



**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
March 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. November 29, 2018 (Exhibit 1) B. December 19, 2018 (Exhibit 2) 4. Action Items <ol style="list-style-type: none"> A. L 29-18 – Street Tree/Landscape Plan (Exhibit 3) Whispering Meadows Subdivision B. L 6-19 – Street Tree Removal (Exhibit 4) 1145 SE 1st Street 5. Discussion Items <ol style="list-style-type: none"> A. 2019 Arbor Day Tree Planting Event 6. Old/New Business 7. Committee Member Comments 8. Staff Comments 9. Adjournment

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

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



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

www.mcminnvilleoregon.gov

EXHIBIT 1 - MINUTES

November 29, 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: Eric Baughman, Michael Williams, Scott Hill, Mayor

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 42-18 – Street Tree Removal - 714 NE Cows Street

Associate Planner Fleckenstein reviewed the request for a street tree removal at 714 NE Cows Street. It was a Douglas Fir tree that was damaging the sidewalk adjacent to the applicant's property. The applicant also noted that several large branches had fallen from the tree over the years and had done damage. The applicant was willing to plant two replacement street trees in the right-of-way adjacent to the house. Staff recommended approval of the request.

Chair Stephenson said this was a significant tree, but it was doing damage and was not an approved street tree.

Committee Member Caughran suggested the City fix these types of raised areas so the trees did not have to be removed. All trees dropped branches.

Associate Planner Fleckenstein said Public Works had inspected the site and noted the street was significantly damaged and being heaved as well as the sidewalk which was causing drainage issues.

Chair Stephenson thought it was a public safety issue.

Committee Member Caughran thought removing the tree would change the atmosphere of the neighborhood.

Committee Member McDaniel said they had approved tree removals in the past of trees that had done similar damage.

Committee Member Caughran said they had not been as big and significant as this tree.

Committee Member Gunter said fir trees had shallow roots and a heavy rain and wind might blow it over. She was surprised Public Works had not removed it due to the damage.

Committee Member Kearns moved to approve L 42-18. The motion was seconded by Committee Member McDaniel and passed 4-1 with Committee Member Caughran opposed.

B. L 43-18 – Street Tree Improvement Plan - Cottonwood Street Tree Improvement Plan

Associate Planner Fleckenstein said it had come to staff's attention that there was widespread failure of a street tree species in the Cottonwood subdivision in northwest McMinnville. The tree was Cambridge Callery Pear and was an approved street tree. Staff recommended a revision to the Cottonwood Street Tree Plan to specify a suitable substitution. This subdivision could also be a candidate for a Street Tree Improvement Plan which would allow for an expedited administrative process when property owners came in with requests for street tree removal and replacement. A single replacement option was preferred to maintain the mono-culture and uniform appearance of the street trees, as intended by the original approved Street Tree Plan. Staff suggested the Eastern Redbud be the replacement option.

There was discussion regarding how this issue was difficult to solve as there were many variations of groundcover and people might not be taking care of the trees properly. There was further discussion regarding replacement options and enforcement of the street tree code.

Committee Member Gunter moved to approve L 43-18, the Street Tree Improvement Plan for the Cottonwood subdivision with administrative approval, and that the Cambridge Callery Pear tree be replaced with the Eastern Redbud. The motion was seconded by Committee Member Kearns and passed 5-0.

C. L 44-18 – Street Tree Removal

Associate Planner Fleckenstein reviewed the request for a street tree removal at 1895 NW 8th Street. This was a Red Maple tree and was causing significant damage to the adjacent sidewalk and the applicant's driveway. It was planted 15 inches from the driveway, which did not meet current street tree standards. Public Works had inspected the site and recommended removal. In this instance it was not recommended to replace the tree because of the proximity to the driveway and nearby newer planted street tree. Staff recommended approval. The applicant would remove the tree and repair the sidewalk.

Committee Member Gunter moved to approve L 44-18. The motion was seconded by Committee Member Kearns and passed 5-0.

5. Discussion Items

A. Street Tree List Update

Associate Planner Fleckenstein had compiled a list of information and characteristics of the trees on the Street Tree List. He asked if there was any feedback from the Committee.

The Committee was in favor of the changes that had been made.

Committee Member Gunter suggested sorting the trees by what was allowed in a particular area, such as those allowed under wires or those for a four foot planter.

Associate Planner Fleckenstein asked the Committee to let him know if there were recommendations for certain trees to be added or removed from the list.

Committee Member McDaniel thought for trees under high wires, the applicant could propose a tree that would fit and get the approval of the Committee and not just say carte blanche that the tree was not allowed. He thought it should be done on a case by case basis.

Committee Member Kearns suggested going through the list to identify the trees with aggressive root systems.

B. 2019 Work Plan

Associate Planner Fleckenstein suggested creating a work plan for 2019. Possible items could be revision of the approved Street Tree List, inventory of downtown street trees, study of the tree canopy, and hiring a third party consulting arborist for downtown tree removal requests.

There was discussion regarding working with McMinnville Water and Light for a consulting arborist and regarding items for the work plan including a priority tree list, better communication with the City, and addressing new stormwater designs conflicting with street trees.

Associate Planner Fleckenstein would come back with a work plan that incorporated these ideas.

6. Old/New Business

None

7. Committee/Commissioner Comments

None

8. Staff Comments

None

9. Adjournment

Chair Stephenson adjourned the meeting at 1:00 p.m.



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

www.mcminnvilleoregon.gov

EXHIBIT 2 - MINUTES

December 19, 2018
Landscape Review Committee
Regular Meeting

12:00 pm
Community Development Center
McMinnville, Oregon

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

Members Absent: Rose Marie Caughran

Staff Present: Jamie Fleckenstein Associate Planner

Guests Present: Scott Hill, Mayor, Kellie Menke, City Councilor, Patrick Fuchs

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 41-18 – Landscape Plan - 455 NE Irvine Street

Associate Planner Fleckenstein reviewed the landscape plan for a new utility equipment storage building in the NE Gateway District. The applicant had an easement in place with the property owners of the Elizabeth Chambers Winery to install a fiber optic equipment shelter and a generator.

Patrick Fuchs, applicant, explained the equipment shelter would be a 7 foot by 12 foot and about a 9 foot high steel box with one door. Inside there would be racks and the equipment that was used to regenerate the fiber optic signals from Portland to McMinnville. The shelter would only be visited a few times per year. The generator was natural gas. Everything was compact and small to make sure the equipment would be out of the weather. The fiber line would be going east to west right past this shelter and would be underground. The shelter would be painted

brown with vertical aluminum stringers and there would be a faux brick treatment as the façade. This would be compatible with the Winery façade. It would have a flat roof, which would also match the flat roof of the Winery.

Associate Planner Fleckenstein said the applicant had applied for a waiver from some of the NE Gateway District requirements, one of which was a landscape requirement for pedestrian friendly landscaping which included visibility into the development and landscaping to be maintained at a three foot height or less between the building and the front property line. Given the nature of the development and the fact that it was just for a utility and would never be occupied or be attractive to the public, staff granted the waiver. The landscape plan was for a 220 square foot easement area. There were two existing evergreen trees that were proposed to be removed to make room for the shelter. Five arborvitaes would be planted as replacements to create an evergreen screen and hedge on the property line. There would be fencing along the west property line and on the south side there was an existing chain link fence that had ivy growing up to make a solid screen. A six foot gate with privacy slats would be installed to access the easement area and equipment. The fencing on the north and east sides would be a six foot cedar fence to screen the interior of the property. The entire easement area would be graveled. He then reviewed the approval criteria. Because this was a utility installation, having it entirely screened and enclosed from the public was appropriate. The one question was the removal of the evergreen trees and what that did to the block long row of trees there currently. Staff thought the compatibility of the landscape to the use was appropriate. The screening was accomplished by the arborvitaes to the west and fencing around the entire easement. Because of the size of the easement and size of the shelter, staff did not think there was another configuration of the plan to be able to save the trees. No parking was proposed and no street trees were being proposed to be planted. There was no water currently to the easement site, but the applicant would use a watering truck for the arborvitaes until they were established.

Committee Member McDaniel did not think there was anything more the applicant could do to mitigate the visual impact, which was not that bad to begin with.

Committee Member Kearns moved to approve L 41-18. The motion was seconded by Committee Member Gunter and passed 4-0.

B. L 46-18 – Street Tree Improvement Plan - 1240 NE Evans Street

Associate Planner Fleckenstein discussed the request for a street tree removal at 1240 NE Evans Street. The street tree was a dead Maple tree and the applicant was concerned about branches falling and causing damage to power lines. There was no new growth, but there was evidence of insect infestation in the tree. Because there were three other adjacent trees and because of the location to the driveway and power lines, staff did not recommend a replacement tree be required in this location.

Committee Member Gunter moved to approve L 46-18. The motion was seconded by Committee Member Kearns and passed 4-0.

C. L 47-18 – Street Tree Removal - 2718 NW Pinot Noir Drive

Associate Planner Fleckenstein presented the request for a street tree removal at 2718 NW Pinot Noir Drive. This was a Cherry tree whose roots had caused damage to the adjacent sidewalk. It was otherwise a healthy tree. The application did not include a replacement tree, but there was a condition of approval that would require a replacement.

Committee Member Kearns thought there should be two replacement trees planted.

There was discussion regarding the narrow streets in this area.

Associate Planner Fleckenstein did not know if they could require two replacement trees. There was no approved street tree plan for this subdivision.

Chair Stephenson thought they could require one replacement tree, but recommend two replacement trees be planted.

Committee Member Kearns moved to approve L 47-18 with the added condition that required one replacement tree but recommended two replacement trees. The motion was seconded by Committee Member Gunter and passed 4-0.

There was discussion regarding recent removal of downtown street trees, which was a staff approval process. Four trees had been proposed to be removed on Ford and Third Streets. One was denied and one was removed without a permit.

Chair Stephenson suggested when trees were removed in downtown that the area was graded for safety.

Mayor Hill thought Urban Renewal funds would soon be used for streetscape and this suggestion could be included in the process. He thought it would be a good work session topic.

There was consensus to discuss the suggestion further in a work session.

There was discussion regarding requesting grading be done as part of the sidewalk repair for the trees that were being removed downtown. There was further discussion regarding root barrier options.

Associate Planner Fleckenstein would draft the request and send it to Public Works.

5. Discussion Items

A. 2019 Work Plan

Associate Planner Fleckenstein reviewed the draft 2019 Work Plan that would guide the Committee's activities over the coming year. It was based on the suggestions at the last meeting.

There was discussion regarding the details of the work plan items.

Committee Member Kearns thought enforcement should be added to the list.

Associate Planner Fleckenstein would put the Work Plan on next month's agenda for approval.

6. Old/New Business

None

7. Committee/Commissioner Comments

None

8. Staff Comments

Associate Planner Fleckenstein congratulated Committee Member Kearns as he had been appointed for another three year term on the Landscape Review Committee.

9. Adjournment

Chair Stephenson adjourned the meeting at 1:06 p.m.

DRAFT



ATTACHMENT A

**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 APPROVAL OF STREET TREE PLAN AND LANDSCAPE
PLAN FOR WHISPERING MEADOWS SUBDIVISION**

DOCKET: L 29-18 (Landscape Plan Review)

REQUEST: Approval of a street tree plan and landscape plan for Whispering Meadows subdivision.

LOCATION: The subject site is located north of NE Cumulus Avenue, south of the South Yamhill River, and between the River Park subdivision to the west, and the Parkland Village assisted living development and the Craftsman Landing townhome development to the east, and is more specifically described as Tax Lot 300, Section 22DD, T. 4 S., R 4 W., W.M.

ZONING: R-4 FP (Multi-Family Residential, Flood Plain)

APPLICANT: Theresa Smith, Yamhill Community Development Corporation

STAFF: Jamie Fleckenstein, Associate Planner

DATE DEEMED COMPLETE: August 20, 2018

HEARINGS BODY: McMinnville Landscape Review Committee

DATE & TIME: September 19, 2018 and March 20, 2019. Meetings were 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 applicant may appeal a disapproval within 15 days of the date the decision as specified in Section 17.57.100 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.

DECISION:

Based on the findings and conclusions, the Landscape Review Committee recommends **APPROVAL** of the landscape plan (L 29-18) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

Planning Staff: _____
 Jamie Fleckenstein, Associate Planner

Date: March 20, 2019

Planning Department: _____
Heather Richards, Planning Director

Date: March 20, 2019

APPLICATION SUMMARY:

The applicant is requesting approval of a Street Tree Plan and Landscape Plan for Whispering Meadows, a new residential subdivision being developed in NE McMinnville. The subdivision will have 29 single family residential lots on a 7.19 acre site located north of NE Cumulus Avenue, south of the South Yamhill River, and between the River Park subdivision to the west, and the Parkland Village assisted living development and the Craftsman Landing townhome development to the east. The land use decision approving the subdivision (Docket S 3-15) was approved with conditions requiring a street tree plan for the entirety of the subdivision, as well as a landscape plan for Tract “A”, a commonly owned tract in the subdivision providing pedestrian access between the development and NE Cumulus Avenue. The approximate location of the subject site can be seen below, outlined in red:

SITE REFERENCE MAP**CONDITIONS OF APPROVAL:**

L 29-18 is **approved** subject to the following conditions:

1. That the applicant shall install landscaping as shown on the landscape plan dated February 20, 2019, in accordance with the conditions of approval.
2. That the tree species approved for the planting strips in the Whispering Meadows subdivision is *Acer rubrum* 'Armstrong' (Armstrong Red Maple).

Attachments:

Attachment 1 – Application for Landscape Plan Review

3. That no street tree shall be planted in the planter strip between Lots 10 and 11.
4. That street trees shall not be planted straddling the projected common property line between lots. Street trees shall have a single, clear adjacent property.
5. That *Acer palmatum* 'Bloodgood' (Bloodgood Japanese Maple) trees shall be planted one (1) per lot for all Lots, except Lot 3, at approximately 40 foot spacing. Corner lots 12 and 15 shall have a minimum of one (1) *Acer palmatum* 'Bloodgood' (Bloodgood Japanese Maple) along each street frontage.
6. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during planting process.
7. That all trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade.
8. 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.
9. That each street tree 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 each tree and the curb side of each tree. The root barrier protection shall be placed in 10-foot lengths, centered on each tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth (see enclosed detail).
10. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, David Renshaw, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
11. 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.Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum standards.
12. That the street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.
13. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on 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. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
14. 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**

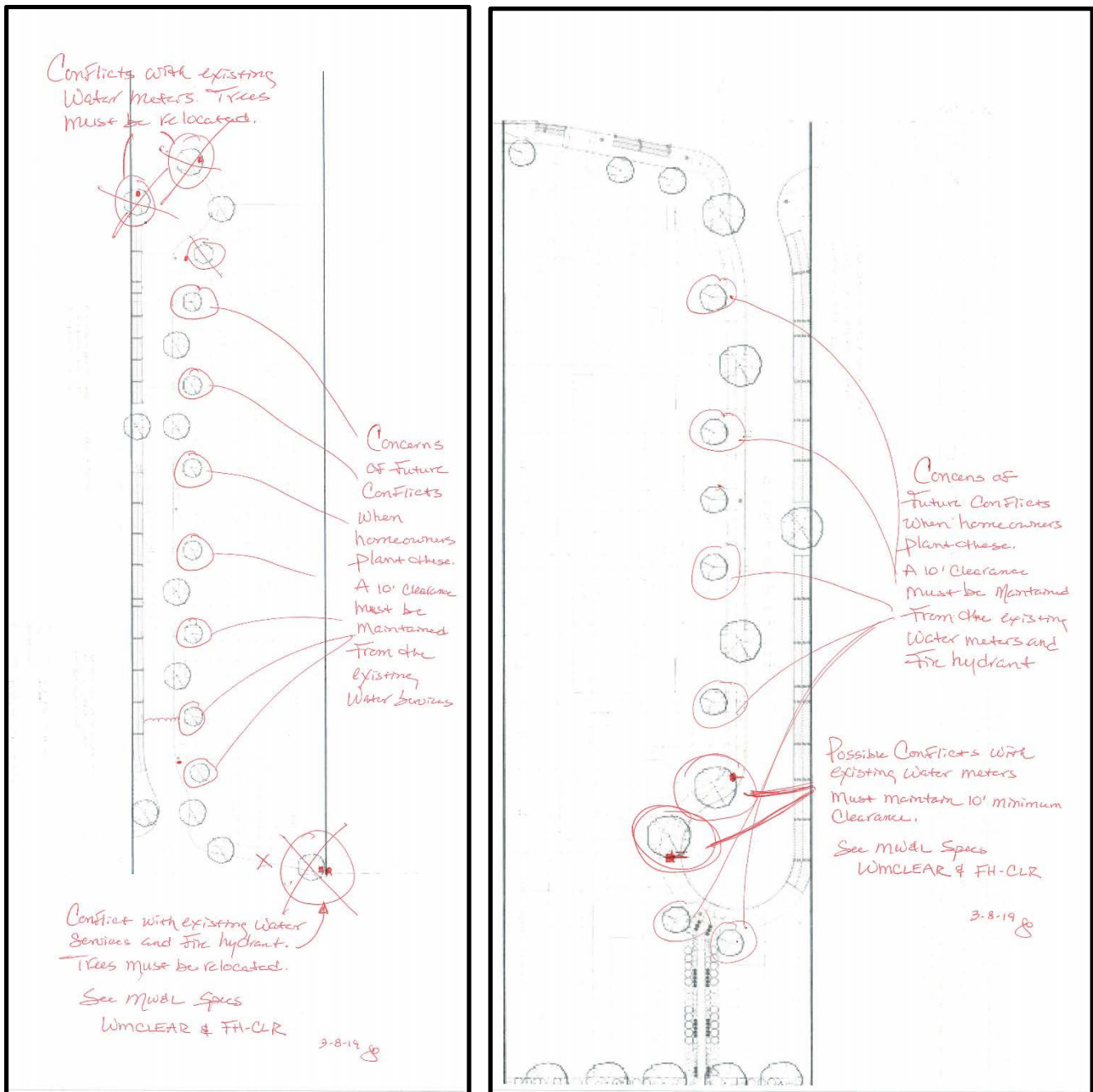
This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. The following comments have been received and have been incorporated into the conditions of approval:

- **McMinnville Public Works:**

Site Review

1. The Japanese maples proposed are all shown to be planted outside of the public right of way, and thus outside of our purview here at Public Works. As a note, several of these are show to be straddling the property line between two lots. So we would see two potential issues:
 - a. What will be the City's ability to enforce the replacement planting of these trees in the future, unless they are somehow mandated to be kept and replaced as needed on private property?
 - b. Since they straddle the property line, which lot will have planting and maintenance responsibilities, including replacement, moving forward?
2. We would note that the following areas shall be maintained by the HOA:
 - a. Tract A, including the planted area along Cumulus, shall be maintained by the HOA.
 - b. storm water planter vegetation
 - c. the Armstrong maple and lawn areas shown on east side of Whispering River Court
 - d. the Armstrong maple and lawn areas shown on the west side of Whispering Cliff Court and at intersection of Whispering Cliff Court and Kingwood Drive.
3. The applicant should be reminded of the spacing requirements for the planting of street trees in the ROW from driveways, light poles, intersections and utility poles.

- **McMinnville Water and Light:**



Staff comment: A condition of approval requires that all trees meet spacing standards from water services and fire hydrants. Staff notes that minor adjustments to an approved street tree or landscape plan are allowed to meet minimum standards.

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.

FINDINGS OF FACT:

Attachments:

Attachment 1 – Application for Landscape Plan Review

1. The applicant, Theresa Smith, on behalf of Yamhill Community Development Corporation, submitted a request for a street tree/landscape plan review for the Whispering Meadows subdivision.
2. The subject site is located north of NE Cumulus Avenue, south of the South Yamhill River, and between the River Park subdivision to the west, and the Parkland Village assisted living development and the Craftsman Landing townhome development to the east, and is more specifically described as Tax Lot 300, Section 22DD, T. 4 S., R 4 W., W.M.
3. The site is currently zoned R-4 FP (Multi-Family Residential, Flood Plain), and is designated as Residential on the McMinnville Comprehensive Plan Map.
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 conditions of approval.
5. No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.
6. A public meeting was held by the Landscape Review Committee on September 19, 2018 and March 20, 2019 to review the application and proposed 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 VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

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

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

Finding: Goal VI 1 and Policy 122. 00 are SATISFIED. Trees would be installed within and adjacent to the public right-of-way along all new streets within the new subdivision. The trees would be located within curb side planting strips, and would be of a species from the approved McMinnville Street Tree List. Conditions of approval have been included to ensure that the planting of the street trees meets all necessary street tree standards.

Policy 132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be

Attachments:

Attachment 1 – Application for Landscape Plan Review

accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

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

Finding: Policy 132.24.00 is SATISFIED. Trees would be installed along all new streets within the new subdivision. The trees would be located within curb side planting strips, and would be of a species from the approved McMinnville Street Tree List. Conditions of approval have been included to ensure that the planting of the street trees meets all necessary street tree standards.

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

Finding: Policy 132.38.00 is SATISFIED. Trees would be installed along all new streets within the new subdivision. The trees would be located within curb side planting strips, and would be of a species from the approved McMinnville Street Tree List. Conditions of approval have been included to ensure that the planting of the street trees meets all necessary street tree standards. Trees would enhance the livability in the subdivision.

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

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

Finding: Policy 132.43.05 is SATISFIED. Trees would be installed along all new streets within the new subdivision. The trees would be located within curb side planting strips, providing a landscaping barrier between the roadway and non-motorized uses, and would be of a species from the approved McMinnville Street Tree List. Conditions of approval have been included to ensure that the planting of the street trees meets all necessary street tree standards. The street trees would promote a residential atmosphere within the subdivision.

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

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

Finding: Goal X 1 and Policy 188.00 are SATISFIED. 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:

Attachments:

Attachment 1 – Application for Landscape Plan Review

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: Section 17.57.010 is SATISFIED. The landscape plan as proposed would enhance the appearance of the city and would 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: Section 17.57.050 is 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 would be discussed with the applicant and agreed to prior to the issuance of building permits.

17.57.070 Area Determination—Planning factors.

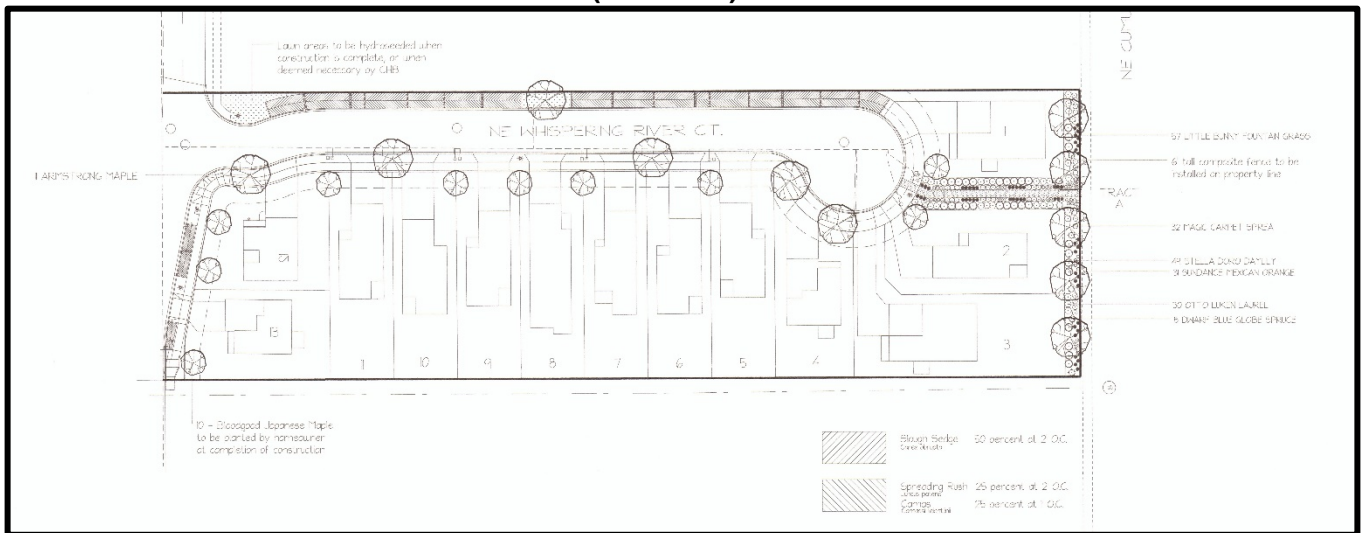
- B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

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

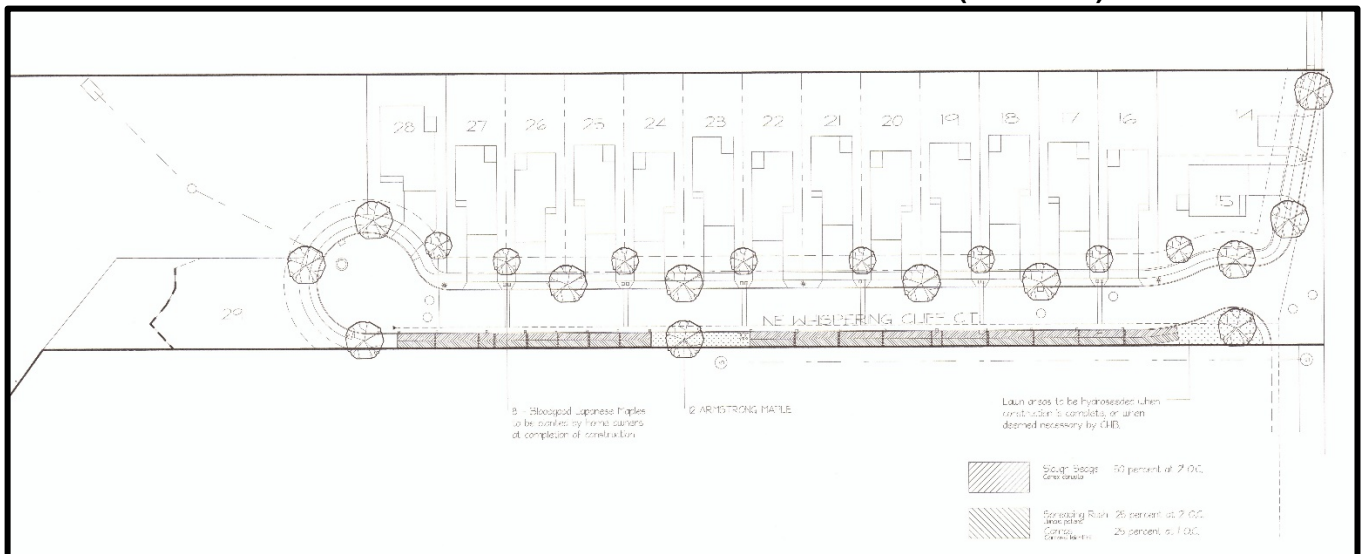
Finding: Section 17.57.070(B)(1) is SATISFIED. The Whispering Meadows subdivision is located on a long, narrow site adjacent to NE Cumulus Avenue. Because of the shape of the site, the development pattern of streets and lots within the subdivision was approved with exceptions to City standards. The two cul-de-sacs serving the subdivision lots have been pushed to the eastern and western edges of the development site, respectively. The cul-de-sacs each serve the residential lots to one side of the street, with City standard sidewalks, planting strips, and utilities. The other side of each street adjacent to the edge of the subdivision was improved with an open bio-swale drainage system, since there were no adjacent lots requiring sidewalks or utilities. The residential lots along the cul-de-sacs have minimum widths of 40 feet and the driveway curb-cuts are generally ganged together in pairs on the narrow lots to maximize the open space between the pairs. However, when taking into account the location of water meters, light posts, fire hydrants, and the required setbacks for trees, the suitable locations for street trees in the planting strip in front of the single family residences are significantly reduced. On the other side of the streets where the bio-swale drainage system is located, opportunities for street trees are limited to the ends of the swale, or at a mid-street break in the bio-swale. The nature of the site, street and lot layout, and location of utilities and the bio-swale drainage system presents limited suitable locations for street trees with inconsistent spacing between them. Spacing varies from approximately

50 feet to 150 feet between street trees. The street tree plan does take advantage of suitable locations to place as many street trees in the public right-of-way as is practical.

NE WHISPERING RIVER COURT STREET TREE PLAN / TRACT “A” LANDSCAPE PLAN (REVISED)



NE WHISPERING RIVER CLIFF STREET TREE PLAN (REVISED)



The street tree selected for Whispering Meadows is *Acer rubrum* 'Armstrong' (Armstrong Red Maple). The Armstrong Red Maple is a narrow, upright tree that grows to approximately 45 feet in height, and to 15 feet in width. To supplement the Armstrong Red Maple trees, the applicant has proposed *Acer palmatum* 'Bloodgood' (Bloodgood Japanese Maple) trees in the front yards of the private lots. Bloodgood Maples grow to approximately 20 feet in height, and slightly less in width. They have burgundy foliage that turns brilliant scarlet in the fall. The Japanese Maple trees are spaced at approximately 40 feet on center (lots are generally 40 feet wide), though there are gaps in the spacing to accommodate Armstrong Red Maple trees planted in the right-of-way.

The landscape plan shows that trees are proposed straddling the property lines on lots 5 through 12 and 16 through 27. This creates situations where responsibility of ownership/maintenance is not clear. Additionally, there are gaps in the line of Bloodgood Japanese Maples, where spaces were left to accommodate street trees in the right-of-way. Staff recommends filling in the gaps by planting a tree in

Attachments:

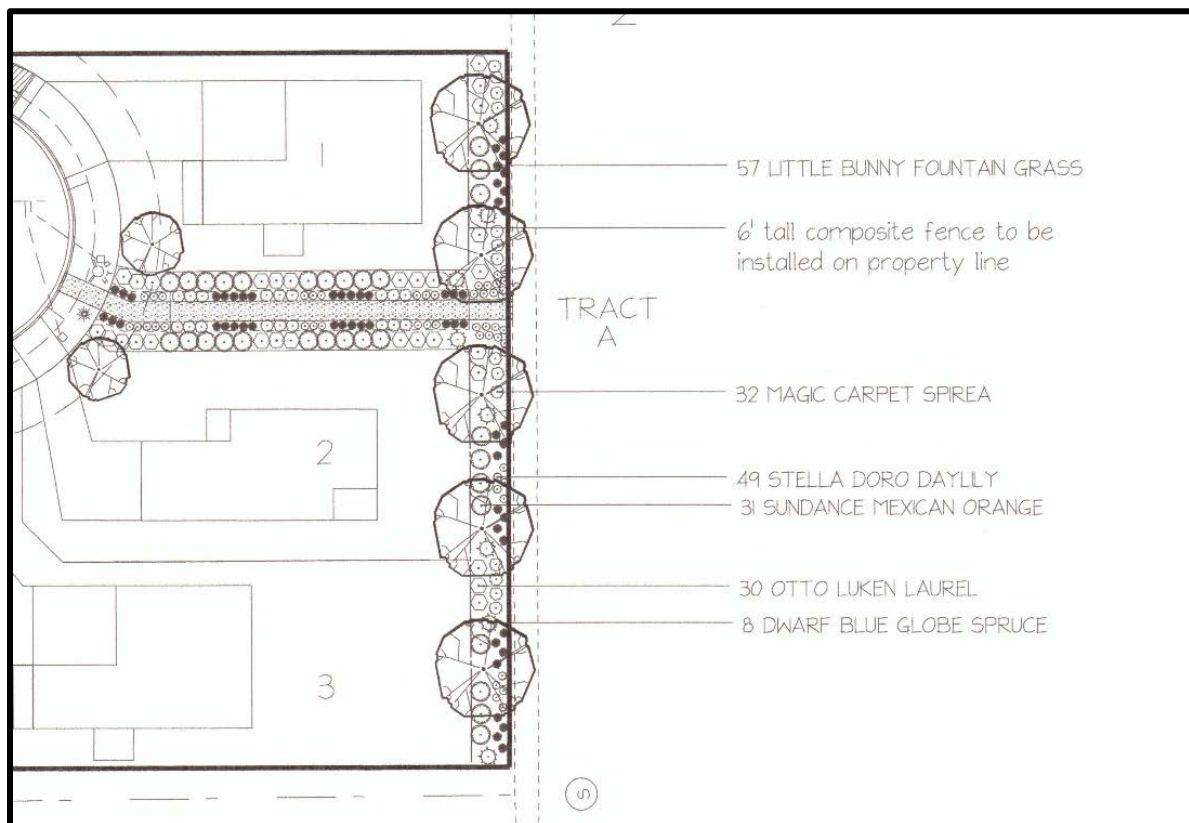
Attachment 1 – Application for Landscape Plan Review

each front yard of lots 5 through 12 and 16 through 27, such that there are no trees straddling private property lines and there is consistent 40 foot spacing between Japanese Maple trees. Also, street trees are shown straddling the projected shared property line between lots, creating situations where responsibility of ownership/maintenance is not clear. Staff recommends not centering the street trees in the planter strip so it is clear which lot is the adjacent property to the street tree. A street tree is proposed between lots 10 and 11 in the space between driveway accesses. Because it does not appear that there is enough space to maintain five (5) feet spacing each private driveway, staff recommends removal of the *Acer rubrum* 'Armstrong' (Armstrong Red Maple) street tree from the right-of-way between lots 10 and 11.

The landscape plan also identifies planting in the bio-swales that are in the public right-of-way. The bio-swales are to be planted with a combination of *Carex obnupta* (Slough Sedge), *Juncus patens* (Spreading Rush), and *Camassia leichtlinii* (Camas). All three species are native to the Pacific Northwest and suitable for planting in moist or wet areas such as drainage swales. These plants are all grass-like in character, and would capably perform functions in the bio-swale such as slowing down stormwater runoff to allow sediment to settle out. Staff finds the street tree plan and landscaping in the public right-of-way is compatible with the proposed project and the abutting properties and uses.

Tract "A" is a commonly-owned tract in the subdivision providing pedestrian access between the development and NE Cumulus Avenue, as well as an area for buffering the proposed development from Highway 18 and NE Cumulus Avenue. The portion of Tract "A" fronting Cumulus Avenue is 10 feet wide, and the pedestrian connection from Cumulus Avenue to the NE Whispering River Court cul-de-sac is 20 feet wide. An enlargement of the Tract "A" landscape plan can be seen below:

TRACT "A" LANDSCAPE PLAN ENLARGEMENT



The Tract "A" landscaping along Cumulus Avenue and the pedestrian walkway is a combination of deciduous and evergreen shrubs, and perennial plants. The evergreen shrubs are *Choisya ternata* 'Sundance' (Sundance Mexican Orange), *Prunus laurocerasus* 'Otto Luyken' (Otto Luyken Laurel), and

Picea pungens globosa (Dwarf Blue Globe Spruce). Sundance Mexican Orange and Dwarf Blue Globe Spruce both grow to 5' height and 5' width. Otto Luyken Laurel grows to 3'x6'. *Spiraea japonica* 'Walbura' (Magic Carpet Spirea) is a deciduous shrub growing 2'x2'. *Pennisetum alopecuroides* 'Little Bunny' (Little Bunny Fountain Grass) is a perennial grass that reaches 12" in height. *Hemerocallis* x 'Stella De Oro' (Stella De Oro Dwarf Daylily) is a flowering perennial that will reach 12"-30" in height. Also proposed for the Cumulus Avenue frontage is five (5) Armstrong Red Maple trees to match the proposed street trees, spaced at approximately 35' on center. All the proposed plants are drought tolerant and require only occasional water once established. The planting along Cumulus Avenue is designed to have a character and density appropriate for its location along a minor collector street and at a place of high visibility. The planting is compatible with that of adjacent subdivisions.

A condition of approval of Docket S 3-15 requires that at a minimum the proposed pedestrian walkway within Tract "A" shall be five feet in width. The landscape plan indicates the proposed walkway is 5' in width. The landscaping along the pedestrian walkway is designed to provide seasonal interest and clear sight lines along the length of the walkway, creating an aesthetically appealing and safe pedestrian experience.

Staff finds the landscaping proposed for Tract "A" is compatible with the proposed project and the abutting properties and uses.

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

Finding: Section 17.57.070(B)(2) is SATISFIED. Tract "A" is specifically identified as an area for buffering the proposed development from Highway 18 and NE Cumulus Avenue. The planting proposed for the Cumulus Avenue frontage has characteristics that would serve this purpose. A variety of medium (or taller) evergreen shrubs and a row of street-tree type shade trees would help provide a visual and physical buffer from the noise and activity of Highway 18 and Cumulus Avenue. A solid fence has been constructed that would serve as a backdrop to the planting and provide additional screening and buffering.

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: Section 17.57.070(B)(3) is SATISFIED. There are no existing trees or existing natural features in the areas being proposed for landscaping. This criterion does not apply.

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

Finding: Section 17.57.070(B)(4) is SATISFIED. There are no parking areas included in the proposed landscaping. This criterion does not apply.

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: Section 17.57.070(B)(5) is SATISFIED. The street tree selected for Whispering Meadows is *Acer rubrum* 'Armstrong' (Armstrong Red Maple). The Armstrong Red Maple is a narrow, upright tree that grows to approximately 45 feet in height, and to 15 feet in width. To supplement the Armstrong Red Maple trees, the applicant has proposed *Acer palmatum* 'Bloodgood' (Bloodgood Japanese Maple) trees in the front yards of the private lots. Bloodgood Maples grow to approximately 20 feet in height, and slightly less in width. They have burgundy foliage that turns brilliant scarlet in

the fall. These additional trees would help provide a tree-lined street and more continuous canopy at a regular spacing that the proposed street trees in the public right-of-way cannot provide due to location limitations. Both proposed tree species are recommended trees on the McMinnville Street Tree List.

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

Finding: Section 17.57.070(B)(6) is SATISFIED. The landscape plan indicates that a design-build irrigation system is to be installed in the Tract “A” planting areas. A temporary design-build irrigation system is specified for the bio-swale planters. Drip irrigation is recommended for both design build systems.

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

Finding: Section 17.57.070(C) is SATISFIED. A condition of approval requires 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.

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 street tree plan would establish tree cover over public right-of-way. The street tree plan as proposed would provide for tree-lined streets within the new residential neighborhood and would enhance the appearance of the City. Conditions of approval have been included to ensure that the planting of the street trees meets all necessary street tree standards, which would result in the appropriate planting and maintenance of the street trees.

17.58.080 Street Tree Planting—When Required. All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.

Finding: Section 17.57.080 is SATISFIED. The street tree plan as proposed would include street trees adjacent to the lots created as part of the subdivision, and the street trees would be installed in a designated curb-side planting strip fronting each new and existing public right-of-way.

17.58.090 Street Tree Standards.

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2016-22, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.

Finding: Section 17.57.090(A) is SATISFIED. The applicant is proposing to install *Acer rubrum* ‘Armstrong’ (Armstrong Red Maple) trees as the street tree species in the Whispering Meadows subdivision. This tree species is listed on the McMinnville Street Tree list as approved species, and is

considered to be a medium sized tree on the McMinnville Street Tree list. Additionally, in response to the Landscape Review Committee's comments from their continuance of the original application, the applicant is proposing to install *Acer palmatum* 'Bloodgood' (Bloodgood Japanese Maple) trees in the front yards of individual lots to supplement the proposed street tree plantings. Japanese Maples are listed on the McMinnville Street Tree list as approved species, and is considered to be a small sized tree on the McMinnville Street Tree list.

- B. Street trees 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.

Finding: Section 17.57.090(B) is SATISFIED. The street tree plan specifies the size of the proposed trees at the time of planting to be two (2) inch caliper. A condition of approval is included to specify that the trees be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. The condition of approval also states 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.

- C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. [...]

Finding: Section 17.57.090(C) is SATISFIED. The Whispering Meadows subdivision is located on a long, narrow site adjacent to NE Cumulus Avenue. Because of the shape of the site, the development pattern of streets and lots within the subdivision was approved with exceptions to City standards. The two cul-de-sacs serving the subdivision lots have been pushed to the eastern and western edges of the development site, respectively. The cul-de-sacs each serve the residential lots to one side of the street, with City standard sidewalks, planting strips, and utilities. The other side of each street adjacent to the edge of the subdivision was improved with an open bio-swale drainage system, since there were no adjacent lots requiring sidewalks or utilities. The residential lots along the cul-de-sacs have minimum widths of 40 feet and the driveway curb-cuts are generally ganged together in pairs on the narrow lots to maximize the open space between the pairs. However, when taking into account the location of water meters, light posts, fire hydrants, and the required setbacks for trees, the suitable locations for street trees in the planting strip in front of the single family residences are reduced. On the other side of the streets where the bio-swale drainage system is located, opportunities for street trees are limited to the ends of the swale, or at a mid-street break in the bio-swale.

Based on all of the infrastructure conflicts, the required street tree spacing for medium trees, as the *Acer rubrum* 'Armstrong' (Armstrong Red Maple) is described in the McMinnville Street Tree List, cannot be achieved in most locations in the Whispering Meadows subdivision. The street tree spacing throughout the subdivision varies, and is inconsistent. The nature of the site, street and lot layout, and location of utilities and the bio-swale drainage system presents limited suitable locations for street trees with inconsistent spacing between them. The street tree plan does take advantage of suitable locations to place as many street trees in the public right-of-way as is practical despite an inconsistent spacing standard. After applying street tree spacing standards from curb cuts for driveways, water meters, and street lights, the remaining acceptable planting locations for street trees does not meet the purpose of the Chapter 17.58 (Trees), which is, among other purposes, to "[...] provide tree-lined streets throughout the city; [...]". The Landscape Review Committee previously suggested that planting trees outside the planter strip would carry out the purpose of Chapter 17.58.

Attachments:

Attachment 1 – Application for Landscape Plan Review

The inconsistent street tree spacing is supplemented in the revised plan by the proposed planting of small trees in the front yards of the individual lots. The purpose of these trees, located close to the sidewalk and public-right-of-way, is to provide more uniformly spaced trees that would provide a more continuous canopy over the right-of-way than only the street trees within the right-of-way can provide. The Bloodgood Maples are spaced at 40 feet on center, typically, corresponding to the 40 foot individual lot width.

- D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb.

Finding: Section 17.57.090(D) is SATISFIED. The subdivision includes local residential streets, and Cumulus Avenue is a minor collector. The applicant has provided a five (5) foot wide planting strip along all streets within the subdivision, which is greater than the three (3) foot minimum requirement. The species of street trees being proposed is considered a “medium” sized trees in the McMinnville Street Tree List. Medium sized trees require a five (5) foot wide planter strip based on the requirements of the McMinnville Street Tree List, and this is being satisfied with the proposed planter strip.

- E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.

Finding: Section 17.57.090(E) is SATISFIED. The proposed street trees conform to setbacks to utilities identified on the street tree plan for Whispering Meadows subdivisions, and a condition of approval is included to require that the setbacks from utilities be maintained.

17.58.120 Street Tree Maintenance.

- A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.
- B. Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.
- C. Maintenance of street trees, other than those located in the Downtown Tree Zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the Downtown Tree Zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees.

Finding: Section 17.57.120 is SATISFIED. A condition of approval has been included to ensure that the street trees are continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

JF



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

www.mcminnvilleoregon.gov

EXHIBIT 3 - STAFF REPORT

DATE: March 20, 2019
TO: McMinnville Landscape Review Committee
FROM: Jamie Fleckenstein, PLA, Associate Planner
SUBJECT: Agenda Item 4A: L 29-18

Report in Brief:

An application for a Landscape Plan Review of a street tree plan and landscape plan for the Whispering Meadows subdivision (L 29-18) to be reviewed by the Landscape Review Committee.

Background:

The applicant, Theresa Smith of Yamhill Community Development Corporation, submitted a landscape/street tree plan for the Whispering Meadows subdivision. The subject site is located north of NE Cumulus Avenue, south of the South Yamhill River, and between the River Park subdivision to the west, and the Parkland Village assisted living development and the Craftsman Landing townhome development to the east, and is more specifically described as Tax Lot 300, Section 22DD, T. 4 S., R 4 W., W.M.

Docket S 3-15, permitting a 29-lot single family residential subdivision on the subject site, was approved with the following conditions:

9. That the applicant shall submit a street tree plan for the subdivision for review and approval by the McMinnville Landscape Review Committee. The plan shall identify species, caliper size, and spacing for each tree to be planted within the curbside planting strips. [...]
11. That the applicant shall submit a detailed landscape plan for the area within Tract "A" for review and approval by the McMinnville Landscape Review Committee. At a minimum the proposed pedestrian walkway within this tract shall be five feet in width; a solid, sight obscuring fence or wall shall be provided along the southern edge of Lots 1 – 3; and appropriate lighting and irrigation shall be installed. All required landscaping, irrigation, lighting, fencing, and hardscape as shown on the plan approved by the Landscape Review Committee shall be installed prior to release of the final plat.

Whispering Meadows is a new subdivision being developed in NE McMinnville. The subdivision will have 29 single family residential lots on a 7.19 acre site located north of NE Cumulus Avenue, south of the South Yamhill River, and between the River Park subdivision to the west, and the Parkland Village assisted living development and the Craftsman Landing townhome development to the east. The approximate location of the subject site can be seen below, outlined in red:

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape and Street Tree Plan for Whispering Meadows Subdivision (L 29-18)

The original Street Tree Plan and Landscape Plan for the subdivision was reviewed by the Landscape Review Committee at their September 19, 2018 regular meeting. At that time, the application was continued to allow the Street Tree Plan to be revised. In their review, the Landscape Review Committee found that the location of street trees in the curbside planting strip was the limiting factor keeping the plan from being able to meet the purpose of Chapter 17.58 (Trees) and street tree spacing standards.

Discussion:

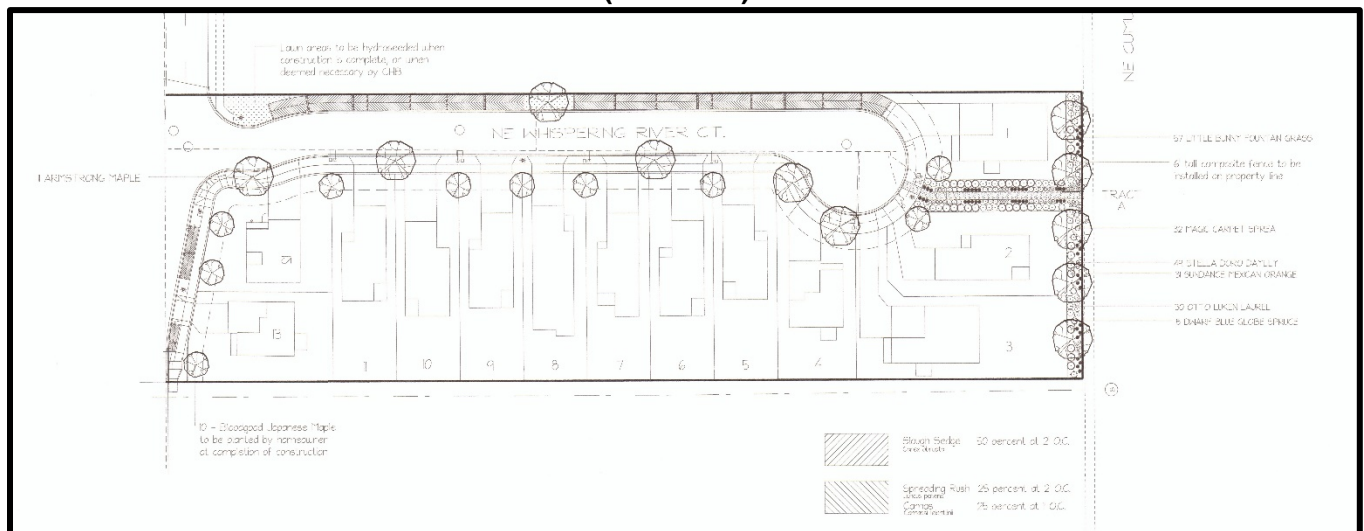
Attachments:

25 of 86

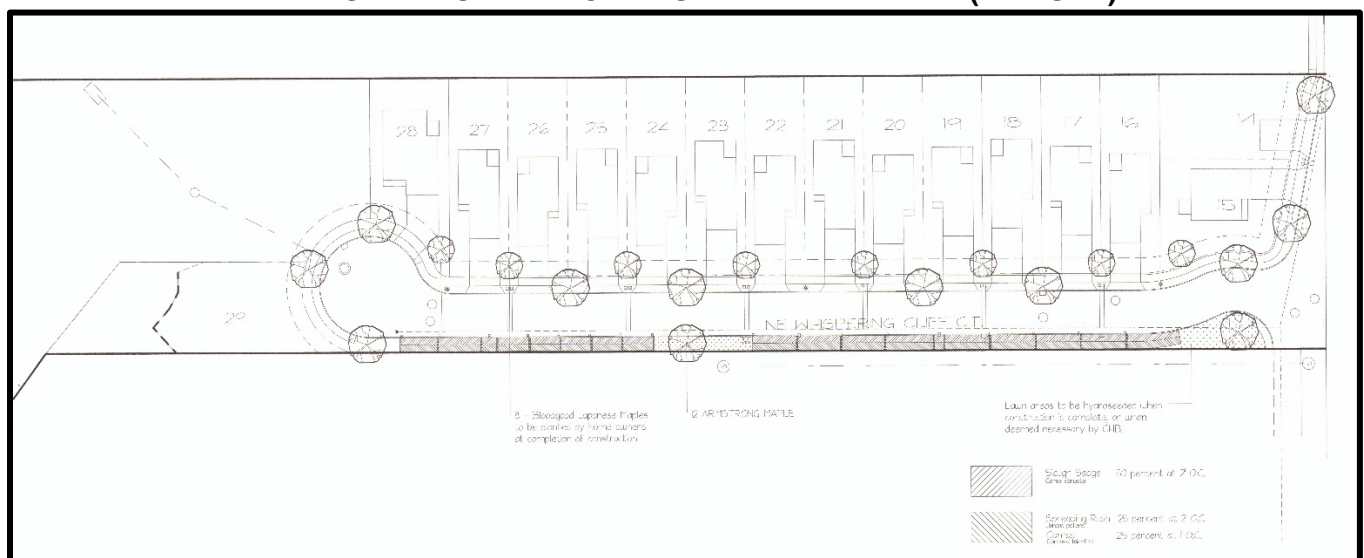
sidewalk and street tree planting along those edges where there are no adjacent residences in the subdivision.

Tract "A" is a commonly owned tract in the subdivision providing pedestrian access between the development and NE Cumulus Avenue, as well as an area for buffering the proposed development from Highway 18 and NE Cumulus Avenue. The proposed landscape for Tract "A" and street tree plans for NE Whispering River Court and NE Whispering Cliff Court can be seen below:

NE WHISPERING RIVER COURT STREET TREE PLAN / TRACT "A" LANDSCAPE PLAN (REVISED)



NE WHISPERING RIVER CLIFF STREET TREE PLAN (REVISED)



Street Tree Review:

In reviewing a street tree plan, Section 17.58.090 (Street Tree Standards) of the McMinnville Zoning Ordinance requires the Landscape Review Committee to consider the following standards:

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape and Street Tree Plan for Whispering Meadows Subdivision (L 29-18)

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2016-22, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.

The applicant is proposing to install *Acer rubrum* 'Armstrong' (Armstrong Red Maple) trees as the street tree species in the Whispering Meadows subdivision. This tree species is listed on the McMinnville Street Tree list as approved species, and is considered to be a medium sized tree on the McMinnville Street Tree list. Additionally, in response to the Landscape Review Committee's comments from their continuance of the original application, the applicant is proposing to install *Acer palmatum* 'Bloodgood' (Bloodgood Japanese Maple) trees in the front yards of individual lots to supplement the proposed street tree plantings. Japanese Maples are listed on the McMinnville Street Tree list as approved species, and is considered to be a small sized tree on the McMinnville Street Tree list.

- B. Street trees 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.

The street tree plan specifies the size of the proposed trees at the time of planting to be two (2) inch caliper. A condition of approval is included to specify that the trees be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. The condition of approval also states 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.

- C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. [...]

The Whispering Meadows subdivision is located on a long, narrow site adjacent to NE Cumulus Avenue. Because of the shape of the site, the development pattern of streets and lots within the subdivision was approved with exceptions to City standards. The two cul-de-sacs serving the subdivision lots have been pushed to the eastern and western edges of the development site, respectively. The cul-de-sacs each serve the residential lots to one side of the street, with City standard sidewalks, planting strips, and utilities. The other side of each street adjacent to the edge of the subdivision was improved with an open bio-swale drainage system, since there were no adjacent lots requiring sidewalks or utilities. The residential lots along the cul-de-sacs have minimum widths of 40 feet and the driveway curb-cuts are generally ganged together in pairs on the narrow lots to maximize the open space between the pairs. However, when taking into account the location of water meters, light posts, fire hydrants, and the required setbacks for trees, the suitable locations for street trees in the planting strip in front of the single family residences are reduced. On the other side of the streets where the bio-swale drainage system is located, opportunities for street trees are limited to the ends of the swale, or at a mid-street break in the bio-swale.

Based on all of the infrastructure conflicts, the required street tree spacing for medium trees, as the *Acer rubrum* 'Armstrong' (Armstrong Red Maple) is described in the McMinnville Street Tree List, cannot be achieved in most locations in the Whispering Meadows subdivision. The street tree spacing throughout

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape and Street Tree Plan for Whispering Meadows Subdivision (L 29-18)

the subdivision varies, and is inconsistent. The nature of the site, street and lot layout, and location of utilities and the bio-swale drainage system presents limited suitable locations for street trees with inconsistent spacing between them. The street tree plan does take advantage of suitable locations to place as many street trees in the public right-of-way as is practical despite an inconsistent spacing standard. After applying street tree spacing standards from curb cuts for driveways, water meters, and street lights, the remaining acceptable planting locations for street trees does not meet the purpose of the Chapter 17.58 (Trees), which is, among other purposes, to “[...] provide tree-lined streets throughout the city; [...]”. The Landscape Review Committee previously suggested that planting trees outside the planter strip would carry out the purpose of Chapter 17.58.

The inconsistent street tree spacing is supplemented in the revised plan by the proposed planting of small trees in the front yards of the individual lots. The purpose of these trees, located close to the sidewalk and public-right-of-way, is to provide more uniformly spaced trees that would provide a more continuous canopy over the right-of-way than only the street trees within the right-of-way can provide. The Bloodgood Maples are spaced at 40 feet on center, typically, corresponding to the 40 foot individual lot width.

- D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.

The subdivision includes local residential streets. The applicant has provided a five (5) foot wide planting strip along all streets within the subdivision, which is greater than the three (3) foot minimum requirement. The species of street trees being proposed is considered a “medium” sized trees in the McMinnville Street Tree List. Medium sized trees require a five (5) foot wide planter strip based on the requirements of the McMinnville Street Tree List, and this is being satisfied with the proposed planter strip.

- E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.

The proposed street trees appear to conform to setbacks to utilities identified on the street tree plan for Whispering Meadows subdivisions, and a condition of approval is included to require that the setbacks from utilities be maintained.

Landscape Plan Review:

In reviewing a landscape plan, MMC Section 17.57.070(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 Whispering Meadows subdivision is located on a long, narrow site adjacent to NE Cumulus Avenue. Because of the shape of the site, the development pattern of streets and lots within the subdivision was approved with exceptions to City standards. The two cul-de-sacs serving the subdivision lots have been pushed to the eastern and western edges of the development site, respectively. The cul-de-sacs each

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape and Street Tree Plan for Whispering Meadows Subdivision (L 29-18)

serve the residential lots to one side of the street, with City standard sidewalks, planting strips, and utilities. The other side of each street adjacent to the edge of the subdivision was improved with an open bio-swale drainage system, since there were no adjacent lots requiring sidewalks or utilities. The residential lots along the cul-de-sacs have minimum widths of 40 feet and the driveway curb-cuts are generally ganged together in pairs on the narrow lots to maximize the open space between the pairs. However, when taking into account the location of water meters, light posts, fire hydrants, and the required setbacks for trees, the suitable locations for street trees in the planting strip in front of the single family residences are significantly reduced. On the other side of the streets where the bio-swale drainage system is located, opportunities for street trees are limited to the ends of the swale, or at a mid-street break in the bio-swale. The nature of the site, street and lot layout, and location of utilities and the bio-swale drainage system presents limited suitable locations for street trees with inconsistent spacing between them. Spacing varies from approximately 50 feet to 150 feet between street trees. The street tree plan does take advantage of suitable locations to place as many street trees in the public right-of-way as is practical.

The street tree selected for Whispering Meadows is *Acer rubrum* 'Armstrong' (Armstrong Red Maple). The Armstrong Red Maple is a narrow, upright tree that grows to approximately 45 feet in height, and to 15 feet in width. To supplement the Armstrong Red Maple trees, the applicant has proposed *Acer palmatum* 'Bloodgood' (Bloodgood Japanese Maple) trees in the front yards of the private lots. Bloodgood Maples grow to approximately 20 feet in height, and slightly less in width. They have burgundy foliage that turns brilliant scarlet in the fall. The Japanese Maple trees are spaced at approximately 40 feet on center (lots are generally 40 feet wide), though there are gaps in the spacing to accommodate Armstrong Red Maple trees planted in the right-of-way.

The landscape plan shows that trees are proposed straddling the property lines on lots 5 through 12 and 16 through 27. This creates situations where responsibility of ownership/maintenance is not clear. Additionally, there are gaps in the line of Bloodgood Japanese Maples, where spaces were left to accommodate street trees in the right-of-way. Staff recommends filling in the gaps by planting a tree in each front yard of lots 5 through 12 and 16 through 27, such that there are no trees straddling private property lines and there is consistent 40 foot spacing between Japanese Maple trees. Also, street trees are shown straddling the projected shared property line between lots, creating situations where responsibility of ownership/maintenance is not clear. Staff recommends not centering the street trees in the planter strip so it is clear which lot is the adjacent property to the street tree. A street tree is proposed between lots 10 and 11 in the space between driveway accesses. Because it does not appear that there is enough space to maintain five (5) feet spacing each private driveway, staff recommends removal of the *Acer rubrum* 'Armstrong' (Armstrong Red Maple) street tree from the right-of-way between lots 10 and 11.

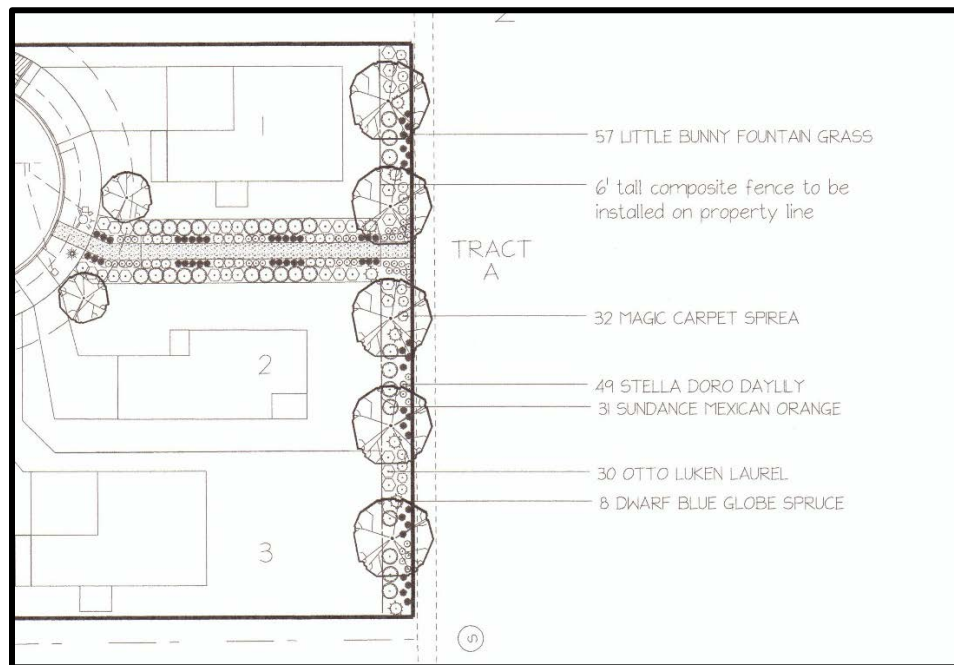
The landscape plan also identifies planting in the bio-swales that are in the public right-of-way. The bio-swales are to be planted with a combination of *Carex obnupta* (Slough Sedge), *Juncus patens* (Spreading Rush), and *Camassia leichtlinii* (Camas). All three species are native to the Pacific Northwest and suitable for planting in moist or wet areas such as drainage swales. These plants are all grass-like in character, and would capably perform functions in the bio-swale such as slowing down stormwater runoff to allow sediment to settle out. Staff finds the street tree plan and landscaping in the public right-of-way is compatible with the proposed project and the abutting properties and uses.

Tract "A" is a commonly-owned tract in the subdivision providing pedestrian access between the development and NE Cumulus Avenue, as well as an area for buffering the proposed development from Highway 18 and NE Cumulus Avenue. The portion of Tract "A" fronting Cumulus Avenue is 10 feet wide, and the pedestrian connection from Cumulus Avenue to the NE Whispering River Court cul-de-sac is 20 feet wide. An enlargement of the Tract "A" 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 and Street Tree Plan for Whispering Meadows Subdivision (L 29-18)

TRACT “A” LANDSCAPE PLAN ENLARGEMENT



The Tract “A” landscaping along Cumulus Avenue and the pedestrian walkway is a combination of deciduous and evergreen shrubs, and perennial plants. The evergreen shrubs are *Choisya ternata* ‘Sundance’ (Sundance Mexican Orange), *Prunus laurocerasus* ‘Otto Luyken’ (Otto Luyken Laurel), and *Picea pungens globosa* (Dwarf Blue Globe Spruce). Sundance Mexican Orange and Dwarf Blue Globe Spruce both grow to 5’ height and 5’ width. Otto Luyken Laurel grows to 3’x6’. *Spiraea japonica* ‘Walbura’ (Magic Carpet Spirea) is a deciduous shrub growing 2’x2’. *Pennisetum alopecuroides* ‘Little Bunny’ (Little Bunny Fountain Grass) is a perennial grass that reaches 12” in height. *Hemerocallis x* ‘Stella De Oro’ (Stella De Oro Dwarf Daylily) is a flowering perennial that will reach 12”-30” in height. Also proposed for the Cumulus Avenue frontage is five (5) Armstrong Red Maple trees to match the proposed street trees, spaced at approximately 35’ on center. All the proposed plants are drought tolerant and require only occasional water once established. The planting along Cumulus Avenue is designed to have a character and density appropriate for its location along a minor collector street and at a place of high visibility. The planting is compatible with that of adjacent subdivisions.

A condition of approval of Docket S 3-15 requires that at a minimum the proposed pedestrian walkway within Tract “A” shall be five feet in width. The landscape plan indicates the proposed walkway is 5’ in width. The landscaping along the pedestrian walkway is designed to provide seasonal interest and clear sight lines along the length of the walkway, creating an aesthetically appealing and safe pedestrian experience.

Staff finds the landscaping proposed for Tract “A” is compatible with the proposed project and the abutting properties and uses.

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

Tract “A” is specifically identified as an area for buffering the proposed development from Highway 18 and NE Cumulus Avenue. The planting proposed for the Cumulus Avenue frontage has characteristics that would serve this purpose. A variety of medium (or taller) evergreen shrubs and a row of street-tree

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape and Street Tree Plan for Whispering Meadows Subdivision (L 29-18)

type shade trees would help provide a visual and physical buffer from the noise and activity of Highway 18 and Cumulus Avenue. A solid fence has been constructed that would serve as a backdrop to the planting and provide additional screening and buffering.

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

There are no existing trees or existing natural features in the areas being proposed for landscaping. This criterion does not apply.

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

There are no parking areas included in the proposed landscaping. This criterion does not apply.

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 street tree selected for Whispering Meadows is *Acer rubrum* 'Armstrong' (Armstrong Red Maple). The Armstrong Red Maple is a narrow, upright tree that grows to approximately 45 feet in height, and to 15 feet in width. To supplement the Armstrong Red Maple trees, the applicant has proposed *Acer palmatum* 'Bloodgood' (Bloodgood Japanese Maple) trees in the front yards of the private lots. Bloodgood Maples grow to approximately 20 feet in height, and slightly less in width. They have burgundy foliage that turns brilliant scarlet in the fall. These additional trees would help provide a tree-lined street and more continuous canopy at a regular spacing that the proposed street trees in the public right-of-way cannot provide due to location limitations. Both proposed tree species are recommended trees on the McMinnville Street Tree List.

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

The landscape plan indicates that a design-build irrigation system is to be installed in the Tract "A" planting areas. A temporary design-build irrigation system is specified for the bio-swale planters. Drip irrigation is recommended for both design build systems.

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.

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape and Street Tree Plan for Whispering Meadows Subdivision (L 29-18)

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 dated February 20, 2019, in accordance with the conditions of approval.
2. That the tree species approved for the planting strips in the Whispering Meadows subdivision is *Acer rubrum* 'Armstrong' (Armstrong Red Maple).
3. That no street tree shall be planted in the planter strip between Lots 10 and 11.
4. That street trees shall not be planted straddling the projected common property line between lots. Street trees shall have a single, clear adjacent property.
5. That *Acer palmatum* 'Bloodgood' (Bloodgood Japanese Maple) trees shall be planted one (1) per lot for all Lots, except Lot 3, at approximately 40 foot spacing. Corner lots 12 and 15 shall have a minimum of one (1) *Acer palmatum* 'Bloodgood' (Bloodgood Japanese Maple) along each street frontage.
6. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during planting process.
7. That all trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade.
8. 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.
9. That each street tree 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 each tree and the curb side of each tree. The root barrier protection shall be placed in 10-foot lengths, centered on each tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth (see enclosed detail).
10. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, David Renshaw, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
11. 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.
 Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum standards.

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape and Street Tree Plan for Whispering Meadows Subdivision (L 29-18)

12. That the street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.
13. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on 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. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
14. 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.

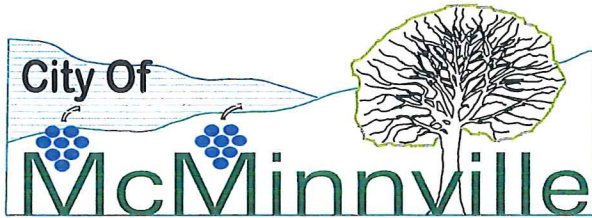
Suggested Motion:

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 29-18 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 and Street Tree Plan for Whispering Meadows Subdivision (L 29-18)



Planning Department

231 NE Fifth Street • McMinnville, OR 97128

(503) 434-7311 Office • (503) 474-4955 Fax

www.ci.mcminnville.or.us

Office Use Only:

File No. L 29-18

Date Received 7/27/18

Fee \$145.00

Receipt No. 18M0153

Received by CD

Landscape Plan Review Application

Applicant Information

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

Applicant Name VanHill Community Development Corporation Phone 503-434-5265

Contact Name TERESA SMITH Phone 971-237-7239
(If different than above)

Address 2195 NE 27TH ST

City, State, Zip McMinnville, OR 97128

Contact Email teresa.smith58@outlook.com

Property Owner Information

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

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

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

Property Address 3055 NE Cumulus Ave McMinnville, OR 97128

Assessor Map No. R44 -2200 - 00300 Total Site Area 7.19 AC

Subdivision WHISPERING MEADOWS Block _____ Lot _____

Comprehensive Plan Designation RESIDENTIAL Zoning Designation R-4 Multi-Family
RESIDENTIAL

Landscaping Information

1. Total Landscaped Area: 111,559 sq ft.
2. Percent Landscaped: 42.35%
3. Building Floor Area:
New Structure: 20,046 sq ft Existing Structure: N/A Addition: N/A
4. Architect Name Emily Osborn - C.D. Landscaping Phone 503-864-3551
(Landscape Architect, Engineer, or Other Designer)
Contact Name Emily Osborn Phone 503-864-3551
Address _____
City, State, Zip Dayton, OR
Contact Email emily@canddlandscape.com

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

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

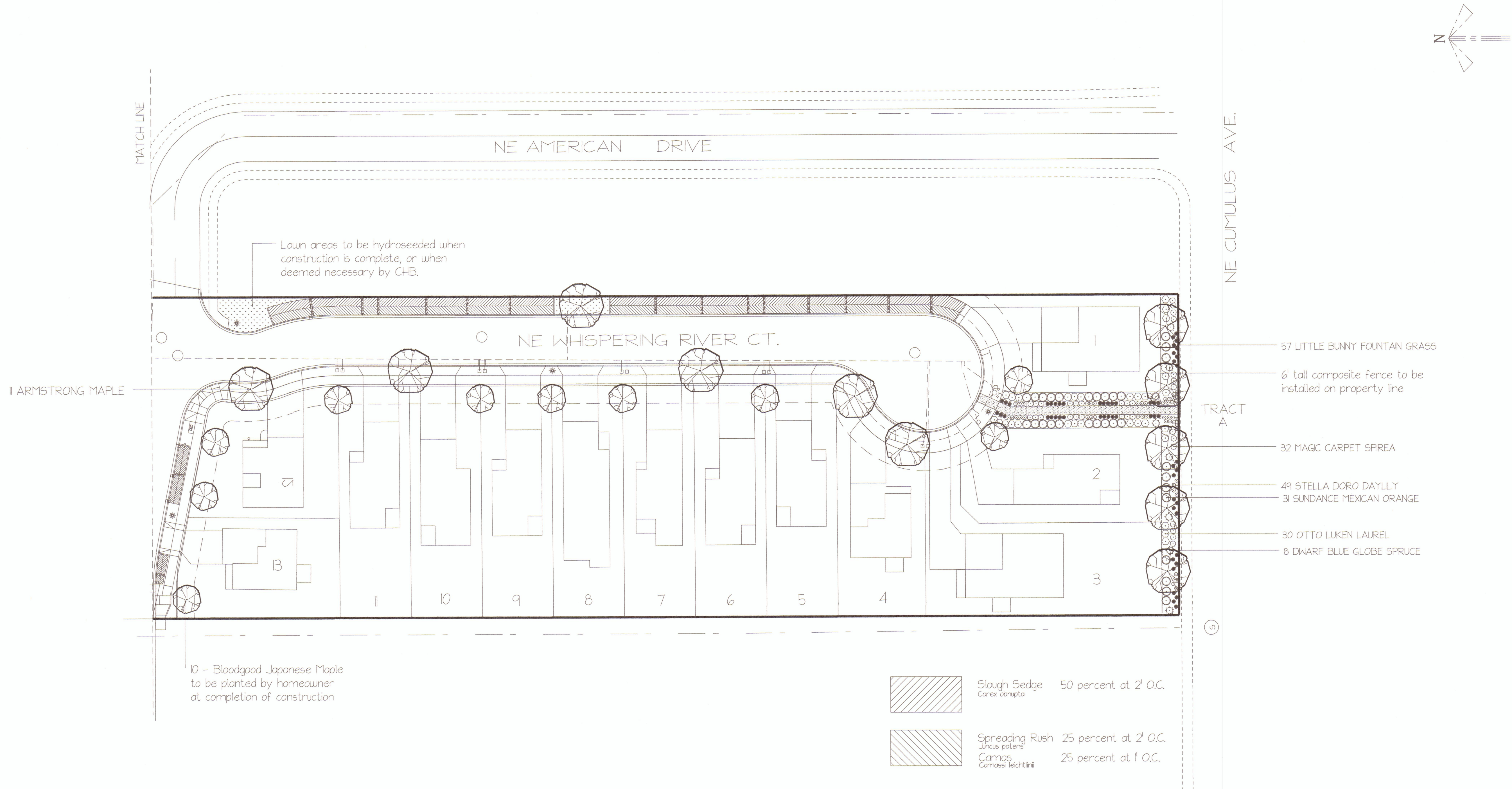
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Jesse Smith for YCDC
Applicant's Signature President

7-27-2018
Date

Jesse Smith for YCDC
Property Owner's Signature President

7-27-2018
Date



NOTES

Whispering Meadows
Community Home Builders

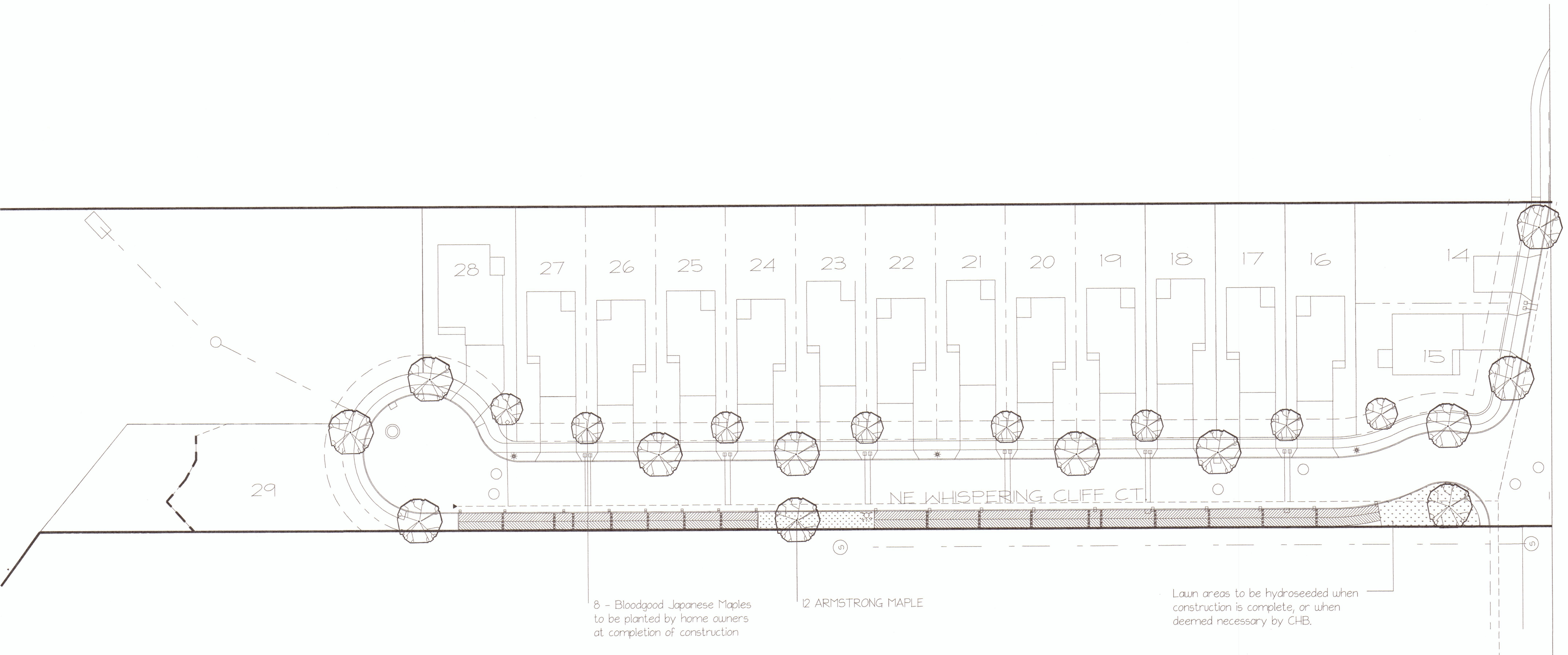
	1/19/2018	Changes to Swales by Sisud Engineering
	3/1/2018	Utilities adjustments
	5/10/2018	Swales 5 and 6 and adjustments to lots 12 and 13
	9/26/2018	Street tree variety changed and additional trees added
No.	Date	Description
REVISIONS		

C and D Landscape Co.

Revised Plan
RECEIVED
FEB 20 2019
BY: _____

SCALE	1" = 30'-0"
DRAWN BY	Emily Osborn
CHECKED BY	
DATE	6/9/2017
DATE OF PRINT	

PROJECT NO.	217-027
SHEET NO.	L 1



- Slough Sedge 50 percent at 2' O.C.
Carex obnupta
- Spreading Rush 25 percent at 2' O.C.
Juncus patens
- Camass 25 percent at 1' O.C.
Camassia leichtlinii

Key	Qty	Botanical Name	Common Name	Size/Condition
Trees				
ArA	12	Acer rubrum 'Armstrong'	ARMSTRONG MAPLE	2" cal.

NOTE:
In Stormwater planters a temporary irrigation system to be installed. Irrigation system to be used during the 2 year establishment period during the months of June and October. The temporary system to be a design-build system by the Landscape Contractor and follow all jurisdictional requirements.

A design-build irrigation system to be installed to provide water efficient irrigation to the Tract A plantings and hydroseeded lawn areas. Landscape Contractor to provide approved backflow valves, permits and controllers for system.

A drip irrigation system is recommended and to take into consideration plant placement, and water efficiency to reduce overspray on hard surfaces and non-irrigated areas.

All street trees to follow city planting standards with deep watering tubes and 2' root barrier installed during planting. Root barrier to extend 10' on either side of tree.

Bark mulch to be spread in all planting strips after trees are installed.

NOTES

Whispering Meadows
Community Home Builders

1/19/2018	Changes to Swales by Sissal Engineering	
3/1/2018	Utilities adjustments	
5/10/2018	Swales 5 and 6 and adjustments to lots 12 and 13	
9/26/2018	Street tree variety changed and additional trees added	
No.	Date	Description
REVISIONS		

C and D Landscape Co.

Revised Plan
RECEIVED
FEB 20 2019
BY: _____

SCALE: 1" = 30'-0"	PROJECT NO: 217-027
DRAWN BY: Emily Osborn	SHEET NO:
CHECKED BY:	L 2
DATE: 6/9/2017	
DATE OF PRINT:	



**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 STREET TREE REMOVALS AT
1145 NE 1st STREET**

DOCKET: L 6-19 (Street Tree Removal)

REQUEST: Approval to remove 13 street trees from the right-of-way adjacent to the subject property.

LOCATION: The subject site is located at 1145 NE 1st Street. The subject property is more specifically described as Tax Lot 3500, Section 21AC, T. 4 S., R. 4 W., W.M. and Tax Lots 7200, 7300, and 7400, Section 21BD, T. 4 S., R. 4 W., W.M.

ZONING: The subject site is zoned C-3 (General Commercial).

APPLICANT: Doug Young, on behalf of St. James Catholic Church McMinnville OR, property owner.

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: February 28, 2019

HEARINGS BODY: McMinnville Landscape Review Committee

DATE & TIME: March 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.

DECISION

Based on the findings and conclusions, the Landscape Review Committee recommends **APPROVAL** of the street tree removal (L 6-19) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

Planning Staff: _____
 Jamie Fleckenstein, Associate Planner

Date: March 20, 2019

Planning Department: _____
Heather Richards, Planning Director

Date: March 20, 2019

APPLICATION SUMMARY:

The applicant requested the removal of 13 street trees from the right-of-way adjacent to the subject property. Eight (5) trees are proposed to be removed with no replacement trees planted, and five (5) trees are proposed to be removed and replaced. Removal of a tree within the public right-of-way requires City approval.

The subject site is the St. James Catholic Church, located at the intersections of SE Three Mile Lane/NE 3rd Street and NE Kirby Street and SE 1st Street. The property is zoned C-3 (General Commercial). The subject site can be seen below, outlined in red:

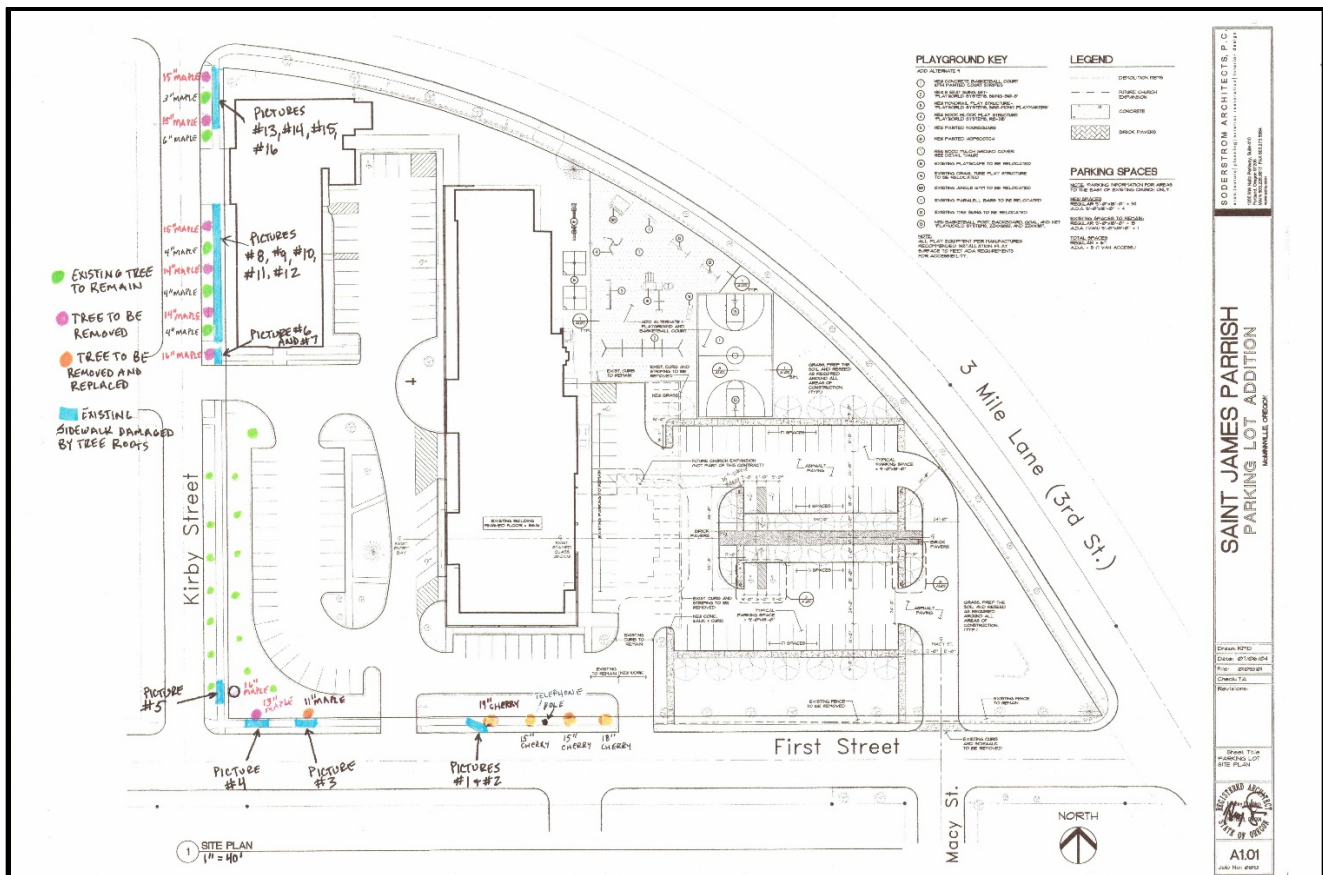


The trees in question are located in the NE Kirby Street right-of-way and the SE 1st Street right-of-way. In the NE Kirby street right of way are seven (7) *Acer sp.* (Maple) trees varying in diameter at breast height (DBH) from 14 to 16 inches. The trees in the SE 1st Street right-of-way proposed for removal include two (2) *Acer sp.* (Maple) trees, the first being 11 inches DBH and the other 13 inches DBH. Four (4) *Prunus sp.* (Cherry) trees ranging in size from 15 inches DBH to 19 inches DBH are also in the SE 1st Street right-of-way.

The site plan indicating the locations of the trees proposed for removal can be seen below:

Attachments:

Attachment 1 – Application for Street Tree Removal



The applicant requested the removal of the street trees along NE Kirby Street because tree roots have caused damage to the adjacent sidewalk, lifting multiple panels to the point where it created a trip hazard to pedestrians. The three (3) westernmost tree along SE 1st Street (two maples and one cherry) are also lifting adjacent sidewalk panels. The four (4) cherry trees along SE 1st Street are located under overhead power lines, and are growing up into the utility lines creating a potential conflict.

CONDITIONS OF APPROVAL:

L 6-19 is **approved** subject to the following conditions:

1. That all costs and liability associated with tree removal, stump grinding, and tree replacement shall be borne by the applicant.
2. 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.
3. That the trees' stumps 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.
4. That seven (7) small street trees from the McMinnville Street Tree List suitable for location under overhead power lines be planted in the SE 1st Street right-of-way planter strip.
5. That replacement trees 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

Attachments:

Attachment 1 – Application for Street Tree Removal

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.

6. That replacement trees 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.
7. 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.
8. 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.
9. That the planter areas shall be restored to original grade immediately following the planting of the replacement trees.
10. That the applicant shall complete the tree removal and tree replacement within six (6) months of this approval notification, or September 20, 2019.
11. That the applicant shall repair/replace damaged sidewalk panels per City code. A sidewalk permit is required and can be obtained from the McMinnville Engineering Department at (503) 472-7312.

ATTACHMENTS:

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

COMMENTS:

Agency Comments

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

- McMinnville Public Works:

Site Review

1. The trees in question include 9 maples 13-16" DBH and 4 cherries ranging from 15-18" DBH. They are identified on the attached marked up site plan (site plan provided by owner).

2. To describe the site conditions the request has been grouped in three distinct areas, which are indicated on the attached marked up site plan:
 - a. Area A: trees are planted in an 8' planter strip with turf as a ground cover. There are no overhead power conflicts. The trees in this area that are proposed to be removed all exhibit significant surface rooting which has in turn resulted in significant sidewalk lifting and associated surface discontinuities.
 - b. Area B: trees are in a planter area, outside of the public right of way. There is overhead power along 1st Street in this area, with a 4' planter strip in the right of way. These trees show surface rooting as well, with associated sidewalk damage.
 - c. Area C: trees are in a planter area behind the sidewalk, but in the public right of way. The sidewalk is curb tight, and there is an overhead conflict with what appear to be communication facilities. These trees all appear to have been topped, and show varying signs of rotting in wound areas. Additionally the trees all show surface rooting with some minor sidewalk damage. The most westerly cherry tree's surface rooting habit has resulted in significant sidewalk damage. The most easterly tree is planted less than 5' from the adjacent driveway approach.

Recommendations

1. Given the shallow rooting of the trees and the sidewalk damage observed, staff recommends approval of this request. Although some of the trees are healthy, and some of the observed sidewalk damage can be temporarily mitigated with sidewalk grinding, the growth pattern of these trees will continue to damage the sidewalk and adjacent curb. Staff would note that the trees in Area B are outside the public right of way, and thus outside of our purview. In consulting with Planning staff, we understand that Planning staff will be recommending that the removed trees in this area be replaced with trees planted in the adjacent planting strip. PW staff has no concerns with this request other to note that the applicant should be reminded of the spacing requirements from intersections, existing utility poles and existing driveways. Staff would also recommend that in replacing the most easterly cherry tree along 1st Street that the applicant be reminded of the spacing requirement from an existing driveway approach.
 2. Suggested conditions of approval:
 - a. Applicant to be responsible for all costs related to removal and replacement.
 - b. Applicant required to grind stump to a minimum of 6" below grade, and to chase roots as necessary to allow for a suitable replanting site in locations where trees will be replanted.
 - c. Applicant to call for a utility locate prior to removal. As a note, applicant should be informed that upon request, utility locates can be flagged without marking up hard surfaces.
 - d. All replacement trees shall be 2" minimum caliper and of a variety acceptable to the Planning Department.
 - e. Applicant to plant trees as per the approved City detail.
 - f. Applicant to contact Public Works at (503)434.7316 for an inspection prior to backfill.
 - g. Applicant to contact Engineering at (503)434.7312 to obtain sidewalk permits for all necessary sidewalk repairs. Staff would note that the applicant is already aware of this and has met with Engineering staff to assess the sidewalks in this area.
- **McMinnville Water and Light:**

There is a water service line and a water meter near one of the trees for 206 NE Kirby St. The water service can be found approximately middle of the building in the greenway.

Use extreme caution working about the water service. If the service line, water meter box, or meter get damaged, contact McMinnville Water & Light immediately for assistance.

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.

FINDINGS OF FACT

1. Doug Young, on behalf of St. James Catholic Church McMinnville Oregon, adjacent property owner, submitted a street tree removal application requesting the removal of 13 street trees 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 site is located at 1145 NE 1st Street. The subject property is more specifically described as Tax Lot 3500, Section 21AC, T. 4 S., R. 4 W., W.M. and Tax Lots 7200, 7300, and 7400, Section 21BD, T. 4 S., R. 4 W., W.M.
3. The site is currently zoned C-3 (General Commercial) and is designated as Commercial on the McMinnville Comprehensive Plan Map.
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 conditions of approval.
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 March 20, 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.

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. The replacement of the subject trees in the 1st Street right-of-way would improve the aesthetic appearance of the streetscape and transportation system and the livability of the surrounding area. This goal and policy are also satisfied in that a replacement trees are not appropriate for the Kirby Street right-of-way near the intersection of 3 Mile Lane due to the proximity to other street trees. Replacement street trees along Kirby Street could not be planted in locations that would allow the remaining street trees the opportunity to develop and grow to their fullest extent. Planting trees too closely together would create potentially unsafe conditions in the transportation system by obstructing views to and from travel surfaces.

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

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

Finding: Goal X 1 and Policy 188.00 are SATISFIED. 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. Approval of the tree removal request would allow for the mitigation of damage to public improvements in public rights-of-way. Required replacement trees planted in accordance with City standards would help establish a tree-lined streets, enhance the appearance of the City, and promote a healthy and sustainable community forest.

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 trees requested for removal are located within the public right-of-way, or are located in private property and directly affect public infrastructure. 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(A) is SATISFIED. The applicant has filed an application for a Street Tree Removal Permit to be reviewed by the McMinnville Landscape Review Committee.

- B. Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. [...]

Finding: Section 17.58.040(B) is SATISFIED. A condition of approval has been included to ensure the removal of the tree is performed to accepted City standards. This is reflected in Condition of Approval #3 in this decision document.

- C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.

Finding: Section 17.58.040(C) is SATISFIED. A condition of approval has been included to ensure the applicant shall be responsible for all costs associated with the tree removal. This is reflected in Condition of Approval #1 in this decision document.

- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. [...]

Finding: Section 17.58.040(D) is SATISFIED. A condition of approval has been included to require the replacement of street trees where appropriate. This is reflected in Condition of Approval #4 in this decision document.

- E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.

Finding: Section 17.58.040(E) is SATISFIED. A condition of approval has been included to ensure the applicant shall remove the stump and surface roots, and restore the planting strip. This is reflected in Conditions of Approval #3 in this decision document.

- F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The

Attachments:

Attachment 1 – Application for Street Tree Removal

Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.

Finding: Section 17.58.040(F) is SATISFIED. A condition of approval has been included to ensure the applicant shall complete the tree removal and replacement within 6 months of approval. This is reflected in Condition of Approval #10 in this decision document.

- G. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.

Finding: Section 17.58.040(G) is SATISFIED. A condition of approval has been included to ensure the applicant shall repair/replace damaged sidewalks and contact the Engineering Department to obtain permits for sidewalk repair. This is reflected in Condition of Approval #10 in this decision document.

- H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.

Finding: Section 17.58.040(H) is SATISFIED. Conditions of approval have been included to ensure the applicant shall plant replacement street trees in accordance with City standards and specifications.

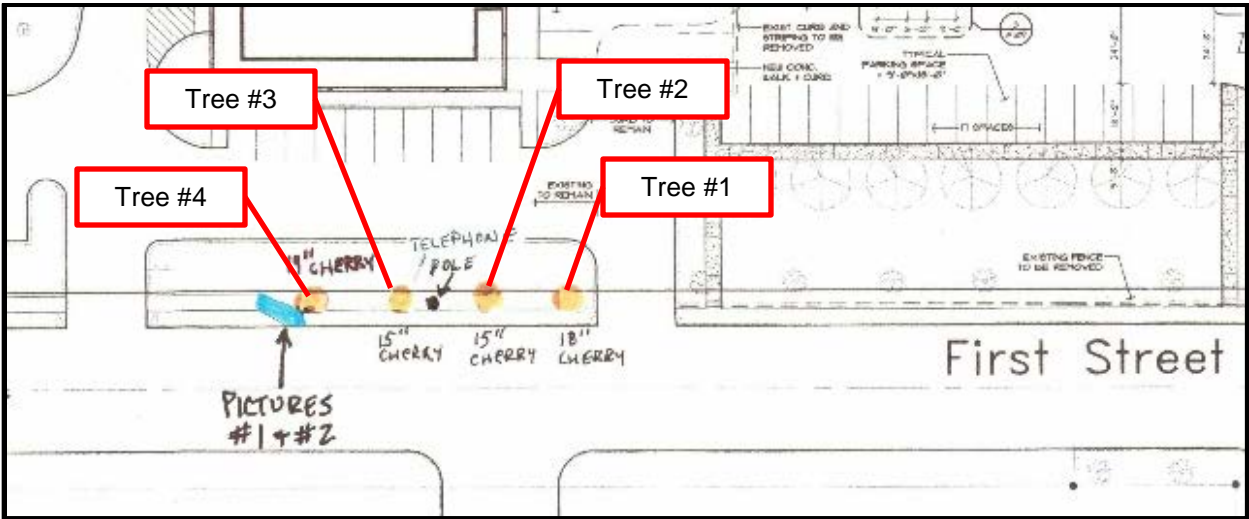
17.58.050 Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

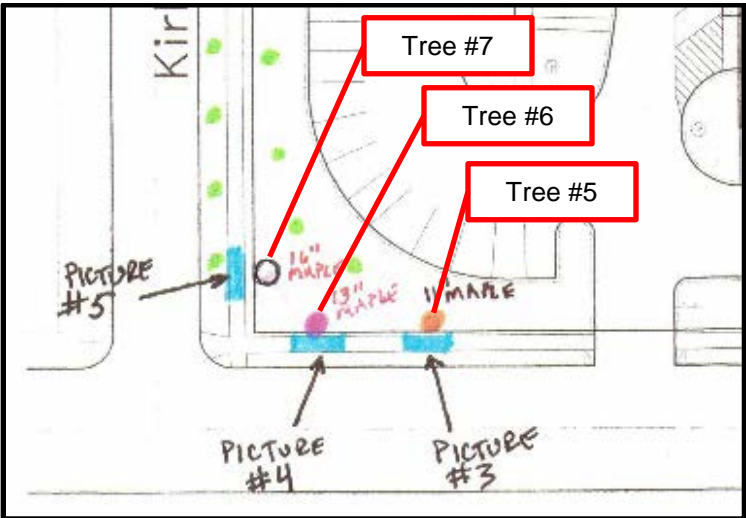
- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.

Finding: Section 17.58.050(A) is SATISFIED. Although no arborist's assessment was submitted with the application, several of the trees in question display obvious evidence of health issues, significant distress, and/or structural issues. Specifically, Tree #1, a cherry, shows a significant area of damage and rot at the base of its trunk that will ultimately compromise its structural integrity. Trees #12 and #13, maples, exhibit structural damage to large branches which has led to dieback in the canopy of the tree and insect infestation. These trees appear to be in poor overall health and condition, therefore, the street tree removal request satisfies this criterion for Trees #1, #12, and #13.

