

RESOLUTION NO. 1465

A RESOLUTION OF THE CITY OF WILSONVILLE ESTABLISHING A MEMORANDUM OF UNDERSTANDING WITH THE CHARBONNEAU COUNTRY CLUB REGARDING PUBLIC WORKS SERVICES PROVIDED TO THE CHARBONNEAU DISTRICT.

WHEREAS, the area known as the Charbonneau District was developed as a unique design concept; and

WHEREAS, elements of the infrastructure were installed, and have been operated and maintained, in ways that are not typical of other parts of the City; and

WHEREAS, over the years various City ordinances, resolutions, and correspondence have addressed aspects of public works services associated with the unique circumstances pertaining to the Charbonneau District; and

WHEREAS, the Charbonneau Country Club has the authority to act as the coordinating entity for the Charbonneau District in City/Community matters; and

WHEREAS, it is in the interest of the City, the Charbonneau Country Club, and the residents of the Charbonneau District to have a comprehensive description of public works responsibilities of the City vis-a-vis responsibilities of the Charbonneau Country Club, taking into account the unique characteristics in a way that affords equity relative to the level of public works services provided elsewhere in the City; and

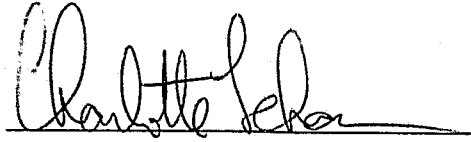
WHEREAS, City staff and representatives from the Charbonneau District have worked jointly on a Memorandum of Understanding to provide such a comprehensive enumeration of public works services; and

WHEREAS, the Board of Directors of the Charbonneau Country Club has reviewed and endorsed said Memorandum of Understanding; and

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

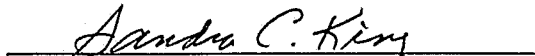
1. The City Council endorses the Memorandum of Understanding dated June 1, 1998, which is hereby incorporated by reference and attached as Exhibit A.
2. The City Council authorizes the City Manager to sign said Memorandum on behalf of the City.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof of June 15, 1998, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, Mayor

ATTEST:


Sandra C. King, CMC, City Recorder

SUMMARY of Votes:

Mayor Lehan	Yes
Councilor Barton	Yes
Councilor Helser	Yes
Councilor Kirk	Yes
Councilor Luper	Yes

MEMORANDUM OF UNDERSTANDING
between
CITY OF WILSONVILLE
and
CHARBONNEAU COUNTRY CLUB

June 1, 1998

**MEMORANDUM OF UNDERSTANDING between
CITY OF WILSONVILLE and CHARBONNEAU COUNTRY CLUB**

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PREFACE

The area now known as the Charbonneau District was developed as a unique design concept. As a result, elements of the infrastructure were installed, and have been operated/maintained, in ways that are not typical of other parts of the City. For example, many of the streets are narrower and street section design (depth of base rock and asphalt) is less than permitted elsewhere in the City; the area is served in part by the City's public water system and in part by a private water system; there are no public parks in the Charbonneau District; and, for the most part, City rights-of-way are privately maintained.

The purpose of this memorandum is to enumerate the public works services provided by the City to the Charbonneau District. Overall such services are intended to take into account Charbonneau's unique characteristics, and do so in a way that is equitable in relation to the level of public works services provided elsewhere in the City.

Streets:

Exhibit A shows all the City-owned streets in Charbonneau.

The City conducts street repairs as needs arise and resources allow. As part of the City's newly established pavement management program, street maintenance will be conducted to keep the overall street system at a pavement condition index (PCI) rating between 65 - 75.

The City will install and maintain pavement markings and street signs in accordance with the Manual on Uniform Traffic Control Devices. Center line striping will be repainted annually on French Prairie Drive.

The City will perform street sweeping monthly. In addition, three extra rounds of street sweeping will be conducted as needed during the autumn when street trees are dropping their leaves. A large drop box for leaf disposal will be made available (in the vicinity of the play area on Armitage Road) for Charbonneau residents' use during one weekend each November and one weekend each December.

In accordance with a memo dated October 9, 1990, (Exhibit B) the Charbonneau Country Club will assure that shrubs and/or trees are properly pruned at designated intersections.

In accordance with a memo dated August 1, 1993, (Exhibit C) Charbonneau Country Club will act as the City's agent in removing illegally posted signs in the public right-of-way of French Prairie Drive, inclusive of the median. Other than approved street signs, there shall be no signs in the City right-of-way, nor in the commonly held landscaped areas of the Charbonneau Country Club, nor within 30 feet of any intersection along French Prairie Drive.

In accordance with Ordinance No. 215, golf carts may be driven (for specified purposes) on Charbonneau streets. The Charbonneau Country Club accepts responsibility for installation and maintenance of appropriate street signage giving notice of combined operation of golf carts and other vehicles on streets within the Charbonneau District.

In accordance with correspondence dated July 9, 1991, (Exhibit D) the Charbonneau District may continue the use of certain non-conforming wooden street signs. The Charbonneau Country Club will assure proper maintenance of these signs.

Wastewater Collection/Treatment:

Exhibit E shows the City-owned portion of the sanitary sewer system.

The City will collect, transport, and treat wastewater in accordance with state regulations and National Pollution Discharge Elimination System (NPDES) discharge permit.

The City will maintain the publicly owned sanitary sewer facilities in a way that assures satisfactory functioning of these facilities.

Stormwater Management:

Exhibit F shows the City-owned portion of the storm sewer system.

The City will collect surface runoff and monitor water quality in accordance with the adopted Stormwater Management Program (and NPDES stormwater discharge permit).

The City will maintain the publicly owned stormwater facilities in a way that assures satisfactory functioning of these facilities.

Water Supply:

Exhibit G shows the City-owned portion of the water system.

The City will provide water in sufficient quantity and quality to comply with federal/state regulations for potable water and for fire protection.

The City will maintain the publicly owned water system facilities in a way that assures satisfactory functioning of these facilities.

Streetlights:

The City will provide streetlight service to all City-owned streets (see Exhibit A) and to the southern pedestrian underpass on French Prairie Drive. The level of service will be commensurate with generally accepted standards for placement of streetlight fixtures and degree of illumination.

The style of streetlight fixtures will be in keeping with the original design for the Charbonneau District. (Note: Fixtures in the original style are no longer available, hence new and/or replacement fixtures will be of comparable price and appropriate appearance.)

Requests for additional streetlights will be reviewed by City staff for consistency with standards for illumination and design. Such requests will also be circulated to the home owners association of the affected area, to be sure the additional lighting does not cause inappropriate glare into the buildings or yards of nearby properties.

Maintenance and repair of streetlight fixtures will be performed by Portland General Electric (PGE), which provides these services under a contract with the City.

Street Trees:

The trees in the median strip and in the planting strips adjacent to French Prairie Drive are owned by the City. All other trees in the Charbonneau District are privately owned.

The City will annually provide soil injection systemic insect control for City-owned trees based on significant risk to the health of the trees, up to a maximum treatment of 50 trees per year. (Note: At private expense, adjacent property owners may treat and/or prune City-owned trees, provided the City's Operations Manager is notified in advance and it is demonstrated to the Operations Manager's satisfaction that such treatment will be conducted in an environmentally safe manner.)

The Charbonneau Country Club will assure that trees are trimmed to maintain 15-foot clearance above the street surface and 8-foot clearance above public walkways.

Additional tree maintenance/replacement will be conducted in accordance with the recommendations of the January, 1998, street tree evaluation report (excerpt attached as Exhibit H). The City will be responsible for removal/replacement of hazardous or non-viable trees. The City will also be responsible for ground cover maintenance/replacement activities and associated costs in the median strip along French Prairie Drive. The Charbonneau Country Club is responsible for ground cover maintenance/ replacement activities and associated costs in the planting strips adjacent to French Prairie Drive.

The Charbonneau Country Club is responsible for proper irrigation of the median strip and planting strips along French Prairie Drive. Irrigation in the median strip will be restricted to the segment between the east/west entrances to Curry Drive, and to the plantings at the ends of the islands in the median strip.

Any other tree care or tree removal provided by the City will be in response to specific public health/safety concerns that arise regarding individual trees owned by the City.

Grounds Maintenance:

Exhibit I shows the City-owned land and public walkways (other than streets) in the Charbonneau District.

The City maintains public walkways on an as-needed basis. Public walkways here is intended to mean paths and trails in public easements, not sidewalks. It should be noted that adjacent property owners are responsible for maintaining sidewalks.

Except for routine groundskeeping at the sites of the City's water pump stations, water reservoir, and sewage lift station, the City does no mowing, watering, planting, or other grounds maintenance in Charbonneau.

In accordance with Ordinance No. 464, the Charbonneau District is exempt from the permit requirement regarding tree removal. To maintain this exempt status, the Charbonneau Country Club will assure that all tree removal applications are appropriately reviewed, and that an annual update to the Tree Maintenance and Protection Plan is prepared. In accordance with correspondence dated January 23, 1998 (see Exhibit J), this exemption will automatically renew on a yearly cycle, provided the required annual report is submitted to Wilsonville's Planning Director by January 31st of each year.

The City is not responsible for maintenance of walls or fences located on (or adjacent to) public right-of-way. In the Charbonneau District, maintenance of such walls and fences has been conducted by the applicable home owners association. The Charbonneau Country Club will act as the coordinating entity to assure such maintenance by the applicable home owners association continues in the future.

Emergency Police and Fire Service

Because the Willamette River separates the Charbonneau District from the rest of the City, a contingency plan for police and fire services is necessary in the event that the I-5 freeway and/or the bridge becomes impassable.

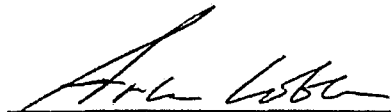
Police response: The Clackamas County Sheriff's Department would dispatch deputies to Charbonneau directly from their main office in Oregon City. The deputies would travel to Charbonneau via 99E, thus avoiding I-5 completely.

Fire and ambulance services: Tualatin Valley Fire and Rescue (TVF&R) has a mutual aid agreement with the Aurora Fire Department. In the event fire engines or ambulances cannot be dispatched from the TVF&R stations to the north, the Aurora Fire Department would serve Charbonneau.

REPRESENTING:

City of Wilsonville

Charbonneau Country Club



Arlene Loble,
City Manager

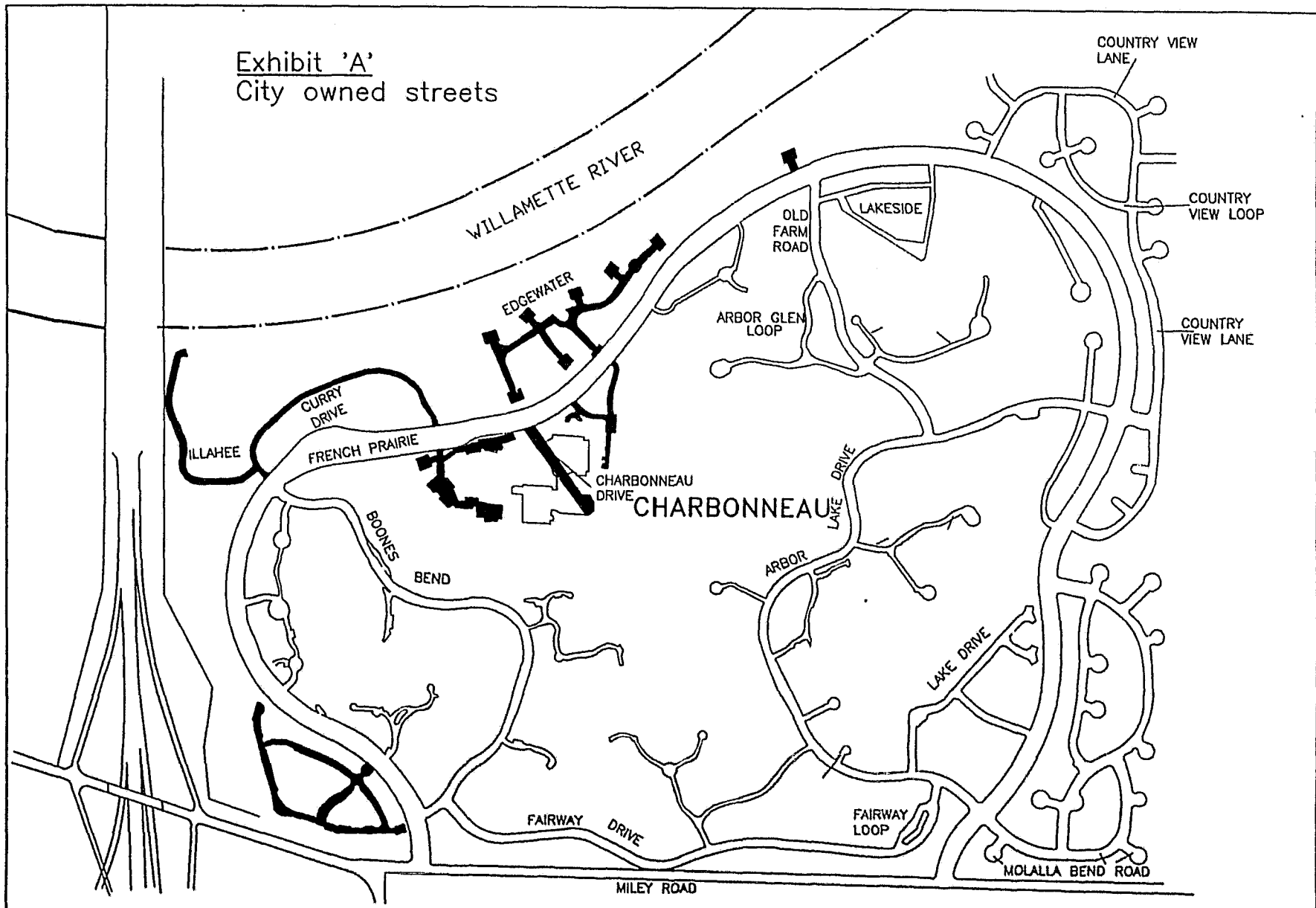
Name,
Title: _____

June 18, 1998

date

date

Exhibit 'A'
City owned streets




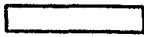
 Private Streets
 City Owned Streets



EXHIBIT B: Memo dated October 9, 1990

Charbonneau  country club

32,000 Charbonneau Drive • Wilsonville, Oregon 97070 • Phone 503/694-2300

DATE: October 9, 1990

TO: Presidents of certain Homeowner Groups in Charbonneau, and
Willamette Factors

FROM: Art Johnson, Maintenance Committee Chairman, Charbonneau
Country Club

SUBJECT: City of Wilsonville Request for Improvement of Driver
Visibility at certain Charbonneau Intersections.

The City of Wilsonville has surveyed all Charbonneau intersections with respect to adequate visibility for drivers entering such intersections. Subsequently, the City advised us that shrubs and/or trees at designated intersections should be trimmed and pruned to provide adequate driver visibility up to 250 feet either way at the intersection.

Attached is a map for your area indicated by red marks where such pruning and/or trimming is requested to comply with the City's request. Please have your landscaper do the work as soon as possible.

Thanks for your cooperation in this matter.

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City of
WILSONVILLE
In OREGON

30000 SW Town Center Loop E
Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

August 17, 1993

Susan Stevens, Club Administrator
Charbonneau Country Club
3200 SW Charbonneau Dr.
Wilsonville, OR 97070

Re: Agent to Remove Illegally Posted Signs

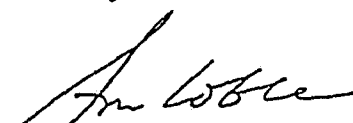
Dear Susan:

This is just a short follow-up to our recent conversation. At the request of the Charbonneau Country Club Board, I am authorizing the Board members and its employees to assist the city in its enforcement by acting as the city's agent in removing illegally posted signs in the public right-of-way of French Prairie Road, inclusive of the median.

As we discussed, you will follow the notification procedures set forth in Ordinance #408, and you have a copy of same. Any signs that are illegally posted will be removed to your offices for retrieval by the notified party. Provided Ordinance #408 procedures are followed, the city will indemnify the Board and its employees. If you have any questions, please contact Michael Kohlhoff, City Attorney, or me.

It is my understanding that Mike Kohlhoff has sent a notice to the list of realtors you requested be notified, and that you will begin enforcement activities on September 15, 1993.

Sincerely,



Arlene Loble
City Manager

cc: Michael Kohlhoff, City Attorney
Wayne Sorensen, Planning Director
Sgt. Bruce Pearson, Clackamas County Sheriff's Office

al:lb

City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 222
Wilsonville, OR 97070
(503) 682-1011

July 9, 1991

Mr. Art Johnson, President
Charbonneau Country Club
32000 Charbonneau Drive
Wilsonville, OR 97070

Dear Mr. Johnson:

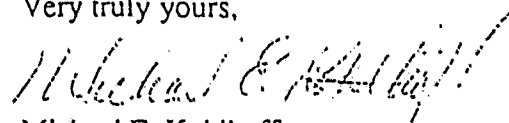
This is to confirm my meeting with the Country Club's Insurance Committee delegation regarding non-conformance of certain signs along the median strip on French Prairie Road. It is my understanding that in the main the signs have been brought into conformance with the remaining issue being the posts size being 6' X 6' rather than 4' X 4'.

Given the length of time without incident, the City Council provided either removal or indemnification alternatives to correct this situation. Indemnification is the Charbonneau Country Club's preference. This appears to be feasible as I understand the Country Club's insurance exceeds the state tort limit for governmental bodies.

I suggest the addition of the City as a limited named insured be for "Any and all claims for bodily injury or property damage arising from or in connection with signage in the median strip of French Prairie Road."

Please supply the City with the Certificate of Insurance with 30 day notice of cancellation upon addition and renewal. Thank you for your professional courtesies.

