

**BLACK DIAMOND
PLANNING COMMISSION
MINUTES OF JANUARY 12, 2010 MEETING**

CALL TO ORDER

Chairman Bob Kaye called the meeting to order at 7:00 p.m. with the introduction of the role and duties of the Planning Commission.

ROLL CALL

Present: Commissioners Bob Kaye, Keith Watson, Greg Thesenvitz, Daryl Buss, Ron Taylor; Pam O'Brien
Absent: none
Staff: Community Development Director Steve Pilcher; Natural Resources/Parks Director Aaron Nix

APPROVAL OF MINUTES

Moved by Commissioner Taylor, seconded by Commissioner Watson, to approve the minutes of the December 8, 2009 meeting as drafted. Passed 6-0.

PUBLIC COMMENTS

None.

ELECTION OF OFFICERS

By consensus, both Chairman Bob Kaye and Vice-Chair Greg Thesenvitz were re-elected to their positions.

WORKSESSION ON POTENTIAL AMENDMENTS TO THE TREE PRESERVATION CODE, 19.30

Mr. Nix reviewed the history of the adoption of the Tree Preservation Code, which occurred in July 2008. He noted that Council directed staff to prepare a draft ordinance for its consideration, based upon some incidences of trees being cleared from lots around Lake Sawyer prior to building construction.

Since adoption of the code, staff has heard concerns from both ends of the spectrum: some feel the regulations aren't strict enough, while others feel they unreasonably interfere with private property rights. The issue for the City is to balance the desire to preserve trees vs. the rights of individuals to care and manage their own properties. Staff is looking for input from the Commission before they take this matter back to the Council's Parks Committee (Councilmembers Goodwin and Saas).

Mr. Nix reviewed the definition of "nonsignificant tree," i.e., those trees that are not subject to the regulations. He also noted that the tree plan permit fee is \$250 for a Level 1 plan and \$500 for a Level 2 plan, as established in the City's fee resolution. Fee amounts are intended to recuperate staff costs for review and site inspections.

Commissioner O'Brien noted that with there being an option of paying \$50 for every significant tree removed, the cost of the tree permit doesn't seem to correlate very well.

Commissioner Taylor stated he feels the \$250 permit fee is too high and expressed reservations of there being too much government intervention on individual properties.

Commissioner Thesenvitz noted that trees serve important stormwater and groundwater functions, so there is a degree of overall community interest in preserving trees.

Mr. Nix then led the Commission through a section-by-section review of the remainder of the Tree Preservation Code.

19.30.030 addresses definitions of terms. There was consensus on the listing of "nonsignificant trees" and all other definitions.

19.30.040 addresses the need to retain significant trees. Commission members felt the language in this section could use a bit of clarification to ensure it relates properly to the rest of the code.

19.30.050 deals with exemptions from the code. Item "D" allows the removal of six (6) trees within a 3-year period, subject to certain conditions. Mr. Nix pointed out a question had been raised about whether this number should be lowered, perhaps to no more than four. After discussion, the Commission agreed the exempt level should stay at its current level of six.

Item "E" allows for all trees to be removed within 10 feet of the foundation line of a single family house or accessory structure. It was suggested that the measurement should be revised to have the off-set be from the tree's drip line instead, acknowledging that 10 feet may be too large of a setback.

Item "G" is similar to State law and is intended to prevent an individual from basically logging a site and then making application for subdivision or other land use approval.

19.30.060 Tree permit section, which establishes to two types of tree permits. The Commission had no recommended changes to this section.

19.30.070 concerns tree replacement for when significant trees are removed. Most discussion focused around section D, which allows for a paying \$50 per removed tree into a tree replacement fund, in lieu of replanting trees. Commissioners questioned whether \$50 per tree is a realistic amount, given the cost of trees and their planting and care. They also suggested that the fee should be assigned to number of trees that would be required to be planted per the table in section C. The main concern is to ensure there is a better balance between actually replacing trees vs. simply "pay and go."

The Commission also wished to reduce the size of replacement trees required in section C5 to 1.5" for deciduous trees and 6 ft. for evergreen trees.

19.30.070.E is a special provision that was included based upon comments staff and Council received from YarrowBay. They had expressed concern about being required to comply with the tree preservation code since they will be preserving much of their site in open space. The Commission noted there is no guarantee that the 40% of open space would necessarily be forested; it could be a wetland or open water body. The Commission felt this section should be deleted.

19.30.080 concerns measures to protect trees during construction. There were no objections to this section.

19.30.090 addresses "heritage trees," which are trees of significant historical or biological interest to the community. The Commission supports the concept, but believes there needs to be a penalty clause for the removal of any heritage tree.

Mr. Nix stated he will draft changes per the Commission's suggestions and bring those back for its review.

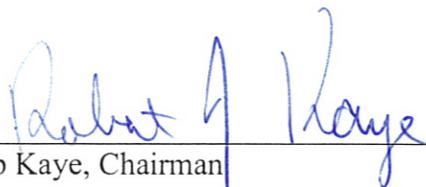
DEPARTMENT REPORT

Mr. Pilcher noted there will be a "Planning Short Course" next week in Covington. He asked if any Commission members were interested in attending; no one indicated plans to do so.

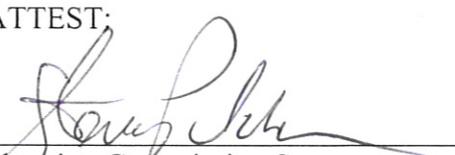
He also noted that revised MPD applications were submitted by YarrowBay on 12/31/09 and are available for viewing on the City's webpage and at the public library. He also noted that appeals were filed of the two Final EIS documents. Consideration of those appeals will occur in conjunction with the MPD hearings.

ADJOURNMENT

Moved by O'Brien, seconded by Watson to adjourn. Passed 6-0. The meeting then adjourned at 8:50 p.m.



Bob Kaye, Chairman

ATTEST:


Planning Commission Secretary