

CITY OF ASHLAND



TREE COMMISSION AGENDA February 5, 2015

CALL TO ORDER

6:00 p.m. in the Siskiyou Room of the Community Development and Engineering Services Building located at 51 Winburn Way.

APPROVAL OF MINUTES

Approval of January 8, 2015 regular meeting minutes.

ANNOUNCEMENTS & LIAISON REPORTS

- City Council Liaison
- Parks & Recreation Liaison
- Community Development Liaison

PUBLIC FORUM

Welcome Guests

TYPE I REVIEWS

None.

DISCUSSION ITEMS

- Discussion of Tree Pruning at 25 North Main Street
- Annual Council Update - Tentatively Set for March 17th
- Arbor Day 2015 - Brainstorming for Annual Tree Planting & Other Events in April
- Earth Day 2015 – Earth Day Event is April 25th.
Are Commissioners interested in tabling?

NEW BUSINESS/ITEMS FROM COMMISSIONERS

ADJOURNMENT

Next Meeting: March 5, 2015

CITY OF ASHLAND

ASHLAND TREE COMMISSION 2015 SCHEDULE OF MEETINGS

REGULAR MEETINGS	SPECIAL DATES
January 8	
February 5	
March 5	March 17 th Council Update
April 9	April 25 th R.V. Earth Day Event
May 7	
June 4	
July 9	
August 6	
September 3	
October 8	
November 5	
December 3	

If you are unable to attend a commission meeting please notify the Community Development staff liaison at the earliest possible opportunity, ideally at least 48 hours in advance.

Derek Severson, *Associate Planner*

Phone: #541-552-2040

or

Email: derek.severson@ashland.or.us

CITY OF ASHLAND

TREE COMMISSION Draft minutes January 8, 2015

CALL TO ORDER –Chair Greg Trunnell called the meeting of the Ashland Tree Commission to order at 6:01 p.m. on January 8, 2015 in the Siskiyou Room of the Community Development and Engineering Services Building located at 51 Winburn Way, Ashland, Oregon.

Commissioners	Council Liaison
Ken Schmidt - absent	Carol Voisin, left at 6:40 p.m.
Gregg Trunnell	Staff
Russ Neff - absent	Derek Severson, Associate Planner
Casey Roland	Carolyn Schwendener, Admin
Christopher John	

APPROVAL OF MINUTES

Trunnell emphasized the importance of the Commissioners reading and reviewing the minutes for accuracy before approving them, especially when something contentious had been discussed. *Roland/John m/s to approve the minutes of the December 4, 2014 Ashland Tree Commission meeting. Voice Vote: All Ayes minutes were approved as presented.*

WELCOME GUESTS & PUBLIC FORUM

The Commissioners welcomed Pete Baughman new Staff Liaison from the Parks Department.

Trunnell made a change to the agenda moving the Council Liaison report first on the agenda because Voisin needs to leave early.

Council Liaison Report – Voisin reported that the Beautification Ad Hoc sub-committee presented to the Council a proposal. The proposal included the removal of a cement seating bench located outside of Gateway Realty on the corner of Winburn Way. The seating area is close to a very large Cypress tree and Voisin is concerned that the removal of the seating will damage the tree or at least its roots. Roland suggested that the wall is being removed in order to keep the homeless people from sitting there. He offered to take a look at the tree and give his opinion on how it might be affected.

Voisin called attention to the recent topping of the street trees on the Plaza outside of Alan Sandler's building. It was reported that Mr. Sandler needed to top the trees in order for his tenants restaurant sign to be seen as well as the view out the windows. The Commissioners confirmed that Mr. Sandler was told repeatedly by staff that he could not top those trees. A permit was issued to him for the pruning of the trees but after reviewing pictures it was very clear to the Commissioners that the trees were topped. Not wanting this to start a precedence on the Plaza the Commission would like to discuss some options on how to deal with this compliance issue. Put this topic on next month's agenda in order to look at options. Severson will invite Mr. Sandler to come to the meeting.

Roland read a letter that was submitted by Bryan Holley regarding his concerns on the topping of the trees.

Voisin inquired as to why the Sequoia tree located at 1027 Park Street was removed after the Tree Commission recommended it to be saved. The tree was discussed at the October 9, 2014 Tree Commission meeting. The following was the recommendation from that meeting. *Trunnell motioned, Neff seconded that the Sequoia not be removed at this time, as the Commission does not have enough information to make a decision. In accordance with AMC 18.61.080.B.3, the Commission felt the applicant did not consider all reasonable alternatives to preserve the tree. Whereas the Cherry and Pine are approved as submitted. John agreed Roland abstained.*

The Commissioners explained to Voisin that they are an advisory Commission only but did feel that staff ignored their recommendation. Trunnell has scheduled a meeting with the mayor to discuss this issue. Severson was unaware of the background regarding this tree but will speak with the Community Development Director about it.

