

From: [Rosemarie Carbino](#)
To: [Board of Public Works](#)
Subject: I am in favor of update for City Trees
Date: Tuesday, September 2, 2025 2:42:13 PM

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Hello, Board of Public Works!

I want to be on record in favor of these updates to Madison's tree protection ordinance (**Legistar File #89254**).

I support it because the changes would:

- Expand **tree protection zones** during construction.
- Allow the City to **suspend/revoke permits** if contractors damage trees.
- Create a **Tree Replacement Fund** when removals are unavoidable.

Sincerely,

Rosemarie Carbino

1410 Morrison St., Madison 53703

From: [Amy Owen](#)
To: [Board of Public Works](#)
Subject: support for tree protection ordinance
Date: Tuesday, September 2, 2025 5:25:05 PM

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Dear Board,

I am writing to ask for your support of the tree protection ordinance (File #89254). Please vote to support these changes and allow more trees to thrive and survive in construction zones.

Thank you,

Amy Owen

3129 Buena Vista St.

Madison WI 53704

From: [Mark Nordbck](#)
To: [Board of Public Works](#)
Subject: Tree Protection Ordinance
Date: Tuesday, September 2, 2025 5:31:02 PM

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Please note my support for the updates to the Tree Protection Ordinance.

Thank you,
Mark Nordbeck
Marquette Neighborhood Association - Green Space Committee member

From: [Michael Rewey](#)
To: [Board of Public Works](#)
Subject: Tree Protection Ordinance
Date: Wednesday, September 3, 2025 10:41:28 AM

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Agenda Item 9 (Legistar 89254)

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.

Sponsors: Satya V. Rhodes-Conway, Michael E. Verveer, Tag Evers, Davy Mayer, Will Ochowicz And Bill Tishler

PLEASE SUPPORT THIS POSITIVE ORDINANCE UPGRADE

Changes include:

- Expand tree protection zones during construction.
- Allow the City to suspend/revoke permits if contractors damage or illegally remove trees.
- Create an equitable tree replacement fund when removals are unavoidable or illegally taken.

You cannot replace today's tree canopy loss by simply planting a new tree. It takes years to replace lost canopy tree.

Thank you, Ian Brown, for initiating this.

Michael Rewey
1921 Jefferson Street
Madison



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From: [Bill Connors](#)
To: [Board of Public Works](#)
Subject: Smart Growth's Comments on Street Tree Protection Ordinance
Date: Wednesday, September 3, 2025 11:55:08 AM
Attachments: [SGGM Recommended Changes to Madison Street Tree Protection Ord 2025-09-03.pdf](#)

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Members of the Board of Public Works:

Attached to this email are recommended changes from Smart Growth Greater Madison to the proposed street tree protection ordinance and changes to the Standard Specifications for Public Works Projects, Legistar 89254. Some of these recommended changes have been incorporated into the document entitled Tree Protection Specifications—Proposed Updates (08.28.25). Smart Growth appreciates those changes.

Smart Growth asks that you adopt a motion recommending that the Common Council adopt the proposed street tree protection ordinance with some changes to address our concerns. Unless and until a version 2 of the proposed ordinance is posted in Legistar, which has not happened yet, Smart Growth will oppose the proposed ordinance as introduced.

There was no attempt to reach out to developers and contractors who are active in Madison regarding the concept for and text of the proposed ordinance before it was introduced. Smart Growth would have welcomed being able to hear from the sponsors about the problem they are seeking to fix and to share ideas about how to fix the problem while minimizing added risk, delays and costs to housing construction in Madison.

Unfortunately, we only started to have conversations with sponsors of the proposed ordinance, City Forester Ian Brown and other city staff after we saw that the proposed ordinance had been introduced. Furthermore, Smart Growth and other stakeholders from the development and construction industry still have not been given an opportunity to work collaboratively on the language of the ordinance. The ordinance that is eventually enacted likely will cause unintended negative consequences because of the refusal to work collaboratively with Smart Growth and other stakeholders on the language of the proposed ordinance.

