Stephanie Keyser

Attachment H

From: dbocek@comcast.net
Sent: Thursday, June 30, 2022 5:53 PM
To: Stephanie Keyser
Subject: Proposed Tree Code Amendments

Stephanie-------thank you very much for an exceptionally informative open house tonight. I appreciated you taking the time to answer my questions and the handouts were very well done and very helpful. In summary, an excellent presentation by our city.

I think the proposed changes were well thought out and they will help support the unique environment of Medina in the future. Please share my total support of the amendments with the City Council so they know at least one concerned citizen is in favor of the code changes.

In closing, while I understand your answer to my question, I would still like to say that I think 2" DBH is too small for a supplemental tree requirement. I believe we could make a larger tree size work to promote a better canopy cover in less time. Thank you.

Miles

Stephanie Keyser Attachment H

From: laurelpr@seanet.com
Sent: Sunday, March 27, 2022 1:53 PM
To: Stephanie Keyser
Subject: FW: trees

Hi Stephanie,

I received this email from Miles Adam (I meant to send it to you sooner!).
Please forward to Planning Commissioners, and Councilmembers as appropriate.
I responded to the message saying that the recommendations are under consideration by Council.

Best,
Laurel

From: dbocek@comcast.net <dbocek@comcast.net>
Sent: Friday, March 18, 2022 12:18 PM
To: laurelpr@seanet.com
Subject: trees

Hello Laurel---------I am sorry to bother you again about Medina's tree policy but I have to make one more comment. Thank you for humoring me.

Our neighbors cut down a tree about 100 feet tall with a DBH of 32 inches. Our city's policy requires them to plant three trees with a DBH of 2 inches each to replace the tree they removed. This raises the same issue I discussed with you previously. How can these three little trees ever equal the canopy of the very large tree that was cut down? The answer is not in my grandchildren's lifetime. If the city continues to make trade offs like this, we will soon have little tree canopy left in Medina.

I know you are working on a new policy, and I thank you for your efforts. We could go a long way toward addressing the shortcomings in our current policy by changing the DBH of the required replacement trees to six inches and requiring the city to inspect the new trees annually. Trees this size are available and an annual inspection would make sure the permit's requirements are being followed. This change in the policy is easy to make and to implement and would help preserve our all important tree canopy.

Thank you for your consideration.

Miles

Stephanie Keyser Attachment H

From: Steve Burnstead <Steve@burnstead.com>
Sent: Monday, December 13, 2021 6:21 PM
To: Council
Subject: Medina Tree Ordinance

From: Steve Burnstead <Steve@burnstead.com>
Sent: Sunday, December 12, 2021 6:19 PM
To: Medina Council
Subject: RE: Medina Tree Ordinance

Medina Council,

I did not receive anything from the City of Medina seeking input from Medina Property Owners regarding the proposed changes to the Medina Tree Ordinance.

1. The existing Tree Ordinance was only recently reviewed and revised after over a year analysis seeking and receiving lots of input from Medina property owners, outside consultant scientific analysis of the existing tree canopy, and taking account the desire for property owners to maintain views and sunlight with reasonable mitigation ratios. The existing tree ordinance should be modified! Stop
2. Just because a couple of properties were redeveloped that had excess tree coverage does by no means justify changing the existing well thought out Tree Ordinance.
3. The reality from a environmental standpoint encouraging Solar power production by far reduces Medina's carbon footprint vs. planting trees. Example, I have installed Solar collectors on my roof because I have a great sun exposure on the lake. I produced 32.4MWh saving 50,120 Lbs. of carbon , the equivalent of planting 379 TREES. You can not access this solar opportunity if you do not allow property owners to reasonable mange their own properties tree coverage and solar exposure. The existing tree Ordinance is reasonable both in its goals of tree coverage and mitigation options for Medina property owners.
4. View and Solar management is a crucial part of Medina property owners ability to maintain the property values they currently have.
5. City of Medina creating a unreasonable Tree Ordinance dictating more and more control over Private property is a unreasonable taking. Secondly, where is the City of Medina going to get the funds to hire the massive staff and arborist to ensure private property safety from every tree over 30", as well enforce a unenforceable Ordinance.

The City of Medina should focus its effort on issues that could vastly improve the livelihoods of its Residents such as:

Attachment H

1. Detailed plan to remove and underground all overhead power lines and poles.
2. Create a more pedestrian friendly Medina with more well marked and defined street walking and most importantly safe sidewalks.
3. Study and address the impact of Medina to Meydenbauer BAY being the direct and only Commercial Airline takeoff route (heading East with a accelerated turn radius directly over Medina) in the summer from a North wind. The goal should be to require in addition to the Medina route, 1 or 2 alternate East turn routing further North so as to spread out the impact of the increasing Airline traffic and noise. Commercial Airline noise on a North wind starts at 6:00 AM and is steady (5-10 planes a minute) until 10:00 PM.
4. Encourage Solar Power generation on all new construction by requiring prewiring for roof top solar panels. (See City of Issaquah building code)

Steve Burnstead

Please add my e-mail to City of Medina comments regarding the Tree Ordinance and general public comment.

From: Alex Morcos <alexmorcos@hotmail.com>
Sent: Monday, November 8, 2021 4:37 PM
To: Steve Burnstead <Steve@burnstead.com>
Subject: RE: Medina Tree Ordinance

You can speak just part of the hearing. No need to notify beforehand.

Alex Morcos

From: Steve Burnstead <Steve@burnstead.com>
Sent: Monday, November 8, 2021 4:33 PM
To: Alex Morcos <alexmorcos@hotmail.com>
Subject: Re: Medina Tree Ordinance

Yes thank you.

I was going to speak tonight, but did not realize about needing to notify by 2:00 to get my 3 minutes.

Sent from my iPhone

On Nov 8, 2021, at 4:29 PM, Alex Morcos <alexmorcos@hotmail.com> wrote:

Steve, the council meeting is happening right now and this item is on the list and will be covered in the next few minutes. I need to reach out to all council members via email and speaking in the public part and expressing your opinion. The more resident feedback the council receives the better. Sorry for being brief but I am multitasking with the council meeting going on.

Alex Morcos

From: Steve Burnstead <Steve@burnstead.com>
Sent: Monday, November 8, 2021 4:24 PM
To: Alex Morcos <alexmorcos@hotmail.com>
Cc: Steve Burnstead <Steve@burnstead.com>
Subject: Medina Tree Ordinance

Hello Alex,.

It has been a long time since we interacted regarding Medina Ordinances. David Lee sent me the revisions to the existing Tree Ordinance being recommended by the present Planning Commission. First of all, I am extremely disappointed to see such a unscientific approach to reviewing a Tree Ordinance that was so recently updated after extensive City Council and staff review as well as considerable public comment.

Fundamentally the existing Tree Ordinance is NOT BROKEN. It mis working. The Existing Tree Ordinance was based on scientific analysis of the present Tree Density with specific goals.

1. Maintain the existing Medina tree canopy density at a minimum.

2. Allow Property owners to reasonable mange the trees on their private property with reasonable mitigation requirements
3. Medina's Sunlight (Solar power opportunity a plus for the environment far exceeding a tree) and View ordinance is reasonable to allow Medina property owners the ability to maintain their existing views or access to sunlight.

Attachment H

The proposed changes to the Tree Ordinance are so onerous and lopsided regarding tree replacement it effectively prevents tree management of private property. The changes would actually eliminate any new trees from being planted on private property. Why would anyone plant a tree and then have the City of Medina take ownership of it and restrict your private property accordingly. Is the City of Medina prepared to hire an Arborist to review every 30inch or larger tree (Landmark?) on all private property to guarantee the safety of each tree related to structures and lives. I assume the City has an Insurance policy to cover all and each mandated tree retention on private property.

The proposed increase in the required Tree density, the decrease in the per unit credit for existing trees has no basis in science or logic what's so ever.

I know most if not all the decisions regarding Ordinance changes are made behind the scenes between staff, Planning Commission, and Council. I don't understand what drove these radical changes to what was already considered one of the most restrictive Tree Code in the State of Washington. I cannot express my disappointed enough to see the Council contemplating radical changes to force more tree density on Medina private property owners. Why doesn't Medina just plant a forest on the park property vs. all that sunlight and grass.

The Trees that exist in Medina today were planted and managed by Medina private property owners BEFORE THERE WERE ANY TREE ORDINANCES. Imagine that.

One final thought. A much more valuable and productive use of the Council time would be to study a immediate plan to prevent the every wind storm Medina Power Outages caused by all the Trees surrounding the old 1950 power lines. As well, create a long term plan and funding to underground all power poles throughout Medina!!! Why do we still have OLD 1950 ABOVE GROUND POWER POLES in Medina. I have not completed a plat in the LAST 50 YEARS that did not require underground power!!

Please forward this letter to all the City Council Members

Sincerely,

Steve Burnstead

Attachment H

Steve Burnstead

Steve Burnstead Construction LLC
11980 NE 24th Street Suite 200

Bellevue, WA 98005

O: (425) 454-1900 x219
C: (206) 369-6869
steve@burnstead.com

www.burnstead.com

Stephanie Keyser Attachment H

From: S Bowman <sbowman990@gmail.com>
Sent: Thursday, December 9, 2021 1:01 PM
To: Council
Subject: tree code changes for ordinary properties is misguided

Dear City Council Members,

For most of the year, there's been city outreach that the tree code is changing for new construction but now it seems that, without adequate notice, the tree code is changing for everybody (except for a city post card that tries to cover the city by burying a little disclaimer).

The current tree code is flawed but making it more complex is even worse. The current tree code makes it difficult to manage diseased trees by having too expensive and complex procedures such that it is easier to let the tree die and infect other trees. Let people manage trees themselves. There is nothing Legacy about a big tree.

As far as new construction, several years ago, the tree code made it such that new construction had to meet or exceed the average tree coverage in Medina according to Mr. Grumbach, who was working for the city. Therefore, code changes are completely unjustified.

I urge the City Council to discard all proposals to change the tree code for existing properties. This should be the most important task for the City Council. The City Council should also not be taken hostage by a few tree activists who want complex tree regulations that actually hurt and discourage tree planting.

