



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

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

**Landscape Review Committee**  
**Community Development Center, 231 NE 5<sup>th</sup> Street**  
**November 20, 2019**  
**12:00 PM**

Committee Members	Agenda Items
<p>Rob Stephenson Chair</p> <p>Sharon Gunter Vice-Chair</p> <p>Josh Kearns</p> <p>RoseMarie Caughran</p> <p>Tim McDaniel</p>	<ol style="list-style-type: none"> <li><b>1. Call to Order</b></li> <li><b>2. Citizen Comments</b></li> <li><b>3. Approval of Minutes</b></li> <li><b>4. Action Items</b> <ol style="list-style-type: none"> <li>A. L 25-19 – Street Tree Removal (Exhibit 1) 2010 NE Tilbury Street</li> <li>B. L 26-19 – Street Tree Removal (Exhibit 2) 2378 SW Barbara Street</li> </ol> </li> <li><b>5. Discussion Items</b> <ol style="list-style-type: none"> <li>A. McMinnville Water &amp; Light Major Pruning Permit (Exhibit 3)</li> <li>B. 2020 Work Plan (Exhibit 4)</li> </ol> </li> <li><b>6. Old/New Business</b></li> <li><b>7. Committee Member Comments</b></li> <li><b>8. Staff Comments</b></li> <li><b>9. Adjournment</b></li> </ol>

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

\*Please note that these documents are also on the City's website, [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.



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

## EXHIBIT 1 - STAFF REPORT

DATE: November 20, 2019  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Street Tree Removal Application (L 25-19)

### STRATEGIC PRIORITY & GOAL:



#### GROWTH & DEVELOPMENT CHARACTER

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

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

---

#### Report in Brief:

An application to remove one (1) street tree from the public right-of-way adjacent to 2010 NE Tilbury Street (L 25-19) to be reviewed by the Landscape Review Committee.

#### Background:

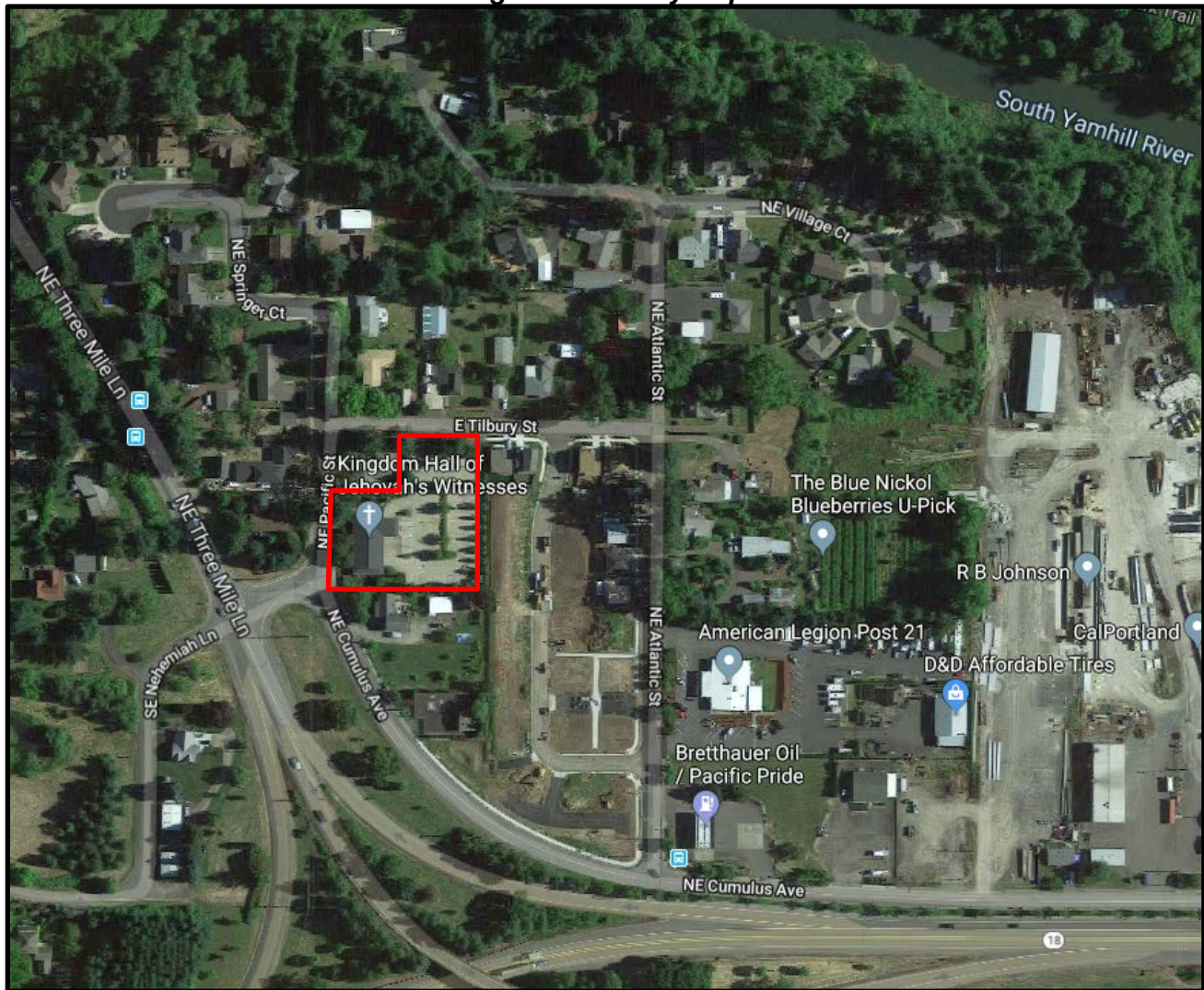
The applicant, Travis Mode on behalf of West Congregation of Jehovah's Witnesses, McMinnville, Oregon, property owner, submitted a street tree removal application to remove one (1) street tree from the right-of-way adjacent to the property at 2010 NE Tilbury Street. The subject property is more specifically described as Tax Lot 701, Section 21DD, T. 4. S., R. 4 W., W.M. The subject property is located at 2010 NE Tilbury Street within F.W. Martin's Addition subdivision and is zoned R-1 (Single-family Residential). The site is developed with a church and off-street parking lot. The subject tree is located on the west side of the property in the NE Pacific Street right-of-way. **See Figure 1 (Vicinity Map) and Figure 2 (Site Plan).**

---

#### Attachments:

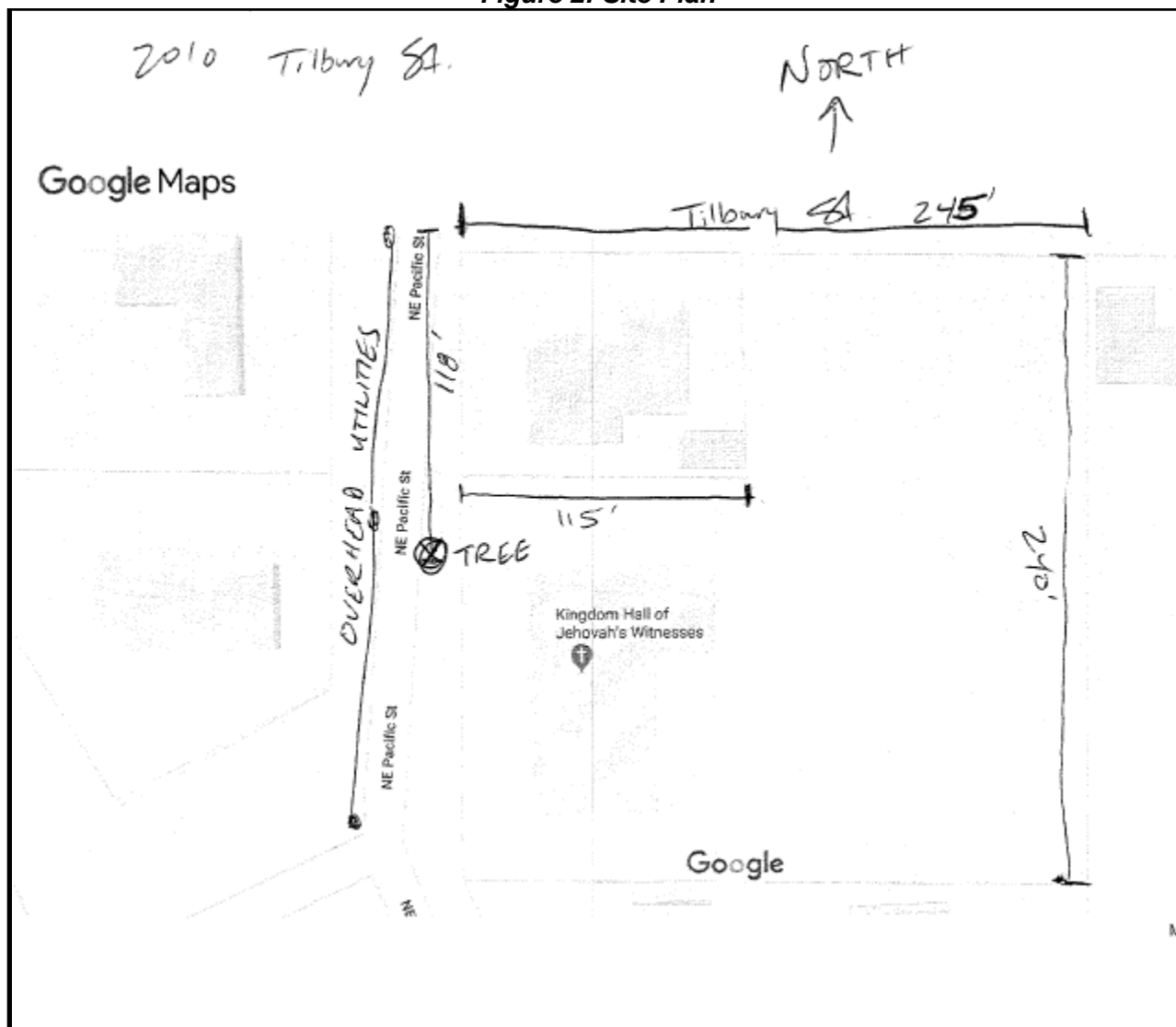
Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 2010 NE Tilbury Street

**Figure 1: Vicinity Map**



**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 2010 NE Tilbury Street

**Figure 2: Site Plan****Discussion:****Summary of Criteria & Issues:**

The application requests approval of a tree removal permit for a tree located within the public right-of-way. The Tree Removal Permit request is subject to the Tree Removal review criteria in Section 17.58.050 of the McMinnville Municipal Code (MMC).

Section 17.58.050 of the MMC requires a permit for Tree Removal to be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 2010 NE Tilbury Street



The applicant has requested the removal of one (1) street tree because of conflict with public improvements within the right-of-way, specifically repeated damage to the sidewalk. The tree is located in a landscape area between the sidewalk and property line of the church located at 2010 NE Tilbury Street.

The subject tree is a 34" DBH *Pseudotsuga menziesii* (Douglas Fir). The tree has a large buttress root over 10 inches in diameter and a root crown that have lifted the adjacent sidewalk approximately 16 inches above the adjacent curb elevation. The lifted sidewalk panels present a hazard along the pedestrian path of travel, as well as a potential fall hazard to the side of the sidewalk where the 16 inch elevation change is. The tree is in conflict with public improvements in the right-of-way, meeting the criteria for approval of the removal request.

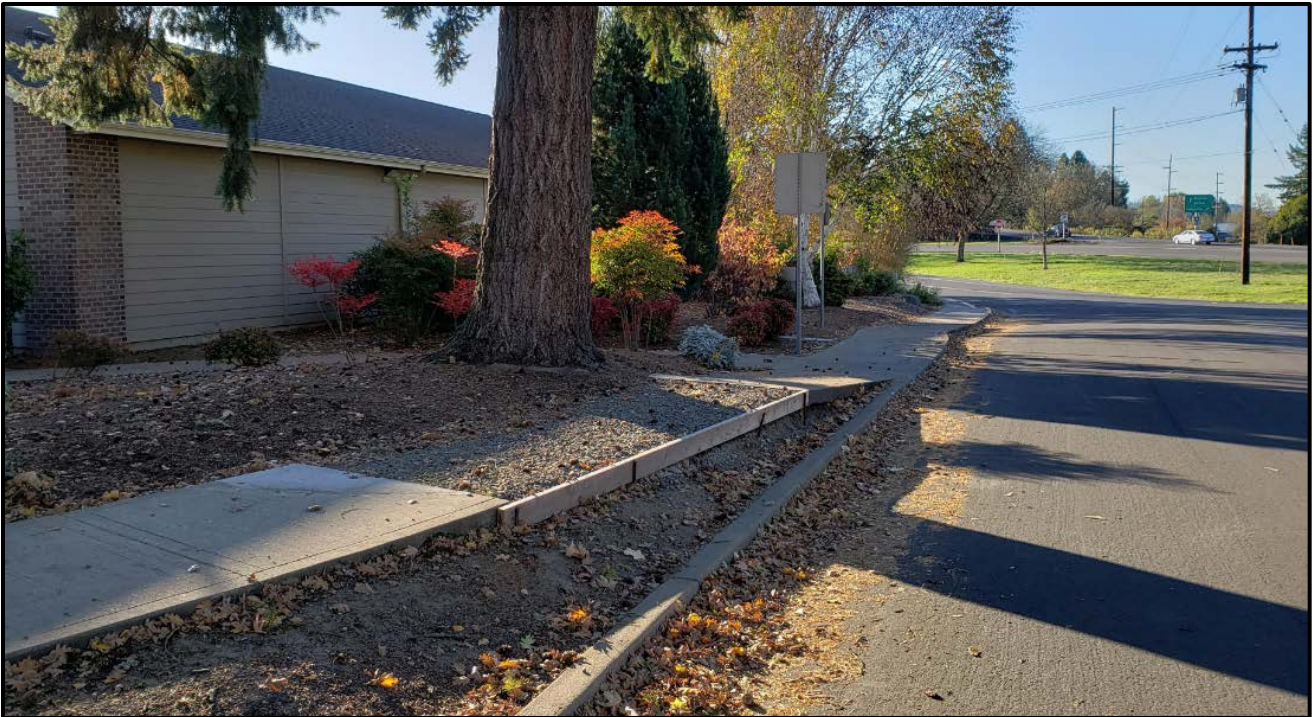
Repair of the damaged sidewalk is recommended as a condition of approval, as is planting a replacement tree in the same general location.



---

**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 2010 NE Tilbury Street

**Fiscal Impact:**

None.

**Landscape Review Committee Options:**

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

**Staff Recommendation:**

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

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

---

**Attachments:**

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 2010 NE Tilbury Street*

**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 25-19 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 2010 NE Tilbury Street*





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

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

## **DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A STREET TREE REMOVAL AT 2010 NE TILBURY STREET**

<b>DOCKET:</b>	L 25-19 (Street Tree Removal)
<b>REQUEST:</b>	Approval to remove one (1) street tree from the public right-of-way adjacent to the subject property
<b>LOCATION:</b>	2010 NE Tilbury Street (Tax Lot 701, Section 21DD, T. 4. S., R. 4 W., W.M.)
<b>ZONING:</b>	R-1 (Single-family Residential)
<b>APPLICANT:</b>	Travis Mode, on behalf of West Congregation of Jehovah's Witnesses, McMinnville, Oregon, property owner
<b>STAFF:</b>	Jamie Fleckenstein, PLA, Associate Planner
<b>DATE DEEMED COMPLETE:</b>	October 25, 2019
<b>DECISION MAKING BODY &amp; ACTION:</b>	McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.
<b>DECISION DATE &amp; LOCATION:</b>	November 20, 2019, Community Development Center, 231 NE 5 <sup>th</sup> Street, McMinnville, Oregon
<b>PROCEDURE:</b>	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.
<b>CRITERIA:</b>	The applicable criteria are specified in Section 17.58.050 of the McMinnville Zoning Ordinance, McMinnville City Code.
<b>APPEAL:</b>	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.
<b>COMMENTS:</b>	This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Their comments are provided in this document. No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.



Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the street tree removal (L 25-19) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Date: November 20, 2019

Date: November 20, 2019

## **I. APPLICATION SUMMARY:**

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

The application requests the removal of one (1) street trees from the NE Pacific Street public right-of-way adjacent to the subject property. Removal of a tree within the public right-of-way requires City approval.

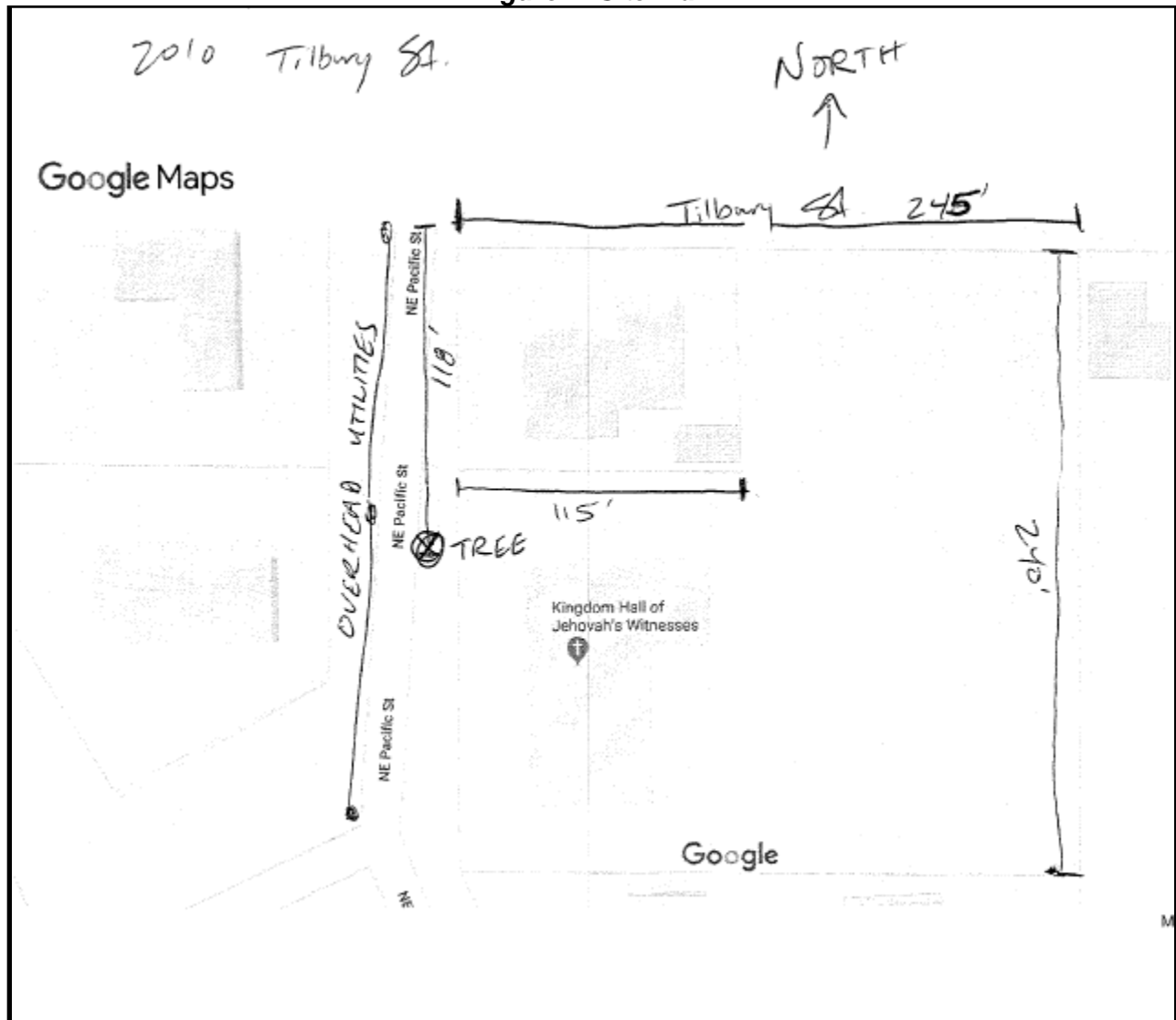
The subject property is located at 2010 NE Tilbury Street within F.W. Martin's Addition subdivision and is zoned R-1 (Single-family Residential). The site is developed with a church and off-street parking lot. The subject tree is located on the west side of the property in the NE Pacific Street right-of-way. **See Figure 1 (Vicinity Map) and Figure 2 (Site Plan).**

**Figure 1: Vicinity Map**



Attachments:

Attachment 1 – Application and Attachments

**Figure 2: Site Plan****Background**

No Street Tree Plan has been approved by the Landscape Review Committee for the F.W. Martin's Addition subdivision.

**Summary of Criteria & Issues**

The application requests approval of a tree removal permit for a tree located within the public right-of-way. The Tree Removal Permit request is subject to the Tree Removal review criteria in Section 17.58.050 of the McMinnville Municipal Code (MMC).

Section 17.58.050 of the MMC requires a permit for Tree Removal to be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

Attachments:

Attachment 1 – Application and Attachments

The applicant has provided documentation to support the request for a Tree Removal Permit. This will be discussed in detail in Section VII (Conclusionary Findings) below.

## **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 tree's stump and remaining surface roots shall be removed at least six (6) inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged landscaped areas and grades due to vehicular or mechanical operations.
4. That one (1) replacement street tree be planted in the same landscape area where the *Pseudotsuga menziesii* (Douglas Fir) was removed. The replacement tree shall be a recommended small or medium street tree from the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee.
5. That replacement trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
6. That replacement trees shall be planted per the approved City detail. 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. 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 a tree 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 to obtain a sidewalk permit and replace the damaged sidewalk per City standards.

---

*Attachments:*

*Attachment 1 – Application and Attachments*



11. That the applicant shall complete the tree removal and tree replacement within six (6) months of approval notification.

