



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/518962842?pwd=aEdRd2JjaThJSVNXdndKcHJyb0hiZz09>

May 20, 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 5-20 – Landscape Plan Review (Exhibit 1) 1031/1039 NE Lafayette Avenue – Granary Row B. L 10-20 – Street Tree Removal (Exhibit 2) 1948 NW Penny Lane C. L 12-20 – Street Tree Removal (Exhibit 3) 2446 SW Barbara Street 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 20, 2020 12:00 PM Pacific Time (US and Canada)</p> <p>Join Zoom Meeting https://mcminnvilleoregon.zoom.us/j/518962842?pwd=aEdRd2JjaThJSVNXdndKcHJyb0hiZz09</p> <p>Meeting ID: 518 962 842 Password: 694642</p> <p>Dial by your location</p> <ul style="list-style-type: none">+1 253 215 8782 US (Tacoma)+1 346 248 7799 US (Houston)+1 669 900 9128 US (San Jose)+1 301 715 8592 US (Germantown)+1 312 626 6799 US (Chicago)+1 646 558 8656 US (New York) <p>Meeting ID: 518 962 842 Password: 694642</p>
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EXHIBIT 1 - STAFF REPORT

DATE: May 20, 2020
TO: Landscape Review Committee Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Agenda Item 4A – Landscape Plan Review Application (L 5-20)

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 for a landscape plan review (L 5-20) for landscaping for the development of Granary Row, a modern communal space for four (4) micro-restaurants in the Northeast Gateway District to be reviewed by the Landscape Review Committee.

Background:

The applicant, Chae Pak, property owner, submitted a landscape plan review application (docket L 5-20) associated with a Northeast Gateway Design Review. The application requests approval of a landscape plan for the development of Granary Row, a modern communal space for four (4) micro-restaurants in the Northeast Gateway District. **See Figure 1 (Concept Illustration).**

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1031/1039 NE Lafayette Avenue
Attachment B – Application Materials

Figure 1: Concept Illustration

The subject property is located at 1031/1039 NE Lafayette Avenue, and is more specifically described as Lots 4, Block 5 and Lot 1, Block 6 of Oak Park Addition. The subject site is also identified as Tax Lots 400 and 500, Section 21BA, T. 4 S., R. 4 W., W.M. **See Figure 2 (Vicinity Map)**. The property is zoned C-3PD (General Commercial Planned Development), and is located within Zone 2 of the Northeast Gateway Planned Development Overlay. **See Figure 3 (Zoning Map)**.

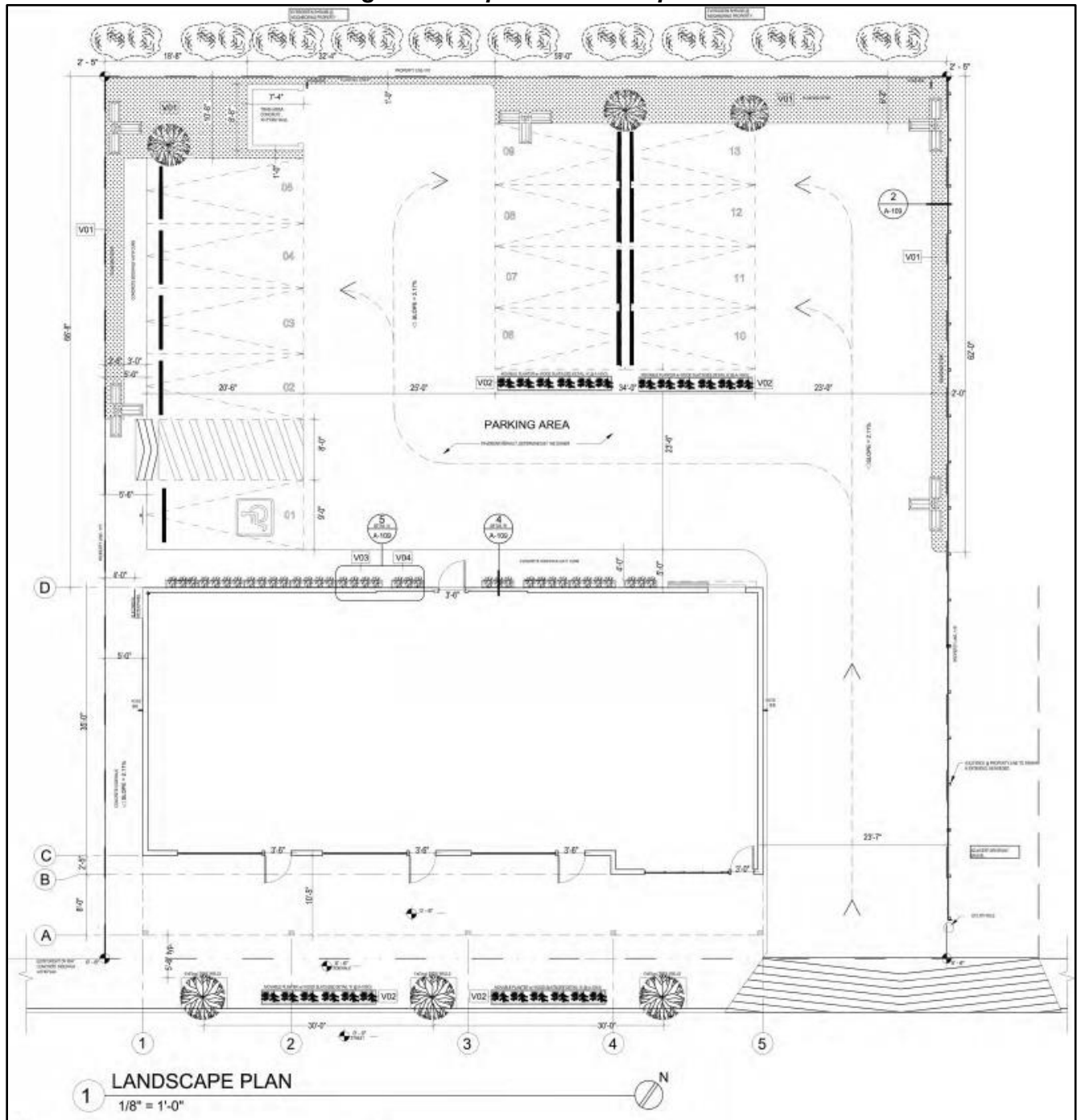
The subject property and adjacent properties are within the Northeast Gateway District. The goal of the Northeast Gateway Planned Development Overlay is to guide the transition of the area to a vital, mixed-use, pedestrian-friendly neighborhood. Parcel R4421BA00400 is undeveloped. Parcel R4421BA00500 is developed with a single family dwelling. Adjacent properties to the northeast and southwest (along Lafayette Avenue) are commercially zoned and developed with single-family dwellings. Northwest of the subject site, adjacent properties are commercially zoned and developed with a single-family dwelling and a storage building. Southeast of the subject site across Lafayette Avenue is industrially zoned and the location of Farnham Electric.

The proposed site plan for Granary Row features a new commercial building with four (4) micro-restaurant spaces, fronting the NE Lafayette Avenue right-of-way. The restaurant spaces open onto an outdoor seating patio adjacent to the sidewalk. Off-street parking for 13 vehicles and a trash and recycling enclosure are located behind the building on the northwestern half of the site. The parking lot area is anticipated to be used as flexible outdoor event space. The landscape plan addresses landscaping for the site, and street trees in the adjacent right-of way. **See Figure 4 (Landscape Plan) and Figure 5 (Plant Schedule)**.

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1031/1039 NE Lafayette Avenue

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Figure 4: Proposed Landscape Plan**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1031/1039 NE Lafayette Avenue

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Figure 5: Proposed Plant Schedule

LANDSCAPE PLAN SCHEDULE							
MARK	TYPE	SCIENTIFIC NAME	SUN EXPOSURE	USDA PLANTING ZONE	COUNT	SQUARE FEET	IMAGE
V01	PERENNIAL RYEGRASS	Lolium perenne.	FULL SUN	3 TO 8	1	795	
V02	HOT RED SWITCH GRASS	Panicum virgatum	FULL SUN	4 TO 10	4	100	
V03	LEATHERLEAF SEDGE	Carex buechananii	FULL SUN, PARTIAL SHADE	5 TO 9	27	22	
V04	BLUE FESCUES	Festuca glauca.	FULL SUN	4 TO 8	29	22	
						TOTAL-939	

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.

Applicable Review Criteria

The subject site is zoned C-3PD (General Commercial Planned Development) and is within the Northeast Gateway District. The Northeast Gateway District Planned Development Ordinance (Ord. No. 4971) is applicable as an overlay to the commercial zoning of the site, and requires landscaping subject to the standards outlined in McMinnville Municipal Code (MMC) Chapter 17.57-Landscaping and as noted in Ord. No. 4971 Section 10 – Landscaping. MMC Section 17.57.030 requires landscaping in the C-3 zone, therefore landscaping is required.

MMC Section 17.58.080 requires street trees to be planted at all new commercial 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 sidewalk cut-outs. 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.

Analysis of Landscape Plan Review Request***Attachments:***

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1031/1039 NE Lafayette Avenue

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The goal of the proposed landscape plan is to support the concept of the development as a pedestrian-oriented project with flexible spaces with multiple uses. The concept is consistent with the goals of the Northeast Gateway District. Landscaping is focused along Lafayette Avenue between the outdoor seating area and street, emphasizing the pedestrian experience, and around the perimeter of a space that can be used as a parking area or outdoor event space. Non-traditional solutions, such as moveable planters, are proposed to meet landscaping requirements as well as project goals of flexible spaces and future expansion of the use.

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 supports project goals and vision of NE Gateway District Planters not compatible with location next to Lafayette Avenue No landscaping along rear property line 	<p>Condition #2: Northern street tree removed to maintain vision clearance</p> <p>Condition #3: Moves planters to the back edge of sidewalk away from Lafayette Ave.</p> <p>Condition #4: Requires privacy fence along rear property line</p>
Screening the proposed use	<ul style="list-style-type: none"> Parking lot is screened from residential uses by existing fences, no screening along rear property line Trees will buffer and screen building and parking lot Landscaping not required around trash enclosure – not visible from ROW 	Condition #4: Requires privacy fence along rear property line
Retention of existing trees	<ul style="list-style-type: none"> Small existing tree proposed for removal to accommodate required maximum setback from front property line 	N/A
Parking lot islands and planting	<ul style="list-style-type: none"> Movable planters proposed within parking lot interior Planter/Planting may obstruct vision in parking area Trees planted along north property line along perimeter of parking area 	Condition #5: Limits height of planter/planting to 3½'
Use of suitable street trees	<ul style="list-style-type: none"> Overhead power line and adjacency to arterial street require select characteristics in a street tree along Lafayette 	Condition #9: Requires a tree less than 25' tall with a narrow, upright, or columnar form

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Issue	Notes	Condition to Help Meet Criteria
		Condition #10: Establishes spacing requirements based on street tree size
Irrigation system or water facilities	<ul style="list-style-type: none"> Hose bibs provided within 50' of all landscaping. 	N/A
NE Gateway: Landscaping required between ROW and building, 3' ht. max.	<ul style="list-style-type: none"> Planters moved between sidewalk and outdoor seating area 	Condition #3: Moves planters to the back edge of sidewalk away from Lafayette Ave. Condition #6: Limits height of planter/planting to 3'
NE Gateway: Screening of off-street parking required, 3'-4' height	<ul style="list-style-type: none"> NE Gateway waiver requested Standard met through landscape plan and conditions for other standards/criteria 	Condition #5: Limits height of planter/planting to 3½'
NE Gateway: Parking lot islands - 60' max. spacing, raised curbs, deciduous tree	<ul style="list-style-type: none"> NE Gateway waiver requested, no permanent internal parking lot landscaping proposed Moveable planters support development concept and NE Gateway goals Trees provide along northern edge of parking area/outdoor event space 	Condition #7: Requires redesign and resubmittal of parking lot landscaping if NE Gateway waiver is not approved
NE Gateway: Lighting directed/shielded toward intended target	<ul style="list-style-type: none"> Parking lot lighting indicated, photometrics not provided 	Condition #7: Requires lighting to be directed/shielded to target(s) on the site

Staff-Suggested Conditions of Approval

1. That the applicant shall revise the landscape plan submitted to the Planning Department on March 24, 2020 to comply with required conditions of approval, and shall submit the final revised landscape plan to the McMinnville Planning Department for verification of compliance and administrative approval.
2. That no street tree shall be located closer than approximately 40 feet to the southern edge of the driveway access.

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3. That planters along Lafayette Avenue shall be located closer to the building such that there is a minimum clear distance between the planter and the back edge of street tree planting wells to allow an accessible path of travel along the public sidewalk adjacent to the site.
4. That a privacy fence shall be provided along the northwestern property line and connect to existing fences to enclose the outdoor event space. The fence shall be a minimum six (6) feet in height and shall be sight-obscuring.
5. That the combined height of a planter box and mature vegetation within the interior of the parking lot shall not exceed three and one-half (3.5) feet.
6. That the combined height of a planter box and mature vegetation between the sidewalk and the front building line shall not exceed three (3) feet.
7. That if the NE Gateway Waiver for Section 10(C) is not approved during the Northeast Gateway Design Review process (docket NEG 1-20), the parking lot landscaping shall be redesigned to comply with applicable standards and criteria, and resubmitted to the McMinnville Landscape Review Committee for review and approval.
8. That lighting of parking and landscaped areas be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.
9. That the street tree species shall be a recommended street tree from the McMinnville Street Tree List identified for planting under wires, and with a narrow, upright, or columnar form, such as *Acer griseum* 'JFS-KW8AGRI' (Fireburst Paperbark Maple), *Parrotia persica* 'JLColumnar' (Persian Spire Parrotia), *Prunus incisa* 'Snow Goose' (Snow Goose Cherry), *Zelkova serrata* 'JFS-KW1' (City Sprite Zelkova), or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.
10. That if the selected street tree is a Recommended Small Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement. If the selected street tree is a Recommended Medium Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 30 feet apart, unless a utility or improvement is present that creates a setback requirement.
11. 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.
12. 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.
13. 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.

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14. 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. Two (2) deep watering tubes shall be provided to encourage deep rooting.
15. 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.
16. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and watering tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
17. 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.
18. 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.
19. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks 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.

Fiscal Impact:

None.

Landscape Review Committee Options:

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

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Staff Recommendation:

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

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

Suggested Motion:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE LANDSCAPE PLAN REVIEW APPLICATION L 5-20 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

JF

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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE
APPROVAL OF A LANDSCAPE PLAN REVIEW FOR 1031/1039 NE LAFAYETTE AVENUE**

DOCKET: L 5-20 (Landscape Plan Review)

REQUEST: Approval of a Landscape Plan for 1031/1039 NE Lafayette Avenue

LOCATION: 1031/1039 NE Lafayette Avenue (Tax Lots 400 and 500, Section 21BA, T. 4. S., R. 4 W., W.M.)

ZONING: C-3PD (General Commercial Planned Development)

APPLICANT: Chae Pak, 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 20, 2020, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, and Zoom Online Meeting ID 518 962 842.

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.

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 Landscape Plan (L 5-20) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

Planning Staff: _____
 Jamie Fleckenstein, Associate Planner

Date: May 20, 2020

Planning Department: _____
Heather Richards, Planning Director

Date: May 20, 2020

I. APPLICATION SUMMARY:

Subject Property & Request

The applicant, Chae Pak, property owner, submitted a landscape plan review application (docket L 5-20) associated with a Northeast Gateway Design Review. The application requests approval of a landscape plan for the development of Granary Row, a modern communal space for four (4) micro-restaurants in the Northeast Gateway District. **See Figure 1 (Concept Illustration).**

Figure 1: Concept Illustration



The subject property is located at 1031/1039 NE Lafayette Avenue, and is more specifically described as Lots 4, Block 5 and Lot 1, Block 6 of Oak Park Addition. The subject site is also identified as Tax Lots 400 and 500, Section 21BA, T. 4 S., R. 4 W., W.M. **See Figure 2 (Vicinity Map).** The property is zoned C-3PD (General Commercial Planned Development), and is located within Zone 2 of the Northeast Gateway Planned Development Overlay. **See Figure 3 (Zoning Map).**

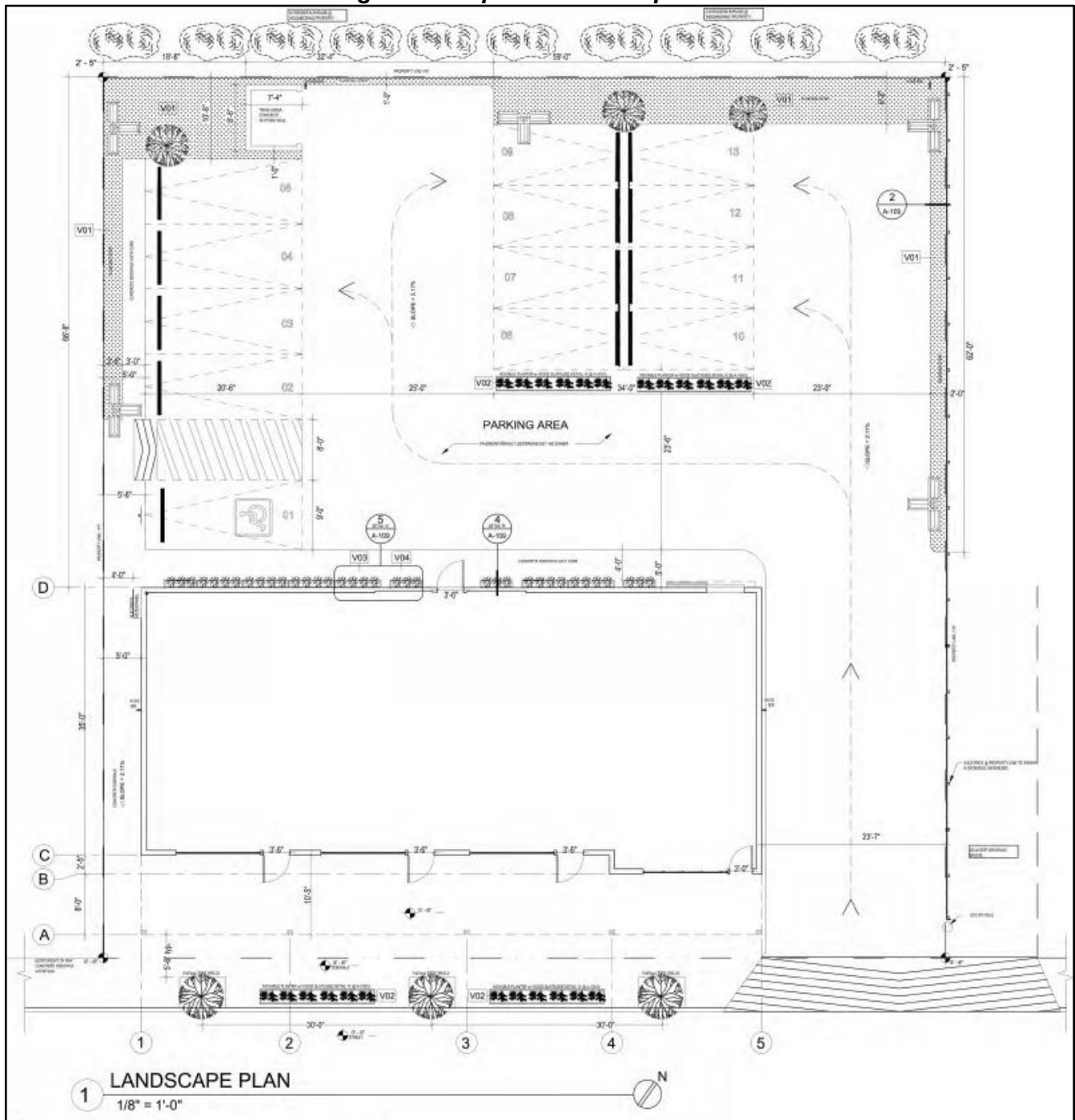
The subject property and adjacent properties are within the Northeast Gateway District. The goal of the Northeast Gateway Planned Development Overlay is to guide the transition of the area to a vital, mixed-use, pedestrian-friendly neighborhood. Parcel R4421BA00400 is undeveloped. Parcel R4421BA00500 is developed with a single family dwelling. Adjacent properties to the northeast and southwest (along Lafayette Avenue) are commercially zoned and developed with single-family dwellings. Northwest of the subject site, adjacent properties are commercially zoned and developed with a single-family dwelling and a storage building. Southeast of the subject site across Lafayette Avenue is industrially zoned and the location of Farnham Electric.

