



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, October 6, 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/86718320629?pwd=NU9SMkMzbHRKcTFjcXU1UWErazhCUT09>

Meeting ID: 867 1832 0629
Passcode: 105897

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 <ul style="list-style-type: none">L 19-21 – Landscape Plan Review – <i>(Exhibit 1)</i> 3138 NE Rivergate StreetL 20-21 – Street Tree Removal Request <i>(Exhibit 2)</i> 1615 NW Frances DriveL 21-21 – Street Tree Removal Request <i>(Exhibit 3)</i> 1669 NW Medinah Drive
Patty Sorensen	
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 - STAFF REPORT

DATE: October 6, 2021
TO: Landscape Review Committee Members
FROM: Amy Dixon, Contract Planner
SUBJECT: Landscape Plan Review Application (L 19-21)

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 (Docket L 19-21) seeking approval of a landscape plan for an addition to an existing industrial development located at 3138 NE Rivergate Street. 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 3138 NE Rivergate Street and is more specifically described as Tax Lot 3329, Section 15, T. 4 S., R. 4 W., W.M. **See Figure 1 (Vicinity Map).** The property is zoned M-2PD (General Industrial Planned Development) and is within the Northeast Industrial Area Planned Development Overlay District (Ordinance 4135). **See Figure 2 (Zoning Map).**

The subject property is approximately 1.23 acres and is developed. Properties to the north, south, east, and west are all zoned M-2PD (General Industrial) with all properties developed with industrial facilities except the property at the corner of NE Rivergate Street and NE Miller Street.

The proposed site plan indicates a developed property with existing landscaping and an industrial building. Proposed new landscaping is focused along the new addition on the west side of the existing building. The right-of-way is developed with a curb, utilities, and landscaping. A new sidewalk is proposed in the right-of-way. **See Figure 3 & 4 (Landscape Plan) and Figure 5 (Plant Schedule).**

Figure 1: Vicinity Map (Subject Site Approximate)



Figure 2: Zoning Map

Attachments:

Attachment A – Application, Attachments, Supplemental Submittal

Attachment B – Decision, Conditions, Findings of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for a New Mixed-Use Development at 631 NE 1st Street

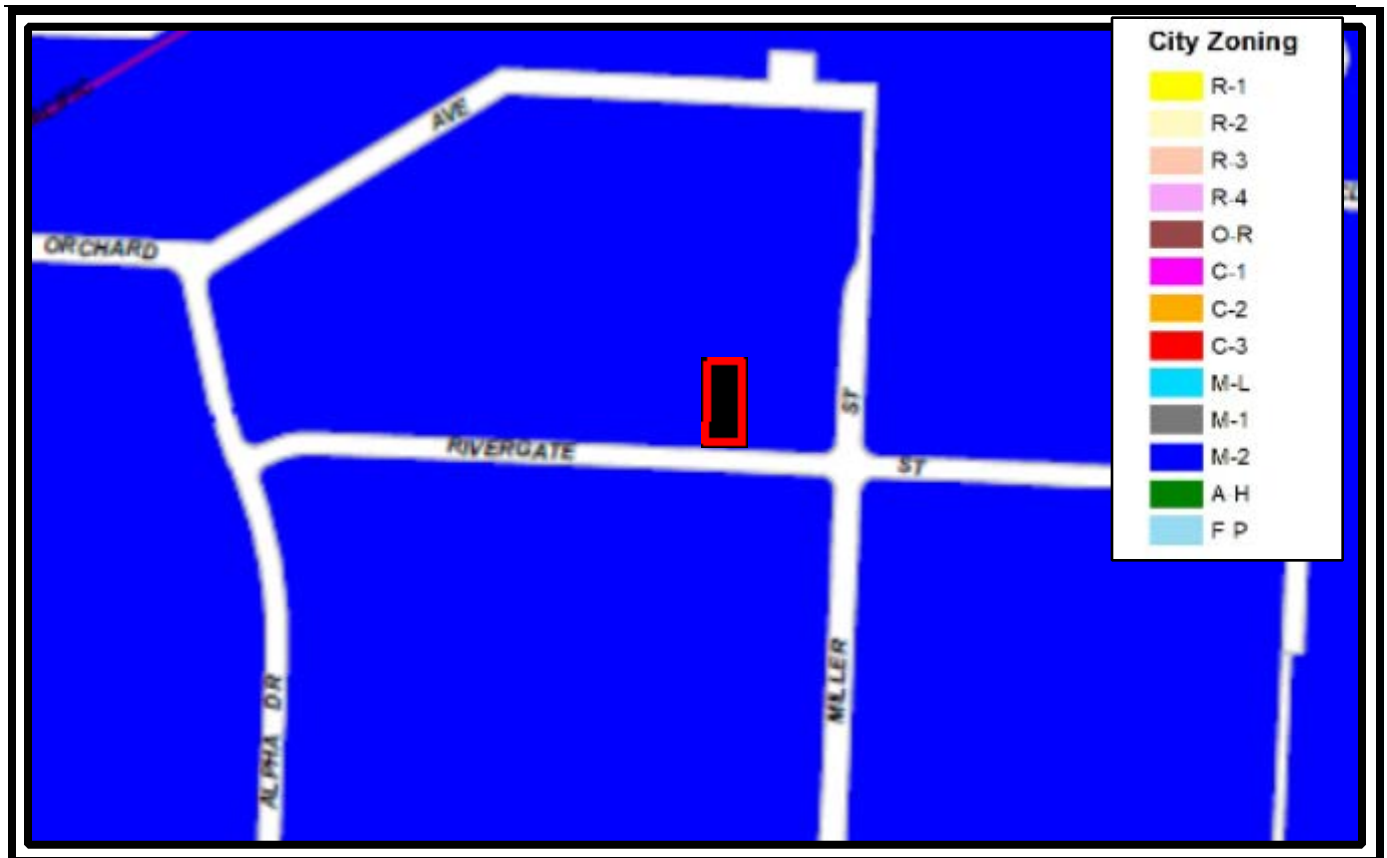


Figure 3: Proposed Landscape Plan



CONDITIONS:

- 1) That the applicant shall install and maintain landscaping as shown on the landscape plans received by the Planning Department on September 9, 2021 and shall comply with required conditions of approval.

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- 2) 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.
- 3) That the applicant shall call for locates (dial 811) for all underground utilities prior digging. 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 use extreme caution when working in the area of existing water services. Non-qualified workers shall maintain a minimum distance of 10' from high voltage lines and contact McMinnville Water and Light (MW&L) immediately at 503-472-6158 if any facilities are damaged during the sidewalk installation.
- 5) That the applicant shall take measures to protect the root zones of the existing street trees while constructing the new sidewalk.
- 6) That the applicant shall contact Public Works Operations at 503-434-7316 for an inspection prior to any root pruning in the right of way.
- 7) The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts as per the City's approved detail. The barrier shall be placed on the public sidewalk side of the tree.

LANDSCAPE REVIEW COMMITTEE OPTIONS:

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

STAFF RECOMMENDATION:

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

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

SUGGESTED MOTION:

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

AD

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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A LANDSCAPE PLAN REVIEW FOR A BUILDING ADDITION AT 3138 NE RIVERGATE STREET

DOCKET: L 19-21 (Landscape Plan Review)

REQUEST: Approval of a Landscape Plan for an addition to an existing building located at 3138 NE Rivergate Street

LOCATION: 3138 NE Rivergate Street (Lot 3329, Section 15, T. 4 S., R. 4 W., W.M)

ZONING/Overlay: M-2PD (General Industrial Planned Development)

APPLICANT: Erica Jankowski, Soderstrom Architects

STAFF: Amy Dixon, Contract Planner

DATE DEEMED COMPLETE: September 16, 2021

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

MEETING DATE & LOCATION: October 6, 2021, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, and Zoom Online Meeting ID: 867 1832 0629

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 19-21) **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 applicant, Erica Jankowski, Soderstrom Architects, submitted a landscape plan review application (Docket L 19-21) seeking approval of a landscape plan for an addition to an existing industrial development.

The subject site is located at 3138 NE Rivergate Street and is more specifically described as Tax Lot 3329, Section 15, T. 4 S., R. 4 W., W.M. **See Figure 1 (Vicinity Map).** The property is zoned M-2PD (General Industrial Planned Development) and is within the Northeast Industrial Area Planned Development Overlay District (Ordinance 4135). **See Figure 2 (Zoning Map).**

The subject property is approximately 1.23 acres and is developed. Properties to the north, south, east, and west are all zoned M-2PD (General Industrial) with all properties developed with industrial facilities except the property at the corner of NE Rivergate Street and NE Miller Street.

The proposed site plan indicates a developed property with existing landscaping and an industrial building. Proposed new landscaping is focused along the new addition on the west side of the existing building. **See Figure 3 & 4 (Landscape Plan) and Figure 5 (Plant Schedule).**

Figure 1: Vicinity Map (Subject Site Approximate)



Attachments:

Attachment 1 – Application, Attachments, Supplemental Submittals

Figure 2: Zoning Map

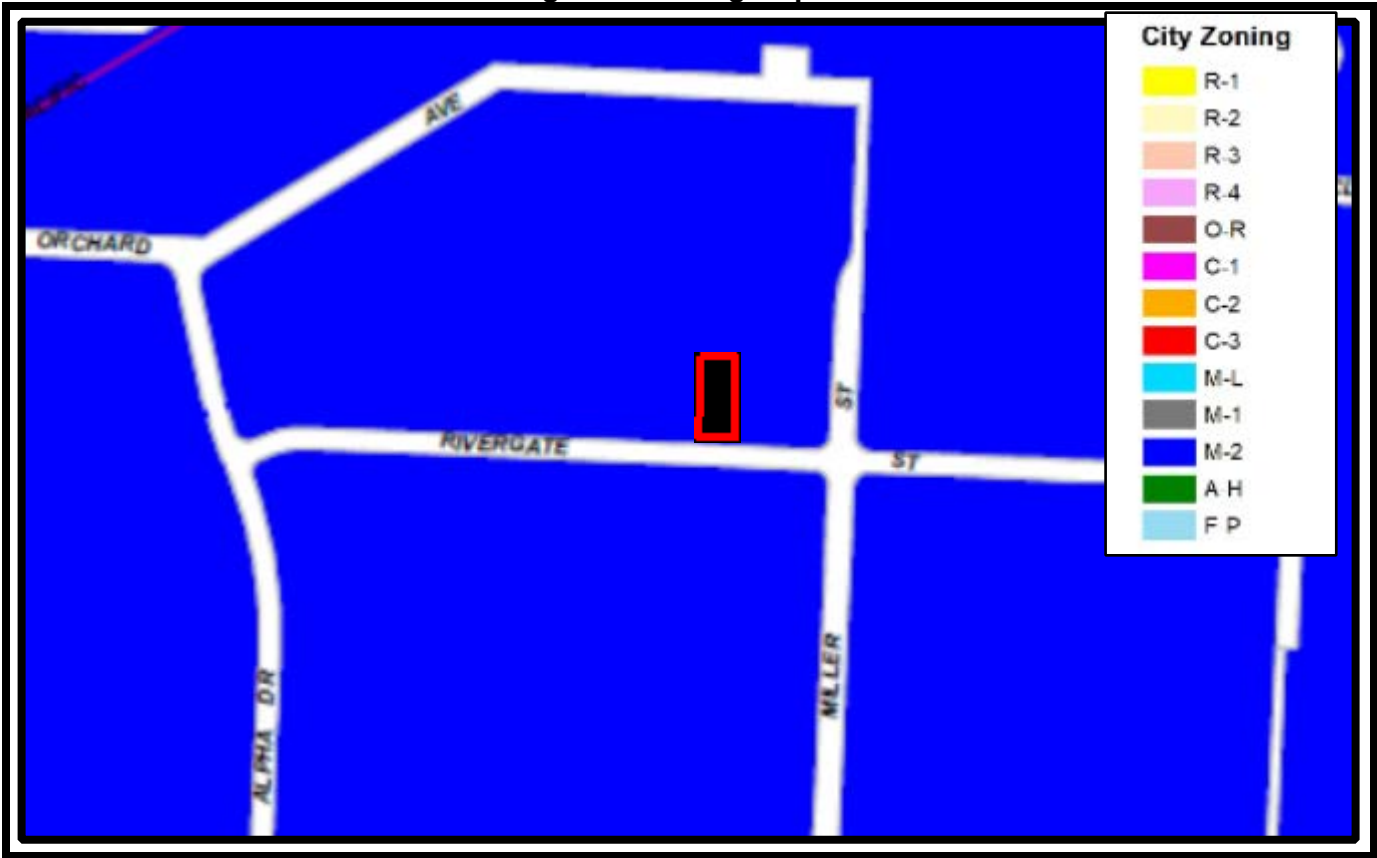
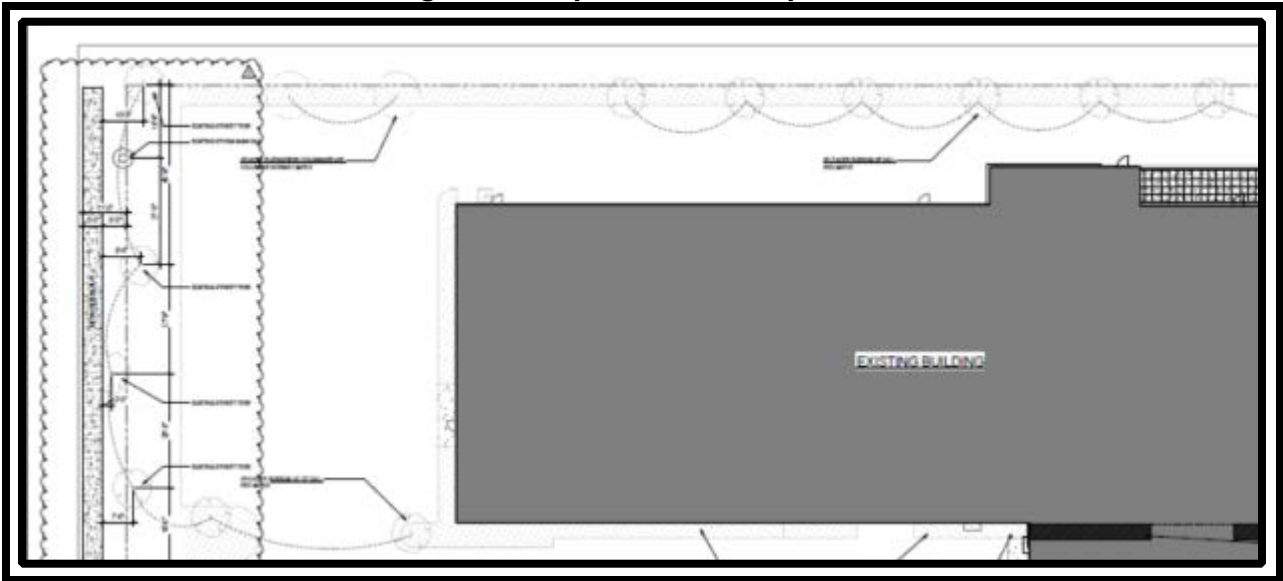


Figure 3: Proposed Landscape Plan



Summary of Criteria & Issues

Decisions and/or recommendations for approval of the land use application is dependent upon whether the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code (MMC). The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria.