### **III. ATTACHMENTS:**

1. L 25-19 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 are planted in the public right of way, behind an existing curb-side sidewalk.
2. The tree in question is a Douglas Fir, approximately 40" DBH.
3. The trees has damaged the existing adjacent sidewalk. The existing sidewalk has been ramped over the tree roots, and is approximately 16' above the curb grade. The concrete is gone and the location has a temporary rock surface.
4. There is overhead power on the opposite side of Pacific Street. The tree is large enough that a failure could impact those facilities.
5. The tree do not show any obvious sign of a health issue that would warrant removal.
6. The tree does have co-dominant stems, which can be point of failure, and are large enough to warrant removal.
7. The adjacent curb and gutter has not been damaged due to tree roots.

#### ***Recommendations***

1. Given the impact on the adjacent sidewalk, the chronic nature of the damage, the co-dominant stem, the size of the roots that would need to be removed and the adjacent overhead power, staff would recommend approval of this removal request.
2. Suggested conditions of approval:
  - a. Applicant to be responsible for all costs related to removal and replacement.
  - b. Applicant required to grind stump to a minimum of 6" below grade.
  - c. Applicant to call for a utility locate prior to removal.
  - d. Applicant to replace the tree with a variety acceptable to the Planning Department, minimum 2" caliper.
  - e. Applicant to plant trees as per the approved City detail.
  - f. Applicant to contact Public Works at (503)434.7316 for a tree inspection prior to backfill.
  - g. Applicant to obtain a sidewalk permit and replace the damaged sidewalk as per City standards. Sidewalk permits can be obtained from Engineering (503.434.7312).

#### **Public Comments**

No public notice of the application was provided by the City of McMinnville, as Street Tree Removal applications are reviewed by the process described in Section 17.58.040 (Tree Removal/Replacement)

---

*Attachments:*

*Attachment 1 – Application and Attachments*

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. Travis Mode, on behalf of West Congregation of Jehovah's Witnesses, McMinnville, Oregon, adjacent property owner, submitted a Street Tree Removal Permit application on October 14, 2019.
2. The application was deemed complete on October 25, 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 November 20, 2019 to review the application and proposed street tree removal request.

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

1. **Location:** 2010 NE Tilbury Street (Tax Lot 701, Section 21DD, T. 4. S., R. 4 W., W.M.)
2. **Size:** 1.07 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-1 (Single-family Residential)
5. **Overlay Zones/Special Districts:** Three Mile Lane Planned Development Overlay
6. **Current Use:** Church
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None
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.
10. **Transportation:** NE Tilbury Street 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

---

Attachments:

Attachment 1 – Application and Attachments

improved with curb and gutter, and curb-tight sidewalks 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. Near the subject tree, the sidewalk separates from the curb to transitions into a sidewalk and curb separated by a planter strip.

## **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.*

*Policy 132.53.00: Maintaining Quality of Facilities – The City will establish standards for the maintenance and safety of pedestrian facilities. These standards should include the removal of hazards and obstacles to pedestrian travel, as well as maintenance of benches and landscaping.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The removal and replacement of the subject tree in the NE Tilbury Street right-of-way would improve the safety for pedestrians, the aesthetic appearance of the streetscape, and the livability of the surrounding area. The subject tree's 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 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.

---

Attachments:

Attachment 1 – Application and Attachments

**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:** 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 the subject tree 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. [...]*

---

Attachments:

Attachment 1 – Application and Attachments



**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION.** 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 tree's stump and remaining surface roots shall be removed at least six (6) inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged landscaped 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.** 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.** The subject street tree, a Douglas Fir, is located in a planting area in the right-of-way between the sidewalk and the property line. At this location, the sidewalk is transitioning from a curb-tight sidewalk to one separated from the curb by a planter strip. The planter strip is not wide enough to accommodate a street tree in this location. There are no apparent utilities or public improvements (water meters, fire hydrants, etc.) present in the planting area where the tree is located that would preclude a replacement tree. Overhead power is found across NE Tilbury Street, on the west side of the street, so a large tree could present a future conflict. Following the removal of the subject tree, there would be sufficient space in the planting area to accommodate an appropriately sized replacement street tree.

This property and subdivision is not subject to an approved street tree plan, therefore staff recommends that a replacement tree be selected by the applicant from the recommended small or medium street tree section of the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee. A small or medium replacement street tree would be of appropriate size and character for the site.

**CONDITION FOR FINDING:** That one (1) replacement street tree be planted in the same landscape area where the *Pseudotsuga menziesii* (Douglas Fir) was removed. The replacement

tree shall be a recommended small or medium street tree from the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION.** 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.** 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 approval notification.

**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.** 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 sidewalk be replaced per City standards.

**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. 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 a tree 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 to obtain a sidewalk permit and replace the damaged sidewalk per City standards.

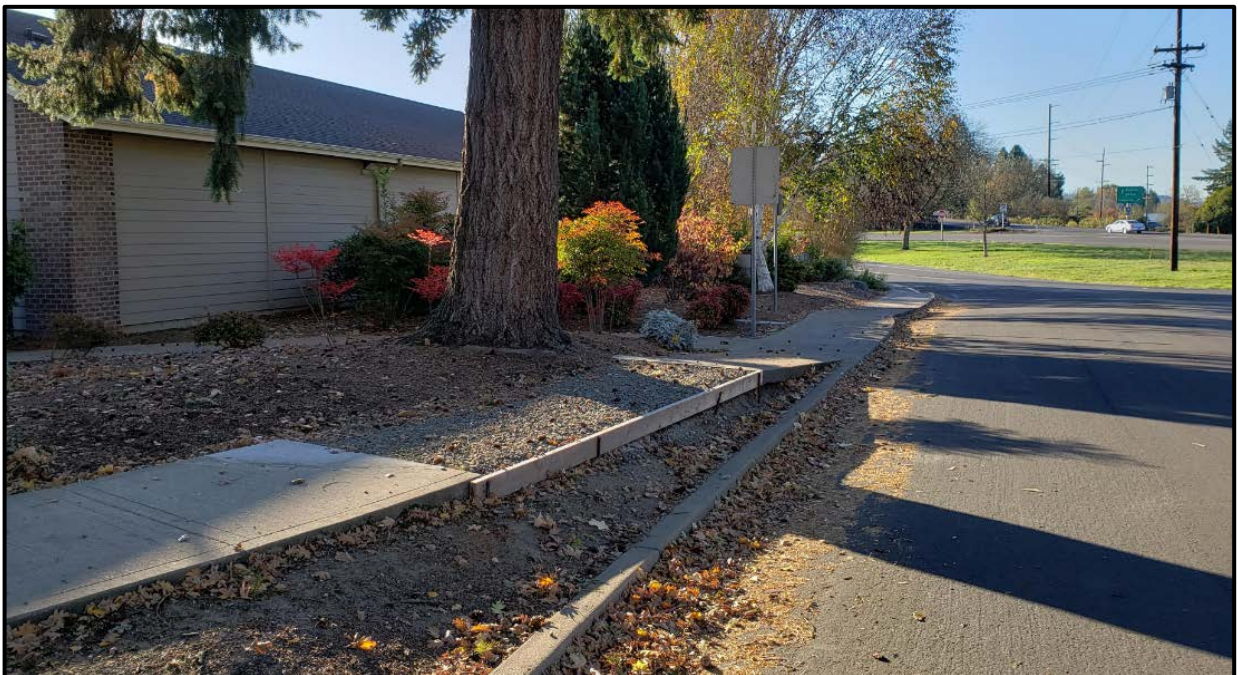
#### **17.58.050 Review Criteria.**

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

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

**APPLICANT'S RESPONSE:** Tree has compromised the sidewalk. Buttress roots closest to sidewalk only 12" away. Repeatedly buckled sidewalk. Sidewalk is currently 16" above the curb and presents a fall hazard. If the tree was removed, the sidewalk could be replaced. The grade could be cut for a gradual ascent.

**FINDING: SATISFIED.** Staff concurs with the Applicant. Roots from the subject tree, a 34" DBH *Pseudotsuga menziesii* (Douglas Fir), have caused adjacent sidewalk panels to lift approximately 16 inches above the elevation of the nearby curb, creating a potential trip hazard on the walking surface of the sidewalk and a fall hazard off the edge of the walk.



Attachments:

Attachment 1 – Application and Attachments



The application indicates that disruption to the sidewalk panels has been a persistent problem, and that the sidewalk has been repaired in the past. The arborist report provided by the applicant states that the primary offending root that is repeatedly damaging the sidewalk is a large buttress root over 10 inches in diameter and the root crown of the tree is only 12 inches from the edge of the sidewalk. The arborist's conclusion was that removal or pruning of the root is not an option, and removal and replacement of the tree is recommended to be able to repair the sidewalk. Therefore, this criterion has been met.

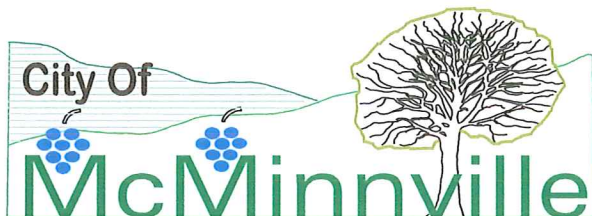
JF

---

*Attachments:*

*Attachment 1 – Application and Attachments*





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

**Office Use Only:**

File No. L 25-19  
Date Received 10/14/19  
Fee \$150.00  
Receipt No. 201424  
Received by JAF

## Street Tree Removal

### Applicant Information

**Applicant is:** ☐ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☒ Other member of organization

Applicant Name Travis Mode Phone 503-435-8968

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

Address 2010 Tilbury St.

City, State, Zip McMinnville, OR 97128

Contact Email customfinishconstruction@gmail.com

### Property Owner Information

Property Owner Name Jehovah's Witnesses 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 2010 Tilbury St. McMinnville, OR 97128  
(Property nearest to tree(s) for removal)

Assessor Map No. R4 421 - DD - 00701 Total Site Area 1.07 AC

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

Comprehensive Plan Designation R-1 Zoning Designation R-1


### **Additional Information**

1. How many trees are requested for removal? 1
2. What type (species) of tree(s) are they? Douglas Fir / Pseudotsuga Menziesii
3. What is the diameter of the tree(s), measured four feet above ground level? 39"
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.  
In Conflict with public improvements - see attached

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

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

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

  
Applicant's Signature

10/14/19  
Date

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

\_\_\_\_\_  
Date

STREET TREE REMOVAL  
2010 NE TILBURY STREET  
MCMINNVILLE OREGON

#4 – Why are you requesting the removal of the noted tree?