Sincerely,
Sarah Bowman

Stephanie Keyser

Attachment H

From: David Yee <davidyee2006@yahoo.com>
Sent: Sunday, December 5, 2021 11:12 PM
To: Council
Cc: johnstonmacd@hotmail.com
Subject: Tree Code Update 2021 creates new problems for Medina
Attachments: Tree Code Update 2021 December City Council calculations.pdf

Dear Mayor Rossman, Vice Mayor Adkins, Council Member Morcos, Council Member Garone, Council Member Frey, Council Member Gokul, and Council Member Zook,

I have previously written to members of the City Council expressing serious concerns with changing the tree code as it pertains to Land Not Under Development, particularly since months of public outreach specifically excluded regular homeowners from tree code changes and making changes only to new construction. I write to you to point out additional considerations that should be made to the current Planning Commission proposal.

I ask that the City Council dispense with the tree issue in December by:

1. Rejecting Tree Code Update 2021 in its entirety with the possible exception of making a policy decision as to the required tree density ratio of being either 0.35 or 0.40. (proposed Table 20.52.130(B) Tree Density Ratio), or;

2a. As a less positive alternative, accepting Tree Code Update 2021 but exclude any changes in the definition of Legacy Tree (or introduction of Landmark Tree) as it pertains to Land Not Under Development (proposed 20.52.120), and 2b. As it pertains to new construction, reject proposed 20.52.320(C)(iv) because it conflicts with itself and other provisions of the building code.
2c. Reject any changes in Significant Tree Units which affects Land Not Under Development, has no basis in fact, and introduces mathematical errors into the municipal code (See attachment for mathematical rationale; I am sorry for the complexity of the math presented but it shows that the current tree code has a basis in fact but the proposed update contradicts these facts)

Reasoning for the above
1. Common assumption: The current tree code for new construction is too lax. The pendulum swung too far and Tree Code Update must be more restrictive for new construction.

Facts: Common assumption is incorrect and contradicted by facts (based on city released data-footnote 1) New construction with tree density ratio of less than 0.35 upon completion: 0% New construction with tree density ratio of 0.35 or greater upon completion: 100% New construction with tree density ratio exceeding 0.35: 85% New construction meeting but not exceeding code: 15% New construction only meeting but not exceeding tree density ratio of 0.35 and received complaints triggering Tree Code Update 2021: 0% People doing new construction keep more than 150% of the required trees. Totality of new construction: percentage of trees compared to tree code requirements: 150% (footnote 2)

2. Reasoning behind Tree Code Update 2021/proposed 20.52.320(C)(iv) conflicting with itself and other municipal code sections.
2a. This section calls for a continuous canopy but also calls for scattering trees. Scattering trees is not good.
2b. This section conflicts with municipal code sections specifying a 30 foot front and rear setback. MMC 20.22.040 allows patios and decks within the 30' setback, making them too close to proposed required trees.

Even with no patios or decks, new construction utilizing the minimum setback will be too close to the proposed required trees. Without this provision, the number of required trees would be unchanged but the owner could situate the trees in a location that best fits the property. Tree Code Update 2021 can obstruct the homeowner from situating trees in the most suitable locations.

Thank you for your kind consideration of these comments. I would be happy to explain the attachment if the Council desires it in the context of a factual presentation. Ultimately, the Council has a tremendous task at hand in having a tree code. The International Society of Arboriculture, of which I believe I am the only Professional Member of the society in Medina, is concerned that municipal tree codes commonly result in the community forest actually suffering because they are often a "band aid approach" for "old 'heritage' trees". (ISA's selection of words). My ties to the ISA originate from a deep commitment to the urban forest that I maintain on my property.

Best regards,
David
David Yee, MD
3215 Evergreen Point Road

footnote 1: p. 11 of 45, https://medina.civicweb.net/document/34658
footnote 2: From 2015 to the first part of 2021, the city reports that these projects required 1025.75 tree units. These people kept 1361 tree units and planted 209 trees for a combined 1570 tree units/trees.
https://mccmeetingspublic.blob.core.usgovcloudapi.net/medinawa-meet-fa4d819369294bdcafa55c4798af82a6/ITEM-Attachment-001-653714c88a2e48e4adc59e45f5289208.pdf p. 75 of 121.

Attachment H

TREE CODE UPDATE 2021 PROPOSED CHANGES TO TREE UNITS IS NOT SUPPORTED BY DATA/FACTS, INTRODUCES MATHEMATICAL ERROR INTO MUNICIPAL CODE (proposed Table 20.52.130(C)).

History: MMC Table 20.52.130(C) Existing Tree Units came into place on or before 2015, in part, due to the work of Mr. Robert Grumbach, then Director of Development Services for the City of Medina, based on reasoned principles.

One average tree was deemed as one tree unit, with a range of 0.75 to 1.25 significant tree units. (Tree Code Update 2021 changes this so one average tree is deemed as less than one tree in units.)

Historical basis for calculation of Existing Tree Units.

1. Tree Canopy: Tree canopy has been defined as the layer of tree leaves, branches, and stems that provide tree coverage of the ground when viewed from above. It varies by tree species, age, and individual idiosyncrasies of a specific tree. It can be measured with a Lemmon densiometer but more accurately measured by more difficult methods using an angular densiometer. Probably due to the variability of different trees and tree species canopy, municipal tree codes may strive to maintain tree canopy but do so indirectly by maintaining the number of trees.

2. The current city-wide tree canopy for residential property is 35.6% or 0.356. Source: https://medina.civicweb.net/document/11449 p. 62

3. Drip line roughly corresponds to tree canopy and critical root zone / root protection zone (CRZ and RPZ)[1], which is why current Medina practices mandate tree protection fencing surrounding the drip line during new construction. One method of determining the CRZ and tree canopy is to measure the diameter of the tree trunk in inches at breast height (DBH), multiplied by 12, so as:

   Trunk diameter in inches at 4 ½' (1.4 m) above grade x 12 = radius in feet of the CRZ (essentially, 1 foot of CRZ radius per 1" DBH)[2]

4. The canopy dripline (current tree density ratio required) for Land Under Development is 350 sq. ft. per 1000 sq. ft. of land.[3] This figure is also expressed as 0.35 tree density ratio. It closely corresponds with the existing conditions city-wide where tree canopy for residential land is 0.356 or 35.6%

5. Pi (π) = 3.1416. The area of a circle = 3.1416 r^2 where r = radius or ½ diameter.

6. Medina tree code (MMC 20.52.130(B)), considers the tree density ratio as 3.5 significant tree units / 1000 sq. ft. 3.5 significant tree units are defined to be equivalent to 350 sq.

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[1] Drip line generally roughly corresponds to CRZ critical root zone / RPZ root protection zone https://nature.berkeley.edu/garbelottowp/?qa_faqs=what-is-the-critical-root-zone . Drip line and tree canopy is also equated https://www.fcgov.com/forestry/files/critical-root-zone-diagrams.pdf

[2] Bear in mind that root systems vary by depth and spread based on tree species, age, soil type, etc. The root systems of some oaks, for example, can extend well beyond the canopy dripline. This full root zone may extend 2 to 3 times beyond the CRZ, particularly when the water table is high.

[3] MMC 20.52.120(B)

ft. tree canopy. Therefore 1 significant tree unit is defined to be equivalent to 100 sq. ft tree canopy (350 sq. ft tree canopy divided by 3.5 significant tree units = 100 sq. ft. tree canopy for each tree unit).

The current tree code in MMC Table 20.52.130(C) Existing Tree Unit is consistent, albeit in an extremely conservative manner, with the above principles. It credits the minimum justifiable tree unit to a tree, based on the minimum possible canopy that the tree can provide.

MMC Table 20.52.130(C) Existing Tree Unit currently assesses a coniferous tree of greater than 10" DBH to 50" DBH as 1.00 significant tree units.

Example 1: A 10.1" DBH tree has a calculated CRZ or canopy dripline, using the area formula above, as

$3.1416 \times (10.1 / 2)^2 = 3.1416 \times (5.56 \times 5.56) = 97.12$ sq. ft. or 0.9712 significant tree units
This compares favorably with MMC Table 20.52.130(C) which assigns a 10.1" DBH coniferous tree as 1.00 significant tree units.

Example 2: A 50" DBH tree has a calculated CRZ or canopy dripline, using the area formula above, as:

$3.1416 \times (50 / 2)^2 = 3.1416 (25 \times 25) = 1{,}963.5$ sq. ft. or 19.635 significant tree units
This is significantly less than MMC Table 20.52.130(C) which assigns a 50" DBH coniferous tree as 1.00 significant tree units. However, MMC Table 20.52.130(C) assigns 1.00 significant tree units to greater than 10" up to 50" as one category.

Example 3: A 10.1" DBH and a 50" DBH tree would be assigned 0.75 significant tree units under Tree Code Update 2021 (proposed Table 20.52.130(C)). Planning Commission meeting audio reveals city staff explaining a downgrade in tree units as a tactic to increase trees but not offering any logical or scientific basis of any calculations used to arrive at the proposed figures.

Conclusion: Under the current tree code, a tree deemed as 1.00 significant tree units produces a tree canopy (canopy dripline) of one tree (range of 0.9712 to 19.635 tree units or 97.12 sq. ft. to 1,963.5 sq. ft.). That results in 3.5 significant tree units actually producing at least a 0.35 tree density ratio (or 35% tree canopy coverage) or greater.

Under Tree Code Update 2021, trees 10.1" to 50" DBH are only deemed as 0.75 significant tree units yet would provide a tree canopy (canopy dripline) of between 0.9712 and 19.635 actual significant tree units. Therefore, Tree Code Update 2021 incorrectly assigns too few significant tree units than is factual.

Lay Conclusion of the above: The current tree code assigns the minimum significant tree units justified. Tree Code Update 2021 assigns significantly fewer significant tree units than can be justified by mathematical calculations of the true tree density.