Attachments:

Attachment 1 – Application, Attachments, Supplemental Submittals

The proposed development is on land zoned M-2PD (General Industrial Planned Development). McMinnville Municipal Code (MMC) Section 17.57.030 requires landscaping in the M-2 zone. Therefore, landscaping is required subject to the criteria and standards described in MMC Chapter 17.57-Landscaping.

II. CONDITIONS:

1. That the applicant shall install and maintain landscaping as shown on the landscape plans received by the Planning Department on September 9, 2021 and shall comply with required conditions of approval.
2. 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.
3. That the applicant shall call for locates (dial 811) for all underground utilities prior digging. 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 use extreme caution when working in the area of existing water services. Non-qualified workers shall maintain a minimum distance of 10' from high voltage lines and contact McMinnville Water and Light (MW&L) immediately at 503-472-6158 if any facilities are damaged during the sidewalk installation.
5. That the applicant shall take measures to protect the root zones of the existing street trees while constructing the new sidewalk.
6. That the applicant shall contact Public Works Operations at 503-434-7316 for an inspection prior to any root pruning in the right of way.
7. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts as per the City's approved detail. The barrier shall be placed on the public sidewalk side of the tree.

III. ATTACHMENTS:

- L 19-21 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 new landscaping proposed is outside of the public right of way, and thus outside of our purview.
 2. From the application, it appears that 1 existing street tree's root zone will be significantly impacted by the proposed new sidewalk, with the plans showing the trunk about 2.5' from the back of sidewalk. The other trees will be impacted to a lesser extent.

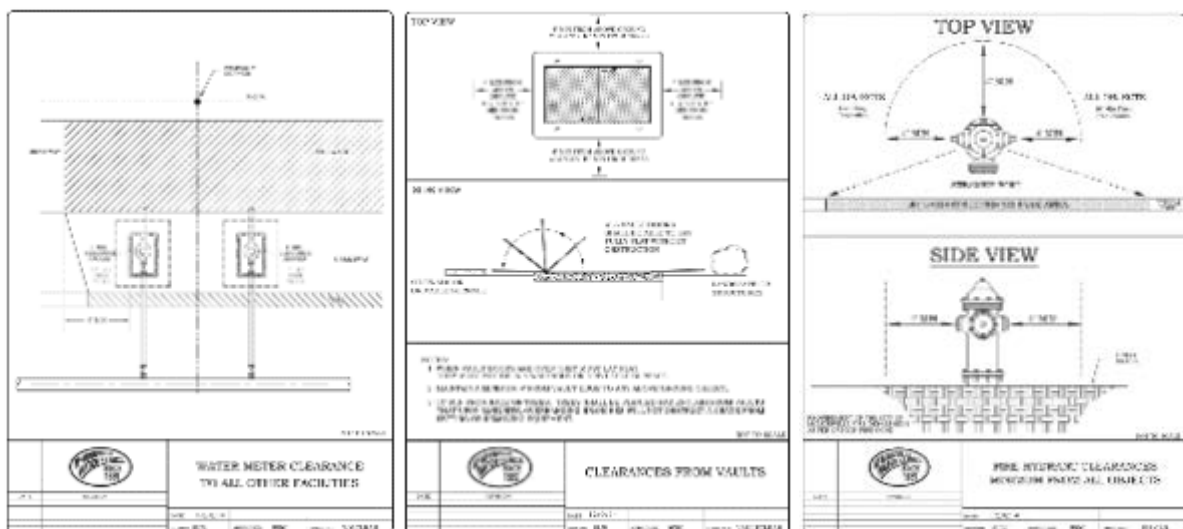
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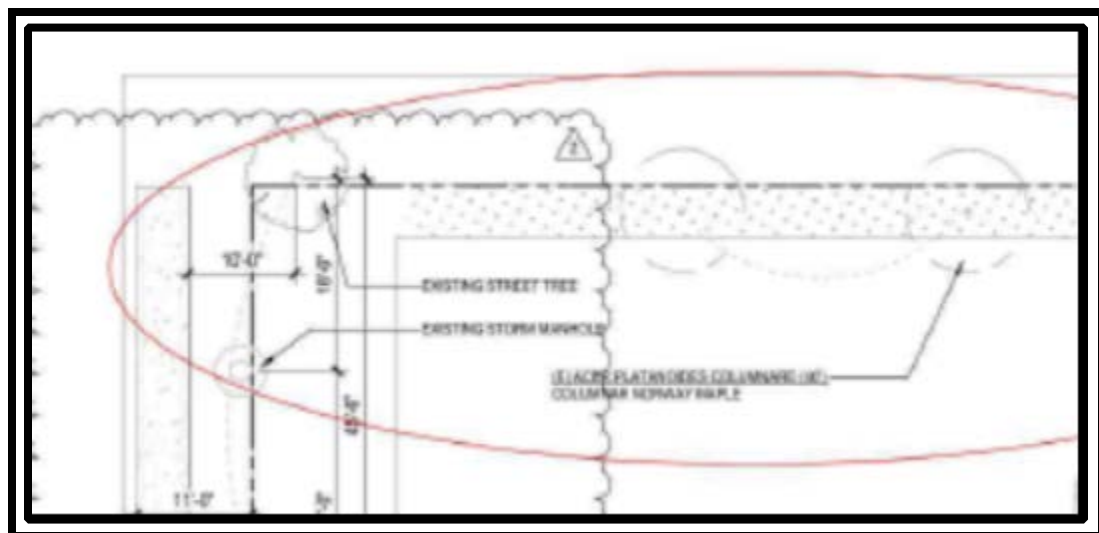
- a. The applicant should be required to take measures to protect the root zones of the existing street trees while constructing the new sidewalk. The applicant shall be required to contact Public Works Operations for an inspection prior to any root pruning in the right of way.
- b. The applicant should be required to place root barrier protection as per the City's approved detail along the back of the new sidewalk.
- c. If the trees cannot be adequately protected, the applicant should be required to replace the trees with a variety acceptable and size acceptable to the Planning Department.

• McMinnville Water and Light

Water: Maintain clearance from existing and future water facilities. See enclosed clearance details; VAULTCLEAR, FH-CLR and WMCLEAR



Power: There is an existing water main, valves, water meters and their service lines, and a fire hydrant in the area indicated on the figure below. Proper clearance must be maintained from them when installing landscaping. Must call for locates prior to digging.



Attachments:

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Public Comments

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

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Erica Jankowski, Soderstrom Architects, submitted a landscape plan review application on August 21, 2021.
2. The application was deemed complete on September 16, 2021. Based on that date, the application is subject to a 30-day review timeframe, which expires on October 16, 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 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 October 6, 2021, to review the application and proposed landscape plan.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 3138 NE Rivergate Street (Lot 3329, Section 15, T. 4 S., R. 4 W., W.M)
2. **Size:** 1.23 acres
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:** M-2PD (General Industrial Planned Development)
5. **Overlay Zones/Special Districts:** Northeast Industrial Planned Development Overlay District (Ordinance 4135)
6. **Current Use:** Developed
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:**
 - a. **Slopes:** The site is relatively flat.
 - b. **Easements:** A 10-foot-wide public utility easement is present along the property line abutting NE Rivergate Street.
 - c. **Utilities:**
 1. **Water:** The property is served by a water main. The treatment plant has sufficient treatment capacity.

Attachments:

Attachment 1 – Application, Attachments, Supplemental Submittals

2. **Sewer:** The property is served by a sewer main. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
 3. **Stormwater:** The property is served by a stormwater sewer main.
 4. **Other Services:** Other services are available to the property. Overhead utilities are present adjacent to the property along NE Rivergate.
9. **Transportation:** NE Rivergate Street is classified as a Local Street in the Transportation System Plan (TSP). Right-of-way improvements along the property frontage include the provision of curb and gutter. Rivergate Street right-of-way improvement requires a five (5) foot sidewalk and five (5) foot wide planter strip.

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 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.

Attachments:

Attachment 1 – Application, Attachments, Supplemental Submittals

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:

1. Provide guidelines and standards that will:
 - a. Reduce soil erosion and the volume and rate of discharge of storm water runoff.
 - b. Aid in energy conservation by shading structures from energy losses caused by weather and wind.
 - c. Mitigate the loss of natural resources.
 - d. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.
 - e. Create safe, attractively landscaped areas adjacent to public streets.
 - f. Require the planting of street trees along the City's rights-of-way.
 - g. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
 - h. Provide shade, and seasonal color.
 - i. Reduce glare, noise and heat.
2. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
3. Unify development and enhance and define public and private places.
4. Preserve existing mature trees.
5. Enhance the urban forest and tree canopy.
6. 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.
7. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
8. Support McMinnville as a community that cares about its appearance.

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

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

Attachments:

Attachment 1 – Application, Attachments, Supplemental Submittals

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The subject site is approximately 1.23 acres, or 124,146 square feet. The applicant indicates that approximately 19,343 square feet of landscaping is provided over the entire site.

	Total Site Area (s.f.)	Landscape Provided (s.f.)	Percentage	Percentage Required
Industrial Buildings	53,579	6,194	11.6%	7.0%

The proposed landscaping area of 11.6 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:

Attachments:

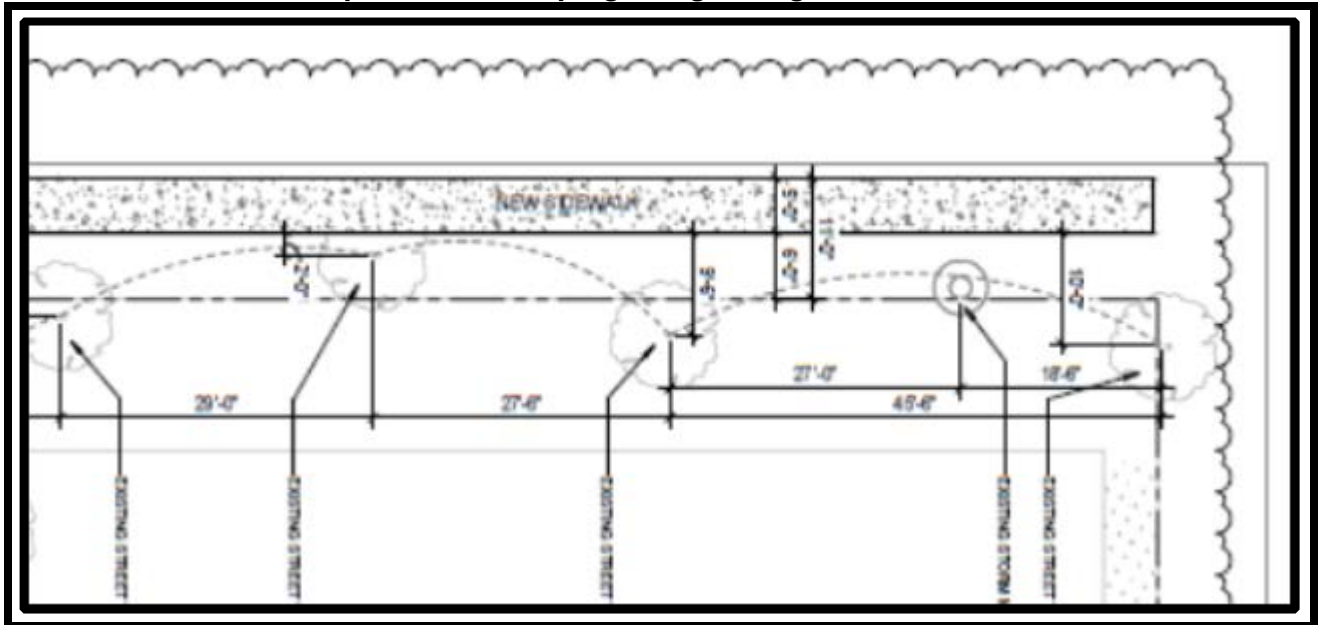
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17.57.070(B)(1). Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.

APPLICANT'S RESPONSE: None.

