



# CITY OF ASHLAND



## TREE COMMISSION AGENDA March 8, 2018

### I. CALL TO ORDER

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

### II. APPROVAL OF MINUTES

Approval of February 8, 2018 meeting minutes.

### III. ANNOUNCEMENTS & LIAISON REPORTS

- Council Liaison (None)
- Parks & Recreation Liaison
- Community Development Liaison

### IV. PUBLIC FORUM

Open to guests.

### V. TYPE I REVIEWS

**PLANNING ACTION:** PA-2018-00241

**SUBJECT PROPERTY:** 114 Granite Street

**OWNER/APPLICANT:** Mardi Mastain

**DESCRIPTION:** A request for a Tree Removal Permit to remove a 27-inch DBH (diameter at breast height) Maple Tree in the Northwest Corner of the property. This is a modification to a previous planning approval (PA-2017-00235) that proposed to retain this tree. The application states the discovery of percolating water will require more excavation, further jeopardizing the health of the tree and presenting a foreseeable danger of property damage.

**COMPREHENSIVE PLAN DESIGNATION:** Single-Family Residential;

**ZONING:** R-1-7.5; **ASSESSOR'S MAP:** 39 1E 09 BC; **TAX LOT:** 3401

**PLANNING ACTION:** PA- 2018-00252

**SUBJECT PROPERTY:** 295 Tolman Creek Rd A-1

**OWNER/APPLICANT:** Don Flickinger

**DESCRIPTION:** A request for a Tree Removal Permit at 295 Tolman Creek Rd to remove a 15-inch diameter-at-breast-height Maple tree that is damaging the foundation of the adjacent apartment building.

**COMPREHENSIVE PLAN DESIGNATION:** Low Density, Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 11 CD; **TAX LOT:** 90001

**PLANNING ACTION:** PA- 2018-00403

**SUBJECT PROPERTY:** 635 Lit Way/1651 Siskiyou Boulevard

**OWNER:** 1651 Siskiyou Boulevard LLC/Roderick & Brooks Newton

**APPLICANT:** Don Flickinger

**DESCRIPTION:** A request for a Tree Removal Permit to remove nine Black Cottonwood trees and a one Siberian Elm surrounding the pond at Hidden Springs Wellness Center for the property located at 635 Lit Way/1651 Siskiyou Boulevard. The application notes that the Cottonwoods have begun to drop limbs and the Siberian Elm has begun to uproot. The application materials note that five of the ten trees have indications of decay and three have tipped or begun to tip. The removals are requested based on the trees posing a hazard to customers on the site and to neighboring properties.

**COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential and Commercial; **ZONING:** R-1-7.5; **ASSESSOR'S MAP:** 39 1E 15 AB; **TAX LOT:** 7300

**VI. TYPE II REVIEWS**

**PLANNING ACTION:** PA- 2018-00154

**SUBJECT PROPERTY:** 601 Washington Street

**OWNER/APPLICANT:** South Ashland Business Park LLC

**DESCRIPTION:** A request for Annexation of a 5.38-acre parcel, Zone Change from County RR-5 Rural Residential) to City E-1 (Employment), and Site Design Review approval for the phased development of a light industrial business park for the property located at 601 Washington Street. The application includes a request for a Conditional Use Permit to allow a watchman's dwelling; Limited Use/Activity Permits within the Water Resource Protection Zones of Knoll Creek and a Possible Wetland on the property to construct a stormwater outfall and street improvements; an Exception to Street Standards for the frontage improvements along the property's Washington Street frontage; and a Tree Removal Permit to remove four trees greater than six-inches in diameter at breast height (d.b.h.).

**COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING: Existing** – County RR-5, **Proposed** – City E-1; **ASSESSOR'S MAP:** 39 1E 14 AB; **TAX LOT:** 2800

**VII. STREET TREE REMOVAL PERMITS**

None

**VIII. DISCUSSION**

1. Wildfire Draft Ordinance
2. Ashland Canal Advisory Group Invitation
3. Public Works Memo on Tree Removal and Curb Bump Out Policy
4. Tree of the Year Results

**IX. ADJOURNMENT**

**Next Meeting:** April 5, 2018



# CITY OF ASHLAND



## TREE COMMISSION MINUTES

Draft February 8, 2018

<b>Commissioners Present:</b>	<b>Parks Liaison</b>
Christopher John	Peter Baughman
Mike Oxendine	
Asa Cates	<b>Staff Present:</b>
	Derek Severson
<b>Commissioners Absent:</b>	
Neff	

**I. CALL TO ORDER**

Commission Chair John called the meeting to order at 6:00 p.m. in the Siskiyou Room of the Community Development and Engineering Services Building located at 51 Winburn Way.

**II. APPROVAL OF MINUTES**

Oxendine/Cates m/s to approve the minutes of January 4, 2018 as presented.

**III. ANNOUNCEMENTS & LIAISON REPORTS**

- Council Liaison (None)
- Parks & Recreation Liaison Peter Baughman reported that he is working with Planning staff to renew the land use permit for Parks’ on-going maintenance of the creek corridor trees in Lithia Park.
- Community Development Liaison Derek Severson reported that Nathan Emerson was absent due to family leave and should be back for the March meeting.

**IV. PUBLIC FORUM**

None.

**V. TYPE I REVIEWS**

**PLANNING ACTION:** PA- 2018-00024

**SUBJECT PROPERTY:** 485 East Main Street

**OWNER/APPLICANT:** Chris Hald

**DESCRIPTION:** A request for Tree Removal Permit to remove a tree on the property at 485 East Main Street that is currently lifting up and damaging the pavement in the parking lot.

**COMPREHENSIVE PLAN DESIGNATION:** Commercial; **ZONING:** C-1; **ASSESSOR’S MAP:** 39 1E 09 BD; **TAX LOT:** 600

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

Cates noted that he had made a site visit to the property.

Severson gave a brief staff report explaining that the request was to remove a tree that growing in contact with the stair landing and lifting and damaging surrounding pavement, as illustrated in photos provided with the application, and the removal was requested to alleviate these issues.

Property owner and applicant Chris Hald noted that the tree, an Ailanthus, was a volunteer that should have been removed previously and that it also drops branches on cars in the parking area. Hald pointed out that the tree wraps around the landing by approximately four-inches. Hald noted in response to a question from Commissioner John that there is little unpaved on the property where a mitigation tree could be planted.

**John/Oxendine m/s to approve the request. Voice vote: All AYES. Motion passed.**

**PLANNING ACTION:** PA- 2017-02332

**SUBJECT PROPERTY:** 164 & 172 Clear Creek Drive

**OWNER:** Kerry K. Kencairn Revocable Living Trust

**APPLICANT:** Magnolia Fine Homes, LLC

**DESCRIPTION:** A request for Site Design Review approval to construct two new three-story, attached wall, mixed-use buildings for the two properties located at 164 and 172 Clear Creek Drive. The proposed buildings are 3,060 square feet each and would consist of ground floor commercial space with one upper level, two-bedroom residential condominium on each lot. The application also includes a request for Exception to the Site Development and Design Standards to allow 35.5 percent of the ground floor space to be dedicated to residential use (foyer and garage) where 35 percent is the maximum typically allowed.

**COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP:** 39 1E 09 BA; **TAX LOT:** 14706 & 14707

Severson gave a brief staff report, noting that the application did not include a tree removal request and was presented only for any comments the Commission might have with regard to the proposed landscaping plan.

No one was present on the applicant's side to speak.

**Oxendine/John m/s to approve the application as submitted. Voice vote: All AYES. Motion passed.**

**PLANNING ACTION:** PA-2018-00095  
**SUBJECT PROPERTY:** 1068 East Main Street  
**OWNER:** Marcel Verzeano Trust (Paulena E.C. Verzeano, *trustee*)  
**APPLICANT:** KDA Homes, LLC  
**DESCRIPTION:** A request for a Tree Removal Permit to remove a 26-inch diameter-at-breast-height Douglas Fir tree from the property at 1068 East Main Street. *(This request modifies PA #2017-02134, the subdivision approval where the tree was previously identified to be preserved and protected as Tree #12. The project arborist notes that the tree has a co-dominant leader with included bark which is causing an extremely weak connection at a point ten feet up the 60-foot tall tree, posing a hazard that the upper portion of the tree will split and fall. The applicants would also like to discuss the requirement that Trees #1, #2, #7, #8 and #9 be fully enclosed with tree protection fencing and the East Main Driveway closed during construction, and request to utilize the driveway during work to move and remodel the existing house on the property.)*  
**COMPREHENSIVE PLAN DESIGNATION:** High Density, Multi-Family Residential;  
**ZONING:** R-3/Pedestrian Places Overlay; **ASSESSOR'S MAP:** 39 1E 09AD; **TAX LOT #:** 6800 and 6801.

Applicant Mark Knox and Arborist Tom Madera explained the request, provided photos and emphasized that the driveway had been paved for a long time and they would like to use it during work to move and remodel the existing house, but not during the subdivision's site work.

Severson provided a staff report, noting that the Commission had initially reviewed this project at the Outline Plan stage, at which time the Commission recommended: **1) protection, watering and arborist supervision of work in TPZ's; 2) that Trees #1, #2, #7, #8 and #9 be fully enclosed with tree protection fencing and the East Main Street driveway closed during construction; 3) That the applicant attempt to save Tree #14 (40-inch d.b.h. Douglas Fir) near the house; and 4) That the applicants attempt to save Tree #24 (24-inch d.b.h. Oak Tree), near Mountain Avenue at the corner.**

He further explained that the applicants came back at Final Plan with requests to modify the original decision to remove Trees #14 and #24 which they determined could not be preserved given the proposed construction in their vicinity. There was no quorum on the Tree Commission to consider this request, and the Planning Commission ultimately approved the removal of these two trees.

He noted that the current request has to do with a 26-inch d.b.h Douglas Fir previously identified as Tree #12. While it was missed at the subdivision level, subsequent visits by the project arborist have noted that this tree has a co-dominant leader with included bark causing an extremely weak connection

approximately ten feet up the 60-foot tall tree, and the applicants are requesting to be able to remove it for the hazard posed. Severson distributed staff photos.

In addition, at the subdivision level the Commission had recommended and the Planning Commission required that **Trees #1, #2, #7, #8 and #9** be fully enclosed with tree protection fencing and the East Main Driveway closed during construction. Staff has allowed individual protection of these trees and for the driveway to remain open during the house move given the logistics of circulating to move the house, but we have indicated once the house move is complete the trees need to be fully fenced and the driveway closed. The applicants would like to further discuss this requirement with the Commission as closing the site's only driveway poses some logistical complications during site development, and specifically would like to use the driveway during the house move by Doc Chapman and subsequent remodeling, but would then close the drive during site work for the subdivision improvements.

Cates explained the basis of the recommendation to the applicants, and noted that Tree #18 also has a split top.

All three Commissioners noted that in visiting the site they felt that the tree protection and signage looked good, and they appreciated seeing tree protection zones that extended well out from the trunks. Knox noted that Madera had been on site supervising.

John noted that with regard to the split top, a "U" has been shown to be significantly stronger than a "V" form, and in his professional opinion this form could be cabled. He noted that Tree #13 has historically had Tree #12 and Tree#14 nearby for protection in winds, and feels that the removal of #12 after #14 is removed would increase the danger to Tree #13. He recommended that the tree be pruned and cabled to reduce the likelihood of the top splitting. He further suggested that the use of the driveway during the house move and remodeling seemed like common sense. Oxendine concurred with John's assessment. John emphasized that the project on the whole has done well with regard to the protection of significant trees. Madera noted that he was still concerned that the included bark suggested a split was possible.

Cates noted that a lot of the site's trees have been removed and he would like to see some extra attention focused on Tree #13. Madera noted that the stump of Tree #14 could be retained to avoid root disturbance to Tree #13. He further noted that the house and foundation were being removed from its root zone, and that it was providing shade for the proposed open space and a buffer between the house and the greater subdivision development. Cates questioned whether the tree protection fencing could be expanded to cover the full protection zone to

avoid storage of materials or other root zone soil compaction given that open space was proposed in this area. Madera and Knox indicated that this was possible and they would work with the excavation contractor to see that this happened.

**John/Cates m/s to recommend that the hazard posed by Tree #12 could be mitigated with cabling and pruning by an arborist, rather than removal, and that its removal would adversely affect Tree #13. The Commission further recommended that the use of the driveway be allowed as needed for work on the existing house, that the stump of Tree #14 be retained to avoid root disturbance to #13, and that the tree protection zone for Tree #13 be expanded once the house is moved to avoid storage of equipment and materials in the area. Voice vote: All AYES. Motion passed.**

**PLANNING ACTION:** PA-2018-00225

**SUBJECT PROPERTY:** 438 Wightman Street (*South of Shasta Hall/481 Stadium Street, near the corner of Stadium and Ashland Streets*).

**OWNER/APPLICANT:** Southern Oregon University

**DESCRIPTION:** A request for a Tree Removal Permit to remove four Leyland Cypress trees from the University property at 438 Wightman Street (south of Shasta Residence Hall at 481 Stadium Street, near the corner of Stadium & Ashland Streets). The application explains that these trees have declined due to a combination of drought stress and Cypress Bark Beetles (*Phloeosinus*), and other dead cypress which were previously removed in the vicinity showed signs of beetle infestation. (*These trees were previously identified to be preserved and protected in PA #2011-01576, the North Campus Village project.*)

**COMPREHENSIVE PLAN DESIGNATION:** Southern Oregon University; **ZONING:** SO;

**ASSESSOR'S MAP:** 39 1E 10CD; **TAX LOT #:** 4200.

Commissioner Oxendine recused himself as serving as the University's arborist posed an actual conflict of interest in this matter.

Severson provided a brief staff report, explaining that the removals were requested due to a combination of drought stress and the presence of cypress bark beetles. Severson further noted that the application proposes to create a long planting bed in this location to accommodate the planting of mitigation trees (and other specimens). He explained that the University adopts a Master Plan in cooperation with the City Council which is then adopted by the city ordinance every ten years. The current master plan, which was modified with the dorm construction a few years ago, identifies a future mixed-use university building along the street where these trees are located and Planning staff would like to work with the University to identify specific planting locations for mitigation trees to avoid large-stature tree plantings to avoid creating future conflicts in this area

identified for a future building to be constructed. Severson concluded that the applicants had done some maintenance pruning of these trees today in order to avoid branches touching surrounding trees and thus spreading beetles.

Commissioners discussed cypresses and beetles, with John noting that the trees typically cannot come back from infestation. Commissioners noted that the proposed three-for-one mitigation was above and beyond the code's requirements.

**Cates/John m/s to approve with the mitigation proposed by the applicants.  
Voice vote: All AYES. Motion passed.**

**VI. TYPE II or TYPE III REVIEWS**

None.

**VII. STREET TREE REMOVAL PERMITS**

**PLANNING ACTION:** PW-2018-00043

**SUBJECT PROPERTY:** 508 North Main Street

**APPLICANT:** Jasmine Lillich for owners John & Kristen Lillich

**DESCRIPTION:** A request for a Street Tree Removal Permit to remove a 34-inch diameter Fir tree located on the Glenn Street frontage of the property at 508 North Main Street. The application requests the removal on the basis of the tree posing a hazard, noting that the tree has begun to lean and that the root growth has damaged a fence and sidewalk.

John noted that he had given a bid on a project on the site years ago, but that it had not involved this tree. He stated that he didn't believe this would prejudice his review of the application or that it posed any actual or potential conflict with the current request. Other Commissioners were comfortable with his participation.

Severson gave a brief staff report, noting that the removal was requested because the tree had begun to lean and its root growth was damaging the adjacent fencing and sidewalk.

No one was present to speak on the applicants' behalf.

Oxendine, John and Baughman all noted that this was a very healthy tree. Oxendine further noted that he thought the sidewalk noted as being damaged was a walkway poured in "easy mix" concrete that was not properly installed and that the damage was as much attributed to the site preparation and materials as to the tree. Oxendine and Cates noted that the tree showed good growth and good

“reaction wood.” Commissioners discussed the need for a more detailed tree assessment form, noting that in the case of 485 East Main the photos were sufficiently detailed to illustrate the issue but that in most cases including this one a more detailed assessment form was needed to illustrate that the applicants had thoroughly considered the tree’s condition and options for treatment.

After further discussion, Commissioners did not feel that the applicant had met the burden of proof in demonstrating that the tree posed a hazard.

**Cates/Oxendine m/s to deny the request. Voice vote: All AYES. Motion passed.**

### VIII. DISCUSSION

- **Tree of the Year Update (*Voting underway during February*)**

Severson explained that the on-line voting was live and would continue through the month of February. Vote tallies will be brought to the March meeting for consideration.

He indicated that in March, the Commission might want to consider whether they wanted to give plaques to two trees (i.e. one for 2017 and one for 2016) and also whether a plaque should be given to the city’s first Heritage Tree, Silver Maple at SOU. He suggested that these might be good events to consider for the Arbor Day celebration.

- **March 20, 2018 Annual Presentation to City Council & Annual Arbor Day/Week Proclamation**

Severson asked whether a Tree Commissioner was available to make this brief presentation to the Council which typically recounts accomplishments from the past year - planning actions reviewed, arbor day/tree plantings - and most importantly in his view provides an opportunity to promote upcoming Arbor Day activities on live television. Oxendine noted that he would be available for this presentation, and Cates noted that he would likely attend as well.

- **April 21, 2018 Earth Day Tabling Opportunity (11:00 a.m. to 4:00 p.m.)**

Severson asked if Commissioners were going to be available and had interest in tabling at SOU for Earth Day. He noted that the Commission had paid to table last year but did not ultimately have a presence, and it would require not only the time commitment of being there to set up, table and take down, but also figuring out some sort of activity and preparing it.

Cates noted that he would be available for set-up. Oxendine noted that he could help with set-up and in developing an activity, but that he would not be there for the tabling. John noted that he would be available to table.

Cates noted that there would be at least one other tree-focused booth, and he thought it might be advisable to arrange to be placed near this booth and near the City's Conservation booth as well.

- **April 1-7, 2018 Arbor Week and April 27, 2018 Arbor Day**

Severson suggested looking at activities that would celebrate Arbor Day/Week and promote the Commission without requiring significant effort such as:

- Tree of the Year Ceremony *and/or*
- Heritage Tree Ceremony at SOU
- A Tree Walk at SOU with one or more Commissioners
- A Tree Planting (near or at SOU) with one or more Commissioners...

Baughman noted that he thought a tree planting could be arranged. Cates, Oxendine and John noted that they would like to be present for the tree planting and help in the planning.

Oxendine noted that he would be out beginning on April 7<sup>th</sup> for approximately two weeks, and noted that he had yet to begin planning any activities for SOU's Arbor Week. He suggested that it might be in May to better relate to the tree carnival in Medford on May 12<sup>th</sup>... Commissioners discussed that May 11<sup>th</sup> might be a good "lead-up" date to the activities in Medford.

Oxendine noted that he was on the board for Oregon Community Trees as well, and would be participating in the planting of Redwood Trees in Eugene on March 2<sup>nd</sup>. Eugene will be hosting the World Outdoor Track & Field Championship in 2020, expecting 400,000 participants/people to show up. They have done a carbon emissions report off of the Eugene Olympic trials which had 395,000 people attend. That report showed that 395,000 people put off 36 million tons of CO<sub>2</sub>. They did the calculations on the sixty-five year projected growth plan for Giant Sequa's and if they planted 2021 by 2021 they will sequester enough CO<sub>2</sub> to offset the 2020 event.

**IX. ADJOURNMENT:** The meeting was adjourned at 7:23. Severson noted that the next meeting would be on March 8, 2018.



**NOTICE OF APPLICATION**

**PLANNING ACTION:** PA- 2018-00241

**SUBJECT PROPERTY:** 114 Granite Street

**OWNER/APPLICANT:** Mardi Mastain

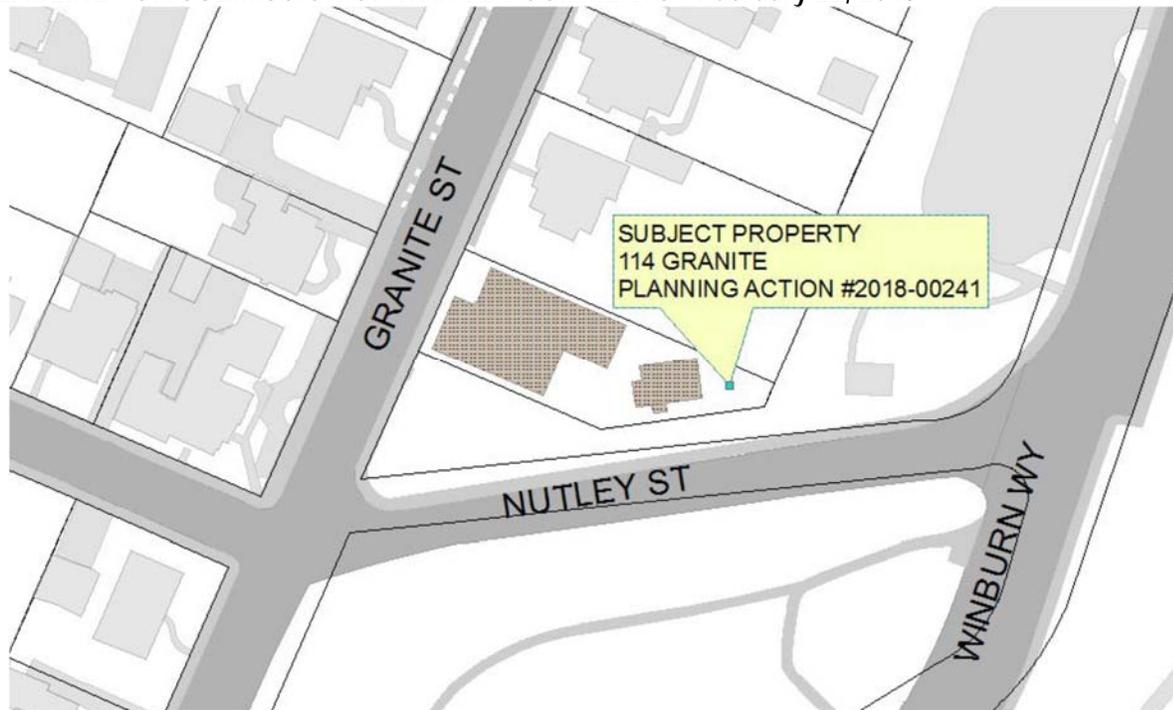
**DESCRIPTION:** A request for a Tree Removal Permit to remove a 27-inch DBH (diameter at breast height) Maple Tree in the Northwest Corner of the property. This is a modification to a previous planning approval (PA-2017-00235) that proposed to retain this tree. The application states the discovery of percolating water will require more excavation, further jeopardizing the health of the tree and presenting a foreseeable danger of property damage. **COMPREHENSIVE PLAN**

**DESIGNATION:** Single-Family Residential; **ZONING:** R-1-7.5; **ASSESSOR'S MAP:** 39 1E 09BC; **TAX LOT #:** 3401

The Ashland Tree Commission will also review this Planning Action on **Thursday, March 8, 2018 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**NOTICE OF COMPLETE APPLICATION:** February 8, 2018

**DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS:** February 22, 2018



The Ashland Planning Division Staff has received a complete application for the property noted above.

Any affected property owner or resident has a right to submit written comments to the City of Ashland Planning Division, 51 Winburn Way, Ashland, Oregon 97520 prior to 4:30 p.m. on the deadline date shown above.

Ashland Planning Division Staff determine if a Land Use application is complete within 30 days of submittal. Upon determination of completeness, a notice is sent to surrounding properties within 200 feet of the property submitting application which allows for a 14 day comment period. After the comment period and not more than 45 days from the application being deemed complete, the Planning Division Staff shall make a final decision on the application. A notice of decision is mailed to the same properties within 5 days of decision. An appeal to the Planning Commission of the Planning Division Staff's decision must be made in writing to the Ashland Planning Division within 12 days from the date of the mailing of final decision. (AMC 18.5.1.050.G)

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Department to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Division, Community Development & Engineering Services Building, 51 Winburn Way, Ashland, Oregon 97520.

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division at 541-488-5305.

## TREE REMOVAL PERMIT

### 18.5.7.040.B

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 or 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.

RECEIVED

FEB 01 2018

City Of Ashland

January 31, 2018

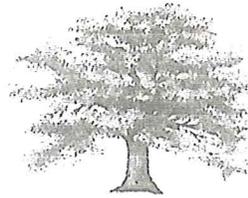
Maple Tree: The Maple tree was originally considered for removal but we chose to preserve it. Now, with these pending issues, the Maple tree needs to come down. We would appreciate being able to remove the tree now so construction can continue without delay.

A. Dec 19 2017 Info from Amy Gunter: The following statement from Amy substantiates the finding of fact for tree removal.

A modification of the approval for the removal of the 27-inch DBH Maple tree in the NW corner of the property (#5 on tree protection and removal plan) is required. During the site excavation to locate native soil / suitable subgrade for basement construction, soft soil was discovered, further excavation lead to the discovery of percolating water. According to the project geo-tech and structural engineering, the percolating water issue can be resolved, but requires substantially more excavation and then fill compaction in close proximity to the Maple tree's critical root zone than previously anticipated. In order to meet the compaction needs to form a suitable base for construction, heavy equipment, not hand compactors are necessary to meet the geo-techs recommendations for construction of the foundation. The additional excavation and mechanical compaction will have a negative impact on the trees root system. The Maple was originally considered for removal but was retained due to it's stature and though not excellent, the tree was in fair to moderate condition and with the proposed driveway bridge system, it was a viable candidate for preservation. Upon the discovery of percolating water and the need to over-excavate to provide adequate structural footing for the basement, the Maple tree is in a location that presents a foreseeable danger of property damage that cannot be alleviated by treatment, relocation or pruning.

B. Letter from S. Oregon Tree Care: Please see attached, S. OR Tree Care\_Maple Tree Removal Letter.pdf. I received this letter today.