B – The tree is in conflict with public improvements

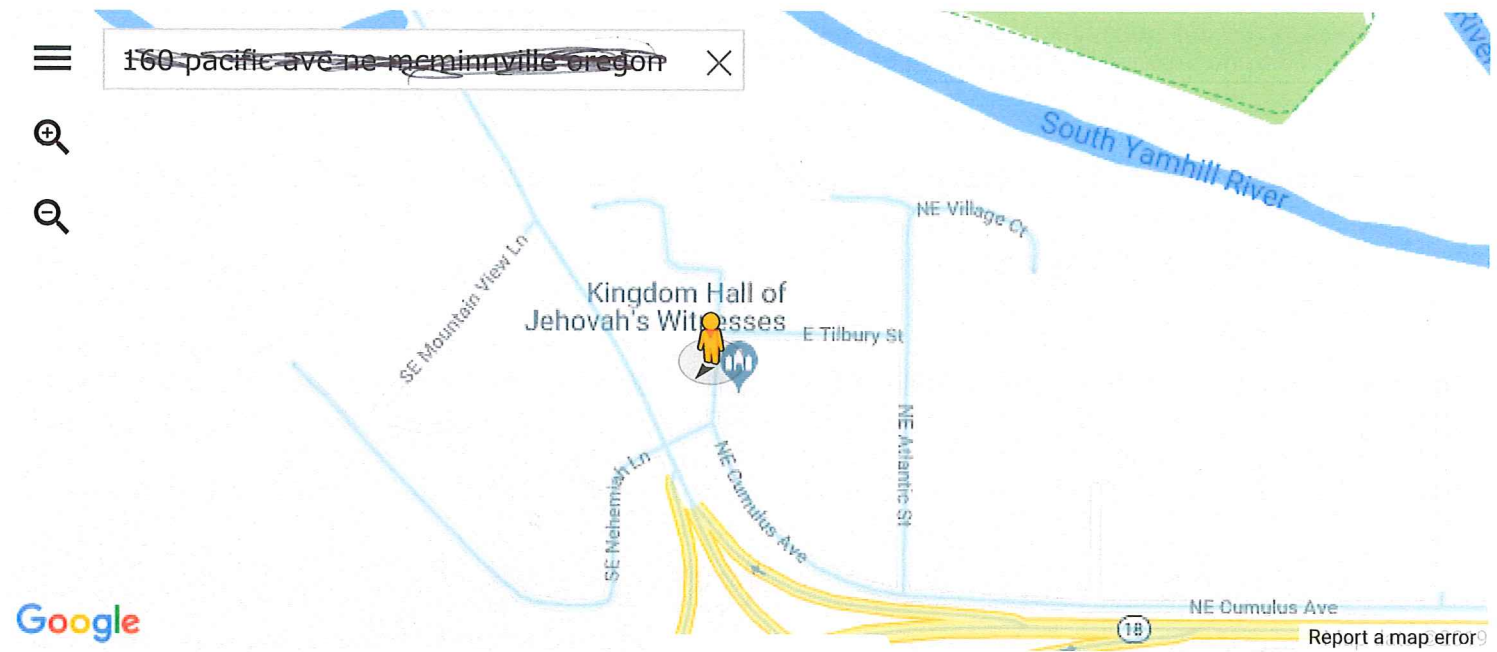
Tree has **compromised the sidewalk**

**Buttress roots** closet to sidewalk only 12” away

Repeatedly **buckled sidewalk**

Sidewalk is currently 16” above the curb and presents a **fall hazard**

If the tree was removed, the sidewalk could be replaced. The grade could be cut for a gradual ascent.



2010 E Tilbury St, McMinnville, Oregon



Like

Tweet

Google



Google Maps — 165 NE Pacific St

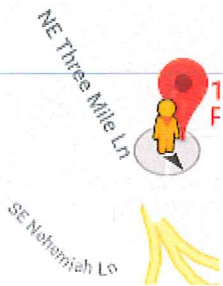


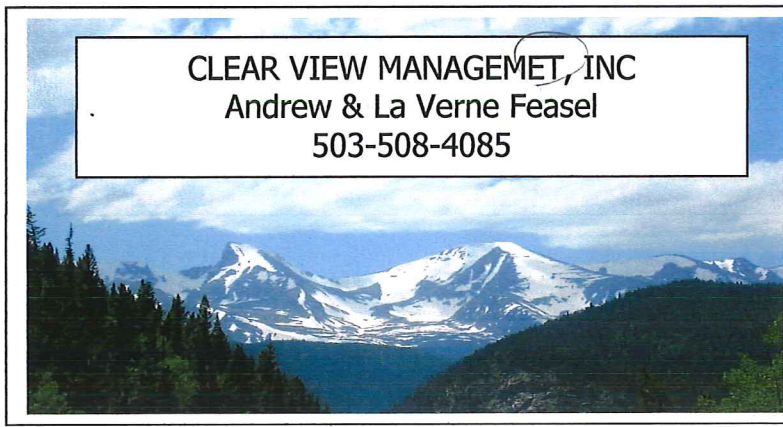
Image capture: Aug 2012 © 2019 Google

McMinnville, Oregon



Street View - Aug 2012





July 21, 2019

Kingdom Hall of Jehovah's Witnesses  
Attention: Travis Mode  
2010 Tilbury Street  
McMinnville OR 97128

RE: Tree Evaluation

Dear Mr. Mode:

We completed a visual only tree evaluation of 1-Douglas Fir tree (*Pseudotsuga Menziesii*) On Wednesday, June 19, 2019. located at 2010 Tilbury, west side of the property adjacent to Pacific Street. Following are our observations and/or Recommendations.

The specimen is a mature tree approximately 36 inch DBH, it has co-dominant stems which do not appear to have included bark at the attachment point. The canopy appears of average health, the needle count is satisfactory, and the foliage color appears average. There is some evidence of insect activity in the lower trunk - frass and small diameter holes in lower trunk.

The main issue from which you inquired was the damaged caused to the adjacent sidewalk which has been repeatedly repaired and continues to be compromised. At present the raised sidewalk section has been removed waiting a solution. The portion of root causing the problem is a **large buttress root** over 10" in diameter, the root crown being located only 12" from the sidewalk. Therefore **removal or pruning of the root is not an option**. In addition; the sidewalk which was laid around the existing tree sits at an elevation of 16" above the curb which makes for an additional liability concern for pedestrian traffic. The street improvements and construction of additional housing in this neighborhood will only amplify these liability concerns as more pedestrian traffic will be using this sidewalk.



<sup>the</sup>  
Due to chronic nature of the sidewalk site and liability concerns noted above, we recommend that this tree be removed and a more suitable specimen be replanted in accordance with the city tree ordinance. Also the grade of the sidewalk could be lowered closer to curb height with a more gradual ascent resulting in safer pedestrian/walking area.

If you have any other questions, please feel free to contact me at 503-508-4085. Thank you.

Warm Regards,

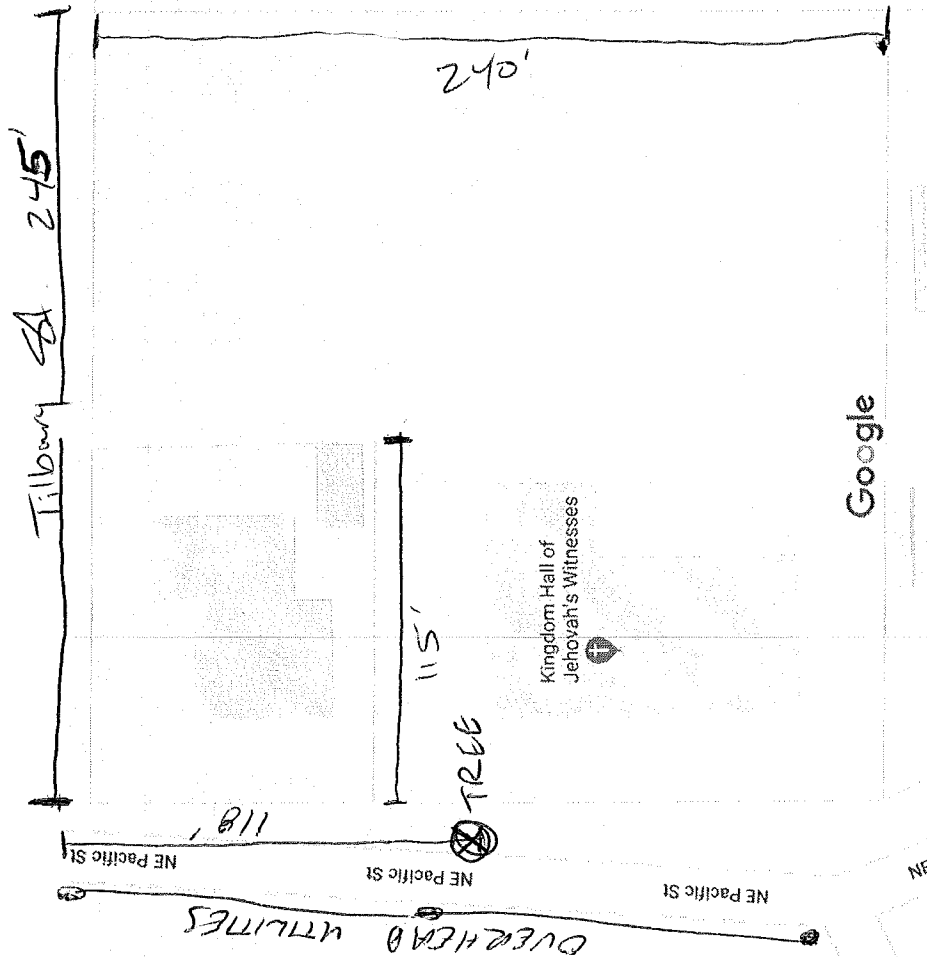
CLEAR VIEW MANAGEMENT, INC.

Andrew Feasel  
Certified Arborist – PN-2025

Google Maps

2010 Tilbury St.

NORTH  
↑



Map data ©2019 20 ft

Google Maps

↑  
NORTH



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, Metro, Portland Oregon, State of Oregon, Map data ©2019 50 ft



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

## EXHIBIT 2 - STAFF REPORT

DATE: November 20, 2019  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Street Tree Removal Application (L 26-19)

### STRATEGIC PRIORITY & GOAL:



#### GROWTH & DEVELOPMENT CHARACTER

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

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

---

### Report in Brief:

An application to remove one (1) street tree from the public right-of-way adjacent to 2378 SW Barbara Street (L 26-19) to be reviewed by the Landscape Review Committee.

