<i>\$18,000.00</i>
6	75	60	67	<i>\$15,900.00</i>
7	75	60	63	<i>\$9,200.00</i>
8	75	30	63	<i>\$7,500.00</i>
9	75	60	72	<i>\$17,100.00</i>
10	75	70	70	<i>\$15,500.00</i>
				<i>TOTAL = \$83,200.00</i>

*Assigned by the Pacific Northwest chapter of the ISA

Table 2. Trunk Formula Appraised Value for 605 Woodland Sq. Lp SE

Tree #	*Species Rating (%)	Tree Condition Rating (%)	Tree Location Rating (%)	Appraised Value
1	75	60	63	<i>\$13,500.00</i>
2	75	75	70	<i>\$14,800.00</i>
3	75	50	47	<i>\$14,400.00</i>
4	65	70	73	<i>\$7,400.00</i>
5	75	70	47	<i>\$8,600.00</i>
6	75	70	67	<i>\$9,800.00</i>
7	75	75	63	<i>\$15,900.00</i>
8	75	75	67	<i>\$16,900.00</i>
9	75	50	70	<i>\$13,200.00</i>
10	75	75	70	<i>\$17,700.00</i>
11	75	75	63	<i>\$18,700.00</i>
12	70	80	53	<i>\$5,300.00</i>
				<i>TOTAL = \$156,200.00</i>

Total Appraised Value for removed trees is \$239,400.00

Separate Appraised Values for 676 Woodland Sq. Lp SE

The following table presents the values of trees that were approved for removal based on my assessment. These are trees that were still standing during my first site visit and removed after the meeting at City Hall. The approval was founded on information provided by Christian LaRocco and related to the proximity to buildings, long term maintenance issues, conflicts with infrastructure and the new design.

Table 3. Appraised Value of Selected Trees within 676 Woodland Sq. Lp SE

Tree #	*Species Rating (%)	Tree Condition Rating (%)	Tree Location Rating (%)	Appraised Value
1	75	65	63	\$11,500.00
2	75	65	60	\$9,500.00
3	75	70	63	\$17,500.00
4	75	70	63	\$19,200.00
12	75	65	73	\$17,900.00
13	75	70	67	\$14,800.00
16	75	70	72	\$15,900.00
17	75	70	72	\$19,000.00
				TOTAL = \$125,300.00

Discussion of the Applicants Appraisal Report

There are several issues that I have with Mr. Maples report and his methodology. The main one being his choice not to utilize the industry's standard unit tree cost as listed in the ISA 2007 Species Ratings for Landscape Tree Appraisal, 2nd Edition, as part of his trunk formula calculations. He used a quote from a nursery for a 6" diameter Douglas fir rather than the largest commonly available tree, which is 3" according to the regional committee's factor. Using a 6" tree impacts the other appraisal factors such as wholesale median tree cost, installation cost and unit tree cost. Mr. Maple calculated his own unit tree cost which is significantly lower than the industry standard. The unit tree cost provided by the Committee for a 3" tree is \$57 while he applied \$24.43.

I question his numbers related to the cost of a tree and installation. I emailed him on November 19th to inquire about his installation cost, which is listed as \$324 per tree. I asked whether the cost includes transport, planting, monitoring, a warranty and reasonable profit. He responded with information including delivery and standard profit and a new unit tree cost of \$42.27 (opposed to the prior \$24.43). This new amount would void all of his appraisal calculations.

I have found discrepancies with his appraisal calculations as presented on page 2. For example, with Trees #3 and #6 at 676 Woodland Sq. Loop, his Installed Tree Cost (\$684) is not shown or added into the calculation. This would have a significant impact. With Trees #1, 2, 7, 8, 10 and 11 at 605 Woodland Sq. Loop, his Unit Tree Cost is shown as \$24.72 as opposed to the \$24.43 previously used. This is not a huge difference but it shows inconsistencies.

Mr. Maple has placed a great deal of emphasis on his risk assessments and subsequent condition ratings as a determining part of the monetary values for the removed trees. I disagree with his ratings, mainly for his moderate and high risk ratings due to the presence of wood decay. This decay was caused by Schweinitzii Butt Rot (*Phaeolus schweinitzii*). My observations were that the trees were healthy and had compartmentalized the infections. The stumps exhibited good diameter growth, likely due to the soil type in the area and the available rooting depth. I believe the trees experienced root damage during the site development but the rate of infection and degradation of interior wood has been slow relative to the approximate time it occurred. The majority of the trees show greater than 33% shell wall thickness around the infection zones. The soil type (Indianola loamy sand) has allowed for optimum growth and rooting and I believe that less than 10% of the infected trees' roots have been affected. Again, it is my opinion that the trees had maintained their structural integrity within their trunks and structural roots. The disease would not lead to imminent total root or stem failure as Mr. Maple has stated. The identified trees do not show signs of advanced infections and therefore should not be considered moderate or high risks. The life spans of these trees are much longer than what he has presented.

Support for Appraisal

I support the appraised values of the trees based on the multiple benefits that they provided prior to the removals. The trees contributed to the local environment in many ways such as providing aesthetics, shade, interception of rainfall, wildlife habitat, fruit and sound visual buffering.

