

Tree Brush, Vegetation and Noxious Weed Committee Minutes August 17, 2018

Call to Order: 1:00 PM

Present: Peggy Olds (Chair), Karen Pachman (Secretary), Laura Frazier (Compliance Officer/Business Manager), Annette de Leest (Trustee), Valerie Harris, Diane Mangle. **Guests:** Joe Hoover, Rudd Turner, Gary Williams, James Flood.

Introduction and Welcome: Peggy welcomed all committee members and guests.

Old Business:

- **July 2018 Committee Minutes:** The draft July 2018 committee minutes were circulated by e-mail for correction. The committee gave unanimous approval of the revised minutes; they will be submitted to the Board of Trustees (BOT) at their next meeting.
- **2019 Committee Budget:** Peggy submitted the Tree Committee budget to the BOT for \$250.00 for 2019, as agreed at last month's committee meeting. It will be submitted, along with all other draft budgets for the BOT to act on later this fall.
- **Other Old business:** None.

New Business:

- **Tree Report/Discussion:** Laura presented her report for August 2018. Two (2) new complaints were added to the existing Twenty-Eight (28) complaints and Seven (7) were closed. At the end of July 2018, we have Twenty-Three (23) outstanding complaints. See attached report from Laura. Laura, implementing Board policy, reported two complaints turned over to the Surfside attorney for remedy. The attorney filed legal action on August 2 on complaint #4367 (outstanding since 7/23/2014 and complaint # 4072 (outstanding since 8/28/2012).

Complaint # 5035. A variance was given by the BOT in 2005 for this property regarding tree heights. Conditions were attached to that variance. One condition was the variance was only in effect until the property owners sold the property. In 2014 the property changed names and was listed as sold. Jim Flood suggested a review of the BOT meeting minutes to better understand the basis for the variance. Laura will investigate to see if the variance is still valid and report to the committee next month.

Complaint #5014. No final plan has been developed on this complaint. Laura stated Surfside is waiting cost estimates from Larry Raymer on completing a legal survey of Seabreeze Lake. Peggy will contact Mark Scott to see if a GIS overlay map is available.

- **Member contacts:** Peggy received a call from a member who asked for help with getting her trees into compliance after a complaint. Two volunteers were able to help this member trim trees. Several members have contacted the office and Peggy regarding the letter by Stan Jackson that was published on the Surfside Facebook Page regarding Ordinance # 180. (See next item)
- **Pacific County Critical Area Resource Lands Ordinance (CARL) #180:** Peggy and Annette met with Alexandra Russell, Planner, at Pacific County Department of Community Development (DCD) to get clarification for Surfside members concerning a number of issues. The result of the meeting was a detailed document specific to Surfside

member issues. Both Ms. Russell and Mr. Tim Crose, DCD Director, reviewed and approved the notes for dissemination. Peggy presented the information to the Tree committee members, noting some key findings: 1) this ordinance has been in place for many years; it was revised and updated to comply with State requirements for the Shoreline Management Act; and 2) there are several exemptions for Surfside members, including the ability to comply with tree height limits in the covenants and protect against fire by mowing without the need for permits, if landowners do routine maintenance. Permits are needed if lots are cleared, land is altered or stumps removed. Or if work is done within 25 feet of a canal or lake in Surfside.

Annette will present the information to the Board for their information. It was recommended by committee members that the document be included in our minutes along with a disclaimer (see attached).

- **Educational Programs:** Peggy asked for suggestions to help better inform members of types of vegetation appropriate to our area and enhance member involvement in Committee activities/compliance. One suggestion was to organized a Surfside Garden Tour and highlight some of the beautiful and well-maintained properties we have in Surfside. Valerie volunteered to bring this subject up at the next CRC meeting. Additional information pamphlets could also be available to members.

Other New Business: The Tree/Brush Complaint Resolution flow chart created in July 2017 will be revised and updated to include the new BOT policy regarding attorney referrals on all no action complaints. Peggy will work with Laura on this project.

