



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

www.mcminnvilleoregon.gov

Landscape Review Committee
Community Development Center, 231 NE 5th Street
October 16, 2019
12:00 PM

Committee Members	Agenda Items
Rob Stephenson Chair Sharon Gunter Vice-Chair Josh Kearns RoseMarie Caughran Tim McDaniel	<ol style="list-style-type: none"> 1. Call to Order 2. Citizen Comments 3. Approval of Minutes <ol style="list-style-type: none"> A. June 26, 2019 (Exhibit 1) 4. Action Items <ol style="list-style-type: none"> A. L 20-19 – Landscape Plan Review (Exhibit 2) 2370-2410 NE Highway 99W B. L 21-19 – Street Tree Plan Review (Exhibit 3) Brookshire Estates Phase I C. L 23-19 – Street Tree Removal (Exhibit 4) 2160 NE Village Court 5. Discussion Items <ol style="list-style-type: none"> A. Administrative Review for Street Tree Removal Applications involving certain tree species 6. Old/New Business 7. Committee Member Comments 8. Staff Comments 9. Adjournment

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

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



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EXHIBIT 1 - MINUTES

June 26, 2019
Landscape Review Committee
Regular Meeting

12:00 pm
Community Development Center
McMinnville, Oregon

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

Members Absent: Josh Kearns

Staff Present: Jamie Fleckenstein - Associate Planner

Guests Present: Loree Grenz, Rick Grenz, and Mike Riddle Construction

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes

A. April 17, 2019

Committee Member Gunter moved to approve the April 17, 2019 minutes. The motion was seconded by Committee Member Caughran and passed 4-0.

4. Action/Docket Item (repeat if necessary)

A. L 7-19 – Landscape Plan Revision - 170 NE 12th Street

Associate Planner Fleckenstein said this was an application to return the building to its former use as a bank. One of the requirements was to update the trash location onto Baker which needed to be screened. The applicant had also proposed removing the Japanese Maples on the north side of the building for security and visibility concerns. The LRC had reviewed this Landscape Plan last month and had continued the application as they were not in favor of removing the trees and suggested pruning them instead. The LRC was in favor of the landscaping proposed around the trash enclosure. They also discussed a street tree that had died and suggested that it be replaced with another Cherry tree to match the remaining street trees. In response, the applicant proposed to retain the Japanese

Maples and prune them to improve visibility. The applicant also intended to replace the dead or dying plants due to the street work with similar or larger plants of the same type. Associate Planner Fleckenstein also had the original landscape plan and showed it to the Committee. He discussed the conditions that were included with the approval of the original plan and the conditions for the current application. He would be inspecting the site once the landscaping went in to make sure it matched what was proposed. Staff thought the application met the criteria and recommended approval.

Chair Stephenson thought the Japanese Maples should be professionally pruned.

The LRC discussed the proposed landscaping.

Committee Member Caughran moved to approve L 7-19 with conditions. The motion was seconded by Committee Member McDaniel and passed 4-0.

B. L 9-19 – Street Tree Removal - 598 NE Jade Street

Associate Planner Fleckenstein reviewed the application for a street tree removal on NE Jade Street. He explained how the new driveway would remove the planter strip in front of the proposed shop. The tree to be removed was beginning to show signs of impacting the sidewalk as well.

Chair Stephenson suggested putting a replacement tree on NE Destiny Drive. Associate Planner Fleckenstein said the sidewalk was curb tight and there was no planter strip available. There were three trees in the remaining planter strip along Jade and there was no space for a replacement. Because this was an approved development project and there was no place for a replacement tree, staff recommended approval of the application.

Committee Member Caughran suggested delaying the removal of the tree until the shop permit was approved.

Committee Member Gunter moved to approve L 9-19 subject to all building permits being approved first. The motion was seconded by Committee Member Caughran and passed 4-0.

C. L 11-19 – Landscape Plan - 1445 NE Miller Street

Associate Planner Fleckenstein discussed the Landscape Plan on NE Miller Street for a site in the Industrial Park. The development of this lot was phased, and the first phase and landscaping was done last summer. He described the plants that had been put in for that phase. The requirement was to have a minimum of 7% of the site landscaped and what was proposed was 15% of the site landscaped. The landscaping in front of the new buildings would be the same as the landscaping in front of the existing buildings with Vine Maples and Laurels. The parking spaces between the buildings would have Sunset Maple trees to provide shade and more densely planted bushes for a screen of the parking from the adjacent lots.

Committee Member Gunter moved to approve L 11-19. The motion was seconded by Committee Member McDaniel and passed 4-0.

D. L 14-18 – Landscape Plan Revision - 2070 NE Lafayette Avenue

Associate Planner Fleckenstein said this was a proposed revision to the Landscape Plan for the Fairgrounds. Last summer the LRC reviewed the application for a new small animal barn. The LRC had required some landscaping in order to maintain consistency with the landscaping of the adjacent

barns. The Fairgrounds decided not to locate the new barn in this location and to place it on a different site and were proposing new landscaping. They were planning to use reclaimed metal roofing material for the planting boxes. They proposed to plant Wisteria vines in the boxes that would be trained to go along the front façade and Lupines and Impatiens for seasonal color. Between the barn building and access road there would be lawn. To the east of the barn the three shade trees would remain. The open lawn area would be used for vendors and pedestrians during fair events.

Chair Stephenson thought the lawn should be irrigated. Associate Planner Fleckenstein said there was already a condition that all the landscaping be maintained including watering. They could make the wording more specific to include an underground automatic watering system for head to head coverage.

Committee Member Gunter pointed out staff was recommending something other than Lupine because it was toxic to animals. She was in agreement.

Chair Stephenson suggested putting something that was evergreen in the boxes instead of the Lupine and Impatiens. He thought it should be something that would be there year round.

Associate Planner Fleckenstein said Condition #2 could be changed to state that instead of the Lupine and Impatiens to plant something that was non-toxic to animals and was evergreen with year round interest preferably from the Nandina family. Another condition would be added that required the lawn to be watered and irrigated. He did not know if it was within the LRC's purview to require how the lawn would be watered. If it was appropriate to require the irrigation system, he would add that in the condition.

Committee Member Gunter moved to approve L 14-18 with the conditions as amended and subject to the applicant bringing revised plans to staff for approval. The motion was seconded by Committee Member McDaniel and passed 4-0.

E. L 30-18 – Landscape Plan - 2790 NE Waggoner Drive

Mike Riddle of Mike Riddle Construction explained how the property lines were strangely arranged on this site. He then discussed the landscaping to screen the private residential home from Jay's Landings Bar.

Associate Planner Fleckenstein said typically there were no requirements for residential landscaping, but due to the zone change there was a condition of approval that the applicant had to install landscaping on the west property line of the southern parcel to provide additional screening and buffering between the commercial and residential uses. The applicant proposed a hedge of arborvitae spaced at 3 feet on center. There were also existing mature fir trees that would be retained. Staff thought the hedge material was appropriate and recommended approval of the application.

Chair Stephenson asked if the fir trees would shade out the arborvitae. Associate Planner Fleckenstein said the trees were limbed and the arborvitae should get enough sunlight. He thought the planting met the condition of approval.

Committee Member Gunter moved to approve L 30-18. The motion was seconded by Committee Member Caughran and passed 4-0.

5. Discussion Items

Committee Member McDaniel thought there should be landscape requirements for homeless encampments around town. Associate Planner Fleckenstein would look into it.

6. Old/New Business

None

7. Committee/Commissioner Comments

None

8. Staff Comments

None

9. Adjournment

Chair Stephenson adjourned the meeting at 1:05 p.m.



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EXHIBIT 2 - STAFF REPORT

DATE: October 16, 2019
TO: Landscape Review Committee Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Landscape Plan Review Application (L 20-19)

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

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

Report in Brief:

An application for a landscape plan review (L 20-19) for additional landscape buffering to a commercial site (Marshall's) to meet a condition of approval of the project's Large Format Commercial Design Review (LFR 1-19) to be reviewed by the Landscape Review Committee.

Background:

The application (L 20-19) requests approval of a landscape plan that adds additional landscape buffering to the new Marshall's store at the McMinnville Plaza commercial center to meet a condition of approval of the project's Large Format Commercial Design Review (LFR 1-19). Condition of approval #1 of LFR 1-19 requires:

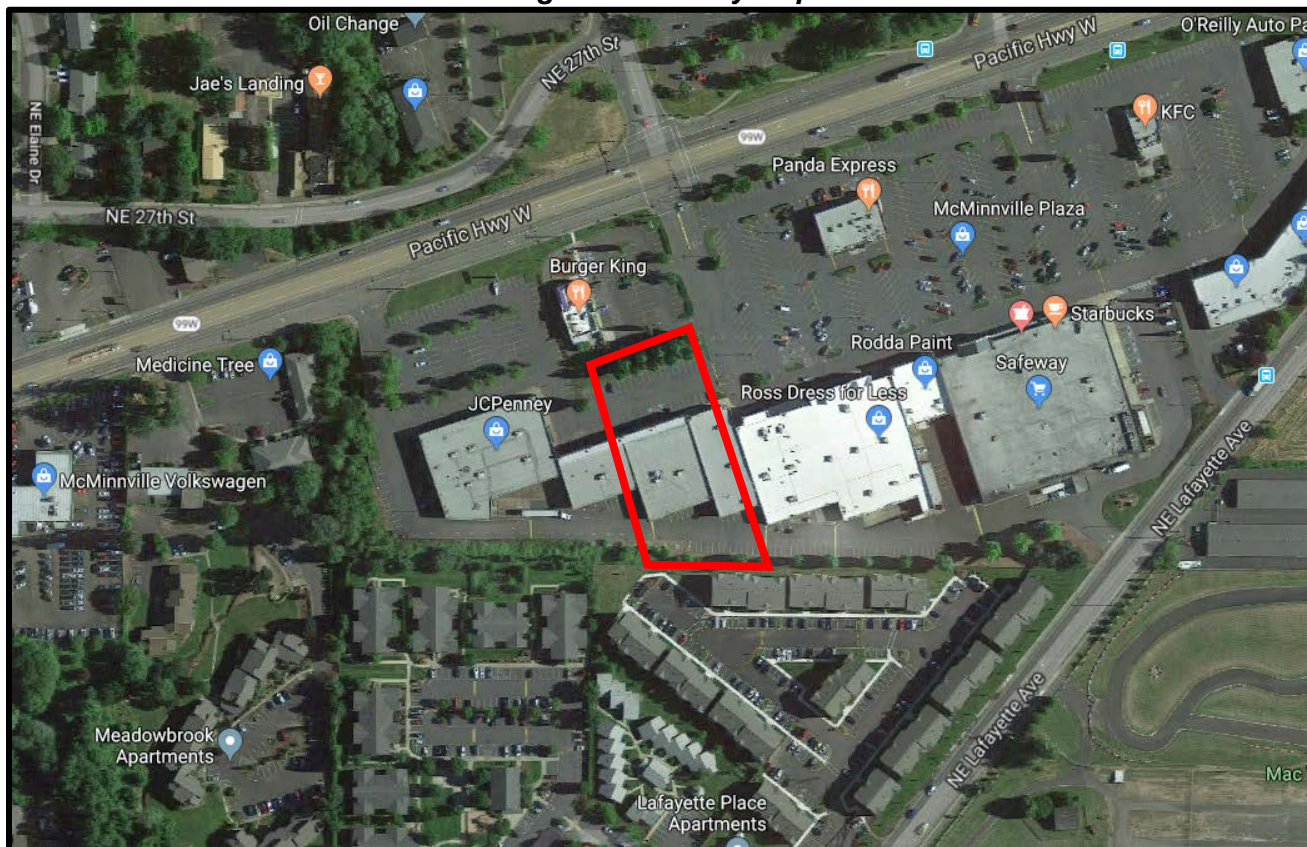
1. That the applicant shall submit a landscape plan for review and approval by the Landscape Review Committee. The landscape plan shall be provided for the planter area along the south boundary of the subject property, adjacent to the existing residential use to the south. The landscape plan shall identify additional plantings or screening materials to provide screening of the loading facilities on the south side of the building and buffering between the building and the existing residential use to the south, consistent with the Large Format Commercial Development standards in Section 17.56.050(A)(3) and Section 17.56.050(C)(1). Landscaping materials, as approved by the Landscape Review Committee, shall be installed prior to the issuance of occupancy for any new tenant in the subject building.

Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan at 2370-2410 NE Highway 99W (L 20-19)

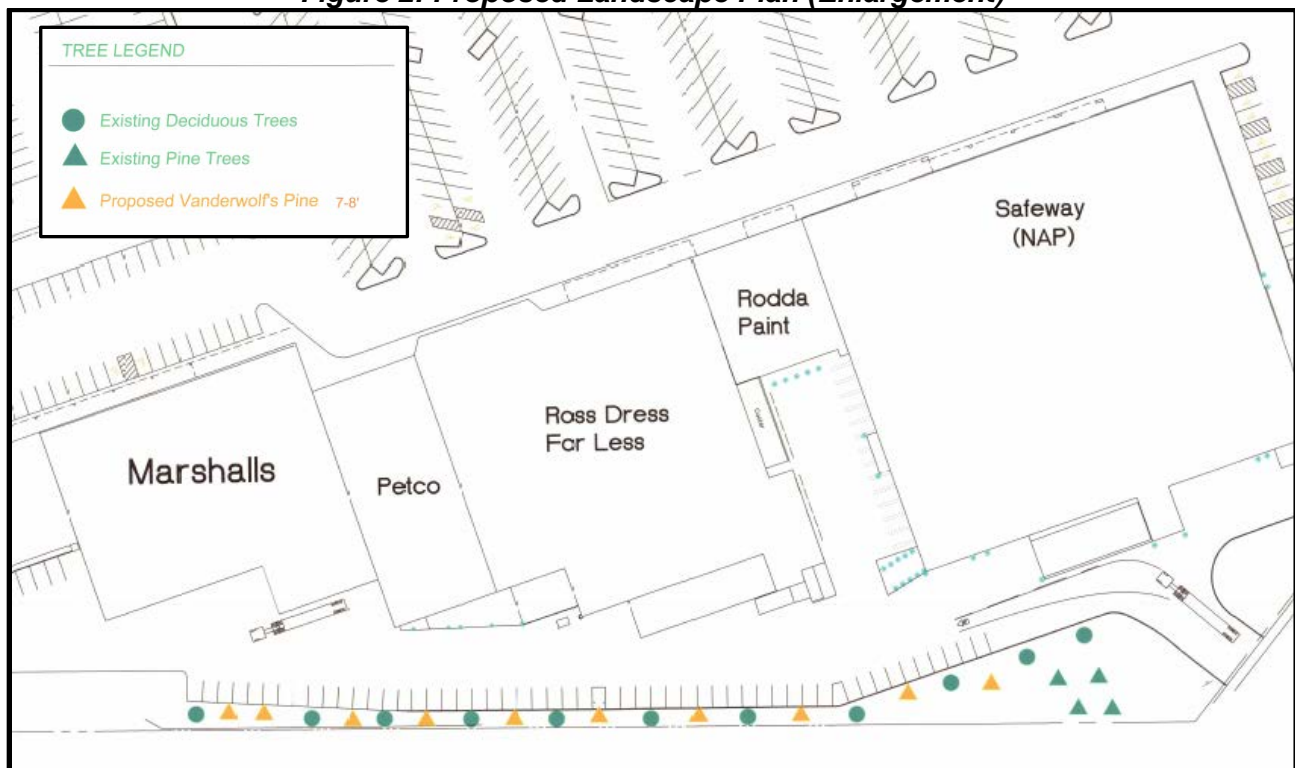
The subject property is located at 2370-2410 NE Highway 99W (Tax Lot 1003, Section 15BB, T. 4. S., R. 4 W., W.M.) and is zoned C-3 (General Commercial). It shares appurtenant facilities including driveways, parking, and pedestrian walkways with a larger commercial shopping complex, McMinnville Plaza. **See Figure 1: Vicinity Map.** The site is currently developed with a commercial building, with associated parking and pedestrian access generally north of the building, and loading and service access generally south of the building. Lots adjacent to the subject site to the north, east, and west are also zoned C-3 and are commercially developed. South of the subject site is a multi-family apartment complex. The proposed landscape plan addresses additional required buffering and screening between the commercial site's loading facilities and the residential use to the south. **See Figure 2: Landscape Plan and Figure 3: Landscape Plan (Enlargement).**

Figure 1: Vicinity Map



Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan at 2370-2410 NE Highway 99W (L 20-19)

Figure 2: Proposed Landscape Plan**Figure 2: Proposed Landscape Plan (Enlargement)****Attachments:**

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan at 2370-2410 NE Highway 99W (L 20-19)

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

The renovation of the existing commercial building did not alter the site plan or the footprint of the building, and did not require a landscape plan for the entire site to be submitted. A recent landscape plan (L 13-17) reviewed and approved by the Landscape Review Committee refreshed the landscaping in front of the building with the removal of old trees and the installation of new trees and grass, as seen in **Figure 3: Existing Landscaping (Front)**. The Large Format Commercial Development Review of this project found that additional screening and buffering between the loading area and adjacent residential use was needed. **See Figure 4: Existing Landscaping (Loading Area)**. Therefore, the application is subject to the applicable development standards in Section 17.56.050 of the McMinnville Municipal Code and the applicable landscape review factors in Section 17.57.050.

Figure 3: Existing Landscaping (Front)



Figure 4: Existing Landscaping (Loading Area)

***Attachments:***

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan at 2370-2410 NE Highway 99W (L 20-19)

Landscape Plan Review:

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 landscaping addresses the planting along the southern property line of the site, where the property abuts a multi-family residential apartment complex. The commercial development on the subject site has loading facilities in the rear of the building, and a planting area between the parking and loading areas and the adjacent residential use. Eleven (11) mature deciduous trees and four (4) evergreen trees are existing in the planting area, but are spaced such that there gaps of approximately 50 feet between trees. Additional evergreen trees are proposed to fill those gaps in the planting, and to provide additional screening and buffering between the residential and commercial uses. Ten (10) *Pinus flexilis* 'Vanderwolf's Pyramid' (Vanderwolf's Pyramid Limber Pine), an evergreen tree growing to approximately 30 feet tall and 15 feet wide, are proposed. The tree is an appropriate selection to fill the space between mature deciduous canopy trees and to provide additional screening and buffering along the property line. The additional evergreen planting is proposed for the planting area behind the Marshall's commercial development, as well as east of the Marshall's site along the southern property line of surrounding properties. The proposed landscaping is compatible with the proposed development and the surrounding and abutting properties.

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

A condition of approval of the Large Format Commercial Development Review LFR 1-19 requires that "[...] The landscape plan shall be provided for the planter area along the south boundary of the subject property, adjacent to the existing residential use to the south. The landscape plan shall identify additional plantings or screening materials to provide screening of the loading facilities on the south side of the building and buffering between the building and the existing residential use to the south, consistent with the Large Format Commercial Development standards in Section 17.56.050(A)(3) and Section 17.56.050(C)(1)[...]" The proposed landscaping includes the addition of evergreen trees, *Pinus flexilis* 'Vanderwolf's Pyramid' (Vanderwolf's Pyramid Limber Pine), to a row of existing deciduous shade trees to provide an additional layer of screening and buffering of the commercial use from the residential use. An existing slatted chain link fence remains on the property line and continues to provide screening of the commercial loading facilities. The proposed evergreen trees provide screening of not only the Marshall's loading facilities, but also help screen the loading facilities of commercial development adjacent to and nearby Marshall's.

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 proposed landscape plan retains existing mature deciduous and evergreen trees along the south property line of the site, and incorporates new evergreen trees between them as spacing allows. The existing grade of the planting area is not proposed to be altered.

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

Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan at 2370-2410 NE Highway 99W (L 20-19)

The remodeling of the commercial building on the subject site does not include any alteration to the site plan or parking configuration on the property. Therefore, the development and use of additional islands beyond what was previously provided in the parking areas is not required.

5. *The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.*

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

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

No change is proposed to existing watering facilities on the subject site.

Fiscal Impact:

None.

Landscape Review Committee Options:

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

Staff Recommendation:

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

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

Suggested Motion:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE LANDSCAPE PLAN REVIEW APPLICATION L 20-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

JF

Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Landscape Plan at 2370-2410 NE Highway 99W (L 20-19)



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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE
APPROVAL OF A LANDSCAPE PLAN AT 2370-2410 NE HIGHWAY 99W/R4415BB01003**

DOCKET: L 20-19 (Landscape Plan Review)

REQUEST: Approval of a Landscape Plan for Marshall's commercial development

LOCATION: 2370-2410 NE Highway 99W (Tax Lot 1003, Section 15BB, T. 4. S., R. 4 W., W.M.)

ZONING: C-3 (General Commercial)

APPLICANT: Glenn Armstrong, Pacific Landscape Management, on behalf of March Hare, LLC, property owner

STAFF: Jamie Fleckenstein, PLA, Associate Planner

**DATE DEEMED
COMPLETE:** September 20, 2019

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

**HEARING DATE
& LOCATION:** October 16, 2019, Community Development Center, 231 NE 5th 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.

I. APPLICATION SUMMARY:

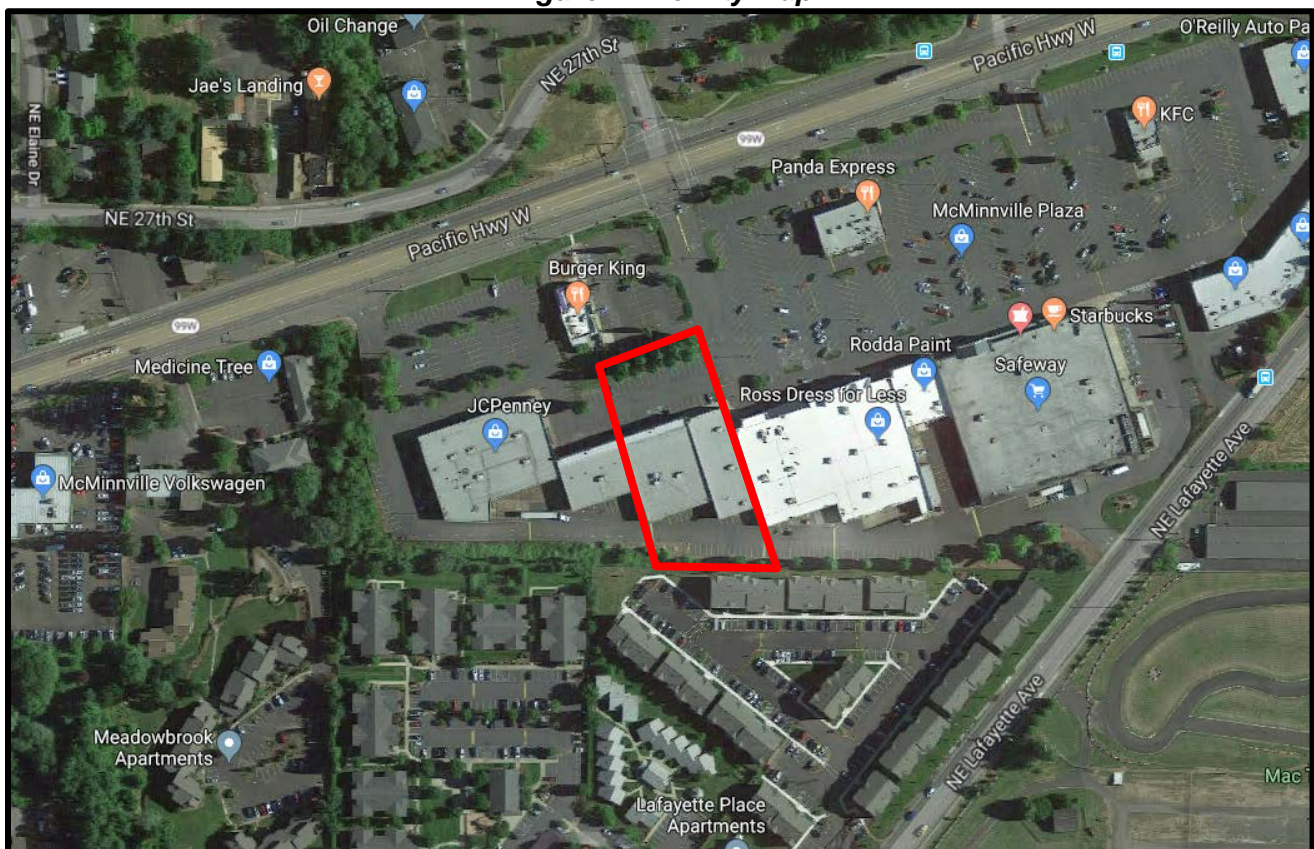
Subject Property & Request

The application (L 20-19) requests approval of a landscape plan that adds additional landscape buffering to the site to meet a condition of approval of the project's Large Format Commercial Design Review (LFR 1-19). Condition of approval #1 of LFR 1-19 requires:

1. That the applicant shall submit a landscape plan for review and approval by the Landscape Review Committee. The landscape plan shall be provided for the planter area along the south boundary of the subject property, adjacent to the existing residential use to the south. The landscape plan shall identify additional plantings or screening materials to provide screening of the loading facilities on the south side of the building and buffering between the building and the existing residential use to the south, consistent with the Large Format Commercial Development standards in Section 17.56.050(A)(3) and Section 17.56.050(C)(1). Landscaping materials, as approved by the Landscape Review Committee, shall be installed prior to the issuance of occupancy for any new tenant in the subject building.

