



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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**Landscape Review Committee**  
**ZOOM Online Meeting**  
**Thursday, November 4, 2021 - 12:00 – 1:30 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/86076326400?pwd=bENNN3hCc1QxMk55RmJsODZDb2NlZz09>

Meeting ID: 860 7632 6400  
Passcode: 459987

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

Committee Members	Agenda Items
John Hall, Chair	<b>1. Call to Order</b>
Rob Stephenson, Vice-Chair	<b>2. Citizen Comments</b>
Josh Kearns	<b>3. Approval of Minutes</b> <ul style="list-style-type: none"><li>Approval of Minutes – February 17, 2021 (<i>Exhibit 1</i>)</li></ul>
Patty Sorensen	<b>4. Action Items</b> <ul style="list-style-type: none"><li>L 22-21 – Landscape Plan Review (<i>Exhibit 2</i>) 855 NE Marsh Lane (continued from 10/20/21 meeting)</li></ul>
Carlton Davidson	<b>5. Discussion Items</b> <ul style="list-style-type: none"><li>Development Code Revisions (<i>Exhibit 3</i>)</li></ul>
	<b>6. Committee Member Comments</b>
	<b>7. Staff Comments</b>
	<b>8. Adjournment</b>

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

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





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# EXHIBIT 1 - MINUTES

**February 17, 2021**  
**Landscape Review Committee**  
**Regular Meeting**

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

**Members Present:** Carlton Davidson, John Hall, Patty Sorenson, and Josh Kearns  
**Members Absent:** Rob Stephenson  
**Staff Present:** Jamie Fleckenstein - Associate Planner  
**Guests Present:** Scott Hill – Mayor, Kellie Menke and Zach Geary – City Councilors

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## 1. Call to Order

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

## 2. Citizen Comments

None

## 3. Approval of Minutes

- August 5, 2020

Committee Member Sorenson moved to approve the August 5, 2020 minutes. The motion was seconded by Committee Member Davidson and passed 3-0.

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

A. L 3-20 – Landscape Plan Review - 2090 NE Colvin Court

Associate Planner Fleckenstein presented the landscape plan for a new industrial development on NE Colvin Court. It would be used for contractor storage of large equipment and materials. Landscaping was proposed around the perimeter of the lot. On the western and northern property lines there would be Red Maples, Bamboo, and Crimson Barberry.

Committee Member Sorenson said the berries on the proposed Nandina domestica (Heavenly Bamboo) were poisonous to birds and other animals. She thought other plants should be used, such as Golden Current or Oregon Grape, to maintain the current bird habitat in the area.

Chair Hall said the plan lacked scale and clear identification of the plants. He thought they should make it clearer what should be submitted. He did not know the spacing of the trees. Mr. Fleckenstein said it was currently not a requirement to have a professionally drawn and prepared landscape plan. There were a lot of instances that the plans were being done by a property or business owner who might not know to include all the elements.

Committee Member Kearns joined the meeting at 12:15 p.m.

There was discussion regarding the information that should be submitted so the Committee could make an informed decision and at the same time being cautious in not making the barrier to entry too high.

Chair Hall thought there should be a minimum requirement for plans.

Associate Planner Fleckenstein said the application met all of the review factors. There were no unusual conditions of approval recommended to meet any of the factors. Staff recommended approval.

Committee Member Kearns thought without knowing the sizing of the plant materials, they would not know if the application met the criteria.

Associate Planner Fleckenstein said there was no criterion for sizes.

There was discussion regarding minimum standards for size of plants and irrigation.

Committee Member Kearns moved to approve L 3-20 with the following additional conditions: to replace the Nandina domestica with Ternata Sundance or approved equal, that no plants were less than one gallon in size, and the plan would come back to the Planning Department for verification of these changes. The motion was seconded by Committee Member Davidson and passed 4-0.

#### B. L 1-21 – Landscape Plan Review - 1400 NE Alpha Drive

Associate Planner Fleckenstein discussed the landscape plan for an industrial development on NE Alpha Drive. There would be a manufacturing building, warehouse and office spaces, and future building pads. The landscaping along the street and south property line were deciduous shade trees with groundcover in between. Lawn was proposed on Alpha Drive where the future buildings would be located. There was a lot of parking lot landscaping as well. There were overhead power lines on the frontage of Alpha Drive and the trees proposed were Shademaster Honeylocust which grew tall and would interfere with the lines. There was a condition that a small variety tree would be planted there instead. Street improvements would be required for this development, and street trees were not recommended in that location due to the 3 foot wide planter strip which was too narrow to support trees. The landscape plan did not show the location of the trash enclosure. If it was visible from the right-of-way, there would be a requirement for landscape screening. There was a condition for that. The parking lot plantings were substantial and met the standards. Automatic irrigation would be provided. Staff recommended approval.

Committee Member Sorenson appreciated that the trees would bloom at different times.

Committee Member Davidson asked about the three foot planter strip. Associate Planner Fleckenstein said the recommended width for planter strips for street trees was four feet. Based on that fact, staff was not recommending requiring street trees in the three foot wide planter strip.

Committee Member Kearns moved to approve L 1-21 with the proposed conditions. The motion was seconded by Committee Member Sorenson and passed 4-0.

#### C. 2021 LRC Work Plan

Associate Planner Fleckenstein summarized the draft work plan items.

There was discussion regarding a City-wide tree inventory, educating the community on street tree care and maintenance, and not doing anything for Arbor Day this year due to Covid.

Chair Hall moved to adopt the 2021 LRC Work Plan as amended. The motion was seconded by Committee Member Kearns and passed 4-0.

### 5. Discussion Items

None

### 6. Old/New Business

None

### 7. Committee/Commissioner Comments

None

### 8. Staff Comments

None

### 9. Adjournment

Chair Hall adjourned the meeting at 1:17 p.m.





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## EXHIBIT 2 - STAFF REPORT

DATE: November 4, 2021  
TO: Landscape Review Committee Members  
FROM: Amy Dixon, Contract Planner  
SUBJECT: Landscape Plan Review Application (L 22-21)

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

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

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

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### REPORT IN BRIEF:

This proceeding is a continued review by the Landscape Review Committee (LRC) of a landscape plan application (Docket L 22-21) for a card-lock fueling station located at 855 NE Marsh Ln. 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.

At the October 20, 2021 meeting of the LRC, the Committee continued the application and provided some recommendations to the applicant on issues to reconsider relative to proposed plant selection and planting locations. Rather than writing these recommendations as conditions of approval for the land-use decision, the applicant chose to submit a revised plan for review based on the recommendations of the LRC at the October 20, 2021 meeting.

### PROJECT DESCRIPTION:

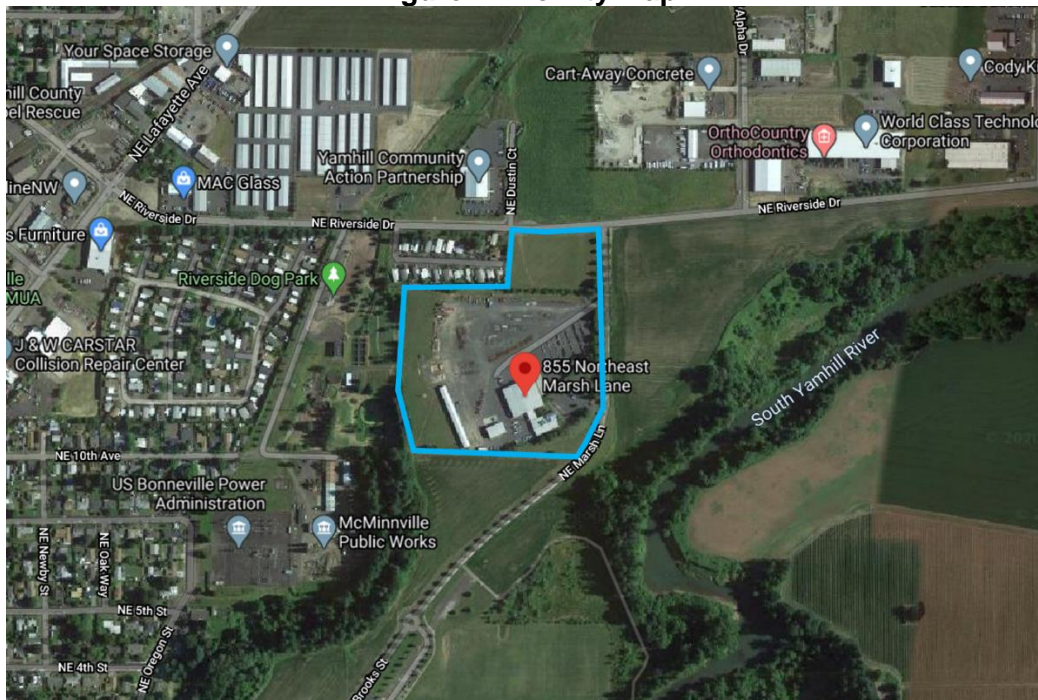
The subject site is located at 855 NE Marsh Lane (Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.) **See Figure 1 (Vicinity Map).** The property is zoned M-1 (Light Industrial). **See Figure 2 (Zoning Map).**