# SOUTHERN OREGON TREE CARE, LLC



October 19, 2015

I was contacted in September of 2015 by Mardi Mastain regarding a big leaf maple (*Acer macrophyllum*), a black locust (*Robinia pseudoacacia*) and an Oregon white oak (*Quercus garryana*) located at 114 Granite St. in Ashland Oregon. She requested that I write a report as part of her permit process to remove the trees for a building project she intends to do at this location.

I visited the site on October 2nd 2015 and observed a mature oak tree that is showing signs of decline. This observation of decline was based off the canopy being very sparse for this species. The tree was 29 inches DBH (diameter at breast height). The tree is located inside the foot print of her proposed home. The home is the reason for this removal process. There is a big leaf maple in the front that is not inside the proposed home but will be impacted significantly in the construction process. This tree is 28 inches DBH. This species is intolerant of fill soils (Matheny & Clark 1998) and will likely have significant fill around it to provide for the driveway and garage that are to be next to the tree. The final tree is the locust; this tree is struggling as well. There are large, dead tops protruding out of its canopy suggesting it is dying or at least had significant root damage, possibly from when the sidewalk nearby was constructed. This property is located on a hillside limiting construction options and Ms. Mastain is planning to preserve many other large trees at great additional expense. I don't believe these removals will have a significant impact to tree canopy densities as the oak and locust are already declining significantly, the maple will not likely survive much change of grades around it and the fact that there are 3 large redwoods, a Siberian elm and many other smaller trees on her lot to be preserved. I prepared a tree preservation plan for Ms. Mastain earlier this month that I believe can be made available if necessary to see the steps she plans to take to preserve these remaining trees. Feel free to contact us with any questions regarding this project.

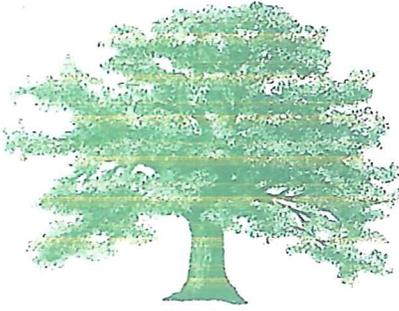
A handwritten signature in black ink, appearing to be 'Willie Gingg', written over a horizontal line.

Willie Gingg

A handwritten date '10-19-15' in black ink, written over a horizontal line.

Date

**RECEIVED**  
FEB 01 2018  
City Of Ashland



# SOUTHERN OREGON TREE CARE, LLC

P.O. Box 5140  
Central Point, Oregon 97502  
(541) 772-0404  
(541) 772-0804 Fax

On January 18<sup>th</sup>, 2018, I received an email from Mardi Mastain at 114 Granite Street in Ashland, OR. In this email she requested that I write a letter requesting permission from the City to remove a bigleaf maple (*Acer macrophyllum*) located near the northern corner of her lot. This tree is part of a previous report for a large building project located at the above address. Originally this tree was marked to be preserved but several issues have come up regarding the trees health and the safety of construction crews. In her email she stated, "May Rock & Excavation refuses to continue excavating in fear that the tree will fall on their excavator and cause serious injury."

I made a site visit on January 4<sup>th</sup>, 2018 around 4 PM. I noticed there was a deep pit excavated down to about 10 feet below the base of the tree. In speaking with Mardi and her previous contractor on December 7<sup>th</sup>, 2017, it is my understanding that the excavation will need to continue all the way across the east property line coming within 7 feet of the trunk and at least down to the 10 feet below the trunk level. This will be well within the Critical Root Zone, which is approximately 21 feet radius for this 28" Diameter at Breast Height tree. This species is relatively tolerant of root pruning but other factors that compound this intrusion into the CRZ the sidewalk on the opposite side of the tree is 10 feet from the trunk on that side and to the west there will be excavation within 20 feet of the trunk. This tree I expect will lose approximately 70 percent of its root system. The stability of the tree after the proposed excavation I can not say will make the tree and immediate hazard, but I would say there will be a reasonable cause for concern for those working beneath the tree during heavy winter weather. If this tree remains, it may survive through the construction phase, but I would expect it to decline over the next few years presenting an awkward and more expensive removal at that time. Please feel free to contact me with any questions regarding this matter.

\_\_\_\_\_  
Willie Gingg

I.S.A. Board Certified Master Arborist  
Southern Oregon Tree Care, Llc

\_\_\_\_\_ ( ~ Jan 29, 2018 )  
Date

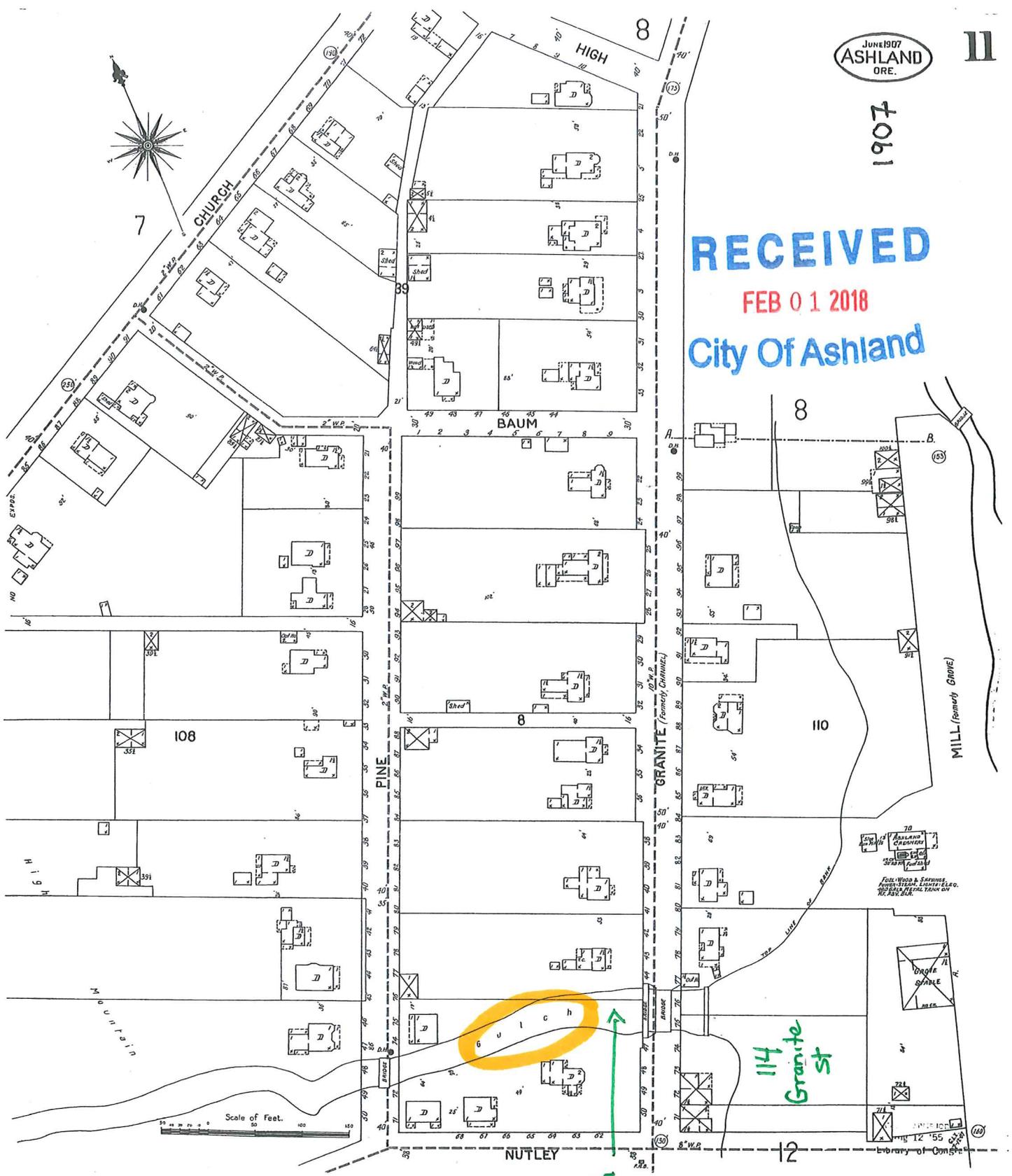
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**FEB 01 2018**  
**City Of Ashland**

JUNE 1907  
ASHLAND  
ORE.

11

1907

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FEB 01 2018  
City Of Ashland



Gulch

114  
Granite  
St

78  
ASHLAND  
CITY ENGINEER  
J. W. BROWN  
1907  
FULL WIDTH & SERVICE  
POWER STREET, LIGHTS/ELEC.  
100 FEET FROM TRUNKWAY  
N. ASH, S. C.

GRAVE  
SAMPLE

LIBRARY OF CONGRESS

Maple Tree ↓

January 2018



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City Of Ashland

114 Granite St Ashland



**NOTICE OF APPLICATION**

**PLANNING ACTION:** PA-2018-00252

**SUBJECT PROPERTY:** 295 Tolman Creek Rd. A-1

**OWNER/APPLICANT:** Don Flickinger

**DESCRIPTION:** A request for a Tree Removal Permit at 295 Tolman Creek Rd to remove a 15-inch diameter-at-breast-height Maple tree that is damaging the foundation of the adjacent apartment building.

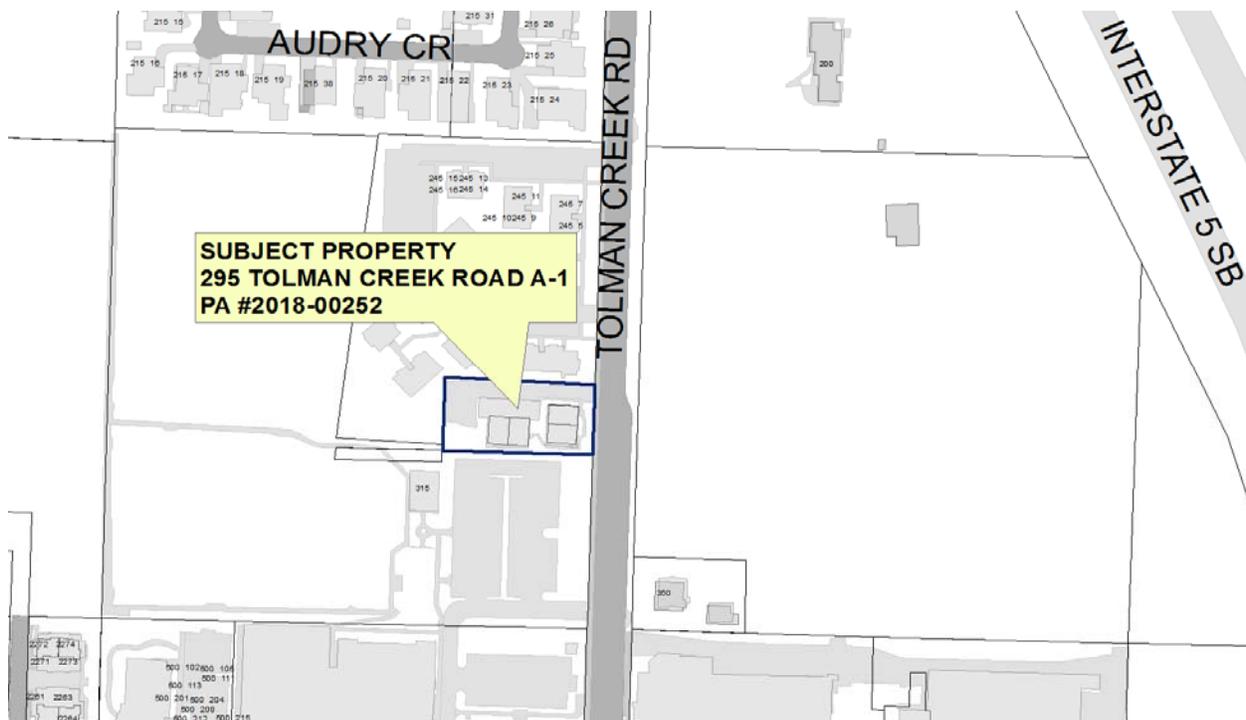
**COMPREHENSIVE PLAN DESIGNATION:** Low Density, Multi-Family Residential; **ZONING:** R-2;

**ASSESSOR'S MAP:** 39 1E 11 CD; **TAX LOT:** 90001

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **Thursday, March 8, 2018 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**NOTICE OF COMPLETE APPLICATION:** February 28, 2018

**DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS:** March 14, 2018



The Ashland Planning Division Staff has received a complete application for the property noted above.

Any affected property owner or resident has a right to submit written comments to the City of Ashland Planning Division, 51 Winburn Way, Ashland, Oregon 97520 prior to 4:30 p.m. on the deadline date shown above.

Ashland Planning Division Staff determine if a Land Use application is complete within 30 days of submittal. Upon determination of completeness, a notice is sent to surrounding properties within 200 feet of the property submitting application which allows for a 14 day comment period. After the comment period and not more than 45 days from the application being deemed complete, the Planning Division Staff shall make a final decision on the application. A notice of decision is mailed to the same properties within 5 days of decision. An appeal to the Planning Commission of the Planning Division Staff's decision must be made in writing to the Ashland Planning Division within 12 days from the date of the mailing of final decision. (AMC 18.5.1.050.G)

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Department to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Division, Community Development & Engineering Services Building, 51 Winburn Way, Ashland, Oregon 97520.

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division at 541-488-5305.

TREE REMOVAL PERMIT

18.5.7.040.B

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.



# Basic Tree Risk Assessment Form

Client \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
 Address/Tree location \_\_\_\_\_ Tree no. \_\_\_\_\_ Sheet \_\_\_\_\_ of \_\_\_\_\_  
 Tree species \_\_\_\_\_ dbh \_\_\_\_\_ Height \_\_\_\_\_ Crown spread dia. \_\_\_\_\_  
 Assessor(s) \_\_\_\_\_ Time frame \_\_\_\_\_ Tools used \_\_\_\_\_

## Target Assessment

Target number	Target description	Target zone			Occupancy rate 1 – rare 2 – occasional 3 – frequent 4 – constant	Practical to move target?	Restriction practical?
		Target within drip line	Target within 1 x Ht.	Target within 1.5 x Ht.			
1							
2							
3							
4							

## Site Factors

**History of failures** \_\_\_\_\_ **Topography** Flat  Slope  \_\_\_\_\_ % **Aspect** \_\_\_\_\_  
**Site changes** None  Grade change  Site clearing  Changed soil hydrology  Root cuts  Describe \_\_\_\_\_  
**Soil conditions** Limited volume  Saturated  Shallow  Compacted  Pavement over roots  \_\_\_\_\_ % Describe \_\_\_\_\_  
**Prevailing wind direction** \_\_\_\_\_ **Common weather** Strong winds  Ice  Snow  Heavy rain  Describe \_\_\_\_\_

## Tree Health and Species Profile

**Vigor** Low  Normal  High  **Foliage** None (seasonal)  None (dead)  Normal \_\_\_\_\_ % Chlorotic \_\_\_\_\_ % Necrotic \_\_\_\_\_ %  
**Pests** \_\_\_\_\_ **Abiotic** \_\_\_\_\_  
**Species failure profile** Branches  Trunk  Roots  Describe \_\_\_\_\_

## Load Factors

**Wind exposure** Protected  Partial  Full  Wind funneling  \_\_\_\_\_ **Relative crown size** Small  Medium  Large   
**Crown density** Sparse  Normal  Dense  **Interior branches** Few  Normal  Dense  **Vines/Mistletoe/Moss**  \_\_\_\_\_  
**Recent or planned change in load factors** \_\_\_\_\_

## Tree Defects and Conditions Affecting the Likelihood of Failure

### — Crown and Branches —

Unbalanced crown  LCR \_\_\_\_\_ % Cracks  \_\_\_\_\_ Lightning damage   
 Dead twigs/branches  \_\_\_\_\_ % overall Max. dia. \_\_\_\_\_ Codominant  \_\_\_\_\_ Included bark   
 Broken/Hangers Number \_\_\_\_\_ Max. dia. \_\_\_\_\_ Weak attachments  \_\_\_\_\_ Cavity/Nest hole \_\_\_\_\_ % circ.  
 Over-extended branches  Previous branch failures  \_\_\_\_\_ Similar branches present   
**Pruning history**  
 Crown cleaned  Thinned  Raised  Dead/Missing bark  Cankers/Galls/Burls  Sapwood damage/decay   
 Reduced  Topped  Lion-tailed  Conks  Heartwood decay  \_\_\_\_\_  
 Flush cuts  Other \_\_\_\_\_ Response growth \_\_\_\_\_  
 Main concern(s) \_\_\_\_\_

**Load on defect** N/A  Minor  Moderate  Significant  \_\_\_\_\_  
**Likelihood of failure** Improbable  Possible  Probable  Imminent  \_\_\_\_\_

### — Trunk —

Dead/Missing bark  Abnormal bark texture/color   
 Codominant stems  Included bark  Cracks   
 Sapwood damage/decay  Cankers/Galls/Burls  Sap ooze   
 Lightning damage  Heartwood decay  Conks/Mushrooms   
 Cavity/Nest hole \_\_\_\_\_ % circ. Depth \_\_\_\_\_ Poor taper   
 Lean \_\_\_\_\_ ° Corrected? \_\_\_\_\_  
 Response growth \_\_\_\_\_  
 Main concern(s) \_\_\_\_\_

**Load on defect** N/A  Minor  Moderate  Significant   
**Likelihood of failure** Improbable  Possible  Probable  Imminent

### — Roots and Root Collar —

Collar buried/Not visible  Depth \_\_\_\_\_ Stem girdling   
 Dead  Decay  Conks/Mushrooms   
 Ooze  Cavity  \_\_\_\_\_ % circ.  
 Cracks  Cut/Damaged roots  Distance from trunk \_\_\_\_\_  
 Root plate lifting  Soil weakness   
 Response growth \_\_\_\_\_  
 Main concern(s) \_\_\_\_\_

**Load on defect** N/A  Minor  Moderate  Significant   
**Likelihood of failure** Improbable  Possible  Probable  Imminent

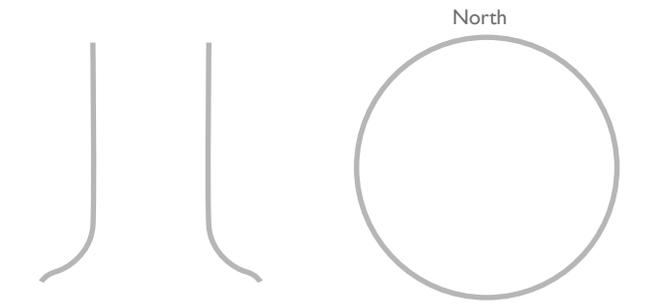
Risk Categorization																							
Condition number	Tree part	Conditions of concern	Part size	Fall distance	Target number	Target protection	Likelihood												Consequences				Risk rating of part (from Matrix 2)
							Failure				Impact				Failure & Impact (from Matrix 1)				Negligible	Minor	Significant	Severe	
							Improbable	Possible	Probable	Imminent	Very low	Low	Medium	High	Unlikely	Somewhat	Likely	Very likely					
1																							
2																							
3																							
4																							

Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impacting Target			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely


Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low



Notes, explanations, descriptions \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Mitigation options \_\_\_\_\_ Residual risk \_\_\_\_\_  
 \_\_\_\_\_ Residual risk \_\_\_\_\_  
 \_\_\_\_\_ Residual risk \_\_\_\_\_  
 \_\_\_\_\_ Residual risk \_\_\_\_\_

Overall tree risk rating Low  Moderate  High  Extreme  Work priority 1  2  3  4   
 Overall residual risk Low  Moderate  High  Extreme  Recommended inspection interval \_\_\_\_\_  
 Data  Final  Preliminary Advanced assessment needed  No  Yes-Type/Reason \_\_\_\_\_  
 Inspection limitations  None  Visibility  Access  Vines  Root collar buried Describe \_\_\_\_\_

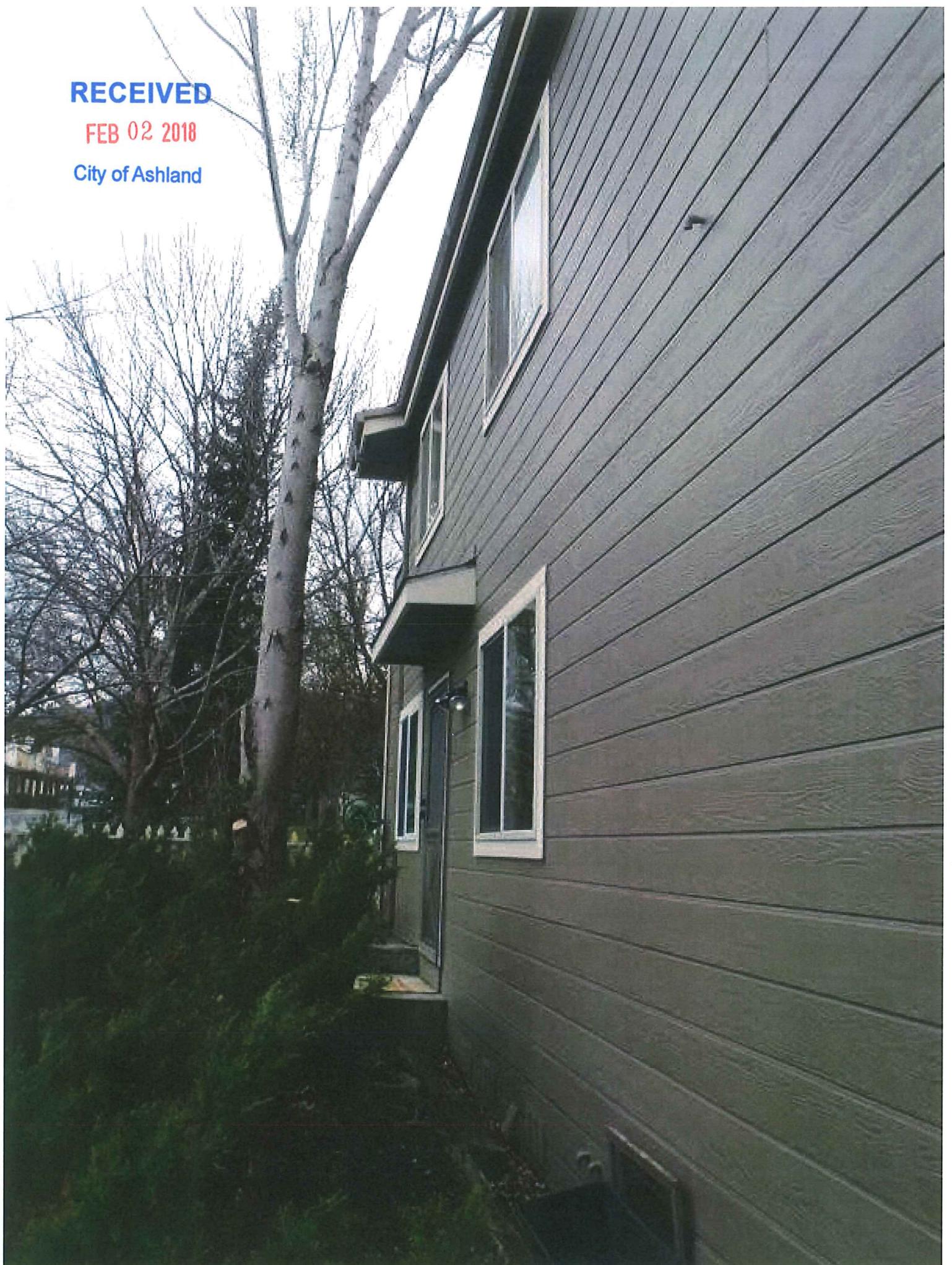


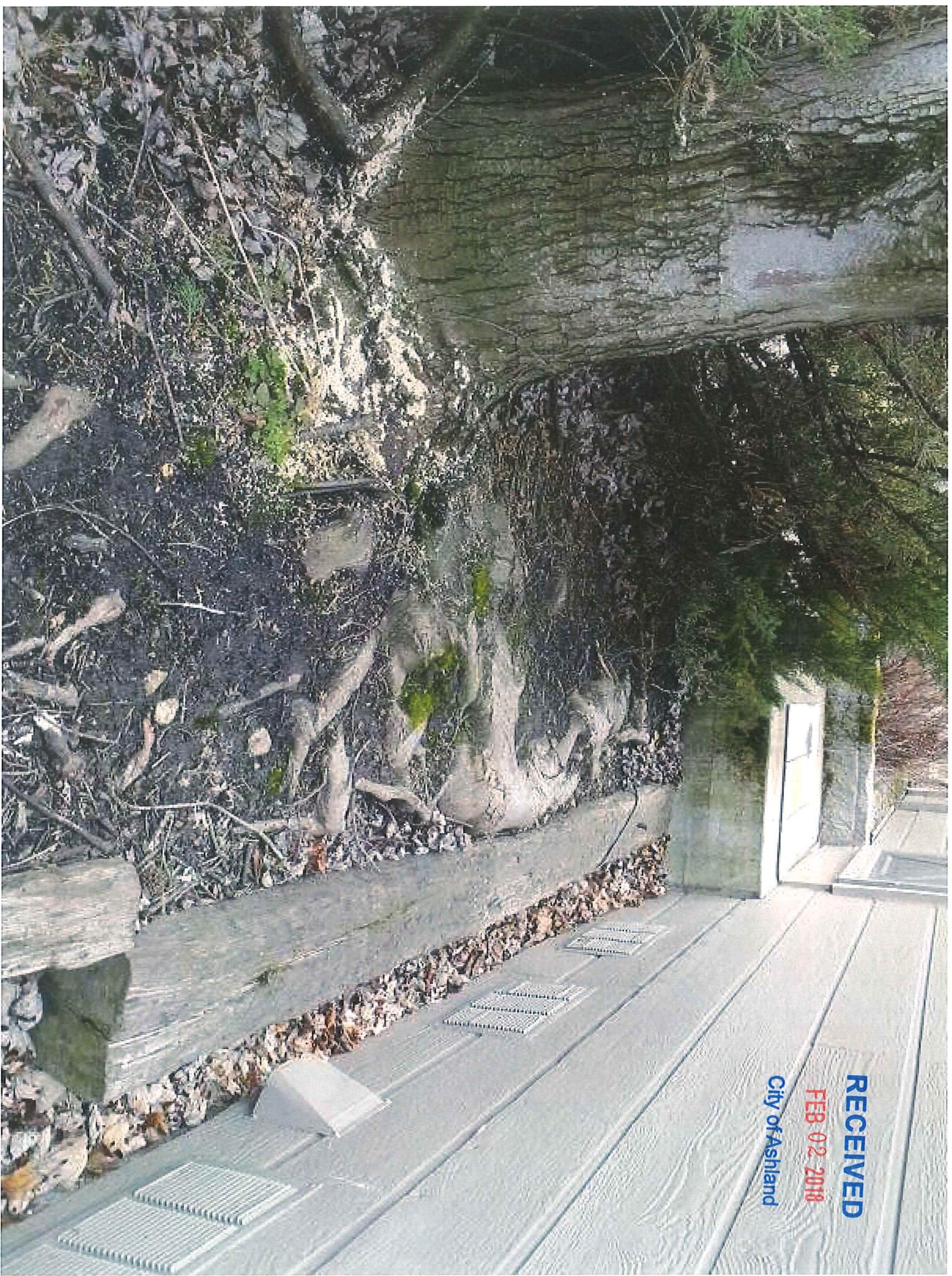
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FEB 02 2018  
City of Ashland