TYPE I REVIEWS

PLANNING ACTION: PA-2014-02045
SUBJECT PROPERTY: Morton St. to W. Ivy Ln.
APPLICANT: Hardey Engineering & Associates for City of Ashland
OWNER: D & S Ventures LLC
DESCRIPTION: A request for Physical and Environmental Constraints Review Permit for Hillside Land to facilitate the construction of an approximately 300-foot section of a 12-inch water line that extends from Ivy Lane to Morton Street. The area of disturbance subject to the review is just west of the West Ivy Lane right-of-way. The request includes Severe Constraints Review because portions of the property are greater than 35 percent slopes. The application also includes a request for a Tree Removal Permit to remove 19 trees between 6-inches DBH to 18-inches DBH. The trees proposed for removal include madrone, scrub oak and fir trees.
COMPREHENSIVE PLAN DESIGNATION: Rural Residential and Woodland Residential; ZONING: RR-.5 & WR; ASSESSOR'S MAP: 39 1E 16AC; TAX LOT: 300.

All three commissioners did a site visit.

Staff report – Severson reported the proposal is to extend or replace the existing waterline from the end of Ivy Street up to Morton Street removing the designated trees along the way. The applicants are requesting to not replace any of the trees and due to the heavily forested property these tree removals might actually benefit the remaining trees giving them more space.

Trunnell opened the public hearing.

Clara Fader, 338 Holly Street. Ms Fader has twenty pristine acres located to the south of the subject property. She is concerned that the applicants might damage her property during the construction of the waterline. The Commissioners reassured her that without her permission no one will be allowed on her property. She stated clearly that she is not permitting the use of her property for this project.

Radcliff Wells, 275 Grandview. Mr. Wells' son owns a lot adjacent to where the pipeline is going. He inquired if this project has anything to do with a proposed development on that land? Though Severson said in the past he has been contacted regarding the use of that land at this time there is no development proposal. Mr. Wells asked if there will be any expense to the property owners. Severson replied he is not aware of any cost to the property owners. Mr. Wells does see the removal of those trees a benefit to the property.

The Commissioners discussed this planning action. It was suggested that due to the fire hazard the applicants do a little extra thinning of the trees during the construction of the waterline. It was pointed out that because no trees were marked it was essentially impossible to determine which trees were going to be removed.

See recommendations for this planning action at the end of the minutes.

Roland/John m/s to approve with the recommendation that they provide a plan delineating fencing location and clearly identifying trees to be removed and marking them onsite for inspection by staff. Voice Vote; All Ayes, motion passed.

PLANNING ACTION: PA-2014-02046
SUBJECT PROPERTY: 948-998 Overlook Drive
APPLICANT: Meadowbrook Townhomes, LLC
OWNER: Lazaro Ayala Family Trust (Lazaro Ayala, trustee)
DESCRIPTION: A request for a Site Review approval to construct six residential units and one 499 square foot accessory residential unit, on the six lots located at 948-998 Overlook Drive. Also included is a request for a Modification of the Outline Plan Approval (PA #2002-151) which original showed the units as attached or closely abutting those along Patton Lane and sharing driveways along Overlook Drive; they are now proposed to be constructed as detached residences with individual driveways.
COMPREHENSIVE PLAN DESIGNATION: North Mountain Neighborhood Core Overlay; ZONING: NM-MF; ASSESSOR'S MAP: 39 1E 04AD; TAX LOT : 3400 – 3900

John did a site visit but Roland and Trunnell did not.

Staff Report – Severson reported that several years ago when the Meadowbrook Park approval went in these units were shown as attached housing and subject to site review approval. The applicant is now applying to detach them but still needs to go through a site review to make sure they comply with all the requirements of the North Mountain design standards. The applicants submitted a landscape plan for review but would like to allow for future modification so that each individual home owner can make their own plant selection.

After discussing the landscaping plan the following recommendation was made.

The landscape plan presented represents a great mix of plantings, and that the curbside sidewalk installation will benefit the trees in giving them a less constrained growth area within the front yards. The Commission did however recommend that the "Purple Robe" Locust proposed to be planted in front of 988 Overlook be replaced with an alternative selection, as these trees have shown a tendency toward severe trunk cracking and subsequent fungal infections and would likely not prove satisfactory to a future homeowner there.