Very truly yours,



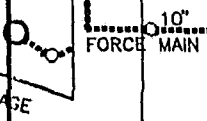
Michael E. Kohlhoff
Acting City Manager/City Attorney

mek:pjm

pc Mayor and City Council
Lew Hendershott
Wayne Sorensen
Jim Long

WASTEWATER TREATMENT PLANT

Exhibit 'E' City owned portion of Sanitary Sewer System



WILLAMETTE RIVER

COUNTRY VIEW LANE

COUNTRY VIEW LOOP

COUNTRY VIEW LANE

CHARBONNEAU LIFT STATION

FRENCH PRAIRIE

CHARBONNEAU SANITARY SEWER

CHARBONNEAU DRIVE

BEND

FAIRWAY

FAIRWAY LOOP

MOANLA BEND ROAD

MILEY ROAD



NORTH
5/11/98

11

Exhibit 'F'
City owned portion
of Storm Sewer
System

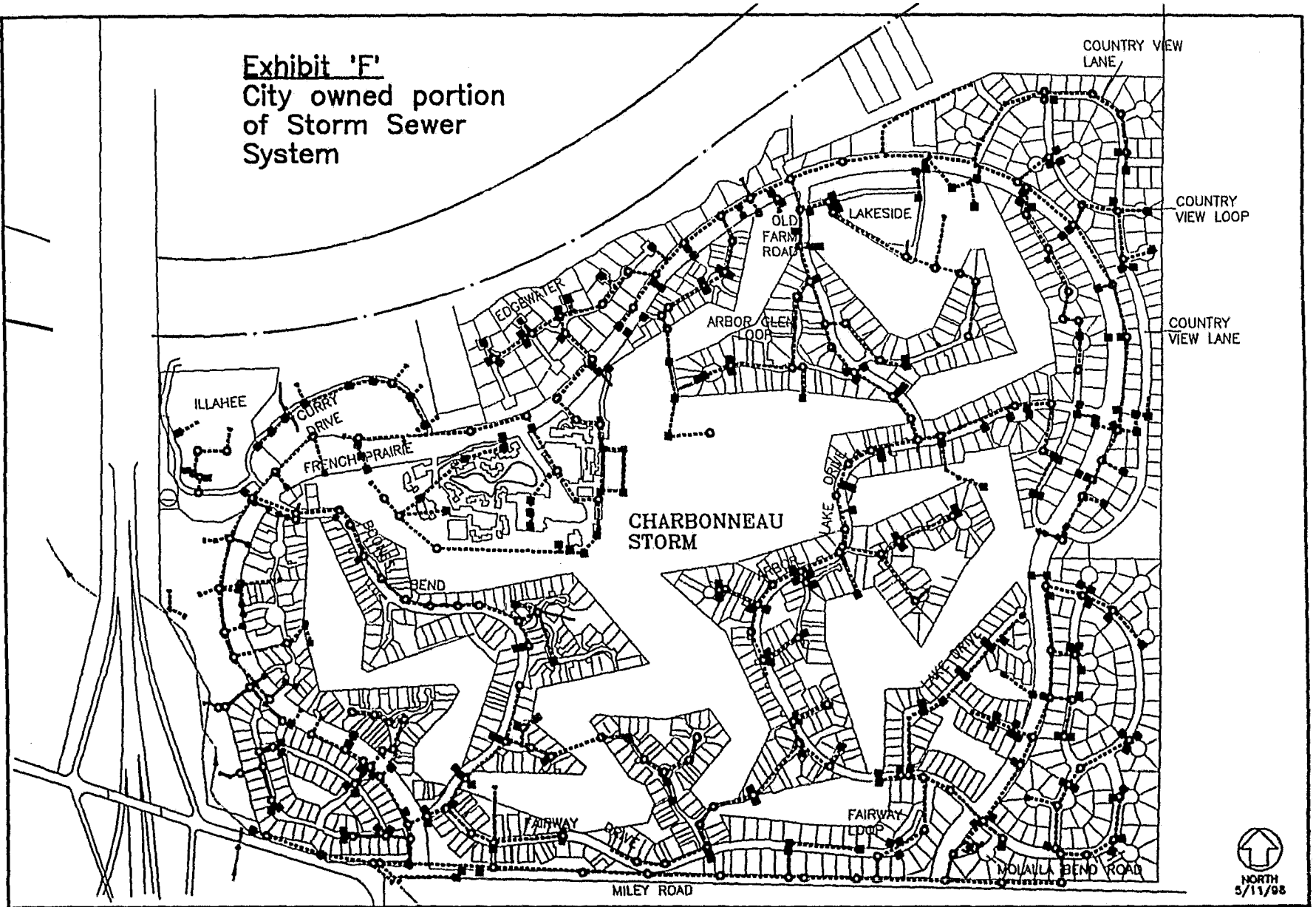
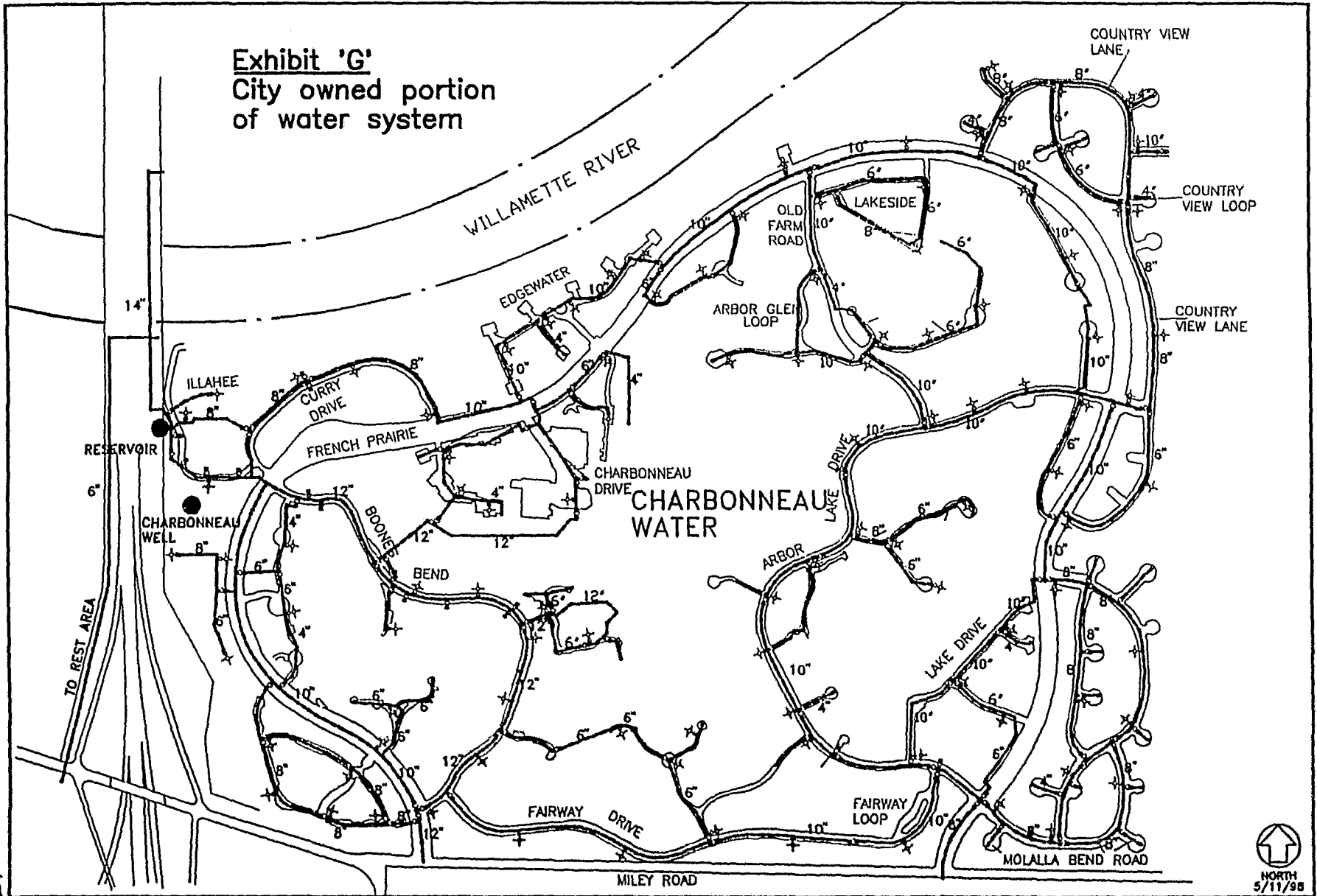