The subject property is located at 2370-2410 NE Highway 99W (Tax Lot 1003, Section 15BB, T. 4. S., R. 4 W., W.M.) and is zoned C-3 (General Commercial). It shares appurtenant facilities including driveways, parking, and pedestrian walkways with a larger commercial shopping complex, McMinnville Plaza. **See Figure 1: Vicinity Map.** The site is currently developed with a commercial building, with associated parking and pedestrian access generally north of the building, and loading and service access generally south of the building. Lots adjacent to the subject site to the north, east, and west are also zoned C-3 and are commercially developed. South of the subject site is a multi-family apartment complex. The proposed landscape plan addresses additional required buffering and screening between the commercial site's loading facilities and the residential use to the south. **See Figure 2: Landscape Plan and Figure 3: Landscape Plan (Enlargement).**

Figure 1: Vicinity Map



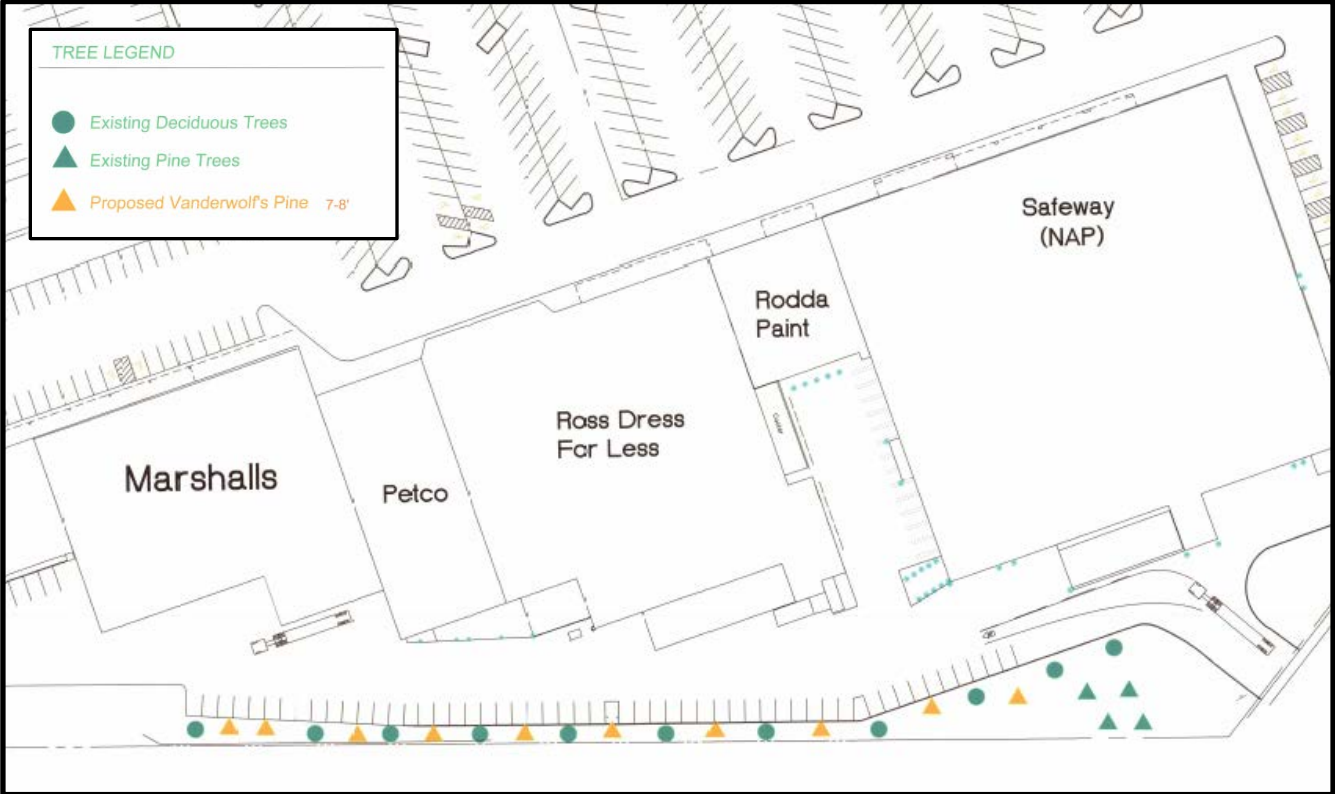
Attachments:

Attachment 1 – Application and Attachments

Figure 2: Proposed Landscape Plan



Figure 2: Proposed Landscape Plan (Enlargement)



Summary of Criteria & Issues

The renovation of the existing commercial building did not alter the site plan or the footprint of the building, and did not require a landscape plan for the entire site to be submitted. A recent landscape plan (L 13-17) reviewed and approved by the Landscape Review Committee refreshed the landscaping in front of the building with the removal of old trees and the installation of new trees and grass, as seen in **Figure 3: Existing Landscaping (Front)**. The Large Format Commercial Development Review of this project found that additional screening and buffering between the loading area and adjacent residential use was needed. **See Figure 4: Existing Landscaping (Loading Area)**. Therefore, the application is subject to the applicable development standards in Section 17.56.050 of the McMinnville Municipal Code and the applicable landscape review factors in Section 17.57.050. Conclusionary findings for each applicable development standard and review factor are provided in Section VII of this Decision Document below.

Figure 3: Existing Landscaping (Front)



Figure 4: Existing Landscaping (Loading Area)



Attachments:

Attachment 1 – Application and Attachments

II. CONDITIONS:

1. That the applicant shall install landscaping as shown on the landscape plan dated August 20, 2019.
2. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to planting to ensure that underground utilities are not damaged during this process. If any facilities are damaged during planting, contact McMinnville Water & Light immediately at 503-472-6158.
3. That the applicant shall maintain proper clearances around any water and electrical services located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. A three (3) foot minimum clearance shall be maintained between mature tree canopy and the existing three phase power transformer at the west end of the proposed tree planting area. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
4. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

III. ATTACHMENTS:

1. L 20-19 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:

- McMinnville Public Works Department

From the submittals it appears that this proposed planting is not in the right of way, and as such is outside of our purview. As such, Public Works would have no comments.

- McMinnville Water and Light

Call for locates. Avoid planting new trees directly overtop existing buried primary power. Keep a minimum three foot clearance between mature tree canopy and existing three phase power transformer towards the west end of the proposed tree plantings. This may mean eliminating a proposed tree.

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.

Attachments:

Attachment 1 – Application and Attachments

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Glenn Armstrong of Pacific Landscape Management, on behalf of March Hare, LLC, property owner, submitted a Landscape Plan Review application on August 28, 2019.
2. The application was deemed complete on September 20, 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 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.
5. A public meeting was held by the Landscape Review Committee on October 16, 2019 to review the application and proposed landscape plan.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 2300 NE Highway 99W (Tax Lot 1003, Section 15BB, T. 4. S., R. 4 W., W.M.)
2. **Size:** Approximately 1.22 acres
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Retail
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:** The site is generally flat and there are no significant or distinguishing natural features associated with this property. The subject existing building shares appurtenant facilities, including driveways, parking, and pedestrian walkways, with a larger commercial shopping complex known as the McMinnville Plaza.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** The site is not immediately adjacent to a public right-of-way, but shares access to the adjacent right-of-way of Highway 99W with the larger surrounding shopping complex.

Attachments:

Attachment 1 – Application and Attachments

Highway 99W is identified as a Major Arterial street in the McMinnville Transportation System Plan. No changes are proposed to the surrounding street network with the application.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Landscape Plan Review are specified in Section 17.57.070 of the Zoning Ordinance.

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

Comprehensive Plan Volume II:

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

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

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

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed landscape plan would provide additional visual and sound barriers in the form of evergreen plantings to help screen commercial activities on the subject site from the adjacent residential use to the south.

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:

Chapter 17.03. General Provisions

17.03.020 Purpose. *The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

Chapter 17.56. Large Format Commercial Development

17.56.050(A)(3) Loading Facilities. *To aid in mitigating negative visual impacts commonly associated with off-street loading facilities, such facilities shall be visually screened by either a wall designed to architecturally complement the building exterior, an evergreen vegetative screen, or a combination of these two options. Solid waste and recycling enclosures shall be designed as required by Chapter 17.61(Solid Waste and Recycling Enclosure Plan) of the McMinnville Zoning Ordinance.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The off-street loading facilities for the commercial development that includes the subject site (Marshall's) are on the south side of the buildings, facing the adjacent multi-family apartment complex. Deciduous trees along the shared property line provide some vegetative screening. The proposed landscaping would add evergreen trees, *Pinus flexilis* 'Vanderwolf's Pyramid' (Vanderwolf's Pyramid Limber Pine), to existing screening along the common property line between the commercial and residential use. The addition of the evergreen vegetative screen would help mitigate the negative visual impacts of the loading facilities on the adjacent residential use.

17.56.050(C)(1) Buffering. *Where a property containing a large commercial structure(s) abuts land zoned for residential use, and no public street separates the residential-zoned land from the commercially zoned property, the proposed use shall provide screening in the form of sight-obscuring, evergreen plantings, shade trees, fences, walls, or combinations of plantings and screens. Where plant material is used, emphasis shall be placed on achieving an effective year-round vegetative screen as approved by the Landscape Review Committee. Chain-link fencing shall not be permitted.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The landscape plan proposes the addition of evergreen trees, *Pinus flexilis* 'Vanderwolf's Pyramid' (Vanderwolf's Pyramid Limber Pine), to existing screening along

Attachments:

Attachment 1 – Application and Attachments

the common property line between the commercial and residential use that includes mature shade trees and a privacy fence. The proposed evergreen trees would provide year-round vegetative screening.

Chapter 17.57. Landscaping

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

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

It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in MMC 17.57.070 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in MMC 17.03.020.

APPLICANT'S RESPONSE: None.

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

Attachments:

Attachment 1 – Application and Attachments

landscape plan as proposed meets the intent and purpose of the Landscaping chapter, as described in the findings for the specific landscape plan review criteria below.

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

D. C-3 (General Commercial zone).

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The subject site is zoned C-3 (General Commercial) and underwent Large Format Commercial Development Review prior to applying for building permits. During the Large Format review (LFR 1-19), it was determined that a new overall landscaping plan for the site was not required since a recent plan (L 13-17) had been reviewed and approved by the Landscape Review Committee allowing the removal of old trees and the installation of new trees and grass in the parking lot islands in front of the building.

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: None.

FINDING: SATISFIED. The subject site is zoned C-3 (General Commercial) and underwent Large Format Commercial Development Review prior to applying for building permits. During the Large Format review (LFR 1-19), it was determined that a new overall landscaping plan for the site was not required since a recent plan (L 13-17) had been reviewed and approved by the Landscape Review Committee. It was noted in LFR 1-19 that approximately 4,800 square feet of landscaping is provided on the subject site, equaling 9.0 percent of the gross site area (53,434 s.f.).

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: None.

FINDING: SATISFIED. The proposed landscaping addresses the planting along the southern property line of the site, where the property abuts a multi-family residential apartment complex. The commercial development on the subject site has loading facilities in the rear of the building, and a planting area between the parking and loading areas and the adjacent residential use. Eleven (11) mature deciduous trees and four (4) evergreen trees are existing in the planting area, but are spaced such that there gaps of approximately 50 feet between trees. Additional evergreen trees are proposed to fill those gaps in the planting, and to provide additional screening and buffering between the residential and commercial uses. Ten (10) *Pinus flexilis* 'Vanderwolf's Pyramid' (Vanderwolf's Pyramid Limber Pine), an evergreen tree growing to approximately 30 feet tall and 15 feet wide, are proposed. The tree is an appropriate selection to fill the space between mature deciduous canopy trees and to provide additional screening

and buffering along the property line. The additional evergreen planting is proposed for the planting area behind the Marshall's commercial development, as well as east of the Marshall's site along the southern property line of surrounding properties. The proposed landscaping is compatible with the proposed development and the surrounding and abutting properties.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. A condition of approval of the Large Format Commercial Development Review LFR 1-19 requires that "[...] The landscape plan shall be provided for the planter area along the south boundary of the subject property, adjacent to the existing residential use to the south. The landscape plan shall identify additional plantings or screening materials to provide screening of the loading facilities on the south side of the building and buffering between the building and the existing residential use to the south, consistent with the Large Format Commercial Development standards in Section 17.56.050(A)(3) and Section 17.56.050(C)(1)[...]" The proposed landscaping includes the addition of evergreen trees, *Pinus flexilis* 'Vanderwolf's Pyramid' (Vanderwolf's Pyramid Limber Pine), to a row of existing deciduous shade trees to provide an additional layer of screening and buffering of the commercial use from the residential use. An existing slatted chain link fence remains on the property line and continues to provide screening of the commercial loading facilities. The proposed evergreen trees provide screening of not only the Marshall's loading facilities, but also help screen the loading facilities of commercial development adjacent to and nearby Marshall's.

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: None.

FINDING: SATISFIED. The proposed landscape plan retains existing mature deciduous and evergreen trees along the south property line of the site, and incorporates new evergreen trees between them as spacing allows. The existing grade of the planting area is not proposed to be altered.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The remodeling of the commercial building on the subject site does not include any alteration to the site plan or parking configuration on the property. Therefore, the development and use of additional islands beyond what was previously provided in the parking areas is not required.

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: None.

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

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. No change is proposed to existing watering facilities on the subject site.

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 #4. A condition of approval will require that all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

JF



Planning Department

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

569-19-000632-Plng

Office Use Only:	
File No.	<u>L 20-19</u>
Date Received	<u>8/28/19</u>
Fee	<u>\$10801.35</u>
Receipt No.	<u>201159</u>
Received by	<u>8/28</u>

Landscape Plan Review Application

Applicant Information

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

Applicant Name Glenn Armstrong Phone 503-621-7530

Contact Name Paesce Landscape Management Phone 503-648-3900
(If different than above)

Address 7997 NE Walker Rd.

City, State, Zip Hillsboro, OR, 97124

Contact Email Glenn.Armstrong@Paesce.com

Property Owner Information

Property Owner Name MARCH HARE, LLC ETAL Phone 541 754-3630
(If different than above)

Contact Name DARREN DICKERHOOF Phone 541-740-8610

Address P.O. BOX 1800

City, State, Zip CORVALLIS, OR 97339

Contact Email DARREN@DICKERHOOF.COM

Site Location and Description

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

Property Address 2300 - 2490 HWY 99W NE McMinnville, OR 97128

Assessor Map No. R4 415 - BB - 01003 - AND OTHERS Total Site Area 13.24 ACRES

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Com1 Zoning Designation C-3

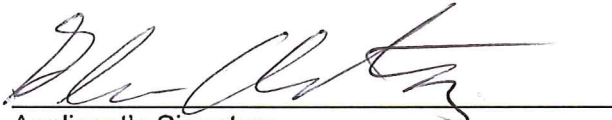
Landscaping Information

1. Total Landscaped Area: SF=108,025⁰
2. Percent Landscaped: 18.71% 108,025⁰ / 577,102⁰
3. Building Floor Area:
New Structure: 135,873 Existing Structure: 135,873 Addition: 0
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

8-27-19
Date


Property Owner's Signature

8-27-19
Date

***Pinus flexilis* 'Vanderwolf's Pyramid'** Pinaceae

Vanderwolf's Pyramid Limber Pine PI-nus FLEKS-i-lis

- Conifer, evergreen tree, 30 ft [9 m] high, good vigor, upright, columnar form, closely spaced blue-green needles.
- Sun or partial shade. Best in moist, well-drained soil, however, it is very adaptable.
- Hardy to USDA Zone 4 Introduced by the Vermeulen nursery of New Jersey in 1972, apparently named after the nursery's general supervisor Rein W. Vanderwolf (Jacobson, 1996).





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Pinus flexilis 'Vanderwolf's Pyramid'

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Common Name: limber pine

Type: Needled evergreen

Family: Pinaceae

Zone: 4 to 7

Height: 20.00 to 30.00 feet

Spread: 10.00 to 15.00 feet

Bloom Time: Non-flowering

Sun: Full sun

Water: Medium

Maintenance: Low

Leaf: Evergreen

Other: Winter Interest

Tolerate: Deer

[Garden locations](#)

Culture

Grow in average, medium moisture, well-drained soils in full sun. Best grown in moist, well-drained soils, however species plants are rather adaptable, often being found growing in high alpine areas in the wild in dry, rocky soils. It forms a large taproot and is difficult to transplant once established in the landscape. Although adaptable, limber pine does not generally perform well in the St. Louis climate, and is not recommended for planting south of USDA Zone 7.

Noteworthy Characteristics

Pinus flexilis, commonly called limber pine, is primarily found in the Rocky Mountains from Canada to New Mexico at elevations of 5,000 to 12,000 feet. It typically grows 25-60' tall with a pyramidal habit maturing over time to a more rounded form. However, in exposed high alpine sites at or near tree line, it may also be seen growing in very dwarf shrubby shapes twisted and contorted by the extreme elements. It features dark green to bluish green needles (to 3.5" long) in bundles of five and short-stalked, thick-scaled, brown cones to 8" long. Cones fall to the ground without disintegrating.

Genus name comes from the Latin name for pines.

The specific epithet is in reference to the flexible (limber) branchlets/twigs.

'Vanderwolf's Pyramid' is an upright, pyramidal tree with closely spaced, twisted, silvery blue green needles. It typically grows slowly to 20-30' tall by 10-15' wide in cultivation. It was introduced into commerce by Vermeulen Nursery of New Jersey in 1972.

Problems

Limber pine is generally considered to be an adaptable, low-maintenance tree with few problems. It is susceptible to certain rots and blights, but its most dangerous enemy is white pine blister rust which is a bark disease that is usually fatal. Species of (e.g., currants and gooseberries) are the alternate host for white pine blister rust and should not be planted in areas where limber pines or white pines are under attack. White pine blister rust is not considered to be a problem in Missouri, however. Aphids, weevils, spider mites and scale may appear.

Garden Uses

Medium-size pine for the landscape.


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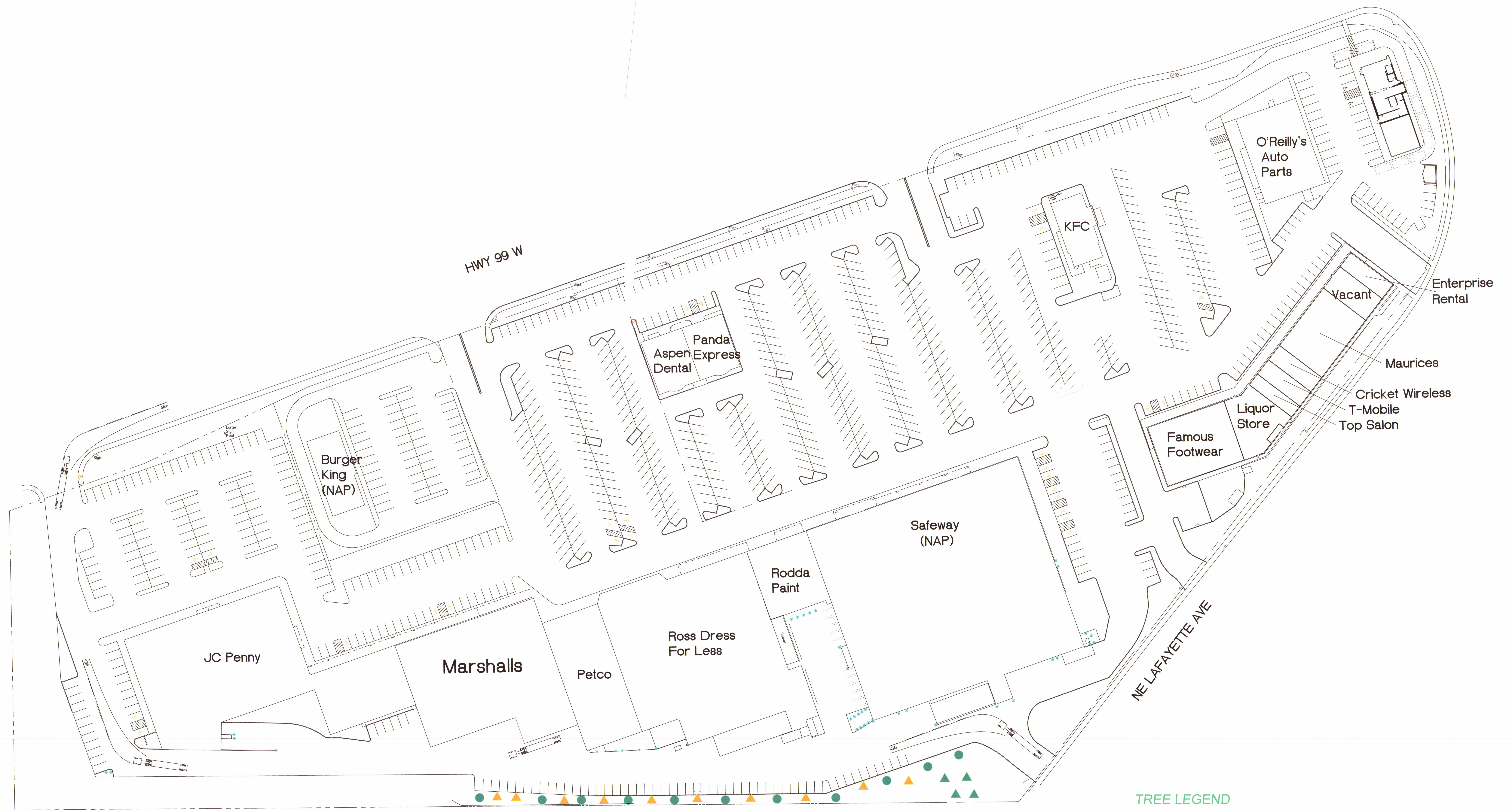
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Missouri Botanical Garden
4344 Shaw Blvd., St. Louis, MO 63110
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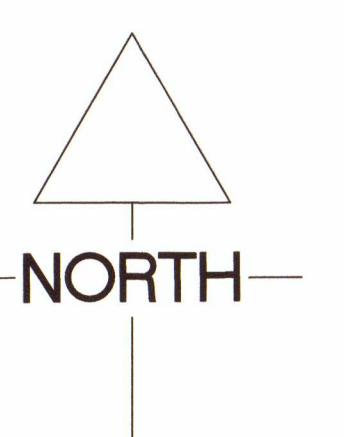
Butterfly House
Faust Park, 15193 Olive Blvd.
Chesterfield, MO 63017
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Shaw Nature Reserve
Hwy. 100 & I-44 Gray Summit, MO 63039
(636) 451-3512 [hours and admission](#)



TREE LEGEND

- Existing Deciduous Trees
- ▲ Existing Pine Trees
- ▲ Proposed Vanderwolf's Pine 7-8'



PROJECT NAME:

Marshalls
McMinnville Plaza

PACIFIC
LANDSCAPE MANAGEMENT
21555 NW Amberwood Drive, Hillsboro, OR 97124
ph: 503-648-3800 / fax: 503-642-2399 / info@pacificlandscape.com / LCMR7319

PROJECT ADDRESS:

Pacific Hwy. W
McMinnville, OR 97128

SHEET TITLE:

TREE PLANTING PLAN

DATE: 8-20-19

SCALE: 1" = 40'-0"

L 100



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

EXHIBIT 3 - STAFF REPORT

DATE: October 16, 2019
TO: Landscape Review Committee Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Street Tree Plan Review Application (L 21-19)

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

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

Report in Brief:

An application for a street tree plan (L 21-19) for the first phase of the Brookshire Estates subdivision to be reviewed by the Landscape Review Committee.

