



**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
February 20, 2019
12:00 PM

| Committee Members | Agenda Items |
|--|---|
| <p>Rob Stephenson Chair</p> <p>Sharon Gunter Vice-Chair</p> <p>Josh Kearns</p> <p>RoseMarie Caughran</p> <p>Tim McDaniel</p> | <ol style="list-style-type: none"> 1. Call to Order 2. Citizen Comments 3. Approval of Minutes <ol style="list-style-type: none"> A. August 15, 2018 (Exhibit 1) B. September 19, 2018 (Exhibit 2) C. October 17, 2018 (Exhibit 3) 4. Action Items <ol style="list-style-type: none"> A. L 18-18 – Landscape Plan Revision (Exhibit 4) 711 NE Highway 99W B. L 2-19 – Cottonwood 1st Street Tree Improvement Zone (Exhibit 5) C. L 3-19 – Landscape Plan (Exhibit 6) 1175 NE 19th Street D. L 49-18 – Street Tree Removal (Exhibit 7) 1939 NW Meadows Street 5. Discussion Items <ol style="list-style-type: none"> A. 2019 Oregon Community Tree/Tree City USA Grant Update B. Work Plan Project Funding 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.

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EXHIBIT 1 - MINUTES

August 15, 2018
Landscape Review Committee
Regular Meeting

12:00 pm
Police Training Room, 121 SW Adams Street
McMinnville, Oregon

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

Members Absent: Rose Marie Caughran

Staff Present: Chuck Darnell – Senior Planner, Jamie Fleckenstein – Associate Planner, Heather Richards – Planning Director, and David Koch – City Attorney

Guests Present: Scott Hill – Mayor, Matthew Conser - Applicant

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes

- March 21, 2018 Meeting Minutes

Committee Member Gunter moved to approve the March 21, 2018 meeting minutes. The motion was seconded by Committee Member Kearns and passed 4-0.

4. Action/Docket Item (repeat if necessary)

A. L 17-18 –Landscape Plan

Associate Planner Fleckenstein reviewed the revised landscape plan for a new multi-family development near the intersection of NE Fircrest Drive and NE Cumulus Avenue. This had come before the HLC in June and was continued so the plan could be revised to better meet the City's zoning ordinance. The requirement for 25% of the proposed development to be landscaped had been met as 29% was being landscaped. There was landscaping around the perimeter of the site along the property lines and to the north there was a variety of trees and shrubs meant to transition from the developed area to the wooded area behind it. Trees and shrubs had been added along the east property line that would provide shade, screening, and buffering from the right-of-way. There

would also be a six foot chain link fence with slats to provide additional buffering and screening. The south property line was adjacent to industrial zoned property and a black chain link fence with slats and shrubs would be installed to buffer and screen the property. Along Fircrest Drive, there were street trees and a residential feeling landscape proposed to transition from the new residential development to the established residential neighborhood. On the northwestern property line adjacent to the condominium development there were several varieties of trees and shrubs for buffering. The applicant also planned to work with the condominium owners to address their specific concerns regarding the landscaping directly behind their units. He then discussed the review criteria. Staff found that there was a variety of landscape material to address the uses on the site. There was a barbecue and play area for the tenants as well as a tot lot, dog park, and other landscape spaces. The proposed plant species along the north edge of the development was meant to provide a transition to the native wooded area beyond it. Within the parking areas there were planting islands to break up the parking spaces which would contain trees and shrubs. Staff thought the plan was compatible with the surrounding and abutting properties. Staff found there was ample screening along the property lines and the right-of-ways on Cumulus and Fircrest. Staff recommended a condition of approval that the agreement between the applicant and condominium owners would be submitted to the Planning Department for approval. There was 2.8 acres of retained tree canopy and the applicant was working with the Planning Department on a vegetation management preservation plan to protect that area. Another recommended condition of approval was for an additional planting island in the parking lot by the mailboxes to further break up the parking. There would be street trees planted along Fircrest Drive and the proposed European Hornbeam was an appropriate species. There was a full irrigation plan for the property. Staff recommended approval of the revised plan.

Chair Stephenson said the Trident Maple proposed for the parking lot maxed out at 20 feet high and a 20 foot spread. He suggested using a larger maple tree that would provide more canopy.

Applicant Conser said the only concern with that suggestion was how the tenants would interact with the trees when the tenants moved. A larger tree that spread might be damaged by the moving vans.

Chair Stephenson thought the smaller trees would branch out lower than a bigger tree and eventually the vans would be going under the bigger tree branches. Committee Member Kearns suggested a columnar maple tree.

Committee Member Kearns asked what the reason for the fence along Cumulus was. Associate Planner Fleckenstein clarified the original plan was not clear about what the fencing along Cumulus was and there was concern about the units backing up to the street and screening for the traffic on Cumulus. The revised plan had added the fence for additional privacy and safety.

There was discussion regarding the aesthetics of the ODOT owned property on Cumulus and how it could be addressed through the Three Mile Lane project.

Committee Member McDaniel was in favor of the vegetation management preservation plan. Chair Stephenson asked if there would be trails in that area. Applicant Conser said it would not be a big enough area for trails. The Evergreen Trail crossed the property in a few places. They wanted to leave the area in its natural state as much as possible, but also maintain it and educate the neighbors on how to preserve the habitat. He explained how safety and security was important to tenants, especially those with children, and being near the highway and on an ODOT right-of-way, the fence was important.

There was consensus to recommend replacing the Trident Maple trees with larger columnar trees for the parking lot.

Committee Member Kearns moved to approve L 17-18 with the conditions of approval as found in the decision document. The motion was seconded by Committee Member Gunter and passed 4-0.

B. L 18-18 – Landscape Plan

Associate Planner Fleckenstein explained the landscape plan for a new commercial shell building at 711 NE Highway 99. This application was reviewed by the HLC in July where they decided to continue the application to allow the applicant to make revisions to the plan to address plant material selection and the size of the landscape areas. With the revised plan the lot was over 9% landscaped. The revisions to the plan included updating the plant varieties to be appropriate for the locations and increasing the planting strip to a five foot width in front of the parking areas. He discussed the plant species that were added to the revised plan.

There was discussion regarding the proposed street tree in the northwest corner being too close to the lightpole and that it should be removed.

Associate Planner Fleckenstein said in general the new plant material was more appropriately sized for the provided landscape areas, the landscape areas in front of the parking had been increased from 3 to 5 feet in width, and there was more variety of plants than previously proposed. There would be irrigation to all areas except the southeast corner where the applicant would hand water the area for two years until the plants became established.

Committee Member McDaniel moved to approve L 18-18 with the conditions of approval and removal of the street tree by the lightpole as discussed. The motion was seconded by Committee Member Gunter and passed 3-1 with Chair Stephenson opposed.

C. L 20-18 – Landscape Plan

Associate Planner Fleckenstein presented the landscape plan for a new parking lot and street frontage landscaping at a commercial building located at 802-826 SE 1st Street.

There was discussion regarding whether or not the applicant should use a different tree rather than the proposed Dogwood trees along SE 1st Street. There was consensus to keep the proposed Dogwoods.

Associate Planner Fleckenstein said along the street there would be the Dogwoods and Variegated Sedge. There would be a six foot cedar fence along the perimeter and a laurel hedge. The applicant had worked with the neighboring properties on the selection of the laurel hedge. No internal trees were suggested in the parking lot to allow as much parking as possible to address the concerns of the neighborhood. He explained it was a tight and compact parking layout. The laurel would be used to buffer the site from the neighborhood. There were plantings and street trees at the end of the parking aisles that would act as planting islands and provide shade and buffering.

Committee Member Kearns moved to approve L 20-18 with the conditions of approval. The motion was seconded by Chair Stephenson and passed 4-0.

D. L 21-18 – Landscape Plan

Associate Planner Fleckenstein discussed the addition to a one story commercial storage facility located at 1819 NE Baker Street and the applicant's request that the LRC accept the existing landscaping around the site as sufficient for the addition. There was a provision in the Code for area determination for additions to existing structures or parking lots. Based on the formula for this

addition, the Code required additional landscaping of 335 square feet. Staff recommended continuing the application so the applicant could add the required landscaping.

The Committee discussed where additional landscaping could go on the site.

Senior Planner Darnell explained the other items that needed to be addressed by the applicant that would affect the site plan.

Committee Member Gunter moved to continue L 21-18. The motion was seconded by Chair Stephenson and passed 4-0.

5. Discussion Items

None

6. Old/New Business

None

7. Committee/Commissioner Comments

None

8. Staff Comments

Associate Planner Fleckenstein stated Parks and Recreation Director Muir would be attending next month's LRC meeting to discuss the relationship between the LRC and parks processes. The Planning Department had issued an emergency tree removal permit at 1306 NE Johnson Street.

Mayor Hill suggested a City-wide street tree inventory be done that would show the trees that needed to be replaced. Senior Planner Darnell said the street tree planting standards should also be reviewed.

9. Adjournment

Chair Stephenson adjourned the meeting at 1:25 p.m.



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EXHIBIT 2 - MINUTES

September 19, 2018
Landscape Review Committee
Regular Meeting

12:00 pm
Community Development Center
McMinnville, Oregon

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

Members Absent: Josh Kearns

Staff Present: Jamie Fleckenstein Associate Planner

Guests Present: Scott Hill –Mayor, Kellie Menke – City Councilor, and Susan Muir

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes

None

4. Action/Docket Item (repeat if necessary)

A. L 25-18 – Street Tree Removal - 1306 NE Johnson Street

Chair Stephenson said as long as the applicant was going to replace the tree and be aware of the power lines, he was in favor of the application.

Associate Planner Fleckenstein said the application did not originally call for replacement of the tree. A condition of approval was to replace the tree with a flowering cherry which would be appropriate under the power lines.

Committee Member Caughran moved to approve L 25-18 with the conditions as proposed by staff. The motion was seconded by Committee Member Gunter and passed 4-0.

B. L 26-18 – Landscape Plan - 1206 NE 11th Way

Chair Stephenson said he had drawn this plan and would recuse himself from the decision.

Associate Planner Fleckenstein reviewed the landscape plan for a new addition to an industrial building located in the NE Gateway District at 1206 NE 11th Way. There was 346 square feet of landscape required for the project. The applicant was proposing 475 square feet of landscaping. Part of the NE Gateway District requirements was to provide pedestrian friendly landscaping and street frontage. The plantings around the courtyard were proposed to be a couple of trees surrounded by Boxwood with seasonal color. Along the edge where the junkyard was there were some taller shrubs and taller trees that would normally be subject to the three foot height requirement for the District, but given the use of the adjacent property to the north, the applicant was requesting a waiver from the requirement. The waiver would be a staff decision. The applicant had proposed a chain link fence with black slats and Jasmine climbing up for further buffering on that edge. For the parking landscape, the NE Gateway District requirements called for a certain height to screen the parking at each end and the Acer palmatum proposed would not meet that requirement. The tree could be moved to the public right-of-way and be used as a street tree. The plantings around the parking and along the south property line were more Acer palmatums and Rubrim. The understory was proposed to be the Geranium Johnson's Blue, but the NE Gateway District required an evergreen hedge to screen the parking from the right-of-way. Staff recommended using Winter Gem Boxwood instead. Along the south property line heading towards the back of the building there would be red maples and Geranium Johnson's Blue. Along the fence there would be Jasmine that would provide screening. There was a 2.5 foot wide bed proposed on the southern side, and it was unclear if the adjacent surface would be paved concrete or gravel. Staff recommended the bed be widened to 5 feet. There would be a walkway from the storage area to the back of the building and the applicant proposed Columnar Norway Maple trees as well as Gulf Stream Heavenly Bamboo and Dwarf Fountain Grass in that area. Staff recommended that the width of this planter area be increased to 4 feet to allow more space for the trees to develop.

Committee Member Gunter moved to approve L 26-18 with the conditions as proposed by staff. The motion was seconded by Committee Member McDaniel and passed 3-0-1 with Chair Stephenson recused.

Parks and Recreation Director Muir arrived at the meeting. She asked that the LRC work together with staff on designing future parks. Chair Stephenson agreed that the LRC would like to be a part of the planning process.

C. L 29-18 – Street Tree and Landscape Plan - Whispering Meadows Subdivision

Associate Planner Fleckenstein discussed the street tree and landscape plan for a subdivision north of NE Cumulus Avenue. This was a long, narrow lot with access on Cumulus and affordable housing units would be built on it. Due to the shape of the lot there was not enough room to have a street down the center of the lots so the residential lots would be on one side of the street with sidewalks, planting strips, and utilities and the other side would have an open bio-swale drainage system. He explained there were some large, mature Douglas Fir trees in some of the backyards of the lots that would remain as well. There were limited opportunities for street trees on the bio-swale side except for at the ends of the swale and a mid-street break in the swale.

There was discussion regarding the use of the bio-swale for this development and the lack of street trees on that side of the street.

Associate Planner Fleckenstein said due to the nature of the site, street and lot layout, and location of utilities, the required street tree spacing for the side of the street with the residential lots could not be achieved in most locations. The street tree spacing varied throughout the subdivision and

was inconsistent. There were street trees proposed in every possible location and the species would be Skyline Honeylocust. There would also be a solid, sight-obscuring wall along the southern edge of the property to provide buffering between Cumulus and Highway 18 and the subdivision. Staff did not think the large concrete block material that was proposed for the wall was appropriate for a subdivision and recommended a new design be submitted for approval, such as a composite fence. There would be plantings and trees placed in front of the wall as well. All of the landscaping would be irrigated.

There was concern about the bio-swale maintenance. Associate Planner Fleckenstein was not sure if there would be an HOA who would be responsible for the maintenance.

Chair Stephenson suggested columnar trees for the street trees instead of the honeylocust. Associate Planner Fleckenstein said the honeylocust would have a broader canopy and give more of a street tree presence.

Chair Stephenson said the honeylocust required a lot more maintenance. He also thought the planting bed should be moved back ten feet and a street tree be put on every lot.

Committee Member McDaniel agreed that the non-uniform tree spacing was not what they wanted. He thought they could do better.

Associate Planner Fleckenstein said the infrastructure was already built and the opportunities for street trees in the public right-of-way were as proposed.

Chair Stephenson suggested continuing this application to clarify the maintenance of the bio-swale area, the street tree selection, and if they could plant the street trees ten feet back from the property lines.

Chair Stephenson moved to continue L 29-18. The motion was seconded by Committee Member Gunter and passed 4-0.

D. L 32-18 – Landscape Plan - R4421BA04800 – NE 7th Avenue and NE Alpine Avenue

Associate Planner Fleckenstein explained the landscape plan for a new modular preschool building located in the NE Gateway District on NE 7th Avenue. This was a leased property and the applicant was currently maintaining the site. The applicant proposed to build raised planters for themed gardens for the preschool. There would also be two raised planters between the right-of-way and building and they would be lower to meet the 3 foot height requirement of the NE Gateway District. They exceeded the amount of landscaping required for the development. No parking was required because of the size of the development, but there was street parking available. There was an existing Ash tree in the right-of-way that would be retained and there would be a walkway leading to the front door. On either side of the walkway there would be turf grass.

Chair Stephenson said there were already nice plantings on the property which were well maintained.

Committee Member Gunter moved to approve L 32-18. The motion was seconded by Chair Stephenson and passed 4-0.

E. L 33-18 – Landscape Plan - 2020 NW Birch Street

Associate Planner Fleckenstein discussed the landscape plan for landscaping under a new sign at the Seventh Day Adventist Church located at 2020 NW Birch Street. The sign would be on the corner of NW Birch and NW 21st Street. The applicant proposed to put in two ferns in front of the posts and a row of lavender below the sign. The requirement was for 7 square feet of landscaping, and the applicant was proposing 14 square feet of landscaping. Staff thought the application met all of the criteria.

Chair Stephenson moved to approve L 33-18. The motion was seconded by Committee Member Gunter and passed 4-0.

Chair Stephenson left the meeting.

5. Discussion Items

A. Street Tree List Update

Associate Planner Fleckenstein asked for direction on the Street Tree List. There were applications coming up where applicants were asking to replace street trees that were not working, such as the flowering pear and some species of birch. He thought there were street trees on the list that might not be appropriate and he asked if the LRC thought the list should be updated. He also thought a format change of the list could provide more information for applicants to select the right tree for the right place.

There was consensus to review the street tree lists of other jurisdictions and compare them with McMinnville's list.

Associate Planner Fleckenstein asked if there were any suggestions for arborists that the City could contract with as a third party arborist for health assessments of street trees.

It was suggested to look for an out-of-town arborist and to reach out to McMinnville Water and Light for a recommendation.

6. Old/New Business

None

7. Committee/Commissioner Comments

None

8. Staff Comments

None

9. Adjournment

Vice Chair Gunter adjourned the meeting at 1:14 p.m.



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EXHIBIT 3 - MINUTES

October 17, 2018
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: Jamie Fleckenstein – Associate Planner

Guests Present: John Mead, Morgan Will, and Gordon Root

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes

- A. May 16, 2018
- B. June 11, 2018

Committee Member Gunter moved to approve the May 16 and June 11, 2018 minutes. The motion was seconded by Committee Member Caughran and passed 5-0.

4. Action/Docket Item (repeat if necessary)

- A. L 13-18 – Landscape Plan - 435 NE Johnson Street

Associate Planner Fleckenstein said this was a revised landscape plan for 435 NE Johnson Street. One of the concerns that had been raised previously was the bamboo planting on the property lines which needed addressing to contain the roots and prevent them from spreading. Another concern was the plant selection for screening the parking lot along Johnson Street. The proposed screening shrub was now Japanese Yew, and it should be the dwarf variety that would grow to three to four feet tall. This would meet the NE Gateway District requirements. For the bamboo, the applicant was proposing a 30 inch deep HDPE root barrier around all four sides of the bamboo.

John Mead, applicant, explained the proposal further. The Committee liked the changes that had been made.

Committee Member Kearns moved to approve L 13-18. The motion was seconded by Committee Member McDaniel and passed 5-0.

B. L 36-18 – Landscape Plan - Baker Creek Apartments

Associate Planner Fleckenstein introduced the landscape plan for a new apartment complex on the southeast corner of NW Baker Creek Road and NW Hill Road.

Morgan Will, applicant, explained the corner monument, stone pillars, and street trees that were proposed. One of the conditions was for five additional Spring Bouquet to be planted between the sidewalk and garbage enclosure and another condition required screening the parking lot between Buildings 2 and 3 which would be done using Arborvitae. Around each of the apartment buildings there would be dense landscaping and shrubbery and smaller trees. Outside of those planting areas there would be turf grass and trees. The proposed white vinyl fence was part of the conditions of approval. There were parking islands and landscaping as well.

Associate Planner Fleckenstein thought between the density of the planting around the buildings and continuation of the turf and trees on the outside across the open fence to the inside provided an open and parklike feel and tree canopy.

Mr. Will clarified there would be a solid six foot fence in the back for the backyards. There would be a vegetated bioswale to collect the surface runoff. Some of the buildings would be two stories and some three stories. There would be a play area and pedestrian path. The landscaping in the parking islands would match what was being done on Hill Road.

Committee Member Kearns moved to approve L 36-18. The motion was seconded by Committee Member Gunter and passed 5-0.

There was discussion regarding enforcement of street tree and landscape maintenance and how Birch Trees were being removed due to borers and would need to be replaced.

C. L 37-18 – Street Tree Removal - 1933 NE Coburn Drive

Associate Planner Fleckenstein discussed the request for a street tree removal at 1933 NE Coburn Drive. The removal was due to the tree lifting and cracking the sidewalk. The tree was currently healthy.

Committee Member Kearns suggested removing the sidewalk, cutting the tree roots, putting in a root barrier, and putting in new sidewalk. That would be the least expensive route.

There was discussion regarding this suggestion and how it was not how these situations were typically done.

Associate Planner Fleckenstein said Public Works had inspected the tree and agreed with the applicant's assessment of the sidewalk.

Committee Member Kearns moved to approve L 37-18 as long as the tree was replaced. The motion was seconded by Chair Stephenson and passed 5-0.

D. L 38-18 - Street Tree Improvement Plan – Cottonwood 1st Addition

Associate Planner Fleckenstein said the City had been made aware that the pear trees in Cottonwood 1st Addition along Jacie Way, Snowberry, and McKenna Court had been dropping limbs. There had been a request to remove all three street trees and replace them with a different species, such as Katsura.

Chair Stephenson thought the problem was people not maintaining the trees.

There was discussion regarding the problems with these trees and the type of tree that should be replanted here.

Associate Planner Fleckenstein said the Street Tree Improvement Plan identified a replacement street tree for this area, and since it seemed to be a widespread issue, he thought they would be receiving a lot of requests. He suggested making this an administrative process where staff could approve the pear tree removals and replace them with one type of tree.

Chair Stephenson thought the Committee should research what type of tree would work well in these areas and come back with suggestions.

Committee Member McDaniel moved to continue L 38-18. The motion was seconded by Committee Member Gunter and passed 5-0.

5. Discussion Items

None

6. Old/New Business

The Committee discussed the items on next week's meeting agenda.

There was further discussion regarding the need for better communication with the City and bringing projects to the LRC as well as better maintenance of landscaping.

7. Committee/Commissioner Comments

None

8. Staff Comments

None

9. Adjournment

Chair Stephenson adjourned the meeting 1:01 p.m.



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EXHIBIT 4 - STAFF REPORT

DATE: February 20, 2019
TO: McMinnville Landscape Review Committee
FROM: Jamie Fleckenstein, PLA, Associate Planner
SUBJECT: Agenda Item 4A: L 18-18

Report in Brief:

An application for a revised landscape plan for a new commercial shell building (L 18-18) to be reviewed by the Landscape Review Committee.

Background:

The applicant, Matthew Primbs, submitted a second revised landscape plan for a new commercial shell building. The property is located at 711 NE Highway 99, and is more specifically described as Tax Lot 2000, Section 16BC, T. 4 S., R. 4 W., W.M.

The Landscape Review Committee reviewed the original application on July 18, 2018 and the first revised application and plans at their August 15, 2018 regular meeting. At that meeting the Committee decided to approve the revised application with conditions. Since that time, construction has begun on the building, with the shell and some site work nearing completion. The applicant has proposed a revision to the approved landscape plan (L 18-18) based on conditions at the site created by the building construction.

Discussion:

The property is zoned C-3PD (General Commercial, Planned Development). The applicant is building a new 6,000 square foot commercial building in the northwest corner of the development site, with new parking to the building's south and west. The applicant is constructing a shell building with two separate suites. The suites would be built out with tenant improvement building permits at a later date.

The applicant is proposing to remove a 600 square foot planting area on the north side of the building, and adding 336 square feet of new planting area in the front of the development, to the south of the new parking area.

The subject site can be seen below, and a smaller hatched area indicates the location of the proposed commercial structure:

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for a New Commercial Shell Building at 711 NE Highway 99W (L 18-18)

SITE REFERENCE MAP**Landscape Plan Review:**

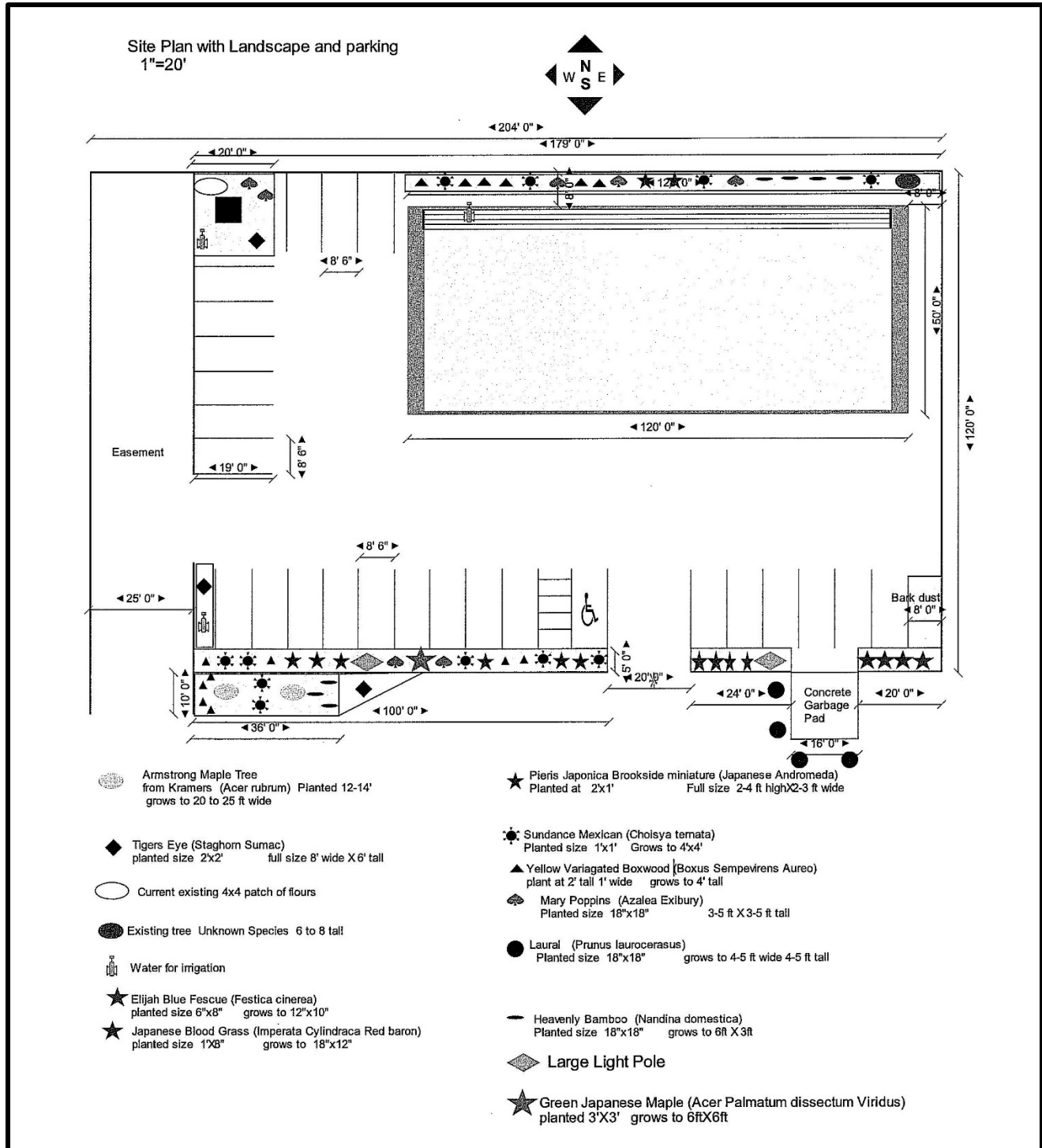
McMinnville Municipal Code (MMC) Section 17.57.070(A) (Area Determination-Planning Factors) requires that at least seven (7) percent of the gross area of a site being developed be landscaped. The application indicates the area being developed is approximately 21,700 square feet, including the proposed commercial shell building, which is 6,000 square feet. The approved landscape plan had a total landscape area of 2,432 square feet, 11.3 percent of the gross area of the site. The proposed revision to the landscape plan shows a total landscaped area of 2,168 square feet. The landscape plan as proposed exceeds minimum requirement, as 10 percent of the development site is proposed to be landscaped.

The approved landscape plan and the proposed revision can be seen below:

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for a New Commercial Shell Building at 711 NE Highway 99W (L 18-18)

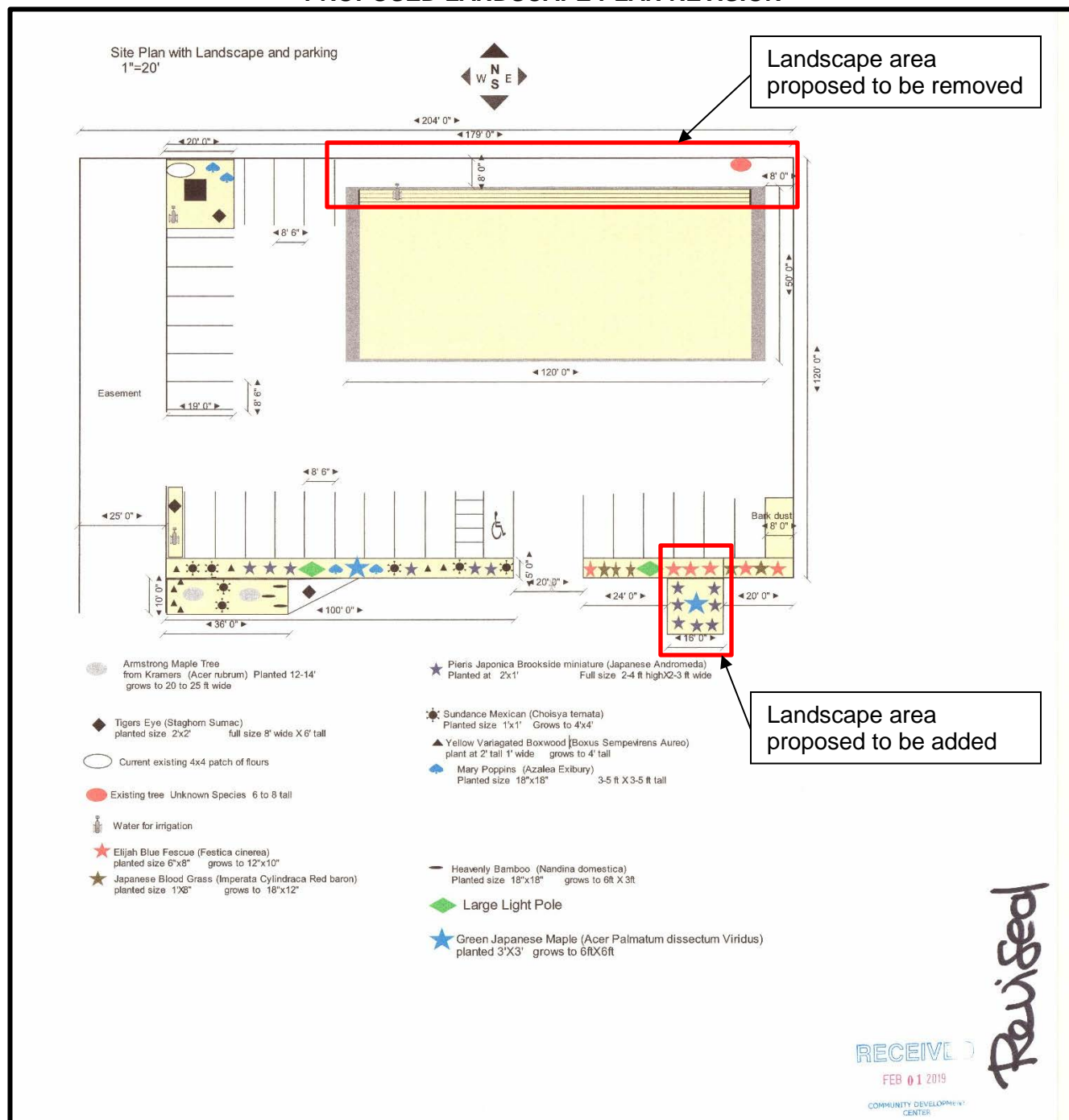
APPROVED LANDSCAPE PLAN



Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for a New Commercial Shell Building at 711 NE Highway 99W (L 18-18)

PROPOSED LANDSCAPE PLAN REVISION



More detail on the proposed revision is described below. In reviewing a landscape plan, MMC Section 17.57.050(B) (Area Determination – Planning Factors) 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.

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for a New Commercial Shell Building at 711 NE Highway 99W (L 18-18)

The proposed revision removes 600 square feet of planting area on the north side of the new building and replaces it with 336 square feet of planting to the south of the parking lot in front of the building. Adjacent to the north side of the development area is a large parking lot for a church located northwest of the subject site. To the south of the development area is the Sandwich Express restaurant and parking lot. The development area is visible from Highway 99 to the south.

The applicant indicated a potential lessee of one of the tenant spaces in the new building may want to access their space from the north side of the building. That, in addition to the difficult growing conditions (deep shade on the north side of a building) and the limited visibility of that space, warranted proposing its removal. The space is currently covered in gravel as a result of building construction. Planting in that area on the approved landscape plan included a total of 19 shrubs and one (1) existing tree. The approved planting was a mix of evergreen shrubs, generally around four (4) feet in height. The existing tree is to remain, although the planting area around it is no longer proposed.

Although removal of that landscape area would leave landscaping in excess of the seven (7) percent minimum requirement, the applicant is proposing to add additional landscaping in front of the parking lot. The application indicates that the area proposed to be a concrete pad for trash containers in the approved landscape plan is no longer necessary, and the revised landscape plan shows a 336 square foot planting area in that location. The applicant has proposed a Green Japanese Maple tree (*Acer palmatum dissectum* 'Viridus') surrounded by the small evergreen shrub Brookside Miniature Andromeda (*Pieris japonica* 'Brookside Miniature') for that space. Three (3) new Elijah Blue Fescue (*Festuca cinerea*) in the planting area adjacent to the parking would be consistent with the previously approved planting in that area.

The proposed revision to the landscape plan is compatible with the proposed development and its uses. While the revised landscaping would remove some planting only visible from the occasionally used church parking lot to the north, the new proposed landscaping would be in a more highly visible area and provide more aesthetic appeal to the public right-of-way along Highway 99 and to the highly visible front façade of the new building.

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

The proposed revision to the approved landscape plan would remove planting that would provide some screening of the use from the property to the north. Directly north of the building is an occasionally used parking lot for a church located northwest of the subject site.

The new proposed landscaping replaces an area previously dedicated to trash receptacles in a highly visible location. The small Green Japanese Maple tree and low evergreen shrubs will provide additional screening of the parking lot from the Highway 99 public right-of-way. The additional planting in this area will provide more screening and buffering of the new building from the adjacent restaurant and parking to the south, and from Highway 99.

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.

The approved landscape plan indicated that a small tree in the northeast corner of the site was to remain and be incorporated in the planting area on the north side of the building. The tree has been retained, and the proposed revision to the landscape plan indicates the tree shall remain despite the loss of the larger planting area.

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for a New Commercial Shell Building at 711 NE Highway 99W (L 18-18)

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

The approved landscape plan provided landscaping to screen and buffer 25 new parking spaces around the new commercial building. The proposed revision to the landscape plan adds to the previously approved planting to add a new landscape area between the new parking lot and the parking lot to the south associated with Sandwich Express.

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 street trees proposed for the subject site. The portion of the site being developed with the new commercial building is internal to the property at 711 NE Highway 99W.

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

The approved landscape plan indicated a drip irrigation system would be installed for all new landscape areas, except in the southeast corner of the developed area where new landscaping is proposed. There, applicant proposes no irrigation and will water the planting areas in front of the parking by hand. No water would be necessary for the 20' x 8' area where only bark dust is proposed.

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 landscape plan be approved with the following conditions:

1. That the applicant shall install landscaping as shown on the revised landscape plan received by the Planning Department February 1, 2019.
2. That the applicant shall maintain proper clearances around the future water and electrical services that will be located within the planting area near the entrance to the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. The front side of a transformer requires a minimum clearance of 10 feet, in a pie

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for a New Commercial Shell Building at 711 NE Highway 99W (L 18-18)

slice shape. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.

3. That the Japanese Blood Grass and Elijah Blue Fescue be planted at a spacing of 18 inches on center throughout the southeastern landscape area in front of the parking spaces.
4. 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 18-18 WITH THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.

JF

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for a New Commercial Shell Building at 711 NE Highway 99W (L 18-18)



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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS OF THE MCMINNVILLE LANDSCAPE REVIEW COMMITTEE FOR APPROVAL OF A REVISED LANDSCAPE PLAN FOR A NEW COMMERCIAL SHELL BUILDING AT 711 NE HIGHWAY 99.

| | |
|------------------------------|--|
| DOCKET: | L 18-18 (Landscape Plan Review) |
| REQUEST: | A request for approval of a revision to an approved landscape plan for the development of a new commercial shell building and parking lot. |
| LOCATION: | The subject site is located at 711 NE Highway 99, and is more specifically described as Tax Lot 2000, Section 16BC, T. 4 S., R. 4 W., W.M. |
| ZONING: | The subject site is zoned C-3PD (General Commercial, Planned Development), and is designated as Commercial on the McMinnville Comprehensive Plan Map. |
| APPLICANT: | Matthew Primbs |
| STAFF: | Jamie Fleckenstein, Associate Planner |
| DATE DEEMED COMPLETE: | June 12, 2018 |
| DECISION-MAKING BODY: | McMinnville Landscape Review Committee |
| DATE & TIME: | February 20, 2019. Meeting was held at the Community Development Center, 231 NE 5 th Street, McMinnville, OR 97128 |
| PROCEDURE: | Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.050 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance. |
| CRITERIA: | The applicable criteria are specified in Section 17.57.070 (Area Determination – Planning factors) of the McMinnville Zoning Ordinance, McMinnville City Code. |
| APPEAL: | The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.57.170 of the McMinnville Zoning Ordinance. |
| 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. No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department. |

APPLICATION SUMMARY:

The applicant requested the approval of a landscape plan the development of a new commercial shell building. Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.050 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance.