Exhibit 'G'
City owned portion
of water system



STREET TREE
EVALUATION REPORT
FOR
FRENCH PRAIRIE DRIVE IN THE
CHARBONNEAU DISTRICT

Wilsonville, Oregon

Prepared by: Floyd Peoples
ISA Certified Arborist
Public Works Operations Manager
City of Wilsonville
8455 SW Elligsen Rd
Wilsonville, OR 97070
(503) 570-1584
Fax 682-8816

January, 1998

PUBLIC WORKS DEPARTMENT
OPERATIONS DIVISION
STAFF REPORT

DATE: January 28, 1998

TO: Honorable Mayor and City Council

PREPARED BY: Floyd Peoples, Operations Manager

SUBJECT: Street tree evaluation for French Prairie Drive
in the Charbonneau District

SUMMARY:

City Councilor John Helser and Mr. Dick Parker of the Charbonneau Management Company recently raised concerns about the health, vitality and safety of the public street trees along French Prairie Drive (See Exhibit A). Several street trees have blown over in recent months (See attached photos). The blown over trees are exhibiting a very shallow, unhealthy rooting pattern, and are declining in leaf production. It is expected that many more trees in this area will begin to exhibit symptoms of decline, much as the trees that have already fallen.

This decline in the health of the street trees can be primarily attributed to the high amounts of surface irrigation that are applied to these areas to encourage turf growth. Other problems contributing to the declining health of the trees include: a perched water table caused by a clay pan layer, poor drainage, the continued use of herbicides to control weeds, girdling roots, poor planting techniques, mechanical injury and soil compaction from mowing in wet conditions.

Public Works staff, along with three tree care professionals have conducted an analysis of the current situation, and are prepared to provide long term management recommendations.

EXHIBIT H: Street Tree Evaluation Report (excerpt)

RECOMMENDATIONS:

The following recommendations are provided as a starting point for corrective action. These recommendations are provided in an effort to begin to correct the existing problem, and ensure a long term healthy street tree forest for the entire Charbonneau District.

- A hazard tree inspection should be conducted. Trees exhibiting decline, with known targets (i.e., people, cars, or property) should be removed and replaced, or correctively pruned to eliminate or lessen potential damage. All dead and dying limbs should be removed. This analysis would have to be done on a tree by tree basis, and would be labor intensive.
- Remove all turf under the trees and in the median strips. Replace the sod with a drought resistant ground cover. Mulch around all trees with 3" to 4" of rich fungal-rotted compost mulch. The mulch will encourage better root development.
- Frequent shallow waterings should be discontinued. If sod is retained, general watering should be for no more than ten minutes per setting for fixed spray heads, or 20 minutes per setting for rotor type heads. This pattern should be followed no more than three times a week.
- Suspend further use of Dicamba or Phenoxy type herbicides (2,4-D) in this particular environment.
- Select replacement trees that are better suited to the site conditions. All replacement trees shall meet or exceed the American National Standards Institute (ANSI) requirements for shade trees.
- A planting environment should be created for the replacement trees to reduce the negative impacts of the perched water table. Removal of turf panels coupled with techniques such as vertical aeration and the addition of mulch could be implemented to improve the growing environment. Vertical aeration of the existing trees would improve the planting environment. Selecting appropriate plant material and conditioning the planting environment would be appropriate actions for the replacement trees.
- The pin oaks (*Quercus palustris*) seem to be doing better than the northern red oaks (*Quercus rubra*) in this wet environment. Pin oaks could be planted to replace the declining red oaks while still maintaining continuity along French Prairie Drive.

EXHIBIT H: Street Tree Evaluation Report (excerpt)

- Other species that would adapt well in a wet environment are; green ash (*Fraxinus pennsylvanica*), white ash (*Fraxinus americana*), tupelo (*Nyssa sylvatica*), bald cypress (*Taxodium distichum*) and hackberry (*Celtis*) species. If these trees are planted, French Prairie Drive would lose the continuity it currently displays. From an urban forestry perspective, diversity is desired to avoid large scale loss of trees. If this were a chosen course of action, continuity could be maintained by planting replacement trees in groups.
- The street trees along French Prairie Drive have a subjective appraised value of approximately \$3,200,000 (915 trees x \$3,500 per tree). \$3,500 per tree is an estimated amount based on size, species, and general condition.
- The cost of mitigating further decline and implementing a replanting program is approximately \$75,000. This amount would include the removal and replacement of approximately 50 trees, as well as the removal and disposal of sod, and preparation of the planting site with proper aeration and the addition of mulch.
- Oregon Department of Forestry (ODOF) grant money may be available to assist in the funding of this project.

