

### 3-8-17 Langley Parks & Open Space commission meeting minutes

present were: Shanti Loustaunou, Gail Fleming-chair, Marianne Edain recording

staff: Stan Berryman

public: Sharon Zoars, Kent Hansen- Whidbey Trails, Jesse Brighten-arborist, Guy Burneko

The meeting was called to order at 3:00 and audience members introduced themselves and their issues.

The minutes of the 2-8-17 meeting were reviewed and approved as written.

Kent Hansen presented his Community Trails project. He is working to create a single island-wide trails map, including trails on private property. He wants to put all the information on an existing website created by his daughter. He has spoken with Island County staff and has plans to speak with County Commissioner Helen Price-Johnson. The county is currently working under a \$165K grant for a plan known as "Whidbey Trails." He has also spoken with the South Whidbey Parks & Rec District and the Port District.

He demonstrated the website and showed his proposed trail marker logo.

Gail brought up the issue of private property, the city's limitations on mapping trails on private property, and how the city could work to obtain trail easements on those private properties.

Mr Hansen mentioned that he was an attorney with the US Dept of Justice, working on environmental enforcement. He made a clear distinction between an easement, which he described as a permanent real property interest and a revocable license, which he described as a revocable short-term agreement. He felt that a revocable license, along with the state's "hold harmless" laws would be attractive to private property owners. Among other things, allowing a public trail provides what is called "natural surveillance." The license could be between the landowner and the city, but it could also be with the Parks & Rec district, the Port, Island County, or a non-profit organization.

Mr Hansen said he was actively soliciting a tax exempt organization which would be willing to hold such licenses and oversee the 'hold-harmless' agreement.

He provided contact information: [www.whidbeyislandtrails.org](http://www.whidbeyislandtrails.org), email: [islandtrails@whidbey.com](mailto:islandtrails@whidbey.com).

Gail said it would take some seriously diplomatic representatives to approach landowners. Mr Hansen offered to make those contacts.

Audience response was a uniform "wow!"

Ms Zoars suggested that Mr Hansen and others approach Island County and ask them to be the license holder.

Gail asked how this might apply to the situation at Edgecliff. Mr Hansen responded that because the road does not end at the water's edge, the 'road end' provisions of state code do not apply. He did bring up the Public Trust Doctrine, and said there had been a relevant Supreme Court case dealing with the Chicago waterfront.

Because of the rain there had been no site visit to the Middle Earth Trail.

The POS commissioners were provided with a "List of Property Owners for Potential Trail Easements." Action on contacting these landowners was put off.

The Seawall Committee meeting was cancelled, so there was no report.

Copies of the "City of Langley Wayfinding Strategy – Draft" were distributed for discussion. The city has received a grant of \$12,500.00 to create consistent signs.

Mr Jesse Brighten spoke about Langley's trees and the existing tree protection ordinance. He suggested that one or more city employees be trained to evaluate proposals to remove trees. He feels the city is not protecting its trees sufficiently and asks that the city "step up its game" in that context. He brought copies of the following publications: Managing Trees During Construction; Best Management Practices: Tree Pruning; American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Management Standard Practices – Pruning; American National Standard for Tree Care Operations – Management of Trees and Shrubs During Site Planning, Site Development, and Construction. Mr Brighten felt that the current tree removal ordinance is ineffective. There are no fines for removing trees without permit. The only requirement is mitigation at a ratio of 4:1. The mowing of trees on the bluff violates Ecology's guidance regarding tree topping. The Bigleaf maples on the bluff suck up large amounts of water. The city has no management plan for its trees. There is not even a tree inventory. Mr Brighten wants to see, first of all, a survey of the city's trees, to include a survey of the condition of each tree and management recommendations. He objected to the same party who recommends tree removal then doing the removal work. He felt this represented a conflict of interest.

Stan said that Pioneer Tree was the city's regular contractor.

Mr Brighten continued. He believed the White pine by Boy and Dog park could have been saved if pruned down. There appears to be no standard for what constitutes good cause for removal of any particular tree. Mr Brighten specifically requested a tree care ordinance which would specify how trees are to be pruned. He also asked that bluff trees not be mowed any more. He pointed out that he could not volunteer his opinion because as an expert he could be held liable. He recommended Scott Baker of Tree Solutions, in Seattle. He said further that the city needs to intercept stormwater runoff. He asked the city to adopt ANSI or ISA Best Management Practices.

Gail explained the long and painful process which resulted in the current tree ordinance.

Mr Brighten mentioned that trees "as is" may constitute a hazard, but often such hazards can be mitigated, for instance by pruning off dangerous limbs.

Stan said that the city had bluff management reports in its files. POS asked Stan if he could please produce those reports.

Marianne brought up the concept of mitigation sequencing and suggested it should be incorporated into the tree protection ordinance.

The meeting adjourned a little after 5:00.

#### Addendum

The POS met in special session 3-31-17 at the middle school parking lot. Present were: Shanti Loustaunou, Gail Fleming, Marianne Edain, Stan Berryman, Guy Burneko, Steve Erickson – Restoration Ecologist.

The purpose of the meeting was to explore the 8 acres of city land popularly known as Middle Earth for existing and possible additional walking trails. It was found that the wetlands known to exist on the property are far more extensive than previously thought. While it may be possible to create several short loop trails, there is no way to create a single long loop without extensive (and expensive) boardwalk construction. On the positive side, a heron rookery with at least 8 nests was identified.