



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

www.mcminnvilleoregon.gov

Landscape Review Committee
ZOOM Online Meeting
Wednesday, September 15, 2021 - 12:00 – 1:00 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/82735554395?pwd=TGtRT01samxuUnVoSG5obXI0c0VjZz09>

Meeting ID: 827 3555 4395
 Passcode: 345866

Or join ZOOM Meeting by phone via the following number: 1-253-215-8782

Committee Members	Agenda Items
John Hall, Chair	1. Call to Order
Rob Stephenson, Vice-Chair	2. Citizen Comments
Josh Kearns	3. Action Items
Patty Sorensen	<ul style="list-style-type: none"> Approval of Minutes – January 27, 2021 (<i>Exhibit 1</i>) L 13-21 – Street Tree Removal Request (<i>Exhibit 2</i>) 598 NE Jade Street L 14-21 – Landscape Plan Review (<i>Exhibit 3</i>) 631 NE 1st Street
Carlton Davidson	4. Discussion Items
	<ul style="list-style-type: none"> Development Code Revisions (Time Permitting)
	5. Committee Member Comments
	6. Staff Comments
	7. Adjournment

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. You may also request a copy from the Planning Department.



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EXHIBIT 1 - MINUTES

January 27, 2021
Landscape Review Committee
Regular Meeting

12:00 pm
ZOOM Meeting
McMinnville, Oregon

Members Present: Carlton Davidson, John Hall, Patty Sorenson, and Rob Stephenson
Members Absent: Josh Kearns
Staff Present: Jamie Fleckenstein - Associate Planner
Guests Present: Scott Hill - Mayor

1. Call to Order

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

2. Citizen Comments

None

3. Election of Officers

Chair Stephenson moved to nominate John Hall for Chair. The motion was seconded by Committee Member Sorenson and passed unanimously.

Committee Member Sorenson moved to nominate Rob Stephenson for Vice Chair. The motion was seconded by Committee Member Davidson and passed unanimously.

4. Approval of Minutes

- June 17, 2020
- December 16, 2020

Committee Member Stephenson moved to approve the June 17 and December 16, 2020 minutes. The motion was seconded by Committee Member Davidson and passed unanimously.

5. Action/Docket Item (repeat if necessary)

- A. L 38-20 (continued) – Street Tree Removal - 2608 NW Pinehurst Drive

Associate Planner Fleckenstein said this application was continued from the December meeting. The application was for removal of a cherry tree on NW Pinehurst Drive. It was lifting and damaging the sidewalk and was too close to utilities. The Committee supported removal of the tree and had discussed the replacement location. Staff did not recommend a replacement in the right-of-way. The Committee suggested the replacement go on private property, but staff questioned whether that was in the City's purview. The application was continued to see if the applicant was willing to plant a replacement tree on their private property. The applicant did plan to plant a medium sized ornamental tree near the location of the removed tree. Staff had also consulted the City Attorney about the issue, and the City Attorney thought requiring a street tree on private property might create a takings issue. He did not recommend pursuing a condition that would require it. Staff recommended approval of the application.

Committee Member Sorenson suggested providing the applicant with the street tree list to use for choosing the replacement tree.

Chair Hall noted there were no other street trees on the block. Associate Planner said that was correct, there was no planting strip.

There was discussion regarding the ownership of the trees further up the street that were covered in ivy.

Chair Hall moved to approve L 38-20 with conditions. The motion was seconded by Committee Member Stephenson and passed unanimously.

B. L 2-21 – Street Tree Removal - 1445 SW Shirley Ann Drive

Associate Planner Fleckenstein presented the street tree removal request on Shirley Ann Drive. The tree was lifting the sidewalk and trimming the roots to replace the panels would severely damage the stability of the tree. Staff recommended approval. There was an approved street tree plan for this subdivision and a replacement tree would be required. The replacement would be an October Glory Red Maple.

Committee Member Sorenson confirmed there would be a root barrier so this would not be an issue with planting the same type of tree. Associate Planner Fleckenstein said yes, there would be a root barrier.

Committee Member Stephenson commented on the cost burden on the home owner to replace the sidewalk and tree. He would like to have a discussion about helping in some way.

Committee Member Sorenson moved to approve L 2-21 with conditions. The motion was seconded by Committee Member Stephenson and passed unanimously.

6. Discussion Items

Associate Planner Fleckenstein shared an idea with the Committee about a possible funding source to help with the cost of tree replacements. The idea was a developer fee for trees being removed on a project that would go into a tree fund. Citizens could apply for that fund and a City approved contractor could put in the trees until the fund was expended each year.

There was discussion regarding how there was currently a shortage of land to develop in McMinnville and the land that might come in through the Urban Growth Boundary expansion did not have a lot of trees.

Associate Planner Fleckenstein said while there might not be much development to build a robust program now, it could be set up for the future when larger areas of land came in for development. There were other avenues that could be explored.

Committee Member Davidson thought the Committee should be involved in guiding developers in planting the right trees in the right places so it would not become an issue.

There was discussion regarding the effectiveness of watering tubes, possible grant funding, creating an Urban Forest Plan, and a monthly HOA fee to put towards this type of repair.

7. Old/New Business

None

8. Committee/Commissioner Comments

Committee Member Sorenson was interested in creating a heritage tree program.

9. Staff Comments

None

10. Adjournment

Chair Hall adjourned the meeting at 1:00 p.m.



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EXHIBIT 2 - STAFF REPORT

DATE: September 15, 2021
TO: Landscape Review Committee Members
FROM: Amy Dixon, Contract Planner
SUBJECT: Landscape Plan Review Application (L 13-21)

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

Report in Brief

The application requests the removal of one (1) maple tree from the public right-of-way adjacent to the subject property because the tree is in conflict with public improvements. Removal of a tree located within the public right-of-way requires City approval. The applicant has indicated that they will be replacing with a dogwood tree.

The subject property is located at 598 NE Jade Street within the Berkey Estates subdivision. A street tree plan (L 30-07) for the subdivision was approved in 2007.

Discussion:

Subject Site and Tree

Please refer to the Decision Document for vicinity maps and photographs documenting the location and condition of the tree 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.

The tree has been determined by an arborist (the applicant) to be in decline due to Bronze Birch Borer infestation, and tree roots are lifting and damaging adjacent sidewalk panels. Criteria A and B are met.

Tree Replacement

A condition of approval is included to require one (1) replacement street tree selected from the Recommended Small or Medium Tree Species from the McMinnville Street Tree List. Sufficient space exists in the planter strip, and there are no overhead wires.

Sidewalk Repair

A condition of approval is included to require a sidewalk inspection and repair/replacement if 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 6-21 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

AD

Attachments:

Attachment A – Draft Decision

Attachment B – PW Memo

Attachment C – Application, Attachments, Revisions, Supplemental Submittals



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE
APPROVAL OF A TREE REMOVAL AT 598 NE JADE STREET**

DOCKET: L 13-21 (Street Tree Removal)

REQUEST: Approval to remove one (1) maple tree from the public right-of-way adjacent to the subject property due to conflict with public improvements

LOCATION: 598 NE Jade Street (Tax Lot 200, Section 22DC, T. 4. S., R. 4 W., W.M.)

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

APPLICANT: Rick & Loree Grenz, property owner

STAFF: Amy Dixon, Associate Planner

**DATE DEEMED
COMPLETE:** August 25, 2021

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

**DECISION DATE
& LOCATION:** September 15, 2021, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, and Zoom Online Meeting ID 827 3555 4395.

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 13-21) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

Planning Department: _____ Date: _____
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

Subject Property & Request

The application requests the removal of one (1) maple tree from the public right-of-way adjacent to the subject property because the tree is in conflict with public improvements. Removal of a tree located within the public right-of-way requires City approval. The applicant has indicated that they will be replacing with a dogwood tree.

The subject property is located at 598 NE Jade Street within the Berkey Estates subdivision. A street tree plan (L 30-07) for the subdivision was approved in 2007. **See Figure 1: Vicinity Map, and Figure 2: Berkey Estates Street Tree Plan.**

Figure 1: Vicinity Map



Attachments:

Attachment 1 – Application and Attachments

Figure 2: Berkey Estates Street Tree Plan

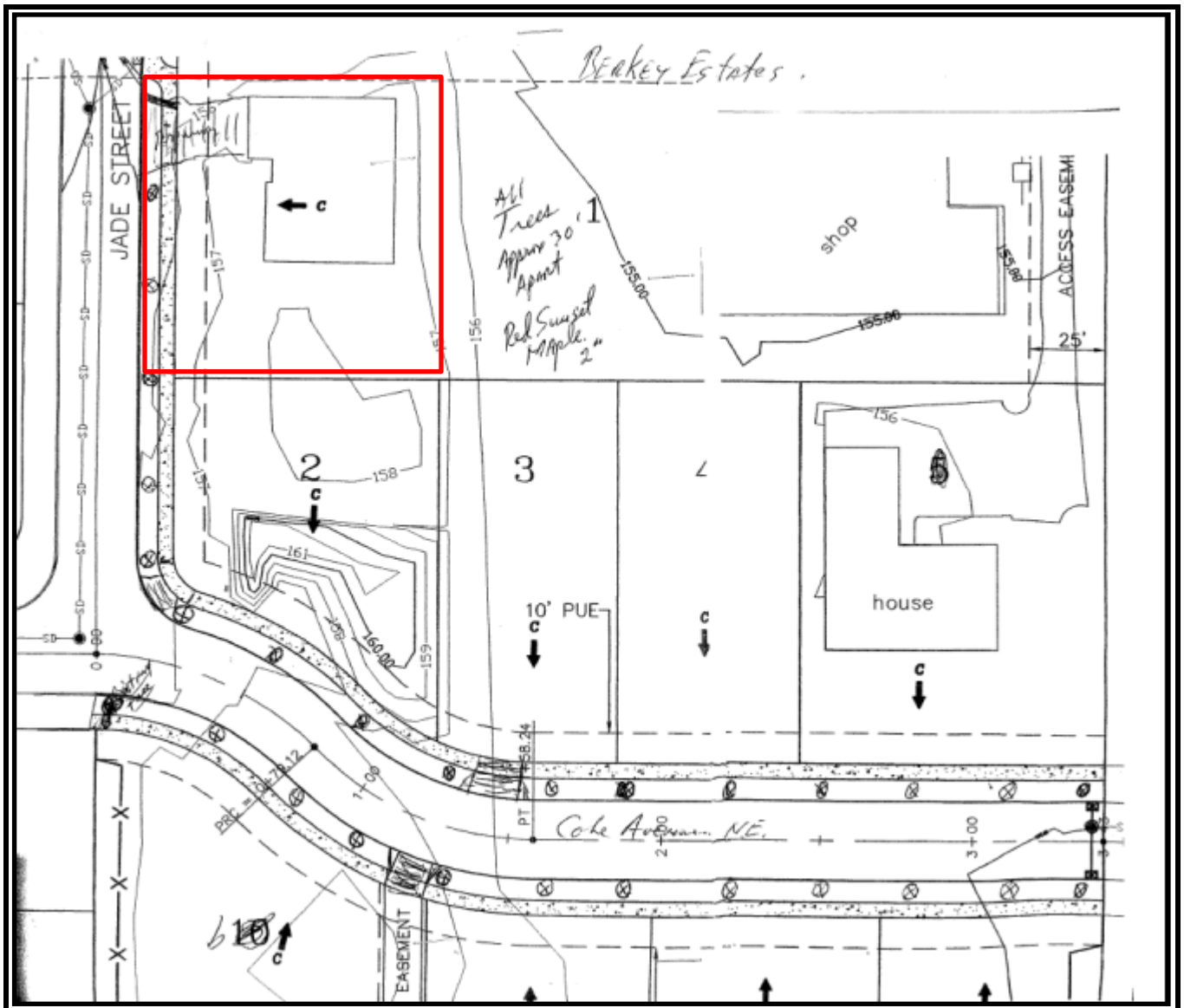


Figure 3: Site Plan

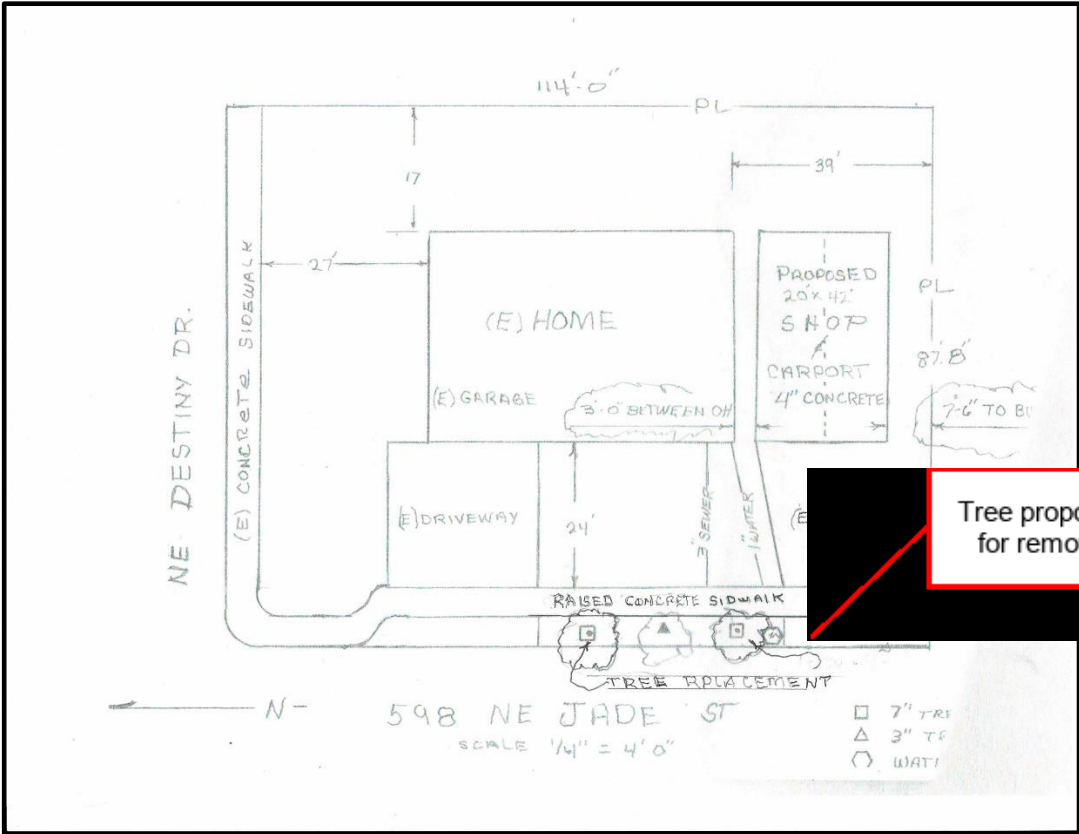


Figure 4: Existing Trees



Figure 4: Sidewalk Damage



1. 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.

Attachments:

Attachment 1 – Application and Attachments

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 one (1) replacement street tree be planted in the NE Jade Street planter strip in approximately the same location as the existing. The tree shall be a red sunset maple tree having a minimum 2-inch caliber at planting. 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.
2. That all costs and liability associated with tree removal, stump grinding, and tree replacement 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 shall contact the McMinnville Engineering Department at (503) 434-7312 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 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.
6. That the applicant is reminded to use extreme caution when working in the area of existing water services and power lines. Non-qualified workers need to maintain a minimum distance of 10' from high voltage lines. Please contact McMinnville Water and Light (MW&L) 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.
7. 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.
8. That replacement trees 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.
9. That the tree shall 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

Attachments:

Attachment 1 – Application and Attachments

- c. Twenty (20) feet of street light standards or street intersections.
10. That the planter strip area shall be restored to original grade immediately following the planting of the replacement trees.
11. That the applicant shall complete the tree removal within six (6) months of approval, or March 15, 2022.

III. ATTACHMENTS:

1. L 13-21 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 and about 30' in height.
2. The tree is planted in a 5' planter strip between the curb and sidewalk, with no ground cover and no irrigation.
3. The tree shows no obvious health issues. It does show included bark with multiple epicormics and weak attachments.
4. The tree shows significant surface rooting, with multiple large roots beginning to lift the adjacent sidewalk. Currently there are no surface discontinuities.
5. There are no overhead facility conflicts.
6. The tree is planted less than 5' from the adjacent water meter.

Recommendations

Given the structural condition of the tree, the significant surface rooting and the immediate potential for sidewalk damage, staff would recommend approval of the removal request. Suggested conditions of approval:

1. Applicant to be responsible for all costs related to removal and replacement.
2. Applicant required to grind stump to a minimum of 6" below grade.
3. Applicant to call for a utility locate prior to removal.
4. Applicant to replace the tree with a variety acceptable to the Planning Department, minimum 2" caliper.
5. Applicant to plant the tree as per the approved City detail, and should be encouraged to provided root barrier protection for the water meter.
6. Applicant to contact Public Works Operations at (503)434.7316 for an inspection prior to backfill.

- **McMinnville Water & Light:**

Attachments:

Attachment 1 – Application and Attachments

MW&L indicated that existing water service and utilities needs to be protect.

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. Rick & Loree Grenz, property owners, submitted a Street Tree Removal Permit application on May 25, 2021.
2. The application was deemed complete on August 25, 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 September 15, 2021, to review the application and proposed street tree removal request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 598 NE Jade Street (Tax Lot 200, Section 22DC, T. 4. S., R. 4 W., W.M.)
2. **Size:** 10,009 sf (0.23 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:** Existing single-family dwelling
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None.
 - b. **Other:** None identified.
8. **Other Features:** Five (5) foot wide planter strip adjacent to NE Jade Street with four (4) street trees, and one (1) water meter. No planter strip adjacent to NE Destiny Drive.
9. **Utilities:**
 - a. **Water:** The property is served by a water main in NE Jade Street. The treatment plant has sufficient treatment capacity.

Attachments:

Attachment 1 – Application and Attachments

- b. **Sewer:** The property is served by an 8" sewer main in NE Jade Street. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
 - c. **Stormwater:** Storm water in NE Jade Street is conveyed by curb and gutter to a catch basin and storm drain in NE Jade Street. The proposal doesn't increase impervious site area.
 - d. **Other Services:** Overhead utilities are not present on either side of NE Jade Street.
10. **Transportation:** NE Jade Street is classified as a Local Neighborhood Street in the Transportation System Plan (TSP). The existing right-of-way is 50 feet wide. The street is improved with curb and gutter, sidewalk, and planter strip on both sides of the street. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes.

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

Attachments:

Attachment 1 – Application and Attachments

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 is located within a curbside planting strip completely within the public right-of-way adjacent to the subject property. Therefore, the provisions of Chapter 17.58 Trees shall apply to this tree removal request.

17.58.040 Tree Removal/Replacement.

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

APPLICANT'S RESPONSE: None.

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

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

Attachments:

Attachment 1 – Application and Attachments

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #7. 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 #2, #3, #6, & #10. Conditions of approval have been included to assure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

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

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

That the applicant is reminded to use extreme caution when working in the area of existing water services and power lines. Non-qualified workers need to maintain a minimum distance of 10' from high voltage lines. Please contact McMinnville Water and Light 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.

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: The applicant indicated that they intend to replace the maple with a dogwood tree.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. There is an approved street tree plan for the subdivision on file with the Planning Department. The approved plan indicates all trees are to be a minimum 2-inch red sunset maple tree.

CONDITION FOR FINDING: That one (1) replacement street tree be planted in the NE Jade Street planter strip in approximately the same location as the existing. The tree shall be a red sunset maple tree having a minimum 2-inch caliber at planting.

All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

17.58.040(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 #7 above. 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.

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 March 15, 2022.

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) 434-7312 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 roots of this tree are causing damage to the sidewalk as indicated in the Arborist Report and pictures provided. The Arborist Report indicates that it appears that the tree is starting to lift the concrete and highly likely to damage the sidewalk further in the near future. The report goes on to state that there is a moderate risk of limb failure given the weak branch attachments.

FINDING: SATISFIED. Staff concurs with the applicant's finding. Evidence has been provided documenting the damage to the adjacent sidewalk caused by the tree. Therefore, since the tree is in conflict with public improvements and will continue to be in conflict with the improvements, 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

Attachments:

Attachment 1 – Application and Attachments

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 #1, #5, #7, #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 red sunset maple street tree shall be planted in the NE Jade Street planter strip.

That replacement 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.

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

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

That the tree shall 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.

AD



PUBLIC WORKS DIVISION
503.434.7316

STREET TREE INSPECTION REPORT L13-21

Applicant Information

Applicant: Rick & Loree Grenz
Address: 598 NE Jade Street
Telephone: 503.474.6556
Email: kgrenzy@yahoo.com

Site Review

1. The tree in question is a maple variety, about 8" DBH and about 30' in height.
2. The tree is planted in a 5' planter strip between the curb and sidewalk, with no ground cover and no irrigation.
3. The tree shows no obvious health issues. It does show included bark with multiple epicormics and weak attachments.
4. The tree shows significant surface rooting, with multiple large roots beginning to lift the adjacent sidewalk. Currently there are no surface discontinuities.
5. There are no overhead facility conflicts.
6. The tree is planted less than 5' from the adjacent water meter.

Recommendations

1. Given the structural condition of the tree, the significant surface rooting and the immediate potential for sidewalk damage, staff would recommend approval of the removal request.
Suggested 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.
 - c. Applicant to call for a utility locate prior to removal.
 - d. Applicant to replace the tree with a variety acceptable to the Planning Department, minimum 2" caliper.
 - e. Applicant to plant the tree as per the approved City detail, and should be encouraged to provided root barrier protection for the water meter.
 - f. Applicant to contact Public Works Operations at (503)434.7316 for an inspection prior to backfill.

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128

(503) 434-7311 Office • (503) 474-4955 Fax

www.mcminnvilleoregon.gov**Office Use Only:**File No. L13-21Date Received 5-25-21Fee 150-

Receipt No. _____

Received by 81**Street Tree Removal****Applicant Information**Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other _____Applicant Name RICK & LOREE GRENZ Phone 503-474-6556

Contact Name _____ Phone _____

(If different than above)

Address 598 NE Jade StreetCity, State, Zip McMinnville, OR 97128Contact Email kgrenzy@yahoo.com**Property Owner Information**Property Owner Name RICK & LOREE GRENZ Phone 503-474-6556

(If different than above)

Contact Name _____ Phone ASAddress AS ABOVECity, State, Zip AS ABOVEContact Email AS ABOVE**Site Location and Description**

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

Property Address 598 NE Jade Street - Parcel 1 Partition P2010-14

(Property nearest to tree(s) for removal)

Assessor Map No. R4 422 DE - 00200 Total Site Area - 23 acresSubdivision Berkey Estates Block _____ Lot _____Comprehensive Plan Designation Res Zoning Designation R-2PD

Additional Information

1. How many trees are requested for removal? Replacement: 2
2. What type (species) of tree(s) are they? MAPLE
3. What is the diameter of the tree(s), measured four feet above ground level? 8"
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. RAISING SIDEWALK

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.

