



**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
ZOOM Online Meeting:

<https://mcminnvilleoregon.zoom.us/j/95977770889?pwd=RTAxeWQ3cDhFeEhGdFM4RlFYSXZ4UT09>

May 12, 2020 - 12:00 PM

Committee Members	Agenda Items
<p>Rob Stephenson Chair</p> <p>Sharon Gunter Vice-Chair</p> <p>Josh Kearns</p> <p>Tim McDaniel</p> <p>John Hall</p>	<ol style="list-style-type: none"> 1. Call to Order 2. Citizen Comments 3. Approval of Minutes 4. Action Items <ol style="list-style-type: none"> A. L 13-19 – Landscape Plan Review (Exhibit 1) 1025 NE 1st Street – Multi-Family Residential Development B. L 8-20 – Street Tree Removal (Exhibit 2) 2630 NW Mt. Hood Drive C. L 9-20 – Landscape Plan Review (Exhibit 3) 2623 NW Mt. Hood Drive 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.

A conference room with access to a computer to participate in the ZOOM Online Meeting can be provided at the Community Development Center. Please call the Planning Department at (503) 434-7311 for assistance.

*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.

	<p>Invitation to Zoom Meeting:</p> <p>Topic: Landscape Review Committee Time: May 12, 2020 12:00 PM Pacific Time (US and Canada)</p> <p>Join Zoom Meeting https://mcminnvilleoregon.zoom.us/j/95977770889?pwd=RTAxeWQ3cDhFeEhGdFM4RlFYsXZ4UT09</p> <p>Meeting ID: 959 7777 0889 Password: 750609</p> <p>One tap mobile +16699009128,,95977770889#,,1#,750609# US (San Jose) +12532158782,,95977770889#,,1#,750609# US (Tacoma)</p> <p>Dial by your location +1 669 900 9128 US (San Jose) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 646 558 8656 US (New York) +1 301 715 8592 US (Germantown) +1 312 626 6799 US (Chicago) Meeting ID: 959 7777 0889 Password: 750609</p>
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EXHIBIT 1 - STAFF REPORT

DATE: May 12, 2020
TO: Landscape Review Committee Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Agenda Item 4A – Landscape Plan Review Application (L 13-19)

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

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

Report in Brief:

An application for a landscape plan review (L 31-19) for landscaping for the development of a new multiple-family residential apartment building at 1025 NE 1st Street to be reviewed by the Landscape Review Committee.

Background:

The application requests approval of a landscape plan (L 13-19) for the development of a new multiple-family residential apartment building at 1025 NE 1st Street.

The applicant Andrew Burton, Creekside Homes, on behalf of RJED Corp., property owner, submitted a landscape plan associated with a building permit for the development of a multiple-family residential apartment building. The subject property is located at 1025 NE 1st Street, and is more specifically described as Lots 5, 6, 7, and 8, Rowland's Addition. The subject site is also identified as Tax Lot 7900, Section 21BD, T. 4 S., R. 4 W., W.M. The property makes up the entire block frontage of the north side of NE 1st Street between NE Johnson Street and NE Kirby Street. **See Figure 1 (Vicinity Map).** The property is zoned C-3 (General Commercial). **See Figure 2 (Zoning Map).**

The site was previously developed as a mobile home park. North and west of the subject site are commercially zoned properties with residential dwellings. East of the subject site is the St. James Catholic Church. South of the subject site, across NE 1st Street, is a commercial development including the Habitat for Humanity Restore. All adjacent properties are zoned commercial.

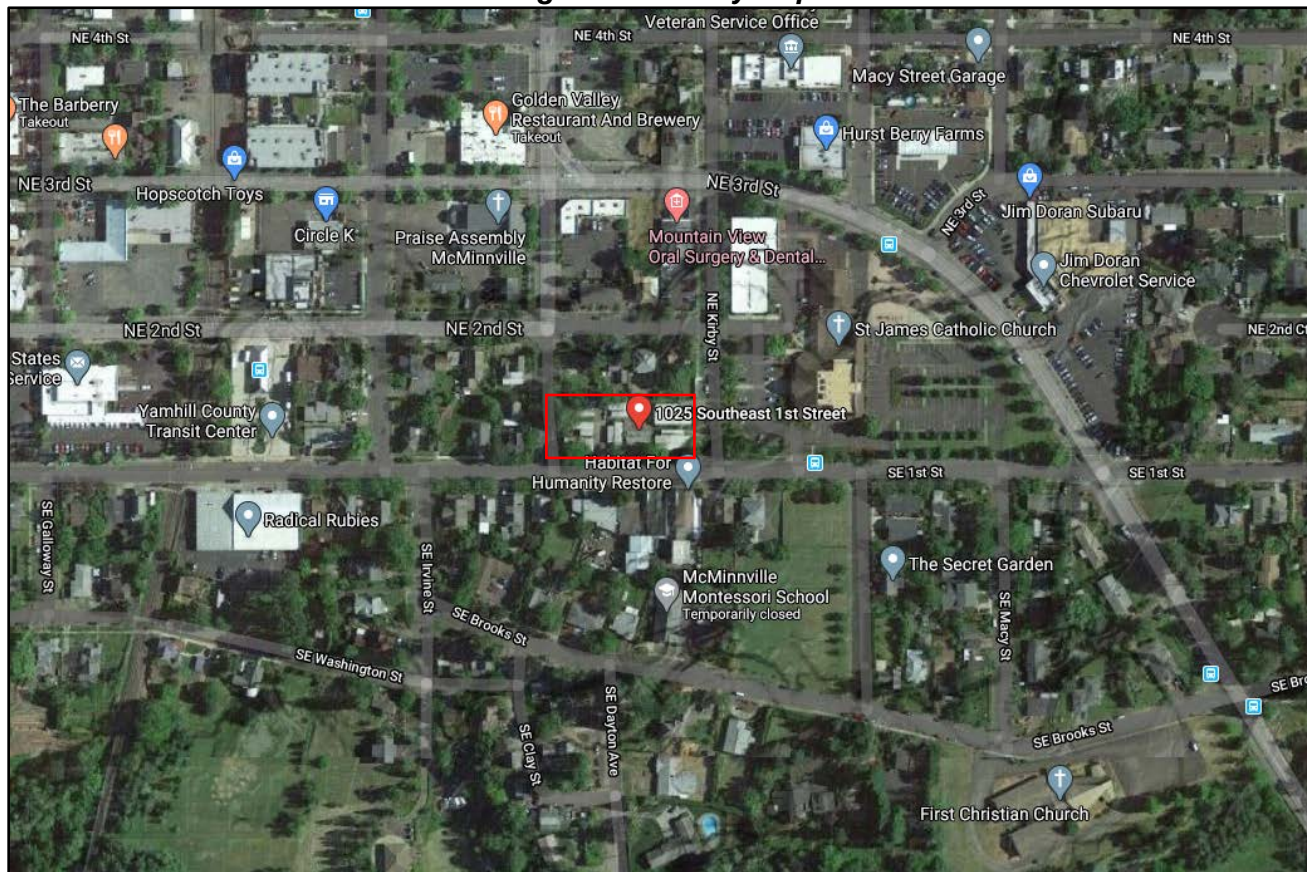
Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1025 NE 1st Street

Attachment B – Application Materials

The site plan features a two-story building with 16 apartment units on the southern half of the site, adjacent fronting the NE 1st Street right-of-way. **See Figure 3 (Proposed Project Rendering).** Off-street parking for 23 vehicles and a trash and recycling enclosure are located on the northern half of the site. The landscape plan addresses landscaping for the entire site, and street trees in the adjacent rights-of way. **See Figure 4 (Landscape Plan) and Figure 5 (Plant Schedule).**

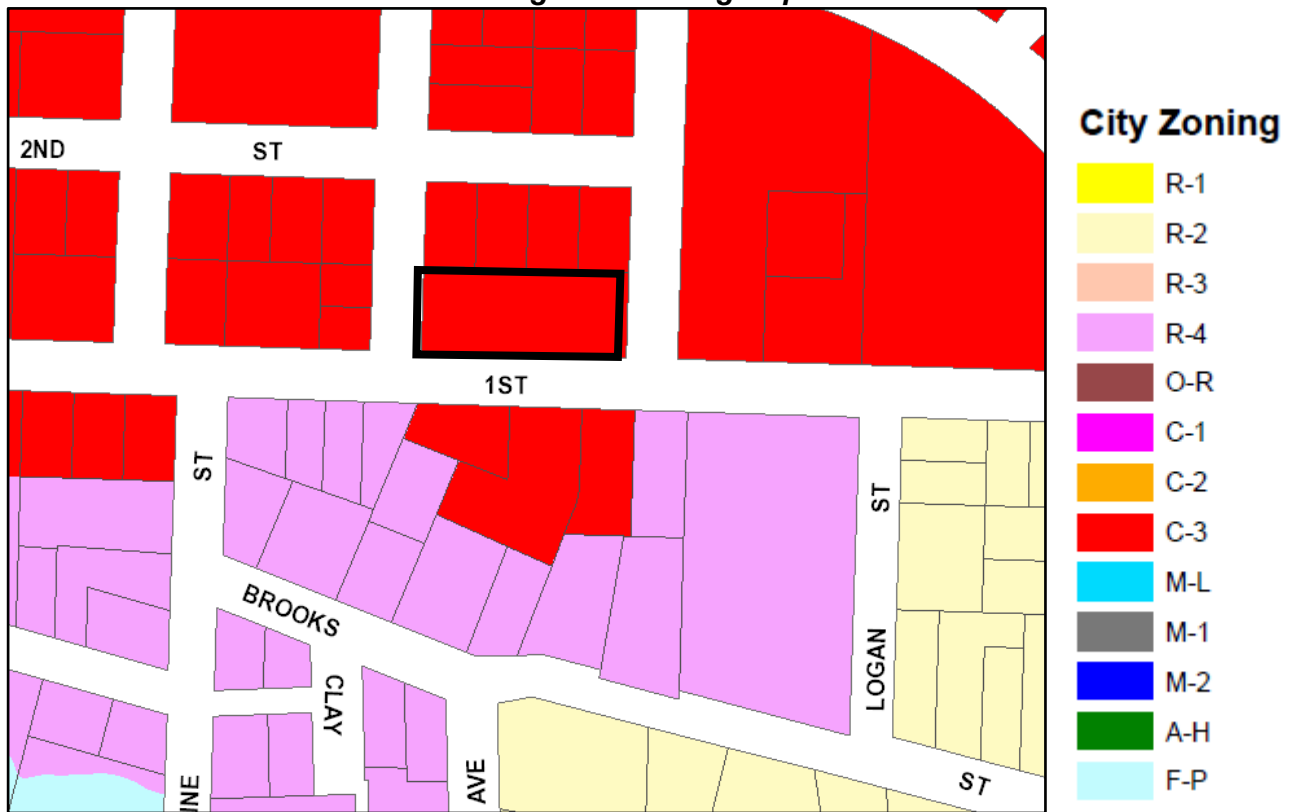
Figure 1: Vicinity Map



Attachments:

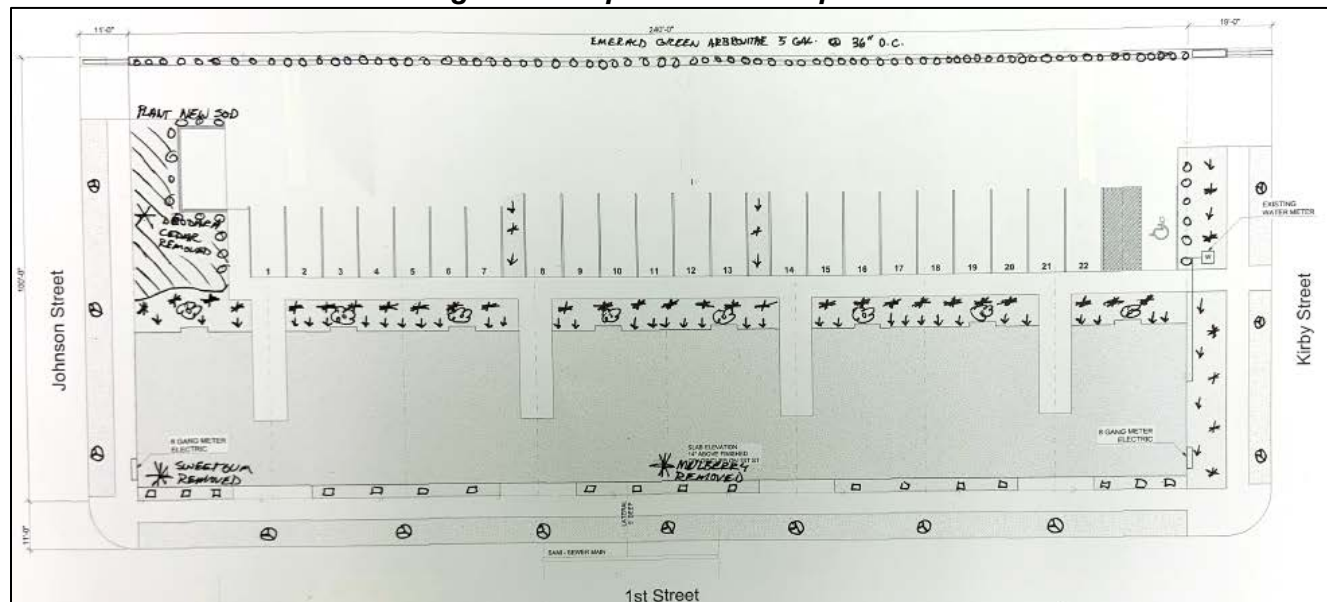
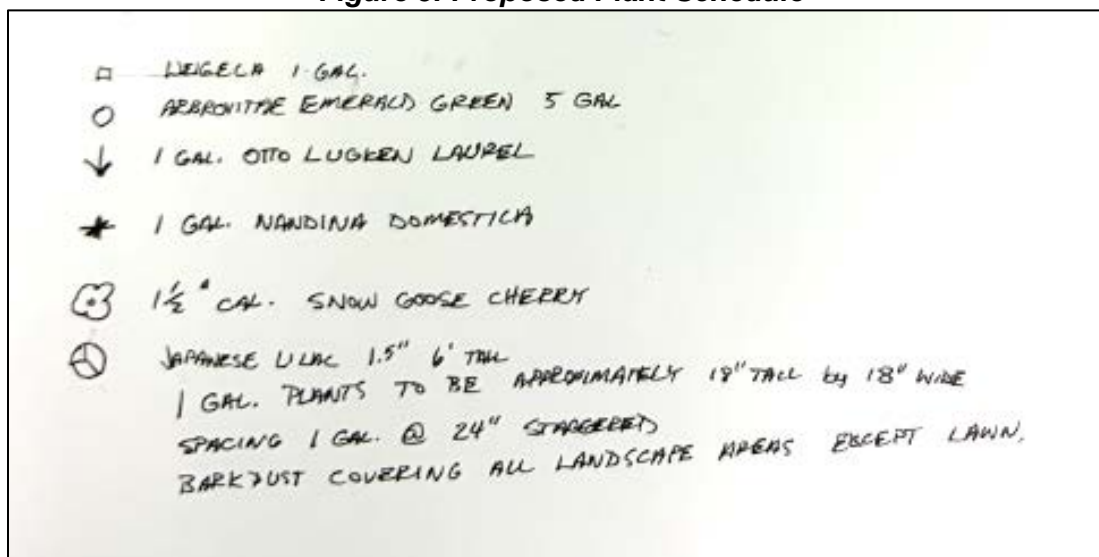
Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1025 NE 1st Street

Attachment B – Application Materials

Figure 2: Zoning Map**Figure 3: Proposed Project Rendering****Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1025 NE 1st Street

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Figure 4: Proposed Landscape Plan**Figure 5: Proposed Plant Schedule****Discussion:**

Decisions and/or recommendations for land-use applications are dependent upon whether or not the applications meet state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code (MMC). The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached is the decision document that provides the Findings of Fact and Conclusionary Findings for the land-use application. This document outlines the legal findings on whether or not each application meets the applicable criteria and whether or not there are conditions of approval that if achieved put the application in compliance with the criteria.