On August 25, 2025, the Plan Commission passed a motion which recommended considering some further clarifications to the proposed ordinance:

On a motion by Alder Field, seconded by Alder Guequierre, the Plan Commission returned the item to the Board of Public Works with a recommendation to approve and asked that the sponsors or the Board of Public Works consider further clarification on the following: 1) That the tree radius is what is used in the policy and the tree protection zone within the radius is confined to the public right-of-way. 2) That the street permit related consequences are applicable to unauthorized tree damage or removal, specifically the word “unauthorized”. 3) Where there could be a conflict with other city policies regarding placing property entrances in locations that would otherwise be prohibited but where a street tree is not

present. and 4) The process for the revocation of permits and the appeal process to the Board of Public Works.

Smart Growth's greatest concern is about the provisions in the proposed ordinance authorizing the revocation of permits to use the street or other parts of the right of way (e.g., the terrace) to stage construction equipment and materials. In the tight spaces for infill development and redevelopment projects, it is often essential to be able to use the street and terrace to stage equipment and materials. The safety of workers, passing pedestrians and motorists, and nearby properties is of paramount importance when deciding where to stage equipment and materials for a substantial construction project.

The draft ordinance provides that if an employee of one of the contractors or subcontractors mistakenly damages or kills a street tree that was supposed to be preserved, the city government may revoke the permits to use the street and terrace. For many infill development projects, the revocation of these permits would be a death sentence—the new building could not be completed.

City Forester Brown has said in that situation, the developer could apply for new permits to use the street and right of way. But under the proposed ordinance, the new permits might be denied.

Developers will be extremely reluctant to take the risk that their project might be hit with a death sentence in the midst of construction if a contractor's or subcontractor's employee makes a mistake. Lenders will be extremely reluctant to make loans for development projects if a project might be hit with a death sentence in the midst of construction if a contractor's or subcontractor's employee makes a mistake. If this proposed ordinance is enacted in its current form, many developers will not even explore projects on possible infill development sites because of the risk created by the presence of street trees. You will not see the housing development projects that never happen because they are never even explored as a result of this ordinance.

Smart Growth recommended different ordinance text to address this concern, but our recommended language was rejected.

City Forester Brown has repeatedly said that if a street tree that was supposed to be preserved is damaged or killed, he is unlikely to jump straight to revocation of the street and/or right-of-way permits, but instead will work with the developer on some substantial remediation for this harm to the street tree. Smart Growth asks that whatever City Forester Brown has in mind as an intermediate step before revocation be expressed in writing in the ordinance.

Most of the other changes recommended by Smart Growth make the text of the ordinance and Standard Specifications match statements that City Forester Brown has made about how this new regulatory regime would work in practice.

This proposed ordinance is yet another way that the city government makes housing more expensive in Madison. For example, developers of multi-family housing buildings will need to find a way to pass along to tenants the cost of a tree replacement plan produced by a certified arborist and the required contribution to the new street tree replacement fund. Although these costs might appear relatively small, they are on top of many other costs that the Madison city government imposes on new housing construction, including bird-friendly glass and green roofs.

Smart Growth recommends using Park Fee revenue to make the required contributions

to the street tree replacement fund, if that is permitted by state law, to avoid increasing the cost of housing. Park Fee revenue is rarely spent to benefit residents of the greater Downtown area.

Thank you for your consideration.

Bill Connors
Executive Director
Smart Growth Greater Madison, Inc.
608-228-5995 (mobile)
 www.smartgrowthgreatermadison.org

25 W Main St - 5th Floor, Suite 33
Madison, WI 53703



25 W Main St—5th Floor, Suite 33
Madison, WI 53703
608-554-5045
hello@smartgrowthgreatermadison.org

September 3, 2025

Smart Growth Greater Madison recommends the following changes to the proposed changes to the Standard Specifications for Public Works Projects and the proposed Street Tree Protection Ordinance

Standard Specifications for Public Works Projects sec. 107.13

Current proposed new text (08.28.25 version):

For the purposes of this Section 107.13, the definitions set forth in MGO Sec. 10.105(2) apply, including:

DBH, or Diameter at Breast Height, means the diameter of the trunk of the tree measured in inches at a point four and one-half feet above the existing grade at the base of the tree or the Aggregate Diameter of a Multiple Stemmed Tree, rounded down to the nearest inch. This point of measurement is used for measuring mature and established trees.

The Tree Protection Zone is the area within the radius around a tree that is the greater of either 5 feet, or 1 foot for each DBH. The Tree Protection Zone may be increased or decreased by the City Forester based upon the unique characteristics of the tree in question, or other considerations.

SGGM's recommended new text:

For the purposes of this Section 107.13, the definitions set forth in MGO Sec. 10.105(2) apply, including:

DBH, or Diameter at Breast Height, means the diameter of the trunk of the tree measured in inches at a point four and one-half feet above the existing grade at the base of the tree or the Aggregate Diameter of a Multiple Stemmed Tree, rounded down to the nearest inch. This point of measurement is used for measuring mature and established trees.

The Tree Protection Zone is the area within the radius around a tree that is the greater of either 5 feet, or 1 foot for each DBH. The Tree Protection Zone may be increased or decreased by the City Forester based upon the unique characteristics of the tree in question, or other considerations. **The Tree Protection Zone is only within the public right of way and does not extend into adjacent private property.**

New subs. (11), para. (d) in MGO sec. 10.05

Current proposed new text:

(11) Other Obligations.

(d) Tree Protection.

1. Requirement. For any trees within the project area that are not the subject of a tree trimming, pruning or removal permit issued under Sec. 10.101, the applicant shall comply with Section 107.13, the Tree Protection Specifications, of the City's Standard Specifications for Public Works Construction, where applicable, while performing work under the permit issued under this Section.
2. Penalty. In addition to revocation or suspension of the permit under Sub. (12) and the requirements of Section 10.105, the failure to comply with the Tree Protection
3. Specifications as required under this Subdivision shall be subject to a forfeiture of five hundred dollars (\$500), unless the violation results in the removal of a tree, in which case the forfeiture shall be one hundred and fifty dollars (\$150) per trunk diameter inch of the impacted tree, as measured or estimated at 4 1/2 feet above the ground and rounded down to the nearest inch. Each day such violation or failure to comply continues shall be considered a separate offense.

(12) Revocations, Suspensions, Refusals to Issue or Extend Permits.

(a) Grounds . The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:

16. The applicant or Permittee has failed to identify impacted trees, comply with Section 107.13, the Tree Protection Specifications, of the City's Standard Specifications for Public Works Construction or an approved tree trimming or tree replacement plan, or caused **unauthorized** injury or damages, including removal, of right-of-way trees on prior projects.

SGGM's proposed new text:

(11) Other Obligations.

(d) Tree Protection.

4. Requirement. For any trees within the project area that are not the subject of a tree trimming, pruning or removal permit issued under Sec. 10.101, the applicant shall comply with Section 107.13, the Tree Protection Specifications, of the City's Standard Specifications

for Public Works Construction, where applicable, while performing work under the permit issued under this Section.

5. Penalty. In addition to revocation or suspension of the permit under Sub. (12) and the requirements of Section 10.105, the failure to comply with the Tree Protection Specifications as required under this Subdivision shall be subject to a forfeiture of five hundred dollars (\$500), unless the violation results in the **unauthorized** removal of a tree, in which case the forfeiture shall be one hundred and fifty dollars (\$150) per trunk diameter inch of the impacted tree, as measured or estimated at 4 1/2 feet above the ground and rounded down to the nearest inch. Each day such violation or failure to comply continues shall be considered a separate offense.

(12) Revocations, Suspensions, Refusals to Issue or Extend Permits.

- (a) Grounds . The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:

16. The applicant or Permittee has failed to identify impacted trees, comply with Section 107.13, the Tree Protection Specifications, of the City's Standard Specifications for Public Works Construction or an approved tree trimming or tree replacement plan, or caused **unauthorized** injury or damages, including removal, of right-of-way trees on prior projects.

