



**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**  
**September 18, 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 18-19 – Street Tree Removal (Exhibit 1) 605 N Adams Street</li> <li>B. L 19-19 – Street Tree Removal (Exhibit 2) 1673 NE Hoffman Drive</li> <li>C. L 23-18 – Landscape Plan Review (Exhibit 3) 609 NE Baker Street</li> </ol> </li> <li><b>5. Discussion Items</b> <ol style="list-style-type: none"> <li>A. Landscape Review Committee Role and Responsibilities (Exhibit 4)</li> </ol> </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.





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## EXHIBIT 1 - STAFF REPORT

DATE: September 18, 2019  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Street Tree Removal Application (L 18-19)

### STRATEGIC PRIORITY & GOAL:



#### GROWTH & DEVELOPMENT CHARACTER

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

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

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### Report in Brief:

An application to remove two (2) street trees from the public right-of-way along NW 7<sup>th</sup> Street (L 18-19) to be reviewed by the Landscape Review Committee.

### Background:

The applicant and adjacent property owner, Jolynn Moore, submitted a street tree removal application to remove two (2) street trees from the right-of-way adjacent to the property at 605 NW Adams Street. The subject property is more specifically described as Tax Lot 700, Section 20AD, T. 4. S., R. 4 W., W.M. The subject property is located within the Baker and Martin's Addition to McMinnville and is zoned R-4 (Multiple-family Residential). **See Figure 1 (Vicinity Map) and Figure 2 (Zoning Map).** The site is developed with multi-family residential apartment buildings, and the subject trees are located on the north side of the property in the NW 7<sup>th</sup> Street right-of-way.

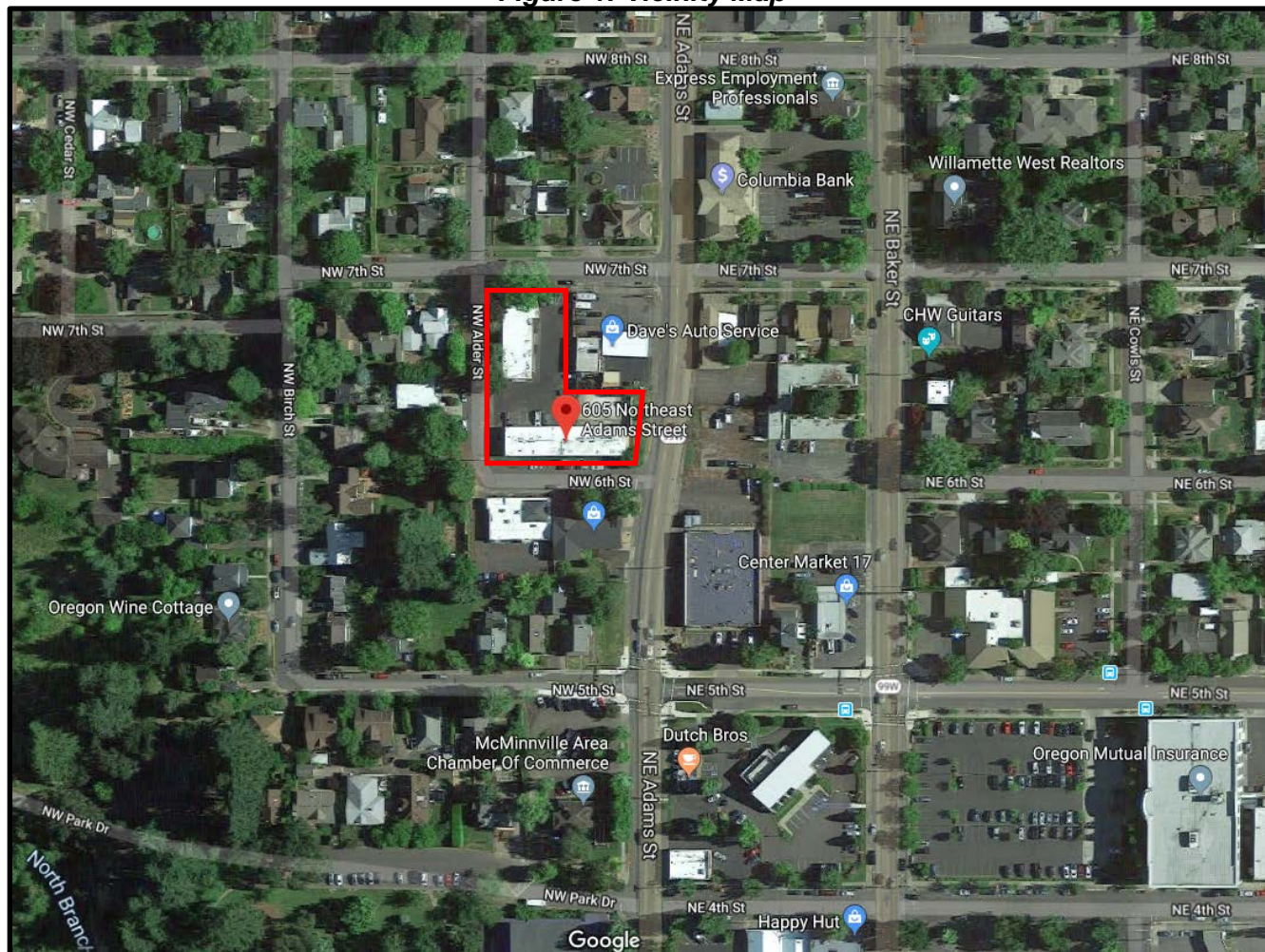
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### Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 605 NW Adams Street



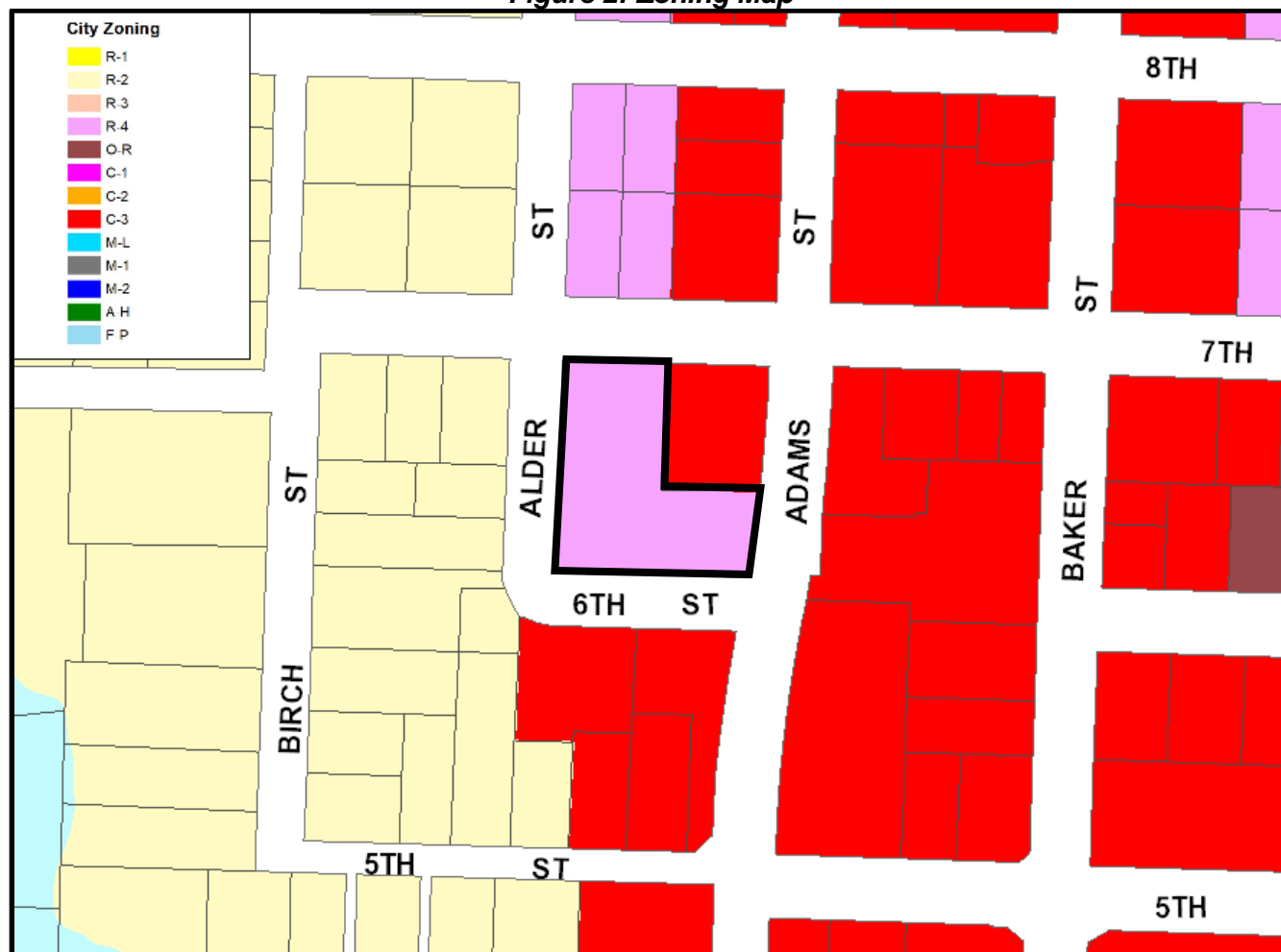
**Figure 1: Vicinity Map**



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**Figure 2: Zoning Map****Discussion:*****Summary of Criteria & Issues:***

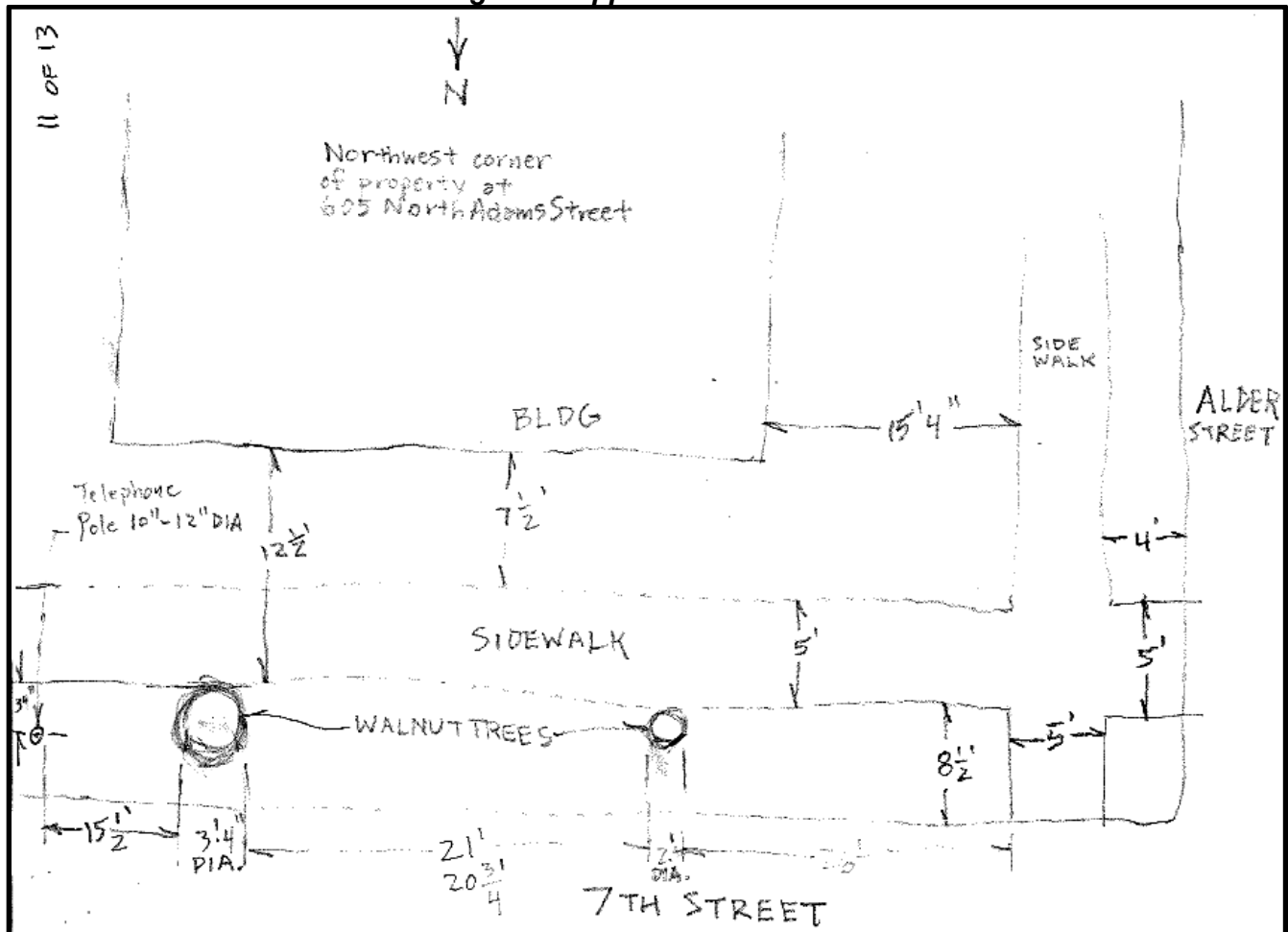
The applicant has requested the removal of two (2) street trees because of conflict with public improvements within the right-of-way and hazards the trees pose making it unsafe to people and property. The street trees are located in planter strips between the sidewalk and NW 7<sup>th</sup> Street adjacent to the subject property in the Baker and Martin's Addition to McMinnville. **See Figure 3 (Applicant's Site Plan).** There is no approved street tree plan for the Baker and Martin's Addition to McMinnville.

The subject trees are both *Juglans nigra* (Black Walnut) which are generally considered to be problematic street trees due to excessive nut and fruit drop creating slip/trip/fall hazards in the right-of-way below. Walnuts are also susceptible to "thousand cankers disease", the result of combined activity of a fungus (*Geosmithia morbida*) and the walnut twig beetle, which leads to the failure of the tree. Symptoms of the disease include branch flagging and dieback. *Juglans nigra* is not a recommended street tree on the McMinnville Street Tree List, and commercial nut trees are listed as "Prohibited Tree Species".

***Attachments:***

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

The easternmost tree is approximately 36 inches in diameter at breast height (DBH). The tree is exhibiting significant die-back in the canopy, indicative of declining health. Several large dead limbs can be seen in the crown of the tree. Large surface roots are present throughout the planting strip, and have lifted the adjacent sidewalk panels approximately seven (7) to eight (8) inches above grade causing large surface discontinuities. Attempts to repair the discontinuities have been made in the past, but continued growth of the tree and roots further lift the sidewalk panels and limit the effectiveness of the repairs. The tree has also grown into overhead utility lines.

The westernmost tree, approximately 24 inches DBH, is also experiencing dieback on the canopy. Large surface roots have lifted adjacent sidewalk panels creating surface discontinuities. The tree is beginning to grow into and over the adjacent sidewalk due to its placement in the planter strip. This tree has also grow into overhead utility lines.

Between the current disruption of the path of travel in the public right-of-way created by the lifting of the adjacent sidewalk, the tree branches growing into and above the overhead utility lines, and the excessive littering of the right-of-way with fruit and nuts causing slip/trip/fall hazards to pedestrians, the trees meet the criteria for tree removal permit approval because they are in conflict with public improvements. Additionally, it is apparent from the significant dieback in the canopies of the trees that their health is decline, possibly from Thousand Canker Disease. The risk of failure of large tree limbs will continue to increase as the dieback continues.

**Attachments:**

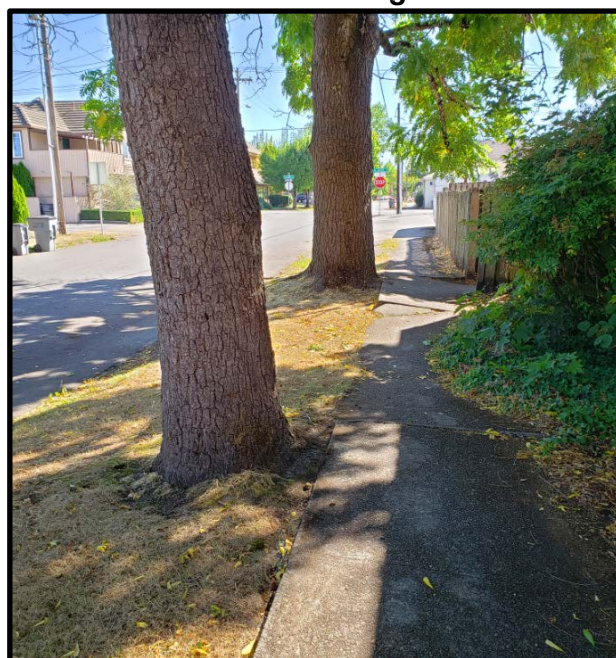
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**Canopy Dieback**



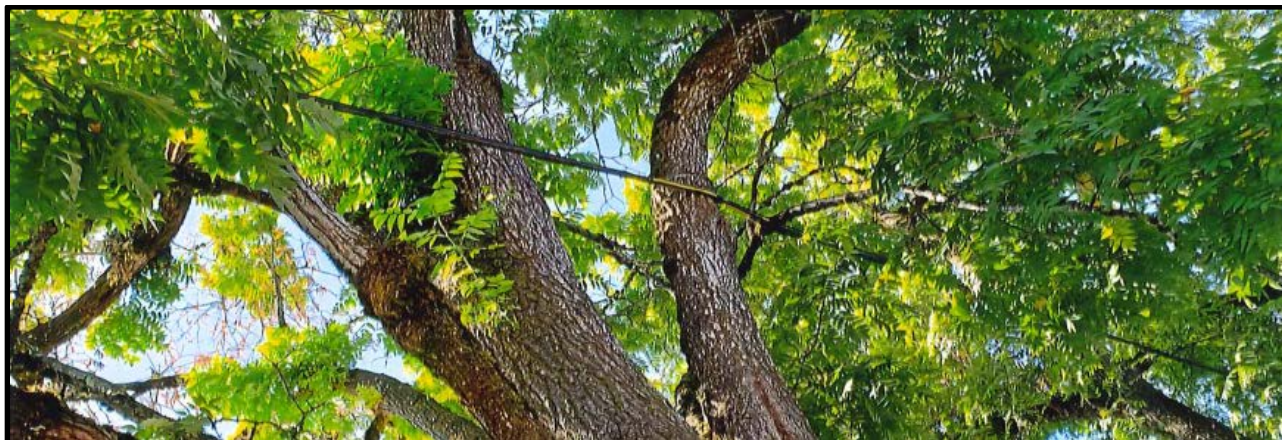
**Sidewalk Damage**



**Sidewalk Damage & Previous Repair**



**Conflict With Overhead Utilities**



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**Curb Damage**

The subject street trees are located in a planting strip approximately eight (8) foot wide and spaced approximately 21 feet apart. There are no apparent utilities or public improvements (water meters, fire hydrants, etc.) present in the planting strip near the trees. The site plan indicates a utility pole 15.5 feet from the eastern tree, and that the western tree is approximately 29 feet from Alder Street. Given the minimum ten (10) foot spacing standard from utility poles and twenty (20) foot spacing from a street intersection, there is sufficient space in the planter strip to accommodate two (2) small replacement trees at the recommended small tree spacing of no greater than 20 feet.

There is no approved street tree plan for the Baker and Martin's Addition to McMinnville subdivision on file with the Planning Department. Because there is no approved street tree for the subject site, replacement trees selected from the recommended small street tree section of the McMinnville Street Tree List that are approved for planting under wires, or other species/variety approved by the McMinnville Landscape Review Committee, would be of appropriate size and character for the 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.

**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 605 NW Adams Street



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 18-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

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*Attachments:*

*Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 605 NW Adams Street*





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PLANNING DEPARTMENT  
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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A STREET TREE REMOVAL AT 605 NW ADAMS STREET**

**DOCKET:** L 18-19 (Street Tree Removal)

**REQUEST:** Approval to remove two (2) street trees from the public right-of-way adjacent to the subject property

**LOCATION:** 605 NW Adams Street (Tax Lot 700, Section 20AD, T. 4. S., R. 4 W., W.M.)

**ZONING:** R-4 (Multiple-family Residential)

**APPLICANT:** Jolynn Moore, property owner

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

**DATE DEEMED COMPLETE:** August 26, 2019

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

**DECISION DATE & LOCATION:** September 18, 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.







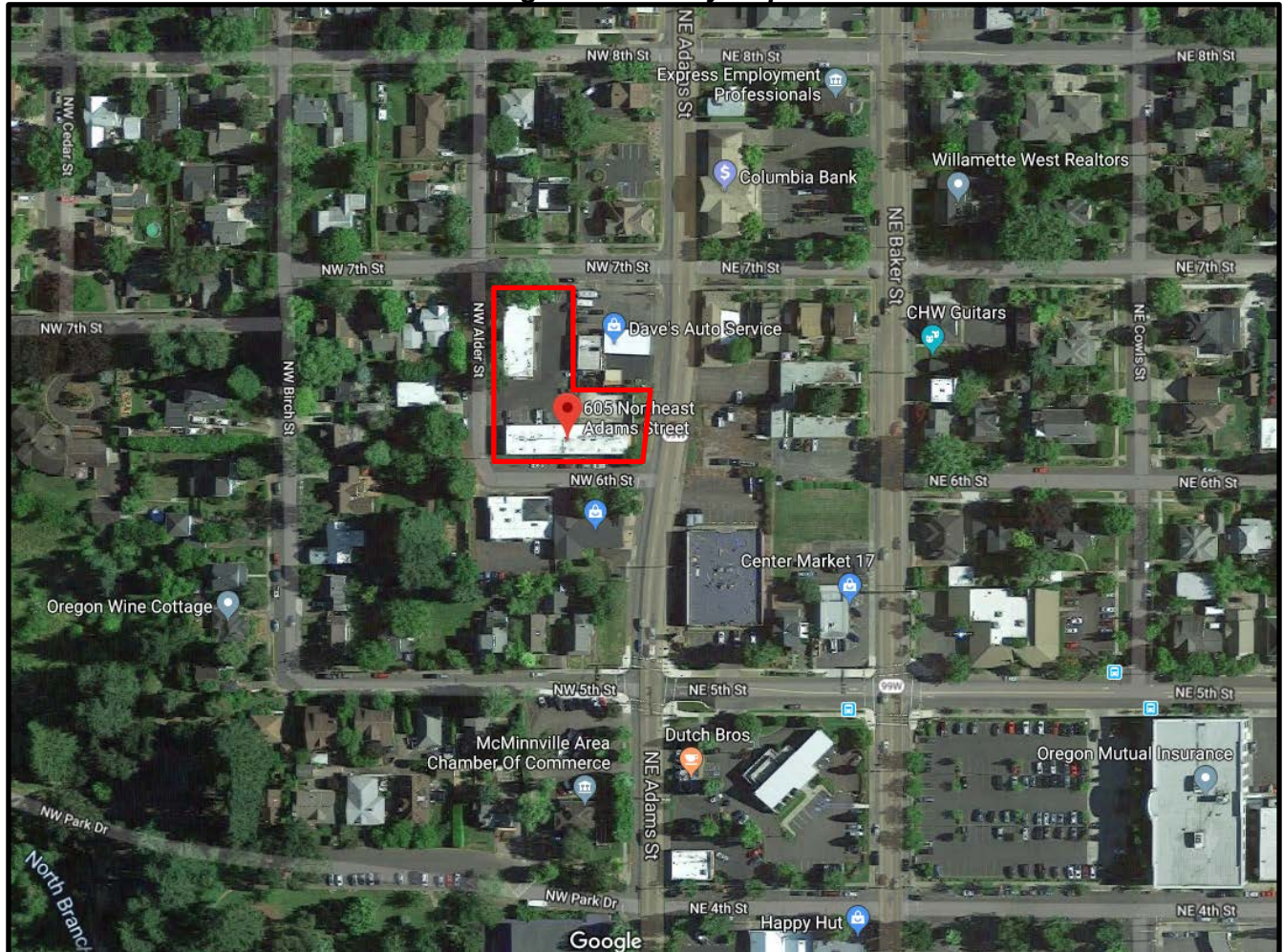
## **I. APPLICATION SUMMARY:**

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

The application requests the removal of two (2) street trees from the public right-of-way adjacent to the subject property. The application does not indicate 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 605 NW Adams Street within the Baker and Martin's Addition to McMinnville and is zoned R-4 (Multiple-family Residential). **See Figure 1 (Vicinity Map) and Figure 2 (Zoning Map).** The site is developed with multi-family residential apartment buildings, and the subject trees are located on the north side of the property in the NW 7<sup>th</sup> Street right-of-way.

