



MEDINA, WASHINGTON

AGENDA BILL

Monday, October 14, 2024

Subject: Ordinance Amending Medina Municipal Code Chapter 16.52 – Tree Management Code, Adding Section 16.250 – Violations

Category: Consent

Staff Contact: Steven R. Wilcox, Development Services Director

Summary

This is a proposed amendment to add a new Violations section to our existing Medina Municipal Code Chapter 16.52. Violations of our Tree Management Code currently are enforced through MMC Chapter 1.15 – Code Enforcement. There currently are no enforcement provisions within Ch. 16.52. This proposal involves eliminating the tree removal process and the fines within MMC 1.15, and then replacing with an entirely new section within existing MMC Ch.16.52. The new violations section is proposed as “16.52.250. – Violations”. MMC Sections 1.15.030 and 1.15.330 are proposed to also be amended for code concurrency.

This proposal is to amend Medina Municipal Code Chapter 16.52 through the addition of new Section 16.52.250 which meets and supports Council priorities 1,3, and 5.

Council Priorities:

1. **Financial Stability and Accountability**
2. Quality Infrastructure
3. **Efficient and Effective Government**
4. Public Safety and Health
5. **Neighborhood Character and Community Building**

Prompting the need for this new approach to Tree Management Code violations was a significant removal of publicly owned trees in early 2023. The results of the subsequent investigation of this violation caused the Council to direct a change be made to our code enforcement fines associated with illegal tree removals. Generally, Council felt that the MMC Ch. 1.15 fines were inadequate.

In July 2023 the Council directed staff to produce a draft code amendment of a new approach to tree removal violations. In September 2023 the first draft of a new Tree Management Code Violations Section was presented to the Council. Following the Council request for additional information, a second draft of the Tree Management Code Violations Section was presented in October 2023. At the October 2023 Council meeting there was a request for more information regarding the new “hardship” provisions. With a new City Attorney in 2024, the hardship provisions were re-drafted and the entire proposal was edited. The Council directed the new draft be sent to the Planning Commission for their review.

On September 11, 2024, the Planning Commission reviewed the Section 16.52.250 proposal in its entirety and following a noticed public hearing approved it without further amendment on a

vote of 7-0. Our Medina SEPA official has issued a determination of non-significance. The Washington State Department of Commerce performed a required review and had no comments. All required process is now complete.

The following is a summary of the proposed new section 16.52.250 – Violations:

- Fines for Tree Management Code violations would now be among the highest in our local area as compared to currently being among the lowest.
- Fines are considered separately in two parts. Private property and City owned (public property and ROW).
- Private property owners may qualify for a one-time exemption from fines.
- Private property owners may petition the hearing examiner for a hardship which could potentially reduce fines. 'Hardship' is now defined in the proposed ordinance.
- Hearing examiner discretion and procedures involving hardship petitions are defined.
- Public tree removals are not given exemptions or ability to petition for a hardship exemption.
- All city costs of the code enforcement action are reimbursed.
- Public tree canopy is to be restored.
- Failure of development projects to protect existing trees is now defined as a code violation.

Attachment

Ordinance No. 1032 – Updating Tree Code Penalties and Conformance Amendment

Budget/Fiscal Impact: There is no anticipated impact to the budget for Section 16.52.250 associated enforcement actions provided we recover costs of enforcement. As with any enforcement matter, sometimes a full cost recovery is not possible, therefore, there may be budgetary impacts of such activities.

Full recovery of staff and consultant time required for enforcement of new Section 16.52.250 is addressed within the proposal.

Recommendation: Adopt Ordinance No. 1032.

City Manager Approval: 

Proposed Council Motion: "I move to adopt Ordinance No. 1032, amending Medina Municipal Code Chapter 16.52 – Tree Management Code, Adding Section 16.250 – Violations."