BACKGROUND:

The Charbonneau District has recently experienced numerous blown over trees within the French Prairie Drive right-of-way. These blown down trees were primarily large (40'+) northern red oaks (*Quercus rubra*) and pin oaks (*Quercus palustris*). The Public Works Department recruited the assistance of three tree care experts to assist in analyzing the health, vitality and long term viability of these trees, as well as offer some remedial recommendations. Their reports and analysis are included as exhibits at the end of this report.

The street trees along French Prairie Drive are comprised primarily of northern red oak (*Quercus rubra*) (86%). There is also a significant population of pin oaks (*Quercus palustris*) (13%), as well as 1% other.

The specific areas that the consulting team focused the majority of their attention on are the rights-of-way and median strips along the full length of French Prairie Drive (See Exhibit A). The following conclusions were reached after a thorough analysis was conducted.

EXHIBIT H: Street Tree Evaluation Report (excerpt)

- The street trees along French Prairie Drive are experiencing some serious environmental/cultural health problems. The cultural problems arise out of the predominant desire to have highly manicured lawn, which requires substantial irrigation, in the vicinity of mature street trees. The care and maintenance of street trees is much different than that of manicured grass, and the situation that has been created is one that certain trees cannot tolerate.
- The environmental/cultural conditions may be modified to lessen further damage. Some examples of proactive actions include the removal of all turf near the street trees, substantial reduction in the use of irrigation, vertical aeration, and the addition of a 3" to 4" of rich fungal/rotted compost mulch.
- The causal agent of decline is most likely a root rot pathogen (probably phytophthora). Without lab tests and further analysis, the exact root rot pathogen cannot be identified. Regardless of the pathogen, the corrective actions would be the same.

Without repeating verbatim what is included in the enclosed consulting arborist's analysis, staff will attempt to identify the main points of the study. If more information is needed, the consulting arborist's assessments are included with this report. In the following analysis, staff has attempted to anticipate the most obvious questions and provide answers for the general public, city administration and the City Council.

Why are the street trees dying on French Prairie Drive?

The short answer is primarily too much water (See Photos P1, P2, P3, P5). This area contains high maintenance turf which requires ample irrigation, regular mowing and the application of herbicides. The excessive water necessary for a green lawn is creating anaerobic conditions for the trees which is resulting in a shallow rooting pattern and accompanying root deformities. Without a normal rooting pattern, these trees are more susceptible to being blown over by the wind, which creates a potentially dangerous situation.

Another contributing factor is the presence of a perched water table and poor drainage. This has been created by the layering of unlike soil components (sandy loam fill over heavy clay soils). The layer of clay soil below the backfilled loam does not allow for normal percolation of rain and irrigated water. The water is held near the surface creating this "perched" affect, which equates to water logged conditions. These water-logged conditions negatively affect the trees' health, impeding normal root and crown growth.

EXHIBIT H: Street Tree Evaluation Report (excerpt)

Exactly what is the pathogen that is causing the trees to decline?

Without laboratory tests, there is no way of knowing exactly what the actual pathogen or agent is that is killing the trees. There is a definite consensus among the arborists consulted, that a root rot pathogen of some unknown species is the actual causal agent of decline (See Photos P3, P4). There is a substantial amount of black fungal growth on many of the roots of the now dead trees. This is a typical symptom of wet feet (waterlogged soils) and root rot. There are several root rot / crown rot fungus organisms that are similar in nature. It should be understood that it is really not important what the specific causal agent is, as the corrective recommendations would be the same.

Are there other conditions or other causal agents that may play a part in the decline of the forest?

Yes. It has been noted by staff and the consulting arborists that girdling roots are quite prevalent throughout the street trees along French Prairie Drive. Girdling roots are roots that grow in a circular fashion, constricting the internal flow of minerals, nutrients, and water, which in turn negatively affect the trees' ability to uptake food. A girdling root condition acts as a source of strangulation in the exchange of water and nutrients moving from the feeding root system to the leaves and vice versa. Unfortunately, the correction or removal of girdling roots can be traumatic to trees of this age (25-30 yrs). Staff does not believe the pruning and removal of girdling roots to be a viable alternative in this situation.

The Charbonneau area has a long record of herbicide use. These herbicides are used to control the presence of weeds, and are unfortunately having some negative effect on the health of the street trees in this area. The trees take up the herbicides with their absorbing roots, which are located in the top 6" to 8" of soil. Without further testing, the exact effect herbicides are having on the street tree forest cannot be definitely connected. Staff does not believe this to be the main factor in the decline of the health of the street trees, but it could be a strong contributing factor. If herbicide use were suspended immediately, coupled with other actions, the trees could improve slowly over time.

Another contributing element to the trees' poor performance includes the compaction of soil from mowers and mechanical damage. Compacted soil leads to reduced macro pore space in the soil, which in turn reduces the amount of air, nutrients, and water available to the tree. Compacted soil can also be a contributing factor to the poor rooting patterns exhibited.

EXHIBIT H: Street Tree Evaluation Report (excerpt)

How many trees are there along French Prairie Drive? How many should be removed?

There are approximately 915 public street trees along French Prairie Drive. Approximately 50 of these trees are demonstrating decline and could possibly threaten people and/or property by blowing over. These trees should be removed and replaced with an acceptable alternative species. One intermediate step short of removal is to conduct corrective pruning to lessen the air resistance on the canopy. This action will allow air to pass through the tree more easily, reducing the potential for blow down.

What other measures should be taken to save the forest where possible?

For informational purposes, trees and highly maintained turf areas are not good companions. There are tree species that tolerate wet, highly manicured turf conditions better than others. Generally speaking, both northern red oak and pin oak are said to be turf tolerant. However, as with all species, tolerance should be measured by the degree of exposure, which in this case is extreme. In this particular situation, the red oaks appear to be less tolerant of these various conditions than the pin oaks.

At a minimum, staff is recommending that the turf be removed from the median strip; and at the very least be replaced with 3" to 4" inches of a highly desirable root enhancing mulch and/or a drought tolerant ground cover.

As mentioned earlier, staff would also recommend dead wood pruning and crown thinning of the declining trees to remove much of the wind resistance from the canopy. This should be done to all trees where there are apparent collateral targets such as houses, cars or people. This would eliminate much of the risk and danger associated with falling trees.

