

City of Lynnwood
PLANNING COMMISSION MEETING MINUTES
August 9, 2001

CHAIR TENO
COMMISSIONER BIGLER
COMMISSIONER HUDSON (absent)
COMMISSIONER JOHNSON
COMMISSIONER OLSON
COMMISSIONER POWERS

SUMMARY OF THE AUGUST 9, 2001, MEETING MINUTES

Draft Tree Preservation Ordinance – Public Hearing

Public Works staff presented draft changes to the Tree Preservation Ordinance. Public testimony was taken and discussion followed.

Citywide Design Program – Preliminary Draft Design Standards and Guidelines

Mark Hinshaw, LMN Architects, described the preliminary draft design standards and guidelines for multiple-family districts. Discussion followed.

A. CALL TO ORDER

The meeting was called to order at 7:35 p.m.

Chair Teno recognized Park Board members in attendance at this meeting.

B. APPROVAL OF MINUTES – Meeting of July 26, 2001

Commissioner Bigler, seconded by Commissioner Johnson, moved to approve the July 26, 2001, minutes. Motion passed unanimously.

C. CITIZEN COMMENTS – None

D. PLANNING COMMISSION MEMBER DISCLOSURES – None

E. PUBLIC HEARING

Draft Tree Preservation Ordinance

Public Works staff, Bill Franz and Jared Bond, gave a presentation on the recent updates for the Draft Tree Preservation Ordinance. Franz also explained the cost estimates of the proposed changes. At the conclusion of their presentation, Chair Teno opened the meeting for public comment and the following comments were received:

Mickie Gunderson, 1126 Lawton Road, Lynnwood. Ms Gunderson stated that she lives in the Urban Growth Area of Snohomish County and had been invited to speak because of her experience working with Snohomish County on a tree ordinance. Ms. Gunderson outlined her opinions and views on the proposed changes to Lynnwood’s tree ordinance. She suggested that the ordinance be for tree “retention” and directed at the development community rather than single-family residents. Ms. Gunderson also submitted her comments in writing. She also submitted, for the Commission’s

information, a paper written by a Mt. Vernon arborist describing critical root zones. She feels the ordinance should be stronger in order to preserve trees during development.

Dennis Murphy, 5804-A 168th, Lynnwood (Parks Board Member). Mr. Murphy asked questions regarding specific sites on Highway 99 where the road will be widened and trees will be removed to accomplish that, including an area in the vicinity of Kompact Kar Korner and in the vicinity of the Cycle Barn. He feels that the City should be held responsible for the cost of relocating or replanting trees that will be removed.

Nick Aldrich, 5518 168th, Lynnwood (Parks Board Member). Mr. Aldrich spoke in opposition to the tree ordinance because it infringes on the individual homeowners' right to landscape their yards.

Cathy Agbalog, 17628 32nd Place W, Lynnwood (Parks Board Chair). Ms. Agbalog expressed her concern with §17.15.070.F. She does not feel that single-family residents should be required to mitigate if they remove a tree. Additionally, she does not feel that single-family homeowners should be included in this ordinance.

Alec O'Neil, 7101 188th Place, Lynnwood. Mr. O'Neil received a notice about the public hearing and asked if tonight was the last opportunity to submit comments on this matter. Chair Teno advised that written comments could be directed to the Planning Commission and that the City Council would also be holding public hearings on the matter. Mr. O'Neil is not in favor of the ordinance because it would regulate the private property owners' ability to take trees out when they wanted to, especially in cases where the trees have become a hazard.

Arnie Knudson, PO Box 3265, Lynnwood. Mr. Knudson stated that he feels the proposed tree ordinance is a good start but must be tightened up. He suggested that the ordinance address protecting trees, their critical root zone, and the understory. He also suggested that the "significant tree" definition be more flexible.

Bob Brown, 17705 58th Place W, Lynnwood (Parks Board Member). Mr. Brown would like to strengthen the provisions that related to the development community. He is not in favor of removing trees on undeveloped land prior to development. Mr. Brown had the following specific recommendations for the topics:

- Topic 1 - Retain the 6" diameter standard for significant trees.
- Topic 3 - In favor of the two-tier permit system.
- Topic 4 – In favor of requiring development to design around existing trees.
- Topic 5 – In favor of the two possible options.
- Topic 8 – In favor of Option #2 – time tree removal to coincide with construction.
- Topic 9 – In favor of the provisions as set forth in the draft ordinance.
- Topic 11 – In favor of the draft ordinance and not in favor of the two possible options.
- Topic 12 – In favor of the provisions as set forth in the draft ordinance.
- Topic 13 – In favor of Option #1 – Creating a replanting ratio for excepted species.
- Topic 14 In favor of the provisions as set forth in the draft ordinance.

