



Mayor Robert E. Simison

City Council Members:

Luke Cavener, President

Liz Strader, Vice President

Brian Whitlock

Doug Taylor

John Overton

Anne Little Roberts

DATE: October 8, 2024

TO: Mayor Robert E. Simison
City Council Members

FROM: Todd Koehler, Code Enforcement Officer
Kyle Yorita, City Arborist

RE: Appeal of Notice of Violation and Order to Abate Nuisance Tree
1932 E. Three Bars Drive, Meridian, Idaho

PLEASE NOTE: Code Enforcement Officer Todd Koehler has located and has been working with an arborist who told Todd that he is willing to perform the necessary work on the nuisance tree at no charge, due to Ms. Blair's statement of financial hardship. As of the date of this memorandum, that arborist and Ms. Blair have an appointment to trim the hazardous branches from the river birch tree at issue on Thursday, October 10, 2024. It is possible that the nuisance tree will be abated at that time and that it will not be necessary for City Council to hear this appeal.

This memorandum is provided to explain the activities of the City Arborist and the Code Enforcement Division of the Meridian Police Department leading up to the appeal filed by Tammy Blair, the owner of 1932 E. Three Bars Drive, in Meridian ("Property").

OVERVIEW OF NUISANCE CONDITION AND INVESTIGATION

In June 2024, Code Enforcement received a complaint that some dead branches were dangling in the upper portion of a river birch tree located on the south side of the Property. The reporting party ("RP") was concerned that the tree's branches would fall and damage the RP's house or property. On June 5, 2024, Code Enforcement Officer Todd Koehler went to the Property. A relative of Ms. Blair was in the driveway and explained that the tree had previously been partially trimmed, but due to cost, the job had not been completed. Todd again attempted to contact the homeowner by phone, leaving a message on June 6, 2024.

Todd requested assistance from City Arborist Kyle Yorita, who responded to the Property on June 6, 2024. Kyle knocked on the door and it was answered by Ms. Blair's son-in-law. The son-in-law invited Kyle to enter the back yard with him, where Kyle observed the dead limbs near the top of the tree. Kyle determined the upper canopy of the tree was in significant decline, with several dead branches that were no longer structurally attached to the rest of the tree. Kyle further determined that these branches posed a safety risk, as they

may fall during windy conditions or other environmental stresses. Kyle advised Ms. Blair's son-in-law, and Todd, of his findings.

On June 11, 2024, Todd again attempted to contact Ms. Blair by knocking on the door, leaving a door hanger with a message, leaving a voice mail message, and sending a text message requesting a return call. Later that day, Ms. Blair called Todd and described the financial hardship of maintaining the tree. She said that she would ask her son-in-law to help her, and would contact Todd with a plan.

On June 12, 2024, Todd asked Kyle for a written assessment of the tree, which Kyle provided (see *Exhibit A*). The same day, Todd mailed to Ms. Blair a notice of abatable nuisance and order to abate. Todd's notice and order required Ms. Blair to abate the nuisance tree by June 30, 2024, and included a copy of Kyle's assessment, Todd's business card, and a list of arborists (see *Exhibit B*).

On June 25, 2024, Ms. Blair called Todd and stated that she had obtained an estimate from a tree company, but was still trying to schedule the work, and needed time beyond the June 30 deadline stated in the notice. Todd advised her that he could extend the deadline when the work was scheduled. The next day, Ms. Blair told Todd that the work was scheduled for July 8, 2024.

On July 8, 2024, Todd sent a text message to Ms. Blair requesting confirmation that the tree would be maintained that day. On July 9, Ms. Blair responded, stating that the tree company told her they would have to rent a lift and would get back in touch with her. Todd asked Ms. Blair for the name of the company she was using so he could contact them and confirm the date of the work. On July 10, Todd again asked for that information, and Ms. Blair told him that when she had an appointment, she would tell him.

