

Zoom Video
is shown here

Ordinance 963 – Development Code Amendment Related to Tree Penalties

Council Action
March 28, 2022



Background

Zoom Video
is shown here

- Ordinance 955 adopted March 21
- Penalties and financial guarantees held over
- Proposed penalties in addition to penalties imposed in SMC 20.30.770

Calculating Economic Value

Zoom Video
is shown here

1. ROW Tree Removal:

Tree #1 - \$53,000 + Proposed – \$9,000

Tree #2 - \$8,900 + Proposed – \$9,000

Tree #3 - \$68,700 + Proposed – \$9,000

Total = \$157,600

2. Arden View – CAO Violation - \$452,000

Removal of 10 significant trees, 20 nonsignificant trees and impacted critical area (\$15 per sqft) and critical are buffer (\$3 per sqft)



Penalties

Zoom Video
is shown here

*SMC 20.50.300 – General Requirements
Proposed Amendment to 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:



Penalties

Zoom Video
is shown here

a) A square footage cost of \$3.00 per square foot of impacted trees and 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

Penalties

Zoom Video
is shown here

b) A per tree penalty in the amount of ~~\$3,000 per non-Significant tree~~; \$9,000 per Significant tree; and \$15,000 per Landmark tree; ~~and,~~ for trees removed ~~at the development site~~ without appropriate permitting as required and/or in violation of the provisions of this subchapter.

Financial Guarantees

Zoom Video
is shown here

6. Financial guarantee requirements. ~~Bonds and other A~~ financial guarantees, and associated performance agreements or maintenance/defect/monitoring agreements, shall be required for projects in the MUR-35' and MUR-45' zones ~~with when mitigation is required mitigation to~~ address the ~~or restoration of violation~~ unpermitted removal of significant trees and vegetation on a development site consistent with the following:

Financial Guarantees

Zoom Video
is shown here

a) A performance agreement and bond, or other acceptable financial guarantee, are required from the applicant when mitigation is required as a result of violating the provisions of this Subchapter if the mitigation pursuant to a development proposal is not completed prior to final permit approval, such as final plat approval or final building inspection. The amount of the performance bond(s) shall equal 125 percent of the cost of the mitigation project (after City mobilization is calculated).

Financial Guarantees

Zoom Video
is shown here

b) A maintenance/defect/monitoring agreement and bond, or other acceptable financial guarantee, are required to ensure the applicant's compliance with the conditions of the approved mitigation plan ~~pursuant to a development proposal or restoration plan for remediation to correct~~ of a violation to trees and vegetation. The amount of the maintenance bond(s) shall equal 25 percent of the cost of the mitigation project (after City mobilization is calculated) in addition to the cost for monitoring for a minimum of ~~three~~ five years. The monitoring portion of the financial guarantee may be reduced in proportion to work successfully completed over the period of the bond. The bonding period shall coincide with the monitoring period.



Opening Motion

Zoom Video
is shown here

If Council wants to approve the applicant's (TPCT's) proposed language as shown in Attachment A, Exhibit A-1, a Councilmember will need to move to modify the Planning Commission's recommendation as follows:

"I move to reject the Planning Commission's recommendation for denial of the portion of Batch Development Code Amendment No. C5 related to penalties and financial guarantees by adopting Ordinance No. 963 with Exhibit A-1 and waive Council Rule of Procedure 3.6 requiring three readings of an ordinance."



Opening Motion

Zoom Video
is shown here

If Council wants to approve staff's revision to the applicant's proposed language as shown in Attachment A, Exhibit A-2, a Councilmember will need to move to modify the Planning Commission's recommendation as follows:

"I move to reject the Planning Commission's recommendation for denial of the portion of Batch Development Code Amendment No. C5 related to penalties and financial guarantees by adopting Ordinance No. 963 with Exhibit A-2 and waive Council Rule of Procedure 3.6 requiring three readings of an ordinance."