



CITY OF ASHLAND



TREE COMMISSION - REGULAR MEETING October 8, 2020 AGENDA

I. **CALL TO ORDER**
6:00 p.m. via ZOOM

II. **APPROVAL OF MINUTES**

A. Tree Commission regular meeting of September 3, 2020 regular meeting minutes.

III. **LIAISON REPORTS**

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

IV. **TYPE I REVIEWS**

A. **PLANNING ACTION:** TREE-2020-00124

SUBJECT PROPERTY: 365 Strawberry Lane

APPLICANT: Table Rock Tree

OWNER: Potts / Esterling

DESCRIPTION: A request for approval to a total of five trees at 365 Strawberry Lane. However, after reviewing the application the fifth tree, a healthy pine measuring 22-inches DBH, won't be considered at this time, and instead will be considered concurrent with a future planning action for the development of a new building. The four trees that are remaining to be considered are a dead Oak 19-inch DBH, a dying oak eight-inches DBH, dead pine 11-inches DBH, and a dead pine measuring 25-inches DBH. Dead trees are exempt from tree removal permits, so the only tree truly being applied for removal is the dying eight-inch oak. **COMPREHENSIVE PLAN**

DESIGNATION: Rural Residential; **ZONING:** RR-.5; **MAP:** 39 1E 08 AC; **TAX LOT:** 602

B. **PLANNING ACTION:** TREE-2020-00125

SUBJECT PROPERTY: 1660 Parker St.

APPLICANT: Table Rock Tree

OWNER: John Toso

DESCRIPTION: A request for approval to remove one Siberian elm tree (*ulmus pumila*). The tree is identified as a hazard based on the decay at the base of the tree. The tree has two stems measuring 18 and 28-inches DBH. The application includes a report by an ISA certified arborist explaining the hazard and includes an ISA risk assessment form. **COMPREHENSIVE PLAN**

DESIGNATION: Single Family Residential; **ZONING:** R-1-5; **MAP:** 39 1E 10 DC; **TAX LOT:** 602

C. **PLANNING ACTION:** TREE-2020-00128

SUBJECT PROPERTY: 485 Clinton St.

OWNER/APPLICANT: Dolly Travers for Riverwalk HOA

DESCRIPTION: A request for approval to remove two conifer trees from a common area at the Riverwalk subdivision. The application materials indicate that the trees are in poor health as indicated by lack of root flare visible canker wounds and a pronounced lean. The application explains that the HOA feels that these trees pose a fire hazard as well. **COMPREHENSIVE**

PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-5; **MAP:** 39 1E 04 DD; **TAX LOT:** 1600

D. PLANNING ACTION: PA-T1-2020-00124
SUBJECT PROPERTY: 795 Jaquelyn Street
APPLICANT: Rogue Planning & Development Services LLC
OWNER: Livni Family Trust - Gil Livni, trustee
DESCRIPTION: A request for Site Design Review and Physical & Environmental Constraints Review permit approvals for floodplain development for the property located at 795 Jaquelyn Street. The application proposal would replace the existing 931 square foot garage/shop with a 931 square foot accessory residential unit (ARU) in the same location. The structure's finished floor elevation is proposed to be raised two feet above the base flood elevation. The application also includes a request for a Tree Removal Permit to remove eight trees located within the floodplain. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential;
ZONING: R-1-5-P; **ASSESSOR'S MAP:** 39 1E 14BC; **TAX LOT:** 1900

V. TYPE II REVIEWS - None

VI. STREET TREE REMOVAL PERMITS

A. PLANNING ACTION: PA-T1-2020-00129
SUBJECT PROPERTY: 327 Starflower
APPLICANT/OWNER: Lee Tuneberg
DESCRIPTION: A request to remove two ornamental fruit trees one of which is causing sidewalk damage. The application includes and ISA risk assessment form prepared by Casey Roland.

VII. OLD BUSINESS

- Invasive species discussion

VIII. DISCUSSION ITEMS

- SEJ discussion item: Mountain meadows council contact / Dead tree definition
- Wildlife best practices condition of approval (Cat)

IX. ELECTION OF OFFICERS

Pursuant to AMC 2.10.050 "At its first meeting following the appointment or reappointment of members each year, the advisory commission or board shall elect a chair and a vice-chair who shall hold office at the pleasure of the advisory body."

X. ADJOURNMENT

Next Meeting: November 5, 2020



CITY OF ASHLAND



Ashland Tree Commission
Draft Minutes
September 3, 2020 – ELECTRONIC MEETING

Call to Order

Commission Chair Chris John called the meeting to order at 6:00 pm via Zoom conference call.

Commissioners Present:	Council Liaison
Christopher John	Stephen Jensen
Asa Cates	
Russell Neff	Park Liaison
Eric Simpson	Peter Baughman
Cat Gould	
	Staff Present:
Commissioners Not In Attendance:	Aaron Anderson: Associate Planner
All Present	Derek Severson: Senior Planner

Members of the public in attendance

Amy Gunter – Applicant’s representative for 270 N. Laurel
Randy Wallace – Owner and applicant for 270 N. Laurel

Approval of Minutes

Cates/Simpson m/s to approve the minutes of March 5, 2020 Voice Vote: All Ayes. Motion passed

Election of Officers

Pursuant to AMC 2.10.050 “At its first meeting following the appointment or reappointment of members each year, the advisory commission or board shall elect a chair and a vice-chair who shall hold office at the pleasure of the advisory body.”

- There was no formal motion and vote. All Commissioners visually or verbally acknowledged that they were willing to postpone this item until the next meeting.

Public Forum

There was no one wishing to speak.

Liaison reports

Council Liaison

- Councilor Jensen provided a brief update on council activities

Parks & Recreation Liaison

- Bauhman stated that many projects on hold due to budget cuts and staff reductions. He went on to say that the Japanese garden will be breaking ground later this year.

Community Development Liaison

- Anderson reported on the 21 applications that have been processed since the March Meeting. A more comprehensive report to be provided in the near future. Anderson went on to say that the Tree of the Year was the Oak on Church and the Commissioners will work on the online tree map.

Councilor Jensen left the meeting after the Liaison reports.

TYPE I REVIEWS

PLANNING ACTION: PA-A-2020-00123

SUBJECT PROPERTY: 270 North Laurel Street

OWNER/APPLICANT: RW Signature Properties, LLC / Rogue Planning & Development Services, LLC (*agent*)

DESCRIPTION: A request for a Modification of PA-T1-2020-00104 which granted Site Design Review approval to convert the existing four two-bedroom apartment units located at 270 North Laurel Street into six apartments including four 492 square foot one-bedroom apartments, one 780 square foot two-bedroom apartment, and one 984 square foot two-bedroom apartment. The original application included requests for Tree Removal Permits to remove two trees: a 14-inch Maple and a 10-inch Pine, and the original approval required that the Maple not be removed but instead be assessed by a certified arborist, preserved and protected. The Modification here is limited to requesting that the tree – determined by the arborist to be 28-inches in diameter at breast height - be removed after the arborist's assessment determined that the impacts of the proposal within the tree protection zone (*including construction of a new entry, landing and walkway; construction of a new patio; installation of a new French drain system; and placement of a new electric transformer/vault and trenching for conduit*) are such that the tree cannot be preserved. **COMPREHENSIVE PLAN DESIGNATION:** High Density Multi-Family Residential; **ZONING:** R-3; **ASSESSOR'S MAP:** 39 1E 04CC; **TAX LOT #'s:** 503.

Staff presented the application, and written remarks received both in favor and against as well as the applicant rebuttal. Cates suggested that they at least try to keep the tree and Severson explained that the current application is just for removal, and not proposing a protection plan. There was extensive discussion about the amount of disturbance in the root zone the tree can withstand and still be resilient. Gould made the observation about the benefits to the building in terms of energy from the shade provided. Cates and John both observed that if the electrical vault is located only three feet from the tree it may cause stability issues.

John/Cates M/S PA-A-2020-00123 that every effort should be made to preserve the tree and should the project arborist determine that its removal is necessary it is approved, further recommending that the mitigation plantings be at least 1 ¾" caliper. **Motion passes 3-1 John, Simpson, Cates in favor, Gould opposed**

There were no Type II Reviews to discuss.

There were no Street Tree Removals to discuss.

Discussion Items

- Invasive Trees (**Gould**) – Discussion about potentially amending the definition of “tree” to exclude “tree of heaven” from definition of tree. There was not an agreement on this discussion.
- Wildlife best practices (**Gould**) – Gould revisited this topic and wanted to know if it had reached a resolution. Anderson pointed out that it was discussed a decision was never made. Gould agreed to put together language for a proposed condition of approval that could be attached to tree removal requests.
- Tree inventory Grant (**John**) – ODF Grant for “iTree” street tree inventory.

Adjournment:

Meeting adjourned at 7:27p.m.

*Next Meeting is **October 8, 2020***

Respectfully submitted by Regan Trapp

**TYPE I
REVIEWS**

**PA-TREE-2020-00124
365 Strawberry Lane**

9/6/2020

Dear City of Ashland Planning Department,

This report is in regard to the property located at **365 Strawberry Lane, Ashland, Oregon 97520**. This property belongs to **William Potts**. The report is concerning the removal of 5 different trees on this property. The first proposed removal is a large Ponderosa Pine (Pinus ponderosa) stem. It is roughly 18' tall and is 25" DBH. The stem is completely dead due to a large failure last winter when the stem snapped. The remaining stem is located near a popular walking path that gets a large amount of pedestrian traffic and will continue to become more hazardous to people and fire conditions as it decays. This is the scenario for the other dead trees located on this property. There is a dead, uprooted Ponderosa Pine tree that is 40' long and leaning over the walking path. It is currently being held up by several oak tree branches. The tree is 11" DBH and has a high likelihood of failure. Located near this tree is a dead Black Oak tree (Quercus kelloggii). This tree is 19" DBH. Next to this tree is another Black Oak that is almost entirely dead, and beyond the point of being saved. All of these trees pose, either a fire risk, risk to the public, or both.

The last tree that I am requesting permission to remove is another Ponderosa Pine. While it is a healthy tree, this property has already been surveyed and noted where the existing tree is encroaching the envelope of a proposed new building. Within the envelope of this new building, necessary excavation will have to take place, along with the removal of this tree and vegetation that are currently existing within that parameter. This is shown on the attached site plan. It is my professional recommendation that this tree be removed to make the necessary space available for safe and appropriate construction of this new building. It is also my professional recommendation that the dead trees previously listed be removed in order to prevent fire hazard and any further hazard for pedestrians. I have marked all of these trees with orange flagging for easy identification. The proposed date for these removals is Friday, November 13th. Please feel free to contact me personally with any questions or concerns involving this report or the trees that are located on this site.

Sincerely,

Tate Dunn
Arborist Certification # PN-8062A
Landscape Contracting Business License # 9475

541-890-1370
Tdunn.trock@gmail.com

Table Rock Tree Care, LLC.
4521 Beagle Rd.
White City, OR 97503

Bill Potts Map

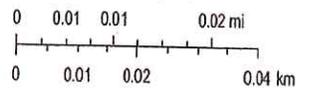


9/6/2020

-  Taxlots
-  County

- 1) Large dead Oak - 19" DBH
- 2) Dying Oak - 8" DBH
- 3) Dead, leaning, uprooted Pine - 11" DBH
- 4) Dead Pine Stem - 25" DBH
- 5) Live Pine in envelope of new building - 22" DBH

1:1,128



Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS,

Jackson County GIS

**TYPE I
REVIEWS**

**PA-TREE-2020-00125
1660 Parker Street**

9/4/2020

Dear Ashland City Planning Department,

I am writing this report in regard to the property located at **1660 Parker Street in Ashland, Oregon, 97520**. This property belongs to **Nancy Weston and John Toso**. Located on this property, behind the back yard and directly north of their shed is a large Siberian Elm tree (*Ulmus pumila*). It has two main stems, one stem with a DBH of 18", and the other stem with a DBH of 28". Please refer to the attached site plan for exact location and orientation of this tree on the property. The tree also has orange flagging around the base of it for easy identification. I am requesting permission to remove this tree due to its high likelihood of failure and the high potential to damage and destroy nearby targets located on this site. This tree has had large branch failures over the past several years and poor pruning techniques that have promoted hazardous growth and decay in the main stems, compromising the health and structural integrity of it. This particular species has a strong tendency to develop excessive phototropic growth that greatly increases its potential for large branch failures as well as entire tree failures. They also do a poor job of compartmentalizing decay caused from branch failure and stem inclusions, as well as wounds caused from large pruning cuts. These issues, combined with the naturally weak wood fibers that are characteristic of this species of tree, tend to make this a fast growing, but short lived, tree. This tree has all of these issues to the point of becoming unhealthy and hazardous.

This tree has a large inclusion located at the base of its two main stems with a progression of decay that will only continue to develop at exponential rates. This will continue to weaken the tree. The largest of these two main stems has become over-extended and leans over a shed and garden area that are consistently used by the home owners and their neighbors. The second stem is even more over-extended, and leaning heavily over a commercial lot that has plans to be developed. The lack of lower branches on these two main stems has compromised the trees natural ability to dampen wind loads creating a, "wind-sail" effect, greatly increasing the likelihood for entire tree failure.

The home owner plans to plant 2 new trees in replacement of this removal. These new trees will be planted on the property in a more appropriated location. They will choose species that are less susceptible to pests and disease and will grow to an appropriate size for the available space. The new trees will be of 2" caliper or larger.

It is my professional recommendation that this elm tree be removed as soon as possible. This tree has a high likelihood of failure under wind and snow loads. Two weather conditions that this area is very well known for. Because of this, I am asking that the approval of these removals be expedited so that we can mitigate this hazard as soon as possible. The proposed removal date is 9/29/2020. My information is on the next page of this report. If you have any questions or concerns, please feel free to contact me by phone or e-mail. Thank you very much for your help and your time with this matter.

Tate Dunn

B.Sc. Ecological and Sustainable Horticulture Production, Oregon State University (2011)

TCIA Certified Tree Worker

Certified Climber Specialist

Certified Arborist

Arborist Certification # PN-8062AT

Landscape Contracting Business License # 9475

City of Ashland Business Account ID-898

Phone:

541-890-1370

Email:

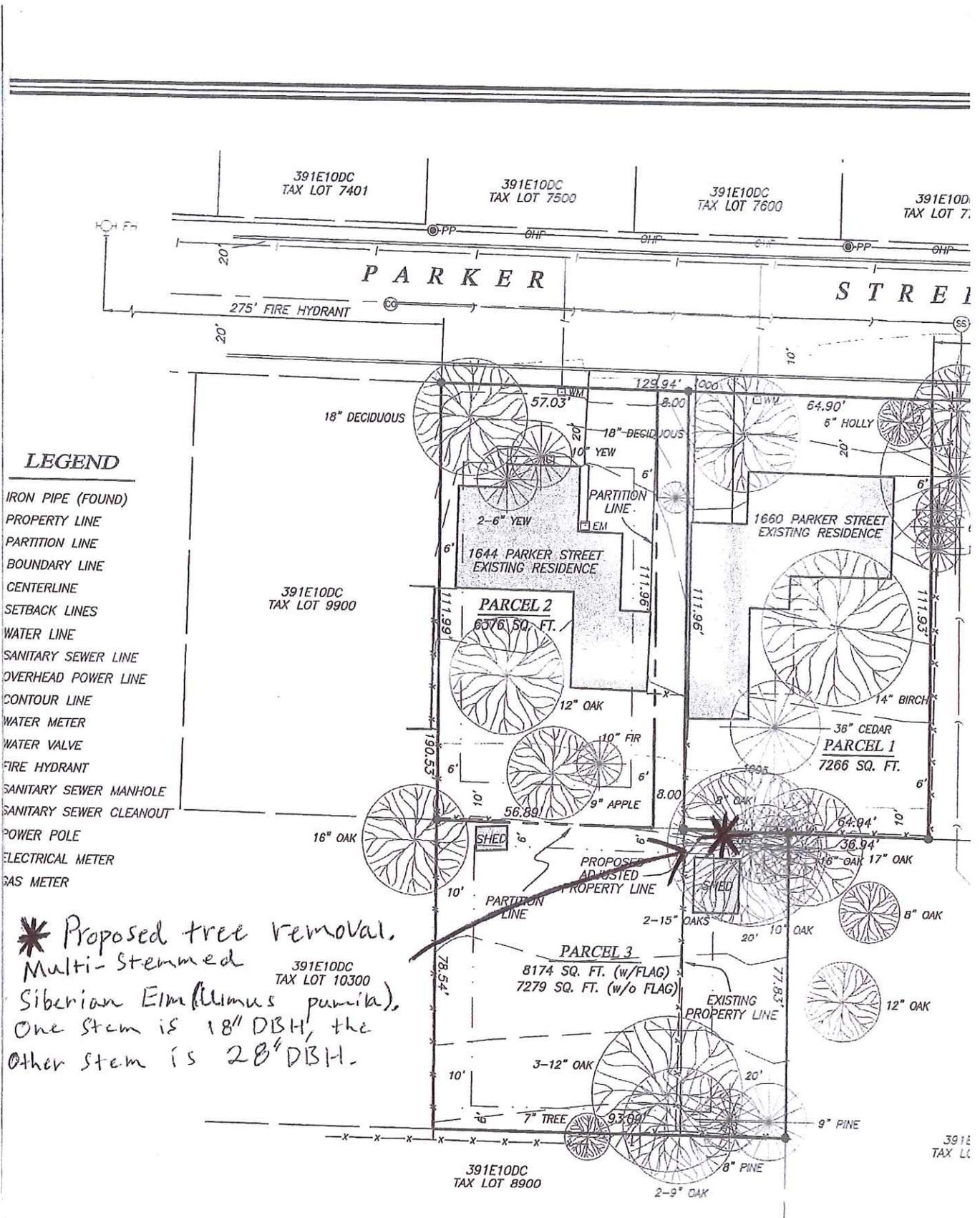
Tdunn.trock@gmail.com

Address:

Table Rock Tree Care, LLC.

4521 Beagle Rd.

White City, OR 97503



700 & 9800

ISA Basic Tree Risk Assessment Form

Client Nancy Weston Date 9/4/2020 Time _____
 Address/Tree location 1660 Parker St., Ashland, OR 97520 Tree no. 1 Sheet 1 of 2
 Tree species Ulmus pumila dbh 28" & 18" Height 65' Crown spread dia 60'
 Assessor(s) Tate M. Dunn- PN-8062A Tools used Visual Time frame _____

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	Fence	None	<input checked="" type="checkbox"/>			3	No	No
2	Shed	None	<input checked="" type="checkbox"/>			3	No	No
3	Comercial Lot	None	<input checked="" type="checkbox"/>			2	No	No
4	Communal Garden	None	<input checked="" type="checkbox"/>			3	No	No

Site Factors

History of failures 3/2020-Several large branch failures Topography Flat Slope % Aspect E
 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 SW Common weather Strong winds Ice Snow Heavy rain Describe Heavy gusts & Snow

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 Large branch failures (3"-5" diameter) past year

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 expected change in load factors Lower branches have been removed

Tree Defects and Conditions Affecting the Likelihood of Failure

— Crown and Branches —

Unbalanced crown LCR 75 %
 Dead twigs/branches 10 % overall Max. dia. 2"
 Broken/Hangers Number 1 Max. dia. 1"
 Over-extended branches
 Pruning history
 Crown cleaned Thinned Raised
 Reduced Topped Lion-tailed
 Flush cuts Other _____
 Cracks Main stem inclusion _____ Lightning damage
 Codominant Splits 6" from ground Included bark
 Weak attachments Main Union _____ Cavity/Nest hole _____% circ.
 Previous branch failures 3"-5" Similar branches present
 Dead/Missing bark Cankers/Galls/Burls Sapwood damage/decay
 Conks Heartwood decay Developing in _____
 Response growth _____ main stem

Leaning heavily over shed, garden, and empty lot Condition(s) of concern _____

Part Size 28" Fall Distance 40'+
 Load on defect N/A Minor Moderate Significant
 Likelihood of failure Improbable Possible Probable Imminent
 Part Size 28" Fall Distance 40'+
 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 65° Corrected? No
 Response growth _____
 Condition(s) of concern Heavy lean over shed & garden
 Part Size 28" Fall Distance 40'+
 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 _____
 Part Size _____ Fall Distance _____
 Load on defect N/A Minor Moderate Significant
 Likelihood of failure Improbable Possible Probable Imminent

Risk Categorization

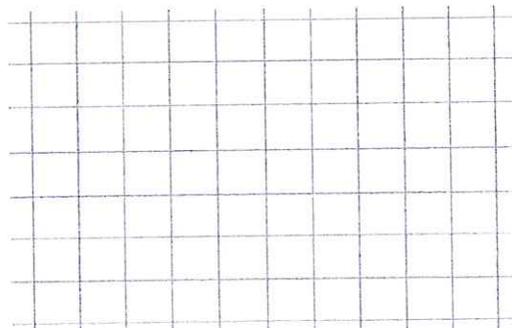
Target (Target number or description)	Tree part	Condition(s) of concern	Likelihood											Risk rating (from Matrix 2)				
			Failure				Impact				Failure & Impact (from Matrix 1)				Consequences			
			Improbable	Possible	Probable	Imminent	Very low	Low	Medium	High	Unlikely	Somewhat	Likely		Very likely	Negligible	Minor	Significant
1	Roots	Proximity to Tree			X							X				X		
2	Stem	Proximity to Tree		X							X						X	
3				X							X						X	
4				X								X						X
3	Canopy	Proximity to Tree		X							X						X	
4				X							X						X	

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

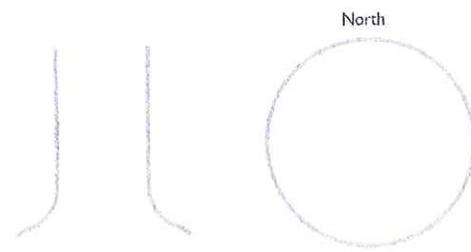
Matrix 2. Risk rating matrix.

