

CITY OF MEDINA
Planning Commission Meeting

March 25, 2014
6:00 p.m.

Medina City Hall Council Chambers
501 Evergreen Point Road

CALL TO ORDER

The Planning Commission meeting of March 25, 2014, was called to order at 5:59 PM by Chair Nunn.

ROLL CALL

Present: Chair Heija Nunn, Vice-Chair Jennifer Garone, Peter Papano, Randy Reeves and Shawn Schubring

Absent: Peter May (excused)

Staff Present: Robert Grumbach, Development Services Director
Donna Goodman, Development Services Coordinator
Michael Sauerwein, City Manager

ANNOUNCEMENTS (6:00 PM)

Grumbach made the following announcements:

- Two commissioner terms will expire in June. A letter will be sent notifying those commissioners about their expiring terms.
- Jean Carlson was interviewed by the council personnel committee for the vacant planning commission position. Her appointment is expected at the next council meeting.
- The council had a special meeting the previous day. They met in front of the Medina Grocery to discuss a proposed sidewalk project.
- There will be a public "meet and greet" at City Hall on March 26th at 5:30 pm with the five semi-finalists for the police chief position. Everyone was invited to attend.

Chair Nunn inquired about public notification regarding the reception for the police chief candidates and asked about a citizen interview panel. Sauerwein and Grumbach responded to her questions.

Vice-Chair Garone shared that she had attended the council retreat and her feeling that the SR-520 lid was not in keeping with the city's comprehensive plan.

APPROVAL OF MINUTES (6:05 PM)

Vice-Chair Garone suggested three corrections to the minutes.

MOTION PAPANO / SECOND GARONE TO APPROVE THE MINUTES FOR THE FEBRUARY 25, 2014, PLANNING COMMISSION MEETING WITH THE CORRECTIONS NOTED BY GARONE. APPROVED 5 – 0. (6:08 PM)

AUDIENCE PARTICIPATION (6:08 PM)

Jean Carlson commented on the draft tree code and shared her personal experience with a proposed tree removal. She complimented the inclusion of a flow chart, but felt there was difficulty in finding the definition of “significant tree”. She said she understood the need for a tree code when there is construction and in the rights-of-way, but did not understand the need for residents who have established yards. Carlson also noted that the mitigation requirements seem out of proportion and asked if there is a way to appeal the mitigation requirements and if the city arborist is authorized to act as mediator or to offer suggestions.

Carlson also commented about boardinghouses. She reported living on the street with the home that has been the focus of neighborhood concerns. She noted that she had not been aware of it nor was she impacted by it. She also suggested that the term “roominghouse” was probably more accurate than “boardinghouse”.

The commissioners discussed comments that were raised by Carlson.

Sheree Wen commented on her hazardous tree evaluation. She noted that her tree scored a 10 and that many cities consider this score a hazardous tree, but Medina does not. She shared her frustration with the tree code and that she felt she should not have to mitigate in order to remove a tree she felt was unsafe. She also asked who would be responsible if the tree falls and someone is hurt or a structure is damaged.

Wen continued by saying the tree code should protect the safety of its citizens and not hold them hostage. She talked about her mitigation requirements for the tree and the expense of mitigation trees.

There were no further comments from the audience.

PUBLIC HEARINGS (6:26 PM)

Chair Nunn announced that there were no public hearings.

OTHER BUSINESS

1) Tree Code Phase One Amendments (Continued Discussion) (6:26 PM)

Grumbach provided a brief summary of the previous discussions on the phase one tree code update. In response to questions from the last planning commission meeting, he discussed a memo he prepared on the tree codes of neighboring jurisdictions and the City's tree removal and planting activities over the last several years.

Discussion among the commissioners followed.

Grumbach noted that the changes proposed at the last meeting had been incorporated into the document and pointed out the new flowchart, which had been suggested by Chair Nunn. He also called attention to new language that added some parameters for the City to follow in order to be exempt from the tree code. These include requiring that ANSI standards be followed and requiring that tree removal must be in the public interest.