It can be further concluded that an average tree under the current tree code is considered one tree unit but that only the most massive trees greater than 50" DBH are considered one tree unit under Tree Code Update 2021. This part of Tree Code Update 2021 should not be adopted (downgrading the number of tree units for a tree).

Stephanie Keyser

Attachment H

From: David Yee <davidyee2006@yahoo.com>
Sent: Sunday, December 5, 2021 11:12 PM
To: Council
Cc: johnstonmacd@hotmail.com
Subject: Tree Code Update 2021 creates new problems for Medina
Attachments: Tree Code Update 2021 December City Council calculations.pdf

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Thank you for your kind consideration of these comments. I would be happy to explain the attachment if the Council desires it in the context of a factual presentation. Ultimately, the Council has a tremendous task at hand in having a tree code. The International Society of Arboriculture, of which I believe I am the only Professional Member of the society in Medina, is concerned that municipal tree codes commonly result in the community forest actually suffering because they are often a "band aid approach" for "old 'heritage' trees". (ISA's selection of words). My ties to the ISA originate from a deep commitment to the urban forest that I maintain on my property.

Best regards,
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David Yee, MD
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https://mccmeetingspublic.blob.core.usgovcloudapi.net/medinawa-meet-fa4d819369294bdcafa55c4798af82a6/ITEM-Attachment-001-653714c88a2e48e4adc59e45f5289208.pdf p. 75 of 121.

Attachment H

Stephanie Keyser

From: Heija Nunn <heija@heija.com>
Sent: Sunday, November 28, 2021 5:03 PM
To: Michael Sauerwein; Stephanie Keyser; Tom Early
Cc: Jessica Rossman
Subject: Legacy Trees

Hello Michael, Stephanie, Tom and Mayor Rossman,

I have been paying loose attention to the proposed changes to the tree code. I am currently renting/caretaking a midcentury home that is situated on a half acre lot in R16 among close to 30 trees. It appears that five or six of these trees could be categorized as above 36inch diameter. Tom visited not long ago to look at some concerns, and although we haven't had a follow up discussion as of yet, I am curious if the new changes might impact or limit the homeowner's flexibility moving forward? One of the thoughts I had while listening in on the council meeting is how our overall approach to code enforcement (complaint driven) favors those willing to dodge the rules (see: chorus of chainsaws on weekends) and burdens those who follow the rules or who are blithely ignorant of changes that affect their properties even if they bear an unequal bounty of foliage or right of way tree coverage.

I have a few questions; If the changes are approved when will the code become effective? If a homeowner applies for a permit now are they grandfathered in? Will the City consider a tree inventory? Would it be a good idea to remind residents of our comp plan tree goals? Have you noticed an increase in applications over the past few weeks? (I have noticed an influx of tree removal companies and equipment.

Thank you to your team, Planning commission and City Council for your hard work to find reasonable solutions to a complex problem. I hope the Council will consider postponing the public hearing on this matter to after the holidays, or plan to continue the matter to allow for stronger and more informed public engagement. More time to understand could equal more support. A final public hearing held in December could be cast as unfavorable to participation.

I appreciate your time and consideration. Thank you!
Heija Nunn

Sent from my iPad

Stephanie Keyser Attachment H

From: David Yee <davidyee2006@yahoo.com>
Sent: Thursday, November 11, 2021 1:33 PM
To: Laurel Preston; David Langworthy; Randy Reeves
Cc: Stephanie Keyser; Michael Sauerwein
Subject: Comments for the 11/16/2021 Planning Commission meeting regarding tree enforcement

Dear Commissioner Preston (Laurel), Commissioner Langworthy (David), Commissioner Reeves (Randy):

It has come to my attention that the Planning Commission is considering additional enforcement measures for the tree code next week. I've recently learned that Planning Commission members do not have City of Medina e-mail addresses but use personal email addresses. I do not wish to exclude the other members of the Planning Commission but do not have their email addresses. This email may be shared with them.

I urge the Planning Commission to consider:

1. What objective data exist regarding the magnitude of non-compliance with supplemental or replacement trees? What percentage of properties are subject to replacement tree complaints? Or is this merely a theoretical issue?

2. What are the regulatory costs to the city and to homeowners for any proposed regulations? Consider that tree permits under MMC 20.52.130 already cost $500 if no construction is done and can be as high as $1,500 plus consultant fees for certain ROW trees. Surprisingly, over 5% of Medina live in poverty and cannot afford additional high regulatory costs.

3. Attachment to land titles is a draconian move with many implications, such as homes with loans and the effort needed to amend titles and, later, change them back. I ask that the Planning Commission reject any such measure.

4. Has the city used the least expensive and least intrusive measures to accomplish enforcement? Least expensive and least intrusive measures might include

a. Easy to understand informational sheet written in non-technical English given to tree permit recipients. Similarly, all residents could be informed on a yearly basis to observe all city regulations, including the tree code.

b. reliance on public complaints (which can be very effective and already happens with many regulations, such as off hours construction work and tree cutting complaints)

c. mailing a reminder postcard in December of the 4th year after the tree permit is issued reminding people to keep their replacement trees. (The December month is selected so that the city may mail all postcards at the same time rather than keep track of the exact anniversary date of tree permits.).

The cost of postcards could be reduced to no costs to the city by requiring that tree permit holders submit a self addressed postcard to the city addressed as "_____(name of homeowner) Or Current Resident, _____ (Medina home address), Medina, WA 98039" and using a forever postage stamp rather than a postage stamp with a numerical value in cents. The city would then send the postcard at the 4th year. Such system would eliminate the cost of hiring a city staff member or paying significant amounts to consultants as is currently being considered. Having the postcard address with "...or current resident" insures that even if the property is sold, the new owner is aware of the trees. In addition, most houses are not sold every few years in Medina. Additional measures could include the notation on the postcard "Do Not Forward".

If there is self certification, the Planning Commission should be aware that governments and government agencies routinely and effectively use self certification, sometime with a clause essentially stating "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct."

d. tags affixed to trees can have unsavory connotations, similar to the tattooing of ID numbers on arms of Jewish concentration camp victims by Nazi prison camp guards. I have personally seen face to face these concentration camp ID tattoos. From a practical standpoint, introduction of nails to trees is not only a bad precedent for disturbing trees but can introduce hazards in the future as nails embedded in trees become impossible to remove and later can present hazards years in the future. This has been documented in the arboriculture literature. Some arborists recommend not using nails or staples in trees smaller than 10" DBH because of the compartmentalization wound that results.

5. The Planning Commission should consider that most Medina residents are law abiding. Furthermore, many of the regulations in Medina, such as not having a marijuana business, not doing noisy yard work at midnight, having a dog or cat license, having a garage sale permit, and other regulations are not subject to dedicated enforcement measures.

6. MMC 04.01.030 currently empowers the City of Medina to enforce violations of ordinances, of which the tree code is one of them. Alternatively, the tree code, now codified as Title 20, was previously codified as Title 16 that had a provision (MMC 16.10.080(A)) reinforcing the topic of enforcement, in addition to MMC 04.01.030, and can be added as a proposed MMC 20.52.081(A) or similar numbering.

Thank you for your kind consideration of this issue.

Respectfully yours,
David

David Yee, MD

Attachment H

Stephanie Keyser

From: David Yee <davidyee2006@yahoo.com>
Sent: Monday, November 8, 2021 1:58 PM
To: Council
Subject: Easy fix to Tree Code Update 2021 for those not building new construction
Attachments: Screenshot_20211108-110524_Drive.jpg

Dear Members of the City Council,

While it has been purported that Tree Code Update 2021 changes that affect those not having new construction done are just a part of "natural evolution", changing the tree code for properties under development is not inevitable.

Attached is a diagram from Tree Code Update 2021 with the relevant part circled in yellow. Properties not under development could simply be unaffected by Tree Code Update 2021 by keeping the yellow circled part mostly the same except to write "Is the tree a Property Not Under Development Legacy Tree (PNUD Legacy Tree)? See MMC 20.52.121" then create a 20.52.121 that is has identical language as the current MMC 20.52.120 except to use the term "PNUD Legacy Tree". That way, new construction follows the new legacy tree definition in 20.52.120 and ordinary homeowners follow the old MMC 20.52.120 that is renumbered as 20.52.121.

Such a simple change would be a tremendous relief for homeowners not building a new house. Currently, homeowners generally do not cut down trees (fewer than one tree permit every 2 years over the past 6 years 2015-2020) but occasionally need to remove a tree. I have a wonderful forest on my ordinary sized lot that I intend to keep for generations but see that an occasional tree might have to be cut down every decade. Replacing such tree with 3 trees is reasonable and what I would do anyway but replacing it with 12-35 trees is completely unreasonable.

Sincerely,
David

David Yee, MD

Attachment H

Stephanie Keyser

From: Doug Dicharry <ddic@msn.com>
Sent: Saturday, November 6, 2021 2:36 PM
To: Council
Cc: Stephanie Keyser
Subject: Tree Code Public Hearing comment

Dear Council,

Many thanks to you and to the Planning Commission for your work on updates to the tree code. I support changes as proposed.

Regards,

Doug Dicharry

Stephanie Keyser

From: Michael Sauerwein
Sent: Wednesday, November 3, 2021 9:05 AM
To: Stephanie Keyser; Steve Wilcox; Aimee Kellerman; Emily Miner; Scott Missall
Subject: FW: comments for Tree Code Update 2021
Attachments: Tree Code Update 2021 November city council.pdf

Greetings All

Just making sure you are all in the loop...