PLANNING ACTION: PA-2014-02106
SUBJECT PROPERTY: 2352 Morada Ln.
APPLICANT/OWNER: Ron & Lisa Albano
DESCRIPTION: A request for Site Review and Conditional Use Permit approvals to construct a new approximately 1,000 square foot accessory residential unit behind the existing home at 2352 Morada Lane.
COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP: 39 1E 14CD; TAX LOT: 4700

All Commissioners did a site visit but had no access to the backyard.

Staff Report – Severson explained that the applicant is requesting to install a 1000 square foot Accessory Residential Unit at the back of the property. A tree preservation/protection plan will be required prior to the issuance of a building permit.

After a discussion the following is the Commissioners recommendations

That the applicants provide a formal Tree Inventory and Tree Preservation/Protection plan for the review and approval of the Staff Advisor prior to the issuance of a building permit. This plan shall include identification of all trees on adjacent properties but within 15 feet of the property line and measures necessary to protect them, including the Sequoia on the neighboring property.
That the placement of the required street tree be planned to accommodate future sidewalk installation.

DISCUSSION ITEMS

ATTENDANCE – Severson explained the guidelines surrounding attendance for all the Commissions. Both Trunnell and Schmidt's attendance have fallen below the 75% requirement for the past year. The attendance record is sent to the City Recorder, Barbara Christensen, as required in the code. Severson wanted Trunnell and Schmidt to be aware of this policy if Ms. Christensen would contact them regarding their attendance. It would be necessary to let her know whether they want to continue on the Commission or not.

CITY COUNCIL GOALS AND OBJECTIVES – Severson distributed the Council Goals and Objectives to the Commissioners for their information. The Council is not actually requesting any feedback but would like the Commissioners to consider what they might be able to accomplish in order to support these goals and objectives.

ELECTION OF OFFICERS – The three Commissioners decided to wait until April when new members are appointed to elect officers. They are hoping for a better attendance at that time.

ANNUAL COUNCIL UPATE – This is tentatively set for March 17, 2015 which ties in to Arbor Day. At that meeting the Commission will outline their activities for the year.

ARBOR DAY 2015 – The Commissioners need to start brainstorming about planting a tree for Arbor Day. Roland suggested that maybe the middle school or another school might be in need of a tree and be willing to care for one. Roland offered to donate a tree.

Trunnell proposed a question to the other Commissioners. "Is there any tree within the City that staff would not allow to be cut down?" At what point can we get tree protection in the code to be protected" Severson commented that the ordinance does allow for the removal of trees without a permit on properties located in the R-1 Single Family Zone occupied only by single family homes.

Trunnell inquired as to why there is a fence around the Cottonwood Tree of the Year on the City owned property located on Clay Street. Severson explained that the fallen limbs around the tree indicate that continued limb drop is possible and could create a liability so the fence was put up as protection. At one point in time during a previous development application the tree was discussed as a hazard.

ADJOURNMENT

Next Meeting: February 5, 2015

Meeting adjourned at 6:50 p.m.

Respectively submitted by Carolyn Schwendener

ASHLAND TREE COMMISSION
PLANNING APPLICATION REVIEW COMMENT SHEET
December 8, 2014

PLANNING ACTION: PA-2014-02045
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DESCRIPTION: A request for Physical and Environmental Constraints Review Permit for Hillside Land to facilitate the construction of an approximately 300-foot section of a 12-inch water line that extends from Ivy Lane to Morton Street. The area of disturbance subject to the review is just west of the West Ivy Lane right-of-way. The request includes Severe Constraints Review because portions of the property are greater than 35 percent slopes. The application also includes a request for a Tree Removal Permit to remove 19 trees between 6-inches DBH to 18-inches DBH. The trees proposed for removal include madrone, scrub oak and fir trees.
COMPREHENSIVE PLAN DESIGNATION: Rural Residential and Woodland Residential; **ZONING:** RR-.5 & WR; **ASSESSOR'S MAP:** 39 1E 16AC; **TAX LOT:** 300

The Tree Commission recommends approving the application with the recommendations below:

- 1) That the applicants provide a revised Tree Inventory and Tree Protection Plan for the review and approval of the Staff Advisor prior to the commencement of site work, staging or storage of materials. This plan shall include identification of trees to be removed by number and location on the plan, rather than by station number, within the limits of the area of disturbance, and shall identify the location of the placement of tree protection fencing to clearly delineate the limits of the area of disturbance. The Commission is supportive of the use of alternative means of fencing such as orange construction fencing rather than chain link panels given the scope and topography of the project area, although there should be some protection provided for individual trees when work is occurring inside the construction fencing area.
- 2) That the trees to be removed shall be numbered and tagged with tape or paint on site, and that a Tree Verification inspection to verify the trees identified for removal as consistent with the approved plans shall occur prior to any tree removals.
- 3) That the Tree Commission concurs that the removals proposed may be beneficial to the site both in terms of removing some competing trees and in serving to reduce fire fuels, and is supportive of the request to not mitigate the proposed removals.
- 4) The Tree Commission asks that the property owner be advised to contact the Fire Department to determine whether there is grant money or other assistance available to facilitate fire fuel reduction on the site.

