

**CITY OF  
ASHLAND**  
**TREE COMMISSION AGENDA**  
**August 6, 2015**



**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Approval of July 9, 2015 regular meeting minutes.

**ANNOUNCEMENTS & LIAISON REPORTS**

- City Council Liaison (BBQ Invitation – August 30<sup>th</sup>)
- Parks & Recreation Liaison
- Community Development Liaison

**PUBLIC FORUM**

Welcome Guests

**TYPE I REVIEWS**

**PLANNING ACTION:** PA-2015-01357

**SUBJECT PROPERTY:** 2350 Ashland Street

**OWNER/APPLICANT:** Jalaram Hospitality LLC

**DESCRIPTION:** A request for a Tree Removal Permit to remove ~~three~~ one tree from the subject property. The Electric Utility Department recently removed sections of the trees that encroached into the 10 foot safety buffer around utility lines. Now that the trees have uneven canopies, the applicant is requesting to remove the trees for liability concerns.

**COMPREHENSIVE PLAN DESIGNATION:** Commercial; **ZONING:** C-1; **ASSESSOR'S MAP:** 39 1E 14BA; **TAX LOT:** 100

**NEW BUSINESS/ITEMS FROM COMMISSIONERS**

- Election of Officers
- Brown bag lunch (Kristin Ramstad – ODF)
- Tree watering during drought – Conservation Dept.

**DISCUSSION ITEMS**

- Review of last month's recommendations on planning actions.
- Study session follow up.

**ADJOURNMENT**

Next Meeting: September 3, 2015

**CITY OF  
ASHLAND  
TREE COMMISSION  
Minutes July 9, 2015**

**CALL TO ORDER** – Chair Gregg Trunnell called the meeting of the Ashland Tree Commission to order at 6:00 p.m. on July 9, 2015 in the Siskiyou Room located at 51 Winburn Way, Ashland Oregon.

Commissioners	Council Liaison
Ken Schmidt	Carol Voisin
Gregg Trunnell	Staff
Casey Roland	Derek Severson, Associate Planner
Maureen Battistella	Zechariah Heck, Assistant Planner
	Pete Baughman, Parks Liaison

**APPROVAL OF MINUTES**

Minutes from the June 4, 2015 meeting were approved with an amendment that Casey Roland had placed limb supports on the Clay Street Cottonwood sometime during June/July 2014.

**PUBLIC FORUM**

No one present spoke.

**TYPE 1 REVIEWS**

**PLANNING ACTION:** PA-2015-00991  
**SUBJECT PROPERTY:** 156 Van Ness  
**OWNER:** Southern Oregon Renovations  
**APPLICANT:** Sean Downey  
**DESCRIPTION:** A request for a minor modification to Site Review (PA2015-00178) in the form of a Tree Removal Permit. The subject tree was previously designated to be protected under the Site Review permit and thus why the applicant needs to go through a modification to their pervious approval.  
**COMPREHENSIVE PLAN DESIGNATION:** High Density Residential; **ZONING:** R-3; **ASSESSOR’S MAP:** 39 1E 04CC; **TAX LOT:** 1200

The Tree Commission did not see the proximity of the two trees as a detriment to their overall vigor. The Commission did not agree with the applicant that removing one of the trees would help the other. Conversely, Commissioners stated, “strength in numbers” and felt that removing on tree could actually negatively impact the other. The Tree Commission unanimously recommended denial of the tree removal permit (minor modification to Site Review). Furthermore, the Commission mentioned they would reconsider if the applicant obtains an arborist report explaining why the tree needs to be removed.

**PLANNING ACTION:** PA-2015-01212  
**SUBJECT PROPERTY:** 1250 Ashland St.  
**OWNER/APPLICANT:** Southern Oregon University  
**DESCRIPTION:** A request for a minor modification to a Site Review Permit (PA2014-00249) in the form of a Tree Removal Permit. The applicant previously designated five trees to be preserved during a remodel construction of the university’s science building. The applicant is now requesting the subject trees to be removed for various reasons. **COMPREHENSIVE PLAN DESIGNATION:** Southern Oregon University; **ZONING:** SO; **ASSESSOR’S MAP:** 39 1E 5BB; **TAX LOT:** 100

After a staff report the applicant explained their request and answered questions by Commissioners. There were several community members at the meeting to comment on the application. Public comments pertained to noise emitting from the science building and trees not being watered. Commissioners expressed concern regarding the applicant fencing off the entire project location and questioned the effectiveness of their tree protection fencing.