Michael Sauerwein
City Manager
City of Medina
501 Evergreen Point Road
Medina, WA 98039
425 233-6412

-----Original Message-----
From: David Yee <davidyee2006@yahoo.com>
Sent: Tuesday, November 2, 2021 5:03 PM
To: Jessica Rossman <jrossman@medina-wa.gov>; Cynthia Adkins <cadkins@medina-wa.gov>; Alex Morcos <amorcos@medina-wa.gov>; Jen Garone <jgarone@medina-wa.gov>; Roger Frey <rfrey@medina-wa.gov>; Harini Gokul <hgokul@medina-wa.gov>; Bob Zook <bzook@medina-wa.gov>
Cc: Michael Sauerwein <msauerwein@medina-wa.gov>
Subject: comments for Tree Code Update 2021

Dear Mayor Rossman (Jessica), Deputy Mayor Adkins (Cindy), Council Member Morcos (Alex), Council Member Garone (J ennifer), Council Member Frey (Roger), Council Member Gokul (Harini), Council Member Zook (Bob):

When the City Council considers Tree Code Update 2021, I urge that all provisions that affects Medina residents not havi ng new construction done (properties not under development) be removed from the proposed tree code changes. There has been no public consultation. Even now, the city still advertises the changes as for new construction only. I ignored t he issue for months, believing that it didn't affect me, only learning about the proposals by chance two to three weeks a go where Tree Code Update 2021 affects more than new construction, but potentially every homeowner.

There are significant unintended consequences of Tree Code Update 2021. One is that currently 3 replacement trees hav e to be planted for removing a medium or large tree. Under Tree Code Update 2021, a dozen trees may have be to plant ed. If the tree is 50", 34 replacement trees may have to be planted. This is unreasonable.

The fact is that Medina residents overwhelming want the ability to easily remove a tree but do not actually remove their trees.

Attached are pertinent points and unintended consequences listed in a concise manner. The majority of the length are f ootnotes for documentation and
photos. The facts presented are well documented with the source of information noted (mostly from City of Medina doc uments).

What I present is largely not opinion but data driven solutions and facts. Where there is a policy decision to be made, I h ave noted it. If there is a desire for verbal discussion with me, please let me know. I do not specifically request it but wo uld be glad to be available.

Respectfully yours,
David

David Yee, MD
3215 Evergreen Point Road

Attachment H

Tree Code Update 2021 was promoted as for new construction only in email responding to Medina residents' inquires[1], on the city's website[2], and social media. Indeed, the city documents that the city staff was directed to study the tree code relating to new construction only[3].

A. Tree Code Update 2021 should be limited to new construction only. It should not place additional burdens on ordinary Medina residents not building a new house.

Unintended consequences of Tree Code Update 2021 affecting Properties Not Under Development.

a. Changes the definition of "Legacy Tree" and adds a new category of "Landmark Tree". Currently, a legacy tree is a 50" tree. Tree Code Update 2021 changes that for ordinary Medina residents (property not under development) to 36". A new category of "Landmark Tree" under Tree Code Update 2021 is 50".

   Unintended consequence: A 36" tree currently requires 3 replacement trees. Under Tree Code 2021 for a property NOT under development, 12 replacement trees would be required. Calculation resulting in 12 trees is shown in the footnote.[4]

   Unintended consequence: Under Tree Code Update 2021, for a 50" tree in a property NOT under development, **34 replacement trees** would be required unless 3 trees planted and $17,600-$18,800 paid. Note that **5.1% of Medina lives below the poverty line**, and cannot afford high penalties.[5]

b. Part of Tree Code Update 2021 bans the removal of any 36" tree. This might be a typographical error and conflicts with other parts of the tree code. (solution on p. 3)

c. New definition of Tree Unit. Currently, in general, 1 tree is a tree unit and ranges from 0.75 to 1.25 depending on tree size. 1 tree = 1 tree unit is an honest and reasonable definition. Under Tree Code 2021, most trees are less than one tree unit in an attempt to arbitrarily force tree plantings (per Planning Commission meeting audio). Only the most massive trees are 1.0 tree units in the proposal. If the city wants more trees, it should

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[1] E-mail from the City of Medina writing "The proposed changes are just focusing on new construction (or as the code puts it, *land under development*). There are **no**changes (sic) being proposed for land that's not under development. So if you want to take down a tree on your property right now, that process and what you can do won't change at all."

[2] https://www.medina-wa.gov/index.asp?SEC={3230E35E-4B1B-4169-8FF2-95531A7E27A2} stating "At a joint meeting in September 2020, the City Council placed the tree code on Planning Commission's work plan. Tasked with only reviewing the sections of the tree code that relate to land under development (i.e., knew construction)..."

[3] Numerous memos within the City of Medina, including those in meeting agendas. Typical language includes "Planning Commission has been asked to review the tree retention and replacement requirements for new single-family construction with the understanding that Council wants to adopt the changes by the end of the year." (from June 22, 2021 Planning Commission Agenda)

[4] MMC 20.52.150(B) - "Plant three trees". Tree Code Update 2021 requires, for a 20,000 ft. lot, 50% DBH replacement in Proposed Table 20.52.150(B). R. Grumbach (at the time Director of Development Services) recommended 1.5" and 2" replacement trees in a city memo. He notes that 3-4" trees are difficult to buy. Smaller diameter trees have a higher chance of survival when replanted. 18" can consists of 12 replacement 1.5" trees

[5] 5.1% live in poverty in Medina. https://censusreporter.org/profiles/16000US5344725-medina-wa/

make the policy decision of increasing the required tree density, not arbitrarily calling a medium or large tree less than one tree unit.

B. The vast majority of Medina residents do not want what's in Tree Code Update 2021 that pertains to Properties Not Under Development.

The City of Medina commissioned a study which showed that more than 86% of Medina residents do not want a restrictive tree code (see exact text below). This City of Medina Memo was authored by the Director of Development Services of the City of Medina.[6]

Also note that among properties not under development fewer than one such household per year in Medina cuts down a tree each year. (based on 2015-2020 tree permit data compiled by the City of Medina). This represents a rate of less than 1/3rd of 1 percent (0.0026).[7] **Bottom line, Medina residents want to be able to cut down a tree without complex and restrictive regulations but do not actually cut down trees.**

The following is the results from the tree questionnaire. We received 210 completed questionnaires as of September 2, 2014 (about 7 percent return). The written comments received were consolidated into one document and are attached.

1. What importance do these trees play in your overall view of Medina?	Percent Selected
a) These trees are very important. These trees should be protected, as we will never get them back; unless there is an immediate safety threat some trees should never be allowed to be taken down even if someone wants to pay a large amount for their removal.	7.6%
b) These trees are very important to our quality of life. More importance should be placed on keeping our tree canopy. Those who want to take these trees down should have to plant or pay a lot to replace them.	6.2%
c) These trees are important. We should do whatever we can to educate people about their importance, but not require so much for taking them down. If you have a good reason for taking a tree down, then paying for replacements seems fair.	7.6%
d) These trees add to our quality of life. However, we do not have to protect every one of them. Some of these trees could be removed without having to compensate for them.	26.7%
e) These trees are important. However, the value of being able to do what I want with trees on my own property is more important. We should not have to pay fees and we should not have to plant replacement trees unless we want too.	51.9%

2. Do you have any of the trees mentioned above on your property?	Percent Selected
• Yes	68.1%
• No	23.7%
• Not Sure	8.2%

[6] Study conducted by the City of Medina. https://medina.civicweb.net/document/9695

[7] 1,237 households in Medina per https://censusreporter.org/profiles/16000US5344725-medina-wa/ For a six year period from 2015 to 2020, properties not under development in Medina received two tree permits for tree removal per https://medina.civicweb.net/document/34658 " This leaves a total of 89 permits available to be analyzed. Out of those, **2 were for properties not under development** (they did not meet the land under development criteria in MMC 20.52.100)"

C. Requested changes to relieve the burden of Tree Code Update 2021 to ordinary Medina residents (Property Not Under Development). These are the most essential changes needed to fix Tree Code Update 2021. 3 simple and easy steps.

1. **This can be easily accomplished! <u>A possible solution would be to retain Proposed 20.52.120 but create a similar new section, possibly 20.52.121, that keeps the current legacy tree definition (50" tree) but applies it only to properties not under development. To differentiate, a new term of "PNUD Legacy Tree" might appear on the code, which would keep the current legacy tree definition for but only to properties not under development. (PNUD=property not under development)</u>**

   <u>The result of this fix would be that Properties Not Under Development would not be affected by Tree Code Update 2021.</u>

   Mr. Tom Early, the tree consultant for the City of Medina advised the Planning Commission to delete the category of "Landmark Tree" even for new construction but his recommendation was not followed for Tree Code Update 2021.[8]

2. **Do not make arbitrary changes to tree units. 1 tree = 1 tree unit should remain (0.75 to 1.25 tree units depending on the tree size). Keep the current code MMC Table 20.52.130(C). Don't change it as Tree Code Update 2021 does. Raising the Tree Density Ratio is a policy decision. Changing tree units is arbitrary and wrong.**

3. **Correct MMC Diagram 20.52.040 where it prohibits removal of trees 36" or larger stating "Retain Tree*" on the left part of the diagram. This contradicts the code and is possibly a typographical error.**

D. Policy Decision made in Tree Code 2021. Is this what the city council wants?

In 2014, proposals by the Planning Commission to raise the required tree density for residential property to 0.40 were rejected by the City Council. 0.40 now appears in Tree Code 2021 (Proposed Table 20.52.130(B) Tree Density Ratio). Unlike the proposed change in tree units (this outline, Section C-2), which is arbitrary and unjust, selection of the 0.40 Tree Density Ratio is a policy decision.

Q. Does the City Council want to do what it rejected previously, when a previous city council rejected 0.40?

Q. Does the City Council want to demand more from new construction than what currently exists? Medina's actual tree density ratio for residential + roads is greater than 0.35 but less than 0.36.[9]

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[8] https://media.avcaptureall.com/session.html?sessionid=39c52ff4-7df5-4569-be28-785b052eac06 Planning Commission meeting, October 19, 2021.
[9] https://medina.civicweb.net/document/9695 p. 21

Q. Does the City Council want to require residential property to have almost the same tree density ratio as public parks, which is 0.42?

My recommendation to the City Council is if the residential property tree density ratio is increased from 0.35 to 0.40, then the city parks should be increased from 0.42 to 0.50 and the golf course increased from 0.15 to 0.20 so that the burden is not limited to homeowners. I recommend that the tree density ratio remain at 0.35 or be increased to a maximum of 0.356 to match the tree density that was last measured by a city hired tree consulting firm.

