



**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
December 18, 2019
12:00 PM

| Committee Members | Agenda Items |
|--|---|
| <p>Rob Stephenson Chair</p> <p>Sharon Gunter Vice-Chair</p> <p>Josh Kearns</p> <p>RoseMarie Caughran</p> <p>Tim McDaniel</p> | <ol style="list-style-type: none"> 1. Call to Order 2. Citizen Comments 3. Approval of Minutes <ol style="list-style-type: none"> A. July 17, 2019 (Exhibit 1) 4. Action Items <ol style="list-style-type: none"> A. L 21-19 – Street Tree Plan (Exhibit 2) Brookshire Estates Phase I B. L 28-19 – Street Tree Removal (Exhibit 3) 935 NE Hembree Street C. L 30-19 – Tree Removal (Exhibit 4) 583 SW Westview Drive D. 2020 Work Plan Adoption (Exhibit 5) 5. Discussion Items 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

July 17, 2019
Landscape Review Committee
Regular Meeting

12:00 pm
Community Development Center
McMinnville, Oregon

Members Present: Tim McDaniel, Rose Marie Caughran, Josh Kearns, and Rob Stephenson

Members Absent: Sharon Gunter

Staff Present: Jamie Fleckenstein - Associate Planner

Guests Present: Scott Hill - Mayor, Kellie Menke - City Councilor, Kyle Faulk, and John Mead

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes

None

4. Action/Docket Item (repeat if necessary)

A. L 22-02 – Landscape Plan Revision Request - 120 NE 5th Street

Associate Planner Fleckenstein reviewed the Landscape Plan revision request. This was the site of the Dutch Bros on 120 NE 5th Street. In 2002 a Landscape Plan was approved for the site and six Flowering Pear trees along Adams Street were included in the plan. At the time of installation the Pear trees were substituted for Crab Apple trees. The Crab Apple trees did not do well and were replaced with Birch trees. There were overhead utility lines and the Birch trees were growing to a point that they were interfering with the lines as well as were having problems with the Birch Borer Beetles and the trees were removed. Approved landscape plans were to be maintained in perpetuity including replacement of plants and trees, and the property owner had to replace the trees. However, since there had been failed attempts, the request was to remove the requirement for the trees on Adams Street from the Landscape Plan. There were letters of support from the landscape maintenance company that maintained the property and from Cascadia Landscaping. Staff

recommended approval based on the fact that the trees would not otherwise be required in a landscape plan today. There was one Birch tree that would be replaced on 5th Street.

Chair Stephenson asked if there were other locations where trees could be planted.

Kyle Faulk, applicant, said there were 15 large trees on the site and no room for additional trees.

Associate Planner Fleckenstein said they could not require additional plants or trees other than the street trees on the property.

Committee Member Kearns noted it was a difficult site for trees with the Dutch Bros drive thru and power lines.

Committee Member Kearns moved to approve L 22-02. The motion was seconded by Committee Member McDaniel and passed 4-0.

B. L 15-19 – Street Tree Removal - 528 NW Mt. Bachelor Street

Associate Planner Fleckenstein discussed the request for street tree removal for a street tree that was dead. Replacement was not specified in the application and there was ample room in the planter strip for a tree. There was no street tree plan for the subdivision. Staff recommended replacing the tree with a tree from the medium size street tree list.

Committee Member Kearns moved to approve L 15-19 with the condition to replace the tree with a Red Sunset Maple. The motion was seconded by Committee Member McDaniel and passed 4-0.

C. L 16-19 – Street Tree Removal - 620 NE 12th Street

Associate Planner Fleckenstein explained the request for street tree removal of a Black Walnut tree on 12th Street. The site had been viewed as one property with a single family residence. However, it was determined that historically it was two lots and the applicant was proposing to build a new single family residence on the second lot. In order to build that home and provide driveway access, the tree would need to be removed. The Black Walnut was not on the approved tree list because of the nut litter. A new street tree would be planted next to an existing street tree and a tree was proposed to be planted on the private property. The Black Walnut was impacting and lifting the sidewalk, the tree was not very stable due to being topped, and there was evidence of rot beginning in the lower part of the tree. Staff recommended approval.

Committee Member Caughran moved to approve L 16-19. The motion was seconded by Committee Member Kearns and passed 4-0.

There was discussion regarding the state regulations for the collection of rainwater.

D. L 14-19 – Landscape Plan Review - 839 NE Hwy 99W

Associate Planner Fleckenstein presented the Landscape Plan for 839 NE Hwy 99W. This was for the construction of a Food Truck Park. There would be 15 spaces for food trucks with utility hookups and there would be a pedestrian walkway and tables for eating. There would be a fence that separated the customer parking area from the seating and food trucks. The landscaping proposed was around the perimeter of the property. The applicant was using native plants. There was no irrigation, but there were water spigots for the food trucks that could be used.

Chair Stephenson thought the plants were spaced too far apart on the plan.

Associate Planner Fleckenstein reviewed the approval criteria. This was an existing parking lot and the sparse plantings along the north side would allow people to walk to and from the parking lot and the food trucks. Staff did not see the necessity for denser planting or a solid vegetative screen because it was a commercial use surrounded by other commercial uses. There would be a gravel strip where the utilities would be located.

Committee Member Kearns agreed that there needed to be proper spacing for the plants that were proposed.

Chair Stephenson questioned some of the plant selections, such as the Salal.

Associate Planner Fleckenstein noted in the northwest corner of the property there was some residential. To address the views from 24th Street down the undeveloped right-of-way, the applicant proposed Oregon Grape and Persian Spire trees for screening and buffering. There was a stand of Black Cottonwood trees on the property, but they were of little value for retention and they would be removed. Persian Spire trees would be around the perimeter of the parking lot. At the end of the parking aisles there would be Persian Spire trees and there would be a row of trees between the parking area and the food truck court. The applicant planned to hand water the plants with the hoses around the site.

There was discussion that the food carts would need to be permanent as it would be hard to get in and out of the spots due to the location of the fence. It was suggested that the City's Engineering Department look at the site plan.

There was consensus that there needed to be an automatic system put in for the watering.

Chair Stephenson suggested that the applicant pay more attention to the plant selection, placement, and density. He would like to see more shade trees added, especially in the parking area.

Associate Planner Fleckenstein clarified that the Committee would like more appropriate spacing for the selected plants, more appropriate selection of plants, and for the applicant to consider adding more shade trees and shading of the parking lot and paved areas at appropriate spacing as well as adding automatic irrigation.

Committee Member Kearns moved to continue L 14-19 to allow the applicant to respond to the comments made by the Committee. The motion was seconded by Committee Member McDaniel and passed 4-0.

5. Discussion Items

None

6. Old/New Business

None

7. Committee/Commissioner Comments

None

8. Staff Comments

None

9. Adjournment

Chair Stephenson adjourned the meeting at 1:04 p.m.

DRAFT



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EXHIBIT 2 - STAFF REPORT

DATE: December 18, 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). The site is currently undeveloped. The proposed street tree plan addresses the specification and placement of required street trees for the subdivision. **See Figure 1: Vicinity Map and Figure 2: Proposed Street Tree Plan.**

The Landscape Review Committee reviewed the application at their regular meeting on October 16, 2019 and voted to continue the application to allow the applicant the opportunity to submit a revised landscape plan that better met the purpose and intent of the Trees Chapter of the McMinnville Municipal Code. Based on comments from the Committee, the applicant submitted a revised Street Tree Plan that provided additional street trees where appropriate.

Road infrastructure and utilities have been finalized and constructed on the site.

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

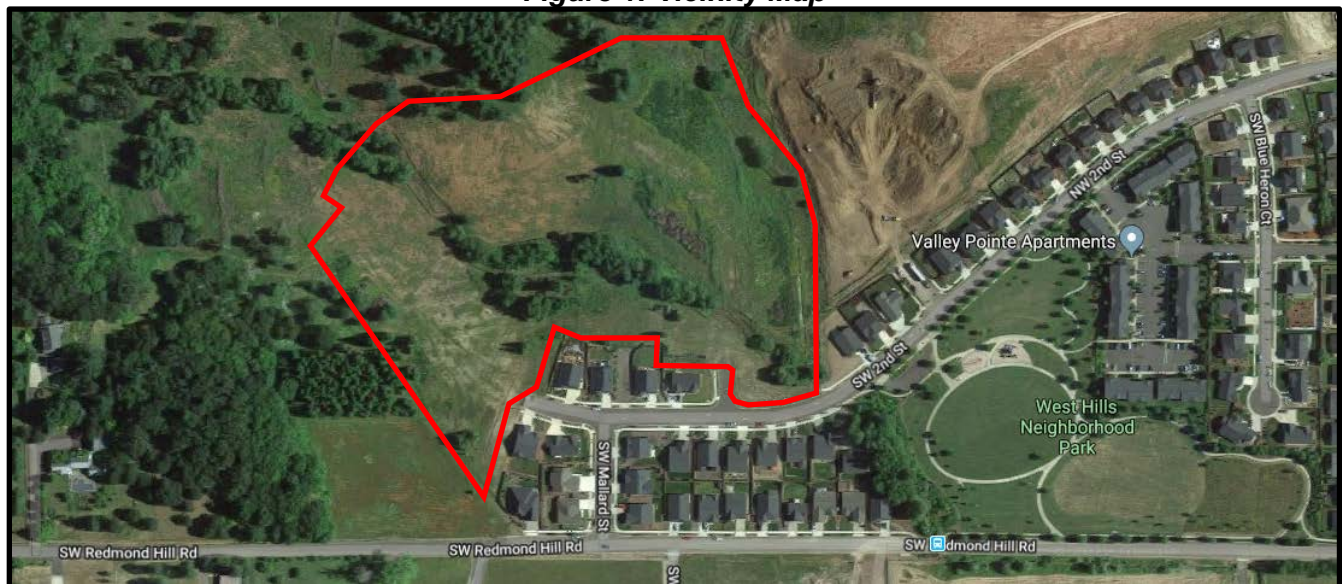
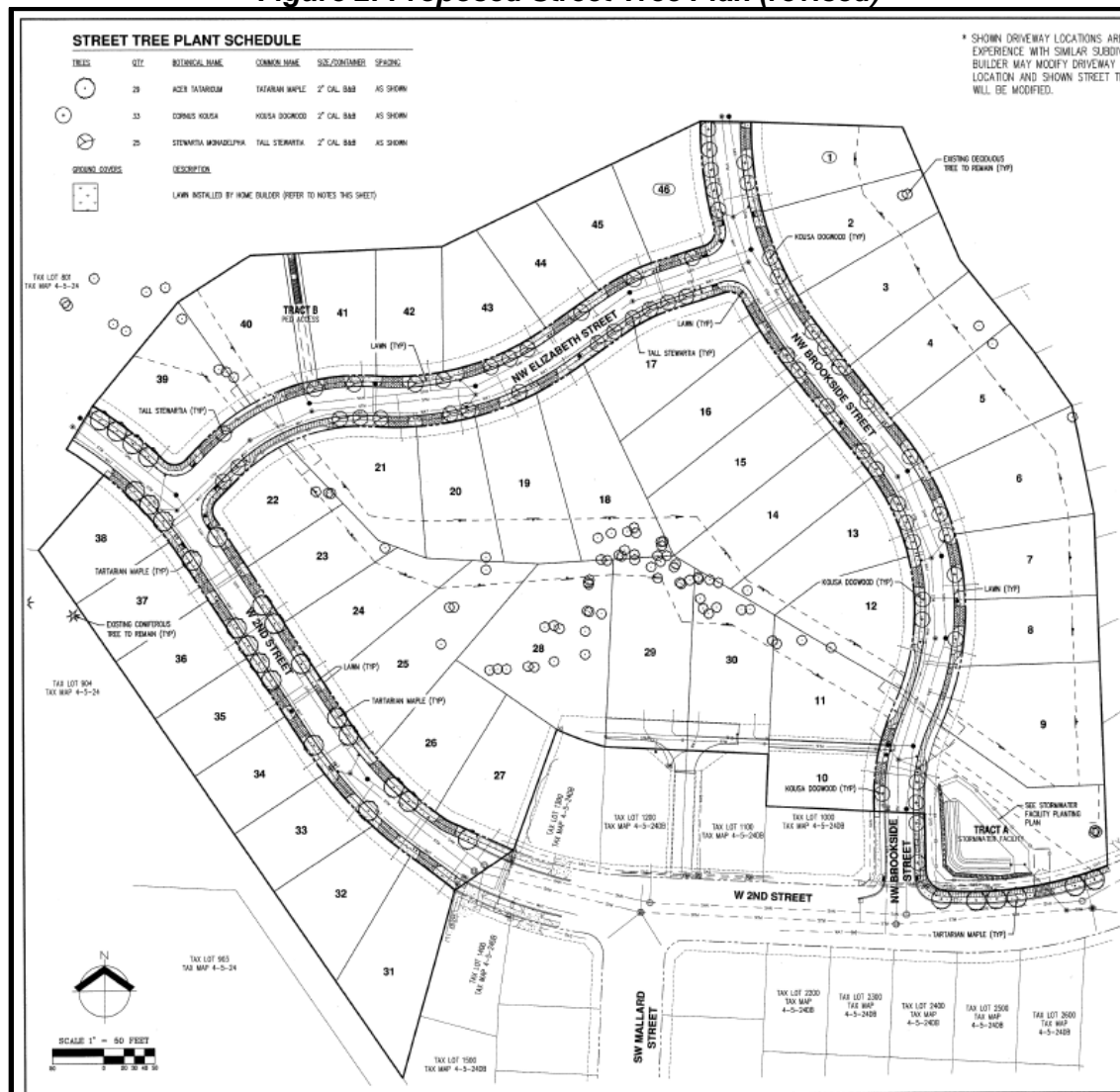


Figure 2: Proposed Street Tree Plan (revised)



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)

Discussion:***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.

Street Tree Review:

In reviewing a street tree plan, Section 17.58.090 (Street Tree Standards) of the McMinnville Zoning Ordinance requires the Landscape Review Committee to consider the following standards:

- 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. [...]*
- 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.*
- 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. [...]*
- 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. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.*
- 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.*

The applicant is proposing to 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 monadelpha* (Tall Stewartia). All are suitable street trees and are found on McMinnville's recommended street tree list, or are consistent with preferred characteristics. The trees are spaced evenly at 20 feet throughout planter strips in the subdivision, except where utilities or public improvements create a required setback. The street tree plan includes the locations of utilities and public improvements, and it appears that street trees are provided in all suitable locations. Conditions of approval have been included to assure the street tree plan meets street tree standards.

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:

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)

1. *Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.*
2. *Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.*
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.*
4. *The development and use of islands and plantings therein to break up parking areas.*
5. *The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.*
6. *Suitable watering facilities or irrigation systems must be included in or near all planted areas.*

The proposed street tree plan is compatible with the project and surrounding properties. There are no conflicting land-uses abutting the public right-of-way where street trees are proposed, or surrounding the subdivision. 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. The applicant has proposed suitable street tree species, and an automatic irrigation system will be provided in all street tree planting areas.

Conditions of Approval:

1. That the approved street tree species for the Brookshire Estates Phase I subdivision are:
 - a. Small Trees
 - i. *Acer tartaricum* (Tartarian Maple)
 - ii. *Cornus kousa* (Kousa Dogwood)
 - b. Medium Trees
 - i. *Stewartia monadelpha* (Tall Stewartia)
2. That small street trees shall be spaced at no more than 20 feet, and medium street trees shall be spaced at no more than 20 feet, unless a utility or improvement is present that creates a setback requirement.
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 planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. 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, street trees shall be provided with two (2) deep watering tubes to promote deep root growth.

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)

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.

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)



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PLANNING DEPARTMENT
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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A STREET TREE 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: December 18, 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: December 18, 2019

Date: December 18, 2019

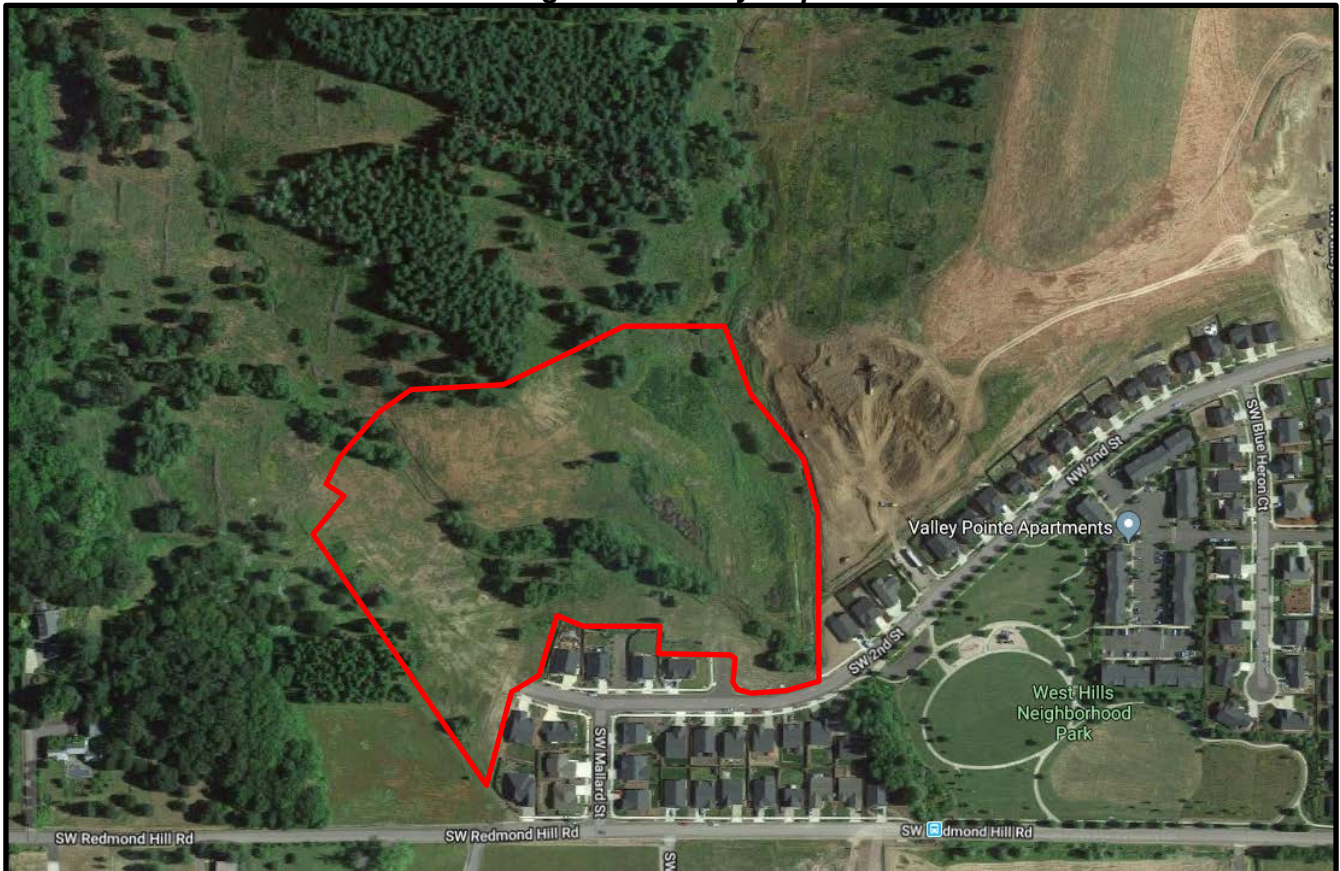
Attachment 1 – Application and Attachments

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

[illegible]

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.

1. That the approved street tree species for the Brookshire Estates Phase I subdivision are:
 - a. Small Trees
 - i. *Acer tartaricum* (Tartarian Maple)
 - ii. *Cornus kousa* (Kousa Dogwood)
 - b. Medium Trees
 - i. *Stewartia monadelphica* (Tall Stewartia)
2. That small street trees shall be spaced at no more than 20 feet, and medium street trees shall be spaced at no more than 20 feet, unless a utility or improvement is present that creates a setback requirement.
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.

Attachment 1 – Application and Attachments

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 planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. 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, street trees shall be provided with two (2) deep watering tubes to promote deep root growth.
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

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

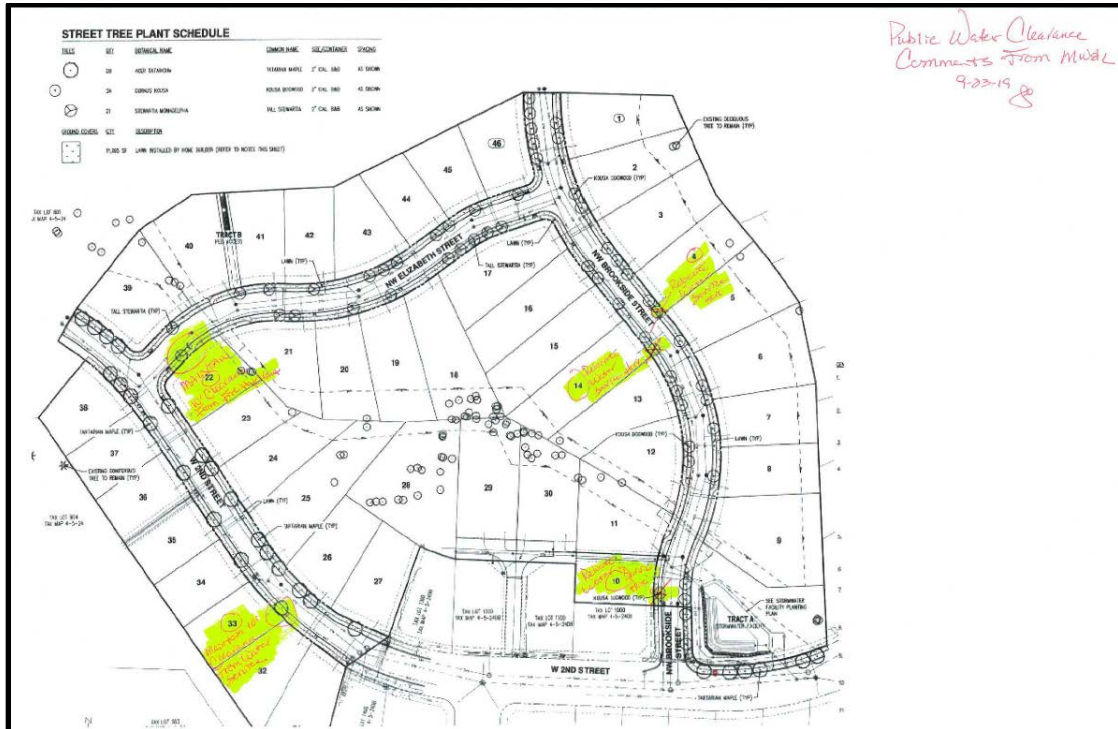
1. The trees shown adjacent to Tract A shall be the maintenance responsibility of the HOA as the adjoining property owner.

Attachments:

Attachment 1 – Application and Attachments

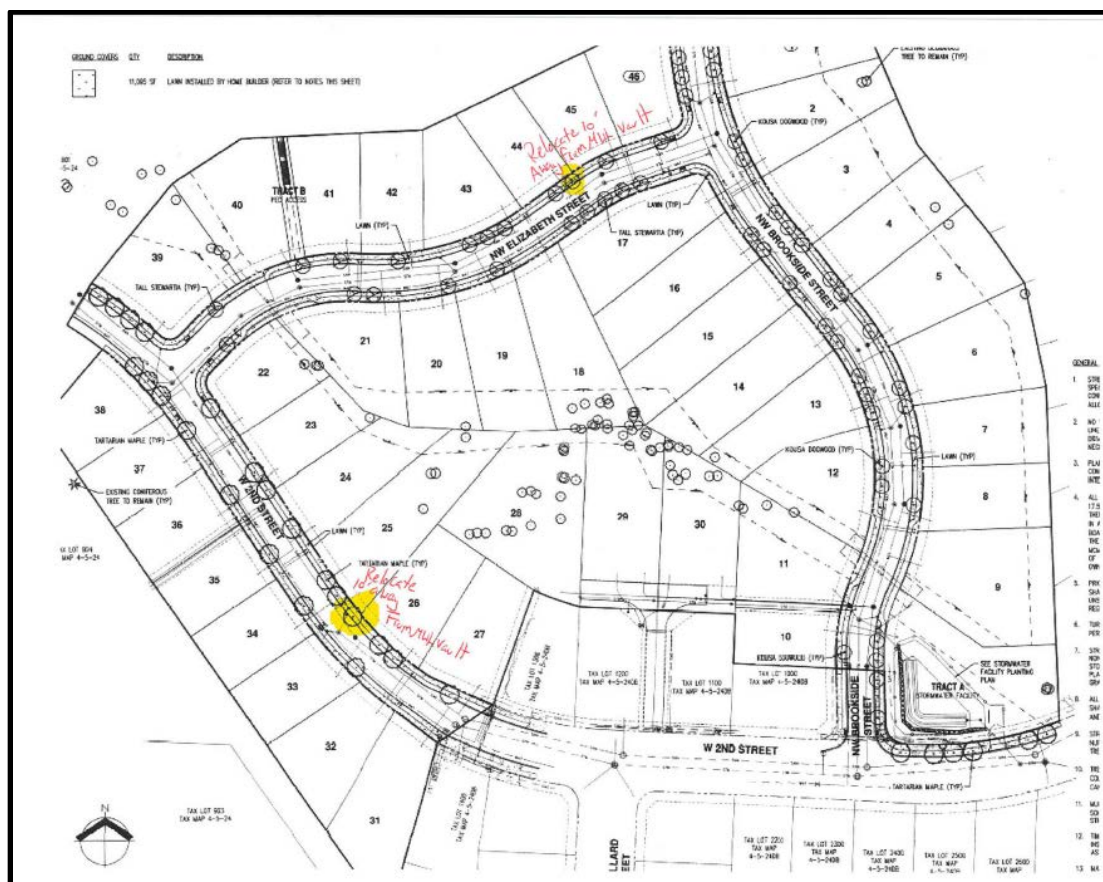
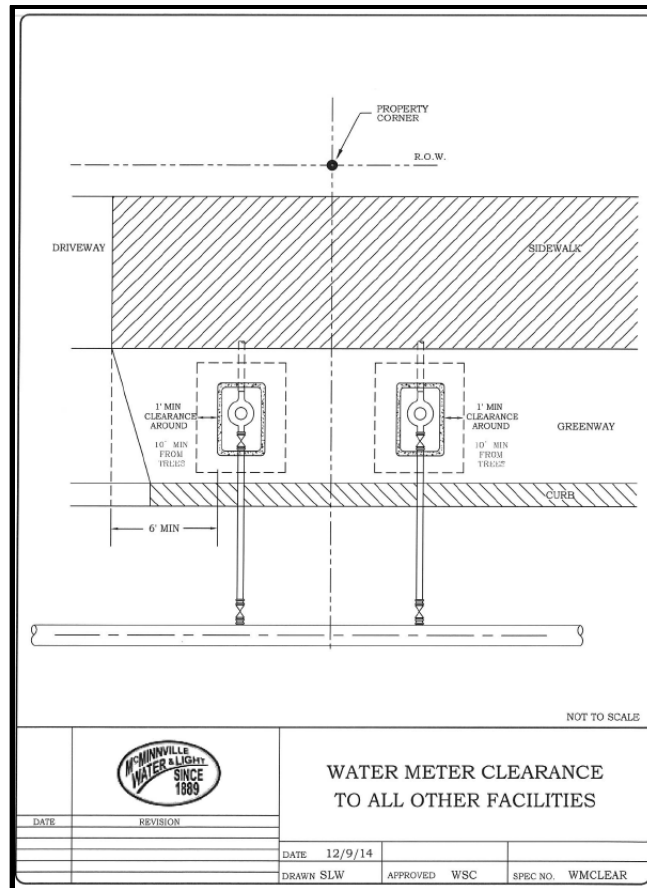
2. On both the acer tartaricum and the cornus kousa I would be concerned about the relatively low branching pattern and the clearance requirements for both the adjacent roadway and the sidewalk. That could make pedestrian and equipment (garbage trucks, street sweepers, etc.) clearances difficult.
 3. 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. The Landscape Review Committee continued the application.
6. A revised street tree plan was received on November 12, 2019.
7. A public meeting was held by the Landscape Review Committee on December 18, 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-

Attachments:

Attachment 1 – Application and Attachments

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.
- 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.