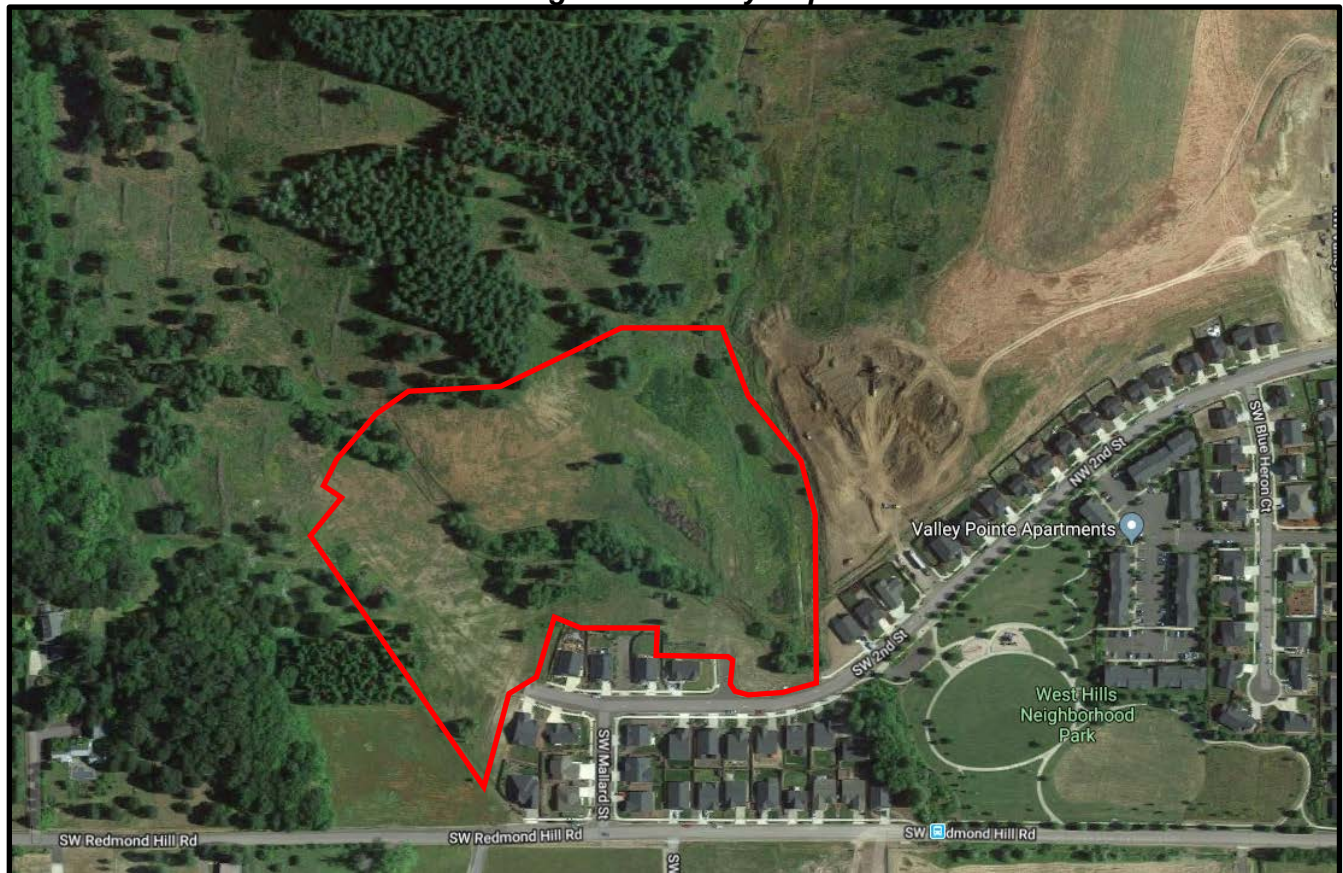
Background:

The application (L 21-19) requests approval of a Street Tree Plan for Brookshire Phase I, a 46 lot subdivision in McMinnville's West Hills. The subject property is located northwest of the W. 2nd Street and Brookside Street intersection (a portion of Tax Lot 801, Section 24, T. 4. S., R. 5 W., W.M.) and is zoned R-2 (Single-Family Residential). **See Figure 1: Vicinity Map.** The site is currently undeveloped. The proposed street tree plan addresses the specification and placement of required street trees for the subdivision. **See Figure 2: Proposed Street Tree Plan.**

Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Brookshire Estates Phase I (L 21-19)

Figure 1: Vicinity Map



Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Brookshire Estates Phase I (L 21-19)

[illegible]

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Street Tree List, a subspecies of *Acer tartaricum*, *Acer tartaricum* ssp. *ginnala* 'Flame' (Flame Amur Maple), is a Recommended Small Tree Species. *Acer tartaricum* differs from *Acer tartaricum* ssp. *ginnala* 'Flame' primarily in its form; *Acer tartaricum* is a more upright tree form than the Flame Amur Maple, and is therefore consistent with the desired characteristics of a street tree.

A revised street tree list updating the McMinnville Street Tree List approved by Resolution 2016-22 was developed by the Landscape Review Committee and approved by Resolution 2019-26.

- B. *Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.*

General Note #4 on the Street Tree Plan states: "All plants and plantings shall conform to applicable City of McMinnville's landscape design standards (Ords 17.57 and 17.58) and to American Nursery Standards ASM 1260.1. Plant Materials shall be healthy, evenly branched and typical for their species, conforming to size and quality grade requirements for the ASN for Nursery Stock, current edition. [...]"

A condition of approval has been included to ensure that street trees shall be a minimum two (2) inches in caliper measured at six (6) inches above ground level and meet other City standards for quality of the street trees at the time of planting.

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

The applicant is proposing to install three (3) different street tree species within the Brookshire Estates Phase I subdivision. The specified species are *Acer tartaricum* (Tartarian Maple), *Cornus kousa* (Kousa Dogwood), and *Stewartia monadelphica* (Tall Stewartia). *Cornus kousa* (Kousa Dogwood) and *Stewartia monadelphica* (Tall Stewartia) are found on the McMinnville Street Tree List, *Cornus kousa* is a Recommended Small Tree Species and *Stewartia monadelphica* is a Recommended Medium Tree Species. While *Acer tartaricum* is not specifically listed on the Street Tree List, a subspecies of *Acer tartaricum*, *Acer tartaricum* ssp. *ginnala* 'Flame' (Flame Amur Maple), is a Recommended Small Tree Species. *Acer tartaricum* differs from *Acer tartaricum* ssp. *ginnala* 'Flame' primarily in its form; *Acer tartaricum* is a more upright tree form than the Flame Amur Maple, and is therefore consistent with a small street tree.

The trees, when planted in groups, are evenly spaced at 20 feet apart, which meets the maximum spacing for small trees and is below the maximum spacing for medium trees. Variations to the overall tree spacing within the subdivision are due to specific site limitations, specifically applying spacing standards from utilities and private driveways.

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

Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Brookshire Estates Phase I (L 21-19)

feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.

The subdivision includes local residential streets. The applicant has provided a five (5) foot wide planting strip along all streets within the subdivisions, which is greater than the three (3) foot minimum requirement. The species of street trees being proposed are considered “small” and “medium” sized trees in the McMinnville Street Tree List. Small trees require a minimum four (4) foot wide planter strip, and medium sized trees require a minimum five (5) foot wide planter strip based on the requirements of the McMinnville Street Tree List, and this is being satisfied with the proposed planter strip.

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

General Note #2 on the Street Tree Plan states: “No street tree shall be planted within (10) feet of any fire hydrant, utility pole, sanitary sewer, storm sewer or water lines; or within (20) feet of any street light standards or street intersections; or within (5) feet of any private driveway or alley, or as required by the current edition of the City’s design standards. Adjust planting on site as necessary to avoid conflicts with utilities, meters, lights, driveway locations, etc. “

The proposed street tree plan provides locations of proposed utilities, street light standards, private driveways, and other improvements in the public right-of-way. Street trees are generally proposed in locations outside of the setbacks established by the spacing standards, however McMinnville Water & Light has identified possible locations of street tree/utility conflicts due to inadequate spacing from facilities. Conditions of approval has been included to ensure the setbacks from utilities and other right-of-way improvements be maintained.

Landscape Plan Review:

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:

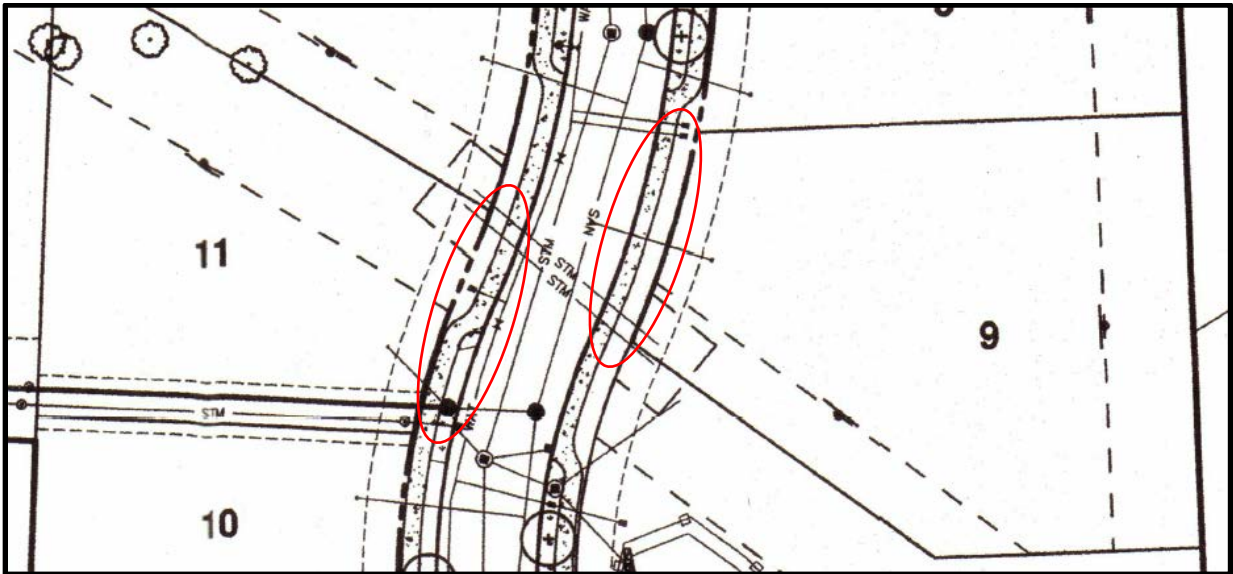
- 1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.*

The street tree plan is compatible with the proposed residential subdivision and the abutting and surrounding properties and uses. The proposed trees are selections from the McMinnville Street Tree List, and are proposed in a dedicated planting strip at standard spacings from utilities and each other. The street tree plan will help promote a residential atmosphere within the subdivision.

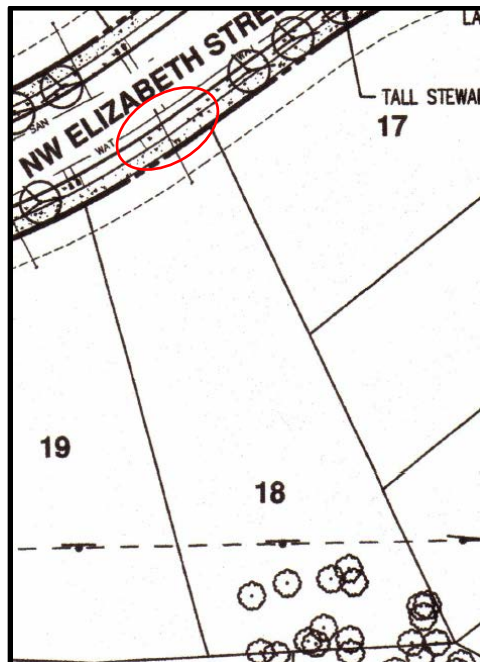
Most of the 46 residential lots have at least one (1) proposed street tree in the adjacent right-of-way. An examination of the individual lots below reveals some lots constrained by factors that make street trees unpractical and some lots where there is opportunities for additional trees.

Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Brookshire Estates Phase I (L 21-19)

Lots 9 and 11:

In front of lots 9 and 11, the sidewalk changes to a curb-tight sidewalk to accommodate the passage of the drainage channel under the roadway. As a result, there is no curb-side planter strip in front of Lot 9 where a street tree could be planted, and the area in front of Lot 11 where the sidewalk is not curb-tight is dedicated to driveway access to the lot. Therefore, no street trees are required adjacent to Lots 9 and 11.

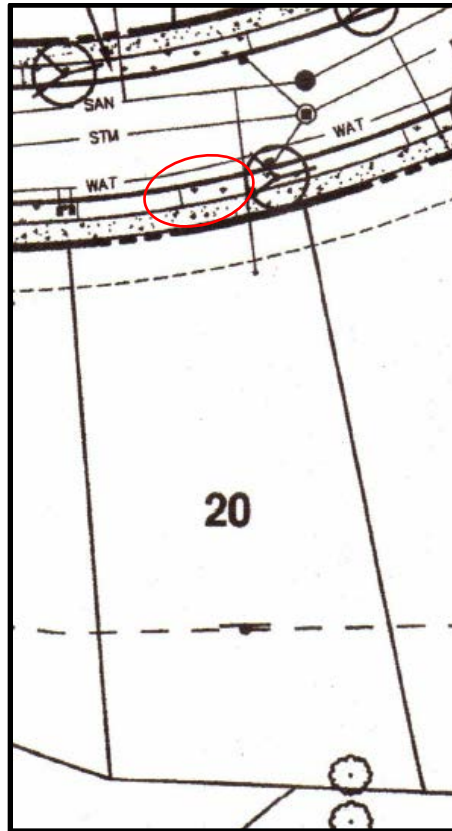
Lot 18:

There is approximately 16 feet from the sanitary sewer lateral serving Lot 18 and the eastern property line of the lot. After applying the 10 foot spacing standard to sewer lines, there is approximately six (6) feet in which a street tree can be planted. Therefore, a condition of approval is included to require a street tree in this location.

Attachments:

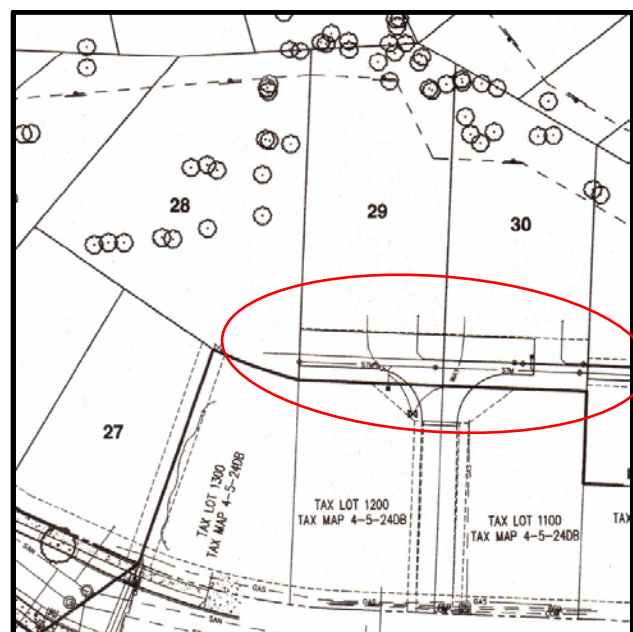
Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Brookshire Estates Phase I (L 21-19)

Lot 20:



There is approximately 16 feet from the sanitary sewer lateral serving Lot 20 and the eastern edge of the driveway. After applying the 10 foot spacing standard to sewer lines and the (five) 5 foot spacing standard from private driveways, there is room for one (1) additional street tree to be planted. Therefore, a condition of approval is included to require a street tree in this location.

Lots 28, 29, and 30:

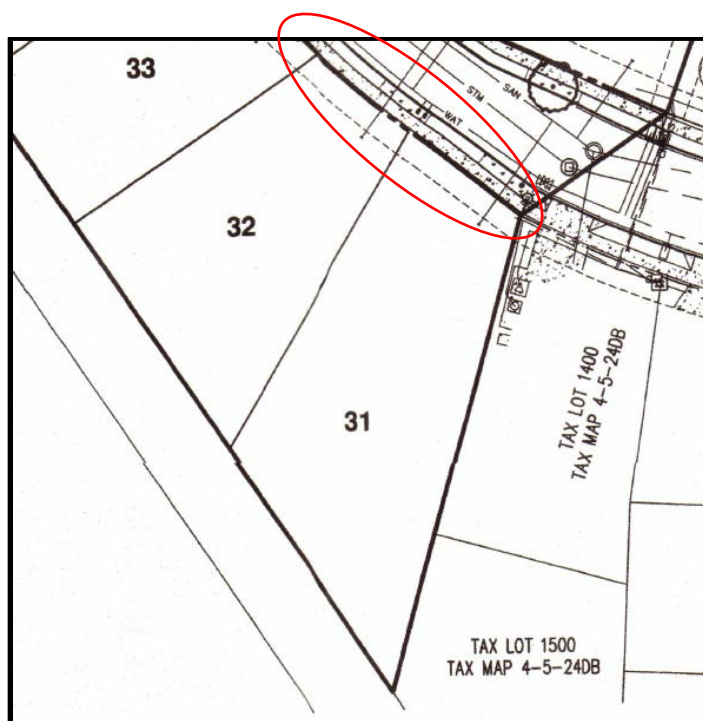


Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Brookshire Estates Phase I (L 21-19)

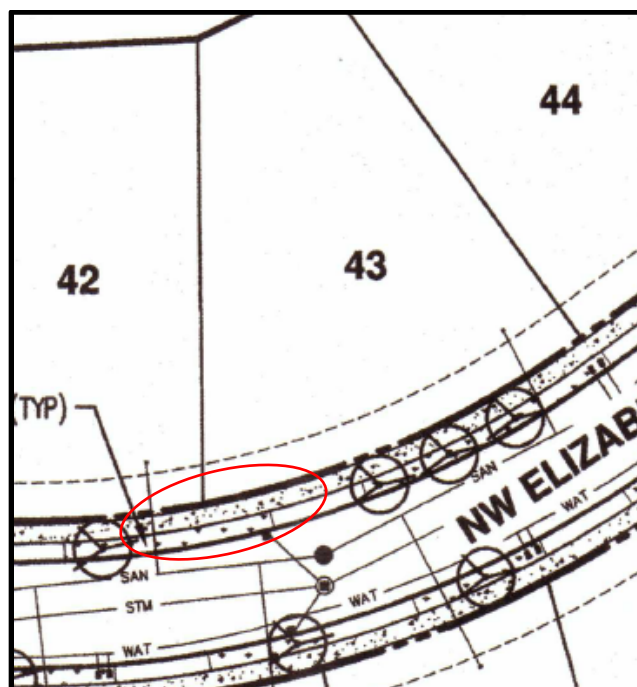
Lots 28, 29, and 30 are accessed via an access easement and do not have any right-of-way frontage. Therefore, street trees are not required adjacent to these lots.

Lots 31 and 32:



There is insufficient space in the planter strip adjacent to Lot 31 between the sanitary sewer lateral serving the property and the driveway to accommodate a street tree. Likewise, there is insufficient space in the planter strip adjacent to Lot 32 between the sanitary sewer lateral serving the property, the driveway, and the water meters to accommodate a street tree. Therefore, street trees are not required adjacent to these lots.

Lot 43:



Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Brookshire Estates Phase I (L 21-19)

There is approximately 19 feet from the western edge of the driveway serving Lot 43 and the western property line of the lot. After applying the five (5) foot spacing standard from private driveways, there is room for one (1) additional street tree to be planted adjacent to Lot 43. Therefore, a condition of approval is included to require a street tree in this location.

Comments from McMinnville Water and Light identified other locations throughout the subdivision where there may be a potential conflict between a street tree and utilities. A condition of approval has been included to ensure that trees in these locations are relocated as necessary to maintain required clearances from utilities.

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

There are no conflicting land-uses abutting the public right-of-way where street trees are proposed, or surrounding the subdivision. Therefore, this review factor is not applicable.

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.*

Existing trees have been retained and preserved throughout the subdivision where possible, including many trees within a large natural area and drainage way that bisects the subdivision. However, due to the grading requirements of the streets and lots within the subdivision, it was not practical to preserve any existing trees within the proposed rights-of-way.

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

Parking areas are not included in the Brookshire Estates Phase I subdivision, therefore this planning factor is not applicable.

5. *The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.*

The applicant is proposing to install three (3) different street tree species within the Brookshire Estates Phase I subdivision. The specified species are *Acer tartaricum* (Tartarian Maple), *Cornus kousa* (Kousa Dogwood), and *Stewartia monadelphica* (Tall Stewartia). *Cornus kousa* (Kousa Dogwood) and *Stewartia monadelphica* (Tall Stewartia) are found on the McMinnville Street Tree List, *Cornus kousa* is a Recommended Small Tree Species and *Stewartia monadelphica* is a Recommended Medium Tree Species. While *Acer tartaricum* is not specifically listed on the Street Tree List, a subspecies of *Acer tartaricum*, *Acer tartaricum* ssp. *ginnala* 'Flame' (Flame Amur Maple), is a Recommended Small Tree Species. *Acer tartaricum* differs from *Acer tartaricum* ssp. *ginnala* 'Flame' primarily in its form; *Acer tartaricum* is a more upright tree form than the Flame Amur Maple, and is therefore consistent with the desired characteristics of a street tree described in the Street Tree List.

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

General Note #14 on the Street Tree Plan states: "Irrigation: Developer shall install irrigation for street tree beds at time of street tree installation. The irrigation system shall be 'design-build' plan with head, valve, and pipe layout, district-approved double check valve, and battery operated zone controls."

Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Brookshire Estates Phase I (L 21-19)

An irrigation system will be provided in all street tree planting areas, therefore this planning factor is satisfied.

Fiscal Impact:

None.

Landscape Review Committee Options:

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

Staff Recommendation:

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

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

Suggested Motion:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE LANDSCAPE PLAN REVIEW APPLICATION L 21-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

JF

Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Brookshire Estates Phase I (L 21-19)



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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A STREET TREE PLAN FOR THE BROOKSHIRE PHASE 1 SUBDIVISION

DOCKET: L 21-19 (Landscape Plan Review)

REQUEST: Approval of a Street Tree Plan for the Brookshire Phase I subdivision

LOCATION: Northwest of W. 2nd Street & Brookside Street intersection (a portion of Tax Lot 801, Section 24, T. 4. S., R. 5 W., W.M.)

ZONING: R-2 (Single-Family Residential)

APPLICANT: Paul Sellke, PE, GE, of AKS Engineering & Forestry, on behalf of West Hills Properties, LLC, property owner

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: September 20, 2019

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

HEARING DATE & LOCATION: October 16, 2019, Community Development Center, 231 NE 5th 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 21-19) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

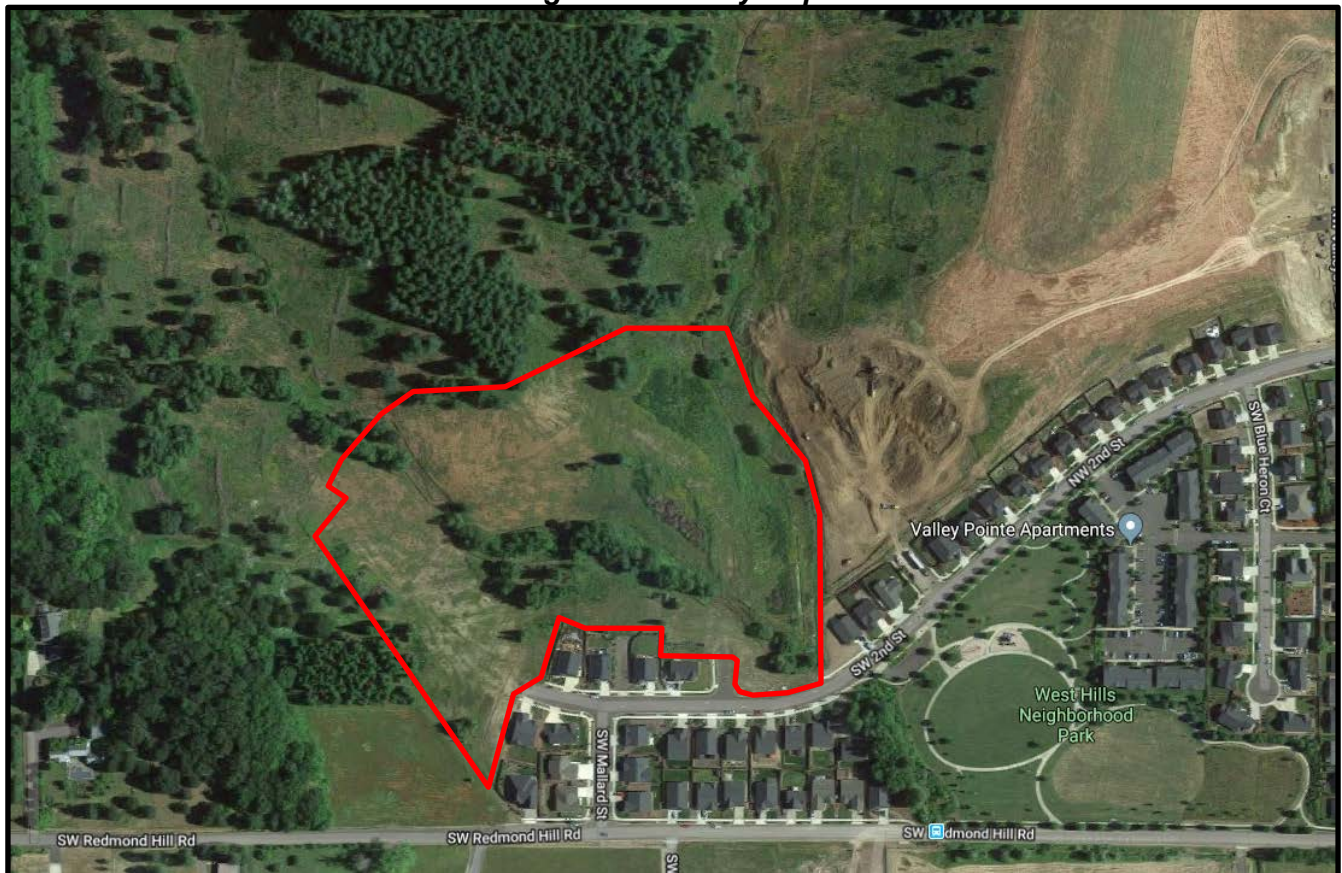
Date: October 16, 2019Date: October 16, 2019

I. APPLICATION SUMMARY:

Subject Property & Request

The application (L 21-19) requests approval of a Street Tree Plan for Brookshire Phase I, a 46 lot subdivision in McMinnville's West Hills. The subject property is located northwest of the W. 2nd Street and Brookside Street intersection (a portion of Tax Lot 801, Section 24, T. 4. S., R. 5 W., W.M.) and is zoned R-2 (Single-Family Residential). **See Figure 1: Vicinity Map.** The site is currently undeveloped. The proposed street tree plan addresses the specification and placement of required street trees for the subdivision. **See Figure 2: Proposed Street Tree Plan.**

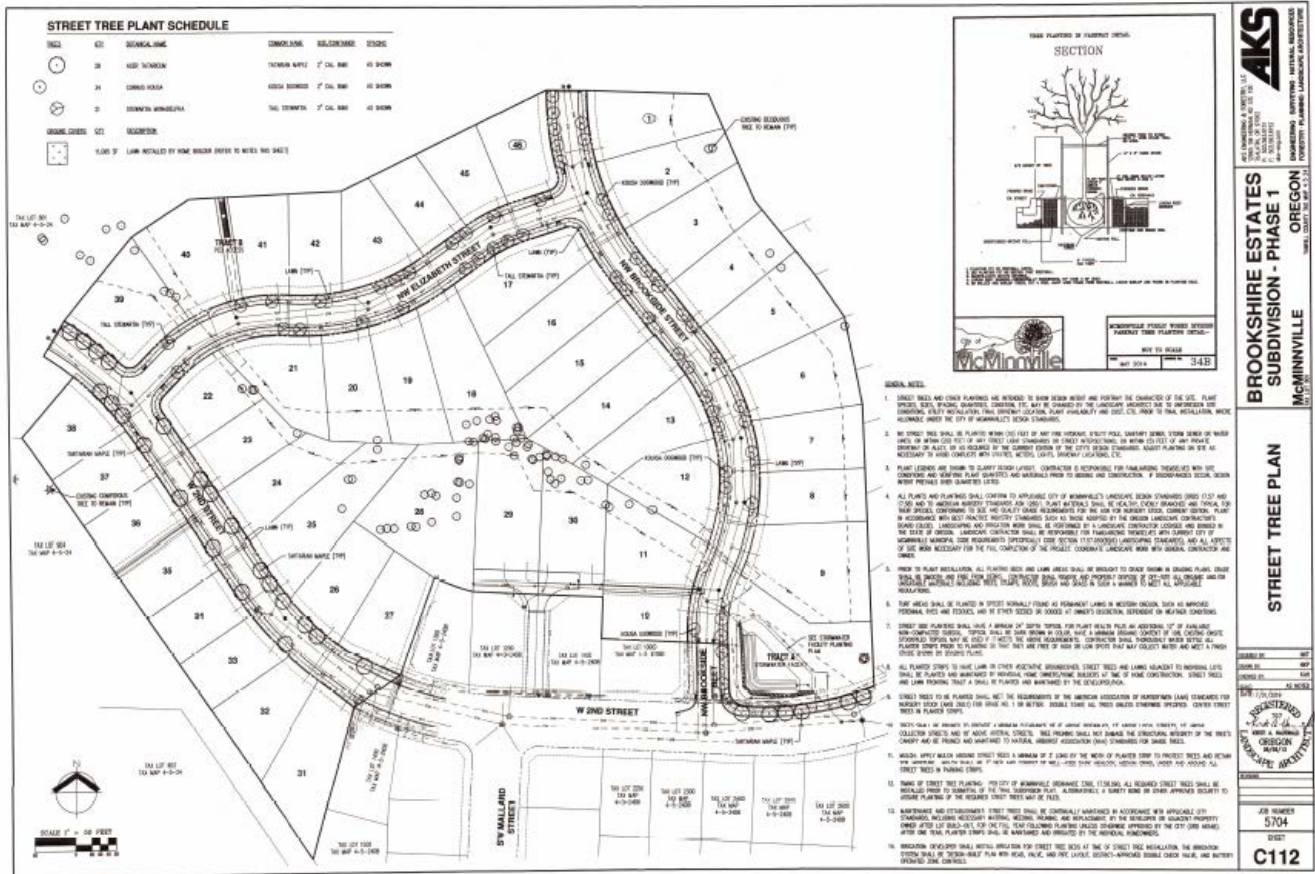
Figure 1: Vicinity Map



Attachments:

Attachment 1 – Application and Attachments

Figure 2: Proposed Street Tree Plan



Summary of Criteria & Issues

The McMinnville Municipal Code (MMC) requires street trees for new subdivisions with curbside planter strips, which are being provided in Brookshire Phase I. Standards for the selection, location, and planting of required street trees are found in Section 17.58.090 of the MMC. Therefore, the application is subject to the Street Tree Standards in Section 17.58.090 of the MMC and the applicable landscape review factors in Section 17.57.050. Conclusionary findings for each applicable standard and review factor are provided in Section VII of this Decision Document below.

II. CONDITIONS:

- That additional street trees shall be planted in the planter strips adjacent to the following lots, subject to applicable spacing standards:
 - Lot 18: East of the driveway, between the sanitary sewer lateral and eastern property line;
 - Lot 20: Between the driveway and sanitary sewer lateral;
 - Lot 43: Between driveway and western property line.
- That the following street trees shall be relocated as necessary to maintain applicable spacing standards:
 - Lot 4: Relocate southernmost street tree to maintain 10 foot clearances from water service and sanitary sewer lateral;
 - Lot 10: Relocate street tree to maintain 10 foot clearance from water service;
 - Lot 14: Relocate southernmost street tree to maintain 10 foot clearance from water service;

Attachments:

Attachment 1 – Application and Attachments

- d. Lot 22: Relocate street tree on NW Elizabeth Street to maintain 10 foot clearance from fire hydrant;
 - e. Lot 25: Relocate southernmost street tree to maintain 10 foot clearance from MW&L vault;
 - f. Lot 33: Relocate street tree to maintain 10 foot clearance from water service;
 - g. Lot 44: Relocate easternmost tree to maintain 10 foot clearance from MW&L vault.
3. That street trees planted adjacent to Tract A shall be the maintenance responsibility of the Home Owner's Association (HOA) as the adjoining property owner.
4. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during planting process.
5. That all trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. 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 each street tree shall be provided with root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of each tree and the curb side of each tree. The root barrier protection shall be placed in 10-foot lengths, centered on each tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth (see enclosed detail).
7. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, David Renshaw, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
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 street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets.
10. That the street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

III. ATTACHMENTS:

1. L 21-19 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

Attachments:

Attachment 1 – Application and Attachments

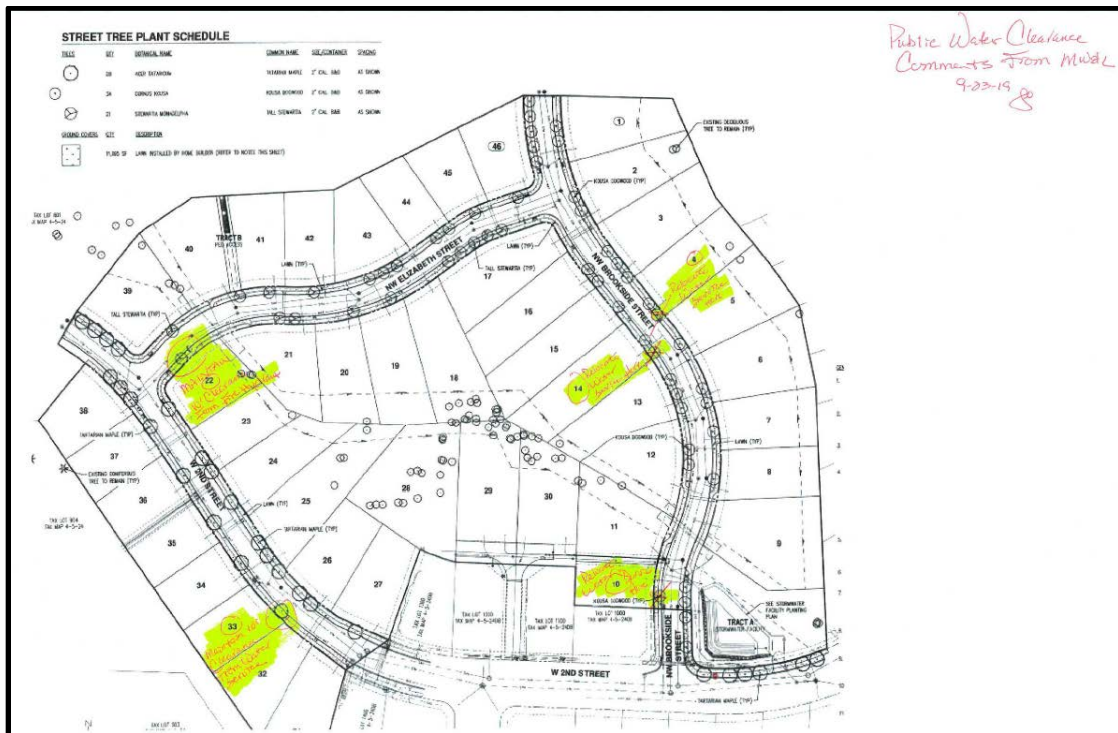
This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. The following comments have been received:

- McMinnville Public Works Department

1. The trees shown adjacent to Tract A shall be the maintenance responsibility of the HOA as the adjoining property owner.
2. On both the acer tartaricum and the cornus kousa I would be concerned about the relatively low branching pattern and the clearance requirements for both the adjacent roadway and the sidewalk. That could make pedestrian and equipment (garbage trucks, street sweepers, etc.) clearances difficult.
3. The placement of trees along the north side of 2nd Street west of Brookside should allow for adequate vision clearance for vehicles stopped on Brookside and looking for traffic coming from the east.

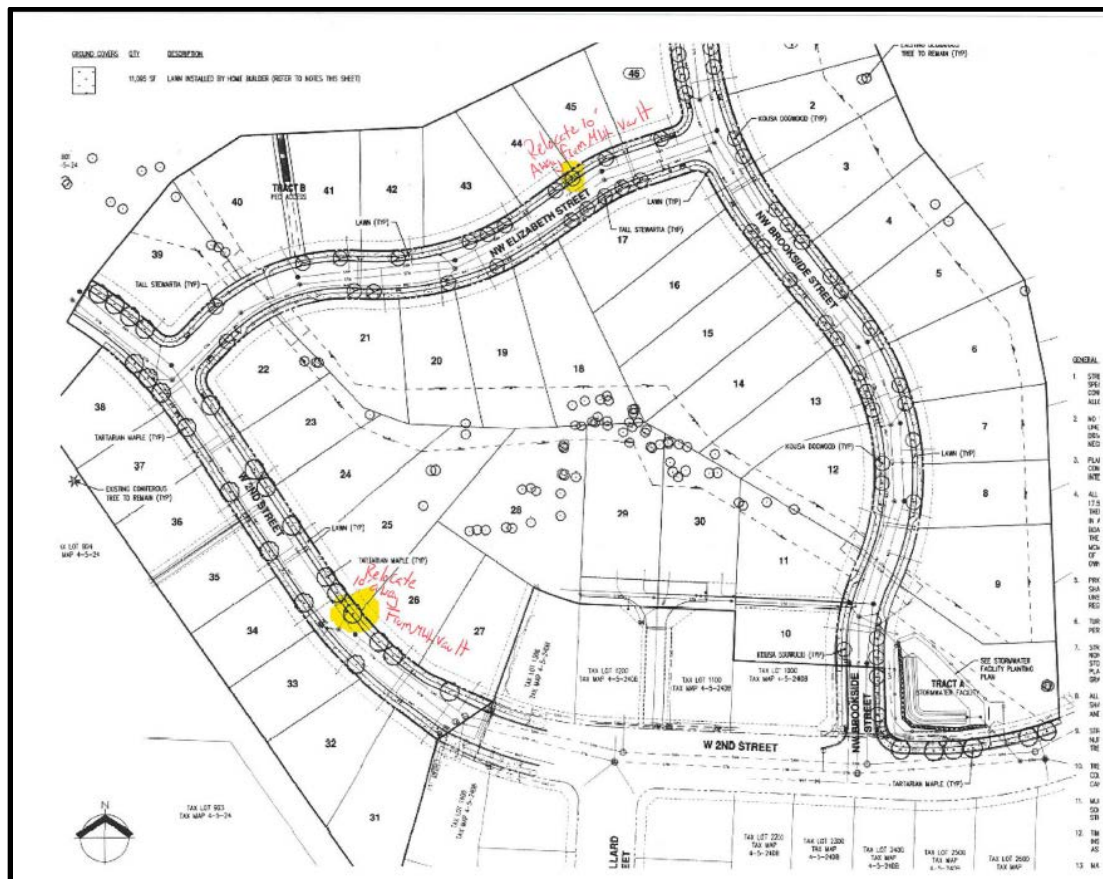
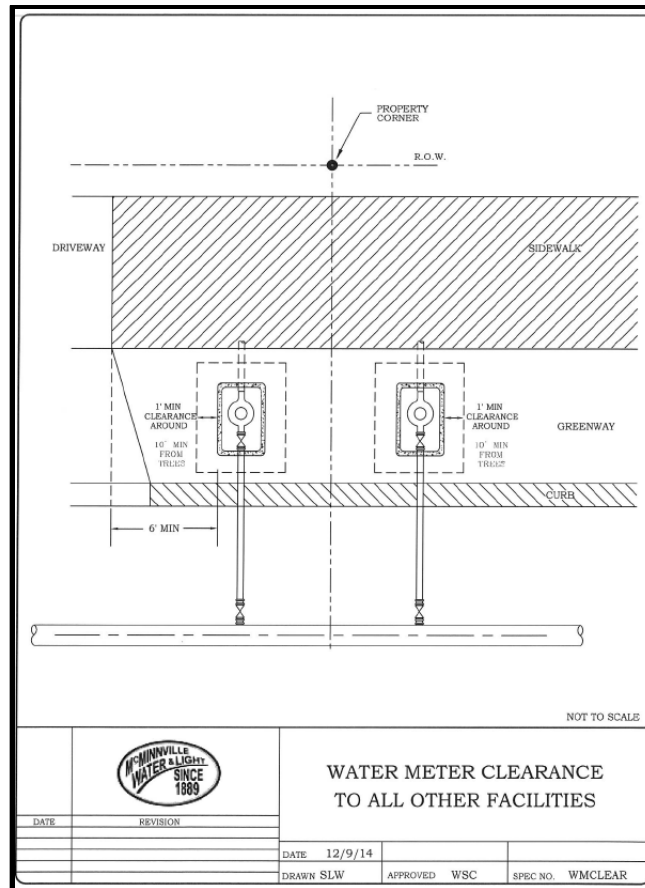
- McMinnville Water & Light

Please see the (3) attachments for comments from MW&L regarding this street tree plan.



Attachments:

Attachment 1 – Application and Attachments



Attachments:
Attachment 1 – Application and Attachments

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. The applicant, Paul Sellke, PE, GE, of AKS Engineering & Forestry, on behalf of West Hills Property LLC, property owner, submitted a Landscape Plan Review application on August 28, 2019 for the Street Tree Plan for Brookshire Estates Phase I.
2. The application was deemed complete on September 20, 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 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.
5. A public meeting was held by the Landscape Review Committee on October 16, 2019 to review the application and proposed landscape plan.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** Northwest of W. 2nd Street & Brookside Street intersection (a portion of Tax Lot 801, Section 24, T. 4. S., R. 5 W., W.M.)
2. **Size:** Approximately 11.97 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 (Single-Family Residential)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:** The site was moderately sloped, but grading activity to prepare the site for public improvements and buildable lots has provided evenly sloping grades in the public rights-of-way and level building lots. A vegetated drainage way with many mature trees bisects the subdivision site from the northwest to southeast.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.

Attachments:

Attachment 1 – Application and Attachments

- c. **Sewer:** Sanitary sewer service is available to the subject site.
- d. **Stormwater:** Storm sewer service is available to the subject site.
- e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

10. **Transportation:** W. 2nd Street is identified as a Minor Arterial street in the McMinnville Transportation System Plan, but transitions to a Local Residential street adjacent to the subdivision. East of NW Brookside Street, W. 2nd Street has a 60 foot right-of-way that includes a 5 foot wide curb-tight planter strip and a 5 foot wide sidewalk the north side of the street adjacent to the subdivision. Further west, internal to the subdivision, W. 2nd Street has a 50 foot right-of-way including a 28 foot curb-to-curb street width, and a 5 foot wide curb-tight planter strip and a 5 foot wide sidewalk on each side. New streets within the subdivision, NW Elizabeth Street and NW Brookside Street are Local Residential streets with a 50 foot right-of-way including a 28 foot curb-to-curb street width, and a 5 foot wide curb-tight planter strip and a 5 foot wide sidewalk on each side.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Landscape Plan Review are specified in Section 17.57.070 of the Zoning Ordinance.

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

Comprehensive Plan Volume II:

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

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

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

GOAL IV 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

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

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

APPLICANT'S RESPONSE: None.

Attachments:

Attachment 1 – Application and Attachments

FINDING: SATISFIED. Street trees will be installed along the public right-of-way along all new streets within the new subdivision, and also along the existing rights-of-way of W. 2nd Street and NW Brookside Street adjacent to the new subdivision. The trees will be located within curb-side planting strips, and will be of a species from the approved McMinnville Street Tree List. Conditions of approval have been included to ensure that the planting of the street trees meets all necessary street tree standards.

Policy 132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Street trees will be installed along the public right-of-way along all new streets within the new subdivision, and also along the existing rights-of-way of W. 2nd Street and NW Brookside Street adjacent to the new subdivision. The trees will be located within curb-side planting strips, and will be of a species from the approved McMinnville Street Tree List. Conditions of approval have been included to ensure that the planting of the street trees meets all necessary street tree standards.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Street trees will be installed along the public right-of-way along all new streets within the new subdivision, and also along the existing rights-of-way of W. 2nd Street and NW Brookside Street adjacent to the new subdivision. The trees will be located within curb-side planting strips, and will be of a species from the approved McMinnville Street Tree List. Conditions of approval have been included to ensure that the planting of the street trees meets all necessary street tree standards.

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

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Street trees will be installed along the public right-of-way along all new streets within the new subdivision, and also along the existing rights-of-way of W. 2nd Street and NW Brookside Street adjacent to the new subdivision. The trees will be located within curb-side planting strips, and will be of a species from the approved McMinnville Street Tree List. Conditions

of approval have been included to ensure that the planting of the street trees meets all necessary street tree standards. The trees will promote a residential atmosphere and provide a barrier between the roadway and non-motorized uses.

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:

Chapter 17.03. General Provisions

17.03.020 Purpose. *The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

Chapter 17.57. Landscaping

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

A. Provide guidelines and standards that will:

- 1. Reduce soil erosion and the volume and rate of discharge of storm water runoff.*
- 2. Aid in energy conservation by shading structures from energy losses caused by weather and wind.*
- 3. Mitigate the loss of natural resources.*

Attachments:

Attachment 1 – Application and Attachments

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

It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in MMC 17.57.070 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in MMC 17.03.020.

APPLICANT'S RESPONSE: None.

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

17.57.070 Area Determination – Planning Factors.

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

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #1, #2. The street tree plan is compatible with the proposed residential subdivision and the abutting and surrounding properties and uses. The proposed trees are selections from the McMinnville Street Tree List, and are proposed in a

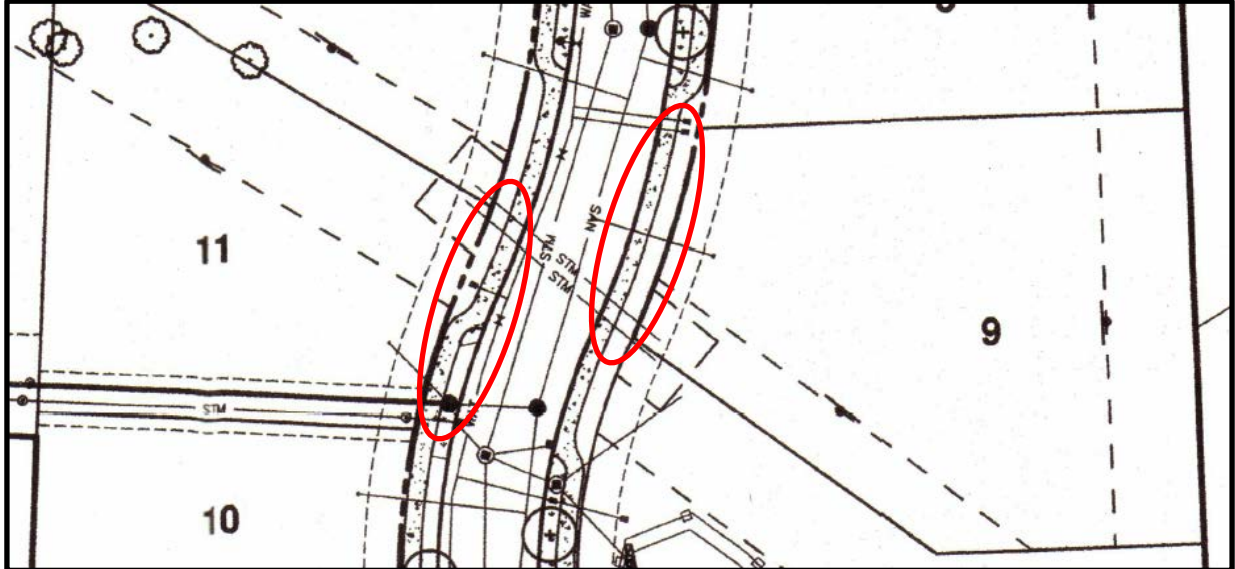
Attachments:

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dedicated planting strip at standard spacings from utilities and each other. The street tree plan will help promote a residential atmosphere within the subdivision.

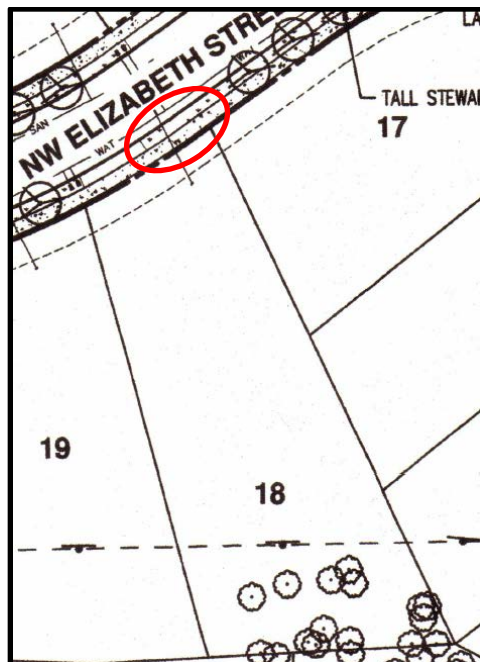
Most of the 46 residential lots have at least one (1) proposed street tree in the adjacent right-of-way. An examination of the individual lots below reveals some lots constrained by factors that make street trees unpractical and some lots where there is opportunities for additional trees.

Lots 9 and 11:



In front of lots 9 and 11, the sidewalk changes to a curb-tight sidewalk to accommodate the passage of the drainage channel under the roadway. As a result, there is no curb-side planter strip in front of Lot 9 where a street tree could be planted, and the area in front of Lot 11 where the sidewalk is not curb-tight is dedicated to driveway access to the lot. Therefore, no street trees are required adjacent to Lots 9 and 11.

Lot 18:



Attachments:

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There is approximately 16 feet from the sanitary sewer lateral serving Lot 18 and the eastern property line of the lot. After applying the 10 foot spacing standard to sewer lines, there is approximately six (6) feet in which a street tree can be planted. Therefore, a condition of approval is included to require a street tree in this location.

Lot 20:

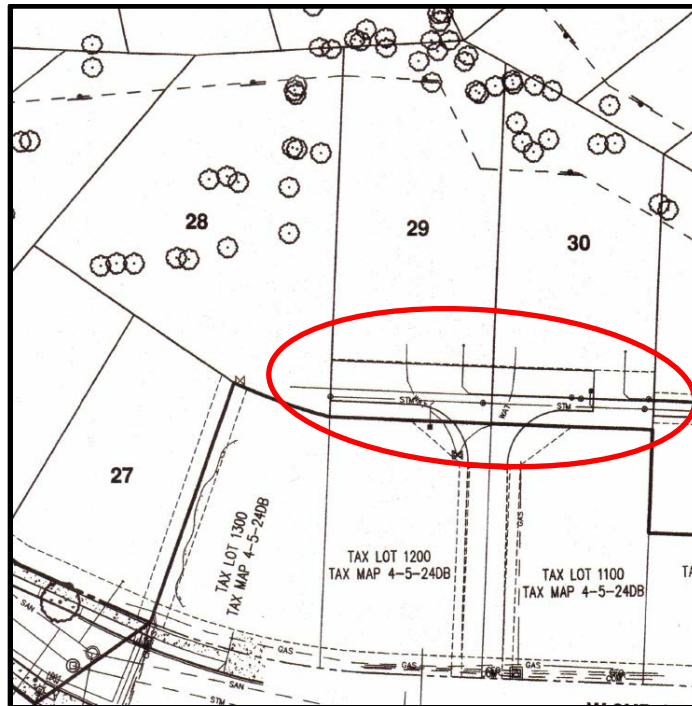


There is approximately 16 feet from the sanitary sewer lateral serving Lot 20 and the eastern edge of the driveway. After applying the 10 foot spacing standard to sewer lines and the (five) 5 foot spacing standard from private driveways, there is room for one (1) additional street tree to be planted. Therefore, a condition of approval is included to require a street tree in this location.

Attachments:

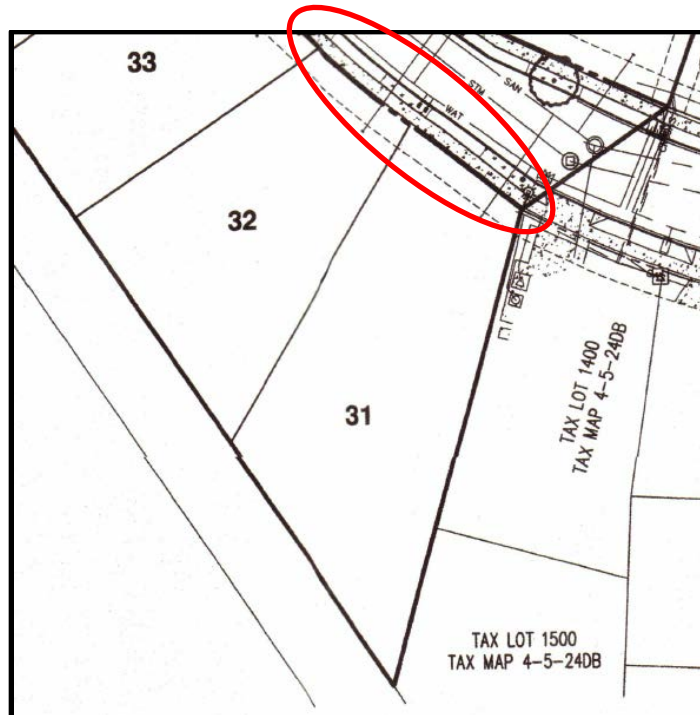
Attachment 1 – Application and Attachments

Lots 28, 29, and 30:



Lots 28, 29, and 30 are accessed via an access easement and do not have any right-of-way frontage. Therefore, street trees are not required adjacent to these lots.

Lots 31 and 32:

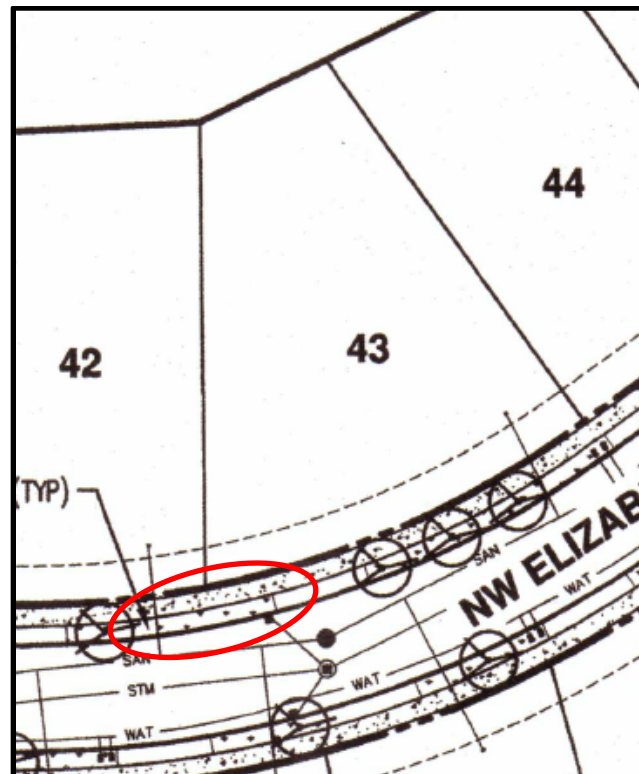


There is insufficient space in the planter strip adjacent to Lot 31 between the sanitary sewer lateral serving the property and the driveway to accommodate a street tree. Likewise, there is insufficient space in the planter strip adjacent to Lot 32 between the sanitary sewer lateral serving the property, the driveway, and the water meters to accommodate a street tree. Therefore, street trees are not required adjacent to these lots.

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Lot 43:



There is approximately 19 feet from the western edge of the driveway serving Lot 43 and the western property line of the lot. After applying the five (5) foot spacing standard from private driveways, there is room for one (1) additional street tree to be planted adjacent to Lot 43. Therefore, a condition of approval is included to require a street tree in this location.

Comments from McMinnville Water and Light identified other locations throughout the subdivision where there may be a potential conflict between a street tree and utilities. A condition of approval has been included to ensure that trees in these locations are relocated as necessary to maintain required clearances from utilities.

CONDITIONS FOR FINDING: That additional street trees shall be planted in the following locations, subject to applicable spacing standards:

- a. Lot 18: East of the driveway, between the sanitary sewer lateral and eastern property line;
- b. Lot 20: Between the driveway and sanitary sewer lateral;
- c. Lot 43: Between driveway and western property line.

That the following street trees shall be relocated as necessary to maintain applicable spacing standards:

- a. Lot 4: Relocate southernmost street tree to maintain 10 foot clearances from water service and sanitary sewer lateral;
- b. Lot 10: Relocate street tree to maintain 10 foot clearance from water service;
- c. Lot 14: Relocate southernmost street tree to maintain 10 foot clearance from water service;
- d. Lot 22: Relocate street tree on NW Elizabeth Street to maintain 10 foot clearance from fire hydrant;
- e. Lot 25: Relocate southernmost street tree to maintain 10 foot clearance from MW&L vault;
- f. Lot 33: Relocate street tree to maintain 10 foot clearance from water service;

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g. Lot 44: Relocate easternmost tree to maintain 10 foot clearance from MW&L vault.

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: None.

FINDING: SATISFIED. There are no conflicting land-uses abutting the public right-of-way where street trees are proposed, or surrounding the subdivision. Therefore, this review factor is not applicable.

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: None.

FINDING: SATISFIED. Existing trees have been retained and preserved throughout the subdivision where possible, including many trees within a large natural area and drainage way that bisects the subdivision. However, due to the grading requirements of the streets and lots within the subdivision, it was not practical to preserve any existing trees within the proposed rights-of-way.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Parking areas are not included in the Brookshire Estates Phase I subdivision, therefore this planning factor is not applicable.

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: None.

FINDING: SATISFIED. The applicant is proposing to install three (3) different street tree species within the Brookshire Estates Phase I subdivision. The specified species are *Acer tartaricum* (Tartarian Maple), *Cornus kousa* (Kousa Dogwood), and *Stewartia monadelphica* (Tall Stewartia). *Cornus kousa* (Kousa Dogwood) and *Stewartia monadelphica* (Tall Stewartia) are found on the McMinnville Street Tree List, *Cornus kousa* is a Recommended Small Tree Species and *Stewartia monadelphica* is a Recommended Medium Tree Species. While *Acer tartaricum* is not specifically listed on the Street Tree List, a subspecies of *Acer tartaricum*, *Acer tartaricum* ssp. *ginnala* 'Flame' (Flame Amur Maple), is a Recommended Small Tree Species. *Acer tartaricum* differs from *Acer tartaricum* ssp. *ginnala* 'Flame' primarily in its form; *Acer tartaricum* is a more upright tree form than the Flame Amur Maple, and is therefore consistent with the desired characteristics of a street tree described in the Street Tree List.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. General Note #14 on the Street Tree Plan states:

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14. Irrigation: Developer shall install irrigation for street tree beds at time of street tree installation. The irrigation system shall be 'design-build' plan with head, valve, and pipe layout, district-approved double check valve, and battery operated zone controls.

An irrigation system will be provided in all street tree planting areas, therefore this planning factor is satisfied.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #3, #10. 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. To ensure the continued maintenance of street trees adjacent to the stormwater detention facility (Tract A), a condition of approval has been included identifying the subdivision's Home Owner's Association (HOA) as the owner of Tract A and therefore responsible for the continued maintenance of the adjacent street trees.

CONDITIONS FOR FINDING: That the street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

That street trees planted adjacent to Tract A shall be the maintenance responsibility of the Home Owner's Association (HOA) as the adjoining property owner.

Chapter 17.58. Trees

17.58.010 Purpose. *The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The street tree plan as proposed will establish tree cover on new public rights-of-way to be dedicated to the City as the subdivision is developed, provide for tree-lined streets within the new residential neighborhood, and will enhance the appearance of the City. Conditions of approval have been included to ensure that the planting of the street trees meets all necessary street tree standards, which will result in the appropriate planting and maintenance of the street trees.

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

APPLICANT'S RESPONSE: None.

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

17.58.090 Street Tree Standards.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The applicant is proposing to install three (3) different street tree species within the Brookshire Estates Phase I subdivision. The specified species are *Acer tartaricum* (Tartarian Maple), *Cornus kousa* (Kousa Dogwood), and *Stewartia monadelphica* (Tall Stewartia). *Cornus kousa* (Kousa Dogwood) and *Stewartia monadelphica* (Tall Stewartia) are found on the McMinnville Street Tree List, *Cornus kousa* is a Recommended Small Tree Species and *Stewartia monadelphica* is a Recommended Medium Tree Species. While *Acer tartaricum* is not specifically listed on the Street Tree List, a subspecies of *Acer tartaricum*, *Acer tartaricum* ssp. *ginnala* 'Flame' (Flame Amur Maple), is a Recommended Small Tree Species. *Acer tartaricum* differs from *Acer tartaricum* ssp. *ginnala* 'Flame' primarily in its form; *Acer tartaricum* is a more upright tree form than the Flame Amur Maple, and is therefore consistent with the desired characteristics of a street tree.

A revised street tree list updating the McMinnville Street Tree List approved by Resolution 2016-22 was developed by the Landscape Review Committee and approved by Resolution 2019-26.

17.58.090(B). *Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #5. General Note #4 on the Street Tree Plan states:

4. All plants and plantings shall conform to applicable City of McMinnville's landscape design standards (Ords 17.57 and 17.58) and to American Nursery Standards ASM 1260.1. Plant Materials shall be healthy, evenly branched and typical for their species, conforming to size and quality grade requirements for the ASN for Nursery Stock, current edition. [...]

A condition of approval has been included to ensure that street trees shall be a minimum two (2) inches in caliper measured at six (6) inches above ground level and meet other City standards for quality of the street trees at the time of planting.

CONDITION FOR FINDING: That all trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. 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.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The applicant is proposing to install three (3) different street tree species within the Brookshire Estates Phase I subdivision. The specified species are *Acer tartaricum* (Tartarian Maple), *Cornus kousa* (Kousa Dogwood), and *Stewartia monadelphica* (Tall Stewartia). *Cornus kousa* (Kousa Dogwood) and *Stewartia monadelphica* (Tall Stewartia) are found on the McMinnville Street Tree List, *Cornus kousa* is a Recommended Small Tree Species and *Stewartia monadelphica* is a Recommended Medium Tree Species. While *Acer tartaricum* is not specifically listed on the Street Tree List, a subspecies of *Acer tartaricum*, *Acer tartaricum* ssp. *ginnala* 'Flame' (Flame Amur Maple), is a Recommended Small Tree Species. *Acer tartaricum* differs from *Acer tartaricum* ssp. *ginnala* 'Flame' primarily in its form; *Acer tartaricum* is a more upright tree form than the Flame Amur Maple, and is therefore consistent with a small street tree.

The trees, when planted in groups, are evenly spaced at 20 feet apart, which meets the maximum spacing for small trees and is below the maximum spacing for medium trees. Variations to the overall tree spacing within the subdivision are due to specific site limitations, specifically applying spacing standards from utilities and private driveways.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The subdivision includes local residential streets. The applicant has provided a five (5) foot wide planting strip along all streets within the subdivisions, which is greater than the three (3) foot minimum requirement. The species of street trees being proposed are considered "small" and "medium" sized trees in the McMinnville Street Tree List. Small trees require a minimum four (4) foot wide planter strip, and medium sized trees require a minimum five (5) foot wide planter strip based on the requirements of the McMinnville Street Tree List, and this is being satisfied with the proposed planter strip.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #2, #8. General Note #2 on the Street Tree Plan states:

2. No street tree shall be planted within (10) feet of any fire hydrant, utility pole, sanitary sewer, storm sewer or water lines; or within (20) feet of any street light standards or street

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intersections; or within (5) feet of any private driveway or alley, or as required by the current edition of the City's design standards. Adjust planting on site as necessary to avoid conflicts with utilities, meters, lights, driveway locations, etc.

The proposed street tree plan provides locations of proposed utilities, street light standards, private driveways, and other improvements in the public right-of-way. Street trees are generally proposed in locations outside of the setbacks established by the spacing standards, however McMinnville Water & Light has identified possible locations of street tree/utility conflicts due to inadequate spacing from facilities. Conditions of approval has been included to ensure the setbacks from utilities and other right-of-way improvements be maintained.

CONDITIONS FOR FINDING: That the following street trees shall be relocated as necessary to maintain applicable spacing standards:

- a. Lot 4: Relocate southernmost street tree to maintain 10 foot clearances from water service and sanitary sewer lateral;
- b. Lot 10: Relocate street tree to maintain 10 foot clearance from water service;
- c. Lot 14: Relocate southernmost street tree to maintain 10 foot clearance from water service;
- d. Lot 22: Relocate street tree on NW Elizabeth Street to maintain 10 foot clearance from fire hydrant;
- e. Lot 25: Relocate southernmost street tree to maintain 10 foot clearance from MW&L vault;
- f. Lot 33: Relocate street tree to maintain 10 foot clearance from water service;
- g. Lot 44: Relocate easternmost tree to maintain 10 foot clearance from MW&L vault.

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.

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

17.58.120 Street Tree Maintenance.

- A. *Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.*
- B. *Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.*
- C. *Maintenance of street trees, other than those located in the Downtown Tree Zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the Downtown Tree Zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees.*
- D. *Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City. Major pruning, as defined in Section 17.58.020, of a street tree must be approved by the City in accordance with Section 17.58.040.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #3, #9, #10. General Note #13 on the Street Tree Plan states:

13. Maintenance and Establishment: Street trees shall be continually maintained in accordance with applicable City standards, including necessary watering, weeding, pruning, and replacement, by the developer or adjacent property owner after lot build-out, for one full year following planting unless otherwise approved by the City (Ord 4654B). After one year, planter strips shall be maintained and irrigated by the individual homeowners.

A condition of approval has been included to ensure that the street trees are continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner. To ensure the continued maintenance of street trees adjacent to the stormwater detention facility (Tract A), a condition of approval has been included identifying the subdivision's Home Owner's Association (HOA) as the owner of Tract A and therefore responsible for the continued maintenance of the adjacent street trees.

CONDITION FOR FINDING: That street trees planted adjacent to Tract A shall be the maintenance responsibility of the Home Owner's Association (HOA) as the adjoining property owner.

That the street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets.

That the street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

JF



Planning Department

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

569-19-000546-Plng

Office Use Only:	
File No.	<u>L21-19</u>
Date Received	<u>9-5-19</u>
Fee	<u>801.35</u>
Receipt No.	
Received by	<u>SPD</u>

Landscape Plan Review Application

Applicant Information

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

Applicant Name AKS Engineering & Forestry Phone 503-563-6151

Contact Name Paul Sellke, PE, GE Phone _____
(If different than above)

Address 12965 SW Herman Rd., Suite 100

City, State, Zip Tualatin, OR 97062

Contact Email PaulS@aks-eng.com

Property Owner Information

Property Owner Name West Hills Properties, LLC Phone 503-434-0425
(If different than above)

Contact Name Howard Aster Phone _____

Address PO Box 731

City, State, Zip McMinnville, OR 97128

Contact Email howardaster@hotmail.com

Site Location and Description

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

Property Address Northwest of W. 2nd Street & Brookside Street intersection

Assessor Map No. R4 - 524 - 00801 Total Site Area 11.97 acres

Subdivision Brookshire Estates Block _____ Lot TL 801

Comprehensive Plan Designation _____ Zoning Designation R-2

Landscaping Information

1. Total Landscaped Area: N/A - Street trees within planter strip along proposed street frontages
2. Percent Landscaped: N/A
3. Building Floor Area:
New Structure: N/A Existing Structure: N/A Addition: N/A
4. Architect Name AKS Engineering & Forestry, LLC Phone
(Landscape Architect, Engineer, or Other Designer)
Contact Name Kirsti Hauswald Phone 360-882-0419
Address 9600 NE 126th Ave, Suite 2520
City, State, Zip Vancouver, WA 98682
Contact Email KirstiF@aks-eng.com

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

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

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


Applicant's Signature




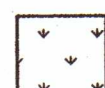
7/17/2019

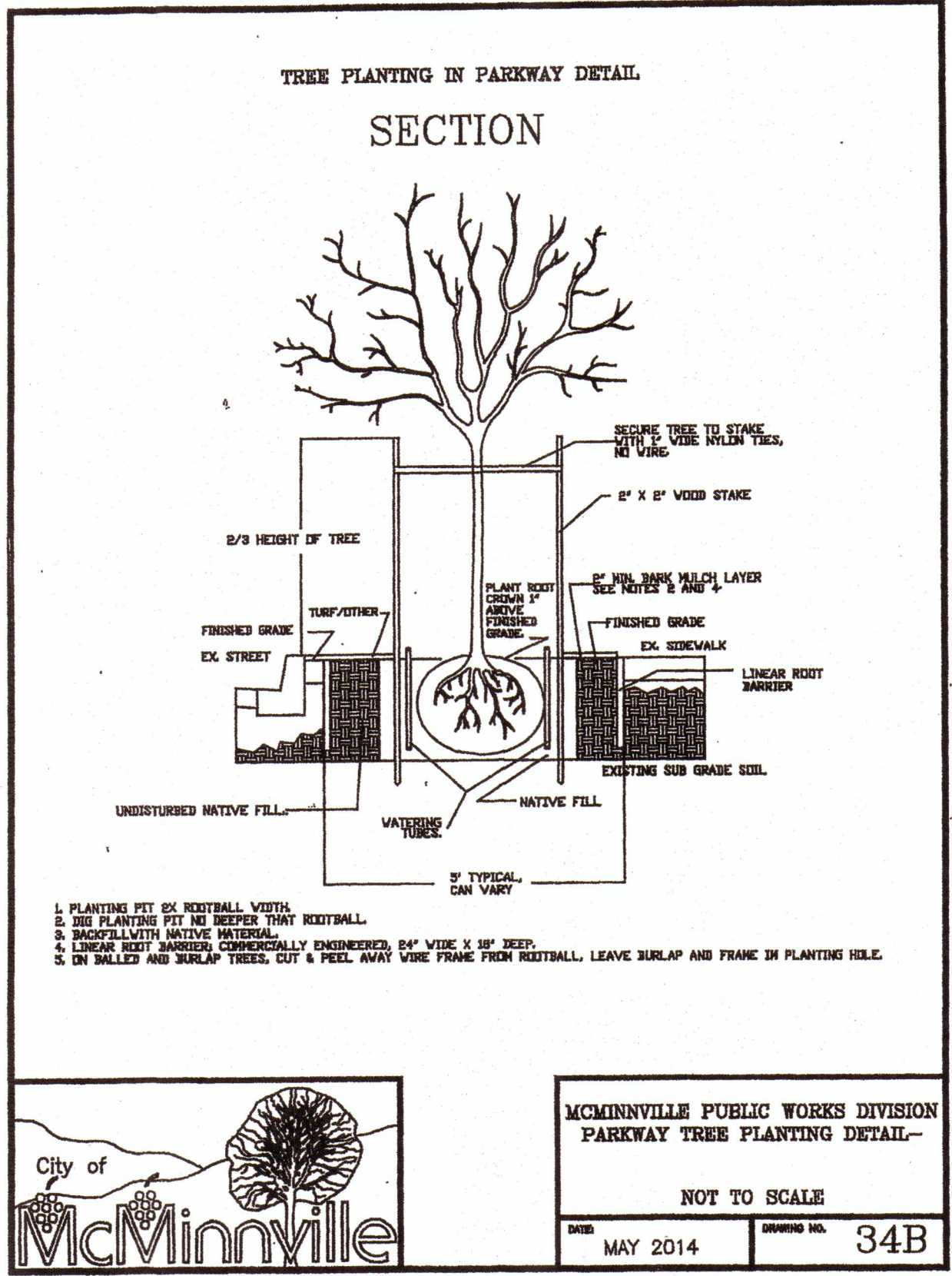
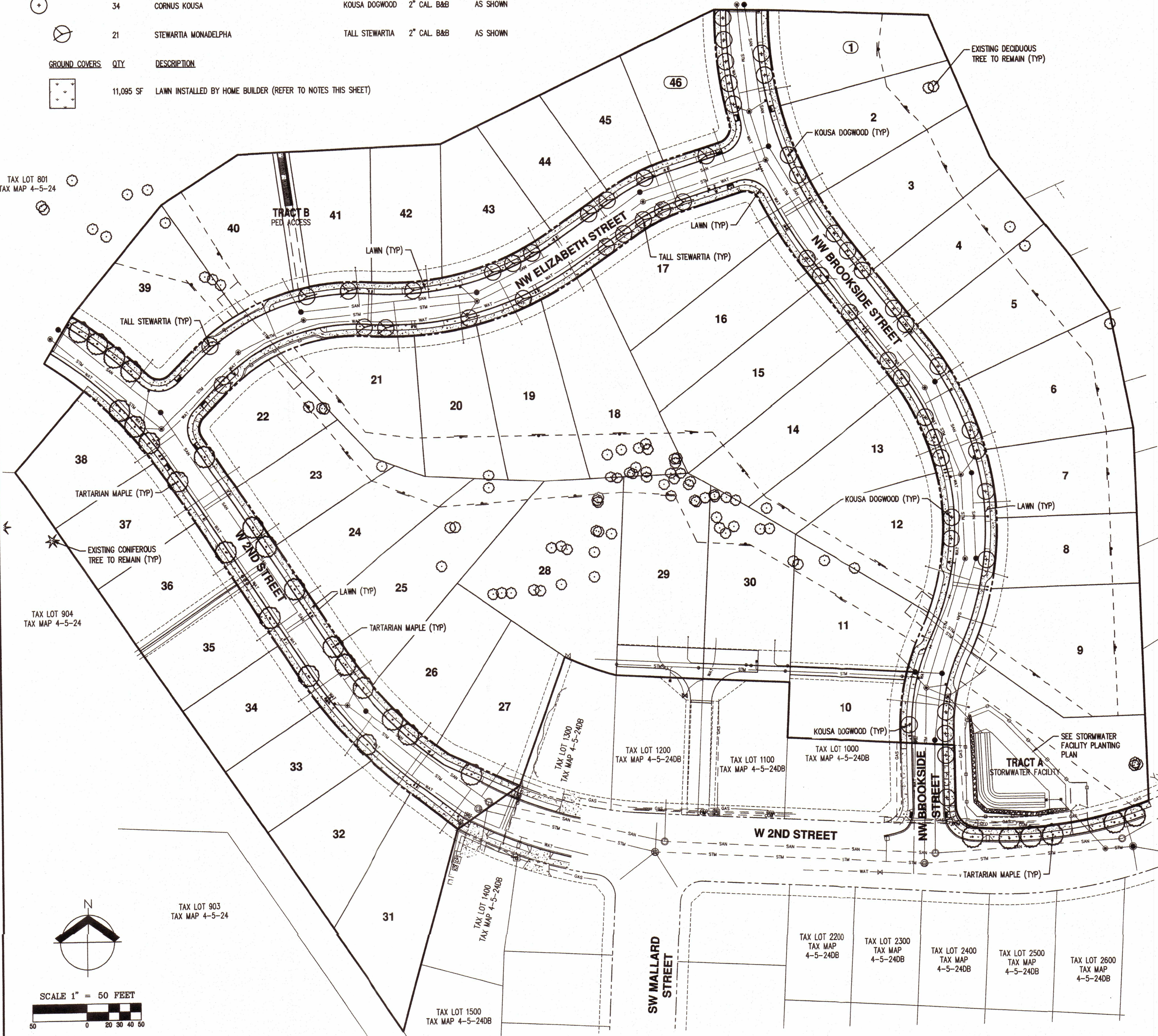
Date


Property Owner's Signature

8-20-19
Date

STREET TREE PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONTAINER	SPACING
	28	ACER TATARICUM	TATARIAN MAPLE	2" CAL. B&B	AS SHOWN
	34	CORNUS KOUSA	KOUSA DOGWOOD	2" CAL. B&B	AS SHOWN
	21	STEWARTIA MONADELPHA	TALL STEWARTIA	2" CAL. B&B	AS SHOWN
GROUND COVERS	QTY	DESCRIPTION			
	11,095 SF	LAWN INSTALLED BY HOME BUILDER (REFER TO NOTES THIS SHEET)			



- GENERAL NOTES:
- STREET TREES AND OTHER PLANTINGS ARE INTENDED TO SHOW DESIGN INTENT AND PORTRAY THE CHARACTER OF THE SITE. PLANT SPECIES, SIZES, SPACING, QUANTITIES, CONDITION, ETC. MAY BE CHANGED BY THE LANDSCAPE ARCHITECT DUE TO UNFORESEEN SITE CONDITIONS, UTILITY INSTALLATION, FINAL DRIVEWAY LOCATION, PLANT AVAILABILITY AND COST, ETC. PRIOR TO FINAL INSTALLATION, WHERE ALLOWABLE UNDER THE CITY OF MCMINNVILLE'S DESIGN STANDARDS.
 - NO STREET TREE SHALL BE PLANTED WITHIN (10) FEET OF ANY FIRE HYDRANT, UTILITY POLE, SANITARY SEWER, STORM SEWER OR WATER LINES; OR WITHIN (20) FEET OF ANY STREET LIGHT STANDARDS OR STREET INTERSECTIONS; OR WITHIN (5) FEET OF ANY PRIVATE DRIVEWAY OR ALLEY, OR AS REQUIRED BY THE CURRENT EDITION OF THE CITY'S DESIGN STANDARDS. ADJUST PLANTING ON SITE AS NECESSARY TO AVOID CONFLICTS WITH UTILITIES, METERS, LIGHTS, DRIVEWAY LOCATIONS, ETC.
 - PLANT LEGENDS ARE SHOWN TO CLARIFY DESIGN LAYOUT. CONTRACTOR IS RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH SITE CONDITIONS AND VERIFYING PLANT QUANTITIES AND MATERIALS PRIOR TO BIDDING AND CONSTRUCTION. IF DISCREPANCIES OCCUR, DESIGN INTENT PREVAILS OVER QUANTITIES LISTED.
 - ALL PLANTS AND PLANTINGS SHALL CONFORM TO APPLICABLE CITY OF MCMINNVILLE'S LANDSCAPE DESIGN STANDARDS (ORDS 17.57 AND 17.58) AND TO AMERICAN NURSERY STANDARDS ASN 1260.1. PLANT MATERIALS SHALL BE HEALTHY, EVENLY BRANCHED AND TYPICAL FOR THEIR SPECIES, CONFORMING TO SIZE AND QUALITY GRADE REQUIREMENTS FOR THE ASN FOR NURSERY STOCK, CURRENT EDITION. PLANT IN ACCORDANCE WITH BEST PRACTICE INDUSTRY STANDARDS SUCH AS THOSE ADOPTED BY THE OREGON LANDSCAPE CONTRACTOR'S BOARD (OLCB). LANDSCAPING AND IRRIGATION WORK SHALL BE PERFORMED BY A LANDSCAPE CONTRACTOR LICENSED AND BONDED IN THE STATE OF OREGON. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH CURRENT CITY OF MCMINNVILLE MUNICIPAL CODE REQUIREMENTS (SPECIFICALLY CODE SECTION 17.57.050(B)(6) LANDSCAPING STANDARDS), AND ALL ASPECTS OF SITE WORK NECESSARY FOR THE FULL COMPLETION OF THE PROJECT. COORDINATE LANDSCAPE WORK WITH GENERAL CONTRACTOR AND OWNER.
 - PRIOR TO PLANT INSTALLATION, ALL PLANTING BEDS AND LAWN AREAS SHALL BE BROUGHT TO GRADE SHOWN IN GRADING PLANS. GRADE SHALL BE SMOOTH AND FREE FROM DEBRIS. CONTRACTOR SHALL REMOVE AND PROPERLY DISPOSE OF OFF-SITE ALL ORGANIC AND/OR UNSUITABLE MATERIALS INCLUDING TREES, STUMPS, ROOTS, BRUSH AND GRASS IN SUCH A MANNER TO MEET ALL APPLICABLE REGULATIONS.
 - TURF AREAS SHALL BE PLANTED IN SPECIES NORMALLY FOUND AS PERMANENT LAWNS IN WESTERN OREGON, SUCH AS IMPROVED PERENNIAL RYES AND FESCUES, AND BE EITHER SEEDED OR SOODED AT OWNER'S DISCRETION, DEPENDENT ON WEATHER CONDITIONS.
 - STREET SIDE PLANTERS SHALL HAVE A MINIMUM 24" DEPTH TOPSOIL FOR PLANT HEALTH PLUS AN ADDITIONAL 12" OF AVAILABLE NON-COMPACTED SUBSOIL. TOPSOIL SHALL BE DARK BROWN IN COLOR, HAVE A MINIMUM ORGANIC CONTENT OF 10% EXISTING ON-SITE STOCKPILED TOPSOIL MAY BE USED IF IT MEETS THE ABOVE REQUIREMENTS. CONTRACTOR SHALL THOROUGHLY WATER SETTLE ALL PLANTER STRIPS PRIOR TO PLANTING SO THAT THEY ARE FREE OF HIGH OR LOW SPOTS THAT MAY COLLECT WATER AND MEET A FINISH GRADE SHOWN ON GRADING PLANS.
 - ALL PLANTER STRIPS TO HAVE LAWN OR OTHER VEGETATIVE GROUND COVER. STREET TREES AND LAWNS ADJACENT TO INDIVIDUAL LOTS SHALL BE PLANTED AND MAINTAINED BY INDIVIDUAL HOME OWNERS/HOME BUILDERS AT TIME OF HOME CONSTRUCTION. STREET TREES AND LAWN FRONTING TRACT A SHALL BE PLANTED AND MAINTAINED BY THE DEVELOPER/HOA.
 - STREET TREES TO BE PLANTED SHALL MEET THE REQUIREMENTS OF THE AMERICAN ASSOCIATION OF NURSEYMEN (AAN) STANDARDS FOR NURSERY STOCK (ANSI Z60.1) FOR GRADE NO. 1 OR BETTER. DOUBLE STAKE ALL TREES UNLESS OTHERWISE SPECIFIED. CENTER STREET TREES IN PLANTER STRIPS.
 - TREES SHALL BE PRUNED TO PROVIDE A MINIMUM CLEARANCE OF 8' ABOVE SIDEWALKS, 13' ABOVE LOCAL STREETS, 15' ABOVE COLLECTOR STREETS AND 18' ABOVE ARTERIAL STREETS. TREE PRUNING SHALL NOT DAMAGE THE STRUCTURAL INTEGRITY OF THE TREE'S CANOPY AND BE PRUNED AND MAINTAINED TO NATURAL ARBORIST ASSOCIATION (NAA) STANDARDS FOR SHADE TREES.
 - MULCH: APPLY MULCH AROUND STREET TREES A MINIMUM OF 3' LONG BY THE WIDTH OF PLANTER STRIP TO PROTECT TREES AND RETAIN SOIL MOISTURE. MULCH SHALL BE 3" DEEP AND CONSIST OF WELL-AGED DARK HEMLOCK, MEDIUM GRIND, UNDER AND AROUND ALL STREET TREES IN PARKING STRIPS.
 - TIMING OF STREET TREE PLANTING: PER CITY OF MCMINNVILLE ORDINANCE 3380, 17.58.090, ALL REQUIRED STREET TREES SHALL BE INSTALLED PRIOR TO SUBMITTAL OF THE FINAL SUBDIVISION PLAT. ALTERNATIVELY, A SURETY BOND OR OTHER APPROVED SECURITY TO ASSURE PLANTING OF THE REQUIRED STREET TREES MAY BE FILED.
 - MAINTENANCE AND ESTABLISHMENT: STREET TREES SHALL BE CONTINUALLY MAINTAINED IN ACCORDANCE WITH APPLICABLE CITY STANDARDS, INCLUDING NECESSARY WATERING, PRUNING, AND REPLACEMENT, BY THE DEVELOPER OR ADJACENT PROPERTY OWNER AFTER LOT BUILD-OUT, FOR ONE FULL YEAR FOLLOWING PLANTING UNLESS OTHERWISE APPROVED BY THE CITY (ORD 4654B). AFTER ONE YEAR, PLANTER STRIPS SHALL BE MAINTAINED AND IRRIGATED BY THE INDIVIDUAL HOMEOWNERS.
 - IRRIGATION: DEVELOPER SHALL INSTALL IRRIGATION FOR STREET TREE BEDS AT TIME OF STREET TREE INSTALLATION. THE IRRIGATION SYSTEM SHALL BE 'DESIGN-BUILD' PLAN WITH HEAD, VALVE, AND PIPE LAYOUT, DISTRICT-APPROVED DOUBLE CHECK VALVE, AND BATTERY OPERATED ZONE CONTROLS.

AKS

AKS ENGINEERING & FORESTRY, LLC
1000 NW HERMAN RD STE 100
TULAMEN, OR 97162
P: 503.563.6151
F: 503.563.6152
aks-eng.com

BROOKSHIRE ESTATES
SUBDIVISION - PHASE 1

OREGON
YAMHILL COUNTY TAX MAP 4-5-24

DESIGNED BY: NKP

DRAWN BY: NKP

CHECKED BY: KAH

SCALE: AS NOTED

DATE: 7/01/2019

REGISTERED
797
Kirsti A. Hauswald
OREGON
06/06/13
LANDSCAPE ARCHITECT

REVISIONS

JOB NUMBER
5704

SHEET
C112



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

EXHIBIT 4 - STAFF REPORT

DATE: October 16, 2019
TO: Landscape Review Committee Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Street Tree Removal Application (L 23-19)

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

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

Report in Brief:

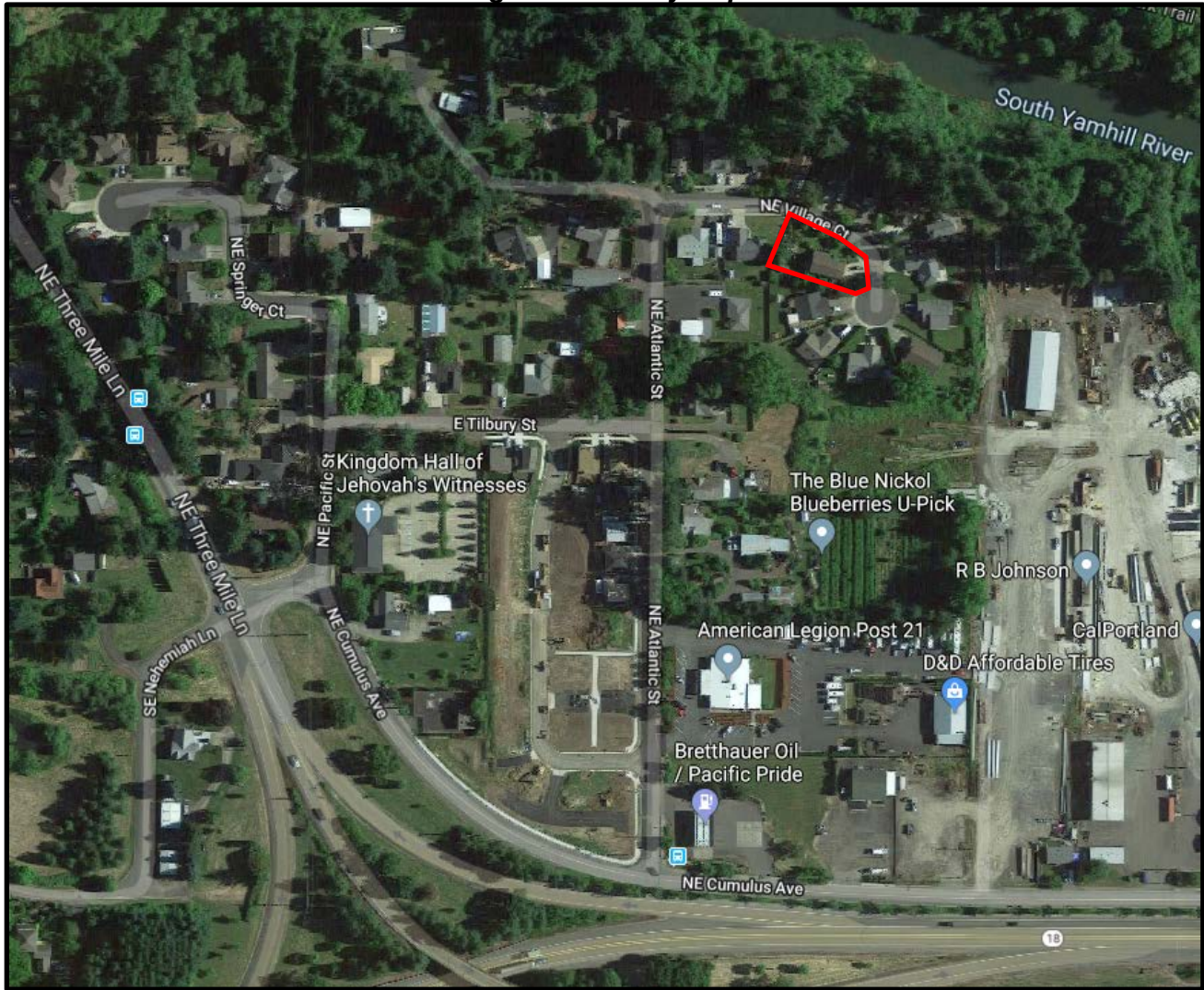
An application to remove four (4) street trees from the public right-of-way along NE Village Court (L 23-19) to be reviewed by the Landscape Review Committee.

Background:

The applicant and adjacent property owner, Kathleen McKinney, submitted a street tree removal application to remove four (4) street trees from the right-of-way adjacent to the property at 2160 NE Village Court (Tax Lot 916, Section 22CC, T. 4. S., R. 4 W., W.M.) within the Village At River Park subdivision. The site is developed with a single-family residence and the subject trees are located on the north side of the property in the NE Village Court right-of-way. **See Figure 1 (Vicinity Map).**

Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Removal at 2160 NE Village Court (L 23-19)

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

The applicant has requested the removal of four (4) 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 a planter strip between the sidewalk and NE Village Court adjacent to the subject property in the Village at River Park subdivision. **See Figure 2 (Applicant's Site Plan).** A street tree plan for the Village At River Park subdivision was approved in Docket L 16-96. **See Figure 3 (Approved Street Tree Plan (L 16-96)).**

The four (4) subject trees are all *Pyrus calleryana* (Ornamental Pear) which are generally considered to be poor street trees due to a short life span, poor tree form that leads to excessive limb failure, and excessive fruit drop. *Pyrus calleryana* is not a recommended street tree on the McMinnville Street Tree List.

