

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.



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

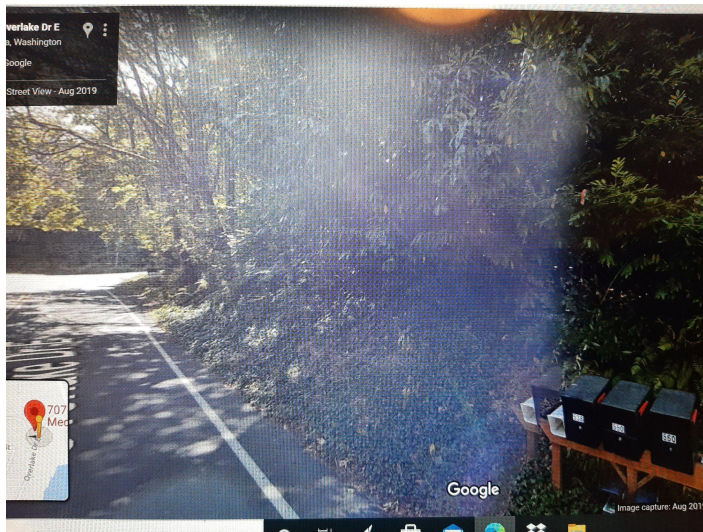
Attached are photographs of the property in 2019 (source: Google Street View, date of image at the bottom) and October 2021. In view of the house being under construction and in an early stage of construction, it is not possible to judge the aesthetics of the house or future landscaping. However, the 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