



TREE & LOW IMPACT DEVELOPMENT
AD HOC COMMITTEE
MEETING NOTES
WEDNESDAY, OCTOBER 4, 2017
3:00 – 4:30 PM
COUNCIL CONFERENCE ROOM

Committee Members in Attendance: Mack Pearl, Sarah Blossom, Ron Peltier, Jon Quitslund
COBI Staff: Jennifer Sutton, joined by Christy Carr @ 3:35 PM
Public: Charles Schmid, Paul Bonham, Mike Juneau

Agenda Items 1 & 2: Notes from the meeting of September 20 were approved as distributed. Chairing the meeting, Ron proposed that the Agenda should include some comments on the Oct. 3 Public Hearing and the Council's discussion of the CAO (16.20.090 & .100), in relation to BIMC 16.18.

From the public hearing, Jonathan Davis's comments were mentioned – CAO regulations may make it more difficult to achieve affordable housing. Another commenter said that protection of aquifer recharge was not the only reason to create a NVPA. The public hearing will resume on Nov. 14, by which time several revisions will be made by staff and the ad hoc committee, with interested members of the public.

Agenda Item 3, Revision of BIMC 16.18: Discussion dealt broadly with 16.18 in relation to 16.20.090 & .100. Sarah expressed a concern that the clear regulatory framework of the CAO might be messed up or compromised by as-yet-unresolved problems in BIMC 16.18 (formerly Land Clearing, now perhaps Forest Stewardship etc.). Jon tried to explain that he, consulting with Jennifer and Christy, had worked to create regulations that would dovetail with 16.20.100, which applies specifically to new development and land disturbing activity subject to Site Assessment Review in the Critical Aquifer Recharge Area. His assumption was that, on completion of the new development, activities in the NVPA would be regulated by BIMC 16.18, so if the regulations there seem too lax, they should be modified.

Language in 16.20.090 needs to make clear whether its regulations for trees and vegetation apply to the CARA (and thus to the 'native' parts of already-developed properties), or only to the more traditionally defined critical areas and buffers. Christy described her plans to clarify .090. Christy also spoke of the terms in which "permitted activities" are described in the LID Manual BMPs.

Jon said that by design, the BIMC 16.18 draft does not provide for any land disturbing activities; permitted vegetation and tree removal is assumed to be superficial in its impacts, and not to involve heavy equipment. Land disturbing activity is left to be regulated by 16.20.100 and the SAR process. However, we have reason to be concerned with clearing that does not approach the threshold triggering a SAR: perhaps 16.18 ought to address land disturbance with prohibitory or cautionary language. Mike observed that when you set a threshold defining when a permit is required, people will stay below the threshold because they don't want to deal with COBI. Jon added that we want citizens to be honest and respectful of regulations, but tightening regulations doesn't make people more honest; our aim should be to make them more knowledgeable about the purposes served by regulations.

Ron brought up the issue of clearing for solar access as it is addressed – inadequately – in 16.18.040: he thought a permit should be required, and a Forest Stewardship Plan if the canopy

cover is reduced significantly. Another target for reconsideration is the allowance for removal, without a permit, of up to six significant trees in a 36-month period: is that too many? Is the 50% canopy cover factor too liberal?

The BIMC 16.18 draft states that the CAO regulations in 16.20.090 apply to trees and vegetation in critical areas and their buffers, but this language may not be loud and clear enough. Jon asked all concerned to go through the 16.18 draft carefully and let him know what needs to be fixed. Christy said that she would work on revisions to the CAO sections .090 & .100.

Agenda item 4, public comment: Paul expressed satisfaction with Jennifer's draft of Hedge Standards (16.18.070).

Agenda item 5, next meeting: Wednesday, Oct. 11, 3:00 to 4:30 PM.

Notes Approved: October 11, 2017