The subject property was recently reconfigured through a property line adjustment (BLA 11-19), and the resulting property is approximately 18.1 acres in size, located at the southwest corner of Riverside Drive and Marsh Lane, which includes the existing McMinnville Water and Light facilities. The proposed fueling station will occupy approximately one-half acre of the site near Marsh Lane, in the area located between the existing driveway to the equipment yard and the driveway entrance to the parking lot for the office. The subject property is zoned M-1, and it is the site of McMinnville Water and Lights offices and fleet and equipment yards. Portions of the property to the north and west are undeveloped. Property across Marsh Lane to the east is also zoned M-1, which is vacant and owned by the City. It is leased for farming. Property to the west is zoned M-2, which is City-owned and includes the Riverside Dog Park, the old wastewater treatment plant and a wastewater pump station, and Parks and Public Works facilities.

Property abutting the north property line of the subject property is Riverside Mobile Terrace, which is zoned R-4. Property across Riverside Drive to the north is zoned M-2 zoning. The property immediately to the north is undeveloped, and other properties include YCAP and industrial businesses. The property to the south is outside the UGB and includes property owned by McMinnville Water and Light northwest of the extension of Marsh Lane and Joe Dancer Park on the southeast side.

Proposed new landscaping is focused along the new driveway and additional plantings within the right-of-way landscaped area. **See Figure 3 (Site Plan), Figure 4 (Landscape Plan) and Figure 5 (Plant Schedule).**

**Figure 1: Vicinity Map**



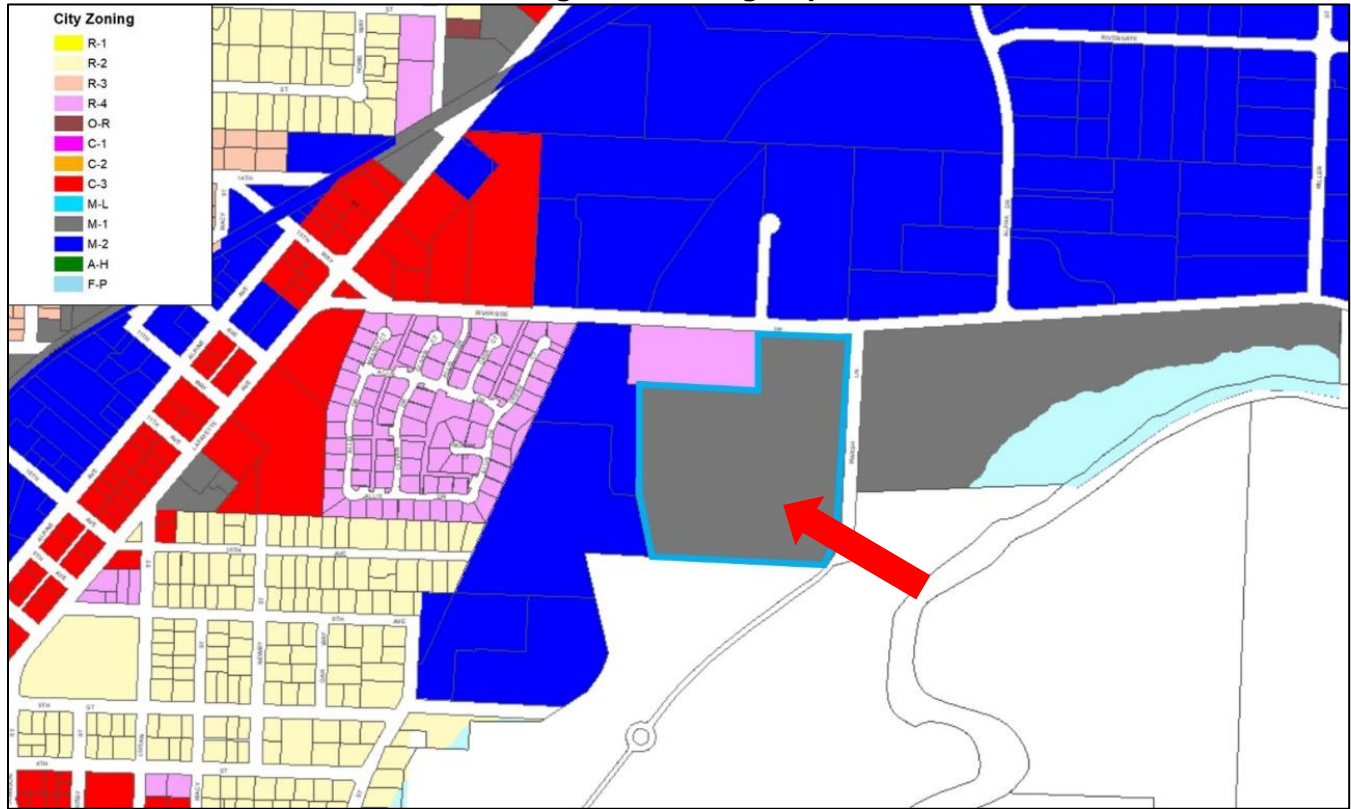
**Attachments:**

*Attachment A – Decision, Conditions, Findings of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for an addition of a Fueling Station - 855 NE Marsh Ln*