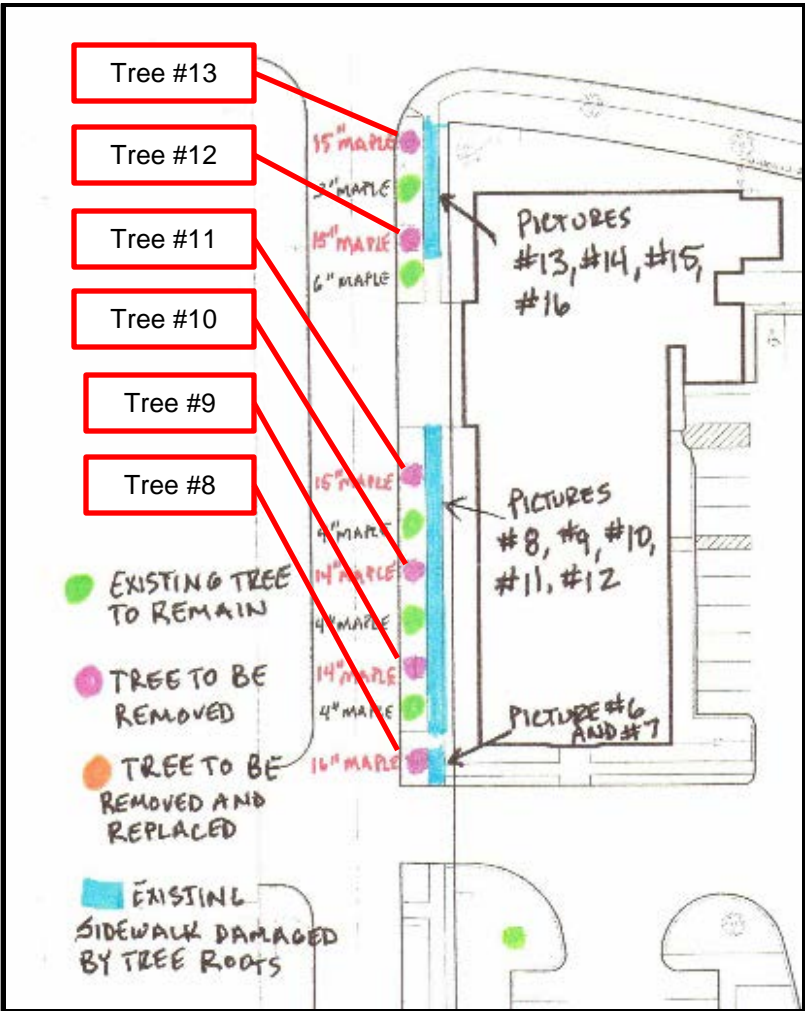
- B. The tree is in conflict with public improvements.

Finding: Section 17.58.050(B) is SATISFIED. The applicant has provided evidence of the damage that has been caused by tree roots to the sidewalk adjacent to the property, lifting and/or damaging sidewalk panels to the point where they are becoming a safety hazard in the public right-of-way. Trees #2, #4, #5, #6, #7, #8, #9, #10, #11, #12, and #13 have shallow root systems that are damaging adjacent sidewalks. Large surface roots or shallow root systems are evident for most of these trees, suggesting that the damage to the sidewalk will continue and worsen over time as the trees and roots grow. Tree #3 does not meet current tree planting standards because it is closer than ten (10) feet to a utility pole, and along with Trees #1, #2, and #4, are growing into the overhead power lines in the right-of-way. Therefore, the street tree removal request satisfies this criterion, as the Trees #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, and #13 are in conflict with public improvements adjacent to the subject property. Enlargements of the tree removal site plan indicating the numbering of the trees and photos of the conflicts with public improvements can be seen below:

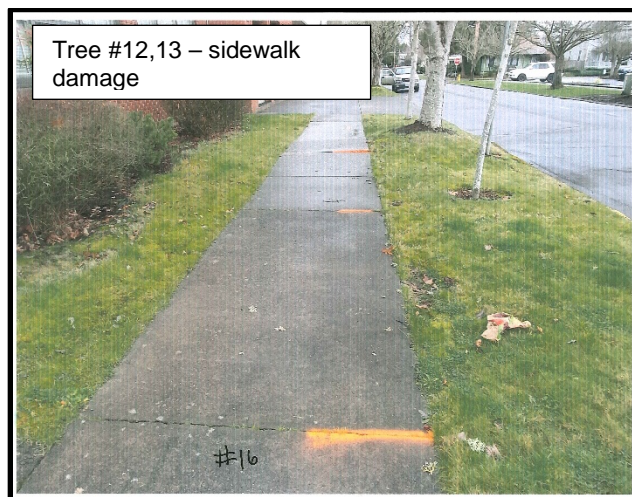












17.58.090 Street Tree Standards.

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2016-22, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.

Finding: Section 17.58.050(A) is SATISFIED. A condition of approval has been included to ensure the applicant shall select an approved tree from the McMinnville Street Tree List. This is reflected in Condition of Approval #4 in this decision document.

- B. Street trees 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.

Finding: Section 17.58.050(B) is SATISFIED. A condition of approval has been included to ensure the replacement street tree shall meet approved City standards and specifications. This is reflected in Condition of Approval #5 in this decision document.

- D. When located adjacent to a local residential street or minor collector street, street trees shall be planted in a curbside landscape strip measuring a minimum of three (3) feet in width. [...]

Finding: Section 17.58.050(D) is SATISFIED. SE 1st Street is classified as a local residential street, and the curbside landscape strip is approximately four (4) feet in width.

- E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.

Finding: Section 17.58.040(E) is SATISFIED. A condition of approval has been included to ensure setbacks to public utilities and improvements in the public right-of-way are maintained. This is reflected in Condition of Approval #8 in this decision document.

JF



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

www.mcminnvilleoregon.gov

EXHIBIT 4 - STAFF REPORT

DATE: March 20, 2019
TO: McMinnville Landscape Review Committee
FROM: Jamie Fleckenstein, PLA, Associate Planner
SUBJECT: Agenda Item 4B: L 6-19

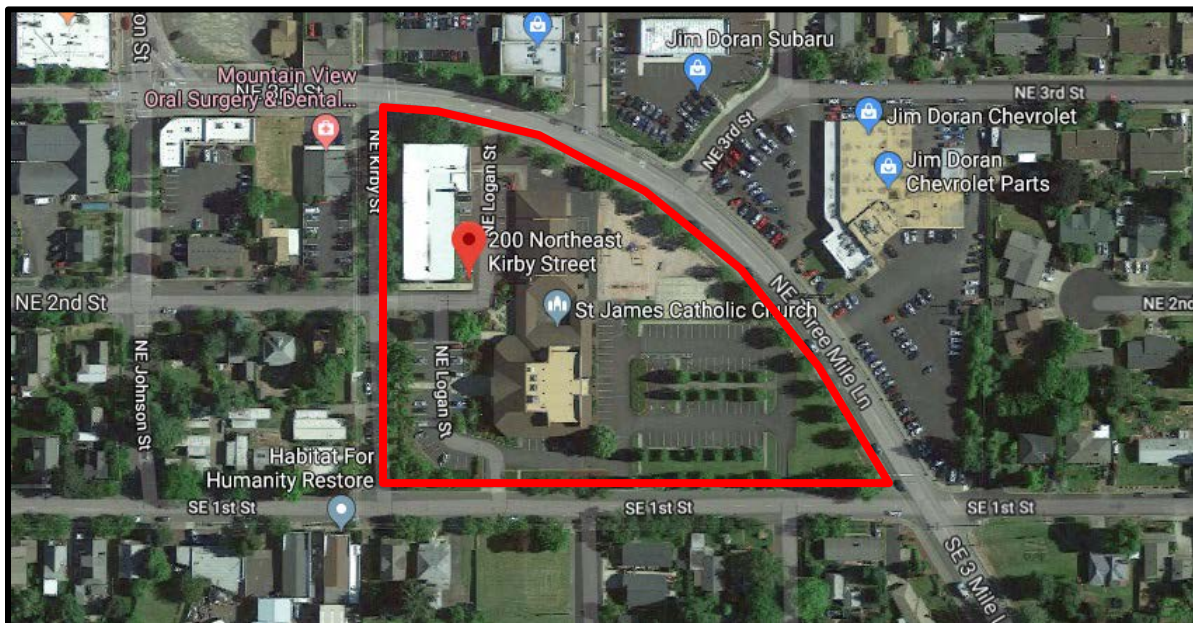
Report in Brief:

An application for Street Tree Removal (L 6-19) to be reviewed by the Landscape Review Committee.

Background:

The applicant, Doug Young on behalf of St. James Catholic Church McMinnville OR, property owner, requested the removal of 13 street trees from the right-of-way adjacent to the subject property. Eight (5) trees are proposed to be removed with no replacement trees planted, and five (5) trees are proposed to be removed and replaced. Removal of a tree within the public right-of-way requires City approval.

The subject site is the St. James Catholic Church, located at the intersections of SE Three Mile Lane/NE 3rd Street and NE Kirby Street and SE 1st Street. The property is zoned C-3 (General Commercial). The subject site can be seen below, outlined in red:

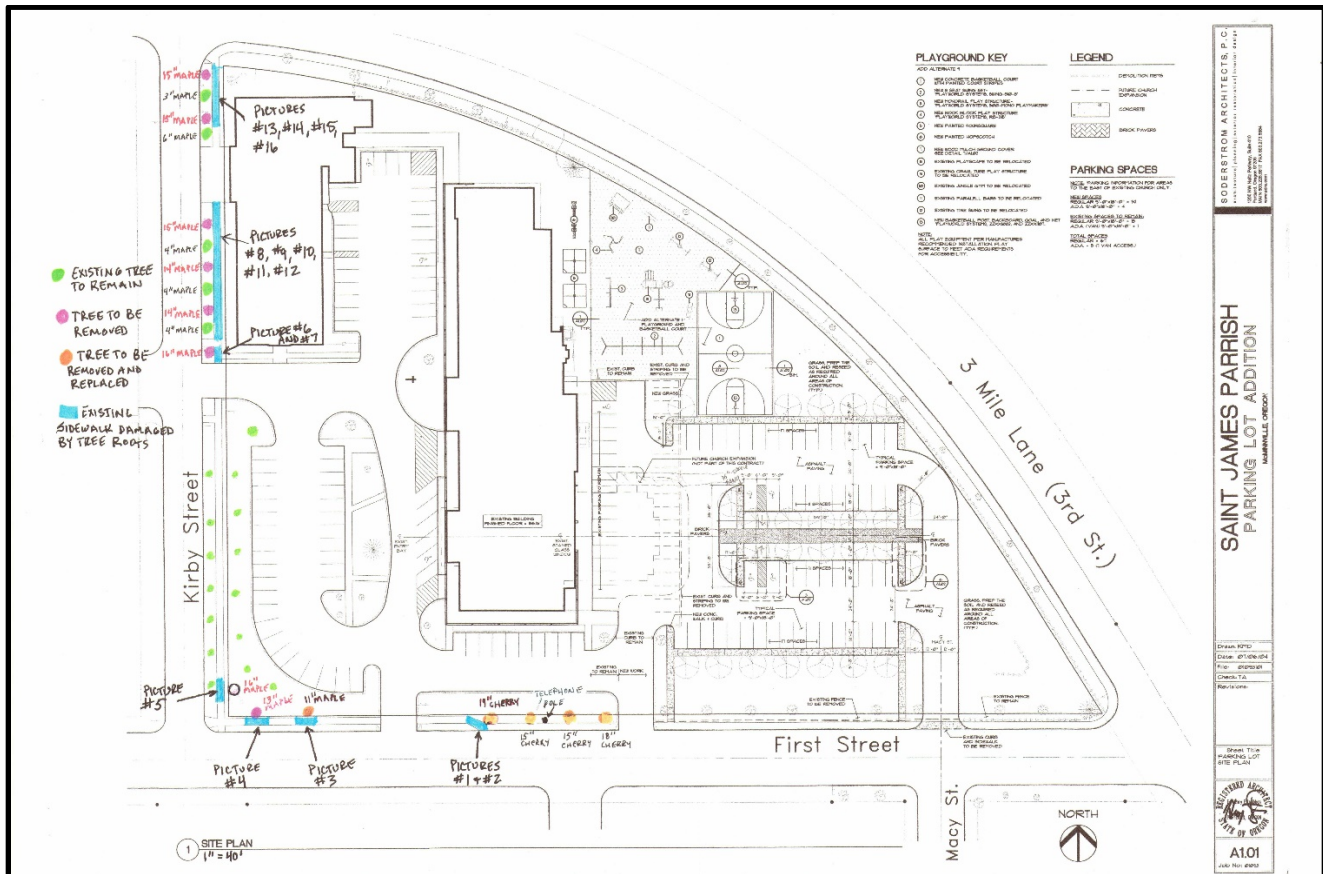


Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1145 SE 1st Street

The trees in question are located in the NE Kirby Street right-of-way and the SE 1st Street right-of-way. In the NE Kirby street right of way are seven (7) *Acer sp.* (Maple) trees varying in diameter at breast height (DBH) from 14 to 16 inches. The trees in the SE 1st Street right-of-way proposed for removal include two (2) *Acer sp.* (Maple) trees, the first being 11 inches DBH and the other 13 inches DBH. Four (4) *Prunus sp.* (Cherry) trees ranging in size from 15 inches DBH to 19 inches DBH are also in the SE 1st Street right-of-way.

The site plan indicating the locations of the trees proposed for removal can be seen below:



The applicant requested the removal of the street trees along NE Kirby Street because tree roots have caused damage to the adjacent sidewalk, lifting multiple panels to the point where it created a trip hazard to pedestrians. The three (3) westernmost tree along SE 1st Street (two maples and one cherry) are also lifting adjacent sidewalk panels. The four (4) cherry trees along SE 1st Street are located under overhead power lines, and are growing up into the utility lines creating a potential conflict.

Discussion:

The application requests removal of trees adjacent to the subject property in three (3) areas:

1. The northern end of Kirby Street, near the 3 Mile Lane intersection;
2. The intersection of Kirby Street and 1st Street;
3. Mid-block on 1st Street, between Kirby Street and 3 Mile Lane.

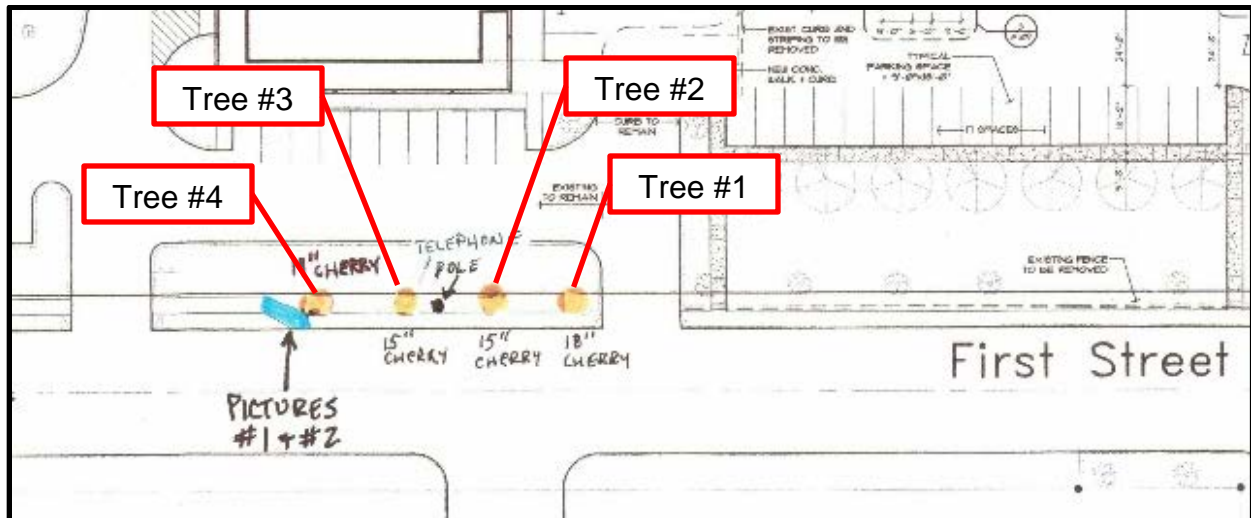
Tree removal requests for the trees in each area are similar, and will be discussed together below.