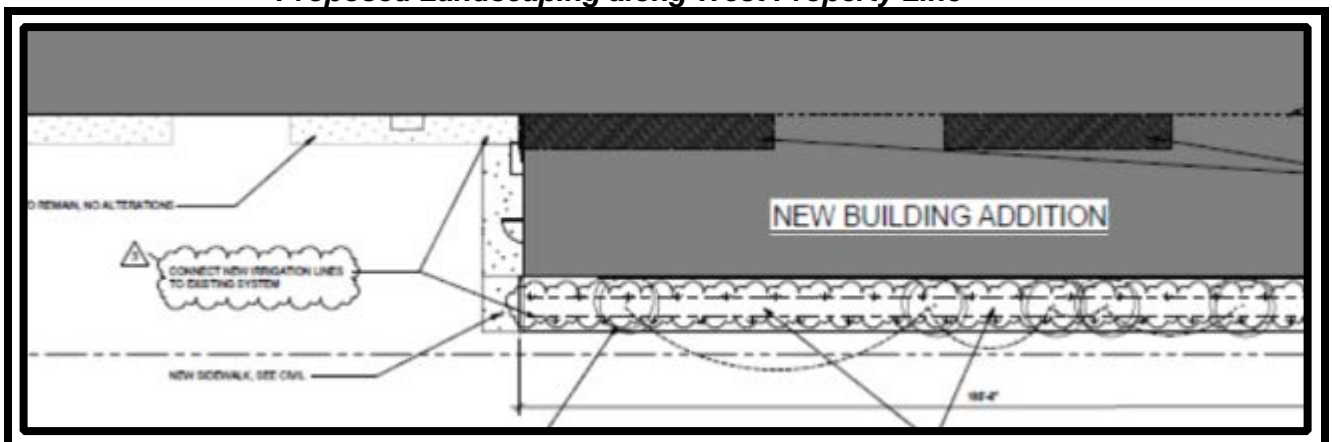
FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The proposed site plan for the addition indicates the existing landscaping will remain and new planting area along the addition on the west side of the building. Most of the surrounding properties are developed with the exception for the property at the corner of NE Rivergate Street and NE Miller Street.

Proposed Landscaping along Rivergate Street



No new landscaping is proposed along within the NE Rivergate right-of-way or onsite abutting the right-of-way. There is one existing right-of-way tree and three (3) existing trees adjacent to the right-of-way. All of these trees are well established with most spaced appropriately for type of trees. Due to public utility, the spacing between two trees is approximately 49 feet. But planting another tree to reduce the distance is not feasible or recommended due to the existing storm manhole.

Proposed Landscaping along West Property Line



Attachments:

Attachment 1 – Application, Attachments, Supplemental Submittals

Proposed landscaping along the western property line occurs only near the addition to the existing building which features Vine Maple, Oregon Grape, and Japanese Holly.

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

CONDITION FOR FINDING: That the applicant shall install and maintain landscaping as shown on the landscape plans received by the Planning Department on September 9, 2021 and shall comply with required conditions of approval.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The property is well established with landscaping and trees. The proposed addition is screen with new plants. Therefore, 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 are present on the site to incorporate into the development of the project. There are existing trees on the property and within the right-of-way. The site plans indicate these trees will remain. Therefore, this standard is met.

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. No additional parking is proposed. 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 industrial development is fronting on a street with dedicated five (5) foot curb-side planter strips. As described in more detail in findings for Chapter 17.58 Trees, the requirement for a curb-side planter strip will be discussed. No new trees are proposed within the right-of-way or onsite. The existing tree types are listed in the McMinnville Street Tree List. 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: None.

Attachments:

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FINDING: SATISFIED. The landscape plan indicates that all new beds are to be irrigated with drip irrigation.

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 #2. 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: 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 WITH CONDITION OF APPROVAL #5, #6 & #7. The proposed addition to the industrial development is fronting on NE Rivergate Street. Rivergate is classified as a local street in the Transportation System Plan. A designated curb-side planter strip adjacent to the subject property along Rivergate is required. The minimum planter width for Recommended Street Trees in the McMinnville Street Tree List, adopted by Resolution 2019-26, is four (4) feet. Trees could be planted no closer than two and one-half (2.5) feet from the face of the curb.

The right-of-way located in front of this property and within the immediate area were developed with curbing, utilities, and street trees prior to the standards for a curb-side planter strip. The existing curbing, utilities, and street trees are located in the area of the required sidewalk. The applicant proposes to install the sidewalk next to the curb and locate the landscape strip on property side of the sidewalk in order to retain the existing utilities and street and onsite trees. To relocate the utilities would be extremely difficult to meet utilities development requirements while burdening the applicant with costly public improvements and would require the removal of well-established street and onsite trees. McMinnville Engineer is not requiring a curb-side planter strip in this location.

As for additional street trees, the location of the onsite trees and storm manhole would not add to the visual impact but would most likely cause overcrowding among the trees.

McMinnville Public Works/Engineering has indicated that the trees in the area will be significantly impacted by the new sidewalk. Therefore, conditions are necessary to ensure the protection of these trees and the new sidewalk.

Therefore, this criterion is met.

Attachments:

Attachment 1 – Application, Attachments, Supplemental Submittals

CONDITIONS FOR FINDING: That the applicant shall take measures to protect the root zones of the existing street trees while constructing the new sidewalk.

That the applicant shall contact Public Works Operations at 503-434-7316 for an inspection prior to any root pruning in the right of way.

The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts as per the City's approved detail. The barrier shall be placed on the public sidewalk side of the tree.

17.58.090 Street Tree Standards.

- C. 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 WITH CONDITION OF APPROVAL #5, #6 & #7 ABOVE. The proposed industrial development is fronting on NE Rivergate Street. Rivergate is classified as a local street in the Transportation System Plan. A designated curb-side planter strip adjacent to the subject property along Rivergate is required. The minimum planter width for Recommended Street Trees in the McMinnville Street Tree List, adopted by Resolution 2019-26, is four (4) feet. Trees could be planted no closer than two and one-half (2.5) feet from the face of the curb.

The right-of-way located in front of this property and within the immediate area were developed with curbing, utilities, and street trees prior to the standards for a curb-side planter strip. The existing curbing, utilities, and street trees are located in the area of the required sidewalk. The applicant is proposing to install the sidewalk next to the curb and locate the landscape strip on property side of the sidewalk in order to retain the existing utilities and street and onsite trees. To relocate the utilities would be extremely difficult to meet utilities development requirements while burdening the applicant with costly public improvements and would require the removal of well-established street and onsite trees. McMinnville Engineer is not requiring a curb-side planter strip in this location.

As for additional street trees, the location of the onsite trees and storm manhole would not add to the visual impact but would most likely cause overcrowding among the trees.

McMinnville Public Works/Engineering has indicated that the trees in the area will be significantly impacted by the new sidewalk. Therefore, conditions are necessary to ensure the protection of these trees and the new sidewalk.

AD

**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. L 19-21Date Received Aug 31, 2021Fee \$905.50

Receipt No. _____

Received by sj

Landscape Plan Review Application

Applicant InformationApplicant is: ☐ Property Owner ☐ Contract Buyer ☐ Option Holder ☒ Agent ☐ Other _____Applicant Name Soderstrom Architects Phone 503-228-5617Contact Name Erica Jankowski Phone 503-595-2525

(If different than above)

Address 1200 NW Naito Parkway, Suite 410City, State, Zip Portland, OR 97209Contact Email ericaj@sdra.com**Property Owner Information**Property Owner Name Mark Newman, Kate Newman, Andy Tyssen Phone _____

(If different than above)

Contact Name Andy Tyssen Phone 971-218-7215Address 1053 NW Baker Crest CourtCity, State, Zip McMinnville, OR 97128Contact Email atyssen@dutchtest.com**Site Location and Description**

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

Property Address 3138 NE Rivergate St, McMinnville, OR 97128Assessor Map No. R4 415 03329 - Total Site Area 1.23 ac

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Industrial Zoning Designation M-2

Landscaping Information

1. Total Landscaped Area: 6,194 sf (including new landscape area)
2. Percent Landscaped: 11.5% (including new landscape area)
3. Building Floor Area:
New Structure: _____ Existing Structure: 20,048 sf Addition: 2,135 sf
4. Architect Name Soderstrom Architects Phone _____
(Landscape Architect, Engineer, or Other Designer)
Contact Name Larry Ferar Phone 503-228-5617
Address 1200 NW Naito Parkway, Suite 410
City, State, Zip Portland, OR 97209
Contact Email ferar@sdra.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

8/26/21
Date


Property Owner's Signature

8-25-2021
Date



No.	Description	Date
1	PLAN CHECK COMMENTS	8/30/21
2	CONSTRUCTION SET	09/06/21



1 LANDSCAPE PLAN

3/32" = 1'-0"

LANDSCAPE CALCULATIONS

7% GROSS AREA REQUIRED TO BE LANDSCAPED IN THE M-2 ZONE

FOR ADDITIONS:

$(\text{NEW LOT COVERAGE} / \text{EXISTING LOT COVERAGE}) \times \% \text{ LANDSCAPE REQ'D} \times \text{TOTAL LOT AREA}$
2,135 SF/20,044 SF = 0.106 0.106 x 0.07 x 53,725 SF = 401 SF NEW LANDSCAPE AREA

NEW LANDSCAPE AREA
LANDSCAPE AREA ELIMINATED: 268 SF
NEW LANDSCAPE AREA ADDED: 730 SF
TOTAL LANDSCAPE AREA ADDED: 462 SF

SHEET NOTES

- UNLESS OTHERWISE NOTED, ALL PLANTINGS TO REMAIN UNDISTURBED.
- PROTECT TREES AND PLANTINGS DURING CONSTRUCTION. REPLACE ANY PLANTS DAMAGED DURING CONSTRUCTION WITH COMPERABLE PLANTINGS.
- PROVIDE IRRIGATION AT NEW LANDSCAPE AREA. CONNECT TO EXISTING IRRIGATION SYSTEM.

2 GROUND COVER PLANTING

1/4" = 1'-0"

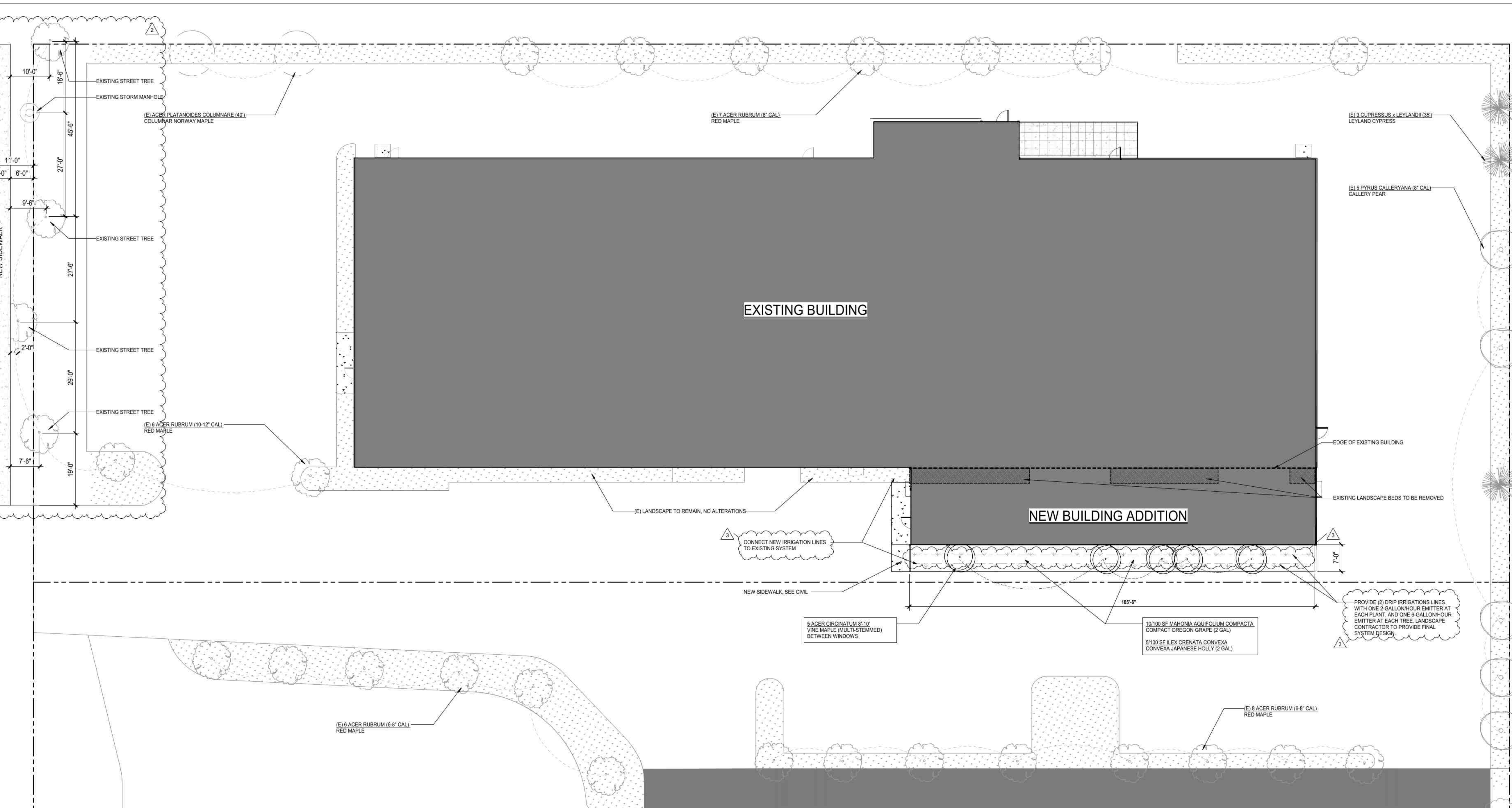
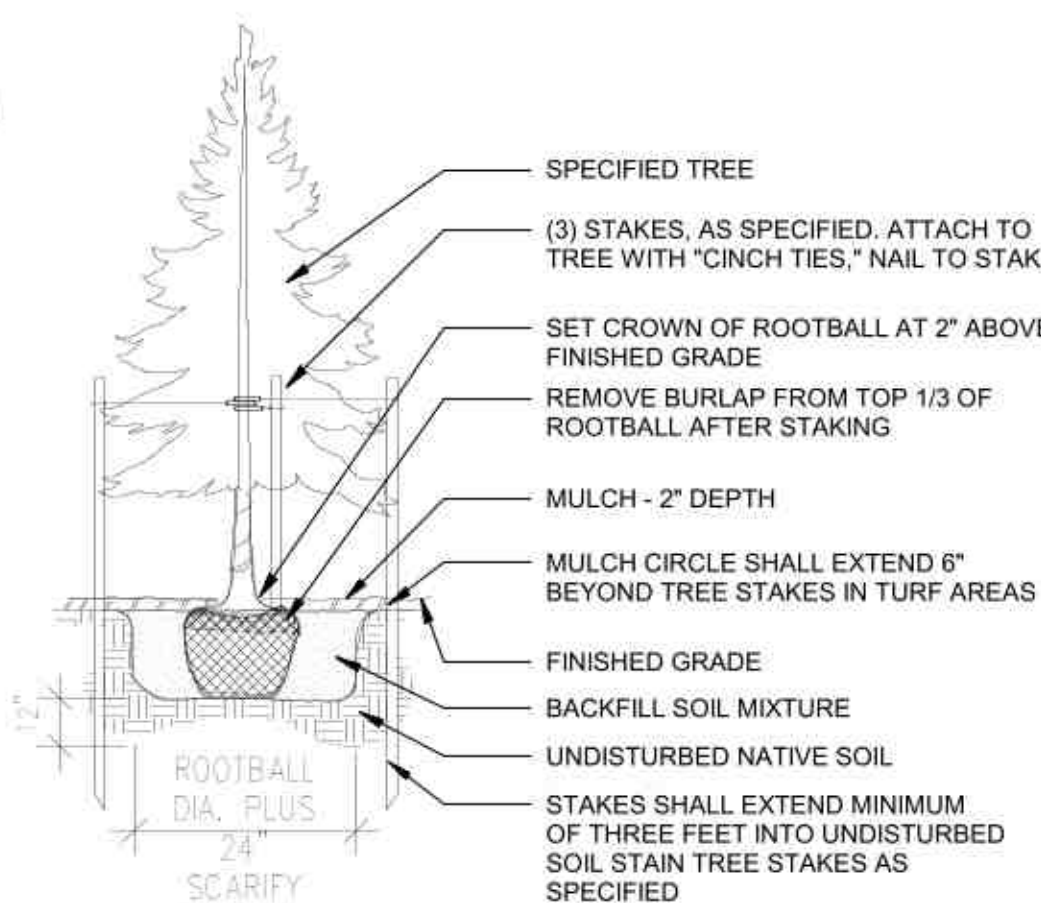


3 SHRUB PLANTING

3/8" = 1'-0"

4 TREE PLANTING

1/4" = 1'-0"





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

EXHIBIT 2 - STAFF REPORT

DATE: October 6, 2021
TO: Landscape Review Committee Members
FROM: Amy Dixon, Contract Planner
SUBJECT: Landscape Plan Review Application (L 20-21)

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) hornbeam tree from the public right-of-way adjacent to the subject property because the tree is dead. Removal of a tree located within the public right-of-way requires City approval.

The subject property is located 1615 NW Frances Drive within the Michelbook Meadow subdivision. A street tree plan (L 11-06) for the subdivision was approved in 2006.

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 dead. Criterion A are met.

Tree Replacement

A condition of approval is included to require one (1) replacement street tree with a minimum 1 ½ caliber Zelkova Serrata, Village Green” tree be planted in the NW Emerson Way planter strip as required by the approved subdivision street tree plan. Sufficient space exists in the planter strip, and there are no overhead wires.

Safety Conditions

For safety of removing and installing trees, the following conditions are necessary:

The applicant should use extreme caution when working in the area of existing water services. Non-qualified workers should maintain a minimum distance of 10’ from high voltage lines and contact McMinnville Water and Light (MW&L) immediately at 503-472-6158 if any facilities are damaged during tree removal or replacement.

The applicant will need 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.

The tree should 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.

Installation Conditions

As part of the installation requirements the following is necessary conditions:

The applicant is to endure all costs and liability associated with tree removal, stump grinding, and tree replacement.

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.

The tree’s stumps and remaining surface roots will need to 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 will need to 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 will need to restore any damaged turf areas and grades due to vehicular or mechanical operations.

The replacement trees will need to be planted per the approved City detail. The applicant will provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier is to 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 will need two (2) deep watering tubes to promote deep root growth.

Attachments:

Attachment A – Draft Decision

Attachment B – PW Memo

Attachment C – Application, Attachments

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

The work needs to be complete within six (6) months of approval, or April 5, 2022.

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 20-21 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

AD

Attachments:

Attachment A – Draft Decision

Attachment B – PW Memo

Attachment C – Application, Attachments



**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 TREE REMOVAL AT 1615 NW FRANCES DRIVE**

DOCKET: L 20-21 (Street Tree Removal)

REQUEST: Approval to remove one (1) hornbeam tree from the public right-of-way adjacent to the subject property due to the health of the tree.

LOCATION: 1615 NW Frances Drive (Tax Lot 6200, Section 18DA, T. 4 S., R. 4 W., W.M.)

ZONING: R-1 (Single-family)

APPLICANT: Taylor Alvarez, Associated Arborists

STAFF: Amy Dixon, Associate Planner

**DATE DEEMED
COMPLETE:** September 7, 2021

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

**DECISION DATE
& LOCATION:** October 6, 2021, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, and Zoom Online Meeting ID 867 1832 0629

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 -20-21) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

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

27 of 77

Subject Property & Request

The subject property is located at 1615 NW Frances Drive within the Michelbook Meadows subdivision. A street tree plan (L 11-06) for the subdivision was approved in 2006. **See Figure 1: Vicinity Map, and Figure 2: Partial Michelbook Street Tree Plan.**

Figure 1: Vicinity Map

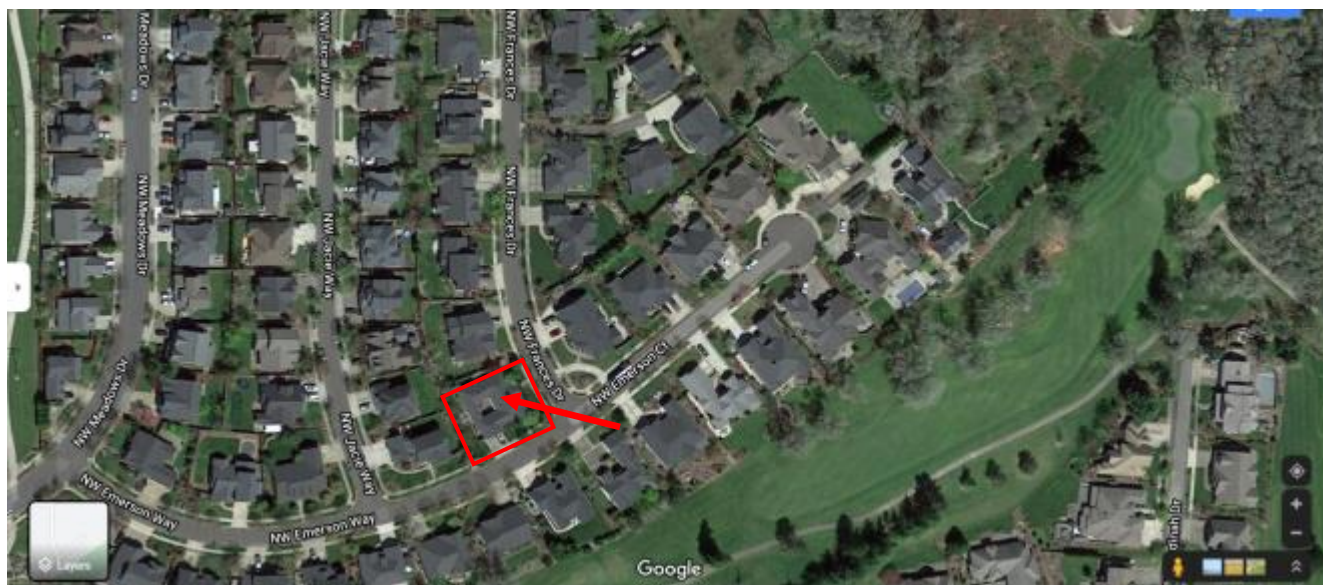


Figure 2: Partial Michelbook Meadows Street Tree Plan



Attachment 1 – Application and Attachments

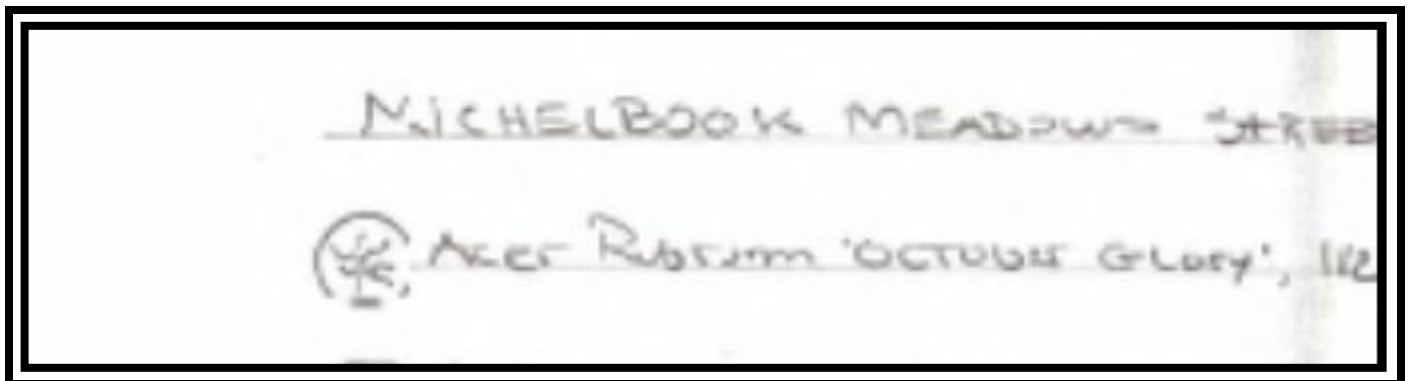
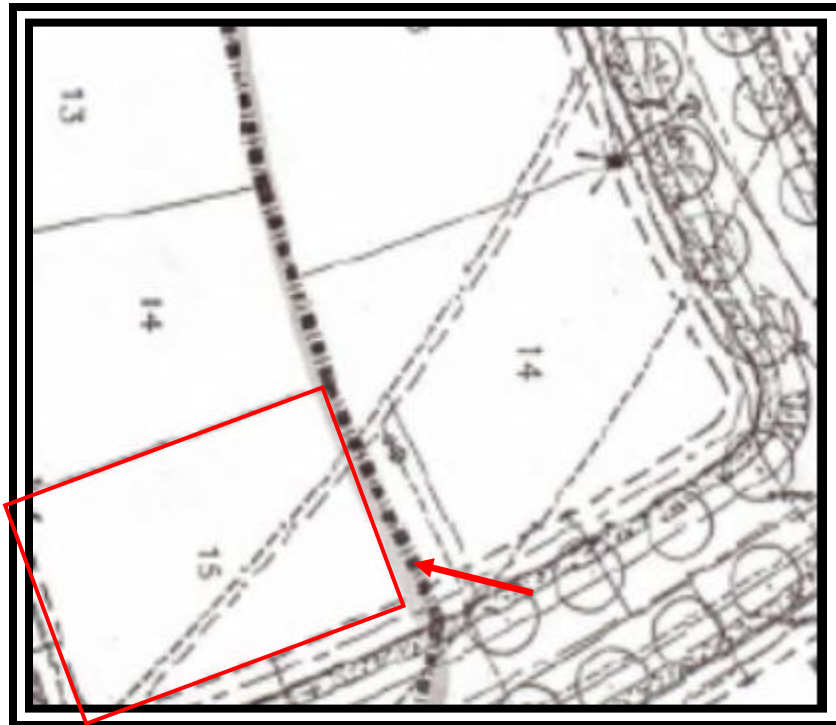


Figure 3: Site Plan



Figure 4: Existing Tree



Attachments:
Attachment 1 – Application and Attachments

Summary of Criteria & Issues

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

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

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

II. CONDITIONS:

- 1. That one (1) replacement street tree shall be planted in the NW Emerson Way planter strip in approximately the same location as the existing. The tree shall be Zelkova Serrata, Village Green™ tree having a minimum 1 ½ -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 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.
- 5. That the applicant shall use extreme caution when working in the area of existing water services. Non-qualified workers shall maintain a minimum distance of 10' from high voltage lines and contact McMinnville Water and Light (MW&L) immediately at 503-472-6158 if any facilities are damaged during tree removal or replacement.
- 6. 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.
- 7. 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

Attachments:

Attachment 1 – Application and Attachments

depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.

8. 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.
9. That the planter strip area shall be restored to original grade immediately following the planting of the replacement trees.
10. That the applicant shall complete the tree removal within six (6) months of approval, or April 5, 2022.

III. ATTACHMENTS:

1. L 20-21 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 hornbeam variety, about 8" DBH.
2. The tree is planted in a 5' planter strip between the curb and sidewalk, with irrigated turf.
3. The tree is dead.
4. There are no overhead facility conflicts.

Recommendations

Given the tree is dead, 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 contact Public Works Operations at (503)434.7316 for an inspection prior to backfill.

