

City of Lake Forest Park - Planning Commission
Regular Meeting Notes: September 27, 2016
17425 Ballinger Way NE—EOC Room

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

Staff and others present: Steve Bennett, Planning Director; Ande Flower, Principal Planner; Jake Tracy, Assistant Planner; Mike Dee, resident; Mark Phillips, Councilmember; Don Fiene, resident; Darin Seader, resident; David Kleweno, resident; Tyson Greer, resident.

Planning Commissioners absent: None.

Call to order: 7:01 PM

Approval of Meeting Agenda:

Mr. Gochanour moved to approve the meeting agenda. The motion was seconded by Mr. Holmdahl and passed unanimously.

Approval of Meeting Notes:

September 13, 2016

Mr. Gochanour pointed out that on page 2 line 7 the word "translate" should be changed to "translated." Mr. Gochanour moved to approve the minutes with this change. Mr. Paisner seconded the motion and the minutes were approved unanimously.

Next meeting:

The next regular meeting occurs on October 11, 2016. Cmr. Holloway and Cmr. Paisner are unavailable. It was suggested that staff send out a survey to determine an alternate date. Planning Director Steve Bennett suggested that a joint meeting between the Commission and City Council was a possibility for the Monday, October 24th Council Committee of the Whole meeting.

Public Comment

Don Fiene: Mr. Fiene stated that he appreciated the work that the Commission has done to get regulations finished. He submitted a table comparing the existing ordinance and proposed changes, and boiled this down to summary that was included in the commissioners' packets. He stated that his primary concern is that there is a fee-in-lieu allowed for short plats and subdivisions, and that provision still allows lots to be clear cut.

Mike Dee: Mr. Dee thanks the commissioners for coming to the recent council meeting. He also asked about ST3 and how this works with the comprehensive plan. He also stated that he appreciates the work that has been done to reinstate the tree board.

Old Business:

Old Business.

The Regulations

Mr. Bennett explained that the Council amended the previous tree removal moratorium to allow removal of high- and medium-risk trees with significant or severe consequences. He explained that the risk table used in the moratorium might be useful for the sensitive area tree removal regulations the commissioners are reviewing.

Mr. Bennett also mentioned that tree board has been officially reestablished. The board will include at least seven residents or property owners and can include up to two additional members who are experts, who do not need to live or own property within the city.

Discussion of Changes Made Based on September 13th Discussion

1 Mr. Bennett discussed the changes made based on comments for the previous meeting. These included:

2 • Change definition of Landmark Tree from 28" or more to 24" or more;

3 • Remove in-lieu fee option for tree tracts

4 • Charge a triple-replacement-cost in-lieu fee for removal of more than 4 trees and a double-

5 replacement-cost for landmark trees. This would be the case even if some portion of trees were

6 replaced on-site.

7 On the topic of the in-lieu fee option, Cmr. Saunders mentioned that the community is upset about clear cuts

8 happening with new development. He recognized that the proposed graduated scale makes it more attractive

9 to replant,, but suggested that perhaps there should not be a fee-in-lieu option for major development

10 activity.

11 In response, Cmr. Holmdahl stated that City Council's initial guidance was to clarify and improve the

12 regulations but not to make drastic changes. He suggested that removing the in-lieu fee could be an overreach

13 and that perhaps the decision should be left to Council. Cmr. Saunders asked Councilmember Mark Phillips

14 whether he thought that the Council would consider this action an overreach. Councilmember Phillips stated

15 that he felt the commissioners should make the recommendation they feel is best.

16 Cmrs. Holmdahl, Paisner, and Lebo stated that they believe the in-lieu fee option should remain.

17 Commissioners discussed raising the in-lieu fee more than the multiplier amounts currently proposed. It was

18 mentioned that the multiplier would allow more trees to be replanted in the City than if the trees were

19 replanted on-site. Cmr. Holloway expressed concern that the tree fund money would not go towards

20 replanting.

21 Cmr. Paisner made the point that putting strong requirements on tree retention would reduce the

22 affordability of housing in the area by restricting supply and adding costs to developers.

23 Cmr. Holloway stated that the commissioners should make sure everyone bears the shared burden of caring

24 for the trees that benefit everyone in the community.

25 Principal Planner Ande Flower raised the point that, although design guidelines do not apply throughout the

26 city, requiring new homes to meet the canopy coverage goal will create implicit guidelines that keep new

27 development in-character with the city.

28 Cmr. Paisner made a motion to remove the fee-in-lieu option for all Major Development Activity. Cmr.

29 Gochanour seconded this, and proposed an amendment clarifying that all Major Development Activity needs

30 to meet the applicable canopy coverage goal. Cmr. Paisner seconded the addition of this amendment. Chair

31 Lebo then called for a vote on the motion as amended. Cmrs. Gochanour, Holloway and Saunders voted in

32 favor; Cmrs. Lebo, Paisner, and Holmdahl voted against the motion, resulting in a tie vote. The

33 commissioners agreed to leave two options in the draft for Council to decide.

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35 *Discussion of Changes Recommended by Staff*

36 Ms. Flower explained proposed language regarding the tree tract, now called the tree conservation easement.

37 She explained that "easement" is preferable to "tract" because it avoids confusion when recording with King

38 County.

39 Cmr. Lebo asked about the requirement that the tract be planted to achieve full coverage within 15 years, and

40 suggested that it be changed to 30 years to match the rest of the chapter, and to avoid incentivizing the

41 planting of fast-growing, low quality trees. The commissioners agreed to this change and the changes

42 proposed by staff.

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1 Mr. Bennett explained the proposed land use notice requirement. This would require mailing, posting, and
2 publishing of notice when 5 or more trees which constitute 60% or more of the lot's canopy. Cmr. Painsner
3 asked why 60% *and* 5 trees should be required. Mr. Bennett explained that requiring both criteria ensures that
4 this additional notice would not be required in cases where a property had a very large or very small number
5 of trees. For example, a property with 100 trees would not have to give additional notice to remove 5, and a
6 property with one tree would not have to give additional notice to remove the one. Cmr. Saunders suggested
7 that the requirement be lowered from 60% to 50% in order to give expanded notice in more cases. The
8 commissioners agreed to this change and the changes proposed by the Planning Department.
9

10 Mr. Bennett then explained the proposed changes to the sensitive area tree removal regulations. The
11 commissioners agreed to the changes, with 16.14.050(C)(6) modified to state: "In environmentally sensitive
12 areas and sensitive area buffers, the Administrator may require review by a wetland biologist, stream biologist,
13 or other qualified professional, at the applicant's expense, to determine if the proposed removal is likely to
14 cause damage to, or reduce the ecological function of, the sensitive area or buffer. Permits may be
15 conditioned based on the recommendations of these qualified professionals."

16 Finally, Mr. Bennett explained new protective measures for trees near development activity. Resident Don
17 Fiene suggested a provision that "tree protection fencing shall be maintained." The commissioners also
18 agreed that criteria should be added for when at-risk trees may be removed. Cmr. Lebo asked to clarify that
19 tree needs to be replaced. The commissioners also agreed to replace "new development" with "major or
20 minor development activity." The commissioners approved this set of recommended changes with the
21 modifications discussed.
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25 **New Business:**

26 None.
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28 **Reports/Communications/Announcements:**
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30 **Agenda for Next Meeting:**
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32 **Adjournment:** 9:04 PM
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34 APPROVED:
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38 Jon Lebo, Chair
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