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**City of Ashland**

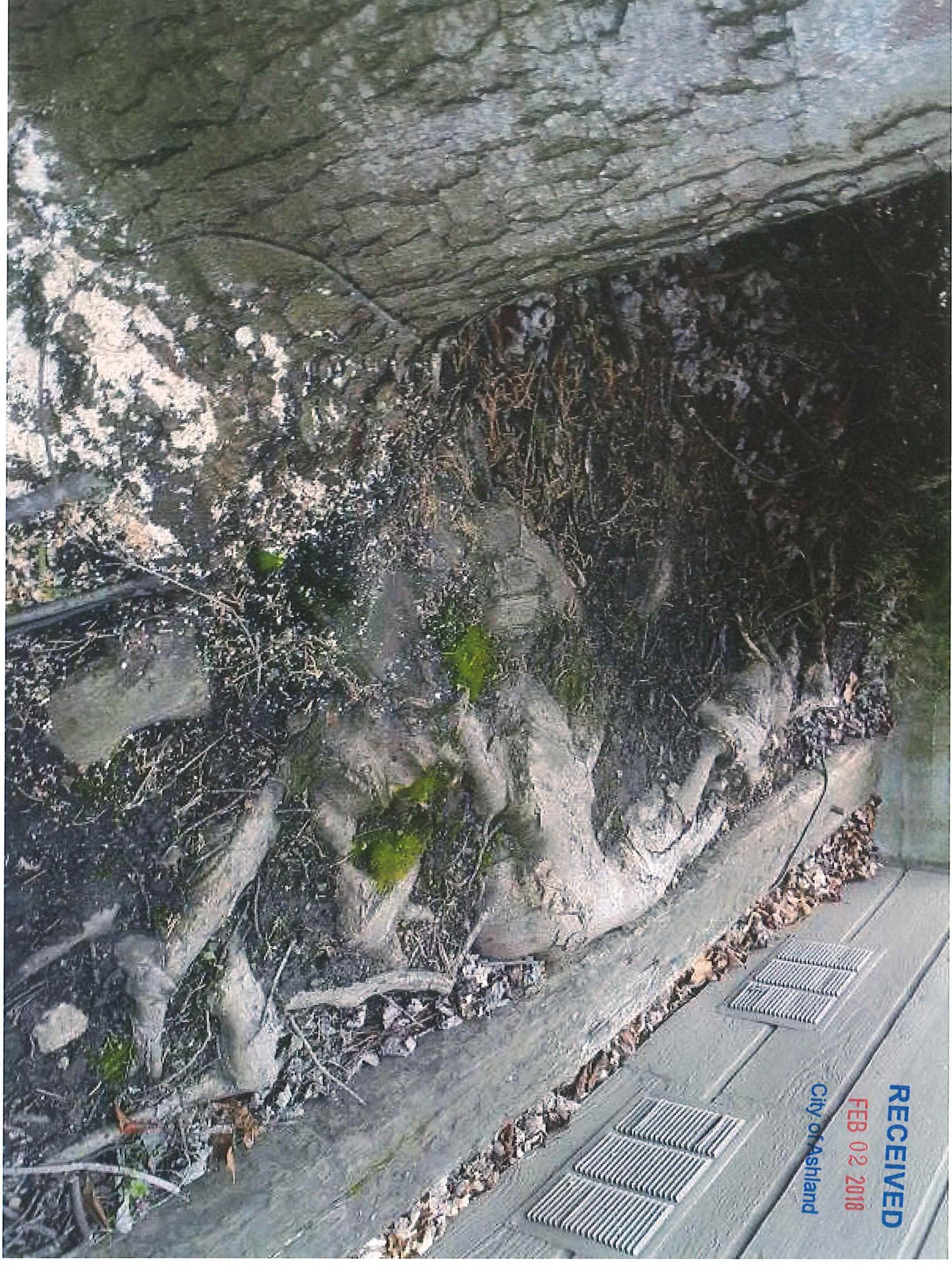




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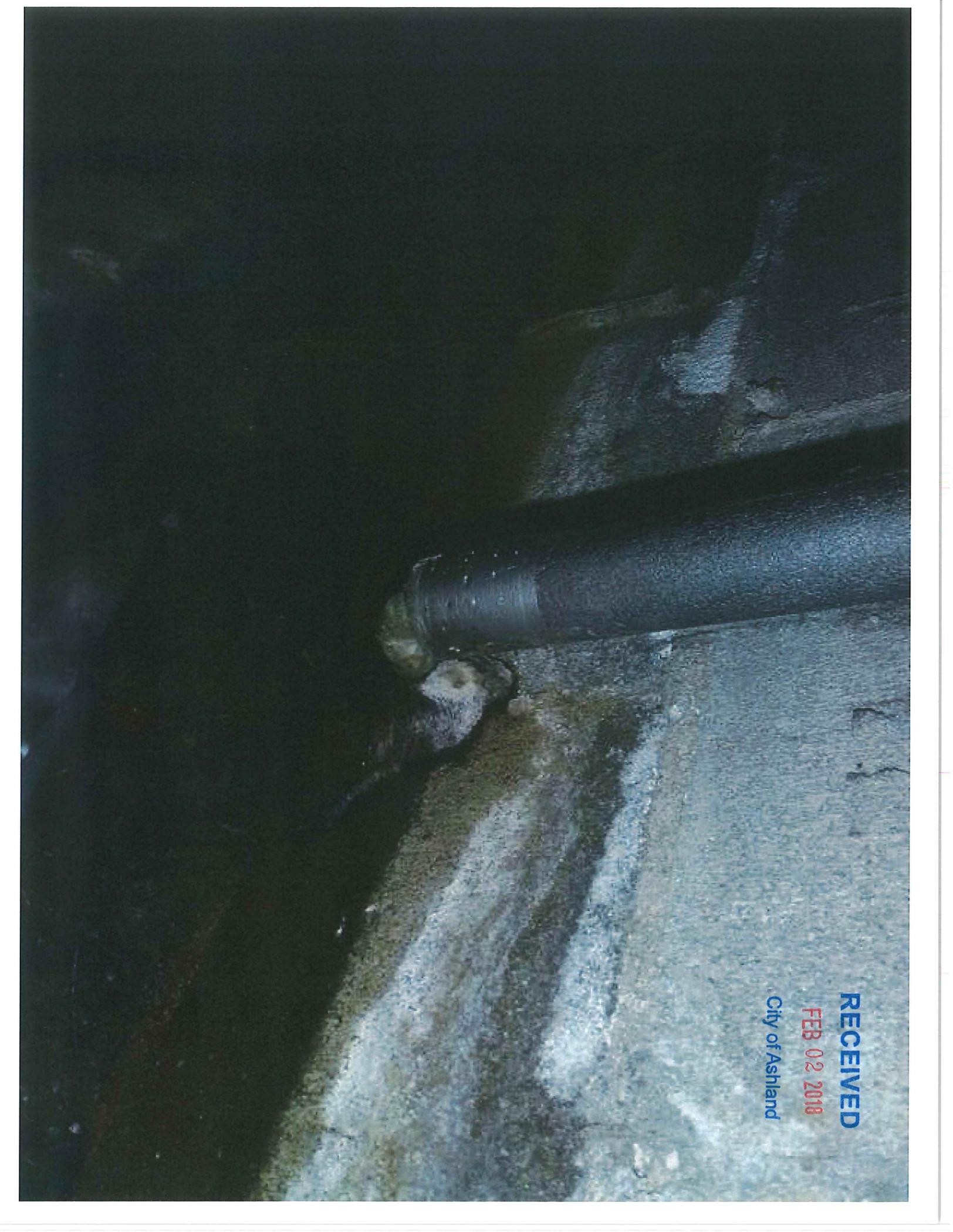
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295 TOLMAN CREEK ROAD



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CITY OF ASHLAND

20 feet

Mapping is schematic only and bears no warranty of accuracy. All features, structures, facilities, easement or roadway locations should be independently field verified for existence and/or location.



## NOTICE OF APPLICATION

**PLANNING ACTION:** PA- 2018-00403

**SUBJECT PROPERTY:** 635 Lit Way/1651 Siskiyou Boulevard

**OWNER/APPLICANT:** Asa Cates

**DESCRIPTION:** A request for a Tree Removal Permit to remove nine Black Cottonwood trees and a one Siberian Elm surrounding the pond at Hidden Springs Wellness Center for the property located at 635 Lit Way/1651 Siskiyou Boulevard. The application notes that the Cottonwoods have begun to drop limbs and the Siberian Elm has begun to uproot. The application materials note that five of the ten trees have indications of decay and three have tipped or begun to tip. The removals are requested based on the trees posing a hazard to customers on the site and to neighboring properties.

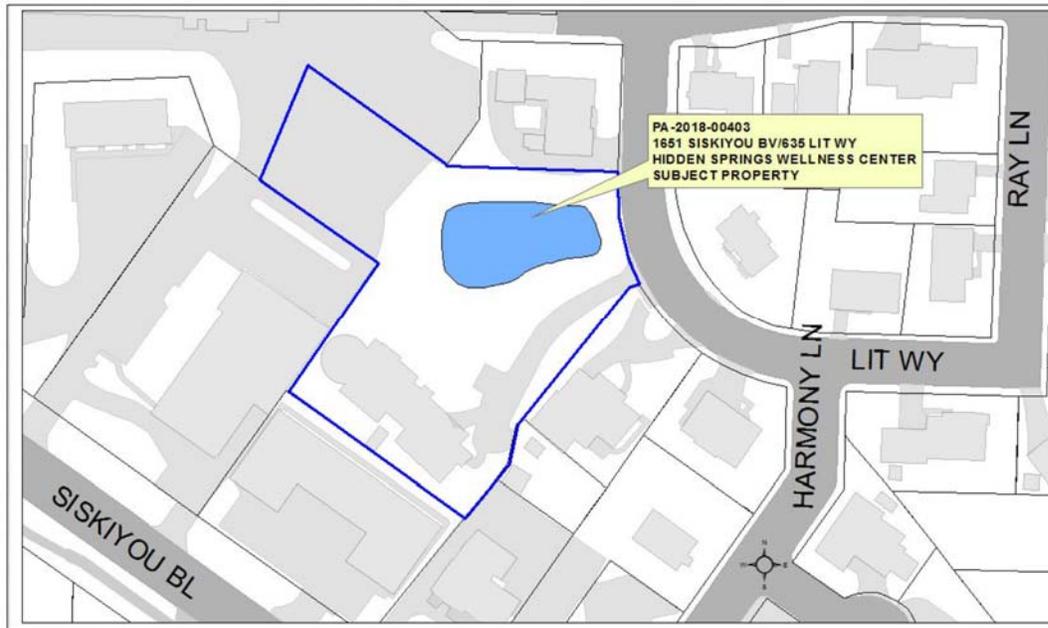
**COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential and Commercial; **ZONING:** R-1-7.5 and C-1;

**ASSESSOR'S MAP:** 39 1E 15 AB; **TAX LOT:** 7300

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **Thursday, March 8, 2018 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**NOTICE OF COMPLETE APPLICATION:** March 1, 2018

**DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS:** March 15, 2018



The Ashland Planning Division Staff has received a complete application for the property noted above.

Any affected property owner or resident has a right to submit written comments to the City of Ashland Planning Division, 51 Winburn Way, Ashland, Oregon 97520 prior to 4:30 p.m. on the deadline date shown above.

Ashland Planning Division Staff determine if a Land Use application is complete within 30 days of submittal. Upon determination of completeness, a notice is sent to surrounding properties within 200 feet of the property submitting application which allows for a 14 day comment period. After the comment period and not more than 45 days from the application being deemed complete, the Planning Division Staff shall make a final decision on the application. A notice of decision is mailed to the same properties within 5 days of decision. An appeal to the Planning Commission of the Planning Division Staff's decision must be made in writing to the Ashland Planning Division within 12 days from the date of the mailing of final decision. (AMC 18.5.1.050.G)

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Department to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Division, Community Development & Engineering Services Building, 51 Winburn Way, Ashland, Oregon 97520.

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division at 541-488-5305.

## TREE REMOVAL PERMIT

### 18.5.7.040.B

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.

Hidden Springs Tree Removal Narrative  
02/07/18

Rod And Brooks Newton, the owners of Hidden Springs Wellness Center. Expressed concern over the safety of their nine Black Cottonwood trees at 1651 Siskiyou Blvd, As well as one Siberian Elm tree. They first became aware of a potential safety hazard when the largest cottonwood lost a limb that came crashing down on the path. they hired an arborist to prune the tree and since then the tree has lost more limbs. They realized they wanted to remove any trees that are hazardous to the frequent visitors over time. The Newtowns primary concern was all the trees that lean toward the neighboring house and pets/livestock.

The Newtown's also had concerns over the safety of the remaining Black Cottonwoods. In General The Newton's expressed that They liked the trees and how they benefit the property and wildlife, particularly TREE #4 the biggest. But even though they like the trees they realized they might be the right tree in the wrong spot given the amount of foot traffic, and the species tendencies. The Trees also surround a man made pond that was built prior to the Newtons. The trees have been spreading via roots through the pond edge raising concerns of them being an invasive species. According to the army core of engineers. dams should not be planted with trees. The Newtowns expressed they would like to transition out of the hazardous Black cottonwoods to other trees over time. They wanted to include all the trees in the application to prevent applying multiple times. They also had concerns over a Siberian elm tree next to their driveway that suddenly uprooted part way. Included in this application is an Arborist Report that discusses these individual trees in more detail and three ISA TREE RISK ASSESSMENTS.

The midagatfion plan is under discussion but most likely will include replanting with natives.

City of Ashland Planning dept. told me that the property is Private Residential , however because it is being used as Commercial a Tree Removal Permit is required.

-Asa Cates-



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FEB 27 2018  
City Of Ashland

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ASA JOHN CATES (non certified Arborist)  
Licensed, Bonded and Insured.  
541-890-3416  
CCB# 207417

FEB 27 2018

City Of Ashland

### HIDDEN SPRINGS ARBORIST REPORT

Rod and Brooks, here is my arborist report. Im Happy to discuss any questions or concerns you have. All the Black Cottonwoods Appear to be vigorous with varying degrees of soundness. I tend to error on the side of trees whereas another arborist may error on the side of persons or property, as a result my assessments may be less on the risk scale than another arborists would be (or more). I encourage you to investigate additional opinions and or advice regarding any or all of your trees. As requested I completed ISA TREE RISK ASSESSMENT FORMS on trees 1-3. Upon conducting ISA Tree Risk Assessments on the trees I found them to be moderately-high to high risk, and I would recommend removal. I assessed the remaining trees to being low to moderately hazardous although the frequency of persons within the proximity varies (the more people the risk goes up.). I have listed recommendations. as well as noted an observation regarding the grove of trees as a whole (see \* below)

TREE #1\* Populus trichocarpa dbh 14" ht 40' Has a cavity at the root collar that extends below the ground as well as decaying bark witch are possible indicators of heart rot. Phototropic lean toward neighbors house I recommend removal.

TREE #2\* Populus trichocarpa dbh 20"+10" ht 45' Has codominant stems, epicormic sprouts off and old stump. with a strong likelihood to having Included bark. the basal cavities that are present I believe are from the old stump. the decaying stump may have become heart rot. Phototropic lean toward the neighbors house. I recommend removal

TREE #3\* Populus trichocarpa dbh 13"+11"+6"+7" ht 45' Has codominant stems with the possibility of included bark. The basal decay is prevalent in a large portion of bark just above the root crown. The previous failure of one of the stems revealed that the tree has heart rot, as well as damaged the fence. phototropic lean toward neighbors house. I recommend removal.

TREE #4\* Populus trichocarpa dbh 30" ht55' Has hangers and a history of loosing limbs and an over extended brach over the neighbors gazebo. has a tiny amount of bark decay. I recommend removing the hangers, pruning the over extended branch and monitoring regularly.

TREE #5 Populus trichocarpa dbh 9"+5" ht35' has a codominant stem and a phototropic lean toward the bridge and entrance, removal of the smaller stem would most likely cause basal decay. I recommend removal to give more space to tree#6 if applicable.

TREE #6 Populus trichocarpa dbh 8" ht35' Phototropic lean toward the bridge and entrance I recommend monitoring or removal.

TREE #7 Populus trichocarpa dbh 18" ht50' has dead limbs above the picnic bench. I recommend pruning the deadwood and removing the ivy at the base. monitoring. *or removal.*

TREE #8\* Populus trichocarpa dbh 17" ht40' is leaning beyond correction over the fence. I recommend propping and monitoring or removal.

TREE #9\* Populus trichocarpa dbh 33" ht40' appears to be a tree that tipped over. the resulting epicormic suckers became trunks in there own right but could tear out in the future due to being weekly attached. There have been recurring fungal fruiting bodys on the main trunk, I recommend monitoring or removal.

TREE #10\* Ulmus pumila dbh 18" ht25' Has begun to uproot I recommend guy wiring it for support and pruning for end weight reduction or removal.

**\*IT SHOULD BE NOTED\***

Five out of ten trees have positive indicators of basal decay and Three out of ten have tipped over or begone too. There are fungal fruiting bodies on one tree. Given the stats I think it is POSSIBLE there is a biotic element in the decline of the trees ( ie. root fungi) OR there is an abiotic source (ie. over saturation of soil causing an anaerobic environment.) OR there is both. I recommend monitoring all the trees and identifying the fungi species on TREE #9.

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FEB 27 2018  
City Of Ashland

RECEIVED #1

ISA Basic Tree Risk Assessment Form

Client Middleton Springs Date 1/24/17 Time FEB 27 2018 2 pm  
Address/Tree location Hidden Springs Tree no. 1 Sheet 3  
Tree species Black cottonwood dbh 19" Height 40' City of Ashland  
Assessor(s) Asa Gates Tools used Hammer + fingers Time frame 1 hr

Target Assessment

Target number	Target description	Target protection	Target zone			Occupancy rate 1-rare 2-occasional 3-frequent 4-constant	Practical to move target?	Restriction practical?
			Target within drip line	Target within 1 x Ht.	Target within 1.5 x Ht.			
1	<del>Neighbors</del> <u>Neighbors</u> <u>barbe</u>			X		3	NO	NO
2	<u>Neighbors</u> <u>haise</u>			X		4	yes	yes
3	<u>pets</u> <u>ducks</u>			X		1	NO	NO
4	<u>shed</u> <u>feuce</u>			X		0	NO	NO

Site Factors

History of failures NON/unknown Topography Flat  Slope  30 % Aspect N  
Site changes None  Grade change  Site clearing  Changed soil hydrology  Root cuts  Describe Periodic saturation/drought  
Soil conditions Limited volume  Saturated  Shallow  Compacted  Pavement over roots  Describe pond/dam  
Prevailing wind direction NW Common weather Strong winds  Ice  Snow  Heavy rain  Describe wind storms SE

Tree Health and Species Profile

Vigor Low  Normal  High  Foliage None (seasonal)  None (dead)  Normal  Chlorotic  Necrotic   
Pests/Biotic Abiotic  
Species failure profile Branches  Trunk  Roots  Describe cotton woods of same species can be prone to fall apart or tip over.

Load Factors

Wind exposure Protected  Partial  Full  Wind funneling  Relative crown size Small  Medium  Large   
Crown density Sparse  Normal  Dense  Interior branches Few  Normal  Dense  Vines/Mistletoe/Moss  IVY  
Recent or expected change in load factors Leafing out and strong spring winds.

Tree Defects and Conditions Affecting the Likelihood of Failure

— Crown and Branches —

Unbalanced crown  LCR 5 %  
 Dead twigs/branches  5 % overall Max. dia. 3"  
 Broken/Hangers Number ? Max. dia. ?  
 Over-extended branches   
 Pruning history  
 Crown cleaned  Thinned  Raised   
 Reduced  Topped  Lion-tailed   
 Flush cuts  Other \_\_\_\_\_  
 Cracks  Lightning damage   
 Codominant  Included bark   
 Weak attachments  Cavity/Nest hole  % circ.  
 Previous branch failures  Similar branches present   
 Dead/Missing bark  Cankers/Galls/Burls  Sapwood damage/decay   
 Conks  Heartwood decay  possible heart rot  
 Response growth stagnant and dead  
 Condition(s) of concern \_\_\_\_\_  
 Part Size \_\_\_\_\_ Fall Distance \_\_\_\_\_  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

— Trunk —

Dead/Missing bark  Abnormal bark texture/color   
 Codominant stems  Included bark  Cracks   
 Sapwood damage/decay  Cankers/Galls/Burls  Sap ooze   
 Lightning damage  Heartwood decay  Conks/Mushrooms   
 Cavity/Nest hole 5 % circ. Depth 1' Poor taper   
 Lean 20° Corrected? \_\_\_\_\_  
 Response growth \_\_\_\_\_  
 Condition(s) of concern Basal rot possible heart rot  
 Part Size \_\_\_\_\_ Fall Distance \_\_\_\_\_  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

— Roots and Root Collar —

Collar buried/Not visible  Depth ? Stem girdling   
 Dead  Decay  Conks/Mushrooms   
 Ooze  Cavity  10 % circ. 5  
 Cracks  Cut/Damaged roots  Distance from trunk \_\_\_\_\_  
 Root plate lifting  Soil weakness   
 Response growth \_\_\_\_\_  
 Condition(s) of concern Basal rot/cavity  
 Part Size \_\_\_\_\_ Fall Distance \_\_\_\_\_  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

#1

Risk Categorization

Target (Target number or description)	Tree part	Condition(s) of concern	Likelihood												Risk rating (from Matrix 2)				
			Failure				Impact				Failure & Impact (from Matrix 1)					Consequences			
			Improbable	Possible	Probable	Imminent	Very low	Low	Medium	High	Unlikely	Somewhat	Likely	Very likely		Negligible	Minor	Significant	Severe
House	Trunk/Branches	Impact/crushing	X	X				X								X		High	
Ducks	"	"	X	X				X								X		High	
Shed	"	"	X	X				X								X		High	
Fence	"	"	X	X				X								X		High	

Matrix 1. Likelihood matrix.

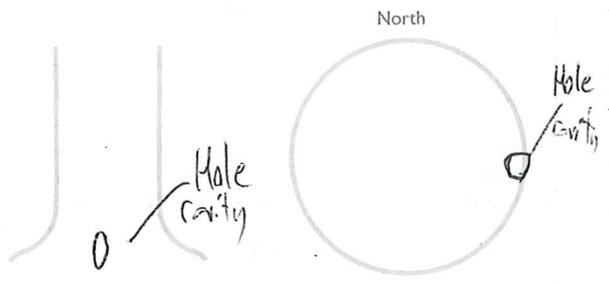
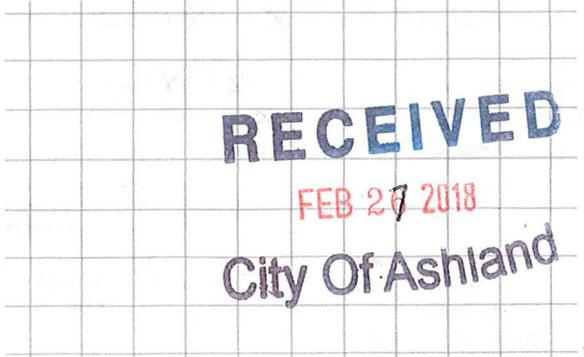
Likelihood of Failure	Likelihood of Impact			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

Notes, explanations, descriptions

Cavity could be from old stump but may indicate heart rot. Tree is leaning toward neighbors property.



Mitigation options

- gun wires / unsightly and risk of clotheslining customers. Residual risk ~~medium~~
- Residual risk \_\_\_\_\_
- Residual risk \_\_\_\_\_
- Residual risk \_\_\_\_\_

Overall tree risk rating Low  Moderate  High  Extreme

Overall residual risk None  Low  Moderate  High  Extreme  Recommended inspection interval frequent

Data  Final  Preliminary Advanced assessment needed  No  Yes-Type/Reason \_\_\_\_\_

Inspection limitations  None  Visibility  Access  Vines  Root collar buried Describe Ivy covers the base of trees. Possible buried root collar.

# ISA Basic Tree Risk Assessment Form

Client Hidden Springs Date 1/24/17 Time 2pm  
 Address/Tree location Hidden Springs Tree no. 2 Sheet 1 of 3  
 Tree species Black cottonwood dbh 20" + 10" Height 45' Crown spread dia. 25'  
 Assessor(s) Asa Gates Tools used Hammer + fingers Time frame 1 HR

## Target Assessment

Target number	Target description	Target protection	Target zone			Occupancy rate 1-rare 2-occasional 3-frequent 4-constant	Practical to move target?	Restriction practical?
			Target within drip line	Target within 1x Ht.	Target within 1.5x Ht.			
1	Neighbors House			X		3	NO	NO
2	Pets/Ducks			X		4	YES	YES
3	Shed			X		1	NO	NO
4	Fence			X		0	NO	NO

## Site Factors

History of failures None/unknown Topography Flat  Slope  30 % Aspect N  
 Site changes None  Grade change  Site clearing  Changed soil hydrology  Root cuts  Describe periodic saturation/drought  
 Soil conditions Limited volume  Saturated  Shallow  Compacted  Pavement over roots  % Describe pond dam  
 Prevailing wind direction NW Common weather Strong winds  Ice  Snow  Heavy rain  Describe SE storms wind.

