



**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, June 16, 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/518962842?pwd=aEdRd2JjaThJSVNXdndKcHJyb0hiZz09>

Meeting ID: 518 962 842  
Passcode: 694642

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

Committee Members	Agenda Items
John Hall Chair  Rob Stephenson Vice-Chair  Josh Kearns  Patty Sorensen  Carlton Davidson	<b>1. Call to Order</b> <b>2. Citizen Comments</b> <b>3. Approval of Minutes</b> A. September 16, 2020 (Exhibit 1) B. November 18, 2020 (Exhibit 2) <b>4. Action Items</b> A. L 4-21 – Street Tree Removal (Exhibit 3) 722 SW Fellows Street <b>5. Discussion Items</b> A. Submittal Requirements/Irrigation BMP (Exhibit 4) <b>6. Old/New Business</b> <b>7. Committee Member Comments</b> <b>8. Staff Comments</b> A. Subdivision Tree Removal Condition <b>9. Adjournment</b>

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

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



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# EXHIBIT 1 - MINUTES

**September 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:** Scott Hill – Mayor, Kellie Menke - City Councilor, Samantha Coponen, Mitch Workmon, and Petra Rasmussen

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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 21-20 – Landscape Plan Review - 1755 SW Baker Street – Urgent Care Clinic

Chair Stephenson said the applicants had revised the plan exactly as the Committee had asked them.

Associate Planner Fleckenstein said staff had not identified any issues with the revised plan and had no additional recommended conditions of approval. He reviewed the conditions that were recommended for the application.

Committee Member Gunter moved to approve L 21-20 with conditions. The motion was seconded by Committee Member McDaniel and passed unanimously.

## 5. Discussion Items

None

**6. Old/New Business**

None

**7. Committee Comments**

None

**8. Staff Comments**

Associate Planner Fleckenstein said the Committee would be reviewing the tree code in upcoming meetings.

**9. Adjournment**

Chair Stephenson adjourned the meeting at 12:06 p.m.

DRAFT



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## EXHIBIT 2 - MINUTES

**November 18, 2020**  
**Landscape Review Committee**  
**Regular Meeting**

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

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

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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 32-20 – Landscape Plan Review - 1575 NE Colvin Court - Casteel Custom Bottling

Associate Planner Fleckenstein presented the Landscape Plan for a new industrial development on Colvin Court. The proposal was for an approximately 23,000 square foot building located in the southeast corner of the parcel. The remainder of the site was paved for access. Colvin Court was to the east of the property and there was a larger landscape area along that street frontage. There was parking at the front of the building and additional parking on the north side of the property along with the trash enclosure. There was perimeter landscaping around the property as well. The landscaping focused on the front of the building and along Colvin Court. There would be trees planted along Colvin in a large landscape area. Between the parking lot and building there would be a planting area with Italian Cypress trees, Vine Maples, evergreen shrubs, and ground cover. On the southeast corner there was a large planting area with a wide variety of ornamental grasses, deciduous and evergreen shrubs, and a Forest Pansy Redbud tree. This would be visible from the right-of-way. All along the south property line there would be a stormwater collections swale that led to a detention pond. The detention pond would be planted with a native wetland grass. The applicant was required



to provide 7% landscaping and they had provided 17.2%. The project was compatible with the surrounding uses. There would be an arborvitae hedge along the north side to provide screening from the adjacent property. There would be an evergreen hedge on the west side for screening as well. There was a condition for the trash enclosure to be screened on three sides. No existing trees or features were on the site. There were plantings around the parking area with shade trees. The additional parking would be screened by the arborvitae hedge. No street trees were required because there was only a three foot wide planter strip, however the row of Columnar Norway Maple was acting as the street tree canopy over the sidewalk. An automatic irrigation system was proposed. There was a condition that clearances would need to be maintained in the southeast area for electrical and water facilities.

Chair Stephenson suggested adding trees to the west property line. Committee Member Kearns noted the adjacent property to the west was a big, empty field.

Committee Member Hall asked if turf was the best solution for the planter strip along Colvin. Associate Planner Fleckenstein said neighboring properties also had turf in the planter strip area.

Committee Member Gunter moved to approve L 32-20 with the recommended conditions. The motion was seconded by Committee Member Hall and passed 3-0-1 with Committee Member Kearns abstaining.

#### B. L 35-20 – Street Tree Removal - 3752 NE Harvest Court

Associate Planner Fleckenstein reviewed the street tree removal request on NE Harvest Court. The applicant would like to remove three trees on the south side of the property. One was a Maple variety that had extreme sun scald and was in significant decline. The second was a pear tree with large limb failures within the canopy and had shallow roots with a significant lean. The last was also a Maple variety with nothing wrong, however the applicant would like to remove it and replace it so all three trees were matching. The first two trees met the criteria, but the third did not since it was in good condition. Staff recommended removal and replacement of the first two trees, but did not recommend removal of the third tree.

Committee Member Gunter suggested the applicant replace the two trees with the same type of tree as the third tree. Associate Planner Fleckenstein said there was no street tree plan for this subdivision and no required tree species to be planted. The applicant could match the tree.

Committee Member Kearns was in favor of removing all three trees so that root barrier could be installed.

Chair Stephenson agreed and it would allow for continuity of the trees.

Associate Planner Fleckenstein discussed the review criteria for tree removal. He thought removing the tree for the purpose of putting in root barrier to protect the infrastructure could be justification for approval.

Chair Stephenson said if the property owner was willing to replace the tree, he thought they could make an exception to allow it.

Committee Member Gunter thought it should be allowed so root barrier could be put down to prevent future damage to the sidewalk.

Committee Member Hall was concerned about setting a precedent and unintended consequences.

There was discussion regarding whether or not future conflict and protecting sidewalks met the criteria for removal.

Committee Member Kearns said two of the three trees met the criteria and there was no root barrier. This tree was part of a grouping and it made sense that the grouping looked the same. It was also an opportunity to prevent a future problem. He thought they could make an exception and not create a precedent.

Committee Member Hall suggested they change the code to allow for more flexibility.

Associate Planner Fleckenstein thought removing the third tree would meet the purpose and intent of the Tree Chapter, if not the criteria.

Committee Member Kearns said it would beautify the corner and helped with long term maintenance.

Committee Member Kearns moved to approve L 35-20, removing and replacing all three street trees. The motion was seconded by Committee Member Gunter and passed 4-0.

## **5. Discussion Items**

### **A. McMinnville Zoning Ordinance Chapter 17.58 (Trees) Review**

Associate Planner Fleckenstein discussed the Tree Chapter in the Zoning Ordinance.

Chair Stephenson said for the Brookshire Estates, three varieties of trees were approved but none were available locally. There needed to be flexibility to change the tree if there was no availability.

Associate Planner Fleckenstein said if there were suggested substitutions for the trees that were not available, those could be approved by staff. If they were major changes, then it would have to come back before the LRC.

Committee Member Kearns discussed the size requirement. When the economy was good, it was hard to find two inch caliper trees of any variety. He thought there should be flexibility in the size requirement, such as going down an inch and a half but nothing under an inch and a quarter.

Committee Member Kearns wanted to clarify what to do in places where street trees were impossible due to utilities. Associate Planner Fleckenstein thought they could address where street trees were required in the code.

Committee Member Kearns noted with the narrow streets, large trucks were damaging trees.

Associate Planner Fleckenstein said they could create a Street Tree Improvement Plan to replace problem trees in an area with a more suitable variety.

Committee Member Kearns suggested requiring columnar varieties for certain street widths.

Associate Planner Fleckenstein reviewed the Applicability requirements for tree removal. He asked for guidance on whether or not to continue to require tree removals on private property that were damaging public infrastructure to get LRC approval and pay a fee. Staff thought there were other processes in place for the repair of the damaged infrastructure by a private tree and oversight was not necessary.

There was consensus to delete this requirement.

Associate Planner Fleckenstein asked if the Committee thought there should be tree protection standards for larger, mature trees and stands of mature trees.

Committee Member Kearns said there was a difference between a property owner taking trees down off his property and requiring a developer to preserve trees in the development.

Associate Planner Fleckenstein noted there was no definition of significant or historic trees.

There was consensus to add definitions for these trees with certain species and size. Staff would look at how other cities addressed this issue and bring the information back to the Committee.

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

None

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

None

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

None

#### **9. Adjournment**

Chair Stephenson adjourned the meeting at 1:02 p.m.



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## EXHIBIT 3 - STAFF REPORT

DATE: June 16, 2021  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Agenda Item 4A - Street Tree Removal Application (L 4-21)

### 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:

The application requests the removal of two (2) oak trees, approximately 95 feet tall, from the public right-of-way adjacent to the subject property because of safety concerns and conflict with utilities and improvements. An arborist report recommends pruning of Tree A to address safety concerns. Tree B is in conflict with the sewer lateral, and the arborist report notes pruning to address safety could result in decline and death of the tree. Staff recommends only the removal of Tree B. A replacement tree is not recommended due to nearby utilities.

### Discussion:

#### ***Subject Site and Tree***

Please refer to the Decision Document for vicinity maps, photographs, arborist report, and other documentation of the location and condition of the trees requested for removal.

#### ***Summary of Criteria & Issues***

MMC Section 17.58.050 requires a Tree Removal permit 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.

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#### *Attachments:*

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 933 NW Cedar Street*

Tree A (Species: Oak, DBH: 49", Height: 95'+): The tree sustained damage during the February 2021 winter storm event, and the arborist report notes past pruning has been effective and recommends additional hazard pruning to address safety concerns. The tree is planted below overhead power and communication lines, but the canopy has grown above them. Staff has concluded the tree does not meet the criteria for removal at this time.

Tree B (Species: Oak, DBH: 46", Height: 95'+): The tree sustained damage during the February 2021 winter storm event, and the arborist report notes that additional hazard pruning to address safety concerns combined with the loss of canopy from the storm event would result in the loss of a significant portion of the canopy, likely leading to the decline or death of the tree. The tree's roots have disrupted the sewer lateral serving the property necessitating repair and replacement of the sewer line. Tree B satisfies criteria A and B and is recommended for removal.

### **Tree Replacement**

Tree replacement is not recommended because there is no street tree plan requiring replacement, nor is there room in the planting area (which is not a curb-side planter strip) due to the presence of the sewer lateral, water meter, and private driveway.

### **Sidewalk Repair**

The application did not indicate sidewalk damage had occurred, therefore a sidewalk inspection and repair/replacement is not necessary.

### **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 STREET TREE REMOVAL APPLICATION L 4-21 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

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#### **Attachments:**

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 722 SW Fellows Street*



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231 NE FIFTH STREET  
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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE  
APPROVAL OF A STREET TREE REMOVAL AT 722 SW FELLOWS STREET**

**DOCKET:** L 4-21 (Street Tree Removal)

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

**LOCATION:** 722 SW Fellows Street (Tax Lot 4800, Section 20DC, T. 4. S., R. 4 W., W.M.)

**ZONING:** O-R (Office Residential)

**APPLICANT:** Cohn & Pamela Rude, property owners

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

**DATE DEEMED  
COMPLETE:** June 2, 2021

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

**DECISION DATE  
& LOCATION:** June 16, 2021, Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon, and Zoom Online Meeting ID 518 962 842.

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

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

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

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

## DECISION

Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the street tree removal (L 4-21) **subject to the conditions of approval provided in this document.**

**DECISION: APPROVAL WITH CONDITIONS**

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

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

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

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

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



## **I. APPLICATION SUMMARY:**

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

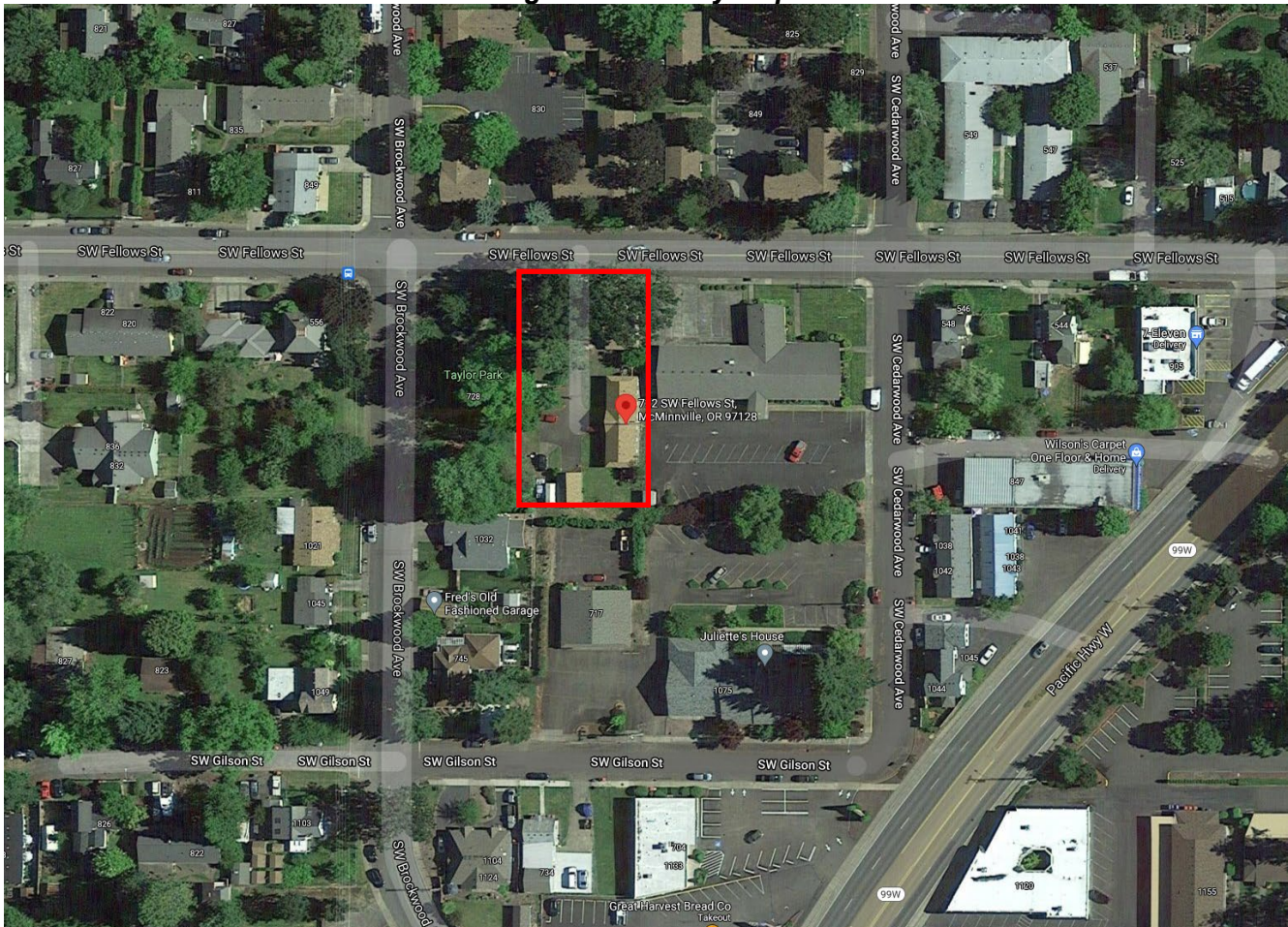
The original application requests the removal of two (2) oak trees from the public right-of-way adjacent to the subject property. The property owners are concerned about the trees' safety following damage sustained during the February 2021 winter ice storm as well as impact on utilities and infrastructure. The applicant submitted revised application materials, clarifying the request:

“We would also like to amend the application to add a request that if both trees cannot be permitted for removal, that the committee would consider permitting at least one of them – the tree to the west side of the property (closest to the driveway between 722 and 738 Fellows).”

Removal of a tree located within the public right-of-way requires City approval.

