



City of McMinnville
Planning Department
 231 NE Fifth Street
 McMinnville, OR 97128
 (503) 434-7311

www.mcminnvilleoregon.gov

Landscape Review Committee
Community Development Center, 231 NE 5th Street
May 17, 2017
12:00 PM

Committee Members	Agenda Items
Rob Stephenson Chair Sharon Gunter Vice-Chair Josh Kearns RoseMarie Caughran Tim McDaniel	<ol style="list-style-type: none"> 1. Call to Order 2. Citizen Comments 3. Approval of Minutes <ol style="list-style-type: none"> A. March 15, 2017 Meeting Minutes (Exhibit 1) 4. Action Items <ol style="list-style-type: none"> A. L 4-17 – Landscape Plan (Exhibit 2) 375 NE Ford Street B. L 34-16 – Revised Landscape Plan (Exhibit 3) 300 NW Hillside Parkway C. L 16-17 – Street Tree Removal (Exhibit 4) 1305 NE 4th Street D. L 17-17 – Street Tree Removal (Exhibit 5) 1236 NE Galloway Street 5. Discussion Items 6. Old/New Business 7. Committee Member Comments 8. Staff Comments 9. Adjournment

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

*Please note that these documents are also on the City's website, www.mcminnvilleoregon.gov. You may also request a copy from the Planning Department.



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

EXHIBIT 1 - MINUTES

March 15, 2017
Landscape Review Committee
Regular Meeting

12:00 pm
Community Development Center
McMinnville, Oregon

Members Present: Rose Marie Caughran, Sharon Gunter, Josh Kearns, Tim McDaniel, and Rob Stephenson

Members Absent: None

Staff Present: Chuck Darnell – Associate Planner

Guests Present: Wendy Stassens – City Councilor

1. Call to Order

Chair Stephenson called the meeting to order at 12:00 pm.

2. Citizen Comments – None.

3. Approval of Minutes – None.

4. Action/Docket Item (repeat if necessary)

A. L 5-17 – Landscape Plan (2200 NE Orchard Avenue)

Associate Planner Darnell said this was a landscape plan for the Recology Transfer Station on NE Orchard Avenue and NE Alpha Drive. The facility was being expanded. One condition of approval from the Conditional Use Permit was to add screening to the site on the north and east side, which was to be a continuous row of evergreen or hedge planted three feet apart on center. The applicant had proposed a row of shrubs and suggested a few different types such as cypress, laurel, viburnum, and arborvitae. Staff suggested arborvitae or laurel shrubs be used due to the existing trees surrounding the area.

There was discussion regarding using laurel only as the best option for the hedge and they would be planted three feet apart on center.

Associate Planner Darnell said some deciduous trees would be planted as well, such as Flame Maple, Scarlet Hawthorne, and Snow Goose Cherry. These would be shorter trees and

would not interfere with the overhead power lines. McMinnville Water and Light was concerned about the taller coniferous trees proposed, and a condition was included that stated where the coniferous trees were shown that shrub and deciduous trees would be planted instead. Twenty new trees would be put in to replace the trees being removed on the west side of the site.

Chair Stephenson thought they should put in trees and hedge four to five foot in height.

Associate Planner Darnell said they did have an irrigation plan that was an underground system with pop up spray heads. The conditions would include the size and species adjustment, the coniferous trees would be replaced with deciduous trees, and there would be standard setbacks from utilities. Staff recommended approval.

Committee Member Gunter moved to approve L 5-17 with the modified conditions of approval. The motion was seconded by Committee Member McDaniel and passed 5-0.

B. L 6-17 – Street Tree Removal (927 SE Davis Street)

Associate Planner Darnell said this was a street tree removal request. The tree was halfway on private property and halfway on public property. If a tree was partially in the right-of-way, it was considered a street tree. Previous pruning led to cuts and damage in the trunk of the tree in several places and there was root rot and fungal growth at the base of the tree. Trimming of the canopy led to an unbalanced side of the tree over the public right-of-way and there was concern that the tree could fall down into the street. The applicant also stated it was damaging the foundation of his house and it was lifting and cracking the sidewalk. Staff thought the tree met the criteria for removal. There was a condition that if the tree was removed that a replacement tree be planted in the planter strip on Davis Street. There were overhead power lines, so staff recommended the tree be from the small tree list.

Chair Stephenson said if there was room for two trees in the planter strip, two should be planted. The Committee agreed.

Associate Planner Darnell said the condition would be changed to say replace with two replacement trees provided there was enough space to meet all required setbacks.

Chair Stephenson moved to approve L 6-17 with the amended conditions of approval. The motion was seconded by Committee Member McDaniel and passed 5-0.

C. L 8-17 – Landscape Plan (2270 SW 2nd Street)

Associate Planner Darnell discussed the landscape plan for the commercial property on Hill and SW 2nd Street across from the Companion Pet Clinic where a new office would be constructed. About 55% of the site would be landscaped with a variety of trees and shrubs around the perimeter of the building. The private drive would also mimic the tree lined public street. There was one lot left in this area to be developed, on the corner of 2nd and Hill. The screening requirement was being met by the combination of the trees and the shrubs. The proposed shrubs would break up the parking area from the entry road. The landscaping would be irrigated with a fixed spray irrigation system. Staff recommended approval. The conditions included meeting the clearances required for the trees for McMinnville Water and Light and that the landscaping would be maintained as necessary.

Chair Stephenson thought the new trees should match the existing trees. He would be abstaining from this vote and the next two as he had worked on these plans.

Committee Member Gunter moved to approve L 8-17 as presented. The motion was seconded by Committee Member McDaniel and passed 4-0-1 with Chair Stephenson abstaining.

D. L 9-17 – Street Tree Plan (Bungalows at Chegwyn Village Phase 3)

Associate Planner Darnell said this was a street tree plan for the third phase of the bungalows at Chegwyn Village. It would be north of the existing development along Hembree and two new streets, Jacob and Joel. The species proposed was October Glory Red Maple, which was an approved street tree. The applicant would plant two inch caliper trees which met the requirements.

Committee Member Caughran said the trees on the previous development should be replanted. Associate Planner Darnell would check to see if a bond had been released on those yet.

Chair Stephenson said they could go down to an inch and a half bare root which had been done in the past.

Associate Planner Darnell said it did not look like they met the 30 foot spacing. Chair Stephenson said that was due to the utilities and the width of the lot.

Associate Planner Darnell said staff recommended the condition say that the trees would be planted no more than 30 feet on center unless the space did not exist due to the location of utilities. All the planting strip standards had been met. They would have to provide all the necessary setbacks from utilities. Staff recommended approval with conditions.

Committee Member McDaniel moved to approve L 9-17. The motion was seconded by Committee Member Gunter, and passed 4-0-1 with Chair Stephenson abstaining.

E. L 10-17 – Landscape Plan (Cottages at Chegwyn Village)

Associate Planner Darnell discussed the landscape plan for the cottages at Chegwyn Village. This was the multi-family portion of the development. They were required to have 25% landscaping on the site and street trees needed to be planted in front of any new multi-family development where a curb side planter strip was constructed. The applicant was providing 28% landscaping. The plan was to have a Vine Maple in front of each unit along with other shrubs, a planting bed, and open lawn space. In the back there would be patios for each unit along with Honey Locusts. There would be trees on the alley as well. The north and south sides had different plant materials and the street trees continued throughout. They were less than 30 feet apart and would provide a good canopy. There was lawn space as well. Where the houses fronted the alley, plants were provided as a screening from the alley and there were plants to screen the trash enclosures. Irrigation was required. The conditions included that the trees be October Glory Red Maple, that they be healthy grown nursery stock, there should be a root barrier, inspection scheduling, setbacks from utilities, and the landscaping would be installed as shown and maintained.

Committee Member Gunter moved to approve L 10-17 as presented. The motion was seconded by Committee Member McDaniel and passed 4-0-1 with Chair Stephenson abstaining.

5. Discussion Items

There was discussion regarding holding a planting event to celebrate McMinnville being a certified Tree City USA for 20 years. Staff was working on a possible location, such as a City park.

Committee Member Caughran asked about enforcing the sign ordinance for the signs on the highway.

Associate Planner Darnell explained the amortization process of a City-wide inspection of properties and identifying those not in compliance. The deadline for signs to come into compliance with the ordinance was by the end of 2017.

Councilor Stassens said the permanent monument signs had been grandfathered in. The problem was addressed in the ordinance, but staffing to implement the ordinance was the problem.

6. Old/New Business – None.

7. Committee/Commissioner Comments – None.

8. Staff Comments

Associate Planner Darnell said tomorrow night there would be a Planning Commission public hearing for the landscaping and tree code amendments that the LRC had recommended. He explained the staff proposed a change as well, allowing additional time for a tree to be replaced.

Chair Stephenson thought the LRC should be notified when there was replanting downtown.

There was discussion regarding severe pruning of street trees.

9. Adjournment

Chair Stephenson adjourned the meeting at 1:01 pm.



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

EXHIBIT 2 - STAFF REPORT

DATE: May 17, 2017
TO: Landscape Review Committee Members
FROM: Chuck Darnell, Associate Planner
SUBJECT: Agenda Item 4A: L 4-17

Report in Brief:

An application for a landscape plan for a new hotel (L 4-17) to be reviewed by the Landscape Review Committee.

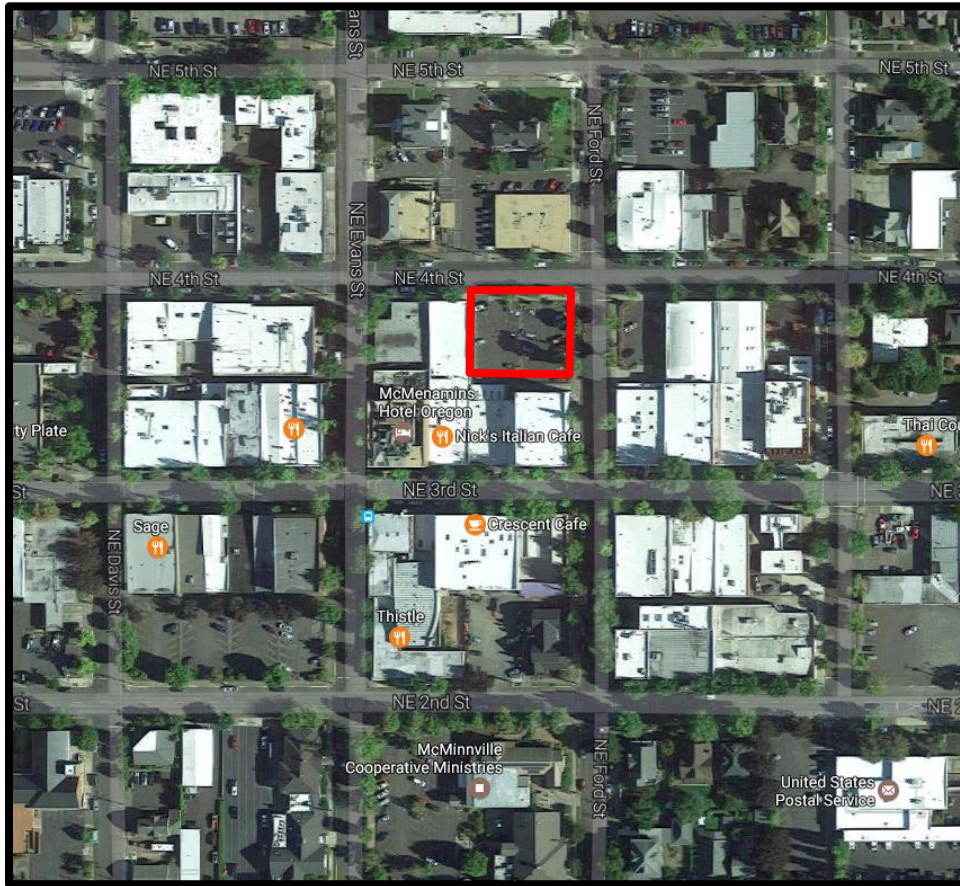
Background:

The applicant, Rob Stephenson on behalf of Odd Fellows LLC, submitted a landscape plan review application to install landscaping on the site of a new hotel to be located at 375 NE Ford Street. The subject property is more specifically described as Tax Lot 4700, Section 21BC, T. 4 S., R. 4 W., W.M.

Discussion:

The subject property is zoned C-3 (General Commercial), and is also located in the Downtown Historic District. The site is currently used as a private surface parking lot, and the applicant is part of a group that is proposing to construct a new building on the site that will function as a hotel that will be named The Atticus. The subject site can be seen below as a red outlined area:

*Attachments: Application and Landscape Plan
Decision Document*



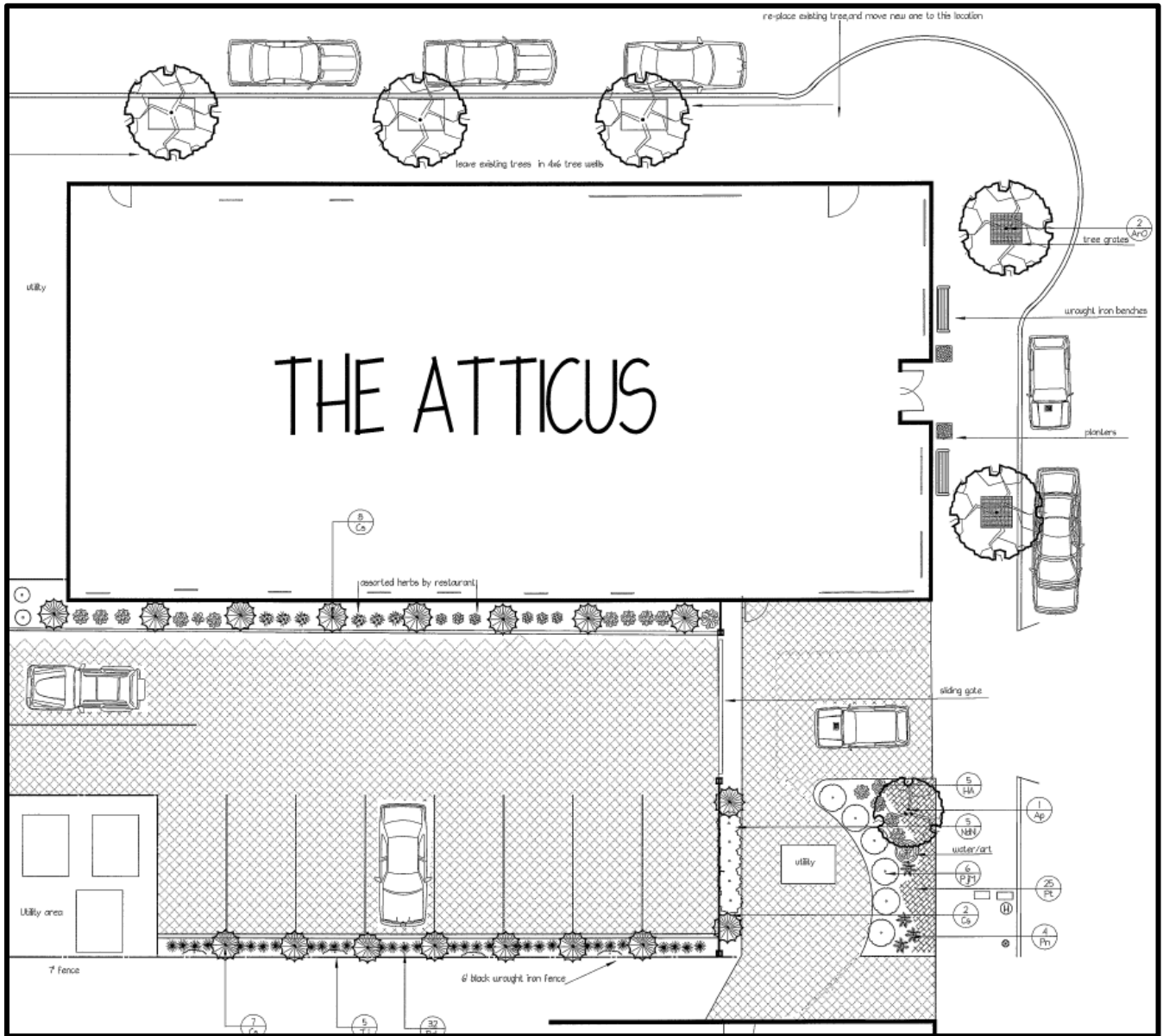
The Landscaping chapter of the McMinnville Zoning Ordinance allows for some areas in the Central Business District, which is also the location of the Downtown Historic District, to have reduced landscaping requirements. The subject site is located in an area that does not require any landscaping (Section 17.57.070(A) (Area Determination – Planning Factors)).

While there is no specific landscaping requirement, the subject site is located in the Downtown Historic District and is subject to the Downtown Design Standards and Guidelines in Chapter 17.59 of the McMinnville Zoning Ordinance. For that reason, the project went through the Historic Landmarks Committee (HLC) for review against the downtown design standards and guidelines. One component of the site plan is a surface parking lot. Surface parking lots in the downtown area are required to be screened by landscaping. Specifically Section 17.59.060(C) of the McMinnville Zoning Ordinance requires the following:

A hedge or wall, thirty (30) inches in height, or dense landscaping within a buffer strip a minimum of five feet in width shall be placed along the street-side edge of all surface parking lots. Landscaping within the buffer strip shall include street trees selected as appropriate to the situation and spaced according to its type, shrubs spaced a minimum of three feet on center, and groundcover. A landscaping plan for this buffer shall be subject to review and approval by the McMinnville Landscape Review Committee.

A condition of approval from the HLC review of the overall project was that a landscape plan be submitted to ensure that the parking lot is adequately screened and that street trees are being provided adjacent to the site. Therefore, the Landscape Review Committee's responsibility in reviewing this application is to ensure that those elements are adequately met by the proposed landscape plan.

The landscaping being proposed on the site can be seen below:



The proposed landscape plan includes the retention of the existing street trees on the north side of the site along 4th Street. The plan shows the removal of the two (2) existing street trees on the east side of the property along Ford Street, which is required to allow for the construction of the hotel and the utility improvements that will be occurring along the site's Ford Street frontage. The applicant is proposing to install two (2) October Glory Red Maple (*Acer rubrum* 'October Glory') trees in place of the street trees being removed. This species of red maple tree is a suitable tree for this location, and is a species that is included on the McMinnville Street Tree List.

Around the perimeter of the surface parking lot, the applicant is proposing to install a continuous row of shrubs to provide screening of the parking lot from the public right-of-way. On the east side of the parking lot, a decorative sliding gate will be installed to cover the access aisle into the parking lot from Ford Street. The remainder of the eastern portion of the parking lot will be screened by a stucco wall.

In front of the stucco wall, two (2) Italian Cypress (*Cupressus sempervirens*) and a row of Nana Purpurea Heavenly Bamboo (*Nandina domestica* 'Nana Purpurea') will be installed.

On the south side of the surface parking lot, the Italian Cypress (*Cupressus sempervirens*) will continue with seven (7) of those trees installed between a continuous row of Little Bunny Fountain Grass (*Pennisetum alopecuroides* 'Little Bunny'). A six (6) foot tall black wrought iron fence will also be installed along the south side of the surface parking lot. This planting pattern will ensure a complete screening effect of the surface parking lot from the public right-of-way. While not specifically required, the planting pattern will be replicated in a planting bed along the north side of the site between the parking lot and the building, with eight (8) more Italian Cypress (*Cupressus sempervirens*) trees installed between rows of herbs that will be grown by and used in the restaurant that will occupy the ground floor of the hotel.

Other landscaping included on the landscape plan includes the installation of a landscaped patio area between the surface parking lot and Ford Street. This landscaped patio area will provide additional screening, with the installation of a row of Mt. Fire Japanese Pieris (*Pieris japonica* 'Mt. Fire'), a Japanese Maple (*Acer palmatum*) tree, and other perennials.

Staff believes that the landscaping plan proposed meets the requirements of the Downtown Design Standards and Guidelines and the intent of providing street trees and screening the surface parking lot from the public right-of-way.

Fiscal Impact:

None.

Committee Options:

- 1) **APPROVE** the application, per the decision document provided which includes the findings of fact and conditions of approval.
- 2) **APPROVE** the application with additional conditions of approval, providing findings of fact for the inclusion of additional conditions.
- 3) **CONTINUE** the application, requesting the applicant to submit more information or details for review.
- 4) **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

Based on the findings described in the staff report and decision document, staff is recommending that the landscape plan be approved with the following conditions:

1. That the applicant shall install landscaping as shown on the submitted landscape plan dated January 31, 2017.
2. That the applicant is reminded that trees are not to be planted within:
 - a. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
3. That the applicant shall maintain proper clearances around the existing and future water services and fire hydrants that will be located near the east side of the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, or within

one (1) foot of water meters that may be located near NE Ford Street. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.

4. That the tree grates proposed to be installed on the street trees along NE Ford Street shall be Americans with Disabilities Act (ADA) compliant. The applicant shall contact the McMinnville Public Works Superintendent, David Renshaw, at (503) 434-7316, to discuss ongoing maintenance of the tree grates.
5. That the applicant shall ensure that the placement of sidewalk furniture as shown on the landscape plan is Americans with Disabilities Act (ADA) compliant and that the furniture locations allow for a continuous 48 inch path of accessible travel at all times to be consistent with the Public Right-of-Way Accessibility Guidelines (PROWAG).
6. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

Suggested Motion:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE LANDSCAPE REVIEW COMMITTEE APPROVE L 4-17 WITH THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.

CD:sjs



Planning Department
 231 NE Fifth Street • McMinnville, OR 97128
 (503) 434-7311 Office • (503) 474-4955 Fax
www.ci.mcminnville.or.us

Office Use Only:	
File No.	<u>L4-17</u>
Date Received	<u>1-31-17</u>
Fee	<u>\$140.00</u>
Receipt No.	<u>17M0014</u>
Received by	<u>SB</u>

Landscape Plan Review Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name ROB STEPHENSON Phone 503-434-0114
 Contact Name _____ Phone _____
 (If different than above)
 Address PO BOX 1277
 City, State, Zip McMINNVILLE OR 97128
 Contact Email RHSTEPHENSON@YAHOO.COM

Property Owner Information

Property Owner Name ODD FELLOWS LLC. Phone _____
 (If different than above)
 Contact Name ERIN STEPHENSON Phone 971-237-4750
 Address PO BOX 1277
 City, State, Zip McMINNVILLE OR 97128
 Contact Email ERIN@THIRDSTREETCATS.COM

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 375 NE FORD STREET
 Assessor Map No. R4421 BC-04700 Total Site Area 12 000 S.F.
 Subdivision Rowlands Addition Block 2 Lot 1
 Comprehensive Plan Designation C3 & Zoning Designation C-3
HISTORIC DOWNTOWN

Landscaping Information

- 1. Total Landscaped Area: 3000 SF.
- 2. Percent Landscaped: 390
- 3. Building Floor Area:
New Structure: 23,272 SF Existing Structure: ∅ Addition: ∅
- 4. Architect Name NATHAN COPPRIDER ARCH. LLC Phone 503-729-2859
(Landscape Architect; Engineer; or Other Designer)
Contact Name _____ Phone _____
Address 6911 SW 53RD AVE
City, State, Zip PORTLAND, OR 97219
Contact Email NATHAN@NATHAN COPPRIDER.COM

In addition to this completed application, the applicant must provide the following:

- Two (2) copies of the proposed landscape plan containing the information listed in the information sheet and Chapter 17.57 (Landscaping) of the Zoning Ordinance.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

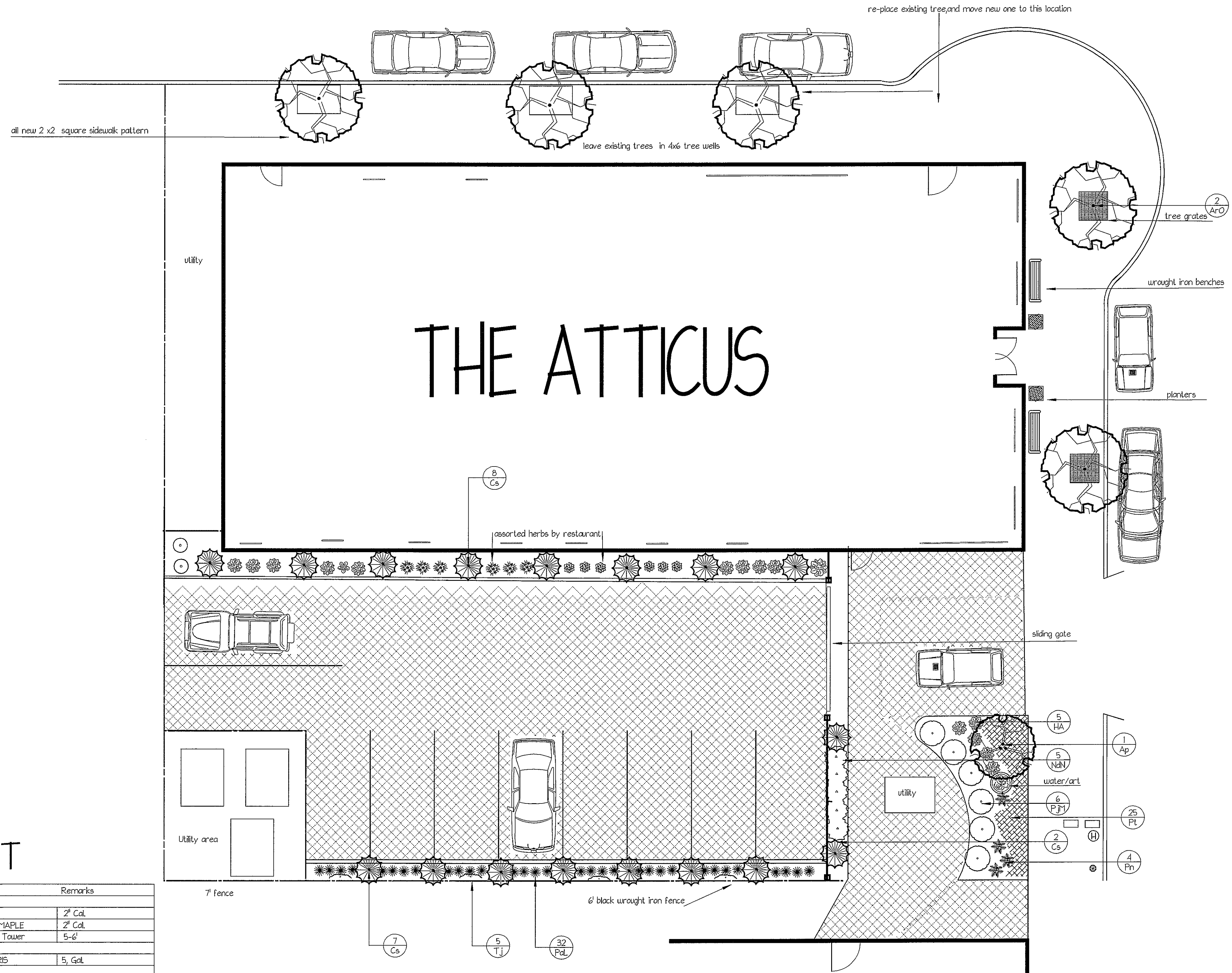
R.H. Stephenson
Applicant's Signature

1/31/17
Date

R.H. Stephenson
Property Owner's Signature

1/31/17
Date

LANDSCAPE PLAN



THE ATTICUS

ODD FELLOWS

RECEIVED

APR 12 2017

COMMUNITY DEVELOPMENT CENTER

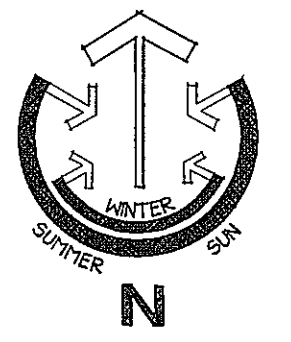
PLANT LIST

Key	Qty	Botanical Name	Common Name	Remarks
Trees				
Ap	1	<i>Acer palmatum</i>	JAPANESE MAPLE	2' Cal.
ArO	2	<i>Acer rubrum 'October Glory'</i>	OCTOBER GLORY RED MAPLE	2' Cal.
Cs	17	<i>Cupressus sempervirens</i>	ITALIAN CYPRESS Tiny Tower	5-6'
Shrubs				
PJ1	6	<i>Fieris japonica 'Mt. Fire'</i>	MT. FIRE JAPANESE PERS	5, Gal.
Ornamental Grasses				
Pol	32	<i>Pennisetum alopecuroides 'Little Bunny'</i>	LITTLE BUNNY FOUNTAIN GRASS	1, Gal.
Perennials and Annuals				
HA	5	<i>Hosta 'Aristocrat'</i>	ARISTOCRAT HOSTA	1, Gal.
Pt	25	<i>Pachysandra terminalis</i>	PACHYSANDRA	4' pot.
Pn	4	<i>Polystichum nepalense</i>	HOLLY FERN	1, Gal.
Groundcovers				
NnH	5	<i>Nandina domestica 'Nana Purpurea'</i>	NANA PURPUREA HEAVENLY BAMBOO	2-3, Gal.
Vines				
Tj	5	<i>Trachelospermum jasminoides</i>	STAR JASMINE	2-3, Gal.

NOTES

- 1) All beds shall have new topsoil imported to a depth of at least 18".
- 2) 6" mushroom compost shall be worked in to all beds.
- 3) all beds around parking lot and building shall be drip irrigated. Landscape bed in front shall be fixed spray. new trees shall be hand watered first three years.
- 4) Only #1 grade plants shall be accepted.
- 5) All beds to be mulched.

No.	Date	Description



THE ATTICUS HOTEL

Odd Fellows LLC

4 th. and Ford St.

McMinnville, Or. 97128

SCALE	1/8"
DRAWN BY	Rob Stephenson
CHECKED BY	RHS
DATE	Jan 2017
DATE OF PRINT	1/31/17

PROJECT NO.	232-17
SHEET NO.	1



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311
www.mcminnvilleoregon.gov

DECISION DOCUMENT – 375 NE FORD STREET

DECISION, CONDITIONS OF APPROVAL, AND FINDINGS OF FACT OF THE MCMINNVILLE LANDSCAPE REVIEW COMMITTEE FOR APPROVAL OF LANDSCAPE PLAN FOR A NEW HOTEL AT 375 NE FORD STREET

DOCKET: L 4-17 (Landscaping)

REQUEST: The applicant requested the approval of a landscape plan for the construction of a new hotel. Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.030 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance.

LOCATION: The property in question is located at 375 NE Ford Street. The subject property is more specifically described as Tax Lot 4700, Section 21BC, T. 4 S., R. 4 W., W.M.

ZONING: The subject site is designated as Commercial on the McMinnville Comprehensive Plan Map, and is zoned C-3 (General Commercial).

APPLICANT: Rob Stephenson

STAFF: Chuck Darnell, Associate Planner

**DECISION-
MAKING BODY:** McMinnville Landscape Review Committee

DATE & TIME: May 17, 2017. Meeting was held at the Community Development Center, 231 NE 5th Street, McMinnville, OR 97128

COMMENTS: No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.

ATTACHMENTS:

1. Application for Landscape Plan Review

DECISION

Based on the findings and conclusions, the Landscape Review Committee recommends **APPROVAL WITH CONDITIONS** of the landscape plan (L 4-17).

