

**LMC GREENBELT COMMITTEE
POLICIES AND PROCEDURES
Adopted June 10, 2006
Last Amended November 14, 2009**

INTRODUCTION

This document provides guidance to the Greenbelt Committee, after this referred to as the GBC, for maintaining, protecting and enhancing the reserve properties designated as greenbelt in accordance with the Ludlow Maintenance Committee (LMC) Governing Documents. The native¹ trees, undergrowth, and other plants that inhabit the greenbelts greatly enhance the beauty and value of our unique community, mitigate water runoff problems, provide visual screens and buffer zones, lessen traffic noise and air pollution, and provide habitat for birds and wildlife.

No work on, use of or modification to the greenbelt may be accomplished without permission of the GBC in accordance with the procedures described herein. Insofar as possible, greenbelts shall be left in their natural state or modified slightly to preserve the health of the greenbelt and to maintain views.

MISSION OF THE GREENBELT COMMITTEE

The primary function of the GBC is to manage the corporation's undeveloped greenbelt areas for the benefit of all members. Acting in concert with owners, the GBC shall maintain the greenbelt to the extent possible with the resources available as stated in Bylaws, Article V and Regulation III.

AUTHORITY

The authority to manage the greenbelt areas, including planning and initiating projects to maintain and improve greenbelt areas and approving or disapproving owner(s) requests to use greenbelt areas or to cut or trim trees upon or to clear away brush from greenbelts is vested in the GBC in the corporation's Bylaws, Article V. Regulation III authorizes the GBC to manage the greenbelt areas including the responsibility to monitor compliance and the institution of enforcement proceedings for violations of the corporation's Bylaws and Regulations.

Definitions:

Native Plants - Plants that are indigenous to the Pacific Northwest region, specifically to Washington State. Such plants are adapted to the climate and soils specific to the area and thus require less maintenance and water than do non-natives. Native plants have evolved the ability to repel or survive native organisms such as viruses and insects.

Natural - Being in accordance with or determined by nature.

THE GREENBELT COMMITTEE

- The GBC shall consist of at least five board approved individuals including two members of the Board of Trustees. Alternate members may be appointed at the discretion of the board.²
- The GBC shall meet at least once a month.
- The chair is responsible for posting notice of GBC meetings and creating a meeting agenda.

¹ Regulation III, Article I, (2)

² Bylaws, Article V, (b)

- The chair or a committee designee shall be responsible for keeping a record of each meeting. A permanent record shall be kept of all committee proceedings and decisions.
- The chair shall designate committee members to be take responsibility for oversight of specific geographic areas of the greenbelt.
- The GBC shall maintain liaison with the Jefferson County Maintenance Department to assure proper county attention to Port Ludlow problems, other than road or drainage, which are within the scope of county provided maintenance.³
- The GBC shall keep current a Greenbelt Plan including progressive greenbelt and drainage easement maintenance. The GBC shall annually present the Greenbelt Plan to the LMC with a request for budget to carry out the plan.⁴
- The GBC shall follow the general procedures set forth in Regulation III, Article II of the LMC Governing Documents.
- The GBC shall report annually to the LMC membership.

PURPOSE

The purpose of these Policies and Procedures is to guide the GBC in carrying out their duties as described in Regulation III of the LMC Governing Documents. The procedures shall also give guidance to property owners, after this referred to as owners, requesting permission to work on the LMC greenbelt areas.

MAINTENANCE OF THE GREENBELT

1. The GBC may undertake actions to improve or maintain the greenbelt within the approved budget provided by the Ludlow Maintenance Commission.
2. The greenbelt areas shall be maintained to ensure that dead, damaged and diseased trees do not become a hazard. The GBC is permitted to cut trees or other vegetation without prior notice, approval or study if the trees or other vegetation pose an imminent threat to human safety or property. Such action shall be reported to the Board of Trustees at the earliest possible time.⁵
3. Owners, upon submission of a written improvement plan, may be permitted to maintain greenbelt property adjacent to their lots subject to GBC approval and authorization. The GBC shall check annually to verify that the approved plan is being followed. Any costs and expenses associated with performing such activities shall be the responsibility of the owner(s) requesting the activity.

Such approval shall not result in a claim of adverse possession against the LMC. Under no circumstances can an owner be entitled to obtain title or deed to greenbelt property. Furthermore, owners cannot deny other owners access to greenbelt property for casual use such as walking through the maintained area.⁶

³ Regulation III, Article 1, 3.

⁴ Regulation III, Article II, 1.

⁵ Regulation III, Article II, 4.

⁶ Restrictive and Protective Covenants V. Regulation III, Article III, 4.