## Tree Health and Species Profile

Vigor Low  Normal  High  Foliage None (seasonal)  None (dead)  Normal  % Chlorotic  % Necrotic  %  
 Pests/Biotic \_\_\_\_\_ Abiotic \_\_\_\_\_  
 Species failure profile Branches  Trunk  Roots  Describe black cotton woods are prone to fall apart at tip over. over time

## Load Factors

Wind exposure Protected  Partial  Full  Wind funneling  Relative crown size Small  Medium  Large   
 Crown density Sparse  Normal  Dense  Interior branches Few  Normal  Dense  Vines/Mistletoe/Moss  ivy  
 Recent or expected change in load factors \_\_\_\_\_

## Tree Defects and Conditions Affecting the Likelihood of Failure

### — Crown and Branches —

Unbalanced crown  LCR \_\_\_\_\_ % Cracks  Lightning damage   
 Dead twigs/branches  \_\_\_\_\_ % overall Max. dia. \_\_\_\_\_ Included bark   
 Broken/Hangers Number \_\_\_\_\_ Max. dia. \_\_\_\_\_ Weak attachments  Cavity/Nest hole \_\_\_\_\_ % circ.  
 Over-extended branches  Previous branch failures  Similar branches present   
 Pruning history Dead/Missing bark  Cankers/Galls/Burls  Sapwood damage/decay   
 Crown cleaned  Thinned  Raised  Conks  Heartwood decay   
 Reduced  Topped  Lion-tailed  Response growth \_\_\_\_\_  
 Flush cuts  Other \_\_\_\_\_  
 Condition(s) of concern \_\_\_\_\_

Part Size \_\_\_\_\_ Fall Distance \_\_\_\_\_  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

### — Trunk —

Dead/Missing bark  Abnormal bark texture/color   
 Codominant stems  Included bark  Cracks   
 Sapwood damage/decay  Cankers/Galls/Burls  Sap ooze   
 Lightning damage  Heartwood decay  Conks/Mushrooms   
 Cavity/Nest hole \_\_\_\_\_ % circ. Depth \_\_\_\_\_ Poor taper   
 Lean 10 ° Corrected? \_\_\_\_\_  
 Response growth \_\_\_\_\_  
 Condition(s) of concern possible heart rot

Part Size \_\_\_\_\_ Fall Distance \_\_\_\_\_  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

### — Roots and Root Collar —

Collar buried/Not visible  Depth \_\_\_\_\_ Stem girdling   
 Dead  Decay  Conks/Mushrooms   
 Ooze  Cavity  \_\_\_\_\_ % circ.  
 Cracks  Cut/Damaged roots  Distance from trunk \_\_\_\_\_  
 Root plate lifting  Soil weakness   
 Response growth \_\_\_\_\_  
 Condition(s) of concern possible heart rot

Part Size \_\_\_\_\_ Fall Distance \_\_\_\_\_  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

#2

Risk Categorization

Target (Target number or description)	Tree part	Condition(s) of concern	Likelihood											Consequences				Risk rating (from Matrix 2)		
			Failure				Impact				Failure & Impact (from Matrix 1)			Negligible	Minor	Significant	Severe			
			Improbable	Possible	Probable	Imminent	Very low	Low	Medium	High	Unlikely	Somewhat	Likely						Very likely	
House	Trunk Branches	Impact/crushing	X	X						X									X	Med-High
Ducks			X	X						X									X	Med-High
Shed			X	X						X									X	Med-High
Fence			X	X						X									X	Med-High

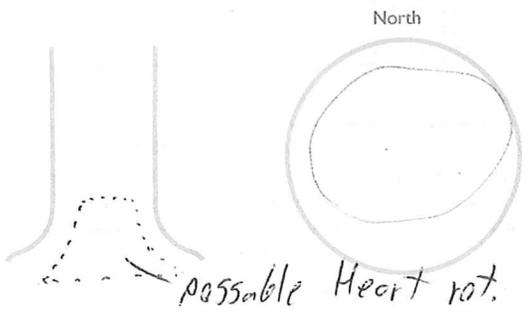
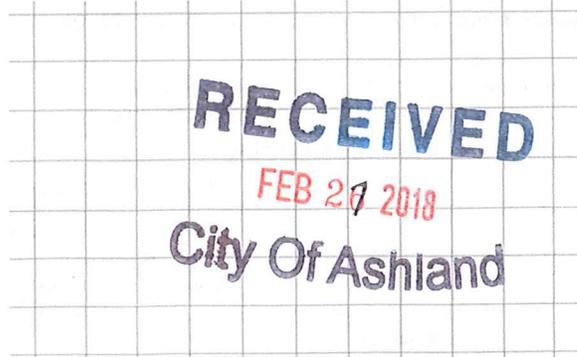
Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impact			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

Notes, explanations, descriptions:  
 Old stump rotting out may have developed heart rot. trunk is leaning toward house.



- Mitigation options
- Low value tree. Residual risk \_\_\_\_\_
  - guy wires / not practical for customers Residual risk \_\_\_\_\_
  - Residual risk \_\_\_\_\_
  - Residual risk \_\_\_\_\_

Overall tree risk rating    Low  Moderate  High  Extreme

Overall residual risk    None  Low  Moderate  High  Extreme     Recommended inspection interval Frequent

Data  Final  Preliminary    Advanced assessment needed  No  Yes-Type/Reason \_\_\_\_\_

Inspection limitations  None  Visibility  Access  Vines  Root collar buried Describe \_\_\_\_\_

#3

# ISA Basic Tree Risk Assessment Form

Client Middle Springs Date 1/24/17 Time 2pm  
 Address/Tree location Middle Springs Tree no. 3 Sheet 1 of 3  
 Tree species Black cottonwood dbh 13, 11, 6, 7" Height 45' Crown spread dia. 25'  
 Assessor(s) Asa Gates Tools used Hammer + fingers Time frame 1HR

### Target Assessment

Target number	Target description	Target projection	Target zone			Occupancy rate 1-rare 2-occasional 3-frequent 4-constant	Practical to move target?	Restriction practical?
			Target within drip line	Target within 1 x Ht.	Target within 1.5 x Ht.			
1	Neighbors House			X		3	NO	NO
2	Pets/Ducks			X		4	yes	yes
3	shed			X		1	NO	NO
4	fence			X		0	NO	NO

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### Site Factors

History of failures yes Topography Flat  Slope 30 % Aspect \_\_\_\_\_  
 Site changes None  Grade change  Site clearing  Changed soil hydrology  Root cuts  Describe periodic saturation/drought  
 Soil conditions Limited volume  Saturated  Shallow  Compacted  Pavement over roots  % Describe pond dam  
 Prevailing wind direction NW Common weather Strong winds  Ice  Snow  Heavy rain  Describe SE wind storms

### Tree Health and Species Profile

Vigor Low  Normal  High  Foliage None (seasonal)  None (dead)  Normal \_\_\_\_\_ % Chlorotic \_\_\_\_\_ % Necrotic \_\_\_\_\_ %  
 Pests/Biotic worms Abiotic \_\_\_\_\_  
 Species failure profile Branches  Trunk  Roots  Describe Black cottonwoods are prone to fall apart or tip over, overtime.

### Load Factors

Wind exposure Protected  Partial  Full  Wind funneling  Relative crown size Small  Medium  Large   
 Crown density Sparse  Normal  Dense  Interior branches Few  Normal  Dense  Vines/Mistletoe/Moss  Ivy  
 Recent or expected change in load factors \_\_\_\_\_

### Tree Defects and Conditions Affecting the Likelihood of Failure

#### — Crown and Branches —

Unbalanced crown <input checked="" type="checkbox"/> LCR _____ %	Cracks <input type="checkbox"/>	Lightning damage <input type="checkbox"/>
Dead twigs/branches <input type="checkbox"/> _____ % overall	Codominant <input type="checkbox"/>	Included bark <input type="checkbox"/>
Broken/Hangers Number _____ Max. dia. _____	Weak attachments <input type="checkbox"/>	Cavity/Nest hole _____ % circ.
Over-extended branches <input type="checkbox"/>	Previous branch failures <input type="checkbox"/>	Similar branches present <input type="checkbox"/>
<b>Pruning history</b>	Dead/Missing bark <input type="checkbox"/>	Cankers/Galls/Burls <input type="checkbox"/>
Crown cleaned <input type="checkbox"/>	Thinned <input type="checkbox"/>	Raised <input type="checkbox"/>
Reduced <input type="checkbox"/>	Topped <input type="checkbox"/>	Lion-tailed <input type="checkbox"/>
Flush cuts <input type="checkbox"/>	Other _____	
	Conks <input type="checkbox"/>	Heartwood decay <input type="checkbox"/>
	Response growth _____	
_____ Condition(s) of concern _____		
Part Size _____ Fall Distance _____	Part Size _____ Fall Distance _____	
Load on defect N/A <input type="checkbox"/> Minor <input type="checkbox"/> Moderate <input type="checkbox"/> Significant <input type="checkbox"/>	Load on defect N/A <input type="checkbox"/> Minor <input type="checkbox"/> Moderate <input type="checkbox"/> Significant <input type="checkbox"/>	
Likelihood of failure Improbable <input type="checkbox"/> Possible <input type="checkbox"/> Probable <input type="checkbox"/> Imminent <input type="checkbox"/>	Likelihood of failure Improbable <input type="checkbox"/> Possible <input type="checkbox"/> Probable <input type="checkbox"/> Imminent <input type="checkbox"/>	

#### — Trunk —

Dead/Missing bark  Abnormal bark texture/color   
 Codominant stems  Included bark  Cracks   
 Sapwood damage/decay  Cankers/Galls/Burls  Sap ooze   
 Lightning damage  Heartwood decay  Conks/Mushrooms   
 Cavity/Nest hole ? % circ. Depth 29" Poor taper   
 Lean 10 ° Corrected? \_\_\_\_\_  
 Response growth \_\_\_\_\_  
 Condition(s) of concern possible heart rot/basal rot  
 Part Size \_\_\_\_\_ Fall Distance \_\_\_\_\_  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

#### — Roots and Root Collar —

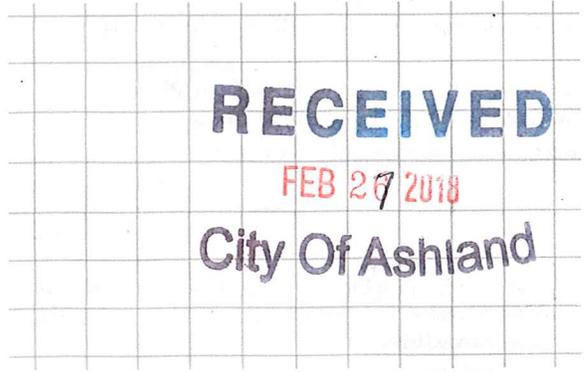
Collar buried/Not visible  Depth \_\_\_\_\_ Stem girdling   
 Dead  Decay  Conks/Mushrooms   
 Ooze  Cavity  \_\_\_\_\_ % circ.  
 Cracks  Cut/Damaged roots  Distance from trunk \_\_\_\_\_  
 Root plate lifting  Soil weakness   
 Response growth \_\_\_\_\_  
 Condition(s) of concern possible heart rot/basal rot  
 Part Size \_\_\_\_\_ Fall Distance \_\_\_\_\_  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

Risk Categorization

Target (Target number or description)	Tree part	Condition(s) of concern	Likelihood											Consequences				Risk rating (from Matrix 2)	
			Failure				Impact				Failure & Impact (from Matrix 1)			Negligible	Minor	Significant	Severe		
			Improbable	Possible	Probable	Inminent	Very low	Low	Medium	High	Unlikely	Somewhat	Likely						Very likely
House Ducks shed fence	Trunk Branches	Impact/crushing		X				X			X							X	Moderate
				X						X			X					X	High
				X						X			X					X	High
				X						X			X					X	High

Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impact			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely



Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

Notes, explanations, descriptions  
 Has Heart rot and history of failed stems. Strong lean toward neighbors. History of failed stems damage to fence.



Mitigation options

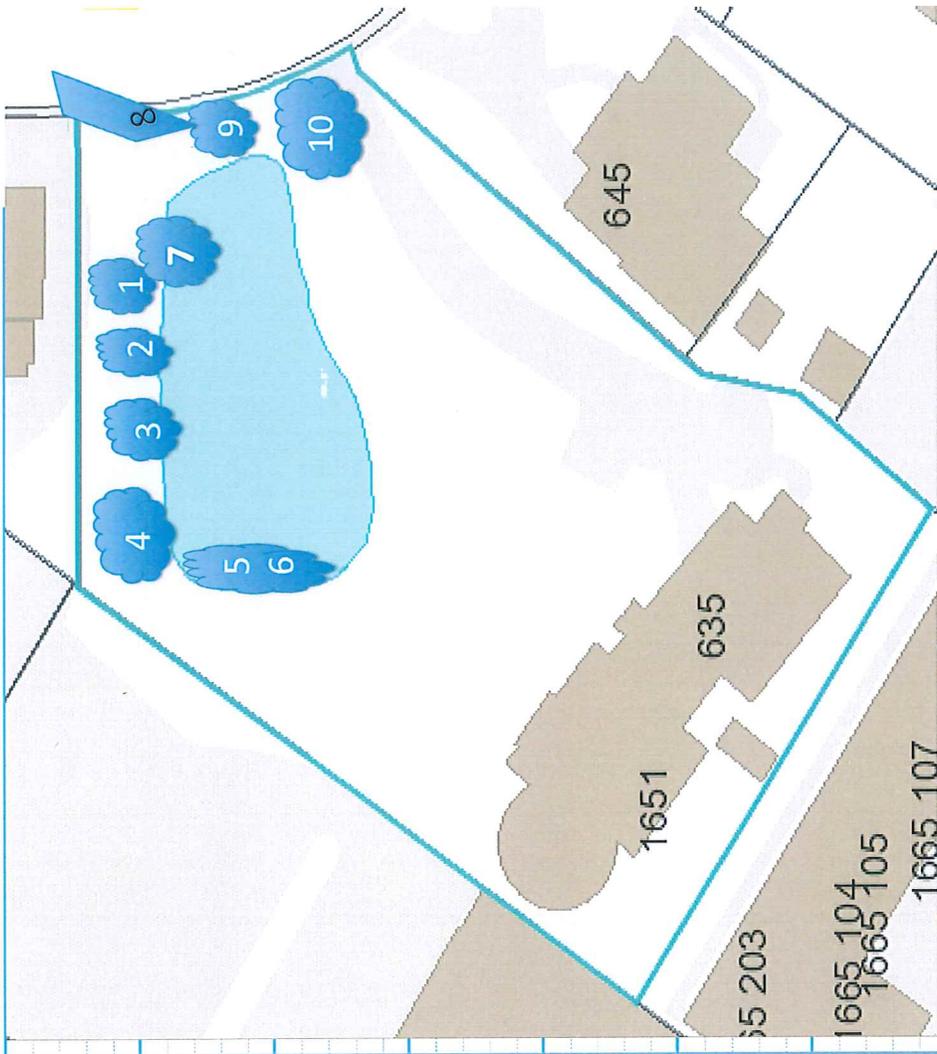
- Low value tree Residual risk \_\_\_\_\_
- guy wires / not practical for customers Residual risk \_\_\_\_\_
- Residual risk \_\_\_\_\_
- Residual risk \_\_\_\_\_

Overall tree risk rating      Low  Moderate  High  Extreme  extreme for the ducks

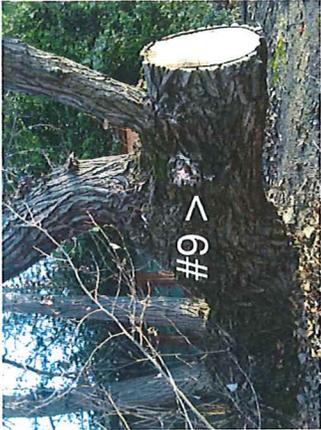
Overall residual risk      None  Low  Moderate  High  Extreme  Recommended inspection interval frequent

Data  Final  Preliminary      Advanced assessment needed  No  Yes-Type/Reason \_\_\_\_\_

Inspection limitations  None  Visibility  Access  Vines  Root collar buried Describe \_\_\_\_\_



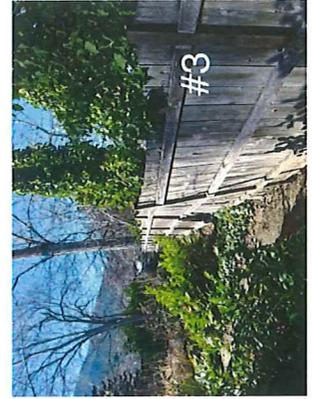
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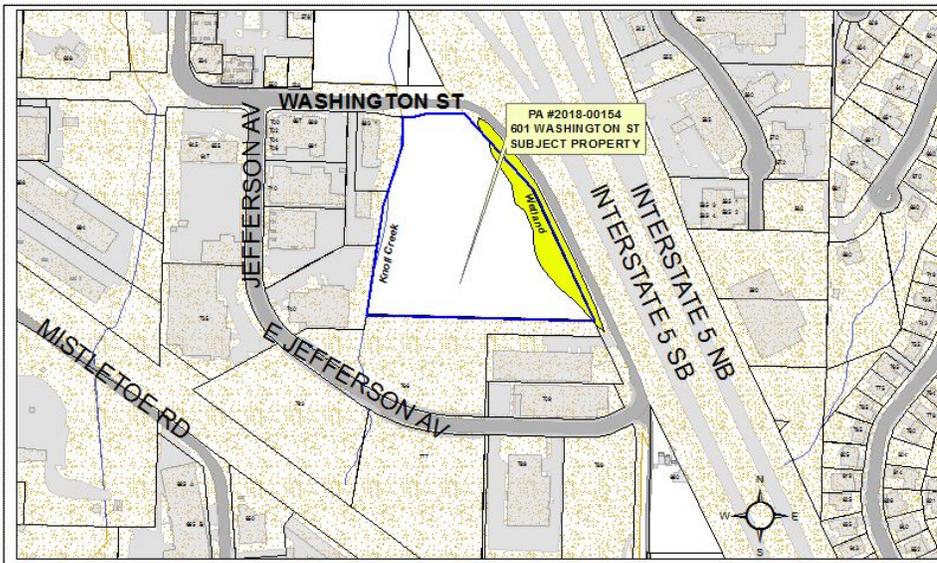


**NOTICE OF PUBLIC HEARING**

**PLANNING ACTION:** PA-2018-00154  
**SUBJECT PROPERTY:** 601 Washington Street  
**OWNER/APPLICANT:** South Ashland Business Park LLC  
**DESCRIPTION:** A request for Annexation of a 5.38-acre parcel, Zone Change from County RR-5 Rural Residential) to City E-1 (Employment), and Site Design Review approval for the phased development of a light industrial business park for the property located at 601 Washington Street. The application includes a request for a Conditional Use Permit to allow a watchman's dwelling; Limited Use/Activity Permits within the Water Resource Protection Zones of Knoll Creek and a Possible Wetland on the property to construct a stormwater outfall and street improvements; an Exception to Street Standards for the frontage improvements along the property's Washington Street frontage; and a Tree Removal Permit to remove four trees greater than six-inches in diameter at breast height (d.b.h.).  
**COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** Existing – County RR-5, Proposed – City E-1; **ASSESSOR'S MAP:** 39 1E 14AB; **TAX LOT #:** 2800.

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **Thursday, March 8, 2018 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**ASHLAND PLANNING COMMISSION MEETING:** *Tuesday, March 13, 2018 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



Notice is hereby given that a **PUBLIC HEARING** on the following request with respect to the **ASHLAND LAND USE ORDINANCE** will be held before the **ASHLAND PLANNING COMMISSION** on meeting date shown above. The meeting will be at the **ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.**

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102-.35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 541-488-5305.

### 18.5.8.050 Annexations - Approval Criteria and Standards

An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with all of the following approval criteria.

- A. The land is within the City's Urban Growth Boundary.
- B. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
- C. The land is currently contiguous with the present city limits.
- D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.
- E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian, and transit transportation meeting the following standards.
  1. For vehicular transportation a 20-foot wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20-foot wide driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to City standards. Where future street dedications are indicated on the Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.
  2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.
  3. For pedestrian transportation safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.
  4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.
- F. For all residential annexations, a plan shall be provided demonstrating that the development of the entire property will ultimately occur at a minimum density of 90 percent of the base density for the zone, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations, or similar physical constraints. The owner or owners of the property shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing undevelopable areas such as wetlands, floodplain corridor lands, or slopes greater than 35 percent, shall not be included.
- G. Except as provided in 18.5.8.050.G.7, below, annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or commercial, employment or industrial lands with a Residential Overlay (R-Overlay) shall meet the following requirements.
  1. The total number of affordable units provided to qualifying buyers, or to qualifying renters, shall be equal to or exceed 25 percent of the base density as calculated using the unit equivalency values set forth herein.
    - a. Ownership units restricted to households earning at or below 120 percent the area median income shall have an equivalency value of 0.75 unit.
    - b. Ownership units restricted to households earning at or below 100 percent the area median income shall have an equivalency value of 1.0 unit.
    - c. Ownership units restricted to households earning at or below 80 percent the area median income shall have an equivalency value of 1.25 unit.
    - d. Ownership or rental units restricted to households earning at or below 60 percent the area median income shall have an equivalency value of 1.5 unit.
  2. As alternative to providing affordable units per section 18.5.8.050.G.1, above, the applicant may provide title to a sufficient amount of buildable land for development complying with subsection 18.5.8.050.G.1.b, above, through transfer to a non-profit (IRC 501(3)(c) affordable housing developer or public corporation created under ORS 456.055 to 456.235.
    - a. The land to be transferred shall be located within the project meeting the standards set forth in 18.5.8.050.G, subsections 4 - 6.
    - b. All needed public facilities shall be extended to the area or areas proposed for transfer.
    - c. Prior to commencement of the project, title to the land shall be transferred to the City, an affordable housing developer which must either be a unit of government, a non-profit 501(C)(3) organization, or public corporation created under ORS 456.055 to 456.235.
    - d. The land to be transferred shall be deed restricted to comply with Ashland's affordable housing program requirements.
  3. The affordable units shall be comparable in bedroom mix and housing type with the market rate units in the development.
    - a. The number of bedrooms per dwelling unit in the affordable units within the residential development shall be in equal proportion to the number of bedrooms per dwelling unit in the market-rate units within the residential development. This provision is not intended to require the same floor

area in affordable units as compared to market-rate units. The minimum square footage of each affordable unit shall comply with the minimum required floor based as set forth in Table 18.5.8.050.G.3.

**Table 18.5.8.050.G.3**

Unit Type	Minimum Required Unit Floor Area (Square Feet)
Studio	350
1 Bedroom	500
2 Bedroom	800
3 Bedroom	1,000
4 Bedroom	1,250

- b. The required on-site affordable units shall be comprised of the different unit types in the same proportion as the market dwelling units within the development.
  4. A development schedule shall be provided that demonstrates that the affordable housing units per subsection 18.5.8.050.G shall be developed, and made available for occupancy, as follows.
    - a. That 50 percent of the affordable units shall have been issued building permits prior to issuance of a certificate of occupancy for the last of the first 50 percent of the market rate units.
    - b. Prior to issuance of a building permit for the final ten percent of the market rate units, the final 50 percent of the affordable units shall have been issued certificates of occupancy.
  5. That affordable housing units shall be distributed throughout the project
  6. That affordable housing units shall be constructed using comparable building materials and include equivalent amenities as the market rate units.
    - a. The exterior appearance of the affordable units in any residential development shall be visually compatible with the market-rate units in the development. External building materials and finishes shall be substantially the same in type and quality for affordable units as for market-rate units
    - b. Affordable units may differ from market-rate units with regard to interior finishes and materials provided that the affordable housing units are provided with comparable features to the market rate units, and shall have generally comparable improvements related to energy efficiency, including plumbing, insulation, windows, appliances, and heating and cooling systems.
  7. Exceptions to the requirements of 18.5.8.050, subsections G.2 – G.5, above, may be approved by the City Council upon consideration of one or more of the following.
    - a. That an alternative land dedication as proposed would accomplish additional benefits for the City, consistent with the purposes of this chapter, than would development meeting the on-site dedication requirement of subsection 18.5.8.050.G.2.
    - b. That an alternative mix of housing types not meeting the requirements of subsection 18.5.8.050.G.3.b would accomplish additional benefits to the City consistent with this chapter, than would the development providing a proportional mix of unit types.
    - c. That the alternative phasing proposal not meeting subsection 18.5.8.050.G.4 provided by the applicant provides adequate assurance that the affordable housing units will be provided in a timely fashion.
    - d. That the distribution of affordable units within the development not meeting subsection 18.5.8.050.G.5 is necessary for development of an affordable housing project that provides onsite staff with supportive services.
    - e. That the distribution of affordable units within the development as proposed would accomplish additional benefits for the city, consistent with the purposes of this chapter, than would development meeting the distribution requirement of subsection 18.5.8.050.G.5.
    - f. That the materials and amenities applied to the affordable units within the development, that are not equivalent to the market rate units per subsection 18.5.8.050.G.6, are necessary due to local, State, or Federal Affordable Housing standards or financing limitations.
  8. The total number of affordable units described in this section 18.5.8.050.G shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction or similar legal instrument shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Properties providing affordable units as part of the annexation process shall qualify for a maximum density bonus of 25 percent.
- H. One or more of the following standards are met.
1. The proposed area for annexation is to be residentially zoned, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the Housing Element of the Comprehensive Plan.
  2. The proposed lot or lots will be zoned CM, E-1, or C-1 under the Comprehensive Plan, and that the applicant will obtain Site Design Review approval for an outright permitted use, or special permitted use concurrent with the annexation request.
  3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services.
  4. Existing development in the proposed annexation has inadequate water or sanitary sewer service, or the service will become inadequate within one year.

