



**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, January 27, 2021 - 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/97974816565?pwd=akJVRDJsTzhSbW5tT3lwUDlXQm1vZz09>

Meeting ID: 979 7481 6565  
Passcode: 499742

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

Committee Members	Agenda Items
Rob Stephenson Chair  Josh Kearns  John Hall  Patty Sorenson  Carlton Davidson	<ol style="list-style-type: none"><li><b>1. Call to Order</b></li><li><b>2. Citizen Comments</b></li><li><b>3. Election of Officers</b> (Exhibit 1)</li><li><b>4. Approval of Minutes</b><ol style="list-style-type: none"><li>June 17, 2020 (Exhibit 2)</li><li>December 16, 2020 (Exhibit 3)</li></ol></li><li><b>5. Action Items</b><ol style="list-style-type: none"><li>L 38-20 (Continued) – Street Tree Removal (Exhibit 4) 2608 NW Pinehurst Drive</li><li>L 2-21 – Street Tree Removal (Exhibit 5) 1445 SW Shirley Ann Drive</li></ol></li><li><b>6. Discussion Items</b></li><li><b>7. Old/New Business</b></li><li><b>8. Committee Member Comments</b></li><li><b>9. Staff Comments</b></li><li><b>10. Adjournment</b></li></ol>

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

\*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 - MEMORANDUM

**DATE:** January 27, 2021  
**TO:** Landscape Review Committee Members  
**FROM:** Jamie Fleckenstein, Associate Planner  
**SUBJECT:** Agenda Item 4A – Election of Landscape Review Committee Officers

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The annual election of officers has been placed on your January 27, 2021 meeting agenda. As part of this process, the Landscape Review Committee shall elect a Chair and Vice-Chair at the first meeting of each year. The Chair presides over the meeting and public hearings. The Vice-Chair will preside over the meetings and public hearings in the Chair's absence.

The following outline is provided to help guide you through this election process.

1. The current Chair will ask for nominations for the position of Chair. Committee members wishing to nominate a fellow committee member for this position would do so at that time (more than one person can be placed for nomination).
  - Motion: *"I would like to nominate [ \_\_\_\_\_ ] for the position of Chair."*
2. Once it is evident that there are no further nominations, the following motion would be made:
  - Motion: *"I move to close the floor to further nominations."*
3. A member of the Committee may then move to elect one of the nominated members to the position of Chair. If seconded, the Committee would then vote on the motion.
  - Motion: *"I move to elect [ \_\_\_\_\_ ] to the position of Chair."*
4. This same process is then repeated for the Vice-Chair position.



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## EXHIBIT 2 - MINUTES

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

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

**Members Present:** Sharon Gunter, John Hall, and Rob Stephenson  
**Members Absent:** Josh Kearns and Tim McDaniel  
**Staff Present:** Jamie Fleckenstein - Associate Planner  
**Guests Present:** Scott Hill – Mayor, Kellie Menke – City Councilor, Adam Grieve, Mark Lago, Kelly Paine, Tony Roos, Jeanie Taylor, and Michal Wert

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### 1. Call to Order

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

### 2. Citizen Comments

None

### 3. Approval of Minutes

None

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

A. L 4-20 – Landscape Plan Review - 2060 NE Lafayette Avenue

Tony Roos, applicant, introduced the landscape plan for the new Yamhill County Public Works Shop. Jeanie Taylor and the Native Plant Society volunteered to do all of the planting and maintenance. The County would purchase the materials.

Associate Planner Fleckenstein said there were garden beds in front of the shop that were already planted with native plants. He showed where all the planting and water quality areas were located on the plan.

Chair Stephenson asked about the lack of parking islands in the large parking stall area. Associate Planner Fleckenstein said there was not a requirement for landscape islands per number of stalls.

Mr. Roos said given the size of the vehicles that Public Works managed, they needed to be able to maneuver through the site. Putting in islands would reduce the flexibility for moving trucks around the site.

Associate Planner Fleckenstein explained the landscaping proposed for the north side of the building. There would be a variety of native plants including Viburnum, Evergreen Huckleberry, Frangula, Bleeding Heart, and Oxalis.

Committee Member Gunter noted that some of the plants would die back during the winter. Ms. Taylor said the variety of Oxalis they would use was more evergreen. The Frangula was a small tree. These could be pruned if they got in the way of traffic.

Associate Planner Fleckenstein explained the plan in front of the new Shop adjacent to Lafayette Avenue which would include a pedestrian walkway, two street trees which would be Amelanchier Autumn Brilliance, and the groundcover would be Achillea. For the rest of the parking area adjacent to Lafayette, there would be border plantings along the sidewalk, wet prairie and wildflowers in the interior of the planting area, and upland and native plants on the perimeter of the planting area. These included grasses, herbaceous perennials, and groundcovers.

Chair Stephenson asked if there would be an irrigation system. Ms. Taylor said there would be a hose bib and the watering would be done by hand. She would work with staff to make sure it was done timely and properly.

Chair Stephenson said it was an important public area on Lafayette and should look good.

Mark Lago, County Public Works, said there was currently irrigation in this area and it would be adjusted for this landscaping.

Ms. Taylor said the Native Plant Society was committed to maintaining the new plantings for at least the first year.

Associate Planner Fleckenstein reviewed the plan for the area across from the driveway entrance. There was existing mature plantings in that area which was a combination of Pine trees and evergreen hedge. One Pine tree was proposed to be removed and the existing hedge would be preserved. They would be replaced if they died out with other native plants that would provide the same screening. Evergreen and deciduous shrubs would be planted to fill in the gaps between the Pine trees. Near the entrance would be Sambucus Blue Elderberry, Prunella Vulgaris, and Morella Californica.

Committee Member Hall asked how big the Sambucus got. Ms. Taylor said it could get large but it was prunable. It was set back so it would not be in competition with the overhead wires.

Associate Planner Fleckenstein discussed the raingarden and water runoff collection area which would collect the rainwater and run it out to the stormwater pipe towards Lafayette. The interior area would be planted with wet prairie and wetland plants. Around the perimeter there would be upland plants which would include Achillea, Common Yarrow, Iris, Potentilla, Cinquefoil, and Prairie June Grass. The wetland plants would be Dogwood, Physocarpus, Ninebark, Labrador Tea Rhododendron, Red Currant, Oregon Grape, herbaceous perennials, grasses, and groundcovers. Next to this area was another planting area that featured two trees, Madrone and Oak, and Achillea, Common Yarrow, Yerbabuena, Oregon Sunshine, and Wild Strawberry as groundcovers. The acorns from the Oak tree were a potential safety concern and there was a condition of approval to



replace the Oak tree with a different tree species that was not on the prohibited list for parking lot areas.

Committee Member Gunter suggested putting in another Madrone tree instead of the Oak.

Associate Planner Fleckenstein explained the landscaping for the second water collection area in front of the Sheriff's building. There would be Lonicera Involucrata, Ninebark, California Wax Myrtle, evergreen shrubs, Iris, and grasses.

The Committee expressed concern about maintenance and weeding.

Michal Wert, Native Plant Society, said the Native Plant Society developed a native plant garden around the Library and had a monthly work party for the maintenance of the garden. She thought they would do something similar here. Once the plants were established there would not be as much weeding and watering needed.

Ms. Taylor said they would also train some of the staff to do the work or the County could enter into a contract for the work.

Committee Member Gunter moved to approve L 4-20 with conditions. The motion was seconded by Committee Member Hall and passed 3-0.

**B. L 19-20 – Street Tree Removal - 1058 NE Maloney Drive**

Associate Planner Fleckenstein explained the street tree removal request. It was for two Liquid Amber Sweetgum trees on NE Maloney Drive. These were on the prohibited street tree list because of their aggressive surface root system. The roots were damaging the adjacent sidewalk. One of the locations would be too close to existing utilities and setbacks, so only one replacement tree was recommended. The applicant proposed to put in a Street Keeper Honeylocust which was on the approved street tree list.

Adam Grieve, applicant, was present for any questions.

Committee Member Gunter moved to approve L 19-20. The motion was seconded by Committee Member Hall and passed 3-0.

**C. L 20-20 – Street Tree Removal - 1310 NE 27<sup>th</sup> Street**

Associate Planner Fleckenstein reviewed the street tree removal request. This Oak tree was below utility lines and as a result of utility pruning, the tree was now succumbing to rot and the unbalanced structure led to several large limb failures. Staff recommended replacing the tree with one from the small street tree list.

Kelly Paine, applicant, said she was renovating her home and intended to plant something in its place once it was removed.

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

## **5. Discussion Items**

None

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

None

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

None

## **8. Staff Comments**

Associate Planner Fleckenstein said a Work Session was scheduled for August 5 regarding Landscape and Tree Code review and revision. He brought up the issue of the definition of fencing and how hedges and plants around town would exceed the height limit of fences. If vegetation was kept as part of the definition, there would be many code compliance complaints.

Chair Stephenson thought there was a difference between a fence and a screen that obscured the view. He did not think it should remain in the definition.

Committee Member Gunter said they also needed to take into consideration site obscuring with the screen and making sure there was visibility when backing out of driveways.

There was discussion regarding how the vegetation helped with privacy and blocking noise.

There was consensus that inclusion of vegetation and hedges in the definition of fencing was overreaching and except for cases of safety and visibility that it should not be included in the definition.

## **9. Adjournment**

Chair Stephenson adjourned the meeting at 1:01 p.m.



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## EXHIBIT 3 - MINUTES

**December 16, 2020**  
**Landscape Review Committee**  
**Regular Meeting**

**12:00 pm**  
**ZOOM Meeting**  
**McMinnville, Oregon**

**Members Present:** Sharon Gunter, John Hall, Tim McDaniel, and Rob Stephenson  
**Members Absent:** Josh Kearns  
**Staff Present:** Jamie Fleckenstein - Associate Planner  
**Guests Present:** Eric Cutler

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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

- June 17, 2020
- July 1, 2020

Committee Member Gunter moved to approve the June 17, 2020 minutes. The motion was seconded by Committee Member Hall and passed 4-0.

Committee Member Gunter moved to approve the July 1, 2020 minutes. The motion was seconded by Committee Member McDaniel and passed 4-0.

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

A. L 36-20 – Street Tree Removal - 1575 NW Yohn Ranch Drive

Associate Planner Fleckenstein reviewed the street tree removal request at NW Yohn Ranch Drive. Two trees would be removed due to sidewalk lifting. Because of the proximity to the sewer line and to the painted curb, one street tree would be planted in their place which would be a Ginkgo Biloba. Staff recommended approval.

Chair Stephenson thought a Rubrum Maple should be planted there to keep continuity in the neighborhood.

Eric Cutler, applicant, said the trees on Yohn Ranch were all different house by house. There was no street tree plan for the neighborhood. He was concerned about Maples lifting the sidewalk. The trees proposed to be removed were planted in 2006.

Committee Member McDaniel thought a Ginkgo would look good in that location.

Committee Member McDaniel moved to approve L 36-20. The motion was seconded by Committee Member Gunter and passed 4-0.

**B. L 38-20 – Street Tree Removal - 2608 NW Pinehurst Drive**

Associate Planner Fleckenstein discussed the street tree removal on NW Pinehurst Drive. This Cherry tree was adjacent to a number of utilities and was lifting the sidewalk. There was not a requirement for replacement because there was no curbside planting strip and the location was too close to the utilities and driveway. Staff recommended approval.

Chair Stephenson said he planted that tree about 33 years ago. He thought it should be replaced.

There was discussion regarding root grinding around the utilities.

Associate Planner Fleckenstein clarified there were two water meters and underground power buried in this area. It did not seem like an appropriate location for a replacement tree.

Committee Member McDaniel said the sidewalk should be ground down so it was not a trip hazard.

Chair Stephenson said if they cut every tree down because of utilities or distance to driveway, they would not be a Tree City anymore.

Committee Member Gunter thought the concern was the tree roots affecting the utilities.

Chair Stephenson suggested a replacement tree to be planted further back onto the private property. Committee Member Hall agreed.

Chair Stephenson said he walked this way every day and the sidewalk lift was small. He did not want to set a precedent of removing a tree and not replacing it.

Associate Planner Fleckenstein did not think the Committee could require a tree to be planted on private property. They could recommend it.

There was discussion regarding the Committee's ability to require a replacement tree on private property and whether or not to require a replacement elsewhere in the City or collect a payment for it.

Chair Stephenson recommended tabling this decision to give the Committee time to take a look at the tree and sidewalk conditions.

Associate Planner Fleckenstein said in the past when it was not appropriate to replace a street tree there had not been a condition to replace the tree elsewhere in the City or to pay for a replacement tree elsewhere in the City.

Committee Member Gunter asked if staff could talk to the property owner about planting a tree further back on the property. Associate Planner Fleckenstein could contact the applicant.

Committee Member Gunter moved to continue L 38-20 and direct staff to speak to the applicant about replacing the tree further back on the private property. The motion was seconded by Committee Member McDaniel and passed 4-0.

Chair Stephenson suggested changing the next meeting to January 27 so he could attend.

## **5. Discussion Items**

None

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

None

## **7. Committee Comments**

None

## **8. Staff Comments**

Associate Planner Fleckenstein thanked Committee Members Gunter and McDaniel for their service on the Committee. A new Chair and Vice Chair would be elected in January. The Department's Work Plan for 2021 would include the Landscape and Tree Code amendments that had recently been discussed by the Committee.