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

Given the high likelihood of failure and the close proximity of pedestrian use space, removal of the tree is the only practical solution.



Mitigation options

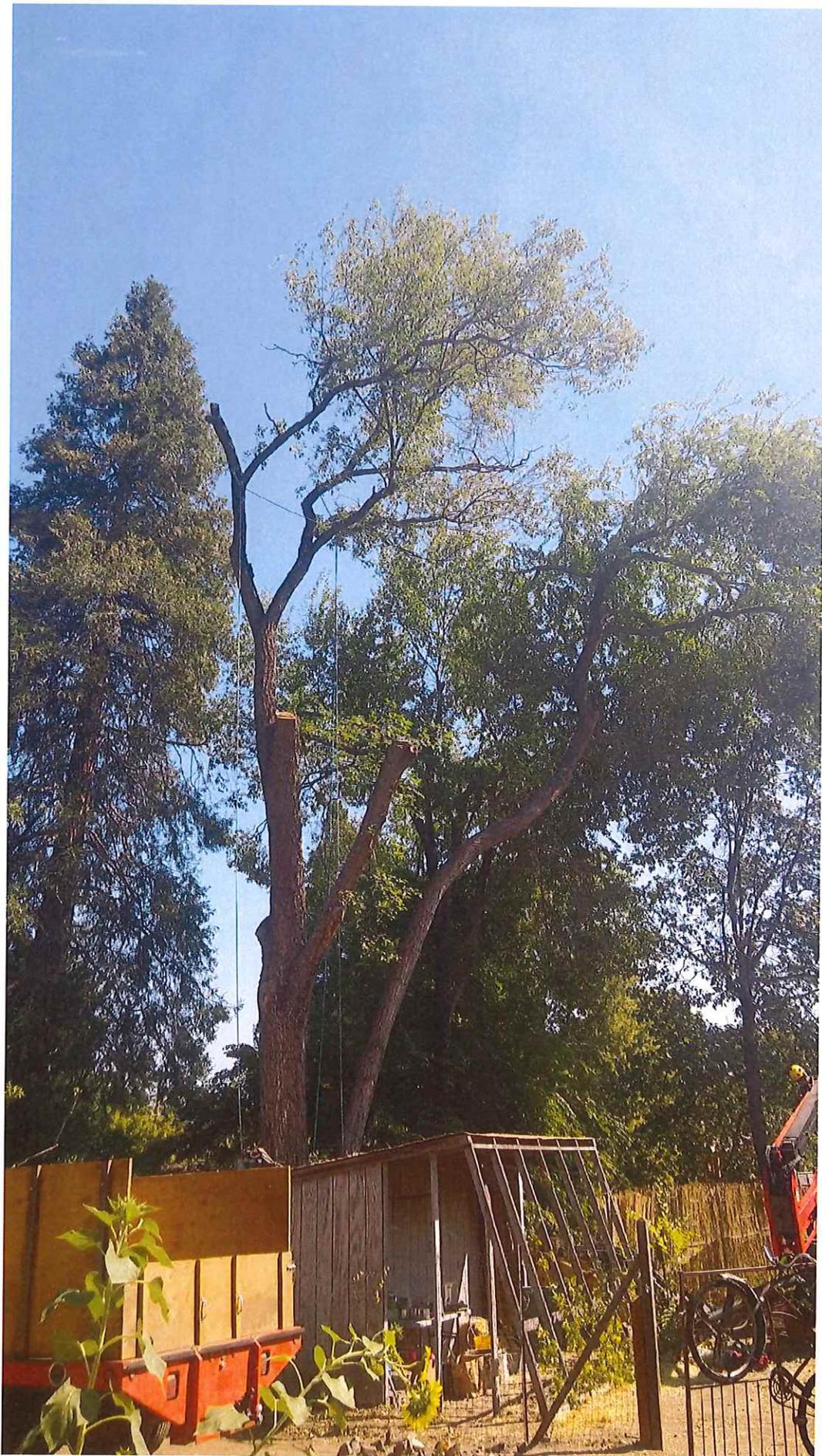
1. **Removal** _____ Residual risk **None** _____
2. _____ Residual risk _____
3. _____ Residual risk _____
4. _____ Residual risk _____

Overall tree risk rating Low Moderate High Extreme

Overall residual risk None 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 _____





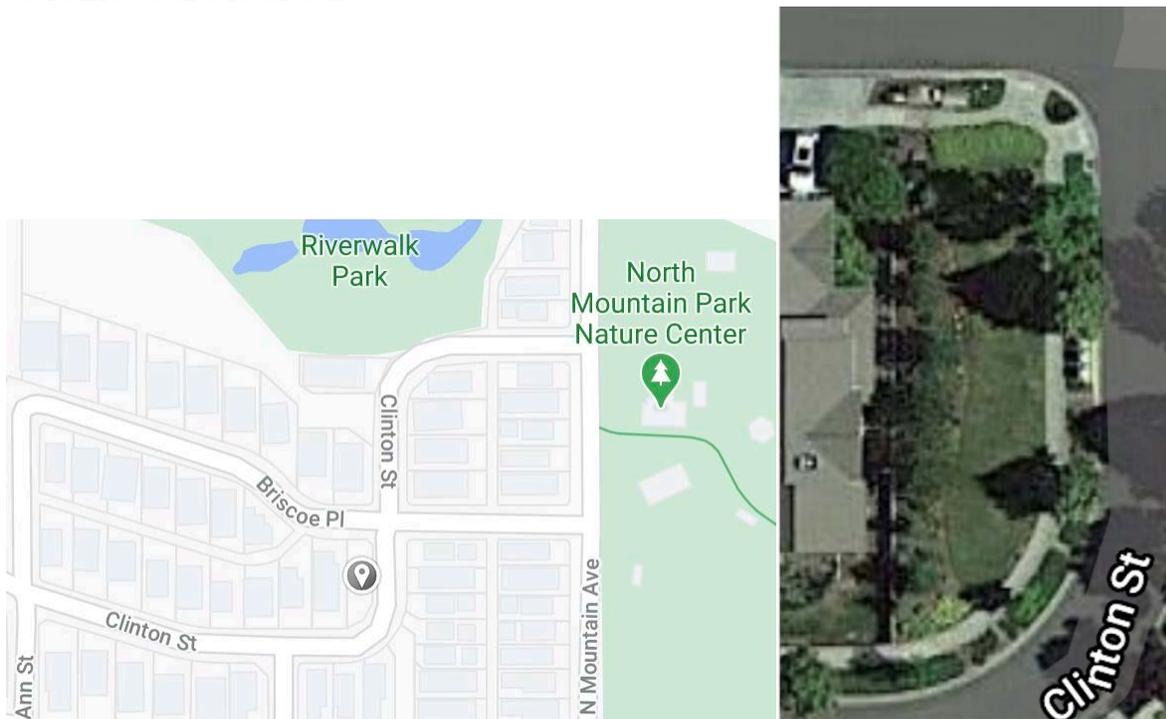
**TYPE I
REVIEWS**

**PA-TREE-2020-00128
485 Clinton Street**

Riverwalk HOA. Tree removal...

Riverwalk is requesting the removal of two trees within the Riverwalk Homeowners Association. Our President, Barry Vitcov, contacted Aaron Anderson to find out how to submit a request. I am the chair of the Landscape Committee and am submitting this request for Riverwalk.

Riverwalk is located across the street from North Mountain Park. The pin below is the "Common Area North" where the two trees we are requesting permission to remove are located.



1. Location:

The two trees that Riverwalk is requesting to be removed are in an area of Riverwalk called "CAN (Common Area North)". The following photo is from Google and was taken many years ago. The trees requested to be removed are in the middle the row of conifers, that run N-S along the house on the left side (south) of the picture.

2. The reasons for removal:

These trees do not meet Fire-wise standards:

These trees provide a fuel ladder to the nearby home
The proximity of the fuel-load trees to the home

The trees are within the defensive space for the home
These trees, in a wind storm, slam in to most vulnerable part of the home - the roof
The need to keep trees away from structures
The proximity of the wood fence to the trees

The existing conditions of the trees render them unsafe:

Removal was requested by the nearby homeowners
During the wind storm, the trees slammed into the house and roof
The trees are too close to a home
The trees are endangering the home and fence.
The conifer trees are fuel loaded
Both are leaning.
Neither trees have visible root flare
Evidence of girdling roots
Large canker on the lower portion of trunk of tree #1 impacts and questions the structural integrity of the tree
Both have questionable and unsafe root flare areas - no root flare, asymmetrical trunk, canker damage, and girdling stems.
The house is well within the landing zone if either tree fell in that direction.

3. Photos:

Tree A (#1): Is **leaning** to the left - the white vertical window frames of the home provide a point of reference for the amount of **leaning off vertical** - to the left:



Tree A (#2):

Large, significant, indented **canker wound** on left side. **No visible root flare** (root collar, root crown). Tree is **leaning**.

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Tree A (#3) Top of large **canker** at the base of the tree. Dark areas at the top may have been caused by pathogens. **No visible root flare**. This large cankers at the base of the tree limits the tree's **structural integrity**.

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Tree A (#4): Bottom of trunk - There is a small indented, narrow horizontal girdling stem embedded within the trunk at the base above the pine needles. These **girdling stems act like a tourniquet** and restricts the movement of water and nutrients from the roots and stems via the xylem and phloem.



Tree B (#1) **No visible root flare** (root collar, root crown). The **lowest part of the trunk is distorted** and has more trunk tissue on the right side than the left. The tree is not consistently vertical and present **questions of stability**. Starting at the bottom, this **tree leans to the right** until near the eaves.



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Tree B (#2) **Distorted, imbalanced trunk.** Significantly more trunk tissue forms a buttress on the right. This tree has **stability issues** with its asymmetrical base, which may have impacted the out-of-vertical growth of the main trunk.



With our current wind storms and concerns for fire safety, Riverwalk is committed to continue to maintain a safe environment for our homeowners and homes. Please grant our request to remove these two trees.

