



PLANNING COMMISSION AGENDA
May 11, 2016, 7:00 p.m.
Multipurpose Room/Council Chamber
Burien City Hall, 400 SW 152nd Street
Burien, Washington 98166

This meeting can be watched live on Burien Cable Channel 21 or on www.burienmedia.org

1. ROLL CALL

2. AGENDA CONFIRMATION

3. APPROVAL OF MINUTES

A. April 27, 2016

4. PUBLIC COMMENT

Public comment will be accepted on topics not scheduled for a public hearing.

5. NEW BUSINESS

A. Mobility Study Findings Preview

6. OLD BUSINESS

A. Progress update – Significant Tree Retention Zoning Code Amendments

7. PLANNING COMMISSION COMMUNICATIONS

8. DIRECTOR'S REPORT

9. ADJOURNMENT

Future Agendas (Tentative)

May 25, 2016

- Significant Tree Retention Discussion

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Planning Commissioners

Curtis Olsen (Chair)

Kim Davis
Anna Markee

Amy Rosenfield (Vice-Chair)
Kaelene Nobis

Butch Henderson
Douglas Weber

City of Burien

BURIEN PLANNING COMMISSION
April 27, 2016
7:00 p.m.
Multipurpose Room/Council Chambers
MINUTES

To hear the Planning Commission's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

CALL TO ORDER

Vice Chair Amy Rosenfield called the April 27, 2016, meeting of the Burien Planning Commission to order at 7:02 p.m.

ROLL CALL

Present: Kim Davis, Butch Henderson, Anna Markee, Kaelene Nobis, Amy Rosenfield, and Douglas Weber

Absent: Curtis Olsen.

Administrative staff present: Brandi Eyerly, planner; Niomi Zinn, planner; and Chip Davis, Community Development Department director

AGENDA CONFIRMATION

Direction/Action

Motion was made by Commissioner Henderson and seconded by Commissioner Weber to confirm the agenda. Motion passed 6-0.

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Henderson, seconded by Commissioner Weber, and passed 6-0 to approve the minutes of the March 9, 2016, meeting.

PUBLIC COMMENT

Chestine Edgar, 1811 SW 152nd St., said that while she thinks an urban tree canopy is important, she doesn't believe that every tree must be saved. She offered some suggests for the tree retention ordinance under study by the commission. She noted that she owns a home adjacent to the Salmon Creek Ravine and said the City is not managing storm water correctly or providing appropriate maintenance to the trees on Shorewood Drive Southwest, which has resulted in landslides along that street. She said there are still hazard trees there that in 1999 an arborist identified for removal and she does not want to see a tree retention policy that would prevent removal of those trees. She drew the commissioners' attention to Attachment 1 to the memo in their packet, which includes a listing of trees identified by the City of Lynnwood as non-significant trees and said she hoped the commissioners would include such a list in a revised Burien tree ordinance.

OLD BUSINESS

None.

NEW BUSINESS

A. Presentation and Discussion – Significant Tree Retention Zoning Code Amendments

Chip Davis, Community Development Department director, gave a brief summary of the work to be done on the significant tree retention ordinance. He then introduced Brandi Eyerly and Niomi Zinn, the two planners working on the ordinance.

Ms. Zinn noted that in 2014 the City Council directed staff to present proposed revisions to Burien Municipal Code Title 19.25 – Tree Retention and Landscaping to the Planning Commission for review and recommendation. This work was subsequently delayed by higher priority assignments. She said staff was introducing four items for discussion tonight; the first two were heritage/exceptional tree preservation and tree canopy inventory.

Ms. Eyerly then explained the second two items for study: existing significant tree retention regulations, and incentives for tree retention. She said staff is requesting the commission prioritize the four items for discussion, add anything the commissioners feel is important, and schedule the items for future meetings.

Commissioner Weber asked about the concept of tree banking. Mr. Davis explained that tree banking allows the equivalent value of trees that must be removed from inappropriate areas, such as the airport flight path, to be planted in another area in the city. Currently, that is not included in Burien city code.

Vice Chair Rosenfield asked how the information gained from a tree canopy inventory would be used. Mr. Davis responded that a tree canopy inventory may confirm everyone's suspicions that Burien's tree canopy is diminishing as people develop vacant land or remove trees from their already developed properties faster than they are planting new trees. He noted that most of the trees being taken out are large, mature trees and when they are replaced it's with smaller trees that will take years to become the equivalent of the trees that were removed. A tree canopy inventory helps a city determine how its tree regulations are performing and, as incentives are offered, the effectiveness of the incentives can be measured. Some jurisdictions have tree canopy inventories only of public lands; the proposed inventory for Burien would cover both public and private lands.

