

**From:** [Pilar Gomez-Ibanez](#)  
**To:** [Plan Commission Comments](#)  
**Cc:** [Mayer, Davy](#); [Mayor](#)  
**Subject:** Please support Legistar #89254, tree protections  
**Date:** Monday, August 11, 2025 4:39:10 PM

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Dear Plan Commissioners,

I strongly support the proposed ordinance changes to increase protections for trees in the City of Madison (Legistar #89254). This is a great step towards preventing the damage and loss of one of Madison's most valuable resources, our trees. As we face climate change, a healthy and abundant urban tree canopy is of almost incalculable importance to cool and clean our air, shade our buildings and sidewalks, provide habitat for wildlife, absorb rainwater to prevent flooding on our isthmus, and increase our physical and mental well-being. I especially appreciate the proposal's recognition that established canopy trees are difficult and sometimes impossible to replace, taking generations to reach their full-grown size. Many thanks to the people at Forestry and others who worked on this proposal and to its sponsors.

I would offer one suggestion. The language in different sections of the proposed changes varies, which may cause confusion. Trees are variously referred to as "right-of-way trees," "public trees," "street trees," "any City tree," etc. The definitions section for the new "Street Tree Replacement Fund" (10.105) makes clear that a "street tree" includes trees in terraces, medians, or "undeveloped right-of-way." It is implied, but not completely clear, that this definition also applies to the "Tree Protection Specifications" (107.13). But the section on "Breaking, Damaging, or Injuring Trees, Shrubs" (23.24) is broader and specifically includes trees in parks. Please consider clearly expanding these protections to include trees in parks and any City-owned land.

There may be pushback against this proposal as a hindrance or extra cost to development. We need development -- especially affordable housing. But if we want to build a more sustainable city where people can actually thrive in a hotter future, we need to build that housing on green, tree-filled streets. Please support this forward-thinking proposal!

Thank you for your consideration.

Pilar Gomez-Ibanez  
1326 Dewey Court, Madison

# M E M O R A N D U M

**Date:** August 11, 2025

**To:** Plan Commission, City of Madison

**From:** Alex Saloutos

**Re:** **Amending Sections 4.095, 10.05, 10.055, 10.08, 10.101, 23.24 and 1.08(3)(a) and Creating Section 10.105 of the Madison General Ordinances to enhance the City's street tree protection provisions and to establish a Street Tree Replacement Fund, Public comments on Legistar File ID No. [89254](#)**

The City of Madison has introduced sweeping changes to its street tree protection ordinances that will fundamentally alter how construction projects interact with the urban forest. While protecting mature trees is a goal everyone can support, the proposed legislation raises serious questions about process, transparency, and fiscal responsibility.

The changes, introduced at the August 5 Common Council meeting and scheduled for final approval on September 16, represent one of the most significant expansions of tree protection regulations in recent memory. Yet the legislative file contains virtually no analysis of costs, implementation challenges, or comparative analysis of best practices—a troubling departure from professional governance standards.

## **Critical Deficiencies in the Proposed Legislation**

### Missing Fiscal Analysis

The fiscal note for this legislation contains exactly one sentence: “No City funds required.”

This assertion strains credibility. The proposed changes would require:

- Additional staff time to review permits and identify tree conflicts
- Enhanced inspection and enforcement activities
- Administration of the new Street Tree Replacement Fund
- Potential delays and increased costs for city construction projects
- Staff resources to develop and maintain tree valuation policies

A proper fiscal note should have included:

- Revenue projections: How much money might the Street Tree Replacement Fund generate annually? What are the assumptions behind these projections?
- Staffing analysis: How many additional hours will Urban Forestry and Engineering staff need to implement these requirements? Will new positions be needed?
- Construction cost impacts: How will expanded protection zones affect the cost of city infrastructure projects? What about utility work?

- Administrative costs: What systems will be needed to track violations, manage the replacement fund, and coordinate between departments?
- Economic impact: How might these regulations affect private development costs and timelines?