The Tree Commissioners were not able to do an effective site visit because of the perimeter fencing. After some deliberation between the Commissioners and the applicant, a motion was unanimously passed to approve the tree removal permit with on-site mitigation of at least 3-inch specimens. Furthermore, the Tree Commission wanted to applicant to bring a mitigation plan for screen plantings (addressing noise issues) at the Commission's next meeting in August.

**PLANNING ACTION:** PA #2015-01099  
**SUBJECT PROPERTY:** 233 Granite Street  
**APPLICANT:** Kerry Kencairn  
**OWNERS:** Kris and Heidi Jacobson  
**DESCRIPTION:** A request for a modification of the Tree Preservation and Protection Plan approved as part of PA #2014-00458 to allow the removal of two trees previously required to be preserved for the property at 233 Granite Street. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-10; **ASSESSOR'S MAP:** 39 1E 08DA; **TAX LOT:** 1300.

Before the meeting, a neighbor of 233 Granite Street submitted a comment stating that the tree protection fencing had been disregarded. At the meeting there were other neighbors that voiced concern of ineffective protection measures for trees during construction. The Tree Commission took issue with these comments and requested that staff pursue a Type II enforcement/penalty.

Eventually, after much dialogue and confusion over mislabeled trees, the Commission determined the materials submitted for the tree removal were insufficient to make a recommendation. The Commission asked the applicant to clarify which trees were damaged and how their health was compromised in a resubmitted application for the Commission's August meeting.

**PLANNING ACTION:** PA #2015-01061  
**SUBJECT PROPERTY:** 440 Glenview Dr.  
**APPLICANT:** Kerry Kencairn  
**OWNERS:** Hugh & Carolyn Askar  
**DESCRIPTION:** A request for a Physical & Environmental Constraints Review Permit to construct a new driveway and identify a building envelope on Hillside Lands with Severe Constraints for the property located at 440 Glenview Drive. The proposal involves the removal of 12 trees, including one significant tree, an 18-inch diameter multi-trunked Oak. Also included are requests for Exception to the Development Standards for Hillside Lands to allow the construction of a future home and a driveway more than 100 feet in length on lands with greater than 35 percent slope and to allow cut slopes and retaining wall heights which exceed the grading standards. **COMPREHENSIVE PLAN DESIGNATION:** Rural Residential; **ZONING:** RR-.5; **ASSESSOR'S MAP:** 39 1E 09CC; **TAX LOT:** 1301.

The Commissioners expressed concern that during their site visits they could not identify which trees are proposed to be removed as the trees were not tagged and the entire property was fenced, restricting commissioner access. Commissioner Trunnell expressed concern that the proposal involved the removal of a number of trees without being directly associated with a proposal to develop the property. Commissioner Battistella motioned to accept the plan with conditions that trees are tagged for removal and site is made available for visits to inspect trees tagged for removal; Commissioner Schmidt seconded the motion. However, Commissioner Roland abstained from a vote and Chair Trunnell did not agree with motion. The motion failed. Commissioner Trunnell then motioned that the Commission was unable to support the request, and would need to have the trees tagged or otherwise marked in order to re-assess the proposal. Commissioner Battistella seconded the motion, and it passed unanimously.

**PLANNING ACTION:** PA-2015-1208  
**SUBJECT PROPERTY:** 15 S. Pioneer St./35 S. Pioneer St.  
**OWNER:** City of Ashland  
**APPLICANT:** Oregon Shakespeare Festival  
**DESCRIPTION:** A request to modify Planning Action #2015-00878 which was a Site Review approval to allow exterior modifications associated with accessibility improvements and elevator installation at the Oregon Shakespeare Festival's Bowmer Theater located at 35 S. Pioneer St. The original approval included the

removal of one 16-inch diameter Maple Tree; the current request proposes the removal of one additional tree – another 16-inch diameter Maple Tree.

**COMPREHENSIVE PLAN DESIGNATION:** Commercial Downtown; **ZONING:** C-1-D; **ASSESSOR'S MAP:** 39 1E 09; **TAX LOT:** 100

Tree Commissioners discussed the proposal and were okay with removal if mitigated with Oak trees, 3-inches in DBH or greater. The applicant and Commissioners agreed that there is not much room for trees on the subject property so they agreed to locate the mitigation in Lithia Park. The applicant will coordinate with the Parks Department.