----------END OF COMMENTS, BEGINNING OF ADDENDUM----------
Addendum: Need or lack of need for Tree Code Update 2021.

A. New Construction does NOT materially affect the number of trees in Medina. *Data collected by the City of Medina show that less than 1.2% of properties undergo construction per year. 99% of Medina's properties are not new construction.*[10]

B. People doing new construction keep more than 150% of the tree requirements. *From 2015 to the first part of 2021, the city reports that these projects required 1025.75 tree units. These people kept 1361 tree units and planted 209 trees for a combined 1570 tree units/trees.*[11]

C. Tree Code Update does create problems for Medina residents undergoing new construction. *Mr. Tom Early, the arborist retained by the city, recommended alternations to Tree Code Update 2021 to prevent difficulties in the construction process of houses. These recommendations were supported in a vote on a motion by the sole architect sitting on the Planning Commission but was rejected by other Planning Commission members who do not appear to have architectural or construction expertise and experience.*[12]

In addition, Planning Commission audio and written documentation confirm that Tree Code Update 2021 does introduce new requirements that are a "lot of...challenges[13]*" to the Medina resident building new construction, per Tom Early (city arborist).*

D. The events causing Tree Code Update 2021 to be started may not have happened in the first place.
The stated purpose of the Tree Code Update 2021 is stated in a September 21, 2021 memo to the City Council [14]*. This document states "In 2020, a handful of redevelopment projects caused a visceral reaction from the community. These redevelopments appeared to be able to cut down a significant number of trees which gave the land a stark, clear-cut appearance." (see p. 1 of 121, background).*

---

[10] 1,237 households in Medina per https://censusreporter.org/profiles/16000US5344725-medina-wa/ For a six year period from 2015 to 2020, properties not under development in Medina received two tree permits for tree removal per https://medina.civicweb.net/document/34658 " This leaves a total of 89 permits available to be analyzed.
[11]https://mccmeetingspublic.blob.core.usgovcloudapi.net/medinawa-meet-fa4d819369294bdcafa55c4798af82a6/ITEM-Attachment-001-653714c88a2e48e4adc59e45f5289208.pdf p. 75 of 121.
[12] Planning Commission meeting of October 19, 2021, audio starting at 52:40 https://media.avcaptureall.com/session.html?sessionid=39c52ff4-7df5-4569-be28-785b052eac06
[13] Tom Early comments "this should add a lot of trees (and tree challenges) to future permit seekers"
[14]https://mccmeetingspublic.blob.core.usgovcloudapi.net/medinawa-meet-fa4d819369294bdcafa55c4798af82a6/ITEM-Attachment-001-653714c88a2e48e4adc59e45f5289208.pdf

Ms. Stephanie Keyser, ACIP responded to a request to identify these projects. She identified projects are located at 1818 77th Ave NE, 2019 79th Ave NE and 707 Overlake Drive East. Construction on the first property appears to have been completed. The latter two properties are currently under construction. It is useful to evaluate these three properties because they are the fundamental basis for Tree Code Update 2021 as stated in documents authored by the city.

1818 77th Avenue NE

Attached are photographs of the property in 2011 (source: Google Street View, date of image at the bottom) and October 2021. The current new house is significantly more attractive than the previous condition. The current landscaping is very well kept and attractive as compared to 2011. When facing the front door, the current house has large trees to the right and to the left as well as in front of the house. It is unreasonable to consider this property as clear cutting of trees. In short, it is a beautiful house and property. This property is an improvement to the city and evidence that there is not a need for a stricter tree code.

The detailed landscaping is also situated behind the sidewalk and in front of the entire house.

Foreground, background, and most trees to the photo's right in the subject property.

Note that neighboring property to the left lacks the tall trees of subject property

Google Street View of the old house. It is a small house out of character from its neighbors. Some of the eye-catching trees in the front yard are smaller fruit trees that may not be significant trees and are also easily replanted.

2019 79th Ave NE

The house is currently under construction. The previous house was in poor shape with visibly broken driveway pavement, overgrown vegetation, and a house which is significantly smaller and more spartan than the average house in that city block and in Medina. In view of the house being under construction and in an early stage of construction, it is not possible to judge the aesthetics of the house or future landscaping. However, the current state of trees is compatible with its neighbors. Attached are photographs of houses that are neighboring properties or across the street. All of them have approximately the same tree canopy appearance as the subject property, 2019 79th Ave NE. Some may consider the property's condition prior to construction as an eyesore, overgrown with trees, and not in character with the neighborhood. If that is the case, this construction is an improvement to the city and not evidence of a need for a stricter tree code.

subject property.

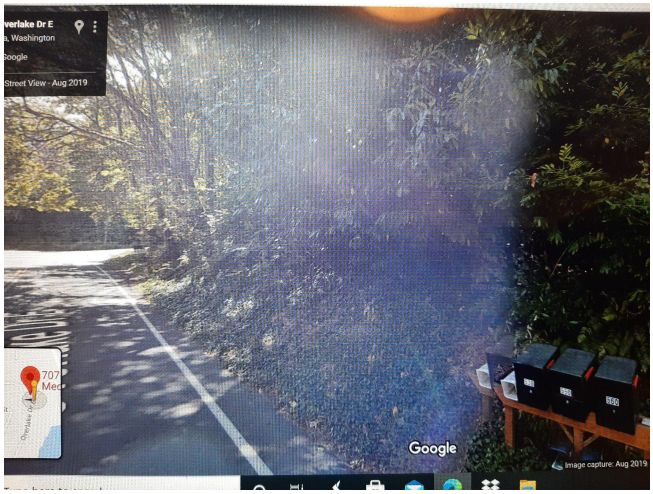
next door neighbor. Trees on the left mostly belong to the subject property, not this house.

directly across the street from the subject property. This property has essentially no trees in front. These two properties demonstrate that the subject property has the same visual character, if not more visible trees.

707 Overlake Drive East

Attached are photographs of the property in 2019 (source: Google Street View, date of image at the bottom) and October 2021. In view of the house being under construction and in an early stage of construction, it is not possible to judge the aesthetics of the house or future landscaping. However, the current state of trees viewing from Overlake Drive East remains forested (compare pre-construction Google Street View versus October 2021 where it appears that all trees have been retained). Furthermore, attached is a photograph of the property's next door neighbor. The neighboring property is attractive but has far less vegetation and trees than the subject property, 707 Overlake Drive East. This construction shows that the property is compatible and more heavily forested than the neighboring property and not evidence of a need for a stricter tree code.

Subject property. Street is Overlake Drive East. 707 mailbox (white) is on the left.



Historical photo from Google Street View from almost identical angle. White mail box of the 707 Overlake Drive East property is to the left but difficult to see.

Some of the trees in the photo belong to the 707 subject property. This is the neighbor of 707. The street frontage does not compare with the street frontage of the 707 Overlake Drive East property (which was the subject to a complaint causing Tree Update 2021 to be written).

Conclusion

Despite the statement that "(t)hese redevelopments appeared to be able to cut down a significant number of trees which gave the land a stark, clearcut appearance." (see p. 1 of 121, background, 9/21/2021 city memo), the above description and photographs of the three properties in question do NOT document a stark clear cut appearance that is inconsistent with its neighbors.

In the only example where construction has been completed, the property is very attractive, both in the house, landscaping, and trees.

A good tree plan would be where residents continually cut and replant trees. Some Medina residents are not happy that electricity often gets knocked out at least once or twice a year, sometimes for days, causing basement flooding due to electricity powered sump pumps without power when a tree takes down power lines. Historically, Medina was completely harvested for lumber less than 100 years ago, which improved public safety. Eventually, Medina should re-harvest trees, albeit on a careful and very staggered timetable. Trees might be like long hair. Long hair can be attractive but can become too long at a certain point.

(credit: SBS TV, Australia)

Attachment H

Stephanie Keyser

From: Allyson Jackson <abjack5@comcast.net>
Sent: Monday, November 8, 2021 12:42 PM
To: Stephanie Keyser
Subject: Re: proposed tree ordinance

Hi Stephanie. Thank you for that info. I am traveling today so not easily able to forward any comments for public hearing. If comments need to be submitted in time for publi hearing, I'm wondering if you can forward my previous comments and the ones below?

My husband and I have shocked and saddened by the number of lots that have been basically clear cut fir new development. We are particularly concerned about the language in the existing code that allows developers to avoid mitigation for trees less than 36 dbh if they are within the perimeter of the proposed development. This single line may be one of the reasons we are experiencing so many clear cut sites. A 36 dbh tree is incredibly large so exempting everything larget than that includes a lot of larger trees. This exemption allows developers to site the new structure in a way that allows for maximum removal of trees without mitigation. In addition with so many really large homes being built and replacing smaller footprint homes, again the result is the easy removal of a large percentage of trees on the lot without any mitigation. This exemption essentially gives a hall pass to developers, while at the same time, home owners who want or need to remove a single tree, are subject to the full mitigation requirements and complexity of the code even though their impact on tree canopy is minimal.
I encourage council and the planning commission to relook at the impacts of this one development exemption and significantly tighten it up. Thank you for your consideration.
Allyson jackson
e
Sent from my iPhone

> On Nov 5, 2021, at 7:49 AM, Stephanie Keyser <skeyser@medina-wa.gov> wrote:
>
> Hi Allyson,
>
> Thank you for these comments! There is a proposal to lower what counts as a legacy tree from 50" to 36" which would be applicable to all lots. Removing one of these trees would require mitigation, but on a sliding scale based on lot size. This is a part of the proposal that has generated public comment, so I'm not sure if this suggestion will ultimately be passed. There will not be a vote on the amendments at Monday's Council meeting, it's just a public hearing on the proposal. Council can send the proposal or pieces of it back to Planning Commission to reconsider or rework, which I think is a possibility for this piece.
>
> Your interpretation of that line is correct—it's an existing piece of the code where trees that are within the site of the new house don't count if they're less than 36"DBH, which is a pretty big tree. Planning Commission is suggesting that number is lowered to trees that are less than 24" DBH.
>
> Let me know if you have questions!
> Stephanie
>
> **From:** Allyson Jackson <abjack5@comcast.net>
> **Sent:** Thursday, November 4, 2021 8:22 PM

To: Stephanie Keyser <skeyser@medina-wa.gov>
Subject: RE: proposed tree ordinance

Thank you Stephanie.

