



# TOWN OF FAIRFAX

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**TO:** Planning Commission  
**FROM:** Ben Berto, Planning and Building Services Director  
**SUBJECT:** Tree review  
**DATE:** January 17, 2019

## RECOMMENDATION

1. Accept verbal report from Town Arborist
2. Open the public hearing
3. Direct staff on any further information desired

## SUMMARY/BACKGROUND

At their November 7, 2018 meeting, the Town Council adopted Ordinance No. 822 (attached) changing the Town's tree regulations contained in Town Code Chapter 8.36 (see attachment). The changes took effect on December 7, 2018, and in Section 8.36.090 granted the decision-making body (typically the Planning Commission) on a development review application the authority to review tree review or alteration. This is a change from prior Town Code, wherein the Tree Committee retained the authority to determine tree alteration or removal permits. Under the new code, the Tree Committee is directed to make recommendations on the tree removal to the decisionmaking body.

In order to assist the Planning Commission with its new authority and responsibilities, staff has invited Ray Moritz, the Town Arborist, to provide the Planning Commission with an overview of factors to be considered in reviewing a development application that involves (or may involve) tree alteration or removal. The Town Arborist will also direct the Commission on further resources to assist them in deliberations.

Staff will follow up at a future meeting with responses to any questions from the Planning Commission that cannot be addressed at this discussion.

Attachment: Town Council Ordinance No. 822

CC: Town Arborist



**ORDINANCE NO. 822**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
AMENDING CHAPTER 8.36 ("TREES") OF THE TOWN CODE**

**WHEREAS**, the Town regulates the removal and preservation of trees within the Town through Chapter 8.36 ("Trees") of the Town Code; and

**WHEREAS**, section 8.36.030 of the tree ordinance provides for a Tree Advisory Committee to consist of one member of the Parks and Recreation Commission, one member of the Planning Commission, and one member of the Open Space Committee to be selected by their respective bodies, and two at-large members to be appointed by the Town Council; and

**WHEREAS**, the Town Council desires the flexibility to appoint an at-large member in the event one or more of the above-referenced bodies does not select one of its members to the Tree Advisory Committee; and

**WHEREAS**, the Town Council desires to have the Tree Committee review proposed tree removals and alterations early in the application process for development projects; and

**WHEREAS**, the Town Council desires to allow the consideration and approval of tree alterations or removals together with the approval of development projects that necessitate the tree alterations or removals in order to streamline the review process;

**NOW, THEREFORE**, the Town Council of the Town of Fairfax does ordain as follows:

**SECTION 1:** Section 8.36.030 of the Town Code is hereby amended to read as follows:

“(A) The Tree Advisory Committee shall consist of one member of the Parks and Recreation Commission, one member of the Planning Commission, and one member of the Open Space Committee to be selected by their respective bodies, and two at-large members to be appointed by the Town Council; provided, however, the Town Council may appoint additional at-large members to serve at the pleasure of the Council in the event one or more of the above-referenced bodies do(es) not select one of its members to serve on the Tree Advisory Committee within 30 days of a vacancy or other failure to appoint a member. Should one of the above-referenced bodies wish to appoint a member after the Council has appointed the additional at-large member, the appointment shall be made pursuant to the Council’s adopted Committee Interview and Appointment policy.”

“(B) The Tree Committee shall receive subdivision or development project applications that propose tree removals or alterations in the same manner that the Town routes application to other affected agencies. The Tree Committee will provide recommendations to the decision-making body on the applications within 30 days.”

**SECTION 2:** Section 8.36.090 of the Town Code is hereby amended to read as follows:

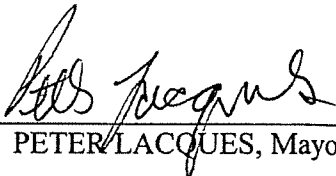
“§ 8.36.090 SUBDIVISIONS AND OTHER DEVELOPMENT PROJECTS.

A subdivider or an applicant for any development permit under Title 17 need not obtain a separate tree removal permit to alter or remove a tree designated as “To Be Removed” on an approved subdivision map (tentative map or parcel map) or other development plan, provided that the tree alteration or removal and a Tree Protection Plan have been reviewed and approved by the decision-making body for the subdivision map or development plan based on the criteria in Section 8.36.060(B) and Section 8.36.080 of this chapter. The subdivision map or other development plans required by this code shall clearly designate type, size, and location of any tree upon the property that is to be altered or removed. The decision-making body may also require the applicant to submit a report by a Qualified Arborist as provided in Section 8.36.060(A).”


**SECTION 3:** This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women's Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 3rd day of October 2018, and duly adopted at the next regular meeting of the Town Council on the 7th day of November 2018, by the following vote, to wit:

AYES: ACKERMAN, COLER, GODDAR, LACQUES, REED  
NOES: None  
ABSENT: None

  
PETER LACQUES, Mayor

Attest:

  
Michele Gardner, Town Clerk

11/09/18  
Date