

From: [Ed Niles](#)
To: [Plan Commission Comments](#)
Cc: [Mayer, Davy](#)
Subject: Comments on Item #2 in the Plan Commission meeting agenda for 8/11/25
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To the plan commission members & interested parties:

I wanted to submit my brief thoughts in regards to Item #2 in the Plan Commission meeting agenda ([Legistar 89254](#), enhance the City's street tree protection provisions). While I am supportive of the goal of protecting the City's mature trees, I also believe we desperately need more market-rate housing built in Madison as quickly as possible. If we are not careful, the proposed changes could be yet another well-meaning policy which simply adds unnecessary burdens to development projects meant to address our substantial and pressing need for more housing.

There are a few areas which I believe the Plan Commission & Council should interrogate before moving forward with any changes to the policy text:

- Would these changes present an unnecessary burden on work confined to private property, especially for demolition permits? If so, how can those burdens be mitigated to continue streamlining the City's development process.
- Is the intent that the updated tree protection zones are to be limited to street trees in the City's right of way? If so, can we make it explicit in the policy text that these zones should not extend onto private property and/or impact trees on private property. This may seem obvious, but given recent legal challenges related to development projects where City ordinances were "unclear" it seems prudent to be extremely specific about any limitations or policy intent. [If I have misunderstood, and this update is meant to impact all trees, including those on private parcels being developed, please mark me as being in strong opposition to this policy!]
- How should the ordinance handle access to project sites, especially for tight infill development, when there are overlapping tree protection zones which would essentially make access to a project site impossible under the updated policy?
- Madison development projects are currently terrible about providing continued pedestrian access via a sidewalk shed/pedestrian canopy or detour, but in case this becomes more common in the future could we make it clearer in these ordinance updates how development projects should provide continued pedestrian access through a Tree Protection Zone?

Finally, I would like to make a small point about data-driven policy. In the City's [press release](#) announcing these proposed ordinance changes, it states that "The current rules ... [have] proven to be insufficient, especially for mature trees." If this is true, I would expect Urban Forestry to provide adequate documentation detailing exactly the number of mature trees which have been killed or lost significant canopy due to the current protection policies and penalties. Ideally this should be provided to the general public for their consideration when making comments about the proposed changes. At the very least in your role reviewing these policy changes, you should ask for this information from Urban Forestry, and ensure that there is actual data to show a significant problem exists that requires us to place additional burdens on development. If this data does not exist, I would be extremely cautious about moving forward with a "sounds good/feels good" policy which may be counterproductive to other City

goals for streamlining housing development.

Thanks for your time and consideration of these comments.

-Ed Niles

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