

MEMORANDUM

TO: Shoreline Planning Commissioners, Steve Szafran, Dir. Rachel Markle

FROM: Susanne Tsoming, a Shoreline resident

DATE: Jan. 5, 2022

RE: SMC 20.20.048(4) Tree, Landmark Definition to be discussed in 1/6/22 PC Study Session – Tree Code Amendments Batch #2

As a member of the Tree Preservation Code Team (“TPCT”), I believe it will be beneficial for all those concerned to see by comparison the evolution of the proposed revisions to the Landmark Tree definition. Items A through D will show the definition from current Code form to most recent proposed form.

A. Current Code definition:

“Any healthy tree over 30 inches in diameter at breast height, or any tree that is particularly impressive or unusual due to its size, shape, age, historical significant or any other trait that epitomizes the character of the species, or is a regional erractic.”

B. Original TPCT-submitted on 11/15/20 proposed rewrite of definition:

“Any ~~healthy~~ viable significant tree over ~~24~~ 30 inches in diameter at breast height (dbh). A permit is required for removal. , ~~or any tree that is particularly impressive or unusual due to its size, shape, age, historical significant or any other trait that epitomizes the character of the species, or is a regional erractic.”~~

C. City Staff-recommended rewrite of TPCT’s original:

“Any healthy tree over 30 inches in diameter at breast height that is worthy of long-term protection due to a unique combination of size, aesthetic quality for its species, or cultural/historic or ecological importance, age, location, or any tree that is particularly impressive or unusual due to its size, shape, age, historical significant or any other trait that epitomizes the character of the species, or is a regional erractic.”

D. TPCT’s most recent response to City Staff-recommended rewrite:

“Any healthy tree that is or over 24 ~~30~~ inches in diameter at breast height (dbh) that is worthy of long-term protection due to a unique combination of ~~or any tree that is particularly impressive or unusual due to its size, shape, age,~~ location, aesthetic quality for its species, historical significant or any other trait that epitomizes the character of the species, and/or has cultural, historic or ecological importance or is a regional

erractic. Long term protection and recognition of any landmark tree may be obtained through the Landmark Tree Designation program as detailed in SMC 20.50.350(F)."

Explanation

Item B, TPCT proposed original definition of Landmark Tree, intended to put more of the City's significant trees under protection by reducing the 30" dbh to 24" dbh and to require a permit to remove any of them. At the same time, TPCT submitted a heritage tree definition to distinguish a tree that possessed certain traits, such as age, size, etc., but subsequently withdrew it because City Staff recommended moving some of TPCT's proposed heritage tree definition language into the City's current Landmark Tree definition since the two definitions were similar and concerned the same subject.

Item C is the product of combining the two definitions. City Staff incorporated language from Landmark Trees at SMC 20.50.350(F).

In Item D, TPCT response was to rewrite the definition by eliminating redundancy and adding the Landmark Tree Designation program (Administrative Order #000068 05317 dated June 4, 2007 and updated May, 2007), which up to that point in time was unknown to TPCT.

Comments

On Dec. 2, 2021, the Innis Arden Club (IAC) through its attorney, Peter Eglick, submitted comments about revising the current Landmark Tree definition. IAC believes TPCT's proposed change to the definition is "ill-advised in two respects". The first respect is the reduction of the 30" dbh to 24" dbh which has "little actual study of the need for, effect, or impacts of such reduction". TPCT's intention to increase the number of and protection of Landmark Trees in our City will be effectuated by lowering the required 30" dbh to 24" dbh so that more trees would qualify as Landmark Trees. Except for the lowering of the dbh to 24" dbh, City Staff approves the proposed language in Item C. (See 1/6/22 PC Study Session Agenda 6a, Attachment C, pg 5, Staff Preliminary Recommendation.)

As for IAC's second comment that TPCT's version in Item D has "fundamentally fatal vagueness and overbreadth of the current definition", TPCT disagrees. It believes its proposed revised definition gives the reader clearer guidelines for determining whether a tree fits the City's Landmark Tree definition. Apparently, the current Code agrees as well. A word search for Landmark Tree in the SMC, led to Designation of Protected Trees at SMC 20.50.330(D). The references to a Landmark Tree at SMC 20.20.048(4), SMC 20.50.350(F) and SMC 20.50.330(D) say that the City recognizes Landmark Trees. Is the public to believe that that there are no Landmark Trees in Shoreline because such trees have NOT been officially designated? There is a need to rewrite the Landmark Tree definition.