*Attachment B – Application, Attachments, Supplemental Submittal*



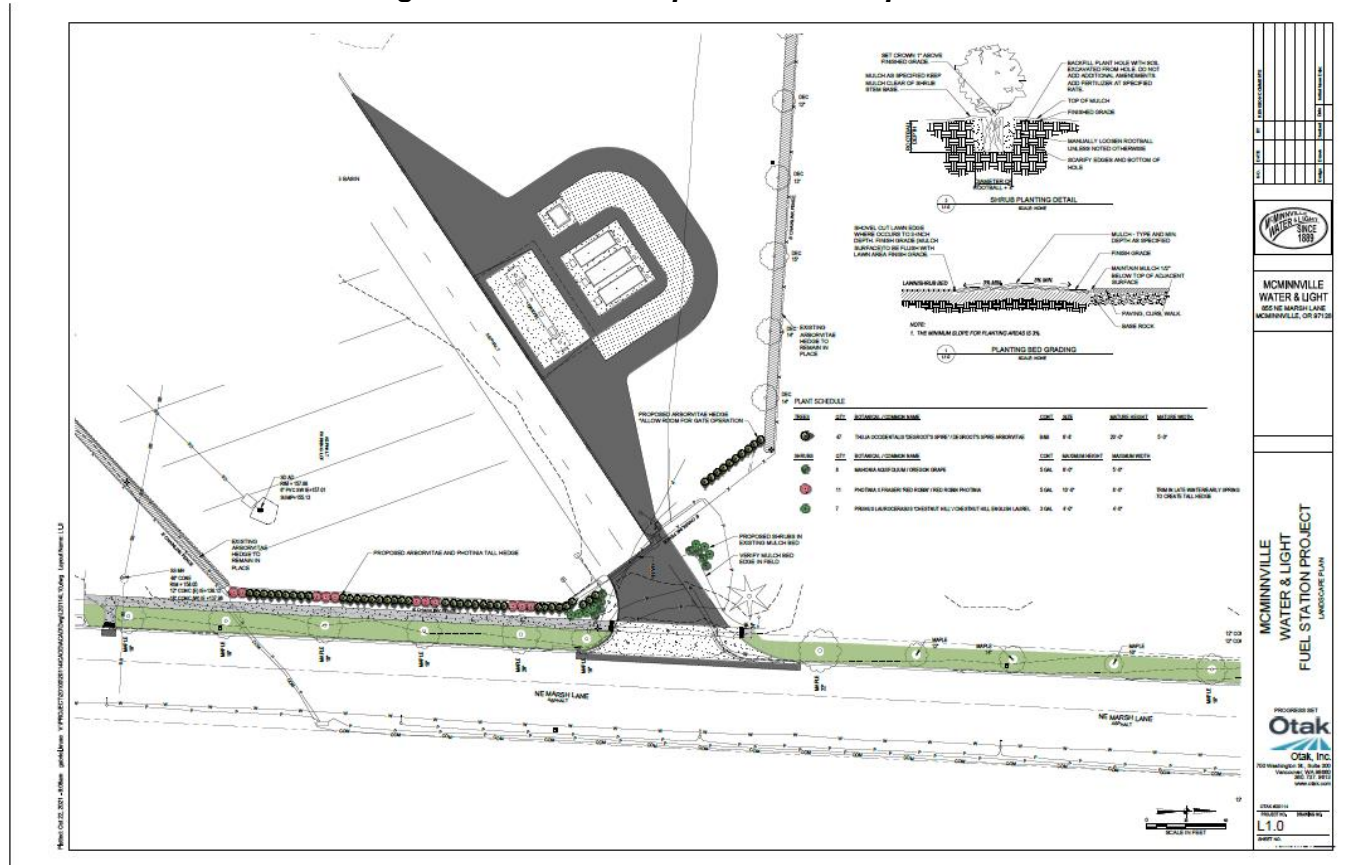
**Figure 2: Zoning Map**







**Attachments:**

Attachment A – Decision, Conditions, Findings of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for an addition of a Fueling Station - 855 NE Marsh Ln

Attachment B – Application, Attachments, Supplemental Submittal

**Figure 4: Revised Proposed Landscape Plan****Figure 5: Revised Plant Schedule**

IEC  
4" PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	CONT	SIZE	MATURE HEIGHT	MATURE WIDTH
	47	THUJA OCCIDENTALIS 'DEGROOT'S SPIRE' / DEGROOT'S SPIRE ARBORVITAE	B&B	6'-8"	20'-0"	5'-0"
SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT	MAXIMUM HEIGHT	MAXIMUM WIDTH	
	8	MAHONIA AQUIFOLIUM / OREGON GRAPE	5 GAL	6'-0"	5'-0"	
	11	PHOTINIA X FRASERI 'RED ROBIN' / RED ROBIN PHOTINIA	5 GAL	10'-0"	8'-0"	TRIM IN LATE WINTER/EARLY SPRING TO CREATE TALL HEDGE
	7	PRUNUS LAUROCERASUS 'CHESTNUT HILL' / CHESTNUT HILL ENGLISH LAUREL	3 GAL	4'-0"	4'-0"	

**CONDITIONS:**

1. That the applicant shall install and maintain landscaping as shown on the landscape plans received by the Planning Department on October 22, 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.

**Attachments:**

Attachment A – Decision, Conditions, Findings of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for an addition of a Fueling Station - 855 NE Marsh Ln  
Attachment B – Application, Attachments, Supplemental Submittal

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**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 22-21 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

AD

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*Attachments:*

*Attachment A – Decision, Conditions, Findings of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for an addition of a Fueling Station - 855 NE Marsh Ln*

*Attachment B – Application, Attachments, Supplemental Submittal*



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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE  
APPROVAL OF A LANDSCAPE PLAN REVIEW FOR CONSTRUCT AND OPERATE A CARD-LOCK  
FUELING STATION AT 855 NE MARSH LANE**

**DOCKET:** L 22-21 (Landscape Plan Review)

**REQUEST:** Approval of a Landscape Plan to construct and operate a card-lock fueling station

**LOCATION:** 855 NE Marsh Lane (Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.)

**ZONING/Overlay:** M-1 (Light Industrial)

**APPLICANT:** Samuel R Justice, General Counsel, McMinnville Water and Light

**STAFF:** Amy Dixon, Contract Planner

**DATE DEEMED  
COMPLETE:** September 30, 2021

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

**MEETING DATE  
& LOCATION:** First considered on October 20, 2021, Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon, and Zoom Meeting Online ID: 860 7632 6400

Continued to November 4, 2021, Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon, and Zoom Meeting Online ID: 860 7632 6400

**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 22-21) **subject to the conditions of approval provided in this document.**

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



## **I. APPLICATION SUMMARY:**

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

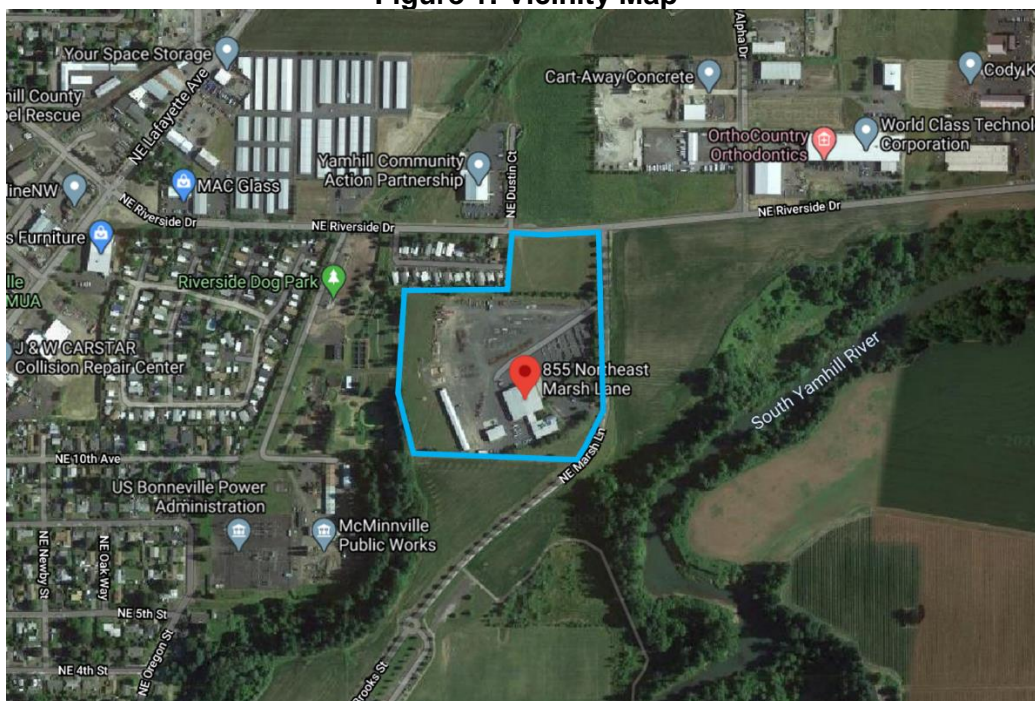
The applicant, Samuel R Justice, General Counsel, McMinnville Water and Light, submitted a landscape plan review application (Docket L 22-21) seeking approval of a landscape plan to construct and operate a card-lock fueling station.

The subject site is located at 855 NE Marsh Lane (Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.) **See Figure 1 (Vicinity Map).** The property is zoned M-1 (Light Industrial). **See Figure 2 (Zoning Map).**

The subject property was recently reconfigured through a property line adjustment (BLA 11-19), and the resulting property is approximately 18.1 acres in size, located at the southwest corner of Riverside Drive and Marsh Lane, which includes the existing McMinnville Water and Light facilities. The proposed fueling station will occupy approximately one-half acre of the site near Marsh Lane, in the area located between the existing driveway to the equipment yard and the driveway entrance to the parking lot for the office. The subject property is zoned M-1, and it is the site of McMinnville Water and Lights offices and fleet and equipment yards. Portions of the property to the north and west are undeveloped. Property across Marsh Lane to the east is also zoned M-1, which is vacant and owned by the City. It is leased for farming. Property to the west is zoned M-2, which is City-owned and includes the Riverside Dog Park, the old wastewater treatment plant and a wastewater pump station, and Parks and Public Works facilities. Property abutting the north property line of the subject property is Riverside Mobile Terrace, which is zoned R-4. Property across Riverside Drive to the north is zoned M-2 zoning. The property immediately to the north is undeveloped, and other properties include YCAP and industrial businesses. The property to the south is outside the UGB and includes property owned by McMinnville Water and Light northwest of the extension of Marsh Lane and Joe Dancer Park on the southeast side.

Proposed new landscaping is focused along the new driveway and additional plantings within the right-of-way landscaped area. **See Figure 3 (Site Plan), Figure 4 (Landscape Plan) and Figure 5 (Plant Schedule).**

**Figure 1: Vicinity Map**



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### ***Attachments :***

Attachment 1 – Application, Attachments, Supplemental Submittals

Figure 2: Zoning Map

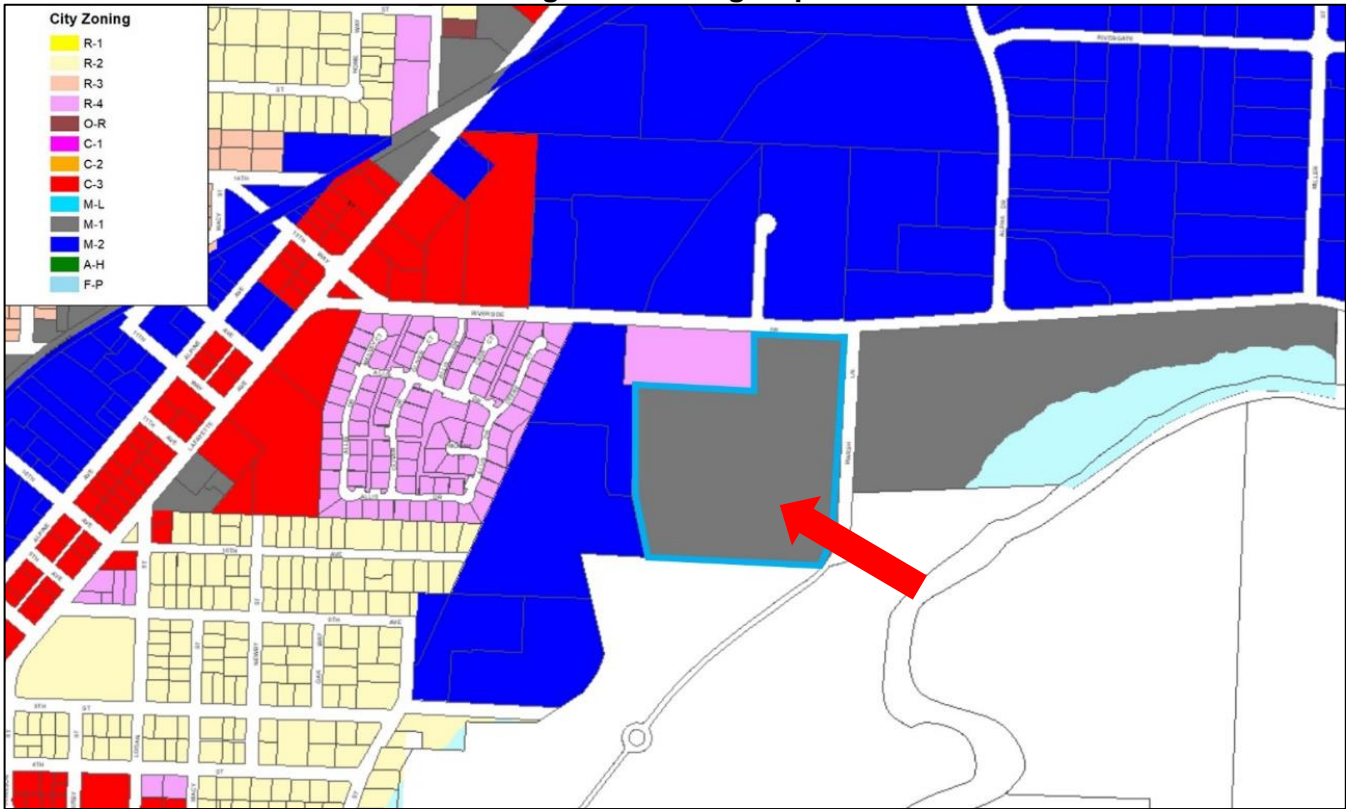


Figure 4: Proposed Landscape Plan

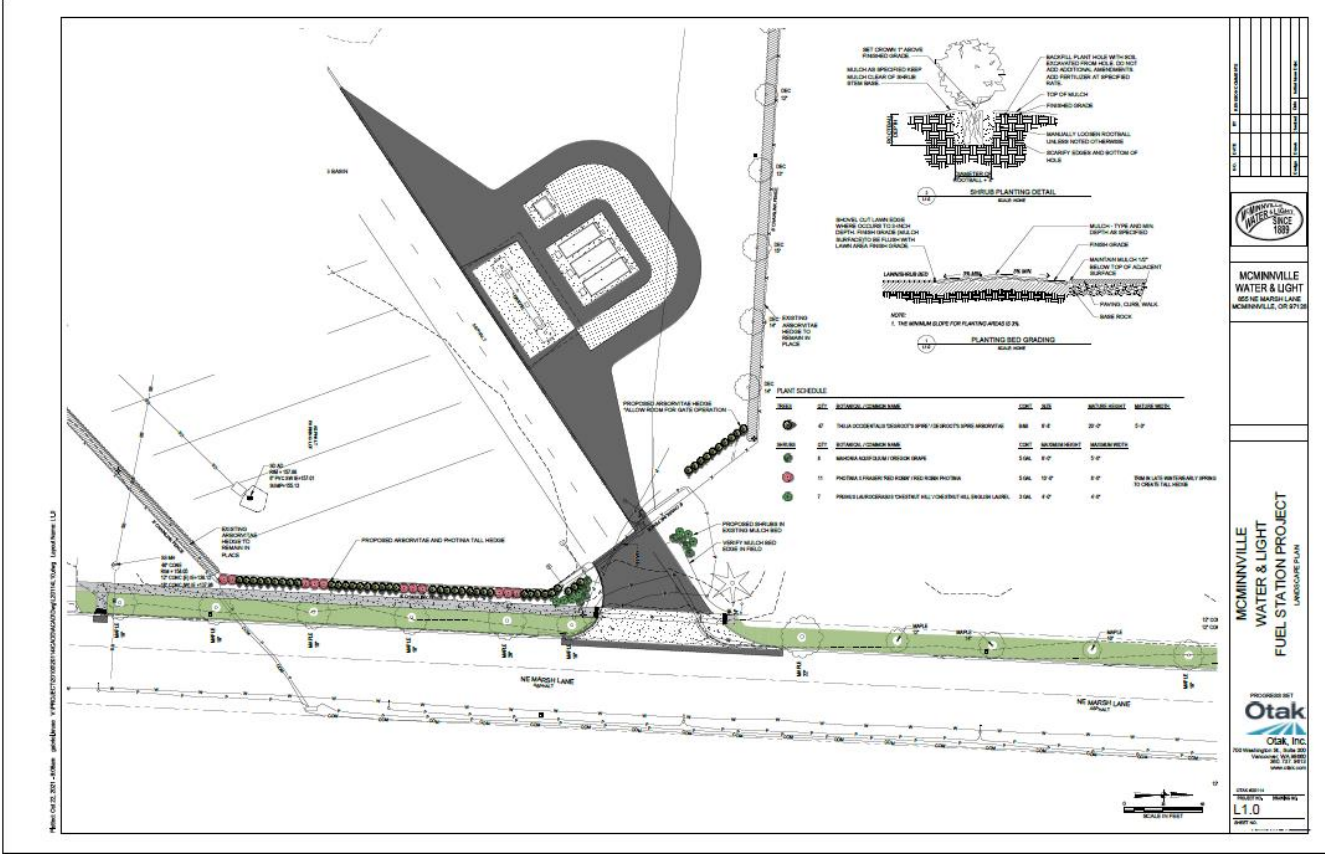






Figure 5: Plant Schedule

PLANT SCHEDULE						
TREES	QTY	BOTANICAL / COMMON NAME	CONT	SIZE	MATURE HEIGHT	MATURE WIDTH
	47	THUJA OCCIDENTALIS 'DEGROOT'S SPIRE' / DEGROOT'S SPIRE ARBORVITAE	B&B	6'-8"	20'-0"	5'-0"
SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT	MAXIMUM HEIGHT	MAXIMUM WIDTH	
	8	MAHONIA AQUIFOLIUM / OREGON GRAPE	5 GAL	6'-0"	5'-0"	
	11	PHOTINIA X FRASERI 'RED ROBIN' / RED ROBIN PHOTINIA	5 GAL	10'-0"	8'-0"	TRIM IN LATE WINTER/EARLY SPRING TO CREATE TALL HEDGE
	7	PRUNUS LAUROCERASUS 'CHESTNUT HILL' / CHESTNUT HILL ENGLISH LAUREL	3 GAL	4'-0"	4'-0"	

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.

The proposed development is on land zoned M-1 (Light Industrial). McMinnville Municipal Code (MMC) Section 17.57.030 requires landscaping in the M-1 zone. Therefore, landscaping is required subject to the criteria and standards described in MMC Chapter 17.57-Landscaping.

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals



## **II. CONDITIONS:**

1. That the applicant shall install and maintain landscaping as shown on the landscape plans received by the Planning Department on October 22, 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.

## **III. ATTACHMENTS:**

- L 22-21 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 Water and Light
  - MW&L indicated that they did not have comments on this application.
- McMinnville Public Works Department
  - **Site Review**
    1. The existing site is the current MWL operations yard.
    2. Marsh Lane is functionally classified as a local street, with curb, gutter and sidewalk on both sides of the roadway. Existing street trees are in an irrigated planter strip.
    3. There are no overhead power or communication facility conflicts on the west side of Marsh Lane adjacent to the site.

### **Recommendations**

1. The submitted landscaping plan shows proposed plantings in the ROW and on private property. Public Works would have no comment on plantings on private property.
2. The plan submittal shows both new street trees and various shrubs in the ROW.
  - a. The proposed trees are American Arborvitae. It does not appear that this tree is on the recommended street tree list. However, given that there are existing street trees that will remain and the screening effect such plantings will provide for this operations yard, Public Works would have no objections to this element of the proposal.
  - b. Given that the proposed shrubs are in addition to and not in place of street trees, Public Works would have no objections to this element as well.

### **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.

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#### *Attachments :*

Attachment 1 – Application, Attachments, Supplemental Submittals

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

1. The applicant, Samuel R Justice, General Counsel, McMinnville Water and Light, submitted a landscape plan review application on September 8, 2021.
2. The application was deemed complete on September 30, 2021. Based on that date, the application is subject to a 30-day review timeframe, which expires on October 30, 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 20, 2021, to review the application and proposed landscape plan. The Landscape Review Committee voted to continue the application.
6. Revised application materials were submitted on October 22, 2021.
7. A public meeting was held by the Landscape Review Committee on November 4, 2021 to review the application and proposed landscape plan.

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

1. **Location:** 855 NE Marsh Lane (Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.)
2. **Size:** The property is approximately 18.1 acres. The area proposed for the fueling station facilities is approximately one-half acre.
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:** M-1 (Light Industrial)
5. **Overlay Zones/Special Districts:**
  - a. Airport Overlay: Property is within the Conical Surface of the Airport Overlay Zone and a portion may also be within the Horizontal Surface
6. **Current Use:** McMinnville Water & Light Office and Facilities
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None identified.
  - b. **Other:** None identified.
8. **Utilities:**
  - a. **Water:** Public water mains are present in NE Riverside Drive and NE Marsh Lane and cross Tax Lot 100. There do not appear to be public easements for all of the water mains on the subject property.

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### **Attachments:**

Attachment 1 – Application, Attachments, Supplemental Submittals

- b. **Sewer:** Public sanitary sewer mains are present in NE Riverside and cross Tax Lot 100. Some sewer easements are present on the property. A public sewer easement was dedicated at the time of the property line adjustment.
  - c. **Stormwater:** Public storm drain lines are present in NE Riverside and cross Tax Lot 100. There do not appear to be public easements for all of the storm drain facilities.
  - d. **Electric:** Power service is available to the subject property. Overhead power is present along the frontage of NE Riverside Drive.
  - e. **Other Services:** Other utility services are available to the subject properties.
9. **Transportation & Access:** The property has frontage on NE Riverside Drive and NE Marsh Lane. The McMinnville Water & Light facilities take access from NE Marsh Lane.
- a. **NE Riverside Drive:** Major Collector. South side frontage improvements include bike lane, curb and gutter, no sidewalk
  - b. **NE Marsh Lane:** Local Street. West side frontage improvements include on-street parking, curb and gutter, no sidewalk

## **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*

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#### **Attachments :**

Attachment 1 – Application, Attachments, Supplemental Submittals

*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 Municipal Code (MMC) 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.

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#### **Attachments :**

Attachment 1 – Application, Attachments, Supplemental Submittals

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

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

**APPLICANT'S RESPONSE:** None.

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

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed development is within the M-1 (Light 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 18.1 acres, or 788,436 square feet requiring approximately 55,191 square feet of landscaping. Approximately 62,000 square feet of

landscaping currently existing on site. The applicant is proposing an additional 900 square feet of landscaping totaling approximately 63,000 square feet.

	Total Site Area (s.f.)	Landscape Provided (s.f.)	Percentage	Percentage Required
Industrial Properties	788,436	63,000	7.9%	7.0%

The proposed landscaping area of 7.9 percent exceeds the seven (7) percent minimum landscaping requirement for industrial development. Therefore, this standard is met.

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

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

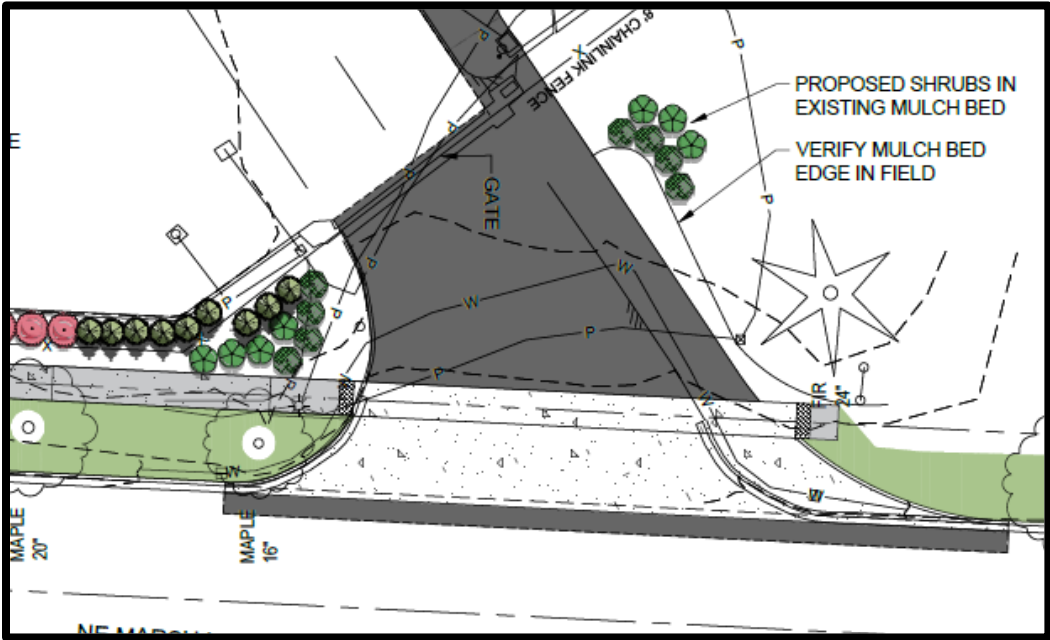
**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #1.** The proposed landscaping plan indicates the existing landscaping will remain and the installation of new plantings in the area of the driveway and along NE Marsh Lane as a buffer.

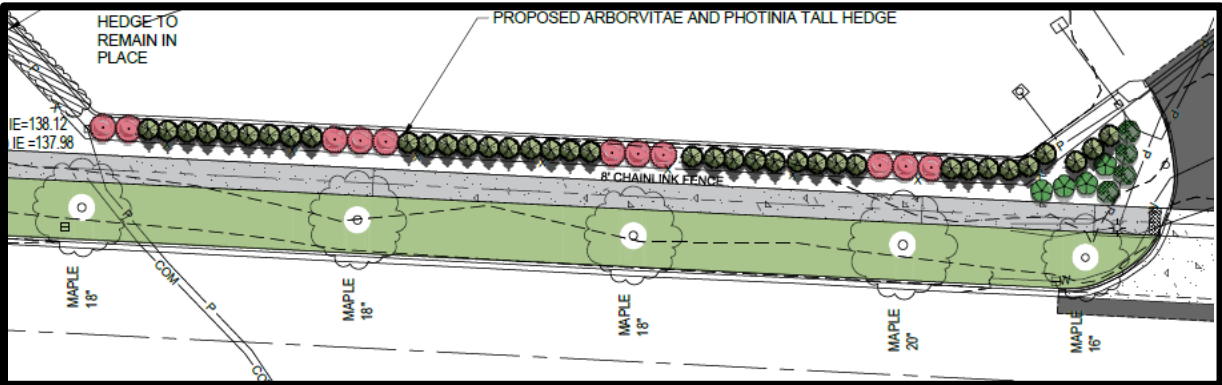
Property across Marsh Lane to the east is vacant and owned by the City. It is leased for farming. Property to the west is City-owned and includes the Riverside Dog Park, the old wastewater treatment plant and a wastewater pump station, and Parks and Public Works facilities. Property abutting the north property line of the subject property is Riverside Mobile Terrace and zoned R-4. The property immediately to the north is undeveloped, and other properties include YCAP and industrial businesses. The property to the south is outside the UGB and includes property owned by McMinnville Water and Light northwest of the extension of Marsh Lane and Joe Dancer Park on the southeast side.

According to the applicant's Conditional Use statement, the fueling station will be located within the existing fenced area of the property and well over 50 feet from the Mobile Home Park. Most of the surrounding property is either undeveloped or City owned. There is well established screening around the abutting properties. Therefore, no additional screening is necessary to protect these properties. The only area that needs to be addressed is along Marsh Lane.

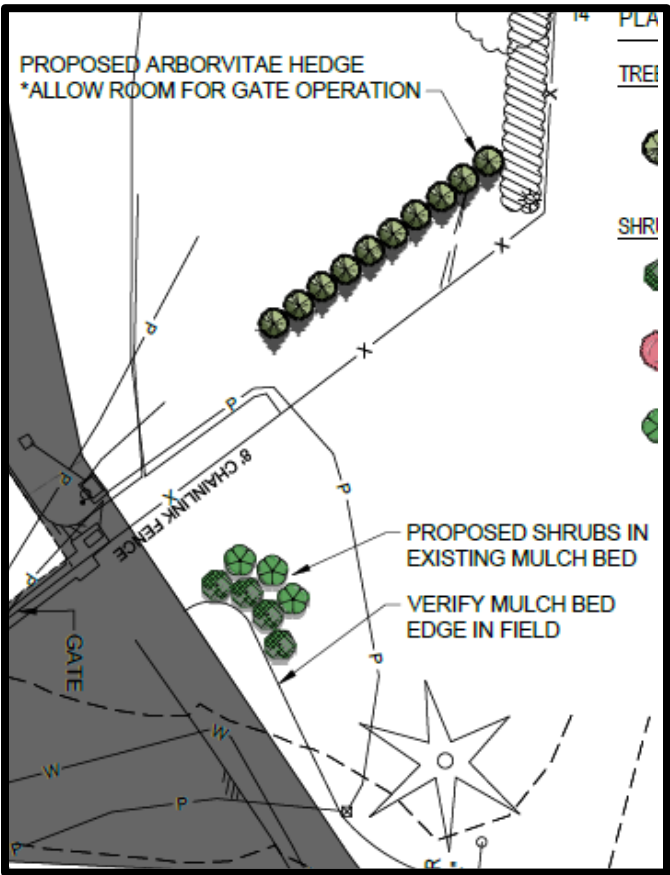
**Proposed Landscaping at Site Entrance**



**Plant Schedule Proposed Landscaping along Marsh Lane – South of Entrance**



Plant Schedule Proposed Landscaping along Marsh Lane – North of Entrance



Plant Schedule

IEC  
4" PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	CONT	SIZE	MATURE HEIGHT	MATURE WIDTH
	47	THUJA OCCIDENTALIS 'DEGROOT'S SPIRE' / DEGROOT'S SPIRE ARBORVITAE	B&B	6'-8'	20'-0"	5'-0"
SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT	MAXIMUM HEIGHT	MAXIMUM WIDTH	
	8	MAHONIA AQUIFOLIUM / OREGON GRAPE	5 GAL	6'-0"	5'-0"	
	11	PHOTINIA X FRASERI 'RED ROBIN' / RED ROBIN PHOTINIA	5 GAL	10'-0"	8'-0"	TRIM IN LATE WINTER/EARLY SPRING TO CREATE TALL HEDGE
	7	PRUNUS LAUROCERASUS 'CHESTNUT HILL' / CHESTNUT HILL ENGLISH LAUREL	3 GAL	4'-0"	4'-0"	

The applicant is proposing DeGroot's Spire Arborvitae, Oregon Grape and English Laure on the south side of the driveway entrance and Oregon Grape and English Laurel on the north side. The grouping and number of plants seem appropriate for the size and location of the planting area.

As part of the Conditional Use approval decision, the applicant indicated that the design of the site will include sight-obscuring landscaping and fencing between the facility and Marsh Lane.

Attachments :  
Attachment 1 – Application, Attachments, Supplemental Submittals



On the southside of the driveway entrance, the applicant is proposing that onsite DeGroot's Spire Arborvitae and Red Robin Photinia be planted along the outside of the existing fence but abutting Marsh Lane. On the north side of the driveway entrance, the applicant is proposing a row of the arborvitae on the inside of the existing fence to meet the existing arborvitae hedge which will remain.

Condition of Approval #1b. Docket CU 2-20

Submit a landscape plan application for review and approval by the Landscape Review Committee, consistent with the proposed fencing, screening and landscaping described in the application. The landscape plan shall be consistent with the provisions of Chapter 17.57 and the applicable perimeter treatment and buffer yard standards of Section 17.39.040. Obtain approval of the landscape plan prior to issuance of building permits.

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

**CONDITIONS FOR FINDING:** That the applicant shall install and maintain landscaping as shown on the landscape plans received by the Planning Department on October 22, 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 WITH CONDITION OF APPROVAL #1 above.** As reviewed and conditioned above, there is well established screening around the abutting properties. The only area that needs to be addressed for screening is along Marsh Lane.

As reviewed above, the plantings and grouping on either side of the driveway entrance seem appropriate for screening.

Again, as reviewed above, the DeGroot's Spire Arborvitae and Red Robin Photinia is to be planted along the outside of the existing fence south of the driveway entrance and a row of the arborvitae on the inside of the existing fence north of the driveway entrance. These planting will provide the necessary screening of the property from the right-of-way. 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.