The absence of this analysis suggests either a lack of serious planning or an unwillingness to acknowledge the true costs of implementation.

### The Absent Staff Report

Perhaps more troubling than the inadequate fiscal note is the complete absence of a staff report. Professional municipal governance typically requires a comprehensive staff analysis for significant policy changes. Such a report should have included:

- Current state analysis: How many trees are damaged or removed annually under current regulations? What are the primary causes? Where are the current rules falling short?
- Best practices research: What approaches do peer cities use? Madison's press release claims the changes align with "current best management practices," but provides no citations or comparative analysis.
- Stakeholder input: Have contractors, utilities, developers, and arborists been consulted? What concerns did they raise?
- Implementation planning: How will staff be trained? What will the permit review process look like? How will conflicts be resolved?
- Risk assessment: What unintended consequences might arise? How might the regulations affect emergency repairs or critical infrastructure work?

Without this analysis, the Common Council is being asked to make policy in an information vacuum.

### **The Pattern of Governance**

This legislation exemplifies a troubling pattern at City Hall: ambitious policy goals pursued without rigorous analysis or a transparent process. The approach appears to be "trust us, this is good," rather than providing the factual foundation necessary for informed decision-making.

Professional governance requires more than good intentions. It demands:

- Comprehensive analysis of costs and benefits
- Evidence-based policy development
- Transparent stakeholder engagement
- Clear implementation planning
- Honest assessment of trade-offs

None of these elements is evident in the current proposal.

Good intentions don't automatically produce good policy. Complex challenges require thoughtful solutions developed through inclusive processes, not rushed ordinances that bypass best practices in good governance.

#### Violation of Madison's Data-Driven Decision-Making Policies

This proposal also directly contradicts Madison's stated commitment to data-driven governance. The city has repeatedly emphasized the importance of using data and evidence to inform policy decisions, yet this legislation includes:

- No baseline data on current heat island conditions in Madison
- No metrics for measuring success or tracking progress
- No analysis of which interventions would be most effective
- No evidence supporting the proposed requirements
- No data on expected outcomes or benefits

How can the city claim to follow data-driven practices while advancing legislation completely devoid of data? This isn't just poor process—it's a violation of a key governance principle for the city.

#### Disregard for the Urban Forestry Task Force

The proposal fails to reference or build upon the work of Madison's Urban Forestry Task Force and their Final Report, adopted by the city in 2019.

There is no indication that Task Force members were consulted on this legislation, despite their deep expertise on these exact issues. These individuals – including residents, city staff, and subject matter experts – invested years studying Madison's urban forest and developing practical solutions. Their exclusion from this process represents both a waste of valuable knowledge and a disrespect for their significant contributions to the community.

#### Vague Requirements Without Clear Standards

The proposal's requirements lack the specificity needed for implementation:

- "Maximum feasible" has no measurable definition or criteria
- No guidance on what constitutes acceptable alternatives
- Unclear how conflicts with other city requirements will be resolved

### **Recommendations for Responsible Action**

I respectfully urge the Council to:

1. Defer this legislation until proper analysis and documentation can be completed

2. Consider establishing a work group or re-engaging the Urban Forestry Task Force to provide meaningful public engagement
3. Direct staff to provide a comprehensive and objective Staff Report, including:
  - Full fiscal impact assessment with specific cost estimates
  - Integration analysis with Urban Forestry Task Force recommendations
  - Detailed implementation plan with timelines and responsibilities
  - Review of best practices from comparable cities<sup>3</sup>
  - Baseline data collection on Madison's current heat island conditions
  - Quantifiable goals for the legislation

### **Conclusion**

This proposal, in its current form, represents a flawed process that is likely to result in a flawed policy. Madison residents deserve better than governance by impulse. We deserve thorough analysis, transparent fiscal information, and genuine public engagement.

I urge you to defer this item and demand the professional, comprehensive approach that such important legislation requires. Build upon the Urban Forestry Task Force's foundation. Engage stakeholders meaningfully. Provide a complete analysis. Only then can we develop effective policies that will address urban heat challenges while maintaining public trust.