Vice-Chair Garone expressed concerns about the director having authority to make determinations or waive certain requirements. Grumbach explained that the discretion was intended to allow flexibility. He highlighted an example in the draft about the requirement for 2,500 square feet of clearing or grubbing activity triggering a permit requirement and that it didn't make sense to require that if no trees were impacted by the activity.

Chair Nunn expressed concerns about the director having too much flexibility and Vice-Chair Garone agreed that it might be preferable to remove this provision. Grumbach noted that the criteria under which a waiver could be granted would prevent the decision from being arbitrary.

Further discussion followed. Papano suggested that the tree code should balance maintaining the character of the city without overburdening homeowners.

Vice-Chair Garone voiced her concern that the cost of tree mitigation is a burden on most residents. She shared a handout on trees she obtained from the City of Bellevue and said that Bellevue's tree code in comparison was less cumbersome and less difficult to understand.

Reeves expressed concern that the code does not address the concept of landmark trees, including old-growth trees, which should receive added protection. Grumbach responded by noting this would be a phase two tree code update since it involves tree replacement mitigation requirements.

Further discussion followed, including the topic of citizen appeals of hazardous tree evaluations. Grumbach noted that an appeal of a hazardous tree evaluation had recently been filed. Other topics of discussion included the possibility of bringing in

another arborist to challenge the city arborist's determination, the use of the Medina tree fund and if the city is using the fund to plant trees.

Vice-Chair Garone stated that in general she would like the whole tree code to go away and to start over. Schubring agreed and maintained that the Bellevue code is working for them so why not move toward that.

Grumbach reported that the council will hold a hearing on the phase one proposal and asked the commissioners if they would also like to hold a hearing before making a decision. The consensus was to not hold a hearing.

Discussion followed on the possibility of abandoning the entire code and starting over. Grumbach clarified that the commission could forward the document as proposed to the council with a recommendation to approve or to not approve and why.

Schubring suggested that Clyde Hill's ordinance might work for Medina.

MOTION SCHUBRING / SECOND GARONE TO FORWARD THE PHASE ONE TREE CODE REVISIONS TO THE CITY COUNCIL WITH A RECOMMENDATION NOT TO APPROVE BECAUSE IT IS CUMBERSOME AND HARD TO FOLLOW, AND TO MODIFY THE SIMPLER CODES OF CLYDE HILL, BELLEVUE OR HUNTS POINT TO ACCOMPLISH THE COMMUNITY'S GOALS. (7:34 PM)

Discussion followed.

Reeves stated that he was in favor of a document that is based on the best science, affirms the community's collective goals, is focused on native trees as opposed to non-native, with the ideal of no net loss of the flora and canopy currently existing, and includes landmark tree preservation, while being sensitive to property rights.

Vice-Chair Garone expressed her agreement with Reeves.

Papano stated that he appreciated all of the effort to improve the current code but also questions whether amending the current code is the right direction. He said he would prefer that the planning commission step back from it and recommend to council to approach the code more holistically.

Reeves concluded that the proposed changes appear to be an improvement over the current tree code and that he was not necessarily opposed to forwarding this to the council with the idea that the work to occur on phase two would move ultimately to a better code. He stated that he would vote in opposition to the motion for that reason.

Schubring stated that he agrees with finding a way to protect landmark trees, but that the code should also give people their property rights. He felt the proposed code was going in the wrong direction.

Vice-Chair Garone concurred, stating that they should start over with something that makes sense, that this tree code is too difficult and suggested stepping back and thinking about the concepts that the city wants to achieve.

Chair Nunn stated that she saw both sides of the question but felt there are some things to be gained by approving the draft. She said her concern was that the council might see this as sufficient progress while so much more needs to be done. Chair Nunn felt the planning commission could adopt this document with a strongly stated caveat that there should be funds allocated to create a more holistic document that addresses all the issues that had been discussed and which reflects a long-term vision.

Grumbach summarized what he thought he was hearing from the commissioners, that they would like to include a message to the council that they desired a policy shift in the city's approach to trees, whether this is done by starting over or by forwarding this document and then approaching the changes while working on phase two.

MOTION TO FORWARD THE PHASE ONE TREE CODE REVISIONS TO THE CITY COUNCIL WITH A RECOMMENDATION NOT TO APPROVE BECAUSE IT IS CUMBERSOME AND HARD TO FOLLOW, AND TO MODIFY THE SIMPLER CODES OF CLYDE HILL, BELLEVUE OR HUNTS POINT TO ACCOMPLISH THE COMMUNITY'S GOALS, FAILED 1 – 4. NUNN, GARONE, REEVES AND PAPANO OPPOSED. (7:52 PM)

Discussion continued on a new motion.

MOTION NUNN / SECOND GARONE TO FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT THEY ADOPT THE PHASE ONE DRAFT DOCUMENT AS AN INTERIM MEASURE ONLY AND THAT THEY ALLOCATE WORK PLAN TIME, BUDGETARY RESOURCES AND SUPPORT FOR THE PLANNING DIRECTOR TO CREATE A PLAN TO ADDRESS THE TREE CODE POLICY AND THE CREATION OF A TREE CODE AS A WHOLE NEW APPROACH, ONE THAT WHOLISTICALLY COMBINES THE COMPREHENSIVE PLAN, THE INPUT OF THE PLANNING DIRECTOR, INPUT FROM THE COMMUNITY, THE BEST AVAILABLE SCIENCE AND PROTECTION OF LANDMARK TREES. APPROVED 4 – 1, SCHUBRING OPPOSED. (7:59 PM)

Nunn suggested that as many of the commissioners as possible attend the next council meeting to explain the planning commission's concerns.

2) Boardinghouse Code Amendments (8:00 PM)

Grumbach briefed the commissioners. He noted that neighbors brought this issue to the city council in 2004 and raised it again more recently with both the city council and the planning commission. Their concerns were in regard to a homeowner using her home as a boardinghouse. The council asked staff to work with the city attorney, who advised that amendments to the zoning code would be necessary. Grumbach

referenced his memo in the packet and explained that boardinghouses are not an allowed use under the code. However, the difficulty was in the renting of rooms and being able to distinguish a boardinghouse from a single-family dwelling. He noted some of the complications involved in addressing this issue and the types of living situations in Medina, such as staff on large estates living onsite, that affect determining what is allowed.

Grumbach explained that the proposed code amendment language reflects federal law and would add new definitions for "housekeeping unit" and "single-family dwelling, detached". He further explained that the proposed changes will not address the situation that was the focus of neighbors' concern because any code changes to that effect are unlikely to pass legal muster. However, the code amendments would place a limit on the number of tenants who could rent rooms in a house.

Discussion followed and Grumbach responded to commissioners' questions and concerns. He noted that some of this code language came from the cities of Auburn and Bellevue.

Chair Nunn noted she would vote no if there were no comments included with the motion.

MOTION REEVES / SECOND SCHUBRING TO APPROVE THE PROPOSED AMENDMENTS AS DESCRIBED AND FORWARD THEM TO THE CITY COUNCIL WITH A RECOMMENDATION TO APPROVE. APPROVED 4 – 1, NUNN OPPOSED (8:17 PM)

3) Public Participation Plan – Comprehensive Plan Update (8:17 PM)

This item was postponed to the next meeting.

ADJOURNMENT

MOTION SCHUBRING / SECOND GARONE TO ADJOURN THE MARCH 25, 2014, PLANNING COMMISSION MEETING. APPROVED 5 - 0. (8:18 PM)

The next Planning Commission meeting is scheduled for Tuesday, April 22, 2014, at 6:00 PM.

Minutes taken by:



Donna Goodman
Development Services Coordinator