(NOTE: The neighboring property owner to the south, Clara Fader, spoke at the Tree Commission and expressed concern that her property not be used for access or staging without her permission and has been advised that the city or its agent would not enter her property without permission or easement access.)

ASHLAND TREE COMMISSION
PLANNING APPLICATION REVIEW COMMENT SHEET
December 8, 2014

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COMPREHENSIVE PLAN DESIGNATION: North Mountain Neighborhood Core Overlay; **ZONING:** NM-MF; **ASSESSOR'S MAP:** 39 1E 04AD; **TAX LOT :** 3400 - 3900

The Tree Commission recommends approving the application as submitted, with the specific recommendations below:

- 1) The Commission believes that the landscape plan presented represents a great mix of plantings, and that the curbside sidewalk installation will benefit the trees in giving them a less constrained growth area within the front yards. The Commission did however recommend that the "Purple Robe" Locust proposed to be planted in front of 988 Overlook be replaced with an alternative selection, as these trees have shown a tendency toward severe trunk cracking and subsequent fungal infections and would likely not prove satisfactory to a future homeowner there.

ASHLAND TREE COMMISSION
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The Tree Commission recommends approving the application with the specific recommendations below:

- 1) That the applicants provide a formal Tree Inventory and Tree Preservation/Protection Plan for the review and approval of the Staff Advisor prior to the issuance of a building permit. This plan shall include identification of all trees on adjacent properties but within 15 feet of the property line and measures necessary to protect them, including the Sequoia on the neighboring property.
- 2) That the placement of the required street tree be planned to accommodate future sidewalk installation.

Memo

DATE: February 5, 2015

TO: Ashland Tree Commissioners

FROM: Derek Severson, Associate Planner
Department of Community Development Staff Liaison

RE: Street Tree Permit for Pruning at 25 North Main Street/Granite Taphouse

As discussed briefly at the January 8, 2015 meeting, a Street Tree Permit was issued to allow the pruning of street trees in front of 25 North Main Street on September 15, 2014. These trees were described in the application as being roughly eight inches in diameter at breast height, 38 feet tall and having canopies with an approximately 40-foot diameter. Materials submitted with the permit application from Casey P. Roland Tree Care noted that the request involved pruning two flowering pear trees to reduce the possibility of breakage which would reduce each of the trees' heights by approximately three to four feet. The property owner also noted that the trees were blocking mechanical lift access to the building façade and preventing necessary maintenance work on windows, lights and signs, and a letter from Oak Street Tank & Steel was provided in support of this assertion. The scope of work provided with the application noted that while the property owner had an interest in reducing the height of these trees to facilitate access to lights and signage, the intent of the work proposed was focused on the health and longevity of the trees and would be conducted in accordance with International Society of Arboriculture (ISA) standards. The permit was issued with a condition of approval, *"That pruning shall be limited to the minimum necessary for building clearance and in which maintains tree health and eliminates potential hazards. Otherwise an appropriate replacement tree shall be chosen at the property owners expense."* It is staff's understanding that the work agreement with Casey P. Roland Tree Care was discontinued before any pruning occurred, and that Bartlett Tree Service was ultimately engaged to conduct the actual pruning of the trees.

Based on photos, it appears the pruning completed involved removal of more of the canopy than the three to four feet described in the original permit request; staff would estimate that the height reduction was ten to 12 feet. In staff's view, should the Tree Commission determine that the pruning work performed constituted topping and put the trees' health in jeopardy, the appropriate action would be to make a recommendations that the City Administrator, who is the decision making authority for Street Tree Permits under AMC 13.16.020, act on the condition included in the permit to require the property owner replace the trees with appropriately selected specimens from the approved street tree list at his expense.