I am so glad that the City is reviewing the tree ordinance for properties under development. I have been so shocked and saddened seeing some of the properties basically clear cut for a new house to be developed and some stands of beautiful old evergreens taken down.

My hope is that this applies primarily to new development in order to avoid clearcutting or the situation where just a few trees are left along a property line. As a long time homeowner, the tree ordinance can be very cumbersome and expensive for those of us trying to take out a tree here or there that has become too invasive or too large for the space and is negatively impacting the health of other landscaping etc. It's a balance for sure! ☺

Also, I noted one line in the verbiage of the ordinance about regulations not applying to trees within the building perimeter. I may not be understanding this correctly but want to make sure this does not mean that a developer or property owner can avoid regulation requirements for taking down trees that fall within the perimeter of new development. With the huge houses being developed these days, this in effect would allow clearcutting of everything where the new house is!

Thanks!
Allyson

From: Stephanie Keyser [mailto:skeyser@medina-wa.gov]
Sent: Tuesday, November 02, 2021 6:39 AM
To: Allyson Jackson <abjack5@comcast.net>
Subject: RE: proposed tree ordinance

Hi Allyson,

Yes! Attached please find a summary of the amended/proposed sections of the tree code update. Additionally, the tree code website will continue to be updated with information over the next few days (including the final version of the proposed draft).

Please let me know if I can answer any questions!

Thanks,
Stephanie

From: Allyson Jackson <abjack5@comcast.net>
Sent: Saturday, October 30, 2021 9:58 AM
To: Stephanie Keyser <skeyser@medina-wa.gov>
Subject: proposed tree ordinance

Hi Stephanie,
I have reviewed the redlined chapter on changes to the tree code. It's complicated and hard for the average person to understand the impact of all the proposed changes without spending hours studying it. Is there a summary of the proposed changes that explains the overall intent/impact that the proposed changes are intended to have.

Appreciate any info you can provide.

Thank you,
Allyson Jackson
7633 NE 14th St
Medina, WA 98039

Attachment H

Stephanie Keyser

From: Stephanie Keyser
Sent: Friday, November 5, 2021 5:49 AM
To: Allyson Jackson
Subject: RE: proposed tree ordinance

Hi Allyson,

Thank you for these comments! There is a proposal to lower what counts as a legacy tree from 50" to 36" which would be applicable to all lots. Removing one of these trees would require mitigation, but on a sliding scale based on lot size. This is a part of the proposal that has generated public comment, so I'm not sure if this suggestion will ultimately be passed. There will not be a vote on the amendments at Monday's Council meeting, it's just a public hearing on the proposal. Council can send the proposal or pieces of it back to Planning Commission to reconsider or rework, which I think is a possibility for this piece.

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Let me know if you have questions!
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Also, I noted one line in the verbiage of the ordinance about regulations not applying to trees within the building perimeter. I may not be understanding this correctly but want to make sure this does not mean that a developer or property owner can avoid regulation requirements for taking down trees that fall within the perimeter of new development. With the huge houses being developed these days, this in effect would allow clearcutting of everything where the new house is!

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Allyson Jackson
7633 NE 14th St
Medina, WA 98039

Attachment H

Stephanie Keyser

From: COLIN RADFORD <c.radford@comcast.net>
Sent: Wednesday, November 3, 2021 3:40 PM
To: Stephanie Keyser; Council
Subject: RE: Response to Medina 2021 Tree Code Amendments-Legacy and Landmark Update Proposal

Thank you, Stephanie;
I know a lot of us really care and would like the opportunity to think and respond before rushing into an ordinance revision.

Colin

On 11/02/2021 1:21 PM Stephanie Keyser <skeyser@medina-wa.gov> wrote:

Hi Colin,

Thanks for your comments; they will be entered into the record. I would like to clarify a couple of points in green.

- **Oct. 14:** 2021 Tree Code Update Virtual Open House
- First public notice via presentation of proposed Tree Code Amendments. The first notice was sent out on August 27th to Medina residents that Planning Commission was working on a tree code update—I did receive some emails from residents after the notice was sent out.
- **Oct. 15:** Tree Management Code Chapter 20.52
- Proposed red-lined draft version made available on city's website referencing proposed changes provided day before The date of the draft indicates the date the document was worked on, which I can see is confusing. A final/completed version of the draft will be available on Friday.
- **Oct. 19:** Planning Commission, Public Hearing
- Agenda available online but no minutes available. No minutes for September meetings. Last available minutes were provided in July. Planning Commission minutes aren't finalized until City Council adopts them. However, the draft minutes from the previous meeting are always included in the packet for the next Planning Commission meeting. For example, the October 19th Planning Commission packet has the minutes from the September 28th meeting. Everything is available on the Planning Commission website.
- **Oct. 22:** Medina 2021 Tree Codes Amendments – Legacy and Landmarks Memorandum

  - Document presents modifications to the proposed changes identified in both the 10/14 presentation and the 10/15 red-lined Tree Management Code draft.
  - No records are currently available to the public to confirm whether these modifications are in alignment with what the Planning Commission voted on. Everything is available on the Planning Commission website in the packets—all of the changes have been approved by Planning Commission.
- **Nov. 8:** City Council Public Hearing
  - What is the definition of proper public notice for amendments/changes to city codes? The first notice was sent out to the public on **August 27th** . Planning Commissions notice of hearing was sent out **September 30th**. Council's notice of hearing was sent out **October 20th**.
  - When will the public have access to the Planning Commission's approval of the currently "unknown" proposed amendments? Everything is available on the Planning Commission website in the packets. The final Council packet will be available this Friday, November 5th.
  - Does this fit within the window of time between receipt of public notice and the scheduled public hearing? Yes, it does. We are required to post/mail/notice public hearings at least 15-day in advance.
- **Dec. 13:** City Council Tentative Adoption

Proposed Amendment to Legacy tree protection measures (MMC 20.52.120)

On the off-hand chance that the tree ordinance will be considered in November meetings, I request your consideration of the following: Council is just having a public hearing in November—no action will be taken to adopt anything during that meeting.

Thanks,

Stephanie

From: c.radford@comcast.net c.radford@comcast.net
Sent: Saturday, October 30, 2021 9:59 AM

Attachment H

To: Stephanie Keyser skeyser@medina-wa.gov
Subject: Response to Medina 2021 Tree Code Amendments-Legacy and Landmark Update Proposal

October 29, 2021

FR: Colin W. Radford

RE: Medina 2021 Tree Code Amendments – Legacy and Landmark Updates

Response to Memorandum dated October 22, 2021, from Stephanie Keyser, AICP, Planning Manager and upcoming proposed changes to MMC 20.52.120.

I understand that the tree ordinance has re-surfaced and proposed modifications are now on the docket to modify the Tree Management Code Chapter (MMC 20.52). As a life-long resident of Medina with family roots here going back to 1921, I have always appreciated the opportunity to have a voice and say in my community's path forward. For this reason, I would like to share some thoughts on the current situation regarding the suggested Tree Code Amendment and the timeline to vote.

Public Participation

Our greatest individual public power is the power to vote. The ability to participate in the democratic process of sharing one's opinion and support (or lack of) for any given topic that impacts us as individuals and as a group is key to our overall harmony as a society.

I question whether the current timeline surrounding the Tree Code Amendment is sufficient for proper consideration. I am concerned that the upcoming City Council meeting on Nov. 8 will be held without adequate notice or discussion by Medina residents/citizens. This occurred previously during the employment of Robert Grumbach as chief enforcer of regulations. If there is a code change I would support, it is that no code changes can be voted on or changed unless the changes are advertised and made available for review not less than 30 days prior to any vote being taken.

- **Oct. 14:** 2021 Tree Code Update Virtual Open House
  - First public notice via presentation of proposed Tree Code Amendments.
- **Oct. 15:** Tree Management Code Chapter 20.52
  - Proposed red-lined draft version made available on city's website referencing proposed changes provided day before
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    - What is the definition of proper public notice for amendments/changes to city codes?
    - When will the public have access to the Planning Commission's approval of the currently "unknown" proposed amendments?
    - Does this fit within the window of time between receipt of public notice and the scheduled public hearing?
- **Dec. 13:** City Council Tentative Adoption

Proposed Amendment to Legacy tree protection measures (MMC 20.52.120)

On the off-hand chance that the tree ordinance will be considered in November meetings, I request your consideration of the following:

Lake Washington was lowered over 100 years ago to expose land now wooded and landscaped. Photographs of the Medina landscape from that time show that all of Medina, including the present Overlake G&C property and Medina Parks areas had fewer trees then than now.

The proposed code changes at the last public hearings on the tree ordinance failed to take into consideration many important aspects of city planning and the health of trees:

- Slopes and soils.
- Locations near public rights of way and utility lines.
- The needs of trees to grow uncrowded: root and foliage characteristics.
- Canopies of various trees that compete or benefit one another.
- Normal lifespans of tree varieties.
- Deaths and damage caused by trees within Medina and surrounding neighborhoods (although rare).

I would hope that requirements for cutting and planting of potentially large trees would take into consideration power lines, roadways, sewer lines as well as view corridors. Perhaps the changes in the tree ordinance should be primarily aimed at new construction.

Indeed, there is so much to consider when law-making for plants that may live to be over 50 years old.

Attachment H

Stephanie Keyser

From: COLIN RADFORD <c.radford@comcast.net>
Sent: Friday, October 29, 2021 3:15 PM
To: Stephanie Keyser
Subject: Response to Tree Code Amendment Proposal
Attachments: Tree Ordinance Response-10.29.21.docx

October 29, 2021

FR: Colin W. Radford

RE: Medina 2021 Tree Code Amendments – Legacy and Landmark Updates

Response to Memorandum dated October 22, 2021, from Stephanie Keyser, AICP, Planning Manager and upcoming proposed changes to MMC 20.52.120.