Commissioner Markee asked what the current code says about maintaining trees on private property. Mr. Davis responded that currently there are very specific regulations in critical areas and almost nothing for private property that's not encumbered by a critical area. He said it would be helpful to have some guidance included in the regulations to help maintain the function of the tree canopy.

Commissioner Davis said some neighborhoods have covenants, conditions and restrictions (CC&Rs) that include tree policies that might be a starting point for discussion about a citywide policy.

Commissioner Weber asked how many trees are removed each year from private property in Burien, adding that he wondered how many people would be impacted if Burien moves to require permits. Mr. Davis responded that currently the City does not have a good estimate because the current rules and regulations apply only to land located in critical areas, which is a small fraction of the privately held land in Burien. Having a tree canopy inventory would help the City estimate how many trees are lost each year.

Commissioner Nobis said she would like to see the results of a tree canopy inventory used to impact goal setting for future tree canopy inventories. She said if the City goes to the trouble of doing an inventory, then it should be used to set goals for canopy restoration in the future. Mr. Davis said that could be included in the Comprehensive Plan and be backed up with regulations that encourage increasing the canopy and discouraging the reduction of the canopy.

Discussing prioritization of the four topics, Commissioner Weber said he'd like to see looking at the existing regulations as a high priority, which then would guide the formulation of additional regulations. Vice Chair Rosenfield agreed, adding that item 1, heritage/exceptional tree preservation, also should be a high priority, while item 2, the tree canopy inventory, should be the last item to work on since it relates to goal setting.

Commissioner Nobis said she was interested to know what criteria would be used to designate a heritage tree and what would be the subsequent impact on property owners. Mr. Davis noted that one of the challenges will be to respect property owners' rights while preserving heritage trees for the future.

Ms. Eyerly referred the commissioners to the Washington State Urban and Community Forestry Program, through the state Department of Natural Resources, which has a great deal of information about urban forest and inventories. She added that it is accessible through the Access Washington website.

Commissioner Henderson asked if, as an incentive to replace trees being taken down, a break could be given on the removal permit if the property owner commits to planting new trees. Mr. Davis said that is something staff can research; perhaps another jurisdiction is already doing that and can say how well it works.

PLANNING COMMISSION COMMUNICATIONS

None.

DIRECTOR'S REPORT

Mr. Davis welcomed the three newest members to the commission and thanked them for their role of conveying to the staff and City Council the concerns and feelings of Burien residents about various issues affecting the Zoning Code and building codes. He invited them to call staff whenever they have something to share, rather than wait for a commission meeting, and at any time feel free to request something that will help them function better in the meetings.

He also encouraged them to attend the Short Course on Local Planning presented by the state Department of Commerce periodically throughout the year. He noted that Burien will be hosting one in conjunction with the City of Mercer Island on September 28th, which is a regular Planning Commission meeting night. The Burien City Council and elected officials and appointees from surrounding jurisdictions will be invited to attend as well.

Mr. Davis said that at the next commission meeting, on May 11th, there will be a presentation on the downtown mobility study that is currently underway, as well as continued discussion about background, research and conceptual ideas on significant tree retention.

ADJOURNMENT

Direction/Action

Commissioner Henderson moved for adjournment; Commissioner Weber seconded. Motion carried unanimously. The meeting adjourned at 8:10 p.m.

APPROVED: _____

Curtis Olsen, chair
Planning Commission

**CITY OF BURIEN, WASHINGTON
MEMORANDUM**

DATE: May 2, 2016
TO: Planning Commission
FROM: Chris Craig, Economic Development Specialist
SUBJECT: Recommendations for Updates to the City of Burien Parking Policies

PURPOSE/REQUIRED ACTION

The purpose of this agenda item is for the Planning Commission to hear a presentation from Downtown Mobility Study consultant Fehr & Peers on potential parking policy changes and other ‘big moves’ that have come out of the Downtown Mobility Study. The Planning Commission will have an opportunity to ask questions and provide feedback on these draft recommendations.

BACKGROUND

In December 2015, Fehr & Peers began work on the City of Burien Downtown Mobility Study, to assess current conditions in the Downtown study area, and make recommendation for future capital projects and policy changes to improve mobility conditions and encourage economic development in Burien.

The Downtown Mobility Study is scheduled to be completed in June 2016, and Fehr & Peers will present parking policy recommendations and potential ‘big moves’ to Planning Commission, BEDP, and City Council in May to receive feedback before completing the final study analysis.

City Council has requested specifically that alternatives to the current parking policies, that would encourage economic development, be presented at their May 23, 2016 study session. Input from the Planning Commission will also help inform this presentation.

PLANNING COMMISSION ACTION

Staff requests Planning Commission discuss and provide feedback to Fehr & Peer’s Downtown Mobility Study draft recommendations.