As defined by ordinance, topping means “*the severe cutting back of a tree's limbs to stubs 3 inches or larger in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree. Topping does not include the practice of ‘pollarding’ when conducted in accordance with the standards established by the International Society of Arboriculture.*”

The Commission may also wish to consider whether they believe clearer or stronger approval criteria would be appropriate for the approval of Street Tree Permits. AMC 13.16.030 currently reads:

The City encourages the planting of appropriate trees. No trees shall be planted in or removed from any public planting strip or other public property in the City until a permit has been issued by the City Administrator or a duly authorized representative. Applicants for a removal permit may be required to replace the tree or trees being removed with a tree or trees of comparable value. If the tree is determined to be dead or dying, then the replacement need be no larger than the minimum described in this chapter. The replacement tree(s) shall be of a size specified in the permit and no smaller than eight feet in height or one inch in caliper 12 inches above root crown and shall be an appropriate species selected from and planted according to the Recommended Street Tree List.



City of Ashland
Street Tree Permit

260.3488

Applicant's Name ALLAN SADDLER Phone No. 541-4821781
Site Address 25 N MARIN Email ALLAN@SADDLER.COM
Is the Property Owner aware of this request? (if different from above) Yes, Owner
Name OWNER Phone No. _____
Address _____ Email _____

Type of Tree(s) ALL THREE Three Trees
Approximate Diameter at breast-height 8 1/2" Height 35' Canopy 40'
Location of Tree _____

Reason for Request THIN OUT + CORRECT SPACING LIMBS

Are there underground utility lines and/or overhead power lines present? _____
If yes, please list which lines are present _____
Is there sidewalk damage? _____ If yes, has a Public Works permit been issued? _____

Staff Decision

In accordance with Ashland Municipal Code (AMC) 13.16, the City encourages the planting of appropriate trees within the right-of-way. No trees shall be planted or removed from any public planting strip or other public property in the City until a permit has been issued by the City Administrator or designee. Applicants for a removal permit may be required to replace the tree or trees being removed with a tree or trees of comparable value. If the tree is determined to be dead or dying, then the replacement need be no larger than the minimum described in this chapter. The replacement tree(s) shall be of a size specified in the permit and no smaller than eight feet in height or one inch in caliper 12 inches above root crown and shall be an appropriate species selected from and planted according to the Recommended Street Tree List. Any tree removed under this chapter shall be removed at ground level or lower. If a tree is removed below ground level, the surface will be restored to finish grade and any regrowth which occurs shall be promptly removed.

Permit is hereby (circle one): Approved Approved with Conditions Denied

Conditions of Approval that pruning shall be limited to the minimum necessary for building clearance, and in which maintains tree health and eliminates potential hazards. Otherwise an appropriate replacement tree shall be chosen at the property owners expense.

Staff Signature [Signature] Date 9.15.14



CASEY P. ROLAND TREE CARE

Phone: 541-488-0782 • ccb# 186190

September 15, 2014

To:

Marco Traversa

Granite Taphouse

23 N. Main St.

Ashland, Or. 97520

Scope of Work

1. Prune 2 Flowering Pear trees to reduce possibility of breakage. This will reduce overall height by approximately 3-4 feet.
2. Property owner has expressed interest in reducing height of these trees to facilitate access to lights and signage, however, my intent of the above described work will be focused on the health and longevity of these trees, and will be in accordance with International Society of Arboriculture standards.

Total \$ 600.00

By signing this contract, I agree to pay the above quoted price for the work to be performed as described. I also agree to hold harmless Casey P. Roland, Casey P. Roland Tree Care and/or subcontractors working for Casey P. Roland Tree Care for any and all damages outside the scope of work described. I also acknowledge payment is due upon completion of job unless specified otherwise.

Signature

Date

Thank You for your Business!

To: Ashland Planning Department, Attention Michael Pina
From: Allan Frank Sandler, Manager, 25 N Main LLC
Re: 25 N Main Street Building/Tree pruning or removal and replacing
Date: 9/13/2014

I have had several discussions and have applied for approval to have work done on a tree in front of my building. The tree in question is the tallest tree on the block and is interfering with my access to my building. I can not get anyone to bring in a lift to service my building because the tree is overgrowing my building which is approximately 40 feet high. I am told by lift users or companies that need to utilize a lift to perform work on my building that it is a danger for anyone to try and work its way past the tree in order to service my building (letter from Oak Street tank inclosed). At this time I am in need to change light bulbs that light up the front of my building and remove and change a permitted sign by a new tenant while removing the sign from an old tenant. I was permitted by the City of Ashland to install the lights in question. I also have sign permits for the old sign and one to have my new sign on the building. I can not safely service the lights or the signs and can not clean the windows. I understand that the tree ordnance specifies that if the tree poses a danger to persons or the building then it can be pruned and or removed to rid that danger.

Letter is inclosed from Casey Roland ccb#1880782 a member of the Ashland tree commission.

Please consider this request promptly since I am being denied the right to service my building.

Oak Street Tank & Steel, Inc.

Rogue Products

R. GENE MORRIS, President
P.O. Box 850, Ashland, OR 97520
(541) 482-1536 - fax (541) 482-2075
www.oakstreettank.com

September 12, 2014

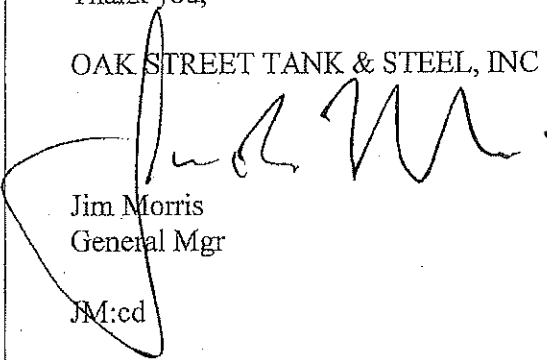
Dear Alan Sandler;

We feel it would be unsafe to attach and service the Granite Tap House sign to the old Masonic Building at 23 N Main Street. We would not be able to complete the work until the existing tree in front of the building is trimmed to permit safe access by a mechanical lift.

We appreciate your attention to this matter.

Thank you,

OAK STREET TANK & STEEL, INC

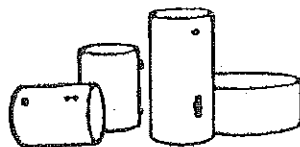


Jim Morris
General Mgr

JM:cd

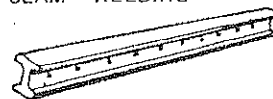


THE
ROGUE



STEEL STORAGE TANKS

ARC--
SEAM -- WELDING



INDUSTRIAL STEEL
FABRICATION -- SINCE 1923



CRAC

OLD & GEMS
— fine jewelry —

Craft — antique & Bar

husberta
THE FINEST IN THE BUSINESS

Tree-Flora
— plants —

BARTLETT
TREE SERVICE
779-6067

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ARTIST RESIDENCY

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GOLD & GEMS

fine jewelry

13.16 Street Trees

13.16.010 Title

This Chapter shall be referred to and cited as the "Street Tree Ordinance" of the City.

13.16.020 Enforcing Authority

The City Administrator, or a duly authorized representative, shall be charged with the enforcement of this Chapter.

13.16.030 Permission to Plant or Remove

The City encourages the planting of appropriate trees. No trees shall be planted in or removed from any public planting strip or other public property in the City until a permit has been issued by the City Administrator or a duly authorized representative. Applicants for a removal permit may be required to replace the tree or trees being removed with a tree or trees of comparable value. If the tree is determined to be dead or dying, then the replacement need be no larger than the minimum described in this chapter. The replacement tree(s) shall be of a size specified in the permit and no smaller than eight feet in height or one inch in caliper 12 inches above root crown and shall be an appropriate species selected from and planted according to the Recommended Street Tree List.

13.16.035 Permission to Prune

Except for purposes of removal of dying branches or those which are a hazard to the public, pruning by City crews, or pruning for purposes of maintaining tree health, no tree shall be pruned within any public planting strip or public right-of-way until a permit has been issued by the City Administrator or a duly authorized representative.

13.16.040 Plan

All trees and shrubs planted in any public planting strip or other public place in the City shall conform as to species and location to the Recommended Street Tree List prepared and updated by the City Tree Commission and made available in the City Recorder's Office and in the Department of Community Development.

13.16.060 Trees - Removal

The City Administrator may cause to be trimmed, pruned or removed any trees, shrubs, plants, or vegetation in any public planting strip or other public property, or

may require any property owner to trim, prune, or remove any trees, shrubs, plants or vegetation in a public planting strip abutting upon the owner's property. Failure to comply with this requirement within 30 days of receiving notice by the City Recorder is a violation of this chapter.

13.16.065 Stump Removal

Any tree removed under this chapter shall be removed at ground level or lower. If a tree is removed below ground level, the surface will be restored to finish grade and any regrowth which occurs shall be promptly removed. Any failure to comply with this requirement is declared to be a nuisance and subject to removal by the City pursuant to the terms set forth in AMC 9.08.190; and is a violation of the nuisance chapter subject to the penalties set forth in AMC 9.12.060.