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1025 NE 1st Street

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Applicable Review Criteria

The subject site is zoned C-3 (General Commercial) but the use is multiple-family residential. The standard landscaping requirement for multiple-family is 25 percent of the gross area. The site is within Area II of the central business district which has reduced landscape requirements per MMC Section 17.57.080(B). Therefore, landscaping in the amount of twelve and one-half (12-1/2) percent is required on the site, subject to the standards and criteria of MMC Chapter 17.57 – Landscaping.

MMC Section 17.58.080 requires street trees to be planted at all new multi-family development which has a designated curb-side planting strip or planting islands. Right-of-way improvements included in the development project include the installation of new curb-side planting strips. Therefore street trees are required, subject to the standards and criteria of MMC Chapter 17.58 – Trees.

MMC Section 17.59.060 of the Downtown Design Standards and Guidelines Chapter requires a landscape plan for landscaping within buffer strips along the street side edges of parking lots. This landscape plan is subject to review and approval by the Landscape Review Committee.

Solid waste and recycling enclosures are subject to the standards and criteria of MMC Chapter 17.61 – Solid Waste and Recycling Enclosure Plan.

Analysis of Landscape Plan Review Request

The focus of the proposed landscape plan is primarily in the public right-of-way adjacent to the building, and the planting in and around the surface parking areas and building entrances. Groupings of trees and shrubs help achieve many of the planning factors above and help achieve the purpose of the landscape chapter of MMC.

Below is a table summarizing the application's compliance with critical criteria and review factors. The Decision Document for the land-use application has the detailed analysis and findings for this compliance:

Issue	Notes	Condition to Help Meet Criteria
Compatibility with the project and surrounding properties and uses	<ul style="list-style-type: none"> Landscaping proposed around site and parking lot perimeter provides shade, interest, and buffering to key areas Street trees and on-site landscaping is consistent with surrounding properties Some parking lot landscaping may obstruct vision clearance 	Condition #2: Maintains 36" max. height in clear vision areas
Screening the proposed use	<ul style="list-style-type: none"> Parking lot is screened from residential uses/ROWs by evergreen hedge Trees will buffer and screen building and parking lot Landscaping provided on 3 sides of trash enclosure 	N/A

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Issue	Notes	Condition to Help Meet Criteria
Retention of existing trees	<ul style="list-style-type: none"> Approved development (via Downtown Design review) approved existing tree removal 	N/A
Parking lot islands and planting	<ul style="list-style-type: none"> Planting proposed for the perimeter of the parking area, and landscape islands with trees are interspersed within the parking area 	N/A
Use of suitable street trees	<ul style="list-style-type: none"> Japanese Tree Lilac proposed, not an approved street tree 	<p>Condition #3: Approves use of Japanese Tree Lilac as street tree</p> <p>Condition #4: Requires 20 foot max. spacing for Japanese Tree Lilac street trees</p>
Irrigation system or water facilities	<ul style="list-style-type: none"> Landscape areas to receive automatic irrigation system 	N/A

Staff-Suggested Conditions of Approval

1. That the applicant shall install landscaping as shown on the landscape plan submitted to the Planning Department on March 30, 2020, and shall comply with required conditions of approval.
2. That no planting exceeding three (3) feet in height shall be within the clear vision areas of the multi-family residential driveway.
3. That *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac) is approved for use as a street tree adjacent to the subject site.
4. That the approved street tree, *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac), shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement.
5. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any planting excavation to ensure that underground utilities are not damaged.
6. 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.
7. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor

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

8. 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 provided to a minimum depth of eighteen (18) inches. In addition, irrigation of street trees is approved in lieu of the standard requirement to provide two (2) deep watering tubes.
9. That all street 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.
10. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier 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, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
11. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.
12. That all 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. 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:

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1025 NE 1st Street

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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 13-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

JF

Attachments:

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PLANNING DEPARTMENT**
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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A LANDSCAPE PLAN REVIEW FOR 1025 NE 1ST STREET

DOCKET: L 13-19 (Landscape Plan)

REQUEST: Approval of a Landscape Plan for 1025 NE 1st Street

LOCATION: 1025 NE 1st Street (Tax Lots 7900, Section 21BD, T. 4. S., R. 4 W., W.M.)

ZONING: C-3 (General Commercial)

APPLICANT: Andrew Burton, Creekside Homes, on behalf of RJED Corp., property owner

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: April 20, 2020

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

DECISION DATE & LOCATION: May 12, 2020, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, and Zoom Online Meeting ID 959 7777 0889.

PROCEDURE: Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.050 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance.

CRITERIA: The applicable criteria are specified in Section 17.57.070 (Area Determination – Planning factors) of the McMinnville Zoning Ordinance, McMinnville City Code.

APPEAL: The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.57.170 of the McMinnville Zoning Ordinance.

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

I. APPLICATION SUMMARY:

Subject Property & Request

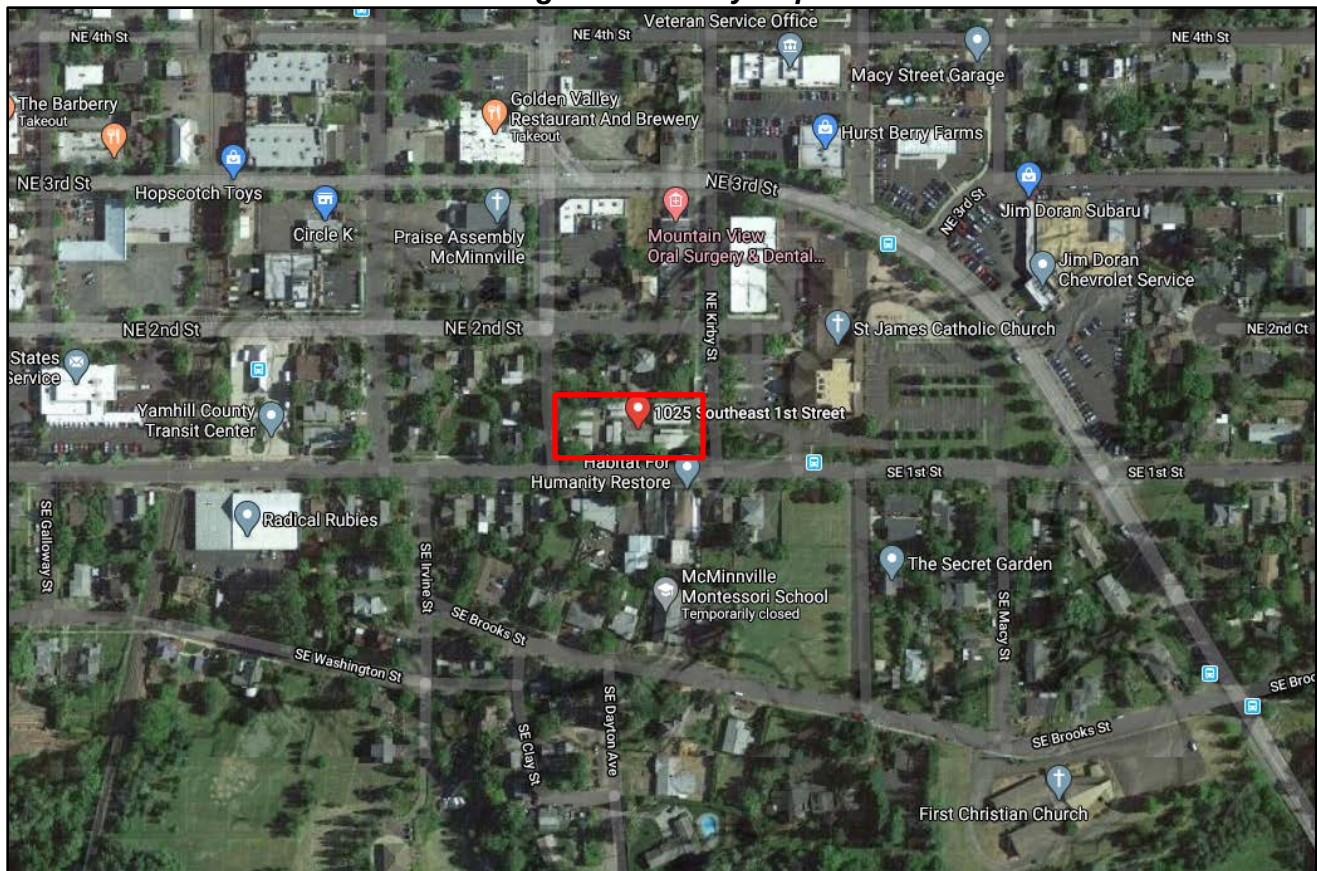
The application requests approval of a landscape plan (L 13-19) for the development of a new multiple-family residential apartment building at 1025 NE 1st Street.

The applicant Andrew Burton, Creekside Homes, on behalf of RJED Corp., property owner, submitted a landscape plan associated with a building permit for the development of a multiple-family residential apartment building. The subject property is located at 1025 NE 1st Street, and is more specifically described as Lots 5, 6, 7, and 8, Rowland's Addition. The subject site is also identified as Tax Lot 7900, Section 21BD, T. 4 S., R. 4 W., W.M. The property makes up the entire block frontage of the north side of NE 1st Street between NE Johnson Street and NE Kirby Street. **See Figure 1 (Vicinity Map).** The property is zoned C-3 (General Commercial). **See Figure 2 (Zoning Map).**

The site was previously developed as a mobile home park. North and west of the subject site are commercially zoned properties with residential dwellings. East of the subject site is the St. James Catholic Church. South of the subject site, across NE 1st Street, is a commercial development including the Habitat for Humanity Restore. All adjacent properties are zoned commercial.

The site plan features a two-story building with 16 apartment units on the southern half of the site, adjacent fronting the NE 1st Street right-of-way. **See Figure 3 (Proposed Project Rendering).** Off-street parking for 23 vehicles and a trash and recycling enclosure are located on the northern half of the site. The landscape plan addresses landscaping for the entire site, and street trees in the adjacent rights-of way. **See Figure 4 (Landscape Plan) and Figure 5 (Plant Schedule).**

Figure 1: Vicinity Map



Attachments:

Attachment 1 – Application and Attachments

Figure 2: Zoning Map

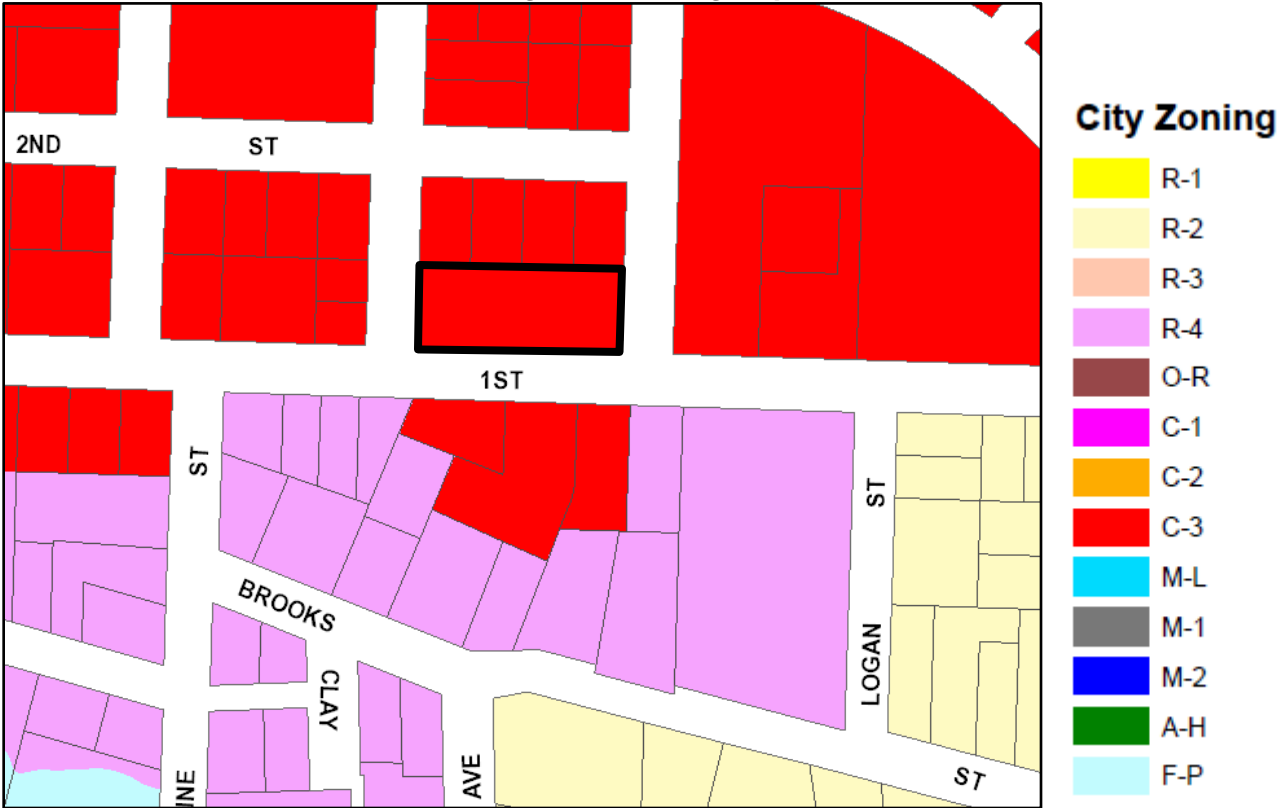
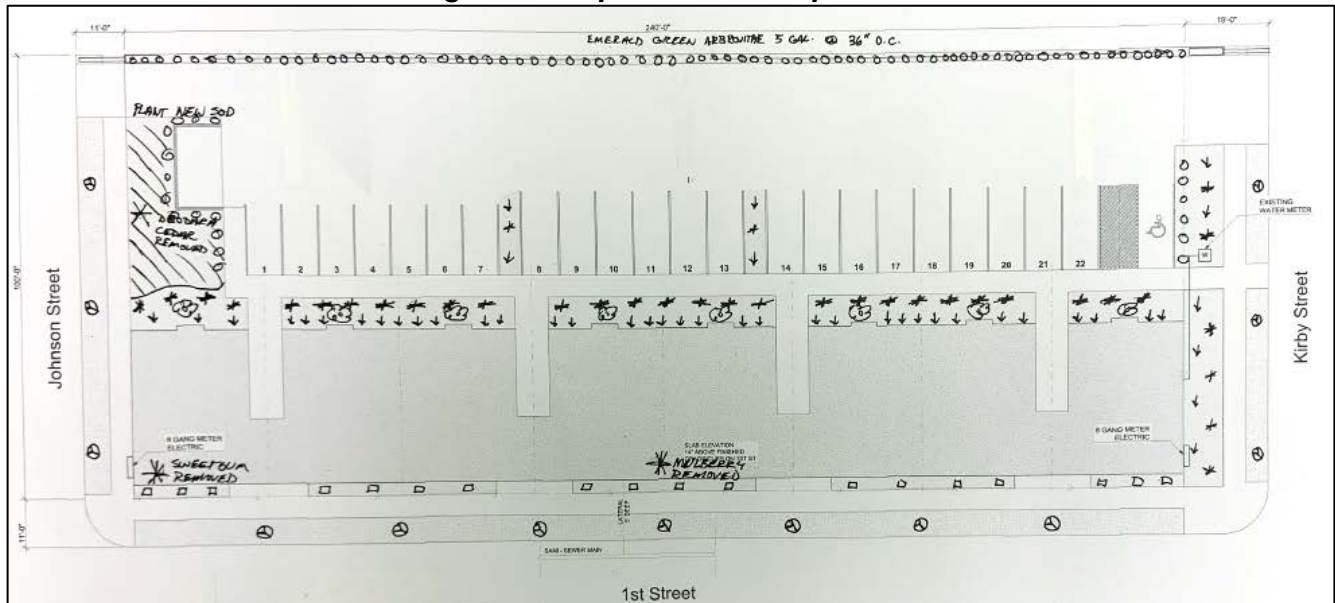
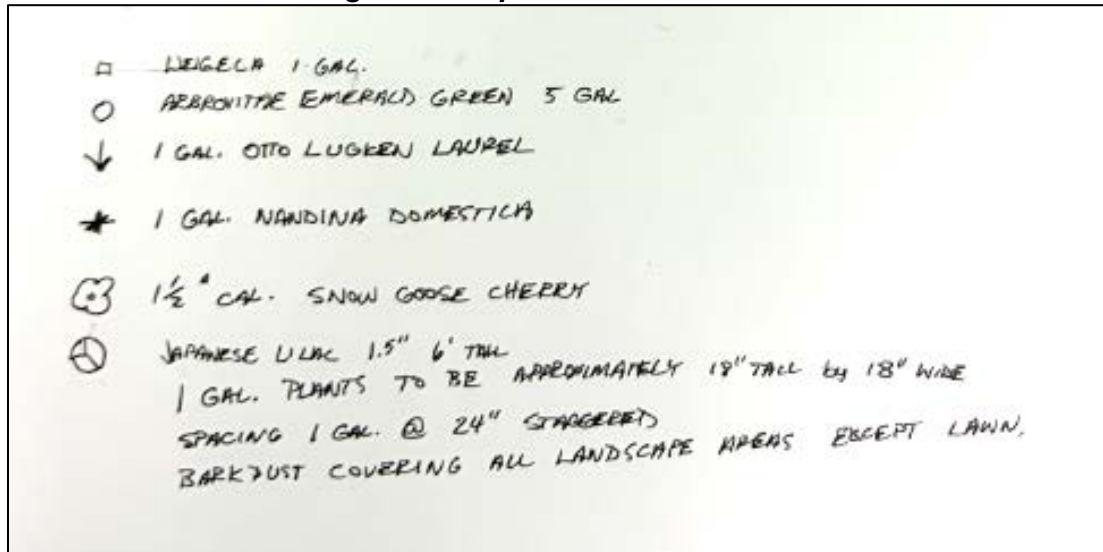


Figure 3: Proposed Project Rendering



Figure 4: Proposed Landscape Plan**Figure 5: Proposed Plant Schedule****Summary of Criteria & Issues**

Decisions and/or recommendations for approval of the land use application is dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code (MMC). The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria.

The subject site is zoned C-3 (General Commercial) but the use is multiple-family residential. The standard landscaping requirement for multiple-family is 25 percent of the gross area. The site is within Area II of the central business district which has reduced landscape requirements per MMC Section 17.57.080(B). Therefore, landscaping in the amount of twelve and one-half (12-1/2) percent is required on the site, subject to the standards and criteria of MMC Chapter 17.57 – Landscaping.

MMC Section 17.58.080 requires street trees to be planted at all new multi-family development which has a designated curb-side planting strip or planting islands. Right-of-way improvements included in

Attachments:

Attachment 1 – Application and Attachments

the development project include the installation of new curb-side planting strips. Therefore street trees are required, subject to the standards and criteria of MMC Chapter 17.58 – Trees.

Solid waste and recycling enclosures are subject to the standards and criteria of MMC Chapter 17.61 – Solid Waste and Recycling Enclosure Plan.

II. CONDITIONS:

1. That the applicant shall install landscaping as shown on the landscape plan submitted to the Planning Department on March 30, 2020, and shall comply with required conditions of approval.
2. That no planting exceeding three (3) feet in height shall be within the clear vision areas of the multi-family residential driveway.
3. That *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac) is approved for use as a street tree adjacent to the subject site.
4. That the approved street tree, *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac), shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement.
5. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any planting excavation to ensure that underground utilities are not damaged.
6. 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.
7. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
8. 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 provided to a minimum depth of eighteen (18) inches. In addition, irrigation of street trees is approved in lieu of the standard requirement to provide two (2) deep watering tubes.
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Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.

11. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.
12. That all 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. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

III. ATTACHMENTS:

1. L 13-19 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:

Site Review

1. The existing site is a multifamily structure located at on the NE corner of the intersection of 1st and Johnson. The site is bordered on the west side by NE Johnson, NE Kirby to the east and NE 1st to the south. There is sidewalk adjacent to the site on the south, east and west sides.
2. 1st Street and NE Johnson are classified as minor collectors in the Transportation System Plan.
3. There are no overhead conflicts on the south or west side of the site; there are overhead conflicts on the Kirby Street side.
4. Per the submitted plans, the planter strip along Kirby appears to be 5'; the strips along 1st and along Johnson appear to be 6'.

Recommendations

1. The submitted landscaping plan shows Japanese lilac as a street tree. Public Works has no experience with this tree, and it does not appear on the approved street tree list. However, it is also consistent with the existing cherry trees along that corridor. Our only comment would be to verify that these trees will be able to be kept pruned 8' above the sidewalk and 13' above roadway as they mature.
2. The remainder of the plantings are outside of the public right of way, and are thus are not within our purview.
3. Public Works would recommend approval of this proposal.

- McMinnville Water and Light:

Kirby St trees appear to exceed maximum mature height of 25' for trees planted under power and communication lines.

McMinnville Water & Light cannot approve the landscape plans as drawn. The sidewalk on Kirby Street is not drawn correctly. The existing water meter drawn on the drawing is not there anymore. The drawing does not show the new water meter and fire line valve with their backflow devices and FDC, nor the existing fire hydrant.

Water meters and fire hydrants must maintain certain clearances from landscaping and other objects. Please see McMinnville Water & Lights Specs WMCLEAR and FH-CLR when designing the landscaping.

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 Andrew Burton, Creekside Homes, on behalf of RJED Corp., property owner, submitted a landscape plan review application on May 9, 2019.
2. The application was deemed incomplete on June 4, 2019. Additional application materials were submitted on March 26, 2020. The application was deemed incomplete on March 27, 2019. Additional application materials were submitted on March 30, 2020. The application was deemed complete on April 20, 2020.
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 May 12, 2020 to review the application and proposed landscape plan.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 1025 NE 1st Street (Tax Lots 7900, Section 21BD, T. 4. S., R. 4 W., W.M.)
2. **Size:** Approximately 0.55 acres
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:** Downtown Design Standards Area (per Section 17.59.020(A) of the McMinnville Municipal Code); Reduced Landscaping Requirements Area (per Section 17.57.080).
6. **Current Use:** Multiple-family residential

Attachments:

Attachment 1 – Application and Attachments

7. Inventoried Significant Resources:

- a. **Historic Resources:** None
- b. **Other:** None

8. Other Features: There are no significant or distinguishing natural features associated with this property.**9. Utilities:**

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

10. Transportation: The site includes the southern half of the city block bounded on the east by Kirby Street, on the south by 1st Street, and on the west by Johnson Street. Johnson and 1st Streets are identified as minor collectors in the 2010 McMinnville Transportation System Plan. The McMinnville Transportation System Plan also identifies Kirby Street as a local street.**VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable planning factors for a Landscape Plan Review are specified in Section 17.57.070 of the Zoning Ordinance. The applicable standards for Street Trees are specified in Section 17.58.090 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.

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Attachment 1 – Application and Attachments

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 17.57 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 Section 17.57.070 are in addition to all other provisions of

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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 Section 17.03.020.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The landscape plan will enhance the appearance of the city and will benefit the economic, ecological, and aesthetic environment of the city. Conditions of approval have been included in the findings described in further detail below to ensure that the proposed planting meets necessary City standards and criteria, which will result in a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.

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

D. C-3 (General Commercial zone).

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The subject site is zoned C-3 (General Commercial), therefore landscaping is required subject to the standards and criteria of Chapter 17.57 – Landscaping.

17.57.070 Area Determination – Planning Factors.

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

3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The landscape plan indicates the following Percent Landscaped for the proposed multiple-family residential development:

	Total Site Area (s.f.)	Landscape Provided (s.f.)	Percentage
Proposed Development	23,958 (0.55 ac.)	3,447	14.3%

The subject site is within Area II of the Central Business District's reduced landscaping requirements (see diagram below). Per MMC Section 17.57.080(B) One-half of the landscaping requirements set forth in Section 17.57.050 apply to Area II, so the required landscaping for the multiple-family development on the subject site is twelve and one-half (12.5) percent.

On the north side of the building at the main entrances to the apartments, proposed landscaping includes the evergreen shrubs *Prunus laurocerasus* 'Otto Luyken' (Otto Luyken Laurel) and *Nandina domestica* (Heavenly Bamboo). Eight (8) deciduous *Prunus incisa* 'Snow Goose' (Snow Goose Fuji Cherry) trees are proposed along the north façade. Snow Goose Fuji Cherry trees have an upright form that is more columnar when young, making it compatible with their location in the landscape area next to the building. The ornamental trees and shrubs will provide seasonal interest and improve the aesthetic character of the main apartment entrances. On the south side of the building, the ornamental deciduous shrub *Weigela* sp. (Weigela). Compact varieties grow approximately three (3) feet tall and wide. The showy Weigela flowers will provide seasonal interest along the 1st Street frontage.

North of the parking lot, along the property line shared with residential uses to the north, a *Thuja occidentalis* 'Smaragd' (Emerald Green Arborvitae) hedge is proposed. This columnar evergreen shrub can grow 10 feet tall or more, and three (3) to four (4) feet wide. The indicated spacing is 36 inches on center, which will provide a sight-obscuring hedge between the parking lot and the properties to the north.

West of the parking area is a landscape area where the proposed solid waste and recycling enclosure is located. An Emerald Green Arborvitae hedge is proposed around three sides of the enclosure to screen it from the Johnson Street right-of-way. The hedge continues south to provide screening of the parking lot from the Johnson Street right-of-way. The remainder of the planting area is to be planted with sod. Signage for the property is anticipated to be located within this area.

East of the parking area is a landscape area with a proposed Emerald Green Arborvitae hedge to screen parking from Kirby Street right-of-way. The clear vision area standard for multi-family residential driveways described in MMC Section 17.54.080(B)(2) requires a clear vision triangle with legs measuring 10 feet minimum. No planting exceeding three (3) feet in height can be within the clear vision area. Therefore, a condition of approval is included to require that no planting exceeding three (3) feet in height shall be within the clear vision areas of the multi-family residential driveway.

Street trees planted within the curbside planting strips would be consistent and compatible with street trees found in the surrounding area, and would reinforce the pedestrian scale of the rights-of-way adjacent to the property.

With the addition of conditions of approval, the landscape plan is compatible with the proposed project, and with surrounding and abutting properties and uses thereon.

CONDITION FOR FINDING: That no planting exceeding three (3) feet in height shall be within the clear vision areas of the multi-family residential driveway.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. As described above, a solid evergreen hedge of Emerald Green Arborvitae, which grows up to 10 feet tall, is proposed along the entire northern property line. The hedge will help screen the parking lot and associated vehicle use, lights, and glare from neighboring residential uses to the north. The same Emerald Green Arborvitae is proposed in smaller hedges along the east and west sides of the parking area to screen the use from the adjacent Johnson and Kirby Street rights-of-way. Street trees planted along the adjacent street frontages will help buffer and screen the multi-family residential apartment building from adjacent commercial and single-family residential uses.

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. Trees that were previously existing on site were removed to accommodate the development as approved through the Downtown Design Review docket DDR 1-19. The Downtown Design Standards and Guidelines require buildings to maintain a zero setback from the property line. Existing trees were removed to accommodate the zero setback of the apartment building.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. As described above, the off-street parking areas feature landscape areas around the perimeter of the lots, with parking lot islands used as endcaps to separate parking bays from drive aisles. The landscape areas and parking lot islands are planted with a combination of deciduous trees and evergreen shrubs to break up the parking lot and help mitigate the harmful effects of heat, noise and glare associated with motor vehicle use.

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.

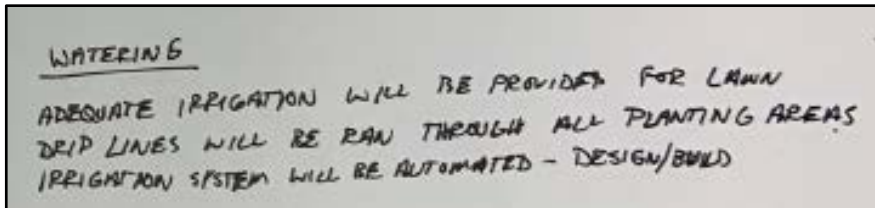
FINDING: SATISFIED WITH CONDITION #3. The landscape plan indicates that street trees are proposed in the rights-of-way adjacent to the building. The site has minimum six (6) foot wide planter strips along the frontages, and overhead utilities are present in the Kirby Street right-of-way adjacent to the subject site. The plant schedule notes the proposed species proposed is Japanese Lilac. *Syringa reticulata* (Japanese Tree Lilac) is a deciduous tree that grows approximately 25 feet tall and 20 feet wide. Japanese Tree Lilac is not found on the McMinnville Street Tree List, but exhibits many characteristics desirable in a street tree: deciduous, single trunk, upright branching pattern to maintain vision clearance, and appropriate for planting under overhead utilities due the mature height of 25 feet. Therefore, a condition of approval is included to approve *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac) for use as a street tree adjacent to the subject site. The tree proposed for planting near the parking lot is *Prunus incisa* 'Snow Goose' (Snow Goose Fuji Cherry) which is not on the prohibited tree list or exhibit characteristics of the certain trees prohibited in parking areas.

CONDITION FOR FINDING: That *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac) is approved for use as a street tree adjacent to the subject site.

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. The landscape plan indicates that an automatic irrigation system will be provided to all landscaping within the site and to proposed street trees.