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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.

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;

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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.*
 - 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:*

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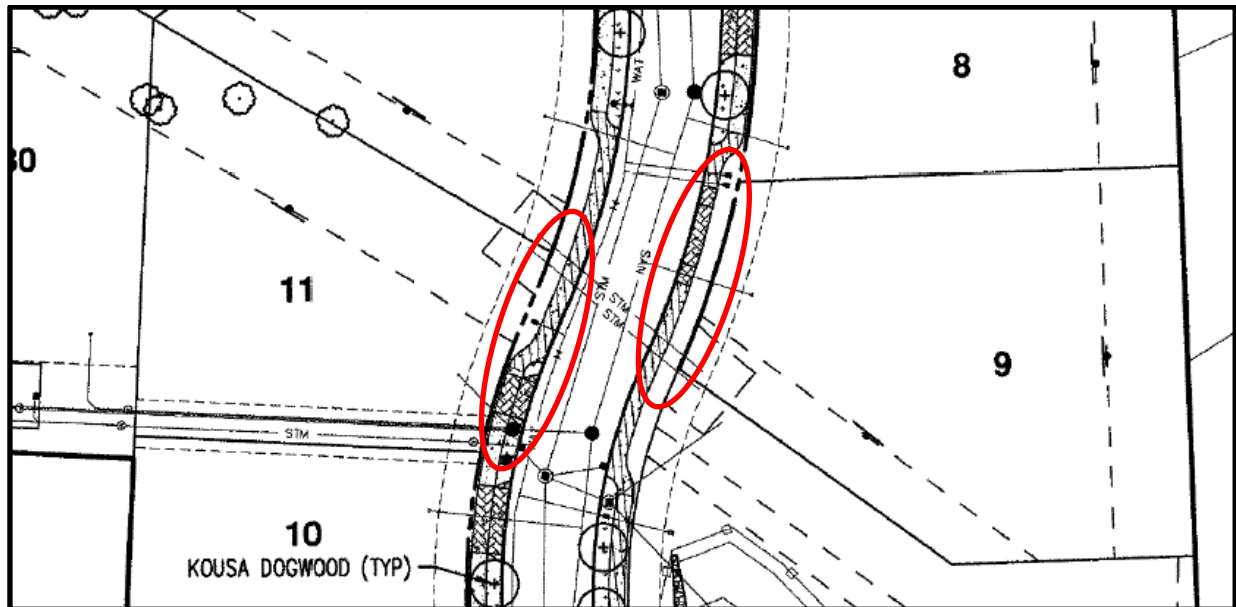
17.57.070(B)(1). *Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The 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.

Lots 9 and 11:

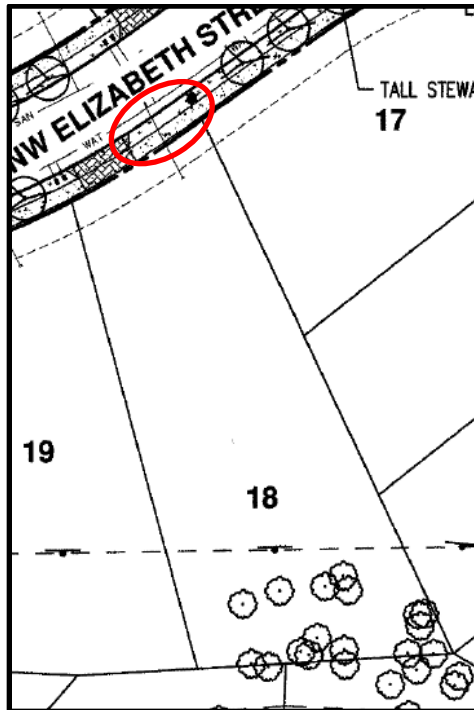


In front of lots 9 and 11, the sidewalk changes to a curb-tight sidewalk to accommodate the passage of the drainage channel under the roadway. As a result, there is no curb-side planter strip in front of Lot 9 where a street tree could be planted, and the area in front of Lot 11 where the sidewalk is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

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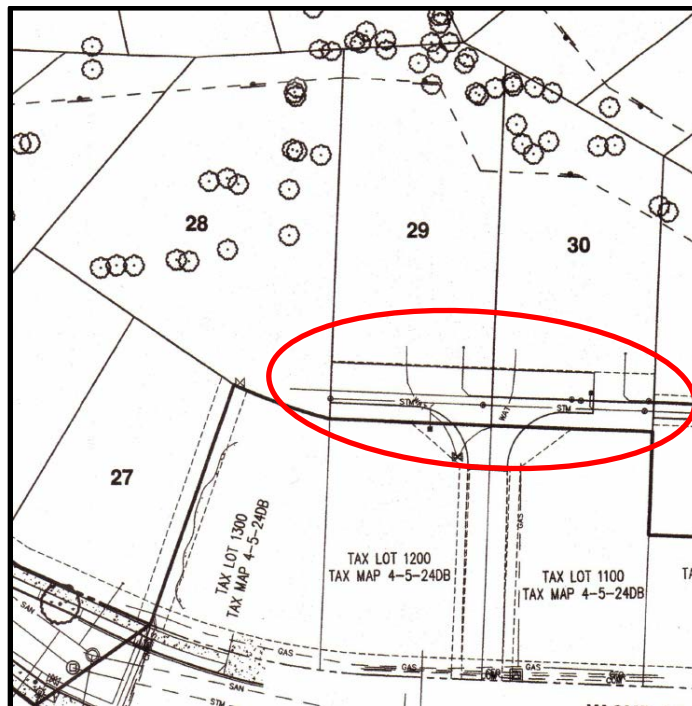
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Lot 18:



There is approximately 26 feet from the driveway to the eastern property line of the lot. The sanitary sewer lateral serving Lot 18 is located in this area, and a street light is located at the eastern property line, between Lots 18 and 17. After applying the 10 foot spacing standard from sewer lines, the 20 foot spacing standard from street lights, and the five (5) foot spacing standard from driveways, there is not sufficient space remaining in which a street tree can be planted.

Lots 28, 29, and 30:

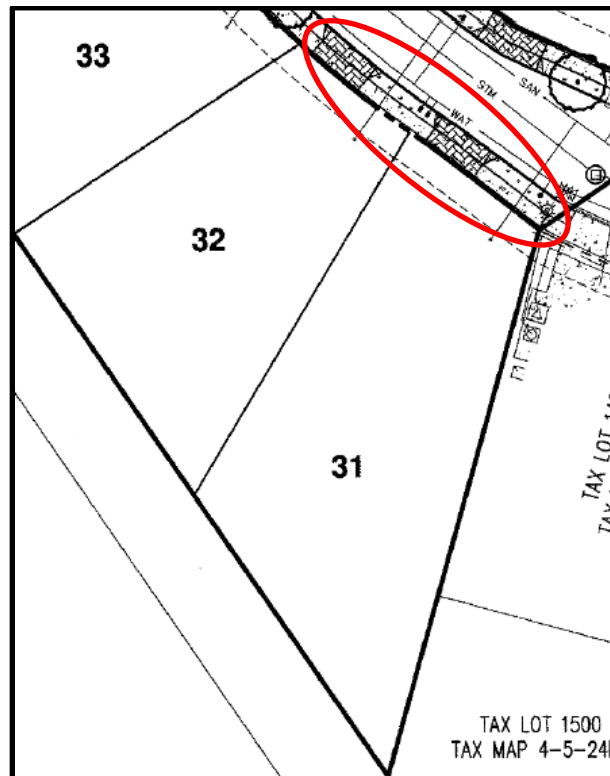


Lots 28, 29, and 30 are accessed via an access easement and do not have any right-of-way frontage. Therefore, street trees are not required adjacent to these lots.

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Lots 31 and 32:



There is insufficient space in the planter strip adjacent to Lot 31 to accommodate a street tree after applying street tree setbacks from the street light, fire hydrant, sanitary sewer lateral, and driveway. There is also 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.

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.*

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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 WITH CONDITION #1. 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. A condition of approval is included to approve the proposed street tree species.

CONDITION FOR FINDING: That the approved street tree species for the Brookshire Estates Phase I subdivision are:

- a. Small Trees
 - i. *Acer tartaricum* (Tartarian Maple)
 - ii. *Cornus kousa* (Kousa Dogwood)
- b. Medium Trees
 - i. *Stewartia monadelphica* (Tall Stewartia)

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:

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 CONDITIONS #3 AND #10. A condition of approval will require that all landscaping approved by the Landscape Review Committee and required as conditions of

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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.

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 WITH CONDITION #1. The applicant is proposing to install three (3) different street tree species within the Brookshire Estates Phase I subdivision. The specified

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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 condition of approval is included to approve the proposed street tree species.

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.

CONDITION FOR FINDING: That the approved street tree species for the Brookshire Estates Phase I subdivision are:

- a. Small Trees
 - i. *Acer tartaricum* (Tartarian Maple)
 - ii. *Cornus kousa* (Kousa Dogwood)
- b. Medium Trees
 - iii. *Stewartia monadelphica* (Tall Stewartia)

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.

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FINDING: SATISFIED WITH CONDITION #2. 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. A condition of approval requires street trees to be planted at a maximum 20 feet apart, unless a utility or improvement is present that creates a setback requirement.

CONDITION FOR FINDING: That small street trees shall be spaced at no more than 20 feet, and medium street trees shall be spaced at no more than 20 feet, unless a utility or improvement is present that creates a setback requirement.

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 #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 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. A condition of approval has been included to ensure the setbacks from utilities and other right-of-way improvements be maintained.

CONDITION FOR FINDING: 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 CONDITIONS #3 AND #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

Attachments:

Attachment 1 – Application and Attachments

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 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

November 8, 2019

Jamie Fleckenstein, PLA
Associate Planner
City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128

**RE: BROOKSHIRE ESTATES SUBDIVISION
REVISED STREET TREE PLAN
McMINNVILLE, OREGON**

This letter is in response to the McMinnville Landscape Review Committee's (LRC) request for additional information with respect to the Street Tree Plan for the Brookshire Estates subdivision. The following revised plans are attached/included in this submittal:

1. Revised Street Tree Plan (Sheet C112)
2. Updated Power Plan (Sheet C151)

The attached plans show our Landscape Architect's revised street tree layout to reflect the concerns raised during the Oct. 17, 2019 LRC meeting. The updated plans reflect the addition of 5 additional street trees. In order to provide further clarify and show the limitations on street tree placement, the conceptual driveway locations were added to both the street tree/power plans as additional information showing the constraints (i.e., driveways, utilities, street lights, vaults, water meters, etc.) in placing street trees that meet City standards.

In addition, in order to maintain proper visual clearance spaces at the intersections between roadways, street trees cannot be placed within the landscape strips in curb return areas at the intersections within the subdivision. This requirement by the City Engineering Department prioritizes traffic safety in this area and precludes the placement of street trees on the corners/curb return areas of lots 17, 22, 39, & 46.

Please note that the driveway locations are approximate in nature and the future homebuilder for each lot can relocate the driveway as allowed by the building department at the time of construction and the street tree locations will be revised/relocated by the builder at the time of home construction. Therefore, the shown street tree plan is conceptual in nature and will require street trees to be adjusted based on the location, width, and remaining landscape areas prior to occupancy of the home.

In conclusion, we feel that the street tree plan as proposed meets the City's tree spacing standards and maximizes the number of street trees along the roadways within the various competing constraints within the Brookshire Estates subdivision.

Please feel free to contact me with any additional questions or comments.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Paul A. Sellke, PE, GE
Project Engineer



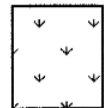
Cc: Kirsti Hauswald (AKS)
Howard Aster (West Hills Properties)



STREET TREE PLANT SCHEDULE

| TREES | QTY | BOTANICAL NAME | COMMON NAME | SIZE/CONTAINER | SPACING |
|-------|-----|----------------------|----------------|----------------|----------|
| | 29 | ACER TATARICUM | TATARIAN MAPLE | 2" CAL. B&B | AS SHOWN |
| | 33 | CORNUS KOUSA | KOUSA DOGWOOD | 2" CAL. B&B | AS SHOWN |
| | 25 | STEWARTIA MONADELPHA | TALL STEWARTIA | 2" CAL. B&B | AS SHOWN |

GROUND COVERS



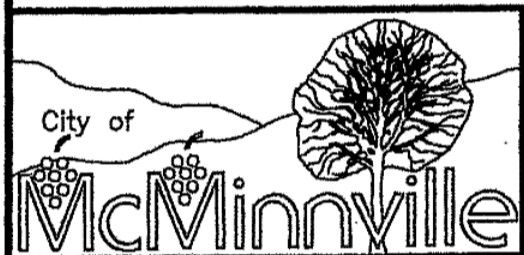
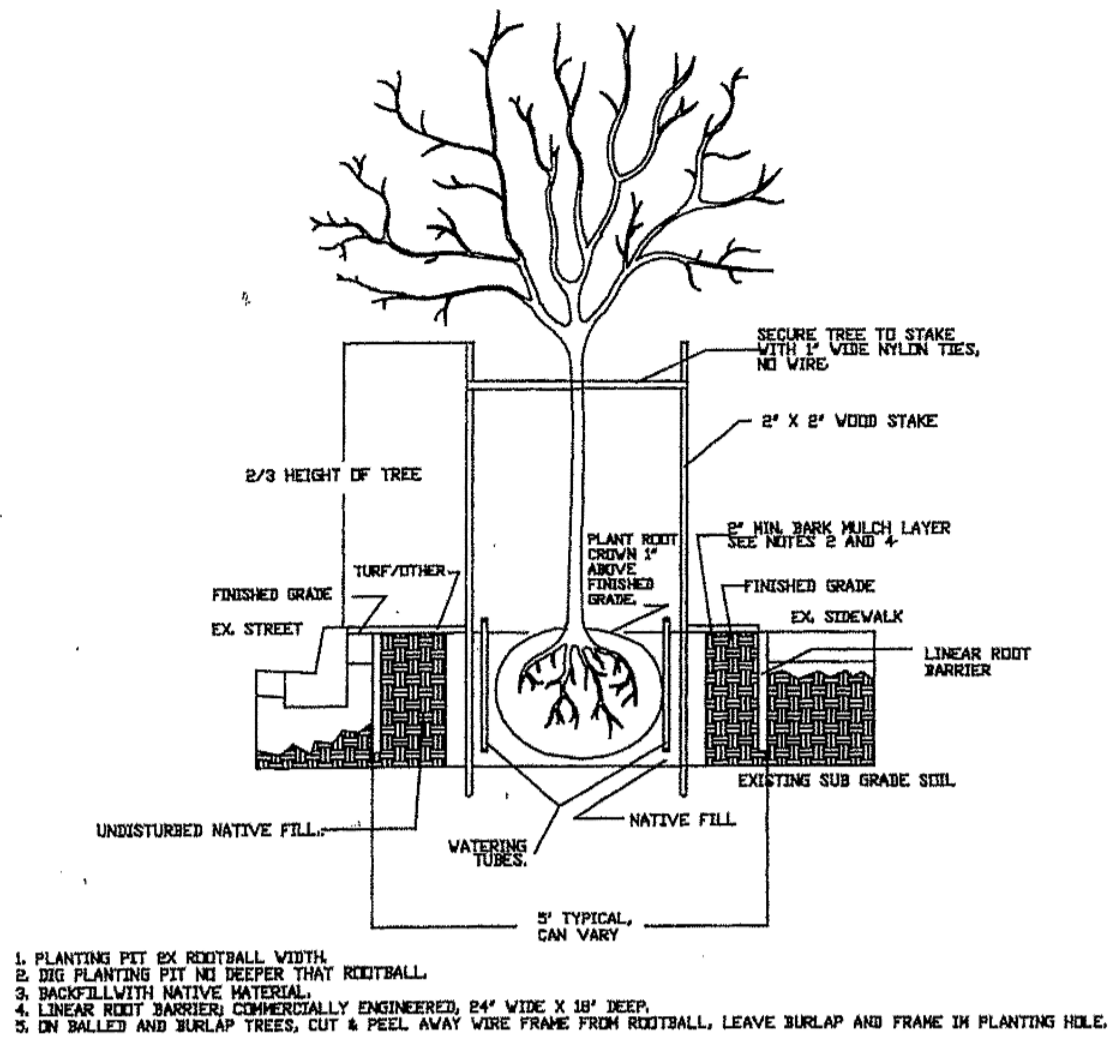
DESCRIPTION

LAWN INSTALLED BY HOME BUILDER (REFER TO NOTES THIS SHEET)

* SHOWN DRIVEWAY LOCATIONS ARE BASED ON EXPERIENCE WITH SIMILAR SUBDIVISIONS. HOME BUILDER MAY MODIFY DRIVEWAY APPROACH LOCATION AND SHOWN STREET TREE LOCATIONS WILL BE MODIFIED.

TREE PLANTING IN PARKWAY DETAIL

SECTION



McMINNVILLE PUBLIC WORKS DIVISION
PARKWAY TREE PLANTING DETAIL

NOT TO SCALE

DATE: MAY 2014

SHOWN NO. 34B

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 GROUNDCOVER. 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 NURSERYMEN (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, 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.
- 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.

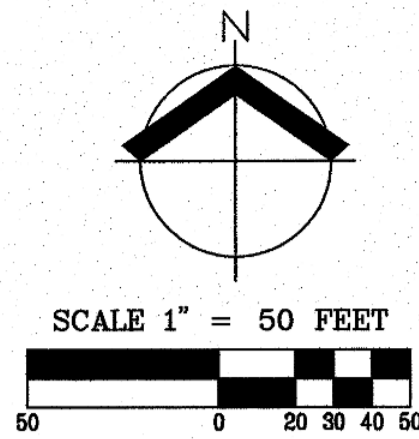
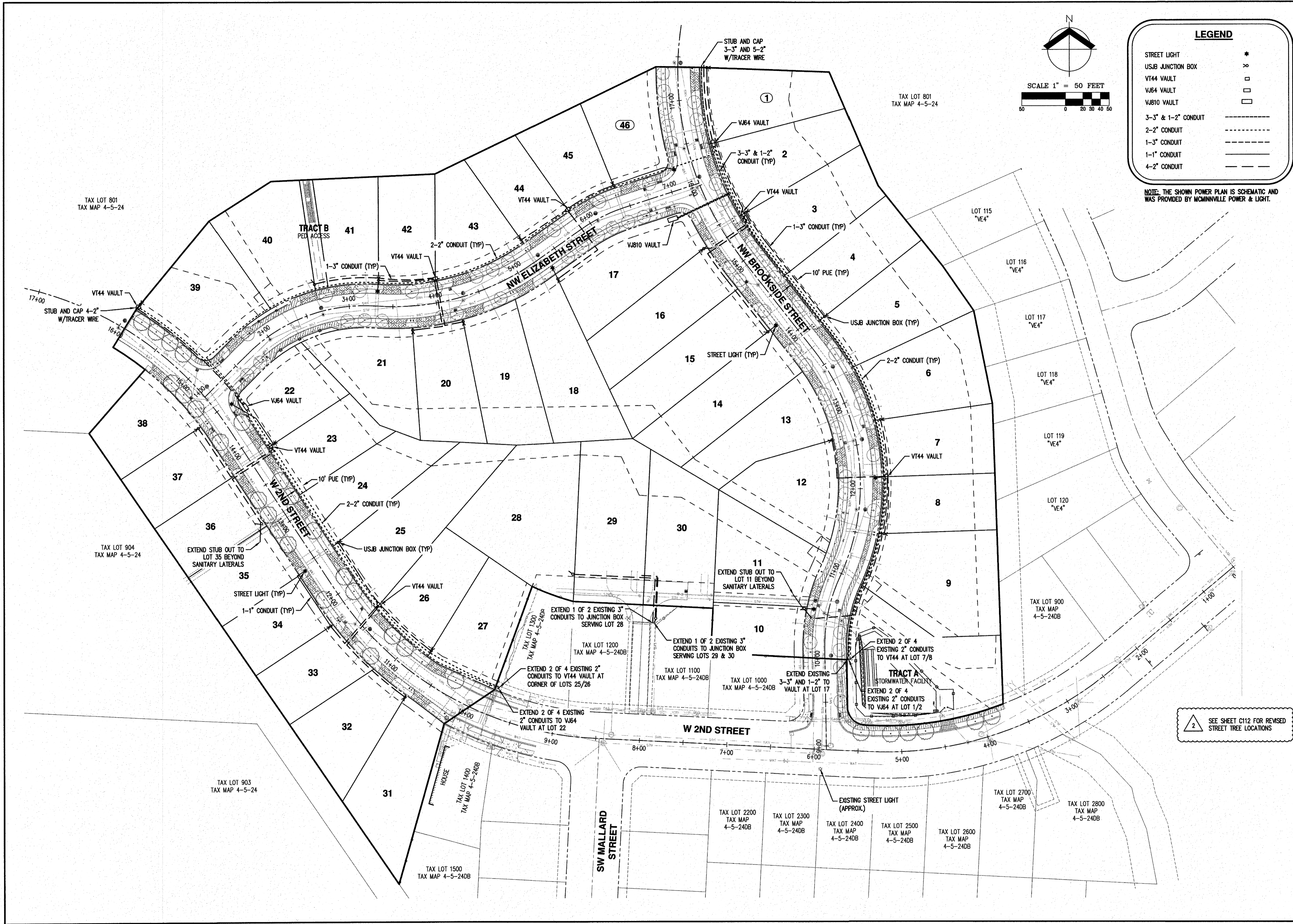
STREET TREE PLAN

DESIGNED BY: NKP
DRAWN BY: NKP
CHECKED BY: KAH
SCALE: AS NOTED

DATE: 7/01/2019
REGISTERED
797
Kirsti A. Hauswald
KIRSTI A. HAUSWALD
OREGON
06/06/13
LANDSCAPE ARCHITECT

REVISIONS
10/10/2019 REV 2 CITY COMMENTS

JOB NUMBER
5704
SHEET
C112



LEGEND

| | |
|---------------------|-----|
| STREET LIGHT | * |
| USJB JUNCTION BOX | ⋈ |
| VT44 VAULT | □ |
| VJ64 VAULT | □ |
| VJ810 VAULT | □ |
| 3-3" & 1-2" CONDUIT | --- |
| 2-2" CONDUIT | --- |
| 1-3" CONDUIT | --- |
| 1-1" CONDUIT | --- |
| 4-2" CONDUIT | --- |

NOTE: THE SHOWN POWER PLAN IS SCHEMATIC AND WAS PROVIDED BY MCMINNVILLE POWER & LIGHT.

2 SEE SHEET C112 FOR REVISED STREET TREE LOCATIONS

AKS

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD STE 100
TUALATIN, OR 97062
P: 503.563.6151
F: 503.563.6152
aks-eng.com

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

BROOKSHIRE ESTATES
SUBDIVISION - PHASE 1

OREGON
YAMHILL COUNTY TAX MAP 4 S 24

POWER PLAN
TAX LOT 801

DESIGNED BY: CTS

DRAWN BY: CTS

CHECKED BY: PAS

SCALE: AS NOTED

DATE: 7/01/2019

REGISTERED PROFESSIONAL
65688PP
PAUL A. SELLKE
MAY 09, 2011
OREGON

RENEWAL DATE: 6/30/20

REVISIONS
11/08/19 ST. TREES

JOB NUMBER
5704

SHEET
C151



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



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

EXHIBIT 3 - STAFF REPORT

DATE: December 18, 2019
TO: Landscape Review Committee Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Agenda Item 4C - Street Tree Removal Application (L 28-19)

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 935 NE Hembree Street (L 28-19) to be reviewed by the Landscape Review Committee.

Background:

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

The subject property is located at 935 NE Hembree Street within the Oak Park subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-3 (Two-Family Residential) and is developed with a single-family residence. The tree that is requested for removal is located on the north side of the property in the NE 10th Street right-of-way. **See Figure 2 (Site Plan).** There is no approved street tree plan for the Oak Park subdivision.

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

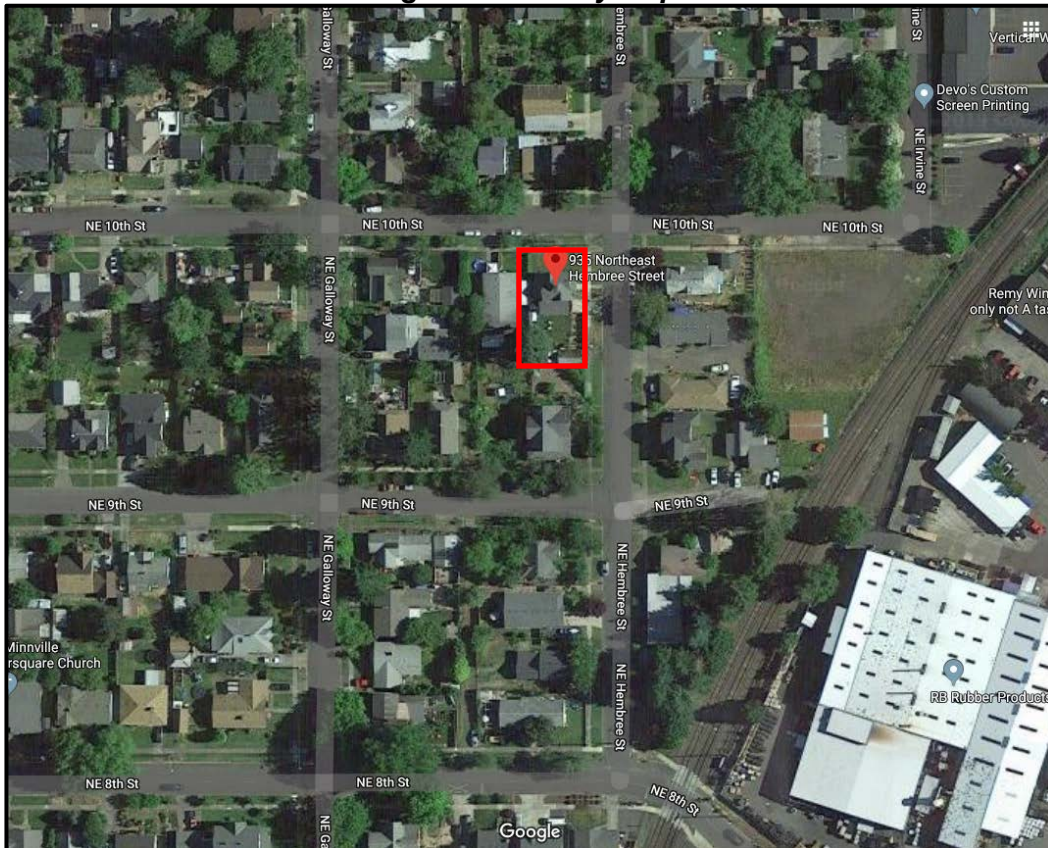
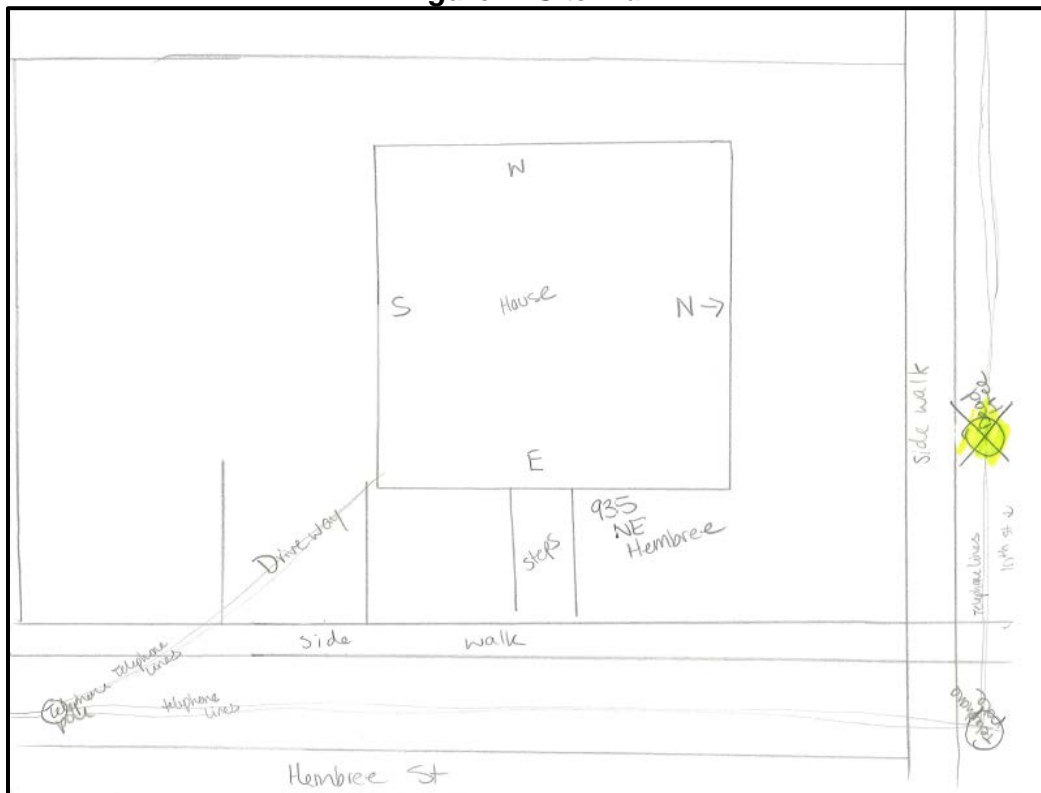


Figure 2: Site Plan



Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 935 NE Hembree Street

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 the tree is dead and poses a hazard to targets in the public right-of-way. The tree is located in a planter strip between the curb and sidewalk adjacent to the subject property. A water meter is immediately adjacent to the tree, and overhead power and communication lines are above the tree.

***Planter Strip condition adjacent to 935 NE Hembree Street
(NE 10th Street Right-of-Way)***



The subject tree was an approximately 12" DBH evergreen tree species. The tree has little to no live foliage, no evidence of new growth in the branches and canopy, and shows no sign of vigor. The tree exhibits a history of extensive pruning which may have contributed to its decline in health and death. The dead tree presents a limb failure hazard with potential to cause damage to targets in the public right-of-way, including overhead wires. Although no arborist report was submitted with the application, the evidence that the tree is dead is clear to a layman. Therefore, criterion A for approval has been met.

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 935 NE Hembree Street

Current tree condition

The applicant has proposed replacing the tree with an *Acer griseum* (Paperbark Maple), *Cornus kousa* (Kousa Dogwood), or *Prunus serrulata* (Flowering Cherry). These three proposed replacement options are all found on the McMinnville Street Tree List's Recommended Small Tree Species, and all are appropriately sized for planting under wires. A condition requiring a replacement tree is included in the decision document.

McMinnville Street Tree List**Recommended Small Tree Species**

| Scientific Name Common Name | Minimum Planter Width (ft.) | Under Wires? | Mature Height (ft.) | Canopy Width (ft.) | Tree Form | Flowers | Fall Color | Native | Comments |
|---|-----------------------------------|-----------------|---------------------------|--------------------------|--------------|---------|---------------|--------|--|
| <i>Acer griseum</i> Paperbark Maple | 4 | Yes | 25 | 20 | | n/a | | | Attractive peeling coppery bark |
| <i>Cornus kousa</i> Kousa Dogwood | 4 | Yes | 20 | 20 | | | | | Many cultivars, some have pink/red floral bracts |
| <i>Prunus serrulata</i> 'Shirotae' Mt. Fuji Flowering Cherry | 4 | Yes | 20 | 25 | | | | | Semi-double white flowers; bronzy fall color |

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 935 NE Hembree 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 28-19 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 935 NE Hembree Street



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 935 NE HEMBREE STREET

DOCKET: L 28-19 (Street Tree Removal)

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

LOCATION: 935 NE Hembree Street (Tax Lot 5900, Section 21BA, T. 4. S., R. 4 W., W.M.)

ZONING: R-3 (Two-family Residential)

APPLICANT: Lola Maclean, property owner

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: November 26, 2019

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

DECISION DATE & LOCATION: December 18, 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.

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 28-19) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

Date: December 18, 2019

Date: December 18, 2019

44 of 82

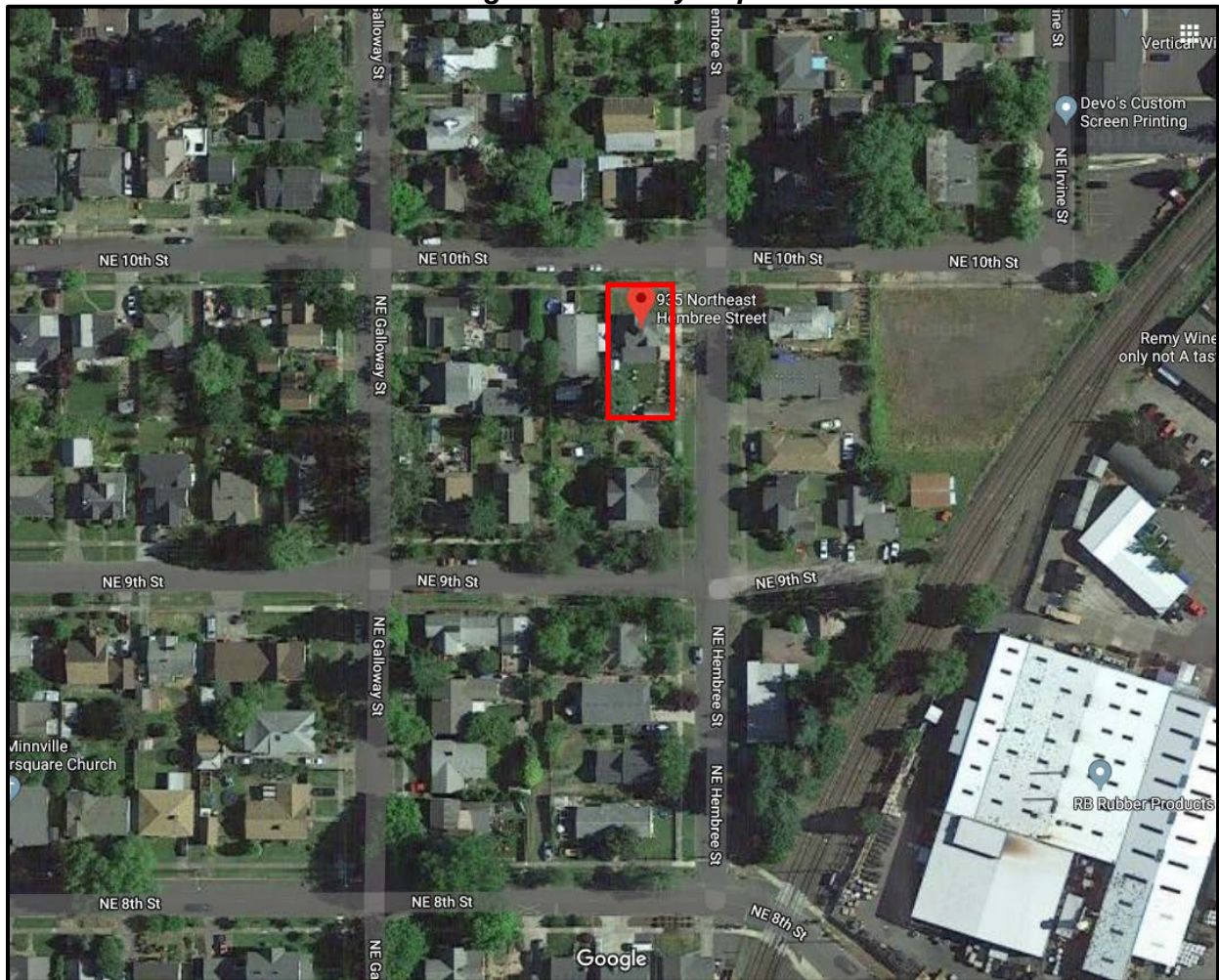
I. APPLICATION SUMMARY:

Subject Property & Request

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

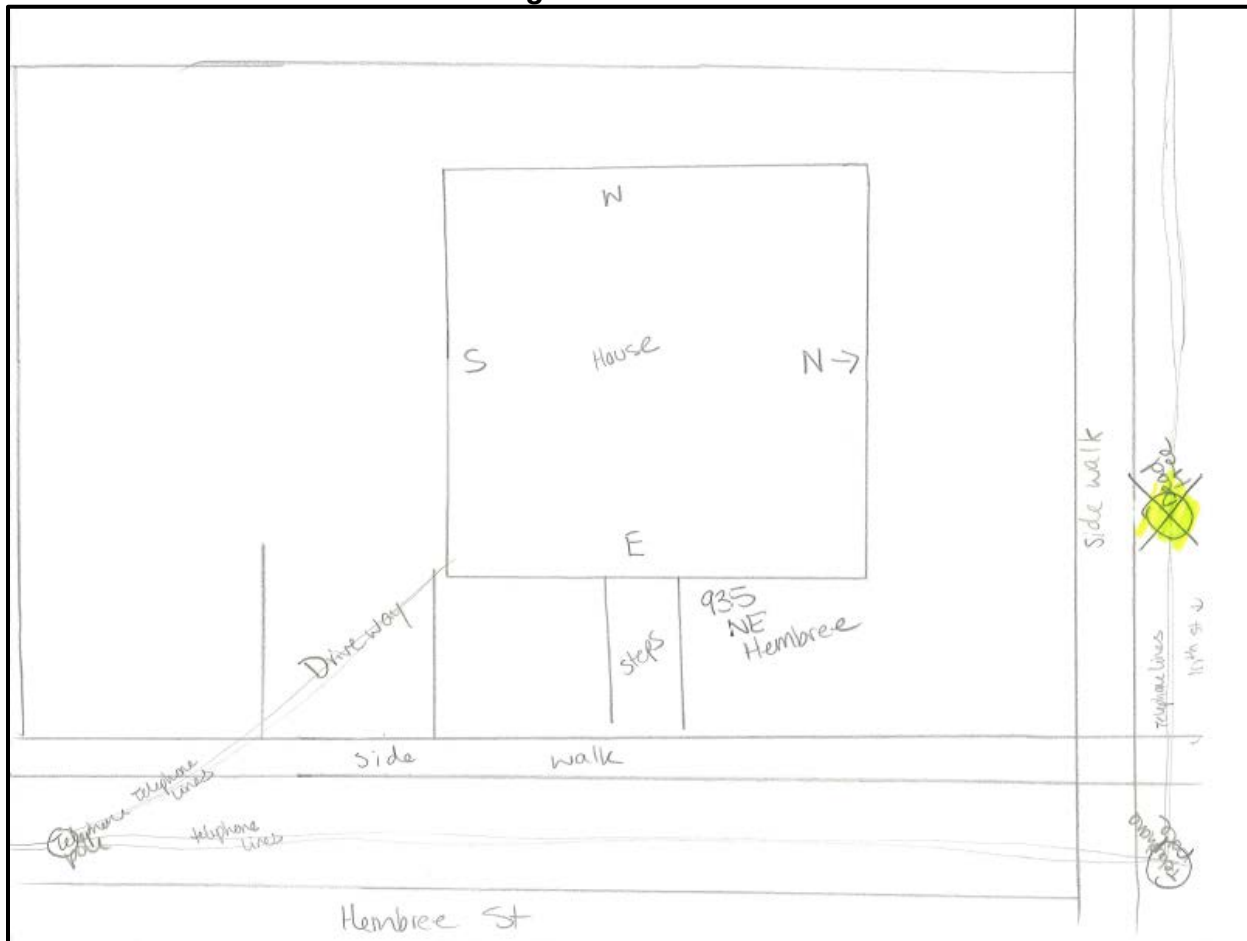
The subject property is located at 935 NE Hembree Street within the Oak Park subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-3 (Two-Family Residential) and is developed with a single-family residence. The tree that is requested for removal is located on the north side of the property in the NE 10th Street right-of-way. **See Figure 2 (Site Plan).**

Figure 1: Vicinity Map



Attachments:

Attachment 1 – Application and Attachments

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

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

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, stump grinding, and tree replacement shall be borne by the applicant.

Attachments:

Attachment 1 – Application and Attachments

2. That the applicant is reminded there is a water meter and service at the base of this tree, and primary power directly overhead, and to use extreme caution when working around the water meter and service line and overhead power. The applicant shall call for locates (dial 811) for all underground utilities prior to removing the trunk and roots. This is a free service and the law. The applicant shall contact McMinnville Water & Light if tree trimmers or equipment will need to be within a 10 foot radius of the primary power. If any facilities are damaged during tree removal or replacement, please contact MW&L 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 one (1) replacement street tree be planted in the NE 10th Street planter strip. The tree shall be a recommended small street tree from the McMinnville Street Tree List suitable for planting under overhead wires, such as *Acer griseum* (Paperbark Maple), *Cornus kousa* (Kousa Dogwood), or *Prunus serrulata* (Flowering Cherry), 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 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 strip area shall be restored to original grade immediately following the planting of the replacement trees.
10. That the applicant shall complete the tree removal and tree replacement within six (6) months of approval, or June 18, 2020.

III. ATTACHMENTS:

1. L 28-19 Application and Attachments (on file with the Planning Department)

Attachments:

Attachment 1 – Application and Attachments

IV. COMMENTS:

Agency Comments

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

- McMinnville Public Works:

Site Review

1. The tree in question is an unknown variety about 12" DBH.
2. The trees are planted in 9' planter strip between the curb and sidewalk, with non-irrigated turf as ground cover.
3. There are both power and communication facilities overhead.
4. There is no damage to the adjacent curb or gutter.
5. The tree has been heavily pruned and appears to be dead.

Recommendations

1. Given that the tree is dead, staff would recommend approval of this application.
2. Suggested conditions of approval:
 - a. Applicant to be responsible for all costs related to removal and replacement.
 - b. Applicant required to grind stump to a minimum of 6" below grade.
 - c. Applicant to call for a utility locate prior to removal.
 - d. Applicant to replace the trees with two trees of 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 (503.434.7316) for an inspection prior to backfill.

- McMinnville Water and Light:

There is a water meter and service at the base of this tree. Use extreme caution when working around the water meter and service line. If you damage the facilities, please contact McMinnville Water & Light immediately at 503-472-6158. Call for locates (dial 811) for all underground utilities prior to removing the trunk and roots. This is a free service and the law. They will contact the proper utility companies. If you do damage any facilities, please contact MW&L immediately at 503-472-6158.

Tree is directly under primary power. Contact Water & Light if tree trimmers or equipment will need to be within a 10 foot radius of the primary power.

Public Comments

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

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. Lola Maclean, adjacent property owner, submitted a Street Tree Removal Permit application on October 24, 2019.
2. The application was deemed complete on November 26, 2019.

Attachments:

Attachment 1 – Application and Attachments

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 December 18, 2019 to review the application and proposed street tree removal request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 935 NE Hembree Street (Tax Lot 5900, Section 21BA, T. 4. S., R. 4 W., W.M.)
2. **Size:** 0.1033 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-3 (Two-family Residential)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Single-family dwelling
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.
10. **Transportation:** NE 10th Street is classified as a Local Neighborhood Street in the McMinnville Transportation System Plan (TSP). The existing right-of-way is 60 feet wide. The street is improved with curb and gutter, sidewalk, and planter strip on both sides of the street. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes.

VII. CONCLUSIONARY FINDINGS:

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

Attachments:

Attachment 1 – Application and Attachments

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 tree in the NE 10th Street right-of-way would improve the safety of the pedestrian way, the aesthetic appearance of the streetscape, and the livability of the surrounding area. The tree is dead and would present a safety hazard if not removed. A dead street tree also does not enhance the aesthetics of the streetscape. The replacement of a street tree would address the aesthetics and livability of the area. Replacing the street tree would improve the overall aesthetics of the streetscape, while providing a young tree that would continue to grow and provide continual benefit to the area, enhancing the livability.

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

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

APPLICANT'S RESPONSE: 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

Attachments:

Attachment 1 – Application and Attachments

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

17.58.040 Tree Removal/Replacement.

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

APPLICANT'S RESPONSE: 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 OF APPROVAL #3. A condition of approval has been included to assure that the tree removal will be performed to accepted City standards.

CONDITION FOR FINDING: That the tree's 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 OF APPROVAL #1 AND #2. Conditions of approval have been included to assure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

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

That the applicant is reminded there is a water meter and service at the base of this tree, and primary power directly overhead, and to use extreme caution when working around the water meter and service line and overhead power. The applicant shall call for locates (dial 811) for all underground utilities prior to removing the trunk and roots. This is a free service and the law. The applicant shall contact Water & Light if tree trimmers or equipment will need to be within a 10 foot radius of the primary power. If any facilities are damaged during tree removal or replacement, please contact MW&L 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 [...]*

Attachments:

Attachment 1 – Application and Attachments

APPLICANT'S RESPONSE: Would replace the tree with *Acer griseum*, *Cornus kousa*, or *Prunus serrulata*.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #4. The subject street tree is located in a nine (9) foot wide planting strip in the NE 10th Street right-of-way, near the intersection of NE 10th and NE Hembree Streets. A water meter is located at the base of the tree, and primary power and communication lines run overhead. Given the minimum ten (10) foot spacing standard from water meters and service lines, there is sufficient space in the planter strip to accommodate a replacement tree to the west of the water meter. The replacement tree should be appropriately sized for location below overhead wires.

Planter Strip adjacent to 935 NE Hembree Street (NE 10th Street Right-of-Way)



There is no approved street tree plan for the Oak Park subdivision on file with the Planning Department. Because there is no approved street tree for NE 10th Street, a replacement tree suitable for planting under overhead wires selected from the recommended small street trees in the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee, would be of appropriate size and character for the location. The applicant has proposed replacing the tree with an *Acer griseum* (Paperbark Maple), *Cornus kousa* (Kousa Dogwood), or *Prunus serrulata* (Flowering Cherry). These three proposed replacement options are all found on the McMinnville Street Tree List's Recommended Small Tree Species, and all are appropriately sized for planting under wires.

McMinnville Street Tree List

Recommended Small Tree Species

| Scientific Name Common Name | Minimum Planter Width (ft.) | Under Wires? | Mature Height (ft.) | Canopy Width (ft.) | Tree Form | Flowers | Fall Color | Native | Comments |
|---|-----------------------------------|-----------------|---------------------------|--------------------------|--------------|---------|---------------|--------|--|
| <i>Acer griseum</i> Paperbark Maple | 4 | Yes | 25 | 20 | | n/a | | | Attractive peeling coppery bark |
| <i>Cornus kousa</i> Kousa Dogwood | 4 | Yes | 20 | 20 | | | | | Many cultivars, some have pink/red floral bracts |
| <i>Prunus serrulata</i> 'Shirotae' Mt. Fuji Flowering Cherry | 4 | Yes | 20 | 25 | | | | | Semi-double white flowers; bronzy fall color |

Attachments:

Attachment 1 – Application and Attachments

CONDITION FOR FINDING: That one (1) replacement street tree be planted in the NE 10th Street planter strip. The tree shall be a recommended small street tree from the McMinnville Street Tree List suitable for planting under overhead wires, such as *Acer griseum* (Paperbark Maple), *Cornus kousa* (Kousa Dogwood), or *Prunus serrulata* (Flowering Cherry), 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 OF APPROVAL #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 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(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 OF APPROVAL #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 approval, or June 18, 2020.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5-9. Conditions of approval have been included to assure that McMinnville's street tree standards are met when planting a replacement street tree.

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

That replacement trees shall be planted per the approved City detail. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be

Attachments:

Attachment 1 – Application and Attachments

placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.

That the applicant shall contact the McMinnville Public Works Department at 503-434-7316 to discuss specific staking, watering tube requirements, and to schedule an inspection prior to backfilling the replacement tree's planting pit.

That the applicant is reminded that trees are not to be planted within:

- a. Five (5) feet of a private driveway or alley;
- b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
- c. Twenty (20) feet of street light standards or street intersections.

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

17.58.050 Review Criteria.

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

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

APPLICANT'S RESPONSE: Dead tree within public right of way that is also affecting the power line and presents a hazard.

FINDING: SATISFIED. The subject tree proposed for removal is dead. See photographs below. The tree is an evergreen species but has little to no live foliage, no evidence of new growth in the branches and canopy, and shows no sign of vigor. The subject tree exhibits a history of extensive pruning which may have contributed to its decline in health and death. The dead tree presents a limb failure hazard with potential to cause damage to targets in the public right-of-way, including overhead wires. Although no arborist report was submitted with the application, the evidence that the tree is dead is clear to a layman.



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

569.19-000008-Plng

| | |
|-------------------------|-----------------|
| Office Use Only: | |
| File No. | <u>L28-19</u> |
| Date Received | <u>10-24-19</u> |
| Fee | <u>150.00</u> |
| Receipt No. | <u>201483</u> |
| Received by | <u>SP</u> |

Street Tree Removal

Applicant Information

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

Applicant Name Lola Maclean Phone 971-218-4081

Contact Name _____ Phone _____
(If different than above)

Address 935 NE Hembree St

City, State, Zip McMinnville, OR 97128

Contact Email lola.maclean@gmail.com

Property Owner Information

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

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

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

Property Address 935 NE Hembree St

(Property nearest to tree(s) for removal)
Assessor Map No. R4421 - BA - 05900 Total Site Area 90 x 52

Subdivision Oak Park Add Block 34 Lot portion 5:6

Comprehensive Plan Designation Res Zoning Designation R-3

Additional Information

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


Dead tree within public right of way that is
also affecting the power line and presents a
hazard.