////////////////////////////////////
DECISION: APPROVAL WITH CONDITIONS
////////////////////////////////////

Planning Staff: _____
Chuck Darnell, Associate Planner

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

Application Summary:

The applicant requested the approval of a landscape plan for the construction of a new hotel. Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.030 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance.

CONDITIONS OF APPROVAL

1. That the applicant shall install landscaping as shown on the submitted landscape plan dated January 31, 2017.
2. That the applicant is reminded that trees are not to be planted within:
 - a. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, or storm or water line.
3. That the applicant shall maintain proper clearances around the existing and future water services and fire hydrants that will be located near the east side of the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, or within one (1) foot of water meters that may be located near NE Ford Street. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
4. That the tree grates proposed to be installed on the street trees along NE Ford Street shall be Americans with Disabilities Act (ADA) compliant. The applicant shall contact the McMinnville Public Works Superintendent, David Renshaw, at (503) 434-7316, to discuss ongoing maintenance of the tree grates.
5. That the applicant shall ensure that the placement of sidewalk furniture as shown on the landscape plan is Americans with Disabilities Act (ADA) compliant and that the furniture locations allow for a continuous 48 inch path of accessible travel at all times to be consistent with the Public Right-of-Way Accessibility Guidelines (PROWAG).
6. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

ATTACHMENTS

1. Application for Landscape Plan Review

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments were received by the Planning Department and have been incorporated into the conditions of approval.

FINDINGS OF FACT

1. Rob Stephenson submitted a landscape plan review application to install landscaping on the site of a new hotel to be constructed on the property located at 375 NE Ford Street. The subject property is more specifically described as Tax Lot 4700, Section 21BC, T. 4 S., R. 4 W., W.M.

2. The site is currently zoned C-3 (General Commercial), and is designated as Commercial on the McMinnville Comprehensive Plan Map, 1980.
3. This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. No comments in opposition have been provided. Comments and suggested conditions of approval were provided, and have been incorporated into the conditions of approval in this document.
4. A public meeting was held by the Landscape Review Committee on May 17, 2017 to review the application and proposed landscape plan. No comments in opposition were provided by the public prior to the public meeting.

CONCLUSIONARY FINDINGS

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

Policy 32.00: Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.

Finding: Goal IV 3 and Policy 32.00 are satisfied in that the proposed landscape plan includes trees and other landscaped areas that will provided screening of the proposed use from the public right-of-way, and from the commercial areas to the south and east.

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Policy 122.00: The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:

1. Major, minor arterials.
–Landscaping should be encouraged along public rights-of-way.
2. Major, minor collectors.
–Landscaping should be encouraged along public rights-of-way.
3. Local Streets
–Landscaping should be encouraged along public rights-of-way.

Finding: Goal VI 1 and Policy 122.00 are satisfied in that trees will be installed within the public right-of-way along NE Ford Street. The trees are of a species from the McMinnville Street Tree List.

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on

planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal X and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

17.57.010 Purpose and intent. The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs. The landscaping provisions in Section 17.57.050 (Area Determination-Planning Factors) are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020 (Purpose).

Finding: The landscape plan as proposed would enhance the appearance of the city and will benefit the health, safety, and welfare of the general public. The landscape plan as proposed meets the intent and purpose of the Landscaping chapter.

17.57.030 Plans—Submittal and review—Approval—Time limit for completion.

- C. The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter. Approval of the landscaping plan shall be indicated upon the plot plans. Any modifications shall be specified on the plans and agreed to in writing by the applicant prior to the issuance of a building permit. One copy of said approved plan shall be retained by the Planning Department and included within the permanent file;

Finding: The landscape plan as proposed meets the intent and purpose of the Landscaping chapter. Modifications as required by the conditions of approval will be discussed with the applicant and agreed to prior to the issuance of a building permit.

17.59.060 Surface Parking Lots.

- C. A hedge or wall, thirty (30) inches in height, or dense landscaping within a buffer strip a minimum of five feet in width shall be placed along the street-side edge of all surface parking lots. Landscaping within the buffer strip shall include street trees selected as appropriate to the situation and spaced according to its type, shrubs spaced a minimum of three feet on center, and groundcover. A landscaping plan for this buffer shall be subject to review and approval by the McMinnville Landscape Review Committee.

Finding: The landscaping plan as proposed includes the installation of landscaping along the street-side edge, which is primarily the east side but also partially the south side, of the surface parking lot.

The landscape plan includes the retention of the existing street trees on the north side of the site along 4th Street. The plan shows the removal of the two (2) existing street trees on the east side of

the property along Ford Street, which is required to allow for the construction of the hotel and the utility improvements that will be occurring along the site's Ford Street frontage. The applicant will install two (2) October Glory Red Maple (*Acer rubrum* 'October Glory') trees in place of the street trees being removed. This species of red maple tree is a suitable tree for this location, and is a species that is included on the McMinnville Street Tree List.

Around the perimeter of the surface parking lot, the applicant will install a continuous row of shrubs to provide screening of the parking lot from the public right-of-way. On the east side of the parking lot, a decorative sliding gate will be installed to cover the access aisle into the parking lot from Ford Street. The remainder of the eastern portion of the parking lot will be screened by a stucco wall. In front of the stucco wall, two (2) Italian Cypress (*Cupressus sempervirens*) and a row of Nana Purpurea Heavenly Bamboo (*Nandina domestica* 'Nana Purpurea') will be installed.

On the south side of the surface parking lot, the Italian Cypress (*Cupressus sempervirens*) will continue with seven (7) of those trees installed between a continuous row of Little Bunny Fountain Grass (*Pennisetum alopecuroides* 'Little Bunny'). A six (6) foot tall black wrought iron fence will also be installed along the south side of the surface parking lot. This planting pattern will ensure a complete screening effect of the surface parking lot from the public right-of-way. While not specifically required, the planting pattern will be replicated in a planting bed along the north side of the parking lot between the parking lot and the building, with eight (8) more Italian Cypress (*Cupressus sempervirens*) trees installed between rows of herbs that will be grown by and used in the restaurant that will occupy the ground floor of the hotel.

Other landscaping included on the landscape plan includes the installation of a landscaped patio area between the surface parking lot and Ford Street. This landscaped patio area will provide additional screening, with the installation of a row of Mt. Fire Japanese Pieris (*Pieris japonica* 'Mt. Fire'), a Japanese Maple (*Acer palmatum*) tree, and other perennials.

The proposed landscaping, along with the decorative gate, stucco wall, and fencing material will provide screening of the surface parking lot while also providing an attractive landscape that will enhance the appearance of the city.

CD:sjs



EXHIBIT 3 - STAFF REPORT

DATE: May 17, 2017
TO: Landscape Review Committee Members
FROM: Chuck Darnell, Associate Planner
SUBJECT: Agenda Item 4B: L 34-16

Report in Brief:

An application for a revision to a previously approved landscape plan to be reviewed by the Landscape Review Committee.

Background:

The applicant, Dale Pader on behalf of Brookdale Senior Living, submitted a revised landscape plan review application to install landscaping around a new maintenance building that is being constructed on the property located at 300 NW Hillside Parkway. The subject property is more specifically described as Tax Lot 100, Section 19CA, T. 4 S., R. 4 W., W.M.

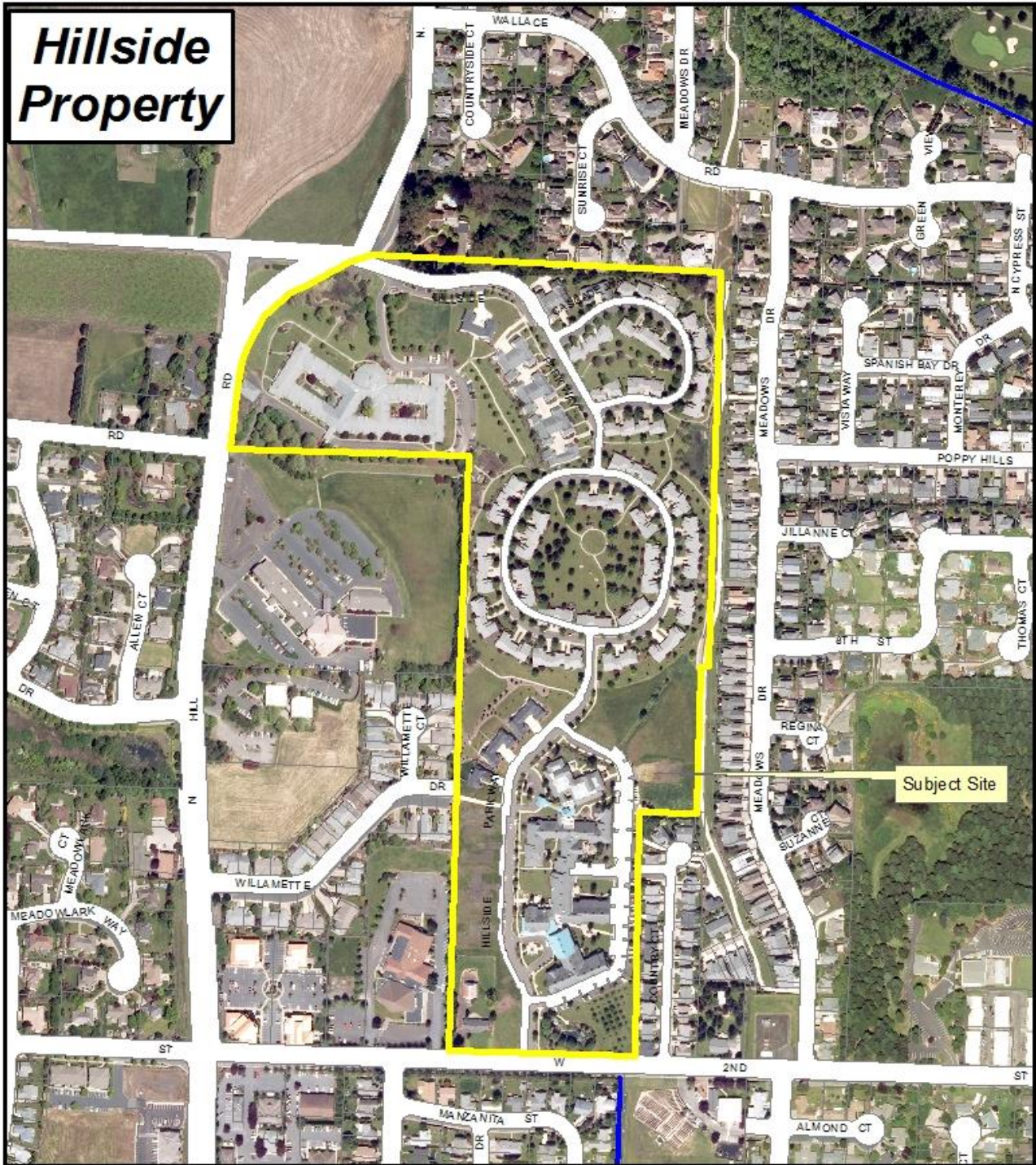
Discussion:



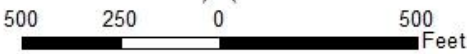
The owner of the subject property, which is the site of the Hillside senior living facility, recently amended the existing planned development land use decision on this property to construct a pole building to serve as a maintenance shop for the facility and grounds, and to revise the previously approved landscape plan for the surrounding property.

The building will be located near the larger Hillside facility that is located just north of SW 2nd Street, near the north side of the parking facilities that are located behind the Hillside facility. More specifically, the pole building will be located in an existing open field area between the north side of the parking area and the Westside Bicycle/Pedestrian Greenway.

The location of the subject property and the location of the proposed building on the subject property can be seen below:

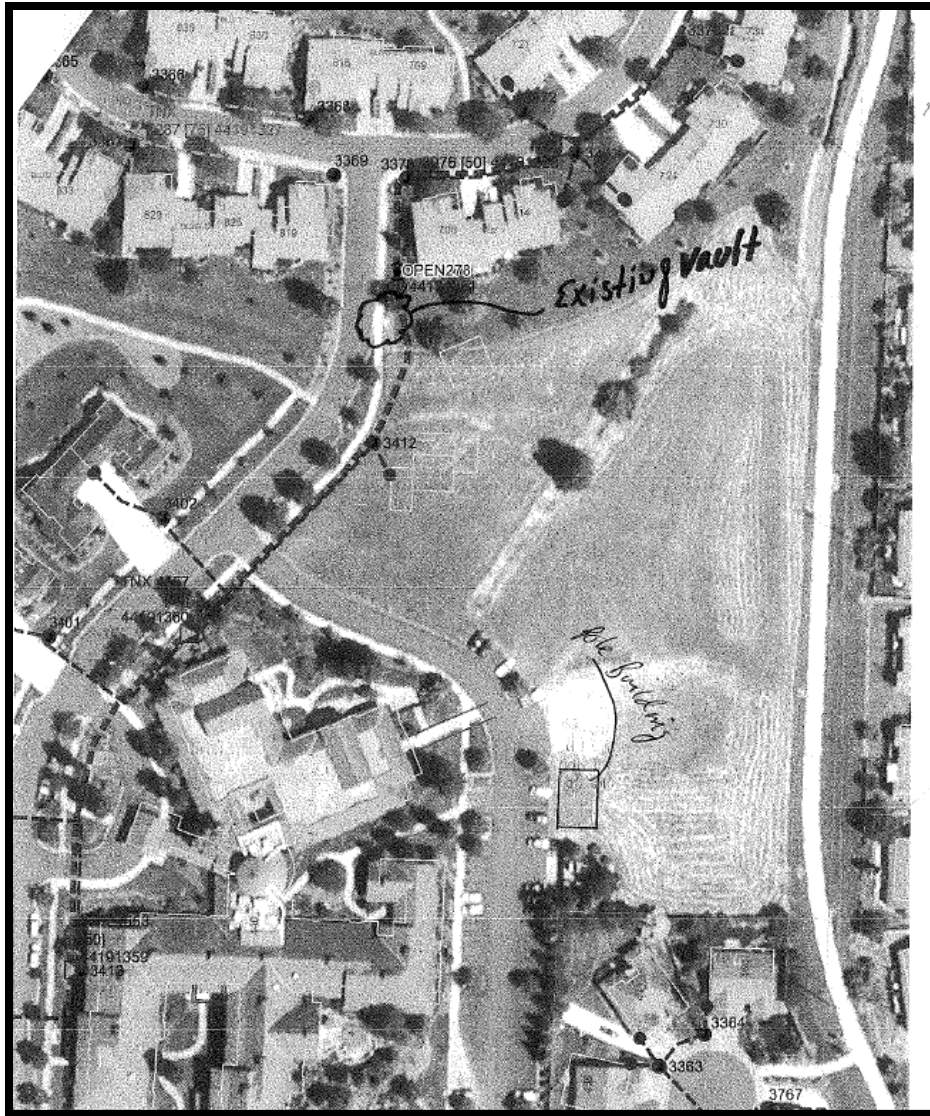
Hillside Property



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

Geographic Information System

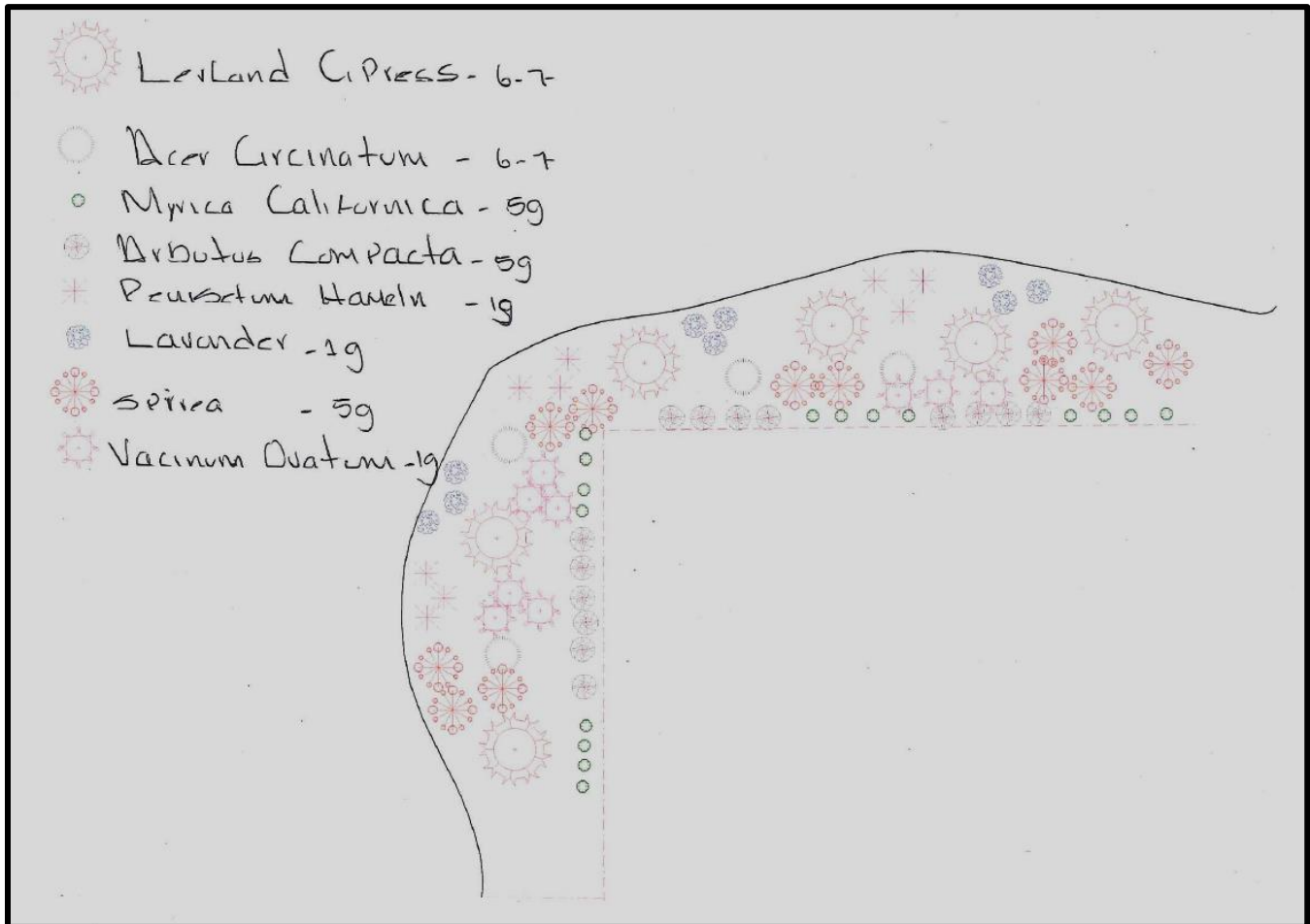


The subject property is zoned R-4 PD Multiple Family Residential Planned Development. The planned development that is in place on the property was approved in July 1999, and a landscape plan for the property was subsequently approved by the Landscape Review Committee in December 1999. The overall site includes a substantial amount of landscaping, primarily concentrated near property lines and around buildings within the site. Most notably, a cluster of trees was planted in the front yard of the property (fronting SW 2nd Street) to resemble an orchard.

The original master plan for the area had shown a new community barn building in the open field area, with other features such as community garden areas that would be available for residents to use. The owners have now been approved to construct a pole building to function as the property's maintenance facility, instead of the community barn facility that was shown on the previously approved master plan. The area that the new building is being constructed in was basically left vacant during the build-out of the other uses on the site. It is the City's normal practice to not require landscaping to be installed in areas of master planned sites that are not yet developed. Now that the property owner is proposing to construct the maintenance building that was shown in the master plan, although it is in a different location and a slightly different use, the City will require that this portion of the site be landscaped.

The applicant had submitted a landscape plan in December 2016 for perimeter plantings to be installed around this new building. The Landscape Review Committee had approved the previous landscape plan, under the assumption that the property owners would install a large amount of landscaping along the

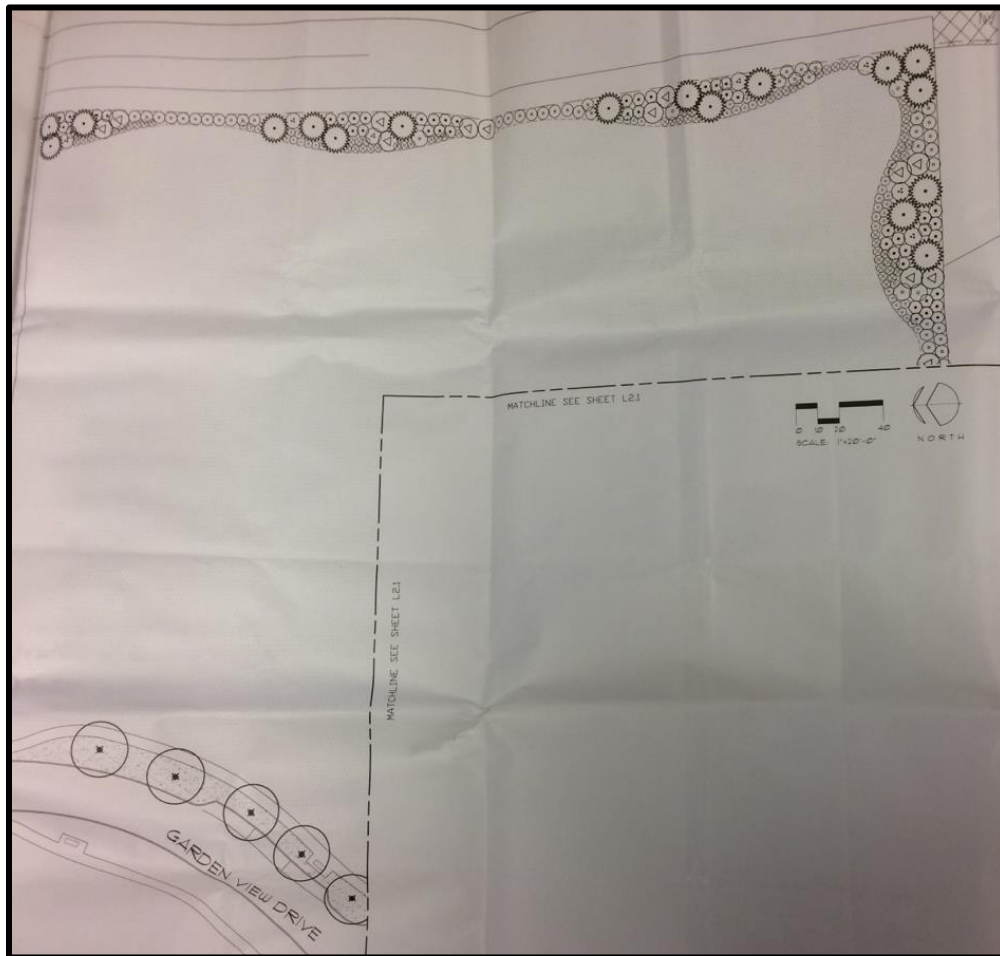
eastern property line. I further designing the building and landscaping for the site, the property owners proposed to the City to not install all of the landscaping along the eastern property line at this point in time, but to install more robust landscaping around the new maintenance building. The previous landscape plan for the new maintenance building was somewhat minimal, with only a row of ornamental grasses. The new landscape plan for the maintenance building is much more substantial, and can be seen below:



The Planning Department approved the amendment to the site's master plan with two conditions. Those were as follows:

1. That the applicant shall submit a landscape plan to the Landscape Review Committee for review, and the landscaping shall be installed around the perimeter of the new maintenance facility as approved by the Landscape Review Committee. All landscaping shall be installed prior to occupancy of any building. Alternatively, a landscape bond for an amount calculated to be 120-percent of the landscaping cost of the uninstalled portion shall be placed on deposit with the City prior to occupancy.
2. That in the event that further development is proposed in the open field area north of the new maintenance facility, the applicant shall install the landscaping as shown on the landscape plan that was approved in 2009 (L 28-99). If the future development is found to be a major change from the previously adopted master plan, a new landscape plan for the area north of the new maintenance facility shall be submitted to the Landscape Review Committee for review and approval.

The landscaping that was approved in 1999 along the eastern property line can be seen below:



The Landscape Review Committee's responsibility in reviewing this revised landscape plan is to ensure that the landscaping around the new maintenance facility meets the requirements of the Landscaping Chapter, under the assumption that if further development occurs in the future, the landscaping along the eastern property line will be installed. In reviewing a landscape plan, Section 17.57.050 (B) of the McMinnville Zoning Ordinance requires the Landscape Review Committee to consider the following factors:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.

The overall site on which the new maintenance building will be constructed, as explained above, is extensively landscaped around the property lines and the existing building perimeters. The landscaping that is being proposed in the revised landscape plan will provide for additional landscaping around the new building and use. The property line immediately adjacent to the new maintenance building has already been landscaped, and a row of trees and other plantings exist providing screening between the proposed building and the properties to the south. The issue that the Planning Department had with the construction of the new maintenance building is that it would be highly visible from the properties to the east, across the Westside Bicycle/Pedestrian Greenway.

The revised landscape plan includes a much more robust planting pattern than the rows of ornamental grasses that were shown in the previous landscape plan. The revised plan shows the installation of four (4) Leyland Cypress trees on the east side of the new building and two (2) Leyland Cypress trees on the

north side. Those cypress trees will grow to be large and wide very quickly, providing screening of the new building relatively soon after installation.

Between the Leyland Cypress trees, a number of other smaller trees and shrubs will be installed. Four (4) Vine Maple (*Acer circinatum*) will be installed between the Leyland Cypress to provide additional taller vegetation. Around those two species of trees, other shrubs and plants will be installed to provide for additional interest in the landscaped planter. Those shrubs and plants include Fountain Grass (*Pennisetum alopecuroides* 'Hameln'), Lavender (*Lavandula*), Spiraea, and Huckleberry (*Vaccinium ovatum*). Closer to the building, a continuous row of alternating shrubs, including Dwarf Strawberry Trees (*Arbutus unedo* 'Compacta') and Pacific Wax Myrtle (*Myrica californica*), will be installed along the foundation of the building.

The planting pattern and species selected will provide for adequate screening of the new building from the surrounding properties, particularly from the residential properties to the north and east. The type of landscaping selected will provide visual interest around the building while still being compatible with the landscaping of the existing Hillside campus.

2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.

The landscaping proposed to be planted around the perimeter of the new maintenance building will provide for screening of the proposed use. The revised plan shows the installation of four (4) Leyland Cypress trees on the east side of the new building and two (2) Leyland Cypress trees on the north side. Those cypress trees will grow to be large and wide very quickly, providing screening of the new building relatively soon after installation. Other trees, shrubs, and plants, as described above, will fill out the planting areas around the new building to provide adequate screening.

3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.

There are no existing trees in the area that the new maintenance building is being proposed. All trees adjacent to the building site, which is to the south and east, will be maintained and there are no plans to remove any trees with this project.

4. The development and use of islands and plantings therein to break up parking areas.

There are no new parking areas associated with the new maintenance building.

5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.

There are no new street trees associated with the new maintenance building, as it is being built within the larger Hillside property and far from any existing right-of-way.

6. Suitable watering facilities or irrigation systems must be included in or near all planted areas.

The landscaping plan includes the installation of a new drip irrigation zone, which will tie into the existing irrigation system on the property and will include a battery operated controller. The installation of this drip line irrigation is noted on the landscape plan.

Fiscal Impact:

None.

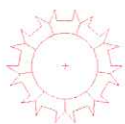
Recommendation/Suggested Motion:

Staff is recommending that the revised landscape plan be approved with the following conditions:

1. That the applicant install perimeter landscaping around the new maintenance building as shown on the landscape plan submitted with the Planned Development Amendment application (ZC 5-17).
2. That in the event that further development is proposed in the open field area north of the new maintenance facility, the applicant shall install the landscaping as shown on the landscape plan that was approved in 2009 (L 28-99). If the future development is found to be a major change from the previously adopted master plan, a new landscape plan for the area north of the new maintenance facility shall be submitted to the Landscape Review Committee for review and approval.
3. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

Suggested Motion: Staff recommends that a motion be made to approve the landscape plan, subject to the conditions as noted in the staff report.

CD:sjs



Leiland Cypress - 6-7



Acer Circinatum - 6-7



Myrica Californica - 5g



Arbutus Compacta - 5g



Persea Hamelii - 1g



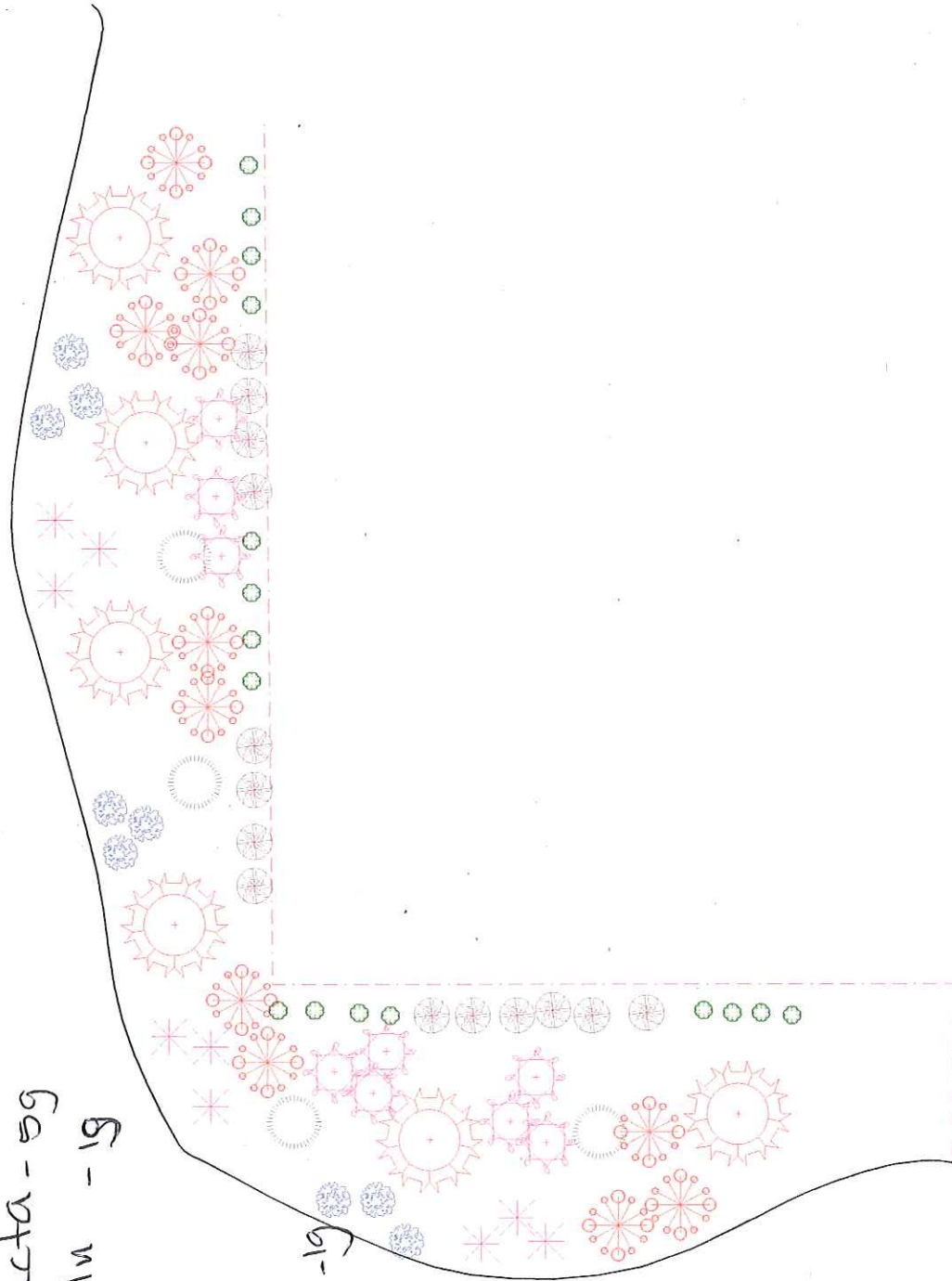
Laurel - 1g



Seria - 5g



Vaccinium Quatum - 1g





**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311
www.mcminnvilleoregon.gov

DECISION DOCUMENT – 300 NW HILLSIDE PARKWAY

DECISION, CONDITIONS OF APPROVAL, AND FINDINGS OF FACT OF THE MCMINNVILLE LANDSCAPE REVIEW COMMITTEE FOR APPROVAL OF A REVISED LANDSCAPE PLAN FOR A NEW MAINTENANCE FACILITY AT 300 NW HILLSIDE PARKWAY

- DOCKET:** L 34-16 (Landscaping)
- REQUEST:** The applicant requested the approval of a landscape plan for the construction of a new maintenance facility. Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.030 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance.
- LOCATION:** The property in question is located at 300 NW Hillside Parkway. The subject property is more specifically described as Tax Lot 100, Section 19CA, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site is designated as Residential on the McMinnville Comprehensive Plan Map, and is zoned R-4 PD (Multiple Family Residential Planned Development).
- APPLICANT:** Dale Pader, on behalf of Hillside, A Brookdale Community
- STAFF:** Chuck Darnell, Associate Planner
- DECISION-MAKING BODY:** McMinnville Landscape Review Committee
- DATE & TIME:** May 17, 2017. Meeting was held at the Community Development Center, 231 NE 5th Street, McMinnville, OR 97128
- COMMENTS:** No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.