By signing and submitting a Property Owner's Application Form to the GBC, the owner waives any and all claims for adverse possession which may currently exist or which may arise in the future relating to the owner's use of the LMC greenbelt areas.

4. There shall be no work on, use of, or infringement on the greenbelt without the written approval of the GBC. Under no circumstances may any material or object be stored on greenbelt areas nor may a structure of any kind be built or placed upon the greenbelt.
5. Without exception, requests to use greenbelt areas or to cut or trim trees upon or to clear away brush from the greenbelts must be submitted in writing to the GBC.
6. Owners who received approval to maintain a portion of the greenbelt prior to the adoption of these policies, and those who have infringed on the greenbelt and maintained the area without approval, may be required to submit a written statement to the GBC describing what has been done and what future actions are planned. This statement shall be accompanied with a written request for GBC authorization and approval of such actions.
7. The GBC shall be sensitive to and supportive of the responsibilities of the Port Ludlow Drainage District (PLDD).
8. The GBC reserves the right to supervise any work on the greenbelt. Supervision may be constant or periodic.
9. From time to time utility and drainage easements through greenbelt property may be approved.⁷ Such requests must be submitted to the GBC for approval and actions are subject to monitoring by the GBC for compliance and for restoration of disturbed greenbelt areas.

PROCEDURES

1. Owner Requests for Greenbelt Alteration or Use

- a. A request for a permit to alter or maintain any greenbelt area must be submitted in writing to the GBC for action and approval. The request shall be posted on the bulletin board at the Beach Club and shall be addressed at the next GBC meeting. No work shall be undertaken until written authorization has been received. (Request forms are available at the Beach Club.)
- b. GBC members having responsibility for monitoring the specific area of the affected greenbelt shall review the request and recommend a course of action. The recommendation may be to approve, disapprove or modify the request. This recommendation shall be shared with the full committee in a timely manner and considered at the next GBC meeting.
- c. The GBC meeting agenda shall be posted on the bulletin board in the Beach Club and sent by e-mail or by U.S. Mail to the GBC members.
- d. To ensure that adjacent property owners are aware of the proposal, the GBC shall send written notification of their recommendation to property owners within at least 300 feet. If the GBC has concerns about adverse drainage consequences, the PLDD shall be consulted before any decisions are made. In addition, the subject proposal shall be posted at the Beach Club advising that the request has been submitted, the type of action requested, and the expiration date for the comment period. Property owners shall have 21 days to comment on the proposed action in writing to the GBC.
- e. After the GBC receives written comments from adjacent property owners regarding the GBC recommendations, and if there are no objections, the party making the request shall receive

⁷ Typical Restrictive Covenants (5) and Regulation I, Article I (7)

the GBC decision in writing. If, however, there are objections, the GBC shall attempt to negotiate a satisfactory settlement acceptable to the GBC and the affected parties.

- f. If a satisfactory settlement cannot be reached, a hearing shall be scheduled with the applicant, the objecting parties, and the GBC, after which the GBC shall make a final decision. The committee chair shall notify the applicant and those to whom notification was previously sent (see 1.d. above) of the GBC's decision by U.S. mail. No work on the greenbelt shall be undertaken until a settlement is reached.
- g. The GBC decision shall be posted at the Beach Club. Parties in disagreement with the decision may appeal to the LMC Board of Trustees in accordance with Regulation V of the LMC Governing Documents. Appeals must be made in writing within 30 days.
- h. Requests by owners for approval for brush and vine removal will generally be approved. Clean-up shall be required as a condition of approval and all work is at the expense of the owner.⁸
- i. First priority shall be given to emergency maintenance and the removal of hazards, including dead trees and snags. The priority given to all other work shall be at the sole discretion of the GBC. No notice to adjacent property owners for such emergency work is required.⁹
- j. Approved actions must be completed within a period of six months after approval unless an extension is granted by the GBC.
- k. When a written request is submitted to the Greenbelt Committee, the original request shall be retained by the LMC General Manager in the property owner's file. Copies shall be made for the Greenbelt Committee binder for committee use.¹⁰

2. Pruning or Removal of Greenbelt Trees

Each request for tree removal shall be considered on a case-by-case basis and the final decision shall be based on the best judgment of the GBC with consideration given to the general principles outlined herein.

Definitions:

- Cutting/Removal: The term "cutting" or "removal" implies that the tree may be cut at or near the base of the tree.
- Pruning and Limbing: "Pruning" and "limbing" are general terms for removing selected limbs from a tree in order to provide a relatively unobstructed view through a part of the tree canopy.
- Windowing: "Windowing" is a term for the removal of selected limbs to provide a view window through the foliage.
- Thinning: "Thinning" implies that selected limbs may be removed to allow a partial or filtered view through the canopy.
- Topping: "Topping" implies that the upper trunk may be pruned or removed.