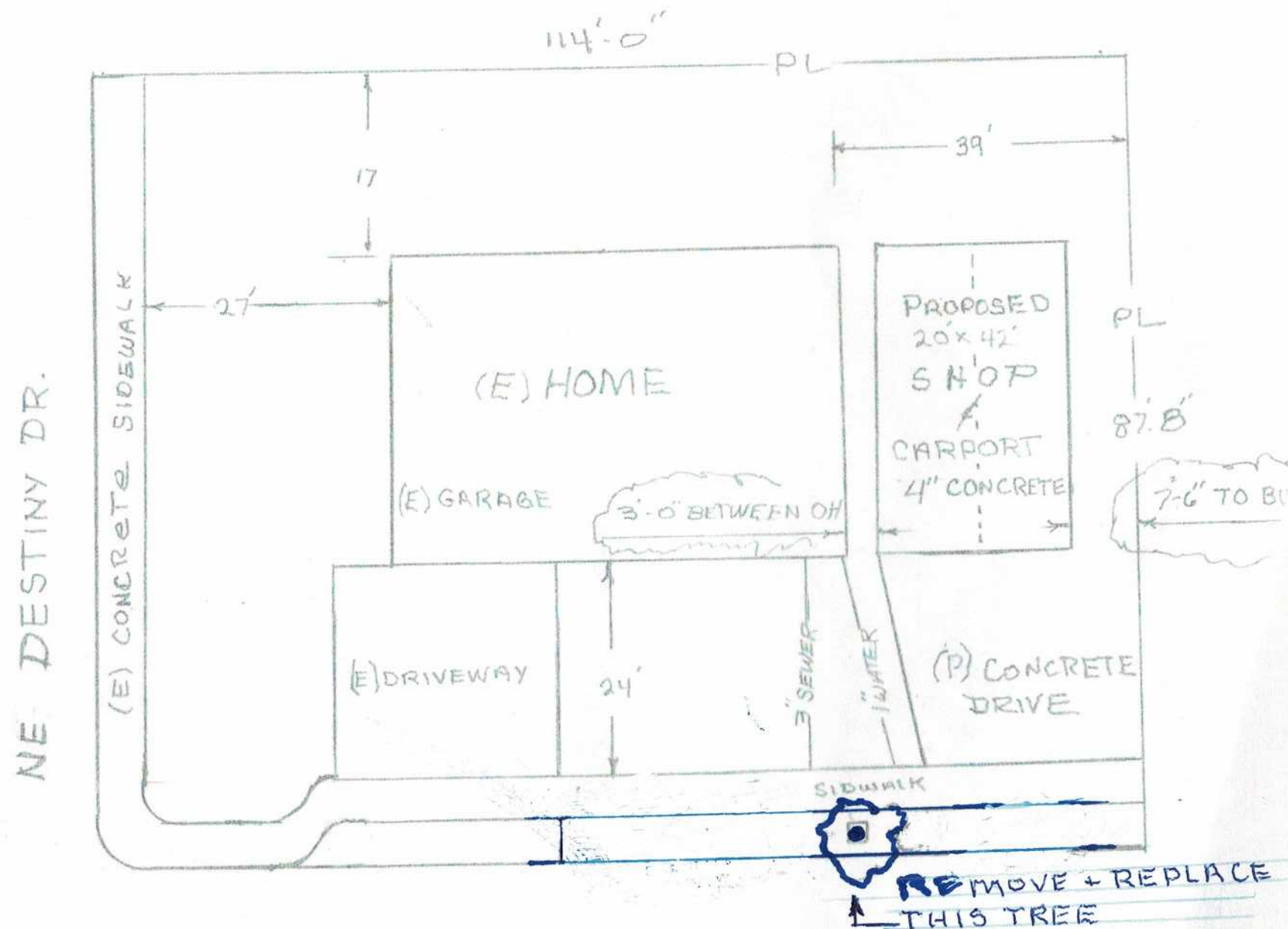
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature

Date

[Signature]
Property Owner's Signature

MAY 14 2021
Date



N- 598 NE JADE
SCALE 1/4" = 4' 0"

Associated Arborists CCB#200953



Laurie and Rick Grenz

598 Northeast Jade Street
McMinnville, Oregon 97128

Associated Arborists Invoice For Services Rendered

Invoice #1303

From Associated Arborists CCB#200953
866-863-8733
taylor@associatedarborists.com
***.associatedarborists.com
1760 NW EMERSON WAY
McMinnville OR 97128

Bill To 598 Northeast Jade Street
McMinnville, Oregon 97128

Issued 08/17/2021

Due 09/16/2021

Paid 08/23/2021

PRODUCT / SERVICE	DESCRIPTION	QTY.	UNIT PRICE	TOTAL
08/17/2021				
Complete Arborist Report	<p>Arborist Report: ISA Certified Arborist Name: Zack Wiskoski ISA #: PN-8711A Quantity: 2 Tree Species: Maple DBH: 12" average Height: 20' average Overall Health: Moderate Vigor: Normal Pest Y/N: N Site Conditions: Limited available area for tree to establish maturely without damaging sidewalk. Structural Defects Y/N: Y Included bark codominant and weak attachments. There are also girdling roots present that could increase the chance of future decline. Conflict with Utilities Y/N Conflict with hardscape / structures: Yes the surface roots are in conflict with the sidewalk. They are currently making contact and it appears as if they are starting to lift the concrete.</p> <p>Arborist Notes: There is a high likelihood of damage to sidewalk within a 2 year time frame. There is a moderate risk of limb failure given the weak branch attachments.</p>	1	\$0.00	\$0.00
Arborist Report	<p>Arborists reports are to include the following information and any other details the arborist deems necessary to include. Once the proposal is approved the arborist will send the report in a similar format.</p> <p>1. Tree information Specify the tree's species (taxonomic ID), size (DBH), condition, location, Describe the tree's tolerance to construction impact based on its species and health (if applicable) Identification of pests if present. Identification of structural defects if present.</p> <p>2. Arborist recommendations for maintenance or removal.</p> <p>3. Arborist comments on overall site condition, tree health and recommended course of action.</p>	1	\$175.00	\$175.00

Associated Arborists CCB#200953



Laurie and Rick Grenz

598 Northeast Jade Street
McMinnville, Oregon 97128

Associated Arborists Invoice For Services Rendered

Invoice #1303

From Associated Arborists CCB#200953
866-863-8733
taylor@associatedarborists.com
* * * .associatedarborists.com
1760 NW EMERSON WAY
McMinnville OR 97128

Bill To 598 Northeast Jade Street
McMinnville, Oregon 97128

Issued 08/17/2021

Due 09/16/2021

Paid 08/23/2021

PRODUCT / SERVICE	DESCRIPTION	QTY.	UNIT PRICE	TOTAL
PF (Credit Card Processing Fee)	Attached to all invoices is a 3% charge for all credit and debit transactions.	1	\$0.00	\$0.00

If you choose to pay by check please disregard this fee.

PAID

Thank you for your business. Please contact us with any questions regarding this invoice.

Total	\$175.00
Paid	- \$175.00
Invoice balance	\$0.00
Account balance	\$0.00







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

EXHIBIT 3 - STAFF REPORT

DATE: September 15, 2021
TO: Landscape Review Committee Members
FROM: Amy Dixon, Contract Planner
SUBJECT: Landscape Plan Review Application (L 14-21)

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

REPORT IN BRIEF:

This proceeding is a review by the Landscape Review Committee of an application for a landscape plan (L 14-21) for a new mixed-use development at 631 NE 1st St. 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.

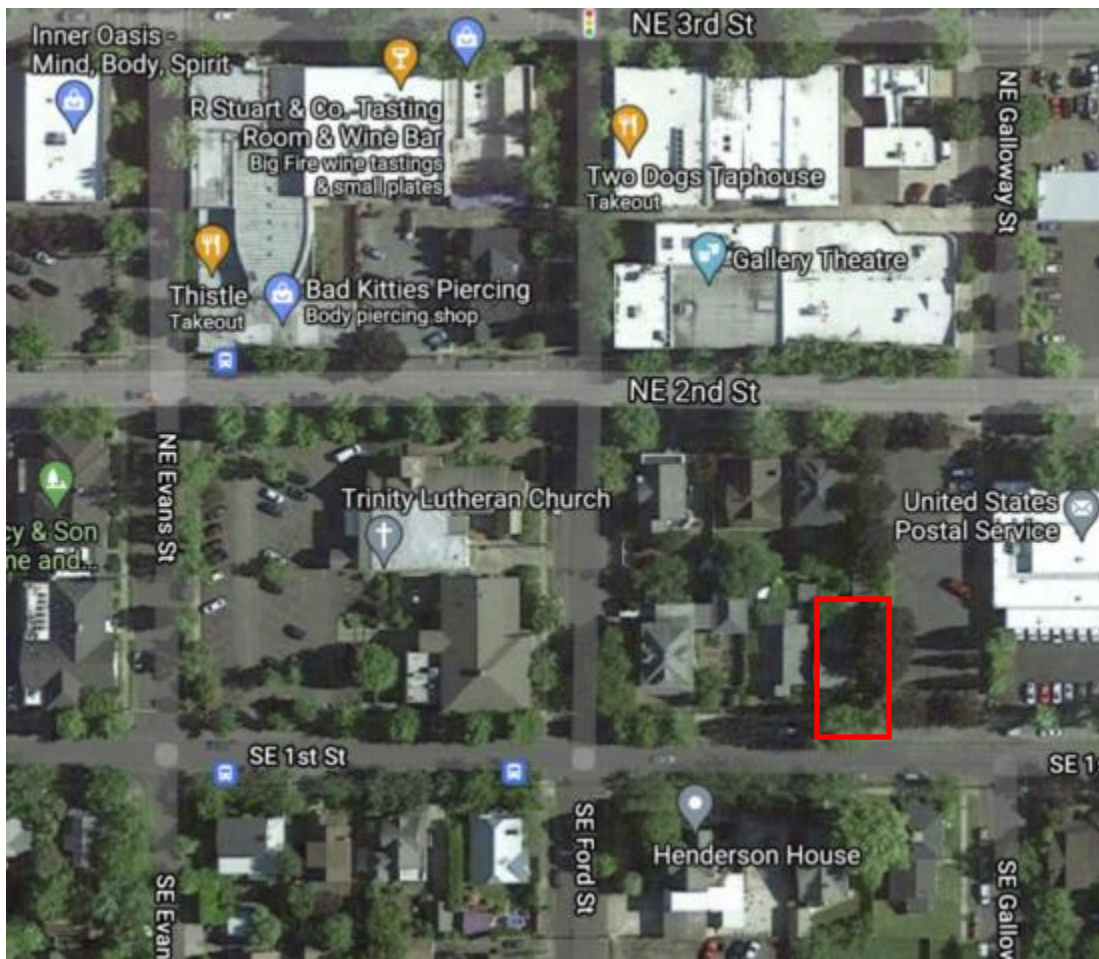
PROJECT DESCRIPTION:

The subject site is located at 631 NE 1st Street and is more specifically described as Tax Lot 11300, Section 21BC, T. 4. S., R. 4 W., W.M. The property is zoned C-3 (General Commercial) and is within the Northeast Gateway Overlay District

The subject property is approximately 4,000 sq ft in area and all existing structures have been removed. Properties to the north, east and west are all zoned C-3 (General Commercial) and developed as single family. The property to the south across 1st Street is zoned O-R (Office/Residential) and is developed with a single-family dwelling.

The proposed site plan for the development features a mixed-use building located along the south and east property lines. A parking lot located behind the building and an access way along the western property line provides access and parking to the site. Proposed landscaping is focused along the 1st Street frontage, along the west property line and in the northeast corner of the property. The site is extremely narrow, and development is limited, as indicted in the approved Design Review Decision DDR 1-21.

Figure 1: Vicinity Map (Subject Site Approximate)



Attachments:

Attachment A – Decision, Conditions, Findings of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for a New Industrial Development at 1245 NE Alpha Drive

Attachment B – Application, Attachments, Supplemental Submittal

Attachment C – Design Review Decision DDR 1-21

Figure 2: Zoning Map

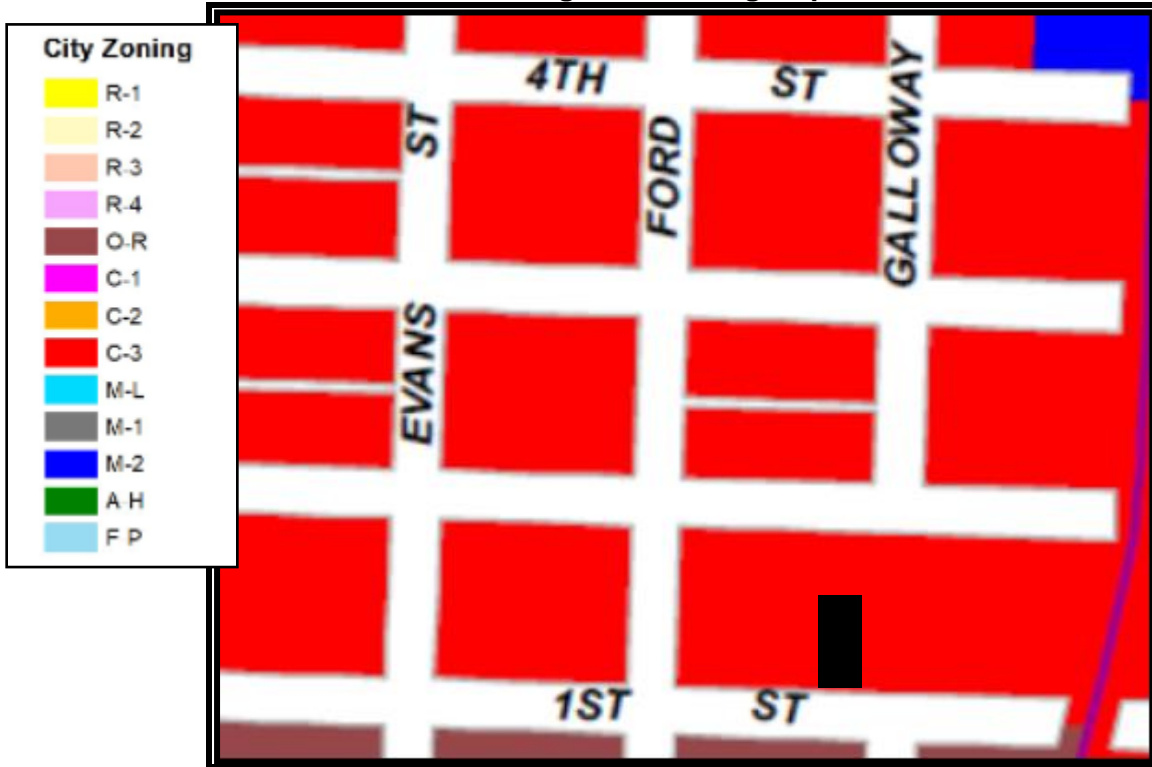
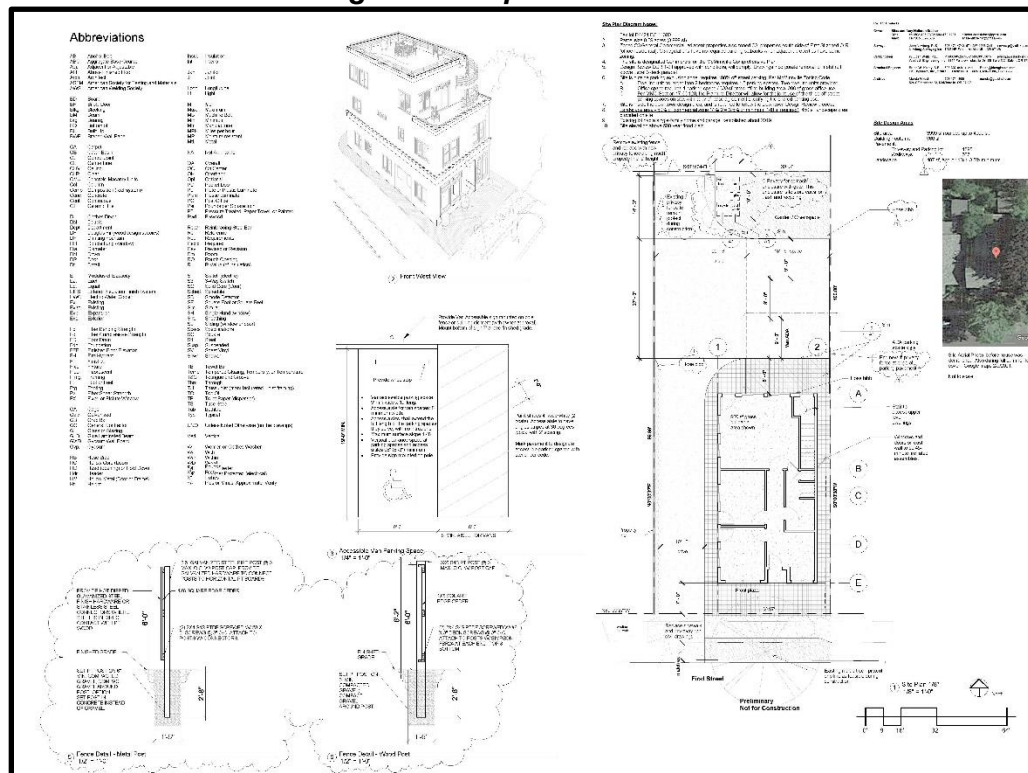


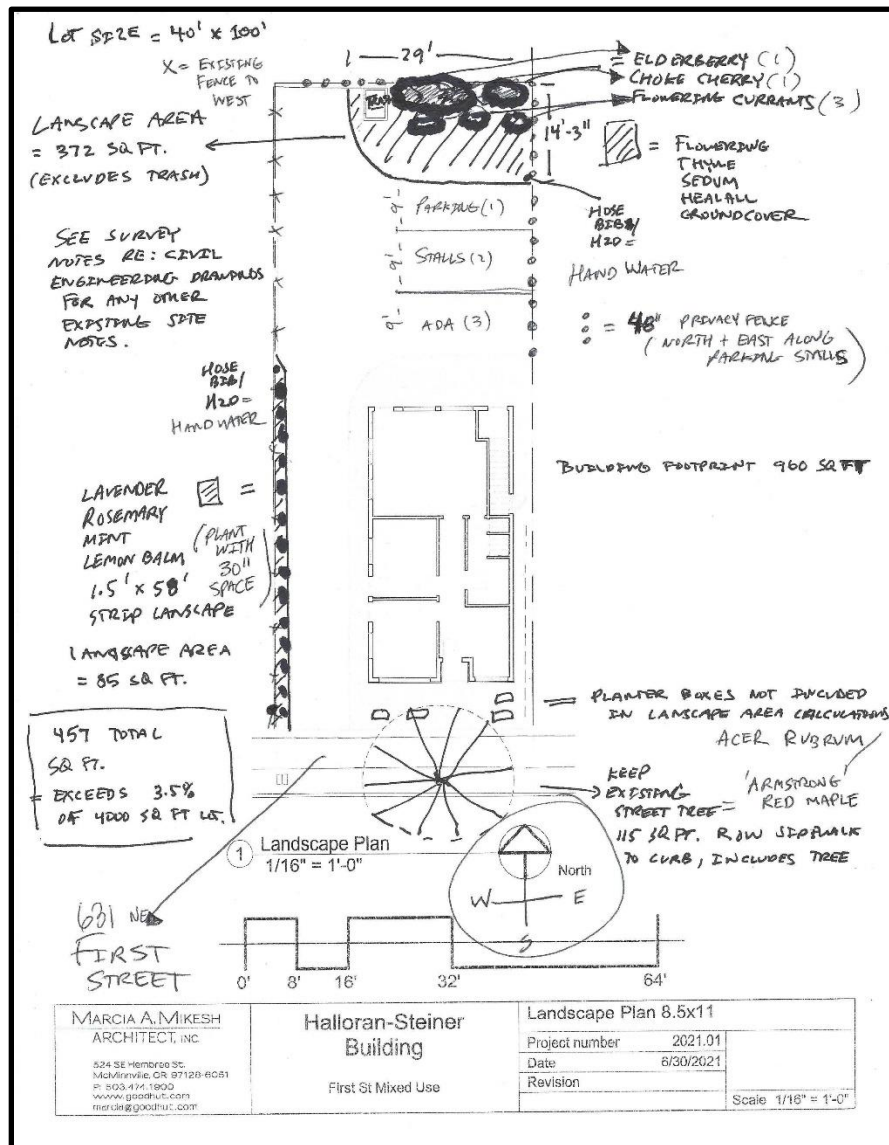
Figure 3: Proposed Site Plan

**Attachments:**

Attachment A – Decision, Conditions, Findings of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for a New Industrial Development at 1245 NE Alpha Drive

Attachment B – Application, Attachments, Supplemental Submittal

Attachment C – Design Review Decision DDR 1-21

Figure 4: Landscape Plan, Irrigation and Plant Information**LANDSCAPE REVIEW COMMITTEE OPTIONS:**

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

Attachments:

Attachment A – Decision, Conditions, Findings of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for a New Industrial Development at 1245 NE Alpha Drive

Attachment B – Application, Attachments, Supplemental Submittal

Attachment C – Design Review Decision DDR 1-21

STAFF RECOMMENDATION:

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

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

SUGGESTED MOTION:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE LANDSCAPE PLAN REVIEW APPLICATION L 14-21 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

AD

Attachments:

Attachment A – Decision, Conditions, Findings of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for a New Industrial Development at 1245 NE Alpha Drive

Attachment B – Application, Attachments, Supplemental Submittal

Attachment C – Design Review Decision DDR 1-21



CITY OF MCMINNVILLE
PLANNING DEPARTMENT
231 NE FIFTH STREET
MCMINNVILLE, OR 97128
503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A LANDSCAPE PLAN REVIEW FOR A NEW INDUSTRIAL DEVELOPMENT AT 631 NE 1st STREET

DOCKET: L 14-21 (Landscape Plan Review)

REQUEST: Approval of a Landscape Plan for a mixed-use development located at 631 NE 1st Street

LOCATION: 631 NE 1st Street (Tax Lot 11300, Section 21BC, T. 4. S., R. 4 W., W.M.)

ZONING/Overlay: C-3 (General Commercial)
NE Gateway District Overlay

APPLICANT: Silas & Amy Halloraw-Steiner

STAFF: Amy Dixon, Contract Planner

DATE DEEMED COMPLETE: August 17, 2021

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

MEETING DATE & LOCATION: September 15, 2010, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, and Zoom Online Meeting ID 827 3555 4395.

PROCEDURE: Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.050 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance.

CRITERIA: The applicable criteria are specified in Section 17.57.070 (Area Determination – Planning factors) of the McMinnville Zoning Ordinance, McMinnville City Code.

APPEAL: The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.57.170 of the McMinnville Zoning Ordinance.

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

Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the Landscape Plan (L 14-21) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

Planning Department: _____ Date: _____
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

Subject Property & Request

The applicants, Silas & Amy Halloraw-Steiner, submitted a landscape plan review application (Docket L 14-21) seeking approval of a landscape plan for a mixed-use building development.

The subject site is located at 631 NE 1st Street and is more specifically described as Tax Lot 11300, Section 21BC, T. 4. S., R. 4 W., W.M. **See Figure 1 (Vicinity Map)**. The property is zoned C-3 (General Commercial) and is within the Northeast Gateway Overlay District **See Figure 2 (Zoning Map)**.

The subject property is approximately 4000 square feet in size. All structures have been removed. The proposal is to develop the property with a mixed-use building. Properties to the north, east and west are all zoned C-3 (General Commercial). The properties to the south across 1st Street are zoned O-R (Office/Residential). The US Post Office is located on the adjacent property to the east. The property to the north, south and west are development with single family residential.

The proposed site plan for the development features a mixed-use building located along the south and east property lines. A parking lot located behind the building and an access way along the western property line provides access and parking to the site. Proposed landscaping is focused along the 1st Street frontage, along the west property line and in the northeast corner of the property. **See Figure 3 (Site Plan), Figure 4 (Landscape, Irrigation and Plant Information Plan)**.

Figure 1: Vicinity Map (Subject Site Approximate)

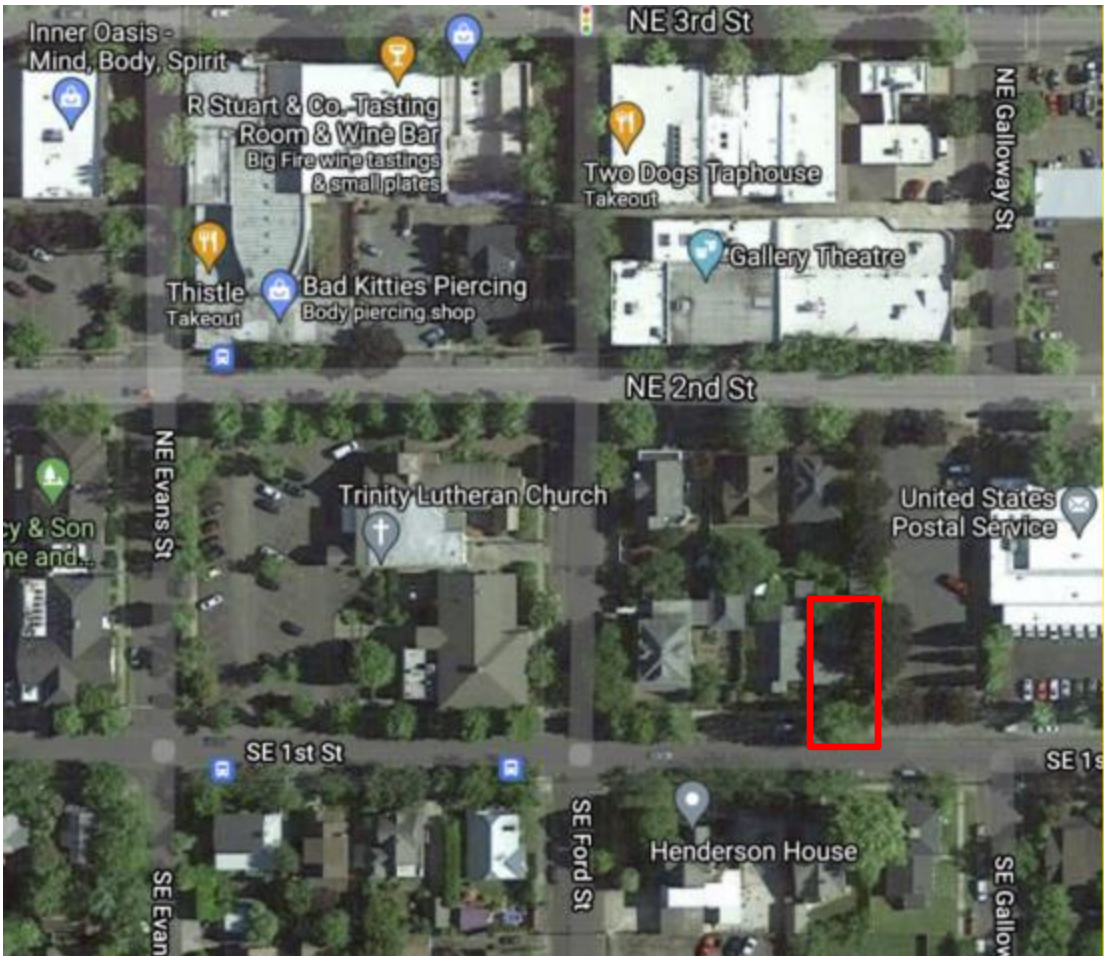


Figure 2: Zoning Map

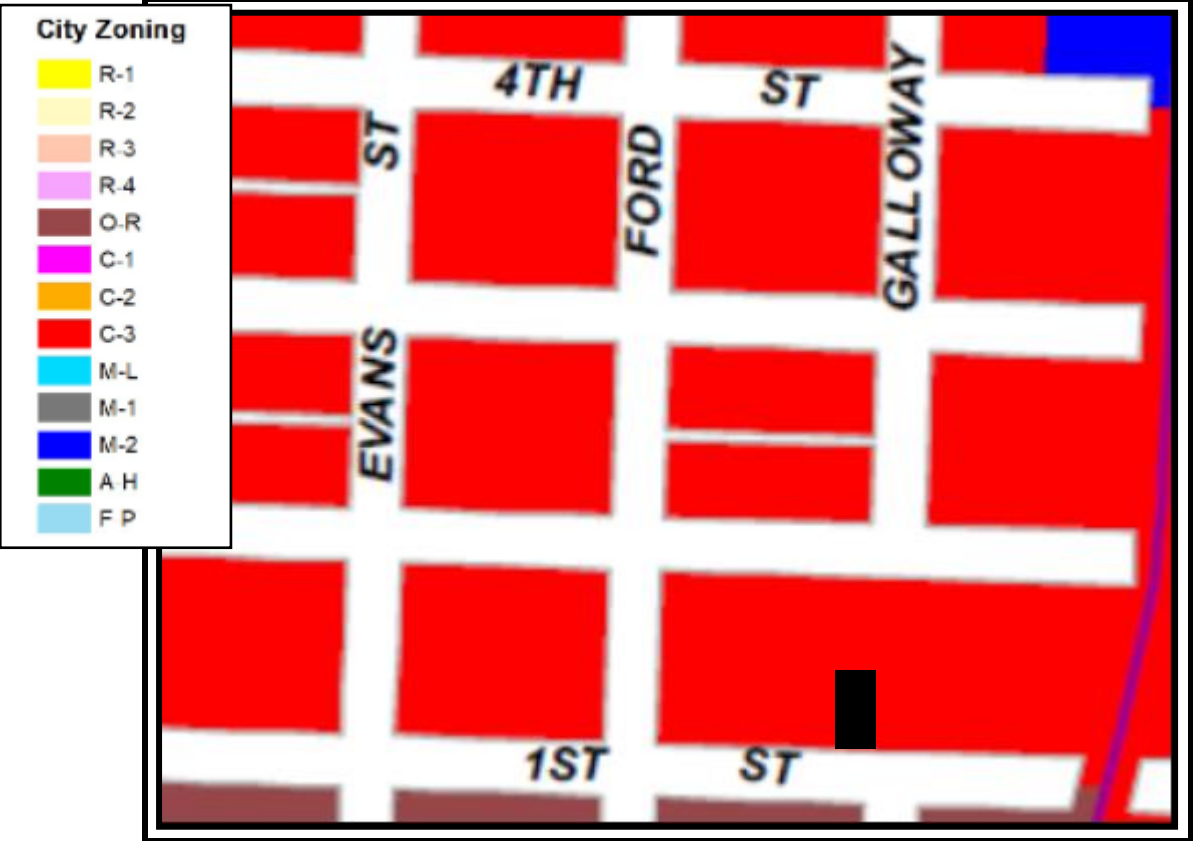


Figure 3: Proposed Site Plan

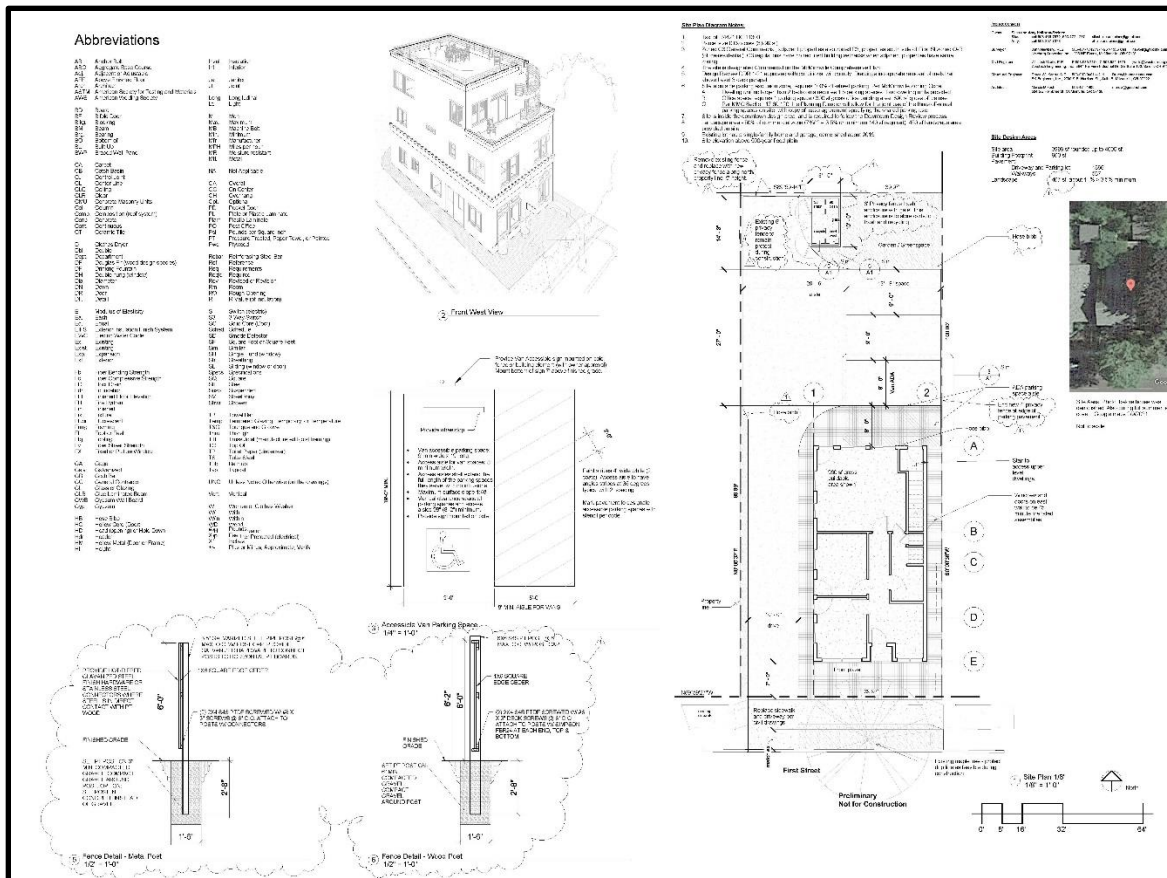
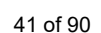


Figure 4: Landscape Plan, Irrigation and Plant Information



2. That the four (4) planter boxes shall be planted with low, groundcover-like flowering perennials.
3. That the combined height of the four (4) planter boxes and plants shall not exceed three (3) feet tall and shall not be sight-obscuring.
4. That one (tree) shall be planted in landscape area in northeast corner of property. The tree shall be from the listed trees in the McMinnville Street Tree List.
5. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement.
6. That lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.

III. ATTACHMENTS:

1. L 14-21 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 were received:

- McMinnville Public Works Department

1. The landscaping appears to be on private property, outside of the right of way, and thus outside of our purview. Thus, we would have no comment on that element.
2. The applicant proposes to preserve the existing street tree, which we would concur with.

- McMinnville Water and Light

MW&L indicated that they did not have any issues or comments on this application.

Public Comments

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

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicants, Silas & Amy Halloran-Steiner, submitted a landscape plan review application on June 30, 2021.
2. The application was deemed complete on August 17, 2021. Based on that date, the application is subject to a 30-day review timeframe, which expires September 17, 2021.

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

3. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
4. No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 of the McMinnville Zoning Ordinance, which does not require public notification. No public comments were received prior to the public meeting.
5. A public meeting was held by the Landscape Review Committee on September 15, 2021, to review the application and proposed landscape plan.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 631 NE 1st Street (Tax Lot 11300, Section 21BC, T. 4. S., R. 4 W., W.M.)
2. **Size:** Approximately 4,000 Square Feet
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:** Downtown Design Standards Area (per Section 17.59.020(A) of the McMinnville Municipal Code); Reduced Landscaping Requirements Area (per Section 17.57.080).
6. **Current Use:** All existing structures have been removed and the property is currently undeveloped.
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None (previous historic resource D878 demolished per docket number HL 1-18)
 - b. **Other:** None
8. **Other Features:** There is one existing mature street tree adjacent to the property. There are no other significant or distinguishing nature features associated with this property.
9. **Utilities:**
 - a. **Water:** The property is served by a water main in NE 1st Street. The treatment plant has sufficient treatment capacity.
 - b. **Sewer:** The property is served by a sewer main in NE 1st Street. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
 - c. **Stormwater:** The property is served by a stormwater sewer main in NE 1st Street.
 - d. **Other Services:** Other services are available to the property.
 - e. **Other Services:** Other services are available to the property.

Transportation: The subject property is bounded on the south by 1st Street. The McMinnville Transportation System Plan identifies 1st Street as a minor collector. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets at 56 or 66 feet, depending on whether a bike lane exists. The McMinnville Transportation System Plan identifies 1st Street as having a bike sharrow and no bike lane, which results in the necessary right-of-way width of

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

56 feet. The existing right-of-way adjacent to the subject property is currently 60 feet in width. Therefore, no right-of-way dedication is required.

VII. CONCLUSIONARY FINDINGS:

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

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

Comprehensive Plan Volume II:

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

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

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

GOAL III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHAEOLOGICAL SIGNIFICANCE TO THE CITY OF McMINNVILLE.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The property is not listed on the McMinnville Historic Resources Inventory or the McMinnville Downtown Historic District that is listed on the National Register of Historic Places.

GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE

Downtown Development Policies:

Policy 36.00 The City of McMinnville shall encourage a land use pattern that:

- 1. Integrates residential, commercial, and governmental activities in and around the core of the city;*
- 2. Provides expansion room for commercial establishments and allows dense residential development;*
- 3. Provides efficient use of land for adequate parking areas.*
- 4. Encourages vertical mixed commercial and residential uses; and,*
- 5. Provides for a safe and convenient auto-pedestrian traffic circulation pattern.*

APPLICANT'S RESPONSE: None.

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

FINDING: SATISFIED. The proposal results in a new mixed-use and commercial establishment in the core of the city. The proposed structure is proposed to be vertical mixed-use with commercial office space on the ground floor and two residential dwelling units on the upper stories. The proposal includes the construction of new parking areas to serve the proposed uses, and the applicant has proposed shared use of the parking as allowed by the McMinnville Municipal Code to allow for more dense residential development and efficient use of land for parking areas.

Policy 39.00 The City of McMinnville shall encourage and allow the development of pocket parks, landscaping, and other natural amenities to provide a visual contrast between streets and parking lots and buildings to enhance the general appearance of the downtown.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposal includes a proposed plaza/courtyard space with some landscaping between the front of the building and the adjacent sidewalk and street (1st Street right-of-way). The proposed parking areas will be located behind the building to minimize their visual impact from the adjacent sidewalk and street.

Policy 44.00 The City of McMinnville shall encourage, but not require, private businesses downtown to provide off-street parking and on-site traffic circulation for their employees and customers.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposal includes the construction of new parking areas to serve the proposed uses, and the applicant has proposed shared use of the parking as allowed by the McMinnville Municipal Code to allow for more dense residential development and efficient use of land for parking areas.

Policy 46.01 The City shall, through its Landscape Review Committee, develop a list of street trees acceptable for planting within the public rights-of-way, parks and open spaces, and downtown. In addition, the committee shall develop standards for the planting of these trees, particularly within the downtown area, such that sidewalk and tree root conflicts are minimized. This effort should be coordinated with McMinnville Water and Light in an effort to minimize conflicts with utility lines.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The site has one existing mature street tree that is proposed to be retained. Any future street tree removal request and potential replacement will be reviewed by the Landscape Review Committee and evaluated against the applicable review criteria within the McMinnville Municipal Code.

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

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

APPLICANT'S RESPONSE: None.

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

McMinnville Zoning Ordinance

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

Chapter 17.57 Landscaping

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

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

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

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

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

APPLICANT'S RESPONSE: None.

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

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

- A. R-4 (Multiple-Family Residential zone, except the construction of a Single-Family or Two-Family Residential unit);
- B. C-1 (Neighborhood Business zone);
- C. C-2 (Travel Commercial zone);
- D. C-3 (General Commercial zone);
- E. O-R (Office/Residential zone);
- F. M-L (Limited Light Industrial zone);
- G. M-1 (Light Industrial zone);
- H. M-2 (General Industrial zone).

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed development is within the C-3 (General Commercial) zone; therefore, landscaping is required subject to landscaping requirements of industrial uses and the criteria and standards described in Chapter 17.57 – Landscaping.

17.57.070 Area Determination – Planning Factors.

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

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The subject site is approximately 4,000 square feet. The applicant indicates that approximately 457 square feet of landscaping is provided over the entire site.

	Total Site Area (s.f.)	Landscape Provided (s.f.)	Percentage	Percentage Required
Industrial Buildings	4,000	457	11.4%	7.0%

The proposed landscaping area of 11.4 percent exceeds the seven (7) percent minimum landscaping requirement for industrial development. Therefore, this standard is met.

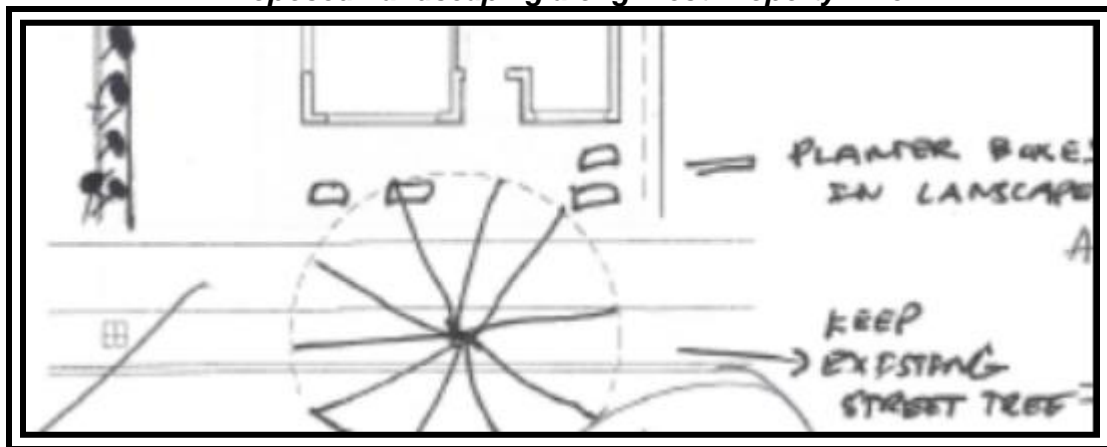
17.57.070(B). The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1, #2, & #4. The proposed site plan for the development features a mixed-use building located along the eastern and southern property lines. A parking lot located behind the building with provides access and parking to the site. Proposed landscaping is focused along the eastern property line, at the northeast corner of the property between the parking lot and the property line, and planter boxes between the building and the public sidewalk. The right-of-way is developed with an existing Armstrong Red Maple.

Proposed Landscaping along West Property Line

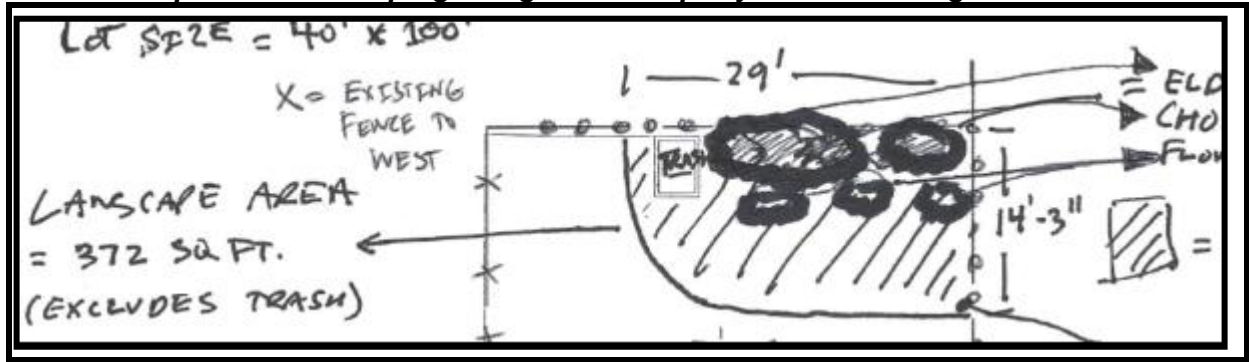


The applicant is proposing four (4) planter boxes between the public sidewalk and the building as required by the approved Design Review DDR 1-21 decision. But there are no plants identified for planting on the landscaping plans. But in the approved Design Review decision, the planter boxes were proposed to contain low, groundcover-like flowering perennials. Therefore, conditions are necessary to ensure that there will be plants maintained in the boxes.