I understand that the tree ordinance has re-surfaced and proposed modifications are now on the docket to modify the Tree Management Code Chapter (MMC 20.52). As a life-long resident of Medina with family roots here going back to 1921, I have always appreciated the opportunity to have a voice and say in my community's path forward. For this reason, I would like to share some thoughts on the current situation regarding the suggested Tree Code Amendment and the timeline to vote.

Public Participation

Our greatest individual public power is the power to vote. The ability to participate in the democratic process of sharing one's opinion and support (or lack of) for any given topic that impacts us as individuals and as a group is key to our overall harmony as a society.

I question whether the current timeline surrounding the Tree Code Amendment is sufficient for proper consideration. I am concerned that the upcoming City Council meeting on Nov. 8 will be held without adequate notice or discussion by Medina residents/citizens. This occurred previously during the employment of Robert Grumbach as chief enforcer of regulations. If there is a code change I would support, it is that no code changes can be voted on or changed unless the changes are advertised and made available for review not less than 30 days prior to any vote being taken.

- **14:** 2021 Tree Code Update Virtual Open House
  - First public notice via presentation of proposed Tree Code Amendments.
- **15:** Tree Management Code Chapter 20.52
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  - Document presents modifications to the proposed changes identified in both the 10/14 presentation and the 10/15 red-lined Tree Management Code draft.

    - No records are currently available to the public to confirm whether these modifications are in alignment with what the Planning Commission voted on.

Attachment H

- **8:** City Council Public Hearing
    - What is the definition of proper public notice for amendments/changes to city codes?
    - When will the public have access to the Planning Commission's approval of the currently "unknown" proposed amendments?
    - Does this fit within the window of time between receipt of public notice and the scheduled public hearing?
- **13:** City Council Tentative Adoption

Proposed Amendment to Legacy tree protection measures (MMC 20.52.120)

On the off-hand chance that the tree ordinance will be considered in November meetings, I request your consideration of the following:

Lake Washington was lowered over 100 years ago to expose land now wooded and landscaped. Photographs of the Medina landscape from that time show that all of Medina, including the present Overlake G&C property and Medina Parks areas had fewer trees then than now.

The proposed code changes at the last public hearings on the tree ordinance failed to take into consideration many important aspects of city planning and the health of trees:

- Slopes and soils.
- Locations near public rights of way and utility lines.
- The needs of trees to grow uncrowded: root and foliage characteristics.
- Canopies of various trees that compete or benefit one another.
- Normal lifespans of tree varieties.
- Deaths and damage caused by trees within Medina and surrounding neighborhoods (although rare).

I would hope that requirements for cutting and planting of potentially large trees would take into consideration power lines, roadways, sewer lines as well as view corridors. Perhaps the changes in the tree ordinance should be primarily aimed at new construction.

Indeed, there is so much to consider when law-making for plants that may live to be over 50 years old.

Respectfully,

Colin W. Radford

Attachment H

Stephanie Keyser

From: D Harper <r.d.harper@comcast.net>
Sent: Saturday, October 23, 2021 1:19 PM
To: Council
Subject: Tree Code

Council members,

We have approximately 50 trees of various sizes on our property and so we have a great deal of interest in your new regulations that you are considering. First of all, I am not a lawyer, so I do not fully understand all the ramifications and limitations you are considering in regulating my property. I doubt anyone does or will until the courts tell us. But I am confused on not only why the additional regulation of our property, but why you are doing it. Does someone have an idea of what a perfect yard should look like? If so, are you coming after house colors next? On the other hand if we are now all swept up in the "new green deal" are you going after my cars next? Or maybe my gas water heater and stove. Moving from planting 3 trees (which is silly to begin with) with 34 or whatever the number is makes little sense and sounds like you are trying to up Bernie Sanders. If you are going after green, then look at the amount of board feet a plat has which up to a certain age will be the best measure of a carbon sink. Then after that age it should be replaced by a younger tree(s) which will be able to provide the carbon capture your model suggests. Also why not require all trees of a certain size to be made into lumber when they are cut down where the carbon won't be released for 100 years or so.

It seems to me that there are many ways you can go to probably accomplish whatever you are trying to do (still don'[t know what) without putting an undue burden on the personal property of your citizens. Especially since you are punishing the very people that have been good stewards and have trees on their property already.

Sorry, but I think your new contemplated regulation is just another over reach in control.

Robbins D. Harper
1217 Evergreen Point Rd.
Medina, WA 98039
r.d.harper@comcast.net
c: 206-920-3938

Attachment H

Stephanie Keyser

From: David Yee <davidyee2006@yahoo.com>
Sent: Sunday, October 17, 2021 10:45 PM
To: Laurel Preston
Cc: Stephanie Keyser; Michael Sauerwein
Subject: Comment for Planning Commission public hearing scheduled for October 19, 2021
Attachments: Medina tree code for 2021.pdf

Dear Commissioner Preston (Laurel):

Please consider and/or enter the attached comments for the public hearing that is scheduled for October 19, 2021. I am sending this message to you with a copy to Stephanie Keyser for distribution to the Planning Commission.

The comments include:
1. Provisions in Tree Code Update 2021 that result in affecting properties not under development (and my input requested by Commissioner Nelson)

2. Evidence that the complaints causing Tree Code Update 2021 do not show clear cut of the property but show properti es consistent with the neighborhood.

3. Recommendation for a simplified and alternative Tree Code Update that is more likely to address the issues of compla ints that caused Tree Code Update 2021.

Best regards,
David

David Yee, MD
3215 Evergreen Point Road

Attachment H

I request that these comments be considered as part of the Planning Commission public hearing scheduled for October 19, 2021.

It is well documented that the Tree Code Update 2021 (Tree Management Code Chapter 20.52) is intended for new construction. The term “new construction” is used numerous times in various city documents, social media, and in the open house. During the Open House, Commissioner Nelson requested that I inform the Planning Commission of language that I believe causes the proposed tree code to affect properties other than new construction.

A. AFFECTS MORE THAN NEW CONSTRUCTION ISSUE (INFORMATION REQUESTED BY COMMISSIONER NELSON)

If the Commission adopts proposed tree code changes discussed at the Open House, I urge the Commission to modify the code such that it does not affect properties not under development.

1. Diagram 20.52.040 Delete "Landmark" of the box "Is the tree a legacy or landmark tree.

2. 20.52.120 Keep the same without any of the proposed changes and remove all redlined (added text). Then create a new section 20.52.121 which introduces a term "New Construction Legacy Tree". The language in the red line version of 20.52.120 would then be copied to this new 20.52.121 except the term "New Construction Legacy Tree (NCLGT)" would be used as well as "New Construction Landmark Tree (NCLMT)". The purpose of a separate 20.52.120 and 20.52.121 is so that there will be no change to properties not under development.

3. 20.52.100(A)(4) should be modified, replacing "500 square feet or 15 percent" to "1500 square or 50 percent". The rationale is that if one wants to add only a modest garage and a room, they should not be considered to meet the standards required of constructing a large house.

   I know of a Medina resident (initials D.D.) who has a very modest house and no garage. If that resident were to build simply a one car garage, the property would be subject to onerous property under development tree regulations. Should he be punished with bureaucratic complexity for simply building a one car garage when many Medina residents already have 2 or 3 car garages?

   It is conceivable that an elderly Medina resident may need to build a handicapped accessible bathroom and adjacent bedroom. Such modest addition could trigger onerous compliance under development tree regulations.

   The needs of elderly Medina residents are not merely theoretical. I had a neighbor (initials A.B.) who moved from Medina to downtown Bellevue as a result of circumstances related to the tree code. His easement driveway was narrow and constricted because of a tree that could not be cut down because the then Director (no longer with the City of Medina) determined that there was no threat to life. The tree had,

a few weeks earlier, prevented an ambulance from accessing his property during a medical emergency. His wife expressed to me concern that he could die the next time an ambulance was needed and was unable to pass. The elderly man later cited his age and infirmity as the reason for his moving from Medina. The Bellevue Fire Department wrote a letter to the city to confirm the inability to access due to an offending tree.

B. EVIDENCE DOES NOT SUPPORT NEED FOR TREE CODE CHANGES

The stated purpose of the Tree Code Update 2021 is described in a September 21, 2021 memorandum from city staff to the city council found at https://mccmeetingspublic.blob.core.usgovcloudapi.net/medinawa-meet-fa4d819369294bdcafa55c4798af82a6/ITEM-Attachment-001-653714c88a2e48e4adc59e45f5289208.pdf .

This document states "*In 2020, a handful of redevelopment projects caused a visceral reaction from the community. These redevelopments appeared to be able to cut down a significant number of trees which gave the land a stark, clear-cut appearance."* (see p. 1 of 121, background).

Stephanie Keyser, ACIP, Planning Manager kindly responded to a request to identify these projects. The identified projects are located at 1818 77th Ave NE, 2019 79th Ave NE and 707 Overlake Drive East. Construction on the first property appears to have been completed. The latter two properties are currently under construction. It is useful to evaluate these three properties because they are the fundamental basis for Tree Code Update 2021 as stated in documents authored by the city.

1818 77th Avenue NE
Attached are photographs of the property in 2011 (source: Google Street View, date of image at the bottom) and October 2021. The current new house is significantly more attractive than the previous property. The current landscaping is very well kept and attractive as compared to 2011. When facing the front door, the current house has large trees to the right and to the left as well as in front of the house. It is unreasonable to consider this property as clear cutting of trees. In short, it is a beautiful house and property. This property is an improvement to the city and evidence that there is not a need for a stricter tree code.

Attachment H

The detailed landscaping is also situated behind the sidewalk and in front of the entire house.

Foreground, background, and most trees to the photo's right in the subject property.

Note that neighboring property to the left lacks the tall trees of subject property

Google Street View of the old house. It is a small house out of character from its neighbors.

