

5.03: Consider Natural Resources Elements for Estates of Silver Oaks 2nd Addition Preliminary Plat

City Planner Anderson presented the staff report. He reported that the City has received an application for Preliminary Plat for a proposed eight lot subdivision to be known as Estates of Silver Oaks 2nd Addition. He stated that the site is located east of TH 47 and north of 162nd Lane. He stated that the site is currently zoned R-1 Residential (Rural Developing) and thus, as proposed, a Zoning Amendment and Comprehensive Plan amendment would also be needed. He noted that the EPB reviewed certain aspects of this request at their May meeting. He provided additional details on density transitioning that would be needed, noting that most often developers choose landscaping and provided additional details on what would be needed. He asked for feedback on the impact to the oak stand and the density transitioning on the eastern portion of the plat.

Chairperson Stodola asked for additional details on the impact the future connection would have on the oak stand.

City Planner Anderson confirmed that further fragmentation of the natural corridor would occur if the parcel to the north develops.

Board Member Hiatt stated that perhaps staff could work with the developer to add additional landscaping to the larger western lot because of the impact to the oak stand that will occur on the eastern side.

City Planner Anderson stated that is a possibility that staff could request. He confirmed that the element could not be required. He stated that the developer has to work with the existing access to expand that which puts a challenge on the developer. He stated that the oak forest could not be recreated and therefore perhaps they are more specific on what would be proposed and attempt to go above and beyond that. He noted that perhaps oaks, and native trees, could be emphasized for the density transitioning.

Board Member Valentine stated that it is unclear to him whether they have exhausted all possibilities of preserving that oak forest or whether there are additional options that could be reviewed to preserve more of the forest without destroying the development value of the property.

City Planner Anderson replied that looking at the natural topography he is unsure that there is a lot more that could be done, short of custom grading the lots and attempting to work around trees. He noted that can be costly and sometimes setup the future home owner to have the cost of removing a tree that should've been removed to begin with, as the root system can receive damage during the construction period. He stated that staff can approach the developer in an attempt to carve out more of the trees that could be preserved.

Board Member Hiatt stated that it appears unlikely that the parcel to the west would develop further in the future because of the issue of access.

City Planner Anderson agreed that it would be highly unlikely that the parcel to the west could develop because of the access issues.

Councilmember LeTourneau referenced the idea of custom grading and asked if this would be a spec development or whether it would be custom development.

City Planner Anderson replied that it is his understanding that the developer is looking to create the lots and sell those to builders. He was unsure whether the builders would be doing spec homes or custom homes.

Councilmember LeTourneau stated that perhaps the new homeowner could be given the option of custom grading in attempt to save some of the existing oaks on their property as a method to mitigate the loss.

City Planner Anderson confirmed that this could be moved forward and staff could continue to explore that option with the developer and the engineering department prior to the review of the Preliminary Plat by the Planning Commission.

Board Member Hiatt stated that he drove through the development portion to the south and noticed that it is fairly open, although meeting the requirements of the City.

Board Member Covart asked and received confirmation that a pond would be created with this development as part of the stormwater management requirements.

City Planner Anderson noted that per the City ordinance, the trees needed to be removed for the stormwater pond are not counted towards the total loss of trees. He noted that required trails and major/connector streets are also exempt from the tree removal total.

Councilmember LeTourneau referenced the lots that meet up with more rural lots from the development southeast of this parcel and received confirmation that the density transitioning required for those lots would be similar to what is required for this development.

Chairperson Stodola asked if there is consideration to making these lots larger.

City Planner Anderson replied that the City does not have to approve a zoning or Comprehensive Plan amendment, but noted that there is something to be said that these lots would be consistent with the existing portion of the development.

Board Member Hiatt stated that if there is a way to preserve that oak forest, it should be. He noted that if two to three homes were constructed under the current zoning, that would preserve more of the oak forest.

Chairperson Stodola stated that there are a lot of trees being removed with this plan and therefore he would not support the Tree Plan and Landscape Plan as proposed.

City Planner Anderson stated that the request meets the minimum requirements under City Code. He stated that the application is not deficient in meeting the minimum standards and therefore if this were challenged legally the City would likely have no legs to stand on.