Attachments :

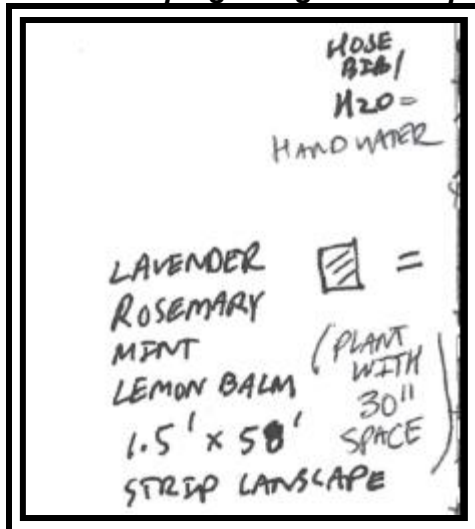
Attachment 1 – Application, Attachments, Supplemental Submittals

Proposed Landscaping along North Property Line & Parking Lot



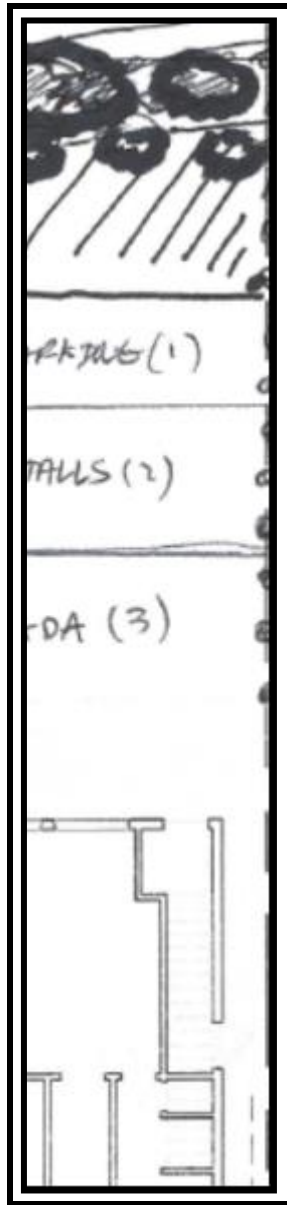
There is one planting area of approximately 375 square feet in size with some tree like shrubs and groundcover proposed. It would seem that a tree would be appropriate in this area to shade the parking lot to reduce heat and to buffer the use from the adjacent property. Therefore, it is necessary to ensure that a tree is installed and is an approved tree listed in McMinnville Street Tree List.

Proposed Landscaping along West Property Line



Along the west property line, the proposed site plan indicates low growing shrubs. No trees are proposed. Due to site restraints, the width of the planting area is extremely narrow and would not accommodate trees. With the existing fence and shrubs, the site is compatible and allows for buffering between the site and surrounding properties.

Proposed Landscaping along East Property Line



On the eastern property line, the applicant is proposing a fence from the corner to approximately the building. Again, due to the extreme site restraints, there is only space available for a fence. The applicant did mention the adjacent property's landscaping to help with buffering the uses. Although, the property owner does not have any legal rights to require the landscaping to remain. Therefore, using adjacent properties' landscaping a justification is not appropriate.

Overall, and with the recommended conditions of approval, the characteristics of the proposed landscaping are compatible with the project and the adjacent surrounding properties.

CONDITIONS FOR FINDING:

1. That the applicant shall install landscaping as shown on the landscape plans received by the Planning Department on June 30, 2021, and revised on August 11, 2021, shall comply with required conditions of approval.
2. That the four (4) planter boxes shall be planted with low, groundcover-like flowering perennials.

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

4. That one (tree) shall be planted in landscape area in northeast corner of property. The tree shall be from the listed trees in the McMinnville Street Tree List.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. There is an existing 6-foot sign obscuring fence along the west property line. The applicant is proposing a 4-foot sight-obscuring fence along the north property line and along the east property line from the northeast corner to the building. With the building, existing fence and new fence, this standard is met.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. No significant natural areas or existing trees are present on the site to incorporate into the development of the project. Therefore, this factor is not applicable.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Due to the site size restrains and number of parking spaces proposed, no islands are proposed or necessary. Therefore, this standard is not applicable.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The right-of-way planting area is already developed with an existing Armstrong Red Maple. The existing tree is to remain. Therefore, this standard does not apply. No prohibited tree is proposed in the parking area.

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

APPLICANT'S RESPONSE: The site plan indicated two hose bibs located near the planting areas. The applicant is proposing to hand water all the new plantings within the small landscape area twice weekly in early springs, then increase to daily or every other day during the summer months into early fall. This watering schedule is proposed for the first 2-3 years until they are well established. The applicants' business will be located on site.

FINDING: SATISFIED. Since the applicants' business is located on site and there this very small area to water, the applicants would more likely be vested in assuring the plants are maintained and that they adhere to the watering schedule. Therefore, this standard is met.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #5. A condition of approval is included to require that all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

CONDITION FOR FINDING:

5. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement.

Chapter 17.58. Trees

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed development is fronting on NE 1st Street. NE 1st Street is classified as a Minor Collector in the Transportation System Plan. The right-of-way is already developed with landscaping. No alterations to the existing planting are within the right-of-way is proposed. Therefore, this standard does not apply.

17.58.090 Street Tree Standards.

- A. 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 ½) 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed development is fronting on NE 1st Street. NE 1st Street is classified as a Minor Collector in the Transportation System Plan. The right-of-way is already developed with landscaping. No alterations to the existing landscaping in the planter strip right-of-way are proposed. Therefore, this standard does not apply.

Chapter 17.61 Solid Waste and Recycling Enclosure Plan

17.61.020 – Applicability and Exemptions.

- A. The requirements of this chapter shall apply to all new commercial, industrial, and multi-family developments of three (3) or more dwelling units.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed project and landscaping are for a new Mixed-use development; therefore, the standards of the chapter shall apply.

17.61.030 – Guidelines and Standards.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The trash enclosure is in the rear of the property behind the building. It is not visible from the right-of-way. Therefore, the standards do not apply

Northeast Gateway Planned Development Overlay

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

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

All Zones:

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #3. The landscape plan indicates that the four (4) planter boxes are proposed between the public sidewalk and the front building line. There is no indication on the overall height of the planter boxes or type of plants proposed. But as indicated in the approved Design Review DDR 1-21 decision, the proposed planter boxes are proposed to contain low, groundcover-like flowering perennials. Therefore, conditions are necessary in order to ensure conformity to this standard.

CONDITION FOR FINDING:

3. That the combined height of the four (4) planter boxes and plants shall not exceed three (3) feet tall and shall not be sight-obscuring.
- B. Off-street parking located behind the building but visible from the public right-of-way shall be screened through the provision of a continuous row of shrubs, or a fence or seating wall, not less than three feet and no more than four feet high.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The parking lot is set behind the building, out of view of the street. Therefore, the specific landscaping buffer requirements of this section are not applicable.

- C. Off-street parking areas with 10 (ten) or more parking spaces shall have, at a minimum, internal landscaping designed to visually break up a paved parking area as follows:

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

1. Landscaped islands and peninsulas shall be evenly distributed throughout all parking areas and separated no more than 60 feet from another. Such islands shall be provided with raised curbs, be a minimum of five feet in width, and shall each contain at least one deciduous tree. To achieve the maximum canopy coverage, all trees shall be non-columnar.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed site plan indicates that there are only three (3) parking space being provided. Therefore, this standard does not apply.

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

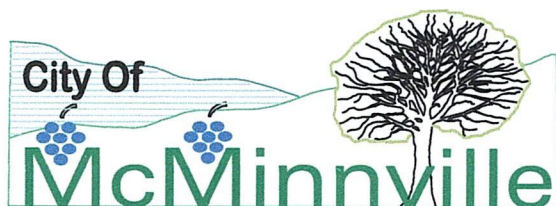
APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #6. No lighting is indicated on the proposed site plans. Since no details are provided about light fixtures or photometrics, a condition of approval is included to ensure any lighting of parking and landscaped areas be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target and not result in skyward glare.

CONDITION FOR FINDING:

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

AD

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128

(503) 434-7311 Office • (503) 474-4955 Fax

www.mcminnvilleoregon.gov

569-21-000271-Ping

Office Use Only:	
File No.	<u>L14-21</u>
Date Received	<u>6-30-2021</u>
Fee	<u>\$01.³⁵</u>
Receipt No.	_____
Received by	<u>AS</u>

Landscape Plan Review Application

Applicant Information

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

Applicant Name SILAS + AMY HALLORAN-STEINER Phone (503) 435-7572

Contact Name _____ Phone _____
(If different than above)

Address 17504 SW MASONVILLE

City, State, Zip McMINNVILLE OR 97128

Contact Email Silas Halloransteiner@gmail.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 631 NE FIRST McMINNVLLE OR

Assessor Map No. R4 421 - BC - 11300 Total Site Area 4000 SQ FT.

Subdivision ROWLAND'S ADDITION Block 5 Lot 7

Comprehensive Plan Designation COMMERCIAL Zoning Designation C-3

Landscaping Information

1. Total Landscaped Area: 457 SQ FT.
2. Percent Landscaped: 11.4 %
3. Building Floor Area:
New Structure: 960 Existing Structure: N/A Addition: N/A
4. Architect Name MARCIA MIKEJH Phone (503) 474 1900
(Landscape Architect, Engineer, or Other Designer)
Contact Name _____ Phone _____
Address 524 SE HEMBREE ST.
City, State, Zip MC MINNVILLE OR 97128
Contact Email Marcia@goodhut.com

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

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

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


Applicant's Signature

6/30/21
Date


Property Owner's Signature

6/30/21
Date

August 10, 2021

To: McMinnville Planning Dept, attention Sarah Sullivan, and Landscape Review Team

Re: Landscape Plan Review Application (L 14-21) Completeness Review Response

We have included the following information in response to the letter dated July 21, 2021 sent by Amy Dixon, Contract Associate Planner:

1. Updated site plan, see attached. Please note that there are no existing trees over the 6" diameter requirement. The trees that are seen on arial photos are from neighboring lots. Additionally, there are several mature arborvitae (5-5.5" diameter) in the Northwest corner of the property that will be removed due to parking and turnaround requirements.
2. The new plantings will be established exactly as shown on the site plan. Size of the plants will be 1 gallon potted starts for all shrubs on East side of drive aisle (lavender, rosemary, mint, lemon balm). Plants on the North property line will be 2-3 gallon potted plants when established (elderberry (1), choke cherry (1), flowering currants (3)). All groundcover such as flowering thyme, sedum, heal all will be smaller starts up to 1 gallon in size.
3. Mature plants are expected as follows:
 - a. Lavender, rosemary, mint, lemon balm = 2-3' tall/wide (with some pruning), planted on 30" spacing along the West property line as indicated on the site plan)
 - b. Chokecherry 20' tall, 10-15' wide (with some pruning)
 - c. Elderberry 6-10' tall, 8-12' wide (with some pruning)
 - d. Flowering currents (3-6' tall, 2-3' feet wide)
 - e. Groundcover less than 12" height, width of remaining landscape area in north garden planting area
4. The existing street tree is a mature 'Armstrong' Red Maple, approximately 60' tall and 25-30' wide. We hope to retain this tree and are working with our contractors in order to protect it as much as possible.
5. We will install a new 48" privacy fence along the North and East with coverage for the parking stalls as indicated on the updated site plan. Our rationale for the 48" is that we currently have such a fence on the North property line and want to maintain a similar one with our neighbors (but remove and replace since it is not on the property line) and we also hope to keep the existing green foliage of the neighboring lots featured in our overall landscape approach. There is a strong Wax Murtle hedge along the East property line. Since it is the Post Office parking area we don't believe a taller fence (i.e. 72") is warranted for light/noise pollution in the evenings. The existing 72" fence along the West property line will remain.
6. We plan to hand water all the new plantings in the first 2-3 years of establishing them. Schedule will be twice weekly in early spring, moving to daily or every other day, depending on weather over the summer months into early fall. Since we will have an office onsite this is a reasonable watering schedule since we will be in the office at a minimum of 5 days a week; this is also a small watering area overall (457 sq ft).
7. Please use the civil engineering plan and building site plan for additional context on layout. All hand drawings are to scale and should overlap with other site plans provided.

Thank you, Silas and Amy Halloran-Steiner

LOT SIZE = 40' x 100'

X = EXISTING FENCE TO WEST

LANDSCAPE AREA
= 372 SQ. FT.
(EXCLUDES TRASH)

SEE SURVEY
NOTES RE: CIVIL
ENGINEERING DRAWINGS
FOR ANY OTHER
EXISTING SITE
NOTES.

HOSE
BIBB/
H2O =
HAND WATER

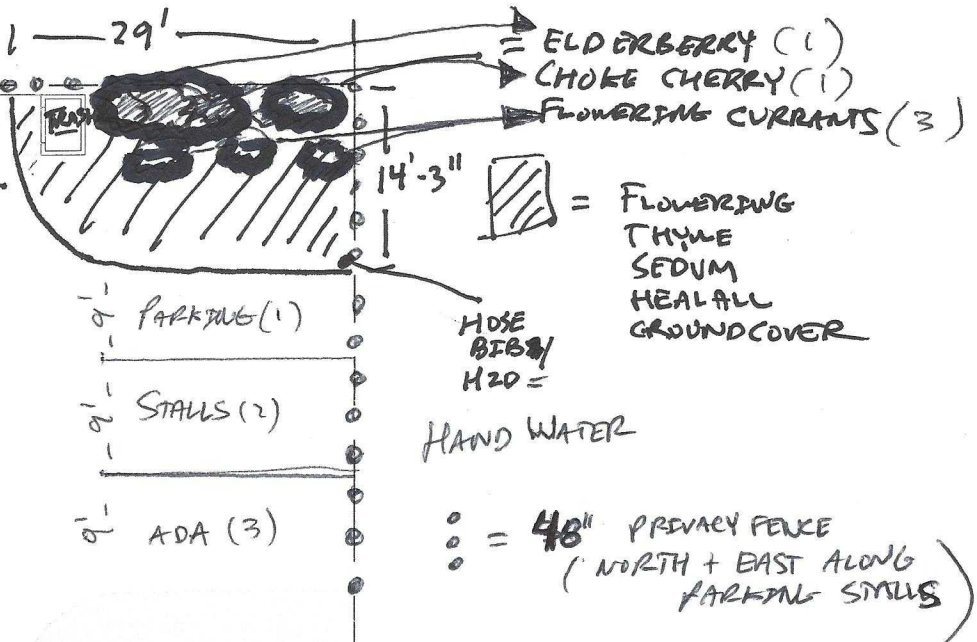
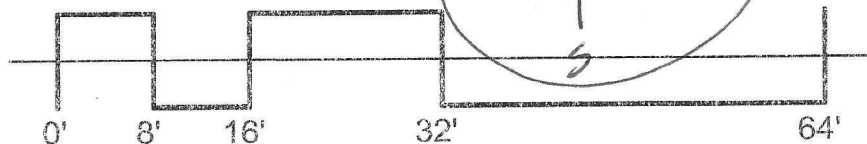
LAVENDER
ROSEMARY
MINT
LEMON BALM
1.5' x 58'
STRIP LANDSCAPE
(PLANT WITH
30" SPACE)

LANDSCAPE AREA
= 85 SQ. FT.

457 TOTAL
SQ. FT.
EXCEEDS 3.5%
OF 4000 SQ. FT. LOT

631 NE
FIRST
STREET

① Landscape Plan
1/16" = 1'-0"



BUILDING FOOTPRINT 960 SQ. FT.

= PLANTER BOXES NOT INCLUDED
IN LANDSCAPE AREA CALCULATIONS
ACER RUBRUM
'ARMSTRONG' RED MAPLE

KEEP
EXISTING
STREET TREE =
115 SQ. FT. ROW SIDEWALK
TO CURB, INCLUDES TREE

MARCIA A. MIKESH
ARCHITECT, INC.

524 SE Hembree St.
McMinnville, OR 97128-6051
P: 503.474.1900
www.goodhut.com
marcia@goodhut.com

Halloran-Steiner
Building

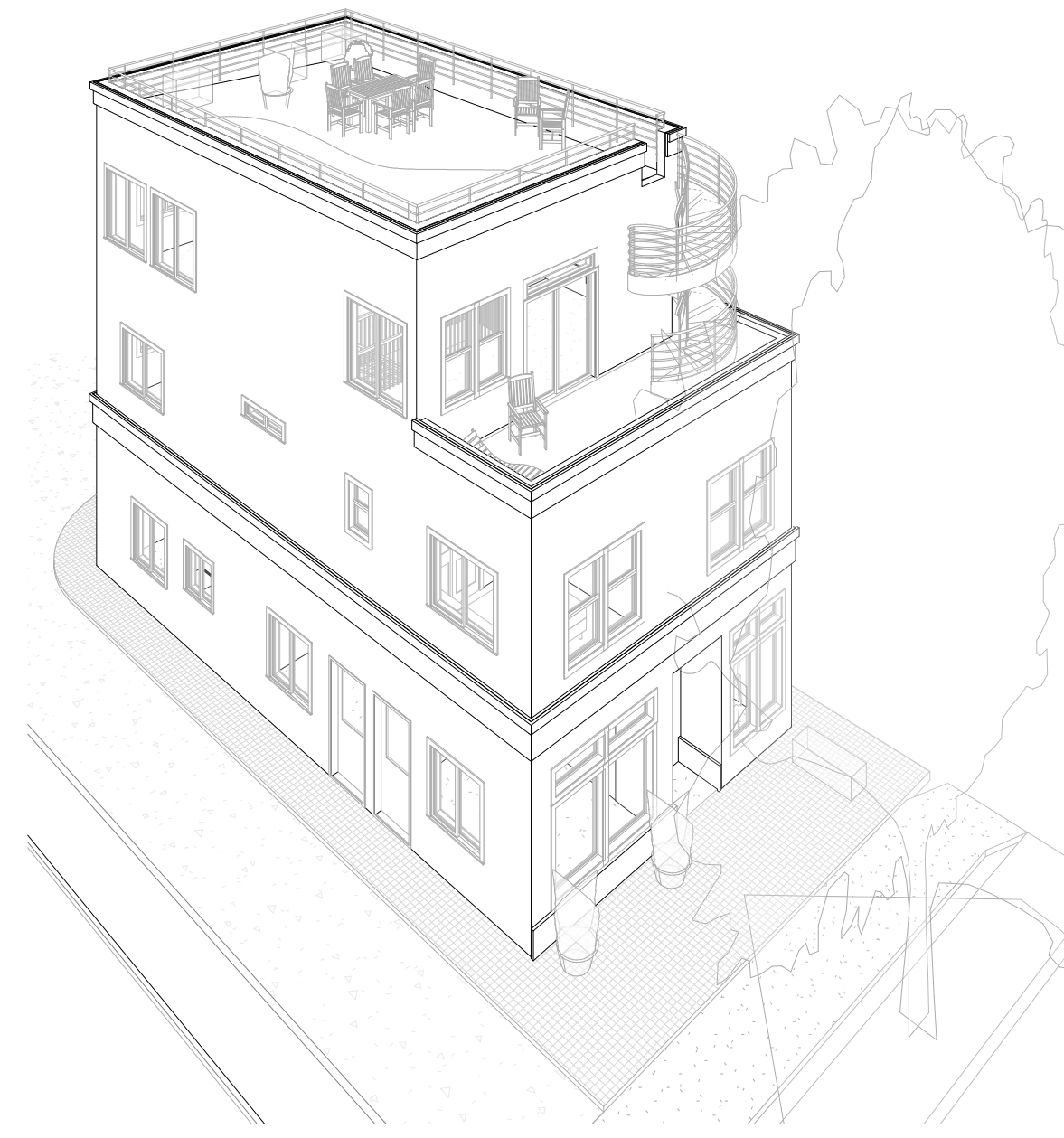
First St Mixed Use

Landscape Plan 8.5x11

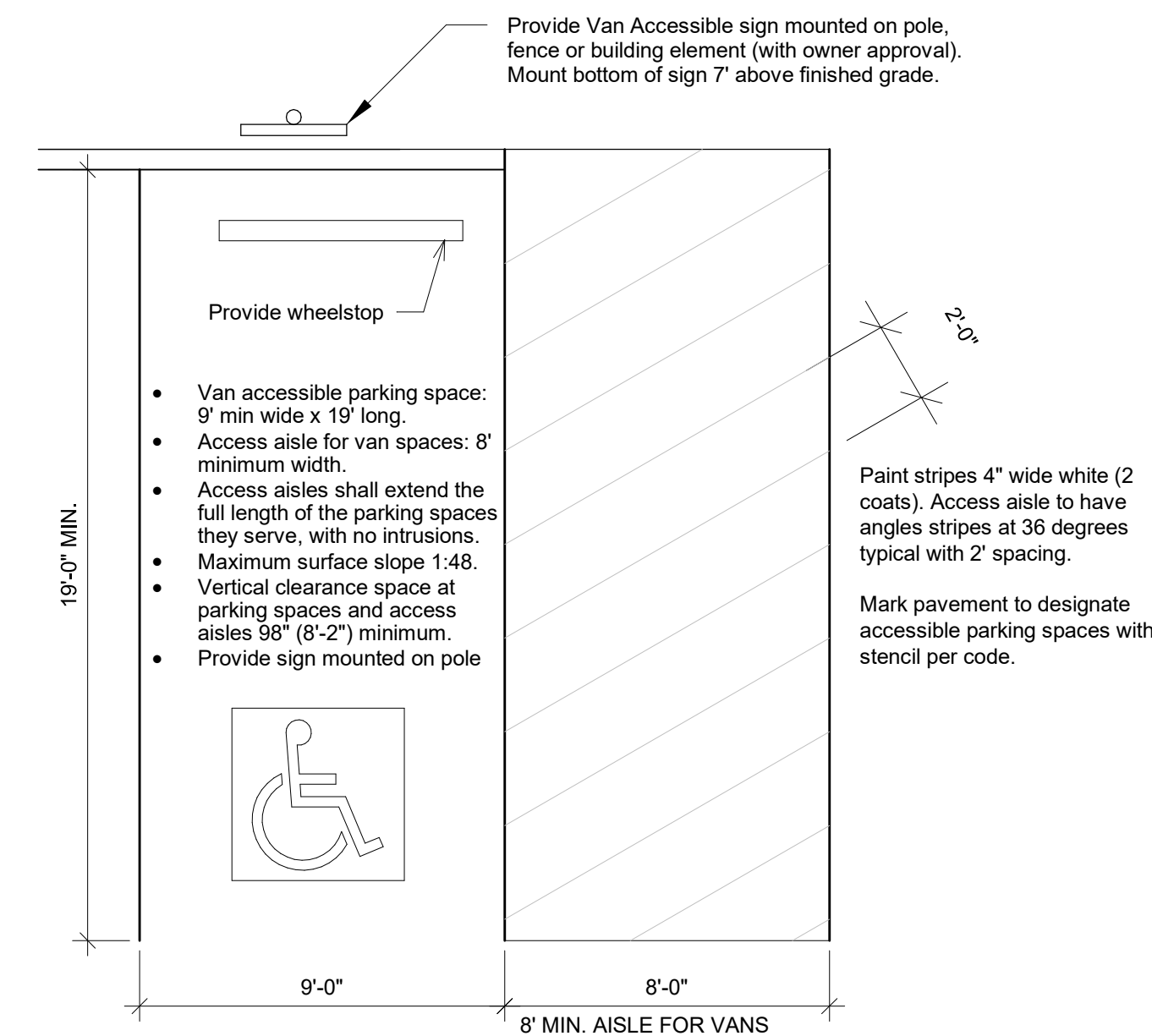
Project number	2021.01
Date	6/30/2021
Revision	

Scale 1/16" = 1'-0"

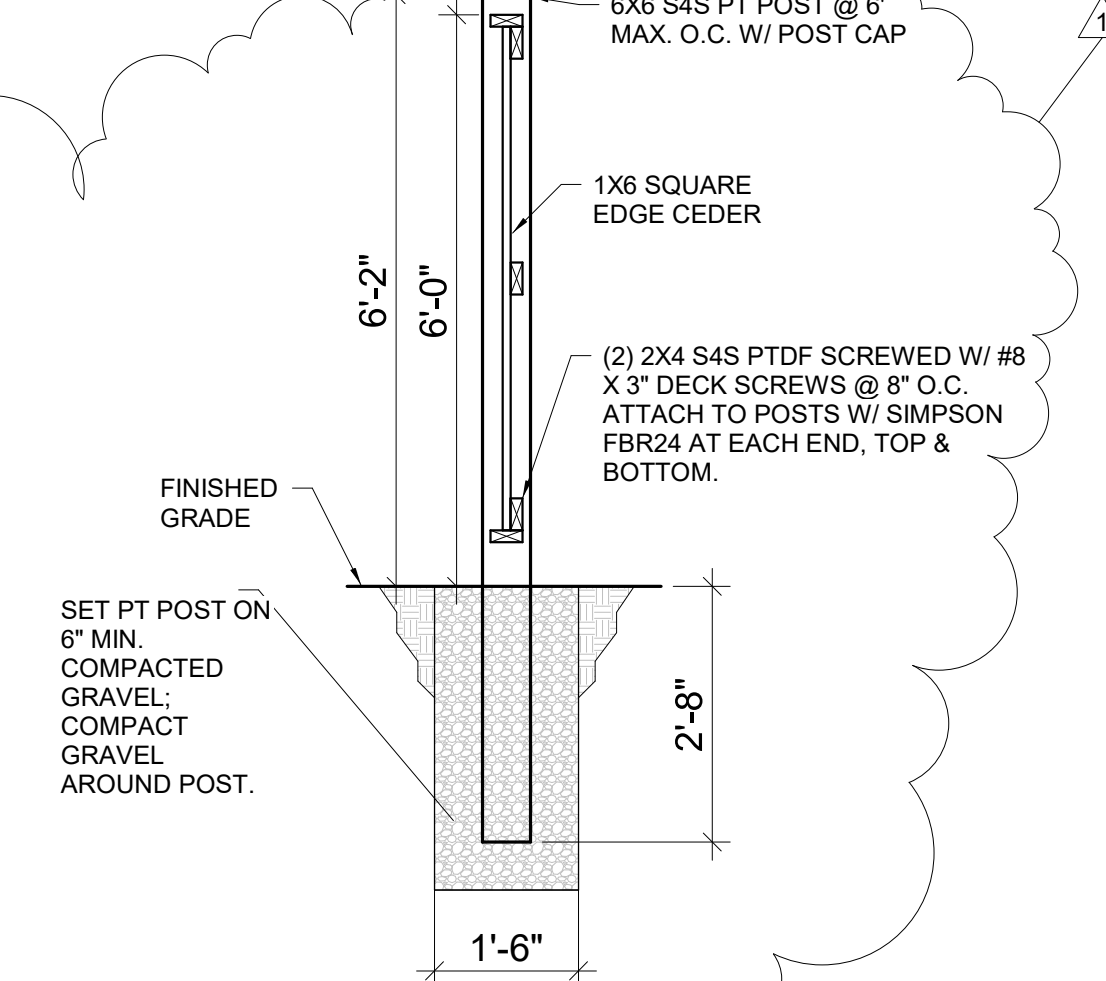
AB	Anchor Bolt	Insul.	Insulation
ABC	Aggregate Base Course	Int.	Interior
Adj.	Adjacent or Adjustable		
AFF	Above Finished Floor	Jan.	Janitor
Arch	Architect	Joint	Joint
ASTM	American Society for Testing and Materials		
AWS	American Welding Society	Long.	Longitudinal
		Lt.	Light
BD	Board		
BF	Bifold Door	M	Men
Blkg.	Blocking	Max.	Maximum
BM	Beam	MB	Machine Bolt
Brg.	Bearing	Min.	Minimum
BO	Bottom of	Mfr.	Manufacturer
BU	Built Up	MPH	Miles per Hour
BWP	Braced Wall Panel	MR	Moisture resistant
		Mtl.	Metal
CA	Carpet		
CB	Catch Basin	NA	Not Applicable
CJ	Control Joint		
CL	Center Line	OA	Overall
CLG	Ceiling	OC	On Center
CLR	Clear	OH	Overhang
CMU	Concrete Masonry Units	Opt.	Optional
Col.	Column	PD	Pocket Door
Comp.	Composition (roof system)	PL	Plate or Plastic Laminate
Conc.	Concrete	Plam	Plastic Laminate
Cont.	Continuous	PO	Post Office
CT	Ceramic Tile	Psi	Pounds per Square Inch
D	Clothes Dryer	PT	Pressure Treated, Paper Towel, or Painted
D	Double	Pwd	Plywood
Dept.	Department	Rebar	Reinforcing Steel Bar
DF	Douglas Fir (wood design species)	Ref	Reference
DF	Drinking Fountain	Req	Requirements
DH	Double hung (window)	Req'd	Required
Dia	Diameter	Rev	Revised or Revision
DN	Down	Rm	Room
DR	Door	RO	Rough Opening
Dtl.	Detail	R-	R-Value (of insulation)
E	Modulus of Elasticity	S	Switch (electric)
Ea.	Each	S3	3-Way Switch
Eq.	Equal	SC	Solid Core (Door)
EIFS	Exterior Insulation Finish System	Sched.	Schedule
EW	Electric Water Cooler	SD	Smoke Detector
Ex	Existing	SF	Square Foot or Square Feet
Exist.	Existing	Sim.	Similar
Exp.	Expansion	SH	Single Hung (window)
Ext.	Exterior	Sht.	Sheeting
		SL	Sliding (window or door)
Fb	Fiber Bending Strength	Specs	Specifications
Fc	Fiber Compressive Strength	SQ	Square
FD	Floor Drain	Stl.	Steel
Fdn.	Foundation	Susp.	Suspended
FFE	Finished Floor Elevation	SV	Sheet Vinyl
FH	Fire Hydrant	Shwr	Shower
Fin.	Finished		
Fixt.	Fixture	TB	Towel Bar
Fluor.	Fluorescent	Temp	Tempered Glazing, Temporary, or Temporary
Frmg.	Forming	T&G	Tongue and Groove
Ft	Foot or Feet	Thru	Through
Ftg	Footing	TJL	Truss Joist (manufactured I-joist framing)
Fv	Fiber Shear Strength	TO	Top Of
FX	Fixed or Picture Window	TP	Toilet Paper (dispenser)
		TS	Tube Steel
GA	Gage	Tub	Bathtub
Galv.	Galvanized	Typ.	Typical
GB	Grab Bar		
GC	General Contractor	UNO	Unless Noted Otherwise (on the drawings)
GL	Glass or Glazing		
GLB	Glue Laminated Beam	Vert.	Vertical
GWB	Gypsum Wall Board		
Gyp.	Gypsum	W	Women or Clothes Washer
		W/	With
HB	Hose Bibb	W/in	Within
HC	Hollow Core (Door)	WD	Wood
HD	Head (opening) or Hold Down	Wt	Weight
Hdr	Header	Wt	Weight
HM	Hollow Metal (Door or Frame)	X"	Inches
Ht	Height	+/-	Plus or Minus, Approximate, Verify



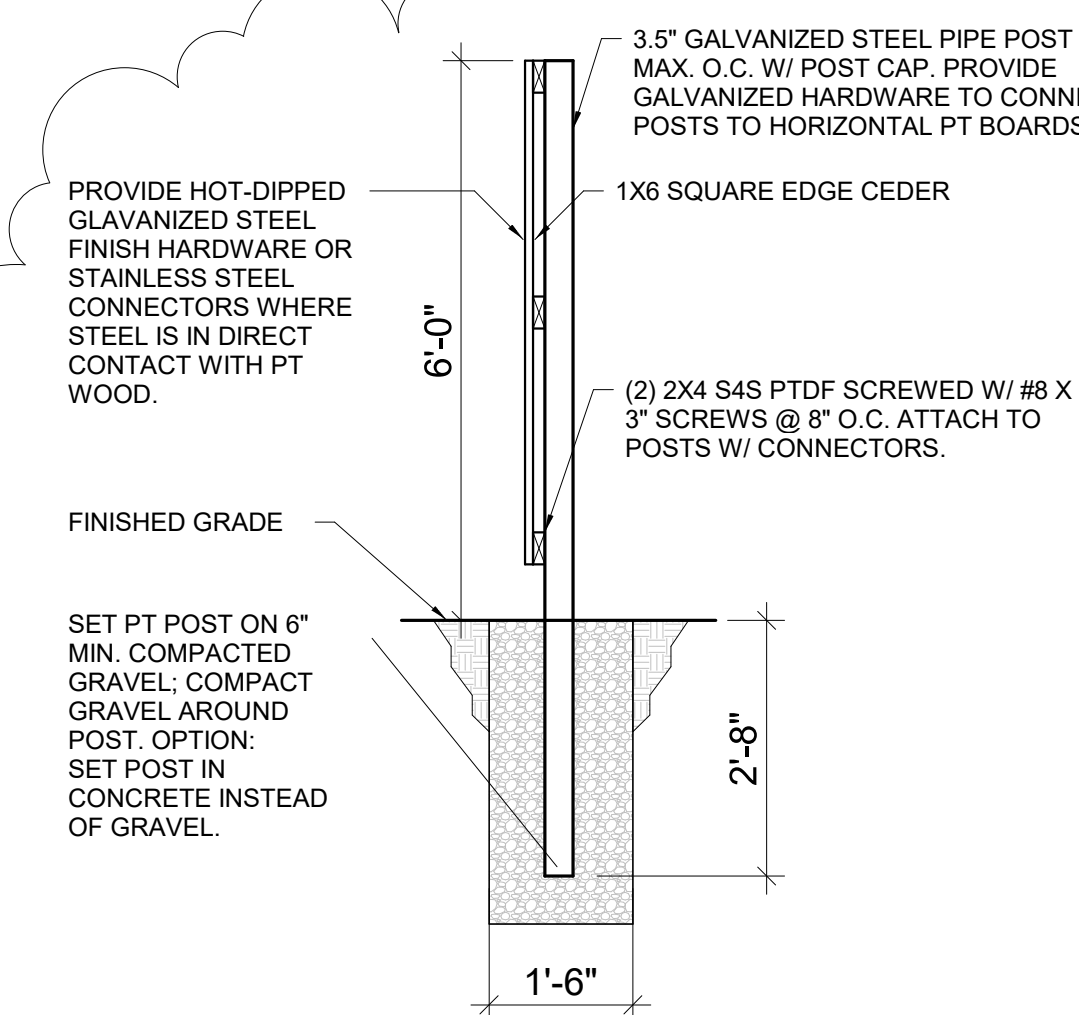
② Front West View



③ Accessible Van Parking Space
1/4" = 1'-0"

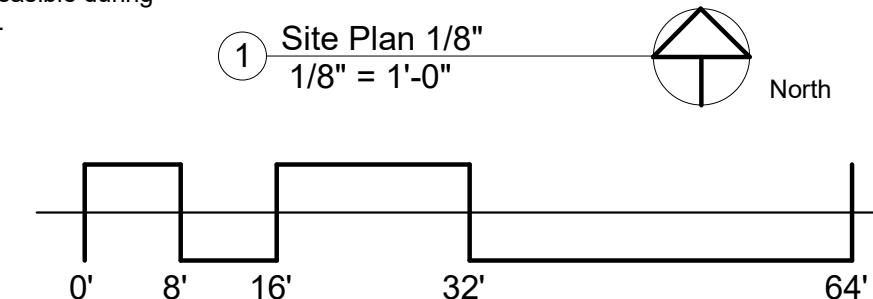
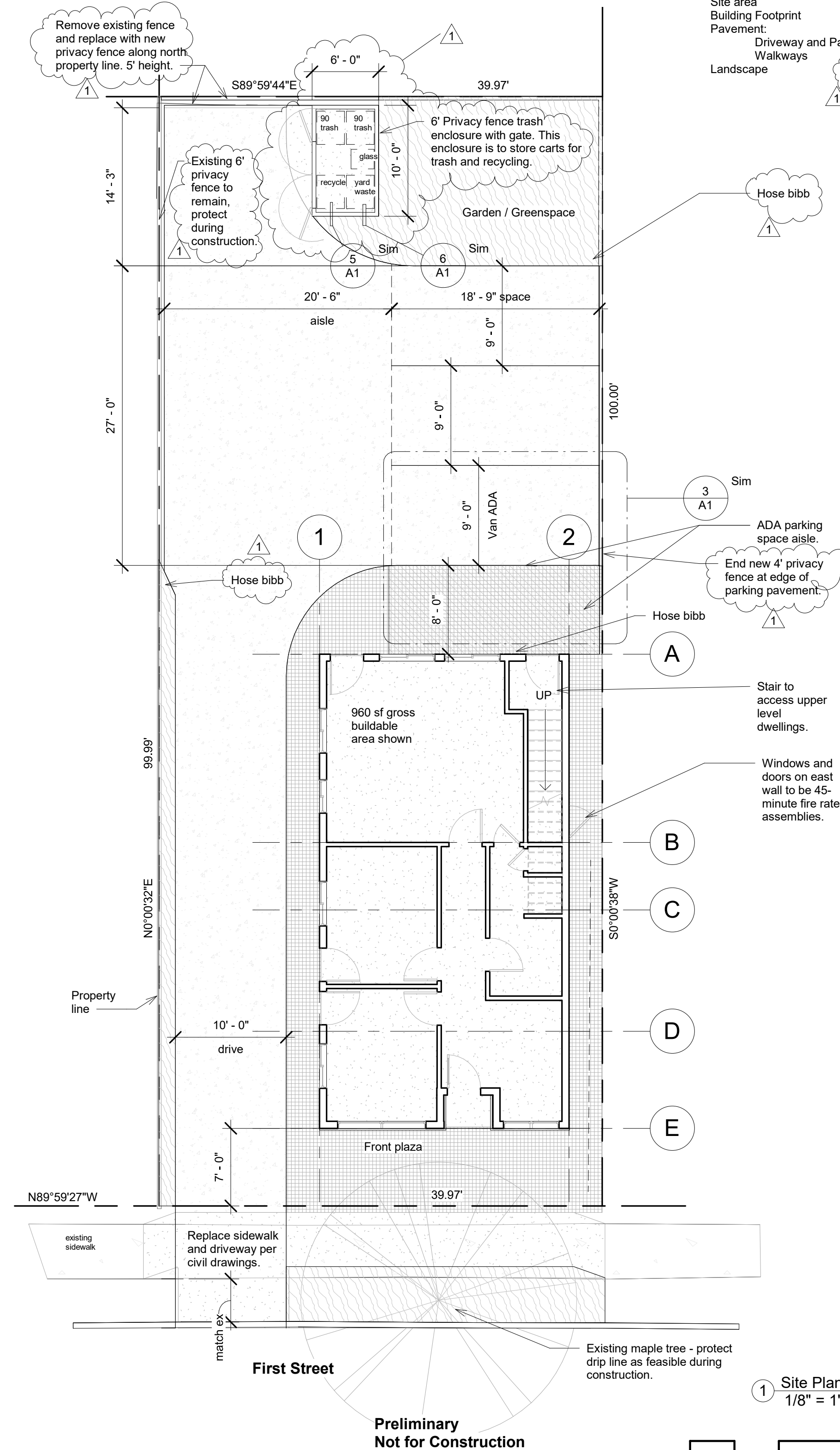


6 Fence Detail - Wood Post
1/2" = 1'-0"



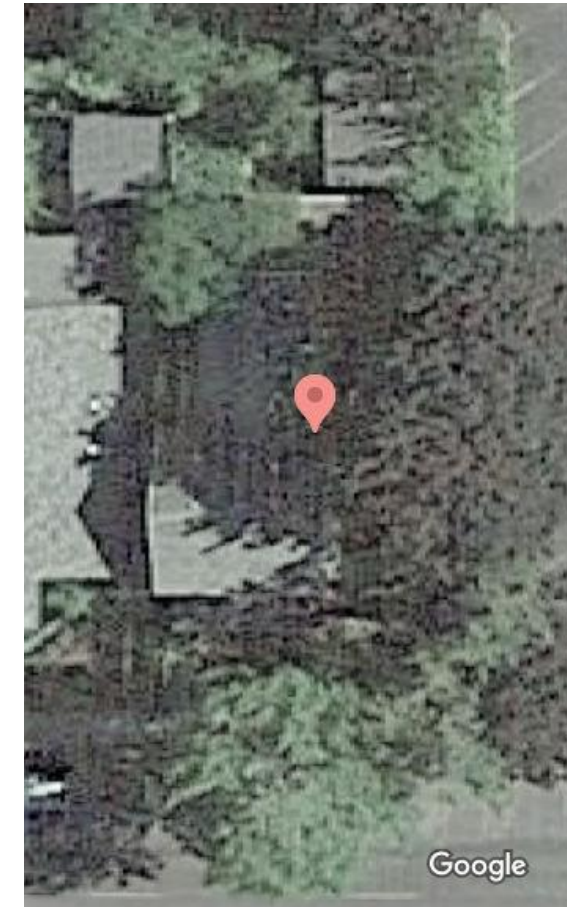
5 Fence Detail - Metal Post
1/2" = 1'-0"

1. Tax lot R4421 BC 11300.
2. Parcel size 0.09 acres (3,999 sf).
3. Zoned C3 General Commercial, adjacent properties also zoned C3, properties south side of First St zoned O-R (Office/Residential). C3 regulations have no required building setbacks when adjacent properties have same zoning.
4. The site is designated Commercial on the McMillinnville Comprehensive Plan.
5. Design Review DDR 1-21 approved with conditions, will comply. Drawings incorporate removal of metal rail above Level 3 deck panels.
6. Site is outside parking exclusion zone, requires 100% off-street parking. Per McMillinnville Zoning Code:
 - A. Dwelling unit no larger than 2 bedrooms requires 1.5 parking spaces. Two dwelling units provided.
 - B. Office space requires 1 parking space / 300 sf gross office building area, 890 sf gross office use.
 - C. Per MMC Code Section 60-120, the Planning Director will allow for the total Use of the three off-street parking spaces on site, with copy of lease agreement specifying the shared parking use.
7. Site is inside the downtown design area, and is required to follow the Downtown Design Review process.
8. Landscape area - 50% of commercial zone (7% ± 3.5% or minimum 140 sq ft required). 450 sf landscape area provided on site.
9. Existing lot had a single-family home and garage, demolished about 2019.
10. Site elevation above 500-year flood plain.



Owner	Silas and Army Halloran-Steiner Site cell 503-435-7572; 503-472-1287 Army: cell 503-587-1376	silahorallansteiner@gmail.com shaloransteiner@gmail.com
Surveyor	John Newberg, PLS Newberg Surveying, Inc. 1200 NE 47th Portland, OR 97218	503-474-7472; 971-237-1956 cell newberg@vixlink.com
Civil Engineer	W. Josh Wells, P.E. Westech Engineering, Inc. P. 636 556-2474; C 503 981-1615	1615@westech-eng.com 1615@westech-eng.com; OR 97302
Structural Engineer	Bruce W. Kenny, S.E. BK Engineers, Inc., 2700 S.E. Harrison St., Suite 121 Buckeye, MI 48015	503-607-1211 Buck@bkengineers.com 503-607-1211; 503-607-1211; 503-607-1211
Architect	Marcia Mikesh 524 SE Hemlock St. McMinnville, OR 97128	503-474-1900 marcia@goodhut.com

Site area	3999 sf rounded up to 4000 sf.
Building Footprint	960 sf
Pavement:	
Driveway and Parking lot	1896
Walkways	567
Landscape	407 sf, about 11% > 3.5% minimum.



Site Aerial Photo, before house was demolished. Also during full summer leaf cover. Google maps 2/9/2021.

Not to scale.

524 SE Hembree St.
McMinnville, OR 97128-6051
P: 503.474.1900
www.goodhut.com
marcia@goodhut.com

REGISTERED ARCHITECT
3022
MARCIA A. MIKESH
McMINNVILLE, OREGON
STATE OF OREGON

A1	Site Plan, Details
A1.2	Landscape Plan by owner
A1.3	Roof landscape play by owner

A2 Exterior Elevations and Building Sections

A3.1 Level 1 & 2 Plans

A3.2	Level 5 Plan, Building Section, Details
A3.3	Schedules, Details

A4 Roof Plan and Details

Refer to Civil Engineering, Structural Engineering, and design-build permit drawings for mechanical, plumbing, fire sprinklers, electrical, landscaping and alarm systems. Verify scope of separate permits with general contractor or owner.

[illegible]

631 NE First St

Site Plan

Project number	2021.01
Date	6/30/2021

A1

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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS OF THE MCMINNVILLE HISTORIC LANDMARKS COMMITTEE FOR THE APPROVAL OF A NEW BUILDING AT 631 NE 1ST STREET WITHIN THE DOWNTOWN DESIGN AREA

DOCKET: DDR 1-21 (Downtown Design Review for New Construction)

REQUEST: Approval of a Downtown Design Review application to allow for the construction of a new building at 631 NE 1st Street on a parcel that is currently vacant. The proposed work includes construction of the new building, parking areas, and drive aisles. The proposal includes a request for an exception to the typical front setback requirement to allow for a plaza/courtyard area in front of the building.

LOCATION: 631 NE 1st Street. The property is identified as Tax Lot 11300, Section 21BC, T. 4 S., R. 4 W., W.M.

ZONING: C-3 (General Commercial)

APPLICANT: Amy & Silas Halloran-Steiner (property owners)

STAFF: Chuck Darnell, Senior Planner

DATE DEEMED COMPLETE: June 1, 2021

DECISION-MAKING BODY & ACTION: McMinnville Historic Landmarks Committee

MEETING DATE & LOCATION: June 24, 2021, Zoom Online Meeting ID 959 6293 5289

PROCEDURE: An application for a Downtown Design Review is processed in accordance with the procedures in Section 17.59.030(A) of the McMinnville Municipal Code.

CRITERIA: The applicable criteria for a Downtown Design Review are specified in Section 17.59.040 of the McMinnville Municipal Code. 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.

APPEAL: As specified in Section 17.59.030(E) of the McMinnville Municipal Code, the Historic Landmarks Committee's decision may be appealed to the Planning Commission within fifteen (15) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal.

RECOMMENDATION

DECISION: APPROVAL WITH CONDITIONS

Planning Department:  Date: June 29, 2021
Heather Richards, Planning Director

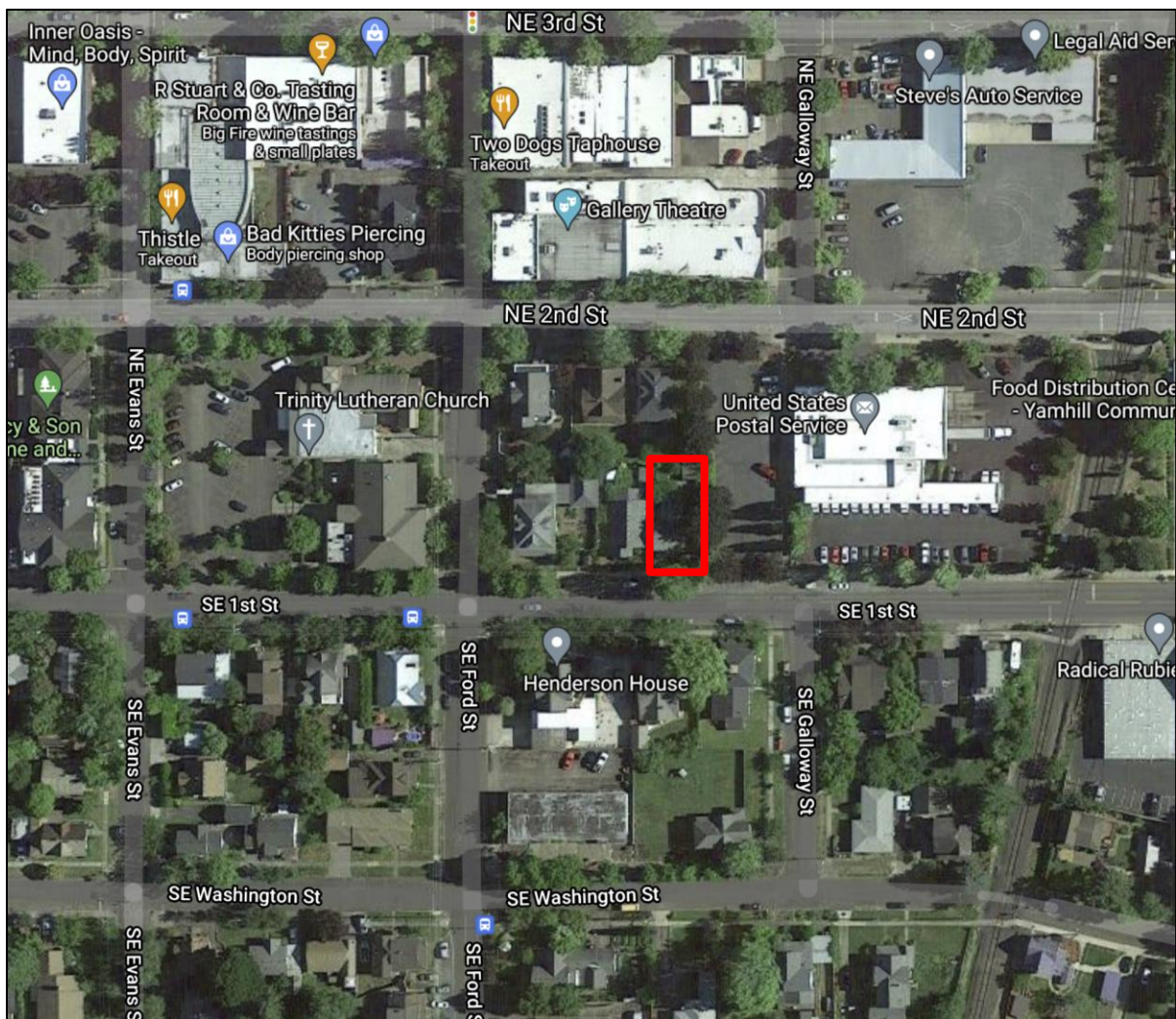
I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the request under consideration. Staff has found the information provided to accurately reflect the current land use request, and excerpted portions are provided below to give context to the request, in addition to staff's comments.

Subject Property & Request

The subject property is located at 631 NE 1st Street. The property is identified as Tax Lot 11300, Section 21BC, T. 4 S., R. 4 W., W.M. **See Vicinity Map (Figure 1) below.**

Figure 1. Vicinity Map (Property Lines Approximate)



The applicant provided an overview of their proposal and project in the application narrative, which is as follows:

“The project is a new 2700 square foot mixed use office building with two (2) upper story dwellings above the office space. The building will be stucco exterior finish with a flat roof system with a roof deck on top of the building, and partial roof deck on the third level. The lot is zoned C-3.”

Attachments :

Attachment 1 – Application and Attachments

Elevations and renderings of the proposed new building are provided below. Full elevations and additional renderings are provided in the application materials (Attachment 1). **See South and West Facing Elevations (Figure 2) and Building Rendering (Figure 3) below.**

Figure 2. South and West Facing Elevations

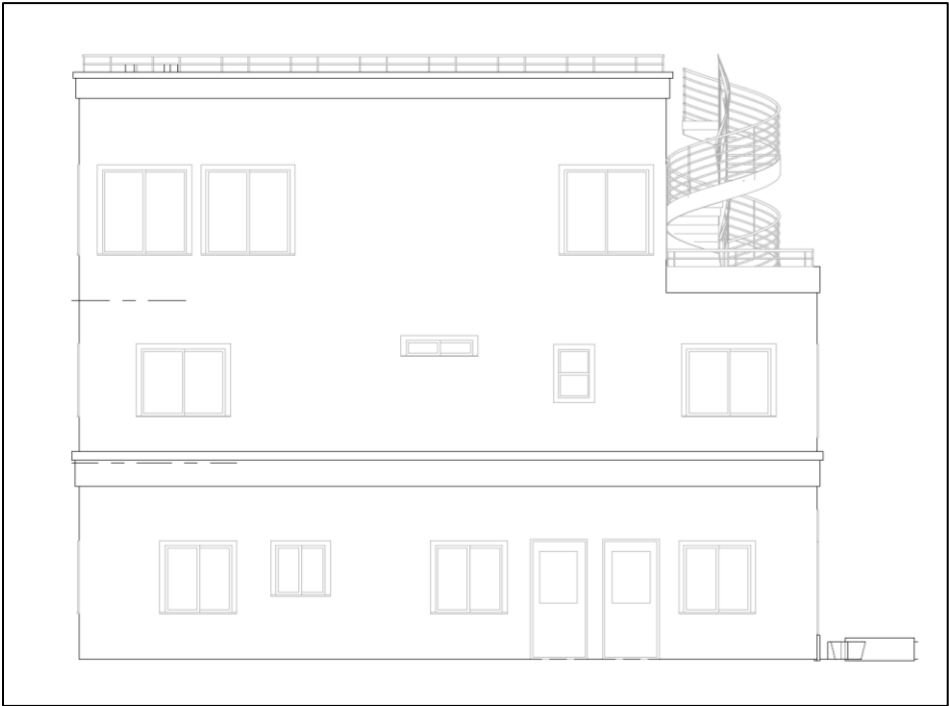
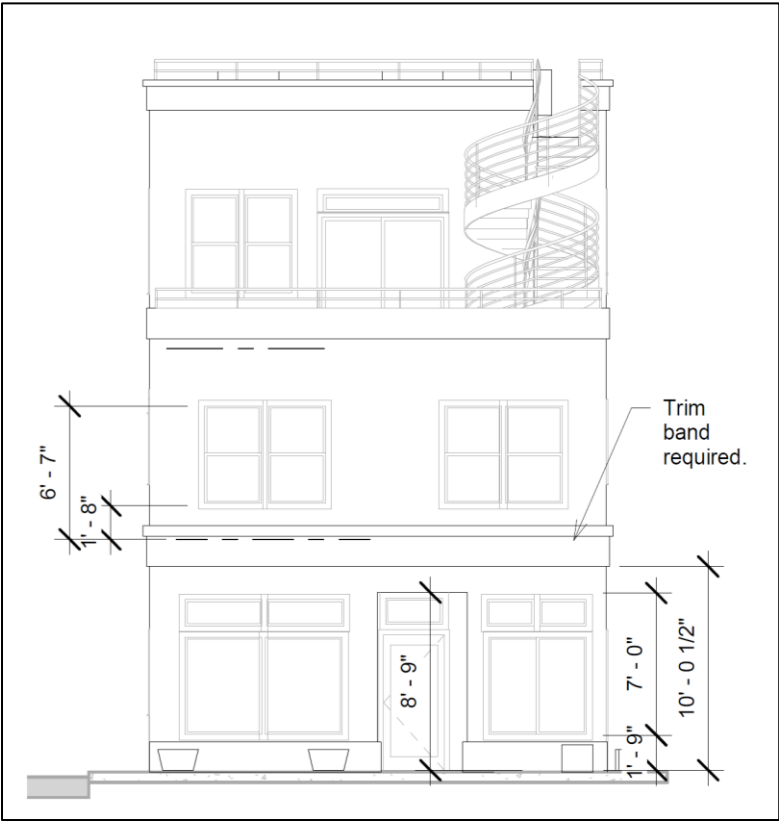


Figure 3. Building Rendering**Background**

The property is located within the Downtown Design Standards and Guidelines area described in Chapter 17.59 of the McMinnville Municipal Code. The property is currently vacant. A historic resource (resource number D878) previously existed on the property, but was approved to be demolished as reviewed under docket number HL 1-18. The historic resource was demolished in 2018. A proposal for a new building was reviewed and approved in 2018 as well, which was approved under docket number DDR 7-18. However, the construction of the previously proposed building never moved forward. The property has since changed ownership, and the current owners are requesting Downtown Design Review for a different new building on the subject property.

Summary of Criteria & Issues

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

Attachments :

Attachment 1 – Application and Attachments

The proposed construction activities are for a new building located in the Downtown Design Review Overlay District. Therefore, the new construction is subject to review against the Downtown Design Review criteria in Section 17.59.040 of the MMC, as the new building construction is an applicable activity per Section 17.59.020(B)(1) of the MMC. Section 17.59.030(C)(2) of the MMC states that the Historic Landmarks Committee shall review applications for major alterations and new construction.

The specific review criteria for Downtown Design Review for New Construction in Section 17.59.040 of the MMC require the proposal to be consistent with the applicable Downtown Design Standards and Guidelines in Chapter 17.59 of the MMC, as well as the following review criteria:

1. The City's historic preservation policies set forth in the Comprehensive Plan;
2. If a structure is designated as a historic landmark on the City's Historic Resources Inventory or is listed on the National Register for Historic Places, the City's historic preservation regulations in Chapter 17.65, and in particular, the standards and guidelines contained in Section 17.65.060(2);

In addition, any request for a waiver from a Downtown Design Standard is subject to the specific review criteria in Section 17.59.040(A)(3) of the MMC as follows:

- a. There is a demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;
- b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein; and
- c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter.

In addition to the sections of the McMinnville Municipal Code referenced above, the goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The applicant has provided findings to support the request for Downtown Design Review. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. That the applicant shall submit building permit applications prior to completing any work. The construction plans submitted with the building permit applications will be reviewed by the Planning Director for consistency with the written narrative, exhibits, drawings, and renderings submitted for review by the Historic Landmarks Committee, along with any revisions to respond to other conditions of approval.
2. That the plaza space be of a different material or finish (concrete scoring, etc.) to provide visual identification of the plaza space and differentiation between the plaza and the adjacent sidewalk and drive aisle spaces.
3. That on the building permit construction plans submitted for the proposed building, all windows on the building shall be set flush to the inside face of the building so that they are recessed and not flush against the surface of the outer wall.
4. That the applicant shall provide samples or examples of the exterior building colors to the Historic Landmarks Committee for review and approval prior to application on the building.

5. That the railing on the third story balcony be removed and replaced with a parapet wall to the height necessary to maintain the belt course separating the second and third stories of the building.

III. ATTACHMENTS:

1. DDR 1-21 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 Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department

No comments.

- McMinnville Fire Department

We have no issues with this request. Please note: building will need meet all current Fire Codes for occupancy type, including access and water supply. A fire hydrant may be needed in the area.

- McMinnville City Attorney

No comments.

- Comcast

After review, I don't see any conflicts with this project.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. As of the date of the Historic Landmarks Committee public meeting on June 24, 2021, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Amy & Silas Halloran-Steiner, submitted the Downtown Design Review application (DDR 1-21) on May 24, 2021.
2. The application was deemed complete on June 1, 2021. Based on that date, the 120 day land use decision time limit expires on September 29, 2021.
3. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.110 of the McMinnville Municipal Code: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School

District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas.

Comments received from agencies are addressed in the Decision Document.

4. Notice of the application and the June 24, 2021 Historic Landmarks Committee public meeting was mailed to property owners within 300 feet of the subject property in accordance with Section 17.59.030(C)(3) and Section 17.72.110 of the McMinnville Municipal Code on June 8, 2021.
5. No public testimony was submitted to the Planning Department prior to the Historic Landmarks Committee public meeting.
6. On June 24, 2021, the Historic Landmarks Committee held a duly noticed public meeting to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** 631 NE 1st Street. The property identified as Tax Lot 11300, Section 21BC, T. 4 S., R. 4 W., W.M.
2. **Size:** Approximately 4,000 square feet.
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:** Downtown Design Standards Area (per Section 17.59.020(A) of the McMinnville Municipal Code); Reduced Landscaping Requirements Area (per Section 17.57.080).
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None (previous historic resource D878 demolished per docket number HL 1-18)
 - b. **Other:** None
8. **Other Features:** There is one existing mature street tree adjacent to the property. There are no other significant or distinguishing natural features associated with this property.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** The subject property is bounded on the south by 1st Street. The McMinnville Transportation System Plan identifies 1st Street as a minor collector. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets at 56 or 66 feet, depending on whether a bike lane exists. The McMinnville Transportation System Plan identifies 1st Street as having a bike sharrow and no bike lane, which results in the necessary

right-of-way width of 56 feet. The existing right-of-way adjacent to the subject property is currently 60 feet in width. Therefore, no right-of-way dedication is required.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Downtown Design Review request are specified in Section 17.59.040 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 III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHAEOLOGICAL SIGNIFICANCE TO THE CITY OF McMINNVILLE.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The property is not listed on the McMinnville Historic Resources Inventory or the McMinnville Downtown Historic District that is listed on the National Register of Historic Places.

GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE

Downtown Development Policies:

Policy 36.00 The City of McMinnville shall encourage a land use pattern that:

- 1. Integrates residential, commercial, and governmental activities in and around the core of the city;*
- 2. Provides expansion room for commercial establishments and allows dense residential development;*
- 3. Provides efficient use of land for adequate parking areas;*
- 4. Encourages vertical mixed commercial and residential uses; and,*
- 5. Provides for a safe and convenient auto-pedestrian traffic circulation pattern.*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposal results in a new mixed-use and commercial establishment in the core of the city. The proposed structure is proposed to be vertical mixed-use with

Attachments:

Attachment 1 – Application and Attachments

commercial office space on the ground floor and two residential dwelling units on the upper stories. The proposal includes the construction of new parking areas to serve the proposed uses, and the applicant has proposed shared use of the parking as allowed by the McMinnville Municipal Code to allow for more dense residential development and efficient use of land for parking areas.

Policy 39.00 The City of McMinnville shall encourage and allow the development of pocket parks, landscaping, and other natural amenities to provide a visual contrast between streets and parking lots and buildings to enhance the general appearance of the downtown.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposal includes a proposed plaza/courtyard space with some landscaping between the front of the building and the adjacent sidewalk and street (1st Street right-of-way). The proposed parking areas will be located behind the building to minimize their visual impact from the adjacent sidewalk and street.

Policy 44.00 The City of McMinnville shall encourage, but not require, private businesses downtown to provide off-street parking and on-site traffic circulation for their employees and customers.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposal includes the construction of new parking areas to serve the proposed uses, and the applicant has proposed shared use of the parking as allowed by the McMinnville Municipal Code to allow for more dense residential development and efficient use of land for parking areas.

Policy 46.01 The City shall, through its Landscape Review Committee, develop a list of street trees acceptable for planting within the public rights-of-way, parks and open spaces, and downtown. In addition, the committee shall develop standards for the planting of these trees, particularly within the downtown area, such that sidewalk and tree root conflicts are minimized. This effort should be coordinated with McMinnville Water and Light in an effort to minimize conflicts with utility lines.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The site has one existing mature street tree that is proposed to be retained if possible. If required to be removed due to conflicts with providing adequate utilities to serve the vacant parcel, a replacement street tree will likely be required by the Landscape Review Committee. Any future street tree removal request and potential replacement will be reviewed by the Landscape Review Committee and evaluated against the applicable review criteria within the McMinnville Municipal Code.

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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. The process for Downtown Design Review provides an opportunity for citizen involvement throughout the process through the public notice and the public meeting process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the public meeting(s). All members of the public have access to provide testimony and ask questions during the public review and meeting process.

McMinnville Zoning Ordinance

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

Chapter 17.03. General Provisions

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

APPLICANT’S RESPONSE: None.

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

17.59.020 Applicability.

- A. The provisions of this Chapter shall apply to all lands located within the area bounded to the west by Adams Street, to the north by 4th Street, to the east by Kirby Street, and to the south by 1st Street. Lands immediately adjacent to the west of Adams Street, from 1st Street to 4th Street, are also subject to the provisions of this Chapter.
- B. The provisions of this ordinance shall apply to the following activities conducted within the above described area:
 1. All new building construction;
 2. Any exterior building or site alteration; and,
 3. All new signage.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The subject site is located in the Downtown Design area. The proposal includes complete new construction of a new building, so the provisions of the Downtown Design Standards and Guidelines chapter are applicable. Findings for the proposed new construction’s consistency with the applicable requirements of the Downtown Design Standards and Guidelines chapter are provided below.

17.59.030 Review Process.

- A. An application for any activity subject to the provisions of this ordinance shall be submitted to the Planning Department and shall be subject to the procedures listed in (B) through (E) below.
- B. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The application shall include the following information:
 - 1. The applicant shall submit two (2) copies of the following information:
 - a. A site plan (for new construction or for structural modifications).
 - b. Building and construction drawings.
 - c. Building elevations of all visible sides.
 - 2. The site plan shall include the following information:
 - a. Existing conditions on the site including topography, streetscape, curbcuts, and building condition.
 - b. Details of proposed construction or modification to the existing structure.
 - c. Exterior building elevations for the proposed structure, and also for the adjacent structures.
 - 3. A narrative describing the architectural features that will be constructed and how they fit into the context of the Downtown Historic District.
 - 4. Photographs of the subject site and adjacent property.
 - 5. Other information deemed necessary by the Planning Director, or his/her designee, to allow review of the applicant's proposal. The Planning Director, or his/her designee, may also waive the submittal of certain information based upon the character and complexity (or simplicity) of the proposal.
- C. Review Process
 - 1. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The Planning Director shall review the application and determine whether the proposed activity is in compliance with the requirements of this ordinance.
 - 2. The Planning Director may review applications for minor alterations subject to the review criteria stated in Section 17.59.040. The Historic Landmarks Committee shall review applications for major alterations and new construction, subject to the review criteria stated in Section 17.59.040. It shall be the Planning Director's decision as to whether an alteration is minor or major.
 - 3. Notification shall be provided for the review of applications for major alterations and new construction, subject to the provisions of Section 17.72.110.
 - a. The Historic Landmarks Committee shall meet within 30 (thirty) days of the date the application was deemed complete by the Planning Department. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary for action on the plans. A failure by the Planning Director or Historic Landmarks Committee, as applicable, to review within 30 (thirty) days shall be considered an approval of the application.
 - b. If the Planning Director or Historic Landmarks Committee, as applicable, finds the proposed activity to be in compliance with the provisions of this ordinance, they shall approve the application.
 - c. If the Planning Director or Historic Landmarks Committee, as applicable, finds the proposed activity in noncompliance with the provisions of this ordinance, they may deny the application, or approve it with conditions as may be necessary to bring the activity into compliance with this ordinance.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #1. The applicant submitted an application as required, and the application was reviewed by the Historic Landmarks Committee because the proposed construction activity consisted of new construction. Notification was provided to

property owners within 300 feet of the subject site, and the Historic Landmarks Committee met within 30 days of the date the application was deemed complete. A condition of approval is included to ensure that the eventual building construction is consistent with what was reviewed and approved by the Historic Landmarks Committee. The condition requires that the applicant submit building permit applications prior to completing any work, and that the construction plans submitted with the building permit applications will be reviewed by the Planning Director for consistency with the written narrative, exhibits, drawings, and renderings submitted for review by the Historic Landmarks Committee, along with any revisions to respond to other conditions of approval.

17.59.040 Review Criteria

- A. In addition to the guidelines and standards contained in this ordinance, the review body shall base their decision to approve, approve with conditions, or deny the application, on the following criteria:
1. The City's historic preservation policies set forth in the Comprehensive Plan;
 2. If a structure is designated as a historic landmark on the City's Historic Resources Inventory or is listed on the National Register for Historic Places, the City's historic preservation regulations in Chapter 17.65, and in particular, the standards and guidelines contained in Section 17.65.060(2); and

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposal is consistent with the City's historic preservation policies in the Comprehensive Plan, as described in more detail in the findings for those Comprehensive Plan policies above. The subject site is not designated as a historic landmark or resource on the McMinnville Historic Resources Inventory, and the property is outside of the McMinnville Downtown Historic District that is listed on the National Register of Historic Places. Therefore, the City's historic preservation regulations are not applicable to this request.

3. If applicable (waiver request), that all of the following circumstances are found to exist:
 - a. There is demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;

APPLICANT'S RESPONSE: As mentioned above, we are seeking a waiver to allow for a plaza/courtyard area in front of the building. 17.59.050(A)(2) states: "Exceptions to the setback requirements may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways." We are proposing a seven (7) foot setback for the following reasons:

- a. The proposed small plaza will provide a visual transition of the building massing between the fourteen (14) foot average setback of the nearby 1-2.5 story houses and the required zero setback of this 3-story building.
 - i. The proposed 7' plaza is the largest dimension to allow off-street parking behind the building.
 - ii. The proposed plaza has less setback than the adjacent single story post office to the east.
- b. The proposed plaza will include some landscaping to soften the transition between this commercial building and the nearby houses.
- c. The proposed plaza allows for better visibility in the new drive aisle for a safe exit onto 1st street.
- d. Functional Accessibility: the plaza will provide a few inches for slope from the existing sidewalk to the threshold of the accessible front door.

In summary, the waiver request meets the criteria in Section 17.59.040(A)(3)(a-c) because of the unique difficulty of the site, including but not limited to the narrow lot, city parking requirements, as well as visibility considerations for a safe exit onto First Street.

FINDING: NOT APPLICABLE. The City finds that the requested plaza space is allowed by as an exception by Section 17.59.050(A)(2), and therefore does not require a waiver request or findings against the waiver review criteria. Findings for the allowance of the exception are provided in the findings for Section 17.59.050(A)(2) below.

- b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein; and

APPLICANT'S RESPONSE: Additionally, the alternative design accomplishes the purpose of the Chapter in a manner equal or superior to the standards in that it allows for a plaza space, including a visual transition and softening of the commercial buildings mixed with nearby houses even though it is all zoned C-3.

FINDING: NOT APPLICABLE. The City finds that the requested plaza space is allowed by as an exception by Section 17.59.050(A)(2), and therefore does not require a waiver request or findings against the waiver review criteria. Findings for the allowance of the exception are provided in the findings for Section 17.59.050(A)(2) below.

- c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter.

APPLICANT'S RESPONSE: The waiver request is the minimum needed to meet the requirements of the Chapter and allow for the site to be feasible for our purposes as stated in this narrative application; we are not seeking a significant setback of fourteen (14) feet, for example, as did the previous owner's when they presented to the HLC on June 27, 2018 and were approved (with conditions) for the requested setback.

FINDING: NOT APPLICABLE. The City finds that the requested plaza space is allowed by as an exception by Section 17.59.050(A)(2), and therefore does not require a waiver request or findings against the waiver review criteria. Findings for the allowance of the exception are provided in the findings for Section 17.59.050(A)(2) below.

17.59.050 Building and Site Design.

A. Building Setback.

1. Except as allowed by this ordinance, buildings shall maintain a zero setback from the sidewalk or property line.
2. Exceptions to the setback requirements may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways.

APPLICANT'S RESPONSE: the C-3 zone calls for a zero setback from the sidewalk or property line. We are seeking a waiver to allow for a plaza/courtyard area in front of the building. 17.59.050(A)(2) states: "Exceptions to the setback requirements may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways." We are proposing a seven (7) foot setback for the following reasons:

- a. The proposed small plaza will provide a visual transition of the building massing between the fourteen (14) foot average setback of the nearby 1-2.5 story houses and the required zero setback of this 3-story building.

- i. The proposed 7' plaza is the largest dimension to allow off-street parking behind the building.
 - ii. The proposed plaza has less setback than the adjacent single story post office to the east.
- b. The proposed plaza will include some landscaping to soften the transition between this commercial building and the nearby houses.
- c. The proposed plaza allows for better visibility in the new drive aisle for a safe exit onto 1st street.
- d. Functional Accessibility: the plaza will provide a few inches for slope from the existing sidewalk to the threshold of the accessible front door.

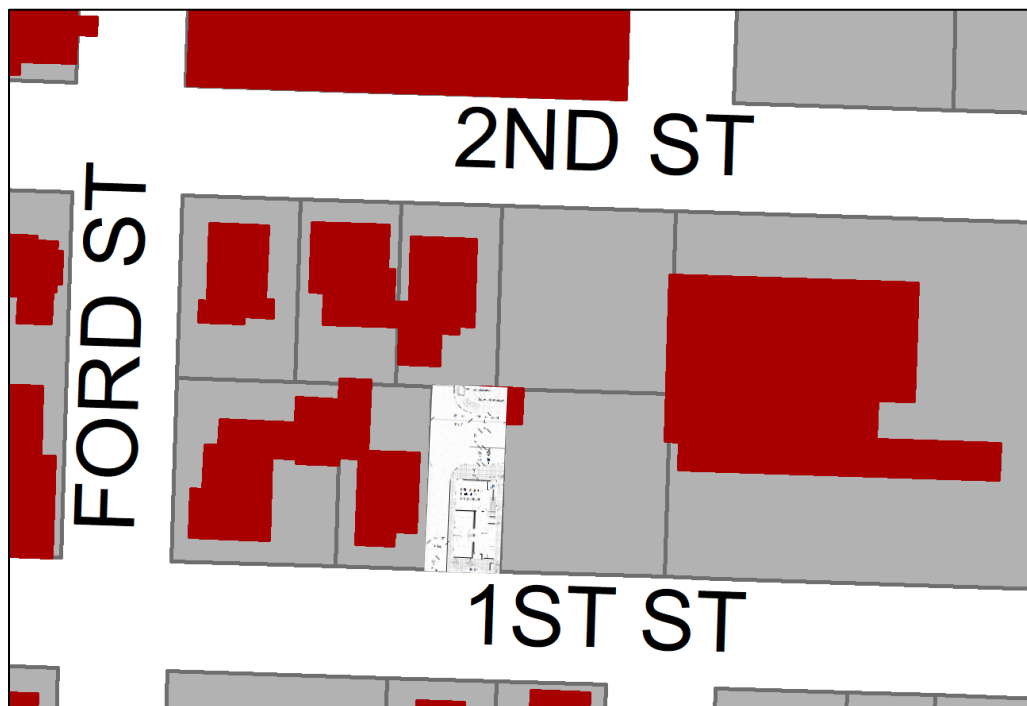
FINDING: SATISFIED WITH CONDITION #2. The City concurs with the applicant's findings, and allows for the exception to the zero foot setback from the property line based on the fact that the plaza space is being provided. The plaza space, and therefore the 7 foot setback, is allowed based on the reasoning provided by the applicant. The City adds that the applicant also provided visual examples of other plaza spaces that allowed for building setbacks within the Downtown Design Area. These examples of other plaza spaces are available within the application materials attached to this decision document (and on file with the Planning Department). In order to clearly identify this space as a plaza, a condition of approval is included to require that the plaza space be of a different material or finish (concrete scoring, etc.) to provide visual identification of the plaza space and differentiation between the plaza and the adjacent sidewalk and drive aisle spaces.

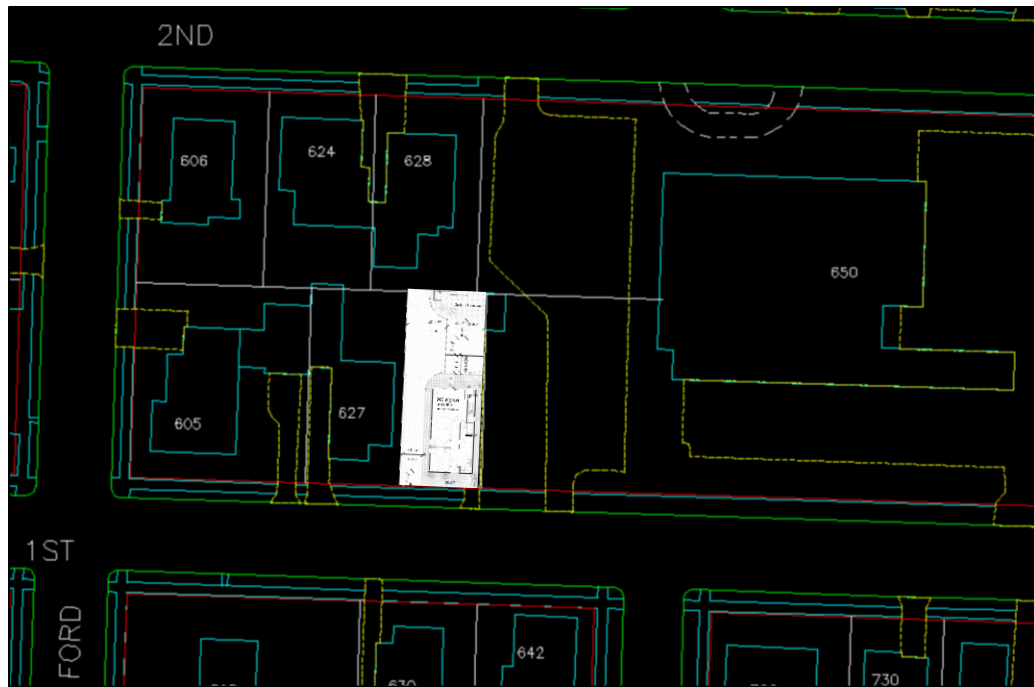
The plaza space and setback can be identified in the site plan below:

the same block is 3,109 square feet. The Post Office building is a rectangular building with larger overall massing, but the effect is reduced with the setback and being a single story structure. The three (3) properties to the South, across First Street, average 3,286 square feet and are rectangular building footprints.

FINDING: SATISFIED. The City partially concurs with the applicant's findings. The City concurs that the rectangular footprint and size of the footprint of the proposed building are similar in configuration to adjacent and nearby historic buildings on the same block. The City adds that the combination of the proposed building footprint size and location of the building on the lot will result in a similar configuration to the lots on which the adjacent historic buildings are located. The proposed configuration of the new building includes a slight setback that is not quite as large but is similar to adjacent historic buildings on the same block. The configuration of the proposed building on the lot also provides for other open spaces on the site that are similar to adjacent properties. These open spaces will allow for a plaza in the front of the building (usable front yard space), a driveway/drive aisle along the side of the building, parking areas behind the building, and a small usable green space behind the building similar to back yards of adjacent properties. This configuration and location of the building on the lot results in a similar proportion of the lot being covered with building footprint as exists on the lots of adjacent historic buildings.

The drawings below identify the approximate configurations of the adjacent historic homes and their configurations on their lots (note that the building shown on the subject property no longer exists, and the post office building to the east is not designated as a historic building). The site plan for the proposed new building is overlaid on top of these drawings to provide a visual of the configuration of the building on the lot (note that the site plan is not shown to the exact scale as the surrounding lots, but the inclusion of the site plan is intended as a general visual representation of the configuration of the building on the lot).





In regards to massing, the City partially concurs with the applicant's findings. The City does acknowledge that the proposed design of the building, which meets the applicable Downtown Design Standards as described in the findings above and below, will result in a building that appears visually different from adjacent historic buildings on the same block. This is because, in this case, the existing historic buildings on the same block are residential buildings and uses. While different in visual appearance, the City finds that the overall massing of the proposed new building is similar to adjacent and nearby historic buildings on the same block. Besides the single story building immediately adjacent to the west, all other historic buildings on the same block are 2-2.5 stories, have square or rectangular building forms, and are of a height that is similar to the proposed new building when incorporating the maximum height of the peak of the gable or hipped roofs. The height of the proposed new building is approximately 34 feet. The exact heights of adjacent buildings is not known, but is estimated to be near 30 feet in height when measured to the roof peaks. The proposed new building includes a flat roofline in order to achieve the Downtown Design Standard in Section 17.59.050(B)(4), which also specifically discourages gable roof shapes or other residential roof forms. However, the overall massing of the proposed new building is similar to adjacent historic buildings on the same block, in that the height and building size is similar.

The height and massing of some of the adjacent historic buildings on the same block can be seen below:

605 NE 1st Street



606 NE 2nd Street



624 NE 2nd Street

In addition, the proposed new building includes a step back of the front building wall on the third story, which will reduce some of the visual appearance of the flat roofline, building height, and building massing when viewed from the adjacent sidewalk and right-of-way.

17.59.050 Building and Site Design

B. Building Design. [...]

2. Where buildings will exceed the historical sixty feet in width, the façade should be visually subdivided into proportional bays, similar in scale to other adjacent historic buildings, and as appropriate to reflect the underlying historic property lines. This can be done by varying roof heights, or applying vertical divisions, materials and detailing to the front façade.

APPLICANT'S RESPONSE: Not applicable, proposed building is 22'-6" wide, less than 60'.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.59.050 Building and Site Design

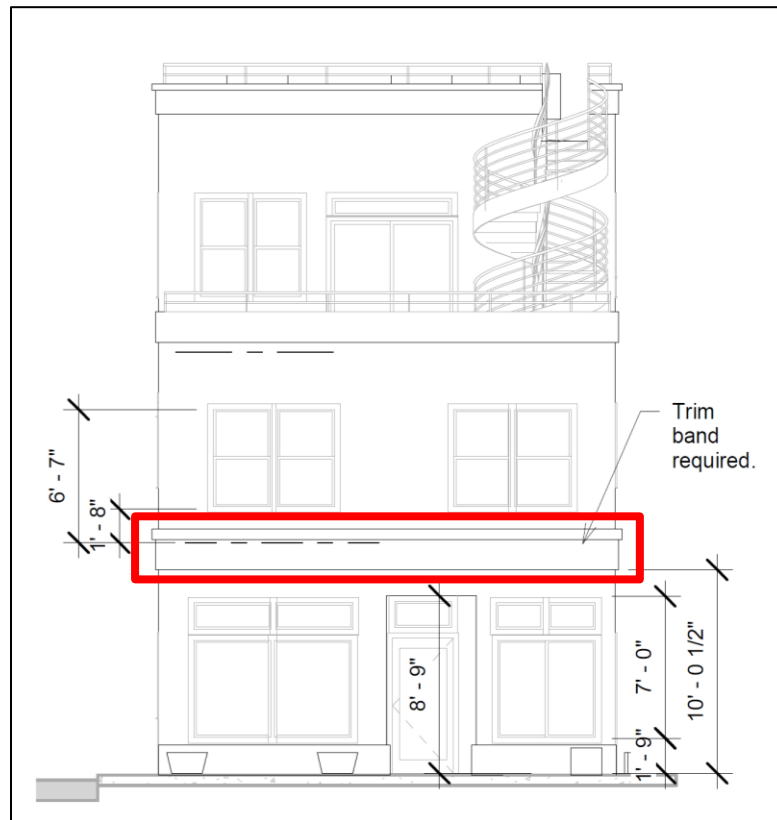
B. Building Design. [...]

3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include:
 - a. A belt course separating the upper stories from the first floor;

APPLICANT'S RESPONSE: The storefront portion of the building (office ground floor) includes: [...] A belt course, or nearly 2' wide trim band, which separates the upper 2 stories from the commercial ground level.

FINDING: SATISFIED WITH CONDITION #5. The City concurs with the applicant's findings. The City adds that the belt course is proposed to continue around the entirety of the building on all four elevations. The belt course feature as identified in the elevations includes a narrow band along the top of the belt course and a wider band along the lower portion of the belt course. Each layer of these two bands have different dimensions that extend outward from the remainder

of the building wall. The belt course between the first floor and the upper stories can be seen below:



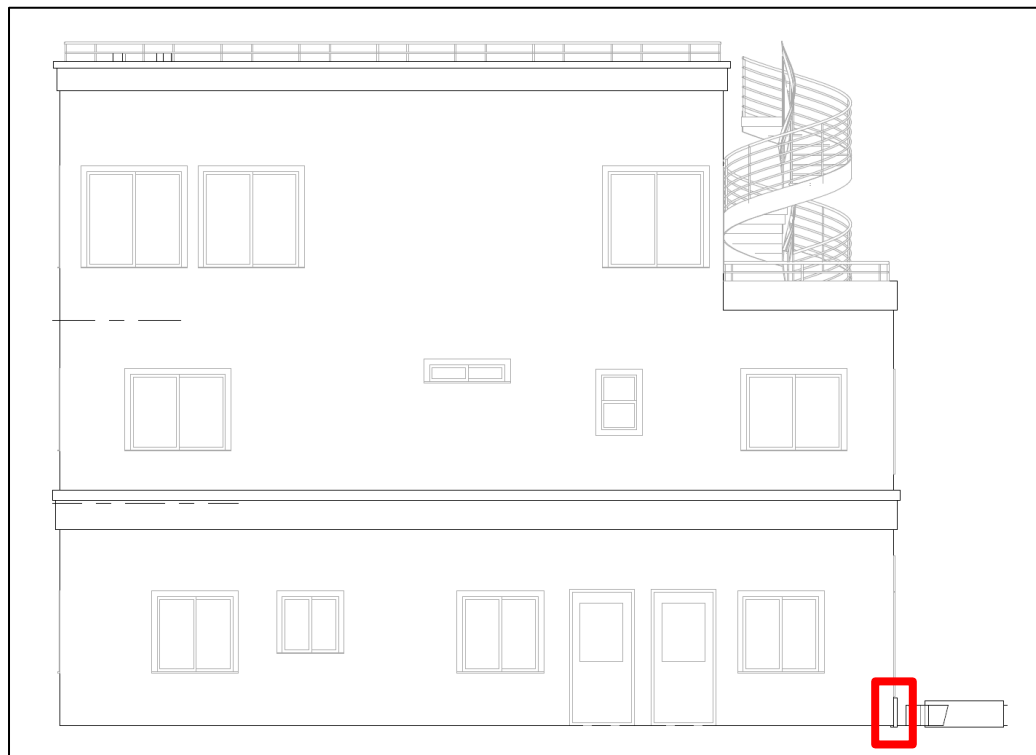
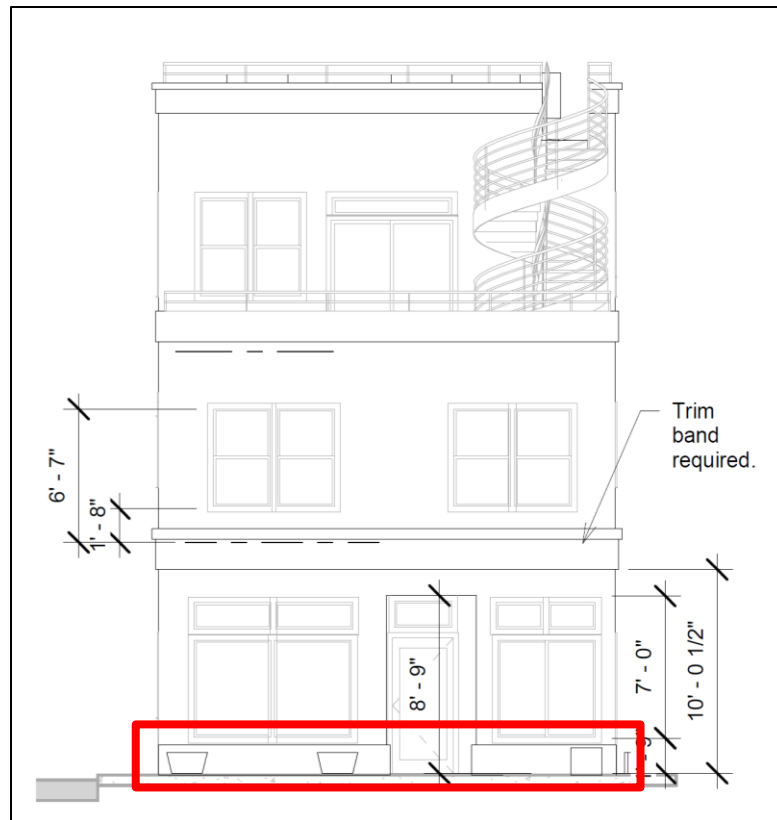
Another belt course or trim feature is proposed between the second and third stories. In order to maintain the visual characteristic of this additional belt course architectural feature, a condition of approval is included to require that the railing along the third story balcony be removed and the parapet wall be increased in height as necessary to meet code requirements for the balcony wall.

17.59.050 Building and Site Design

- B. Building Design. [...]
- 3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include: [...]
- b. A bulkhead at the street level;

APPLICANT'S RESPONSE: The storefront portion of the building (office ground floor) includes: [...] A nearly 2' bulkhead is provided at the street level under the window sills along the street facade. Proposed finish is stucco.

FINDING: SATISFIED. The City concurs with the applicant's findings. The bulkhead feature as identified in the front elevation has a dimensionality that extends outward from the remainder of the building wall. The stucco bulkhead proposed can be seen below:



17.59.050 Building and Site Design

B. Building Design. [...]

3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include: [...]

Attachments :

Attachment 1 – Application and Attachments

- c. A minimum of seventy (70) percent glazing below the transom line of at least eight feet above the sidewalk, and forty (40) percent glazing below the horizontal trim band between the first and second stories. For the purposes of this section, glazing shall include both glass and openings for doorways, staircases and gates;

APPLICANT'S RESPONSE: The storefront portion of the building (office ground floor) includes: [...] The proposed glazing and entry door recess in the lower 8' of the front facade exceeds the 70% minimum area requirement. There is more than 40% area devoted to glazing and the entry door recess between the belt course (also known as a horizontal trim band separating ground level from second level) and the ground level.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the glazing below the transom line (which is 8' 9" from grade) is approximately 137.83 square feet. Based on the façade width of 22.5', the area below the transom line is approximately 196.875 square feet. Therefore, the amount of glazing below the transom line is just over 70%, and the amount of glazing below the horizontal belt course between the first and second stories (which is at just about 10' in height) is approximately 61%.

