

**Tree Removal Without Permit
Fines, Fees and Reimbursement**

FINES

1. Private property

Basic fine: \$1,000/tree + \$1,000/inch, up to \$25,000 maximum/tree.

2. Designated critical area

- A. Double the basic fine with no maximum per tree for removal in designated critical areas including steep slopes, shorelines, and wetlands.

Note: This addresses the most egregious non-permitted tree removals we have seen in recent years which typically involve multiple tree removals for view improvement. Critical areas are most impacted by tree removals. View improvement associated tree removals often occur in critical areas.

3. Public Right of Way

- A. Double the basic fine listed above with no maximum per tree.

4. Exemption for non-development related tree removal

- A. Applies to private property owners. This is a one-time fine exemption for a single tree removal that occurred without obtaining a permit. The intention is to exempt a Medina resident who may have removed a tree on their property. Residents occasionally remove trees that they planted without considering permitting.

- B. Medina Municipal Code Section 16.52.080 Landmark and Legacy trees are not given the one-time, one-tree exemption.

- C. Tree removals either private or public determined by our City Arborist to have involved a hazardous tree will not be fined. Other applicable fees and cost reimbursements will apply.

Note: Fines collected should be directed to the Medina General Fund.

FEES

1. All applicable permit fees that would have been due should be retroactively charged for non-permitted tree removals.
2. Double fees for work performed without permit.

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REIMBURSEMENT

All costs incurred by the City of Medina associated with the non-permitted tree removal should be fully reimbursed.

1. Private Property

B. Actual Costs

- Consultants including city attorney, arborist, engineers, tree and stump removal, replanting, etc.
- Actual Medina staff time.

C. Estimated Costs

- Consultant time involved in assuring health and viability of replacement trees over 5-year period.

2. Public ROW

- A. Medina Municipal Code Section 16.52.200 E. 3 refers to the “public benefit” lost due to the removal of a city tree and requires contribution to the Medina Tree Fund.

This contribution is in addition to the requirement for replacement trees.

- Contribution under permit is \$25.00 per inch.
- Current contribution for ROW removals without permit is 3X \$25.00 per inch or \$75.00 per inch.
- Due to the loss of the public benefit of a ROW tree removed without permit this proposal is to increase the contribution to the Medina Tree Fund to 6X \$25.00 per inch or \$150.00 per inch.

B. Replacement Trees

- No proposed change from existing Medina Municipal Code minimum quantity and size requirements. MMC Section 16.52.200 E 2.
- Propose to add Development Services Director discretion to require larger trees than the minimums of MMC Section 16.52.200 E 2.

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- C. Actual Costs
 - Consultants including city attorney, arborist, engineers, tree and stump removal, replanting, etc.
 - Actual Medina staff time.

- D. Estimated Costs
 - Cost of assuring health and viability of replacement trees. Typically, 3-years of watering. 5-years total monitoring time.

- E. Financial Guarantee
 - Bond or cash guarantee to assure the replacement trees remain healthy and viable for a total of 5-years.
 - 100% of the estimated tree replacement cost.

APPEALS

No change. Code enforcement actions may be appealed to the Medina Hearing Examiner.

EXAMPLES – includes estimates

1-31” diameter Douglas Fir

A. Private Property Tree Removal (*excludes proposed exemption*)

Fine	\$1,000 + \$1,000/inch = \$32,000
Permit Fee	\$50.00 for typical residential \$300.00 when associated with development project Use \$50.00 for this example
Consultant Costs	Arborist = \$200
Estimated Costs	5-Year health/viability confirmation including project tracking: \$300
Estimated Total	\$32,550.00

EXHIBIT 2**Tree Removal Without Permit
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B. ROW Tree Removal

Fine	\$32,000 x 2 = \$64,000
Permit Fees	Tree Removal \$750 x 2 = \$1,500 ROW Permit = \$270
Replacement	Tree = \$650 Delivery = \$250 Installation = \$650 Total = \$1,550
“Public Benefit” Contribution to the Medina Tree Fund	\$25/inch x 31” x 6 = \$4,650
Staff and Consultant CE Costs	\$500
Estimated consultant and staff maintenance tree costs	Associated CE, 3-years maintenance + 2 additional years monitoring. \$1,500
Cost of (1) stump removal and restoration for replanting	\$2,000
Estimated Total	\$75,970.00