ASHLAND PLANNING DIVISION

FINDINGS & ORDERS

PLANNING ACTION: PA-2017-00628
SUBJECT PROPERTY: 475 Waterline Rd.
OWNER/APPLICANT: Steven Stark
DESCRIPTION: A request for a Tree Removal Permit to remove a ten-inch diameter Ponderosa Pine from the property located at 475 Waterline Rd. The tree is in the center of a tightly spaced group of three trees adjacent to the deck. Thinning the group is proposed to benefit the two trees that are to remain.
COMPREHENSIVE PLAN DESIGNATION: Rural Residential; **ZONING:** Rr-.5; **ASSESSOR'S MAP:** 391E16BA; **TAX LOT:** 702

SUBMITTAL DATE:	April 11, 2017
DEEMED COMPLETE DATE:	May 18, 2017
STAFF DECISION DATE:	June 16, 2017
APPEAL DEADLINE (4:30 P.M.):	June 28, 2017
FINAL DECISION DATE:	June 29, 2017
EXPIRATION DATE:	December 29, 2018

DECISION
The subject property is located at 475 Waterline Rd. and is zoned Rural Residential (RR-.5). The request is for a Tree Removal Permit to remove a ten-inch diameter at breast height (dbh) Ponderosa Pine. The tree proposed for removal is located in the center of a tightly spaced group of three pines adjacent to the deck and the rear of the existing home.

The tree proposed for removal is located in an area of Hillside Lands with slopes that are 25 percent and greater. As a result, the tree requires a tree removal permit. The ten-inch Ponderosa Pine tree is identified as healthy and is not identified as a tree that presents a clear public safety hazard. Therefore, the tree removal permit application must meet the approval criteria in Ashland Municipal Code (AMC) 18.5.7.040.B.2 for a tree that is not a hazard.

The application includes a report from an arborist that states that the tree is the smallest tree in the center of a group of three tightly spaced trees. The arborist report says that the tree will likely become shaded out and die as the two trees surrounding it continue to grow. The arborist opinion is that the removal of the tree will allow the remaining two trees more access to light and nutrients and therefore be a positive impact. Since the trees are tightly spaced, the removal of the smaller tree will not impact the tree densities or soil stability. The subject property as well as the surrounding area is heavily treed including Ponderosa Pines.

The criteria for Tree Removal Permit approval are described in AMC 18.5.7.040.B as follows:

1. *Hazard Tree. A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
   a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*
   b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section*

18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

2. *Tree that is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*

   a. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*
   b. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
   c. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.*
   d. *Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
   e. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

In staff's assessment, the request satisfies the applicable criteria for a Tree Removal Permit to remove a tree that is not a hazard.

Based on the materials provided, the application with the attached conditions complies with all applicable City ordinances. Therefore, Planning Action #2017-00389 is approved with the following conditions. If any one or more of the following conditions are found to be invalid for any reason whatsoever, then Planning Action #2017-00389 is denied. The following are the conditions and they are attached to the approval:

1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.

_____ June 16, 2017

Maria Harris, Planning Manager Date
Department of Community Development