would replace tree with Acer griseum,
Conus kousa or Prunus serrulata

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

10/23/2019

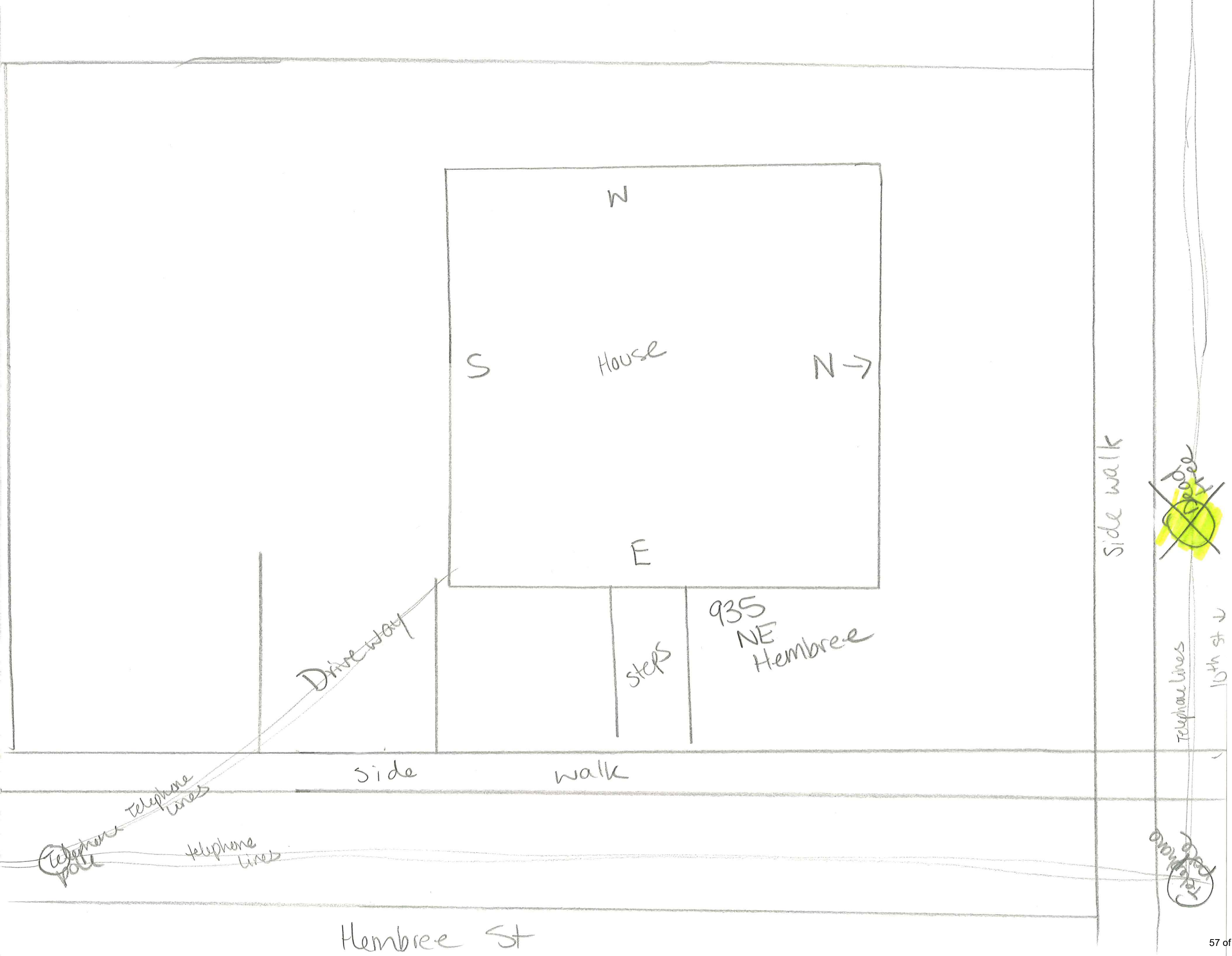
Date



Property Owner's Signature

10/23/2019

Date









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

EXHIBIT 4 - STAFF REPORT

DATE: December 18, 2019
TO: Landscape Review Committee Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Agenda Item 4C - Street Tree Removal Application (L 30-19)

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) tree from private property at 583 SW Westview Drive (L 30-19) to be reviewed by the Landscape Review Committee.

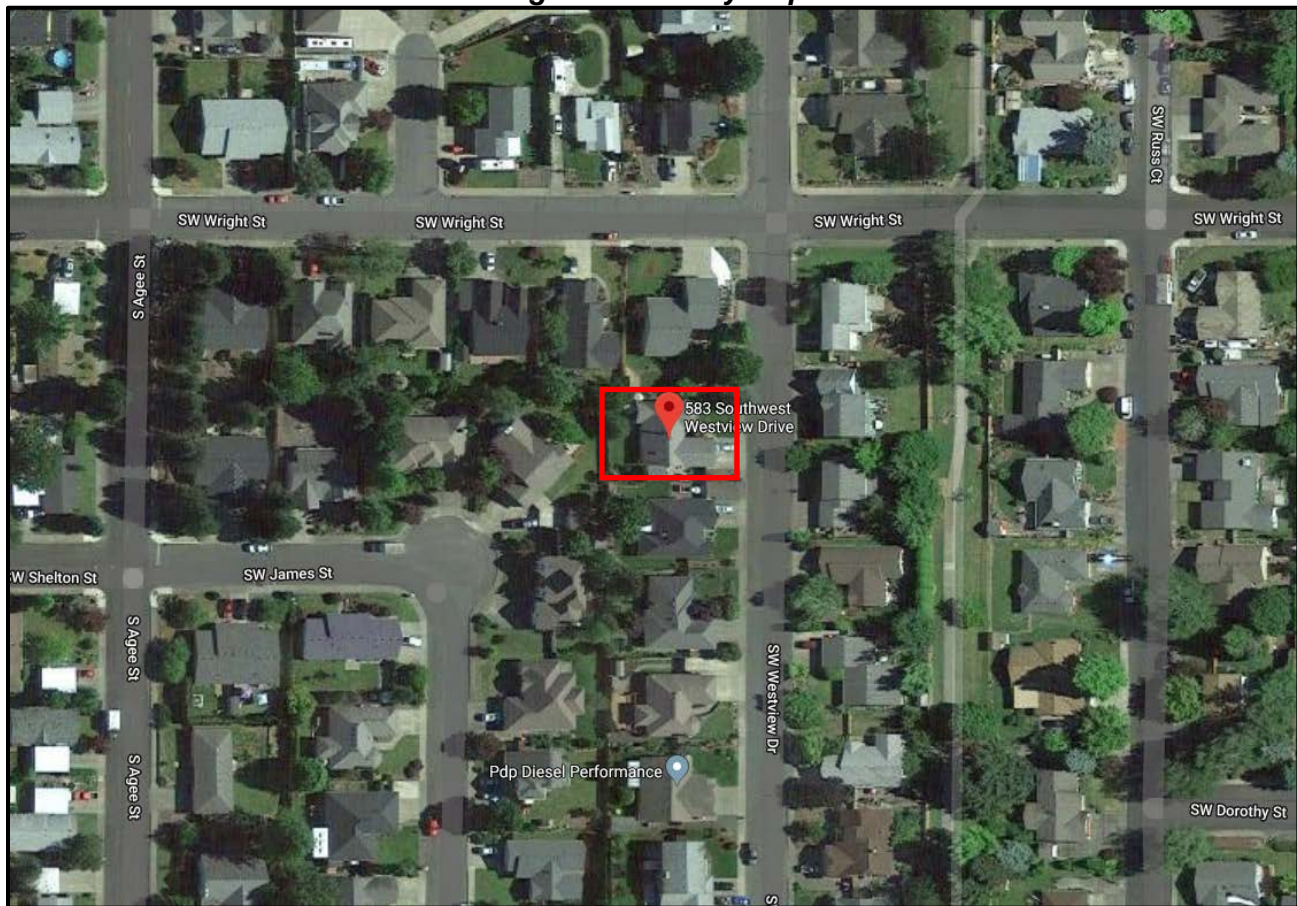
Background:

The application requests the removal of one (1) tree from the subject property that is impacting public infrastructure. Removal of a tree located completely within private property which is affecting public infrastructure, including sidewalks, requires City approval.

The subject property is located at 583 SW Westview Drive within the Ash Meadows First Addition subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-2 (Single-Family Residential) and is developed with a single-family residence. The tree that is requested for removal is a *Cedrus deodara* (Deodar Cedar) located on private property, outside the SW Westview Drive right-of-way. **See 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**Figure 2: Site Plan****Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 583 SW Westview Drive

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) 18" DBH *Cedrus deodara* (Deodar Cedar) because the tree is impacting public improvements in the public right-of-way, specifically the adjacent sidewalk. The tree's roots have damaged and lifted the adjacent sidewalk panel, but the tree is otherwise healthy and is good condition.

Sidewalk damage caused by tree roots

The tree is located on private property just within the property line. However, Section 17.58.020(C) of the McMinnville Municipal Code requires that the provisions of the Zoning Ordinance apply to "All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections; [...]" Because, the tree's roots are impacting the adjacent sidewalk, a removal permit is required. The roots are lifting the panel, creating a discontinuity and trip hazard within the pedestrian route along the right-of-way. An arborist's recommendation for maintenance or removal included with the application concludes:

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 583 SW Westview Drive

“Removal is recommended given the tree’s proximity to public infrastructure. The tree is only semi mature at this point and already causing significant damage. Root pruning could likely cause stress, decline, or death. If the tree were to survive it is highly likely that it damages the public infrastructure again within a 5-year time frame.”

Since the tree is in conflict with public improvements, the likelihood of the tree continuing to damage the sidewalk is high, and that root pruning the tree is likely to cause irreversible damage to the tree, criterion B for approval has been met, and removal of the tree is recommended.

Requirement of a replacement tree is not recommended by Staff because the tree proposed for removal is on private property, and not in the public right-of-way. A condition of approval included in the decision document requires repair or replacement of the damaged sidewalk.

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 TREE REMOVAL APPLICATION L 30-19 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 Tree Removal At 583 SW Westview Drive



**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 TREE REMOVAL AT 583 SW WESTVIEW DRIVE

| | |
|---|--|
| DOCKET: | L 30-19 (Street Tree Removal) |
| REQUEST: | Approval to remove one (1) tree from the subject property impacting public infrastructure |
| LOCATION: | 583 SW Westview Drive (Tax Lot 220, Section 20CC, T. 4. S., R. 4 W., W.M.) |
| ZONING: | R-2 (Two-family Residential) |
| APPLICANT: | Taylor Alvarez of Associated Arborists, on behalf of John Lawson, property owner |
| STAFF: | Jamie Fleckenstein, PLA, Associate Planner |
| DATE DEEMED COMPLETE: | December 6, 2019 |
| DECISION MAKING BODY & ACTION: | McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director. |
| DECISION DATE & LOCATION: | December 18, 2019, Community Development Center, 231 NE 5 th Street, McMinnville, Oregon |
| PROCEDURE: | This tree removal is subject to review in accordance with procedures specified in Chapter 17.58-Trees of the McMinnville Zoning Ordinance. The application for tree removal is subject to the procedures specified in Section 17.58.040 Tree Removal/Replacement. |
| CRITERIA: | The applicable criteria are specified in Section 17.58.050 of the McMinnville Zoning Ordinance, McMinnville City Code. |
| APPEAL: | The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.58.040(A) of the McMinnville Zoning Ordinance. |
| COMMENTS: | This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Their comments are provided in this document. No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department. |

DECISION

Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the street tree removal (L 30-19) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

Planning Staff: _____
 Jamie Fleckenstein, Associate Planner

Date: December 18, 2019

Planning Department: _____
Heather Richards, Planning Director

Date: December 18, 2019

Attachments:
Attachment 1 – Application and Attachments

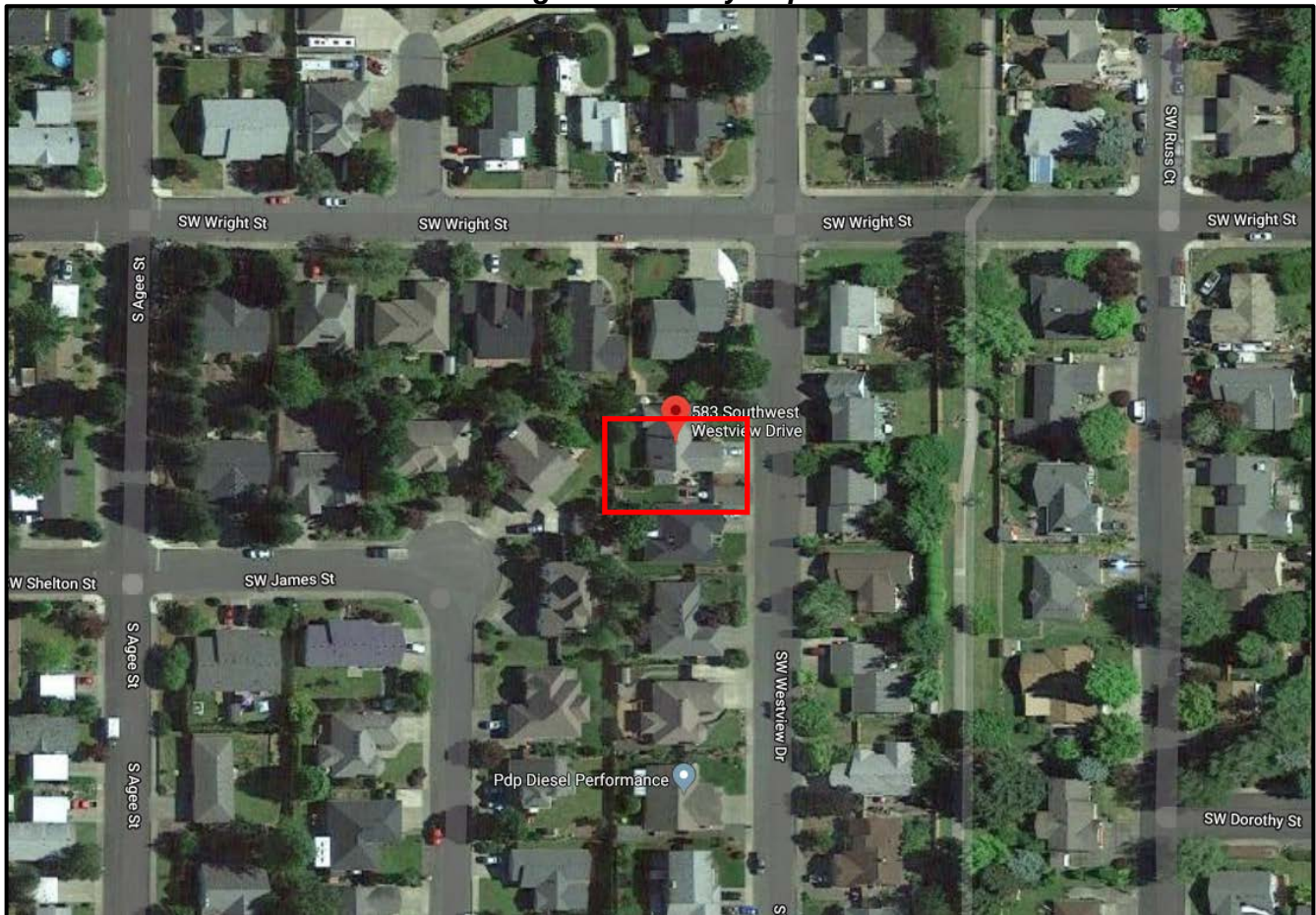
I. APPLICATION SUMMARY:

Subject Property & Request

The application requests the removal of one (1) tree from the subject property that is impacting public infrastructure. Removal of a tree located completely within private property which is affecting public infrastructure, including sidewalks, requires City approval.

