

Kol convened the meeting at 3:02 p. m., and those present immediately adjourned for an executive session in another location, for a briefing by City Attorney Joe Levan. Shortly after 3:30 p. m., staff and committee members returned to the conference room to proceed with the meeting.

Committee Members Attending: Kol Medina, Mack Pearl, Jon Quitslund, and Ron Peltier.

COBI Staff: Jennifer Sutton, Gary Christensen

Public: Mike Juneau, Paul Bonham, Stephanie Foster, and Charles Schmid

Items 1 & 2: Notes from July 5 and the Agenda were approved as distributed.

Item 3, Public Comment: No comment noted at this point, but see below.

Item 4, Debrief from 7/18 Council meeting: Referring to the Summary of policy and code recommendations that Jennifer had prepared, we discussed some items at length, starting with the proposal to add an arborist or forester to the City staff. Gary said that this comes at a time when reorganization is being discussed. Mack spoke to the need for a job description. There are pros and cons to either a staff position or contracting for services. Jennifer observed that Public Works and Planning both needed the services of a forester/arborist.

Regarding tree and landscaping businesses that operate on the Island: presumably, they all have business licenses; they can be contacted and required to go through an orientation, to understand Code requirements and the penalties for infractions. Such sessions could be offered on a quarterly basis. Outreach to citizens and developers who make the hiring decisions is also important. BIMC 16.18 and the Admin. Manual will include language stipulating qualifications for professional services.

Re: the requirement of windfirm condition in trees being retained or limbed, this will be addressed in BIMC 16.18 (perhaps also in 18.15.010). Stephanie observed that when windfirmness is a condition to be met before a building permit is issued, the City is exposed to some liability in the event of a falling tree that causes property damage or injury.

Ron spoke to the need to have the Council adopt the Community Forestry Management Plan (updated if necessary); Jon said the Open Space Study should also be adopted. It remains to be seen what modifications are needed to link these policy documents with BIMC regulations.

Item 5, Ongoing Business: At 4:05 p.m. we took up the Minimum Tree Retention Requirements for single family lots that had been the focus of discussion in several previous meetings. On the assumption that it will not be feasible to require a percentage of the lot, varying with its size, to be retained for its tree canopy, Kol proposed that this amendment to BIMC 18.15.010 should focus on preservation of forested areas: if a lot in an Open Space Residential zone is wooded, its tree canopy must be retained to the fullest extent possible. Jon wondered if the reasonable use exception (RUE) application

would be appropriate in these cases. We did not discuss the Tree Unit requirement proposed for lots in R-2.9 and higher density zones, nor did we touch on a policy for agricultural uses. The Committee came to consensus on the **Recommendation** to treat all forested areas like critical areas.

Discussion moved to some of the 'parking lot' issues, beginning with view-blocking trees and hedges. Jennifer distributed copies of a 7/19/2017 iteration of the issues that describes the regulatory status quo and nuances that need to be considered. The Committee came to the **Recommendation** to create a new regulation that would provide a remedy when one party's view is blocked by another party's unregulated hedge or row of trees was described as "complaint-based." If a limit is placed on the height of a hedge, comparable to existing regulations on fences, many hedges would be out of compliance, but wouldn't their non-conformity be grandfathered so long as they aren't allowed to grow taller?

The next topic was trees in the ROW. Mack spoke to the inconsistencies in definition of the ROW in the legal descriptions of lots, leading to uncertainty and misunderstandings on the part of citizens. The City sometimes has reason to remove or to cut back trees and brush in the ROW: see BIMC Title 12. Mack has seen trees removed by property owners for no good reason, and thinks that limits should be placed on what citizens can do without a permit. Jennifer proposed that the street tree program should include regulation for trees in the ROW.

Item 6, Public comment: Charles described his remarks as "looking on the dark side"; he was alarmed to find the city attorney making decisions on a matter related to the environment.

Item 7, the next meeting's Agenda: The scheduled date is August 2nd. We expect a report on the status of work on LID Phase 2 issues. Jennifer said that she would have a draft of remaining sections of the New BIMC 16.18. Jon said that he would pull together his own and other proposed improvements to the sections already drafted and distributed.

Notes Approved: August 2, 2017