

ARTICLE XV
BLUFF MANAGEMENT ADVISORY COMMITTEE
Adopted February 19, 2008, Amended December 10, 2013, Amended March 13, 2018
Amended December 11, 2018, Amended March 12, 2019

A. Authority and Jurisdiction

The Bluff Management Advisory Committee (“The Committee”) derived its authority by delegation from the Grounds Committee and by its establishment as a standing committee by the KPOA Board of Directors (“Board”) on December 4, 2007. The Committee functions under the following documents: CC&R Article V Section 1(g), the Bylaws Article VI Section 15 and the Bluff Management Plan (“BMP”). The BMP was adopted by the Board on December 4, 2007 and amended from time to time. The Bluff Management Advisory Committee reports directly to the Board of Directors.

B. Committee Mission

The Committee will review, screen, and prepare a package of recommendations for the Board on proposals for tree and vegetation actions limited to the KPOA common area of the bluff (as defined in the BMP Appendix A) and adjacent private property that lies within established landslide hazard zones. The Committee itself will neither approve nor disapprove any proposals for tree/vegetation control or action; this is the function of the Board. As an advisory committee for the Board of Directors, the Committee will assess the condition of the KPOA common area of the bluff and develop bluff management recommendations that provide opportunities for community-wide input.

C. Committee Organization and Reporting

The Committee shall be composed of three to nine voting members. These members shall be approved by the Board. It is recommended but not required that three of the voting members shall be nominated by three standing KPOA committees; one each by the Architectural, Grounds, and Tree Committees. Additionally, following the July Annual Meeting, the Board shall appoint two of its membership to the Committee, one to act as a Representative and one to act as Alternate Representative. These Directors will have an advisory role and will not vote on decisions in the development of Committee recommendations, but will vote on any Board of Director action relating to the Committee and/or its recommendations. The KPOA General Manager shall participate in committee meetings as an ex-officio member and function as a liaison to county and state agencies along with one or more BMAC members. Other KPOA staff will assist the Committee as necessary. The Committee may seek advice and/or support from any KPOA member as the Committee deems necessary. The Committee shall have a Chair and Secretary. The Committee shall be organized and elect its officers annually or as needed. The Committee shall meet as frequently as necessary. Committee meetings shall be open to all KPOA members in accordance with APP II.H.1.b.

D. Committee Member Responsibilities

The Chair will develop meeting agendas, chair meetings, provide updates to the Board and KPOA members as needed, and assure that the Committee accomplishes its objectives. The Secretary shall assume chair responsibilities in the absence of the Chair. The Secretary shall maintain a list of current members and keep written minutes of its meetings, which shall be submitted to the Board prior to the regular monthly Board meeting. The Committee members are subject to, and entitled to, the protections provided by APP II-30, KPOA Committee Membership Policy.

E. Committee Recommendations

The Committee shall define and present written recommendations to the Board about the desired character for the common area of the bluff and recommend actions to achieve and consistently maintain that character. The Committee will endeavor to develop recommendations that will:

- 1 . Comply with Federal, State, and County regulations.

2. Be based upon the BMP and studies required by the County.
3. Enhance and protect the value, desirability, and attractiveness of the community, including marine views consistent with KPOA governing documents.
4. Promote the health, safety, and attractiveness of the bluff common area by providing long-range vegetation policy recommendations that encourage native plant diversity and preservation of significant trees to maintain the wooded character of the community.
5. Include community input.
6. Include actions to minimize (as much as is reasonably practical) erosion and land sliding on the bluff.

F. Tree Action Proposals

The KPOA Common Bluff is divided into three Sectors: North, Central, and Southern. Each year, one sector is the focus of an annual review, and the review process will rotate amongst the three sectors each year. Members owning property within the sector that is under review will have an opportunity to submit a Tree Action Proposal during the month of February of the review year. If a sector has just a few requests that would prove economically unviable, then the group may choose to defer their requests to the following year with the next sector under consideration.

G. Committee Objectives

1. Administrative Activities
 - a) Develop procedures to implement BMP standards utilizing work sheets and methods to consistently and fairly evaluate and document tree/vegetation action proposals for the bluff common area.
 - b) Review the BMP on an ongoing basis and propose changes to the Board as appropriate.
 - c) Review and update Committee APPs as needed and submit any proposed changes to its policies to the Board.
2. Community Education Activities
 - a) Develop an educational program (i.e., Workshop) designed to increase community awareness and understanding of the natural processes of bluff erosion and land sliding, and the contribution from appropriate vegetation.
 - b) Develop a library of appropriate resource materials available to all KPOA members.
3. Proposal Evaluation Activities
 - a) Identify and organize meaningful information related to existing conditions and decisions of tree actions so that members may better understand cumulative impacts of tree/vegetation actions.
 - b) Solicit, screen, and evaluate tree action proposals in accordance with the BMP.
4. Reporting Activities
 - a) Prepare interim and final reports as necessary, with recommendations that define common area bluff management actions for Board review and decision making.
 - b) Prepare an annual report for the Board and the community on the current state of the bluff including a summary of the number and description of tree/vegetation actions carried out during the preceding year and the cumulative effects of those actions.
 - c) Facilitate any monitoring reports that are required by the County in terms of remediation or non-compliance.
5. Expert guidance
 - a) The County requires expert guidance on proposed tree actions by a licensed Arborist, a licensed Wildlife Biologist, and in some cases by a licensed Engineering Geologist.

- b) BMAC will solicit proposals from such experts and, with Board approval, choose the best proposals for the required studies. BMAC will establish the timelines and scope of deliverable products required by the County.
- c) The costs for these studies shall be paid by the requesters prior to signing the Consultant's contracts and are binding whether or not the tree action is approved.

6. Calculating costs for expert guidance

In the past, costs for expert guidance were split evenly among those requesting tree actions. This resulted in disproportionate costs if the number of tree actions varied from client to client. Starting in 2018, we developed and implemented a more equitable cost-sharing procedure as outlined in the examples below

- a) Expert studies are commissioned for Arborist and Habitat Management plans. As an example, let's consider that we have five clients, the two plans cost \$4,000 total, and the number of trees vary as such: client #1—10 trees; #2—20 trees; #3—6 trees; #4—3 trees; and #5—1 tree (40 trees in total).
- b) Our experts tell us that they spend about 50% of their time on background studies, image analysis, travel, and writing of common elements of their reports, hence
- c) One half (\$2000) of the cost is billed evenly among the five clients (i.e., \$400 each), and
- d) One half (\$2000) of the cost is billed proportionately depending on the number of trees requested per client as follows:
 client #1—10 trees; 25% (10/40ths), or \$500;
 client #2—20 trees; 50% (20/40ths), or \$1,000;
 client #3—6 trees; 15% (6/40ths), or \$300;
 client #4—3 trees; 7.5% (3/40ths), or \$150;
 client #5—1 tree; 2.5% (1/40ths), or \$50;
- e) The costs for expert guidance is the sum of items c) and d) for each client.
- f) In the case of tree removals, a separate study is commissioned from a Geotech or Engineering Geologist. This commonly applies to a smaller number of trees and clients, but the same cost-sharing procedure outlines above is applied to these charges.

7. Expenses for review by the County Dept of Community Development (DCD)

- a) The County DCD charges KPOA for review of our Tree Request package.
- b) These costs are split evenly among our clients since the package is being review in total, not by client request.
- c) When tree requests are submitted to BMAC, KPOA requests a \$250 deposit per application.
- d) When the County DCD completes their review and invoices KPOA, we determine each client's portion and refund any excess from their deposit.

8. Bluff Area Survey/Review Activities

- a) Screen tree/vegetation proposals for the bluff common area in accordance with the BMP using consistently applied standard criteria.
- e) Screen tree/vegetation proposals for the bluff common area in accordance with the BMP using consistently applied standard criteria.
- b) Examine the bluff carefully, as much as feasible and safe, at least once each year by walking the beach and the bluff's crest and viewing the bluff from the water to identify problem areas.
- c) Monitor and document Board approved common area bluff management actions.