



**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/97450799977?pwd=UTZpdjRRcVEvcGJOBUpppei9qdWpHUT09>

**July 1, 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> <ol style="list-style-type: none"> <li>A. January 15, 2020 (Exhibit 1)</li> <li>B. February 29, 2020 (Exhibit 2)</li> </ol> </li> <li><b>4. Action Items</b> <ol style="list-style-type: none"> <li>A. L 11-20 – Landscape Plan Review (Exhibit 3) 2515 NE Orchard Avenue</li> <li>B. L 5-20 – Landscape Plan Review (Exhibit 4) 1031/1039 NE Lafayette Avenue</li> <li>C. L 16-20 – Landscape Plan Review (Exhibit 5) 1945 NW 2<sup>nd</sup> Street</li> <li>D. L 18-20 – Street Tree Removal (Exhibit 6) 1909 NW Cottonwood Drive</li> </ol> </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>Topic: Landscape Review Committee Time: Jul 1, 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/97450799977?pwd=UTZpdjRRcVEvcGJObUppei9qdWpHUT09">https://mcminnvilleoregon.zoom.us/j/97450799977?pwd=UTZpdjRRcVEvcGJObUppei9qdWpHUT09</a> Meeting ID: 974 5079 9977 Password: 567924</p> <p><b>Join Zoom Meeting via phone:</b></p> <p>Dial by your location</p> <ul style="list-style-type: none"><li>+1 669 900 9128 US (San Jose)</li><li>+1 253 215 8782 US (Tacoma)</li><li>+1 346 248 7799 US (Houston)</li><li>+1 646 558 8656 US (New York)</li><li>+1 301 715 8592 US (Germantown)</li><li>+1 312 626 6799 US (Chicago)</li></ul> <p>Meeting ID: 974 5079 9977 Password: 567924</p>
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# EXHIBIT 1 - MINUTES

**January 15, 2020**  
**Landscape Review Committee**  
**Regular Meeting**

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

**Members Present:** John Hall, Sharon Gunter, and Tim McDaniel  
**Members Absent:** Josh Kearns and Rob Stephenson  
**Staff Present:** Jamie Fleckenstein - Associate Planner  
**Guests Present:** Kellie Menke – City Councilor

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## 1. Call to Order

Vice Chair Gunter 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. Election of Officers

Committee Member McDaniel nominated Rob Stephenson for Chair and Sharon Gunter for Vice Chair for 2020. The motion was seconded by Committee Member Hall and passed unanimously.

### B. L 29-19 – Landscape Review – 2730 NE Doran Drive

Associate Planner Fleckenstein reviewed the Landscape Plan for a new apartment complex on NE Doran Drive. Along the western property line there was a large stand of existing Fir and Oak trees and several would be preserved. This would be a 12 unit building with associated off street parking and shared driveway and trash enclosure. The landscaping around the property met the minimal requirements. He then discussed the review factors. The landscaping was generally focused around the perimeter with shade trees along Doran Drive. There was no opportunity for street trees. The trees that were proposed would function as street trees and would provide screening and shade. Around the building would be a large open lawn space for residents to use. Public Works suggested

using a different tree for the parking lot island due to site distance obstruction. There was a condition of approval that the proposed tree not be planted in that location. There was no landscaping proposed for the north side of the building that was visible from the right-of-way and residential neighborhood. There was a condition of approval to require landscaping that was consistent with the rest of the building. This was a residential use that was adjacent to other residential uses and substantial screening was not required, however the screening of the outdoor storage facility to the south was lacking. There was currently a chain link fence there that offered no privacy although the trees offered some screening when they had leaves. There was a condition that the applicant needed to provide site obscuring plantings across that property line. There were four parking lot islands identified on the Landscape Plan. Three were planted with ornamental grasses and Bloodgood Japanese Maples. For the fourth island no plantings were indicated. There was a condition that required plantings in the island and around the trash enclosure. All of the lawn and shrub areas would receive automatic irrigation systems. There would be Viburnum planted around the perimeter of the building and at the entry to the site.

There was discussion regarding screening requirements, eliminating the site distance obscuring tree in the parking lot island, having more variety in the plantings, and putting in a hedge to screen Wilco.

Committee Member Hall suggested having a larger discussion about adding a requirement for a separate irrigation system for trees in lawn areas.

Committee Member McDaniel moved to approve L 29-19 with staff's recommended conditions of approval and adding a condition for a more diverse and expansive plant palette to be more compatible with the surrounding uses and residential feel of the area to be submitted to staff for review and approval. The motion was seconded by Vice Chair Gunter and passed unanimously.

## **5. Discussion Items**

None

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

None

## **7. Committee Comments**

None

## **8. Staff Comments**

Associate Planner Fleckenstein said there had been comments about the amount of paperwork Committee Members were given for meetings and he was working on reducing the length of staff reports.

There was consensus for staff to continue using the new format.

## **9. Adjournment**

Vice Chair Gunter adjourned the meeting at 12:37 p.m.





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## EXHIBIT 2 - MINUTES

**February 19, 2020**  
**Landscape Review Committee**  
**Regular Meeting**

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

**Members Present:** John Hall, Sharon Gunter, Josh Kearns, and Tim McDaniel  
**Members Absent:** Rob Stephenson  
**Staff Present:** Jamie Fleckenstein - Associate Planner  
**Guests Present:** Scott Hill – Mayor, Zach Geary and Kellie Menke – City Councilors

### 1. Call to Order

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

### 2. Citizen Comments

None

### 3. Approval of Minutes

A. August 21, 2019

Committee Member McDaniel moved to approve the August 21, 2019 meeting minutes. The motion was seconded by Committee Member Hall and passed unanimously.

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

A. L 32-19 – Landscape Plan Review - 2019 NE Highway 99W

Associate Planner Fleckenstein discussed the Landscape Plan for a new commercial building on NE Highway 99W. There were overhead power lines along the property and existing Honey Locust trees below the power lines. No other significant plantings were on the site. He reviewed the approval criteria. The Landscape Plan showed considerable landscaping around the perimeter. There was a residential neighborhood across from 27<sup>th</sup> Street from the site and screening and vegetation would be required. The existing trees provided some screening and the Landscape Plan called for additional understory plantings and removal and replacement of two of the trees underneath the power lines. Honey Locust trees could grow tall and there was a condition of approval that any of the existing trees be replaced with an appropriately sized tree from the street tree list. There was discussion regarding replacing all five Honey Locust trees.

Associate Planner Fleckenstein said the perimeter landscaping was appropriate for the use and surrounding properties. There would be appropriate screening between the residential use across the street and the site. They were proposing to preserve three of the five Honey Locust trees. There were ample plantings around the edges of the parking and in front of the parking between 99W and the parking lot. It was a combination of small deciduous trees, evergreen shrubs, and ornamental plantings. The evergreen shrubs were positioned where they would shield headlights from the right-of-way or the adjacent property to the east. A condition of approval would require a planting island centrally located in the bank of parking adjacent to the building. There were 12 parking stalls proposed without a planting island and there was room to include a five foot wide island to break up the expanse of the parking stalls. Street trees were not required for this project. An automatic irrigation system was proposed and there was a condition requiring landscaping around three sides of the trash enclosure. Staff recommended approval of the application with conditions.

Committee Member McDaniel thought the Plan enhanced the aesthetic environment and view from 99W looking in. He did not see the need for more plantings. Associate Planner Fleckenstein said the trees adjacent to the parking lot were small and would not provide as much shade and inclusion of a planting island would improve the shading and cooling of the parking lot.

Committee Member Hall suggested putting the larger specimens on the ends of the buildings to soften the architectural edges and have a smaller tree that would not block the signage.

Committee Member Kearns moved to approve L 32-19 with the conditions proposed by staff. The motion was seconded by Committee Member McDaniel and passed unanimously.

#### B. L 1-20 – Landscape Plan Review - NE Alpine Avenue & NE 9<sup>th</sup> Street

Associate Planner Fleckenstein presented the Landscape Plan for the Boutique Retreat project on the corner of NE Alpine Avenue and NE 9<sup>th</sup> Street. There were nine tiny home cottages proposed around the perimeter of the property; eight would be rental units and one would be the office. Interior to the cottages would be access pathways and outdoor gathering spaces. About 51% of the site was landscaping. The entrances would be gated and coded. No on-site parking, parking islands, or plantings were required. He then discussed the review factors. The landscaping responded to the arrangement of the cottages and site design. To the north was a residential use and additional screening was required along the northern property line with evergreen trees and slatted chain link fence. That carried along to the eastern property line as well where there was an alley and another commercial site. There would be lower landscaping along the rights-of-way that would not obstruct views into the property and it would match what was currently on Alpine. New street trees would be provided along NE 9<sup>th</sup>. Those trees would be Red Sunset Maple trees, which were appropriate for the planter strip and spacing proposed. There were no existing trees or natural areas on the site to be preserved. Irrigation would be included in all of the landscape areas. There would be a trash enclosure located off of the alley in between cottages 5 and 6 and there was a condition that landscaping be put in on three sides of the enclosure. There were some additional requirements for NE Gateway District landscaping. One was that the landscaping adjacent to the right-of-way be maintained at the three foot or less height to maintain visibility and a pedestrian friendly feel along the rights-of-way, and this landscaping plan met that requirement. It also required lighting of the landscaping and exterior of the buildings to be shielded or directed away from property lines. There was a condition that required the landscape lighting to be directed into the site and away from property lines. Several trees would be planted in the interior that would provide shade and canopy. Staff recommended approval with conditions.

Committee Member Kearns stated he had created this Landscape Plan.

There was discussion regarding the parking and design of the project.

Vice Chair Gunter moved to approve L 1-20 with the conditions proposed by staff. The motion was seconded by Committee Member Hall and passed unanimously with Committee Member Kearns abstaining.

#### C. L 2-20 – Landscape Plan Review - 1805/1815 NE Colvin Court

Associate Planner Fleckenstein explained the Landscape Plan for an industrial warehouse development on NE Colvin Court. Currently there were two buildings on the western side of the site and a parking lot accessed on the eastern side. He discussed the review factors. The application was compatible with the industrial use of the property. The proposal was for shrubs and trees around the perimeter. In the public utility easement on Colvin Court, there was a large sewer force main and there was a condition that ensured the trees were planted at least ten feet away from the force main. Depending on where the force main was located there might not be room to shift the trees and if that was the case they would not be planted.

There was discussion regarding locations for the trees and trash enclosure plantings.

Associate Planner Fleckenstein thought the trees on Colvin Court near the easement would most likely need to be eliminated from the plan. He did not know the depth of the force main.

Committee Member Kearns suggested a tree variety change to be something from the small tree list or putting in root barriers between the sewer line and the trees.

Associate Planner Fleckenstein suggested a condition that would require a species change with approval from the Engineering Department.

There was discussion regarding how the root barriers worked.

Associate Planner Fleckenstein said the trees around the perimeter would provide screening and buffering of the property assuming they would all be planted. The Vine Maples and Willow shrubs on the west and north sides would provide a continuous screening. In the northeast corner of the site there were seven small existing trees that would be removed due to the needed improvements to the site. There were four and a half planting islands proposed for the parking lot each with a small deciduous tree and evergreen shrubs. No street trees were shown on the plan and there was a condition to require street trees in the planter strip.

Committee Member Kearns pointed out the planter strip was not quite four feet wide. It depended on where the sidewalks and sewer main were located. He had suggested lawn, but the applicant did not want to maintain any lawn.

Associate Planner Fleckenstein read from the code which stated that when adjacent to a local residential street or minor collector street, street trees would be planted in a curbside landscape strip measuring a minimum of 3 feet in width. If the sewer main was located anywhere other than right under the sidewalk or against the property line, the trees would be potentially gone. Without that landscaping, there would be nothing on that side other than the planting islands.

Committee Member Kearns thought if the sewer main was west of the sidewalk, the sidewalk could be moved a little bit to give more space to the planter strip.

Committee Member Hall thought they should continue this application to determine what was possible along the Colvin Court frontage.

Committee Member Kearns stated he had created this Landscape Plan.

Vice Chair Gunter moved to continue L 2-20. The motion was seconded by Committee Member McDaniel and passed unanimously with Committee Member Kearns abstaining.

## **5. Discussion Items**

None

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

None

## **7. Committee Comments**

None

## **8. Staff Comments**

None

## **9. Adjournment**

Vice Chair Gunter adjourned the meeting at 1:04 p.m.



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## EXHIBIT 3 - STAFF REPORT

DATE: July 1, 2020  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Agenda Item 4A – 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

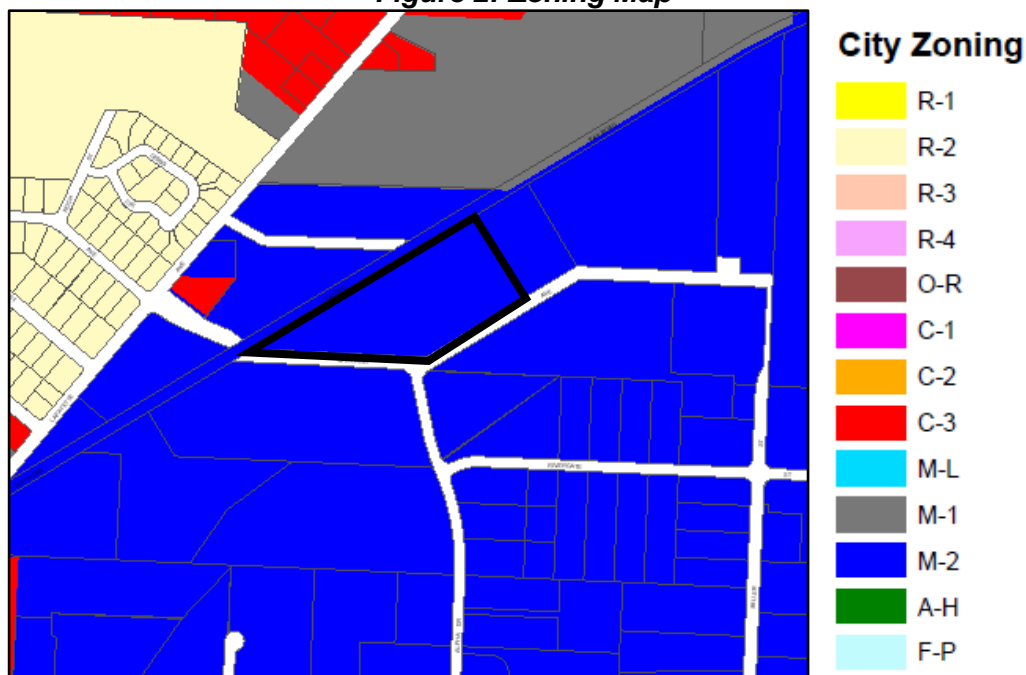
Attachment B – Application Materials

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.)**

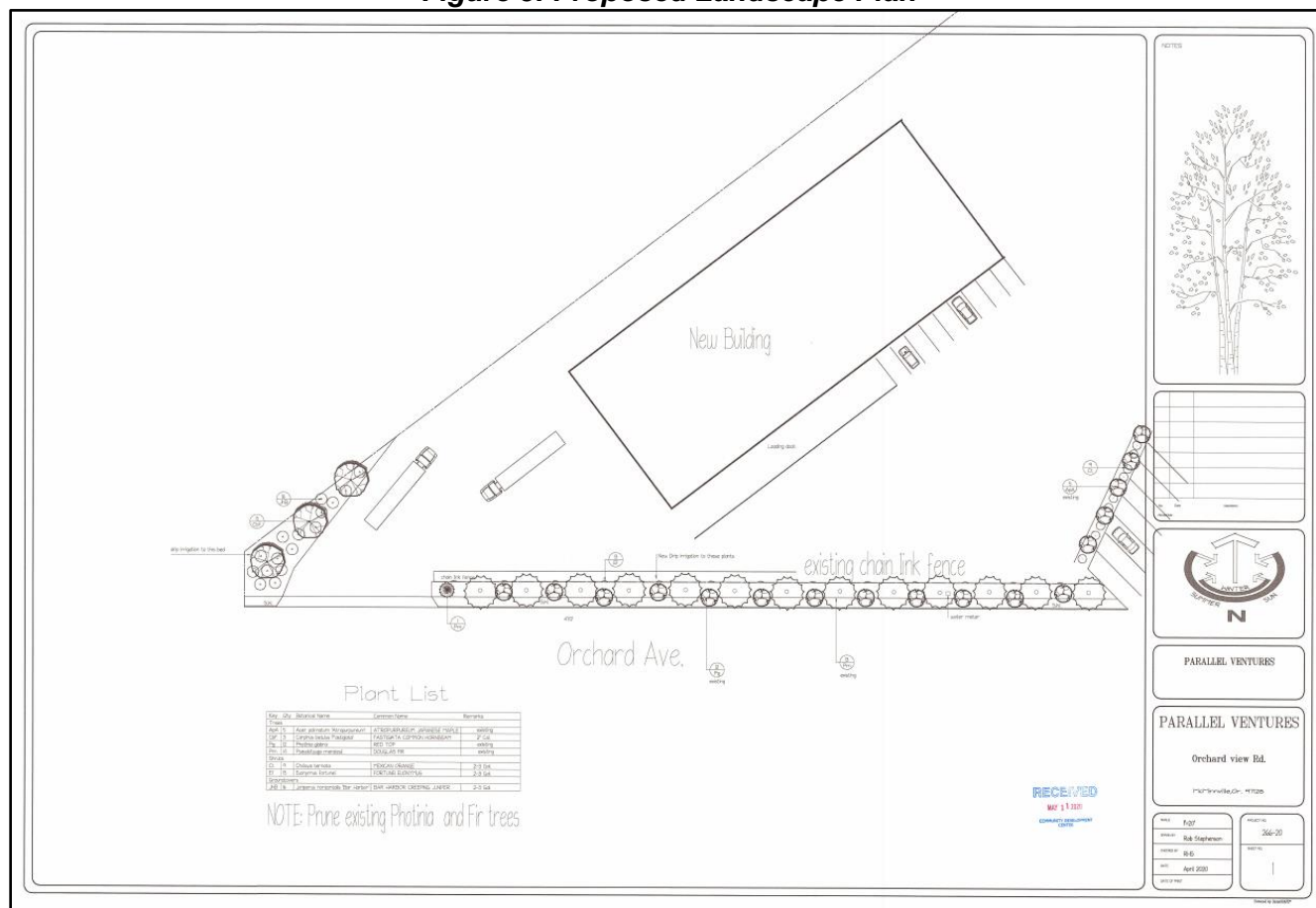


**Attachments:**

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 'Atrappurpureum'	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

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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:** July 1, 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.

## DECISION

Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the Landscape Plan (L 11-20) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Planning Staff: \_\_\_\_\_  
 Jamie Fleckenstein, Associate Planner

Date: July 1, 2020

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: July 1, 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

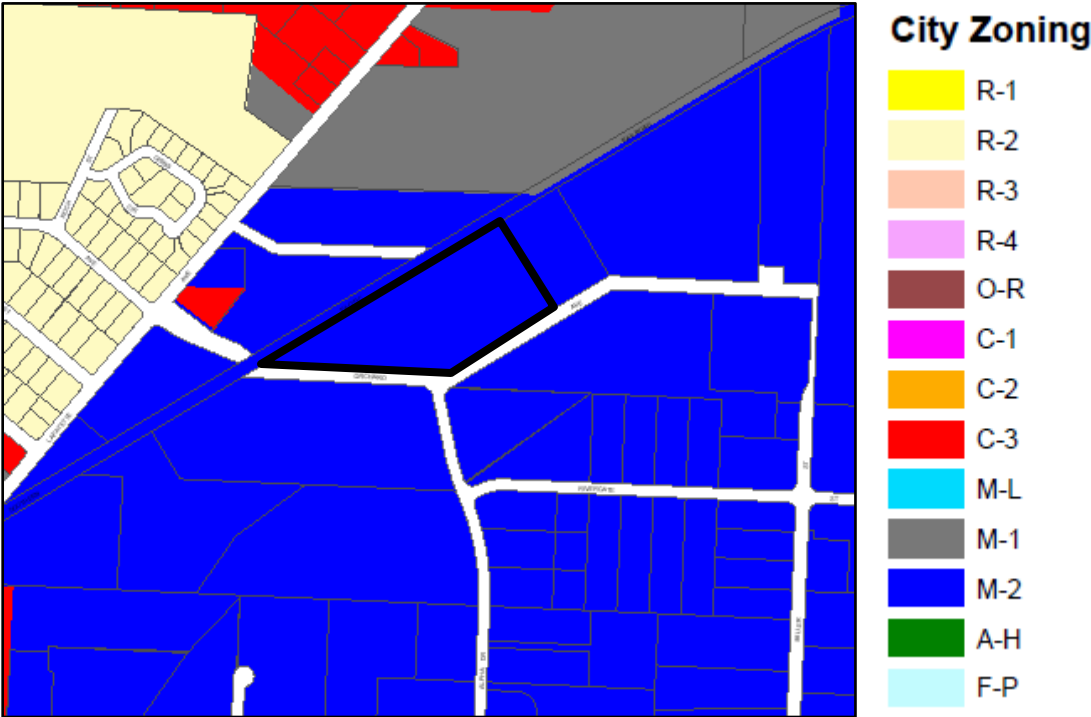


Figure 3: Existing Conditions (Development Area Enlargement)

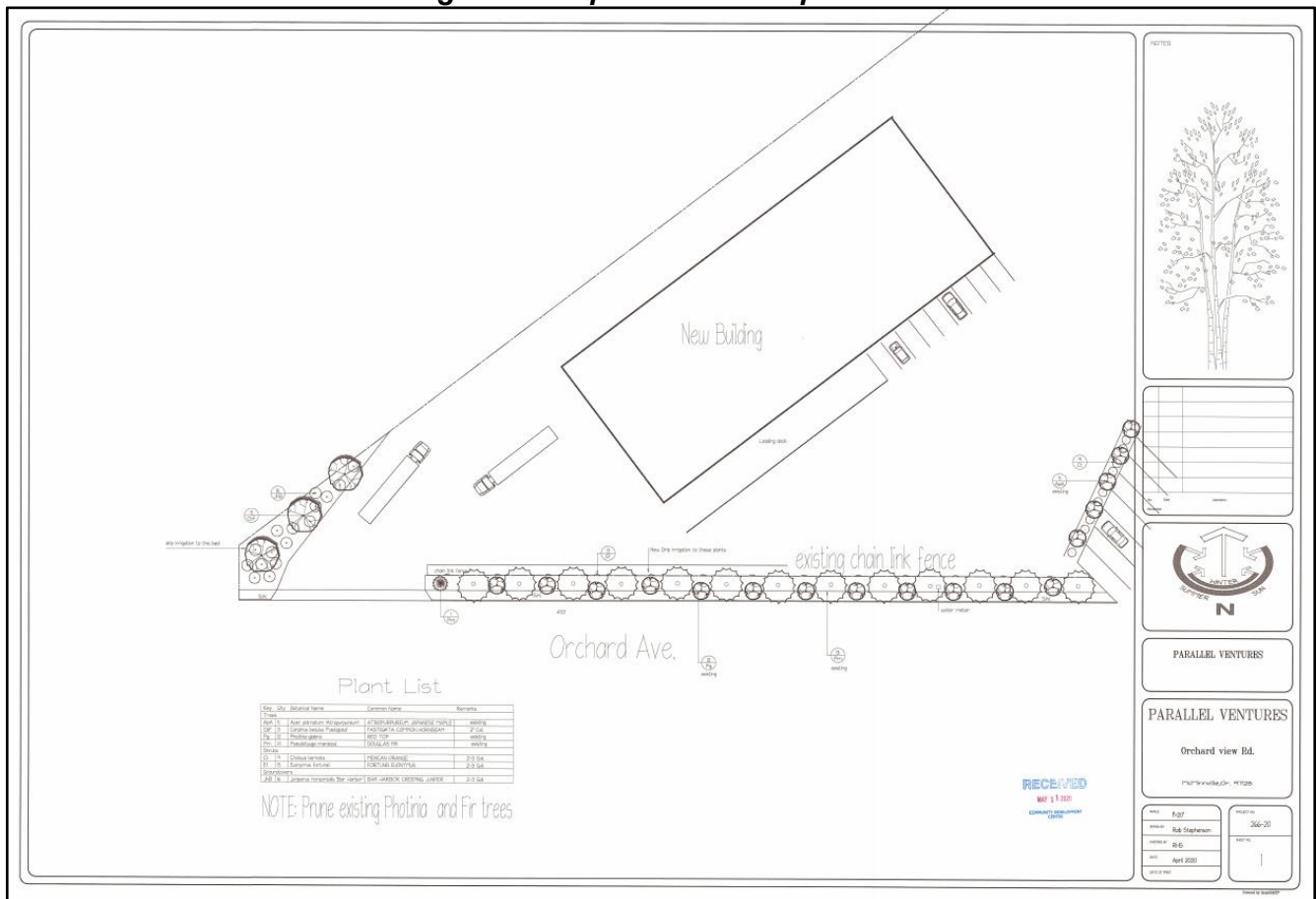




***Figure 4: Existing Conditions (looking east along Orchard Ave.)***



**Figure 5: Proposed Landscape Plan**



**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.

**Attachments :**

Attachment 1 – Application and Attachments

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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*Attachments :*

Attachment 1 – Application and Attachments



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

- 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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**Attachments :**

Attachment 1 – Application and Attachments

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. A quorum was not available to render a decision on the application.
6. A public meeting was held by the Landscape Review Committee on July 1, 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

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*Attachments:*

Attachment 1 – Application and Attachments

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 McMINNIVILLE.

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

**APPLICANT'S RESPONSE:** None.

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

**McMinnville Zoning Ordinance**

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.

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*Attachments :*

Attachment 1 – Application and Attachments

8. Provide shade, and seasonal color.
9. Reduce glare, noise and heat.
- B. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
- C. Unify development and enhance and define public and private places.
- D. Preserve existing mature trees.
- E. Enhance the urban forest and tree canopy.
- F. Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.
- G. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
- H. Support McMinnville as a community that cares about its appearance.

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

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

**APPLICANT'S RESPONSE:** None.

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

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

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.

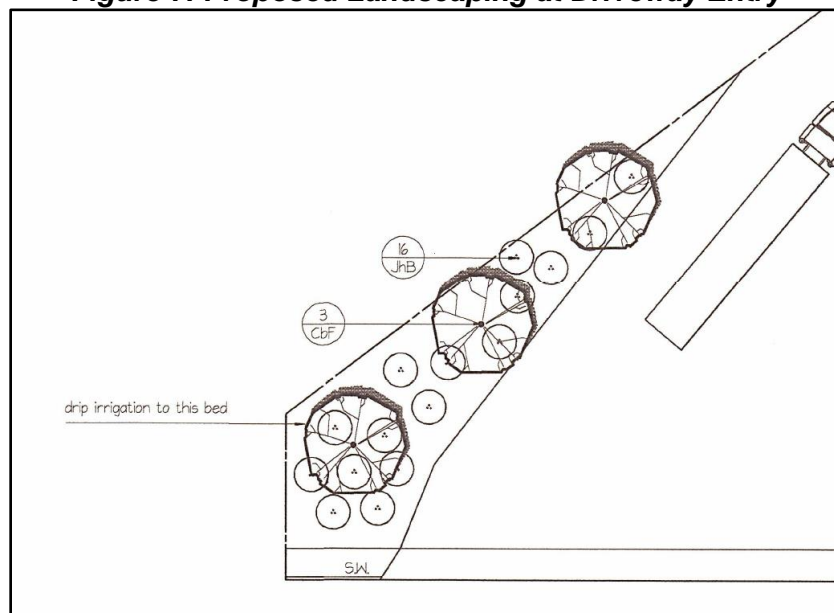
**17.57.070(B).** The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

**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.

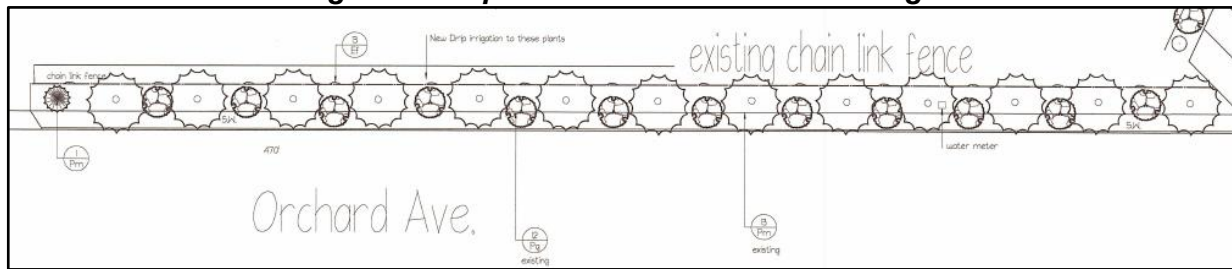
**FINDING: SATISFIED WITH CONDITION #2.** The site plan features an approximately 25,000 square foot industrial building in the southwestern portion of the subject site, adjacent to NE Orchard Avenue and the railroad tracks. The site is accessed from Orchard Avenue near the railroad crossing, and off-street 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**



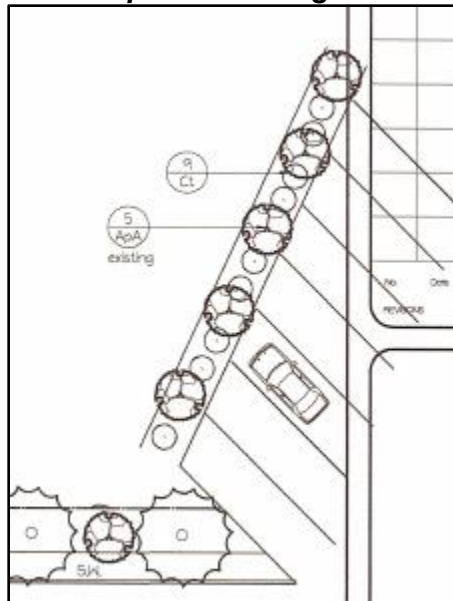
In the southwest corner of the site, a landscape area helps define the entry and provides a separation from the adjacent railroad tracks to the west. Three (3) deciduous *Carpinus betula* 'Fastigiata' (Fastigiata Common Hornbeam) trees are proposed among a mass of the evergreen shrub *Juniperus horizontalis* '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.



