

Stephanie Keyser

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