On July 17, 2024, Todd again followed up with Ms. Blair, leaving a voice mail message and then a text message, requesting an update via call or text. Ms. Blair responded to say that she did not have an appointment yet, but provided Todd with the name of the tree company, Eden Tree Works.

Todd called Eden Tree Works on July 25, 2024, and an employee of Eden Tree Works confirmed that the company had not yet procured a lift, and had not provided Ms. Blair with a date to complete the work. On July 26, 2024, Eden Tree Works contacted Todd to say that they could do the work on July 30. Todd asked them to confirm this with Ms. Blair. Todd also sent a text message and left a voice mail with Ms. Blair with this information.

On August 2, 2024, Ms. Blair texted Todd and told him that the nuisance branches had been cut. Todd called Eden Tree Works, who stated that there were a number of river birch trees on the Property that were dead or partially dead, and they had completed the work that Ms. Blair would allow them to do. On August 6, 2024, Todd called Kyle to request that he inspect the nuisance tree to confirm that the branches had been abated. Kyle was out of the office until August 19, 2024.

On August 22, 2024, Kyle was able to survey the tree from the public street, but it was unclear from that vantage point whether the nuisance condition had been abated, so Todd advised Kyle that Todd would speak to the RP to confirm that the concerning branches were removed and obtain permission to enter his property to closely inspect the tree.

On August 29, 2024, Todd reached the RP, who stated that the branches of concern had not been abated. The RP said that there were still branches dangling above and in danger of falling on his property. The RP provided photos and invited Kyle to come to RP's property to see the tree from there.

On September 10, 2024, Kyle and Todd met the RP at his property. From there, Kyle again observed at least two remaining unhealthy or dead branches that were not attached to the tree, and still in danger of falling due to wind or other weather conditions. Kyle prepared another tree assessment letter describing the nuisance conditions (see *Exhibit C*) and provided it to Todd.

Todd called Eden Tree Works to inquire why the branches presenting the nuisance had not been trimmed. They advised that they would have cut those branches as well, but Ms. Blair did not want them to do that work, due to the cost. On September 11, 2024, Todd mailed another violation letter to Ms. Blair, requesting again that the river birch tree cluster be trimmed to remove the dead and dangling branches (see *Exhibit D*). He included his business card and Kyle's September 10 assessment.

At no time did Todd enter Ms. Blair's back yard. All of Todd's observations of the nuisance tree were made from the public right-of-way or from the RP's yard, by RP's invitation.

On September 20, 2024, Todd sent Ms. Blair a text message advising her that he had sent her a second violation letter and requesting that she contact him to make sure that she understood which tree was continuing to present the nuisance condition. Ms. Blair filed an appeal on September 20, 2024. She also provided photographs and a video depicting two other river birch tree clusters on the Property that are not the subject of the notice of violation.

Since September 20, 2024, Todd has located and has been working with an arborist who has stated that he is willing to perform the necessary work on the nuisance tree at no charge, due to the financial hardship presented. On October 3, 2024, Kyle met with this arborist and Ms. Blair at the Property. At this meeting, Kyle clarified which tree has the nuisance conditions and explained the work that will be necessary to abate the nuisance. As of the date of this memorandum, that arborist and Ms. Blair have an appointment to trim the hazardous branches from the river birch at issue on Thursday, October 10, 2024.

If the nuisance tree is not abated as anticipated on October 10, 2024, and the appeal does proceed on Tuesday, October 15, 2024, Todd and Kyle will be present to answer questions that City Council may have about the matters set forth in this memorandum.

Exhibit A



Mayor Robert E. Simison

City Council Members:

Luke Cavener, President
Liz Strader, Vice President
Brian Whitlock
Doug Taylor
John Overton
Anne Little Roberts

6/12/2024

Subject: Tree Assessment and Recommendation for Removal of Declining River Birch Clusters

Following a recent inspection of the River Birch (*Betula nigra*) clusters at 1932 E. Three Bars Dr. I have determined that these trees are in significant decline and pose potential safety risks.

Assessment Findings:

- Visual Inspection: Significant dieback, dead branches, and sparse foliage observed.
- Structural Integrity: Cracked and split branches, trunk decay indicating high risk of limb or tree failure.
- Health Condition: Pests, diseases, nutrient deficiencies, and poor soil drainage contributing to decline.
- Safety Concerns: Risk of falling branches or tree failure, posing hazards to pedestrians and structures.

Recommendation:

Due to the extent of decline and safety risks, I recommend the immediate removal of the River Birch clusters.

Proposed Action Plan:

1. Tree Removal: Safely remove the identified trees.
2. Stump Grinding: Grind stumps to below ground level to prevent regrowth and reduce hazards.
3. Site Restoration: Restore the site post-removal, with possible soil improvement and replacement tree planting.

Please contact me if you have any questions or need further information.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Yorita', is written over a large, light blue, stylized star graphic.

Kyle Yorita | City Arborist

ISA Certified Arborist #PN-9097A

City of Meridian | Parks and Recreation

33 E. Broadway Ave., Suite 206, Meridian, Idaho 83642

Phone: 208.409.1601 | Fax: 208.898.5501



Exhibit B

MERIDIAN POLICE DEPARTMENT

1401 E. Watertower • Meridian, ID 83642
Phone (208) 888-6678 • Fax (208) 846-7366
www.meridianpolice.org

Tracy Basterrechea, Chief

DATE: June 12, 2024

TO: Tammy Blair
1932 E Three Bars Drive
Meridian, ID 83642

FROM: T. Koehler, City of Meridian Code Enforcement Officer
Meridian Police Department – Code Enforcement Division

RE: Real Property at: 1932 E Three Bars Dr, Meridian, Idaho 83642
Parcel no. R5330150160/ LOT 3 BLK 4, LOS ALAMITOS PARK SUB #2

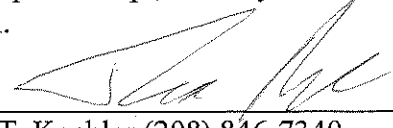
NOTICE OF ABATABLE NUISANCE AND ORDER TO ABATE: WEEDS

YOU ARE HEREBY NOTIFIED the Code Enforcement Officer has determined that a nuisance tree is present on the north side of the parcel near the property line in the rear yard, of the above-described real property. This is a nuisance condition prohibited by Meridian City Code section 4-2-3(B).

YOU ARE HEREBY ORDERED to abate this nuisance condition by removing the tree which constitutes a safety, health, and/or fire hazard to persons and/or property, from the parcel at the above-described real property by **5:00 p.m. on June 30, 2024**. Should you fail to comply with any provision of this Order, any and all available penalties may attach without further notice.

PENALTIES FOR NONCOMPLIANCE with this order include a criminal misdemeanor charge for each day the nuisance persists. Additionally, pursuant to Meridian City Code section 4-2-3(H), the City of Meridian may abate the nuisance and then collect the costs of such abatement costs from you. If the City of Meridian abates the nuisance, and you do not timely pay the cost of such abatement following issuance of invoice, the costs of such abatement will be attached to your utility bill. Nonpayment may result in discontinuance of utility services provided by the City of Meridian, including water and sewer services.

YOU MAY APPEAL this Order by filing a written appeal, stating the grounds for such appeal, with the City Clerk, 33 E. Broadway Ave., Meridian, Idaho 83642, by **5:00 p.m. on June 30, 2024**. Upon receipt, the City Clerk will schedule such appeal for public hearing before City Council.

Signed:  Date: 6-12-24

T. Koehler (208) 846-7340.
Code Enforcement Officer – Meridian Police Department



Exhibit C



Mayor Robert E. Simison

City Council Members:

Luke Cavener, President
Liz Strader, Vice President
Brian Whitlock
Doug Taylor
John Overton
Anne Little Roberts

9/10/2024

Subject: Tree Assessment and Recommendation for Removal of Declining River Birch Clusters

Following a recent inspection of the River Birch (*Betula nigra*) clusters at 1932 E. Three Bars Dr. I have determined that these trees are in significant decline and pose potential safety risks.

Assessment Findings:

- Visual Inspection: Significant dieback, dead branches, and sparse foliage observed.
- Structural Integrity: Cracked and split branches, trunk decay indicating high risk of limb or tree failure.
- Health Condition: Pests, diseases, nutrient deficiencies, and poor soil drainage contributing to decline.
- Safety Concerns: Risk of falling branches or tree failure, posing hazards to pedestrians and structures.

Recommendation:

Due to the extent of decline and safety risks, I recommend the immediate removal of the River Birch clusters.

Proposed Action Plan:

1. Tree Removal: Safely remove the identified trees.
2. Stump Grinding: Grind stumps to below ground level to prevent regrowth and reduce hazards.
3. Site Restoration: Restore the site post-removal, with possible soil improvement and replacement tree planting.

Please contact me if you have any questions or need further information.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Yorita', is written over a large, light blue, stylized star graphic.

Kyle Yorita | City Arborist

ISA Certified Arborist #PN-9097A

City of Meridian | Parks and Recreation

33 E. Broadway Ave., Suite 206, Meridian, Idaho 83642

Phone: 208.409.1601 | Fax: 208.898.5501



Exhibit D

MERIDIAN POLICE DEPARTMENT

1401 E. Watertower • Meridian, ID 83642
Phone (208) 888-6678 • Fax (208) 846-7366
www.meridianpolice.org

Tracy Basterrechea, Chief

DATE: September 11, 2024

TO: Tammy Blair
1932 E Three Bars Drive
Meridian, ID 83642

FROM: T. Koehler, City of Meridian Code Enforcement Officer
Meridian Police Department – Code Enforcement Division

RE: Real Property at:
1932 E Three Bars Drive, Meridian, Idaho 83642
LOT 3 BLK 4
Los Alamitos Park Sub #2

Parcel no. R5330150160

NOTICE OF ABATABLE NUISANCE AND ORDER TO ABATE: Trees

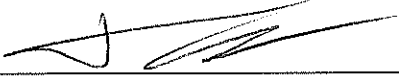
YOU ARE HEREBY NOTIFIED the Code Enforcement Officer has determined that a cluster of nuisance trees are present on the north side of the parcel, near the rear fence, of the above-described real property. This is a nuisance condition prohibited by Meridian City Code section **4-2-3(B)**. On 6/12/24, you were notified of this nuisance cluster of trees with a previous violation letter. A small portion of the tree was removed leaving several dead or dying branches, which are in danger of falling.

YOU ARE HEREBY ORDERED to abate this nuisance condition by removing the tree which constitutes a safety, health, and/or fire hazard to persons and/or property, from the parcel at the above-described real property by **5:00 p.m. on September 21, 2024**. Should you fail to comply with any provision of this Order, any and all available penalties may attach without further notice.

PENALTIES FOR NONCOMPLIANCE with this order include a criminal misdemeanor charge for each day the nuisance persists. Additionally, pursuant to Meridian City Code section 4-2-3(H), the City of Meridian may abate the nuisance and then collect the costs of such abatement costs from you. If the City of Meridian abates the nuisance, and you do not timely pay the cost of such abatement following issuance of invoice, the costs of such abatement will be attached to your utility bill. Nonpayment may result in discontinuance of utility services provided by the City of Meridian, including water and sewer services.



YOU MAY APPEAL this Order by filing a written appeal, stating the grounds for such appeal, with the City Clerk, 33 E. Broadway Ave., Meridian, Idaho 83642, by **5:00 p.m. on September 21, 2024**. Upon receipt, the City Clerk will schedule such appeal for public hearing before City Council.

Signed:  Date: 9/11/24

T. Koehler (208) 846-7340

Code Enforcement Officer – Meridian Police Department