Chair Stephenson thought someone from the Committee should be on the Third Street Streetscape Project Committee. He was willing to be on that Committee.

## **9. Adjournment**

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



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## EXHIBIT 4 - STAFF REPORT

**DATE:** January 27, 2021  
**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

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### **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. A replacement tree in the right-of-way would not meet City standards and is therefore not recommended. The applicant has indicated to staff that a similar sized tree would be planted in the front yard of the subject site, on private property.

### **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 Landscape Review Committee (LRC) considered the application at their December 16, 2020 meeting and voted to continue the application, requesting more information from the applicant. The Committee supported the removal of the tree from the right-of-way due to conflict with public improvements. Staff did not support recommending a condition the approval to require a replacement street tree since a replacement would not meet City standards as described in Chapter 17.58 of the McMinnville Zoning Ordinance. The LRC discussed the possibility of adding a condition of approval requiring a replacement tree be planted in the front yard of the subject site on private property. Staff was not clear if such a condition was permitted by code. The LRC continued the review, requesting that staff inquire if the applicant had plans to plant a replacement tree in the general area (outside the right-of-way) on the front yard of the property. In subsequent discussions with staff, the applicant confirmed that a new tree would be planted in the front yard of the property.

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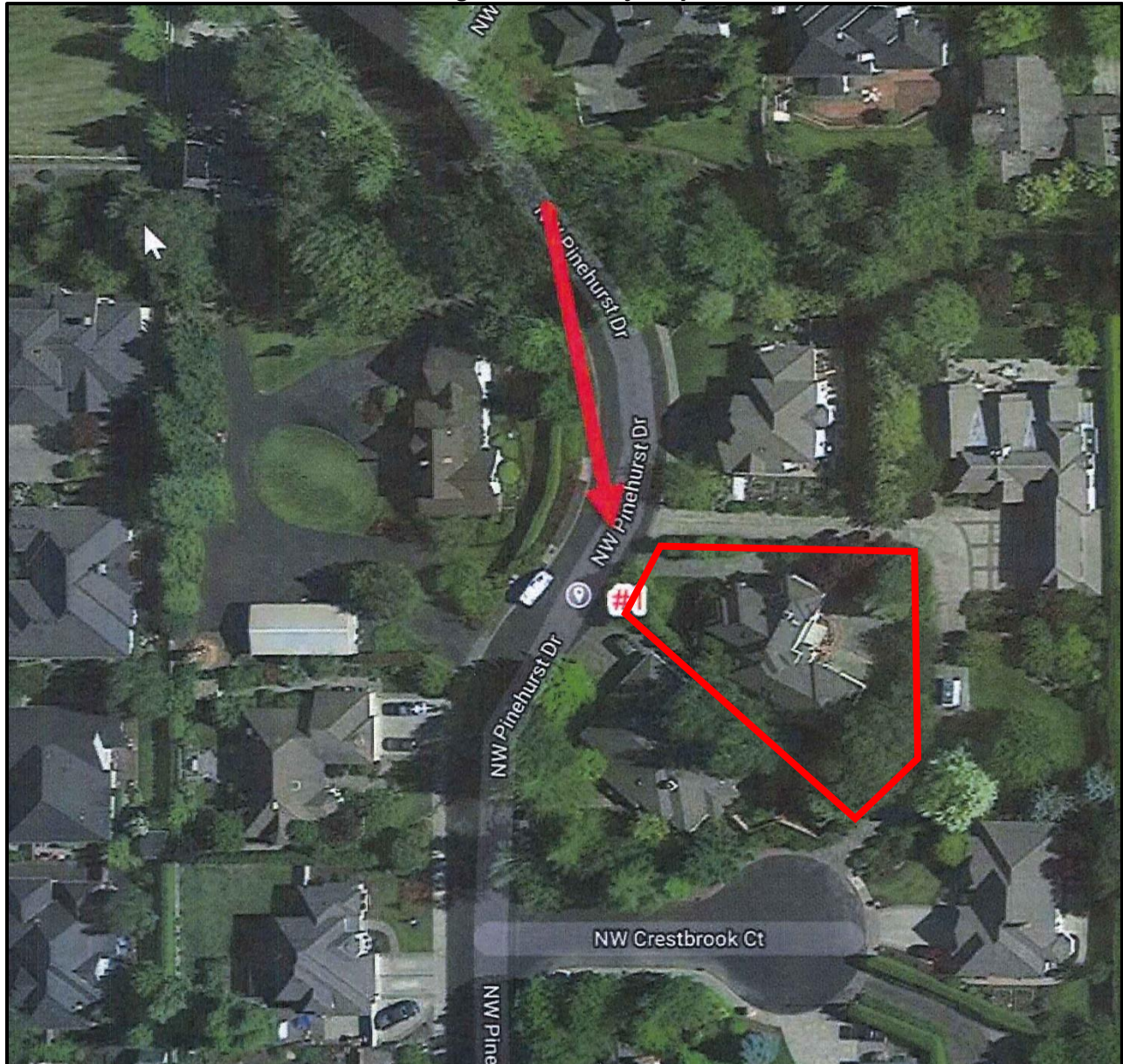
### **Attachments:**

Attachment 1 – Application and Attachments



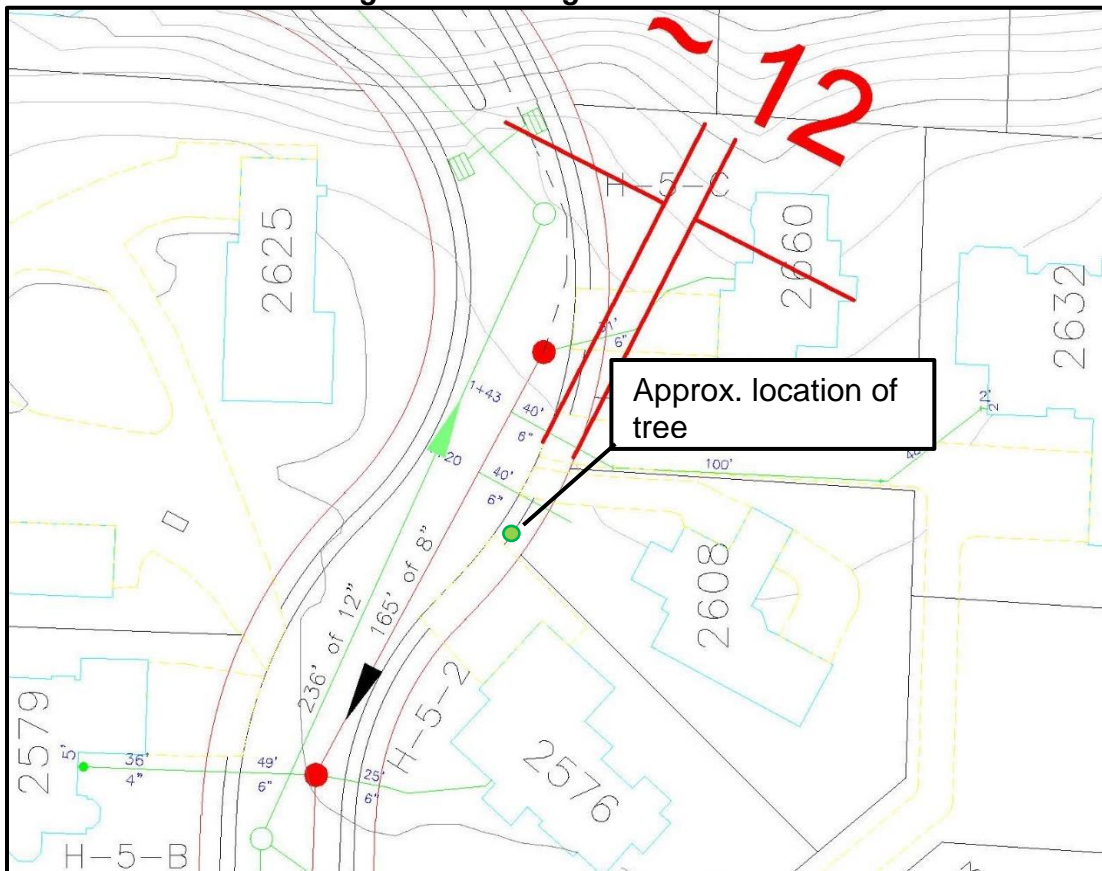
The subject property is located at 2608 NW Pinehurst Drive within the Crestbrook subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-1 (Single-Family) and is developed with a single-family residence. The tree requested for removal is within the NW Pinehurst Drive right-of-way. **See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

**Figure 1: Vicinity Map**





**Figure 2: Existing Tree Location**

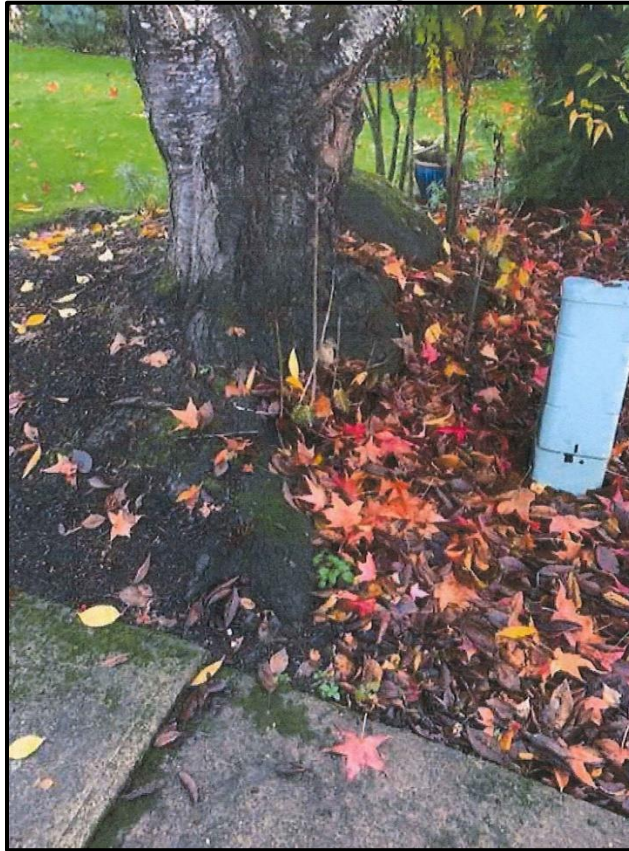


**Figure 3: Existing Tree Location**

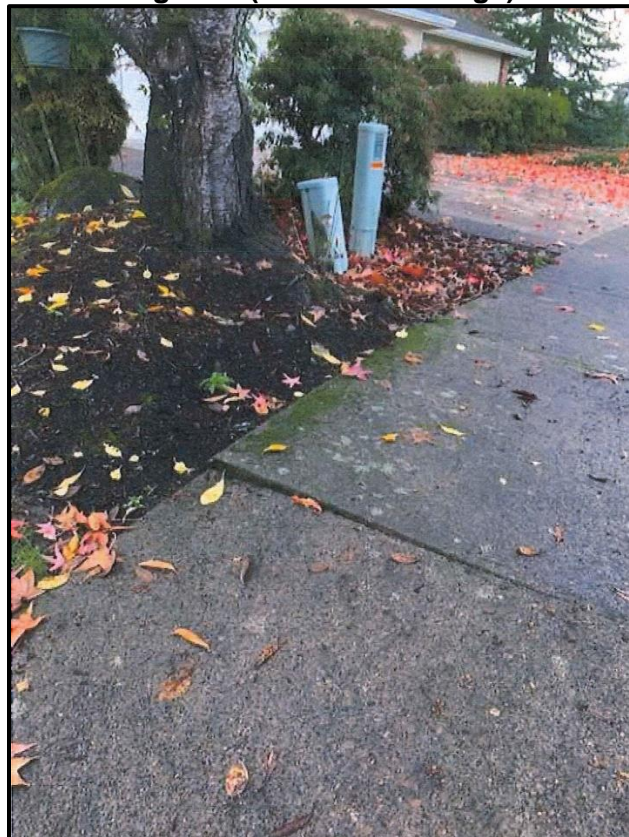




**Figure 4: Existing Tree**



**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.

Per the McMinnville Zoning Ordinance, there is no requirement to replace the removed street tree. 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. The applicant has indicated a new medium-sized ornamental tree will be planted in the front yard of the property, outside of the right-of-way.

Staff does not support conditioning the approval to require a replacement tree on private property, as was discussed as a possibility during the first review of the application. Legal staff has stated that if a requirement to plant a tree on private property to replace a tree that is on public property is imposed, it may constitute a takings issue, particularly if there is no street tree plan or other city requirement to point to. Therefore, staff is recommending approval of the applications with the conditions provided below that would ensure the removal of the tree meets City standards and that the damaged sidewalk is repaired/replaced.

***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

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***Attachments:***

*Attachment 1 – Application and Attachments*

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 July 27, 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.