- **McMinnville Water & Light:**
MW&L indicated that existing water service and utilities in the area and 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. Taylor Alvarez, Associated Arborist, submitted a Street Tree Removal Permit application on behalf of Phil Demarois, Property Owner, on September 7, 2021.
2. The application was deemed complete on September 7, 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 October 6, 2021, to review the application and proposed street tree removal request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 1615 NW Frances Drive (Tax Lot 6200, Section 18DA, T. 4 S., R. 4 W., W.M.)
2. **Size:** 11733 sf (0.27 acres)
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-1 (Single-family Residential)
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 NW Emerson Way with four (4) street trees. Five (5) foot wide planter strip adjacent to NW Frances Drive with four (4) street trees, and one (1) water meter.
9. **Utilities:**

Attachments:

Attachment 1 – Application and Attachments

- a. **Water:** The property is served by a water main. The treatment plant has sufficient treatment capacity.
 - b. **Sewer:** The property is served by an 8" sewer main. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
 - c. **Stormwater:** Storm water is conveyed by curb and gutter to a catch basin and storm drain. The proposal doesn't increase impervious site area.
 - d. **Other Services:** Overhead utilities are not present on Emerson Way.
10. **Transportation:** NW Frances Drive and NW Emerson Way are classified as Local Neighborhood Streets in the Transportation System Plan (TSP). 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.

Attachments:

Attachment 1 – Application and Attachments

McMinnville Zoning Ordinance

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

Chapter 17.58 Trees

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Removal and replacement of the subject street tree would meet the purpose of the Trees Chapter of the Zoning Ordinance. Trees would situate 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.

Attachments:

Attachment 1 – Application and Attachments

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #6. 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, #5, & #9. Conditions of approval have been included to assure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

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

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

That the applicant shall use extreme caution when working in the area of existing water services. Non-qualified workers shall maintain a minimum distance of 10' from high voltage lines and contact McMinnville Water and Light (MW&L) immediately at 503-472-6158 if any facilities are damaged during tree removal or replacement.

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 did not indicate that they intend to replace the 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 that the trees along NW Emerson Way are to be a minimum of 1 ½ inch caliber Zelkova Serrata, Village Green" tree. Therefore, the following condition is necessary to ensure compliance with the approved landscaping plan for the subdivision.

11. CONDITION FOR FINDING: That one (1) replacement street tree shall be planted in the NW Emerson Way planter strip in approximately the same location as the existing.

Attachments:

Attachment 1 – Application and Attachments

The tree shall be Zelkova Serrata, Village Green" tree having a minimum 1 ½ -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 #10. 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 April 5, 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 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.

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.

Attachments:

Attachment 1 – Application and Attachments

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 submitted arborist report indicates that the tree is dead and is actively failing and falling apart.

FINDING: SATISFIED. Staff concurs with the applicant's finding. Evidence has been provided that the tree is dead. Therefore, since the tree is unsafe, dead, or diseased as determined by a Certified Arborist, criterion 'A' 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

Attachments:

Attachment 1 – Application and Attachments

and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1, #4, #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.

- 12. CONDITIONS FOR FINDING:** That one (1) replacement street tree shall be planted in the NW Emerson Way planter strip in approximately the same location as the existing. The tree shall be "Zelkova Serrata, Village Green" tree having a minimum 1 ½ -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.

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 L20-21

Applicant Information

Applicant: Taylor Alvorez-for owner
Address: 1760 NW Frances Drive
Telephone: 503.883.3895
Email: taylor@associatedarborists.com

Site Review

1. The tree in question is a hornbeam, about 8" DBH.
2. The tree is planted in a 5' planter strip between the curb and sidewalk, with irrigated turf.
3. The tree is dead.
4. There are no overhead facility conflicts.

Recommendations

1. Given that the tree is dead, 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 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. L 20-21Date Received 9-7-21

Fee _____

Receipt No. _____

Received by gh

Street Tree Removal

Applicant Information

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

Applicant Name Associated Arborists Phone 503.883.3895

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

Address 1760 NW Emerson Way

City, State, Zip McMinnville OR 97128

Contact Email taylor@associatedarborists.com

Property Owner Information

Property Owner Name Phil Demarois Phone 971.279.0229
 (If different than above)

Contact Name Phil Demarois Phone _____

Address 1615 Northwest Frances Drive

City, State, Zip McMinnville OR 97128

Contact Email pdemarois@me.com

Site Location and Description

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

Property Address 1615 Northwest Frances Drive McMinnville OR

(Property nearest to tree(s) for removal)

Assessor Map No. R4418 - DA - 06200 Total Site Area 11,133 sq ft

Subdivision Michelback Meadows Block _____ Lot 8

Comprehensive Plan Designation Res Zoning Designation R-1 PD

Additional Information

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

This tree is clearly dead and is now posing a fire and failure risk.

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.

Richard Alvarez
Applicant's Signature

7/13/21
Date

Property Owner's Signature

Date

Additional Information

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

This tree is clearly dead and is now posing a fire and failure risk.

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.

[Redacted Signature]

7/13/21

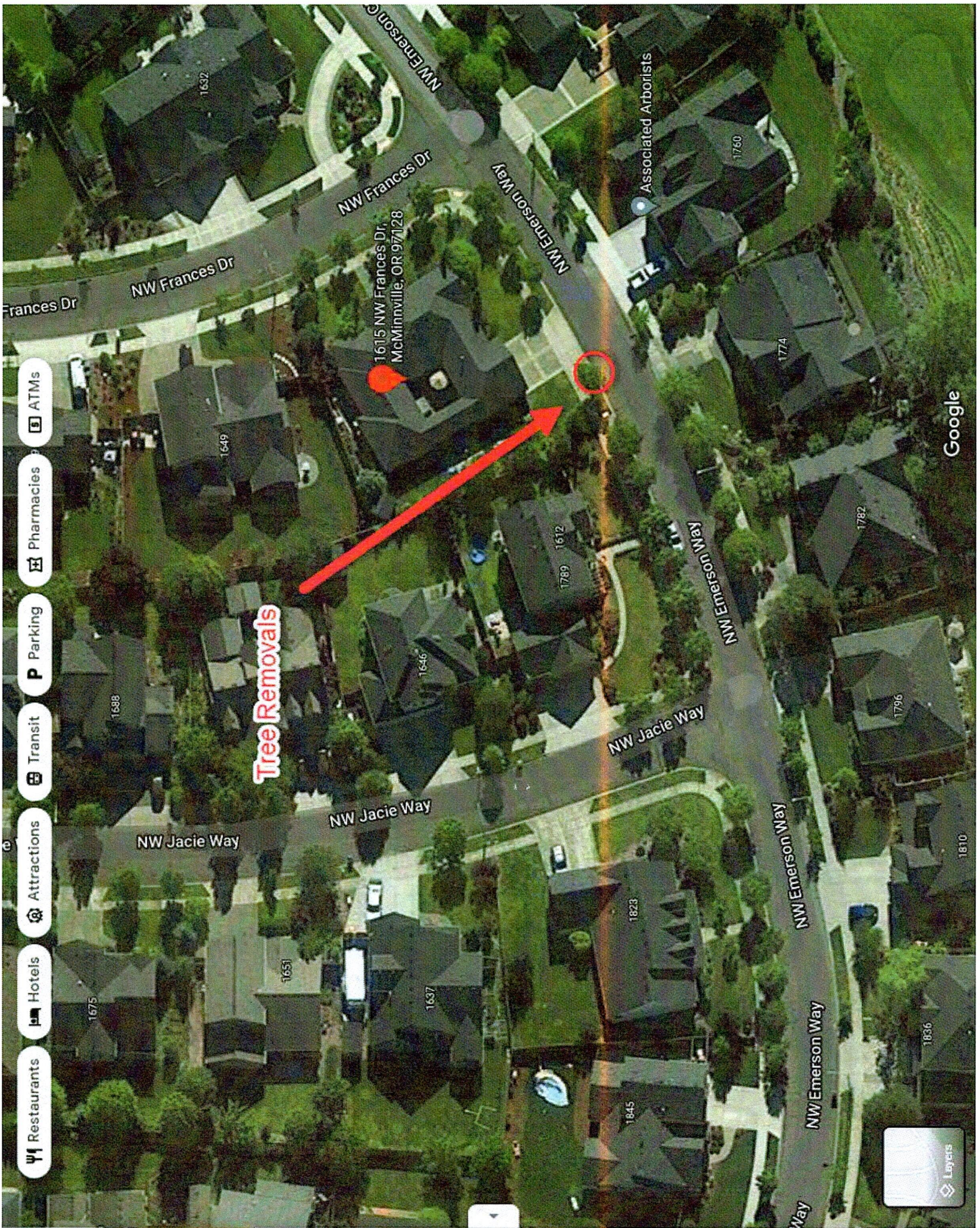
Date

Philip A. Dimarzio

Property Owner's Signature

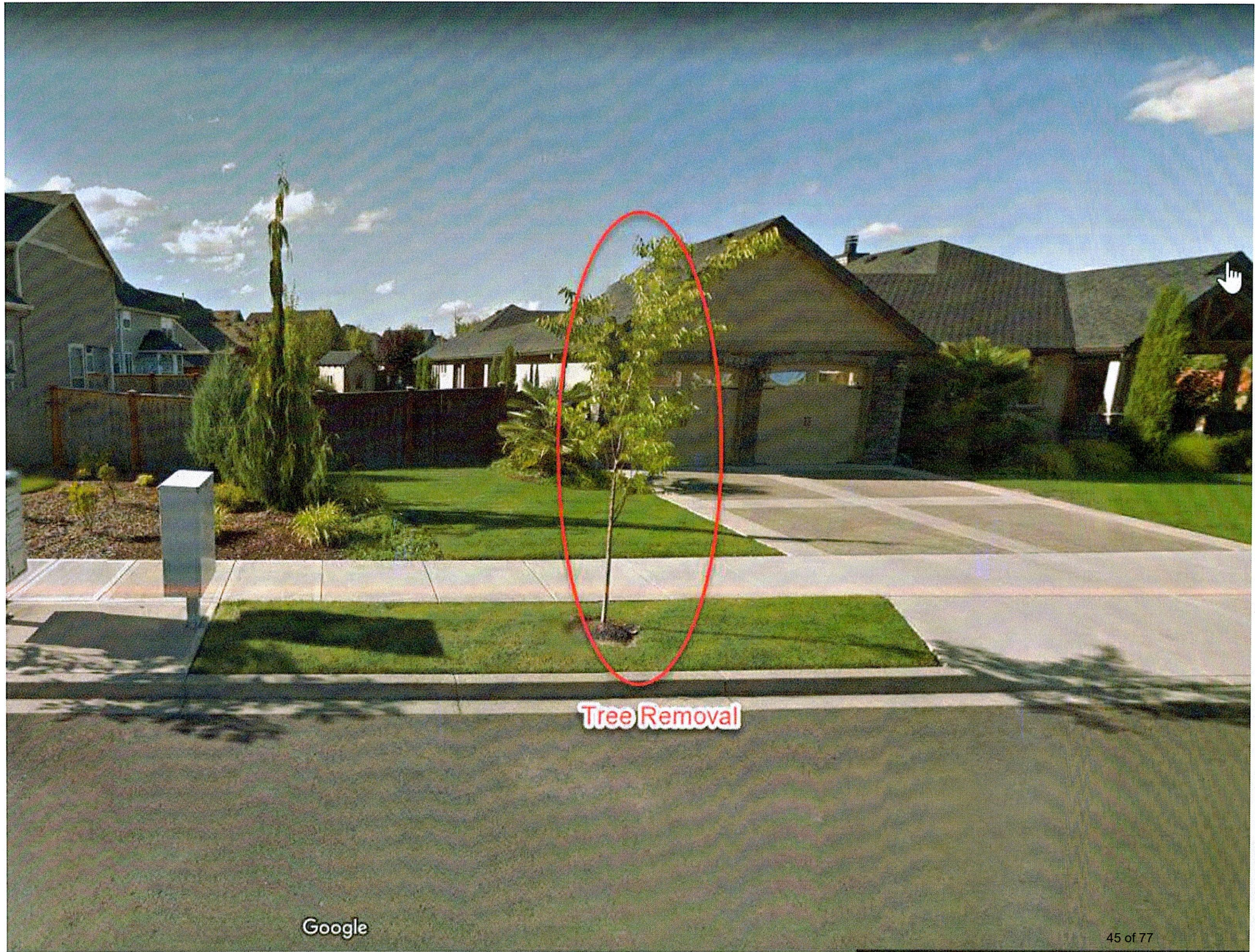
7/20/21

Date



Google

Tree Removals



Tree Removal





Associated Arborists

Ph (503) 883-3895 • Fax (866) 863-8733 • 1760 NW Emerson Way McMinnville OR 97128 •

DATE:	9/3/21
TO:	City of McMinnville
FROM:	Taylor Alvarez, Associated Arborists, ISA#PN 8332AU
SUBJECT:	Tree Removal Request
PURPOSE:	Produce Report

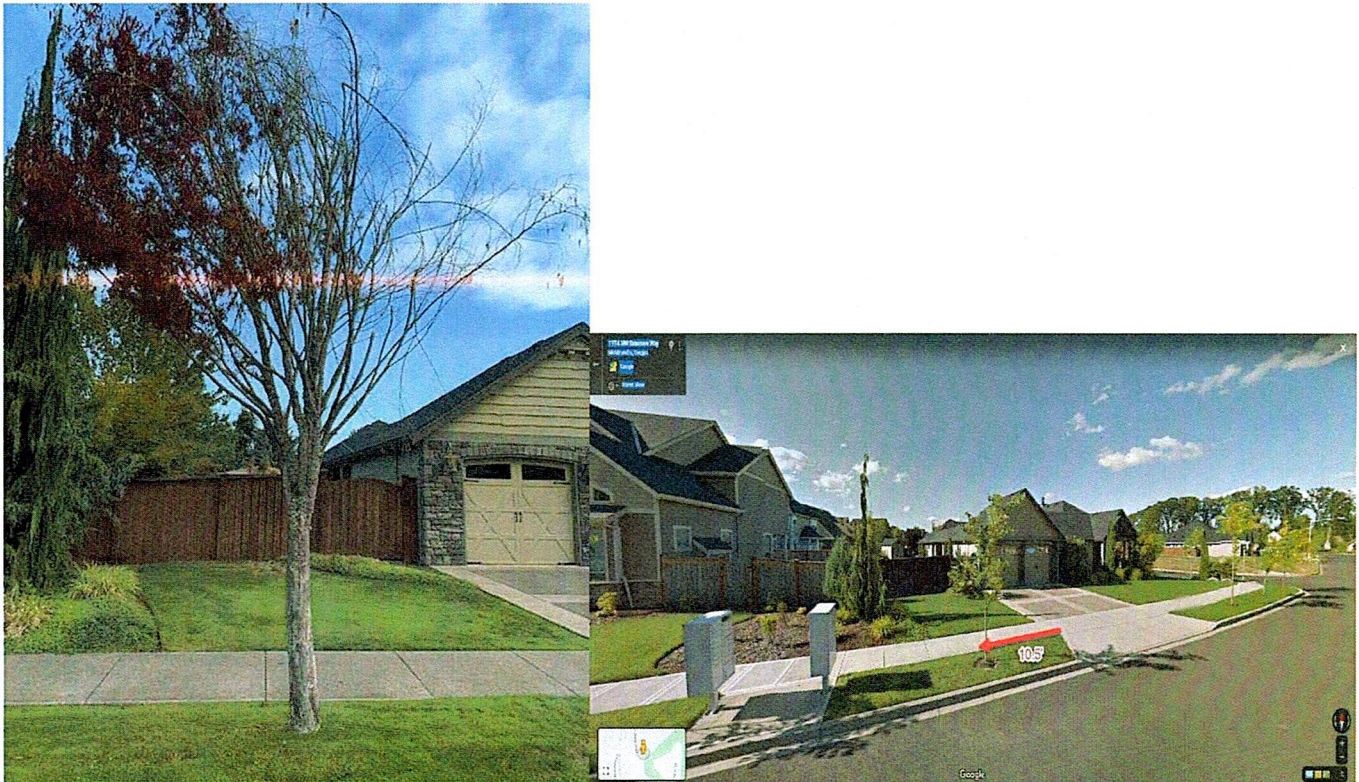
ARBORIST REPORT

Tree information: species, diameter at breast height, condition, and location:

1: Species: Hornbeam / DBH: 8" estimated / Condition: Dead / Address: **1615 Northwest Frances Drive McMinnville OR 97128**

Arborist's recommendation for maintenance or removal:

Removal is recommended for this tree because it is totally dead and actively failing/falling apart. Please see photos to see current condition and location information.



Sick Tree Treatment • Corrective Pruning • Fruit Pruning • Removals • Tree Planting and Delivery ISA
Certified Consulting • Commercial Tree Inventory Management • Utility Certified • Expert Witness

Sarah Sullivan

From: Taylor Alvarez <taylor@associatedarborists.com>
Sent: Friday, September 3, 2021 12:55 PM
To: Sarah Sullivan
Subject: Re: 2 emergency removal permits Associated Arborists.
Attachments: We sent you safe versions of your files; Phil Demarois.JPG; Nan Moran (1).JPG; Nan Moran Arborist Report.pdf; Phil Demarois Arborist Report.pdf

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

This message originated outside of the City of McMinnville.

Hello Sarah-

I have attached additional arborist report docs and current images for the 2 pending removal permits for Nan Moran and Phil Demorois. These clients have been waiting a while now. If these could possibly be considered emergency removals to get the ball rolling that would be appreciated. If not please let me know so I can call in the credit card payment.

Thanks for your help on this matter. I will improve the cleanliness of submittal documents moving forward.

On Thu, Aug 19, 2021 at 11:33 AM Taylor Alvarez <taylor@associatedarborists.com> wrote:

Hello Sarah-

I have attached images that show the distance or the trees from the driveway. I completed the tree removal application siting that the trees were dead. I thought that would be sufficient as the Arborist Report. I can't think of any more detail that needs to be added. As an ISA Certified Arborist I thought that would suffice as the arborist report. Do you have an arborist report template that you would like me to use instead?

Also I considered these trees emergency removals because they are dead and deteriorating and pose risk of failure. If we need to pay the \$150 each that is fine however I just need to know the distinction between an emergency and non emergency removal. Again I figured a dead tree qualified.

The files attached are named after the client.



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

EXHIBIT 3 - STAFF REPORT

DATE: October 6, 2021
TO: Landscape Review Committee Members
FROM: Amy Dixon, Contract Planner
SUBJECT: Landscape Plan Review Application (L 21-21)

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) hornbeam tree from the public right-of-way adjacent to the subject property because the tree is dead. Removal of a tree located within the public right-of-way requires City approval.

The subject property is located 1669 NW Medinah Drive within the Michelbook Meadow subdivision. A street tree plan (L 11-06) for the subdivision was approved in 2006.

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 dead. Criterion A are met.

Tree Replacement

A condition of approval is included to require one (1) replacement street tree with a minimum 1 ½ caliber Acer Rubrum, “October Glory” maple tree needs to be planted in the NW Medinah Drive planter strip as required by the approved subdivision street tree plan. Sufficient space exists in the planter strip, and there are no overhead wires.

Safety Conditions

For safety of persons removing and installing trees, the following conditions are necessary:

The applicant should use extreme caution when working in the area of existing water services. Non-qualified workers should maintain a minimum distance of 10’ from high voltage lines and contact McMinnville Water and Light (MW&L) immediately at 503-472-6158 if any facilities are damaged during tree removal or replacement.

The applicant will need 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.

The tree should 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.

Installation Conditions

As part of the installation requirements the following is necessary conditions:

The applicant is to endure all costs and liability associated with tree removal, stump grinding, and tree replacement.

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.

The tree’s stumps and remaining surface roots will need to 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 will need to 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 will need to restore any damaged turf areas and grades due to vehicular or mechanical operations.

The replacement trees will need to be planted per the approved City detail. The applicant will provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier is to 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 will need two (2) deep watering tubes to promote deep root growth.

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

Attachments:

Attachment A – Draft Decision

Attachment B – PW Memo

Attachment C – Application, Attachments

The work needs to be complete within six (6) months of approval, or April 5, 2022.

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

AD

Attachments:

Attachment A – Draft Decision

Attachment B – PW Memo

Attachment C – Application, Attachments



**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 TREE REMOVAL AT 1669 NW MEDINAH DRIVE**

DOCKET: L 21-21 (Street Tree Removal)

REQUEST: Approval to remove one (1) hornbeam tree from the public right-of-way adjacent to the subject property due to the health of the tree.

LOCATION: 1669 NW Medinah Drive (Tax Lot 4800, Section 18DA, T. 4 S., R. 4 W., W.M.)

ZONING: R-1 (Single-family)

APPLICANT: Taylor Alvarez, Associated Arborists

STAFF: Amy Dixon, Associate Planner

**DATE DEEMED
COMPLETE:** September 7, 2021

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

**DECISION DATE
& LOCATION:** October 6, 2021, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, and Zoom Online Meeting ID 867 1832 0629.

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

DECISION: APPROVAL WITH CONDITIONS

Date _____

Date:

I. APPLICATION SUMMARY:

Subject Property & Request

The application requests the removal of one (1) hornbeam tree from the public right-of-way adjacent to the subject property because the tree is dead. McMinnville Public Works indicated that the tree is a maple tree. Removal of a tree located within the public right-of-way requires City approval.

The subject property is located at 1669 NW Medinah Drive within the Michelbook Meadows subdivision. A street tree plan (L 11-06) for the subdivision was approved in 2006. **See Figure 1: Vicinity Map, and Figure 2: Partial Michelbook Street Tree Plan.**

Figure 1: Vicinity Map

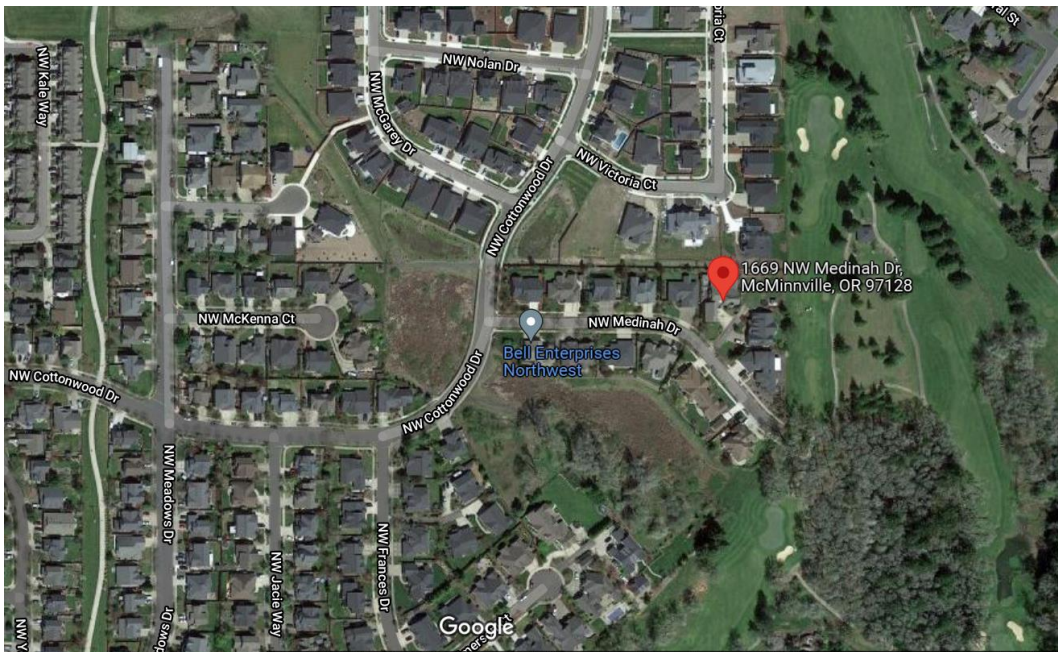
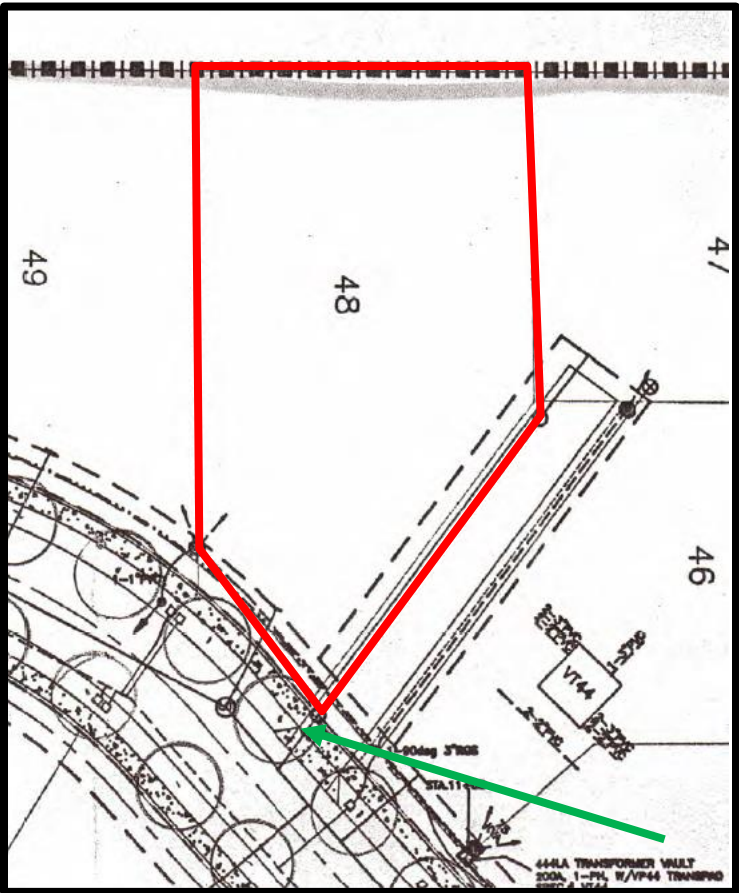
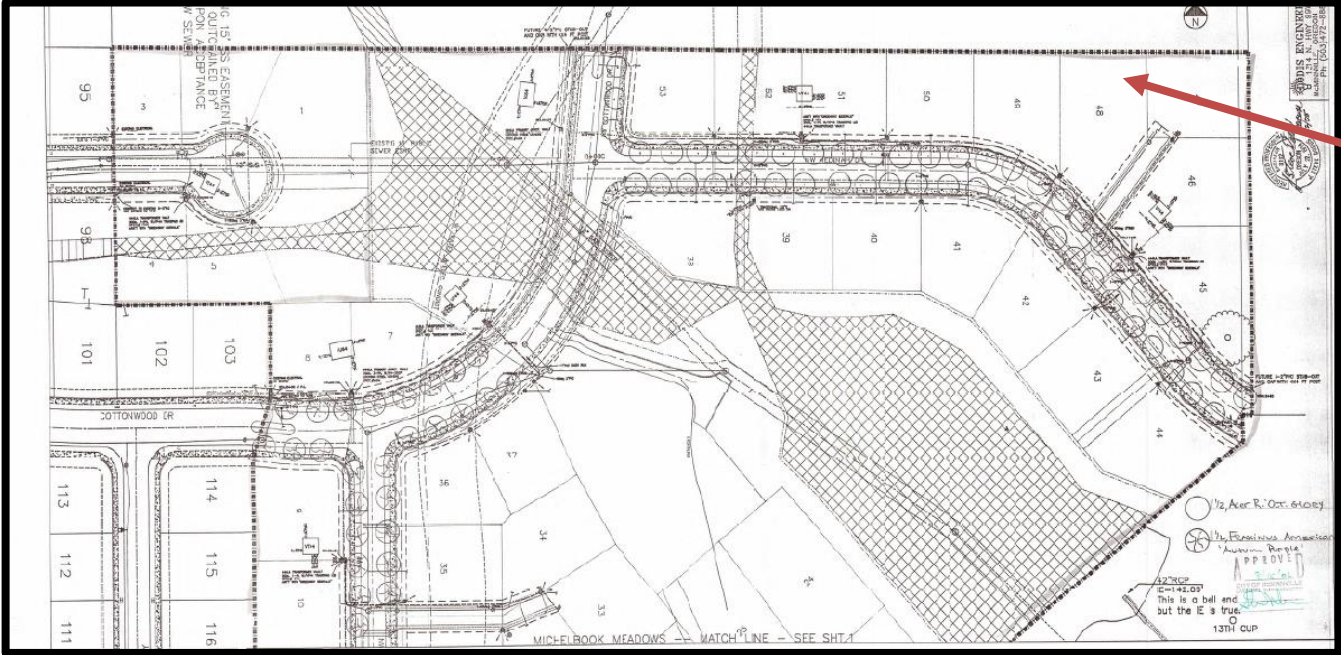


