



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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**Landscape Review Committee**  
**Community Development Center, 231 NE 5<sup>th</sup> Street**  
**May 15, 2019**  
**12:00 PM**

Committee Members	Agenda Items
Rob Stephenson Chair	<b>1. Call to Order</b>
Sharon Gunter Vice-Chair	<b>2. Citizen Comments</b>
Josh Kearns	<b>3. Approval of Minutes</b> A. March 20, 2019 (Exhibit 1)
RoseMarie Caughran	<b>4. Action Items</b>
Tim McDaniel	A. L 45-18 – Street Tree Removal (Exhibit 2) 1964 NW Cottonwood Drive
	B. L 7-19 – Landscape Plan (Exhibit 3) 170 NE 12 <sup>th</sup> Street
	C. L 8-18 – Street Tree Removal (Exhibit 4) 2407 SW Howard Drive
	D. L 9-18 – Street Tree Removal (Exhibit 5) 598 NE Jade Street
	<b>5. Discussion Items</b>
	<b>6. Old/New Business</b>
	<b>7. Committee Member Comments</b>
	<b>8. Staff Comments</b>
	<b>9. Adjournment</b>

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](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.



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# EXHIBIT 1 - MINUTES

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**March 20, 2019**  
**Landscape Review Committee**  
**Regular Meeting**

**12:00 pm**  
**Community Development Center**  
**McMinnville, Oregon**

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

**Members Absent:** Josh Kearns

**Staff Present:** Jamie Fleckenstein Associate Planner

**Guests Present:** Scott Hill – Mayor and Doug Young

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## 1. Call to Order

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

## 2. Citizen Comments

None

## 3. Approval of Minutes

Committee Member Gunter pointed out that on page 3 of the December minutes that it should say “grating” of the trees, instead of “grading”.

A. November 29, 2018

B. December 19, 2018

Committee Member Gunter moved to approve the November 29 and December 19, 2018 minutes as amended. The motion was seconded by Committee Member Caughran and passed 4-0.

## 4. Action/Docket Item (repeat if necessary)

A. L 29-18 – Street Tree/Landscape Plan - Whispering Meadows Subdivision

Associate Planner Fleckenstein discussed the street tree and landscape plan for the Whispering Meadows subdivision. This application had come to the LRC in September and the LRC continued the application for the applicant to revise the plan so the street trees were consistently spaced along

the two streets of the subdivision. The LRC had suggested placing trees in the front yards of the individual lots that would act as street trees and help provide the tree lined street and canopy coverage over the right-of-way. These were narrow 40 foot lots and because of water meters and street lights there was no space for trees in the right-of-way. Staff was concerned about the lack of clarity for maintenance and responsibility of the trees if the trees were placed on the individual lots. One of the conditions of approval was that the trees be moved so they were clearly on one lot and not straddling property lines. The LRC had also proposed that a less broad tree be planted instead of the proposed Skyline Honey Locust trees. The applicant was now proposing to plant Armstrong Red Maple trees. The HOA would maintain the bioswale. The street tree between lots 10 and 11 did not meet the spacing standard and one condition was that this tree not be planted. Other conditions included moving the trees off of shared property lines and to place a Bloodgood Japanese Maple tree in each of the front yards so that there was a continuous canopy and line of street trees. There would be one tree per lot except for flag lots where there was no space between the driveway and property line.

There was discussion regarding spacing standards from the water meters and driveways and how the bioswale would work.

Associate Planner Fleckenstein said there were also plantings inside the bioswale that were appropriate for wet soil and performing the bioswale function. There would also be landscaping for Tract A which was a pedestrian connection from the subdivision out to Cumulus Avenue. Staff thought the landscaping was appropriate, attractive to the area, and would provide screening and buffering.

Committee Member Gunter expressed concerns about home owners cutting down the trees.

Chair Stephenson asked if this would be affordable housing. Mayor Hill thought it would be.

There was discussion regarding what was meant by affordable and workforce housing and getting funding to subsidize projects. There was further discussion regarding expanding the Urban Growth Boundary and need for a 20 year supply of land.

Committee Member Gunter moved to approve L 29-18 with conditions and a redrawn map to show the locations of the trees off the property lines. The motion was seconded by Committee Member Caughran and passed 4-0.

#### B. L 6-19 – Street Tree Removal - 1145 SE 1<sup>st</sup> Street

Associate Planner Fleckenstein reviewed the application for street tree removals on SE 1<sup>st</sup> Street at St. James Parish. The proposal was to remove 13 trees in three different areas. Where there was sidewalk damage the applicant would need to repair the sidewalk. The area along 1<sup>st</sup> Street had 4 Cherry trees to be removed due to overhead wires and sidewalk damage. They were proposed to be replaced with trees from the small tree list to fit under the power lines. The area along 1<sup>st</sup> and Kirby had 3 Maple trees to be removed due to sidewalk damage and the applicant proposed to replace them with one tree so there was not overcrowding of the existing trees in that area.

Chair Stephenson suggested the applicant replace all of the sidewalk in this area as it was old instead of just a few panels.

Doug Young, applicant, said they were trying to keep the costs down. They planned to target the areas that were damaged and the worst condition sidewalks.

Associate Planner Fleckenstein said staff recommended requiring three replacement trees in a different location so they would not crowd the existing trees. The location would be the planter strip so trees would continue to go down along 1<sup>st</sup> Street. The trees would come from the small street tree list. The other area for tree removal was in front of the school where the large Maple trees would be

removed due to sidewalk damage and the trees themselves were also damaged. Staff did not recommend replacing these trees.

Mr. Young explained how the sidewalks would be repaired in this area.

There was discussion regarding putting a hedge around the area where children played or putting in privacy slats in the chain link fence.

Associate Planner Fleckenstein said staff recommended approval of the application.

Chair Stephenson pointed out once the trees were removed, the replacement trees at least 2 inch in caliper would need to be put in as well as stump grinding and root barriers.

Mr. Young discussed how this project would be funded.

Committee Member Caughran moved to approve L 6-19. The motion was seconded by Committee Member Gunter and passed 4-0.

## **5. Discussion Items**

### **A. 2019 Arbor Day Tree Planting Event**

Associate Planner Fleckenstein had been coordinating the Arbor Day event with the School District and Trees For McMinnville. The trees would be planted near the daycare facility at the high school on April 13.

There was discussion regarding who would purchase the trees and where to purchase them.

## **6. Old/New Business**

None

## **7. Committee/Commissioner Comments**

Chair Stephenson discussed the Birch trees that had been taken out around town and had not been replaced.

Committee Member Caughran said there would be a tree planting event on April 20.

## **8. Staff Comments**

Associate Planner Fleckenstein asked for feedback on the revised street tree list. He would be bringing it back to the next meeting for approval.

Chair Stephenson thought the variety was good and it was easy to read.

## **9. Adjournment**

Chair Stephenson adjourned the meeting at 1:08 p.m.



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## EXHIBIT 2 - STAFF REPORT

**DATE:** May 15, 2019  
**TO:** Landscape Review Committee Members  
**FROM:** Jamie Fleckenstein, Associate Planner  
**SUBJECT:** Street Tree Removal Application (L 45-18)

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

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### Report in Brief:

An application to remove two (2) street trees (L 45-18) to be reviewed by the Landscape Review Committee.

### Background:

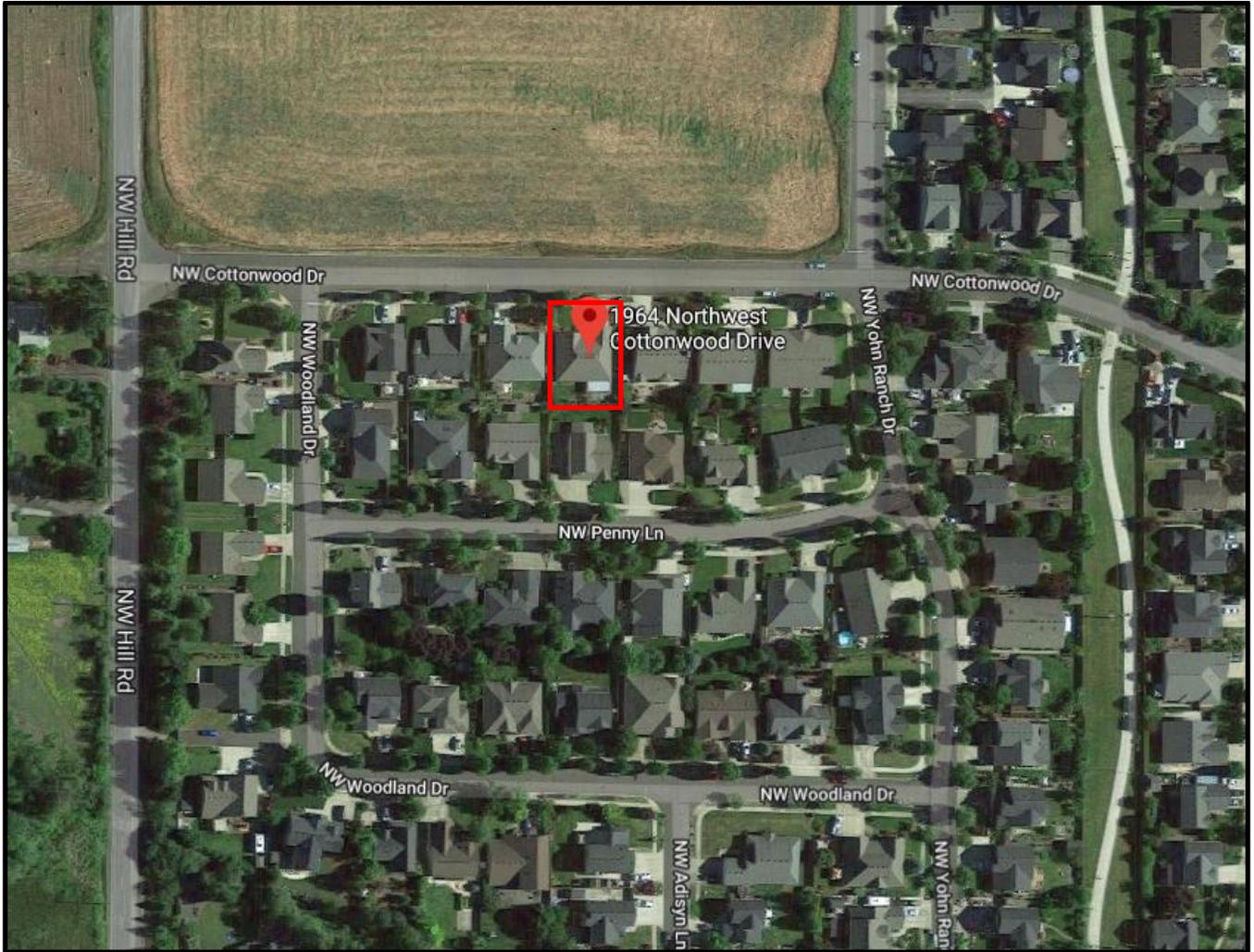
The applicant and adjacent property owner, Jean Sartor, submitted a street tree removal application to remove two (2) street trees from the right-of-way adjacent to the property at 1964 NW Cottonwood Drive. The subject property is more specifically described as Tax Lot 1700, Section 18DB, T. 4. S., R. 4 W., W.M. The subject property is located on NW Cottonwood Drive within the Cottonwood subdivision. A street tree plan (L 3-04) for the subdivision was approved in 2004. A street tree improvement plan (L 43-18) for the Cottonwood subdivision was approved in 2018. **See Figure 1: Vicinity Map, Figure 2: Cottonwood Street Tree Plan, and Figure 3: Cottonwood Street Tree Improvement Plan.**

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### 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 1964 NW Cottonwood Drive

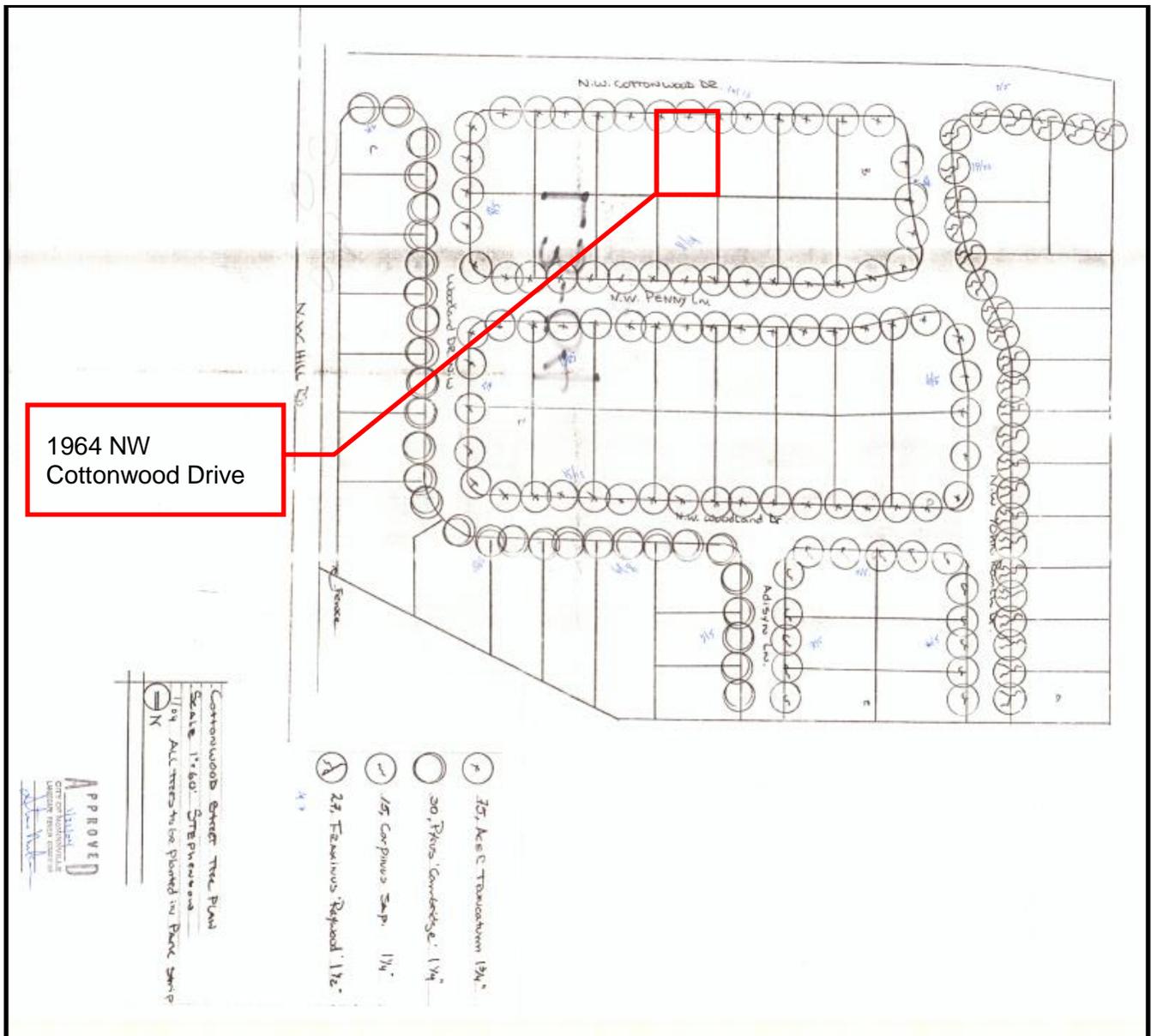
**Figure 1: Vicinity Map**



*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 1964 NW Cottonwood Drive*

Figure 2: Cottonwood Street Tree Plan



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 1964 NW Cottonwood Drive

**Figure 3: Cottonwood Street Tree Improvement Plan**



**Discussion:**

***Summary of Criteria & Issues:***

The application is subject to review criteria in Section 17.58.050 of the McMinnville Zoning Ordinance, which states that a permit for tree removal shall be granted if a tree is found to be unsafe, dead or diseased; in conflict with public improvements; or part of an approved development project, public improvement project, or street tree improvement program.

The applicant has requested the removal of two (2) street trees due to conflict with public improvements. The trees are maple varieties (*Acer truncatum* var.) are approximately seven (7) and eight (8) inches DBH (diameter at breast height) respectively. The trees are located in a five (5) foot wide planter strip and appear in good health and condition. Both trees appear to have been planted shallowly, as evidenced by buttress roots being above sidewalk grade, and exhibit extensive surface rooting.

***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 1964 NW Cottonwood Drive*

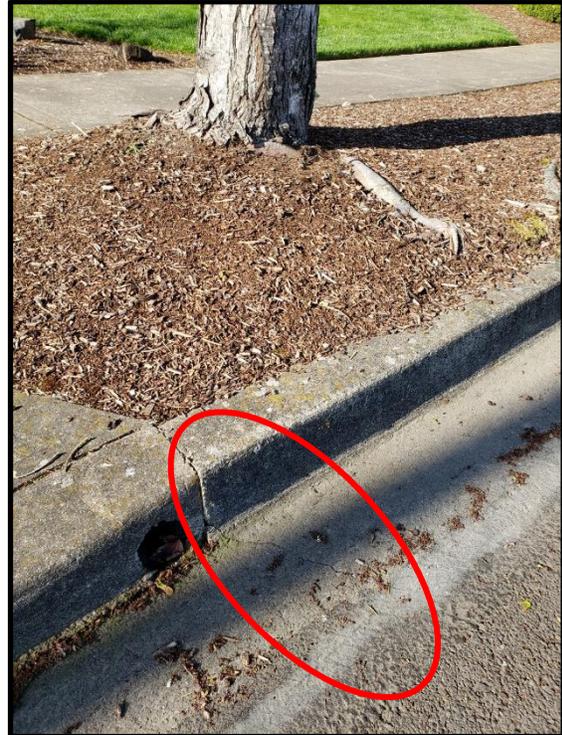


The westernmost street tree adjacent to the property is planted within five (5) feet of the water meter serving the property. The City standard spacing from a water meter is 10 feet. The applicant has expressed concern about root damage to the water service to her property. An arborist's report for this tree recommends removal to prevent further damage and water line breakage.



*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 1964 NW Cottonwood Drive*

The easternmost street tree adjacent to the property is planted within five (5) feet of the driveway approach. The surface roots have begun lifting the adjacent sidewalk panels, and the curb adjacent to the tree is cracking, presumably from the roots. The applicant has stated she has tripped over the lifted sidewalk panel and fallen, and she has concerns about other elderly neighbors tripping, falling, and injuring themselves. The applicant has indicated she will repair the lifted 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 1964 NW Cottonwood Drive*

The application proposes to replace one (1) tree of the two (2) requested for removal. 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.” After providing a 10 foot setback from the existing water meter and a five (5) foot setback from the driveway approach, there is approximately 17 feet inside which to plant street tree(s). One (1) street tree in this space would seem to be appropriate, since the spacing between two (2) trees would be no greater than 17 feet.

The replacement tree required by the approved street tree plan for the Cottonwood subdivision is *Acer truncatum*. The adjacent property is not included in the Cottonwood Street Tree Improvement Plan, so the original approved tree (*Acer truncatum*) remains the approved street tree for this property. Two *Acer truncatum* hybrids are found on the recently revised Recommended Street Tree List:

<i>Acer truncatum</i> x <i>A. platanoides</i> 'Keithsform' Norwegian Sunset Maple	5	No	35	25		n/a		Consistent fall color
<i>Acer truncatum</i> x <i>A. platanoides</i> 'Warrensred' Pacific Sunset Maple	5	No	30	25		n/a		Consistent fall color

Either of the two *Acer truncatum* hybrids found on the Recommend Medium Street Tree List would be a suitable replacements tree.

**Fiscal Impact:**

None.

**Landscape Review 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.

**Staff Recommendation:**

Staff has reviewed the application for consistency with the applicable criteria. Staff finds that, subject to the recommended conditions specified in the attached Decision Document, the application submitted by the applicant contains sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the application, subject to the conditions specified in the attached Decision Document.

**Suggested Motion:**

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE STREET TREE**

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 1964 NW Cottonwood Drive

**REMOVAL APPLICATION L 45-18 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

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*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 1964 NW Cottonwood Drive*



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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF STREET TREE REMOVALS AT 1964 NW COTTONWOOD DRIVE**

- DOCKET:** L 45-18 (Street Tree Removal)
- REQUEST:** Approval to remove 2 street trees from the right-of-way adjacent to the subject property.
- LOCATION:** 1964 NW Cottonwood Drive (Tax Lot 1700, Section 18DB, T. 4. S., R. 4 W., W.M.)
- ZONING:** R-2 PD (Single-family Residential Planned Development).
- APPLICANT:** Jean Sartor, property owner.
- STAFF:** Jamie Fleckenstein, PLA, Associate Planner
- DATE DEEMED COMPLETE:** April 22, 2019
- HEARINGS BODY & ACTION:** McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.
- HEARING DATE & LOCATION:** May 15, 2019, Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon
- PROCEDURE:** Any street tree removal is subject to review in accordance with procedures specified in Chapter 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. Their comments are provided in this document. 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 conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the street tree removal (L 45-18) **subject to the conditions of approval provided in this document.**

////////////////////////////////////  
**DECISION: APPROVAL WITH CONDITIONS**  
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Planning Staff: \_\_\_\_\_  
Jamie Fleckenstein, Associate Planner

Date: May 15, 2019

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: May 15, 2019

**I. APPLICATION SUMMARY:**

***Subject Property & Request***

The application requests the removal of two (2) street trees from the right-of-way adjacent to the subject property. One (1) tree is proposed to be removed with no replacement tree planted, and one (1) tree is proposed to be removed and replaced. Removal of a tree within the public right-of-way requires City approval.

The subject property is located at 1964 NW Cottonwood Drive within the Cottonwood subdivision. A street tree plan (L 3-04) for the subdivision was approved in 2004. A street tree improvement plan (L 43-18) for the Cottonwood subdivision was approved in 2018. **See Figure 1: Vicinity Map, Figure 2: Cottonwood Street Tree Plan, and Figure 3: Cottonwood Street Tree Improvement Plan.**

**Figure 1: Vicinity Map**

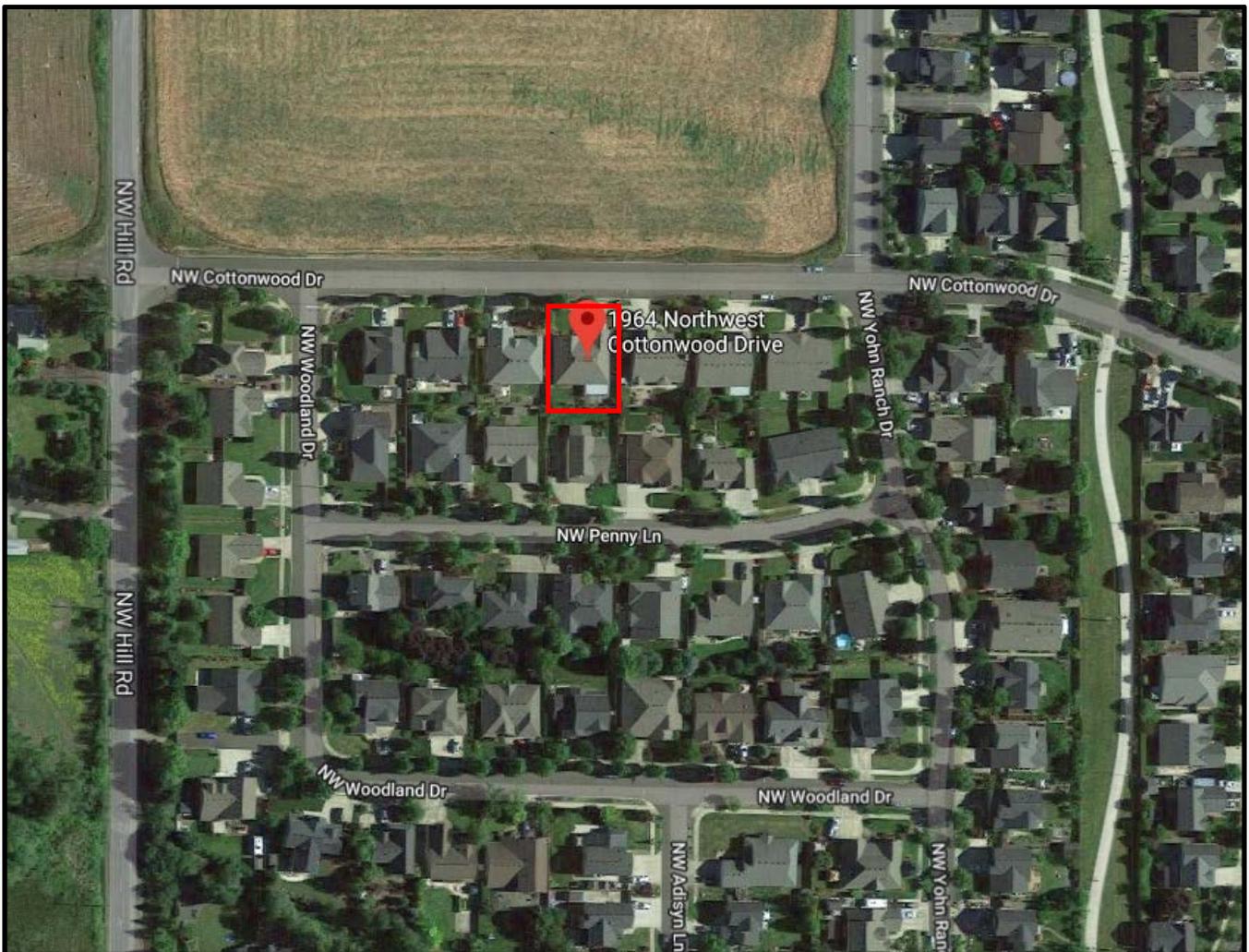


Figure 2: Cottonwood Street Tree Plan



**Figure 3: Cottonwood Street Tree Improvement Plan**



**Summary of Criteria & Issues**

The application is subject to review criteria in Section 17.58.050 of the McMinnville Zoning Ordinance, which states that a permit for tree removal shall be granted if a tree is found to be unsafe, dead or diseased; in conflict with public improvements; or part of an approved development project, public improvement project, or street tree improvement program.

The applicant has requested the removal of two (2) street trees due to conflict with public improvements. The trees are maple varieties (*Acer truncatum* var.) are approximately seven (7) and eight (8) inches DBH (diameter at breast height) respectively. The trees are located in a five (5) foot wide planter strip and appear to be in good health and condition. Both trees appear to have been planted shallowly, as evidenced by buttress roots being above sidewalk grade. Both trees exhibit extensive surface rooting.

The westernmost street tree adjacent to the property is planted within five (5) feet of the water meter serving the property. The City street tree standard is 10 feet minimum spacing from a water meter. The applicant has expressed concern about root damage to the water service to her property. An arborist’s report for this tree recommends removal to prevent further damage and water line breakage.

The easternmost street tree adjacent to the property is planted within five (5) feet of the driveway approach. The City street tree standard is 5 feet minimum spacing from a private driveway. The surface roots have begun lifting the adjacent sidewalk panels, and the curb adjacent to the tree is cracking, presumably from the roots. The applicant has stated she has tripped over the lifted sidewalk panel and fallen, and she has concerns about other elderly neighbors tripping, falling, and injuring themselves. The applicant has indicated she will repair the lifted sidewalk.

## **II. 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 one (1) replacement street tree be planted in the NW Cottonwood Drive right-of-way planter strip. The tree shall be either *Acer truncatum x A. platanoides 'Keithsform'* (Norwegian Sunset Maple) or *Acer truncatum x A. platanoides 'Warrensred'* (Pacific Sunset Maple), both of which are recommended medium street trees from the McMinnville Street Tree List.
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 the replacement tree's planting pit.
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 November 15, 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.

### **III. ATTACHMENTS:**

1. L 45-18 Application and Attachments (on file with the Planning Department)

### **IV. 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 appear to be a maple variety and are 7" and 8" DBH respectively.
2. The trees are planted in 5 foot planter strip with irrigated bark as ground cover.
3. There are no overhead facility conflicts.
4. There are no tree related damages to the curb/gutter.
5. The easterly tree is planted less than 5 feet from the existing driveway approach, and has lifted an adjacent sidewalk panel.
6. The westerly tree is planted less than 5 feet from the existing water meter.
7. Both trees exhibit significant surface rooting and the root buttress of both trees is above sidewalk grade, indicative of being planted too shallow.
8. Both trees exhibit significant surface rooting and the root buttress of both trees is above sidewalk grade, indicative of being planted too shallow.

#### **Recommendations**

1. Based on the proximity to the driveway approach and the existing water meter, staff recommends approval of this application.
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.
  - c. Applicant to call for a utility locate prior to removal and planting. As a note, applicant should be informed that upon request, utility locates can be flagged without marking up hard surfaces.
  - d. Two replacement trees, 2" minimum in caliper and of a variety acceptable to the Planning Department, shall be planted. The applicant should be reminded that the new plantings shall be placed more than 5 feet from a driveway and 10' from a water line. Applicant to plant trees as per the approved City detail.

- McMinnville Water and Light:

Please see the below comments regarding the above tree removal request:

- Power buried in the immediate area. Contact Water & Light if contact is made with buried power conduits. Call for locates.
- There are water services and water meters on the west property line. Use extreme caution when working around these facilities. If they become damaged, contact McMinnville Water & Light immediately.

### **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 public notification. No public comments were received prior to the Planning Director's decision.

## **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. Jean Sartor, adjacent property owner, submitted the Street Tree Removal Permit application on November 16, 2018.
2. The application was deemed complete on April 22, 2019.
3. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
4. 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 public notification. No public comments were received prior to the public meeting.
5. A public meeting was held by the Landscape Review Committee on May 15, 2019 to review the application and proposed street tree removal request.

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** 1964 NW Cottonwood Drive (Tax Lot 1700, Section 18DB, T. 4. S., R. 4 W., W.M.)
2. **Size:** 6,650 sf (0.153 acres)
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 PD (Single-family Residential Planned Development)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Existing single-family dwelling
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None.
  - b. **Other:** None identified.
8. **Other Features:** Five (5) foot wide planter strip, two (2) mature street trees
9. **Utilities:**

- a. **Water:** The property is served by a water main in NW Cottonwood Drive. The treatment plant has sufficient treatment capacity.
  - b. **Sewer:** The property is served by a 12" sewer main in NW Cottonwood Drive. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
  - c. **Stormwater:** Storm water in NW Cottonwood Drive is conveyed by curb and gutter to a catch basin and storm drain in NW Cottonwood Drive. The proposal doesn't increase impervious site area.
  - d. **Other Services:** Overhead utilities are not present on either side of NW Cottonwood Drive.
10. **Transportation:** NW Cottonwood Drive is classified as a Local Neighborhood Street in the Transportation System Plan (TSP). The existing right-of-way is 60 feet wide. The street is improved with curb and gutter on both sides, and sidewalk and planter strip on the south side. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Street Tree Removal Permit are specified in Section 17.58.050 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

### **Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

**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.*

**APPLICANT'S RESPONSE:** The applicant did not address this in the application.

**FINDING: SATISFIED.** The removal and replacement of the subject trees in the NW Cottonwood Drive right-of-way would improve the safety of the pedestrian way, the aesthetic appearance of the streetscape, and the livability of the surrounding area. Surface roots of the trees are impacting and

lifting the adjacent sidewalk and driveway approach, creating a tripping hazard in the pedestrian way. Removal of the trees and the subsequent correction of the lifted sidewalk panels and driveway approach would create a safer pedestrian environment by removing a current and future tripping hazard. The replacement of a street tree would address the aesthetics and livability of the area. Replacing a street tree in accordance to the approved street tree plan would maintain the overall aesthetic vision of the subdivision, while providing a young tree that would continue to grow and provide continual benefit to the area.

**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.*

**APPLICANT’S RESPONSE:** The applicant did not provide a response in the application.

**FINDING: 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 Zoning Ordinance**

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

**17.58.040 Tree Removal/Replacement.**

**17.58.040(D).** Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city [...]

**APPLICANT’S RESPONSE:** An arborist report submitted by the applicant notes “We also recommend planting an ornamental tree to maintain city canopy, new tree should be plant at least 6ft away from main water line utility box.”

**FINDING: SATISFIED WITH CONDITION 4.** The approved street tree plan for the Cottonwood subdivision identifies *Acer truncatum* as the approved street tree for the right-of-way adjacent to the subject property. The property is not included in the Cottonwood Street Tree Improvement Plan area, so the original approved tree (*Acer truncatum*) remains the approved street tree for this property.

Two *Acer truncatum* hybrids are found on the recently revised Recommended Street Tree List:

<i>Acer truncatum</i> x <i>A. platanoides</i> 'Keithsform' Norwegian Sunset Maple	5	No	35	25		n/a		Consistent fall color
<i>Acer truncatum</i> x <i>A. platanoides</i> 'Warrensred' Pacific Sunset Maple	5	No	30	25		n/a		Consistent fall color

A water meter is located within the existing planter strip, between the driveway approach to the east and the projected property line to the west. After applying City street tree spacing standards from the water meter (10 feet) and the driveway approach (five feet), there is approximately 17 feet of planter strip where a tree or trees could be planted. Because the *Acer truncatum* hybrids have a mature width of approximately 25 feet, spacing of 2 trees approximately 17 feet apart

would be too close for these medium-sized street trees. Staff finds that requiring one (1) replacement tree to be planted according to City standard spacing from water meters and private driveways would be appropriate for this location and situation. The replacement tree could be either *Acer truncatum* x *A. platanoides* 'Keithsform' (Norwegian Sunset Maple) or *Acer truncatum* x *A. platanoides* 'Warrensred' (Pacific Sunset Maple), both of which are recommended medium street trees appropriate for this location.

**17.58.040(G).** *Other conditions may be attached to the permit approval by the Landscape Review Committee as deemed necessary.*

**APPLICANT'S RESPONSE:** The applicant did not provide a response in the application.

**FINDING: SATISFIED WITH CONDITIONS 1, 2, 3, 5, 6, 7, 8, 9, 10, & 11.** Additional conditions would be attached to the permit approval to ensure that the tree removal and tree replacement are completed to applicable City specifications and standards found in Sections 17.58.040 (Tree Removal/Replacement) and 17.58.090 (Street Tree Standards) of the McMinnville Zoning Ordinance. A condition would also be added to require the damaged sidewalk to be repaired or replaced.

**17.58.050 Review Criteria.**

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

**17.58.050(B).** *The tree is in conflict with public improvements.*

**APPLICANT'S RESPONSE:** These trees have become unsafe due to their root system and size. The roots are pushing up the sidewalk as well as growing into the front lawn and beds. I recently fell due to the "lifting" of the sidewalk. At 77 years old I cannot afford any legal problems from others. My own doctor bills are enough. In the future these trees will require more water to remain disease free. This adds to the strain on our own environment. I've always enjoyed the tree lined streets in our city, however a different variety would be appreciated in the future.

**FINDING: 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. Both trees exhibit shallow root systems and one tree's roots are damaging adjacent sidewalk panels, driveway approach and possibly the curb and gutter. The other tree's roots are impacting the existing water meter in the planting strip. Large surface roots or shallow root systems are evident for both trees, suggesting that the damage to the sidewalk and public improvements will continue and worsen over time as the trees and roots grow. The easternmost tree does not meet current tree planting standards because it is closer than five (5) feet to a driveway approach. The westernmost tree does not meet current tree planting standards because it is closer than ten (10) feet to a water meter. Therefore, the street tree removal request satisfies this criterion, as the both trees are in conflict with public improvements adjacent to the subject property.

JF



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

<b>Office Use Only:</b>	
File No.	<u>245-18</u>
Date Received	<u>11-16-18</u>
Fee	<u>n/a</u>
Receipt No.	<u>n/a</u>
Received by	<u>RH</u>

## Street Tree Removal

### Applicant Information

Applicant is:  Property Owner    Contract Buyer    Option Holder    Agent    Other \_\_\_\_\_

Applicant Name Jean Sartor Phone 503-472-6312

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_  
 (If different than above)

Address 1964 NW Cottonwood Dr.

City, State, Zip McMinnville, Or 97128

Contact Email sartor2186@comcast.net

### Property Owner Information

Property Owner Name \_\_\_\_\_ Phone \_\_\_\_\_  
 (If different than above)

) Same

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Contact Email \_\_\_\_\_

### Site Location and Description

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

Property Address 1964 NW Cottonwood Dr - McMinnville  
 (Property nearest to tree(s) for removal)

Assessor Map No. R4 418 - PB - 01700 Total Site Area parking strip

Subdivision Cottonwood Block \_\_\_\_\_ Lot 7

Comprehensive Plan Designation Residential Zoning Designation R-2 PO

**Additional Information**

1. How many trees are requested for removal? 2
2. What type (species) of tree(s) are they? maple variety ?
3. What is the diameter of the tree(s), measured four feet above ground level? 47" + 50"
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. These trees have become unsafe due to their root system and size. The roots are pushing up the sidewalk as well as growing into the front lawn and beds. I recently fell due to the "lifting" of the sidewalk. At 77 years old I cannot afford any legal problems from others. My own doctor bills are enough.

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.

Same  
Applicant's Signature

\_\_\_\_\_  
Date

Jean Sartre  
Property Owner's Signature

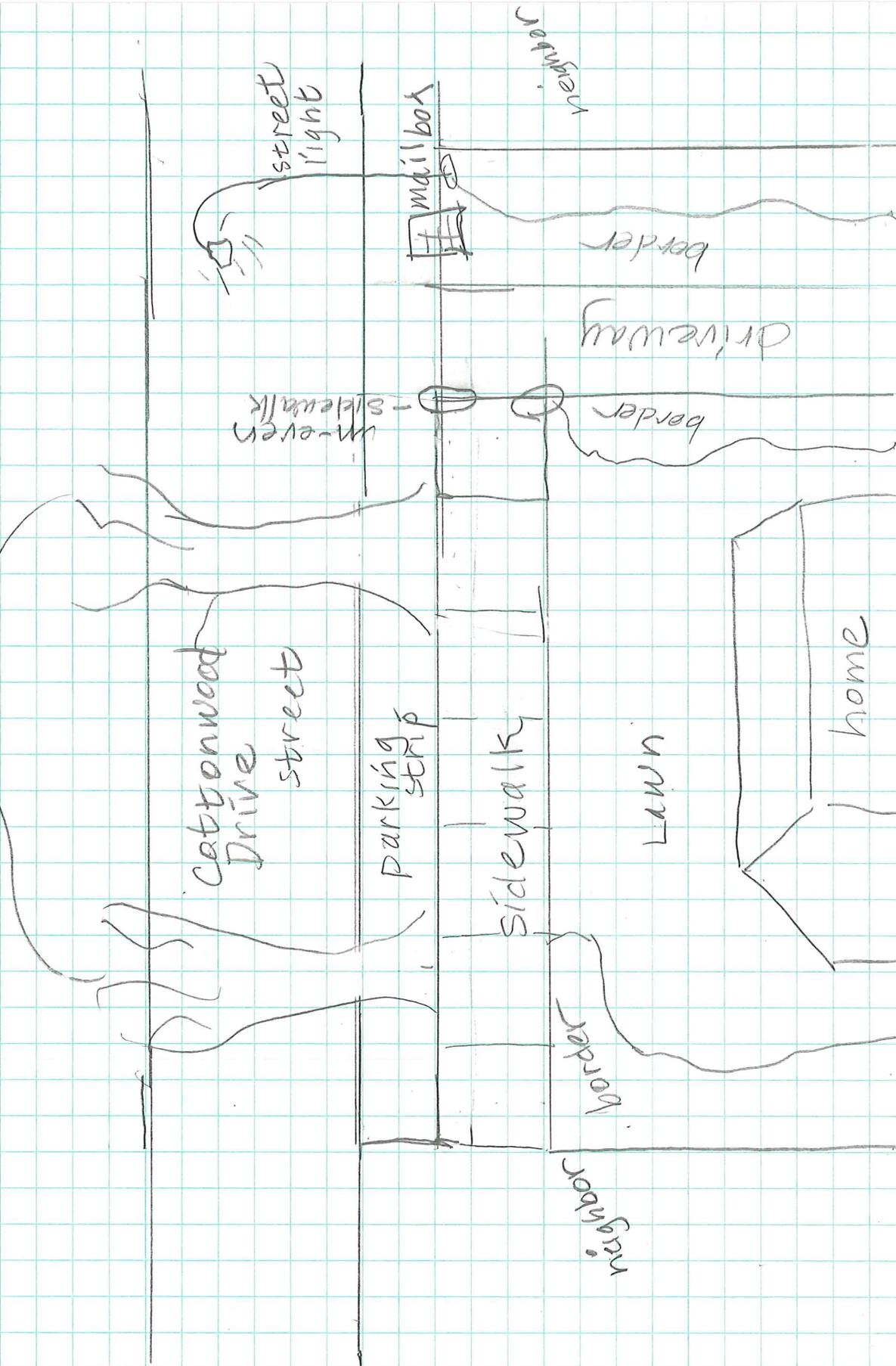
November  
Oct. 5, 2018  
Date

In the future these trees will require more water to remain disease free. This adds to the strain on our environment. I've always enjoyed the tree lined streets in our city however a different variety would be appreciated in the future.

Sincerely,  
Jean Sartre



trees to be removed



Memphisville school district field

N ↑

(shadow) tree tree  
cottonwood Dr street  
mailbox street light  
sidewalk

lawn

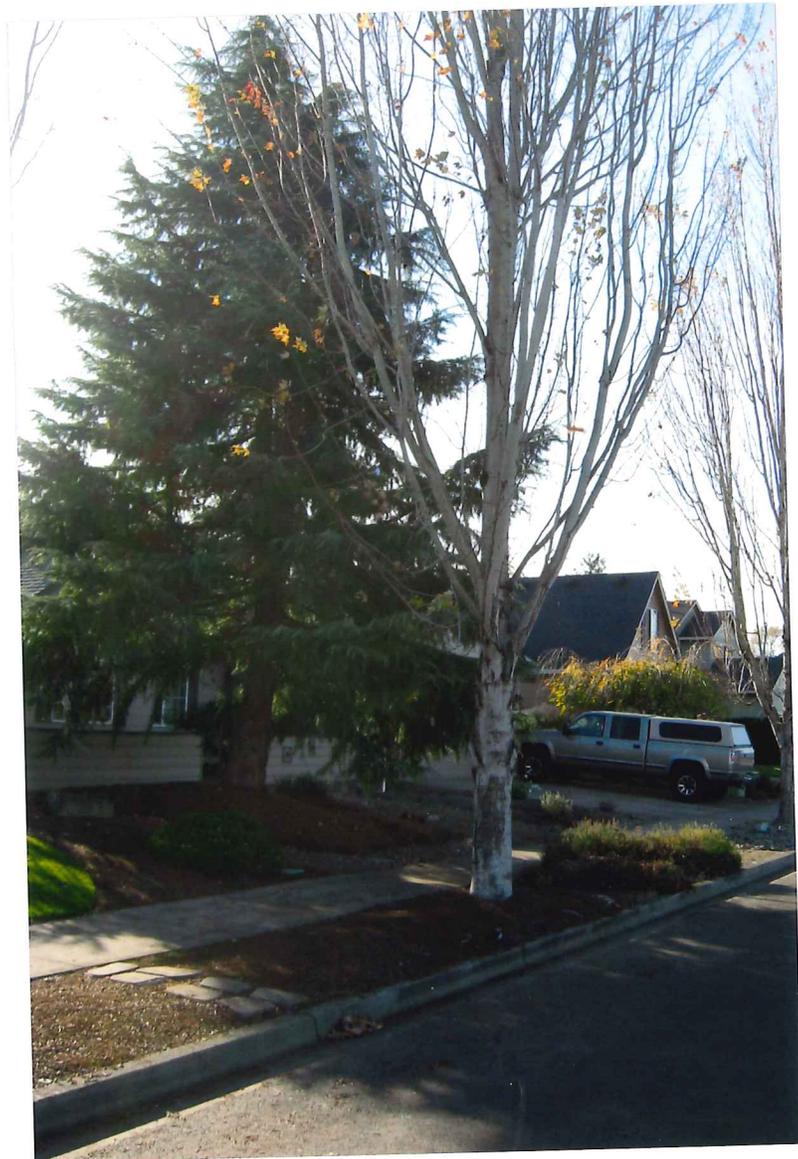
1964 NW Cottonwood Dr

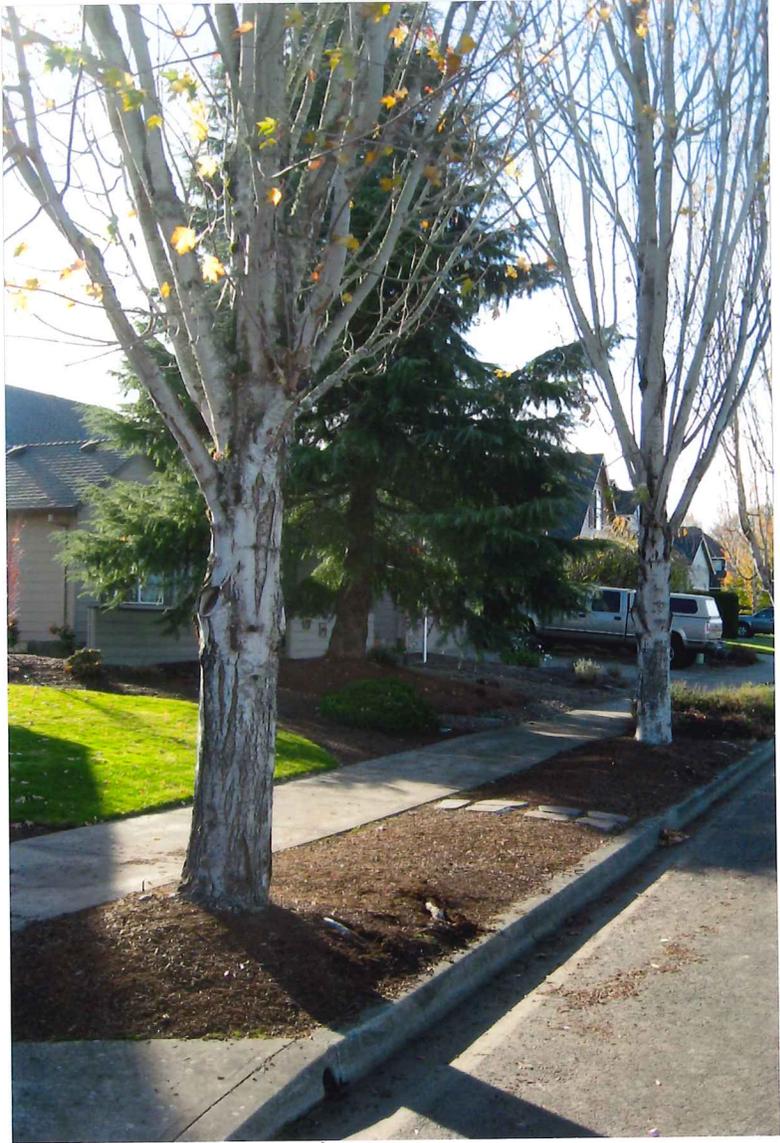
home

© 2017 Google

Go

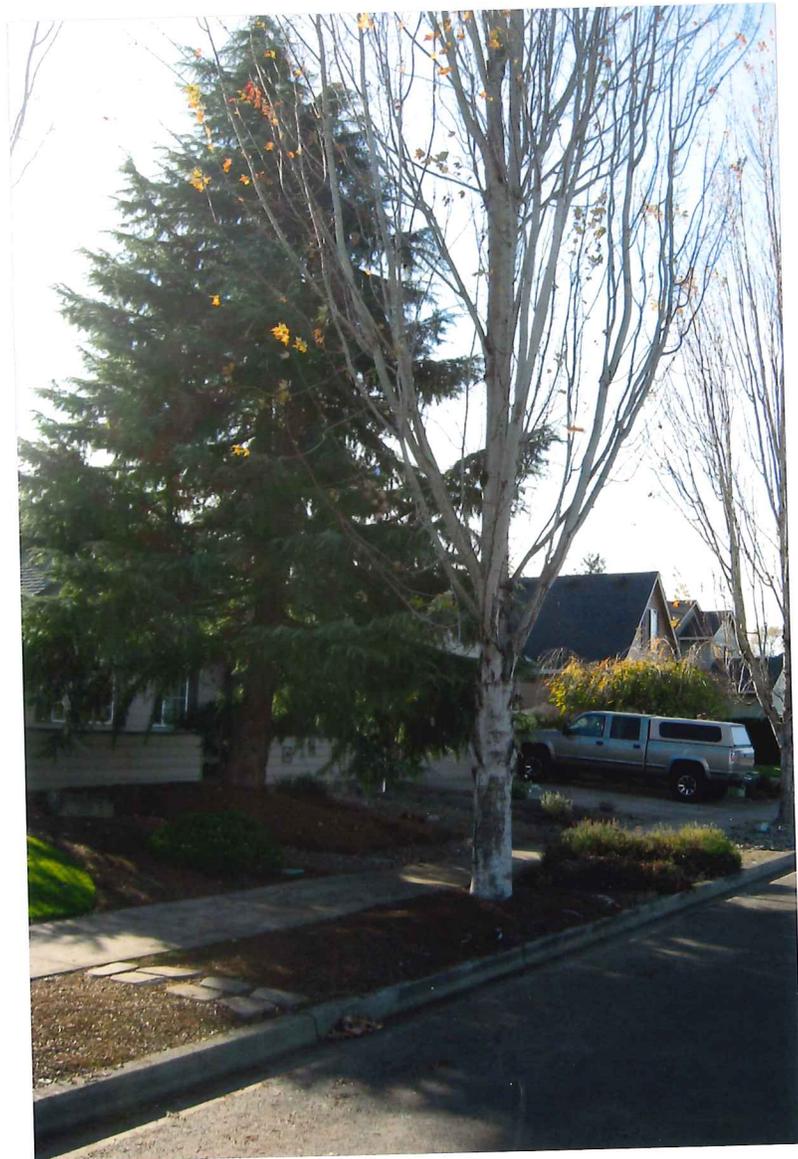
Imagery Date: 8/23/2016 45°13'15.90" N 123°13'33.41" W elev 16