The subject property is located at 583 SW Westview Drive within the Ash Meadows First Addition subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-2 (Single-Family Residential) and is developed with a single-family residence. The tree that is requested for removal is a *Cedrus deodara* (Deodar Cedar) located on private property, outside the SW Westview Drive right-of-way. **See Figure 2 (Site Plan).**

Figure 1: Vicinity Map



Attachments:

Attachment 1 – Application and Attachments

Figure 2: Site Plan

Summary of Criteria & Issues

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

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. The applicant shall call for locates (dial 811) for all underground utilities prior to removing the trunk and roots. This is a free service and the law. If any facilities are damaged during tree removal or replacement, please contact MW&L 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

Attachments:

Attachment 1 – Application and Attachments

allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations.

4. That the applicant shall complete the tree removal within six (6) months of approval, or June 18, 2020.
5. That the applicant shall contact the McMinnville Engineering Department at (503) 472-7312 to obtain a sidewalk permit and repair or replace the damaged sidewalk per City standards.

III. ATTACHMENTS:

1. L 30-19 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. From our site inspection, it is approximately 98" (8'2") from the face of the curb to the nearest point on the tree trunk. Westview Drive in this location is shown as a 50' ROW with a 34' street improvement. Thus the right of way ends 8' behind the face of curb. Based on those measurements, the tree would be on private property.
2. The tree sits behind the existing sidewalk in the front yard of the adjacent residence.
3. Per the applicant, the tree is a deodora cedar approximately 12" DBH with multiple trunks.
4. The tree is shallow rooted, with several roots in excess of 3" diameter impacting the adjacent sidewalk.
5. There is no damage to the adjacent curb and gutter.
6. The tree does not show any obvious sign of a health or structural issue that would warrant removal.
7. The adjacent sidewalk is lifted in several places due to tree root damage.
8. As a note, the application is not signed by the property owner to verify their concurrence with the application.

Recommendations

1. Given the significant damage to the adjacent sidewalk and the size of the roots impacting the walk, staff would recommend approval of this 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. Given the location of the tree on private property, staff would not recommend requiring that a tree be replanted within the public right of way.
 - e. Applicant to repair adjacent sidewalk damage. Sidewalk permits can be obtained from Engineering (503.434.7312).

- McMinnville Water and Light:

Attachments:

Attachment 1 – Application and Attachments

No comments from MW&L regarding this street tree removal request.

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. Taylor Alvarez of Associated Arborists, on behalf of John Lawson, property owner, submitted a Street Tree Removal Permit application on December 2, 2019.
2. The application was deemed complete on December 6, 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 December 18, 2019 to review the application and proposed street tree removal request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 583 SW Westview Drive (Tax Lot 220, Section 20CC, T. 4. S., R. 4 W., W.M.)
2. **Size:** 0.1639 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 (Single-family Residential)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Single-family dwelling
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.

Attachments:

Attachment 1 – Application and Attachments

- 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 Westview Drive is classified as a Local Neighborhood Street in the McMinnville Transportation System Plan (TSP). The existing right-of-way is 50 feet wide. The street is improved with curb and gutter, sidewalk, and planter strip on both sides of the street. The street width is 34 feet curb-to-curb, and 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 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:

17.58.020 Applicability. The provisions of this ordinance shall apply to:

Attachments:

Attachment 1 – Application and Attachments

17.58.020(C). All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections; [...]

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The trunk of the tree proposed for removal is outside of the public right-of-way on private property. The eastern property line for the subject property is approximately three (3) feet from the back of the sidewalk, based on a 50 foot right-of-way width, and 34 foot curb-to-curb street improvement. The remaining eight (8) feet right-of-way on each side of the road includes the five (5) foot wide sidewalk and three (3) feet beyond the sidewalk. The trunk of the tree is located more than three feet from the back of the sidewalk. See photographs below. The tree's roots are lifting the adjacent sidewalk panel. Therefore, the provisions of Chapter 17.58 Trees shall apply to this tree removal request.



17.58.040 Tree Removal/Replacement.

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

APPLICANT'S RESPONSE: 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.

Attachments:

Attachment 1 – Application and Attachments

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 OF APPROVAL #3. A condition of approval has been included to assure that the tree removal will be performed to accepted City standards.

CONDITION FOR FINDING: That the tree's 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 OF APPROVAL #1 AND #2. Conditions of approval have been included to assure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

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

The applicant shall call for locates (dial 811) for all underground utilities prior to removing the trunk and roots. This is a free service and the law. If any facilities are damaged during tree removal or replacement, please contact MW&L 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: The tree requested for removal is entirely within private property, and is not a street tree within the public right-of-way. There is also no planter strip in the right-of-way adjacent to the property. Therefore, requirement of a replacement 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 OF APPROVAL #3. A condition of approval has been included to ensure that the applicant shall remove the tree stump and surface roots, and restore any damaged turf areas in the public right-of way.

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

Attachments:

Attachment 1 – Application and Attachments

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 OF APPROVAL #4. A condition of approval has been included to ensure that the applicant shall complete the tree removal within six (6) months of approval.

CONDITIONS FOR FINDING: That the applicant shall complete the tree removal within six (6) months of approval, or June 18, 2020.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5. A condition of approval has been included to ensure that the adjacent sidewalk panel that has been lifted and damaged by the tree's roots is repaired or replaced in accordance with City standards.

CONDITIONS FOR FINDING: That the applicant shall contact the McMinnville Engineering Department at (503) 472-7312 to obtain a sidewalk permit and repair or 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: Sidewalk damage.

FINDING: SATISFIED. The subject tree proposed for removal is in conflict with the adjacent sidewalk panel. The roots are lifting the panel, creating a discontinuity and trip hazard within the pedestrian route along the right-of-way. See photograph below. An arborist's recommendation for maintenance or removal included with the application concludes:

"Removal is recommended given the tree's proximity to public infrastructure. The tree is only semi mature at this point and already causing significant damage. Root pruning could likely cause stress, decline, or death. If the tree were to survive it is highly likely that it damages the public infrastructure again within a 5-year time frame."

Therefore, since the tree is in conflict with public improvements, the likelihood of the tree continuing to damage the sidewalk is high, and that root pruning the tree is likely to cause irreversible damage to the tree, this criterion is met and removal of the tree is recommended.

Sidewalk damage caused by tree roots



JF



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

RECEIVED

DEC. 02 2019

COMMUNITY DEVELOPMENT
CENTER

Office Use Only:

File No. L 30-19
Date Received 12/2/19
Fee \$150.00
Receipt No. _____
Received by JAF

Street Tree Removal

Applicant Information

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

Applicant Name Associated Arborists Phone _____

Contact Name Taylor Alvaraz Phone 503.883.3895
(If different than above)

Address 1760 NW Emerson Way

City, State, Zip McMinnville OR 97128

Contact Email Taylor@associatedarborists.com

Property Owner Information

Property Owner Name John Lawson Phone 503.687.2076
(If different than above)

Contact Name " Phone _____

Address 583 SW Western dr.

City, State, Zip McMinnville OR 97128

Contact Email jackmarie.lawson@aol.com

Site Location and Description

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

Property Address 583 SW Western dr.

(Property nearest to tree(s) for removal)

Assessor Map No. R4 420 - CC - 00220 Total Site Area _____

Subdivision Ash Meadows 1st Addition Block _____ Lot _____

Comprehensive Plan Designation Res. Zoning Designation R-2


Additional Information

1. How many trees are requested for removal? 1
2. What type (species) of tree(s) are they? Redo Cedar
3. What is the diameter of the tree(s), measured four feet above ground level? 18"
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. Sidewalk 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

12/2/19
Date

Property Owner's Signature

Date

Associated Arborists

Ph (503) 883-3895 • Fax (866) 863-8733 • 1760 NW Emerson Way McMinnville OR 97128 •

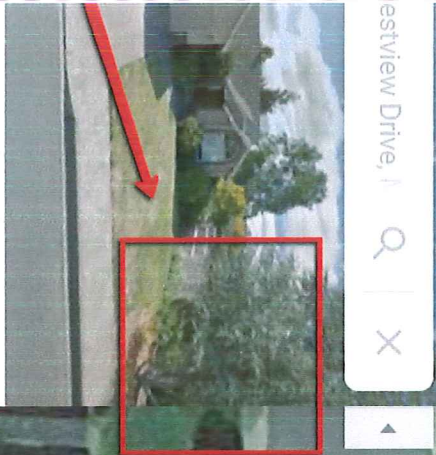
| | |
|----------|---|
| DATE: | 12/2/19 |
| TO: | City of McMinnville |
| FROM: | Taylor Alvarez, Associated Arborists, ISA#PN 8332AU |
| SUBJECT: | Tree Removal Request |
| PURPOSE: | Produce Report |

ARBORIST REPORT

1 Tree information: species, diameter at breast height, condition, and location:

1: Deador Cedar, 18" DBH estimated, good health, ADA issues 583 SW Westview McMinnville OR 97128





estview Drive, ↗



Nearby
Send to your
phone
Share

v Dr

583 SW Westview Dr



Associated Arborists

Ph (503) 883-3895 • Fax (866) 863-8733 • 1760 NW Emerson Way McMinnville OR 97128 •



Arborist's recommendation for maintenance or removal:

Removal is recommended given the trees proximity to public infrastructure. The tree is only semi mature at this point and already causing significant damage. Root pruning could likely cause stress, decline or death. If the tree were to survive it is highly likely that it damages the public infrastructure again within a 5-year time frame.



City of McMinnville
Planning Department
231 NE Fifth Street
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www.mcminnvilleoregon.gov

EXHIBIT 5 - STAFF REPORT

DATE: December 18, 2019
TO: Landscape Review Committee Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Agenda Item 4D – Adoption 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 item is to finalize and adopt a Work Plan for the 2020 calendar year to guide the Landscape Review Committee activities during that time.

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.*

At the November 20, 2019 meeting of the Landscape Review Committee, a draft Work Plan that would outline and guide Committee projects in 2020 was discussed. Staff presented an initial list of projects that could be included in the Work Plan based on the 2019 LRC Work Plan and prior Committee discussion and input, including:

- Street tree inventory for McMinnville
- Coordinate code revision to allow review of City improvement projects with landscape component
- Coordinate code revision to resolve conflicts between street trees and utilities and stormwater facilities
- Arbor Day celebrations/events
- Develop “Right Tree for the Right Place” informational pamphlet

A discussion of additional projects that the Landscape Review Committee could undertake provided additional activities to build into the Work Plan, including:

- Continued coordination with McMinnville Water and Light to develop a process to identify problematic trees below power lines and address the trees through pruning, removal, and/or replacement.

Staff has compiled all the activities discussed by the Landscape Review Committee into a draft Work Plan format using Goals, Strategies, and Actions to chart the activities through the course of the year.

Discussion:

Staff will guide a review of the 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 Work Plan.

Fiscal Impact:

The City will be researching grant opportunities to obtain funds to help complete projects and activities from the Work Plan.

Other activities may require completion in-kind by city staff as workloads allow.

Recommendation:

Staff recommends that the Landscape Review Committee, after discussing the draft Work Plan and deliberating, adopt a 2020 Work Plan for the Landscape Review Committee.

Suggested Motion: "That the Landscape Review Committee adopt the 2020 Work Plan as provided by staff"

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 Plan for Implementation | High | Summer 2020 | Staff/\$ | City of McMinnville (City)/ Landscape Review Committee (LRC) |
| Apply Landscape Standards to City Projects | Coordinate with City Staff to Update Code to Allow Review of City Projects with Landscape Component | High | Summer 2020 | Staff | City/LRC |
| Promote Healthy, Safe, and Diverse Urban Forest | Work with MW&L on Process to Identify/Remove/Replace Problem Trees Under Power Lines | High | Spring 2020 | Staff | City/LRC |
| | 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 | Low | Fall 2020 | Staff | City/LRC |

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

| Strategy | Action | Priority | Timeframe | Cost | Responsibility |
|-------------------------------------|--|----------|-------------|----------|----------------|
| 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 | Staff/\$ | City/LRC |
| Educate Community on Urban Forestry | | | | | |

GOAL: Preserve McMinnville's Urban Forest & Landscape

| Strategy | Action | Priority | Timeframe | Cost | Responsibility |
|--|--------|----------|-----------|------|----------------|
| Preserve and Protect Existing Landscape and Street Trees | | | | | |