

City of Lake Forest Park - Planning Commission
Regular Meeting Notes: August 9, 2016
17425 Ballinger Way NE—Forest Room

Planning Commissioners present: Vice-Chair Joel Paisner, Richard Saunders, Connie Holloway; Ray Holmdahl, Doug Gochanour

Staff and others present: Ande Flower, Principal Planner; Jake Tracy, Assistant Planner; Mike Dee, resident; Mike Woodbury, City Arborist

Planning Commissioners absent: Chair Jon Lebo

Call to order: 7:05 PM

Approval of Meeting Agenda:

Cmr. Holmdahl requested to add a discussion to the agenda about the status of planning commission member recruitment. Cmr. Gochanour moved to approve the meeting agenda with this change. The motion was seconded by Cmr. Holmdahl and passed unanimously.

Discussion of Planning Commission Member Recruitment:

Principal Planner Ande Flower informed the Commissioners that a few residents have been interviewed for a spot on the commission, and one more has applied. Cmr. Holmdahl asked whether the number of Commissioners will be reduced. Ande Flower stated that it is currently unclear if the number will remain at 9 or be reduced to 7, but that the Mayor and Council would be open to hearing the opinions of the Commissioners. Cmr. Paisner stated that geographic and other types of diversity should be considered when interviewing new Commissioners, and that it should be considered whether that diversity can be achieved with a reduced number of members.

Approval of Meeting Notes:

July 12, 2016

Cmr. Holmdahl moved to approve the minutes. Cmr. Holloway seconded the motion and the minutes were approved unanimously.

Next meeting:

The next regular meeting occurs on September 13, 2016. Cmr. Saunders stated that he will not be present.

Public Comment

Mike Dee: Mr. Dee thanked the Commissioners for holding the Open House, mentioning that there was good turnout and a lot of good comments. He appreciated the stations and presentations, and noted that some people were interested in open public comments, but can understand why it wasn't done that way. Mr. Dee also mentioned that people are concerned about whether or not the current code is being enforced, especially in regards to the Staunton Cove and Pacific Ridge projects. He suggested that fee-in-lieu options could only be used as a last resort, and that this could be done based on the i-tree valuation. Finally, he suggested a moratorium on all permits for removal of more than a certain number of trees, until the new regulations are in place.

Old Business:

Tree Regulations

Discussion of Changes Made Based on July Discussion

Assistant Planner Jake Tracy went through the changes that were made based on discussion from the July meeting.

The Commissioners pointed out that, in 16.14.050C(3) the reference to the invasive species reference should be listed as 16.14.050(B)(3), not (B)(4).

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2 The Commissioners also discussed the addition of the reasonable economic use language in 16.14.050(H),
3 and asked for clarification on why it was necessary. Jake Tracy and Cmr. Paisner answered that the US
4 Supreme Court has interpreted the Constitution's 5th amendment protections to include "regulatory takings."
5 He explained that that the City therefore has to allow a path for applicants to seek reasonable use of their
6 property, and that this language allows an applicant to make their case before the hearing examiner that the
7 tree regulations deny this reasonable use. Ande Flower added that this allows the arborist to focus on tree
8 evaluation instead of worrying about liability to the city when determining whether a tree is exceptional. Cmr.
9 Paisner voiced his support for the reasonable use language and added that it is an important landowner
10 protection.

11
12 Cmr. Holmdahl asked to require applicant email address for all tree permit applications and the
13 Commissioners agreed.

14
15 Cmr. Saunders had pointed out at the Open House that two sections in 16.14.080 conflict and make it
16 unclear whether all properties below the canopy coverage goal must meet the canopy coverage goal.
17 Jake Tracy introduced this conflicting language between 16.14.080(B) and 16.14.080(C)(4) and (5) for
18 Commissioner consideration. The Commissioners agreed that staff should modify the language of this section
19 to clarify that properties already below the canopy coverage goal only have to replace trees to bring the
20 property back up the canopy coverage before the removal.

21
22 *Discussion of Changes Based on Feedback from the Community*

23 Ande Flower introduced the document containing citizen comments. She explained that some of the
24 comments received during and after the public meeting are questions of policy (which the department can be
25 responsive to), some are questions for City Council (such as a moratorium on tree permits), and others are
26 actionable items by the Planning Commission.

27
28 Cmr. Holloway expressed concern that the Commissioners would not be able to adequately address the
29 comments in two meetings. The Commissioners agreed to push back their submittal to Council until at least
30 October.

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32 Cmr. Holloway opened a discussion on the replacement exemption for solar panels, expressing concern that
33 there would be too many trees taken down for not enough energy. After discussion, the Commissioners
34 agreed to remove the replacement exemption.

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36 Discussion then turned to the fee-in-lieu of replanting. Mike Woodbury explained that the current \$300 per
37 1,000 square feet of canopy coverage is based on the idea that a Western Red Cedar or Douglas Fir provides
38 roughly 1,000 sqft of canopy coverage, and \$300 is the cost to buy that tree and maintain it for 3 years, based
39 on information from the Council of Tree and Landscape Appraisers. He also mentioned that this amount
40 should be raised to \$380 based on this source, if the replacement cost method of fee-in-lieu is retained. Cmr.
41 Holloway stated this fee-in-lieu is so low that it does not provide a disincentive if trees are lumber quality.

42
43 Cmr. Paisner stated that the Commissioners need a rational, code-based decision that is backed up by a
44 professional arborist. He stated that it is important to acknowledge the inherent tension between developers
45 removing large numbers of significant trees all at once and people who want to be able to remove a few trees
46 on their property.

47
48 One idea suggested to create a proportional system of cost for the fee-in-lieu option.. This system would use
49 a replacement cost method for smaller tree removals, but would use an estimated average of the trunk
50 formula method if over a certain percentage of trees on the lot were removed. The Commissioners asked that
51 staff come back with a recommendation in the next meeting.
52

1 The question of contingency trees was raised. Ande Flower suggested that for contingency trees don't survive
2 despite adherence to tree protection BMPs, a replacement tree would be required. If the tree became non-
3 viable as a result of non-compliance with BMPs, the City could charge a valuation-based fee-in-lieu.
4

5 **New Business:**

6 None.
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8 **Reports/Communications/Announcements:**

9 Jake Tracy handed out tree permit data and analysis, similar to information that was recently shared with the
10 City Council and Mayor. He explained that the data shows that arborist review permits have steadily increased
11 over the years, but there has been no significant bump resulting from the ordinance update. He further
12 explained that there has been a significant increase in administrative tree permits applied for by residents, but
13 that there are a number of factors to which this could be attributed, including the record rainfall in winter
14 2015-2016 and the strong economy encouraging action on deferred maintenance.
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16 Mike Woodbury announced that he is retiring effective September 1, 2016.
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18 **Agenda for Next Meeting:**

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20 **Adjournment:** 9:05 PM
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22 APPROVED:
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26 Jon Lebo, Chair
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