The subject property is located at 722 SW Fellows Street within the Cozine's Third Addition subdivision. **See Figure 1 (Vicinity Map).** The property is zoned O-R (Office-Residential) and is developed with several residential structures. The trees requested for removal within the SW Fellows Street right-of-way. **See Figure 2 (Site Plan), Figure 3 (Photos - Existing Trees).** The applicant has submitted a Certified Arborist report with recommendations for the two street trees, as well as an estimate for sewer repair noting the closest oak tree's roots impact on the sewer pipe. **See Figure 4 (Arborist Report), Figure 5 (Sewer Repair Estimate).**

**Figure 1: Vicinity Map**

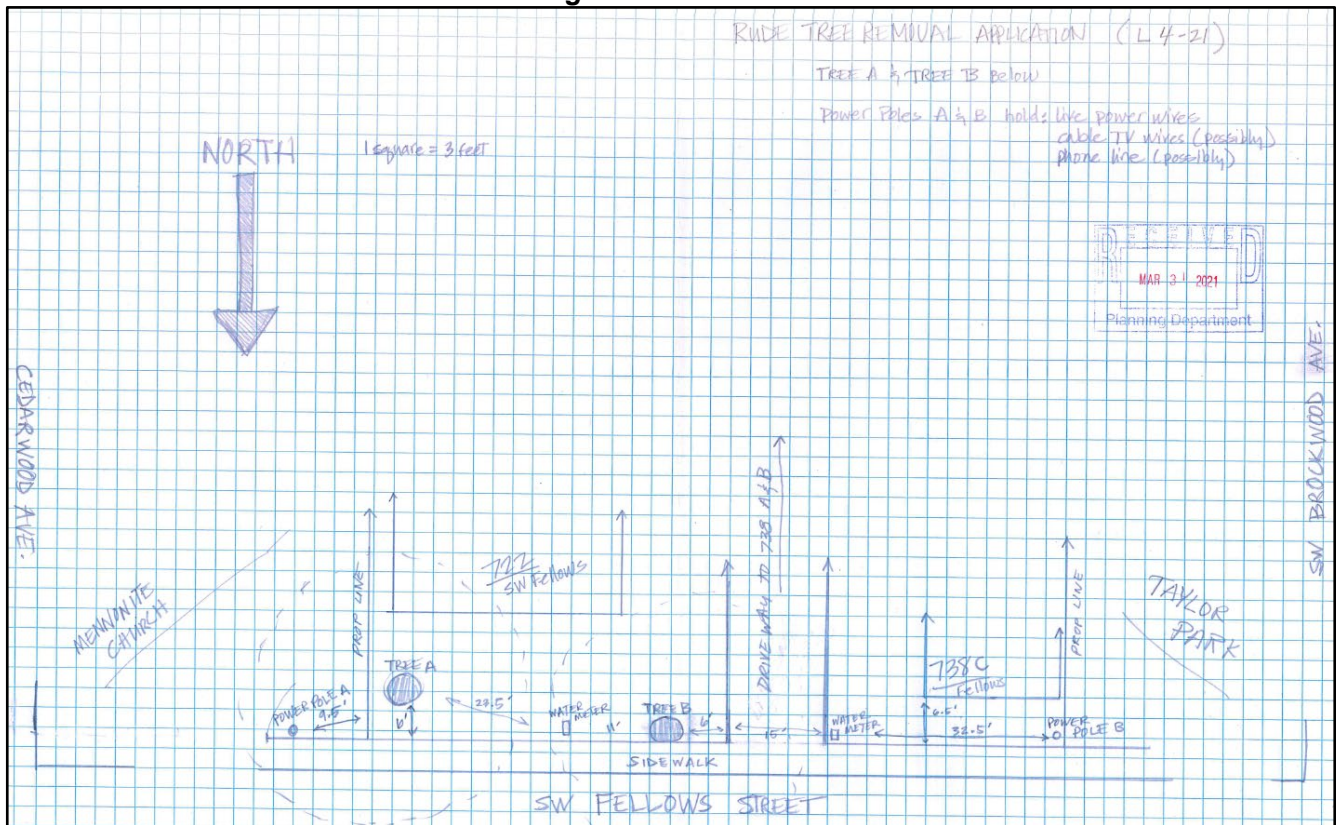


### ***Attachments:***

Attachment 1 – Application and Attachments



**Figure 2: Site Plan**



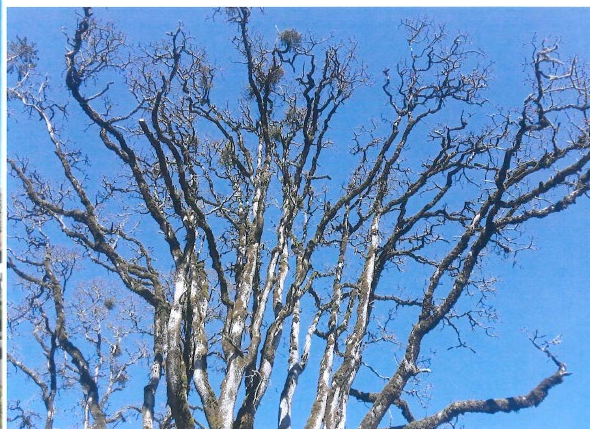
**Figure 3: Photos - Existing Trees**




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*Attachments:*

*Attachment 1 – Application and Attachments*





**Figure 4: Arborist Report**

<h2 style="text-align: center;">Arborist Report</h2> <p><u>Client:</u></p> <ul style="list-style-type: none"> <li>• Cohn Rude</li> </ul> <p><u>Assessment date:</u></p> <ul style="list-style-type: none"> <li>• 5/27/2021</li> </ul> <p><u>Tree ID:</u></p> <ul style="list-style-type: none"> <li>• Tree 1) White Oak (<i>Quercus alba</i>) - DBH: 49" / Height: 95'+</li> <li>• Tree 2) White Oak (<i>Quercus alba</i>) - DBH: 46" / Height: 95'+</li> </ul> <p><u>Site location:</u></p> <ul style="list-style-type: none"> <li>• 722 Sw Fellows St McMinnville Or, 97128</li> </ul> <p><u>Tree location at site:</u></p> <ul style="list-style-type: none"> <li>• Front of the House by Street (Both)</li> </ul> <p><u>Issues presented by client:</u></p> <ul style="list-style-type: none"> <li>• Both trees suffered failure of multiple branches over 10" diameter during the February 2021 extreme winter weather event resulting in concerns about the future safety of persons and property</li> <li>• Due to the location of the tree, root encroachment may cause damage to the home's foundation, sidewalk, driveway, and sewer line from root encroachment</li> </ul> <p><u>Observations:</u></p> <ul style="list-style-type: none"> <li>• Multiple significant branch failures throughout the canopy of the tree closest to the driveway</li> <li>• No damage to the main trunk or base of either tree</li> <li>• Previous pruning cuts show appropriate compartmentalization and new growth appears healthy</li> </ul> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> <li>• Tree 1) Hazard reduction pruning throughout the tree to include end weight reduction and removal of all dead, damaged, and otherwise compromised branches</li> <li>• Tree 2) While preservation is an option extra care must be taken due to defoliation sustained by branch loss during the February 2021 extreme weather event. Pruning must follow all arboricultural standards considering material lost during the extreme weather event. Loss of over 20% material through pruning and storm damage may result in the declining health or mortality of the tree</li> </ul>	
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Attachments:

Attachment 1 – Application and Attachments



Figure 5: Sewer Repair Statement

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General (503) 882-9476 • FAX (503) 685-9754  
#PB2271, CCB #228058, WA: #ROTORSC122BR

DATE OF SERVICE: 4/28/21  
LOCATION: PORTLAND  
SERVICE TECHNICIAN'S NAME: Justin Sims  
INVOICE NO: 512-22871401

SEWER & DRAIN ☒ PLUMBING ☐ PUMPING ☐  
INDUSTRIAL ☐ EXCAVATION ☐ DRAIN TILE ☐  
CUSTOMER CLASS: ☒ RESIDENTIAL ☐ COMMERCIAL

CUSTOMER NAME: Cohn Rude - B  
BILLING ADDRESS: 738 SW Fellows St  
CITY: McMinnville  
STATE/PROVINCE: OR  
ZIP/POSTAL: 97128  
CUSTOMER PHONE NO: 971-760-096  
CITY: PORTLAND  
STATE/PROVINCE: OR  
ZIP/POSTAL: 97206

APT. NUMBER: B  
FEDERAL I.D. #: 42-0488300  
P.O. NUMBER/AUTHORIZATION: 000460

**WORK ORDER AUTHORIZATION:** I authorize the services indicated and agree to pay the amounts specified. I have read and agree to the terms on the reverse side, including the limits on Roto-Rooter's responsibility specified in those terms. I acknowledge that under paragraph 2(b) of those terms, if Roto-Rooter equipment gets stuck in a pipe, I may be responsible for the cost of removing that equipment, including any required excavation.

(SIGNATURE) [Signature] (PRINT NAME) Cohn Rude

REPAIR CODE	ESTIMATE AND DESCRIPTION OF WORK TO BE PERFORMED (The approximate starting date is [Signature] and the approximate completion date is [Signature]. Neither date is guaranteed. Unexpected conditions or problems could cause delays. A definite completion date is not of the essence.)	\$ AMOUNT
2200	failed from clean out, cabled 70 Feet and pulled Back Root, Feel Supervisor ON Site to give Bid for repair. water out free next to line. may need to Remove tree.	472.00
ADJUSTMENTS/CHANGES IN WORK TO BE PERFORMED (Use additional invoice if needed to describe changes)		

RESIDENTIAL GUARANTEE		COMMERCIAL GUARANTEE		PAYMENT		LABOR \$ 472.00	
LABOR		LABOR				LABOR TAX \$	
<input type="checkbox"/> Main/Branch Lines	6 months	<input type="checkbox"/> Main/Branch Lines	30 days	<input type="checkbox"/> CASH	<input type="checkbox"/> CHECK NO.		
<input type="checkbox"/> Toilet Auger	7 days	<input type="checkbox"/> Toilet Auger	24 hours	<input checked="" type="checkbox"/> CREDIT CARD	<input type="checkbox"/> NET 10 DAYS		
<input type="checkbox"/> Plumbing Repair	6 months	<input type="checkbox"/> Plumbing Repair	90 days	OVER 30 DAYS = LATE CHARGE OF 1 1/2% PER MONTH			PARTS \$
<input type="checkbox"/> Plumbing Replacement	1 year	<input type="checkbox"/> Plumbing Replacement	90 days	* In the event check is returned, the CUSTOMER is responsible for all related bank fees.			DISCOUNT \$ 43.00
<input type="checkbox"/> Extended Guarantee	1 year						PRODUCTS \$
REASON FOR NO GUARANTEE: Roots in line							OTHER \$
COMPLETION I acknowledge completion of the above described work which has been done to my complete satisfaction.							
(SIGNATURE) [Signature]				TAX \$			
(PRINT NAME) Cohn Rude				TOTAL \$ 429.00			

SUGGESTIONS FOR REPAIR / REPLACEMENT			
ITEM	LOCATION	ESTIMATED COST	YOU SAVE TODAY
WATER HEATER			
DISPOSER			
SINK			
TOILET			
BATHTUB			
SHOWER			
FAUCET			
DRAIN			
OTHER			

(Service Technician's Signature) [Signature]

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[rotorooter.com/blog](http://rotorooter.com/blog)
[youtube.com/rotorootertv](https://youtube.com/rotorootertv)

Attachments:

Attachment 1 – Application and Attachments

**Summary of Criteria & Issues**

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

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

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

**II. CONDITIONS:**

- 1. That the westernmost oak tree (Tree B) is approved for removal, and the easternmost oak tree (Tree A) is not approved for removal at this time.
- 2. That all costs and liability associated with tree removal and stump grinding shall be borne by the applicant.
- 3. That the applicant shall call for locates (dial 811) for all underground utilities prior to removing the trunk and roots. This is a free service and the law. Upon request, utility locates can be flagged without marking up hard surfaces.
- 4. That the applicant is reminded to use extreme caution when working in the area of existing water services and power lines. Please contact McMinnville Water and Light if the overhead power lines are in conflict with the tree removal, or if you have any questions or concerns. If any facilities are damaged during tree removal or replacement, please contact MW&L immediately at 503-472-6158.
- 5. That the tree's stump and remaining surface roots shall be removed at least six (6) inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations.
- 6. That the applicant shall complete the tree removal within six (6) months of the effective date of approval.

**III. ATTACHMENTS:**

- 1. L 4-21 Application and Attachments (on file with the Planning Department)

**IV. COMMENTS:****Agency Comments**

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*Attachments:*

*Attachment 1 – Application and Attachments*

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

- McMinnville Public Works:

**Site Review**

1. Fellows Street in this location is a 60' ROW with a 36' wide street improvement. The ROW is approximately 12' behind the face of the curb.
2. The trees in question are two overly mature Oregon White Oaks.
3. The tree is planted behind the sidewalk. The easterly tree is about 11' behind the face of curb, the westerly tree is planted directly behind the sidewalk. Both trees are in the right of way.
4. The easterly tree is about 49" DBH, the westerly tree is about 45' DBH.
5. There are communication facilities overhead on the south side of Fellows, and overhead power on the north side.
6. There is no tree related damage to either the sidewalk or the curb.
7. The easterly tree shows no health issues that would require removal. The westerly tree shows some minor dieback in the canopy.
8. The easterly tree shows no significant structural issues that would require removal. The westerly tree shows more storm damage, with limb breakage in the upper canopy.

**Recommendations**

1. Given the age and storm related damage to both trees, we would recommend approval of this request. Should the Landscape Committee desire to encourage preservation, we would be comfortable with approving the removal of the westerly tree as noted in the arborist report.
2. Suggested conditions of approval:
  - a. Applicant to be responsible for all costs related to removal(s).
  - b. Applicant required to grind stump(s) to a minimum of 6" below grade.
  - c. Applicant to call for a utility locate prior to removal.
  - d. Given the location of the driveway and easterly water meter, we would recommend only replanting the easterly tree if both trees are removed. If only the westerly tree is removed, we would not recommend a replant.
  - 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.

- McMinnville Water & Light:

Water: Protect existing water services/meters.

Power: Be aware of overhead power lines. Contact MWL if overhead power lines are in conflict with tree removal.

**Public Comments**

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

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

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Attachments:

Attachment 1 – Application and Attachments

1. Cohn and Pamela Rude, property owners, submitted a Street Tree Removal Permit application on February 25, 2021.
2. The application was deemed incomplete on March 2, 2021.
3. Additional information and revised application materials were submitted on April 1, 2021 and June 1, 2021.
4. The application was deemed complete on June 2, 2021.
5. 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.
6. 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.
7. A public meeting was held by the McMinnville Landscape Review Committee on April 21, 2021 to review the application and proposed street tree removal request.

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

1. **Location:** 722 SW Fellows Street (Tax Lot 4800, Section 20DC, T. 4. S., R. 4 W., W.M.)
2. **Size:** 0.42 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** O-R (Office Residential)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Multiple-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. Overhead power/utility lines are adjacent to the site on the south side of the Fellows Street right-of-way.
  - 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 Fellows Street is classified as a Minor Collector in the 2010 McMinnville Transportation System Plan (TSP).

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*Attachments:*

*Attachment 1 – Application and Attachments*

## **VII. CONCLUSIONARY FINDINGS:**

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

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

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

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

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

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

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

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

**APPLICANT'S RESPONSE:** None.

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

### **McMinnville Zoning Ordinance**

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

### **Chapter 17.58 Trees**

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

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*Attachments:*

*Attachment 1 – Application and Attachments*



a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The purpose of the Trees Chapter of the Zoning Ordinance is met through the review of the application in accordance with the standards and guidelines of the chapter.

**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 westernmost tree is located entirely with the right-of-way between the sidewalk and property line, and the easternmost tree is located approximately six (6) feet from the back of the sidewalk, placing the trunk of the tree partially in the public right-of-way adjacent to the subject property. Therefore, the provisions of Chapter 17.58 Trees shall apply to this tree removal request.

**17.58.040 Tree Removal/Replacement.**

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

**APPLICANT'S RESPONSE:** None.

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION #5.** A condition of approval has been included to assure that the tree removal will be performed to accepted City standards.

**CONDITION FOR FINDING:** That the westernmost tree's stump and remaining surface roots shall be removed at least six (6) 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.

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*Attachments:*

*Attachment 1 – Application and Attachments*

**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 OF APPROVAL #2-4.** 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 and stump grinding shall be borne by the applicant.

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

That the applicant is reminded to use extreme caution when working in the area of existing water services and power lines. Please contact McMinnville Water and Light if the overhead power lines are in conflict with the tree removal, or if you have any questions or concerns. If any facilities are damaged during tree removal or replacement, please contact MW&L immediately at 503-472-6158.

**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.** The easternmost tree is not recommended for removal at this time. The westernmost tree is located in a planting area between the sidewalk and property line. The existing tree is six (6) feet from the driveway, approximately four (4) feet from the sewer lateral, and eleven feet from the water meter. Overhead power lines are present above the planting area. Due to required setbacks from utilities (10 feet for water meters and sewer lines) and private driveways (five feet), there is insufficient space in the area of the existing tree for a replacement tree. Additionally, there is no approved street tree plan for the subject site requiring replacement.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #5.** A condition of approval has been included to ensure that the applicant shall remove the tree stump and surface roots, and restore any damaged turf areas in the public right-of way.

**CONDITION FOR FINDING:** That the tree's stump and remaining surface roots shall be removed at least six (6) 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.

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*Attachments:*

*Attachment 1 – Application and Attachments*

**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 #6.** 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 the effective date of approval.

**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: NOT APPLICABLE.** No other conditions are deemed necessary.

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

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

**APPLICANT'S RESPONSE:** [from original application] The trees have become a danger to public safety. 4 huge limbs fell in Fellows St. (major thoroughfare) during 2/2021 ice storm. These could have hit cars or people walking by. Six months ago another branch fell and took down power, cable, and phone lines. We have spent over 6 thousand dollars pruning the trees in the past 5 years, but can't reduce them anymore. The trees are 150+ years old, have mistletoe growing in them, are covered with moss, and get limited water because their roots systems are covered by asphalt and concrete.

[from June 1, 2021 revised application materials] Additionally, we have included a copy of a recent sewer repair invoice for \$429.00 to clear the line of existing roots. The invoice notes the damage that the tree(s) have done to the sewer line. With that is a copy of the estimate for \$12,968 that it will cost for repair/replacement of this line that is used by 4 residences on our property (722, 738A, 738B, 738C).

We would also like to amend the application to add a request that if both trees cannot be permitted for removal, that the committee would consider permitting at least one of them – the tree to the west side of the property (closest to the driveway between 722 and 738 Fellows.)

**FINDING: SATISFIED WITH CONDITION #1.** A certified arborist report assessing the condition of the two (2) oak trees has been provided. The report notes that both trees suffered limb failures during the February 2021 winter storm, though no tree sustained damage to the main trunk or base. Previous pruning work shows appropriate compartmentalization and healing, and new

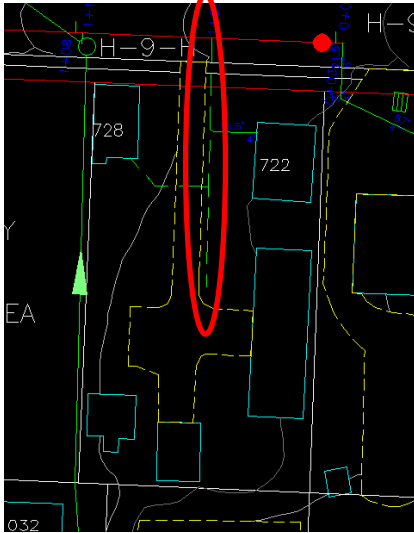
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*Attachments:*

*Attachment 1 – Application and Attachments*

growth appears healthy. For the easternmost tree (Tree A on the site plan, Tree 1 in the arborist report), hazard reduction pruning is recommended. Because the arborist's report does not indicate the tree is unsafe, dead, or diseased, or is in conflict with public improvements, no criteria for the removal of the easternmost tree are met. Therefore, staff finds that the easternmost tree shall not be approved for removal at this time.

For the westernmost tree (Tree B on the site plan, Tree 2 in the arborist report), the arborist report notes that defoliation due to branch loss in the winter storm in addition to hazard pruning



would result in the loss of more than 20% of the tree's canopy and may result in the declining health or mortality of the tree. This indicates that pruning necessary to remove hazards in the tree would likely lead to the decline and death of the tree. Staff finds that Criterion A is satisfied. The applicant has provided evidence of root intrusion into the sewer line serving the property, and the expense to repair it. The sewer line is located between the driveway and the westernmost tree (see image). Because the westernmost tree is in conflict with utilities and public improvements, Criterion B is satisfied.

Therefore, a condition is included to approve the removal of the westernmost oak tree that is at risk of hazard and decline/death and in conflict with utilities, and to deny the removal of the easternmost oak tree that has safety concerns that can be addressed through pruning.

**CONDITION FOR FINDING:** That the westernmost oak tree (Tree B) is approved for removal, and the easternmost oak tree (Tree A) is not approved for removal at this time.

#### **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.

Attachments:

Attachment 1 – Application and Attachments

- 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.** A replacement street tree is not recommended due to inability to comply with setbacks described in Section 17.58.090(E) above, therefore other street tree standards are not applicable.

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. L4-21

Date Received 2-25-21

Fee 150.<sup>00</sup>

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

Received by SK

## Street Tree Removal

### Applicant Information

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

Applicant Name Cohn and Pamela Rude Phone 503-453-7229

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

Address 738 B SW Fellows St.

City, State, Zip McMinnville, OR 97128

Contact Email mann9936@yahoo.com

### Property Owner Information

Property Owner Name same Phone \_\_\_\_\_  
(If different than above)

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

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Contact Email \_\_\_\_\_

### Site Location and Description

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

Property Address 722 SW Fellows St, McMinnville OR 97128  
(Property nearest to tree(s) for removal)

Assessor Map No. R4 420 - DC - 04800 Total Site Area .42 acres

Subdivision Cozine's 3rd Add'l Block H Lot 2

Comprehensive Plan Designation Comm Zoning Designation O-R



### Additional Information

1. How many trees are requested for removal? two (2)
2. What type (species) of tree(s) are they? Oak
3. What is the diameter of the tree(s), measured four feet above ground level? 45"
4. Why are you requesting the removal of the noted tree(s)? (See "Removal Criteria" on attached Information Sheet.) Explain which of the criteria is addressed through this application.

The trees have become a danger to public safety. 4 huge limbs fell in Fellows St. (major thoroughfare) during 2/2021 ice storm. These could have hit cars or people walking by. Six months ago another branch fell and took down power, cable, and phone lines. We have spent over 6 thousand dollars pruning the trees in the past 5 years, but can't reduce them any more. The trees are 150+ years old, have mistletoe growing in them, are covered with moss, and get limited water because their root systems are covered by asphalt and concrete.

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.**

John Rude

Pamela Rude

Applicant's Signature

Date

2/25/21

John Rude

Pamela Rude

Property Owner's Signature

Date

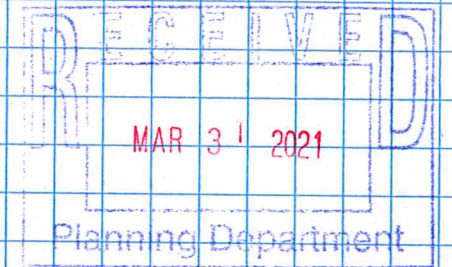
2/25/21



# RUDE TREE REMOVAL APPLICATION (L 4-21)

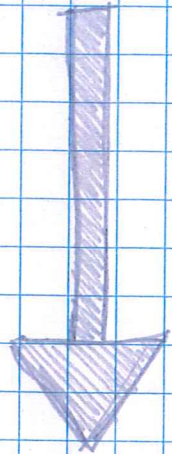
TREE A & TREE B Below

Power Poles A & B hold: live power wires  
cable TV wires (possibly)  
phone line (possibly)



NORTH

1 square = 3 feet

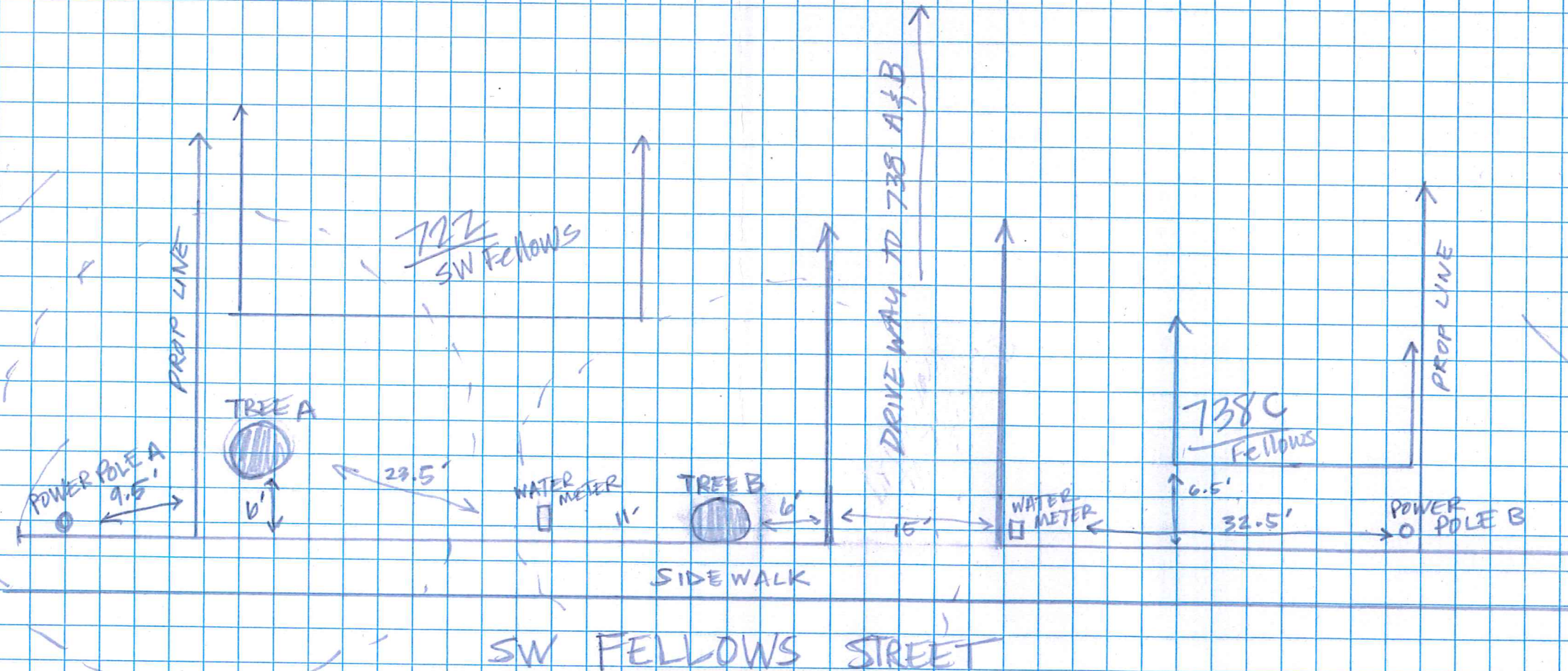


CEARWOOD AVE.

SW BROCKWOOD AVE.

MENNONITE CHURCH

TAYLOR PARK







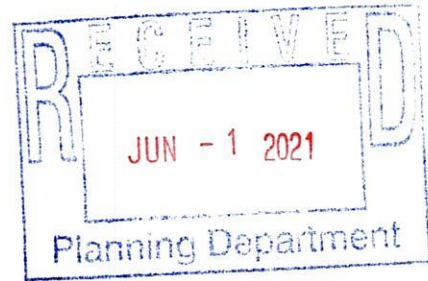








5/31/2021



To : The City of McMinnville

From: Rude, Pamela and Cohn

RE: Additional Submissions for Tree Removal Permit Application

Enclosed, please find the Arborist's Report to complete the application (L 4-21) for tree removal at 722 SW Fellows Street, McMinnville, OR.

Additionally, we have included a copy of a recent sewer repair invoice for \$429.00 to clear the line of existing roots. The invoice notes the damage that the trees(s) have done to the sewer line. With that is a copy of the estimate for \$12,968.00 that it will cost for repair/replacement of this line that is used by 4 residences on our property. (722, 738A, 738B, 738C)

We would also like to amend the application to add a request that if both trees cannot be permitted for removal, that the committee would consider permitting at least one of them - the tree to the west side of the property (closest to the driveway between 722 and 738 Fellows.)

Thank you.



# Arborist Report

## Client:

- Cohn Rude

## Assessment date:

- 5/27/2021

## Tree ID:

- Tree 1) White Oak (*Quercus alba*) - DBH: 49" / Height: 95'+
- Tree 2) White Oak (*Quercus alba*) - DBH: 46" / Height: 95'+

## Site location:

- 722 Sw Fellows St McMinnville Or, 97128

## Tree location at site:

- Front of the House by Street (Both)

## Issues presented by client:

- Both trees suffered failure of multiple branches over 10" diameter during the February 2021 extreme winter weather event resulting in concerns about the future safety of persons and property
- Due to the location of the tree, root encroachment may cause damage to the home's foundation, sidewalk, driveway, and sewer line from root encroachment

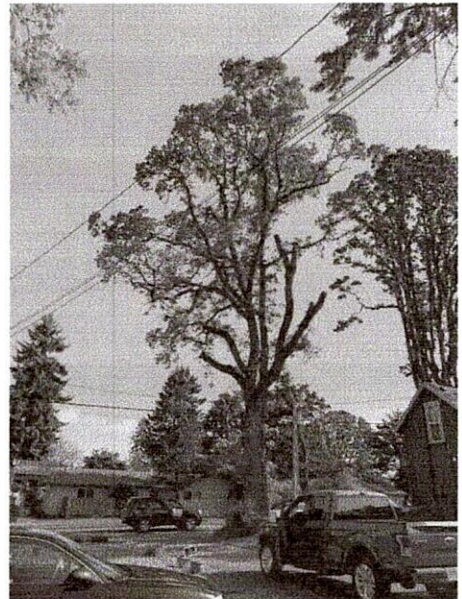
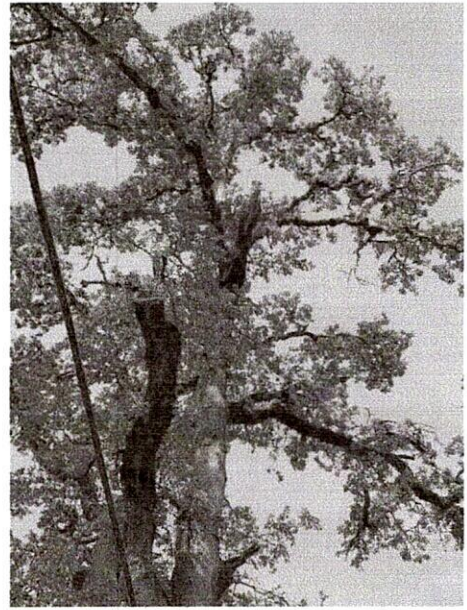
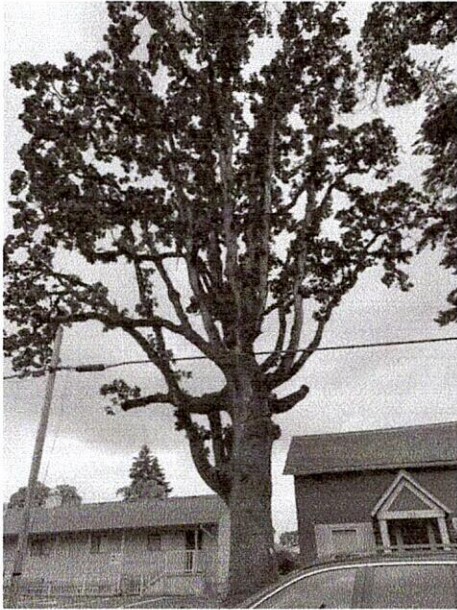
## Observations:

- Multiple significant branch failures throughout the canopy of the tree closest to the driveway
- No damage to the main trunk or base of either tree
- Previous pruning cuts show appropriate compartmentalization and new growth appears healthy

## Recommendations:

- Tree 1) Hazard reduction pruning throughout the tree to include end weight reduction and removal of all dead, damaged, and otherwise compromised branches
- Tree 2) While preservation is an option extra care must be taken due to defoliation sustained by branch loss during the February 2021 extreme weather event. Pruning must follow all arboricultural standards considering material lost during the extreme weather event. Loss of over 20% material through pruning and storm damage may result in the declining health or mortality of the tree





*Juan C. Rodarte*

ISA Certified Arborist PN-9029A

Area Representative

General Tree Service

Cell: (971) 329-1122

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





SAVE THIS INVOICE FOR YOUR GUARANTEE

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Roto-Rooter Services Company

Remit to: 5672 Collections Center Drive, Chicago IL 60693-0056

For Service Please Call 1-800-GET-ROTO (438-7686)

General (503) 582-9476 • FAX (503) 685-9754

#PB2271, CCB #228058, WA: #ROTORS122BR

DATE OF SERVICE M D Y 4/28/21	LOCATION PORTLAND
SERVICE TECHNICIAN'S NAME Justin Sims #15916	
INVOICE NO. 512-22871401	

SEWER & DRAIN <input checked="" type="checkbox"/>	PLUMBING <input type="checkbox"/>	PUMPING <input type="checkbox"/>
INDUSTRIAL <input type="checkbox"/>	EXCAVATION <input type="checkbox"/>	DRAIN TILE <input type="checkbox"/>

CUSTOMER CLASS <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL
---

CUSTOMER NAME Cohn Rude - B	CUSTOMER NO.
BILLING ADDRESS 785W Fellows St McMinnville OR 97128	APT. NUMBER B
CITY	FEDERAL I.D. # 42-0489300
STATE/PROVINCE	P.O. NUMBER/AUTHORIZATION 020460
ZIP/POSTAL	CITY
SERVICE ADDRESS (IF DIFFERENT THAN BILLING ADDRESS)	STATE/PROVINCE
	ZIP/POSTAL

**WORK ORDER AUTHORIZATION** I authorize the services indicated and agree to pay the amounts specified. I have read and agree to the terms on the reverse side, including the limits on Roto-Rooter's responsibility specified in those terms. I acknowledge that under paragraph 2(b) of those terms, if Roto-Rooter equipment gets stuck in a pipe, I may be responsible for the cost of removing that equipment, including any required excavation.

(SIGNATURE) \_\_\_\_\_ (PRINT NAME) Cohn Rude

REPAIR CODE	ESTIMATE AND DESCRIPTION OF WORK TO BE PERFORMED (The approximate starting date is _____ and the approximate completion date is _____ Neither date is guaranteed. Unexpected conditions or problems could cause delays. A definite completion date is not of the essence.)	\$ AMOUNT
2200	Cabled from clean out, cabled 70 Feet and pulled back root, Fertil Supervisor ON Site to give Bid for repair. white out tree next to line. may need to remove tree.	472.00

ADJUSTMENTS/CHANGES IN WORK TO BE PERFORMED (Use additional invoice if needed to describe changes)

RESIDENTIAL GUARANTEE	COMMERCIAL GUARANTEE	PAYMENT
LABOR	LABOR	
<input type="checkbox"/> Main/Branch Lines 6 months	<input type="checkbox"/> Main/Branch Lines 30 days	<input type="checkbox"/> CASH <input type="checkbox"/> CHECK NO. _____
<input type="checkbox"/> Toilet Auger 7 days	<input type="checkbox"/> Toilet Auger 24 hours	<input checked="" type="checkbox"/> CREDIT CARD <input type="checkbox"/> NET 10 DAYS
<input type="checkbox"/> Plumbing Repair 6 months	<input type="checkbox"/> Plumbing Repair 90 days	OVER 30 DAYS = LATE CHARGE OF 1 1/2% PER MONTH
<input type="checkbox"/> Plumbing Replacement 1 year	<input type="checkbox"/> Plumbing Replacement 90 days	* In the event check is returned, the CUSTOMER is responsible for all related bank fees.
<input type="checkbox"/> Extended Guarantee 1 year		

REASON FOR NO GUARANTEE Roots in line	LABOR \$ 472.00
--	-----------------

COMPLETION I acknowledge completion of the above described work which has been done to my complete satisfaction.

(SIGNATURE) <u>Cohn Rude</u>	LABOR TAX \$
(PRINT NAME) <u>Cohn Rude</u>	PARTS \$
	DISCOUNT \$ 43.00
	PRODUCTS \$
	OTHER \$
	TAX \$
	TOTAL \$ 429.00

SUGGESTIONS FOR REPAIR / REPLACEMENT			
ITEM	LOCATION	ESTIMATED COST	YOU SAVE TODAY
WATER HEATER	785W Fellows St		
DISPOSER			
SINK			
TOILET			
BATHTUB			
SHOWER			
FAUCET			
DRAIN			
OTHER			

(Service Technician's Signature)

Rely on the experts at Roto-Rooter for complete plumbing and drain services. Call 1-800-GET-ROTO (438-7686).

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And, follow us online for news, timely updates, and other plumbing and drain information.

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# EXCAVATION PROPOSAL

Roto-Rooter Services Company  
28655 SW Boones Ferry Rd.  
Wilsonville, OR 97070  
(503) 582-9476

Revision 11/19

License # 228058

## Proposal Submitted To

## Work To Be Performed At

Name Cohn Rude  
Street 738 SW Fellows St  
City McMinnville State OR ZIP 97128  
Telephone Number (971)716-0696

Name Same  
Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Telephone Number \_\_\_\_\_

**Roto-Rooter hereby proposes to furnish all the materials and to perform all the labor necessary for the completion of:**

(Include make and model of materials and necessary labor, and state anticipated contingencies that would materially alter the estimated completion date.)

Call for public utilities locate.

Pull plumbing permits if necessary.

Excavate down 3 feet 8 inches from the 35 to 98 foot markers, expose pipe from sidewalk to Y connection from Unit A clean out.

Remove up to 63 feet of pipe, including roots at 35,36,39,45, 72,75,78,79 to 81, 82 and the 86 to 98 foot markers next to old white oak trees.

In addition remove bellies by regrading at the 41 foot marker and between 48 to 57 foot and 58 to 72 foot markers for sufficient flow.

Saw cut and remove 10 feet of asphalt, excavate down from cleanout at unit A to existing trench line, decommissioning existing sewer line.

Replumb up to 90 feet of 4 inch PVC pipe from Unit B Y connection, tying in Unit B and unit and all plumbing connections.

Back fill with gravel and compact where necessary, replace section of asphalt and backfill rest with native soil.

1. Roto-Rooter will perform the work described above and supply all required materials for the sum of \$

12,968.00

### Option A (complete if applicable)

Customer will make payment as follows:

- 50 % of the cost (\$ 6,484.00 ) upon execution of this Agreement.
- 50 % of the cost (\$ 6,484.00 ) upon the start of the work.
- Balance of the cost upon completion of the job.

### Option B (check if applicable):

☐ The total sum will be billed upon completion of the work and is payable within 30 days (commercial accounts with approved credit only).

2. The approximate starting date is TBD, and the approximate completion date is TBD. Neither date is guaranteed. Unexpected conditions or problems could cause delays.
3. Roto-Rooter guarantees that all materials will be as specified above and that all work will be completed according to standard practice and in a good, workmanlike manner.
4. Customer will provide all necessary easements and rights of way. Unless specifically stated otherwise above, (a) Roto-Rooter is not responsible for the removal of trees, sprinkler systems, underground and above ground fencing, and driveways, or the repair of streets, sidewalks and the like, (b) Roto-Rooter will back fill and grade the excavated area to ground level and mound it to allow for settlement, and (c) Customer is responsible for all landscaping repairs or replacements required following completion of the job. Roto-Rooter is not responsible for damage resulting from poor weather.
5. If we cannot video or inspect the complete sewer line, we will give you a price to repair the section that we believe is causing the restriction. After we have uncovered that area, we will attempt to inspect the rest of the sewer line. If additional work needs to be done, or a complete sewer line replacement is required, we will propose a price to properly complete the work. The price for the additional work may be significantly higher than the original proposal. If you decide not to proceed with additional work we propose, you will permit us to complete our work and back fill any excavation.
6. If deviation from the work described above is required or customer requests additional or different work be performed, the parties will agree on an additional charge and sign a new written work description before Roto-Rooter begins the new work.
7. THE TERMS AND CONDITIONS ON THE REVERSE SIDE OF THIS PROPOSAL WILL BE BINDING ON THE PARTIES.
8. This proposal may be withdrawn by Roto-Rooter if not accepted within 30 days. This proposal constitutes the entire agreement between the parties, and no modifications will be valid unless in writing and signed by both parties.

Respectfully submitted:

\_\_\_\_\_  
Technician Signature

Mark Mahecic  
Printed Name

5/3/2021  
Date

## ACCEPTANCE OF PROPOSAL

Customer authorizes the work and accepts the above terms (including the terms and conditions provided).

Accepted:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

ROTO-ROOTER COPY



*current quote*

# Associated Arborists

**ASSOCIATED ARBORISTS**

Quote #1751

AWAITING RESPONSE

**Cohn Rude**

722 Southwest Fellows Street / McMinnville, Oregon  
 97128  
 971-716-0696

Sent on  
 02/19/2021

**RM (Removal)**

Removal of all branches and trunk down to ground level. Chip branch material and leave all wood firewood rounds

Quantity: 2 Oak

Species: Oak

DBH: 45"

Height: 80'

Target Rating: High

Location: Front yard,

Notes: Aerials Device Required, some traffic control required. city permit required.

(Optional to reduce canopy significantly, Arborist to use judgement, we cannot severely top without risk of being sued)

Optional Cost would be \$2000 per tree)

QTY.	UNIT COST	TOTAL
2	\$3,632.00	\$7,264.00

✓ **City Permitting**

Direct cost of tree permit required by McMinnville

This fee will be required before removal can begin.

The fee is non refundable and may not be approved,

We will need this permit for pruning or for removal.

QTY.	UNIT COST	TOTAL
1	\$200.00	\$200.00
Optional		

**RM (Removal)**

Removal of all branches and trunk down to ground level. Chip and remove branch debris and leave wood in firewood lengths.

Quantity: 1

Species: Fir

DBH: 40"

Height: 95'

Target Rating: High

Location: Side yard bordering driveway.

Notes: Chip and remove branches leave wood.

(Optional item: Reduce canopy by 20' and remove codominant leader would cost \$1325.00)


	QTY.	UNIT COST	TOTAL
	1	\$3,400.00	\$3,400.00
Subtotal	3 OF 3 ITEMS		\$10,864.00
Total			\$10,864.00

This quote is valid for the next 30 days, after which values may be subject to change.

### Contact Associated Arborists

1760 NW EMERSON WAY, McMinnville OR 97128

866-863-8733 taylor@associatedarborists.com www.associatedarborists.com

 Created with getjobber.com

*Past invoice  
for expense*

Associated Arborists

Received 11/03/2020

From Associated Arborists

866-863-8733

taylor@associatedarborists.com

www.associatedarborists.com

1760 NW EMERSON WAY

McMinnville OR 97128

Bill To 722 Southwest Fellows Street

McMinnville, Oregon 97128

Associated Arborists

Cohn Rude

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## Receipt for Payment

Amount: \$1,980.00

Transaction date: 11/03/2020

Method of payment: Check

Check Number: 1308

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Payment applied to Invoice #772

1 check for 4210 paid both invoices

Past  
invoice  
for expense

Associated Arborists

Received 11/03/2020

# Associated Arborists

From Associated Arborists

866-863-8733

taylor@associatedarborists.com

www.associatedarborists.com

1760 NW EMERSON WAY

McMinnville OR 97128

Cohn Rude

Bill To 722 Southwest Fellows Street

McMinnville, Oregon 97128

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## Receipt for Payment

Amount: \$2,230.00

Transaction date: 11/03/2020

Method of payment: Check

Check Number: 1308

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Payment applied to Invoice #771

1 payment for \$4210.2 invoices

88



also used this  
contractor for  
trimming in 2015



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*Owners*

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Web: [www.tree-ificarborcare.com](http://www.tree-ificarborcare.com)

CCB# 138906



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

## EXHIBIT 4 - STAFF REPORT

**DATE:** June 16, 2021  
**TO:** Landscape Review Committee Members  
**FROM:** Jamie Fleckenstein, Associate Planner  
**SUBJECT:** Agenda Item 5A – Submittal Requirements/Irrigation BMP Discussion

### 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:

The purpose of this agenda item is to have further discussion among the Landscape Review Committee regarding suggested changes to Chapter 17.57-Landscaping regarding submittal requirements for landscape plans and the concept of requiring minimal irrigation best management practices.

### Background:

At the May 19, 2021 meeting of the Landscape Review Committee, Chair John Hall introduced for consideration some suggested changes to the landscape chapter of the Zoning Ordinance. Those included suggestions for revising the submittal requirements for landscape plans, and the incorporation of irrigation best practices into the landscape standards. While the topics were introduced, it was recognized that further discussion amongst the Committee members was warranted.

### Discussion:

Section 17.57.060 of the Zoning Ordinance outlines the requirements for landscape plan submittals:

17.57.060 Plans—Information to be included. The following information shall be included in the plans submitted under Section 17.57.050:

- A. Existing locations of trees over six inches in diameter, their variety (common or botanical name) and indication of whether they are to remain or to be removed from the site. In the event a large number of trees are to be retained and if no construction or construction access is required through or within the drip line of the trees, the

- general area with the number of trees involved may be given in lieu of listing and locating each tree;
- B. The location in which new plantings will be made and the variety (common or botanical name), and size of all new trees, shrubs, groundcover and lawns;
  - C. The percentage of the gross area to be landscaped;
  - D. Any equipment proposed for recreation uses;
  - E. All existing and proposed site features including walkways, graveled areas, patios, courts, fences, decks, foundations, potted trees, raised planters, or other open spaces so that the review committee may be fully knowledgeable of the project when discussing the application;
  - F. The location of watering facilities or irrigation systems, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed;
  - G. All of the information on the plot plan for the building permit.

The suggested revisions to 17.57.060 to discuss include, but are not limited to, the following:

- all submitted plans shall be drawn to either architectural or engineering scale and that scale is identified on the plan (This also satisfies the option allowing Landscape Plans to fulfill the need for a Plot Plan).
- That a plant list of plants (trees, shrubs, groundcovers, lawns and herbaceous plants) used in the plan are identified and labeled by botanical, common and varietal names, along with quantities and location on plan by species.
- That labeling on the plan shall be printed and legible.
- a directional North Arrow be included on the plan.

In addition to being required in all landscape plan submittals (17.57.060(F)), irrigation and watering facilities are a required planning and design consideration of landscape plans, as described in MMC Section 17.57.070(B)(6) to help accomplish the purpose of the Landscape Chapter:

17.57.070 Area Determination—Planning factors.

- B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:
  - 6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;

Further, Section 17.57.070(C) requires all landscaping approved through the LRC to continually maintained, including necessary watering.

The question that was raised by the Chair at the previous meeting was whether the Landscape Review Committee would find value in preparing a minimal Irrigation Best Management Practices (BMP), and if that Irrigation BMP should be identified as a requirement or recommendation of the Landscape Chapter of the Zoning Ordinance, or whether it should even be considered at this time.

The following constitutes proposed minimum BMP:

- No irrigation design is required for submittal and that irrigation plans are a Design-Build document produced by license Landscape Contractor or prepared plans by professional Irrigation Designer or Landscape Architect.
- Lawns and Beds be placed on separate valves.
- Beds that abut up to buildings or bed microclimates influenced by the building have valves separated by N-E and S-W exposures.

- Beds not influenced by buildings be valve according to plant species water needs.
- Irrigation controller will have a minimum of 3 watering programs for better water management and meet the needs of the plants and design.

**Attachments:**

None.

**Fiscal Impact:**

None.

**Recommendation:**

No motion required. The Landscape Review Committee may provide guidance to staff for follow-up discussions.

JF