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 1145 SE 1st Street

1st Street, mid-block:

An enlargement of the site plan indicating the trees requested for removal in this area is shown below, and the trees are numbered in red for reference in the discussion:



Each of the four (4) trees requested for removal is a Cherry variety (*Prunus sp.*) in the public right-of-way, ranging in size from 14" DBH to 18" DBH. All four (4) trees are proposed to be replaced. Roots from Tree #4 are lifting the adjacent sidewalk panel, as indicated in blue on the site plan. Photographs provided by the applicant showing the sidewalk damage are below:



The other three (3) cherry trees show large surface roots that could present issues to the sidewalk in the future. Tree #3 is located less than ten (10) feet from a utility pole, which does not meet City tree planting standards. Although the site plan does not indicate it, the sidewalk adjacent to Tree #2 is cracking, most likely due to damage from roots. Tree #1 appears to be in poor health, with a large area of damage and rot at the base of the trunk. All four (4) cheery trees are growing up and into overhead power lines. Additional photos of the subject trees are shown below:

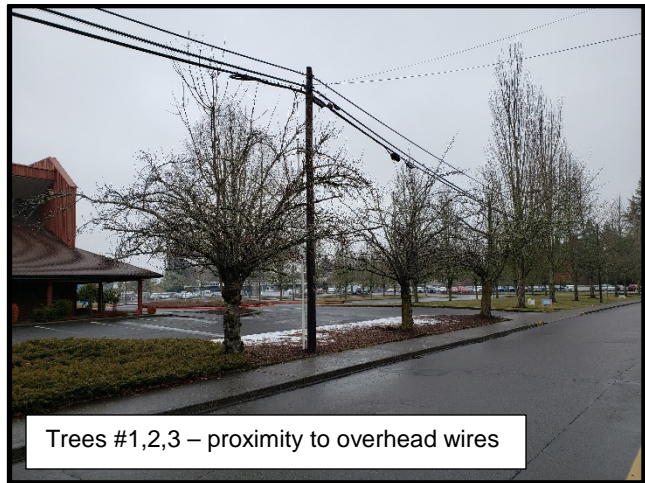
Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1145 SE 1st Street



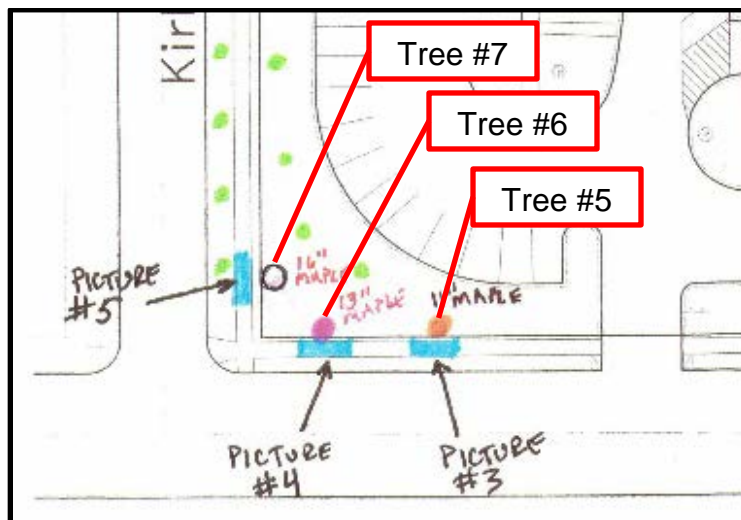
Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1145 SE 1st Street



Intersection of Kirby Street and 1st Street:

An enlargement of the site plan indicating the trees requested for removal in this area is shown below, and the trees are numbered in red for reference in the discussion:



Each of the three (3) trees requested for removal is a Maple variety (*Acer sp.*) on private property outside the public right-of-way, ranging in size from 11" DBH to 16" DBH. However, trees entirely within private property that directly affect public infrastructure (including sidewalks) are regulated by Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance. Trees #5, #6, and #7 are requested for removal due to sidewalk damage from the roots, as indicated in blue on the site plan. Only Tree #5 is proposed to be replaced. The sidewalk panel adjacent to Tree #6 shows the most lifting, with the panel being raised across the entire width of the sidewalk. The sidewalk panels adjacent to Trees #5 and #7 are beginning to lift on the side adjacent to the tree. This suggests that damage to the sidewalk will continue and expand as the tree and its roots grow. Additionally, Trees #5 and #6 are starting to grow into the power lines. Photographs provided by the applicant showing the sidewalk damage and overhead conflicts are below:

Attachments:

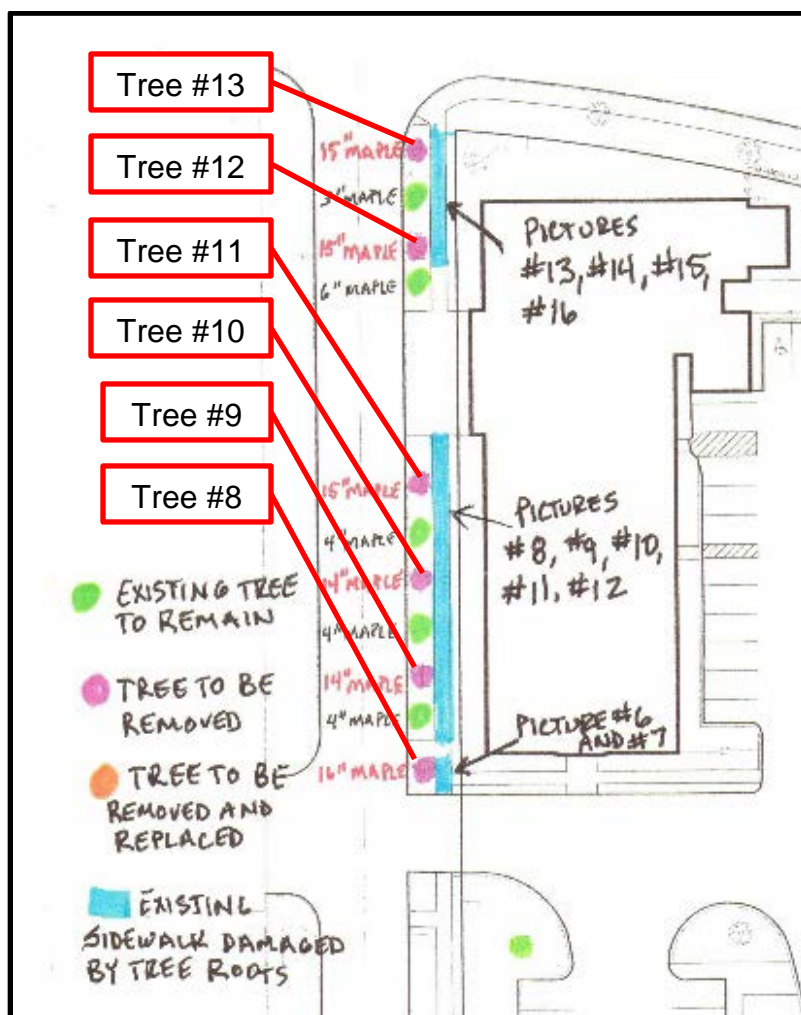
Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1145 SE 1st Street



As can be seen in the photographs above, there are currently no street trees in the right-of way adjacent to Trees #5 and #6. The planter strip is over four (4) feet in width, planted with turf grass, and has a utility pole and guy wire. Based on current planting standards, there is enough space between the intersection of Kirby and 1st Streets and the utility pole for two street trees, and between the utility pole and private driveway for one street tree. Street trees are planted in the planter strip on the south side of 1st Street, opposite of the subject property.

Kirby Street, near the 3 Mile Lane intersection:

An enlargement of the site plan indicating the trees requested for removal in this area is shown below, and the trees are numbered in red for reference in the discussion:



Each of the six (6) trees requested for removal is a Maple variety (*Acer sp.*) in the public right-of-way, ranging in size from 14" DBH to 16" DBH. Trees #8, #9, #10, #11, #12, and #13 are requested for removal due to sidewalk damage from the roots, as indicated in blue on the site plan. Replacement trees in this area are not proposed, since smaller maple trees were planted in between the larger trees that are now requested for removal. This appears to have been done to accommodate the succession of the street tree plantings. Each of the six (6) trees requested for removal are planted high in the planter strip, which may have led to atypical surface rooting and significant sidewalk lifting and damage. The sidewalk

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 1145 SE 1st Street

adjacent to all six (6) trees is severely lifted and damaged. Photographs provided by the applicant showing the sidewalk damage are below:



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 1145 SE 1st Street



Additionally, Trees #12 and #13 exhibit significant structural damage, including large branches that have broken off leading to what appears to be poor health and condition. The structural damage has led to decay and insect damage, which can be seen in the photographs below:

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 1145 SE 1st Street



Review Criteria:

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

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.

Although no arborist's assessment was submitted with the application, several of the trees in question display obvious evidence of health issues, significant distress, and/or structural issues. Specifically, Tree #1, a cherry, shows a significant area of damage and rot at the base of its trunk that will ultimately compromise its structural integrity. Trees #12 and #13, maples, exhibit structural damage to large branches which has led to dieback in the canopy of the tree and insect infestation. These trees appear to be in poor overall health and condition, therefore, the street tree removal request satisfies this criterion for Trees #1, #12, and #13.

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

The applicant has provided evidence of the damage that has been caused by tree roots to the sidewalk adjacent to the property, lifting and/or damaging sidewalk panels to the point where they are becoming a safety hazard in the public right-of-way. Trees #2, #4, #5, #6, #7, #8, #9, #10, #11, #12, and #13 have shallow root systems that are damaging adjacent sidewalks. Large surface roots or shallow root systems are evident for most of these trees, suggesting that the damage to the sidewalk will continue and worsen over time as the trees and roots grow. Tree #3 does not meet current tree planting standards because it is closer than ten (10) feet to a utility pole, and along with Trees #1, #2, and #4, are growing into the overhead power lines in the right-of-way. Therefore, the street tree removal request satisfies this criterion, as the Trees #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, and #13 are in conflict with public improvements adjacent to the subject property.

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 1145 SE 1st Street

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

This criterion is not applicable, as the trees are not part of an approved development or public improvement project.

Tree Replacement:

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

The application indicates that only Trees #1, #2, #3, #4, and #5 are proposed to be replaced, and that Trees #6, #7, #8, #9, #10, #11, #12, and #13 are not proposed for replacement. Not planting replacement trees for the six (6) maples in the Kirby Street right-of-way near the 3 Mile Lane intersection is appropriate because of the existing smaller maples planted in between the trees requested for removal. Planting new trees in the locations of any removed trees along Kirby Street would crowd the remaining trees and negatively impact their future growth and development.

Replacement trees are proposed for five (5) of the seven (7) trees requested for removal in the right-of-way along 1st Street and at the intersection of 1st and Kirby Streets. Three (3) of those seven (7) trees are on private property, but subject to the regulations of Chapter 17.58 of the McMinnville Zoning Ordinance because they are affecting public improvements in the right-of way. As such, staff is recommending the replacement of all seven (7) trees in the 1st Street right-of-way. The planter strip to the east of Kirby Street has no street trees, but is wide enough and long enough to accommodate three (3) replacement street trees. Each of the four (4) cherry trees requested for removal further east along 1st Street can be replaced in approximately the same location in the right-of-way. The addition of seven (7) street trees to the 1st Street right-of-way would provide more continuous street tree canopy coverage from Kirby Street east along 1st Street, matching the continuous street tree canopy that exists on the south side of 1st Street.

The north side of the 1st Street right-of-way, where the replacement trees would be located, is under overhead power lines. Utility poles supporting the power lines are also located in the right-of-way. Therefore, the replacement street trees should be of a size (less than 25 feet in mature height) and form appropriate for location under power lines. The replacement trees should also be spaced per current City standards, noting that Section 17.58.090(E) (Street Tree Standards) of the McMinnville Zoning Ordinance states that “Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer, or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley.” Because the 1st Street right-of-way has capacity for seven (7) replacement trees to replace trees requested for removal, and because the replacement trees would fill a gap in the street tree canopy network along 1st Street, staff is recommending the requirement of seven (7) small replacement street trees in the 1st Street right-of-way suitable for location under overhead power lines.

Fiscal Impact:

None.

Committee Options:

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 1145 SE 1st Street

- 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:

If the Landscape Review Committee finds that the proposed tree removals will result in the mitigation of current and future risk due to a trees in conflict with public improvements, staff is recommending that the street tree removal be approved with the following conditions:

1. That all costs and liability associated with tree removal, stump grinding, and tree replacement shall be borne by the applicant.
2. 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.
3. That the trees' stumps 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.
4. That seven (7) small street trees from the McMinnville Street Tree List suitable for location under overhead power lines be planted in the SE 1st Street right-of-way.
5. That replacement trees 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.
6. That replacement trees 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.
7. 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.
8. That the applicant is reminded that trees are not to be planted within:
 - a. Five (5) feet of a private driveway or alley;

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 1145 SE 1st Street

- 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.
9. That the planter areas shall be restored to original grade immediately following the planting of the replacement trees.
10. That the applicant shall complete the tree removal and tree replacement within six (6) months of this approval notification, or September 20, 2019.
11. That the applicant shall repair/replace damaged sidewalk panels per City code. A sidewalk permit is required and can be obtained from the McMinnville Engineering Department at (503) 472-7312.

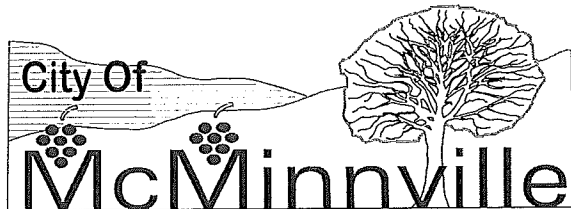
Suggested Motion:

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 6-19 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 Street Tree Removal at 1145 SE 1st Street



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

Office Use Only:

File No. L 6-19
Date Received 2/20/19
Fee 150⁰⁰
Receipt No. PAID
Received by JAF

Street Tree Removal

Applicant Information

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

Applicant Name ST JAMES CATHOLIC CHURCH
McMINNVILLE OR Phone _____

Contact Name DOUG YOUNG Phone 603-560-8008
(If different than above)

Address 1145 NE 1ST ST

City, State, Zip McMINNVILLE, OR 97128

Contact Email TAMIWITT@STJAMESMAC.COM

Property Owner Information

Property Owner Name ST JAMES CATHOLIC CHURCH Phone 503-472-5232
(If different than above) McMINNVILLE OR

Contact Name TAMI WITT Phone 503-472-5232

Address 1145 NE 1ST ST

City, State, Zip McMINNVILLE, OR

Contact Email TAMIWITT@STJAMESMAC.COM

Site Location and Description

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

Property Address 1145 NE 1ST ST AND 204 E KIRBY ST McMINNVILLE, OR
(Property nearest to tree(s) for removal)

Assessor Map No. R4421 - BD - 07200 Total Site Area 6.5 ACRES

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation _____ Zoning Designation C-3


Additional Information

1. How many trees are requested for removal? 2 TO BE REMOVED / 11 TO BE REMOVED & REPLACED
2. What type (species) of tree(s) are they? 11 MAPLE AND 2 CHERRY
3. What is the diameter of the tree(s), measured four feet above ground level? 11" TO 18"
4. Why are you requesting the removal of the noted tree(s)? (See "Removal Criteria" on attached Information Sheet.) Explain which of the criteria is addressed through this application. SIDEWALKS ARE BEING DAMAGED BY THE ROOTS
OF THESE TREES, AND CREATING TRIPPING HAZARDS

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

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

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


Applicant's Signature

2/20/19
Date

Property Owner's Signature

Date



#1

#2

#3

#4

#5

#6

L#

#8

#9



#10



#12

#13

#14



#15

#16



