

MINUTES

May 18, 2022
Landscape Review Committee
Regular Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: John Hall, Patty Sorensen, Rob Stephenson, Carlton Davidson, and Josh Kearns

Members Absent:

Staff Present: Monica Bilodeau – Senior Planner, Heather Richards – Planning Director

Others Present: Zack Geary – City Councilor

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes

- **August 18, 2021**

Committee Member Patty Sorensen moved to approve the August 18, 2021 minutes as presented. The motion was seconded by Committee Member Davidson and passed unanimously.

4. Discussion Items

- **Elizabeth Chambers 455 NE Irvine Street – Code Enforcement Action – Trees removed along western property line adjacent to the railroad**

Senior Planner Monica Bilodeau presented on the Code Enforcement Action at 4554 NE Irvine Street. Applicants planned to submit a full landscape plan for review in the future but had not completed the landscape plan and had already cut down 13 trees along the property line adjacent to the railroad.

Kellen Lancaster, representing the Applicant, explained that the property was recently purchased and when their property was surveyed, they found the fence line for the railroad was

4.3 feet into their property line, and upon request, the railroad removed the fence. The Applicants planned to install a new fence on the actual property line. If the trees were left in place that would have created unusable space between the trees and the new fence, so Applicants removed the trees to maximize usable space in their lot. Mr. Lancaster described a landscape plan approved previously for a part of the property, which had only been partially completed, showed pictures of the property, and described the Applicant's possible plans for landscaping.

Staff recommended either completing an interim landscape plan while it remained unsure whether the land use approval would go through or keeping the Code Enforcement Action open to monitor progress on the project until the land use Application with a new landscape plan was approved.

The Committee generally felt comfortable with the property but members were concerned that the City did not provide clear guidance. Staff hoped the process and guidance would be dialed in during the upcoming Code revision. The Code required a percentage of commercial properties to be landscaped and the property satisfied those percentage requirements but may not meet other requirements such as screening. Getting a full landscape plan approved before the land use approval would be more consistent with City requirements and ensure the property was being maintained.

The Code Enforcement issue came to Staff's attention through neighbors who had complained about the trees being cut down. Some Committee members felt satisfied that the landscape plans would be approved when submitted with the Land Use Application if there were no significant changes. The Planning Department generally checked that plans had been followed during a Building Inspection. If no Building Inspection occurred, the City did not currently have guidelines to verify whether plans had been carried out.

The Committee discussed the intended use of the space between the fence and where the trees were cut down. Applicants intended to have a 2-foot bed along the property edge to grow ivy on the new fence. The Committee reiterated they were comfortable with the property going through the review process for their landscape plan along with their land use approval process. The City needed to have Code changes take place to provide clarity to situations as the Code did not provide guidance for how to respond.

Mr. Lancaster had called the Planning Department and spoke with an interim Staff Member who stated she did not see anything in the Code preventing the removal of the trees.

City Councilor Zack Geary noted the building had been the original power plant and never had a water meter installed until recent years. He encouraged the Committee to consider how a consistent process could ideally work in the future, and how to establish those processes for decisions in writing. Senior Planner Bilodeau noted guidelines could be established during the Code revision for how to respond in cases when changes took place without approval. The Planning Department was understaffed and along with the effects of covid the Code revision had been delayed. Committee Members were eager to progress toward having processes defined in Code.

Senior Planner Bilodeau suggested keeping a Code Enforcement Action open and setting a timeframe for it to be resolved. The Committee discussed that it would not delay the project, but it was questionable whether the Code would be in place by that date, and the case may become complicated if the project was not approved, the zone was not changed, or the case was referred to the Land Use Board of Appeals (LUBA).

If the Applicant planted ivy along a slatted fence, it could provide appropriate screening. Certain varieties of ivy were less aggressive and could be approved.

Senior Planner Bilodeau recommended resolving the Code Enforcement Action with notes that the Applicant would install slatted fencing and appropriate ivy and plant materials, including the five arborvitae trees from the original landscape plan within the next few weeks. A Code Enforcement Officer may ensure afterward that the plan had been followed.

Committee Member Josh Kearns excused himself from the meeting at approximately 12:35 pm.

Councilor Geary agreed with the decision reached and noted it may set a precedent.

The Committee discussed the difference between requirements and jurisdiction over residential and commercial properties and noted that since there had been a phone call with a Staff Member confirming there was nothing violated in the Code, the Committee could save time by considering that factor first. However, there had been no record of that conversation, and the Applicant should have presented an updated landscape plan showing they were still in compliance with the percentage of landscaping requirements.

- **L 19-21, 3138 NE Rivergate. They did not pass street tree inspection – Looking for guidance**

Senior Planner Bilodeau presented the issues found at 3138 NE Rivergate. An existing tree that was too close to where a new sidewalk was being installed. Parks Director David Renshaw was concerned and felt the tree should be removed and a tree replanted further back. The developer felt the tree would survive. Staff was seeking the Landscape Review Committee's recommendation.

The Committee agreed the tree should be removed but felt the canopy of the neighboring trees may be sufficient to not require replanting.

Senior Planner Bilodeau informed the Committee that the property owners had submitted a landscape plan and were undergoing an inspection of their industrial site for compliance with landscaping requirements.

Committee Members agreed they felt the tree could be removed and would not require being replaced.

5. Action Items

None

6. Committee Member Comments

Committee Member Sorensen had observed many trees that did not make it through the winter. She wanted to give heads up that there may be more requests to remove street trees that would be coming through the review process. She discussed that homeowners often don't know whether they were responsible for trees.

Councilor Geary mentioned there had been an emergency allowance to remove trees without approval following a severe ice storm.

7. Staff Comments

Planning Director Heather Richards joined the meeting at approximately 12:53 pm. She notified the Committee that the Police Department was seeking a lot to place towed RVs that had been parked longer than was allowed after noticing owners. They found a lot in the M-1 Light Industrial Zone, and there were some very specific requirements for landscaping on the lot. They had not triggered a landscape review but wanted to ensure they were in compliance with landscaping requirements. She explained the landscape and screening requirements for the lot, including sight-obscuring fencing or arborvitae which would obscure the view of the lot.

The Committee discussed that arborvitae can be purchased in a large enough size to meet screening requirements and that the lot would be irrigated.

Planning Director Richards discussed buffer yards, and exact numbers of sizes of trees required. She asked the Committee to determine whether the recommendations were reasonable.

The Committee discussed it may be unfair not to require the specific landscaping if other similar zoned lots had been required to fulfill the landscaping requirements. The Code could not be revised before the use of the lot would begin. The Committee discussed the size of plants at planting time.

Planning Director Richards noted they would likely put the landscaping plan through a review but wanted the Committee's feedback prior to beginning as they would like to move forward quickly with the project.

Councilor Geary asked whether they could grant conditional approval to use the site before the landscaping was fully in place. Planning Director Richards explained the lot is adjacent to residential lots, and that the landscaping was needed to mitigate the view from residential lots. She thanked the Committee for their direction in the matter.

8. Adjournment

Chair Hall adjourned the meeting at 1:07 pm.