5. The area proposed for annexation has existing City water or sanitary sewer service extended, connected, and in use, and a signed consent to annexation agreement has been filed and accepted by the City.
6. The lot or lots proposed for annexation are an island completely surrounded by lands within the city limits.

#### **18.5.9.020 Zone Change - Applicability and Review Procedure**

Applications for Plan Amendments and Zone Changes are as follows:

- A. Type II. The Type II procedure is used for applications involving zoning map amendments consistent with the Comprehensive Plan map, and minor map amendments or corrections. Amendments under this section may be approved if in compliance with the Comprehensive Plan and the application demonstrates that one or more of the following.
  1. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan.
  2. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances.
  3. Circumstances relating to the general public welfare exist that require such an action.
  4. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.
  5. Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.
  6. The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions.
- B. Type III. It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.
  1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
  2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
  3. Land Use Ordinance amendments.
  4. Urban Growth Boundary amendments.

#### **18.5.2.050 SITE DESIGN AND USE STANDARDS APPROVAL CRITERIA**

The following criteria shall be used to approve or deny an application:

- A. **Underlying Zone:** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. **Overlay Zones:** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. **Site Development and Design Standards:** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. **City Facilities:** The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. **Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
  1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
  2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

#### **18.5.4.050.A CONDITIONAL USE PERMITS**

A Conditional Use 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.

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
  - a. Similarity in scale, bulk, and coverage.
  - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of

- capacity of facilities.
  - c. Architectural compatibility with the impact area.
  - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
  - e. Generation of noise, light, and glare.
  - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
  - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
  5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
    - a. WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
    - b. R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
    - c. R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
    - d. C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
    - e. C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.
    - f. E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
    - g. M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.
    - h. CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.
    - i. CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.
    - k. CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.
    - l. HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.

#### **18.4.6.020.B.1 EXCEPTION TO STREET STANDARDS APPROVAL CRITERIA**

Exception to the Street Design Standards. The approval authority may approve exceptions to the standards section in 18.4.6.040 Street Design Standards if all of the following circumstances are found to exist.

- a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
- b. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.
  - i. For transit facilities and related improvements, access, wait time, and ride experience.
  - ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.
  - iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.
- c. The exception is the minimum necessary to alleviate the difficulty.
- d. The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.

#### **18.3.11.060.D LIMITED ACTIVITIES AND USES PERMIT**

All Limited Activities and Uses described in section 18.3.11.060 shall be subject to a Type I procedure in section 18.5.1.050. An application for a Limited Activities and Uses Permit shall be approved if the proposal meets all of the following criteria.

1. All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.
2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.
3. On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.
4. Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.
5. Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.
6. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of

a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

#### **18.5.7.040.B TREE REMOVAL PERMIT**

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.

**TREE REMOVAL PERMIT**

**Tree Removal Criterion 1**

**Chapter 18.5.7 – Tree Removal Permits Sections:**

**18.5.7.020 Applicability and Review Procedure**

All tree removal and topping activities shall be carried out in accordance with the requirements of this chapter and as applicable, the provisions of part 18.3 Special Districts and Overlay Zones, and chapter

**Conclusions of Law:** Based upon the other conclusions of law addressing tree removal and new trees to be added as part of the project, the Planning Commission concludes the project complies with the requirements of this chapter and applicable overlay provisions in part 18.3.

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**Tree Removal Criterion 2**

**18.4.4 Landscaping, Lighting, and Screening.**

If tree removal is part of another planning action involving development activities, the tree removal if timely filed, shall be processed concurrently with the other planning action. Applications for Tree Removal Permits are reviewed as follows.

- A. Ministerial Action. The following Tree Removal Permits are subject to the Ministerial procedure in section 18.5.1.040.
  - 1. Emergency Tree Removal Permit.
- B. Type I Reviews. The following Tree Removal Permits are subject to the Type I review in section 18.5.1.050. This section applies to removal of trees that are a hazard or are not a hazard.
  - 1. Removal of trees greater than six-inches DBH on private lands zoned C-1, E-1, M-1, CM, or HC.
  - 2. Removal of trees greater than six-inches DBH on lots zoned R-2, R-3, and R-1-3.5 that are not occupied solely by a single family detached dwelling.
  - 3. Removal of significant trees, as defined in part 18.6, on vacant property zoned for residential purposes including but not limited to R-1, RR, WR, and NM zones.
  - 4. Removal of significant trees as defined in part 18.6, on lands zoned SOU, on lands under the control of the Ashland School District, or on lands under the control of the City.
  - 5. Tree Topping Permit.

**Conclusions of Law:** The Planning Commission concludes the Type I review procedures applies because the Applicant proposes to remove trees greater than six-inches DBH on private lands zoned E-1.

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**Tree Removal Criterion 3**

- C. Exempt From Tree Removal Permit. The following activities are exempt from the requirement for a tree removal permit in 18.5-7.020.A, subsections A. and B, above.
  - 1. Those activities associated with the establishment or alteration of any public park under the Ashland Parks and Recreation Commission. However, the Parks and Recreation Department shall provide an annual plan in January to the Tree Commission outlining proposed tree removal and topping

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activities, and reporting on tree removal and topping activities that were carried out in the previous year.

2. Removal of trees in single family residential zones on lots occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
3. Removal of trees in multi-family residential zones on lots occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
4. Removal of trees less than six-inches DBH in any zone, excluding those trees located within the public right of way or required as conditions of approval with landscape improvements for planning actions.
5. Removal of trees less than 18 inches DBH on any public school lands, Southern Oregon University, and other public land, excluding Heritage trees.
6. Removal of trees within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management, and in accord with the requirements of chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
7. Removal of dead trees.
8. Those activities associated with tree trimming for safety reasons, as mandated by the Oregon Public Utilities Commission, by the City's Electric and Telecommunication Utility. However, the Utility shall provide an annual plan to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year. Tree trimming shall be done, at a minimum, by a Journeyman Tree Trimmer, as defined by the Utility, and will be done in conformance and to comply with OPUC regulations.
9. Removal of street trees within the public right-of-way subject to street tree removal permits in AMC 13.16.

**Conclusions of Law:** Based on the evidence in Exhibit 6, the Planning Commission concludes that Tree #1 is dead and therefore removal of it is exempt. Trees #4, 6, 7, and 9 are greater than six-inches DBH and are not exempt.

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***Tree Removal Criterion 4***

D, Other Requirements.

1. Flood Plain, Hillside, and Wildfire. Tree removal in the Physical and Environmental Constraints Overlay (i.e., areas identified as Flood Plain Corridor Land, Hillside Lands, Wildfire Lands and Severe Constraint Lands) must also comply with the provisions of chapter 18.3.10 Physical and Environmental Constraints Overlay.
2. Water Resources. Tree removal in regulated riparian areas and wetlands must also comply with the provisions of chapter 18.3.11 Water Resources Protection Zones.

**Conclusions of Law:** The Planning Commission concludes that a concurrent application has been submitted for Water Resource Protection Zones consistent with these other requirements, as applicable.

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**Tree Removal Criterion 5**

**18.5.7.030 Application Submission Requirements**

An application for a Tree Removal Permit shall be submitted by the owner of the subject property or authorized agent on a form prescribed by the City and accompanied by the required filing fee. The application shall include a plan or drawing meeting the requirements below.

- A. General Submission Requirements. Information required for a Ministerial or Type I review, as applicable (see sections 18.5.1.040 and 18.5.1.050.), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.
- B. Plan Submittal. An application for all Tree Removal Permits shall include the following.
  - 1. Plans drawn to scale containing the number, size, species, and location of the trees proposed to be removed or topped on a site plan of the property.
  - 2. The anticipated date of removal or topping.
  - 3. A statement of the reason for removal or topping. If a prior planning approval requires that the subject tree(s) be preserved, a modification request, pursuant to chapter 18.5.6, may also be required.
  - 4. Information concerning proposed landscaping or planting of new trees to replace the trees to be removed.
  - 5. Evidence that the trees proposed for removal or topping have been clearly identified on the property for visual inspection.
  - 6. A Tree Protection Plan that includes trees located on the subject site that are not proposed for removal, and any off-site trees where drip lines extend into proposed landscaped areas on the subject site. Such plans shall conform to the protection requirements under section 18.4.5.030.
  - 7. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.
  - 8. Any other information reasonably required by the City.

**Conclusions of Law:** The Planning Commission concludes that the Applicant hired L.J. Friar & Associates PC, Consulting Land Surveyors, to prepare an accurate topographic base map showing tree locations. This map was analyzed by the project landscape architects, Galbraith and Associates, who used it and their onsite inspections as the basis for preparation of the Exhibit 6 Report and Tree Protection Plan.

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**Tree Removal Criterion 6**

**18.5.7.040 Approval Criteria**

- A. Emergency Tree Removal Permit. An Emergency 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.
  - 1. If the condition of a tree presents an immediate danger of collapse, as defined in part 18.6, and represents a clear and present hazard to persons or property, an emergency tree removal permit may be issued and the payment of a fee may be waived. The Staff Advisor may require the applicant to hire an arborist to review the evidence to ascertain whether the tree presented an immediate danger of collapse.

**Conclusions of Law:** The Planning Commission concludes the applicant is not seeking an Emergency Tree Removal Permit.

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**Tree Removal Criterion 7**

B. Tree Removal Permit.

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.

**Conclusions of Law:** The Planning Commission concludes the analysis by Galbraith and Associates identified Trees #4, 6, 7, and 9 as a hazard trees in need of removal. Galbraith and Associates recommend replacement of these trees with trees of the same species near the riparian area of the Knoll Creek.

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**Tree Removal Criterion 8**

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 18.3.10.
  - 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.

**Conclusions of Law:** The Planning Commission concludes that Trees 15, 18 and 21 are located where they will be affected by the project driveways. Since they are located in Phase 2 and 3 areas, the Applicant proposes to preserve these trees until such time that Phases 2 and 3 move forward. Removal will then be addressed in conjunction with detailed landscape and building design plans for that portion of the site.

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**Tree Removal Criterion 9**

**18.5.7.050 Mitigation Required**

One or more of the following shall satisfy the mitigation requirement.

- A. Replanting On-Site. The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a five to six-foot tall evergreen tree for each tree removed. The replanted tree shall be of a species that will eventually equal or exceed the removed tree in size if appropriate for the new location. Larger trees may be required where the mitigation is intended, in part, to replace a visual screen between land uses. Suitable species means the tree's growth habits and environmental requirements are conducive to the site, given existing topography, soils, other vegetation, exposure to wind and sun, nearby structures, overhead wires, etc. The tree shall be planted and maintained per the specifications of the Recommended Street Tree Guide.

**Conclusions of Law:** The Planning Commission concludes the proposed replanting has been designed by a landscape architect for appropriate variety based upon the location of proposed planting; the required tree size is a matter of code standard and the plantings will meet the applicable standard.

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**Tree Removal Criterion 10**

- B. Replanting Off-Site. If in the City's determination there is insufficient available space on the subject property, the replanting required in section 18.5.7.050.A, above, shall occur on other property in the applicant's ownership or control within the City, in an open space tract that is part of the same subdivision, or in a City owned or dedicated open space or park. Such mitigation planting is subject to the approval of the authorized property owners. If planting on City owned or dedicated property, the City may specify the species and size of the tree. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.

**Conclusions of Law:** The Planning Commission concludes that no off-site replanting is needed or proposed.

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**Tree Removal Criterion 11**

- C. Payment In-Lieu of Planting. If in the City's determination no feasible alternative exists to plant the required mitigation, the applicant shall pay into the tree account an amount as established by resolution of the City Council.

**Conclusions of Law:** The Planning Commission concludes the Applicant is not proposing payment in-lieu of planting.

\*\*\*\*\*

**Tree Removal Criterion 12**

- D. Mitigation Plan. An approved mitigation plan shall be fully implemented within one year of a tree being removed unless otherwise set forth in a tree removal application and approved in the tree removal permits.

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**Conclusions of Law:** The Planning Commission concludes that Trees proposed to be removed will be removed at the start of Phase 1 and the six trees proposed as mitigation will be installed with the Phase 1 landscaping.

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**Tree Removal Criterion 13**

**18.5.7.060 Conditions of Approval for Tree Removal Permits**

The City may impose conditions of approval on any Tree Removal Permit if the condition is reasonably related to preventing, eliminating, or mitigating a negative impact or potential negative impact on natural features or processes or on the built environment of the neighborhood which is as created or contributed to by the approved tree removal. Conditions of approval may include, but are not limited to the following.

- A. Requiring modifications in the location, design, or intensity of a development or activities on a site or to require or prohibit certain construction methods. Modifications may result in a decrease in size of residential or commercial structures, but modifications shall not reduce the density of residential development below the permitted density allowed by the zone.
- B. Requiring vegetation not requiring a tree removal permit to remain in place or be planted.
- C. Requiring the removal of injurious or noxious vegetation (such as English Ivy) from other trees on the property.

**Conclusions of Law:** The Planning Commission concludes that no additional special conditions are required or warranted in this instance.

**VII**

**STIPULATIONS**

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Applicant herewith agrees to stipulate to accept a condition of approval requiring construction of one of the three alternatives for the Washington Street frontage prior to occupancy of the first building in any of Phases 2-4; nothing in this stipulation is intended to waive any SDC credits due the project for construction of higher order streets. The Applicant further stipulates to providing a wetland resource mitigation plan and implementing said plan for any wetland or wetland buffer areas affected design for Washington Street improvements selected by the City of Ashland.

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## TREE PROTECTION/REMOVAL PLAN NARRATIVE

*Prepared by John Galbraith Certified Arborist #PN-5845A*

Landscape Architect

Galbraith & Associates, Inc.

*South Ashland Business Park*

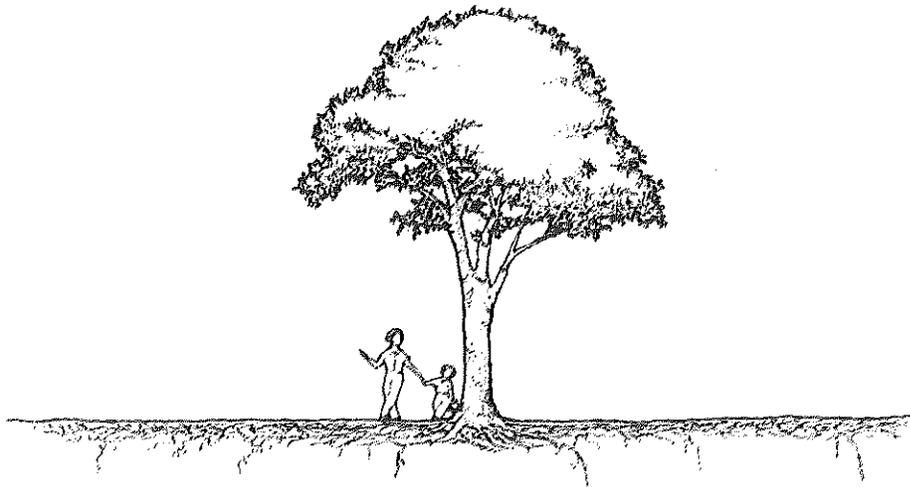
January, 2018

### TREE PROTECTION GENERAL CONSIDERATIONS

Contrary to popular belief, the root systems of mature trees do not have deep tap roots. Instead most tree roots grow in the top 12 – 18” from the soil surface and are horizontally oriented, extending far beyond the tree’s dripline or canopy. See tree and root section drawing Figure 1.

A rule of thumb is that a healthy tree may tolerate removal of approximately one third of its roots, and “A healthy, vigorous tree may withstand removal of up to 50 percent of its roots without dying.”<sup>1</sup> If roots on one side of a tree are severed, it may become unstable and a hazard. Old and mature trees are less tolerant of construction impacts than younger, more vigorous trees, and trees in a grove or forest stands are best retained in those groups.

Because of the maturity and relative poor to fair health of the oak grove on site, the size of the trees protection zones, as shown on the Tree Protection Plan, are calculated by measuring the each tree’s diameter 4.5 feet above the ground. Each diameter of trunk was measured in inches and for each inch, 1.5 feet was allowed for a critical root radius. Example: if a tree’s diameter is 10 inches, its critical root radius is 15 feet.



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## TREE PROTECTION SITE RECOMMENDATIONS

### **GENERAL:**

#### **18.4.5.030 Tree Protection**

See Tree Preservation notes on the Protection Plan (hereinafter called 'Plan') for requirements affecting all retained trees. See Plan for tree numbers, locations, recommendations and Tree Protection Zone outlines for specific retention trees.

### **SPECIAL NOTE:**

While tree #'s **3, 5, 8, 10 – 14, 16, 17, 19, 20, and 22** are located within the Oak Knoll Riparian Buffer and will be protected, we have also included trees **15, 18, and 21** to be part of that fenced protection area. On the master plan, they are located within the conceptual driveway. This part of the driveway will not be constructed with the first phase of construction and the desire is to protect them during this phase from any grading that may be needed and re-address their status later as the project grows with future phases.

**TREE REMOVAL AND MITIGATION NARRATIVE**

In August 2010 a fire severely damaged or killed the oaks mentioned below.

Tree # 1 is dead and should be removed

Tree #'s 4, 6, 7 and 9 are in poor condition and are in the area of development. After careful analysis it is our opinion that they be removed and replaced with the same species of trees (*Quercus garryana*) along the future driveway near the riparian area of the creek. It is our professional opinion that all of these trees will be hazardous if the development were built around them. Most have severe dieback as a result of fire. Large limbs have died, large areas of cambium layers have been destroyed and one tree also has erosion under the root flare. We've included photos as evidence of these conditions.

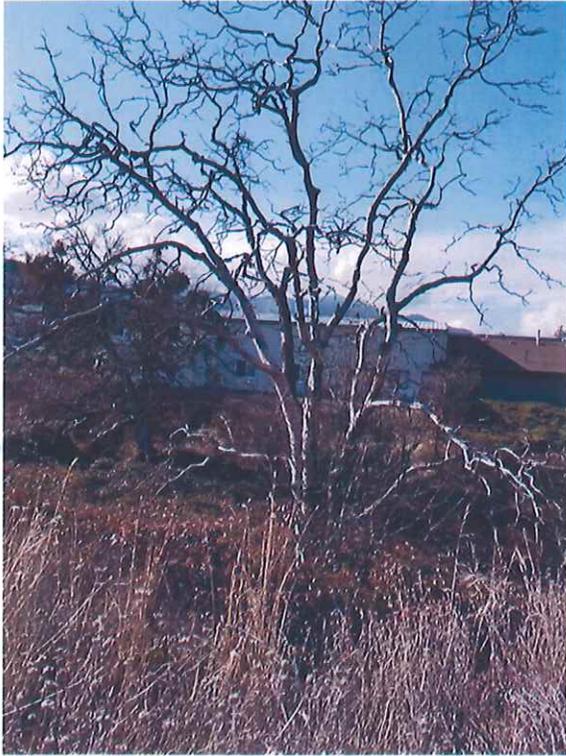


View of the site burning in 2010 from across the freeway at the Holiday Inn Express



Burning barn on site during 2010 fire

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**Tree #1.** This tree is dead as a result of the fire of 2010



**Tree #4** Severe dieback from fire. Cambium damage, epicormic growth at base of dieback. Branches are too large for proper compartmentalization



**Tree #6** Most of the tree's living part is on the back side of the tree away from where it was exposed to the fire. The majority of the tree is dead and it should be removed in its entirety.



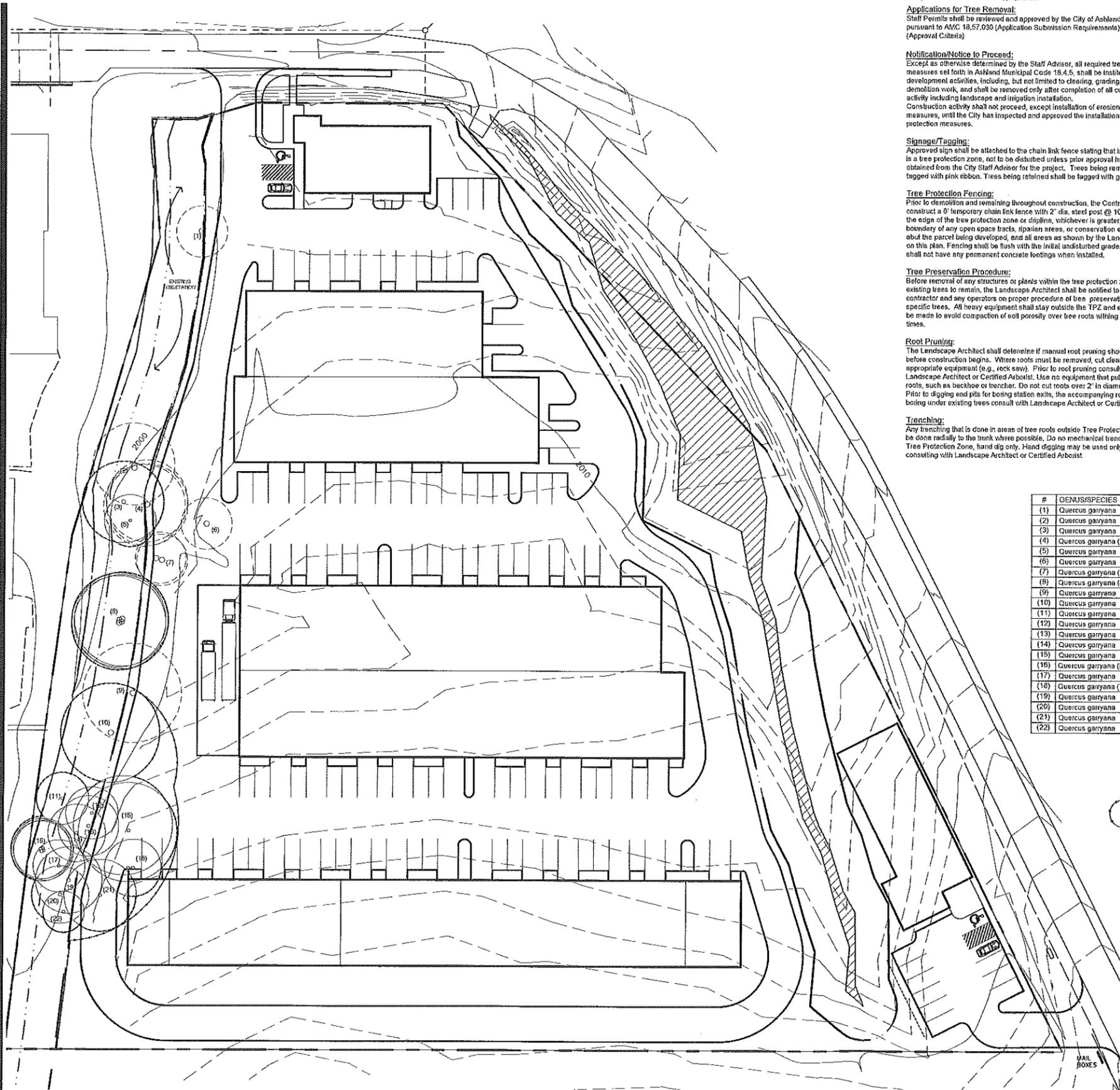
**Tree #7** These two trees have severe fire damage with epicormic growth emerging from the base of dead branches. The cambium layer on the fire side is damaged. There is an embedded fence in the tree on the left.

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**Tree #9** This tree is severely burned and the cambium layer is nonexistent on this side of the tree. Erosion has washed the soil from beneath the root flare.

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**TREE PRESERVATION NOTES**

**Applications for Tree Removal:**  
 Staff Permits shall be reviewed and approved by the City of Ashland Staff Advisor pursuant to AMC 18.57.030 (Application Submission Requirements) and 18.57.040 (Approval Criteria)

**Notification/Notice to Proceed:**  
 Except as otherwise determined by the Staff Advisor, all required tree protection measures set forth in Ashland Municipal Code 18.4.5, shall be instituted prior to any development activities. Including, but not limited to clearing, grading, excavation or demolition work, and shall be removed only after completion of all construction activity including landscape and irrigation installation.  
 Construction activity shall not proceed, except installation of erosion control measures, until the City has inspected and approved the installation of the tree protection measures.

**Signage/Tagging:**  
 Approved signs shall be attached to the chain link fence staking that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the City Staff Advisor for the project. Trees being removed shall be tagged with pink ribbon. Trees being retained shall be tagged with green ribbon.

**Tree Protection Fencing:**  
 Prior to demolition and remaining throughout construction, the Contractor shall construct a 6' temporary chain link fence with 2" dia. steel post @ 10' o.c. max. at the edge of the tree protection zone or dipline, whichever is greater, and at the boundary of any open space trails, riparian areas, or conservation easements that abut the parcel being developed, and all areas as shown by the Landscape Architect on this plan. Fencing shall be flush with the final undisturbed grade. Steel posts shall not have any permanent concrete footings when installed.

**Tree Preservation Procedure:**  
 Before removal of any structures or plants within the tree protection zone (TPZ) of existing trees to remain, the Landscape Architect shall be notified to instruct the contractor and any operators on proper procedure of tree preservation around specific trees. All heavy equipment shall stay outside the TPZ and every effort shall be made to avoid compaction of soil porosity over tree roots within the TPZ at all times.

**Root Pruning:**  
 The Landscape Architect shall determine if manual root pruning should be done before construction begins. Where roots must be removed, cut cleanly with appropriate equipment (e.g., rock saw). Prior to root pruning consult with Landscape Architect or Certified Arborist. Use no equipment that pulls and shatters roots, such as backhoe or trencher. Do not cut roots over 2" in diameter. Prior to digging and pits for boring station exits, the accompanying root pruning, and being under existing trees consult with Landscape Architect or Certified Arborist.

