



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

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

**Landscape Review Committee**  
**Community Development Center, 231 NE 5<sup>th</sup> Street**  
**ZOOM Online Meeting:**

<https://mcminnvilleoregon.zoom.us/j/518962842?pwd=aEdRd2JjaThJSVNXdndKcHJyb0hiZz09>

**June 17, 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"> <li><b>1. Call to Order</b></li> <li><b>2. Citizen Comments</b></li> <li><b>3. Approval of Minutes</b> <ul style="list-style-type: none"> <li>A. November 20, 2019 (Exhibit 1)</li> <li>B. December 18, 2019 (Exhibit 2)</li> </ul> </li> <li><b>4. Action Items</b> <ul style="list-style-type: none"> <li>A. L 2-20 – Landscape Plan Review (Exhibit 3) 1805/1815 NE Colvin Court</li> <li>B. L 11-20 – Landscape Plan Review (Exhibit 4) 2515 NE Orchard Avenue</li> <li>C. L 15-20 – Street Tree Plan (Exhibit 5) Cottages at Chegwyn Village Phase II</li> </ul> </li> <li><b>5. Discussion Items</b></li> <li><b>6. Old/New Business</b></li> <li><b>7. Committee Member Comments</b></li> <li><b>8. Staff Comments</b></li> <li><b>9. Adjournment</b></li> </ol>

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

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](http://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: Jun 17, 2020 12:00 PM Pacific Time (US and Canada)</p> <p><b>Join Zoom Meeting via web:</b></p> <p><a href="https://mcminnvilleoregon.zoom.us/j/518962842?pwd=aEdRd2JjaThJSVNXdndKcHJyb0hiZz09">https://mcminnvilleoregon.zoom.us/j/518962842?pwd=aEdRd2JjaThJSVNXdndKcHJyb0hiZz09</a></p> <p>Meeting ID: 518 962 842 Password: 694642</p> <p><b>Join Zoom Meeting via phone:</b></p> <p>Dial by your location</p> <ul style="list-style-type: none"><li>+1 253 215 8782 US (Tacoma)</li><li>+1 346 248 7799 US (Houston)</li><li>+1 669 900 9128 US (San Jose)</li><li>+1 301 715 8592 US (Germantown)</li><li>+1 312 626 6799 US (Chicago)</li><li>+1 646 558 8656 US (New York)</li></ul> <p>Meeting ID: 518 962 842 Password: 694642</p>
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# EXHIBIT 1 - MINUTES

**November 20, 2019**  
**Landscape Review Committee**  
**Regular Meeting**

**12:00 pm**  
**Community Development Center**  
**McMinnville, Oregon**

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

**Members Absent:** None

**Staff Present:** Jamie Fleckenstein - Associate Planner

**Guests Present:** Taylor Alvarez, Bruce Billett, and Scott Rosenbalm

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## 1. Call to Order

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

## 2. Citizen Comments

None

## 3. Approval of Minutes

None

## 4. Action/Docket Item (repeat if necessary)

A. L 25-19 – Street Tree Removal - 2010 NE Tilbury Street

Associate Planner Fleckenstein described the street tree removal application for a large Douglas Fir tree on NE Tilbury Street that was between the sidewalk and the property line. There was repeated lifting and damage of the sidewalk immediately adjacent to the tree. It had lifted the sidewalk panel about 16 inches from the curb elevation and was a safety hazard.

Chair Stephenson noted Douglas Firs were not street trees on the approval list.

There was discussion about whether this was a street tree or not. Associate Planner Fleckenstein said it was a street tree due to its location in the right-of-way.

Associate Planner Fleckenstein said because of the damage and lifting of the sidewalk, staff recommended approval of the application and required a replacement tree to be located in the same general landscaping area from the small or medium street tree list.

Committee Member Gunter moved to approve L 25-19. The motion was seconded by Committee Member Caughran and passed 5-0.

#### B. L 26-19 – Street Tree Removal - 2378 SW Barbara Street

Associate Planner Fleckenstein discussed the street tree removal request. This was a Maple tree located in the planting strip on SW Barbara Street about 2.5 to 3 feet from the water meter. There was a large root that was starting to wrap around the meter box. It was also planted close to the driveway approach and the roots were contributing to the damage of the sidewalk panel next to the driveway. Based on the impact to the water meter infrastructure and sidewalk, staff recommended approval of the application. No replacement tree would be required because it would not meet the spacing standards for the water meter and driveway. The planting strip on the other side of the driveway already had a tree. The applicant would have to repair or replace the damage to the sidewalk.

Bruce Billett, applicant, said the tree was supposed to be planted 10 feet from the water meter and he wanted to find out why this happened. He would like to look at the records and regulations.

Committee Member Kearns said there were no rules when this was planted. It was a plan the landscape architect drew up and the trees were planted.

Associate Planner Fleckenstein said he could follow up with Mr. Billett regarding the records.

Mr. Billett needed to know where the water sources and sewer line were on his property so he did not plant on top of them. He would like to replace the tree. Associate Planner Fleckenstein would help coordinate all the information. There was a street tree plan for this subdivision which defined the trees that were acceptable to plant. As long as he was planting in compliance with the approved street tree plan, spacing, and tree planting requirements, there would be no permit required.

Committee Member McDaniel moved to approve L 26-19. The motion was seconded by Committee Member Caughran and passed 5-0.

## 5. Discussion Items

### A. McMinnville Water & Light Major Pruning Permit

Associate Planner Fleckenstein discussed McMinnville Water & Light's power line pruning clearance program. In the zoning ordinance there was a provision that major pruning of trees in the right-of-way required City approval and from time to time McMinnville Water & Light came across trees that required over 20% removal of the canopy in order to clear the power lines. He had been in discussions with McMinnville Water & Light for what the framework would be for a pruning permit to encompass this type of work. There had also been discussions regarding tracking the types of trees that were repeatedly requiring major pruning and if there should be a process for removing and replacing those trees with something that would be less maintenance. The Planning Department suggested an annual permit that would cover any 20% removal of tree canopy throughout the course of the year.



Scott Rosenbalm, representing McMinnville Water & Light, introduced himself and Taylor Alvarez, who was representing the pruning contractor. They followed accepted utility pruning practices and they were mandated to have vegetation management programs for safety and reliability. It used to be that the linemen pruned the trees without thinking about the health or aesthetics of the trees. Now they hired a contractor tree trimmer. They paid the contractor \$9,000 per week. There were several areas around town where the lines were there before the trees and they had to make it work together. They planned for a three year trimming cycle. They also took care of trees that were brought to their attention throughout the year and some trees needed pruning more often than three years. Cutting trees down and replacing them would be a long term solution.

Associate Planner Fleckenstein said through an annual renewable pruning permit there was the opportunity to establish a framework of guidelines and definitions to determine how many times they should prune a tree within a three year cycle. If there were trees that were continually problematic, they could track them and come up with solutions to address them.

Committee Member Kearns asked how many trees were being pruned every week. Mr. Alvarez said it was about 40 trees per week on average. Mr. Rosenbalm said they had about 180 miles of overhead primary line and there were overhead secondary lines as well.

Committee Member Kearns thought with the amount of money they were paying the contractor, they could remove and replace some of the problematic trees. Mr. Alvarez said for some of the trees it would be quicker to remove them than trying to prune them and more cost effective.

Mr. Rosenbalm pointed out that most of the lines were in the right-of-way. They were also required to share their poles with communications facilities. These facilities were often attached down as far as 13-14 feet on the poles. They trimmed for the safety and reliability around the power lines, and did not typically trim around the communication lines unless they were too close and would put undue stress on the poles.

Associate Planner Fleckenstein noted the current standard was to trim between 8 and 16 feet clear on all sides from the lines. Mr. Alvarez said that was why often the trees were pruned lower than the clearance because that was where they found the proper cuts defined by arborist standards. The other considerations were the species of the tree, growth rate, and removing any hazard limbs.

Associate Planner Fleckenstein thought there were many factors to take into consideration including safety and reliability of the service of the utility and aesthetics of the trees.

Committee Member Kearns thought for directly under power lines to not have any street trees but only groundcover. He thought when McMinnville Water & Light had to pay more for tree trimming, that cost was passed down to the customers. They would be costing customers more money by maintaining the trees planted under power lines. At \$9,000 per week, it was an expensive undertaking to have tree canopies under power lines.

There was discussion regarding undergrounding utilities in new developments and how there were still feeder lines and boxes that could be problematic.

Chair Stephenson suggested a visual map of the problem areas. Mr. Rosenbalm said they had not documented or identified the problem areas yet.

Associate Planner Fleckenstein said for the first couple of years of this permit process they could track and compile the data of where the problem trees were and at what rate they were re-growing into the power lines and if there was a cost benefit to replacing some of the trees.

Committee Member Kearns thought they could look at Google Earth and highlight where the main lines were and they would be able to see if all those trees were removed and only had grass under them, how much area they were talking about.

Chair Stephenson thought the Committee needed that to make the right decision.

Mr. Rosenbalm would look into providing the overlay.

Committee Member Kearns thought they should create an approved ground cover list for these situations as well.

Committee Member McDaniel wanted to make sure that they put thought into how they would discuss this with property owners.

There was consensus to continue this discussion at a future meeting.

#### **B. 2020 Work Plan**

Associate Planner Fleckenstein had updated the LRC's Work Plan for 2020. He asked if the Committee had items to add or delete.

Chair Stephenson thought they should add what they had just talked about, decreasing the tree canopy under main power lines.

Chair Stephenson left the meeting at 12:58 p.m.

The Committee reviewed the items on the Work Plan. Associate Planner Fleckenstein would bring the Work Plan back to the next meeting for adoption.

#### **6. Old/New Business**

None

#### **7. Committee Comments**

None

#### **8. Staff Comments**

Associate Planner Fleckenstein gave an update on Council's decisions on legislative changes and upcoming application for the Baker Creek North subdivision which would go to the Planning Commission and City Council instead of this Committee.

#### **9. Adjournment**

Vice Chair Gunter adjourned the meeting at 1:08 p.m.



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## EXHIBIT 2 - MINUTES

**December 18, 2019**  
**Landscape Review Committee**  
**Regular Meeting**

**12:00 pm**  
**Community Development Center**  
**McMinnville, Oregon**

**Members Present:** Josh Kearns, Tim McDaniel, and Rob Stephenson  
**Members Absent:** Rose Marie Caughran and Sharon Gunter  
**Staff Present:** Jamie Fleckenstein - Associate Planner  
**Guests Present:** Scott Hill – Mayor, Kellie Menke – City Councilor, Howard Aster and Paul Selke

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### 1. Call to Order

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

### 2. Citizen Comments

None

### 3. Approval of Minutes

A. July 17, 2019

Committee Member Kearns moved to approve the July 17, 2019 minutes. The motion was seconded by Committee Member McDaniel and passed 3-0.

### 4. Action/Docket Item (repeat if necessary)

A. L 21-19 – Street Tree Plan - Brookshire Estates Phase I

Associate Planner Fleckenstein said this was a continued application. The Committee had requested more regular spacing of the street trees where possible and some locations were identified where street trees were likely possible. A revised street tree plan had been submitted and the net result of the revisions was five additional street trees. The subdivision utilities and infrastructure was now constructed and there was no flexibility in moving them around. He thought street trees had been put everywhere possible.

Howard Aster and Paul Selke, applicants, discussed the constraints on the property due to where the driveways and utilities were located. They also explained the constraints on the corner lots as the City Engineer wanted them to be clear for site distance.

Associate Planner Fleckenstein said a condition was the street trees would be spaced at no more than 20 feet on center unless there was a driveway or utility there. That allowed for flexibility if the driveway was moved and there was room, a street tree could be planted.

There was discussion regarding whether or not street trees were site distance obstructions, especially in lightly traveled areas, and better coordination with the Engineering Department.

Chair Stephenson clarified there were 46 lots and 87 street trees going in, about two per lot. Associate Planner Fleckenstein said if the driveways shifted, there could be more added.

Committee Member Kearns moved to approve L 21-19. The motion was seconded by Committee Member McDaniel and passed 3-0.

#### B. L 28-19 – Street Tree Removal - 935 NE Hembree Street

Associate Planner Fleckenstein explained the street tree removal request on NE Hembree Street. It was a tree that had died and needed to be removed. In its place, the applicant proposed to plant either an Acer Griseum, Paperbark Maple, Cornus Kousa, or Prunus Serrulata. It was a location under some power lines and all of those trees were appropriately sized for that placement. The condition was that the replacement be one of those proposed trees or a tree from the small street tree list.

Committee Member Kearns moved to approve L 28-19. The motion was seconded by Committee Member McDaniel and passed 3-0.

#### C. L 30-19 – Tree Removal - 583 SW Westview Drive

Associate Planner Fleckenstein described the tree removal request for SW Westview Drive. This evergreen tree was on private property, but had roots that were lifting the adjacent sidewalk in the right-of-way. Staff was not recommending replacement of the tree. There was no curbside planter strip to replace the tree in the right-of-way. The sidewalk would need to be repaired or replaced.

Committee Member Kearns moved to approve L 30-19. The motion was seconded by Committee Member McDaniel and passed 3-0.

#### D. 2020 Work Plan Adoption

Associate Planner Fleckenstein had revised the Work Plan per the Committee's feedback over the last month. One of the top priorities in the Work Plan was a street tree inventory,

There was discussion regarding an inventory already done for 3<sup>rd</sup> Street, who would be doing the inventory, and how to update the list once it was generated.

Associate Planner Fleckenstein said there were a number of ways to do the inventory. The purpose of this data was to have a baseline for tree and canopy coverage in the City that they could use to project forward and look at how the urban forest was responding to environmental conditions due to climate change and growth in the City. Some cities set targets for a certain percentage of canopy coverage in public spaces. Without a baseline they would not know what to

work towards. Another thing to consider was the diversity of the urban forest. This was a carry-over from last year's Work Plan and the Planning Department had an initial budget of \$5,000 to \$10,000 to do the project.

Associate Planner Fleckenstein said other items on the Work Plan were continuing to work with McMinnville Water & Light on the power line and tree pruning program, creating a right tree for the right place informational pamphlet, reviewing and updating the street tree code to resolve conflicts between street trees and utilities and stormwater treatment, and planning the annual Arbor Day event in April.

Chair Stephenson asked if the tree issue was resolved for the Taylor Dale project. Associate Planner Fleckenstein said the final resolution was they were pouring the sidewalk and doing some extra reinforcement around the planting pits for all of the replacement trees as well as putting in the trees and the remainder of their fine was going into the Street Tree Fund for pilot projects on 3<sup>rd</sup> Street. They would not be putting in tree grates as they were not standard design details for downtown trees. The total penalty was \$46,500 and they had to put in the entire sidewalk including what the City would have been responsible for as well as replacing all of the trees at a larger caliper than the City would have replaced them, at a 4 inch caliper, and doing an additional reinforcement of the sidewalk. The remaining \$11,000 to \$12,000 would go to the fund. The cost of four 4x6 tree grates would have used up the remaining funds.

There was discussion regarding how a 2 inch caliper would have been better to plant than a 4 inch caliper.

Committee Member Kearns thought they needed to put some flexibility of the caliper size in the standards.

Committee Member Kearns moved to adopt the 2020 Work Plan. The motion was seconded by Committee Member McDaniel and passed 3-0.

## **5. Discussion Items**

None

## **6. Old/New Business**

None

## **7. Committee Comments**

Chair Stephenson asked about the Mahon Farm subdivision that had all the Birch trees removed and replaced with Maple trees. He asked if they had gotten permission to do so.

Associate Planner Fleckenstein said there was a landscape plan for the common area and replacements were required. If it was a one for one replacement, it did not need to come back to the Committee for approval.

## **8. Staff Comments**

Associate Planner Fleckenstein said Chair Stephenson had been reappointed to the Committee and Committee Member Caughran would not be returning. John Hall had been appointed to the

Committee. Planning Director Richards had sent an email to all City Committees regarding a survey about inclusivity from the University of Oregon.

## **9. Adjournment**

Chair Stephenson adjourned the meeting at 12:50 p.m.

DRAFT



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## EXHIBIT 3 - STAFF REPORT

DATE: June 17, 2020  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Agenda Item 4A – Landscape Plan Review Application (L 2-20)

### 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

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### Report in Brief:

Continuation of an application for a landscape plan review (L 2-20) for an industrial warehouse development in the Northeast Industrial Area in northeast McMinnville to be reviewed by the Landscape Review Committee.

### Background:

The application requests approval of a landscape plan (L 2-20) for an industrial warehouse development in the Northeast Industrial Area. The original landscape plan application was reviewed by the Landscape Review Committee at their February 19, 2020 meeting, where the committee voted to continue the application. The committee recommended that the applicant revise the landscape plan to reflect the utilities in the public right-of-way below the new curbside planting strips that restrict the planting of street trees and other landscaping. This is the consideration of a revised landscape plan for the proposed industrial development.

The applicant and property owner, Premier Home Builders, Inc., submitted a revised landscape plan associated with a building permit for development of two (2) industrial buildings located at 1805/1815 NE Colvin Court, the northwest corner of the NE Rivergate Street and NE Colvin Court intersection. The subject property is more specifically described as Tax Lot 3321, Section 15, T. 4. S., R. 4 W., W.M. **See Figure 1 (Vicinity Map).** The property is zoned M-2PD (General Industrial Planned Development). **See Figure 2 (Zoning Map).**

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#### *Attachments:*

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1805/1815 NE Colvin Court*

*Attachment B – Application Materials*

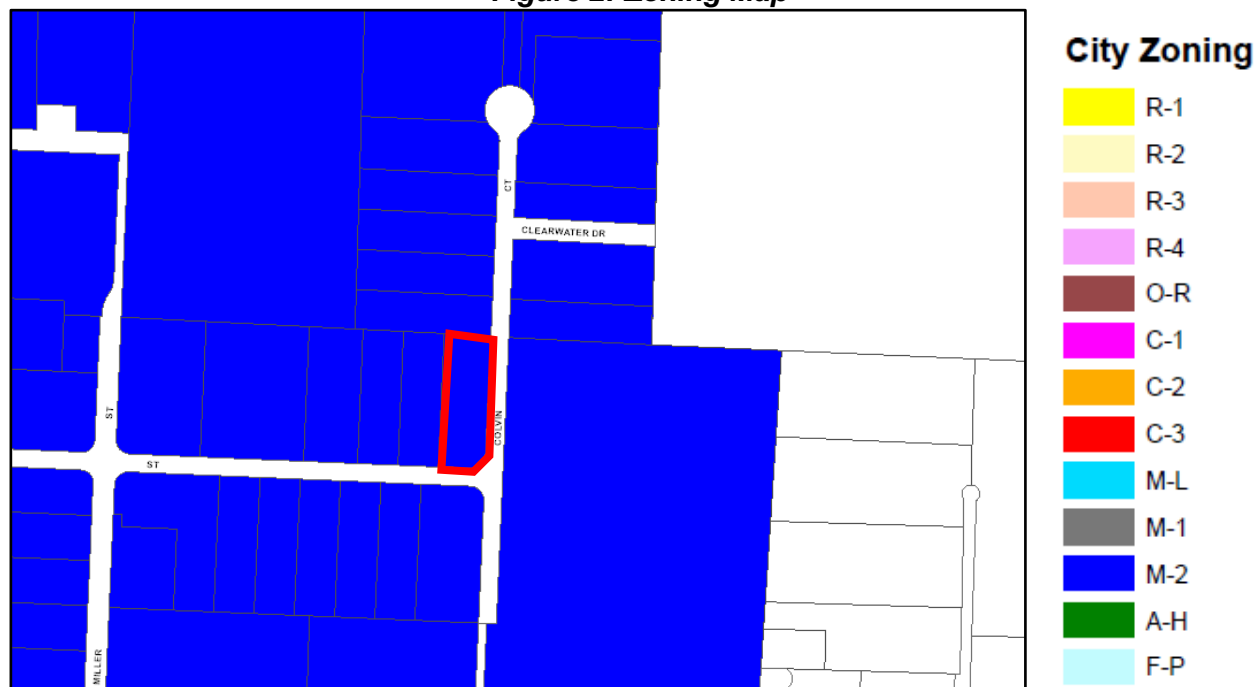
The site is currently undeveloped. A fenced storage area is located at the north end of the site. A row of small deciduous trees is between the fenced area and Colvin Court. All adjacent and surrounding properties are zoned M-2PD and are in the Northeast Industrial Area. Immediately north of the subject site is the Amerson Precision Sheet Metal facility. **See Figures 3 & 4 (Existing Conditions).**

The site plan features two (2) industrial buildings located on the western portion of the property, with off street parking located on the eastern portion of the site. The parking lot would be accessed from NE Colvin Court. The landscape plan addresses landscaping for the entire site. **See Figure 5 (Site Plan), Figure 6 (Landscape Plan) and Figure 7 (Plant Schedule).**

**Figure 1: Vicinity Map**



**Figure 2: Zoning Map**



**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1805/1815 NE Colvin Court

Attachment B – Application Materials



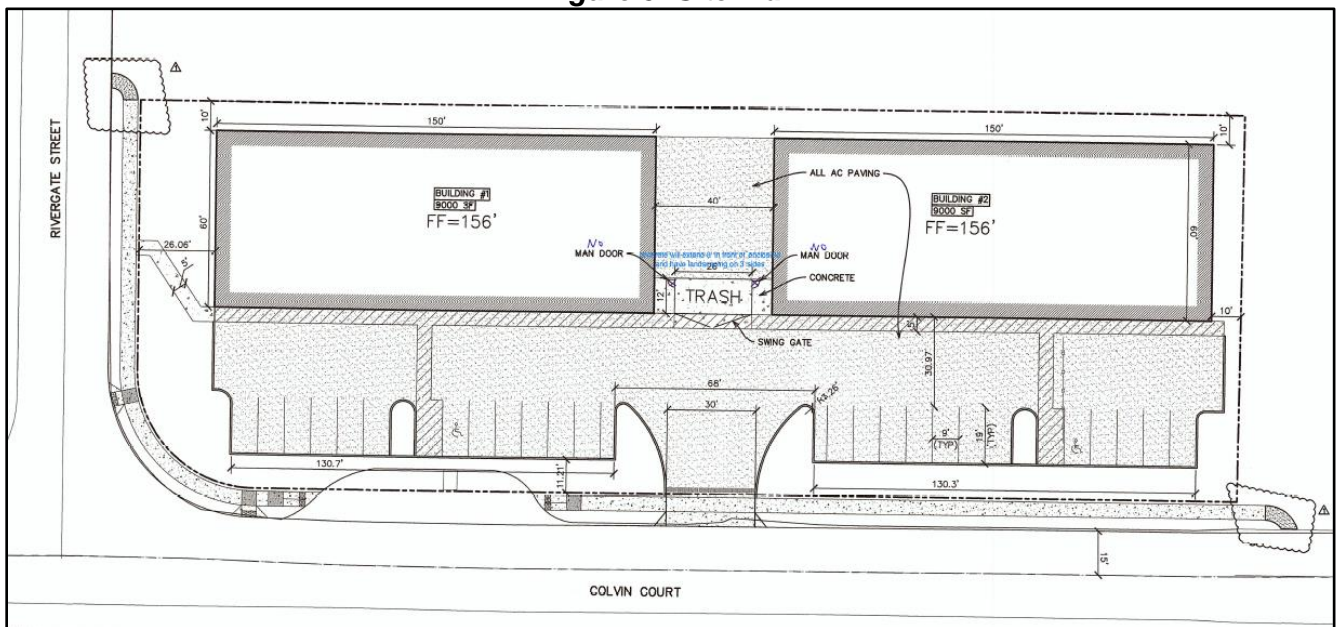
**Figure 3: Existing Conditions (looking N from Rivergate Street)**



**Figure 4: Existing Conditions (looking W from Colvin Court)**



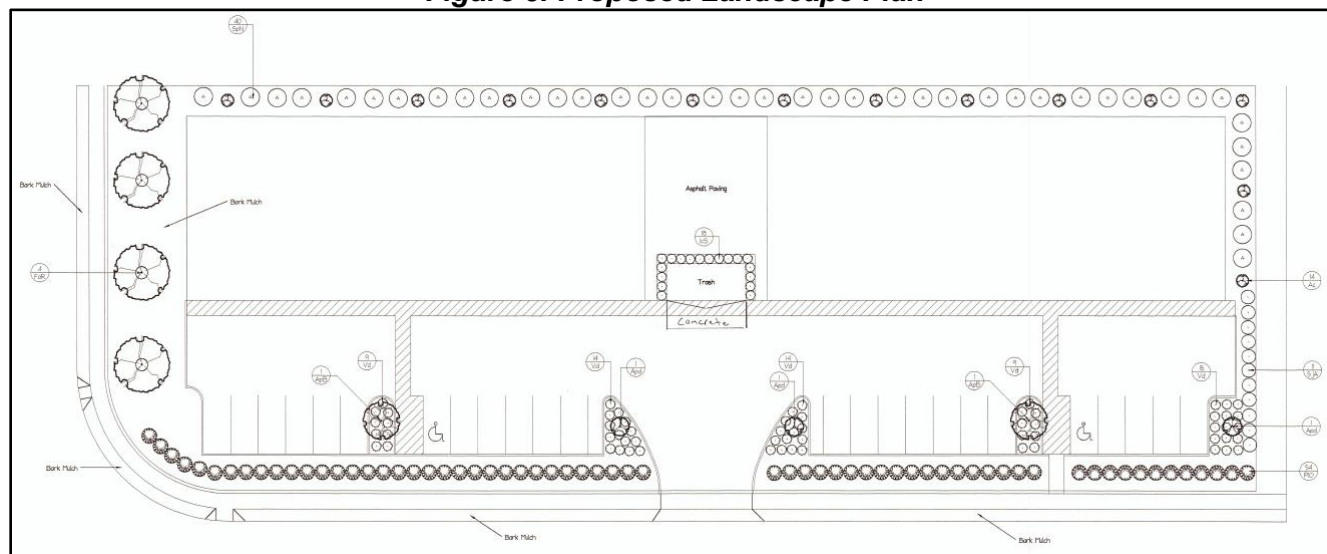
**Figure 5: Site Plan**



**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1805/1815 NE Colvin Court

Attachment B – Application Materials

**Figure 6: Proposed Landscape Plan****Figure 7: Proposed Plant Schedule**

Key	Qty	Botanical Name	Common Name	Size/Condition
<b>Trees</b>				
Ac	14	Acer circinatum	VINE MAPLE	5-7'
Apd	3	Acer palmatum dissectum 'Crimson Queen'	CRIMSON QUEEN JAPANESE THREADLEAF MAPLE	2-3' branched
FaR	4	Fraxinus angustifolia 'Raywood'	RAYWOOD CLARET ASH	2" cal.
<b>Shrubs</b>				
ApB	2	Acer palmatum 'Bloodgood'	BLOODGOOD JAPANESE MAPLE	6-7'
IcS	18	Ilex crenata 'Sky Pencil'	SKY PENCIL JAPANESE HOLLY	5 gal.
PIO	54	Prunus laurocerasus 'Otto Luyken'	OTTO LUYKEN CHERRY LAUREL	5 gal.
SpN	40	Salix purpurea 'Nana'	NANA BASKET WILLOW	5 gal.
SJA	11	Spiraea japonica 'Anthony Waterer'	ANTHONY WATERER SPIREA	5 gal.
Vd	61	Viburnum davidii	DAVID VIBURNUM	3 gal.

**Discussion:**

Decisions and/or recommendations for both 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 M-2PD (General Industrial Planned Development). The Northeast Industrial Area Planned Development Overlay (Ordinance No. 4139) is applicable as an overlay to the industrial zoning of the site, but has no additional landscaping requirements beyond the standards outlined in McMinnville Municipal Code (MMC) Chapter 17.57-Landscaping. MMC Section 17.57.030 requires

**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1805/1815 NE Colvin Court

Attachment B – Application Materials

landscaping in the M-2 zone, therefore landscaping is required in accordance with Chapter 17.57 - Landscaping.

MMC Section 17.58.080 requires street trees to be planted at all new industrial development which has a designated curb-side planting strip. NE Rivergate Street and NE Colvin Court will be improved with curb and gutter, curbside planter strip, and sidewalks as part of the development. Therefore, street trees would be required within the rights-of-way along the property's frontage in accordance with the standards found in Chapter 17.58 – Trees. However, the location of utilities below the new curbside planter strips restricts the placement of street trees along the property's frontage.

The Landscape Plan Review (L 2-20) request is subject to the planning factors in Section 17.57.070 of the MMC, including a requirement to provide landscaping at a minimum of seven (7) percent of the gross area. Additionally, the Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.
5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas.

### ***Analysis of Landscape Plan Review Request***

The applicant's landscape plan proposes a large percentage of landscaping on the site (approximately 25 percent) which is considerably more landscaping than required. Groupings of trees and shrubs around the site perimeter and internal to the parking lot meet many of the planning factors above and help achieve the purpose of the landscape chapter of MMC.

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

<b>Issue</b>	<b>Notes</b>	<b>Condition to Help Meet Criteria</b>
Compatibility with the project and surrounding properties and uses	<ul style="list-style-type: none"> <li>• Proposed landscaping is generally compatible with adjacent properties with similar zoning/uses</li> <li>• No planting or street trees shown above sewer force main and storm sewer lines below planting strips</li> </ul>	N/A

#### ***Attachments:***

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1805/1815 NE Colvin Court*

*Attachment B – Application Materials*

Issue	Notes	Condition to Help Meet Criteria
Screening the proposed use	<ul style="list-style-type: none"> <li>• Similar zoning/uses of adjacent properties doesn't require significant screening</li> <li>• Shade trees, evergreen shrubs provide screening of parking lot</li> </ul>	N/A
Retention of existing trees	<ul style="list-style-type: none"> <li>• Seven (7) small existing trees aren't feasible to retain with site and street improvements</li> </ul>	N/A
Parking lot islands and planting	<ul style="list-style-type: none"> <li>• Parking lot islands provided with evergreen shrubs and small deciduous trees</li> </ul>	N/A
Use of suitable street trees	<ul style="list-style-type: none"> <li>• No street trees required due to sewer force main and storm sewer lines below planting strips</li> </ul>	
Irrigation system or water facilities	<ul style="list-style-type: none"> <li>• Landscape areas to receive automatic irrigation system.</li> </ul>	N/A
Landscaping req'd around trash enclosure	<ul style="list-style-type: none"> <li>• Landscaping provided on 3 sides of trash enclosure</li> </ul>	

### ***Staff-Suggested Conditions of Approval***

1. That the applicant shall install landscaping as shown on the landscape plan dated May 8, 2020.
2. 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.
3. 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.
4. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

### **Fiscal Impact:**

#### *Attachments:*

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1805/1815 NE Colvin Court*

*Attachment B – Application Materials*



None.

**Landscape Review Committee Options:**

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

**Staff Recommendation:**

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

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

**Suggested Motion:**

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE LANDSCAPE PLAN REVIEW APPLICATION L 2-20 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

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**Attachments:**

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1805/1815 NE Colvin Court*

*Attachment B – Application Materials*



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

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

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A LANDSCAPE PLAN REVIEW AT 1805/1815 NE COLVIN COURT**

**DOCKET:** L 2-20 (Landscape Plan)

**REQUEST:** Approval of a Landscape Plan for an Industrial Warehouse Development

**LOCATION:** 1805/1815 NE Colvin Court (Tax Lot 3321, Section 15, T. 4. S., R. 4 W., W.M.)

**ZONING:** M-2PD (General Industrial Planned Development)

**APPLICANT:** Dave Ryan, Premier Home Builders Inc., property owners

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

**DATE DEEMED COMPLETE:** January 21, 2019

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

**HEARING DATE & LOCATION:** June 17, 2020, Community Development Center, 231 NE 5<sup>th</sup> 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.

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 2-20) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Date: June 17, 2020Date: June 17, 2020

## **I. APPLICATION SUMMARY:**

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

The application requests approval of a landscape plan (L 2-20) for an industrial warehouse development in the Northeast Industrial Area.

The applicant and property owner, Premier Home Builders, Inc., submitted a landscape plan associated with a building permit for development of two (2) industrial buildings located at 1805/1815 NE Colvin Court, the northwest corner of the NE Rivergate Street and NE Colvin Court intersection. The subject property is more specifically described as Tax Lot 3321, Section 15, T. 4. S., R. 4 W., W.M. **See Figure 1 (Vicinity Map).** The property is zoned M-2PD (General Industrial Planned Development). **See Figure 2 (Zoning Map).**

The site is currently undeveloped. A fenced storage area is located at the north end of the site. A row of small deciduous trees is between the fenced area and Colvin Court. All adjacent and surrounding properties are zoned M-2PD and are in the Northeast Industrial Area. Immediately north of the subject site is the Amerson Precision Sheet Metal facility. **See Figures 3 & 4 (Existing Conditions).**

The site plan features two (2) industrial buildings located on the western portion of the property, with off street parking located on the eastern portion of the site. The parking lot would be accessed from NE Colvin Court. The landscape plan addresses landscaping for the entire site. **See Figure 5 (Site Plan), Figure 6 (Landscape Plan) and Figure 7 (Plant Schedule).**

**Figure 1: Vicinity Map**



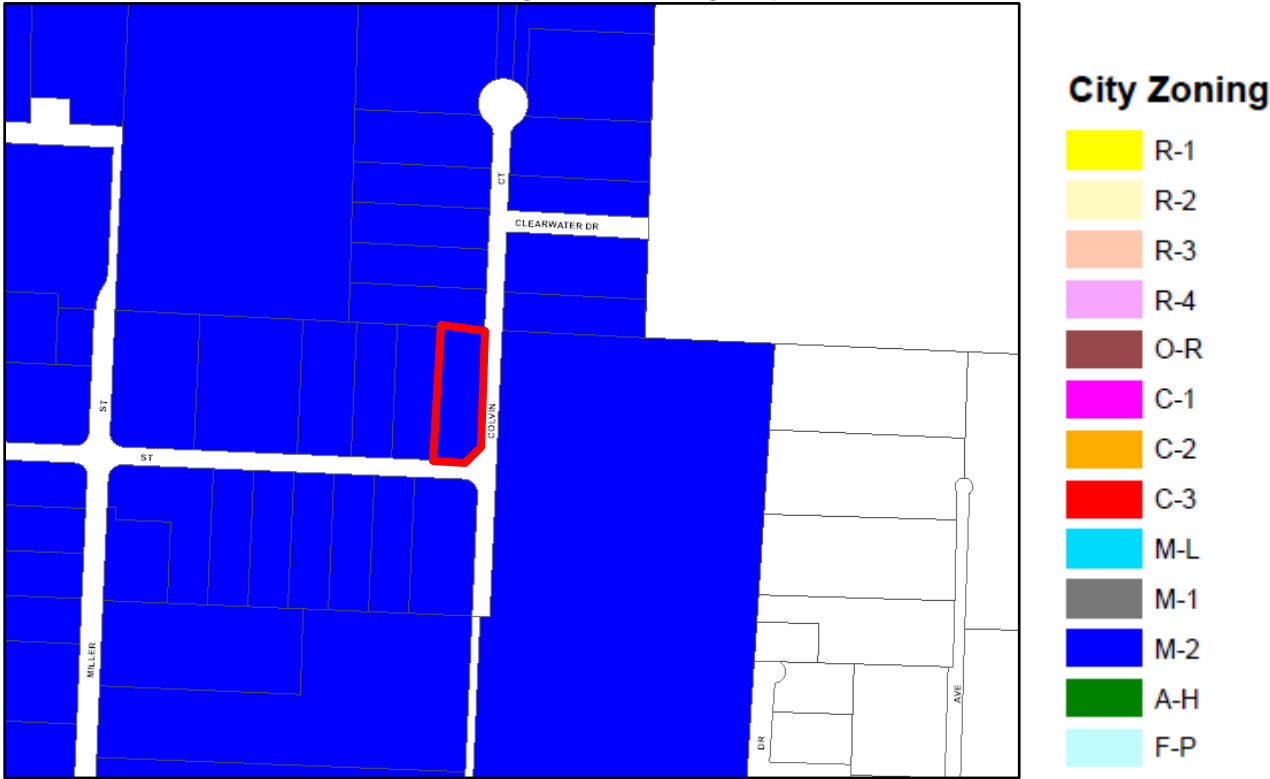

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### ***Attachments :***

Attachment 1 – Application and Attachments



**Figure 2: Zoning Map**



**Figure 3: Existing Conditions (looking N from Rivergate Street)**



**Figure 4: Existing Conditions (looking W from Colvin Court)**



Figure 5: Site Plan

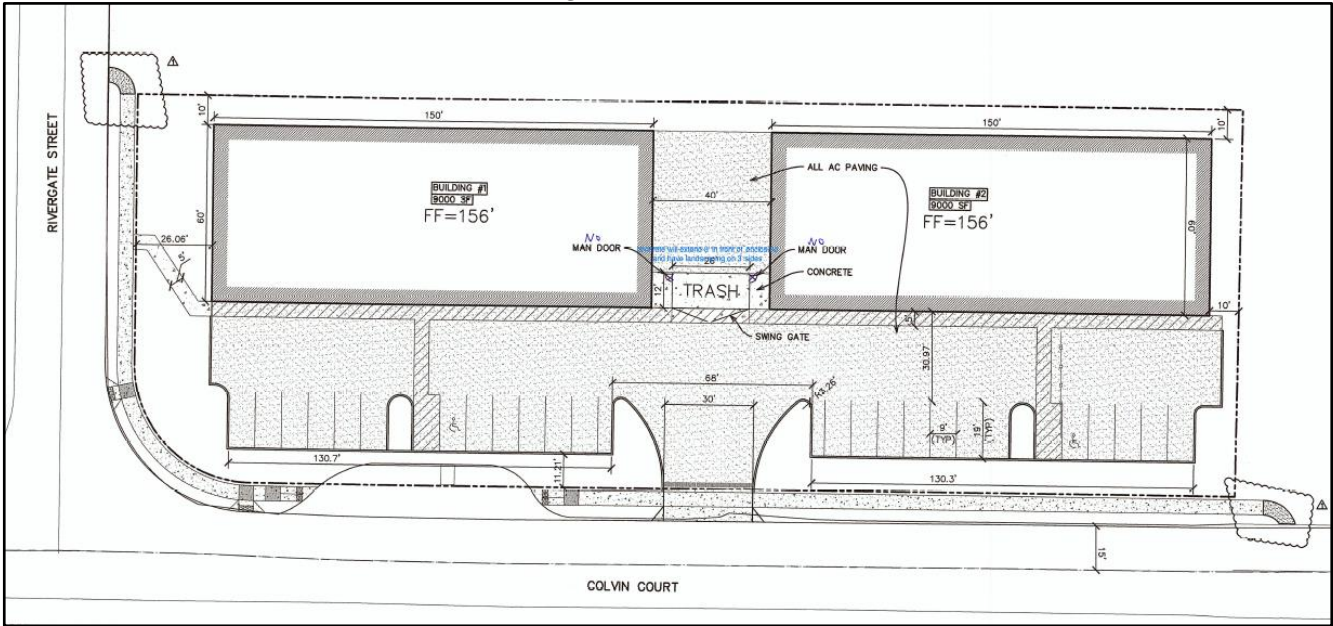


Figure 6: Proposed Landscape Plan

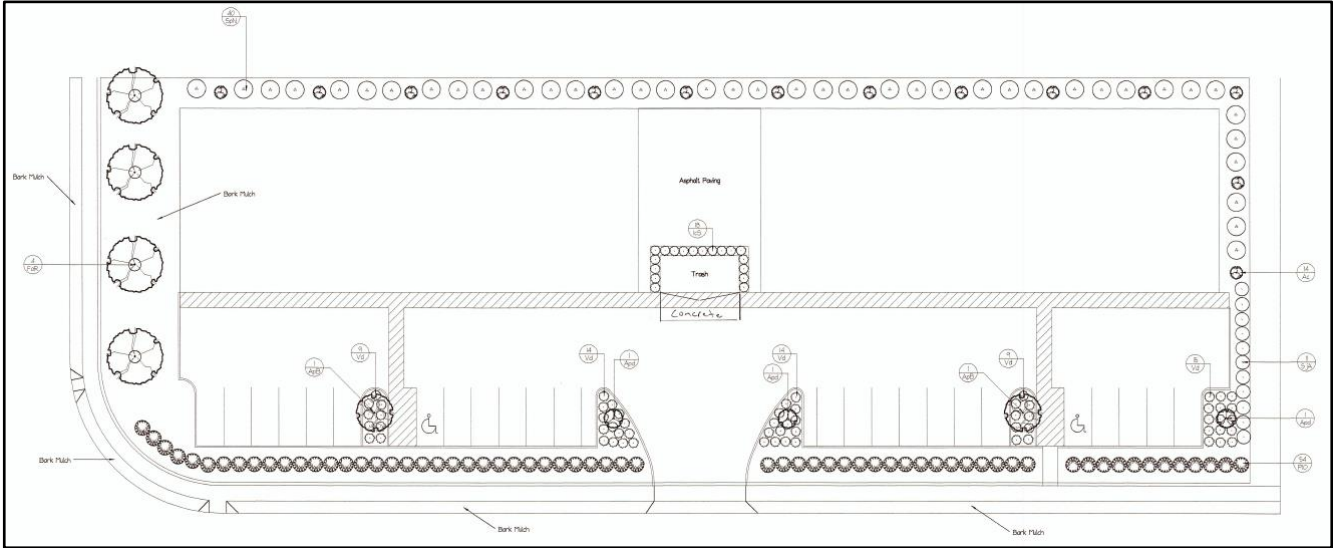


Figure 7: Proposed Plant Schedule

Key	Qty	Botanical Name	Common Name	Size/Condition
Trees				
Ac	14	Acer circinatum	VINE MAPLE	5-7'
Apd	3	Acer palmatum dissectum 'Crimson Queen'	CRIMSON QUEEN JAPANESE THREADLEAF MAPLE	2-3' branched
FaR	4	Fraxinus angustifolia 'Raywood'	RATWOOD CLARET ASH	2" cal.
Shrubs				
ApB	2	Acer palmatum 'Bloodgood'	BLOODGOOD JAPANESE MAPLE	6-7'
IcS	18	Ilex crenata 'Sky Pencil'	SKY PENCIL JAPANESE HOLLY	5 gal.
PLO	54	Prunus laurocerasus 'Otto Luyken'	OTTO LUYKEN CHERRY LAUREL	5 gal.
SpN	40	Salix purpurea 'Nana'	NANA BASKET WILLOW	5 gal.
SJA	11	Spiraea japonica 'Anthony Waterer'	ANTHONY WATERER SPIREA	5 gal.
Vd	61	Viburnum davidii	DAVID VIBURNUM	3 gal.

**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. 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 M-2PD (General Industrial Planned Development). The Northeast Industrial Area Planned Development Overlay (Ordinance No. 4139) is applicable as an overlay to the industrial zoning of the site, but has no additional landscaping requirements beyond the standards outlined in McMinnville Municipal Code (MMC) Chapter 17.57-Landscaping. MMC Section 17.57.030 requires landscaping in the M-2 zone, therefore landscaping is required in accordance with Chapter 17.57 - Landscaping.

MMC Section 17.58.080 requires street trees to be planted at all new industrial development which has a designated curb-side planting strip. NE Rivergate Street and NE Colvin Court will be improved with curb and gutter, curbside planter strip, and sidewalks as part of the development. Therefore, street trees would be required within the rights-of-way along the property's frontage in accordance with the standards found in Chapter 17.58 – Trees. However, the location of utilities below the new curbside planter strips restricts the placement of street trees along the property's frontage.

**II. CONDITIONS:**

1. That the applicant shall install landscaping as shown on the landscape plan dated May 8, 2020.
2. 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.
3. 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.
4. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

**III. ATTACHMENTS:**

1. L 2-20 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:

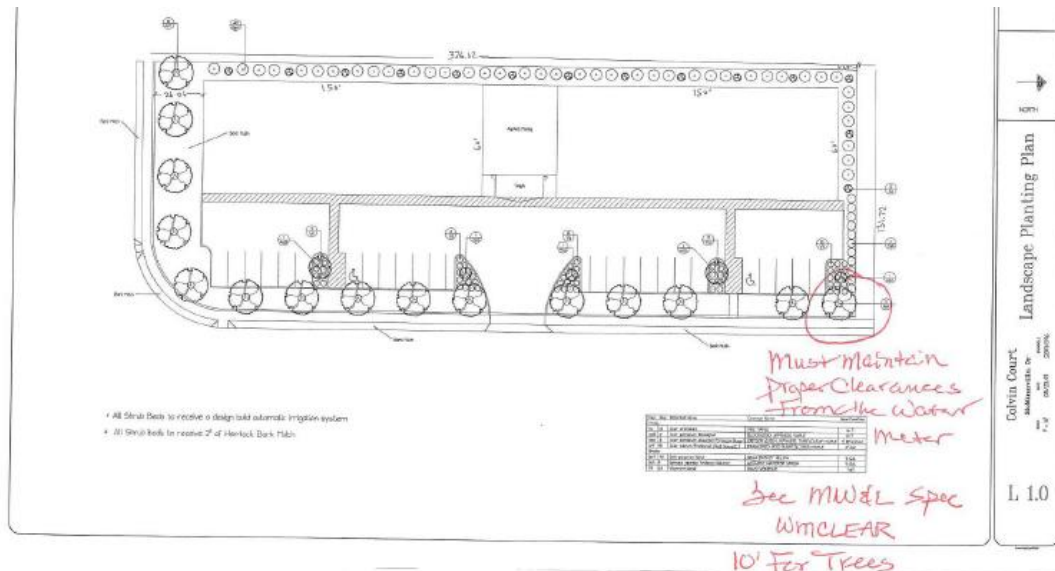
- McMinnville Water and Light:

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*Attachments :*

Attachment 1 – Application and Attachments





Clearances around the water meter must be maintained. See MW&L Spec WMCLEAR for clearances that is attached to this email. Trees are a minimum of 10' from a water meter.

- McMinnville Public Works Department:

[...] the trees look to be proposed to go directly over the sewer force main adjacent to the site.  
[...] So my concern would be that we know that the trees are not going to wind up conflicting with that force main.

### 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. Dave Ryan of Premier Home Builders Inc., property owners, submitted a landscape plan review application on January 15, 2020.
2. The application was deemed complete on January 21, 2020.
3. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
4. No public notice of the application was provided by the City of McMinnville, as 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 February 19, 2020 to review the application and proposed landscape plan. The Landscape Review Committee voted to continue the application.
6. Revised application materials were submitted on May 11, 2020.

### Attachments :

Attachment 1 – Application and Attachments

7. A public meeting was held by the Landscape Review Committee on June 17, 2020 to review the revised application and proposed landscape plan.

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

1. **Location:** 1805/1815 NE Colvin Court (Tax Lot 3321, Section 15, T. 4. S., R. 4 W., W.M.)
2. **Size:** approximately 49,300 square feet (1.13 acres)
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:** M-2PD (General Industrial Planned Development)
5. **Overlay Zones/Special Districts:** Northeast Industrial Area Planned Development Overlay
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None identified
8. **Other Features:**
  - a. **Slope:** The site is relatively flat.
  - b. **Trees:** Seven (7) small deciduous trees are present along NE Colvin Court.
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. An 18" sewer force main is present in the public utility easement adjacent to NE Colvin Court.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** The site is adjacent to NE Colvin Court to the west, which is classified as a local street in the McMinnville Transportation System Plan. The site is also adjacent to NE Rivergate Street to the south, which is classified as a local street in the McMinnville Transportation System Plan.

## **VII. CONCLUSIONARY FINDINGS:**

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

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

### **Comprehensive Plan Volume II:**

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

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#### *Attachments :*

Attachment 1 – Application and Attachments

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.

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**Attachments :**

Attachment 1 – Application and Attachments

- 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 as proposed and with required conditions would enhance the appearance of the city and will benefit the economic, ecological, and aesthetic environment of the city. The landscape plan as proposed generally meets the intent and purpose of the Landscaping chapter, as described in the findings for the specific landscape plan review criteria below.

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

H. M-2 (General Industrial zone).

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is zoned M-2 (General Industrial) and landscaping is being provided as required.

**17.57.070 Area Determination – Planning Factors.**

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The application indicates the following Percent Landscaped for the proposed industrial development:

	Total Area (s.f.)	Landscape Provided (s.f.)	Percentage
Proposed Development	49,300	12,078	25%

The proposed landscaping exceeds the seven (7) percent minimum landscaping requirement for industrial 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:

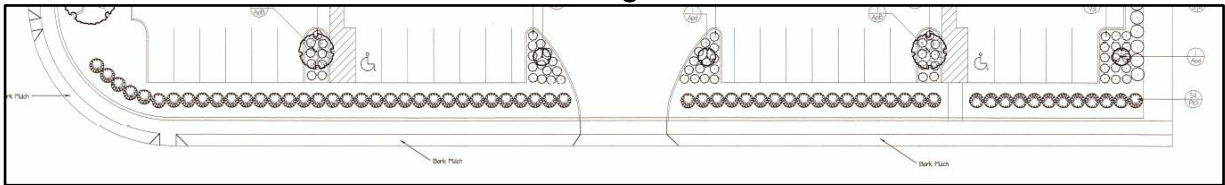
**17.57.070(B)(1).** *Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed project is the development of two (2) industrial warehouse buildings and associated off-street parking areas in the Northeast Industrial Area. Adjacent and surrounding properties are all zoned M-2PD and are within the Northeast Industrial Area as well. Properties to the east and west are undeveloped. Properties to the north and south are developed with industrial uses.

The proposed landscape plan features planting around the perimeter of the site, as well as planting interior to the parking lot. **See Figures 8-11.**

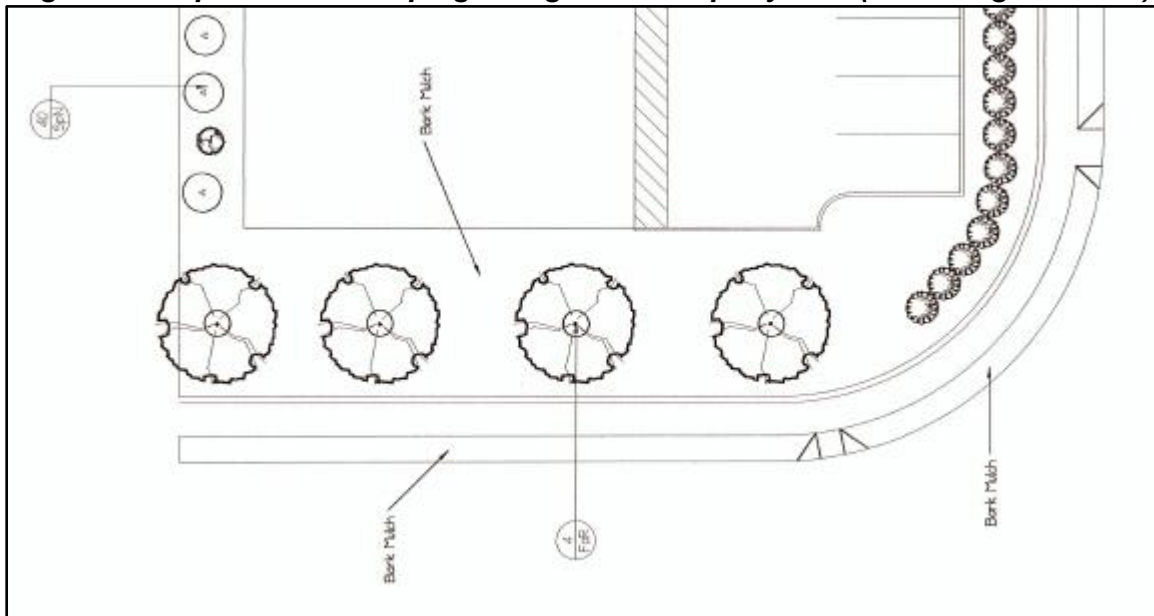
**Figure 8: Proposed Landscaping Along East Property Line (NE Colvin Court) and Parking Lot**



Proposed landscaping along the eastern edge of the subject site is a hedge of *Prunus laurocerasus* 'Otto Luyken' (Otto Luyken Laurel) planted between the parking lot and the sidewalk. Otto Luyken Laurel are evergreen shrubs that grow up to four (4) feet tall and six (6) feet wide. The proposed hedge would provide screening and buffering of the parking area. The presence of a force sewer main in the public utility easement adjacent to the Colvin Court right-of-way restricts the planting of trees in the easement due to the setback requirements from sewer lines. City of McMinnville standards require a ten (10) foot setback from sewer mains for trees. Both the planting area and the planter strip between the curb and the sidewalk are proposed to be covered in bark mulch. Street improvements associated with the project will replace the existing drainage ditch with a culvert below planting strip. The culvert just below the surface of the planting strip limits the ability to plant trees or vegetation in the planting strip. The surface treatment of bark mulch in the landscape areas is similar to other nearby industrial properties along Colvin Court.

Five (5) parking lot planting islands are proposed along the eastern edge of the parking area. Each planting island has a small deciduous tree, either *Acer palmatum* 'Bloodgood' (Bloodgood Japanese Maple) or *Acer palmatum dissectum* 'Crimson Queen' (Crimson Queen Japanese Maple) with flowering evergreen *Viburnum davidii* (David Viburnum) shrubs below.

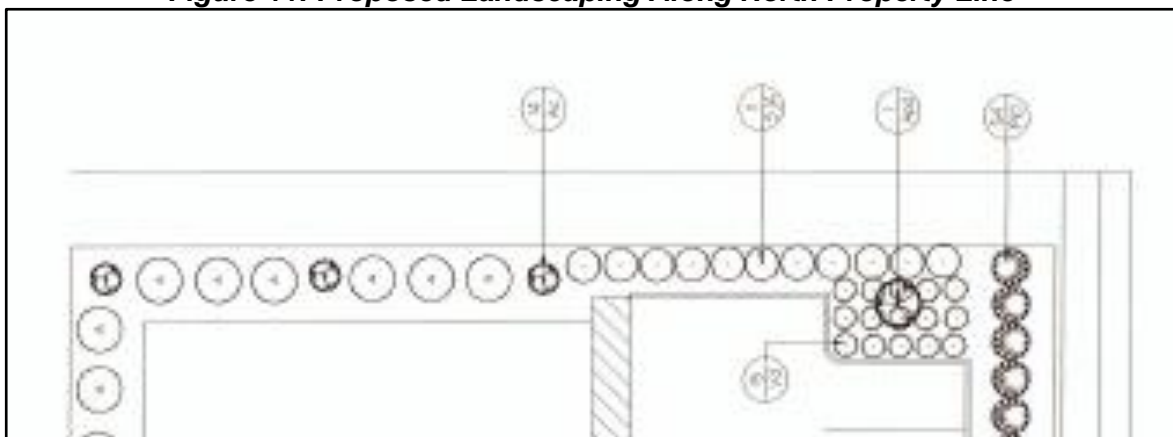


**Figure 9: Proposed Landscaping Along South Property Line (NE Rivergate Street)**

Proposed landscaping along the southern edge of the subject site includes 4 *Acer rubrum* 'Franksred' (Red Sunset Red Maple) trees planted between the building/parking lot and the sidewalk. Red Sunset Red Maples are medium sized shade trees, and would provide shading of the building and parking lot and screening and buffering of the site. The planting area as well as the planter strip between the curb and sidewalk are proposed to be covered with bark mulch. Street improvements along Rivergate Street will replace the surface ditch with a culvert, limiting the ability to plant trees or vegetation in the planting strip.

**Figure 10: Proposed Landscaping Along West Property Line**

Along the western property line, *Acer circinatum* (Vine Maple) trees are proposed, with clusters of deciduous *Salix purpurea* 'Nana' (Nana Basket Willow) shrubs between them. The combination of small deciduous trees (Vine Maples) and medium deciduous shrubs (Nana Basket Willow) will provide seasonal interest and screening of the proposed development.

**Figure 11: Proposed Landscaping Along North Property Line**

**Attachments :**

Attachment 1 – Application and Attachments

Along the northern property line, the planting theme from the west property line is continued around the building. *Acer circinatum* (Vine Maple) trees are proposed, with clusters of deciduous *Salix purpurea* 'Nana' (Nana Basket Willow) shrubs between them. On the side of the parking lot, the deciduous flowering *Spiraea japonica* 'Anthony Waterer' (Anthony Waterer Spirea) shrub is proposed. Anthony Waterer Spirea grows up to five (5) feet tall and wide, and would provide seasonal interest, and screening and buffering of the adjacent parking lot from the use to the north.

*Ilex crenata* 'Sky Pencil' (Sky Pencil Japanese Holly), a tall, columnar evergreen shrub, is proposed along three sides of the trash enclosure located between the two buildings to provide screening.

Staff finds that the proposed landscaping is compatible with the proposed development and the surrounding and abutting properties and uses.

**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.** Adjacent and surrounding properties are zoned M-2PD (General Industrial Planned Development), the same as the subject site. Therefore, specific screening between incompatible uses is not necessary. Proposed landscaping around the parking area includes evergreen shrubs and shade trees which would provide screening and shading of the parking lot.

**17.57.070(B)(3).** *The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.*

**APPLICANT'S RESPONSE:** None.

**FINDING:** Seven (7) small deciduous trees are present on the northern end of the eastern property line. With the proposed site development and further improvement of NE Colvin Court to include curb and gutter, planting strip, and sidewalk, retention of the existing trees is not feasible.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Five (5) parking lot planting islands are proposed along the eastern edge of the parking area. Each planting island has a small deciduous tree, either *Acer palmatum* 'Bloodgood' (Bloodgood Japanese Maple) or *Acer palmatum dissectum* 'Crimson Queen' (Crimson Queen Japanese Maple) with flowering evergreen *Viburnum davidii* (David Viburnum) shrubs below. The parking lot islands are generally evenly spaced, with no more than seven (7) parking spaces between planting islands.

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

**APPLICANT'S RESPONSE:** None.

**FINDING:** As discussed in more detail below, street trees are required for industrial development with curb-side planter strips. A curb-side planter strip will be included in street improvements associated with the development. Street improvements associated with the project will replace

the existing drainage ditch with a culvert below the planting strip. The culvert just below the surface of the planting strip limits the ability to plant trees or vegetation in the planting strip. Therefore, street trees are not recommended. Trees within the parking lot are not among those prohibited for that use.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed landscape plan indicates that all landscape beds are to receive a design build automatic irrigation system.

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

**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.

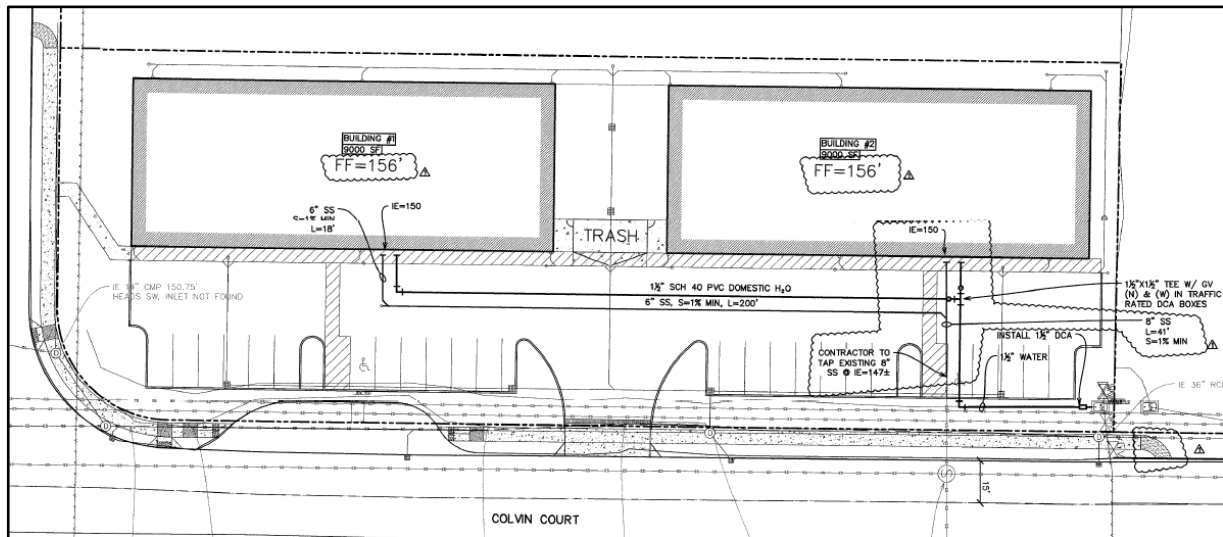
**FINDING: SATISFIED.** The landscape plan will establish tree cover on private land adjacent to the public right-of-way where appropriate. Trees are located on the plan to minimize hazard, nuisance, damage, and maintenance costs.

**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 property is zoned M-2 (General Industrial), and the request concerns a new industrial development. A curb-side planting strip will be installed along NE Rivergate Street and NE Colvin Court when the street is improved during development, however, the existing drainage ditch will be replaced with a culvert below the planting strip. The culvert just below the

surface of the planting strip limits the ability to plant trees or vegetation in the planting strip. Therefore street trees are not recommended for the planter strips adjacent to the property.



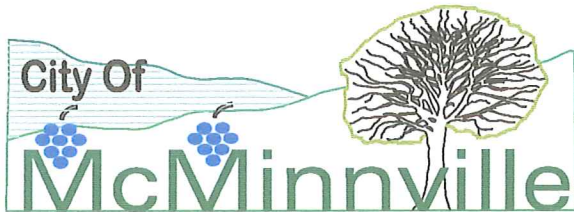
### **Chapter 17.61 Solid Waste and Recycling Enclosure Plan**

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

**APPLICANT'S RESPONSE:** None.

**FINDING:** The trash and recycling enclosure is located between the two (2) proposed buildings. It is directly across the parking lot from the driveway access from Colvin Court, making it visible from the Colvin Court right-of-way. The landscape plan indicates that *Ilex crenata* 'Sky Pencil' (Sky Pencil Japanese Holly), a tall, columnar evergreen shrub, is proposed along three sides of the trash enclosure located between the two buildings to provide screening.

JF



**Planning Department**

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

509-20-000020-Plng

<b>Office Use Only:</b>	
File No.	<u>L 2-20</u>
Date Received	<u>1-15-20</u>
Fee	<u>801.35</u>
Receipt No.	<u>201820</u>
Received by	<u>SP</u>

## Landscape Plan Review Application

### Applicant Information

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

Applicant Name Premier Home Builders Inc. Phone 435 2085

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

Address 1312 NE Hwy 99W

City, State, Zip McMinnville, OR 97128

Contact Email daver.premier@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 1805-1815 Colvin Ct.

Assessor Map No. R4 - - Total Site Area aprox 49,300 sq ft

Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot Tax Lot# 3321

Comprehensive Plan Designation Industrial Zoning Designation Light Industrial M-2PD


## Landscaping Information

1. Total Landscaped Area: aprox. 12,078 sq ft.
2. Percent Landscaped: 25%
3. Building Floor Area:  
New Structure: 18,000 sq ft (both buildings) Existing Structure:                      Addition:
4. Architect Name C&D Landscape Phone 503-864-3551  
(Landscape Architect; Engineer; or Other Designer)
- Contact Name Josh Kearns Phone
- Address 16800 NE McDougall Rd.
- City, State, Zip Dayton, OR 97114
- Contact Email Josh@canddlandscape.com

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

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

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

  
Applicant's Signature

1/15/2020  
Date

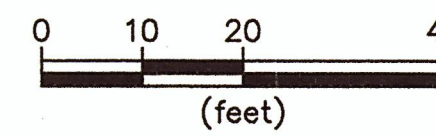
  
Property Owner's Signature

1/15/2020  
Date





COLVIN COURT



COLVIN COURT

## OVERALL SITE PLAN

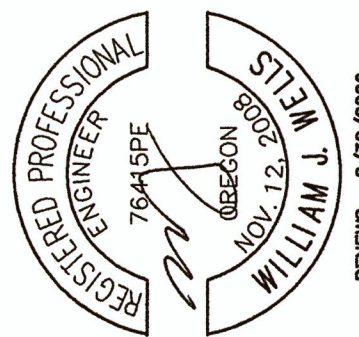
DRAWING  
C2.0

JOB NUMBER  
3166.0000.0

**WE**

**WESTECH ENGINEERING, INC.**  
CONSULTING ENGINEERS AND PLANNERS

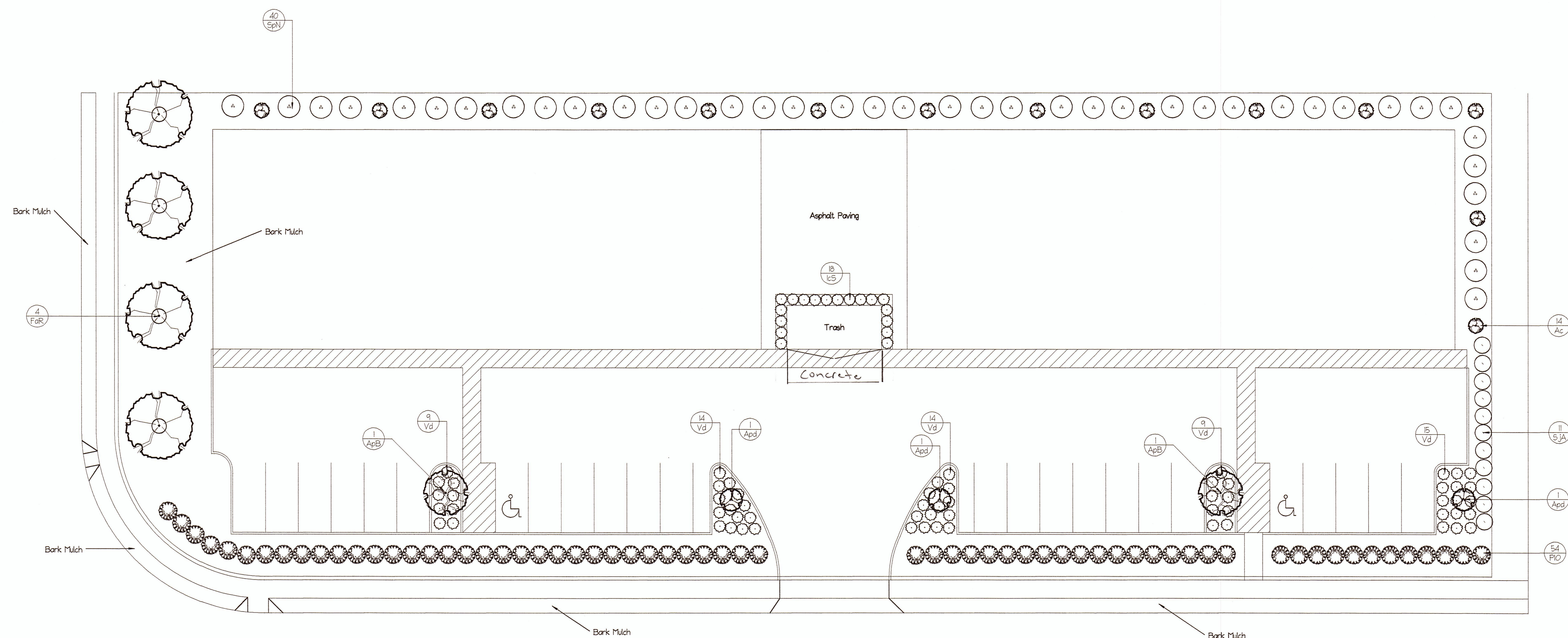
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97306  
Phone: (503) 585-2474 Fax: (503) 585-3986  
E-mail: [westech@westech-eng.com](mailto:westech@westech-eng.com)



VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING	
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	
DSN.	JW
DRN.	AK
CKD.	JW

[illegible]





- \* All Shrub Beds to receive a design build automatic irrigation system
- \* All Shrub beds to receive 2" of Hemlock Bark Mulch

Key	Qty	Botanical Name	Common Name	Size/Condition
<b>Trees</b>				
Ac	14	Acer circinatum	VINE MAPLE	5-7'
Apd	3	Acer palmatum dissectum 'Crimson Queen'	CRIMSON QUEEN JAPANESE THREADLEAF MAPLE	2-3' branched
FaR	4	Fraxinus angustifolia 'Raywood'	RAYWOOD CLARET ASH	2" cal.
<b>Shrubs</b>				
ApB	2	Acer palmatum 'Bloodgood'	BLOODGOOD JAPANESE MAPLE	6-7'
LS	10	Ilex crenata 'Sky Pencil'	SKY PENCIL JAPANESE HOLLY	5 gal.
PJO	54	Prunus laurocerasus 'Otto Luyken'	OTTO LUYKEN CHERRY LAUREL	5 gal.
SpN	40	Salix purpurea 'Nana'	NANA BASKET WILLOW	5 gal.
SJA	11	Spiraea japonica 'Anthony Waterer'	ANTHONY WATERER SPREA	5 gal.
Vd	61	Viburnum davidii	DAVID VIBURNUM	3 gal.





City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
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## EXHIBIT 4 - STAFF REPORT

DATE: June 17, 2020  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Agenda Item 4B – Landscape Plan Review Application (L 11-20)

### 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

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### Report in Brief:

Application for a landscape plan review (L 11-20) for an industrial warehouse development in northeast McMinnville to be reviewed by the Landscape Review Committee.

### Background:

The application requests approval of a landscape plan (L 11-20) for the development of a new industrial building in northeast McMinnville.

The applicant, Troy Haworth, Haworth Inc., on behalf of Parallel Ventures – Ted Guariello, property owner, submitted a landscape plan associated with a building permit for development of a new industrial building in northeast McMinnville. The subject property is located at 2515 NE Orchard Avenue, and is more specifically described as Tax Lot 2700, Section 15, T. 4. S., R. 4 W., W.M. **See Figure 1 (Vicinity Map).** The property is zoned M-2 (General Industrial). **See Figure 2 (Zoning Map).**

The 8.92 acre site is currently partially developed with the existing Red Hills Distribution and Storage facility. Approximately 2.15 acres on the western end of the site that is currently vacant is location of the proposed new industrial building. **See Figures 3 and 4 (Existing Conditions).** All adjacent properties are zoned M-2 (General Industrial). To the south, across Orchard Avenue are the Recology Recycling and Recovery facility and Elk Creek Forest Products. East of the subject site is an outdoor storage area and Nelson Paint Company. North of the subject site, across the railroad tracks, is the outdoor storage area for First Student school bus company and Meggitt Polymers & Composites.

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### Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 2515 NE Orchard Avenue

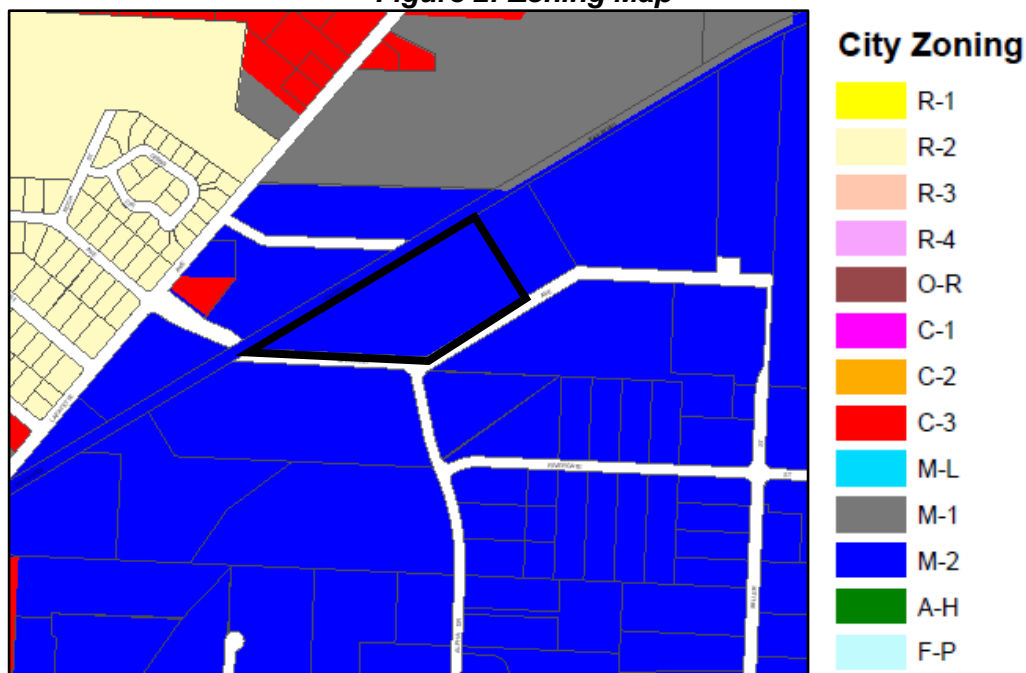
Attachment B – Application Materials

The site plan features an approximately 25,000 square foot industrial building in the southwestern portion of the subject site, adjacent to NE Orchard Avenue and the railroad tracks. The site is accessed from Orchard Avenue near the railroad crossing, and off-street parking and loading is located adjacent to the building. Street improvements along Orchard Avenue adjacent to the development area will include new curb, gutter, and sidewalk. The landscape plan addresses landscaping for the site entry near the driveway, the adjacent right-of way along Orchard Avenue, and the southeastern portion of the development area adjacent to existing off-street parking. ***See Figure 5 (Landscape Plan) and Figure 6 (Plant Schedule).***

**Figure 1: Vicinity Map**



### Figure 2: Zoning Map



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*Attachments:*

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 2515 NE Orchard Avenue*

Attachment B – Application Materials



**Figure 3: Existing Conditions (Development Area Enlargement)**



**Figure 4: Existing Conditions (looking east along Orchard Ave.)**

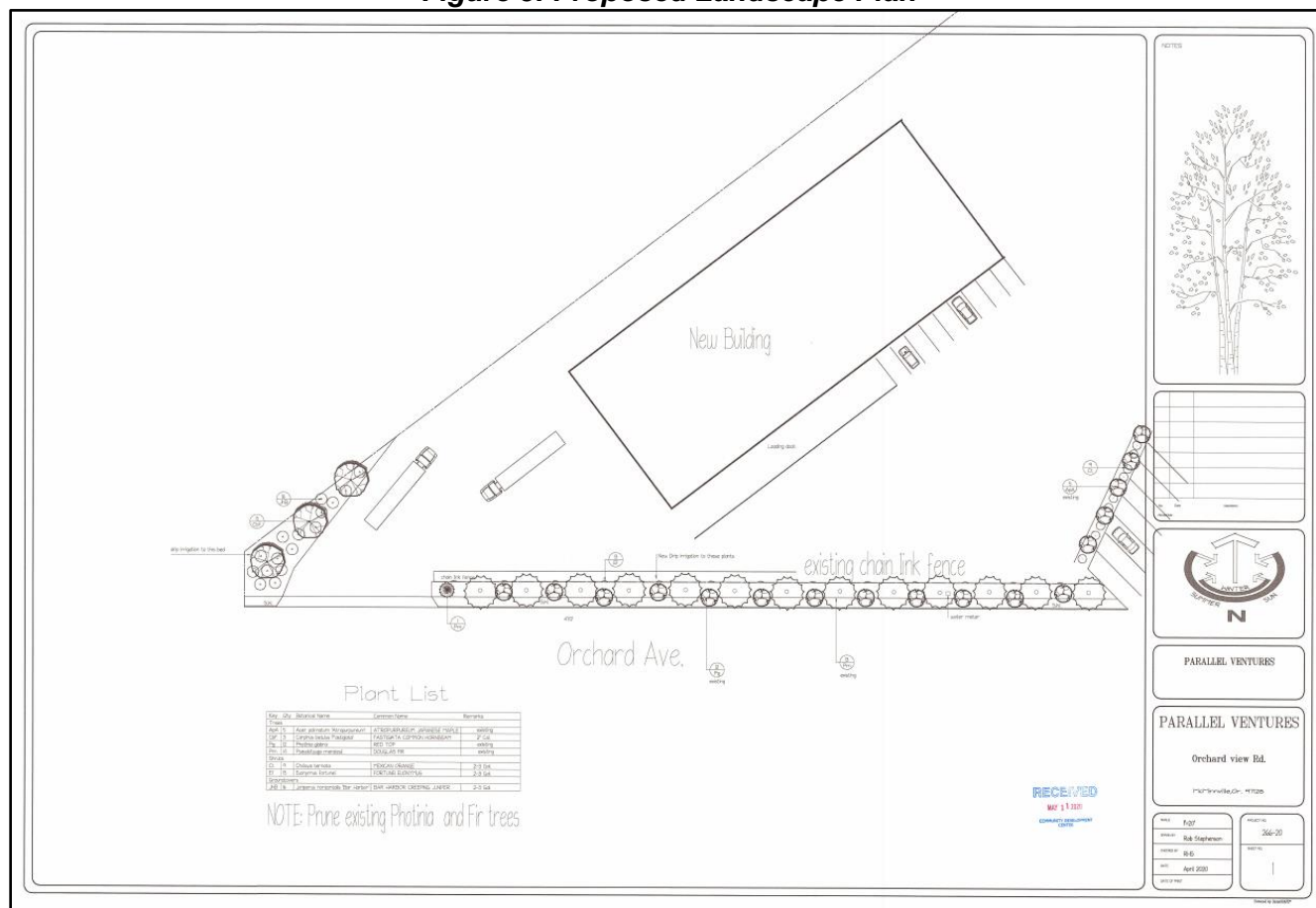


**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 2515 NE Orchard Avenue

Attachment B – Application Materials



**Figure 5: Proposed Landscape Plan****Figure 6: Proposed Plant Schedule**

Key	Qty	Botanical Name	Common Name	Remarks
<b>Trees</b>				
ApA	5	Acer palmatum 'Atropurpureum'	ATROPURPUREUM JAPANESE MAPLE	existing
CbF	3	Carpinus betulus 'Fastigiata'	FASTIGIATA COMMON HORNBEAM	2" Cal.
Pg	12	Photinia glabra	RED TOP	existing
Pm	14	Pseudotsuga menziesii	DOUGLAS FIR	existing
<b>Shrubs</b>				
Ct	9	Choisya ternata	MEXICAN ORANGE	2-3 Gal.
Ef	13	Euonymus fortunei	FORTUNEI EUONYMIUS	2-3 Gal.
<b>Groundcovers</b>				
JhB	16	Juniperus horizontalis 'Bar Harbor'	BAR HARBOR CREEPING JUNIPER	2-3 Gal.

NOTE: Prune existing Photinia and Fir trees

**Discussion:**

Decisions and/or recommendations for both 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

**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 2515 NE Orchard Avenue

Attachment B – Application Materials

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 M-2 (General Industrial). MMC Section 17.57.030 requires landscaping in the M-2 zone, therefore landscaping is required in accordance with Chapter 17.57 - Landscaping.

MMC Section 17.58.080 requires street trees to be planted at all new industrial development which has a designated curb-side planting strip. NE Orchard Avenue will be improved with curb, gutter, and sidewalks as part of the development. The sidewalk will be curb-tight to preserve and retain existing trees in the right-of-way. Therefore, additional street trees would not be required within the rights-of-way along the property's frontage.

The Landscape Plan Review request is subject to the planning factors in Section 17.57.070 of the MMC, including a requirement to provide landscaping at a minimum of seven (7) percent of the gross area. Additionally, the Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.
5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas.

### ***Analysis of Landscape Plan Review Request***

The applicant's landscape plan proposes a percentage of landscaping on the site (approximately 7.5 percent) which is more landscaping than required. Groupings of trees and shrubs around the site perimeter and retention of many existing trees both on the site and in the adjacent public right-of-way meet many of the planning factors above and help achieve the purpose of the landscape chapter of MMC.

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

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#### ***Attachments:***

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 2515 NE Orchard Avenue*

*Attachment B – Application Materials*

Issue	Notes	Condition to Help Meet Criteria
Compatibility with the project and surrounding properties and uses	<ul style="list-style-type: none"> <li>Proposed landscaping is generally compatible with adjacent properties with similar zoning/uses</li> <li>New curb-tight sidewalk provided to retain existing mature trees in the right-of-way</li> </ul>	Condition #2: Requires Arborist verification of impact of sidewalk construction on existing tree stability. Any trees that require removal are to be replaced.
Screening the proposed use	<ul style="list-style-type: none"> <li>Similar zoning/uses of adjacent properties doesn't require significant screening</li> <li>Shade trees, evergreen trees and shrubs provide screening site and use</li> </ul>	N/A
Retention of existing trees	<ul style="list-style-type: none"> <li>13 Douglas Fir and 12 Photinia trees in the ROW are preserved and retained</li> <li>5 Japanese Maples on site retained</li> </ul>	N/A
Parking lot islands and planting	<ul style="list-style-type: none"> <li>Parking lot perimeter planting provided with evergreen shrubs, shade trees, and retention of large evergreen trees</li> </ul>	N/A
Use of suitable street trees	<ul style="list-style-type: none"> <li>No new street trees required due to new curb-tight sidewalk</li> <li>One new street tree (Douglas Fir) would match existing trees</li> </ul>	
Irrigation system or water facilities	<ul style="list-style-type: none"> <li>Landscape areas to receive drip irrigation system.</li> </ul>	N/A
Landscaping req'd around trash enclosure	<ul style="list-style-type: none"> <li>Landscaping provided on 3 sides of trash enclosure</li> </ul>	

### **Staff-Suggested Conditions of Approval**

1. That the applicant shall install landscaping as shown on the revised landscape plan received by the McMinnville Planning Department on May 11, 2020, and shall comply with required conditions of approval.
2. That a Certified Arborist shall verify that any root pruning and/or construction activity done to accommodate the new sidewalk will not impact the structural stability of the existing Douglas Fir and Photinia trees along Orchard Avenue adjacent to the development site. If the Certified Arborist determines that the stability of an existing tree is compromised and the tree is not suitable to retain, the applicant shall be responsible for removal of the tree and its replacement with a

#### **Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 2515 NE Orchard Avenue

Attachment B – Application Materials



minimum 2" caliper tree of the same species. Tree removal and planting of a tree in the public right-of-way shall comply with applicable City tree removal and planting standards.

3. 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.
4. 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.
5. 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.
6. That planting of new 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. The root barrier protection shall be provided in ten (10) foot lengths centered on the tree, and to a minimum depth of eighteen (18) inches. In addition, each new street tree shall be provided with two (2) deep watering tubes to promote deep root growth.
7. 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.
8. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent at (503) 434-7316 to schedule a planting inspection prior to backfilling.
9. 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.
10. That the 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.
11. That the street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets.

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*Attachments:*

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 2515 NE Orchard Avenue*

*Attachment B – Application Materials*

**Fiscal Impact:**

None.

**Landscape Review Committee Options:**

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

**Staff Recommendation:**

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

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

**Suggested Motion:**

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE LANDSCAPE PLAN REVIEW APPLICATION L 11-20 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

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**Attachments:**

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 2515 NE Orchard Avenue*

*Attachment B – Application Materials*



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128  
503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE  
APPROVAL OF A LANDSCAPE PLAN REVIEW FOR 2515 NE ORCHARD AVENUE**

**DOCKET:** L 11-20 (Landscape Plan Review)

**REQUEST:** Approval of a Landscape Plan for a New Industrial Building

**LOCATION:** 2515 NE Orchard Avenue (Tax Lot 2700, Section 15, T. 4. S., R. 4 W., W.M.)

**ZONING:** M-2 (General Industrial)

**APPLICANT:** Troy Haworth, Haworth Inc., on behalf of Parallel Ventures – Ted Guariello, property owner

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

**DATE DEEMED  
COMPLETE:** May 22, 2020

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

**HEARING DATE  
& LOCATION:** June 17, 2020, Community Development Center, 231 NE 5<sup>th</sup> 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.

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 11-20) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Date: June 17, 2020Date: June 17, 2020

## **I. APPLICATION SUMMARY:**

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

The application requests approval of a landscape plan (L 11-20) for the development of a new industrial building in northeast McMinnville.

The applicant, Troy Haworth, Haworth Inc., on behalf of Parallel Ventures – Ted Guariello, property owner, submitted a landscape plan associated with a building permit for development of a new industrial building in northeast McMinnville. The subject property is located at 2515 NE Orchard Avenue, and is more specifically described as Tax Lot 2700, Section 15, T. 4. S., R. 4 W., W.M. ***See Figure 1 (Vicinity Map)***. The property is zoned M-2 (General Industrial). ***See Figure 2 (Zoning Map)***.

The 8.92 acre site is currently partially developed with the existing Red Hills Distribution and Storage facility. Approximately 2.15 acres on the western end of the site that is currently vacant is location of the proposed new industrial building. ***See Figures 3 and 4 (Existing Conditions)***. All adjacent properties are zoned M-2 (General Industrial). To the south, across Orchard Avenue are the Recology Recycling and Recovery facility and Elk Creek Forest Products. East of the subject site is an outdoor storage area and Nelson Paint Company. North of the subject site, across the railroad tracks, is the outdoor storage area for First Student school bus company and Meggitt Polymers & Composites.

The site plan features an approximately 25,000 square foot industrial building in the southwestern portion of the subject site, adjacent to NE Orchard Avenue and the railroad tracks. The site is accessed from Orchard Avenue near the railroad crossing, and off-street parking and loading is located adjacent to the building. Street improvements along Orchard Avenue adjacent to the development area will include new curb, gutter, and sidewalk. The landscape plan addresses landscaping for the site entry near the driveway, the adjacent right-of way along Orchard Avenue, and the southeastern portion of the development area adjacent to existing off-street parking. ***See Figure 5 (Landscape Plan) and Figure 6 (Plant Schedule)***.

***Figure 1: Vicinity Map***



### ***Attachments :***

Attachment 1 – Application and Attachments



Figure 2: Zoning Map

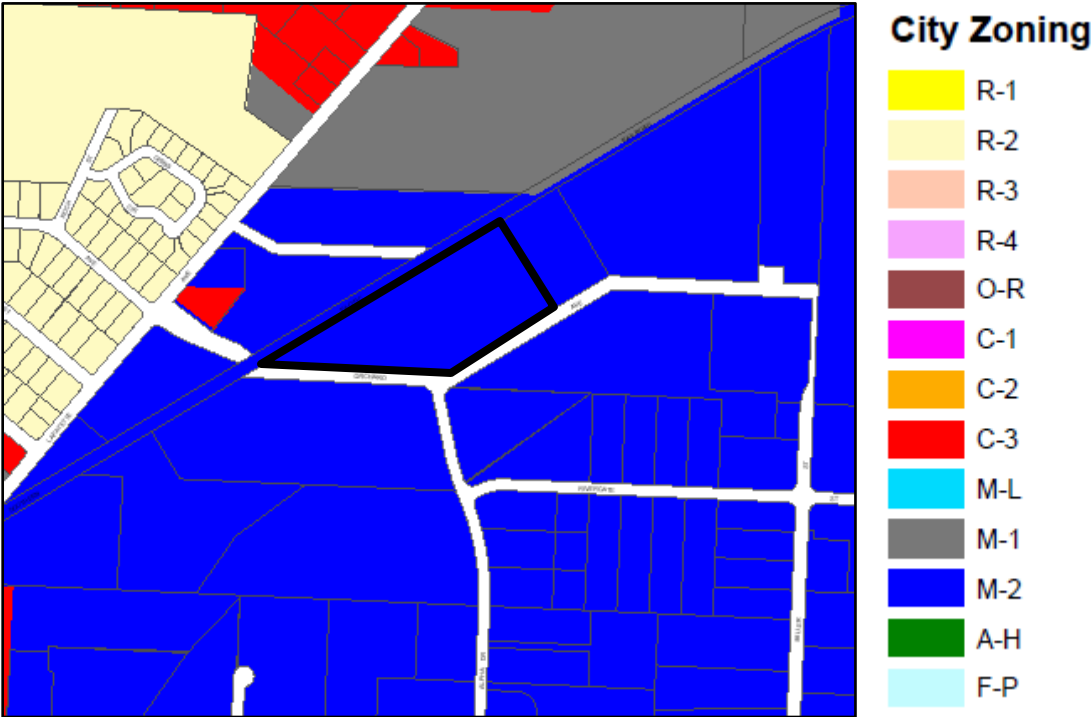


Figure 3: Existing Conditions (Development Area Enlargement)





A photograph of a residential street. On the left side, there is a large, mature evergreen tree with dense foliage. In front of the tree, a stop sign is visible. A street sign is also present, which reads "NE Orchard". The road is paved and has double yellow lines. The sky is clear and blue.

[illegible]

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

**Figure 6: Proposed Plant Schedule**

Plant List				
Key	Qty	Botanical Name	Common Name	Remarks
Trees				
ApA	5	Acer palmatum 'Atropurpureum'	ATROPURPUREUM JAPANESE MAPLE	existing
CbF	3	Carpinus betulus Fastigiata	FASTIGIATA COMMON HORNBEAM	2" Cal.
Pg	12	Photinia glabra	RED TOP	existing
Pm	14	Pseudotsuga menziesii	DOUGLAS FIR	existing
Shrubs				
Ct	9	Choisya ternata	MEXICAN ORANGE	2-3 Gal.
Ef	13	Euonymus fortunei	FORTUNEI EUONYMUS	2-3 Gal.
Groundcovers				
JhB	16	Juniperus horizontalis 'Bar Harbor'	BAR HARBOR CREEPING JUNIPER	2-3 Gal.
NOTE: Prune existing Photinia and Fir trees				

**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 M-2 (General Industrial). MMC Section 17.57.030 requires landscaping in the M-2 zone, therefore landscaping is required in accordance with Chapter 17.57 - Landscaping.

MMC Section 17.58.080 requires street trees to be planted at all new industrial development which has a designated curb-side planting strip. NE Orchard Avenue will be improved with curb, gutter, and sidewalks as part of the development. The sidewalk will be curb-tight to preserve and retain existing trees in the right-of-way. Therefore, additional street trees would not be required within the rights-of-way along the property's frontage.

**II. CONDITIONS:**

1. That the applicant shall install landscaping as shown on the revised landscape plan received by the McMinnville Planning Department on May 11, 2020, and shall comply with required conditions of approval.
2. That a Certified Arborist shall verify that any root pruning and/or construction activity done to accommodate the new sidewalk will not impact the structural stability of the existing Douglas Fir and Photinia trees along Orchard Avenue adjacent to the development site. If the Certified Arborist determines that the stability of an existing tree is compromised and the tree is not suitable to retain, the applicant shall be responsible for removal of the tree and its replacement with a minimum 2" caliper tree of the same species. Tree removal and planting of a tree in the public right-of-way shall comply with applicable City tree removal and planting standards.
3. 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.

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4. 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.
5. 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.
6. That planting of new 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. The root barrier protection shall be provided in ten (10) foot lengths centered on the tree, and to a minimum depth of eighteen (18) inches. In addition, each new street tree shall be provided with two (2) deep watering tubes to promote deep root growth.
7. 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.
8. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent at (503) 434-7316 to schedule a planting inspection prior to backfilling.
9. 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.
10. That the 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.
11. That the street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets.

### **III. ATTACHMENTS:**

1. L 11-20 Application and Attachments (on file with the Planning Department)

### **IV. COMMENTS:**

#### **Agency Comments**

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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 on the north side of Orchard Avenue, just west of the railroad. The site is directly across the street from Recology, and takes access from Orchard Avenue.
2. There are currently no existing sidewalks along the site frontage. There is an existing drainage swale along the edge of the roadway shoulder.
3. There is currently screening plant material planted along the south border of the site, adjacent to a fence line.
4. There are no overhead conflicts on the north side of Orchard Avenue. There is overhead power on the south side of the street.

**Recommendations**

1. The submitted landscaping plan appears to show new plantings at the SW corner of the property. It appears that this bed is outside of the public right of way. Similarly there is a bed showing a mix of existing and proposed plantings at the SE corner of the property which is outside of the public right of way. Since those plantings are outside of our purview, Public Works has no comment on those elements of the proposal.
2. The landscape plan indicates that one new street tree will be planted, and that existing Douglas firs will be used as street trees, with a mix of existing plantings and proposed plantings in this bed. From the submitted plan, it appears that the sidewalk will be curb tight, and the plantings will be behind the walk. Our only concern would be the impact of the new sidewalk construction on the root zones of the existing large Douglas Fir trees. We would suggest the applicant be required to have a licensed arborist verify that any root pruning done to accommodate the new sidewalk will not impact the structural stability of these trees. Given the size of the existing trees and the proximity of overhead power, a failure could have significant impact on electrical services in the area.
3. Based on items #1 and #2 above, Public Works would recommend approval of this proposal.

- McMinnville Water and Light:

Maintain clearances from water facilities; See spec: WMCLEAR, WMCLEAR2, FH-CLR

**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, Troy Haworth of Haworth Inc. on behalf of Parallel Ventures – Ted Guarriello, property owner, submitted a landscape plan review application on April 20, 2020.
2. The application was deemed incomplete on April 29, 2020. Additional information was submitted on May 11, 2020. The application was deemed complete on May 22, 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.

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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 June 17, 2020 to review the application and proposed landscape plan.

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

1. **Location:** 2515 NE Orchard Avenue (Tax Lot 2700, Section 15, T. 4. S., R. 4 W., W.M.)
2. **Size:** Approximately 8.92 acres
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:** M-2 (General Industrial)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Industrial – Distribution and Storage
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None
8. **Other Features:** Mature evergreen trees are present along the NE Orchard Avenue frontage.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** The 2010 McMinnville Transportation System Plan identifies Orchard Avenue as a local street.

## **VII. CONCLUSIONARY FINDINGS:**

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

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

**Comprehensive Plan Volume II:**

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

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

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

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

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

**APPLICANT'S RESPONSE:** None.

**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.

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- 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: [...]

H. M-2 (General Industrial zone).

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is zoned M-2 (General Industrial). Therefore, landscaping is required consistent with the criteria and standards described in Chapter 17.57 – Landscaping of the McMinnville Municipal Code.

**17.57.070 Area Determination – Planning Factors.**

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The total site area is approximately 8.92 acres, however the area proposed for development in this project is approximately 2.15 acres. The application indicates the following Percent Landscaped for the proposed industrial development:

	Total Site Area (s.f.)	Landscape Provided (s.f.)	Percentage
Proposed Development	93,625	7,000	7.47%

The proposed landscaping of 7.47 percent exceeds the seven (7) percent minimum landscaping requirement for industrial development.

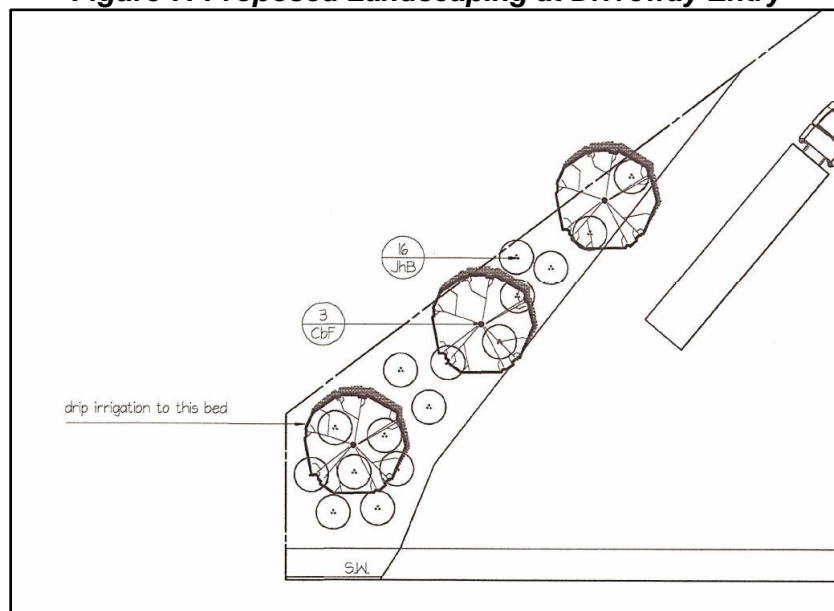
**17.57.070(B).** The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

**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.** The site plan features an approximately 25,000 square foot industrial building in the southwestern portion of the subject site, adjacent to NE Orchard Avenue and the railroad tracks. The site is accessed from Orchard Avenue near the railroad crossing, and off-street parking and loading is located adjacent to the building. Street improvements along Orchard Avenue adjacent to the development area will include new curb, gutter, and sidewalk. The landscape plan addresses landscaping for the site entry near the driveway, the adjacent right-of way along Orchard Avenue, and the southeastern portion of the development area adjacent to existing off-street parking.

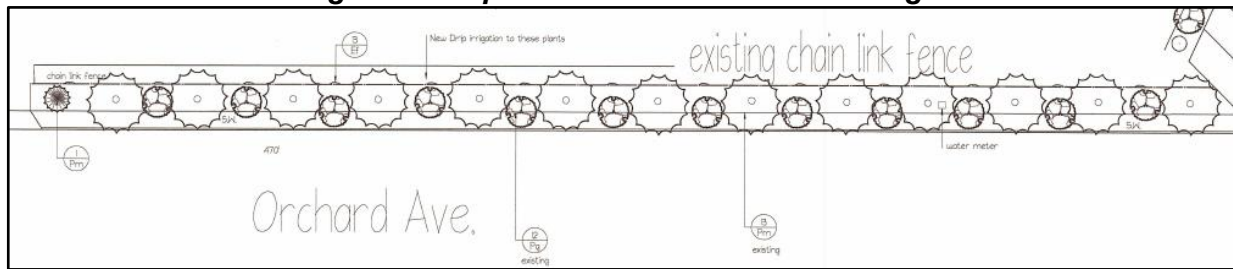
**Figure 7: Proposed Landscaping at Driveway Entry**



In the southwest corner of the site, a landscape area helps define the entry and provides a separation from the adjacent railroad tracks to the west. Three (3) deciduous *Carpinus betula* 'Fastigiata' (Fastigiata Common Hornbeam) trees are proposed among a mass of the evergreen shrub *Juniperus horizontalis* 'Bar Harbor' (Bar Harbor Creeping Juniper). Fastigiata Common Hornbeam grows to 40 feet tall and 30 feet wide in urban conditions. Bar Harbor Creeping Juniper is a groundcover-like shrub that grows to one (1) foot tall and eight (8) feet wide.

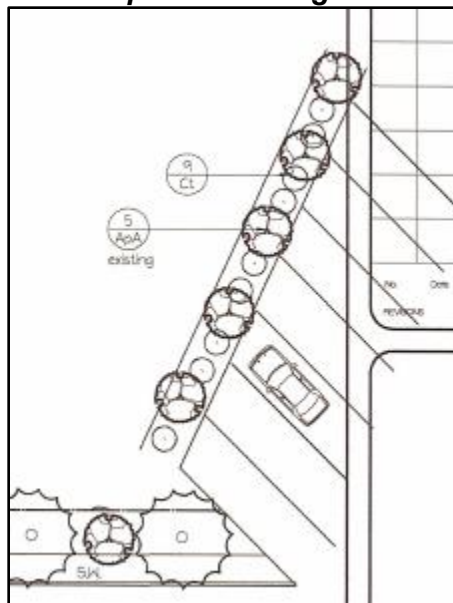
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**Figure 8: Proposed Orchard Avenue Frontage**

Currently, a row of mature evergreen Douglas Fir trees and Photinia trees are present in the public right-of-way along Orchard Avenue adjacent to the southern property line of the development area. An existing chain link fence runs the length of the property line. Curb, gutter, and sidewalk improvements are included in the site development. One (1) new *Pseudotsuga menziesii* (Douglas Fir) tree is proposed at the western end of the landscape area. The climbing vine *Euonymus fortuneii* (Fortunei Euonymus) is proposed along the existing fence, and would eventually climb and grow on the fence to provide an evergreen screen.

In an effort to retain the mature trees that provide screening and buffering of the industrial site from the right-of-way, the new sidewalk is being built curb-tight. It is not clear what the impact of the sidewalk construction would be on the existing trees, and if any root pruning would be necessary to accommodate the required street improvements. Not only could potential targets be present in the public right-of-way or on the development site, but the trees are of sufficient height that should one fail and fall southward, it would strike the power lines that run along the south side of Orchard Avenue, disrupting power service to the area. Therefore, staff recommends a condition of approval that requires a Certified Arborist verify that any root pruning and/or construction activity done to accommodate the new sidewalk will not impact the structural stability of these trees. If the Certified Arborist determines that the stability of an existing tree is compromised and the tree is not suitable to retain, it shall be removed and replaced with a minimum 2" caliper tree of the same species at the expense of the applicant. Removal and subsequent replacement of any street tree in the public right-of-way shall comply with applicable City street tree removal and planting standards.

**Figure 9: Proposed Parking Area Planting**

An existing planting area at the southeastern corner of the development site adjacent to existing off-street parking serving the industrial use on the eastern portion of the subject site is proposed

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to be enhanced. A row of the large evergreen shrub *Choisya ternata* (Mexican Orange) is proposed to be planted below existing mature *Atropurpureum* Japanese Maple trees. Mexican Orange grows to eight (8) feet tall and eight (8) feet wide or more. It will provide substantial screening of the proposed use from the adjacent off-street parking and from the nearby Orchard Avenue right-of-way.

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

**CONDITION FOR FINDING:** That a Certified Arborist shall verify that any root pruning and/or construction activity done to accommodate the new sidewalk will not impact the structural stability of the existing Douglas Fir and Photinia trees along Orchard Avenue adjacent to the development site. If the Certified Arborist determines that the stability of an existing tree is compromised and the tree is not suitable to retain, the applicant shall be responsible for removal of the tree and its replacement with a minimum 2" caliper tree of the same species. Tree removal and planting of a tree in the public right-of-way shall comply with applicable City tree removal and planting standards.

**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.** Screening and buffering of the site and proposed use is accomplished through the provision of sight-obscuring evergreen plantings, shade trees, and screen fences. The evergreen shrub *Choisya ternata* will screen the development area from the driveway access to the existing industrial development and the adjacent right-of-way. Existing evergreen trees along the Orchard Avenue frontage are to be retained and will continue to provide screening from Orchard Avenue and adjacent properties. Additionally, evergreen climbing vines on the existing chain link fence will help provide screening of the site. Deciduous shade trees in the landscape area in the southwestern corner of the development area along the railroad tracks will help provide screening from nearby properties and the Orchard Avenue right-of-way west of the site.

**17.57.070(B)(3).** The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site has many existing trees that are going to be retained and incorporated into the development of the project. Along the southern edge of the development area, a row of alternating mature Douglas Fir and Photinia trees is to be retained. New sidewalk included in the Orchard Avenue street improvements is being located curb-tight in an effort to retain the existing trees. The existing grade around the trees is preserved as much as is practical. While it is unclear what the impact of the sidewalk construction and street improvements will have on these trees, a condition of approval described above requires verification of the stability of the trees by a Certified Arborist, and replacement of any trees that are required to be removed as a result of destabilization by construction activities.

Existing Japanese Maple trees near off-street parking for the existing industrial development are also being retained and supplemented with new planting.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** As described above, the off-street loading and parking areas feature landscape areas around the perimeter of the vehicular areas. Internal islands were not provided to allow maximum truck and freight maneuverability within the development area. The perimeter landscape areas are planted with a combination of deciduous and evergreen trees, evergreen shrubs, and evergreen groundcover to help mitigate the harmful effects of heat, noise and glare associated with motor vehicle use.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** One (1) new tree is being proposed in the Orchard Avenue right-of-way. The proposed tree is a *Pseudotsuga menziesii* (Douglas Fir) to match the row of existing mature Douglas Fir trees already present along Orchard Avenue. Douglas Fir is not a recommended street tree on the McMinnville Street Tree list, however, it is not on the prohibited list either. The proposed use of Douglas Fir is appropriate in this circumstance to maintain consistency with the existing pattern of trees planted in the right-of-way.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The landscape plan indicates that a drip irrigation system will be provided to new planting areas within the site.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION #9.** 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 landscape plan will maintain tree cover on the public lands and provide for tree-lined streets along the new development, enhancing 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 project is a new industrial development with off- street loading and parking areas fronting on a public roadway. Associated street improvements including curb, gutter, and sidewalk on the north side of Orchard Avenue are included in the project. Because of the presence of existing mature trees along Orchard Avenue, the sidewalk is being constructed curb-tight in an effort to preserve and retain the trees. Curb-side planter strips are not being provided. Therefore, new street trees are not required. A new tree is proposed in the public right-of-way and must comply with the standards listed in Section 17.58.090.

**17.58.090 Street Tree Standards.**

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** One (1) new tree is being proposed in the Orchard Avenue right-of-way in the landscape area between the new sidewalk and property line. The proposed tree is a *Pseudotsuga menziesii* (Douglas Fir) to match the row of existing mature Douglas Fir trees already present along Orchard Avenue. Douglas Fir is not a recommended street tree on the McMinnville Street Tree list, however, it is not on the prohibited list either. The proposed use of Douglas Fir is appropriate in this circumstance to maintain consistency with the existing pattern of trees planted in the right-of-way.

**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 #7.** 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.** The proposed tree in the right-of-way, Douglas Fir, would be considered a large tree, growing to more than 40 feet tall and 30 feet wide. The landscape plan indicates the tree is spaced approximately 20 feet from the closest existing Douglas Fir tree, which is below the maximum spacing for a large street tree species.

**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.** Orchard Avenue is classified as a local street in the 2010 McMinnville Transportation System Plan, however curbside planter strips are not being provided to preserve and retain existing trees in the right-of-way. The proposed tree in the right-of-way is located approximately ten (10) feet from the face of the curb, more than the minimum required distance.

**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 #4.** 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.

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*Attachments :*

Attachment 1 – Application and Attachments

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 WITH CONDITION #2.** There are 13 existing Douglas Fir trees and 12 existing Photinia trees within the Orchard Avenue right-of-way adjacent to the development area. A drainage ditch provides drainage from the street, and no sidewalk currently exists adjacent to the development area. Street improvements are required as part of the project including provision of curb, gutter, and sidewalk adjacent to the development. In an effort to preserve and retain the existing trees, a curb-tight sidewalk has been approved by the Planning Director. A condition of approval requires that a Certified Arborist shall verify that any root pruning and/or construction activity done to accommodate the new sidewalk will not impact the structural stability of the existing Douglas Fir and Photinia trees along Orchard Avenue adjacent to the development site. If the Certified Arborist determines that the stability of an existing tree is compromised and the tree is not suitable to retain, the applicant shall be responsible for removal of the tree and its replacement with a minimum 2" caliper tree of the same species. Tree removal and planting of a tree in the public right-of-way shall comply with applicable City tree removal and planting standards.

**CONDITION FOR FINDING:** That a Certified Arborist shall verify that any root pruning and/or construction activity done to accommodate the new sidewalk will not impact the structural stability of the existing Douglas Fir and Photinia trees along Orchard Avenue adjacent to the development site. If the Certified Arborist determines that the stability of an existing tree is compromised and the tree is not suitable to retain, the applicant shall be responsible for removal of the tree and its replacement with a minimum 2" caliper tree of the same species. Tree removal and planting of a tree in the public right-of-way shall comply with applicable City tree removal and planting standards.

**17.58.090(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.** Sidewalk cuts are not being proposed for tree planting, 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

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*Attachments :*

Attachment 1 – Application and Attachments

trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City. Major pruning, as defined in Section 17.58.020, of a street tree must be approved by the City in accordance with Section 17.58.040.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS #10 AND #11:** Conditions of approval has been included to ensure that the street trees are continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

**CONDITIONS FOR FINDING:** That the 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.

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

JF



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

**Office Use Only:**

File No. L11-20  
Date Received 4-20-20  
Fee 801.35  
Receipt No. 202257  
Received by SA

## Landscape Plan Review Application

### Applicant Information

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

Applicant Name Haworth Inc. Phone 503-472-2452

Contact Name Troy Haworth Phone 503-550-3272  
(If different than above)

Address 13500 SW Hwy 99W

City, State, Zip McMinnville, OR 97128

Contact Email troy@haworthinc.net

### Property Owner Information

Property Owner Name Parallel Ventures - Ted Guarriello Phone 540-535-9260  
(If different than above)

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_

Address PO Box 299

City, State, Zip Boyce, VA 22620

Contact Email TJGR@ME.COM

### Site Location and Description

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

Property Address 2515 NE Orchard Ave, McMinnville, OR 97128

Assessor Map No. R4 415-02700 - Total Site Area 93,625 sq ft

Subdivision NA Block NA Lot NA

Comprehensive Plan Designation Ind Zoning Designation M-2



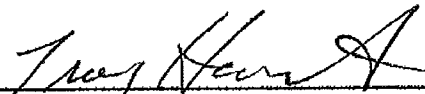
### **Landscaping Information**

1. Total Landscaped Area: 7,000 sq. ft.
2. Percent Landscaped: 7.47%
3. Building Floor Area:  
New Structure: 25,000 Existing Structure: NA Addition: NA
4. Architect Name Rob Stephenson Landscape Design Phone 503-434-0114  
(Landscape Architect; Engineer; or Other Designer)  
Contact Name Rob Stephenson Phone \_\_\_\_\_  
Address 105 NE 3rd St  
City, State, Zip McMinnville, OR 97128  
Contact Email rob@rsld.biz

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

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

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

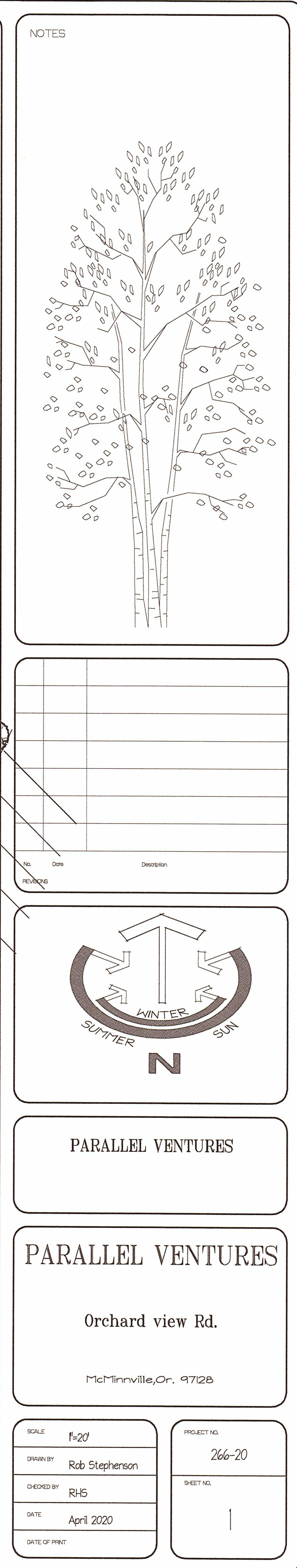
  
Applicant's Signature

4-20-20  
Date

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

\_\_\_\_\_  
Date





NOTE: Prune existing Photinia and Fir trees

RECEIVED  
MAY 11 2020  
COMMUNITY DEVELOPMENT  
CENTER





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

## EXHIBIT 5 - STAFF REPORT

DATE: June 17, 2020  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Agenda Item 4C - Street Tree Plan Review Application (L 15-20)

### 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

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### Report in Brief:

An application for a street tree plan (L 15-20) for the Cottages at Chegwyn Village Phase II subdivision to be reviewed by the Landscape Review Committee.

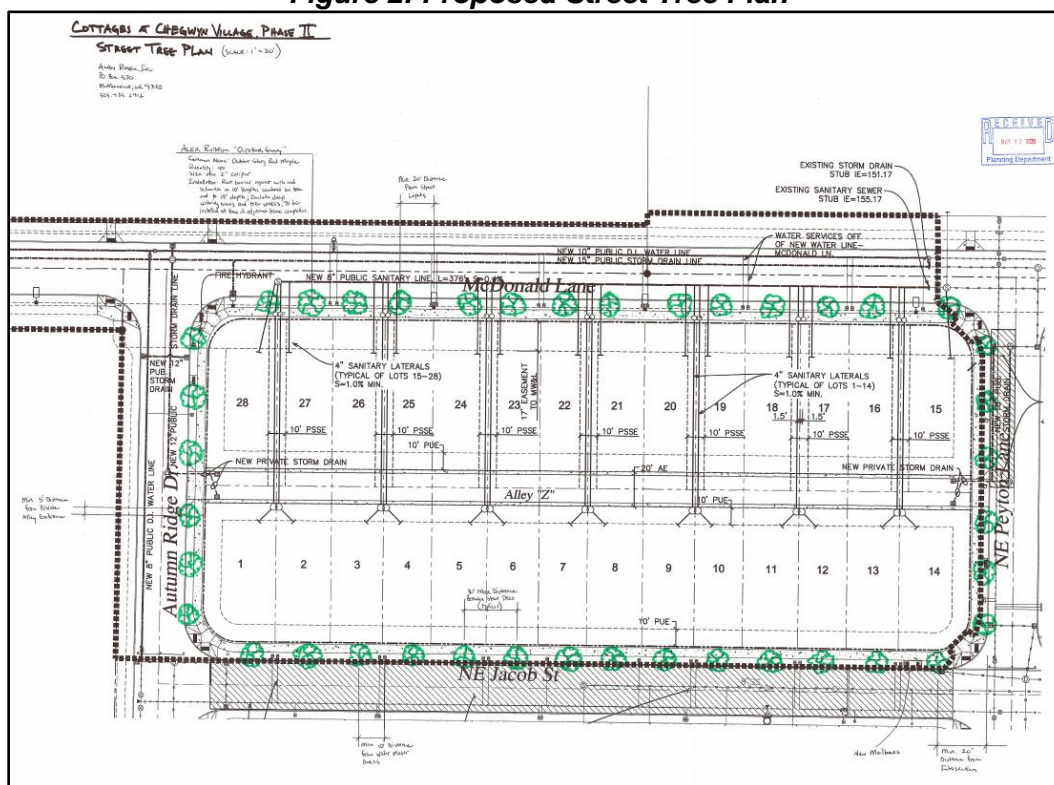
### Background:

The application (L 15-20) requests approval of a Street Tree Plan for Cottages at Chegwyn Village Phase II, a 28 small lot, alley loaded, bungalow style single family detached subdivision. The subject property is located west of NE McDonald Lane, east of NE Jacob Street, north of NE Peyton Lane, and south of NE Autumn Ridge Drive (Tax Lots 2100 and 2104, Section 9, T. 4. S., R. 4 W., W.M.) and is zoned R-4PD (Multiple-Family Residential Planned Development). **See Figure 1: Vicinity Map.** The site is currently undeveloped. The proposed street tree plan addresses the specification and placement of required street trees for the subdivision. **See Figure 2: Proposed Street Tree Plan.**

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### Attachments:

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Cottages at Chegwyn Village Phase II (L 15-20)

**Figure 1: Vicinity Map****Figure 2: Proposed Street Tree Plan****Discussion:****Summary of Criteria & Issues:**

The McMinnville Municipal Code (MMC) requires street trees for new subdivisions with curbside planter strips, which are being provided in Cottages at Chegwyn Village Phase II. Standards for the selection, location, and planting of required street trees are found in Section 17.58.090 of the MMC. Therefore, the

**Attachments:**

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Cottages at Chegwyn Village Phase II (L 15-20)

application is subject to the Street Tree Standards in Section 17.58.090 of the MMC and the applicable landscape review factors in Section 17.57.050.

### **Analysis of Landscape Plan Review Request**

The applicant's street tree plan proposes street trees in new curbside planter strips on each street frontage adjacent to the subdivision lots. The subdivision is alley-loaded, leaving the planter strips generally uninterrupted and allowing the maximum amount of street trees in the public rights-of-way. Utilities have been grouped to accommodate the street tree spacing. The proposed street tree variety is *Acer rubrum* 'October Glory' (October Glory Red Maple), a Recommended Medium Street Tree on the McMinnville Street Tree List. The Street Tree Plan indicates that City standards will be met for tree spacing (including from utilities and improvements), size, and installation. Overall, the street tree plan will create tree-lined streets around the subdivision, and promote a residential atmosphere similar to that of surrounding subdivisions.

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

### **Landscape Plan Review**

<b>Issue</b>	<b>Notes</b>	<b>Condition to Help Meet Criteria</b>
Compatibility with the project and surrounding properties and uses	<ul style="list-style-type: none"> <li>Alley loading maximizes planter strip space and street trees are provided throughout to create tree-lined streets around the subdivision</li> <li>Street trees promote a residential atmosphere similar to that of surrounding subdivisions</li> </ul>	N/A
Screening the proposed use	<ul style="list-style-type: none"> <li>Surrounding areas are residential, not requiring additional screening</li> <li>Street trees will provide some buffering and screening of single-family lots in subdivision</li> </ul>	N/A
Retention of existing trees	N/A	N/A
Parking lot islands and planting	N/A	N/A
Use of suitable street trees	<ul style="list-style-type: none"> <li><i>Acer rubrum</i> 'October Glory' (October Glory Red Maple) is a Recommended Medium Street Tree</li> </ul>	N/A
Irrigation system or water facilities	<ul style="list-style-type: none"> <li>Deep watering tubes provided at each tree per City specifications</li> </ul>	N/A

#### **Attachments:**

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Cottages at Chegwyn Village Phase II (L 15-20)



**Street Tree Standards Review**

Issue	Notes	Condition to Help Meet Criteria
Street tree species from McMinnville Street Tree List	<ul style="list-style-type: none"> <li>Alley loading maximizes planter strip space and street trees are provided throughout to create tree-lined streets around the subdivision</li> <li>Street trees promote a residential atmosphere similar to that of surrounding subdivisions</li> </ul>	N/A
Street tree size and health at planting	<ul style="list-style-type: none"> <li>2" caliper trees provided</li> </ul>	Condition #2: Requires street trees to meet City standards for size and health at planting
Street tree spacing	<ul style="list-style-type: none"> <li>Street trees spaced at 30' max. (maximum for medium trees)</li> <li>Setbacks from utilities and improvements maintained</li> </ul>	Condition #5: Requires spacing from utilities and improvements
Planter strip width	<ul style="list-style-type: none"> <li>Local streets require min. 3' wide planter strip</li> <li>5' wide planter strip provided</li> </ul>	N/A
Existing street trees	N/A	N/A
Sidewalk cuts in concrete	N/A	N/A
Street tree maintenance	<ul style="list-style-type: none"> <li>Street trees required to be continually maintained</li> <li>Street trees required to be pruned for street/sidewalk clearance</li> </ul>	<p>Condition #6: Requires continual maintenance of trees</p> <p>Condition #7: Requires pruning of trees for clearance</p>

**Staff-Suggested Conditions of Approval**

1. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during planting process.
2. That all trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
3. That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths,

**Attachments:**

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Cottages at Chegwyn Village Phase II (L 15-20)

centered on the tree, and to a depth of eighteen (18) inches. In addition, street trees shall be provided with two (2) deep watering tubes to promote deep root growth.

4. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, David Renshaw, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
5. 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.
6. That the street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets.
7. That the street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner for one full growing season following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

**Fiscal Impact:**

None.

**Landscape Review Committee Options:**

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

**Staff Recommendation:**

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.

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**Attachments:**

Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Cottages at Chegwyn Village Phase II (L 15-20)

**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 15-20 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

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***Attachments:***

***Attachment A – Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Street Tree Plan at Cottages at Chegwyn Village Phase II (L 15-20)***



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

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

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE  
APPROVAL OF A STREET TREE PLAN FOR THE COTTAGES AT CHEGWYN VILLAGE PHASE II  
SUBDIVISION**

**DOCKET:** L 15-20 (Landscape Plan Review)

**REQUEST:** Approval of a Street Tree Plan for the Cottages at Chegwyn Village Phase II subdivision

**LOCATION:** West of NE McDonald Lane, east of NE Jacob Street, north of NE Peyton Lane, and south of NE Autumn Ridge Drive (Tax Lots 2100 and 2104, Section 9, T. 4. S., R. 4 W., W.M.)

**ZONING:** R-4PD (Multiple-Family Residential Planned Development)

**APPLICANT:** Brian Ruden of Alan Ruden Inc., property owner

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

**DATE DEEMED COMPLETE:** May 22, 2020

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

**HEARING DATE & LOCATION:** June 17, 2020, Community Development Center, 231 NE 5<sup>th</sup> 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.

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 15-20) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Date: June 17, 2020Date: June 17, 2020



## I. APPLICATION SUMMARY:

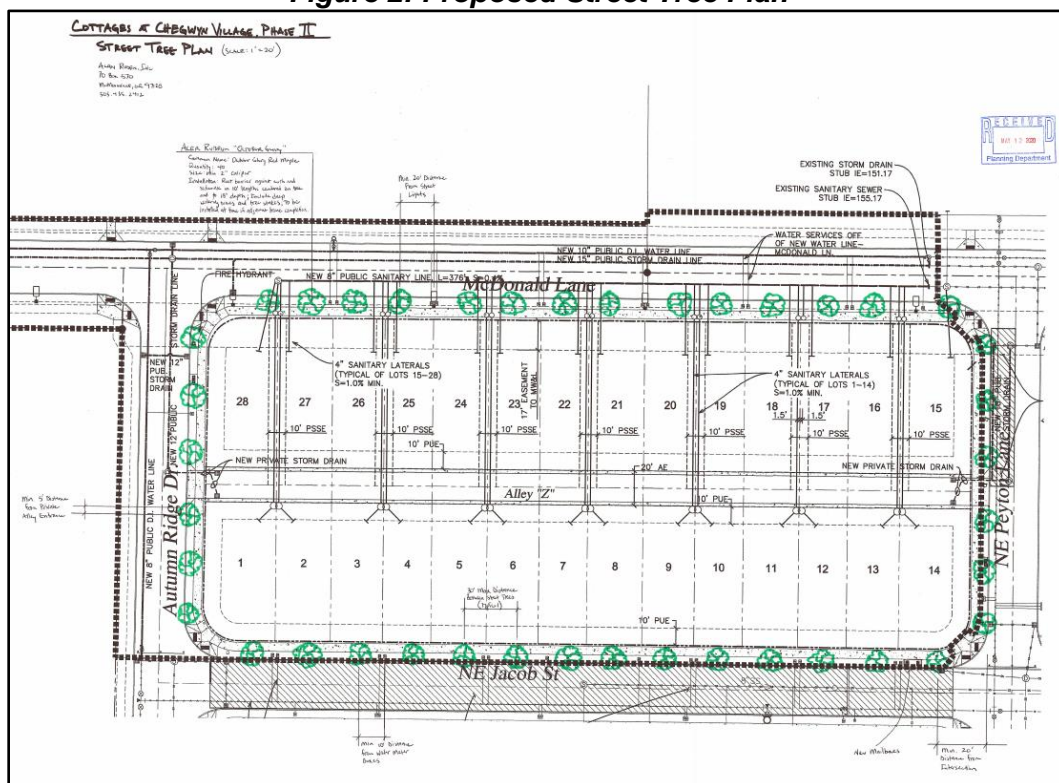
### ***Subject Property & Request***

The application (L 15-20) requests approval of a Street Tree Plan for Cottages at Chegwyn Village Phase II, a 28 small lot, alley loaded, bungalow style single family detached subdivision. The subject property is located west of NE McDonald Lane, east of NE Jacob Street, north of NE Peyton Lane, and south of NE Autumn Ridge Drive (Tax Lots 2100 and 2104, Section 9, T. 4. S., R. 4 W., W.M.) and is zoned R-4PD (Multiple-Family Residential Planned Development). **See Figure 1: Vicinity Map.** The site is currently undeveloped. The proposed street tree plan addresses the specification and placement of required street trees for the subdivision. **See Figure 2: Proposed Street Tree Plan.**

**Figure 1: Vicinity Map**



**Figure 2: Proposed Street Tree Plan**



**Attachments :**

Attachment 1 – Application and Attachments

**Summary of Criteria & Issues**

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

**II. CONDITIONS:**

1. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during planting process.
2. That all trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
3. That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, street trees shall be provided with two (2) deep watering tubes to promote deep root growth.
4. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, David Renshaw, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
5. 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.
6. That the street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets.
7. That the street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner for one full growing season following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

**III. ATTACHMENTS:**

1. L 15-20 Application and Attachments (on file with the Planning Department)

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*Attachments :*

Attachment 1 – Application and Attachments

#### **IV. COMMENTS:**

##### **Agency Comments**

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

- **McMinnville Public Works Department**

##### **Site Review**

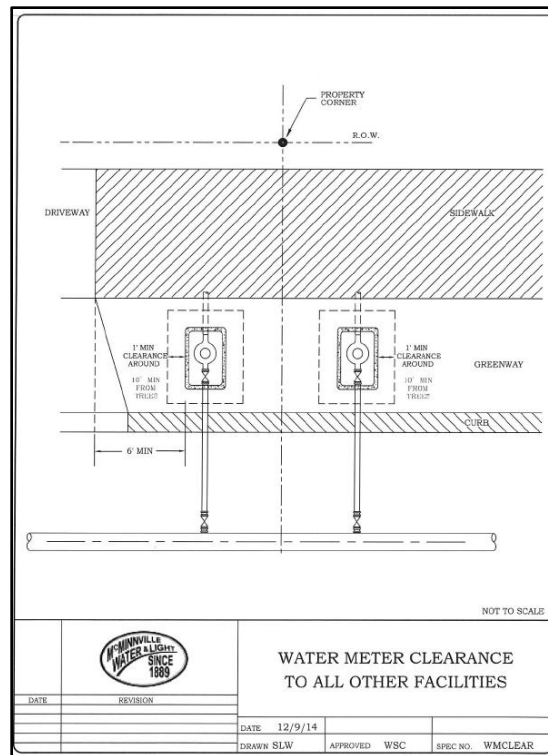
1. The existing site is a residential subdivision known as The Cottages at Chegwyn Village, ph 2.
2. All roadways in the subdivisions will be local roadways, with setback sidewalk and planter strips.
3. Lots in the subdivision will take access from the alley.

##### **Recommendations**

1. The submitted landscaping plan indicates that:
  - a. Trees will be planted 20' from street lights
  - b. Trees will be planted 5' from the private alley approach. This should be from the top of the wing.
  - c. Trees will be planted 10' away from water meter installations.
  - d. Trees will be planted 20' from intersections.
  - e. Trees will be planted as per the City's current planting detail.
2. We would recommend that the applicant be reminded to avoid planting trees in such a manner as to block existing street signage.
3. Public Works recommends approval of this proposal as submitted, with the following suggested as conditions of approval:
  - a. All trees be planted as per size, variety and location as noted on the final approved planting plan.
  - b. The applicant contact Public Works at 503.434.7316 to inspect all plantings prior to backfill.

- **McMinnville Water & Light**

When planting trees around water meters, please maintain proper clearances as indicated in MW&L Spec WMCLEAR. Please see attachment.



### 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, Brian Ruden of Alan Ruden, Inc., submitted a Landscape Plan Review application on May 12, 2020 for the Street Tree Plan for Cottage at Chegwyn Village Phase II.
2. The application was deemed complete on May 22, 2020.
3. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
4. No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 of the McMinnville Zoning Ordinance, which does not require public notification. No public comments were received prior to the public meeting.
5. A public meeting was held by the Landscape Review Committee on June 17, 2020 to review the application and proposed landscape plan.

### VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** West of NE McDonald Lane, east of NE Jacob Street, north of NE Peyton Lane, and south of NE Autumn Ridge Drive (Tax Lots 2100 and 2104, Section 9, T. 4. S., R. 4 W., W.M.)

#### Attachments :

Attachment 1 – Application and Attachments

2. **Size:** Approximately 2.40 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-4PD (Multiple-Family Residential Planned Development)
5. **Overlay Zones/Special Districts:** Planned Development Ordinances 5063, 4990, and 4953
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None
8. **Other Features:** None
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** NE McDonald Lane, NE Jacob Street, NE Peyton Lane, and NE Autumn Ridge Drive adjacent to the subject site are classified as local streets.

## **VII. CONCLUSIONARY FINDINGS:**

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

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

### **Comprehensive Plan Volume II:**

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

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

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

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

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#### **Attachments:**

Attachment 1 – Application and Attachments



- Policy 122.00:** *The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:*
1. *Major, minor arterials.*  
–Landscaping should be encouraged along public rights-of-way.
  2. *Major, minor collectors.*  
–Landscaping should be encouraged along public rights-of-way.
  3. *Local Streets*  
–Landscaping should be encouraged along public rights-of-way.

**APPLICANT’S RESPONSE:** None.

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

- Policy 132.24.00:** *The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:*
1. *Incorporate features that create a pedestrian friendly environment, such as: [...]*  
g. *Street furniture, street trees, and landscaping*

**APPLICANT’S RESPONSE:** None.

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

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

**APPLICANT’S RESPONSE:** None.

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

- Policy 132.43.05:** *Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:*
3. *Landscaping barriers between roadway and non-motorized uses;*
  4. *Landscaping that promotes a residential atmosphere;*

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**Attachments :**

Attachment 1 – Application and Attachments

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Street trees will be installed along the public right-of-way along all new streets within the new subdivision, and also along the existing rights-of-way adjacent to the new subdivision. The trees will be located within curb-side planting strips, and will be of a species from the approved McMinnville Street Tree List. Conditions of approval have been included to ensure that the planting of the street trees meets all necessary street tree standards. The trees will promote a residential atmosphere and provide a barrier between the roadway and non-motorized uses.

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

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

**APPLICANT'S RESPONSE:** The applicant did not provide a response in the application.

**FINDING: SATISFIED.** McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Landscape Review Committee review of the request and recommendation at an advertised public meeting. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

### **McMinnville Zoning Ordinance**

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

#### **Chapter 17.03. General Provisions**

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

**APPLICANT'S RESPONSE:** None.

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

#### **Chapter 17.57. Landscaping**

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

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*Attachments :*

Attachment 1 – Application and Attachments

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

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

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

**APPLICANT'S RESPONSE:** None.

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

#### **17.57.070 Area Determination – Planning Factors.**

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

**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.

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*Attachments :*

Attachment 1 – Application and Attachments

**FINDING: SATISFIED.** The street tree plan is compatible with the proposed residential subdivision and the abutting and surrounding properties and uses. Cottages at Chegwyn Village Phase II is a 28 small lot, alley loaded, single-family detached subdivision. Because the lots are accessed via the alley, the curbside planting strip is uninterrupted and the number of street trees is maximized. The street tree plan provides street trees along all street frontages adjacent to the subdivision, consistent with the conditions of the surrounding residential subdivisions. The proposed trees are selections from the McMinnville Street Tree List, and are proposed in a dedicated planting strip at standard spacings from utilities and each other. The street tree plan will help promote a residential atmosphere within the subdivision, consistent with the atmosphere of the surrounding area.

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

**APPLICANT'S RESPONSE:** None.

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

**17.57.070(B)(3).** The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** No existing trees were present on the site to be incorporated into the subdivision..

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Parking areas are not included in the Cottages at Chegwyn Village Phase II subdivision, therefore this planning factor is not applicable.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The applicant is proposing *Acer rubrum* 'October Glory' (October Glory Red Maple) as the street tree species within the Cottages at Chegwyn Village Phase II subdivision. The specified species and variety is found on the McMinnville Street Tree List as a Recommended Medium Tree Species, and is therefore consistent with the desired characteristics of a street tree in the City of McMinnville.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The street tree plan does not indicate that an irrigation system will be provided in all street tree planting areas. Deep watering tubes will be provided to each tree per City specifications to allow water penetration to the bottom of the root zone.

**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 #7.** 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 the street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner for one full growing season following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

## Chapter 17.58. Trees

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

**APPLICANT'S RESPONSE:** None.

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

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

**APPLICANT'S RESPONSE:** None.

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

## **17.58.090 Street Tree Standards.**

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

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*Attachments :*

Attachment 1 – Application and Attachments

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** 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 applicant is proposing *Acer rubrum* 'October Glory' (October Glory Red Maple) as the street tree species within the Cottages at Chegwyn Village Phase II subdivision. The specified species and variety is found on the McMinnville Street Tree List as a Recommended Medium Tree Species, and is therefore consistent with the desired characteristics of a street tree in the City of McMinnville.

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

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The applicant is proposing *Acer rubrum* 'October Glory' (October Glory Red Maple) as the street tree species within the Cottages at Chegwyn Village Phase II subdivision. The specified species and variety is found on the McMinnville Street Tree List as a Recommended Medium Tree Species. A typical dimension on the street tree plan indicates a 30 foot maximum distance between street trees, which is the maximum spacing for a medium street tree. Staff would note that utilities or improvements such as street lights or alley access may necessitate spacing greater than the maximum 30 feet between street trees.

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

**APPLICANT'S RESPONSE:** None.



**FINDING: SATISFIED.** The subdivision includes local residential streets. The applicant has provided a five (5) foot wide planting strip along all streets within the subdivision, which is greater than the three (3) foot minimum requirement. The species of street tree being proposed is a “medium” sized tree in the McMinnville Street Tree List, requiring a minimum five (5) foot wide planter strip based on the requirements of the McMinnville Street Tree List. This standard is met with the proposed planter strip.

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

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION #5.** The proposed street tree plan provides locations of proposed utilities, street light standards, private driveways, and other improvements in the public right-of-way. Street trees are generally proposed in locations outside of the setbacks established by the spacing standards. Typical dimensions on the Street Tree Plan indicate that street trees are to be spaced minimum 10 foot distance from water meter boxes, minimum 5 foot distance from private alley entrance, minimum 20 foot distance from street lights, and minimum 20 foot distance from intersections. A condition of approval has been included to ensure the setbacks from utilities and other right-of-way improvements be maintained.

**CONDITION FOR FINDING:** That the applicant is reminded that trees are not to be planted within:

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

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

#### **17.58.120 Street Tree Maintenance.**

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

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS #6 AND #7.** Conditions of approval has been included to ensure that the street trees are continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

**CONDITIONS FOR FINDING:** That the 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.

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

JF



**Planning Department**

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

509-20-000235-Plng

<b>Office Use Only:</b>	
File No.	L 15-20
Date Received	5-12-20
Fee	
Receipt No.	801 <sup>35</sup>
Received by	gdb

## Landscape Plan Review Application

### Applicant Information

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

Applicant Name Alan Ruden, Inc. Phone 503 435 2412

Contact Name Brian Ruden Phone 503 435 9979  
(If different than above)

Address PO Box 570

City, State, Zip McMinnville, OR 97128

Contact Email brianruden@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 Cottages @ Chequamegon Village Phase 2

Assessor Map No. R4 409 - 2100 : 2104 Total Site Area \_\_\_\_\_

Subdivision Cottages at Chequamegon Village, Phase 2 Block \_\_\_\_\_ Lot \_\_\_\_\_

Comprehensive Plan Designation Res Zoning Designation R-4 PD


### **Landscaping Information**

1. Total Landscaped Area: Street Trees
2. Percent Landscaped: \_\_\_\_\_
3. Building Floor Area:  
New Structure: \_\_\_\_\_ Existing Structure: \_\_\_\_\_ Addition: \_\_\_\_\_
4. Architect Name \_\_\_\_\_ Phone \_\_\_\_\_  
(Landscape Architect; Engineer; or Other Designer)  
Contact Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact Email \_\_\_\_\_


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

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

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

  
Applicant's Signature

5.11.2020  
Date

  
Property Owner's Signature

5.11.2020  
Date



# COTTAGES AT CHEGWYN VILLAGE, PHASE II

## STREET TREE PLAN (SCALE: 1" = 20')

ALAN RUSEN, INC.  
PO Box 570  
McMinnville, OR 97128  
503.435.2412



**ACER RUBRUM "OCTOBER GLORY"**  
Common Name: October Glory Red Maple  
Quantity: 40  
Size: min 2" caliper  
Installation: Root barrier against curb and sidewalk in 10' lengths centered on tree and to 18" depth; include deep watering tubes and tree stakes; to be installed at time of adjacent home completion.