### **TYPE II REVIEWS**

**PLANNING ACTION:** PA-2015-00422  
**SUBJECT PROPERTY:** 600-640-688-694-696 Tolman Creek Road and 2316 Hwy 66  
**APPLICANT:** City of Ashland  
**OWNERS:** Independent Printing Co., Inc./IPCO Development Corp.  
**AGENTS:** CSA Planning, Ltd.

**DESCRIPTION:** A request for Site Design Review, Exception to Street Standards, Property Line Adjustment, Limited Use Permit/Water Resource Protection Zone Reduction for Construction in the Water Resource Protection Zone, Physical & Environmental Constraints Review Permit for Floodplain Development, and Tree Removal Permit approvals to allow the construction of a new public street "Independent Way" between Washington Street and Tolman Creek Road and associated changes to the lane configuration and on-street parking on Tolman Creek Road to its intersection with Ashland Street. *(The proposal also includes the review of driveway locations and associated circulation to allow the coordinated initial grading and utility installation on the adjacent private property in conjunction with the new street installation, however the development of the adjacent private properties will be subject to future Site Design Review as individual buildings are proposed.)*

**COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP:** 39 1E 14BA; **TAX LOTS:** 500, 600, 601, 700, 800, 900 and 1000

The applicant and their representatives were at the meeting to discuss the project. Mike Faught, City of Ashland Public Works Director, was also in attendance to explain the City's role in the application (constructing a new street). Initially, Commissioners were concerned about destroying the existing habitat for wildlife that the trees are an integral part of. Commissioners were also concerned about storm water runoff because of the significant number of trees being removed. The Commissioners were aware that landscape trees would be required when the lots are eventually developed. However, they expressed concern about big trees being removed and then mitigated with small DBH trees that potentially will not survive. At the end of the discussion, Chair Trunnell motioned to approve the plans as submitted and encouraged the City to ensure mitigation and proper care of future trees; the motion passed unanimously.

### **DISCUSSION ITEMS**

As a follow up from the June meeting, the Commissioners discussed problems with the Street Tree Guide and requested staff schedule a study session to address the issues further and identify any remedies. Penalties and other enforcement routes were also discussed and requested to be put on the agenda for the study session. The Commissioners also stated they want to talk about more effective tree protection fencing. Lastly, the Commissioners inquired if the City is doing any outreach to the community on watering trees during drought conditions. Staff will coordinate with Julie Smitherman, Water Conservation Specialist, in order to provide an update.

### **NEW BUSINESS ITEMS FROM COMMISSIONERS**

Elections of officers were delayed until next month to include more Commissioners in the decision process.

