



**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**  
**July 17, 2019**  
**12:00 PM**

Committee Members	Agenda Items
<p>Rob Stephenson Chair</p> <p>Sharon Gunter Vice-Chair</p> <p>Josh Kearns</p> <p>RoseMarie Caughran</p> <p>Tim McDaniel</p>	<ol style="list-style-type: none"> <li><b>1. Call to Order</b></li> <li><b>2. Citizen Comments</b></li> <li><b>3. Approval of Minutes</b></li> <li><b>4. Action Items</b> <ol style="list-style-type: none"> <li>A. L 22-02 – Landscape Plan Revision Request (Exhibit 1) 120 NE 5<sup>th</sup> Street</li> <li>B. L 15-19 – Street Tree Removal (Exhibit 2) 528 NW Mt. Bachelor Street</li> <li>C. L 16-19 – Street Tree Removal (Exhibit 3) 620 NE 12<sup>th</sup> Street</li> <li>D. L 14-19 – Landscape Plan Review (Exhibit 4) 839 NE Hwy 99W</li> </ol> </li> <li><b>5. Discussion Items</b></li> <li><b>6. Old/New Business</b></li> <li><b>7. Committee Member Comments</b></li> <li><b>8. Staff Comments</b></li> <li><b>9. Adjournment</b></li> </ol>

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.



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

## EXHIBIT 1 - STAFF REPORT

DATE: July 17, 2019  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Landscape Plan Revision Application (L 22-02)

### 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:

This is the consideration of a revision to an approved landscape plan (L 22-02) for the Dutch Bros. coffee stand at Citizen's Bank. The applicant is requesting to remove five trees from the landscape plan as they have struggled with finding a tree that will grow in this space after planting two different species of trees over the past fifteen years only to have them die and have to be removed.

### Background:

The applicant, Kyle Faulk of Citizen's Bank, submitted a landscape plan revision to an approved landscape plan for the property at 120 NE 5<sup>th</sup> Street, the Dutch Bros. coffee stand at Citizen's Bank. Citizen's Bank is the property owner and Dutch Bros. is a commercial tenant on the site. The subject property is more specifically described as Tax Lot 8200, Section 20AD, T. 4. S., R. 4 W., W.M. The property is zoned C-3 (General Commercial). **See Figure 1 (Vicinity Map) and Figure 2 (Zoning Map).**

A landscape plan (L 22-02) had been approved for the subject site in 2002 by the Landscape Review Committee. **See Figure 2 (Approved Landscape Plan L 22-02).** Included on the approved plan were six (6) *Pyrus calleryana* (Flowering Pear), five of which were planted along Adams Street, and one planted along 5<sup>th</sup> Street.

There has been a series of unsuccessful tree plantings in these approved locations since the original installation of the landscaping. First, crabapple trees were substituted for the flowering pears due to lack of availability at the time of planting. The crabapple trees struggled to thrive for about eight (8) years until their removal. In their place, five (5) *Betula jacquemontii* (Himalayan White Birch) were planted. However, the birch trees began to interfere with the overhead utilities along Adams Street. Then, all but one of the birch trees became infested with Emerald Birch Borer (EBB) which led to the death and removal of four (4) birch trees. The last remaining birch tree located along 5<sup>th</sup> Street, appears to now be

---

Attachments:

infested with EBB, and is in decline. The applicant has indicated this tree is designated for removal and replacement in the near future.

The applicant did not replace the four birch trees when they were removed due to the continued history of tree failure in the narrow planting strip between the sidewalk and the Dutch Bros. drive-up lane.

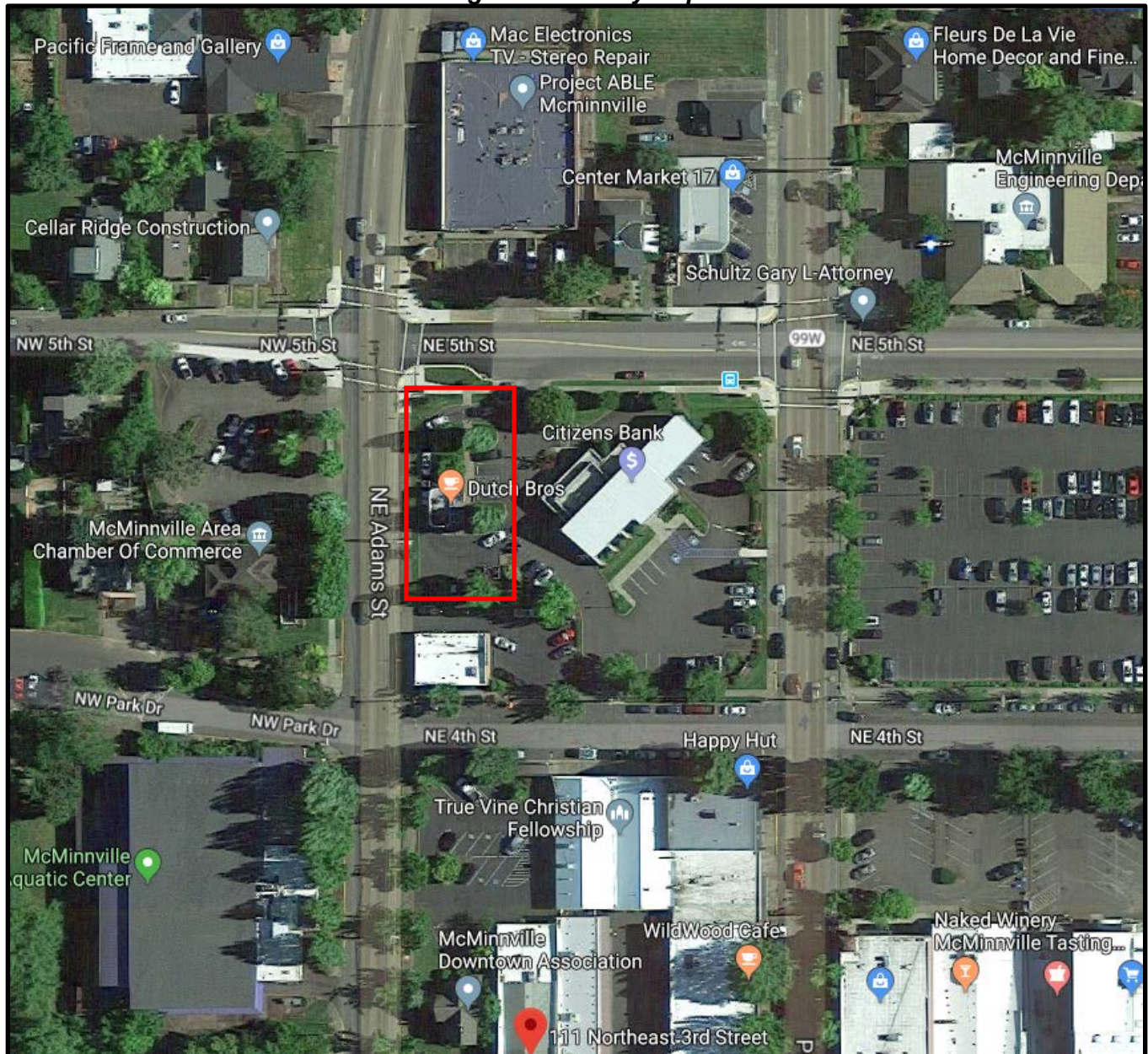
A recent complaint was lodged with Code Compliance about the lack of replacement trees, since McMinnville Zoning Ordinance Section 17.57.070(C) states “All landscaping approved by the Landscape Review Committee shall be continually maintained, including necessary watering , weeding, pruning, mowing, and replacement.” The applicant has been working with Code Compliance and the Planning Department on a resolution. Replacement tree species that would be more appropriate for the location were suggested to the applicant. However, the applicant has maintained that any future trees located in this location would fail as previous trees did and are inefficient use of time, resources, and money due to the continued and anticipated failure of trees at this location.

The applicant asked if they could revise their landscape plan. The McMinnville Zoning Ordinance, Section 17.57.070(C) also allows for revisions to landscape plans, “[...] Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director’s decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee.”

The applicant has submitted a revised plan indicating the proposed removal of five (5) trees along Adams Street along with a letter stating the reasons for the request, and letters of support from two local landscape companies, including the maintenance company for the subject property. **See Figure 3 (Proposed Landscape Plan Revision).**

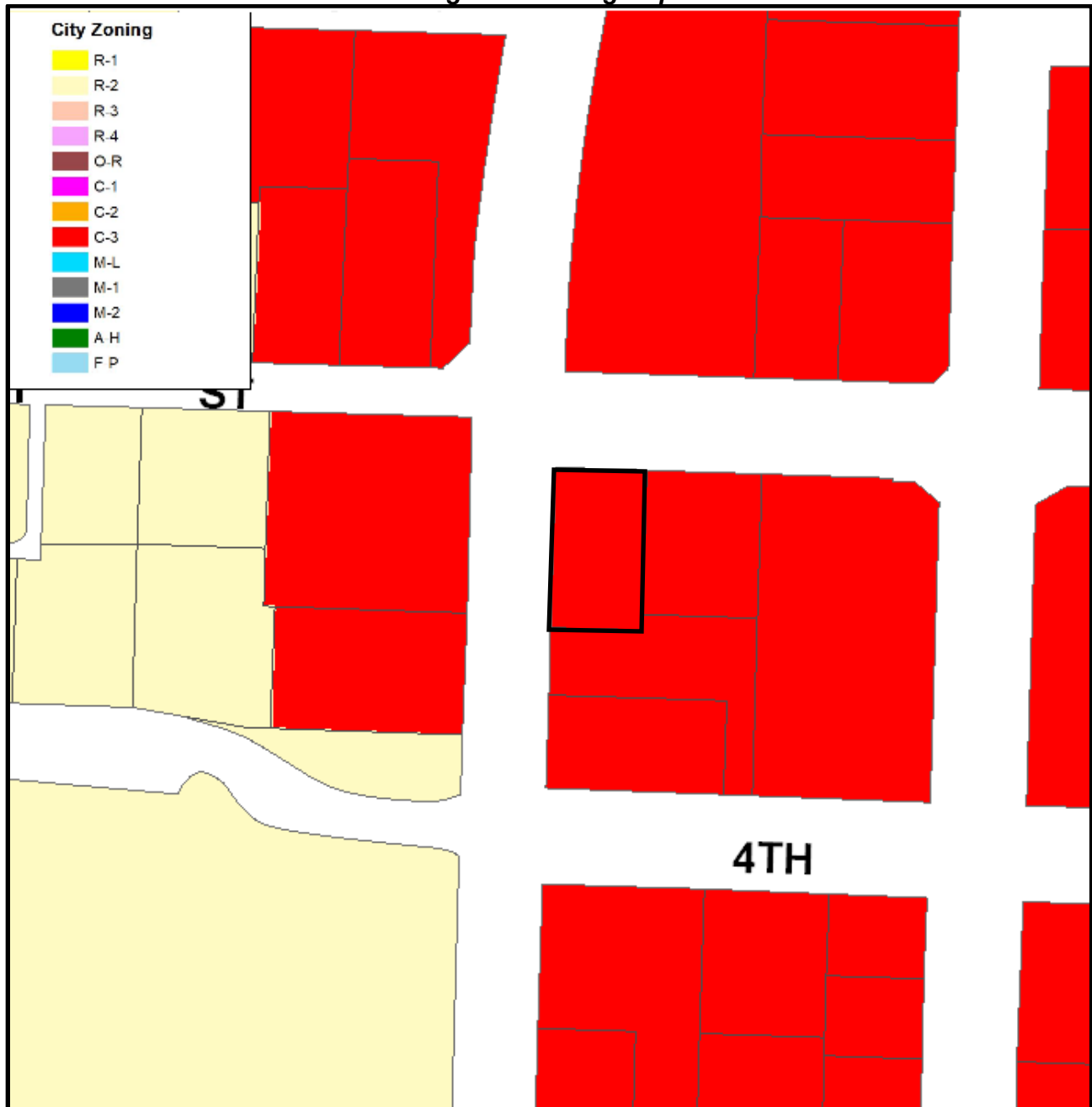
The McMinnville Zoning Ordinance allows for both minor and major changes to the landscape plan. A minor change would be reviewed by the Planning Director and a major change by the Landscape Review Committee. If this landscape revision had been part of the entire parcel’s approved landscape plan it would have been deemed to be a minor revision but since this approved landscape plan was just for the Dutch Bros portion of the site, it is considered a major revision to the approved landscape plan.

**Figure 1: Vicinity Map**

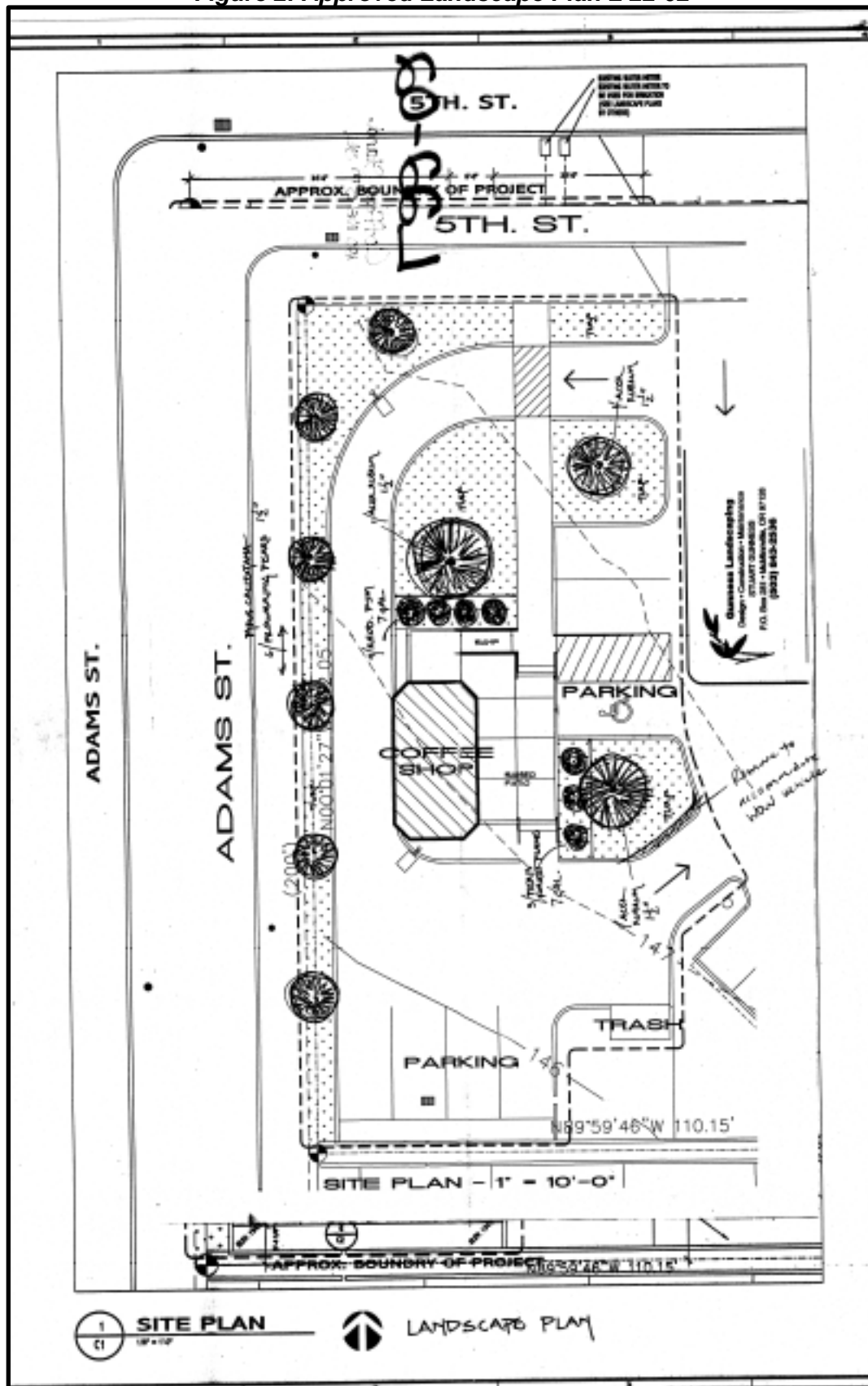




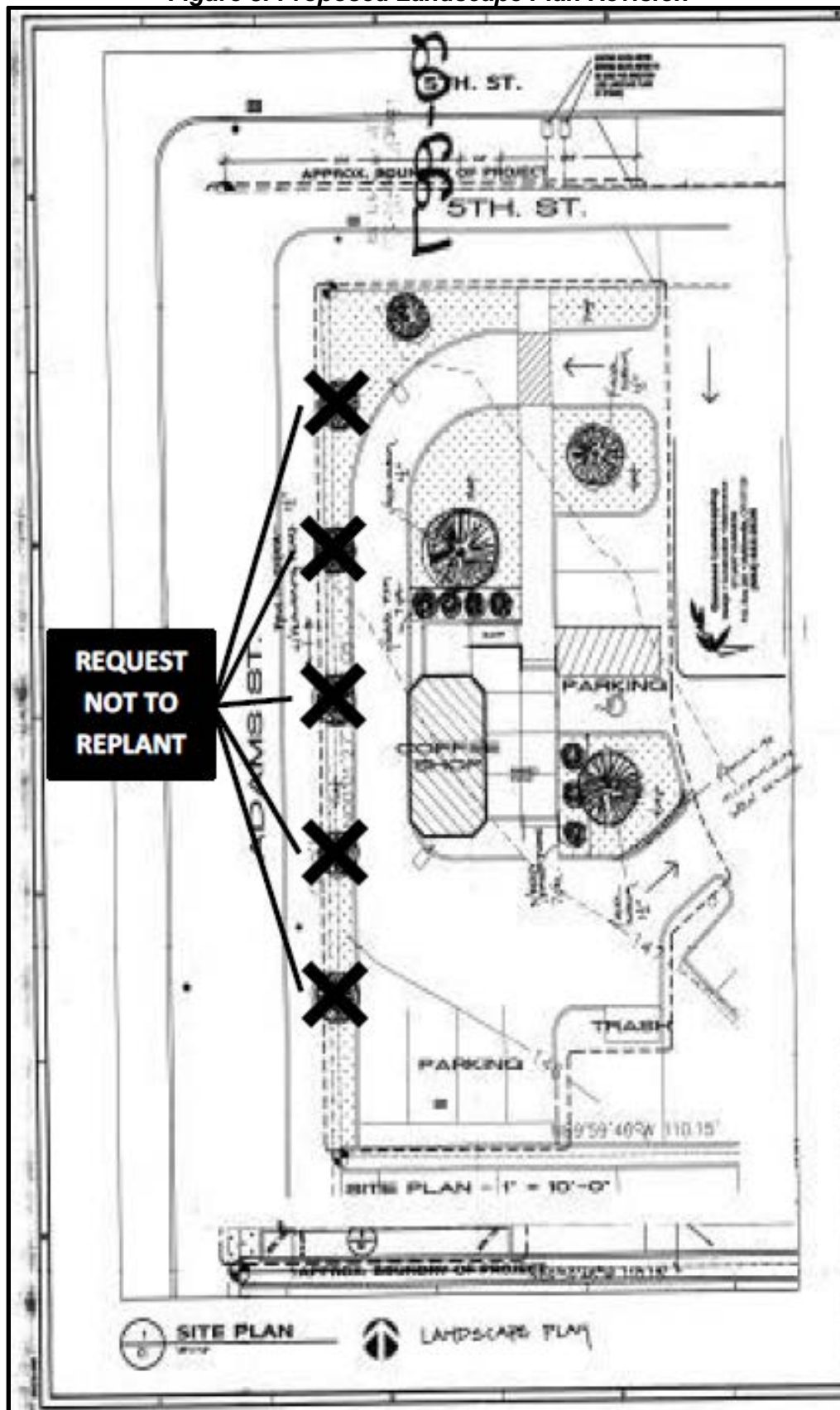
**Figure 2: Zoning Map**



**Figure 2: Approved Landscape Plan L 22-02**



**Figure 3: Proposed Landscape Plan Revision**



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

The applicant has provided a number reasons why the request for revision to the approved landscape plan should be granted. Letters of support for the revision to the landscape plan were also provided by the applicant come from local landscape professionals. The stated reasons to support the revision to remove the trees from the approved plan include:

- The overall property including Citizen's Bank and Dutch Bros. is well landscaped and maintained, including at least 15 large trees;
- The planting strip between Adams Street and the drive-thru lane would be visually pleasing and practical as manicured lawn;
- A history over approximately 20 years of the failure of two different tree species;
- Surrounding properties are not held to the same standards requiring trees, specifically the MACK Building;
- Lack of sufficient soil in a narrow planter strip between a sidewalk and drive-thru lane;
- Presence of overhead utilities;
- Required clearances for vehicular traffic in the drive thru lane and pedestrian traffic on the sidewalk.

In reviewing a landscape plan or landscape plan revision, 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 removal of the trees along Adams Street from the approved landscape plan is compatible with the commercial use of the coffee stand on the subject site. The location of the trees was between the coffee stand structure, the drive-thru lane, and the public sidewalk in a narrow planting strip. When trees were planted in that location, they blocked visibility of signage and the stand from Adams Street, a major arterial that is the source of much drive-up business. Additionally, due to the proximity of the drive-thru lane to the planting strip, the trees were often in conflict with larger vehicles driving through the coffee stand. Therefore, when the trees in question were in place, they were in conflict with the uses on the site, and the request to revise the landscape plan to remove the five (5) trees along Adams Street would not make the revised landscape plan non-compliant with this Planning Factor.

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

In the Purpose and Intent statement at the beginning of the Landscape Chapter of the McMinnville Municipal Code Section 17.57.010, it is stated that “[...] the City recognizes the value of landscaping in the achieving the following objectives:

A. Provide guidelines and standards that will:

7. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character, and value of existing neighborhoods.”

The subject site is zoned C-3 (General Commercial). All surrounding and adjacent sites are also zoned C-3 (General Commercial). Therefore, there is no conflicting land use between the subject site and adjacent sites that would require screening or buffering of the subject site and the use located thereon. Therefore, trees shown on the approved landscape plan located in the planter strip between the drive-thru lane and the public sidewalk are not required for screening and



buffering purposes. The request to revise the landscape plan to remove the five (5) trees along Adams Street would not make the revised landscape plan non-compliant with this Planning Factor.

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.*

Four (4) existing trees identified on the approved landscape plan on the subject site continue to thrive on the site and will remain. No existing trees are proposed for physical removal as part of the landscape plan revision request. The request to revise the landscape plan to remove the five (5) trees along Adams Street would not make the revised landscape plan non-compliant with this Planning Factor.

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

No change to the configuration of parking areas is proposed in the landscape plan revision. Existing planting that will remain will continue to break up the parking area on the east side of the coffee stand. The request to revise the landscape plan to remove the five (5) trees along Adams Street would not make the revised landscape plan non-compliant with this Planning Factor.

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.*

No street trees (trees in the public right-of-way) exist on the subject site, so no change to street trees are proposed in the landscape plan revision. The request to revise the landscape plan to remove the five (5) trees along Adams Street would not make the revised landscape plan non-compliant with this Planning Factor.

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

Water facilities are not proposed to change as a result of the proposed revision. The request to revise the landscape plan to remove the five (5) trees along Adams Street would not make the revised landscape plan non-compliant with this Planning Factor.

#### **Fiscal Impact:**

None.

#### **Landscape Review Committee Options:**

- 1) **APPROVE** the landscape plan revision.
- 2) **APPROVE** the landscape plan revision with additional conditions of approval.
- 3) **CONTINUE** the landscape plan revision review, requesting the applicant to submit more information or details for review.
- 4) **DENY** the landscape plan revision.

#### **Staff Recommendation:**

---

Attachments:

Staff has reviewed the request for consistency with the applicable criteria. Staff finds that the request submitted by the applicant contains sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the landscape plan revision.

**Suggested Motion:**

**I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE REVISION TO LANDSCAPE PLAN L 22-02.**

JF



City of McMinnville Planning Department  
Attn: Heather Richards, Planning Director  
231 NE Fifth Street  
McMinnville, OR 97128

RE: Landscape Plan Revision at 455 NE Baker Street (Citizens Bank)

**ALBANY 14<sup>th</sup> AVE**  
(541) 967-1992

Dear Heather:

**ALBANY WEST**  
(541) 812-6178

The purpose of this letter is to request approval for a revision to the landscape plan at 455 NE Baker Street. Specifically, we request not to replant trees in the landscape strip along Adams Street. A revised landscape plan is included with the trees in question clearly identified.

**CORVALLIS CIRCLE**  
(541) 752-5161

**CORVALLIS MAIN**  
(541) 752-5161

**DALLAS**  
(503) 623-3119

First, a bit of history on the property. Citizens Bank acquired the real estate in 1998 and immediately began making improvements. The building was constructed, historic street lighting installed, and the lot was landscaped. Over the past twenty years, Citizens Bank and Dutch Brothers, who is a tenant, have invested a great deal of money into the landscaping. Both businesses take pride in our establishments. We do not simply desire to maintain the property, but rather to continually improve it. We have updated the landscaping in many areas, which includes replanting numerous trees throughout the property.

**HARRISBURG**  
(541) 995-4699

**JUNCTION CITY**  
(541) 998-8734

**LEBANON**  
(541) 258-5503

There are currently at least fifteen large trees thriving on the property, which does not include numerous smaller trees and shrubs. Several of these have been replanted over the years for various reasons. In fact, a tree on the northwest corner of the property is not doing well and will be replanted soon. Simply put, the property has a significant amount of quality landscaping that is well-maintained.

**McMINNVILLE**  
(503) 474-9441

**OREGON CITY**  
(503) 518-8808

**PHILOMATH**  
(541) 929-3228

The reason we are requesting a revision to not replant the trees along Adams Street is due to past challenges with successfully sustaining trees in that area. Multiple varieties of trees – crabapple and birch – have failed. We have solicited input from two professional landscapers; both recommend trees not be planted in that landscape strip. The two primary factors are a lack of sufficient soil and overhead powerlines. Furthermore, the manicured landscape strip is visually pleasing and practical.

**SALEM**  
(503) 363-0698

**SILVERTON**  
(503) 874-8808

**SPRINGFIELD**  
(541) 746-5240

The property immediately to the north, commonly known as the Mack Building, quite recently upgraded its landscaping. There are no trees along Adams Street on that property.

**TUALATIN**  
(971) 252-6502

Sincerely,

  
Kyle Faulk

**CUSTOMER SERVICE**  
1-844-770-7100

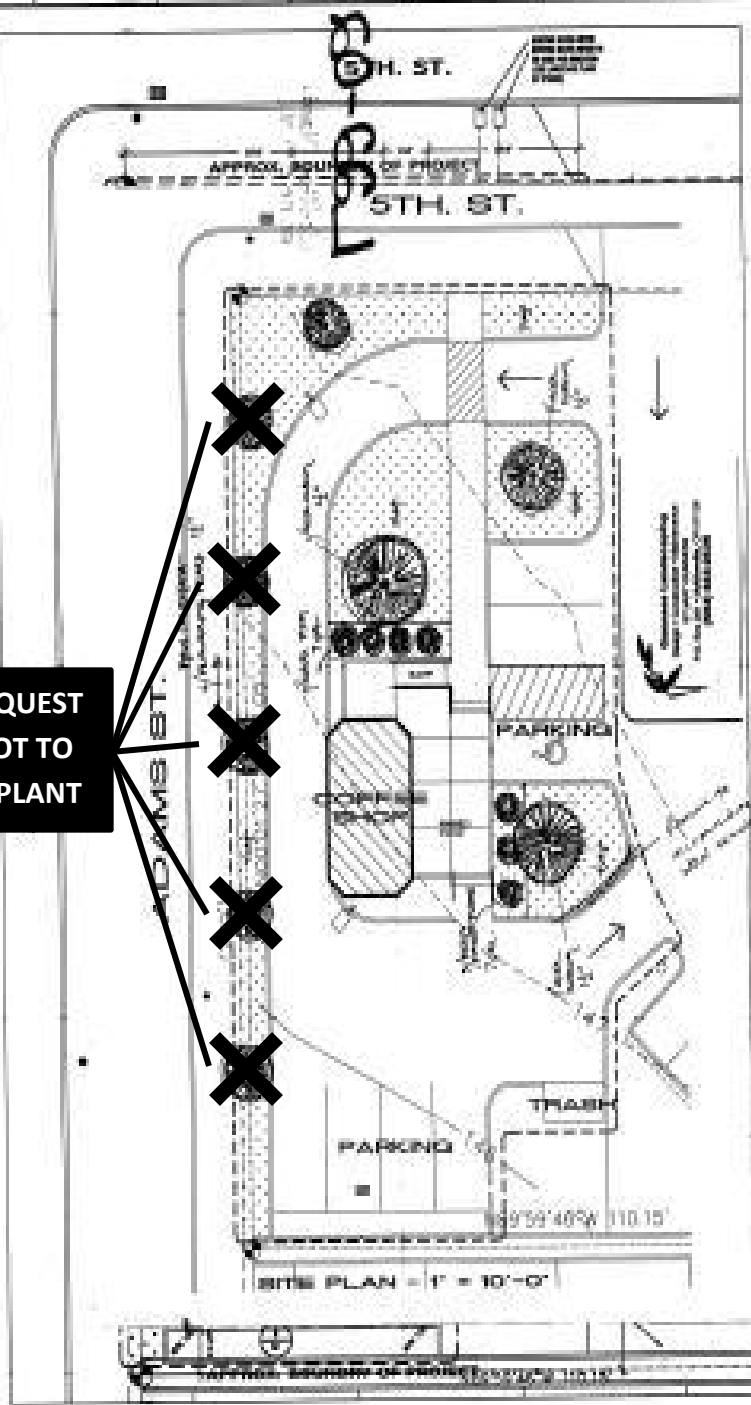
PO BOX 30  
CORVALLIS, OR 97339-0030

Vice President  
Citizens Bank  
(503) 474-9441

[www.citizensEbank.com](http://www.citizensEbank.com)

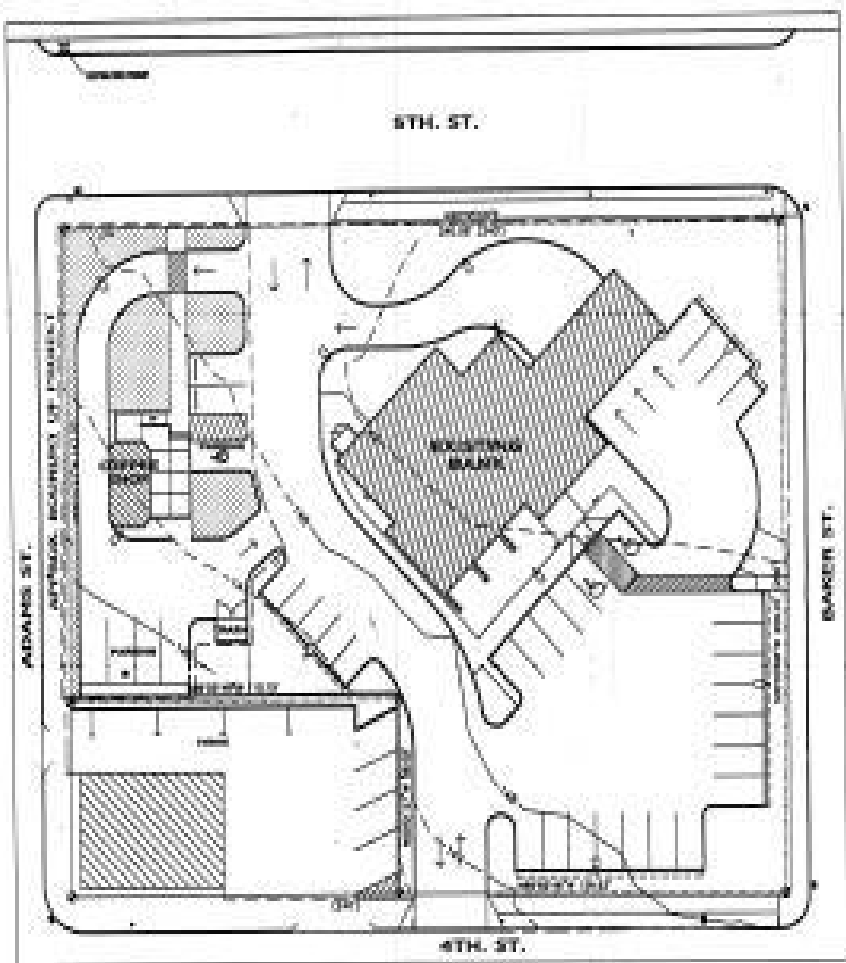


REQUEST  
NOT TO  
REPLANT

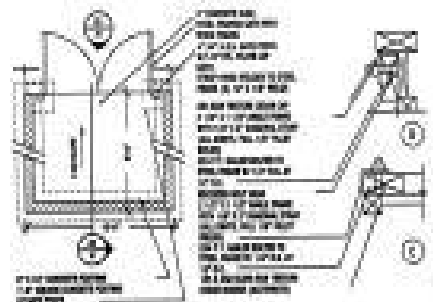


1 SITE PLAN  
1/8" = 1' = 10'-0"

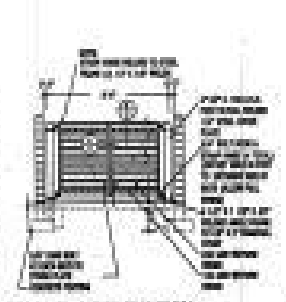
2 LANDSCAPE PLAN  
1/8" = 1' = 10'-0"



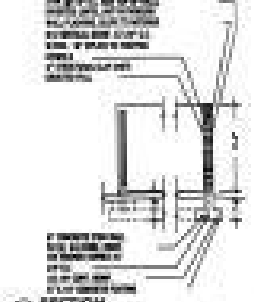
3 PROPERTY PLAN  
1/8" = 1' = 10'-0"



4 PLAN VIEW  
1/8" = 1' = 10'-0"



5 FRONT ELEVATION  
1/8" = 1' = 10'-0"



6 SECTION  
1/8" = 1' = 10'-0"

*Signature*  
BENCHMARK ARCHITECTURAL SERVICES  
1000 S.W. JEFFERSON AVENUE, CORVALLIS, OREGON 97331, PHONE (503) 753-1808

NO DATE CHANGES, INC.  
200 S. 10TH ST.  
SEASIDE, OR 97138



**CITIZENS BANK  
McMINNVILLE COFFEE SHOP PROJECT**  
FIFTH AND ADAMS STREETS, McMINNVILLE, OREGON  
**BENCHMARK ARCHITECTURAL SERVICES**  
1000 S.W. JEFFERSON AVENUE, CORVALLIS, OREGON 97331, PHONE (503) 753-1808







Valley Green Landscape  
P.O. BOX 90  
McMinnville, OR 97128  
PH: 503.437.0007

7/8/19

Dear McMinnville City Planning,

My name is Kory Knutz with Valley Green Landscape, a local McMinnville company of 30 years now. I've maintained the McMinnville Citizen's Bank property for the past 20 years or since it opened for business in our community.

Over the years various improvements to the landscape design have occurred upon the request of either the bank, or myself in order to create and maintain a high standard of visual appearance.

One area of concern that has been a repeated trouble spot is the west landscape strip at Dutch Bros drive thru. Originally crabapple trees were planted and substituted for a tree that was not available at the time of planting. The crabapple trees struggled and generally looked unhealthy the first 8 years or so. Leaf spot issues, suckering from the base, limbs dying off randomly. They clearly did not like the location having a shallow soil base, and high lawn fertilizer exposure. Next, we tried birch because they tend to fair better in lawn applications. The birch canopy shape was better for drive thru traffic and pedestrians on sidewalk. However they were encroaching the overhead utility right of way ... right away. Unfortunately the hungry beetle took them out last year so they were removed.

I would prefer there not be any more trees placed in this area and here's why:

- 1- The strip is only 52" wide
- 2- It borders car traffic that requires clearance for height.
- 3- There's low hanging power lines overhead of planting locations
- 4- I don't believe there is a tree that would thrive well and look appropriate in this location with the limitations listed above.
- 5- These narrow strips of grass have extruded curbs along the drive thru side, and any substantial tree will cause property damage to the drive thru curbing and asphalt.
- 6- Any tree planted in this area will be topped regularly by utility companies and severely limbed up on the drive thru side for vehicle clearance.

My personal opinion is that it would look ridiculous and cost the community more in powerline trimming to fit the restricting area. Therefore, I don't believe this idea would be enhancing the street view or be aesthetically pleasing to the public.

It's my recommendation that this narrow grass area along Adams St not have trees of any kind replanted.

Thank you for your consideration on the matter,

Sincerely,

Kory Knutz  
Valley Green Landscape



License #5285 • Bonded & Insured

July 10, 2019

To Whom It May Concern;

I was asked to give my opinion of the replacement of the trees in the park strip of our Dutch Brothers coffee shop at 120 NE 5<sup>th</sup> Street. Given the conditions with utility lines, the proximity to drive through and the narrowness of this particular strip, I would advise against it. With the combination of factors it seems whatever goes in is going to be problematic for either traffic or utilities and would most likely be a temporary fix.

Brian Wicks  
President  
Cascadia Landscape, Inc.



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

## EXHIBIT 2 - STAFF REPORT

DATE: July 17, 2019  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Street Tree Removal Application (L 15-19)

### 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 tree from the public right-of-way along NW Mt. Bachelor Street (L 15-19) to be reviewed by the Landscape Review Committee.

### Background:

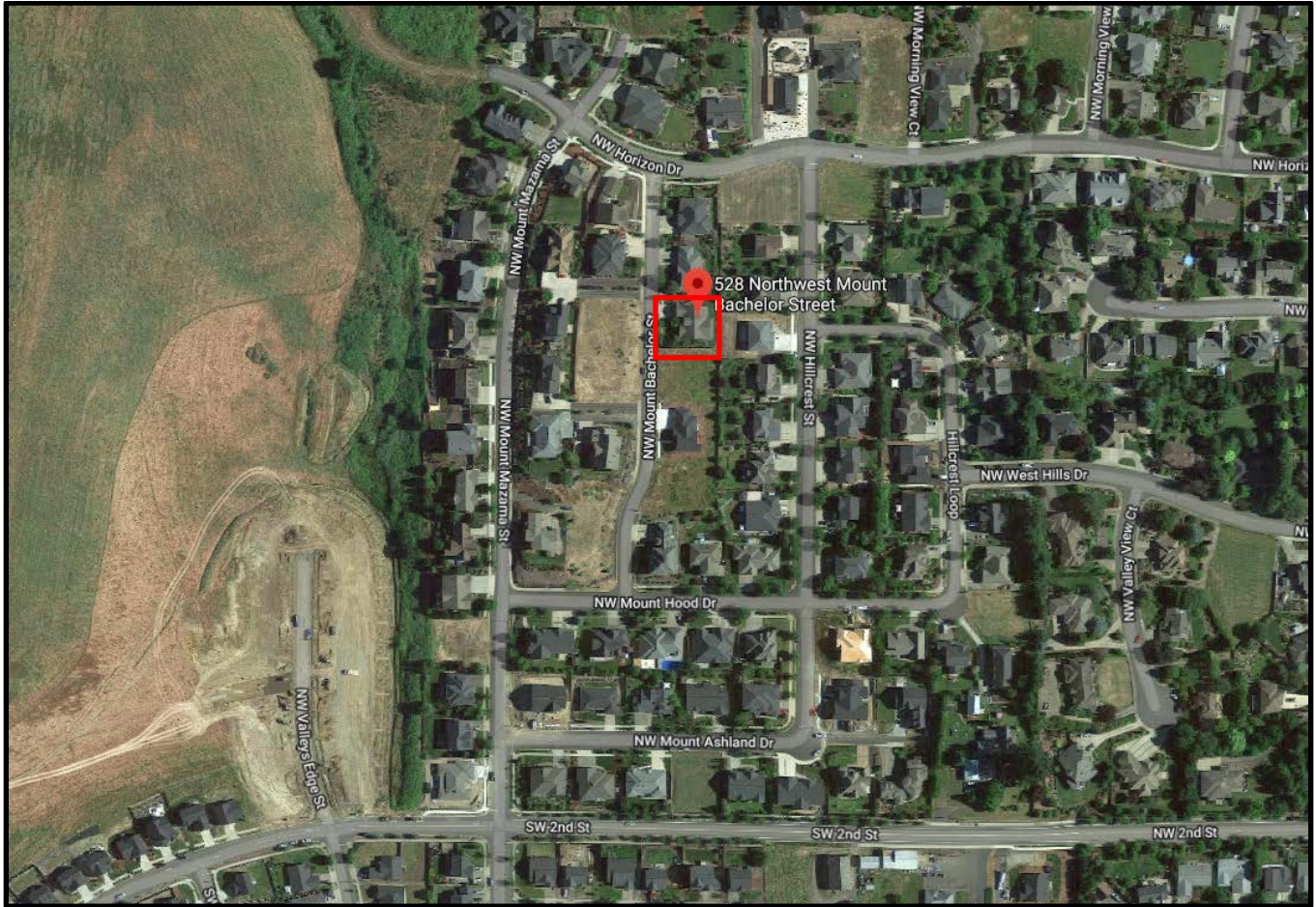
The applicant and adjacent property owner, Douglas Cruikshank, submitted a street tree removal application to remove one (1) street tree from the right-of-way adjacent to the property at 528 NW Mt. Bachelor Street. The subject property is more specifically described as Tax Lot 3500, Section 24AD, T. 4. S., R. 5 W., W.M. The subject property is located within the Hillcrest Phase 4 subdivision. **See 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 528 NW Mt. Bachelor Street



**Figure 1: Vicinity Map****Discussion:*****Summary of Criteria & Issues:***

The applicant has requested the removal of one (1) street tree because the tree is dead. The subject tree is located in the NW Mt. Bachelor right-of-way, north of the driveway and south of a community mailbox. **See Figure 3 (Applicant's Site Plan) & Figure 4 (Planter Strip).** The tree is a red maple variety (*Acer rubrum* var.) that measures approximately five (5) inches DBH (diameter at breast height) and is located in a five (5) foot wide planter strip, approximately eight (8) feet north of the driveway approach. The tree appears to be in dead. **See Figures 5 & 6 (Subject Tree Condition).** The tree is not showing new leaf or twig growth and no vigor in comparison to the two (2) existing red maple trees in the adjacent planter strip on the south side of the driveway approach. **See Figure 7 (Adjacent Street Tree Condition).**

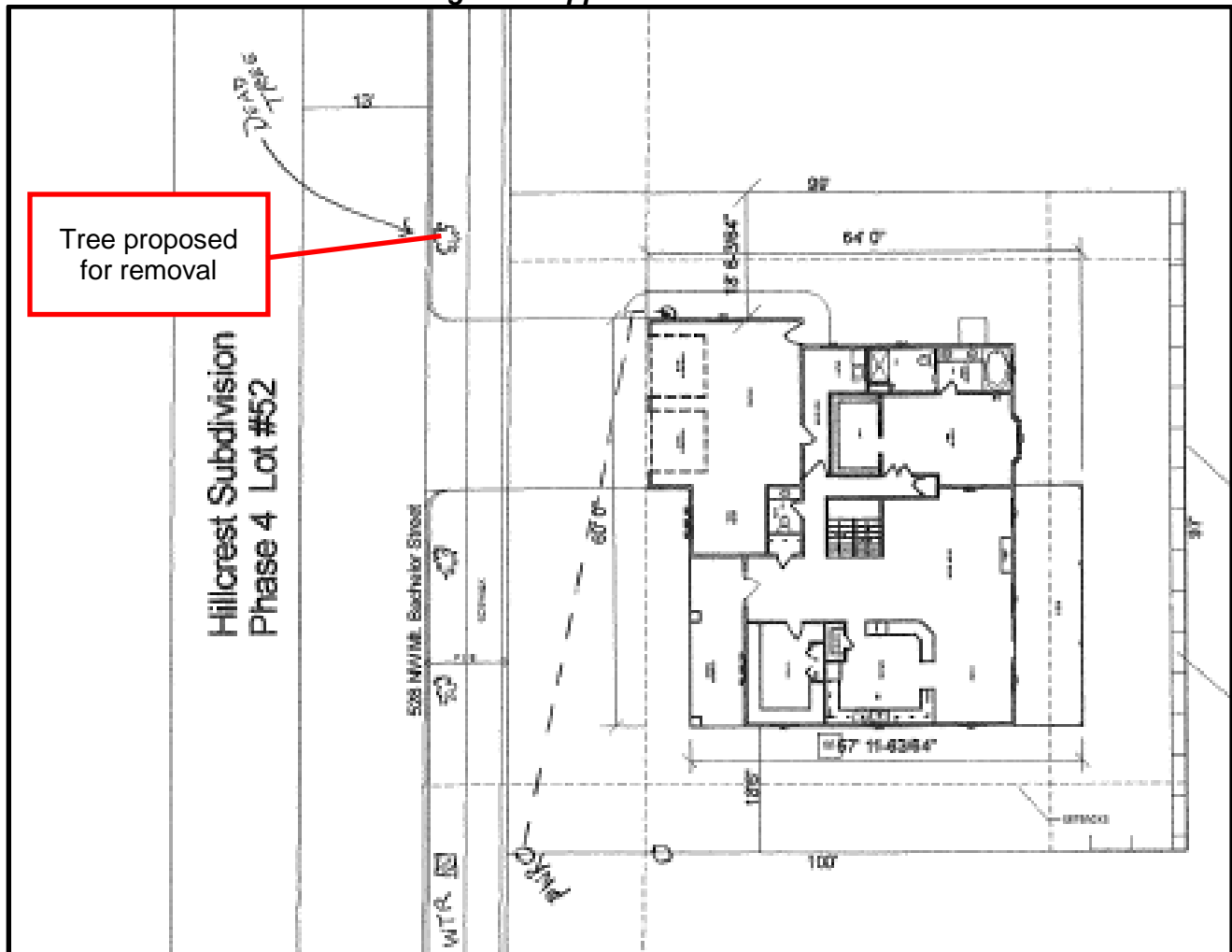
---

***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 528 NW Mt. Bachelor Street



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



***Figure 4: Planter Strip***



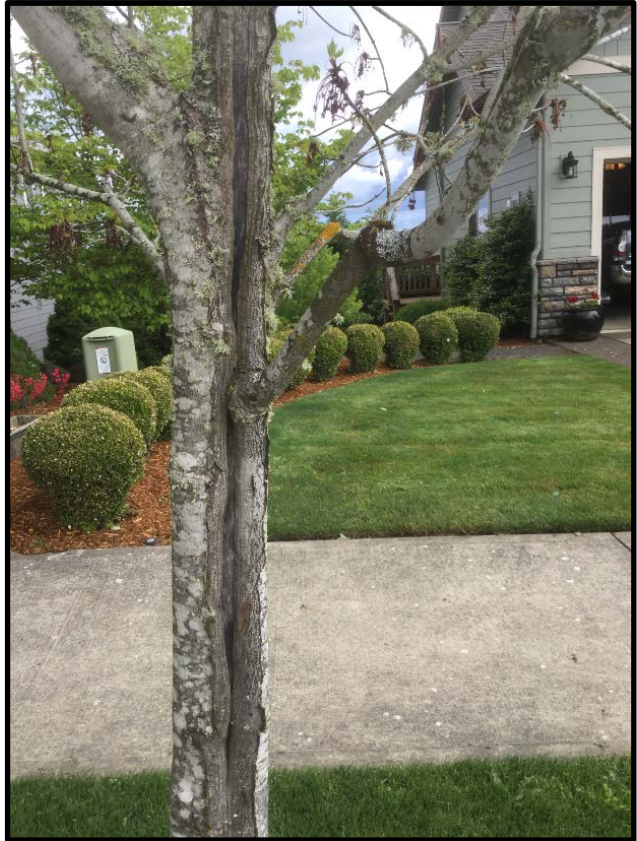
-----  
*Attachments:*

*Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 528 NW Mt. Bachelor Street*

**Figure 4: Subject Tree Condition**



**Figure 5: Subject Tree Condition**



**Figure 6: Adjacent Street Tree Condition**



**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 528 NW Mt. Bachelor Street

The subject street tree has clear structural damage to the trunk and the lack of new growth and vigor indicates the tree is dead. One of the review criteria for granting a removal permit for a street tree is if the tree is unsafe, dead, or diseased. Therefore, staff recommends approval of the tree removal.

The subject site is located in the Hillcrest Phase 4 subdivision, and a requirement of the subdivision approval was the submittal of a street tree plan for review and approval of the Landscape Review Committee. However, no approved Street Tree Plan for Hillcrest Phase 4 is on file with the Planning Department. The application does not indicate if a replacement tree is proposed, but given the sufficient space in the planter strip between the driveway approach and the adjacent mailbox, and spacing from public improvements and utilities, staff is recommending a replacement tree be required. A tree from the McMinnville Street Tree List - Recommended Medium Tree Species would be appropriate for a replacement tree, and consistent with other similar sized street trees along NW Mt. Bachelor Street, including the remaining red maples adjacent to the subject site.

**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 15-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

---

*Attachments:*

*Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 528 NW Mt. Bachelor 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 528 NW MT. BACHELOR STREET**

**DOCKET:** L 15-19 (Street Tree Removal)

**REQUEST:** Approval to remove 1 street tree from the right-of-way adjacent to the subject property

**LOCATION:** 528 NW Mt. Bachelor Street (Tax Lot 3500, Section 24AD, T. 4. S., R. 5 W., W.M.)

**ZONING:** R-1 (Single-family Residential)

**APPLICANT:** Douglas Cruikshank, property owner

**STAFF:** Jamie Fleckenstein, PLA, Associate Planner

**DATE DEEMED COMPLETE:** June 21, 2019

**DECISION MAKING BODY & ACTION:** McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.

**DECISION DATE & LOCATION:** July 17, 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.

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 15-19) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Date: July 17, 2019Date: July 17, 2019



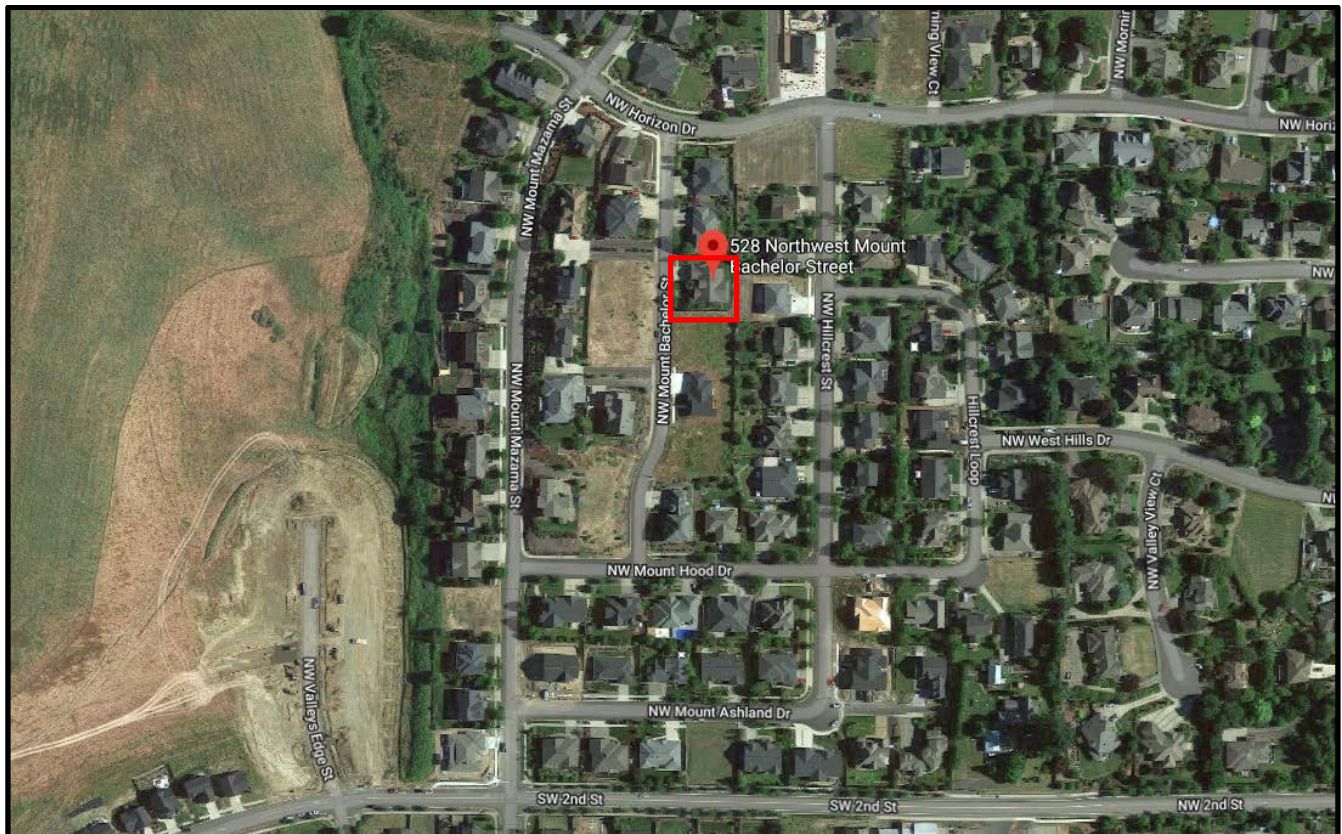
## **I. APPLICATION SUMMARY:**

### ***Subject Property & Request***

The application requests the removal of one (1) street tree from the public 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 528 NW Mt. Bachelor Street within the Hillcrest Phase 4 subdivision. **See Figure 1 (Vicinity Map).**

**Figure 1: Vicinity Map**



### ***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.

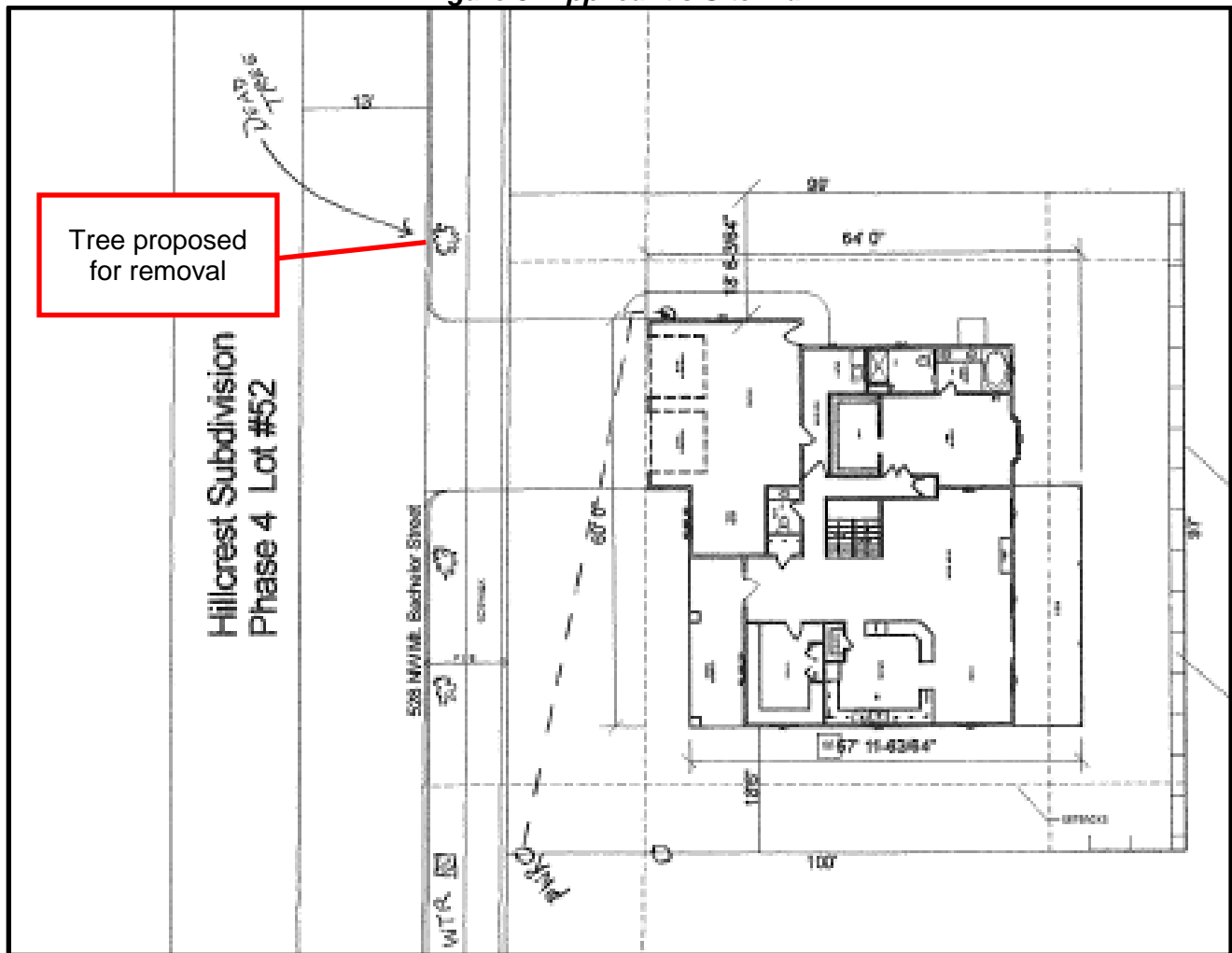
The applicant has requested the removal of one (1) street tree because the tree is dead. The subject tree is located in the NW Mt. Bachelor right-of-way, north of the driveway and south of a community mailbox. **See Figure 3 (Applicant's Site Plan) & Figure 4 (Planter Strip).** The tree is a red maple variety (*Acer rubrum* var.) that measures approximately five (5) inches DBH (diameter at breast height) and is located in a five (5) foot wide planter strip, approximately eight (8) feet north of the driveway approach. The tree appears to be in dead. **See Figures 5 & 6 (Subject Tree Condition).** The tree is not showing new leaf or twig growth and no vigor in comparison to the two (2) existing red maple trees in the adjacent planter strip on the south side of the driveway approach. **See Figure 7 (Adjacent Street Tree Condition).**

---

#### ***Attachments:***

Attachment 1 – Application for Street Tree Removal (L 15-19)

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



**Figure 4: Planter Strip**



-----  
*Attachments:*

*Attachment 1 – Application for Street Tree Removal (L 15-19)*



**Figure 4: Subject Tree Condition**



**Figure 5: Subject Tree Condition**



**Figure 6: Adjacent Street Tree Condition**



---

Attachments:

Attachment 1 – Application for Street Tree Removal (L 15-19)

**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 removing the trunk, stump, and roots to ensure that underground utilities are not damaged during this process. If any facilities are damaged during tree removal or stump grinding, contact McMinnville Water & Light immediately at 503-472-6158.
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 Mt. Bachelor Street right-of-way planter strip. The tree shall a recommended medium street tree from the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee.
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 January 17, 2020.

**III. ATTACHMENTS:**

1. L 15-19 Application and Attachments (on file with the Planning Department)

---

*Attachments:*

*Attachment 1 – Application for Street Tree Removal (L 15-19)*

#### **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 irrigated turf 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 is planted about 8' from the driveway approach.
6. The tree appears to be dead.

##### **Recommendations**

1. Given the condition of the existing tree, staff would recommend approval of the removal request.
2. Given that there is adequate room in the existing planter to replant, staff would recommend replacing the tree.
3. Suggested conditions of approval:
  - a. Applicant to be responsible for all costs related to removal and replanting.
  - 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 be required to plant a new tree, 2" caliper minimum, of a variety acceptable to the Planning Department.
  - e. Tree planting shall be as per the City's planting detail.
  - f. Applicant to contact Public Works (503.434.7316) for an inspection prior to backfill.
  - g. Applicant should be reminded that planting must at least 5 feet away from the existing driveway approach.

- McMinnville Water and Light:

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.

##### **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**

---

Attachments:

Attachment 1 – Application for Street Tree Removal (L 15-19)



1. Douglas Cruikshank, adjacent property owner, submitted a Street Tree Removal Permit application on May 22, 2019.
2. The application was deemed complete on June 21, 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 McMinnville Landscape Review Committee on July 17, 2019 to review the application and proposed street tree removal request.

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

1. **Location:** 528 NW Mt. Bachelor Street (Tax Lot 3500, Section 24AD, T. 4. S., R. 5 W., W.M.)
2. **Size:** 9,674 square feet (0.22 acres)
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-1 (Single-family Residential)
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 NW Mt. Bachelor Street with three (3) street trees, and one (1) water meter.
9. **Utilities:**
  - a. **Water:** The property is served by a water main in NW Mt. Bachelor Street. The treatment plant has sufficient treatment capacity.
  - b. **Sewer:** The property is served by a sewer main in NW Mt. Bachelor Street. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
  - c. **Stormwater:** Storm water in NW Mt. Bachelor Street is conveyed by curb and gutter to a catch basin and storm drain in NW Horizon Drive. The proposal doesn't increase impervious site area.
  - d. **Other Services:** Overhead utilities are not present on either side of NW Mt. Bachelor Street.
10. **Transportation:** NW Mt. Bachelor 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 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 NW Mt. Bachelor Street right-of-way would improve the safety of the pedestrian way, the aesthetic appearance of the streetscape, and the livability of the surrounding area. The tree is dead and would present a safety hazard if not removed. A dead street tree also does not enhance the aesthetics of the streetscape. 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*

---

Attachments:

Attachment 1 – Application for Street Tree Removal (L 15-19)

*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 standards and criteria applicable to the request:

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

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

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

**FINDING: SATISFIED.** The tree removal was not designated as exempt, and the applicant has filed an application for a Street Tree Removal Permit to be reviewed by the McMinnville Landscape Review Committee.

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

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

**FINDING: SATISFIED WITH CONDITION #3.** A condition of approval has been included to assure that the tree removal will be performed to accepted City standards.

**CONDITION FOR FINDING:** 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.

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

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

**FINDING: SATISFIED WITH CONDITIONS #1, 2.** Conditions of approval have been included to assure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

**CONDITIONS FOR FINDING:** That all costs and liability associated with tree removal, stump grinding, and tree replacement shall be borne by the applicant.

That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to removing the trunk, stump, and roots to ensure that underground utilities are not damaged during this process. If any facilities are damaged during tree removal or stump grinding, contact McMinnville Water & Light immediately at 503-472-6158.

**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 WITH CONDITION #4.** The subject street tree is located in a 5 foot wide planting strip between a driveway approach and a community mailbox pad. The existing tree is located approximately eight (8) feet from the driveway approach and approximately five (5) feet from the mailbox pad. Given the minimum five (5) foot spacing standard from private driveways, there is sufficient space in the planter strip to accommodate a replacement tree.

There is no approved street tree plan for the Hillcrest Phase 4 subdivision on file with the Planning Department. The three (3) street trees adjacent to the subject site are *Acer rubrum* var. (Red Maple variety). Red Maple varieties are listed as recommended medium street trees in the McMinnville Street Tree List. Because there is no approved street tree for the NW Mt. Bachelor Street in the Hillcrest Phase 4, a replacement tree selected from the recommended medium street trees in the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee, would be of appropriate size and character to remain consistent with surrounding street trees.

**CONDITION FOR FINDING:** That one (1) replacement street tree be planted in the NW Mt. Bachelor Street right-of-way planter strip. The tree shall a recommended medium street tree from the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee.

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

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

**FINDING: SATISFIED WITH CONDITION #3.** A condition of approval has been included to ensure that the applicant shall remove the tree stump and surface roots, and restore the planting strip.

**CONDITION FOR FINDING:** 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.

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

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

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

**FINDING: SATISFIED WITH CONDITIONS #10.** Conditions of approval have been included to ensure that the applicant shall complete the tree removal within six (6) months of approval.

**CONDITIONS FOR FINDING:** That the applicant shall complete the tree removal and tree replacement within six (6) months of this approval notification, or January 17, 2020.

**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 #5, 6, 7, 8, 9.** Conditions of approval have been included to assure that McMinnville's street tree standards are met when planting a replacement street tree.

**CONDITIONS FOR FINDING:** 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.

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.

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.

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.

That the planter areas shall be restored to original grade immediately following the planting of the replacement trees.

#### **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(A).** *The tree is unsafe, dead, or diseased as determined by a Certified Arborist.*

**APPLICANT'S RESPONSE:** Tree is dead.

---

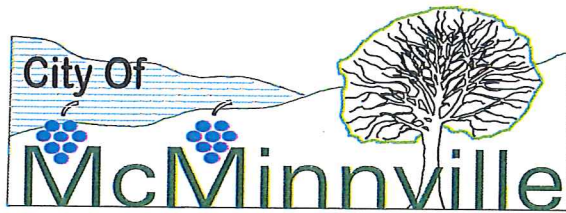
Attachments:

Attachment 1 – Application for Street Tree Removal (L 15-19)



**FINDING: SATISFIED.** The subject tree proposed for removal is dead. The tree has brown, dry leaves and samaras, no evidence of sapwood or new growth in the branches, and shows no sign of vigor. The adjacent street trees of the same species show green foliage, sapwood in the new growth of branches, and normal vigor. The subject tree exhibits a significant trunk wound which likely contributed to its decline in health and death. The dead tree presents a limb failure hazard with potential to cause damage to targets in the public right-of-way. Although no arborist report was submitted with the application, the evidence that the tree is dead is clear to a layman.

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)**Office Use Only:**File No. L 15-19Date Received 5/22/19Fee \$150.00

Receipt No. \_\_\_\_\_

Received by JAF

## Street Tree Removal

**Applicant Information**Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other \_\_\_\_\_Applicant Name DOUGLAS CRUIKSHANK Phone 503-857-7570Contact Name \_\_\_\_\_ Phone \_\_\_\_\_  
(If different than above)Address 528 NW MT BACHELOR STCity, State, Zip McMINNVILLE OR 97128Contact Email dcruik@linfield.edu**Property Owner Information**Property Owner Name SAME 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 528 NW Mt. Bachelor St  
(Property nearest to tree(s) for removal)Assessor Map No. R4524 - AD - 03600 Total Site Area \_\_\_\_\_Subdivision HILLCREST PHASE 4 Block \_\_\_\_\_ Lot 52Comprehensive Plan Designation Res Zoning Designation R-1

### **Additional Information**

1. How many trees are requested for removal? 1
2. What type (species) of tree(s) are they? RED MAPLE
3. What is the diameter of the tree(s), measured four feet above ground level? 5 in
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. TREE IS DEAD  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

5/22/17  
Date

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

\_\_\_\_\_  
Date

Hillcrest Subdivision  
Phase 4 Lot #52

DEAD TREE

528 NW Mt. Bachelor Street

WTR

SEWALK

P.M.P.

60' 0"

18' 6"

57' 11-63/64"

100'

18' 6-3/64"

64' 0"

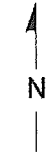
99'

SETBACKS

97'

BLOCKS TO BE SET 2 IN. WEST OF  
PROPERTY LINE & TILTED INWARD  
3 IN. FROM BOTTOM TO TOP.

2' x 2' x 6' CONCRETE BLOCKS  
KEYED TOP, BOTTOM & SIDES.  
36 FT. STACKED 3 HIGH ON 8 IN  
CONCRETE FOOTING. THE REMAINDER  
2 HIGH AND ONE HIGH ON CRUSHED  
ROCK FOOTING.



--- SETBACKS

LOT MAP

Sheet:

L  
M

Cruikshank  
2010 NW Cedar Street  
McMinnville, Oregon

Name:

Douglas Cruikshank

Address:

528 NW Mt. Bachelor Street  
McMinnville, Oregon 97128

Sq. ft.: LIVING AREA

GARAGE

Date: 5/1/07

Scale: 3/32" = 1'





















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: July 17, 2019  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Street Tree Removal Application (L 16-19)

### 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 tree from the public right-of-way along NE 12th Street (L 16-19) to be reviewed by the Landscape Review Committee.

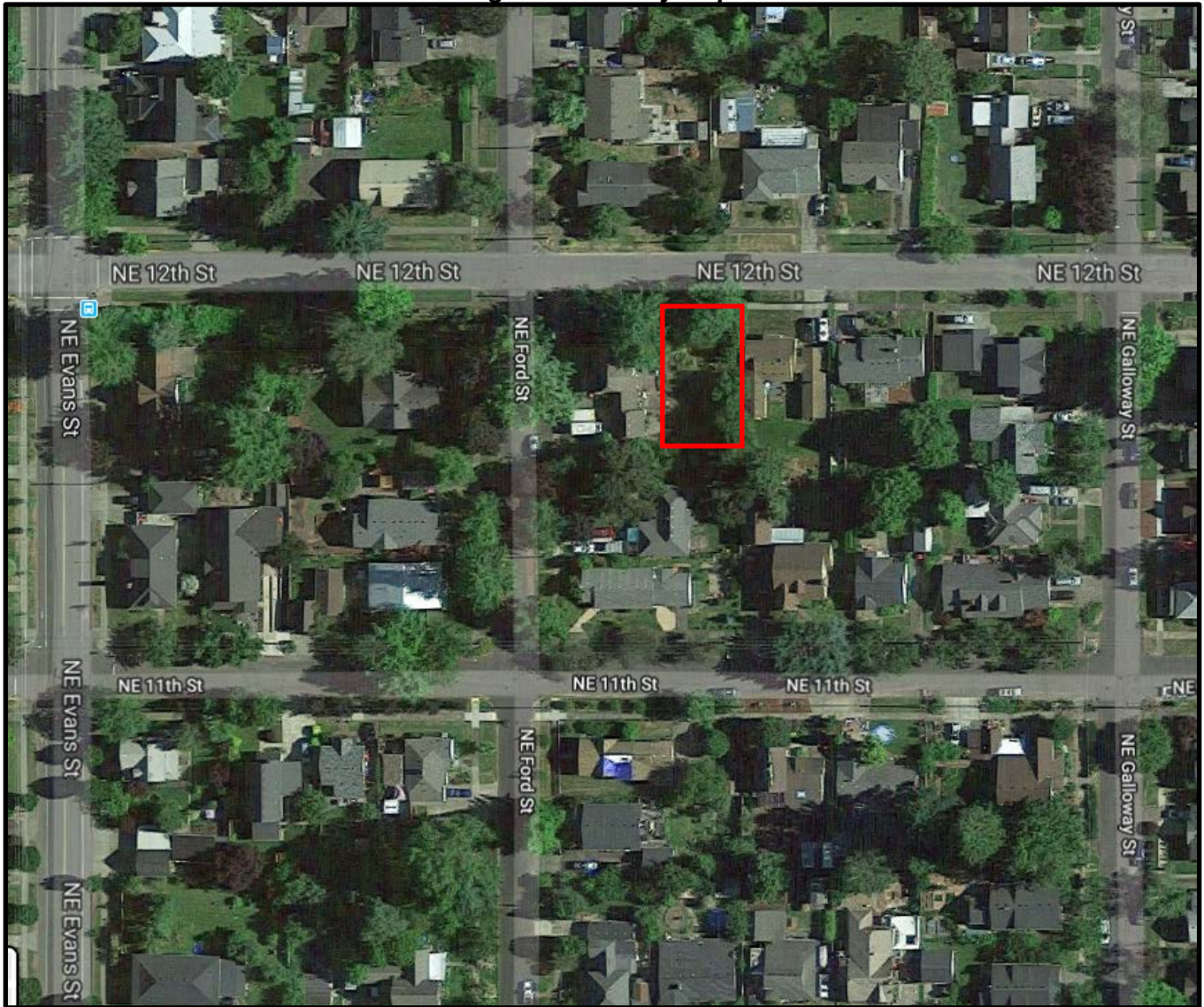
#### Background:

The applicant and adjacent property owner, John Mead, submitted a street tree removal application to remove one (1) street tree from the right-of-way adjacent to the property at 620 NE 12th Street (formerly 1150 NE Ford Street). The subject property is more specifically described as Tax Lot 9800, Section 16CC, T. 4. S., R. 4 W., W.M. The subject property is located within the I.M. Johns Addition to McMinnville subdivision. **See 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 620 NE 12th Street

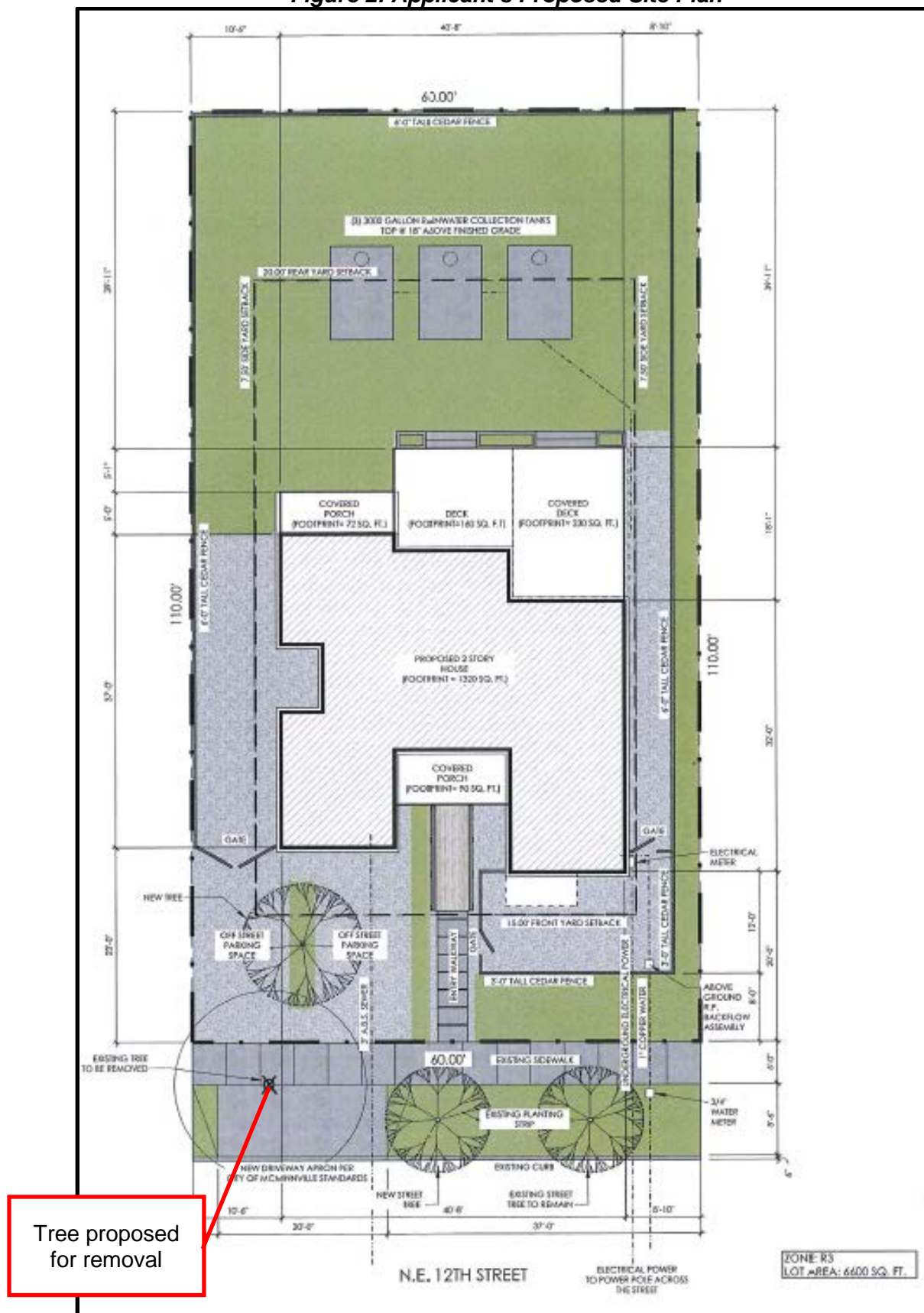
**Figure 1: Vicinity Map****Discussion:*****Summary of Criteria & Issues:***

The applicant has requested the removal of one (1) street tree because of conflict with public improvements. The subject street tree is adjacent to the property at 620 NE 12<sup>th</sup> Street. The site, along with the adjacent property on the corner of NE 12<sup>th</sup> Street and NE Ford Street, until recently had been considered to be one tax lot by the Yamhill County Tax Assessor. The property owner was able to provide evidence that the lots were in fact separate historic lots, and they are now considered two separate legal lots. The larger previously combined lot had driveway access from NE Ford Street. The property owner is now proposing to build a new single-family residence at 620 NE 12<sup>th</sup> Street. Part of the development proposal is locating a new driveway curb-cut to access the property from NE 12<sup>th</sup> Street, where no curb-cut exists now. **See Figure 2 (Applicant's Proposed Site 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 620 NE 12th Street



**Figure 2: Applicant's Proposed Site 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 620 NE 12th Street

The subject tree is a *Juglans nigra* (Black Walnut), approximately 20 inches in diameter at breast height (DBH) and approximately 40 feet in height. Black Walnuts are considered to be problematic as street trees due to the nut and fruit drop, and susceptibility to “thousand cankers disease”, the result of combined activity of a fungus (*Geosmithia morbida*) and the walnut twig beetle. The tree is not planted in the middle of the planting strip in the NE 12<sup>th</sup> Street right-of-way, rather it is located immediately adjacent to the sidewalk. As a result, the tree has grown over the sidewalk, and its roots have lifted the adjacent sidewalk approximately six (6) inches, creating surface discontinuities resulting in trip hazards. Because the tree is growing into and onto the sidewalk, any repair to the sidewalk would likely cause severe damage to the trunk of the tree and the underlying roots. **See Figure 3 (Street Tree and Sidewalk) and Figure 4 (Adjacent Sidewalk Damage).** Therefore, this request would meet the review criteria granting approval to remove a tree in conflict with adjacent public improvements.

**Figure 3 (Street Tree and 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 620 NE 12th Street



**Figure 4 (Adjacent Sidewalk Damage)**

While the application indicates that the tree removal is requested due to the conflict with the adjacent sidewalk, it is important to note the subject tree's health and condition and the proposed development plan for the site that is currently in review for building permits. Despite the tree's large stature, it is not an ideal specimen and does not appear to have good structure or health. The tree main trunk of the tree splits at approximately four (4) feet in height. **See Figure 5 (Trunk Structure)**. At the point of the split, the tree has included bark and evidence of rot. The combination of included bark and rot suggests this branch junction is likely weak, and a possible point of future failure. The tree shows evidence of being severely pruned/topped in the past, which has resulted in epicormic growths (water sprouts) that have since grown quite large in diameter (over four (4) inches). Epicormic growth occurs very rapidly, and is therefore a weaker wood and connection.

The development plan proposes a new single-family residence and new curb-cut and driveway to access the home from 12<sup>th</sup> Street. Currently, the entire property frontage has a planter strip adjacent to it. **See Figure 6 (Planter Strip)**. West of the subject tree is a second street tree located in front of the property that appears to be in good health and condition. Any new driveway proposed would likely require the removal of one tree or the other. Given the health and structural issues of the subject tree, the problematic nature of Black Walnuts as street trees, and the conflicts with the sidewalk, it seems the Black Walnut street tree is a good candidate for removal.

---

**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 620 NE 12th Street



**See Figure 5 (Trunk Structure)**



**See Figure 6 (Planter Strip)**



---

**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 620 NE 12th Street

The proposed development plan (**See Figure 2 (Applicant's Proposed Site Plan)**) indicates that a replacement street tree is proposed for the planter strip adjacent to the new driveway. Additionally, a second tree is proposed on private property breaking up the off-street parking spaces for the new residence. Given the sufficient space in the planter strip between the proposed driveway approach and the adjacent street tree, and spacing from public improvements and utilities, staff is recommending a replacement tree be required. No approved street tree plan is on file with the Planning Department for this subdivision. A tree from the McMinnville Street Tree List - Recommended Medium Tree Species, or other species/variety approved by the Landscape Review Committee, would be appropriate for a replacement tree, and consistent with other similar sized street trees along NE 12th Street.

**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 16-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

---

**Attachments:**

*Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 620 NE 12th 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 620 NE 12th STREET**

**DOCKET:** L 16-19 (Street Tree Removal)

**REQUEST:** Approval to remove 1 street tree from the right-of-way adjacent to the subject property

**LOCATION:** 620 NE 12th Street (Tax Lot 9800, Section 16CC, T. 4. S., R. 4 W., W.M.)

**ZONING:** R-3 (Single-family Residential)

**APPLICANT:** John Mead, property owner

**STAFF:** Jamie Fleckenstein, PLA, Associate Planner

**DATE DEEMED COMPLETE:** July 1, 2019

**DECISION MAKING BODY & ACTION:** McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.

**DECISION DATE & LOCATION:** July 17, 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.

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 16-19) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Date: July 17, 2019Date: July 17, 2019

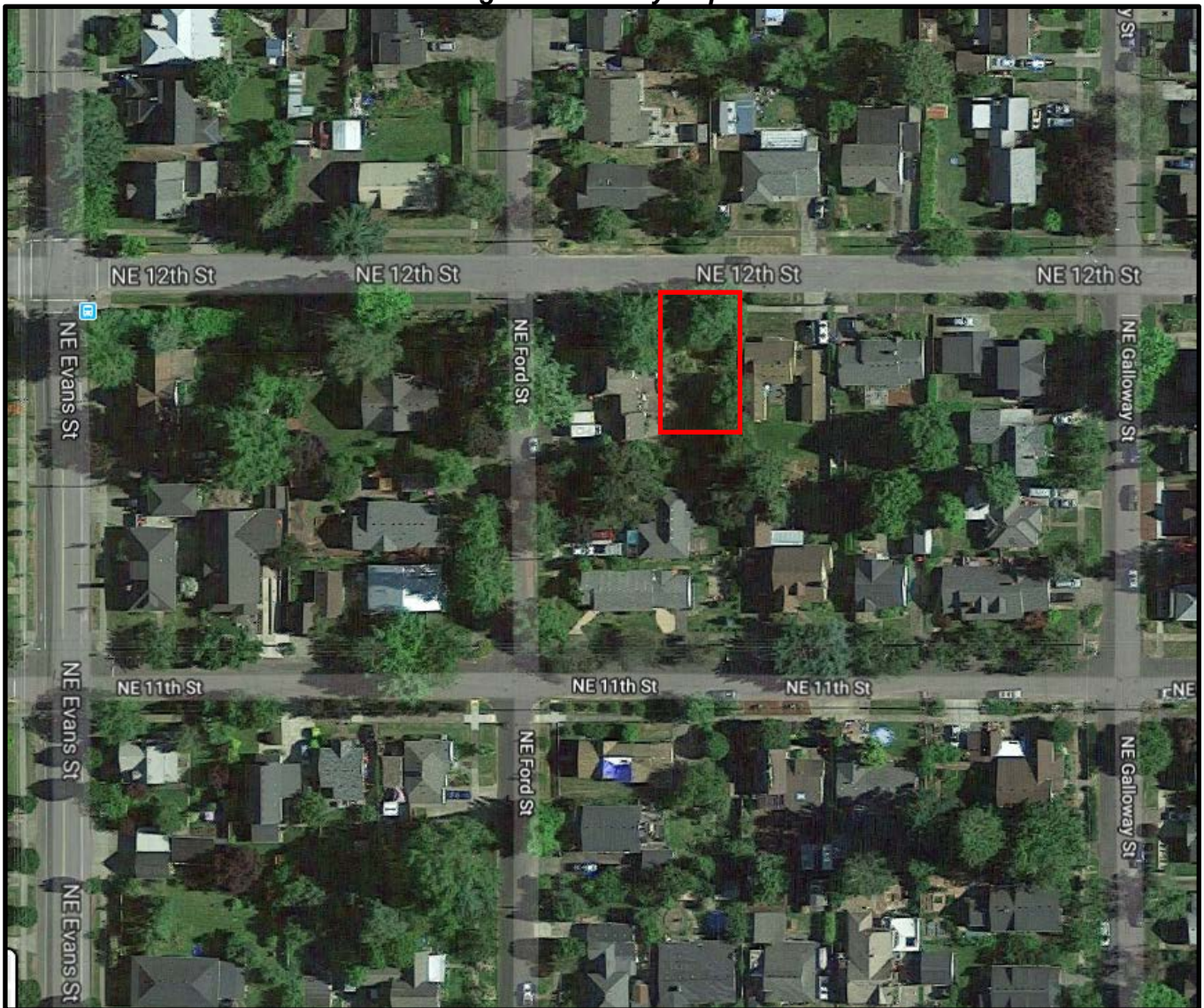
## **I. APPLICATION SUMMARY:**

### ***Subject Property & Request***

The application requests the removal of one (1) street tree from the public right-of-way adjacent to the subject property. The application indicates if a replacement street tree is proposed. Removal of a tree within the public right-of-way requires City approval.

The subject property is located at 620 NE 12th Street within the I.M. Johns Addition to McMinnville subdivision. ***See Figure 1 (Vicinity Map).***

***Figure 1: Vicinity Map***



### ***Summary of Criteria & Issues***

The applicant has requested the removal of one (1) street tree because of conflict with public improvements. The subject street tree is adjacent to the property at 620 NE 12<sup>th</sup> Street. The site, along with the adjacent property on the corner of NE 12<sup>th</sup> Street and NE Ford Street, until recently had been considered to be one tax lot by the Yamhill County Tax Assessor. The property owner was able to provide evidence that the lots were in fact separate historic lots, and they are now considered two separate legal lots. The larger previously combined lot had driveway access from NE Ford Street. The property owner is now proposing to build a new single-family residence at 620 NE 12<sup>th</sup> Street. Part of

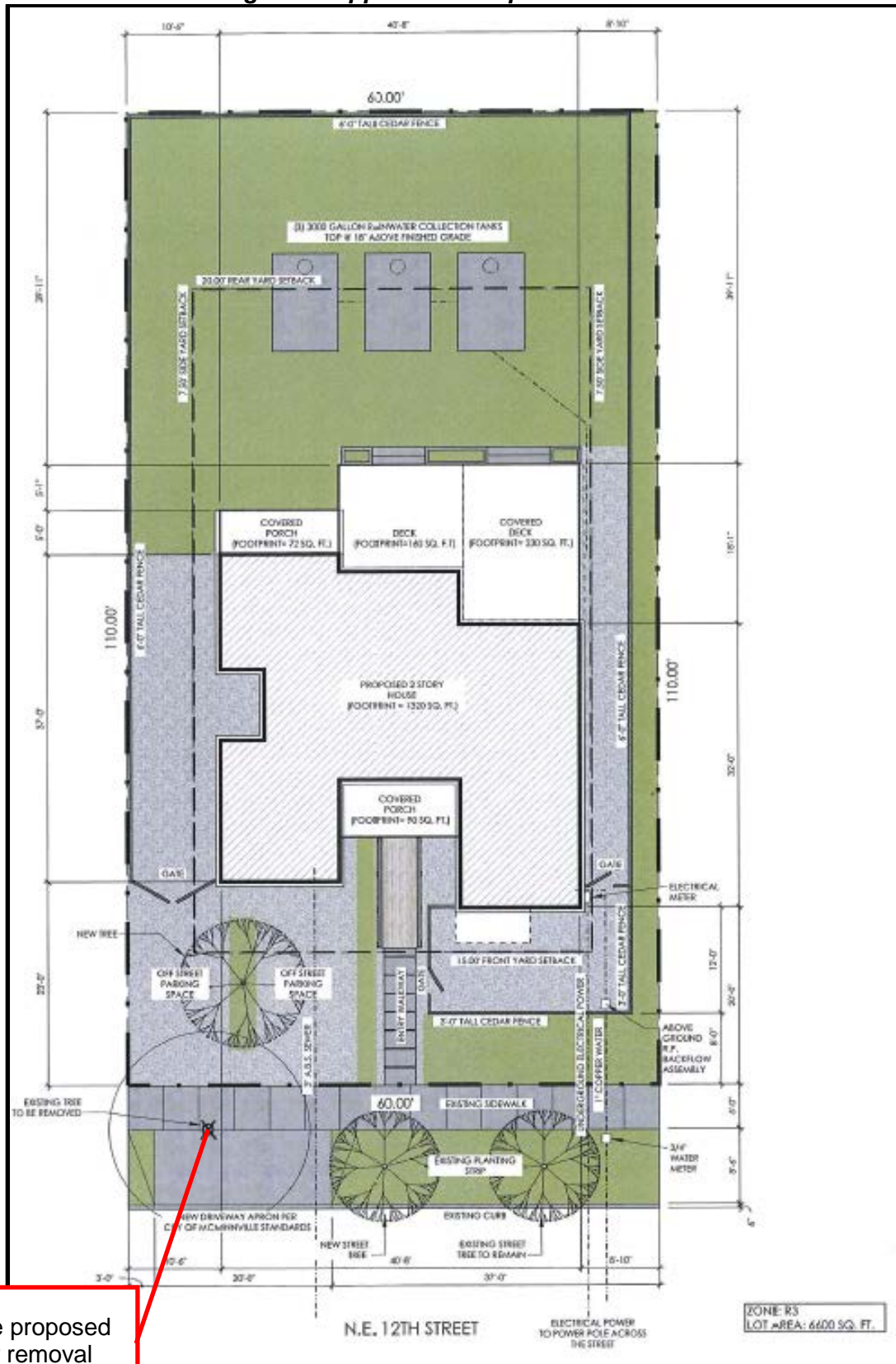
Attachments:

Attachment 1 – Application for Street Tree Removal (L 16-19)



the development proposal is locating a new driveway curb-cut to access the property from NE 12<sup>th</sup> Street, where no curb-cut exists now. ***See Figure 2 (Applicant's Proposed Site Plan).***

***Figure 2: Applicant's Proposed Site Plan***



Tree proposed  
for removal

-----  
*Attachments:*

*Attachment 1 – Application for Street Tree Removal (L 16-19)*



The subject tree is a *Juglans nigra* (Black Walnut), approximately 20 inches in diameter at breast height (DBH) and approximately 40 feet in height. Black Walnuts are considered to be problematic as street trees due to the nut and fruit drop, and susceptibility to “thousand cankers disease”, the result of combined activity of a fungus (*Geosmithia morbida*) and the walnut twig beetle. The tree is not planted in the middle of the planting strip in the NE 12<sup>th</sup> Street right-of-way, rather it is located immediately adjacent to the sidewalk. As a result, the tree has grown over the sidewalk, and its roots have lifted the adjacent sidewalk approximately six (6) inches, creating surface discontinuities resulting in trip hazards. Because the tree is growing into and onto the sidewalk, any repair to the sidewalk would likely cause severe damage to the trunk of the tree and the underlying roots. **See Figure 3 (Street Tree and Sidewalk) and Figure 4 (Adjacent Sidewalk Damage).** Therefore, this request would meet the review criteria granting approval to remove a tree in conflict with adjacent public improvements.

**Figure 3 (Street Tree and Sidewalk)**



---

Attachments:

Attachment 1 – Application for Street Tree Removal (L 16-19)



**Figure 4 (Adjacent Sidewalk Damage)**

While the application indicates that the tree removal is requested due to the conflict with the adjacent sidewalk, it is important to note the subject tree's health and condition and the proposed development plan for the site that is currently in review for building permits. Despite the tree's large stature, it is not an ideal specimen and does not appear to have good structure or health. The tree main trunk of the tree splits at approximately four (4) feet in height. **See Figure 5 (Trunk Structure)**. At the point of the split, the tree has included bark and evidence of rot. The combination of included bark and rot suggests this branch junction is likely weak, and a possible point of future failure. The tree shows evidence of being severely pruned/topped in the past, which has resulted in epicormic growths (water sprouts) that have since grown quite large in diameter (over four (4) inches). Epicormic growth occurs very rapidly, and is therefore a weaker wood and connection.

The development plan proposes a new single-family residence and new curb-cut and driveway to access the home from 12<sup>th</sup> Street. Currently, the entire property frontage has a planter strip adjacent to it. **See Figure 6 (Planter Strip)**. West of the subject tree is a second street tree located in front of the property that appears to be in good health and condition. Any new driveway proposed would likely require the removal of one tree or the other. Given the health and structural issues of the subject tree, the problematic nature of Black Walnuts as street trees, and the conflicts with the sidewalk, it seems the Black Walnut street tree is a good candidate for removal.

---

**Attachments:**

Attachment 1 – Application for Street Tree Removal (L 16-19)



**See Figure 5 (Trunk Structure)**



**See Figure 6 (Planter Strip)**



---

**Attachments:**

Attachment 1 – Application for Street Tree Removal (L 16-19)

The proposed development plan (**See Figure 2 (Applicant's Proposed Site Plan)**) indicates that a replacement street tree is proposed for the planter strip adjacent to the new driveway. Additionally, a second tree is proposed on private property breaking up the off-street parking spaces for the new residence. Given the sufficient space in the planter strip between the proposed driveway approach and the adjacent street tree, and spacing from public improvements and utilities, staff is recommending a replacement tree be required. No approved street tree plan is on file with the Planning Department for this subdivision. A tree from the McMinnville Street Tree List - Recommended Medium Tree Species, or other tree approved by the Landscape Review Committee, would be appropriate for a replacement tree, and consistent with other similar sized street trees along NE 12th Street.

## **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 removing the trunk, stump, and roots to ensure that underground utilities are not damaged during this process. If any facilities are damaged during tree removal or stump grinding, contact McMinnville Water & Light immediately at 503-472-6158.
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 NE 12<sup>th</sup> Street right-of-way planter strip. The tree shall be a recommended medium street tree from the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee.
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.

---

### *Attachments:*

*Attachment 1 – Application for Street Tree Removal (L 16-19)*



9. That the planter areas shall be restored to original grade immediately following the planting of the replacement tree.
10. That the applicant shall complete the tree removal and tree replacement within six (6) months of this approval notification, or January 17, 2020.

### **III. ATTACHMENTS:**

1. L 16-19 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 walnut tree about 20" DBH and in excess of 40' in height.
2. The tree is planted in planter strip between the curb and sidewalk, with what appears to be irrigated turf as ground cover. The planting area is on the 12<sup>th</sup> Street frontage of the property.
3. The tree has lifted the adjacent sidewalk panel resulting in non-compliant surface discontinuities resulting in trip hazards.
4. There are no overhead facility conflicts. There are overhead facilities on the opposite side of 12<sup>th</sup> Street, including power.
5. There are no damage to the adjacent sidewalk or curb.
6. The tree does not show any obvious health issues that would require removal.
7. The tree has two trunks, and has included bark and some rot in the junction between the two trunks.
8. The tree has been severely topped in the past, and has some very large (>4") epicormic growth throughout the canopy.

#### **Recommendations**

1. Given the age and structural condition of the tree, staff would recommend approval of the removal request. The included bark, evidence of rot, and large, potentially unstable sucker growth couple with targets (homes, vehicles and pedestrians) combine to make this tree a candidate for removal. 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.
  - c. Applicant to call for a utility locate prior to removal.
  - d. Applicant to replace the tree with a variety acceptable to the Planning Department, minimum 2" caliper. The tree will need to be located at least 5 feet away from the proposed new driveway access.
  - e. Applicant to plant trees as per the approved City detail.
  - f. Applicant to contact Public Works (503.434.7316) for an inspection prior to backfill.

#### **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)

---

*Attachments:*

*Attachment 1 – Application for Street Tree Removal (L 16-19)*

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. John Mead, adjacent property owner, submitted a Street Tree Removal Permit application on June 19, 2019.
2. The application was deemed complete on July 1, 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 McMinnville Landscape Review Committee on July 17, 2019 to review the application and proposed street tree removal request.

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

1. **Location:** 620 NE 12<sup>th</sup> Street (Tax Lot 9800, Section 16CC, T. 4. S., R. 4 W., W.M.)
2. **Size:** 6,600 square feet (0.15 acres)
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-3 (Single-family Residential)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None.
  - b. **Other:** None identified.
8. **Other Features:** Eight (8) foot wide planter strip adjacent to NE 12<sup>th</sup> Street with two (2) street trees adjacent to the subject site.
9. **Utilities:**
  - a. **Water:** The property will be served by a water main in NE 12<sup>th</sup> Street. The treatment plant has sufficient treatment capacity.
  - b. **Sewer:** The property is served by a sewer main in NE 12<sup>th</sup> Street. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
  - c. **Stormwater:** Storm water in NE 12<sup>th</sup> Street is conveyed by curb and gutter to a catch basin and storm drain at NE 12<sup>th</sup> Street and NE Ford Street.
  - d. **Other Services:** Overhead utilities are present on the north side of NE 12<sup>th</sup> Street.

---

Attachments:

Attachment 1 – Application for Street Tree Removal (L 16-19)

10. **Transportation:** NE 12<sup>th</sup> Street is classified as a Local Residential Street in the Transportation System Plan (TSP). The existing right-of-way is 60 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 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 NE 12<sup>th</sup> Street right-of-way would improve the safety of the pedestrian way, the aesthetic appearance of the streetscape, and the livability of the surrounding area. The tree is growing into a sidewalk, and its roots are lifting the adjacent sidewalk panel, creating a trip hazard in the public right-of-way. The replacement of a street tree would address the aesthetics and livability of 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.*

---

Attachments:

Attachment 1 – Application for Street Tree Removal (L 16-19)

**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 standards and criteria applicable to the request:

**17.58.040 Tree Removal/Replacement.**

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

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

**FINDING: SATISFIED.** The tree removal was not designated as exempt, and the applicant has filed an application for a Street Tree Removal Permit to be reviewed by the McMinnville Landscape Review Committee.

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

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

**FINDING: SATISFIED WITH CONDITION #3.** A condition of approval has been included to assure that the tree removal will be performed to accepted City standards.

**CONDITION FOR FINDING:** 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.

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

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

**FINDING: SATISFIED WITH CONDITIONS #1, 2.** Conditions of approval have been included to assure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

**CONDITIONS FOR FINDING:** That all costs and liability associated with tree removal, stump grinding, and tree replacement shall be borne by the applicant.



That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to removing the trunk, stump, and roots to ensure that underground utilities are not damaged during this process. If any facilities are damaged during tree removal or stump grinding, contact McMinnville Water & Light immediately at 503-472-6158.

**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 WITH CONDITION #4.** The subject street tree is located in an eight (8) foot wide planting strip where a new driveway is being proposed. A second existing street tree that will remain is also located in the planter strip. Given the minimum five (5) foot spacing standard from private driveways and the location of the remaining street tree, there is sufficient space in the planter strip to accommodate a replacement tree.

There is no approved street tree plan for the I.M. Johns Addition to McMinnville subdivision on file with the Planning Department. The second street tree adjacent to the subject site that would remain is an *Acer rubrum* var. (Red Maple variety). Red Maple varieties are listed as recommended medium street trees in the McMinnville Street Tree List. Because there is no approved street tree for the subject site, a replacement tree selected from the recommended medium street trees in the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee, would be of appropriate size and character to remain consistent with surrounding street trees.

**CONDITION FOR FINDING:** That one (1) replacement street tree be planted in the NE 12<sup>th</sup> Street right-of-way planter strip. The tree shall a recommended medium street tree from the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee.

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

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

**FINDING: SATISFIED WITH CONDITION #3.** A condition of approval has been included to ensure that the applicant shall remove the tree stump and surface roots, and restore the planting strip.

**CONDITION FOR FINDING:** 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.

**17.58.040(F).** *The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.*

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

---

Attachments:

Attachment 1 – Application for Street Tree Removal (L 16-19)

**FINDING: SATISFIED WITH CONDITIONS #10.** Conditions of approval have been included to ensure that the applicant shall complete the tree removal within six (6) months of approval.

**CONDITIONS FOR FINDING:** That the applicant shall complete the tree removal and tree replacement within six (6) months of this approval notification, or January 17, 2020.

**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 #5, 6, 7, 8, 9.** Conditions of approval have been included to assure that McMinnville's street tree standards are met when planting a replacement street tree.

**CONDITIONS FOR FINDING:** 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.

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.

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.

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.

That the planter areas shall be restored to original grade immediately following the planting of the replacement trees.

#### **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:** The tree is in conflict with public improvements, specifically the sidewalk. The trunk has grown into the sidewalk space a few inches and the roots have lifted the sidewalk approximately 6".

**FINDING: SATISFIED.** Staff concurs with the Applicant's finding. Staff also notes that the lifting of the sidewalk panel has created surface discontinuities in the path of travel, creating a trip hazard in the public right-of way. Because the tree is growing into and over the sidewalk, the

root(s) that is lifting the sidewalk is likely to be significant to the trees anchoring and support. Pruning a large, lateral root at the base of the tree to repair the sidewalk would likely compromise the structure and health of the tree. Additionally, the tree trunk is growing into the sidewalk. Repair and replacement of the sidewalk would cause damage to the trunk of the tree, likely disrupting the flow of water and nutrients to a portion of the tree.

Furthermore, Black Walnuts are considered to be problematic as street trees due to the nut and fruit drop, and susceptibility to “thousand cankers disease”, the result of combined activity of a fungus (*Geosmithis morbida*) and the walnut twig beetle. The nut and fruit drop creates slip/trip/fall hazards below the canopy on the sidewalk, and “thousand canker disease” eventually kills the walnut tree, creating a hazard for targets below.

Therefore, because of the current conflict with the sidewalk and the lifting of the adjacent panel to create a trip hazard, the potential for increasing conflict in the future due to the tree’s location and size, and the problematic characteristics of black walnuts as street trees creating additional conflicts with public improvements below the tree, this criterion is met.

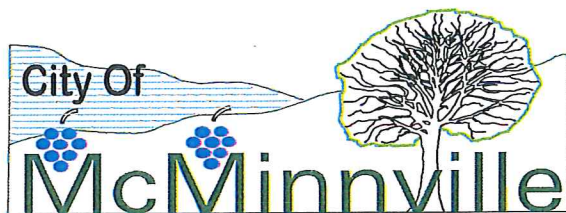
**17.58.050(C).** *The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.*

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

**FINDING: SATISFIED.** A proposed development project for the subject property has been submitted for building permit. The development plan proposes a new single-family residence and new curb-cut and driveway to access the home from 12<sup>th</sup> Street. Currently, the entire property frontage has a planter strip adjacent to it. The subject street tree is located on the eastern side of the planter strip, and west of the subject tree is a second street tree located in front of the property that appears to be in good health and condition. Any new driveway approach installation would likely require the removal of one tree or the other. Given the health and structural issues of the subject tree, the problematic nature of Black Walnuts as street trees, and the conflicts with the sidewalk, it seems the Black Walnut street tree is a good candidate for removal. The applicant has indicated that a condition of building permit issuance is approval of the street tree removal application. Therefore, because the tree removal is the final approval required for building permit issuance, this criterion could be considered satisfied.

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)

569-19-000346-PLNG

**Office Use Only:**

File No. L16-19

Date Received 6/19/19

Fee \$150

Receipt No. \_\_\_\_\_

Received by RH

## Street Tree Removal

### Applicant Information

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

Applicant Name JOHN MEAD Phone 971.237.0338

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

Address 1420 NE 5TH ST

City, State, Zip McMINNVILLE, OR 97128

Contact Email colibridos2@gmail.com

### Property Owner Information

Property Owner Name SAWE 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 H50 NE 620 NE 12TH ST (FORMERLY 1150 NE FORD ST)  
(Property nearest to tree(s) for removal)

Assessor Map No. R4 416 - CC - 09800 Total Site Area \_\_\_\_\_

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

Comprehensive Plan Designation Residential Zoning Designation R-3

### Additional Information

1. How many trees are requested for removal? ONE TREE
2. What type (species) of tree(s) are they? WALNUT
3. What is the diameter of the tree(s), measured four feet above ground level? 20 INCHES
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. \_\_\_\_\_

THE TREE IS IN CONFLICT WITH PUBLIC IMPROVEMENTS, SPECIFICALLY THE SIDEWALK. THE TRUNK HAS GROWN INTO THE SIDEWALK SPACE A FEW INCHES AND THE ROOTS HAVE LIFTED THE SIDEWALK APPROXIMATELY 6".

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

J. Head  
Applicant's Signature

6/19/2019  
Date

J. Head  
Property Owner's Signature

6/19/2019  
Date



**m.o.d**aby  
design

3948 SE 26th Ave  
Portland, OR 97202  
www.modabydesign.net  
phone: 503.475.6151  
mattd@modabydesign.net

RESIDENCE FOR:

**JENNY  
BERG &  
JOHN  
MEAD**

620 NE 12TH STREET  
MCMINNVILLE, OR 97128

FLOOR AREA:

MAIN LEVEL: 1161 FT<sup>2</sup>  
UPPER LEVEL: 297 FT<sup>2</sup>

TOTAL LIVING: 1458 FT<sup>2</sup>

SCALE AS NOTED IF PRINTED @  
100% ON 22" X 34" PAPER

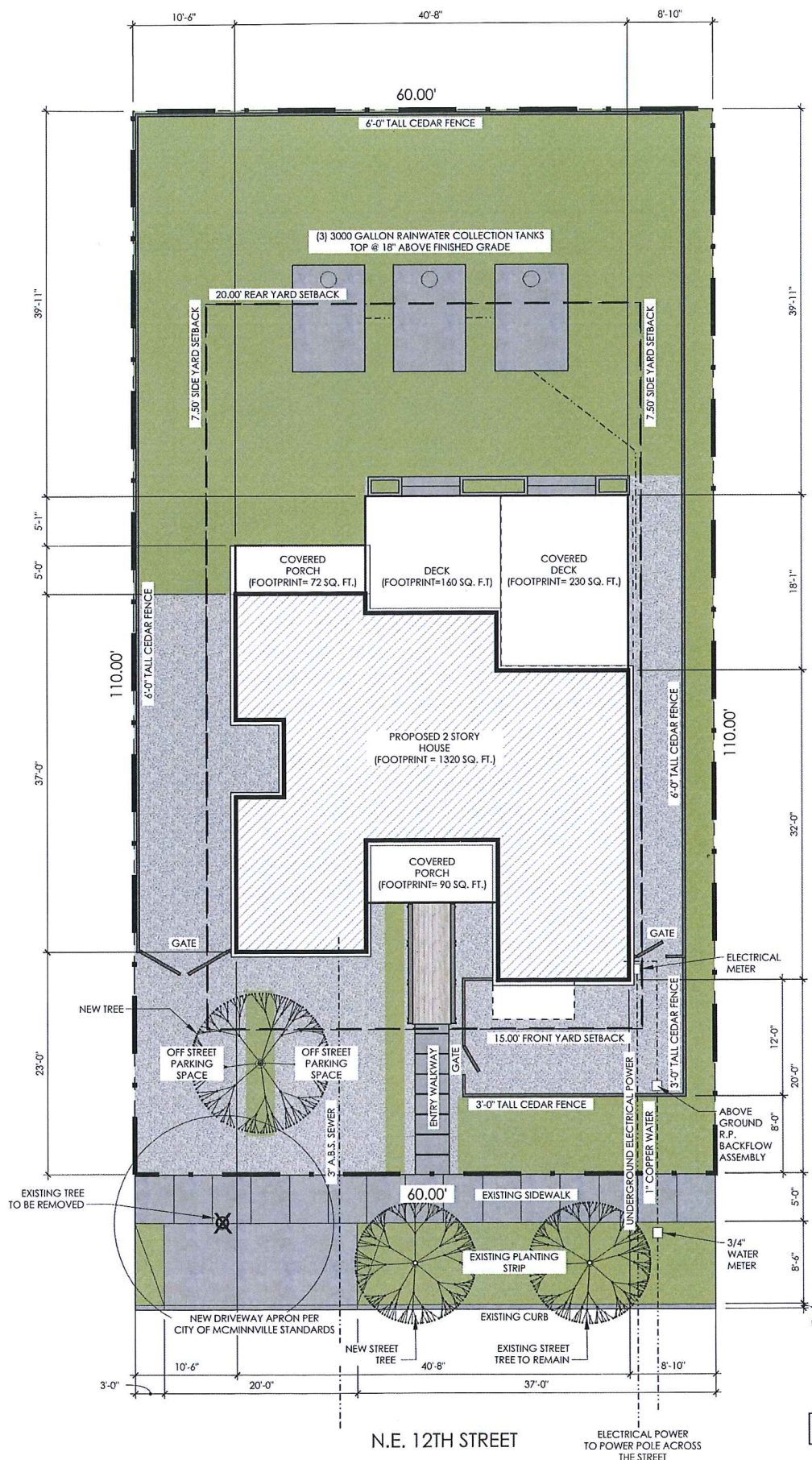
SCALE IS 50% NOTED IF PRINTED  
@ 50% ON 11" X 17" PAPER

ISSUED FOR:

PERMIT 06.17.19

SHEET NO.

**A2**























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: July 17, 2019  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Landscape Plan Review Application (L 14-19)

### 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 review (L 14-19) for the construction of a Food Truck Park in northeast McMinnville to be reviewed by the Landscape Review Committee.

### Background:

The applicant, Chris Veit, of Carlson Veit Architects, PC, on behalf of Ahmed Ebeid, MD, property owner, submitted a landscape plan associated with a building permit for the construction of a Food Truck Park at 839 NE Highway 99W. The subject property is more specifically described as Tax Lot 500, Section 16BD, T. 4. S., R. 4 W., W.M. The property is zoned C-3 (General Commercial). **See Figure 1 (Vicinity Map) and Figure 2 (Zoning Map).**

The subject site is located north of property that fronts Highway 99W, and is accessed from Highway 99W through an access easement. The subject site is currently vacant. The site is generally flat, though a drainage swale is located along the north property line. A cluster of large trees is centrally located on the subject site. South of the subject site are commercial properties fronting Highway 99W. Uses found on those parcels include medical office, a future laundromat, and associated off-street surface parking. West of the subject site is an undeveloped commercial lot, with low density residential development immediately north of that. North of the subject site is a large off-street surface parking lot for the large commercial development east of the subject site, with a residential mobile home park immediately north of that.

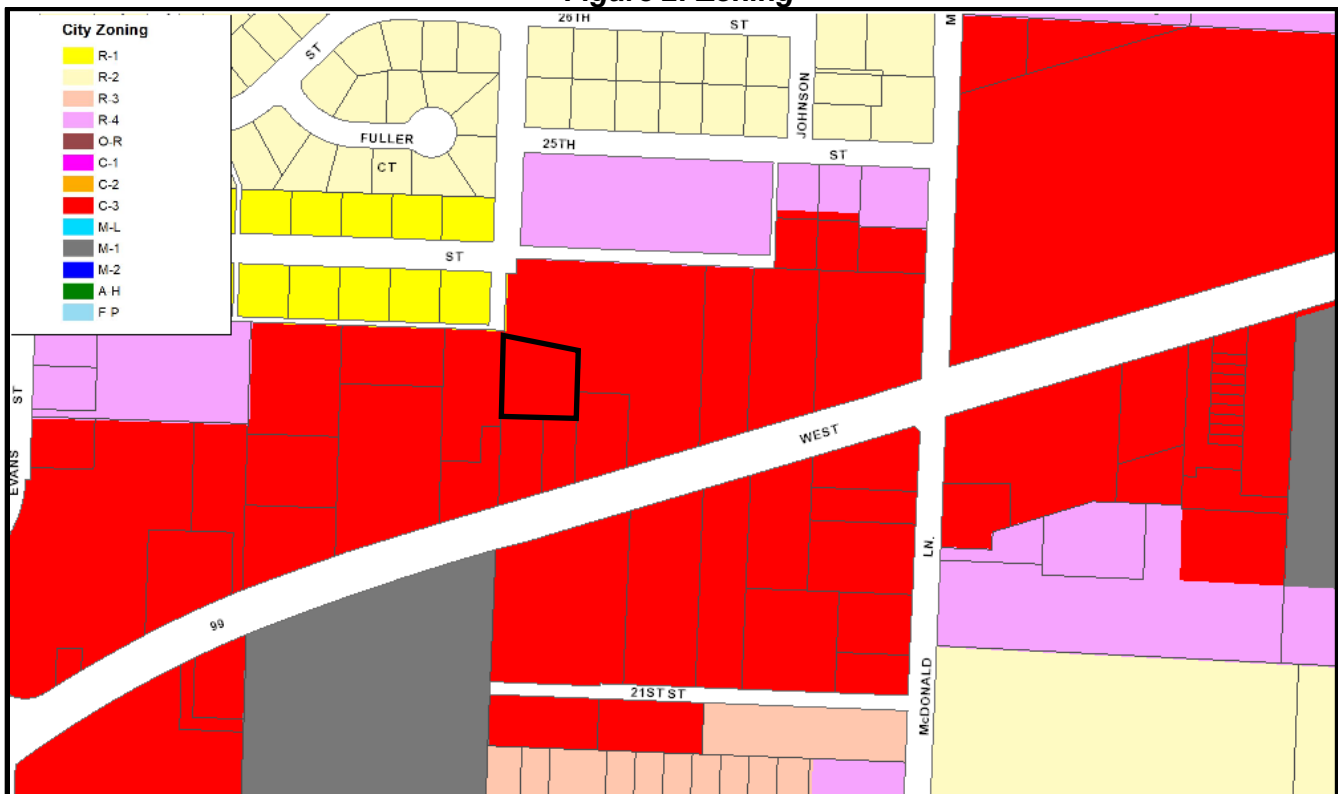
A building permit has been applied for to complete the buildout of the site by adding utilities and paving to accommodate 15 food trucks, off-street parking, and outdoor customer seating. **See Figure 3 (Site Plan).** The proposed landscape plan addresses required landscaping for commercial development per the McMinnville Zoning Ordinance. **See Figure 4 (Landscape Plan).**

---

### Attachments:

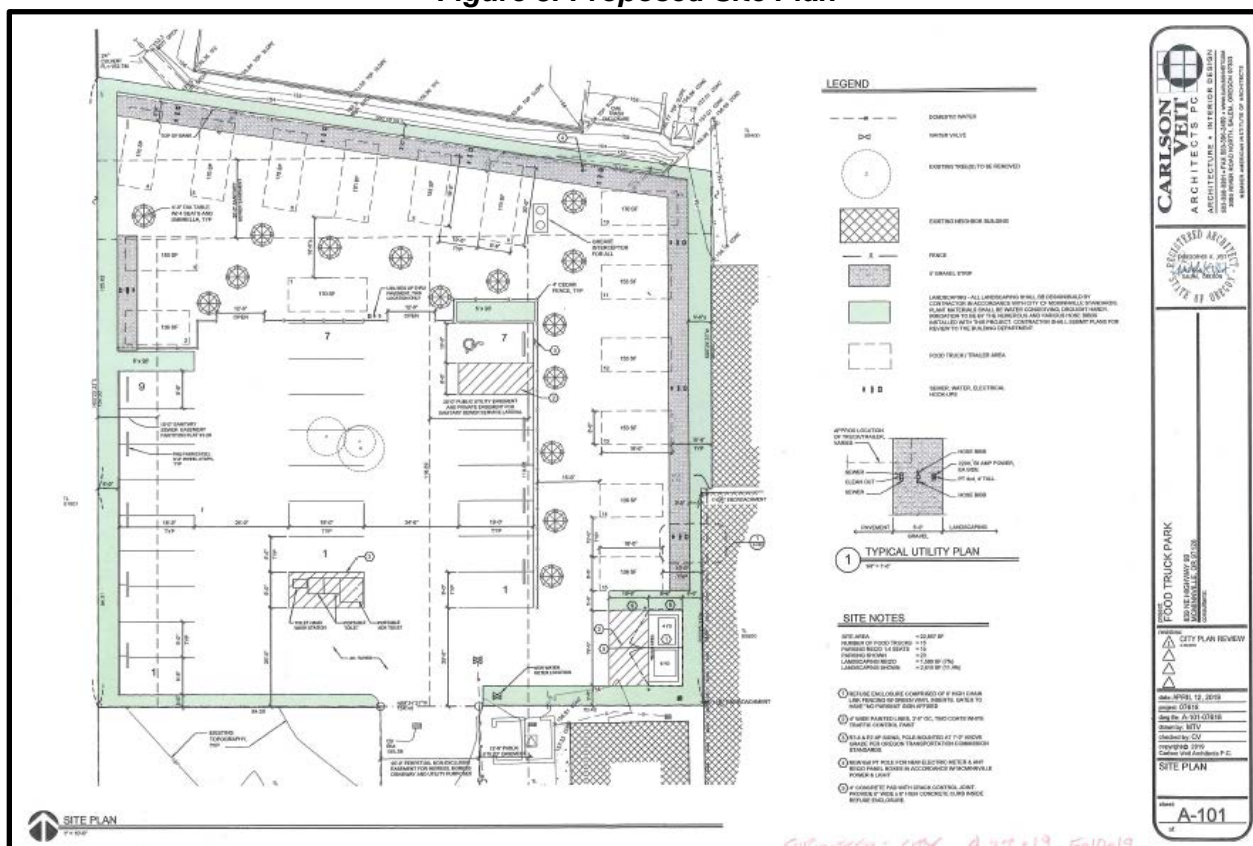
Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan at 839 NE Highway 99W (L 14-19)



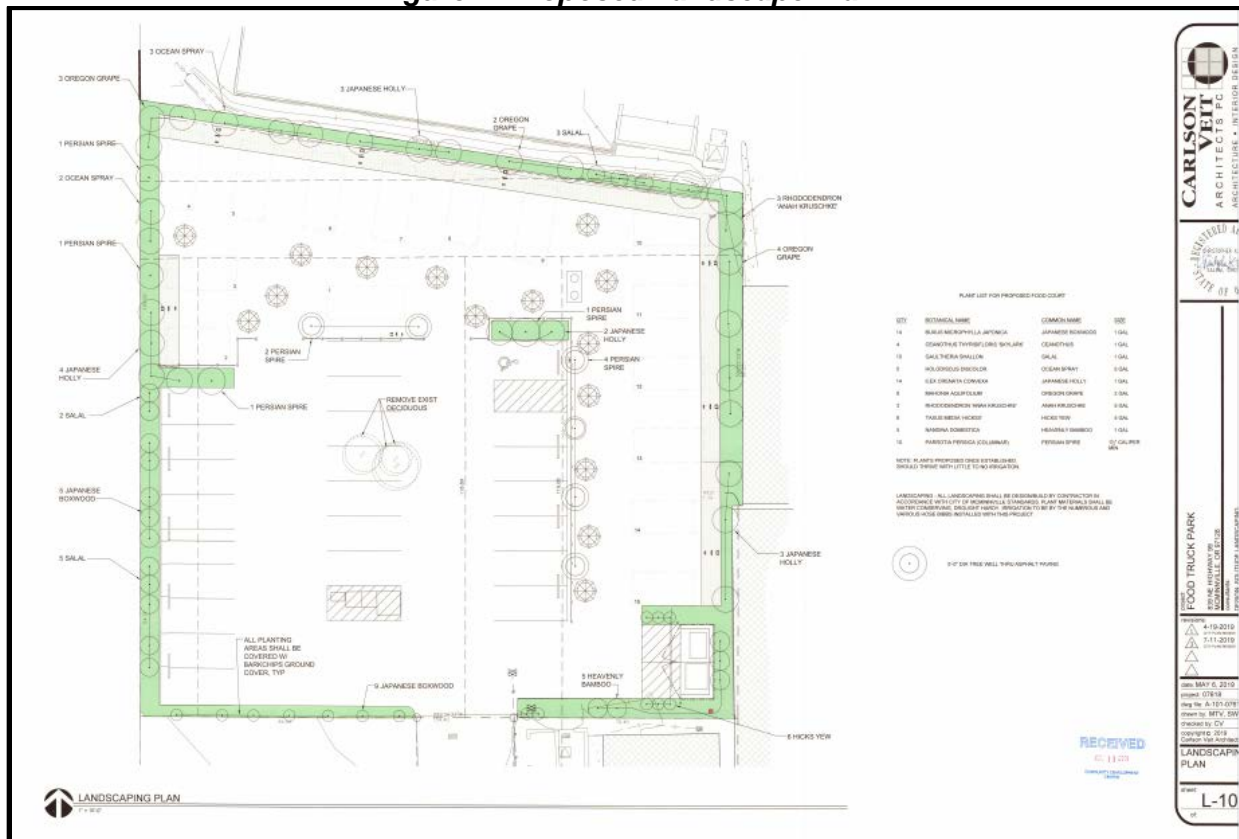
**Figure 1: Vicinity Map****Figure 2: Zoning****Attachments:**

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan at 839 NE Highway 99W (L 14-19)

**Figure 3: Proposed Site Plan**



**Figure 4: Proposed Landscape Plan**



Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan at 839 NE Highway 99W (L 14-19)



**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 an commercial site being developed be landscaped (Section 17.57.070(A)(2) (Area Determination – Planning Factors)). The application indicates that landscaping in excess of the required seven percent is being provided.

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

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

The proposed project is the construction of a Food Court Park, including paved, designated food truck spaces and customer seating areas, and associated off-street parking. Landscaping is generally located in planting beds around the perimeter of the site and in planting islands and tree wells throughout the central paved area.

Below is the plant material proposed for the project:

PLANT LIST FOR PROPOSED FOOD COURT			
<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
14	BUXUS MICROPHYLLA JAPONICA	JAPANESE BOXWOOD	1 GAL
4	CEANOTHUS THYRISIFLORIS 'SKYLARK'	CEANOTHUS	1 GAL
10	GAULTHERIA SHALLON	SALAL	1 GAL
5	HOLODISCUS DISCOLOR	OCEAN SPRAY	5 GAL
14	ILEX CRENATA CONVEXA	JAPANESE HOLLY	1 GAL
8	MAHONIA AQUIFOLIUM	OREGON GRAPE	2 GAL
3	RHODODENDRON 'ANAH KRUSCHKE'	ANAH KRUSCHKE	5 GAL
6	TAXUS MEDIA 'HICKSII'	HICKS YEW	5 GAL
5	NANDINA DOMESTICA	HEAVENLY BAMBOO	1 GAL
10	PARROTIA PERSICA (COLUMNAR)	PERSIAN SPIRE	1½" CALIPER MIN

The Persian Spire trees are small, columnar trees located on the perimeter of the parking area and between the parking and the actual Food Truck Park. These deciduous trees grow up to 25 feet tall by 10 feet wide, and with showy fall color. Because these trees are found on the perimeter of the food truck court where trucks would be driving, the columnar shape of the trees is compatible with their location and use. The compact form of the tree will help avoid damage from food trucks passing by. The trees will also help provide a delineation between the parking area and seating area, and will help shade the customer seating.

***Attachments:***

*Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan at 839 NE Highway 99W (L 14-19)*

Planting around the perimeter of the site is a mix of the proposed plant species. All the proposed plants with the exception of the Ocean Spray and the Persian Spire are evergreen and would provide year round interest. The heights of the plants vary, but are generally considered medium shrubs, ranging from approximately three to ten feet in height. Plants are spaced to provide groupings of shrubs, not a continuous border. This too, is compatible with the proposed use on the site and the uses on adjacent sites. The space between plant groupings could allow customers to walk from adjacent commercial uses to the food truck park. The porous nature of a large food truck pod such as that proposed is supported by the perimeter planting.

The abutting properties are all zoned for commercial use, and properties to the east, south, and north are developed with commercial uses. Beyond the abutting commercial properties, are residential neighborhoods. Existing landscaping on the abutting properties address screening and buffering of conflicting uses. The northwest corner of the subject site is visible from the surrounding residential neighborhood, and proposed landscaping on the subject site addresses this, as described further below. Staff finds the proposed landscaping is compatible with the proposed development and that the subject site will be compatible with surrounding and abutting properties.

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

In the Purpose and Intent statement at the beginning of the Landscape Chapter of the McMinnville Municipal Code Section 17.57.010, it is stated that “[...] the City recognizes the value of landscaping in the achieving the following objectives:

- A. Provide guidelines and standards that will:
  7. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character, and value of existing neighborhoods.”

The subject site is zoned C-3 (General Commercial). All surrounding and adjacent sites are also zoned C-3 (General Commercial). Therefore, there is no conflicting land use between the subject site and adjacent sites that would require screening or buffering of the subject site and the use located thereon. However, northwest of the subject site is a residential neighborhood and an undeveloped public right-of-way. From that neighborhood along NE 24<sup>th</sup> Street, there are intermittent views into the northwest corner of the subject site from undeveloped right-of-way. The proposed landscaping in the northwest corner of the site would provide screening and buffering between the conflicting land uses. The plant material found in the planting area around the perimeter of the northwest corner are a combination of *Parrotia persica* ‘JLColumnar’ (Persian Spire), a deciduous tree growing to 25 feet in height by 10 feet wide, *Holodiscus discolor* (Ocean Spray), a deciduous native shrub that tends to stay compact in dry sunny areas but can reach over 10 feet in height, and *Mahonia aquifolium* (Oregon Grape), a native evergreen shrub growing up to six (6) feet tall and not as wide. The combination of varying heights and evergreen and deciduous plant material should provide screening and buffering of the site from the residential neighborhood to the northwest.

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.*

Centrally located on the site is a cluster of large *Populus balsamifera trichocarpa* (Black Cottonwood) trees that are proposed for removal. Black Cottonwood trees are native to the West Coast of the United States and can grow to up to 100 feet tall and 30 feet wide. Black Cottonwood trees are known to exhibit aggressive surface roots that will sucker is disturbed. Cottonwoods are prone to limb breakage due to weak wood and branch connections. Additionally, the cottony seeds released by female trees in the spring can become a nuisance.

---

**Attachments:**

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan at 839 NE Highway 99W (L 14-19)



The site plan indicates that the existing trees are located where the parking lot for the food truck court is proposed. Because of the high potential for root damage to adjacent pavement and nearby underground utilities, and the risk of limbs dropping on people and property, retention of the existing Black Cottonwood trees would not be appropriate to retain for the proposed use.

The site is essentially flat and the existing grade will be generally maintained.

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

The proposed project features three aisles of parking spaces. The westernmost aisle of 9 spaces is capped at each end by a planting area. At the north end, a planting island is proposed with a *Parrotia persica* 'JLColumnar' (Persian Spire) tree, and *Ilex crenata* 'Convexa' (Japanese Holly). The Persian Spire is a deciduous, columnar tree reaching 25 feet in height and approximately 10 feet in width. Japanese Holly is an evergreen shrub growing to approximately four (4) to six (6) feet in height and width. The southern edge of the parking area is a planting strip with *Buxus microphylla japonica* (Japanese Boxwood). Japanese Boxwood is an evergreen shrub growing to approximately four (4) to six (6) feet in height. The middle parking aisle has two Persian Spire trees in tree wells at the north end. The easternmost parking aisle of seven parking stalls has a planting island with two Japanese Holly plants and one Persian Spire tree. Additionally, on the eastern edge of the parking area, between the designated parking stalls and the pedestrian seating area are four (4) Persian Spire trees in tree wells. Planting islands and plantings, including evergreen shrubs and deciduous trees, have been incorporated into the landscape design to break up 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.*

The subject site is not adjacent to a public right-of-way, therefore street trees are not required.

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

The proposed landscape plan indicates that all plant material is to be watered via hose bibs located throughout the project. One hose bib per food truck stall (15 total) is proposed, mainly along the north and east property lines. No hose bibs are proposed along the southern property line, or adjacent to the parking lot along the west property line. The closest hose bibs to the southwestern corner of the site and the landscaping proposed in that area are approximately 100 feet away.

**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.

**Attachments:**

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan at 839 NE Highway 99W (L 14-19)

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 LANDSCAPE PLAN REVIEW APPLICATION L 14-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

---

**Attachments:**

*Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan at 839 NE Highway 99W (L 14-19)*





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 LANDSCAPE PLAN AT 839 NE HIGHWAY 99W**

**DOCKET:** L 14-19 (Landscape Plan)

**REQUEST:** Approval of a Landscape Plan for a Food Truck Park

**LOCATION:** 839 NE Highway 99W (Tax Lot 500, Section 16BD, T. 4. S., R. 4 W., W.M.)

**ZONING:** C-3 (General Commercial)

**APPLICANT:** Chris Veit, Carlson Veit Architects, PC, on behalf of Ahmed Ebeid, MD, property owner

**STAFF:** Jamie Fleckenstein, PLA, Associate Planner

**DATE DEEMED COMPLETE:** June 21, 2019

**HEARINGS BODY & ACTION:** McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.

**HEARING DATE & LOCATION:** July 17, 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.

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 14-19) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Date: July 17, 2019

Date: July 17, 2019



**I. APPLICATION SUMMARY:*****Subject Property & Request***

The application requests approval of a landscape plan (L 14-19) for a proposed Food Truck Park in northeast McMinnville.

The applicant, Chris Veit, of Carlson Veit Architects, PC, on behalf of Ahmed Ebeid, MD, property owner, submitted a landscape plan associated with a building permit for the construction of a Food Truck Park at 839 NE Highway 99W. The subject property is more specifically described as Tax Lot 500, Section 16BD, T. 4. S., R. 4 W., W.M. The property is zoned C-3 (General Commercial). **See Figure 1 (Vicinity Map) and Figure 2 (Zoning Map).**

The subject site is located north of property that fronts Highway 99W, and is accessed from Highway 99W through an access easement. The subject site is currently is currently vacant. The site is generally flat, though a drainage swale is located along the north property line. A cluster of large trees is centrally located on the subject site. South of the subject site are commercial properties fronting Highway 99W. Uses found on those parcels include medical office, a future laundromat, and associated off-street surface parking. West of the subject site is an undeveloped commercial lot, with low density residential development immediately north of that. North of the subject site is a large off-street surface parking lot for the large commercial development east of the subject site, with a residential mobile home park immediately north of that.

A building permit has been applied for to complete the buildout of the site by adding utilities and paving to accommodate 15 food trucks, off-street parking, and outdoor customer seating. **See Figure 3 (Site Plan).** The proposed landscape plan addresses required landscaping for commercial development per the McMinnville Zoning Ordinance. **See Figure 4 (Landscape Plan).**

---

***Attachments:***

Attachment 1 – Application for Landscape Plan Review (L 14-19)

Figure 1: Vicinity Map

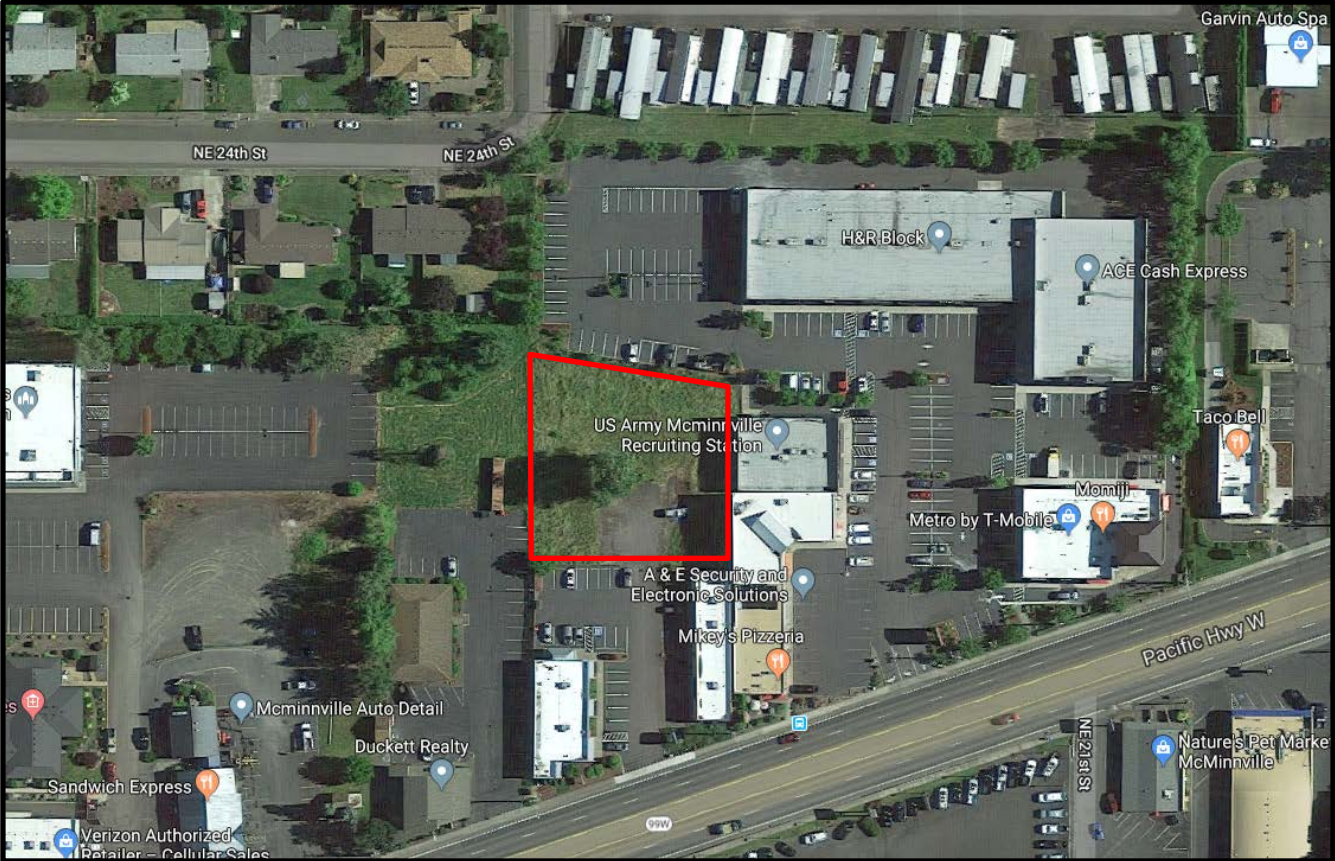
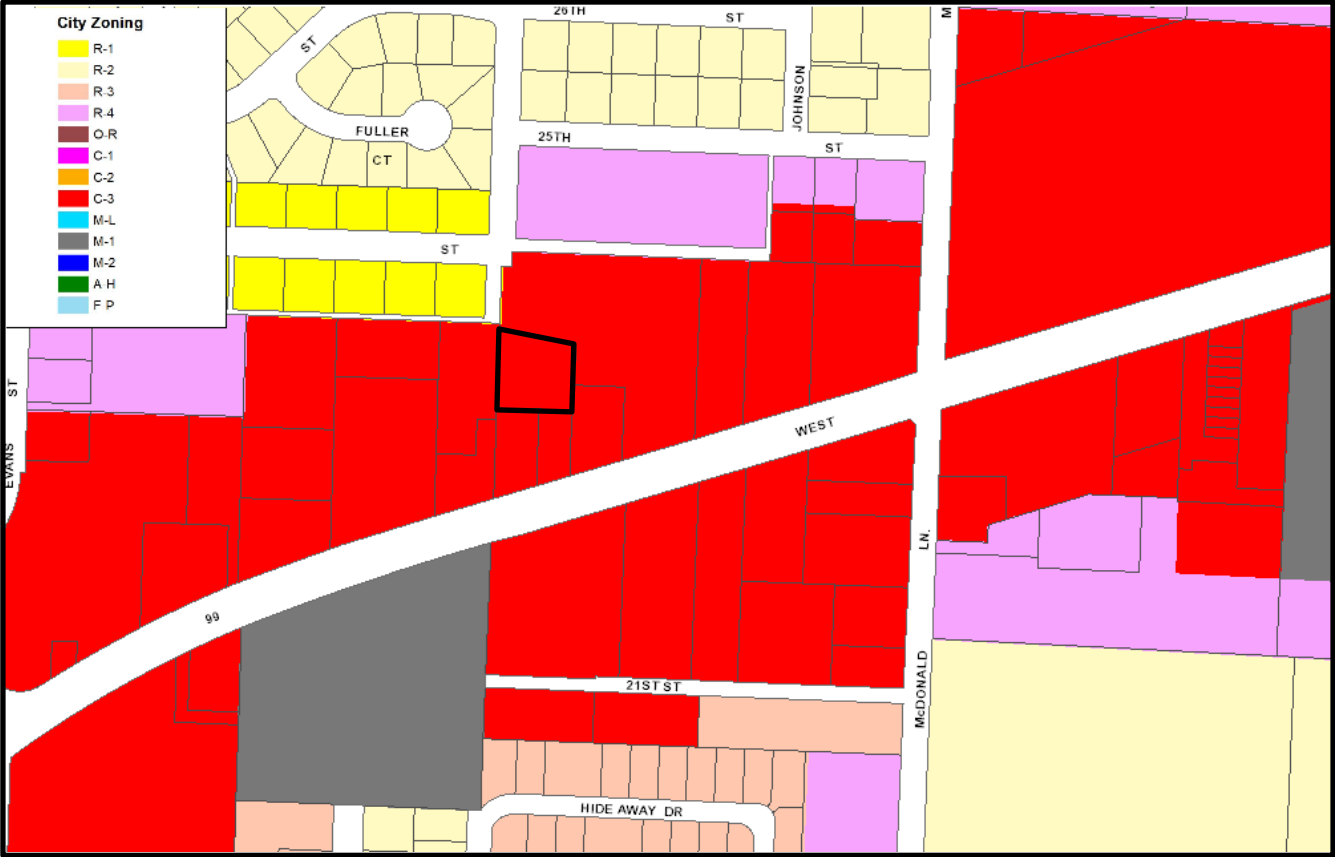


Figure 2: Zoning



**LEGEND**

- CONCRETE WATER
- WATER VALVE
- EXISTING TREES TO BE REMOVED
- EXISTING EXTERIOR BUILDING
- PAVING
- LANDSCAPED
- FOOD TRUCK / TRAILER AREA
- SEWER, WATER, ELECTRICAL, MEDICAL

**TYPICAL UTILITY PLAN**

**SITE NOTES**

1. SITE AREA: 100,000 SQ. FT.
2. NUMBER OF FOOD TRUCKS: 10
3. NUMBER OF SEWERS: 10
4. NUMBER OF TRUCKS: 10
5. LANDSCAPED: 10,000 SQ. FT.
6. LANDSCAPED: 10,000 SQ. FT.
7. LANDSCAPED: 10,000 SQ. FT.
8. LANDSCAPED: 10,000 SQ. FT.
9. LANDSCAPED: 10,000 SQ. FT.
10. LANDSCAPED: 10,000 SQ. FT.
11. LANDSCAPED: 10,000 SQ. FT.
12. LANDSCAPED: 10,000 SQ. FT.
13. LANDSCAPED: 10,000 SQ. FT.
14. LANDSCAPED: 10,000 SQ. FT.
15. LANDSCAPED: 10,000 SQ. FT.
16. LANDSCAPED: 10,000 SQ. FT.
17. LANDSCAPED: 10,000 SQ. FT.
18. LANDSCAPED: 10,000 SQ. FT.
19. LANDSCAPED: 10,000 SQ. FT.
20. LANDSCAPED: 10,000 SQ. FT.
21. LANDSCAPED: 10,000 SQ. FT.
22. LANDSCAPED: 10,000 SQ. FT.
23. LANDSCAPED: 10,000 SQ. FT.
24. LANDSCAPED: 10,000 SQ. FT.
25. LANDSCAPED: 10,000 SQ. FT.
26. LANDSCAPED: 10,000 SQ. FT.
27. LANDSCAPED: 10,000 SQ. FT.
28. LANDSCAPED: 10,000 SQ. FT.
29. LANDSCAPED: 10,000 SQ. FT.
30. LANDSCAPED: 10,000 SQ. FT.
31. LANDSCAPED: 10,000 SQ. FT.
32. LANDSCAPED: 10,000 SQ. FT.
33. LANDSCAPED: 10,000 SQ. FT.
34. LANDSCAPED: 10,000 SQ. FT.
35. LANDSCAPED: 10,000 SQ. FT.
36. LANDSCAPED: 10,000 SQ. FT.
37. LANDSCAPED: 10,000 SQ. FT.
38. LANDSCAPED: 10,000 SQ. FT.
39. LANDSCAPED: 10,000 SQ. FT.
40. LANDSCAPED: 10,000 SQ. FT.
41. LANDSCAPED: 10,000 SQ. FT.
42. LANDSCAPED: 10,000 SQ. FT.
43. LANDSCAPED: 10,000 SQ. FT.
44. LANDSCAPED: 10,000 SQ. FT.
45. LANDSCAPED: 10,000 SQ. FT.
46. LANDSCAPED: 10,000 SQ. FT.
47. LANDSCAPED: 10,000 SQ. FT.
48. LANDSCAPED: 10,000 SQ. FT.
49. LANDSCAPED: 10,000 SQ. FT.
50. LANDSCAPED: 10,000 SQ. FT.
51. LANDSCAPED: 10,000 SQ. FT.
52. LANDSCAPED: 10,000 SQ. FT.
53. LANDSCAPED: 10,000 SQ. FT.
54. LANDSCAPED: 10,000 SQ. FT.
55. LANDSCAPED: 10,000 SQ. FT.
56. LANDSCAPED: 10,000 SQ. FT.
57. LANDSCAPED: 10,000 SQ. FT.
58. LANDSCAPED: 10,000 SQ. FT.
59. LANDSCAPED: 10,000 SQ. FT.
60. LANDSCAPED: 10,000 SQ. FT.
61. LANDSCAPED: 10,000 SQ. FT.
62. LANDSCAPED: 10,000 SQ. FT.
63. LANDSCAPED: 10,000 SQ. FT.
64. LANDSCAPED: 10,000 SQ. FT.
65. LANDSCAPED: 10,000 SQ. FT.
66. LANDSCAPED: 10,000 SQ. FT.
67. LANDSCAPED: 10,000 SQ. FT.
68. LANDSCAPED: 10,000 SQ. FT.
69. LANDSCAPED: 10,000 SQ. FT.
70. LANDSCAPED: 10,000 SQ. FT.
71. LANDSCAPED: 10,000 SQ. FT.
72. LANDSCAPED: 10,000 SQ. FT.
73. LANDSCAPED: 10,000 SQ. FT.
74. LANDSCAPED: 10,000 SQ. FT.
75. LANDSCAPED: 10,000 SQ. FT.
76. LANDSCAPED: 10,000 SQ. FT.
77. LANDSCAPED: 10,000 SQ. FT.
78. LANDSCAPED: 10,000 SQ. FT.
79. LANDSCAPED: 10,000 SQ. FT.
80. LANDSCAPED: 10,000 SQ. FT.
81. LANDSCAPED: 10,000 SQ. FT.
82. LANDSCAPED: 10,000 SQ. FT.
83. LANDSCAPED: 10,000 SQ. FT.
84. LANDSCAPED: 10,000 SQ. FT.
85. LANDSCAPED: 10,000 SQ. FT.
86. LANDSCAPED: 10,000 SQ. FT.
87. LANDSCAPED: 10,000 SQ. FT.
88. LANDSCAPED: 10,000 SQ. FT.
89. LANDSCAPED: 10,000 SQ. FT.
90. LANDSCAPED: 10,000 SQ. FT.
91. LANDSCAPED: 10,000 SQ. FT.
92. LANDSCAPED: 10,000 SQ. FT.
93. LANDSCAPED: 10,000 SQ. FT.
94. LANDSCAPED: 10,000 SQ. FT.
95. LANDSCAPED: 10,000 SQ. FT.
96. LANDSCAPED: 10,000 SQ. FT.
97. LANDSCAPED: 10,000 SQ. FT.
98. LANDSCAPED: 10,000 SQ. FT.
99. LANDSCAPED: 10,000 SQ. FT.
100. LANDSCAPED: 10,000 SQ. FT.

[illegible]

*Attachments:*  
Attachment 1 – Application for Landscape Plan Review (L 14-19)



**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 an commercial site being developed be landscaped (Section 17.57.070(A)(2) (Area Determination – Planning Factors)). The application indicates that landscaping in excess of the required seven percent is being provided.

**II. CONDITIONS:**

1. That the applicant shall install landscaping as shown on the landscape plan submitted to the Planning Department on July 11, 2019.
2. 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.
3. 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 14-19 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 regarding the proposed landscaping have been received.

- McMinnville Water & Light



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

1. **Location:** 839 NE Highway 99W (Tax Lot 500, Section 16BD, T. 4. S., R. 4 W., W.M.)
2. **Size:** 22,857 square feet (approximately 0.53 acres)
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None identified
8. **Other Features:** The site is generally flat, with a cluster of deciduous trees centrally located on the site.
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 an access and utility easement south of the site.
  - d. **Other Services:** Overhead utilities are not present.
10. **Transportation:** The site is served by an access and utility easement through the adjacent property to the south. The easement is accessed from Highway 99W, which is classified as a major arterial in McMinnville's 2010 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 Landscape Plan Review are specified in Section 17.57.070 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 IV 3:** TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

*Policy 32.00: Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response specific to this Goal and Policy in the application.

**FINDING: SATISFIED.** The Comprehensive Plan states that commercial development shall be located appropriately to be compatible with surrounding uses. Landscaping is a standard that is listed in the Comprehensive Plan as one way to mitigate the effects of commercial development from residential areas. Landscaping is proposed to be installed with this commercial development, which will provide for additional screening of the proposed use resulting in the proposed commercial development being more compatible with nearby residential properties.

**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 written response specific to this Goal and Policy 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:

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

- A. Provide guidelines and standards that will:
  - 1. Reduce soil erosion and the volume and rate of discharge of storm water runoff.

2. Aid in energy conservation by shading structures from energy losses caused by weather and wind.
  3. Mitigate the loss of natural resources.
  4. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.
  5. Create safe, attractively landscaped areas adjacent to public streets.
  6. Require the planting of street trees along the City's rights-of-way.
  7. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
  8. Provide shade, and seasonal color.
  9. Reduce glare, noise and heat.
- B. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
  - C. Unify development and enhance and define public and private places.
  - D. Preserve existing mature trees.
  - E. Enhance the urban forest and tree canopy.
  - F. Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.
  - G. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
  - H. Support McMinnville as a community that cares about its appearance.

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

**FINDING: SATISFIED.** The landscape plan as proposed would enhance the appearance of the city and will benefit the economic, ecological, and aesthetic environment of the city. The landscape plan as proposed meets the intent and purpose of the Landscaping chapter, as described in the findings for the specific landscape plan review criteria below.

**17.57.030 Zones where required.** Landscaping shall be required in the following zones except as otherwise noted: [...]

- D. C-3 (General Commercial zone);

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

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

### **17.57.070 Area Determination – Planning Factors.**

**17.57.070(A).** Landscaping shall be accomplished within the following ranges:

2. Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)

**APPLICANT'S RESPONSE:** The application material indicated that the Total Landscaped Area is 2,610 square feet and the Percent Landscaped is 11.4%.

**FINDING: SATISFIED.** The proposed 2,610 square feet of landscaped area exceeds the required minimum of 7 percent landscaped area.

**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 the construction of a Food Court Park, including paved, designated food truck spaces and customer seating areas, and associated off-street parking. Landscaping is generally located in planting beds around the perimeter of the site and in planting islands and tree wells throughout the central paved area.

Below is the plant material proposed for the project:

PLANT LIST FOR PROPOSED FOOD COURT			
<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
14	BUXUS MICROPHYLLA JAPONICA	JAPANESE BOXWOOD	1 GAL
4	CEANOTHUS THYRSIFLORIS 'SKYLARK'	CEANOTHUS	1 GAL
10	GAULTHERIA SHALLON	SALAL	1 GAL
5	HOLODISCUS DISCOLOR	OCEAN SPRAY	5 GAL
14	ILEX CRENATA CONVEXA	JAPANESE HOLLY	1 GAL
8	MAHONIA AQUIFOLIUM	OREGON GRAPE	2 GAL
3	RHODODENDRON 'ANAH KRUSCHKE'	ANAH KRUSCHKE	5 GAL
6	TAXUS MEDIA 'HICKSII'	HICKS YEW	5 GAL
5	NANDINA DOMESTICA	HEAVENLY BAMBOO	1 GAL
10	PARROTIA PERSICA (COLUMNAR)	PERSIAN SPIRE	1½" CALIPER MIN

The Persian Spire trees are small, columnar trees located on the perimeter of the parking area and between the parking and the actual Food Truck Park. These deciduous trees grow up to 25 feet tall by 10 feet wide, and with strong fall color. Because these trees are found on the perimeter of the food truck court where trucks would be driving, the columnar shape of the trees is compatible with their location and use. The compact form of the tree will help avoid damage from food trucks passing by. The trees will also help provide a delineation between the parking area and seating area, and will help shade the customer seating.

Planting around the perimeter of the site is a mix of the proposed plant species. All the proposed plants with the exception of the Ocean Spray and the Persian Spire are evergreen and would provide year round interest. The heights of the plants vary, but are generally considered medium shrubs, ranging from three to ten feet in height. Plants are spaced to provide groupings of shrubs, not a continuous border. This too, is compatible with the proposed use on the site and the uses on adjacent sites. The space between plant groupings could allow customers to walk



from adjacent commercial uses to the food truck park. The porous nature of a large food truck pod such as that proposed is supported by the perimeter planting.

The abutting properties are all zoned for commercial use, and properties to the east, south, and north are developed with commercial uses. Beyond the abutting commercial properties, are residential neighborhoods. Existing landscaping on the abutting properties address screening and buffering of conflicting uses. The northwest corner of the subject site is visible from the surrounding residential neighborhood, and proposed landscaping on the subject site addresses this, as described further below. Staff finds the proposed landscaping is compatible with the proposed development and that the subject site will be compatible with surrounding and 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 subject site is zoned C-3 (General Commercial). All surrounding and adjacent sites are also zoned C-3 (General Commercial). Therefore, there is no conflicting land use between the subject site and adjacent sites that would require screening or buffering of the subject site and the use located thereon. However, northwest of the subject site is a residential neighborhood and an undeveloped public right-of-way. From that neighborhood along NE 24th Street, there are intermittent views into the northwest corner of the subject site from undeveloped right-of-way. The proposed landscaping in the northwest corner of the site would address this by providing screening and buffering between the conflicting land uses. The plant material found in the planting area around the perimeter of the northwest corner are a combination of *Parrotia persica* 'JLColumnar' (Persian Spire), a deciduous tree growing to 25 feet in height by 10 feet wide, *Holodiscus discolor* (Ocean Spray), a deciduous native shrub that tends to stay compact in dry sunny areas but can reach over 10 feet in height, and *Mahonia aquifolium* (Oregon Grape), a native evergreen shrub growing up to six (6) feet tall and not as wide. The combination of varying heights and evergreen and deciduous plant material would provide screening and buffering of the site from the residential neighborhood to the northwest. Therefore, this criterion is satisfied.

**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.** The site is essentially flat and the existing grade will be generally maintained.

Centrally located on the site is a cluster of large *Populus balsamifera trichocarpa* (Black Cottonwood) trees that are proposed for removal. Black Cottonwood trees are native to the West Coast of the United States and can grow to up to 100 feet tall and 30 feet wide. Black Cottonwood trees are known to exhibit aggressive surface roots that will sucker is disturbed. Cottonwoods are prone to limb breakage due to weak wood and branch connections. Additionally, the cottony seeds released by female trees in the spring can become a nuisance.

The site plan indicates that the existing trees are located where the parking lot for the food truck court is proposed. Because of the high potential for root damage to adjacent pavement and nearby underground utilities, and the risk of limbs dropping on people and property, retention of the existing Black Cottonwood trees would not be appropriate to retain for the proposed use. Therefore, this criterion is satisfied.

**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 project features three aisles of parking spaces. The westernmost aisle of 9 spaces is capped at each end by a planting area. At the north end, a planting island is proposed with a *Parrotia persica* 'JLColumnar' (Persian Spire) tree, and *Ilex crenata* 'Convexa' (Japanese Holly). The Persian Spire is a deciduous, columnar tree reaching 25 feet in height and approximately 10 feet in width. Japanese Holly is an evergreen shrub growing to approximately four (4) to six (6) feet in height and width. The southern edge of the parking area is a planting strip with *Buxus microphylla japonica* (Japanese Boxwood). Japanese Boxwood is an evergreen shrub growing to approximately four (4) to six (6) feet in height. The middle parking aisle has two Persian Spire trees in tree wells at the north end. The easternmost parking aisle of seven parking stalls has a planting island with two Japanese Holly plants and one Persian Spire tree. Additionally, on the eastern edge of the parking area, between the designated parking stalls and the pedestrian seating area are four (4) Persian Spire trees in tree wells. Planting islands and plantings, including evergreen shrubs and deciduous trees, have been incorporated into the landscape design to break up parking areas. Therefore, this criterion is satisfied.

**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.** The subject site is not adjacent to a public right-of-way, therefore street trees are not required.

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

**APPLICANT'S RESPONSE:** The following note is found on the landscape plan:

NOTE: PLANTS PROPOSED ONCE ESTABLISHED,  
SHOULD THRIVE WITH LITTLE TO NO IRRIGATION.

LANDSCAPING - ALL LANDSCAPING SHALL BE DESIGN/BUILD BY CONTRACTOR IN  
ACCORDANCE WITH CITY OF MC MINNVILLE STANDARDS. PLANT MATERIALS SHALL BE  
WATER CONSERVING, DROUGHT HARDY. IRRIGATION TO BE BY THE NUMEROUS AND  
VARIOUS HOSE BIBBS INSTALLED WITH THIS PROJECT.

**FINDING: SATISFIED.** The proposed landscape plan indicates that all plant material is to be watered via hose bibs located throughout the project. One hose bib per food truck stall (15 total) is proposed, mainly along the north and east property lines. No hose bibs are proposed along the southern property line, or adjacent to the parking lot along the west property line. The closest hose bibs to the southwestern corner of the site and the landscaping proposed in that area are approximately 100 feet away. Also, generally speaking, the proposed plants are drought tolerant once established. Staff finds the watering facilities to be suitable, therefore, this criterion is satisfied.

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

---

Attachments:

Attachment 1 – Application for Landscape Plan Review (L 14-19)

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

**FINDING: SATISFIED WITH CONDITION #3.** A condition of approval will require 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.

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)

**Office Use Only:**

File No. L14-19  
 Date Received 5-10-19  
 Fee 801.35  
 Receipt No. 200567  
 Received by SA

## Landscape Plan Review Application

**Applicant Information**

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

Applicant Name CARLSON VEIT ARCHITECTS, PC Phone \_\_\_\_\_

Contact Name CHRIS VEIT Phone 503-390-0281  
 (If different than above)

Address 3095 RIVER ROAD N

City, State, Zip SALEM, OR 97303

Contact Email CVEIT@CARLSONVEIT.COM

**Property Owner Information**

Property Owner Name AHMED EBELD, MD Phone 503-877-7941  
 (If different than above)

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

Address 9730 SW 168TH PLACE

City, State, Zip BEAVERTON, OR 97007

Contact Email AEBELD2@HOTMAIL.COM

**Site Location and Description**

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

Property Address 839 NE AIWAY 99, McMinnville 97128

Assessor Map No. R4 416(B)00500- Total Site Area 22,857 SF

Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot 00500

Comprehensive Plan Designation Com Zoning Designation C3

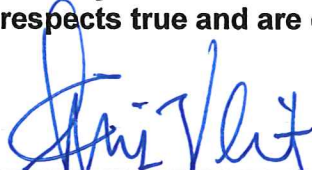
### Landscaping Information

1. Total Landscaped Area: 2610 SF
2. Percent Landscaped: 11.4 %
3. Building Floor Area:  
New Structure: N/A Existing Structure: N/A Addition: N/A
4. Architect Name CARLSON VEIT ARCHITECTS, PC Phone 503-390-0281  
(Landscape Architect, Engineer, or Other Designer)  
Contact Name CHARIS VEIT Phone 4  
Address 3095 RIVER ROAD NW  
City, State, Zip SALEM, OR 97303  
Contact Email CVEIT@CARLSONVEIT.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.  
\$ 801.35

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.

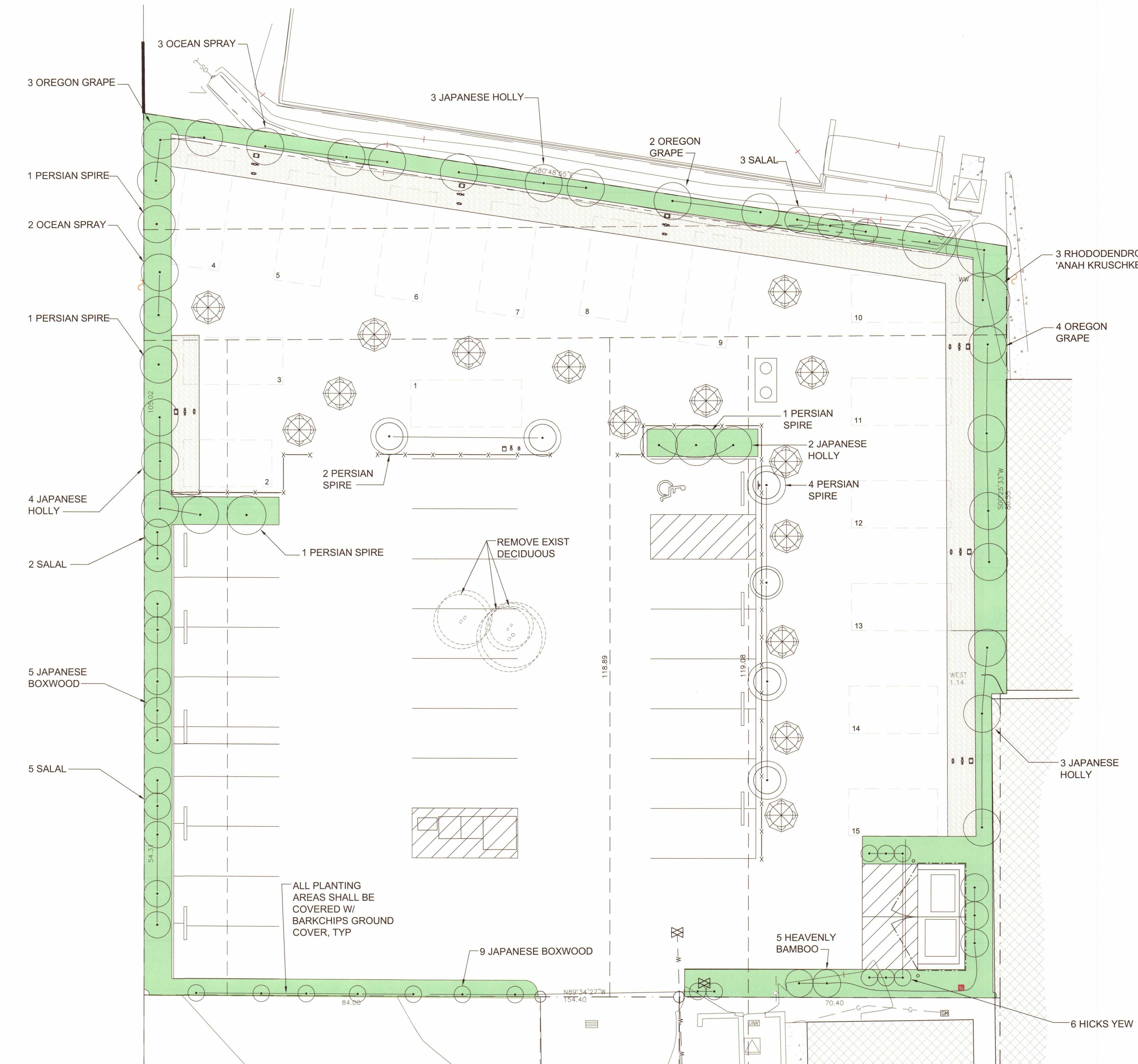
  
Applicant's Signature

5-10-19  
Date

  
Property Owner's Signature

5-14-19  
Date





PLANT LIST FOR PROPOSED FOOD COURT

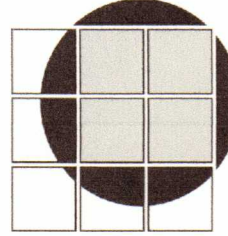
QTY	BOTANICAL NAME	COMMON NAME	SIZE
14	BUXUS MICROPHYLLA JAPONICA	JAPANESE BOXWOOD	1 GAL
4	CEANOTHUS THYRSIFLORIS 'SKYLARK'	CEANOTHUS	1 GAL
10	GAULTHERIA SHALLON	SALAL	1 GAL
5	HOLODISCUS DISCOLOR	OCEAN SPRAY	5 GAL
14	ILEX CRENATA CONVEXA	JAPANESE HOLLY	1 GAL
8	MAHONIA AQUIFOLIUM	OREGON GRAPE	2 GAL
3	RHODODENDRON 'ANAH KRUSCHKE'	ANAH KRUSCHKE	5 GAL
6	TAXUS MEDIA 'HICKSII'	HICKS YEW	5 GAL
5	NANDINA DOMESTICA	HEAVENLY BAMBOO	1 GAL
10	PARROTIA PERSICA (COLUMNAR)	PERSIAN SPIRE	1 1/2" CALIPER MIN

NOTE: PLANTS PROPOSED ONCE ESTABLISHED, SHOULD THRIVE WITH LITTLE TO NO IRRIGATION.

LANDSCAPING - ALL LANDSCAPING SHALL BE DESIGN/BUILD BY CONTRACTOR IN ACCORDANCE WITH CITY OF MC MINNVILLE STANDARDS. PLANT MATERIALS SHALL BE WATER CONSERVING, DROUGHT HARDY. IRRIGATION TO BE BY THE NUMEROUS AND VARIOUS HOSE BIBBS INSTALLED WITH THIS PROJECT.



RECEIVED  
JUL 11 2019  
COMMUNITY DEVELOPMENT  
CENTER



**CARLSON VEIT**  
ARCHITECTS PC  
ARCHITECTURE • INTERIOR DESIGN

REGISTERED ARCHITECT  
CHRISTOPHER K. VEIT  
SALEM, OREGON  
STATE OF OREGON

Project: **FOOD TRUCK PARK**  
839 NE HIGHWAY 99  
MC MINNVILLE, OR 97128  
consultants: DESIGN: SOLITUDE LANDSCAPING

revisions:  
1 4-19-2019 CITY PLAN REVIEW  
3 7-11-2019 CITY PLAN REVIEW

date: MAY 6, 2019  
project: 07618  
dwg file: A-101-07618  
drawn by: MTV, SW  
checked by: CV  
copyright © 2019 Carlson Veit Architects

LANDSCAPING PLAN

sheet: **L-10**  
of: