

**BLACK DIAMOND
PLANNING COMMISSION
MINUTES OF FEBRUARY 9, 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; Sheri Roth

Absent: none

Staff: Community Development Director Steve Pilcher; Natural Resources/Parks Director Aaron Nix; Mayor Rebecca Olness; City Attorney Noel Treat

Mayor Olness thanked the Commission for all their hard work and introduced new member Sheri Roth, who was appointed at the previous week's City Council meeting.

APPROVAL OF MINUTES

Moved by Commissioner Taylor, seconded by Commissioner Watson, to approve the minutes of the January 10, 2010 meeting as drafted. Passed 7-0.

PUBLIC COMMENTS

None.

WORKSESSION ON POTENTIAL AMENDMENTS TO THE TREE PRESERVATION CODE, 19.30

Mr. Nix overviewed the proposed changes that staff made based upon the comments received from the Commission at its January meeting.

In Section 19.30.050.C, it was noted that the word "of" is missing before the word "its." Concerning this section, the Commission discussed whether it is necessary to have a professional review a tree to determine its health, as this would require a property owner to incur expenses. The Commission concluded that the language should be changed to allow staff to use the services of an arborist if it felt it was necessary, rather than have it always being required. (It was also noted that the proper term is "licensed arborist," as opposed to "certified").

As a side issue, it was noted that for SR-169, the City has maintenance authority, while the State retains construction authority.

In Section 19.30.050.E, the Commission discussed determining setbacks based upon the dripline of trees, rather than the tree trunk. It was agreed to use the dripline as the point from which setbacks should be required.

In Section 19.30.070.B., it was agreed to change the word “appropriate” to “approved.” That will ensure the City retains the ability to direct where replacement trees should be planted.

In Section 19.30.070.D, the Commission recommended that the tree replacement fee should be significantly increased, in order to encourage the retention of trees, rather than a “cut and pay” process. A specific amount was not determined.

The Commission recommended that Section 19.30.070.E be deleted in its entirety, thereby eliminating a way for property owners to avoid compliance with the code.

In Section 19.30.090.A.2, it was noted that this provision will require notification of a potentially affected property owner so that individual can have a voice in whether a tree on his/her property can be determined to be a heritage tree.

Moved by Buss, seconded by Taylor, to recommend approval as amended. Passed 7-0.

POTENTIAL AMENDMENT TO CHAPTER 18.08 RE: TIMELINE FOR RESOLVING APPEALS

The City Council was approached by two citizens at its February 4th meeting, who requested that in light of the current FEIS appeals in process, the code be amended to provide the Hearing Examiner with the ability to take additional time to render a decision. (Currently, the code requires a decision to be made within 14 days of the close of the hearing process). The Council directed this matter to the Commission, requesting its recommendation prior to the February 18th Council meeting.

The proposed code changes have been drafted by City Attorney Treat. He explained they are intended to provide the Examiner with the ability to take more time if a specific finding is made that additional time is necessary due to the complexity or scope of an issue under appeal.

Moved by Watson, seconded by O’Brien to recommend approval to the City Council. Passed 7-0.

DEPARTMENT REPORT

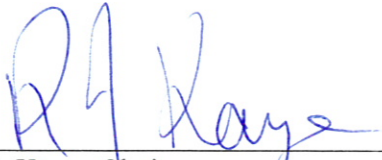
Mr. Pilcher noted that the hearings for the MPD applications and FEIS appeals have been scheduled to begin on March 6 and will run through the next week. Therefore, there will be a conflict with the regular March meeting date for the Commission. Given how much time these processes are likely to take, staff is requesting the Commission not meet during the month of March. It was agreed to skip the regular March meeting.

Mr. Pilcher also noted the City has a new Building Official, Robert Meyers, who is splitting time between Covington and Black Diamond. Mr. Meyers has numerous professional certifications and years of experience in municipal building departments.

Mr. Pilcher also noted that the Railroad Avenue reconstruction project will begin soon, with an anticipated completion date by Memorial Day.

ADJOURNMENT

Moved by Thesenvitz, seconded by Watson to adjourn. Passed 7-0. The meeting then adjourned at 8:10 p.m.



Bob Kaye, Chairman

ATTEST:



Planning Commission Secretary