13.16.070 Dangerous Trees-Nuisance-Removal

Any tree or shrub growing in any public property, on private property, or in a planting strip abutting public property, which is endangering or which may endanger the security of usefulness of any public street, sewer, sidewalk or utility, is declared to be a public nuisance; and the City may remove or trim the tree or shrub, or may require the property owner to remove or trim the tree or shrub. Trees or shrubs extending over any public street, except an alley, shall be trimmed in such a manner as to provide a minimum 14 feet vertical clearance over the street. Trees or shrubs extending over an alley shall be trimmed in such a manner as to provide a minimum 12 feet vertical clearance over that portion of the alley subject to vehicle use.

Failure of the property owner to remove or trim the tree or shrub within 30 days of receiving notice by the City Recorder is a violation of this chapter, and the City Administrator may then remove or trim the tree or shrub and assess the costs against the property.

13.16.080 Appeals

Appeals from any assessment made under AMC 13.16.070 may be made by filing written notice with the City Recorder within ten days after the order is received, stating in substance that an appeal from the order is being made to the City Council. The City Recorder shall file the appeal with the City Council at the next regular meeting, at which meeting the appellant and the City Administrator may present evidence. Action taken by the City Council after the hearing shall be conclusive.

13.16.090 Trees-Abuse-Mutilation

No person shall abuse, destroy, or mutilate any tree, shrub, or plant in a public planting strip or any other public property, or attach or place any rope or wire (other

than one used to support a young or broken tree), sign, poster, handbill, or other thing to or on any tree growing on public property, or to cause to permit any wire charged with electricity to come in contact with any such tree, or to allow any gaseous, liquid, or solid substance which is harmful to the trees; to come in contact with their roots or leaves.

13.16.100 Violation - Penalty

A. Knowingly removing a tree without a permit issued by the City in accordance with this Chapter shall be considered a Class C misdemeanor offense, subject to the limitations of AMC 1.08.

B. Knowingly abusing, destroying, mutilating, electrifying, poisoning or contaminating any tree, shrub or plant in a public planting strip or on any other public property shall be considered a Class C misdemeanor offense, subject to the limitations of AMC 1.08.

C. Any violation of the requirements of this chapter, not addressed in A and B above, including violation of the terms and conditions of a permit, shall be a Class II violation as defined by AMC 1.08 and punishable as set forth in that section.

(Ord 1810, 1974; Ord 1561 S10, 1968; Ord 2382 S15, 1986; Ord 2723, 1993; Ord 3028, 2010)

Zimbra

seversod@ashland.or.us

Plaza Trees Topped, Why?

From : Bryan Holley <holley@opendoor.com>

Thu, Jan 08, 2015 10:25 AM

Subject : Plaza Trees Topped, Why?

3 attachments

To : neffrussell@hotmail.com, caseyprolandtreecare@gmail.com,
papkenny66@yahoo.com, gtrunnell@mates.org**Cc** : seversod@ashland.or.us, Bill Molnar <molnarb@ashland.or.us>, John
Stromberg <john@council.ashland.or.us>, Carol Voisin
<carol@council.ashland.or.us>

Dear Tree Commissioners,

Below you will find some information about yet another awful Plaza tree event, the topping of trees in front of the old Alex's building. I contacted the Mayor about this last month. Below is his response as well as my original email to him asking about the timeline and circumstances of this tree topping. I still don't feel like I have heard the full story of this regrettable and unnecessary tree-damaging event.

According to the Mayor, it appears a staff permit was given "to prune the trees", in this case to achieve a business goal. It seems odd that street trees in our town, owned collectively by all of us, should suffer so that a single private property owner can do as he wishes. If trees were truly valued in this town, as some attest, another way would have been found to lower an old sign and lift a new one.

But no worries, the Mayor says, "We don't believe the work harmed the trees." This statement is probably well intended but is sadly distant from the understanding gained by a simple study of tree botany or tree science. Topping **always** harms trees and even if topped trees survive, they are never as healthy as they would have been left untopped. The trees that were topped were not "crown reduced" -- which I understand is an artfully-created modern euphemism for tree topping -- they were just old-fashioned topped, whether done by an ISA arborist with permit in hand -- **they were topped**. Please see the photos I took (attached) which shows the brutal result of topping of two trees, and in contrast, the graceful structure of the tree just like it that was not topped.

As a former Tree Commissioner, I must share with you that during my time on the Commission, with a few commissioners leaving and a few new ones coming on over the years, it was UNIVERSAL that we all hated tree-topping, one of the few areas we always all agreed with each other about. That's why we put specific language in 18.61 about tree-topping (which language appears to have been changed/removed?) because we wanted to protect Ashland's trees, as commissioners, from this awful practice.

