



# CITY OF ASHLAND



## TREE COMMISSION AGENDA April 4, 2019

### 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

A. Approval of March 7, 2019 regular meeting minutes.

### III. ANNOUNCEMENTS & LIAISON REPORTS

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

### IV. PUBLIC FORUM

Open to guests.

### V. PUBLIC WORKS STREET TREE DISCUSSION

### VI. TYPE I REVIEWS

**PLANNING ACTION:** TREE-2019-00052

**SUBJECT PROPERTY:** 172 Skidmore St

**OWNERS/APPLICANTS:** Val Bachmayer

**DESCRIPTION:** A request for a Tree Removal Permit to remove one approximately 28- to 30-inch diameter Catalpa tree at 172 Skidmore Street. The project arborist indicates that the tree is a public safety hazard due to lifting the sidewalk to create a tripping hazard and dropping large branches and damaging parked vehicles.

**COMPREHENSIVE PLAN DESIGNATION:** High Density Multi-Family Residential; **ZONING:** R-3; **ASSESSOR'S MAP:** 39 1E 05DD; **TAX LOT:** 1000

**PLANNING ACTION:** TREE-2019-00054

**SUBJECT PROPERTY:** 434 B St.

**OWNERS/APPLICANTS:** Larry Cooper

**DESCRIPTION:** A request for a Tree Removal Permit to remove a nuisance tree that has volunteered along the fence line along the alley. The applicant needs to make alterations and repairs to the fence and needs to remove the tree to further those development plans.

**COMPREHENSIVE PLAN DESIGNATION:** Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BA; **TAX LOT:** 6701

### VII. TYPE II REVIEWS

NONE

### VIII. STREET TREE REMOVAL PERMITS

**PLANNING ACTION:** TREE-2019-00053

**SUBJECT PROPERTY:** 323 Skycrest Dr.

**OWNERS/APPLICANTS:** Susan Elson / Mario Vaden

**DESCRIPTION:** A request for a Street Tree Removal Permit to remove one approximately nine inch-diameter Acer / Maple tree at 323 Skycrest Dr. The project arborist indicates that the tree suffered a sunburn resulting in an entire side of the tree missing bark and living cambium, and further states that the tree appears to present a potential hazard that should continue to get worse as the tree ages.

**COMPREHENSIVE PLAN DESIGNATION:** Low Density Residential; **ZONING:** RR-.5; **ASSESSOR'S MAP:** 39 1E 05DC; **TAX LOT:** 3003

**PLANNING ACTION:** TREE-2019-000##

**SUBJECT PROPERTY:** 119 N. Third St.

**OWNERS/APPLICANTS:** Michael Hoyt

**DESCRIPTION:** A request for a Street Tree Removal Permit to remove one approximately six-inch diameter Acer / Maple tree at 119 Third St. The applicant is proposing to remove the Maple tree out of concern that at maturity, it will be in conflict with overhead power lines, and proposes to replace it with a tree less likely to be in conflict with overhead lines, a Paperbark Maple.

**COMPREHENSIVE PLAN DESIGNATION:** Low Density, Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BA; **TAX LOT:** 3700

**IX. DISCUSSION ITEMS**

- Legal Memo re: Heritage Trees
- Chairs Meeting re: Public Meetings Law Debrief
- Council Presentation Debrief
- Tree of the Year, Arbor Day and Earth Day Updates
- July 4<sup>th</sup> Alternate Meeting Date

**X. ADJOURNMENT**

**Next Meeting:** May 9, 2019



# CITY OF ASHLAND



## TREE COMMISSION MEETING March 7, 2019

<b>Tree Commissioners:</b>	<b>Parks Liaison</b>
Christopher John	Peter Baughman
Asa Cates	
Cat Gould – Absent	<b>Staff Present:</b>
Eric Simpson	Derek Severson
Russell Neff	Aaron Anderson
<b>Council Liaison</b>	
Steven Jensen - Absent	

### I. **CALL TO ORDER**

Chair Christopher John called the meeting to order at 6:02 p.m. in the Siskiyou Room of the Community Development and Engineering Services Building located at 51 Winburn Way.

**Also present:** Ashland Parks Commissioner Mike Gardiner, Parks Superintendent/Oregon Community Trees Board Member Mike Oxendine, Wildfire Commissioner Dan Dawson, and members of the public Joanne Eggers, Julie Norman and Bryan Holley.

### II. **APPROVAL OF MINUTES**

Severson explained that there was an error in the identification of exhibits in the draft minutes, and that the previous 'Exhibit B' was not submitted and the reference should be removed, and the previous 'Exhibit C' should then be re-labeled as 'Exhibit B.'

Cates asked that the previous language with regard to the Fourth Street tree removal should be clarified to make clear that the Commission was not in favor of the removal but recognized that local Public Works or federal Americans with Disabilities Act (ADA) standards might necessitate that the tree be removed.

**Cates/Simpson m/s to approve the minutes of the February 7, 2019 regular meeting as amended.  
Voice vote: All Ayes.**

### III. **ANNOUNCEMENTS & LIAISON REPORTS**

- Council Liaison Stephen Jensen was not present
- Parks & Recreation Liaison discussed the future removal of two Spruce trees in Lithia Park, explain that one was in declining health and the other was leaning. He noted that the trees were located across from the band shell on Winburn Way and were identified with pink ribbon.
- Community Development Liaison Derek Severson:
  - Introduced new Assistant Planner Aaron Anderson
  - Noted that there were no updates on new member appointments...
  - Discussed 4<sup>th</sup> Street Tree Removal Permit in front of Noble Coffee and suggested that the Commission meet with Planning, Parks and Public Works to discuss potential improvements to the process and to the Recommended Street Tree Guide. He noted that he would see if Public Works staff were available to attend the April meeting.

### IV. **PUBLIC FORUM**

**Julie Norman/596 Helman Street.** Ms. Norman asked whether large, healthy, mature trees are considered an asset, financial or otherwise. She proposed to designate the 12 Douglas Firs by the Japanese Garden as Heritage Trees. She showed photos from the book "Lithia Park: The Heart and

Soul of Ashland” by John Enders Book which depicted the 1914 Maclaren Plan for the park, and photos showing the trees shortly after planting.

**Bryan Holley/324 Liberty Street.** Mr. Holley encouraged the commission to ask to review the annual Capital Improvements Plan (CIP) project list from Public Works. He recognized that Parks Commissioner Mike Gardiner was in attendance, and read aloud the code exemption relative to tree removals in parks. He indicated his feeling that the use of this exemption did not match the spirit in which the Tree Ordinance was drafted, and suggested that he felt there was a broken relationship with Parks Commission that needs to be repaired.

**Dan Dawson/818 Liberty Street.** Member of Wildfire Safety Commission, attempting to attend Tree Commission meetings to help with the overlap of conflicting goals. Trying to head off potential conflicts in the future with new Wildfire Management Ordinance relative to new construction and landscaping. He noted that the Wildfire Safety Commission meets 11- 1 every 3<sup>rd</sup> Wed of the month at Fire Station 1.

