

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 20, 2016
7:00 P.M.**

1. CALL TO ORDER/ROLL CALL

Chairman Lucking called the meeting to order at 7:00 p.m.

Members Present: Chairman Pat Lucking, Commissioners Lake Bechtell, Kristi Conrad, and Douglas Reeder.

Absent: Commissioner Fiona Sayer and City Attorney Mark Kelly

Others Present: Council Liaison Bill Cook, and Zoning Administrator Dale Cooney.

2. MINUTES – March 16, 2016

Commissioner Conrad moved to approve the minutes of March 16, 2016 as presented. Commissioner Bechtell seconded the motion. Motion carried 4-0.

3. PUBLIC HEARINGS

4a. Public Hearing for Ordinance No. 255: Amending Section 1140.80 Regarding Construction-Related Tree Cutting and Tree Preservation Plan Requirements

Chairman Lucking introduced the agenda item. He said that he proposed the ordinance amendment so that an applicant could not create a tree plan that included noxious trees, get credit for those trees as part of the 20% limitation, and then remove the noxious trees at a later point, thereby exploiting a loophole.

Chairman Lucking opened the public hearing.

Rob Bohnenkamp of 4925 Woods Court said that he thinks it is good to have strong tree preservation regulations, and that tree preservation should come as early in the process as possible. He said that moving the requirement to the building permit phase would not be a good thing. He said trees lose out when there are larger houses on smaller lots. He said that he does not want the new joke to be that Greenwood is not green, nor is it wooded.

Chairman Lucking closed the public hearing.

Conrad said that the longer we wait to get a tree plan, the more likely it is that trees will be taken down prior to plan submission. Conrad asked what was required on the subdivision request.

Cooney said the ordinance only requires setback lines to be shown. He said that he would prefer to see a building pad as well. But, he said, that requiring a tree inventory with the application would add costs and time for an applicant. He said it is appropriate to require a tree preservation plan at some point in the process, but perhaps the beginning of the process is not the right point.

Conrad asked how trees should be considered in the subdivision process. She asked if they should be completely ignored, or if trees should be considered in some way. She said if a building pad is in the middle of a wooded area, shouldn't a building pad be moved.

Cooney said that the subdivision design standards already require showing of wooded areas and consideration of natural features. Cooney said that this is a middle ground between ignoring trees and counting every tree.

Councilmember Cook said that he is concerned that when someone subdivides a lot, they then prepare it for sale, and in doing so, they clear cut all the trees in the building pad area. He said he doesn't have a problem not requiring a tree preservation plan, but that he would like aspirational

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 20, 2016
7:00 P.M.**

language of some kind that requires tree replacement reflecting conditions at the time of subdivision.

Reeder asked if pictures could be taken of the lot. Conrad and Cook said that they were in favor of photos for showing existing conditions.

Conrad asked if applicants are following the procedure, but the city is not getting the results that it wants, should those standards be revisited. Lucking said that was the purpose of the proposed amendments.

Lucking asked if the regulations currently apply to wooded lots without houses on them. Conrad asked if the building pad area would allow tree removal in excess of 20%.

Cooney said 20% is the limit for new construction, but in the subdivision section, it would not require a variance to exceed 20%, only tree replacement.

Cook pointed out that they could clear cut the entire lot as long as there was tree replacement. Lucking said that the tree replacement requirements would ensure the right size, type and quantity were replaced.

Cook said that he wants to prevent a developer from subdividing a lot and then removing a lot of trees, selling it to a buyer and then the buyer removes a lot of additional trees.

Cooney said that he understands this concern and suggested that a tree preservation plan could be required at final plat, or that a condition be placed that tree removal cannot take place until a building permit is issued.

Conrad said that she liked the idea of requiring the plan at final plat.

Lucking said that there is an issue with the definition significant and noxious trees. He said a lot can have many trees, but if they are considered noxious they can be removed regardless of the number.

Lucking suggested that only significant trees should be counted as part of the 20% requirement, but count all the trees when calculating required tree replacement. Cook added that noxious trees would then be replaced with non-noxious trees.

Conrad said that this would not prevent a wooded lot with no significant trees from being clear cut. She said that she would like to see a wooded lot that was clear cut to be replanted to a pre-construction wooded state.

Conrad asked about the wording change from "existing" to "identified" in the proposed ordinance. Cooney said that identified trees would be only those trees currently regulated by the city which excludes noxious trees, and only includes non-significant trees in the bluff and shoreland impact zones.

Conrad said she thinks all the trees need to be counted. Cooney said that the city only regulates smaller trees in the bluff and shoreland impact zones, so trees outside of those areas can be shown on a plan and then removed at a later date.

Cooney said that for annual tree harvest, a person can take down up to two significant trees per year. He said that, outside of the bluff and shoreland impact zones, they can take out as many other non-significant trees as they want.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 20, 2016
7:00 P.M.

Lucking said that was not the original intent of the ordinance. Cook said that the ordinance shouldn't limit annual permitted tree harvest to two significant trees, but rather to two trees as currently defined.

Reeder said that the two significant tree allowance is the worst thing about the ordinance, since people will remove two trees a year until they have removed as many as they want.

Conrad said that the smaller trees need to be represented. Reeder said that he thinks the ordinance should require the replacement of non-significant trees that are removed from a property.

Cooney said that the tree ordinance currently does not protect non-significant trees except for the bluff and shoreland areas. Conrad said that this would need to be fixed. Conrad said she also would like some kind of tree replacement requirement.

Bechtell asked why someone can't cut down five trees if they replace five trees. Lucking said that that is the maximum number without a tree replacement requirement.

Conrad asked why we let people cut down significant trees at all. She asked if it would be too much to ask people to replace any significant tree that is removed.

Cook said that it seems that the city is generous in the amount of trees allowed to be cut down in a year and that the city does not have to be that generous. Cook suggested limiting the restriction to one significant tree per five years and that tree replacement would be required.

Conrad said that she thinks the ordinance needs more thought. Lucking agreed and suggested tabling it until the next meeting and getting the city council's input.

Motion by Lucking to table a decision on the ordinance until the May planning commission meeting and get the council's input on the issues raised at the public hearing. Motion was seconded by Conrad. Motion carried 4-0.

4. NEW BUSINESS

5. LIAISON REPORT

Cook said that the decision on the future of the planning commission has been tabled. Cook said that he had suggested training sessions for the planning commission.

6. ADJOURN

Motion by Commissioner Conrad to adjourn the meeting. Commissioner Bechtell seconded the motion. Motion carried 4-0. The meeting was adjourned at 8:04 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator