

TOWN OF WOODWAY
COUNCIL MEETING AGENDA

23920 113th Place W. | Woodway, WA 98020

WEDNESDAY, FEBRUARY 12, 2020
4:00 P.M.

- 4:00 P.M. Call to Order, Flag Salute, Roll Call
- 4:05 P.M. I Proposed Changes to Woodway Municipal Code
- 16.10: Environmentally Critical Areas
 - 16.12: Tree Preservation
 - 16.08: Clearing and Grading
- 5:30 P.M. Adjournment

** Audience comments only during the time specified. Council Deliberations will not be interrupted for audience comment. Citizens desiring comment time in excess of five minutes should contact the mayor to schedule presentation time. Council agendas are subject to change before or during the council meetings upon motion. Anyone with a disability requiring special accommodations should contact the Town Clerk's Office at Town Hall or call (206)542-4443 before 1:00 p.m. the Thursday preceding the Council Meeting. For TDD relay service, call (206)587-5500, or outside the Seattle area #1-800-833-6388.*

CODE UPDATES

The discussion points and comparisons will be the focus of our upcoming special meeting/workshop on the proposed code updates.

Topping

Discussion points

- Should topping be allowed? If so, under which circumstances (allowed outright, only under a Tree Management Permit, only regulated in setbacks adjacent to public rights-of-way, etc.)?
- Should the code differentiate between conifers and deciduous trees?
- Should the code have different regulations for different areas (critical areas, buffers, inland, etc., rights-of-way)?
 - Should topping in a critical area require a Tree Management Plan/Permit?

	Old Code	New Code
Definition	"Topping" means removing no more than thirty percent of the total height of the tree.	"Topping" means removing no more than 30% of the total height of a tree. Removal of suckers and broken, split, dead or diseased tops or branches is not considered tree removal or topping.
Maximum allowed	Governed by Table 1	No maximum
Replacement	Requires replacement trees	No replacement requirement
Exceptional trees	Not allowed	Allowed outright for exceptional deciduous trees. For exceptional conifers, only allowed under a Tree Management Permit; must meet the purpose of the code; and is only allowed where specific circumstances pose a risk to property, health, or safety.

Routine yard & tree maintenance

Discussion points

- Are the new definitions complete?
- Should the Environmentally Critical Areas code specifically reference maintenance of existing landscaping/trees?

	Old Code	New Code
<p>Definition 1 <i>Note:</i> The definition will be added to the Environmentally Critical Areas code but not the Tree code (because the definition specifically excludes tree removal).</p>	<p>"Routine vegetation maintenance" shall mean pruning, weeding, planting annuals, mowing turf lands and groundcover management that is undertaken by a person in connection with the normal maintenance and repair of property. This definition does not include felling or topping of trees.</p>	<p>"Routine landscape maintenance" shall mean keeping a landscape healthy, clean, and safe using hand labor and light equipment to carry out plantings, periodic weeding and fertilizing, other gardening, lawn care, path maintenance, shrub pruning, and other jobs for protecting and improving the topsoil, plants, and garden accessories that is undertaken by a person in connection with the normal maintenance and repair of property.</p> <ol style="list-style-type: none"> 1. This definition does not include tree removal or topping. 2. This definition includes removal of the following vegetation: <ol style="list-style-type: none"> a. Any species on the Washington State or Snohomish County Noxious Weed List; b. English ivy (<i>Hedera helix</i>); c. English laurel (<i>Prunus laurocerasus</i>) and other laurel species; d. English holly (<i>Ilex aquifolium</i>); e. Himalayan blackberry (<i>Rubus armeniacus</i>); f. Evergreen blackberry (<i>Rubus laciniatus</i>); and 3. This definition does not include work associated with a larger common plan of development that, if combined with the routine maintenance, would require a permit.

	Old Code	New Code
Definition 2	None	<p>"Routine tree maintenance" shall mean keeping a tree healthy, clean, and safe using hand labor and light equipment to prune trees by a person in connection with the normal maintenance and repair of property.</p> <ol style="list-style-type: none"> 1. This definition includes removal of the following vegetation: <ol style="list-style-type: none"> a. English laurel (<i>Prunus laurocerasus</i>) and other laurel species; b. English holly (<i>Ilex aquifolium</i>); and c. Nonnative cultivated fruit trees including, but not limited to, apple (<i>Malus sp.</i>), pear (<i>Pyrus sp.</i>), cherry (<i>Prunus sp.</i>), plum (<i>Prunus sp.</i>), peach (<i>Prunus sp.</i>), apricot (<i>Prunus sp.</i>), and nectarine (<i>Prunus sp.</i>). 2. This definition does not include work associated with a larger common plan of development that, if combined with the routine maintenance, would require a permit.
Clearing, grading, and land disturbing activities located within environmentally critical areas and/or their buffers	All work requires a permit	If the work will take place in a geologic hazard area buffer that is more than 50 feet from the top of the steep slope, the standard thresholds apply. All other work requires a permit.
Yard maintenance in a critical area buffer used as a yard	Allowed with permit	Routine landscape maintenance, as defined in the proposed definition, is exempt from needing a permit in a critical area buffer.

Performance and maintenance bonds

DISCUSSION POINTS

- Do we want to have a different contingency amount for voluntary slope stabilization (or other) projects than for work associated with development?
 - Would we need to define “voluntary”?

Clarifying the purpose of the codes

Discussion points

- Are the additions/amendments adequate?

	Old Code	New Code
Clearing and grading	To protect critical areas from adverse clearing and grading activities	To protect environmentally critical areas and their buffers, as defined in Section 16.10, from adverse clearing and grading activities
Tree code	Nothing	To protect environmentally critical areas and their buffers as defined in Section 16.10

Depth of fill

Discussion points

- Are 12- & 24-inches appropriate thresholds?
- Fill on larger properties
 - Should the code include a setback that allows for taller fill on the interior of a lot?
 - Should that only be allowed under a Clearing and Grading Management Plan/Permit?

	Old Code	New Code
Amount of fill that can be placed on a site	No restrictions	A maximum of 12” without a geotechnical report. A maximum of 24” with a geotechnical report. Note: we will have additional information from our engineer at Wednesday’s meeting

Hazard trees

Discussion points

- Should the definition be broadened to include trees not in proximity of a target? Under the proposed code, trees removal requests where there is not a target would be evaluated under a tree management plan.

Setbacks along public rights-of-way

Discussion points

- Ok to keep 100' in R-87?

Replacement tree height

Discussion points

- Is three feet tall adequate for general replacement?
- Is six feet tall adequate for replacement trees on properties shown on Figure A, in critical area buffers, and in setback areas adjacent to public rights-of-way?
- Would requiring larger trees be burdensome, as they have a lower survival rate and would need to be replaced if they died within 5 years?

Noxious weed removal in geologic hazard areas

Discussion points

- Ok to exempt from needing permit?

View protection

Discussion points

- Should the Tree Management Permit specifically reference view protection?
- Should the Environmentally Critical Areas code specifically reference view protection?