One of the founders of the Tree Commission, January Jennings, was always eloquent on just how wrong topping is, and I've pasted below her letter that was printed in the Mail Tribune in response to a tree topping there.

So from my seat, the Mayor's statement is not true -- this topping will no doubt harm these trees and I wonder how things could have evolved in my fair city that all the Plaza trees are under attack by either the City itself or the Plaza businesses who think it is their god-given right to do as they please because it is THEIR Plaza. Mr. Sandler got what he wanted, but at what cost to our city's street trees?

I ask you current commissioners simply to read my email, look at my photos, visit the trees yourselves, and make up your own mind. I could only hope that your own studies and direct experience with trees leads you to the same conclusion that January and I and former Commissioners all shared -- Topping Always Hurts Trees -- and that you will work hard to stop any and all topping in town and also direct city staff to avoid issuing any such unnecessary tree removal permits in the future.

Best,

Bryan Holley

Topping Hurts Trees

I agree with Medford Parks superintendent Ken Marshall that the recent topping of several flowering pear trees could have a major negative impact on them. Often, well meaning property owners want to reduce the height of their trees. To "save money," they do the job themselves or hire someone to "top" their trees. Ironically, in the long term it ends up costing more.

Arboriculture, the scientific cultivation of trees and shrubs, has greatly advanced over the last several decades. Studies show that old pruning techniques such as flush cuts and topping are harmful. Topping is defined as "cutting back a tree to buds, stubs, or laterals not large enough to assume the terminal role." Topping stresses a tree. This predisposes the tree to insects and disease. It may cause decay and sunburn of the tissues beneath the bark. This may lead to cankers, bark splitting and die back. Topping also creates hazards because the new shoots are weakly attached and prone to breaking.

Topping mutilates a tree's genetically programmed branching structure. A tree that has been topped can never fully regain its natural form. Properly maintained trees can add 20% to the property value. Topped trees lead to impending cost and potential liability.

Property owners who do their own pruning need to understand modern principles of pruning or hire a qualified professional arborist. These principles can help preserve the natural form, health and safety of a tree. For additional information: <http://www.isa-arbor.com/>

January Jennings, Ashland

From: John Stromberg <john@council.ashland.or.us>

Subject: Re: Tree Topping on the Plaza

Date: December 12, 2014 10:49:02 PM PST

To: Bryan Holley <holley@opendoor.com>

Hi, Bryan

Here's what I found out re your question:

Mr. Sandler applied for and received a permit to prune the trees in front of his building. He needed to do so in order to have the old Hong Kong Bar sign removed and a new sign installed. The sign company was unable to get their cherry picker in there.

His permit required that the work be limited to the minimum necessary. The work was performed under the supervision of a certified arborist; Mike Bartlett. We don't believe the work harmed the trees.

Thanks for checking with me before leaping.

Best,

John Stromberg

Mayor

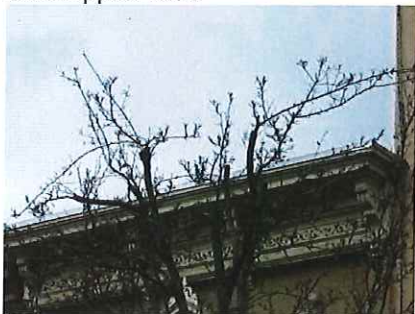
From: "Bryan Holley" <holley@opendoor.com>
To: "John Stromberg" <john@council.ashland.or.us>
Sent: Tuesday, December 9, 2014 10:41:46 AM
Subject: Tree Topping on the Plaza

Mr. Mayor,

Are you able to offer me any details and the timeline of events leading to Mr. Sandler's tree topping of Plaza trees in front of and near the tunnelway between the Plaza and Calle Guanajuato? I have heard personal anecdotal reports that I find no reason to suspect, but I want to hear from you before leaping to any conclusions.

Every street tree, or tree in the parkrow (sometimes called the verge) -- every single street tree in this town is owned 50% by the property owner behind the street, and 50% by every single citizen in the city of Ashland. So any time a street tree is taken down, someone on city staff needs to rise to the occasion and speak up on behalf of citizens who collectively participate in ownership of all such trees. The trees have been topped. Topping trees, simply, means ultimate doom for any tree. . . .

One topped tree.



Close-up of topped tree.



Healthy, untopped street tree



ToppedTree.jpeg
45 KB



ToppedTree2.jpeg
633 KB



TreeNotTopped.jpeg
609 KB