ATTACHMENTS:

1. Application for Landscape Plan Review

DECISION

Based on the findings and conclusions, the Landscape Review Committee recommends **APPROVAL WITH CONDITIONS** of the landscape plan (L 34-16).

Application Summary:

The applicant requested the approval of a landscape plan for the construction of a new maintenance facility. Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.030 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance.

CONDITIONS OF APPROVAL

1. That the applicant install perimeter landscaping around the new maintenance building as shown on the landscape plan submitted with the Planned Development Amendment application (ZC 5-17).
2. That in the event that further development is proposed in the open field area north of the new maintenance facility, the applicant shall install the landscaping as shown on the landscape plan that was approved in 2009 (L 28-99). If the future development is found to be a major change from the previously adopted master plan, a new landscape plan for the area north of the new maintenance facility shall be submitted to the Landscape Review Committee for review and approval.
3. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

ATTACHMENTS

1. Revised Landscape Plan

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments were received by the Planning Department and have been incorporated into the conditions of approval.

FINDINGS OF FACT

1. Hillside, A Brookdale Community, was approved to amend an existing Planned Development to slightly modify the previously adopted master plan for the Hillside Community campus. The modification allowed for the construction of a new maintenance facility in a location previously identified as vacant open space, and to keep the future community building in the location as shown on the previously adopted master plan. Landscaping was required to be installed around the new maintenance facility as part of the Planned Development amendment, and the revised landscape plan was submitted for review and approval by the Landscape Review Committee. The subject site is located at 300 NW Hillside Parkway. The property is more specifically described as Tax Lot 100, Section 19CA, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned R-4 PD (Multiple Family Residential Planned Development), and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.
3. This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. No comments in opposition have been provided. Comments and suggested conditions of approval were provided, and have been incorporated into the conditions of approval in this document.

4. A public meeting was held by the Landscape Review Committee on May 17, 2017 to review the application and proposed landscape plan. No comments in opposition were provided by the public prior to the public meeting.

CONCLUSIONARY FINDINGS

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policy 89.00: Zoning standards shall require that all multiple-family housing developments provide landscaped grounds.

Finding: Landscaping will be installed around the maintenance facility, which is part of the grounds of a larger multiple-family housing campus.

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal X and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

17.57.010 Purpose and intent. The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs. The landscaping provisions in Section 17.57.050 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020.

Finding: The landscape plan as proposed would enhance the appearance of the city and will benefit the health, safety, and welfare of the general public. The landscape plan as proposed meets the intent and purpose of the Landscaping chapter, as described in the findings for the specific landscape plan review criteria below.

17.57.030 Plans—Submittal and review—Approval—Time limit for completion.

- C. The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter. Approval of the landscaping plan shall be indicated upon the plot plans. Any modifications shall be specified on the plans and agreed to in writing by the applicant prior to the issuance of a building permit. One copy of said approved plan shall be retained by the Planning Department and included within the permanent file;

Finding: The landscape plan as proposed meets the intent and purpose of the Landscaping chapter, as described in the findings for the specific landscape plan review criteria below. Modifications as required by the conditions of approval will be discussed with the applicant and agreed to prior to the issuance of a building permit.

17.57.050 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following ranges:
3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)

Finding: Overall, the Hillside campus site is extensively landscaped, and landscaping is provided at a much higher rate than 25 percent.

- B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:
1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.

Finding: The overall site on which the new maintenance building will be constructed is extensively landscaped around the property lines and the existing building perimeters. The landscaping that is being proposed in the revised landscape plan will provide for additional landscaping around the new building and use. The property line immediately adjacent to the new maintenance building has already been landscaped, and a row of trees and other plantings exist providing screening between the proposed building and the properties to the south. The issue that the Planning Department had with the construction of the new maintenance building is that it would be highly visible from the properties to the east, across the Westside Bicycle/Pedestrian Greenway.

The revised landscape plan includes a much more robust planting pattern than the rows of ornamental grasses that were shown in the previous landscape plan. The revised plan shows the installation of four (4) Leyland Cypress trees on the east side of the new building and two (2) Leyland Cypress trees on the north side. Those cypress trees will grow to be large and wide very quickly, providing screening of the new building relatively soon after installation.

Between the Leyland Cypress trees, a number of other smaller trees and shrubs will be installed. Four (4) Vine Maple (*Acer circinatum*) will be installed between the Leyland Cypress to provide additional taller vegetation. Around those two species of trees, other shrubs and plants will be installed to provide for additional interest in the landscaped planter. Those shrubs and plants include Fountain Grass (*Pennisetum alopecuroides* 'Hameln'), Lavender (*Lavandula*), Spiraea, and Huckleberry (*Vaccinium ovatum*). Closer to the building, a continuous row of alternating shrubs,

including Dwarf Strawberry Trees (*Arbutus unedo* 'Compacta') and Pacific Wax Myrtle (*Myrica californica*), will be installed along the foundation of the building.

The planting pattern and species selected will provide for adequate screening of the new building from the surrounding properties, particularly from the residential properties to the north and east. The type of landscaping selected will provide visual interest around the building while still being compatible with the landscaping of the existing Hillside campus.

2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.

Finding: The landscaping proposed to be planted around the perimeter of the new maintenance building will provide for screening of the proposed use. The revised plan shows the installation of four (4) Leyland Cypress trees on the east side of the new building and two (2) Leyland Cypress trees on the north side. Those cypress trees will grow to be large and wide very quickly, providing screening of the new building relatively soon after installation. Other trees, shrubs, and plants, as described above, will fill out the planting areas around the new building to provide adequate screening.

3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.

Finding: There are no existing trees in the area that the new maintenance building is being proposed. All trees adjacent to the building site, which is to the south and east, will be maintained and there are no plans to remove any trees with this project.

4. The development and use of islands and plantings therein to break up parking areas.

Finding: There are no new parking areas associated with the new maintenance building.

5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.

Finding: There are no new street trees associated with the new maintenance building, as it is being built within the larger Hillside property and far from any existing right-of-way.

6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;

Finding: The landscaping plan includes the installation of a new drip irrigation zone, which will tie into the existing irrigation system on the property and will include a battery operated controller. The installation of this drip line irrigation is noted on the landscape plan.

- C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement.

Finding: A condition of approval will require that all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

17.57.060 Zones where required. Landscaping shall be required in the following zones except as otherwise noted:

- A. R-4 (Multiple-Family Residential zone, except the construction of Single-Family or Two-Family Residential unit).

Finding: The subject site is zoned R-4 PD (Multiple-Family Residential Planned Development), and landscaping is being provided as required.

CD:sjs



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

EXHIBIT 4 - STAFF REPORT

DATE: May 17, 2017
TO: Landscape Review Committee Members
FROM: Chuck Darnell, Associate Planner
SUBJECT: Agenda Item 4C: L 16-17

Report in Brief:

An application for a tree removal (L 16-17) to be reviewed by the Landscape Review Committee.

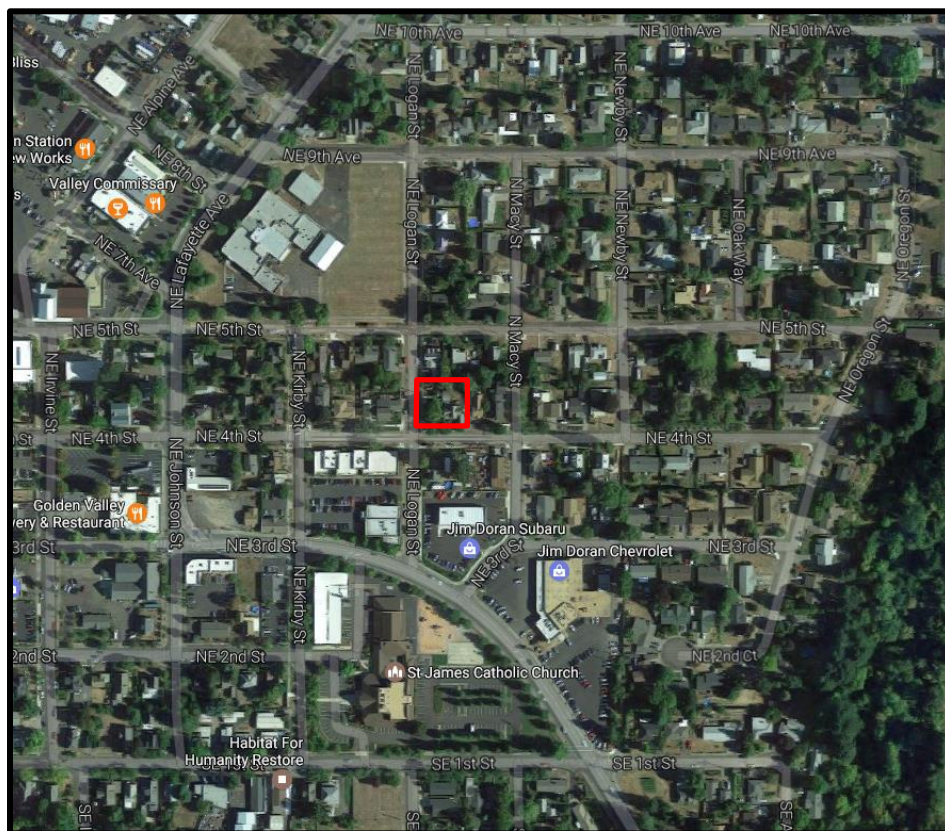
Background:

The applicant, Larry Giddings, submitted a street tree removal application to remove five (5) street trees from the property located at 1305 NE 4th Street. The subject property is more specifically described as Tax Lot 1100, Section 21AC, T. 4 S., R. 4 W., W.M.

Discussion:

The subject property is a single family site in a more established area in the City of McMinnville. The subject site can be seen below as a red outlined area:

Attachments: Application and Decision Document



The applicant is requesting the removal of five (5) street trees due to the trees causing damage to the sidewalks adjacent to the property. The applicant has actually already removed the trees, as they were not aware that they needed City approval to do so. The Planning Department sent a letter to the property owners requiring them to replace the five (5) trees that were removed. The owners met with Planning Department staff and explained their intentions, which were to plant three (3) new trees in place of the five (5) that were removed. Planning Department staff asked the owners to submit an application to the Landscape Review Committee with the proposal to replace with only three (3) trees.

The trees in question were Red Sunset Maple (*Acer rubrum* 'Red Sunset') trees that were installed by the property owner about 20 years ago. When the Red Sunset maples were planted, they were planted in place of three (3) English Walnut (*Juglans regia*) trees that existed adjacent to the property when the current owners purchased the property. This is the reason for the property owner's request to replace the five (5) Red Sunset maple trees with only three (3) replacement trees.

The applicant is proposing to plant a species from the Small Trees section of the McMinnville Street Tree List. Specifically, the applicant is proposing to install three (3) Flowering Cherry trees (*Prunus sargentii*). The reason for selecting the species from the Small Trees section is because there are overhead utility lines in the areas that the trees will be planted.

Review Criteria:

Section 17.58.050 (Review Criteria) of the McMinnville Zoning Ordinance states that street tree removals may be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist. Verification of tree health may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

This criteria is not applicable, as there is no evidence that the trees were unsafe, dead, or diseased. Now that the trees have been removed, there is no way to assess the condition of the trees.

- B. The tree is in conflict with public improvements.

The trees, prior to being removed, had caused damage to the sidewalks adjacent to the property. The applicant has provided photos showing the damage that the Red Sunset maple trees caused to the sidewalks. This type of damage would normally meet the criteria for allowing street trees to be removed. However, in this scenario, the trees have already been removed.

- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

This criteria is not applicable, as the tree is not part of an approved development or public improvement project.

- D. A street tree within the downtown tree zone may also be removed if the Planning Director determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures.

This criteria is not applicable, as the tree in question is not located within the downtown tree zone.

Tree Replacement:

Section 17.58.040(D) (Tree Removal/Replacement) of the McMinnville Zoning Ordinance states that “Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value.”

The applicant is requesting that the Landscape Review Committee approve the replacement of only three (3) Flowering Cherry (*Prunus sargentii*) trees, based on the fact that when they first purchased the property there were only three (3) trees adjacent to the property. The Landscape Review Committee has the option of allowing the three (3) replacement trees, or the committee could require that five (5) replacement trees be planted to be more consistent with the most recent trees that were removed from the right-of-way adjacent to the property.

The applicant is willing to follow all of the required planting standards, including root-barrier protection and deep-watering tubes. The applicant has stated in their letter and in conversations with Planning Department staff that they wish that they had followed those planting techniques when the Red Sunset maple trees were planted so that they wouldn't have needed to be removed.

Fiscal Impact:

None.

Committee Options:

- 1) **APPROVE** the application, per the decision document provided which includes the findings of fact and conditions of approval.
- 2) **APPROVE** the application with additional conditions of approval, providing findings of fact for the inclusion of additional conditions.
- 3) **CONTINUE** the application, requesting the applicant to submit more information or details for review.
- 4) **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

Based on the findings described above, staff is recommending that the street tree removal be approved with the following conditions:

1. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during this process. The applicant shall contact Trena McManus at McMinnville Water and Light at 503-472-6919 (extension 5) if the underground utilities become exposed.
2. That the tree's stumps and remaining surface roots shall be removed at least six (6) inches below grade.
3. That the applicant shall make any necessary sidewalk repairs and obtain necessary permits from the City prior to initiating such work. It is recommended that the sidewalk repairs be completed prior to replanting any tree. Please call the Engineering Department at (503) 434-7312 for sidewalk standards and specifications prior to construction.
4. That the applicant shall plant three (3) street trees in place of the trees being removed. The trees shall be Flowering Cherry (*Prunus sargentii*), and shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade.
5. That the replacement trees shall be provided with root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the trees. The root barrier protection shall be placed in 10-foot lengths, centered on the trees, and to a depth of eighteen (18) inches. In addition, the trees shall be provided with deep watering tubes to promote deep root growth (see enclosed detail).
6. That the applicant shall contact the McMinnville Public Works Superintendent, David Renshaw, at (503) 434-7316 to discuss specific staking, watering tube requirements, and to schedule a planting inspection prior to backfilling.
7. That the applicant is reminded that trees are not to be planted within:
 - a. Five (5) feet of a private driveway or alley;
 - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
 - c. Twenty (20) feet of street light standards or street intersections.
8. That the planter areas shall be restored to original grade immediately following the planting of the replacement tree.
9. That all costs and liability associated with the tree's removal shall be borne by the applicant.
10. It is recommended that the root-barrier protection be installed along the new sidewalk during the construction and installation of the sidewalk.