Staff would further recommend lessening the watering times to the remaining turf areas to no more than 10 minutes per setting no more than three times a week for fixed spray sprinklers, and 20 minutes every other day for rotor type sprinklers. This will allow a much needed drying (oxygen enriching) period for the tree roots. The turf should maintain at least a reasonable groomed appearance under these conditions, especially if proper maintenance of the irrigation system occurs. Staff would also recommend that Dicamba and Phenoxy type herbicides (2,4-D) for weed control be suspended for further use in this environment.

EXHIBIT H: Street Tree Evaluation Report (excerpt)

What is the approximate cost and time frame for implementing staff recommendations for long term preservation of the street tree forest?

Approximately \$75,000, with \$40,000 needed to implement Phase I. The \$40,000 would cover the cost of the removal of approximately 50 trees, stumps and associated sod, the addition of mulch and soil aeration, the acquisition of replacement trees, including installation and associated consulting arborists fees. Although not guaranteed, the City can apply for funding assistance through the Oregon Department of Forestry Community Assistance Grant Program in implementing this recommendation.

cc: Arlene Loble, City Manager
 Jeff Bauman, Public Works Director
 Stephan Lashbrook, Planning Director
 Joan Kelsey, Assistant City Attorney
 Dave Kanner, Public Affairs Director

Exhibit 'I'
City owned land and
public walkways
(other than streets)

Bike Path Ends

COUNTRY VIEW LANE

WILLAMETTE RIVER

COUNTRY VIEW LOOP

LAKESIDE

OLD FARM ROAD

COUNTRY VIEW LANE

EDGEWATER

ARBOR GLEN LOOP

Lift Station

CURRY DRIVE

Reservoir

WILLAHEE

Well

FRENCH PRAIRIE

CHARBONNEAU DRIVE

CHARBONNEAU

BONES

BEND

ARBOR

LAKE DRIVE

LAKE DRIVE

FAIRWAY DRIVE

FAIRWAY LOOP

MOLALLA BEND ROAD

MILEY ROAD

Bike Path Begins

1.3 mile bike/ped path beginning at French Prairie Drive West and terminating at the intersection of French Prairie Drive and Country View Lane.



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January 23, 1998

Mr. Trap Traphagen
Charbonneau Country Club
32000 SW Charbonneau Drive
Wilsonville, OR 97070



30000 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax
(503) 682-0843 TDD

Dear Trap,

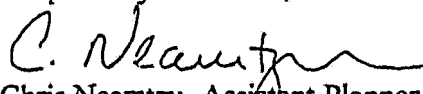
Thank you for the status report on the Tree Maintenance and Protection Plan that has been in effect for one year now in the Charbonneau District. This plan, as you know, was required for permit exemption status under Ordinance #464. It appears that the exemption works well for all parties involved. Charbonneau continues to do a detailed and thoughtful job of reviewing tree removal applications.

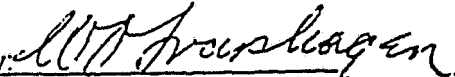
At this time, the City proposes only one modification to this exemption agreement. The Planning Division requests that the Charbonneau Country Club (CCC) provide staff with an annual report on the total number of trees removed, the location or address of removal, reason for removal, was the tree replaced, the health, name, size and species and all other pertinent information that would enable us to compile and track the City's tree inventory. This annual report will provide us with much needed information as we assess and inventory the health and vitality of the City's urban forest. Such a report should be submitted to the Planning Director by January 31st of each year, including 1998. Provided the City receives this annual update in a timely fashion, the exemption would automatically renew on every January 31.

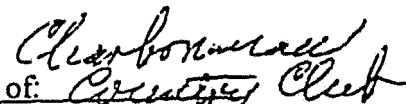
We do appreciate the open lines and frequent communication between yourself, CCC staff and the City's Public Works Department and Planning Division. This open communication allows us all to make better informed decisions. This letter will serve as the City's grant of your request for a conditional exemption under Ordinance #464, consistent with all prior agreements including the one mentioned above. A copy of which is attached for your acceptance.

I would like to point out that the City anticipates creation of two more tree-related ordinances. Heritage and street tree ordinances would further guide development of the City's urban forestry program. It is important to note that the Tree Maintenance and Protection exemption applies only to the provisions of Ordinance #464, and other existing and subsequently adopted ordinances could apply to the Charbonneau District. I am sure that as these ordinances are being drafted we will be in close coordination. Thank you for your cooperation during this past year, and please call me if I can ever be of assistance.

Respectfully submitted,


Chris Neamtzu, Assistant Planner
City of Wilsonville

Terms accepted by: 

Authorized representative of: 

cc: Stephan A. Lashbrook, Planning Director
Jeff Bauman, Public Works Director

Floyd Peoples, Operations Manager
Joan Kelsey, Assistant City Attorney

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ORDINANCE NO. 215

AN ORDINANCE PROVIDING FOR THE OPERATION OF GOLF CARTS IN THE CHARBONNEAU DISTRICT OF THE CITY OF WILSONVILLE.

WHEREAS, THE City Council recognizes that the Charbonneau District is a Planned Unit Development under the Comprehensive Plan of the City of Wilsonville; and

WHEREAS, the Charbonneau District, as a Planned Unit Development, is developed around a golf course and meets the requirements of a "real estate development" as set forth in ORS 487.910;

WHEREAS, all highways within Charbonneau District are adjacent to the golf course; and

WHEREAS, the Council of the City of Wilsonville recognizes that the use of self propelled golf carts is a desirable and necessary factor to allow many of the residents of Charbonneau District to enjoy the recreational activities of the golf course located in Charbonneau District; and

WHEREAS, the Council of the City of Wilsonville recognizes that some use of highways, streets, and public ways in the control of the City of Wilsonville is necessary to the movement of golf carts as defined in ORS 487.910; and

WHEREAS, ORS 482.060 exempts from licensing any person who operates a golf cart as defined in ORS 487.910; and

WHEREAS, ORS 487.910 allows a local authority to permit the operation of golf carts on highways under its jurisdiction

located adjacent to a golf course, and between the golf course and the place where golf carts are parked or stored or located within or bounded by a real estate development if the combined operation of golf carts and regular vehicular traffic can be accomplished safely, and under rules and regulations prescribed for the combined operation of golf carts and regular vehicular traffic; and

WHEREAS, the Council of the City of Wilsonville finds that the combined operation of golf carts and regular vehicular traffic can be accomplished safely within the Charbonneau District;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE WILSONVILLE CITY COUNCIL THAT:

