

**Archived:** Monday, March 28, 2022 10:32:11 AM

**From:** [Boni Biery](#)

**Sent:** Monday, March 28, 2022 1:27:06 AM

**To:** [City Council](#)

**Subject:** [EXTERNAL] Suggested - Alternative Cod Language

**Sensitivity:** Normal

**Attachments:**

[28 Mar to Council Penalties.pdf](#) 

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Dear Council,

I have read the Study report page 8a-15 for 3/28/2021 and would like to suggest some alternate language to simplify the language in the Code 5 penalty phrase.

Please find them attached below.

March 28, 2022

Dear Council,

I have read the Staff Report 032822-8a page 15 that was prepared for the Council's action on Ordinance No. 963 - Amending SMC 20.50.300, Adding a New Section Regarding Penalties for the Unpermitted Removal of Trees and Vegetation.

I feel this code could be made much easier to read and less likely to lead to accidental tree removals if it used the numerical size of trees instead of the words "significant" and "landmark." Below you can see both staff revisions with my suggested clarifications followed by what the language would like if both were made. I hope you will consider them.

always,

Boni Biery

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From staff report

*My suggestions are in brown italics.*

### **SMC 20.50.300 (H)**

5. Penalties. Any *responsible* party violating any of the provisions of this [Sub](#)chapter may be subject to any applicable penalties per SMC 20.30.770 plus the following:

- a) A square footage cost of \$3.00 per square foot of ~~impacted~~ tree, *root zone(s)*, and *understory* vegetation required for retention that are impacted ~~at the development site; and a square footage cost of \$15.00 per square foot of impacted vegetation and trees at the development site in the MUR 35' and MUR 45' zones;~~ and
- b) A per tree penalty in the amount of ~~\$3,000 per non-Significant tree;~~ \$9,000 per tree *6-23-inch diameter at breast height Significant tree;* and \$15,000 per tree *24 inch or greater diameter at breast height Landmark tree;* and, for trees

removed ~~at the development site~~ without appropriate permitting as required and/or in violation of this subchapter.

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*This is how the code would read if both the recommended staff changes and my suggested changes were made:*

**SMC 20.50.300 (H)**

5. Penalties. Any party violating any of the provisions of this Subchapter may be subject to any applicable penalties per SMC 20.30.770 plus the following:

- a) A square footage cost of \$3.00 per square foot of tree, *root zone(s)*, and *understory* vegetation required for retention that are impacted and
- b) A per tree penalty in the amount of \$9,000 per tree *6–23-inch diameter at breast height*; and \$15,000 per tree *24 inch or greater diameter at breast height* and, for trees removed without appropriate permitting as required and/or in violation of this subchapter.

**From staff report staff report 032822-8a**

**SMC 20.50.300 (H)**

5. Penalties. Any *responsible* party violating any of the provisions of this Subchapter may be subject to any applicable penalties per SMC 20.30.770 plus the following:

- a) A square footage cost of \$3.00 per square foot of impacted tree, root zone(s), and understory vegetation required for retention that are impacted at the development site; and a square footage cost of \$15.00 per square foot of impacted vegetation and trees at the development site in the MUR 35' and MUR 45' zones; and
- b) A per tree penalty in the amount of \$3,000 per non-Significant tree; \$9,000 per tree 6-23 inch diameter at breast height Significant tree; and \$15,000 per tree 24 inch or greater diameter at breast height Landmark tree; and, for trees removed at the development site without appropriate permitting as required and/or in violation of this subchapter.

This is how the code would read if both the recommended staff changes and my suggested changes were made:

**SMC 20.50.300 (H)**

5. Penalties. Any party violating any of the provisions of this Subchapter may be subject to any applicable penalties per SMC 20.30.770 plus the following:

- a) A square footage cost of \$3.00 per square foot of tree, *root zone(s)*, and *understory* vegetation required for retention that are impacted and
- b) A per tree penalty in the amount of \$9,000 per tree *6–23-inch diameter at breast height*; and \$15,000 per tree *24 inch or greater diameter at breast height* and, for trees removed without appropriate permitting as required and/or in violation of this subchapter.