New para. (s) in MGO sec. 10.055, subs. (4)

Current proposed new text:

(S) Tree Protection

1. Requirement. For any trees within the project area that are not the subject of a tree trimming, pruning or removal permit issued under Sec. 10.101, the applicant shall comply with Section 107.13, the Tree Protection Specifications, of the City's Standard Specifications for Public Works Construction, where applicable, while occupying the permitted area.
2. Penalty. In addition to revocation or suspension of the permit under Sub. (6) and the requirements of 10.105, the failure to comply with the Tree Protection Specifications as required under this Subdivision shall be subject to a forfeiture of five hundred dollars (\$500), unless the violation results in the removal of a tree, in which case the forfeiture shall be one hundred and fifty dollars (\$150) per trunk diameter inch of the impacted tree, as measured or estimated at 4 1/2 feet above the ground and rounded down to the nearest inch. Each day such violation or failure to comply continues shall be considered a separate offense.

SGGM's proposed new text:

(S) Tree Protection

1. Requirement. For any trees within the project area that are not the subject of a tree trimming, pruning or removal permit issued under Sec. 10.101, the applicant shall comply with Section 107.13, the Tree Protection Specifications, of the City's Standard Specifications for Public Works Construction, where applicable, while occupying the permitted area.
2. Penalty. In addition to revocation or suspension of the permit under Sub. (6) and the requirements of 10.105, the failure to comply with the Tree Protection Specifications as required under this Subdivision shall be subject to a forfeiture of five hundred dollars (\$500), unless the violation results in the **unauthorized** removal of a tree, in which case the forfeiture shall be one hundred and fifty dollars (\$150) per trunk diameter inch of the impacted tree, as measured or estimated at 4 1/2 feet above the ground and rounded down to the nearest inch. Each day such violation or failure to comply continues shall be considered a separate offense.

New paragraph (e) in MGO sec. 10.08, subs. (3)

Current proposed new text:

No entrance shall be located where an existing City street tree is present unless no other location is available, the applicant obtains a tree trimming, pruning or removal permit under Sec. 10.101, and the applicant complies with Sec. 10.105.

SGGM's recommended new text:

No entrance shall be located where an existing City street tree is present unless no other location is available, the applicant obtains a tree trimming, pruning or removal permit under Sec. 10.101, and the applicant complies with Sec. 10.105, **except as follows:**

1. **If another section of the Madison General Ordinances or City policy or City department prohibits an entrance from being located where a City street tree is not present, city staff shall decide which ordinance or policy has priority regarding the location of the entrance.**
2. **If an owner of private property shows that a proposed development project would be adversely impacted by requiring an entrance to be located where no existing City street tree is present, the City Forester has discretion to allow an applicant to obtain a permit to remove a City street tree under Sec. 10.101 taking into consideration the size and condition of the street tree that would be removed.**

From: [Pilar Gomez-Ibanez](#)
To: [Board of Public Works](#)
Subject: Please support tree protections, Legistar 89254
Date: Wednesday, September 3, 2025 2:41:37 PM

You don't often get email from pilarrebecca@gmail.com. [Learn why this is important](#)

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Dear Members of the Board of Public Works,

Please support Legistar 89254, the proposal to strengthen protections for Madison's street and right-of-way trees. Please keep it strong, and don't water it down to appease the objections of developers. It addresses a real and urgent problem: construction projects cause the damage and loss of far too many of Madison's canopy trees due to carelessness, poor planning, and the calculation that it's easier to pay a small fine after the fact than actually ensure that trees are well protected. The proposal increases the consequences when a tree is lost or harmed, to get the bad actors to pay attention. Even more importantly, it emphasizes a careful planning process with Forestry's input from the beginning, so conflicts between trees and development can be anticipated and deliberately avoided. As was noted in a recent Plan Commission meeting, developers then need to be held accountable for ensuring that concern for trees is implemented all the way down the line to their contractors and sub-contractors.

Too often trees are treated as a hindrance and an added cost to development. This proposal recognizes that the opposite is really true -- trees are an added value, especially the precious full-grown canopy trees we can't even replace in our lifetimes. They make us and our environment immensely healthier, safer, and happier. This benefits the developers themselves, and the people who will live in the buildings they build, looking out on the street trees they've protected because of this excellent ordinance.

Thank you for your consideration and for your work for Madison!

Pilar Gomez-Ibanez
1326 Dewey Ct (District 6)