The proposed site plan for Granary Row features a new commercial building with four (4) micro-restaurant spaces, fronting the NE Lafayette Avenue right-of-way. The restaurant spaces open onto an outdoor seating patio adjacent to the sidewalk. Off-street parking for 13 vehicles and a trash and recycling enclosure are located behind the building on the northwestern half of the site. The parking lot area is anticipated to be used as flexible outdoor event space. The landscape plan addresses landscaping for the site, and street trees in the adjacent right-of way. **See Figure 4 (Landscape Plan) and Figure 5 (Plant Schedule).**

Attachments :

Attachment 1 – Application and Attachments

Figure 4: Proposed Landscape Plan



Attachments :
Attachment 1 – Application and Attachments

Figure 5: Proposed Plant Schedule

LANDSCAPE PLAN SCHEDULE							
MARK	TYPE	SCIENTIFIC NAME	SUN EXPOSURE	USDA PLANTING ZONE	COUNT	SQUARE FEET	IMAGE
V01	PERENNIAL RYEGRASS	Lolium perenne.	FULL SUN	3 TO 8	1	795	
V02	HOT RED SWITCH GRASS	Panicum virgatum	FULL SUN	4 TO 10	4	100	
V03	LEATHERLEAF SEDGE	Carex buchananii	FULL SUN, PARTIAL SHADE	5 TO 9	27	22	
V04	BLUE FESCUES	Festuca glauca.	FULL SUN	4 TO 8	29	22	
						TOTAL-939	

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-3PD (General Commercial Planned Development) and is within the Northeast Gateway District. The Northeast Gateway District Planned Development Ordinance (Ord. No. 4971) is applicable as an overlay to the commercial zoning of the site, and requires landscaping subject to the standards outlined in McMinnville Municipal Code (MMC) Chapter 17.57-Landscaping and as noted in Ord. No. 4971 Section 10 – Landscaping. MMC Section 17.57.030 requires landscaping in the C-3 zone, therefore landscaping is required.

MMC Section 17.58.080 requires street trees to be planted at all new commercial 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 sidewalk cut-outs. 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 revise the landscape plan submitted to the Planning Department on March 24, 2020 to comply with required conditions of approval, and shall submit the final revised landscape plan to the McMinnville Planning Department for verification of compliance and administrative approval.
2. That no street tree shall be located closer than approximately 40 feet to the southern edge of the driveway access.

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Attachment 1 – Application and Attachments

3. That planters along Lafayette Avenue shall be located closer to the building such that there is a minimum clear distance between the planter and the back edge of street tree planting wells to allow an accessible path of travel along the public sidewalk adjacent to the site.
4. That a privacy fence shall be provided along the northwestern property line and connect to existing fences to enclose the outdoor event space. The fence shall be a minimum six (6) feet in height and shall be sight-obscuring.
5. That the combined height of a planter box and mature vegetation within the interior of the parking lot shall not exceed three and one-half (3.5) feet.
6. That the combined height of a planter box and mature vegetation between the sidewalk and the front building line shall not exceed three (3) feet.
7. That if the NE Gateway Waiver for Section 10(C) is not approved during the Northeast Gateway Design Review process (docket NEG 1-20), the parking lot landscaping shall be redesigned to comply with applicable standards and criteria, and resubmitted to the McMinnville Landscape Review Committee for review and approval.
8. That lighting of parking and landscaped areas be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.
9. That the street tree species shall be a recommended street tree from the McMinnville Street Tree List identified for planting under wires, and with a narrow, upright, or columnar form, such as *Acer griseum* 'JFS-KW8AGRI' (Fireburst Paperbark Maple), *Parrotia persica* 'JLColumnar' (Persian Spire Parrotia), *Prunus incisa* 'Snow Goose' (Snow Goose Cherry), *Zelkova serrata* 'JFS-KW1' (City Sprite Zelkova), or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.
10. That if the selected street tree is a Recommended Small Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement. If the selected street tree is a Recommended Medium Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 30 feet apart, unless a utility or improvement is present that creates a setback requirement.
11. 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.
12. 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.
13. 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.
14. 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

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Attachment 1 – Application and Attachments

tree and the curb side of the tree. The root barrier protection shall be provided to a minimum depth of eighteen (18) inches. Two (2) deep watering tubes shall be provided to encourage deep rooting.

15. 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.
16. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and watering tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
17. 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.
18. 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.
19. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks 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.

III. ATTACHMENTS:

1. L 5-20 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 lot located on the west side of NE Lafayette Avenue, north of 10th. There is an existing 5' sidewalk adjacent to the site along the Lafayette Avenue frontage.
2. There are bicycle lanes on both sides of Lafayette Avenue.
3. Lafayette Avenue is classified as a minor arterial in the Transportation System Plan. Lafayette Avenue is a 35 MPH speed zone in this area.
4. There are overhead conflicts on the frontage of the property.

Comments/Recommendations

1. The submitted landscaping plan shows three trees along the frontage, and the narrative refers to Pacific dogwoods as a choice. The applicant should be reminded that street trees are the maintenance responsibility of the adjacent property owner.
 - a. The location of the most northerly tree will be in the intersection sight distance triangle for vehicles turning left from the access, and should be removed from the plan. The trees to the south are not within that area.
 - b. For a minor arterial, street trees require an 18' vertical clearance from the roadway. The applicant should either select a tree that can meet this requirement, or ensure that the trees do not overhang the roadway. Similarly, trees require an 8' vertical clearance from the sidewalk, which could be problematic with the tree selection proposed.
2. The proposed moveable planter boxer along Lafayette Avenue are not preferred by Public Works. Given the adjacent bike lane, traffic volumes and speeds along Lafayette, we believe that these could pose a hazard if they were to find their way into the roadway. We would also be concerned about an errant vehicle colliding with these large planters. We would recommend not allowing these planters in the right of way.
3. The remainder of the plantings are outside of the public right of way, and are thus are not within our purview. We would note that the proposed rain gardens for parking lot drainage and their connections to the storm system should be reviewed by Building for compliance with the plumbing code.

- **McMinnville Water and Light:**

"Trees along property frontage appear to exceed the maximum height of 25 feet mature under power and communication lines.

Unable to approve landscaping plans at this time. Plans do not indicate existing water facilities. Future public water facilities are not know at this time or their locations.

When designing landscaping around public water facilities, please refer to MW&L Specs WMCLEAR, FH-CLR, VAULTCLEAR.

Please resubmit once public water facilities are known."

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 Chae Pak, property owner, submitted a landscape plan review application on February 19, 2020.
2. The application was deemed incomplete on March 12, 2020. Additional application materials were submitted on March 24, 2020. The revised application was deemed complete on April 20, 2020.

Attachments :

Attachment 1 – Application and Attachments

3. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
4. No public notice of the application was provided by the City of McMinnville, as 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 20, 2020 to review the application and proposed landscape plan.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 1031 and 1039 NE Lafayette Avenue (Tax Lots 400 and 500, Section 21BA, T. 4. S., R. 4 W., W.M.)
2. **Size:** Approximately 11,730 square feet
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3PD (General Commercial Planned Development)
5. **Overlay Zones/Special Districts:** Northeast Gateway District Planned Development Overlay (Ordinance Number 4971)
6. **Current Use:** Single-family residential
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:** NE Lafayette Avenue is classified as a minor arterial in the 2010 McMinnville Transportation System Plan.

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.

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 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:

2. Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)

APPLICANT'S RESPONSE: Total landscaped area is projected to be 939 sq. ft., which is 8% of the total property area.

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	11,730	939	8.0%

The proposed landscaping of eight (8) percent exceeds the seven (7) percent minimum landscaping requirement for commercial development.

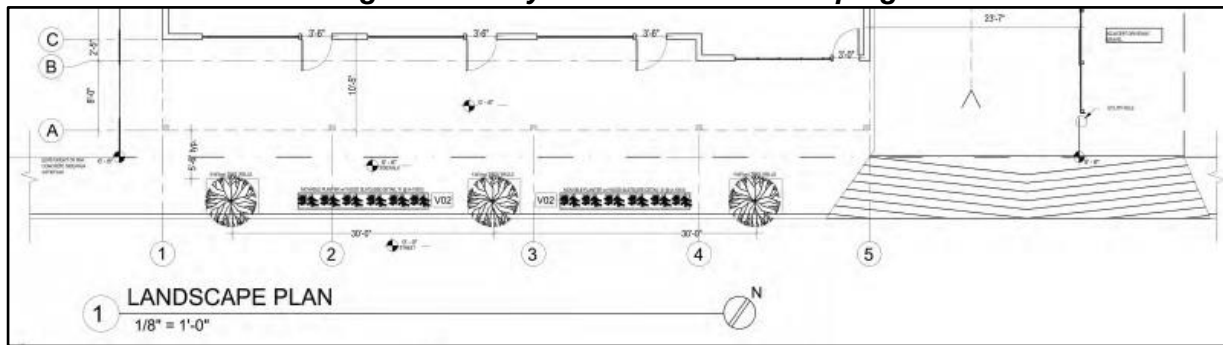
17.57.070(B). The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

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

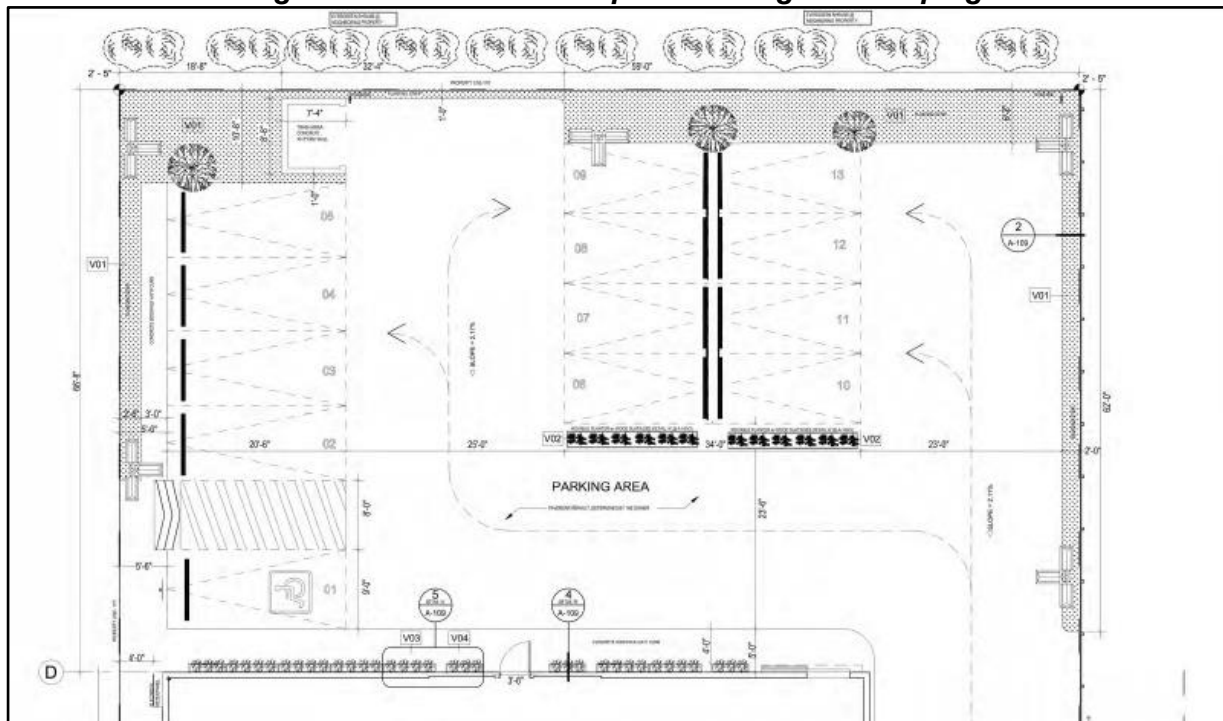
APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #2-4. The proposed site plan for Granary Row features a new commercial building with four (4) micro-restaurant spaces, fronting the NE Lafayette Avenue right-of-way. The restaurant spaces open onto an outdoor seating patio adjacent to the sidewalk. An overhead canopy would extend from the building to the sidewalk to cover the outdoor seating area. Off-street parking for 13 vehicles and a trash and recycling enclosure are located behind the building on the northwestern half of the site. The parking lot area is anticipated to be used as flexible outdoor event space.

Landscaping in the front of the building along the Lafayette Avenue frontage is intended to maximize the outdoor dining while providing screening and buffering from traffic on Lafayette Avenue. **See Figure 6 (Lafayette Avenue Landscaping).** Proposed landscaping includes three (3) street trees in tree wells, and raised planters between the street trees planted with the ornamental grass *Panicum virgatum* (Switch Grass). The raised planters are described in the application as two (2) feet wide, approximately three (3) feet tall, and varying in length. They would be wrapped with wood trim. They are not intended to be permanently affixed, but rather movable with machinery such as a pallet jack. **See Figure 7 (Planter Detail A).** Switch Grass, the proposed plant material for the planters along Lafayette Avenue, is a grass that forms clumps two (2) to four (4) feet wide. When in bloom, the overall height of the foliage and flower stalks can reach four (4) to (7) feet. Switch Grass is persistent through the winter. Public Works staff review of the proposed landscape plan raised concern with the location of planters immediately adjacent to travel lanes of Lafayette Avenue and recommends moving the planters out of the sidewalk area to reduce the risk of vehicles striking a large object. Based on a study of vision clearance of north-bound traffic on Lafayette Avenue, staff also recommended removing the northernmost street tree to preserve clear vision of exiting the site. Therefore, a conditions are included that no street tree shall be located closer than approximately 40 feet to the southern edge of the driveway access, and that planters shall be located closer to the building such that there is a minimum clear distance between the planter and the back edge of street tree planting wells to allow an accessible path of travel along the public sidewalk adjacent to the site.

Figure 6: Lafayette Avenue Landscaping**Figure 7: Planter Detail A**

In the northwestern half of the site, landscaping is proposed around the perimeter of the off-street parking area/outdoor event space, and within the interior of the parking lot in planters. **See Figure 8 (Outdoor Event Space/Parking Landscaping).** The intention of the proposed planters within the parking lot is to locate them at the end of parking aisles to provide screening of the parking spaces, and have the flexibility to move them to accommodate outdoor events in the area. The applicant has indicated that the planters would be sufficiently heavy that it would take machinery such as a pallet jack to move the planters, and they would not be easily moved otherwise. The low speed of vehicles within the parking lot does not raise the same level of concern as planters along NE Lafayette Avenue, where a higher volume of traffic is moving at higher speeds. Switch Grass is the proposed plant for the parking lot planters. The combined height of the planter and grass (when in bloom) could exceed seven (7) feet.

Figure 8: Outdoor Event Space/Parking Landscaping

Landscaping around the perimeter of the parking lot consists of perennial rye grass (lawn) and three (3) medium trees such as *Cornus nuttallii* (Pacific Dogwood). The Pacific Dogwood is a native tree that grows approximately 45 feet tall and 20 feet wide. The trees are located to provide canopy cover over the parking area that would typically be provided by trees in internal parking lot islands. Lawn is proposed to provide flexibility for outdoor events in the area. Existing fences along the northeast and southwest property lines would remain. Currently no fencing or landscaping that would provide screening of the parking area to the commercial business adjacent to the northwest is proposed. Full enclosure of the outdoor event space would contain events to the property and help prevent event spill-over onto adjacent properties. Therefore, to be compatible with the adjacent properties, a condition is included that a privacy fence shall be provided along the northwestern property line and connect to existing fences to enclose the outdoor event space. The fence shall be a minimum six (6) feet in height and shall be sight-obscuring.

Built-in concrete planters along the northwest side of the building adjacent to the outdoor event space/parking are proposed to be planted with *Carex buchanii* (Leatherleaf Sedge) and *Festuca glauca* (Blue Fescue) ornamental grasses.

Overall, with included conditions, staff finds the landscape plan is compatible with the proposed project and surrounding properties and uses. The landscape supports the development concept of a flexible, pedestrian-oriented outdoor spaces that are encouraged within the Northeast Gateway District. The property and its uses would be fully separated from adjacent properties and uses by new and existing sight-obscuring fences.

CONDITIONS FOR FINDING: That no street tree shall be located closer than approximately 40 feet to the southern edge of the driveway access.

That planters along Lafayette Avenue shall be located closer to the building such that there is a minimum clear distance between the planter and the back edge of street tree planting wells to allow an accessible path of travel along the public sidewalk adjacent to the site.

Attachments :

Attachment 1 – Application and Attachments

That a privacy fence shall be provided along the northwestern property line and connect to existing fences to enclose the outdoor event space. The fence shall be a minimum six (6) feet in height and shall be sight-obscuring.

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 WITH CONDITION #4. While adjacent properties are commercially zoned like the subject property, residential uses exist. Off-street parking/outdoor event space is being proposed in the rear of the proposed building and would be adjacent to residential uses. Existing fences along the northeast and southwest property lines would remain and provide screening of the parking lot/event space from adjacent properties along Lafayette Avenue. There is no proposed fencing or sight-obscuring planting proposed along the northwestern property line that is shared with a commercial use on Alpine Avenue. Trees proposed along the northwest property line would provide some buffering and screening between the adjacent properties. A condition of approval is included to require a minimum six (6) foot tall sight-obscuring fence to be provided along the northwestern property line, connecting to existing fences. The combination of fencing and shade trees would provide screening and buffering of the outdoor event space/parking area from surrounding properties.

CONDITION FOR FINDING: That a privacy fence shall be provided along the northwestern property line and connect to existing fences to enclose the outdoor event space. The fence shall be a minimum six (6) feet in height and shall be sight-obscuring.

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: There are no trees on the property that has a diameter of 6" or more.

FINDING: SATISFIED. An existing tree on the site near Lafayette Avenue is proposed to be removed to accommodate the required maximum setback of the building as required by the Northeast Gateway District. Retention of the tree would be prohibitive to the development of the site due to the locational requirements of the Planned Development Overlay.

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

APPLICANT'S RESPONSE: The Moveable Planter beds (Planter Detail A) will vary in length but will be about 2' wide and about 3' tall plus the height of ground cover and vines. They will be enclosed on every side with decorative wood trim wrapped around it.

FINDING: SATISFIED WITH CONDITION #5. The purpose and intent statement of the Landscape Chapter states that "Owners and developers are encouraged to exceed these [landscaping guidelines and standards] 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 applicant (property owner and developer of the Granary Row project) has identified an opportunity to create a multi-functional outdoor space that envisioned to provide off-street parking when not being used as outdoor event space. The applicant has indicated that traditional parking lot landscaping in the form of planting islands with raised curbs and landscaping including deciduous trees would present trip hazards during outdoor events, and the presence of trees would limit or prevent tents for events during inclement weather. The applicant proposed an alternative solution of planters that would provide screening of parking

when configured at the end of parking aisles, but would be moveable to allow for unobstructed outdoor event space. The applicant has proposed three (3) medium shade trees in the planting area along the northwest property line to provide the canopy coverage of the parking lot that is traditionally provided by trees in internal parking lot islands.

The proposed planters are approximately three (3) feet tall, and would be planted with Switch Grass. Switch Grass foliage and flowers can reach four (4) to seven (7) feet when in bloom. The combined height of the planter and plant would then possibly exceed seven (7) feet tall when in bloom. Obstructions of this height could obstruct clear vision within the parking area. Clear vision is typically maintained at three and one-half (3.5) feet above the pavement surface. Therefore, a condition of approval is recommended that the combined height of a planter box and mature vegetation within the parking lot shall not exceed three and one-half (3.5) feet.

CONDITION FOR FINDING: That the combined height of a planter box and mature vegetation within the interior of parking lot shall not exceed three and one-half (3.5) feet.

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: There will be 3 medium trees (i.e. Pacific Dogwood) in the tree well along the street curbside. They will be planted in 4'x6' tree wells and follow the standard set in the McMinnville Public Works Division – Parkway Tree Planting Detail.

FINDING: SATISFIED WITH CONDITION #9. The application states 3 medium street trees would be planted. The medium tree example provided, Pacific Dogwood, is not identified as recommended street tree on the McMinnville Street Tree List. Due to the presence of overhead power along the north side of Lafayette Avenue, medium street trees (identified as 25 to 40 feet tall) would conflict with the overhead utility. A small street tree (less than 25 feet in height) would be appropriate below power line. Additionally, street trees along Lafayette Avenue will be required to be pruned to provide 18 feet of clearance from the arterial street. A street tree selection with a narrow, upright, or columnar form would help provide the required clearance from the arterial street. Therefore, a condition of approval is included to require that the street tree species shall be a recommended street tree from the McMinnville Street Tree List identified for planting under wires, and with a narrow, upright, or columnar form, such as *Acer griseum* 'JFS-KW8AGRI' (Fireburst Paperbark Maple), *Parrotia persica* 'JLColumnar' (Persian Spire Parrotia), *Prunus incisa* 'Snow Goose' (Snow Goose Cherry), *Zelkova serrata* 'JFS-KW1' (City Sprite Zelkova), or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.

CONDITION FOR FINDING: That the street tree species shall be a recommended street tree from the McMinnville Street Tree List identified for planting under wires, and with a narrow, upright, or columnar form, such as *Acer griseum* 'JFS-KW8AGRI' (Fireburst Paperbark Maple), *Parrotia persica* 'JLColumnar' (Persian Spire Parrotia), *Prunus incisa* 'Snow Goose' (Snow Goose Cherry), *Zelkova serrata* 'JFS-KW1' (City Sprite Zelkova), or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.

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

APPLICANT'S RESPONSE: 4 Hose bibs will be used to water and establish all of the landscaping. They are strategically placed with the furthest point of watering needs being less than 50ft from a hose bib.

FINDING: SATISFIED. The landscape plan indicates that watering facilities will be provided within a reasonable distance 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 #17. 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 commercial development that includes designated planting islands in the form of sidewalk cuts in the concrete for tree planting. Therefore, 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: There will be 3 medium trees (i.e. Pacific Dogwood) in the tree well along the street curbside. They will be planted in 4'x6' tree wells and follow the standard set in the McMinnville Public Works Division – Parkway Tree Planting Detail.

FINDING: SATISFIED WITH CONDITION #9. 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 application states 3 medium street trees would be planted. The medium tree example provided, Pacific Dogwood, is not identified as recommended medium street tree on the McMinnville Street Tree List.

Due to the presence of overhead power along the north side of Lafayette Avenue, medium street trees (identified as 25 to 40 feet tall) would conflict with the overhead utility. A small street tree (less than 25 feet in height) would be appropriate below power line. Additionally, street trees along Lafayette Avenue will be required to be pruned to provide 18 feet of clearance from the arterial street. A street tree selection with a narrow, upright, or columnar form would help provide the required clearance from the arterial street. Therefore, a condition of approval is included to require that the street tree species shall be a recommended street tree from the McMinnville Street Tree List identified for planting under wires, and with a narrow, upright, or columnar form, such as *Acer griseum* 'JFS-KW8AGRI' (Fireburst Paperbark Maple), *Parrotia persica* 'JLColumnar' (Persian Spire Parrotia), *Prunus incisa* 'Snow Goose' (Snow Goose Cherry), *Zelkova serrata* 'JFS-KW1' (City Sprite Zelkova), or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.

CONDITION FOR FINDING: That the street tree species shall be a recommended street tree from the McMinnville Street Tree List identified for planting under wires, and with a narrow, upright, or columnar form, such as *Acer griseum* 'JFS-KW8AGRI' (Fireburst Paperbark Maple), *Parrotia persica* 'JLColumnar' (Persian Spire Parrotia), *Prunus incisa* 'Snow Goose' (Snow Goose Cherry), *Zelkova serrata* 'JFS-KW1' (City Sprite Zelkova), or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.

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 #15. 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 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 #10. Due to the presence of overhead power along the north side of Lafayette Avenue, medium street trees (identified as 25 to 40 feet tall) would conflict with the overhead utility. A small street tree (less than 25 feet in height) would be appropriate below power line. Additionally, street trees along Lafayette Avenue will be required to be pruned to provide 18 feet of clearance from the arterial street. A street tree selection with a narrow, upright, or columnar form would help provide the required clearance from the arterial street. Trees meeting these characteristics are found in both the Recommended Small Tree Species and Recommended Medium Tree Species from the McMinnville Street Tree List. Therefore, a condition is included to require that if the selected street tree is a Recommended Small Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement. If the selected street tree is a Recommended Medium Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 30 feet apart, unless a utility or improvement is present that creates a setback requirement.

CONDITION FOR FINDING: That if the selected street tree is a Recommended Small Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement. If the selected street tree is a Recommended Medium Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 30 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. Lafayette Avenue is classified as an arterial street. Street trees are proposed in curbside tree wells measuring four (4) feet by six (6) feet, with the long dimension parallel to the curb. Trees would not be planted closer than two and one-half (2 1/2) feet from the face of the curb. The landscape plan indicates a distance of five and one-half (5 1/2) feet from the back edge of the sidewalk to the back edge of the tree well, exceeding the minimum distance of four (4) feet.

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 #12. 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 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 #18 and #19. 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.

Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks 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.

Chapter 17.61 Solid Waste and Recycling Enclosure Plan

Attachments :

Attachment 1 – Application and Attachments

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 proposed solid waste and recycling enclosure located behind the building in such a location that it is not visible from the Lafayette Avenue right-of-way. Therefore, this standard does not apply.

Northeast Gateway Planned Development Overlay

The following Sections of the Northeast Gateway Planned Development Overlay (Ordinance No. 4971) provide criteria applicable to the request:

Section 10 – Landscaping. Landscaping plans are subject to the review and design standards outlined in Chapter 17.57 (Landscaping) of the Zoning Ordinance and as noted below:

All Zones:

- A. Landscaping shall be provided between the public street right-of-way and the front building line, exclusive of pedestrian walk-ways, patios, plazas, and similar facilities. Such landscaping shall be designed to provide interest to pedestrians and shall be maintained at a height no more than three (3) feet so that it is not site obscuring.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS #3 AND #6. The landscape plan does not propose landscaping between the right-of-way and the front building line of the proposed structure. This space is proposed to be entirely outdoor seating with an overhead canopy. A condition described in findings for MMC 17.57.070(B)(1) would require planters proposed along Lafayette Avenue to be moved toward the building while providing an accessible clear path of travel along the sidewalk. To meet the condition, the planters would need to move approximately in line with the posts supporting the overhead canopy of the outdoor seating area. While a future right-of-way dedication would include this area where the canopy posts are located, location of planters and landscaping in this area would meet the intent of the Northeast Gateway Planned Development Ordinance. The planters and landscaping would be located between the sidewalk and the front building line, and support the pedestrian-friendly use of the outdoor seating area.

The proposed planters are approximately three (3) feet tall, and would be planted with Switch Grass. Switch Grass foliage and flowers can reach four (4) to seven (7) feet when in bloom. The combined height of the planter and plant would then possibly exceed seven (7) feet tall when in bloom. The combined height exceeds the maximum height of landscaping of three (3) feet and would be sight-obscuring. Therefore, a condition of approval is recommended that the combined height of a planter box and mature vegetation between the sidewalk and the front building line shall not exceed three (3) feet.

CONDITION FOR FINDING: That planters along Lafayette Avenue shall be located closer to the building such that there is a minimum clear distance between the planter and the back edge of street tree planting wells to allow an accessible path of travel along the public sidewalk adjacent to the site.

That the combined height of a planter box and mature vegetation between the sidewalk and the front building line shall not exceed three (3) feet.

- B. Off-street parking located behind the building but visible from the public right-of-way shall be screened through the provision of a continuous row of shrubs, or a fence or seating wall, not less than three feet and no more than four feet high.

APPLICANT'S RESPONSE: See NE Gateway Waiver request in attached application materials.

FINDING: SATISFIED WITH CONDITION #5. The applicant has requested a waiver from this standard criteria through the Northeast Gateway Design Review process. However, this standard is met by the proposed landscape plan and a condition described in findings above for MMC 17.57.070(B)(4). The landscape proposes planters in the parking area/outdoor event space that would be positioned to screen parking spaces from the right-of-way. The proposed planters are approximately three (3) feet tall, and would be planted with Switch Grass. Switch Grass foliage and flowers can reach four (4) to seven (7) feet when in bloom. The combined height of the planter and plant would then possibly exceed seven (7) feet tall when in bloom. Obstructions of this height could obstruct clear vision within the parking area. Clear vision is typically maintained at three and one-half (3.5) feet above the pavement surface. Therefore, a condition of approval is recommended that the combined height of a planter box and mature vegetation within the parking lot shall not exceed three and one-half (3.5) feet.

CONDITION FOR FINDING: That the combined height of a planter box and mature vegetation within the parking lot shall not exceed three and one-half (3.5) feet.

- C. Off-street parking areas with 10 (ten) or more parking spaces shall have, at a minimum, internal landscaping designed to visually break up a paved parking area as follows:
1. Landscaped islands and peninsulas shall be evenly distributed throughout all parking areas and separated no more than 60 feet from another. Such islands shall be provided with raised curbs, be a minimum of five feet in width, and shall each contain at least one deciduous tree. To achieve the maximum canopy coverage, all trees shall be non-columnar.

APPLICANT'S RESPONSE: See NE Gateway Waiver request in attached application materials.

FINDING: SATISFIED WITH CONDITION #7. The applicant has requested a waiver from this standard criteria through the Northeast Gateway Design Review process. The purpose and intent statement of the Landscape Chapter states that "Owners and developers are encouraged to exceed these [landscaping guidelines and standards] 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 applicant (property owner and developer of the Granary Row project) has identified an opportunity to create a multi-functional outdoor space that envisioned to provide off-street parking when not being used as outdoor event space. The applicant has indicated that traditional parking lot landscaping in the form of planting islands with raised curbs and landscaping including deciduous trees would present trip hazards during outdoor events, and the presence of trees would limit or prevent tents for events during inclement weather. The applicant proposed an alternative solution of planters that would provide screening of parking when configured at the end of parking aisles, but would be moveable to allow for unobstructed outdoor event space. The applicant has proposed three (3) medium shade trees in the planting area along the northwest property line to provide the canopy coverage of the parking lot that is traditionally provided by trees in internal parking lot islands. Staff recommends a condition requiring that if the NE Gateway Waiver for Section 10(C) is not approved during the Northeast Gateway Design Review process (docket NEG 1-20), the parking lot landscaping shall be redesigned to comply with applicable standards and criteria, and resubmitted to the McMinnville Landscape Review Committee for review and approval.

CONDITION FOR FINDING: That if the NE Gateway Waiver for Section 10(C) is not approved during the Northeast Gateway Design Review process (docket NEG 1-20), the parking lot landscaping shall be redesigned to comply with applicable standards and criteria, and resubmitted to the McMinnville Landscape Review Committee for review and approval.

- D. Lighting of parking and landscaped areas shall be directed either into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #8. Lighting is indicated in the parking/outdoor event area, but no further details are provided about light fixtures or photometrics. Therefore a condition of approval is included to ensure any lighting of parking and landscaped areas be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target and not result in skyward glare.

CONDITION FOR FINDING: That lighting of parking and landscaped areas be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.

JF

**Granary Row
Design Review
1039 NE Lafayette Ave.**

Concept Illustration*



2

* Please refer to the to-scale attachments for site layout specifics and elevation elements

Granary Row is

a modern-communal space fit for 4 micro-restaurants. **Granary Row** was designed to capture the truest intent of the Northeast Gateway District planned development ordinance. The building is designed to be easily accessible and super approachable for walk-up traffic. Situated in the heart of the district (i.e. Zone 2), **Granary Row** encompasses over 80% of the street frontage with outdoor dining, large windows, inviting frontage design, and multiple entrances inviting for pedestrians as well drive-up and park visitors. Shared common areas inside open to the outside providing large dining spaces for all in rain or shine. Covered dining patio with large space heaters ensure year round usage. Each unit is around 707 sq. ft. with 13 parking spaces located in the rear. All units will work in unison sharing the responsibility of the look and feel and cleanliness as well as synchronize on theme, promotions and seasonal offerings. The intended use is permitted in Zone 2 as described in the PDO.

Façade Materials

- Siding will be of Fiber Cement material
- Roof will be made of EPDM rubber
 - Metal flashing will be used all sides along the non-tower roof
 - Decorative Wood trim along Tower roof line

Windows

- Windows will be framed in, slightly recessed, and trimmed with wood
 - No tint or anti reflective coating as the building and its window positions do not require it
- Each bay garage window will also be trimmed with wood and roll-up

Pergola

- Will be made of wood
- The Pergola will have a clear plastic sheet cover to shield from rain, but removable during the non-rain season
- The bottom 3' of each Pergola post will have ¼" thin decorative stone tiles wrapped around them.
- At the base of where the Pergola beams attaches to the building, there will be 4 overhead gas space heaters.

Signage

- At this time, there are no plans to have any monument signs on the property.
- Signs will be 3 dimensional and mounted
- 4 Tenant signs will be illuminated from within while the building sign will be externally projected
- Total area of wall signage is calculated to be at 120 sq ft.
- All sign follow the non-exempt guidelines presented in Zoning Ordinance Chapter 17.62.

Lighting

- Exterior lights on building will be shielded and directed so that walkways are clearly lit in the evenings
- All Parking area lights will be directed on to the site and away from property lines.

Landscaping

- Total landscaped area is projected to be 939 sq. ft., which is 8% of the total property area.
- 4 Hose bibs will be used to water and establish all the of landscaping. They are strategically placed with the furthest point of watering needs being less than 50ft from a hose bib.
- The Moveable Planter beds (Planter Detail A) will vary in length but will be about 2' wide and about 3' tall plus the height of ground cover and vines. They will be enclosed on every side with decorative wood trim wrapped around it.
- There will be 3 medium trees (i.e. Pacific Dogwood) in the tree well along the street curbside. They will be planted inside 4'x6' tree wells and follow the standard set in the McMinnville Public Works Division – Parkway Tree Planting Detail
- There are no trees on the property that has a diameter of 6" or more

Landscaping – Planter Detail A



Landscaping – Request for Waiver

- We will not be putting landscaped dividers in the parking area as prescribed in the Zoning Ordinance and are requesting a waiver, so that we may have outdoor events (open and covered) where no tripping hazards exists. Events will be part of the multi-purpose space specified by the NE Gateway District Ordinance
 - All parking instructions and spots will defined by paint
 - Electric outlets are planned around the parking a lot area for events
 - We will provide several moveable planter boxes about 2' in width (under the 5' required) that will be placed between center parking aisles, meeting the 60' maximum separation that will help direct parkers as well as reduce the water discharge on the center parking area.
 - There will be no deciduous tree in the separation. However, there is existing fence along both vertical border between 1021 as well as 1047 NE Lafayette Ave. Additionally, there are evergreen shrubs and small evergreen trees (i.e. <6" diameter) along the rear property line, but no fence is planned. All of which should reduce the heat and glare on the property.

Neighborhood Features and Accesses



- No major intersections near by
- Business (Farnham) entry on other side of the street is on the opposite side of the property
- No other highly trafficked businesses are nearby that may potentially lead to problems
- Area is missing a safe place to cross for pedestrians on the other side of Lafayette
- Equal distance to 11th and 10th for pedestrians to get to Alpine
- Parking is a requirement to run a successful restaurant on NE Lafayette

ROW Dedication and Lease Request

- We look to dedicate the ROW described in the TSP as part of the development
- We request using the ROW nearest to the street for moveable planters in between the tree wells as a barrier between the road and the sidewalk-and outdoor-area of the building for pedestrians and patrons
- We request 5' from the building towards the curb be area for outdoor events and dining as long as it does not block the clear path of the sidewalk
- We request the pergola posts be installed in the ROW 10' from the building along the entire frontage of the building
- We request to allow Pergola beams and eaves will hang over the ROW

NE Gateway Waiver Criteria

To which standards are you requesting a waiver?

- Section 7, Zone 2 Standard (A)(1) Setbacks - to allow posts supporting pergola within public right-of-way (with accompanying request for right-of-way use agreement)

Criterion 1: There is a demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use(s) of the site.

Per the ordinance, any commercial building less than 3,000 sq. ft. is not required to have off-street parking. However, the location off of busy Lafayette and the proposed use encourages having off-street parking available on the property.

Before the ROW dedication was required, the fully architected and engineered pergola and building were not in the right of way. Without substantial changes structurally, Granary Row is unable to have an overhead covering without posts. Having an outdoor dining area is encouraged by the ordinance as well as important to the success of the use that was selected for Granary Row.

Criterion 2: There is demonstrable evidence that the alternative design shall accomplish the purpose of this Ordinance in a manner that is equal to or superior to a project designed consistent with the standards contained herein; and

Any overhead covering that extends beyond 4' was found to stress on the building structure too much as per the engineering team at MSC Engineers. The current design of the pergola extends 10'. To meet the true spirit of the ordinance with the outdoor space that's available to use year round, ample space is required. For instance, with the flat plastic cover option fitting for the top of the pergola during the rainy season, in addition, to the 4 large space heaters; we expect this space to be fully usable all year, which is superior to any alternative available.

Additionally, we believe aesthetically with the design of the building, the pergola with posts makes the frontage facade engaging to walk up traffic. This is important since Lafayette can get very busy with speeding semi's that can be quite jarring. The posts are something to hide behind and hold for those that feel threatened by the traffic.

Criterion 3: The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this chapter.

Albeit the pergola posts are permanent, they are 8" by 8" thick with some decorative stone tile along the bottom 3' of the post. There are 4 posts that are planned, which isn't much space. In consideration that Granary Row is an additional 6' back from its original property line when first proposed, the sidewalk area ROW is an ample 5'6" wide from the post to the edge of the proposed tree well. This should cause minimal disruption now and into the foreseen future, as Granary Row will be the first to make the ROW dedication on NE Lafayette. We believe this waiver is the minimum necessary to alleviate the difficulty of meeting the requirement of this chapter.

NE Gateway Waiver Criteria

- Landscaping Section 10(B). Off-street parking located behind the building but visible from the public right-of-way shall be screened through the provision of a continuous row of shrubs, or a fence or a seating wall, not less than three feet and no more than four feet high.
- Landscaping Section 10(C)(1). Off-street parking areas with 10 (ten) or more parking spaces shall have, at a minimum, internal landscaping designed to visually break up a paved parking area as follows: landscaped islands and peninsulas shall be evenly distributed throughout all parking areas and separated by no more than 60 feet from another. Such islands shall be provided with raised curbs, be a minimum of five feet in width, and shall each contain at least one deciduous tree. To achieve the maximum canopy coverage, all trees shall be non columnar.

Criterion 1: There is a demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use(s) of the site.

As part of Zone 2 in the NE Gateway district, Granary Row will be the first of its kind in this Zone. This requires that Granary Row do more than what is considered standard to be successful in an area unknown for this kind of use. As a result, we want to do outdoor events in both the Winter and Summer time in the rear area of the property. This will be open and gated events as well as covered and tented events during the rainy season. As designed in the ordinance, the events will be part of a multi-purpose space that compliments the planned use of the building.

Therefore, having raised curbs will be a tripping hazard during these events as proposed in Landscaping Section 10(C)(1).

Criterion 2: There is demonstrable evidence that the alternative design shall accomplish the purpose of this Ordinance in a manner that is equal to or superior to a project designed consistent with the standards contained herein; and

As an alternative, we are proposing a combination of movable planters, fencing, and shrubs along the northeast property line. The fencing will run long both vertical lines of the property starting from the ROW to the rear end of the property. This should help with the parking use guidance as well as the glare and contribute to the canopy coverage that not having a deciduous tree would create between parking spaces. Along that same vein, the rear property line of shrubs, will add to that canopy coverage and glare, but also contribute to the capturing and diverting the water discharge as intended by the raise curbs described in Section 10(C)(1). Although, they do not provide the separation in an island, the 3 deciduous trees along the rear end of the property should also exceed the requirement provisioned in Section 10(C)(1).

Then, we will use movable planters to achieve much of what is described above as well as due to its size of 3' high and location along the bottom of the center-parking aisle, this alternative proposal would screen most of the parking area viewable from the sidewalk that is not hidden by the building and fulfill the requirement in Section 10(B).

Lastly, having these moveable planters allows us to achieve the spirit of the ordinance, as well as be able to move them during events and achieve the spirit of the NE Gateway use ordinance.

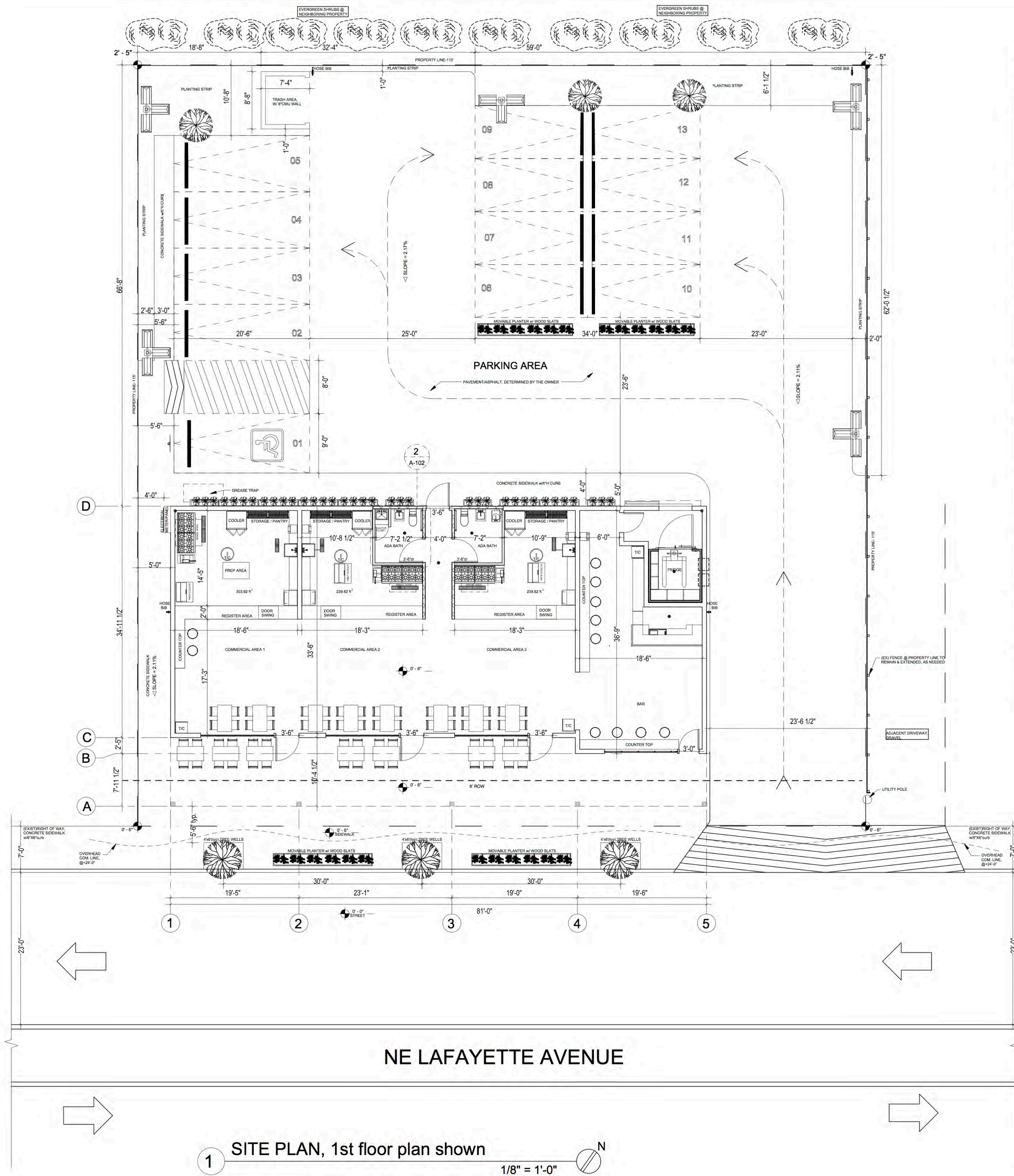
We believe this alternative is superior because it achieves both with the sum of both parts exceeding each individual ordinance as they stand alone.

Criterion 3: The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this chapter.

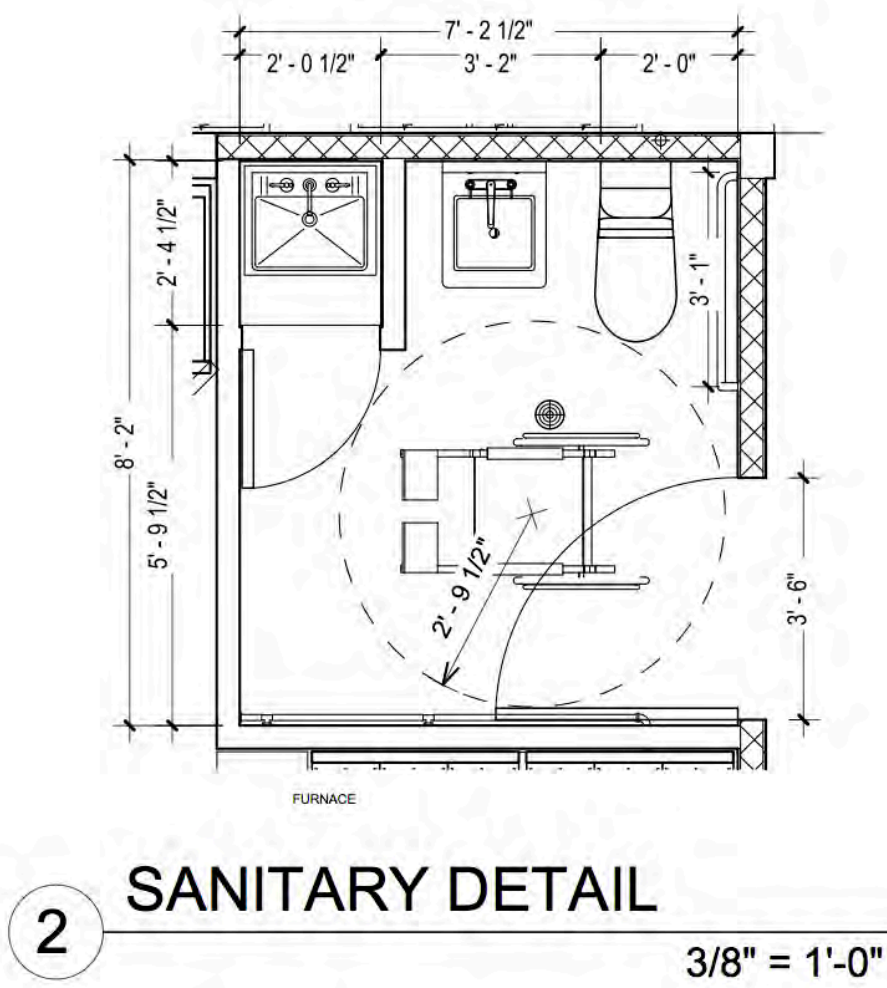
As part of a full in-depth study, we came to the conclusion this is the best option. We not only decided to exceed the minimum of landscape coverage with more than 8%, we improved the property lines area with all our 3 neighbors.

All other options that were permanent just did not work due to their nature. All moveable options did not achieve the synergistic effect sought by the alternatives proposed above.

The only part of the ordinance that we struggled with was the deciduous tree placement. Again, we seek to exceed the spirit of the Section laid out in 10(C)(1), we will plant 3 deciduous tree along the Northwest side of the property, which we anticipate will provide canopy coverage for the parking area. Together we should meet or exceed both sections we are requesting a waiver for.



KITCHEN FURNITURE SCHEDULE				
COUNT	TYPE	MANUFACTURER	MODEL	IMAGE
6	Advance Tabco DC-155 Dish Cabinet 60" x 15"	Advance Tabco	DC-155	
1	AO Smith Logo	AO Smith	AO Smith Logo	
3	Avantco FF300 Natural Gas 40 lb. Stainless Steel Floor Fryer	AVANTCO	FF300	
3	Avantco SS-2R-HC 54" Solid Door Reach-In Refrigerator	AVANTCO	SS-2R-HC	
3	Avantco SS-PT-36-HC 36" 2 Door Stainless Steel Refrigerated Sandwich Prep Table	AVANTCO	SS-PT-36-HC	
6	Channel 568 7 Shelf Mobile Aluminum Cooling Rack	Channel Manufacturing Inc.	568	
6	Cooking Performance Group S36-L Liquid Propane 6 Burner 36" Range with Standard Oven - 210,000 BTU	Cooking Performance Group	S36-L	
3	Eagle Group HDC4848 Spec Air Condensate Exhaust Hood - 48" x 48" x 20"	Eagle Group	HDC4848	
3	Manitowoc UD-0190A NEO 26" Air Cooled Undercounter Full Size Cube Ice Machine with 90 lb	Manitowoc	UD-0190A NEO	
3	Regency 24" 16-Gauge Stainless Steel One Compartment Commercial Sink without Drainboard	REGENCY	-	
1	Regency 30" x 48" 16-Gauge 304 Stainless Steel Commercial Work Table with Undershelf	REGENCY	-	



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PROJECT

P - ETAN JONES

1031 & 1039 Lafayette Ave.
McMinnville, Oregon 97128

Block: Lot:

1ST FLOOR

Code #

Job #

Regulatory Stamps

owner

NO.	DESCRIPTION	DATE

SEAL & SIGNATURE

DATE: 10/31/2019

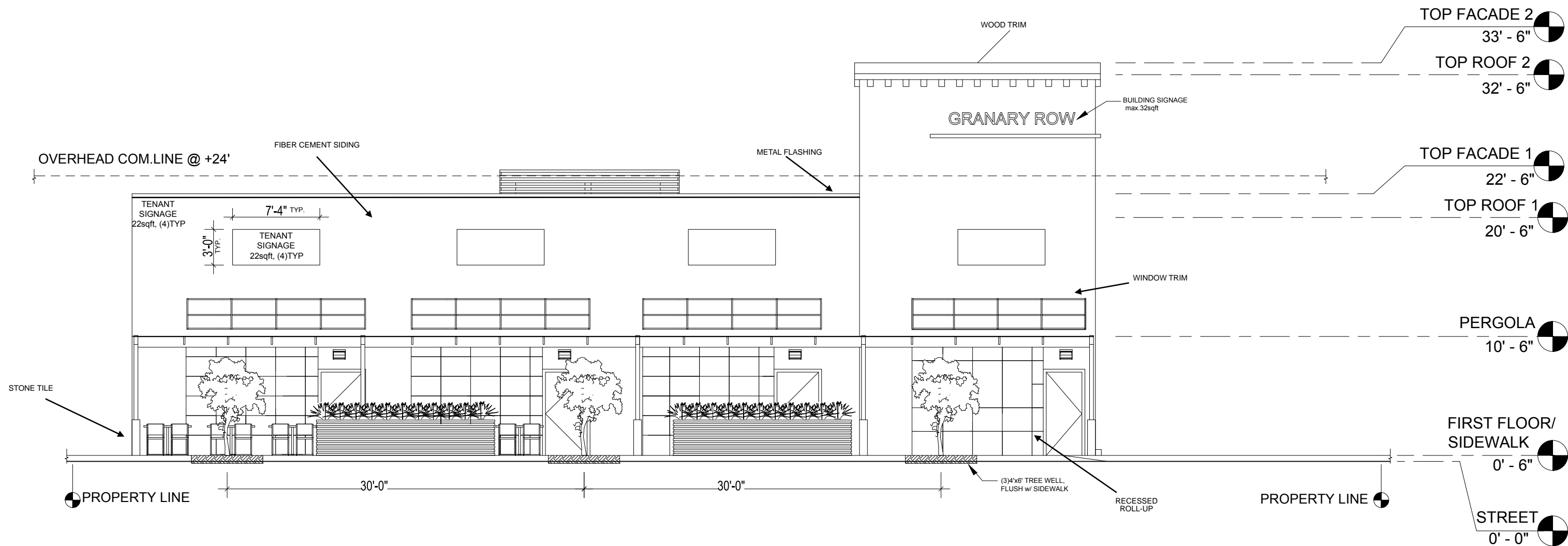
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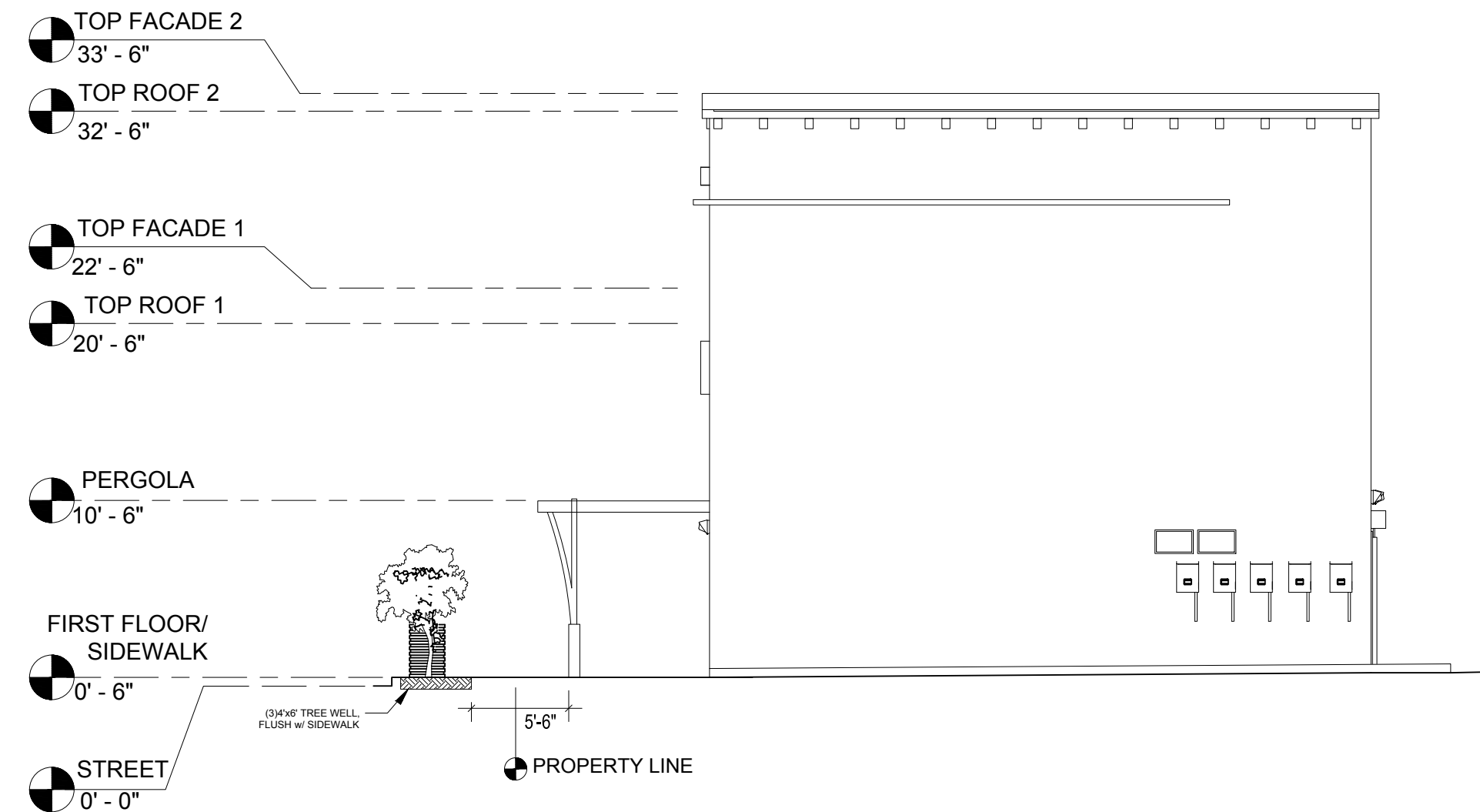
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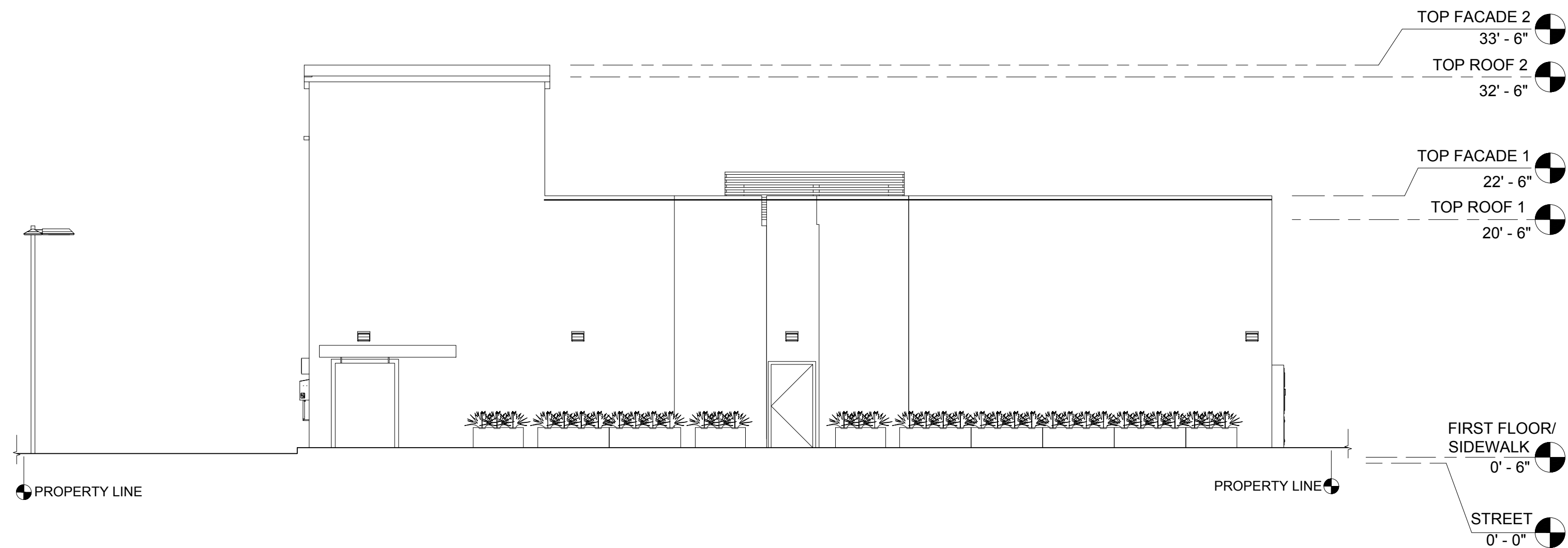
Rvt File Location: 2 of 13



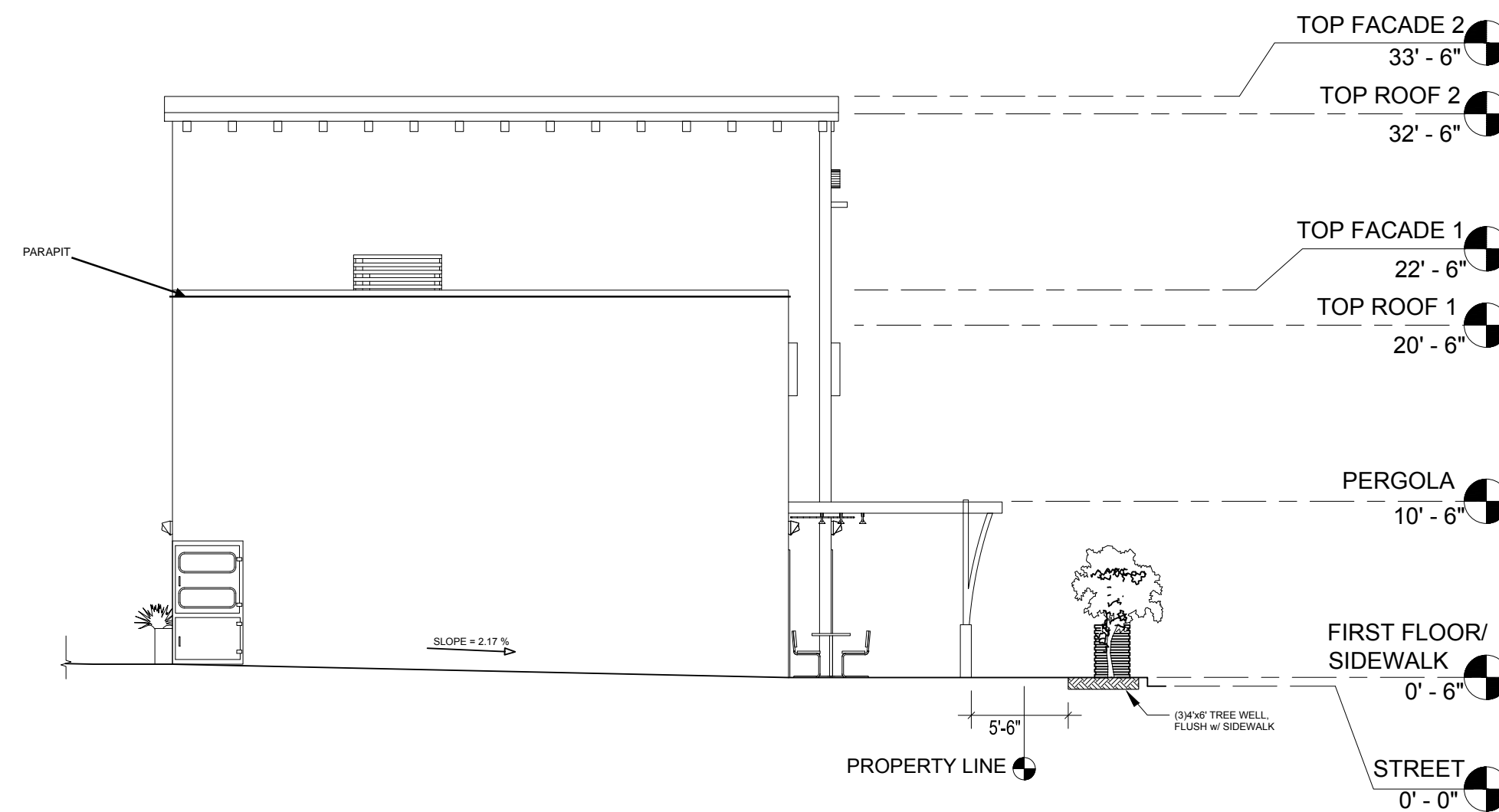
1 SOUTH ELEVATION
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"



3 NORTH ELEVATION
1/8" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"

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PROJECT

P - ETAN JONES

1031 & 1039 Lafayette Ave.
McMinnville, Oregon 97128

Block:

Lot:

ELEVATIONS

Code #

Job #

Regulatory Stamps

owner

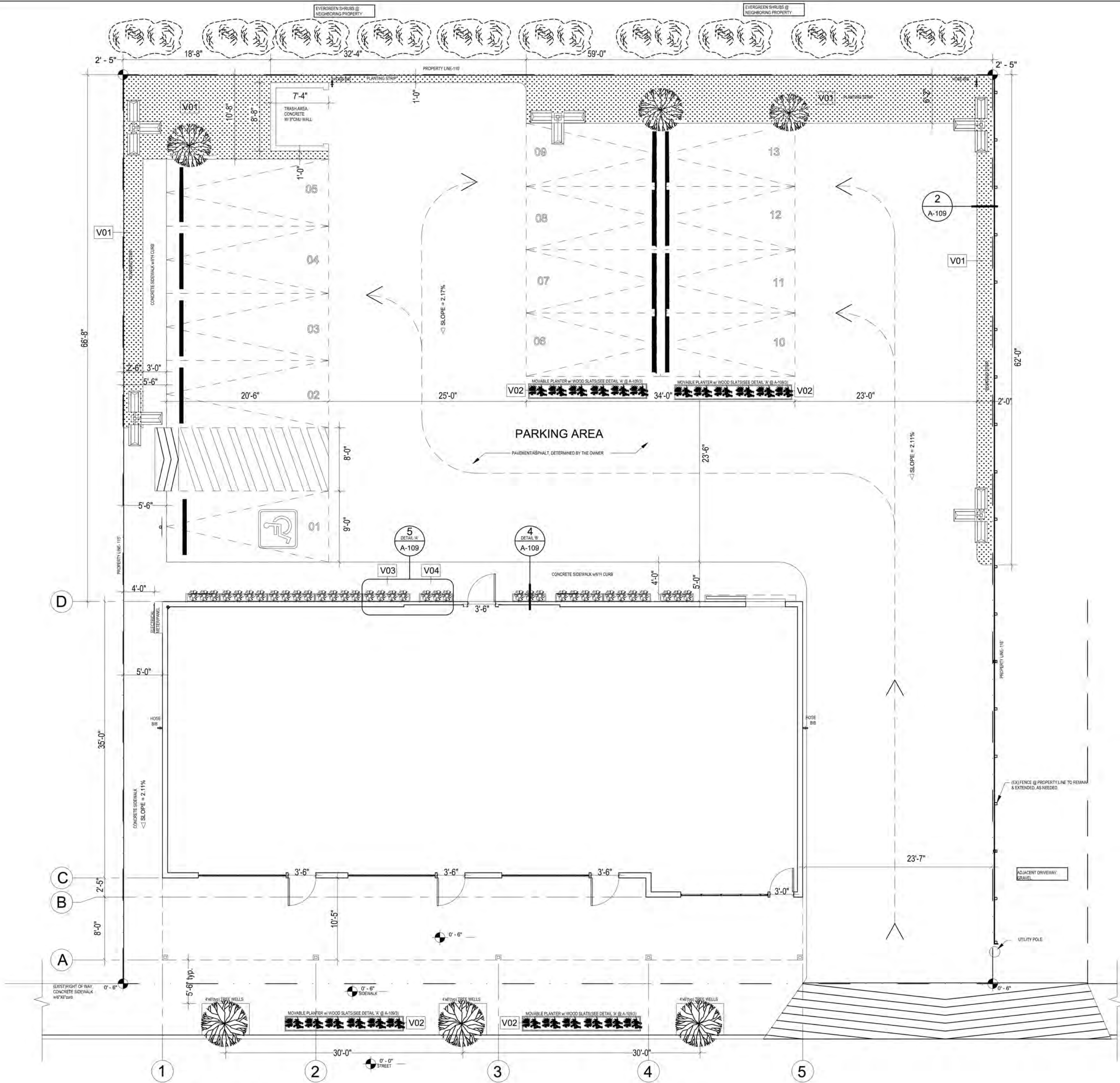
NO.	DESCRIPTION	DATE

SEAL & SIGNATURE

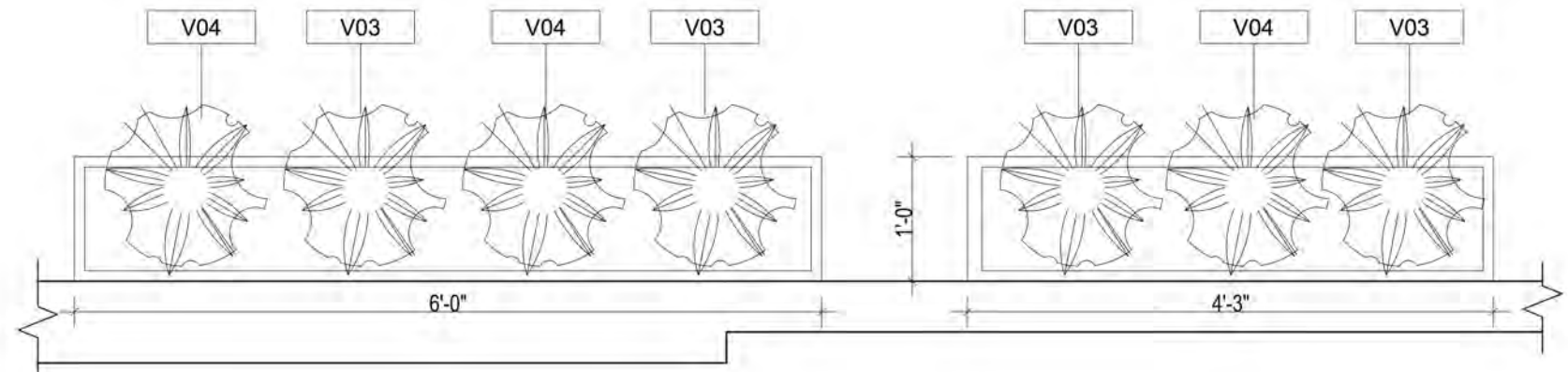
DATE: 10/31/2019
PROJECT No: 0001
DRAWING BY: IC
CHK BY: GM

A-104.00

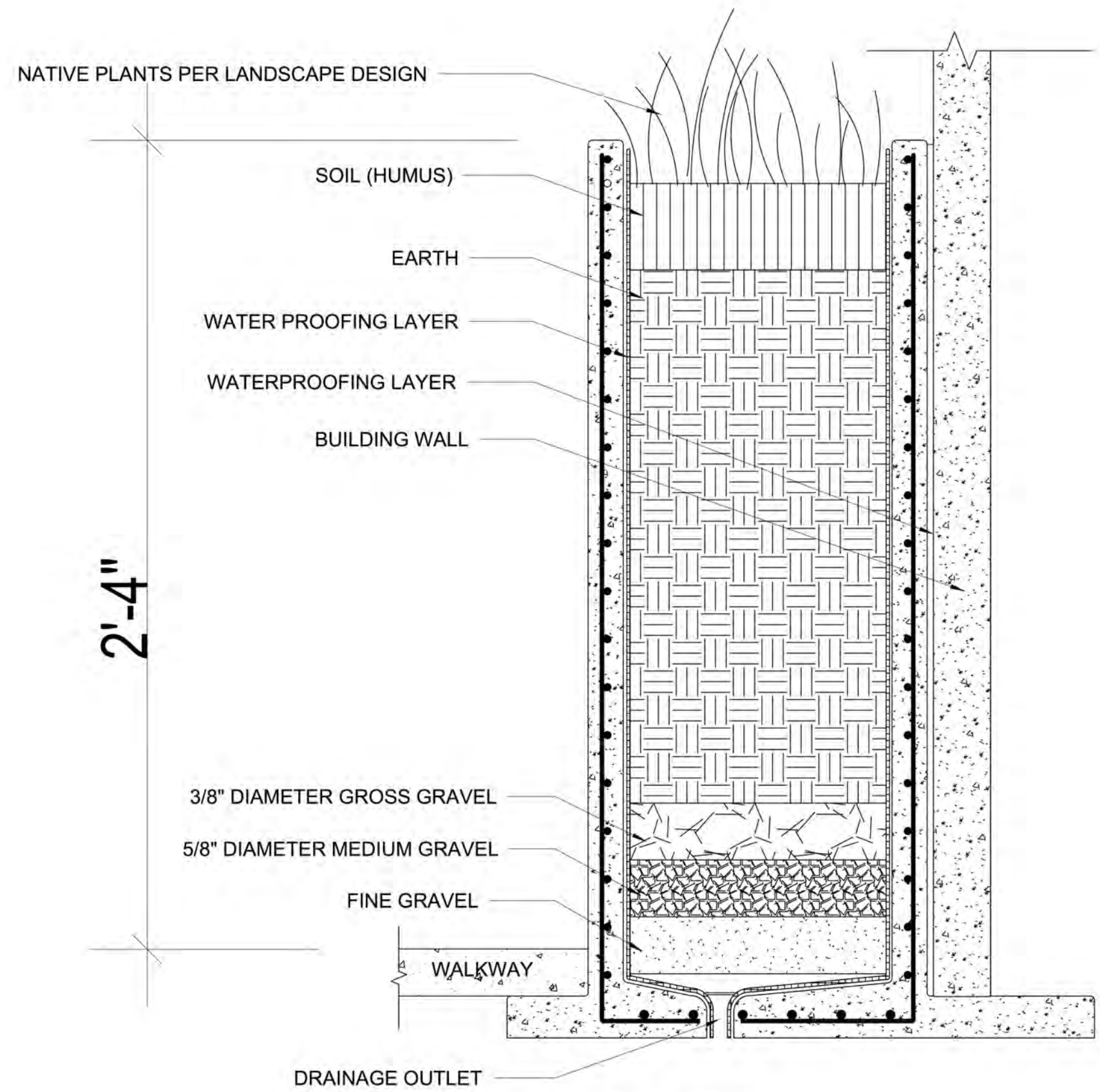
Rvt File Location: 4 of 13



LANDSCAPE PLAN SCHEDULE							
MARK	TYPE	SCIENTIFIC NAME	SUN EXPOSURE	USDA PLANTING ZONE	COUNT	SQUARE FEET	IMAGE
V01	PERENNIAL RYEGRASS	Lolium perenne.	FULL SUN	3 TO 8	1	795	
V02	HOT RED SWITCH GRASS	Panicum virgatum	FULL SUN	4 TO 10	4	100	
V03	LEATHERLEAF SEDGE	Carex buchananii	FULL SUN, PARTIAL SHADE	5 TO 9	27	22	
V04	BLUE FESCUES	Festuca glauca.	FULL SUN	4 TO 8	29	22	
						TOTAL-939	

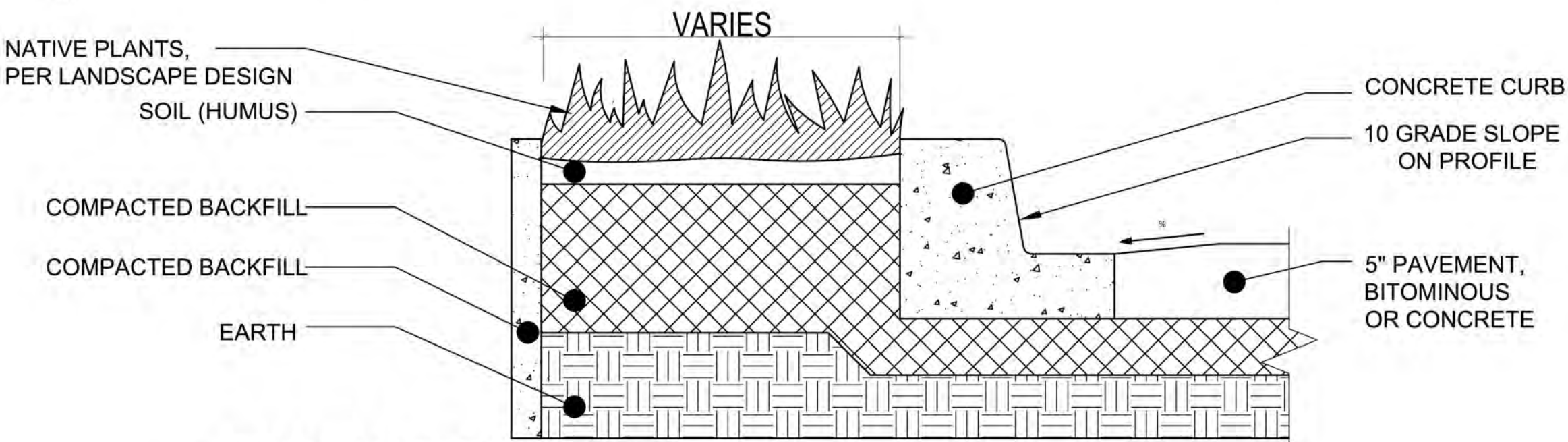


5 PLANTERS DETAIL 'C'
3/4" = 1'-0"



4 PLANTERS DETAIL 'B'
3" = 1'-0"

1 LANDSCAPE PLAN
1/8" = 1'-0"



2 RAIN WATER DRAINAGE
1 1/2" = 1'-0"

*SEE SEPERATE SHEET FOR DETAIL 'A'

3 PLANTERS DETAIL 'A'

INNOVATE CONSTRUCTION
IC Design Drafting Services LLC

www.innovateconstruction.com
534W 50th St. Unit 5C
New York, NY. 10019
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email: info@innovateconstruction.com

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PROJECT

P - ETAN JONES

1031 & 1039 Lafayette Ave.
McMinnville, Oregon 97128

Block: Lot:

LANDSCAPE PLAN

Code #

Job #

Regulatory Stamps

owner

NO.	DESCRIPTION	DATE

SEAL & SIGNATURE

DATE: 4/24/2019
PROJECT No: 0001
DRAWING BY: IC
CHK BY: GM
A-109.00
Rvt File Location: 9 of 17



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

EXHIBIT 2 - STAFF REPORT

DATE: May 20, 2020
TO: Landscape Review Committee Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Agenda Item 4B - Street Tree Removal Application (L 10-20)

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 two (2) street trees adjacent to 1948 NW Penny Lane (L 10-20) to be reviewed by the Landscape Review Committee.

Background:

The application requests the removal of one (1) tree from the public right-of-way adjacent to the subject property that is impacting public infrastructure. The application states that two (2) street trees are present adjacent to the property, but that the applicant wishes to leave the tree west of the driveway in place, and possibly root prune to improve the condition of the planting strip. 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 1948 NW Penny Lane within the Cottonwood subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-2PD (Single-Family Residential Planned Development) and is developed with a single-family residence. The tree that is requested for removal is an *Acer sp.* (Maple) located on within the NW Penny Lane right-of-way. **See Figure 2 (Site Plan), Figure 3 (Tree #1), and Figure 4 (Tree #2).**

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 1948 NW Penny Lane

Figure 1: Vicinity Map

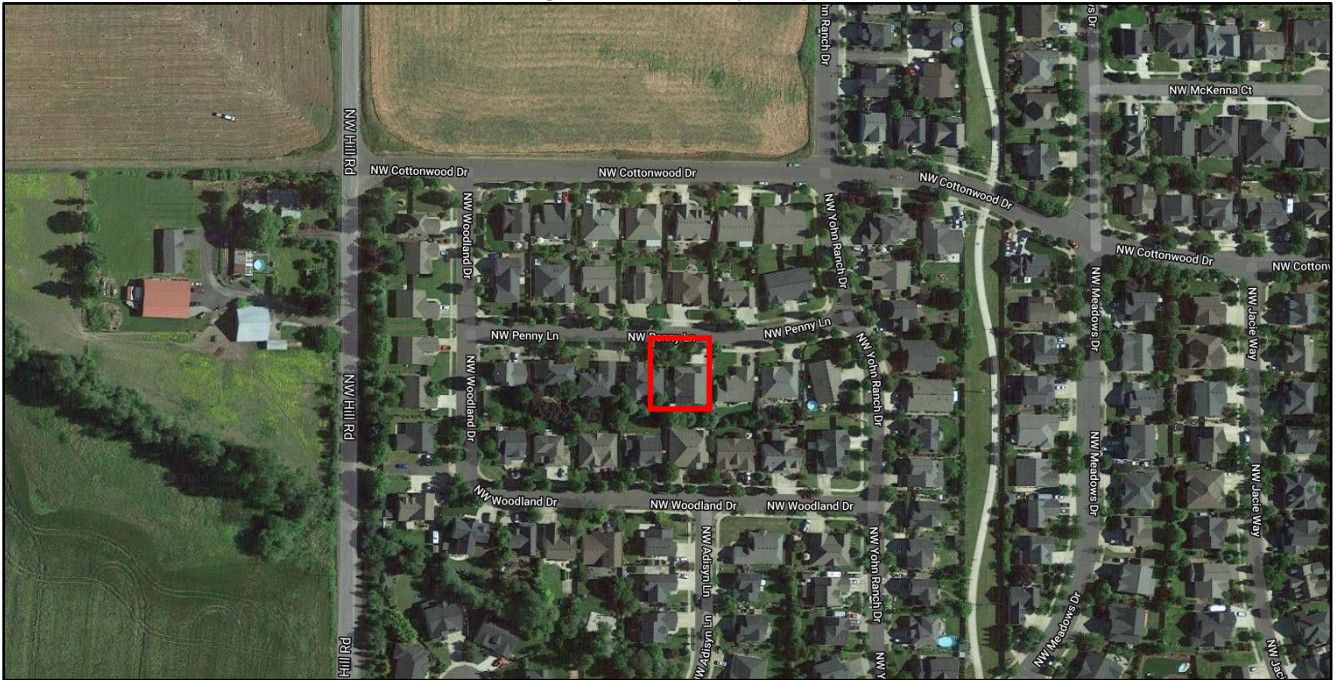
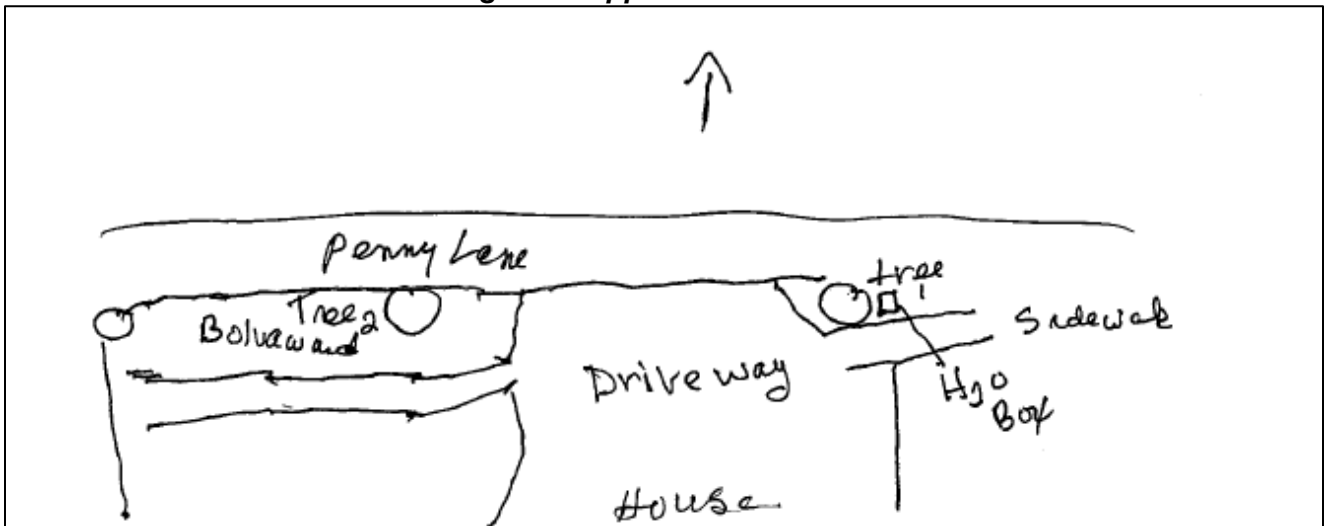


Figure 2: Applicant's Site Plan



Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 1948 NW Penny Lane

Figure 3: Tree #1



Figure 4: Tree #2



Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 1948 NW Penny Lane

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 two (2) 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 panels, but the trees are otherwise healthy and in good condition. The application specifically requests approval to remove Tree #1. The application states that Tree #2 is preferred to remain following root pruning to improve the conflict with the sidewalk and planter strip.

Since both trees are 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 Tree #1 is recommended. Removal of Tree #2 is recommended only if a Certified Arborist determined root pruning would disturb more than ten (10) percent of Tree #2's roots.

A replacement street tree for Tree #1 is not recommended because of insufficient space from the existing driveway and water meters. If Tree #2 is removed, then one (1) replacement street tree is recommended by Staff, consistent with the approved street tree plan for the Cottonwood subdivision (L 3-04). A condition of approval included in the decision document requires any necessary 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.

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 1948 NW Penny Lane

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 10-20 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

JF



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 1948 NW PENNY LANE

DOCKET: L 10-20 (Street Tree Removal)

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

LOCATION: 1948 NW Penny Lane (Tax Lot 3100, Section 18DB, T. 4. S., R. 4 W., W.M.)

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

APPLICANT: Dallas Heidt, 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 518 962 842.

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 10-20) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

Planning Staff: _____
 Jamie Fleckenstein, Associate Planner

Date: May 20, 2020

Planning Department: _____
Heather Richards, Planning Director

Date: May 20, 2020

Attachments:

Attachment 1 – Application and Attachments

I. APPLICATION SUMMARY:

Subject Property & Request

The application requests the removal of one (1) tree from the public right-of-way adjacent to the subject property that is impacting public infrastructure. The application states that two (2) street trees are present adjacent to the property, but that the applicant wishes to leave the tree west of the driveway in place, and possibly root prune to improve the condition of the planting strip. 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 1948 NW Penny Lane within the Cottonwood subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-2PD (Single-Family Residential Planned Development) and is developed with a single-family residence. The tree that is requested for removal is an *Acer sp.* (Maple) located on within the NW Penny Lane right-of-way. **See Figure 2 (Site Plan), Figure 3 (Tree #1), and Figure 4 (Tree #2).**

Figure 1: Vicinity Map

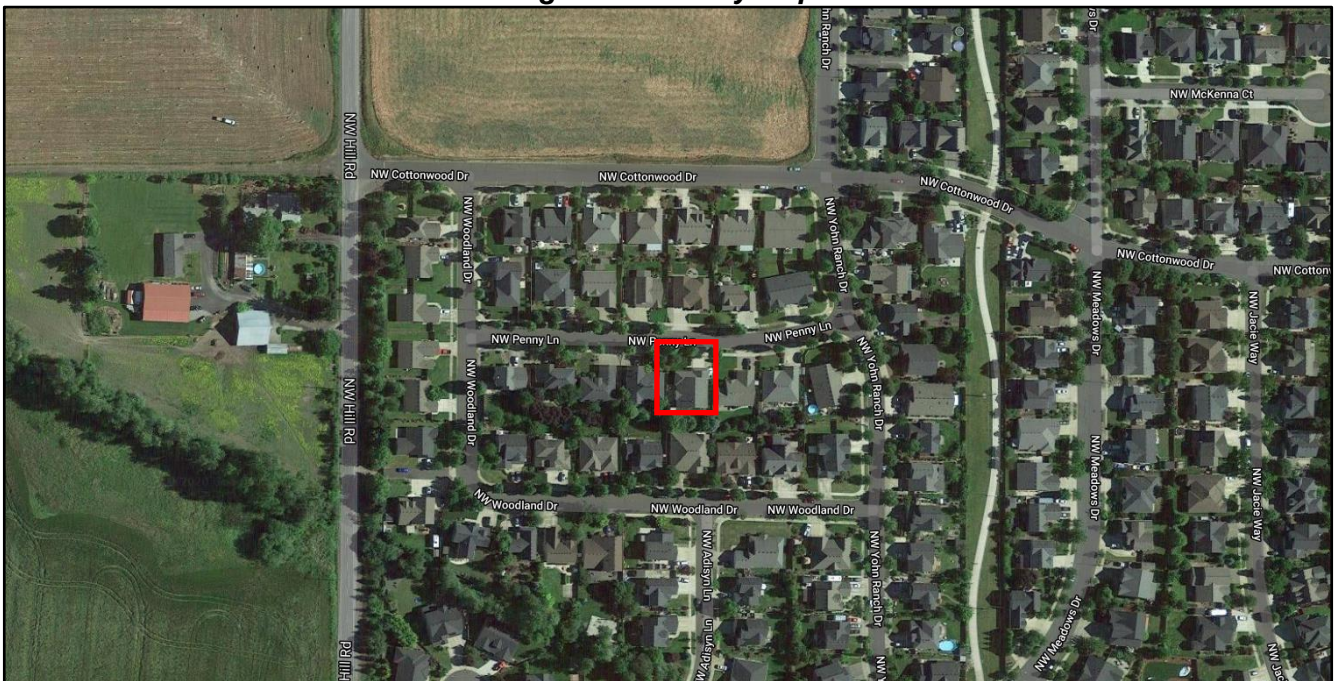
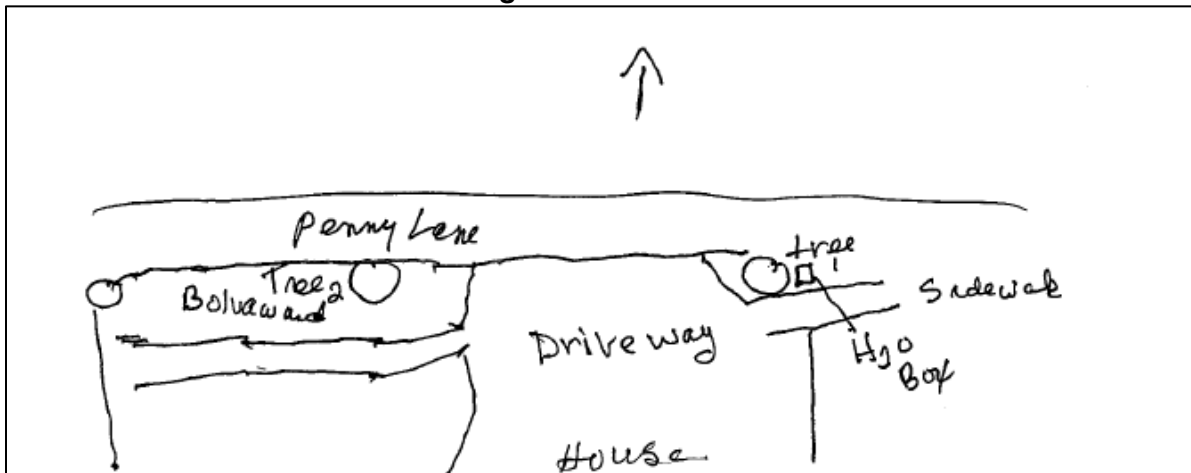


Figure 2: Site Plan



Attachments:

Attachment 1 – Application and Attachments

Figure 3: Tree #1



Figure 4: Tree #2



Attachments:
Attachment 1 – Application and Attachments

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 Tree #1 as identified on the applicant's site plan is approved for removal. Any root pruning of Tree #2 as identified on the applicant's site plan shall be completed by a Certified Arborist. If a Certified Arborist determines that root pruning Tree #2 to reduce the conflict with the adjacent sidewalk and planting strip within the public right-of-way will disturb more than ten (10) percent of the tree's root system, then Tree #2 is approved for removal and replacement. If Tree #2 is not removed within 6 months of notification of approval, then the street tree permit approval for Tree #2 shall expire.
2. That all costs and liability associated with tree removal, stump grinding, and tree replacement shall be borne by the applicant.
3. 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.
4. 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.
5. 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.
6. That if Tree #2 as identified on the applicant's site plan is removed, then one (1) replacement street tree shall be planted. The tree shall be *Acer truncatum* x *A. platanoides* 'Keithsform' (Norwegian Sunset Maple) or *Acer truncatum* x *A. platanoides* 'Warrensred' (Pacific Sunset Maple) from the McMinnville Street Tree List or other *Acer truncatum* hybrid or variety approved by the McMinnville Landscape Review Committee.
7. 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.

Attachments:

Attachment 1 – Application and Attachments

All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

8. 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.
9. 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.
10. 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.
11. That the planter strip area shall be restored to original grade immediately following the planting of the replacement trees.
12. That the applicant shall complete the tree removal and tree replacement within six (6) months of approval, or November 20, 2020.
13. 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 10-20 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

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

- McMinnville Public Works:

Site Review

1. The tree in question is a maple variety. The westerly tree is about 8" DBH and about 40' in height. The easterly tree is about 7" DBY and about 40' 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 tree does not display any obvious health or structural issue that would require removal.
5. Two sidewalk panels are lifted adjacent to the easterly tree, presenting a trip hazard. The westerly tree has lifted the walk but does not present a trip hazard at this time.
6. The root buttress of both trees are well above grade, indicating the tree was probably planted too shallow. There is significant surface rooting in the park strip adjacent to both trees.
7. The easterly tree is planted less than 5' from the adjacent driveway approach and the adjacent water meter box.

Recommendations

1. The applicant notes that they desire to keep the westerly tree if the roots can be pruned. Given the size of the tree and adjacent targets, we would not recommend allowing any major structural roots to be pruned, and any root pruning should be done by an arborist. Absent of that, staff would recommend approving the removal of this tree.
2. Based on the sidewalk damage and the proximity to the driveway approach and water meter, staff would recommend approving the removal of this tree as well.
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 westerly tree with a variety acceptable to the Planning Department and consistent with the street tree plan for this subdivision. Staff does not recommend replacing the easterly tree due to it's proximity to the driveway approach and water meter.
 - 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 (503-434.7312) for a sidewalk inspection to assess the need for sidewalk repairs.

- **McMinnville Water and Light:**

"The tree on the east 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.

Public Comments

Attachments:

Attachment 1 – Application and Attachments

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. Dallas Heidt, property owner, submitted a Street Tree Removal Permit application on March 23, 2020.
2. The application was deemed complete on April 16, 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 20, 2020 to review the application and proposed street tree removal request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 1948 NW Penny Lane (Tax Lot 3100, Section 18DB, T. 4. S., R. 4 W., W.M.)
2. **Size:** 0.1607 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2PD (Single-family Residential Planned Development)
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 Penny Lane is 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 #5. 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.

FINDING: SATISFIED WITH CONDITIONS #2-4, #11. 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 #6. The two (2) trees in the Penny Lane right-of-way are located in a curb-side planter strip that is four and one-half (4.5) feet wide. Tree #1 is planted less than five (5) feet from the private driveway approach and the water meter serving the subject property. Due to the five (5) foot spacing requirement from private driveways and ten (10) foot spacing requirement from water meters, there is not sufficient space for a replacement street tree in the planter strip east of the driveway. Therefore, no replacement tree is required for Tree #1.

Should Tree #2 be removed from the planter strip west of the driveway, there would be sufficient space in the planter strip for a replacement tree outside the five (5) foot setback from private driveways.

A street tree plan for the Cottonwood subdivision was approved in docket L 3-04. The approved street tree plan indicates that the approved street tree for Penny Lane is *Acer truncatum* (Shantung Maple). The McMinnville Street Tree List provides two (2) *Acer truncatum* hybrids as recommended medium street trees:

<i>Acer truncatum</i> x <i>A. platanoides</i> 'Keithsform' Norwegian Sunset Maple	5	No	35	25		n/a		Consistent fall color
<i>Acer truncatum</i> x <i>A. platanoides</i> 'Warrensred' Pacific Sunset Maple	5	No	30	25		n/a		Consistent fall color

Therefore, a condition of approval is included to require that if Tree #2 is removed, then one (1) replacement street tree shall be planted. The tree shall be *Acer truncatum* x *A. platanoides* 'Keithsform' (Norwegian Sunset Maple) or *Acer truncatum* x *A. platanoides* 'Warrensred' (Pacific

Sunset Maple) from the McMinnville Street Tree List or other *Acer truncatum* hybrid or variety approved by the McMinnville Landscape Review Committee.

CONDITION FOR FINDING: That if Tree #2 as identified on the applicant's site plan is removed, then one (1) replacement street tree shall be planted. The tree shall be *Acer truncatum* x *A. platanoides* 'Keithsform' (Norwegian Sunset Maple) or *Acer truncatum* x *A. platanoides* 'Warrensred' (Pacific Sunset Maple) from the McMinnville Street Tree List or other *Acer truncatum* hybrid or 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 #5. 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 #12. 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 and replacement within six (6) months of approval, or November 20, 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 #13. A condition of approval has been included to ensure that the adjacent sidewalk panels 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.

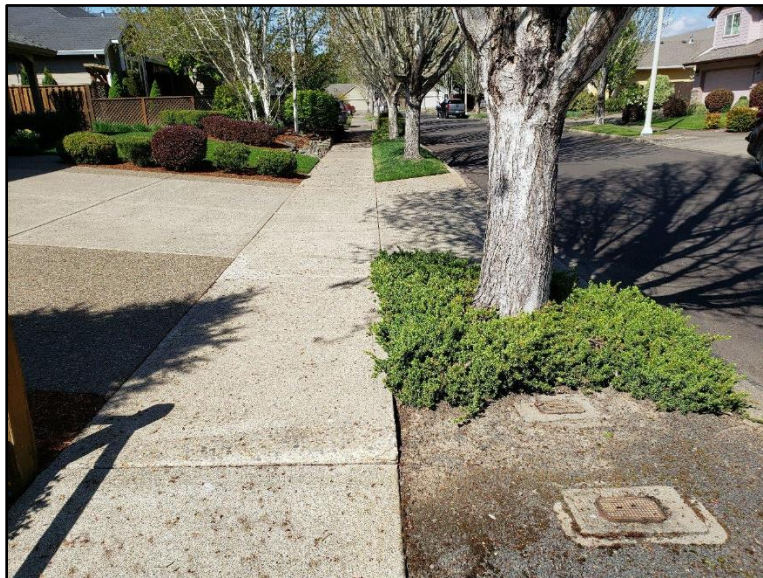
17.58.050 Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

- 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: Tree roots are raising the concrete on the sidewalk. This is dangerous for people walking on the sidewalk. I would like to keep the 2nd tree, but the boulevard is root bound that causes grass not to grow. If there is a way for removal of the roots I would like that.

FINDING: SATISFIED WITH CONDITION #1. Tree #1 as identified on the applicant's site plan (the easternmost tree) is in conflict with public improvements. The tree exhibits an extensive surface root system that has lifted the adjacent sidewalk panel, creating a surface discontinuity and trip hazard in the public right-of-way. The sidewalk has been previously ground in an attempt to mitigate the conflict, but the roots have continued to uplift the sidewalk panel. Therefore, Tree #1 satisfies criterion B.

Sidewalk Condition at Tree #1



Tree #2 as identified on the applicant's site plan (the westernmost tree) is also in conflict with public improvements. The root buttress of the tree is well above grade, indicating that the tree may have been planted too shallow initially. This has led to extensive surface roots in the planter strip that are impacting the adjacent sidewalk panels. The sidewalk adjacent to the tree has been lifted by the roots, though no trip hazard is present currently. Because of the shallow rooting of the tree, the roots will continue to be in conflict with the adjacent sidewalk as they grow, leading to eventual trip hazards along the public right-of-way. The applicant has indicated a desire to retain the tree if roots can be pruned to improve the condition of the root-bound planting strip. It is likely that significant root pruning may destabilize the tree or lead to a decline in health. Therefore, since the tree is in conflict with public improvements, the likelihood of the tree continuing to damage the sidewalk is high, and that significant root pruning is likely to cause irreversible damage to the tree, criterion 'B' is met. A condition of approval is included to require that any root pruning of Tree #2 be completed by a certified arborist. If the root pruning to reduce

Attachments:

Attachment 1 – Application and Attachments

the conflict with the sidewalk and planting strip within the public right-of way is determined by a Certified Arborist to impact more than ten (10) percent of the tree's root system, then the tree is approved for removal and replacement. If Tree #2 is not removed within 6 months of notification of approval, then the street tree permit shall expire.

CONDITIONS FOR FINDING: That Tree #1 as identified on the applicant's site plan is approved for removal. Any root pruning of Tree #2 as identified on the applicant's site plan shall be completed by a Certified Arborist. If a Certified Arborist determines that root pruning Tree #2 to reduce the conflict with the adjacent sidewalk and planting strip within the public right-of-way will disturb more than ten (10) percent of the tree's root system, then Tree #2 is approved for removal and replacement. If Tree #2 is not removed within 6 months of notification of approval, then the street tree permit approval for Tree #2 shall expire.

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

Attachments:

Attachment 1 – Application and Attachments

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 #6-10. 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 if Tree #2 is removed, then one (1) replacement street tree shall be planted. The tree shall be *Acer truncatum* x *A. platanoides* 'Keithsform' (Norwegian Sunset Maple) or *Acer truncatum* x *A. platanoides* 'Warrensred' (Pacific Sunset Maple) from the McMinnville Street Tree List or other *Acer truncatum* hybrid or 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.

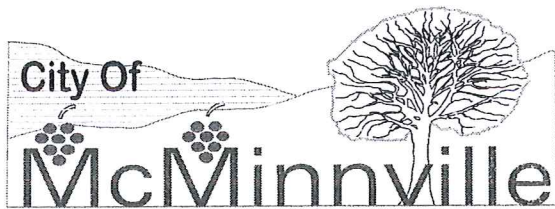
That replacement trees shall be planted per the approved City detail. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection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

569-20-000171-Plng

Office Use Only:	
File No.	L 10-20
Date Received	4-16-2020
Fee	150.00
Receipt No.	202249
Received by	SA

Street Tree Removal

Applicant Information

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

Applicant Name DALLAS HEIDT Phone 503-434-1451

Contact Name _____ Phone _____
(If different than above)

Address 1948 NW PENNY LANE

City, State, Zip McMinnville, OR 97128

Contact Email heidtde@comcast.net

Property Owner Information

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

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

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

Property Address 1948 NW PENNY LANE

(Property nearest to tree(s) for removal)
Assessor Map No. R4 418 DB - 03100 Total Site Area _____

Subdivision Cottonwood Block _____ Lot 24

Comprehensive Plan Designation RW1 Zoning Designation R-2PD

Additional Information

1. How many trees are requested for removal? 1 maybe 2
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? 1-50" 2-45"
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. _____

Tree roots are raising the concrete on the sidewalk, this is dangerous for people walking on the sidewalk. I would like to keep the 2nd tree, but the Bolward is root bound that causes grass not to grow. If there is a way for removal of the roots I would like that.

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.

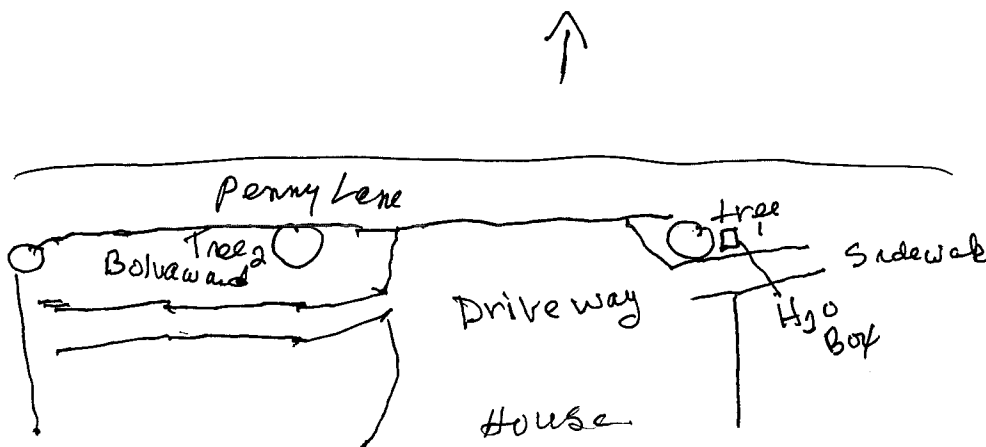
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Dallon Heidt
Applicant's Signature

April 13 2020
Date

Property Owner's Signature

Date





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

EXHIBIT 3 - STAFF REPORT

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

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 one street trees adjacent to 2446 SW Barbara Street (L 12-20) to be reviewed by the Landscape Review Committee.

Background:

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

The subject property is located at 2446 SW Barbara Street within the Hillsdale subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-2PD (Single-Family Residential Planned Development) and is developed with a single-family residence. The trees that are requested for removal are within the SW Barbara Street right-of-way. **See Figure 2 (Site Plan).**

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 2446 SW Barbara Street

Figure 1: Vicinity Map

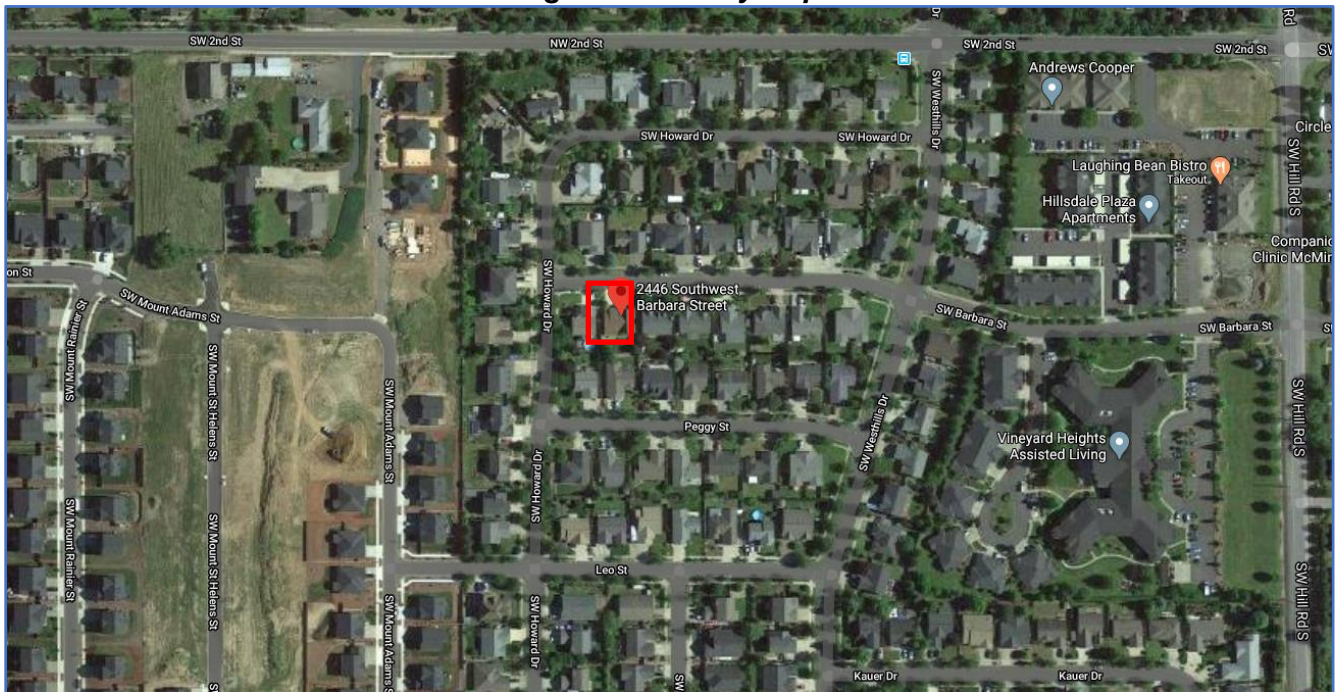
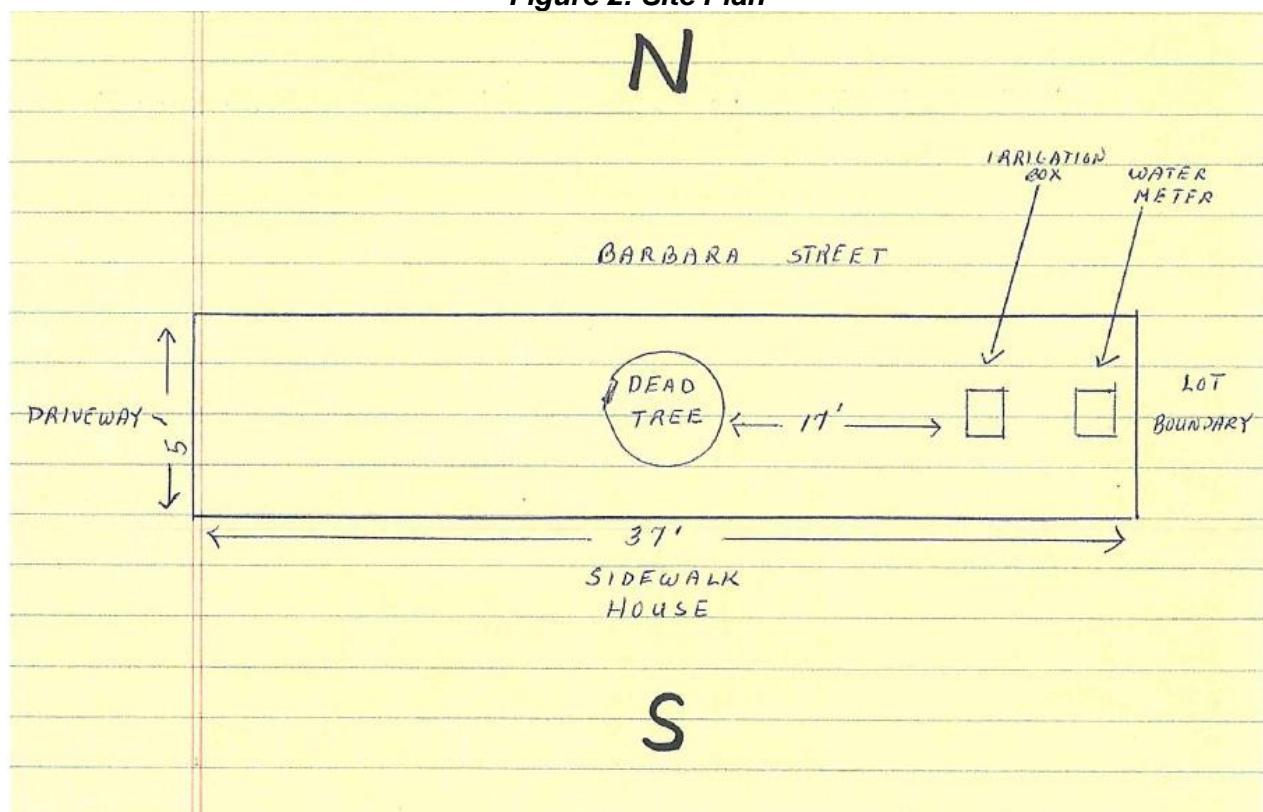


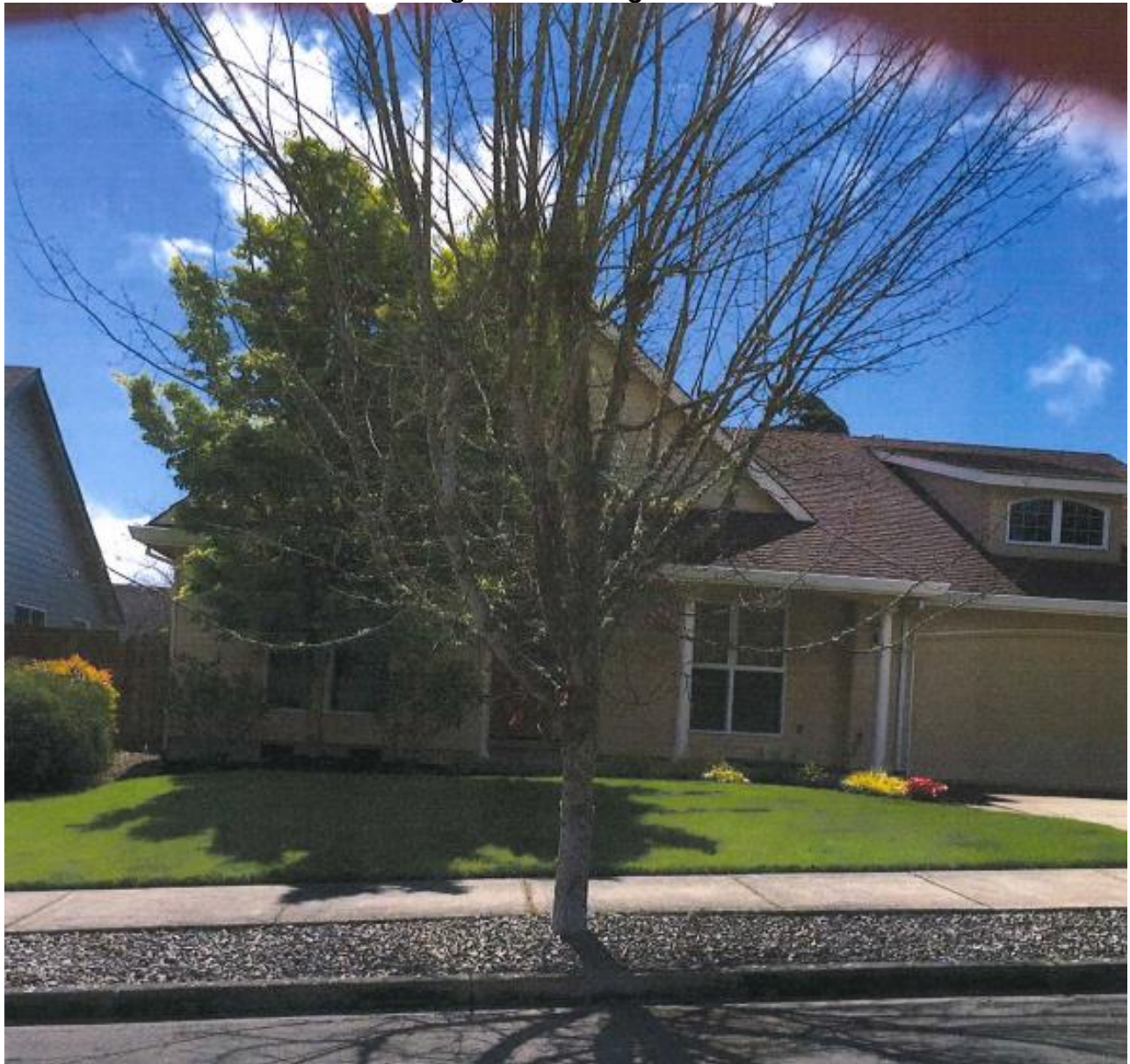
Figure 2: Site Plan



Attachments:

Attachments:
Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 2446 SW Barbara Street

Figure 3: Existing Tree



Attachments:

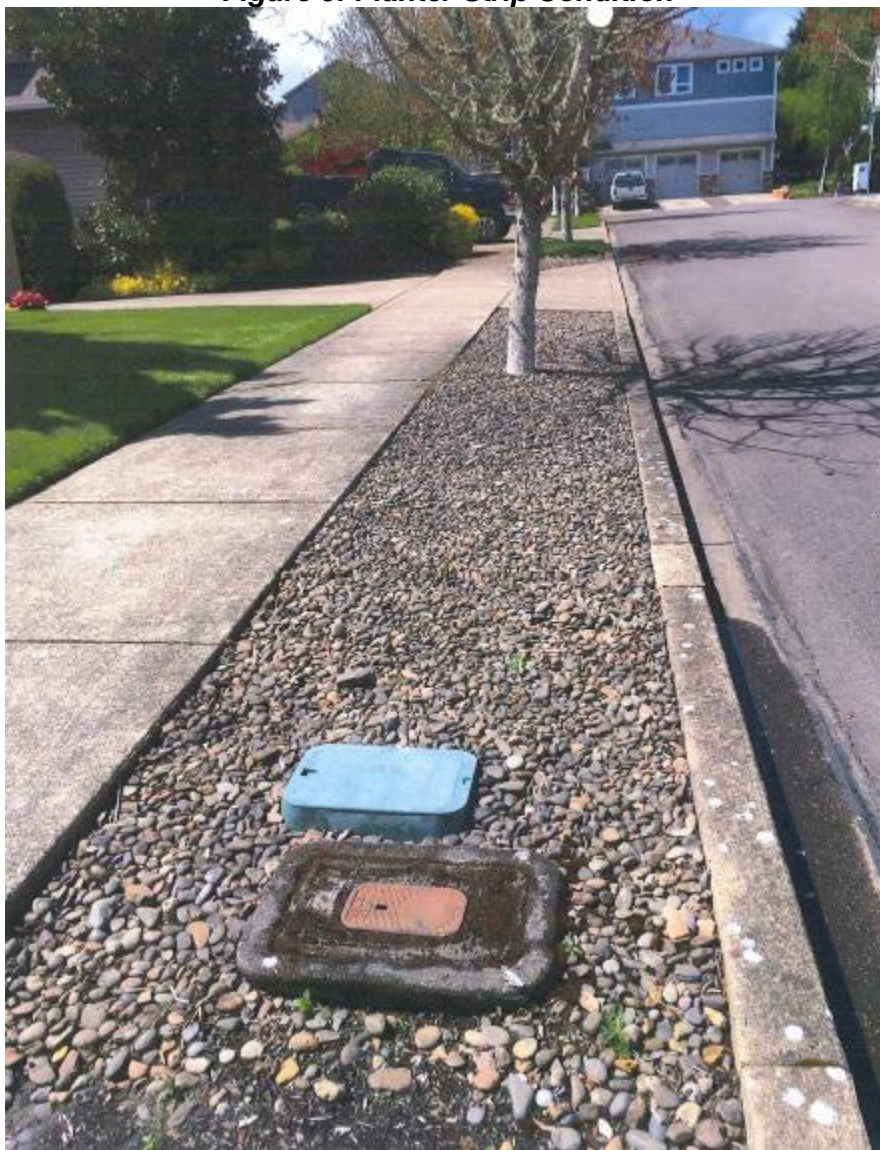
Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 2446 SW Barbara Street

Figure 4: Existing Tree



Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 2446 SW Barbara Street

Figure 5: Planter Strip Condition**Discussion:*****Summary of Criteria & Issues:***

The application requests approval of a tree removal permit for one (1) tree located within the public right-of-way. The Tree Removal Permit request is subject to the Tree Removal review criteria in Section 17.58.050 of the McMinnville Municipal Code (MMC).

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

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

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 2446 SW Barbara Street

The applicant has requested the removal of one (1) deciduous tree because it is standing dead. The tree has no evidence of sapwood or new growth in the branches, no new leaves, and shows no sign of vigor. Although no arborist report was submitted with the application, the evidence that the tree was dead is clear to a layman.

Since the tree is dead, criterion A for approval has been met, and removal of the tree is recommended.

Requirement of one (1) replacement street tree is recommended by Staff. No street tree plan for the Hillsdale 1st Addition is on file with the Planning Department, so a replacement tree selected from the recommended medium street trees in the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee, would be of appropriate size and character to remain consistent with surrounding street trees.

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 12-20 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 2446 SW Barbara Street



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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A TREE REMOVAL AT 2446 SW BARBARA STREET

DOCKET: L 12-20 (Street Tree Removal)

REQUEST: Approval to remove one (1) tree from the public right-of-way adjacent to the subject property because it is dead

LOCATION: 2446 SW Barbara Street (Tax Lot 6100, Section 19CA, T. 4. S., R. 4 W., W.M.)

ZONING: R-2 (Single-Family Residential Planned Development)

APPLICANT: Grace Allen, property owner

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: May 1, 2020

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

DECISION DATE & LOCATION: May 20, 2020, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, and Zoom Online Meeting ID 518 962 842.

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.

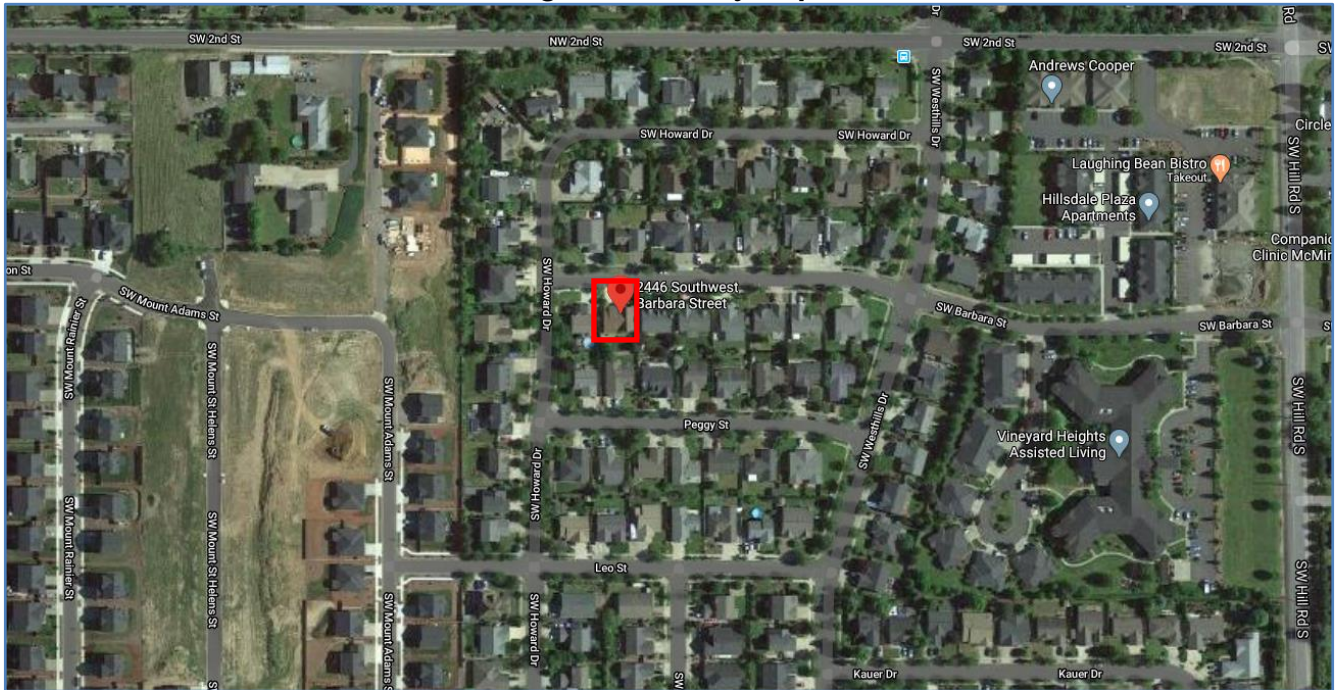
I. APPLICATION SUMMARY:

Subject Property & Request

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

The subject property is located at 2446 SW Barbara Street within the Hillsdale subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-2PD (Single-Family Residential Planned Development) and is developed with a single-family residence. The trees that are requested for removal are within the SW Barbara Street right-of-way. **See Figure 2 (Site Plan).**

Figure 1: Vicinity Map



Attachments:

Attachment 1 – Application and Attachments

Figure 2: Site Plan

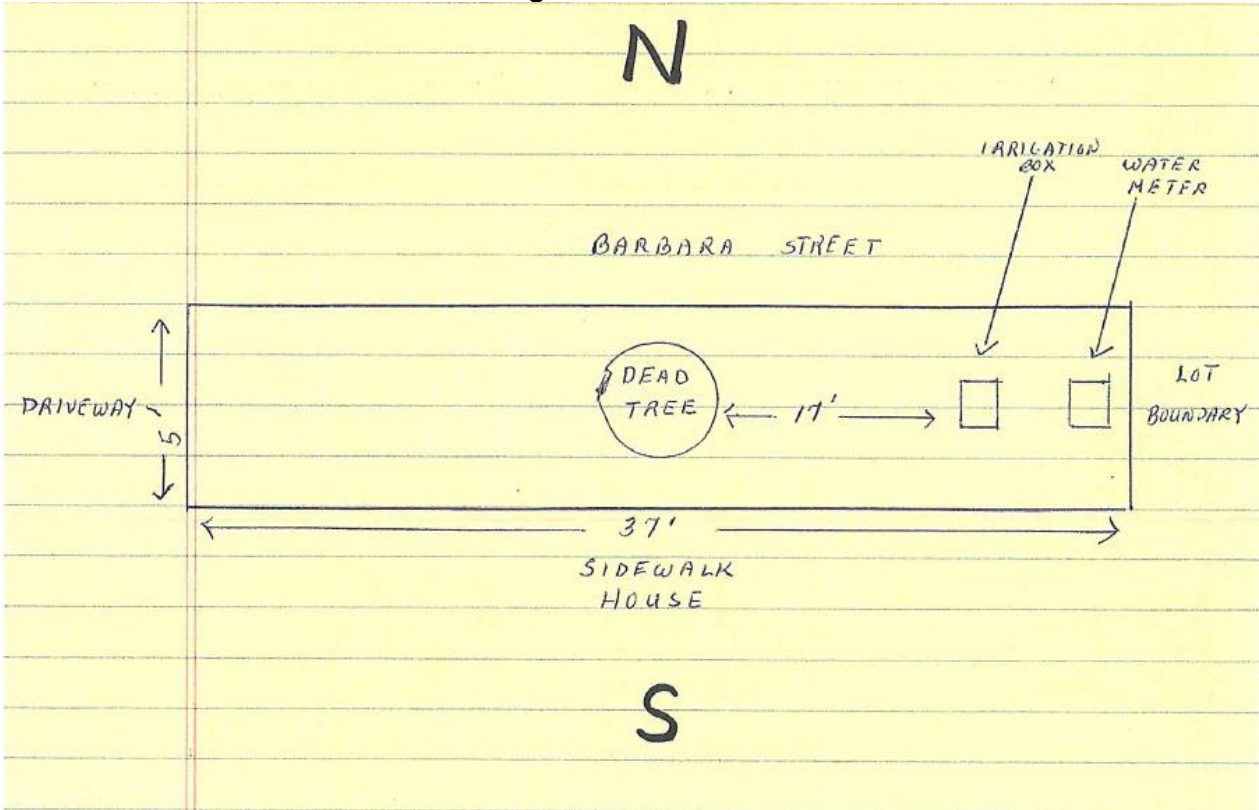


Figure 3: Existing Tree

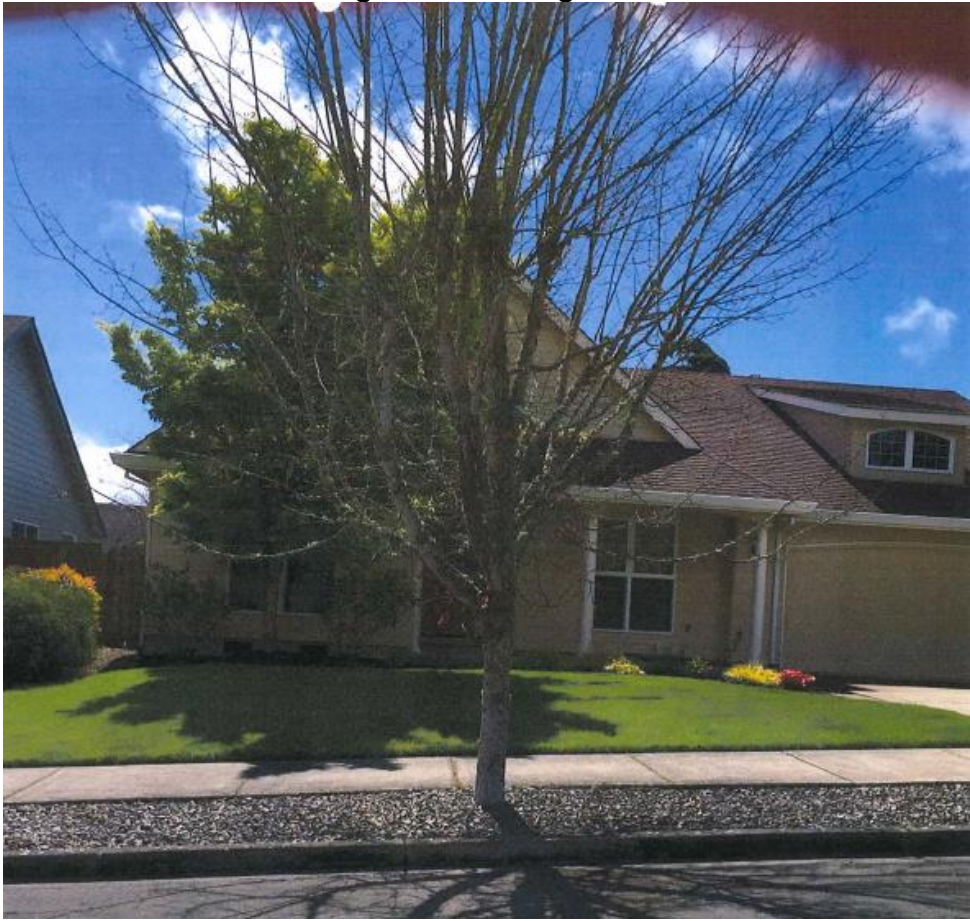


Figure 4: Existing Tree



Figure 5: Planter Strip Condition**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.

Attachments:

Attachment 1 – Application and Attachments

II. CONDITIONS:

1. That all costs and liability associated with tree removal, stump grinding, and tree replacement shall be borne by the applicant.
2. That the applicant 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 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 one (1) replacement street tree be planted in the SW Barbara 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 20, 2020.

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

III. ATTACHMENTS:

1. L 12-20 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. No comments have been received.

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. Grace Allen, property owner, submitted a Street Tree Removal Permit application on April 27, 2020.
2. The application was deemed complete on May 1, 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 20, 2020 to review the application and proposed street tree removal request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 2446 SW Barbara Street (Tax Lot 6100, Section 19CA, T. 4. S., R. 4 W., W.M.)
2. **Size:** 0.1492 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2PD (Single-family Residential Planned Development)
5. **Overlay Zones/Special Districts:** Planned Development Ordinance No. 4713
6. **Current Use:** Single-family dwelling
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None.

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- b. **Other:** None.
- 8. **Other Features:** None.
- 9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
- 10. **Transportation:** SW Barbara Street is classified as a Local Street 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.

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McMinnville Zoning Ordinance

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

Chapter 17.58 Trees

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Removal and replacement of the subject street tree 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. [...]

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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.

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 one (1) tree in the Barbara 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 Barbara Street planter strip adjacent to the subject property to replace tree proposed for removal.

There is no approved street tree plan for the Hillsdale First Addition subdivision on file with the Planning Department. Because there is no approved street tree for the subject site, a replacement tree selected from the recommended medium street trees in the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee, would be of appropriate size and character to remain consistent with surrounding street trees.

CONDITION FOR FINDING: That one (1) replacement street trees be planted in the SW Barbara 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.

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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 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.

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 20, 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. Other conditions are not necessary.

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

FINDING: SATISFIED. Staff concurs with the applicant's finding, but would note that an arborist's report was not included in the application materials. The tree in question is standing dead. The tree has no evidence of sapwood or new growth in the branches, no new leaves, and shows no sign of vigor. Although no arborist report was submitted with the application, the evidence that the tree was dead is clear to a layman. Therefore, since the tree is dead, criterion 'A' 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.

Attachments:

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- 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 one (1) replacement street tree be planted in the SW Barbara 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

5-9-20 000192-Ping

Office Use Only:	
File No.	<u>L12-20</u>
Date Received	<u>4-27-2020</u>
Fee	<u>150.00</u>
Receipt No.	<u>202275</u>
Received by	<u>SK</u>

Street Tree Removal

Applicant Information

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

Applicant Name GRACE ALLEN Phone (503) 550-1299

Contact Name _____ Phone _____
(If different than above)

Address 2446 SW BARBARA ST

City, State, Zip MCMINNVILLE OR 97128

Contact Email GRACEBLOGSANDCLOGS@gmail.com

Property Owner Information

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

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

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

Property Address 2446 SW BARBARA ST, MCMINNVILLE OR 97128
(Property nearest to tree(s) for removal)

Assessor Map No. R4 419 - CA - 06100 Total Site Area ACRES: 0.1492

Subdivision HILLS DALE Block _____ Lot 47

Comprehensive Plan Designation Res Zoning Designation R-2PD

Additional Information

1. How many trees are requested for removal? 1
2. What type (species) of tree(s) are they? DECIDUOUS
3. What is the diameter of the tree(s), measured four feet above ground level? 6 1/2 inches
4. Why are you requesting the removal of the noted tree(s)? (See "Removal Criteria" on attached Information Sheet.) Explain which of the criteria is addressed through this application.
A. The tree is unsafe, dead, or diseased as determined by
a Certified Arborist

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

- ☒ PLAN NOT DRAWN TO SCALE
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.

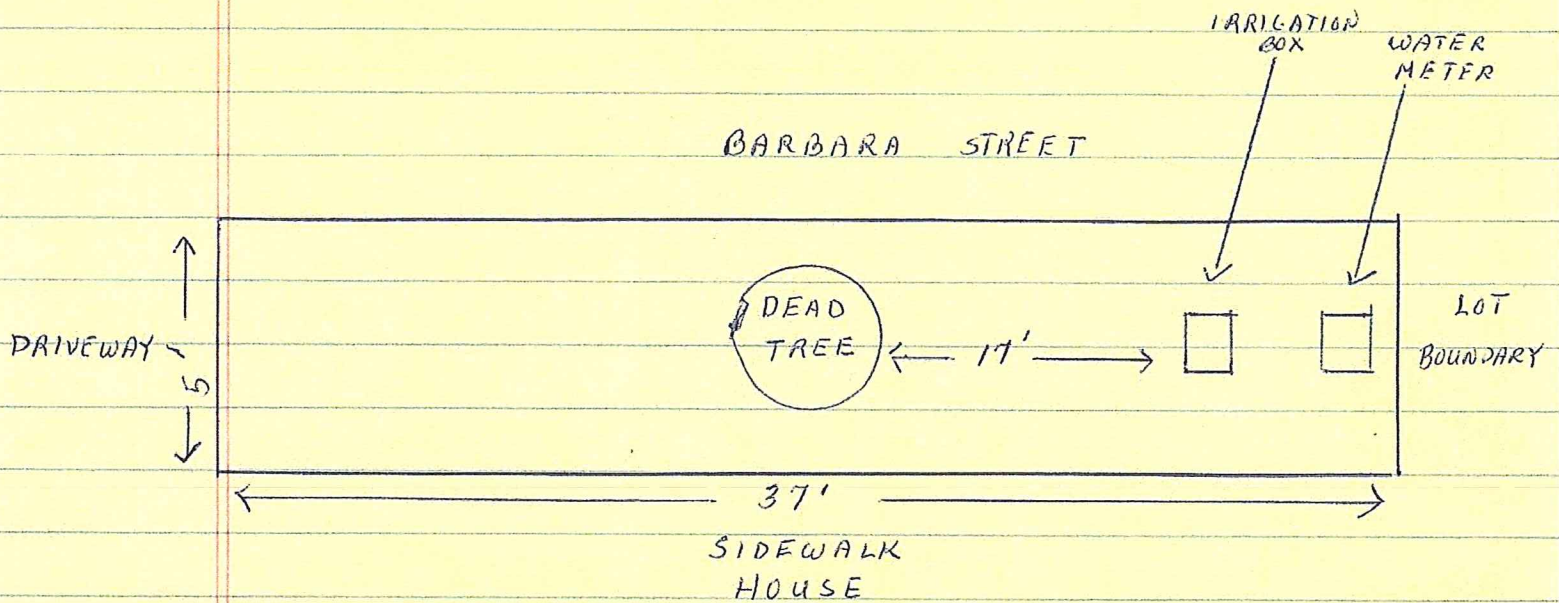
Grace Allen
Applicant's Signature

4-27-2020
Date

Grace Allen
Property Owner's Signature

4-27-2020
Date

N



S

Sketch is not drawn to scale

2446 SW BARBARA ST

MC MINNVILLE