If you have any questions before the meeting, please contact David Johanson at (206) 248-5522 or by e-mail at davidj@burienwa.gov.

**CITY OF BURIEN, WASHINGTON
MEMORANDUM**

DATE: May 10, 2016
TO: Planning Commission
FROM: Niomi Zinn, Planner & Brandi Eyerly, AICP, Planner
SUBJECT: Amending BMC 19.25.120 through 180 Significant Tree Retention, Incentives, Protection, Replacement, and Maintenance

PURPOSE/REQUIRED ACTION:

No action required.

BACKGROUND:

The following is the Commission's April 27th Priority Review List for updating BMC 19.25.12 Significant Tree Retention (see Attachment 1).

Item 1: Existing Significant Tree Retention Regulations

Item 2: Heritage/Exceptional Tree Preservation

Item 3. Incentives for Tree Retention

Item 4: Tree Canopy Inventory

Item 1: Existing Significant Tree Retention Regulations

Points for discussion at this meeting -

A) Refine the definition of significant trees. Jurisdictions with different significant tree definitions from Burien's (measurements are caliper):

- Federal Way – 6” measured 1-1/2 feet above ground for both evergreen & deciduous
- Des Moines – Evergreens 6 “ measured 54 inches above ground, deciduous 8” but excluding cottonwood, native alder, native willow and European Ash
- Beau Arts Village – Any living tree > 1 inch or < 3 inches or planted for mitigation.
- Tukwila – Any tree over 4”
- Seattle – Any tree 6” or greater
- Lynnwood – Any tree 6” or greater but excluding Black locust, cottonwood, native alder, native willow, Lombardy poplar, and European ash
- Olympia – only landmark trees
- Renton - A tree 6” or greater; or an alder or cottonwood tree 8” or greater. Trees qualified as dangerous shall not be considered significant. Trees planted within the last 10 years shall qualify as significant trees, regardless of the actual caliper.

B) Should Black locust, cottonwood, native alder, native willow, Lombardy poplar, and European ash be excluded from the significant tree consideration?

- Black Locust – Invasive Plant, Long thorns. Root suckers easily arise from established root systems, sprouting new shoots and interconnecting fibrous roots to form extensive, dense groves of new plants.
- Lombardy Poplar- Prone to stem cankers that weaken the tree’s life span. Roots are considered invasive. “Messy tree”, twigs and branches easily snap during windstorms.
- European Ash- Emerald Ash Borer (Beetle) infestation that kills the trees. High intolerance to microbes, fungi and insects.
- Native Cottonwood - Planting cottonwood trees in home landscapes leads to problems. These messy trees have weak wood and are prone to disease. In addition, their massive size makes them out of scale for all but the largest landscapes.
- Native Alder – Large trees rarely seen in urban home settings.

C) Adjust the ratios for tree replacement (see BMC 19.25.160 in Attachment 1).

- The language should specify what tree caliper on the tree removal list will be used for the replacement ratio. Should this be based on an average caliper? Or should the largest caliper tree on the inventory be the basis of the ratio? The lack of specificity causes confusion for staff and applicants.
- As written, regulations do not consider lot size, site plan or the space needed for mature canopies. Staff recommends drafting language that will address this problem. It could be mature canopy spread, or a set 20 to 30 feet planting space between trees. *(If the ratio requires more trees than there is space, then the extra trees will need to be planted off-site or fees paid in lieu. This will be discussed at the next meeting.)*

PLANNING COMMISSION ACTION

Discuss A through C above & draft amendments to the existing code for later recommendation to City Council.

If you have any questions before the meeting, please contact Brandi Eyerly at (206) 248-5519 or by email at BrandiE@burienwa.gov, and Niomi Zinn (206) 248-5152 or by email at NiomiZ@burienwa.gov.

ATTACHMENTS:

- (1) BMC 19.25 BMC 19.25.120 through 180 Significant Tree Retention, Incentives, Protection, Replacement, and Maintenance

ON-LINE REFERENCES:

Guide for Developing and Evaluating Tree Ordinances <http://phytosphere.com/treeord/contents.htm>
 City of Renton “Approved Tree List” <https://rentonwa.gov/>

OTHER REFERENCES:

Sampling of Regional Tree Retention Policies – (received in April 27th Agenda packet)

BMC 19.10.493 Significant tree

– An existing healthy tree which, when measured four feet above grade, has a minimum diameter of:

1. Eight inches for evergreen trees, or
2. Twelve inches for deciduous trees. [Ord. 293 § 1, 2000]

BMC 19.25.120 Significant trees – Retention required. Revised 2/16

Significant trees shall be retained as follows:

