

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to amend the Interim Use Permit as recommended by Staff.

Further discussion

Commissioner VanScoy requested the permit expire five years from the date the Council approves the IUP.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, VanScoy, Brauer, Field, Maul, and Nosan. Voting No: None. Absent: None.

Motion by Commissioner VanScoy, seconded by Commissioner Maul, to recommend that City Council adopt Resolution #13-05-068 adopting Findings of Fact relating to the request for an extension of an existing Interim Use Permit.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners VanScoy, Maul, Bauer, Brauer, Field, and Nosan. Voting No: None. Absent: None.

Motion by Commissioner Bauer, seconded by Commissioner Field, to recommend that City Council adopt Resolution #13-05-069 approving the request for an extension of an existing Interim Use Permit with the following amendments to the IUP:

- Permit is extended to May 14, 2018 (five [5] years from the date of City Council approval); and
- Once excavation and hauling activities commence, that work shall be completed within twelve (12) months; and
- The City will be named on the contractor's bond; and
- Applicant would notify the City and surrounding property owners prior to commencing excavation and hauling activities.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Field, Brauer, Maul, Nosan, and VanScoy. Voting No: None. Absent: None.

5.02: Public Hearing: Consider Amendments to the Tree Preservation Ordinance.

Public Hearing

Chairperson Levine called the public hearing to order at 8:26 p.m.

Presentation

Associate Planner/Environmental Coordinator Anderson presented the staff report. He commented in 2003 the City adopted a Tree Preservation Ordinance to establish reasonable protection of the community forest during development. The intent of this Ordinance was to guide more sustainable development and encourage preservation of existing trees. He indicated

the Environmental Policy Board (EPB) reviewed the Ordinance as recommended by the City Council and identified several revisions that would improve the current Ordinance while incorporating more flexibility for replacement of trees removed during development.

Michael Max, Environmental Policy Board, commented the Board revisited the Ordinance and found several inconsistencies. These areas were clarified to remain consistent with the City Code.

Associate Planner/Environmental Coordinator Anderson discussed the definition of a significant tree within the Ordinance. The other minor revisions and exemptions were reviewed with the Commission in detail. He requested the Commission recommend the City Council adopt an Ordinance amending City Code Article II, Division 5.

Citizen Input

Motion by Commissioner VanScoy, seconded by Commissioner Field, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners VanScoy, Field, Bauer, Brauer, Maul, and Nosan. Voting No: None. Absent: None.

Chairperson Levine closed the public hearing closed at 8:34 p.m.

Commission Business

Commissioner Brauer was pleased that the Scenic Rivers Ordinance was taken into consideration with the proposed revisions.

Commissioner Bauer requested further information on the replacement standards within the revised Ordinance.

Associate Planner/Environmental Coordinator Anderson discussed the standards in detail with the Commission. He reiterated that the replacement standards would be calculated over an entire development, and not single lots.

Commissioner Brauer did not find the new requirements to be burdensome.

Commissioner Field understood that the replacement of trees would only be required once a certain tree removal threshold was met.

Associate Planner/Environmental Coordinator Anderson stated this was the case. He stated invasive or diseased trees would be exempt from replacement.

Motion by Commissioner Bauer, seconded by Commissioner Maul, to recommend that City Council adopt Ordinance #13-10 amending City Code Article II (Zoning) Division 5 (Tree Preservation).

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Maul, Brauer, Field, Nosan, and VanScoy. Voting No: None. Absent: None.

Commissioner Brauer excused himself from the meeting at 8:49 p.m.

5.03: Request for Site Plan Approval for an Expansion of an Outdoor Patio and Covered Bar at 6415 Highway 10 NW; Case of Willy McCoys

Presentation

Associate Planner/Environmental Coordinator Anderson presented the staff report. He explained Willy McCoys was proposing to expand its outdoor patio area and was proposing a new outdoor covered bar at their restaurant facility located at the south end of the Sunfish Commons retail center at the intersection of Highway 10 and Sunfish Lake Boulevard. He commented a parking agreement may be necessary with the adjacent property owner. It was noted the property was located within the Critical River Overland District. Staff reviewed the proposed site plan expansion in detail with the Commission and recommended approval of the Site Plan contingent upon compliance with the City Staff Review letter dated April 26, 2013 and suggested conditions.

Citizen Input

Tom DeQuatro, 13281 Redwood Street in Andover, thanked the Commission for considering his request this evening. He stated the proposed patio would greatly benefit the patrons visiting his restaurant during the summer months.

Commissioner Bauer asked if the patio area could be accessed from the parking lot.

Mr. DeQuatro commented staff would seat patrons in the patio area from the main entrance of the restaurant. Patrons would not be able to seat themselves in the patio from the parking lot.

Associate Planner/Environmental Coordinator Anderson explained that gates would be necessary in the patio area for emergency purposes. This would be reviewed by the building official and fire marshal.

Commissioner Nosan questioned how far the patio would be from Highway 10.

Associate Planner/Environmental Coordinator Anderson explained that the patio setback exceeded the City's requirements.

Commissioner VanScoy supported the proposed patio and covered bar improvements.