11. That the applicant shall install the replacement trees within six (6) months of this approval notification, or November 17, 2017.

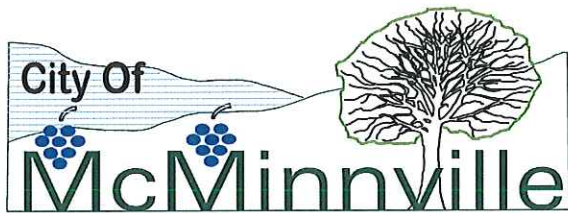
Suggested Motion:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE LANDSCAPE REVIEW COMMITTEE APPROVE L 16-17 WITH THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.

OR

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE LANDSCAPE REVIEW COMMITTEE APPROVE L 16-17 WITH THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF, EXCEPT THAT CONDITION NUMBER 4 BE AMENDED TO REQUIRE THAT FIVE REPLACEMENT TREES BE INSTALLED.

CD:sjs



Planning Department
 231 NE Fifth Street ◦ McMinnville, OR 97128
 (503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:	
File No.	<u>L 16-17</u>
Date Received	<u>5-3-17</u>
Fee	<u>7</u>
Receipt No.	_____
Received by	<u>SA</u>

Street Tree Removal

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name LARRY GIDDINGS Phone 503-472-5574

Contact Name _____ Phone _____
(If different than above)

Address 1305 NE 4TH

City, State, Zip McMINNVILLE, OR 97128

Contact Email larryg@ORMUTUAL.COM

Property Owner Information

Property Owner Name _____ Phone _____
(If different than above)

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 1305 NE 4TH

(Property nearest to tree(s) for removal)

Assessor Map No. R4 421 - AC - 1100 Total Site Area _____

Subdivision COOKS PARK ADDITION Block _____ Lot _____

Comprehensive Plan Designation Res Zoning Designation R-2

Additional Information

1. How many trees are requested for removal? 5 ALREADY REMOVED
2. What type (species) of tree(s) are they? RED SUNSET MAPLE
3. What is the diameter of the tree(s), measured four feet above ground level? 12" TO 16"
4. Why are you requesting the removal of the noted tree(s)? (See "Removal Criteria" on attached Information Sheet.) Explain which of the criteria is addressed through this application. _____

TREE ROOTS HAVE MADE THE SIDEWALK DANGEROUS
PICTURES INCLUDED

I THOUGHT IF I JUST REPLACED THE SIDEWALK AND
CUT THE ROOTS CAUSING THE PROBLEM THE TREES WOULD
BE WEAKENED AND MAY DIE ANYWAY.

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), showing the location of the tree(s) subject to the removal request, property lines, sidewalks, adjacent utilities (including overhead), north direction arrow, and adjacent streets.
- Arborist report, photographs, and/or other information which would help substantiate or clarify your request.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Larry Hiddings
Applicant's Signature

5/2/17
Date

Property Owner's Signature

Date

PLEASE SEE ATTACHED LETTER AND PHOTOGRAPHS

To whom it may concern:

April 26, 2017

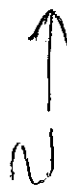
In regards to the property located at 1305 NE 4th in the city of McMinnville where the street trees were allegedly removed without permission. We've owned this property since June 1974. Originally there were 3 English walnut trees on the property (one on 4th and 2 on Macy St.). Sometime in the early 90's they died and I replaced them with flowering plum trees. They were supposed to be non-fruit variety, they weren't!! After a few years of that mess I removed them and planted the 5 Red Sunset Maples. Now 20 years later and with the damage caused by these trees roots I felt it necessary, for safety reasons, to remove the trees and replace the sidewalk. The plan is to replace the maples with small variety Flowering Cherry in the same general location that the walnut trees were. My plan was to grind the stumps, remove the sod, re-route irrigation lines, plant the trees, cover with river rock and replace the sidewalk all before summer arrives. Unfortunately I had an accident at the fire hall and busted up my shoulder. I still plan to get the trees in this year but it will take a little more time than I originally planned. The sidewalk will have to wait until next year.

The new trees will be planted as directed by the city (deep watering tubes and root barriers on the curb and sidewalk sides). I wished I knew the tricks to preventing the damage by the roots 20 years ago.

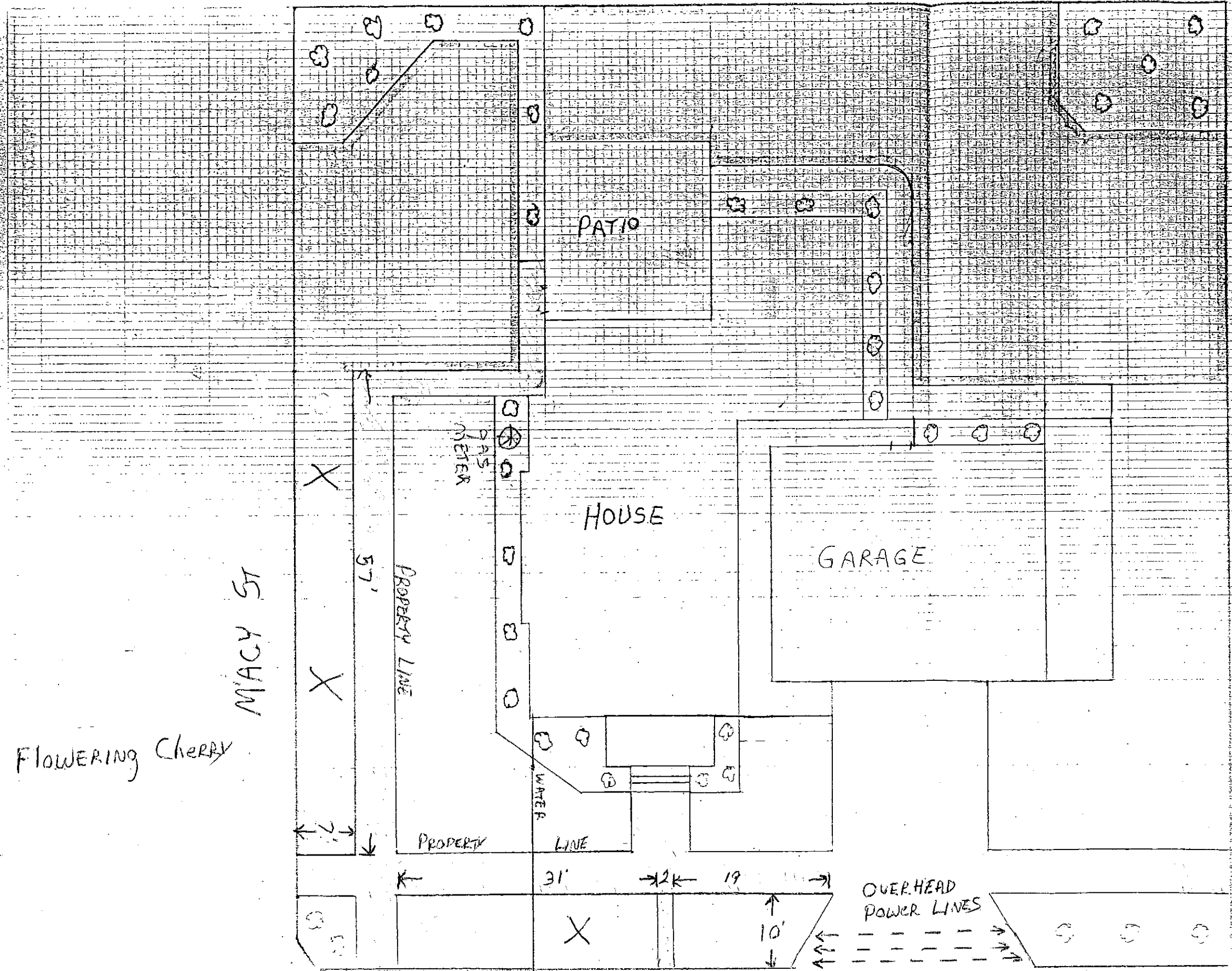
Since the trees are now considered "Publicly Owned" is the city willing to split the cost of this project?

Regards,

Larry & Carol Giddings



X = FLOWERING CHERRY



MACY ST

PATIO

HOUSE

GARAGE

PROPERTY LINE

GAS METER

WATER

PROPERTY LINE

OVERHEAD POWER LINES

4TH

57'

X

X

7'

31'

19'

10'

X







**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311
www.mcminnvilleoregon.gov

DECISION DOCUMENT – 1305 NE 4TH STREET

DECISION, CONDITIONS OF APPROVAL, AND FINDINGS OF FACT OF THE MCMINNVILLE LANDSCAPE REVIEW COMMITTEE FOR APPROVAL OF TREE REMOVAL REQUEST AT 1305 NE 4TH STREET

DOCKET: L 16-17 (Street Tree Removal)

REQUEST: The applicant requested the removal of five (5) street trees. The removal of a tree within the public right-of-way requires City approval, and requests for tree removal are reviewed and approved by the Landscape Review Committee.

LOCATION: The subject site is located at 1305 NE 4th Street. The subject property is more specifically described as Tax Lot 1100, Section 21AC, T. 4 S., R. 4 W., W.M.

ZONING: The subject site is designated as Residential on the McMinnville Comprehensive Plan Map, and is zoned R-2 (Single Family Residential).

APPLICANT: Larry Giddings

STAFF: Chuck Darnell, Associate Planner

DECISION-MAKING BODY: McMinnville Landscape Review Committee

DATE & TIME: May 17, 2017. Meeting was held at the Community Development Center, 231 NE 5th Street, McMinnville, OR 97128

COMMENTS: No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.

ATTACHMENTS:

1. Application for Tree Removal

DECISION

Based on the findings and conclusions, the Landscape Review Committee recommends **APPROVAL WITH CONDITIONS** of the street tree removal request (L 16-17).

////////////////////////////////////
DECISION: APPROVAL WITH CONDITIONS
////////////////////////////////////

Planning Staff: _____
Chuck Darnell, Associate Planner

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

Application Summary:

The applicant is requesting the removal of five (5) street trees due to the trees causing damage to the sidewalks adjacent to the property. The applicant has actually already removed the trees, as they were not aware that they needed City approval to do so. The Planning Department sent a letter to the property owners requiring them to replace the five (5) trees that were removed. The owners met with Planning Department staff and explained their intentions, which were to plant three (3) new trees in place of the five (5) that were removed. Planning Department staff asked the owners to submit an application to the Landscape Review Committee with the proposal to replace with only three (3) trees.

The trees in question were Red Sunset Maple (*Acer rubrum* 'Red Sunset') trees that were installed by the property owner about 20 years ago. When the Red Sunset maples were planted, they were planted in place of three (3) English Walnut (*Juglans regia*) trees that existed adjacent to the property when the current owners purchased the property. This is the reason for the property owner's request to replace the five (5) Red Sunset maple trees with only three (3) replacement trees.

The applicant is proposing to plant a species from the Small Trees section of the McMinnville Street Tree List. Specifically, the applicant is proposing to install three (3) Flowering Cherry trees (*Prunus sargentii*). The reason for selecting the species from the Small Trees section is because there are overhead utility lines in the areas that the trees will be planted.

CONDITIONS OF APPROVAL

1. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during this process. The applicant shall contact Trena McManus at McMinnville Water and Light at 503-472-6919 (extension 5) if the underground utilities become exposed.
2. That the tree's stumps and remaining surface roots shall be removed at least six (6) inches below grade.
3. That the applicant shall make any necessary sidewalk repairs and obtain necessary permits from the City prior to initiating such work. It is recommended that the sidewalk repairs be completed prior to replanting any tree. Please call the Engineering Department at (503) 434-7312 for sidewalk standards and specifications prior to construction.
4. That the applicant shall plant three (3) street trees in place of the trees being removed. The trees shall be Flowering Cherry (*Prunus sargentii*), and shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade.
5. That the replacement trees shall be provided with root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the trees. The root barrier protection shall be placed in 10-foot lengths, centered on the trees, and to a depth of eighteen (18) inches. In addition, the trees shall be provided with deep watering tubes to promote deep root growth (see enclosed detail).
6. That the applicant shall contact the McMinnville Public Works Superintendent, David Renshaw, at (503) 434-7316 to discuss specific staking, watering tube requirements, and to schedule a planting inspection prior to backfilling.
7. That the applicant is reminded that trees are not to be planted within:
 - a. Five (5) feet of a private driveway or alley;

- b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
 - c. Twenty (20) feet of street light standards or street intersections.
8. That the planter areas shall be restored to original grade immediately following the planting of the replacement tree.
 9. That all costs and liability associated with the tree's removal shall be borne by the applicant.
 10. It is recommended that the root-barrier protection be installed along the new sidewalk during the construction and installation of the sidewalk.
 11. That the applicant shall install the replacement trees within six (6) months of this approval notification, or November 17, 2017.

ATTACHMENTS

1. Application for Tree Removal

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments were received by the Planning Department and have been incorporated into the conditions of approval.

FINDINGS OF FACT

1. The applicant is requesting the removal of five (5) street trees due to the trees causing damage to the sidewalks adjacent to the property. The applicant has actually already removed the trees, as they were not aware that they needed City approval to do so. The Planning Department sent a letter to the property owners requiring them to replace the five (5) trees that were removed. The owners met with Planning Department staff and explained their intentions, which were to plant three (3) new trees in place of the five (5) that were removed. Planning Department staff asked the owners to submit an application to the Landscape Review Committee with the proposal to replace with only three (3) trees. The subject site is located at 1305 NE 4th Street. The subject property is more specifically described as Tax Lot 1100, Section 21AC, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned R-2 (Single Family Residential), and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.
3. This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. No comments in opposition have been provided.
4. A public meeting was held by the Landscape Review Committee on May 17, 2017 to review the application and proposed landscape plan. No comments in opposition were provided by the public prior to the public meeting.

CONCLUSIONARY FINDINGS

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Policy 122.00: The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:

1. *Major, minor arterials.*
–Landscaping should be encouraged along public rights-of-way.
2. *Major, minor collectors.*
–Landscaping should be encouraged along public rights-of-way.
3. *Local Streets*
–Landscaping should be encouraged along public rights-of-way.

Finding: Goal VI 1 and Policy 122.00 are satisfied in that a condition of approval is included that will require that replacement trees be planted in the curb-side planting strip that exists on NE 4th Street and NE Macy Street adjacent to the subject property.

Policy 132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

1. *Incorporate features that create a pedestrian friendly environment, such as: [...]*
g. *Street furniture, street trees, and landscaping*

Finding: Policy 132.24.00 is satisfied in that a condition of approval is included that will require that replacement trees be planted in the curb-side planting strip that exists on NE 4th Street and NE Macy Street adjacent to the subject property. The replacement trees will ensure that a pedestrian friendly environment continues to exist in this location.

Policy 132.38.00: Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.

Finding: Policy 132.38.00 is satisfied in that a condition of approval is included that will require that replacement trees be planted in the curb-side planting strip that exists on NE 4th Street and NE Macy Street adjacent to the subject property. The replacement trees will ensure that a pedestrian friendly environment continues to exist in this location, which will enhance the livability in the area.