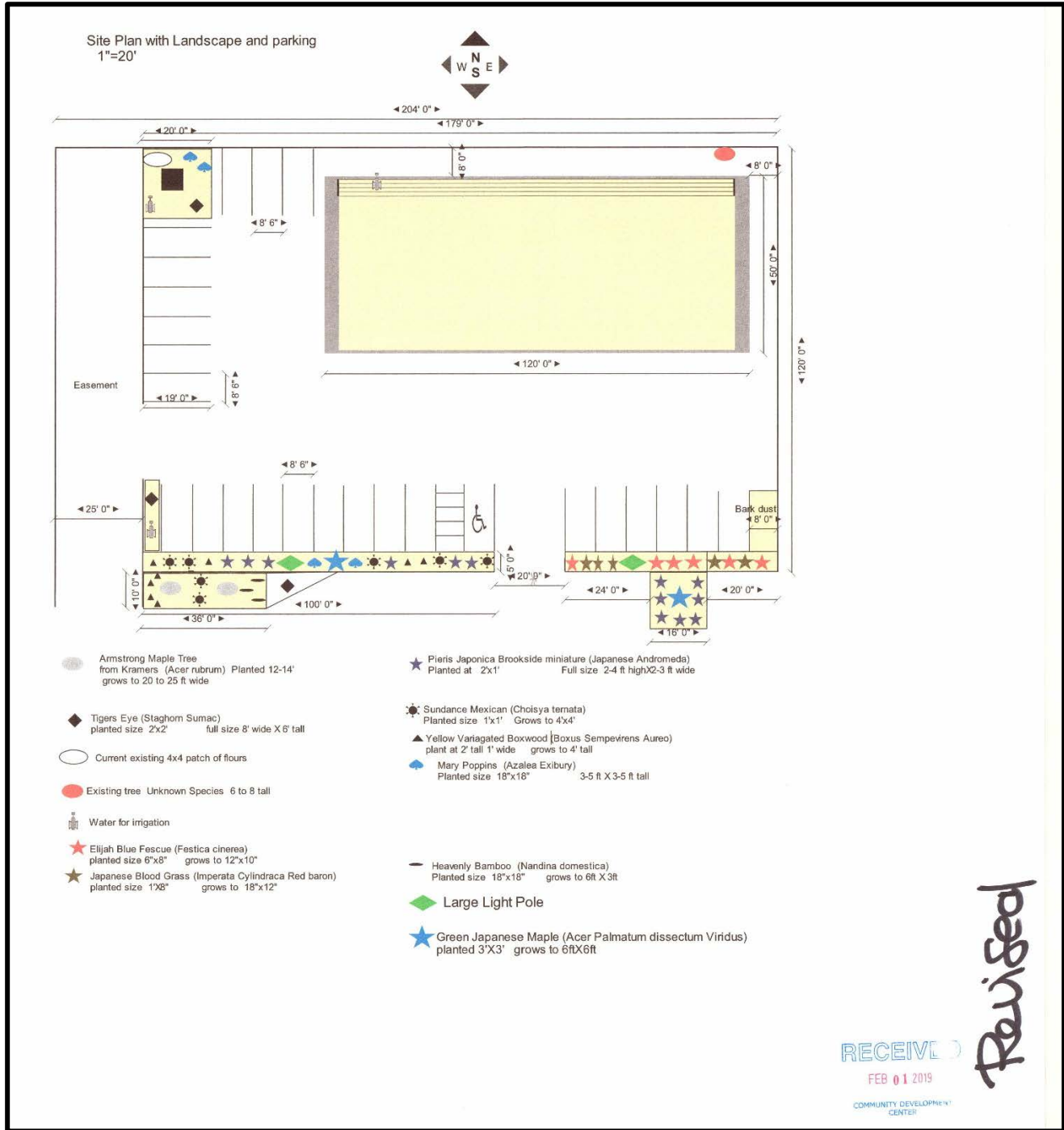
The property is zoned C-3PD (General Commercial, Planned Development). The applicant is proposing a new 6,000 square foot commercial building in the northwest corner of the development site, with new parking to the building's south and west. The applicant is proposing to construct a shell building with two separate suites. The suites would be built out with tenant improvement building permits at a later date. The subject site can be seen below, and a smaller hatched area indicates the location of the proposed commercial structure:



Attachments:

Attachment 1 – Application for Landscape Plan Review

The revised landscape plan being proposed can be seen below:



The landscape plan as proposed includes a variety of trees, evergreen and deciduous shrubs, and ornamental grasses planted around the perimeter of new parking surrounding a new commercial shell building to provide screening and buffering of the proposed use. The proposed revision removes a planting area on the north side of the building and adds a new planting area in the southeast area of development, adjacent to the new parking lot.

Attachments:

Attachment 1 – Application for Landscape Plan Review

CONDITIONS OF APPROVAL

L 18-18 is **approved** subject to the following conditions:

1. That the applicant shall install landscaping as shown on the revised landscape plan submitted to the Planning Department in February 1, 2019.
2. That the applicant shall maintain proper clearances around the future water and electrical services that will be located within the planting area near the entrance to the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. The front side of a transformer requires a minimum clearance of 10 feet, in a pie slice shape. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
3. That all trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
4. That the Japanese Blood Grass and Elijah Blue Fescue be planted at a spacing of 18 inches on center throughout the southeastern landscape area in front of the parking spaces.
5. That all new landscape planters and lawn areas shall have suitable watering facilities or an irrigation system.
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 (on file with the Planning Department)

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. Matthew Primbs submitted a landscape plan review application to install landscaping on the site of a new commercial shell building. The property is located at 711 NE Highway 99, and is more specifically described as Tax Lot 2000, Section 16BC, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned C-3PD (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. Comments were received by the Planning Department and have been incorporated into the conditions of approval
4. A public meeting was held by the Landscape Review Committee on August 15, 2018 to review the application and proposed landscape plan. No comments in opposition were provided by the

Attachments:

Attachment 1 – Application for Landscape Plan Review

public prior to the public meeting. L 18-18 was approved by the Landscape Review Committee at this meeting.

5. A public meeting was held by the Landscape Review Committee on February 20, 2019 to review the application and proposed revision to the approved landscape plan. No comments in opposition were provided by the public prior to the public meeting.

CONCLUSIONARY FINDINGS:

McMinnville's Comprehensive Plan:

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

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: Satisfied. 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 Landscape Review Committee 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.

McMinnville's City Code:

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

Chapter 17.57 – Landscaping

17.57.010 Purpose and intent. The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. [...]

Finding: Satisfied. The landscape plan as proposed would enhance the appearance of the city and will benefit the economic, ecological, and aesthetic environment of the city. 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 Zones Where Required. Landscaping shall be required in the following zones except as otherwise noted:

D. C-3 (General Commercial zone);

Finding: Satisfied. The subject site is zoned C-3 (General Commercial), and landscaping is being proposed as required.

Attachments:

Attachment 1 – Application for Landscape Plan Review

17.57.050 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: Satisfied. The revised 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.

17.57.070 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following ranges:
2. Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee.[...]

Finding: Satisfied. The revised landscape plan as proposed exceeds those requirements, with 10 percent of the proposed area of development to be landscaped.

- 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: Satisfied. The proposed revision removes 600 square feet of planting area on the north side of the new building and replaces it with 336 square feet of planting to the south of the parking lot in front of the building. Adjacent to the north side of the development area is a large parking lot for a church located northwest of the subject site. To the south of the development area is the Sandwich Express restaurant and parking lot. The development area is visible from Highway 99 to the south.

The applicant indicated a potential lessee of one of the tenant spaces in the new building may want to access their space from the north side of the building. That, in addition to the difficult growing conditions (deep shade on the north side of a building) and the limited visibility of that space, warranted proposing its removal. The space is currently covered in gravel as a result of building construction. Planting in that area on the approved landscape plan included a total of 19 shrubs and one (1) existing tree. The approved planting was a mix of evergreen shrubs, generally around four (4) feet in height. The existing tree is to remain, although the planting area around it is no longer proposed.

Although removal of that landscape area would leave landscaping in excess of the seven (7) percent minimum requirement, the applicant is proposing to add additional landscaping in front of the parking lot. The application indicates that the area proposed to be a concrete pad for trash containers in the approved landscape plan is no longer necessary, and the revised landscape plan shows a 336 square foot planting area in that location. The applicant has proposed a Green Japanese Maple tree (*Acer palmatum dissectum* 'Viridus') surrounded by the small evergreen shrub Brookside Miniature Andromeda (*Pieris japonica* 'Brookside Miniature') for that space. Three (3) new Elijah Blue Fescue (*Festuca cinerea*) in the planting area adjacent to the parking would be consistent with the previously approved planting in that area.

The proposed revision to the landscape plan is compatible with the proposed development and its uses. While the revised landscaping would remove some planting only visible from the occasionally used

Attachments:

Attachment 1 – Application for Landscape Plan Review

church parking lot to the north, the new proposed landscaping would be in a more highly visible area and provide more aesthetic appeal to the public right-of-way along Highway 99 and to the highly visible front façade of the new building.

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

Finding: Satisfied. The proposed revision to the approved landscape plan would remove planting that would provide some screening of the use from the property to the north. Directly north of the building is an occasionally used parking lot for a church located northwest of the subject site. The new proposed landscaping replaces an area previously dedicated to trash receptacles in a highly visible location. The small Green Japanese Maple tree and low evergreen shrubs will provide additional screening of the parking lot from the Highway 99 public right-of-way. The additional planting in this area will provide more screening and buffering of the new building from the adjacent restaurant and parking to the south, and from Highway 99.

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: Satisfied. The approved landscape plan indicated that a small tree in the northeast corner of the site was to remain and be incorporated in the planting area on the north side of the building. The tree has been retained, and the proposed revision to the landscape plan indicates the tree shall remain despite the loss of the larger planting area.

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

Finding: Satisfied. This factor is met by a condition of approval to ensure that proposed planting is spaced appropriately to provide enough plant material to visually break up parking areas. The approved landscape plan provided landscaping to screen and buffer 25 new parking spaces around the new commercial building. The proposed revision to the landscape plan adds to the previously approved planting to add a new landscape area between the new parking lot and the parking lot to the south associated with Sandwich Express. Spacing requirements for the new Elijah Blue Fescue around the parking lot are reflected in Condition of Approval #3 in this decision document.

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: Satisfied. There are no street trees proposed for the subject site. The portion of the site being developed with the new commercial building is internal to the property at 711 NE Highway 99W.

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

Finding: Satisfied. The approved landscape plan indicated a drip irrigation system would be installed for all new landscape areas, except in the southeast corner of the developed area where new landscaping is proposed. There, the applicant proposes no irrigation and will water the planting areas in front of the parking by hand. No water would be necessary for the 20' x 8' area where only bark dust is proposed.

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

Attachments:

Attachment 1 – Application for Landscape Plan Review

Finding: *Satisfied*. This requirement has been met by a condition of approval included to ensure that all landscaping approved by the Landscape Review Committee and required as a condition of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement. This is reflected in Condition of Approval #4 in this decision document.

JF



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

www.mcminnvilleoregon.gov

EXHIBIT 5 - STAFF REPORT

DATE: February 20, 2019
TO: Landscape Review Committee
FROM: Jamie Fleckenstein, PLA, Associate Planner
SUBJECT: Agenda Item 4B: L 2-19

Report in Brief:

A revision to the Street Tree Improvement Plan for the Cottonwood 1st Addition subdivision (L 2-19) to be reviewed by the Landscape Review Committee.

Background:

At the January 16, 2019 regular meeting of the Landscape Review Committee an application was reviewed for a street tree removal at 1939 NW Meadows Drive in the Cottonwood 1st subdivision (L 49-18). The applicant sought to remove an oak tree in the public right-of-way because the acorn litter on the sidewalk, street, and at an adjacent group mailbox was posing a slip/trip hazard to pedestrians. An approved street tree plan for the Cottonwood 1st subdivision (L 7-05) indicated this oak tree, *Quercus rubra* (Red Oak), was the approved street tree for the NW Meadows Drive right-of-way. While the landscape review committee recognized that the acorns did likely pose a hazard and the tree species was not appropriate as a street tree, the committee also recognized that if the street tree removal was approved, then the replacement tree would necessarily be the same *Quercus rubra* as required by the street tree plan. Having recently created a Street Tree Improvement Plan to address a separate issue in this subdivision, the committee directed staff to provide a revised Street Tree Improvement Plan for committee review that would allow a different species of street tree along the NW Meadows Drive right-of-way in anticipation of approving L 49-18 and future applications for street tree removal in this area as a result of acorn litter in the public right-of-way.

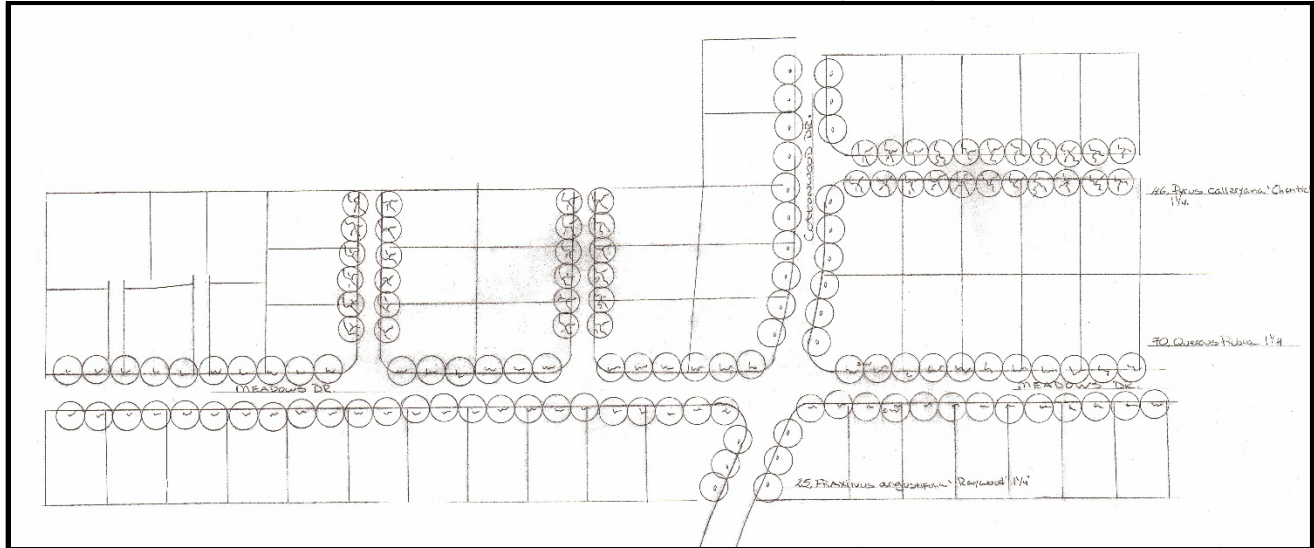
Discussion:

A Street Tree Improvement Plan for the Cottonwood 1st subdivision in northwest McMinnville amends the original approved Street Tree Plan. The original approved Street Tree Plan and current Street Tree Improvement Plan can be seen below:

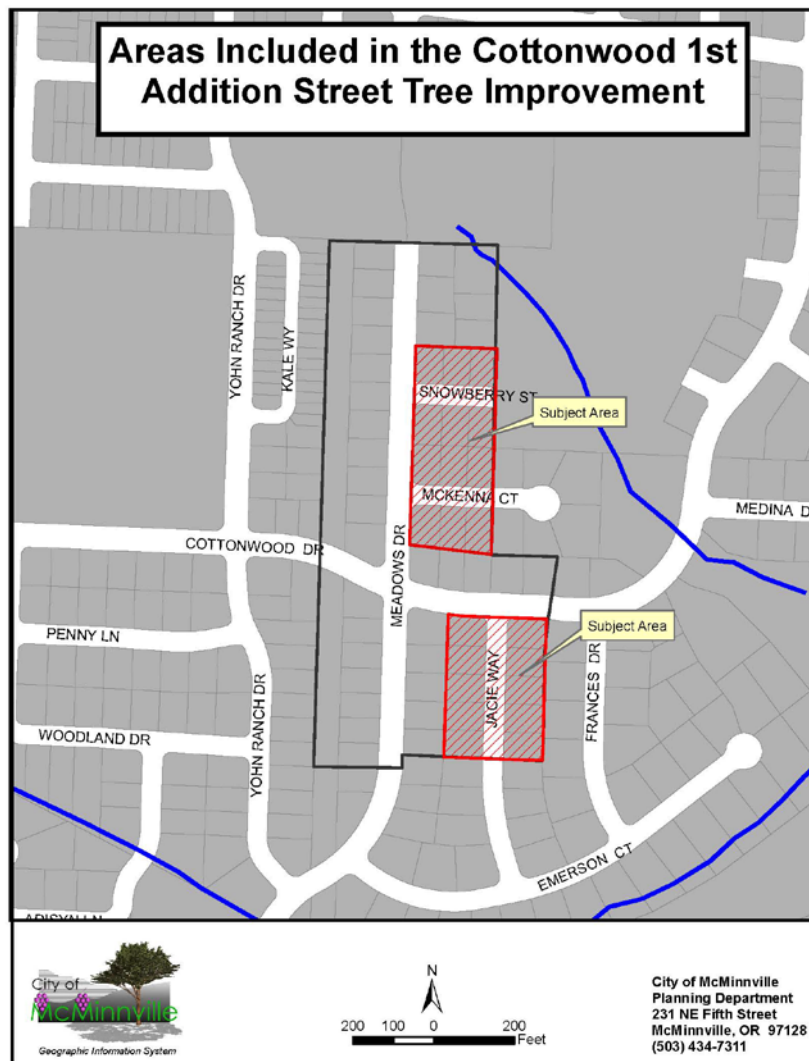
Attachments:

Attachment A - Draft Cottonwood 1st Addition Street Tree Improvement Plan

Cottonwood 1st Street Tree Plan (L 7-05)



Current Cottonwood 1st Street Tree Improvement Plan (L 38-18)

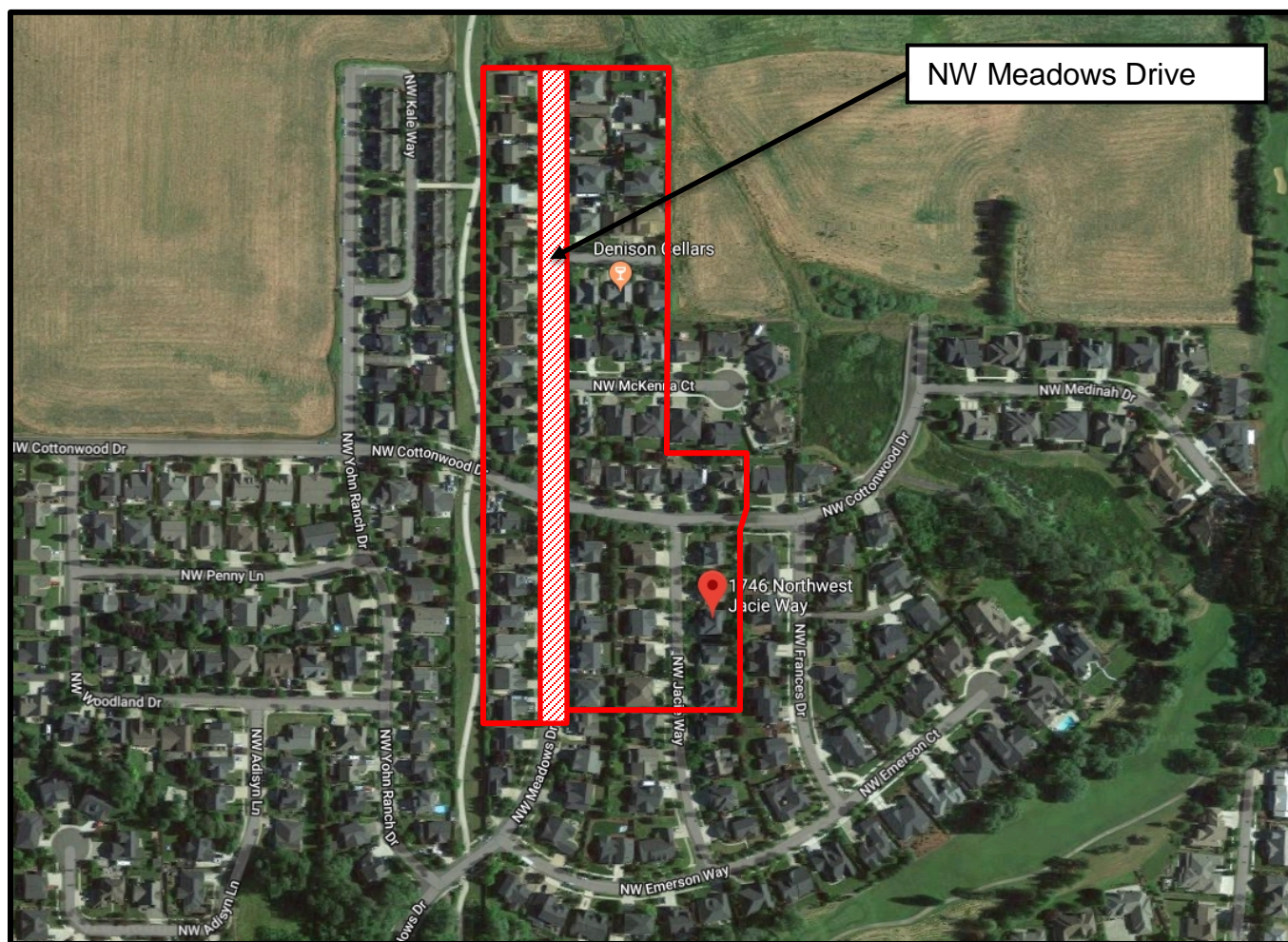


Attachments:

Attachment A - Draft Cottonwood 1st Addition Street Tree Improvement Plan

The Street Tree Improvement Plan addressed a street tree issue identified in the Snowberry Street, McKenna Court, and Jacie Way rights-of-way, but did not address the Meadows Drive right-of-way as that had not been identified as a potential problem. During the review of the street tree removal application for 1939 NW Meadows Drive, the committee was made aware of a potential current and future hazard that could be addressed through revision of the Cottonwood 1st Street Tree Improvement Plan.

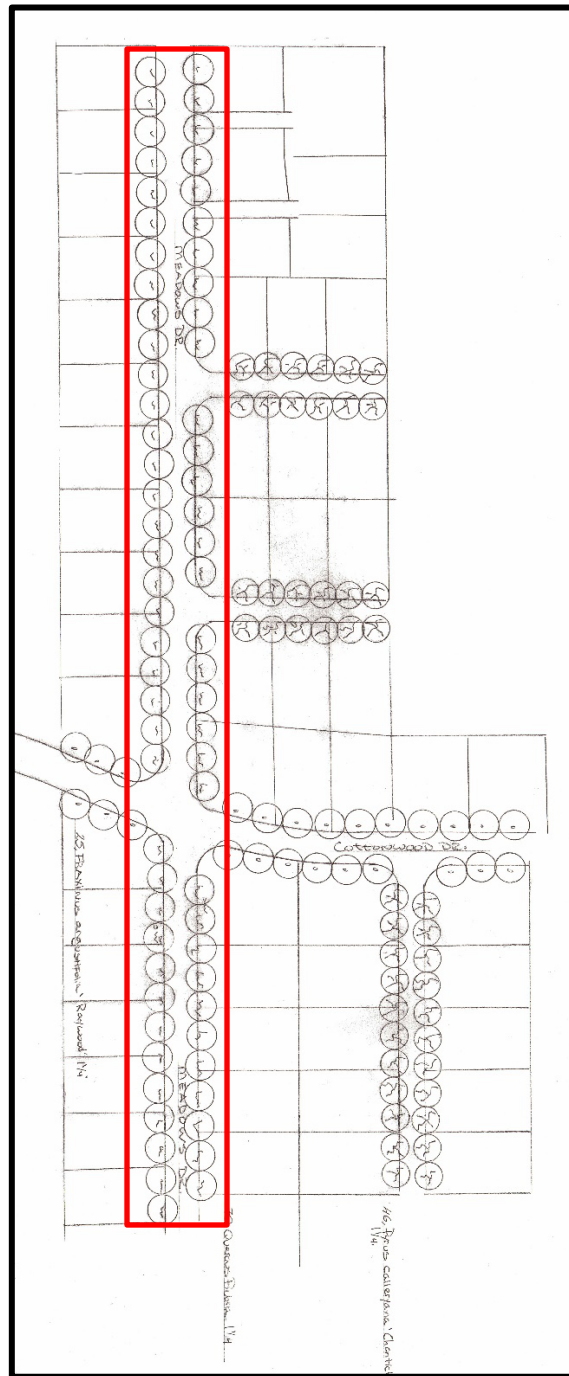
The NW Meadows Drive right-of-way within the Cottonwood 1st Addition subdivision can be seen on the map below as a hatched area, and the boundary of the subdivision is outlined in red:



The approved street tree plan for the Cottonwood 1st Addition Subdivision (L 7-05) specifies *Quercus rubra* (Red Oak) as the designated street tree for NW Meadows Drive. The approved street tree plan can be seen below, with the subject right-of-way outlined in red:

Attachments:

Attachment A - Draft Cottonwood 1st Addition Street Tree Improvement Plan



Quercus rubra is not found on the McMinnville Street Tree List. Most oaks are found in the *Conditionally Permitted Street Trees* section because it is recognized that their nuts could be problematic in the right-of-way. It should be noted that L 7-05 was approved in 2005, 11 years before the Street Tree List was adopted.

The acorns from *Quercus rubra* are typically $\frac{3}{4}$ " to 1" in length, rounded, and are considered marble-like, potentially causing a hazard underfoot. While no other street tree removals for oaks on NW Meadows Drive have been applied for, the applicant for L 49-18 indicated many neighbors have concerns about the acorn litter and/or have been injured because of acorns on walking surfaces. Due to this, it is anticipated that the number of Street Tree Removal permit applications requesting removal of *Quercus*

Attachments:

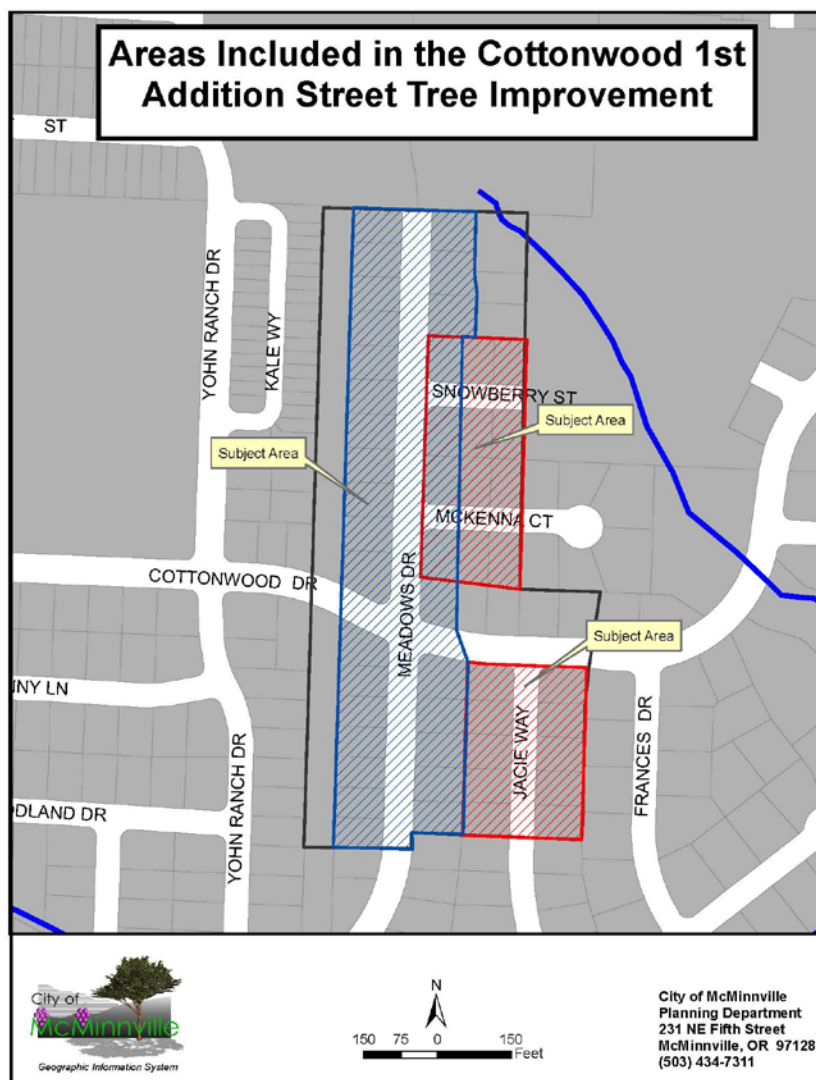
Attachment A - Draft Cottonwood 1st Addition Street Tree Improvement Plan

rubra trees along the NW Meadows Drive public right-of-way will increase in the near future due to the existing trees' tendency to drop excessive amounts of nuts. Revising the Cottonwood 1st Street Tree Improvement Plan to include this street will allow the homeowners to replace the problematic *Quercus rubra* to a more suitable alternative street tree approved by the Landscape Review Committee.

During the committee discussion of this topic, members debated which replacement tree should be specified in the Street Tree Improvement Plan. The recommendation of the committee was *Acer rubrum* 'Franksred' (Red Sunset Red Maple). The Red Sunset Red Maple is a recommended medium street tree on the McMinnville Street Tree List. Red Sunset Red Maples grow to 45' tall and 35' wide, slightly smaller in maturity than the size Red Oak would reach. At the current spacing of the oak trees, the Red Maple would provide continuous canopy coverage along the street. The committee felt this selection would be consistent with the overall design intent of the original street tree plan.

The proposed revision to the Cottonwood 1st Addition Street Tree Improvement Plan (L 2-19) that incorporates the Meadows Drive right-of-way within the Cottonwood 1st Addition subdivision can be seen below:

Revised Cottonwood 1st Street Tree Improvement Plan (L 2-19)



Attachments:

Attachment A - Draft Cottonwood 1st Addition Street Tree Improvement Plan

A street tree improvement plan basically acknowledges that street trees within a particular area in the City exhibit characteristics that will likely lead to requests to remove the trees, based on the standard criteria used to determine whether a street tree may be removed. Section 17.58.040 (A) of the McMinnville Zoning Ordinance provides for some flexibility in the Landscape Review Committee approving tree removals, and in the case of a street tree improvement plan, the Landscape Review Committee allows for the Planning Director to administratively approve removal requests in a particular area as defined by the Landscape Review Committee.

The main issue that has been encountered and can be anticipated in the future is excessive amounts of acorns falling on walking surfaces in the public right-of-way, causing a potential hazard to pedestrians. This has led to the street tree removal request recently reviewed by the Landscape Review Committee. Section 17.58.050 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.
- B. The tree is in conflict with public improvements.
- 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.
- 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.

The oak trees in this subdivision can be considered to meet the criteria above, specifically Section 17.58.050 (A) and (B). To address this ongoing issue, staff have drafted a revised Street Tree Improvement Plan for Cottonwood 1st Addition to include the oak trees along NW Meadows Drive. Based on the rationale above, staff believes that the Street Tree Improvement Plan is justified, and would allow for an expedited administrative process for property owners to remove and replace street trees. The property owner would still be required to submit an application for review by the Planning Director, and the owner would still need to demonstrate a specific street tree problem such as tree health or impacts to surrounding infrastructure. All of the typical tree replacement regulations would still be required, such as tree replacement, installation of root barriers, watering tubes, and stakes, and the replacement trees would be required to be inspected by the Public Works Superintendent prior to completing installation. This would ensure that as street trees are removed and replaced in this subdivision, they are planted correctly and replaced with a species that does not present the same long-term health and safety issues.

Fiscal Impact:

None.

Committee Options:

- 1) **APPROVE** the application, per the Street Tree Improvement Plan 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.

Attachments:

Attachment A - Draft Cottonwood 1st Addition Street Tree Improvement Plan

- 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 Cottonwood 1st Addition Street Tree Improvement Plan (L 2-19) be approved with the following conditions:

1. That any property owner requesting to remove a street tree within the NW Meadows Drive, NW Jacie Way, NW McKenna Court, and NW Snowberry Street rights-of-way in the Cottonwood 1st Addition subdivision submit a tree removal application for review by the Planning Department. The Planning Director shall have the ability to administratively approve the removal and replacement of street trees within the Cottonwood 1st Addition Street Tree Improvement Plan area.
2. That any future 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.
3. That any tree's stumps and remaining surface roots shall be removed at least six (6) inches below grade.
4. That any future 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 the tree. Please call the Engineering Department at (503) 434-7312 for sidewalk standards and specifications prior to construction.
5. That any future applicant shall plant one (1) replacement tree for each tree approved to be removed. The tree shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade, and of a species from the approved Cottonwood 1st Addition Street Tree Improvement Plan tree list.
6. That any 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 tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, the tree shall be provided with deep watering tubes to promote deep root growth (see enclosed detail).
7. That any future applicant shall contact the McMinnville Public Works Superintendent at (503) 434-7316 to discuss specific staking, watering tube requirements, and to schedule a planting inspection prior to backfilling.
8. That all planter areas shall be restored to original grade immediately following the planting of any replacement tree.
9. That all costs and liability associated with a tree's removal shall be borne by any future applicant.
10. That any future applicant shall complete the removal and replacement within six (6) months of receiving approval.

Suggested Motion:

THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE L 2-19 WITH THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.

JF

Attachments:

Attachment A - Draft Cottonwood 1st Addition Street Tree Improvement Plan



Street Tree Improvement Plan

Cottonwood 1st Addition

The City intends to implement a street tree improvement plan for this area in order to create an expedited administrative process for property owners seeking to remove and replace street trees. As per ordinance, all costs for street tree maintenance, removals and replacements, as well as sidewalk repairs, will be the responsibility of the adjacent property owner. Permit applications in replacement tree plan areas will be processed administratively by the Planning Department. Sidewalk removal/replacement permit requirements shall remain in effect for all street tree replacement plans.

All street tree replacement plans shall:

1. Be specific to a defined area, and related to specific, observed street tree problems (health, structural problems, conflicts with public improvements, etc.) within the given area.
2. Provide a rationale for removing existing trees and implementing a replacement program.
3. Include a list of approved street tree choices appropriate to the planting situation.
4. Provide a specific construction detail that clearly describes required planting practices.
5. Allow for administrative approval by the Planning Director of removal/replacement applications. A permit for tree removal shall be granted if:
 - a. The tree is unsafe, dead or diseased, as determined by the Planning Director or designee, or a certified arborist.
 - b. The tree is in conflict with public improvements.
 - c. The proposed removal 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.
 - d. The tree poses likely future conflicts with public improvements, as determined by the Planning Director or designee.
 - e. The tree poses an imminent danger to the public or any private property owner or occupant
6. Require all plantings be inspected and approved by City staff.
7. All Street Tree Improvement Plans shall be reviewed by the Planning Director and approved by the Landscape Review Committee.

Cottonwood 1st Addition Street Tree Improvement Plan

A. Defined area (see attached map): Includes the following public rights-of-way within the Cottonwood 1st Addition subdivision:

- NW Meadows Drive, within Cottonwood 1st Addition
- NW Jacie Way, within Cottonwood 1st Addition
- NW McKenna Court, within Cottonwood 1st Addition
- NW Snowberry Street

B. Rationale:

- a. An approved Street Tree Plan for Cottonwood 1st Addition subdivision (L 7-05) indicates the approved street tree for NW Jacie Way, NW McKenna Court, and NW Snowberry Street is *Pyrus calleryana* 'Chanticleer' (Chanticleer Callery Pear).
- b. An approved Street Tree Plan for Cottonwood 1st Addition subdivision (L 7-05) indicates the approved street tree for NW Meadows Drive is *Quercus rubra* (Red Oak).
- c. The planting strip within this subdivision is about 6' in width. There are various utilities boxes, hydrants and street lighting poles located in the park strip as well. There is underground electrical in several locations as well. There are no overhead conflicts.
- d. In multiple locations within the subdivision the existing pear trees are showing extensive branch and limb failure due to narrow branch angles. This is a known characteristic structural issue with the *Pyrus calleryana* 'Chanticleer' (Chanticleer Callery Pear).
- e. In the NW Meadows Drive right-of-way the existing oak trees are dropping excessive acorns onto walking surfaces, creating a hazard for pedestrians. This is a known characteristic of *Quercus rubra* (Red Oak).

C. Approved Street Tree List for area (from City's approved list):

a. Site characteristics lend themselves to small/medium sized trees

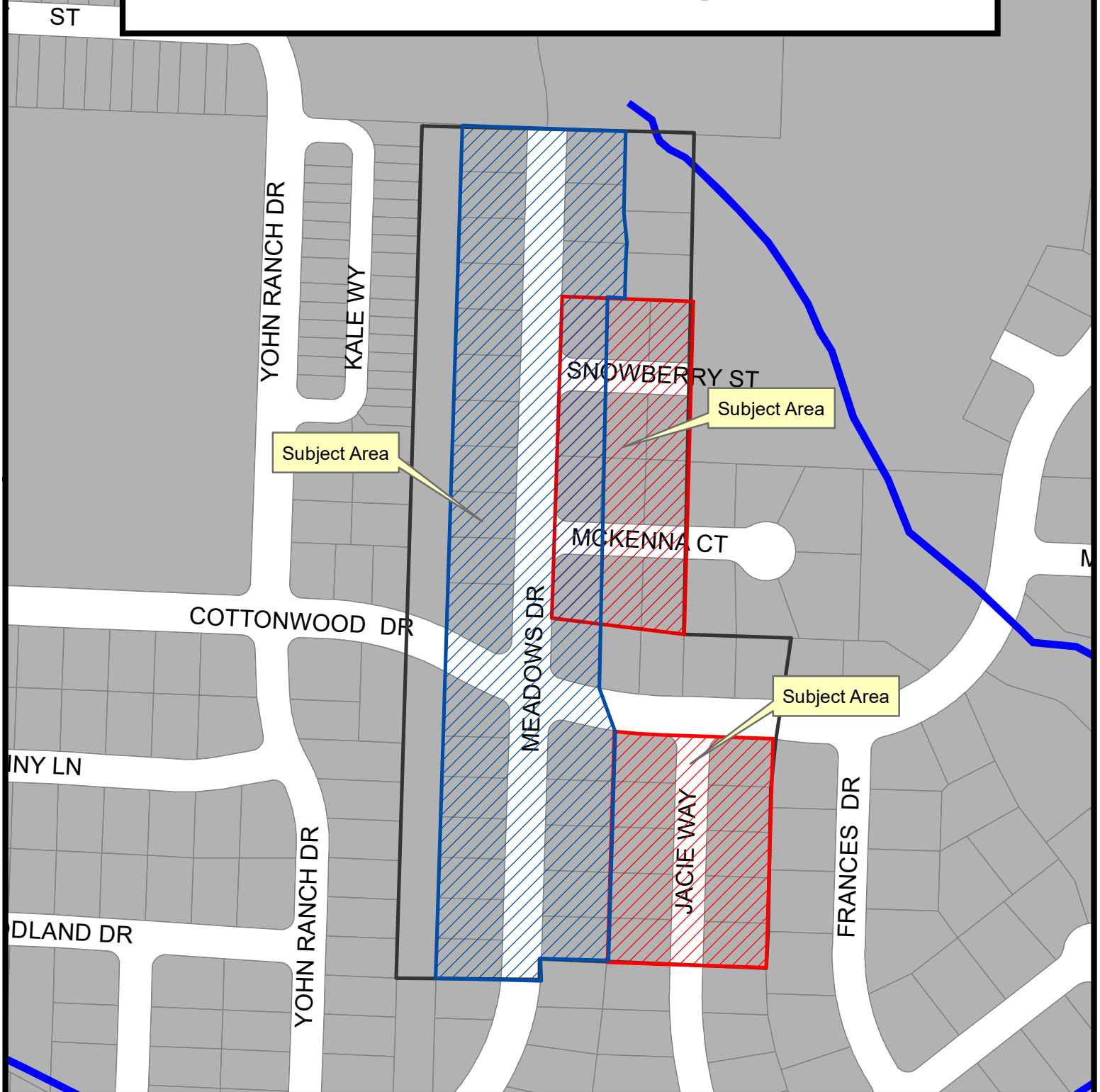
- i. Planting strip width: six feet
- ii. Existing tree spacing: 35 feet on center (approximate)

b. Approved Street Tree:

- NW Jacie Way, NW McKenna Court, NW Snowberry Street
 - *Cercis canadensis* (Eastern Redbud)
- NW Meadows Drive
 - *Acer rubrum* 'Franksred' (Red Sunset Red Maple)

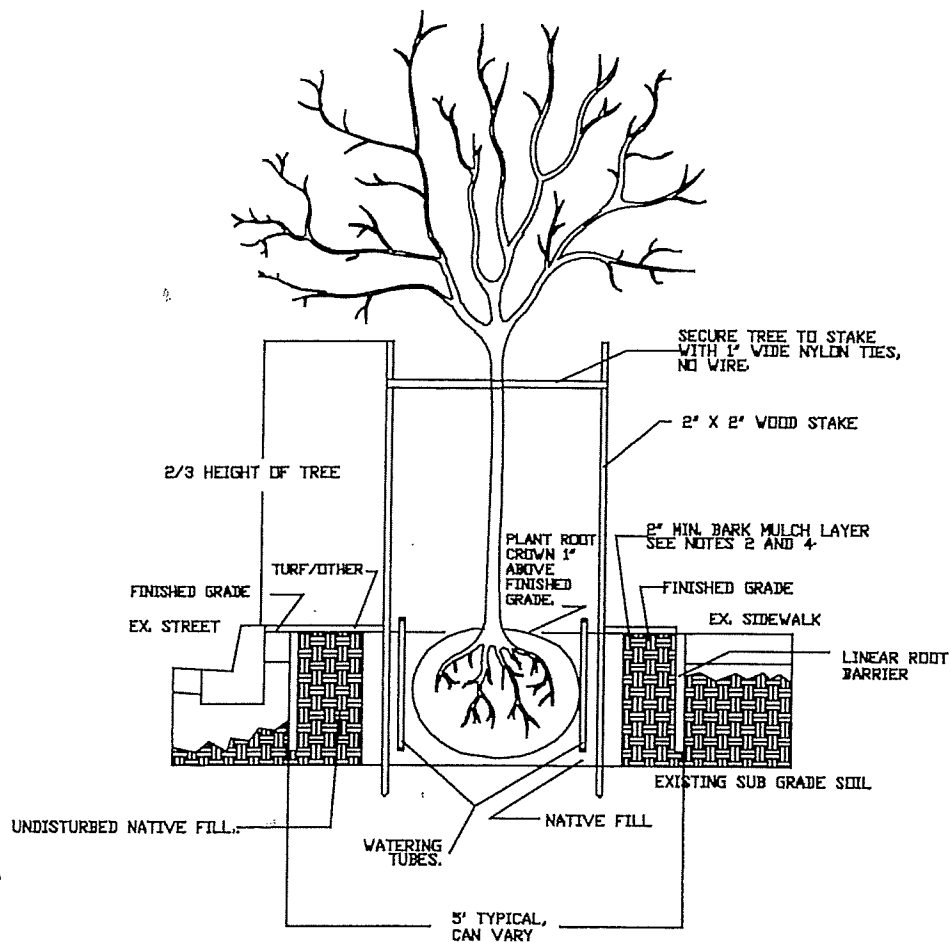
D. Construction Detail (see attached): all new plantings shall require linear root barrier protection, deep watering tubes, mulch and staking as per the attached detail.

Areas Included in the Cottonwood 1st Addition Street Tree Improvement

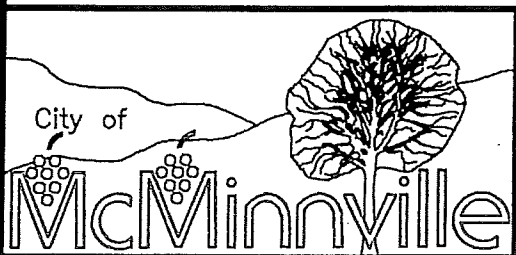


TREE PLANTING IN PARKWAY DETAIL

SECTION



1. PLANTING PIT 2X ROOTBALL WIDTH.
2. DIG PLANTING PIT NO DEEPER THAT ROOTBALL.
3. BACKFILL WITH NATIVE MATERIAL.
4. LINEAR ROOT BARRIER: COMMERCIALY ENGINEERED, 24\"/>



MCMINNVILLE PUBLIC WORKS DIVISION
PARKWAY TREE PLANTING DETAIL-

NOT TO SCALE

DATE:
MAY 2014

DRAWING NO. 34B



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

www.mcminnvilleoregon.gov

EXHIBIT 6 - STAFF REPORT

DATE: February 20, 2019
TO: McMinnville Landscape Review Committee
FROM: Jamie Fleckenstein, PLA, Associate Planner
SUBJECT: Agenda Item 4C: L 4-19

Report in Brief:

An application for a Landscape Plan Review of a landscape plan for a new indoor batting cage facility at the varsity baseball field at Patton Middle School (L 3-19), to be reviewed by the Landscape Review Committee.

Background:

The applicant, Peter Keenan on behalf of the McMinnville School District, submitted a landscape plan for the proposed new indoor batting cage facility at Patton Middle School. The proposed indoor facility is replacing an existing outdoor batting cage facility. The subject site is located at the northeast corner of NE McDaniel Lane and NE 19th Street, and is more specifically described as Tax Lot 1300, Section 16AC, T. 4 S., R. 4 W., W.M.

Discussion:

The applicant is proposing a new, fully enclosed steel building measuring 144 feet long by 40 feet wide. Inside the new structure will be space for year-round indoor batting practice and storage space for baseball equipment at the varsity baseball field at Patton Middle School. The structure is planned to have electrical service, but no water service. The proposed batting cage facility is to replace an existing outdoor batting cage. The existing facility measures 100 feet long by 50 feet wide, and is made of steel poles and nets.

The subject site is at Patton Middle School, adjacent to the existing baseball field in the northeast corner of the property along NE McDaniel Lane. The application indicates that the new facility is proposed for generally the same location as the existing facility, allowing existing landscaping and sports facilities to be undisturbed during construction. Between McDaniel Lane and the baseball field are 18 mature oaks and maples, ranging in size from 19 inches to 66 inches in diameter at breast height (DBH). An existing gravel path leads from the sidewalk at McDaniel Lane to the existing batting cage facility.

The property to the north of the subject site is an undeveloped lot owned by the Smith Cookie Company, a site zoned M-1 PD (Light Industrial Planned Development). To the east of the subject site, across McDaniel Lane is Wortman Park, a City park, and several single family residences zoned R-2 (Single Family Residential). To the south of the subject site, across NE 19th Street, are single family residences, also zoned R-2.

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for R4416AC01300 (L 3-19)

The approximate location of the subject site can be seen below outlined in red, and the proposed area development is identified as the hatched area:



The subject site is zoned R-2 PD (Single Family Residential Planned Development). The McMinnville School District has a Conditional Use Permit for the public school use on this site. The Landscaping chapter of the McMinnville Zoning Ordinance requires that at least seven (7) percent of the gross area of a site being developed be landscaped (Section 17.57.070(A) (Area Determination – Planning Factors)).

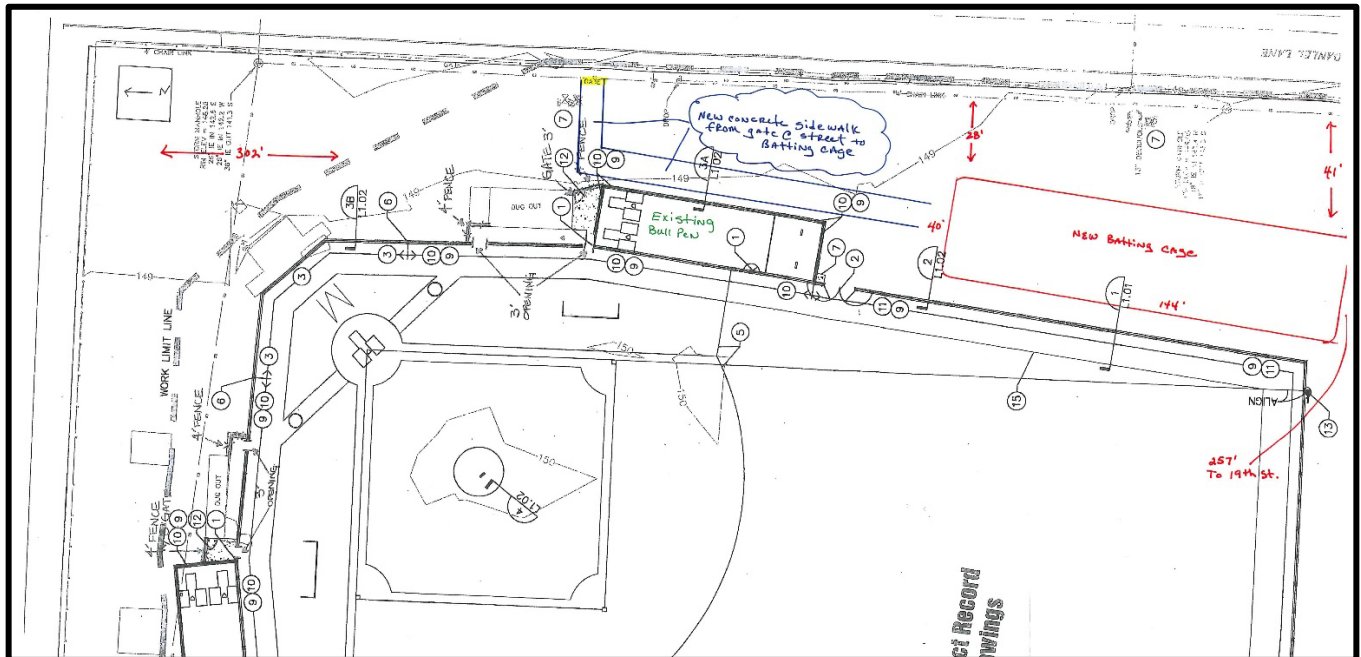
The landscape plan as proposed exceeds the required seven (7) percent landscaping requirement. The applicant indicates the total building floor area of the new structure is 5,760 square feet. 864 square feet of landscaping is proposed as part of the project, or 15 percent of the total development area. The proposed landscape plan also includes improvements to the existing pedestrian walkway.

The proposed site plan and landscape plan can be seen below:

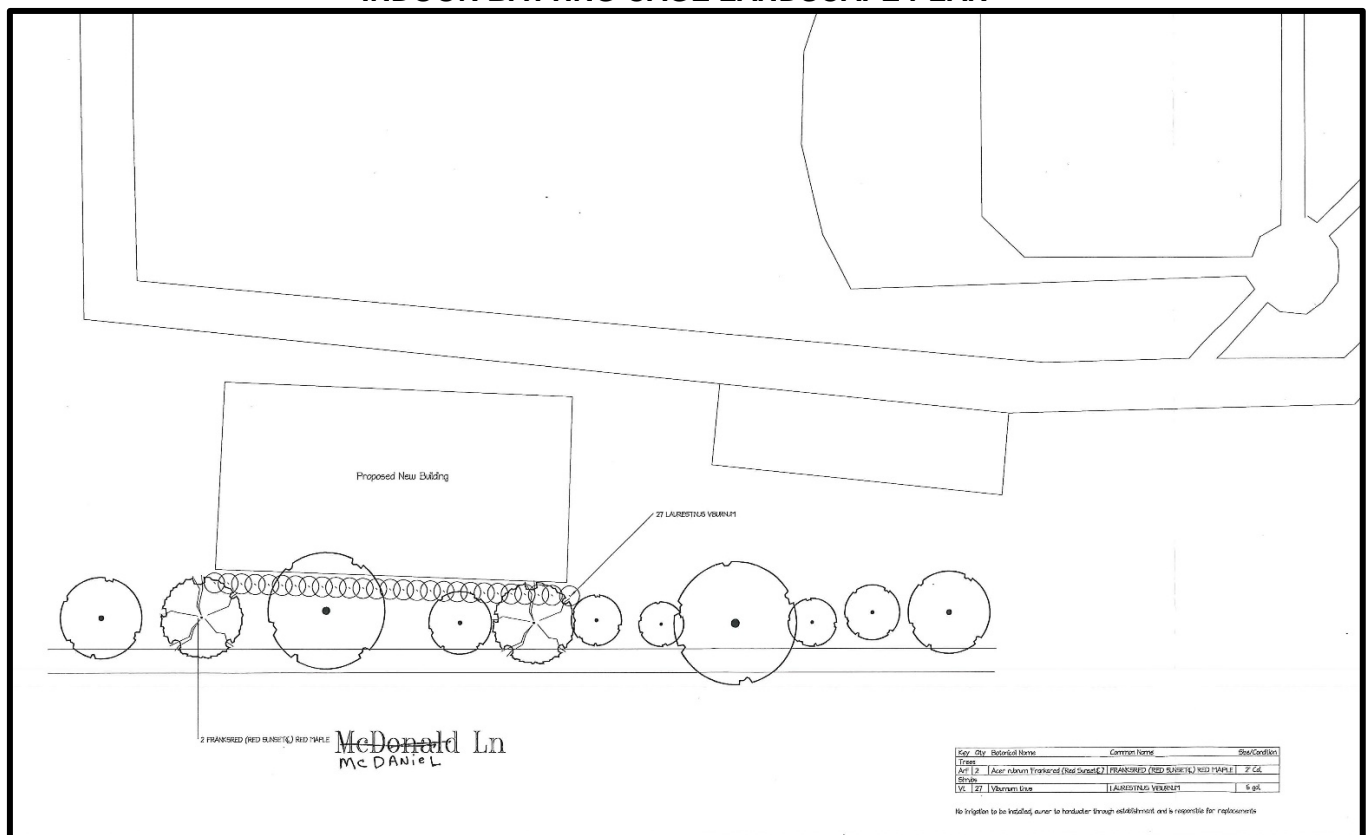
Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for R4416AC01300 (L 3-19)

INDOOR BATTING CAGE SITE PLAN



INDOOR BATTING CAGE LANDSCAPE PLAN



Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for R4416AC01300 (L 3-19)

INDOOR BATTING CAGE LANDSCAPE PLAN – PLANT LIST

| Key | Qty | Botanical Name | Common Name | Size/Condition |
|---------------|-----|-------------------------------------|-----------------------------------|----------------|
| Trees | | | | |
| ArF | 2 | Acer rubrum Franksred (Red Sunset®) | FRANKSRED (RED SUNSET®) RED MAPLE | 2" Cal. |
| Shrubs | | | | |
| VL | 27 | Viburnum tinus | LAURESTINUS VIBURNUM | 5 gal. |

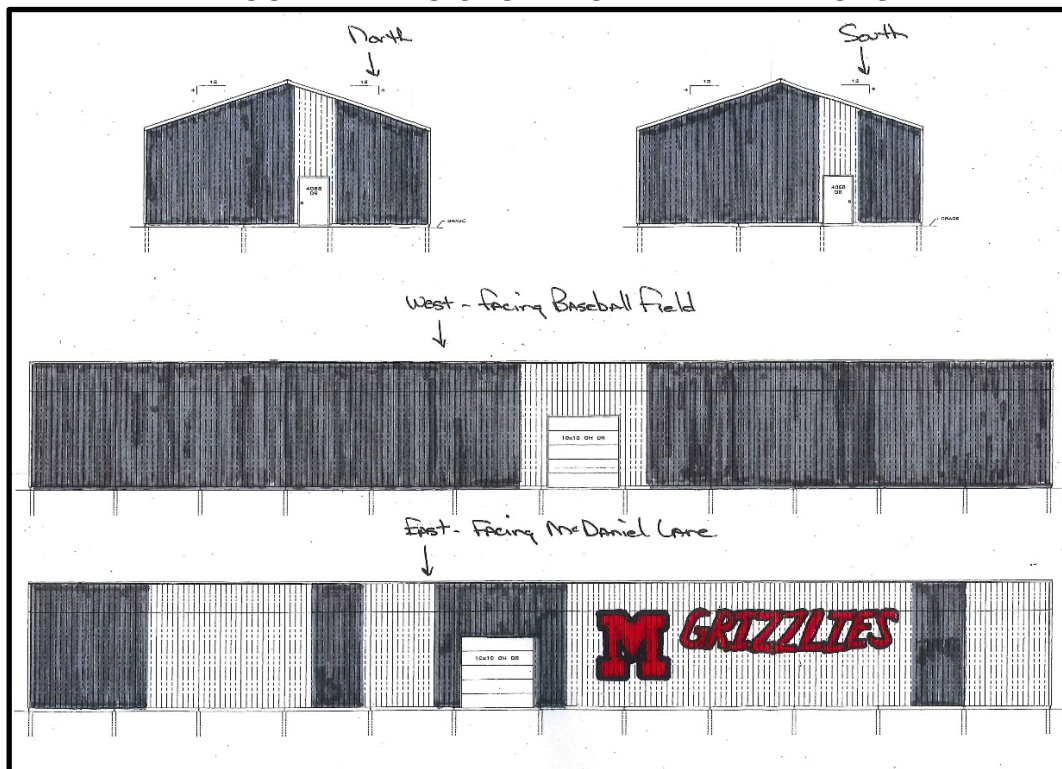
No irrigation to be installed, owner to handwater through establishment and is responsible for replacements

In reviewing a landscape plan, MMC Section 17.57.050(B) (Area Determination – Planning Factors) 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 proposed project is the replacement of an existing open air batting practice facility constructed out of steel poles and nets with a slightly larger building that will house an indoor batting cage facility and storage area. The elevations of the proposed structure are seen below:

INDOOR BATTING CAGE FACILITY - ELEVATIONS



Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for R4416AC01300 (L 3-19)

The eastern side of the building, the side is the most prominent from the adjacent right-of-way and most visible from the single family residences on the east side of McDaniel Lane. The proposed structure is sited slightly south of the existing structure to place it more directly in front of the Orchard Avenue/McDaniel Lane intersection, and not directly across from the single family residence at the northeast corner of that intersection.

Two (2) *Acer rubrum* 'Franksred' (Red Sunset Red Maple) trees are proposed on the east side of the proposed facility. The trees will be planted in gaps in the row of existing trees along McDaniel Lane. These trees will provide more continuous canopy along McDaniel Lane, and specifically at the intersection of Orchard Avenue and McDaniel Lane. The additional canopy of the new trees will provide buffering and screening of the new building from the McDaniel Lane and Orchard Avenue rights-of-way.

Immediately adjacent to the eastern façade of the new building, a six (6) foot wide planting bed is proposed along the entire length of the building (144 feet). 27 *Viburnum tinus* (Laurustinus Viburnum) are proposed for the planting area at a spacing of approximately five (5) feet on center. Laurustinus is an evergreen shrub that grows to six (6) to 12 feet tall and half as wide. The foliage is dense and extends to the bottom of the plant, making it good for screens and hedges. The plant also features attractive red new stems, fragrant white flowers from fall to spring, and metallic blue berries through the summer. The variety 'Spring Bouquet' is a commonly available variety that grows to just four (4) to six (6) feet tall and wide. The east elevation shows a 10 foot wide garage door, and a mural to break up the long façade. The landscape plan provides no accommodation for access to the garage door. Staff recommends a condition of approval to remove planting to provide access to the garage door. Staff also recommends a condition of approval to require that *Viburnum tinus* 'Spring Bouquet' be planted in place of the standard species to prevent the hedge from growing to a height that would block the mural.

No planting is proposed on the north and south elevations, the ends of the building that would also be seen from the McDaniel Lane right-of-way. No planting is proposed on the west side of the building, which faces the baseball field and is mainly visible only from the sports fields.

Also included in the application is the paving of an existing gravel path that leads from the McDaniel Lane sidewalk to the existing batting cage facility. The walk will be paved and extended to entrance on the north side of the proposed building.

Overall, the proposed landscaping is compatible with the uses proposed for the site. The proposed facility is in an active baseball field and complex that can be used year round. The paved path makes access to the proposed facility easier. The proposed planting on the east side of the building addresses views of the new facility from the adjacent public rights-of-way and neighboring single family residences.

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

As discussed above, the eastern side of the proposed structure, which is the most visible from the adjacent McDaniel Lane and Orchard Avenue rights-of-way and from neighboring residences on McDaniel Lane, is well screened and buffered by proposed and existing plantings. Along McDaniel Lane, a row of mature trees will provide a considerable amount of buffering and screening, and the addition of two (2) new trees will fill in gaps in the row. Next to the building itself, an evergreen hedge is proposed that will buffer and screen the large eastern façade.

No planting is proposed for the north or south sides of the proposed structure, which would be visible from the McDaniel Lane right-of-way.

Attachments:

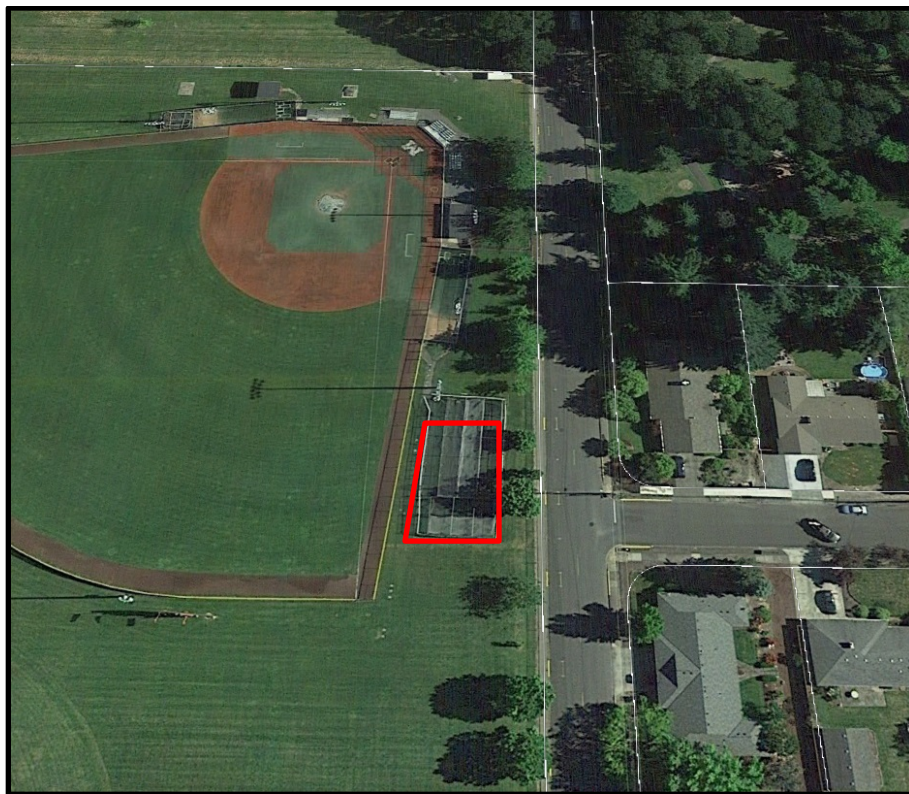
Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for R4416AC01300 (L 3-19)

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.

On the subject site, between the area of proposed development and the McDaniel Lane right-of-way, are 18 mature oaks and maples, ranging in size from 19 inches to 66 inches in diameter at breast height (DBH). The proposed project does not include removal of any of the existing trees. The landscape plan also proposes to plant two (2) new *Acer rubrum* 'Franksred' (Red Sunset Red Maple) to fill in gaps in the existing row of trees and their canopy.

An aerial photograph of the area of development outlined in red, and its proximity to the existing trees can be seen below:

BASEBALL FIELD – EXISTING TREES



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

No parking is proposed in this development, so the use of parking islands and planting to break up parking areas is not applicable to this review.

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.

The right-of-way adjacent to the development area, McDaniel Lane, does not have curb-side planter strips. Therefore, street trees cannot be planted are not required. The trees on the school property that follow the property line essentially function as street trees. The applicant has proposed planting two (2)

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for R4416AC01300 (L 3-19)

additional *Acer rubrum* ‘Franksred’ (Red Sunset Red Maple) to fill in gaps in the existing row of trees and their canopy. The existing trees are maples and oaks, so the addition of two (2) red maples is appropriate.

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

The proposed development does not include the addition of water service to the new indoor batting cage facility. The landscape plan indicates that the new plantings are to be hand watered through establishment, and that the owner is responsible for replacement of plants that fail to become established and/or die.

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 landscape plan be approved with the following conditions:

1. That the applicant shall install landscaping as shown on the landscape plan submitted to the Planning Department on January 22, 2019.
2. That *Viburnum tinus* ‘Spring Bouquet’ (Spring Bouquet Laurustinus) shall be substituted for the proposed *Viburnum tinus* (Laurustinus).
3. That no planting shall be installed blocking access to the garage door on the east façade.
4. 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 3-19 WITH THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.

JF

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for R4416AC01300 (L 3-19)



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

503-434-7311
www.mcminnvilleoregon.gov

**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS
FOR THE APPROVAL OF A LANDSCAPE PLAN FOR A NEW INDOOR BATTING CAGE FACILITY
AT R4416AC01300.**

DOCKET: L 3-19 (Landscape Plan Review)

REQUEST: A request for approval of a landscape plan for a new indoor batting cage facility at Patton Middle School.

LOCATION: The subject site is located at the northwest corner of the intersection of NE McDaniel Lane and NE 19th Street, and is more specifically described as Tax Lot 1300, Section 16AC, T. 4 S., R. 4 W., W.M.

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

APPLICANT: Peter Keenan, on behalf of the McMinnville School District

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: January 28, 2019

HEARINGS BODY: McMinnville Landscape Review Committee

DATE & TIME: February 20, 2019. Meeting was held at the Community Development Center, 231 NE 5th Street, McMinnville, OR 97128

PROCEDURE: Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.050 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance.

CRITERIA: The applicable criteria are specified in Section 17.57.070 (Area Determination – Planning factors) of the McMinnville Zoning Ordinance, McMinnville City Code.

APPEAL: The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.57.170 of the McMinnville Zoning Ordinance.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

Attachments:
Attachment 1 – Application for Landscape Plan Review

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the landscape plan (L 3-19) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

Planning Staff: _____
 Jamie Fleckenstein, PLA, Associate Planner

Date: February 20, 2019

Planning Department: _____
Heather Richards, Planning Director

Date: February 20, 2019

Attachments:
Attachment 1 – Application for Landscape Plan Review

APPLICATION SUMMARY:

The applicant, Peter Keenan on behalf of the McMinnville School District, submitted a landscape plan for the proposed new indoor batting cage facility at Patton Middle School. The proposed indoor facility is replacing an existing outdoor batting cage facility. The subject site is located at the northeast corner of NE McDaniel Lane and NE 19th Street, and is more specifically described as Tax Lot 1300, Section 16AC, T. 4 S., R. 4 W., W.M. Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.050 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance.

The applicant is proposing a new, fully enclosed steel building measuring 144 feet long by 40 feet wide. Inside the new structure will be space for year-round indoor batting practice and storage space for baseball equipment at the varsity baseball field at Patton Middle School. The structure is planned to have electrical service, but no water service. The proposed batting cage facility is to replace an existing outdoor batting cage. The existing facility measures 100 feet long by 50 feet wide, and is made of steel poles and nets.

The subject site is at Patton Middle School, adjacent to the existing baseball field in the northeast corner of the property along NE McDaniel Lane. The application indicates that the new facility is proposed for generally the same location as the existing facility, allowing existing landscaping and sports facilities to be undisturbed during construction. Between McDaniel Lane and the baseball field are 18 mature oaks and maples, ranging in size from 19 inches to 66 inches in diameter at breast height (DBH). An existing gravel path leads from the sidewalk at McDaniel Lane to the existing batting cage facility.

The property to the north of the subject site is an undeveloped lot owned by the Smith Cookie Company, a site zoned M-1 PD (Light Industrial Planned Development). To the east of the subject site, across McDaniel Lane is Wortman Park, a City park, and several single family residences zoned R-2 (Single Family Residential). To the south of the subject site, across NE 19th Street, are single family residences, also zoned R-2.

The approximate location of the subject site can be seen below outlined in red, and the proposed area development is identified as the hatched area:

SITE REFERENCE MAP



The subject site is zoned R-2 PD (Single Family Residential Planned Development). The McMinnville School District has a Conditional Use Permit for the public school use on this site. The Landscaping chapter of the McMinnville Zoning Ordinance requires that at least seven (7) percent of the gross area of a site being developed be landscaped (Section 17.57.070(A) (Area Determination – Planning Factors)).

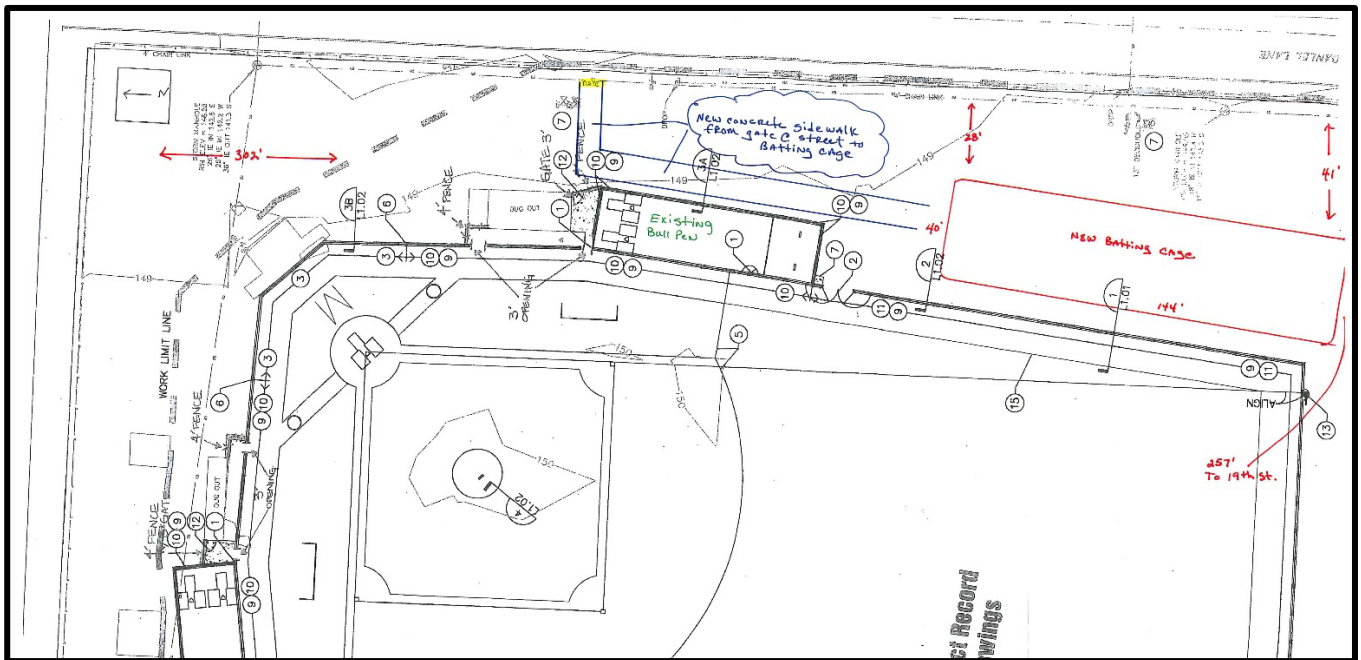
The landscape plan as proposed exceeds the required seven (7) percent landscaping requirement. The applicant indicates the total building floor area of the new structure is 5,760 square feet. 864 square feet of landscaping is proposed as part of the project, or 15 percent of the total development area. The proposed landscape plan also includes improvements to the existing pedestrian walkway.

The proposed site plan and landscape plan can be seen below:

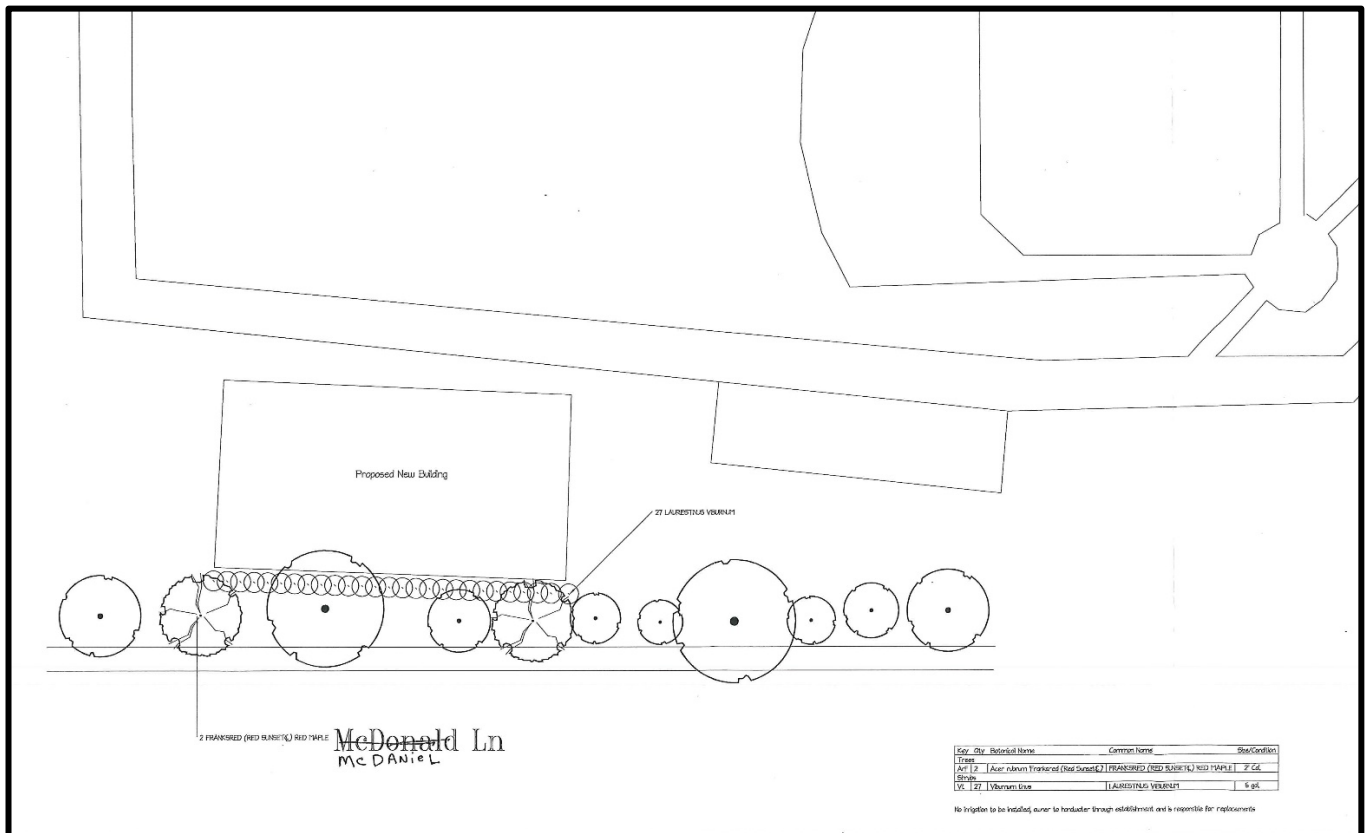
Attachments:

Attachment 1 – Application for Landscape Plan Review

INDOOR BATTING CAGE SITE PLAN



INDOOR BATTING CAGE LANDSCAPE PLAN



Attachments:

Attachment 1 – Application for Landscape Plan Review

INDOOR BATTING CAGE LANDSCAPE PLAN – PLANT LIST

| Key | Qty | Botanical Name | Common Name | Size/Condition |
|--------|-----|-------------------------------------|-----------------------------------|----------------|
| Trees | | | | |
| ArF | 2 | Acer rubrum Franksred (Red Sunset®) | FRANKSRED (RED SUNSET®) RED MAPLE | 2" Cal. |
| Shrubs | | | | |
| Vt | 27 | Viburnum tinus | LAURESTINUS VIBURNUM | 5 gal. |

No irrigation to be installed, owner to handwater through establishment and is responsible for replacements

CONDITIONS OF APPROVAL:

L 3-19 is **approved** subject to the following conditions:

1. That the applicant shall install landscaping as shown on the landscape plan submitted to the Planning Department on January 22, 2019.
2. That *Viburnum tinus* 'Spring Bouquet' (Spring Bouquet Laurustinus) shall be substituted for the proposed *Viburnum tinus* (Laurustinus).
3. That no planting shall be installed blocking access to the garage door on the east façade.
4. 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 (on file with the Planning Department)

COMMENTS:**Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

- **McMinnville Public Works:**

It would appear from the submittals that these plantings are proposed to be outside of the public right of way. As such, Public Works would have no comments or concerns.