Cutting trees within the greenbelt falls into two categories:

⁸ Regulation III, Article III, 5 (b)

⁹ Regulation III, Article II, 4.

¹⁰ K added December 15, 2007

Category One: Trees the GBC shall be responsible for removing at GBC expense. If the GBC determines that a tree constitutes a hazard (see Maintenance 2 above) the GBC may contract with a licensed and insured tree service for the removal of such trees.

Category Two: A request to remove trees that, if approved, shall be at the owner's expense under the following guidelines:

- a. "Removal" or "pruning" of trees to maintain or restore views may be allowed by the GBC.
- b. Mature conifer "removal" is discouraged and shall be considered on a case-by-case-basis. "Pruning, thinning, or windowing" may be permitted. "Pruning" shall not exceed 50% of the tree foliage. Further "pruning" shall not take place until the tree has had a chance to recover, and after further application and approval by the GBC. Smaller trees may be "topped" to forestall loss of views; "topping" of large conifers is discouraged but shall be considered on a case-by-case basis.

If the GBC has determined that a tree should be removed to protect a view, then "topping" the tree may be considered as a first step in the eventual removal and replacement of said tree. At the discretion of the GBC, a feasibility study may be conducted that may include but is not limited to proximity to residences and/or roads, and the potential impact of tree "topping" or removal on remaining trees.¹¹

- c. In cases where there is a dense grove of view-obstructing trees, the GBC may generally favor "pruning" or "removal." Such "pruning" or "removal" of any tree(s) shall be done with consideration of the effect on neighboring trees and on local drainage patterns.
- d. The GBC may require that removed trees be replaced by low-growing trees or shrubs chosen from a list of selected species¹² approved by the GBC (see attachment). The requesting owner shall be responsible for the expense of replanting and for maintaining the height of the planted trees or shrubs in order to preserve the view of other owners.
- e. The GBC shall confer with commissioners of the PLDD for advice in cases of tree "removal" or major tree alterations if adverse drainage consequences are likely to occur as a result of the tree removal.
- f. Tree "removal, limbing, windowing, thinning, or topping" must be done under the direct and constant supervision of a GBC member. Other greenbelt activities such as cleanup, brush removal, or agreed-upon and approved maintenance shall be supervised by a GBC member; however, frequency and type of supervision shall be at the discretion of the GBC.

3. Trails

- a. The GBC shall consider the wishes of the LMC property owners in the development of a trail system through LMC greenbelt areas.
- b. Representatives of the GBC, along with the Trails Committee of the Port Ludlow Village Council, may participate in the common effort of trail development within Port Ludlow.
- c. Any trail development within the LMC designated greenbelt areas shall require the approval of the LMC Board of Trustees.

¹¹ Paragraph was added with Board approval November 14, 2009

¹² Regulation III, Article I

- d. Prior to embarking upon the development of any trail system within the LMC Greenbelt area, a maintenance plan shall be prepared and submitted to the GBC for approval and subsequent approval by the LMC Board of Trustees before finalization.
- e. The "removal" of trees and brush to create trails shall be kept to a minimum and limited to the width of the trail.
- f. All affected homeowners shall be notified of the proposed action prior to the implementation of any work on the greenbelt and shall have a period of 30-days to comment on the proposed plan.

The only exception to the above Policies and Procedures is Ludlow Plat No.7, Tract A, which has a specific view easement that must be taken into consideration by the GBC

ENFORCEMENT

The GBC is authorized to manage the corporation's greenbelt areas for the benefit of all LMC members. The first priority of the committee is emergency maintenance and removal of hazards. Priority for all other work is at the sole discretion of the GBC. The GBC also is responsible for monitoring compliance with the Regulations as promulgated by the Board of Trustees. In the event of violations of the terms of the Regulations, the LMC may institute enforcement proceedings.¹³

If individuals are responsible for cutting trees or otherwise altering the greenbelt without proper authorization, the GBC may choose to negotiate with the responsible parties to provide for restoration acceptable to the GBC. If a satisfactory settlement cannot be reached, the GBC shall refer the matter to the LMC Board of Trustees for resolution. This may result in paying compensation to the LMC or, in some cases, may result in legal or civil penalties. Example: In the case of the removal of trees, precedent has been set for compensation of up to three times the value of the trees cut. In other cases, responsible parties have agreed to a restoration plan acceptable to the GBC.

¹³ Bylaws, Article V; Regulation III; Regulation V, Article III