

City of Lynnwood
PLANNING COMMISSION MEETING MINUTES
July 12, 2001

CHAIR TENO
COMMISSIONER BIGLER
COMMISSIONER HUDSON
COMMISSIONER JOHNSON
COMMISSIONER OLSON
COMMISSIONER POWERS

SUMMARY OF THE JULY 12, 2001, MEETING MINUTES

Tree Preservation Ordinance

Engineering Development Services Manager (EDSM) Bill Franz, Public Works, briefly discussed the draft Tree Preservation Ordinance. Discussion followed.

Zoning Code Amendments

Planning Manager Hough spoke briefly on the progress of the Zoning Code Amendments.

A. CALL TO ORDER

The meeting was called to order at 7:30 p.m.

B. APPROVAL OF MINUTES – Meeting of June 28, 2001

Commissioner Johnson, seconded by Commissioner Bigler, moved to approve the June 28, 2001 minutes. Motion passed unanimously.

C. CITIZEN COMMENTS – None

Former Chair Robert Temples was presented a plaque by the Commission in honor of his service to the City of Lynnwood while serving on the Planning Commission.

D. PLANNING COMMISSION MEMBER DISCLOSURES – None

E. PUBLIC HEARING – None

F. DIRECTOR'S REPORT:

Planning Manager (PM) Hough reported on the following City Council meetings:

- July 9 – Fourth hearing on Plan/Zone Consistency – final set of sites.
- July 11 – Fifth hearing on Plan/Zone Consistency – reviewed “overflow” sites.
Work session on 60/40 housing ratio and definitions.
- July 16 – Upcoming discussion of Single-family Mitigation
- July 23 – Upcoming discussion on 60/40 Housing Ratio and
Continued public hearing on the DSP Rezone
- July 30 – Final deliberations on Plan/Zone Consistency before Sept. 10 hearing.

PM Hough added that the Council has appointed a three-member committee to oversee the mitigation work plan process.

G. WORK SESSION

G-1: Tree Preservation Ordinance Amendments

Engineering Development Services Manager (EDS) Bill Franz, Public Works, briefly explained the documents contained in the Agenda packet. He added that a two-page questionnaire about the proposed tree ordinance was sent to approximately 20 people, but very little response has been received. He added that a joint Parks Board and Planning Commission Public Hearing would be held August 9 to discuss the Tree Preservation Ordinance.

Commissioner Johnson presented a case study of how tree preservation was handled in a small residential development in his neighborhood. From his experience, he offered noted weak points in the process and suggested changes that might improve the proposed tree ordinance. Johnson was concerned about inconsistencies between the Comprehensive Plan and Section 21.08 of the Zoning Code that excludes or prohibits developers from removing trees to achieve reasonable economic use under the current Zoning Code. He suggested the following changes to the draft proposal:

- Section 17.15.030 INTENT AND PURPOSE - Johnson does not agree that a Tree Preservation and Protection Code should address removing, replanting, or replacing since those activities are not consistent with “preserving” and “protecting” existing trees. Agrees that Items F, H, J, K, and I work well with the adopted 1995 Comprehensive Plan.
- Section 17.15.070
 - B. Site Inspection: Insert the following after “Upon receipt of the application,” “and as part of the approval process, adjoining/adjacent property owners will be notified as it relates to tree removal, that a comment period will be provided for affected property owners and an appeals process provided through the Hearing Examiner.”
 - C. 2. “... the proposed improvements to allow a balance between reasonable economic use, the Comprehensive Plan, and the intent and purpose of the Code.”
 - C. 5. g (A new topic) “The City will determine whether tree removal defined under Section 17.15.040, DEFINITIONS, will adversely affect adjacent property owners using the best science available, and based on its findings, require the developer to obtain a bond sufficient to indemnify the affected injured party.”
- Section 17.15.090
 - C. Civil Remedies and Penalties – Any person who removes or causes removal of a significant tree...”
 - C.2. Change “... the City may assess civil penalty fine,” to “... the City will assess civil penalty fine,”

Commissioner Bigler expressed his agreement with Commissioner Johnson’s position, but would like a two-tier ordinance – one applying to developers and one to homeowners.

EDSM Franz explained that the focus now is on replanting because with urban development, it is very difficult to save trees due to damage occurring during the development process.

Commissioner Powers asked if the City currently has an arborist. Franz replied that the city does not have an arborist, but that the City could employ or contract for services as outlined on page 3.