### Background:

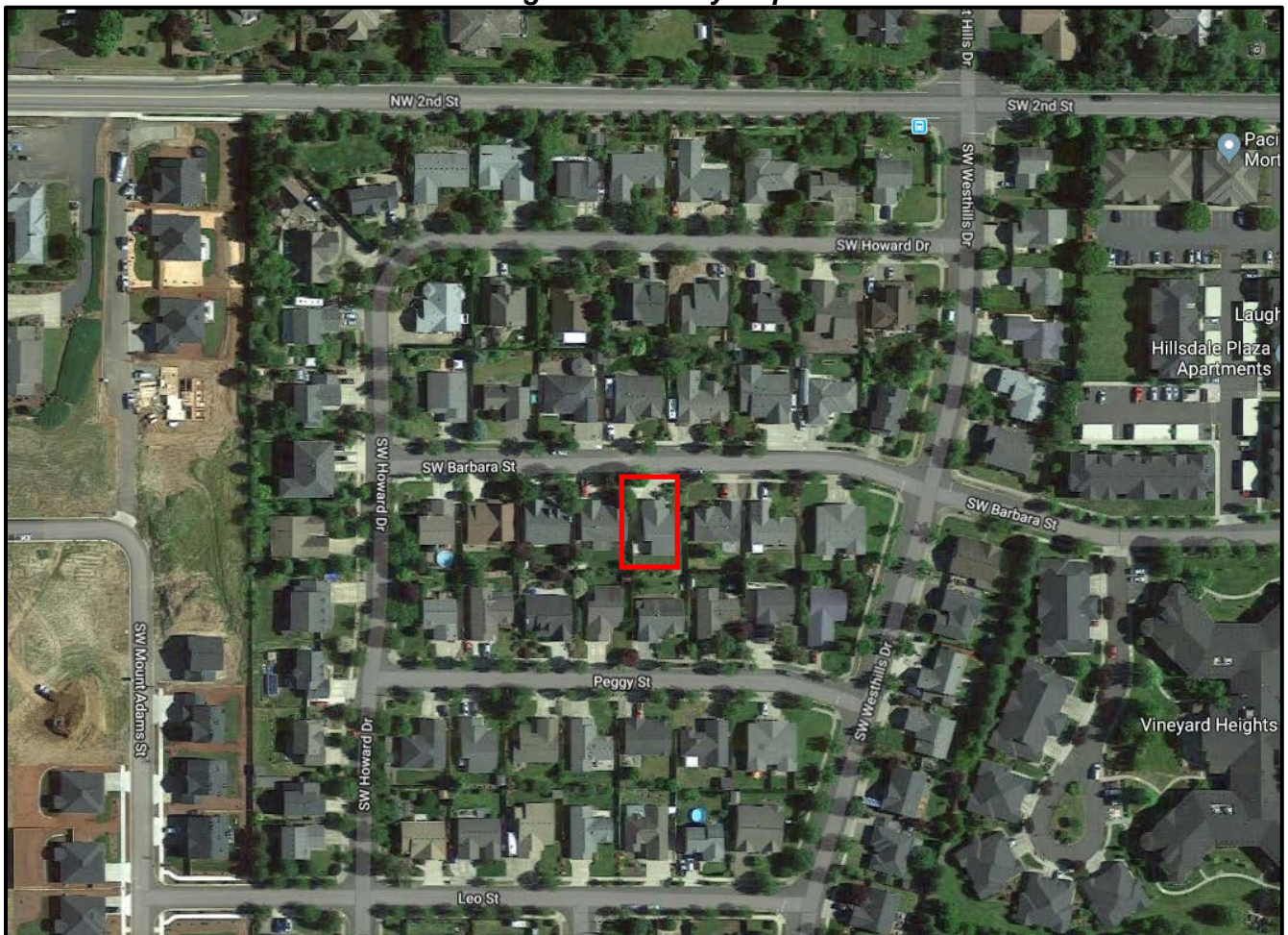
The applicant and adjacent property owner, Bruce Billett, submitted a street tree removal application to remove one (1) street tree from the right-of-way adjacent to the property at 2378 SW Barbara Street. The subject property is more specifically described as Tax Lot 5800, Section 19CA, T. 4. S., R. 4 W., W.M. The subject property is located at 2378 SW Barbara Street within the Hillsdale subdivision and is zoned R-2 (Single-family Residential). The site is developed with a single family residence. The subject tree that is requested for removal is located on the north side of the property in the SW Barbara Street right-of-way. **See Figure 1 (Vicinity Map) and Figure 2 (Site Plan).**

---

### Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 2378 SW Barbara Street

**Figure 1: Vicinity Map**

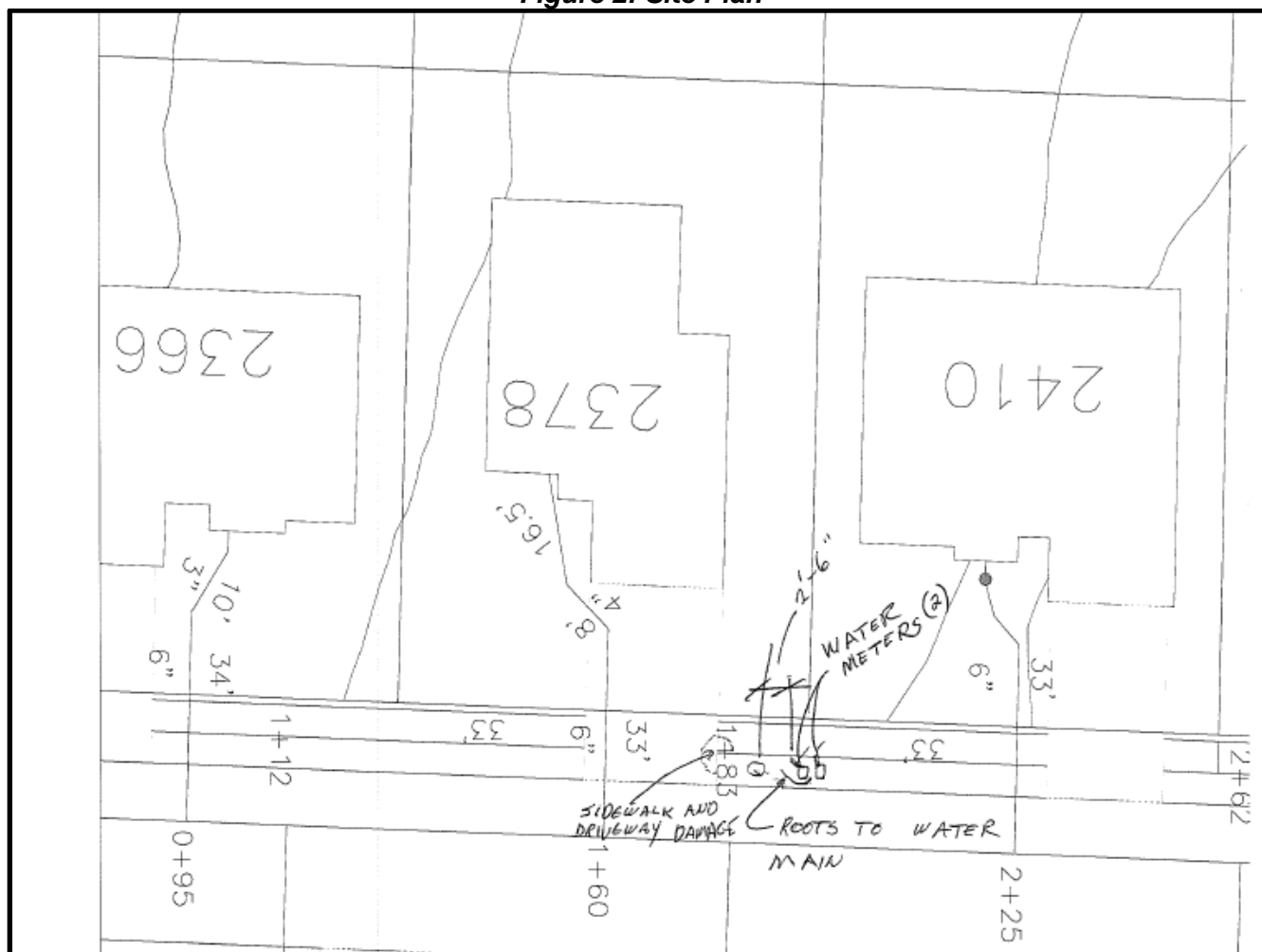


**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 2378 SW Barbara Street



**Figure 2: Site Plan**



**Discussion:**

### Summary of Criteria & Issues:

The application requests approval of a tree removal permit for a tree located within the public right-of-way. The Tree Removal Permit request is subject to the Tree Removal review criteria in Section 17.58.050 of the McMinnville Municipal Code (MMC).

Section 17.58.050 of the MMC requires a permit for Tree Removal to be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

The applicant has requested the removal of one (1) street tree because of conflict with public improvements within the right-of-way, specifically damage to the public sidewalk and to the water meters serving 2378 and 2410 SW Barbara Street. The tree is located in a planter strip between the curb and sidewalk adjacent to the subject property.

**Attachments:**

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 2378 SW Barbara Street*

The subject tree is a 10" DBH *Acer rubrum* 'Armstrong' (Armstrong Red Maple). Surface roots from the tree are growing around and encircling the water meter servicing the subject property and the adjacent property, placing the tree in conflict with the water facilities. Additionally, surface roots appear to have contributed to the damage of the adjacent sidewalk panel, creating a safety hazard for pedestrians. Therefore, criterion B for approval has been met.

The tree is planted less than three (3) feet from a water meter serving the property, and is less than five (5) feet from the driveway approach. Given that the spacing standards for street trees are a minimum five (5) feet from a private driveway a minimum ten (10) feet from a water meter, there is not sufficient space in the for a replacement street tree in the planting strip west of the driveway. East of the driveway, the planter strip adjacent to the subject property has a street tree and a street light standard. Given that the spacing standard for street trees from a light standard a minimum 20 feet, there is not sufficient space for a replacement street tree in the planting strip east of the driveway. Because there is insufficient space in the planting strips adjacent to the property for a replacement street tree, a replacement street tree is not recommended.

Repair of the damaged sidewalk is recommended as a condition of approval.



---

**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 2378 SW Barbara Street





**Fiscal Impact:**

None.

**Landscape Review Committee Options:**

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

---

**Attachments:**

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 2378 SW Barbara Street*

**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 26-19 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 2378 SW Barbara Street***



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

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

## **DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A STREET TREE REMOVAL AT 2378 SW BARBARA STREET**

**DOCKET:** L 26-19 (Street Tree Removal)

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

**LOCATION:** 2378 SW Barbara Street (Tax Lot 5800, Section 19CA, T. 4. S., R. 4 W., W.M.)

**ZONING:** R-2 (Single-family Residential)

**APPLICANT:** Bruce Billett, adjacent property owner

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

**DATE DEEMED COMPLETE:** October 25, 2019

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

**DECISION DATE & LOCATION:** November 20, 2019, Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon

**PROCEDURE:** Any street tree removal is subject to review in accordance with procedures specified in Chapter 17.58-Trees of the McMinnville Zoning Ordinance. The application for street tree removal is subject to the procedures specified in Section 17.58.040 Tree Removal/Replacement.

**CRITERIA:** The applicable criteria are specified in Section 17.58.050 of the McMinnville Zoning Ordinance, McMinnville City Code.

**APPEAL:** The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.58.040(A) of the McMinnville Zoning Ordinance.

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Their comments are provided in this document. No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.



Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the street tree removal (L 26-19) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Date: November 20, 2019

Date: November 20, 2019

37 of 58

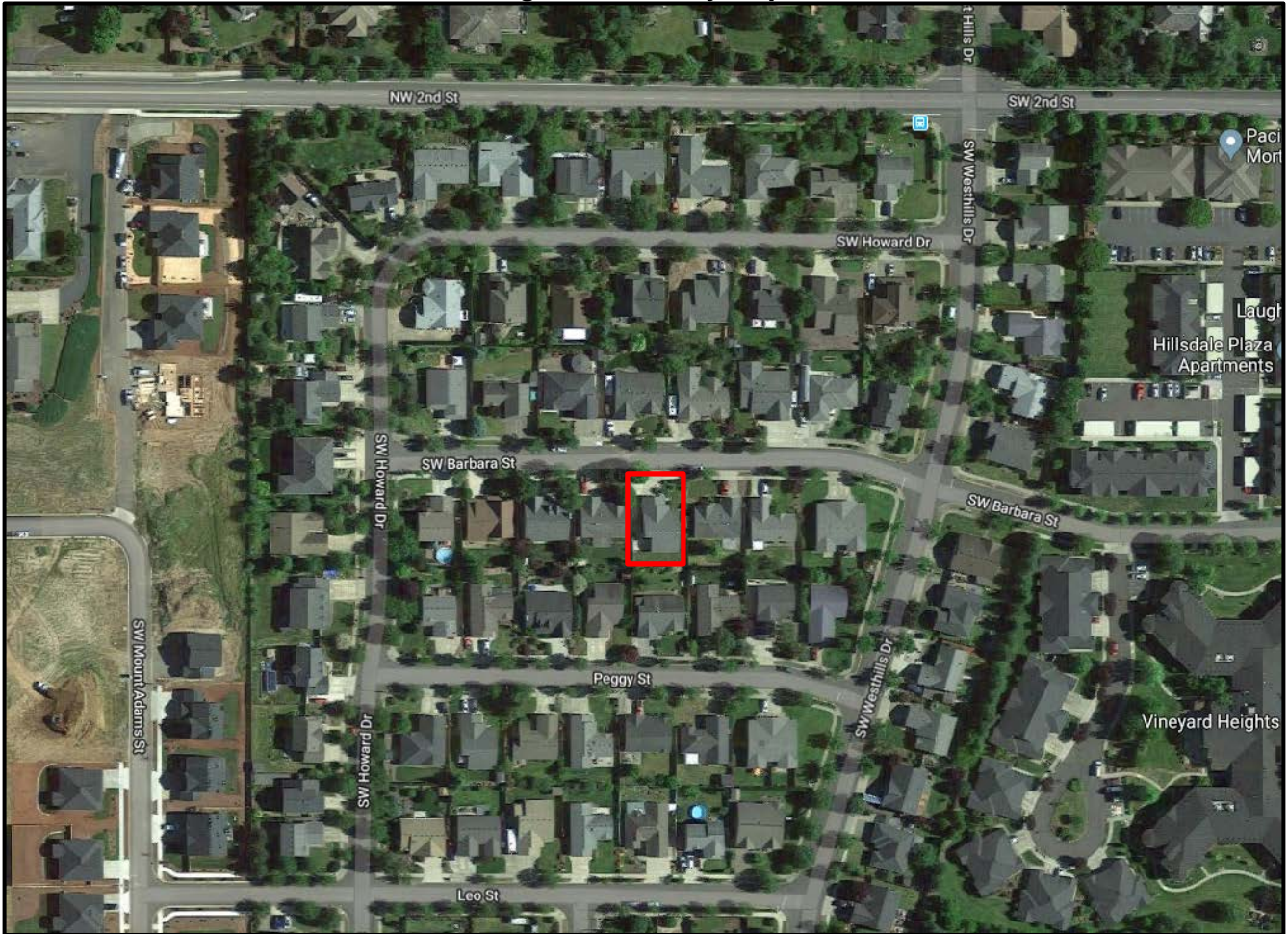
## **I. APPLICATION SUMMARY:**

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

The application requests the removal of one (1) street tree from the SW Barbara Street public right-of-way adjacent to the subject property. Removal of a tree within the public right-of-way requires City approval.

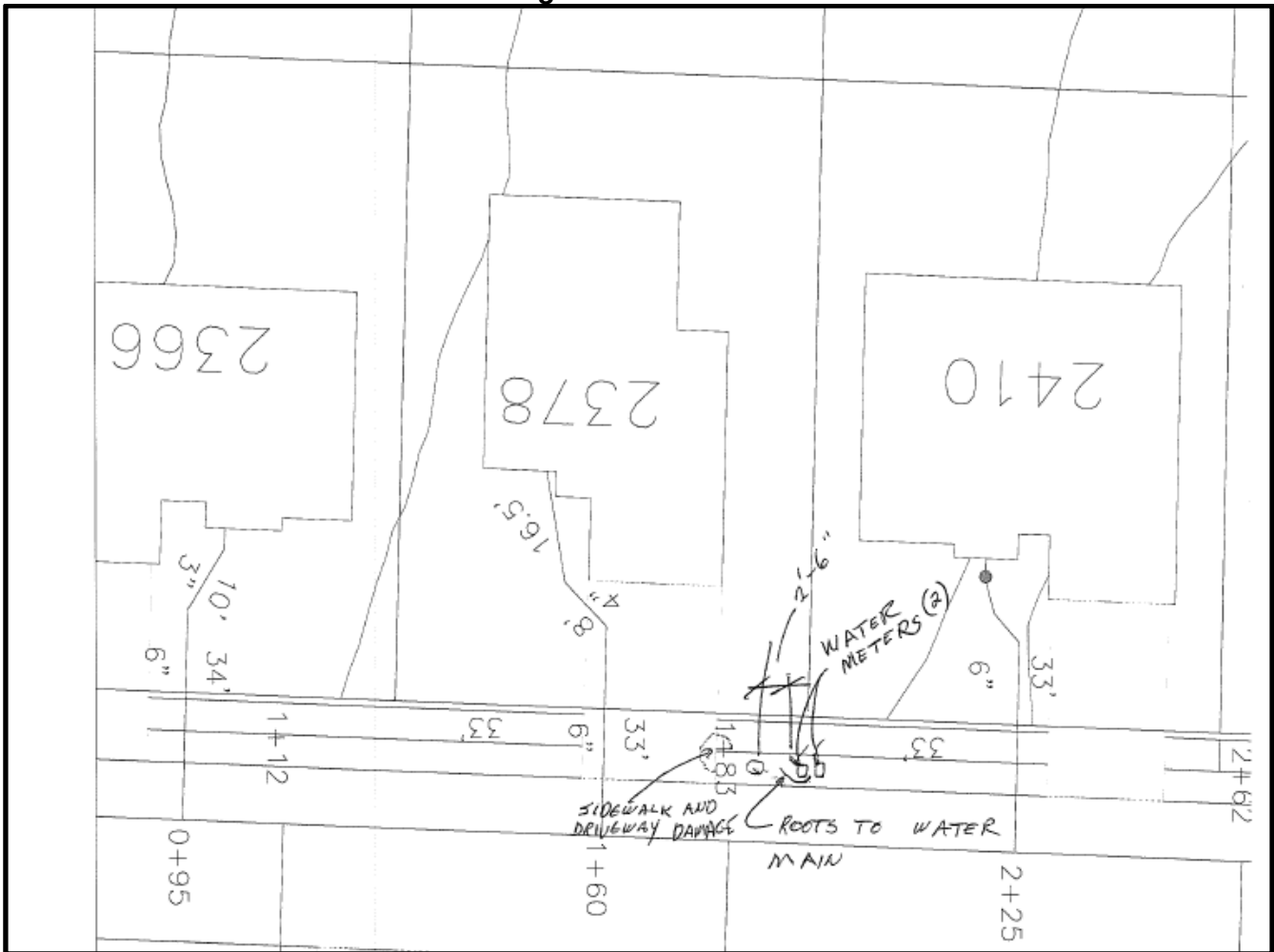
The subject property is located at 2378 SW Barbara Street within the Hillsdale subdivision and is zoned R-2 (Single-family Residential). The site is developed with a single family residence. The subject tree that is requested for removal is located on the north side of the property in the SW Barbara Street right-of-way. **See Figure 1 (Vicinity Map) and Figure 2 (Site Plan).**

**Figure 1: Vicinity Map**

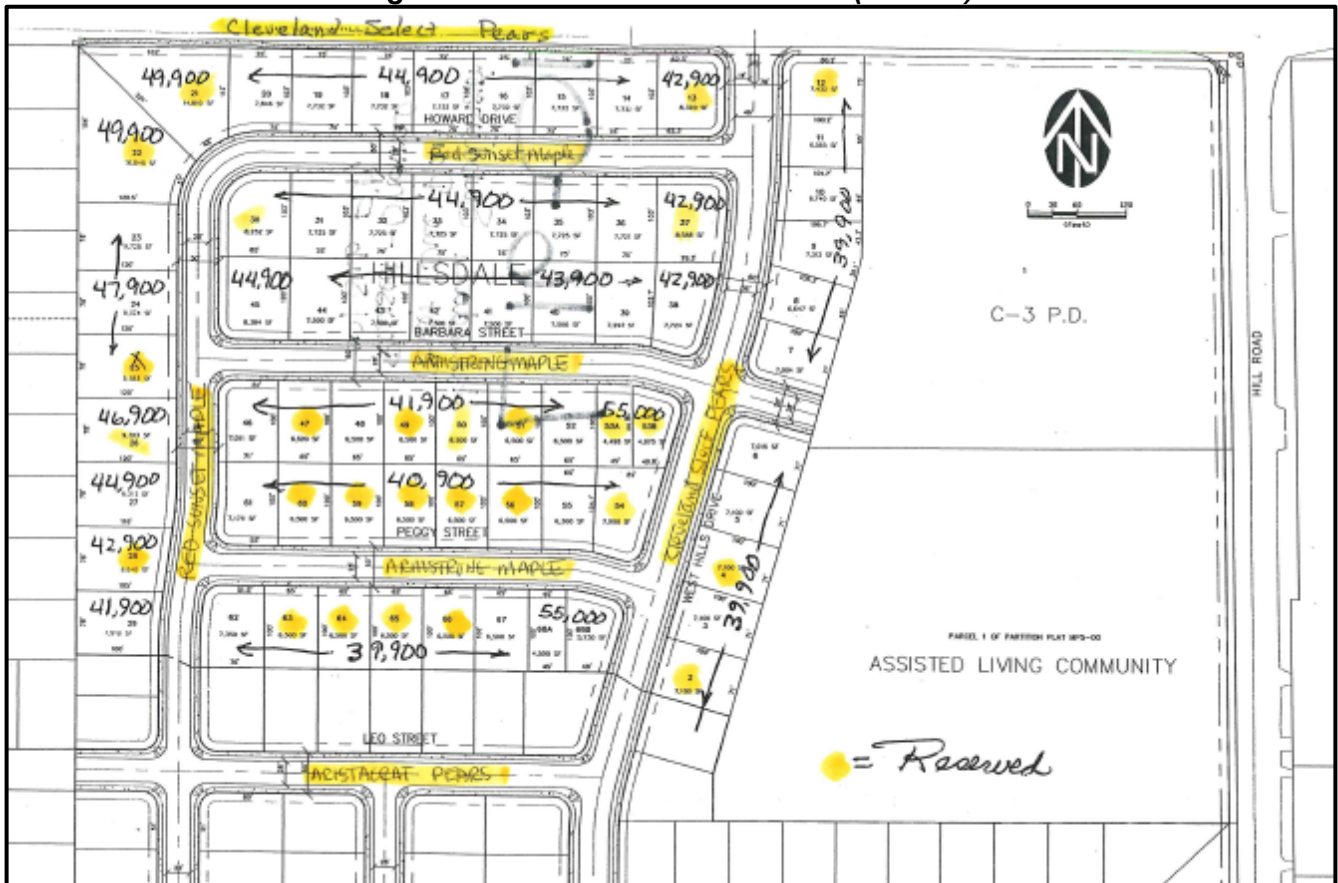


Attachments:

Attachment 1 – Application and Attachments

**Figure 2: Site Plan****Background**

A Street Tree Plan was approved for the Hillsdale subdivision in Docket L 16-01. The Street Tree Plan identifies Armstrong Maple (*Acer Rubrum* 'Armstrong') as the approved street tree for Barbara Street between Howard Drive and West Hills Drive. **See Figure 3 (Hillsdale Street Tree Plan (L 16-01)).**

**Figure 3: Hillsdale Street Tree Plan (L 16-01)**

### Summary of Criteria & Issues

The application requests approval of a tree removal permit for a tree located within the public right-of-way. The Tree Removal Permit request is subject to the Tree Removal review criteria in Section 17.58.050 of the McMinnville Municipal Code (MMC).

Section 17.58.050 of the MMC requires a permit for Tree Removal to be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

The applicant has provided documentation to support the request for a Tree Removal Permit. This will be discussed in detail in Section VII (Conclusionary Findings) below.

### **II. CONDITIONS:**

1. That all costs and liability associated with tree removal and stump grinding shall be borne by the applicant.
2. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to removing the trunk, stump, and roots to ensure that underground utilities are not damaged

Attachments:

Attachment 1 – Application and Attachments

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 tree's stump and remaining surface roots shall be removed at least six (6) inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations.
4. That the applicant shall contact the McMinnville Engineering Department at (503) 472-7312 to obtain a sidewalk permit and replace the damaged sidewalk per City standards.
5. That the applicant shall complete the tree removal within six (6) months of approval notification.

### **III. ATTACHMENTS:**

1. L 26-19 Application and Attachments (on file with the Planning Department)

### **IV. COMMENTS:**

#### **Agency Comments**

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

- McMinnville Public Works:

#### ***Site Review***

1. The tree in question appears to be a maple variety and is about 10" DBH.
2. The tree is planted in a non-irrigated 4 foot planter strip with landscape rock as groundcover.
3. There are no overhead facility conflicts.
4. There are no tree related damages to the curb/gutter.
5. The tree is planted less than 5 feet from the driveway approach.
6. The tree is planted less than 3 feet from the water meter. There is a large surface root encroaching on the water meter.
7. The tree does not exhibit any obvious structural or health issue that would require its removal.
8. The tree exhibits some surface rooting, with some root girdling around the trunk.
9. There is a damaged sidewalk panel adjacent to the tree. It is unclear if that damage is from tree rooting, or from vehicle use of the sidewalk to access a concrete pad on the west side of the driveway.
10. Given that the planter to the east has an existing street light standard, there does not appear to be adequate room to plant a replacement tree along the frontage of this property.

#### ***Recommendations***

1. Given the surface rooting and the size of the root encroaching on the water meter, staff would recommend approval of this application.
2. Given the proximity of the water meter to the approach and the space limitation on the east planter, staff would not recommend re-planting a replacement tree.
3. Suggested conditions of approval:

---

*Attachments:*

*Attachment 1 – Application and Attachments*



- Applicant to be responsible for all costs related to removal and site restoration.
  - 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. Extreme care should be taken to avoid damaging the water meter vault, and should contact McMinnville Water and Light (503.472.6158) with any water meter related questions.
  - 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.
  - Applicant to repair existing sidewalk damage. Sidewalk permits can be obtained from Engineering (503.434.7312).
- McMinnville Water and Light:

There are water services where the tree is. Use caution when working around the water meters and services lines. If you break anything, contact McMinnville Water & Light immediately at 503-472-6158. Call for locates of underground utilities at 811 prior to removing old tree trunks and roots, and planting new trees.

### **Public Comments**

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

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

1. Bruce Billet, adjacent property owner, submitted a Street Tree Removal Permit application on October 15, 2019.
2. The application was deemed complete on October 25, 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 November 20, 2019 to review the application and proposed street tree removal request.

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

1. **Location:** 2378 SW Barbara Street (Tax Lot 5800, Section 19CA, T. 4. S., R. 4 W., W.M.)
2. **Size:** 6,500 square feet
3. **Comprehensive Plan Map Designation:** Residential

---

*Attachments:*

*Attachment 1 – Application and Attachments*

4. **Zoning:** R-2PD (Single-family Residential Planned Development)
5. **Overlay Zones/Special Districts:** Planned Development Ordinance 4713
6. **Current Use:** Single Family
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None
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.
10. **Transportation:** SW Barbara Street 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, planter strip, and sidewalks on both sides of the street. The street has two travel lanes, on-street parking on both sides of the street, and 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 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*

---

Attachments:

Attachment 1 – Application and Attachments

*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 the subject tree is consistent with the purpose of the Chapter. Specifically, the request would minimize hazard, nuisance, damage, and maintenance costs.

### **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.

**FINDING: SATISFIED WITH CONDITION.** 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 tree's stump and remaining surface roots shall be removed at least six (6) inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations.

**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.** Conditions of approval have been included to ensure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

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

That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to removing the trunk, stump, and roots to ensure that underground utilities are not damaged during this process. 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.** The subject street tree, an Armstrong Red Maple, is located in a planting strip between the curb and sidewalk. The tree is planted less than three (3) feet from a water meter serving the property, and is less than five (5) feet from the driveway approach. Given that the spacing standards for street trees are a minimum five (5) feet from a private driveway a minimum ten (10) feet from a water meter, there is not sufficient space in the for a replacement street tree in the planting strip west of the driveway. East of the driveway, the planter strip adjacent to the subject property has a street tree and a street light standard. Given that the spacing standard for street trees from a light standard a minimum 20 feet, there is not sufficient space for a replacement street tree in the planting strip east of the driveway. Because there is insufficient space in the planting strips adjacent to the property for a replacement street tree, a replacement street tree is not recommended.

**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.** 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.** 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 approval notification.

**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.** Conditions of approval have been included to ensure that the damaged sidewalk adjacent to the property be replaced per City standards.

**CONDITIONS FOR FINDING:**

That the applicant shall contact the McMinnville Engineering Department at (503) 472-7312 to obtain a sidewalk permit and replace the damaged sidewalk per City standards.

**17.58.050 Review Criteria.**

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

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

**APPLICANT'S RESPONSE:** See attached photos. Safety. Property damage. Public property Damage.

**FINDING: SATISFIED.** Surface roots from the subject tree, a 10" DBH *Acer rubrum* 'Armstrong' (Armstrong Red Maple), are growing around and encircling the water meter servicing the subject property and the adjacent property, placing the tree in conflict with the water facilities. Additionally, surface roots appear to have contributed to the damage of the adjacent sidewalk panel, creating a safety hazard for pedestrians. Therefore, this criterion has been met.



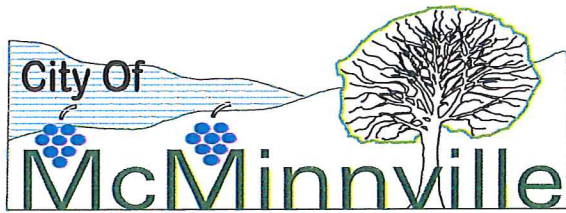


---

Attachments:  
Attachment 1 – Application and Attachments

JF



**Planning Department**

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

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

**Office Use Only:**File No. L 26-19Date Received 10/15/19Fee 150-Receipt No. 2014 28Received by JAF

## Street Tree Removal

### Applicant Information

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

Applicant Name BRUCE H. BILLET Phone 503 806 3826

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

Address 2378 SW BARBARA ST

City, State, Zip McMINNVILLE OR 97120

Contact Email 8557BRUCE@GMAIL.COM

### Property Owner Information

Property Owner Name SAMAT 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 2378 SW BARBARA ST.  
 (Property nearest to tree(s) for removal)

Assessor Map No. R4 419 - CA - 05900 Total Site Area \_\_\_\_\_

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

Comprehensive Plan Designation \_\_\_\_\_ Zoning Designation R-2



### Additional Information

1. How many trees are requested for removal? 1
2. What type (species) of tree(s) are they? ?
3. What is the diameter of the tree(s), measured four feet above ground level? ≈ 12"
4. Why are you requesting the removal of the noted tree(s)? (See "Removal Criteria" on attached Information Sheet.) Explain which of the criteria is addressed through this application. \_\_\_\_\_

SEE ATTACHED PICTURES,

SAFETY

PROPERTY DAMAGE

PUBLIC PROPERTY DAMAGE

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

☐ A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), showing the location of the tree(s) subject to the removal request, property lines, sidewalks, adjacent utilities (including overhead), north direction arrow, and adjacent streets.

☒ Arborist report, photographs, and/or other information which would help substantiate or clarify your request.

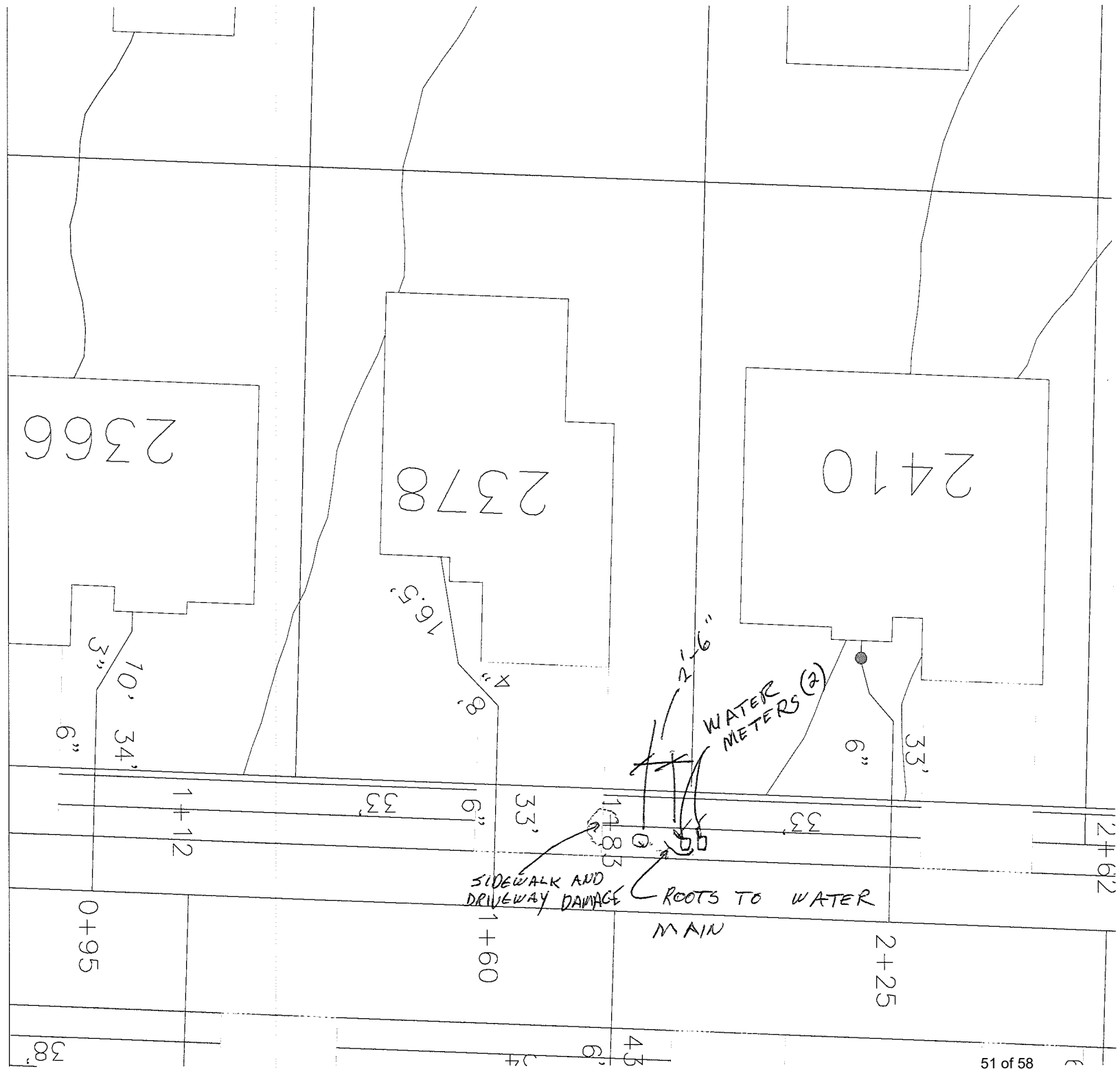
**I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.**