### **ADJOURNMENT**

Meeting adjourned at 9:45 p.m.  
Next meeting: August 6, 2015



**NOTICE OF APPLICATION**

**PLANNING ACTION:** PA-2015-01357

**SUBJECT PROPERTY:** 2350 Ashland Street

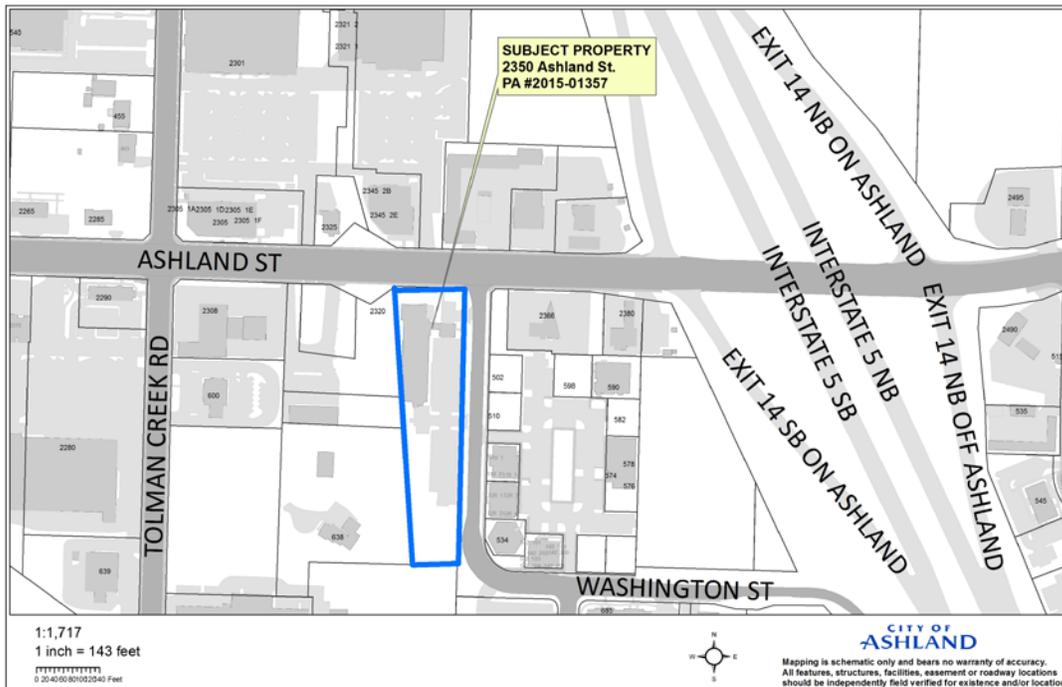
**OWNER/APPLICANT:** Jalaram Hospitality LLC

**DESCRIPTION:** A request for a Tree Removal Permit to remove three trees from the subject property. The Electric Utility Department recently removed sections of the trees that encroached into the 10 foot safety buffer around utility lines. Now that the trees have uneven canopies, the applicant is requesting to remove the trees for liability concerns. **COMPREHENSIVE PLAN DESIGNATION:** Commercial; **ZONING:** C-1; **ASSESSOR'S MAP:** 39 1E 14BA; **TAX LOT:** 100.

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **Thursday, August 6, 2015 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**NOTICE OF COMPLETE APPLICATION:** July 24, 2015

**DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS:** August 7, 2015



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 18.108.040)

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.

## 18.5.7.040.B Criteria for Issuance of Tree Removal Permit

### 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.
  1. 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.
  2. 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.
  3. 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.
  4. 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.
  5. 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.

Tomorrow

**Zechariah Heck**

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**From:** Super 8 Motel Ashland OR. [ashlandsuper8@msn.com]  
**Sent:** Friday, July 17, 2015 1:04 PM  
**To:** zechariah.heck@ashland.or.us  
**Subject:** Tree Removal- Ashland Super 8 Motel - 2350 Ashland St, Ashland Ore 97520

Hello Heck,

Thank you for response and here is email I got from my insurance agent also and they also did inspection also beside City of Ashland Electric.

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**From:** Jim Cox (jim.cox@unitedrisk.com)  
**Sent:** Thu 7/16/15 11:06 PM  
**To:** 'ashlandsuper8@msn.com' (ashlandsuper8@msn.com)  
Mukesh,

We did an inspection of the large trees (3) located on your property that lies between the power line and your building. This trees next to building presents a substantial liability hazard to your business due to severe trimming of the tree to clear the power lines. In addition, the tree is leaning towards your building and in its unbalanced state the chance of it falling on your building in a windstorm is significant.

For liability purposes and danger to power lines and cable, we would highly recommend that you have this tree removed asap.

Sincerely,

Jim

**Jim Cox**  
**Marketing Manager / Risk Management Consultant**  
**United Risk Solutions, Inc**

Mailing: PO Box 936, Medford OR 97501 Physical: 2045 Cardinal Ave, Ste. 300, Medford OR 97504  
Direct Dial: (541) 494-7738 / Main Phone : (541) 245-1111 Ext. 7738 / Fax: (541) 245-1112

[jim.cox@unitedrisk.com](mailto:jim.cox@unitedrisk.com) / [www.unitedrisksolutions.com](http://www.unitedrisksolutions.com)

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- English (United States)

**Super 8**

**Mukesh M. Patel**

**2350 Ashland St.**

**Ashland, OR. 97520**

**PH: {541} 482-8887**

**FAX: {541} 482-0914**

**Email-ashlandsuper8@msn.com**

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From: jim.cox@unitedrisk.com

To: ashlandsuper8@msn.com

Subject: Ashland Super 8 Motel - 2350 Ashland St, Ashland Ore 97520

Date: Thu, 16 Jul 2015 23:06:23 +0000

Mike,

Per your request I did an inspection of the large tree located on your property that lies between the power line and your building. In my opinion this tree presents a substantial liability hazard to your business due to severe trimming of the tree to clear the power lines. In addition, the tree is leaning towards your building and in its unbalanced state the chance of it falling on your building in a windstorm is significant.