**Trenching:**  
 Any trenching that is done in areas of tree roots outside Tree Protection zone should be done radially to the trunk where possible. Do no mechanical trenching within the Tree Protection Zone, hand dig only. Hand digging may be used only after consulting with Landscape Architect or Certified Arborist

**Pruning of trees:**  
 Do no pruning of any trees immediately prior to, during, or immediately after construction impact. Perform only that pruning which is unavoidable due to conflicts with the proposed development. Prior to pruning consult with Landscape Architect or ISA Certified Arborist

**Grade Changes:**  
 No grade changes may occur within the drip line of existing trees to remain, unless previously approved on plans.

**Construction / Storage Around Trees / Dumping / Parking:**  
 No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.  
 No excavation, trenching, grading, root pruning, or other activity shall occur in the tree protection zone unless approved by the Staff Advisor.

**Chemical Material Disposal:**  
 The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.

**Replacing of Trees:**  
 Any tree damaged by construction operations or removed without City of Jacksonville written approval shall be replaced in kind with a size that is suitable to the City. The offering contractor shall be responsible for the cost of the replaced tree.

**Tree Mitigation:**  
 The applicant will provide mitigation for the removal of the trees indicated on this plan in accordance with City of Ashland Municipal Code 18.5.7.050. Replace any destroyed trees that have a 6" or greater DBH with a 1 1/2" clipper healthy and well-branched deciduous tree or a 5-6 foot tall evergreen tree for each tree removed. Placement of additional trees are to be determined by the Landscape Architect on site. Species is to be determined by the Landscape Architect.

**Maintenance Watering:**  
 Watering Method: Hand watering systems, recommended for trees that are part of a development project that must be watered to insure tree survival during the course of construction until automatic irrigation is installed.

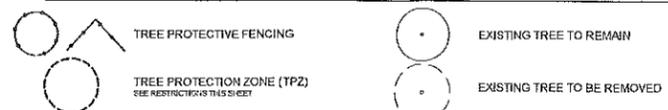
**Amount:** Unless otherwise specified, the volume of water applied at each irrigation should be in the range of 10 gallons per inch of trunk diameter when measured at 54-inches above natural grade. The final decision of whether to water or not should be based on accurate soil probe samples that are taken from the root ball.

**Performance Security:**  
 The City may require the Permittee to post with the City a bond, or other suitable collateral as determined by the City Administrator, ensuring the satisfactory completion of the tree protection plan. Suitable collateral may be in the form of letters of credit, certificates of deposit, cash bond, or bonds issued by an insurance company legally doing business in the State of Oregon.

*(Watering recommendations based on City of Palo Alto Tree Technical Manual)*

#	GENUS/SPECIES	COMMON	DBH	TPZ	HEALTH, HAZARD CONDITION	RECOMMENDATIONS
(1)	Quercus garryana	Oak		None	Dead	Remove
(2)	Quercus garryana	Oak	14"	None	75% of the tree is dead, some cambium layer exists, struct. unsound	Remove
(3)	Quercus garryana	Oak	16"	24' Radius	Poor, large branch dieback, 1/2 cambium missing	Retain and protect
(4)	Quercus garryana (Multi-trunk)	Oak	(1)8", (2)14"	None	Severe die back of large branches, excessive epicormic growth	Remove
(5)	Quercus garryana	Oak	10"	15' Radius	Poor, bark is peeling away from dead cambium layer, heavy dieback	Retain and protect
(6)	Quercus garryana	Oak	8"	None	Dead	Remove
(7)	Quercus garryana (Two Trees)	Oak	(1)10", (1)13"	None	Excessive die back, cambium has wire embedded, epicormic growth	Remove
(8)	Quercus garryana (Multi-trunk)	Oak	(2)16", (1)14", (1)24"	38' Radius	Poor, excessive die back, mistletoe, epicormic growth, low vigor	Retain and protect
(9)	Quercus garryana	Oak	22"	None	Poor, 1/2 cambium layer, soil eroded under root flare, included bark	Remove
(10)	Quercus garryana	Oak	26"	39' Radius	Fair, part of grove	Retain and protect
(11)	Quercus garryana	Oak	10"	15' Radius	Fair, part of grove	Retain and protect
(12)	Quercus garryana	Oak	10"	15' Radius	Fair, part of grove	Retain and protect
(13)	Quercus garryana	Oak	12"	18' Radius	Fair, part of grove	Retain and protect
(14)	Quercus garryana	Oak	11"	16.5' Radius	Fair, part of grove	Retain and protect
(15)	Quercus garryana	Oak	21"	25' Radius	Fair	Retain and protect
(16)	Quercus garryana (Multi-trunk)	Oak	(4) 12"	18' Radius	Fair part of grove	Retain and protect
(17)	Quercus garryana	Oak	10"	15' Radius	Fair, part of grove	Retain and protect
(18)	Quercus garryana (Two Trees)	Oak	(1) 17", (1) 18"	27' Radius	Fair, one tree has a bulging trunk 5' above ground	Retain and protect
(19)	Quercus garryana	Oak	13"	19.5' Radius	Fair, part of grove	Retain and protect
(20)	Quercus garryana	Oak	11"	16.5' Radius	Fair, part of grove	Retain and protect
(21)	Quercus garryana	Oak	14"	21' Radius	Fair, wound 3' from ground, included bark, poor compartmentalization	Retain and protect
(22)	Quercus garryana	Oak	8"	12' Radius	Fair, part of grove	Retain and protect

**TREE PRESERVATION LEGEND**

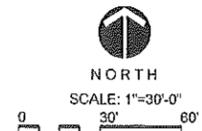


**South Ashland Business Park**  
 Ashland, OR

REVISIONS:  
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RECEIVED  
 JAN 22 2018  
 City of Ashland

JOB NO: 2032  
 ISSUE DATE: 01.08.18  
 DRAWN BY: AM  
 REVIEWED BY: JS  
 JOB STATUS:



**L1**

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 LANDSCAPE ARCHITECT

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# Memo

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DATE: 3/08/2018

TO: Tree Commission

FROM: Brandon Goldman, Senior Planner

RE: Development Standards for Wildfire Lands ordinance amendments

## **SUMMARY**

General discussion regarding modification of the adopted Wildfire Lands boundary map, and potential amendments to the Development Standards for Wildfire Lands (Chapter 18.3.10.100)

Currently requirements for Fire Prevention and control Plans, and Fuel Breaks, only apply to properties within the existing Wildfire Lands area. It is the recommendation of Ashland Fire & Rescue that all areas within the city limits be declared a wildfire lands, amending the current Wildfire Lands boundary as set forth in 1992.

## **BACKGROUND**

Ashland Fire and Rescue originally presented a proposal to the City Council on April 15<sup>th</sup>, 2014 requesting staff prepare a modification of the Physical and Environmental Constraints Map to expand the boundary of Ashland's designated Wildfire Lands to incorporate the entire City (*attached map*). Such a map amendment is a legislative Land Use action requiring the approval of an ordinance, with public hearings before the Planning Commission and City Council.

In review of the existing development standards for Wildfire Lands, Ashland Fire and Rescue identified a number of potential changes to the existing code to be considered as part of the legislative amendment process underway. Proposed code revisions would serve to both clarify the submittal requirements for a Fuel Prevention and Control Plan, as well as establish new requirements for the implementation of required fuel breaks not presently codified within the currently adopted Land Use Ordinance (18.3.10.100 attached).

The Tree Commission discussed the expansion of the Wildfire Lands boundary at a Study Session on December 03, 2015 and continued the discussion to a special meeting on December 10, 2015. During the Tree Commission's discussions in December 2015, individual commissioners identified a number of items of concern as follows:

- Noted that the 30 foot general fuels management area, in which prohibited flammable plants could not be newly planted, would result in few new conifers being planted, which



would in turn mean there would not be young conifers to replace the large stature trees 100 years from now.

- Noted that conifers in proximity of homes provide value including heating and cooling benefits, and increases in property value.
- Suggested allowances for the retention of dead material on site when serving ecological functions
- Suggested the trigger for fuel breaks in 18.3.10.100.B.1 should include all floor area, including a second story as it could change the building's proximity to tree canopies.
- Suggested a potential exemption from mitigation requirements would work when a tree removal permit is required
- Suggested a 10 year review of the final ordinance, to evaluate its impacts on water resource protection zones
- Requested an opportunity to review the final draft of the wildfire ordinance.

The Planning Commission had a number of study sessions to review the initial working draft of the ordinance in 2015 through February, 2016. Following the Planning Commission and Tree Commission study sessions the Mayor convened an ad-hoc wildfire hazard committee (comprised of City staff, representatives from the Tree, Planning, and Wildfire Mitigation Commissions).

Ashland Fire and Rescue, and the wildfire hazard committee, also worked with an organization called Community Planning Assistance for Wildfire (CPAW) to evaluate our community's risks and to provide an evaluation of the City's existing and proposed wildfire development standards. CPAW's land use, forestry, and hazard mitigation professionals visited Ashland to inform their recommendations intended to ensure wildfire is considered alongside other community planning priorities. The CPAW report is attached to this memo.

In consideration of the wildfire risk facing the community, the ad-hoc wildfire hazard committee is developing a multi-faceted approach to reducing risks throughout the City. This approach includes:

- creating a community information program where residents can review a new parcel based wildfire risk assessment map to determine and address their individual risk factors,
- establishing a voluntary fuels reduction program facilitated by the City,
- expanding the existing wildfire overlay zone to newly include all properties within the City,
- adopting by ordinance a prohibited flammable plant list, which would preclude such highly flammable plants from being newly planted within 30 feet of any structure within the City,
- adopting land use ordinance amendments that establish standards for fire prevention and control plans, and fuel management requirements, that are to be carried out in conjunction with new development activities within the City.

## **Wildfire Development Standards**

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The expansion of the Wildfire Lands boundary would have development implications for all properties within the City Limits that due to their inclusion they would become regulated under AMC Chapter 18.3.10.100 [Development Standards for Wildfire Lands].

- A Fire Prevention and Control Plan would be required with applications to partition properties, subdivisions, or to obtain site review approval (commercial or multi-family developments) with the exception of Accessory Residential Units.
- A Fuel Break would be required of all properties obtaining building permits for new construction.
- New or re-roofed structures could not use combustible roofing material as defined by the Oregon Revised Specialty building code.

The version of the ordinance presented to the Planning and Tree Commission at prior study sessions has been substantially modified to address vegetation management standards in consideration of the potential impacts upon small parcels within the City. Specifically a number of revisions to the draft fuel modification area standards aim to establish fuels reduction requirements that more clearly distinguish between the risk posed by highly flammable plants and trees and those shrubs and trees that are more fire resistant, as well as to provide flexibility to address specific site conditions.

- Trees that are fire resistant trees (e.g. Oak, Madrone):
  - The 10' separation between fire resistant trees and structures has been eliminated, now it simply requires limbs not be in direct contact with the roof or structure, with the exception of a required 10' clearance from a chimney.
  - The separation between the canopies of fire resistant trees has been eliminated, thereby allowing such trees to have interlocking canopies.
- Trees that are on the prohibited plant list (e.g. Fir, Pine):
  - The previously proposed 5' separation between the tree canopy and structures was increased to 10' per the wildfire hazard committee and Fire Department's recommendation.
- Plants identified on the City's proposed Prohibited Flammable Plant List, shall not be planted within 30' of a building or deck, and when planted further than 30' from a structure they are to be separated by a minimum of two times the shrub's height at maturity.
- Fire resistant shrubs and bushes have no separation requirement so could form hedges and privacy screens.
- The vertical clearance between the top of understory vegetation and the lowest tree limbs shall be at least three times the height of vegetation where either the tree or vegetation is listed on the City's Fuel break Prohibited Plan list. If both the tree and the shrub are fire resistant, then no ladder fuel vertical clearance would be required.
- The prior draft ordinance's prohibition of any combustible natural or manmade material within three feet of a structure has been amended to allow fire resistant shrubs and ground covers within this area. Plants listed on the fuel break prohibited plant list would



still be prohibited within an area increased to 5 feet of a structure. However, in the event the structure has a fire resistant exterior (i.e. stucco, brick, concrete block, metal siding, etc), then combustible material such as bark could be located within this area.

- The requirement to complete fuel management within for the full extent of a property when a new building (sfr, mfr, commercial) is developed is still required as was the case in the prior version of the ordinance. In the event an addition, a deck, or a detached accessory structure over 200 sq.ft. is to be built, the required fuel management area would be reduced to the areas within 30' of the the new construction, not the full extent of the property.
- The draft ordinance newly includes a mechanism to allow general fuel management area standards, and fire prevention and control plan requirements, to be waived or reduced if the Staff Advisor, in consultation with the Fire Code Official, has determined that the nature of the development proposed in the project application does not constitute an increased risk to the spread of wildfire. This section will allow for consideration of existing conditions on a case by case basis with more flexibility than was provided in the 2015-2016 draft ordinance.

### **Prohibited Flammable Plant List**

The proposed Prohibited Flammable Plant List is presented to identify which plants should not be newly planted, would need to be thinned, or potentially removed within a general fuel management area in conjunction with the issuance of a building permit. This limitation regarding species that could be included in landscape plan would apply to construction activity that triggers the fuel management area requirements (18.3.10.100.B) and would have to be addressed on a required Fire Prevention and Control Plan. The prohibition on newly planting such highly flammable plants would apply city-wide, as codified the Public Health and Safety chapter (Ch..9) of the Municipal Code, if so approved by Council as a new policy. The draft Prohibited Flammable Plant List was reviewed by the conservation division, AFR, and the ad-hoc wildfire hazard committee. The revised list is attached.

### **Other Amendments**

The current draft ordinance amendments include potential changes to the Tree Removal Permit chapter, as well as clarifying the definition of “Significant Trees”. Although these changes go beyond the scope of wildfire fuels mitigation, they are being proposed in conjunction with the Wildfire Ordinance to address other issues of interest to the Tree Commission:

The proposed amendments to the Tree Removal Permit requirements and exemptions (18.5.7) would newly require a tree removal permit to remove trees greater than 6”d<sub>BH</sub>, when the lot is large enough to be partitioned or subdivided. Currently lots occupied by a *single family dwelling* are exempt from obtaining a tree removal permit regardless of the lot size. The intention of this proposed change is to address situations in which a site occupied only by a single dwelling is cleared of trees under the exemption, in advance of an application to subdivide or partition.

Another amendment to the Tree Removal Permit section would be to include the HC zone in the exemption for when the lot is only occupied by a single family home (and could not be



further subdivided or partitioned. Currently within Mountain Meadows there are a large number of small lot single family homes on HC zoned property that are subject to the tree removal permit process due to the underlying zoning. The amendment proposed would treat such properties the same way as comparable residentially zoned properties occupied by a single family home and thus provide uniform application of the exemption citywide.

Currently the Land Use Ordinance does define a significant tree as “having a *trunk 18 caliper inches or larger in diameter at breast height (DBH)*”. Another proposed clarification in the code presented this evening for the Tree Commission’s consideration is to amend various sections within the land use ordinance to classify regulated conifers as those greater than 18” DBH. Presently the Tree Removal section of the Physical Constraints Chapter (18.3.10.020A.3) establishes that conifers of 24” DBH proposed for removal require review and approval. In order to provide consistency between the Physical Constraints Chapter, Flood Plan Lands, Hillside Lands the Wildfire Standards, and the existing definition of Significant Tree, the proposed code amendments would newly establish that conifers that are 18”DBH would be regulated consistently in each overlay.

### **Next Steps**

The materials presented to the Tree Commission at this evenings study session remain a work in progress. This study session provides an opportunity for initial review and discussion in advance of the public hearing scheduled before the Planning Commission on June 12, 2018, and the City Council in July and August of this year. Recommendation provided by the Tree Commission will be included in the public record to help inform the Planning Commission and City Council in their deliberations on the ordinance draft.

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### **Attachments:**

- Draft Amendments to 18.3.10.100 - Development Standards for Wildfire Lands
- Draft Amendments to other sections of the Ashland Land Use Ordinance relating to Wildfire development standards:
  - Draft Amendments to 18.3.10.090 - Development Standards for Hillside Lands
  - Draft Amendments to 18.4.3.080 - Vehicle Area Design
  - Draft Amendments to 18.5.3.060 - Additional Preliminary Flag Lot Partition Plat Criteria
  - Draft Amendments to 18.5.7 –Tree Removal Permits
- Draft Prohibited Flammable Plant List
- Community Planning Assistance for Wildfire (CPAW) Memo dated January 2017
- Community Planning Assistance for Wildfire (CPAW) Best Practices Report dated April 2017



**DRAFT**  
**Wildfire Ordinance Amendments**  
**February 27, 2018**

**18.3.10.100 Development Standards for Wildfire Lands**

It is the purpose of the Development Standards for Wildfire Lands to provide supplementary development regulations to underlying zones to reduce or minimize the potential impacts of wildfire on properties, the occupants of properties and the occupants of adjacent properties, as well as to facilitate access to manmade structures by firefighters in the event of a wildfire.

**A. Requirements for Subdivisions, Performance Standards Developments, Site Design Review or Partitions.**

1. Applicability. A Fire Prevention and Control Plan shall be required with the submission of any application for an outline plan approval of a Performance Standards Development, preliminary plat of a subdivision, Site Design Review (except for Site Design Review of Accessory Residential Units) or land partition.
  
2. Submission Requirements. The Fire Prevention and Control Plan, prepared at the same scale as the development plans, shall address the General Fuel Modification Area Requirements outlined in 18.3.10.100.B and include the submission materials listed below. The Staff Advisor may waive a submission requirement if the Staff Advisor determines it is not reasonably necessary in order to make a decision on the application.
  - a. The location and dimensions of all existing and proposed structures, parking areas and driveways on the property.
  - b. The location, dimension, and grade of fire apparatus access roads and driveways serving all structures on the property.
  - c. The location and dimensions of all structures upon adjoining properties located within 30 feet of a shared property line.
  - d. The location of all existing and proposed fire hydrants.
  - e. Site contours showing two foot intervals detailing elevation and slope.
  - f. A tree and vegetation management plan showing:
    - i. Areas where shrubs and bushes will be removed including a description of the species and size,
    - ii. Areas where trees will be removed to reduce interlocking tree canopies including a description of the species and diameter at breast height (DBH),
    - iii. New trees, shrubs and bushes to be planted including the species, location and size at maturity,

- iv. Significant trees to be retained.
    - g. The location of and information addressing required general fuel modification area setback areas as described in subsection 18.3.10.100.B.
    - h. A schedule and timetable for vegetation removal and thinning shall be included in the Fire Prevention and Control Plan. An exception to the implementation schedule may be granted by the Fire Code Official.
- 3. Approval Criteria. The hearing authority, in consultation with the Fire Code Official, shall approve the Fire Prevention and Control Plan when, in addition to demonstrating compliance with the standards required by this chapter, it is found that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, enhancement of water resources, and aesthetics.
  - a. In order to meet the purpose and standards of this chapter the hearing authority, in consultation with the Fire Code Official, may require the following through the imposition of conditions attached to the approval.
    - i. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.
    - ii. Clearing of sufficient vegetation to reduce fuel load.
    - iii. Removal of all dead and dying trees.
    - iv. Relocation of proposed structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.
- 4. Fire Prevention and Control Plan Maintenance. The property owner of a lot, or Home Owners Association for areas held in common, shall be responsible for maintaining the property in accord with the requirements of the Fire Prevention and Control Plan approved by the hearing authority.
  - a. Provisions for the maintenance of a required Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development, or otherwise recorded in the Jackson County real property records, and the City shall be named as a beneficiary of such covenants, restrictions, and conditions.

## **B. Requirements for Construction of All Buildings and Decks.**

- 1. Applicability. A fuel modification area is defined as an area either natural or manmade, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations. Establishment of a fuel modification area does not involve stripping the ground of all native vegetation. A fuel modification area shall be required for the following construction:

- a. All new buildings that increase lot coverage by 200 square feet or greater, shall have a fuel modification area covering the full extent of the property.
  - b. Decks, additions to existing buildings, and detached accessory structures which increase lot coverage by 200 square feet or greater, shall have a fuel modification area extending 30 feet from the furthest extent of the addition, deck, or accessory structure, or to the property line, whichever is less.
2. General Fuel Modification Area Requirements. To reduce fire spread both from and to structures on the property, and to adjoining properties, the establishment and maintenance of a fuel modification area requires the following:
- a. All standing dead and dying vegetation shall be removed from the property, except when considered ecologically beneficial.
  - b. Newly planted vegetation within 30 feet of any building or deck shall not include species listed on the City's Prohibited Flammable Plant List. This setback distance shall be increased by ten feet for each ten percent increase in the average slope of the property over ten percent.
  - c. Within five feet of a new building, addition, or deck, existing vegetation listed on the City's Prohibited Flammable Plant List shall be removed, with the exceptions of significant trees as defined in part 18.6.
  - d. Within five feet of a new building, addition, or deck, combustible man-made and natural materials are prohibited, including but not limited to bark mulch, stored wood, and accumulation of dry leaves and needles, with the following exceptions:
    - i. Combustible materials may be permitted within five feet of a structure when approved by the Staff Advisor in consultation with the Fire Code Official, has determined the portion of the structure adjoining the combustible material is constructed with ignition resistant building materials sufficient to reduce the spread of fire from the combustible materials.
  - e. Existing trees, which are identified on the City's Prohibited Flammable Plant List shall be maintained to provide a clearance from new structures, and additions, as follows:
    - i. Ten (10) feet horizontal clearance from a chimney outlet. At no time shall tree crowns or limbs extend into the vertical plane of a chimney outlet.
    - ii. Ten (10) feet above the roof of a new building, or addition.
    - iii. Ten (10) feet from the furthest extension of a new building, or addition or deck.
    - iv. In circumstances where meeting the clearance from structures requirements of 18.3.10.100.B.2.d. i-iii, would compromise the health and survival of existing trees, the Staff Advisor may modify

those requirements, but at a minimum the trees shall be maintained consistent with 18.3.10.100.B.2.i.

- f. Canopy spacing of the outermost limbs of trees on the City's Prohibited Flammable Plant List shall be separated by at least ten (10) feet at mature size.
  - i. Groups of trees in immediate proximity to each other may be considered as one tree canopy when approved by the Staff Advisor in consultation with the Fire Code Official.
  - ii. Canopy spacing requirements do not apply to significant trees, as defined in part 18.6, or trees that are not listed on the City's Prohibited Flammable Plant List.
- g. Fire resistant trees, those not listed on the City's Prohibited Flammable Plant List, shall be maintained to provide clearance from structures as follows:
  - i. 10 feet horizontal clearance from a chimney outlet. At no time shall tree crowns or limbs extend into the vertical plane of a chimney outlet.
  - ii. Tree limbs shall be pruned to ensure they do not touch any part of a structure including but not limited to roofs, eaves, and decks.
- h. Shrubs and bushes which are identified on the City's Prohibited Flammable Plant List, shall:
  - i. not be planted within 30 feet of any building or deck;
  - ii. when planted further than 30' from a building or deck they shall be separated by a minimum of two times the shrub's height at maturity.
- i. Existing trees which are identified on the City's Prohibited Flammable Plant List shall be pruned up to a minimum eight feet above grade, or 1/3 of the tree height, whichever is less.
- j. The vertical clearance between the top of understory vegetation within the drip line of a tree, and the lowest tree limbs shall be at least three times the height of vegetation where either the tree or vegetation is listed on the City's Prohibited Flammable Plant list.
- k. Where necessary for erosion control, slope stability, riparian and wetland preservation and enhancement, performing functions considered beneficial in water resource protection, or aesthetic purposes, existing vegetation may be allowed to be retained consistent with an approved Fire Prevention and Control Plan, or upon written approval of the Staff Advisor in consultation with the Fire Code Official.
- l. Fuel Modification in areas which are also classified as Hillside Lands or Water Resource Protection Zones, shall be included in the erosion control measures outlined in section 18.3.10.090 Development Standards for Hillside Lands and Management Plan for Water Resource Protection Zones in 18.3.11.110.

- m. Fuel Modification Areas may include other structures, and shall not limit distance between structures and residences beyond that required by other sections of this ordinance.
3. Roofing. Where 50% or more of a structure's roof area is replaced within a five year period, the roof covering shall be constructed or re-roofed with a Class B or better roof covering. All re-roofing of existing structures in the Wildfire Hazard Zone shall be done under approval of a zoning permit.

**C. Implementation.**

1. For lands required to comply with subsection 18.3.10.100.A. that have been partitioned, subdivided or received site design review, all requirements of the Fire Prevention and Control Plan shall be complied with prior to bringing combustible materials onto the property.
2. The Fire Prevention and Control Plan must be implemented during installation of public or private utilities and site improvements required of a subdivision, partition, Site Design Review or Performance Standards Development, and shall be considered part of the applicant's obligations for land development.
  - a. The plan shall be implemented prior to final plat approval for lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements. The Fire Code Official, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the plan shall not be considered fully implemented until the Fire Code Official has given written notice to the Staff Advisor that the plan was completed as approved by the hearing authority, or as amended in accordance with subsection 18.3.110 D.
  - b. Final inspection of requisite fuel modification areas will be conducted prior to bringing combustible materials onto the property to verify compliance with the fuel reduction standards set forth in subsection 18.3.10.100 B.
3. For all construction requiring a general fuel modification area, the establishment the fuel modification area provided for in section 18.3.10.100 B shall be completed before bringing combustible materials onto the property. Upon completion of the construction, all general fuel modification area tree and shrub clearance requirements shall be verified. The property owner, or subsequent property owners, shall be responsible for maintaining the property in accord with the requirements of the General Fuel Modification Area as defined in 18.3.10.100.B.2.