Policy 132.43.05: Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

3. *Landscaping barriers between roadway and non-motorized uses;*
4. *Landscaping that promotes a residential atmosphere;*

Finding: Policy 132.43.05 is satisfied in that a condition of approval is included that will require that replacement trees be planted in the curb-side planting strip that exists on NE 4th Street and NE Macy Street adjacent to the subject property. Street trees in residential areas are a type of landscaping that promotes a residential atmosphere, and this will be accomplished with the tree replacement.

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMinnville.

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues.

Finding: The approval of the removal request will allow for the removal of trees that are not contributing to the healthy, sustainable community forest desired for the City of McMinnville. In order to maintain the maximum amount of tree cover on public and private lands in the city, a condition of approval has been included requiring that replacement trees be planted in place of the trees removed.

17.58.020 Applicability. The provisions of this ordinance shall apply to:

- A. Individual significant or historic trees as defined in this ordinance
- B. All trees planted in or upon any public area or right-of-way;
- C. All trees planted in or upon any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
- D. All trees on developable land and subject or undergoing development review such as site plan review, tentative subdivision review, or partition review.

Finding: The trees being removed are located in the public right-of-way adjacent to the subject site. Therefore, provisions of the Trees chapter of the McMinnville Zoning Ordinance apply and the removal of any tree within the public right-of-way requires Landscape Review Committee approval.

17.58.040 Tree Removal/Replacement

- A. The removal or major pruning of a tree within the public right-of-way shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action. Requests for tree

removal or pruning of trees outside of the downtown tree zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within fifteen days of submittal. Requests for tree removal within the downtown tree one shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director or his designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Direct, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if notice of intent to appeal is filed with the Planning Department within five days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.

- B. Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. The Planning Director, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current downtown tree zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.
- C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.
- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers.
- E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.
- F. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.

Finding: The provisions above are satisfied in that the removal request was reviewed and approved by the Landscape Review Committee during a public meeting. The provisions related to standards to be followed in removing the tree are included as conditions of approval. A condition of approval is also included requiring that replacement trees be planted in place of the trees being removed.

17.58.050 Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

- B. The tree is in conflict with public improvements.

Finding: The trees, prior to being removed, had caused damage to the sidewalks adjacent to the property. The applicant has provided photos showing the damage that the Red Sunset maple trees caused to the sidewalks. This type of damage would normally meet the criteria for allowing street trees to be removed. However, in this scenario, the trees have already been removed.

CD:sjs



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

EXHIBIT 5 - STAFF REPORT

DATE: May 17, 2017
TO: Landscape Review Committee Members
FROM: Chuck Darnell, Associate Planner
SUBJECT: Agenda Item 4D: L 17-17

Report in Brief:

An application for a tree removal (L 17-17) to be reviewed by the Landscape Review Committee.

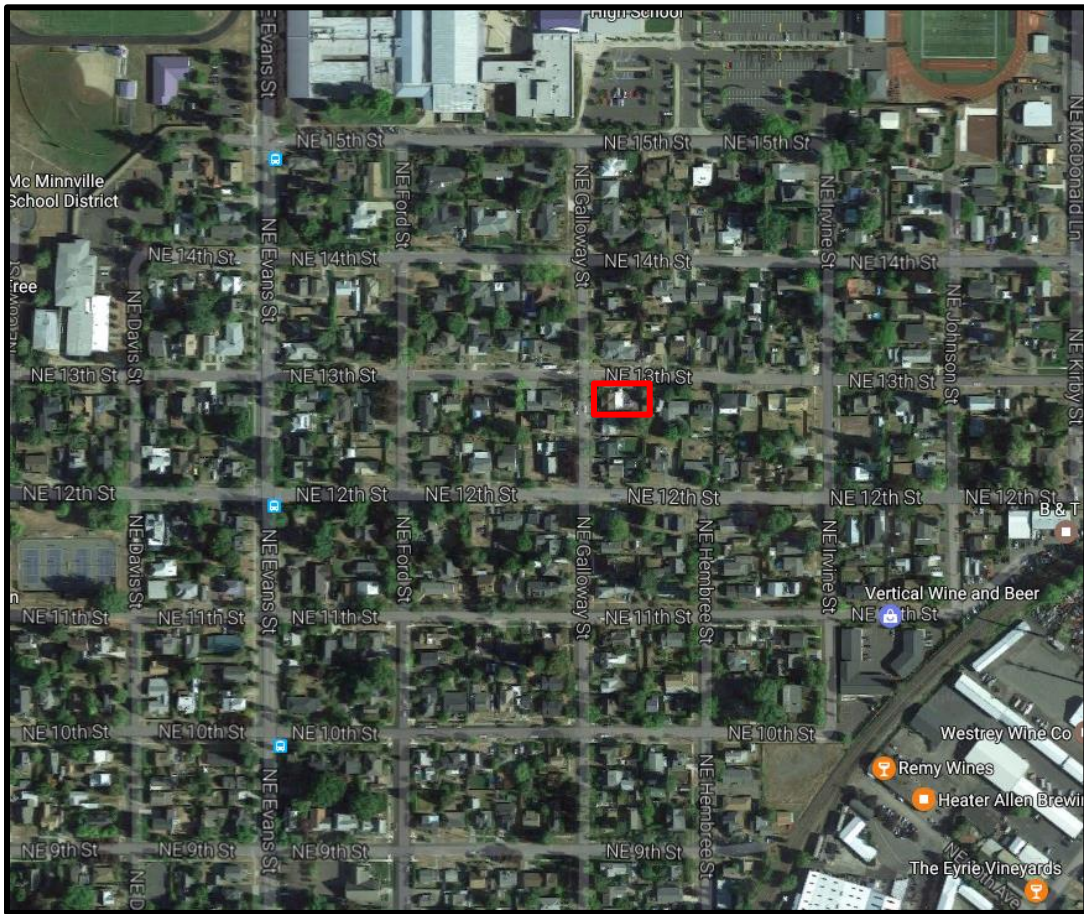
Background:

The applicant, Barbara Collins, submitted a street tree removal application to remove two (2) street trees from the property located at 1236 NE Galloway Street. The subject property is more specifically described as Tax Lot 9600, Section 16CD, T. 4 S., R. 4 W., W.M.

Discussion:

The subject property is a single family site in a more established area in the City of McMinnville. The subject site can be seen below as a red outlined area:

Attachments: Application and Decision Document



The applicant is requesting the removal of two (2) street trees due to safety concerns and poor health of the trees. The trees in question are mature Birch trees that are approximately 20” and 24” in diameter at breast height, and the trees are located on the NE Galloway Street side of the property (the property is on a corner lot). The applicant has provided photos that show the portions of the canopy of the trees that they believe are dead and causing unsafe conditions. The applicant has also stated that there was previously another large birch tree adjacent to the property, but that tree had fallen down during a wind storm. The applicant has concerns that the two remaining birch trees could also fall and cause damage to private property or impact the public right-of-way.

The applicant did not propose any tree replacement in their application.

Review Criteria:

Section 17.58.050 (Review Criteria) of the McMinnville Zoning Ordinance states that street tree removals may be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist. Verification of tree health may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

Due to the applicant’s previous conversations with Public Works staff and the condition of the trees, an arborist’s report was not required. If the Landscape Review Committee has concerns with this, the application could be continued with a requirement to submit an arborist’s report speaking to health of the trees.

Public Works staff did complete an inspection of the trees, and offered the following comments related to the health of the trees:

- The trees are overly mature, with mounded root buttresses adjacent to the trunks.
- Both trees show evidence of decline in the form of dieback in various parts of the canopy. Both trees display a significant amount of deadwood in the canopy.
- Both trees show numerous wounds from prior pruning or storm damage that have not healed properly. Both trees show evidence of wound decay.

Based on the condition of the trees and the evidence of dieback, wound decay, and a significant amount of deadwood in the tree canopies, the request meets this review criteria.

B. The tree is in conflict with public improvements.

This criteria is not applicable, as there is no obvious damage to the adjacent sidewalks, curbs, or streets.

C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

This criteria is not applicable, as the tree is not part of an approved development or public improvement project.

D. A street tree within the downtown tree zone may also be removed if the Planning Director determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures.

This criteria is not applicable, as the tree in question is not located within the downtown tree zone.

Tree Replacement:

Section 17.58.040(D) (Tree Removal/Replacement) of the McMinnville Zoning Ordinance states that "Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value."

The applicant did not propose to replace the street trees as part of their application. However, Planning and Public Works staff are recommending that the street trees be replaced on a one-to-one ratio. The applicant did state that there were originally three (3) birch trees adjacent to the property. Space exists in planting strips adjacent to both Galloway Street and 13th Street. If the Landscape Review Committee believes that the replacement of three (3) trees would be more consistent with the surrounding area, the committee could amend the condition of approval related to tree replacement to require three (3) replacement trees.

For reference, the planting strips adjacent to the property, and the two trees proposed to be removed, are identified below. Please note that the photo below is from August 2012, so it does not accurately show the existing conditions of the trees.



Fiscal Impact:

None.

Committee Options:

- 1) **APPROVE** the application, per the decision document provided which includes the findings of fact and conditions of approval.
- 2) **APPROVE** the application with additional conditions of approval, providing findings of fact for the inclusion of additional conditions.
- 3) **CONTINUE** the application, requesting the applicant to submit more information or details for review.
- 4) **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

Based on the findings described above, staff is recommending that the street tree removal be approved with the following conditions:

1. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during this process. There is a water main in the area where the existing trees are located.
2. That the trees' stumps and remaining surface roots shall be removed at least six (6) inches below grade.
3. That the applicant shall plant two (2) street trees in place of the trees being removed. The trees shall be of a species from the Large Trees section of the McMinnville Street Tree List, and shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade.
4. That the replacement trees shall be provided with root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the trees. The root barrier protection shall be placed in 10-foot lengths, centered on the trees, and to a depth of eighteen (18) inches. In addition, the trees shall be provided with deep watering tubes to promote deep root growth (see enclosed detail).
5. That the applicant shall contact the McMinnville Public Works Superintendent, David Renshaw, at (503) 434-7316 to discuss specific staking, watering tube requirements, and to schedule a planting inspection prior to backfilling.
6. That the applicant is reminded that trees are not to be planted within:
 - a. Five (5) feet of a private driveway or alley;
 - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
 - c. Twenty (20) feet of street light standards or street intersections.
7. That the planter areas shall be restored to original grade immediately following the planting of the replacement trees.
8. That all costs and liability associated with the tree's removal and replacement shall be borne by the applicant.
9. That the applicant shall install the replacement trees within six (6) months of this approval notification, or November 17, 2017.

Suggested Motion:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE LANDSCAPE REVIEW COMMITTEE APPROVE L 17-17 WITH THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.

CD:sjs



Planning Department
 231 NE Fifth Street ◦ McMinnville, OR 97128
 (503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:	
File No.	<u>L 17-17</u>
Date Received	<u>5-5-17</u>
Fee	<u>0</u>
Receipt No.	_____
Received by	<u>SA</u>

Street Tree Removal

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name BARBARA COLLINS Phone 971-237-2305

Contact Name _____ Phone _____
(If different than above)

Address 1236 NE GALLOWAY ST

City, State, Zip McMinnville OR 97128

Contact Email N/A

Property Owner Information

Property Owner Name _____ Phone _____
(If different than above)

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 1236 NE GALLOWAY ST.
(Property nearest to tree(s) for removal)

Assessor Map No. R4 - - - Total Site Area _____

Subdivision BEAUMONT PARK = 005000 Block 11 Lot 2

Comprehensive Plan Designation _____ Zoning Designation _____

Additional Information

- 1. How many trees are requested for removal? 2
- 2. What type (species) of tree(s) are they? Birch
- 3. What is the diameter of the tree(s), measured four feet above ground level? _____
- 4. Why are you requesting the removal of the noted tree(s)? (See "Removal Criteria" on attached Information Sheet.) Explain which of the criteria is addressed through this application. _____
② TREES ARE UNSAFE ROTTEN + DEAD

NOTE: There were 3 & 9 yr ago it was Downed
By a wind storm & Rain

DAVID From City has looked At them
Himself + AGREES they are dead & unsafe.

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), showing the location of the tree(s) subject to the removal request, property lines, sidewalks, adjacent utilities (including overhead), north direction arrow, and adjacent streets.
- Arborist report, photographs, and/or other information which would help substantiate or clarify your request.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Barbara Hollis
Applicant's Signature

5-5-2017
Date

Barbara Hollis
Property Owner's Signature

5-5-2017
Date

NE 19th holds GARAGE

#1 Dead 100ft Birch TREE 240T

#2 100ft Birch Dead

NE Galloway St

NE Galloway St

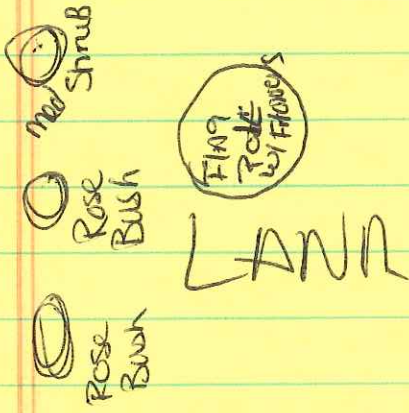
EASMENT TRENCH SIDEWALK Birch

TRENCH SIDEWALK Birch EASMENT

Between New & Old Hwy →

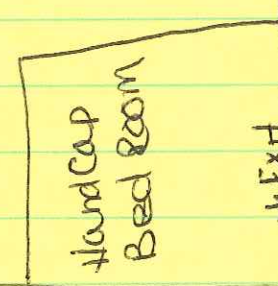
100'

X



GARDEN LAWN

1236 NE Galloway St. House



Backyard

House SIDE TO Street

w/ Rod Iron Railings

Handy Cap Ramp

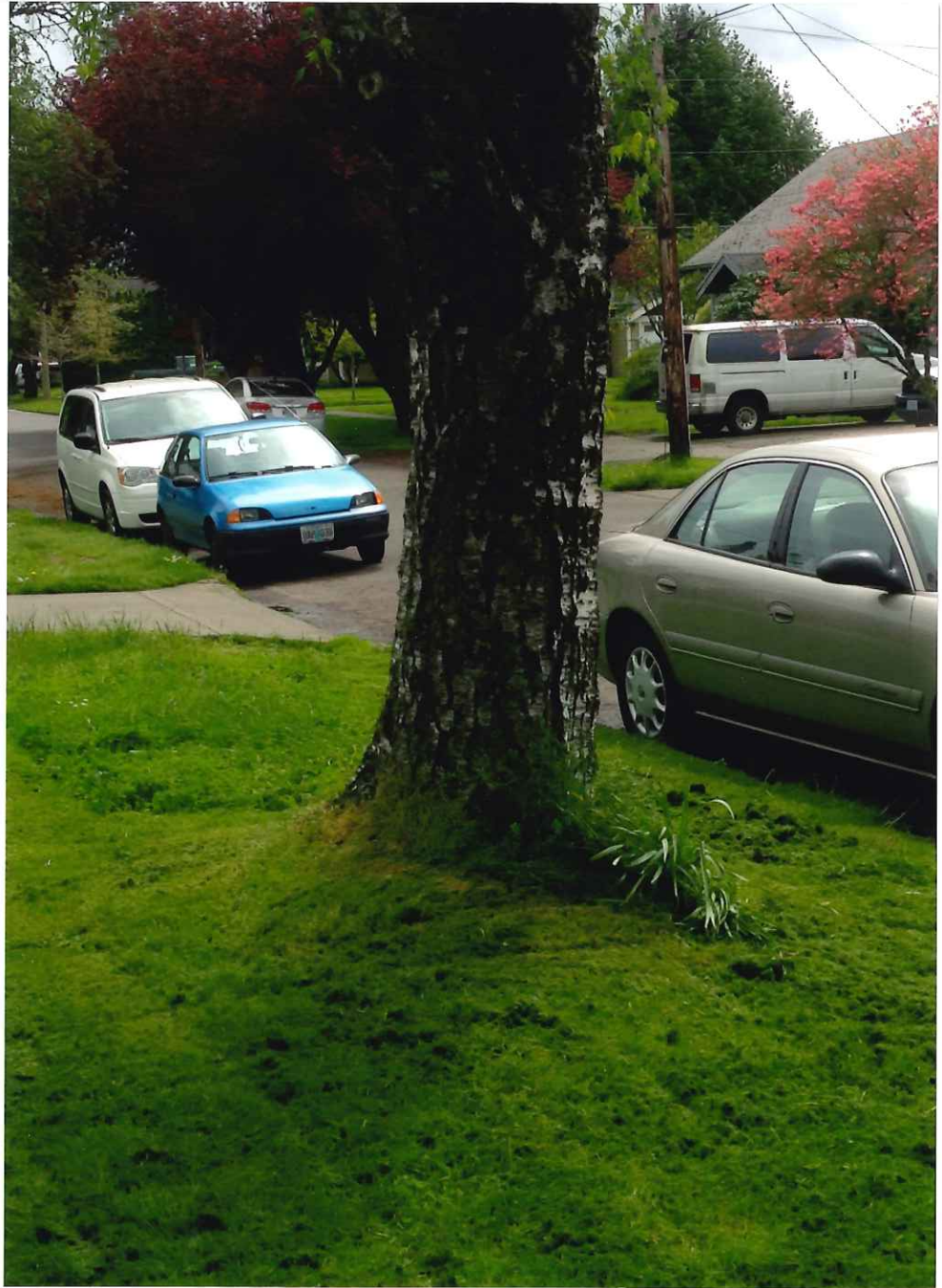
Sidewalk 100' X Sidewalk

13TH St

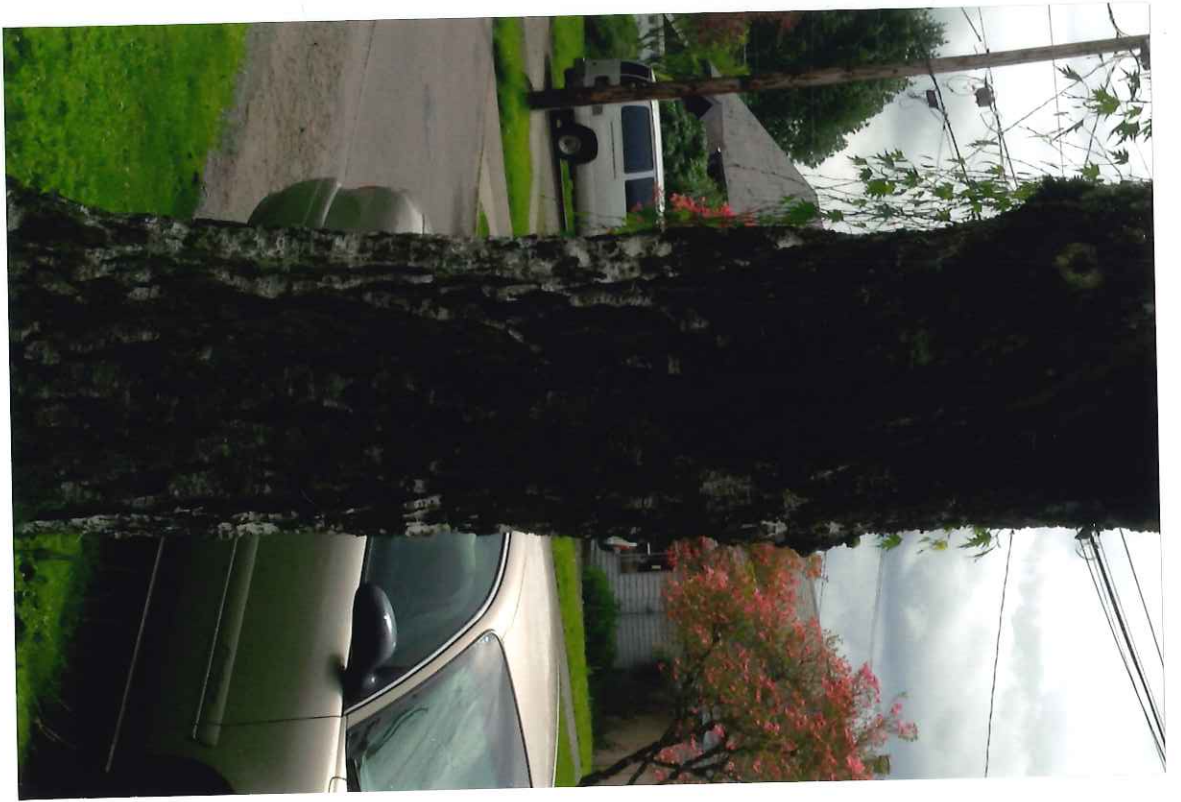
Exit Handicap Emergency Bed Room

GATE In to Backyard







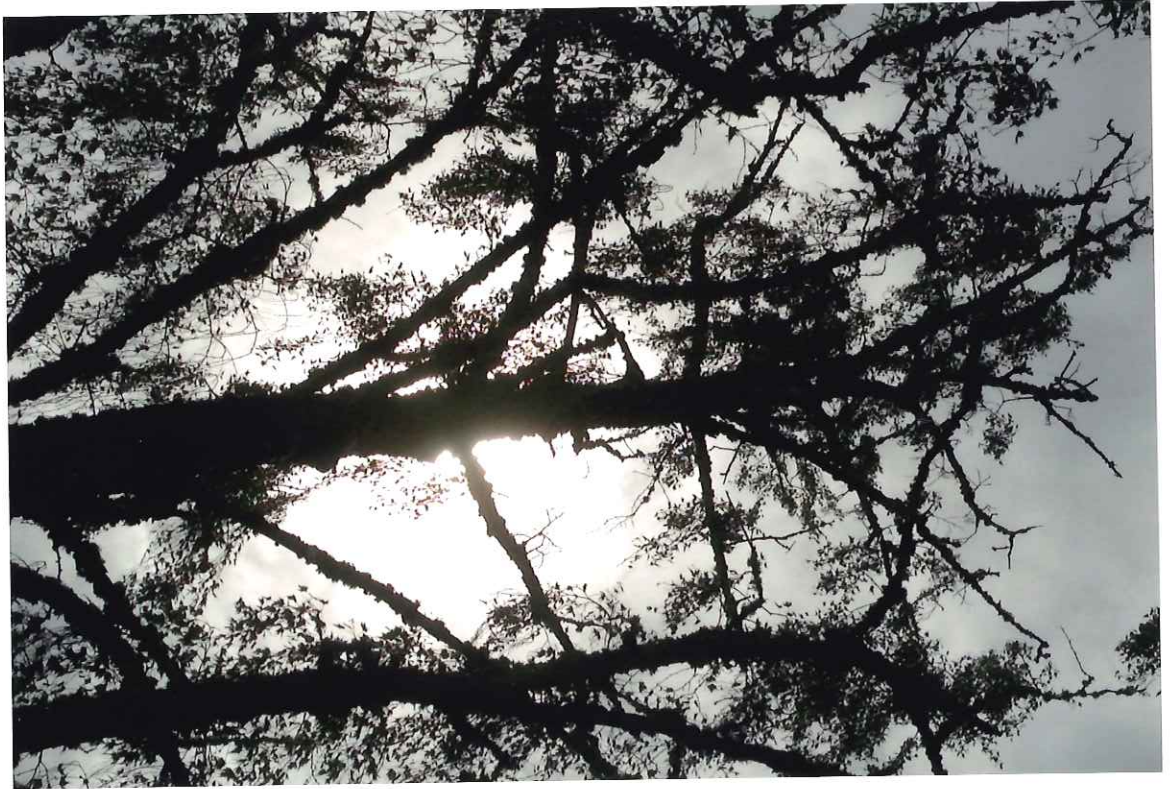














**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311

www.mcminnvilleoregon.gov

DECISION DOCUMENT – 1236 NE GALLOWAY STREET

DECISION, CONDITIONS OF APPROVAL, AND FINDINGS OF FACT OF THE MCMINNVILLE LANDSCAPE REVIEW COMMITTEE FOR APPROVAL OF TREE REMOVAL REQUEST AT 1236 NE GALLOWAY STREET

- DOCKET:** L 17-17 (Street Tree Removal)
- REQUEST:** The applicant requested the removal of two (2) street trees. The removal of a tree within the public right-of-way requires City approval, and requests for tree removal are reviewed and approved by the Landscape Review Committee.
- LOCATION:** The subject site is located at 1236 NE Galloway Street. The subject property is more specifically described as Tax Lot 9600, Section 16CD, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site is designated as Residential on the McMinnville Comprehensive Plan Map, and is zoned R-2 (Single Family Residential).
- APPLICANT:** Barbara Collins
- STAFF:** Chuck Darnell, Associate Planner
- DECISION-
MAKING BODY:** McMinnville Landscape Review Committee
- DATE & TIME:** May 17, 2017. Meeting was held at the Community Development Center, 231 NE 5th Street, McMinnville, OR 97128
- COMMENTS:** No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.

ATTACHMENTS:

1. Application for Tree Removal

DECISION

Based on the findings and conclusions, the Landscape Review Committee recommends **APPROVAL WITH CONDITIONS** of the street tree removal request (L 17-17).

Application Summary:

The applicant is requesting the removal of two (2) street trees due to safety concerns and poor health of the trees. The trees in question are mature Birch trees that are approximately 20" and 24" in diameter at breast height, and the trees are located on the NE Galloway Street side of the property (the property is on a corner lot). The applicant has provided photos that show the portions of the canopy of the trees that they believe are dead and causing unsafe conditions. The applicant has also stated that there was previously another large birch tree adjacent to the property, but that tree had fallen down during a wind storm. The applicant has concerns that the two remaining birch trees could also fall and cause damage to private property or impact the public right-of-way.

CONDITIONS OF APPROVAL

1. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during this process. There is a water main in the area where the existing trees are located.
2. That the trees' stumps and remaining surface roots shall be removed at least six (6) inches below grade.
3. That the applicant shall plant two (2) street trees in place of the trees being removed. The trees shall be of a species from the Large Trees section of the McMinnville Street Tree List, and shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade.
4. That the replacement trees shall be provided with root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the trees. The root barrier protection shall be placed in 10-foot lengths, centered on the trees, and to a depth of eighteen (18) inches. In addition, the trees shall be provided with deep watering tubes to promote deep root growth (see enclosed detail).
5. That the applicant shall contact the McMinnville Public Works Superintendent, David Renshaw, at (503) 434-7316 to discuss specific staking, watering tube requirements, and to schedule a planting inspection prior to backfilling.
6. That the applicant is reminded that trees are not to be planted within:
 - a. Five (5) feet of a private driveway or alley;
 - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
 - c. Twenty (20) feet of street light standards or street intersections.
7. That the planter areas shall be restored to original grade immediately following the planting of the replacement trees.
8. That all costs and liability associated with the tree's removal and replacement shall be borne by the applicant.
9. That the applicant shall install the replacement trees within six (6) months of this approval notification, or November 17, 2017.

ATTACHMENTS

1. Application for Tree Removal

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments were received by the Planning Department and have been incorporated into the conditions of approval.

FINDINGS OF FACT

1. The applicant is requesting the removal of two (2) street trees due to safety concerns and poor health of the trees. The subject site is located at 1236 NE Galloway Street. The subject property is more specifically described as Tax Lot 9600, Section 16CD, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned R-2 (Single Family Residential), and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.
3. This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. No comments in opposition have been provided.
4. A public meeting was held by the Landscape Review Committee on May 17, 2017 to review the application and proposed landscape plan. No comments in opposition were provided by the public prior to the public meeting.

CONCLUSIONARY FINDINGS

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Policy 122.00: The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:

1. *Major, minor arterials.*
–*Landscaping should be encouraged along public rights-of-way.*
2. *Major, minor collectors.*
–*Landscaping should be encouraged along public rights-of-way.*
3. *Local Streets*
–*Landscaping should be encouraged along public rights-of-way.*

Finding: Goal VI 1 and Policy 122.00 are satisfied in that a condition of approval is included that will require that replacement trees be planted in the curb-side planting strip that exists adjacent to the subject property.

Policy 132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

1. *Incorporate features that create a pedestrian friendly environment, such as: [...]*
 - g. *Street furniture, street trees, and landscaping*

Finding: Policy 132.24.00 is satisfied in that a condition of approval is included that will require that replacement trees be planted in the curb-side planting strip that exists adjacent to the subject property. The replacement trees will ensure that a pedestrian friendly environment continues to exist in this location.

Policy 132.38.00: Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.

Finding: Policy 132.38.00 is satisfied in that a condition of approval is included that will require that replacement trees be planted in the curb-side planting strip that exists adjacent to the subject property. The replacement trees will ensure that a pedestrian friendly environment continues to exist in this location, which will enhance the livability in the area.

Policy 132.43.05: Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

3. *Landscaping barriers between roadway and non-motorized uses;*
4. *Landscaping that promotes a residential atmosphere;*

Finding: Policy 132.43.05 is satisfied in that a condition of approval is included that will require that replacement trees be planted in the curb-side planting strip that exists adjacent to the subject property. Street trees in residential areas are a type of landscaping that promotes a residential atmosphere, and this will be accomplished with the tree replacement.

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and

maintenance costs; to enhance the appearance, beauty and charm of the City; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues.

Finding: The approval of the removal request will allow for the removal of trees that are not contributing to the healthy, sustainable community forest desired for the City of McMinnville. In order to maintain the maximum amount of tree cover on public and private lands in the city, a condition of approval has been included requiring that replacement trees be planted in place of the trees removed.

17.58.020 Applicability. The provisions of this ordinance shall apply to:

- A. Individual significant or historic trees as defined in this ordinance
- B. All trees planted in or upon any public area or right-of-way;
- C. All trees planted in or upon any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
- D. All trees on developable land and subject or undergoing development review such as site plan review, tentative subdivision review, or partition review.

Finding: The trees being removed are located in the public right-of-way adjacent to the subject site. Therefore, provisions of the Trees chapter of the McMinnville Zoning Ordinance apply and the removal of any tree within the public right-of-way requires Landscape Review Committee approval.

17.58.040 Tree Removal/Replacement

- A. The removal or major pruning of a tree within the public right-of-way shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action. Requests for tree removal or pruning of trees outside of the downtown tree zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within fifteen days of submittal. Requests for tree removal within the downtown tree one shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director or his designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Director, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if notice of intent to appeal is filed with the Planning Department within five days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.
- B. Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. The Planning Director, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current downtown tree zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.
- C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.
- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar

value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the “Guide for Plant Appraisal” published by the International Society of Arboriculture Council of Tree Landscape Appraisers.

- E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.
- F. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.

Finding: The provisions above are satisfied in that the removal request was reviewed and approved by the Landscape Review Committee during a public meeting. The provisions related to standards to be followed in removing the tree are included as conditions of approval. A condition of approval is also included requiring that replacement trees be planted in place of the trees being removed.

17.58.050 Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist. Verification of tree health may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

Finding: Public Works staff completed an inspection of the trees, and offered the following comments related to the health of the trees:

- The trees are overly mature, with mounded root buttresses adjacent to the trunks.
- Both trees show evidence of decline in the form of dieback in various parts of the canopy. Both trees display a significant amount of deadwood in the canopy.
- Both trees show numerous wounds from prior pruning or storm damage that have not healed properly. Both trees show evidence of wound decay.

Based on the condition of the trees and the evidence of dieback, wound decay, and a significant amount of deadwood in the tree canopies, the tree removal request meets this review criteria.

CD:sjs