



MEDINA, WASHINGTON

AGENDA BILL

Monday July 10, 2023

Subject: Draft Tree Code Fines

Category: City Business

Staff Contact: Steve Wilcox, Development Services Director

Summary

This proposal for amendments to the Medina Municipal is associated with private property and public right of way tree removals which occur without required permits. This proposal is intended to solicit Council comment.

A goal for this discussion is for staff to be given direction to produce a draft ordinance which may be presented to Council as early as the September 11, 2023 meeting.

This draft proposal 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

Please see Exhibits 1 and 2.

Exhibit 1 – Comparison of Fines

Eight jurisdictions' tree removal fines were reviewed for comparison. An example 31" Douglas Fir on private property was used. This 31" tree has a calculated value of \$24,100. Medina is listed twice in the Exhibit 1 table. The first listing shows the current tree removal fines. The second Medina listing shows the tree removal fines as proposed.

Exhibit 2 – Fines, Fees and Reimbursement

Again, this uses a 31" Douglas Fir removed without permit as the example. The Town of Hunts Point tree removal fines were used as a basis to work from. This proposal views private property tree removals differently than public right of way tree removal. Both private and ROW tree removal fines are proposed as \$1,000 per tree and \$1,000 per inch of diameter with a \$25,000 maximum per tree. Fines are proposed to be doubled in environmentally critical areas and within the public right of way.

A one-time exemption is proposed for a single tree removal on private property per King County listed ownership. This exemption would not apply to Landmark or Legacy tree removals. The concept behind the exemption is that a Medina resident who removes a tree on their property would better be educated about the Tree Management Code, than heavily fined. Additionally, a resident may have planted the tree they removed and thought it okay to do so. Other fees, and reimbursements may apply although fines for the removal may be determined exempt.

Trees proven to have been hazardous would not involve a fine for removal. Other fees, and reimbursements may apply.

Permit fees which would have been charged under a permit application are still due even though the work is completed. This proposal doubles the tree removal permit fees for work occurring prior to the permit issuance. This doubling of fees is common for work performed without permit.

Reimbursement is necessary to avoid the general population of Medina from paying any of the tree removal code enforcement action costs. The goal is to balance the costs of the enforcement vs. the expenditures associated with staff consultant time both actual and estimated in the future, and all costs of tree replacement.

A contribution to the Medina Tree Fund for tree removals in the public right of way is currently required at \$25 per inch of diameter. If a public ROW tree was removed without a permit then the contribution is currently tripled. The Municipal Code refers to the public benefit lost due to the removal of city trees. This proposal includes the increase in this Medina Tree Fund contribution to 6-times \$25/inch due to the lost public benefit associated with a non-permitted public tree removal.

Attachment(s)

Exhibit 1. Tree Removal Without Permits – Comparison of Fines

Exhibit 2. Tree Removal Without Permits – Fines, Fees and Reimbursement

Budget/Fiscal Impact:

Fines collected directed into the General Fund

Fees collected directed into Development Services Fund and Public Works Budget

Right of way tree public benefit contribution to the Medina Tree Fund

Cost recovery distributed as appropriate to funds and budgets

Recommendation: Discussion and direction.

City Manager Approval:



Proposed Council Motion:

I move to authorize the Development Services Director to produce for Council a draft ordinance amending the Medina Municipal Code to incorporate fines, fees, and reimbursements associated with tree code violation enforcement.

Time Estimate: 20 minutes