From:	Kristen Doughty
To:	City Council; Jessica Simulcik Smith
Cc:	Jane Kiker; Peter Eglick; Shari Winstead; Chris Eggen; Keith McGlashan; Will Hall; Doris McConnell; Jesse Salomon; Chris Roberts; Debbie Tarry; Ian Sievers
Subject:	Comment Letter on Behalf of the Innis Arden Club
Date:	Thursday, July 10, 2014 10:24:42 AM
Attachments:	Letter to City Council re VMP 071014.pdf

Good morning Council Members-

Please see the attached comment letter submitted on behalf of the Innis Arden Club for consideration at the July 14, 2014 meeting.

Thank you ,

Kristen Doughty

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July 10, 2014

Via E-mail
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Shoreline City Council
City of Shoreline
17500 Midvale Avenue N
Shoreline, WA 98133

RE: Larger Tract Vegetation Management Plans

Dear Members of the Council:

As the agenda packets for your July 14, 2014 meeting reflect, the Planning Commission rejected a proposed Development Code amendment that would have singled out the Seattle Golf Club for a special exemption from Code requirements. In rejecting this approach, the Commission expressed concern about adopting special Code exemptions for a particular owner or interest.

At the same time, the Commission indicated support for allowing Code compliance through adoption of management plans tailored to larger tracts in keeping with Code goals and values. These indications were along the same lines that the Innis Arden Club had conveyed to the Planning Commission. Innis Arden did not support a special Code exemption for one large tract holder, but suggested that a constructive solution would be adoption in the Code of a framework authorizing Vegetation Management Plans ("VMPs") subject to City approval as a means of code compliance for larger private tracts in open space or recreational use.

To follow-up on that suggestion, Innis Arden asks that the Council adopt the attached Code amendment as a substitute for the Golf Club Code special exemption rejected by the Planning Commission. The amendment is straightforward. It gives the Planning Department Director authority to approve a VMP prepared by a "qualified professional". The Plan must contain certain listed elements and meet certain criteria consistent with the current Code. The City is authorized to make compliance checks on sites subject to a VMP. In addition, an annual report on actions taken under a VMP must be submitted to the Department.

The proposed amendment directly carries out the following "key priority" and "strategies" adopted by the Council on May 19, 2014 in the City's new Urban Forest Strategy Plan[1]:

> Large landholders in the community have a potential to impact the urban forest depending on how they manage their forested lands. Schools, golf clubs, college campuses, even exclusive communities need to embrace city-wide goals and objectives for the urban forest, and ideally develop resource management plans.
>
> Shoreline's Goal: Clear goals for tree resource landholders; incentives for preservation of private trees.
>
> Strategies:
>
> > Consider using the stewardship plan framework with large landholders, including Innis Arden community, to streamline approval (incentive) for tree removal and management of their reserves. (emphasis added).

The proposed substitute amendment is also consistent with Comprehensive Plan Goals and Policies supporting environmental stewardship, protection of critical areas, vegetation protection (native trees and shrubs in particular), removal of invasive vegetation, restoration of open space/natural area, and respect for neighborhood character. A list of such Comprehensive Plan provisions is attached to this letter.

There has been some commentary suggesting that adopting a VMP amendment would be complicated and should therefore be deferred. This concern appears to conflate the adoption of a Code framework with adoption of a Vegetation Management Plan itself. These are distinct matters. The Code amendment simply authorizes the VMP process and establishes a straightforward framework for it. It is not complicated.

The next steps -- applicant preparation of an actual VMP and then review of a proposed VMP by City staff -- do require time and expertise. But that is no different than the current state of affairs. Comparable time and expertise is already required under the current review system. The difference is that, under the current system, owners of larger tracts as well as staff must again and again and again devote time and expertise to successive, one shot permit applications. This piecemeal approach is expensive, frustrating, and inefficient for larger tract owners and City staff alike. A VMP would eliminate the repetition and duplication inherent in the current process for larger tracts. It would allow City staff and larger tract owners to see the forest and the trees. The result would be a better process with over-all efficiencies and economies -- meanwhile maintaining the Department's over-all control.

[1] UFSP, at p. 22. Also listed in Appendix D, as a "Short-term" Strategy (1-5 years).

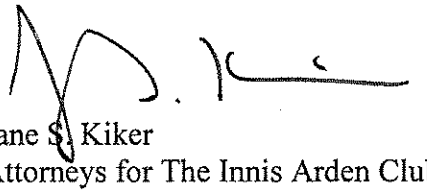
In summary, this amendment would provide a framework for larger tract holders -- including, among others, Seattle Golf Club and Innis Arden Club -- to manage their open space and/or recreational tracts more holistically and effectively, consistent with the City's critical areas and tree regulations. Adoption and implementation of such VMPs would – unlike the outright exemption requested by Seattle Golf Club and rejected by the Planning Commission – further the purposes underlying these regulations while avoiding the undue private and public expense and tunnel vision associated with piecemeal management of these valuable areas.

It is always easy to say "not now, maybe later". But this is an idea that has been discussed -- and then casually deferred -- for years. The appropriate question, brought to the fore by the ill-advised Golf Club special exemption is "If not now, when ?"

Thank you for considering the foregoing and the attached proposed VMP provision.

Sincerely,

EGLICK KIKER WHITED PLLC



Jane S. Kiker
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cc: Mayor Shari Winstead (swinstead@shorelinewa.gov);
Deputy Mayor Chris Eggen (ceggen@shorelinewa.gov);
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City Manager Debbie Tarry (dtarry@shorelinewa.gov);
City Attorney Ian Sievers (isievers@shorelinewa.gov)
Client

Attachments:

- Proposed Code Amendment Authorizing Private Larger Tract Vegetation Management Plans
- List of Comprehensive Plan Goals & Policies

The City Council finds that amendments to SMC Chapters 20.50 and 20.80 to authorize Vegetation Management Plans for long term, systematic, and holistic management of larger private open space and recreational use tracts, including those containing critical areas, is in the public interest. It is the Council's intent that such plans achieve functional equivalence to application of the City's tree requirements and critical area regulations, while avoiding the delays and duplicative expense to property owners and the City inherent in piecemeal review of each vegetation management activity on such tracts.

SMC 20.50.___ (New Section: "Vegetation Management Plans")

A. Management including pruning, removal, replacement, and restoration of vegetation on large private tracts open space areas shall be permitted pursuant to Vegetation Management Plans prepared by a qualified professional to (1) maintain or ensure the safety of pre-existing recreational and/or access trails; (2) enable the preservation and restoration of views of Puget Sound and Olympic Mountains; (3) maintain, preserve and/or enhance an existing golf course and its reasonable use; (4) promote environmental stewardship; or (5) for analogous purposes. For purposes of this section, "large private tracts" includes golf courses and other recreational facilities, subdivision open space and/or recreational tracts, and other similar holdings which individually or in the aggregate are one acre or more.

B. Proposed Vegetation Management Plans, prepared by a qualified professional, shall be submitted to the Director by a tract owner or owners(s) and shall include the following:
    1. A description of existing site conditions and an inventory of significant vegetation, natural features and physical improvements on the site (including but not limited to trails, irrigation systems, and underground/overhead utilities);
    2. A site plan depicting the conditions/features described in subsection i, with a clear delineation of the area within which clearing and other vegetation management practices are allowed under the plan ("management zones);
    3. A statement of plan objectives,
    4. A narrative describing applicable principles, methodologies and best management practices that will be employed to achieve the stated objectives in the delineated management zones;
    5. Short- and long-term management prescriptions, including characterization of trees and vegetation to be removed and/or pruned and/or replaced, and prescriptions for invasive species removal as well as a description of proposed techniques and timing.;
    6. Restoration and re-vegetation plans specifying native species where possible, and indication of other applicable parameters such as avoidance of interference with golf or other recreational activities, view protection, habitat, etc.
    7. An annual report to the City on Plan status and implementation.

C. Where the parcels proposed to be included within the scope of the Vegetation Management Plan contain critical areas or their buffers, the following additional information is required:
    1. Identification of soils conditions, areas with slopes in excess of 15% and of 40%, known watercourses, wetlands, and any fish or wildlife habitat associated with significant species that are present on site;
    2. An assessment by a qualified expert or experts of existing critical area functions and values in the designated management zones including recommendations for preservation of such functions and values under the proposed Plan;
    3. Other graphic or narrative information necessary in the expert's opinion to provide reasonable assurance that the significant functions and values of the designated management areas will be maintained consistent with reasonable application of the law and recognition of pre-existing legal rights. Such maintenance may be demonstrated through, among other actions,, phased mitigation or restoration measures;
    4. Allowed work windows;
    5. Provision for monitoring of replanting/restoration activities

D. The Director shall review a proposed Vegetation Management Plan through a Type B permit process and issue his or her decision granting or denying approval within 60 days of the Plan's submission. The proposed Plan shall be deemed approved unless the Director affirmatively concludes in a written decision issued within 60 days of Plan submission that, when considered in light of the factors set out above, the proposed Plan does not provide reasonable assurance that significant functions and values of the designated management areas will be maintained. If the Director denies approval, the denial shall specify the particular aspects of the Plan that the Director found deficient, and specify what would be necessary under the Code to meet the "reasonable assurance" standard.

E. In determining if the Vegetation Management Plan should be approved, the Director shall take into consideration the underlying purposes of the subject tracts (such as longstanding golf club or other recreational use, view preservation covenants, or other factors relevant to the particular tract or tracts).

F. Once approved, a Vegetation Management Plan shall be effective for and authorize the activities and actions it describes for a period of ten years from the date of its final approval, notwithstanding any other provision of this Chapter or Title.

G. Upon reasonable notice to the property owner and with an opportunity for the owner to participate, the City may enter the tracts subject to the Vegetation Management Plan to check on compliance with its terms.

SMC 20.50.310 "Exemptions" [Tree Regulations]

...

7. Management including pruning, removal, replacement, and restoration of vegetation on large private tracts pursuant to a Vegetation Management Plan adopted under SMC 23.50.___.

SMC 20.80.030 "Exemptions" [Critical Area Regulations]

...

P. Management including pruning, removal, replacement, and restoration of vegetation on large private tracts pursuant to a Vegetation Management Plan adopted under SMC 23.50.___.

List of Comprehensive Plan Goals & Policies
Supported By Proposed Larger Tract Vegetation Management Plan Framework

- Framework Goal #FG 7 "Conserve and protect our environment and natural resources, and encourage restoration, environmental education, and stewardship."
- Framework Goal #FG 10 "Respect neighborhood character and engage the community in decisions that affect them."
- Natural Environment Goal #NE II "Lead and support efforts to protect and improve the natural environment, protect and preserve environmentally critical areas…";
- Natural Environment Goal #NE IX "…Increase understanding, stewardship and protection of the natural environment.";
- Natural Environment Goal #NE X "Maintain and improve the city's tree canopy."
- Natural Environment Policy #NE 3 "Balance the conditional right of private property owners to develop and alter their land with protection of native vegetation and critical areas."
- Natural Environment Policy #NE 5 "provide opportunities for the community... to practice stewardship"
- Natural Environment Policy #NE 40 "Establish policy decisions and priorities considering long-term impacts on natural and human environments."
- Natural Environment Policy #NE 43 "Promote community awareness, responsibility, and participation in sustainability efforts."