## **V. PRESENTATION**

Parks Superintendent and Oregon Community Trees board member Mike Oxendine made a short presentation. He explained that the Oregon Department of Forestry oversee the Tree City and Tree campus USA programs within Oregon. He noted that Ashland was recently approved for 34<sup>th</sup> consecutive year as a Tree City. Talked about his attendance at a Tree Commission conference where there was discussion of making sure Tree Commissions follow uniform protocols and noted that Ashland was frequently used as an example. He presented handouts for tree protection during construction as well as a number of International Society of Arboriculture (ISA) handouts.

He noted that Ashland Parks and Recreation Commission has formed a new sub-committee focused on current parks conservation and maintenance, and that they are looking to provide education, prepare a tree care policy, and hope to work with the Tree Commission and help with outreach. He will be offering a tree pruning class for Parks staff and interested members of the public and subsequently will offer a tree removal class.

He discussed the Tree City USA “Growth Award” for cities with at least five years of Tree City status that go above and beyond to recognize tree care, outreach, tree preservation, etc. He noted that cities with ten “Growth Awards” gain Platinum Status and a new sign. He suggested that the City of Ashland just needs to document what it does to receive this award.

Oxendine discussed the Wildfire Ordinance and the Climate Energy Action Plan, indicating that he hoped parks present an opportunity to help with large conifer mitigation; he suggested there could be a fund for mitigation through Parks. Severson noted that he would need to look into the existing Tree Fund and how Parks might draw from it.

Oxendine discussed the 2019 Southern Oregon Regional Tree Climbing Championship, noted that the 2018 event hosted 500+ attendees. He explained that the 2019 SORTC will be held in Lithia Park on May 18<sup>th</sup> (NOTE: This date has subsequently changed to May 11<sup>th</sup>). He indicated that they are looking for qualified volunteers with an arboricultural background to assist with the event.

Oxendine discussed that Oregon Community Trees would be hosting an annual conference on June 6<sup>th</sup> at the World Forestry Center in Portland. He explained that the theme is “Making room for Trees,” and that Oxendine and Baughman were to attend and they wanted to encourage others to plan to attend as well.

Oxendine discussed planned events for Arbor Day on April 5<sup>th</sup> at noon which would include planting Oak trees at Oak Knoll Golf Course. He explained they had applied for and received a \$500 grant from Oregon Community Trees and Plant Oregon to provide the trees. The Mayor will read proclamation for Arbor Day, and he encouraged Council and APRC members to attend. A new Tree City USA sign will be put up, and he concluded that Oak Knoll Golf Course is seeking Audubon accreditation.

## **VI. TYPE I REVIEWS**

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).

None.

**VII. TYPE II REVIEWS**

None.

**VIII. STREET TREE REMOVAL PERMITS**

None.

**IX. DISCUSSION ITEMS**

**Tree City USA** – Severson noted that as indicated in the e-mail sent recently, the City’s Tree of the Year status was recently renewed for the 34<sup>th</sup> straight year.

**Tree of the Year** – Severson noted that the “Tree of the Year 2019” voting was now live on the city website and paper ballots were also available in the Planning Department lobby. He distributed paper ballots, noting that voting would be through April 3<sup>rd</sup> and the winners would be announced April 5<sup>th</sup> at the Arbor Day planting event at Oak Knoll.

**Annual City Council Update (7 p.m. on March 19<sup>th</sup>)** – Severson noted that the packet included a staff draft of the update, and that he would be present with Chair John for the presentation to Council on March 19<sup>th</sup> at 7:00 p.m. The city’s Arbor Week Proclamation would be read at that meeting. All members were encouraged to attend.

**Arbor Day/Week Activities (12 p.m. to 2 p.m. on April 5<sup>th</sup>)** – Severson explained that Oxendine had already addressed these activities.

**Rogue Valley Earth Day event tabling (11 a.m. to 4 p.m. on April 20<sup>th</sup>)** – Severson noted that he would finalize registration and understood that Gould, John and Cates would be tabling. He encouraged others to attend as well...

**July 4<sup>th</sup> Alternate Meeting Date** – A “Doodle Poll” will be sent shortly to try to identify an alternative meeting date and time since the July meeting date is a federal holiday.

Commissioners discussed Bryan Holley’s concerns about the relationship between the Commission and Parks. Cates asked “Is one incident a broken relationship?” and suggested that he was not bothered or surprised that another Commission did not take an advisory recommendation, and concluded that he has faith in Oxendine and feels the relationship between the Commission and Parks is strong. John stated that developing more liaison relationships between Commissions will help, and indicated that he does not feel there is an issue. He emphasized that he did not feel that AP&RC was trying to hide anything and he wants dialogue to continue. Baughman agreed that keeping the two Commissions informed was the best policy.

Severson noted that he would approach the Public Works Director to see if Public Works staff could come to next meeting to discuss street trees and sidewalks.

**X. ADJOURNMENT:** John adjourned the meeting at 7:09p.m. Severson noted that the next meeting was scheduled for Thursday, April 4<sup>th</sup> at 6:00 p.m.

# Memo

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**DATE:** March 28, 2019  
**TO:** Ashland Tree Commissioners  
**FROM:** Derek Severson, *Senior Planner & Planning Staff Liaison*  
**RE:** Street Tree Discussion with Public Works

As we discussed last month, I've invited Public Works Director Paula Brown to attend the April meeting to discuss street trees. My intent here was:

- 1) That we could begin a discussion of street trees and those instances where the city may need to require property owners to perform maintenance or remove trees due to sidewalk conflicts as was seen recently on Fourth Street;
- 2) To consider whether there are any process improvements or maintenance alternatives; and
- 3) Hopefully lead to a future discussion of the Street Tree Standards with regard to maintenance, including alternative methods like those suggested by James Urban, and mitigation planting standards.

My hope is that this can be an efficient and productive conversation, and that the discussion can make clear the considerations involved. Ultimately, if we can find some realistic solutions to sidewalk/tree conflicts (initial planting standards, interim measures, alternative treatments or mitigation standards) that are workable in light of the range of standards and considerations that come into play it would be beneficial to Ashland's urban forest and make the process easier for both the public and for front-line staff who deal with these issues.

The "2019 Annual Urban & Community Forestry Conference – 'Making Space for Trees – Designing Tree-Friendly Infrastructure for Oregon Communities'" that Mike Oxendine mentioned will likely include some discussion of tree/sidewalk issues, and we may be able to use materials from that discussion to inform some future subcommittee work to update the Street Tree Standards.





Planning Division  
51 Winburn Way, Ashland OR 97520  
541-488-5305 Fax 541-488-6006

## STREET TREE REMOVAL PERMIT

A tree that is located in any public street right-of-way or other public property may not be removed until a Street Tree Removal Permit has been submitted according to the Application Submission Requirements, below, and reviewed and approved by the City of Ashland.

An application for street tree removal must demonstrate that the tree is an emergency, hazard, or dead tree as outlined below in the Application Submission Requirements.

**Application Submission Requirements.** An application for a street tree removal permit shall include all of the following information.

- 1. Application Form and Fee.** The application must include the information requested on the Street Tree Removal Permit form provided by the City of Ashland and the permit application fee. Only those property owners of a lot adjoining the street tree location or homeowners' associations responsible for street trees in their development or subdivision may apply to remove an adjoining street tree. If a tree is located in front of more than one property, each property owner or homeowners' association official must sign the Street Tree Removal Permit form.
- 2. Site Plan.** A site plan of the property drawn to scale containing the following information. The scale of the site plan must be at least one inch equals 50 feet or larger.
  - a. North arrow and scale.
  - b. Property boundaries including dimensions of all lot lines and driveway locations.
  - c. Location and width of all public streets, planting strips, and sidewalks adjoining the site.
  - d. Size, species, and location of the tree(s) proposed to be removed.
- 3. Written Statement.** A written statement explaining how the proposed street tree removal satisfies one of the following approval criteria. The Community Development director may require additional information to demonstrate that the proposed removal satisfies one of the following approval criteria including: 1) a written statement to be prepared by an arborist licensed by the State of Oregon Landscape Contractors Board or Construction Contractors Board and certified by the International Society of Arboriculture or American Society of Consulting Arborists; and 2) an International Society of Arboriculture (ISA) Basic Tree Risk Assessment Form to be completed by an arborist.

### Street Tree Removal Approval Criteria

- a) **Emergency Tree Removal.** The tree presents an immediate danger of collapse and represents a clear and present hazard to persons or property. Immediate danger of collapse is defined as a tree that may already be leaning, with the surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree removal permit could be obtained through the non-emergency process.
- b) **Hazard Tree Removal.** 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. A hazard tree is a tree that is physically damaged to the degree that it is clear the tree is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within a public right-of-way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated.
- c) **Dead Tree.** The tree is dead. A dead tree is lifeless. Such evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.

**Replacement and Stump Removal.** Applicants for approved Street Tree Removal Permits are required to remove any stumps and replace the tree. Stump removal and replacements for approved street tree removals shall meet the following requirements.

1. Any street tree removed shall be removed at ground level or lower. If a tree is removed below ground level, the surface must be restored to finish grade and any regrowth which occurs shall be promptly removed.
2. All street trees shall be an appropriate species selected from and planted according to the City of Ashland Recommended Street Tree List.
3. The minimum size for a replacement tree is eight feet in height or one inch in caliper measured at 12 inches above the root crown.
4. Applicants for a Street Tree Removal Permit may be required to replace the tree or trees being removed with a tree or trees of comparable value.
5. If a street tree is determined to be dead or dying, then the replacement need be no larger than the minimize size described above.

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Type of Tree(s) Catalpa

Approximate Diameter at breast height \_\_\_\_\_ Height 50' - 55" Canopy 20'

Location of Tree 172 SKUMORE ST.

Reason for Request Public Safety hazard, Lifting Sidewalk Pedestrians Trip, Large Brittle Branches Falling: Damage Parked Vehicles & Pedestrians.

Are there underground utility lines and/or overhead power lines present? \_\_\_\_\_

If yes, please list which lines are present \_\_\_\_\_

Is there sidewalk damage? \_\_\_\_\_ If yes, has a Public Works permit been issued? \_\_\_\_\_

OVER >>

**DESCRIPTION OF PROPERTY**

Street Address 172 SKIDMORE ST, Ashland, OR 97520

Assessor's Map No. 39 1E \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_

Zoning R3 Comp Plan Designation \_\_\_\_\_

**PROPERTY OWNER**

Name VIA L BACHMAYER Phone 206-650-3000 E-Mail RELAX@AshlandGuest

Address \_\_\_\_\_ City \_\_\_\_\_ Zip 97500 Cottages.com

Name \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

**PROFESSIONAL PERFORMING THE TREE REMOVAL (e.g., tree service)**

Name \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

**ARBORIST, LANDSCAPE ARCHITECT, OTHER** Arborist Artisan Tree Service

Title \_\_\_\_\_ Name Dave McNeil Phone 541-973-1855 E-Mail mcneil.thewoodsmen.com

Address PO Box 3034 City Ashland, Zip 97520

Title \_\_\_\_\_ Name \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner. I hereby certify that the statements and information contained in this application are in all respects, true and correct. I further understand that if this request is subsequently contested, the burden will be on me to establish:

- 1) that I produced sufficient factual evidence to support this request;
- 2) that the information contained in this application are adequate and further
- 3) that all trees, structures, or improvements are properly located on the ground.

[Signature]  
Property Owner's Signature (required)

3/12/19  
Date

**STAFF DECISION:**

Permit is hereby (circle one):	Approved	Approved with Conditions	Denied
Conditions of Approval	_____		
Is the tree 18" d.b.h or greater?	<input type="checkbox"/> NO	<input type="checkbox"/> YES	Has the City Administrator has been notified: <input type="checkbox"/> NO <input type="checkbox"/> YES
Community Development Director/Planning Manager Signature	_____		
Date	_____		





# Basic Tree Risk Assessment Form

Client Val Bachmayer Date 3/12/19 Time 3:30 pm  
 Address/Tree location 172 Skidmore Street Tree no. \_\_\_\_\_ Sheet \_\_\_\_\_ of \_\_\_\_\_  
 Tree species Catalpa dbh \_\_\_\_\_ Height 55 ft Crown spread dia. 25 ft  
 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	Medium sized CATALPA Tree						
2							
3							
4							

### Site Factors

History of failures Broken Branches 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 Concrete  
 Prevailing wind direction NW 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 Tree hole of Rot Crown lifting sidewalk

### 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 2 Max. dia. 6 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 \_\_\_\_\_  
 Main concern(s) \_\_\_\_\_  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

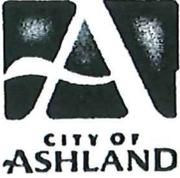
#### — Trunk —

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 10% 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) Roots Lifting  
Sidewalk  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent





Planning Division  
51 Winburn Way, Ashland OR 97520  
541-488-5305 Fax 541-488-6006

**ZONING PERMIT APPLICATION**

FILE # Tree-2019-00054

**DESCRIPTION OF PROJECT** Removal of nuisance tree adjacent to alley.

Pursuing LEED® Certification?  YES  NO

**DESCRIPTION OF PROPERTY**

Street Address 434 B Street

Assessor's Map No. 39 1E 09BA0 Tax Lot(s) 6701

Zoning R2 Comp Plan Designation \_\_\_\_\_

**APPLICANT**

Name Larry Cooper Phone 541 2101458 E-Mail lcooperashland@gmail.com

Address 259 B Street City Ashland Zip 97520

**PROPERTY OWNER**

Name Larry Cooper Phone 541 2101458 E-Mail lcooperashland@gmail.com

Address 259 B Street City Ashland Zip 97520

**SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER**

Title OWNER Name \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Title \_\_\_\_\_ Name \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

*I hereby certify that the statements and information contained in this application, including the enclosed drawings and the required findings of fact, are in all respects, true and correct. I understand that all property pins must be shown on the drawings and visible upon the site inspection. In the event the pins are not shown or their location found to be incorrect, the owner assumes full responsibility. I further understand that if this request is subsequently contested, the burden will be on me to establish:*

- 1) that I produced sufficient factual evidence at the hearing to support this request;
- 2) that the findings of fact furnished justifies the granting of the request;
- 3) that the findings of fact furnished by me are adequate; and further
- 4) that all structures or improvements are properly located on the ground.

