



ADMINISTRATIVE ORDER #301795

CODE INTERPRETATION

CODE SECTION: 20.50 Subchapter 5

I. ISSUE:

The Seattle Golf Club (SGC) requests that the ordinary landscape maintenance activities on the golf course be exempted from the Shoreline Municipal Code (SMC) Section 20.50, Subchapter 5, *Tree Conservation, Land Clearing and Site Grading Standards*. The reasoning is that the golf course is vastly different from typical parcels in Shoreline, and that since no development is usually proposed on the golf course, its landscape maintenance practices should be exempt from the provisions governing development standards on a typical lot. Further, the routine practices of maintaining a golf course regularly exceed the exemptions listed in the code, and requiring a permit for each of these activities is onerous. Many municipalities exempt golf courses from such regulations.

II. FINDINGS:

Site Characteristics

Zoning: R-4, Residential, 4 units per acre

Size: Approximately 150 acres

Use: Private Golf Course

Critical Areas: There is one Class IV wetland of approximately 723 sq. ft., according to a report done by *HartCrowser* dated January 20, 2012.

Shoreline Municipal Code (SMC) Section 20.50.300 states that permits are required for any work involving land clearing and grading. Subsequent sections list exemptions and thresholds relating to the permit requirement.

Section 20.50.310(A) lists specific complete exemptions from the permit requirement, among them hazardous conditions, emergencies, and certain activities on City and utility

owned properties. Golf Courses are not listed among the complete exemptions. Section 20.50.310(B) lists partial exemptions as follows:

B. Partial Exemptions. With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

- 1. The removal of up to six significant trees (see Chapter 20.20 SMC, Definitions) and associated removal of understory vegetation from any property.*
- 2. Landscape maintenance and alterations on any property that involves the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a special drainage area, provided the tree removal threshold listed above is not exceeded.*

Section 20.50.320 lists the thresholds that trigger permit requirements, among them:

- B. Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.*
- C. Clearing of 3,000 square feet of land area or more or 1,500 square feet or more if located in a special drainage area.*
- D. Removal of more than six significant trees from any property.*
- E. Any clearing or grading within a critical area or buffer of a critical area.*
- F. Any change of the existing grade by four feet or more.*

Section 20.50.360 governs the requirement for replacement trees, but also provides an exception as follows:

Exception 20.50.360(C):

- 1. No tree replacement is required when:*

The tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.

2. *The Director may allow a reduction in the minimum replacement trees required or off-site planting of replacement trees if all of the following criteria are satisfied:*

There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.

Strict compliance with the provisions of this Code may jeopardize reasonable use of property.

Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.

The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.

3. *The Director may waive this provision for site restoration or enhancement projects conducted under an approved vegetation management plan.*

III. CONCLUSIONS

The SGC states that having to obtain a permit each time for routine maintenance activities is onerous. The routine aerification and sanding of the fairways, greens and tee areas involves grass plugs that amount to 50 cubic yards or more of material that recycled and re-used on other parts of the course. Periodic maintenance and replacement of bunker sand also involves moving at least 50 cubic yards of sand.

The golf course contains more than 6000 trees that must be maintained for the operation of the course, needing to obtain a permit for any tree cutting over the exemption is onerous. The requirement for replacement trees is also seen as counter to the operation of the course.

The SGC cites several other municipalities that specifically exempt golf courses from code provisions.

It is obvious that no specific exemption from the clearing and grading provisions for golf courses exists in the Shoreline Municipal Code.

It can be argued that since sand bunkers are an artificial man-made structure, that maintaining the bunkers is not technically "earthwork" as it is meant to be regulated under the Code (see SMC 20.50.290 *Purpose*). Bringing in sand and moving it around in the bunkers is more akin to maintaining a playground or similar structure than it is to grading for earth modification and/or construction purposes.

It can also be argued that, while the of aerification and grass plug work on the links, even though the cumulative amount of earth dug is more than 50 cubic yards, it is being dug in individual

amounts much less than 50 cubic yards. It can also be considered landscape maintenance of 3,000 square feet or less if performed in non-contiguous areas. It should be noted that this type of maintenance work is meant to prevent erosion and preserve vegetative cover on the links.

For clearing of trees, Chapter 20 of the Shoreline Municipal Code (the Development Code) includes clearing and grading in its definition of development. While no "building" in the conventional sense of the term will be proposed on the golf course, it is still subject to the Code when it comes to clearing of land. There are provisions in the Development Code that allow for exceptions to replanting.

IV. DECISION:

The purpose of a Code Interpretation is to provide clarity when the Code is unclear or contradictory. It is clear that a golf course is not listed as being exempt from SMC 20.50, Subchapter 5.


The cutting of trees is not exempt from permit except as otherwise stated in the code (up to six per parcel may be removed in any 36-month period without permit as long as they are not within a critical area or buffer). Hazard trees may be removed without permit under the provisions of 20.50.310(A)(1), with an arborist's report and site visit from City staff. Tree replacement is governed by SMC 20.50.360.

The specific activities of maintaining sand bunkers, including importing sand for existing bunkers, and aerification of links, may be considered to be normal and routine structure and landscape maintenance activities and are therefore exempt from having to obtain a permit under 20.50.310(B)(2), unless any of these activities occur in a critical area or buffer. This exemption does not include any grading activities that create additional features or expand the golf course.

This decision does not exempt any activities from the critical areas ordinance of the Shoreline Municipal Code (20.80).



Director's Signature



Date