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

<b>DOCKET:</b>	L 38-20 (Street Tree Removal)
<b>REQUEST:</b>	Approval to remove one (1) Cherry street tree from the public right-of-way adjacent to the subject property
<b>LOCATION:</b>	2608 NW Pinehurst Drive (Tax Lot 300, Section 17BA, T. 4. S., R. 4 W., W.M.)
<b>ZONING:</b>	R-1 (Single-Family Residential)
<b>APPLICANT:</b>	Taylor Alvarez, Associated Arborist, on behalf of Ronald Stone, property owner
<b>STAFF:</b>	Jamie Fleckenstein, PLA, Associate Planner
<b>DATE DEEMED COMPLETE:</b>	December 3, 2020
<b>DECISION MAKING BODY &amp; ACTION:</b>	McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.
<b>DECISION DATE &amp; LOCATION:</b>	January 27, 2021, Community Development Center, 231 NE 5 <sup>th</sup> Street, McMinnville, Oregon, and Zoom Online Meeting ID 518 962 842.
<b>PROCEDURE:</b>	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.
<b>CRITERIA:</b>	The applicable criteria are specified in Section 17.58.050 of the McMinnville Zoning Ordinance, McMinnville City Code.
<b>APPEAL:</b>	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.
<b>COMMENTS:</b>	This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Their comments are provided in this document. No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.

Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the street tree removal (L 38-20) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

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

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

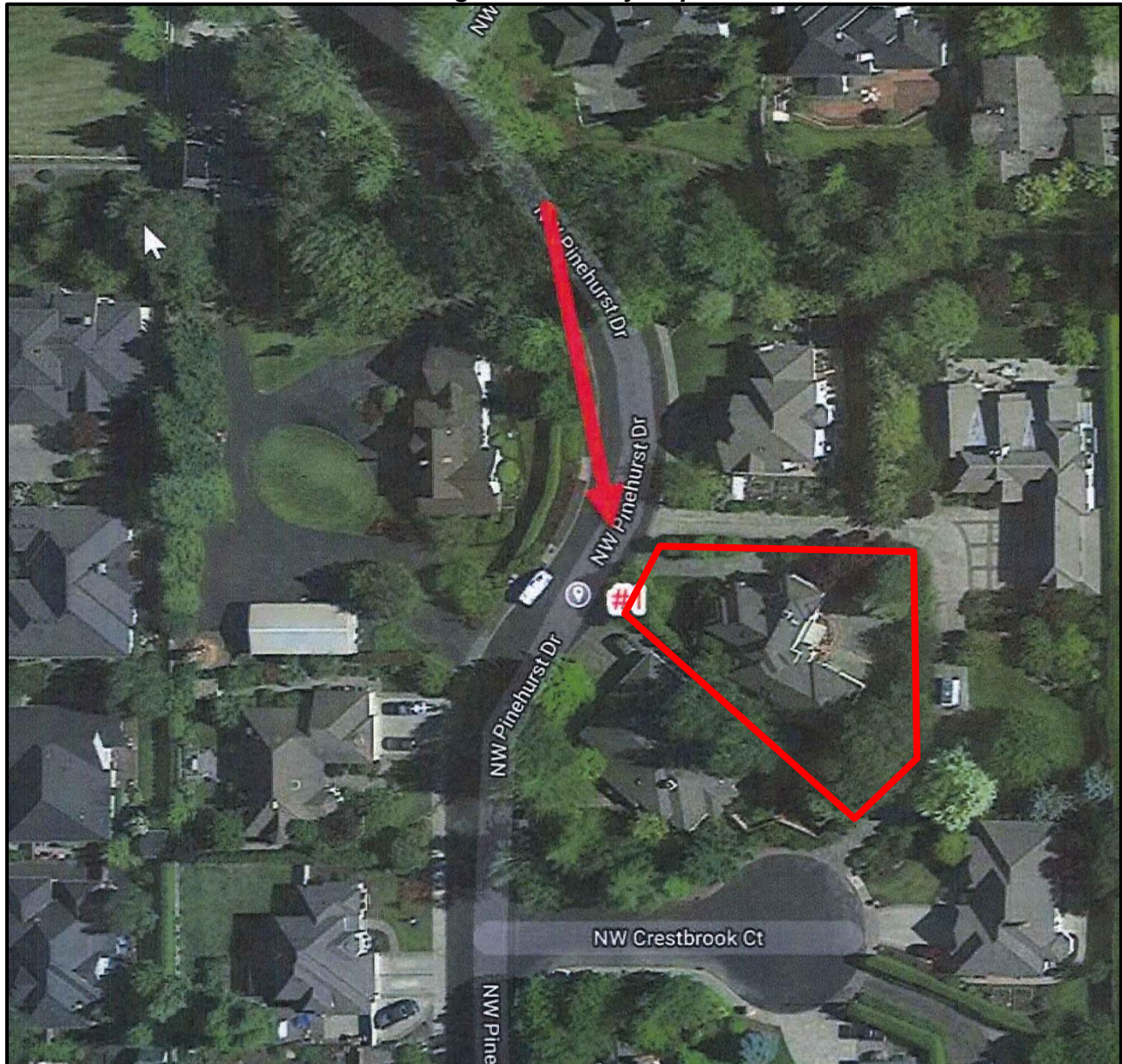


**I. APPLICATION SUMMARY:**

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.

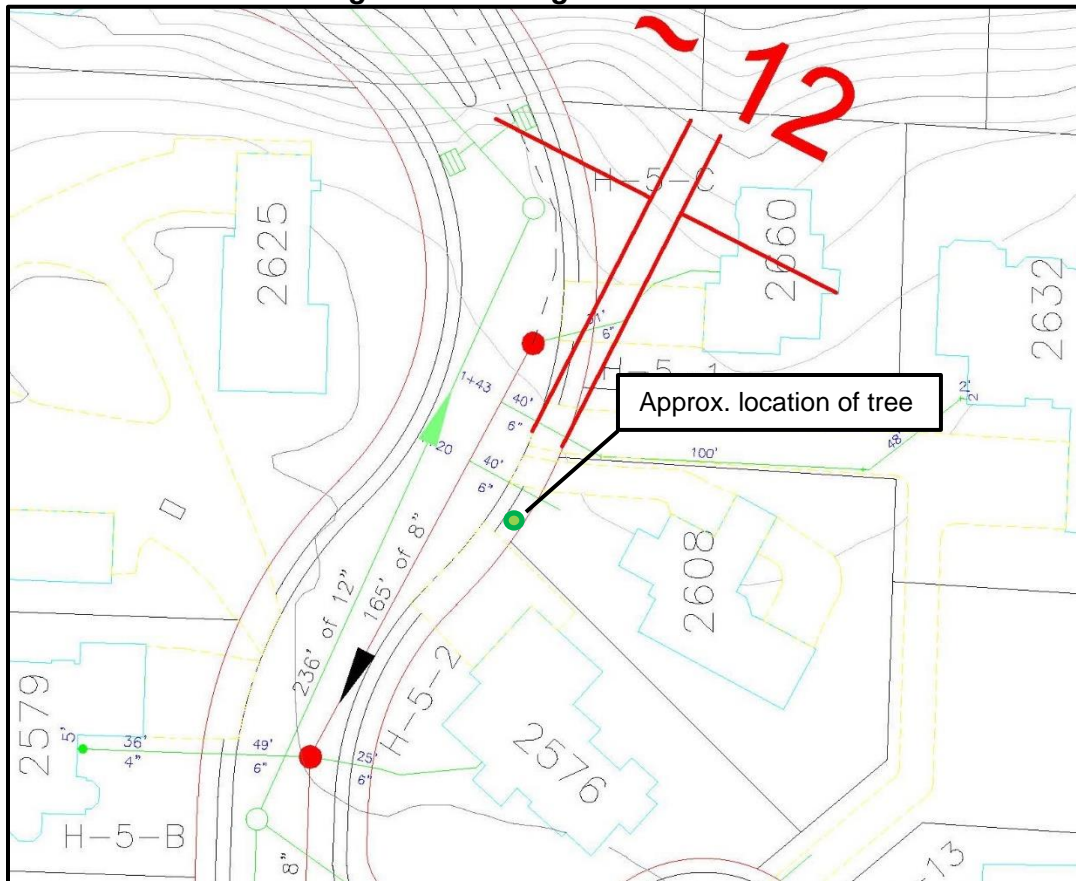
The subject property is located at 2608 NW Pinehurst Drive within the Crestbrook subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-1 (Single-Family) and is developed with a single-family residence. The tree requested for removal is within the NW Pinehurst Drive right-of-way. **See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

**Figure 1: Vicinity Map**

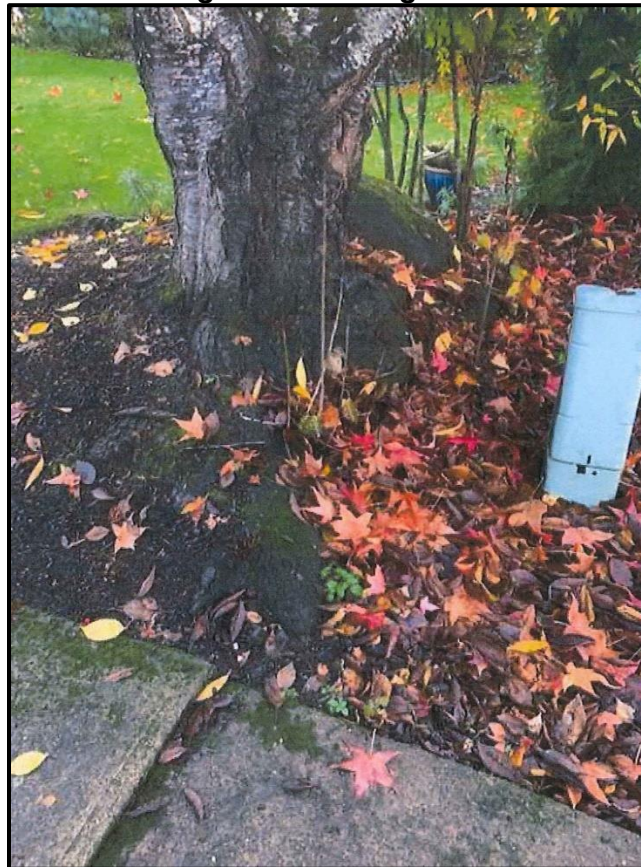




***Figure 2: Existing Tree Location***

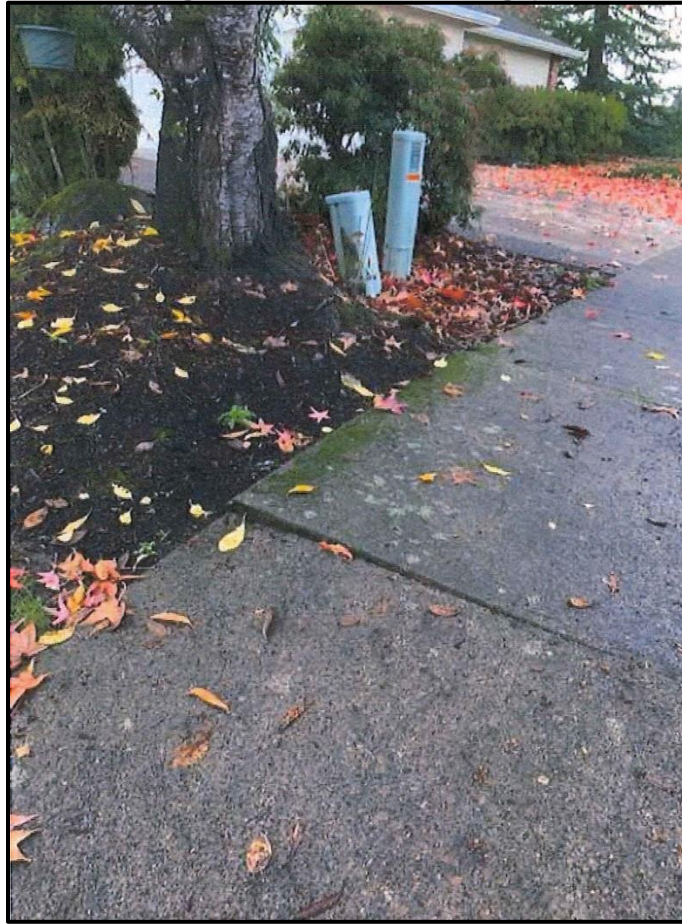


**Figure 3: Existing Tree**



Attachments:

*Attachment 1 – Application and Attachments*

**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

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*Attachments:*

*Attachment 1 – Application and Attachments*



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 July 27, 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.
6. The Landscape Review Committee on voted to continue the application on December 16, 2020.
7. A public meeting was held by the McMinnville Landscape Review Committee on January 27, 2021 to continue the review of the application and proposed street tree removal request.