*Failure in this regard will result most likely in not only the request being set aside, but also possibly in my structures being built in reliance thereon being required to be removed at my expense. If I have any doubts, I am advised to seek competent professional advice and assistance.*

**RECEIVED**  
MAR 19 2019  
City of Ashland

March 19, 2019  
Date

[Signature]  
Applicant's Signature

*As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.*

March 19, 2019  
Date

[Signature]  
Property Owner's Signature (required)

Date Received 3/19/19 Zoning Permit Type Tree Removal Filing Fee \$ 30.00

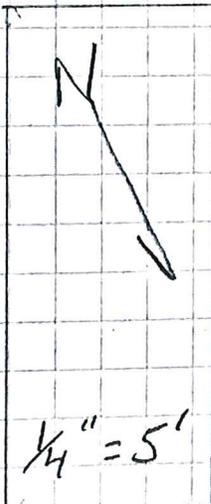
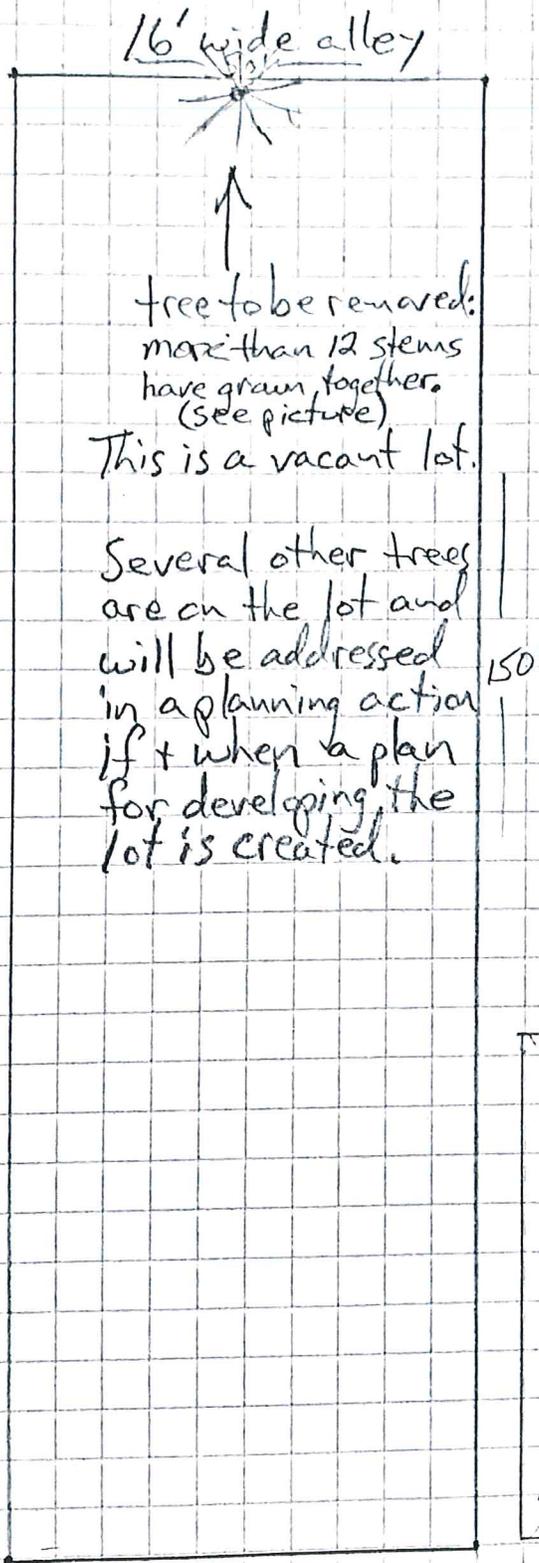
OVER >>

Narrative for 434 B Street tree removal application:

The tree in question is located a few feet from the rear property line with the city alley. The R2 lot has no structures on it and is undeveloped. The existing fence is on the property line, and some of the tree limbs hang over the fence into the alley. The tree appears to be the result of a dozen or more sprouts that grew from old roots and gradually joined together into a trunk a few inches above ground level. This is a "weed" tree that probably grew from a random wild plum seed. The applicant needs to make alterations and repairs to the fence and needs to remove the tree as soon as possible in order to access the portion of the fence that is encroached on by the tree. See attach picture.

**RECEIVED**  
MAR 19 2019  
City Of Ashland

434 B St. lot site



B Street

**RECEIVED**  
MAR 19 2019  
City Of Ashland



**RECEIVED**  
MAR 19 2013  
City Of Ashland



Planning Division  
51 Winburn Way, Ashland OR 97520  
541-488-5305 Fax 541-488-6006

## STREET TREE REMOVAL PERMIT

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  - a. North arrow and scale.
  - b. Property boundaries including dimensions of all lot lines and driveway locations.
  - c. Location and width of all public streets; planting strips, and sidewalks adjoining the site.
  - d. Size, species, and location of the tree(s) proposed to be removed.
- 3. Written Statement.** A written statement explaining how the proposed street tree removal satisfies one of the following approval criteria. The Community Development director may require additional information to demonstrate that the proposed removal satisfies one of the following approval criteria including: 1) a written statement to be prepared by an arborist licensed by the State of Oregon Landscape Contractors Board of Construction Contractors Board and certified by the International Society of Arboriculture or American Society of Consulting Arborists; and 2) an International Society of Arboriculture (ISA) Basic Tree Risk Assessment Form to be completed by an arborist.

### Street Tree Removal Approval Criteria

- a) **Emergency Tree Removal.** The tree presents an immediate danger of collapse and represents a clear and present hazard to persons or property. Immediate danger of collapse is defined as a tree that may already be leaning, with the surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree removal permit could be obtained through the non-emergency process.
- b) **Hazard Tree Removal.** 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. A hazard tree is a tree that is physically damaged to the degree that it is clear the tree is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within a public right-of-way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated.
- c) **Dead Tree.** The tree is dead. A dead tree is lifeless. Such evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.

**Replacement and Stump Removal.** Applicants for approved Street Tree Removal Permits are required to remove any stumps and replace the tree. Stump removal and replacements for approved street tree removals shall meet the following requirements.

1. Any street tree removed shall be removed at ground level or lower. If a tree is removed below ground level, the surface must be restored to finish grade and any regrowth which occurs shall be promptly removed.
2. All street trees shall be an appropriate species selected from and planted according to the City of Ashland Recommended Street Tree List.
3. The minimum size for a replacement tree is eight feet in height or one inch in caliper measured at 12 inches above the root crown.
4. Applicants for a Street Tree Removal Permit may be required to replace the tree or trees being removed with a tree or trees of comparable value.
5. If a street tree is determined to be dead or dying, then the replacement need be no larger than the minimize size described above.