#### **D. Adjustments to a Fire Prevention and Control Plan and General Fuel Modification Area Requirements.**

Adjustments to the requirements of this section may be permitted if the Staff Advisor, in consultation with the Fire Code Official, has determined that the nature of the development proposed in the project application does not constitute an increased risk to the spread of wildfire, and the following conditions are met:

1. The Fire Prevention and Control Plan Adjustments. Adjustments to the requirements of this section 18.3.10.100.A may be permitted if the following conditions are met:
  - a. A written request is filed with the Staff Advisor giving the reason why requirements for a Fire Prevention and Control Plan should be reduced or waived.
  - b. The Fire Code Official, or designee, has inspected the property and has provided the Staff Advisor with a written evaluation of the properties existing conditions including the following:
    - i. A determination that the existing separation between existing trees and shrubs is sufficient to reduce the risk of fire spread.
    - ii. A determination that the property is free of dead, dying, or severely diseased, shrubs bushes and trees.
    - iii. A determination that existing conditions, including fire apparatus access and hydrant locations, afford firefighters access to manmade structures in the event of a wildfire.
2. Fuel Modification Area Reduction. The General Fuel Modification Area requirements outlined in 18.3.10.100.B.2 may be reduced or waived when approved by the Staff Advisor in consultation with the Fire Code Official, provided it is demonstrated that the fire risk has been reasonably reduced such as in cases where ignition resistant materials and construction methods, or vegetation type and separation, function to enhance the structure's protection from exterior wildfire exposure

**E. Minor Amendments.** Changes to an approved Fire Prevention and Control Plan and General Fuel Modification Area requirements shall comply with the following procedures:

1. The following minor amendments are subject to ministerial approval by the Staff Advisor with written concurrence from the Fire Code Official:
  - a. A change in the implementation schedule provided within an approved Fire Prevention and Control Plan.

- b. A delay in the implementation of required fuels reduction in consideration of weather conditions, and fire hazard potential, during the period of construction.
- c. The retention of existing non-fire resistant plants, or planting of new non-fire resistant plants, within thirty (30) feet of a structure.
- d. A reduction of the requisite fuel modification area to address observed field conditions including preservation of riparian, wetland, and slope stabilizing vegetation.
- e. A reduction of the requisite fuel modification area in recognition of the use of fire resistant materials and construction methods that function to provide the structure with reduced exterior wildfire exposure.
- f. A change in the Fire Prevention and Control Plan that results in a tree canopy separation of less than ten (10) feet between the outermost limbs of trees which are identified on the City's Prohibited Flammable Plant List.
- f. The temporary storage of combustible materials on a property prior to completion of a Fire Prevention and Control Plan or establishment of a required fuel modification area.
- g. A reduction of the spacing between the top of the understory vegetation and the lowest tree limbs not meeting the requirements of section 18.3.10.100.B.2.

**F. Exceptions to a Fire Prevention and Control Plan and General Fuel**

**Modification Area Requirements.** The following exceptions are subject to approval through a Type I Procedure:

1. An action prescribed by 18.3.10.100 that includes the removal of trees designated to be retained as part of an approved Planning Action.
2. A change that includes the removal of native vegetation within a Water Resources Protection Zone.
3. A change in the Fire Prevention and Control Plan not specifically listed under 18.3.10.100 D1
4. Tree removal on C-1, C-1-D, E-1, CM, M-1, HC, R-2, R-3, and NN-2, zoned properties subject to Tree Removal Permit requirements set forth in chapter 18.5.7.

## Additional Land Use Ordinance Sections to be amended in association with the proposed Wildfire Standards.

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### 18.3.10.020

#### A. Physical Constraints Review Permit.

##### Applicability

##### 3. Tree Removal.

- a. *Flood Plain Corridor Land.* The following tree removal activities in areas identified as Flood Plain Corridor Land. See also, subsection 18.3.11.050.A.1 for tree pruning and removal standards in water resource protection zones.
  - i. The removal of three or more living trees of over six inches DBH, or the removal of five percent of the total number of living or dead trees over six inches DBH, whichever is greater, on any lot within five year period, or any form of commercial logging.
  - ii. The removal of one or more living conifers having **a trunk 18 caliper inches or larger in diameter at breast height (DBH), and broadleaf trees having a trunk 12 caliper inches or larger at breast height (DBH).** ~~greater than two feet DBH, or living broadleaf trees greater than one foot DBH.~~
- b. *Hillside Land and Severe Constraints Land.* Tree removal, in areas identified as Hillside Land and Severe Constraint Land, except that a permit need not be obtained for tree removal that is not associated with development, and done for the purposes of wildfire management and carried out in accord with a Fire Prevention and Control Plan, approve by the Fire Chief. **provided one or more of the following conditions is met:**
  - i. **The tree removal is carried out in accord with an approved Fire Prevention and Control Plan.**
  - ii. **The tree removal is recommended by the Fire Code Official, and approved by the Staff Advisor, as part of a comprehensive fuels reduction strategy to implement a General Fuel Modification Area consistent with 18.3.10.100.**

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### 18.3.10.040 Application Submission Requirements

The following information is required for a Physical Constraints Review Permit application; **except where the Staff Advisor determines a submission requirement is not reasonably necessary in order to make a decision on the application.**

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### 18.3.10.090 Development Standards for Hillside Lands

**D. Tree Conservation, Protection and Removal.** All development on Hillside Lands shall conform to the following requirements.

1. **Inventory of Existing Trees.** A tree survey at the same scale as the project site plan shall be prepared, which locates all trees greater than six inches diameter at breast height (DBH) identified by DBH, species, approximate extent of tree canopy. In addition, for areas proposed to be disturbed, existing tree base elevations shall be provided. Dead or diseased trees shall be identified. Groups of trees in close proximity (i.e., those within five feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. All tree surveys shall have an accuracy of plus or minus two feet. The name, signature, and address of the site surveyor responsible for the accuracy of the survey shall be provided on the tree survey. Portions of the lot or project area not to be disturbed by development need not be included in the inventory.
2. **Evaluation of Suitability for Conservation.** All trees indicated on the inventory of existing trees shall also be identified as to their suitability for conservation. When required by the hearing authority, the evaluation shall be conducted by a landscape professional. The following factors shall be included in this determination.
  - a. *Tree Health.* Healthy trees can better withstand the rigors of development than non-vigorous trees.
  - b. *Tree Structure.* Trees with severe decay or substantial defects are more likely to result in damage to people and property.
  - c. *Species.* Species vary in their ability to tolerate impacts and damage to their environment.
  - d. *Longevity.* Potential longevity.
  - e. *Variety.* A variety of native tree species and ages.
- f. **Size.** Large trees provide a greater protection for erosion and shade than smaller trees.
  3. **Tree Conservation in Project Design.** Significant trees having a trunk 18 caliper inches or larger in diameter at breast height (DBH) (two feet DBH or greater conifers and one foot DBH or greater broadleaf), and broadleaf trees having a trunk 12 caliper inches or larger in diameter at breast height (DBH), shall be protected and incorporated into the project design whenever possible.
    - a. Streets, driveways, buildings, utilities, parking areas, and other site disturbances shall be located such that the maximum number of existing trees on the site are preserved, while recognizing and following the standards for fuel reduction if the development is located in
    - b. Building envelopes shall be located and sized to preserve the maximum number of trees on site while recognizing and following

the general fuel modification standards per 18.3.10.100 if the development is located in Wildfire Lands.

- c. Layout of the project site utility and grading plan shall avoid disturbance of tree protection areas.

#### 4. **Unchanged**

5. Tree Removal. Development shall be designed to preserve the maximum number of trees on a site. The development shall follow the standards for fuel reduction if the development is located in Wildfire Lands. When justified by findings of fact, the hearing authority may approve the removal of trees for one or more of the following conditions.

- a. The tree is located within the building envelope.
- b. The tree is located within a proposed street, driveway, or parking area.
- c. The tree is located within a water, sewer, or other public utility easement.
- d. The tree is determined by a landscape professional to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by the standards in 18.3.10.090.D.2.
- e. The tree is located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.

**f. The tree is identified for removal as part of an approved fire prevention and control plan per section 18.3.10.100.A, or as recommended by the Fire Code Official, and approved by the Staff Advisor, as part of a comprehensive fuels reduction strategy to implement a General Fuel Modification Area consistent with 18.3.10.100 B.**

6. Tree Replacement. Trees approved for removal, with the exception of trees removed because they were determined to be diseased, dead, ~~or~~ a hazard, **or to comply with general fuel modification requirements,** shall be replaced in compliance with the following standards.

- a. Replacement trees shall be indicated on a tree replanting plan. The replanting plan shall include all locations for replacement trees, and shall also indicate tree planting details.
- b. Replacement trees shall be planted such that the trees will in time result in canopy equal to or greater than the tree canopy present prior to development of the property. See Figure 18.3.10.090.D.6.b. The canopy shall be designed to mitigate of the impact of paved and developed areas, reduce surface erosion, and increase slope stability. Replacement tree locations shall consider impact on the wildfire prevention and control plan. The hearing authority shall have the discretion to adjust the proposed replacement tree canopy based upon site-specific evidence and testimony.

- c. Maintenance of replacement trees shall be the responsibility of the property owner. Required replacement trees shall be continuously maintained in a healthy manner. Trees that die within the first five years after initial planting must be replaced in kind, after which a new five-year replacement period shall begin. Replanting must occur within 30 days of notification unless otherwise noted.
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### 18.4.3.080 Vehicle Area Design

**E. Parking and Access Construction.** The development and maintenance as provided below, shall apply in all cases, except single-family dwellings.

#### 6. Walls and Hedges

- a. Where a parking facility is adjacent to a street, a decorative masonry wall or **evergreen site-obscuring fire resistant** hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not nearer than two feet from the right-of-way line, pursuant to the following requirements.
  - i. The area between the wall or hedge and street line shall be landscaped.
  - ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.
  - iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.
  - iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians, and shall meet the vision clearance area requirements in section 18.2.4.040, **and shall not obstruct fire apparatus access, fire hydrants, or other fire appliances.**
- b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or **evergreen fire resistant** hedge shall be provided, pursuant to the following requirements.
  - i. The fence, wall or hedge shall be placed on the property line and shall be between five feet and six feet in height as measured from the high grade side of the property line, except that the height shall be reduced to 30 inches within a required setback area and within ten feet of a street property line.
  - ii. Screen plantings shall be of such size and number to provide the required screening within 12 months of installation.
  - iii. Adequate provisions shall be made to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.

- iv. Notwithstanding the above standards, the required wall or screening shall be designed to meet the vision clearance area requirements in section 18.2.4.040.
  - v. The fence, wall, or hedge shall be maintained in good condition.
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### 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria

**N.** Both sides of the flag drive have been screened with a site-obscuring fence, wall or ~~evergreen~~ **fire resistant** hedge to a height of from four to six feet, except in the front yard setback area where, starting five feet from the property line, the height shall be from 30 to 42 inches in the remaining setback area. Such fence or landscaping shall be placed **to ensure fire apparatus access is not obstructed by the encroachment of mature landscaping.** ~~at the extreme outside of the flag drive in order to ensure adequate fire access.~~

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### 18.5.7 – Tree Removal Permits

**C. Exempt From Tree Removal Permit.** The following activities are exempt from the requirement for a tree removal permit in 18.5.7.020.A, subsections A. and B, above.

1. Those activities associated with the establishment or alteration of any public park under the Ashland Parks and Recreation Commission. However, the Parks and Recreation Department shall provide an annual plan in January to the Tree Commission outlining proposed tree removal and topping activities, and reporting on tree removal and topping activities that were carried out in the previous year.
2. Removal of trees in single family residential zones on lots **ineligible to be partitioned or subdivided, and** occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by chapters [18.3.10](#) Physical and Environmental Constraints and [18.3.11](#) Water Resource Protection Zones.
3. Removal of trees in multi-family residential **and health care** zones on lots **ineligible to be partitioned or subdivided and** occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by chapters [18.3.10](#) Physical and Environmental Constraints and [18.3.11](#) Water Resource Protection Zones.
4. Removal of trees less than six-inches DBH in any zone, excluding those trees located within the public right of way or required as conditions of approval with landscape improvements for planning actions.
5. Removal of trees less than 18 **caliper inches in diameter at breast height (DBH)** ~~inches DBH~~ on any public school lands, Southern Oregon University, and other public land, excluding Heritage trees.

6. Removal of trees within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management **consistent with the fuel modification area requirements in 18.3.10.100**, and in accord with the requirements of chapters **18.3.10** Physical and Environmental Constraints and **18.3.11** Water Resource Protection Zones.
  7. Removal of dead trees.
  8. Those activities associated with tree trimming for safety reasons, as mandated by the Oregon Public Utilities Commission, by the City's Electric and Telecommunication Utility. However, the Utility shall provide an annual plan to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year. Tree trimming shall be done, at a minimum, by a Journeyman Tree Trimmer, as defined by the Utility, and will be done in conformance and to comply with OPUC regulations.
  9. Removal of street trees within the public right-of-way subject to street tree removal permits in AMC **13.16**.
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## **Additional Ordinance amendments or resolutions**

### **Chapter 9 Health and Safety:**

Ordinance and Resolution adopting Prohibited Flammable Plant List

### **Chapter 18.4.4 Landscaping, Lighting, and Screening**

Ordinance currently under review to address “highly flammable landscaping”, “fire resistant landscaping” and “prohibited flammable plants” to ensure consistency with the proposed wildfire ordinance standards.

### **Chapter 18.5.1 General Procedures**

Amend the procedures table 18.5.1.010 to add Fire Prevention and Control Plan Minor Amendments (ministerial) and Exceptions (Type I)

### **Chapter 18.6 Definitions:**

Definition of “Significant Tree”.

A tree having a trunk 18 caliper inches or larger in diameter at breast height (DBH).

Definition of “Fire Code Official”

Definition of “Fire Resistant Landscaping”

Definition of “highly flammable landscaping” : listed on the Prohibited Flammable Plant List.

Definition of “Prohibited Flammable Plant List” (Reference to adopted Ch 9 list)

Definition of “fire resistant exterior”

Definition of “Fire and Ignition resistant materials”

## **Prohibited Flammable Plant List**

The use of the following landscape plants are restricted within the City of Ashland Wildfire Lands overlay area per the general fuel break requirements set forth in Chapter 18.3.10.100 of the Ashland Land Use Ordinance.

### **Trees:**

Arborvitae (Thuja sp.)

Cedar (Cedrus sp.) *exception for prostrate or dwarf variety*

Cedar/Cypress (Chamaecyparis sp.) *exception for prostrate or dwarf variety*

Cypress (Cupressus sp.)

Douglas fir (Pseudotsuga menziesii)

Fir (Abies sp.)

Hemlock (Tsuga sp.)

Juniper (Juniperus sp.)

Pine (Pinus sp.)

Sequoia (Sequoia sp.)

Spruce (Picea sp.)

Yew (Taxus sp.)

### **Shrubs**

Blackberry (Rubus armeniacus)

Bitterbrush (Purshia tridentata)

Juniper (Juniperus sp.)

Manzanita (Arctostaphylos sp.) *exception for 'Kinnikinnick'*

Oregon grape (Mahonia aquifolium) *exception for 'Compacta'*

\*Rosemary (Rosmarinus sp.) *exception for 'Prostratus'*

Sagebrush (Artemisia sp.)

Scotch broom (Cytisus scoparius)

Wild Lilac (Ceanothus sp.) *exception for prostrate varieties*

### **Grasses and Ground Cover**

Pampas grass (Cortaderia selloana)

\*Single Rosemary plants may be incorporated in gardens



**To:** Margueritte Hickman, Chris Chambers, Alison Lerch (City of Ashland, Fire & Rescue)  
Brandon Goldman (City of Ashland, Planning Division)  
**From:** Community Planning Assistance for Wildfire  
**RE:** Preliminary Findings and Recommendations to the Draft Development Standards for  
Wildfire Lands and Draft Fuel Break and Prohibited Plant List  
**Date:** January 10, 2017

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## **Overview**

The City of Ashland is currently engaged with the Community Planning Assistance for Wildfire (CPAW) program to receive focused technical planning assistance to address the growing threat of wildfire to the City of Ashland. As part of this process, CPAW team members Molly Mowery and Kelly Johnston reviewed key draft planning documents under consideration by the City, including the Draft Development Standards for Wildfire Lands (Section 18.3.10.100, dated February 23, 2016), and the Draft Resolution Adopting the City of Ashland Fuel Break and Prohibited Plant List.

This memo provides preliminary findings and recommendations for consideration by the City's planning division and fire department staff. These findings are intended to facilitate additional discussion; any final recommendations to the City will be based on further discussion and information obtained during an anticipated site visit. For questions regarding this memo, contact: Molly Mowery, Wildfire Planning International, molly@wildfireplanning.com, 303-358-9589.

## **Preliminary Findings and Recommendations**

### **18.3.10.100**

#### **A. Requirements for Subdivisions, Performance Standards Developments, Site Design Review or Partitions**

**A.3.c.** It may not be necessary to show the location and dimensions of all structures upon adjoining properties located within 30 ft. of a shared property line in cases where lot sizes are large enough to have an independent defensible space. Instead, we recommend requiring Fire Prevention and Control Plans to show the location and dimensions of all structures within 30 ft. from the primary structure (including accessory structures and structures on neighboring lots within 30 ft.).

**A.3.d.vii.** The term "heavily forested" seems open for broad interpretation that may cause some confusion. The City should consider setting thresholds that define this term in the document. Alternatively, the City should consider retaining the current definitions of "primary zone" and "secondary zone" by applying subsections 3.d.i to 3.d.vii. to the "primary zone," and reframing subsection 3.d.viii to substitute the term "secondary zone" for "heavily forested". This option allows for an assessment and plan development by a qualified professional which can account for ecosystem and other objectives on large tracts of land.

## **B. Requirements for Construction of All Structures**

**B.1.** Although “Fuel break” as defined by the City, and consistent with the National Wildfire Coordinating Group’s (NWCG) definition, is a completely acceptable term, it may not be the most appropriate term for these development standards. “Fuel break” may be interpreted by the public as significant vegetation removal, creating the image of a substantial visual “break” in vegetation. Considering the public’s desire to retain trees, along with the “lighter” approach regarding removal, we recommend using a softer term, such as “Fuel Treatment Area” or the synonym “Fuel Modification Area”, in which both are defined by the NWCG as “Manipulation or removal of fuels to reduce the likelihood of ignition and/or to lessen potential damage and resistance to control (e.g., lopping, chipping, crushing, piling and burning).”

**B.1.a.** The City should consider not including a 200 sq. ft. threshold regarding new construction, additions and conversions, as any addition or new structure within 30 ft. is a hazard to the primary structure, unless mitigated. Alternatively, the City should retain the proposed language, but consider additional language requiring a structure less than 200 sq. ft. be constructed to fire resistant standards, including ignition resistant siding and Class B or better roofing and a horizontal combustible material free zone of five ft. from the furthest horizontal extension of the structure. This will minimize the impact of the new structure contributing to the current fuel complex hazard.

### **B.2. General Fuel Break Requirements.**

Again, we agree with this definition of a fuel break, but are not confident that the current allowances for vegetation retention will result in the creation of fuel breaks. We therefore recommend using the term “Fuel Treatment Area” or the synonym “Fuel Modification Area”, in which both are defined by the NWCG as “Manipulation or removal of fuels to reduce the likelihood of ignition and/or to lessen potential damage and resistance to control (e.g., lopping, chipping, crushing, piling and burning).”

**B.2.a.** Consider expanding this provision to include exceptions outside of water resource protection areas for cases when a dead or dying tree can provide ecological benefits. For example: “All standing dead and dying vegetation shall be removed from the property, except when approved to be considered ecologically beneficial.”

**B.2.b.** In general, we recommend the City add an “Acceptable Plant List” to the current “DRAFT Fuel Break Prohibited Plant List”. This will not only provide positive guidance, but will also prevent the use of plants and trees that may have been inadvertently overlooked on the “Fuel Modification Prohibited Plant List”.

We also recommend that all existing vegetation within five ft. of a structure be removed (measured between the furthest horizontal extension of the structure and the closest horizontal extension of the plant). This is based on current wildfire ignition science<sup>1</sup> which establishes minimum distances for vegetation bordering a structure, including attachments. If compromises

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<sup>1</sup> This is based on scientific experiments and case studies conducted by National Institute of Science and Technology, USDA Forest Service and Insurance Institute of Business and Home Safety.

are made to reduce this distance, we recommend that the City consider retaining a five ft. non-combustible surface, while allowing "Fire-resistant" plants (or plants identified on the proposed "Acceptable Plant List") to be no closer than three ft. from the closest part of the structure, if siding is "ignition-resistant" or "non-combustible" (meeting testing standards) from grade to eaves (see B.2.c below).

**B.2.c.** We recommend the City consistently use the term "ignition-resistant," when referencing construction materials, to align with common definitions and provide definable thresholds (meeting testing requirements) on the products that are being used. As recommended above, we also suggest that the City consider expanding the three ft. border to a five ft. non-combustible border. Again, if compromises are made to reduce this distance, we recommend that the City consider retaining the five ft. non-combustible surface, while allowing "Fire-resistant" plants (or plants identified on the proposed "Acceptable Plant List") to be no closer than three ft. from the closest part of the structure, if siding is "ignition-resistant" or "non-combustible".

We also recommend the City consider requiring the removal, or not allowing the placement, of any shrubs within five ft. of windows and the removal of any "Prohibited" plants, shrubs and trees that are within 30 ft. of a window.

Finally, the City should consider requiring the removal of "Prohibited" trees that are within 30 ft. of a window, unless it is a Significant tree, and/or can be pruned so that the crown base is five ft. above the roof deck.

**B.2.d.** We recommend the City consider adjusting language to require existing "Prohibited" trees within 30 ft. of the structure be removed, with exceptions of those that are significant trees, or where siding is "ignition-resistant" or "non-combustible". In the case of the exceptions, we recommend that all retained "Prohibited" trees within 30 ft. be pruned to a minimum of five ft. above the roof deck or 1/3 of the tree height, whichever is less.

**B.2.e.** We recommend the City consider changing this distance to a relative distance of "one crown width" between trees at mature size. This provides a simple relative distance based on the crown size and fuel loading (i.e., crown bulk density) and therefore a relative distance to mitigate potential radiant heat energy and flame length produced by the individual crown. We further recommend that the City consider as similar approach for subsection B.2.e.i., where a group of trees is considered "one crown" and therefore a distance of "one crown width" applies to the group.

**B.2.n.** The rationale behind this provision is unclear in the text. Is there additional information to add to support the distance of 130 ft.? This may be helpful to further clarify.

### **B.3.Roofing.**

What are the requirements if the roof replacement does not occur within the five year timeframe (i.e., exceeds the five year period stated in the provision)? This may be helpful to further clarify.



## **Best Practices Compilation for Ashland, Oregon:** Community Programs and Implementation Practices Across the West



April 2017



## Overview

This document provides the City of Ashland with best practices from across the west. Community examples highlight successful mitigation programs, landscaping codes, WUI codes professional qualifications, which may assist in the City's implementation of future regulations and related activities. Additional community examples are also available through [the Community Planning Assistance for Wildfire](#) website.

## Case Studies on WUI Code Adoption Process

### Wenatchee, Washington

In 2015, the City of Wenatchee experienced the Sleepy Hollow fire, which burned 30 homes on the outskirts of town (due to direct flame impingement and embers) and multiple commercial warehouses in the urban downtown core (due to the transportation of embers from the burning structures). As part of the Fire Code, the City has a [WUI Standard](#) in place. The WUI Standard does delineate the City into two distinct zones, however, the standard does not fully capture the set of conditions that promotes the ignition and spread of fire through the WUI fuel complex (wildland and built fuels). Wenatchee's *current* designation for the WUI is below:

#### **3.36.010 Wildland-Urban Interface Zone Designation**

“The code official shall have final authority in determining which properties shall be affected by the WUI zone designation. The determination shall be made based on the property's location and exposure to large tracts of natural vegetation. Property and structures immediately adjacent to undeveloped land with natural vegetation without fuel breaks establish the interface line or primary zone and are subject to all of the provisions of this chapter. Property and structures located to the east, or the developed side, of the primary zone and within 1,500 feet of the interface line are included in the secondary zone.” (Ord. 2011-13 § 1)

While this designation delineates boundaries for enforcement within the WUI, it does not capture the true scope of the City's risk to wildfire. Taking previous fire experiences and risk information into account, the Community Planning Assistance for Wildfire (CPAW) team worked with the City to provide recommendations to improve its WUI approach. Included in the final recommendations was a priority recommendation for the City to redefine the WUI and implement a WUI risk assessment program (currently in the implementation stages) to better prepare for potential wildfire impacts in Wenatchee. As part of this, the CPAW team recommended that the entire City be identified as the WUI, with a re-defined Primary and Secondary Zone. The most stringent WUI Standards are recommended to apply to the Primary Zone, where structures will be potential exposed to radiant and convective heat transfer, as well as burning airborne embers. Less stringent standards are recommended to apply to the Secondary Zone, where structures are potentially exposed to localized radiant and convective heat, as well as short, medium and long range burning embers. (The final report on CPAW's recommendations to Wenatchee can be downloaded [here](#).)

Within the currently adopted [Fire Code WUI Standards \(3.36.160\)](#), Wenatchee provides the definition of defensible space, outlines the responsibilities of the land owner, and references the ICC International WUI Code and the NFPA 1144, Standard for Reducing Structure Ignition



Hazards from Wildland Fire. The Code provides characteristics of fire resistant vegetation according to the Firewise website. The descriptions from the Wenatchee WUI Standards are listed below (note: CPAW also provided recommendations to this section; current language may change based on future revisions):

- (1) Growth with little or no accumulation of dead vegetation (either on the ground or standing upright. Although green, both juniper shrubs and arborvitae accumulate large amounts of dead material).
- (2) Nonresinous plants (willow, poplar or tulip trees).
- (3) Low volume of total vegetation (for example, a grass area as opposed to a forest or shrub-covered land).
- (4) Plants with high live fuel moisture (plants that contain a large amount of water in comparison to their dry weight).
- (5) Drought-tolerant plants (deeply rooted plants with thick, heavy leaves).
- (6) Stands without ladder fuels (plants without small, fine branches and limbs between the ground and the canopy of overtopping shrubs and trees).
- (7) Plants requiring little maintenance (slow-growing plants that, when maintained, require little care).
- (8) Plants with woody stems and branches that require prolonged heating to ignite.

For reference on specific plants and their characteristics, see <http://firewise.org>. (Ord. 2011-13 § 1)

## Flagstaff, Arizona

Located in a Ponderosa Pine forest, Flagstaff Arizona is subject to and familiar with wildland fires and the potential impacts on its community. Following a 1996 fire season, City leaders took action to mitigate against wildfire. Following ten years of education and various programs, the City adopted the WUI code in 2008. The code development and adoption success was a result of a two year public outreach process that familiarized the local stakeholders and residents with wildfire risk reduction measures. The City produced a [Wildland-Urban Interface Code Adoption: How to avoid the agony](#) document to illustrate the community's approach for adopting the International Fire Code and Wildland Urban Interface Code.