After Chair Teno closed the public hearing, the Commissioners had the following comments:

Commissioner Johnson thanked staff for their work and had the following recommended changes to the Draft Tree Ordinance:

§17.15.070.C.5 – add a new subsection g to this section. “To require the developer to obtain a bond sufficient to indemnify an adjacent property owner who has suffered a loss as a result of tree removal. Bond duration shall be for a period of one year or two significant weather events. In support of this amendment, ‘significant weather event’ is defined by the insurance industry as an event significant enough to cause a substantial number of policy holders to file claims for losses suffered as a direct result of the event.”

§17.15.070.9 – change to read: “Whether the continued presence of the tree or tress or their removal is likely to cause ...”

§17.15.100.C – change to read: “Any person who removes or causes the removal of a significant tree...”

Commissioner Johnson added that he is also in favor of the two-tier permit system.

F. DIRECTOR’S REPORT:

Planning Manager Hough reported on the following City Council meetings:

- July 30 –Deliberations on Plan/Zone Consistency
- August 6 –Discussed the Definitions and Moratorium work plan

Hough also described work that is currently scheduled for upcoming Council meetings:

- August 13: 193rd Place Annexation Public Hearing
Action on the housing-related definitions
Moratorium work plan – continued deliberation
College District Plan – update and direction
- August 20 agenda – Work plan and Text Amendments
- September 4 – Continue deliberations
- September 10 – **Public hearings** on Plan/Zone Consistency, Citywide Design Program
- September 17 – Plan/Zone Consistency – final deliberation.
- September 24 – Adoption of Plan/Zone Consistency and Citywide Design Program

G. WORK SESSION

Citywide Design Program – Preliminary Draft Design Standards and Guidelines

Mark Hinshaw, LMN Architects, described the preliminary draft design standards and guidelines for multi-family districts. Hinshaw advised the Commission that City Council wants to review this before the termination of the Multi-family Moratorium, so it will be necessary for the Commission to make their decisions before the end of September.

The Commissioners offered the following comments and suggestions:

- *Transition Along Sidewalk #2* – change “should” to shall.
- *Site Landscaping #1* – change “should” to shall.
- Change the following under *Outdoor Spaces Guidelines*:
 - #2, change “should” to shall. Also, suggested that “open lawn” be listed as a separate amenity and not included with Recreation areas.
 - #3, change “should” to shall.
 - #4, change “should” to shall.
 - #7, change “should” to shall.
 - Stakeholders asked that a #8 be added to state that if common places were placed near major arterial streets that landscaping should be used to provide a buffer from that street.

- Change the following under *Walls and Fences Guidelines*
 - #3 – Stakeholders asked that “along any street frontage” added at end of sentence. Chair Teno suggested that “except for sports courts” also be added.
 - #5 – move this to a bulleted item under #1.
- Change *Overall Massing/bulk/Articulation #2* from “...longer than 100 ft...” to “...longer than 30 ft...”

Since the City Council has only one more regular meeting opportunity (Sept. 10) before the target date for adoption (Sept. 24), Senior Planner Eastin requested that a special Planning Commission meeting be held on September 6 so that the Commission could conduct its public hearing on the Design Program prior to the Council’s Sept. 10 hearing. If this schedule change could be made, both bodies could conduct their hearings in the proper sequence and still meet the City Council’s deadline for the Moratorium. Following a brief consideration of this request, Chair Teno cancelled the Commission’s regular September 13 meeting and moved it to September 6.

H. NEW BUSINESS – None

I. OLD BUSINESS – None

J. INFORMATION ITEMS

J-1 – Mobile Home Park Zone – Update

Senior Planner Lewis distributed and discussed the updated Mobile Home Park Zone proposal process and schedule. He stated the goal is to complete this by spring 2002 and include it with the 2002 Plan amendments in September 2002. Planning Manager Hough added that it would be appropriate to inform the owners of all affected mobile home parks and request their input early in this process. An informal meeting with the Planning Commission might be scheduled for this purpose later this fall.

J-2 – Upcoming Commission Meeting Agenda – No discussion

K. ADJOURNMENT

Commissioner Johnson, seconded by Commissioner Bigler, moved to adjourn. The motion passed unanimously and the meeting adjourned at 10:20 p.m.

Mick Teno, Chair