



**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  
ZOOM Online Meeting  
Wednesday, December 16, 2020 - 12:00 PM**

*Please note that this meeting will be conducted via  
ZOOM meeting software due to the COVID-19 event.*

**Join ZOOM Meeting online via the following link:**

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

Meeting ID: 518 962 842  
Passcode: 694642

**Or join ZOOM Meeting by phone via the following number: 1-669-900-9128**

Committee Members	Agenda Items
Rob Stephenson Chair	<b>1. Call to Order</b>
Sharon Gunter Vice-Chair	<b>2. Citizen Comments</b>
Josh Kearns	<b>3. Approval of Minutes</b> A. June 17, 2020 (Exhibit 1) B. July 1, 2020 (Exhibit 2)
Tim McDaniel	<b>4. Action Items</b> A. L 36-20 – Street Tree Removal (Exhibit 3) 1575 NW Yohn Ranch Drive B. L 38-20 – Street Tree Removal (Exhibit 4) 2608 NW Pinehurst Drive
John Hall	<b>5. Discussion Items</b>
	<b>6. Old/New Business</b>
	<b>7. Committee Member Comments</b>
	<b>8. Staff Comments</b>
	<b>9. Adjournment</b>

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

\*Please note that these documents are also on the City's website, [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.



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# EXHIBIT 1 - MINUTES

**June 17, 2020**  
**Landscape Review Committee**  
**Regular Meeting**

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

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

## 1. Call to Order

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

## 2. Citizen Comments

None

## 3. Approval of Minutes

Chair Stephenson noted that in the November minutes they had said they wanted to talk about an overall tree plan for the City regarding trees under power lines. That had not been scheduled yet. He suggested doing a field trip to look at some of the problem areas in the City.

- A. November 20, 2019
- B. December 18, 2019

Committee Member Gunter moved to approve the November 20 and December 18, 2019 minutes. The motion was seconded by Chair Stephenson and passed 3-0.

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

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

Associate Planner Fleckenstein reviewed the revised landscape plan for 1805/1815 NE Colvin Court. This application had been continued from the February meeting. At that meeting the Committee had discussed the drainage ditches along the street frontages with a large sewer main on Colvin Court and new storm drain line going in below the sidewalk and planter strip. There were questions about the street trees being appropriate given the spacing requirements from the utilities. The revised plan

removed the trees on Colvin Court and replaced them with evergreen shrubs. The remainder of the plan was generally the same with trees provided along Riverside Drive and landscaping on the rear and side of the building. The parking lot islands would include landscaping as well as the trash enclosure on three sides.

Chair Stephenson suggested adding a different ground cover under the trees and in the planter strip other than bark mulch. He thought lawn would be preferred.

Associate Planner Fleckenstein noted that several of the industrial properties up and down the street used bark mulch as a ground cover. He did not think it was out of place in this application with the industrial setting.

Committee Member McDaniel was concerned about lawn maintenance.

Chair Stephenson thought the bark mulch would create more maintenance due to weeds.

Associate Planner Fleckenstein thought there could be a finding that lawn or a living ground cover was compatible with the surrounding properties.

Committee Member Gunter asked about irrigation for the ground cover. Associate Planner Fleckenstein confirmed irrigation would be provided.

There was consensus to add a condition for either lawn or living ground cover in the planter strip and under the four trees.

Associate Planner Fleckenstein said the other conditions were standard for landscape plans.

Committee Member Gunter asked if synthetic grass could be used in the planter strip. Chair Stephenson thought that would be a difficult application to do in that location and it would be expensive.

Committee Member Gunter moved to approve L 2-20 with the conditions recommended by staff and the additional condition for lawn or living ground cover in the planting strip and trees. The motion was seconded by Chair Stephenson and passed 3-0.

Chair Stephenson moved to amend the motion to require the applicant to submit a revised landscape plan to be reviewed and approved by staff. The motion was seconded by Committee Member Gunter and passed 3-0.

#### B. L 11-20 – Landscape Plan Review - 2515 NE Orchard Avenue

This agenda item was postponed to the July meeting.

#### C. L 15-20 – Street Tree Plan - Cottages at Chegwyn Village Phase II

Associate Planner Fleckenstein reviewed the street tree plan for the cottages at Chegwyn Village Phase II. This was a 28 small lot subdivision with cottage homes in the Chegwyn Village area in northeast McMinnville. The subdivision was alley loaded and there would be no driveway access from the streets. This maximized the planter strip areas for street trees. Utilities would be provided from McDonald Lane and were grouped together to provide maximum availability for street trees. This would be compatible with the surrounding subdivisions. The proposed street tree was the October Glory Red Maple which was a recommended medium street tree on the street tree list.

These would be spaced at 30 feet consistently around the subdivision. There would be standard spacing from water meters, private driveways, street lights, and fire hydrants.

Chair Stephenson asked if the trees would have root barriers. Associate Planner Fleckenstein confirmed there would be root barriers and watering tubes for each tree.

Chair Stephenson asked if there would be ground cover under the trees. Associate Planner Fleckenstein said the other subdivisions in the area had lawn.

Associate Planner Fleckenstein said staff did not have any special conditions for this plan. The ones recommended were the standard conditions for street tree plantings.

Chair Stephenson moved to approve L 15-20. The motion was seconded by Committee Member Gunter and passed 3-0.

## **5. Discussion Items**

Associate Planner Fleckenstein suggested instead of a field trip to problem areas, he could forward addresses to the Committee to visit at their own convenience.

There was discussion regarding the areas to visit, getting recommendations from McMinnville Water and Light for the areas, and developing a policy for pruning or removing trees under power lines.

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

None

## **7. Committee/Commissioner Comments**

None

## **8. Staff Comments**

None

## **9. Adjournment**

Chair Stephenson adjourned the meeting at 12:44 p.m.





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## EXHIBIT 2 - MINUTES

**July 1, 2020**  
**Landscape Review Committee**  
**Regular Meeting**

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

**Members Present:** Sharon Gunter, John Hall, Tim McDaniel, Rob Stephenson, and Josh Kearns (joined late)

**Members Absent:**

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

**Guests Present:** Zack Geary – City Councilor, Doug Egan, Mindy Judd, and Chae Pak

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### 1. Call to Order

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

### 2. Citizen Comments

None

### 3. Approval of Minutes

- A. January 15, 2020
- B. February 19, 2020

Committee Member Gunter moved to approve the January 15 and February 19, 2020 minutes. The motion was seconded by Committee Member McDaniel and passed 4-0.

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

- A. L 11-20 – Landscape Plan Review - 2515 NE Orchard Avenue

Associate Planner Fleckenstein reviewed the landscape plan for a new industrial warehouse development at 2515 NE Orchard Avenue. The landscaping was focused along the Orchard Avenue frontage with a row of mature Douglas Fir trees alternating with Laurel trees. Curbs, gutters, and a sidewalk would be added as improvements to the street. The sidewalk would be curb tight in order to preserve the existing trees. Staff recommended getting an arborist report to verify that construction activities would not negatively affect the trees to the point they became unstable or unsafe. If construction did impact the trees and removal was recommended, replacement trees would be

required. There was also some landscaping on the corner of the property by the railroad tracks and adjacent to some parking.

Committee Member Kearns asked if the sidewalk would require root barrier. He was concerned about the existing trees lifting the new sidewalk.

Associate Planner Fleckenstein said no, it was only required for new street trees. He thought putting in root barrier would damage the existing trees as he did not know if there would be room to put in a root barrier adjacent to the sidewalk without having to dig into the existing root system. If the existing trees died from the construction, the new trees would have root barriers. The ditch was lower than the grade of the sidewalk and there would be some fill for the drainage ditch.

Associate Planner Fleckenstein said the plan met the requirements for the amount of landscaping required for industrial properties. There was a condition to replace the trees that were impacted by construction. Since this was an industrial site, there was emphasis on keeping the interior open and available for truck traffic. The landscaping on the perimeter was compatible with the use and surrounding industrial properties. The landscaping would provide screening and buffering from the street. There would be a drip irrigation system.

Chair Stephenson said he would be abstaining as he had drawn up this plan.

Committee Member McDaniel moved to approve L 11-20 with the conditions recommended by staff. The motion was seconded by Committee Member Kearns and passed 4-0-1 with Chair Stephenson abstaining.

#### B. L 5-20 – Landscape Plan Review - 1031/1039 NE Lafayette Avenue

Associate Planner Fleckenstein presented the revised landscape plan for 1031/1039 NE Lafayette Avenue. The Committee had reviewed a preliminary plan for this property and had responded with several conditions of approval and asked for a revised plan to come back to the Committee for final approval. The easternmost street tree closest to the driveway was removed, the planters along Lafayette Avenue were moved between the sidewalk and building, a privacy fence had been added on the back property line, and the vegetation in the planters had been changed so the height would not exceed 3 feet. The NE Gateway review process had been completed and the parking lot landscaping requirements had been waived. The street trees would be Snowgoose Cherry which was a suitable street tree and the spacing would be 30 feet apart.

Chae Pak, applicant, said the neighboring property to the southwest had a driveway that was close to his property and if a tree was put on the property line it would block their view of the street. He was not able to put three trees in that area due to maintaining the visibility triangle.

Associate Planner Fleckenstein said there were standard conditions recommended for the application.

Committee Member Hall asked how the artificial turf would be installed.

Mr. Pak explained the process. They would have to create a border around the trees so they would have access to real soil.

Committee Member Gunter moved to approve L 5-20 with conditions. The motion was seconded by Committee Member Hall and passed 4-0.

### C. L 16-20 – Landscape Plan Review - 1945 W 2<sup>nd</sup> Street

Associate Planner Fleckenstein discussed the landscape plan for a new dental clinic at 1945 W 2<sup>nd</sup> Street. The landscaping was focused on the southern portion of the property and 2<sup>nd</sup> Street frontage. There was a private fenced area behind the dental clinic that would be an enclosed space for employee and owner use. It also provided screening from the dental office and the residential homes to the west. On the east side of the property adjacent to the electric substation there would be evergreen screening along the property line between the substation and parking lot. There were residential properties surrounding the site and the emphasis of the landscaping along the street provided a residential atmosphere. The proposed trees were Leland Cypress which could grow tall. McMinnville Water & Light preferred to see landscaping that was 25 feet at mature height next to a substation. Staff recommended a condition to change the trees to a variety of Leland Cypress that would stay at or below the 25 feet. The landscaping along the street would provide screening and buffering for the parking lot. The trash enclosure was not visible from the right-of-way and did not need landscaping. There were many existing trees, however some would need to be removed for the development. Currently the plan did not show any street trees, however the Planning Department approved a curb tight sidewalk and there was space for street trees on the back side of the sidewalk. There were power lines in that area and the street trees would need to be appropriate for planting below the power lines.

Chair Stephenson thought the power lines were too low for trees. There were street trees, but they had been moved back closer to the building.

Associate Planner Fleckenstein cautioned the Committee about setting a precedent if they did not require the street trees due to the power lines. He thought the small species on the street tree list would not cause issues with the power lines.

Committee Member McDaniel liked the proposed design and that it was compatible with the neighborhood, however he agreed that they needed to comply with the code.

Doug Egan, applicant, said there was another project nearby that had trees planted out of the right-of-way. McMinnville Water & Light did not want trees planted under the power lines. For this property, it was the communication lines that were low and he did not know if any tree would work under them because they were so low.

Chair Stephenson said any tree that branched out would be hit by garbage trucks. They would need a tree that would be under 12 feet and would not branch out.

Mr. Egan thought any tree would have to be pruned in 10-15 years and they would lose the beautification they were trying to maintain for the longevity of the project.

Chair Stephenson would be abstaining because he drew these plans.

Committee Member Gunter asked if they had this circumstance before and what kind of tree had been put in. She did not want to put in trees that would have to be removed later.

Chair Stephenson said the street trees had to be continually pruned on Baker Creek Road.

Committee Member Kearns joined the meeting at 12:34 p.m. He asked when as a Committee they could use common sense over the code. He thought it was common sense not to plant anything underneath these lines.

Committee Member Hall asked how low the lines were.

Mr. Egan said they were about 12-13 feet from the ground.

Committee Member Hall thought this was a special case and would not set a precedent.

Associate Planner Fleckenstein said there was no tree on the street tree list that had a mature height of less than 20 feet.

There was discussion regarding the pruning that would be needed and how the pruning done by McMinnville Water & Light was typically not done right and did not look good.

Committee Member Kearns thought it was the same situation as Colvin Court where they did not put in trees because of a sewer main underneath. They should not put in trees here because of the view as the trees would be off-set at the entrance and they would be small due to the power lines. It did not make sense.

Councilor Geary said regarding precedent and applying code, the reason for the Committee was to filter through the codes and apply the intent of the rules and reason to projects.

Mr. Egan liked having codes to follow, but in this particular case there should be a common sense approach which should be done on a case by case basis.

There was consensus to leave the plan as proposed and not require the street trees below the power lines.

Associate Planner Fleckenstein said that would eliminate all of the conditions of approval dealing with street trees. The conditions that would remain would limit the height of the Cypress on the east property line and include a provision for an irrigation system.