Thank you for considering Riverwalk's request,
Dolly Travers
Riverwalk Landscape Committee Chair
541 552 1050

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**TYPE I
REVIEWS**

**PA-T1-2020-00124
795 Jaquelyn Street**



September 16, 2020

**Site Review and
Physical and Environmental Constraints Review for
Development within the City of Ashland Flood Protection Zone
Tree removal permit to remove eight trees in the floodplain**

Subject Property

Address: 795 Jacquelyn Street
Map & Tax Lot: 39 1E 14BC; 1900
Comprehensive Plan Designation: Single Family Residential
Zoning: R-1-5
Adjacent Zones: R-1-5

Lot Area: 38,095 square feet

Overlays: Performance Standards Overlay
 Physical and Environmental Constraints
 Floodplain Development
 Water Resource Protection Zone

Property Owner: Livni Investment Company, LLC
 453 Tucker Street
 Ashland, OR 97520

Planning Consultant: Rogue Planning & Development Services, LLC
 33 N Central Avenue; Suite 213
 Medford, OR 97501

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SEP 17 2020
City Of Ashland

Request:

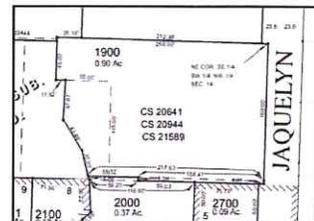
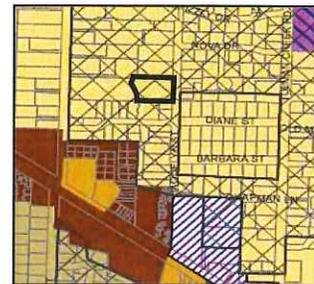
The request for site review to replace the existing heated garage/shop with living area structure with a 931 square foot accessory residential dwelling. The existing structure is within the FEMA floodplain and the city of Ashland Flood Protection Zone. The proposed Accessory Residential Unit would replace the structure within the same roof footprint area. The request includes the removal of eight trees.



Property Description:

The subject property is on the west side of Jaquelyn Street to the north of the intersection of Jaquelyn Street and Diane Street. The property is zoned single family residential, R-1-5, and is in the Performance Standards Overlay.

The property has 164.06 feet of frontage along Jaquelyn Street. The property extends an average of 236.89 feet to the west. The site is approximately, 38,095 square feet. Clay Creek, a local stream is present along the rear property line. Clay Creek has a FEMA floodplain. The FEMA Firmette for the property is attached. There is AE zone on the property, and 500-year floodplain. Clay Creek also has the Ashland Modified Flood Protection Zone. Both these flood zones cover more than 50 percent of the property's developable area.



There is an 1,892 square foot, single-story, single family residence on the site that was constructed in 1966. To the rear of the residence, there is an approximately 867 sf detached structure. This structure was previously a 554 square foot one-bedroom unit with attached garage. There is 931 square feet of structure under the roof. The existing structure has a concrete foundation in the living area and the garage portion has a dirt floor. The structure had a wood stove and electric baseboard heat, there is a living room, kitchen/dining area, bedroom and a bathroom. Based on cabinets, plumbing material the space has been the living side and garage side since the 1960s or 1970s.

The site is accessed via a gravel driveway near the south property line. The driveway extends toward the rear of the property and loops to the southwest of the primary residence.

There are a large number of trees throughout the property, it is a diverse mixture of deciduous and conifer trees. The majority of the trees will not be impacted by the proposal. Directly adjacent to the garage structure, there are three 14" DBH and one 28" DBH Poplar trees that are directly adjacent to the structure. Between the structures there is a group of trees that will be removed. This tightly spaced group of trees includes a 25" DBH Poplar tree, two Pine trees and two Douglas Fir trees.

There are no curb, gutter or sidewalk along the frontage of the property. Jaquelyn Street has some segments of 1/2 street improvements including curb, gutter and asphalt. The majority of the street is chip-sealed, and/or decomposed granite. Jaquelyn Street is classified as a neighborhood street. Neighborhood streets require 47-feet of right-of-way with a 22-feet of curb to curb pavement. This allows for on-street parking on one side of the street. Neighborhood streets also require a five to six-foot sidewalk and five to eight foot landscape park row with street trees.

Jaquelyn Street is presently unimproved, with gravel surface along the frontage of the property and the driving surface of Jaquelyn encroaches onto the property due to the present location of the right-of-way.

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Proposal:

The request is for site design review for a 931 square foot accessory residential (ARU) to replace the existing structure on the site. The proposed development is within the same roof area as the existing structure. The accessory residential unit is proposed to be two-bedroom, two baths with an open concept, living, dining and kitchen area. A front entry facing towards Jaquelyn and a rear deck and stair are proposed.

The request includes a Physical and Environmental Constraints Review for development within the Flood Protection Zone. The majority of the property is within either the City of Ashland flood protection zone or within the FEMA floodplain for Clay Creek. The proposal preserves the majority of the floodplain from development. The proposal adds very little area of disturbance to the floodplain with only the lowest stair and pad at step as new encroachments.

There are eight trees proposed for removal. These trees are directly adjacent to the structure or in the immediate vicinity.

The proposed structure is single story with a finished floor that is two-feet above the BFE of 2075. No HVAC, or other critical infrastructure such as the electric meter will be raised above the BFE and not on the ground.

The property slopes at approximately 2.9 percent downhill to the north. The structure is approximately 15 feet from the north property line with the eaves at 12-feet. This requires a 14.65 foot setback.

The construction permit application will provide construction plan details that will detail the measures proposed for residential construction in the floodplain. There are two on-site vehicle parking spaces for the primary residence. There is adequate parking for two additional vehicles on the property for the ARU tenants.

Thank you for your consideration.

Amy Gunter
Rogue Planning & Development Services
541-951-4020
Amygunter.planning@gmail.com

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On the following pages, findings of fact addressing the criteria from Ashland Municipal Code are provided on the following pages. For clarity, the criteria are in Times New Roman and the applicant's responses are in Calibri font.



The small ARU is a permitted use in the zone and there does not appear to be a rational nexus between the small, permitted use in the R-1 zone to dedicating of nearly 3,000 square feet of public right-of-way.

Tree Removal and Protection:

18.5.7

There are numerous trees on the subject property and on the adjacent properties. An assessment of the trees was performed by a certified arborist. There are nine trees proposed for removal. These include four poplar trees that presently grow from under the structure. The structure will be replaced and these trees are within the footprint of the structure. There is a clump of trees that includes a 25" DBH poplar tree, a 12" DBH Doug Fir, an 8" DBH Douglas Fir tree and two, 12" DBH Ponderosa Pine trees. Of these, four trees require a tree removal permit for a total of eight trees.

Tree protection fencing in the form of six-foot tall chain link fences, set in accordance with the proposed protection plan provided with the application will provide adequate protection to the sites remaining trees. See Attachment for additional Tree Protection information.

2. Tree that is Not a Hazard.

- 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.

Finding:

The trees proposed for removal are within inches of the structure or are trees from the prohibited plant list that are crowded between the two structures on the property.

- 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.

Finding:

The removal of the trees will not have any impact on erosion, soil stability, flow of surface waters or protection of adjacent trees. None of the trees proposed for removal are part of a windbreak.

The poplar trees directly adjacent to the structures have roots that encroach under the structures and they are within inches of the walls of the existing structure.

- 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

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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.

Finding:

The removal of eight trees, none of which are rare or specimen / heritage trees, will not have any impacts on the tree densities. The subject property and the immediately adjacent neighborhood has a significant number, density, tree canopy and species diversity that the eight trees will not negatively impact the canopies. The trees are also not within the Water Resource Protection zones and do not provide any direct benefits to the shading of the riparian corridor. The trees are immediately adjacent to structures and not part of the largely undeveloped portions of the floodplain.

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.

Finding:

The residential density is not impacted by the removal of the trees.

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.

Finding

See below.

18.5.7.050 Mitigation Required

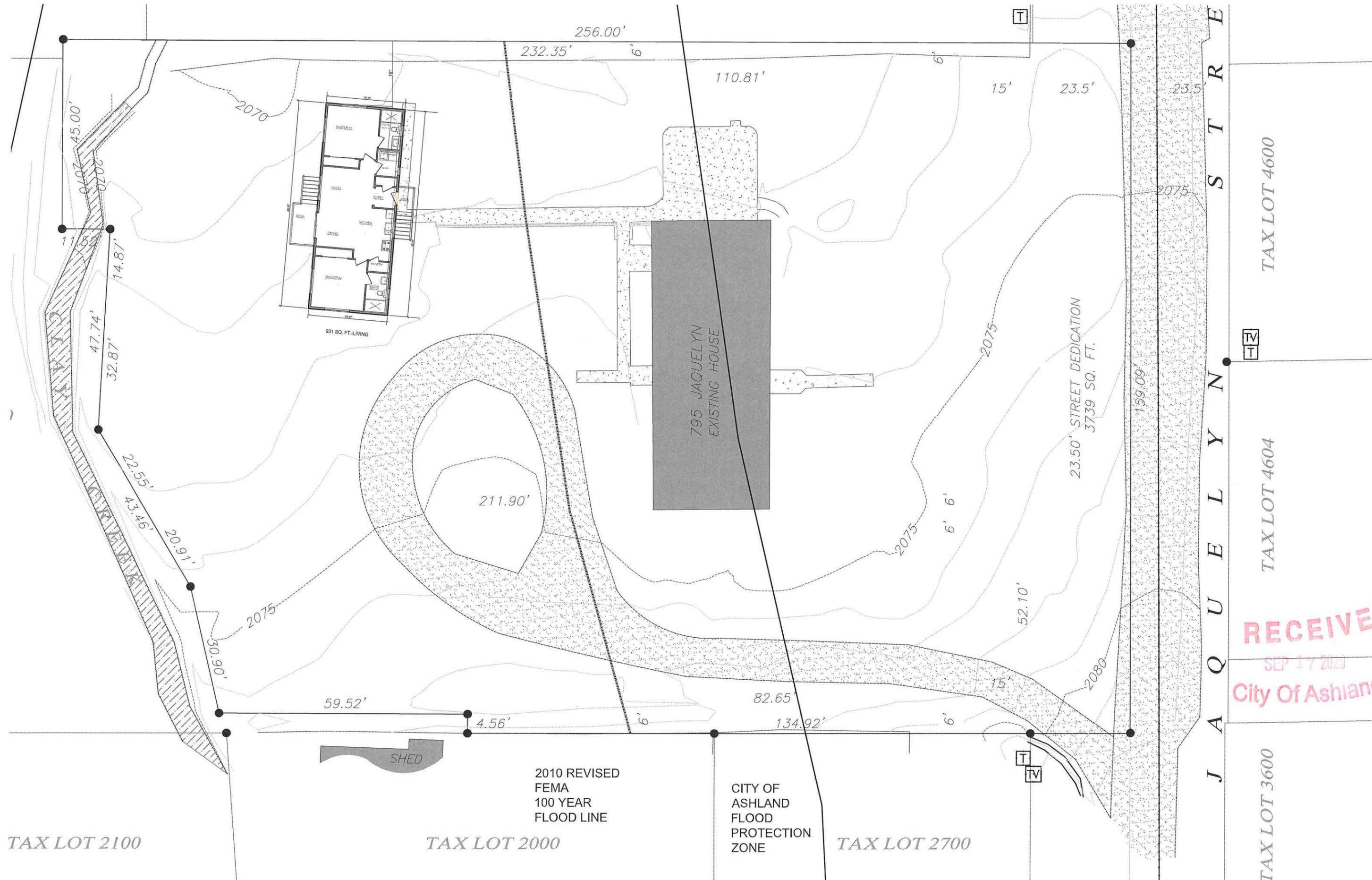
One or more of the following shall satisfy the mitigation requirement.