Certification of Appraiser

I certify that the City of Lacey has retained my services to provide the appraised values for 30 trees removed from the identified properties. I have no present or prospective interest in said properties. I have personally examined the properties, stumps and some of the trees. The fee for this appraisal and associated work is not based upon the amount reported. To the best of my knowledge and belief, the statements and opinions here are correct, subject to any limiting conditions set forth. By reason of my investigation and professional experience, I have been able to form an opinion of the values of the trees.

Professionally Submitted,

A handwritten signature in black ink that reads "Kevin M. McFarland". The signature is written in a cursive, flowing style.

Kevin M. McFarland, Principal
City of Lacey Contracted Tree Protection Professional
ISA Certified Arborist PN-0373 & ISA Tree Risk Assessment Qualified

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SOUND URBAN FORESTRY, LLC

Appraisals, Planning, Urban Landscape Design and Management

City of Lacey

Sarah Schelling, Associate Planner

420 College St. SE

Lacey, WA 98503

RE: Case #15-188. MJR Mitigation Plan Review & Approval

Date: 2/18/16

Introduction

Upon the request of the City of Lacey, I present the following review and comments related to MJR's revised revegetation plan dated January 20, 2016 and their final mitigation plant replacement plan and cost estimate dated January 22, 2016. In addition to the submitted plans and cost estimate review I have been informed that the City of Lacey has determined that appraised Trees #11, 14, 15 and 18 shall be omitted from total appraisal value for environmental damage. These trees were part of the tenant improvement plans that were previously approved and permitted.

Findings

My review of the latest revision of the revegetation plan indicates that previous edits were addressed with the exception of 3 Douglas fir trees identified for planting within the 605 Building parking lot landscape bed.

With the omission of the four previously mentioned trees from the tree value appraisal calculations, the total mitigation cost has changed. I have included along with this letter a revised landscape tree appraisal report. The revised total appraised value of the unauthorized tree removals is \$239,400.00.



Comments

It is my understanding that MJR intends to edit the revegetation plan regarding the 3 Douglas fir trees and the requested western red cedar substitutions.

MJR's final mitigation plant replacement plan and cost estimate dated January 22, 2016 presents a mitigation value of \$247,588.08. This exceeds the revised total appraised value presented within the Woodland Square Loop Tree Appraisal Report dated 2/18/16.

The latest revegetation plan and the mitigation value presented by MJR is acceptable.

Professionally Submitted.

A handwritten signature in black ink that reads "Kevin M. McFarland". The signature is written in a cursive, flowing style.

Kevin M. McFarland, Principal
City of Lacey Contracted Tree Protection Professional
ISA Certified Arborist PN-0373 & ISA Tree Risk Assessment Qualified



INITIAL DESIGN BY:
Drumbaugh and Associates

RE-DESIGNED BY:
Brandon Olson
BLA LEED AP

PROJECT
The Quad Office Buildings
MUR Development- Lacey, WA

DATE:
12/7/2015

REVISIONS:
01/20/16

JOB #

CONSULTANT



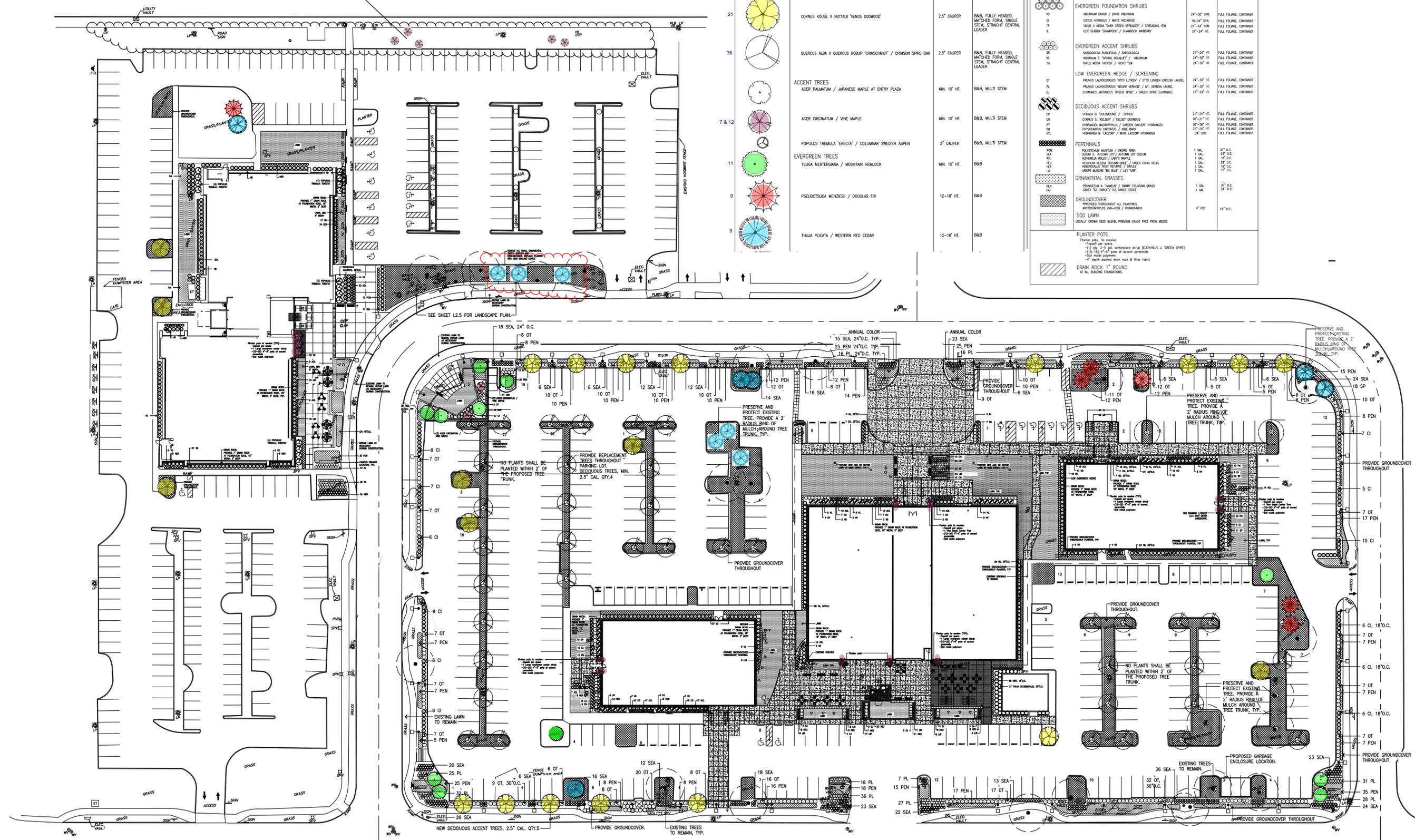
SHEET

L 2-13

Location TBD after ivy removal utility locations confirmed Existing rhododendron removed.

SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE	NOTES
PLANT LEGEND			
PARKING ISLAND AND PERIMETER TREES			
	CORNUS KOXE X NUTTALLI 'VENUS DOWNWOOD'	2.5" CALIPER	B&B, FULLY HEADED, MATCHED FORM, SINGLE STEM, STRAIGHT CENTRAL LEADER
	QUERCUS ALBA X QUERCUS ROBUR 'CRIMSON SPICE OAK'	2.5" CALIPER	B&B, FULLY HEADED, MATCHED FORM, SINGLE STEM, STRAIGHT CENTRAL LEADER
ACCENT TREES			
	ACER PALMATUM / JAPANESE MAPLE AT ENTRY PLAZA	MIN. 10" HT.	B&B, MULTI STEM
	ACER ORCINATUM / VINE MAPLE	MIN. 10" HT.	B&B, MULTI STEM
	POPULUS TREMULA 'ERECTA' / COLUMNAR SWEDISH ASPEN	2" CALIPER	B&B, MULTI STEM
EVERGREEN TREES			
	TSUGA HERTZSOWNA / MOUNTAIN HEMLOCK	MIN. 10" HT.	B&B
	PSEUDOTSUGA MENZIESII / DOUGLAS FIR	12-18" HT.	B&B
	THUJA PLICATA / WESTERN RED CEDAR	12-18" HT.	B&B

	EVERGREEN SCREENING/ACCENT SHRUBS THUJA OCCIDENTALIS / AMBOINSE MIN. 30" SPL. 8" HT. FULL PLANT, CONTAINER
	EVERGREEN FOUNDATION SHRUBS VIBURNUM SPICE / SAUND VIBURNUM 24"-30" SPL. FULL PLANT, CONTAINER
	EVERGREEN ACCENT SHRUBS SARCOCODON DROGEBILA / SARCOCODON 21"-24" HT. FULL PLANT, CONTAINER
	LOW EVERGREEN HEDGE / SCREENING PRUNUS LAUROCEGUS 'OTTO LINDNER' / OTTO LINDNER ENGLISH LAUREL 24"-30" HT. FULL PLANT, CONTAINER
	DECIDUOUS ACCENT SHRUBS SPRENGER'S YEW / SPRENGER'S YEW 21"-24" HT. FULL PLANT, CONTAINER
	PERENNIALS POLYSTERISMA MONTANA / SWISS FERN 1 GAL. 30" O.C.
	ORNAMENTAL GRASSES Pennisetum A 'TANIELY' / DANCE FOUNTAIN GRASS 1 GAL. 30" O.C.
	GROUND COVER MIRICA THALICTRIUM / MOUNTAIN MANDARIN 1 GAL. 24" O.C.
	SOD LAWN LOCALLY GROWN SEED BLEND, PREMIUM GRADE FREE FROM WEEDS 4" POT 18" O.C.
	PLANTER POTS Planted with the following: - 10" dia. 2-2" gal centerpiece shrub (CORONILLA A 'GREEN SPIRE') - (10-15) 4" x 4" pots of accent perennials - 2" gal shade container - 2" depth mulch drain rock & filter fabric
	DEBRIS ROCK 1" ROUND AT ALL BUILDING FOUNDATIONS.



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