

City of Burien

BURIEN PLANNING COMMISSION
June 22, 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

Chair Curtis Olsen called the June 22, 2016, meeting of the Burien Planning Commission to order at 7:03 p.m.

ROLL CALL

Present: Kim Davis, Butch Henderson, Anna Markee, Kaelene Nobis, Curtis Olsen, and Amy Rosenfield

Absent: Douglas Weber, excused

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

AGENDA CONFIRMATION

Direction/Action

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

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Henderson, seconded by Commissioner Rosenfield, and passed 6-0 to approve the minutes of the June 8, 2016, meeting.

PUBLIC COMMENT

None.

PUBLIC HEARING

A. Transportation Impact Fee Deferral Zoning Code Amendments

Chair Olsen opened the public hearing at 7:05 p.m. Chip Davis gave a brief introduction on the hearing topic. There being no one wishing to testify, Chair Olsen closed the hearing at 7: 15 p.m.

OLD BUSINESS

A. Transportation Impact Fee Deferral Zoning Code Amendments – Recommendation

Chair Olsen asked for clarification of when the amount of the impact fee is determined; Mr. Davis responded that it is determined at the time of building permit application and will stay fixed for the 18-month deferral period.

Commissioner Nobis asked for clarification about the timing of the fee payment; Mr. Davis explained that it's a matter of whatever comes first: final inspection, issuance of a Certificate of Occupancy, or closing of first sale of the property, although the Certificate of Occupancy will be the most likely trigger.

Chair Olsen asked if this would be punitive to a homeowner building his or her own house. Mr. Davis replied that a homeowner can apply for the deferral and may actually benefit from it as it postpones for 18 months one of the costs of building the house.

Chair Olsen moved that the Planning Commission recommend to the City Council approval of amendments to BMC 19.35 Transportation Impact Fee to allow deferred payment of impact fees and establish a reasonable administrative fee as set forth in the June 15, 2016, staff memo and associated attachments. Commissioner Nobis seconded. Motion carried 6-0.

B. Significant Tree Retention Discussion

Brandi Eyerly, planner, reviewed the changes made to the proposed language as requested by the commissioners at their last meeting.

Commissioner Nobis noted that there are four types of certifications available to arborists and asked if Burien specifies in its code what certifications are necessary. Ms. Eyerly said the code only says "certified arborist" or an arborist licensed by the State of Washington.

Commissioner Markee asked for clarification that there is no stipulation that all properties have a minimum number of trees; Ms. Eyerly confirmed that the proposed language only applies to properties that currently have trees. Mr. Davis conceded that at some point in the future the City may work to expand the tree canopy by encouraging owners of treeless properties to plant a minimum number of trees.

Commissioner Henderson asked if there are penalties for failing to meet the proposed requirements. Ms. Eyerly said enforcement has not been established yet. Mr. Davis said it would probably involve planting and maintaining replacement trees for a certain number of years.

Chair Olsen asked for clarification of the replacement tree ratio calculation. Mr. Davis said the simple explanation is that the larger the diameter of the replacement trees, the fewer of them that need to be planted.

Commissioner Nobis voiced concern that the proposed language didn't specifically address trees that aren't dead, diseased or deemed a safety risk, for instance, a tree pushing up a driveway or foundation, particularly when there are only a few trees on the property. Mr. Davis said that roots pushing up a driveway, sidewalk or foundation is a justification for removing a tree. As for the requirement that a certified arborist attest that a tree is dead, diseased, a safety risk or a hazard, most tree services have an arborist on staff that works with the crews removing trees, so it shouldn't be much of a hardship or added expense to the property owner. He added that particularly in critical areas how the tree is going to be removed is also very important.

Mr. Davis noted that there will be a public hearing on the proposed language at the next Planning Commission meeting.

Chair Olsen requested that language regarding tree banking be presented at the commission's next meeting, as well as the Port of Seattle list of moderate-height tree species.

The discussion then turned to heritage trees. Ms. Eyerly reviewed the five goals for creating the heritage tree portion of the code. She noted that the meeting packet included a heritage tree program study and examples of what other local jurisdictions have done. Ms. Eyerly pointed out that the programs cited had similar methods of defining heritage trees. Most of the cities do not include language addressing heritage trees in their codes, she added, but rather each has a heritage tree program with an independent board or group to administer it.

The commission discussed whether the public has an interest in designating as “heritage” trees that may be on private property and to what extent such a designation to protect a tree would infringe on private property rights. Many of the programs require the property owner’s agreement to the designation, and with that agreement, the designation and protection run with the land rather than with the ownership at designation. Mr. Davis said the commissioners should be thinking about what types of incentives could be offered to property owners to participate in a heritage tree program. Chair Olsen asked Ms. Eyerly to bring proposed heritage tree definition language to the next meeting.

NEW BUSINESS

None.

PLANNING COMMISSION COMMUNICATIONS

None.

DIRECTOR’S REPORT

Mr. Davis reminded the commissioners of the upcoming Washington state short course in local planning at the commission’s Sept. 25th meeting.

He said the July 13th meeting of the commission will include an introduction to the Highline School District’s school impact fee proposal, the public hearing on the proposed significant tree retention code amendments, and election of the commission chair and vice chair for the coming year.

ADJOURNMENT

Direction/Action

Commissioner Henderson moved for adjournment; Commissioner Davis seconded. Motion carried unanimously. The meeting adjourned at 8:35 p.m.

APPROVED: July 13, 2016

/s/ Curtis Olsen, chair
Planning Commission