

CODE

CITY OF REDMOND
ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON AMENDING REDMOND MUNICIPAL CODE
CHAPTER 1.14, ENFORCEMENT AND PENALTIES, AND
AMENDING TREE REPLACEMENT BASE FEES ON THE
PLANNING DEPARTMENT FEES SCHEDULE; PROVIDING
FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE
DATE

WHEREAS, the City issued a Determination of Non-Significance (DNS) State Environmental Policy Act (SEPA) threshold for this non-project action on February 10, 2021. The comment period expired on February 24, 2021, and the appeal period expired on March 11, 2021. No comments or appeals were received; and

WHEREAS, the City Council desires to amend Redmond Municipal Code Chapter 1.14, Enforcement and Penalties to address unauthorized tree removal; and

WHEREAS, the City Council desires to amend the Planning Department Fee Schedule, to address inadvertent reductions in the Tree Replacement Base Fee amount.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Findings and Conclusions. After carefully reviewing the record and considering the evidence and arguments in the record and at the public meetings and hearings, the City

Council hereby adopts the findings, conclusions, and recommendation of the Parks and Environmental Sustainability Committee of the Whole as directed on June 28, 2022.

Section 2. Amendments to Redmond Municipal Code (RMC), Chapter 1.14, Enforcement and Penalties. The provisions of RMC Chapter 1.14, Enforcement and Penalties, are amended to read as follows:

1.14.060 Criminal violations and penalties, civil violations and penalties, and other penalties.

. . . .

B. Civil Violation and Penalty.

1. Any person who commits an act which violates (a) any provision listed in RMC 1.14.030.A, Applicability; (b) any approval or approval condition granted under any provision listed in RMC 1.14.030.A, Applicability; or (c) any orders issued under this chapter shall be subject to a civil penalty not to exceed \$1,000 for each violation. The minimum civil penalty shall be \$100.

2. Any person who fails to act when required to do so by (a) any provision listed in RMC 1.14.030.A, Applicability; (b) any approval or approval condition granted under any provision listed in RMC 1.14.030.A, Applicability; or (c) any orders issued under this chapter shall be subject

to a civil penalty not to exceed \$1,000 for each violation.
The minimum civil penalty shall be \$100.

3. Notwithstanding paragraphs (1) and (2) above, civil penalties for illegal tree removal may exceed \$1,000 for each violation. Remediation, including but not limited to tree values, replacement ratios, and performance assurance costs, as outlined below, shall be added to any civil penalties assessed under paragraphs (1) and (2) above.

i. The Administrator shall establish a tree value for each significant and landmark tree removed or damaged in violation of this chapter. Topping of trees shall be considered tree removal and shall be subject to remediation. Topping does not include pruning fruit trees to encourage the production of fruit. This amount shall be based upon appraised tree value per industry standard trunk formula method in the latest edition of "Guide for Plant Appraisal" published by the International Society of Arboriculture, or its successor entity, that is current at the time of the violation. The City shall take the average of three separate signed appraised values submitted by arborists on the applicant's behalf. The penalty amount shall be tripled for contractors working on behalf of a property owner and may include but not be limited to tree removal and grinding contractors and arborists.

ii. The number of replacement trees required for unauthorized significant tree removal is dependent upon the size of tree removed as identified in the table below. If a tree has been removed and only the stump remains, the size of the tree removed shall be the diameter of the top of the stump.

<u>Size of Removed Tree</u>	<u>Number of Replacement Trees Required</u>
<u>Greater than 6 inches to 10 inches</u>	<u>6</u>
<u>Greater than 10 inches to 20 inches</u>	<u>8</u>
<u>Greater than 20 inches to 30 inches</u>	<u>10</u>
<u>Greater than 30 inches</u>	<u>12</u>

iii. Replacement tree sizes shall be 2-1/2" caliper for deciduous trees and six (6) feet in height for evergreen trees.

iv. All required replacement trees and relocated trees shown on an approved permit shall be maintained in healthy condition by the property owner throughout the required bonding period of the project, unless other approved by the Administrator in a subsequent permit.

Section 3. Amendments to the Planning Department Fee Schedule. The Tree Replacement Base Fee is amended to read as follows:

PLANNING DEPARTMENT FEES
City of Redmond

Administrative Policy

Miscellaneous Fee:

Tree Replacement Base Fee - ~~Each Replacement Tree~~ — ~~\$80.60~~

Each Significant replacement tree \$500

Each Landmark replacement tree \$2,000

Note: These fees may be adjusted annually for inflation. These fees shall not be automatically reduced as part of any fee schedule adjustments.

(Not subject to 3% Technology Surcharge.)

Section 4. Preparation of Final Documents. The Administration is directed to complete preparation of Redmond Municipal Code and Planning Department Fees documents, including updates to chapter numbers, correction of any typographical errors, minor stylistic or editorial revisions, general formatting, and including of appropriate graphic and illustrations.

Section 5. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 6. Effective Date. This ordinance shall take effect five days after passage and publication of an approved summary consisting of the title.

ADOPTED by the Redmond City Council this 19th day of July, 2022.

CITY OF REDMOND

ANGELA BIRNEY, MAYOR

ATTEST:

CHERYL D. XANTHOS, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.