For liability purposes, we would highly recommend that you have this tree removed.

Sincerely,

Jim

**Jim Cox**  
**Marketing Manager / Risk Management Consultant**  
**United Risk Solutions, Inc**

Mailing: PO Box 936, Medford OR 97501 Physical: 2045 Cardinal Ave, Ste. 300, Medford OR 97504  
Direct Dial: (541) 494-7738 / Main Phone : (541) 245-1111 Ext. 7738 / Fax: (541) 245-1112



# Allied Insurance

a Nationwide® company  
On Your Side®

Allied Insurance Company  
PO Box 10405  
Des Moines, IA 50306-9475

Date: 07/20/2015

Shree Jalaram Hospitality, LLC. DBA Ashland Super 8  
C/O Mukesh Patel  
2350 Ashland Street  
Ashland, OR. 97520

Policy #: ACP7505427266  
Location: 2350 Ashland St. Ashland, OR 97520

Dear Mr. Patel:

Thank you for providing me photos and information regarding the potential hazard (leaning tree) on the insured property. The purpose of the letter is to provide safety consultation and recommendations for this specific hazard.

Based on the photos and information provided, we have developed and submitted the attached recommendation(s) which may reduce your company's loss potential. Please respond with corrective actions, or action plans developed, within **30 days** and return by any one of the following:

**1) E-mail**

Attn: Loss Control Dept  
[rmoclucw@nationwide.com](mailto:rmoclucw@nationwide.com)

**2) Fax to:**

Allied Insurance  
Loss Control Dept  
(800) 742-1346

**3) Mail to:**

Allied Insurance  
RMRO Commercial Underwriting  
PO Box 10405, Dept 5605  
Des Moines, IA 50306-9475

Please contact me at the number below if you should need further assistance in the area of safety and loss Prevention.

Sincerely,

Grant Hilton  
Loss Control Consultant  
Telephone: (503) 372-5512

***Your opinion is very important to us. Please take a few minutes to complete our online customer Service survey at the following web address: <http://www.surveymonkey.com/s/LossControlCustomerSurvey>***

cc: #28615 – United Risk Solutions, Inc

*Our evaluations, reports and recommendations are made solely to assist the insurer in underwriting and loss control and are based on observations and/or interviews at the time of the call or review of the premises. They do not necessarily recognize all hazards present in your premises or operations and are not intended to assure compliance with any local, state or federal regulations. Evaluation for any hazard or condition does not mean that it is covered under any policy. Nationwide/Allied assumes no responsibility for the management or control of the insured's safety activities nor for the correction of the conditions pointed out herein. Neither the Company, its agents, nor employees shall be liable for any loss other than as covered by insurance issued by the company.*



# Allied Insurance

a Nationwide® company  
On Your Side®

## Safety Recommendation

**Policy #:** ACP7505427286

**Insured:** Shree Jalaram Hospitality, LLC. DBA Ashland Super 8

**15-1** The tree located on the North side of the property and situated approximately twenty feet from the pool structure was leaning (toward) the motel building and did not appear to have weight evenly distributed (because of previous power line trimming activities) through the tree. The current condition of the tree, as shown in the photo, could pose an increased life safety risk to motel guests and a property hazard to your operation, especially during future windstorms. To reduce the risk to motel guests and insured property, it is recommended that a qualified, licensed and insured Arborist be called out to consult and remove the tree.

**Action(s) Taken:**

**Completion Date:**

**Projected Completion Date (if applicable)**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

*Our evaluations, reports and recommendations are made solely to assist the insurer in underwriting and loss control and are based on observations and/or interviews at the time of the call or review of the premises. They do not necessarily recognize all hazards present in your premises or operations and are not intended to assure compliance with any local, state or federal regulations. Evaluation for any hazard or condition does not mean that it is covered under any policy. Nationwide/Allied assumes no responsibility for the management or control of the insured's safety activities nor for the correction of the conditions pointed out herein. Neither the Company, its agents, nor employees shall be liable for any loss other than as covered by insurance issued by the company.*