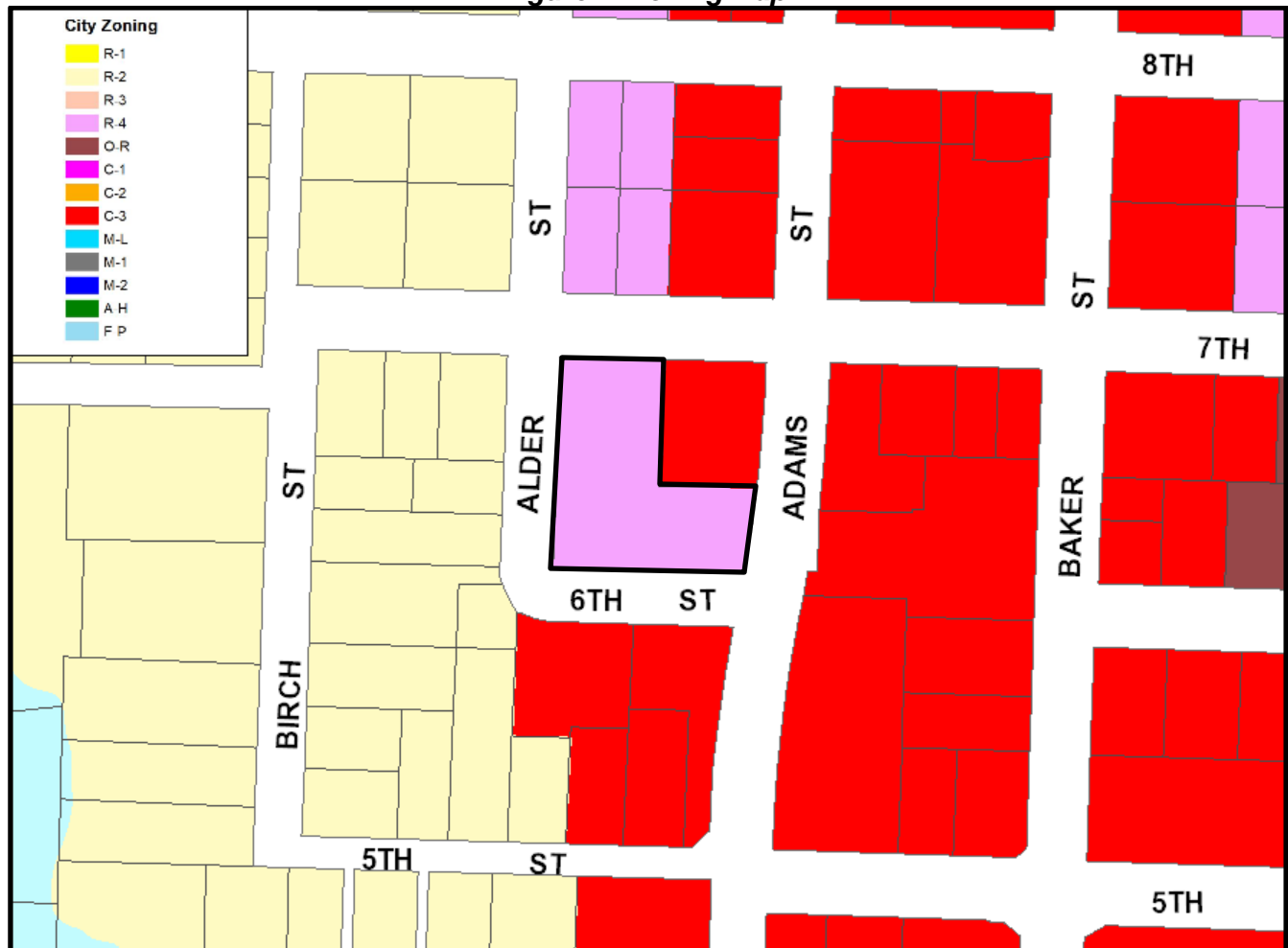
**Figure 1: Vicinity Map**



Attachments:

Attachment 1 – Application for Street Tree Removal (L 18-19)



**Figure 2: Zoning Map**

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

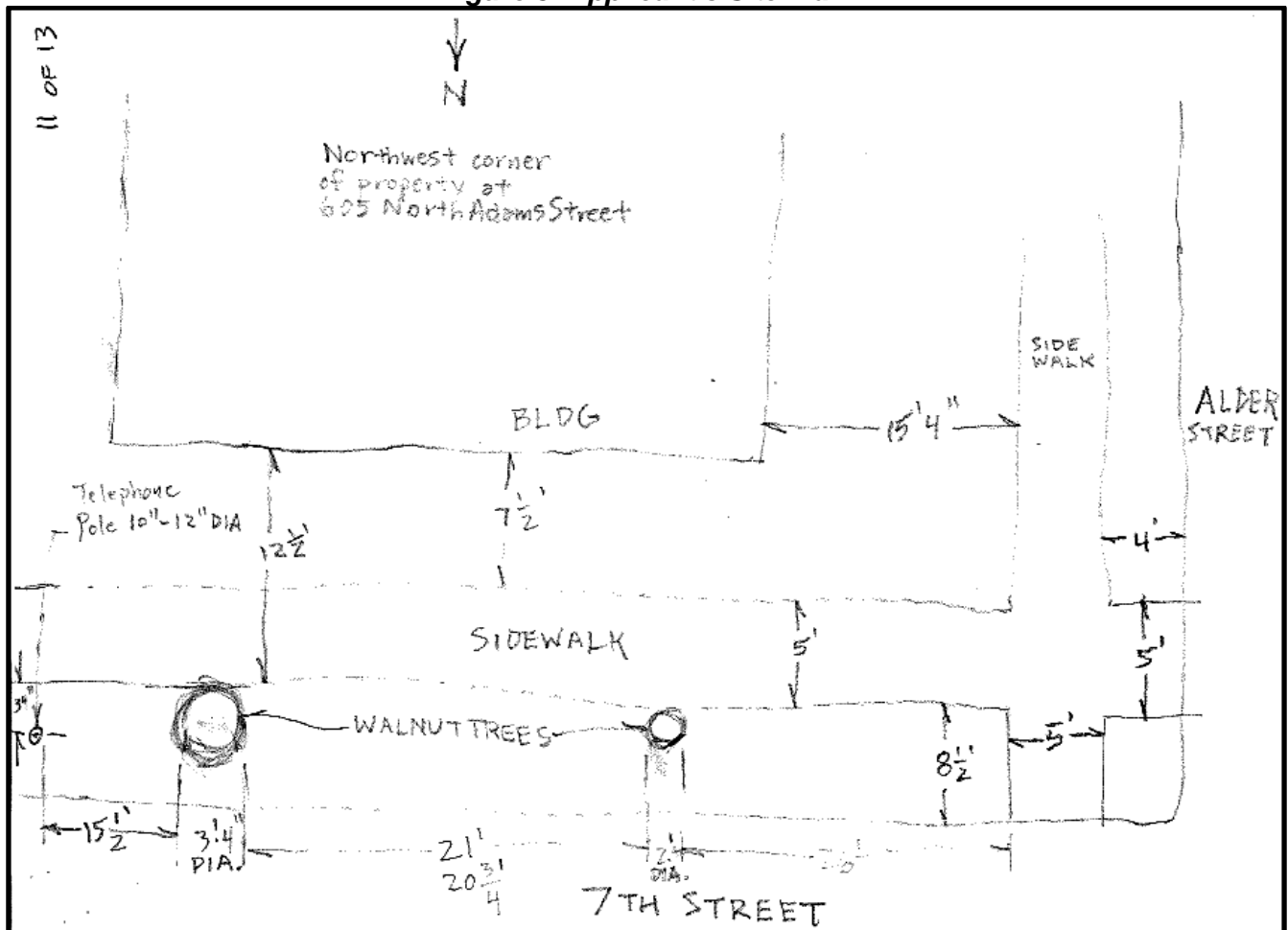
The applicant has requested the removal of two (2) street trees because of conflict with public improvements within the right-of-way and hazards the trees pose making it unsafe to people and property. The street trees are located in planter strips between the sidewalk and NW 7<sup>th</sup> Street adjacent to the subject property in the Baker and Martin's Addition to McMinnville. **See Figure 3 (Applicant's Site Plan).** There is no approved street tree plan for the Baker and Martin's Addition to McMinnville.

The subject trees are both *Juglans nigra* (Black Walnut) which are generally considered to be problematic street trees due to excessive nut and fruit drop creating slip/trip/fall hazards in the right-of-way below. Walnuts are also susceptible to "thousand cankers disease", the result of combined activity of a fungus (*Geosmithia morbida*) and the walnut twig beetle, which leads to the failure of the tree. Symptoms of the disease include branch flagging and dieback. *Juglans nigra* is not a recommended street tree on the McMinnville Street Tree List, and commercial nut trees are listed as "Prohibited Tree Species".

### **Attachments:**

Attachment 1 – Application for Street Tree Removal (L 18-19)



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

The easternmost tree is approximately 36 inches in diameter at breast height (DBH). The tree is exhibiting significant die-back in the canopy, indicative of declining health. Several large dead limbs can be seen in the crown of the tree. Large surface roots are present throughout the planting strip, and have lifted the adjacent sidewalk panels approximately seven (7) to eight (8) inches above grade causing large surface discontinuities. Attempts to repair the discontinuities have been made in the past, but continued growth of the tree and roots further lift the sidewalk panels and limit the effectiveness of the repairs. The tree has also grown into overhead utility lines.

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**Attachments:**

Attachment 1 – Application for Street Tree Removal (L 18-19)



**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. The applicant shall coordinate with electric department if tree removal will require temporary line removal.
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 two (2) replacement street trees be planted in the NW 7<sup>th</sup> Street right-of-way planter strip. The replacement trees shall be a recommended small street trees approved for planting underneath wires 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 tree.
10. That the applicant shall repair/replace adjacent damaged sidewalk panels per City code. A sidewalk permit is required and can be obtained from the McMinnville Engineering Department at (503) 472-7312.
11. That the applicant shall complete the tree removal and tree replacement within six (6) months of this approval notification, or March 18, 2020.

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**Attachments:**

Attachment 1 – Application for Street Tree Removal (L 18-19)



### **III. ATTACHMENTS:**

1. L 18-19 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 trees in question are walnut trees about 24" DBH and 32" DBH and in excess of 40' in height.
2. The trees are planted in a 6' planter strip between the curb and sidewalk, with non-irrigated turf as ground cover. The planting area is along the 7<sup>th</sup> Street side of the property.
3. The trees have lifted the adjacent sidewalk panel resulting in non-compliant surface discontinuities that are in trip hazards. The damage is more significant on the more easterly tree.
4. There is overhead conflict on the south side of the street in the form of communication facilities. There is primary power overhead on the north side of the street opposite the trees.
5. There is no remaining curb adjacent to either tree.
6. The easterly tree shows significant dieback and dead limbs throughout the canopy. The westerly tree appears to be the healthier of the two, showing only minor dieback and deadwood.
7. Both trees show surface rooting. The eastern tree shows significant surface rooting which has resulted in the sidewalk damage. The western tree does show some surface rooting and less severe sidewalk damage.
8. Neither tree is centered in the park strip, with the sidewalk constructed adjacent to each trunk.

#### **Recommendations**

1. Given the age, health and structural condition of the trees, the sidewalk and gutter damage as well as the potential for continued damage, staff would recommend approval of the removal request. 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 trees with a variety acceptable to the Planning Department, minimum 2" caliper.
  - e. Applicant to plant trees as per the approved City detail.
  - f. Applicant to contact Public Works at (503)434.7316 for an inspection prior to backfill.
  - g. Applicant be required to repair/replace the existing damaged sidewalk, and to obtain all necessary permits from Engineering (503.434.7312).

- McMinnville Water & Light:

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Attachments:

Attachment 1 – Application for Street Tree Removal (L 18-19)



Coordinate with electric department if tree removal will require temporary line removal.

### **Public Comments**

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

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

1. Jolynn Moore, adjacent property owner, submitted a Street Tree Removal Permit application on August 16, 2019.
2. The application was deemed complete on August 26, 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 September 18, 2019 to review the application and proposed street tree removal request.

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

1. **Location:** 605 NW Adams Street (Tax Lot 700, Section 20AD, T. 4. S., R. 4 W., W.M.)
2. **Size:** 26,184 square feet (0.60 acres)
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-4 (Multiple-family Residential)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Multiple-family Residential Apartments
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None identified
8. **Other Features:** None
9. **Utilities:**
  - a. **Water:** The property is served by water. The treatment plant has sufficient treatment capacity.
  - b. **Sewer:** The property is served by a sewer main in NW 7<sup>th</sup> Street and NW Alder Street. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.

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*Attachments:*

*Attachment 1 – Application for Street Tree Removal (L 18-19)*



- c. **Stormwater:** Storm water in NW 7<sup>th</sup> Street is conveyed by curb and gutter to a catch basin and storm drain at the intersection of NW 7<sup>th</sup> Street and NW Alder Street.
- d. **Other Services:** Overhead communication utilities are present on the south side of NW 7<sup>th</sup> Street, and overhead power lines are present on the north side of NW 7<sup>th</sup> Street.

- 10. **Transportation:** NW 7<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 provide a written response in the application.

**FINDING: SATISFIED.** The removal and replacement of the subject trees in the NW 7<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 subject trees have a history of conflict with the adjacent sidewalk panels. Their roots have lifted the adjacent sidewalk panels creating a trip hazard in the public right-of-way. Removal and replacement of the tree will avoid continuing conflict with the sidewalk panels, and the installation of root barrier and deep watering tubes with the replacement tree per City standards will help prevent future impacts to public improvements which can disrupt movement through the right-of-way in a safe and efficient manner.

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Attachment 1 – Application for Street Tree Removal (L 18-19)



**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 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 written 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 written response in the application.

**FINDING: SATISFIED WITH CONDITION #3.** A condition of approval has been included to ensure 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 written response in the application.

---

Attachments:

Attachment 1 – Application for Street Tree Removal (L 18-19)



**FINDING: SATISFIED WITH CONDITIONS #1, 2.** Conditions of approval have been included to ensure 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. The applicant shall coordinate with electric department if tree removal will require temporary line removal.

**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 written response in the application.

**FINDING: SATISFIED WITH CONDITION #4.** The subject street trees are located in a planting strip approximately eight (8) foot wide and spaced approximately 21 feet apart. There are no apparent utilities or public improvements (water meters, fire hydrants, etc.) present in the planting strip near the trees. The site plan indicates a utility pole 15.5 feet from the eastern tree, and that the western tree is approximately 29 feet from Alder Street. Given the minimum ten (10) foot spacing standard from utility poles and twenty (20) foot spacing from a street intersection, there is sufficient space in the planter strip to accommodate two (2) small replacement trees at the recommended small tree spacing of no greater than 20 feet.

There is no approved street tree plan for the Baker and Martin's Addition to McMinnville subdivision on file with the Planning Department. Because there is no approved street tree for the subject site, replacement trees selected from the recommended small street tree section of the McMinnville Street Tree List that are approved for planting under wires, or other species/variety approved by the McMinnville Landscape Review Committee, would be of appropriate size and character for the site.

**CONDITION FOR FINDING:** That two (2) replacement street trees be planted in the NW 7<sup>th</sup> Street right-of-way planter strip. The replacement trees shall be a recommended small street trees approved for planting underneath wires 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 written 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 CONDITION #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 March 18, 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 written response in the application.

**FINDING: SATISFIED WITH CONDITIONS #5, 6, 7, 8, 9, 10.** Conditions of approval have been included to ensure 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.



That the applicant shall repair/replace adjacent damaged sidewalk panels per City code. A sidewalk permit is required and can be obtained from the McMinnville Engineering Department at (503) 472-7312.

#### **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:**

- 1) The trees are unsafe.
  - a. Dead branches may break off this winter
  - b. The hard round nuts that fall in the autumn are dangerous to pedestrians.
  - c. The roots have lifted and continue to lift the sidewalk, a danger to pedestrians.

**FINDING: SATISFIED.** Staff concurs with the Applicant, but notes that the conflict with public sidewalks is addressed under criteria 17.58.050(B) below. The subject trees are both *Juglans nigra* (Black Walnut) which is generally considered to be a problematic street tree due to excessive nut and fruit drop creating slip/trip/fall hazards in the right-of-way below. Black Walnuts exhibit characteristics undesirable for McMinnville's street trees, as identified in the McMinnville Street Tree List's Prohibited Tree Species. Walnuts show excessive fruit drop which causes messy sidewalks and pavement, and are subject to disease and insects. Walnuts drop excessive amounts of fruit and hard nuts in the autumn, creating slip/trip/fall hazards in the right-of-way. Walnuts are also susceptible to "thousand cankers disease", the result of combined activity of a fungus (*Geosmithia morbida*) and the walnut twig beetle, which leads to the death and failure of the tree. Symptoms of the disease include branch flagging and dieback, which the subject trees exhibit, with large dead or dying limbs present in the upper canopies, presenting a hazard to targets below. As a result, *Juglans nigra* is not a recommended street tree on the McMinnville Street Tree List, and commercial nut trees are listed as "Prohibited Tree Species" due to the potential hazards listed above. Therefore, due to the hazards presented by the trees, and their susceptibility to disease, this criteria is satisfied.

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

#### **APPLICANT'S RESPONSE:**

- 2) The trees are in conflict with public improvements.
  - a. Lifted sidewalks
  - b. Pressure and danger to cable overhead utilities.
  - c. Falling limbs are a danger to the flat roof building; residents; pedestrians; cars
  - d. Roots restrict the installation of street curbing.

**FINDING: SATISFIED.** Staff concurs with the Applicant, but notes that hazard presented by falling limbs is addressed under criteria 17.58.050(A) above. Staff notes that the applicant

Attachments:

Attachment 1 – Application for Street Tree Removal (L 18-19)

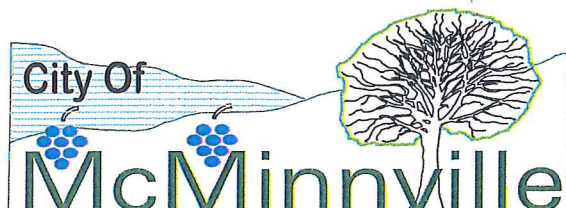


provided photo evidence of the significant damage and lifting of the adjacent sidewalk panels caused by the tree roots. The roots lifted the sidewalk panels causing a surface discontinuity in the path of travel, creating a trip hazard in the public right-of way. The trees have grown to a diameter that exceeds the space where they were planted, and the trees are now growing into and over the adjacent sidewalk panels, creating further conflict with the sidewalk. The tree has also grown into and above the overhead utility lines that are present in the right-of-way, to the point where large tree branches are exerting pressure on the utility lines. The extensive surface root system of the trees in the planter strip appear to have also damaged the adjacent curb along the south side of NW 7<sup>th</sup> Street. Root pruning would need to occur to achieve the space and clearance for the reconstruction of the curb and gutter, likely compromising the structure and stability of the tree. Therefore, because of the documented current conflict with the sidewalk, curb, and overhead utilities, this criterion is met.

JF



569-19-000506-PLNG

**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. LS 18-19Date Received 8/16/19Fee \$150

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

Received by RH

## Street Tree Removal

**Applicant Information**Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other \_\_\_\_\_Applicant Name Jolynn Moore Phone 503 804-1076Contact Name \_\_\_\_\_ Phone \_\_\_\_\_  
(If different than above)Address PO Box 1299City, State, Zip McMinnville, OR 97128Contact Email commonwind55@gmail.com**Property Owner Information**Same as ApplicantProperty Owner Name \_\_\_\_\_ Phone \_\_\_\_\_  
(If different than above)

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

Address \_\_\_\_\_

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

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

**Site Location and Description**

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

Property Address 605 N. Adams St., McMinnville, OR  
(Property nearest to tree(s) for removal)Assessor Map No. R4 420 - AD- 700 Total Site Area \_\_\_\_\_Subdivision Baker and Martin Addition Block 14 Lot 3, 4, 5, 6, 7, 8Comprehensive Plan Designation Residential Zoning Designation R-4



**Additional Information**

1. How many trees are requested for removal? 2
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? 3 feet and 2 feet
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. (see attached page)

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

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

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

same  
Applicant's Signature

\_\_\_\_\_  
Date

Glynn Moore  
Property Owner's Signature

August 15, 2019  
Date



1) The trees are unsafe.

- a. Dead branches may break off this winter
- b. The hard round nuts that fall in the autumn are dangerous to pedestrians.
- c. The roots have lifted and continue to lift the sidewalk, a danger to pedestrians.

2) The trees are in conflict with public improvements.

- a. Lifted sidewalks
- b. Pressure and danger to cable overhead utilities.
- c. Falling limbs are a danger to the flat roof building; residents; pedestrians; cars
- d. Roots restrict the installation of street curbing.





Tree is too large near wires and buildings

Branches are dying, threatening the street on 7th.

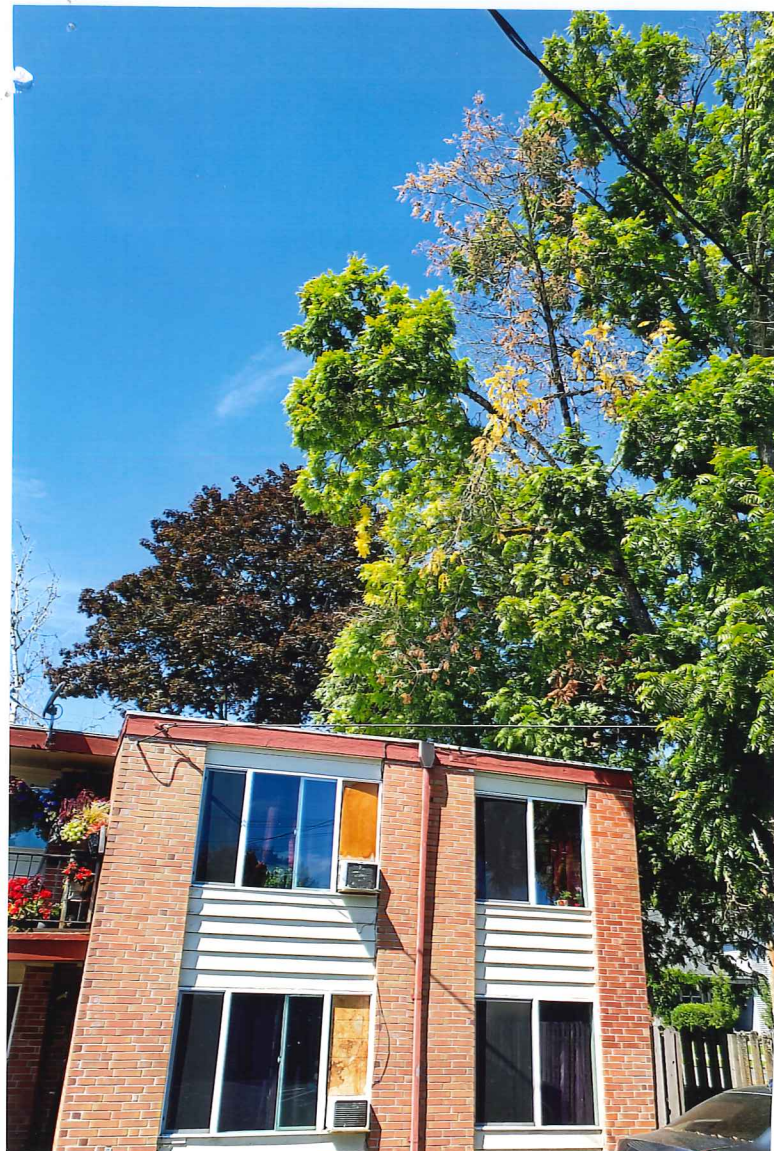




5 OF 13

Flat roof is in danger  
of falling limbs and  
major destruction.

Dead limbs ready to fall.

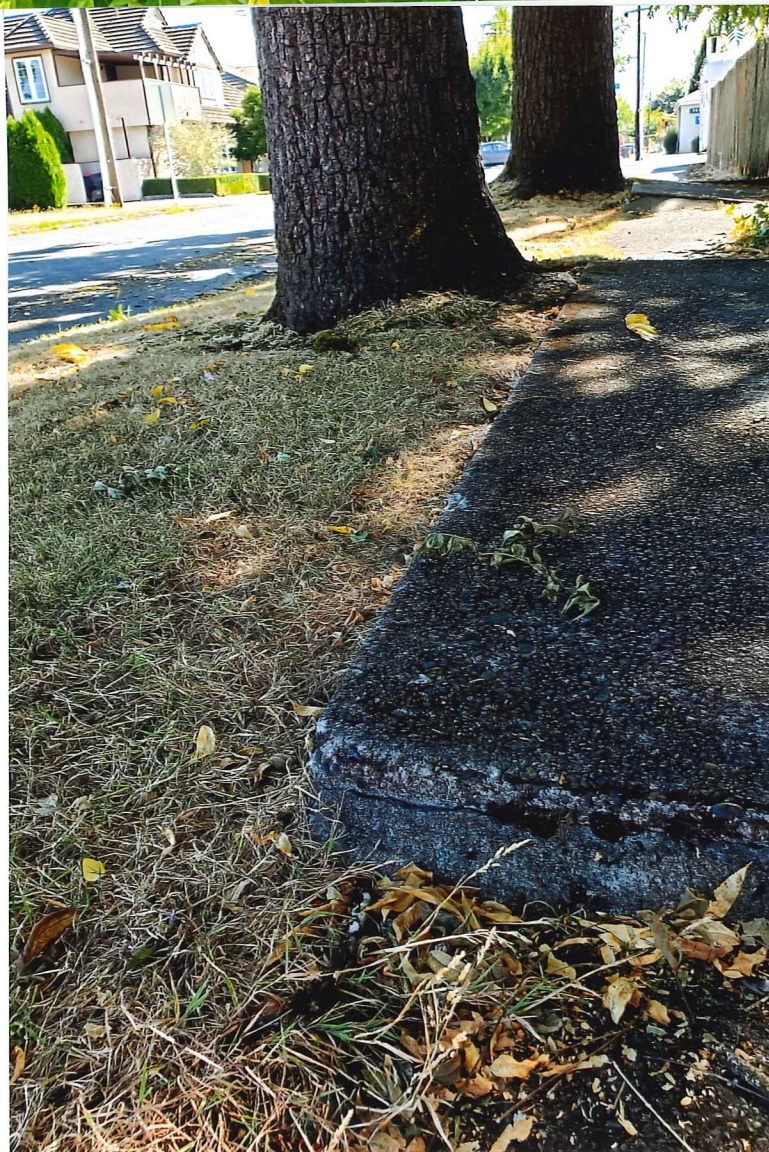


27 of 94



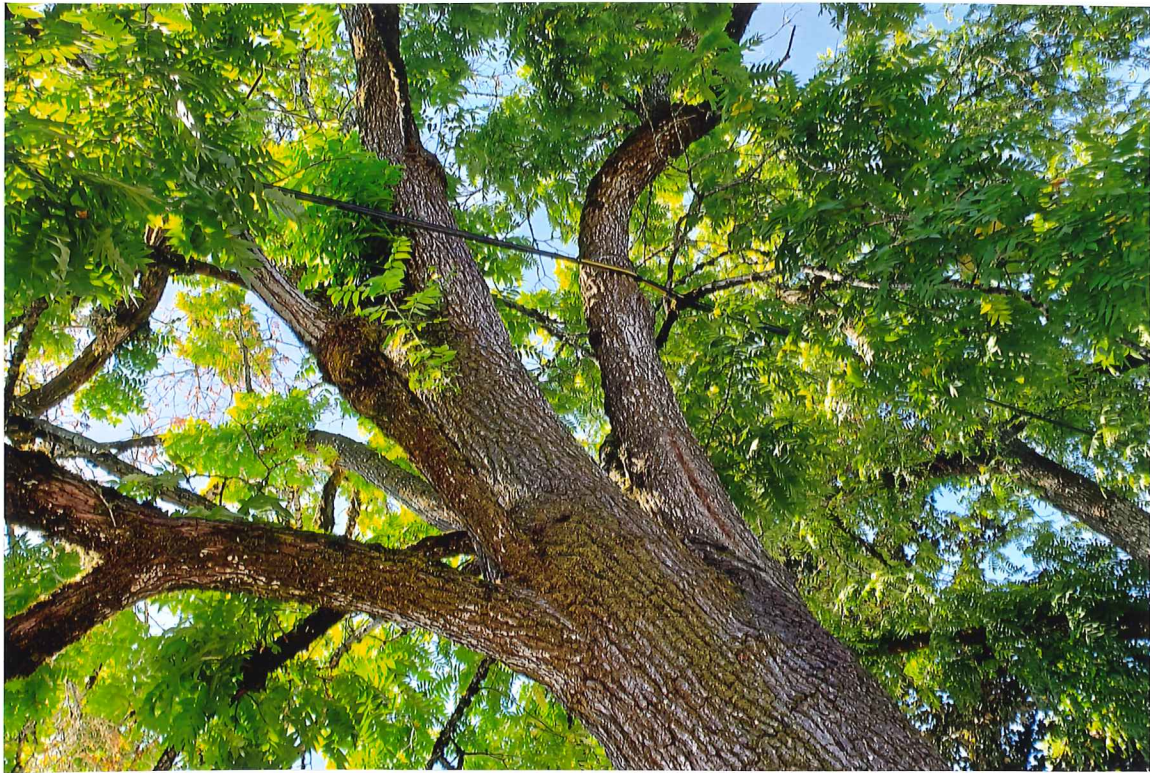


cable  
interference



← Lifted  
sidewalk





Tree limbs interfering with utility wires.







Exposed roots along road and sidewalk  
Sidewalk is lifted and roots are  
threatening the foundation of the  
building only  $12\frac{1}{2}'$  away. (see drawing map + photos)







Sidewalk is lifted by roots







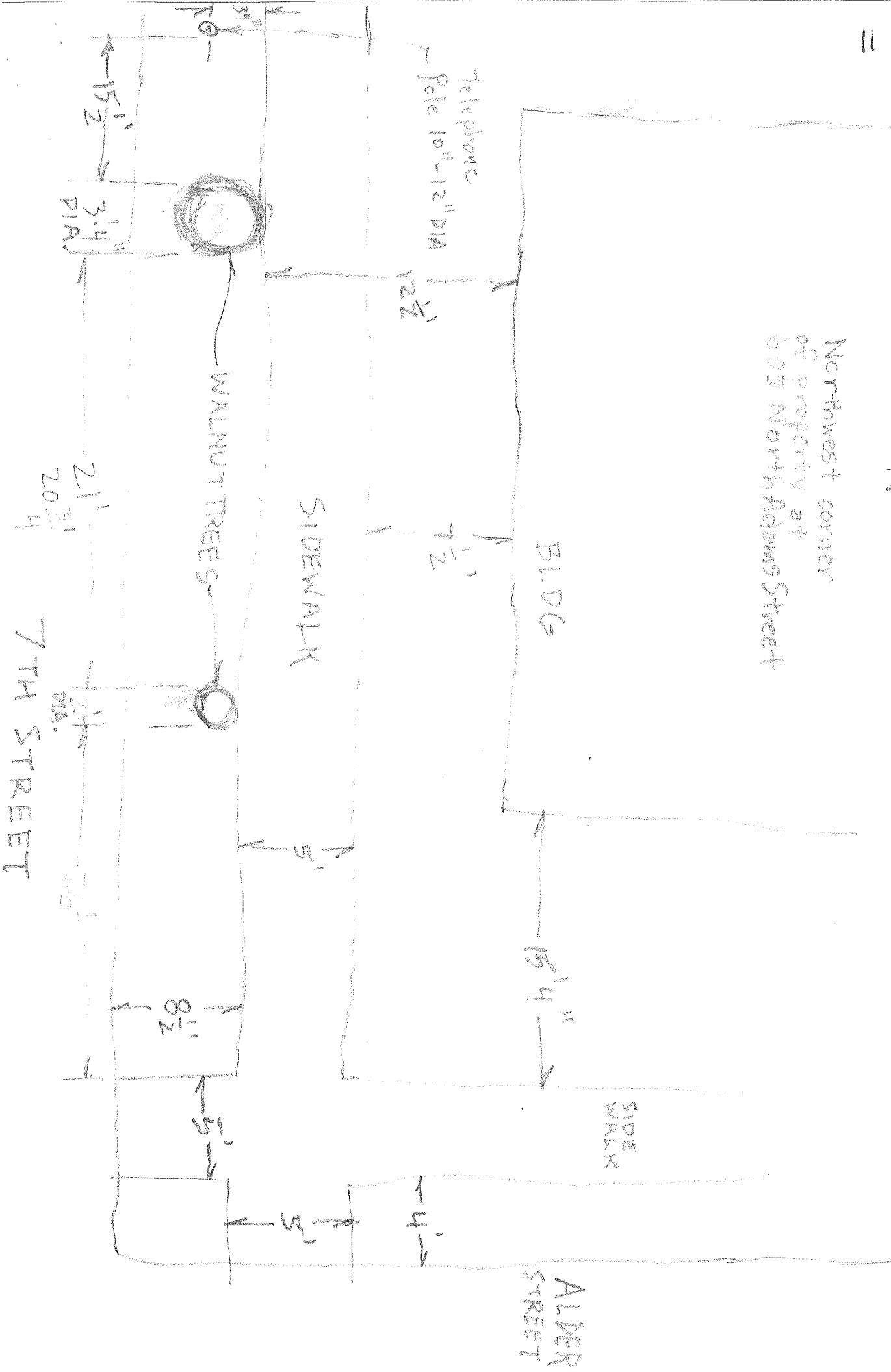
No curb with roots along edge of street ↗



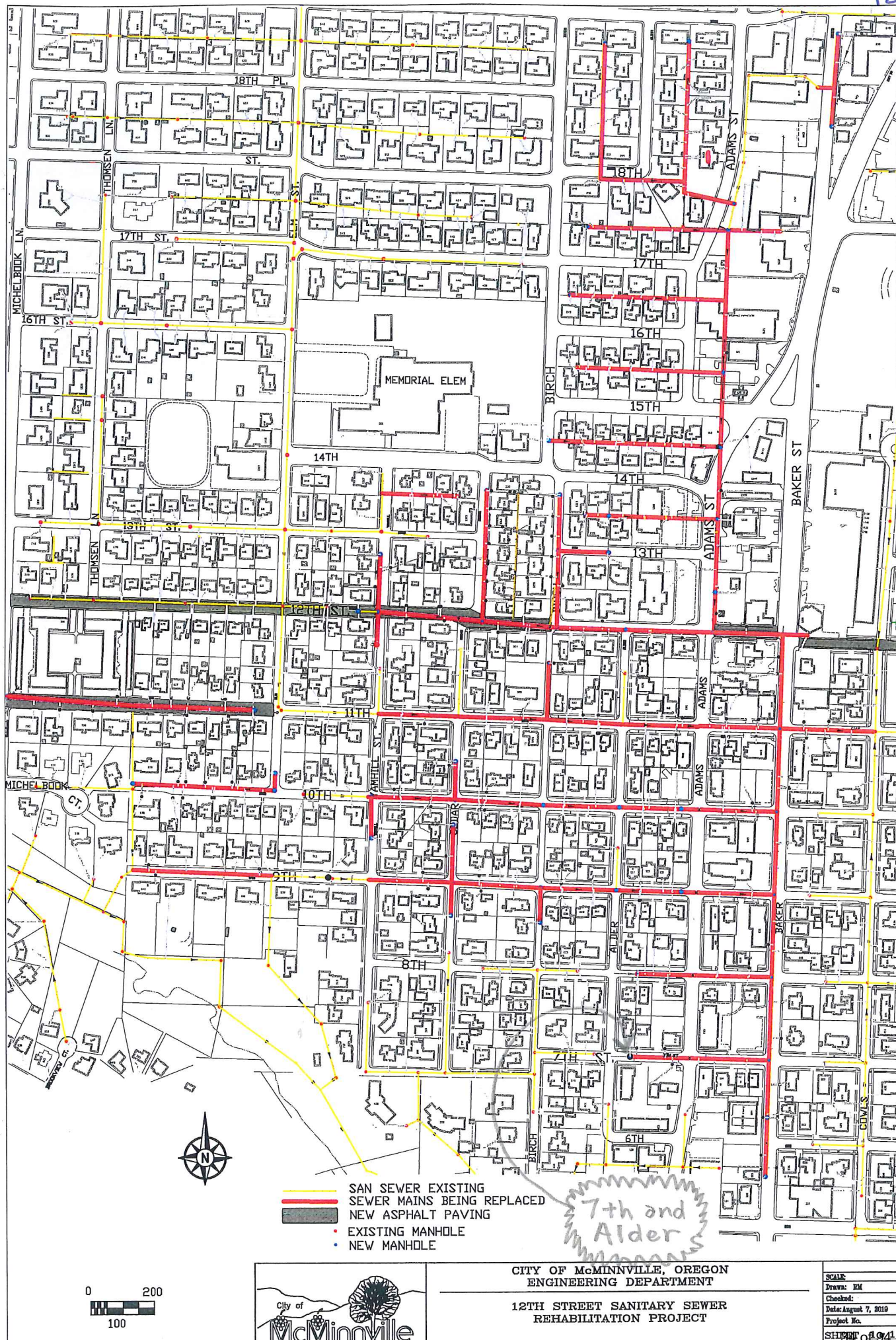




Northwest corner  
of property at  
605 North Adams Street







- SAN SEWER EXISTING
- SEWER MAINS BEING REPLACED
- NEW ASPHALT PAVING
- EXISTING MANHOLE
- NEW MANHOLE

CITY OF McMINNVILLE, OREGON  
ENGINEERING DEPARTMENT

12TH STREET SANITARY SEWER  
REHABILITATION PROJECT

SCALE
Drawn: EM
Checked:
Date: August 7, 2010
Project No.
SHEET 12 OF 13



**Northwest Tree Care**

105 NE 8th Street  
McMinnville, OR 97128  
(971)241-2471  
nwtreecare@hotmail.com  
<http://www.nwtreecare.com/>  
CCB #158060



## Estimate

**ADDRESS**

Jolynn Moore  
PO Box 1299  
McMinnville, OR 97128

**ESTIMATE # 3698****DATE 08/06/2019****ACTIVITY****AMOUNT****Tree Removal**

2,600.00

Remove 2 walnut trees. Chip the brush and debris. Remove the wood.

**Stump Grinding**

550.00

Grind 2 walnut stumps.

.....





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: September 18, 2019  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Street Tree Removal Application (L 19-19)

### STRATEGIC PRIORITY & GOAL:



#### GROWTH & DEVELOPMENT CHARACTER

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

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

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### Report in Brief:

An application to remove one (1) street tree from the public right-of-way along NE Hoffman Drive (L 19-19) to be reviewed by the Landscape Review Committee.

### Background:

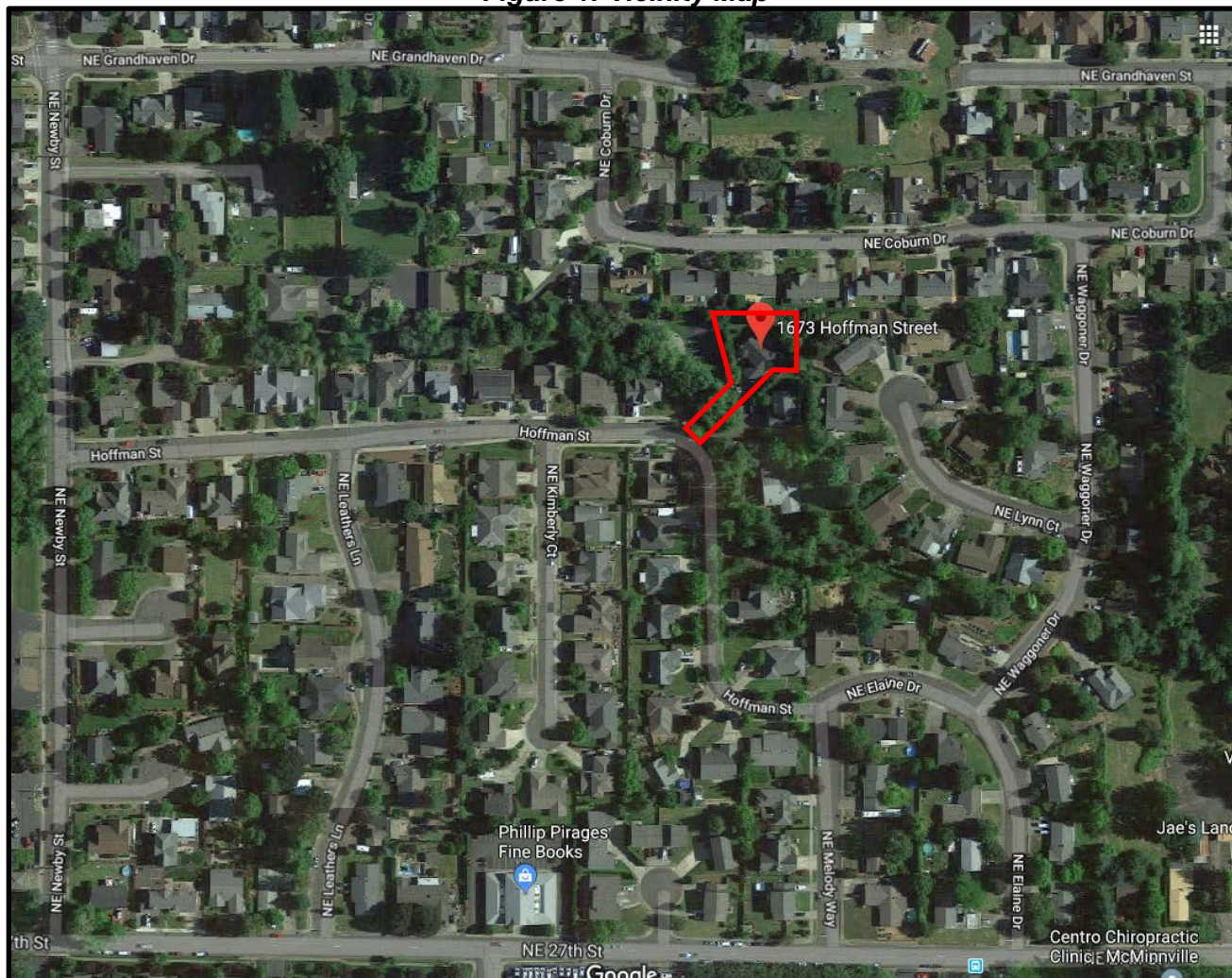
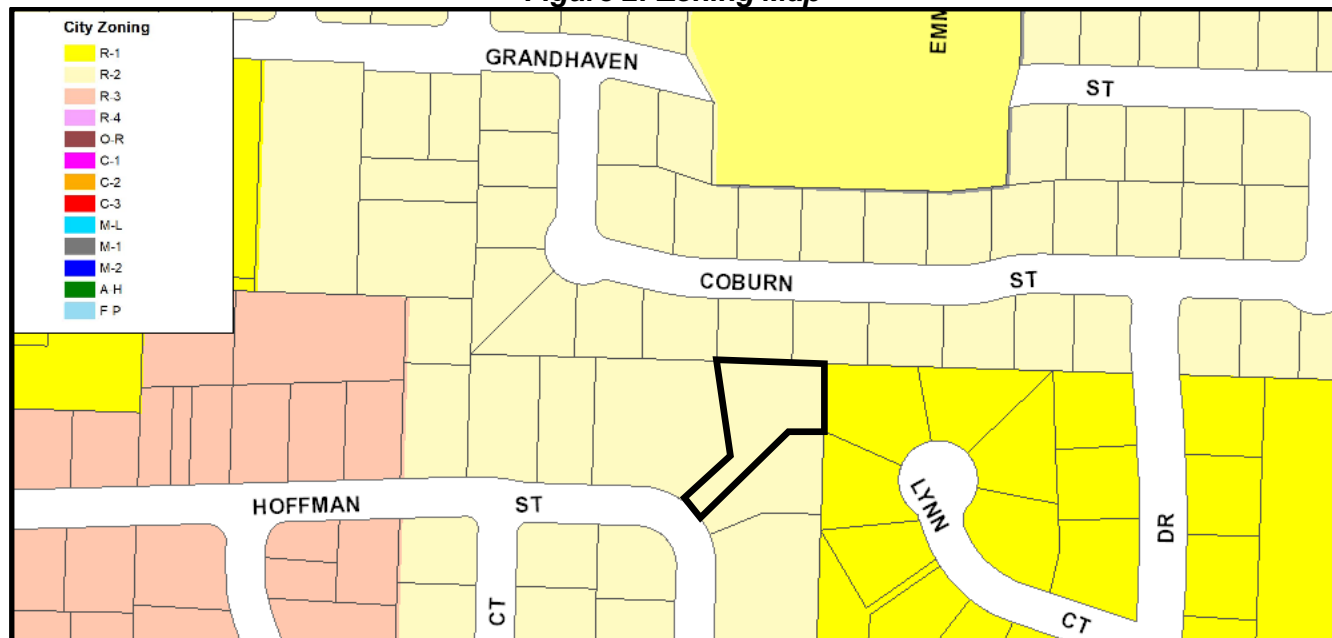
The applicant and adjacent property owners, Tim Gardner and Linda Scherf, submitted a street tree removal application to remove one (1) street tree from the right-of-way adjacent to the property at 1673 NE Hoffman Drive. The subject property is more specifically described as Tax Lot 2202, Section 9DD, T. 4. S., R. 4 W., W.M. The subject property is a flag lot located at 1673 NE Hoffman Drive within the Reuben's First Addition subdivision and is zoned R-2PD (Single-family Residential Planned Development). **See Figure 1 (Vicinity Map) and Figure 2 (Zoning Map).** The site is developed with single-family home, and the subject tree is located in the NE Hoffman Drive right-of-way, adjacent to the driveway within the "flagpole" portion of the lot.

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### Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1673 NE Hoffman Drive



**Figure 1: Vicinity Map****Figure 2: Zoning 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 1673 NE Hoffman Drive

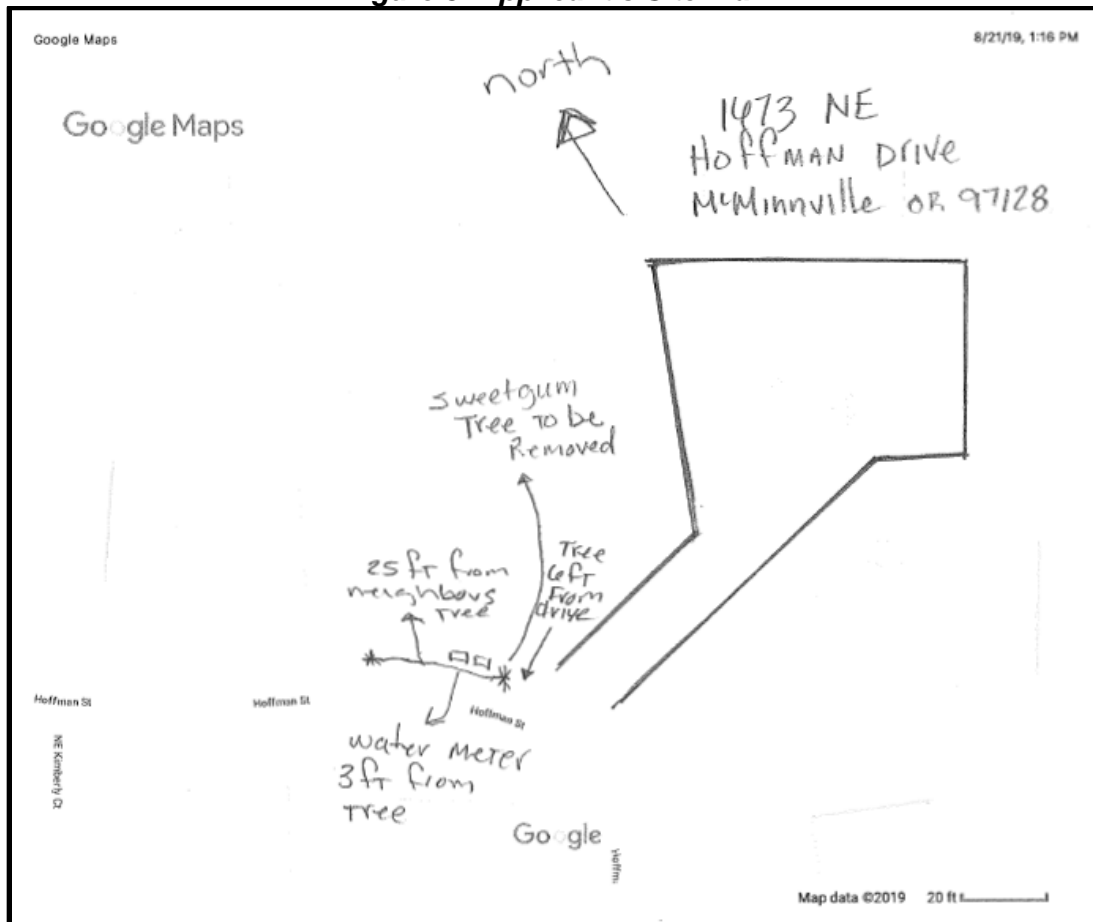


**Discussion:****Summary of Criteria & Issues:**

The applicant has requested the removal of one (1) street tree because of conflict with public improvements within the right-of-way and hazards the trees pose making it unsafe to people and property. The street tree is located in a planter strip between the sidewalk and NE Hoffman Drive adjacent to the subject property in the Rueben's First Addition subdivision. **See Figure 3 (Applicant's Site Plan).** There is no approved street tree plan for the Rueben's First Addition subdivision on file with the Planning Department.

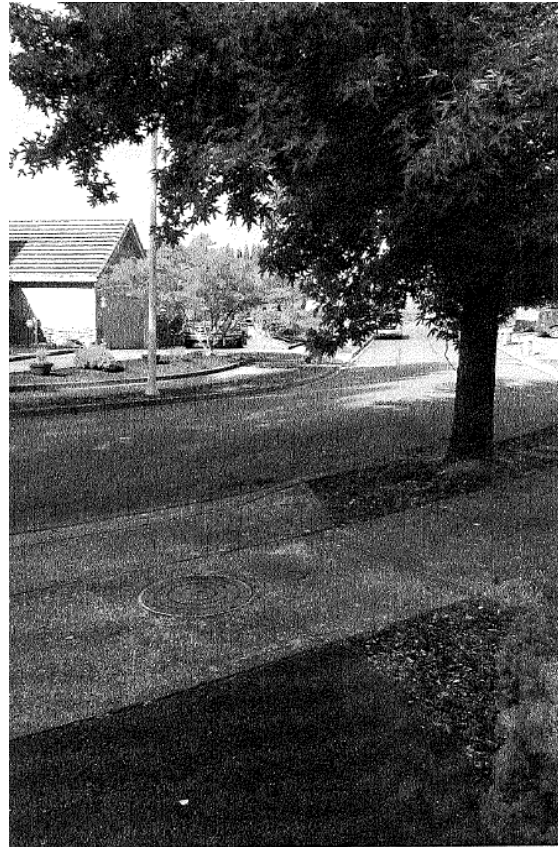
The subject tree is a *Liquidambar styraciflua* (American Sweetgum) which are generally considered to be problematic street trees due to excessive and prolonged fruit drop creating slip/trip/fall hazards in the right-of-way below and an aggressive, shallow root system known for lifting concrete sidewalk panels. *Liquidambar styraciflua* is specifically identified as a "Prohibited Tree Species" on McMinnville's Street Tree List. The tree proposed for removal is lifting the adjacent sidewalk panels and causing disruption to the nearby water meter boxes. The tree is in conflict with public improvements and is a prohibited street tree species, meeting the criteria for approval of the removal request.

The tree is currently spaced three (3) feet from the adjacent water meters and six (6) feet from the driveway. Current City street tree spacing standards are ten (10) feet from water meters and five (5) feet from private driveways. Because there is no location in the planting strip between the water meters and the driveway where a street tree could meet the spacing standard from water meters, a replacement street tree is not recommended.

**Figure 3: Applicant's 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 1673 NE Hoffman Drive



**Spacing from Water Meters****Spacing from Driveway**

The tree is currently spaced three (3) feet from the adjacent water meters and six (6) feet from the driveway. Current City street tree spacing standards are ten (10) feet from water meters and five (5) feet from private driveways. Because there is no location in the planting strip between the water meters and the driveway where a street tree could meet the spacing standard from water meters, a replacement street tree is not recommended. Additionally, the property is a flag lot, and there is not sufficient space on the opposite side of the driveway to accommodate a street tree.

#### **Fiscal Impact:**

None.

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

- 1) **APPROVE** the application, per the decision document provided which includes the findings of fact and conditions of approval.
- 2) **APPROVE** the application with additional conditions of approval, providing findings of fact for the inclusion of additional conditions.
- 3) **CONTINUE** the application, requesting the applicant to submit more information or details for review.
- 4) **DENY** the application, providing findings of fact for the denial in the motion to deny.

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#### **Attachments:**

*Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1673 NE Hoffman Drive*



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

JF

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**Attachments:**

*Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1673 NE Hoffman Drive*





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

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

## **DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A STREET TREE REMOVAL AT 1673 NE HOFFMAN DRIVE**

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

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

**LOCATION:** 1673 NE Hoffman Drive (Tax Lot 2202, Section 9DD, T. 4. S., R. 4 W., W.M.)

**ZONING:** R-2PD (Single-family Residential Planned Development)

**APPLICANT:** Tim Gardner and Linda Scherf, property owners

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

**DATE DEEMED COMPLETE:** August 26, 2019

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

**DECISION DATE & LOCATION:** September 18, 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.







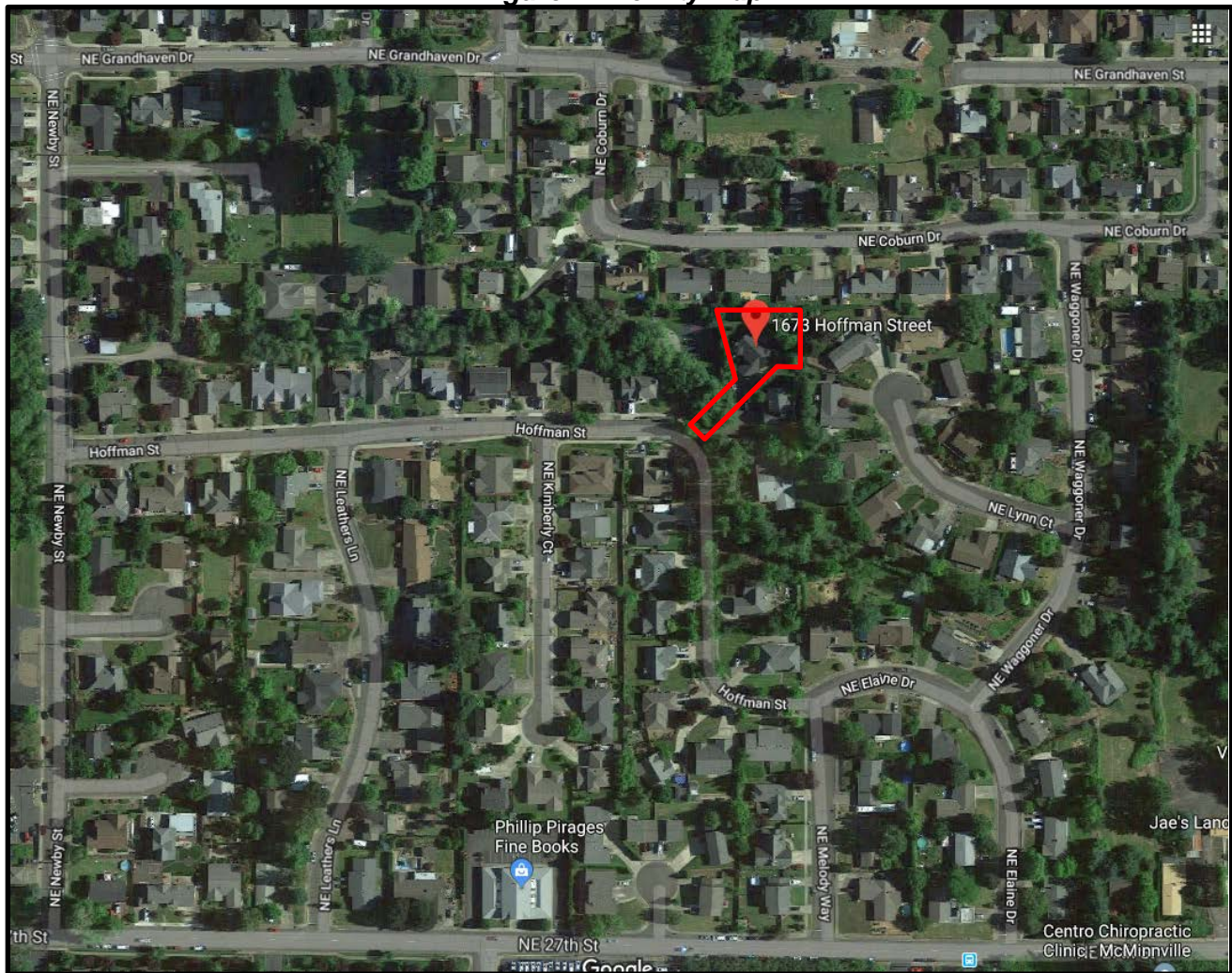
## **I. APPLICATION SUMMARY:**

### ***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 street tree is proposed. Removal of a tree within the public right-of-way requires City approval.

The subject property is a flag lot located at 1673 NE Hoffman Drive within the Reuben's First Addition subdivision and is zoned R-2PD (Single-family Residential Planned Development). ***See Figure 1 (Vicinity Map) and Figure 2 (Zoning Map).*** The site is developed with single-family home, and the subject tree is located in the NE Hoffman Drive right-of-way, adjacent to the driveway within the "flagpole" portion of the lot.

***Figure 1: Vicinity Map***

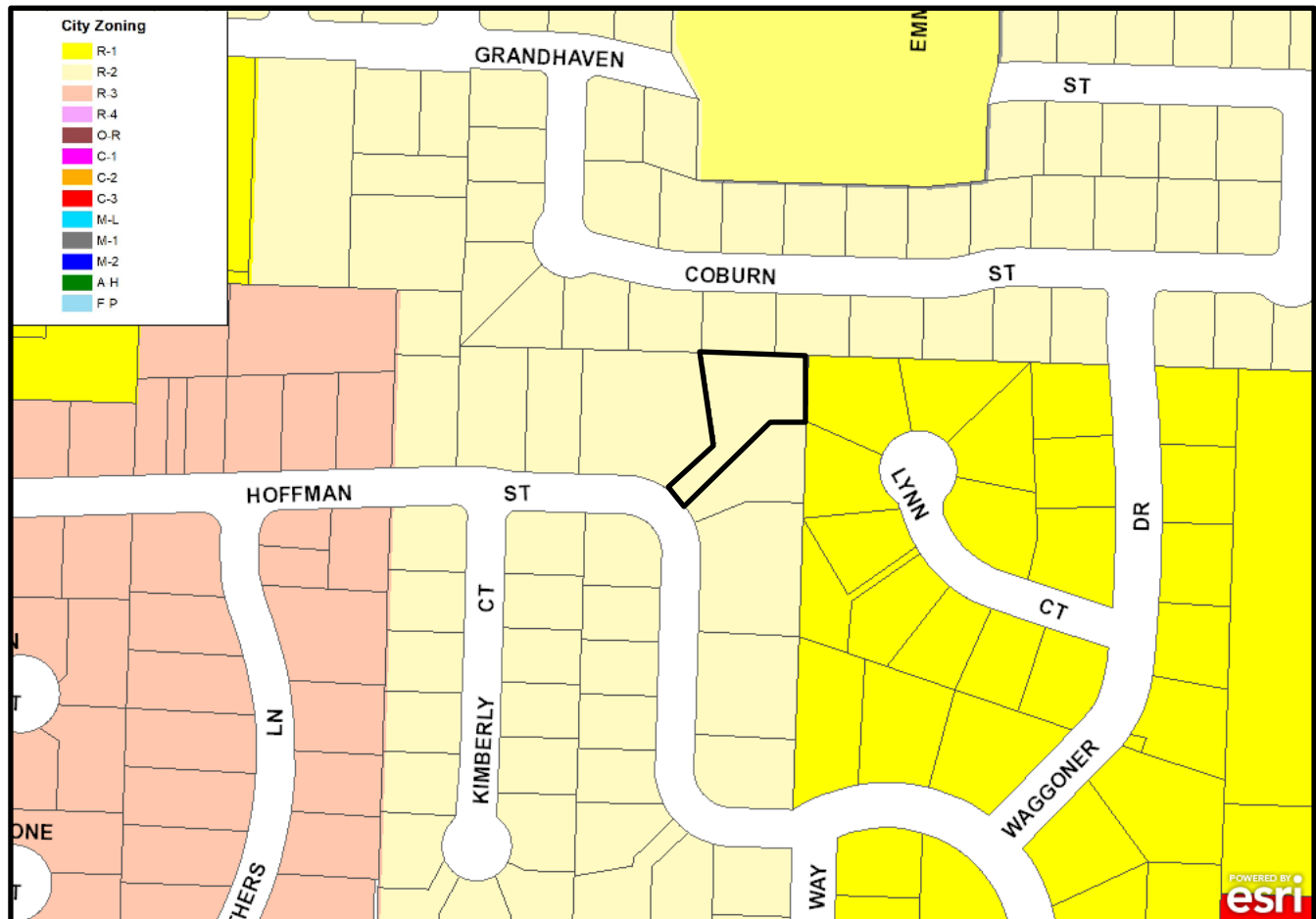


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### ***Attachments:***

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



**Figure 2: Zoning Map****Summary of Criteria & Issues**

The applicant has requested the removal of one (1) street tree because of conflict with public improvements within the right-of-way and hazards the trees pose making it unsafe to people and property. The street tree is located in a planter strip between the sidewalk and NE Hoffman Drive adjacent to the subject property in the Rueben's First Addition subdivision. **See Figure 3 (Applicant's Site Plan)**. There is no approved street tree plan for the Rueben's First Addition subdivision on file with the Planning Department.

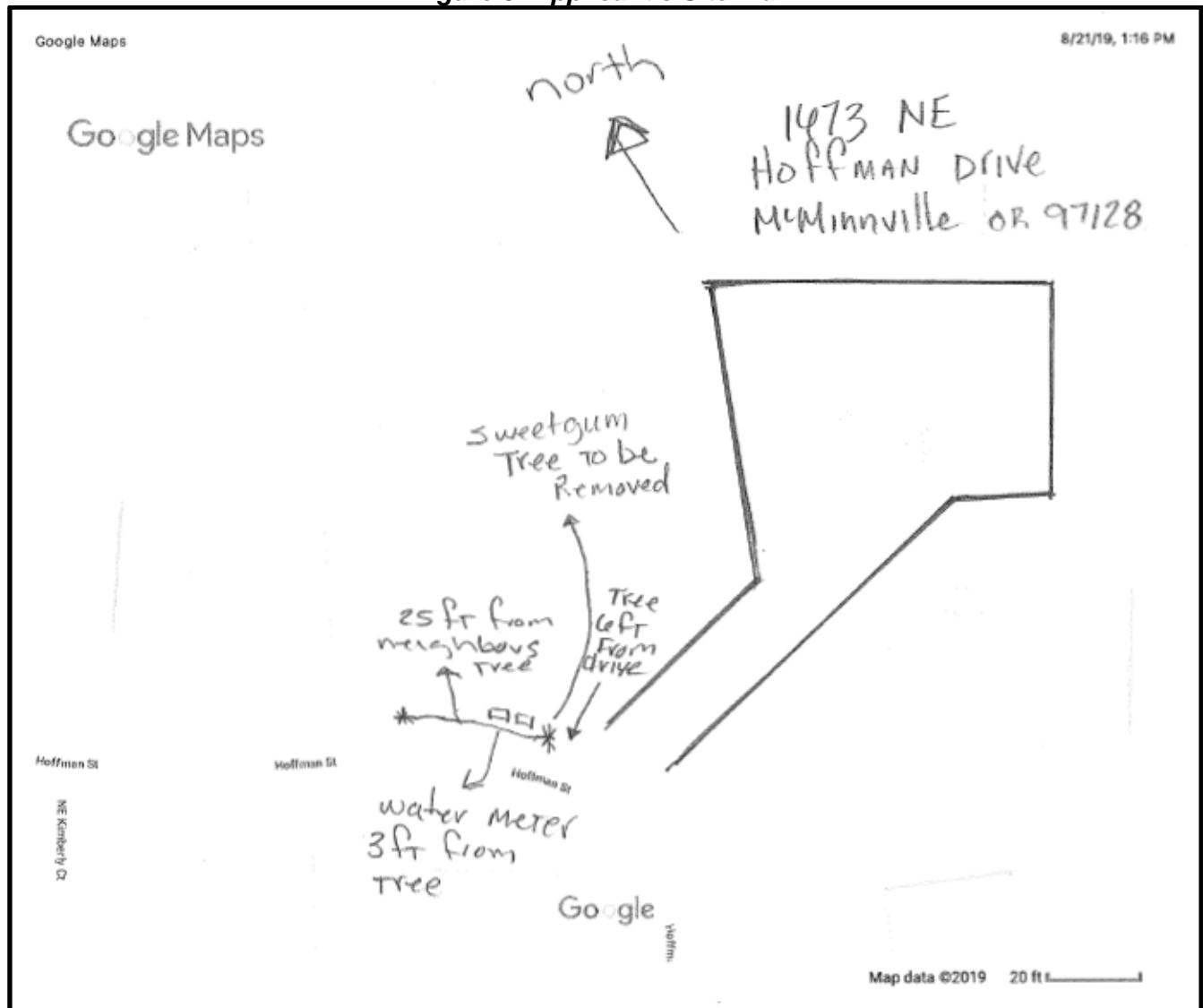
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The tree is currently spaced three (3) feet from the adjacent water meters and six (6) feet from the driveway. Current City street tree spacing standards are ten (10) feet from water meters and five (5) feet from private driveways. Because there is no location in the planting strip between the water meters and the driveway where a street tree could meet the spacing standard from water meters, a replacement street tree is not recommended.

**Attachments:**

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



**Figure 3: Applicant's Site Plan****II. CONDITIONS:**

1. That all costs and liability associated with tree removal and stump grinding shall be borne by the applicant.
2. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to removing the trunk, stump, and roots to ensure that underground utilities are not damaged during this process. Locates can be done with flagging upon request, with no permanent marks to adjacent hard surfaces. 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.

Attachments:

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



4. That the applicant shall repair/replace adjacent damaged sidewalk panels per City code. A sidewalk permit is required and can be obtained from the McMinnville Engineering Department at (503) 472-7312.
5. That the applicant shall complete the tree removal and tree replacement within six (6) months of this approval notification, or March 18, 2020.

### **III. ATTACHMENTS:**

1. L 19-19 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 sweetgum about 17" DBH and about 40' in height.
2. The tree is planted in a 4' planter strip between the curb and sidewalk, with bark as ground cover.
3. The tree has lifted the adjacent sidewalk panel resulting in non-compliant surface discontinuities that are trip hazards.
4. There are no overhead utility conflicts.
5. There is no damage to the street pavement or curb/gutter.
6. The tree shows no obvious health issues. The tree shows significant surface rooting typical of sweetgums that has resulted in sidewalk lifting.
7. The tree is planted about three feet from an adjacent water meter, and has caused the meter box to heave.

#### **Recommendations**

1. Given the surface rooting, proximity to the water meter, damage sidewalk and the potential for continued damage, staff would recommend approval of the removal request. 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. The applicant should be informed that locates can be done with flagging upon request, with no permanent marks to adjacent hard surfaces.
  - d. Given the limited space in the planter between the existing water meter bank and the driveway approach, staff would recommend that the applicant not be required to replant.
  - e. Applicant be required to repair/replace the existing damaged sidewalk, and to obtain all necessary inspections and permits from Engineering (503.434.7312).

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Attachments:

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



- McMinnville Water & Light:

- There are several water meters with their service lines, water main, and a sample station. Use extreme caution when removing the tree. If any of the facilities become damaged, please contact McMinnville Water & Light immediately at 503-472-6158.
- 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**

1. Tim Gardner and Linda Scherf, adjacent property owners, submitted a Street Tree Removal Permit application on August 22, 2019.
2. The application was deemed complete on August 26, 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 September 18, 2019 to review the application and proposed street tree removal request.

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

1. **Location:** 1673 NE Hoffman Drive (Tax Lot 2202, Section 9DD, T. 4. S., R. 4 W., W.M.)
2. **Size:** 15,983 square feet (0.37 acres)
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2PD (Single-family Residential Planned Development)
5. **Overlay Zones/Special Districts:** Planned Development, adopted by Ordinance 4579
6. **Current Use:** Single-family Detached Dwelling
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None identified

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*Attachments:*

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



8. **Other Features:** Flag lot
9. **Utilities:**
  - a. **Water:** The property is served by water. The treatment plant has sufficient treatment capacity.
  - b. **Sewer:** The property is served by a sewer main in an easement on the property. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
  - c. **Stormwater:** Storm water in NE Hoffman Drive is conveyed by curb and gutter to a catch basin and storm drain in NE Hoffman Drive.
  - d. **Other Services:** None.
10. **Transportation:** NE Hoffman Drive 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 provide a written response in the application.

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Attachments:

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



**FINDING: SATISFIED.** The removal of the subject tree in the NE Hoffman Drive right-of-way would improve the safety of the pedestrian way, the aesthetic appearance of the streetscape, and the livability of the surrounding area. The subject tree is in conflict with the adjacent sidewalk panels. The roots have lifted the adjacent sidewalk panels creating a trip hazard in the public right-of-way. Removal of the tree will avoid continuing conflict with the sidewalk panels and other nearby utilities, and prevent future impacts to public improvements which can disrupt movement through the right-of-way in a safe and efficient manner.

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

*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 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 written 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 written response in the application.

**FINDING: SATISFIED WITH CONDITION #3.** A condition of approval has been included to ensure 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

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Attachments:

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



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 written response in the application.

**FINDING: SATISFIED WITH CONDITIONS #1, 2.** Conditions of approval have been included to ensure 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 and stump grinding 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. Locates can be done with flagging upon request, with no permanent marks to adjacent hard surfaces. 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 written response in the application.

**FINDING: SATISFIED.** The tree is currently spaced three (3) feet from the adjacent water meters and six (6) feet from the driveway. Current City street tree spacing standards are ten (10) feet from water meters and five (5) feet from private driveways. Because there is no location in the planting strip between the water meters and the driveway where a street tree could meet the spacing standard from water meters, a replacement street tree is not recommended. Additionally, the property is a flag lot, and there is not sufficient space on the opposite side of the driveway to accommodate a street tree.

**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 written 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 CONDITION #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 within six (6) months of this approval notification, or March 18, 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 written response in the application.

**FINDING: SATISFIED WITH CONDITION #4.** Conditions of approval have been included to ensure that the damaged sidewalk panel will be replaced following the removal of the tree.

**CONDITION FOR FINDING:** That the applicant shall repair/replace adjacent damaged sidewalk panels per City code. A sidewalk permit is required and can be obtained from the McMinnville Engineering Department at (503) 472-7312.

#### **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:** Sweetgum is a prohibited tree on your list [...]

**FINDING: SATISFIED.** Staff concurs with the applicant. The subject tree is a *Liquidambar styraciflua* (Sweetgum) which is generally considered to be a problematic street tree, exhibiting characteristics undesirable for McMinnville's street trees as identified in the McMinnville Street Tree List's Prohibited Tree Species. Sweetgums have excessive fruit drop creating slip/trip/fall hazards in the right-of-way below, and aggressive surface roots that are known to lift nearby concrete sidewalks. As a result, *Liquidambar styraciflua* is not a recommended street tree on the McMinnville Street Tree List, and is specifically listed as a "Prohibited Tree Species" due to the potential hazards listed above. Therefore, due to the hazards presented by the trees as indicated by the inclusion of the species on the Prohibited Tree Species list, this criteria is satisfied.

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

**APPLICANT'S RESPONSE:** Water meter is miss-placed by tree roots. Sidewalk is miss-placed by tree roots.

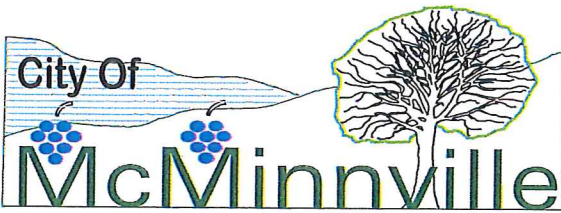
**FINDING: SATISFIED.** Staff concurs with the applicant. The applicant provided photo evidence of the damage and lifting of the adjacent sidewalk panels and disruption of the water meters caused by the tree roots, and staff inspections confirmed the conflicts. The roots lifted the sidewalk panels causing a surface discontinuity in the path of travel, creating a trip hazard in the public right-of way. The extensive surface root system of the trees in the planter strip appear to be impacting the water meter boxes between the subject property and the property to the west.



Severe root pruning would need to occur to achieve the space and clearance for the repair or reconstruction of the sidewalk, likely compromising the structure and stability of the tree. Because of the aggressive surface rooting of Sweetgums, the conflicts would continue into the future. Therefore, because of the conflict with the adjacent sidewalk and water meters, this criterion is met.

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)

569-19-000518-PLNG

**Office Use Only:**

File No. L19-19  
Date Received 8/22/19  
Fee \$150 paid  
Receipt No. CASH  
Received by RH

## Street Tree Removal

### Applicant Information

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

Applicant Name LINDA SCHERF Phone 971-237-2311

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

Address 1673 NE HOFFMAN DRIVE

City, State, Zip McMinnville OR 97128

Contact Email lindasmeme@yahoo.com

### 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 1673 NE Hoffman Drive McMinnville  
(Property nearest to tree(s) for removal)

Assessor Map No. R4 4409 - PD - 02202 Total Site Area \_\_\_\_\_

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

Comprehensive Plan Designation Residential Zoning Designation R-2PD



**Additional Information**

1. How many trees are requested for removal? 1
2. What type (species) of tree(s) are they? Subgum Sweet Gum
3. What is the diameter of the tree(s), measured four feet above ground level? 50 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.  
Sweetgum is a prohibited tree on  
our list AND IS CLOSE TO WATER MAINS.  
water meter is miss-placed by tree roots  
sidewalk is miss-placed by tree roots

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.

Tim Gardner  
Linda Schert  
Applicant's Signature

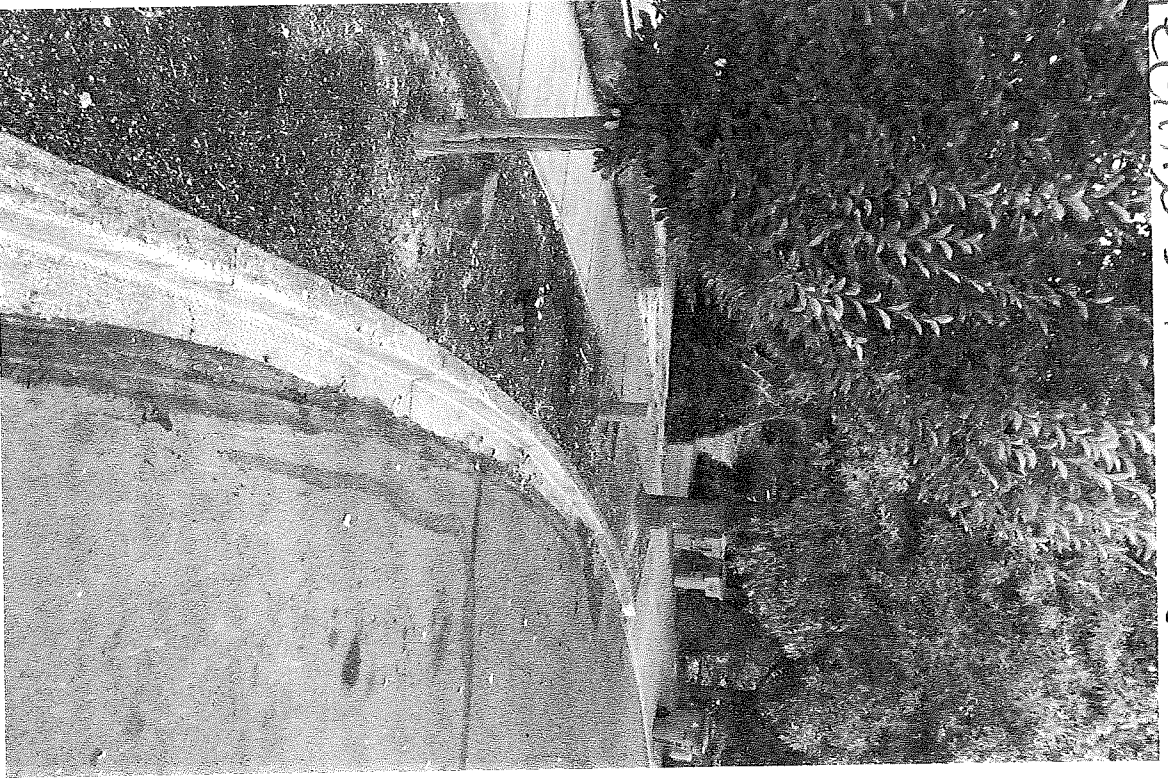
8-21-19  
Date

Linda Schert  
Property Owner's Signature

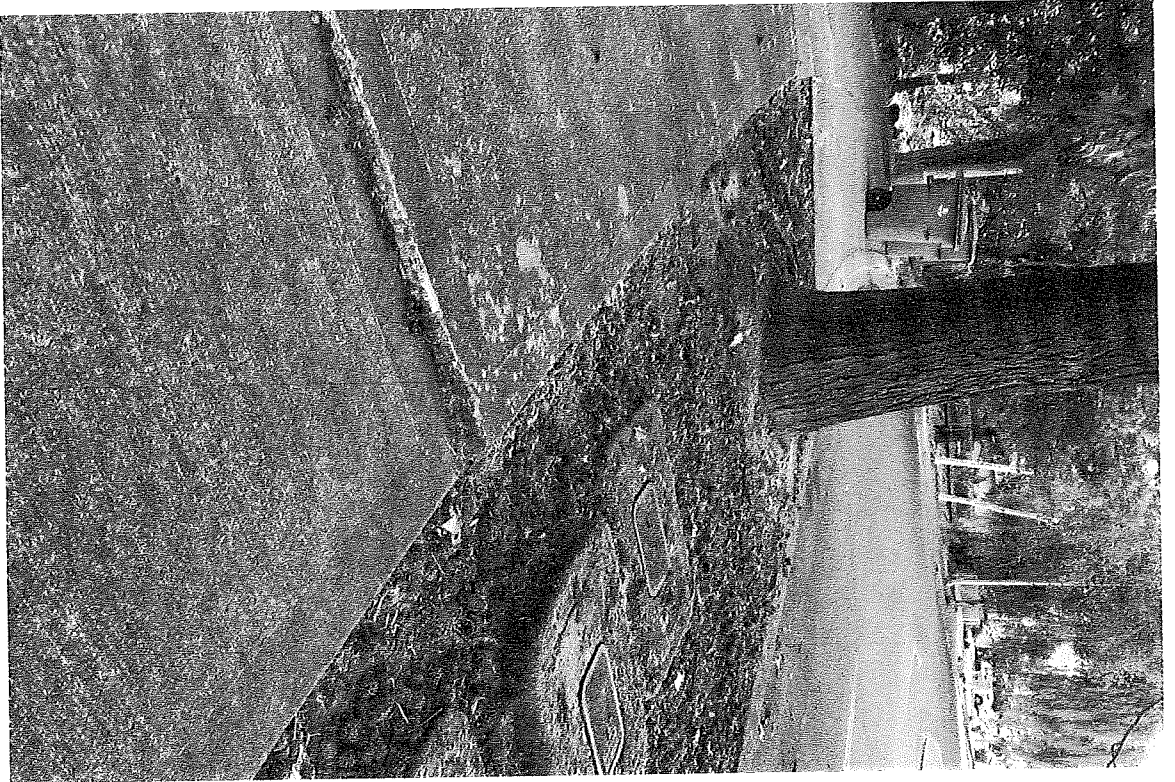
8-21-19  
Date



Neighbors tree  
 Sugar gum tree  
 in removal



25 ft from neighbors  
 Tree - which was replaced  
 5 yrs ago

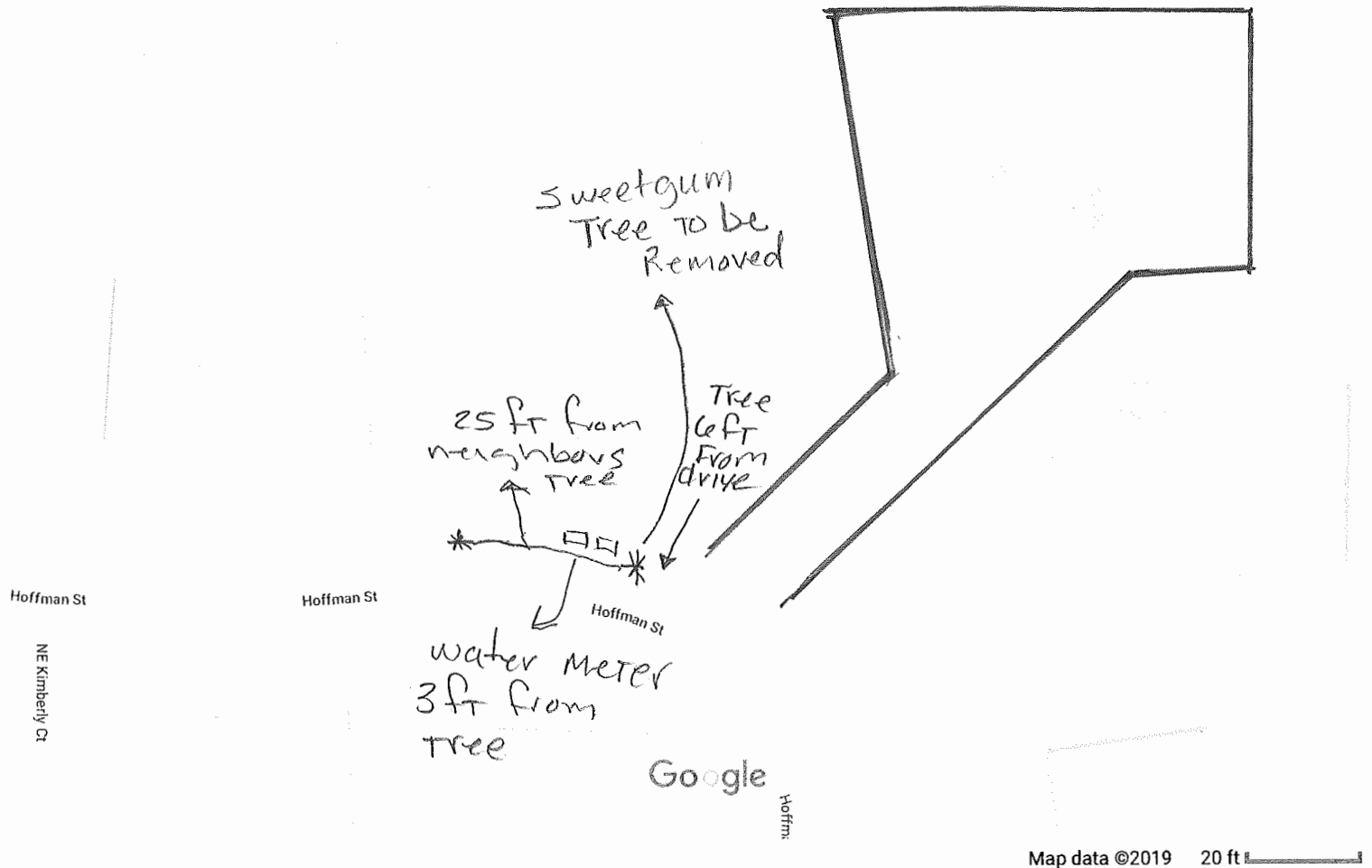


Side walk and  
 water meter miss-placed  
 by Tree roots



Google Maps

north

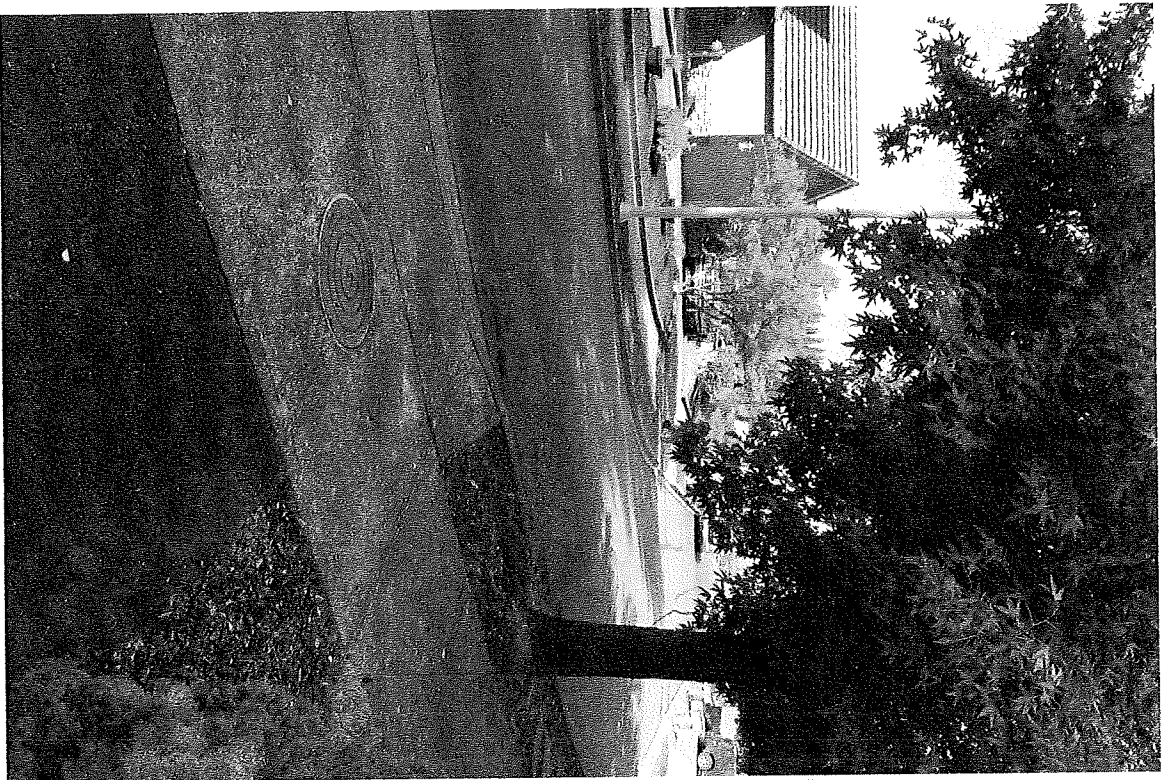
1473 NE  
Hoffman Drive  
McMinnville OR 97128

water meter and sidewalk are misplaced  
from roots of tree





3 ft from  
water meter



6 ft from Driveway





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: September 18, 2019  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Street Tree Removal Application (L 23-18)

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

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

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

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### Report in Brief:

An application for a landscape plan review (L 23-18) for the construction of the Falcon Suites Commercial Building Shell to be reviewed by the Landscape Review Committee.

### Background:

The applicant, Harold Washington on behalf of Schoko Properties, LLC, property owner, submitted a landscape plan for the Falcon Suites Commercial Building Shell at 609 NE Baker Street as required by the McMinnville Zoning Ordinance. The subject site is more specifically described as Tax Lots 100 and 500, Section 20AD, T. 4. S., R. 4 W., W.M., and is located between NE Adams and NE Baker Streets (Highway 99W) between NE 5<sup>th</sup> and NE 7<sup>th</sup> Streets. The property(s) is zoned C-3 (General Commercial). **See Figure 1 (Vicinity Map) and Figure 2 (Zoning Map).**

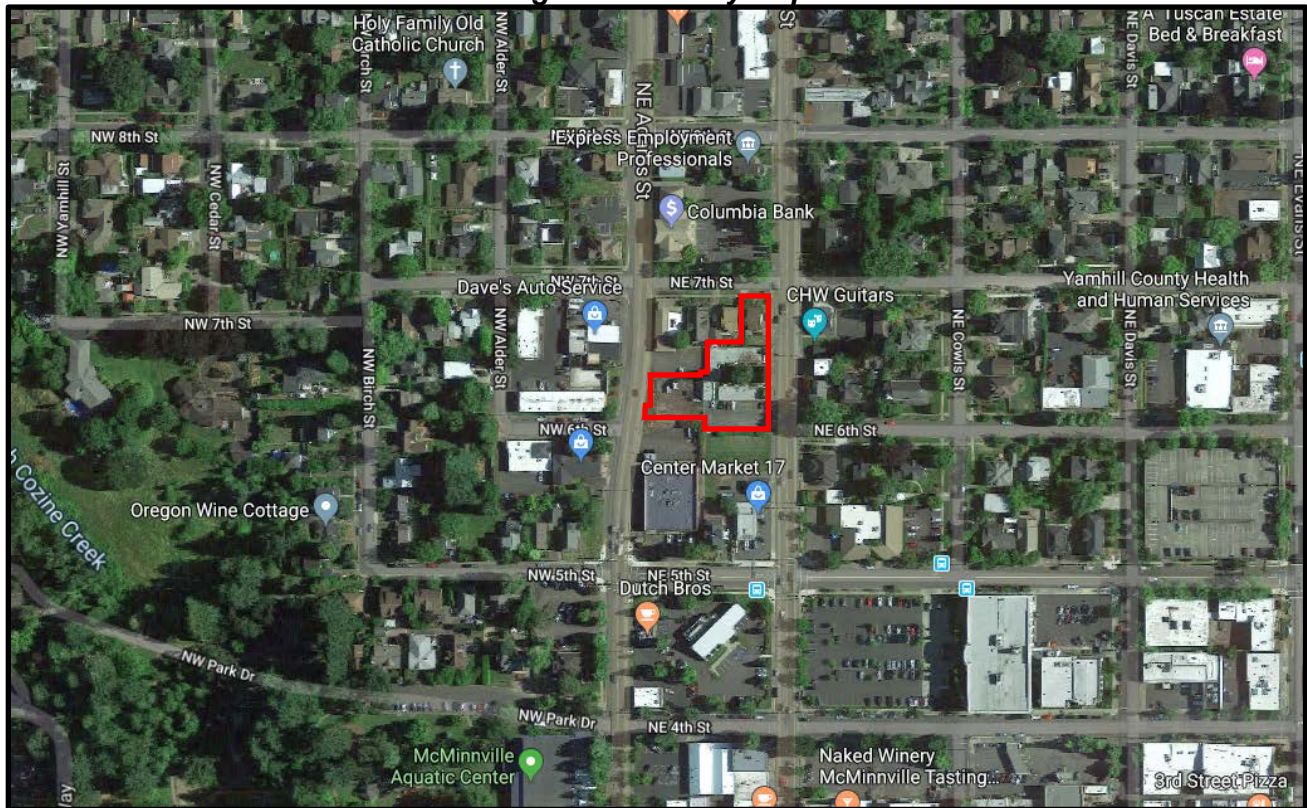
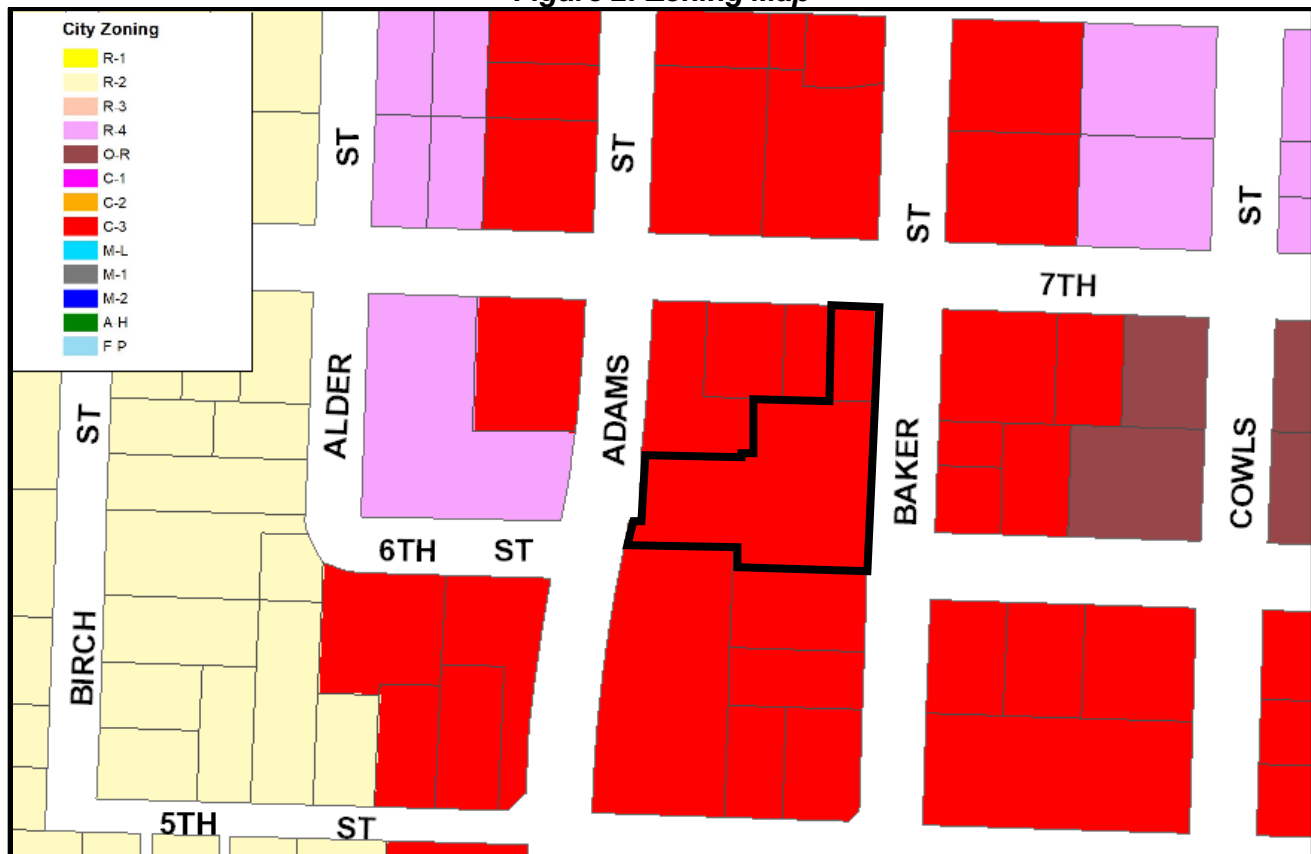
The site consists of two separate parcels. The larger southern parcel was previously developed with multi-family apartments, and the smaller northern parcel had a single family dwelling. Those structures have been removed to make way for a new commercial office building and parking lot on the southern parcel and a new parking lot on the northern parcel. All lots adjacent to the subject site are also zoned C-3 (General Commercial). South of the subject site along NE Baker Street is a vacant lot, and along NE Adams Street is an office building and off-street parking lot. North of the site are two (2) single-family residences and an office building at the corner of Adams and 7<sup>th</sup> Streets. Across NE Adams Street from the site is a multi-family apartment complex, and across NE Baker Street to the east are more commercially zoned and developed lots. A building permit has been approved for the construction of the site. A required landscape plan has been submitted for review and approval by the Landscape Review Committee. The landscape plan addresses landscaping around the perimeter of the development. **See Figure 3 (Proposed Landscape Plan).**

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### Attachments:

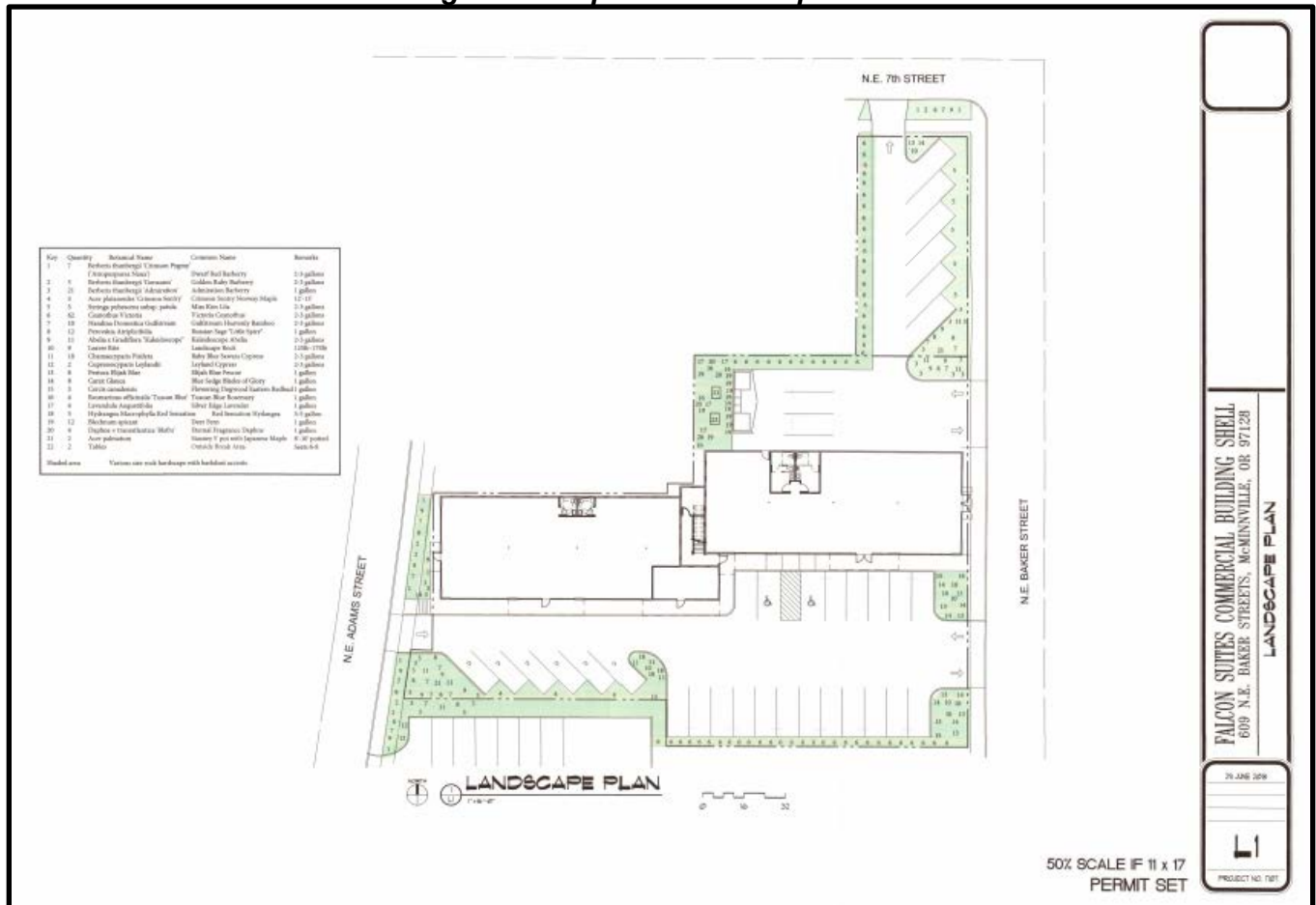
Attachment A – Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 609 NE Baker Street



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

Attachment A – Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 609 NE Baker Street



**Figure 3: Proposed Landscape Plan****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 development is the construction of a commercial building shell and associated parking. The southern parcel (R4420AD00500) will have the new building (approximately 16,000 square feet). South of the building will be a parking lot for 26 vehicles, and north of the building will be the solid waste enclosure and parking for three (3) additional vehicles. The northern parcel at the corner of NE 7<sup>th</sup> Street and NE Baker Street (R4420AD00100) will be a six (6) stall parking lot providing additional capacity for the development.

**Attachments:**

Attachment A – Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 609 NE Baker Street



The proposed landscape plan addresses landscaping around each of the parking areas, the perimeter of the site, and the street frontages. Below is the plant schedule and key for the landscape plan:

**Figure 4: Plant Schedule**

Key	Quantity	Botanical Name	Common Name	Remarks
1	7	Berberis thunbergii 'Crimson Pygmy' (Atropurpurea Nana)	Dwarf Red Barberry	2-3 gallons
2	5	Berberis thunbergii 'Goruzam'	Golden Ruby Barberry	2-3 gallons
3	21	Berberis thunbergii 'Admiration'	Admiration Barberry	1 gallon
4	3	Acer platanoides 'Crimson Sentry'	Crimson Sentry Norway Maple	12'-15'
5	5	Syringa pubescens subsp. patula	Miss Kim Lila	2-3 gallons
6	62	Ceanothus Victoria	Victoria Ceanothus	2-3 gallons
7	10	Nandina Domestica Gulfstream	Gulfstream Heavenly Bamboo	2-3 gallons
8	12	Perovskia Atriplicifolia	Russian Sage "Little Spire"	1 gallon
9	11	Abelia x Gradiflora "Kaleidoscope"	Kaleidoscope Abelia	2-3 gallons
10	9	Leaver Rite	Landscape Rock	125lb-175lb
11	10	Chamaecyparis Pisifera	Baby Blue Sawara Cypress	2-3 gallons
12	2	Cupressocyparis Leylandii	Leyland Cypress	2-3 gallons
13	8	Festuca Elijah Blue	Elijah Blue Fescue	1 gallon
14	8	Carex Glaucia	Blue Sedge Blades of Glory	1 gallon
15	3	Cercis canadensis	Flowering Dogwood Eastern Redbud	1 gallon
16	4	Rosmarinus officinalis "Tuscan Blue"	Tuscan Blue Rosemary	1 gallon
17	4	Lavandula Angustifolia	Silver Edge Lavender	1 gallon
18	3	Hydrangea Macrophylla Red Sensation	Red Sensation Hydrangea	3-5 gallon
19	12	Blechnum spicant	Deer Fern	1 gallon
20	4	Daphne x transatlantica 'Blafra'	Eternal Fragrance Daphne	1 gallon
21	2	Acer palmatum	Stasney 5' pot with Japanese Maple	8'-10' potted
22	2	Tables	Outside Break Area	Seats 6-8
Shaded area		Various size rock hardscape with barkdust accents		

On the west side of the commercial building, landscaping is proposed in the public right-of-way along NE Adams Street and the building. **See Figure 5: Landscape Plan Enlargement – NE Adams Street & West Parking Area.**

Planting proposed in the public right-of-way is a combination of small deciduous shrubs (Dwarf Red Barberry, Golden Ruby Barberry, Admiration Barberry), small evergreen shrubs (Gulfstream Heavenly Bamboo, Kaleidoscope Abelia), and flowering perennials (Little Spire Russian Sage). The proposed plants provide variation in foliage color, seasonal color, and season blooms. Additionally, planting in the right-of-way is low, staying at three (3) foot height or below, which is appropriate for maintaining the view corridor along the major arterial.

Landscaping in the large planting areas that cap the aisle of compact parking spaces continue the planting theme with many of the same small deciduous shrubs, small evergreen shrubs, and flowering perennials. Added to the planting islands is Baby Blue Sawara Cypress, a dwarf conifer growing to six (6) feet tall. In the western planting island, a single Japanese Maple tree is being proposed. The standard Japanese Maple species grows to approximately 20 feet high and wide. In front of the angled parking stalls, three (3) Crimson Sentry Norway Maples are proposed, which grow approximately 25 feet tall and wide. These maples are spaced at approximately 22 feet on center. In the eastern planting island, Red Sensation Hydrangea, a small deciduous flowering shrub, is paired with Baby Blue Sawara Cypress. An Eastern Redbud tree is also

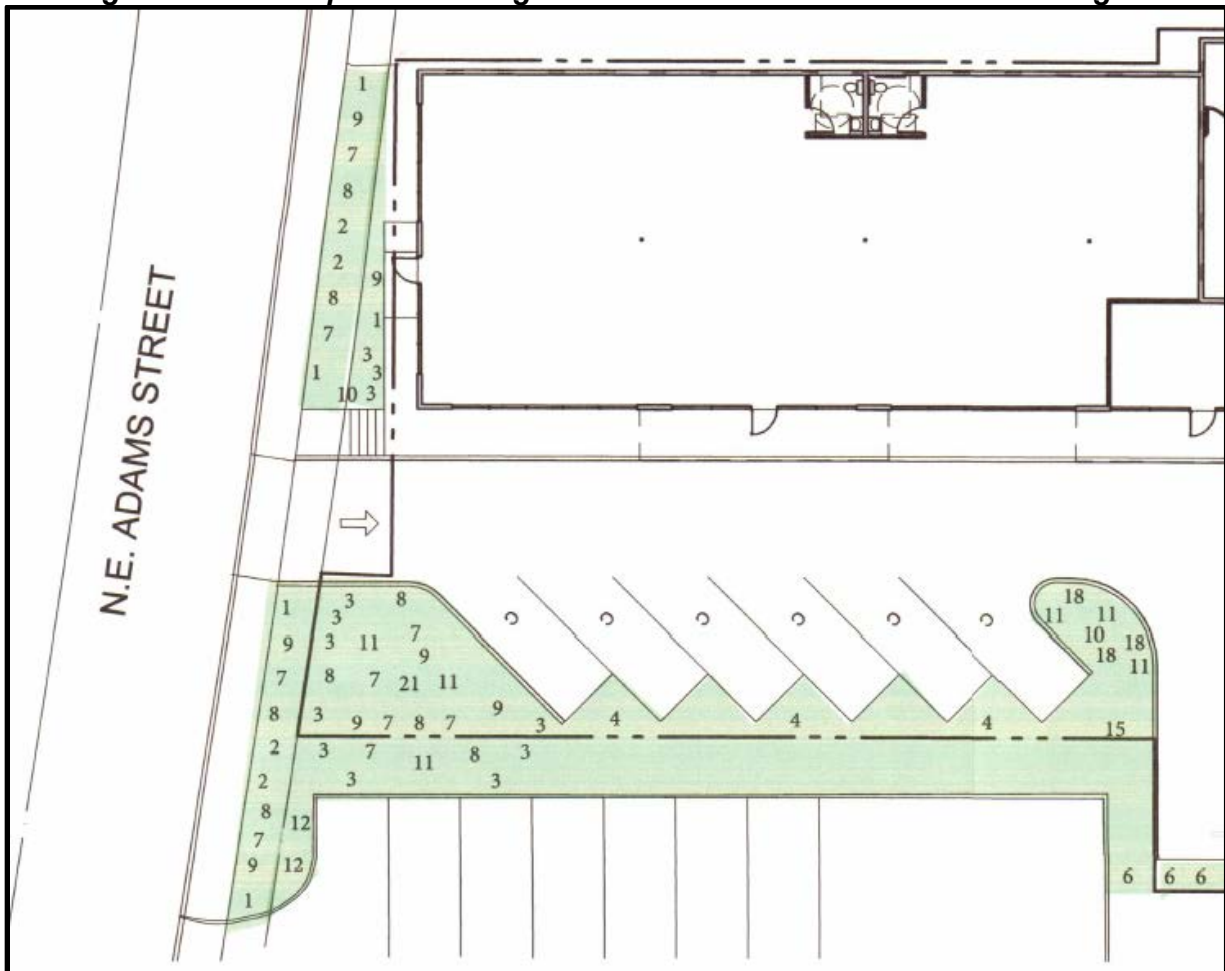
**Attachments:**

Attachment A – Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 609 NE Baker Street



proposed, continuing the line of trees along the southern property line. Redbuds grow approximately 25 feet high and wide. The spacing of the five (5) trees in this area will result in a continuous canopy to shade the parking area and the building.

**Figure 5: Landscape Plan Enlargement – NE Adams Street & West Parking Area**



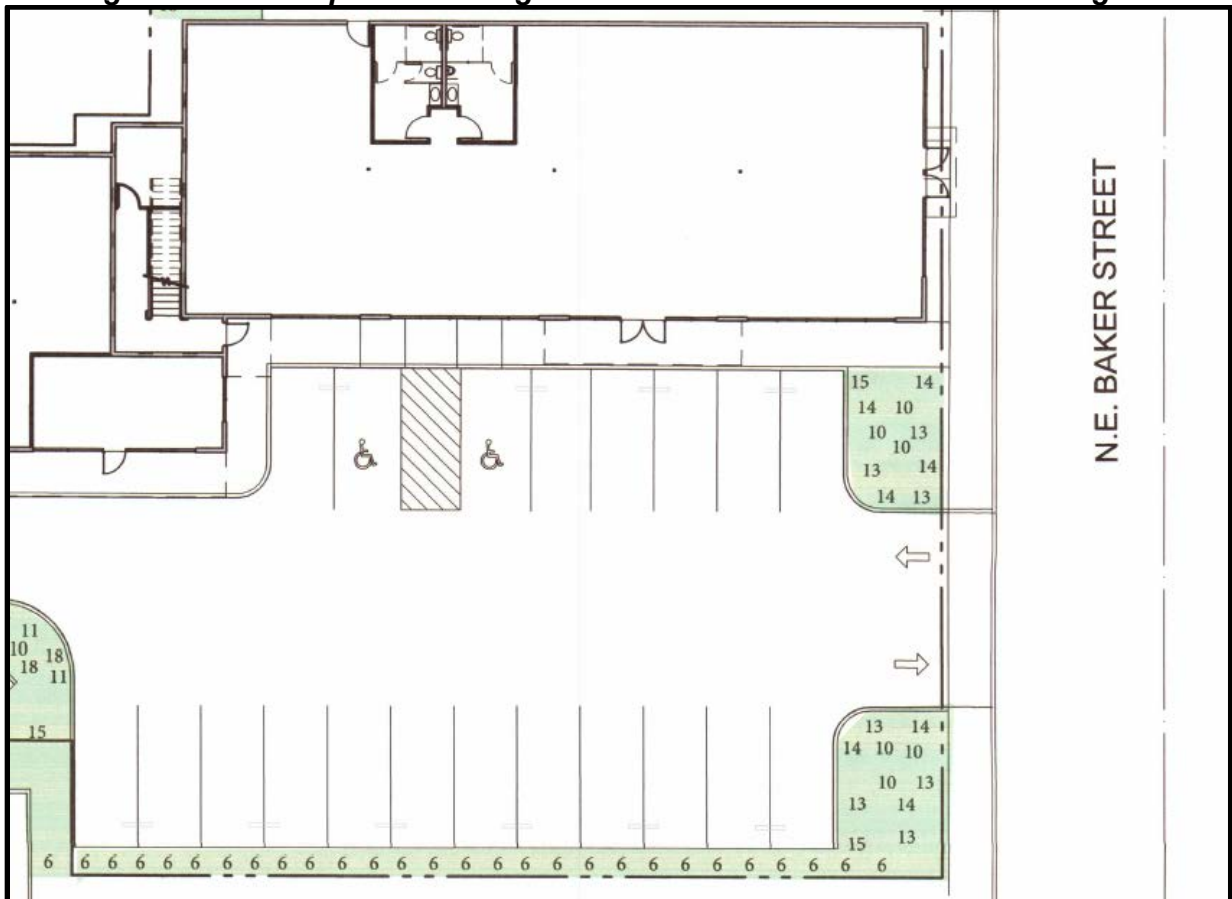
Two (2) Leyland Cypress trees are proposed in the planting area west of the adjacent parking lot to the south of the site. The planting area is eight (8) feet wide, with planting described above in the right-of-way. Leyland Cypress are dense evergreen conifers, and are branched to the ground. They reach up to 70 feet in height and 15 to 25 feet in width. The plant selection does not seem appropriate for the location – the trees would quickly outgrow the space provided, and would obstruct the clear vision triangle required for a commercial driveway. A condition of approval is included to substitute the Leyland Cypress for either a smaller plant that would remain below three (3) feet in height or a different tree that can be limbed up to a minimum of eight (8) feet above grade to maintain clear vision of oncoming traffic on NE Adams Street when exiting the existing parking lot

On the south side of the commercial building adjacent to NE Baker Street, landscaping is proposed around the perimeter of the parking areas. **See Figure 6: Landscape Plan Enlargement – NE Baker Street & South Parking Area.**

**Attachments:**

Attachment A – Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 609 NE Baker Street



**Figure 6: Landscape Plan Enlargement – NE Baker Street & South Parking Area**

A continuous hedge of Victoria Ceanothus spaced at four (4) feet on center is proposed in a four (4) foot wide planting bed. Victoria Ceanothus is an evergreen flowering shrub that grows six (6) to nine (9) feet tall and 10 to 12 feet wide. The proposed species would seem too large for the space provided, and quickly grow over the property line and into the required parking spaces. A condition of approval is included to substitute the Victoria Ceanothus with a different evergreen hedge plant more appropriately sized for the size of the planting bed.

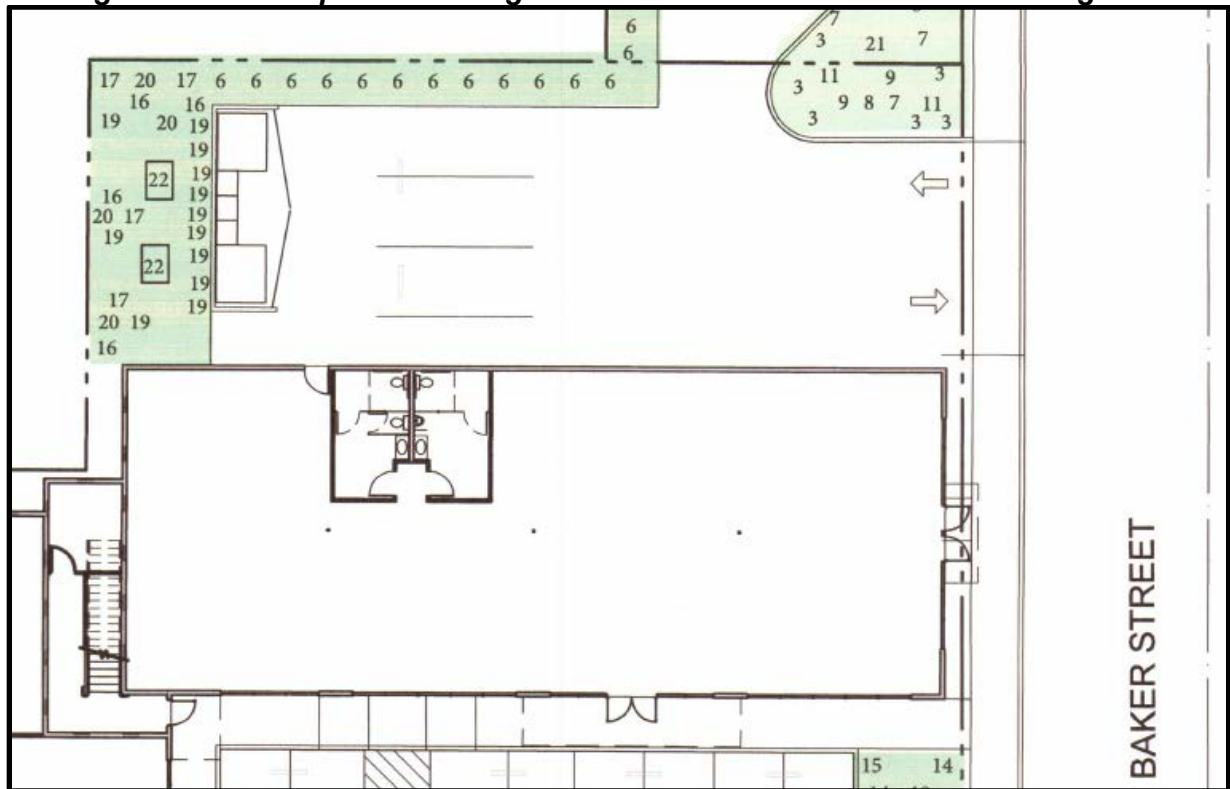
In the planting areas at the east end of the parking aisles adjacent to the NE Baker Street right-of-way, landscape boulders surrounded by dwarf ornamental grasses (Elijah Blue Fescue, Blades of Glory Blue Sedge) are proposed. A single Eastern Redbud tree is proposed in each planting area, and will grow to provide shade to the parking lot and building.

Immediately north of the commercial building adjacent to NE Baker Street, landscaping is proposed around the perimeter of the parking area, and in a large landscape area west of the solid waste enclosure intended to be usable open space for employees. **See Figure 7: Landscape Plan Enlargement – NE Baker Street & North Parking Area.**

**Attachments:**

Attachment A – Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 609 NE Baker Street



**Figure 7: Landscape Plan Enlargement – NE Baker Street & North Parking Area**

A continuous hedge of Victoria Ceanothus spaced at four (4) feet on center is proposed in a five (5) foot wide planting bed along the north property line to provide screening and buffering of the uses from the adjacent property to the north. Victoria Ceanothus is an evergreen flowering shrub that grows six (6) to nine (9) feet tall and 10 to 12 feet wide. The proposed species would seem too large for the space provided, and quickly grow over the property line and into the required parking spaces. A condition of approval is included to substitute the Victoria Ceanothus with a different evergreen hedge plant more appropriately sized for the size of the planting bed.

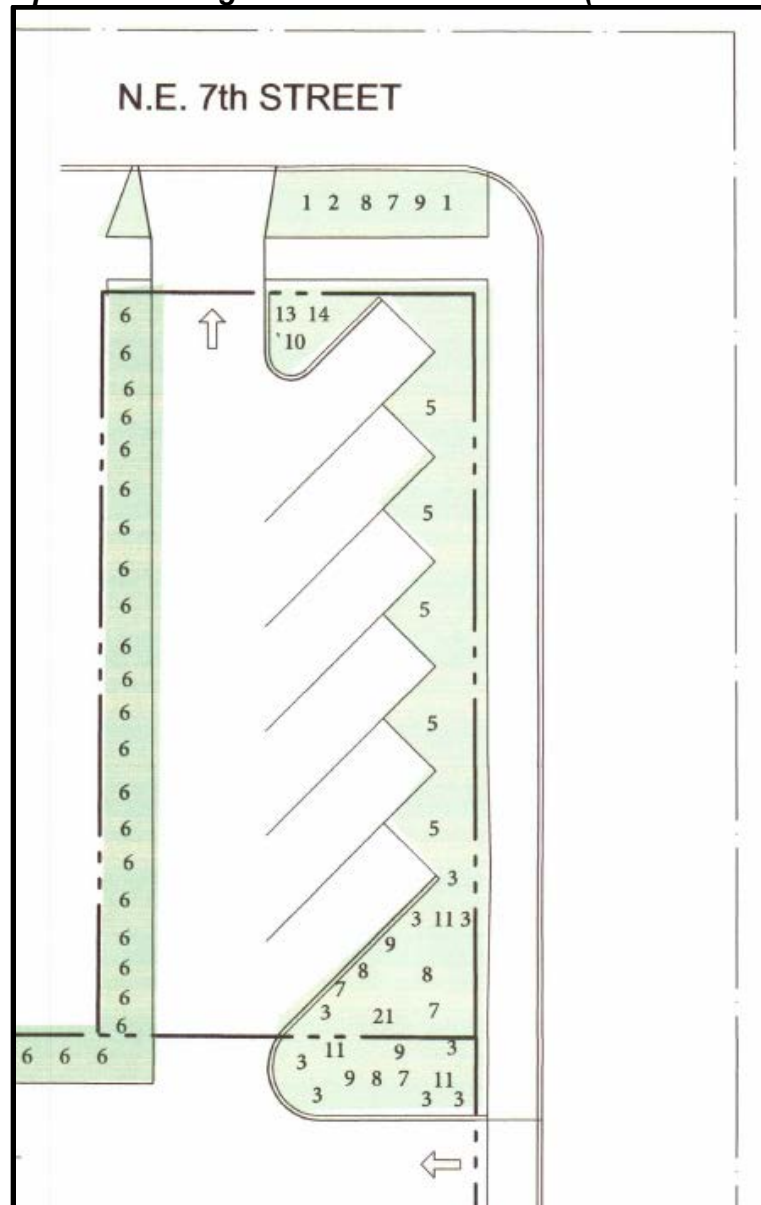
The back wall of the solid waste enclosure is lined with a row of Deer Fern, an evergreen fern that grows three (3) feet high and wide. Around two (2) outdoor tables are groupings of evergreen plants (Tuscan Blue Rosemary, Deer Fern, Silver Edge Lavender, and Eternal Fragrance Daphne). The proposed Lavender, Rosemary, and Daphne are each fragrant plants, helping to provide a more pleasant outdoor break area for employees.

Immediately north of the commercial building adjacent to NE Baker Street, landscaping is proposed around the perimeter of the parking area, and in a large landscape area west of the solid waste enclosure intended to be usable open space for employees. **See Figure 8: Landscape Plan Enlargement – Northern Parcel (R4420AD00100) Parking Area.**

**Attachments:**

Attachment A – Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 609 NE Baker Street



**Figure 8: Landscape Plan Enlargement – Northern Parcel (R4420AD00100) Parking Area**

A continuous hedge of *Victoria Ceanothus* spaced at four (4) feet on center is proposed in a six (6) foot wide planting bed along the west property line of this parcel to provide screening and buffering of the uses from the adjacent property to the west. *Victoria Ceanothus* is an evergreen flowering shrub that grows six (6) to nine (9) feet tall and 10 to 12 feet wide. The proposed species would seem too large for the space provided, and quickly grow over the property line and into the drive aisle. A condition of approval is included to substitute the *Victoria Ceanothus* with a different evergreen hedge plant more appropriately sized for the size of the planting bed.

The large planting area capping the south end of the parking aisle is filled with a mix of small deciduous shrubs (*Admiration Barberry*), small evergreen shrubs (*Gulfstream Heavenly Bamboo*, *Kaleidoscope Abelia*), medium evergreen shrubs (*Baby Blue Sawara Cypress*), and flowering perennials (*Little Spire Russian Sage*). Additionally, a single Japanese Maple is proposed in the center of the planting area. McMinnville Water & Light noted that overhead utilities run from a utility pole near the property corner to the lot to the west, and the Japanese Maple should be moved north and east to avoid conflict with the overhead utilities and to provide proper spacing

**Attachments:**

Attachment A – Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 609 NE Baker Street



from the utility pole. The location of the southeastern-most Baby Blue Sawara Cypress appears to obstruct the required clear vision for the commercial driveway. Conditions of approval have been included to move the Japanese Maple away from the utility pole and overhead lines, and to move the Baby Blue Sawara Cypress out of the clear vision triangle of the driveway.

A row of five (5) Miss Kim Lilacs are proposed between the parking spaces and the sidewalk. Miss Kim Lilac is a medium deciduous flowering shrub that grows eight (8) to nine (9) feet tall and wide. It is typically a dense, twiggy shrub that would not provide much visibility into the parking area, but it can be grafted into a standard tree form. The application does not make clear what form is proposed.

In the planting strip between the sidewalk and NE 7<sup>th</sup> Street is a combination of small deciduous shrubs (Dwarf Red Barberry, Golden Ruby Barberry), small evergreen shrubs (Gulfstream Heavenly Bamboo, Kaleidoscope Abelia), and flowering perennials (Little Spire Russian Sage). The proposed plants provide variation in foliage color, seasonal color, and season blooms. Additionally, planting in the right-of-way is low, staying at three (3) foot height or below, which is appropriate for maintaining clear vision approaching the intersection of NE 7<sup>th</sup> Street and NE Baker Street.

Overall, and with the included conditions of approval, staff finds that the proposed landscaping is compatible with proposed project and adjacent and surrounding properties and uses.

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

The subject site(s) is zoned C-3 (General Commercial). All surrounding and adjacent sites are also zoned C-3 (General Commercial) except a property zoned R-4 (Multiple-Family Residential) west of the site across Highway 99W. Landscaping along the west side of the parking lot includes medium evergreen shrubs (Blue Baby Sawara Cypress) and a shade tree (Japanese Maple) that will help screen the parking lot from the apartment complex. Sight-obscuring evergreen hedges along the north and west property lines provide screening and buffering of the site's uses from adjacent properties along NE 7<sup>th</sup> Street that are zoned commercial but are residential in use.

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

The site is essentially flat and the existing grade will be generally maintained. No existing mature trees or natural areas remained on site following the demolition of the previous uses on site(s) (apartment complex and single family residential structure)

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

The proposed project includes several surface parking areas, and landscaping is generally proposed as end caps to individual parking aisles and in front of the parking spaces. Trees and other plantings (described above) are proposed in each end cap as space allows, and the planting in front of the parking spaces is generally tall, evergreen shrubs. This proposed landscaping and planting breaks up the parking areas on site, and also provides screening where appropriate and shade to the parking spaces.

---

*Attachments:*

*Attachment A – Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 609 NE Baker Street*



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 are proposed as part of this development and landscape plan. The development has frontage along NE Adams Street, NE Baker Street, and NE 7<sup>th</sup> Street. McMinnville Zoning Ordinance requires street trees for all new commercial development or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island. Only the NE 7<sup>th</sup> Street right-of-way has a curb-side planting strip. A utility pole is located in the planting strip near the intersection of 7<sup>th</sup> and Baker Streets, and overhead wires are located on the south side of 7<sup>th</sup> Street. A stop sign is located on NE 7<sup>th</sup> Street at the Baker Street intersection. Any street tree proposed underneath overhead utility lines would be a smaller, lower branching tree. Although there is a window of space outside the City standard spacing from the street intersection, utility pole, and private driveway, a tree located in that window would likely obstruct view of the stop sign. Therefore, a street tree in this location is not recommended.

While there are no curb-side planting strips along NE Adams and NE Baker Streets, the unique shape of the Baker Street right-of-way to the west of the site creates a planting space between the curb-tight sidewalk and the property line. Planting and landscaping has been proposed in this area of the public right-of-way (described above) but does not include trees. Per McMinnville Zoning Ordinance, street trees would only be required if the planting strip was curb-side. Although no street trees are required, City staff recommended that trees be considered in this location.

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

The proposed landscape plan does not indicate that an irrigation system or any watering facilities are provided. A condition of approval is included requiring an automatic irrigation system that provides full coverage to all planted areas or to all individual plants.

### **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.

### **Attachments:**

Attachment A – Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 609 NE Baker Street



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 23-18 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

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*Attachments:*

*Attachment A – Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings of the McMinnville Landscape Review Committee for Approval of a Landscape Plan at 609 NE Baker 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 LANDSCAPE PLAN AT 609 NE BAKER STREET**

**DOCKET:** L 23-18 (Landscape Plan)

**REQUEST:** Approval of a Landscape Plan for Falcon Suites Commercial Development

**LOCATION:** 609 NE Baker Street (Tax Lots 100 & 500, Section 20AD, T. 4. S., R. 4 W., W.M.)

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

**APPLICANT:** Harold Washington, on behalf of Schoko Properties, LLC, property owner

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

**DATE DEEMED COMPLETE:** August 26, 2019

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

**HEARING DATE & LOCATION:** September 18, 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 23-18) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Date: September 18, 2019Date: September 18, 2019

Attachment 1 – Application for Landscape Plan Review (L 23-18)



## **I. APPLICATION SUMMARY:**

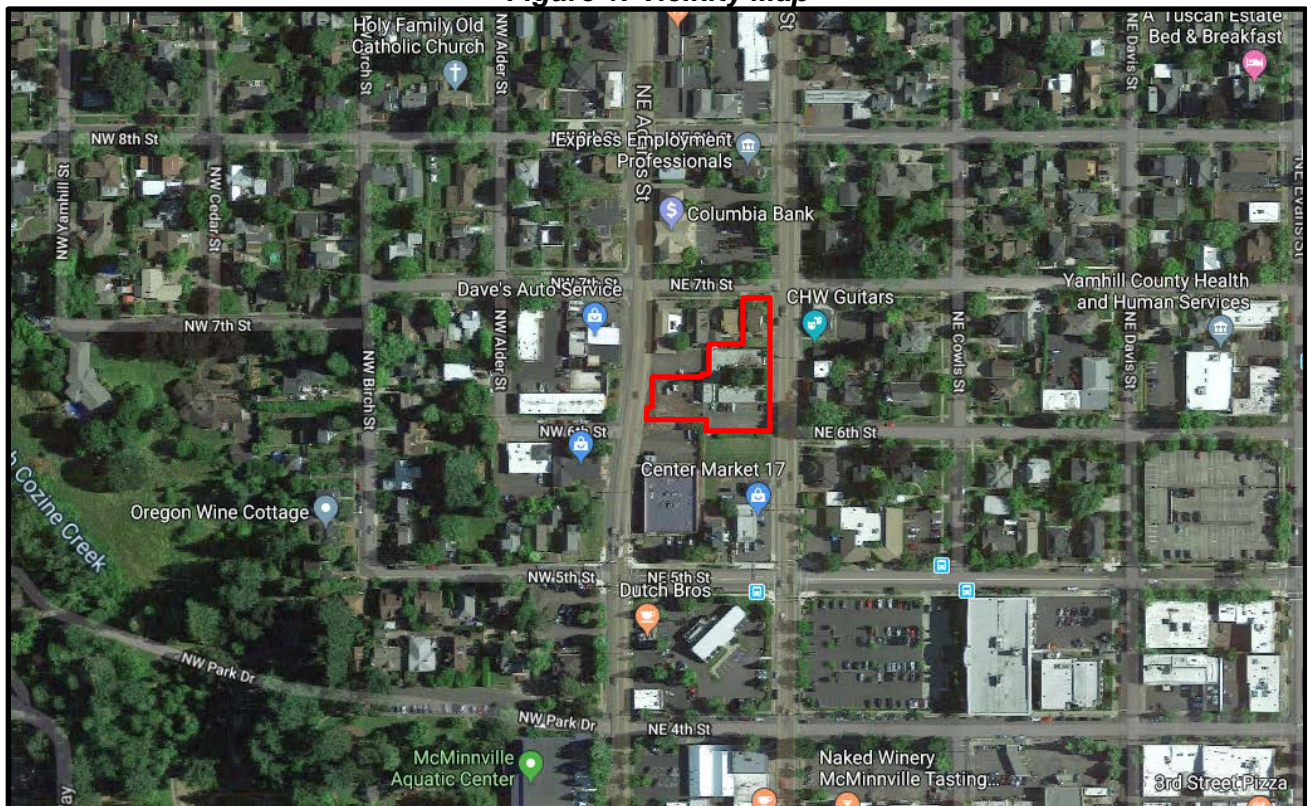
### ***Subject Property & Request***

The application requests approval of a landscape plan (L 23-18) associated with the construction of a new commercial development in northeast McMinnville. The applicant, Harold Washington on behalf of Schoko Properties, LLC, property owner, submitted a landscape plan for the Falcon Suites Commercial Building Shell at 609 NE Baker Street as required by the McMinnville Zoning Ordinance. The subject site is more specifically described as Tax Lots 100 and 500, Section 20AD, T. 4. S., R. 4 W., W.M., and is located between NE Adams and NE Baker Streets (Highway 99W) between NE 5<sup>th</sup> and NE 7<sup>th</sup> Streets. The property(s) is zoned C-3 (General Commercial). **See Figure 1: Vicinity Map and Figure 2: Zoning Map.**

The site consists of two separate parcels. The larger southern parcel was previously developed with multi-family apartments, and the smaller northern parcel had a single family dwelling. Those structures have been removed to make way for a new commercial office building and parking lot on the southern parcel and a new parking lot on the northern parcel. All lots adjacent to the subject site are also zoned C-3 (General Commercial). South of the subject site along NE Baker Street is a vacant lot, and along NE Adams Street is an office building and off-street parking lot. North of the site are two (2) single-family residences and an office building at the corner of Adams and 7<sup>th</sup> Streets. Across NE Adams Street from the site is a multi-family apartment complex, and across NE Baker Street to the east are more commercially zoned and developed lots.

A building permit has been approved for the construction of the site. A required landscape plan has been submitted for review and approval by the Landscape Review Committee. The landscape plan addresses landscaping around the perimeter of the development. **See Figure 3: Landscape Plan.**

**Figure 1: Vicinity Map**

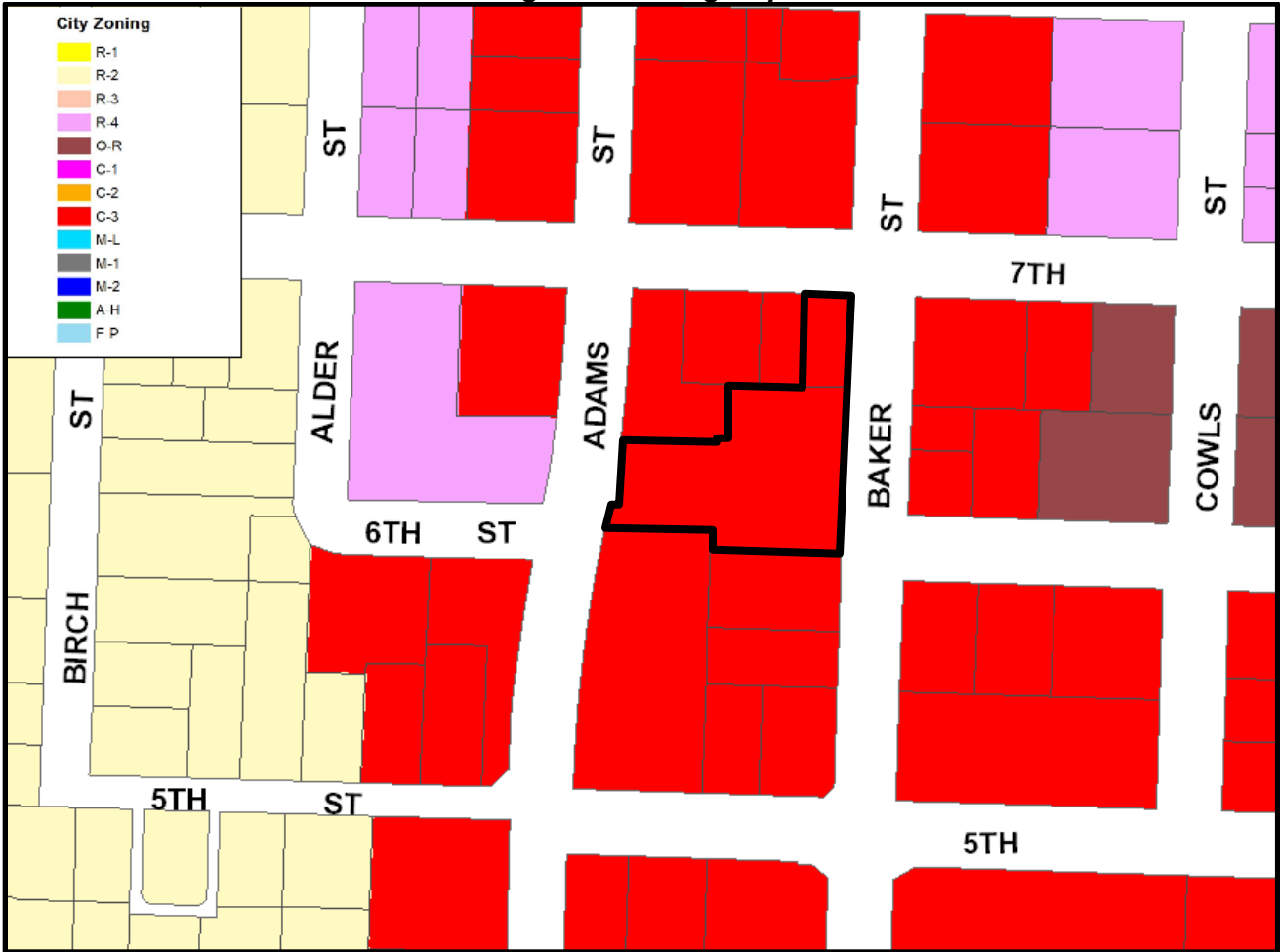


### ***Attachments:***

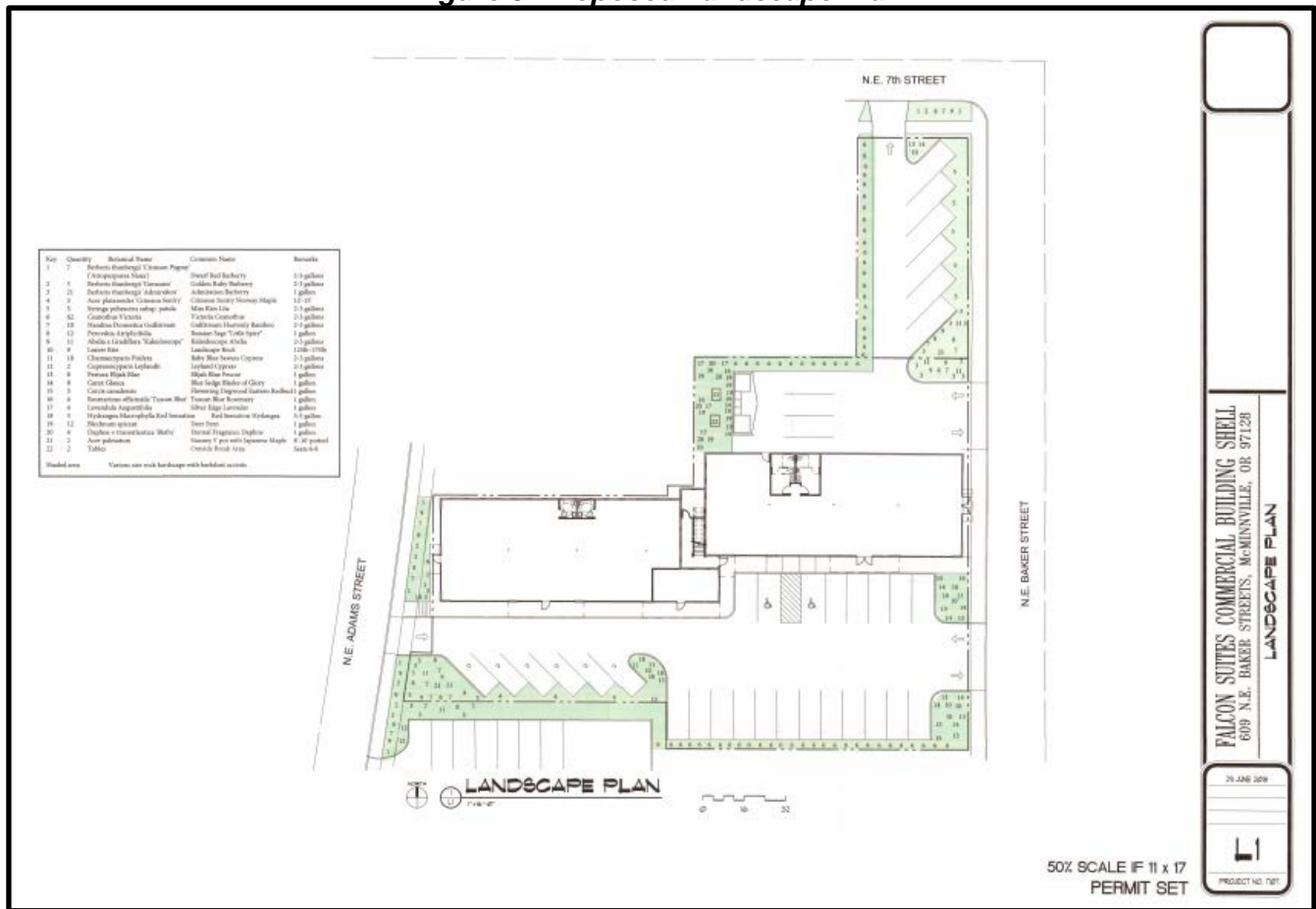
Attachment 1 – Application for Landscape Plan Review (L 23-18)



Figure 2: Zoning Map





**Figure 3: Proposed Landscape Plan****Summary of Criteria & Issues**

The subject site is zoned C-3 (General Commercial). The Landscaping chapter of the McMinnville Zoning Ordinance requires that at least seven (7) percent of the gross area of a commercial site being developed be landscaped (Section 17.57.070(A)(2) (Area Determination – Planning Factors)). The percentage of landscaping provided for each lot is provided below:

Parcel	Total Area	Landscape Provided	Percentage
R4420AD00100 (northern parcel)	3,489 s.f.	946 s.f.	27.1%
R4420AD00500 (southern parcel)	24,783 s.f.	2,344 s.f.	9.5%
Total Site	28,272 s.f.	3,290 s.f.	11.6%

The landscaping proposed each individual parcel is in excess of the required seven (7) percent, as is the total landscaping that would be provided for the entire site.

**II. CONDITIONS:**

1. That the applicant shall install landscaping as shown on the landscape plan submitted to the Planning Department dated June 29, 2018.
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

**Attachments:**

Attachment 1 – Application for Landscape Plan Review (L 23-18)



(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, within ten (10) feet of the front 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 the *Cupressocyparis leylandii* (Leyland Cypress) proposed adjacent to the NE Adams Street right-of-way be substituted with a plant(s) that either remain at three (3) foot height or less or can be limbed up to a height of eight (8) feet to maintain clear vision to/from the existing parking lot.
4. That the *Ceanothus impressus* 'Victoria' (Victoria Ceanothus) be substituted with an evergreen hedge plant(s) more appropriately sized for the planting beds in which they are proposed.
5. That the *Acer palmatum* (Japanese Maple) proposed in the southeast corner of the northern parcel (R4420AD00100) be relocated to the north and east, a minimum of 10 feet away from the utility pole.
6. That the *Chamaecyparis pisifera* (Baby Blue Sawara Cypress) proposed in the southeast corner of the northern parcel (R4420AD00100) be relocated outside of the required clear vision triangle for the adjacent commercial driveway.
7. That an automatic irrigation system be provided that provides full watering coverage to all planted areas or to all individual plants.
8. 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 23-18 Application and Attachments (on file with the Planning Department)

### **IV. COMMENTS:**

#### **Agency Comments**

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

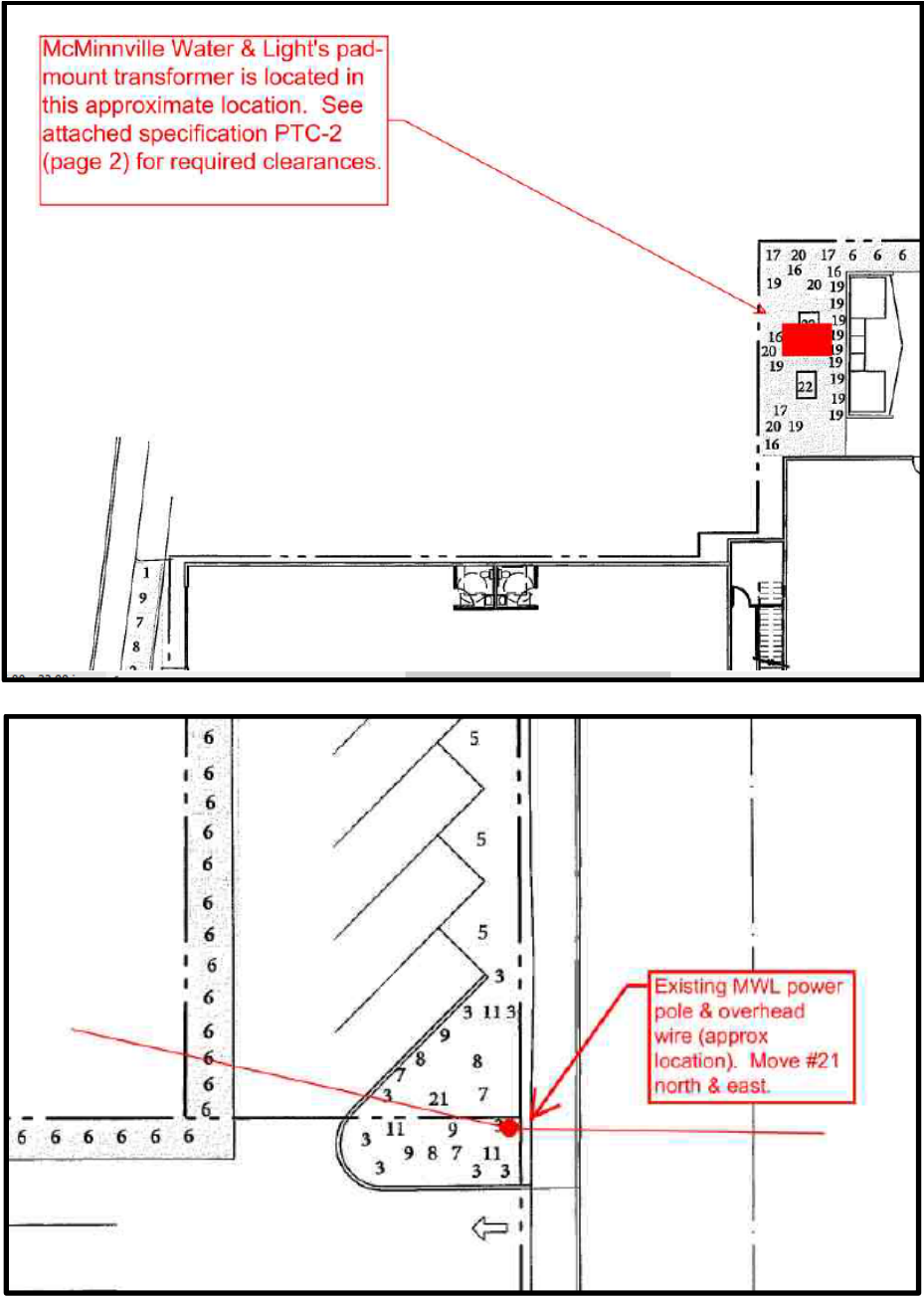
- McMinnville Public Works:
  - The bulk of this proposal appears to be outside of the public right of way, and as such outside of our purview. On the Adams Street side of the project, there does appear to be landscape plantings in a 4' planter in the right of way. We might suggest that the applicant consider street trees in this planter, but would defer to the Landscape Committee's experience on the matter.
- McMinnville Water & Light:

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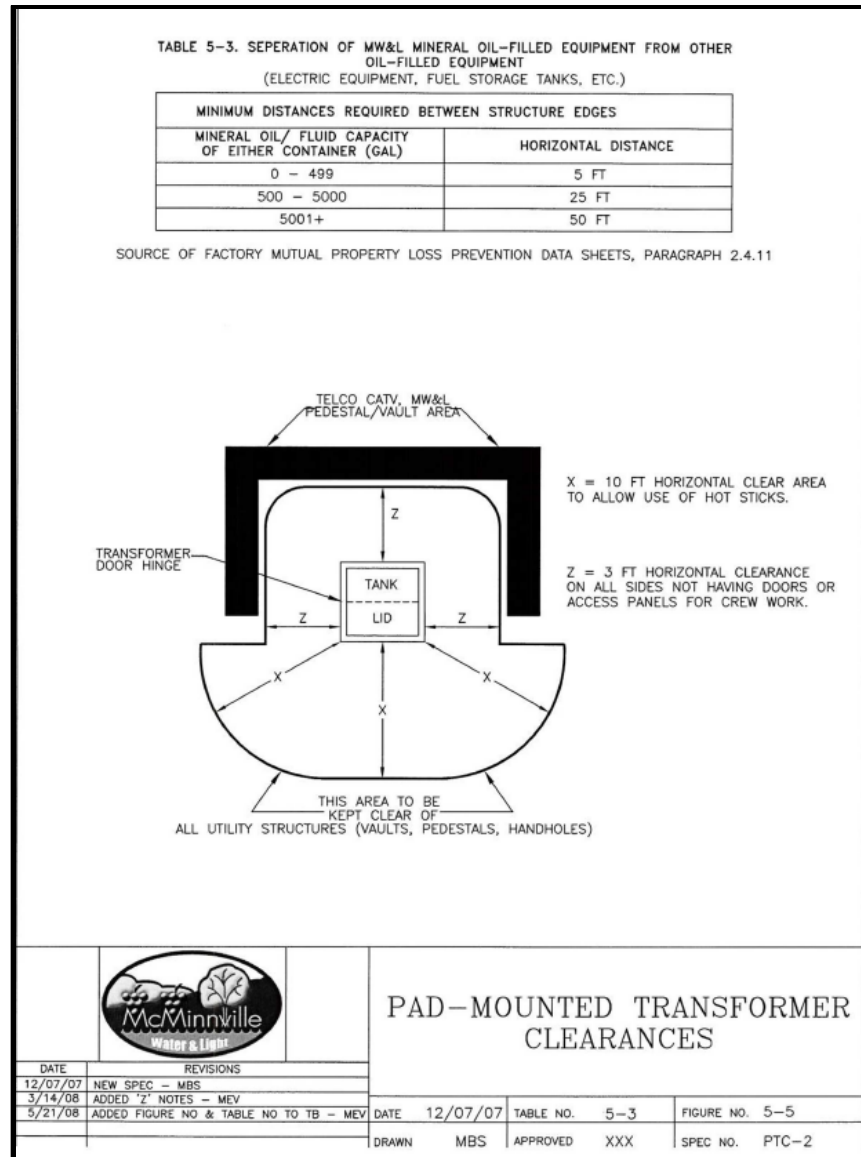
Attachments:

Attachment 1 – Application for Landscape Plan Review (L 23-18)









### Public Comments

No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 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. Harold Washington, on behalf of Schoko Properties LLC, property owner, submitted a landscape plan application on June 29, 2018 in association with building and demolition permits for 609 NE Baker Street and 180 NE 7<sup>th</sup> Street.
2. The landscape plan review application was placed on hold by the applicant pending Historical Landmarks Committee review of a demolition permit for a structure on parcel R4420AD00100 and required building permit plan revisions, and additional landscape information was requested on March 19, 2019.
3. Additional requested landscape information was submitted on August 26, 2019.

#### Attachments:

Attachment 1 – Application for Landscape Plan Review (L 23-18)



4. The application was deemed complete on August 26, 2019.
5. 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.
6. No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 of the McMinnville Zoning Ordinance, which does not require public notification. No public comments were received prior to the public meeting.
7. A public meeting was held by the Landscape Review Committee on September 18, 2019 to review the application and proposed landscape plan.

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

1. **Location:** 609 NE Baker Street (Tax Lot 500, Section 20AD, T. 4. S., R. 4 W., W.M.) and 180 NE 7<sup>th</sup> Street (Tax Lot 100, Section 20AD, T. 4. S., R. 4 W., W.M.)
2. **Size:** 28,272 s.f. (0.65 acres) combined
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:** Reduced Parking Requirements
6. **Current Use:** Commercial
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None identified
8. **Other Features:** None
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 basins and storm drains in NE Adams and NE Baker Streets.
  - d. **Other Services:** Overhead utilities are present adjacent to the site along NE Baker Street.
10. **Transportation:** NE Adams and NE Baker Streets (Highway 99W) are classified as a major arterials and regional highways in the McMinnville 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.

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### **Attachments:**

Attachment 1 – Application for Landscape Plan Review (L 23-18)



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

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

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

**FINDING: SATISFIED.** McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Landscape Review Committee review of the request and recommendation at an advertised public meeting. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

### **McMinnville Zoning Ordinance**

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

**17.57.010 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:

1. 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.

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#### **Attachments:**

Attachment 1 – Application for Landscape Plan Review (L 23-18)



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.
2. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
3. Unify development and enhance and define public and private places.
4. Preserve existing mature trees.
5. Enhance the urban forest and tree canopy.
6. 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.
7. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
8. 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 in combination with suggested conditions of approval would meet the purpose and intent 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 provided 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 Percent Landscaped is 11%.

**FINDING: SATISFIED.** The applicant provided a further breakdown of the landscaped area, identifying the proposed landscaping for each individual lot, as seen in the table below:

Parcel	Total Area	Landscape Provided	Percentage
R4420AD00100 (northern parcel)	3,489 s.f.	946 s.f.	27.1%
R4420AD00500 (southern parcel)	24,783 s.f.	2,344 s.f.	9.5%
Total Site	28,272 s.f.	3,290 s.f.	11.6%

---

#### **Attachments:**

Attachment 1 – Application for Landscape Plan Review (L 23-18)



Both the proposed landscaping for parcels R4420AD00100 and R4420AD00500 each individually exceed the seven (7) percent minimum landscaping requirement for commercially zoned properties, as does the total combined landscaping that would be found on the entire site (including R4420AD00100 and R4420AD00500).

**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 WITH CONDITIONS #3, #4, #5, #6.** The proposed development is the construction of a commercial building shell and associated parking. The southern parcel (R4420AD00500) will have the new building (approximately 16,000 square feet). South of the building will be a parking lot for 26 vehicles, and north of the building will be the solid waste enclosure and parking for three (3) additional vehicles. The northern parcel at the corner of NE 7<sup>th</sup> Street and NE Baker Street (R4420AD00100) will be a six (6) stall parking lot providing additional capacity for the development.

The proposed landscape plan addresses landscaping around each of the parking areas, the perimeter of the site, and the street frontages. Below is the plant schedule and key for the landscape plan:

**Figure 4: Plant Schedule**

Key	Quantity	Botanical Name	Common Name	Remarks
1	7	Berberis thunbergii 'Crimson Pygmy'		
		('Atropurpurea Nana')	Dwarf Red Barberry	2-3 gallons
2	5	Berberis thunbergii 'Goruzam'	Golden Ruby Barberry	2-3 gallons
3	21	Berberis thunbergii 'Admiration'	Admiration Barberry	1 gallon
4	3	Acer platanoides 'Crimson Sentry'	Crimson Sentry Norway Maple	12'-15'
5	5	Syringa pubescens subsp. patula	Miss Kim Lila	2-3 gallons
6	62	Ceanothus Victoria	Victoria Ceanothus	2-3 gallons
7	10	Nandina Domestica Gulfstream	Gulfstream Heavenly Bamboo	2-3 gallons
8	12	Perovskia Atriplicifolia	Russian Sage "Little Spire"	1 gallon
9	11	Abelia x Gradiflora "Kaleidoscope"	Kaleidoscope Abelia	2-3 gallons
10	9	Leaver Rite	Landscape Rock	125lb-175lb
11	10	Chamaecyparis Pisifera	Baby Blue Sawara Cypress	2-3 gallons
12	2	Cupressocyparis Leylandii	Leyland Cypress	2-3 gallons
13	8	Festuca Elijah Blue	Elijah Blue Fescue	1 gallon
14	8	Carex Glauca	Blue Sedge Blades of Glory	1 gallon
15	3	Cercis canadensis	Flowering Dogwood Eastern Redbud	1 gallon
16	4	Rosmarinus officinalis 'Tuscan Blue'	Tuscan Blue Rosemary	1 gallon
17	4	Lavandula Angustifolia	Silver Edge Lavender	1 gallon
18	3	Hydrangea Macrophylla Red Sensation	Red Sensation Hydrangea	3-5 gallon
19	12	Blechnum spicant	Deer Fern	1 gallon
20	4	Daphne x transatlantica 'Blafra'	Eternal Fragrance Daphne	1 gallon
21	2	Acer palmatum	Stasney 5' pot with Japanese Maple	8'-10' potted
22	2	Tables	Outside Break Area	Seats 6-8
Shaded area		Various size rock hardscape with barkdust accents		

**Attachments:**

Attachment 1 – Application for Landscape Plan Review (L 23-18)

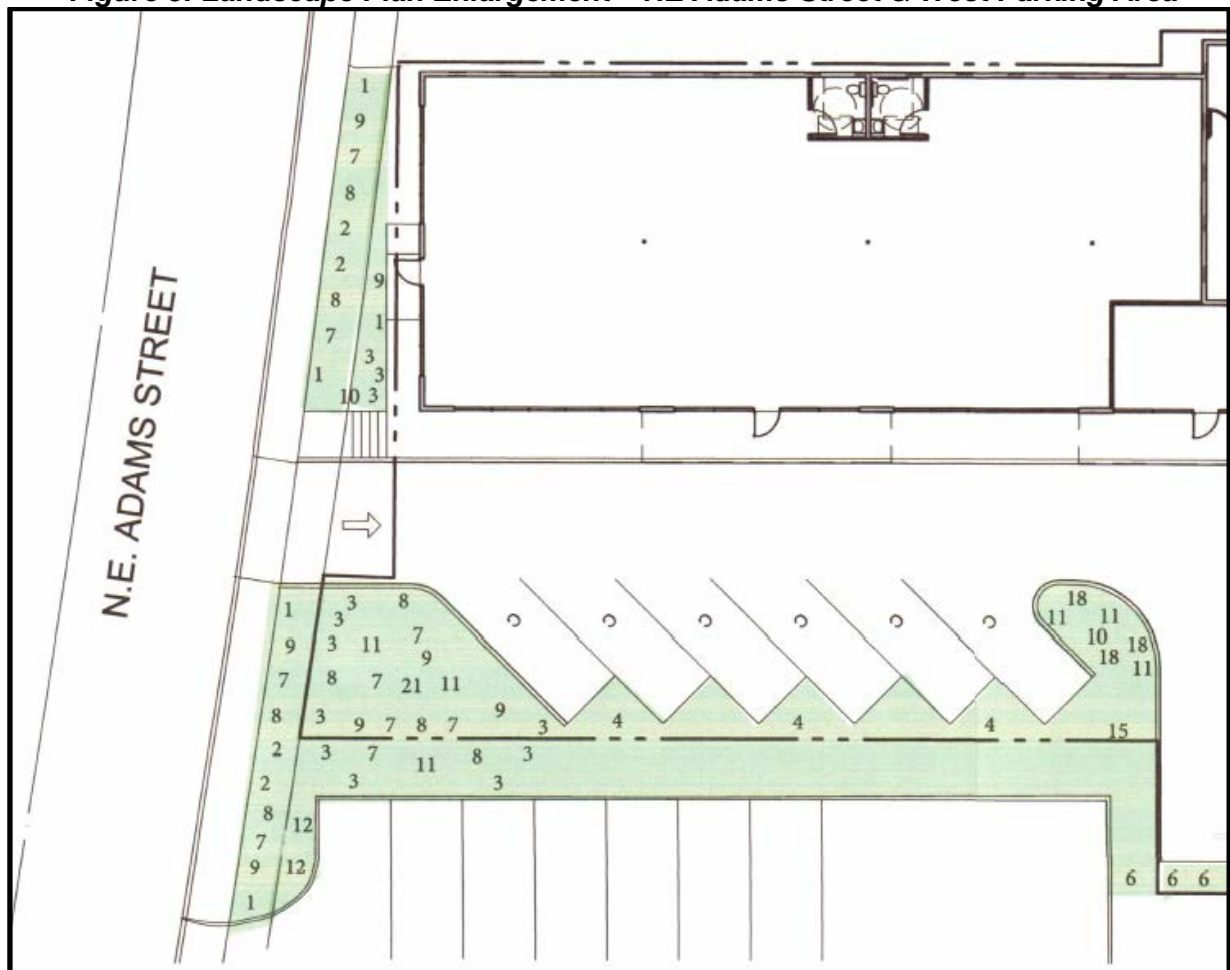


On the west side of the commercial building, landscaping is proposed in the public right-of-way along NE Adams Street and the building. **See Figure 5: Landscape Plan Enlargement – NE Adams Street & West Parking Area.**

Planting proposed in the public right-of-way is a combination of small deciduous shrubs (Dwarf Red Barberry, Golden Ruby Barberry, Admiration Barberry), small evergreen shrubs (Gulfstream Heavenly Bamboo, Kaleidoscope Abelia), and flowering perennials (Little Spire Russian Sage). The proposed plants provide variation in foliage color, seasonal color, and season blooms. Additionally, planting in the right-of-way is low, staying at three (3) foot height or below, which is appropriate for maintaining the view corridor along the major arterial.

Landscaping in the large planting areas that cap the aisle of compact parking spaces continue the planting theme with many of the same small deciduous shrubs, small evergreen shrubs, and flowering perennials. Added to the planting islands is Baby Blue Sawara Cypresses, a dwarf conifer growing to six (6) feet tall. In the western planting island, a single Japanese Maple tree is being proposed. The standard Japanese Maple species grows to approximately 20 feet high and wide. In front of the angled parking stalls, three (3) Crimson Sentry Norway Maples are proposed, which grow approximately 25 feet tall and wide. These maples are spaced at approximately 22 feet on center. In the eastern planting island, Red Sensation Hydrangea, a small deciduous flowering shrub, is paired with Baby Blue Sawara Cypress. An Eastern Redbud tree is also proposed, continuing the line of trees along the southern property line. Redbuds grow approximately 25 feet high and wide. The spacing of the five (5) trees in this area will result in a continuous canopy to shade the parking area and the building.

**Figure 5: Landscape Plan Enlargement – NE Adams Street & West Parking Area**



**Attachments:**

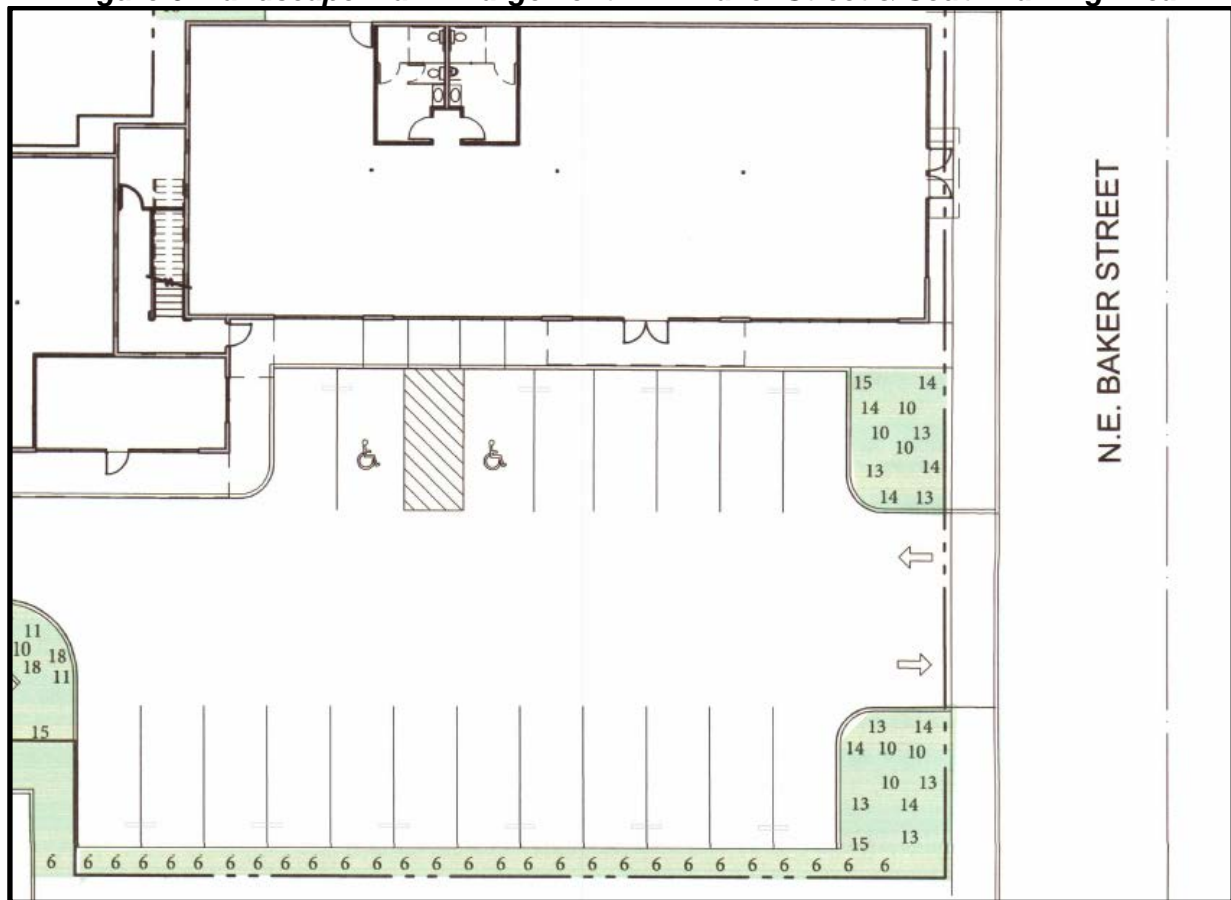
Attachment 1 – Application for Landscape Plan Review (L 23-18)



Two (2) Leyland Cypress trees are proposed in the planting area west of the adjacent parking lot to the south of the site. The planting area is eight (8) feet wide, with planting described above in the right-of-way. Leyland Cypress are dense evergreen conifers, and are branched to the ground. They reach up to 70 feet in height and 15 to 25 feet in width. The plant selection does not seem appropriate for the location – the trees would quickly outgrow the space provided, and would obstruct the clear vision triangle required for a commercial driveway. A condition of approval is included to substitute the Leyland Cypress for either a smaller plant that would remain below three (3) feet in height or a different tree that can be limbed up to a minimum of eight (8) feet above grade to maintain clear vision of oncoming traffic on NE Adams Street when exiting the existing parking lot

On the south side of the commercial building adjacent to NE Baker Street, landscaping is proposed around the perimeter of the parking areas. **See Figure 6: Landscape Plan Enlargement – NE Baker Street & South Parking Area.**

**Figure 6: Landscape Plan Enlargement – NE Baker Street & South Parking Area**



A continuous hedge of Victoria Ceanothus spaced at four (4) feet on center is proposed in a four (4) foot wide planting bed. Victoria Ceanothus is an evergreen flowering shrub that grows six (6) to nine (9) feet tall and 10 to 12 feet wide. The proposed species would seem too large for the space provided, and quickly grow over the property line and into the required parking spaces. A condition of approval is included to substitute the Victoria Ceanothus with a different evergreen hedge plant more appropriately sized for the size of the planting bed.

In the planting areas at the east end of the parking aisles adjacent to the NE Baker Street right-of-way, landscape boulders surrounded by dwarf ornamental grasses (Elijah Blue Fescue,

**Attachments:**

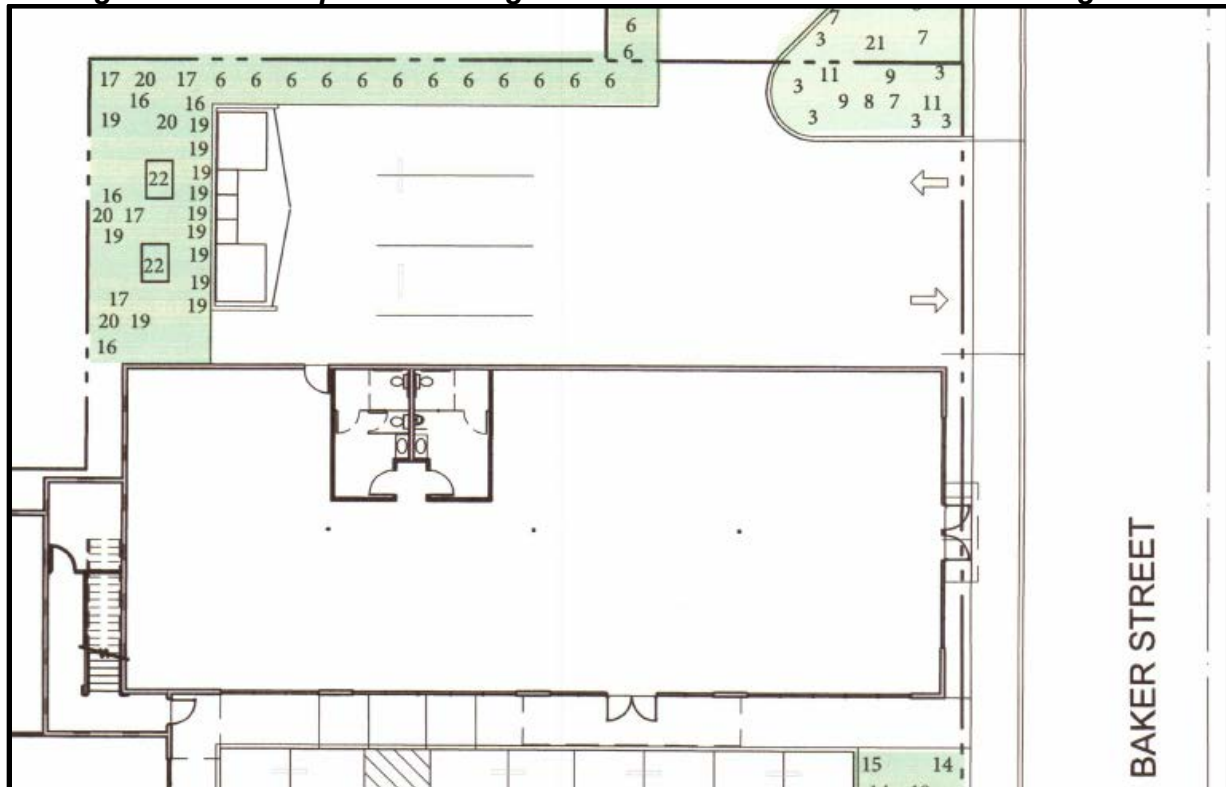
Attachment 1 – Application for Landscape Plan Review (L 23-18)



Blades of Glory Blue Sedge) are proposed. A single Eastern Redbud tree is proposed in each planting area, and will grow to provide shade to the parking lot and building.

Immediately north of the commercial building adjacent to NE Baker Street, landscaping is proposed around the perimeter of the parking area, and in a large landscape area west of the solid waste enclosure intended to be usable open space for employees. **See Figure 7: Landscape Plan Enlargement – NE Baker Street & North Parking Area.**

**Figure 7: Landscape Plan Enlargement – NE Baker Street & North Parking Area**



A continuous hedge of Victoria Ceanothus spaced at four (4) feet on center is proposed in a five (5) foot wide planting bed along the north property line to provide screening and buffering of the uses from the adjacent property to the north. Victoria Ceanothus is an evergreen flowering shrub that grows six (6) to nine (9) feet tall and 10 to 12 feet wide. The proposed species would seem too large for the space provided, and quickly grow over the property line and into the required parking spaces. A condition of approval is included to substitute the Victoria Ceanothus with a different evergreen hedge plant more appropriately sized for the size of the planting bed.

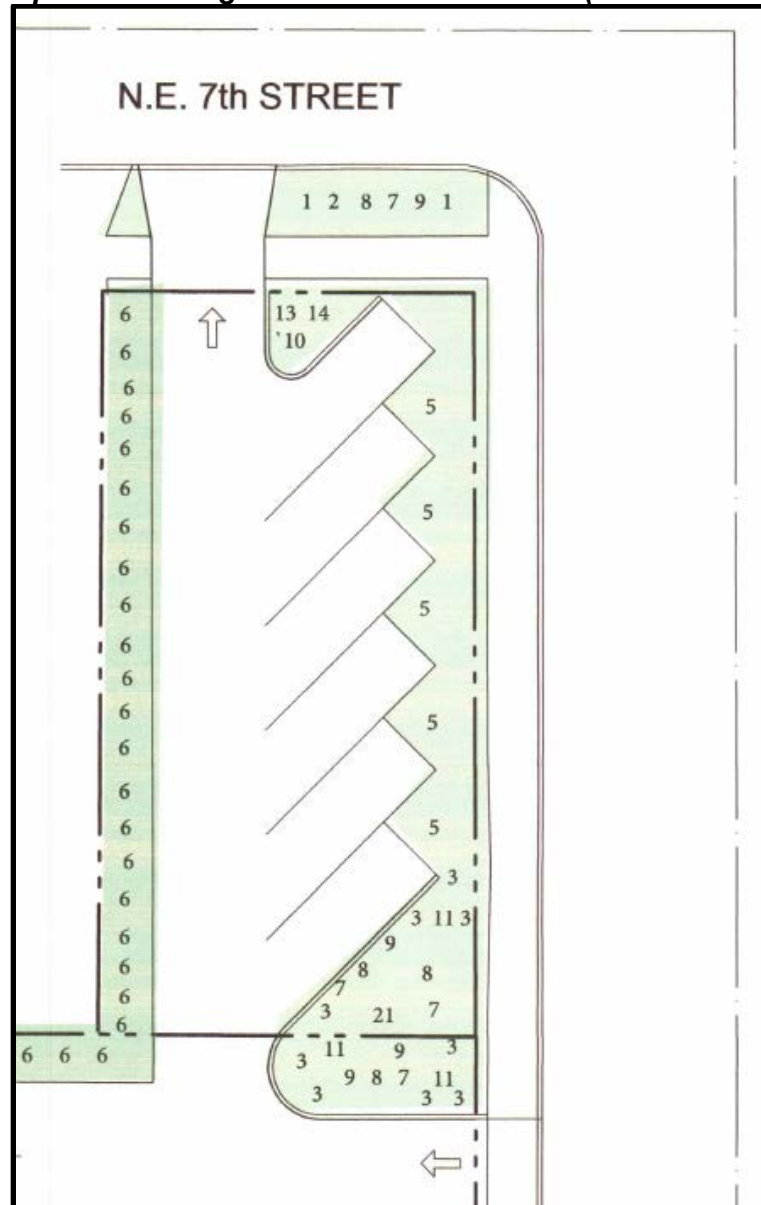
The back wall of the solid waste enclosure is lined with a row of Deer Fern, an evergreen fern that grows three (3) feet high and wide. Around two (2) outdoor tables are groupings of evergreen plants (Tuscan Blue Rosemary, Deer Fern, Silver Edge Lavender, and Eternal Fragrance Daphne). The proposed Lavender, Rosemary, and Daphne are each fragrant plants, helping to provide a more pleasant outdoor break area for employees.

Immediately north of the commercial building adjacent to NE Baker Street, landscaping is proposed around the perimeter of the parking area, and in a large landscape area west of the solid waste enclosure intended to be usable open space for employees. **See Figure 8: Landscape Plan Enlargement – Northern Parcel (R4420AD00100) Parking Area.**

**Attachments:**

Attachment 1 – Application for Landscape Plan Review (L 23-18)



**Figure 8: Landscape Plan Enlargement – Northern Parcel (R4420AD00100) Parking Area**

A continuous hedge of Victoria Ceanothus spaced at four (4) feet on center is proposed in a six (6) foot wide planting bed along the west property line of this parcel to provide screening and buffering of the uses from the adjacent property to the west. Victoria Ceanothus is an evergreen flowering shrub that grows six (6) to nine (9) feet tall and 10 to 12 feet wide. The proposed species would seem too large for the space provided, and quickly grow over the property line and into the drive aisle. A condition of approval is included to substitute the Victoria Ceanothus with a different evergreen hedge plant more appropriately sized for the size of the planting bed.

The large planting area capping the south end of the parking aisle is filled with a mix of small deciduous shrubs (Admiration Barberry), small evergreen shrubs (Gulfstream Heavenly Bamboo, Kaleidoscope Abelia), medium evergreen shrubs (Baby Blue Sawara Cypress), and flowering perennials (Little Spire Russian Sage). Additionally, a single Japanese Maple is proposed in the center of the planting area. McMinnville Water & Light noted that overhead utilities run from a utility pole near the property corner to the lot to the west, and the Japanese Maple should be moved north and east to avoid conflict with the overhead utilities and to provide proper spacing from the utility pole. The location of the southeastern-most Baby Blue Sawara

**Attachments:**

Attachment 1 – Application for Landscape Plan Review (L 23-18)



Cypress appears to obstruct the required clear vision for the commercial driveway. Conditions of approval have been included to move the Japanese Maple away from the utility pole and overhead lines, and to move the Baby Blue Sawara Cypress out of the clear vision triangle of the driveway.

A row of five (5) Miss Kim Lilacs are proposed between the parking spaces and the sidewalk. Miss Kim Lilac is a medium deciduous flowering shrub that grows eight (8) to nine (9) feet tall and wide. It is typically a dense, twiggy shrub that would not provide much visibility into the parking area, but it can be grafted into a standard tree form. The application does not make clear what form is proposed.

In the planting strip between the sidewalk and NE 7<sup>th</sup> Street is a combination of small deciduous shrubs (Dwarf Red Barberry, Golden Ruby Barberry), small evergreen shrubs (Gulfstream Heavenly Bamboo, Kaleidoscope Abelia), and flowering perennials (Little Spire Russian Sage). The proposed plants provide variation in foliage color, seasonal color, and season blooms. Additionally, planting in the right-of-way is low, staying at three (3) foot height or below, which is appropriate for maintaining clear vision approaching the intersection of NE 7<sup>th</sup> Street and NE Baker Street.

Overall, and with the included conditions of approval, staff finds that the proposed landscaping is compatible with proposed project and adjacent and surrounding properties and uses.

**CONDITIONS FOR FINDING:** That the *Cupressocyparis leylandii* (Leyland Cypress) proposed adjacent to the NE Adams Street right-of-way be substituted with a plant(s) that either remain at three (3) foot height or less or can be limbed up to a height of eight (8) feet to maintain clear vision to/from the existing parking lot.

That the *Ceanothus impressus* 'Victoria' (Victoria Ceanothus) be substituted with an evergreen hedge plant(s) more appropriately sized for the planting beds in which they are proposed.

That the *Acer palmatum* (Japanese Maple) proposed in the southeast corner of the northern parcel (R4420AD00100) be relocated to the north and east, a minimum of 10 feet away from the utility pole.

That the *Chamaecyparis pisifera* (Baby Blue Sawara Cypress) proposed in the southeast corner of the northern parcel (R4420AD00100) be relocated outside of the required clear vision triangle for the adjacent commercial driveway.

**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(s) is zoned C-3 (General Commercial). All surrounding and adjacent sites are also zoned C-3 (General Commercial) except a property zoned R-4 (Multiple-Family Residential) west of the site across Highway 99W. Landscaping along the west side of the parking lot includes medium evergreen shrubs (Blue Baby Sawara Cypress) and a shade tree (Japanese Maple) that will help screen the parking lot from the apartment complex. Sight-obscuring evergreen hedges along the north and west property lines provide screening and buffering of the site's uses from adjacent properties along NE 7<sup>th</sup> Street that are zoned commercial but are residential in use.



**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. No existing mature trees or natural areas remained on site following the demolition of the previous uses on site(s) (apartment complex and single family residential structure)

**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 includes several surface parking areas, and landscaping is generally proposed as end caps to individual parking aisles and in front of the parking spaces. Trees and other plantings (described above) are proposed in each end cap as space allows, and the planting in front of the parking spaces is generally tall, evergreen shrubs. This proposed landscaping and planting breaks up the parking areas on site, and also provides screening where appropriate and shade to the parking spaces.

**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.** No street trees are proposed as part of this development and landscape plan. The development has frontage along NE Adams Street, NE Baker Street, and NE 7<sup>th</sup> Street. McMinnville Zoning Ordinance requires street trees for all new commercial development or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island. Only the NE 7<sup>th</sup> Street right-of-way has a curb-side planting strip. A utility pole is located in the planting strip near the intersection of 7<sup>th</sup> and Baker Streets, and overhead wires are located on the south side of 7<sup>th</sup> Street. A stop sign is located on NE 7<sup>th</sup> Street at the Baker Street intersection. Any street tree proposed underneath overhead utility lines would be a smaller, lower branching tree. Although there is a window of space outside the City standard spacing from the street intersection, utility pole, and private driveway, a tree located in that window would likely obstruct view of the stop sign. Therefore, a street tree in this location is not recommended.

While there are no curb-side planting strips along NE Adams and NE Baker Streets, the unique shape of the Baker Street right-of-way to the west of the site creates a planting space between the curb-tight sidewalk and the property line. Planting and landscaping has been proposed in this area of the public right-of-way (described above) but does not include trees. Per McMinnville Zoning Ordinance, street trees would only be required if the planting strip was curb-side. Although no street trees are required, City staff recommended that trees be considered in this location.

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

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



**FINDING: SATISFIED WITH CONDITION.** The proposed landscape plan does not indicate that an irrigation system or any watering facilities are provided. A condition of approval is included requiring an automatic irrigation system that provides full coverage to all planted areas or to all individual plants.

**FINDING: SATISFIED WITH CONDITION #7.** That an automatic irrigation system be provided that provides full watering coverage to all planted areas or to all individual plants.

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

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

**FINDING: SATISFIED WITH CONDITION #8.** 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.

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

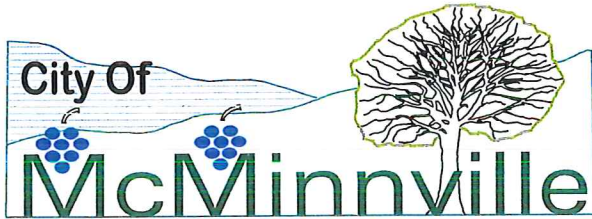
**APPLICANT'S RESPONSE:** The applicant did not provide a written response in the application.

**FINDING: SATISFIED.** No street trees are proposed as part of this development and landscape plan. The development has frontage along NE Adams Street, NE Baker Street, and NE 7<sup>th</sup> Street. Only the NE 7<sup>th</sup> Street right-of-way has a curb-side planting strip. A utility pole is located in the planting strip near the intersection of 7<sup>th</sup> and Baker Streets, and overhead wires are located on the south side of 7<sup>th</sup> Street. A stop sign is located on NE 7<sup>th</sup> Street at the Baker Street intersection. Any street tree proposed underneath overhead utility lines would be a smaller, lower branching tree. Although there is a window of space outside the City standard spacing from the street intersection, utility pole, and private driveway, a tree located in that window would likely obstruct view of the stop sign. Therefore, a street tree in this location is not recommended for the planting strip along NE 7<sup>th</sup> Street.

While there are no curb-side planting strips along NE Adams and NE Baker Streets, the unique shape of the Baker Street right-of-way to the west of the site creates a planting space between the curb-tight sidewalk and the property line. Street trees would only be required if the planting strip was curb-side. Planting and landscaping has been proposed in this area of the public right-of-way (described above) but does not include trees. Although no street trees are required, City staff recommended that trees be considered for this location.

JF





**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128

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

[www.ci.mcminnville.or.us](http://www.ci.mcminnville.or.us)

**Office Use Only:**

File No. L23-18

Date Received 6-29-18

Fee 1450

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

Received by SJS

## Landscape Plan Review Application

### Applicant Information

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

Applicant Name Harold Washington Phone 503-477-2576

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

Address 19191 SW Peavine Rd

City, State, Zip McMinnville, OR

Contact Email harold@online.mac.com

### Property Owner Information

Property Owner Name Schoke Properties LLC Phone 503-477-2576  
(If different than above)

Contact Name Harold Washington Phone \_\_\_\_\_

Address 19191 SW Peavine Rd

City, State, Zip McMinnville

Contact Email harold@online.mac.com

### Site Location and Description

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

Property Address 609 N Baker

Assessor Map No. R4 420 - AD - 00500/100 Total Site Area \_\_\_\_\_

Subdivision Baker-Martin Add Block \_\_\_\_\_ Lot \_\_\_\_\_

Comprehensive Plan Designation Com Zoning Designation C3



## **Landscaping Information**

1. Total Landscaped Area: \_\_\_\_\_
2. Percent Landscaped: 11% \_\_\_\_\_
3. Building Floor Area:  
New Structure: 16,096 Existing Structure: 6752 sq Addition: 9344
4. Architect Name \_\_\_\_\_ Phone \_\_\_\_\_  
(Landscape Architect; Engineer; or Other Designer)  
Contact Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact Email \_\_\_\_\_

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

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

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

  
Applicant's Signature

6-29-2018  
Date

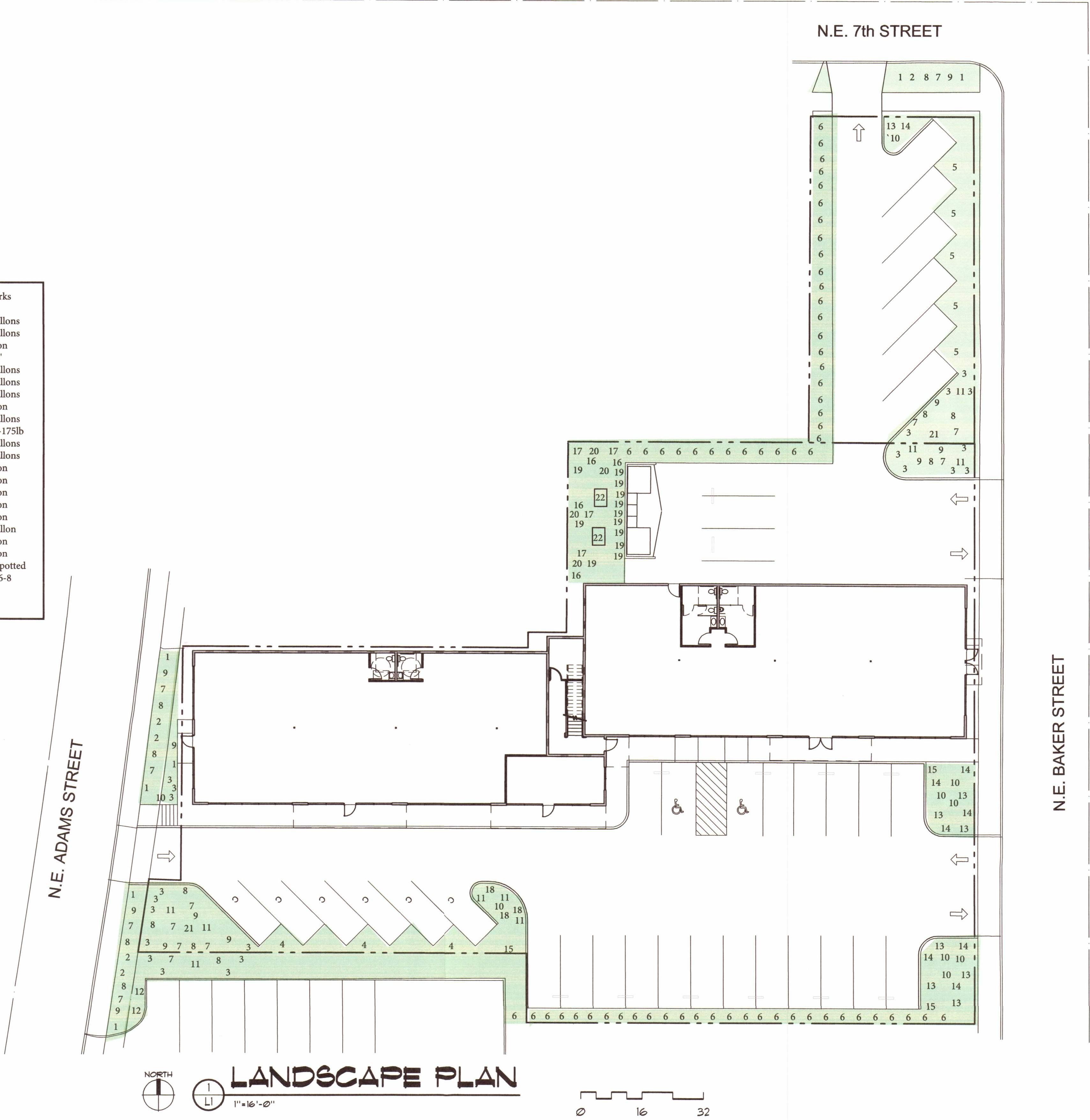
  
Property Owner's Signature

6-29-2018  
Date



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2	5	Berberis thunbergii 'Goruzam'	Golden Ruby Barberry	2-3 gallons
3	21	Berberis thunbergii 'Admiration'	Admiration Barberry	1 gallon
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21	2	Acer palmatum	Stasney 5' pot with Japanese Maple	8'-10' potted
22	2	Tables	Outside Break Area	Seats 6-8

Shaded area      Various size rock hardscape with barkdust accents



50% SCALE IF 11 x 17  
PERMIT SET

FALCON SUITES COMMERCIAL BUILDING SHELL  
609 N.E. BAKER STREETS, McMINNVILLE, OR 97128

LANDSCAPE PLAN

29 JUNE 2018



PROJECT NO. 17101





**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:** September 18, 2019  
**TO:** Landscape Review Committee Members  
**FROM:** Jamie Fleckenstein, Associate Planner  
**SUBJECT:** Agenda Item 5A – LRC Role and Responsibilities

### STRATEGIC PRIORITY & GOAL:



### **GROWTH & DEVELOPMENT CHARACTER**

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

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

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### **Report in Brief:**

The purpose of this discussion item is to review the role and responsibilities of the Landscape Review Committee.

### **Background:**

During several recent Landscape Review Committee meetings, committee members have had recurring discussion of landscape related topics, including concern for City street improvement projects and resulting street tree removals, Landscape Review Committee review of City projects, and park maintenance. Though not specifically Landscape Review Committee related or within the Committee's direct purview, these concerns and questions were relayed to appropriate City staff. During staff's follow-up discussions, it was suggested to review the role and responsibilities of Committee to provide better focus and efficiency to Committee proceedings.

### **Discussion:**

Staff will facilitate a discussion and review of the role and responsibilities of the Landscape Review Committee.

### **Attachments:**

Attachment A - Landscape Review Committee Enabling Code – MMC Chapter 2.33 Landscape Review Committee



**Fiscal Impact:**

None.

**Recommendation:**

No motion required.



Chapter 2.33  
LANDSCAPE REVIEW COMMITTEE  
(Moved from Chapter 17 – Ord. 5028)

Sections:

- 2.33.010 Purpose.
- 2.33.020 Responsibilities and Power.
- 2.33.030 Membership.
- 2.33.040 Officers.
- 2.33.050 Meeting/Quorum.
- 2.33.060 Expenses / Reimbursements.
- 2.33.070 Special Provisions.
- 2.33.080 Staff Support.

2.33.010 Purpose. To ensure that the appearance of the City of McMinnville is enhanced by encouraging quality landscaping which will benefit and protect the health, safety and welfare of the general public. (Ord 5028 §1, 2017)

2.33.020 Responsibilities and Power.

- A. Plan Review Committee. All landscape plans required by Chapter 17 of this code shall be submitted to and reviewed by the Landscape Review Committee per the provisions of Chapter 17 of this code. (Ord 5028 §2, 2017)
- B. Advisory Counsel. The Landscape Review Committee shall serve in an advisory role to the Planning Director and designees, the Planning Commission and the Common Council for land-use application reviews, comprehensive plan policies and zoning ordinance amendments relative to the committee's purpose statement. (Ord 5028 §2, 2017)

2.33.030 Membership

- A. Number of Members. The Landscape Review Committee shall be composed of five members. (Ord 5028 §3, 2017)
- B. Residency. Members shall reside in the McMinnville Urban Growth Boundary. A majority of members shall reside within the city limits. The Common Council can appoint a member to the committee who does not reside in the Urban Growth Boundary if it is determined that the member brings significant value to the purpose of the committee. (Ord 5028 §3, 2017)
- C. Representation. Individual seats are not geographically designated. Common Council members, Planning Commissioners, and Water and Light Commissioners shall not serve as Landscape Review Committee members. (Ord 5028 §3, 2017)
- D. Appointments. The Common Council will appoint the committee members. (Ord 5028 §3, 2017)
- E. Terms. All terms are for three years commencing with January of each year. (Ord 5028 §3, 2017)
- F. Removal. A committee member may be removed by the Common Council for misconduct, nonperformance of duty, or three successive unexcused absences from



regular meetings. The committee may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed. (Ord 5028 §3, 2017)

- G. Ex-Officio Members. One ex-officio youth (21 years of age and under) may be appointed by the Common Council, to serve a three year term. The ex-officio youth shall not be a voting member. (Ord 5028 §3, 2017)

#### 2.33.040 Officers

- A. Chairperson / Vice-Chairperson. At its first meeting of each year, the Landscape Review Committee shall elect from its membership a chairperson and vice-chairperson. The chairperson or vice-chairperson, acting as chairperson, shall have the right to make or correct motions and vote on all matters before the committee. A majority of the committee may replace its chairperson or vice-chairperson with another member at any time during the calendar year. (Ord 5028 §4, 2017)
- B. Annual Report to City Council. The Chairperson of the committee shall make an annual report to the City Council outlining accomplishments for the past year and work plan for the following year or more often as the Chairperson deems appropriate, or at the request of the Council. (Ord 5028 §4, 2017)

#### 2.33.050 Meeting/Quorum

- A. Meeting Schedule. The Committee shall meet as required to accomplish their responsibilities. (Ord 5028 §5, 2017)
- B. Meeting Conduct. The Rules of Parliamentary Law and Practice as in Roberts Rules of Order Revised Edition shall govern each committee meeting. (Ord 5028 §5, 2017)
- C. Open to the Public. All meetings shall be open to the public. (Ord 5028 §5, 2017)
- D. Quorum. A majority of the members of the committee shall constitute a quorum. Quorum will be based on the number of people officially appointed to the committee at the time and should not include vacancies. (Ord 5028 §5, 2017)

2.33.060 Expenses / Reimbursements. Committee members shall receive no compensation. Any expense incurred by a committee member that will need to be reimbursed by the City of McMinnville must be pre-authorized by the City Manager or designee. (Ord 5028 §6, 2017)

#### 2.33.070 Special Provisions.

- A. The Landscape Review Committee shall operate within the laws and guidelines of the federal government, the state government, Yamhill County and the City of McMinnville. (Ord 5028 §7, 2017)
- B. The Common Council may appoint an ad-hoc committee to address issues that are not under the purview of the existing committee. (Ord 5028 §7, 2017)

2.33.080 Staff Support. Staffing shall be determined by the City Manager or City Manager designee. (Ord 5028 §8, 2017)