



City of McMinnville
Planning Department
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MINUTES

January 16, 2019
Landscape Review Committee
Regular Meeting

12:00 pm
Community Development Center
McMinnville, Oregon

Members Present: Rose Marie Caughran, Sharon Gunter, Josh Kearns, and Tim McDaniel,
Members Absent: Rob Stephenson
Staff Present: Jamie Fleckenstein Associate Planner
Guests Present: Scott Hill, Mayor, Zachary Geary, City Councilor, Dominic Maselli, and Kellie Menke, City Councilor

1. Call to Order

Vice Chair Gunter called the meeting to order at 12:00 p.m.

2. Citizen Comments

None

3. Approval of Minutes

- A. June 20, 2018
- B. July 18, 2018

Committee Member McDaniel moved to approve the June 20 and July 18, 2018 minutes. The motion was seconded by Committee Member Caughran and passed 4-0.

4. Action/Docket Item (repeat if necessary)

- A. L 49-18 – Street Tree Removal - 1939 NW Meadows Drive

Associate Planner Fleckenstein discussed the request for a street tree removal on NW Meadows Drive. This was an Oak tree adjacent to the applicant's property and was dropping acorns on the sidewalk and pad in front of the mailbox and in the street which could potentially be a fall hazard. An arborist report was submitted and found the tree was not unsafe, dead, or diseased although the acorns dropping could be considered an unsafe situation. The tree was not in conflict with any public improvements, however maintenance and upkeep of the sidewalk was required. There was a street

tree plan in place for this subdivision, and the approved tree for this property was an Oak tree. Per code, if the tree were to be removed, it would have to be replaced by the same type of tree that was currently causing problems.

Dominic Maselli, applicant, shared how he had recently moved to this home. A neighbor had slipped on the acorns and twisted her ankle. There were many elderly people in the neighborhood and there were a lot of leaves that fell from the tree as well. He thought the tree was a hazard, especially since it was a heavily traveled area where people came to get their mail. He did not want to be liable for an injury that happened on his property.

Committee Member Kearns said the wind could blow the acorns from other nearby trees, and he did not think removing this tree would guarantee there would be no more acorns.

Mr. Maselli said there was only one tree on his lot and that was nine feet from the mailbox. It was a more heavily trafficked area than any other part of the street.

Committee Member Kearns asked if the Committee determined this type of tree was a hazard, could they amend the street tree improvement plan that removal of any street tree would be replaced with a different tree.

Assistant Planner Fleckenstein said yes, there was a process for that. He pointed out that the improvement plan was approved prior to the street tree list being approved. The street tree list identified most Oak trees as conditionally approved or outright denied for street trees because of the nuts.

Committee Member Kearns was not opposed to replacing a tree that someone thought was a hazard if they had something else to put in its place.

Assistant Planner Fleckenstein clarified there was interest in amending the street tree improvement plan to address the hazard of the Oak trees and to replace them with a different street tree. He noted that Public Works inspected the area and the mailbox pad was lifting from the curb due to the tree roots.

There was discussion regarding the street tree varieties on nearby streets and the process for amending the street tree improvement plan.

There was consensus for staff to prepare a street tree improvement plan to allow the Oak trees to be removed and replaced with Raywood Ash.

Committee Member McDaniel moved to continue L 49-18 to the next meeting. The motion was seconded by Committee Member Kearns and passed 4-0.

B. L 01-19 – Street Tree Removal - 1931 NW Woodland Drive

Associate Planner Fleckenstein reviewed the request for a street tree removal on NW Woodland Drive. This was a Maple tree that was lifting the sidewalk due to a six inch diameter root. Root trimming was not an option due to the size. The street tree was also planted within three feet of the driveway approach and within 20 feet of the street light. Neither of those met the current code for street tree placement. Staff recommended approving the application and that no replacement tree be required.

Committee Member Kearns moved to approve L 01-19. The motion was seconded by Committee Member Gunter and passed 4-0.

C. 2019 Work Plan

Associate Planner Fleckenstein discussed the items on the 2019 Work Plan.

Committee Member Kearns moved to approve the 2019 Work Plan. The motion was seconded by Committee Member Gunter and passed 4-0.

5. Discussion Items

A. Unpermitted Street Tree Removal - 608 NE 3rd Street

Associate Planner Fleckenstein stated this item was in relation to the downtown street trees that were removed at 3rd and Ford. Applications were submitted for four trees to be removed, and three had been approved. The fourth was under review, most likely to be denied, when word came to the Planning Department that all four trees had been removed. The fourth application claimed that the tree was causing drainage issues into the building and when the sidewalk panel was lifted it revealed a window well with an open hole into the foundation of the building. Based on the fact that water was seeping through a giant hole in the foundation, not a result of tree roots, the application would have been denied.

Planning Director Richards explained the internal process for review was not the best it could be. The applicant acknowledged they took the tree down without approval and the City was in the process of identifying a legal remedy. Her goal was to work towards solutions that were based on preservation rather than removal.

Associate Planner Fleckenstein said the remedy required a tree appraisal value from an arborist to determine the cost of the closest replacement tree. It was a 14 inch tree that had been removed, and they found a ten inch tree of the same species which cost \$17,000 for replacement. Under state law, removal of trees without permission was eligible for triple damages. The City had leverage in bargaining opportunities and proposed that the property owner be responsible for replacement of the four trees and sidewalk. The City penalty money could be used for a pilot project to help inform the rest of the Third Street streetscape to promote the longevity and retention of trees.

Planning Director Richards said the remaining funds would be used to work with an arborist to find ways to preserve specific larger, mature trees in downtown.

B. 2019 Oregon Community Tree/Tree City USA Grant Application

Associate Planner Fleckenstein discussed a grant opportunity of up to \$500 to help support the City's Arbor Day celebration. He asked for direction on the use of the grant.

There was discussion regarding the activities that could be done. There was consensus to apply for funds for a school children planting event.

6. Old/New Business

None

7. Committee/Commissioner Comments

None

8. Staff Comments

None

9. Adjournment

Vice Chair Gunter adjourned the meeting at 1:02 p.m.