

City of Lynnwood
PLANNING COMMISSION MEETING MINUTES
October 26, 2000

CHAIR JOHNSON (absent)
COMMISSIONER FERGUSON
COMMISSIONER HUDSON
COMMISSIONER OLSON (absent)
COMMISSIONER POWERS
COMMISSIONER TEMPLES
COMMISSIONER TENO

DIRECTOR CUTTS
PLANNING MANAGER HOUGH
SENIOR PLANNER LEWIS
PUBLIC WORKS DIRECTOR VLCEK
PUBLIC WORKS MANAGER FRANZ
OTHER PUBLIC WORKS STAFF
MEMBERS OF THE PARKS BOARD

SUMMARY OF THE OCTOBER 26, 2000, MEETING MINUTES

Joint Meeting – Parks & Recreation Board

The Commission met with the Parks and Recreation Board for two hours to discuss the Tree Preservation Ordinance and options thereto. The Commission will consider proposed changes that will be generated by staff and eventually recommend Council action.

Municipal Urban Growth Areas (MUGA) Process Update

Community Development Director Cutts gave an update on the MUGA process and asked the Commission for suggestions to take to Council.

Washington State APA Conference – informal discussion

Planning Manager Hough advised the Commission that an informational packet was included in their folders. If, after reviewing the packet, they would like further information, he invited them to contact him.

JOINT MEETING – Planning Commission and Parks & Recreation Board

A. CALL TO ORDER

The Joint Meeting of the Planning Commission and Parks & Recreation Board was called to order at 7:30 p.m.

B. WORK SESSION

The following Park Board Members were in attendance: Cathy Agbalog, Nick Adlrich, Bob Brown, Frank Cammarano, Francis Murphy. Staff members from Public Works in attendance: Director Bill Vlcek, Sue Mayor, Ana Chesterfield, Jared Bond, Bill Franz, and Dan Richardson.

Item B-1: Tree Preservation Ordinance

Public Works Director Vlcek introduced his staff members and briefly described their roles in the preservation of trees and related permitting and code enforcement. Bill Franz, Project Manager, itemized the agenda items to be discussed regarding the Tree Preservation Ordinance: 1) provisions of the Ordinance as currently written; 2) tree permitting process/construction sequence; 3) enforcement/compliance measures; 4) lessons learned; 5) permit statistics; and 6) open discussion.

Jared Bond, Engineering Technician, gave a presentation outlining the following:

Tree Ordinance Provides	Tree Ordinance Does not Provide
<ul style="list-style-type: none">• Limited means to control and manage retention and/or loss of trees on site• Gives single family residential owner right to remove any tree• Rules that apply only to certain trees• Rules that make it illegal to injure or kill a tree• Limited means of enforcement for staff	<ul style="list-style-type: none">• A way to stop all cutting or clearing of site• Controls over single family residential tree removal• Rules that apply to every tree• Rules that regulate tree care, maintenance, or pruning• Regulation of tree removal in every situation through enforcement

Engineering Technician Bond then described the permitting process stating that a permit is required for removal of trees from private property – unless exempted for any of the following: developed single family residential under 16,000 s.f.; commercial or horticultural properties; public rights-of-way; diseased, dead or dying trees; or hazard to life or property. He then outlined the permitting process stating the requirements, considerations, conditions of approval and conditions of denial. In addition to the above, he also outlined enforcement measures and the consequences of violating the Ordinance that include, but are not limited to, Notice of Violation, payment of permit for tree(s) removed; mitigation at a suitable ration, civil penalties or criminal enforcement. In conclusion, Engineering Technician Bond stated that the lessons learned implementing this process were: 1) considerable staff time is spent during platting process to save trees, only to have them removed when transferred to private ownership; 2) hard to save trees with current zoning code (8,400 s.f.); 3) smaller, younger trees are most likely to still remain 10 years after development; 4) the public is split on whether or not to save trees -- some wanting forested open-space while others don't want trees next to their house. In addition, Public Works is faced with requests by homeowners to remove trees prior to the project being transferred to single family residence. This cannot be done at the present time, unless the trees are exempt, due to the Ordinance. He added that the department pushes no-cost permits so they are aware of trees being removed and they have found that in most cases, fining is not the best course of action to achieve compliance. Engineering Technician Bond provided a statistical presentation of the numbers of trees originally saved and the numbers still in existence at various developments throughout the city over the past 10 years.

The meeting was then opened for discussion:

Planning Commissioner Teno asked who decides whether a tree is a hazard. Public Works Director Vlcek replied that Public Works would hire an arborist to make that determination.