Type of Tree(s) Acer / maple  
 Approximate Diameter at breast height 7.5-9" Height Approx. 40' Canopy NA  
 Location of Tree Just W. of driveway of 323 Skycrest Dr.  
 Reason for Request It is weak in trunk + root area.

Are there underground utility lines and/or overhead power lines present? No I don't know about underground lines.  
 If yes, please list which lines are present \_\_\_\_\_  
 Is there sidewalk damage? Not yet If yes, has a Public Works permit been issued? \_\_\_\_\_

OVER ►►

**DESCRIPTION OF PROPERTY**

Street Address 323 Skycrest Dr.  
Assessor's Map No. 39 1E 05 DC 03003 Tax Lot(s) Tax Acct. 1088811  
Zoning ? Comp Plan Designation ?

**PROPERTY OWNER**

Name Susan D. Elsom Phone H 541-488-7850 E-Mail selsom@ashlandhome.net  
Address 323 Skycrest Dr. City Ashland Zip 97520  
Name \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

**PROFESSIONAL PERFORMING THE TREE REMOVAL (e.g., tree service)**

Name \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

**ARBORIST, LANDSCAPE ARCHITECT, OTHER**

Title Certified Name Mario Vaden Phone 541-500-1857 E-Mail mdvaden@oregonjunio.com  
Arborist Address Medford, OR Website mdvaden.com City \_\_\_\_\_ Zip \_\_\_\_\_  
Title \_\_\_\_\_ Name \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner. I hereby certify that the statements and information contained in this application are in all respects, true and correct. I further understand that if this request is subsequently contested, the burden will be on me to establish:

- 1) that I produced sufficient factual evidence to support this request;
- 2) that the information contained in this application are adequate; and further
- 3) that all trees, structures, or improvements are properly located on the ground.

Property Owner's Signature (required) \_\_\_\_\_ Date \_\_\_\_\_

**STAFF DECISION:**

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

Conditions of Approval \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the tree 18" d.b.h or greater?  NO  YES Has the City Administrator has been notified:  NO  YES

Community Development Director/Planning Manager Signature \_\_\_\_\_ Date \_\_\_\_\_

# ISA Basic Tree Risk Assessment Form

Client SUSAN D. ELSOM Date 11/16/18 Time ?  
 Address/Tree location 323 Skycrest Dr. Tree no. \_\_\_\_\_ Sheet \_\_\_\_\_ of \_\_\_\_\_  
 Tree species Acer / maple dbh 9" Height ~40' Crown spread dia. Approx 9'  
 Assessor(s) Attached letter Time frame \_\_\_\_\_ Tools used visual signs

## 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	<u>parked car in driveway</u>						
2	<u>People on sidewalk</u>						
3	<u>House + fence</u>						
4							

## Site Factors

History of failures Bark falling off - see dead wood Topography Flat  Slope  15-20% 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 N-NW Common weather Strong winds  Ice  Snow  Heavy rain  Describe \_\_\_\_\_

## Tree Health and Species Profile

Vigor Low  Normal  High  Foliage None (seasonal)  None (dead)  Normal 95% Chlorotic \_\_\_\_\_ % Necrotic \_\_\_\_\_ %  
 Pests NA Abiotic \_\_\_\_\_  
 Species failure profile Branches  Trunk  Roots  Describe NA

## 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  NA  
 Recent or planned change in load factors NA

## Tree Defects and Conditions Affecting the Likelihood of Failure

### — Crown and Branches — NA

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 — NA

Collar buried/Not visible  Depth \_\_\_\_\_ Stem girdling   
 Dead  partial 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



November 16, 2018

To: Susan Elsom  
323 Skycrest Drive, Ashland, Oregon

Hello,  
Here is my evaluation for your street tree. Feel free to share this as needed.

**Regarding:**

One Acer / maple street tree closest to the driveway on the downhill side of the same driveway. It is about 40 feet tall, between the sidewalk and curb. Approximately 9 in. diameter.

**Problems:**

The tree was sunburned years ago and is weak, missing about one full side of bark and living cambium. The surface wood is deteriorating and cracking. Often, this kind of damage does not reach the trunk flare. In the case of this maple, the damage, missing tissue and weakness includes the entire trunk / root flare.

This maple appears to present a potential hazard that should continue to get worse as more top weight increases.

**Recommended:**

Remove this maple, and replace.

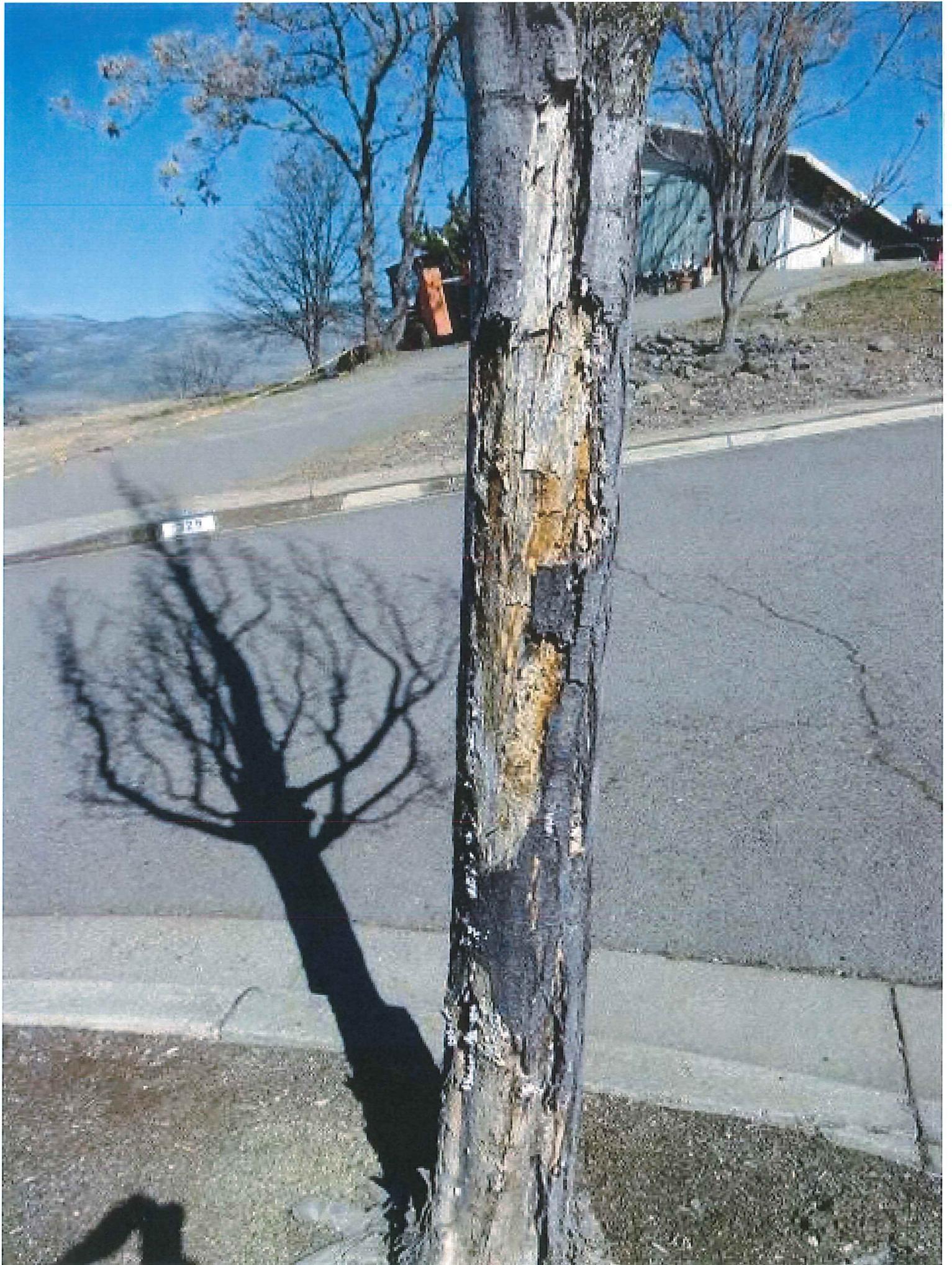
Sincerely,

Mario Vaden  
Certified Arborist / ISA PNW 5584-A  
Medford,  
Oregon

[www.mdvaden.com](http://www.mdvaden.com)









Planning Division  
51 Winburn Way, Ashland OR 97520  
541-488-5305 Fax 541-488-6006

~~Do I need a permit~~  
541-488-5305  
**STREET TREE REMOVAL PERMIT**

A tree that is located in any public street right-of-way or other public property may not be removed until a Street Tree Removal Permit has been submitted according to the Application Submission Requirements, below, and reviewed and approved by the City of Ashland.

An application for street tree removal must demonstrate that the tree is an emergency, hazard, or dead tree as outlined below in the Application Submission Requirements.

Application Submission Requirements. An application for a street tree removal permit shall include all of the following information.

- 1. Application Form and Fee.** The application must include the information requested on the Street Tree Removal Permit form provided by the City of Ashland and the permit application fee. Only those property owners of a lot adjoining the street tree location or homeowners' associations responsible for street trees in their development or subdivision may apply to remove an adjoining street tree. If a tree is located in front of more than one property, each property owner or homeowners' association official must sign the Street Tree Removal Permit form.
- 2. Site Plan.** A site plan of the property drawn to scale containing the following information. The scale of the site plan must be at least one inch equals 50 feet or larger.
  - a. North arrow and scale.
  - b. Property boundaries including dimensions of all lot lines and driveway locations.
  - c. Location and width of all public streets, planting strips, and sidewalks adjoining the site.
  - d. Size, species, and location of the tree(s) proposed to be removed.
- 3. Written Statement.** A written statement explaining how the proposed street tree removal satisfies one of the following approval criteria. The Community Development director may require additional information to demonstrate that the proposed removal satisfies one of the following approval criteria including: 1) a written statement to be prepared by an arborist licensed by the State of Oregon Landscape Contractors Board of Construction Contractors Board and certified by the International Society of Arboriculture or American Society of Consulting Arborists; and 2) an International Society of Arboriculture (ISA) Basic Tree Risk Assessment Form to be completed by an arborist.

**Street Tree Removal Approval Criteria**

- a) **Emergency Tree Removal.** The tree presents an immediate danger of collapse and represents a clear and present hazard to persons or property. Immediate danger of collapse is defined as a tree that may already be leaning, with the surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree removal permit could be obtained through the non-emergency process.
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**Replacement and Stump Removal.** Applicants for approved Street Tree Removal Permits are required to remove any stumps and replace the tree. Stump removal and replacements for approved street tree removals shall meet the following requirements.

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3. The minimum size for a replacement tree is eight feet in height or one inch in caliper measured at 12 inches above the root crown.
4. Applicants for a Street Tree Removal Permit may be required to replace the tree or trees being removed with a tree or trees of comparable value.
5. If a street tree is determined to be dead or dying, then the replacement need be no larger than the minimize size described above.

Type of Tree(s) MAPLE

Approximate Diameter at breast height 6" Height 20' Canopy 8'

Location of Tree 119 N. 3RD ST. ASHLAND, OR 97520

Reason for Request INAPPROPRIATE SPECIES FOR LOCATION. SEE ATTACHED.

Are there underground utility lines and/or overhead power lines present? OVERHEAD, YES

If yes, please list which lines are present \_\_\_\_\_

Is there sidewalk damage? NO If yes, has a Public Works permit been issued? \_\_\_\_\_

OVER >>

**DESCRIPTION OF PROPERTY**

Street Address 119 N. 3rd St Astland OR 97520

Assessor's Map No. 39 1E 09BA Tax Lot(s) 8700

Zoning R2 Comp Plan Designation MULT-FAMILY RESIDENTIAL

**PROPERTY OWNER**

Name MICHAEL HOYT Phone 541-301-4194 E-Mail mhoyle@artisaneyeworks.com

Address 119 N 3rd St City Astland Zip 97520

Name \_\_\_\_\_ Phone 541-301- E-Mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

**PROFESSIONAL PERFORMING THE TREE REMOVAL (e.g., tree service)**

Name CANOPY Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

**ARBORIST, LANDSCAPE ARCHITECT, OTHER**

Title \_\_\_\_\_ Name \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Title \_\_\_\_\_ Name \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

*As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner. I hereby certify that the statements and information contained in this application are in all respects, true and correct. I further understand that if this request is subsequently contested, the burden will be on me to establish:*

- 1) that I produced sufficient factual evidence to support this request;
- 2) that the information contained in this application are adequate; and further
- 3) that all trees, structures, or improvements are properly located on the ground.

[Signature] 3/20/2019  
Property Owner's Signature (required) Date

**STAFF DECISION:**

Permit is hereby (circle one):	Approved	Approved with Conditions	Denied
Conditions of Approval:	_____		
Is the tree 18" d.b.h. or greater?	<input type="checkbox"/> NO	<input type="checkbox"/> YES	Has the City Administrator has been notified: <input type="checkbox"/> NO <input type="checkbox"/> YES
Community Development Director/Planning Manager Signature	_____		
Date	_____		



03/20/2019

**artisan**  
EYEWORKS

215 4th Street  
Ashland, OR 97520  
w / artisaneyeworks.com  
P / 541.708.5350

OPTOMETRIC PHYSICIANS  
Dr. Kimberly Hoyt  
Dr. Michael Hoyt

To Whom It May Concern:

We planted the same species that had to be removed when the water line was replaced before we understood how the city would be treating trees along our block.

Unfortunately, the city butchered every tree on our side of the road due to the overhead power lines (see enclosed photos). Every one of those trees was an inappropriate choice given the city's (understandable) plan to protect the power line. Ours is no exception.

We would like to remove the maple because at maturity it will grow far beyond where the city will allow it. We would like to replace it with an approved species that will be shorter at maturity, a paperbark maple. The work would be completed by Canopy.

Thank you for considering our request.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael and Kimberly Hoyt".

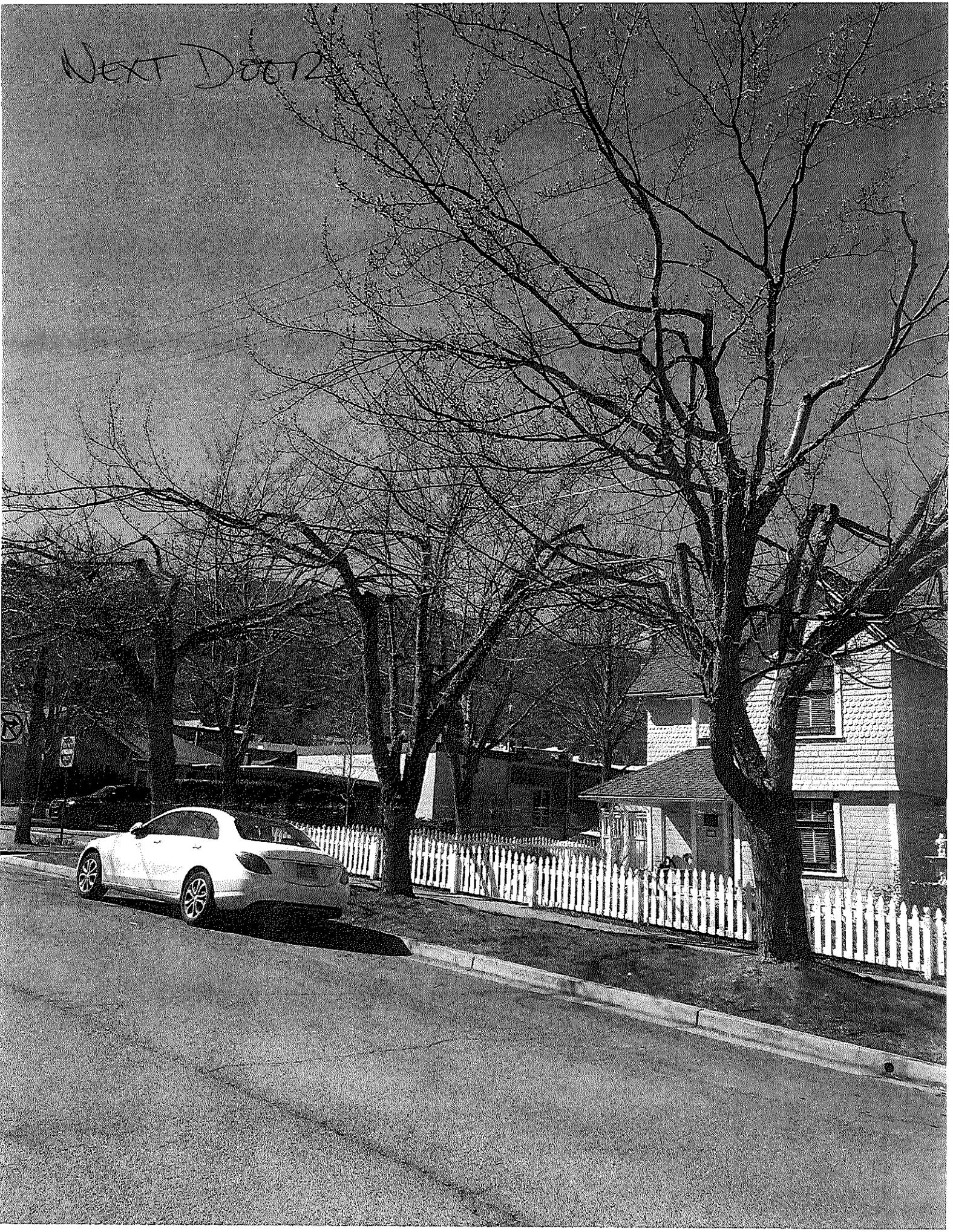
Michael and Kimberly Hoyt

RECEIVED  
MAR 25 2019  
City of Ashland

Hoyt Tree 119 W. 3<sup>RD</sup> ST.



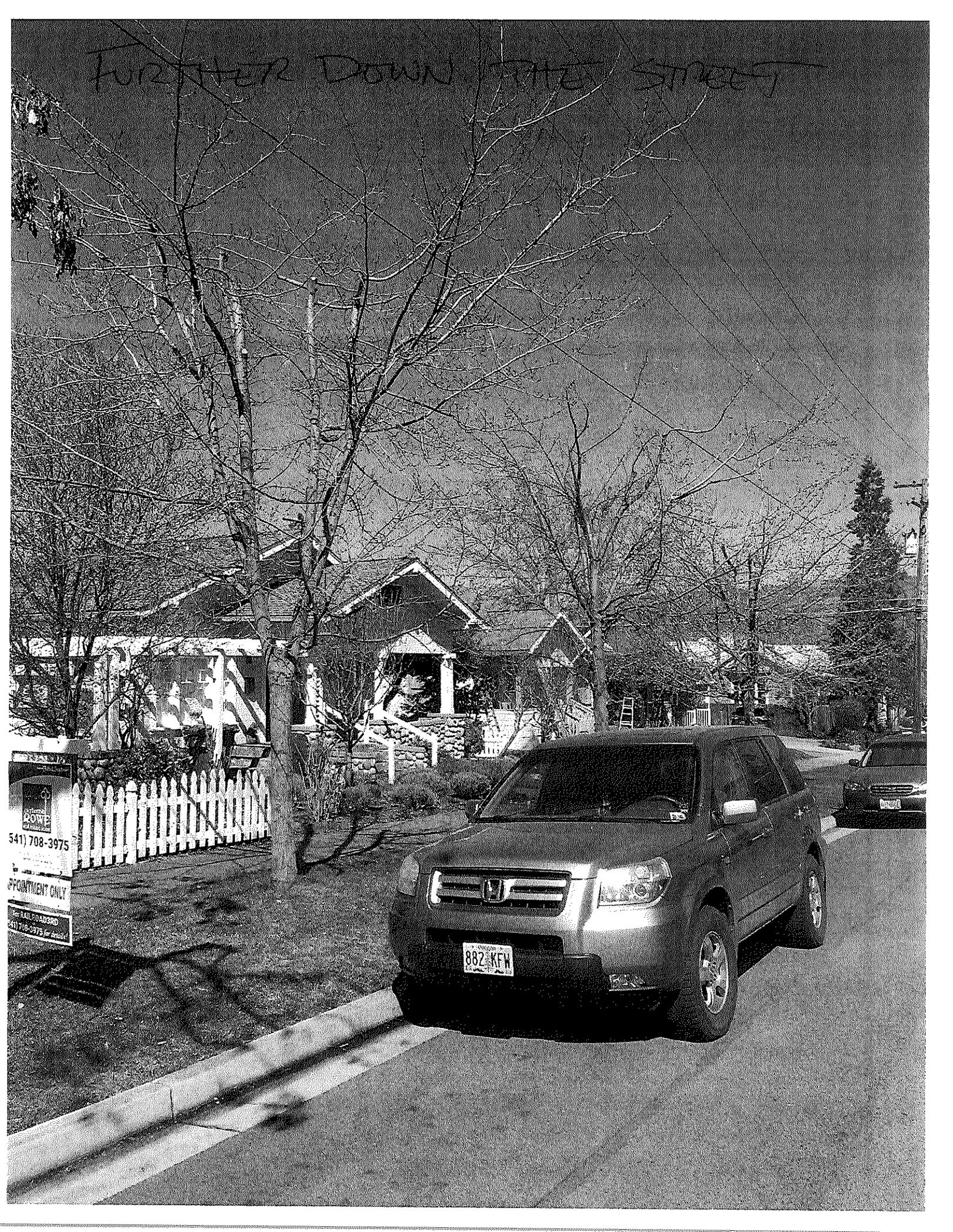
NEXT DOOR



Next Door



FURTHER DOWN THE STREET



541) 708-3975  
APPOINTMENT ONLY  
RAILROADS  
541) 708-3975 for more

882-KFW

# Memo

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DATE: March 26, 2019  
TO: Councilmembers  
FROM: Dave Lohman  
RE: Heritage Tree Designation for 12 Douglas Fir Trees near Japanese Garden

---

Some citizens have launched a signature drive to support designation of 12 Douglas Fir trees in Lithia Park near the Japanese Garden as “Ashland Heritage Trees.” A March 25, 2019 news release issued by citizens calling themselves “Friends of Lithia Park” cites the land use planning ordinance concerning designation of Ashland Heritage Trees, AMC 18.4.5.060, and states that “Final approval of nominations is in the hands of the Ashland City Council.” That statement is accurate but susceptible to misinterpretation.

To assist Councilmembers in responding to questions from constituents, this memo is intended to clarify initial decision-making authority as to Heritage Tree designation for these 12 trees.

- 18.4.5.060E says, “Any person may nominate, with the written consent of the property owner, a mature tree for consideration as a Heritage Tree....The Tree Commission shall review all nominations and shall make a written final recommendation to the City Council. The Council shall review the recommendation and make the final determination for Heritage Tree status”  
|
- The City is, of course, owner of the property comprising Lithia Park. However, many of the rights of ownership of City park lands have been delegated in perpetuity (at least until a change in the Charter) to the Park Commission by Section 3 of Article 19 of the City Charter: “The said Park Commission shall have control and management of all the lands here dedicated for park purposes....”
- “Control and management” of park lands inherently includes decision-making about planting, trimming, and preserving trees and other vegetation on those lands. Accordingly, it is my legal opinion that any nomination of trees in Lithia Park for designation as Ashland Heritage Trees must be accompanied by written consent of the Park Commission. Only after that consent has been obtained may the nomination be reviewed by the Tree Commission and forwarded to the Council for final determination.
- A separate ordinance provision bolsters the notion that the Park Commission has final decision-making authority concerning trees on City park lands: AMC 18.5.7.C.1.A says removal of a tree on park lands is exempted from the requirement to obtain a City permit otherwise needed for removal of large tree.

###

**Cc:** Kelly Madding  
Ashland Parks & Recreation Commission  
Michael Black



PUBLIC MEETING LAW

PUBLIC RECORDS LAW

OREGON ETHICS LAW

What is the law?

*underlying  
transparency*

- ▶ ORS 192.620: "The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly."
- ▶ 'A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690"
- ▶ Note: Public Participation does not always mean public conversation

## Executive Sessions

- ▶ No final decisions; tentative decisions OK
- ▶ Examples:
  - ▶ Consultation on labor negotiations
  - ▶ Consultation on litigation
  - ▶ Real property transactions
  - ▶ Performance evaluations

## Practical Tips for Meetings

- ▶ Avoid exchanges of opinions with more than two other Councilmembers on items the Council may vote on
- ▶ Avoid conversations (in person or via email) between Councilors where the views of fellow Councilors are shared
- ▶ Think before replying to emails when City business information is shared
  - ▶ Use BCC
  - ▶ To request more information on item, ask Staff who will prepare for all agency members

## What Do I Need To Keep?

- ▶ Generally, all records, electronic or hard copy, relating to public business.
- ▶ You do not need to keep:
  - ▶ Multiple copies of records
  - ▶ Copies of records which are unquestionably retained in City storage systems
  - ▶ Messages on voicemail or in other telephone message storage and retrieval systems.



Public  
Records

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## Practical Tips on Public Records

- ▶ Avoid using personal email or personal computer for City-related electronic communications
- ▶ If using personal email or personal computer for City-related communications, always CC or BCC pertinent City staff person, so that the City electronic file system retains the communication.



Public  
Records

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## Who Is Considered A Public Official?

- ▶ ORS 244.020(14): “Any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for their services.”
- ▶ Includes elected & appointed officials, employees, members of boards and committees and volunteers

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## Prohibited Use of Office (ORS 244.040(1))

- ▶ A public official may not use or attempt to use official position or office for:
  - ▶ Personal gain, financial gain or avoidance of financial detriment
- ▶ Applies to?:
  - ▶ You, a relative, or a member of your household (“MOH”) and any business with which you a relative or a MOH is associated
- ▶ Exclusion:
  - ▶ When the financial gain or avoidance of financial detriment would be available even if you were not a Councilmember

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## Conflict of interest ORS 244.020(1) Definition:

- ▶ Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private financial benefit or detriment of the person or the person's relative or any business with which the person or relative of the person is associated.

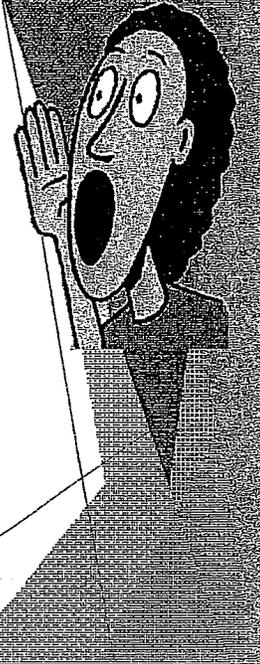
## Conflict of Interest: General Rule

- Elected public officials and members of boards or commissions
  - Must publicly announce potential conflicts of interest before taking action
  - Must publicly announce actual conflicts of interest and refrain from discussion, debate, or voting on the issue out of which the actual conflict arises and refrain from participation
  - In either case, you must provide a brief explanation of the source of the conflict. (Just stating that you have a potential or actual conflict is not sufficient.)

## How to deal with an actual & potential conflict

### When in doubt: Shout it Out!

- ▶ State the nature of your conflict
- ▶ Do it before voting or discussing the manner
- ▶ Do it on the record
- ▶ Do it each meeting the issue is discussed



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## If Actual Conflict of Interest

In addition to declaring and explaining the conflict:

- ▶ No participating in discussion and No voting
- ▶ It is recommended you leave the room during agenda item

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