- 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.

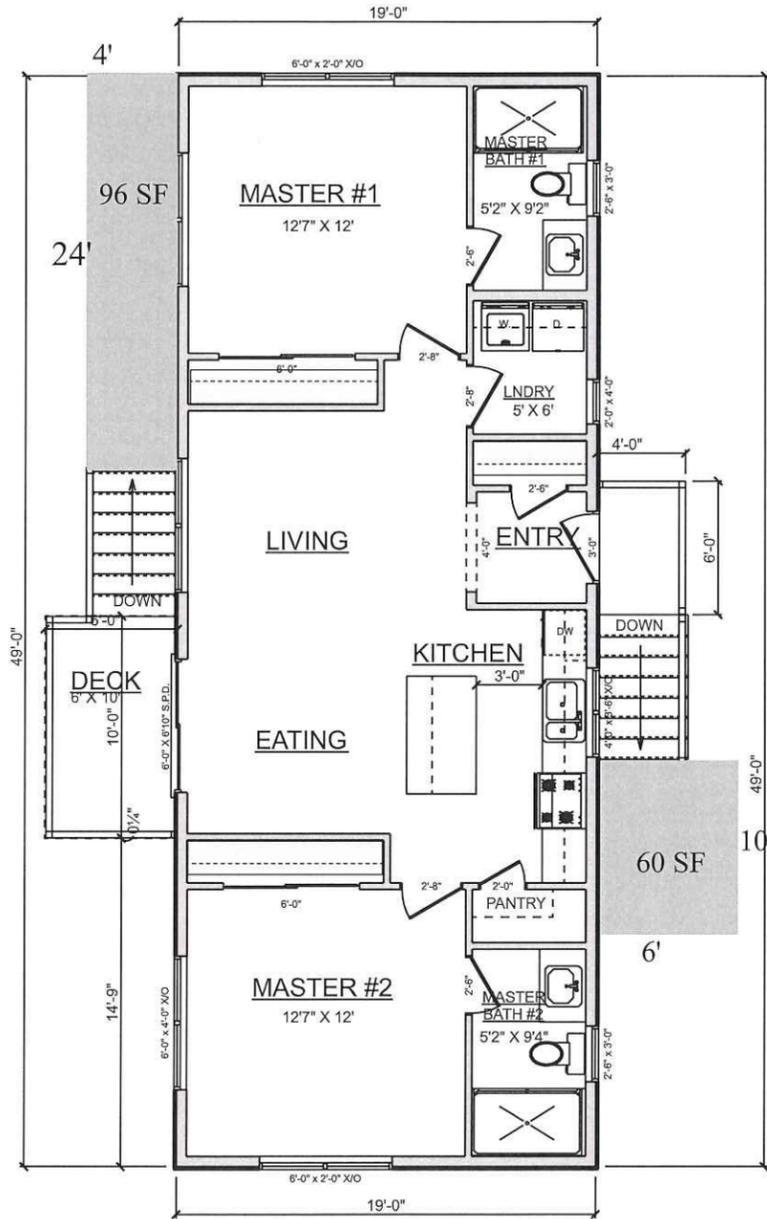
Finding:

Five, healthy deciduous trees will be planted on site following the construction of the ARU. The trees are placed throughout the property. No conifer trees are proposed to be mitigated for.

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931 SQ. FT.-LIVING

FLOOR PLAN
SCALE: 1/8" = 1'-0"

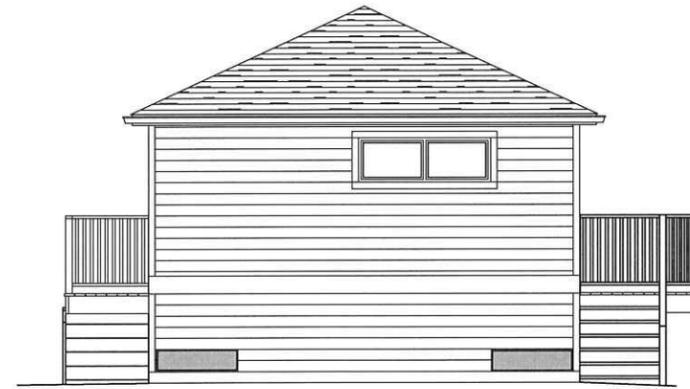


EAST ELEVATION
SCALE: 1/8" = 1'-0"

795 JAQUELYN
EAST ELEVATION



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"

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PROJECT: NEW A.R.U. @
795 JAQUELYN ST.
ASHLAND OR 97520
FOR: MAGNOLIA HOMES

CLIENT:
MAGNOLIA HOMES
510-913-5110

design residential
P.O. BOX 8062
MEDFORD, OR 97501
800-778-2456
www.designresidential.biz

A1.0 FLOOR PLAN-ELEVATIONS
SHEET 1 OF 1

SCALE: 1/8" = 1'-0"
DRAWN BY: JT
CHECKED BY: JT
DATE: 8/12/2020

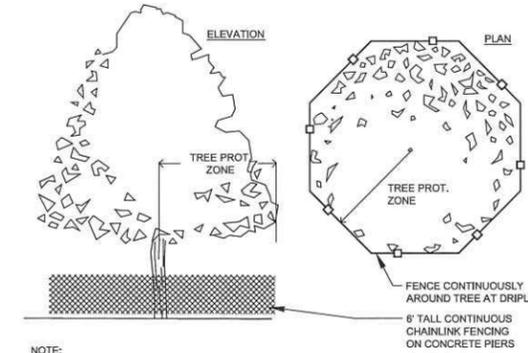
DWG INDEX #:
A1.0 FLOOR PLAN-ELEVATIONS
SHEET 1 OF 1

TREE PROTECTION AND REMOVAL NOTES

- PRIOR TO DELIVERING EXCAVATION EQUIPMENT OR COMMENCING ANY CONSTRUCTION ACTIVITIES ON THE SITE, THE GENERAL CONTRACTOR SHALL CONTACT THE LANDSCAPE ARCHITECT FOR A PRE-CONSTRUCTION MEETING WITH THE LANDSCAPE ARCHITECT AND EXCAVATION SUPERVISOR PRIOR TO COMMENCING ANY WORK ON THE SITE. THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED BY THE CONTRACTOR 48 HRS. IN ADVANCE FOR ALL SITE VISITS REQUESTED. CONTRACTOR SHALL OBTAIN WRITTEN APPROVAL FROM THE OWNER'S REPRESENTATIVE THAT CONSTRUCTION MAY BEGIN AFTER ALL OF THE DESCRIBED FENCING IS IN PLACE. FENCING SHALL REMAIN IN PLACE UNTIL THE PROJECT IS COMPLETED.
- FENCES MUST BE ERRECTED TO PROTECT TREES TO BE PRESERVED AS SHOWN IN DIAGRAM. FENCING SHALL BE 6' TALL TEMPORARY CHAIN LINK PANELS INSTALLED WITH METAL CONNECTIONS TO ALL PANELS AREA INTEGRATED. THESE FENCES SHALL BE INSTALLED SO THAT IT DOES NOT ALLOW PASSAGE OF PEDESTRIANS AND/OR VEHICLES THROUGH IT. FENCES DEFINE A SPECIFIC PROTECTION ZONE FOR EACH TREE OR GROUP OF TREES. FENCES ARE TO REMAIN UNTIL ALL SITE WORK HAS BEEN COMPLETED. FENCES MAY NOT BE RELOCATED OR REMOVED WITHOUT THE PERMISSION OF THE LANDSCAPE ARCHITECT.
- CONSTRUCTION TRAILERS, TRAFFIC AND STORAGE AREAS MUST REMAIN OUTSIDE FENCED TREE PROTECTION ZONES AT ALL TIMES.
- ALL PROPOSED UNDERGROUND UTILITIES AND DRAIN OR IRRIGATION LINES SHALL BE ROUTED OUTSIDE THE TREE PROTECTION ZONE. IF LINES MUST TRANSVERSE THE PROTECTION AREA, THEY SHALL BE TUNNELED OR BORED UNDER THE TREE ROOTS. NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY IF ANY PROJECT PLANS CONFLICT WITH THIS REQUIREMENT.
- NO MATERIALS, EQUIPMENT, SPOIL, OR WASTE OR WASHOUT WATER MAY BE DEPOSITED, STORED, OR PARKED WITHIN THE TREE PROTECTION ZONE (FENCED AREA).
- NOTIFY THE LANDSCAPE ARCHITECT IF TREE PRUNING IS REQUIRED CONSTRUCTION CLEARANCE.
- ANY HERBICIDES PLACED UNDER PAVING MATERIALS MUST BE SAFE FOR USE AROUND TREES AND LABELED FOR THAT USE.
- IF INJURY SHOULD OCCUR TO ANY TREE DURING CONSTRUCTION, NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY. ALL DAMAGE CAUSED BY CONSTRUCTION TO EXISTING TREES SHALL BE COMPENSATED FOR BY THE OFFENDING PARTY, BEFORE THE PROJECT WILL BE CONSIDERED COMPLETE.
- WATERING SCHEDULE: WATERING PROTECTED TREES SHALL FOLLOW THESE STANDARDS, HOWEVER PERIODS OF EXTREME HEAT, WIND, RAINFALL OR DROUGHT MAY REQUIRE MORE OR LESS WATER THAN RECOMMENDED IN THESE NOTES.
 - MOST SPECIES: 1 TIME PER MONTH DURING IRRIGATION SEASON (USUALLY MARCH THROUGH SEPTEMBER).
 - QUERCUS/OAK: DEEP WATER IN MAY AND SEPTEMBER. DO NOT WATER DURING OTHER MONTHS. FOR OAKS ALREADY IN THE VICINITY OF IRRIGATED CONDITIONS, AUTOMATIC SPRINKLERS OR REGULAR WATERING SHALL NOT BE ALLOWED TO SPRAY ON OR WITHIN 3 FEET OF THE TRUNK. THE WATER SHALL NOT BE ALLOWED TO POOL OR DRAIN TOWARDS THE TRUNK.
 - 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.
- EROSION CONTROL DEVICES SUCH AS SILT FENCING, DEBRIS BASINS, AND WATER DIVERSION STRUCTURES SHALL BE INSTALLED ON THE UPHILL SIDE OF THE TREE PROTECTION ZONE TO PREVENT SILTATION AND/OR EROSION WITHIN THE TREE PROTECTION ZONE.
- BEFORE GRADING, PAD PREPARATION, OR EXCAVATION FOR THE FOUNDATIONS, FOOTINGS, WALLS, OR TRENCHING, ANY TREES WITHIN THE SPECIFIC CONSTRUCTION ZONE SHALL BE ROOT PRUNED 1 FOOT OUTSIDE THE TREE PROTECTION ZONE BY CUTTING ALL ROOTS CLEANLY AT A 90 DEGREE ANGLE TO A DEPTH OF 24 INCHES. ROOTS SHALL BE CUT BY MANUALLY DIGGING A TRENCH AND CUTTING EXPOSED ROOTS WITH A SAW, VIBRATING KNIFE, ROCK SAW, NARROW TRENCHER WITH SHARP BLADES, OR OTHER APPROVED ROOT-PRUNING EQUIPMENT.
- ANY ROOTS DAMAGED DURING GRADING OR CONSTRUCTION SHALL BE EXPOSED TO SOUND TISSUE AND CUT CLEANLY AT A 90 DEGREE ANGLE TO THE ROOT WITH A SAW. PLACE DAMP SOIL AROUND ALL CUT ROOTS TO A DEPTH EQUALING THE EXISTING FINISH GRADE WITHIN 4 HOURS OF CUTS BEING MADE.
- IF TEMPORARY HAUL OR ACCESS ROADS MUST PASS OVER THE ROOT AREA OF TREES TO BE RETAINED, A ROAD BED OF 6 INCHES OF MULCH OR GRAVEL SHALL BE CREATED TO PROTECT THE SOIL. THE ROAD BED MATERIAL SHALL BE REPLISHED AS NECESSARY TO MAINTAIN A 6 INCH DEPTH.
- SPOIL FROM TRENCHES, BASEMENTS, OR OTHER EXCAVATIONS SHALL NOT BE PLACED WITHIN THE TREE PROTECTION ZONE, EITHER TEMPORARILY OR PERMANENTLY.
- NO BURN PILES OR DEBRIS PILES SHALL BE PLACED WITHIN THE TREE PROTECTION ZONE. NO ASHES, DEBRIS, OR GARBAGE MAY BE DUMPED OR BURIED WITHIN THE TREE PROTECTION ZONE.
- MAINTAIN FIRE-SAFE AREAS AROUND FENCED AREA. ALSO, NO HEAT SOURCES, FLAMES, IGNITION SOURCES, OR SMOKING IS ALLOWED NEAR MULCH OR TREES.
- DO NOT RAISE THE SOIL LEVEL WITHIN THE DRIP LINES TO ACHIEVE POSITIVE DRAINAGE, EXCEPT TO MATCH GRADES WITH SIDEWALKS AND CURBS, AND IN THOSE AREAS, FEATHER THE ADDED TOPSOIL BACK TO EXISTING GRADE AT APPROXIMATELY 3:1 SLOPE.
- REMOVE THE ROOT WAD FOR EACH TREE THAT IS INDICATED ON THE PLAN AS BEING REMOVED.
- EXCEPTIONS TO THE TREE PROTECTION SPECIFICATIONS MAY ONLY BE GRANTED IN EXTRAORDINARY CIRCUMSTANCES WITH WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT PRIOR TO ANY WORK COMMENCING.
- AS A PROTECTIVE MEASURE TO COMPENSATE FOR CONSTRUCTION IMPACTS, TWO TO SIX WEEKS PRIOR TO CONSTRUCTION, ALL RETAINED TREES SHOWN ON THIS PLAN SHALL RECEIVE AN APPLICATION OF MYCORRHIZAL ROOT BIOSTIMULANT PER MANUFACTURER'S INSTRUCTIONS. THIS MYCORRHIZAL PRODUCT IS A SPECIALLY FORMULATED NATURAL ROOT BIOSTIMULANT WHICH ENHANCES THE ABSORPTIVE SURFACE AREA OF THE TREES' ROOT SYSTEMS. THIS PROMOTES AND IMPROVES NUTRIENT AND WATER UPTAKE CAPABILITIES OF THE REMAINING ROOT STRUCTURE. DISTRIBUTE MYCORRHIZAL EVENLY WITHIN THE ACTIVE ROOT ZONE OF RETAINED TREES. APPLY 30 GALS. OF SOLUTION PER TREE 6" DBH AND GREATER, A MINIMUM OF 4" BELOW SOIL SURFACE IN QUANTITIES OF 1/2 GALLON AT EACH POINT OF APPLICATION. LOCATE THE ACTIVE ROOT ZONES WITH LANDSCAPE ARCHITECT PRESENT. MYCORRHIZAL IS AVAILABLE FROM MYCORRHIZAL APPLICATION, INC., PHONE (541) 476-3985.

#	Species	DBH (Inches)	Height (Feet)	Crown Radius (Feet)	Tree Protection Zone Radius (Feet)	Tolerance to Construction	Condition	Notes
1	Quercus kelloggii	(2) 24"	40'	15'	48'	Moderate	GOOD	
2	Pinus ponderosa	12"	35'	8'	9'	Good	GOOD	
3	Quercus kelloggii	6"	25'	6'	8'	Moderate	GOOD	
4	Fraxinus latifolia	12", 5", 8"	20'	25'	9'	Good	GOOD	
5	Picea engelmannii	14"	45'	9'	14'	Moderate	GOOD	
6	Quercus kelloggii	9"	35'	7'	9'	Moderate	GOOD	
7	Pseudotsuga menziesii	17"	57'	15'	17'	Moderate	GOOD	
8	Pseudotsuga menziesii	14"	50'	12'	14'	Moderate	GOOD	
9	Pseudotsuga menziesii	12"	50'	12'	12'	Moderate	GOOD	
10	Pseudotsuga menziesii	12"	32'	12'	12'	Moderate	GOOD	
11	Fraxinus latifolia	14"	40'	14'	15'	Good	GOOD	
12	Cedrus decurrens	22"	62'	20'	N/A	Good	GOOD	REMOVE - COMPETE WITH OVERSTORY SEQUOIA
13	Fraxinus latifolia	20"	40'	20'	15'	Good	GOOD	
14	Fraxinus latifolia	15"	40'	20'	11'	Good	GOOD	
15	Juglans spp	14"	40'	15'	18'	Poor	GOOD	DID NOT TAG
16	Sequoiadendron giganteum	48"	70'	18'	48'	Moderate	GOOD	
17	Platanus occidentalis	24"	40'	12'	18'	Good	GOOD	
18	Fraxinus latifolia	12"	40'	8'	9'	Good	GOOD	DID NOT TAG
19	Fraxinus latifolia	16"	42'	20'	12'	Good	FAIR	
20	Fraxinus latifolia	14"	45'	19'-6"	11'	Good	GOOD	
21	Fraxinus latifolia	8"	40'	10'	6'	Good	GOOD	
22	Fraxinus latifolia	(3) 8"	50'	23'	18'	Good	GOOD	
23	Fraxinus latifolia	28"	60'	30'	NA	Good	GOOD	REMOVE - TOO CLOSE TO BUILDING
24	Fraxinus latifolia	14"	35'	20'	NA	Good	GOOD	REMOVE - TOO CLOSE TO BUILDING
25	Fraxinus latifolia	14"	50'	20'	NA	Good	GOOD	REMOVE - TOO CLOSE TO BUILDING
26	Fraxinus latifolia	14"	50'	15'	NA	Good	GOOD	REMOVE - TOO CLOSE TO BUILDING
27	Fraxinus latifolia	25"	45'	24'	N/A	Good	GOOD	REMOVE - OVERCROWDED
28	Pinus ponderosa	12"	25'	15'	N/A	Good	GOOD	REMOVE - OVERCROWDED
29	Pseudotsuga menziesii	12"	30'	15'	N/A	Moderate	GOOD	REMOVE - OVERCROWDED
30	Pseudotsuga menziesii	8"	30'	8"	N/A	Moderate	GOOD	REMOVE - OVERCROWDED
31	Pinus ponderosa	12"	40'	10'	NA	Good	GOOD	REMOVE - OVERCROWDED
32	Cupressus x leylandii	(2) 12"	30'	15'	NA	Good	BAD	DID NOT TAG - OFF PROPERTY
33	Cupressus x leylandii	20"	30'	12'	NA	Good	BAD	DID NOT TAG - OFF PROPERTY
34	Fraxinus latifolia	14"	30'	12'	NA	Good	GOOD	REMOVE
35	Quercus garryana	(2) 20"	45'	16'	15'	Good	GOOD	(Remove chah from trunk)
36	Pinus ponderosa	7"	30'	7'	N/A	Good	GOOD	REMOVE

THE TREE PROTECTION ZONE FOR EACH TREE IS BASED ON THE GUIDELINES ESTABLISHED BY: Matheny, N. & Clark, J. 1998. *Trees and Development: A Technical Guide to Preservation of Trees During Land Development*. p. 72.



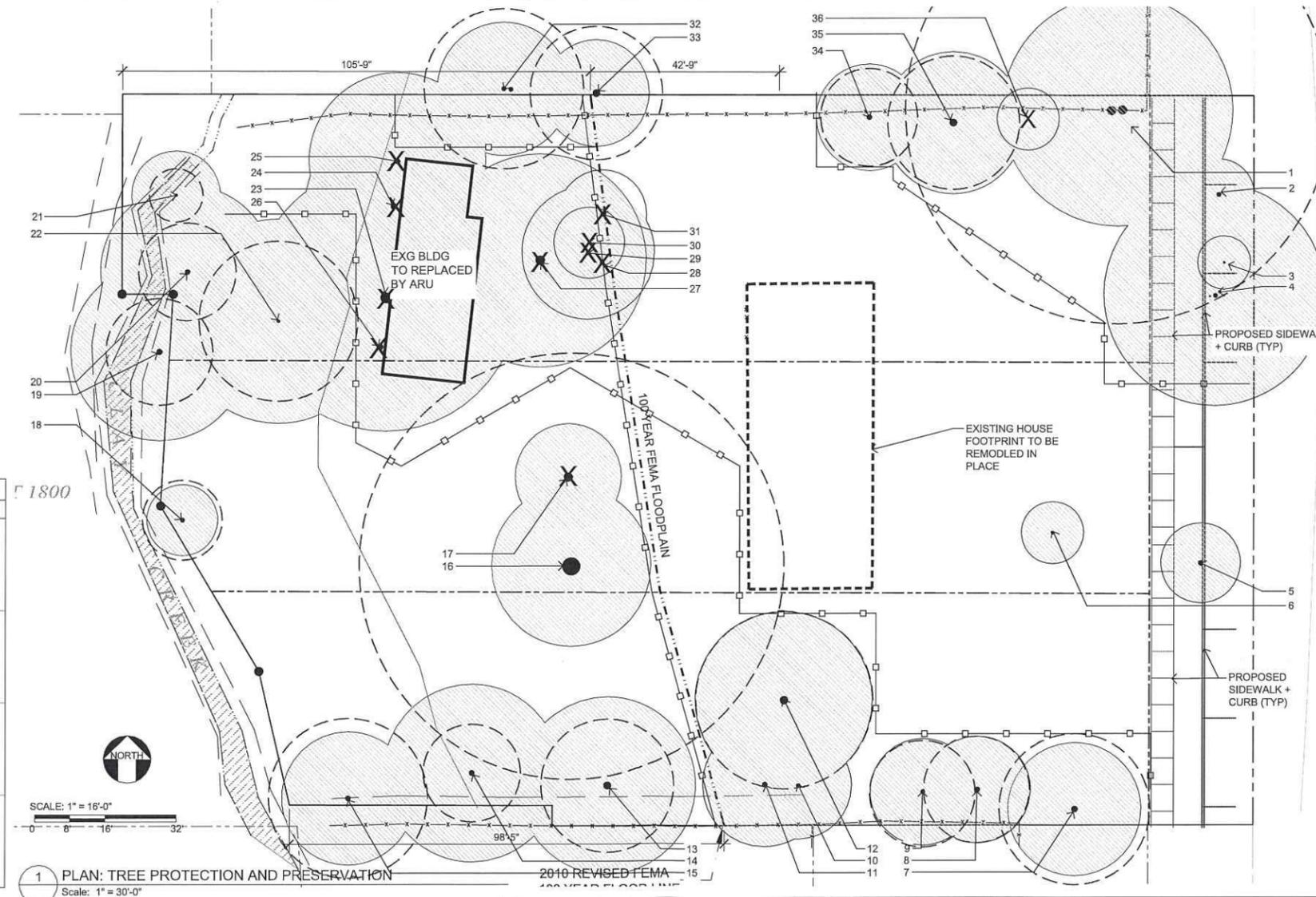
NOTE:

- TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO START OF CONSTRUCTION AND SHALL REMAIN IN PLACE THROUGH COMPLETION OF PROJECT.
- ALL EXCAVATION WITHIN DRIPLINE OF TREES SHALL BE DONE BY HAND. IF ROOTS OVER 2" IN DIAMETER ARE ENCOUNTERED, CONTRACTOR SHALL CONSULT WITH LANDSCAPE ARCHITECT OR ARBORIST BEFORE PROCEEDING.
- TREE ROOTS ENCOUNTERED DURING CONSTRUCTION, SHALL BE CUT CLEANLY AT A 90 DEGREE ANGLE AND PACKED WITH DAMP SOIL IMMEDIATELY.
- DURING CONSTRUCTION ALL TREES TO REMAIN SHALL BE IRRIGATED ON A WEEKLY BASIS OR AS NECESSARY WITH LEAKY PIPE EN CIRCLING THE TREE FROM TRUNK OUT TO DRIP LINE.

2 DETAIL: TREE PROTECTION FENCING

Scale: NTS

TREE PROTECTION PLAN LEGEND	
SYMBOL	DESCRIPTION
	TREE PROTECTION ZONE
	CANOPY OF TREES TO REMAIN
	TREES TO BE REMOVED
	TREE PROTECTION FENCING



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JAUQUELYN STREET
TAX LOT 4600
TAX LOT 4604
3600

KenCairn
Landscape Architecture



545 A ST, STE 3, ASHLAND, OR 97520
541.488.3194



Drawn By:
JL, KK, SB

JAUQUELYN STREET COTTAGES
795 JAUQUELYN STREET
Ashland, Oregon

JOB NO. 1821
REVISION DATE
09.15.20

TREE PROTECTION + PRESERVATION PLAN

ISSUE DATE:
December 28, 2018

L 1.0

**STREET TREE
REMOVAL PERMITS**

**PA-T1-2020-00129
327 Starflower Lane**

DESCRIPTION OF PROPERTY

Street Address 327 Starflower Lane, Ashland OR 97520

Assessor's Map No. 39 1E 09-AA-05300 Tax Lot(s) _____

Zoning R-3 Comp Plan Designation _____

PROPERTY OWNER

Name Darlow "Lee" Tuneberg Phone 541-531-1794 E-Mail songtown@ashlandhome.net

Address 327 Starflower Lane City Ashland Zip 97520

Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

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

Name TBD Phone _____ E-Mail _____

Address _____ City _____ Zip _____

ARBORIST, LANDSCAPE ARCHITECT, OTHER

Title Arborist Name Casey Roland Phone 541-488-0782 E-Mail _____

Address PO Box 575 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.*

Darlow L. Tuneberg
Property Owner's Signature (required)

Sept 30, 2020
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 LEE TUMIBUNG Date _____ Time _____
 Address/Tree location 327 STARFLOWER Tree no. _____ Sheet _____ of _____
 Tree species PRUNUS dbh 11" Height 19' Crown spread dia. 15'
 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	<u>SIDEWALK / STREET</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<u>2</u>	<u>NO</u>	<u>NO</u>
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 LEAN / HEAVED SOIL & 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 _____ 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) TREE HEAVING SIDEWALK PRUNING TO CITY CLEARANCE CODE WILL LEAVE LESS THAN 50% CANOPY REMAINING.

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) TREE FAILURE AT GROUND LEVEL

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) LEAN, SIDEWALK HEAVING

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

Risk Categorization

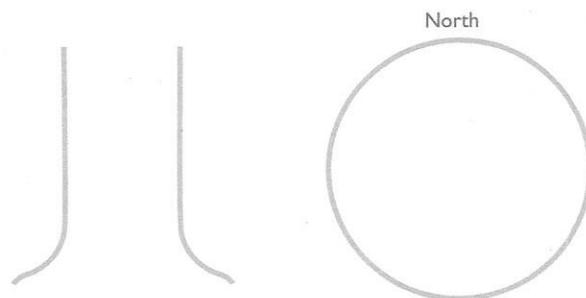
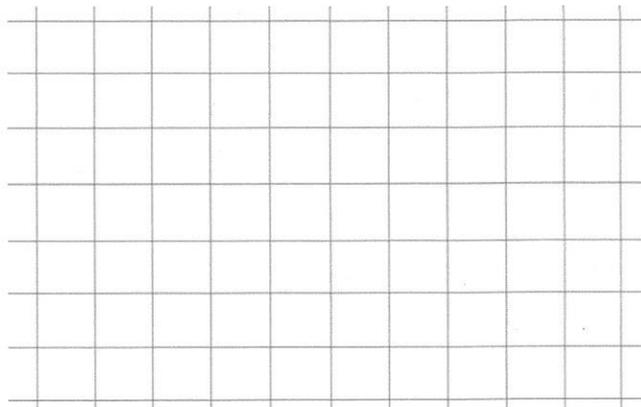
Condition number	Tree part	Conditions of concern	Part size	Fall distance	Target number	Target protection	Likelihood												Consequences				Risk rating of part (from Matrix 2)
							Failure				Impact				Failure & Impact (from Matrix 1)				Negligible	Minor	Significant	Severe	
							Improbable	Possible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

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 _____



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 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) Ornamental Fruit (Prunus)

Approximate Diameter at breast height 5" Height 16' Canopy 10'

Location of Tree In parking strip in front of home at 327 Starflower Lane

Reason for Request Tree has not rooted well, leans and soil moves when trunk is pushed. Significant trimming is needed to comply with COA clearance requirements. Such trimming will greatly affect tree health and appearance.

Are there underground utility lines and/or overhead power lines present? No

If yes, please list which lines are present n/a

Is there sidewalk damage? No If yes, has a Public Works permit been issued? _____

OVER ►►

DESCRIPTION OF PROPERTY

Street Address 327 Starflower Lane, Ashland OR 97520

Assessor's Map No. 39 1E 09-AA-05300 Tax Lot(s) _____

Zoning R-3 Comp Plan Designation _____

PROPERTY OWNER

Name Darlow "Lee" Tuneberg Phone 541-531-1794 E-Mail songtown@ashlandhome.net

Address 327 Starflower Lane City Ashland Zip 97520

Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

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

Name TBD Phone _____ E-Mail _____

Address _____ City _____ Zip _____

ARBORIST, LANDSCAPE ARCHITECT, OTHER

Title Arborist Name Casey Roland Phone 541-488-0782 E-Mail _____

Address PO Box 575 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.*

Darlow L Tuneberg
Property Owner's Signature (required)

Sept 30, 2020
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 LEE TUNE BURG Date _____ Time _____
 Address/Tree location 327 STARFLOWER Tree no. _____ Sheet _____ of _____
 Tree species PRUNUS dbh 5" Height 16 Crown spread dia. 10'
 Assessor(s) C. POLARD 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	<u>SIDEWALK / STREET</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<u>2</u>	<u>NO</u>	<u>NO</u>
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 50 % Chlorotic _____ % Necrotic _____ %
 Pests _____
 Species failure profile Branches Trunk Roots Describe Root bound & no soil volume

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) TREE MOVES AT PRESENT GRADE

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 X ° Corrected? _____

Response growth _____
 Main concern(s) TREE FAILURE AT GROUND LEVEL

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					
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2							<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>									
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4							<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>									
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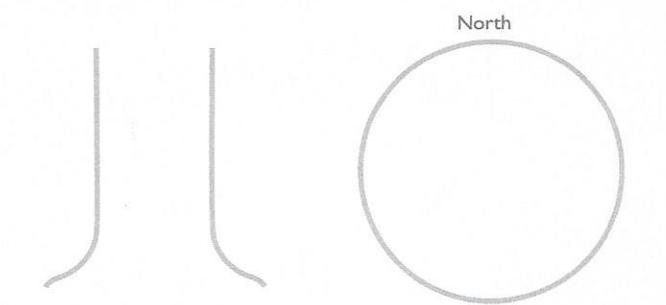
Matrix 1. Likelihood matrix.

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.

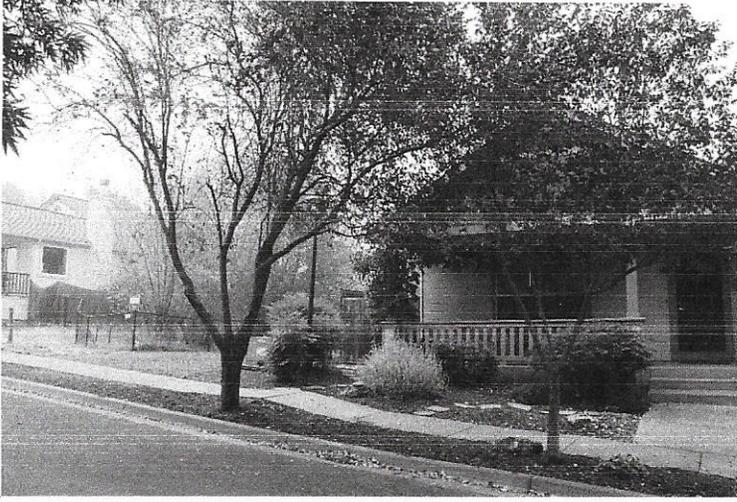
Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low



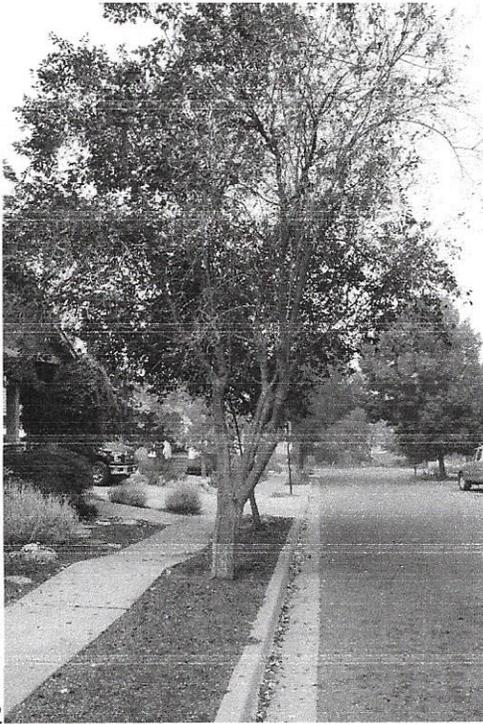
Notes, explanations, descriptions _____

Mitigation options REPLACE w/ PLANTING SUITABLE TO SITE Residual risk _____
 Residual risk _____
 Residual risk _____
 Residual risk _____

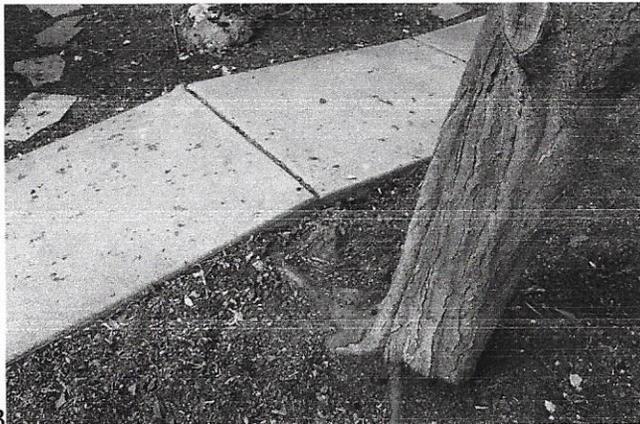
Overall tree risk rating Low Moderate High Extreme
 Overall residual risk Low Moderate High Extreme
 Work priority 1 2 3 4
 Recommended inspection interval _____
 Data Final Preliminary **Advanced assessment needed** No Yes-Type/Reason TREE ROCKING AT GROUND LEVEL
 Inspection limitations None Visibility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



1



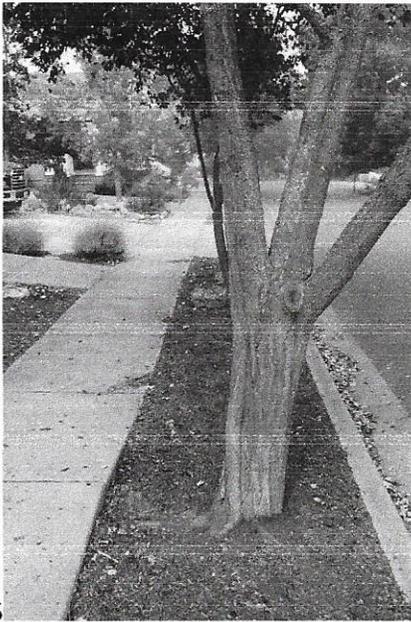
2



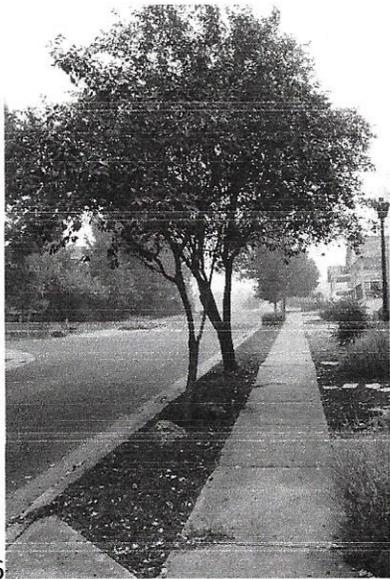
3



4



5



6

DISCUSSION ITEM

**SEJ: Mountain Meadows Council
Contact / Dead Tree Definition**

Aaron Anderson

From: Stephen Jensen
Sent: Thursday, September 03, 2020 4:08 PM
To: Aaron Anderson
Subject: FW: City Council Contact Form Submitted

Aaron,

Are the concerns of Mr. Aquino appropriate discussion items for the tree commission? If so, can we have this as an agenda item next month.

Also, is Ms. Bryson's concerns a cautionary tale for general discussion at same time? Citizen connection w the organs of municipal government is essential esp in Ashland.

Advise and thx

SEJ

Stephen Jensen
City Councilor

From: City of Ashland, Oregon <administration@ashland.or.us>
Sent: Tuesday, July 14, 2020 11:03 AM
To: City Council <council@ashland.or.us>
Subject: City Council Contact Form Submitted

[EXTERNAL SENDER]

*** FORM FIELD DATA***

Full Name: **Manuel De Aquino**
Phone: **5416250391**
Email: manuel6445@att.net
Subject: **tree ordinance**

Message: 481 N. Mountain Ave. July 14, 2020 Ashland, OR 97520 manuel6445@att.net City Council and Mayor City of Ashland 20 E. Main St. Ashland, OR 97520 Dear Mayor and Councilors, This letter will try to address frustrations raised when working with the Community Development Department. First, staff at CDD were professional and helpful. My frustration is not with staff but rather with the constraints of the tree ordinance. I am grateful for the city having a tree ordinance. We receive countless benefits from being a "tree-rich" community. I contacted CDD with a request to permit the removal of a tree in our homeowner's association common area. This is a 60-foot tall cedar tree (Deodar?) that appears mostly dead from the tip down to about 30 feet above the ground. Because the tree has some living foliage, it does not meet the ordinance definition of a dead tree, necessitating that a removal request go through the formal approval process. I think that anyone looking at this tree would reasonably see that it is a dying tree that should be removed. It poses a fire hazard and may be susceptible to falling on the neighboring house. I think the city should consider some level of common-sense language amendment to the ordinance. It needs to reflect a mechanism for a tree that is dying, so that it can be removed without having to go through a formal tree commission approval process. This would promote healthy urban tree forests and show the community that the city is a partner in working on community issues. It is counterproductive to have a tree ordinance so rigid that it flies in the face of what you can clearly see in front of you. As written, the tree ordinance does that in this case. Thank you for your time and consideration. Sincerely yours, Manuel De Aquino

*** USER INFORMATION ***

SubscriberID: **-1**

SubscriberUserName:

SubscriberEmail:

SessionID: **761464947**

RemoteAddress: **66.241.70.76**

RemoteHost: **66.241.70.76**

RemoteUser:

DISCUSSION ITEM

Wildlife Best Practices Condition of Approval

Aaron Anderson

From: Cat gould <cat.gould@gmail.com>
Sent: Wednesday, September 16, 2020 11:54 AM
To: Aaron Anderson
Subject: Fwd: City of Ashland Oregon tree commission inquiry

[EXTERNAL SENDER]

Hi Aaron,

Below is what I got from the wildlife arborist training folks as suggested guidelines for interaction with wildlife. Perhaps we can have this on the agenda next time to fine tune the wording for adding to permits and adding in the necessary local information.

Thanks,
Cat

----- Forwarded message -----

From: <megan@wildlifetraining.org>
Date: Sun, 13 Sep 2020 at 19:16
Subject: RE: City of Ashland Oregon tree commission inquiry
To: catgould@gmail.com <catgould@gmail.com>

Hi Cat,

Thank you for your interest in protecting wildlife in and around trees! I apologize for the delay in my response. I hope this information is still useful.

I think it would be useful to touch on these topics: laws that protect wildlife, the importance of conducting a pre-work survey, what to do when you encounter wildlife.

Laws

- Migratory Bird Treaty Act (MBTA) - protects almost all bird species. MBTA makes it illegal to kill, capture, or possess any of the listed birds, their eggs, young, or active nests. A common scenario that comes up is that a tree nearby to the subject tree has an active nest. The tree crew assumes they are okay to work, because the nest isn't in the tree that's going to be worked. However, the noise from the tree work scares the mommy bird off the nest. She stays away the whole time the crew is working. By the time she feels safe enough to come back to her nest, her eggs have perished from the lack of her body heat. In the above scenario, the tree crew has broken the MBTA law by causing the death of the eggs.
- Bald & Golden Eagle Protection Act (BGEPA)-protects eagles, their nests, and eggs from harm or disturbance. It also protects inactive nests and perching trees in the eagles' territory.
- Endangered Species Act (ESA) - protects the habitat of listed species from modification or destruction.
- Add any local OR and/or Ashland laws/regs

Pre-inspection

- Conducting a thorough pre-work inspection is the key to protecting wildlife and complying with laws and regulations protecting wildlife.

- It is recommended that pre-work surveys be conducted up to 1-2 days prior to scheduled work
- The best time to conduct a pre-work survey is early morning or late afternoon
- Search at least 100' in all directions around your work area

When you encounter wildlife

- Provide contact info for local qualified biologists that can assist projects
- Provide contact info for local wildlife rehabilitation resources
- Our [website](#) lists both [tree care professionals](#) and [qualified biologists](#) that have completed our program and received our Wildlife Protector Certification

Please let me know if I can be of any additional help!
Thanks and have a good night!

Megan Morris
CEO & Program Director
megan@wildlifetraining.org
(916) 705-3316

----- Original Message -----

Subject: City of Ashland Oregon tree commission inquiry
From: Cat gould <cat.gould@gmail.com>
Date: Thu, September 03, 2020 8:17 pm
To: info@wildlifetraining.org

Hallo,

I am a citizen volunteer tree commissioner with the City of Ashland Oregon, and we are looking to put together some best practices guidelines for tree removal in regards to wildlife protection, interaction and adherence with Federal protection [laws.eg](#). the migratory birds act.

When we permit a tree for removal in the city we want to include a paragraph or two about best practices or resources for homeowners or arborists to prevent unnecessary suffering or illegal interference with wildlife.

Are you able to point me toward resources that give that kind of best practice information?

Thanks so much for your time.

Cat Gould

Tree commissioner

City of Ashland, Oregon

--

[Titles Available on Audible](#)
[CatGould.com](#)
Australian & British Audiobook Narration