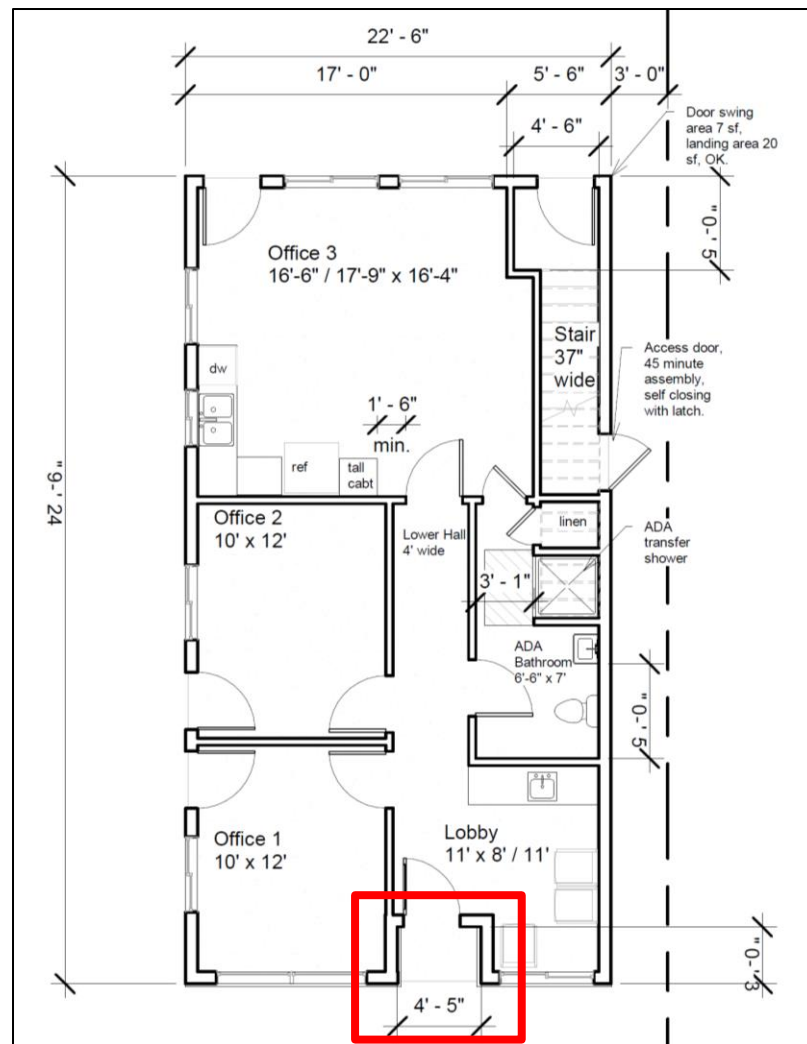
17.59.050 Building and Site Design

B. Building Design. [...]

- 3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include: [...]
 - d. A recessed entry and transom with transparent door; and

APPLICANT'S RESPONSE: The storefront portion of the building (office ground floor) includes: [...] A recessed entry with full glazed door and transom is provided that is both accessible and meets the design standard requirements.

FINDING: SATISFIED. The City concurs with the applicant's findings. The floor plan and rendering provided with the application materials depict the recessed entry and transparent door proposed on the south (1st Street facing) façade, as seen below:



17.59.050 Building and Site Design

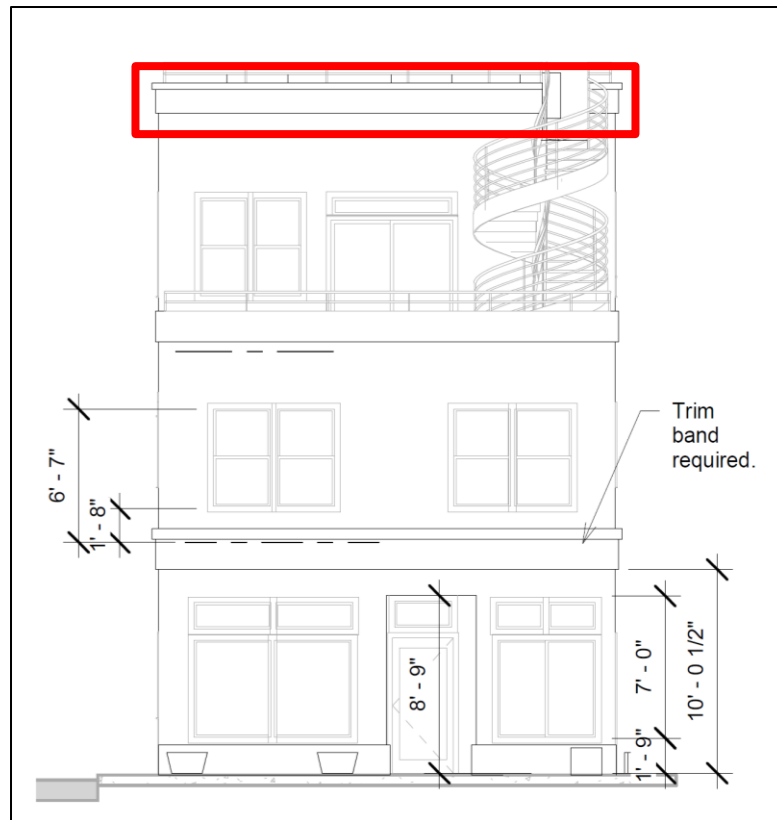
B. Building Design. [...]

3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include: [...]
 - e. Decorative cornice or cap at the roofline.

APPLICANT'S RESPONSE: The storefront portion of the building (office ground floor) includes: [...] There is a decorative trim at the top of the parapet wall and at the top of the front wall wrapping around the roof deck on the third level.

FINDING: SATISFIED. The City concurs with the applicant's findings. The City would add that the decorative cornice or cap at the roofline is proposed to continue around the entirety of the building on all four elevations. The decorative cornice feature as identified in the elevations includes a narrow band along the top of the cornice and a wider band along the lower portion of the cornice. Each layer of these two bands have different dimensions that extend outward from the remainder of the building wall. The cornice/cap trim can be seen below:

Attachments:



17.59.050 Building and Site Design

B. Building Design. [...]

4. Orientation of rooflines of new construction shall be similar to those of adjacent buildings. Gable roof shapes, or other residential roof forms, are discouraged unless visually screened from the right-of-way by a false front or parapet.

APPLICANT'S RESPONSE: Proposed building is oriented with the narrow face to the street, similar to nearby houses. The proposed flat roofline is similar to other C-3 buildings, including the adjacent Post Office building. As noted in 17.59.050(8)(4) "Gable roof shapes, or other residential roof forms, are discouraged ..." There are many examples within historic downtown design standard that demonstrate a flat roof with a parapet at street-visible facades. We want to avoid creating any more visual height, and a gable roof line would add to overall building height. We intend to cover a portion of the roof in an ecoroof or green roof that will be a combo of sedum and grasses.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that gable or residential roof forms that exist on other adjacent buildings to the north and west are specifically discouraged by this design standard.

17.59.050 Building and Site Design

B. Building Design. [...]

5. The primary entrance to a building shall open on to the public right-of-way and should be recessed.

APPLICANT'S RESPONSE: The primary entrance is recessed 3' from the street face of the building.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the recessed entry does not open on to the public right-of-way given that the proposed building

includes a plaza space on the front of the building as allowed by an exception to the zero foot setback requirement. Findings for this plaza on the front of the building are provided above. The primary entrance is recessed and opens onto this plaza, which in turn fronts onto the public right-of-way and sidewalk space along 1st Street.

17.59.050 Building and Site Design

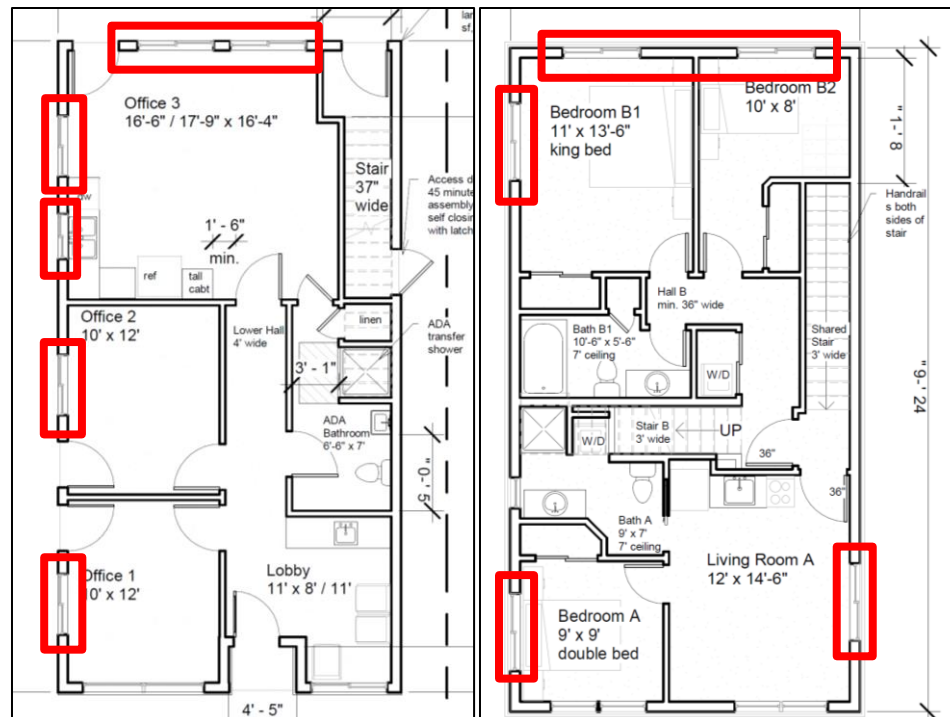
B. Building Design. [...]

6. Windows shall be recessed and not flush or project from the surface of the outer wall. In addition, upper floor window orientation primarily shall be vertical.

APPLICANT’S RESPONSE: We have set the windows flush to the inside face of the building so they appear to be recessed. We have oriented the upper story windows as vertical using single-hung windows, per 17.59.050(8)(5-6).

FINDING: SATISFIED WITH CONDITION #3. The City concurs with the applicant’s findings, but adds that the windows on the side elevations appear in the floor plans to be flush to the outside face of the building. A condition of approval is included to require that on the building permit construction plans submitted for the proposed building, all windows on the building shall be set flush to the inside face of the building so that they are recessed and not flush against the surface of the outer wall.

The floor plans and window locations shown in the floor plans can be seen below (note that the same applies to the third story, but only the first and second story are identified below). Areas where windows do not appear to be completely flush to the inside face of the building wall are identified.



17.59.050 Building and Site Design

B. Building Design. [...]

7. The scale and proportion of altered or added building elements, such as new windows or doors, shall be visually compatible with the original architectural character of the building.

APPLICANT’S RESPONSE: This is an entirely new building, so this item is not applicable.

FINDING: SATISFIED. The City concurs with the applicant's findings.

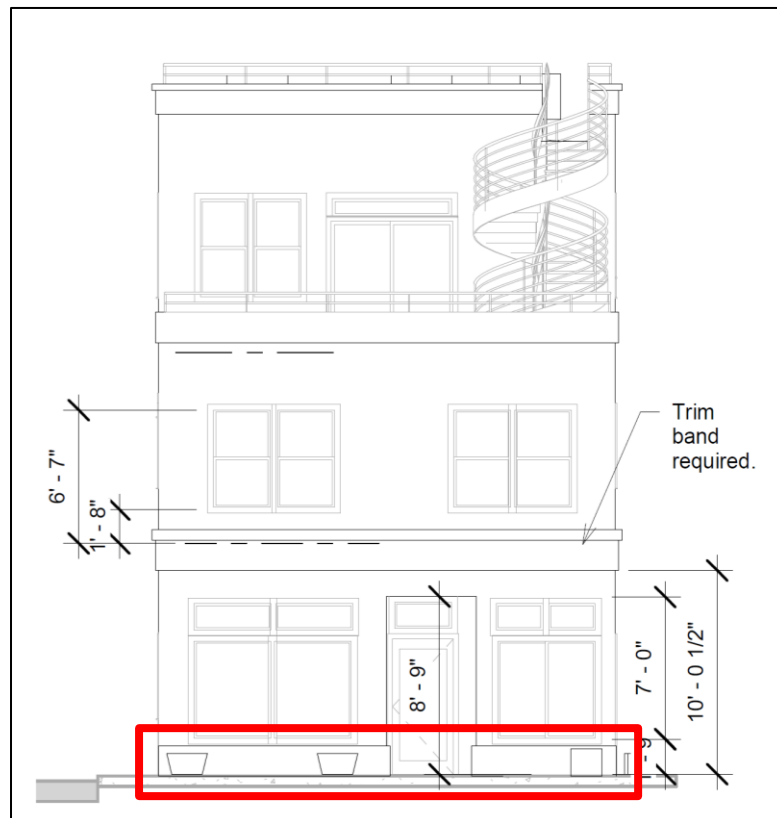
17.59.050 Building and Site Design

B. Building Design. [...]

8. Buildings shall provide a foundation or base, typically from ground floor to the lower windowsills.

APPLICANT'S RESPONSE: A nearly 2' bulkhead is provided at the street level under the window sills along the street facade. Proposed finish is stucco and will be a dark grey to tie into the other trim color.

FINDING: SATISFIED. The City concurs with the applicant's findings. The foundation or base is proposed to be the same feature described as the bulkhead above, and can be seen below:



17.59.050 Building and Site Design

C. Building Materials.

1. Exterior building materials shall consist of building materials found on registered historic buildings in the downtown area including block, brick, painted wood, smooth stucco, or natural stone.

APPLICANT'S RESPONSE: The proposed building exterior materials will be smooth stucco. The proposed horizontal trim bands will be stucco. Windows will be black exterior frames. Prefinished metal is proposed for the visible railings for the roof decks and spiral stair access to upper roof. No awnings are proposed.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.59.050 Building and Site Design

Attachments:

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C. Building Materials. [...]

2. The following materials are prohibited for use on visible surfaces (not applicable to residential structure):
 - a. Wood, vinyl, or aluminum siding;
 - b. Wood, asphalt, or fiberglass shingles;
 - c. Structural ribbed metal panels;
 - d. Corrugated metal panels;
 - e. Plywood sheathing, to include wood paneling such as T-111;
 - f. Plastic sheathing; and
 - g. Reflective or moderate to high grade tinted glass.

APPLICANT'S RESPONSE: There are no prohibitive materials proposed on this commercial structure.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.59.050 Building and Site Design

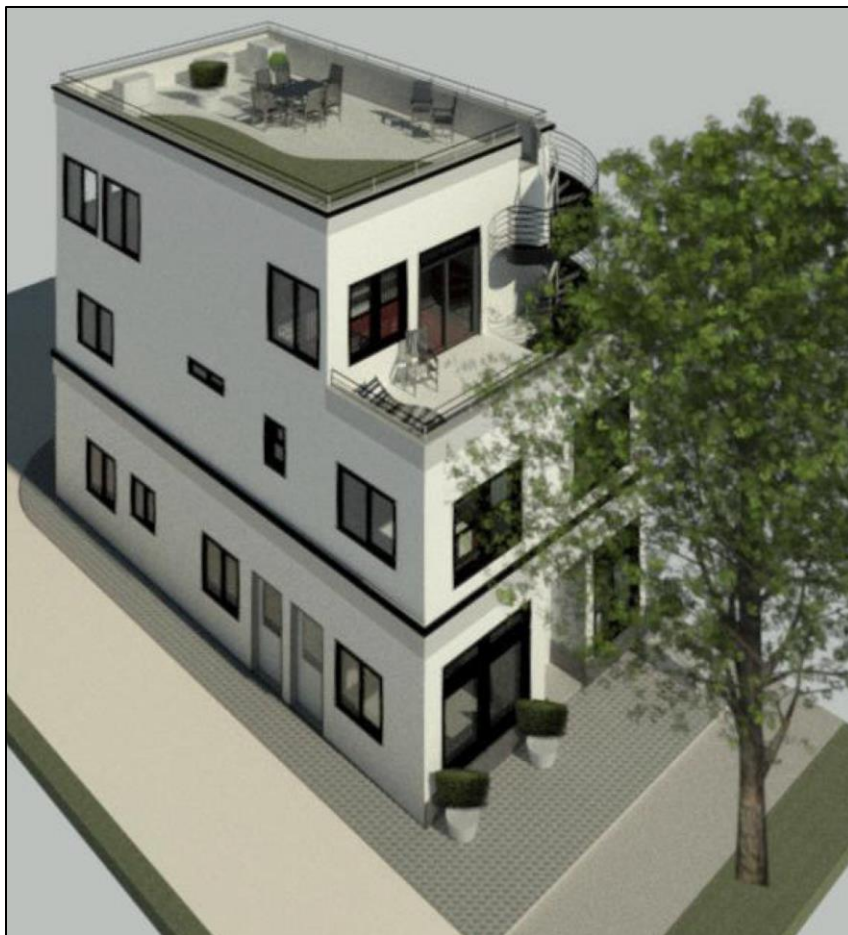
C. Building Materials. [...]

3. Exterior building colors shall be of low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the façade of the building are prohibited except as may be approved for building trim.

APPLICANT'S RESPONSE: Exterior building colors shall be low reflective light grey with medium and dark grey trim bands and black trim along the parapet. Exterior finish of visible metal railings and stair will be black to match the windows.

FINDING: SATISFIED WITH CONDITION #4. The applicant provided color renderings of the building that identify exterior colors. The colors shown in the rendering consist of shades of grey, which are generally all subtle, neutral, and earth tones. Black is proposed but only for windows, trim, metal railings, and exterior stairs, which can be allowed for building trim materials. To ensure that the final colors applied to the building are subtle, neutral, and earth tone in color, a condition of approval is included to require that the applicant provide samples or examples of the exterior building colors to the Historic Landmarks Committee for review and approval prior to application on the building.

The renderings of the building can be seen below:

**17.59.060 Surface Parking Lots.**

- A. Surface parking lots shall be prohibited from locating on Third Street. In addition, vehicular access to parking lots from Third Street is prohibited.

Attachments:

Attachment 1 – Application and Attachments

APPLICANT'S RESPONSE: The off-street parking is set behind the building, screened from view from First Street. Vehicle access is allowed from First Street. Design complies.

FINDING: SATISFIED. The proposed off-street surface parking lot is not located on Third Street, as the property is located adjacent to and accessed from 1st Street.

- B. All parking lots shall be designed consistent with the requirements of Section 17.60.080 of the McMinnville Zoning Ordinance.

APPLICANT'S RESPONSE: Parking lot designed per 17.60.080:

- a. Lot and driveway will be paved.
- b. Not applicable to residential standards.
- c. Driveway and parking lot access and maneuvering will be reviewed and approved by city prior to construction.
- d. Parking areas will have a curb at edges. There is a sight-obscuring fence along the residential properties. Exterior lighting for the parking lot will be shielded so not to shine into residential zone.
- e. Parking lot spaces are designed to meet minimum standards.
- f. Parking space types and proportions are designed to meet McMinnville standards.
- g. Driveway and parking lot access and maneuvering will be reviewed and approved by city prior to construction.

FINDING: SATISFIED. The City concurs with the applicant's findings. The City adds that the Planning Director has allowed for the proposed narrower access drive aisle, maneuvering space adjacent to the parking spaces, and the use of shared parking between uses on the site, as permitted by Sections 17.60.080(G) and 17.60.120 of the McMinnville Municipal Code.

- C. A hedge or wall, thirty (30) inches in height, or dense landscaping within a buffer strip a minimum of five feet in width shall be placed along the streetside edge of all surface parking lots. Landscaping within the buffer strip shall include street trees selected as appropriate to the situation and spaced according to its type, shrubs spaced a minimum of three feet on center, and groundcover. A landscaping plan for this buffer shall be subject to review and approval by the McMinnville Landscape Review Committee.

APPLICANT'S RESPONSE: The parking lot is set behind the building, out of view of the street. Adjacent residential properties have 6' visually solid fencing. Adjacent to the post office parking lot is an existing landscape strip with mature trees and shrubs.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that because the parking spaces are located behind the building, they are screened from view and do not have a direct streetside edge. Therefore, the specific landscaping buffer requirements of this section are not applicable. However, screening of the parking spaces and use, which may include landscaping or fencing, will be reviewed in greater detail by the Landscape Review Committee as part of the landscape plan for the subject site. Any landscaping or other features around the parking spaces will be reviewed against the applicable landscape plan review criteria during the Landscape Plan Review process.

17.59.070 Awnings.

- A. Awnings or similar pedestrian shelters shall be proportionate to the building and shall not obscure the building's architectural details. If transom windows exist, awning placement shall be above or over the transom windows where feasible.
- B. Awnings shall be placed between pilasters.

- C. Where feasible, awnings shall be placed at the same height as those on adjacent buildings in order to maintain a consistent horizontal rhythm along the street front.
- D. Awnings should be constructed of soft canvas, fabric, or matte finished vinyl. The use of wood, metal or plastic awnings is prohibited.
- E. Awnings may be indirectly illuminated; internal illumination of awnings is prohibited.
- F. Awning colors shall be of a low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the awning are prohibited.

APPLICANT'S RESPONSE: No awnings are proposed for this project.

FINDING: NOT APPLICABLE. The City concurs with the applicant's findings, in that no awnings are proposed on the new building. Therefore, the standards related to awnings are not applicable to the proposed project.

17.59.080 Signs.

- A. The use of flush-mounted signs, flag-mounted signs, window signs, and icon signs are encouraged. Sign materials shall be compatible with materials used in the building.
- B. Where two or more businesses occupy the same building, identifying signs should be grouped together to form a single panel.
- C. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as: above transoms; on cornice fascia boards; or, below cornices. Wall signs shall not exceed the height of the building cornice.
- D. For every lineal foot of building frontage, 1.5 square feet of signage may be allowed, to a maximum of 200 square feet.
- E. The use of the following are prohibited in the downtown area:
 - 1. Internally-lit signs;
 - 2. Flashing signs
 - 3. Pedestal signs and pole-mounted signs;
 - 4. Portable trailer signs;
 - 5. Cabinet-type plastic signs;
 - 6. Billboards of all types and sizes;
 - 7. Historically incompatible canopies, awnings, and signs;
 - 8. Signs that move by mechanical, electrical, kinetic or other means; and,
 - 9. Inflatable signs, including balloons and blimps. (Ord. 4797 §1, 2003).

APPLICANT'S RESPONSE: We will comply with the sign regulations. The maximum sign area will be 22.5 LF building frontage x 1.5 SF sign/ LF = 33.75 SF maximum sign area.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that any future signage for the new building will be reviewed against the applicable sign standards during the sign permit review process. As stated by the applicant, the maximum amount of signage allowed will be 33.75 square feet based on the 22.5 feet of building frontage.

CD