- **McMinnville Water and Light:**

Attachments:

Attachment 1 – Application for Landscape Plan Review

Public Comments

No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 (Plans-Submittal and review-Approval-Time Limit for completion) of the McMinnville Zoning Ordinance, which does not require any type of public notification. No public comments were received prior to the Planning Director's decision.

FINDINGS OF FACT

1. The applicant, Peter Keenan, on behalf of McMinnville School District, submitted a request for a landscape plan review for the proposed new indoor batting cage facility at Patton Middle School.
2. The subject site is located at the northwest corner of the intersection of NE McDaniel Lane and NE 19th Street, and is more specifically described as Tax Lot 1300, Section 16AC, T. 4 S., R. 4 W., W.M. and is zoned
3. The proposed development includes a new fully enclosed steel building measuring 144 feet long by 40 feet wide. Inside the new structure will be space for year-round indoor batting practice and storage space for baseball equipment. The structure is planned to have electrical service, but no water service. A paved walkway will provide access from the McDaniel Lane sidewalk to the new structure.
4. 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.
5. No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 (Plans-Submittal and review-Approval-Time Limit for completion) of the McMinnville Zoning Ordinance, which does not require any type of public notification. No public comments were received prior to the Planning Director's decision.
6. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS:

McMinnville's Comprehensive Plan:

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.

Attachments:

Attachment 1 – Application for Landscape Plan Review

Finding: Satisfied. Goal IV 3 and Policy 32.00 are satisfied in that the proposed landscape plan includes trees and other landscaped areas that will provide screening of the proposed use from the public right-of-way and from adjacent residential areas.

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: Satisfied. 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 Landscape Review Committee 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.

McMinnville's City Code:

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

Chapter 17.57 - Landscaping:

17.57.010 Purpose and intent. The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. [...]

Finding: Satisfied. The landscape plan as proposed would enhance the appearance of the city and will benefit the economic, ecological, and aesthetic environment of the city. 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.

17.57.050 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: Satisfied. 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.

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:

Attachments:

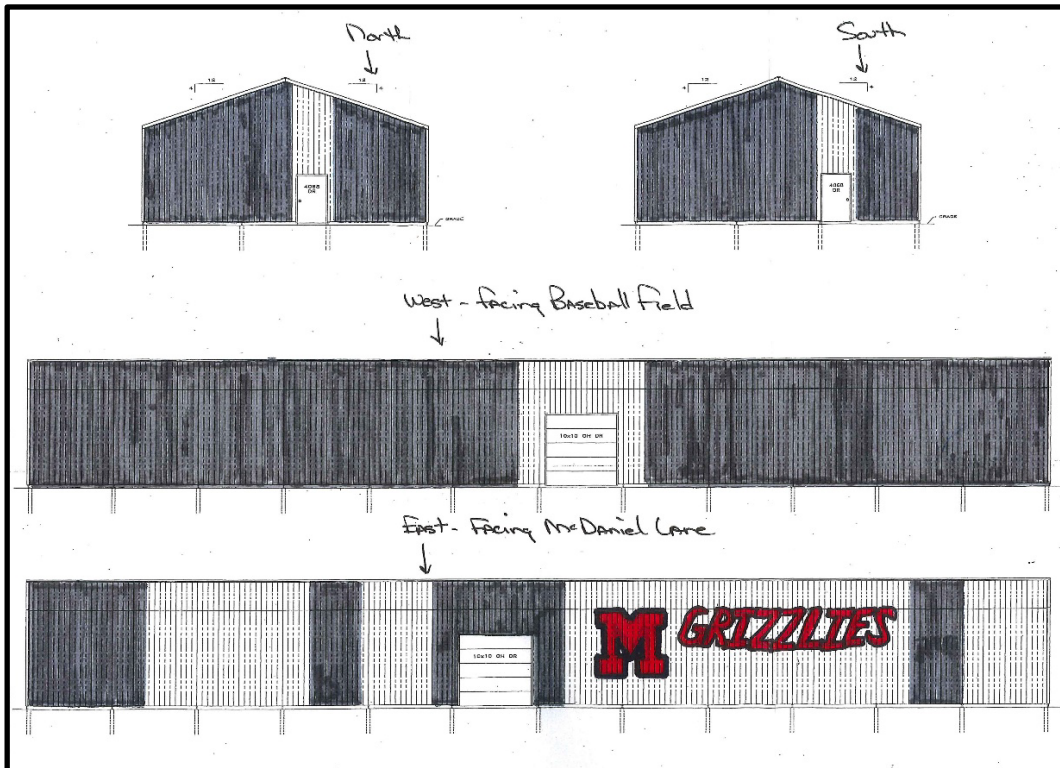
Attachment 1 – Application for Landscape Plan Review

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

Finding: Satisfied. This factor has been met by conditions of approval included to ensure the landscaping in the proposed is compatible with the proposed uses. Conditions of Approval #2 and #3 in this decision document ensures that landscaping is compatible with the use.

The proposed project is the replacement of an existing open air batting practice facility constructed out of steel poles and nets with a slightly larger building that will house an indoor batting cage facility and storage area. The elevations of the proposed structure are seen below:

INDOOR BATTING CAGE FACILITY - ELEVATIONS



The eastern side of the building, the side is the most prominent from the adjacent right-of-way and most visible from the single family residences on the east side of McDaniel Lane. The proposed structure is sited slightly south of the existing structure to place it more directly in front of the Orchard Avenue/McDaniel Lane intersection, and not directly across from the single family residence at the northeast corner of that intersection.

Two (2) *Acer rubrum* 'Franksred' (Red Sunset Red Maple) trees are proposed on the east side of the proposed facility. The trees will be planted in gaps in the row of existing trees along McDaniel Lane. These trees will provide more continuous canopy along McDaniel Lane, and specifically at the intersection of Orchard Avenue and McDaniel Lane. The additional canopy of the new trees will provide buffering and screening of the new building from the McDaniel Lane and Orchard Avenue rights-of-way.

Immediately adjacent to the eastern façade of the new building, a six (6) foot wide planting bed is proposed along the entire length of the building (144 feet). 27 *Viburnum tinus* (Laurustinus Viburnum) are proposed for the planting area at a spacing of approximately five (5) feet on center. Laurustinus is an evergreen shrub that grows to six (6) to 12 feet tall and half as wide. The foliage is dense and extends to the bottom of the plant, making it good for screens and hedges. The plant also features attractive red new stems, fragrant white flowers from fall to spring, and metallic blue berries through the

Attachments:

Attachment 1 – Application for Landscape Plan Review

summer. The variety 'Spring Bouquet' is a commonly available variety that grows to just four (4) to six (6) feet tall and wide. The east elevation shows a 10 foot wide garage door, and a mural to break up the long façade. The landscape plan provides no accommodation for access to the garage door. Staff recommends a condition of approval to remove planting to provide access to the garage door. Staff also recommends a condition of approval to require that *Viburnum tinus* 'Spring Bouquet' be planted in place of the standard species to prevent the hedge from growing to a height that would block the mural.

No planting is proposed on the north and south elevations, the ends of the building that would also be seen from the McDaniel Lane right-of-way. No planting is proposed on the west side of the building, which faces the baseball field and is mainly visible only from the sports fields.

Also included in the application is the paving of an existing gravel path that leads from the McDaniel Lane sidewalk to the existing batting cage facility. The walk will be paved and extended to entrance on the north side of the proposed building.

Overall, the proposed landscaping is compatible with the uses proposed for the site. The proposed facility is in an active baseball field and complex that can be used year round. The paved path makes access to the proposed facility easier. The proposed planting on the east side of the building addresses views of the new facility from the adjacent public rights-of-way and neighboring single family residences.

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

Finding: Satisfied. This factor has been satisfied. The eastern side of the proposed structure, which is the most visible from the adjacent McDaniel Lane and Orchard Avenue rights-of-way and from neighboring residences on McDaniel Lane, is well screened and buffered by proposed and existing plantings. Along McDaniel Lane, a row of mature trees will provide a considerable amount of buffering and screening, and the addition of two (2) new trees will fill in gaps in the row. Next to the building itself, an evergreen hedge is proposed that will buffer and screen the large eastern façade.

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: Satisfied. This factor has been satisfied. On the subject site, between the area of proposed development and the McDaniel Lane right-of-way, are 18 mature oaks and maples, ranging in size from 19 inches to 66 inches in diameter at breast height (DBH). The proposed project does not include removal of any of the existing trees. The landscape plan also proposes to plant two (2) new *Acer rubrum* 'Franksred' (Red Sunset Red Maple) to fill in gaps in the existing row of trees and their canopy.

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

Finding: Satisfied. This factor has been satisfied in that no parking is proposed in this development, so the use of parking islands and planting to break up parking areas is not applicable to this review.

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: Satisfied. This factor has been satisfied. The right-of-way adjacent to the development area, McDaniel Lane, does not have curb-side planter strips. Therefore, street trees cannot be planted and are not required. However, the trees on the school property that follow the property line essentially function as street trees. The applicant has proposed planting two (2) additional *Acer rubrum* 'Franksred'

(Red Sunset Red Maple) to fill in gaps in the existing row of trees and their canopy. The existing trees are maples and oaks, so the addition of two (2) red maples is appropriate.

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

Finding: *Satisfied*. This factor has been satisfied. The proposed development does not include the addition of water service to the new indoor batting cage facility. The landscape plan indicates that the new plantings are to be hand watered by the owner through establishment, and that the owner is responsible for replacement of plants that fail to become established and/or die.

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

Finding: *Satisfied*. This requirement has been met by a condition of approval included to ensure that all landscaping approved by the Landscape Review Committee and required as a condition of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement. This is reflected in Condition of Approval #4 in this decision document.

JF



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

www.mcminnvilleoregon.gov

EXHIBIT 7 - STAFF REPORT

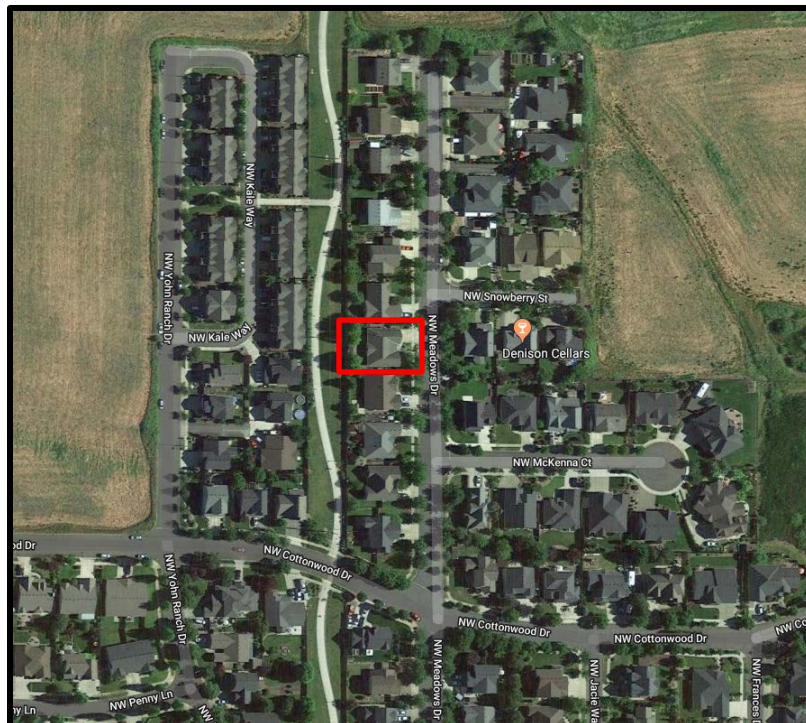
DATE: February 20, 2019
TO: McMinnville Landscape Review Committee
FROM: Jamie Fleckenstein, PLA, Associate Planner
SUBJECT: Agenda Item 4D: L 49-18

Report in Brief:

An application for a street tree removal (L 49-18) to be reviewed by the Landscape Review Committee.

Background:

The applicant and adjacent property owner, Dominic Maselli, submitted a Street Tree Removal application to remove one (1) street tree from public right-of-way adjacent to the property located at 1939 NW Meadows Drive. The subject property is more specifically described as Tax Lot 11300, Section 18DB, T. 4 S., R. 4 W., W.M. The subject tree is located in the NW Meadows Drive right-of-way in the Cottonwood 1st Addition subdivision, in northwest McMinnville. The subject site can be seen below as a red outlined area:



Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1939 NW Meadows Drive

The subject tree is an approximately 9" DBH (diameter at breast height) oak (*Quercus sp.*) located in a planter strip and spaced approximately 9 feet 6 inches from a US Mail mailbox with 16 mailboxes for neighboring addresses. The species of oak was not identified in the application. The subject tree and its proximity to the mailbox can be seen below:



The Landscape Review committee first reviewed this application at its January 20, 2019 regular meeting. The committee's consensus was that the application presented enough evidence to warrant removal of the tree because the tree exhibits characteristics not suitable for a street tree, but that due to an approved street tree plan for the subdivision, the tree would be replaced with the same species exhibit the same unsuitable characteristics. The committee voted unanimously to continue the application so the approved street tree plan could be amended via an amended Street Tree Improvement Plan. Approval of an amended Street Tree Improvement Plan would allow the tree to be replaced with an approved alternative.

Discussion:

The applicant requested the removal of the street tree because of a hazard caused by acorns falling from the oak tree onto the concrete pad in front of the mailboxes. The applicant indicated that acorns fall onto walking surfaces approaching the mail boxes: street, sidewalk, and the pad in front of the mailboxes. According to the application, neighbors walking to the mailbox to collect their mail have experienced loss of balance and twisted ankles as a result of stepping on the acorns. The applicant is concerned of increased injury hazard during the fall months when fallen leaves and darkness obscure the acorns from view. The applicant states that removing the tree will eliminate this hazard and potentially prevent a serious injury. The applicant did not propose a replacement tree in the application.

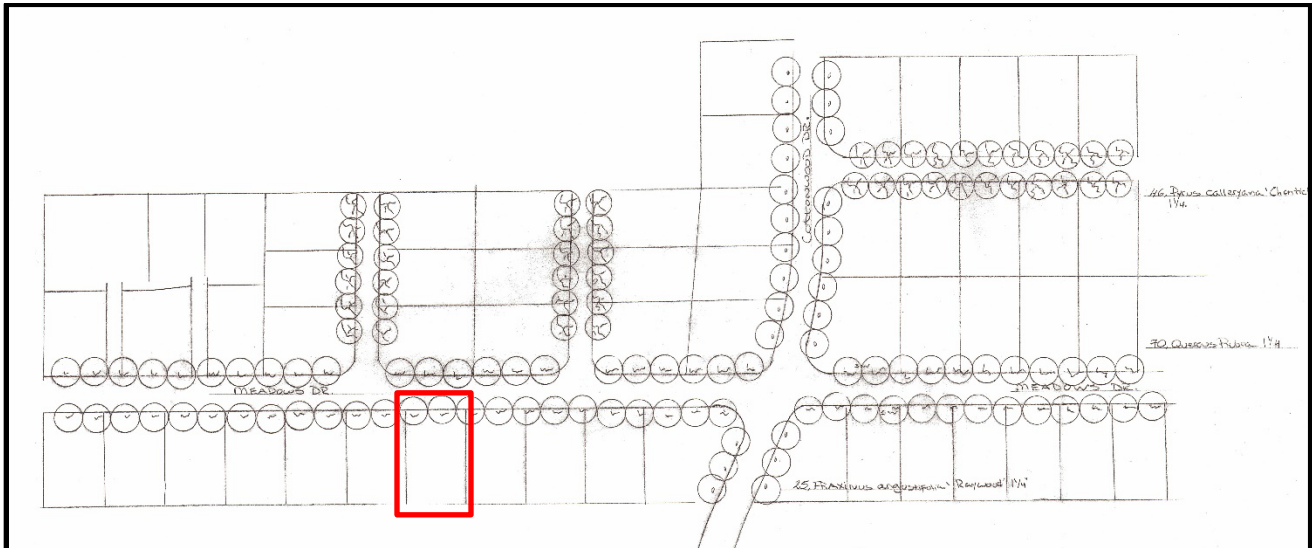
In the McMinnville Street Tree List, oak trees are generally found in the "Conditionally Approved Street Trees" which states that "Use of these trees may be permitted under special circumstances and only after approval is granted by the Landscape Review Committee and only if the problems are satisfactorily met

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Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1939 NW Meadows Drive

and accepted by the owner, and so noted on the approved plan.” The reason for several oaks to be on the “Conditionally Approved” list is because of nuts. The McMinnville Street Tree List was adopted in 2016.

The Cottonwood 1st Addition subdivision has an approved Street Tree Plan (L 7-05), approved by the Landscape Review Committee in 2005. The approved street tree for NW Meadows Drive is *Quercus rubra* (Red Oak). Red Oak does not appear on any McMinnville Street Tree List (Recommended, Conditionally Permitted, or Prohibited). Because the subdivision has an approved street tree plan, any replacement street tree would be required to be the approved street tree from the approved street tree plan. The approved Street Tree Plan for the Cottonwood 1st Addition subdivision is shown below, with the subject property outlined in red:



It should also be noted that McMinnville city code places responsibility for maintenance of sidewalks and street trees (outside of the Downtown core) on the adjacent property owner(s). McMinnville Municipal Code (MMC) Section 8.16.165(A) Defective Sidewalks requires that “No owner of property [...], abutting on a public sidewalk, shall permit the sidewalk to deteriorate to such a condition that, because of [...] covering by dirt, or other similar occurrences, the sidewalk becomes a danger to persons using it.” Section 17.58.120(C) of the McMinnville Zoning Ordinance requires that “Maintenance of street trees [...] shall be the continuing obligation of the abutting property owner.”

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.

An arborist evaluation of the tree in question relative to this application was submitted by the applicant. The arborist's report confirms the applicant's concern about the potential slip trip hazard, stating “I can understand Mr. Maselli's concern regarding the acorns on the sidewalk.” and “The acorns do pose a slip trip fall hazard given that they are likely to fall on hard surfaces including sidewalks and asphalt that is likely to be occupied by foot traffic.”

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Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1939 NW Meadows Drive

The arborist's report goes on further to state, "Outside of the slip trip fall hazard posed by the acorns the tree poses no other observable risk to people or property at this time." While the nuts may potentially pose a hazard once they have fallen from the tree onto the surfaces below, the tree itself does not appear to be unsafe, dead or diseased. The potential hazard from the tree (acorn and leaf litter) could be mitigated by routine maintenance and clean-up, which is the responsibility of the adjacent property owner(s).

A site inspection by Public Works staff also revealed no obvious structural or health defect that would require the tree's removal. Staff also noted the absence of excessive acorns on the adjacent surfaces to the tree, although acorns were observed in the planter strips and concrete joints.

Because the tree itself is not unsafe, dead, or diseased, and the components of the tree that are being described in the application as unsafe (acorns and leaf litter) can be removed with routine maintenance, the Landscape Review Committee could consider this criterion to be unsatisfied.

B. The tree is in conflict with public improvements.

The applicant is requesting removal of the tree on the basis that the debris falling from the tree is in conflict with public improvements, and not that the tree itself has caused damage to those improvements. The application indicated that nuts falling from the subject oak tree are landing on the adjacent sidewalk, street, and mailbox pad, potentially causing a trip hazard for anyone who may step on them. The application does not provide any indication or evidence of any other damage to or conflict with the surrounding public improvements. The arborist's assessment provided in the application states the tree "...poses no other observable risk to people or property at this time."

A site inspection by Public Works staff indicated the tree exhibits some surface rooting, with the most obvious being between the tree and the sidewalk. Staff noted that although there is no evidence of the roots disrupting or lifting the adjacent sidewalk or curb/gutter, the concrete pad in front of the mailbox has been slightly lifted such that there is a discontinuity of less than ¼" between the concrete panel and adjacent curb/gutter.

Because the tree is not damaging adjacent public improvements, and the components of the tree that are being described in the application as in conflict with public improvements (acorns and leaf litter) can be removed with routine maintenance, the Landscape Review Committee could consider this criterion to be unsatisfied.

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.

The subject tree is subject to a revised street tree improvement plan for the Cottonwood 1st Addition subdivision that is pending review and approval by the Landscape Review Committee. Should the revised Street Tree Improvement Plan be approved by the Landscape Review Committee, the oak tree that is proposed for removal would be eligible for removal and replacement would be required with the approved alternative tree.

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."

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1939 NW Meadows Drive

The applicant did not propose to replace the removed tree. However, the subject tree is subject to a revised street tree improvement plan for the Cottonwood 1st Addition subdivision that is pending review and approval by the Landscape Review Committee. Should the revised Street Tree Improvement Plan be approved by the Landscape Review Committee, the oak tree that is proposed for removal would be eligible for removal and replacement would be required with the approved alternative tree.

Fiscal Impact:

None.

Committee Options:

- 1) **APPROVE** the application, providing findings of fact for the approval in the motion to approve.
- 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, per the decision document provided which includes the findings of fact for the denial.

Recommendation/Suggested Motion:

If the Landscape Review Committee finds that the proposed removal will result in the mitigation of current and future risk due to an unsafe, dead, or diseased tree, that the tree is in conflict with public improvements, or that the tree is part of a street tree improvement program, staff is recommending that the street tree removal be approved with the following conditions:

1. That the street tree removal approval does not take effect until and unless the revision to the Cottonwood 1st Addition Street Tree Improvement Plan (L 2-19) is approved by the Landscape Review Committee.
2. That all costs and liability associated with the tree removal, stump grinding, and tree replacement shall be borne by the applicant.
3. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to stump grinding to ensure that underground utilities are not damaged during this process.
4. That the tree's stump and remaining surface roots shall be removed at least six (6) 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.
5. That the tree to be removed shall be replaced with one (1) street tree from the Cottonwood 1st Addition Street Tree Improvement Plan approved for NW Meadows Drive.
6. That the replacement tree shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety.

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1939 NW Meadows Drive

All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

7. That the replacement tree shall be planted per the approved City detail (see enclosure). The applicant shall provide 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 tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.
8. That the applicant shall contact the McMinnville Public Works Department at (503) 434-7316 to discuss specific staking, watering tube requirements, and to schedule an inspection prior to backfilling.
9. 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.
10. That the planter areas shall be restored to original grade immediately following the planting of the replacement trees.
11. That the applicant shall complete the tree removal and tree replacement within six (6) months of this approval notification, or August 20, 2019.

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 49-18 WITH THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.

JF

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1939 NW Meadows Drive



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

503-434-7311
www.mcminnvilleoregon.gov

**DECISION, CONDITIONS OF APPROVAL, AND FINDINGS OF FACT OF THE MCMINNVILLE
LANDSCAPE REVIEW COMMITTEE FOR THE APPROVAL OF A STREET TREE REMOVAL AT
1939 NW MEADOWS DRIVE**

DOCKET: L 49-18 (Street Tree Removal)

REQUEST: The applicant requested the removal one (1) street tree from the public right-of-way adjacent to the subject property.

LOCATION: The subject property is located at 1939 NW Meadows Drive. The subject property is more specifically described as Tax Lot 11300, Section 18DB, T. 4 S., R. 4 W., W.M.

ZONING: The subject site is zoned R-2PD (Single Family Residential, Planned Development).

APPLICANT: Dominic Maselli

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: December 27, 2018

HEARINGS BODY: McMinnville Landscape Review Committee

DATE & TIME: February 20, 2019

PROCEDURE: Any street tree removal is subject to review in accordance with procedures specified in Section 17.58-Trees of the McMinnville Zoning Ordinance. The application for street tree removal is subject to the procedures specified in Section 17.58.040 Tree Removal/Replacement.

CRITERIA: The applicable criteria are specified in Section 17.58.050 of the McMinnville Zoning Ordinance, McMinnville City Code.

APPEAL: The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.58.040(A) of the McMinnville Zoning Ordinance.

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

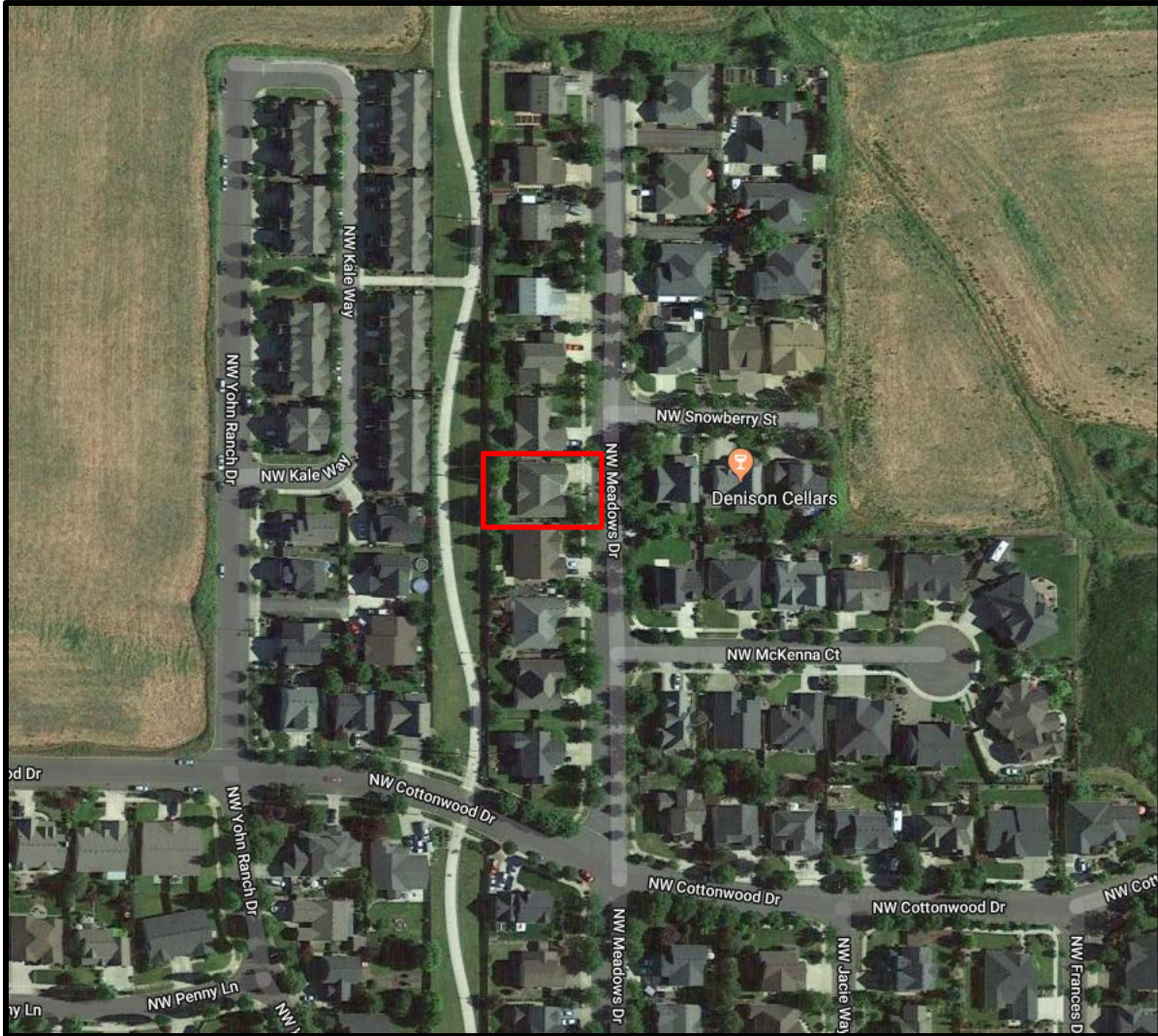
Based on the findings and conclusions, the Landscape Review Committee recommends **APPROVAL** of the street tree removal (L 49-18).

DECISION: APPROVAL WITH CONDITIONS

Date: February 20, 2019Date: February 20, 2019

APPLICATION SUMMARY:

The applicant and adjacent property owner, Dominic Maselli, submitted a Street Tree Removal application to remove one (1) street tree from public right-of-way adjacent to the property located at 1939 NW Meadows Drive. The subject property is more specifically described as Tax Lot 11300, Section 18DB, T. 4 S., R. 4 W., W.M. The subject tree is located in the NW Meadows Drive right-of-way in the Cottonwood 1st Addition subdivision, in northwest McMinnville. The subject site can be seen below as a red outlined area:



The subject tree is an approximately 9" DBH (diameter at breast height) oak (*Quercus sp.*) located in a planter strip and spaced approximately 9 feet 6 inches from a US Mail mailbox with 16 mailboxes for neighboring addresses. The species of oak was not identified in the application. The subject tree and its proximity to the mailbox can be seen below:

Attachments:

Attachment 1 – Application for Street Tree Removal



The Landscape Review committee first reviewed this application at its January 20, 2019 regular meeting. The committee's consensus was that the application presented enough evidence to warrant removal of the tree because the tree exhibits characteristics not suitable for a street tree, but that due to an approved street tree plan for the subdivision, the tree would be replaced with the same species exhibit the same unsuitable characteristics. The committee voted unanimously to continue the application so the approved street tree plan could be amended via an amended Street Tree Improvement Plan. Approval of an amended Street Tree Improvement Plan would allow the tree to be replaced with an approved alternative.

The applicant requested the removal of the street tree because of a hazard caused by acorns falling from the oak tree onto the concrete pad in front of the mailboxes. The applicant indicated that acorns fall onto walking surfaces approaching the mail boxes: street, sidewalk, and the pad in front of the mailboxes. According to the application, neighbors walking to the mailbox to collect their mail have experienced loss of balance and twisted ankles as a result of stepping on the acorns. The applicant is concerned of increased injury hazard during the fall months when fallen leaves and darkness obscure the acorns from view. The applicant states that removing the tree will eliminate this hazard and potentially prevent a serious injury. The applicant did not propose a replacement tree in the application.

CONDITIONS OF APPROVAL:

1. That the street tree removal approval does not take effect until and unless the revision to the Cottonwood 1st Addition Street Tree Improvement Plan (L 2-19) is approved by the Landscape Review Committee.
2. That all costs and liability associated with the tree removal, stump grinding, and tree replacement shall be borne by the applicant.
3. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to stump grinding to ensure that underground utilities are not damaged during this process.

Attachments:

Attachment 1 – Application for Street Tree Removal

4. That the tree's stump and remaining surface roots shall be removed at least six (6) 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.
5. That the tree to be removed shall be replaced with one (1) street tree from the Cottonwood 1st Addition Street Tree Improvement Plan approved for NW Meadows Drive.
6. That the replacement tree shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
7. That the replacement tree shall be planted per the approved City detail (see enclosure). The applicant shall provide 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 tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.
8. That the applicant shall contact the McMinnville Public Works Department at (503) 434-7316 to discuss specific staking, watering tube requirements, and to schedule an inspection prior to backfilling.
9. 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.
10. That the planter areas shall be restored to original grade immediately following the planting of the replacement trees.
11. That the applicant shall complete the tree removal and tree replacement within six (6) months of this approval notification, or August 20, 2019.

ATTACHMENTS:

1. Application for Street Tree Removal (on file with the Planning Department)

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.

Agency Comments

Attachments:

Attachment 1 – Application for Street Tree Removal

This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. The following comments had been received:

- McMinnville Public Works:

Site Review

- A. The tree in question appears to be an oak variety. The trunk is about 9" DBH, and the tree is about 25' in height.
- B. The tree is planted in 5' planter strip between the curb and sidewalk, with ground cover type plantings.
- C. The tree shows some surface rooting, with the most obvious being on the west side between the tree and the sidewalk.
- D. The tree does not show any obvious structural or health defect that would require its removal.
- E. The tree has slightly lifted the adjacent panel for the community mailbox, so there is surface discontinuity of less than 1/4" between the panel and the adjacent curbing.
- F. The tree has not lifted either the adjacent sidewalk or the adjacent curb/gutter.
- G. There are no overhead communication and power conflicts.
- H. The tree is about 9.5' from the community mail box to the south (about 4' from the concrete pad).
- I. The applicant's noted excessive acorns on the adjacent surfaces to the tree. This was not observed during the site inspection, although there were acorns observed in the planter strip and in the concrete joints.

Recommendations

1. Although the tree itself presents no structural or health reason for removal, we would recommend approval of this request. This is based on:
 - a. The proximity of the tree to adjacent community mail box and the associated high pedestrian use of the area.
 - b. The report of acorn droppings from the tree, creating a potential fall hazard for pedestrians using the adjacent mailboxes.
 - c. The observed shallow rooting and associated future potential for sidewalk/tree conflicts, as well as continued lifting of the adjacent mail box pad.
2. Suggested conditions of approval:
 - a. Applicant to be responsible for all costs related to grinding the remaining stump.
 - b. Applicant required to grind stump to a minimum of 6" below grade.
 - c. Applicant to call for a utility locate prior to stump grinding and tree planting excavation.
 - d. Applicant to replace the tree with a tree of a variety acceptable to the Planning Department, minimum 2" caliper.
 - e. Tree to be located 15' minimum from edge of adjacent mail box pad.
 - f. Applicant to plant tree as per the approved City detail.
 - g. Applicant to contact Public Works at (503)434.7316 for an inspection prior to backfill.

- McMinnville Water & Light:

Call for locates of underground utilities at 811 prior to removing old tree trunks and roots, and planting new trees.

Public Comments

No public notice of the application was provided by the City of McMinnville, as Street Tree Removal applications are reviewed by the process described in Section 17.58.040 (Tree Removal/Replacement) of the McMinnville Zoning Ordinance, which does not require any type of public notification. No public comments were received prior to the Planning Director's decision.

Attachments:

Attachment 1 – Application for Street Tree Removal

FINDINGS OF FACT

1. Dominic Maselli, adjacent property owner, submitted a street tree removal application requesting the removal of one (1) street tree from the public right-of-way adjacent to the subject property. The removal of a tree within the public right-of-way requires City approval.
2. The subject property is located at 1939 NW Meadows Drive. The subject property is more specifically described as Tax Lot 11300, T. 4 S., R. 4 W., W.M.
3. The site is currently zoned R-2PD (Single Family Residential, Planned Development), and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.
4. 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, and the comments provided by the Public Works Department and McMinnville Water and Light have been incorporated into the findings.
5. No public notice of the application was provided by the City of McMinnville, as Street Tree Removal applications are reviewed by the process described in Section 17.58.040 (Tree Removal/Replacement) of the McMinnville Zoning Ordinance, which does not require any type of public notification. No public comments were received prior to the Planning Director's decision.
6. A public meeting was held by the Landscape Review Committee on January 16, 2019 to review the application and proposed street tree removal request. No comments in opposition were provided by the public prior to the public meeting. The Landscape Review Committee voted to continue the application at that meeting.

CONCLUSIONARY FINDINGS:

McMinnville's Comprehensive Plan:

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 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: Goal VI 1 and Policy 132.38.00 are SATISFIED. GOAL VI 1 and Policy 132.38.00 are satisfied in that the replacement of the subject tree will maintain the aesthetic appearance of the approved streetscape and the livability of the surrounding area.

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

Attachments:

Attachment 1 – Application for Street Tree Removal

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. 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 Landscape Review Committee review of the request and recommendation at an advertised public meeting. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville's City Code:

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

Chapter 17.58 - Trees

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: Section 17.58.010 is SATISFIED. The purpose of the Trees chapter of the McMinnville Zoning Ordinance has been met. Approval of the removal request will allow for the removal of one tree that minimize hazard and nuisance in the public right-of-way. The permitted removal of the existing tree and replacement with a healthy tree that meets the City's planting standards will promote a diverse, healthy, and sustainable community forest and carry out the purpose of the chapter.

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: Section 17.58.020 is SATISFIED. The applicability of the ordinance is met. The tree requested for removal is located within the public right-of-way. 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 City approval.

17.58.040 Tree Removal/Replacement

- A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. [...]

Finding: Section 17.58.040 is SATISFIED. Section 17.58.020 is applicable, and the applicant has filed an application for a Street Tree Removal Permit to be reviewed by the McMinnville Landscape Review Committee.

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.

Finding: Section 17.58.050(A) is SATISFIED. An arborist evaluation of the tree in question relative to this application was submitted by the applicant. The arborist's report confirms the applicant's concern about the potential slip trip hazard, stating "I can understand Mr. Maselli's concern regarding the acorns on the sidewalk." and "The acorns do pose a slip trip fall hazard given that they are likely to fall on hard surfaces including sidewalks and asphalt that is likely to be occupied by foot traffic."

B. The tree is in conflict with public improvements.

Finding: Section 17.58.050(B) is SATISFIED. The applicant is requesting removal of the tree on the basis that the debris falling from the tree is in conflict with public improvements. Acorns falling from the subject oak tree are landing on the adjacent sidewalk, street, and mailbox pad, present a slip/trip/fall hazard for anyone who may step on them.

Additionally, a site inspection by Public Works staff indicated the tree exhibits some surface rooting, with the most obvious being between the tree and the sidewalk. Staff also noted that although there is no evidence of the roots disrupting or lifting the adjacent sidewalk or curb/gutter presently, the concrete pad in front of the mailbox has been slightly lifted such that there is a discontinuity of less than ¼" between the concrete panel and adjacent curb/gutter. The surface rooting could present a conflict with public improvements in the future, if not addressed.

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.

Finding: Section 17.58.050(C) is SATISFIED. The tree proposed for removal is subject to the pending revision to the Cottonwood 1st Addition Street Tree Improvement Plan (L 2-19), and would be eligible for removal and replacement subject to the conditions of the Street Tree Improvement Plan.

JF