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

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Attachments:

Attachment 1 – Application and Attachments

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:

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*Attachments:*

*Attachment 1 – Application and Attachments*

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

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

**APPLICANT'S RESPONSE:** None.

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

**McMinnville Zoning Ordinance**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide 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

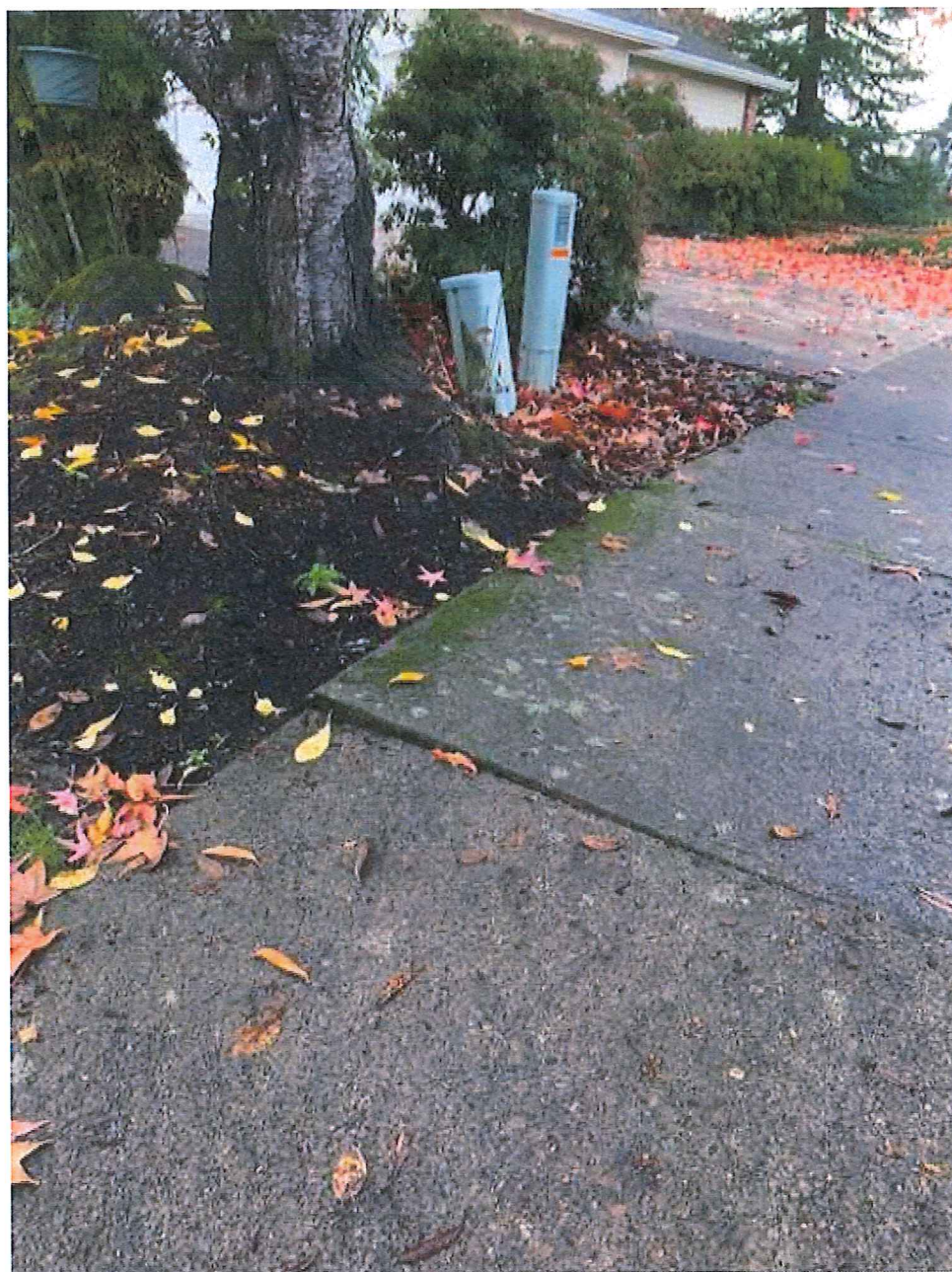
\_\_\_\_\_  
Date



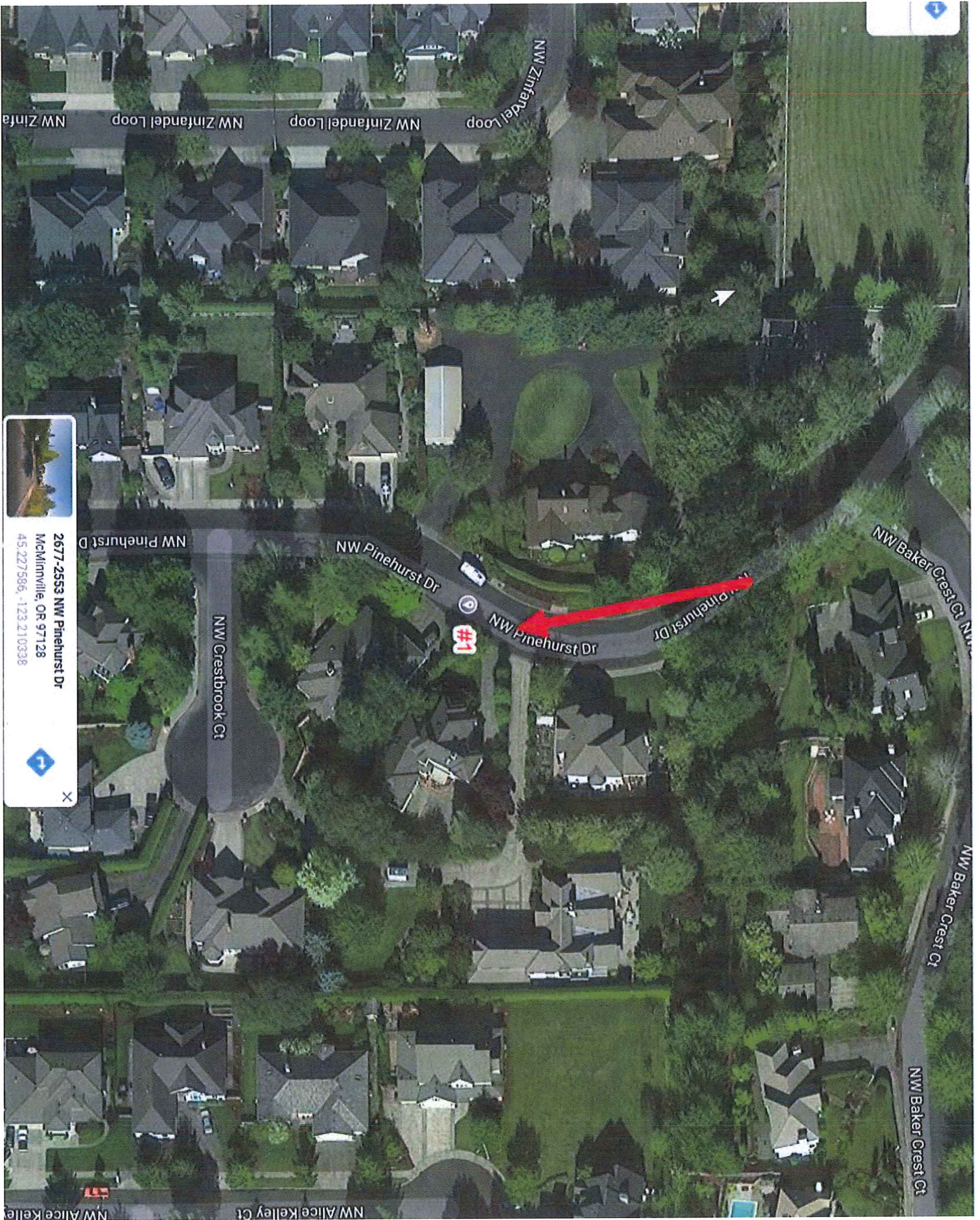












2677-2553 NW Pinehurst Dr  
McMinnville, OR 97128  
45.227586, -123.210338



X





City of McMinnville  
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[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## EXHIBIT 5 - STAFF REPORT

DATE: January 27, 2021  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Agenda Item 4B - Street Tree Removal Application (L 2-21)

### STRATEGIC PRIORITY & GOAL:



#### GROWTH & DEVELOPMENT CHARACTER

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

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

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### Report in Brief:

An application to remove one (1) Maple street tree adjacent to 1445 SW Shirley Ann Drive (L 2-21) 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 one (1) Maple street tree from the SW Shirley Ann Drive public right-of-way adjacent to the subject property because the tree is impacting public infrastructure, specifically, damaging the adjacent sidewalk. 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 1445 SW Shirley Ann Drive within the Heather Meadow 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 tree that is requested for removal is within the SW Shirley Ann Drive right-of-way. **See Figure 2 (Site Plan), Figure 3 (Existing Tree & Sidewalk Repair), Figure 4 (Existing Tree & Sidewalk Repair), Figure 5 (Existing Tree & Sidewalk Repair), Figure 6 (Existing Tree & Sidewalk Repair).**

An approved street tree plan for the Heather Meadow subdivision (L 7-07) specifies one required street tree at the subject property and identifies *Acer rubrum* 'October Glory' (October Glory Red Maple) as the approved street tree for the subdivision. **See Figure 7 (Heather Meadow Approved Street Tree Plan).**

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### Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 1445 SW Shirley Ann Drive

Figure 1: Vicinity Map

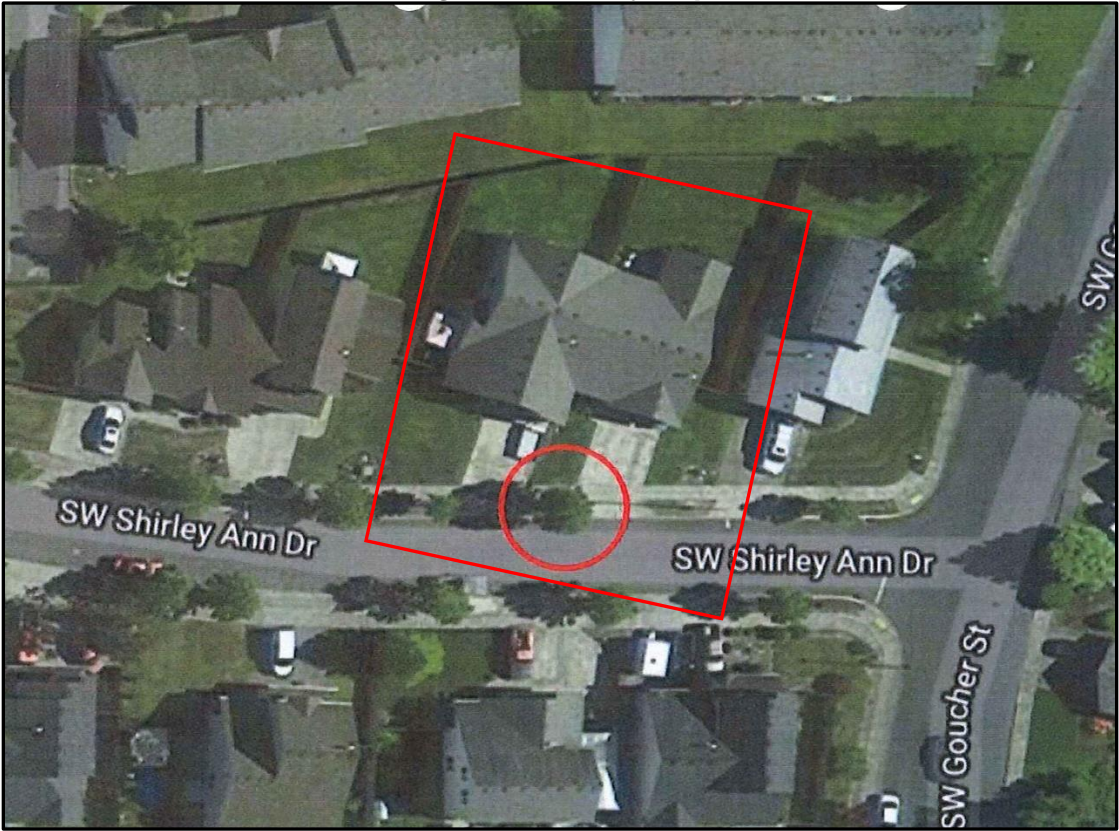
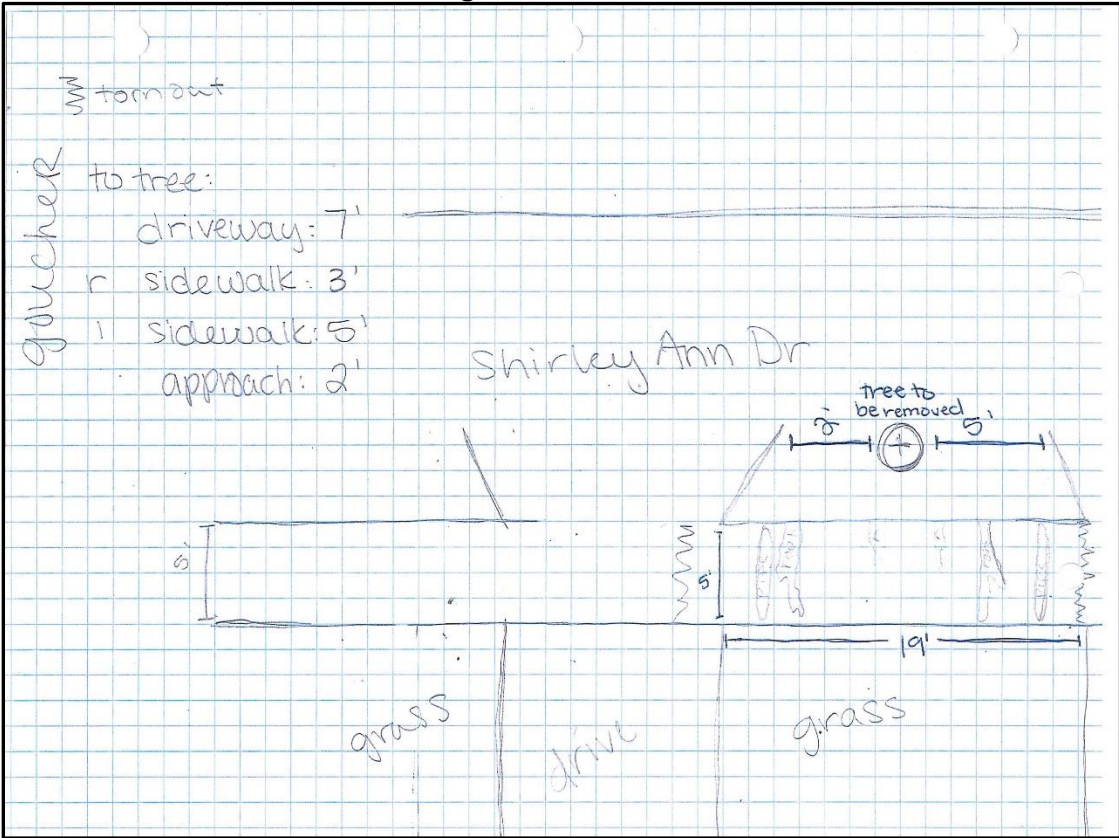