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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #11. A condition of approval will require that all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

CONDITION FOR FINDING: That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

Chapter 17.58. Trees

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The street tree plan will establish tree cover on new public right-of-way to be dedicated to the City. It will provide for tree-lined streets along the new development and will enhance the appearance of the City. Conditions of approval have been included in the findings described in further detail below to ensure that the planting of street trees meets all necessary street tree standards, which will result in the appropriate planting and maintenance of the street trees. This will help minimize hazard, nuisance, damage, and maintenance costs.

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 proposed development is a new multi-family development that includes designated curb-side planting strips. Street trees are required in accordance with the standards listed in Section 17.58.090.

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 #3. 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. The proposed street, *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac), is not found on the approved street tree list though it is consistent with the desired characteristics for street trees, found in the McMinnville Street Tree List:

- Single trunked to allow for adequate vision clearance;
- Growth characteristics that allow for the lower branching to be maintained at a minimum of eight feet above grade to allow for adequate vision and pedestrian clearance;
- Non-columnar to provide the maximum amount of tree canopy (some exceptions);
- Relatively deeper rooting system to protect sidewalks, lawns, and utilities;
- Not brittle or weak-wooded;
- Deciduous;
- Do not drop excessive amounts of litter (fruits, nuts), have thorns, or excessive sap; and
- Not listed as a prohibited tree.

The Ivory Silk Japanese Tree Lilac is a flowering, single-trunked deciduous tree that matures to approximately 25 feet in height and 15 feet in width, placing it in the small tree category. Its upright form yields good clearance below. It is not found on the prohibited tree list. Although not found on the updated Street Tree List, the City finds that the proposed *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac) is an appropriate small street tree species because it is consistent with the desired street tree characteristics. Therefore, a condition of approval is included to approve *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac) for use as a street tree adjacent to the subject site.

CONDITION FOR FINDING: That *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac) is approved for use as a street tree adjacent to the subject site.

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 OF APPROVAL #9. A condition of approval is included to ensure that street trees shall meet City standards for size and quality at the time of planting.

CONDITION FOR FINDING: That 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.

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

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35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. [...]

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #4. The proposed street tree, Japanese Tree Lilac, grows to approximately 25 feet tall and 15 feet wide, and are considered small stature street trees. Street trees are shown spaced approximately 30 feet apart on the landscape plan, which exceeds the maximum 20 foot spacing for small stature street trees. Therefore, a condition of approval is included to require that the approved street tree, *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac), shall be spaced no more than 20 feet apart, , unless a utility or improvement is present that creates a setback requirement.

CONDITION FOR FINDING: That the approved street tree, *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac), shall be spaced no more than 20 feet apart, 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. Johnson and 1st Streets are classified as minor collectors in the 2010 McMinnville Transportation System Plan, Kirby Street is classified as a local street. Therefore, street trees in these rights-of-way are required to be a planted within a curbside landscape strip measuring a minimum of three (3) feet in width. The curbside planting strips are a minimum six (6) feet in width, which is greater than the minimum required.

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 OF APPROVAL #6. Utility locations are shown on the landscape plan, and proposed street tree locations are outside of required setback distances. A condition of approval has been included to ensure that setbacks from utilities 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.

17.58.090(F). Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street

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trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. There are no existing street trees adjacent to the subject property, therefore, this standard is not applicable.

17.58.120 Street Tree Maintenance.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #12. 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 for one full growing season following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

CONDITION FOR FINDING: That all 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. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

Chapter 17.59 Downtown Design Standards and Guidelines

17.59.060(C) A hedge or wall, thirty (30) inches in height, or dense landscaping within a buffer strip a minimum of five feet in width shall be placed along the street-side edge of all surface parking lots. Landscaping within the buffer strip shall include street trees selected as appropriate to the situation and spaced according to its type, shrubs spaced a minimum of three feet on center, and groundcover. A landscaping plan for this buffer shall be subject to review and approval by the McMinnville Landscape Review Committee.

APPLICANT'S RESPONSE: None.

Attachments:

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FINDING: SATISFIED. Buffer strips have been placed along the street-side edges of the surface parking lot within the subject site. The landscape plan indicates that the evergreen shrub *Thuja occidentalis* 'Smaragd' (Emerald Green Arborvitae) are proposed as screening hedges within the buffer strips along Kirby Street and Johnson Street. A note on the landscape plan indicates that the Emerald Green Arborvitae are to be planted at 36 inches on center.

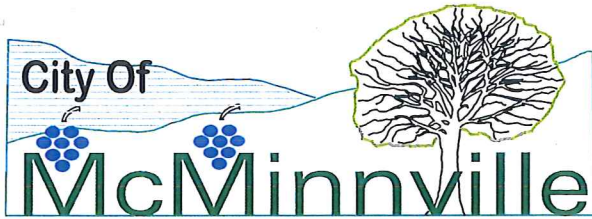
Chapter 17.61 Solid Waste and Recycling Enclosure Plan

17.61.030(C) Any trash or recycling enclosure which is visible from the street must provide landscaping around three (3) sides of the structure. Climbing vines and screening shrubs or hedges are appropriate and landscaping must be a minimum of three-feet (3) in height at the time of planting.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The landscape plan indicates that the evergreen shrub *Thuja occidentalis* 'Smaragd' (Emerald Green Arborvitae) are proposed as screening hedges on three sides of the trash and recycling enclosure.

JF

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128

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

www.ci.mcminnville.or.us**Office Use Only:**File No. L13-19Date Received 5/9/19Fee \$801.35

Receipt No. _____

Received by RH

Landscape Plan Review Application

Applicant InformationApplicant is: ☐ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☒ Other BuilderApplicant Name Creekside Homes Phone 503.389.6890Contact Name Andrew Burton Phone 503.560.0915
(If different than above)Address P.O. Box 315City, State, Zip McMinnville, OR 97128Contact Email aburton@creeksidehomes.net**Property Owner Information**Property Owner Name RJED Corp. Phone 503.560.0915
(If different than above)Contact Name Jonathan Rouse Phone _____Address 9629 SW 42nd AveCity, State, Zip Portland, OR 97219Contact Email rouseville@gmail.com**Site Location and Description**

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

Property Address 1025 ^{NE} SE 1st St McMinnville, OR 97128Assessor Map No. R4 421 - B0 - 07900 Total Site Area 1 acreSubdivision N/A Block _____ Lot _____Comprehensive Plan Designation Commercial Zoning Designation C-3


Landscaping Information

1. Total Landscaped Area: 3361 sq ft
2. Percent Landscaped: 14%
3. Building Floor Area:
New Structure: 15,435 Existing Structure: 7,200 Addition: _____
4. Architect Name GREATSCAPES Phone 503 780 3869
(Landscape Architect, Engineer, or Other Designer)
Contact Name MIKE PETERSEN Phone _____
Address PO BOX 2916
City, State, Zip CLACKAMAS, OR 97015
Contact Email GREATSCAPES2@yahoo.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.

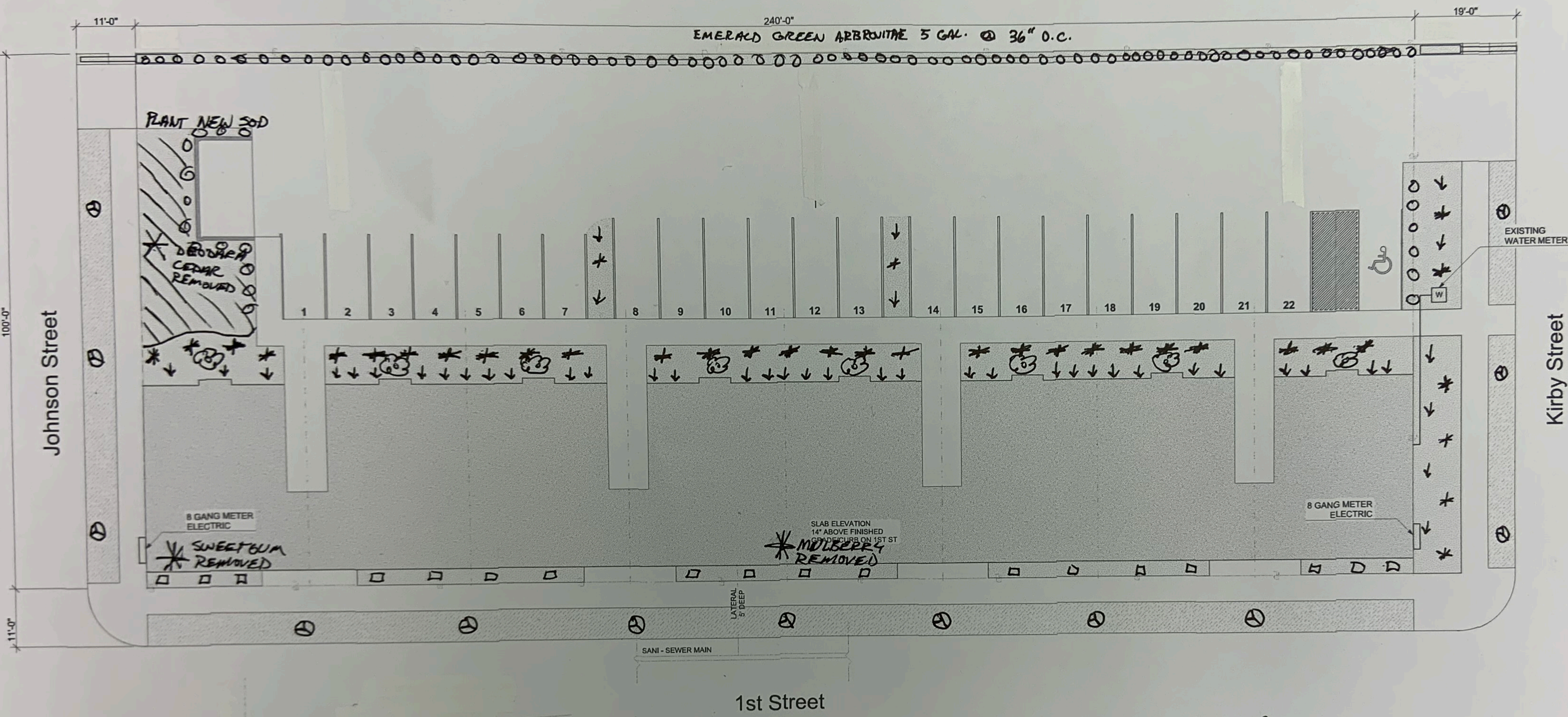
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.


Applicant's Signature

5/2/19
Date


Property Owner's Signature

05/09/2019
Date



1 UTILITIES
SCALE: 3/32" = 1'-0"
NORTH

- WEIGELA 1 GAL.
 - ARBONITAE EMERALD GREEN 5 GAL
 - ↓ 1 GAL. OTTO LUGEN LAUREL
 - * 1 GAL. NANDINA DOMESTICA
 - ⊙ 1 1/2" CAL. SNOW GOOSE CHERRY
 - ⊕ JAPANESE ULAC 1.5" 6' TALL
- 1 GAL. PLANTS TO BE APPROXIMATELY 18" TALL by 18" WIDE
SPACING 1 GAL. @ 24" STAGGERED
BARKMULCH COVERING ALL LANDSCAPE AREAS EXCEPT LAWN.

WATERING
ADEQUATE IRRIGATION WILL BE PROVIDED FOR LAWN
DRIP LINES WILL BE RUN THROUGH ALL PLANTING AREAS
IRRIGATION SYSTEM WILL BE AUTOMATED - DESIGN/BUILD

50% SCALE IF 12 x 18
PERMIT SET



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

EXHIBIT 2 - STAFF REPORT

DATE: May 12, 2020
TO: Landscape Review Committee Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Agenda Item 4B - Street Tree Removal Application (L 8-20)

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 three (3) street trees adjacent to 2630 NW Mt. Hood (L 8-20) to be reviewed by the Landscape Review Committee.

Background:

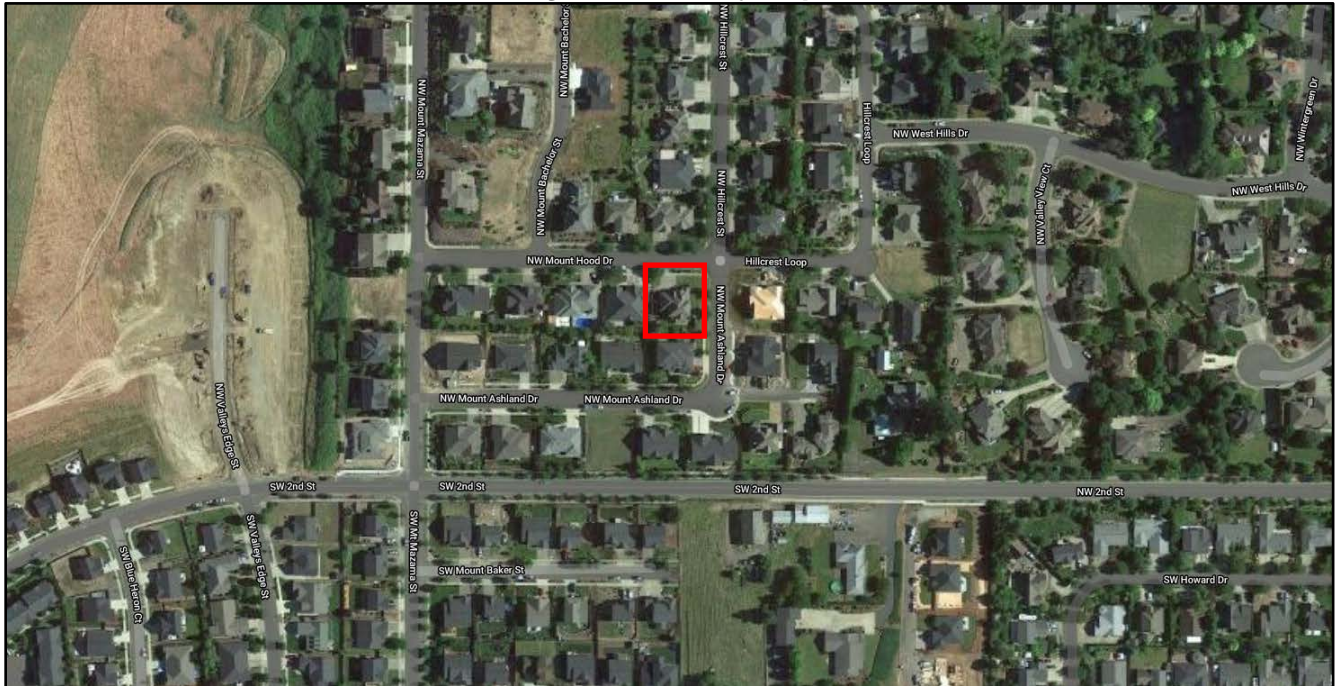
The application requests the removal of three (3) street trees from the right-of-way adjacent to the subject property that are impacting public infrastructure. Removal of a tree located within the public right-of-way which is affecting public infrastructure, including sidewalks, requires City approval.

The subject property is located at 2630 NW Mt. Hood Drive within the Hillcrest subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-1 (Single-Family Residential) and is developed with a single-family residence. The trees that are requested for removal are *Acer sp.* (Maple) located on within the NW Mt. Hood Drive and Hillcrest Street rights-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

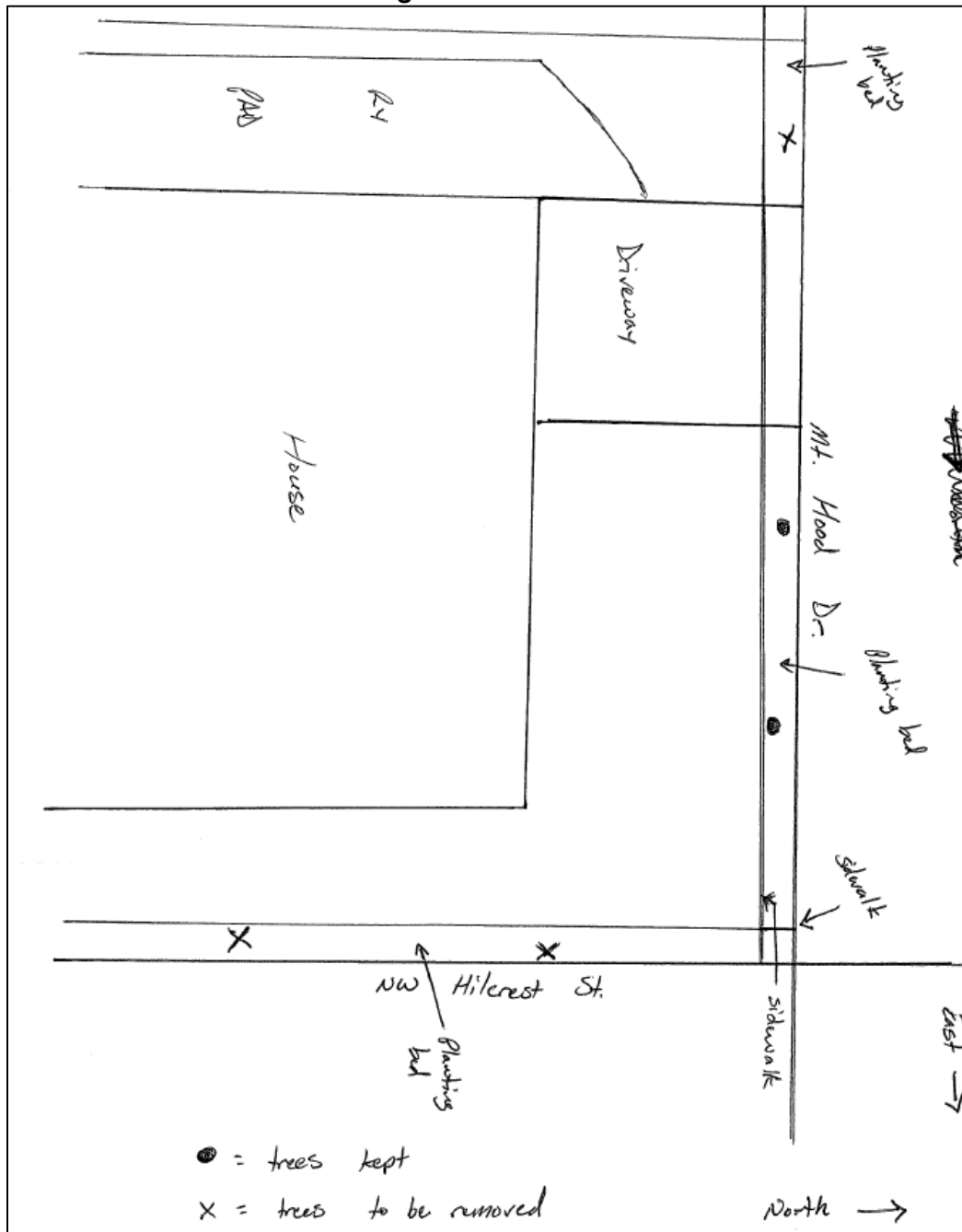
Figure 1: Vicinity Map



Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 2630 NW Mt. Hood Drive

Figure 2: Site Plan



Attachments:

Attachments:
Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 2630 NW Mt. Hood Drive

Figure 3: Existing Tree – Mt. Hood Drive



Figure 4: Existing Tree – Hillcrest Street (south)



Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 2630 NW Mt. Hood Drive

Figure 5: Existing Tree – Hillcrest Street (north)**Discussion:*****Summary of Criteria & Issues:***

The application requests approval of a tree removal permit for three (3) trees 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 three (3) Maples because the trees are impacting public improvements in the public right-of-way, specifically the adjacent sidewalk. The trees' roots have damaged and lifted the adjacent sidewalk panel, but the trees are otherwise healthy and in good condition.

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 three (3) trees are recommended.

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 2630 NW Mt. Hood Drive

Requirement of two (2) replacement street trees is recommended by Staff. One street tree along Mt. Hood Drive is not suitable for replacement to the presence of 2 water meters and a private driveway in the immediate area. 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 8-20 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 2630 NW Mt. Hood 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 2630 NW MT. HOOD DRIVE

DOCKET: L 8-20 (Street Tree Removal)

REQUEST: Approval to remove three (3) trees from the subject property impacting public infrastructure

LOCATION: 2630 NW Mt. Hood Drive (Tax Lot 2000, Section 19BC, T. 4. S., R. 4 W., W.M.)

ZONING: R-1 (Single-Family Residential)

APPLICANT: John Fleischman, property owner

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: April 21, 2020

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

DECISION DATE & LOCATION: May 12, 2020, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, and Zoom Online Meeting ID 959 7777 0889.

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 8-20) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

Planning Staff: _____
 Jamie Fleckenstein, Associate Planner

Date: May 12, 2020

Planning Department: _____
Heather Richards, Planning Director

Date: May 12, 2020

Attachments:

Attachment 1 – Application and Attachments

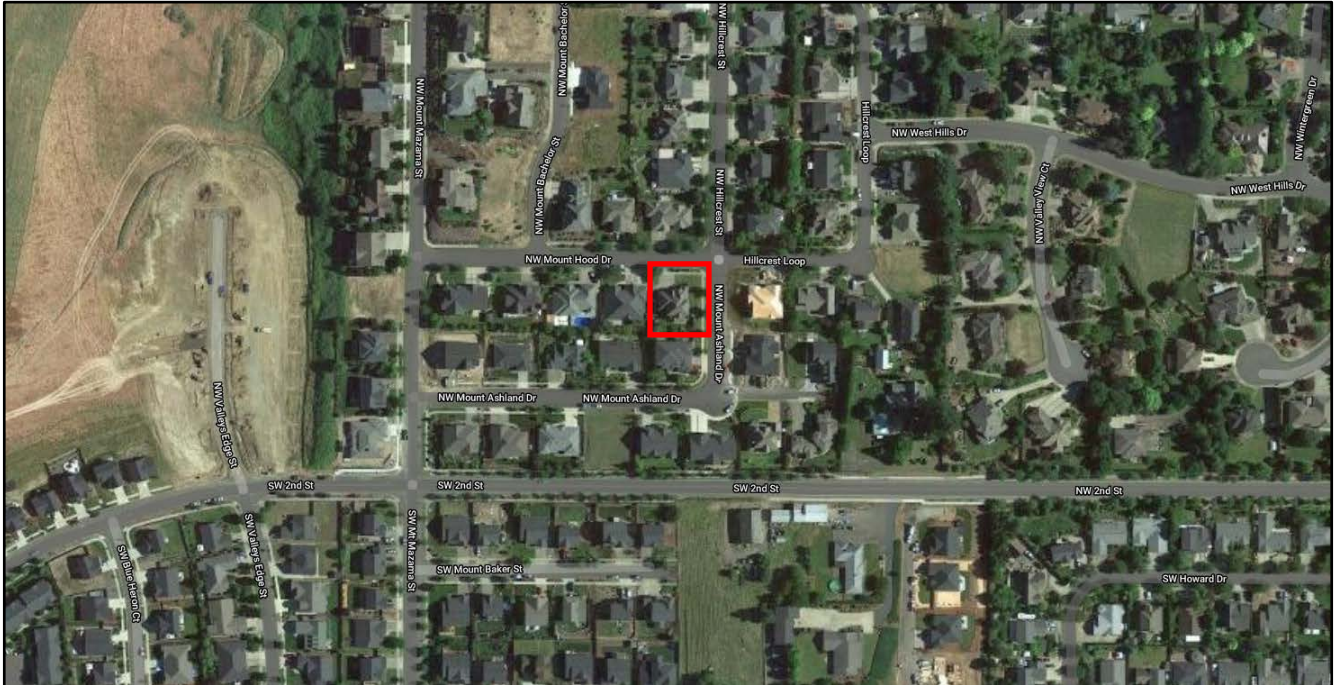
I. APPLICATION SUMMARY:

Subject Property & Request

The application requests the removal of three (3) trees from the public right-of-way adjacent to the subject property that are impacting public infrastructure. Removal of a tree located within the public right-of-way which is affecting public infrastructure, including sidewalks, requires City approval.

The subject property is located at 2630 NW Mt. Hood Drive within the Hillcrest subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-1 (Single-Family Residential) and is developed with a single-family residence. The trees that are requested for removal are *Acer sp.* (Maple) located on within the NW Mt. Hood Drive and Hillcrest Street rights-of-way. **See Figure 2 (Site Plan).**

Figure 1: Vicinity Map



Attachments:

Attachment 1 – Application and Attachments

Figure 2: Site Plan

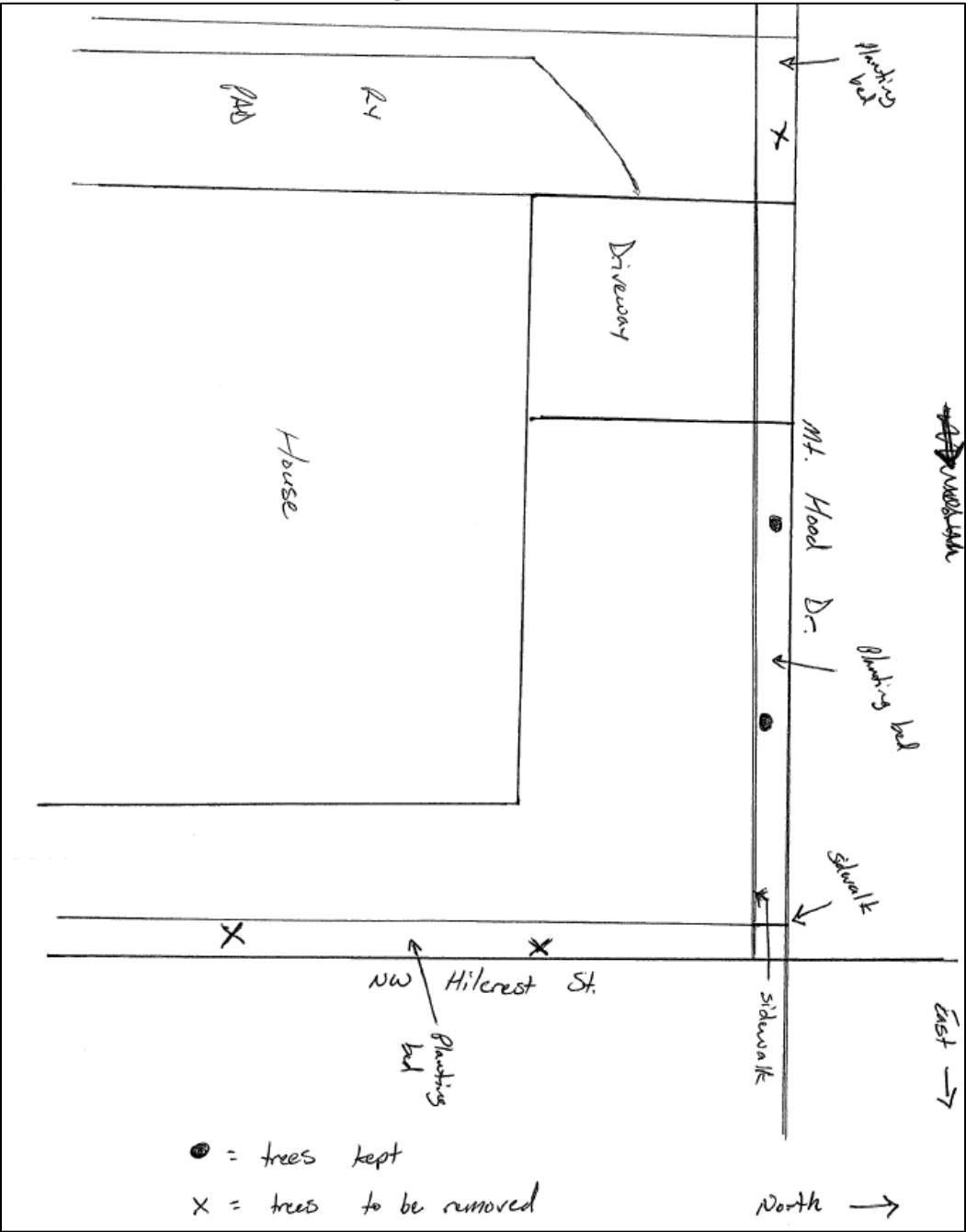


Figure 3: Existing Tree – Mt. Hood Drive



Figure 4: Existing Tree – Hillcrest Street (south)



Figure 5: Existing Tree – Hillcrest Street (north)**Summary of Criteria & Issues**

The application is subject to review criteria in McMinnville Municipal Code (MMC) Section 17.58.050 of the McMinnville Zoning Ordinance, which 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.
- 2. That 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. Upon request, utility locates can be flagged without marking up hard surfaces.
- 3. That the applicant is reminded to use extreme caution when working in the area of existing water services west along Mt. Hood Drive. If any facilities are damaged during tree removal or replacement, please contact MW&L immediately at 503-472-6158.

Attachments:

Attachment 1 – Application and Attachments

4. That the tree's stump and remaining surface roots shall be removed at least six (6) inches below grade to allow for a suitable replanting site. 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.
5. That two (2) replacement street trees be planted in the NW Hillcrest Street planter strip. The tree shall be a recommended medium street tree from the McMinnville Street Tree List or other species/variety approved by the McMinnville Landscape Review Committee.
6. 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.
7. 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 minimum depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.
8. 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.
9. 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.
10. That the planter strip area shall be restored to original grade immediately following the planting of the replacement trees.
11. That the applicant shall complete the tree removal and tree replacement within six (6) months of approval, or November 12, 2020.
12. 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 8-20 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

Attachments:

Attachment 1 – Application and Attachments

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

- McMinnville Public Works:

Site Review

1. The trees in question are a maple variety. They vary in DBH from 7" -11", and are all about 30-35' in height.
2. The trees are planted in 4.5 foot planter strip between the curb and sidewalk, with irrigated turf.
3. There are no overhead facility conflicts.
4. The trees do not display any obvious health or structural issue that would require removal.
5. The sidewalks are lifted slightly in numerous places adjacent to the trees along the east side of the property, but at this time do not show any surface discontinuities that would be a trip hazard. The tree on the north side of the property has lifted the adjacent panel and is trip hazard.
6. All of the trees in question show high root buttresses and significant surface rooting.

Recommendations

1. None of the trees in question exhibit structural or health issues that would require removal. However, given the shallow rooting and evidence of sidewalk damage, staff would recommend the approval of this request. This is an example of a home owner working in a proactive manner to resolve a safety issue adjacent to their property.
2. Staff would recommend that two of the three trees be replaced. Given the proximity to the driveway approach and the water meter, staff does not recommend replacing the tree along the north side of property west of the driveway.
3. Recommended 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, and to chase roots as necessary to allow for a suitable replanting site.
 - c. Applicant to call for a utility locate prior to removal. As a note, applicant should be informed that upon request, utility locates can be flagged without marking up hard surfaces.
 - d. Applicant to replace the trees with a variety acceptable to the Planning Department and consistent with the street tree plan for this subdivision.
 - e. Applicant to plant tree as per the approved City detail.
 - f. Applicant to contact Public Works at (503)434.7316 for an inspection prior to backfill.
 - g. Applicant to contact Engineering at 503.434.7312 for a sidewalk inspection related to the lifted sidewalk panel just west of the driveway.

- McMinnville Water and Light:

"The tree on the west side of the driveway is by the two existing water services. Use extreme caution when working around these water services.

If the service line, box, or meter become damaged, please call McMinnville Immediately at 503-472-6158.

Underground power in the area. Please call for locates."

Attachments:

Attachment 1 – Application and Attachments

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. John Fleischman, property owner, submitted a Street Tree Removal Permit application on March 23, 2020.
2. The application was deemed complete on April 21, 2020.
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 May 12, 2020 to review the application and proposed street tree removal request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 2630 NW Mt. Hood Drive (Tax Lot 2000, Section 19BC, T. 4. S., R. 4 W., W.M.)
2. **Size:** 0.2092 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-1 (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.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

Attachments:

Attachment 1 – Application and Attachments

10. **Transportation:** NW Mt. Hood Drive and NW Hillcrest Street are classified as Local Streets in the 2010 McMinnville Transportation System Plan (TSP).

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:

Chapter 17.58 Trees

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to increase property values and build stronger ties within

Attachments:

Attachment 1 – Application and Attachments

neighborhoods; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Removal and replacement of the subject street trees would meet the purpose of the Trees Chapter of the Zoning Ordinance. Trees would be situated and maintained to minimize hazard, nuisance, damage, and maintenance costs; the appearance, beauty and charm of the City would be enhanced; and the maximum amount of tree cover on public lands would be maintained.

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

- A. Individual significant or historic trees as defined in this ordinance.
- B. All trees with trunks located completely or partially within any public area or right-of-way;
- 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;
- D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The trunk of the trees proposed for removal are located within a curbside planting strip completely within the public right-of-way adjacent to the subject property. 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.

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 #4. 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 to allow for a suitable replanting site. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations.

Attachments:

Attachment 1 – Application and Attachments

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS #1-3, #10. 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 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. Upon request, utility locates can be flagged without marking up hard surfaces.

That the applicant is reminded to use extreme caution when working in the area of existing water services along NW Mt. Hood Drive. If any facilities are damaged during tree removal or replacement, please contact MW&L immediately at 503-472-6158.

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

17.58.040(D). Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city [...]

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #5. The two (2) trees in the Hillcrest Street right-of-way are located in a curb-side planter strip that is four and one-half (4.5) feet wide. No utilities or driveways are present that require setbacks. There is sufficient space in the Hillcrest Street planter strip adjacent to the subject property to replace each of the two (2) trees proposed for removal. The tree proposed for removal from the Mt. Hood Drive right-of-way adjacent to the subject site is located within 10 feet of two existing water meters, and immediately west of the driveway serving the subject site. Because of the spacing standards from water meters and driveways, there is not sufficient space in the planter strip along Mt. Hood Drive for a replacement street tree.

There is no approved street tree plan for the Hillcrest 1st Addition subdivision on file with the Planning Department. Because there is no approved street tree for NE Hillcrest Street adjacent to the subject site, a replacement tree selected from the recommended medium street trees on 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. Therefore, a condition of approval is included to require that two (2) replacement street trees be planted in the NW Hillcrest Street planter strip. The tree shall be a recommended medium street tree for the McMinnville Street Tree List or other species/variety approved by the McMinnville Landscape Review Committee.

CONDITION FOR FINDING: That two (2) replacement street trees be planted in the NW Hillcrest Street planter strip. The tree shall be a recommended medium street tree for the McMinnville Street Tree List or other species/variety approved by the McMinnville Landscape Review Committee.

17.58.040(E). The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and

Attachments:

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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 #4. 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 stumps and remaining surface roots shall be removed at least six (6) inches below grade to allow for a suitable replanting site. 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 #11. 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 November 12, 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 #12. 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:

- 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.
- D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

APPLICANT'S RESPONSE: 1 tree has already lifted the sidewalk two inches. 1 of the 2 trees has already started to lift the sidewalk. All 3 trees have impacted sprinkler system performance.

Attachments:

Attachment 1 – Application and Attachments

1 tree's root ball has engulfed sprinkler head where water is spraying onto the street when we use our sprinkler system.

FINDING: SATISFIED. The subject trees proposed for removal are in conflict with adjacent public improvements, sidewalk panels. The roots are lifting the panels, creating a discontinuity and trip hazard within the pedestrian route along the right-of-way. 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, criterion 'B' is met and removal of the tree is recommended.

17.58.090 Street Tree 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. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.
- 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. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.
- 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.
- F. Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of

Attachments:

Attachment 1 – Application and Attachments

Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5-9. Conditions of approval have been included to ensure that the City's street tree standards are met during the replacement of the street trees.

CONDITIONS FOR FINDING: That two (2) replacement street trees be planted in the NW Hillcrest Street planter strip. The tree shall be a recommended medium street tree for the McMinnville Street Tree List or other species/variety approved by the McMinnville Landscape Review Committee.

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.

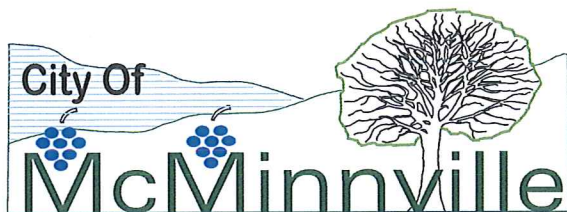
That replacement trees shall be planted per the approved City detail. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a minimum 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.

JF



Planning Department

231 NE Fifth Street • McMinnville, OR 97128

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

www.mcminnvilleoregon.gov

569-20-000131-Plng

Office Use Only:

File No. L8-20

Date Received 3-23-2020

Fee 150.00

Receipt No. 202145

Received by 80

Street Tree Removal

Applicant Information

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

Applicant Name John Fleischman Phone 503-720-3555

Contact Name _____ Phone _____
(If different than above)

Address 2630 NW Mt. Hood Dr.

City, State, Zip McMinnville, OR 97128

Contact Email john.fleischman84@yahoo.com

Property Owner Information

Property Owner Name John Fleischman Phone 503-720-3555
(If different than above)

Contact Name _____ Phone _____

Address 2630 NW Mt. Hood Dr.

City, State, Zip McMinnville, OR 97128

Contact Email john.fleischman84@yahoo.com

Site Location and Description

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

Property Address 2630 NW Mt. Hood Dr.
(Property nearest to tree(s) for removal)

Assessor Map No. R4A19 - BC - 02000 Total Site Area _____

Subdivision Hillcrest Block _____ Lot _____

Comprehensive Plan Designation Res Zoning Designation R-1

Additional Information

1. How many trees are requested for removal? 3
2. What type (species) of tree(s) are they? I believe they are maple.
3. What is the diameter of the tree(s), measured four feet above ground level? 1-11" and 2-7"
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.
~~1 tree~~ but 1 tree has already lifted the sidewalk 2 inches.
1 of the 2 trees has already start to lift the sidewalk.

All 3 trees have impacted sprinkler system performance
1 tree's root ball has engulfed sprinkler head where water
is spraying on to the street when we use our sprinkler system.

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.

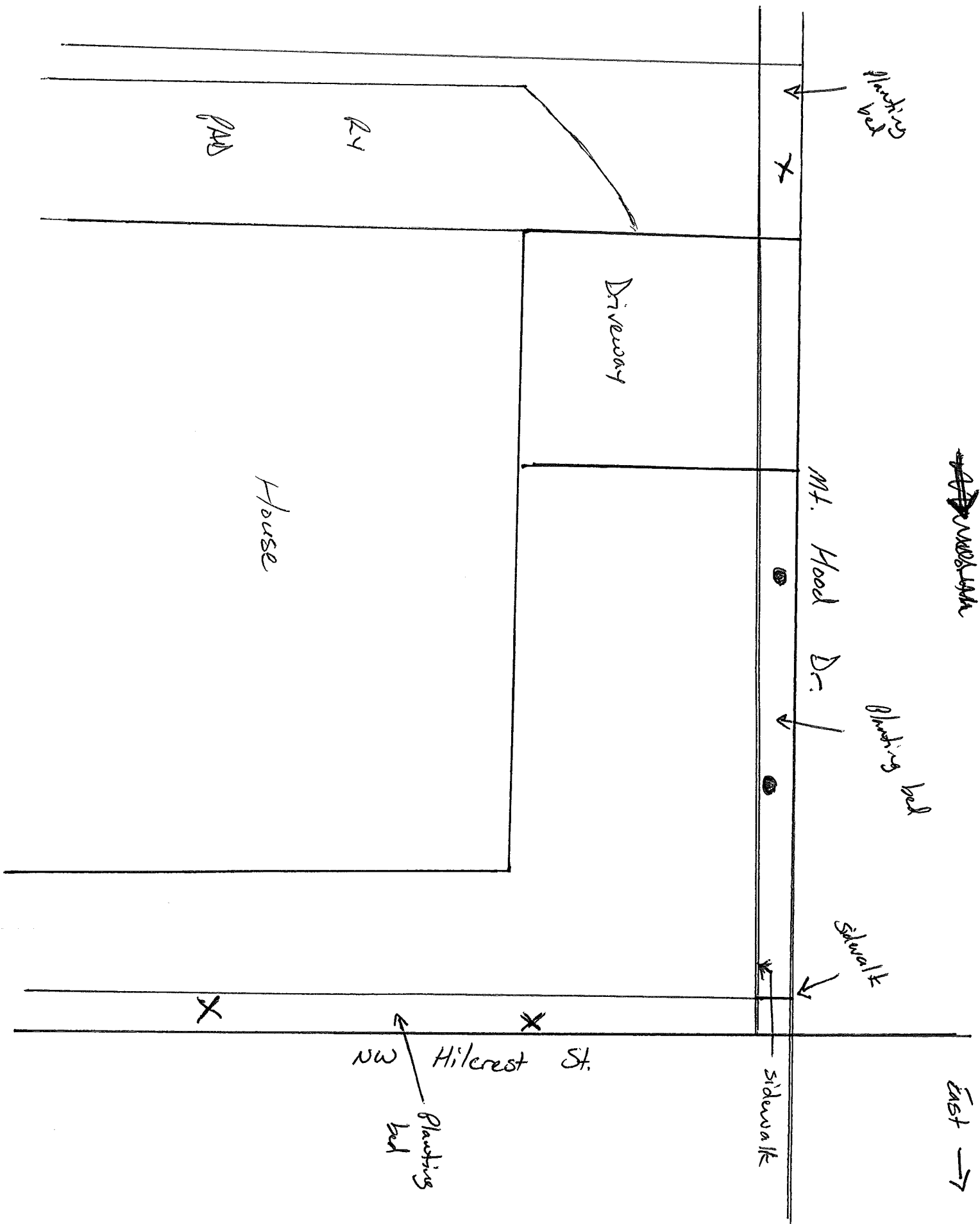
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

John M. Thiel Sr.
Applicant's Signature

3/20/20
Date

John M. Thiel Sr.
Property Owner's Signature

3/20/20
Date



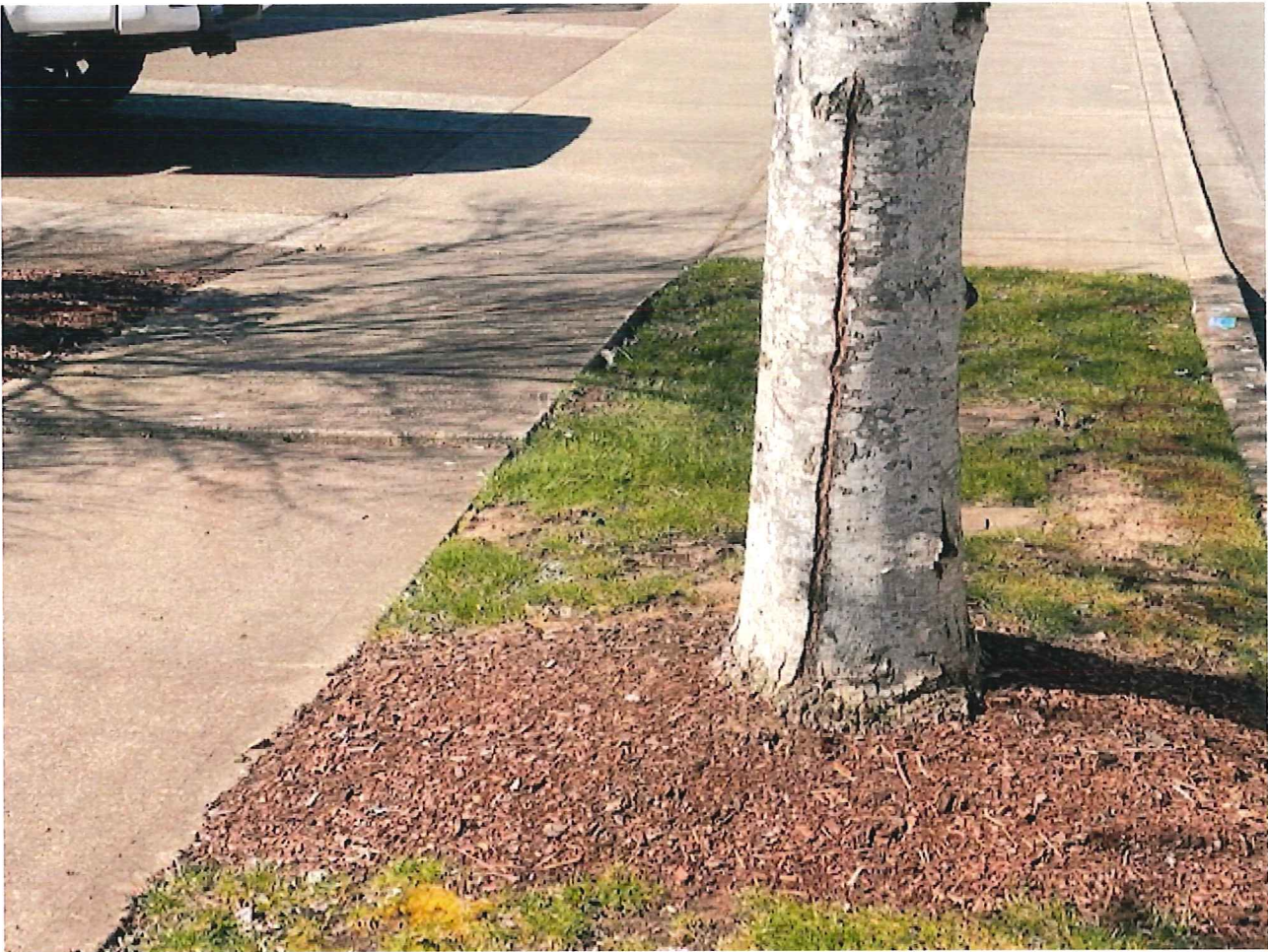
● = trees kept

X = trees to be removed

North 56 of 91



planted improperly



Sent from my iPhone

Already lifted sidewalk



starting to lift sidewalk at seam



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

EXHIBIT 3 - STAFF REPORT

DATE: May 12, 2020
TO: Landscape Review Committee Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Agenda Item 4C - Street Tree Removal Application (L 9-20)

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 six (6) street trees adjacent to 2623 NW Mt. Hood (L 9-20) to be reviewed by the Landscape Review Committee.

Background:

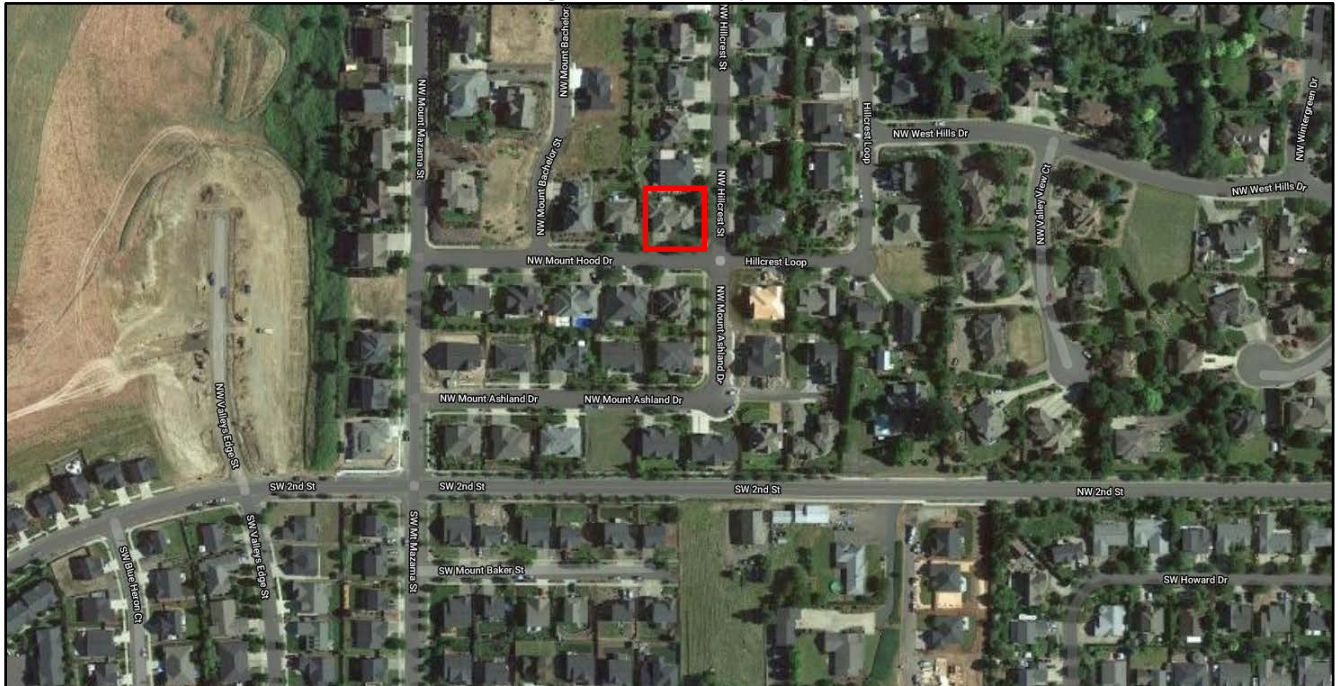
The application requests the removal of six (6) trees from the public right-of-way adjacent to the subject property that are impacting public infrastructure. Removal of a tree located within the public right-of-way which is affecting public infrastructure, including sidewalks, requires City approval.

The subject property is located at 2623 NW Mt. Hood Drive within the Hillcrest subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-1 (Single-Family Residential) and is developed with a single-family residence. The trees that are requested for removal are *Acer sp.* (Maple) located on within the NW Mt. Hood Drive and Hillcrest Street rights-of-way. The trees range from 9 to 12 inches in diameter. **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

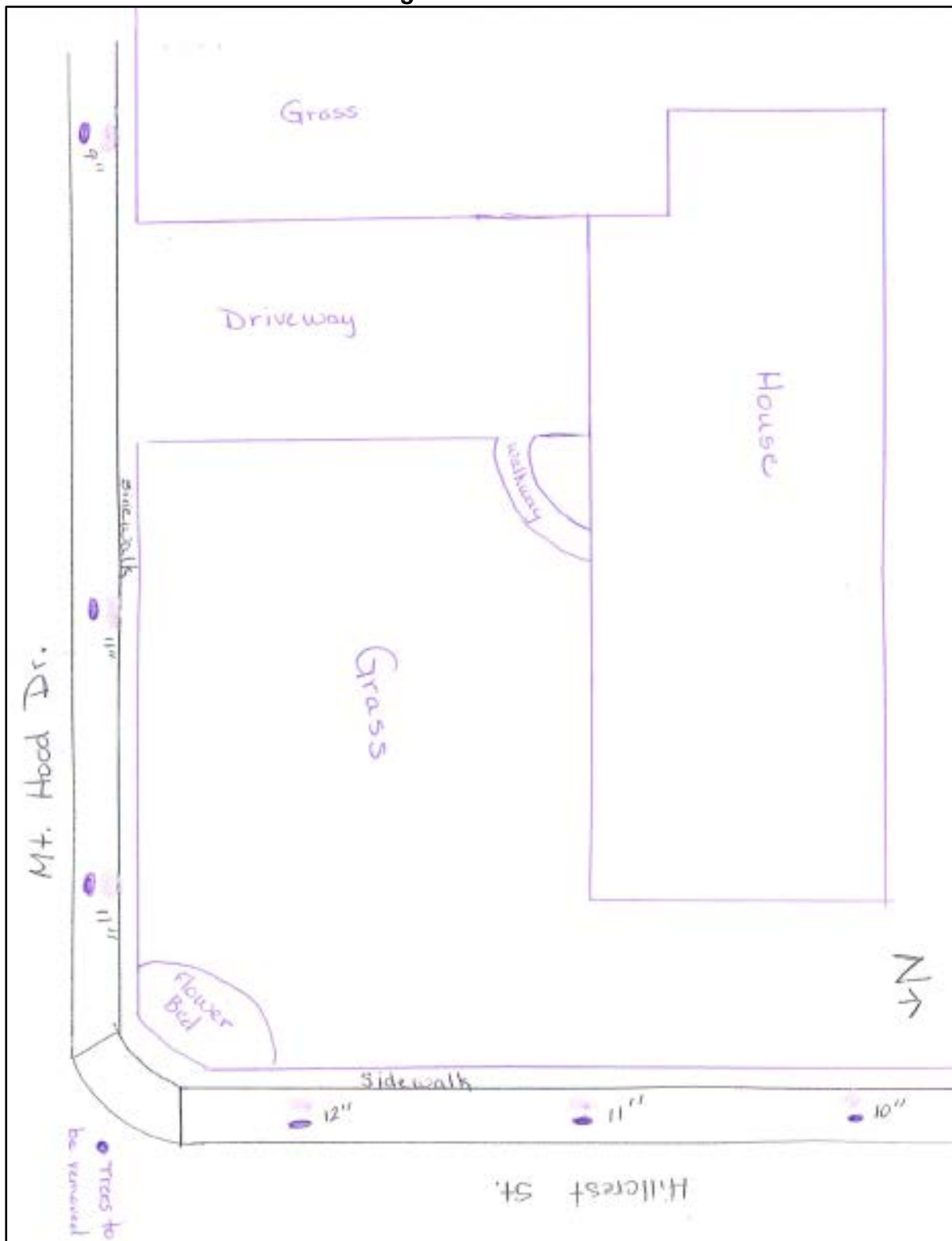
Figure 1: Vicinity Map



Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 2630 NW Mt. Hood Drive

Figure 2: Site Plan



Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 2630 NW Mt. Hood Drive

Existing Trees



Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 2630 NW Mt. Hood Drive

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

The application requests approval of a tree removal permit for six (6) trees 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 six (6) Maples because the trees are impacting public improvements in the public right-of-way, specifically the adjacent sidewalk. The trees' roots have damaged and lifted the adjacent sidewalk panel. The trees appear to have been planted incorrectly and now exhibit large buttress roots and surface root systems. There is concern that the extensive surface rooting will continue to damage the adjacent sidewalks, and continually worsen the conflict with the adjacent public improvement.

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 six (6) trees are recommended. Requirement of six (6) replacement street trees is recommended by Staff. A condition of approval included in the decision document requires the applicant to contact the Engineering Department to determine if immediate repair or replacement of the damaged sidewalk is necessary.

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 2630 NW Mt. Hood Drive

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 9-20 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 2630 NW Mt. Hood 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 2623 NW MT. HOOD DRIVE

DOCKET: L 9-20 (Street Tree Removal)

REQUEST: Approval to remove six (6) street trees from the public right-of-way adjacent to the subject property impacting public infrastructure

LOCATION: 2623 NW Mt. Hood Drive (Tax Lot 2300, Section 19BC, T. 4. S., R. 4 W., W.M.)

ZONING: R-1 (Single-Family Residential)

APPLICANT: Terry Patton, property owner

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: April 21, 2020

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

DECISION DATE & LOCATION: May 12, 2020, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, and Zoom Online Meeting ID 959 7777 0889.

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 9-20) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

Planning Staff: _____
 Jamie Fleckenstein, Associate Planner

Date: May 12, 2020

Planning Department: _____
Heather Richards, Planning Director

Date: May 12, 2020

Attachments:

Attachment 1 – Application and Attachments

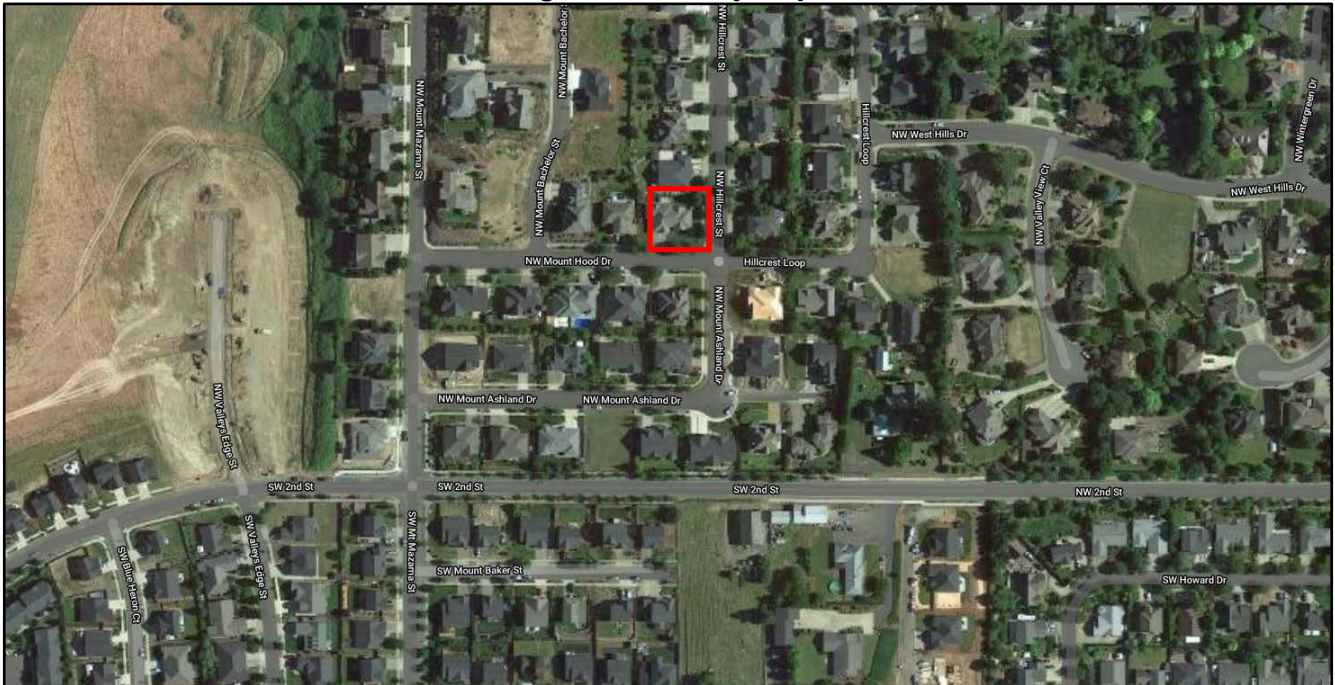
I. APPLICATION SUMMARY:

Subject Property & Request

The application requests the removal of six (6) trees from the public right-of-way adjacent to the subject property that are impacting public infrastructure. Removal of a tree located within the public right-of-way which is affecting public infrastructure, including sidewalks, requires City approval.

The subject property is located at 2623 NW Mt. Hood Drive within the Hillcrest subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-1 (Single-Family Residential) and is developed with a single-family residence. The trees that are requested for removal are *Acer sp.* (Maple) located on within the NW Mt. Hood Drive and Hillcrest Street rights-of-way. The trees range from 9 to 12 inches in diameter. **See Figure 2 (Site Plan).**

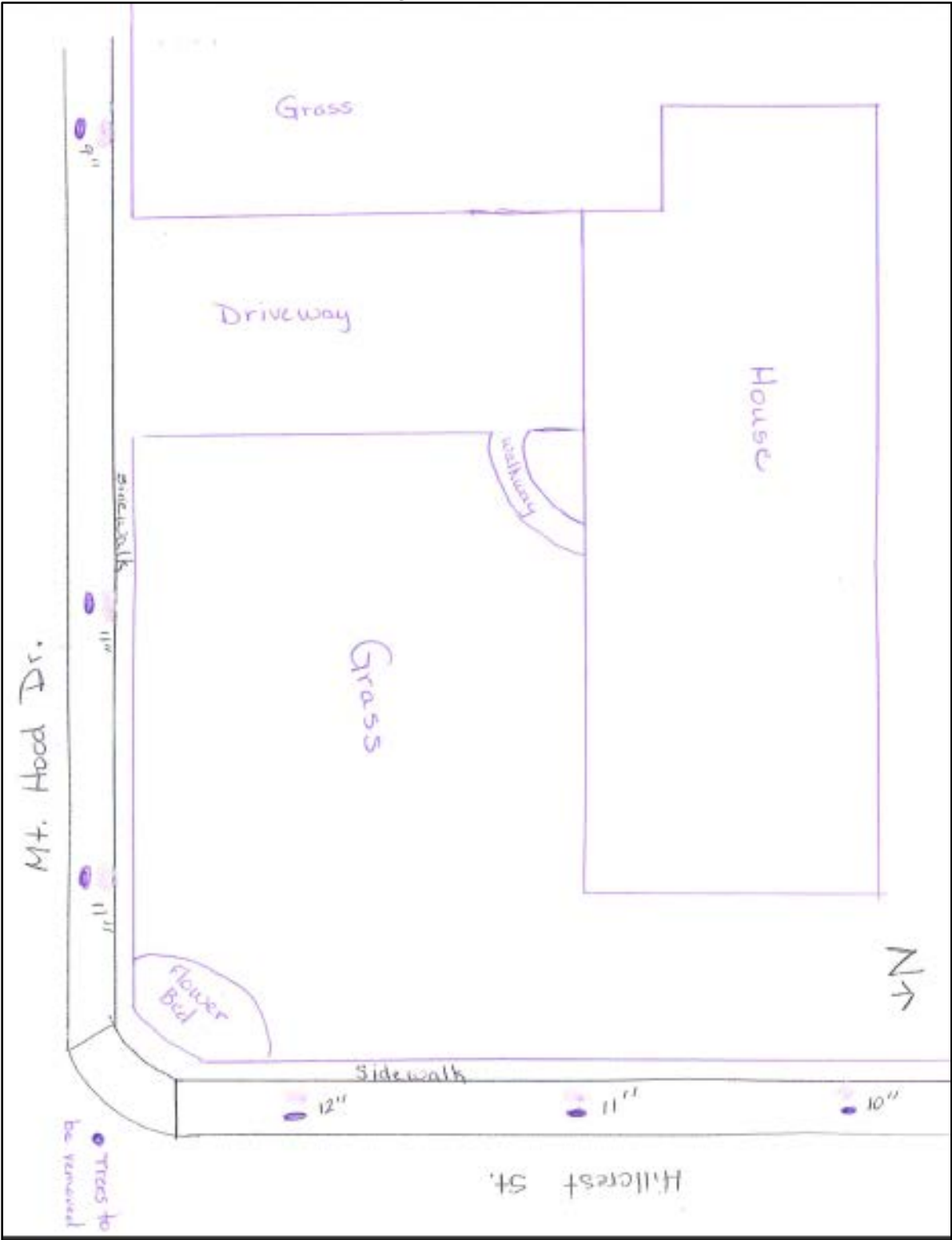
Figure 1: Vicinity Map



Attachments:

Attachment 1 – Application and Attachments

Figure 2: Site Plan



Existing Trees





Summary of Criteria & Issues

The application is subject to review criteria in McMinnville Municipal Code (MMC) Section 17.58.050 of the McMinnville Zoning Ordinance, which 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.
- 2. That 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. Upon request, utility locates can be flagged without marking up hard surfaces.
- 3. That the applicant is reminded to use extreme caution when working in the area of existing water services. If any facilities are damaged during tree removal or replacement, please contact MW&L immediately at 503-472-6158.
- 4. That the tree's stump and remaining surface roots shall be removed at least six (6) inches below grade to allow for a suitable replanting site. 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.

5. That six (6) replacement street trees be planted in the NW Mt. Hood Drive and NW Hillcrest Street rights-of-way adjacent to the subject site. The trees shall be a recommended medium street tree for the McMinnville Street Tree List or other species/variety approved by the McMinnville Landscape Review Committee.
6. 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.
7. 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 minimum depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.
8. 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.
9. 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.
10. That the planter strip area shall be restored to original grade immediately following the planting of the replacement trees.
11. That the applicant shall complete the tree removal and tree replacement within six (6) months of approval, or November 12, 2020.
12. That the applicant shall contact the McMinnville Engineering Department at (503) 472-7312 to determine if a sidewalk permit is needed to repair or replace the damaged sidewalk per City standards.

III. ATTACHMENTS:

1. L 9-20 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

Attachments:

Attachment 1 – Application and Attachments

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

- McMinnville Public Works:

Site Review

1. The trees in question are a maple variety. They vary in DBH from 9-12", and are all about 30-35' in height.
2. The trees are planted in 4.5 foot planter strip between the curb and sidewalk, with irrigated turf.
3. There are no overhead facility conflicts.
4. The trees do not display any obvious health or structural issue that would require removal.
5. The sidewalks are lifted slightly in numerous places adjacent to the trees, but at this time do not show any surface discontinuities that would be a trip hazard.
6. All of the trees show high root buttresses and significant surface rooting.

Recommendations

1. None of the trees in question exhibit structural or health issues that would require removal. However, given the shallow rooting and evidence of sidewalk damage beginning in multiple areas, staff would recommend the approval of this request. This is an example of a home owner working in a proactive manner to avoid a future safety issue adjacent to their property.
2. Staff would recommend that all six trees be replaced.
3. Recommended 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, and to chase roots as necessary to allow for a suitable replanting site.
 - c. Applicant to call for a utility locate prior to removal. As a note, applicant should be informed that upon request, utility locates can be flagged without marking up hard surfaces.
 - d. Applicant to replace the trees with a variety acceptable to the Planning Department and consistent with the street tree plan for this subdivision.
 - e. Applicant to plant tree as per the approved City detail.
 - f. Applicant to contact Public Works at (503)434.7316 for an inspection prior to backfill.
 - g. Applicant to contact Engineering at 503.434.7312 for a sidewalk inspection related to the lifted sidewalk panel just west of the driveway.

- McMinnville Water and Light:

"If the service line, box, or meter become damaged, please call McMinnville Immediately at 503-472-6158

Underground power in the area. Please call for locates."

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.

Attachments:

Attachment 1 – Application and Attachments

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. Terry Patton, property owner, submitted a Street Tree Removal Permit application on March 23, 2020.
2. The application was deemed complete on April 21, 2020.
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 May 12, 2020 to review the application and proposed street tree removal request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 2623 NW Mt. Hood Drive (Tax Lot 2300, Section 19BC, T. 4. S., R. 4 W., W.M.)
2. **Size:** 0.2356 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-1 (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.
 - 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:** NW Mt. Hood Drive and NW Hillcrest Street are classified as Local Streets in the 2010 McMinnville Transportation System Plan (TSP).

VII. CONCLUSIONARY FINDINGS:

Attachments:

Attachment 1 – Application and Attachments

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:

Chapter 17.58 Trees

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

APPLICANT'S RESPONSE: None.

Attachments:

Attachment 1 – Application and Attachments

FINDING: SATISFIED. Removal and replacement of the subject street trees would meet the purpose of the Trees Chapter of the Zoning Ordinance. Trees would be situated and maintained to minimize hazard, nuisance, damage, and maintenance costs; the appearance, beauty and charm of the City would be enhanced; and the maximum amount of tree cover on public lands would be maintained.

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

- A. Individual significant or historic trees as defined in this ordinance.
- B. All trees with trunks located completely or partially within any public area or right-of-way;
- 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;
- D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The trees proposed for removal are located within a curbside planting strip completely within the public right-of-way adjacent to the subject property. 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.

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 #4. 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 to allow for a suitable replanting site. 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.

Attachments:

Attachment 1 – Application and Attachments

FINDING: SATISFIED WITH CONDITIONS #1-3, #10. 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 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. Upon request, utility locates can be flagged without marking up hard surfaces.

That the applicant is reminded to use extreme caution when working in the area of existing water services. If any facilities are damaged during tree removal or replacement, please contact MW&L immediately at 503-472-6158.

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

17.58.040(D). Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city [...]

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #5. The six (6) trees in the public right-of-way adjacent to the subject property are located in a curb-side planter strip that is four and one-half (4.5) feet wide. No utilities or driveways are present that require setbacks such that a replacement tree could not be replanted in the same area as those removed. There is sufficient space in the planter strips adjacent to the subject property to replace each of the six (6) trees proposed for removal.

There is no approved street tree plan for the Hillcrest 1st Addition subdivision on file with the Planning Department. Because there is no approved street tree for NW Mt. Hood Drive or NW Hillcrest Street adjacent to the subject site, a replacement tree selected from the recommended medium street trees on 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. Therefore, a condition of approval is included to require that six (6) replacement street trees be planted in the NW Mt. Hood Drive and NW Hillcrest Street rights-of-way adjacent to the subject site. The trees shall be a recommended medium street tree for the McMinnville Street Tree List or other species/variety approved by the McMinnville Landscape Review Committee.

CONDITION FOR FINDING: That six (6) replacement street trees be planted in the NW Mt. Hood Drive and NW Hillcrest Street rights-of-way adjacent to the subject site. The trees shall be a recommended medium street tree for the McMinnville Street Tree List or other species/variety approved by the McMinnville Landscape Review Committee.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #4. 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 stumps and remaining surface roots shall be removed at least six (6) inches below grade to allow for a suitable replanting site. 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 #11. 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 November 12, 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 #12. 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 determine if a sidewalk permit is needed to 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:

- 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.
- D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

APPLICANT'S RESPONSE: The trees are beginning to, and in some cases, affecting our sidewalks by lifting them up. They are affecting our sprinkler system and will eventually affect the streets and water and sewer pipes. They were, unfortunately, not planted correctly and need to be removed before further damage occurs. New trees will be planted.

FINDING: SATISFIED. The subject trees proposed for removal are in conflict with adjacent public improvements. The tree roots are lifting the adjacent sidewalk panels. The trees appear

to have been planted high and have established large buttress roots and extensive surface roots. It is clear the root systems of the trees will continue to be in conflict with the adjacent sidewalk. 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, criterion 'B' is met and removal of the tree is recommended.

17.58.090 Street Tree 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. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.
- 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. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.
- 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.
- F. Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.
- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow

Attachments:

Attachment 1 – Application and Attachments

the design drawing or updated design drawings and specifications as periodically developed and adopted by the City.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5-9. Conditions of approval have been included to ensure that the City's street tree standards are met during the replacement of the street trees.

CONDITIONS FOR FINDING: That two (2) replacement street trees be planted in the NW Hillcrest Street planter strip. The tree shall be a recommended medium street tree for the McMinnville Street Tree List or other species/variety approved by the McMinnville Landscape Review Committee.

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 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 minimum 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.

JF



Planning Department

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

569-20 000132-Plng

Office Use Only:

File No. L9-20
Date Received 3-23-2020
Fee 150.00
Receipt No. 202146
Received by SD

Street Tree Removal

Applicant Information

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

Applicant Name Terry Patton Phone 503-472-7036

Contact Name _____ Phone _____
(If different than above)

Address 2623 N.W. Mt. Hood Dr

City, State, Zip McMinnville, Oregon 97128

Contact Email lori7797@hotmail.com

Property Owner Information

Property Owner Name Terry Patton Phone 503-472-7036
(If different than above)

Contact Name _____ Phone _____

Address 2623 N.W. Mt. Hood Dr

City, State, Zip McMinnville, Oregon 97128

Contact Email lori7797@hotmail.com

Site Location and Description

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

Property Address 2623 N.W. Mt. Hood Dr
(Property nearest to tree(s) for removal)

Assessor Map No. R4 419-BC-02300 Total Site Area _____

Subdivision Hillcrest Block _____ Lot _____

Comprehensive Plan Designation Res Zoning Designation Residential R-1

Additional Information

1. How many trees are requested for removal? 6 trees
2. What type (species) of tree(s) are they? Maple?
3. What is the diameter of the tree(s), measured four feet above ground level? 9", 3-11", 10", 12"
4. Why are you requesting the removal of the noted tree(s)? (See "Removal Criteria" on attached Information Sheet.) Explain which of the criteria is addressed through this application. The trees are beginning to, and in some cases, affecting our sidewalks by lifting them up. They are affecting our sprinkler system and will eventually affect the streets and water and sewer pipes. They were, unfortunately, not planted correctly and need to be removed before further damage occurs. New trees will be planted.

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.

Jay Patton
Applicant's Signature

3/20/2020
Date

Jay Patton
Property Owner's Signature

3/20/2020
Date

Mt. Hood Dr.

Grass

Driveway

House

walkway

Grass

sidewalk

Flower
Bed

Sidewalk



Hillcrest St.

Trees to
be removed



RAISING sidewalk

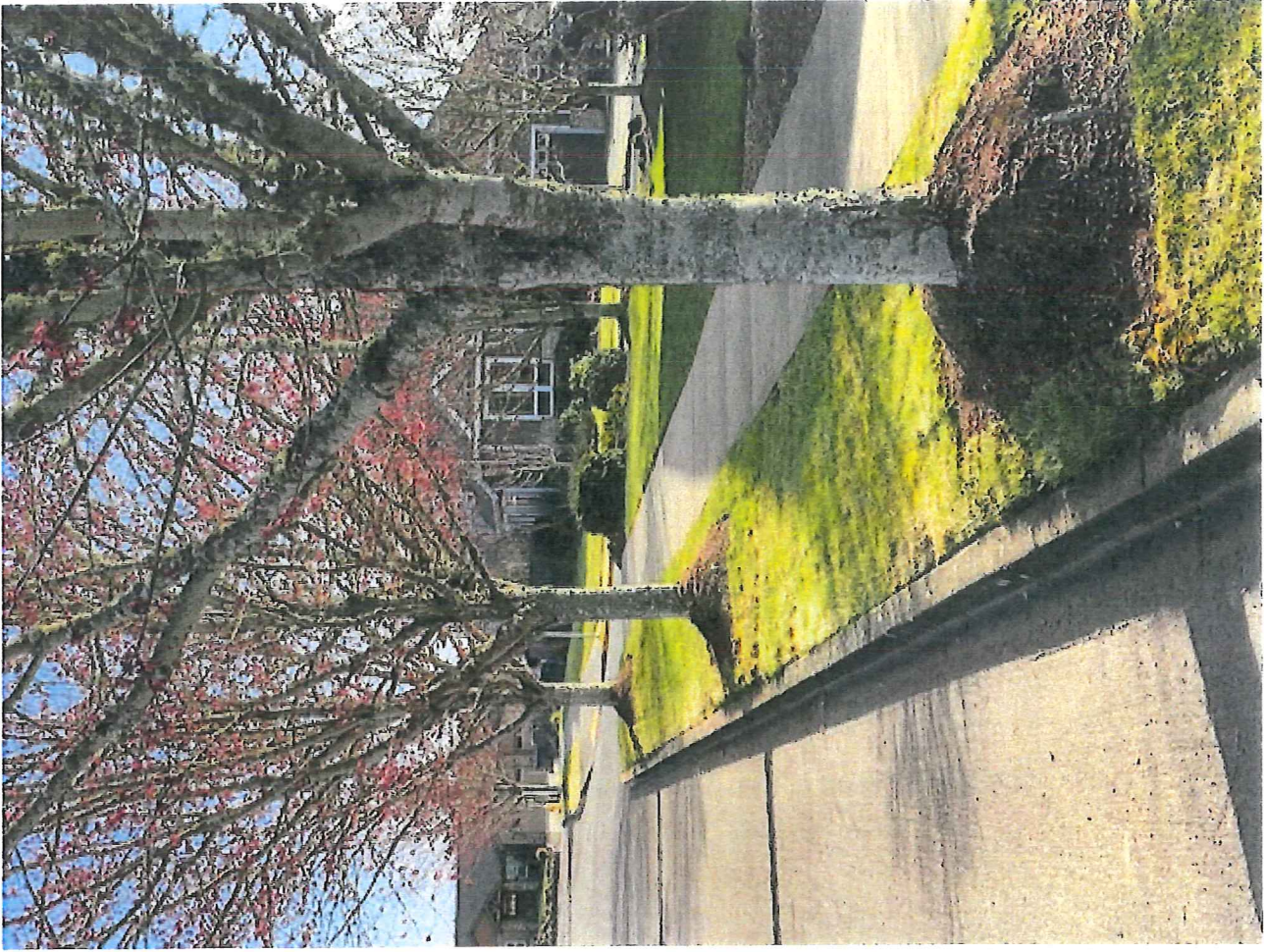














Sent from my iPhone