Board Member Hiatt agreed that this is too many oak trees going away from a mature area and the City should fight hard to preserve that. He noted that the zoning would need to be changed to support this plan and therefore he would ask that the zoning amendment not be approved further along in this process.

Board Member Trossen asked how many trees would be saved with fewer lots.

City Planner Anderson stated that you likely would preserve more trees but you would still need stormwater treatment and septic system drain fields, which would both require tree removal. He stated that he was unsure that the rate of removal would be considerably less than that proposed. He stated that the Board could state that because of the zoning and Comprehensive Plan amendment are required and that the oak forest was identified as moderate value, the Board could recommend denial of the request

Motion by Chairperson Stodola and seconded by Board Member Hiatt to recommend denial of the Tree Plan and Landscape Plan because of the impacts to the oak forest and the need for the zoning and Comprehensive Plan amendments.

Further discussion: Board Member Hiatt stated that he would love to see a comparison development plan that would meet the current zoning and Comprehensive Plan guiding to determine the extent of the oak forest that could be preserved. Board Member Covart stated that she likes the idea of larger lots and asked if the proposed plan would have individual septic systems. City Planner Anderson stated that this proposed plan would have City sewer and water while lots developed under the current zoning would require individual septic. Councilmember LeTourneau stated that he has heard the support from the Board to preserve the oak forest. He stated that there is a tree preservation policy in place that helps to guide development in the City but noted that an exception could be made to that policy in this instance. He provided an example of how he had to clear a lot of trees from his lot to build but now 30 years later his lot looks great. He noted that there is a large section of the community in this quadrant that is under pressure from a lot of things. He stated that there are a lot of people in that quadrant that would like to have the commercial node viable and more rooftops will be needed in order to make that happen. He stated that this is another step along that path and noted that while it is unfortunate that there is a tree stand in that area, this is a step in the right direction for that quadrant of the community. He provided an example of another route a developer could take in the future to provide a connection to the lot to the north. Board Member Hiatt stated that the tree preservation policy assumes that all trees are equal and maybe a future improvement to the policy should put prioritization on certain species. City Planner Anderson stated that the tree preservation standards do identify a definition for significant trees, which puts a greater emphasis on oaks and evergreen by virtue of including all of those that are four inches or greater in diameter as significant trees compared to eight inches or greater for all other deciduous trees. Board Member Valentine asked whether the tree preservation is a policy or ordinance. City Planner Anderson replied that it is an ordinance. He noted that the Natural Resources Inventory includes four levels, noting that moderate falls just above low and there are two higher quality categories. Board Member Valentine stated that this seems to be a very common contention between development and preservation and the solution often falls in finding a balance point for each of the parcels as they come forward. He asked the type of progress that should be anticipated because this does not have the ordinance behind for

support. City Planner Anderson replied that he does not think the developer would be supportive. He stated that perhaps the better choice would be to open the dialogue to determine how the preservation could be maximized while still meeting the requirements of the City Code. He noted that the requirements of the Code are being met and therefore the better approach would be to attempt to work with the developer to attempt to maximize what could be protected. He stated that the Planning Commission has already reviewed the Sketch Plan and did not raise any issues from that perspective, so the developer used that initial feedback to further guide their design plans. Board Member Valentine stated that he likes the idea of going back to the developer to determine if additional trees could be preserved. Board Member Covart asked if the Staff Review Letter would be changed to reflect that statement. City Planner Anderson confirmed that he would update the Staff Review Letter that will go before the Planning Commission and City Council. He noted that the lengthy discussion regarding this oak forest would be included in the packet information.

Motion failed. Voting Yes: Chairperson Stodola, Board Member Trossen. Voting No: Board Member Anderson, Covart, Hiatt, and Valentine. Absent: Board Member Bernard.

Motion by Board Member Hiatt and seconded by Board Member Valentine to recommend approval of the Tree Plan and Landscape Plan contingent upon compliance with the Staff Review Letter and direct staff to work with the developer in attempt to preserve additional portions of the oak forest.

Motion carried. Voting Yes: Board Member Hiatt, Valentine, Anderson, Covart, and Trossen. Voting No: Chairperson Stodola. Absent: Board Member Bernard.