



**MINUTES
FAIRVIEW CITY COUNCIL WORK SESSION
FAIRVIEW CITY HALL
1300 NE VILLAGE STREET
FAIRVIEW, OREGON 97024**

November 16, 2005 – 5:30p.m.

**I. CALL TO ORDER/
ROLL CALL**

Mayor Weatherby called the meeting to order at 5:30p.m.

PRESENT: Mayor Mike Weatherby
Councilor Barbara Jones
Councilor Larry Cooper
Councilor James Raze
Councilor Ken Quinby
Councilor Steve Owen

ABSENT: Councilor Darrell Cornelius

STAFF PRESENT: Jan Wellman, City Administrator
Tamara DeRidder,
Community Development Director
Connie Hansen, City of Fairview Secretary

GUEST: Samuel Asbury, Chairman of the Fairview
Planning Commission

**III. PROPOSED TREE
PRESERVATION
ORDINANCE**

Mayor Weatherby called for staff's presentation.

Tamara DeRidder, Community Development Director stated that the three items on the agenda were from her department. Samuel Asbury, Planning Commission Chairman was attending to provide interface between the Council and the Commission.

Director DeRidder, stated that the proposed Tree Preservation Ordinance was an issue that was brought forth in a Planning Commission work session by residents living along Wistful Vista and 205th Avenue. Staff has also recently had a number of enforcement actions with citizens removing trees in protected areas.

Chairman Asbury stated there are two components to the discussion: one is the need to tighten up the enforcement mechanism for the SEC and riparian areas, and two, to decide on protections for significant trees elsewhere in the city. Staff and the Planning Commission need guidance from the Council on how to proceed with addressing those two issues.

Key elements of the discussion were: what the current code includes, how that might change, enforcement of violations, fines, dangerous or diseased trees, permits, the Significant Environmental Overlay (SEC) zone, and formation of a Tree Preservation Committee.

Staff found that tree removal restrictions vary within the city. Trees in the Riparian Buffer Overlay and SEC zones were protected, while other significant trees in the city were not protected. Significant trees are 6-inches or larger in diameter measured at 4-feet above grade. Staff interprets the Code as allowing for a \$1,000 fine per offense, per day. However, currently this is not clearly defined in one part of the Code. Staff requests guidance on how to proceed with the interpretations on fines for unauthorized removal of significant trees and vegetation within the Riparian Buffer and SEC areas, as well as in other parts of the city.

Chairman Asbury asked if the Council wants to have an ordinance that prevents large scale cutting of trees? This would not apply to a single-family residence. Samples of tree ordinances from other cities could serve as an example for those types of exemptions and the City of Ashland's ordinance seems to provide a balance for property owners.

Council directed staff and the Planning Commission to form a committee to bring forward recommendations to Council. Council's direction was to formulate a more consistent mechanism for interpreting the Code, and to balance the concerns for property rights within those recommendations. Chairman Asbury stated that he appreciated the direction from Council and would work closely with the Council to assure that their concerns were reflected throughout the process.

Director DeRidder stated that the Lien Ordinance was brought forward as a topic of discussion to consolidate the existing Code language and to fill in areas that are not currently covered. The intent is to provide more consistency and clarity for interpretation of the Code. Staff found during a recent land use action that there was over \$200,000 owed for public facilities for the site, but there is a need for a mechanism to assure payment before finalizing approval of a land use application.

PROPOSED LIEN ORDINANCE

It was decided to appoint Councilors Cooper and Jones, along with two members of the Planning Commission, to a committee to review and make recommendations on a Lien Ordinance. This ordinance would then be brought to Council for discussion and final approval.

Director DeRidder introduced Rich Goheen, a citizen who came to the work session to discuss the proposed Green Streets work program. The Green Street topic was initiated by a group of citizens living along the Wistful Vista and 205th Avenue area of the city. That community is very passionate about maintaining the rural atmosphere of the neighborhood where the minimum lot size is 10,000 sq. feet. Currently there is a significant amount of interest in new development for that area. The Code requires a 50-foot right of way, but that

GREEN STREETS PROPOSED WORK PROGRAM

would have an impact on trees, parking, storm drainage, and the community.

Chairman Asbury stated that it was clear from the large number of concerned citizens who brought this issue to staff and the Planning Commission that this needs to be addressed. There is going to be development, and if nothing is done, then the standards for streets and intersections, as written in the Code, would then apply. The intent is to try to find other options that would help maintain some of the more rural nature of that community.

Council directed that the committee be comprised of two Councilors (Cornelius and Raze), two Planning Commissioners, one citizen, and for input from the fire department and public works. The review should include a review of the entire city to have the recommendations have a broader application. The recommendations are to be brought back to the Council for further discussion and direction.

III. ADJOURNMENT

Mayor Weatherby adjourned the work session at 6:50 p.m. and stated that the regular City Council meeting would begin at 7:00 p.m.

Mayor Mike Weatherby

Dated:

Jan Wellman, City Recorder

Dated: