

HOUGHTON COMMUNITY COUNCIL MEETING MINUTES - NOVEMBER 28, 2005

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by the Chair, Hugh Givens. Members Present: Bill Goggins, David Hess, Betsy Pringle, Elsie Weber, Rick Whitney. Absent/Excused: James Nickel.

Elaine Borjeson, Nancy Cox, Rob Jammerman, Paul Stewart, Teresa Swan and Elizabeth Walker represented the Department of Planning and Community Development.

APPROVAL OF MINUTES

It was moved and seconded to waive the reading of the October 10, 2005 Houghton Community Council meeting. Motion carried (6-0).

It was moved and seconded to approve the minutes of the October 10, 2005 Houghton Community Council meeting as presented. Motion carried (6-0).

ANNOUNCEMENT OF AGENDA

The Chair reviewed the agenda.

COUNCIL MEMBER REPORTS AND COMMENTS: None

WORK PROGRAM REVIEW: None

REQUESTS FROM THE AUDIENCE

John Kaplan, 5025 112th Avenue NE, Kirkland, spoke regarding the tree ordinance. He is concerned about the current tree regulations. Who has the ultimate authority about what can be done on private property needs to be addressed and defined. Ordinances should be created that protect or restore views in potential view areas. This does not mean that all trees should be cut down, but enhanced where possible. Many people live in Kirkland because of the views. Many views are now blocked due to lack of tree regulations. He said the regulations need to be reworked.

Norman Krilloff, 4545 112th Avenue NE, Kirkland, spoke about the tree ordinance. He wrote to the HCC regarding views and specifics on the ordinance before this meeting. He wrote the letter at this late date because he had the belief that there was no chance of his letter affecting the ordinance. He is a 31-year resident of Houghton and his lot has 150 trees on it. He added many of those trees himself. He agreed with the previous speaker that the policy is poorly written and property owners should decide if they do or don't want trees on their properties. It seems that one person in City Hall is controlling what can be done on private lots. He said the ordinance needs to be better thought out.

Al Schaffer, 4559 112th Avenue NE, Kirkland, spoke about the tree ordinance. He has lived in Kirkland for 50 years. On the surface, the ordinance seems positive, but trees have their place and they can be enhancements or a detriment to a property. The ordinance does not observe the difference, it is not reasoned or balanced, and it does not take into account each individual property. The Planning Department ignores what would be detrimental to its own goals. He quoted text from the ordinance and argued that the ordinance is built on half-truths. It does not

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serve the residents well, but only serves the planners who manipulate a pliable Council. Decisions regarding trees should be left to landowners, and this ordinance deserves a veto.

Russ Peterson, 4719 112th Avenue NE, Kirkland, spoke about the tree ordinance. He moved here in 1955 and has seen the properties around him develop while his property is under the ordinance that states he cannot remove trees. Because of this, he has little view and feels he is being held responsible for “upholding the forest.” He said he should not suffer economic impact because of the opinion of one person in City Hall. The HCC has always been a good advocate for property owners and he appreciates the discussions the HCC has had and the time it has spent on this issue. He asked the HCC not to approve this ordinance.

HEARINGS

a. 2005 Comprehensive Plan Amendments, File No. ZON05-00026

Ms. Swan explained the purpose of the hearing as an opportunity to obtain comments from the public. She gave an overview of the changes to the amendments which included minor revisions to the tables and charts to reflect the changes to the recently adopted CIP and to clarify two policies surrounding transportation issues.

One council member asked why the road project on the CIP at Central Way and Park Place is noted as privately funded. Ms. Swan responded that the owners of the Park Place Mall and possibly the owners of the old hardware site will be funding the addition of a traffic light at that location because their developments necessitate the need for the traffic improvement rather than general city-wide traffic...

It was moved by Ms. Weber and seconded by Mr. Hess, to approve the Draft of the 2005 Comprehensive Plan Amendments, File No. ZON05-00026. Motion carried (6-0).

UNFINISHED BUSINESS

a. Final Approval: Chapter 110 Amendments, File No. ZON05-00013

Mr. Jammerman presented an overview of the key issues surrounding the street improvement regulations via a PowerPoint presentation. He explained that the HCC was to review the City Council's action on amendments to Chapter 110 and adopt Resolution 2005-8, giving final approval to the amendments.

The HCC asked Mr. Jammerman clarifying questions regarding the amendments and there was a brief discussion of the amendments with staff members.

It was moved by Mr. Hess and seconded by Mr. Whitney to adopt the four ordinances as presented by Mr. Jammerman. Motion carried (6-0).

b. Zoning Code and Municipal Code Amendments for New Tree Management and Required Landscaping Regulations, Resolution 2005-6 – File No. IV-03-101

Elizabeth Walker, Urban Forester, spoke about the code amendments. She explained that the City Council has approved the original code language rather than the proposed language that Chair Hugh Givens provided. If HCC disagrees with Council's decision to approve the original

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code language, HCC has 60 days to veto it. In the case of a veto, the HCC is required to write Council a letter listing what revisions they require.

The HCC discussed the code language with Ms. Walker. Highlights of the discussion included:

- Definition and implications of the two-year “Sunset” clause.
- A review of the language Mr. Givens proposed.
- What constitutes “reasonable” or “unreasonable” requirements in the tree regulations.
- What constitutes minor or major adjustments on the part of the property owner.
- Potential financial impacts regarding view retention and reversal of floor plans
- The rights of property owners to remove trees they themselves have planted.
- The definition of “Type 1” trees, their location in required yard, and landscaping requirements.
- The level of final authority given to the planning director, the accountability of the director to work in good faith with the property owners, and the potential lack of balance in decisions made.
- The risk of land being clear cut due to property owner abuse of unspecified code language.
- The reality that no matter what the code language states, some people will be negatively affected.

Motion by Mr. Whitney and second by Mr. Goggins, to propose to the City Council on behalf of the Houghton Community Council that the ordinance be reviewed in two years and that language is added stating that the Planning Official and applicant will work in good faith to find reasonable solutions. Motion carried (3-2) with Ms. Pringle and Ms. Weber opposed and Mr. Givens abstained.

c. Final Approval: Renewal of the Interim Private Tree Ordinance No. 3865, Resolution 2005-7, File No. IV-03-101

Ms. Walker explained that the HCC is requested to adopt Resolution 2005-7 that would renew the interim tree regulations through December 31st, 2005.

Motion by Mr. Goggins and second by Ms. Weber to approve Resolution 2005-7, adopting the renewal of the Interim Private Tree Ordinance as presented by Ms. Walker. Motion carried (4-2).

NEW BUSINESS

a. Homeless Encampment Amendment, File No. ZONO500028

Nancy Cox reviewed the issues surrounding this amendment and asked the HCC to provide direction to staff. She gave a PowerPoint presentation that included information on Tent City 4, the Temporary Use Permit (TUP) Regulations and process, interim zoning regulations, and the pros and cons of tent cities.

The HCC asked clarifying questions of Ms. Cox surrounding the issue of homelessness, and current statistics.

Highlights of discussion included the following topics:

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- The implications of tent cities being located on public versus private property.
- The concern that no other entity receives the same consideration as churches.
- The chance that property values could go down for private citizens if tent cities locate in the same place year after year.
- Safety concerns and regulation enforcement for current and future tent cities.
- Setback requirements for residential homes as opposed to industrial or commercial properties.
- The length of stay and permit regulations that other cities have adopted as well as the reasoning behind them and legal problems that have arisen.

ADMINISTRATIVE REPORTS AND COMMUNITY COUNCIL DISCUSSION

- a. **Houghton Transfer Station October 18, 2005 City Council Packet:** Informational only

ADJOURNMENT

The meeting was adjourned at 10:10 p.m.

Hugh Givens, Chair, Houghton Community Council

Paul Stewart, Deputy Director
Department of Planning and Community Development

Recording Secretary: Susan Hayden
PROFESSIONAL OFFICE SERVICES