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*Attachments :*

Attachment 1 – Application, Attachments, Supplemental Submittals

**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 streets with a required curb-side planter strip. As described in more detail in findings for Chapter 17.58 Trees, landscaping in the curb-side planter strip will be discussed. But existing tree types are listed. No prohibited tree is proposed on site.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The landscape plan indicates that the new plantings will be irrigated with drip irrigation which will be tied into the existing system. Therefore, this standard is met.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #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.** The industrial development is fronting on NE Marsh Lane and NE Rivergate Drive. Rivergate is classified as a major collector and Marsh Lane is classified as a local street in the Transportation System Plan. A designated curb-side planter strip adjacent to the subject property along Rivergate and Marsh is required. The minimum planter width for Recommended Street Trees in the McMinnville Street Tree List, adopted by Resolution 2019-26,

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### **Attachments :**

Attachment 1 – Application, Attachments, Supplemental Submittals

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 appropriate location and would allow for a future sidewalk. The applicant does not propose any new plantings in the right-of-way. Therefore, this standard is met

**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.** There are existing well established street trees along NE Marsh Lane meeting this requirement. No street improvements are proposed along either NE Marsh Lane or NE Rivergate Drive. The applicant is not any new plantings in the plant strip. Therefore, this standard is met

AD

**Planning Department**

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

**Office Use Only:**

File No. L22-21  
 Date Received 9/8/21  
 Fee 905.50  
 Receipt No. \_\_\_\_\_  
 Received by 88

## Landscape Plan Review Application

### **Applicant Information**

**Applicant is:** ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other \_\_\_\_\_  
 The City of McMinnville acting by and through its  
 Water and Light Commission (McMinnville Water & Light)  
 Applicant Name \_\_\_\_\_ Phone 503-472-6158  
 by: Samuel R. Justice, General Counsel  
 Contact Name \_\_\_\_\_ Phone 503-435-3110  
 (If different than above)  
 Address PO Box 638, 855 NW Marsh Lane  
 City, State, Zip McMinnville, OR 97128  
 Contact Email srj@mc-power.com

### **Property Owner Information**

Property Owner Name McMinnville Water and Light Phone \_\_\_\_\_  
 (If different than above)  
 Contact Name same as above Phone \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_  
 Contact Email \_\_\_\_\_

### **Site Location and Description**

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

Property Address 855 NW Marsh Lane, McMinnville, OR 97128  
 Assessor Map No. T4S-R4W Section 21, lot 102 Total Site Area \_\_\_\_\_  
 Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_  
 Comprehensive Plan Designation Light Industrial Zoning Designation M-1

## **Landscaping Information**

1. Total Landscaped Area: Roughly 5,000 square feet of new landscape buffer planting.
2. Percent Landscaped: Enhanced Landscape buffer is a portion of the site.
3. Building Floor Area:  
New Structure: \_\_\_\_\_ Existing Structure: \_\_\_\_\_ Addition: Fuel station not building
4. Architect Name Gabriel Kruse, ASLA, PLA, Otak Inc. Phone 503-415-2402  
(Landscape Architect; Engineer; or Other Designer)  
Contact Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address 808 SW 3rd Ave  
City, State, Zip Portland, Oregon, 97204  
Contact Email gabriel.kruse@otak.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.**

Gabriel A. Kruse <small>Digitally signed by Gabriel A. Kruse DN: cn=Gabriel A. Kruse, o=Otak, Inc. Reason: I am in the security and integrity of the document Date: 2021.08.25 11:00:33-0700</small>	<u>08/24/2021</u>
Applicant's Signature	Date
<u>Samuel R. Just</u> MWH General Counsel	<u>9-1-2021</u>
Property Owner's Signature	Date







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

## EXHIBIT 3 - STAFF REPORT

DATE: November 4, 2021  
TO: Landscape Review Committee Members  
FROM: Amy Dixon, Contract Planner  
SUBJECT: Code Amendments, Chapter 17.57, Landscaping, and Chapter 17.58, Trees

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

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

**OBJECTIVE/S:** Define the unique character through a community process that articulates our core principles

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### Report in Brief:

This is the continued discussion of proposed amendments to Chapter 17.57 and 17.58 of the Zoning Code. Attached are recommendation on possible sections needing amended. Attachment A represents code amendments that have already been discussed by the Landscape Review Committee and Attachment B represents those items that still need to be discussed.

### Background:

Landscape Review Committee (LRC) and staff have identified various sections that need amended for clarity of purpose, intent and implementation of the Chapters, ease of use by LRC, staff and the public, and establishing specific standards and guidelines.

### Issues for Consideration and Discussion:

Because the Chapters regulate land use design and the Oregon legislation allows cities to adopt “reasonable local regulations relating to siting and design,” the McMinnville City Council, with recommendations from Landscape Review Committee and Planning Commission, will need to determine which standards best fit the community. Attached are staff recommendations for changes to these chapters for your consideration and discussion.

### Next Steps:

There is no necessary formal Committee action as part of this work session. The Landscape Review Committee should convene a preliminary discussion about possible changes to the chapters that might best fit the community. It will be an opportunity to ask questions, provide feedback, and direct staff to proceed with drafting preliminary code amendments. Staff will then bring back the draft amendments for consideration as an action item at a future meeting.AD

# ATTACHMENT A

Chapter	Code Section	Sub Section	Current Language	Issue	Solution
Chapter 17, 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.	The stated purpose and intent seems to need changed to be more inline with the requirements in the chapter.	Would need to create a new purpose and intent
			The City recognizes the value of landscaping in achieving the following objectives:	the wording on value of landscaping seems to be awkward and unclear.	Would need to possibly expound what this really means.
		A.	<p>Provide guidelines and standards that will:</p> <ol style="list-style-type: none"> <li>1.Reduce soil erosion and the volume and rate of discharge of storm water runoff.</li> <li>2.Aid in energy conservation by shading structures from energy losses caused by weather and wind.</li> <li>3.Mitigate the loss of natural resources.</li> <li>4.Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.</li> <li>5.Create safe, attractively landscaped areas adjacent to public streets.</li> <li>6.Require the planting of street trees along the City's rights-of-way.</li> <li>7.Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.</li> <li>8.Provide shade, and seasonal color.</li> <li>9.Reduce glare, noise and heat.</li> </ol>	The purpose and intent statement does not address impacts of climate change. Climate change is becoming a immense public concern. Vegetation provides means to counter act climate change.	Would need to possibly added a section identify climate change in the purpose/intent section



Chapter	Code Section	Sub Section	Current Language	Issue	Solution
	17.57.040, Specific Uses Requiring Landscaping	A.	Churches, subject to the landscaping requirements of a multiple-family development when in a residential zone and subject to the landscaping requirements of a commercial development when in a zone other than residential;	The Sign Code requires Landscape Plans to be submitted when Signs are installed for churches within residential zone. This is unique to Churches in residential zones. There is very little landscaping that would be required but with a high cost of review and approval. It would service the public better if there were some established standards where staff would be able to approve administratively and therefore reduce cost and times to both staff and the public.	Would need to develop a set of very specific standards where staff review and approve. If deviating from the standards, LCR would review and approve.
	17.57.050 Plans - Submittal and review - Approval - Time limit for completion.	E.	All completed landscape projects shall be inspected by the Planning Director or their designee. Said projects shall be found to be in compliance with the approved plans prior to the issuance of an occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. Minor changes in the landscape plan shall be allowed, as determined by the Planning Director or their designee, as long as they do not alter the character and aesthetics of the original plan	Staff relies on this language quite a bit during inspections. Staff has found with most landscape design projects, there can often be changes in site conditions during construction that require adjustment of the planting. Currently, availability of some plant materials has become an issue. Staff has become fairly flexible in approving field adjustments for these reasons as long as it does not alter the character or aesthetics of the original plan.	No changes are recommended
	17.57.060 Plans	B.	The location in which new plantings will be made and the	Without both common and	Would need to add language to

Chapter	Code Section	Sub Section	Current Language	Issue	Solution
			variety (common or botanical name), and size of all new trees, shrubs, groundcover and lawns;	botanical names listed, it is sometimes unclear on the specific plant. Therefore difficult to determine size, height, or issues with environment, such as noxious or harmful to other animals.	require both common and botanical names.
				It is unclear what size the plant is at installation and maturity. This is information needed for review of the plans for spacing and location.	Would need to add language to require size of plants at installation and at maturity
		E.	All existing and proposed site features including walkways, graveled areas, patios, courts, fences, decks, foundations, potted trees, raised planters, or other open spaces so that the review committee may be fully knowledgeable of the project when discussing the application;	When fencing is used for screening, there is no requirement to submit information on type or height. This is needed to determine if the fence provide the necessary screening.	Would need to require information on fencing type, height and location on plans
		G.	All of the information on the plot plan for the building permit.	It is unclear as to what is required on a building permit. Therefore, plans may not included this information that LRC or staff needs to review the plans. Building permits are required to indicate scale, actual setback of building, all structures on site, location and use, topographical elevations, easements, complete address or street names, north direction arrow, and lot dimensions.	Would need to list the required information and add additional language to have all plants and parking spaces drawn to scale.