I appreciate your consideration of these comments.

**From:** [J W](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** Protection Zone around street trees in construction areas  
**Date:** Monday, August 11, 2025 3:44:40 PM

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Greetings,

I was delighted to read in the recent Mayor's newsletter about updating the tree protection ordinance. I would like to register my support for protecting our urban & neighborhood trees. I definitely value the urban cooling, stormwater runoff, and air quality improvements that our trees provide. It makes our city a much more desirable place to live as well as climate resilient.

I'd like to clarify what this could mean for me personally & the mature tree on my property adjacent to the street. I have a tree on my front lawn that is 36 inches in diameter. If street construction were to take place, what kind of projection zone would my tree qualify for?

Thank you for taking the time to answer my question.  
M.J. Welch

**From:** [Sandra Ward](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** 89245  
**Date:** Monday, August 11, 2025 2:24:30 PM

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To Mayor Rhodes-Conway and all Alders

As co-chairs of the Capitol Neighborhoods (CNI) Tree Protection and Planting Committee (TPPC), we are writing to heartily endorse the ordinance changes in item 89254 and to thank Alder Mike Verveer and Forester Ian Brown for their hard work and dedication to enhancing Madison's tree canopy. These ordinance changes have the potential to save mature trees that are so vital to our environment and to the health of our city. Thank you!

Sandra Ward and Grace Hasler

Co-Chairs CNI TPPC

**From:** [Michael Rewey](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** Legistar 89254 / Agenda Item 2  
**Date:** Monday, August 11, 2025 12:46:49 PM

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I'll keep it simple. I strongly support the Ordinance changes regarding tree protection and funding. Madison is slowly becoming a "heat island". It needs to be reversed.

Hopefully in the future we can make protections even stronger.

Kudos to Ian Brown and staff.

Michael Rewey  
1921 Jefferson Street  
Madison, WI 53711



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## **Changes**

### Proposed 10.105 changes

#### *Definition of Street Tree*

This section defines a "street tree" as a "tree within City controlled right-of-way, including within terrace areas, medians, and undeveloped right-of-way. Trees do not include shrubs and bushes."

This definition is limited to ROW trees. This gives trees in parks (or greenways) less protection than a ROW tree. Development has occurred, or been proposed, in areas adjacent to parks. For example, adjacent to the Yahara River Parkway and adjacent to the Elizabeth Link Peace Park. If a developer removes a tree in a City park, the developer would not be subject to the proposed replacement fund.

MGO 23.24 prohibits damaging trees in the ROW and trees in "any public park or public place." A public space is defined as "a place which is in public ownership or a place to which the public has access, distinguished from a private place." Perhaps there should be consistency between proposed 10.105 and 23.24.

#### *Applicability*

"Any person who removes, or causes the removal of a street tree" must either replace the tree as approved under the replacement plan or pay into the replacement fund. But what does it mean to remove a tree? What if a tree survives construction, but due to over trimming or compaction of roots, the lifespan of the tree is expected to be severely compromised?

### Section 10.05 changes

This section only applies to the ROW. Proposed (6)(b)2.e. would be added:

The applicant shall identify all street trees within the project area and whether the trees, including their root structures, will be impacted by the proposed work. When identifying any impacted trees, the applicant must identify the species of the impacted trees and the DBH or caliper measurement of the tree, as those terms are defined in Sec. 10.105(2).

There is not a definition for "street tree." (Unlike the use of "DBH or caliper measurement" which refer to 10.105(2) for a definition.) Since 10.05 only applies to the ROW and since there is a definition section, the definition of a street tree could be added using the existing language from proposed 10.105: "a tree within City controlled right-of-way, including within terrace areas, medians, and undeveloped right-of-way." Without a definition, a question could arise whether a tree along a bike path really counts as a "street tree."

There is also a potential problem with the use of "within the project area." ("Project area" is also used in proposed (11)(d)1.) Is the "project area" limited to the site on which construction will occur, or does it also include areas that will be impacted by construction? A "project area"

as used under the excavation section of 10.05 seems to limit "project area" to the site upon which construction will occur.