**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

**Attachments :**

Attachment 1 – Application and Attachments

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



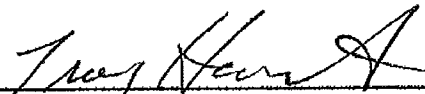
### **Landscaping Information**

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









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

## EXHIBIT 4 - STAFF REPORT

DATE: July 1, 2020  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Agenda Item 4B – Landscape Plan Review Application (L 5-20)

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

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

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

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### Report in Brief:

An application for a landscape plan review (L 5-20) for landscaping for the development of Granary Row, a modern communal space for four (4) micro-restaurants in the Northeast Gateway District to be reviewed by the Landscape Review Committee, continued from the May 20, 2020 meeting of the Landscape Review Committee.

### Background:

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

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### Attachments:

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

**Figure 1: Concept Illustration**

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

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

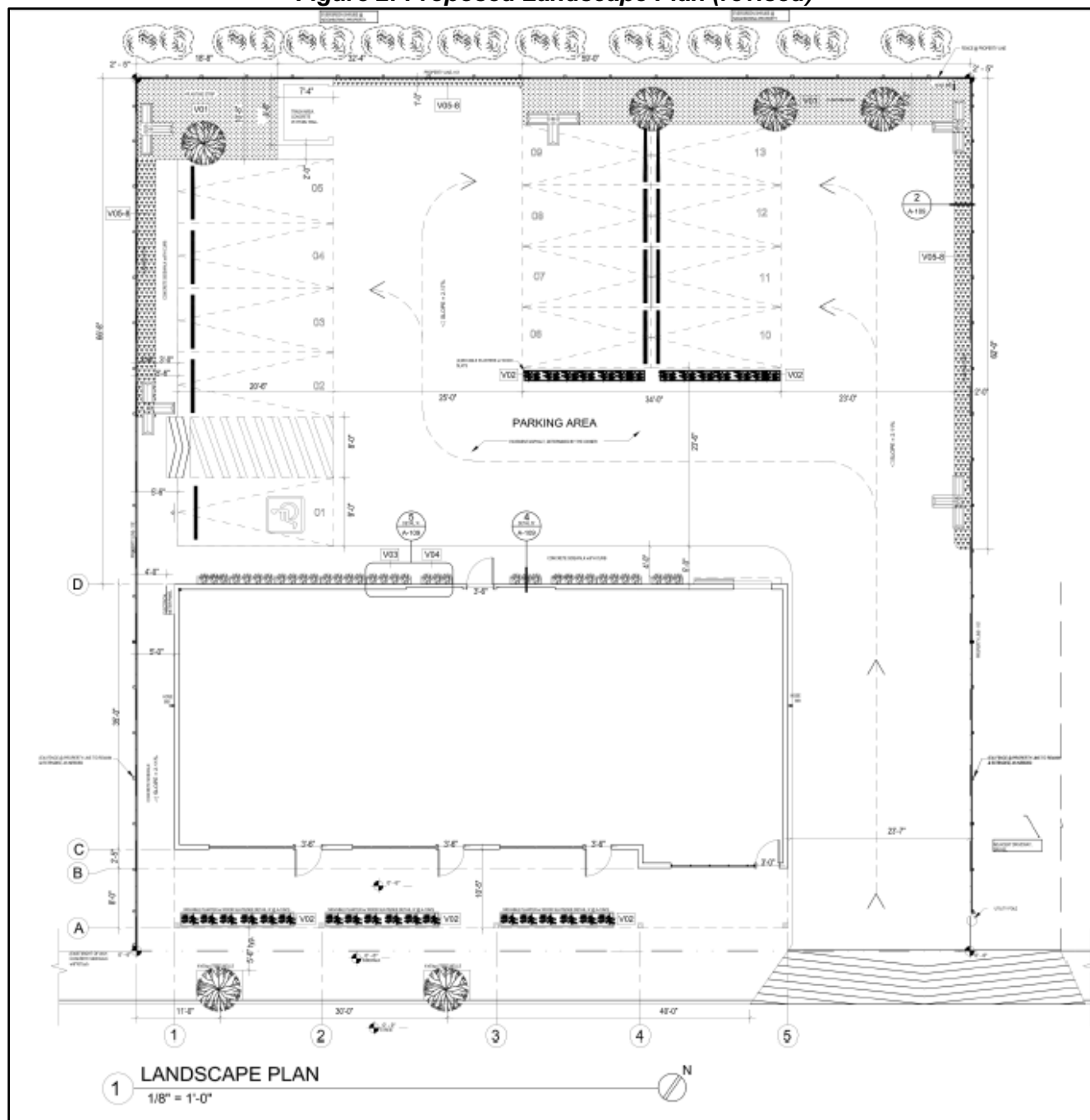
The proposed site plan for Granary Row features a new commercial building with four (4) micro-restaurant spaces, fronting the NE Lafayette Avenue right-of-way. The restaurant spaces open onto an outdoor seating patio adjacent to the sidewalk. Off-street parking for 13 vehicles and a trash and recycling enclosure are located behind the building on the northwestern half of the site. The parking lot area is anticipated to be used as flexible outdoor event space. The landscape plan addresses landscaping for the site, and street trees in the adjacent right-of way. **See Figure 2 (Landscape Plan) and Figure 3 (Plant Schedule).**

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**Attachments:**

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

Attachment B – Application Materials

**Figure 2: Proposed Landscape Plan (revised)****Attachments:**

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

Attachment B – Application Materials



**Figure 3: Proposed Plant Schedule (revised)**

LANDSCAPE PLAN SCHEDULE							
MARK	TYPE	SCIENTIFIC NAME	SUN EXPOSURE	USDA PLANTING ZONE	COUNT	SQUARE FEET	IMAGE
V01	FESCUE MULTIPURPOSE	Artificial Grass	N/A	N/A	1	570	
V02	TURKISH SPEEDWELL	Veronica liwanensis	PARTIAL SUN	4 TO 10	5	125	
V03	LEATHERLEAF SEDGE	Carex buehnanii	FULL SUN, PARTIAL SHADE	5 TO 9	27	22	
V04	BLUE FESCUES	Festuca glauca	FULL SUN	4 TO 8	29	22	
V05	KINNIKINNIK BEARBERRY	Arctostaphylos uva-ursi	FULL SUN, PARTIAL SHADE	2 TO 7	1	56.25	
V06	JEWEL of DESERT GARNET ICE PLANT	Delosperma	FULL SUN	4 to 9	1	56.25	
V07	EMERALD & GOLD WINTERCREEPER	Euonymus fortunei	FULL SUN, PARTIAL SHADE	5 TO 9	1	56.25	
V08	BLUE CREEPING JUNIPER	Juniperus horizontalis	FULL SUN	3 TO 9	1	56.25	
						TOTAL-964	

**Discussion:**

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

**Applicable Review Criteria**

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

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

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

**Attachments:**

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

Attachment B – Application Materials

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

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

At the May 20, 2020 meeting of the Landscape Review Committee, the application was considered. Discussion of the landscape plan was generally favorable, and the LRC voted to continue the application, recommending that the applicant incorporate the suggested conditions of approval into a final, revised landscape plan that the committee could reconsider. Below are the original suggested conditions of approval, and staff comments on how it was addressed in the revised landscape plan being considered.

### **Staff-Suggested Conditions of Approval From 5/20/20 Review (*staff comments in RED*):**

1. That the applicant shall revise the landscape plan submitted to the Planning Department on March 24, 2020 to comply with required conditions of approval, and shall submit the final revised landscape plan to the McMinnville Planning Department for verification of compliance and administrative approval.
  - *The applicant has incorporated many of the conditions and feedback from the committee into a revised landscape plan. Per the Committee's request, it was resubmitted for reconsideration.*
2. That no street tree shall be located closer than approximately 40 feet to the southern edge of the driveway access.
  - *The easternmost street tree has been removed from the landscape plan, and no street tree is within the vision clearance area west of the driveway.*
  - *This condition of approval is no longer necessary and has been removed.*
3. That planters along Lafayette Avenue shall be located closer to the building such that there is a minimum clear distance between the planter and the back edge of street tree planting wells to allow an accessible path of travel along the public sidewalk adjacent to the site.
  - *Planters have been moved to the north side of the southern property line, between the clear path of travel on the sidewalk and the outdoor seating area.*
  - *This condition of approval is no longer necessary and has been removed.*
4. That a privacy fence shall be provided along the northwestern property line and connect to existing fences to enclose the outdoor event space. The fence shall be a minimum six (6) feet in height and shall be sight-obscuring.
  - *The landscape plan indicates a fence will be included along the northwestern property line to connect to existing fences.*
  - *This condition of approval is no longer necessary and has been removed.*
5. That the combined height of a planter box and mature vegetation within the interior of the parking lot shall not exceed three and one-half (3.5) feet.
  - *The landscape plan indicates low planting is proposed for the planter boxes within the parking lot, meeting the overall height recommendation.*
  - *This condition of approval is no longer necessary and has been removed.*

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#### **Attachments:**

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

Attachment B – Application Materials

6. That the combined height of a planter box and mature vegetation between the sidewalk and the front building line shall not exceed three (3) feet.
  - *The landscape plan indicates low planting is proposed for the planter boxes within the parking lot, meeting the overall height recommendation.*
  - *This condition of approval is no longer necessary and has been removed.*
7. That if the NE Gateway Waiver for Section 10(C) is not approved during the Northeast Gateway Design Review process (docket NEG 1-20), the parking lot landscaping shall be redesigned to comply with applicable standards and criteria, and resubmitted to the McMinnville Landscape Review Committee for review and approval.
  - *The NE Gateway waiver for Section 10(C) was approved through the Northeast Gateway Design Review (NEG 1-20).*
  - *This condition of approval is no longer necessary and has been removed.*
8. That lighting of parking and landscaped areas be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.
  - *This condition of approval is still applicable and is recommended by staff.*
9. That the street tree species shall be a recommended street tree from the McMinnville Street Tree List identified for planting under wires, and with a narrow, upright, or columnar form, such as *Acer griseum* 'JFS-KW8AGRI' (Fireburst Paperbark Maple), *Parrotia persica* 'JLColumnar' (Persian Spire Parrotia), *Prunus incisa* 'Snow Goose' (Snow Goose Cherry), *Zelkova serrata* 'JFS-KW1' (City Sprite Zelkova), or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.
  - *The revised landscape plan does not indicate the street tree species selection. The applicant has indicated to staff that the street tree selection is Prunus incisa 'Snow Goose' (Snow Goose Cherry), a variety recommended by the Landscape Review Committee.*
  - *Because the street tree species is not specified on the plan, this condition of approval is still applicable and is recommended by staff.*
10. That if the selected street tree is a Recommended Small Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement. If the selected street tree is a Recommended Medium Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 30 feet apart, unless a utility or improvement is present that creates a setback requirement.
  - *The revised landscape plan does not indicate the street tree species selection. The applicant has indicated to staff that the street tree selection is Prunus incisa 'Snow Goose' (Snow Goose Cherry), which is found on the Medium Street Tree list. Medium street trees require 30 foot maximum spacing, which is the spacing indicated on the revised landscape plan.*
  - *Because the street tree species is not specified on the plan, this condition of approval is still applicable and is recommended by staff.*
11. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any planting excavation to ensure that underground utilities are not damaged.
  - *This is a standard condition of approval for landscape plans to help ensure safety. This condition of approval is still applicable and is recommended by staff.*
12. That the applicant is reminded that trees are not to be planted within:

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**Attachments:**

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

Attachment B – Application Materials

- 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.
    - *This is a standard condition of approval for landscape plans that include street trees to help ensure spacing standards continue to be met. This condition of approval is still applicable and is recommended by staff.*
13. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
- *This is a standard condition of approval for landscape plans to help ensure spacing standards continue to be met. This condition of approval is still applicable and is recommended by staff.*
14. That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be provided to a minimum depth of eighteen (18) inches. Two (2) deep watering tubes shall be provided to encourage deep rooting.
- *This is a standard condition of approval for landscape plans that include street trees to help ensure City standards continue to be met. This condition of approval is still applicable and is recommended by staff.*
15. That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
- *This is a standard condition of approval for landscape plans that include street trees to help ensure City standards continue to be met. This condition of approval is still applicable and is recommended by staff.*
16. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and watering tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
- *This is a standard condition of approval for landscape plans that include street trees to help ensure City standards continue to be met. This condition of approval is still applicable and is recommended by staff.*
17. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

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*Attachments:*

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

*Attachment B – Application Materials*

- *This is a standard condition of approval for landscape plans to help ensure City standards continue to be met. This condition of approval is still applicable and is recommended by staff.*

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

- *This is a standard condition of approval for landscape plans that include street trees to help ensure City standards continue to be met. This condition of approval is still applicable and is recommended by staff.*

19. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City.

- *This is a standard condition of approval for landscape plans that include street trees to help ensure City standards continue to be met. This condition of approval is still applicable and is recommended by staff.*

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

Issue	Notes	Condition to Help Meet Criteria
Compatibility with the project and surrounding properties and uses	<ul style="list-style-type: none"> <li>• Flexible landscaping supports project goals and vision of NE Gateway District</li> <li>• Fences separate property and use from neighboring properties and uses</li> </ul>	N/A
Screening the proposed use	<ul style="list-style-type: none"> <li>• Parking lot is screened from residential uses by fences</li> <li>• Trees will buffer and screen building and parking lot</li> <li>• Landscaping not required around trash enclosure – not visible from ROW</li> </ul>	N/A
Retention of existing trees	<ul style="list-style-type: none"> <li>• Small existing tree proposed for removal to accommodate required maximum setback from front property line</li> </ul>	N/A
Parking lot islands and planting	<ul style="list-style-type: none"> <li>• Movable planters proposed within parking lot interior</li> <li>• Planter/Planting may obstruct vision in parking area</li> <li>• Trees planted along north property line along perimeter of parking area</li> </ul>	N/A

**Attachments:**

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

Attachment B – Application Materials



Issue	Notes	Condition to Help Meet Criteria
Use of suitable street trees	<ul style="list-style-type: none"> <li>Overhead power line and adjacency to arterial street require select characteristics in a street tree along Lafayette</li> <li>Applicant indicates street tree will be Snow Goose Cherry, though plan does not specify</li> </ul>	<p>Condition #3: Requires a tree less than 25' tall with a narrow, upright, or columnar form</p> <p>Condition #4: Establishes spacing requirements based on street tree size</p>
Irrigation system or water facilities	<ul style="list-style-type: none"> <li>Hose bibs provided within 50' of all landscaping.</li> </ul>	N/A
NE Gateway: Landscaping required between ROW and building, 3' ht. max.	<ul style="list-style-type: none"> <li>Planters provided between sidewalk and outdoor seating area</li> </ul>	N/A
NE Gateway: Screening of off-street parking required, 3'-4' height	<ul style="list-style-type: none"> <li>NE Gateway waiver requested and approved</li> <li>Standard met through proposed landscape plan</li> </ul>	N/A
NE Gateway: Parking lot islands - 60' max. spacing, raised curbs, deciduous tree	<ul style="list-style-type: none"> <li>NE Gateway waiver requested and approved, no permanent internal parking lot landscaping required</li> <li>Moveable planters support development concept and NE Gateway goals</li> <li>Trees provide along northern edge of parking area/outdoor event space</li> </ul>	N/A
NE Gateway: Lighting directed/shielded toward intended target	<ul style="list-style-type: none"> <li>Parking lot lighting indicated, photometrics not provided</li> </ul>	Condition #2: Requires lighting to be directed/shielded to target(s) on the site

### Staff-Suggested Conditions of Approval For 7/1/20 Review

1. That the applicant shall install landscaping as shown on the revised landscape plan received by the Planning Department on June 1, 2020 and shall comply with required conditions of approval.
2. That lighting of parking and landscaped areas be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.
3. That the street tree species shall be a recommended street tree from the McMinnville Street Tree List identified for planting under wires, and with a narrow, upright, or columnar form, such as *Acer griseum* 'JFS-KW8AGRI' (Fireburst Paperbark Maple), *Parrotia persica* 'JLColumnar' (Persian Spire Parrotia), *Prunus incisa* 'Snow Goose' (Snow Goose Cherry), *Zelkova serrata* 'JFS-KW1' (City Sprite Zelkova), or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.

#### Attachments:

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

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4. That if the selected street tree is a Recommended Small Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement. If the selected street tree is a Recommended Medium Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 30 feet apart, unless a utility or improvement is present that creates a setback requirement.
5. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any planting excavation to ensure that underground utilities are not damaged.
6. That the applicant is reminded that trees are not to be planted within:
  - d. Five (5) feet of a private driveway or alley;
  - e. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
  - f. Twenty (20) feet of street light standards or street intersections.
7. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
8. That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be provided to a minimum depth of eighteen (18) inches. Two (2) deep watering tubes shall be provided to encourage deep rooting.
9. That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
10. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and watering tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
11. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.
12. That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner for one full growing season following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

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13. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City.

**Fiscal Impact:**

None.

**Landscape Review Committee Options:**

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

**Staff Recommendation:**

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

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

**Suggested Motion:**

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

JF

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**Attachments:**

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

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**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 1031/1039 NE LAFAYETTE AVENUE**

**DOCKET:** L 5-20 (Landscape Plan Review)

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

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

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

**APPLICANT:** Chae Pak, property owner

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

**DATE DEEMED  
COMPLETE:** April 20, 2020

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

**DECISION DATE  
& LOCATION:** July 1, 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.

## DECISION

Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the Landscape Plan (L 5-20) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Planning Staff: \_\_\_\_\_  
 Jamie Fleckenstein, Associate Planner

Date: July 1, 2020

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: July 1, 2020



## **I. APPLICATION SUMMARY:**

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

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

***Figure 1: Concept Illustration***



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

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

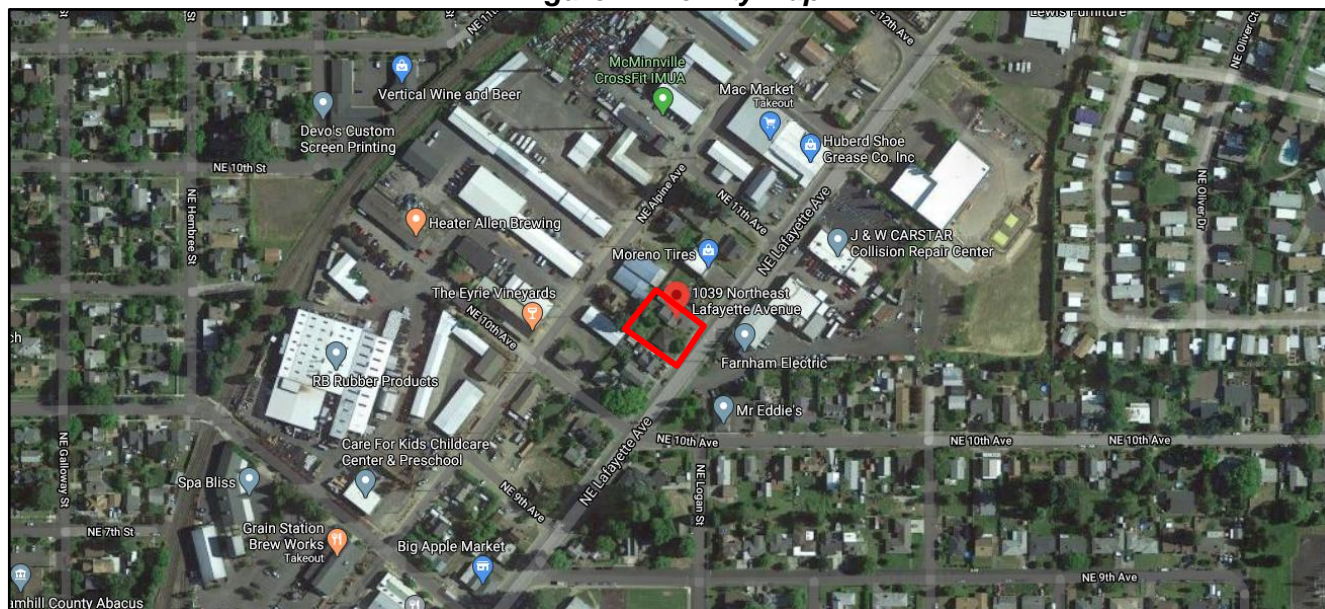
The proposed site plan for Granary Row features a new commercial building with four (4) micro-restaurant spaces, fronting the NE Lafayette Avenue right-of-way. The restaurant spaces open onto an outdoor seating patio adjacent to the sidewalk. Off-street parking for 13 vehicles and a trash and recycling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

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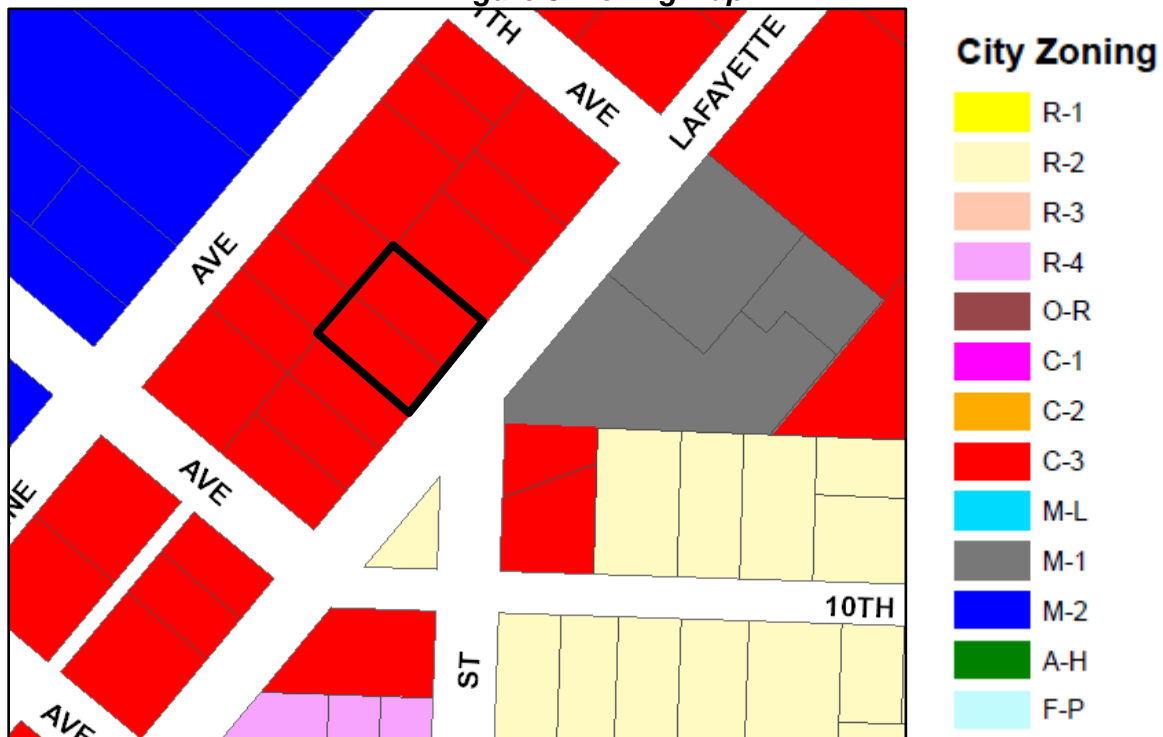
### ***Attachments :***

Attachment 1 – Application and Attachments

**Figure 2: Vicinity Map**



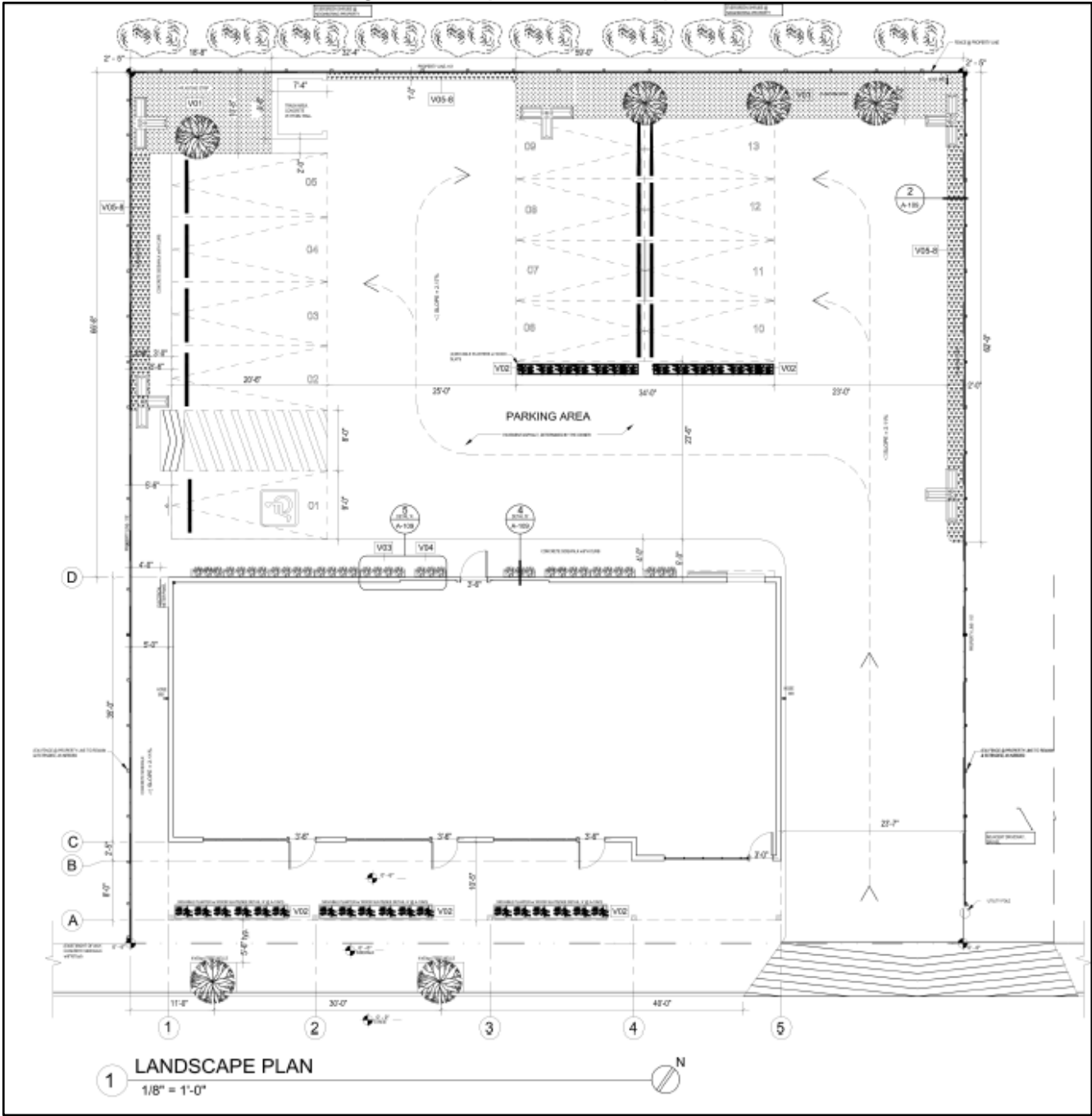
**Figure 3: Zoning Map**



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**Attachments :**

Attachment 1 – Application and Attachments

Figure 4: Proposed Landscape Plan



**Figure 5: Proposed Plant Schedule**

LANDSCAPE PLAN SCHEDULE							
MARK	TYPE	SCIENTIFIC NAME	SUN EXPOSURE	USDA PLANTING ZONE	COUNT	SQUARE FEET	IMAGE
V01	FESCUE MULTIPURPOSE	Artificial Grass	N/A	N/A	1	570	
V02	TURKISH SPEEDWELL	Veronica liwanensis	PARTIAL SUN	4 TO 10	5	125	
V03	LEATHERLEAF SEDGE	Carex buechananii	FULL SUN, PARTIAL SHADE	5 TO 9	27	22	
V04	BLUE FESCUES	Festuca glauca	FULL SUN	4 TO 8	29	22	
V05	KINNIKINNIK BEARBERRY	Arctostaphylos uva-ursi	FULL SUN, PARTIAL SHADE	2 TO 7	1	56.25	
V06	JEWEL of DESERT GARNET ICE PLANT	Delosperma	FULL SUN	4 to 9	1	56.25	
V07	EMERALD & GOLD WINTERCREEPER	Euonymus fortunei	FULL SUN, PARTIAL SHADE	5 TO 9	1	56.25	
V08	BLUE CREEPING JUNIPER	Juniperus horizontalis	FULL SUN	3 TO 9	1	56.25	
						<b>TOTAL-964</b>	

**Summary of Criteria & Issues**

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

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

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

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

**II. CONDITIONS:**

1. That the applicant shall install landscaping as shown on the revised landscape plan received by the Planning Department on June 1, 2020 and shall comply with required conditions of approval.
2. That lighting of parking and landscaped areas be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.

**Attachments :**

Attachment 1 – Application and Attachments

3. That the street tree species shall be a recommended street tree from the McMinnville Street Tree List identified for planting under wires, and with a narrow, upright, or columnar form, such as *Acer griseum* 'JFS-KW8AGRI' (Fireburst Paperbark Maple), *Parrotia persica* 'JLColumnar' (Persian Spire Parrotia), *Prunus incisa* 'Snow Goose' (Snow Goose Cherry), *Zelkova serrata* 'JFS-KW1' (City Sprite Zelkova), or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.
4. That if the selected street tree is a Recommended Small Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement. If the selected street tree is a Recommended Medium Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 30 feet apart, unless a utility or improvement is present that creates a setback requirement.
5. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any planting excavation to ensure that underground utilities are not damaged.
6. That the applicant is reminded that trees are not to be planted within:
  - a. Five (5) feet of a private driveway or alley;
  - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
  - c. Twenty (20) feet of street light standards or street intersections.
7. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
8. That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be provided to a minimum depth of eighteen (18) inches. Two (2) deep watering tubes shall be provided to encourage deep rooting.
9. That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
10. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and watering tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
11. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.
12. That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner for one full growing season

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**Attachments :**

Attachment 1 – Application and Attachments



following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

13. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City.

### **III. ATTACHMENTS:**

1. L 5-20 Application and Attachments (on file with the Planning Department)

### **IV. COMMENTS:**

#### **Agency Comments**

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

- McMinnville Public Works Department:

#### **Site Review**

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

#### **Comments/Recommendations**

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

- **McMinnville Water and Light:**

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

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

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

Please resubmit once public water facilities are known.”

### **Public Comments**

No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 of the McMinnville Zoning Ordinance which does not require public notification. No public comments were received prior to the Planning Director’s decision.

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

1. The applicant Chae Pak, property owner, submitted a landscape plan review application on February 19, 2020.
2. The application was deemed incomplete on March 12, 2020. Additional application materials were submitted on March 24, 2020. The revised application was deemed complete on April 20, 2020.
3. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
4. No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 of the McMinnville Zoning Ordinance, which does not require public notification. No public comments were received prior to the public meeting.
5. A public meeting was held by the Landscape Review Committee on May 20, 2020 to review the application and proposed landscape plan. The committee voted to continue the application.
6. Revised application materials were submitted to the Planning Department on June 1, 2020.
7. A public meeting was held by the Landscape Review Committee on July 1, 2020 to review the application and proposed landscape plan.

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

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

2. **Size:** Approximately 11,730 square feet
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3PD (General Commercial Planned Development)
5. **Overlay Zones/Special Districts:** Northeast Gateway District Planned Development Overlay (Ordinance Number 4971)
6. **Current Use:** Single-family residential
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None
8. **Other Features:** There are no significant or distinguishing natural features associated with this property.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** NE Lafayette Avenue is classified as a minor arterial in the 2010 McMinnville Transportation System Plan.

## **VII. CONCLUSIONARY FINDINGS:**

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

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

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

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

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

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

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#### **Attachments:**

Attachment 1 – Application and Attachments

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

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

**APPLICANT'S RESPONSE:** None.

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

### **McMinnville Zoning Ordinance**

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

### **Chapter 17.57 Landscaping**

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

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

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

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

**APPLICANT'S RESPONSE:** None.

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

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

D. C-3 (General Commercial zone).

**APPLICANT'S RESPONSE:** None.

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

**17.57.070 Area Determination – Planning Factors.**

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

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

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

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

	Total Site Area (s.f.)	Landscape Provided (s.f.)	Percentage
Proposed Development	11,730	964	8.2%

The proposed landscaping of 8.2 percent exceeds the seven (7) percent minimum landscaping requirement for commercial development.

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

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

**APPLICANT'S RESPONSE:** None.

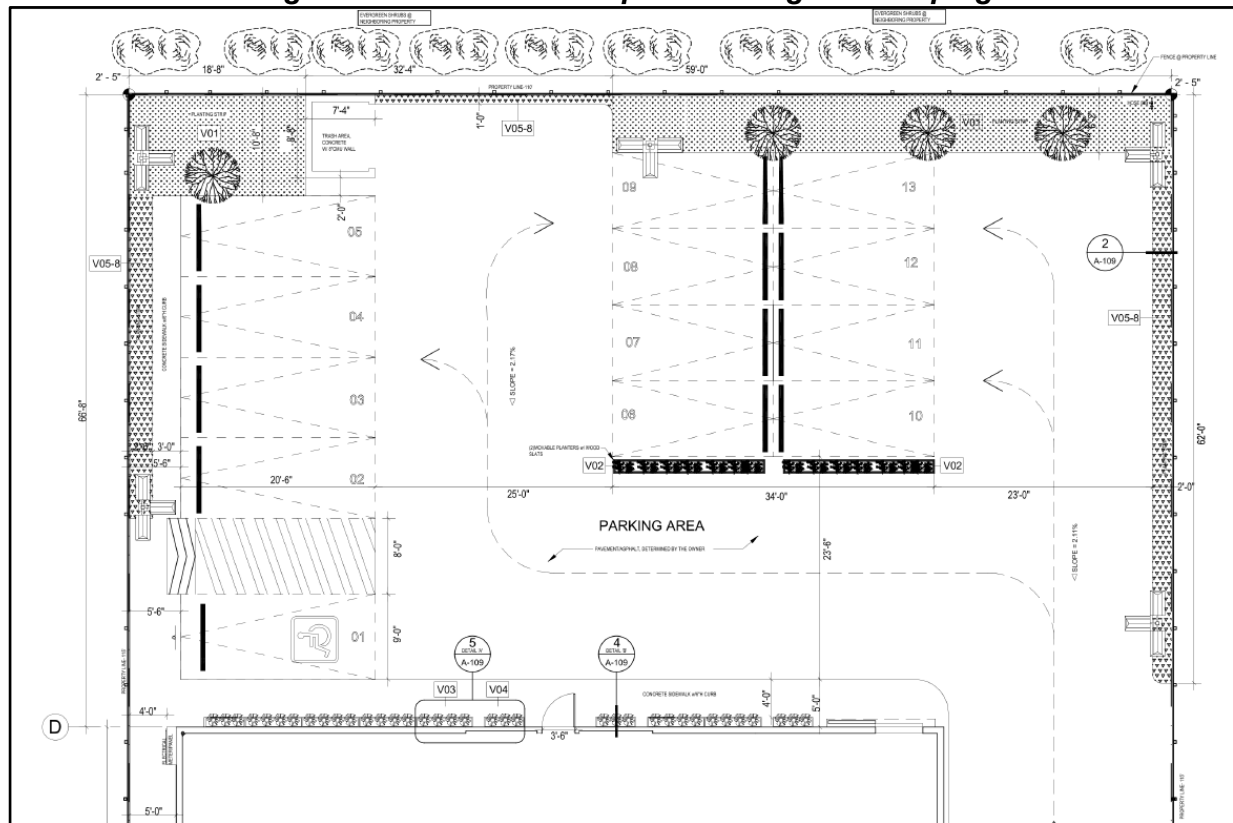
**FINDING:** The proposed site plan for Granary Row features a new commercial building with four (4) micro-restaurant spaces, fronting the NE Lafayette Avenue right-of-way. The restaurant spaces open onto an outdoor seating patio adjacent to the sidewalk. An overhead canopy would extend from the building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

Landscaping in the front of the building along the Lafayette Avenue frontage is intended to maximize the outdoor dining while providing screening and buffering from traffic on Lafayette Avenue. **See Figure 6 (Lafayette Avenue Landscaping).** Proposed landscaping includes street trees in tree wells, and raised planters between the street trees and building planted with the flowering perennial *Veronica liwanensis* (Turkish Speedwell). The raised planters are described in the application as two (2) feet wide, approximately three (3) feet tall, and varying in length. They would be wrapped with wood trim. They are not intended to be permanently affixed, but rather movable with machinery such as a pallet jack. **See Figure 7 (Planter Detail A).** Turkish Speedwell, the proposed plant material for the planters along Lafayette Avenue, is a groundcover-like flowering perennial. Based on a study of vision clearance of north-bound traffic on Lafayette Avenue, Public Works staff also recommended preserving a clear vision area within approximately 40 feet west of the driveway. No street trees or other obstructions are proposed within the recommended clear vision area.





**Figure 8: Outdoor Event Space/Parking Landscaping**



Landscaping around the perimeter of the parking lot consists of synthetic turf, a combination of evergreen groundcovers, and four (4) medium trees such as *Cornus nuttallii* (Pacific Dogwood). The Pacific Dogwood is a native tree that grows approximately 45 feet tall and 20 feet wide. The trees are located to provide canopy cover over the parking area that would typically be provided by trees in internal parking lot islands. Synthetic turf is proposed in the wider landscape areas along the norther property line to provide flexibility for outdoor events in the area. In the narrower landscape areas around the parking lot, a combination of evergreen groundcovers are proposed. The groundcovers include:

V05	KINNIKINNIK BEARBERRY	Arctostaphylos uva-ursi	FULL SUN, PARTIAL SHADE
V06	JEWEL of DESERT GARNET ICE PLANT	Delosperma	FULL SUN
V07	EMERALD &GOLD WINTERCREEPER	Euonymus fortunei	FULL SUN, PARTIAL SHADE
V08	BLUE CREEPING JUNIPER	Juniperus horizontalis	FULL SUN

Existing fences along the northeast and southwest property lines would remain in place. A new six (6) foot tall sight-obscuring fence is proposed along the northwest property line to enclose the event space and provide privacy and separation from adjacent properties.

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

Overall, staff finds the landscape plan is compatible with the proposed project and surrounding properties and uses. The landscape supports the development concept of a flexible, pedestrian-

oriented outdoor spaces that are encouraged within the Northeast Gateway District. The property and its uses would be fully separated from adjacent properties and uses by new and existing sight-obscuring fences.

**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.** While adjacent properties are commercially zoned like the subject property, residential uses exist. Off-street parking/outdoor event space is being proposed in the rear of the proposed building and would be adjacent to residential uses. Existing fences along the northeast and southwest property lines would remain in place. A new six (6) foot tall sight-obscuring fence is proposed along the northwest property line to enclose the event space and provide privacy and separation from adjacent properties. Trees proposed along the northwest property line would provide some buffering and screening between the adjacent properties. Parking spaces in the rear of the building would be screened from the Lafayette Avenue right-of-way by planters located on the ends of the parking aisles.

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

**APPLICANT'S RESPONSE:** There are no trees on the property that has a diameter of 6" or more.

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

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

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

**FINDING: SATISFIED.** The purpose and intent statement of the Landscape Chapter states that "Owners and developers are encouraged to exceed these [landscaping guidelines and standards] in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville." The applicant (property owner and developer of the Granary Row project) has identified an opportunity to create a multi-functional outdoor space that envisioned to provide off-street parking when not being used as outdoor event space. The applicant has indicated that traditional parking lot landscaping in the form of planting islands with raised curbs and landscaping including deciduous trees would present trip hazards during outdoor events, and the presence of trees would limit or prevent tents for events during inclement weather. The applicant proposed an alternative solution of planters that would provide screening of parking when configured at the end of parking aisles, but would be moveable to allow for unobstructed outdoor event space. The applicant has proposed four (4) medium shade trees in the planting area along the northwest property line to provide the canopy coverage of the parking lot that is traditionally provided by trees in internal parking lot islands.

The proposed planters are approximately three (3) feet tall, and would be planted with the flowering perennial *Veronica liwanensis* (Turkish Speedwell). Turkish Speedwell is a groundcover-like perennial.

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

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

**FINDING: SATISFIED WITH CONDITION #3.** The revised landscape plan indicates that two (2) medium street trees are proposed. The medium tree example provided, Pacific Dogwood, is not identified as recommended street tree on the McMinnville Street Tree List. Due to the presence of overhead power along the north side of Lafayette Avenue, medium street trees (identified as 25 to 40 feet tall) would conflict with the overhead utility. A small street tree (less than 25 feet in height) would be appropriate below power line. Additionally, street trees along Lafayette Avenue will be required to be pruned to provide 18 feet of clearance from the arterial street. A street tree selection with a narrow, upright, or columnar form would help provide the required clearance from the arterial street. Therefore, a condition of approval is included to require that the street tree species shall be a recommended street tree from the McMinnville Street Tree List identified for planting under wires, and with a narrow, upright, or columnar form, such as *Acer griseum* 'JFS-KW8AGRI' (Fireburst Paperbark Maple), *Parrotia persica* 'JLColumnar' (Persian Spire Parrotia), *Prunus incisa* 'Snow Goose' (Snow Goose Cherry), *Zelkova serrata* 'JFS-KW1' (City Sprite Zelkova), or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.

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

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

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

**FINDING: SATISFIED.** The landscape plan indicates that watering facilities will be provided within a reasonable distance to all landscaping within the site and to proposed street trees.

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

**APPLICANT'S RESPONSE:** None.

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

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

## **Chapter 17.58. Trees**

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

**APPLICANT'S RESPONSE:** None.

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed development is a new commercial development that includes designated planting islands in the form of sidewalk cuts in the concrete for tree planting. Therefore, street trees are required in accordance with the standards listed in Section 17.58.090.

## **17.58.090 Street Tree Standards.**

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

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

**FINDING: SATISFIED WITH CONDITION #3.** A revised street tree list updating the McMinnville Street Tree List approved by Resolution 2016-22 was developed by the Landscape Review Committee and approved by Resolution 2019-26. The revised landscape plan indicates that two (2) medium street trees would be planted. The medium tree example provided, Pacific Dogwood, is not identified as recommended medium street tree on the McMinnville Street Tree List.

Due to the presence of overhead power along the north side of Lafayette Avenue, medium street trees (identified as 25 to 40 feet tall) would conflict with the overhead utility. A small street tree

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

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION #9.** A condition of approval is included to ensure that street trees shall meet City standards for size and quality at the time of planting.

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION #4.** Due to the presence of overhead power along the north side of Lafayette Avenue, medium street trees (identified as 25 to 40 feet tall) would conflict with the overhead utility. A small street tree (less than 25 feet in height) would be appropriate below power line. Additionally, street trees along Lafayette Avenue will be required to be pruned to provide 18 feet of clearance from the arterial street. A street tree selection with a narrow, upright, or columnar form would help provide the required clearance from the arterial street. Trees meeting these characteristics are found in both the Recommended Small Tree Species and Recommended Medium Tree Species from the McMinnville Street Tree List. Therefore, a condition is included to require that if the selected street tree is a Recommended Small Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement. If the selected street tree is a Recommended Medium Tree Species from the McMinnville Street



Tree List, street trees shall be spaced no more than 30 feet apart, unless a utility or improvement is present that creates a setback requirement.

**CONDITION FOR FINDING:** That if the selected street tree is a Recommended Small Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement. If the selected street tree is a Recommended Medium Tree Species from the McMinnville Street Tree List, street trees shall be spaced no more than 30 feet apart, unless a utility or improvement is present that creates a setback requirement.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Lafayette Avenue is classified as an arterial street. Street trees are proposed in curbside tree wells measuring four (4) feet by six (6) feet, with the long dimension parallel to the curb. Trees would not be planted closer than two and one-half (2 1/2) feet from the face of the curb. The landscape plan indicates a distance of five and one-half (5 1/2) feet from the back edge of the sidewalk to the back edge of the tree well, exceeding the minimum distance of four (4) feet.

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

**APPLICANT'S RESPONSE:** None.

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

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

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

**17.58.090(F).** Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

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**APPLICANT'S RESPONSE:** None.

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

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #12 and #13.** A condition of approval has been included to ensure that the street trees are continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner for one full growing season following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

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

Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City.

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

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

**APPLICANT'S RESPONSE:** None.

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

#### **Northeast Gateway Planned Development Overlay**

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

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

All Zones:

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

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The revised landscape plan indicates that planters are proposed between the public sidewalk and the front building line. The proposed planters are approximately three (3) feet tall, and would be planted with low, groundcover-like flowering perennials. The combined height of the planter and plant would be approximately three (3) feet tall and would not be sight-obscuring.

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

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

**FINDING: SATISFIED.** The applicant has requested a waiver from this standard criteria through the Northeast Gateway Design Review process. However, this standard is met by the proposed landscape plan. The landscape proposes planters in the parking area/outdoor event space that would be positioned to screen parking spaces from the right-of-way. The proposed planters are approximately three (3) feet tall, and would be planted with low, groundcover-like flowering perennials. The height of the planters and plants would be between three (3) and four (4) feet.

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

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

**FINDING: SATISFIED.** The applicant has requested and received a waiver from this standard criteria through the Northeast Gateway Design Review process. The purpose and intent statement of the Landscape Chapter states that “Owners and developers are encouraged to exceed these [landscaping guidelines and standards] in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville.” The applicant (property owner and developer of the Granary Row project) has identified an opportunity to create a multi-functional outdoor space that envisioned to provide off-street parking when not being used as outdoor event space. The applicant has indicated that traditional parking lot landscaping in the form of planting islands with raised curbs and landscaping including deciduous trees would present trip hazards during outdoor events, and

the presence of trees would limit or prevent tents for events during inclement weather. The applicant proposed an alternative solution of planters that would provide screening of parking when configured at the end of parking aisles, but would be moveable to allow for unobstructed outdoor event space. The applicant has proposed four (4) medium shade trees in the planting area along the northwest property line to provide the canopy coverage of the parking lot that is traditionally provided by trees in internal parking lot islands.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION #2.** Lighting is indicated in the parking/outdoor event area, but no further details are provided about light fixtures or photometrics. Therefore a condition of approval is included to ensure any lighting of parking and landscaped areas be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target and not result in skyward glare.

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

JF

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

# Concept Illustration\*



2

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



# Granary Row is

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

# Façade Materials

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

# Windows

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

# Pergola

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

# Signage

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

# Lighting

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



# Landscaping

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

# Landscaping – Planter Detail A



# Landscaping – Request for Waiver

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

# Neighborhood Features and Accesses



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

# ROW Dedication and Lease Request

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



## NE Gateway Waiver Criteria

### To which standards are you requesting a waiver?

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

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

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

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

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

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

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

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

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



## NE Gateway Waiver Criteria

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

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

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

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

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

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

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

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

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

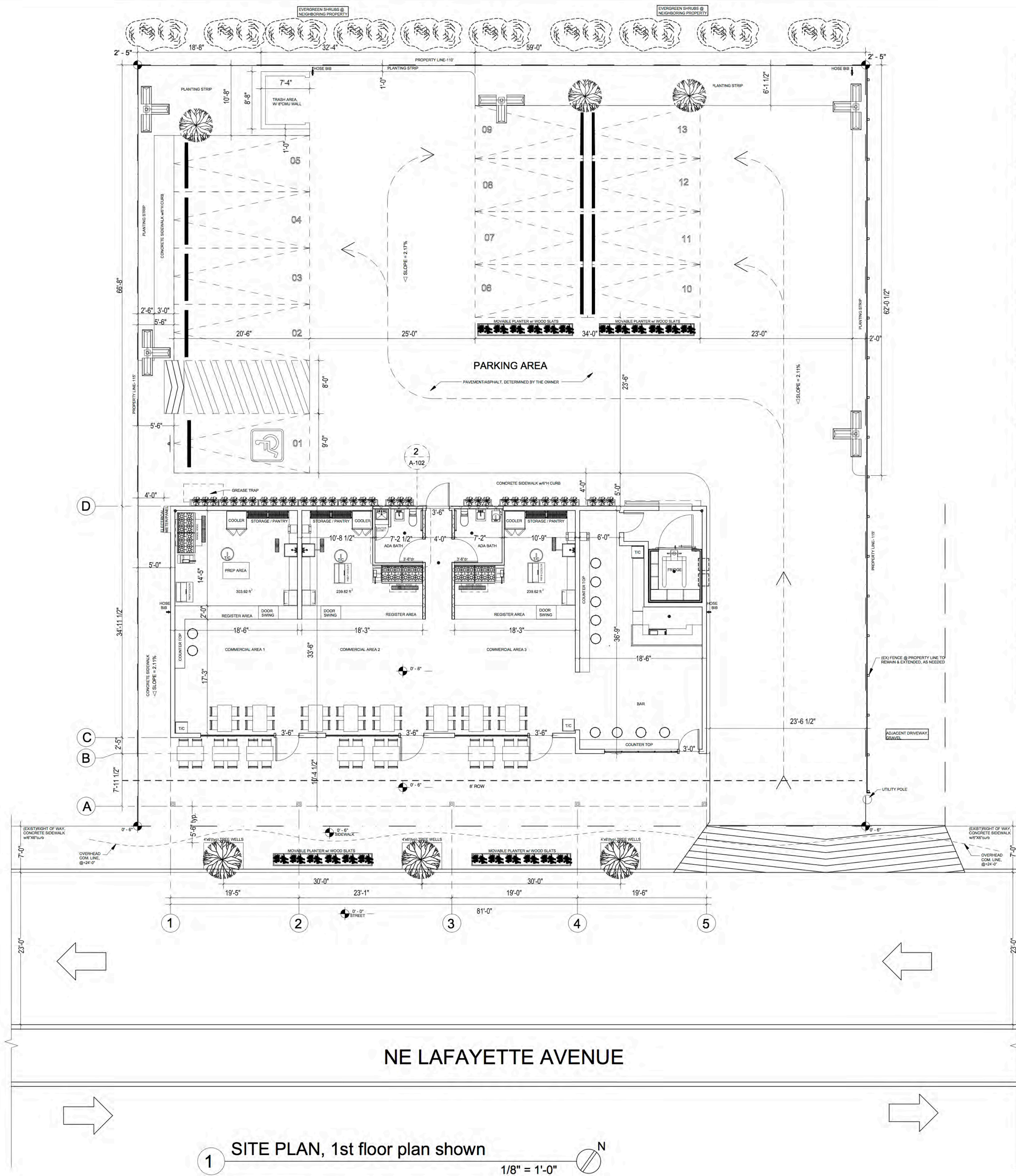
**Criterion 3: The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this chapter.**

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

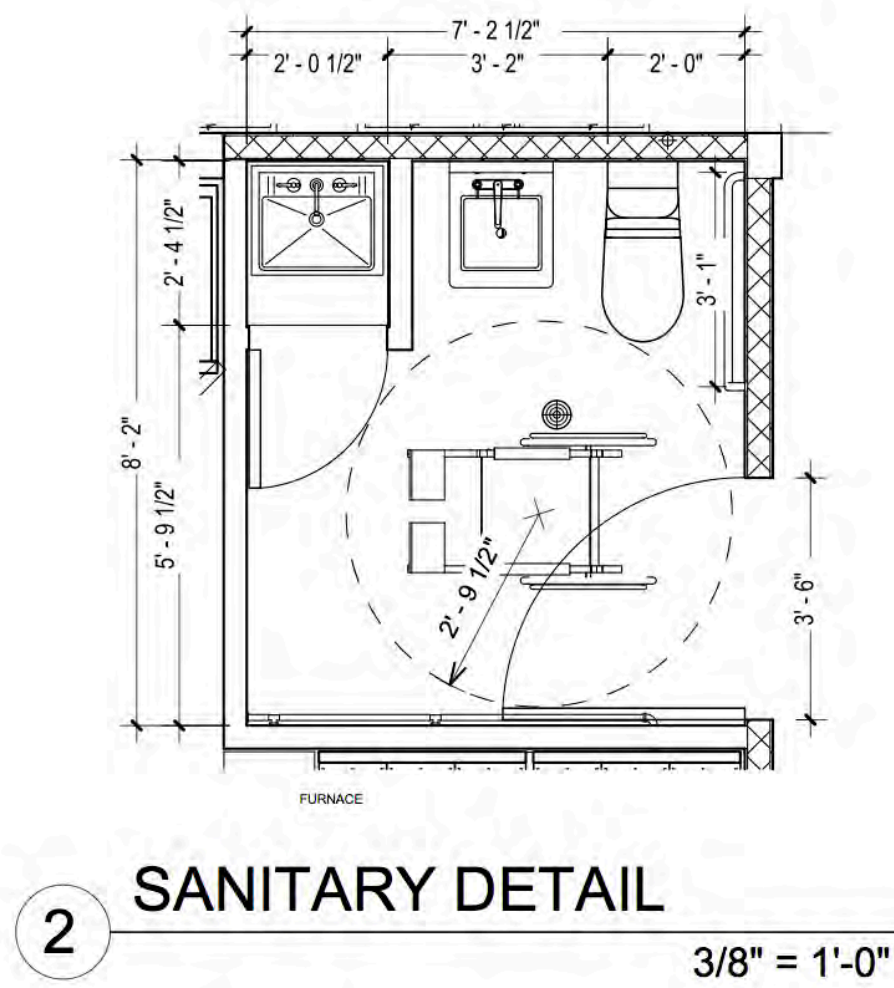
All other options that were permanent just did not work due to their nature. All moveable options did not achieve the synergistic effect sought by the alternatives proposed above.

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





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



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PROJECT

P - ETAN JONES

1031 & 1039 Lafayette Ave.

McMinnville, Oregon 97128

Block: Lot:

1ST FLOOR

Code #

Job #

Regulatory Stamps

owner

NO.	DESCRIPTION	DATE

SEAL & SIGNATURE

DATE: 10/31/2019

PROJECT No: 0001

DRAWING BY: IC

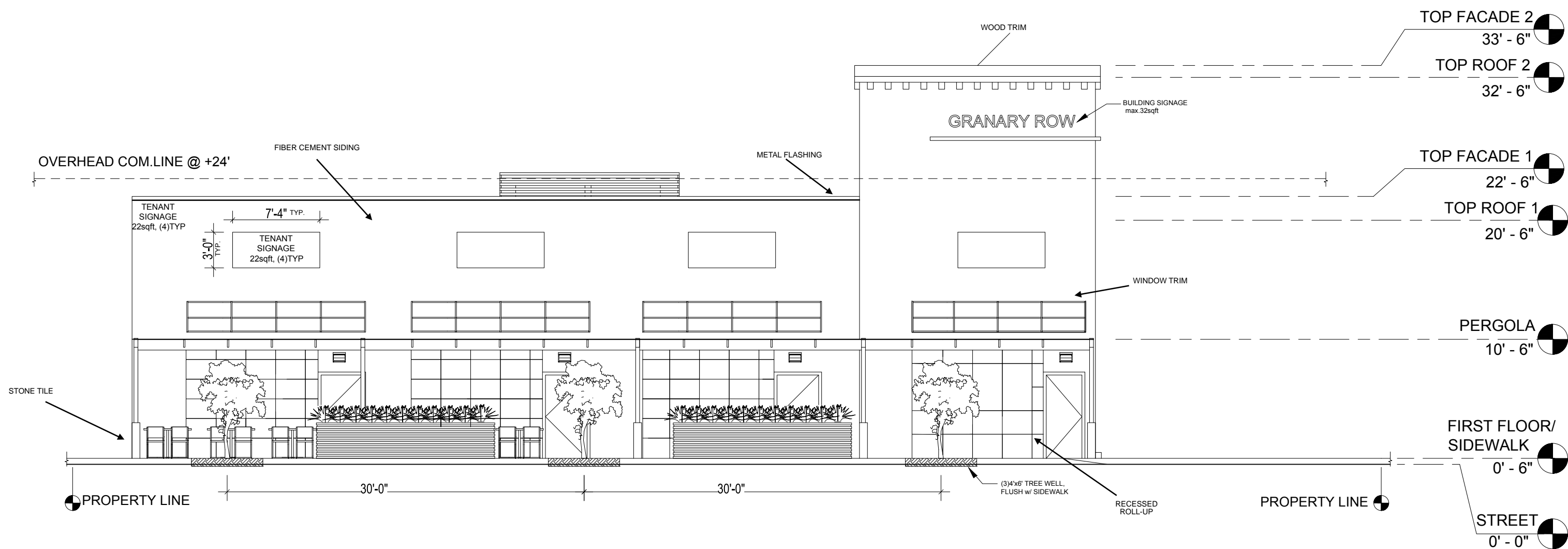
CHK BY: GM

A102.00

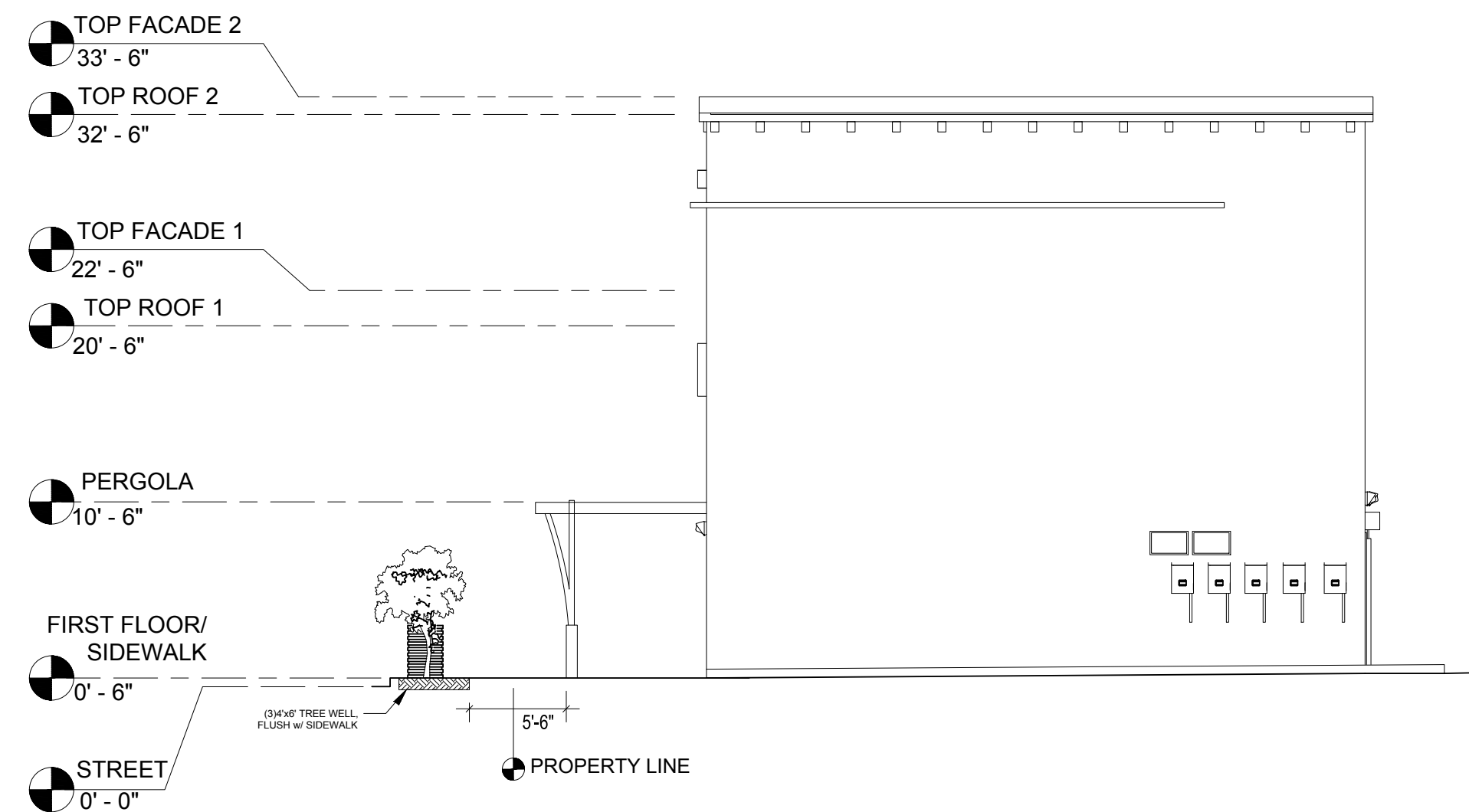
Rvt File Location: 2 of 13

89 of 152

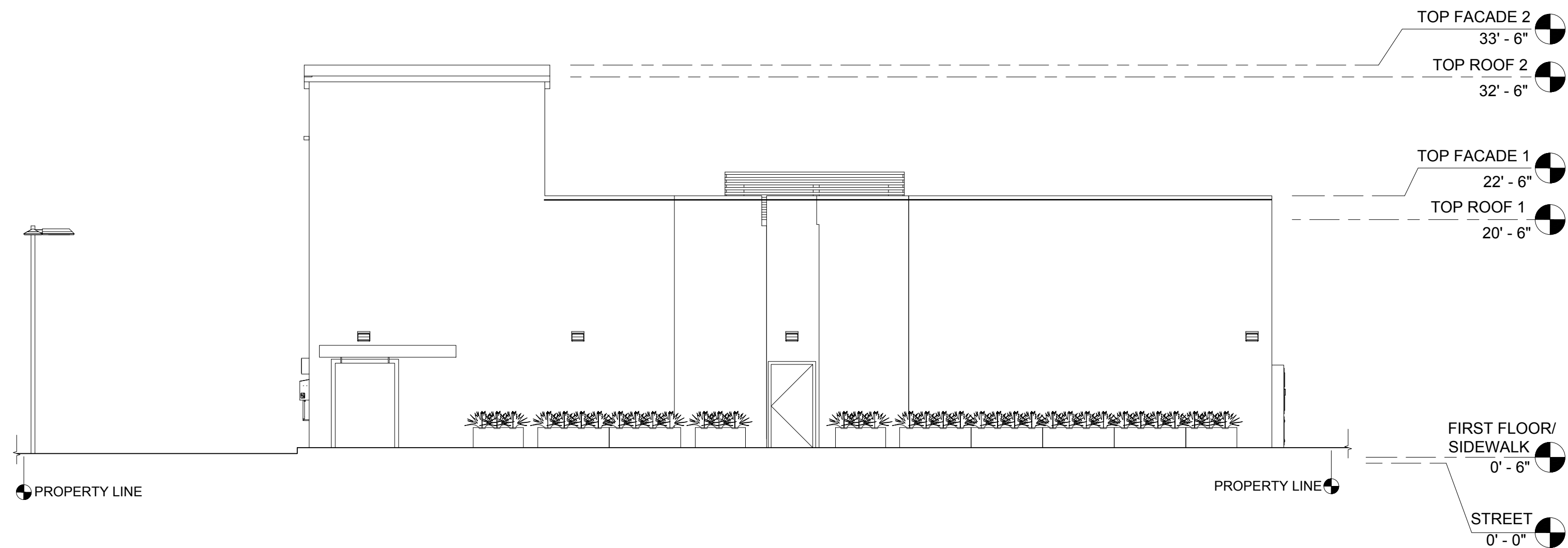




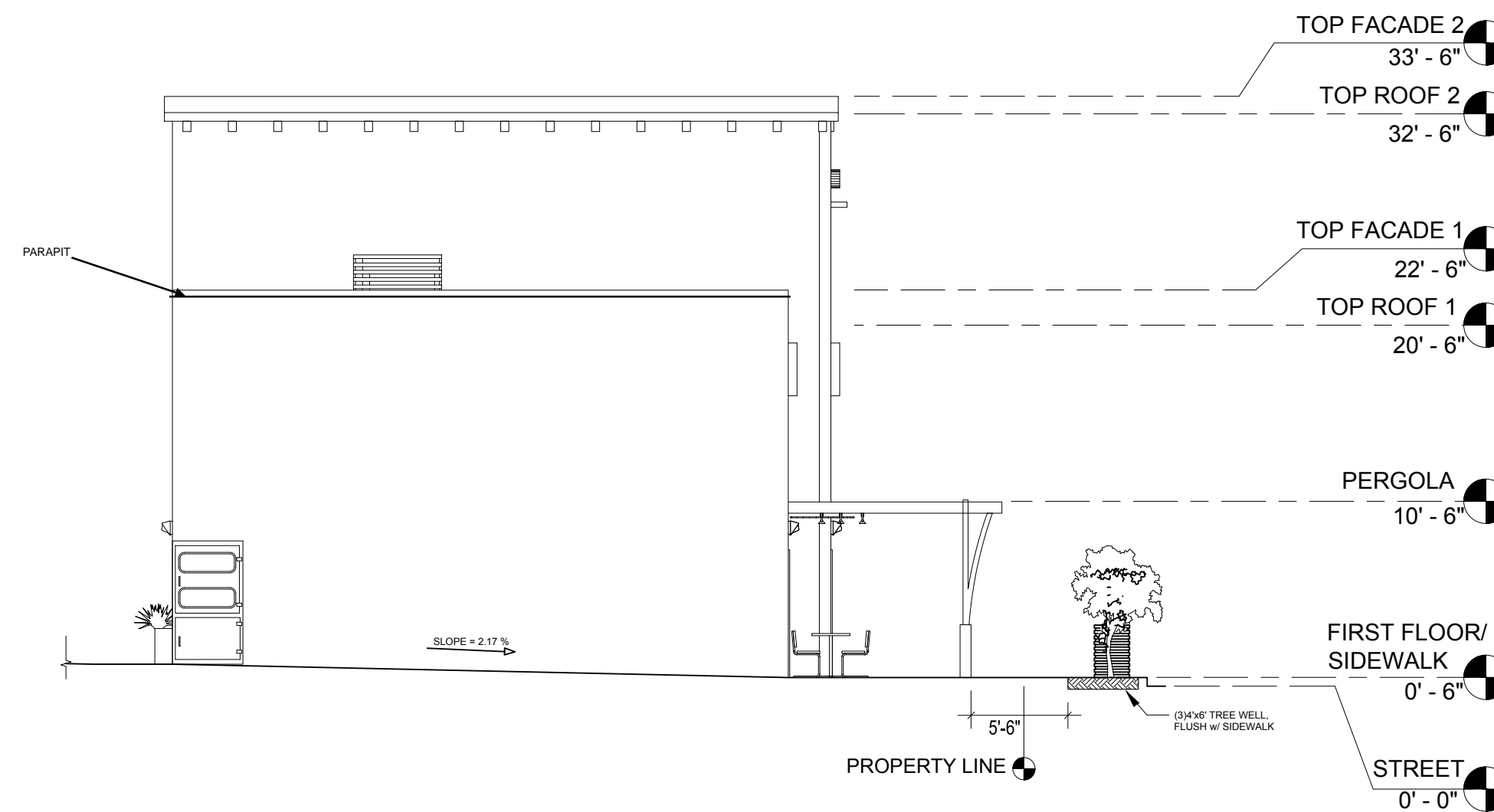
1 SOUTH ELEVATION  
1/8" = 1'-0"



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



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



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

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PROJECT

P - ETAN JONES

1031 & 1039 Lafayette Ave.  
McMinnville, Oregon 97128

Block:

Lot:

ELEVATIONS

Code #

Job #

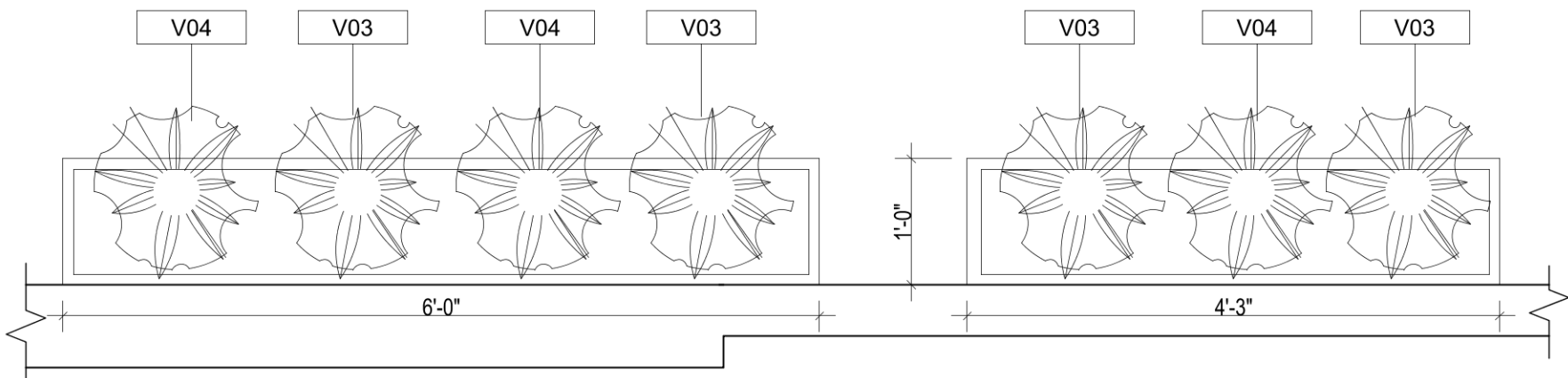
Regulatory Stamps

owner

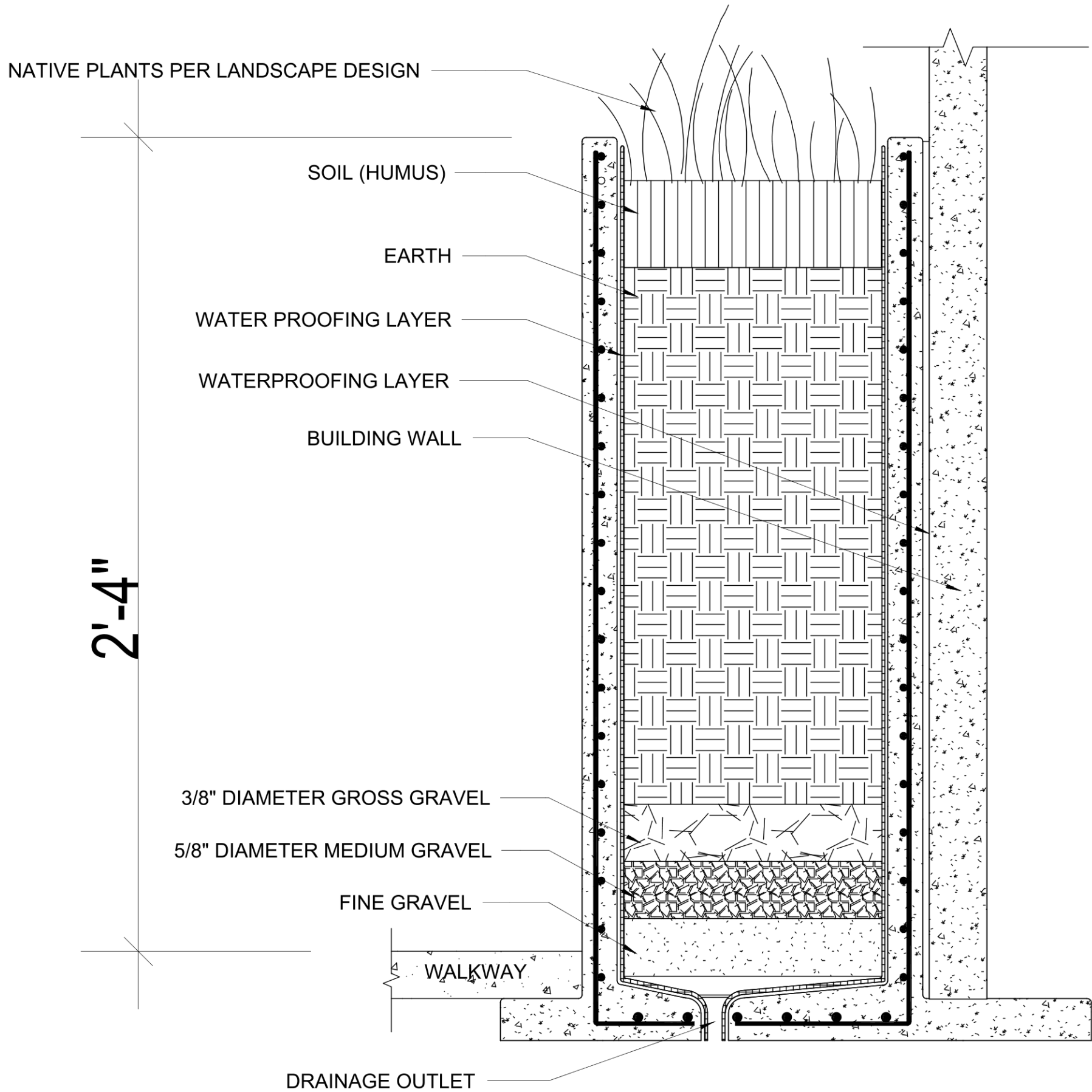
NO.	DESCRIPTION	DATE

SEAL & SIGNATURE	DATE:	10/31/2019
	PROJECT No:	0001
	DRAWING BY:	IC
	CHK BY:	GM
	A-104.00	
Rvt File Location:		4 of 13

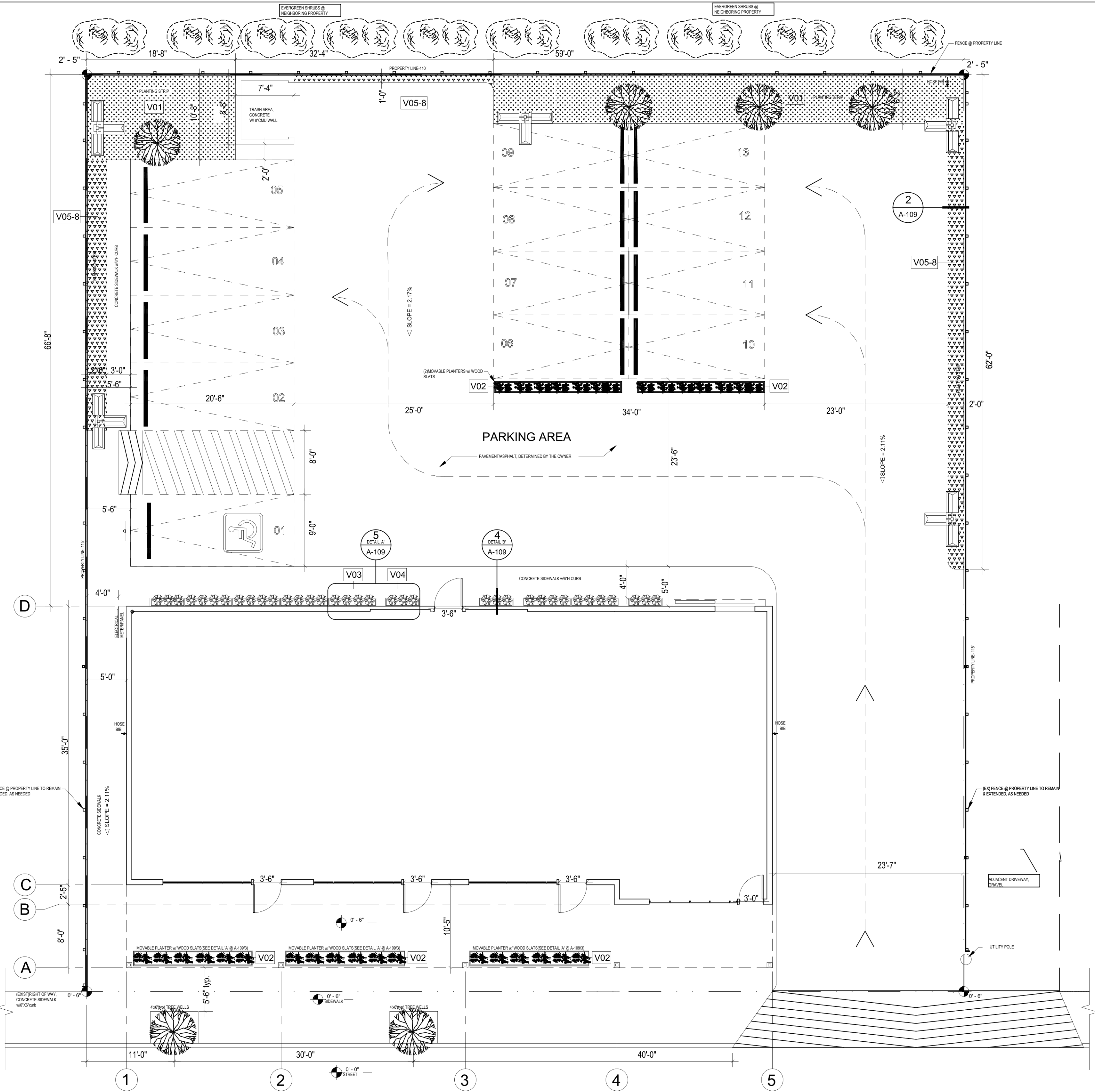
LANDSCAPE PLAN SCHEDULE							
MARK	TYPE	SCIENTIFIC NAME	SUN EXPOSURE	USDA PLANTING ZONE	COUNT	SQUARE FEET	IMAGE
V01	FESCUE MULTIPURPOSE	Artificial Grass	N/A	N/A	1	570	
V02	TURKISH SPEEDWELL	Veronica liwanensis	PARTIAL SUN	4 TO 10	5	125	
V03	LEATHERLEAF SEDGE	Carex buchananii	FULL SUN, PARTIAL SHADE	5 TO 9	27	22	
V04	BLUE FESCUES	Festuca glauca.	FULL SUN	4 TO 8	29	22	
V05	KINNIKINNIK BEARBERRY	Arctostaphylos uva-ursi	FULL SUN, PARTIAL SHADE	2 TO 7	1	56.25	
V06	JEWEL of DESERT GARNET ICE PLANT	Delosperma	FULL SUN	4 to 9	1	56.25	
V07	EMERALD & GOLD WINTERCREEPER	Euonymus fortunei	FULL SUN, PARTIAL SHADE	5 TO 9	1	56.25	
V08	BLUE CREEPING JUNIPER	Juniperus horizontalis	FULL SUN	3 TO 9	1	56.25	
						TOTAL-964	



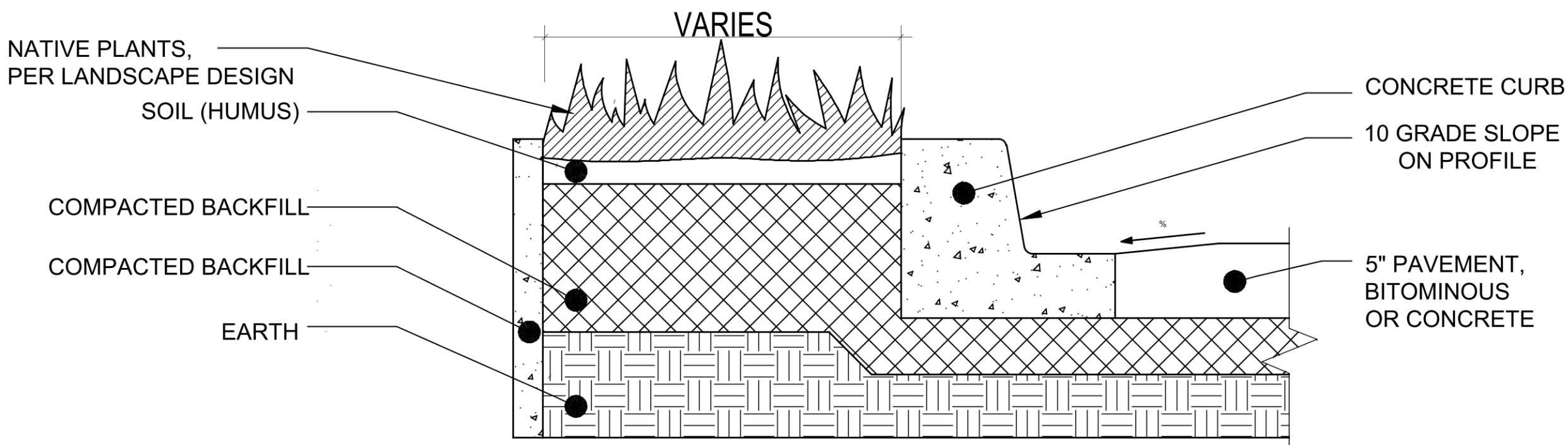
5 PLANTERS DETAIL 'C'  
3/4" = 1'-0"



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



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



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

\*SEE SEPERATE SHEET FOR DETAIL 'A'

3 PLANTERS DETAIL 'A'

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PROJECT

P - ETAN JONES

Block: 1031 & 1039 Lafayette Ave.  
McMinnville, Oregon 97128

LANDSCAPE PLAN

Code #

Job #

Regulatory Stamps

owner

NO.	DESCRIPTION	DATE

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



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

## EXHIBIT 5 - STAFF REPORT

DATE: July 1, 2020  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Agenda Item 4C – Landscape Plan Review Application (L 16-20)

### STRATEGIC PRIORITY & GOAL:



#### GROWTH & DEVELOPMENT CHARACTER

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

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

---

### Report in Brief:

An application for a landscape plan review (L 16-20) for landscaping for the development of a new dental clinic at 1945 NW 2<sup>nd</sup> Street to be reviewed by the Landscape Review Committee.

### Background:

The applicant, Douglas Egan of MD Builders Inc., on behalf of Melinda Judd, property owner, submitted a landscape plan review application (docket L 16-20) associated with a building permit for a dental clinic at 1945 NW 2<sup>nd</sup> Street. The application requests approval of a landscape plan for the first phase of development, including an approximate 3,329 square foot dental clinic and a 17-space off-street parking area. A future second phase is expected to include multi-family housing. **See Figure 1 (Preliminary Overall Site Plan).**

The subject property is located at 1945 NW 2<sup>nd</sup> Street, and is more specifically described as Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M. **See Figure 2 (Vicinity Map).** The property is zoned R-4 (Multiple-Family Residential) **See Figure 3 (Zoning Map).**

The subject property is currently undeveloped. Properties to the north and south are zoned R-2, and property to the west is zoned R-4. Predominant surrounding uses are single-family homes to the north and west, an electric sub-station to the east, and the Salvation Army McMinnville Corps Community Center is across 2<sup>nd</sup> Street to the south.

---

### Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1945 NW 2<sup>nd</sup> Street  
Attachment B – Application Materials



The proposed site plan for the overall development features a new dental clinic and off-street parking lot along 2<sup>nd</sup> Street, and townhome-style multiple-family residential dwellings on the northern half of the property. The approximately 3,329 square foot dental clinic and a 17-space off-street parking area are included in the first phase of development. The landscape plan addresses landscaping for Phase I of development on the southern half of the subject site. **See Figure 4 (Landscape Plan) and Figure 5 (Plant Schedule).**

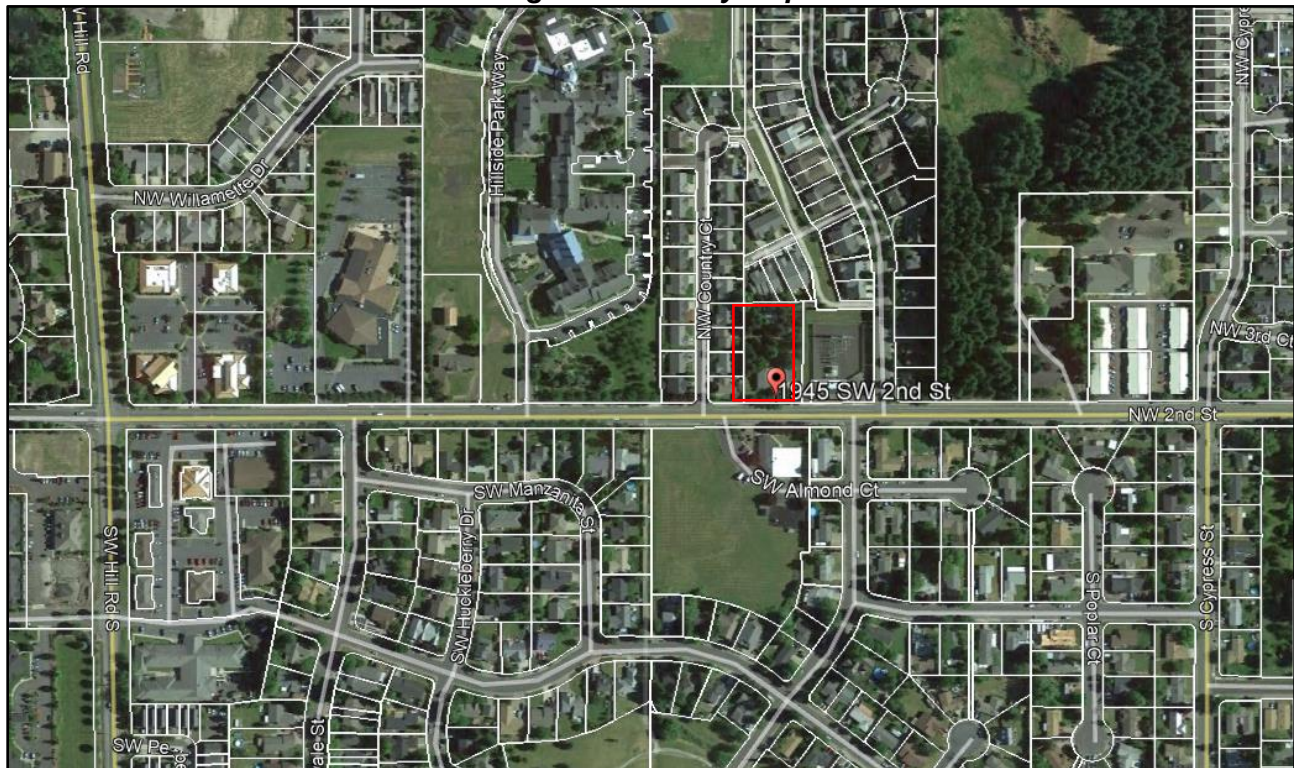
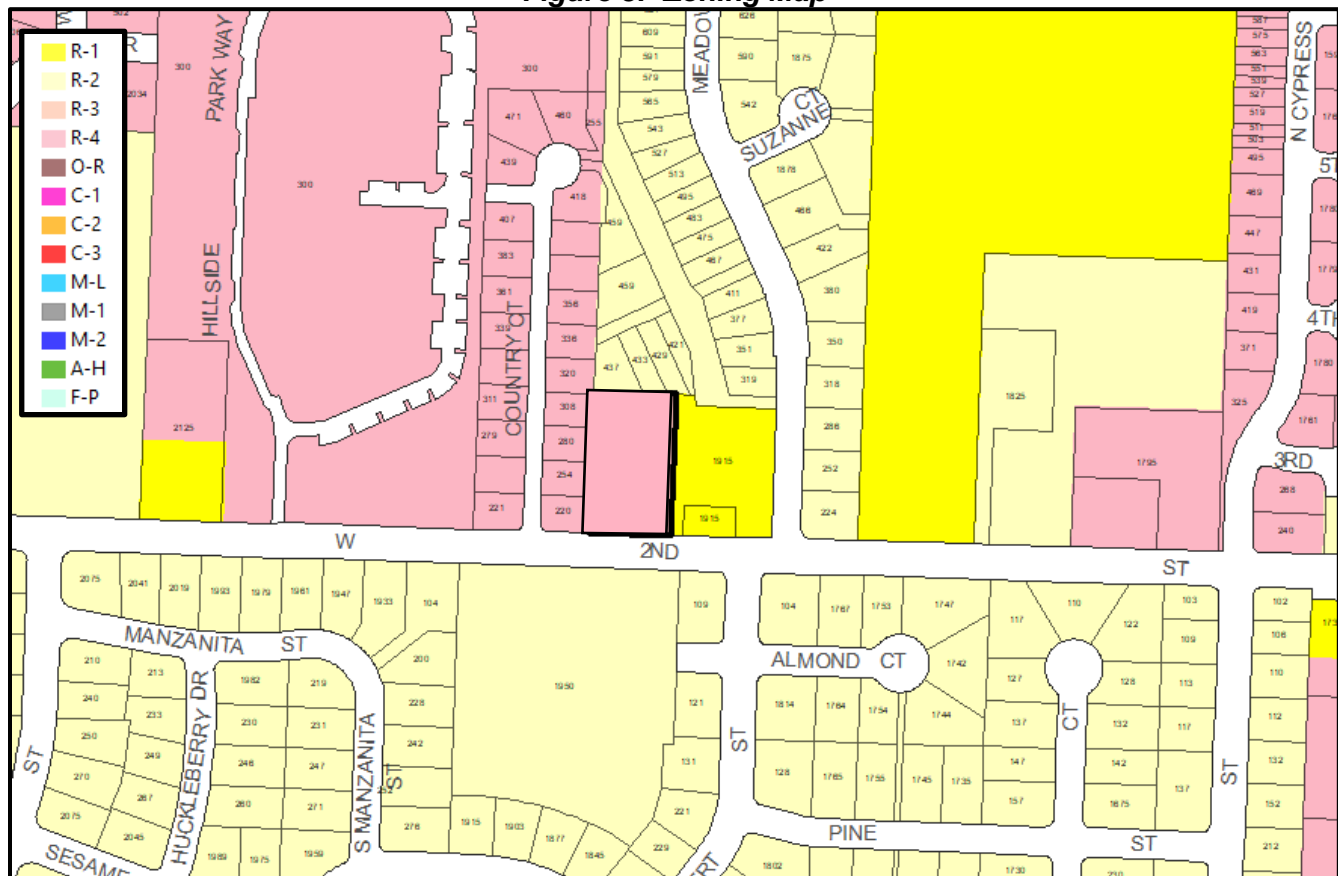
**Figure 1: Preliminary Overall Site Plan**



**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1945 NW 2<sup>nd</sup> Street

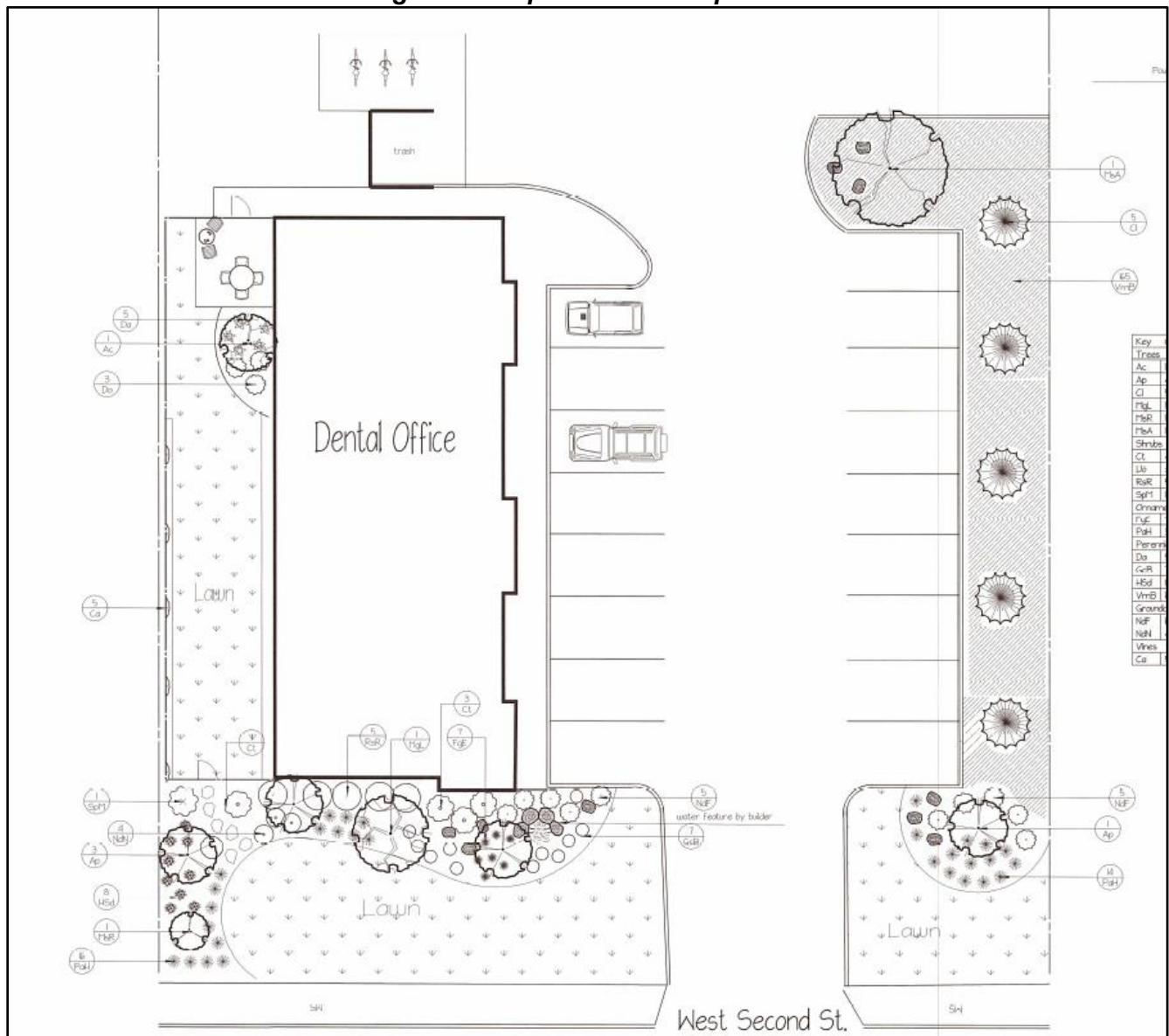
Attachment B – Application Materials

**Figure 2: Vicinity Map****Figure 3: Zoning Map****Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1945 NW 2<sup>nd</sup> Street

Attachment B – Application Materials

**Figure 4: Proposed Landscape Plan**



-----  
*Attachments:*

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1945 NW 2<sup>nd</sup> Street*

*Attachment B – Application Materials*



**Figure 5: Proposed Plant Schedule**

Key	Qty	Botanical Name	Common Name	Remarks
<b>Trees</b>				
Ac	1	Acer circinatum	VINE MAPLE	8-10 multi-stem
Ap	4	Acer palmatum	JAPANESE MAPLE Green	8-10'
Cl	5	Cupressocyparis leylandii	LEYLAND CYPRESS	8-10'
MgL	1	Magnolia grandiflora 'Little Gem'	LITTLE GEM LARGE-FLOWERED MAGNOLIA	8-10'
MsR	1	Magnolia stellata 'Royal Star'	ROYAL STAR STAR MAGNOLIA	4-5'
MsA	1	Magnolia x soulangeana 'Alexandrina'	ALEXANDRINA CHINESE MAGNOLIA	8-10'
<b>Shrubs</b>				
Ct	4	Choisya ternata	MEXICAN ORANGE	2-3 Gal.
Do	3	Daphne odora	FRAGRANT DAPHNE	2-3 Gal.
RsR	5	Rhododendron (subgenus Rhododendron) 'PJM Compact'	PJM COMPACT RHODODENDRON	2-3 Gal.
SpM	1	Syringa patula 'Miss Kim'	MISS KIM MANCHURIAN LILAC	2-3 Gal.
<b>Ornamental Grasses</b>				
FgE	7	Festuca alauca 'Elijah Blue'	ELIJAH BLUE FESCUE	1, Gal.
PaH	30	Pennisetum alopecuroides 'Hamelin'	HAMELIN FOUNTAIN GRASS	1, Gal.
<b>Perennials and Annuals</b>				
Da	5	Dryopteris affinis	WOOD FERN	1, Gal.
GcB	7	Geranium cinereum 'Ballerina'	BALLERINA GRAYLEAF CRANESBILL	1, Gal.
Hsd	8	Hemerocallis 'Stella d'Oro'	STELLA D'ORO DAYLILY	1, Gal.
VmB	165	Vinca minor 'Bowles Variety'	BOWLES VARIETY PERIWINKLE	1, Gal.
<b>Groundcovers</b>				
NdF	10	Nandina domestica 'Firepower'	FIREPOWER HEAVENLY BAMBOO	2-3 Gal.
NdN	4	Nandina domestica 'Nana Purpurea'	NANA PURPUREA HEAVENLY BAMBOO	2-3 Gal.
<b>Vines</b>				
Ca	5	Clematis armandii	VIRGINS BOWER	2-3 Gal.

**Discussion:**

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

**Applicable Review Criteria**

The subject site is zoned R-4 (Multiple-Family Residential). MMC Section 17.57.030 requires landscaping in the R-4 zone, therefore landscaping is required subject to the standards outlined in McMinnville Municipal Code (MMC) Chapter 17.57-Landscaping.

MMC Section 17.58.080 requires street trees to be planted at all new multi-family development which has a designated curb-side planting strip or planting islands. Right-of-way improvements included in the development project include the installation of new curb-tight sidewalk without curbside planting strips. However, approval of modified street improvements by the Planning Department was conditioned with the provision of street trees in the right-of-way behind the sidewalk. Therefore street trees are required, subject to the applicable standards and criteria of MMC Chapter 17.58 – Trees.

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

**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1945 NW 2<sup>nd</sup> Street

Attachment B – Application Materials

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

The landscape plan provides landscaping for the first phase of development on the subject site. The goal of the landscape plan was to provide an aesthetically pleasing streetscape for an entry to the new dental clinic and to blend in with the surrounding residential area. Landscaping along the sides of the development area provide screening and buffering of the use from adjacent properties. Although overhead power and utilities are found along 2<sup>nd</sup> Street on the property, street trees are required as a condition of the land-use decision (ZC 4-19) approving the zone change to R-4. Adjacency to an electric substation requires consideration of the mature height of plants next to the substation.

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

<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>Landscaping promotes residential atmosphere similar to surrounding neighborhood</li> <li>Height of proposed trees adjacent to substation is a concern</li> </ul>	Condition #2: Limits evergreen trees next to substation to a variety that is 25' tall or less.
Screening the proposed use	<ul style="list-style-type: none"> <li>Rear of building is screened from residential uses by new fence</li> <li>Trees will buffer and screen building and parking lot</li> <li>Landscaping not required around trash enclosure – not visible from ROW</li> </ul>	N/A
Retention of existing trees	<ul style="list-style-type: none"> <li>Arborist report required for removal of trees along western property line per ZC 4-19</li> </ul>	N/A
Parking lot islands and planting	<ul style="list-style-type: none"> <li>Ornamental planting will help screen parking from 2<sup>nd</sup> Street</li> <li>Trees planted along east property line along perimeter of parking area</li> </ul>	N/A
Use of suitable street trees	<ul style="list-style-type: none"> <li>Street trees required</li> <li>No street trees shown in right-of-way</li> <li>Overhead power line requires small street tree suitable for planting below wires</li> </ul>	Conditions #3-8, 9-12, 14-15: Requires street trees per applicable City standards
Irrigation system or water facilities	<ul style="list-style-type: none"> <li>No indication of watering facilities on landscape plan</li> </ul>	Condition #16: Requires watering facilities or irrigation system

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

#### **Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1945 NW 2<sup>nd</sup> Street

Attachment B – Application Materials

1. That the applicant shall install landscaping as shown on the landscape plan received by the Planning Department on May 20, 2020 and shall comply with required conditions of approval.
2. That the *Cupressocyparis leylandii* (Leyland Cypress) trees along the east property line be a variety that does not exceed 25 feet in height, such as *Cupressocyparis leylandii* 'Moncal' (Emerald Isle Leyland Cypress).
3. That street trees be provided in the 2<sup>nd</sup> Street right-of-way along the property frontage in accordance with applicable City standards and the requirements of this approved landscape plan.
4. That the street tree species shall be a recommended small street tree from the McMinnville Street Tree List identified for planting under wires, or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.
5. That street trees selected from the Recommended Small Tree Species from the McMinnville Street Tree List shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement.
6. That street trees shall be installed a minimum of four (4) feet from the back edge of the sidewalk.
7. 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.
8. That the applicant is reminded that trees are not to be planted within:
  - a. Five (5) feet of a private driveway or alley;
  - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
  - c. Twenty (20) feet of street light standards or street intersections.
9. That the 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.
10. 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 in ten (10) foot lengths, centered on the tree. The root barrier protection shall be provided to a minimum depth of eighteen (18) inches. Two (2) deep watering tubes shall be provided to encourage deep rooting.
11. 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.
12. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and watering tubes prior to any street tree planting. Trees intended for

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*Attachments:*

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1945 NW 2<sup>nd</sup> Street*

*Attachment B – Application Materials*

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.

13. 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.
14. That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner for one full growing season following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.
15. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City.
16. That suitable watering facilities or irrigation systems must be included in or near all planted areas.

**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 516-20 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 1945 NW 2<sup>nd</sup> Street*

*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 1945 NW 2<sup>nd</sup> STREET**

**DOCKET:** L 16-20 (Landscape Plan Review)

**REQUEST:** Approval of a Landscape Plan for 1945 NW 2<sup>nd</sup> Street

**LOCATION:** 1945 NW 2<sup>nd</sup> Street (Tax Lots 400 and 500, Section 21BA, T. 4. S., R. 4 W., W.M.)

**ZONING:** R-4 (Multiple-Family Residential)

**APPLICANT:** Douglas Egan, MD Builders Inc., on behalf of Melinda Judd, property owner

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

**DATE DEEMED COMPLETE:** June 5, 2020

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

**DECISION DATE & LOCATION:** July 1, 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.

## DECISION

Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the Landscape Plan (L 16-20) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Planning Staff: \_\_\_\_\_  
 Jamie Fleckenstein, Associate Planner

Date: July 1, 2020

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: July 1, 2020

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

## **I. APPLICATION SUMMARY:**

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

The applicant, Douglas Egan of MD Builders Inc., on behalf of Melinda Judd, property owner, submitted a landscape plan review application (docket L 16-20) associated with a building permit for a dental clinic at 1945 NW 2<sup>nd</sup> Street. The application requests approval of a landscape plan for the first phase of development, including an approximate 3,329 square foot dental clinic and a 17-space off-street parking area. A future second phase is expected to include multi-family housing. **See Figure 1 (Preliminary Overall Site Plan).**

The subject property is located at 1945 NW 2<sup>nd</sup> Street, and is more specifically described as Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M. **See Figure 2 (Vicinity Map).** The property is zoned R-4 (Multiple-Family Residential) **See Figure 3 (Zoning Map).**

The subject property is currently undeveloped. Properties to the north and south are zoned R-2, and property to the west is zoned R-4. Predominant surrounding uses are single-family homes to the north and west, an electric sub-station to the east, and the Salvation Army McMinnville Corps Community Center is across 2<sup>nd</sup> Street to the south.

The proposed site plan for the overall development features a new dental clinic and off-street parking lot along 2<sup>nd</sup> Street, and townhome-style multiple-family residential dwellings on the northern half of the property. The approximately 3,329 square foot dental clinic and a 17-space off-street parking area are included in the first phase of development. The landscape plan addresses landscaping for Phase I of development on the southern half of the subject site. **See Figure 4 (Landscape Plan) and Figure 5 (Plant Schedule).**

**Figure 1: Preliminary Overall Site Plan**



### ***Attachments:***

Attachment 1 – Application and Attachments

Figure 2: Vicinity Map

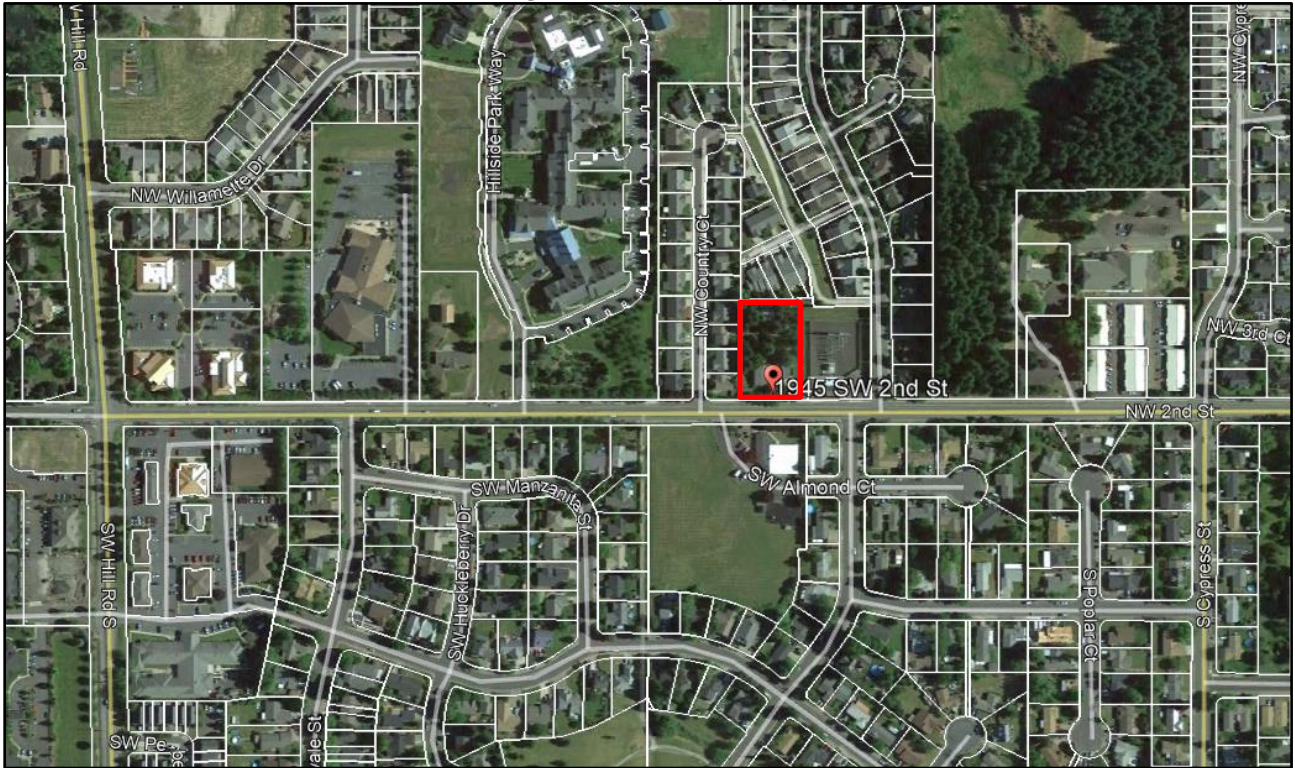


Figure 3: Zoning Map

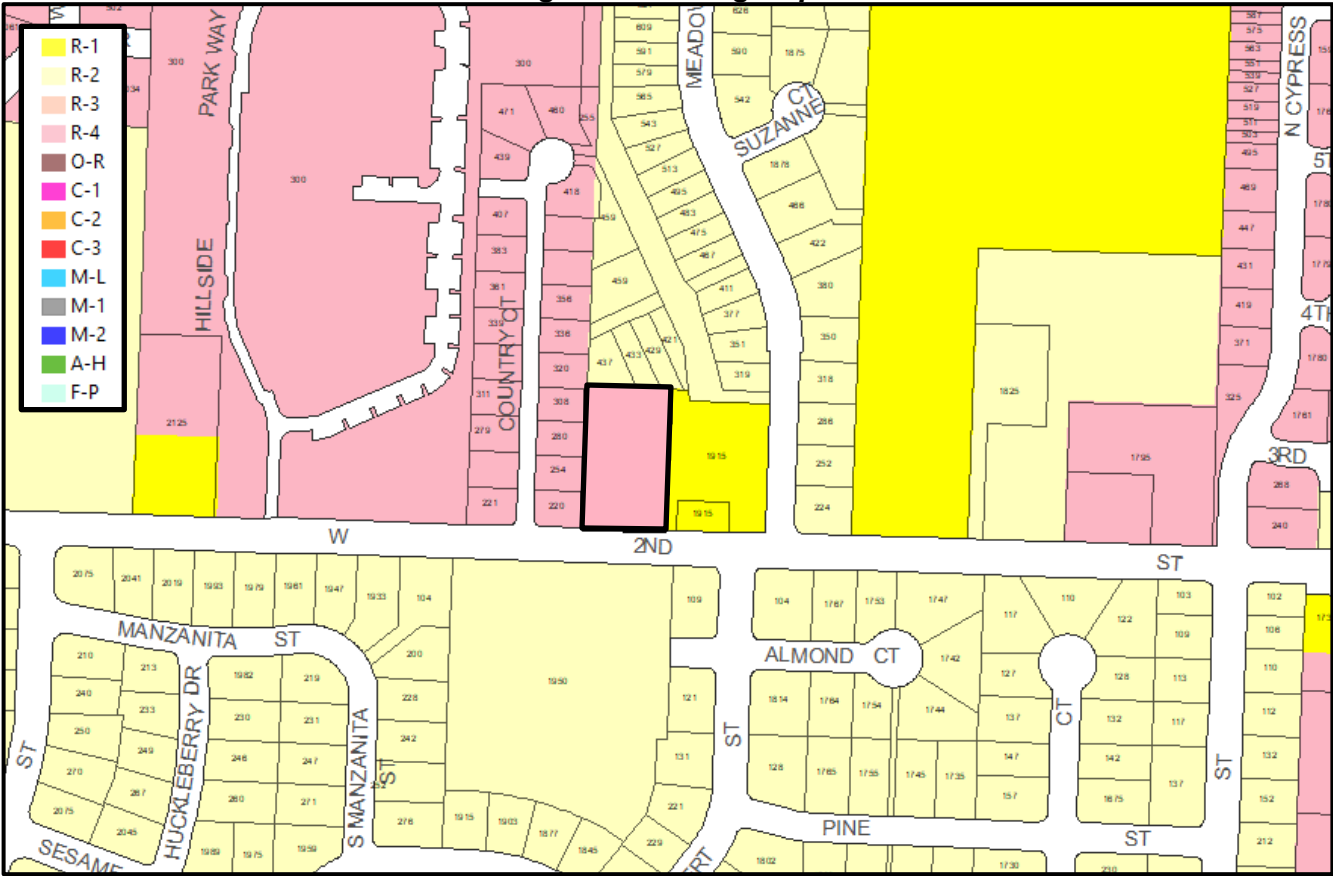
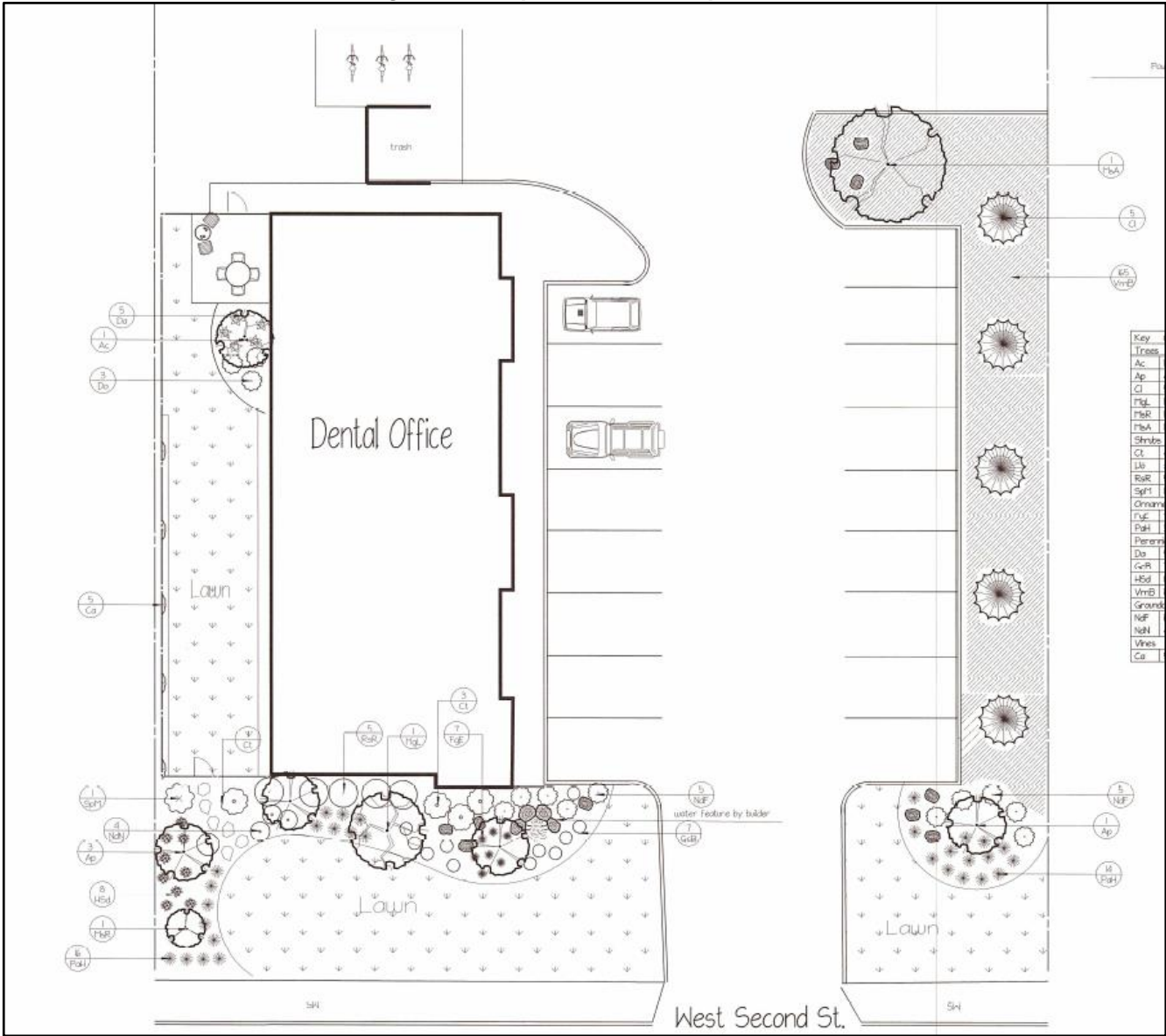




Figure 4: Proposed Landscape Plan



**Figure 5: Proposed Plant Schedule**

Key	Qty	Botanical Name	Common Name	Remarks
<b>Trees</b>				
Ac	1	Acer circinatum	VINE MAPLE	8-10 multi-stem
Ap	4	Acer palmatum	JAPANESE MAPLE Green	8-10'
Cl	5	Cupressocyparis leylandii	LEYLAND CYPRESS	8-10'
MgL	1	Magnolia grandiflora 'Little Gem'	LITTLE GEM LARGE-FLOWERED MAGNOLIA	8-10'
MsR	1	Magnolia stellata 'Royal Star'	ROYAL STAR STAR MAGNOLIA	4-5'
MsA	1	Magnolia x soulangiana 'Alexandrina'	ALEXANDRINA CHINESE MAGNOLIA	8-10'
<b>Shrubs</b>				
Ct	4	Choisya ternata	MEXICAN ORANGE	2-3 Gal.
Do	3	Daphne odora	FRAGRANT DAPHNE	2-3 Gal.
RsR	5	Rhododendron (subgenus Rhododendron) 'PJM Compact'	PJM COMPACT RHODODENDRON	2-3 Gal.
SplM	1	Syringa patula 'Miss Kim'	MISS KIM MANCHURIAN LILAC	2-3 Gal.
<b>Ornamental Grasses</b>				
FqE	7	Festuca glauca 'Elijah Blue'	ELIJAH BLUE FESCUE	1, Gal.
PaH	30	Pennisetum alopecuroides 'Hamelin'	HAMELIN FOUNTAIN GRASS	1, Gal.
<b>Perennials and Annuals</b>				
Da	5	Dryopteris affinis	WOOD FERN	1, Gal.
GcB	7	Geranium cinereum 'Ballerina'	BALLERINA GRAYLEAF CRANESBILL	1, Gal.
Hsd	8	Hemerocallis 'Stella d'Oro'	STELLA D'ORO DAYLILY	1, Gal.
VmB	165	Vinca minor 'Bowles Variety'	BOWLES VARIETY PERIWINKLE	1, Gal.
<b>Groundcovers</b>				
NdF	10	Nandina domestica 'Firepower'	FIREPOWER HEAVENLY BAMBOO	2-3 Gal.
NdN	4	Nandina domestica 'Nana Purpurea'	NANA PURPUREA HEAVENLY BAMBOO	2-3 Gal.
<b>Vines</b>				
Ca	5	Clematis armandi	VIRGINS BOWER	2-3 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 (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 R-4 (Multiple-Family Residential). MMC Section 17.57.030 requires landscaping in the R-4 zone, therefore landscaping is required subject to the standards outlined in McMinnville Municipal Code (MMC) Chapter 17.57-Landscaping.

MMC Section 17.58.080 requires street trees to be planted at all new multi-family development which has a designated curb-side planting strip or planting islands. Right-of-way improvements included in the development project include the installation of new curb-tight sidewalk without curbside planting strips. However, approval of modified street improvements by the Planning Department was conditioned with the provision of street trees in the right-of-way behind the sidewalk. Therefore street trees are required, subject to the applicable standards and criteria of MMC Chapter 17.58 – Trees.

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

**II. CONDITIONS:**

1. That the applicant shall install landscaping as shown on the landscape plan received by the Planning Department on May 20, 2020 and shall comply with required conditions of approval.
2. That the *Cupressocyparis leylandii* (Leyland Cypress) trees along the east property line be a variety that does not exceed 25 feet in height, such as *Cupressocyparis leylandii* 'Moncal' (Emerald Isle Leyland Cypress).

**Attachments:**

Attachment 1 – Application and Attachments



3. That street trees be provided in the 2<sup>nd</sup> Street right-of-way along the property frontage in accordance with applicable City standards and the requirements of this approved landscape plan.
4. That the street tree species shall be a recommended small street tree from the McMinnville Street Tree List identified for planting under wires, or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.
5. That street trees selected from the Recommended Small Tree Species from the McMinnville Street Tree List shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement.
6. That street trees shall be installed a minimum of four (4) feet from the back edge of the sidewalk.
7. 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.
8. That the applicant is reminded that trees are not to be planted within:
  - a. Five (5) feet of a private driveway or alley;
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  - c. Twenty (20) feet of street light standards or street intersections.
9. 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.
10. 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 in ten (10) foot lengths, centered on the tree. The root barrier protection shall be provided to a minimum depth of eighteen (18) inches. Two (2) deep watering tubes shall be provided to encourage deep rooting.
11. 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.
12. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and watering tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
13. 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.

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*Attachments :*

Attachment 1 – Application and Attachments

14. That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner for one full growing season following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.
15. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City.

### **III. ATTACHMENTS:**

1. L 16-20 Application and Attachments (on file with the Planning Department)

### **IV. COMMENTS:**

#### **Agency Comments**

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

- McMinnville Public Works Department:

#### **Site Review**

1. The existing site is located at on the north side of NW 2<sup>nd</sup> Street, west of NW Meadows Drive. The site is bordered on the east side by a McMinnville Water and Light electrical substation. There is curb-tight sidewalk on both sides of NW 2<sup>nd</sup> Street in this area.
2. NW 2<sup>nd</sup> Street is classified as a minor arterial in the Transportation System Plan.
3. There is existing primary overhead power on the north side of the roadway, adjacent to the site.

#### **Recommendations**

1. The submitted landscaping plan does not appear to include any street trees in the right of way. It appears that turf and shrubs are proposed for the right of way. Given the overhead facility conflicts, staff would concur with this approach.
2. The remainder of the plantings are outside of the public right of way, and are thus out of our purview.
3. Based on items #1 and #2 above, staff recommends approval of this application.

- McMinnville Water and Light:

MW&L has no comments on this landscape plan review.

#### **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**

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#### *Attachments :*

Attachment 1 – Application and Attachments

1. The applicant Douglas Egan of MD Builders, Inc. on behalf of Melinda Judd, property owner, submitted a landscape plan review application on May 21, 2020.
2. The application was deemed complete on May 5, 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 July 1, 2020 to review the application and proposed landscape plan.

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

1. **Location:** 1945 NW 2<sup>nd</sup> Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.)
2. **Size:** Approximately 0.82 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-4 (Multiple-Family Residential)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Vacant
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. A stormwater easement is located along on the western property line
  - 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:** 2<sup>nd</sup> Street is identified as a Minor Arterial in the 2010 McMinnville Transportation System Plan (TSP). 2<sup>nd</sup> Street currently has a right-of-way width of 60 feet along the property frontage, which is improved with two (2) vehicular travel lanes, a dedicated bicycle lane on the north side of the street, shoulders, curb and gutter, and a curb-tight sidewalk. The TSP identifies a right-of-way width of 76 feet for minor arterials.

## **VII. CONCLUSIONARY FINDINGS:**

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### ***Attachments:***

Attachment 1 – Application and Attachments

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

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

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

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

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

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

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

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

**APPLICANT'S RESPONSE:** None.

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

### **McMinnville Zoning Ordinance**

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

### **Chapter 17.57 Landscaping**

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

- A. Provide guidelines and standards that will:
  - 1. Reduce soil erosion and the volume and rate of discharge of storm water runoff.

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

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

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

**APPLICANT'S RESPONSE:** None.

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

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

- A. R-4 (Multiple-Family Residential zone, except the construction of a Single-Family or Two-Family Residential unit).

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is zoned R-4 (Multiple-Family Residential) and the proposed development is not a Single-Family or Two-Family Residential unit, therefore landscaping is required subject to the standards and criteria of Chapter 17.57 – Landscaping.

**17.57.070 Area Determination – Planning Factors.**

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

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

**APPLICANT’S RESPONSE:** None.

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

	Total Site Area (s.f.)	Phase I Site Area (s.f.)	Landscape Provided (s.f.)	Percentage
Proposed Development	34,080	18,290	6,566	35.9%

The proposed landscaping of 35.9 percent exceeds the twenty-five percent minimum landscaping requirement for multiple family residential development.

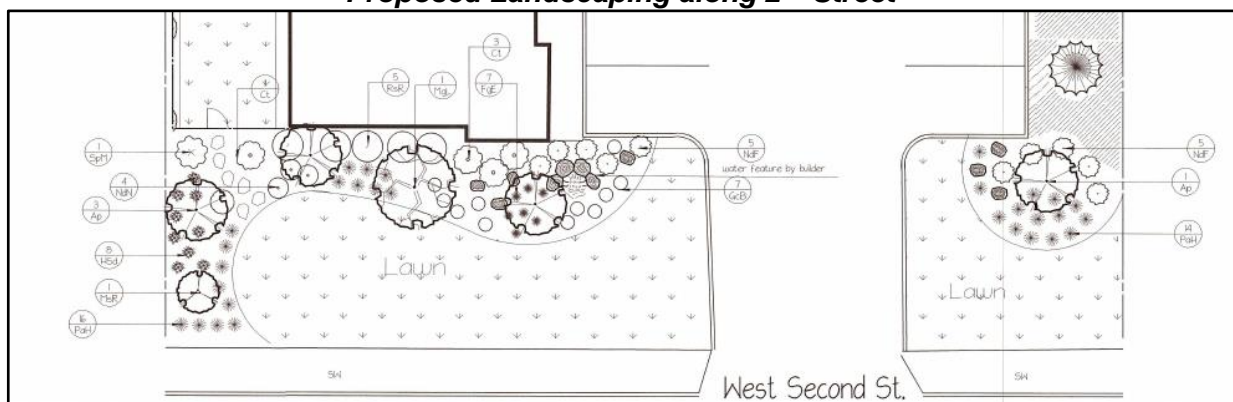
**17.57.070(B).** The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

**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 proposed preliminary site plan for the overall development features a new dental clinic and off-street parking lot on the southern half of the property along 2<sup>nd</sup> Street, and townhome-style multiple-family residential dwellings on the northern half of the property. The approximately 3,329 square foot dental clinic and a 17-space off-street parking area are included in the first phase of development. The landscape plan addresses landscaping for Phase I of development on the southern half of the subject site.

***Proposed Landscaping along 2<sup>nd</sup> Street***



Landscaping on the southernmost portion of the site along the 2<sup>nd</sup> Street frontage is provided between the dental clinic and the sidewalk. Proposed planting includes a variety of small,

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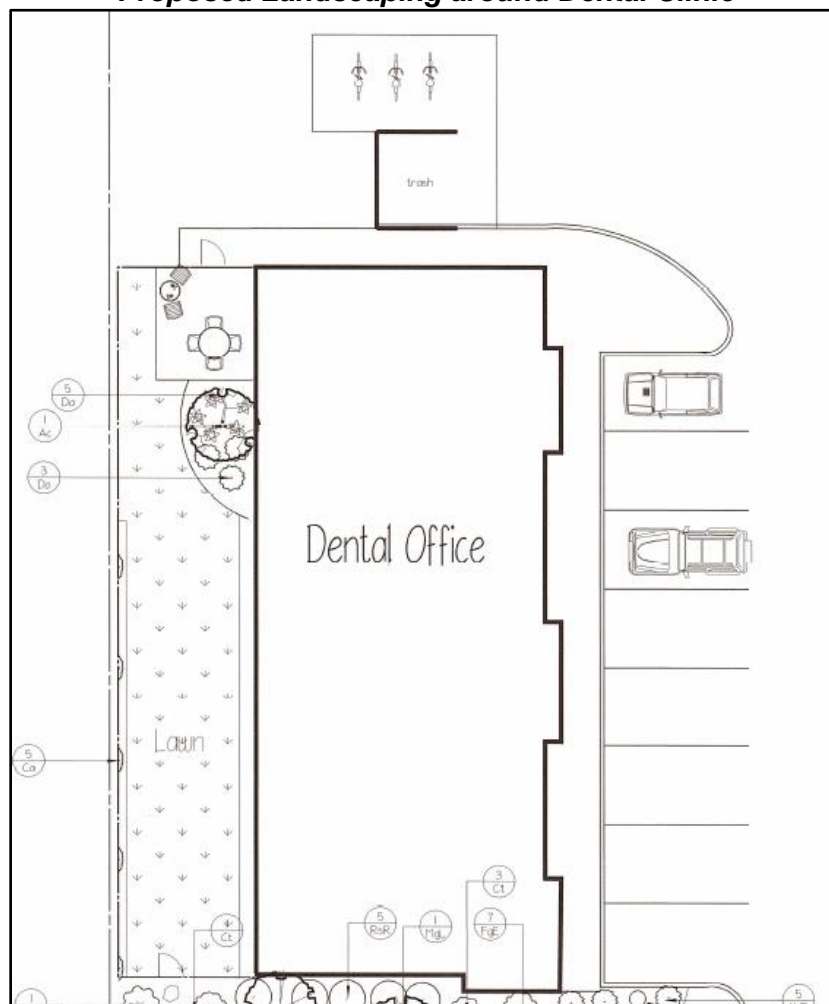
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deciduous and evergreen trees, ornamental shrubs and grasses, flowering perennials, and groundcovers. The planting areas are located along the west property line, adjacent to the south side of the dental clinic, and along the east property line near the parking lot. Lawn is proposed between the sidewalk and the planting areas. Overhead power lines are found on the north side of 2<sup>nd</sup> Street and along this property. The area below the power lines is generally lawn, and small planting area along the west property line. A small deciduous tree *Magnolia stellata* 'Royal Star' (Royal Star Star Magnolia) is proposed for the planting area below the power lines. This small tree reaches 20 feet in height. Trees less than 25 feet tall are recommended for planting below power lines. Other trees planted between the front building line and the lawn areas are not directly under the power lines. These species include *Acer palmatum* (Japanese Maple) and *Magnolia grandiflora* 'Little Gem' (Little Gem Magnolia). Japanese Maples are small deciduous trees reaching 25 feet tall and wide. Little Gem Magnolia is a broadleaf evergreen tree that grows up to 25 feet tall and remains narrow at 10 to 15 feet wide. Because of the small stature of these trees, they should not cause conflict with the nearby overhead power lines. Trees are spaced such that a near continuous canopy would be established between the building and the sidewalk.

The proposed planting around the lawn areas is a combination of deciduous and evergreen flowering shrubs, ornamental grasses, flowering perennials, and evergreen groundcovers. Also proposed is a water feature and ornamental landscape boulders near the driveway entrance to the site. The planting will promote a residential atmosphere like that of the surrounding residential neighborhoods.

#### ***Proposed Landscaping around Dental Clinic***



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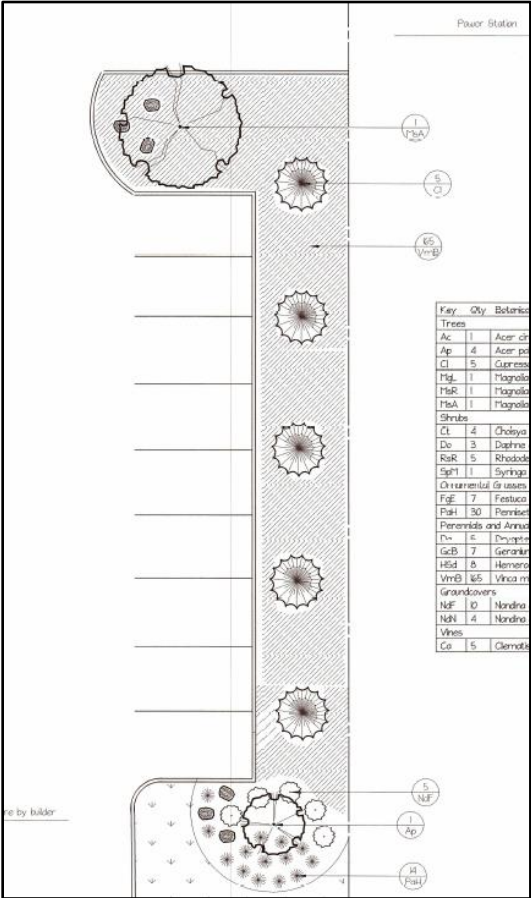
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A fenced and enclosed landscape area is proposed along the west property line in the rear of the dental clinic building. This is intended to be a private space for the use of employees. A small patio and planting area are located at the north end of the enclosed space. Shade tolerant plants are proposed in the planting area, such as *Acer circinatum* (Vine Maple), *Daphne odora* (Winter Daphne), and *Dryopteris affinis* (Wood Fern). The remainder the space is lawn. The climbing evergreen vine *Clematis armandii* (Virgins Bower) is proposed along the fence. A storm water easement is located along the western property line. Limiting the landscaping in the easement would allow easier access to the underground stormwater pipe should it be necessary in the future. The fencing and the climbing evergreen vines will provide screening and buffering of the dental clinic from the neighboring residential properties to the west.

A trash enclosure is shown on the landscape plan to the north of the dental clinic, though landscaping is not proposed around the enclosure. As described in findings for Chapter 17.61 of the Zoning Ordinance below, landscaping would not be required around the trash enclosure because it is not visible from the public right-of-way in its proposed location.

Landscaping is not proposed along the front of the building, between the parking lot and entrances. A walkway provides pedestrian connection from parking spaces to the building entrances.

Proposed Landscaping Along East Property Line



A wide landscape area is proposed along the east property line of the development site between the proposed parking area and the adjacent McMinnville Water & Light substation to the east. Evergreen *Cupressocyparis leylandii* (Leyland Cypress) trees, a deciduous *Magnolia x soulangiana* 'Alexandrina' (Alexandrina Chinese Magnolia) tree, and the evergreen ground cover *Vinca minor* 'Bowles Variety' (Bowles Variety Periwinkle) is proposed in the space.

Leyland Cypress can grow to 60 feet tall or more. Alexandrina Chinese Magnolia trees grow to 25 feet tall. An existing chain link fence on the property line would remain.

Generally, it is recommended that vegetation in areas surrounding electric substations not exceed 25 feet in height to prevent possible conflict with electric facilities from falling debris or tree limbs. Therefore, a condition of approval is recommended to require that the *Cupressocyparis leylandii* (Leyland Cypress) trees along the east property line be a variety that does not exceed 25 feet in height, such as *Cupressocyparis leylandii* 'Moncal' (Emerald Isle Leyland Cypress).

Overall, staff finds the landscape plan with recommended conditions is compatible with the proposed project and surrounding properties and uses. The landscape supports the proposed dental clinic use, and promotes a residential atmosphere to maintain compatibility with the surrounding area.

**CONDITION FOR FINDING:** That the *Cupressocyparis leylandii* (Leyland Cypress) trees along the east property line be a variety that does not exceed 25 feet in height, such as *Cupressocyparis leylandii* 'Moncal' (Emerald Isle Leyland Cypress).

**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.

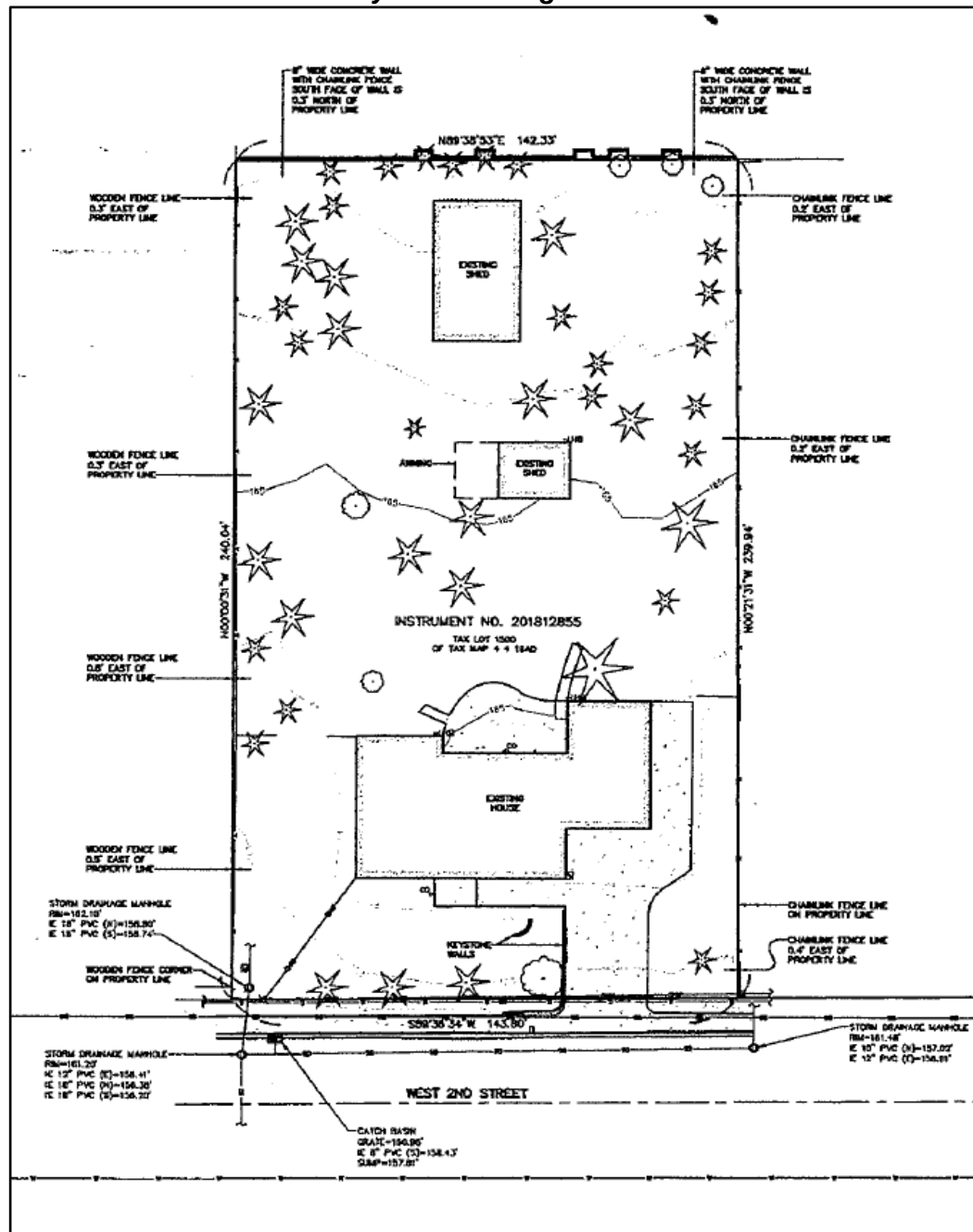
**FINDING: SATISFIED.** The proposed use is screened appropriately from neighboring properties and uses by a combination of evergreen trees, shade trees, and fences. The use is screened from the 2<sup>nd</sup> Street right-of-way by a variety of small shade trees and ornamental plantings. A fence with climbing evergreen vines screens the use from neighboring properties to the west. Evergreen trees along the east property line provide screening and buffering between the proposed dental clinic and the existing electric substation.

**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.** A site survey indicates that many existing mature trees are present on the site. In accordance with Condition of Approval #4 of ZC 4-19, an arborist report and tree inventory was provided requesting the removal of five (5) trees larger than 9" in diameter along 2<sup>nd</sup> Street. To further comply with the condition, the applicant has indicated that additional arborist reports will be provided to request the removal of trees along the west property line that may be in conflict with the proposed development. Many existing trees will remain on the northern half of the property that are not impacted by the development of the dental clinic.

### Site Survey with Existing Tree Locations



**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.** Landscape areas and planting around the perimeter of the parking area help to break up the parking and mitigate the harmful effects of heat, noise and glare associated with motor vehicle use. Shade trees at three corners of the parking lot will provide shade and cooling effects. Evergreen trees along the east edge of the parking lot will provide shade and screening of the use. Ornamental evergreen shrubs on the south edge of the parking aisles will help screen the parking from the 2<sup>nd</sup> Street right-of-way.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION #3.** The proposed development is a new dental clinic (commercial use) on land in the R-4 (Multiple-Family Residential) zone. Per the Zoning Ordinance, street trees would be required for development of this type. The land-use decision that approved a zone change of the subject property to the R-4 zone included a condition of approval requiring "That five (5) foot wide sidewalks and six (6) foot wide planter strips are provided along the property frontage in compliance with McMinnville's Transportation System Plan Complete Street Standards." (Condition of Approval #11 of docket ZC 4-19). Condition of approval #12 of ZC 4-19 further required the provision of street trees within the new curbside planting strips.

Following the land-use decision ZC 4-19, the Planning Department later approved modifications to the required right-of-way improvements along the property frontage along the property frontage of 1945 NW 2<sup>nd</sup> Street. The variations approved by the Planning Department on April 16, 2020, and outlined in an email to the applicant, include the provision of a six and one-half (6.5) feet wide curb-tight sidewalk, and that street trees shall be planted in the right-of-way, north of the back edge of the 6.5' wide curb-tight sidewalk. The landscape plan does not propose street trees meeting this requirement, therefore a condition of approval is included to require that street trees be provided in accordance with applicable City standards.

Trees proposed in and around the parking area are not on the prohibited tree list noted above.

**CONDITION FOR FINDING:** That street trees be provided in the 2<sup>nd</sup> Street right-of-way along the property frontage in accordance with applicable City standards and the requirements of this approved landscape plan.

**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 WITH CONDITION OF APPROVAL # 16.** The landscape plan does not indicate that watering facilities will be provided within a reasonable distance to all landscaping within the site. Therefore, a condition of approval is included to require that that suitable watering facilities or irrigation systems must be included in or near all planted areas.

**CONDITION FOR FINDING:** That suitable watering facilities or irrigation systems must be included in or near all planted areas.

**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 OF APPROVAL #13.** A condition of approval will require that all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

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

## **Chapter 17.58. Trees**

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

**APPLICANT'S RESPONSE:** None.

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #3.** The proposed development is a new dental clinic on land in the R-4 (Multiple-Family Residential) zone. The land-use decision that approved a zone change to the R-4 zone included a condition of approval requiring "That five (5) foot wide sidewalks and six (6) foot wide planter strips are provided along the property frontage in compliance with McMinnville's Transportation System Plan Complete Street Standards." (Condition of Approval #11 of docket ZC 4-19). Condition of approval #12 of ZC 4-19 further required the provision of street trees within the new curbside planting strips.

Following the land-use decision ZC 4-19, the Planning Department later approved modifications to the required right-of-way improvements along the property frontage along the property frontage of 1945 NW 2<sup>nd</sup> Street. The variations approved by the Planning Department on April 16, 2020, and outlined in an email to the applicant, include the provision of a six and one-half (6.5) feet wide curb-tight sidewalk, and that street trees shall be planted in the right-of-way, north of the back edge of the 6.5' wide curb-tight sidewalk. The landscape plan does not propose street trees meeting this requirement, therefore a condition of approval is included to require that street trees be provided in accordance with applicable City standards.

**CONDITION FOR FINDING:** That street trees shall be provided in the 2<sup>nd</sup> Street right-of-way along the property frontage in accordance with applicable City standards and the requirements of this approved landscape plan.

## **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

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McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #4.** A revised street tree list updating the McMinnville Street Tree List approved by Resolution 2016-22 was developed by the Landscape Review Committee and approved by Resolution 2019-26.

The proposed landscape plan indicates does not show street trees proposed in the right-of-way north of the back edge of the new 6.5' wide curb-tight sidewalk. Due to the presence of overhead power and utility lines along the north side of 2<sup>nd</sup> Street, small street trees (less than 25 feet in height) would be appropriate below the power and utility lines. Therefore, a condition of approval is included to require that the street tree species shall be a recommended small street tree from the McMinnville Street Tree List identified for planting under wires, or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.

**CONDITION FOR FINDING:** That the street tree species shall be a recommended small street tree from the McMinnville Street Tree List identified for planting under wires, or other species/variety with similar characteristics approved by the McMinnville Landscape Review Committee.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #11.** A condition of approval is included to ensure that street trees shall meet City standards for size and quality at the time of planting.

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #5.** Due to the presence of overhead power and utility lines along the north side of 2<sup>nd</sup> Street, small street trees (less than 25 feet in height) would be appropriate below the power and utility lines. Therefore, a condition of approval is included to require that street trees selected from the Recommended Small Tree Species from the McMinnville Street Tree List shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement.

**CONDITION FOR FINDING:** That street trees selected from the Recommended Small Tree Species from the McMinnville Street Tree List shall be spaced no more than 20 feet apart, unless a utility or improvement is present that creates a setback requirement.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #6.** West 2<sup>nd</sup> Street is classified as a minor arterial street in the McMinnville Transportation System Plan. Street trees would be required to be planted a minimum of four (4) feet from the back edge of the new sidewalk. As a requirement of docket ZC 4-19, right-of-way will be dedicated along the property frontage to provide a total of 38 feet of right-of-way north of the 2<sup>nd</sup> Street centerline. 2<sup>nd</sup> Street is 20 feet wide north of the centerline adjacent to the subject site, leaving 18 feet to accommodate curb, sidewalk, and street trees. The required 6.5 foot wide sidewalk will be curb-tight, leaving 11 feet from the back edge of the sidewalk to the new property line following right-of-way dedication. Sufficient space will exist to accommodate the location of street trees a minimum of four feet from the edge of the sidewalk. Therefor a condition of approval is included to require that street trees be installed a minimum of four (4) feet from the back edge of the sidewalk.

**CONDITION FOR FINDING:** That street trees shall be installed a minimum of four (4) feet from the back edge of the sidewalk.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #8.** A condition of approval has been included to ensure that setbacks from street trees to utilities be maintained.

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

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

**17.58.090(F).** Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of

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

**APPLICANT'S RESPONSE:** None.

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

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #14 and #15.** A condition of approval has been included to ensure that the street trees are continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner for one full growing season following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

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

Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City.

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

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

**APPLICANT'S RESPONSE:** None.

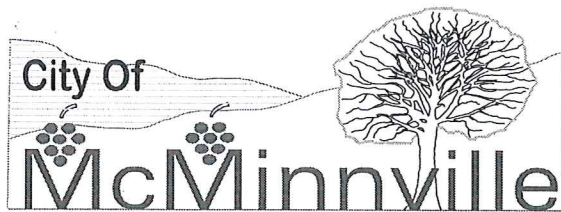
**FINDING: SATISFIED.** The proposed solid waste and recycling enclosure located behind the building in such a location that it is not visible from the 2<sup>nd</sup> Street right-of-way. Therefore, this standard does not apply.

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Attachment 1 – Application and Attachments

JF



**Planning Department**

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

**Office Use Only:**

File No. L 14-20  
Date Received 5-21-2020  
Fee 801.35  
Receipt No. \_\_\_\_\_  
Received by SA

## Landscape Plan Review Application

### Applicant Information

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

Applicant Name MD Builders INC Phone 971.241.7038

Contact Name Douglas Egan president Phone \_\_\_\_\_  
(If different than above)

Address PO Box 175

City, State, Zip McMinnville OR 97128

Contact Email Douglas@MD-builders.com

### Property Owner Information

Property Owner Name Mindy Judd Phone 971.237.7377  
(If different than above)

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

Address 355 SE Baker St

City, State, Zip McMinnville OR 97128

Contact Email Mindy.judd.00@gmail.com

### Site Location and Description

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

Property Address 1945 NW 2nd St

Assessor Map No. R4 4419-AD-01500 Total Site Area 34080±

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

Comprehensive Plan Designation Res Zoning Designation R4

### Landscaping Information


1. Total Landscaped Area: 6566
2. Percent Landscaped: 35.9%
3. Building Floor Area:  
New Structure: 3329 Existing Structure: 0 Addition: 0
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 roberthstephenson@me.com

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

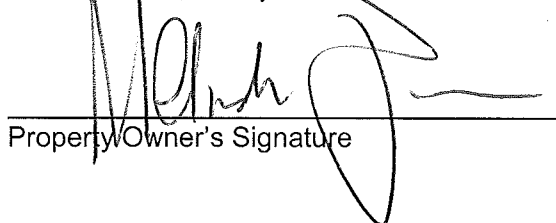
☒ Two (2) copies of the proposed landscape plan containing the information listed in the information sheet and Chapter 17.57 (Landscaping) of the Zoning Ordinance.

☐ 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 president

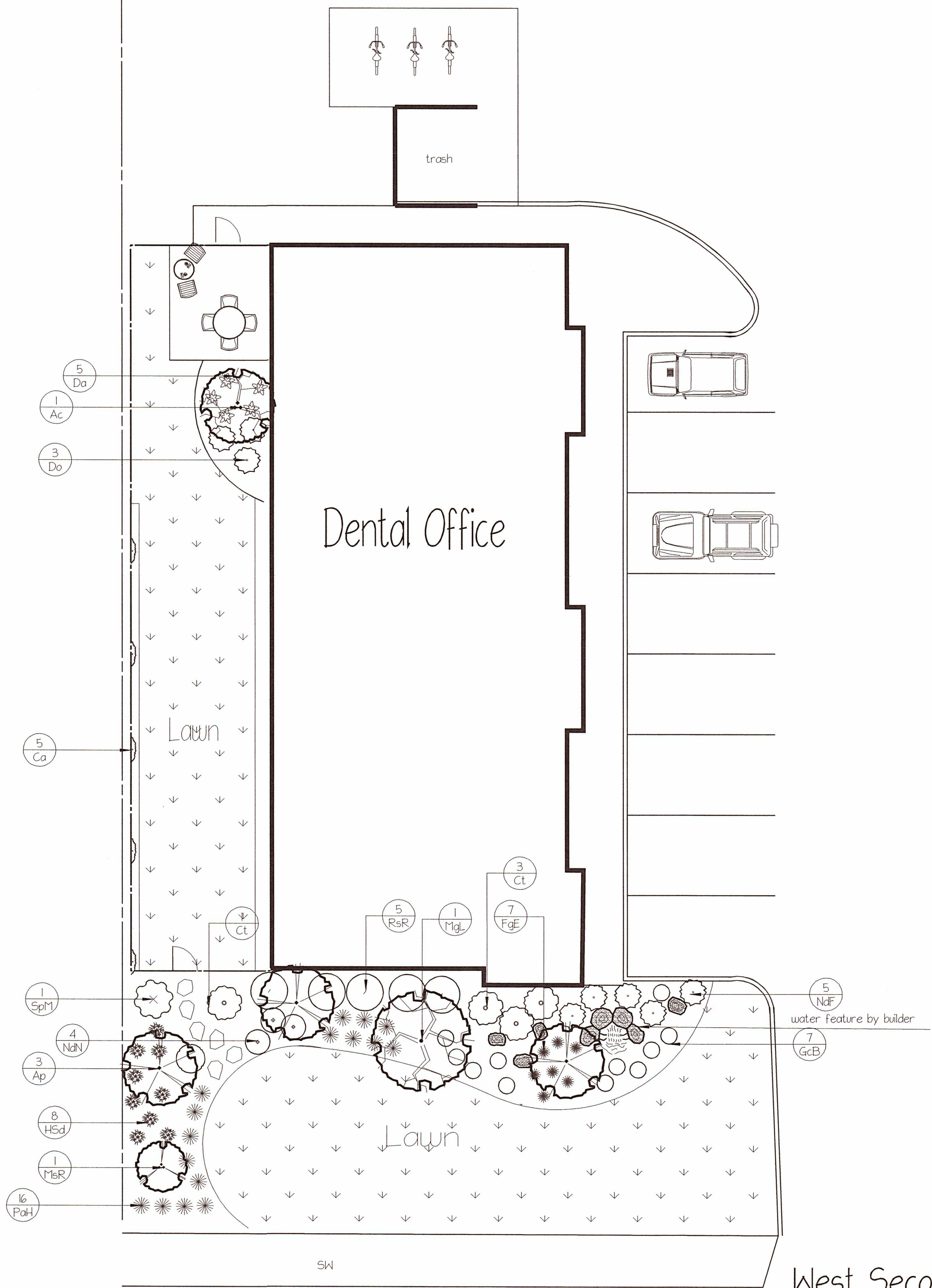
5-12-2020  
Date

  
Property Owner's Signature

5/14/2020  
Date

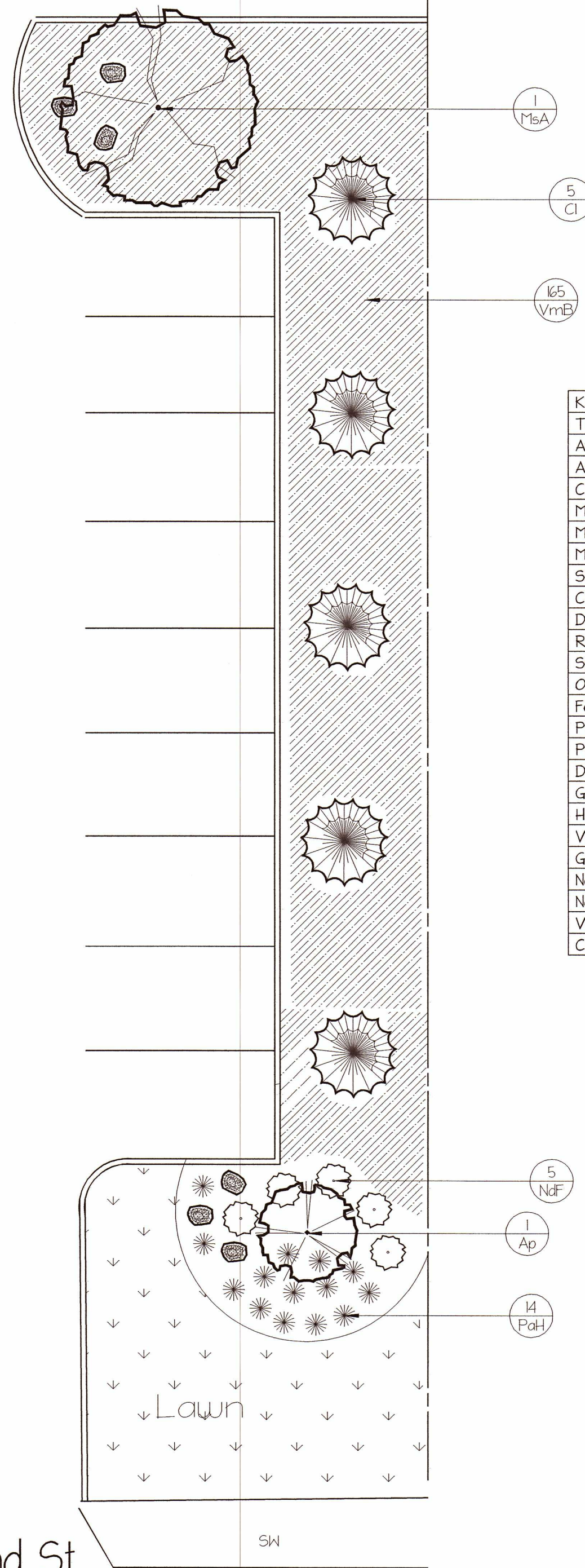


RECEIVED  
MAY 20 2020  
Judd Development



# LANDSCAPE PLAN

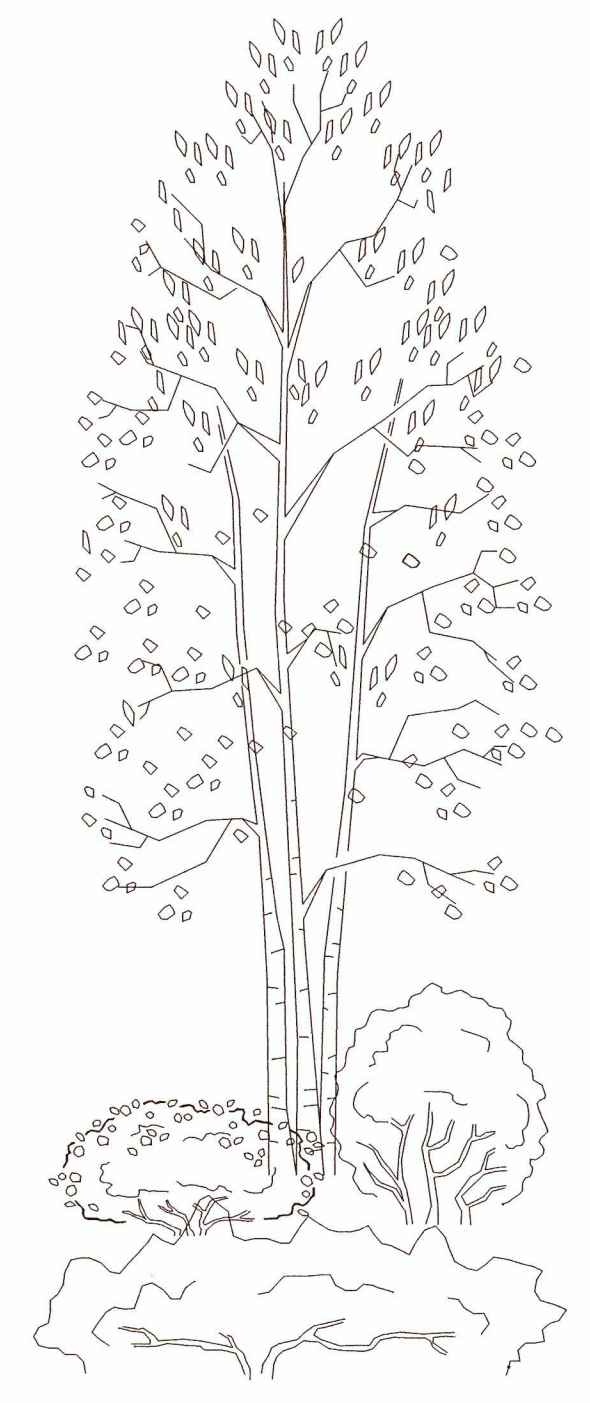
Power Station



## PLANT LIST

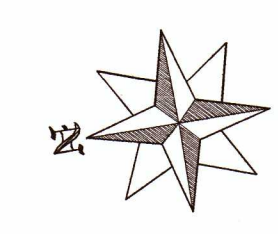
Key	Qty	Botanical Name	Common Name	Remarks
Trees				
Ac	1	Acer circinatum	VINE MAPLE	8-10 multi-stem
Ap	4	Acer palmatum	JAPANESE MAPLE Green	8-10'
Cl	5	Cupressocypariss leylandii	LEYLAND CYPRESS	8-10'
Mgl	1	Magnolia grandiflora 'Little Gem'	LITTLE GEM LARGE-FLOWERED MAGNOLIA	8-10'
MsR	1	Magnolia stellata 'Royal Star'	ROYAL STAR STAR MAGNOLIA	4-5'
MsA	1	Magnolia x soulangiana 'Alexandrina'	ALEXANDRINA CHINESE MAGNOLIA	8-10'
Shrubs				
Cl	4	Choisya ternata	MEXICAN ORANGE	2-3 Gal.
Do	3	Daphne odora	FRAGRANT DAPHNE	2-3 Gal.
RsR	5	Rhododendron (subgenus Rhododendron) 'PJM Compact'	PJM COMPACT RHODODENDRON	2-3 Gal.
Spt1	1	Syringa patula 'Miss Kim'	MISS KIM MANCHURIAN LLAC	2-3 Gal.
Ornamental Grasses				
FgE	7	Festuca glauca 'Elijah Blue'	ELIJAH BLUE FESCUE	1, Gal.
PoH	30	Pennisetum alopecuroides 'Hamelin'	HAMELIN FOUNTAIN GRASS	1, Gal.
Perennials and Annuals				
Da	5	Dryopteris affinis	WOOD FERN	1, Gal.
GcB	7	Geranium cinereum 'Ballerina'	BALLERINA GRAYLEAF CRANESBILL	1, Gal.
Hsd	8	Hemerocallis 'Stella d'Oro'	STELLA D'ORO DAYLILY	1, Gal.
VmB	165	Vinca minor 'Bowles Variety'	BOWLES VARIETY PERIWINKLE	1, Gal.
Groundcovers				
NdF	10	Nandina domestica 'Firepower'	FIREPOWER HEAVENLY BAMBOO	2-3 Gal.
NdH	4	Nandina domestica 'Nana Purpurea'	NANA PURPUREA HEAVENLY BAMBOO	2-3 Gal.
Vines				
Ca	5	Clematis armandi	VIRGINS BOHER	2-3 Gal.

### NOTES



- 3 weeks before construction spray all beds
- with Round-up ... remove all debris and
- rototill 4" of mushroom compost into all
- beds... install fixed spray Rainbird irrigation
- boulders shall be Camas gray ... all plants!!!
- ... lawns shall be sod
- ...fine grade bark mulch for all beds

No.	Date	Description
REVISIONS		



JUDD DEVELOPMENT

W. Second Street

McMinnville, Or. 97128

SCALE	1"=10'
DRAWN BY	Rob Stephenson
CHECKED BY	RHS
DATE	April, 2020
DATE OF PRINT	4/27/20

PROJECT NO.	264-20
SHEET NO.	1





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

## EXHIBIT 6 - STAFF REPORT

DATE: July 1, 2020  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Agenda Item 4D - Street Tree Removal Application (L 18-20)

### 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 to remove one (1) street tree adjacent to 1909 NW Cottonwood Drive (L 18-20) to be reviewed by the Landscape Review Committee.

#### Background:

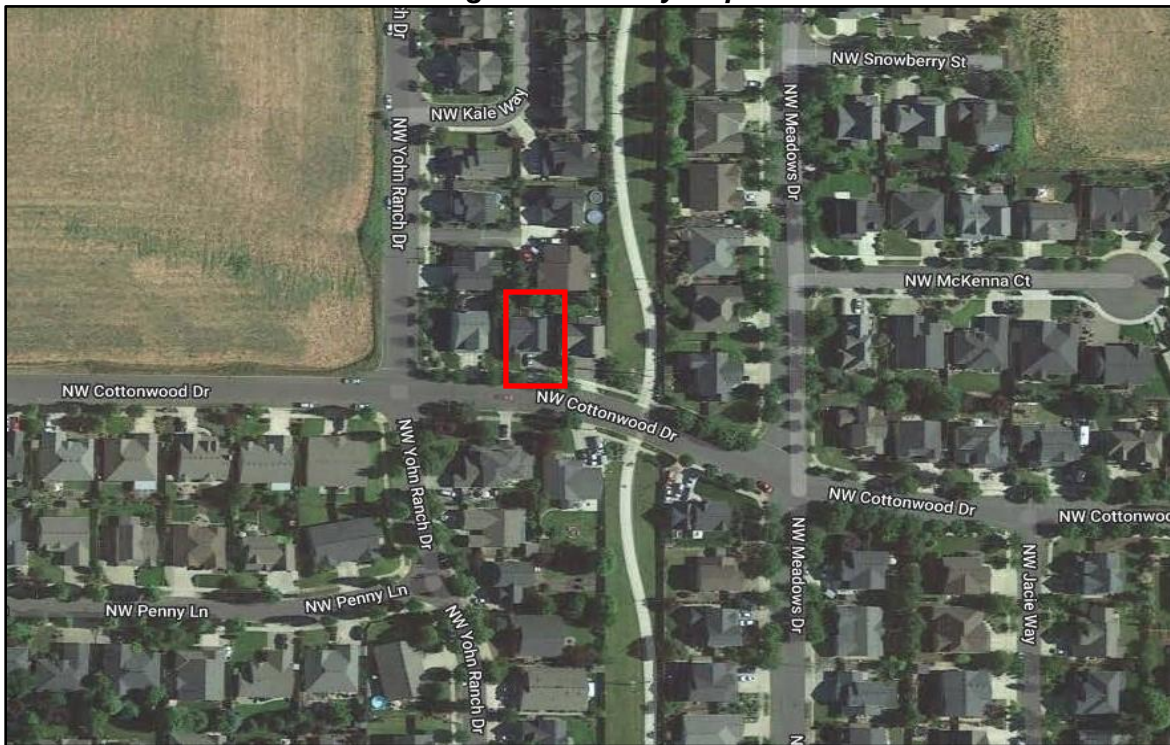
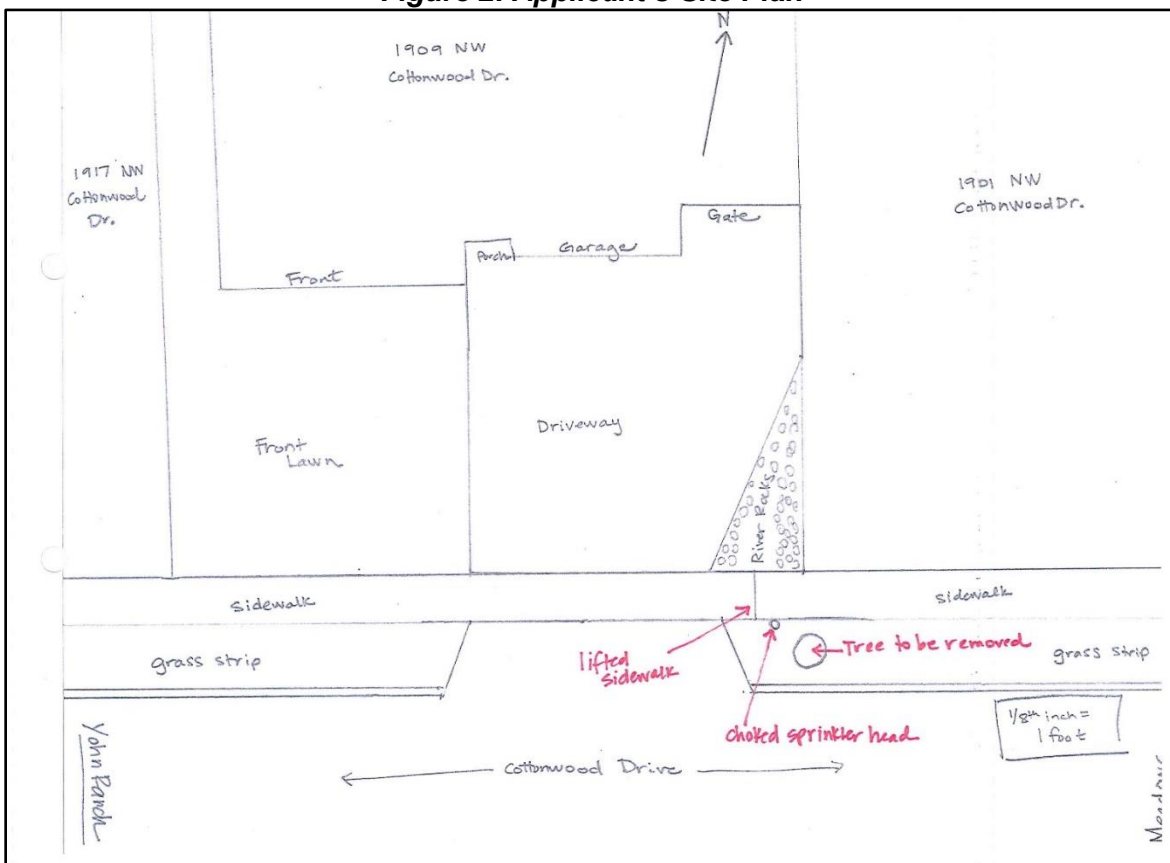
The application requests the removal of one (1) tree from the public right-of-way adjacent to the subject property that is impacting public infrastructure. Removal of a tree located within the public right-of-way which is affecting public infrastructure, including sidewalks, requires City approval.

The subject property is located at 1909 NW Cottonwood Drive within the Cottonwood 2<sup>nd</sup> Addition subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-2PD (Single-Family Residential Planned Development) and is developed with a single-family residence. The tree that is requested for removal is an *Acer* sp. (Maple) located on within the NW Penny Lane right-of-way. **See Figure 2 (Site Plan), Figure 3 (Existing Tree), Figure 4 (Existing Tree), Figure 5 (Sidewalk Condition) and Figure 6 (Root Damage).**

---

#### Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 1909 NW Cottonwood Drive

**Figure 1: Vicinity Map****Figure 2: Applicant's Site Plan****Attachments:**

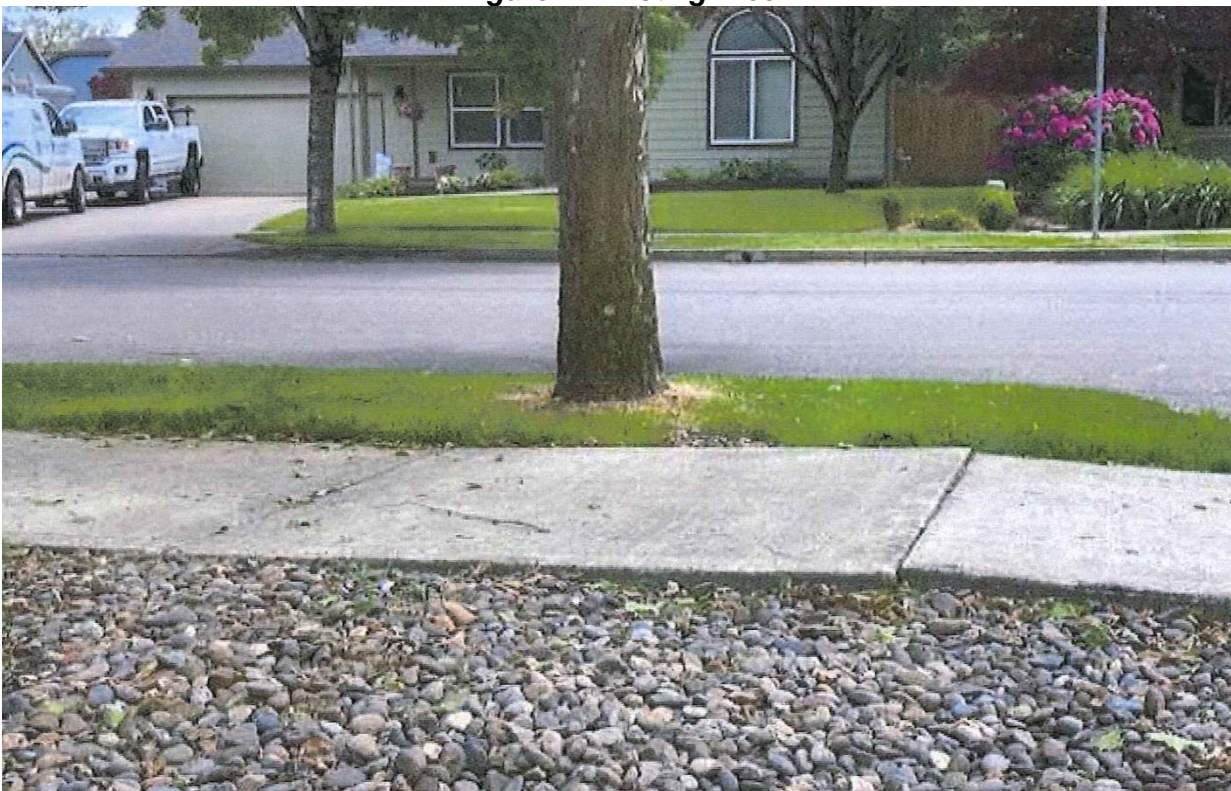
Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 1909 NW Cottonwood Drive



**Figure 3: Existing Tree**



**Figure 4: Existing Tree**



**Attachments:**

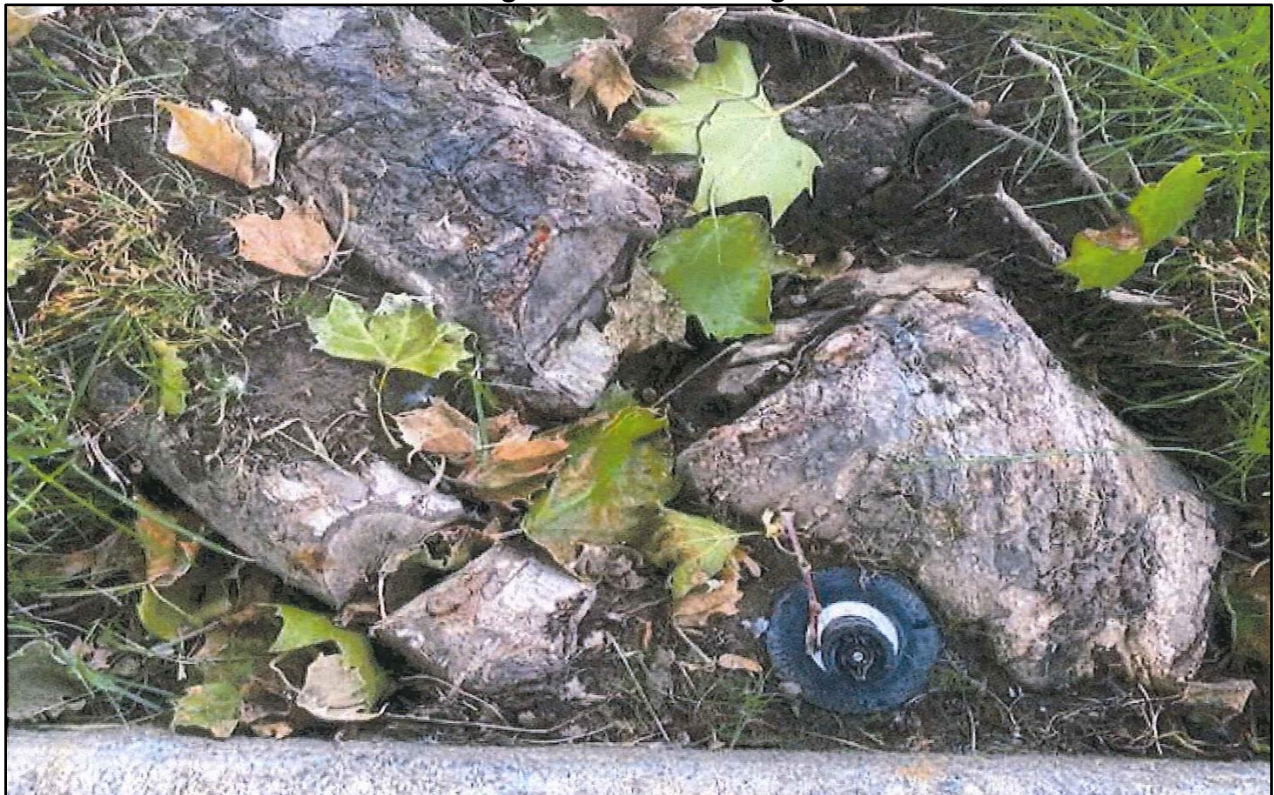
Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 1909 NW Cottonwood Drive



**Figure 5: Sidewalk Condition**



**Figure 6: Root Damage**



**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 1909 NW Cottonwood Drive

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

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

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

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

The applicant has requested the removal of one (1) Sycamore because the tree is impacting public improvements in the public right-of-way, specifically the adjacent sidewalk and private irrigation system. The tree's roots have damaged and lifted the adjacent sidewalk panels. The applicant indicated that the tree has also been treated for Anthracnose for about 3 years, with no success.

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

Additionally, the tree appears to be diseased. The tree has been treated repeatedly for anthracnose, a fungal disease of trees, but the tree still exhibits symptoms including wilting leaves and defoliation.

A replacement street tree for is recommended by Staff, consistent with the approved street tree list (There is no approved landscape plan for this addition...Also there appears to be about 13' from the driveway apron to the property line on the 1" 100's. A condition of approval included in the decision document requires any necessary repair or replacement of the damaged sidewalk.

**Fiscal Impact:**

None.

**Landscape Review Committee Options:**

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

---

**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 1909 NW Cottonwood Drive



**Staff Recommendation:**

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

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

**Suggested Motion:**

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE TREE REMOVAL APPLICATION L 18-20 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

---

**Attachments:**

***Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 1909 NW Cottonwood Drive***



**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 TREE REMOVAL AT 1909 NW COTTONWOOD DRIVE**

**DOCKET:** L 18-20 (Street Tree Removal)

**REQUEST:** Approval to remove one (1) tree from the public right-of-way adjacent to the subject property because of damage to the infrastructure and diseased

**LOCATION:** 1909 NW Cottonwood Drive (Tax Lot 12101, Section 18DB, T. 4. S., R. 4 W., W.M.)

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

**APPLICANT:** Elise Willis, property owner

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

**DATE DEEMED  
COMPLETE:** June 5, 2020

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

**DECISION DATE  
& LOCATION:** July 1, 2020, Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon, and Zoom Online Meeting ID 518 962 842.

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

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

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

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

## DECISION

Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the street tree removal (L 18-20) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Planning Staff: \_\_\_\_\_  
 Jamie Fleckenstein, Associate Planner

Date: \_\_\_\_\_

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: \_\_\_\_\_

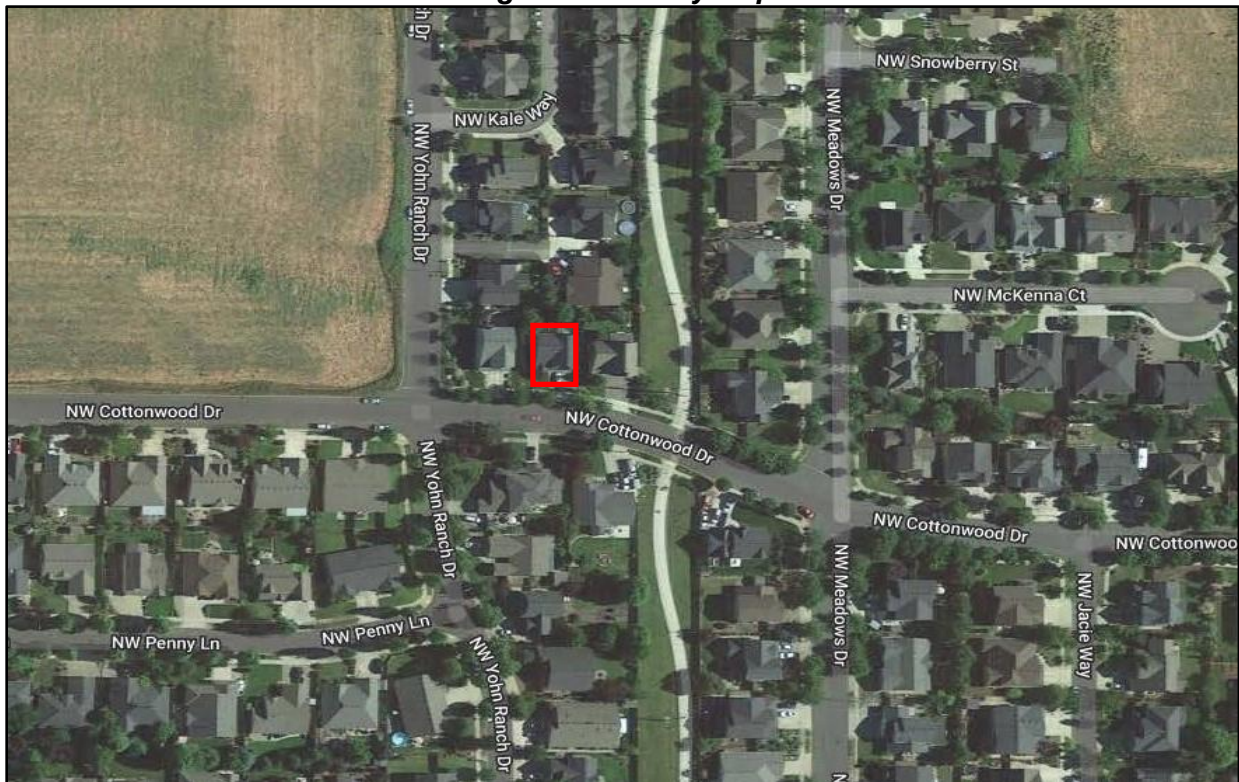
## **I. APPLICATION SUMMARY:**

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

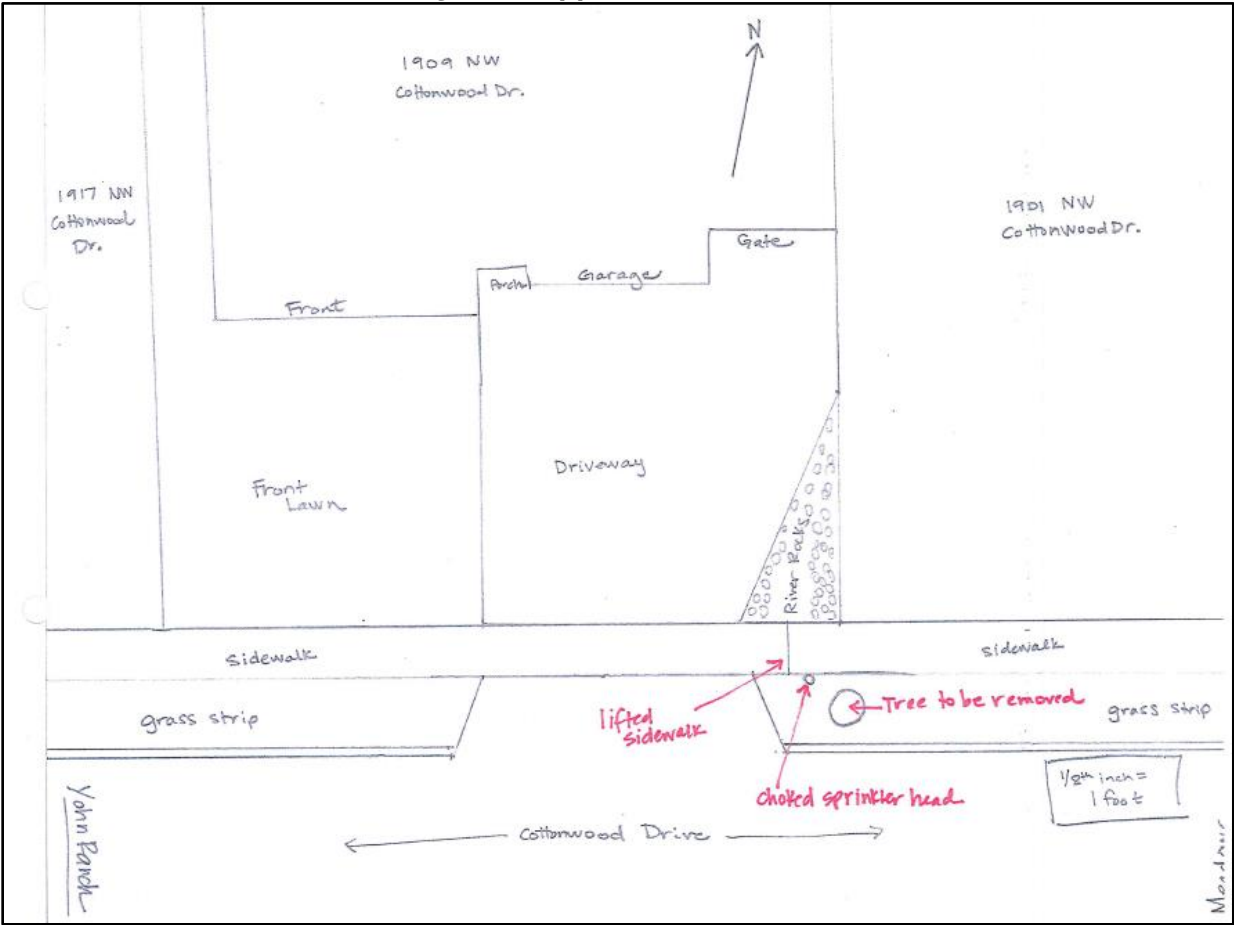
The application requests the removal of one (1) tree from the public right-of-way adjacent to the subject property that is impacting public infrastructure. Removal of a tree located within the public right-of-way which is affecting public infrastructure, including sidewalks, requires City approval.

The subject property is located at 1909 NW Cottonwood Drive within the Cottonwood 2<sup>nd</sup> Addition subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-2PD (Single-Family Residential Planned Development) and is developed with a single-family residence. The tree that is requested for removal is an *Platanus x acerifolia* (London Plane Tree) located on within the NW Cottonwood Drive. **See Figure 2 (Site Plan), Figure 3 (Existing Tree), Figure 4 (Existing Tree), Figure 5 (Sidewalk Condition) and Figure 6 (Root Damage).**

**Figure 1: Vicinity Map**



**Figure 2: Applicant's Site Plan**



**Figure 3: Existing Tree**





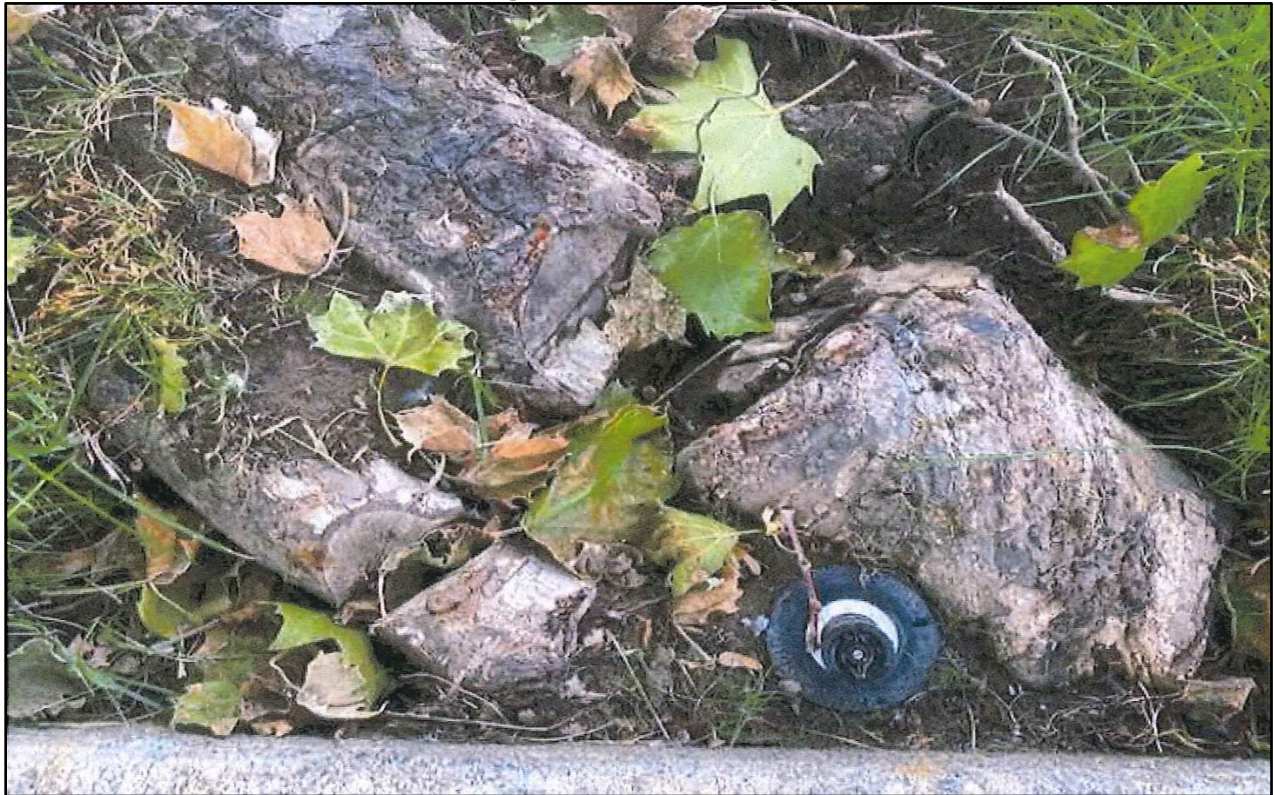
**Figure 4: Existing Tree**



**Figure 5: Sidewalk Condition**





**Figure 6: Root Damage****Summary of Criteria & Issues**

The application is subject to review criteria in McMinnville Municipal Code (MMC) Section 17.58.050 of the McMinnville Zoning Ordinance, which requires a permit for Tree Removal to be granted if any of the following criteria apply:

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

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

**II. CONDITIONS:**

- 1. That all costs and liability associated with tree removal, stump grinding, and tree replacement shall be borne by the applicant.
- 2. That the applicant shall call for locates (dial 811) for all underground utilities prior to removing the trunk and roots. This is a free service and the law. Upon request, utility locates can be flagged without marking up hard surfaces.
- 3. That the tree's stump and remaining surface roots shall be removed at least six (6) inches below grade to allow for a suitable replanting site. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations.

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Attachments:

Attachment 1 – Application and Attachments

4. That one (1) replacement street tree be planted in the NW Cottonwood Drive planter strip. The tree shall be a recommended medium street tree from the McMinnville Street Tree List or other species/variety approved by the McMinnville Landscape Review Committee.
5. That the replacement tree shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees' must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
6. That the replacement tree shall be planted per the approved City detail. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a minimum depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.
7. That the applicant shall contact the McMinnville Public Works Department at 503-434-7316 to discuss specific staking, watering tube requirements, and to schedule an inspection prior to backfilling the replacement tree's planting pit.
8. That the applicant is reminded that trees are not to be planted within:
  - a. Five (5) feet of a private driveway or alley;
  - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
  - c. Twenty (20) feet of street light standards or street intersections.
9. That the planter strip area shall be restored to original grade immediately following the planting of the replacement trees.
10. That the applicant shall contact the McMinnville Engineering Department at (503) 472-7312 to obtain a sidewalk permit and repair or replace the damaged sidewalk per City standards.
11. That the applicant shall complete the tree removal and tree replacement within six (6) months of approval, or January 1, 2021.

### **III. ATTACHMENTS:**

1. L 18-20 Application and Attachments (on file with the Planning Department)

### **IV. COMMENTS:**

#### **Agency Comments**

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

- McMinnville Public Works:

#### **Site Review**

1. The tree in question appears to be a sycamore tree.
2. The tree is approximately 11" DBH.
3. The tree is planted in a 5' planter strip with irrigated turf as groundcover.

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Attachments:

Attachment 1 – Application and Attachments

4. The tree is approximately 5' from the adjacent driveway approach.
5. There are no overhead power conflicts.
6. The tree show a significant degree of surface rooting, and disrupted:
  - a. Private irrigation system
  - b. Public sidewalk-shows a > ¼" surface discontinuity which is a trip hazard
7. The tree exhibits a large structural wound that appears to be from storm damage. The wound appears to have decay in it.
8. Per the resident's application, the subject tree is currently being treated for anthracnose without success.

### **Recommendations**

1. We would recommend approval of this removal, based on health of the tree, the structural issue observed and the damage to the adjacent sidewalk.
2. Suggested conditions of approval:
  - a. Applicant to be responsible for all costs of removal and replacement
  - b. Stump to be ground a 6" below grade.
  - c. Utility locates shall be provide prior to removal.
  - d. Tree shall be replaced with one of a variety acceptable to the Planning Department, minimum 2" caliper.
  - e. Tree to be planted as per the approved City detail. Tree could be shifted to the east to maximize distance from driveway approach.
  - f. Applicant to contact Engineering (503.434.7312) for a sidewalk inspection to address trip hazard.
  - g. Contractor to contact Public Works at (503)434.7316 for an inspection prior to backfill.

- **McMinnville Water & Light**

MW&L has the following comments regarding this street tree removal request:  
*"Call 811 for locates before tree removal."*

### **Public Comments**

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

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

1. Elise Willis, property owner, submitted a Street Tree Removal Permit application on May 27, 2020.
2. The application was deemed complete on June 5, 2020.
3. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
4. No public notice of the application was provided by the City of McMinnville, as Street Tree Removal applications are reviewed by the process described in Section 17.58.040 (Tree Removal/Replacement) of the McMinnville Zoning Ordinance, which does not require public notification. No public comments were received prior to the public meeting.

---

Attachments:

Attachment 1 – Application and Attachments

5. A public meeting was held by the McMinnville Landscape Review Committee on July 1, 2020 to review the application and proposed street tree removal request.

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

1. **Location:** 1909 NW Cottonwood Drive (Tax Lot 12101, Section 18DB, T. 4. S., R. 4 W., W.M.)
2. **Size:** 0.1157 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2PD (Single-family Residential Planned Development)
5. **Overlay Zones/Special Districts:** Planned Development Ordinance No. 4836
6. **Current Use:** Single-family dwelling
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None.
  - b. **Other:** None.
8. **Other Features:** None.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** NW Cottonwood Drive is classified as a Local Street in the 2010 McMinnville Transportation System Plan (TSP).

## **VII. CONCLUSIONARY FINDINGS:**

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

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

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

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

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

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

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

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

**APPLICANT'S RESPONSE:** None.

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

**McMinnville Zoning Ordinance**

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

**Chapter 17.58 Trees**

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

**APPLICANT'S RESPONSE:** None.

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

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

- A. Individual significant or historic trees as defined in this ordinance.
- B. All trees with trunks located completely or partially within any public area or right-of-way;
- C. All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
- D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The trunk of the trees proposed for removal are located within a curbside planting strip completely within the public right-of-way adjacent to the subject property. Therefore, the provisions of Chapter 17.58 Trees shall apply to this tree removal request.

---

Attachments:

Attachment 1 – Application and Attachments

**17.58.040 Tree Removal/Replacement.**

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The tree removal was not designated as exempt, and the applicant has filed an application for a Street Tree Removal Permit to be reviewed by the McMinnville Landscape Review Committee.

**17.58.040(B).** Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. [...]

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION #3.** A condition of approval has been included to assure that the tree removal will be performed to accepted City standards.

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS #1, #2, #9.** Conditions of approval have been included to assure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

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

That the applicant shall call for locates (dial 811) for all underground utilities prior to removing the trunk and roots. This is a free service and the law. Upon request, utility locates can be flagged without marking up hard surfaces.

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #4.** The one (1) tree in the NW Cottonwood Drive right-of-way is located in a curb-side planter strip that is four and one-half (4.5) feet wide. No utilities are present that require setbacks, but the tree must be setback five (5) feet from the driveway. There is sufficient space in the Cottonwood Drive planter strip adjacent to the subject property to replace tree proposed for removal.



There is no approved street tree plan for the Cottonwood 2<sup>nd</sup> Addition subdivision on file with the Planning Department. Because there is no approved street tree for the subject site, a replacement tree selected from the recommended medium street trees in the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee, would be of appropriate size and character to remain consistent with surrounding street trees.

**CONDITION FOR FINDING:** That one (1) replacement street tree be planted in the NW Cottonwood Drive planter strip. The tree shall be a recommended medium street tree from the McMinnville Street Tree List or other species/variety approved by the McMinnville Landscape Review Committee.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #3.** A condition of approval has been included to ensure that the applicant shall remove the tree stump and surface roots, and restore any damaged turf areas in the public right-of way.

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

**17.58.040(F).** The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #11.** A condition of approval has been included to ensure that the applicant shall complete the tree removal within six (6) months of approval.

**CONDITIONS FOR FINDING:** That the applicant shall complete the tree removal within six (6) months of approval, or January 1, 2021.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Other conditions are not necessary.

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

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.

C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

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

**APPLICANT'S RESPONSE:** The tree is in conflict with public improvements. Sidewalk is being pushed up and it is choking the sprinkler system. The tree will continue to grow despite root adjustments according to General Tree Service. Also, we have had General Tree Service treat for anthracnose multiple times in the past 3 years and we have not been able to solve the problem. The tree service has not been able to determine why, but there are also many many wilted and dropping leaves all spring and summer.

**FINDING: SATISFIED.** Staff concurs with the applicant's finding, but would note that an arborist's report was not included in the application materials. Evidence was provided and confirmed that the tree roots are damaging the public infrastructure. Therefore, criterion 'B' is met and removal of the tree is recommended. Additionally, the application states that the tree has been treated for anthracnose for the past three years. According to the application, the treatments have been unsuccessful and the tree still exhibits symptoms. Anthracnose is a fungal disease that can kill young twig growth and cause defoliation of the tree.

#### **17.58.090 Street Tree Standards.**

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2016-22, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.
- B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
- C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.
- D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.
- E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.
- F. Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as

Attachments:

Attachment 1 – Application and Attachments

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #4-8 and #10.** Conditions of approval have been included to ensure that the City's street tree standards are met during the replacement of the street trees.

**CONDITIONS FOR FINDING:** That one (1) replacement street tree be planted in the NW Cottonwood Drive planter strip. The tree shall be a recommended medium street tree from the McMinnville Street Tree List or other species/variety approved by the McMinnville Landscape Review Committee.

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

That the replacement tree shall be planted per the approved City detail. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a minimum depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.

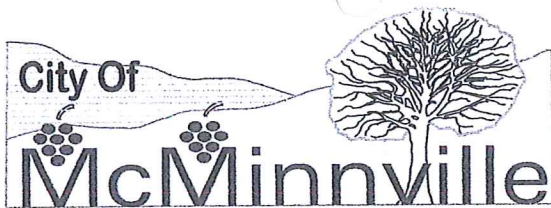
That the applicant shall contact the McMinnville Public Works Department at 503-434-7316 to discuss specific staking, watering tube requirements, and to schedule an inspection prior to backfilling the replacement tree's planting pit.

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

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

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

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. L18-20

Date Received 5-27-2020

Fee 150.00

Receipt No. \_\_\_\_\_

Received by SD

## Street Tree Removal

### Applicant Information

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

Applicant Name Elise Willis Phone 503-583-0274

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

Address 1909 NW cottonwood Drive

City, State, Zip McMinnville, OR 97128

Contact Email dewillis2003@gmail.com

### Property Owner Information (see above)

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 1909 NW Cottonwood Drive

(Property nearest to tree(s) for removal)  
Assessor Map No. R4 418DB-12101 Total Site Area 0.1157 acres

Subdivision Cottonwood Second Addition Block N/A Lot 122

Comprehensive Plan Designation Residential Zoning Designation Residential (R-2)

### Additional Information

1. How many trees are requested for removal? One
2. What type (species) of tree(s) are they? Sycamore
3. What is the diameter of the tree(s), measured four feet above ground level? 36.5 inches
4. Why are you requesting the removal of the noted tree(s)? (See "Removal Criteria" on attached Information Sheet.) Explain which of the criteria is addressed through this application.  
The tree is in conflict with public improvements. Sidewalk is being pushed up and it is choking the sprinkler system. The tree will continue to grow despite root adjustments according to General Tree Service. Also, we have had General Tree Service treat for anthracnose multiple times in the past 3 years and we have not been able to solve the problem. The tree service has not been able to determine why, but there are also many many wilted and dropping leaves all spring and summer.  
In addition to this completed application, the applicant must provide the following:

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

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

Elise Surles  
Applicant's Signature

5/21/2020  
Date

Elise Surles  
Property Owner's Signature

5/21/2020  
Date

1917 NN  
Cottonwood  
Dr.

1909 NW  
Cottonwood Dr.

1901 NW  
Cottonwood Dr.

N

Front

Porch

Garage

Gate

Front  
Lawn

Driveway

River Rocks

Sidewalk

Sidewalk

Grass strip

Grass strip

lifted  
sidewalk

choked sprinkler head

Tree to be removed

1/8" inch =  
1 foot

John Ranch

Cottonwood Drive