Figure 2: Site Plan





**Figure 3 (Existing Tree & Sidewalk Repair)**





**Figure 4 (Existing Tree & Sidewalk Repair)**

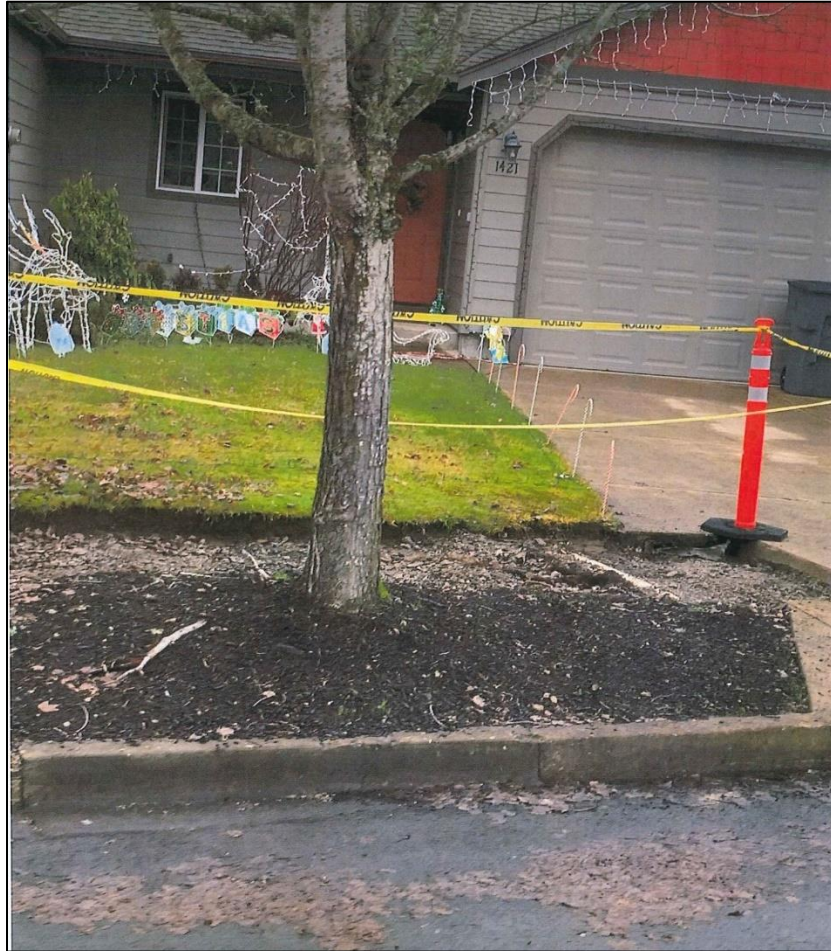


**Figure 5 (Existing Tree & Sidewalk Repair)**

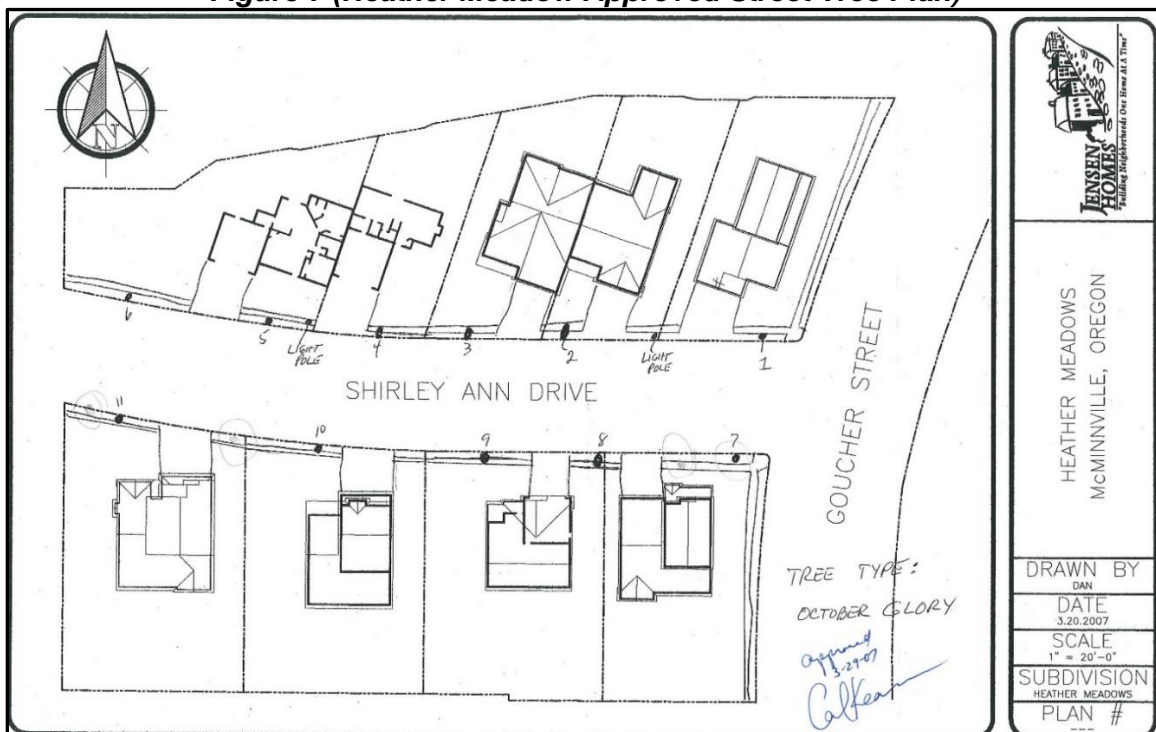




**Figure 6 (Existing Tree & Sidewalk Repair)**



**Figure 7 (Heather Meadow Approved Street Tree Plan)**



**Attachments:**

Attachment 1 – Application and Attachments

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

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

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

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

The applicant has requested the removal of one (1) Maple street tree 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 Jeff Gooden, City of McMinnville Engineering Technician, dated December 2, 2020, was sent to the owners advising them that a complaint had been filed about the lifting sidewalk. The complainant tripped on the raised sidewalk, which initiated the sidewalk replacement. Following removal of the damaged sidewalk panels, the tree roots were observed and determined to be conflicting with the replacement of the sidewalk.

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 tree is recommended. A replacement street tree for is recommended by Staff, consistent with the approved street tree plan (L 7-07). Staff also encourages the applicant to install root barrier protection around the entire planting strip area, since the distance between the two driveways appears to be less than ten (10) feet and the standard minimum distance from driveways for street trees is five (5) feet.

***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 is buried in the area. Contact McMinnville Water & Light ((503) 472-6919) if contact is made with buried power conduit.
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 one (1) replacement street tree be planted in the SW Shirley Ann Drive planter strip. The tree shall be an *Acer rubrum* 'October Glory' (October Glory Red Maple), per the Heather Meadows subdivision approved street tree plan (L 7-07).

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***Attachments:***

*Attachment 1 – Application and Attachments*

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. Staff also encourages the applicant to install root barrier protection around the entire perimeter of the planting strip area, since the distance between the two driveways appears to be less than ten (10) feet and the standard minimum distance from driveways for street trees is five (5) feet.
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 assess sidewalk damage and obtain a sidewalk permit and repair or replace the damaged sidewalk, if needed, per City standards.
11. That the applicant shall complete the tree removal and tree replacement within six (6) months of approval, or July 27, 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.

**Staff Recommendation:**

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*Attachments:*

*Attachment 1 – Application and Attachments*

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 2-21 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF



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

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

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A TREE REMOVAL AT 1445 SW SHIRLEY ANN DRIVE**

**DOCKET:** L 2-21 (Street Tree Removal)

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

**LOCATION:** 1445 SW Shirley Ann Drive (Tax Lot 3103, Section 29BC, T. 4. S., R. 4 W., W.M.)

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

**APPLICANT:** Tom Williams, Solid Concrete Services LLC, on behalf of Heather Glen Apartments, property owner

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

**DATE DEEMED COMPLETE:** January 14, 2021

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

**DECISION DATE & LOCATION:** January 27, 2021, Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon, and Zoom Online Meeting ID 979 7481 6565.

**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.



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 2-21) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

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

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

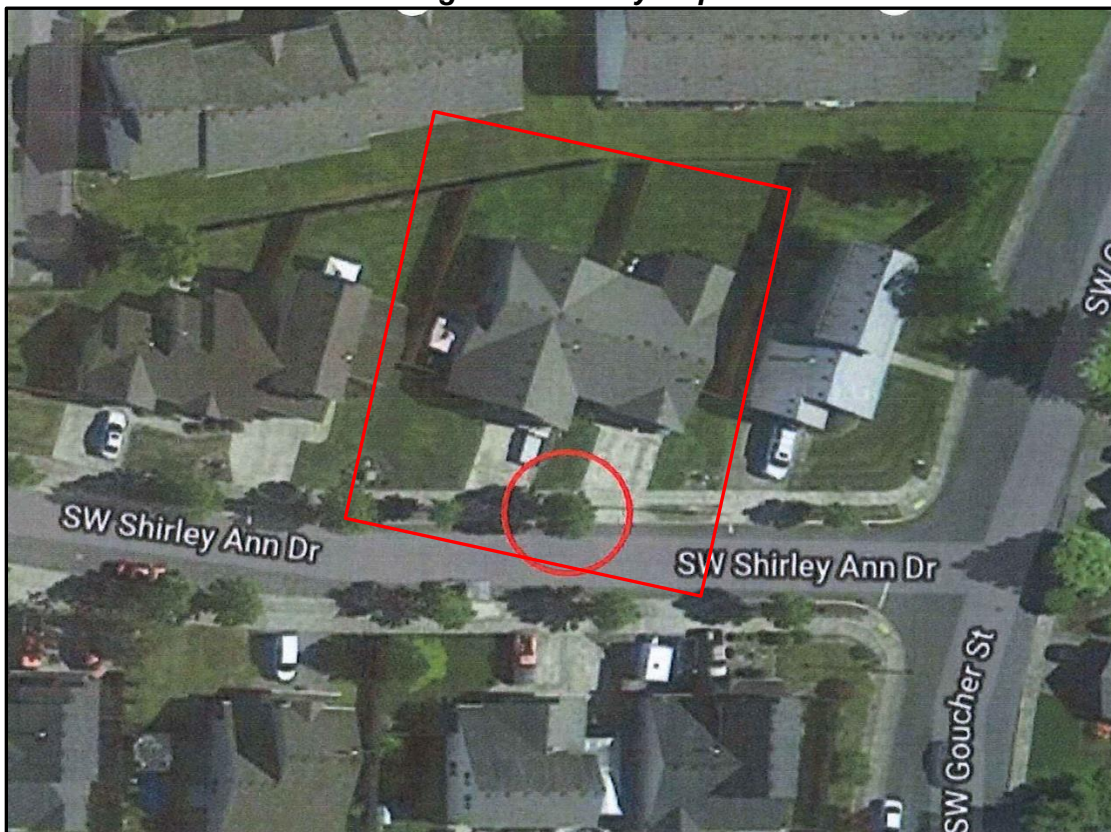
**I. APPLICATION SUMMARY:**

The application requests the removal of one (1) Maple street tree adjacent to 1445 SW Shirley Ann Drive (L 2-21) 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.

The subject property is located at 1445 SW Shirley Ann Drive within the Heather Meadow 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 tree that is requested for removal is within the SW Shirley Ann Drive right-of-way. **See Figure 2 (Site Plan), Figure 3 (Existing Tree & Sidewalk Repair), Figure 4 (Existing Tree & Sidewalk Repair), Figure 5 (Existing Tree & Sidewalk Repair), Figure 6 (Existing Tree & Sidewalk Repair).**

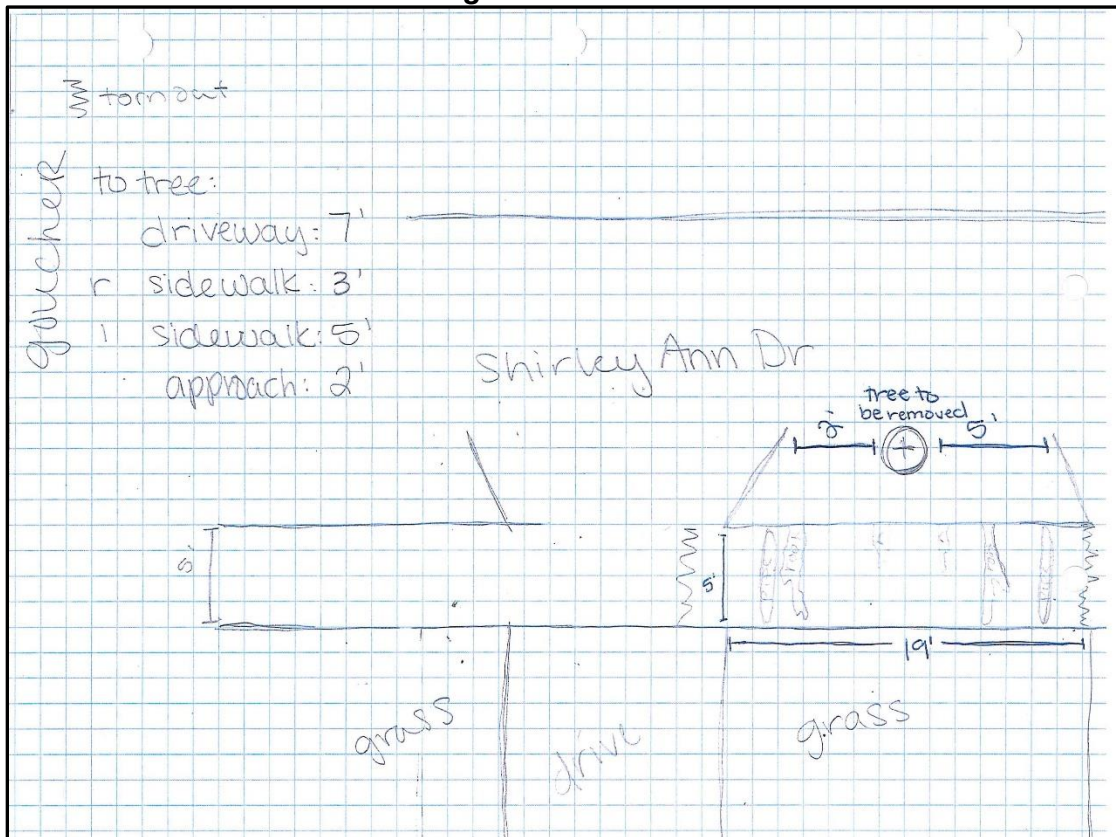
An approved street tree plan for the Heather Meadow subdivision (L 7-07) specifies one required street tree at the subject property and identifies October Glory (Maple) as the approved street tree for the subdivision. **See Figure 7 (Heather Meadow Approved Street Tree Plan).**

**Figure 1: Vicinity Map**





**Figure 2: Site Plan**



**Figure 3 (Existing Tree & Sidewalk Repair)**



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**Attachments:**

*Attachment 1 – Application and Attachments*



**Figure 4 (Existing Tree & Sidewalk Repair)**



**Figure 5 (Existing Tree & Sidewalk Repair)**





Figure 6 (Existing Tree & Sidewalk Repair)

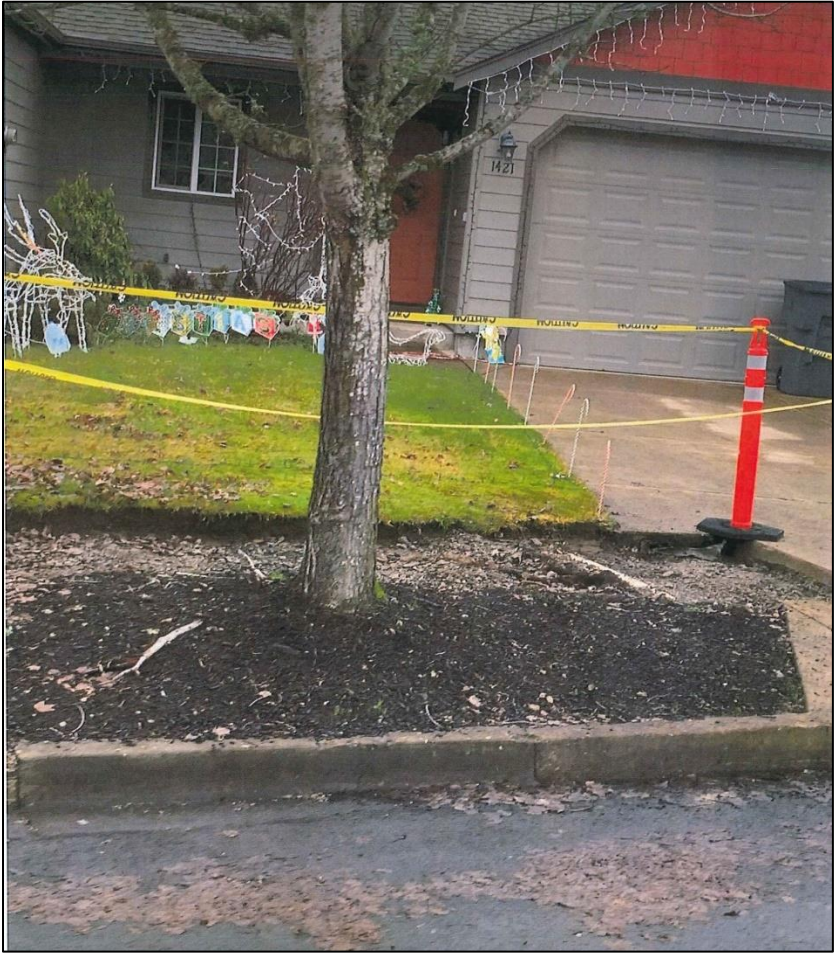
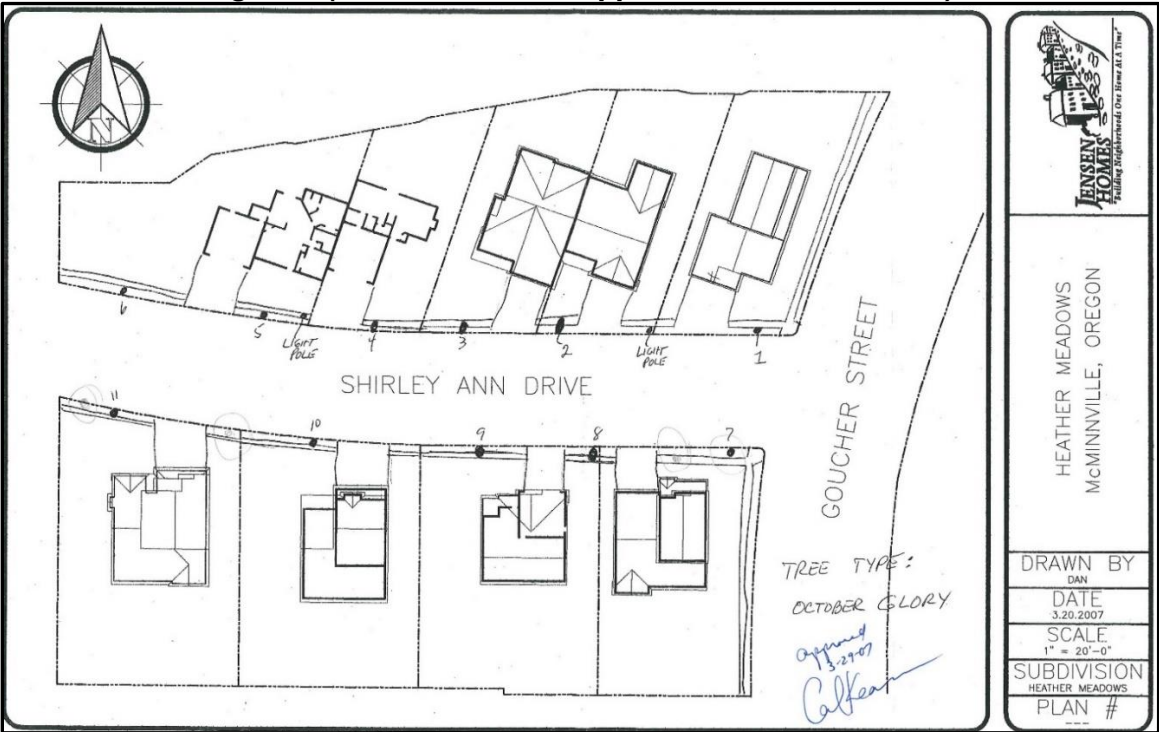


Figure 7 (Heather Meadow Approved Street Tree Plan)





**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 is buried in the area. Contact McMinnville Water & Light ((503) 472-6919) if contact is made with buried power conduit.
- 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 one (1) replacement street tree be planted in the SW Shirley Ann Drive planter strip. The tree shall be an *Acer rubrum* 'October Glory' (October Glory Red Maple), per the Heather Meadows subdivision approved street tree plan (L 7-07).
- 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. Staff also encourages the applicant to install root barrier protection around the entire perimeter of the planting strip area, since the distance between the two driveways appears to be less than ten (10) feet and the standard minimum distance from driveways for street trees is five (5) feet.

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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 July 27, 2021.

### **III. ATTACHMENTS:**

1. L 2-21 Application and Attachments (on file with the Planning Department)

### **IV. COMMENTS:**

#### **Agency Comments**

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

- McMinnville Public Works:

#### **Site Review**

1. The tree in question is a maple variety, about 8" DBH.
2. The trees are planted in 5 foot planter strip between the curb and sidewalk, with bark groundcover.
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 were lifted adjacent to the tree, presenting a trip hazard. They have been removed prior to this application.
6. The tree shows significant surface rooting in the park strip, as well two large (greater than 2" roots under the sidewalk.

#### **Recommendations**

1. Given the size of the roots and size of the tree, the roots cannot be safely pruned without impacting the structural stability of the tree. Given the nature of the targets in the area (pedestrians, vehicles), root pruning would not be recommended.

2. Based on this finding, staff recommends approval of this request, and suggests 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. Applicant to replace the tree with a variety acceptable to the Planning Department and consistent with the street tree plan for this subdivision.
  - e. Applicant to plant trees as per the approved City detail.
  - f. Applicant to contact Public Works at (503)434.7316 for an inspection prior to backfill.
  - g. Applicant to contact Engineering (503-434.7312) for a sidewalk inspection to complete the sidewalk repairs.

- McMinnville Water & Light:

McMinnville Water & Light has the following comments:

*"Power buried in the area. Please contact MWL if contact is made with power conduit. Call 811 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. Tom Williams, Solid Concrete Services LLC, on behalf of Heather Glen Apartments, property owner submitted a Street Tree Removal Permit application on January 12, 2021.
2. The application was deemed complete on January 14, 2021.
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 January 27, 2021 to review the application and proposed street tree removal request.

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

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Attachments:

Attachment 1 – Application and Attachments

1. **Location:** 1445 SW Shirley Ann Drive (Tax Lot 3103, Section 29BC, T. 4. S., R. 4 W., W.M.)
2. **Size:** 0.126 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:** SW Shirley Ann 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:

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*Attachments:*

*Attachment 1 – Application and Attachments*

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

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

**APPLICANT'S RESPONSE:** None.

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

**McMinnville Zoning Ordinance**

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

**Chapter 17.58 Trees**

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

**APPLICANT'S RESPONSE:** None.

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

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The trunk of the tree 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.

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Attachments:

Attachment 1 – Application and Attachments



**17.58.040 Tree Removal/Replacement.**

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

**APPLICANT'S RESPONSE:** None.

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

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

**APPLICANT'S RESPONSE:** None.

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

**CONDITION FOR FINDING:** That the tree's 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. Underground power is buried in the area. Contact McMinnville Water & Light ((503) 472-6919) if contact is made with buried power conduit.

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.** A street tree plan (L 7-07) was approved for the Heather Meadows subdivision where the subject property is located. The approved street tree plan shows a tree in the location of the subject tree, and specifies *Acer rubrum* 'October Glory' (October Glory Red Maple) as the street tree within the subdivision. Therefore, a condition is included to require a replacement street tree. The tree shall be an *Acer rubrum* 'October Glory' (October Glory Red Maple) per the Heather Meadows subdivision approved street tree plan (L 7-07).

**CONDITION FOR FINDING:** That one (1) replacement street tree be planted in the SW Shirley Ann Drive planter strip. The tree shall be an *Acer rubrum* 'October Glory' (October Glory Red Maple), per the Heather Meadows subdivision approved street tree plan (L 7-07).

**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 July 27, 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 tree is in conflict with public improvements. It was causing the sidewalk to break and lift making it unsafe for travel

**FINDING: SATISFIED.** Staff concurs with the applicant's finding. A letter from Jeff Gooden, City of McMinnville Engineering Technician, dated December 2, 202, was sent to the owners advising them that a complaint had been filed about the lifting sidewalk. The complainant tripped on the raised sidewalk, which initiated the sidewalk replacement. Following removal of the damaged sidewalk panels, the tree roots were observed and determined to be conflicting with the replacement of the sidewalk. 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:** None

**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 SW Shirley Ann Drive planter strip. The tree shall be an *Acer rubrum* 'October Glory' (October Glory Red Maple), per the Heather Meadows subdivision approved street tree plan (L 7-07).

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. Staff also encourages the applicant to install root barrier protection around the entire perimeter of the planting strip area, since the distance between the two driveways appears to be less than ten (10) feet and the standard minimum distance from driveways for street trees is five (5) feet.

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)

**Office Use Only:**

File No. L 2-21

Date Received 1-12-21

Fee 150.

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

Received by gdp

## Street Tree Removal

### Applicant Information

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

Applicant Name Solid Concrete Services LLC Phone 971-237-7455

Contact Name Tom Williams Phone 971-237-7455  
(If different than above)

Address 12595 SE Kimsay Rd

City, State, Zip Dayton, OR 97114

Contact Email Solidconcreteservices@yahoo.com

### Property Owner Information

Property Owner Name Heather Glen Apartments Phone \_\_\_\_\_  
(If different than above)

Contact Name Jennifer Smith Phone 503-472-1208

Address 1633 SW Goucher St

City, State, Zip McMinnville, OR 97128

Contact Email heatherglenapts@hotmail.com

### Site Location and Description

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

Property Address 1445 SW Shirley Ann Drive McMinnville, OR  
(Property nearest to tree(s) for removal)

Assessor Map No. R4 429 - BC - 03103 Total Site Area 5455 sq ft

Subdivision Heather Meadow Block \_\_\_\_\_ Lot 3

Comprehensive Plan Designation Res Zoning Designation R-2

### Additional Information

1. How many trees are requested for removal? 1 tree
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? \_\_\_\_\_
4. Why are you requesting the removal of the noted tree(s)? (See "Removal Criteria" on attached Information Sheet.) Explain which of the criteria is addressed through this application. \_\_\_\_\_

The tree is in conflict with public improvements  
It was causing the sidewalk to break + lift  
making it unsafe for travel.

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.

Jim W.  
Applicant's Signature

1/11/21  
Date

Jennifer Smith  
Property Owner's Signature  
Manager

1.11.21  
Date

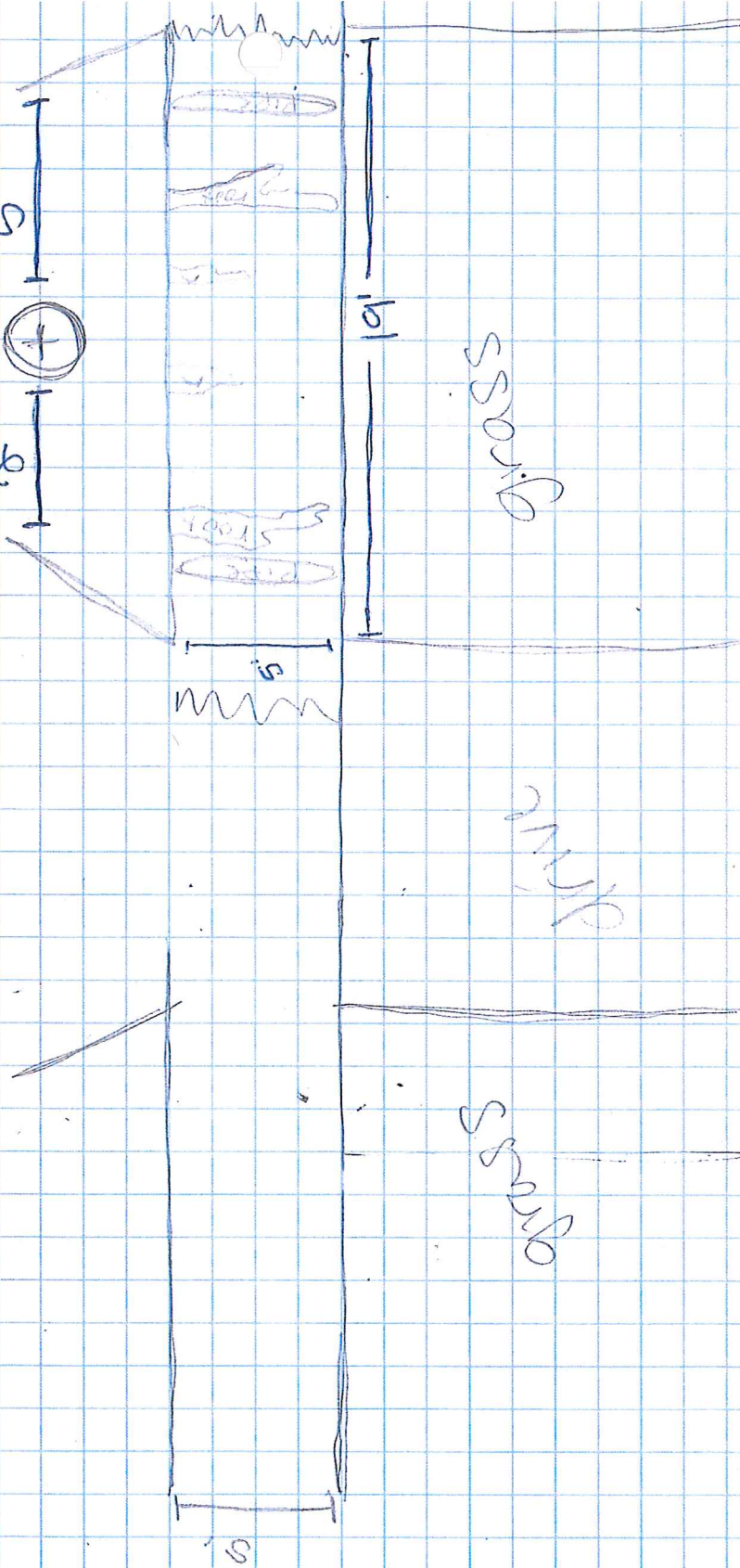


to tree:  
torn out

gavcher  
driveway: 7'  
sidewalk: 3'  
sidewalk: 5'  
approach: 2'

Shirley Ann Dr

tree to  
be removed







CCB #63604  
LCB #5814

6795 SW 111th Avenue  
Beaverton, OR 97008  
www.generaltree.com

# Proposal for Service

Professional tree, shrub and lawn care since 1924.  
Monday, December 21, 2020

Portland 503-656-2656  
Toll Free 1-888-656-5401  
FAX 503-656-3219

**Job: Solid Concrete Services 20201218-GTC Customer: 788212**

**Billing Address:**

Solid Concrete Services  
Tom Williams  
12595 SE Kimsey Rd  
Dayton, OR 97114  
Phone: 971-237-7455

**Estimate bid by:** Juan Rodarte  
j.rodarte@generaltree.com

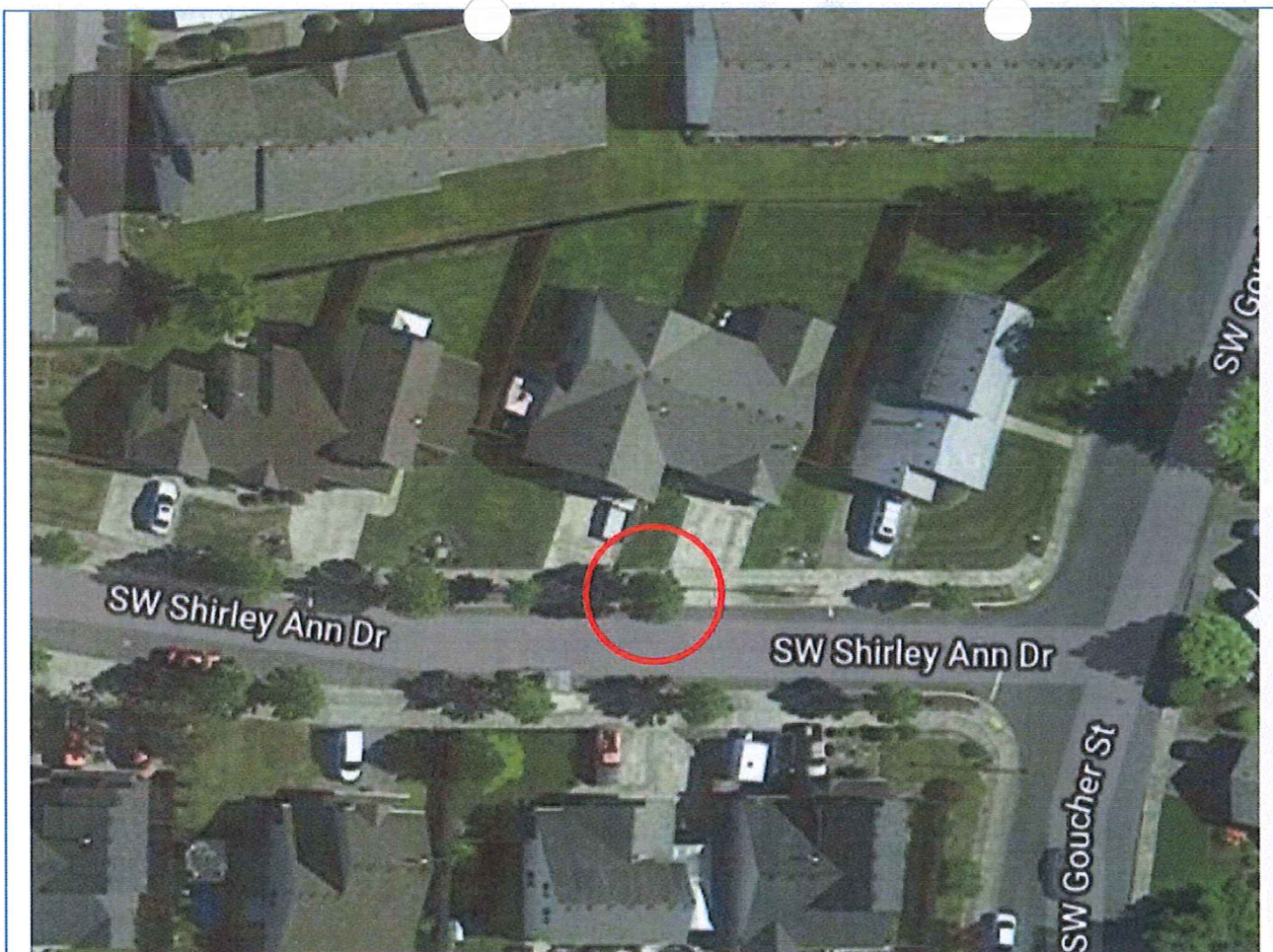
**Worksite:** 1445 SW Shirley Ann Dr  
Mcminnville, OR 97128

**Proposal Notes**

#	Item	Description	Qty	Cost
1	Maple	<b>Removal</b> Safe and careful dismantling of Tree to near ground level. Includes clean-up of debris as directed.	1	\$500.00
2	Stump(s)	<b>Stump Grinding</b> Grind stump to specified depth. We will leave grindings mounded unless otherwise noted. We will not be held responsible for damage to any unmarked underground utilities such as irrigation systems, night lighting, etc.	0	\$250.00
3	Tree	<b>Landscape Planting</b> Planting of a specified size of a specified species tree.	0	
<i>Price may vary from \$800 to \$900. Final Price will depends on the species of tree client choose or consider to be replanted.</i>				
Subtotal:				\$750.00
Tax:				\$0.00
Section Total:				\$750.00







Subtotal: \$750.00

Discount:

Total: \$750.00

Signature

Date

JUAN C RODARTE

Estimator Signature for Juan Rodarte

12/18/2020

Date

Pruning shall be done in accordance with ANSI A 300 (Part 1) Pruning

Acceptance of Proposal: I have read and understand the proposal above. The prices specifications and conditions for the work you propose are satisfactory, and I accept the proposal. I agree to pay the price above upon receipt of your invoice unless other terms are agreed to as set out above, plus all applicable sales, local or other taxes. I also agree to obtain and provide copies to General Tree Service of all necessary pruning or removal permits or approvals. In case of non payment of sums owed. I promise to pay any expenses and reasonable attorney fees, including attorney fees in any appeal. Plant Health Care services are offered on a continuous, year-round basis and are automatically renewed in each successive year. Cancellations can be made by either party in writing. A notice will be sent in late Winter outlining scheduled services and any price changes for the coming year.

Signature acknowledges receipt of Oregon Information Notice to homeowners on back side. DISCLAIMER: I represent that all the trees, and landscape described above are solely on my property and agree to indemnify and hold harmless General Tree Service for any claim which may arise if they are not on my property. I also agree to indemnify and hold harmless General Tree Service from liability for any damages to driveways, patios, sidewalks, fences, structures, or utilities caused by General Tree Service's trucks or equipment. Any additional work or equipment required to complete the work in the Proposal, caused by the Customer's failure to make known conditions or caused by previously unknown conditions such as unseen decay in trunk or limbs, foreign material in the trunk, underground sprinklers, or any other condition not apparent in estimating the work specified, shall be paid for by the Customer on a time and material basis. General Tree Service is not responsible for damages to underground sprinklers, drain lines, invisible fences, or underground cables. This proposal and agreement does not include any work or services relating to conditions that are unknown, unexpected or unforeseen as of the date above. General Tree Service is not responsible for damages resulting from any delay in performance due to causes beyond its control. The Customer agrees not to enter the work area during arboricultural operations unless authorized by the crew leader on-site. The Customer further agrees to keep the work area free and clear from employees, family members, children, and pets.



## Steps That Consumers Can Take to Protect Themselves

- **Contact the Construction Contractors Board (CCB) and confirm that your contractor is licensed.** The law requires all construction contractors to be licensed with the CCB. Check a contractor's license online at the CCB consumer website: [www.oregon.gov/ccb](http://www.oregon.gov/ccb), or you can call 503-378-4621.
- **Review the Consumer Protection Notice (ORS 701.350(1)),** which your contractor must provide to you at the time of contract on a residential structure.
- **Consider using the services of an escrow agent** to protect your interests. Consult your attorney to find out whether your escrow agent will protect you against liens when making payments.
- **Contact a title company** about obtaining a title policy that will protect you from construction lien claims.
- **Find out what precautions, if any, will be taken by your contractor, lending institution, and architect** to protect your project from construction liens.
- **Ask the contractor to get lien waivers or lien releases** from every subcontractor, materials provider, equipment provider, and anyone else the contractor is responsible for paying. Do this before you give your contractor a progress payment.
- **Have a written contract with your contractor.** A written contract is required for projects greater than \$2,000. An original contractor that fails to provide a written contract as required by law, may not place a construction lien against the owner's property.
- **If you receive a Notice of Right to Lien, ask for a statement of the reasonable value of the materials, labor, equipment, or services** provided to your project from everyone who sends you a Notice of Right to Lien. If the information is not provided in a timely manner, the sender of the Notice of Right to Lien may still be able to file a construction lien, but will not be entitled to attorney fees.
- **When you pay your contractor, write checks made jointly payable to the contractor, subcontractors, materials, equipment, or services providers.** The checks name both the contractor and the subcontractor, materials or equipment provider. The checks can only be cashed if both the contractor and the subcontractor, materials or equipment provider endorses it. Be aware that many banks will not accept checks made payable to multiple parties unless each party appears at the bank with government-issued identification at the time of deposit. Your contractor may wish to check with its bank and advise whether this is an option.
- **Should you have a dispute with your contractor,** you may be able to file a complaint with the CCB and be reimbursed in whole or in part from the contractor's bond. For more details about help available through the agency, write to the CCB at PO Box 14140, Salem, OR 97309-5052 or call 503-378-4621.
- **Consult an attorney.** If you do not have an attorney, consider contacting the Oregon State Bar Referral Service at 503-684-3763 or 1-800-452-7636.

Signing this Information Notice verifies only that you have received it. Your signature does not give your contractor or those who provide material, labor, equipment, or services, any additional rights to place a lien on your property.

Job Site Address: \_\_\_\_\_

CONTRACTOR: CCB#: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_

Print Name (as it appears on contract) \_\_\_\_\_

Print Name (as it appears on contract) \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_



## Information Notice To Owner About Construction Liens

(ORS 87.093)

This is not a lien. Your contractor is required by law to provide this notice to inform you about construction lien laws. This notice explains the construction lien law, and gives steps you can take to protect your property from a valid lien. As an owner, you should read this information notice carefully. This information notice is required to be given if you contract for residential construction or remodeling, if you are buying a new home, or at any time the contract price exceeds \$2,000.

- Under Oregon law, your contractor and others who provide labor, materials, equipment, or services to your project may be able to claim payment from your property if they have not been paid. That claim is called a Construction Lien.
- If your contractor does not pay subcontractors, employees, rental equipment dealers, materials suppliers, or does not make other legally required payments, those who are owed money may place a lien against your property for payment. It is in your best interest to verify that all bills related to your contract are paid, even if you have paid your contractor in full.
- If you occupy or will occupy your home, persons who supply materials, labor, equipment, or services ordered by your contractor are permitted by law to file a lien against your property only if they have sent you a timely Notice of Right to Lien (which is different from this Information Notice), before or during construction. If you enter into a contract to buy a newly-built, partially-built, or newly-remodeled home, a lien may be claimed even though you have not received a Notice of Right to a Lien. If you do not occupy the building, a Notice of Right to Lien is not required prior to filing a lien.

**This notice is not intended to be a complete analysis of the law. You should consult an attorney for more information.**

### Common Questions and Answers About Construction Liens

**Can someone record a construction lien even if I pay my contractor?** Yes. Anyone who has not been paid for labor, material, equipment, or services on your project and has provided you with a valid Notice of Right to Lien has the right to record a construction lien.

**What is a Notice of Right to Lien?** A Notice of a Right to Lien is sent to you by persons who have provided labor, materials, or equipment to your construction project. It protects their construction lien rights against your property.

**What should I do when I receive a Notice of Right to Lien?** Don't ignore it. Find out what arrangements your contractor has made to pay the sender of the Notice of Right to Lien.

**When do construction liens need to be recorded?** In Oregon, construction liens generally need to be recorded within 75 days from the date the project was substantially completed, or 75 days from the date that the lien claimant stopped providing labor, material, equipment, or services, whichever happened first. To enforce a lien, the lien holder must file a lawsuit in a proper court within 120 days of the date the lien was filed.

**Note to Contractor:** This notice must be delivered personally, or mailed by registered mail, certified mail, or by first-class mail with a certificate of mailing. Ask the signing parties to provide you with an original or copy to retain in your files. You should retain proof of delivery of this notice for at least two years.





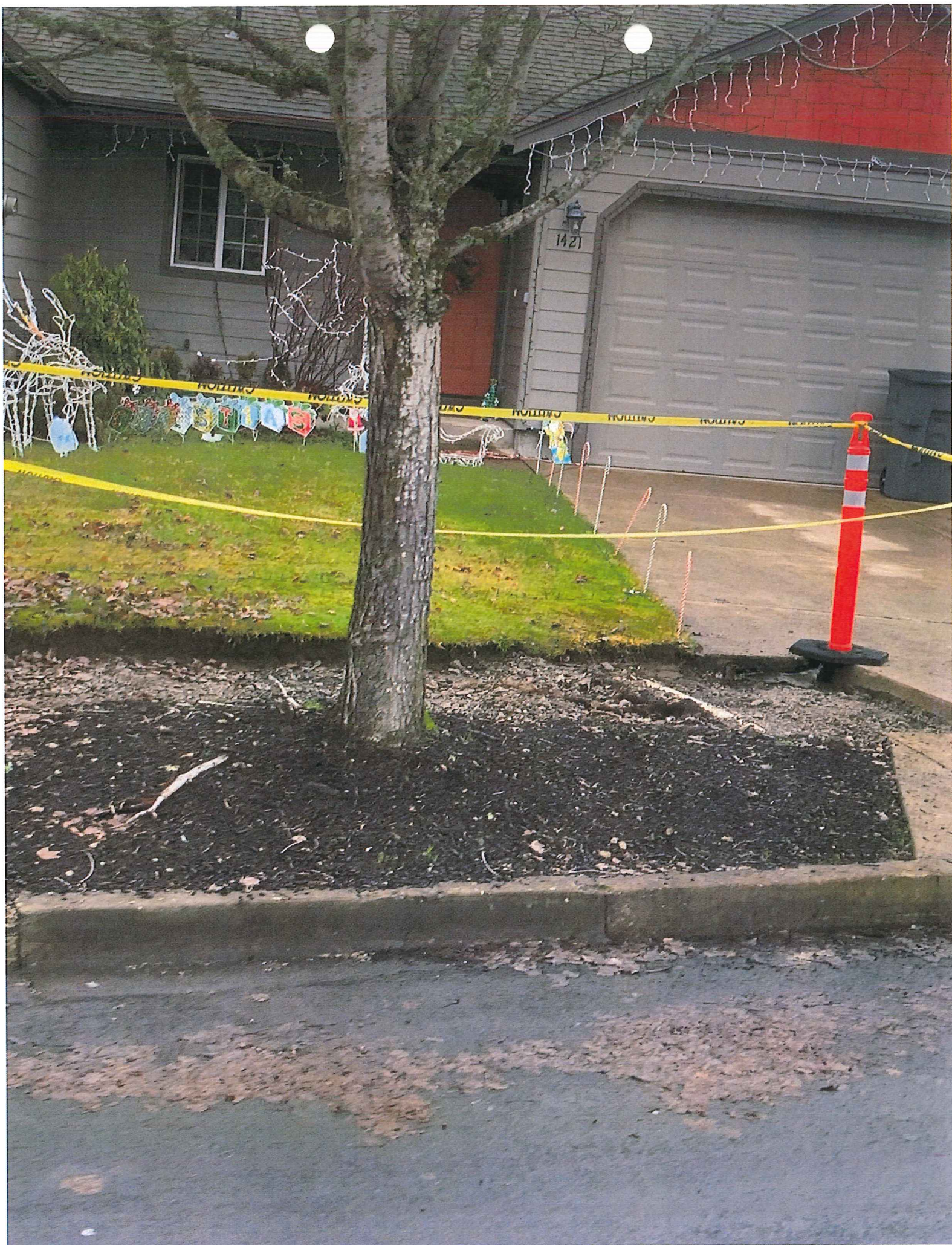














## Sarah Sullivan

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**From:** ✓Yahoo! Account <solidconcreteservices@yahoo.com>  
**Sent:** Tuesday, January 12, 2021 11:01 AM  
**To:** Sarah Sullivan  
**Subject:** Street Tree Removal Application  
**Attachments:** We sent you safe versions of your files; Street Tree Removal Application pg 1 001.jpg; Street Tree Removal Application pg 2 001.jpg; Drawing 001.jpg; SolidConcreteServices20201218-GTCProposalGeneralTree.pdf; Shirley Ann Drive 1.jpg; Shirley Ann Drive 2.jpg; Shirley Ann Drive 3.jpg; Shirley Ann Drive 4.jpg

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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**This message originated outside of the City of McMinnville.**

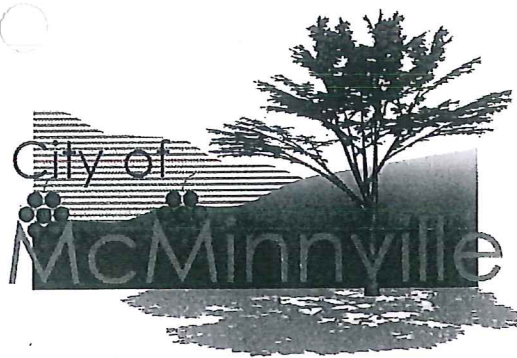
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Hi Sarah,

I have attached our application along with pictures, the quote from the Arborist, and a drawing. I was informed that someone fell and made a complaint and that is why they moved forward with work to removed the sidewalk.

Thank you,

Julie Williams  
Solid Concrete Services LLC  
971-241-3681



*A collaborative and caring city inspiring an exceptional quality of life.*

**ENGINEERING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128**  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

December 2, 2020

**Certified Article Number**

9414 7266 9904 2153 1543 52

**SENDER'S RECORD**

Mr. Robert Bennett  
900 SE Wilson Ave. No. D  
Bend, OR 97702

**Subject:** Tax Lot R4429BC03102 and R4429BC03103

**Location:** 1421 and 1445 SW Shirley Ann Dr.

**Area in Need of Repair:** Various trip hazards on site that need to be fixed



9590 9266 9904 2153 1543 55

Dear Mr. Bennett:

This office has noted a defective or dangerous place in the sidewalk on the above property, which according to the Yamhill County Assessor's Office, you own.

Please be advised that Ordinance No. 4413, Section 1 states as follows:

Section 1. Duty to maintain and keep in repair. Real property owners in the City of McMinnville shall maintain and keep in repair all sidewalks in the public right-of-way and alleys of the City that are in front of, adjacent to, or abutting upon any such owner or owner's real property. Said repairs shall be completed within 60 days after notice by the City Engineer.

(a) An existing sidewalk shall be considered in a state of disrepair when the condition or defect is such as would create a danger to pedestrians.

Please consider this official notification that you are required to repair the sidewalk in front of the above referenced property within 60 days from receipt of this notice. This installation requires a sidewalk permit, obtained at the Building Division, and all work must be inspected.

Enclosed for your convenience is a copy of Ordinance 4413 and a list of currently registered masonry contractors in the McMinnville area. If you have any questions, please do not hesitate to contact this office at (503) 434-7312.

Sincerely,

Jeff Gooden  
Engineering Technician

Enclosures  
Certified Mail



## CITY OF McMINNVILLE

## Complaint Form

ADDRESS/LOCATION 1421/1445 SW Shirley Ann Dr		RECEIVED BY TG	DATE 11-23-2020
NATURE OF COMPLAINT Pedestrian tripped and fell			
INSPECTOR OBSERVATIONS Trip hazards along frontage of both addresses site is a duplex			
Inspector: Jeff Gooden		Date: 11-23-2020	
ACTION TAKEN <input type="checkbox"/> Personal Contact <input type="checkbox"/> Letter <input type="checkbox"/> None Deadline to correct violations: (1421) (1445)			
TAX LOT 4429 BC 03102 + 3103		OWNER NAME Robert Bennett + Jean	
MAILING ADDRESS 900 SE Wilson Ave. #D Bend, OR 97702			
COMPLAINANT NAME/ADDRESS/PHONE			
FOLLOW-UP INSPECTION OBSERVATIONS			
Inspector:		Date:	
ACTION TAKEN <input type="checkbox"/> Personal Contact <input type="checkbox"/> Second Written Warning <input type="checkbox"/> City Attorney			
ADDITIONAL COMMENTS, CONDITIONS, ETC.			
DEPARTMENT REFERRED TO		DATE	