Alternatively, perhaps both issues could be addressed by changing proposed (6)(b)2.e. to read: "The applicant shall identify all trees in the right-of-way that are located within 20 feet of the project area ..." This alternative would (1) remove the potential ambiguity of what "street tree" means, and (2) remove the limitation of "trees within the project area" since ROW trees may not technically be within the project area. (And a similar change made to (11)(d)1.)

#### Section 10.055 changes

This section addresses the occupancy of street, sidewalk, terrace, alleys or other public grounds, and uses "street tree" two times. "Street tree" is not defined, plus the section also uses "public tree." Clearly, a definition of "street tree" that is limited to the ROW is more constraining than "public tree." Change proposed 10.055(3) to "public tree" rather than "street tree." Proposed 10.055(c)4., titled "Public Trees," should replace "existing street tree" with "existing public tree."

#### **Case Study on why this ordinance is needed**

When 306 S Brearly came before Plan Commission last November, the developers told Plan Commission that trees in the right-of-way would not be impacted by the development (the development is along the Cap City bike path right-of-way.)<sup>1</sup>

What actually happened:

1. Two trees in the right-of-way were removed by the developer. The City is installing a new storm sewer and there are detailed plans. On the final plans are a 10" diameter

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<sup>1</sup> Ryan Staude (development team): "There is a large amount of large mature trees along the northern part of the site. They are on the adjacent site in the right-of-way. Those trees are not meant to be impacted at all. This rendering [view of project, plan page A902] just shows them minimized so we can maximize the view of the building."

Dan Schwartz (development team): "As Ryan said, we don't anticipate any impact on any vegetation in the City right-of-way."

Commissioner Heck asked about trees. "We've read that all of trees in the right-of-way will be protected. Isn't that what you said, Ryan maybe that's for you?"

Ryan: "The larger mature trees that are along the northern property line are all on the property just to the north of us. Because of the canopy of the trees do overhang the property there will be some trimming of those trees, but there isn't any intent to remove those trees based on the development that we're proposing."

Commissioner Heck said there was an implication that some smaller trees may be impacted and asked whether there is any question about which trees are on which side of the line.

Ryan: "There are a few trees on what would be the northwestern portion of our site that would be impacted. But the majority of the trees would not be. And once again, the ones that are not on our property would not be impacted by our proposed development."

tree and a 13" diameter tree in the ROW near the western end of the site. These trees were removed by the developer.

2. The large mid-block cottonwood was removed. I believe this tree was most likely within the ROW. I asked the City Forester about this tree and he said "Forestry did not review or approve removal of the mid-block cottonwood, though was clear communication from City staff with the developer about the property boundaries around this tree." I then asked the staff person assigned to the storm water project, who referred me to the engineer for private development. I asked the engineer how it was determined that this cottonwood was on the 306 S Brearly property, and was told she would have to look into it. Ultimately she went to the developer's consultant engineer who told her that the questions and concerns had been addressed with the Friends of the Isthmus Path Prairie Garden. I checked and the questions/concerns had not been addressed. Though the engineer said that I could get back to her if the questions/concerns had not been answered, at that point I gave up. Attached is a photo which reflects how far the construction fence bulged into the ROW in the area where the cottonwood was located.
3. The large cottonwood at Brearly was decimated. The roots were hacked, not cut. The pruning was of non-professional quality. Then they put up fencing to protect the tree, but then tied the construction fence to the tree, resulting in a gash into the bark. See attached photos.

Respectfully Submitted,  
Linda Lehnertz

## Attachment



The temporary construction fencing bulged out into the ROW at the western end where the two trees were removed, and where the cottonwood was likely removed. The orange flags are about 7.5' into the ROW. As can be seen, the fencing is further into the ROW than the flags.



Hacked roots of the cottonwood at S Brearly, with a piling.



Early July, S Brearly cottonwood apparently being used to support the construction fence.



Strap cutting into the bark.