1. Golf carts, as defined in ORS 487.910, be permitted to use all of the city highways, streets and public ways within the Charbonneau District of the City of Wilsonville during daylight hours, and if equipped with headlights and taillights during the nighttime hours, and, in addition, for the purpose of transportation to and from the golf course and the place where the golf cart or carts are parked, stored or located. No such permission is intended or implied for the use of any highway, street or public way other than those within the boundaries of the Charbonneau District. The operation of golf carts on French Prairie Road, except at designated crossings, is prohibited. The operation of golf carts on Eilers Road is expressly prohibited.
2. All golf carts shall at all times be operated in a prudent manner and shall obey the basic rules of traffic, including Statutes of the State of Oregon and Ordinances and Orders of the City of Wilsonville, excluding statutes referring to vehicle equipment and condition as stated in ORS Chapter 483 and ORS Chapter 487.

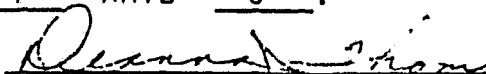
3. All golf carts shall keep well to the right in the regular traffic pattern as a slow moving vehicle. Slow moving vehicle emblems may be displayed.
4. Individual operators of golf carts shall assume the full and total responsibility for, and the risk associated with, the movement of such vehicles.
5. Appropriate signing giving notice of combined operation of golf carts and other vehicles on city highways, streets and public ways within the Charbonneau District be erected within thirty (30) days and that this Ordinance be effective thirty (30) days from the signing hereof.
6. Violation of any provision of this section is punishable by a fine not to exceed One Hundred Dollars (\$100.00).

The City of Wilsonville by this Ordinance, and the permission for operation of golf carts in designated areas assumes no responsibility for the operation of such a vehicle, and shall be held harmless in any action arising from the operation of such golf carts on or off any highway, street or public way in the Charbonneau District.

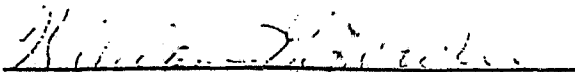
Submitted to the Council and read the first time at a regular meeting thereof on the 3rd day of May, 1982, and scheduled for second reading at a regular meeting of the Council on the 17th day of May, 1982, commencing at the hour of 7:30 o'clock p.m., at the Wilsonville City Hall.


 Deanna J. Thom, City Recorder

ENACTED by the Council on the 17th day of May, 1982, by the following votes: YEAS 4 NAYS 0.


 Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 19th day of June,
1982.



William G. Lowrie, Mayor

WC 4.500 - 4.514 and requiring a conditional use permit shall be reviewed by the DRB under the application and review procedures set forth for Tree Removal Permits.

4.600.30 TREE REMOVAL PERMIT REQUIRED

(1) Requirement Established. No person shall remove any tree without first obtaining a Tree Removal Permit (TRP) as required by this subchapter.

(2) Tree Removal Permits will be reviewed according to the standards provided for in this subchapter, in addition to all other applicable requirements of Chapter 4.

(3) Although tree activities in the Willamette River Greenway are governed by WC 4.500 - 4.514, the application materials required to apply for a conditional use shall be the same as those required for a Type B or C permit under this subchapter, along with any additional materials that may be required by the Planning Division. An application for a Tree Removal Permit under this section shall be reviewed by the Development Review Board.

4.600.40 EXCEPTIONS

(1) Exception from requirement. Notwithstanding the requirement of WC 4.600.30(1), the following activities are allowed without a Tree Removal Permit, unless otherwise prohibited:

(A) Agriculture, Commercial Tree Farm or Orchard. Tree removal or transplanting occurring during use of land for commercial purposes for agriculture, orchard(s), or tree farm(s), such as Christmas tree production.

(B) Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, utility damage or other like disasters, in order to prevent imminent injury or damage to persons or property or restore order and it is impractical due to circumstances to apply for a permit.

(1) When an emergency has occurred, a Tree Removal Permit must be applied for within thirty (30) days following the emergency tree removal under the application procedures established in this subchapter.

(2) In addition to complying with the permit application requirements of this subchapter, an applicant shall provide a photograph of any tree removed and a brief description of the conditions that necessitated emergency removal. Such photograph shall be supplied within seven days of application for a permit. Based on good cause shown

arising out of the emergency, the Planning Director may waive any or all requirements of this section.

(3) Where a Type A Permit is granted for emergency tree removal, the permittee is encouraged to apply to the City Tree Fund for replanting assistance.

(C) City utility or road work in utility or road easements, in utility or road right-of-ways, or in public lands. However, any trees removed in the course of utility work shall be mitigated in accordance with the standards of this subchapter.

(D) Nuisance abatement. The City is not required to apply for a Tree Removal Permit to undertake nuisance abatement as provided in WC 6.200 et seq. However, the owner of the property subject to nuisance abatement is subject to all the provisions of this subchapter in addition to the requirements of WC 6.200 et seq.

(E) The removal of filbert trees is exempt from the requirements of this subchapter.

(F) The Charbonneau District, including its golf course, is exempt from the requirements of WC 4.600.30(1) on the basis that by and through the current CC&R's of the Charbonneau Country Club, the homeowners' association complies with all requirements of WC 4.610.30(1)(C)(1). This exception will take effect after a Tree Maintenance and Protection Plan has been submitted by the Charbonneau Country Club and approved by the Planning Director. Tree removal activities remain subject to all applicable standards of this subchapter. Unless authorized by the City, this exception does not include tree removal upon any public easements or public property within the district. In the event that the CC&R's are changed relative to the effect of the Tree Maintenance and Protection Plan, then the Planning Director shall review whether such effect is material, whether it can be mitigated, and if not, may disallow the exemption.

4.600.50 APPLICATION FOR TREE REMOVAL PERMIT

(1) Application for Permit. A person seeking to remove one or more trees shall apply to the Director for a Tree Removal Permit for a Type A, B, C, or D permit, depending on the applicable standards as provided in this subchapter.

(A) An application for a tree removal permit that does not meet the requirements of Type A may be submitted as a Type B application.

(2) Time of Application. Application for a Tree Removal Permit shall be made before removing or transplanting trees, except in emergency situations as provided in WC 4.600.40 (1)(B) above. Where the site is proposed for development necessitating site