Figure 2: Partial Michelbook Meadows Street Tree Plan



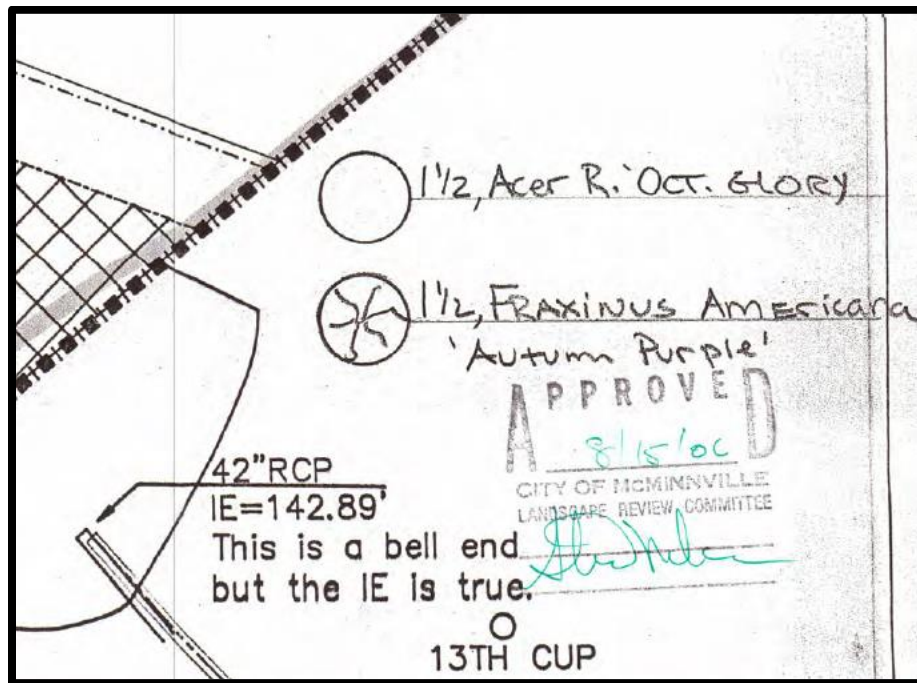
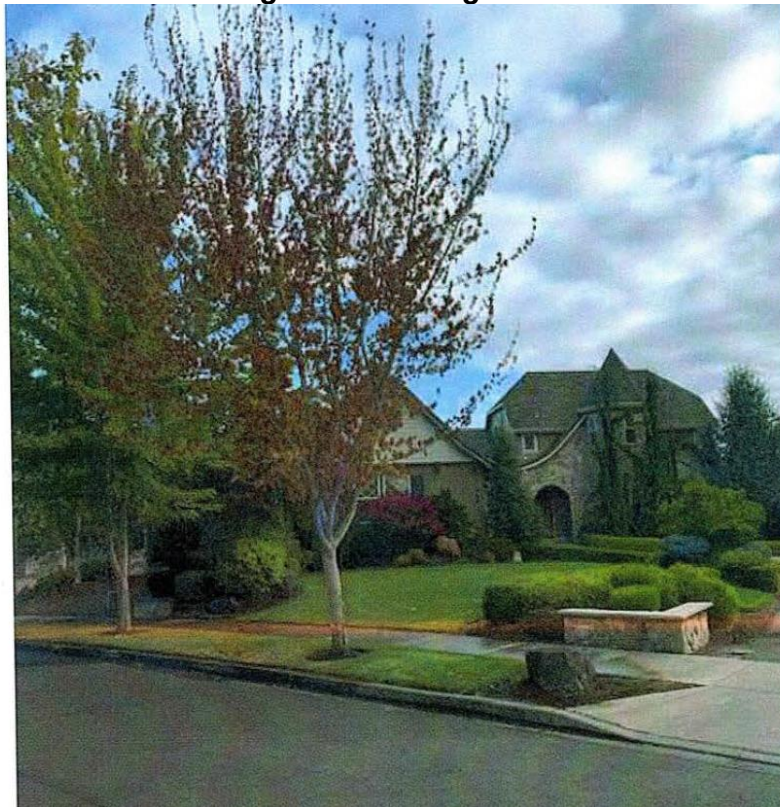


Figure 3: Site Plan



Figure 4: Existing Tree



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:

Attachments:

Attachment 1 – Application and Attachments

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

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

II. CONDITIONS:

1. That one (1) replacement street tree be planted in the NW Medinah Drive planter strip in approximately the same location as the existing. The tree shall be an Acer Rubrum, "October Glory" maple tree having a minimum 1 ½ -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 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.
5. That the applicant shall use extreme caution when working in the area of existing water services. Non-qualified workers shall maintain a minimum distance of 10' from high voltage lines and contact McMinnville Water and Light (MW&L) immediately at 503-472-6158 if any facilities are damaged during tree removal or replacement.
6. 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.
7. 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.
8. 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.

Attachments:

Attachment 1 – Application and Attachments

9. That the planter strip area shall be restored to original grade immediately following the planting of the replacement trees.
10. That the applicant shall complete the tree removal within six (6) months of approval, or April 5, 2022.

III. ATTACHMENTS:

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

IV. COMMENTS:

Agency Comments

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

- **McMinnville Public Works:**

Site Review

1. The tree in question is a maple variety, about 8" DBH.
2. The tree is planted in a 5' planter strip between the curb and sidewalk, with irrigated turf.
3. The tree is dead.
4. There are no overhead facility conflicts.

Recommendations

Given the tree is dead, 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 contact Public Works Operations at (503)434.7316 for an inspection prior to backfill.

- **McMinnville Water & Light:**

MW&L indicated that existing water service and utilities are in the area and 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

Attachments:

Attachment 1 – Application and Attachments

1. Taylor Alvarez, Associated Arborist, submitted a Street Tree Removal Permit application on behalf of Phil Demarois, Property Owner, on September 7, 2021.
2. The application was deemed complete on September 7, 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 October 6, 2021, to review the application and proposed street tree removal request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 1669 NW Medinah Drive (Tax Lot 4800, Section 18DA, T. 4 S., R. 4 W., W.M.)
2. **Size:** 12666 sf (0.29 acres)
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-1 (Single-family Residential)
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 NW Medinah Drive with two (2) street trees, and one (1) water meter.
9. **Utilities:**
 - a. **Water:** The property is served by a water main. The treatment plant has sufficient treatment capacity.
 - b. **Sewer:** The property is served by an 8" sewer main. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
 - c. **Stormwater:** Storm water is conveyed by curb and gutter to a catch basin and storm drain. The proposal doesn't increase impervious site area.
 - d. **Other Services:** Overhead utilities are not present on NW Medinah Drive.
10. **Transportation:** NW Medinah Drive is classified as a Local Neighborhood Street in the Transportation System Plan (TSP). 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:

Attachments:

Attachment 1 – Application and Attachments

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

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

Comprehensive Plan Volume II:

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

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

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

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

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

APPLICANT'S RESPONSE: None.

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

McMinnville Zoning Ordinance

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

Chapter 17.58 Trees

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

APPLICANT'S RESPONSE: None.

Attachments:

Attachment 1 – Application and Attachments

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. [...]

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #6. 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, #5, & #9. Conditions of approval have been included to assure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

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

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

That the applicant shall use extreme caution when working in the area of existing water services. Non-qualified workers shall maintain a minimum distance of 10' from high voltage lines and contact McMinnville Water and Light (MW&L) immediately at 503-472-6158 if any facilities are damaged during tree removal or replacement.

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 did not indicate that they intend to replace the 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 that the trees along NW Medinah Drive are to be a minimum of 1 ½ inch caliber Acer Rubrum, "October Glory" maple trees. Therefore, the following condition is necessary to ensure compliance with the approved landscaping plan for the subdivision.

CONDITION FOR FINDING: That one (1) replacement street tree be planted in the NW Medinah Drive planter strip in approximately the same location as the existing. The tree shall be an Acer Rubrum, "October Glory" maple tree having a minimum 1 ½ -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 #6 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

Attachments:

Attachment 1 – Application and Attachments

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 #10. 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 April 5, 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 submitted arborist report indicates that the tree is dead and is actively failing and falling apart.

FINDING: SATISFIED. Staff concurs with the applicant's finding. Evidence has been provided that the tree is dead. Therefore, since the tree is unsafe, dead, or diseased as determined by a Certified Arborist, criterion 'A' 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.

Attachments:

Attachment 1 – Application and Attachments

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1, #4, #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 street tree be planted in the NW Medinah Drive planter strip in approximately the same location as the existing. The tree shall be an Acer Rubrum, "October Glory" maple tree having a minimum 1 ½ -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.

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 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 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 L21-21

Applicant Information

Applicant: Taylor Alvorez-for owner
Address: 1669 NW Medinah Drive
Telephone: 503.883.3895
Email: taylor@associatedarborists.com

Site Review

1. The tree in question is a maple variety, about 8" DBH.
2. The tree is planted in a 5' planter strip between the curb and sidewalk, with irrigated turf.
3. The tree is dead.
4. There are no overhead facility conflicts.

Recommendations

1. Given that the tree is dead, 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 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. L21-21Date Received 9-7-21

Fee _____

Receipt No. _____

Received by gt

Street Tree Removal

Applicant Information

Applicant is: ☐ Property Owner ☐ Contract Buyer ☐ Option Holder ☒ Agent ☐ Other _____Applicant Name Associated Arborists Phone 503.883.3895Contact Name Taylor Alvarez Phone 503.883.3895
(If different than above)Address 1760 NW Emerson WayCity, State, Zip McMinnville OR 97128Contact Email taylor@associatedarborists.com

Property Owner Information

Property Owner Name Nan Moran Phone 425.301.0282
(If different than above)Contact Name Nan Moran Phone _____Address 1669 Northwest Medinah DriveCity, State, Zip McMinnville OR 97128Contact Email nan@homepagemail.com

Site Location and Description

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

Property Address 1669 Northwest Medinah Drive McMinnville Or 97128

(Property nearest to tree(s) for removal)

Assessor Map No. R4418 - DA - C4800 Total Site Area 12,606 sq ftSubdivision Michelback Meadows Block _____ Lot 42Comprehensive Plan Designation Res Zoning Designation R-1PD

Additional Information

1. How many trees are requested for removal? 1
2. What type (species) of tree(s) are they? Red Maple
3. What is the diameter of the tree(s), measured four feet above ground level? 8" estimated
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. _____

This Maple tree is clearly dead and is now posing a fire and failure risk.

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.

Richard Alvarez
Applicant's Signature

7/13/21
Date

Property Owner's Signature

Date

Additional Information

1. How many trees are requested for removal? 1
2. What type (species) of tree(s) are they? Red Maple
3. What is the diameter of the tree(s), measured four feet above ground level? 8" estimated
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. _____

This Maple tree is clearly dead and is now posing a fire and failure risk.

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.

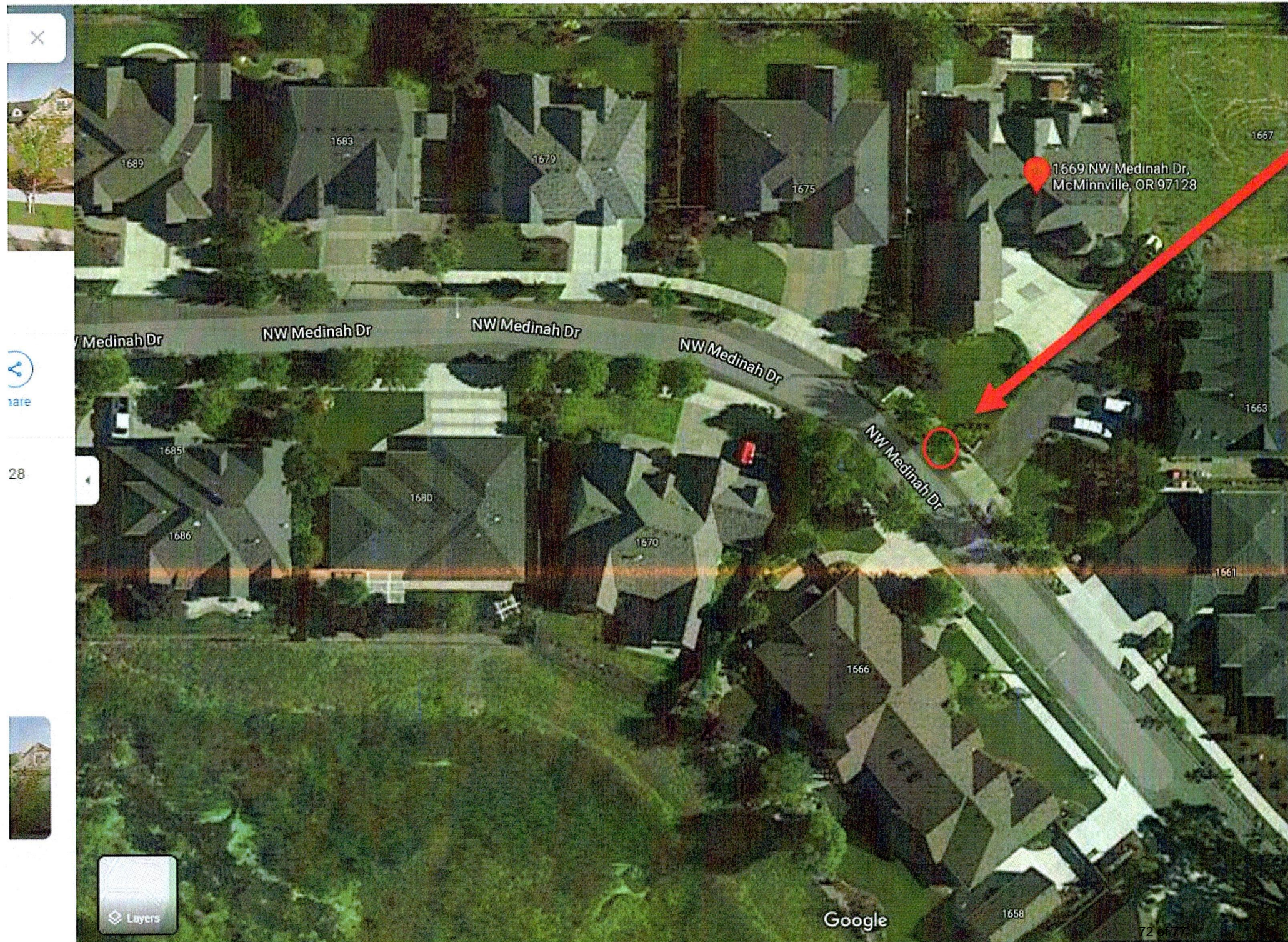
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Richard Alvarez
Applicant's Signature

7/13/21
Date

Yanith S. Moran
Property Owner's Signature

8/5/2021
Date



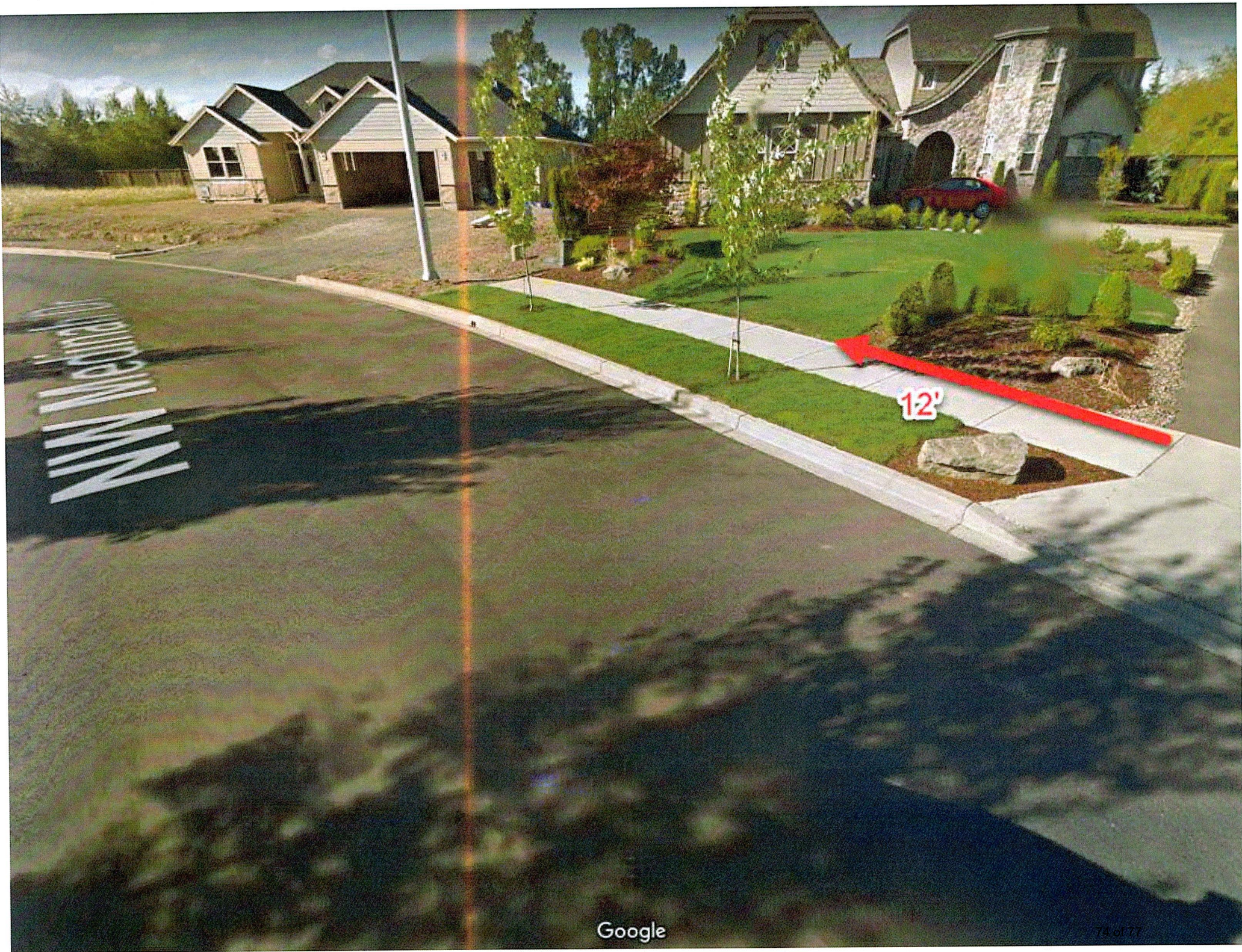
1669 NW Medinah Dr
McMinnville, Oregon
Google
Street View

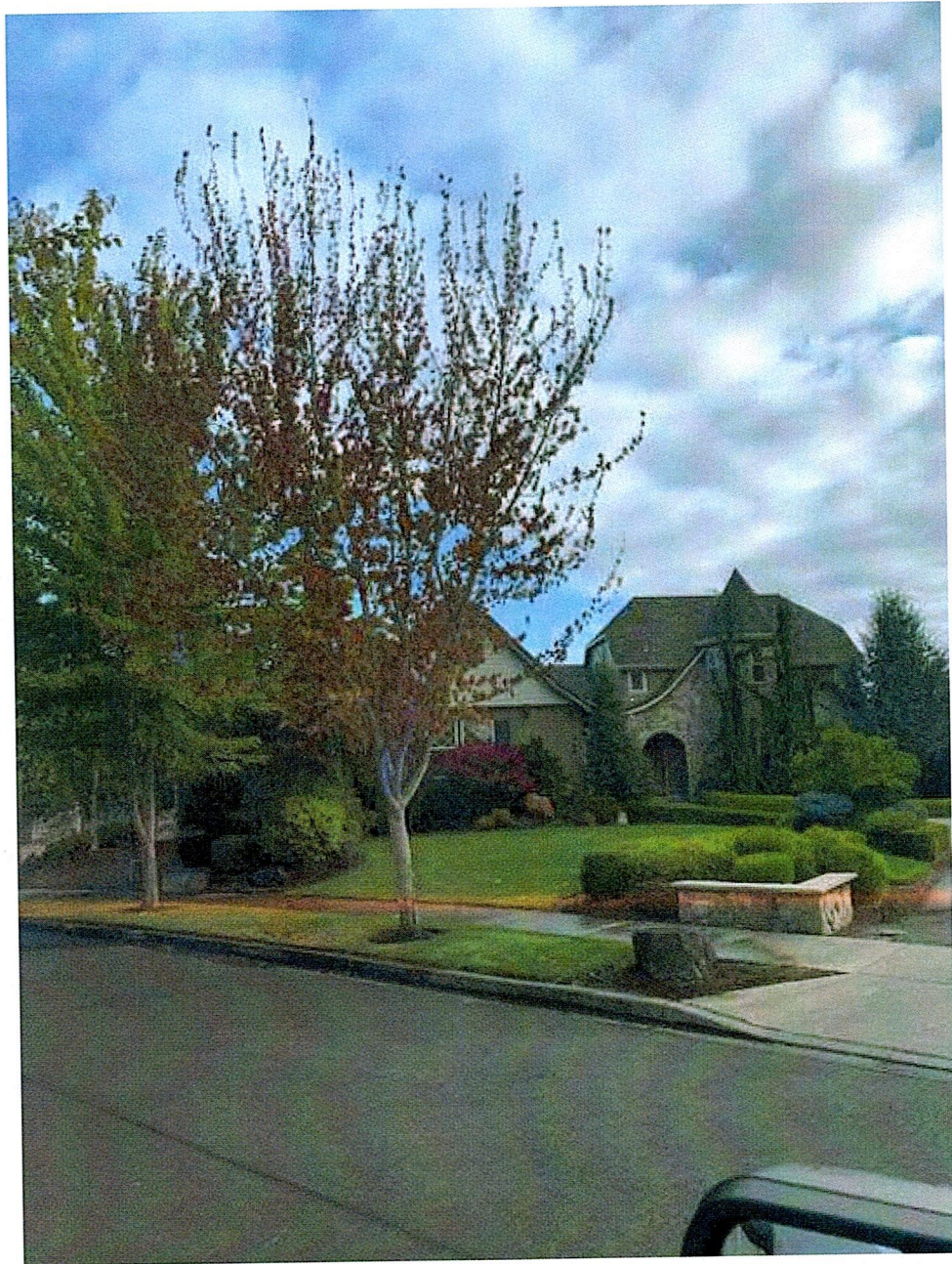


Tree Removal



Google





Associated Arborists

Ph (503) 883-3895 • Fax (866) 863-8733 • 1760 NW Emerson Way McMinnville OR 97128 •

DATE:	9/3/21
TO:	City of McMinnville
FROM:	Taylor Alvarez, Associated Arborists, ISA#PN 8332AU
SUBJECT:	Tree Removal Request
PURPOSE:	Produce Report

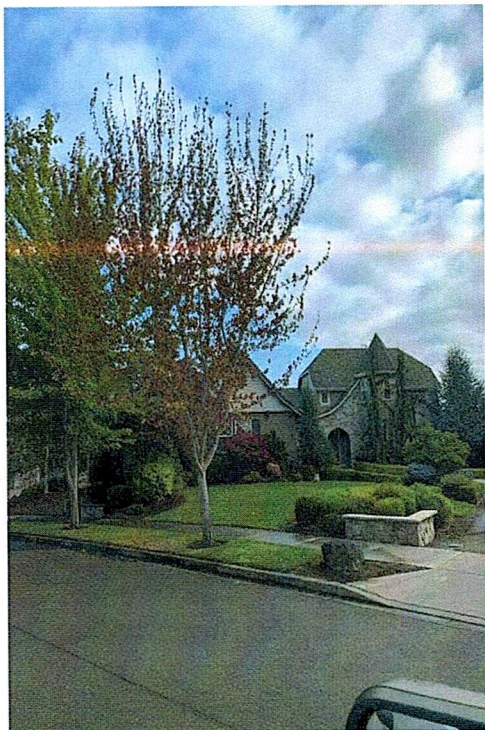
ARBORIST REPORT

Tree information: species, diameter at breast height, condition, and location:

1: Species: Maple / DBH: 8" estimated / Condition: Dead / Address: **1669 Northwest Medinah Drive McMinnville OR 97128**

Arborist's recommendation for maintenance or removal:

Removal is recommended for this tree because it is totally dead and actively failing/falling apart. Please see photos to see current condition and location information.



Sick Tree Treatment • Corrective Pruning • Fruit Pruning • Removals • Tree Planting and Delivery ISA
Certified Consulting • Commercial Tree Inventory Management • Utility Certified • Expert Witness

Sarah Sullivan

From: Taylor Alvarez <taylor@associatedarborists.com>
Sent: Friday, September 3, 2021 12:55 PM
To: Sarah Sullivan
Subject: Re: 2 emergency removal permits Associated Arborists.
Attachments: We sent you safe versions of your files; Phil Demarois.JPG; Nan Moran (1).JPG; Nan Moran Arborist Report.pdf; Phil Demarois Arborist Report.pdf

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

This message originated outside of the City of McMinnville.

Hello Sarah-

I have attached additional arborist report docs and current images for the 2 pending removal permits for Nan Moran and Phil Demorois. These clients have been waiting a while now. If these could possibly be considered emergency removals to get the ball rolling that would be appreciated. If not please let me know so I can call in the credit card payment.

Thanks for your help on this matter. I will improve the cleanliness of submittal documents moving forward.

On Thu, Aug 19, 2021 at 11:33 AM Taylor Alvarez <taylor@associatedarborists.com> wrote:

Hello Sarah-

I have attached images that show the distance or the trees from the driveway. I completed the tree removal application siting that the trees were dead. I thought that would be sufficient as the Arborist Report. I can't think of any more detail that needs to be added. As an ISA Certified Arborist I thought that would suffice as the arborist report. Do you have an arborist report template that you would like me to use instead?

Also I considered these trees emergency removals because they are dead and deteriorating and pose risk of failure. If we need to pay the \$150 each that is fine however I just need to know the distinction between an emergency and non emergency removal. Again I figured a dead tree qualified.

The files attached are named after the client.