2019 79th Ave NE

The house is currently under construction. The previous house was in poor shape with visibly broken driveway pavement, overgrown vegetation, and a house which is significantly smaller and more spartan than the average house in Medina and in that city block. In view of the house being under construction and in an early stage of construction, it is not possible to judge the aesthetics of the house or future landscaping. However, the current state of trees is compatible with its neighbors. Attached are photographs of houses that are neighboring properties or across the street. All of them have approximately the same tree canopy appearance as the subject property, 2019 79th Ave NE. Some may consider the property's condition prior to construction as an eyesore, overgrown with trees, and not in character with the neighborhood. If that is the case, this construction is an improvement to the city and not evidence of a need for a stricter tree code.


subject property.

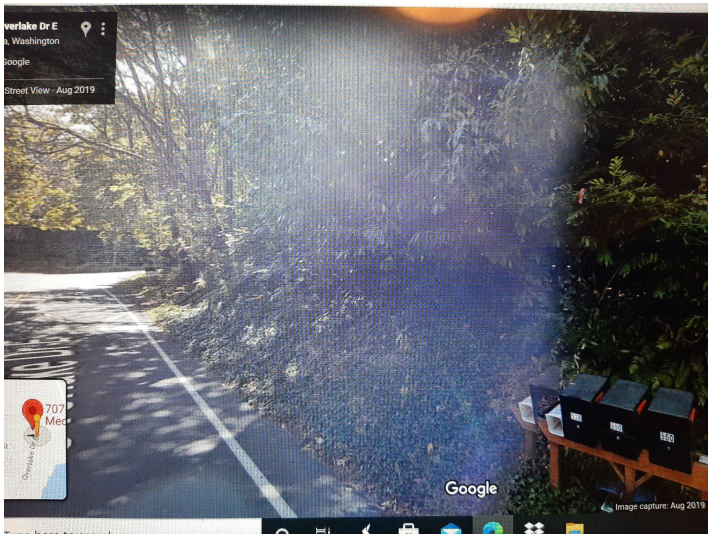

next door neighbor. Trees on the left mostly belong to the subject property, not this house.


directly across the street from the subject property. This property has essentially no trees in front. These two properties demonstrate that the subject property has the same visual character, if not more visible trees.

707 Overlake Drive East
Attached are photographs of the property in 2019 (source: Google Street View, date of image at the bottom) and October 2021. In view of the house being under construction and in an early stage of construction, it is not possible to judge the aesthetics of the house or future landscaping. However, the current state of trees viewing from Overlake Drive East remains forested (compare pre-construction Google Street View versus October 2021 where it appears that all trees have been retained). Furthermore, attached is a photograph of the property's next door neighbor. The neighboring property is attractive but has far less vegetation and trees than the subject property, 707 Overlake Drive East. This construction shows that the property is

compatible and more heavily forested than the neighboring property and not evidence of a need for a stricter tree code.


Subject property. Street is Overlake Drive East. 707 mailbox (white) is on the left.



Historical photo from Google Street View from almost identical angle. White mail box of the 707 Overlake Drive East property is to the left but difficult to see.

 Some of the trees in the photo belong to the 707 subject property. This is the neighbor of 707. The street frontage does not compare with the street frontage of the 707 Overlake Drive East property (which was the subject to a complaint causing Tree Update 2021 to be written).

Conclusion

Despite the statement that “(t)hese redevelopments appeared to be able to cut down a significant number of trees which gave the land a stark, clearcut appearance." (see p. 1 of 121, background, 9/21/2021 city memo)., the above description and photographs of the three properties in question do NOT document a stark clear cut appearance that is inconsistent with its neighbors.

In the only example where construction has been completed, the property is very attractive, both in the house, landscaping, and trees. For this reason, I urge the Planning Commission to request that the City Council allow the Commission to temporarily cease work on the Tree Code Update 2021 and consider that no update is needed. Even more productive would be a temporary one year suspension of the tree code as it relates to development, which could provide evidence whether a tree code should even exist. In the worst possible scenario, the amount of construction in one year would not change the character of the city but could provide valuable guidance and direction.

C. ALTERNATIVES TO TREE CODE UPDATE 2021 (or alternatives to conclusion of Section B.)

The Tree Code Update does not specify where significant trees should be located on properties under development that are new construction. Medina residents who view houses typically view them from the street, not from an airplane or trespassing in the backyard. In view of this behavior, it is likely that Tree Code Update 2021 will not end occasional tree complaints to the city.

Therefore, consider replacing the complex performance requirements of Tree Code Update 2021 with a MMC 20.52.122 reading along the lines of:

“All properties under development which consist of predominantly construction of a new structure or 50% or greater expansion of an existing structure shall have two significant trees situated between the structure and the public road. If the frontage of the property along the public road exceeds 75 feet, three significant trees shall be situated between the structure and the public road and one additional significant tree for each 50 feet in excess of 125 feet of public road frontage. If the distance between the structure and the public road is less than 40 feet, non-significant trees or bushes may be planted in lieu of significant trees.”

D. ADDITIONAL CONSIDERATIONS

Excessive time for tree permits

In the agenda packet, there are two projects where the application date and approval date is disclosed. In both cases, approval took between 6 and 7.5 months to approve. (p. 83 of 121, 9/25/2019 received and 5/7/2020 approved; p. 112 of 121, 1/29/2020 received and 7/30/2020 approved).

Consider adding a provision to Tree Code Update 2021 along the lines of:
MMC 20.52.126 If tree permits for properties under development exceed an average of eight weeks between the date of submission of a complete application for permit and the date of approval based on the average of all tree permits for properties under development for a two calendar year period, the city shall complete a study within six months to reduce the complexity of tree regulations.

Safety concerns and mathematical re-calculations

1. There are currently no provisions in the tree code for extremely tall trees. If the height limitation of a house is 36 feet, consideration should be given to whether trees greater than 72 feet are not desirable or are more hazardous. A good tree plan would be where residents continually cut and replant trees. Historically, Medina was completely harvested for lumber more than 100 years ago, which improved public safety. Eventually, Medina should re-harvest trees, albeit on a careful and staggered timetable. Trees might be like long hair. Long hair can be attractive but can become too long at a certain point.

(credit: SBS TV, Australia)

2. During the Open House, there were comments about no consideration given to how much space is needed for tree roots of a mature tree. There is a danger that increased tree requirements may result in difficulty in compliance despite good faith efforts by homeowners.

   If a 10,000 sq. ft. property may have 55% impervious surface, that leaves 4,500 sq. ft. remaining. If it is deemed that trees should not be closer than 20 feet from the house to prevent damage to the foundation and/or sewage system and/or tree roots, this may reduce the amount of land for trees to 3,000 sq. ft. If 4 significant tree units result in 8 trees and if each tree should have a 20 ft. x 20 ft. space for proper tree root growth, this results in needing 3,200 sq. ft. One should note that earlier in the calculator, only 3,000 sq. ft. is available. Furthermore, there may be no more room for any other yard use, such as vegetable planting or recreational use.

3. There was no explanation during the Tree Code Open House as to the rationale for selecting an increased tree density ratio in proposed Table 20.52.130(B) from 0.35 to 0.40. In particular, at 0.40, the tree density ratio for residential properties approaches that of city parks, which is 0.42. There is no explanation to why the residential properties should have an almost identical tree density as city parks. The Planning Commission may consider whether all properties should be required to meet a tree density of 0.36 with the exception of city parks, which might be increased to 0.60

Stephanie Keyser

Attachment H

From: laurelpr@seanet.com
Sent: Monday, October 11, 2021 11:18 AM
To: davidyee2006@yahoo.com
Cc: Stephanie Keyser
Subject: FW: Planning Commission agenda document 9/21/2021- tree code

Dear David,

Thank you for your email. You are welcome to email me at this address, as the Commissioners do not have government email addresses at this time.

You are correct that the Planning Commission has been considering changes to the tree to code pertaining to new construction and in fact has made recommendations to the City Council for their consideration. The draft proposal is on the City of Medina website, accessible from the list of City Events (Tree Code Open House).

I am copying Stephanie Keyser, Planning Manager, for her assistance in providing the information you requested. Stephanie, please see David's email below. He in interested in the addresses or at least streets/blocks of the properties that were the subject of complaints, that is, the ones that prompted the Council to ask Planning Commission to consider whether the tree code was working as intended and whether or not revisions should be made.

David, please keep in mind that the original complaints came in a year and a half to two years ago, and those specific properties may now have buildings and plantings on them.

I hope you are aware that there will be an Open House on Thursday the 14th and multiple Public Hearings in October (Planning Commission, the 19th), November and December (City Council). We look forward to hearing from you at one or more of these, or by email.

Thank you for your email, and thank you for your interest.

Best regards,
Laurel

-----Original Message-----
From: David Yee <davidyee2006@yahoo.com>
Sent: Sunday, October 10, 2021 4:09 PM
To: Laurel Preston <laurelpr@seanet.com>
Subject: Planning Commission agenda document 9/21/2021- tree code

Dear Commissioner Preston (Laurel):

I do not have your planning commission e-mail address. If you prefer that I send this message to you to that email address, please let me know. I am under the impression that the Planning Commission is working on a new tree code that applies to properties under development.

Specifically, the Agenda Bill dated September 21, 2021 (
https://mccmeetingspublic.blob.core.usgovcloudapi.net/medinawa-meet-fa4d819369294bdcafa55c4798af82a6/ITEM-

Attachment-001-653714c88a2e48e4adc59e45f5289208.pdf) notes that the origin of the revision of the tree code pertaining to development was because "In 2020, a handful of redevelopment projects caused a visceral reaction from the community. These redevelopments appeared to be able to cut down a significant number of trees which gave the land a stark, clear-cut appearance. (see p. 1 of 121, background).

Attachment H

Would you kindly identify the 2020 projects that were identified as causing concern? This would help to understand the issue better. Otherwise, it would not be clear to me or others what the reasons for revising the current code. If the Planning Commission wishes to keep the exact locations of these projects secret, then identifying the street and block on that street would be somewhat useful as interested citizens could visit the identified block and see if any of the properties have a "stark, clear-cut appearance".

Best regards,
David
David Yee, MD
3215 Evergreen Point Road