Chapter	Code Section	Sub Section	Current Language	Issue	Solution
	17.57.070 Area Determination - Planning factors.	A. Landscaping shall be accomplished within the following ranges:	1. 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.)	It is unclear of the gross area refers to the gross area of the site or the development. If multiple phases, all the landscaping would be required to be install and most likely in area that will not be developed at time of phase approval or design. Without this being clarified, there is confusion on the public, staff and LRC.	Clarity is needed on gross area meaning. It would be appropriate that it would be based on what is being developed.
			2. Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)		
			3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen 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.)		

## ATTACHMENT B

Chapter	Code Section	Sub Section	Current Language	Issue	Solution
Chapter 17, Landscaping	17.57.070 Area Determination - Planning factors.	B.	The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:	There are no clear and objective factors listed here. If these standard were more specific, staff might be able to review and approve small projects administratively to reduce time and cost to all. If deviating from the standards, it would be presented to LCR for review and approve. This could include reduction to minimum gross area of landscaping allowed in 17.57.070A 1-3	Would need to develop clear and objective standards in order to approve or deny due to failure to comply.
			1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.		
			2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.		
			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.	In additions to the comments above for this subsection, there are no standards for parking lot designs. This makes it hard to be consistent	In addition to comments above for this subsection, it would require development of parking lot and island requirements; such as having a maximum area of parking lot until it is physically and visually separated with landscaped planter islands and with a minimum width to provide the necessary plants.
			4. The development and use of islands and plantings therein to break up parking areas.		
			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.	See above comments for this subsection	See above comments for this subsection

Chapter	Code Section	Sub Section	Current Language	Issue	Solution
			6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;	In addition to comments above for this subsection, It is unclear on what suitable watering facilities or irrigations system is. Some have proposed hand water. Maybe change to requiring permanent underground or drip irrigation system with an exemption for existing mature vegetation, drouth resistant plans with a water schedule. This would allow for water conservation opprotunities.	In addition to comments above for this subsection, the meaning of suitable watering facility needs to be established.

Chapter	Code Section	Sub Section	Current Language	Issue	Solution
Chapter 17.58 Trees	17.58.020 Applicability	A.	Individual significant or historic trees as defined in this ordinance.	There are no definitions of what qualifies as “significant” or “historic” and there are no inventories of these types of trees.	Would need to define significant and historic trees. And maybe develop a process to have trees deemed historic.
		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;	LRC have concerns that this infringes on private property rights.	This section would need to be removed.
		D.	All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;	A property could be cleared of all trees before development, where as there is no ability to save significant trees on the property.	Create tree removal limits on vacant land
				LRC has expressed concerns on the private property rights and regulating trees.	Need further discussion for possible direction.
	17.58.050 Review Criteria	A.	The tree is unsafe, dead, or diseased as determined by a Certified Arborist.	If the tree is clearly dead, there is no means to waive the requirement for an Arborist	Would need to either develop a means for the Planning Director to approval or waive the requirement for
		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 definition of Development Project needs to clarify the meaning	Would need to develop a more accurate definition.

Chapter	Code Section	Sub Section	Current Language	Issue	Solution
				There have been a couple instances where, for, example, Public Works Engineering will approve a new curb cut/driveway access to a property as allowed by code where the new access requires removal of an otherwise healthy tree. But the tree has not been approved by LRC to be removed. May need to discuss with PW Engineering to require LRC approval prior to issuing a curb cut/driveway permit.	Need further discussion with Public Works for possible direction.
	17.58.075 Protection of Trees	A.	It shall be unlawful for any person to remove, destroy, break, or injure any street tree or public tree. Individuals convicted of removing or destroying a tree without City approval shall be subject to paying to the City an amount sufficient to fund the planting and establishment of a tree, or trees, of similar value.	This requirement has not been historically applied causing inequality with the public.	Need further discussion on enforcement direction
	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.	There are no requirements for single-family residences, except if subject to an approved street tree plan. Many older neighborhoods fall into this situation. By adding single-family residences, it would provide an opportunity to acquire street trees in these older neighborhoods.	Would need to add single-family residences, not subject to an approved street tree plan
	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.	A new resolution was approved in 2019. By listing the Resolution number, it will be out dated every time a new resolution is approved. It would be better to not list the date of the resolution.	Would need to removed the resolution number.

Chapter	Code Section	Sub Section	Current Language	Issue	Solution
		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.	Not all trees are the same grown width and height to be able to apply Spacing standards based on height and width of a tree.. Armstrong Maple can grow to 45 ft in height but only 15 feet wide. It would be classified as a small and large tree.	Would need to change this section to space based on either width or height
			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.	It tends to be the residential properties that have problems with evenly spacing due to the limited frontage of the property, where as, commercial and industrial zoned properties have the ability to adjust the trees and utilities to be more evenly installed.	Would need to change the residential property to be able to stagger the trees.
		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.	There are more likely be issues in the future with installing a tree within a 3-foot wide planter strip. A 3-foot planter strip is very small to provide adequate room for growth. The smallest recommended planter strip width listed on the street tree list is 4 feet.	Would need to change the minimum to 4 feet to accommodate trees.
		E.	A. 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.	Some of these setbacks seem to be a little extreme. Many municipalities have setbacks from water meters that are less than 10 ft. The code allows variations granted by Public Works.	Would need to discuss with Public Works to see if these setbacks may be reduced as a standard.



Chapter	Code Section	Sub Section	Current Language	Issue	Solution
		F.	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	Usually the street trees removed are well established. This is a good basis for requiring larger-than-standard street trees for development-driven requests for removal.	Would need additional language to require larger street at installation.

Chapter	Code Section	Sub Section	Current Language	Issue	Solution
	17.58.120 Street Tree Maintenance		Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.	There is a disconnect when it comes to the public's knowledge of their responsibilities of street trees. Some type of educational effort to alert the public to their responsibilities vs. the City's would be beneficial for both trees and for staff. Maybe develop	Would need to discuss with Public Works to develop a program or webpage to assist owners.
		B.	Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.		
		C.	Maintenance of street trees, other than those located in the Downtown Tree Zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the Downtown Tree Zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees.		
		D.	Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City. Major pruning, as defined in Section 17.58.020, of a street tree must be approved by the City in accordance with Section 17.58.040.		

Chapter	Code Section	Sub Section	Current Language	Issue	Solution
Misc.	Misc.		Urban Forestry Master Plan	Staff would recommend that McMinnville develop an Urban Forestry Master Plan to help guide and shape policies for urban forest management and growth, health, maintenance, replacement strategy, etc. This can really help with some of the issues ; such as ensuring tree canopy equity, development and maintenance of a street tree/public tree inventory, diversity and health of the urban forest,	Urban Forestry Master Plan would need to be developed.
			Public Parks Maintenance	It is not clear on requirements or jurisdiction for public parks. Without clarification, requirements are imposed on the private property owners that are not on public property. This cause inequality between public and private	Work with Public Works to develop a Parks Maintenance & Tree Removal process similar to private parks and development sites.
			Street Tree Assistance Program	There is not a program to assist owners with installing or replacement of Street Tree. Low income citizens may not be able to purchase or pay the fee for a tree replacement.	Develop a Street Tree Assistance Program
			Tree conservation	There is nothing in the code that would prevent owner from clear cutting a property prior to development.	Develop a tree conservation program to protect existing onsite trees.
			Street Tree Plan	To provide consistency of types of Street Trees along a street, develop a requirement to install a tree that is prodominate along the street.	Devleop code language to require a tree to be the type that is prodominate along the street.