Planning Commissioner Temples asked for background on the tree species that are exempt from the Ordinance (Black Locust, Cottonwood, Alder, Willow, Silver Maple, Chokecherry). Engineering Services Manager Harry Dahm replied that the Ordinance was created through a committee process that included an arborist, citizens, activists, council members, Planning Commissioners, and other staff.

Arnie Knudson, P.O. Box 3265, asked for clarification on the replacement trees and whether or not sometimes trees are required to be replaced two or three to one. Project Manager Franz replied that Public Works has been requiring replacement at that level for a few years, but that does not include the exempt trees, and is a case-by-case basis. This only applies to significant trees.

Planning Commissioner Hudson asked about tree preservation with regard to commercial projects. Engineering Technician Bond replied that there is a higher percentage of loss in commercial developments, especially if they involve large paved areas.

A comment from the audience spoke to the situation at 188th & Highway 99 that is being clear cut and believes this has been clear cut two and possibly three times. There is no evidence of development on this site and he does not feel they should be allowed to take out anything that is existing. Project Manager Franz responded that there were no significant trees on this lot and nothing in the Ordinance to prevent the trees being taken out.

After public discussion, the meeting was opened for discussion between the Parks Board and the Planning Commission.

Planning Commissioner Hudson stated he would like to hear staff's recommendations before the meeting closes.

Parks Board Member Cathy Agbalog:

1. Asked for a definition of the native growth protection areas. Are they identified somewhere? Project Manager Franz responded that it is not part of the Tree Ordinance but is part of the Sensitive Areas Act. In those areas, usually all trees are protected no matter what type. Parks Board Member Agbalog then asked if those areas are posted as protected areas. Project Manager Franz replied that there are monuments, fences, and at least one sign per lot stating a native growth area is present and do not disturb. Public Works Director Vlcek added that this information is also recorded on the lot and title.
2. Agbalog related her experience and understanding of zoning and concerns about transitional zones such as commercial to single family with buffers that allow for green belts where trees, shrubs, etc. can be planted. She asked if that could be incorporated into the Ordinance. Community Development Director Cutts responded that this frequently occurs between single family and light industrial transitional areas and did not know what the footage requirement was. He offered to check respond at a later date. He also stated that tree planting is required between single family and light industrial.

Parks Board Member Bob Brown said he would like to see more trees preserved in subdivisions and would like to know what criteria is used to define which trees are saved. He suggested working with the homeowners to save trees and replant. Public Works Director Vlcek responded that they have attempted to do this, but each case is different.

Parks Board Member Nickle expressed his concern that there should be some provision to protect the sunlight where solar heating is being used. He's not anti-tree, but pro-sunshine.

The following items were offered by Public Works' staff with regard to changes/improvements of the Ordinance:

Project Manager Franz:

1. Staff should not work as hard to save trees that are borderline in areas that are either going to blow down, become a danger to the property, or seen as a threat. It makes more sense to allow more trees to come down in the beginning and put more emphasis into planting the site. It may be possible to establish a fund which the owners may use to plant the types of trees they want. Public Works Director Vlcek added that if funds were not exhausted from this source, the monies might go to Parks and Recreation to plant trees in parks or open space areas.
2. One option is . . . when the plat is first being constructed, not allow all the trees to come down at first, but keep as many trees as possible. The trees will come down later when the house is being built. This lessens erosion and run off. However, this would not be a popular choice for the developers as it costs less to take them down in the beginning. Even so, this should be considered as an option. Engineering Services Manager Dahm added this would increase the cost of construction which would be passed on to the homeowner.

3. Civil fines readily available and useable to Public Works. Public Works Director Vlcek added that staff works with the public to resolve the issue and bring it into compliance. In some cases the offender defies the regulations and the fine is used as a leverage to come in to compliance.

Public Works Director Vlcek:

1. One way to save more trees is to make the lots bigger, which goes against growth management.
2. Another possibility is to allow clustering of homes with more options for the plats to be laid out. The downside is that the lots appear to be less than our current minimum size.
3. The biggest policy issue is whether energy is spent up front and save the trees or put the energy into replanting issues after the fact. If you want to see trees in the development long-term, it might be beneficial to think about replanting after the homes are built.

Engineering Technician Bond:

1. A recommendation was to provide tree grants so funds would be available.

After receiving the recommendations from staff, Acting Chair Temples stated that the Commission will forward a recommendation to the Council regarding how to modify the Ordinance. He then stated that another joint meeting could then be held after the recommendations have been received. Public Works Director Vlcek added that it would be agreeable to staff if the Boards want to have a working committee and meet with Public Works and other interested parties regarding this matter and open the meeting up for comments and concerns.

C. ADJOURN JOINT MEETING

The joint Planning Commission and Parks & Recreation Board meeting was adjourned at 9:13 p.m.

PLANNING COMMISSION MEETING

A. CALL TO ORDER

The Planning Commission Meeting was called to order at 9:23 p.m.

B. APPROVAL OF THE SEPTEMBER 27, 2000, MEETING MINUTES

Commissioner Hudson moved, seconded by Commissioner Teno, to approve the September 27, 2000, minutes. Motion passed unanimously and the minutes were approved.

C. CITIZEN COMMENTS – None

D. PLANNING COMMISSION MEMBER DISCLOSURES – None.

E. PUBLIC HEARINGS – None.

F. DIRECTOR'S REPORT

Planning Manager Hough reported that Comprehensive Plan public hearing #4 on the Capital Facilities & Utilities and Implementation Elements was held on Oct. 23. It went smoothly with only two minor questions from Council members. The final hearing will be on Nov. 13.

G. WORK SESSIONS

Item G-1: Municipal Urban Growth Areas (MUGA) Process Update

Community Development Director Cutts updated the Commission on developments regarding the MUGA process and asked for ideas or comments that he could pass along to the City Council. He outlined the process the County and Cities are undertaking to resolve overlaps in Urban Growth Areas and explained the various alternatives with regard to the boundaries affecting Lynnwood.

Commissioner Powers asked:

1. How will this process work out with the Growth Management Act and the 60/40 split (referring to the City Council's 1999 housing policy)? Director Cutts responded that it would not work well in some of the areas because of the number of multi-family residences that already exist or are under construction, but other areas may balance out.
2. Is there any financial situation that would impact the cities? Director Cutts responded that there would be revenues and expenditures, but that the revenues would be limited due to a high percentage of residential areas.

After discussion between staff and Commissioners, and based on the information available to date, the Commission generally recommended an Urban Growth Area with boundaries extending north to 148th Street; south to Larch Way and the City limits of Brier, and including the "white area" south of 204th Street; and east to Larch Way, Locust, and Larch Way again north to Martha Lake; around the west side of the lake following Meadow Road north to 148th Street.

G-2: Washington State APA conference – informal discussion

Planning Manager Hough advised the Commission that information was included in their packets from the State APA Conference in Yakima. Also, copies of selected documents obtained by Commissioner Powers at the Spokane Housing Conference were in their mail folders for review at their leisure. If, after reading the materials, any one had questions or would like to discuss any of the subjects further, they should advise Hough and he will include it as a discussion item for the next meeting.

H. NEW BUSINESS

Commissioner Hudson asked for an update on the budget process. He recalled periodic updates on the budget from past years. Planning Manager Hough reminded the Commission that they receive updates on the Capital Facilities Plan every year and held a hearing on those annual adjustments. Director Cutts added that updates could be provided. He then provided the Commission with a brief update of the current status of the budget.

Commissioner Teno asked staff about the status of the code amendment for residential variances. Planning Manager Hough responded that Current Planning Manager Garrett expects to bring a draft to the Commission at the first meeting in December.

I. OLD BUSINESS – None

J. INFORMATION ITEMS

Item J-1: Upcoming Commission Meeting Agendas

Planning Manager Hough advised the Planning Commission of the following:

- ✓ November 6 – City Council will conduct a "special meeting" to conduct hearings on the 204th Street Annexation and the College District Plan. This is the first hearing on the College District Plan since the Planning Commission's recommendation in May. If the Council rejects the recommendations, it will require land use changes to the Comprehensive Plan.

- ✓ November 8 – A joint meeting of the Planning Commission and Public Facilities District Board regarding the CBD Visioning process. This meeting will take place at 7:00 p.m. at the Fire Station. A separate notice will be mailed regarding this meeting.
- ✓ November 9 – Regular Planning Commission meeting. The Heritage Park Annexation Plan/Zoning matter is scheduled for public hearing. This may be the only Planning Commission meeting in November. The fourth Thursday falls on Thanksgiving.
- ✓ November 13 – City Council's final scheduled public hearing on the Comprehensive Plan. Staff will give an overview presentation and testimony will be invited on all elements.
- ✓ November 27 – City Council's only scheduled meeting for deliberation on the Comprehensive Plan proposals. Because of the amount of material to cover, issues to discuss and decisions to be made, staff has asked for at least one additional work session prior to December 11.

Commissioner Temples asked if there was any merit to Commissioners attending the City Council meetings. Planning Manager Hough replied that, since the Council is considering the Planning Commission's recommendations, it's very appropriate for Commissioners to testify in support of their recommendations at the hearing, or to be available to respond to questions.

A. ADJOURNMENT

Commissioner Teno moved, seconded by Commissioner Hudson, to adjourn. The motion carried and the meeting adjourned at 10:16 p.m.

Dave Johnson, Chair