Flagstaff also had steep slope and natural resource protection ordinances in place as part of a Resource Protection Overlay Zone. When the WUI code was adopted, language in the planning and zoning documents clearly identified the WUI code to supersede the resource protection documents as identified in [Flagstaff 's Resource Protection Standards \(10-50-90\)](#). Additional Information on the Resource Protection Standards is in the City's Resource Protection Standards [Appendix 5](#) (Additional Information).



## Home Ignition Zone: Incentivizing Property Mitigation

Communities seeking to implement WUI codes and regulations often struggle with how to address existing development. Combining regulatory and voluntary approaches can help address this challenge by offering programs which incentivize defensible space and home retrofits. Two Colorado counties serve as examples: the REALFire program (Eagle County, CO) and the Wildfire Partners program (Boulder County, CO).

Both counties have implemented regulations for future development in concert with voluntary programs which incentivize risk reduction practices and provide valuable homeowner education. Programs partner with fire departments, fire districts and other local stakeholders and private organizations to offer property assessments. Each program utilizes the “home ignition zone” concept, introduced by Dr. Jack Cohen (USFS), and further incorporate science from in the Insurance Institute for Business and Home Safety (IBHS) to provide the following:

- An in-depth assessment of a home, property, and accessory structures and other attachments performed by a trained mitigation specialist.
- Landscaping guidance based on the [Colorado State Forestry Service Firewise Guidelines](#).
- A detailed and customized report, including a mitigation checklist to guide the homeowner’s mitigation actions.
- A follow up site visit to verify completion of work.
- A certificate to acknowledge successful completion, which may also be shared with insurance providers to secure or renew coverage.

Each program also takes advantage of the \$2,500 tax deduction available for Colorado homeowners creating defensible space.

### Eagle County, CO

#### *Existing Regulations for New Construction*

Regulations in Eagle County are meant to reduce risk, provide a set of strategies to help minimize impact to adjoining properties, and provide firefighter access when wildfires do occur. When possible, development in high-risk locations is avoided altogether. Eagle County’s land use regulations include a section for [Development in Areas Subject to Wildfire Hazards in the Eagle County \(Section 4-430\)](#). This section is applicable to any application for a Special Use Permit, Subdivision or Planned Unit Development. It requires the submittal of a vegetation management plan, and includes detailed language on plan requirements, procedure and standards. The County’s [development standards](#) require:

- A wildfire hazard rating for a plat before any building permit is issued.
- A Vegetation Management Plan for new development be generated by a natural resource professional.
- Fire resistant materials for interior walls and ceilings with a one hour rating (e.g., 5/8” thick gypsum board) along with a non-combustible exterior such as brick or mortar.
- Adequate defensible space around the structure.
- A water supply and access plan identifying adequate turn arounds and dual point access in new developments.



## ***REALFire® Program***

The REALFire® program was established by the Vail Board of Realtors® and Eagle County, Colorado. It uniquely engages Realtors in local wildfire risk reduction efforts by engaging their support and expertise in marketing and outreach with local members and other Realtors associations. Eagle County provides assessment data, program coordination and outreach with local fire protection districts. A home assessment app has also been generated based on home ignition zone best practices, which automatically generates a full property assessment report. Each completed assessment is automatically stored in a database for easy access and management of collected information.

The program is funded through Eagle County, Vail Board of Realtors, several Homeowner Associations, and state and federal grants. Assessments were initially offered at \$50 and will be offered at no cost during the 2017 calendar year. Homeowners who successfully complete their wildfire mitigation activities can obtain a wildfire certificate for their individual properties. This certification can be used to enhance real estate transactions by reassuring prospective buyers that wildfire risk reduction has been achieved. More information is available on the REALFire® [website](#).

## **Boulder County, CO**

### ***Existing Regulations for New Construction***

In response to multiple wildfires affecting the Boulder County community, the County surveyed and mapped the WUI area to identify the extent of the wildfire hazard (further explanation found in the [County CWPP](#) Pg.65). Over the course of several decades, the County initiated and revised development regulations for new development in the identified WUI hazard area to address:

- Defensible space practices for all new development
- Building material restrictions including roofing, siding, walls, and windows
- [Site Development Standards/site plan reviews](#) addressing site location, building construction and design, landscaping/defensible space/fuel management, access and water availability.

The County's current Wildfire Mitigation program is administered through the County's Land Use Department. Prior to the issuance of a building or grading permit, a wildfire mitigation plan must be submitted to and approved by a County Wildfire Mitigation Specialist. The wildfire mitigation plan must include a [site plan](#) showing the location of structures and other improvements, extent of defensible space management zones, the location of a fire cistern, and a written narrative detailing the site location, construction design and materials, defensible space and forest management, driveway access for emergency vehicles, water supply and maintenance. Prior to a foundation inspection, the majority of defensible space and forest management must be completed.

Wildfire mitigation [forms and publications](#) for landowners are easily accessible online, and include guidance on defensible space, landscaping, building with ignition-resistant materials, fire sprinkler approval form, rock installation around structures, woody material disposal, and a wildfire mitigation timeline for the building permit application process.



## **Wildfire Partners Program**

The Boulder County’s Wildfire Partners program has been active for three years and has become a template for communities to engage homeowners in the WUI. The program is run completely by Boulder County and, according to the Wildfire Partners Website, “is funded by Boulder County, a \$1.5 million grant from the Colorado Department of Natural Resources and a \$1.25 million grant from the Federal Emergency Management Agency.” These major funding sources have allowed the program to offer reduced assessment rates and financial awards to subsidize work being done by designated contractors or homeowner material costs. Through the partnerships with the insurance companies in the area, receiving a certificate can translate into reductions in insurance premiums and the renewal of insurance policies in wildfire risk areas. More information is available on the Wildfire Partners [website](#).

## **Language on "Qualified Professional" References**

To support the implementation of mitigation programs, communities may rely on qualified professionals to review, develop or submit plans. Examples include:

### **Larimer County, Colorado**

Within Larimer County Colorado’s Land Use Code, Chapter 8 Standards for All Development, [Section 3 Hazard Areas](#) outlines the entire development process in identified hazard zones including professional qualifications, stating:

“All maps and reports required by this section must be prepared by or under the responsible direction of a duly qualified expert. Wildfire hazard analysis must be performed by a professional forester with at least two years’ experience with wildfire hazards in the Rocky Mountain Region.”

### **Boulder County, Colorado**

In Article 3 Application Submittal Requirements, Section 203 Standards for Submittal Requirements of [Boulder County’s Land Use Code](#), necessary professional qualifications and details for hiring consultants are outlined:

#### **“B. Professional Qualifications**

1. A professional consultant may not be necessary for all applications. Only the following will require professional assistance.

a. Improvement plans and reports for water supply, sanitation, drainage, utilities, soils, grading, roads, structures, and other civil engineering work must be certified by a registered Colorado Professional Engineer

b. All documents containing land survey descriptions must be certified by a registered Colorado Professional Land Surveyor

c. Geology reports shall be prepared by either a member of the American Institute of Professional Geologists, a member of the Association of Engineering Geologists, or an individual registered as a geologist by a state



d. Wildlife impact reports, where required, shall be prepared by an approved wildlife expert retained by the County Parks and Open Space Department and paid for by the applicant

2. All data and plans submitted for review must show the qualifications of the individual in charge of the work.

#### C. Consultants

1. If the County does not have qualified staff to review certain elements of a proposal or referral agencies are not able to adequately advise the County regarding certain elements of a proposal, the Board of County Commissioners may authorize the review be performed by a consultant engaged or approved by the Land Use Director after discussion with the applicant.

2. A referral agency may impose a fee for the review of the development proposal.

3. The costs of either review are the responsibility of the applicant. No hearings will be held if the consultants fee has not been paid.”



## **Appendix A: Additional Examples and Resources for Landscaping Regulations**

### **Community Examples**

#### ***Kittitas County, Washington***

Kittitas County adopts the most current ICC WUI code along with Appendix B Vegetation Management Plan in the [Kittitas County Code- Title 20- Fire and Life Safety](#). The county also designated all unincorporated areas to be within the WUI. Further Explanation of Defensible Space is located on their [Building Permit Submittal](#).

#### ***Ruidoso, New Mexico***

Ruidoso was heavily affected by the Little Bear fire in 2012. The City took it upon themselves to mitigate wildfire risk to the community by integrating multiple ordinances, including a comprehensive description of proper defensible space, into their city code. While some of the language would need to be revised due to differences in fuels, [Ruidoso's Fuel Management Standards \(42-80\)](#) provides an excellent example of what can be done when implementing wildfire landscaping ordinances.

Section 42-80 A3 addresses vacant lots and absentee land owners and is measured based on the risk to neighboring properties. The City will notify the landowner of the situation and give a proper timeline to correct the issue. If not corrected a series of escalating fines are imposed until the problem is corrected.

#### ***San Diego, California***

San Diego California may be the most regulated area in the country for defensible space landscaping regulations. [Section 142.0412 Brush Management](#) is a helpful example of defensible space being implemented into landscaping regulations.

The code gives the fire chief specific authority to regulate brush management in addition to overriding specific environmental regulations when necessary. The 100ft defensible space area is broken down into Zone 1 and Zone 2 with extremely detailed outlines for necessary actions in both. These zones and actions could easily be manipulated for local use.

### **Fire Resistant Plant Lists**

[Pacific Northwest Fire Resistant Plant List](#)

[Landscaping Network Fire Resistant Plant List](#)

[FireSmart Canada Guide](#)



## ICC WUI Code Appendix B- Vegetation Management Plan

### APPENDIX B

#### VEGETATION MANAGEMENT PLAN

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

#### SECTION B101

##### GENERAL

##### B101.1 Scope.

Vegetation management plans shall be submitted to the code official for review and approval as part of the plans required for a permit.

##### B101.2 Plan content.

Vegetation management plans shall describe all actions that will be taken to prevent a fire from being carried toward or away from the building. A vegetation management plan shall include at least the following information:

1. A copy of the site plan.
2. Methods and timetables for controlling, changing or modifying areas on the property.

Elements of the plan shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.

3. A plan for maintaining the proposed fuel-reduction measures.

##### B101.3 Fuel modification.

To be considered a *fuel modification* for purposes of this code, continuous maintenance of the clearance is required.

February 21, 2018

Dear City Commissioners/Liaisons and members of the public,

As you know, water is one of Ashland's most precious resources and the City of Ashland takes its responsibility as a steward of our region's water and watersheds very seriously. This Stewardship includes improving water quality and conserving water quantity within the Ashland (TID) Canal and Ashland Creek, the outlet of the Ashland Canal.

As part of the City's 2012 Water Master Plan, which was vetted by the Ashland Water Advisory Committee and approved by City Council, the City will pipe approximately two miles of the front section of the Ashland Canal from Starlite Place to Terrace Street. A map of the proposed section to be piped can be found here. [Map](#)

The City of Ashland Public Works Department would like to invite one representative from your Commission to participate in the recently formed Ashland (TID) Canal Advisory Group (ACAG). By serving on this committee, members will have the opportunity to help guide the Ashland (TID) Canal Piping Project and serve in an advisory role to City Staff.

#### **ACAG Responsibilities:**

- Attend dedicated ACAG meetings to discuss project specifics and review progress. (Meeting frequency will be dependent on project phases; once every other month or as deemed necessary by City staff)
- Provide constructive feedback on project development, constraints, and public outreach.
- Participate in review of preliminary plans and preliminary reports.
- Attend introductory meeting on April 2, 2018 at 51 Winburn Way in the Siskiyou Room 5:30 - 7 p.m.
- We hope to keep your involvement through the final engineering phase, estimated to be complete in late 2019.

#### **Ashland Canal Piping Project Overview**

The goal of the piping project is to replace the open-channel irrigation canal with below-ground pipe(s) to improve the water quality in Ashland Creek and to assist the City's goal for overall water conservation.

The City receives a portion of its water supply from Talent Irrigation District (TID). This water is delivered via the Ashland Canal as a source of seasonal irrigation water. In years when water supplies are limited, the Ashland Canal is used as a supplemental water source. The water is treated to drinking water standards at the City's Water Treatment Plant (WTP). Raw water in open canals is vulnerable to contaminants from a variety of sources. These contaminants increase treatment costs at the WTP and reduce water quality in Ashland Creek. Additionally, open canals are susceptible to water losses through seepage and evaporation. More information can be found here: [Council Staff Report](#).



# CITY OF ASHLAND

## Project Status:

The preliminary engineering phase (survey and field work) will begin February 2018 and is expected to take eleven months. Construction is not anticipated until 2020.

Phase	Action	Date
1A	Preliminary engineering phase (survey and field work). This phase is currently underway.	Current
1B	Public outreach, obtaining permits, easements and construction work agreements	December 2018 – June 2019.
2	Final engineering	June 2019 – December 2019
3	Construction of piping project	2020

Please consider our invitation and let us know of your decision no later than February 28, 2018. We look forward to hearing from you and appreciate your consideration. Additionally, we have scheduled a neighborhood meeting for residents living adjacent to this portion of the canal to answer any questions or concerns they may have. The meeting is scheduled for March 6th in room 319 at Southern Oregon University in the Stevenson Union from 4 -6 p.m. You are welcome to join us at this meeting as well.

Please don't hesitate to call 541-552-2062 or email [Julie.smitherman@ashland.or.us](mailto:Julie.smitherman@ashland.or.us) if you would like additional information or have further questions. We hope you will join us in this important work!

Thank you,

*Ashland Canal Project Staff*

Kevin Caldwell, Project Manager, City of Ashland

Julie Smitherman, Conservation Analyst, City of Ashland

Steve Walker, Water Quality Distribution Supervisor, City of Ashland

Dan Scalas, Project Engineer, Adkins Consulting Engineers

ShanRae Hawkins, Public Relations, StingRay Communications



# Memo

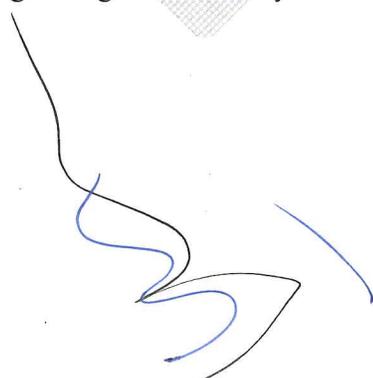
CITY OF  
ASHLAND

Date: February 13, 2018  
From: Scott A. Fleury, Deputy Public Works Director  
To: Public Works & Planning Department's  
Re: Tree removal/curb bump-out policy development

The Public Works Department through the Street Division does pavement maintenance and vegetation clearance noticing work throughout the City. Some situations call for a property owner to be noticed of vision clearance issues created by vegetation on their abutting street side property. Other situations call for a property owner to be noticed of damage created by abutting vegetation. Often times the damage to public infrastructure (sidewalks/curbs/gutters/roadway) is done by trees planted directly adjacent to the roadway and as they grow the tree roots and girdle impact both asphalt and concrete surfaces.

The damage can be significant and costly, reference attached pictures. Previously, issues have been addressed at a "one off" level depending on various circumstances while others have been left to fester. Public Works wishes to establish a single policy document that guides when and if curb bumpouts should be installed to protect "historic" or defined "heritage" trees and when a tree should just be removed and replaced with another tree in an appropriate location on private property.

The goal of this policy is to protect and maintain existing infrastructure and minimize life cycle replacement costs while also protecting and providing Americans with Disabilities (ADA) access to the maximum extent feasible, and to also understand the desire for trees in both park rows and private property. The policy will allow us to be consistent with all of the Ashland Community and not manage things on a case by case basis.



ENGINEERING DIVISION Tel: 541/488-5347  
20 E. Main Street Fax: 541/488-6006  
Ashland OR 97520 TTY: 800/735-2900  
[www.ashland.or.us](http://www.ashland.or.us)



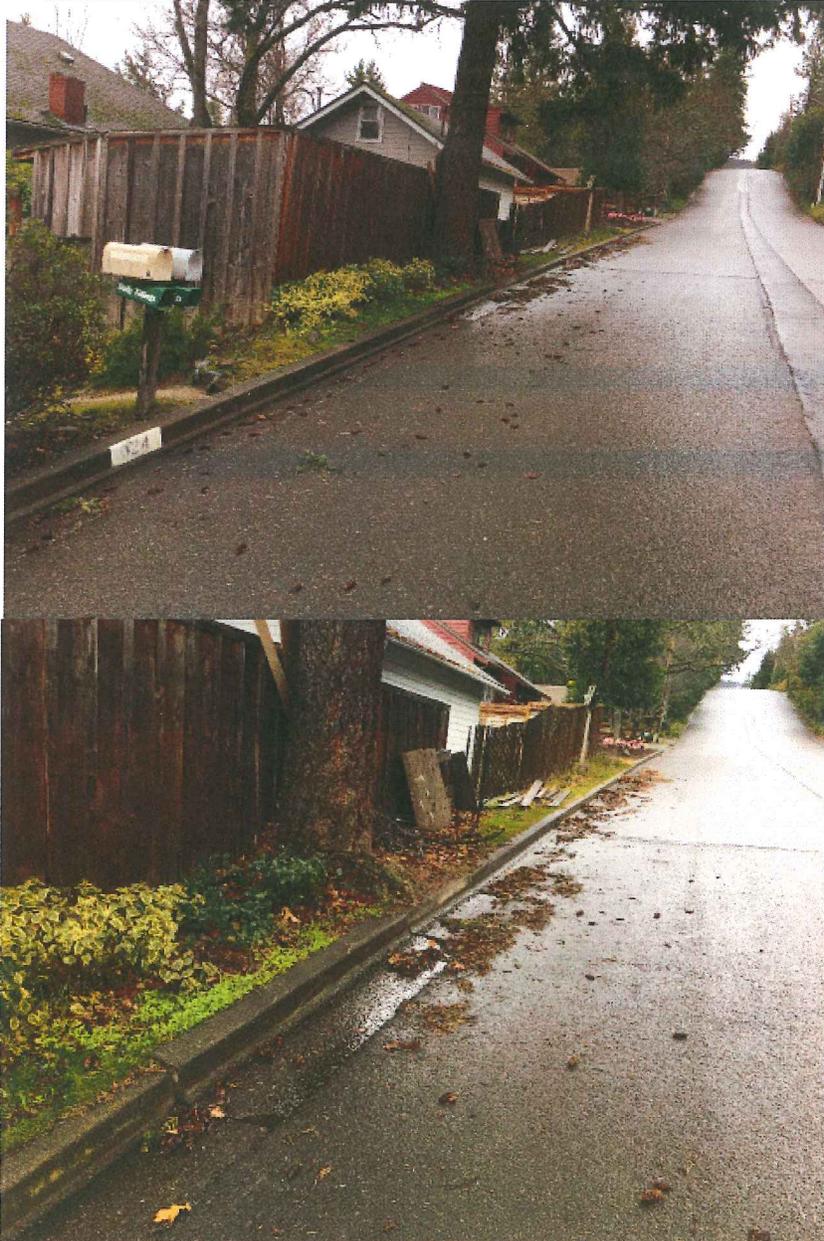
A draft outline of the policy should include:

1. Define why we need a policy
  - a. ADA(mobility-all modes)
  - b. Vision clearance
  - c. Protect public infrastructure
  - d. Protect the environment
  - e. Safety
2. Heritage Tree List (applicable)
3. Tree diameter minimums "to keep"
4. Potential loss of parking minimums (how many spaces to create curb bump out)
5. Cost benefit of tree removal compared to design/construction of curb bump outs
6. Potential property owner financial support through a single lot local improvement district

DRAFT



## Examples of tree issues:



324 Terrace ST 25' of straight curb lifted due to Tree roots. Slight pooling of water.

(On Slurry seal list)





365 Terrace 24' straight curb. Slight pooling. Street humped. Likely, no need to remove tree.

(On Slurry seal list)





517 Terrace ST 37' of straight curb. Water pooling behind curb. Original tree that damaged curb has been removed. Wall, old stump, and tree interference to replace curb.

(On Slurry seal list)





525 Terrace ST 43' of straight curb. Plans currently in design with engineering for a bump out.  
(On Slurry seal list)





560 Terrace ST 14.5' of radius curb. 3 trees are leaning/overhanging curb encroaching roadway  
(On Slurry seal list)

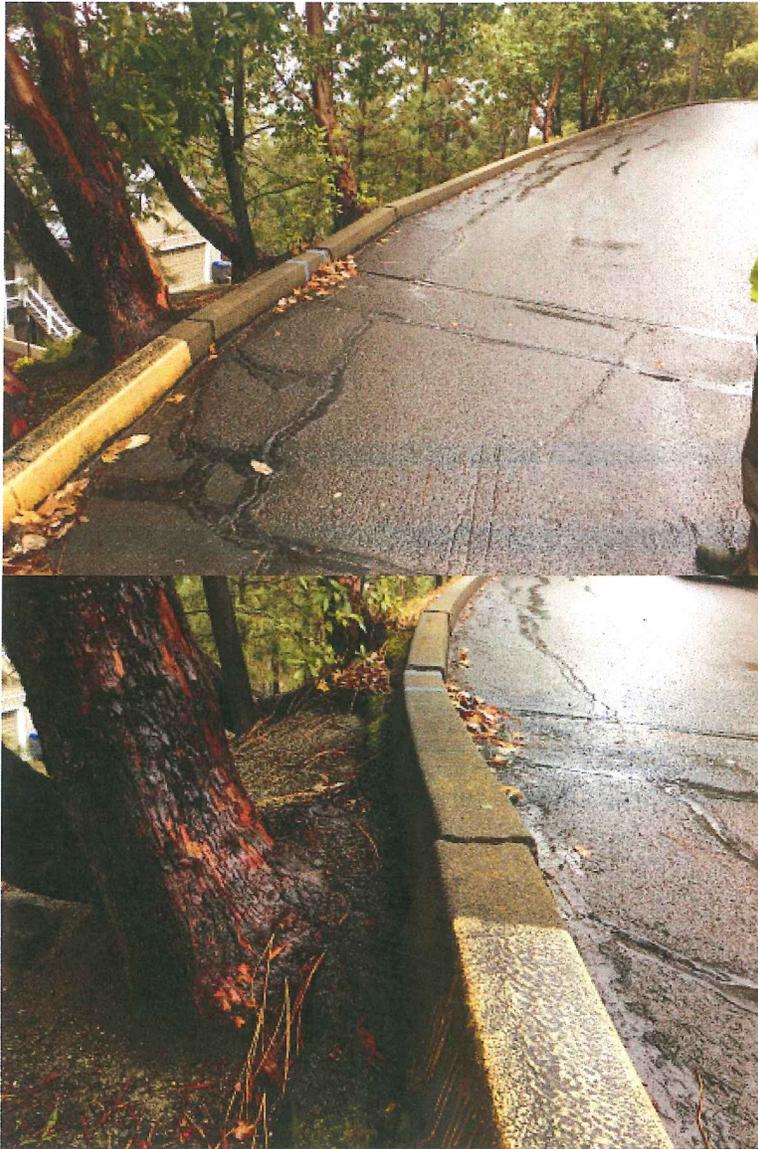




608 Terrace ST Tree currently in compliance but will lift curb & become of compliance as it grows  
(On Slurry seal list)



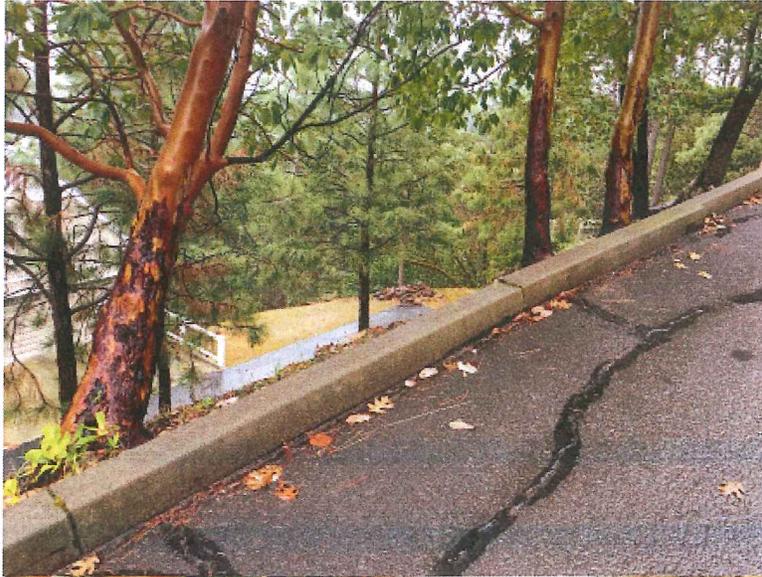
Ashland LP RD above Water Line RD. 14' straight curb and slight pavement damage, slight asphalt heaving. (On Slurry seal list)



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Ashland LP RD above 491 Ashland LP RD 65-75' of curb needs replaced. It is on the side of a steep hill and the tree roots pose a conflict with forming/pouring the curb and will likely occur again. There is significant damage to the road as a result of the tree roots. (On Slurry seal list)





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DRAFT

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This is at the corner of Tudor and Glendower in quiet village. We responded to a customer complaint and discovered this. It previously had been obscured by parked vehicles. It is in the process of the tree issue being resolved. We required the property owner to remove the trees leaning over the curb. The offending trees caused significant damage to the roadway as well as the curb. It will require approx. 95' of curb replaced as well as 38 Tons of asphalt to repair the damage by the trees.

**(Not on this slurry seal list)**



305 Wimer ST. 30-35' of straight curb and a 9' paver pass- approx. 8 Tons of AC. The Catch basin will have to be reset as well.

**(Not on this slurry seal list)**







Scenic at Grandview. 20' of curb and reset the catch basin.  
(Not on this slurry seal list)

Cc:  
Karl Johnson,  
Avram Biondo  
Michael Morrison  
Paula Brown  
Bill Molnar  
Maria Harris