The application states that the trees are becoming hazardous for several reasons. The root systems are becoming very wide spreading and suckering, causing adjacent sidewalk panels to be lifted, presenting a trip hazard. Despite regular pruning and maintenance, there is insufficient clearance for garbage truck

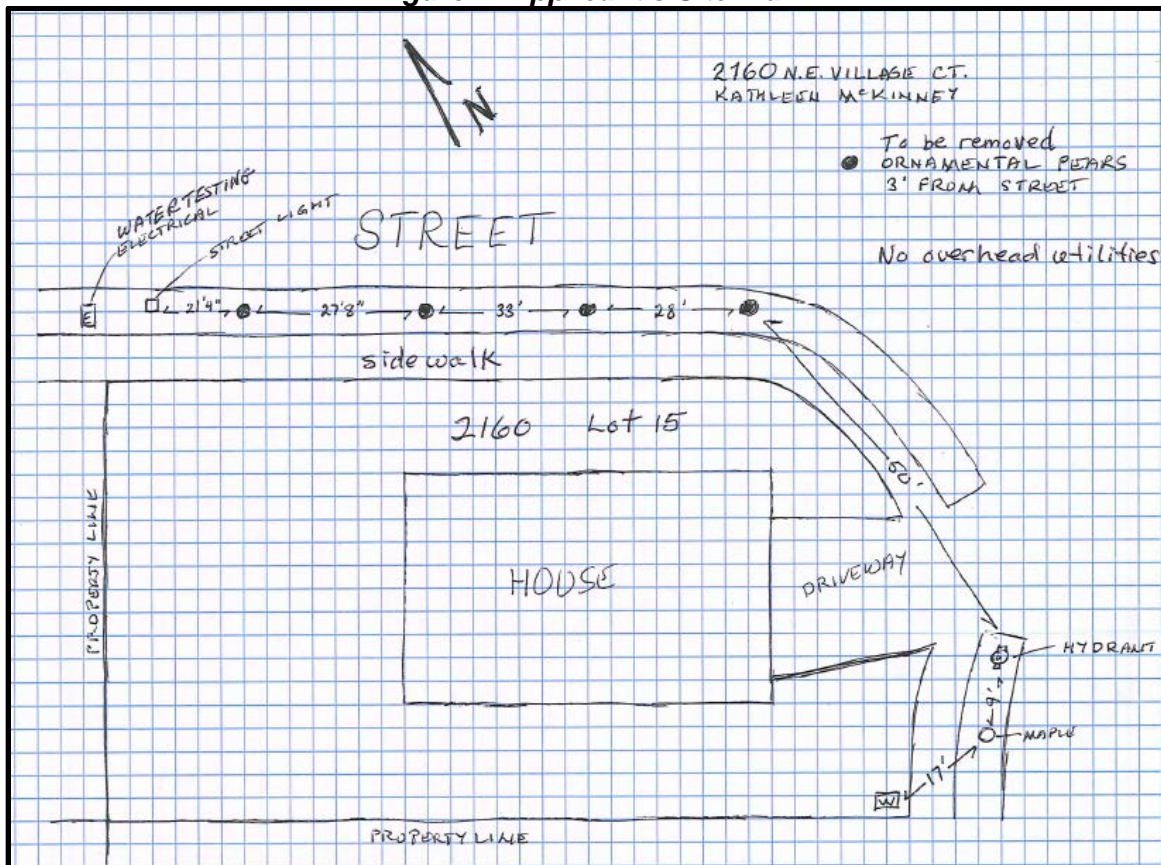
Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Removal at 2160 NE Village Court (L 23-19)

traffic on NE Village Court, and the tree limbs are often damaged by truck traffic. Additionally, the pear trees have pear rust, a disease common to pear trees in the Willamette Valley.

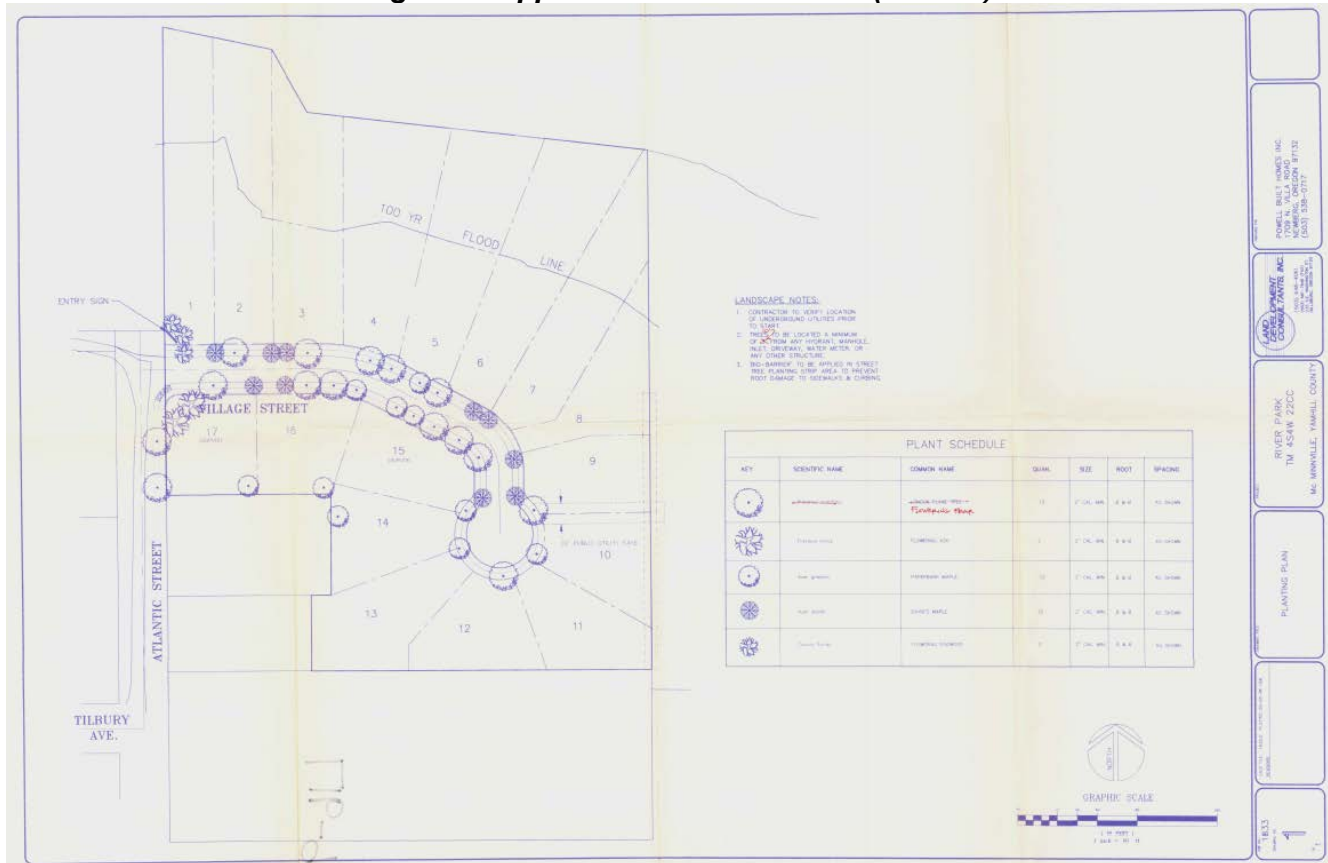
The applicant has expressed interest in replacing all four (4) street trees with a different species (undetermined at the time of application). The approved street tree plan for the Village At River Park subdivision (L 16-96) specifies five (5) street trees in the planter strip on the north side of the subject property – two (2) *Acer griseum* (Paperbark maple) and three (3) *Pyrus calleryana* (Ornamental Pear). It appears that because of the location of the driveway on the east side of the lot, only four (4) trees were originally planted – all *Pyrus calleryana* (Ornamental Pear). Because *Pyrus calleryana* is no longer a recommended street tree, staff recommends that replacement trees be selected by the applicant from the recommended medium street tree section of the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee. Medium street tree replacements would be of appropriate size and character for the site.

Figure 2: Applicant's Site Plan



Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Removal at 2160 NE Village Court (L 23-19)

Figure 3: Approved Street Tree Plan (L 16-96)**Street Tree Removal Review:**

In reviewing a street tree removal request, Section 17.58.050 (Review Criteria) of the McMinnville Zoning Ordinance requires the Landscape Review Committee to consider the following criteria:

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

The subject trees are diseased, suffering from Pear Rust. Pear Rust is a fungus affecting pears (and other related trees) and conifers common throughout the Willamette Valley. A symptom of Pear Rust is that the pear tree's fruit is malformed while young and drops from the tree, which could potentially cause excessive litter drop within the right-of-way. Excessive fruit and litter drop are not desirable characteristics in a street tree as described by the McMinnville Street Tree List. *Pyrus calleryana* (Ornamental Pears) are no longer recommended street trees in McMinnville in part because of their short life span and proclivity to limb failure with age. The subject trees are approximately 20 years old which is at the end of the life span for Ornamental Pears. Typically, pears of this age will begin to experience widespread limb failure due to poor branch structure characteristic to the species.

B. The tree is in conflict with public improvements.

Roots from the four (4) pear trees are growing rapidly and suckering, sending up new shoots. The expansive surface roots have caused an adjacent sidewalk panels to lift, creating a potential trip hazard on the walking surface. Additionally, the applicant states that the suckers themselves cause trip hazards despite regular pruning and maintenance. The suckers are sprouting from surface roots immediately adjacent to the sidewalk in several locations, creating potential trip hazards. Cutting the roots to remove the suckers could destabilize the tree.

Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Removal at 2160 NE Village Court (L 23-19)

The trees also do not provide sufficient clearance (13 feet) from the vehicular travel lane on NE Village Court. The applicant states that in spite of regular pruning and maintenance, tree limbs are often broken off by garbage trucks. To limb up the trees to provide sufficient clearance above the local street would remove a significant portion of the trees' canopies, removing much of the benefit of the street trees and aesthetic appeal.

Fiscal Impact:

None.

Landscape Review Committee Options:

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

Staff Recommendation:

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

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

Suggested Motion:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE STREET TREE REMOVAL APPLICATION L 23-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

JF

Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Removal at 2160 NE Village Court (L 23-19)



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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A STREET TREE REMOVAL AT 2160 NE VILLAGE COURT

DOCKET: L 23-19 (Street Tree Removal)

REQUEST: Approval to remove four (4) street trees from the public right-of-way adjacent to the subject property

LOCATION: 2160 NE Village Court (Tax Lot 916, Section 22CC, T. 4. S., R. 4 W., W.M.)

ZONING: R-1 PD (Single-family Residential Planned Development)

APPLICANT: Kathleen McKinney, property owner

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: October 1, 2019

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

DECISION DATE & LOCATION: October 16, 2019, Community Development Center, 231 NE 5th 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.

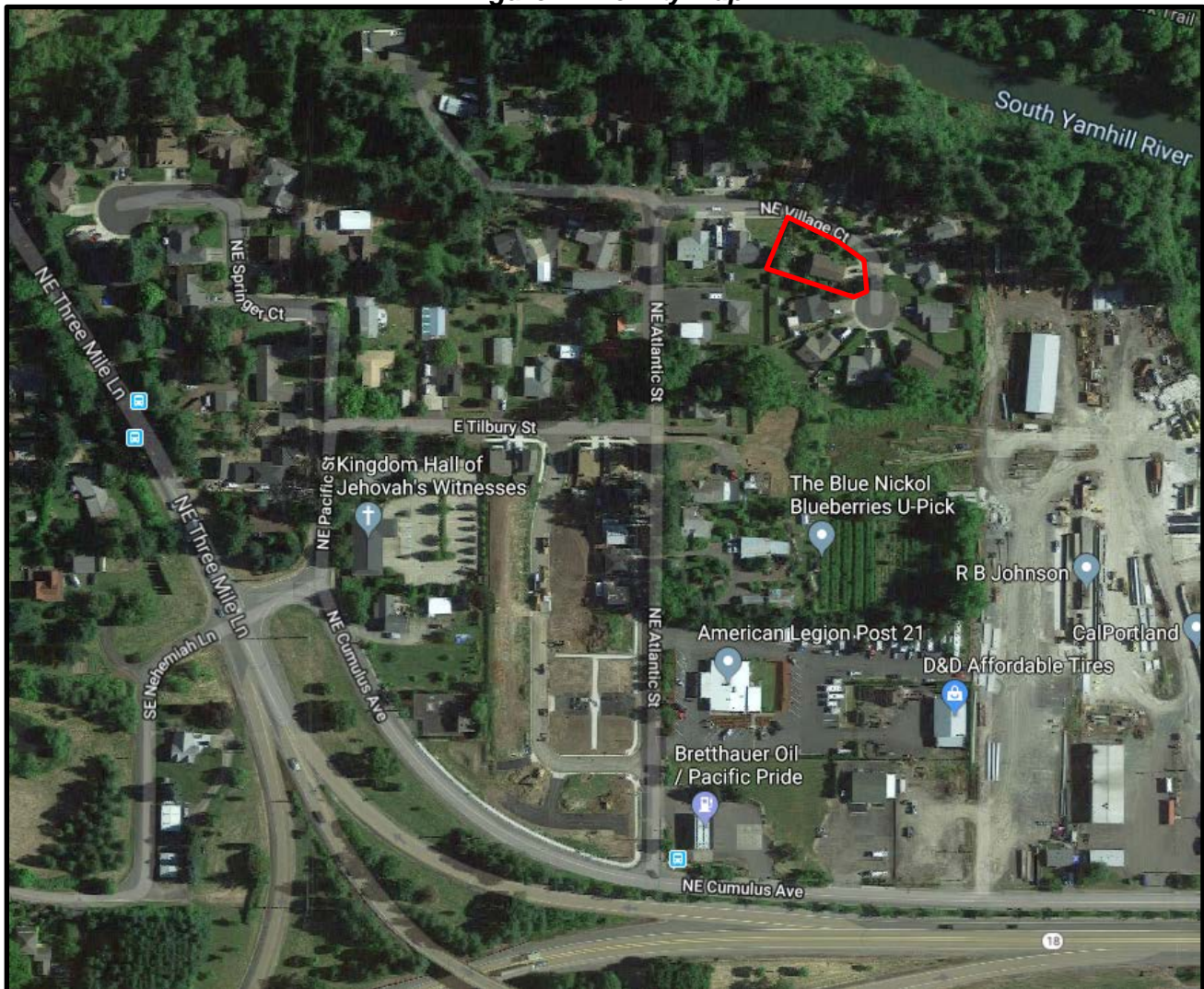
I. APPLICATION SUMMARY:

Subject Property & Request

The application requests the removal of four (4) street trees from the public right-of-way adjacent to the subject property. Removal of a tree within the public right-of-way requires City approval. The applicant has expressed a desire to plant four (4) replacement trees of a different species, though the tree replacement is not specified in the application.

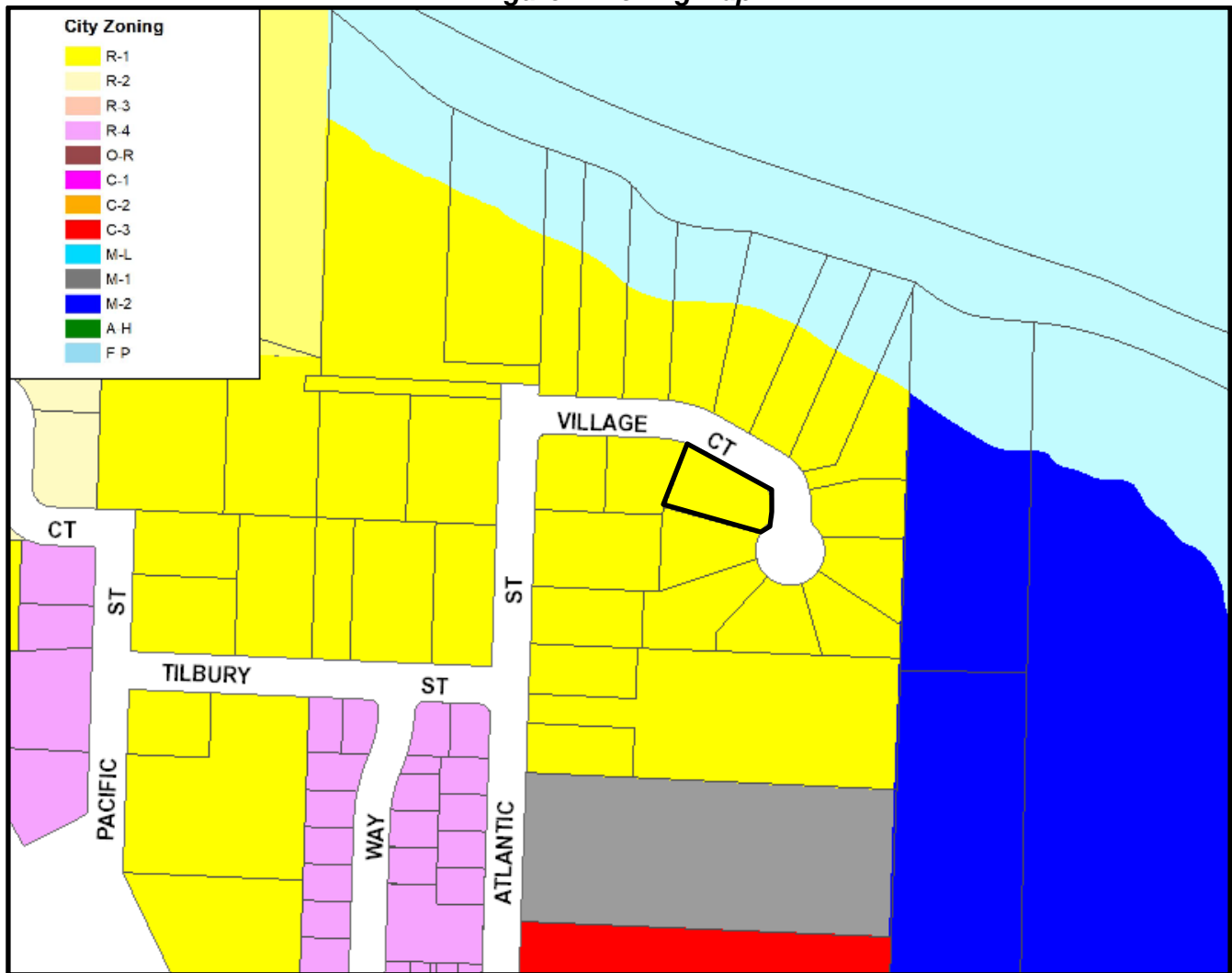
The subject property is located at 2160 NE Village Court within the Village At River Park subdivision and is zoned R-1 PD (Single-family Residential Planned Development). **See Figure 1 (Vicinity Map) and Figure 2 (Zoning Map).** The site is developed with a single-family residence and the subject trees are located on the north side of the property in the NE Village Court right-of-way.

Figure 1: Vicinity Map



Attachments:

Attachment 1 – Application and Attachments

Figure 2: Zoning Map

Summary of Criteria & Issues

The applicant has requested the removal of four (4) street trees because of hazards the trees pose to people and property. The street trees are located in a planter strip between the sidewalk and NE Village Court adjacent to the subject property in the Village At River Park subdivision. **See Figure 3 (Applicant's Site Plan).** A street tree plan for the Village At River Park subdivision was approved in Docket L 16-96. **See Figure 4 (Approved Street Tree Plan (L 16-96)).**

The four (4) subject trees are all *Pyrus calleryana* (Ornamental Pear) which are generally considered to be poor street trees due to a short life span, poor tree form that leads to excessive limb failure, and excessive fruit drop. *Pyrus calleryana* is not a recommended street tree on the McMinnville Street Tree List.

The application states that the trees are becoming hazardous for several reasons. The root systems are becoming very wide spreading and suckering. An adjacent sidewalk panel is being lifted, presenting a trip hazard. Despite regular pruning and maintenance, there is insufficient clearance for garbage truck traffic on NE Village Court, and the tree limbs are often damaged by traffic. Additionally, the pear trees have pear rust, a disease common to pear trees in the Willamette Valley.

Attachments:

Attachment 1 – Application and Attachments

Figure 3: Applicant's Site Plan

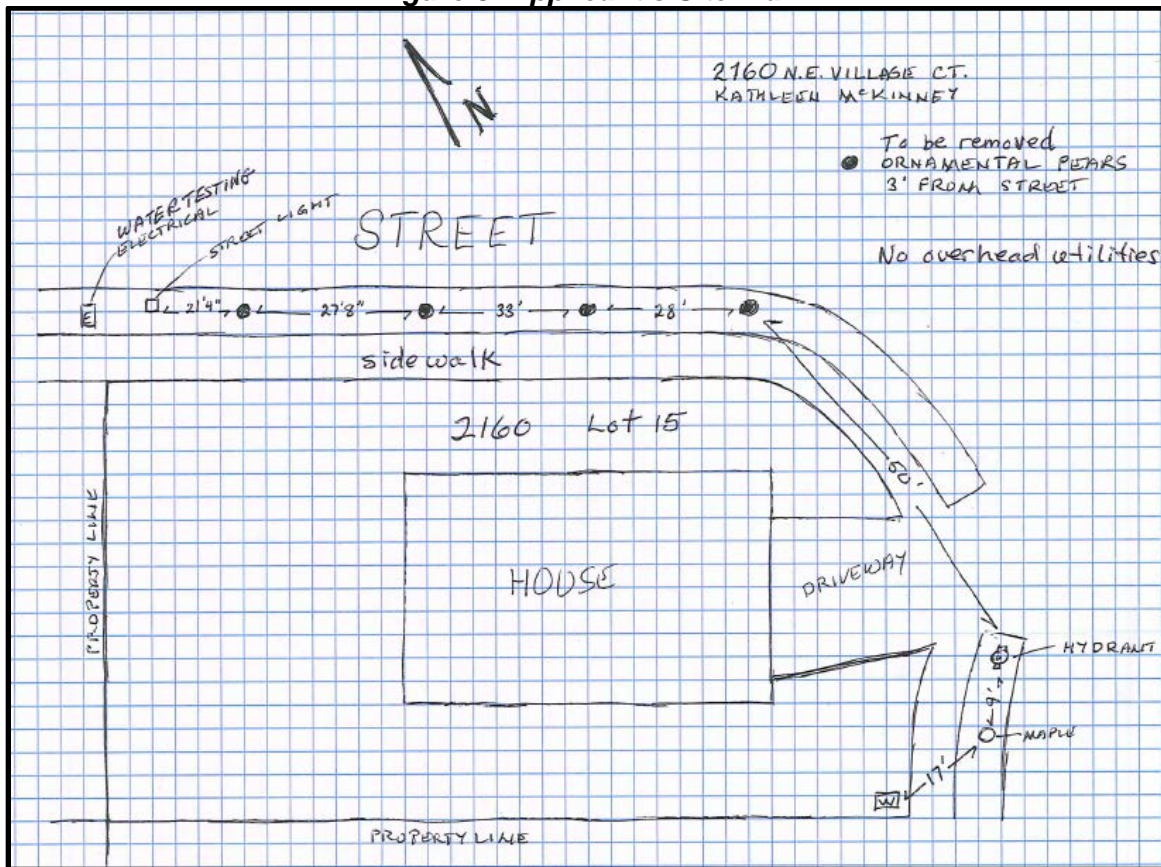
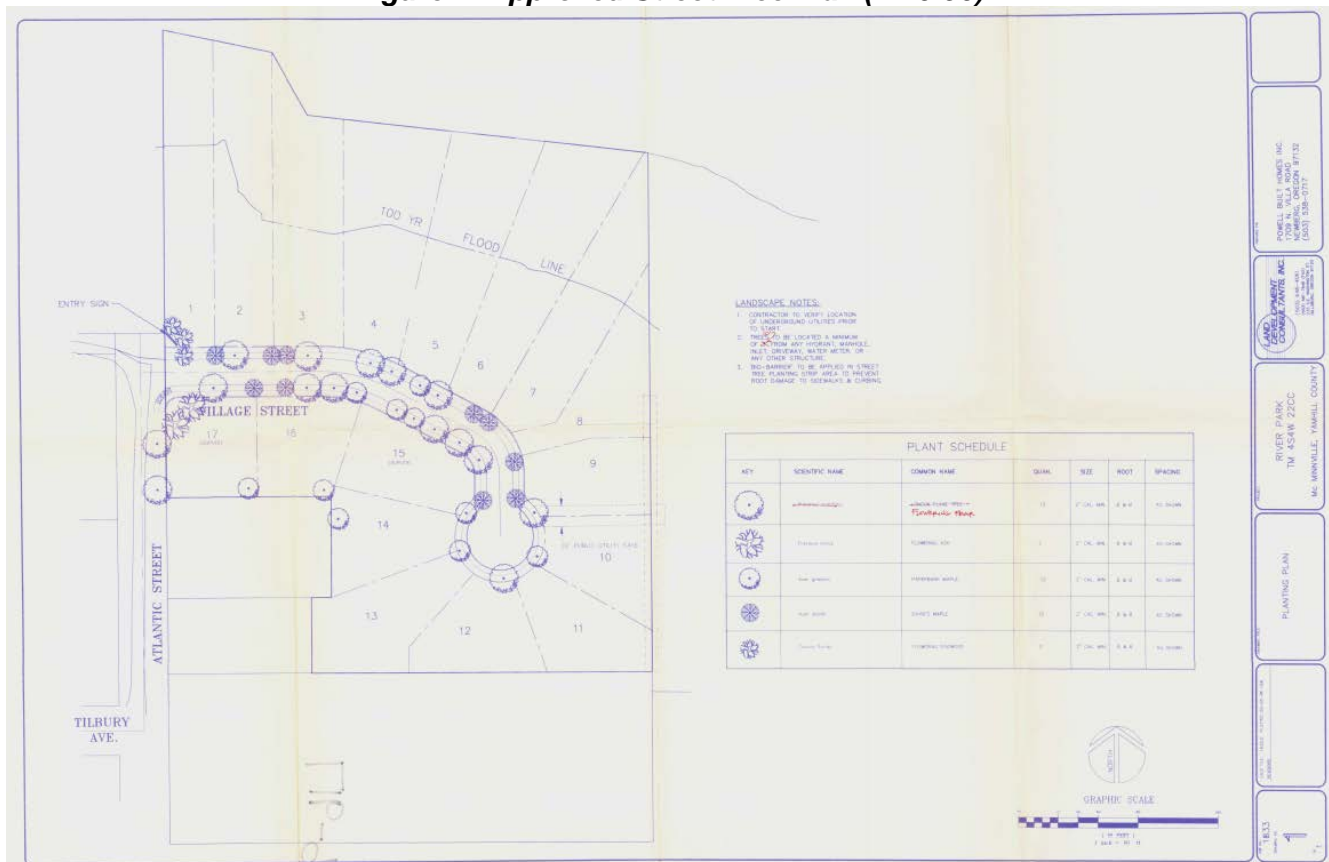


Figure 4: Approved Street Tree Plan (L 16-96)



Attachments:
Attachment 1 – Application and Attachments

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 exposed or damaged during tree removal or stump grinding, contact McMinnville Water & Light immediately at 503-472-6158.
3. That the trees' stumps and remaining surface roots shall be removed at least six (6) inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations.
4. That four (4) replacement street trees be planted in the NE Village Court right-of-way planter strip at a spacing of no greater than 30 feet apart. The replacement trees shall be recommended medium street trees 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 contact the McMinnville Engineering Department at (503) 472-7312 for a sidewalk inspection to assess the need for sidewalk repairs.
11. That the applicant shall complete the tree removal and tree replacement within six (6) months of this approval notification, or April 16, 2020.