Arnie Knudson, PO Box 325, Lynnwood – Mr. Knudson asked whether or not there was language in the current ordinance that would prevent clear cutting property with no intention of development. Franz replied that such language is in the proposed ordinance.

Commissioner Bigler asked if any input has been received from single-family residents relating to the expense this ordinance would put on them. EDSM Franz replied that there was much input during the recent Parks Board meeting.

Commissioner Hudson had the following comments/questions:

- He had requested an estimate of the cost to administer/enforce the program at a previous meeting but had not received a reply.
- Inquired whether trees that were classified as a qualified, significant tree were the only ones requiring a permit to remove. EDSM Franz responded that every tree would require a permit; however, non-significant trees would be exempt from the bond.
- Suggested a variable in the diameter of the trees that can be removed depending on their species.
- Asked that the dollar amount for mitigation be included in the ordinance. EDSM Franz explained that was not included because the fees are routinely increased and it would be difficult to find all references to fees if they are published in more than one document.
- Consider liability if an arborist has stated that a tree is healthy and should remain and then for some reason, damage occurs (i.e., storm blows it down).
- Asked about the bond posting requirements – resident has incurred the cost of the trees and 125% of the replacement cost to be held by the City for a determined number of years. EDSM Franz advised this was a requirement of the Council and feels it would be very time consuming tracking these bonds relating to single-family residences.
- Does not agree with the exemption allowed for the City or other governmental agencies.
- Requested additional text to speak to classification of “a tree worthy of preservation.”

Commissioner Powers had the following comments:

- Section 17.15.070.C – Considerations: Feels that the “the City may...” is not strong enough. Should be stronger.

EDSM Franz offered to meet with Commissioners to further discuss the current code and background, as well as the proposed changes.

Chair Teno stated that he opposes any type of fee relating to tree removal for individual single-family homeowners in the City of Lynnwood. He feels that not everyone wants to retain trees. Some people prefer a yard that is more sunny and open. Imposing fees would limit homeowners wanting to remove trees for personal reasons such as more sunlight, a view or open space.

In response to the Commissioners’ comments and suggestions, EDSM Franz stated all comments will be taken under considerations and options will be drafted for public comment.

G-2: Zoning Code Amendments – Continued Discussion

Planning Manager Hough reported that State law requires an update of land use regulations by September 2002. Our current Zoning Code was developed in the late 1960s. Although a number of minor changes have been made over the years, the code is badly in need of an overhaul. The Community Development Dept. had planned to do much of this work during 2001. However, the continued work on the Comprehensive Plan Update, Consistency Program, Moratorium and other projects have delayed the code review. More information will be provided to the Commission when we have a better idea of how much work the codes really need and how to proceed with that major task.

H. NEW BUSINESS – None

Commissioner Hudson recalled that City Council went on record that their goal was to have preliminary approval of the Comprehensive Plan by September. He suggested that a letter be drafted from the Commission that points out the Commission’s disappointment with City Council’s failure to act on the College District Plan and Comprehensive Plan recommendations, and have it read into the record of an upcoming City Council public hearing. A letter will be drafted and circulated for review and comment by the Commissioners prior to the next meeting.

I. OLD BUSINESS – None

I-1: Highway 99 Erosion Control Measures

EDSM Franz referred the Commission to the memo in their packet and stated that Public Works is committed to ensure that development in Lynnwood meets all codes and regulations and is environmentally sound. He appreciates being notified of existing conditions violating the codes and regulations.

Commissioner Bigler responded that he raised this issue at the Planning Commission meeting because he had not received a response from the Public Works Department. He hopes in the future to communicate to Public Works violations he is made aware of in the city. Planning Manager Hough added, after speaking with Community Development Director Cutts and Senior Planner Eastin, that it is appropriate for the Commission to request staff or the Environmental Review Committee to review on-going violations and staff will follow up on such requests.

Referring to the May 14th Planning Commission meeting, Commissioner Hudson asked about the status of a request made that Public Works provide a priority list of projects based on need vs. fund allocations. Planning Manager Hough offered to follow-up on the request and keep the Commission advised.

J. INFORMATION ITEMS

J-1: Upcoming Commission Meeting Agenda

Planning Manger Hough distributed and discussed the following items for the Commission's review:

- Moratorium Work Plan
- Mitigating the Loss of Single-family Housing
- Recent Housing Development in Puget Sound Cities

K. ADJOURNMENT

Commissioner Johnson, seconded by Commissioner Bigler, moved to adjourn. The motion passed unanimously and the meeting adjourned at 9:45 p.m.

Mick Teno, Chair