



# HOUGHTON COMMUNITY COUNCIL

Special Meeting - August 1, 2005

## CALL TO ORDER/ROLL CALL

Meeting called to order 7:09 p.m.

- Members Present: Chair Hugh Givens, Bill Goggins, James Nickle, Betsy Pringle, Elsie Weber, and Rick Whitney. Absent/Excused: David Hess
- Planning Department Staff present: Paul Stewart, Elizabeth Walker

## READING/APPROVAL OF MINUTES

### May 16, 2005 minutes:

- Three corrections, Page 3 under "Unfinished Business":
  - Paragraph 3, make indicated change: "Mr. Nickle said that he visited 112<sup>th</sup> Avenue NE, and..."
  - Paragraph 6, add "not", as indicated: "Ms. Weber supported there being an option not to have a sidewalk..."
  - Paragraph 7, make indicated change: "...for example, Yarrow Point and Bellevue."
- One correction, Page 4.
  - Paragraph 2, make indicated change: "Mr. Whitney explained that a development on 112<sup>th</sup> Avenue NE is holding off for awhile."

June 20, 2005 minutes: approved as written.

## ANNOUNCEMENT OF AGENDA

## REQUESTS FROM THE AUDIENCE

None

## HEARINGS

Mr. Stewart reported that Staff has had an extensive outreach in the month of June including meetings with the Community Council, the Planning Commission, the convening of the tree focus group, talking with individuals, and getting the word out to the community. These meetings have culminated in a draft set of regulations that were taken to the Planning Commission in July and then back to the Council.

The purpose of tonight's meeting is to obtain public input and provide direction to Staff and recommendations to the Planning Commission that will hold public hearings August 11, 2005. City Council will have a study session September 20, 2005.

In response to Council's questions raised in June, Staff has improved the language that sets out more predictable standards, e.g., differentiation between "major" and "minor" improvements on single-family and duplex sites. Staff also

has reorganized the Code to simplify it. Staff would like to further discuss the proposed “financial considerations”.

Ms. Walker reviewed Staff’s recommendations as shown on a provided memo:

1. Page 2, “Flexibility” vs. “predictability” for tree retention: Staff and stakeholders feel it is important that there be as much predictability as possible for citizens trying to understand regulations. However, sites provide unique situations that call for flexibility; so, a balance between predictability and flexibility is necessary. Toward that end, a “tree type” system was devised by staff. Council is referred to the Code, Page 12 of 34, 95.35.4, that shows the tree type system:
  - a. Tree type 1 is a viable tree that meets at least one of the criteria set forth in Section B, e.g., landmark tree, specimen tree, preserved grove tree, etc.
  - b. Tree type 2 is a viable tree that is to be retained, if feasible.
  - c. Tree type 3 is a tree that has been determined not to be viable because of its condition, health, or the development activity around it.
2. Tree plan requirements for developing single family. Staff recommends differentiation between “minor” and “major” development on single family and duplex sites, including a different level of requirements to minimize costs for Tree Plans.
3. The difficulty in understanding the requirements. Section 95.35.2 (Page 7 of 34). Staff removed the tree plan table and put in information of tree plan requirements, e.g., tree density requirements, retention standards, etc. Staff feels that the many changes made will allow the reader to understand this section more easily.

Mr. Stewart commented that it is difficult to address the complicated topic of “financial considerations.” The Code now indicates that any changes cannot result in significant added expenditure. He stated that “significant” and “added expenditure” would have to be quantified, and the kind of documentation that would be needed should be set forth. Staff surveyed the surrounding cities and found that only Woodinville addressed this issue, setting 25% of development cost as the “added expenditure”. However, Staff feels that documentation of these costs would be too difficult. Mr. Stewart said that this has been discussed with the Planning Commission and they were comfortable with deleting this requirement from the Code.

Ms. Walker referred to the tree chart that was discussed with the Planning Commission last week. She went over the specifics of the chart that incorporates the concepts of:

- “Major” developments on single-family and duplex sites (expansion 50% and beyond of the existing square footage, tree plan, arborist report, and pursuit of variations required)
- “Minor” developments on single-family and duplex sites (anything below 50% of the existing square footage, variations encouraged, tree plan is required if tree is potentially impacted).
- Level II tree plan (commercial/multi-family) utilizes the “tree type” system. It is changed to limiting the focus on Type 1 trees in the areas of required yards and required landscaping. The Type 2 activities have the required landscaping standards applied to them, not tree density requirements. A bonus incentive would be in place, e.g., if a tree is a large size, it may count as two trees required in the landscaping section of the code.
- The chart also reflects the “tree type” system for subdivisions. Those changes were reviewed.

Chair invited public comment from the audience.

- Lisa McConnell, 5905 106<sup>th</sup> Avenue, Kirkland, is encouraged by the changes presented by the Staff, especially the “major” and “minor” development criteria. She would like to see a way for the public to donate to a memorial grove, similar to the memorial benches in Kirkland.

Chair closed public comment session.

Council members discussed pruning of trees as pertains to “required landscaping”. Staff explained that this pertains to commercial properties. Staff responded to a question regarding required fences and Staff explained that the fencing mentioned speaks to the issue of required buffer. There was a discussion about Ms. McConnell’s idea of a memorial grove.

Monitoring of tree canopy was discussed and Council expressed a desire that the canopy be reviewed regularly via aerial photos; staff said that this is being done. Staff reviewed Type 1 trees criteria, referring to Page 12 of 34: Pages 1 and 4 of 34 delineate definitions of tree criteria. “Significant land stability function” typically would apply to geologic hazard areas such as landslide areas; an arborist or geotechnologist would make that determination. Council would like that interpretation clarified in the draft.

Council referenced Page 13 of 34 and requested clarification of the use of “minor” regarding adjustments to the building footprint and indicated that it may be subjective. Mr. Stewart confirmed that this would be a judgment call on the part of the planning official and that Staff would look at this in more detail and provide clarification. He said that the goal is to retain the mature canopy in Kirkland.

Mr. Stewart said that Staff is working on these regulations as a negotiated process among citizens and the Council, using judgment of the professional staff and taking into consideration interests of all parties.

There was discussion regarding costs to the builder and required site plan alterations. Council asked about an appraisal concept for trees, and Ms. Walker said there is an industry standard and takes into consideration the size, species, condition, and location of the tree. She said the "location rating" of the tree would be controversial as the City arborist may rate it higher than the builder's arborist due to the builder's interest in removing a tree; if an agreed-upon location rating and the appraisal is done by the City's Urban Forester, this controversy would be resolved. Mr. Stewart said that consideration must be given both to the value of the tree and the financial impact to the builder; these would be difficult to justify. Some Councilmembers were concerned about not having a limit to the financial impact of the builder with an objective "out".

Council suggested that definitions be included in the text of the Code so that readers will not have to constantly refer back to a "definitions" page. A question was raised regarding the Chamber's August 2004 position statement. Staff reported that it was forwarded to Council in early July.

Ms. Walker responded to Council's question regarding small trees resprouting from a trunk and becoming a multiple-stem tree. The size of such a tree to determine if it is significant is usually done by measuring the diameter of all the stems. An alternative is to estimate a diameter that contributes to the canopy of all of the stems.

Council complimented and thanked Staff on the desirable changes to the chart and draft.

Mr. Stewart summarized that Council is comfortable with the approach at this point. There are some concerns, particularly from Mr. Whitney and Mr. Goggins about the financial impact and requirement for site modifications, and clarification about some definitions. Mr. Givens suggested mediation or arbitration be offered along with payment of the appraised value of a tree in question.

Ms. Walker stated Staff has met with the Chamber of Commerce several times since their position paper was written. Their more recent comments were provided to Council. Staff feels they have been very responsive to the Chamber's concerns.

Council reiterated that Staff has done a fabulous job and the only issue remaining is the financial impact.

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**CALENDAR**

- August 11, 2005 – Hearing before the Planning Commission
- November 1, 2005 – City Council to take action on this matter
- November 28, 2005 – Regular Meeting of Houghton Community Council

**ADJOURNMENT**

Meeting adjourned at 8:50 p.m.

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Hugh Givens, Chair

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Paul Stewart, Deputy Planning Director  
Department of Planning and Community Development