Mr. Egan asked if he could use synthetic turf instead of rooted grass for the private fenced area.

Committee Member Kearns thought if it had the appearance of grass, it was considered grass.

Associate Planner Fleckenstein said the plan did not specify synthetic or natural. He thought either was acceptable.

Committee Member Hall thought it would be acceptable in the back, but in the front there should be natural turf. Committee Member Gunter agreed.

Committee Member Hall asked what "suitable watering facilities" meant. Associate Planner Fleckenstein asked if it was the applicant's intention to put in an automatic irrigation system.

Mr. Egan said yes, he planned to put one in.

Associate Planner Fleckenstein recommended removing "suitable watering facilities" from the condition of approval and add that it would be an automatic irrigation system.

Committee Member Kearns moved to approve L 16-20 with the revised conditions. The motion was seconded by Committee Member Gunter and passed 3-1-1 with Committee Member McDaniel opposed and Chair Stephenson abstaining.

**D. L 18-20 – Street Tree Removal - 1909 NW Cottonwood Drive**

Associate Planner Fleckenstein explained the street tree removal request. The tree to be removed was a Sycamore tree that was lifting the sidewalk and was diseased. The applicant would be required to replace the tree with a selection from the street tree list.

Committee Member Gunter moved to approve L 18-20. The motion was seconded by Committee Member Hall and passed 5-0.

**5. Discussion Items**

Chair Stephenson said at Compton Crest a lot of the Birch trees had been removed. He asked if they had permission for the removals. Associate Planner Fleckenstein would look into it.

**6. Old/New Business**

None

**7. Committee/Commissioner Comments**

Committee Member Hall found the staff report difficult to navigate and find the important information. There was a lot of redundancy and he suggested an executive summary for the Committee. Associate Planner Fleckenstein was willing to condense it and make it easier to read.

**8. Staff Comments**

Associate Planner Fleckenstein was still working with McMinnville Water & Light on getting addresses for the Committee to visit regarding trees below power lines. He suggested the Committee hold a Work Session to go through the landscape and tree code for areas that needed to be updated or changed.

There was consensus for staff to schedule a Work Session as proposed.

**9. Adjournment**

Chair Stephenson adjourned the meeting at 1:20 p.m.



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## EXHIBIT 3 - STAFF REPORT

**DATE:** December 16, 2020  
**TO:** Landscape Review Committee Members  
**FROM:** Jamie Fleckenstein, Associate Planner  
**SUBJECT:** Agenda Item 4A - Street Tree Removal Application (L 36-20)

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

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

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

### Report in Brief:

An application to remove two (2) Maple street trees adjacent to 1575 NW Yohn Ranch Drive (L 36-20) to be reviewed by the Landscape Review Committee. Staff has reviewed the application for consistency with the applicable criteria, and recommends approval of the application, subject to the conditions specified in the attached Decision Document, including requiring one (1) replacement street tree, and repairing any damaged sidewalk.

### Background:

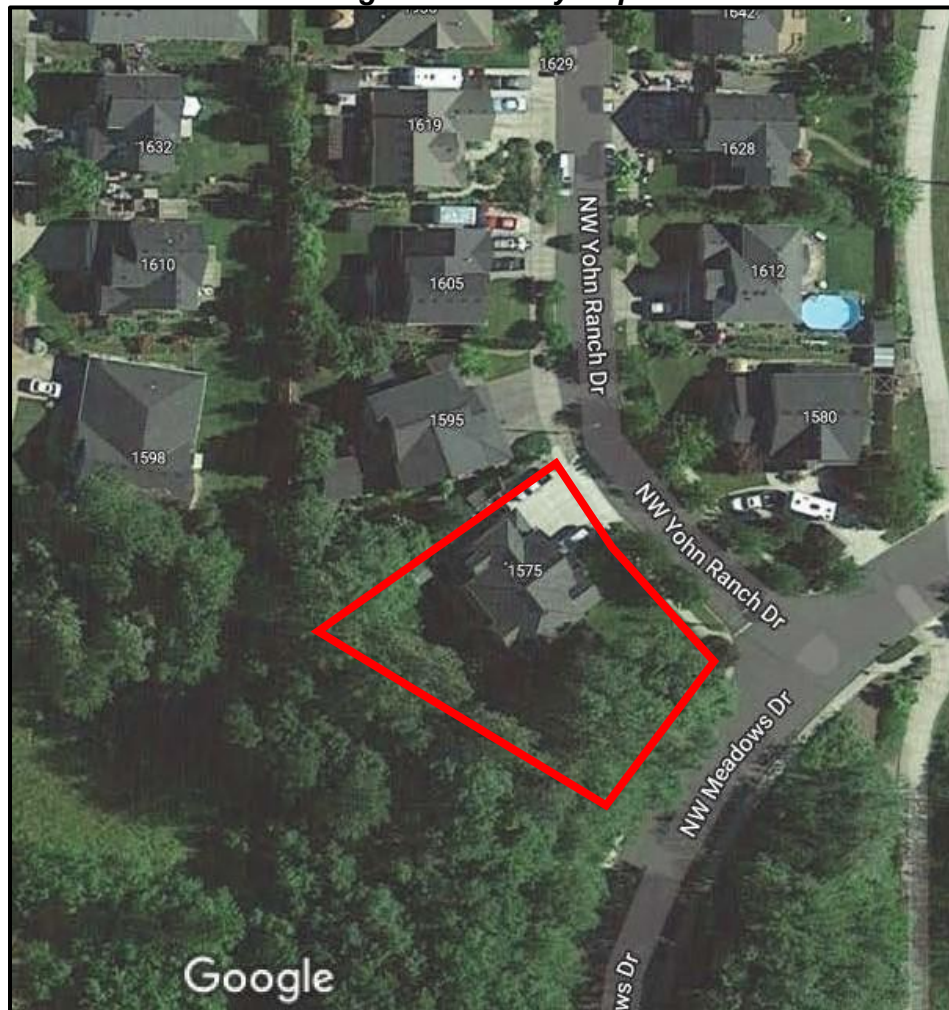
The application requests the removal of two (2) Maple street trees from the NW Yohn Ranch Drive public right-of-way adjacent to the subject property because both trees are impacting public infrastructure, specifically, damaging the adjacent sidewalk. One tree is also showing signs of damage. Removal of a tree located within the public right-of-way which is in conflict with public infrastructure requires City approval.

The subject property is located at 1575 NW Yohn Ranch Drive within the Park Meadows 3<sup>rd</sup> Addition subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-2 PD (Single-Family Residential Planned Development) and is developed with a single-family residence. The trees that are requested for removal are within the NW Yohn Ranch Drive right-of-way. **See Figure 2 (Site Plan), Figure 3 (Existing Tree 1), Figure 4 (Existing Trees 1 & 2), Figure 5 (Proposed Replacement Tree Location).**

### Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 1575 NW Yohn Ranch Drive

**Figure 1: Vicinity Map**



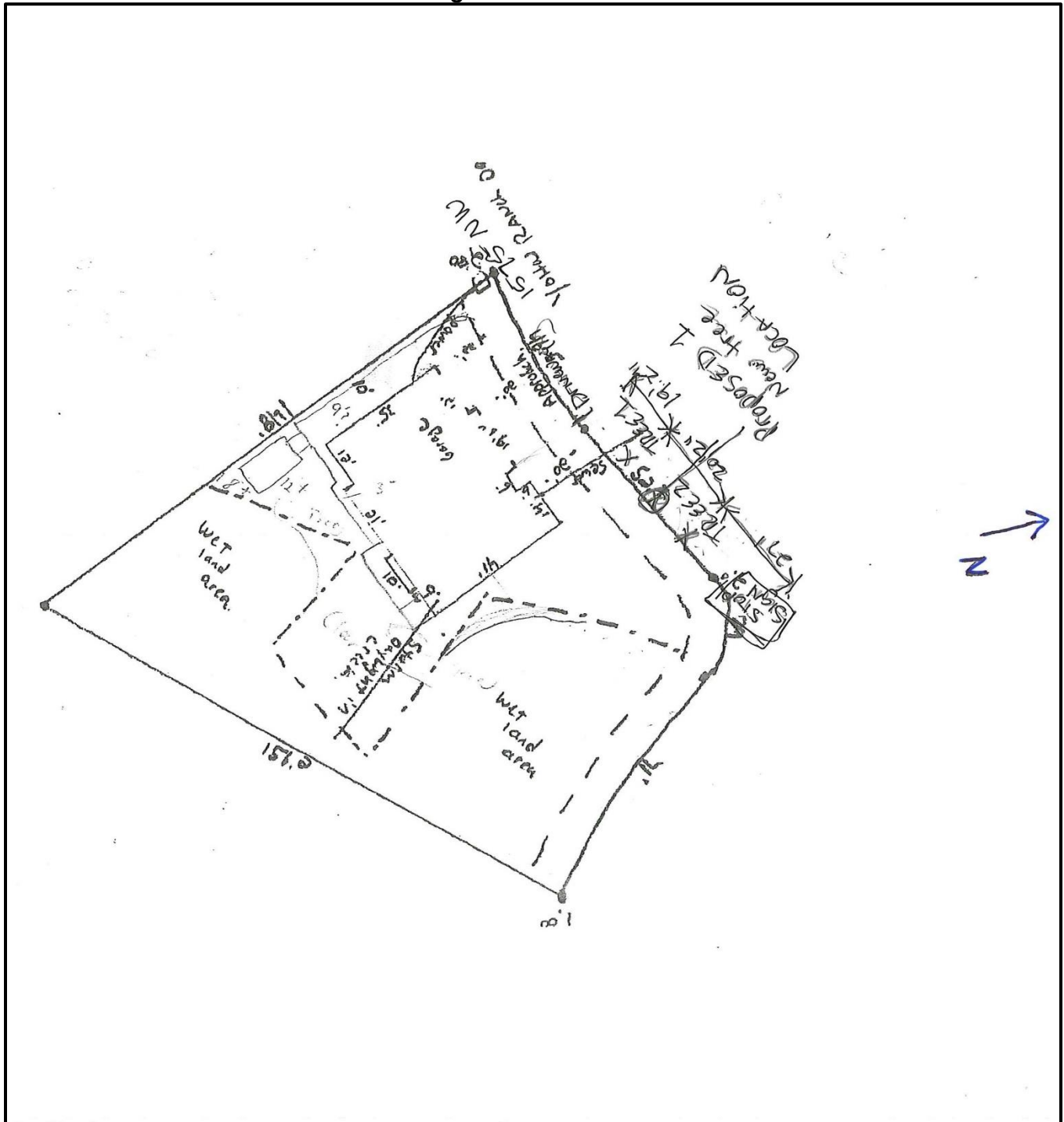
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**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 1575 NW Yohn Ranch Drive



**Figure 2: Site Plan**



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*Attachments:*

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 1575 NW Yohn Ranch Drive*



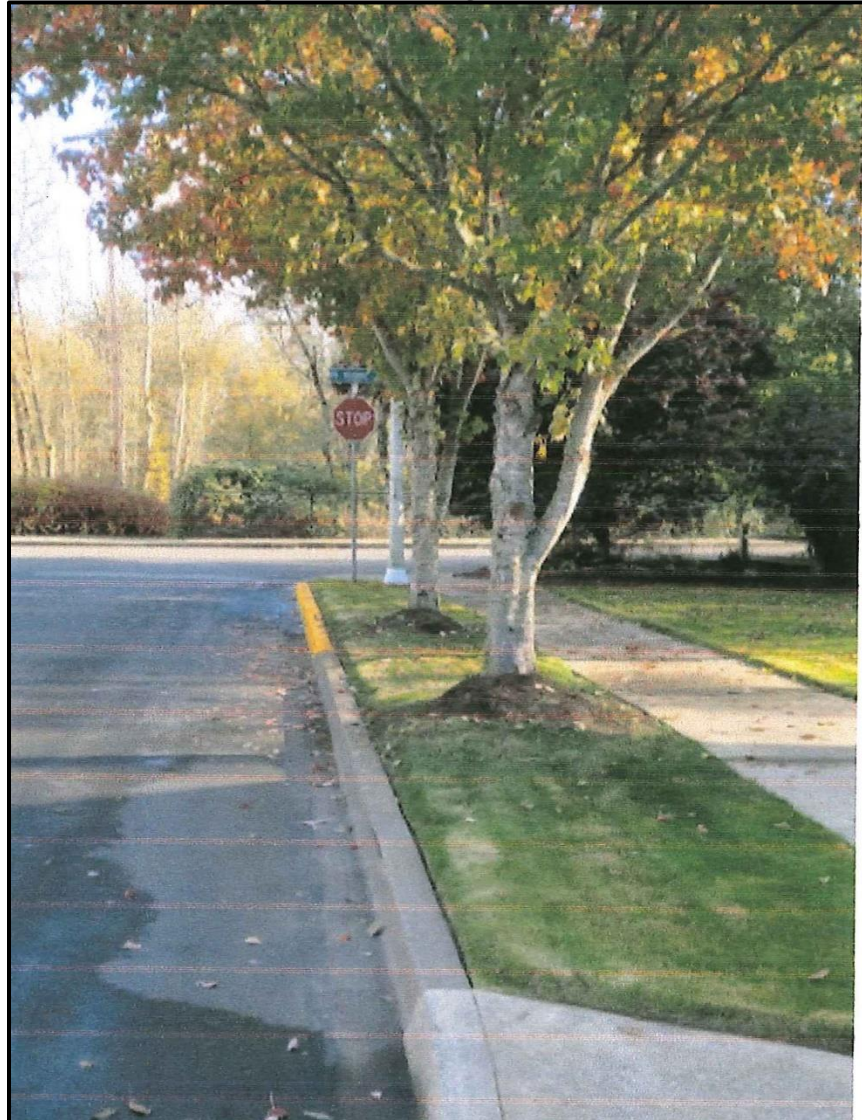
**Figure 3: Existing Tree 1**



**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 1575 NW Yohn Ranch Drive

**Figure 4: Existing Trees 1 & 2**



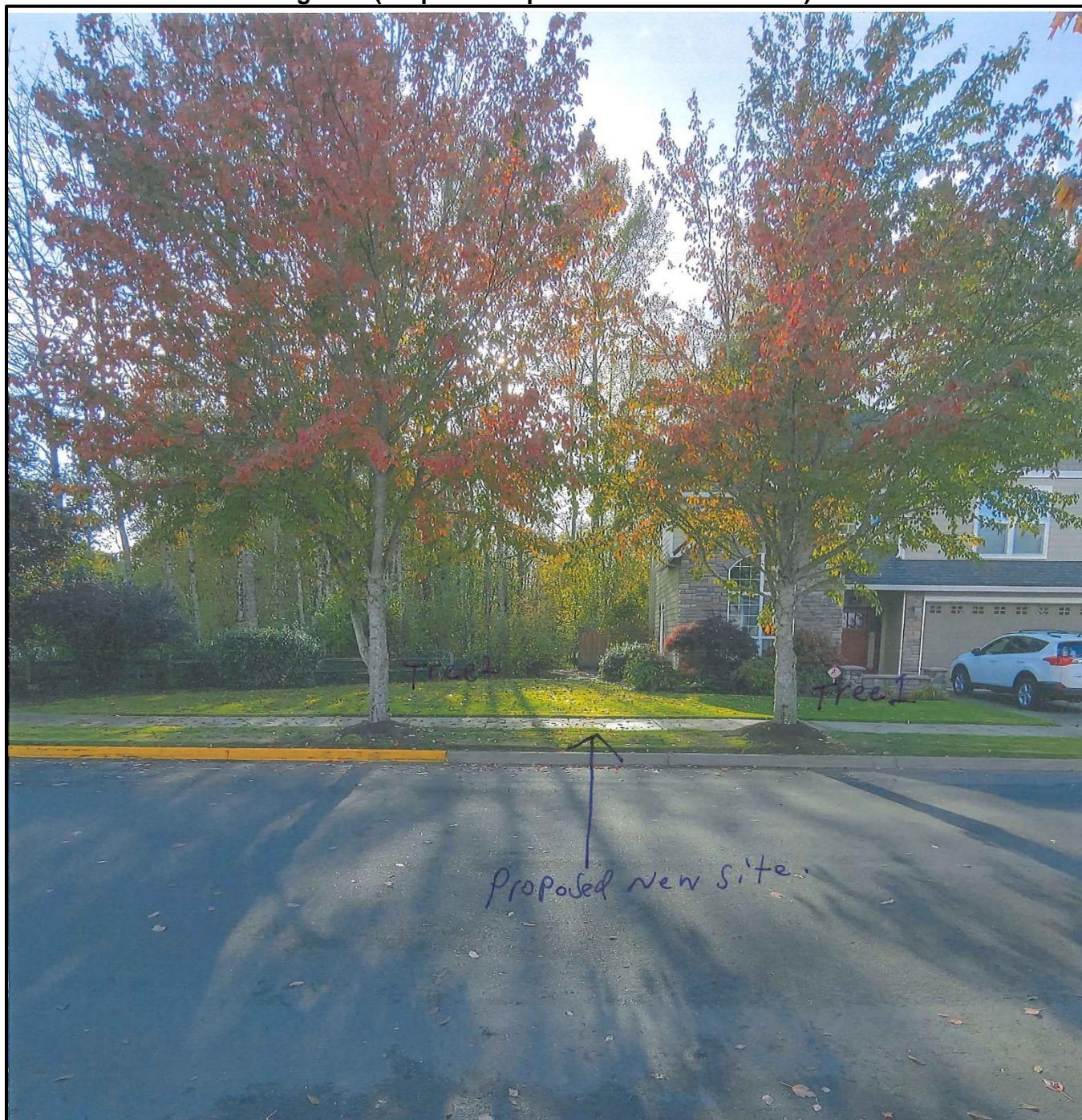
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**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 1575 NW Yohn Ranch Drive



**Figure 5 (Proposed Replacement Tree Location)**



**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 1575 NW Yohn Ranch Drive

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

The application requests approval of a tree removal permit to remove two (2) Maple street trees located within the public right-of-way. The Tree Removal Permit request is subject to the Tree Removal review criteria in Section 17.58.050 of the McMinnville Municipal Code (MMC).

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

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

The applicant has requested the removal of two (2) Maple street trees because the trees are impacting public improvements in the public right-of-way, specifically the adjacent sidewalk. The trees' roots have damaged and lifted the adjacent sidewalk panels. A letter from Juan Rodarte (certified arborist), with General Tree Services confirms that both trees are damaging the sidewalks, one tree is showing signs of damage, and both trees have roots growing at the surface.

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

Requirement of one (1) replacement street tree is recommended by Staff. No street tree plan for the Park Meadows 3<sup>rd</sup> Addition subdivision is on file with the Planning Department. A replacement tree shall be a *Ginkgo biloba* 'Magyar' (Magyar Ginkgo), per the applicant's request, or a recommended medium trees species in the McMinnville Street Tree List appropriate for planting under wires, 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.

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

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. Underground power buried in the area. Contact McMinnville Water & Light ((503) 472-6919) if contact is made with buried power conduit.
3. That the trees' 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 A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 1575 NW Yohn Ranch Drive*

4. That one (1) replacement street tree be planted in the NW Yohn Ranch Drive planter strip. The tree shall be a *Ginkgo biloba* 'Magyar' (Magyar Ginkgo), per the applicant's request, or 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 June 16, 2021.

**Fiscal Impact:**

None.

**Landscape Review Committee Options:**

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

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**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 1575 NW Yohn Ranch 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 36-20 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 Tree Removal At 1575 NW Yohn Ranch Drive**





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

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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A TREE REMOVAL AT 1575 NW YOHN RANCH DRIVE**

**DOCKET:** L 36-20 (Street Tree Removal)

**REQUEST:** Approval to remove two (2) Maple street trees from the public right-of-way adjacent to the subject property

**LOCATION:** 1575 NW Yohn Ranch Drive (Tax Lot 6900, Section 18DC, T. 4. S., R. 4 W., W.M.)

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

**APPLICANT:** Eric & Lisa Cutler, property owners

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

**DATE DEEMED COMPLETE:** November 23, 2020

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

**DECISION DATE & LOCATION:** December 16, 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 36-20) **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:**

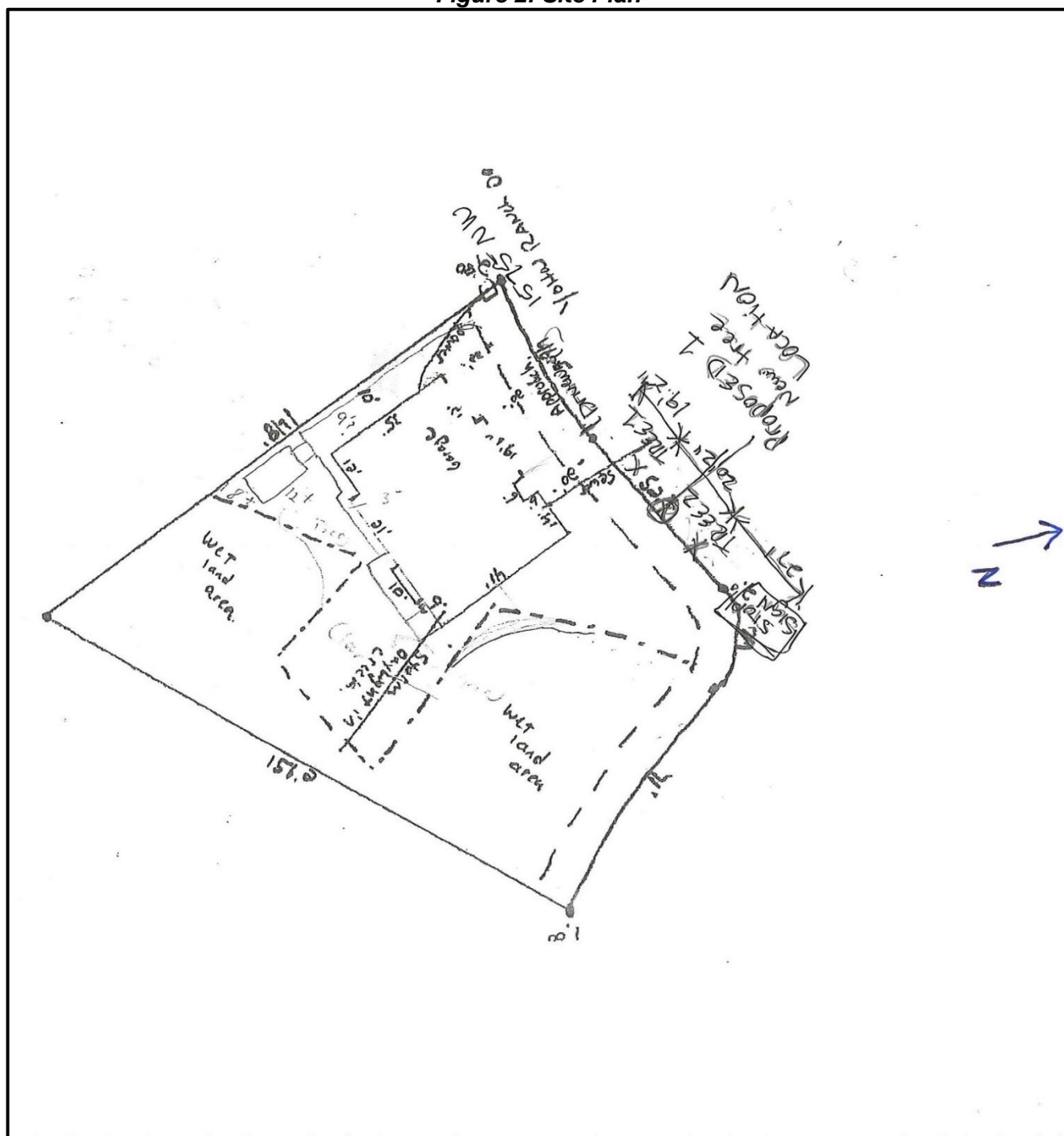
The application requests the removal of two (2) Maple street trees from the NW Yohn Ranch Drive public right-of-way adjacent to the subject property because both trees are impacting public infrastructure, specifically, damaging the adjacent sidewalk. One tree is also showing signs of damage. Removal of a tree located within the public right-of-way which is in conflict public infrastructure requires City approval.

The subject property is located at 1575 NW Yohn Ranch Drive within the Park Meadows 3<sup>rd</sup> Addition subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-2 PD (Single-Family Residential Planned Development) and is developed with a single-family residence. The trees that are requested for removal are within the NW Yohn Ranch Drive right-of-way. **See Figure 2 (Site Plan), Figure 3 (Existing Tree 1), Figure 4 (Existing Trees 1 & 2), Figure 5 (Proposed Replacement Tree Location).**

**Figure 1: Vicinity Map**



**Figure 2: Site Plan**



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**Attachments:**

*Attachment 1 – Application and Attachments*

**Figure 3: Existing Trees 1**



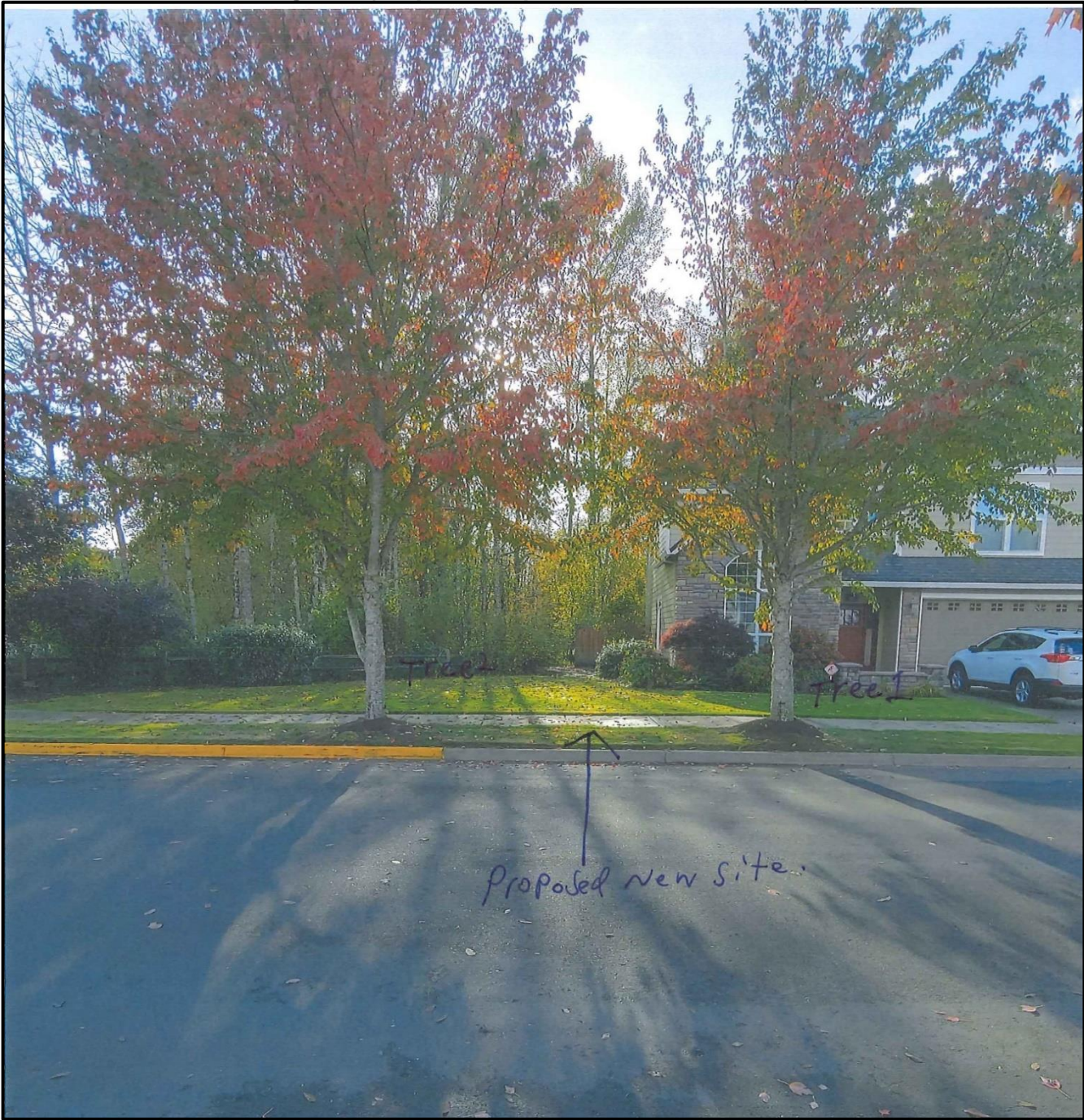


**Figure 4: Existing Trees 1 & 2**





Figure 5 (Proposed Replacement Tree Location)



**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. Underground power buried in the area. Contact McMinnville Water & Light ((503) 472-6919) if contact is made with buried power conduit.
3. That the trees' 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.
4. That one (1) replacement street tree be planted in the NW Yohn Ranch Drive planter strip. The tree shall be a *Ginko biloba* 'Magyar' (Magyar Ginko), per the applicant's request, or 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.

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**Attachments:**

Attachment 1 – Application and Attachments

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 June 16, 2021.

### **III. ATTACHMENTS:**

1. L 36-20 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 trees in question appears to be a maple variety and are approximately 8" DBH respectively.
2. The trees are planted in 5 foot planter strip with irrigated turf as ground cover
3. There are no overhead facility conflicts.
4. There are no tree related damages to the curb/gutter.
5. The trees appear to be beginning to lift the adjacent sidewalk.
6. Both trees show excessive root mounding indicative of shallow planting.

#### **Recommendations**

1. Given the planting conditions and the sidewalk impacts, staff would recommend approval of this request.
2. There is adequate spacing to replant two trees; however the applicant is requesting that only one be replaced, based on improving stop sign visibility. Public Works would defer to Planning to insure that replacement tree spacing is consistent with the approved street tree plan for this subdivision, but would note that increasing the distance from the tree to the sign would stop sign visibility.

## 3. Suggested conditions of approval:

- a. Applicant to be responsible for all costs related to removal and replanting.
- b. Applicant required to grind stump to a minimum of 6" below grade, and to chase roots as necessary to allow for a suitable replanting site.
- c. Applicant to call for a utility locate prior to removal. As a note, applicant should be informed that upon request, utility locates can be flagged without marking up hard surfaces.
- d. Applicant be required to plant a new tree, 2" caliper minimum, of a variety acceptable to the Planning Department.
- e. Tree planting shall be as per the City's planting detail.
- f. Applicant to contact Public Works (503.434.7316) for an inspection prior to backfill.
- g. Applicant should be reminded that planting must at least 5 feet away from the existing driveway approach.

- McMinnville Water & Light:

McMinnville Water & Light has the following comments:

*"Underground power buried in the area. Contact McMinnville Water and Light if contact is made with buried power conduit. Please call locates."*

### Public Comments

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

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

1. Eric and Lisa Cutler, property owners submitted a Street Tree Removal Permit application on November 4, 2020.
2. The application was deemed complete on November 23, 2020.
3. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
4. No public notice of the application was provided by the City of McMinnville, as Street Tree Removal applications are reviewed by the process described in Section 17.58.040 (Tree Removal/Replacement) of the McMinnville Zoning Ordinance, which does not require public notification. No public comments were received prior to the public meeting.
5. A public meeting was held by the McMinnville Landscape Review Committee on December 16, 2020 to review the application and proposed street tree removal request.



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

1. **Location:** 1575 NW Yohn Ranch Drive (Tax Lot 6900, Section 18DC, T. 4. S., R. 4 W., W.M.)
2. **Size:** 0.336 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 PD (Single-Family Residential Planned Development)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Single-family dwelling
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None.
  - b. **Other:** None.
8. **Other Features:** None.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** NW Yohn Ranch 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 trees would meet the purpose of the Trees Chapter of the Zoning Ordinance. Trees would be situated and maintained to minimize hazard, nuisance, damage, and maintenance costs; the appearance, beauty and charm of the City would be enhanced; and the maximum amount of tree cover on public lands would be maintained.

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

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

**APPLICANT'S RESPONSE:** None.

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Attachments:

Attachment 1 – Application and Attachments

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

**17.58.040 Tree Removal/Replacement.**

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

**APPLICANT'S RESPONSE:** None.

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

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

**APPLICANT'S RESPONSE:** None.

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS #1, 2, and #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 two (2) trees in the Yohn Ranch Drive right-of-way are located in a curb-side planter strip that is approximately five (5) feet wide. A stop sign and street light are located at the intersection of Yohn Ranch Drive and Meadows Drive. Underground power is buried in the area. The application requests that one (1) replacement tree be planted between the two existing trees to improve visibility of the stop sign at the intersection. The site plan indicates a sewer lateral west of existing Tree #1. Required setbacks from the sewer line would prevent the placement of a second tree between the first replacement tree and the driveway.

There is no approved street tree plan for the Park Meadows 3<sup>rd</sup> Addition subdivision on file with the Planning Department. Because there is no approved street tree for the subject site, the replacement tree shall be selected from the recommended medium tree species 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. The applicant has proposed *Ginkgo biloba* 'Magyar' (Magyar Ginkgo) as a replacement tree. Magyar Ginkgo is a recommended medium tree on the McMinnville Street Tree List.

**CONDITION FOR FINDING:** That one (1) replacement street tree be planted in the NW Yohn Ranch Drive planter strip. The tree shall be a *Ginkgo biloba* 'Magyar' (Magyar Ginkgo), per the applicant's request, or 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 June 16, 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 WITH CONDITION OF APPROVAL #10.** A condition of approval has been included to ensure that the adjacent sidewalk panel that has been lifted and damaged by the tree's roots is repaired or replaced in accordance with City standards.

**CONDITION FOR FINDING:** That the applicant shall contact the McMinnville Engineering Department at (503) 472-7312 to assess sidewalk damage and obtain a sidewalk permit and repair or replace the damaged sidewalk, if needed, per City standards.

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

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.
- D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

**APPLICANT'S RESPONSE:** The trees are unfortunately starting to lift the sidewalk, creating a Personal Liability exposure for us. Also, the trees were not planted correctly. One tree has its root ball base Bulging up badly and we are concerned that in a wind storm it may come down. Please see the photo and the Arborist report. I would like to replace the two Red Maples, with One Ginkgo biloba 'Magyar'- Magyar Ginkgo, listed on the McMinnville Street tree List. We do not have any CCR's that address trees. They are deep rooting, have handsome fall color, and are much better suited tree for our location. We also have a stop sign at the end of our property, and having only one tree, further back from the stop sign, will help facilitate better visibility for Drivers as the tree matures. Lastly, a deeper rooting tree, properly planted, will not create lifts in the sidewalk, which mitigates our potential liability exposure.

**FINDING: SATISFIED.** Staff concurs with the applicant's finding, and the arborist's report 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 trees are recommended.

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

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

- B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
- C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.
- D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.
- E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.
- F. Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.
- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City.

**APPLICANT'S RESPONSE:** The trees are unfortunately starting to life the sidewalk, creating a Personal Liability exposure for us. Also, the trees were not planted correctly. One tree has its root ball base Bulging up badly and we are concerned that in a wind storm it may come down. Please see the photo and the Arborist report. I would like to replace the two Red Maples, with One Ginkgo biloba 'Magyar'- Magyar Ginkgo, listed on the McMinnville Street tree List. We do not have any CCR's that address trees. They are deep rooting, have handsome fall color, and are much better suited tree for our location. We also have a stop sign at the end of our property, and having only one tree, further back from the stop sign, will help facilitate better visibility for

Drivers as the tree matures. Lastly, a deeper rooting tree, properly planted, will not create lifts in the sidewalk, which mitigates our potential liability exposure.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #4-8.** 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 Yohn Ranch Drive planter strip. The tree shall be a *Ginkgo Biloba* (*Magyar Ginkgo*), per the applicant's request, or a recommended medium street tree from the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee.

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.

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.

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)

501-20-000628-Phg

<b>Office Use Only:</b>	
File No.	<u>L36-20</u>
Date Received	<u>11-4-2020</u>
Fee	<u>150.<sup>00</sup></u>
Receipt No.	
Received by	<u>SA</u>

## Street Tree Removal

### Applicant Information

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

Applicant Name Eric & Lisa Cutler Phone 503-341-4764  
Contact Name \_\_\_\_\_ Phone 971-241-7949  
(If different than above)  
Address 1575 NW Yohn Ranch Dr.  
City, State, Zip McMinnville, OR 97128  
Contact Email ecut@comcast.net

### Property Owner Information

Property Owner Name \_\_\_\_\_ Phone \_\_\_\_\_  
(If different than above)  
Contact Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Contact Email \_\_\_\_\_

### Site Location and Description

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

Property Address 1575 NW Yohn Ranch Dr. McMinnville OR 97128  
(Property nearest to tree(s) for removal)  
Assessor Map No. R4 418 - DC - 06900 Total Site Area 14,753 sq ft  
Subdivision Park Meadows 3rd Edition Block \_\_\_\_\_ Lot 81  
Comprehensive Plan Designation Res Zoning Designation Residential R-1PD




### Additional Information

1. How many trees are requested for removal? 2
2. What type (species) of tree(s) are they? Maple
3. What is the diameter of the tree(s), measured four feet above ground level? Tree 1 = 2 ft. 10 Inches  
Tree 2 = 2 ft. 1 Inch.
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. See attached.

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.**

 Arise Carter  
Applicant's Signature

11-1-2020  
Date

 Arise Carter  
Property Owner's Signature

11-1-2020  
Date

4. A. The trees are unfortunately starting to lift the sidewalk, creating a Personal Liability exposure for us. Also, the trees were not planted correctly. One tree has its root ball base Bulging up badly and we are concerned that in a wind storm it may come down. Please see the photo and the Arborist report. I would like to replace the two Red Maples, with One Ginkgo biloba 'Magyar'-Magyar Ginkgo, listed on the McMinnville Street tree List. We do not have any CCR's that address trees. They are deep rooting, have handsome fall color, and are much better suited tree for our location. We also have a stop sign at the end of our property, and having only one tree, further back from the stop sign, will help facilitate better visibility for Drivers as the tree matures. Lastly, a deeper rooting tree, properly planted, will not create lifts in the sidewalk, which mitigates our potential liability exposure.



*Dear Eric & Lisa,*

It was a pleasure to meet you on Oct/14/2020.

Doing an evaluation to this Maples located Front of House by Parking Strip are candidates to be Removed:

- 1.- One of them is showing a sign of damage on the base of the trunk and this can trigger a declining process.
- 2.- Both of Maples are cracking concrete and lifting sidewalk, this can be a potential trip hazard for pedestrians.
- 3.- Roots are growing on the surface and this is a sign of not appropriate planting procedure

Thank you,



*Juan C. Rodarte*

ISA Certified Arborist PN-9029A

Area Representative

**General Tree Service**

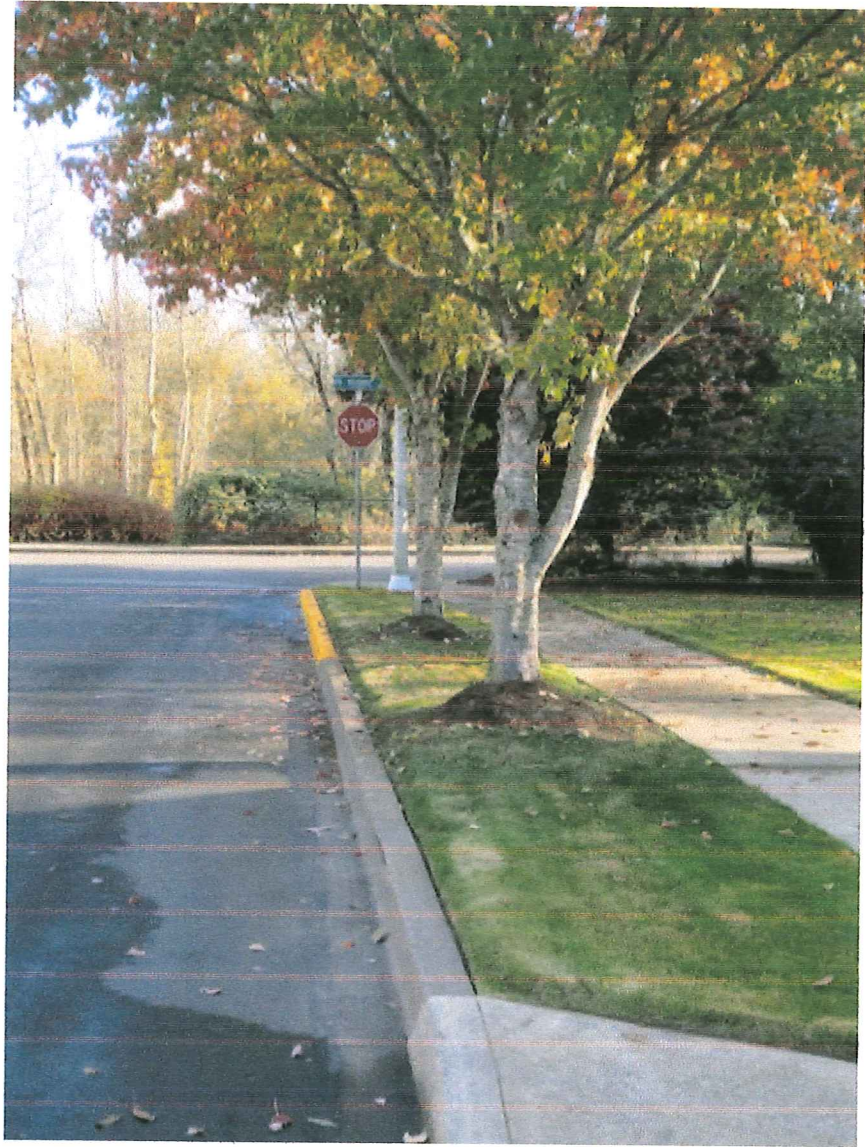
Cell: (971) 329-1122

Email: [J.rodarte@generaltree.com](mailto:J.rodarte@generaltree.com)

















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: December 16, 2020  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Agenda Item 4B - Street Tree Removal Application (L 38-20)

### STRATEGIC PRIORITY & GOAL:



#### GROWTH & DEVELOPMENT CHARACTER

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

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

---

### Report in Brief:

An application to remove one (1) Cherry street tree adjacent to 2608 NW Pinehurst Drive (L 38-20) to be reviewed by the Landscape Review Committee. Staff has reviewed the application for consistency with the applicable criteria, and recommends approval of the application, subject to the conditions specified in the attached Decision Document. No replacement street tree is recommended.

### Background:

The application requests the removal of one (1) Cherry street tree from the 2608 NW Pinehurst Drive public right-of-way adjacent to the subject property because the tree is impacting public improvements, specifically, damaging the adjacent sidewalk. The tree is also located in the immediate vicinity of public utilities, including water and power.

The subject property is located at 2608 NW Pinehurst Drive within the Crestbrook subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-1 (Single-Family) and is developed with a single-family residence. The tree requested for removal is within the NW Pinehurst Drive right-of-way. **See Figure 2 (Existing Tree Location), Figure 3 (Existing Tree), Figure 4 (Sidewalk Damage).**

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### Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 2608 NW Pinehurst Drive

Figure 1: Vicinity Map

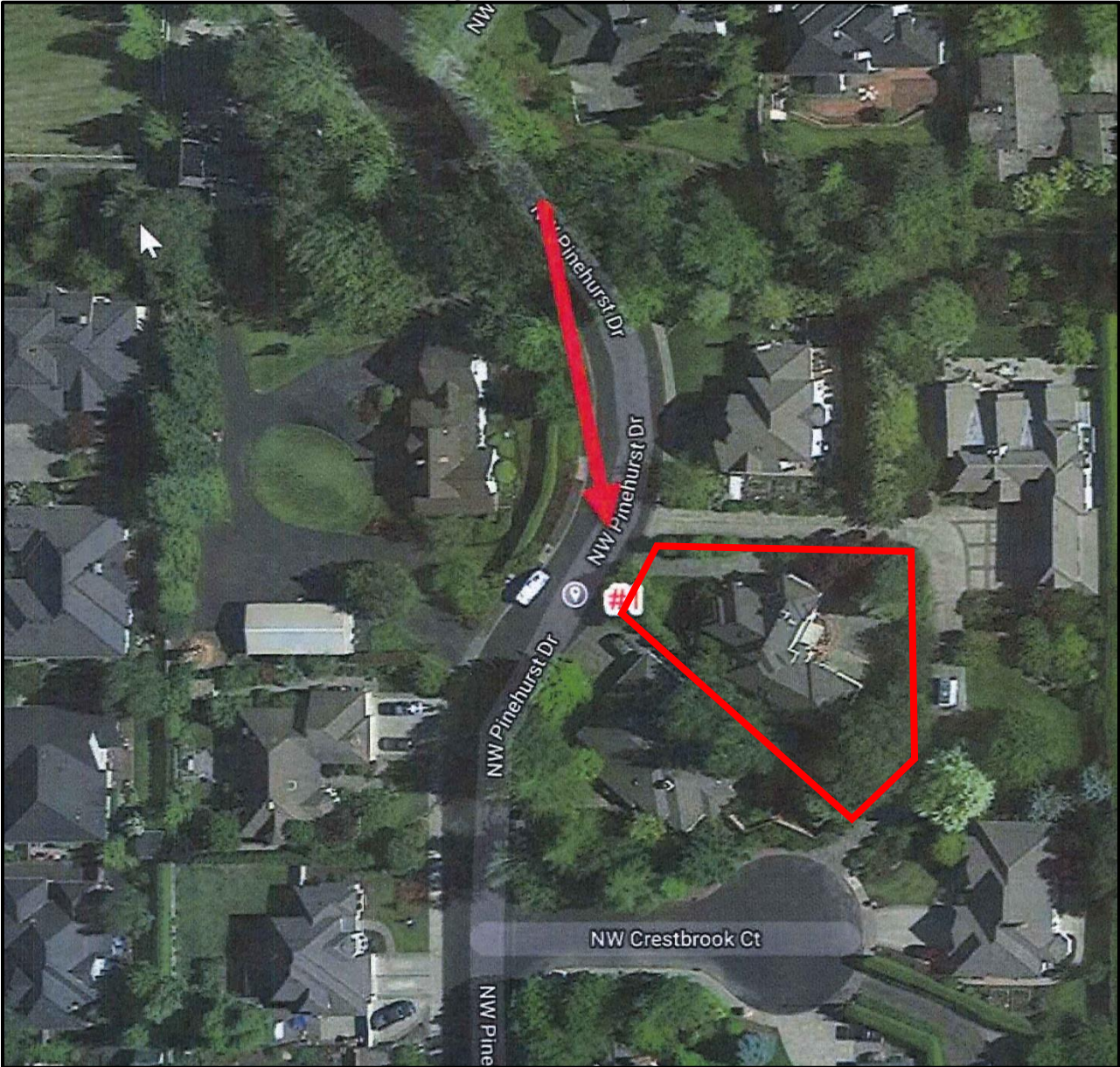
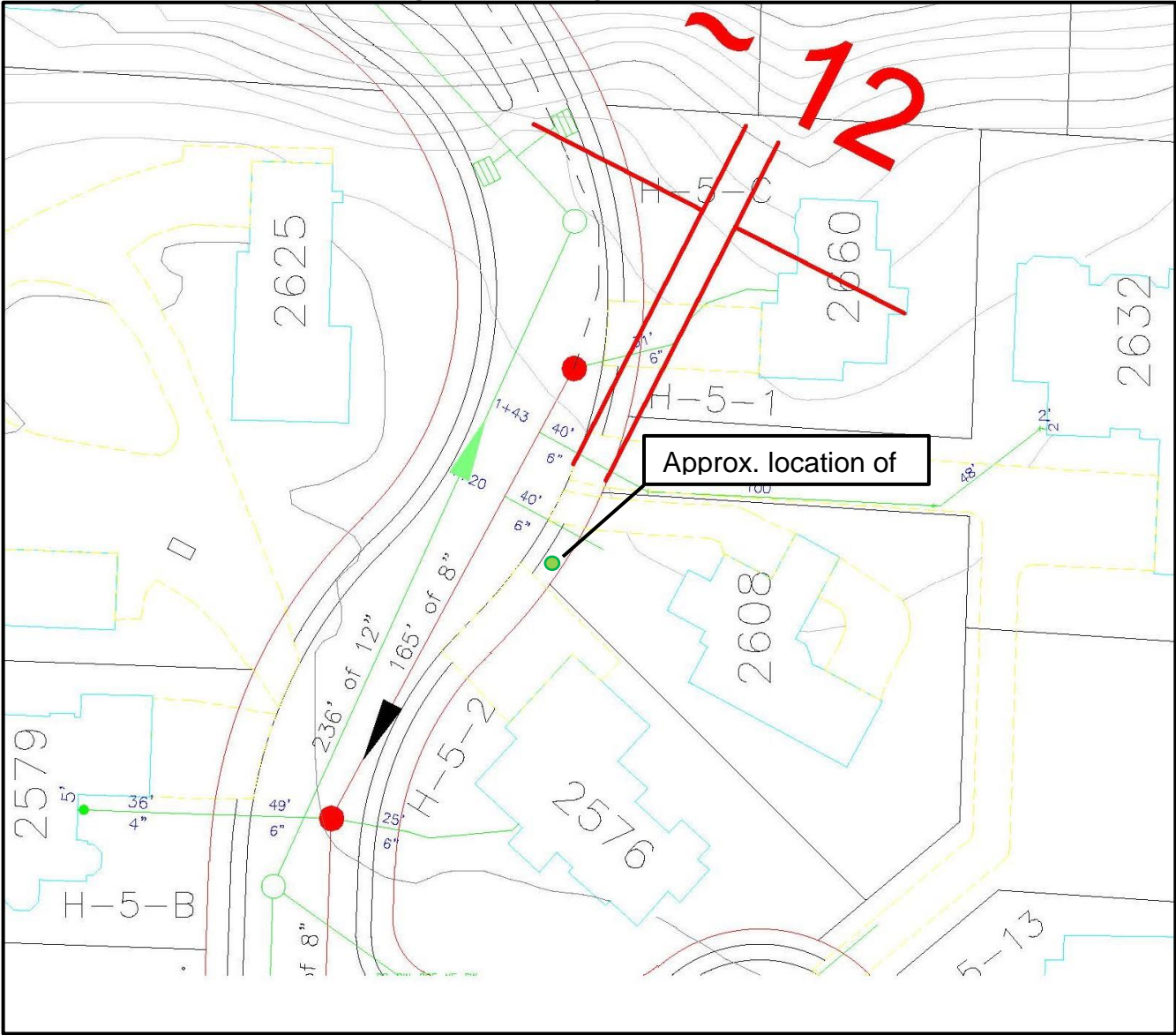
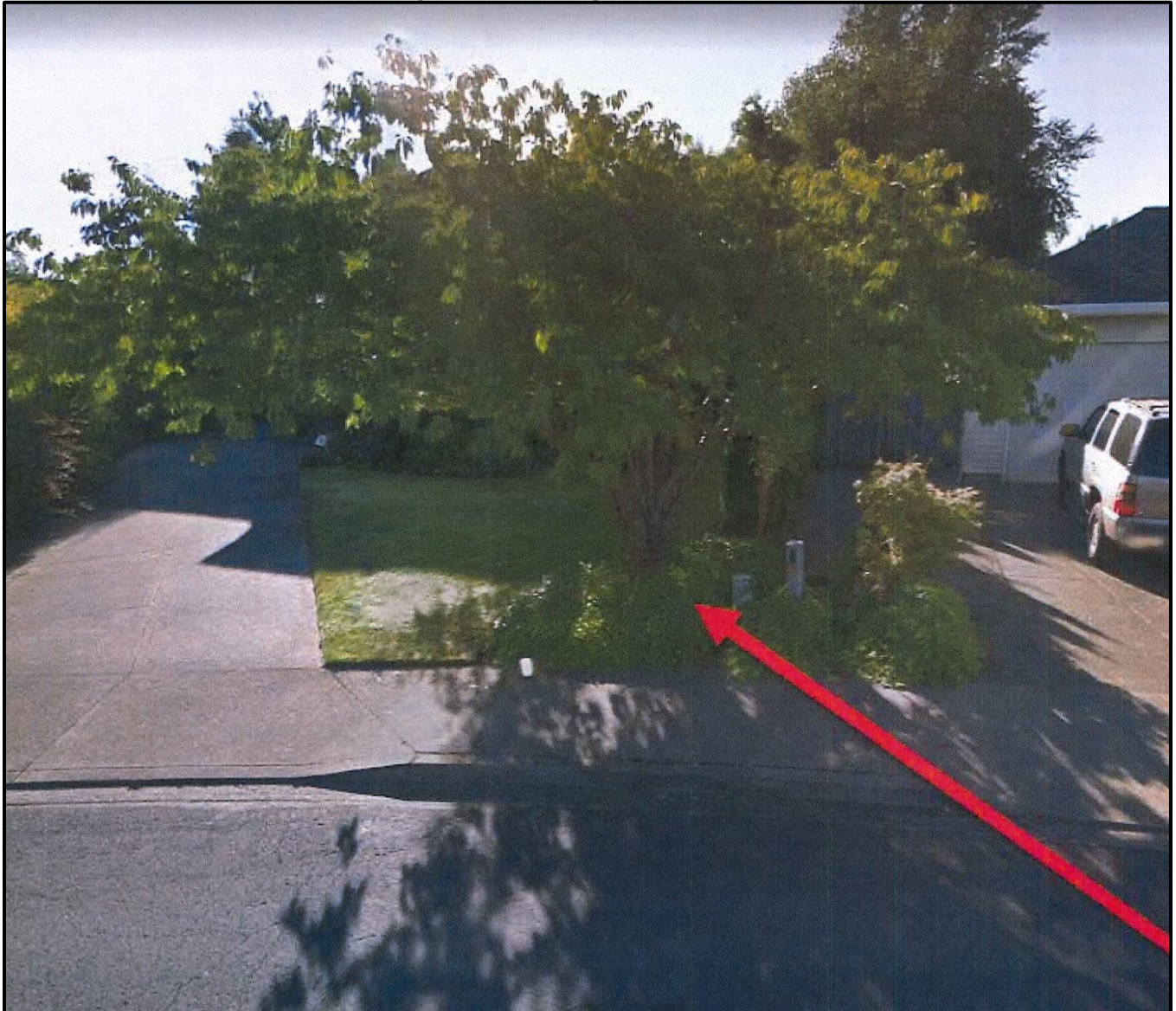


Figure 2: Existing Tree Location



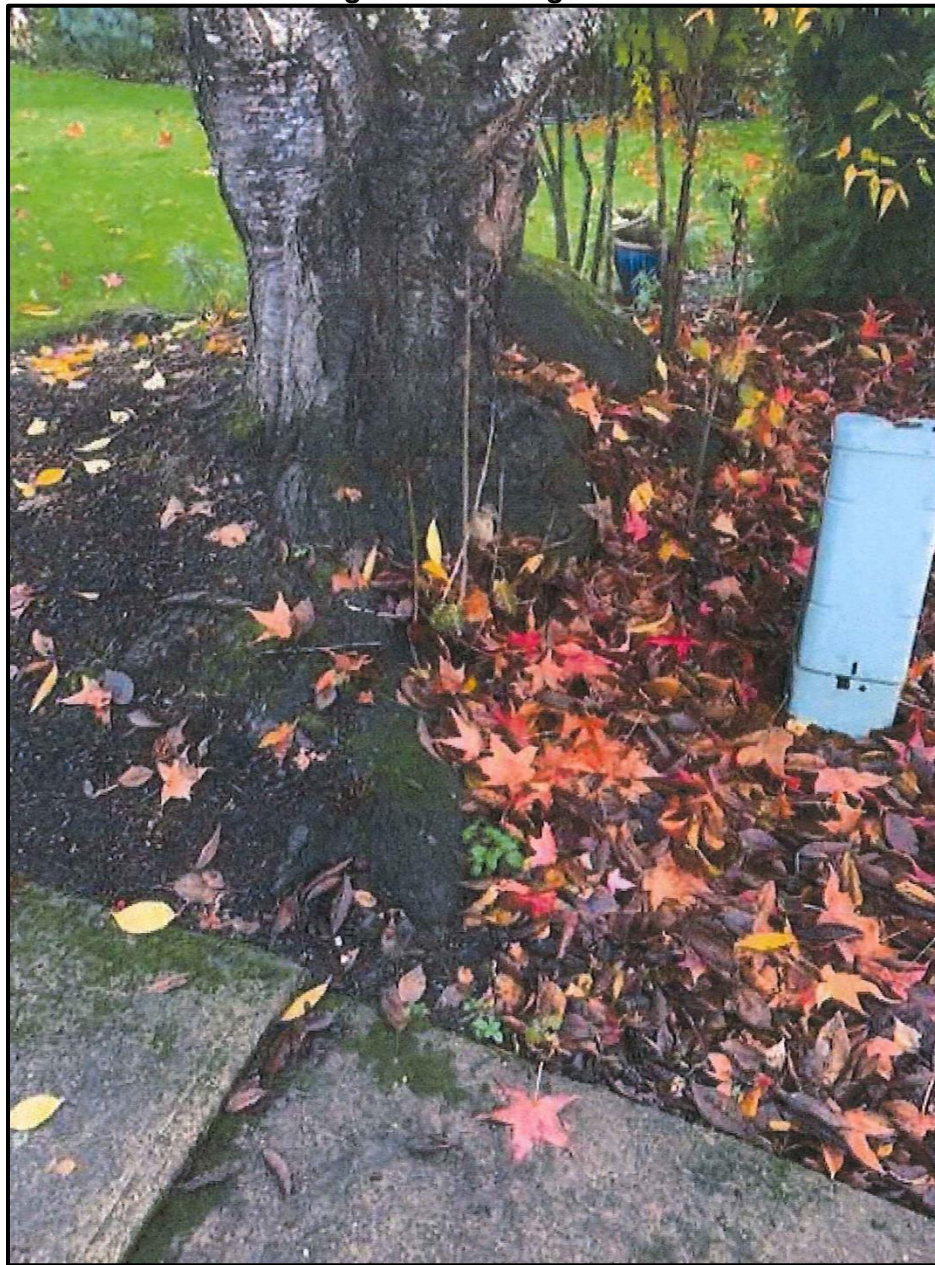


**Figure 3: Existing Tree Location**





**Figure 4: Existing Tree**





**Figure 5 (Sidewalk Damage)**



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

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

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

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

The applicant has requested the removal of one (1) Cherry street tree because the tree is impacting public improvements in the public right-of-way, specifically the adjacent sidewalk. The tree's roots have damaged and lifted the adjacent sidewalk panels.

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

There is no requirement to replace the removed street. The existing street tree is planted behind the sidewalk within the public right-of-way, but there is no curb side planting strip to replant a new street tree and there is also no approved street tree plan for the Crestbrook Subdivision on file with the Planning Department. The proximity to underground public utilities and driveway approaches makes a replacement tree in the same location undesirable.

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

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. Water meters and underground power are located in the immediate area of the tree. Contact McMinnville Water & Light (503-472-6158) if contact is made with McMinnville Water & Light facilities.
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.
4. 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.
5. That the applicant shall complete the tree removal within six (6) months of approval, or June 16, 2021.

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***Attachments:***

*Attachment 1 – Application and Attachments*

**Fiscal Impact:**

None.

**Landscape Review Committee Options:**

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

**Staff Recommendation:**

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

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

**Suggested Motion:**

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE TREE REMOVAL APPLICATION L 38-20 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF





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

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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A TREE REMOVAL AT 2608 NW PINEHURST DRIVE**

**DOCKET:** L 38-20 (Street Tree Removal)

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

**LOCATION:** 2608 NW Pinehurst Drive (Tax Lot 300, Section 17BA, T. 4. S., R. 4 W., W.M.)

**ZONING:** R-1 (Single-Family Residential)

**APPLICANT:** Taylor Alvarez, Associated Arborist, on behalf of Ronald Stone, property owner

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

**DATE DEEMED COMPLETE:** December 3, 2020

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

**DECISION DATE & LOCATION:** December 16, 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 38-20) **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:**

The application requests the removal of one (1) Cherry street tree from the 2608 NW Pinehurst Drive public right-of-way adjacent to the subject property because the tree is impacting public infrastructure, specifically, damaging the adjacent sidewalk and is located adjacent to utilities. Removal of a tree located within the public right-of-way which is in conflict with public infrastructure requires City approval.

The subject property is located at 2608 NW Pinehurst Drive within the Crestbrook subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-1 (Single-Family) and is developed with a single-family residence. The tree requested for removal is within the NW Pinehurst Drive right-of-way. **See Figure 2 (Existing Tree Location), Figure 3 (Existing Tree), Figure 4 (Sidewalk Damage).**

**Figure 1: Vicinity Map**

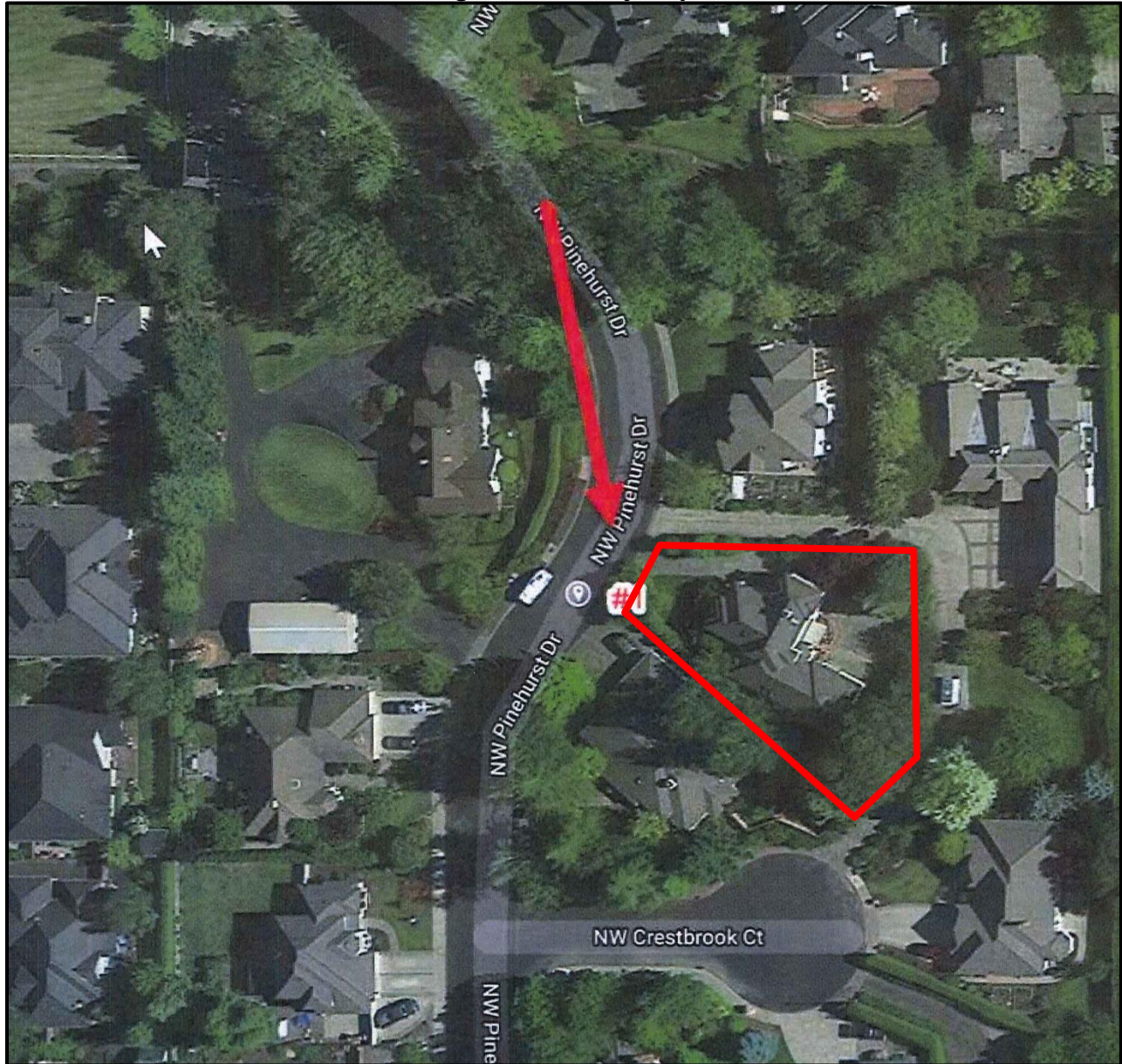
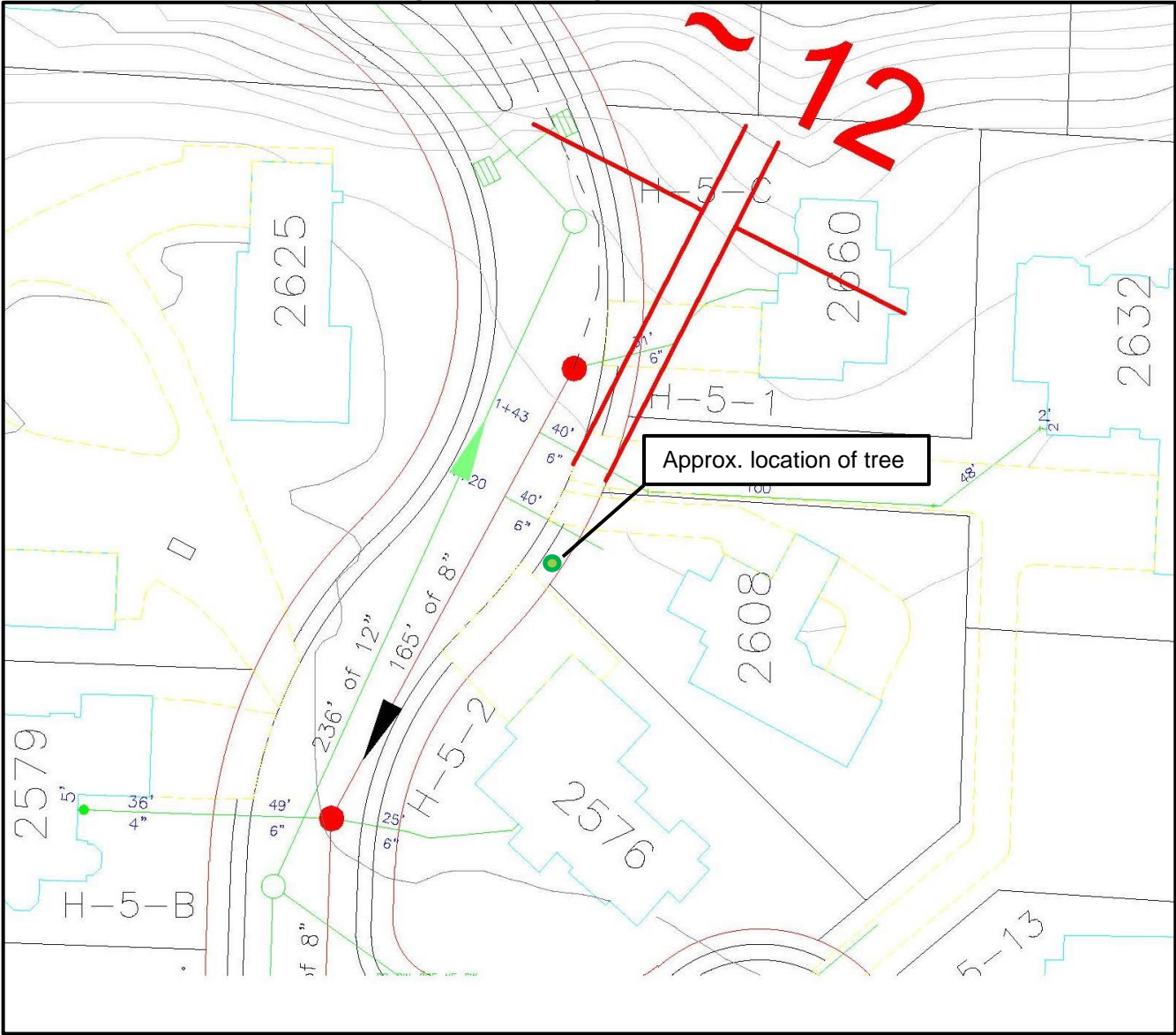
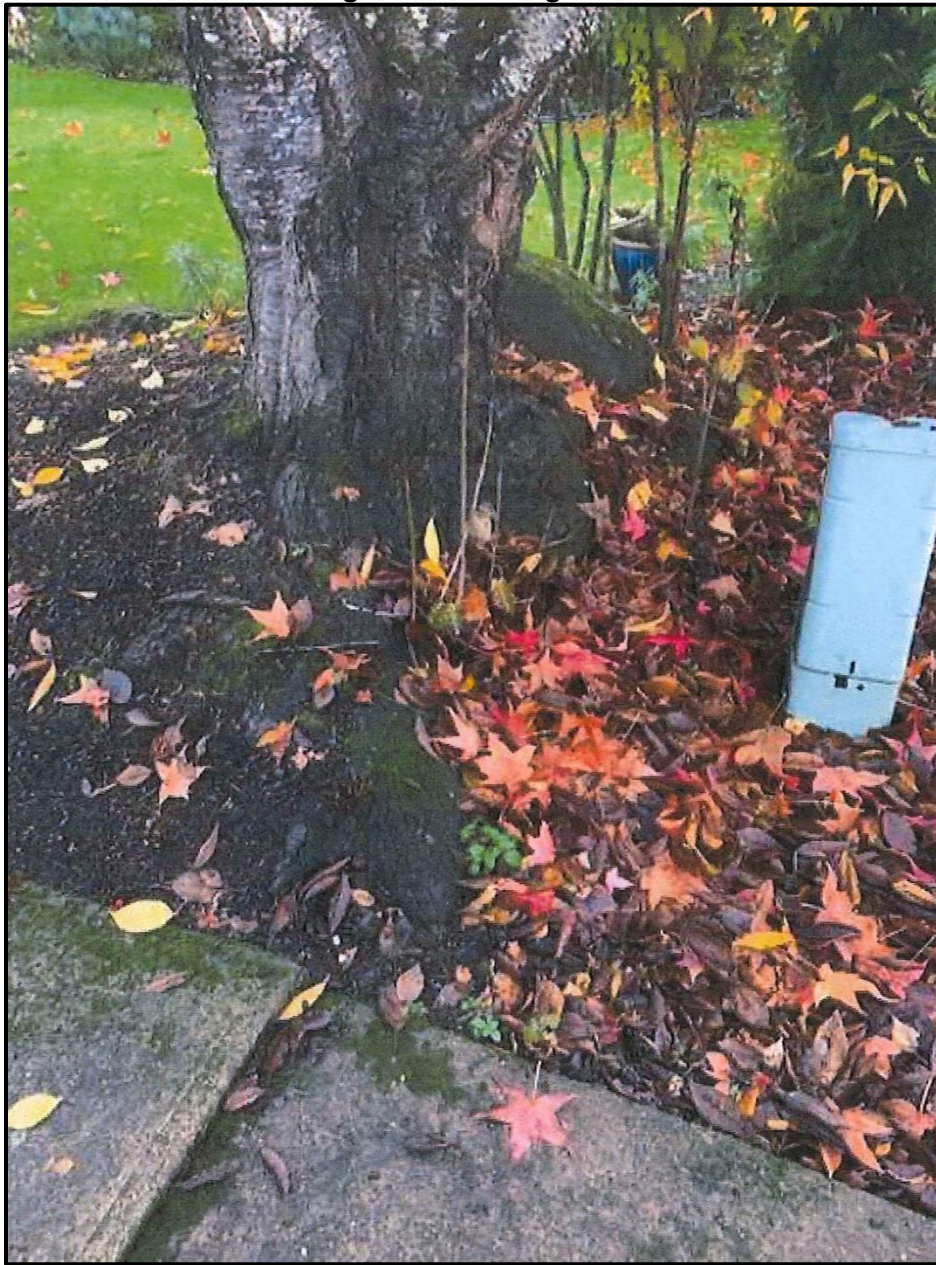




Figure 2: Existing Tree Location



**Figure 3: Existing Tree**





**Figure 4 (Sidewalk 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. Water meters and underground power are located in the immediate area of the tree. Contact McMinnville Water & Light (503-472-6158) if contact is made with McMinnville Water & Light facilities.
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.
4. That the applicant shall contact the McMinnville Engineering Department at (503) 472-7312 to assess sidewalk damage and obtain a sidewalk permit and repair or replace the damaged sidewalk, if needed, per City standards.
5. That the applicant shall complete the tree removal and tree replacement within six (6) months of approval, or June 16, 2021.

## **III. ATTACHMENTS:**

1. L 38-20 Application and Attachments (on file with the Planning Department)

## **IV. COMMENTS:**

### **Agency Comments**

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

- McMinnville Public Works:

### **Site Review**

1. The tree in question is a cherry variety, about 23" DBH.
2. The tree is planted behind the sidewalk in the right of way
3. There are no overhead facility conflicts.
4. The tree does not display any obvious health or structural issue that would require removal.
5. Two sidewalk panels are lifted adjacent to the tree, presenting a trip hazard.

6. The root buttress of the tree is well above grade. There is significant surface rooting in the area impacting adjacent communication facilities.

### **Recommendations**

1. Given the damage to the adjacent sidewalk and the significant surface rooting, staff would recommend approval of this application with the following conditions of approval:
  - a. Applicant to be responsible for all costs related to removal and replacement.
  - b. Applicant required to grind stump to a minimum of 6" below grade, and to chase roots as necessary to allow for a suitable replanting site.
  - c. Applicant to call for a utility locate prior to removal. As a note, applicant should be informed that upon request, utility locates can be flagged without marking up hard surfaces.
  - d. Given the proximity to communication facilities as well as to the driveway approach, staff would not recommend replanting a tree in the right of way in this location.
  - e. Applicant to contact Engineering (503-434.7312) for a sidewalk inspection to assess the need for sidewalk repairs.

- **McMinnville Water & Light:**

McMinnville Water & Light has the following comments:

"Please note there are two water meters and services in the area of this tree. Please use extreme caution when excavating this area. If anything gets damaged, please call McMinnville Water & Light at 503-472-6158.

Underground power in the immediate area. McMinnville Water & Light has an electric junction box in the area of this tree. Please use extreme caution when excavating. Please contact McMinnville Water and Light if contact is made with any of our facilities. Please call for locates."

### **Public Comments**

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

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

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

5. A public meeting was held by the McMinnville Landscape Review Committee on December 16, 2020 to review the application and proposed street tree removal request.

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

1. **Location:** 2608 NW Pinehurst Drive (Tax Lot 300, Section 17BA, T. 4. S., R. 4 W., W.M.)
2. **Size:** 0.2584 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-1 (Single-Family Residential)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Single-family dwelling
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None.
  - b. **Other:** None.
8. **Other Features:** None.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** NW Pinehurst 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 of the subject street tree would meet the purpose of the Trees Chapter of the Zoning Ordinance through the minimization of hazard, nuisance, damage, and maintenance costs; and the appearance, beauty and charm of the City would be enhanced.

**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 tree proposed for removal is located behind the sidewalk within but completely within the public right-of-way adjacent to the subject property. Therefore, the provisions of Chapter 17.58 Trees shall apply to this tree removal request.

**17.58.040 Tree Removal/Replacement.**

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

**APPLICANT'S RESPONSE:** None.

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

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

**APPLICANT'S RESPONSE:** None.

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

**CONDITION FOR FINDING:** That the tree's stumps and remaining surface roots shall be removed at least six (6) inches below grade 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 AND #2.** Conditions of approval have been included to assure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

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

That the applicant 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. Water meters and underground power are located in the immediate area of the tree. Contact McMinnville Water & Light (503-472-6158) if contact is made with McMinnville Water & Light facilities.

**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:** There is no dedicated curbside planting strip adjacent to the subject property. Therefore, no replacement street tree is required. Additionally, the close proximity to driveway approaches and existing utilities makes a replacement tree in the same location undesirable.

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

**CONDITIONS FOR FINDING:** That the applicant shall complete the tree removal within six (6) months of approval, or June 16, 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 WITH CONDITION OF APPROVAL #4.** A condition of approval has been included to ensure that the adjacent sidewalk panel that has been lifted and damaged by the tree's roots is repaired or replaced in accordance with City standards.

**CONDITION FOR FINDING:** That the applicant shall contact the McMinnville Engineering Department at (503) 472-7312 to assess sidewalk damage and obtain a sidewalk permit and repair or replace the damaged sidewalk, if needed, per City standards.

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

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.
- D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

**APPLICANT'S RESPONSE:** The tree is being recommended for removal because the roots are damaging the sidewalk and is located very close to other utilities.

**FINDING: SATISFIED.** Staff concurs with the applicant's finding, noting that there was no arborist's report included in the application materials. Staff also notes that the applicant is a certified arborist, and considers the applicant's response to be verification of the conflict with public improvements. 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.

**17.58.090 Street Tree Standards.**

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

located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.

- F. Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.
- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City.

**APPLICANT'S RESPONSE:** The tree is being recommended for removal because the roots are damaging the sidewalk and is located very close to other utilities.

**FINDING: SATISFIED:** There is no dedicated curbside planting strip adjacent to the subject property. Therefore, no replacement street tree is required. Additionally, the close proximity to driveway approaches and existing utilities makes a replacement tree in the same location undesirable.

JF



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

509-20-000653-Plng

Office Use Only:	
File No.	<u>L38-20</u>
Date Received	<u>12-1-2020</u>
Fee	<u>150.00</u>
Receipt No.	
Received by	<u>SA</u>

## Street Tree Removal

### Applicant Information

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

Applicant Name Associated Arborists Phone 503.883.3895

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

Address 1760 NW Emerson Way

City, State, Zip McMinnville OR 97128

Contact Email taylor@associatedarborists.com

### Property Owner Information

Property Owner Name Ronald Stone Phone 503.504.7530  
(If different than above)

Contact Name Ronald Stone Phone 503.504.7530

Address 2608 Northwest Pinchurst dr.

City, State, Zip McMinnville OR 97128

Contact Email doward011@yahoo.com

### Site Location and Description

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

Property Address 2608 Northwest Pinchurst dr.  
(Property nearest to tree(s) for removal)

Assessor Map No. R4417 - BA - 00300 Total Site Area 0.2584 acres

Subdivision Crestbrook Block 2 Lot 10

Comprehensive Plan Designation Res Zoning Designation R-1



### Additional Information

1. How many trees are requested for removal? 1
2. What type (species) of tree(s) are they? Cherry
3. What is the diameter of the tree(s), measured four feet above ground level? 22" est
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 being recommended for removal because the roots are damaging the sidewalk and is located very close to other utilities.

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.

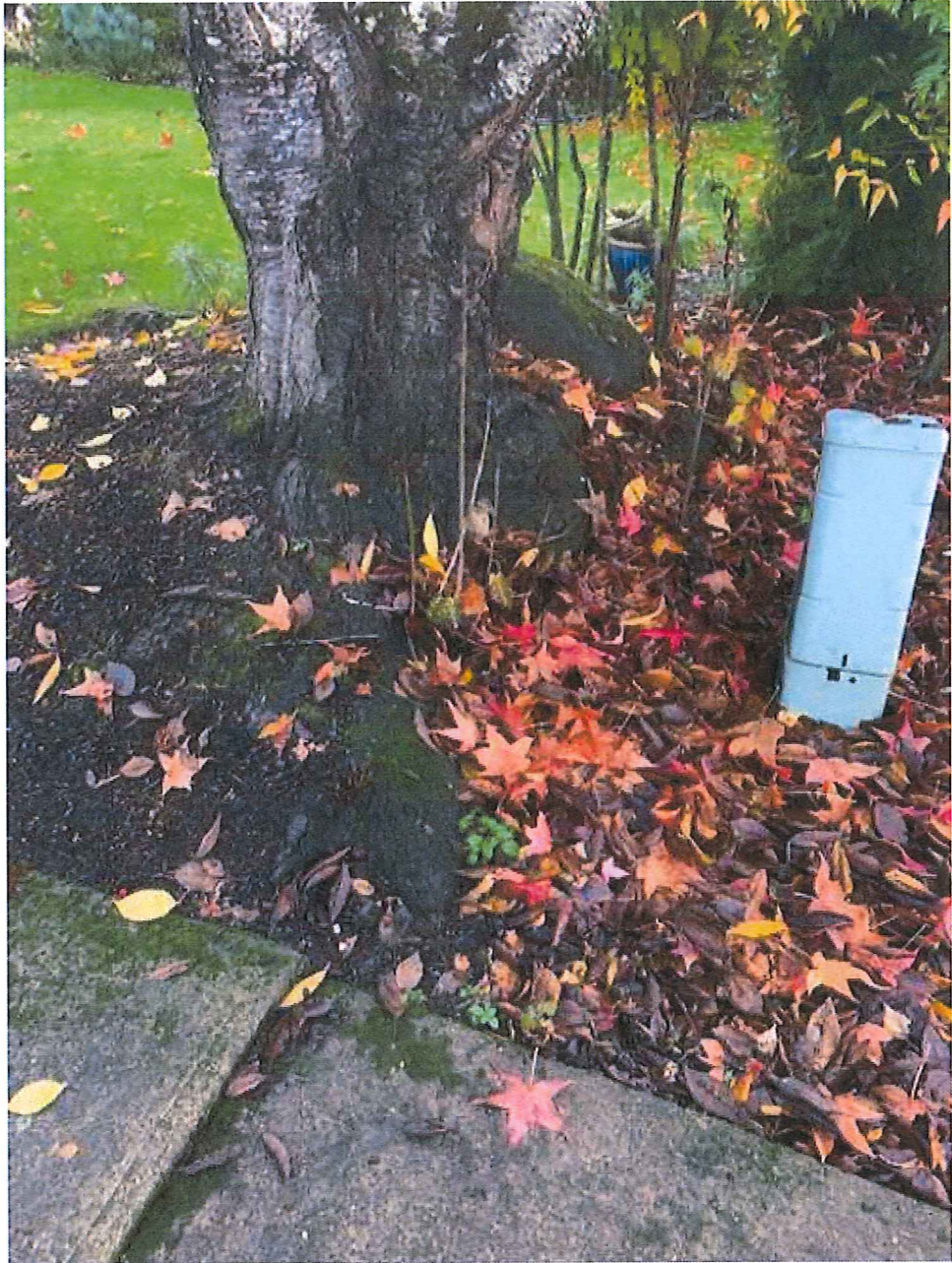
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Taylor Alvarez  
Applicant's Signature

11/28/20  
Date

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

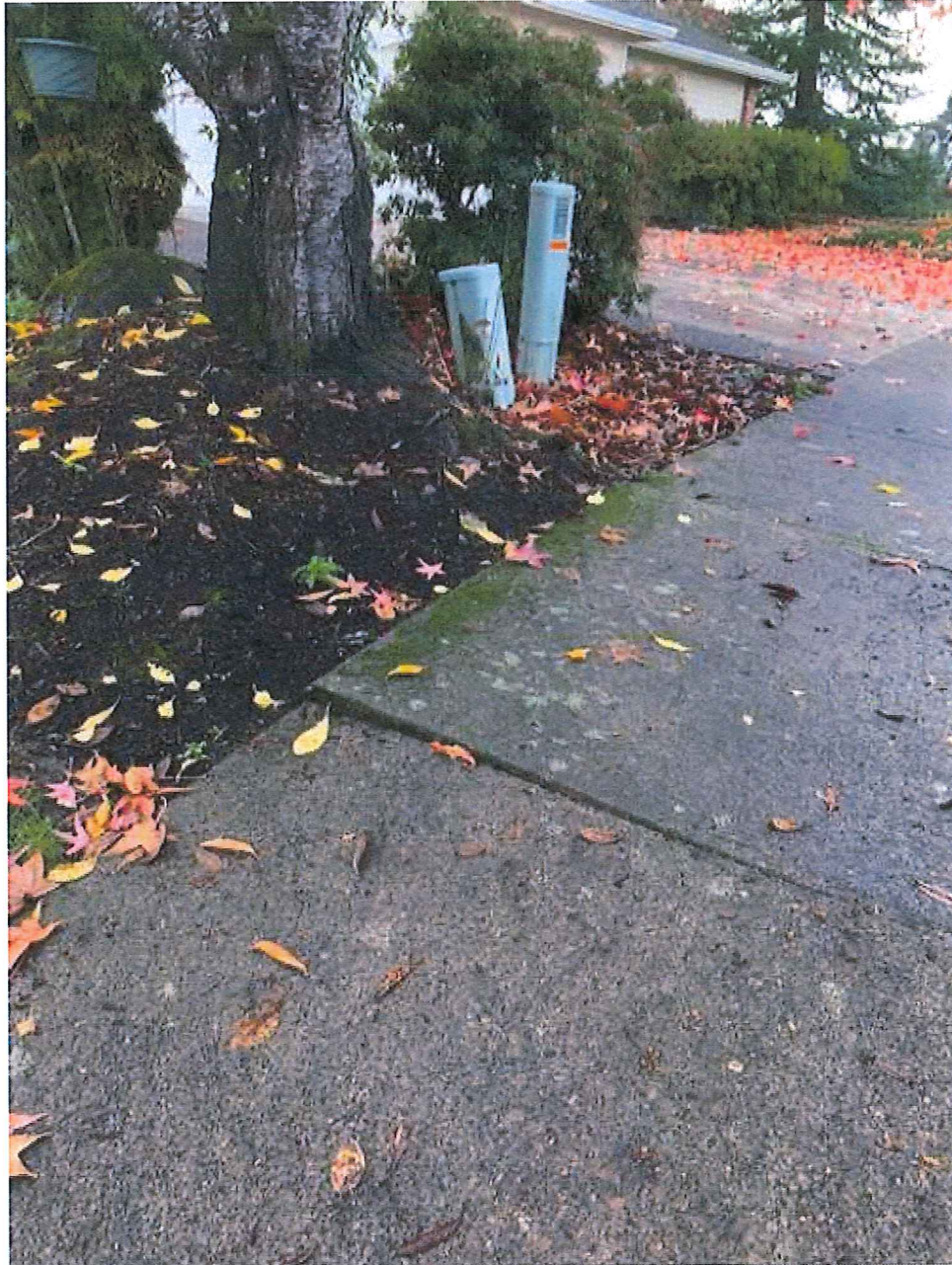
\_\_\_\_\_  
Date



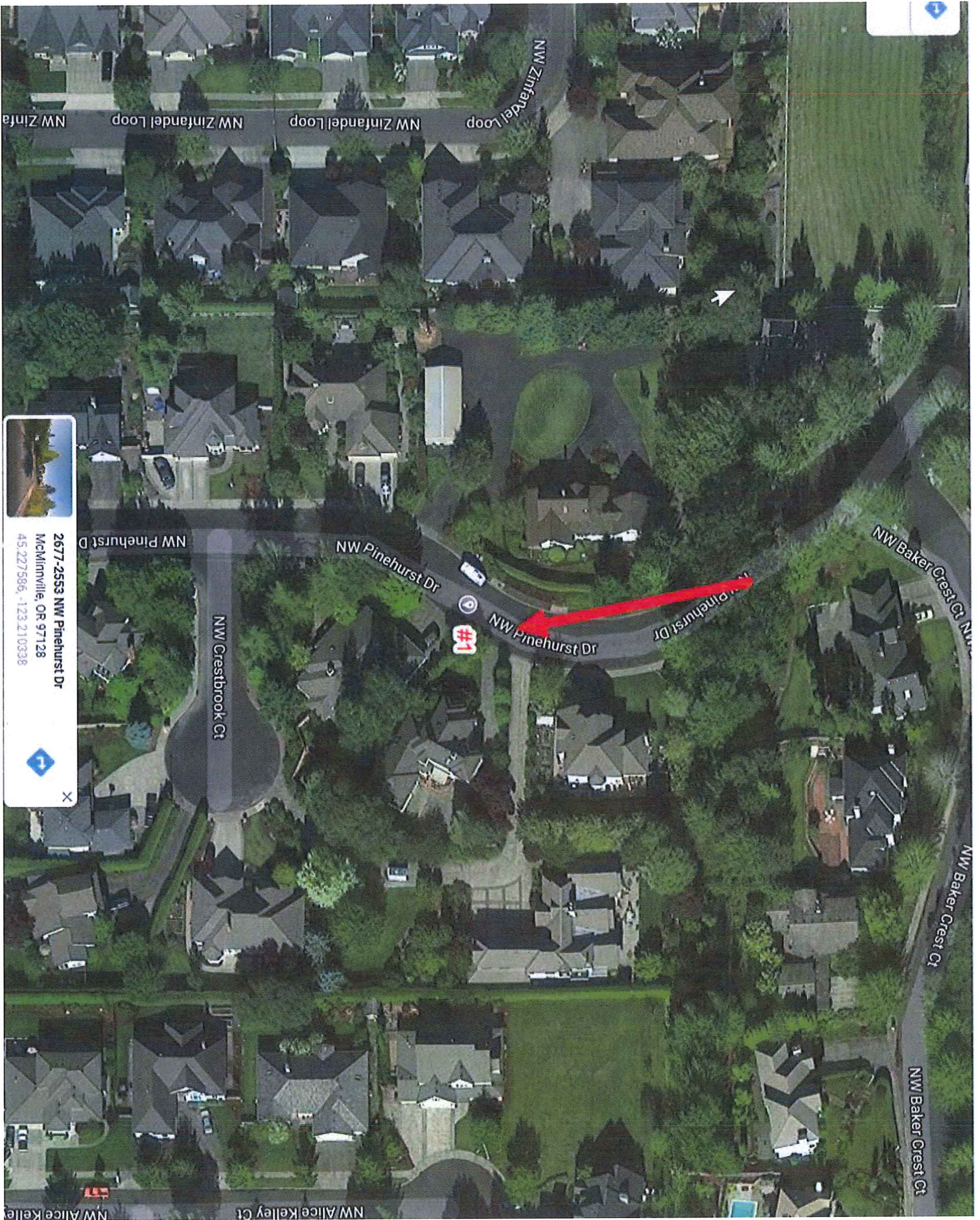












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McMinnville, OR 97128  
45.227586, -123.210338