1. All significant trees on an undeveloped lot shall be retained.
2. Landscape category A: Thirty percent (30%) of the significant trees located on the site, excluding critical areas or their buffers.
3. Landscape category B: Ten percent of the significant trees located on the site, excluding critical areas or their buffers.
4. Landscape categories C, D and F: Five percent of the significant trees located on the site, excluding critical areas or their buffers.
5. If significant trees were previously located in a closed, forested situation, an adequate area of smaller trees shall be retained or replaced on the fringe of such significant trees;
6. A grouping of three or more existing trees with canopies that touch or overlap, may be substituted for each required significant tree, provided each tree has a diameter of at least three inches when measured four feet above grade;
7. Except as provided in BMC 19.25.120.8, significant trees to be retained shall not include significant trees that are:
 - A. Damaged or diseased; or
 - B. Safety hazards due to potential root, trunk or primary limb failure, or exposure of mature trees which have grown in a closed, forested situation.

8. At the discretion of the Director, damaged or diseased or standing dead trees may be retained and counted toward the significant tree requirement if demonstrated that such trees will provide important wildlife habitat and is not classified as a dangerous tree. [Ord. 293 § 1, 2000]

9. If the formula for determining the number of significant trees to be retained results in a fraction, the number of significant trees to be retained shall be rounded up to the nearest whole number. [Ord. 620 § 1, 2016; Ord. 484 § 1, 2008]

19.25.130 Significant trees – Retention plan.

The applicant shall submit a tree retention plan concurrent with a land use review application, grading permit application, building permit application, preliminary subdivision application or short subdivision application, whichever is reviewed and approved first. The Director shall compile and maintain a database of significant trees based upon the submitted and approved tree retention plans. The tree retention plan shall consist of:

1. A tree survey that identifies the location, size and species of all significant trees on a site. The tree survey may be conducted by a method that locates individual significant trees or by using standard timber cruising methods to reflect general locations, numbers and grouping of significant trees provided that, when using either method, the survey:

A. Shall also show the location and species of each significant tree that is intended to qualify for additional credit pursuant to BMC 19.25.140; and

B. Any tree 18 inches or greater diameter for the purpose of establishing wildlife habitat value;

2. A development plan identifying the significant trees that are proposed to be retained, transplanted or restored. [Ord. 293 § 1, 2000]

19.25.140 Significant trees – Incentives for retention.

Each significant tree that is retained may be credited as two trees for complying with the retention requirements of BMC 19.25.120, provided it meets one or more of the following criteria:

1. The tree exceeds 60 feet in height, or 24 inches in diameter for evergreen trees or 30 inches for deciduous trees;

2. The tree is located in a grouping of at least five trees with canopies that touch or overlap;

3. The tree provides energy savings through winter wind protection or summer shading as a result of its location relative to buildings;
4. The tree belongs to a unique or unusual species;
5. The tree is located within 25 feet of any critical area or required critical area buffer; and
6. The tree is 18 inches or greater and is identified as providing valuable wildlife habitat. [Ord. 293 § 1, 2000]

19.25.150 Significant trees – Protection.

To provide the best protection for significant trees:

1. No clearing shall be allowed on a site until approval of tree retention and landscape plans;
2. An area of prohibited disturbance, generally corresponding to the dripline of the significant tree shall be protected during construction with a temporary five-foot-high chain link or plastic net fence. The fencing shall be installed prior to issuance of development permits for the site;
3. No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the area defined by such fencing;
4. A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline of the tree;
5. The grade level shall not be lowered within the larger of the two areas defined as follows:
 - A. The dripline of the tree(s); or
 - B. An area around the tree equal to one foot diameter for each inch of tree trunk diameter measured four feet above the ground; and
6. Alternative protection methods may be used if determined by the Director to provide equal or greater tree protection. [Ord. 293 § 1, 2000]

19.25.160 Significant trees – Replacement.

When the required number of significant trees pursuant to BMC 19.25.120 cannot be retained, the required number of significant trees that are removed shall be replaced with: [Ord. 484 § 1, 2008]

1. Transplanted significant trees; or
2. New trees measuring three-inch caliper or more, at a replacement rate of one and one-half (1.5) inches diameter for every one inch diameter of the removed significant tree; or
3. New trees measuring less than three-inch caliper at a replacement rate of two inches diameter for every one inch diameter of the removed significant tree on a space available basis in conjunction with the site plan. [Ord. 293 § 1, 2000]

19.25.170 Maintenance.

1. All landscaping and significant trees shall be maintained for the life of the project.
2. All landscape materials and significant trees shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure;
3. With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat, other dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season; and
4. Landscape areas shall be kept free of trash. [Ord. 293 § 1, 2000]

19.25.180 Bonds/security.

Performance bonds or other appropriate security (including letters of credit and set-aside letters) shall be required for a period of two years after the planting or transplanting of vegetation to insure proper installation, establishment and maintenance. [Ord. 293 § 1, 2000]