



TREE & LOW IMPACT DEVELOPMENT
AD HOC COMMITTEE
MEETING NOTES
WEDNESDAY, NOVEMBER 15, 2017
2:30 – 4:30 PM
COUNCIL CONFERENCE ROOM

Committee Members in Attendance: Jon Quitslund, Mack Pearl, Kol Medina, Ron Peltier, Sarah Blossom

COBI Staff: Jennifer Sutton, Marilyn Guthrie, Christy Carr

Public: Robert Dashiell, Paul Bonham, Charles Schmid, Mike Juneau

Agenda Items 1 & 2: Notes from the previous meeting (Nov. 1) were approved as distributed; the Agenda was approved without modification.

Agenda Item 3, Public Comment: Charles expressed concern about enforcement of Critical Area regulations, and Christy responded briefly to the hypothetical that he described, saying that when actions are taken in the course of development, any risks of adverse consequences are assumed by the property owner.

Agenda Item 3, Phase II LID Work: Referring to the *Issue Papers* prepared by Herrera, Marilyn said that the recommendations are being incorporated in the Site Assessment Review procedures. Jennifer spoke to the recommendations in *Paper #1* regarding setbacks and permitted encroachments to achieve LID objectives. Mack had questions about the 'permitted height modifications' in Table 2: he thought that departures from established neighborhood norms could be problematic.

Ron expressed a concern about the decision-making process when changes are made in the standards applied in Site Assessment Reviews. What is administrative, what is legislative? It was agreed that "policies that go beyond the *Manual*" are of interest to the Committee. In *Paper #2*, several passages high-lighted in blue or in green call for evaluation by COBI. Referring to the title of *Paper #2*, Mack emphasized that we are really interested in strengthening infeasibility criteria, and the term "infeasibility" needs a clear and agreed-upon definition.

Kol asked Marilyn to pull out all of the questions and issues that need to be dealt with by the Council. Marilyn referred to her responsibility for National Pollutant Discharge System reporting, in connection with the objectives of watershed-based planning.

Agenda Item 4, recap of the 11/14 Public Hearing on the Critical Areas Ordinance: Christy said that comments in the hearing did not prompt her to make any changes in the CAO text. We discussed the testimony from Parks & Rec: as in the past, they have been interested in an easing of regulations, and tend to see them as more burdensome than they are in fact. Christy said that some misunderstandings of the NVPA regulations remain. She said that with a permit, it is OK to remove any amount of invasive vegetation. A question raised by Mike Juneau remains: Can we live with the current definition of "land disturbing activity"?

Agenda Item 5, revisions to BIMC 16.18: Jennifer distributed copies of the Chapter, modified with the introduction of some language that Jon had proposed for discussion. (For example, there are two alternatives for the chapter title, and in .015 Purposes, provision A. in the Oct. 31 Draft is revised and moved to the end of the section, as provision J.)

Discussion focused on Applicability and the relationship of provisions in various parts of the chapter to the regulations in BIMC 16.12 (the SMP) and 16.20 (the CAO). The Nov. 15 draft differs from the Oct. 31 draft: provision C. is revised, and provision E. is omitted. We still don't have language in 16.18.020 that avoids overlap with the other chapters and at the same time covers areas where neither the SMP nor the CAO is applicable. We seem to agree that on waterfront lots that extend beyond the shoreline jurisdiction, 16.18 would apply to any upland trees or forested area, but the current draft doesn't say that.

Does 16.18 apply in the R-0.4, R-1, and R-2 zones to the area outside of an NVPA, and only outside? In those zones, for both developed and undeveloped lots, the CAO applies within the buffers for wetlands, streams, and geologically hazardous areas, and does 16.18 apply to trees and vegetation everywhere else (unless the NVPA requirement has been triggered)? That seems to be the meaning of provision C. in the Nov. 15 draft.

Some confusion or conflict may exist within the committee as to the proper scope of 16.18, over against 16.20. Mack, Kol, and perhaps others envision a much-diminished applicability for 16.18, now that 16.20 applies, potentially, to a great deal of currently forested acreage. Jon, on the other hand, spoke in favor of broad applicability for 16.18, as a part of the Code that should be coordinated with 16.20, providing more guidance in management of parts of the community forest than is given in the CAO.

As it stands, the Applicability section makes no distinctions between developed lots, properties that may be further subdivided and developed, and forested areas that may never be developed. If the regulations that apply to a designated NVPA are separate and distinct from what is allowed where 16.18 is applicable, we may see some unintended and unwelcome consequences.

Agenda Item 6, Public Comment: Paul commented on 16.18.070 Hedge Standards, and Jennifer said that the City Attorney and the Director have advised that the City not adopt additional hedge standards.

Next meeting: December 6.

Notes Approved: December 6, 2017