  
Applicant's Signature

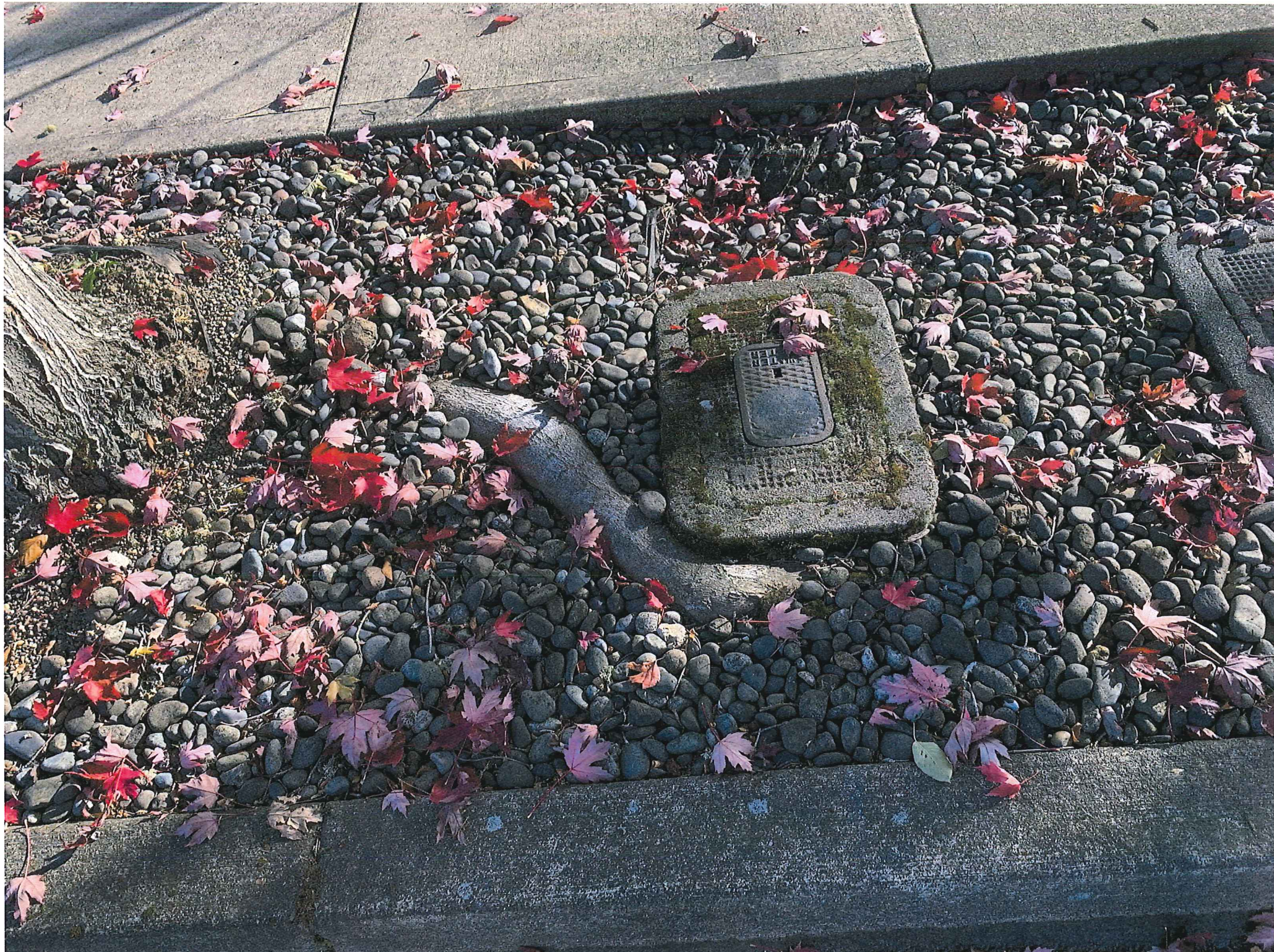
10/15/19  
Date

  
Property Owner's Signature

10/15/19  
Date















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

## EXHIBIT 3 - STAFF REPORT

**DATE:** November 20, 2019  
**TO:** Landscape Review Committee Members  
**FROM:** Jamie Fleckenstein, Associate Planner  
**SUBJECT:** Agenda Item 5A – Discussion of a Major Pruning Permit for McMinnville Water & Light

### 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 a framework for a Major Pruning Permit for McMinnville Water & Light's power line clearance pruning program.

### Background:

In order to provide electric service to the community in a safe and reliable manner, McMinnville Water & Light (MW&L) contracts annually with a tree service provider to prune trees to maintain clearances around power lines. State and federal regulatory agencies provide standards for vegetation maintenance and clearance around electrical transmission and distribution lines. In order to meet these vegetation clearance standards, some trees require removal of more than 20 percent of the canopy. Removal of more than 20 percent of a tree's canopy is defined in McMinnville Municipal Code (MMC) as major pruning. Section 17.58.040(A) of the MMC states:

"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. [...]"

Currently, major pruning done through MW&L's clearance pruning program is not approved by permit through the City.

**Discussion:**

Street trees with growth characteristics and habits not appropriate for planting under overhead utilities can present inherent conflict with those utilities. When applied to such trees, pruning and maintenance standards for power line clearance can leave a tree with a form and appearance that is not characteristic of the tree species and aesthetically unappealing, though clear from utility lines. Promoting the goal of the “right tree in the right place” has been an emphasis of the Landscape Review Committee, and an opportunity exists to work in conjunction with MW&L to further that goal and improve McMinnville’s community forest.

Planning staff has been in dialogue with MW&L about applying for a major pruning permit for their clearance pruning program. Rather than require a permit for each individual tree or property requiring major pruning, staff is recommending an annual, renewable permit to allow major pruning identified within the course of the MW&L pruning program. A goal of the permit process would be to identify and track problem trees that could be candidates for removal and replacement with a tree more appropriate for location under power lines. Criteria and processes for the removal and replacement of repeatedly problematic trees could be identified as part of the annual permit.

Staff will facilitate a discussion regarding the pruning of trees around power lines, current and applicable code, and how to achieve an outcome that is consistent with the purpose of Chapter 17.58-Trees of the McMinnville Zoning Ordinance, including minimizing hazard, nuisance, damage, and maintenance costs; enhancing the appearance, beauty and charm of the City; and to promoting a diverse, healthy, and sustainable community forest.

**Attachments:**

None.

**Fiscal Impact:**

None.

**Recommendation:**

No motion required. The Landscape Review Committee may provide staff guidance and direction towards the preparation of a major pruning permit for future consideration by the committee.

JF



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

## EXHIBIT 4 - STAFF REPORT

DATE: November 20, 2019  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Agenda Item 5B – Discussion of LRC 2020 Work Plan

### 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 is to review a draft 2020 Work Plan to guide the Landscape Review Committee activities over the coming year.

### Background:

The Landscape Review Committee has a defined purpose in the McMinnville Municipal City Code: *To ensure that the appearance of the City of McMinnville is enhanced by encouraging quality landscaping which will benefit and protect the health, safety and welfare of the general public.*

Establishing a work plan will identify goals, strategies, and actions that can guide the LRC's activities over the course of the coming year that support the Committee's purpose.

### Discussion:

Staff will guide a review of the 2019 work plan and a discussion of a draft work plan for 2020 that includes goals, strategies, and actions used to guide and complete activities over the course of the year. Detailed actions, timeframes, and estimated costs can be developed for each activity, once identified and approved by the Committee.

### Attachments:

Landscape Review Committee Draft 2020 Workplan.

**Fiscal Impact:**

None.

**Recommendation:**

No motion required. The Landscape Review Committee may provide guidance to staff to finalize the 2020 Landscape Review Committee Work Plan for future adoption.

JF



## McMinnville Landscape Review Committee - 2020 Work Plan (Draft)

### GOAL : Evaluate & Enhance the McMinnville's Urban Forest & Landscape

Strategy	Action	Priority	Timeframe	Cost	Responsibility
Conduct a Comprehensive Inventory of McMinnville's Street Trees	Develop Inventory Goals and Research Data Collection Methods	High	Summer 2020	Staff	City of McMinnville (City)/ Landscape Review Committee (LRC)
	Promote Public Involvement to Complete City-Wide Tree Inventory	Low	Summer 2020	Staff	City/LRC
Promote Healthy, Safe, and Diverse Urban Forest	<del>Update McMinnville's Approved Street Tree List</del>	<del>High</del>	<del>Spring 2019</del>	<del>Staff</del>	<del>City/LRC</del>
	Develop "Right Tree for the Right Place" Informational Pamphlet	Low	Fall 2020	Staff	City/LRC
Increase McMinnville's Urban Forest Canopy	Review and Update Street Tree code to Resolve Conflicts Between Street Trees and Utilities, Stormwater Treatment	Medium	Fall 2020	Staff	City/LRC
Apply Landscape Standards to City Projects	Coordinate with City Staff to Review City Projects with Landscape Component	High	Spring 2020	Staff	City/LRC

### GOAL: Increase Awareness & Appreciation of McMinnville's Urban Forest & Landscape

Strategy	Action	Priority	Timeframe	Cost	Responsibility
Educate Community on Urban Forestry	Use Completed Street Tree Inventory to Quantify and Report Benefit of McMinnville's Urban Forest	Low	December 2020	Staff	City/LRC
Celebrate Arbor Day in McMinnville	Promote Arbor Day Events in McMinnville	High	Spring 2020	Staff	City/LRC
	Coordinate Arbor Day Tree Planting Event	High	Spring 2020	\$	City/LRC

### GOAL: Preserve McMinnville's Urban Forest & Landscape

Strategy	Action	Priority	Timeframe	Cost	Responsibility
Preserve and Protect Existing Landscape and Street Trees	<del>Identify Consulting 3rd Party Arborist to Consult on Downtown Tree Removal Requests</del>	<del>High</del>	<del>Spring 2019</del>	<del>\$</del>	<del>City/LRC</del>