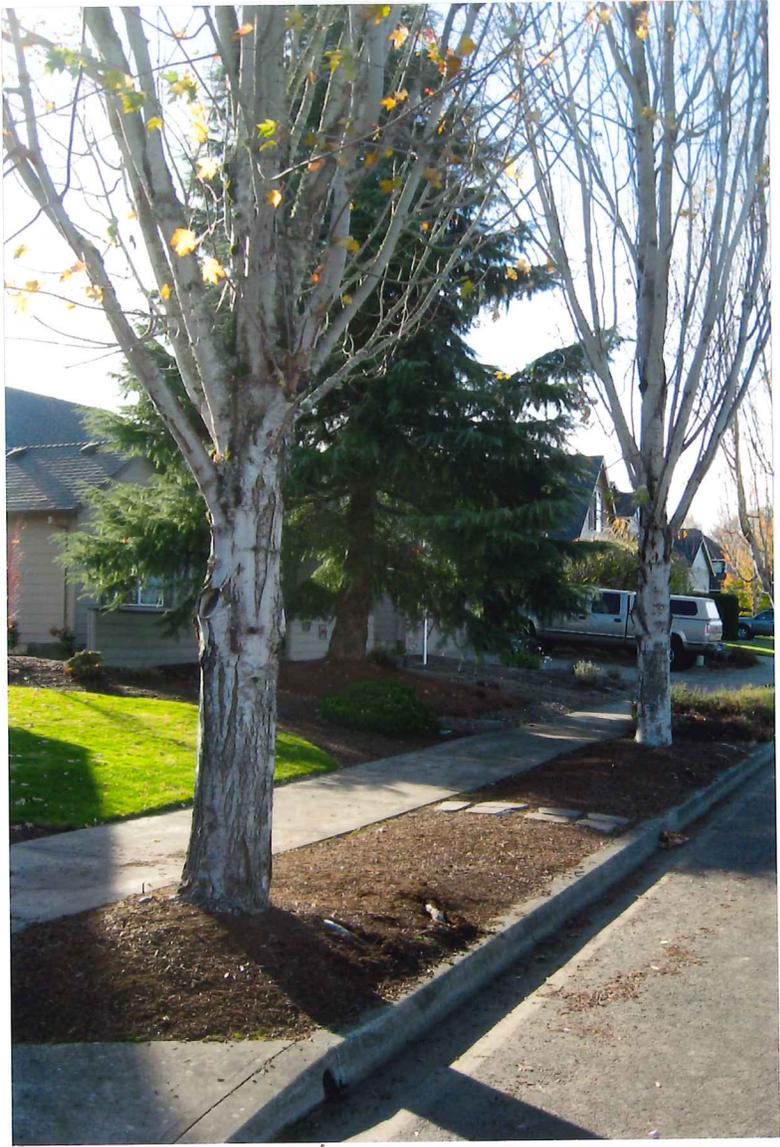
















Jean Sartor  
1964 NW Cottonwood Dr  
McMinnville, OR 97128

RECEIVED

MAR 13 2019

COMMUNITY DEVELOPMENT  
CENTER

Subject: Red Maple

Location: Parking strip by the main water line

Observation:

Red Maple, 14" DBH, about 30' tall, Tree has been planted too close to the Main water line utility box

Summary & Recommendation:

Red maple is planted too close to the main water line and needs to be removed to prevent farther damages and possible main water line breakage. We also recommend planting an ornamental tree to maintain city canopy, new tree should be plant at least 6ft away from main water line utility box.

Please feel free to contact me with any concerns.



Eduardo Palomino  
Certified Arborist PN-8511A  
General Tree Service  
503-443-0934

6795 SW 111<sup>th</sup> Ave  
Beaverton, OR  
97008-5335



City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## EXHIBIT 3 - STAFF REPORT

DATE: May 15, 2019  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Landscape Plan Application (L 7-19)

### STRATEGIC PRIORITY & GOAL:



#### GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

---

### Report in Brief:

An application for a landscape plan (L 7-19) for a remodel of an Oregon State Credit Union branch to be reviewed by the Landscape Review Committee.

### Background:

The applicant, Ryan Dellit of Gerding Builders on behalf of Oregon State Credit Union, property owner, submitted a landscape plan associated with a building permit for the Oregon State Credit Union Branch at 170 NE 12<sup>th</sup> Street. The subject property is more specifically described as Tax Lot 19600, Section 17DD, T. 4. S., R. 4 W., W.M. The subject property is located on NE 12<sup>th</sup> Street between NE Adams and NE Baker Streets (Highway 99W), and is zoned C-3 (General Commercial). A previous landscape plan was approved for the property in 2010 (L 13-10). **See Figure 1: Vicinity Map and Figure 2: L 13-10 Approved Landscape Plan.**

A building permit has been applied for to remodel an existing building (formerly a bank and most recently a retail store) to re-open as a new Oregon State Credit Union branch. The remodel of the building is limited mostly to the interior of the building, and expansion of the footprint of the structure is within previously the approved roofline of the building. No new impervious surface is proposed. Because the previous uses of the site included a bank and retail store, no major changes to the overall site plan are proposed. The drive-up banking lanes are being reconfigured to add a second lane. Otherwise, the location and configuration of existing landscape, parking, and drive isles are remaining generally the same. **See Figure 3: Site Plan.** The landscape plan addresses landscaping around the solid waste enclosure which is being updated, and around portions of the perimeter of the building. **See Figure 4: Landscape Plan.**

---

### 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 170 NE 12<sup>th</sup> Street (L 7-19)

Figure 1: Vicinity Map

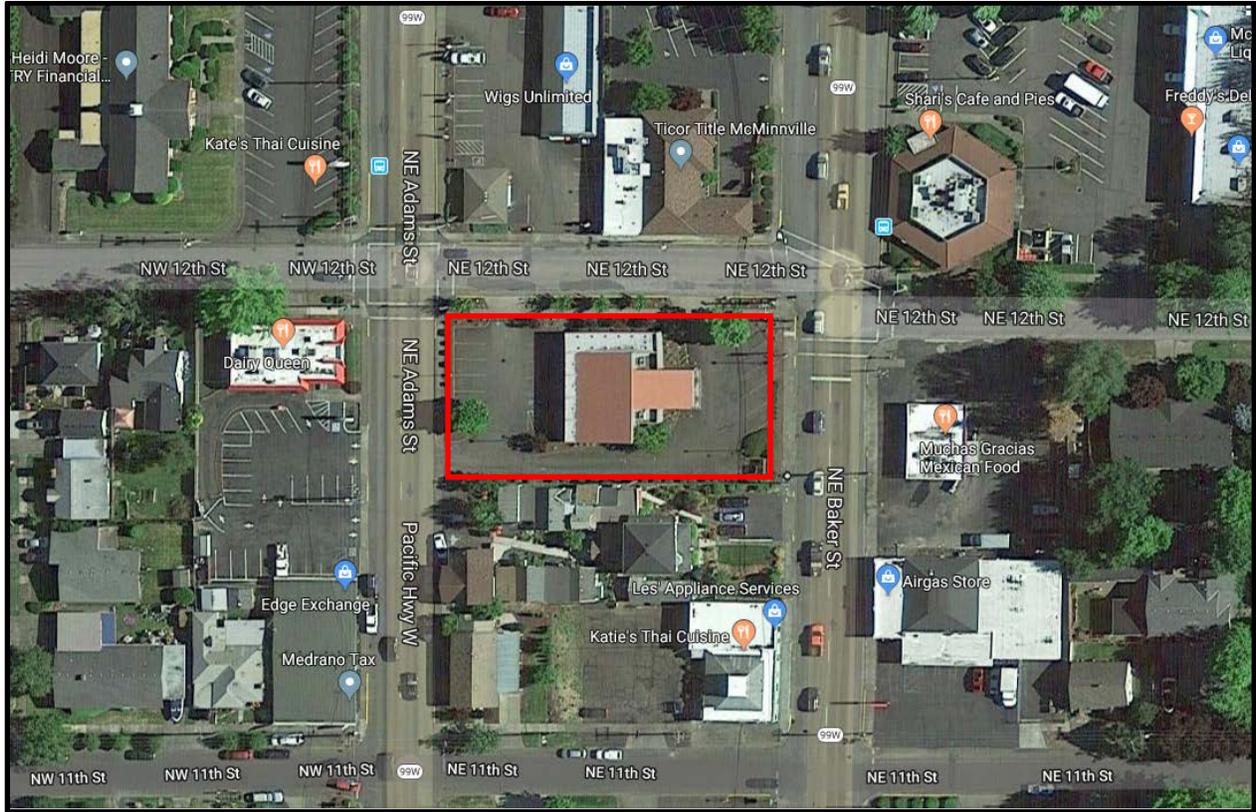
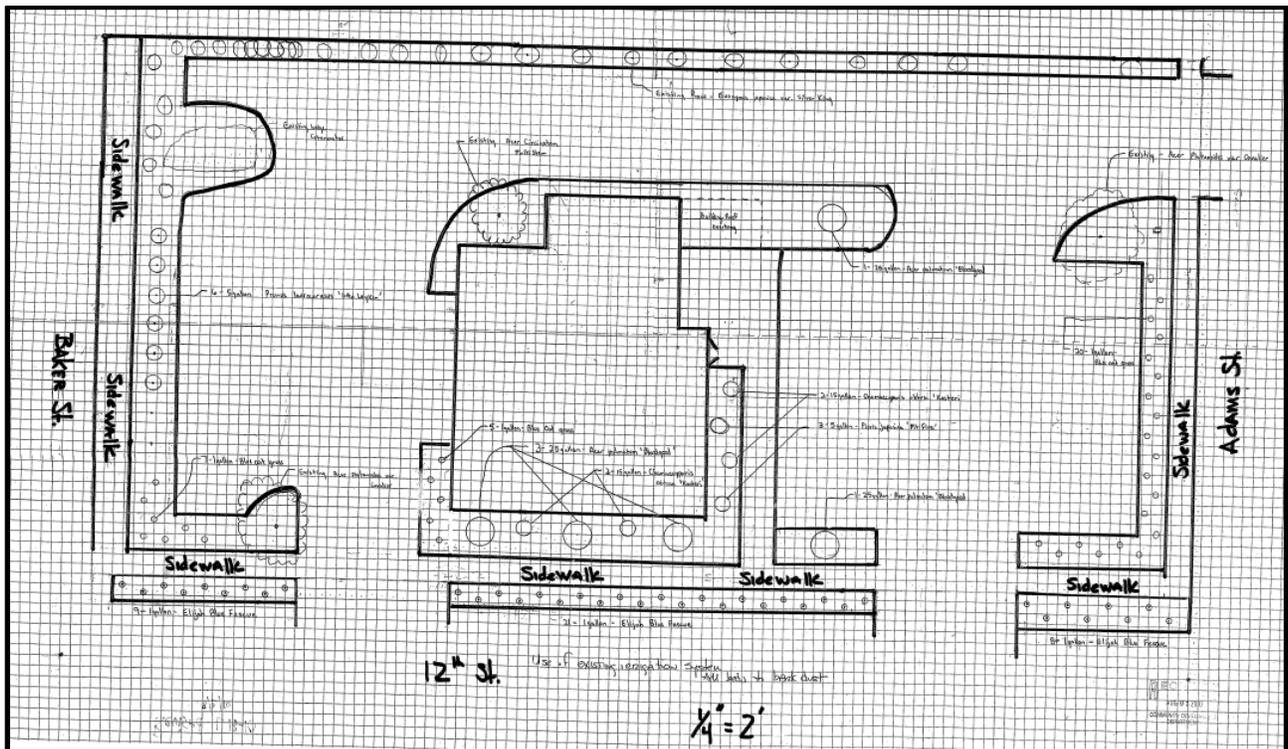


Figure 2: L 13-10 Approved Landscape Plan



Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 170 NE 12<sup>th</sup> Street (L 7-19)

Figure 3: Site Map

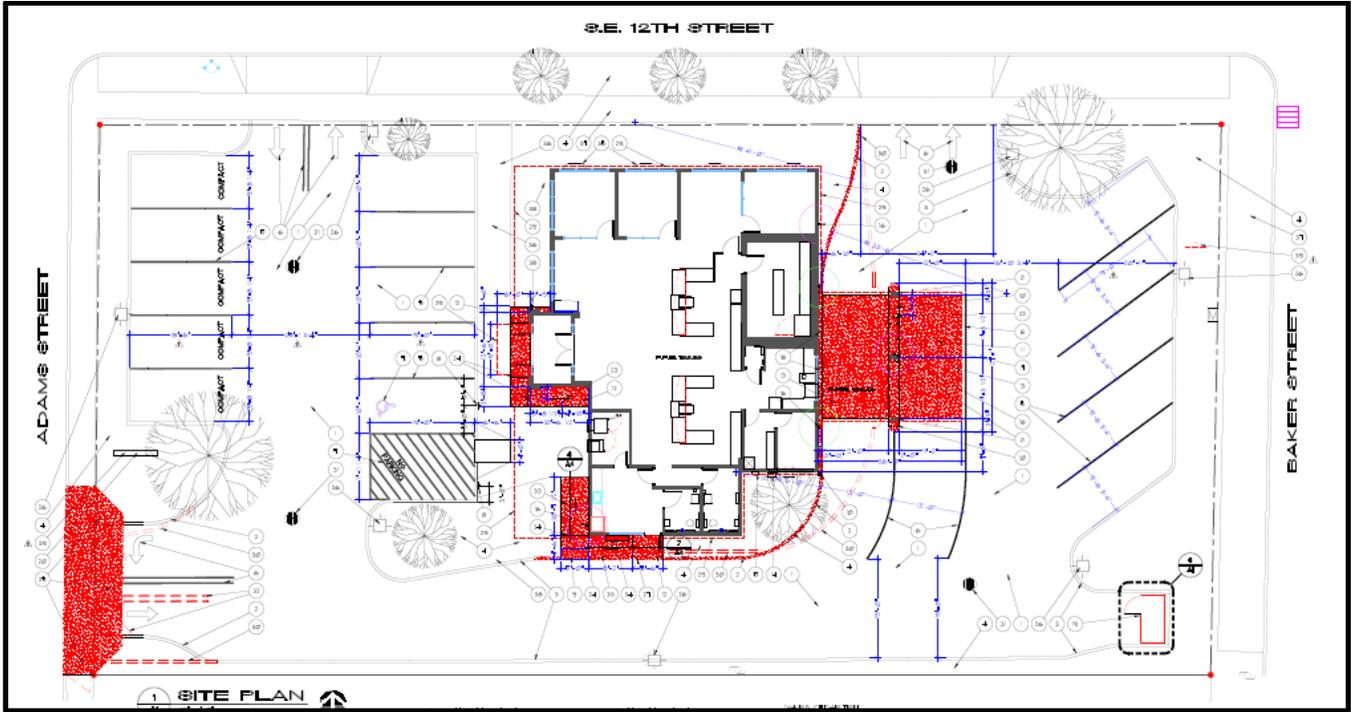
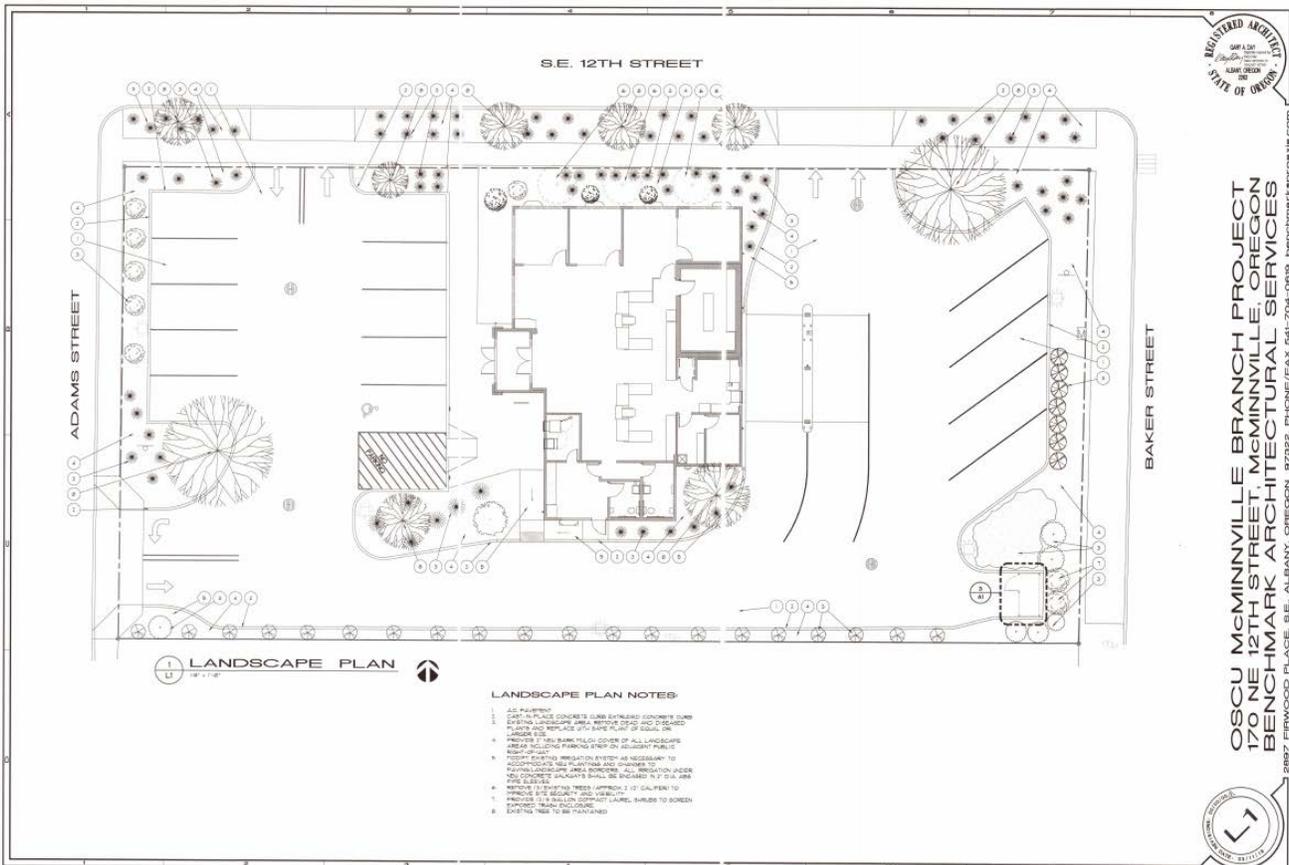


Figure 4: Proposed Landscape Plan

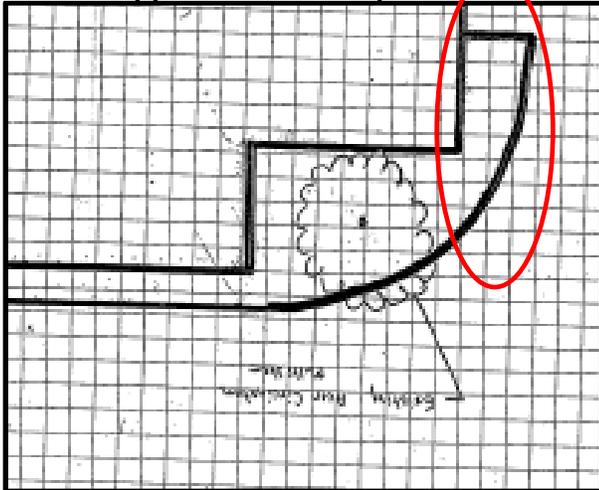
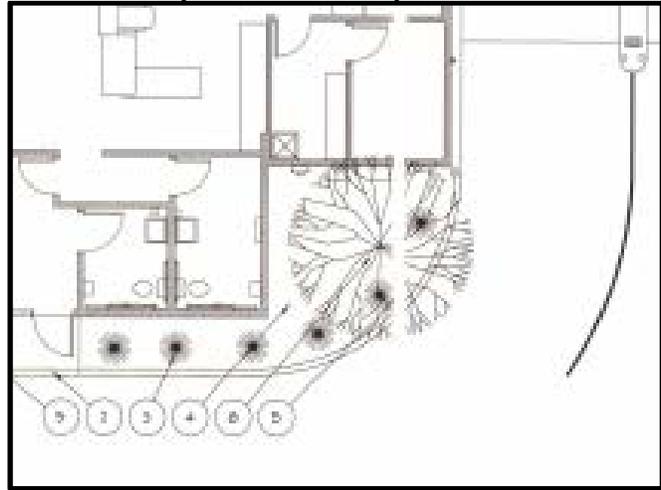


Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 170 NE 12<sup>th</sup> Street (L 7-19)

**Discussion:*****Summary of Criteria & Issues:***

The subject site is zoned C-3 (General Commercial). The Landscaping chapter of the McMinnville Zoning Ordinance requires that at least seven (7) percent of the gross area of a site being developed be landscaped (Section 17.57.070(A)(2) (Area Determination – Planning Factors)). Although the application does not indicate the percentage of landscape provided, the amount of landscaping removed from the site through reconfiguration of the drive aisle is not substantial enough to reduce the total percentage below the required seven (7) percent.

**L 13-10 Approved Landscape Plan****Proposed Landscape Plan**

Because no new impervious surface is being created, no new additional landscape areas are required on the site. The landscape plan was submitted to address screening of a trash enclosure and a proposed revision to a previously approved landscape plan for the site.

In reviewing a landscape plan, MMC Section 17.57.050(B) (Area Determination – Planning Factors) requires the Landscape Review Committee to consider the following factors:

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

The proposed project is a remodel to a commercial bank branch located on three street frontages, NE Adams Street, NE Baker Street, and NE 12<sup>th</sup> Street. Mature landscaping from a previously approved landscape plan (L 13-10) exists on site. Generally, the proposed landscape plan preserves the existing mature landscaping throughout the site, and replacement of dead or dying mature plants with the same variety is included in the proposal. The existing landscaping is compatible with the proposed commercial use of the site. Low to medium evergreen planting along Baker and Adams Streets screens parking while allowing visibility into the commercial site. Low ornamental planting with and overhead tree canopy along 12<sup>th</sup> Street provide a pedestrian-scaled environment against the north side of the building. Along the south property line, an evergreen hedge provides screening and buffering of the driveway and site from the adjacent property to the south.

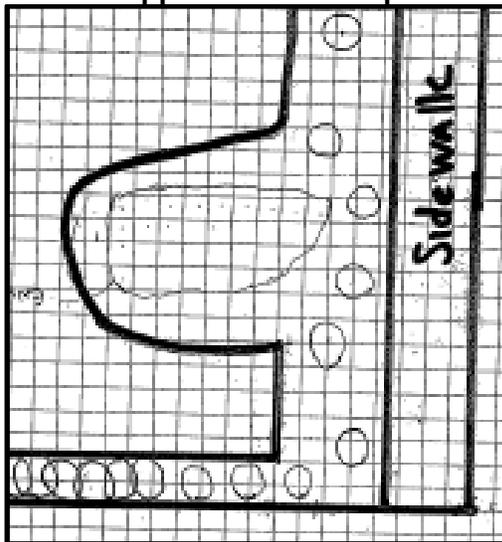
While the existing landscaping is generally being retained and replaced in kind throughout the site, there are two areas where significant changes to the approved landscape plan are proposed. The first area is along Baker Street, where the trash enclosure is located. The enclosure itself is being updated to reflect

***Attachments:***

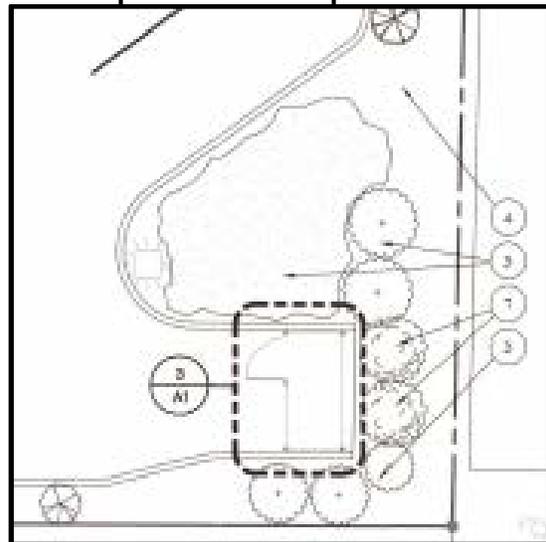
*Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 170 NE 12<sup>th</sup> Street (L 7-19)*

the materials of the building, and new landscaping is proposed around the enclosure, and new evergreen planting (Laurel) is proposed to fill in gaps in the vegetative hedge obscuring the trash enclosure from view.

**L 13-10 Approved Landscape Plan**



**Proposed Landscape Plan**



**Existing Trash Enclosure Condition**



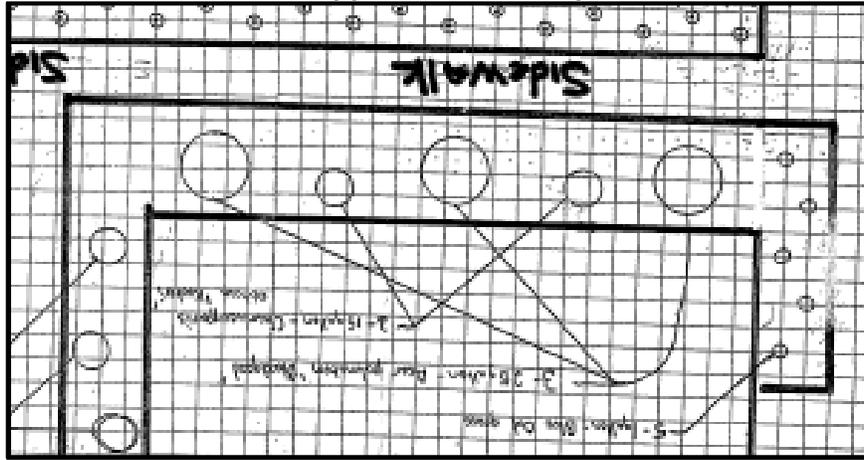
The second area with a significant change from the original landscape plan is the north side of the building, where three (3) mature Japanese Maples are being proposed for removal due to security and visibility concerns. A row of windows along the north side of the building is blocked by the foliage from the trees, limiting visibility in and out of the windows. Additionally, applicant has cited concern over the security of the planting area on the north side of the building. The Bloodgood Maples are small trees, with dark foliage. On the north side of the building, where the planting area is often in shade, it gives the appearance of a dark and insecure space next to pedestrian and vehicular access into the site. The overhead canopy along 12<sup>th</sup> Street is very low due to the adjacent Kwanzan Cherry street trees, and it provides a sense of confinement and enclosure. Because of the perception of an unsafe space and

*Attachments:*

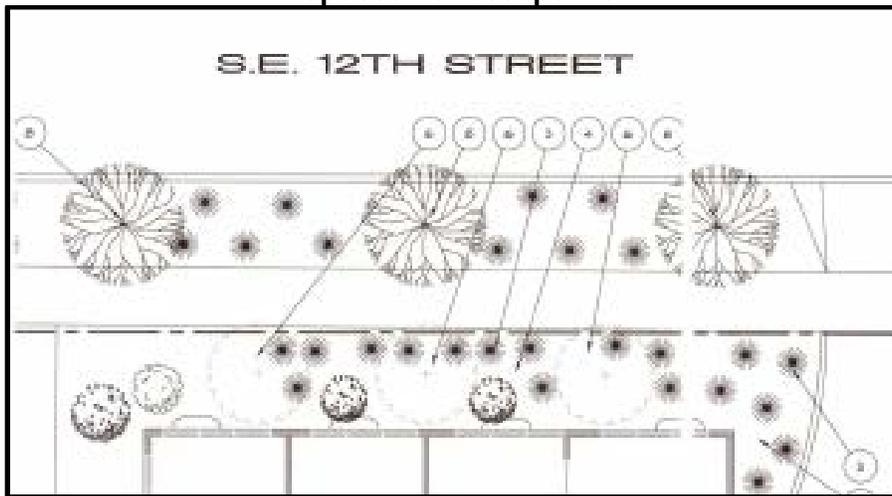
*Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 170 NE 12<sup>th</sup> Street (L 7-19)*

visibility issues the applicant has proposed removing the three (3) Bloodgood Maples without replacement.

**L 13-10 Approved Landscape Plan**



**Proposed Landscape Plan**



**Attachments:**

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 170 NE 12<sup>th</sup> Street (L 7-19)

**Existing Planting – 12<sup>th</sup> Street**

Overall, the proposed changes to the landscape appear to be compatible with the proposed use, and the abutting properties.

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

The proposed use on the subject site is a commercial banking branch, and it is not appropriate to screen the entire use. Parking areas on the east and west sides of the site are screened by mature evergreen plantings, as approved in the original landscape plan (L 13-10). Dead or dying existing plants will be replaced in kind to continue to provide low screening of the parking areas.

Required screening of the solid waste enclosure is proposed. New laurel shrubs are proposed to be planted between the trash enclosure and the Baker Street right-of-way, providing evergreen screening.

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

There are eight (8) existing trees within the site and an additional four (4) street trees adjacent to the property identified on the landscape plan. Five (5) trees within the site are proposed to remain, as are the four (4) street trees. The three (3) trees proposed for removal are small Bloodgood Japanese Maples, approximately 2.5 inch caliper, on the north side of the property, between the building and the sidewalk. The application proposes removing those trees to improve site security and visibility.

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*Attachments:*

*Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 170 NE 12<sup>th</sup> Street (L 7-19)*

**Existing Planting – 12<sup>th</sup> Street**

A row of windows along the north side of the building is blocked by the foliage from the trees, limiting visibility in and out of the windows. Additionally, applicant has cited concern over the security of the planting area on the north side of the building. The Bloodgood Maples are small trees, with dark foliage. On the north side of the building, where the planting area is often in shade, it gives the appearance of a dark and insecure space next to pedestrian and vehicular access into the site. The overhead canopy along 12<sup>th</sup> Street is very low due to the adjacent Kwanzan Cherry street trees, and it provides a sense of confinement and enclosure. Because of the perception of an unsafe space and visibility issues the applicant has proposed removing the three (3) Bloodgood Maples without replacement.

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

The proposed site work for the remodel of the building does not include alteration to any of the existing parking areas within the site. Existing planting areas around the existing parking are going to be retained, and dead or dying plant material will be replaced with new plants. Existing trees at the ends of the parking aisles provide shade, screening and buffering to the existing parking areas.

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.

Street trees were required in a condition of approval for the original approved landscape plan (L 13-10). Kwanzan cherry trees were required in the planter strip along NE 12<sup>th</sup> Street. Street trees were not required along Adams and Baker Streets, where the sidewalks are curb-tight and no planter strips exist. The easternmost street tree on 12<sup>th</sup> Street has been removed.

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**Attachments:**

*Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 170 NE 12<sup>th</sup> Street (L 7-19)*

**Existing Street Trees – 12<sup>th</sup> Street**



Staff recommends a condition of approval to require a Kwanzan cherry street tree be planted in the easternmost planter strip along NE 12<sup>th</sup> Street between Adams and Baker to replace the street tree required in the original approved landscape plan (L 13-10).

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

The proposed landscape plan indicates that an existing irrigation system would be modified to accommodate new plantings and changes to the paving/landscape area borders.

**Fiscal Impact:**

None.

**Landscape Review 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.

**Staff Recommendation:**

Staff has reviewed the application for consistency with the applicable criteria. Staff finds that, subject to the recommended conditions specified in the attached Decision Document, the application submitted by the applicant contains sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the application, subject to the conditions specified in the attached Decision Document.

---

*Attachments:*

*Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 170 NE 12<sup>th</sup> Street (L 7-19)*

**Suggested Motion:**

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE STREET TREE REMOVAL APPLICATION L 7-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

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*Attachments:*

*Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 170 NE 12<sup>th</sup> Street (L 7-19)*



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

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A STREET TREE REMOVAL AT 598 NE JADE STREET**

- DOCKET:** L 7-19 (Landscape Plan)
- REQUEST:** Approval of a Landscape Plan for an Oregon State Credit Union bank branch
- LOCATION:** 170 NE 12<sup>th</sup> Street (Tax Lot 19600, Section 17DD, T. 4. S., R. 4 W., W.M.)
- ZONING:** C-3 (General Commercial)
- APPLICANT:** Ryan Dellit of Gerding Builders on behalf of Oregon State Credit Union, property owner
- STAFF:** Jamie Fleckenstein, PLA, Associate Planner
- DATE DEEMED COMPLETE:** April 18, 2019
- HEARINGS BODY & ACTION:** McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.
- HEARING DATE & LOCATION:** May 15, 2019, Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon
- PROCEDURE:** Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.050 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance.
- CRITERIA:** The applicable criteria are specified in Section 17.57.070 (Area Determination – Planning factors) of the McMinnville Zoning Ordinance, McMinnville City Code.
- APPEAL:** The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.57.170 of the McMinnville Zoning Ordinance.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Their comments are provided in this document. 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 conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the Landscape Plan (L 7-19) **subject to the conditions of approval provided in this document.**

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

Planning Staff: \_\_\_\_\_  
Jamie Fleckenstein, Associate Planner

Date: May 15, 2019

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: May 15, 2019

**I. APPLICATION SUMMARY:**

***Subject Property & Request***

The application requests approval of a landscape plan (L 7-19) for a remodel of an Oregon State Credit Union branch to be reviewed by the Landscape Review Committee. The proposed Landscape Plan would revise a previously approved Landscape Plan (L 13-10).

The applicant, Ryan Dellit of Gerding Builders on behalf of Oregon State Credit Union, property owner, submitted a landscape plan associated with a building permit for the Oregon State Credit Union Branch at 170 NE 12<sup>th</sup> Street. The subject property is more specifically described as Tax Lot 19600, Section 17DD, T. 4. S., R. 4 W., W.M. The subject property is located on NE 12<sup>th</sup> Street between NE Adams and NE Baker Streets (Highway 99W), and is zoned C-3 (General Commercial). A previous landscape plan was approved for the property in 2010 (L 13-10). **See Figure 1: Vicinity Map and Figure 2: L 13-10 Approved Landscape Plan.**

A building permit has been applied for to remodel an existing building (formerly a bank and most recently a retail store) to re-open as a new Oregon State Credit Union branch. The remodel of the building is limited mostly to the interior of the building, and expansion of the footprint of the structure is within previously the approved roofline of the building. No new impervious surface is proposed. Because the previous uses of the site included a bank and retail store, no major changes to the overall site plan are proposed. The drive-up banking lanes are being reconfigured to add a second lane. Otherwise, the location and configuration of existing landscape, parking, and drive isles are remaining generally the same. **See Figure 3: Site Plan.** The landscape plan addresses landscaping around the solid waste enclosure which is being updated, and around portions of the perimeter of the building. **See Figure 4: Landscape Plan.**

**Figure 1: Vicinity Map**

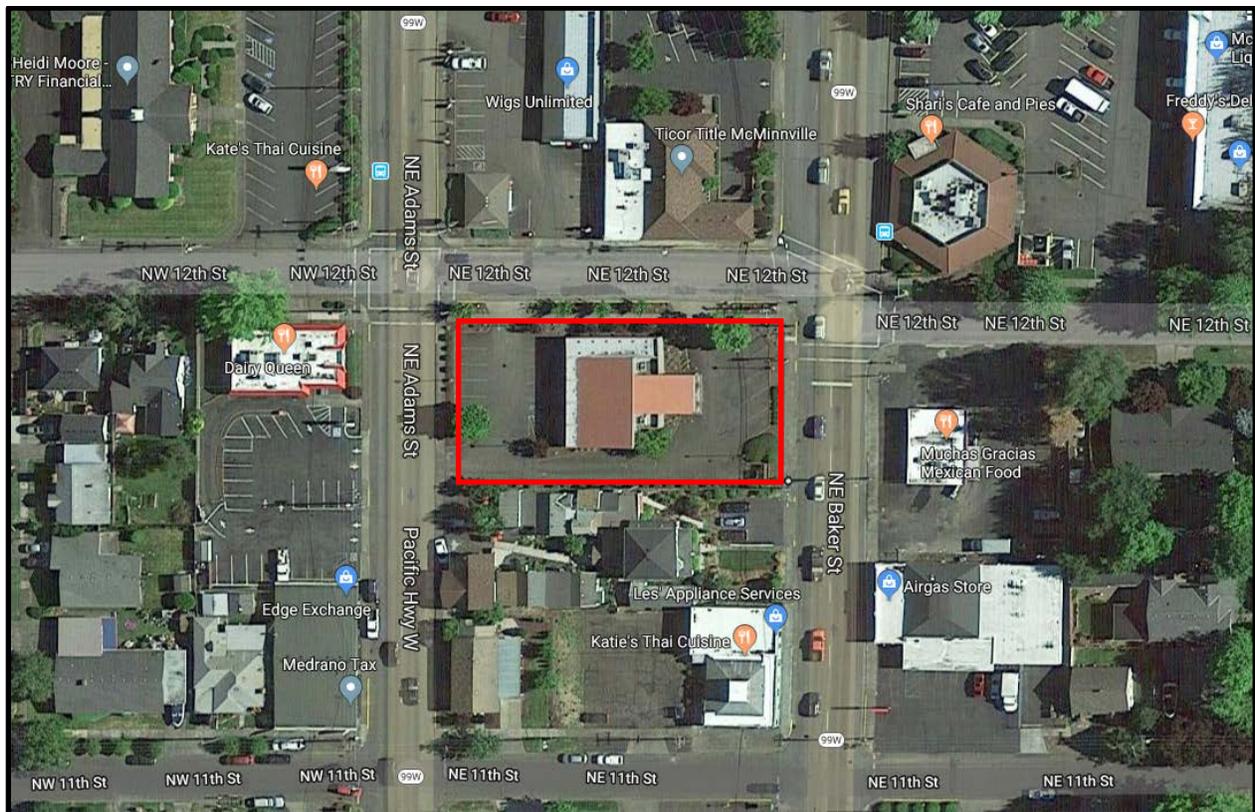
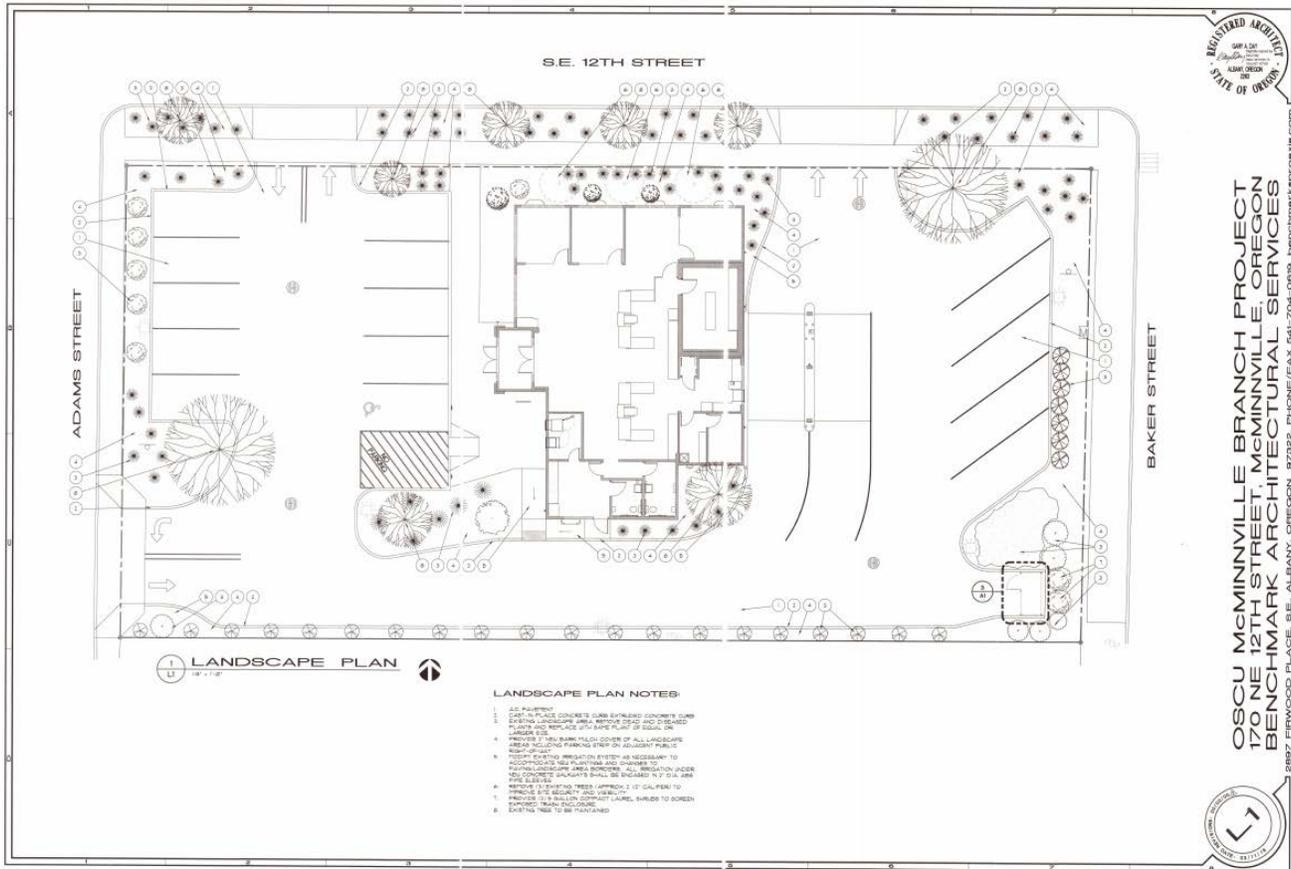




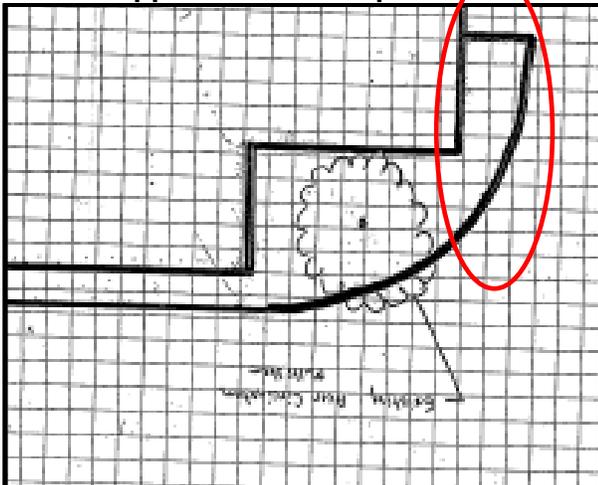
Figure 4: Proposed Landscape Plan



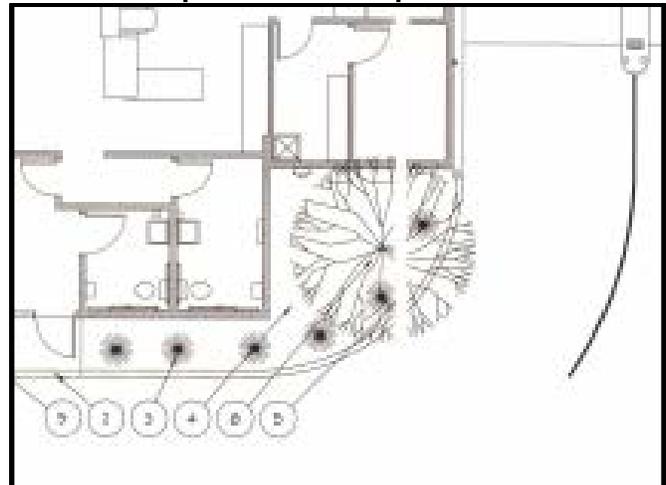
**Summary of Criteria & Issues**

The subject site is zoned C-3 (General Commercial). The Landscaping chapter of the McMinnville Zoning Ordinance requires that at least seven (7) percent of the gross area of a site being developed be landscaped (Section 17.57.070(A)(2) (Area Determination – Planning Factors)). Although the application does not indicate the percentage of landscape provided, the amount of landscaping removed from the site through reconfiguration of the drive aisle is not substantial enough to reduce the total percentage below the required seven (7) percent.

**L 13-10 Approved Landscape Plan**



**Proposed Landscape Plan**



Because no new impervious surface is being created, no new additional landscape areas are required on the site. The landscape plan was submitted to address screening of a trash enclosure and a proposed revision to a previously approved landscape plan for the site.

## **II. CONDITIONS:**

1. That the applicant shall install landscaping as shown on the landscape plan submitted to the Planning Department on March 18, 2019.
2. That a street tree be replaced in the easternmost planter strip of NE 12<sup>th</sup> Street. The replacement tree species shall be *Prunus serrulata* 'Kwanzan' (Kwanzan Cherry).
3. That all costs and liability associated with stump grinding, and street tree replacement shall be borne by the applicant.
4. 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.
5. That the street tree's stump and remaining surface roots shall be removed at least six (6) inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations.
6. That the replacement tree shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
7. That the replacement tree shall be planted per the approved City detail (see enclosure). The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.
8. That the applicant shall contact the McMinnville Public Works Department at (503) 434-7316 to discuss specific staking, watering tube requirements, and to schedule an inspection prior to backfilling.
9. That the applicant is reminded that trees are not to be planted within:
  - a. Five (5) feet of a private driveway or alley;
  - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
  - c. Twenty (20) feet of street light standards or street intersections.
10. That the planter areas shall be restored to original grade immediately following the planting of the replacement trees.
11. That the applicant shall 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.

12. 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.

### **III. ATTACHMENTS:**

1. L 7-19 Application and Attachments (on file with the Planning Department)

### **IV. 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 existing site is a commercial building located at on the SW corner of the intersection of 12<sup>th</sup> and Adams. The site is bordered on the north side by 12<sup>th</sup> Avenue, Adams Street to the west and Baker Street to the north. There is sidewalk adjacent to the site on the north, east and west sides.
2. Adams and Baker are part of Hwy 99, and are under ODOT jurisdiction. 12<sup>th</sup> Street in this location is classified as a minor collector in the Transportation System Plan.
3. There is currently screening plant material planted along the south border of the site, adjacent to a fence line.
4. There are no overhead conflicts on the south side of 12<sup>th</sup> Street
5. 12<sup>th</sup> Street is currently under construction for sewer work, and is scheduled to be milled and paved this construction season. Part of that work will be to replace existing curb ramps at the NE and NW corners of the property. The applicant should be advised that this work will impact plantings and irrigation located in the right of way, and should be advised to coordinate their work with the City's Engineering Department.

#### **Recommendations**

1. The submitted landscaping plan does not appear to include any additional street trees. The planter strip on 12<sup>th</sup> Street is does not show any new plantings. Public Works concurs with the street tree plan as shown, and would note that it will be important to insure that any new plantings at the NE corner of the site meet the vision clearance triangle requirements.
2. The landscape plan appears to call out replacing the existing native grass plantings in the north parking strip, which we would concur with.
3. The remainder of the plantings are outside of the public right of way, and are thus out of our purview.
4. Based on items #1 and #2 above, Public Works would recommend approval of this proposal.

- McMinnville Water and Light:

No comments from power or water.

#### **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 public notification. No public comments were received prior to the Planning Director's decision.

## **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. Ryan Dellit of Gerding Builders on behalf of Oregon State Credit Union, property owner, submitted a landscape plan application on March 18, 2019.
2. The application was deemed complete on April 18, 2019.
3. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
4. 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 public notification. No public comments were received prior to the public meeting.
5. A public meeting was held by the Landscape Review Committee on May 15, 2019 to review the application and proposed landscape plan.

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** 170 NE 12<sup>th</sup> Street (Tax Lot 19600, Section 17DD, T. 4. S., R. 4 W., W.M.)
2. **Size:** 20,909 s.f. (0.48 acres)
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Vacant building
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None.
  - b. **Other:** None identified.
8. **Other Features:** Five (5) foot wide planter strip adjacent to NE 12<sup>th</sup> Street with four (4) street trees. No planter strip adjacent to Adams and Baker Streets.
9. **Utilities:**
  - a. **Water:** The property is served by water. The treatment plant has sufficient treatment capacity.
  - b. **Sewer:** The property is served by sewer. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
  - c. **Stormwater:** Storm water is conveyed to a catch basin and storm drain in NE Baker Street.
  - d. **Other Services:** Overhead utilities are not present adjacent to the site on 12<sup>th</sup> Street.
10. **Transportation:** Adams and Baker Streets are part of Hwy 99, and are under ODOT jurisdiction. 12th Street in this location is classified as a minor collector in the Transportation System Plan.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Street Tree Removal Permit are specified in Section 17.58.050 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

### **Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

**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.*

**APPLICANT'S RESPONSE:** The applicant did not address this in the application.

**FINDING: SATISFIED WITH CONDITION 2.** The replacement of the street tree in the NE 12th Street right-of-way would continue the established streetscape aesthetic established along NE 12<sup>th</sup> Street and required by a previously approved Landscape Plan (L 13-10).

**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.*

**APPLICANT'S RESPONSE:** The applicant did not provide a response in the application.

**FINDING: 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 Zoning Ordinance**

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

**17.57.070(B) Area Determination – Planning Factors.**

**17.57.070(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:

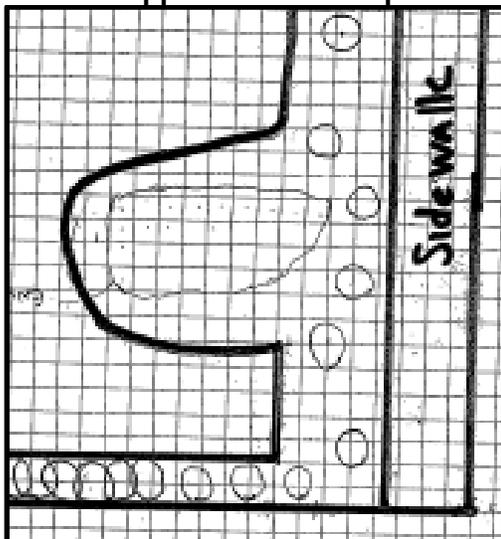
**17.57.070(B)(1).** *Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.*

**APPLICANT’S RESPONSE:** The applicant did not provide a written response in the application.

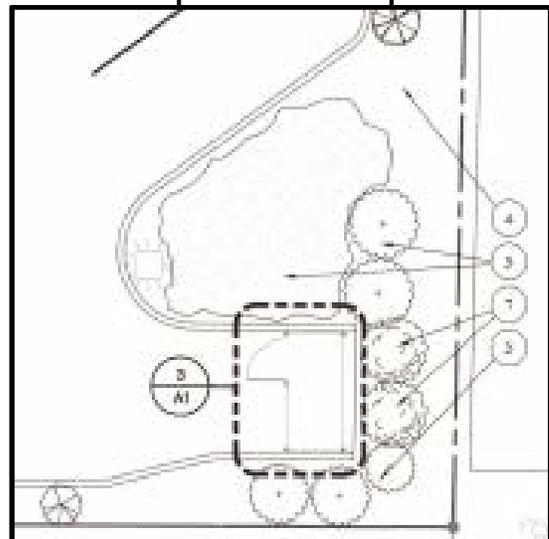
**FINDING: SATISFIED.** The proposed project is a remodel to a commercial bank branch located on three street frontages, NE Adams Street, NE Baker Street, and NE 12<sup>th</sup> Street. Mature landscaping from a previously approved landscape plan (L 13-10) exists on site. Generally, the proposed landscape plan preserves the existing mature landscaping throughout the site, and replacement of dead or dying mature plants with the same variety is included in the proposal. The existing landscaping is compatible with the proposed commercial use of the site. Low to medium evergreen planting along Baker and Adams Streets screens parking while allowing visibility into the commercial site. Low ornamental planting with and overhead tree canopy along 12<sup>th</sup> Street provide a pedestrian-scaled environment against the north side of the building. Along the south property line, an evergreen hedge provides screening and buffering of the driveway and site from the adjacent property to the south.

While the existing landscaping is generally being retained and replaced in kind throughout the site, there are two areas where significant changes to the approved landscape plan are proposed. The first area is along Baker Street, where the trash enclosure is located. The enclosure itself is being updated to reflect the materials of the building, and new landscaping is proposed around the enclosure, and new evergreen planting (Laurel) is proposed to fill in gaps in the vegetative hedge obscuring the trash enclosure from view.

**L 13-10 Approved Landscape Plan**



**Proposed Landscape Plan**

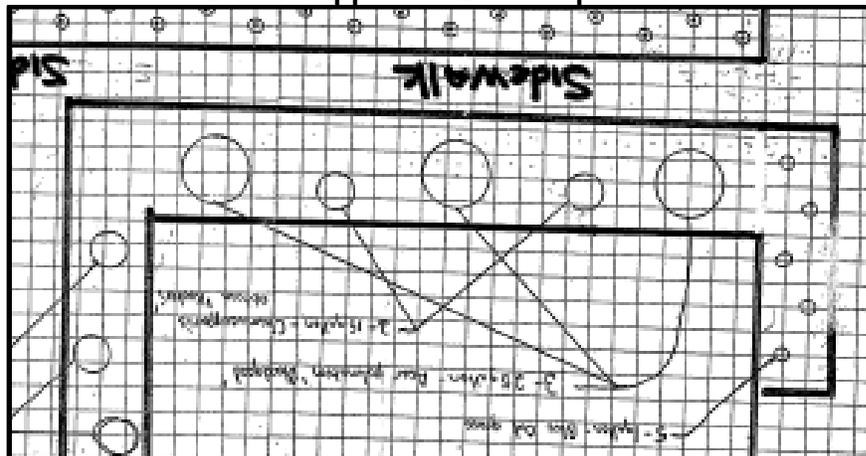


### Existing Trash Enclosure Condition

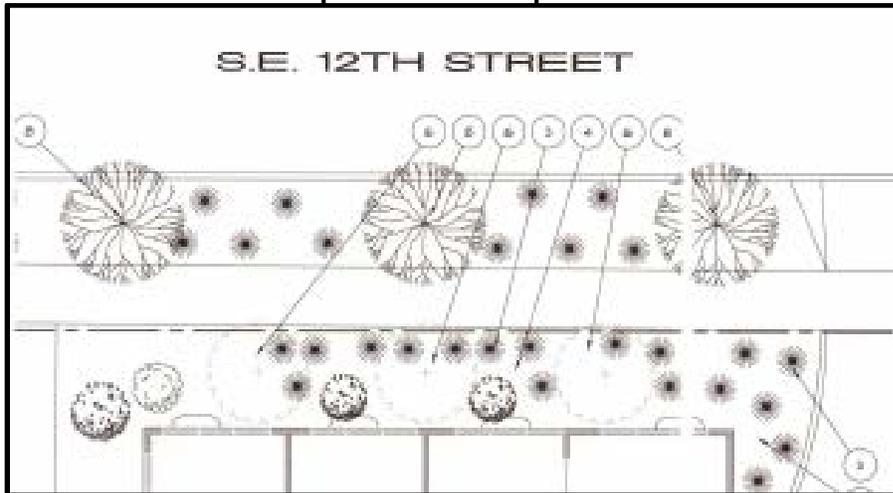


The second area with a significant change from the original landscape plan is the north side of the building, where three (3) mature Japanese Maples are being proposed for removal due to security and visibility concerns. A row of windows along the north side of the building is blocked by the foliage from the trees, limiting visibility in and out of the windows. Additionally, applicant has cited concern over the security of the planting area on the north side of the building. The Bloodgood Maples are small trees, with dark foliage. On the north side of the building, where the planting area is often in shade, it gives the appearance of a dark and insecure space next to pedestrian and vehicular access into the site. The overhead canopy along 12<sup>th</sup> Street is very low due to the adjacent Kwanzan Cherry street trees, and it provides a sense of confinement and enclosure. Because of the perception of an unsafe space and visibility issues the applicant has proposed removing the three (3) Bloodgood Maples without replacement.

### L 13-10 Approved Landscape Plan



### Proposed Landscape Plan



### Existing Planting – 12<sup>th</sup> Street



Overall, the proposed changes to the landscape appear to be compatible with the proposed use, and the abutting properties.

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

**APPLICANT’S RESPONSE:** The applicant did not provide a written response in the application.

**FINDING: SATISFIED.** The proposed use on the subject site is a commercial banking branch, and it is not appropriate to screen the entire use. Parking areas on the east and west sides of the site are screened by mature evergreen plantings, as approved in the original landscape plan (L 13-10). Dead or dying existing plants will be replaced in kind to continue to provide low screening of the parking areas.

Required screening of the solid waste enclosure is proposed. New laurel shrubs are proposed to be planted between the trash enclosure and the Baker Street right-of-way, providing evergreen screening.

**17.57.070(B)(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.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response in the application.

**FINDING: SATISFIED.** There are eight (8) existing trees within the site and an additional four (4) street trees adjacent to the property identified on the landscape plan. Five (5) trees within the site are proposed to remain, as are the four (4) street trees. The three (3) trees proposed for removal are small Bloodgood Japanese Maples, approximately 2.5 inch caliper, on the north side of the property, between the building and the sidewalk. The application proposes removing those trees to improve site security and visibility.

**Existing Planting – 12<sup>th</sup> Street**



A row of windows along the north side of the building is blocked by the foliage from the trees, limiting visibility in and out of the windows. Additionally, applicant has cited concern over the security of the planting area on the north side of the building. The Bloodgood Maples are small trees, with dark foliage. On the north side of the building, where the planting area is often in shade, it gives the appearance of a dark and insecure space next to pedestrian and vehicular access into the site. The overhead canopy along 12<sup>th</sup> Street is very low due to the adjacent Kwanzan Cherry street trees, and it provides a sense of confinement and enclosure. Because of the perception of an unsafe space and visibility issues the applicant has proposed removing the three (3) Bloodgood Maples without replacement.

**17.57.070(B)(4).** *The development and use of islands and plantings therein to break up parking areas.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response in the application.

**FINDING: SATISFIED.** The proposed site work for the remodel of the building does not include alteration to any of the existing parking areas within the site. Existing planting areas around the existing parking are going to be retained, and dead or dying plant material will be replaced with new plants. Existing trees at the ends of the parking aisles provide shade, screening and buffering to the existing parking areas.

**17.57.070(B)(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.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response in the application.

**FINDING: SATISFIED WITH CONDITION 2.** Street trees were required in a condition of approval for the original approved landscape plan (L 13-10). Kwanzan cherry trees were required in the planter strip along NE 12<sup>th</sup> Street. Street trees were not required along Adams and Baker Streets, where the sidewalks are curb-tight and no planter strips exist. The easternmost street tree on 12<sup>th</sup> Street has been removed.

**Existing Street Trees – 12<sup>th</sup> Street**



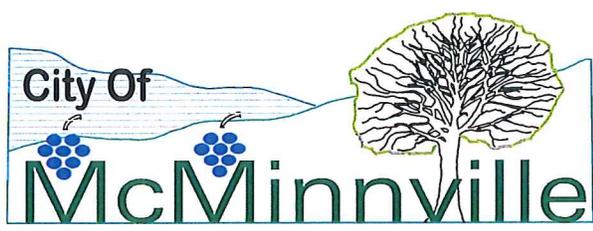
Staff recommends a condition of approval to require a Kwanzan cherry street tree be planted in the easternmost planter strip along NE 12<sup>th</sup> Street between Adams and Baker to replace the street tree required in the original approved landscape plan (L 13-10).

**17.57.070(B)(6).** *Suitable watering facilities or irrigation systems must be included in or near all planted areas.*

**APPLICANT’S RESPONSE:** The applicant did not provide a written response in the application.

**FINDING: SATISFIED.** The proposed landscape plan indicates that an existing irrigation system would be modified to accommodate new plantings and changes to the paving/landscape area borders.

JF



Planning Department  
231 NE Fifth Street o McMinnville, OR 97128  
(503) 434-7311 Office o (503) 474-4955 Fax  
[www.ci.mcminnville.or.us](http://www.ci.mcminnville.or.us)

<b>Office Use Only:</b>	
File No.	<u>L7-19</u>
Date Received	<u>3-18-19</u>
Fee	<u>801.35</u>
Receipt No.	<u>200170</u>
Received by	<u>[Signature]</u>

## Landscapes Plan Review Application

### Applicant Information

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

Applicant Name Ryan Dettit Phone 541-250-1114

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_  
*(If different than above)*

Address ~~170 NE 12TH ST~~ PO BOX 1082

City, State, Zip McMinnville, OR 97128 Corvallis, OR 97339

Contact Email ryandettit ryand@gerdingbuilders.com

### Property Owner Information

Property Owner Name Oregon State Credit Union Phone 541-714-4012  
*(If different than above)*

Contact Name Priscilla Rietmann Phone 541-714-4012

Address 4800 SW RESEARCH WAY

City, State, Zip Corvallis, OR 97333

Contact Email PRietmann@oregonstatecu.com

### Site Location and Description

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

Property Address 170 NE 12TH ST, McMinnville, OR 97128

Assessor Map No. R4 417 DD 41-7D-D 19600 Total Site Area \_\_\_\_\_

Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot 19800

Comprehensive Plan Designation Com Zoning Designation C-3

**Landscaping Information**

- 1. Total Landscaped Area: \_\_\_\_\_
- 2. Percent Landscaped: \_\_\_\_\_
- 3. Building Floor Area:  
New Structure: \_\_\_\_\_ Existing Structure: 2,820' Addition: \_\_\_\_\_
- 4. Architect Name Benchmark Architectural Phone 541-704-0619  
*(Landscape Architect; Engineer; or Other Designer)*  
Contact Name Gary Day Phone 541-704-0619  
Address 2897 Firwood Pl S.E  
City, State, Zip Albany, OR 97322  
Contact Email benchmark@proaxis.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.**

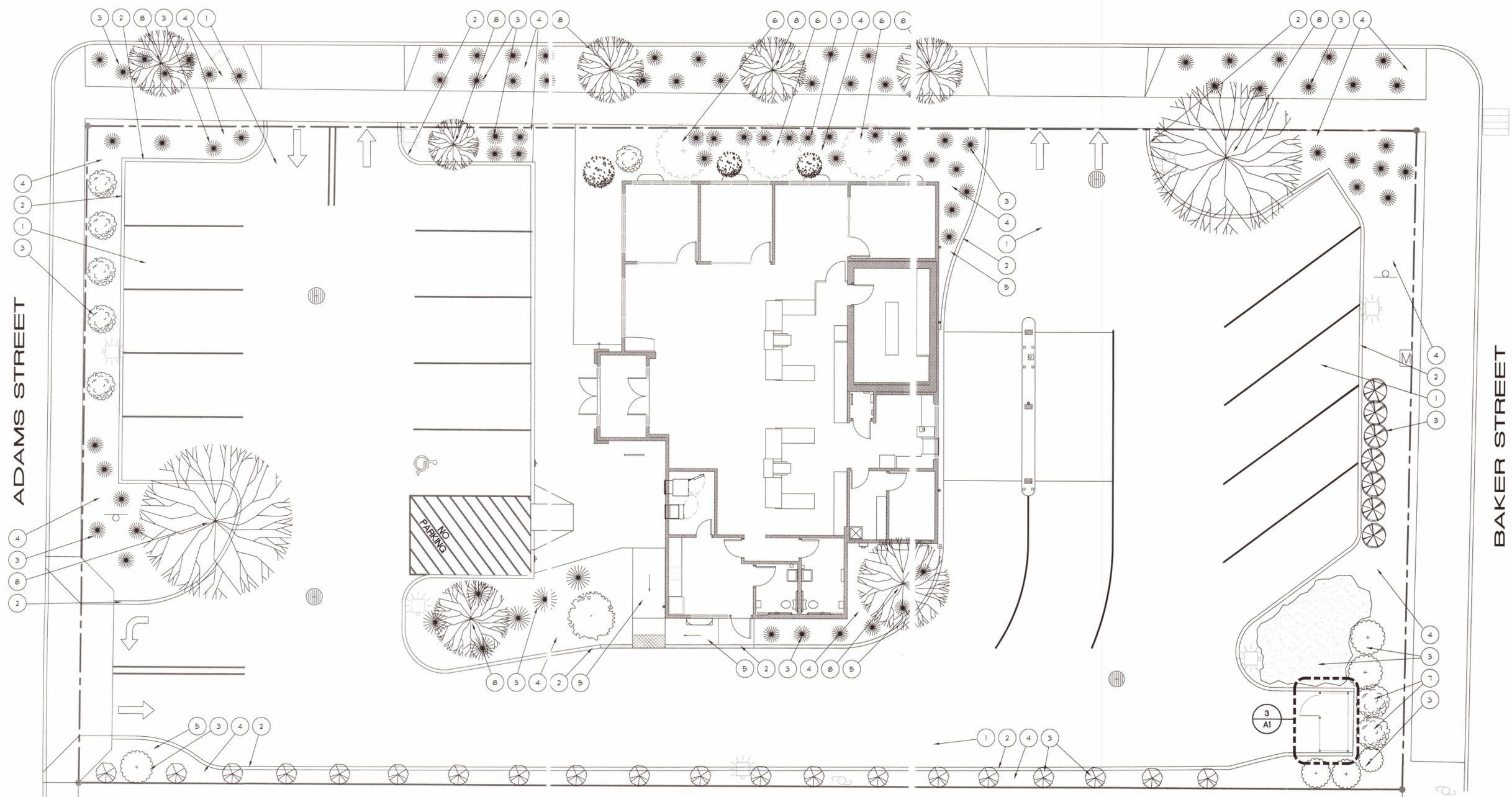
  
Applicant's Signature

3-18-19  
Date

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

S.E. 12TH STREET



1 LANDSCAPE PLAN  
 L1 1/8" = 1'-0"

LANDSCAPE PLAN NOTES:

1. AC PAVEMENT
2. CAST-IN-PLACE CONCRETE CURB EXTRUDED CONCRETE CURB
3. EXISTING LANDSCAPE AREA. REMOVE DEAD AND DISEASED PLANTS AND REPLACE WITH SAME PLANT OF EQUAL OR LARGER SIZE.
4. PROVIDE 2" NEW BARK MULCH COVER OF ALL LANDSCAPE AREAS INCLUDING PARKING STRIP ON ADJACENT PUBLIC RIGHT-OF-WAY
5. MODIFY EXISTING IRRIGATION SYSTEM AS NECESSARY TO ACCOMMODATE NEW PLANTINGS AND CHANGES TO PAVING/LANDSCAPE AREA BORDERS. ALL IRRIGATION UNDER NEW CONCRETE WALKWAYS SHALL BE ENCASED IN 2" DIA. ABS PIPE SLEEVES.
6. REMOVE (3) EXISTING TREES (APPROX. 2 1/2" CALIFER) TO IMPROVE SITE SECURITY AND VISIBILITY
7. PROVIDE (2) 5 GALLON COMPACT LAUREL SHRUBS TO SCREEN EXPOSED TRASH ENCLOSURE.
8. EXISTING TREE TO BE MAINTAINED



City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## EXHIBIT 4 - STAFF REPORT

**DATE:** May 15, 2019  
**TO:** Landscape Review Committee Members  
**FROM:** Jamie Fleckenstein, Associate Planner  
**SUBJECT:** Street Tree Removal Application (L 8-19)

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

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### Report in Brief:

An application to remove one (1) street trees (L 8-19) to be reviewed by the Landscape Review Committee.

### Background:

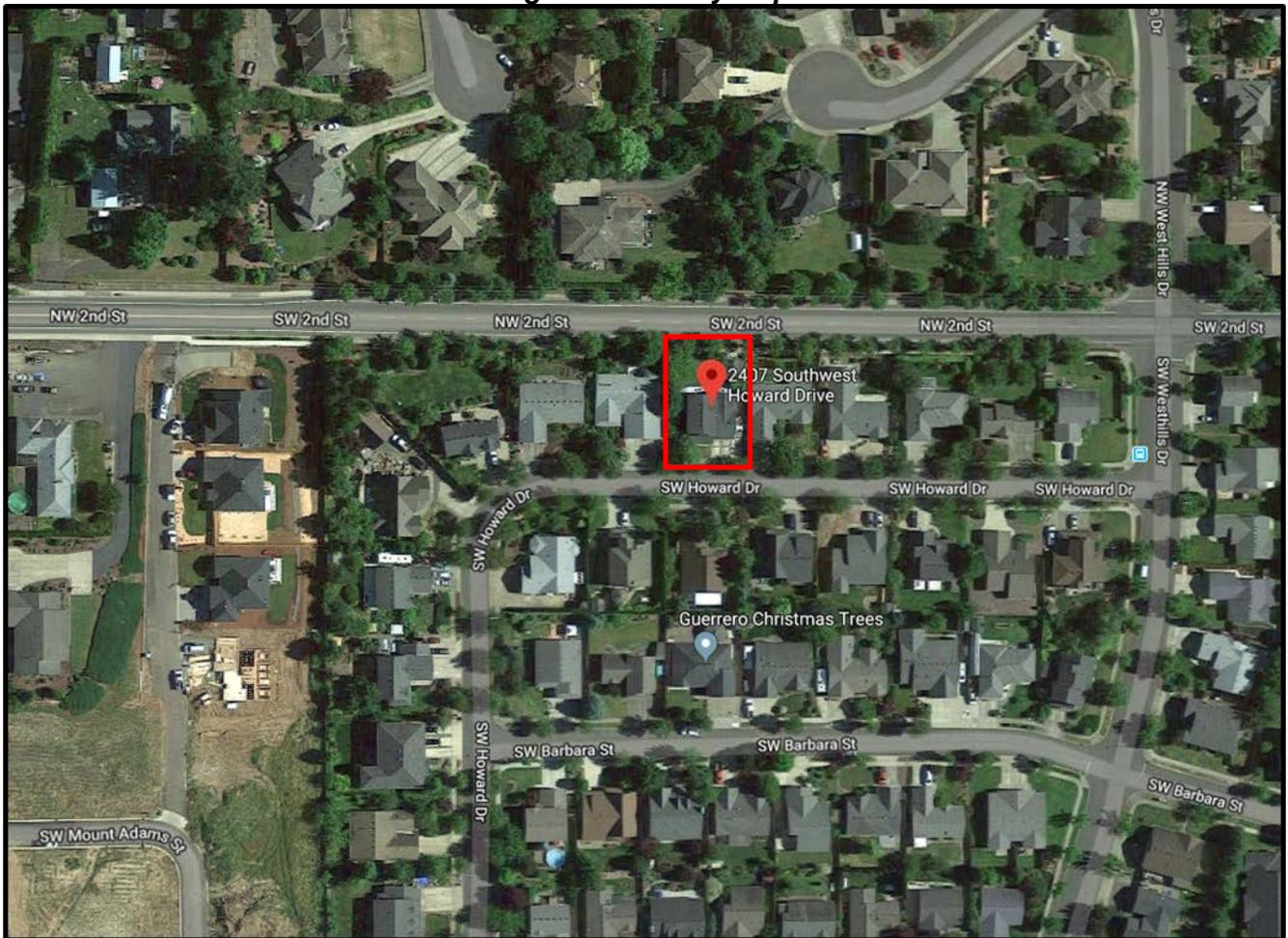
The applicant and adjacent property owners, Ryan & Stephanie Findley, submitted a street tree removal application to remove one (1) street trees from the right-of-way adjacent to the property at 2407 SW Howard Drive. The subject property is more specifically described as Tax Lot 3200, Section 19CA, T. 4. S., R. 4 W., W.M. The subject property is located on SW Howard Drive within the Hillsdale subdivision. A street tree plan (L 16-01) for the subdivision was approved in 2001. **See Figure 1: Vicinity Map, and Figure 2: Hillsdale Street Tree Plan.**

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### 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 2407 SW Howard Drive

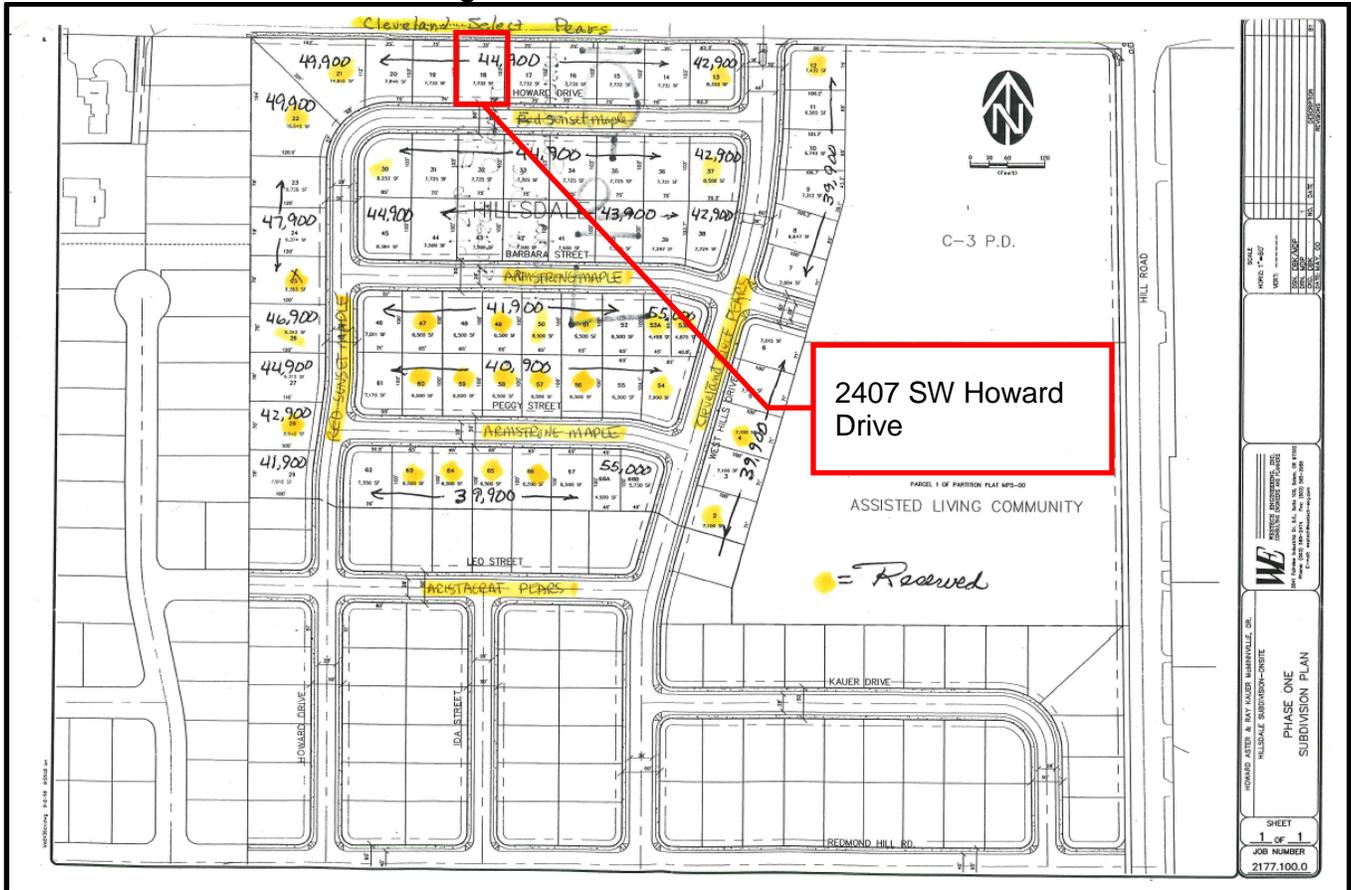
**Figure 1: Vicinity Map**



**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 2407 SW Howard Drive

Figure 2: Hillsdale Street Tree Plan



**Discussion:**

**Summary of Criteria & Issues:**

The application is subject to review criteria in Section 17.58.050 of the McMinnville Zoning Ordinance, which states that a permit for tree removal shall be granted if a tree is found to be unsafe, dead or diseased; in conflict with public improvements; or part of an approved development project, public improvement project, or street tree improvement program.

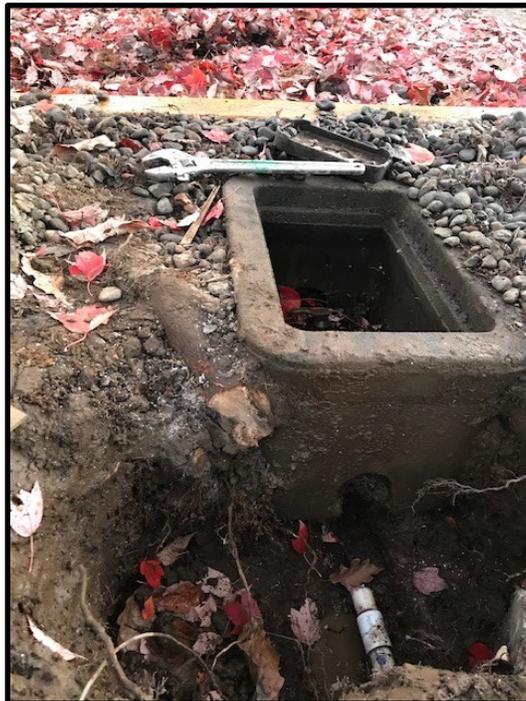
The applicant has requested the removal of one (1) street tree due to conflict with public improvements. The tree is a maple variety (*Acer rubrum* var.) and is approximately 14 inches DBH (diameter at breast height). The tree appears to be in good health and condition, though it exhibits extensive surface rooting. The tree is located in a five (5) foot wide planter strip between the curb and sidewalk, in close proximity to a fire hydrant and two (2) water meters.

**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 2407 SW Howard Drive



The street tree requested for removal is planted less than two (2) feet away from the water meter serving the property. The City street tree standard is 10 feet minimum spacing from a water meter. Surface roots from the tree have previously damaged the water service to the property.



The street tree is also planted less than five (5) feet away from a fire hydrant located in the same planter strip. The City street tree standard is 10 feet minimum spacing from a fire hydrant.

The street tree is also planted within five (5) feet of the driveway approach. The City street tree standard is 5 feet minimum spacing from a private driveway.

City staff also noted that there is a disruption in the sidewalk surface adjacent to the tree greater than ¼", presumably from the extensive surface rooting. The application acknowledges that damage to the sidewalk will need to be repaired.

---

*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 2407 SW Howard Drive*



After applying City street tree spacing standards to the water meters, fire hydrant, and driveway, there is not sufficient room to plant a replacement street tree in or near this same location. A planter strip adjacent to the property on the opposite side of the driveway already has a street tree planted in it, and would not have room to accommodate an additional street tree. Therefore, a replacement tree is not recommended.

**Fiscal Impact:**

None.

**Landscape Review 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.

**Staff Recommendation:**

Staff has reviewed the application for consistency with the applicable criteria. Staff finds that, subject to the recommended conditions specified in the attached Decision Document, the application submitted by the applicant contains sufficient evidence to find the applicable criteria are satisfied.

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*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 2407 SW Howard Drive*

Staff **RECOMMENDS APPROVAL** of the application, subject to the conditions specified in the attached Decision Document.

**Suggested Motion:**

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE STREET TREE REMOVAL APPLICATION L 8-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

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*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 2407 SW Howard Drive*



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

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A STREET TREE REMOVAL AT 2407 SW HOWARD DRIVE**

- DOCKET:** L 8-19 (Street Tree Removal)
- REQUEST:** Approval to remove 1 street tree from the right-of-way adjacent to the subject property.
- LOCATION:** 2407 SW Howard Drive (Tax Lot 3200, Section 19CA, T. 4. S., R. 4 W., W.M.)
- ZONING:** R-2 PD (Single-family Residential Planned Development).
- APPLICANT:** Ryan & Stephanie Findley, property owners.
- STAFF:** Jamie Fleckenstein, PLA, Associate Planner
- DATE DEEMED COMPLETE:** April 18, 2019
- HEARINGS BODY & ACTION:** McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.
- HEARING DATE & LOCATION:** May 15, 2019, Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon
- PROCEDURE:** Any street tree removal is subject to review in accordance with procedures specified in Chapter 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. Their comments are provided in this document. 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 conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the street tree removal (L 8-19) **subject to the conditions of approval provided in this document.**

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

Planning Staff: \_\_\_\_\_  
Jamie Fleckenstein, Associate Planner

Date: May 15, 2019

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: May 15, 2019

**I. APPLICATION SUMMARY:**

***Subject Property & Request***

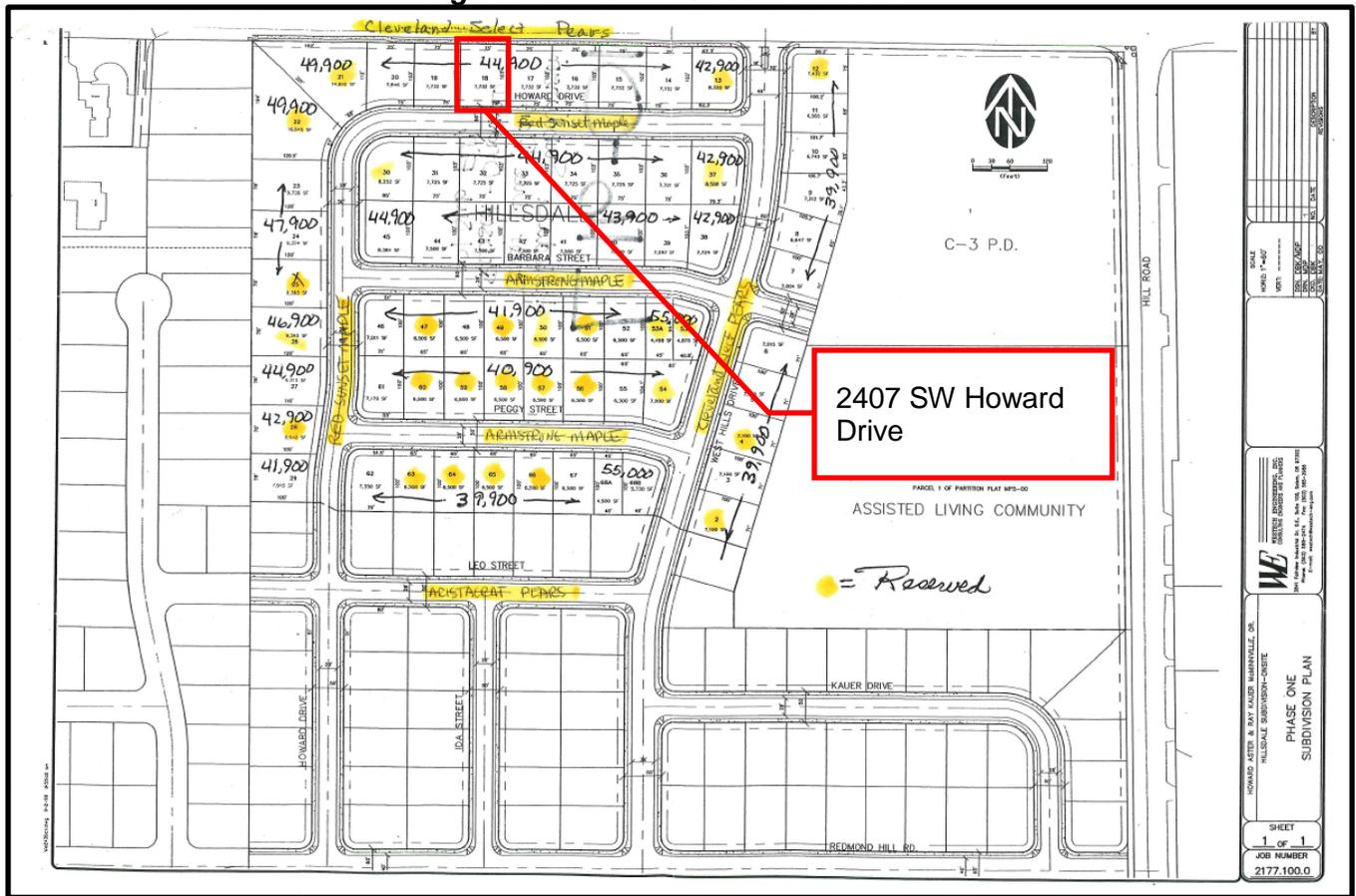
The application requests the removal of one (1) street tree from the right-of-way adjacent to the subject property. The application does not indicate if a replacement tree is proposed. Removal of a tree within the public right-of-way requires City approval.

The subject property is located at 2407 SW Howard Drive within the Hillsdale subdivision. A street tree plan (L 16-01) for the subdivision was approved in 2001. **See *Figure 1: Vicinity Map, and Figure 2: Hillsdale Street Tree Plan.***

**Figure 1: Vicinity Map**



Figure 2: Hillsdale Street Tree Plan



**Summary of Criteria & Issues**

The application is subject to review criteria in Section 17.58.050 of the McMinnville Zoning Ordinance, which states that a permit for tree removal shall be granted if a tree is found to be unsafe, dead or diseased; in conflict with public improvements; or part of an approved development project, public improvement project, or street tree improvement program.

The applicant has requested the removal of one (1) street tree due to conflict with public improvements. The tree is a maple variety (*Acer rubrum var.*) and is approximately 14 inches DBH (diameter at breast height). The tree appears to be in good health and condition, though it exhibits extensive surface rooting. The tree is located in a five (5) foot wide planter strip between the curb and sidewalk, in close proximity to a fire hydrant and two (2) water meters.

The street tree requested for removal is planted less than two (2) feet away from the water meter serving the property. The City street tree standard is 10 feet minimum spacing from a water meter. Surface roots from the tree have previously damaged the water service to the property.

The street tree is also planted less than five (5) feet away from a fire hydrant located in the same planter strip. The City street tree standard is 10 feet minimum spacing from a fire hydrant.

The street tree is also planted within five (5) feet of the driveway approach. The City street tree standard is 5 feet minimum spacing from a private driveway.

City staff also noted that there is a disruption in the sidewalk surface adjacent to the tree greater than ¼", presumably from the extensive surface rooting. The application acknowledges that damage to the sidewalk will need to be repaired.

After applying City street tree spacing standards to the water meters, fire hydrant, and driveway, there is not sufficient room to plant a replacement street tree in or near this same location. A planter strip adjacent to the property on the opposite side of the driveway already has a street tree planted in it, and would not have room to accommodate an additional street tree. Therefore, a replacement tree is not recommended.

## **II. CONDITIONS:**

1. That all costs and liability associated with tree removal and stump grinding 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 the applicant shall complete the tree removal within six (6) months of this approval notification, or November 15, 2019.
5. That the applicant shall contact the McMinnville Engineering Department at (503) 472-7312 for a sidewalk inspection to assess the need for sidewalk repairs.

## **III. ATTACHMENTS:**

1. L 8-19 Application and Attachments (on file with the Planning Department)

## **IV. 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 tree in question is a maple about 8" DBH.
2. The tree is planted in 5 foot planter strip between the curb and sidewalk, with non-irrigated bark mulch as ground cover.
3. There are no overhead facility conflicts.
4. There is no overhead power conflict
5. The tree is about 3 feet from the adjacent driveway approach, and less than 2 feet from the adjacent water meter and less than 5 feet from the adjacent fire hydrant.
6. The tree displays significant surface rooting that has impacted the meter box, and per the resident, the water supply line to the property.
7. There is one surface discontinuity greater than ¼", adjacent to the tree.
8. There is no obvious health or structural issue that would require the tree's removal.

**Recommendations**

1. Given the shallow rooting of the trees, the sidewalk damage observed, the water line disruption and the proximity to the driveway approach and water meter, staff recommends approval of this request.
2. Given the constraints of the planting site and the lack of available planting space in the planter strip to the west, staff recommends that no replacement tree be required.
3. Suggested conditions of approval:
  - a. Applicant to be responsible for all costs related to removal.
  - 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.
  - c. Applicant to call for a utility locate prior to removal and planting. As a note, applicant should be informed that upon request, utility locates can be flagged without marking up hard surfaces.
  - d. Applicant to contact Engineering (503-434.7312) for a sidewalk inspection to assess the need for sidewalk repairs.

- **McMinnville Water and Light:**

Regarding the above street tree removal request; see comments below:

- Water service and water meter located by the tree. Use extreme caution when working around these facilities. If anything gets damages, please call McMinnville Water & Light immediately. Call for locates (dial 811) for all underground utilities prior to removing the trunk and roots. This is a free service and the law. They will contact the proper utility companies. If you do damage any facilities, please contact MW&L immediately at 503-472-6158.
- No comments from power.

**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 public notification. No public comments were received prior to the Planning Director's decision.

**V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. Ryan & Stephanie Findley, adjacent property owners, submitted the Street Tree Removal Permit application on December 4, 2018.
2. The application was deemed complete on April 18, 2019.
3. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
4. 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 public notification. No public comments were received prior to the public meeting.
5. A public meeting was held by the Landscape Review Committee on May 15, 2019 to review the application and proposed street tree removal request.

**VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** 2407 SW Howard Drive (Tax Lot 3200, Section 19CA, T. 4. S., R. 4 W., W.M.)
2. **Size:** 7,320 sf (0.168 acres)
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 PD (Single-family Residential Planned Development)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Existing single-family dwelling
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None.
  - b. **Other:** None identified.
8. **Other Features:** Five (5) foot wide planter strip with one (1) mature street tree, one (1) fire hydrant, and two (2) water meters
9. **Utilities:**
  - a. **Water:** The property is served by a water main in SW Howard Drive. The treatment plant has sufficient treatment capacity.
  - b. **Sewer:** The property is served by an 8" sewer main in SW Howard Drive. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
  - c. **Stormwater:** Storm water in SW Howard Drive is conveyed by curb and gutter to a catch basin and storm drain in SW Howard Drive. The proposal doesn't increase impervious site area.
  - d. **Other Services:** Overhead utilities are not present on either side of SW Howard Drive.
10. **Transportation:** SW Howard Drive is classified as a Local Neighborhood Street in the Transportation System Plan (TSP). The existing right-of-way is 50 feet wide. The street is improved with curb and gutter, sidewalk, and planter strip on both sides of the street. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Street Tree Removal Permit are specified in Section 17.58.050 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

### **Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans,

which are sufficient to adequately address applicable goals, polices, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

**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.*

**APPLICANT'S RESPONSE:** The applicant did not address this in the application.

**FINDING: SATISFIED.** The removal and replacement of the subject tree in the SW Howard Drive right-of-way would improve the safety of the pedestrian way and the livability of the surrounding area. Surface roots of the trees are impacting and lifting the adjacent sidewalk, creating a tripping hazard in the pedestrian way that will continue to worsen as the tree roots grow. Removal of the trees and the subsequent correction of the lifted sidewalk panels and would create a safer pedestrian environment by removing a current and future tripping hazard. The removal of the street tree would also address the livability of the area by removing a tree that could negatively impact the delivery of basic public utility and safety services to the area.

**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.*

**APPLICANT'S RESPONSE:** The applicant did not provide a response in the application.

**FINDING: 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 Zoning Ordinance**

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

#### **17.58.040 Tree Removal/Replacement.**

**17.58.040(D).** *Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city [...]*

**APPLICANT'S RESPONSE:** The applicant did not provide a response in the application.

**FINDING: SATISFIED.** The approved street tree plan for the Hillsdale subdivision identifies *Acer rubrum* (Red Maple) as the approved street tree for the SW Howard Drive right-of-way adjacent to

the subject property. However, two (2) water meters and one (1) fire hydrant are located within the existing planter strip between the private driveway approaches that border the east and west edges of the planter area.



After applying City street tree spacing standards from the water meters (10 feet), the fire hydrant (10 feet), and the bounding driveway approaches (five feet), there would be insufficient space in the planter strip for a replacement tree. A second planter strip to the west adjacent to the subject property has street trees planted in it. Therefore, there are no planter strips adjacent to the subject property with sufficient space to accommodate a replacement tree in addition to the existing street trees. Staff finds that a replacement street tree would not be appropriate for this location and situation.

**17.58.040(G).** *Other conditions may be attached to the permit approval by the Landscape Review Committee as deemed necessary.*

**APPLICANT'S RESPONSE:** The applicant did not provide a response in the application.

**FINDING: SATISFIED WITH CONDITIONS 1, 2, 3, 4, & 5.** Additional conditions would be attached to the permit approval to ensure that the tree removal is completed to applicable City specifications and standards found in Sections 17.58.040 (Tree Removal/Replacement) and 17.58.090 (Street Tree Standards) of the McMinnville Zoning Ordinance. A condition would also be added to require a sidewalk inspection to the damaged sidewalk to be repaired or replaced.

**17.58.050 Review Criteria.**

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

**17.58.050(B).** *The tree is in conflict with public improvements.*

**APPLICANT'S RESPONSE:** Root system is damaging property, water lines, and is also next to a fire hydrant. Property currently being damaged is the sidewalk, the water line was broken from a large root which caused a significant water leak. We've paid for repair and about \$250 in water charges so far. We will also have to pay to repair the sidewalk. We did not plant this tree and we certainly would never have planted one so close to the hydrant or water line.

**FINDING: SATISFIED.** The applicant has provided evidence of the damage that has been caused by tree roots to the sidewalk adjacent to the property, and to the water service in the planter strip. Tree roots have previously broken the water line serving the property, and have begun to lift the adjacent sidewalk panels.



The tree exhibits large surface roots and a shallow root system, suggesting that the damage to the sidewalk and public improvements will continue and worsen over time as the trees and roots grow. The tree does not meet current tree planting standards because it is closer than five (5) feet to a driveway approach, and closer than ten (10) feet to a fire hydrant and two (2) water meters. Therefore, the street tree removal request satisfies this criterion, as the tree is in conflict with public improvements adjacent to the subject property.

JF

569-19-000132-PLNG



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

Office Use Only:
File No. L8-19
Date Received 12/4/18
Fee
Receipt No. n/a
Received by JAF

Street Tree Removal

Applicant Information

Applicant is: [X] Property Owner [ ] Contract Buyer [ ] Option Holder [ ] Agent [ ] Other

Applicant Name Ryan and Stephanie Findley Phone 503-435-7049

Contact Name Phone 503-435-7055
(If different than above)

Address 2407 SW Howard Dr

City, State, Zip McMinnville, OR 97128

Contact Email rainberrymedia@gmail.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 2407 SW Howard Dr. McMinnville, OR 97128

(Property nearest to tree(s) for removal)
Assessor Map No. R4 419 - CA - 03200 Total Site Area 7320 sqft

Subdivision Hillsdale Block Lot 18

Comprehensive Plan Designation R-2 Zoning Designation R-2 PD

**Additional Information**

1. How many trees are requested for removal? 1
2. What type (species) of tree(s) are they? Maple?
3. What is the diameter of the tree(s), measured four feet above ground level? 14"
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. Root system is damaging property, water lines, and is also next to a fire hydrant. Property currently being damaged is the sidewalk, the water line was broken from a large root which caused a significant water leak. We've paid for repair and about \$250 in water charges so far. We will also have to pay to repair the sidewalk. We did not plant this tree and we certainly would never have planted one so close to the hydrant or water line.

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

12/04/2018  
Date

\_\_\_\_\_  
Property Owner's Signature

12/04/2018  
Date

**Additional Information**

1. How many trees are requested for removal? 1
2. What type (species) of tree(s) are they? Maple?
3. What is the diameter of the tree(s), measured four feet above ground level? 14"
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.  
Root tree damaging property, water lines and  
is next to a fire hydrant.

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.

Stephanie Findley  
Applicant's Signature

11.29.18  
Date

Stephanie Findley  
Property/Owner's Signature

11.29.18  
Date

## Jamie Fleckenstein

---

**From:** Rain Berry Media <rainberrymedia@gmail.com>  
**Sent:** Saturday, November 24, 2018 2:41 PM  
**To:** Jamie Fleckenstein  
**Subject:** Re: Street Tree and Sidewalk Issues

I'll be sending my application for tree removal in soon but wanted to send you these photos in the meantime.  
Stephanie





## Jamie Fleckenstein

---

**From:** Rain Berry Media <rainberrymedia@gmail.com>  
**Sent:** Tuesday, December 4, 2018 2:06 PM  
**To:** Jamie Fleckenstein  
**Subject:** 2407 SW Howard Dr tree removal request  
**Attachments:** [Street\\_Tree\\_Removal Fillable PDF copy.pdf](#)

Photos sent in a prior email. Please see signatures from forms sent previously

Application for Street Tree Removal sent  
via email on 12/4/18 prior to Fee  
Increases - no fee for this application  
required, as permit application was not  
processed at that time.

JAF  
4.8.19













City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## EXHIBIT 5 - STAFF REPORT

**DATE:** May 15, 2019  
**TO:** Landscape Review Committee Members  
**FROM:** Jamie Fleckenstein, Associate Planner  
**SUBJECT:** Street Tree Removal Application (L 9-19)

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

---

### Report in Brief:

An application to remove one (1) street trees (L 9-19) to be reviewed by the Landscape Review Committee.

### Background:

The applicant and adjacent property owner, Rick Grenz, submitted a street tree removal application to remove one (1) street trees from the right-of-way adjacent to the property at 598 NE Jade Street. The subject property is more specifically described as Tax Lot 200, Section 22DC, T. 4. S., R. 4 W., W.M. The subject property is located on NE Jade Street within the Berkey Estates subdivision. A street tree plan (L 30-07) for the subdivision was approved in 2007. **See Figure 1: Vicinity Map, and Figure 2: Berkey Estates Street Tree Plan.**

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### 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 598 NE Jade Street

Figure 1: Vicinity Map

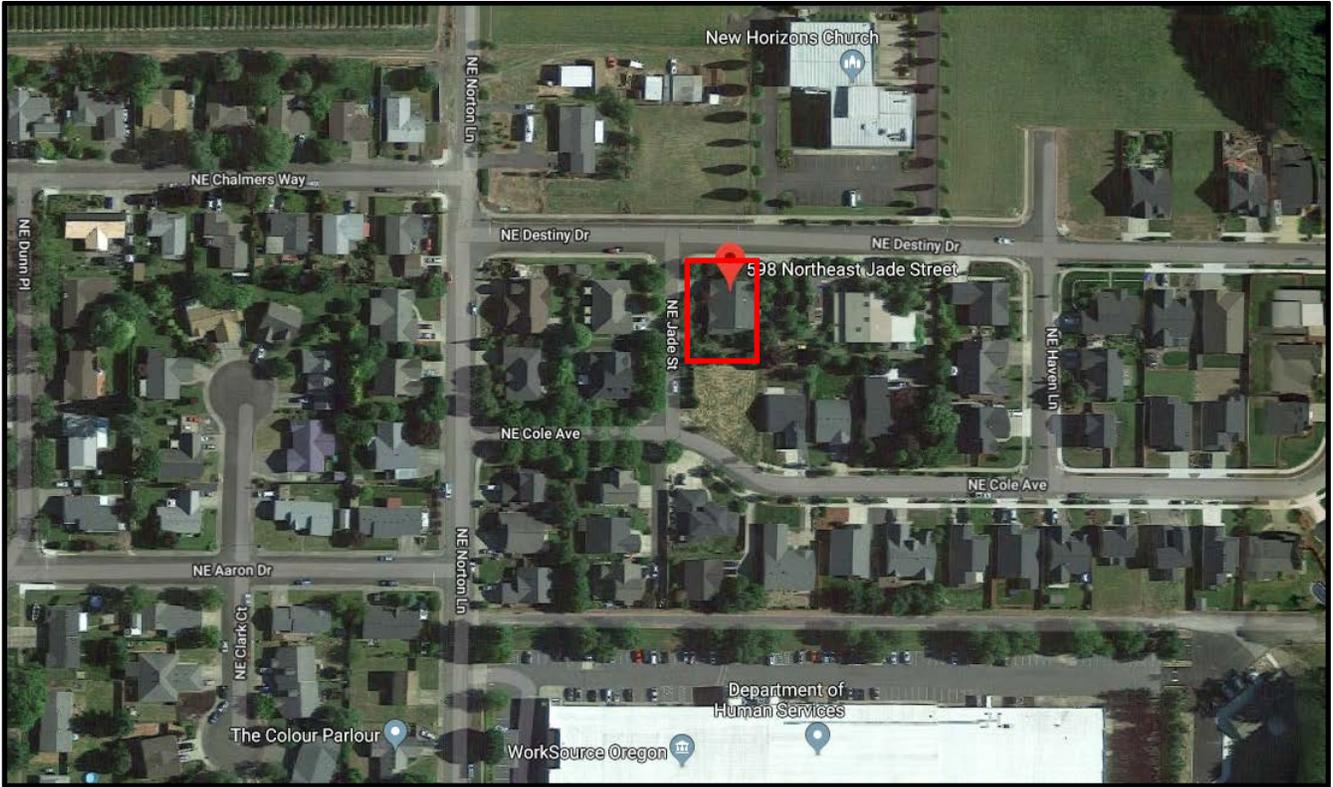
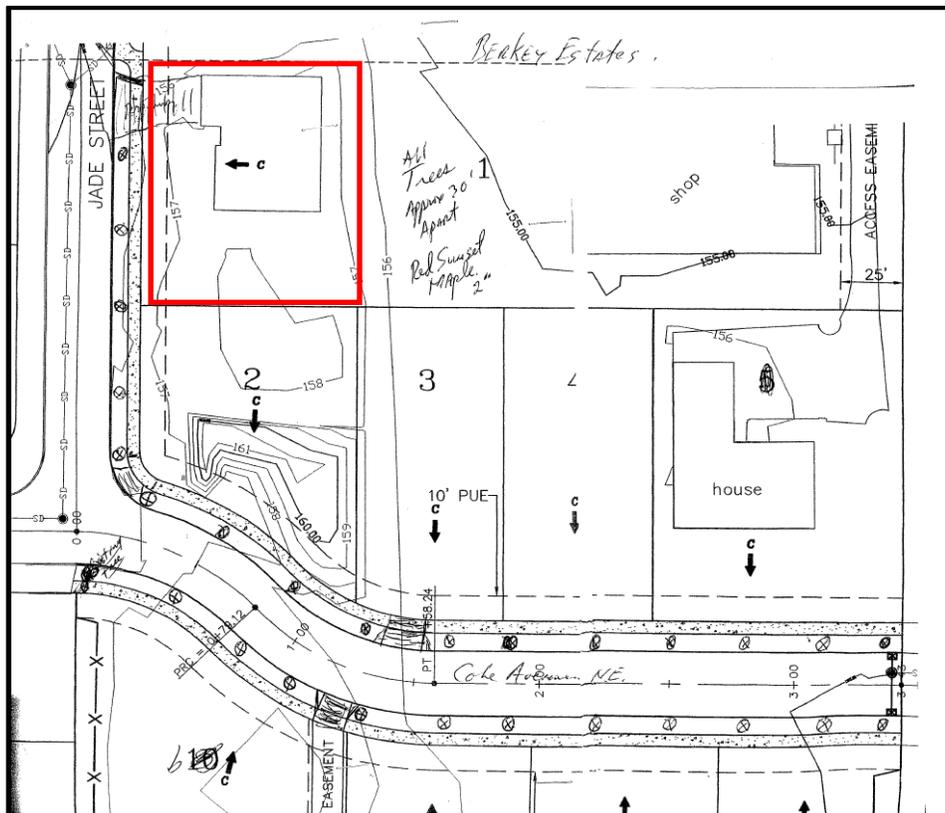


Figure 2: Berkey Estates Street Tree Plan



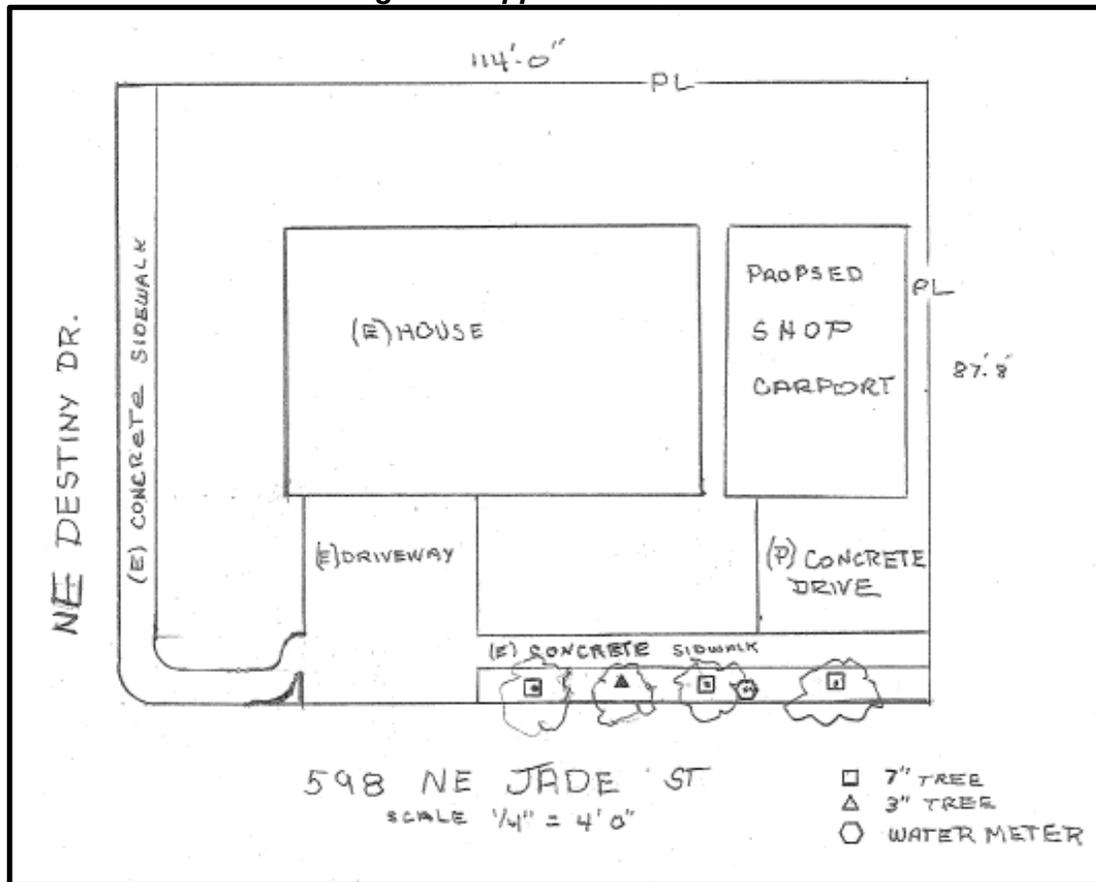
Attachments:  
Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 598 Jade Street

**Discussion:**

**Summary of Criteria & Issues:**

The applicant has requested the removal of one (1) street tree due to conflict with an approved development project. The property owner is proposing to build a new shop building on his property with a second driveway access that would enter the property from Jade Street and access the new structure. **See Figure 3: Applicant's Site Plan.** As part of the development project, the applicant has applied for and received a permit for the construction of a second driveway access to the subject property. The street tree in question is located in the planter strip where the new driveway is proposed.

**Figure 3: Applicant's Site Plan**



The tree is a maple variety (*Acer rubrum var.*) that measures approximately six (6) inches DBH (diameter at breast height). **See Figure 4.** The tree appears to be in good health and condition, though it exhibits some surface rooting. The tree is located in a five (5) foot wide planter strip. Also in the same planter strip is a water meter and three (3) additional street trees, which are spaced approximately 12 feet apart. The northern and southern-most trees of the three (3) are planted approximately six (6) feet from the existing driveway apron and approximately six (6) feet from the proposed driveway apron, respectively. **See Figure 5.**

**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 598 Jade Street

**Figure 4: Street Tree**



**Figure 5: Adjacent Planter Strip Condition**



The street tree requested for removal is planted in the planter strip adjacent to the property where the driveway apron for the proposed driveway would be located. A Public Works permit has been approved, granting the applicant authority to construct a second curb cut and driveway access into the property. Once the proposed driveway apron is installed in place of the planter strip, a replacement tree could not be replanted in the same approximate location. After considering the 12 foot spacing of the nearby street trees, and applying City street tree spacing standards to the water meter and driveways, there is not sufficient room to plant a replacement street tree anywhere in the planter strip along Jade Street adjacent to the property. On the north side of the property, along Destiny Drive, the sidewalk is curb-tight and no

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**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 598 Jade Street*

planter strip exists. Because there is not sufficient space in the Jade Street planter strip and no planter strip exists along Destiny Drive, a replacement tree is not recommended.

**Fiscal Impact:**

None.

**Landscape Review 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.

**Staff Recommendation:**

Staff has reviewed the application for consistency with the applicable criteria. Staff finds that, subject to the recommended conditions specified in the attached Decision Document, the application submitted by the applicant contains sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the application, subject to the conditions specified in the attached Decision Document.

**Suggested Motion:**

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE STREET TREE REMOVAL APPLICATION L 9-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

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*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 598 Jade Street*



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

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A STREET TREE REMOVAL AT 598 NE JADE STREET**

- DOCKET:** L 9-19 (Street Tree Removal)
- REQUEST:** Approval to remove 1 street tree from the right-of-way adjacent to the subject property
- LOCATION:** 598 NE Jade Street (Tax Lot 200, Section 22DC, T. 4. S., R. 4 W., W.M.)
- ZONING:** R-2 PD (Single-family Residential Planned Development)
- APPLICANT:** Rick Grenz, property owner
- STAFF:** Jamie Fleckenstein, PLA, Associate Planner
- DATE DEEMED COMPLETE:** April 18, 2019
- HEARINGS BODY & ACTION:** McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.
- HEARING DATE & LOCATION:** May 15, 2019, Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon
- PROCEDURE:** Any street tree removal is subject to review in accordance with procedures specified in Chapter 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. Their comments are provided in this document. 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 conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the street tree removal (L 9-19) **subject to the conditions of approval provided in this document.**

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

Planning Staff: \_\_\_\_\_  
Jamie Fleckenstein, Associate Planner

Date: May 15, 2019

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: May 15, 2019

**I. APPLICATION SUMMARY:**

***Subject Property & Request***

The application requests the removal of one (1) street tree from the right-of-way adjacent to the subject property. The application does not indicate if a replacement tree is proposed. Removal of a tree within the public right-of-way requires City approval.

The subject property is located at 598 NE Jade Street within the Berkey Estates subdivision. A street tree plan (L 30-07) for the subdivision was approved in 2007. **See Figure 1: Vicinity Map, and Figure 2: Berkey Estates Street Tree Plan.**

**Figure 1: Vicinity Map**

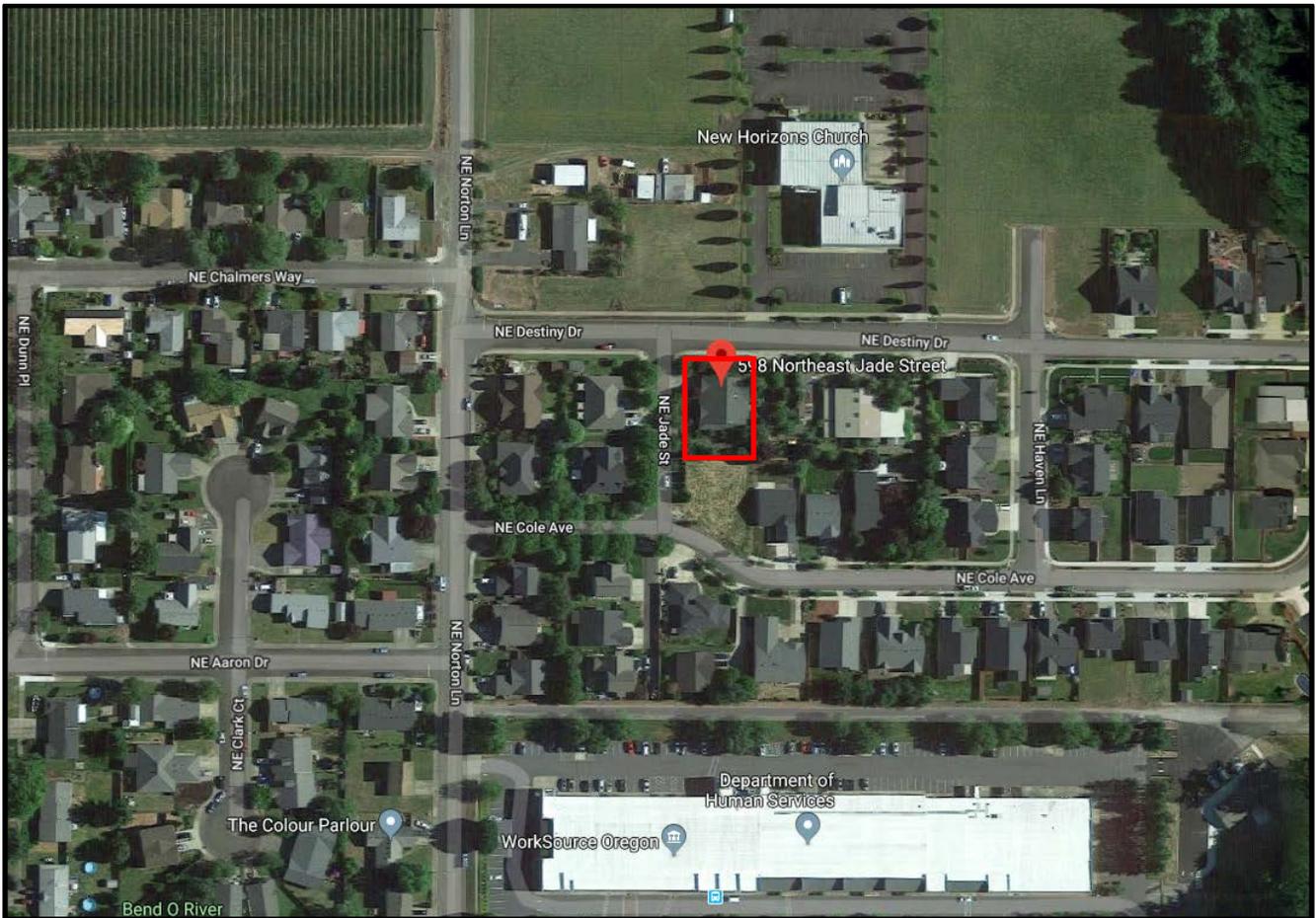
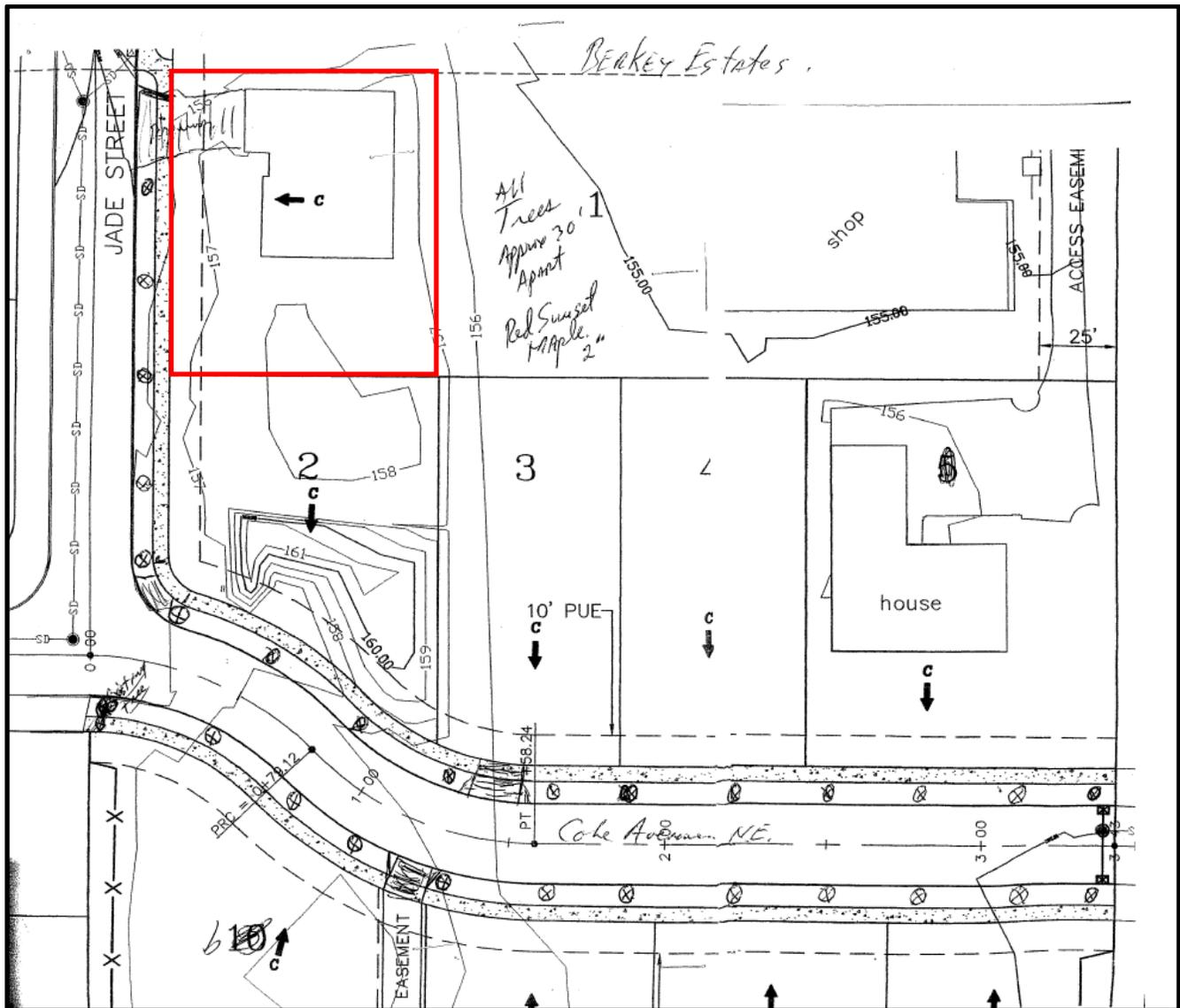


Figure 2: Berkey Estates Street Tree Plan



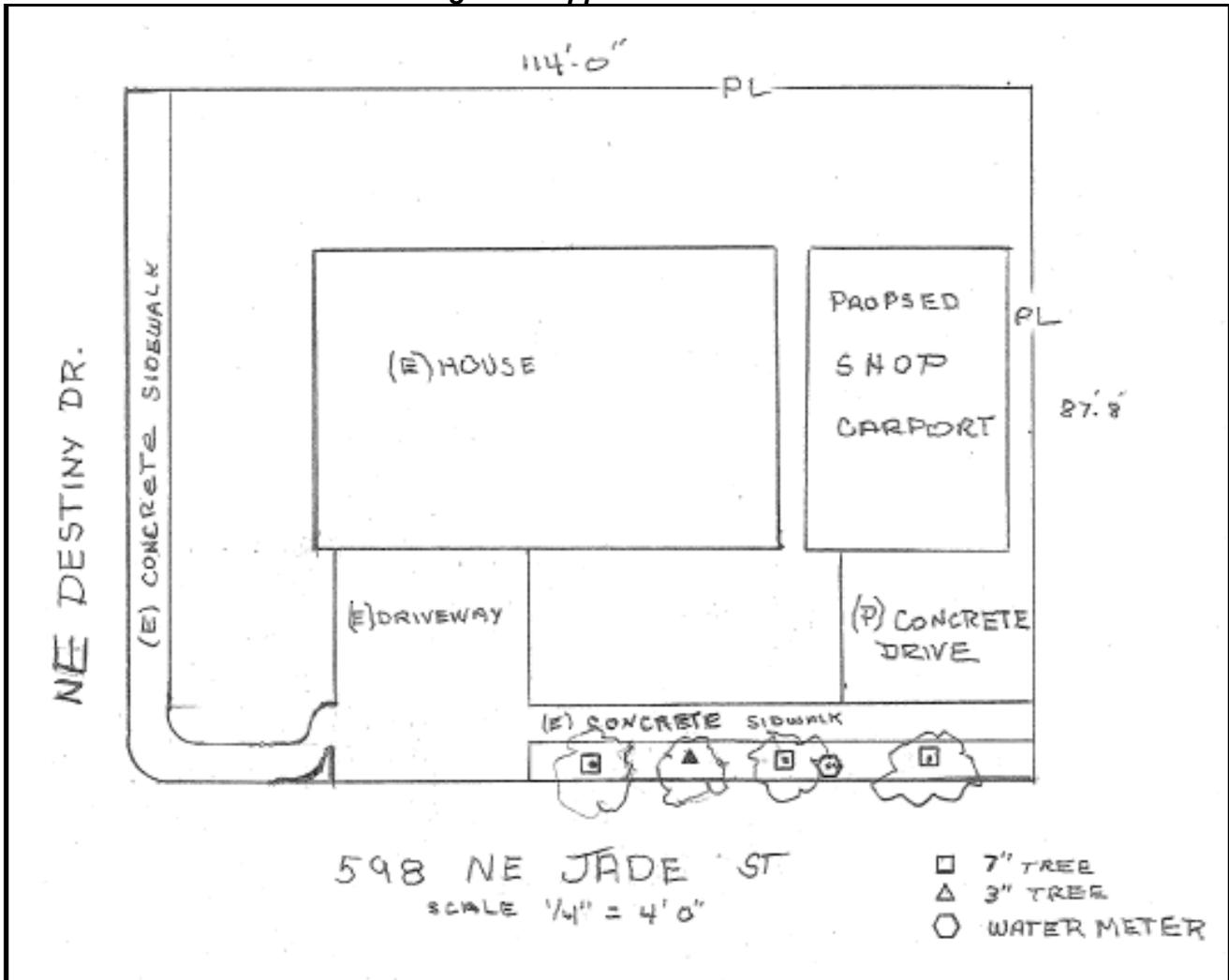
### Summary of Criteria & Issues

The application is subject to review criteria in Section 17.58.050 of the McMinnville Zoning Ordinance, which states that a permit for tree removal shall be granted if a tree is found to be unsafe, dead or diseased; in conflict with public improvements; or part of an approved development project, public improvement project, or street tree improvement program.

The applicant has requested the removal of one (1) street tree due to conflict with an approved development project. The property owner is proposing to build a new shop building on his property with a second driveway access that would enter the property from Jade Street and access the new structure. **See Figure 3: Applicant's Site Plan.** As part of the development project, the applicant has applied for and received a permit for the construction of a second driveway access to the subject property. The street tree in question is located in the planter strip where the new driveway is proposed.

The tree is a maple variety (*Acer rubrum var.*) that measures approximately six (6) inches DBH (diameter at breast height). The tree appears to be in good health and condition, though it exhibits some surface rooting. The tree is located in a five (5) foot wide planter strip. Also in the same planter strip is a water meter and three (3) additional street trees, which are spaced approximately 12 feet apart. The northern and southern-most trees of the three (3) are planted approximately six (6) feet from the existing driveway apron and approximately six (6) feet from the proposed driveway apron, respectively.

**Figure 3: Applicant's Site Plan**



The street tree requested for removal is planted in the planter strip adjacent to the property where the driveway apron for the proposed driveway would be located. A Public Works permit has been approved, granting the applicant authority to construct a second curb cut and driveway access into the property.

Once the proposed driveway apron is installed in place of the planter strip, a replacement tree could not be replanted in the same approximate location. After considering the 12 foot spacing of the nearby street trees, and applying City street tree spacing standards to the water meter and driveways, there is not sufficient room to plant a replacement street tree anywhere in the planter strip along Jade Street adjacent to the property. On the north side of the property, along Destiny Drive, the sidewalk is curb-tight and no planter strip exists. Because there is not sufficient space in the Jade Street planter strip and no planter strip exists along Destiny Drive, a replacement tree is not recommended.

**II. CONDITIONS:**

1. That all costs and liability associated with tree removal and stump grinding 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 the applicant shall complete the tree removal within six (6) months of this approval notification, or November 15, 2019.

### **III. ATTACHMENTS:**

1. L 9-19 Application and Attachments (on file with the Planning Department)

### **IV. 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 tree in question appears to be a maple variety and is 6" DBH.
2. The tree is planted in 5 foot planter strip with non-irrigated bark as ground cover.
3. There are no overhead facility conflicts.
4. There are no tree related damages to the sidewalk or curb/gutter.
5. The tree appears healthy. There is no obvious health or structural issues that would require its removal.
6. From the application and a site visit, it appears that the reason for the request is to accommodate a proposed shop and additional driveway to the lot.

#### **Recommendations**

1. Assuming that the proposed shop and driveway is approved, staff would recommend approval of the request. Should that proposal not be approved, staff would recommend denying the request, based on the condition of the existing tree and the lack of tree related damage to the surrounding infrastructure.
2. Suggested conditions of approval:
  - a. Applicant to be responsible for all costs related to removal.
  - 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.
  - c. Applicant to call for a utility locate prior to removal and planting. As a note, applicant should be informed that upon request, utility locates can be flagged without marking up hard surfaces.

- McMinnville Water and Light:

No comments from power or water.

#### **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 public notification. No public comments were received prior to the Planning Director's decision.

#### **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. Rick Grenz, adjacent property owner, submitted the Street Tree Removal Permit application on April 12, 2019.
2. The application was deemed complete on April 18, 2019.
3. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
4. 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 public notification. No public comments were received prior to the public meeting.
5. A public meeting was held by the Landscape Review Committee on May 15, 2019 to review the application and proposed street tree removal request.

#### **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** 598 NE Jade Street (Tax Lot 200, Section 22DC, T. 4. S., R. 4 W., W.M.)
2. **Size:** 10,009 sf (0.23 acres)
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 PD (Single-family Residential Planned Development)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Existing single-family dwelling
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None.
  - b. **Other:** None identified.
8. **Other Features:** Five (5) foot wide planter strip adjacent to NE Jade Street with four (4) street trees, and one (1) water meter. No planter strip adjacent to NE Destiny Drive.
9. **Utilities:**
  - a. **Water:** The property is served by a water main in NE Jade Street. The treatment plant has sufficient treatment capacity.
  - b. **Sewer:** The property is served by an 8" sewer main in NE Jade Street. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
  - c. **Stormwater:** Storm water in NE Jade Street is conveyed by curb and gutter to a catch basin and storm drain in NE Jade Street. The proposal doesn't increase impervious site area.
  - d. **Other Services:** Overhead utilities are not present on either side of NE Jade Street.

10. **Transportation:** NE Jade Street is classified as a Local Neighborhood Street in the Transportation System Plan (TSP). The existing right-of-way is 50 feet wide. The street is improved with curb and gutter, sidewalk, and planter strip on both sides of the street. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Street Tree Removal Permit are specified in Section 17.58.050 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

### **Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

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

*Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:*

3. *Streets within the development and providing access to the development, improved to city standards (as required).*

**APPLICANT'S RESPONSE:** The applicant did not address this in the application.

**FINDING: SATISFIED.** A permit has been approved and issued for the construction of a second driveway to the subject property to provide access to new development on the site. The street tree under review is located in the planter strip where the new driveway location is proposed. The removal of the subject tree in the NE Jade Street right-of-way would allow for the construction of a new, approved private driveway approach and second driveway to access proposed new development on a private residential lot. Therefore, removal of the tree is consistent with the policy to provide access to residential development that is improved to City standards.

**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.*

**APPLICANT'S RESPONSE:** The applicant did not address this in the application.

**FINDING: SATISFIED.** The removal of the subject tree in the NE Jade Street right-of-way would allow access to proposed residential development via a new driveway, providing safe and efficient movement to and from the subject property. Replacement of the street tree would not be appropriate in this location. The planter strip where the tree is currently located is being removed for the new driveway, and the adjacent planter strip does not have space to accommodate a replacement street tree. Therefore, the removal of the tree is consistent with the above goal and policy.

**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.*

**APPLICANT'S RESPONSE:** The applicant did not provide a response in the application.

**FINDING: 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 Zoning Ordinance**

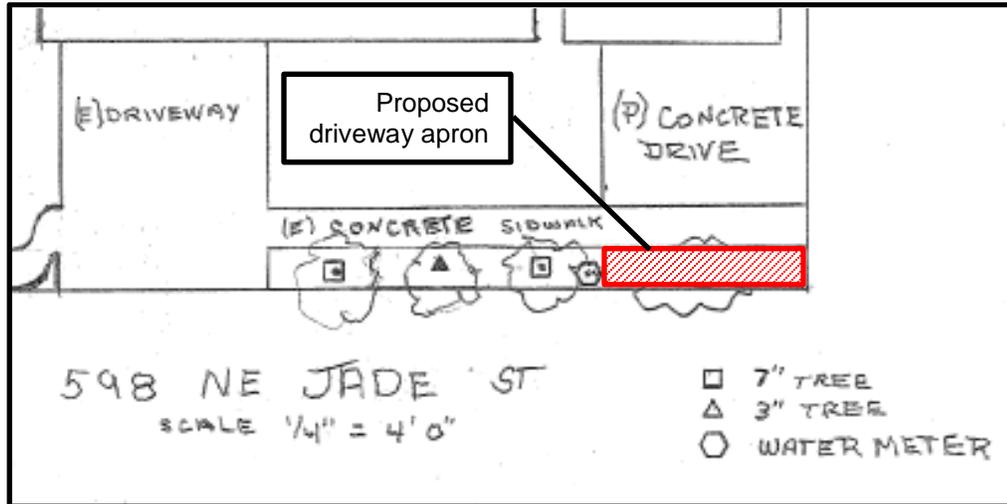
The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

#### **17.58.040 Tree Removal/Replacement.**

*17.58.040(D). Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city [...]*

**APPLICANT'S RESPONSE:** The applicant did not provide a response in the application.

**FINDING: SATISFIED.** The approved street tree plan for the Berkey Estates subdivision identifies *Acer rubrum* (Red Maple) as the approved street tree for the NE Jade Street right-of-way adjacent to the subject property. However, after the proposed driveway approach is constructed, the remaining planter strip adjacent to the property would not have sufficient space for a replacement street tree. The remaining planter strip has three (3) trees spaced approximately 12 feet apart and one (1) water meter between the private driveway approaches that would border the north and south edges of the planter area.



After applying City street tree spacing standards from the water meters (10 feet), and the bounding driveway approaches (five feet), there would be insufficient space in the planter strip for a replacement tree. The NE Destiny Drive right-of-way adjacent to the north side of the subject property, has curb-tight sidewalks, and no planter strip. Therefore, there are no planter strips adjacent to the subject property with sufficient space to accommodate a replacement tree in addition to the existing street trees. Staff finds that a replacement street tree would not be appropriate for this location and situation.

**17.58.040(G).** *Other conditions may be attached to the permit approval by the Landscape Review Committee as deemed necessary.*

**APPLICANT'S RESPONSE:** The applicant did not provide a response in the application.

**FINDING: SATISFIED WITH CONDITIONS 1, 2, 3, & 4.** Additional conditions would be attached to the permit approval to ensure that the tree removal is completed to applicable City specifications and standards found in Sections 17.58.040 (Tree Removal/Replacement) a of the McMinnville Zoning Ordinance.

**17.58.050 Review Criteria.**

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

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

**APPLICANT'S RESPONSE:** New driveway.

**FINDING: SATISFIED.** The applicant has applied for a Public Works Permit to build a second driveway access to his residential property. The permit was approved by the Community Development Director. The subject street tree is located in the planter strip that would be removed to install the new driveway approach in the public right-of-way. Therefore, because the tree removal would be due to an approved development project, and that there is no alternative due to the location of the proposed driveway and existing street tree, this criterion is met.

569-19-000137-PLNG



Planning Department  
231 NE Fifth Street o McMinnville, OR 97128  
(503) 434-7311 Office o (503) 474-4955 Fax  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

<b>Office Use Only:</b>	
File No.	<u>L-9-19</u>
Date Received	<u>4/12/19</u>
Fee	<u>\$150</u>
Receipt No.	<u>222696</u>
Received by	<u>RH</u>

## Street Tree Removal

### Applicant Information

Applicant is:  Property Owner    Contract Buyer    Option Holder    Agent    Other \_\_\_\_\_

Applicant Name Rick Grenz Phone 503-474-6556

Contact Name \_\_\_\_\_ Phone 916-425-3848  
*(If different than above)*

Address 598 NE JADE ST

City, State, Zip McMinnville OR 97128

Contact Email rlaineg@yahoo.com

### Property Owner Information

Property Owner Name AS ABOVE 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 598 NE Jade St  
*(Property nearest to tree(s) for removal)*

Assessor Map No. R4 422 - PC - 00200 Total Site Area 0

Subdivision Norton Estates Block \_\_\_\_\_ Lot 200

Comprehensive Plan Designation Residential Zoning Designation R-2 PD

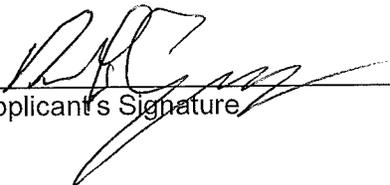
**Additional Information**

- 1. How many trees are requested for removal? 1
- 2. What type (species) of tree(s) are they? DONT KNOW
- 3. What is the diameter of the tree(s), measured four feet above ground level? 6" ABH
- 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. NEW DRIVEWAY

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.**

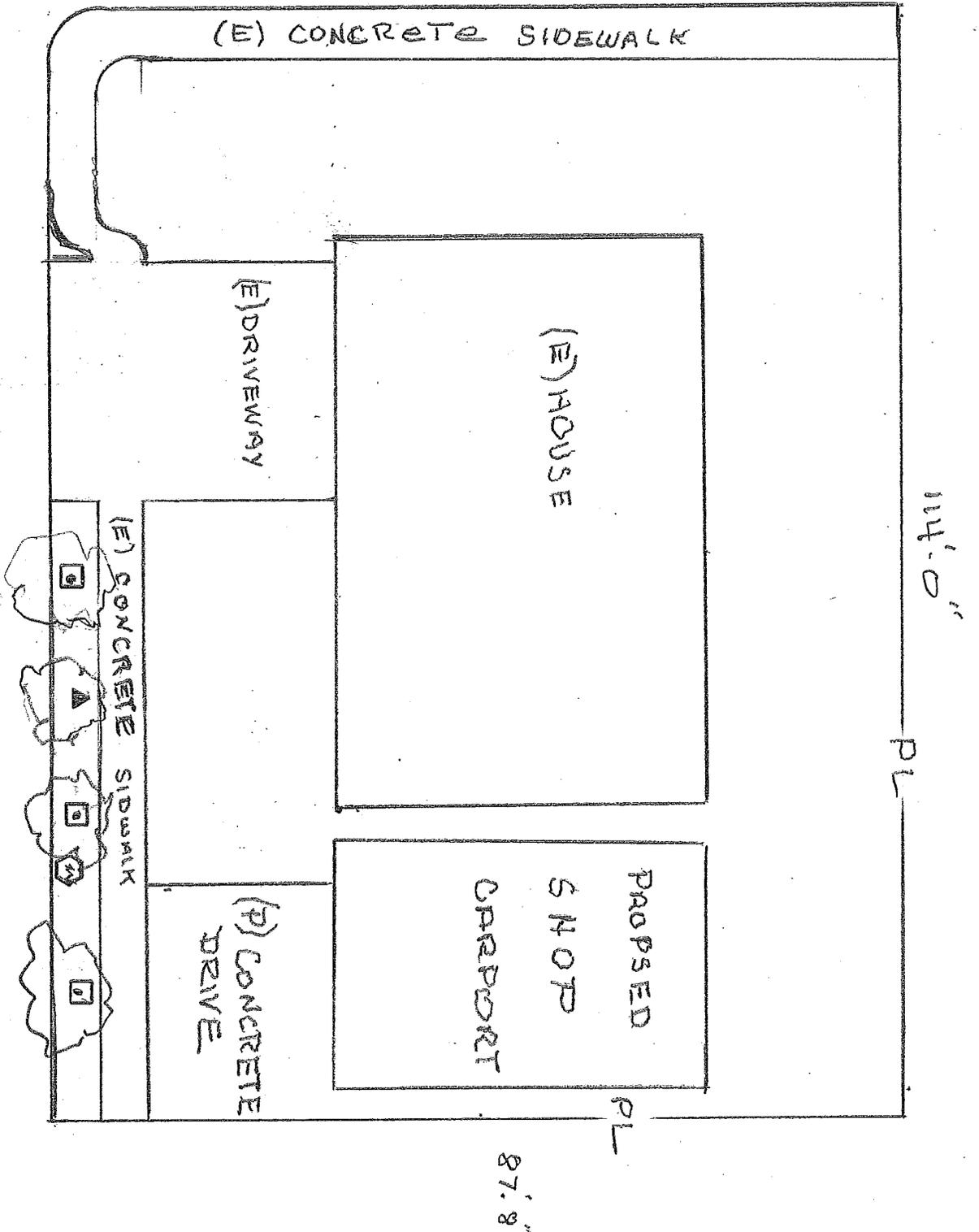
  
Applicant's Signature

4 12 19  
Date

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

NE DESTINY DR.

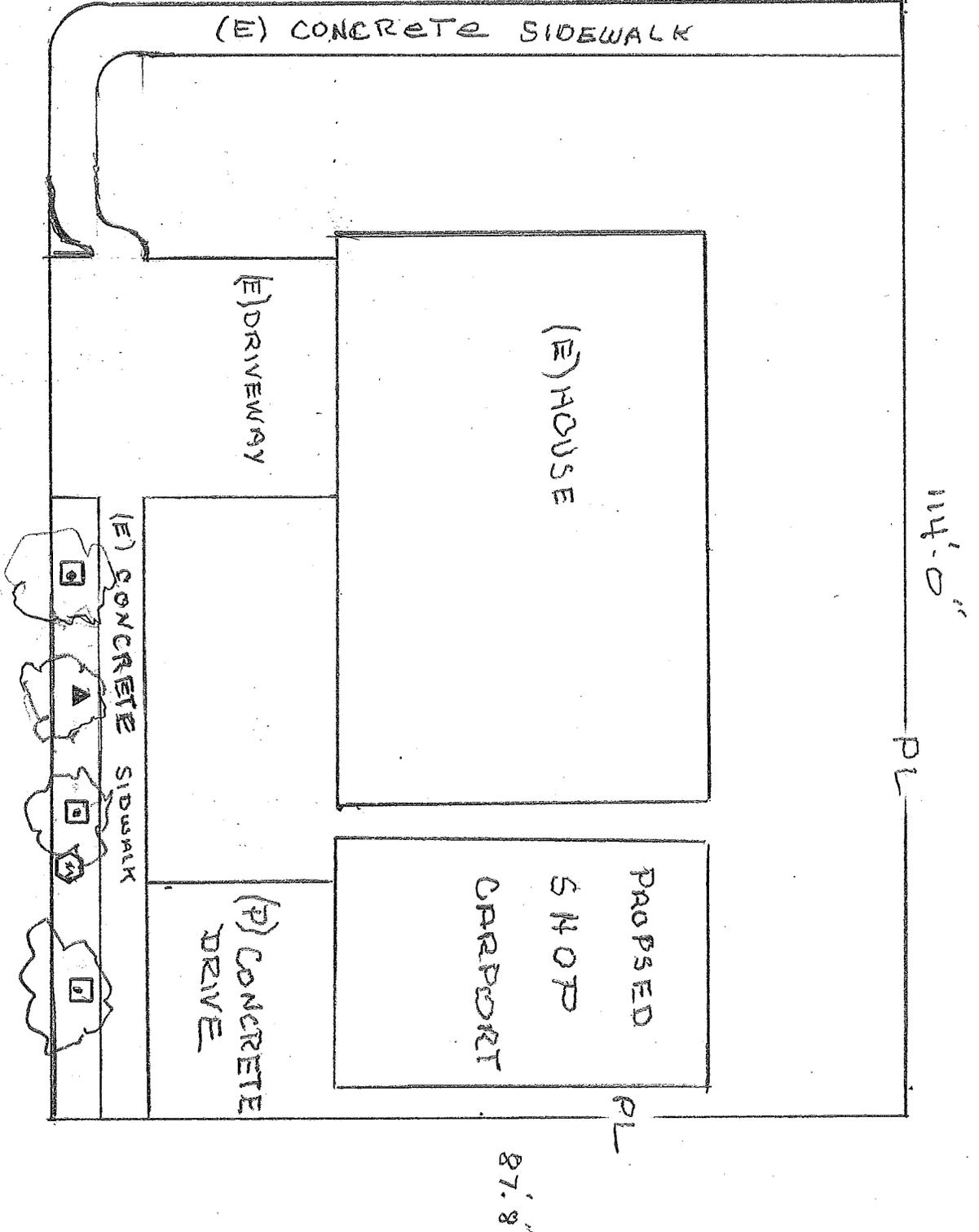


598 NE JADE ST

SCALE 1/4" = 4'0"

- 7" TREE
- △ 3" TREE
- WATER METER

NE DESTINY DR.



598 NE JADE ST

SCALE 1/4" = 4'-0"

- 7' TREE
- △ 3' TREE
- WATER METER