Meeting adjourned at 2:30 PM

Next Meeting: September 14, 2018 at 1:00 Surfside Board Room, HOA office

Clarifications of the updated CARL Ord. No. 180 for Surfside member information:

Many routine activities for landowners in Surfside are exempt from the Critical Area Resource Lands (CARL) Ordinance #180 requirements. However, some activities are subject to the review fees of the current July 1, 2018 fee for service schedule. If you have **any** questions regarding CARL implementation, you may contact Alexandra Russell via email at: arussell@co.pacific.wa.us or by calling Pacific County Department of Community Development (DCD) at 360.642.9382. The current Pacific County CARL Ordinance No. 180 can be viewed at: <http://www.co.pacific.wa.us/ordres/Ord%20180.pdf>

1. There is no "Tree Cutting Ordinance" for Pacific County. Vegetation restrictions are part of the updated Pacific County Ordinance No. 180, which was adopted August 23, 2016 and became effective January 14, 2018. The previous CARL Ordinance No. 147, 147A, and 147B contained most of these same requirements in regards to land alteration activities.
2. If a landowner is clearing, grading, filling, paving, dredging, surfacing, or significantly altering the land on a lot, for example to prepare a home site, a county permit is required. Contact Pacific County DCD at the number listed above for further details. This permit is **only valid for 2 years** and cannot be extended. Therefore, it is recommended that ALL potential work over the next two years on a lot be indicated on the site plan to avoid having to apply for a new permit. The anticipated review/permit cost for this type of work is \$285.00 (\$75 application/technology fee + \$210 review fee). Please see the current fee for service schedule for any additional reviews/permits that may be required:
<http://www.co.pacific.wa.us/dcd/RES%202018-024%20Amend%20Fees%20for%20Services.pdf>.
3. Regular or minor yard or vegetation maintenance, including tree topping, limb removal, noxious or invasive weed removal per Surfside covenants, or to comply with a Surfside-issued complaint violation, is **EXEMPT** (*no permit required*) from these county regulations,

UNLESS:

- a. A hazardous tree(s) is being removed (*see # 5 below for details*);
or
- b. If the project involves ground alternation or clearing (*see # 4 below for details*)

No county permit, review or fee is required for Surfside members for regular landscape, tree or vegetation management except under the two exceptions referenced above in paragraph 3.a & 3.b. (CARL Sections 3.E.4.a., 3.E.10 and 3.E.13)

4. Critical area buffers are areas of land within 25 feet of ordinary high-water mark (OHWM) along Surfside canals and lakes outside of the Shoreline Master Program, regardless of who owns the property. If maintenance activities are within this buffer, trees and other vegetation can be topped or limbed to comply with covenant height or other requirements, but **no clearing or stump removal in the**

25-foot buffer can occur unless approved by the county through a Critical Area and Resource Lands Variance. This buffer restriction is to maintain a vegetation buffer along the waterways for water quality protection. If the clearing and stump removal activities requested are located outside the 25-foot buffer, then a CARL review would be required as described above in # 2.

5. Hazard tree removal is allowed, but requires a county review and an over the counter permit (\$125 total = \$75 application/technology fee + \$50 review fee). Removal of hazardous, diseased or dead trees and vegetation is exempt from CARL requirements when necessary to control fire, halt the spread of disease or damaging insects, avoid a hazard such as landslides or avoid a threat to existing structures or above-ground utility lines. (*CARL Section 3.E.12*). Hazard tree permits **do not** expire for trees that are designated on the site plan at time of application submittal. Therefore, it is recommended that ALL potential hazard trees on a property be indicated on the site plan to avoid having to apply for another permit if additional work is needed. When cutting down a hazard tree(s), the stump shall not be removed. If the removal of the stump is desired, a CARL application/review would be required as described in # 2 above. If the proposed hazard tree is located within 200 feet of a shoreline of the state, as designated in the Shoreline Master Program/Environmental Designation Maps located at: <http://www.co.pacific.wa.us/ordres/ShorelineEnvironmentalDesignationMaps.pdf>, the hazard tree would **not** be exempt from the regulations of the CARL Ord. and would instead require an alternate review/permit by the County. The Surfside Canal is not designated as a shoreline of the state.

6. Mowing of dune grasses for fire protection within fifty (50) feet of an existing structure can be an exempt activity (*CARL Section 3.E.13*), but will require an application and county approval prior to initiating the activity to ensure that there are no impacts to critical areas or the associated buffers. The fee for this review is \$235 (\$75 application/technology fee + \$160 review fee). This application/review is not over the counter. Maintenance of historically mowed dune grass does not require a county review or application, but the mowed area cannot be expanded. Please note that mowing of dune grasses is not permitted within 200 feet of the winter grass line, as described in the Shoreline Master Program.

Contact DCD at the number listed above or via email arussell@co.pacific.wa.us for further info and timeframe. Mowing of dune grass within 200' of the winter grass line may be permitted under the Shoreline Master Program as described in Section 5.10.B. in Pacific County Ordinance No. 183, but requires further review from Pacific County Staff.

August, 2018

DISCLAIMER NOTE: This material is provided for GENERAL INFORMATION ONLY. It is not intended as legal advice nor as a substitute for Pacific County staff interpretation of Ordinance #180. Surfside members should contact the DCD with ANY questions related to the information provided above.