Attachments:***Attachment 1 – Application and Attachments***

III. ATTACHMENTS:

1. L 23-19 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 a pear variety, ranging from 9-10" DBH.
2. The trees are planted in 4 foot planter strip between the curb and sidewalk, with cinder rock groundcover.
3. There are no overhead facility conflicts.
4. The tree does not display any obvious health or structural issue that would require removal.
5. One sidewalk panel is lifted adjacent to the tree, with slight trip hazard.
6. The trees appear to have been regularly pruned. However, given the shape of the canopy, the trees still have limbs that are below 13 foot clearance requirement over the street.

Recommendations

1. Although the trees do not present any structural or health related issue that would require removal, the resident is having difficulty being able to keep the trees above the required clearances. Based on that, staff would recommend approval of this request. Conditions of approval should include:
 - a. Applicant to be responsible for all costs related to removal and replacement.
 - b. Applicant required to grind stump to a minimum of 6" below grade, and to chase roots as necessary to allow for a suitable replanting site.
 - c. Applicant to call for a utility locate prior to removal. As a note, applicant should be informed that upon request, utility locates can be flagged without marking up hard surfaces.
 - d. Applicant to replace the tree with a variety acceptable to the Planning Department and consistent with the street tree plan for this subdivision.
 - e. Applicant to plant trees as per the approved City detail.
 - f. Applicant to contact Public Works at (503)434.7316 for an inspection prior to backfill.
 - g. Applicant to contact Engineering (503-434.7312) for a sidewalk inspection to assess the need for sidewalk repairs.

- McMinnville Water & Light:

Call for locates. Power buried in the immediate area. Contact water and light if power conduit is exposed or damaged.

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. Kathleen McKinney, adjacent property owner, submitted a Street Tree Removal Permit application on September 25, 2019.
2. The application was deemed complete on October 1, 2019.
3. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
4. No public notice of the application was provided by the City of McMinnville, as Street Tree Removal applications are reviewed by the process described in Section 17.58.040 (Tree Removal/Replacement) of the McMinnville Zoning Ordinance, which does not require public notification. No public comments were received prior to the public meeting.
5. A public meeting was held by the McMinnville Landscape Review Committee on October 16, 2019 to review the application and proposed street tree removal request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 2160 NE Village Court (Tax Lot 916, Section 22CC, T. 4. S., R. 4 W., W.M.)
2. **Size:** 9,475 square feet
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-1 PD (Single-family Residential Planned Development)
5. **Overlay Zones/Special Districts:** Ordinance 4607
6. **Current Use:** Single-family residence
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None identified
8. **Other Features:** None
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

Attachments:

Attachment 1 – Application and Attachments

10. **Transportation:** NE Village Court is classified as a Local Residential Street in the Transportation System Plan (TSP). The existing right-of-way is 50 feet wide. The street is improved with curb and gutter, five (5) foot wide planter strip, and sidewalk 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: None.

FINDING: SATISFIED. The removal and replacement of the subject trees in the NE Village Court right-of-way would improve the safety for pedestrians and vehicles, the aesthetic appearance of the streetscape, and the livability of the surrounding area. The subject trees have a history of conflict with vehicles despite regular pruning and maintenance. Their roots have lifted an adjacent sidewalk panel 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 vehicles, 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.

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

Attachments:

Attachment 1 – Application and Attachments

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: None.

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:

Chapter 17.58 Trees

17.58.010 Purpose. *The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty, and charm of the City; to increase property values and build stronger ties within neighborhoods; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The request to remove and replace four (4) problematic street trees is consistent with the purpose of the Chapter. Specifically, the request would maintain tree cover on public land; provide a tree-lined street; minimize hazard, nuisance, damage, and maintenance costs; enhance the appearance of the City; and promote a healthy and diverse community forest.

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: None.

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: None.

Attachments:

Attachment 1 – Application and Attachments

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: None.

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 exposed or 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: None.

FINDING: SATISFIED WITH CONDITION #4. The subject street trees are located in a planter strip approximately five (5) feet wide. 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 street light approximately 21 feet from the westernmost tree, and that the four (4) subject trees are spaced approximately 30 feet apart. Given the minimum twenty (20) foot spacing standard from a street light, there is sufficient space in the planter strip to accommodate four (4) medium replacement trees at the recommended medium tree spacing of no greater than 30 feet.

The approved street tree plan for the Village At River Park subdivision (L 16-96) specifies five (5) street trees in the planter strip on the north side of the subject property – two (2) *Acer griseum* (Paperbark maple) and three (3) *Pyrus calleryana* (Ornamental Pear). It appears that because of the location of the driveway on the east side of the lot, only four (4) trees were originally planted – all *Pyrus calleryana* (Ornamental Pear). Because *Pyrus calleryana* is no longer a recommended street tree, staff recommends that replacement trees be selected by the applicant from the recommended medium street tree section of the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee. Medium street tree replacements would be of appropriate size and character for the site.

CONDITION FOR FINDING: That four (4) replacement street trees be planted in the NE Village Court right-of-way planter strip at a spacing of no greater than 30 feet apart. The replacement

trees shall be recommended medium street trees 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: None.

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: None.

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 April 16, 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: None.

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 and that the damage to the sidewalk be assessed by the Engineering Department.

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 contact the McMinnville Engineering Department at (503) 472-7312 for a sidewalk inspection to assess the need for sidewalk repairs.

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: Suckers have gotten so bad, they are now coming up in my lawn on the other side of the sidewalk. Despite yearly thinning and pruning, the garbage trucks tear off limbs. They have pear rust and are covered with lichen. My neighbor tripped and fell on the trimmed suckers. Sidewalk is starting to lift up. So they are creating two hazards.

FINDING: SATISFIED. Staff concurs with the Applicant, but notes that the conflict with public sidewalks and road clearance is addressed under criteria 17.58.050(B) below. The subject trees are diseased, suffering from Pear Rust. Pear Rust is a fungus affecting pears (and other related trees) and conifers common throughout the Willamette Valley. A symptom of Pear Rust is that the pear tree's fruit is malformed while young and drops from the tree, which could potentially cause excessive litter drop within the right-of-way. Excessive fruit and litter drop are not desirable characteristics in a street tree as described by the McMinnville Street Tree List. *Pyrus calleryana* (Ornamental Pears) are no longer recommended street trees in McMinnville in part because of their short life span and proclivity to limb failure with age. The subject trees are approximately 20 years old which is at the end of the life span for Ornamental Pears. Typically, pears of this age will begin to experience widespread limb failure due to poor branch structure characteristic to the species.

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

APPLICANT'S RESPONSE: Suckers have gotten so bad, they are now coming up in my lawn on the other side of the sidewalk. Despite yearly thinning and pruning, the garbage trucks tear off limbs. They have pear rust and are covered with lichen. My neighbor tripped and fell on the trimmed suckers. Sidewalk is starting to lift up. So they are creating two hazards.

FINDING: SATISFIED. Staff concurs with the Applicant, but notes that the pear rust disease is addressed under criteria 17.58.050(A) above. Roots from the four (4) pear trees are growing rapidly and suckering, sending up new shoots. The expansive surface roots have caused an adjacent sidewalk panels to lift, creating a potential trip hazard on the walking surface. Additionally, the applicant states that the suckers themselves cause trip hazards despite regular

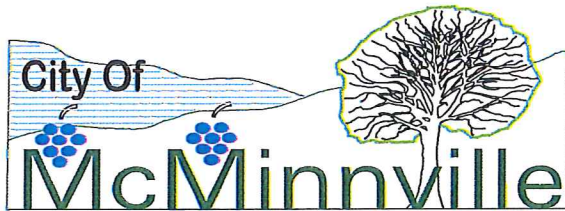
Attachments:

Attachment 1 – Application and Attachments

pruning and maintenance. The suckers are sprouting from surface roots immediately adjacent to the sidewalk in several locations, creating potential trip hazards. Cutting the roots to remove the suckers could destabilize the tree.

The trees also do not provide sufficient clearance (13 feet) from the vehicular travel lane on NE Village Court. The applicant states that in spite of regular pruning and maintenance, tree limbs are often broken off by garbage trucks. To limb up the trees to provide sufficient clearance above the local street would remove a significant portion of the trees' canopies, removing much of the benefit of the street trees and aesthetic appeal.

JF



Planning Department

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

569-19-000596-Plng

Office Use Only:	
File No.	<u>L23-19</u>
Date Received	<u>9-25-19</u>
Fee	<u>150.-</u>
Receipt No.	<u>201327</u>
Received by	<u>JF</u>

Street Tree Removal

Applicant Information

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

Applicant Name Kathleen McKinney Phone 503 883-9429

Contact Name _____ Phone _____
(If different than above)

Address 2160 NE Village Ct

City, State, Zip McMinnville, OR 97128

Contact Email irishgardener2@yahoo.com

Property Owner Information

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

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

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

Property Address 2160 NE Village Ct
(Property nearest to tree(s) for removal)

Assessor Map No. R4 422-CC-00914 Total Site Area 9475sq

Subdivision Village @ River Park Block _____ Lot 15

Comprehensive Plan Designation Res Zoning Designation R-1PD

Additional Information

1. How many trees are requested for removal? 4
2. What type (species) of tree(s) are they? Ornamental pears
3. What is the diameter of the tree(s), measured four feet above ground level? 28" - 32"
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. Suckers have gotten so bad, they are now coming up in my lawn on the other side of the sidewalk. Despite yearly thinning and pruning, the garbage trucks tear off limbs. They have pear rust and are covered with lichen. My neighbor tripped and fell on the trimmed suckers. Sidewalk is starting to lift up. So they are creating two hazards.

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

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

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

Kathleen McKinney
Applicant's Signature

September 25, 2019
Date

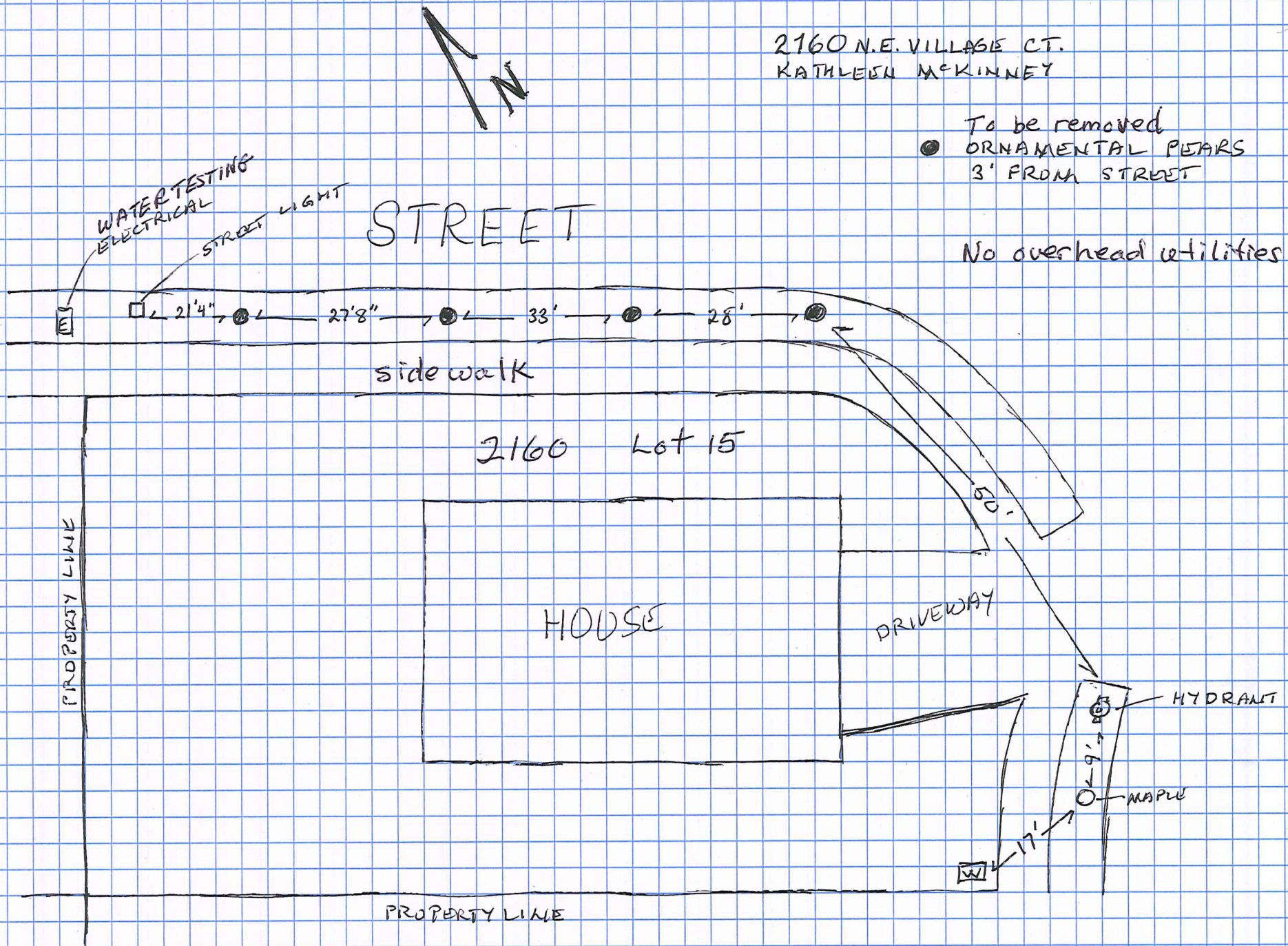
Kathleen McKinney
Property Owner's Signature

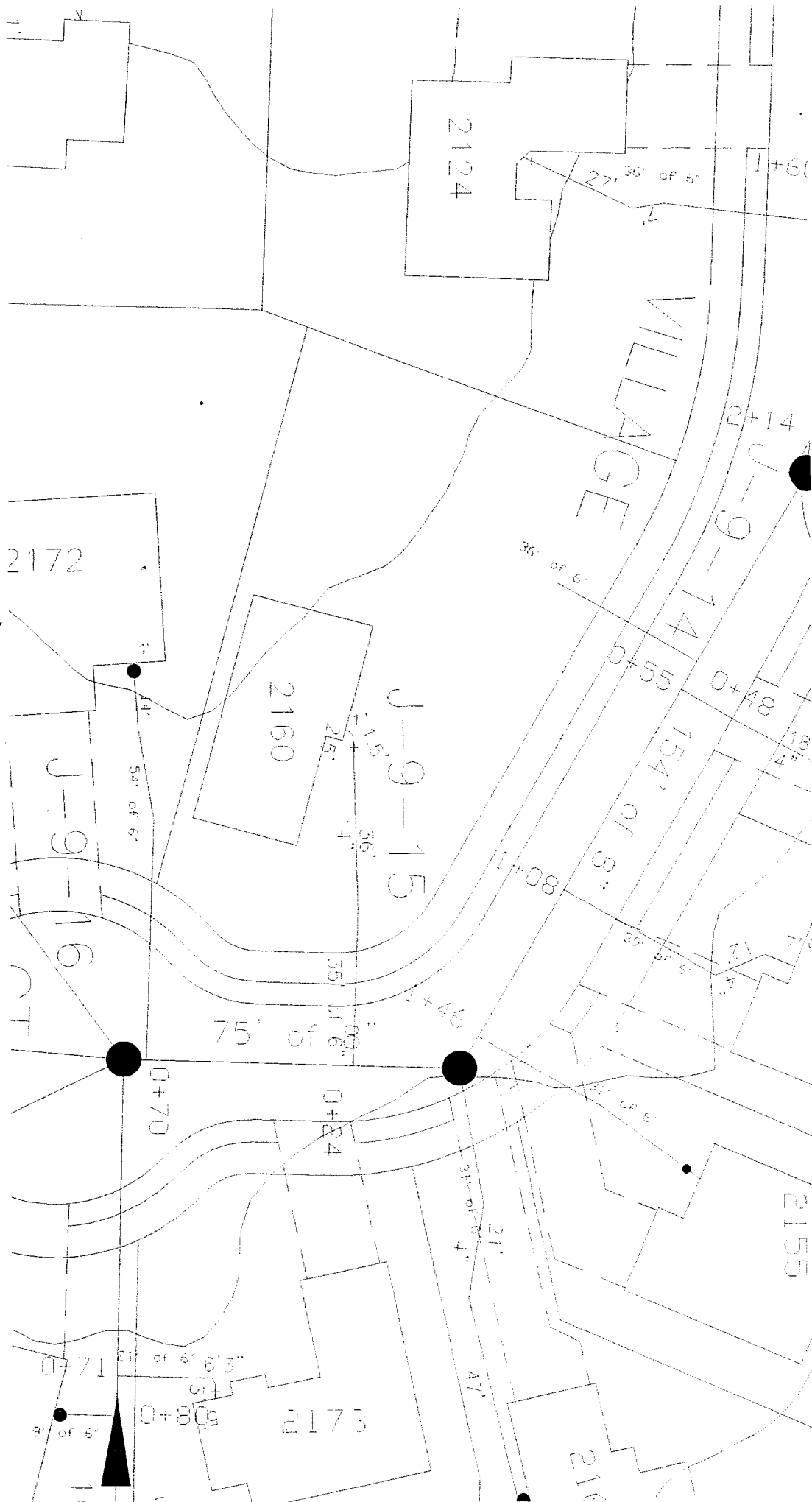
Date

2160 N.E. VILLAGE CT.
KATHLEEN MCKINNEY

- To be removed
ORNAMENTAL PEARS
3' FROM STREET

No overhead utilities



























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

EXHIBIT 5 - STAFF REPORT

DATE: October 16, 2019
TO: Landscape Review Committee Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Agenda Item 5A – Discussion of Administrative Approval of Certain Street Tree Removal Applications

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

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

Report in Brief:

The purpose of this discussion item is to consider allowing administrative approval by Planning Department staff of certain Street Tree Removal applications involving specific tree species.

Background:

On the Landscape Review Committee's agenda this month is a Street Tree Removal application requesting to remove and replace *Pyrus calleryana* (Ornamental Pear). This application is the latest in an increasing city-wide trend where this specific tree species is problematic and the applicant wishes to remove the tree(s) and replace them with a more appropriate street tree. In this instance, like many others, an approved street tree plan for the subdivision specifies Ornamental Pear as the designated street tree, requiring in-kind replacement. Previously, this issue has been addressed by approving a Street Tree Improvement Plan for the subdivision that would allow the replacement of the pear with a different tree. However, this process to address a city-wide problem one subdivision at a time seems inefficient and could be improved upon. Staff also recognizes that *Betula sp.* (Birch) are failing city-wide due to infestation with the Emerald Birch Borer.

Because this is a city-wide trend and not specific to one subdivision, staff had internal discussion about the process to amend street tree plans city-wide to efficiently address the Ornamental Pear and Birch issue once, rather than one subdivision at a time.

Both *Pyrus calleryana* (Ornamental Pear) and *Betula sp.* (Birch) are no longer recommended street trees on the McMinnville Street Tree List that was recently updated by the Landscape Review Committee.

Discussion:

A possible efficiency measure to address the repeated review and revision to approved street tree and landscape plans to replace *Pyrus calleryana* (Ornamental Pear) and *Betula sp.* (Birch) that was discussed by staff was to consider allowing administrative approval of select street tree removal applications that involve *Pyrus calleryana* (Ornamental Pear) or *Betula sp.* (Birch), and revisions to approved street tree plans that specify either *Pyrus calleryana* (Ornamental Pear) or *Betula sp.* (Birch).

Staff could administratively approve select street tree removal applications for Ornamental Pear or Birch, and simultaneously administratively approve a revision to the street tree plan (if applicable). Revisions to approved street tree plans would maintain the character and intent of the plan by substituting a similar tree in character to the Pear or Birch being replaced.

Staff will facilitate a discussion regarding the process for review and approval of select tree removal and street tree improvement plans.

Attachments:

None.

Fiscal Impact:

None.

Recommendation:

No motion required. The Landscape Review Committee may provide staff guidance on future procedures, or may recommend a motion to establish a policy for future Ornamental Pear or Birch tree removal requests and street tree plans.