



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

www.mcminnvilleoregon.gov

**Landscape Review Committee
ZOOM Online Meeting
Thursday, November 17, 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/81439251719?pwd=cVhXbm1leVZYeUREZko1NHlOTDhHZz09>

Meeting ID: 814 3925 1719
Passcode : 028064

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. Approval of Minutes
Patty Sorensen	<ul style="list-style-type: none"> Approval of Minutes – May 19, 2021 (<i>Exhibit 1</i>)
Carlton Davidson	4. Action Items
	<ul style="list-style-type: none"> L 26-21 – Street Tree Removal Request (<i>Exhibit 2</i>) 2379 SW Leo Street L 27-21 – Street Tree Removal Request (<i>Exhibit 3</i>) 2341 NW Shadden Drive
	5. Discussion Items
	<ul style="list-style-type: none"> Development Code Revisions (<i>Exhibit 4</i>)
	6. Committee Member Comments
	7. Staff Comments
	8. Adjournment

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

*Please note that these documents are also on the City's website, www.mcminnvilleoregon.gov. You may also request a copy from the Planning Department.



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EXHIBIT 1 - MINUTES

May 19, 2021
Landscape Review Committee
Regular Meeting

12:00 pm
ZOOM Meeting
McMinnville, Oregon

Members Present: Carlton Davidson, John Hall, and Josh Kearns
Members Absent: Patty Sorenson and Rob Stephenson
Staff Present: Jamie Fleckenstein - Associate Planner
Guests Present: Scott Hill – Mayor, Chris Chenowith and Zack Geary – City Councilors, Daniel Danicic, and Dennis O’Conner

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes

- April 21, 2021

Chair Hall moved to approve the April 21, 2021 minutes. The motion was seconded by Committee Member Kearns and passed 3-0.

4. Action/Docket Item (repeat if necessary)

A. L 37-20 – Landscape Plan Review - Continued - 1300 NE Miller Street

Associate Planner Fleckenstein asked if Committee Member Kearns had reviewed the minutes from the last meeting and was aware of the discussions on this application.

Committee Kearns said yes, he was ready to participate.

Associate Planner Fleckenstein said this was a landscape plan for an industrial development on Miller Street. The Committee had asked questions about the plant selection for the groundcover and the amount of planting between the parking lot and Miller Street right-of-way. There was also concern about being able to find some of the tree species proposed. The application had been continued for the applicant to submit a revised plan, which had been done. It addressed the Committee's

comments and concerns. They had added evergreen shrubs between the parking lot and Miller Street which would provide better screening. The groundcover along the sidewalks had been changed to Vinca minor which would be an evergreen vining groundcover. There would be a different groundcover south of the building near the trash enclosure, Nepeta Faassenii, which was a flowering perennial. There was concern about the using the Celtis tree species and they had been substituted with Acer Rubrum. There was also concern about using Pieris japonica around the trash enclosure due to the sun and heat exposure and those had been substituted for Garrya fremontii which was a larger native evergreen shrub. The other elements of the plan had remained the same. Staff recommended approval with conditions.

Dennis O'Conner, applicant, thanked the LRC for their guidance in the changes to the plan.

Committee Member Kearns moved to approve L 37-20 with conditions. The motion was seconded by Committee Member Davidson and passed 3-0.

5. Discussion Items

None

6. Old/New Business

Chair Hall suggested adding items to future agendas. These were: streamlining applications that came to the Committee, how drawings should be submitted to the Committee, and minimum best management practices for irrigation.

Associate Planner Fleckenstein clarified the decision document was the one that provided the legal findings that showed the application met all of the requirements. It was the document for the LRC to review and approve. He thought these would be good discussion items for the next meeting.

There was discussion regarding the process for making changes to the code, how best practices for irrigation were a moving target and whether or not to include them in the code, water conservation, and code enforcement for maintaining landscapes and street trees.

7. Committee Comments

None

8. Staff Comments

None

9. Adjournment

Chair Hall adjourned the meeting at 12:42 p.m.



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EXHIBIT 2 - STAFF REPORT

DATE: November 17, 2021
TO: Landscape Review Committee Members
FROM: Amy Dixon, Contract Planner
SUBJECT: Landscape Plan Review Application (L 26-21)

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 (Docket L 26-21) requests the removal of one (1) maple tree from the public right-of-way along SW Leo Street 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 at 2379 SW Leo Street within the Hillsdale First Addition subdivision. There is no street tree plan for the subdivision.

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 2" caliber in approximately the same location. Since there is no approved landscaping plan for this subdivision, a requirement to pick an appropriate tree for a 5-foot-wide plant strip from the McMinnville street tree list is necessary.

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 to 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 May 17, 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 26-21 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

AD

Attachments:

Attachment A – Draft Decision

Attachment B – PW Memo

Attachment C – Application, Attachments



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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE
APPROVAL OF A TREE REMOVAL AT 2379 SW LEO STREET**

DOCKET: L 26-21 (Street Tree Removal)

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

LOCATION: 2379 SW Leo Street (Tax Lot 7215, Section 19CA, T. 4 S., R. 4 W., W.M.)

ZONING: R-2 (Single-family)

APPLICANT: Karen L Arnett, Owner

STAFF: Amy Dixon, Associate Planner

**DATE DEEMED
COMPLETE:** October 20, 2021

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

**DECISION DATE
& LOCATION:** November 17, 2021, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, in a Zoom meeting. Meeting ID: 814 3925 1719

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 -26-21) **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) maple tree from the public right-of-way on the SW Leo Street 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 at 2379 SW Leo Street at the corner of SW Leo Street and SW West Hills Drive within the Hillsdale First Addition subdivision. No street tree plan was approved for the subdivision. **See Figure 1: Vicinity Map, Figure 2: Site Plan, and Figure 3: Existing Tree.**

Figure 1: Vicinity Map

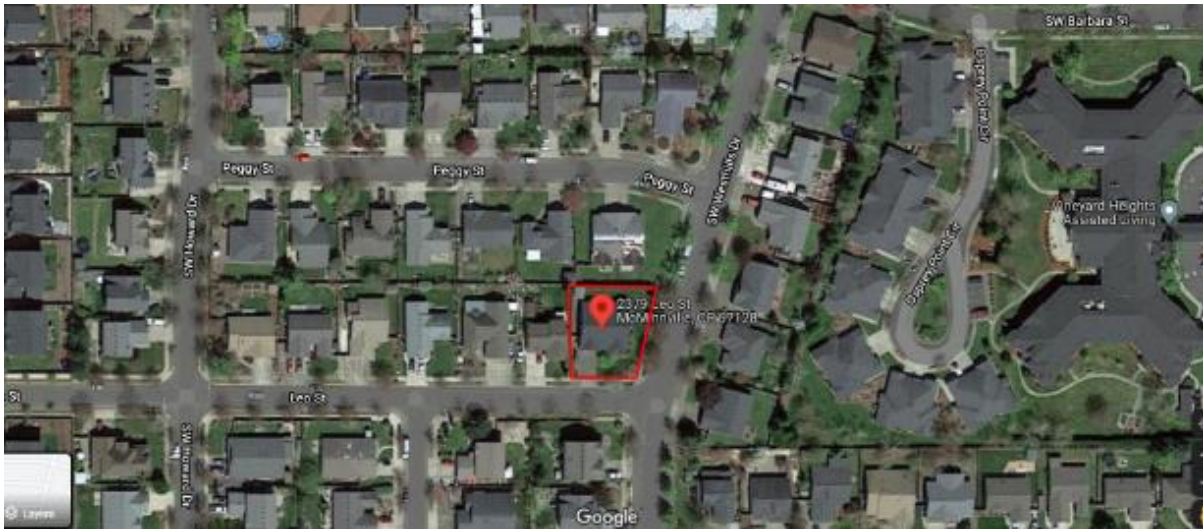


Figure 2: Site Plan

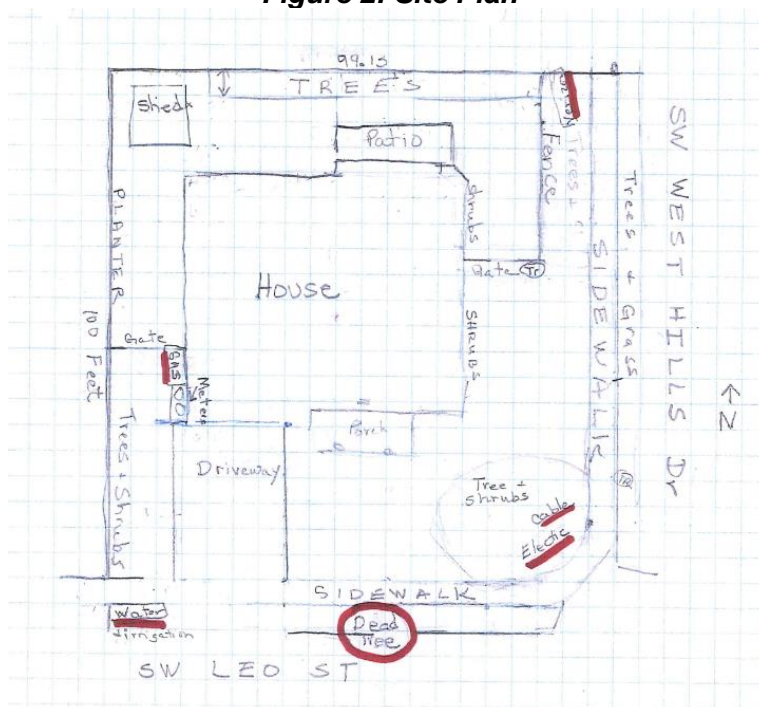


Figure 3: Existing Tree



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:

- 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, minimum 2" caliper at planting, shall be planted in the SW Leo Street planter strip in approximately the same location as the existing. That the tree shall be appropriate for planting in a 5-foot-wide plant strip from the McMinnville Street Tree List. 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.

Attachments:

Attachment 1 – Application and Attachments

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 tree shall be planted per the approved City detail. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a minimum depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.
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 May 17, 2022.

III. ATTACHMENTS:

1. L 26-21 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 cultivar about 10" DBH.
2. The tree is planted in a 5' park strip with irrigated turf as ground cover.
3. There are no overhead facility conflicts.
4. There is no significant sidewalk, curb, gutter or pavement disruption.
5. The tree appears to be dead.

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 plant tree as per the approved City detail.
 - f. Applicant to contact Public Works Operations at (503)434.7316 for an inspection prior to backfill.

- **McMinnville Water & Light:**

Water: MW&L did not indicate an issue.

Power: MW&L indicated that existing underground power is in the area. Please call for locates.

Public Comments

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

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. Karen L Arnett, Property Owner, submitted a Street Tree Removal Permit application on October 15, 2021.
2. The application was deemed complete on October 20, 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.

Attachments:

Attachment 1 – Application and Attachments

5. A public meeting was held by the McMinnville Landscape Review Committee on November 17, 2021, to review the application and proposed street tree removal request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 2379 SW Leo Street (Tax Lot 7215, Section 19CA, T. 4 S., R. 4 W., W.M.)
2. **Size:** 8428 sf (0.19 acres)
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 (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 SW Leo Street with one (1) street tree, and one (1) water meter.
9. **Utilities:**
 - a. **Water:** The treatment plant has sufficient treatment capacity.
 - b. **Sewer:** 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 SW Leo Street.
10. **Transportation:** SW West Hills Drive and SW Leo Street is 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:

Attachments:

Attachment 1 – Application and Attachments

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.

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;

Attachments:

Attachment 1 – Application and Attachments

- 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 OF APPROVAL #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 CONDITION OF APPROVAL #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 not an approved street tree plan for the subdivision on file with the Planning Department. Therefore, conditions are necessary to ensure this standard is met.

CONDITION FOR FINDING: That one (1) replacement street tree, minimum 2" caliper at planting, shall be planted in the SW Leo Street planter strip in approximately the same location as the existing.

That the tree shall be appropriate for planting in a 5-foot-wide plant strip from the McMinnville Street Tree List. of insects, diseases, mechanical injury, and other objectionable features when planted.

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 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 May 17, 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.
- 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.

Attachments:

Attachment 1 – Application and Attachments

- 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 (above), #4 (above), #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 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 L26-21

Applicant Information

Applicant: Karen Arnett
Address: 2379 SW Leo Street
Telephone: 503.998.3903
Email: karenarnett1@icloud.com

Site Review

1. The tree in question is a maple cultivar about 10" DBH.
2. The tree is planted in a 5' park strip with irrigated turf as ground cover.
3. There are no overhead facility conflicts.
4. There is no significant sidewalk, curb, gutter or pavement disruption.
5. The tree appears to be dead.

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 plant tree as per the approved City detail.
 - f. Applicant to contact Public Works Operations at (503)434.7316 for an inspection prior to backfill.

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128

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

www.mcminnvilleoregon.gov**Office Use Only:**File No. L26-21Date Received 10/15/21Fee 150.00

Receipt No. _____

Received by SA

Street Tree Removal

Applicant Information

Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other _____Applicant Name Karen L Arnett Phone 503 998 3903Contact Name _____ Phone _____
(If different than above)Address 2379 SW Leo StCity, State, Zip Mc Minnville, OR 97128Contact Email karenarnett1@icloud.com

Property Owner Information

Property Owner Name _____ Phone _____
(If different than above)

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

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

Property Address 2379 SW Leo St.
(Property nearest to tree(s) for removal)Assessor Map No. R4 419 - CA - 07215 Total Site Area 8428 SFSubdivision Hillsdale First Addition Block _____ Lot 105Comprehensive Plan Designation Residential Zoning Designation Residential R-2 PD

Additional Information

1. How many trees are requested for removal? one
2. What type (species) of tree(s) are they? Maple
3. What is the diameter of the tree(s), measured four feet above ground level? 10"
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. _____

A. The tree is unsafe, dead as determined by
a Certified Arborist.

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.

Karen L. Arnett
Applicant's Signature

10-12-2021
Date

Karen L. Arnett
Property Owner's Signature

10-12-2021
Date

Associated Arborists

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

DATE:	9/9/21
TO:	City of McMinnville
FROM:	Taylor Alvarez, Associated Arborists, ISA#PN 8332AU
SUBJECT:	Tree Removal Request
PURPOSE:	Client: Karen Arnett (2379 Leo Street McMinnville OR 97128)

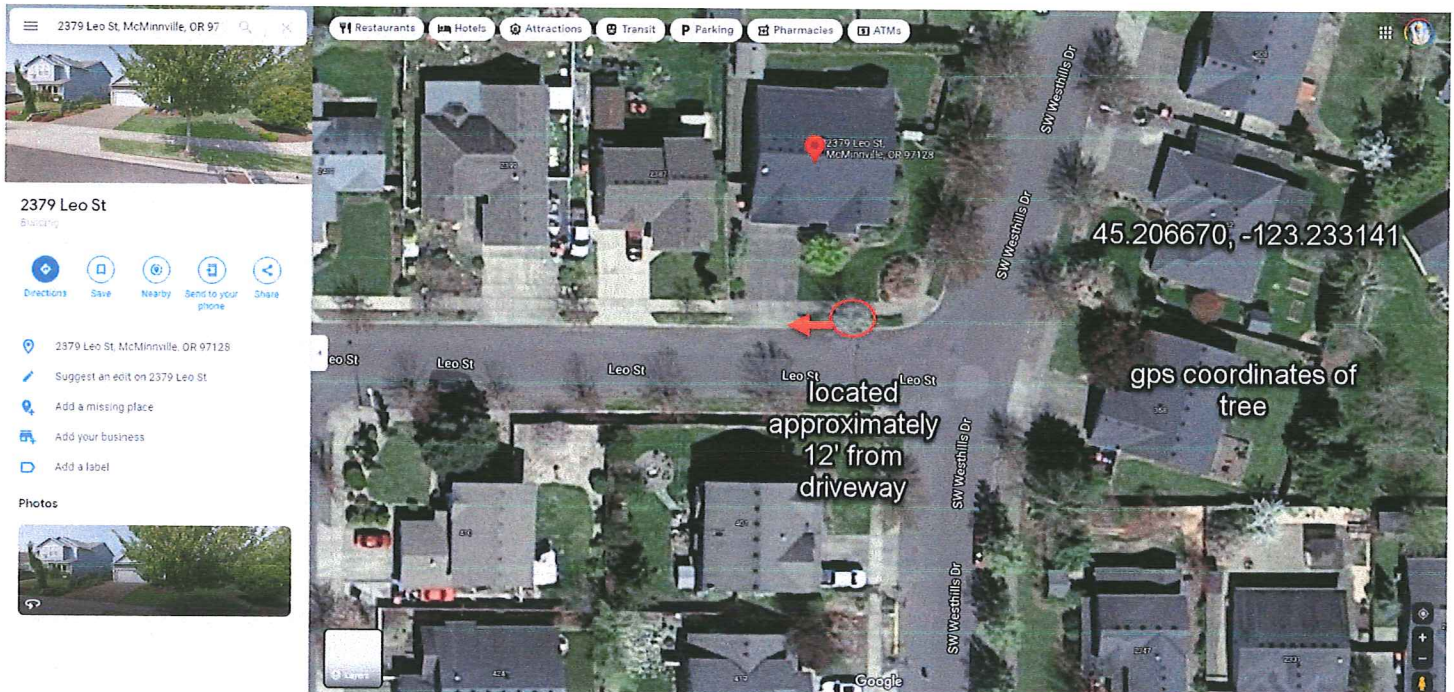
CERTIFIED ARBORIST REPORT

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

1: Species: Maple / DBH: 10" estimated / Condition: Dead / Address: **2379 Leo Street 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

Associated Arborists

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



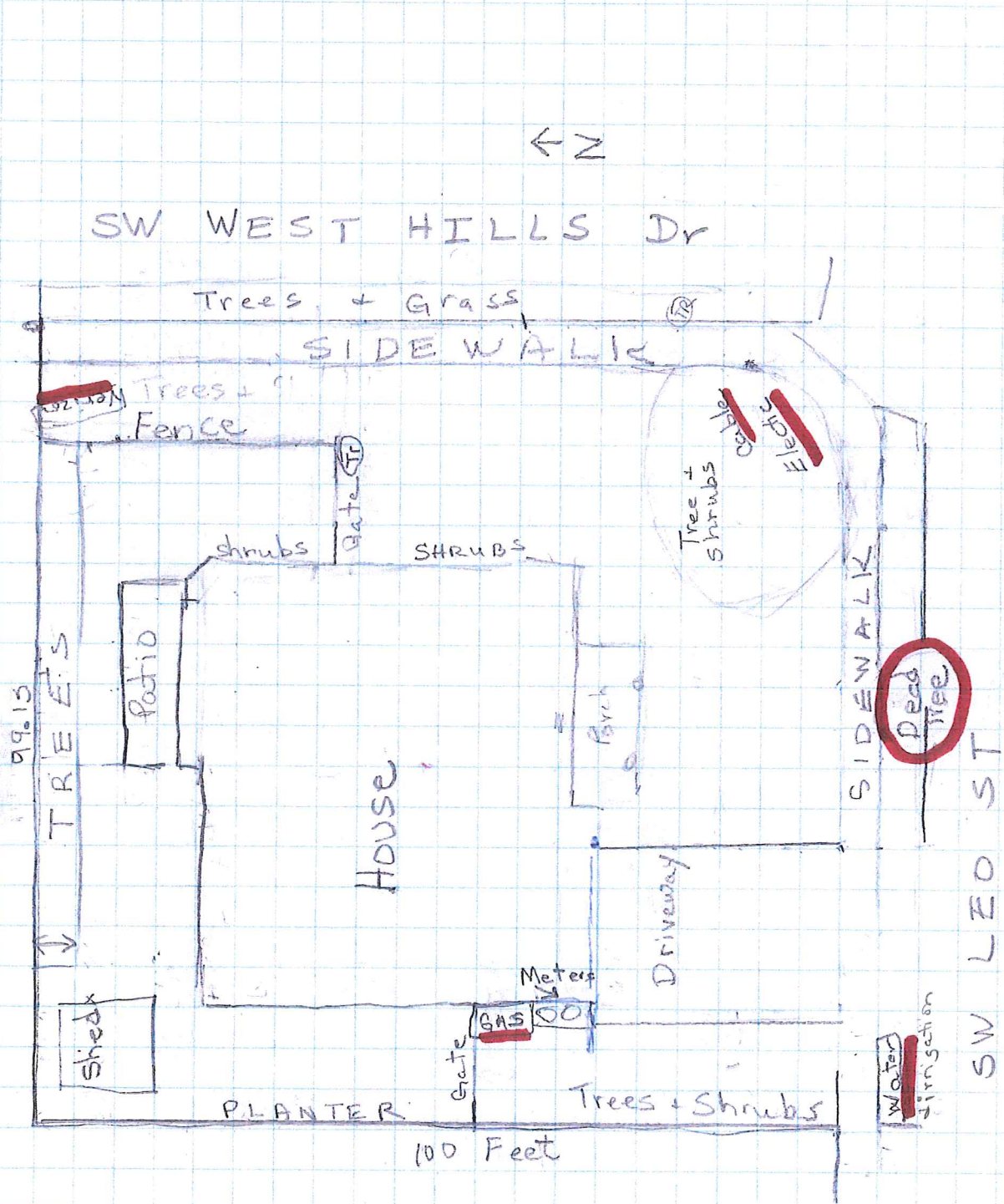
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Sick Tree Treatment • Corrective Pruning • Fruit Pruning • Removals • Tree Planting and Delivery ISA
Certified Consulting • Commercial Tree Inventory Management • Utility Certified • Expert Witness



2379 SW LEO ST
McMinnville, OR

1 Square = 5 feet



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

EXHIBIT 3 - STAFF REPORT

DATE: November 17, 2021
TO: Landscape Review Committee Members
FROM: Amy Dixon, Contract Planner
SUBJECT: Landscape Plan Review Application (L 27-21)

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 (Docket L 27-21) requests the removal of two (2) red maple trees from the public right-of-way adjacent to the subject property because the tree is in conflict with public improvements. Removal of a tree located within the public right-of-way requires City approval. The arborist has indicated that they would recommend either replacing only one tree or not replacing any of the trees due to the strict spacing in the area.

The subject property is located at 2341 NW Shadden Drive within the Shadden Claim subdivision. A street tree plan (L 21-96) for the subdivision was approved in 1996.

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.
- D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of applicant, by a Certified Arborist acceptable to the City.

The tree has been determined by an arborist (the applicant) to be in conflict with public improvements. Criterion B are met.

Tree Replacement

A condition of approval is included to require one (1) replacement red maple street tree, a minimum 2-inch caliber at planting, be planted in the NW Shadden Drive planter strip in the approximate location as the existing two trees to be removed. All trees need to 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 need to be free of insects, diseases, mechanical injury, and other objectionable features when planted.

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 to 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 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.

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.

Attachments:

Attachment A – Draft Decision

Attachment B – PW Memo

Attachment C – Application, Attachments

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.

The work needs to be complete within six (6) months of approval, or May 17, 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 27-21 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 1760 NW SHADDEN DRIVE**

DOCKET: L 27-21 (Street Tree Removal)

REQUEST: Approval to remove two (2) red maple trees from the public right-of-way adjacent to the subject property to conflict with public improvements.

LOCATION: 2341 NW Shadden Drive (Tax Lot 1500, Section 18AD, 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:** October 21, 2021

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

**DECISION DATE
& LOCATION:** November 17, 2021, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, in a Zoom meeting. Meeting ID: 814 3925 1719

PROCEDURE: These tree removals are 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 -27-21) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

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

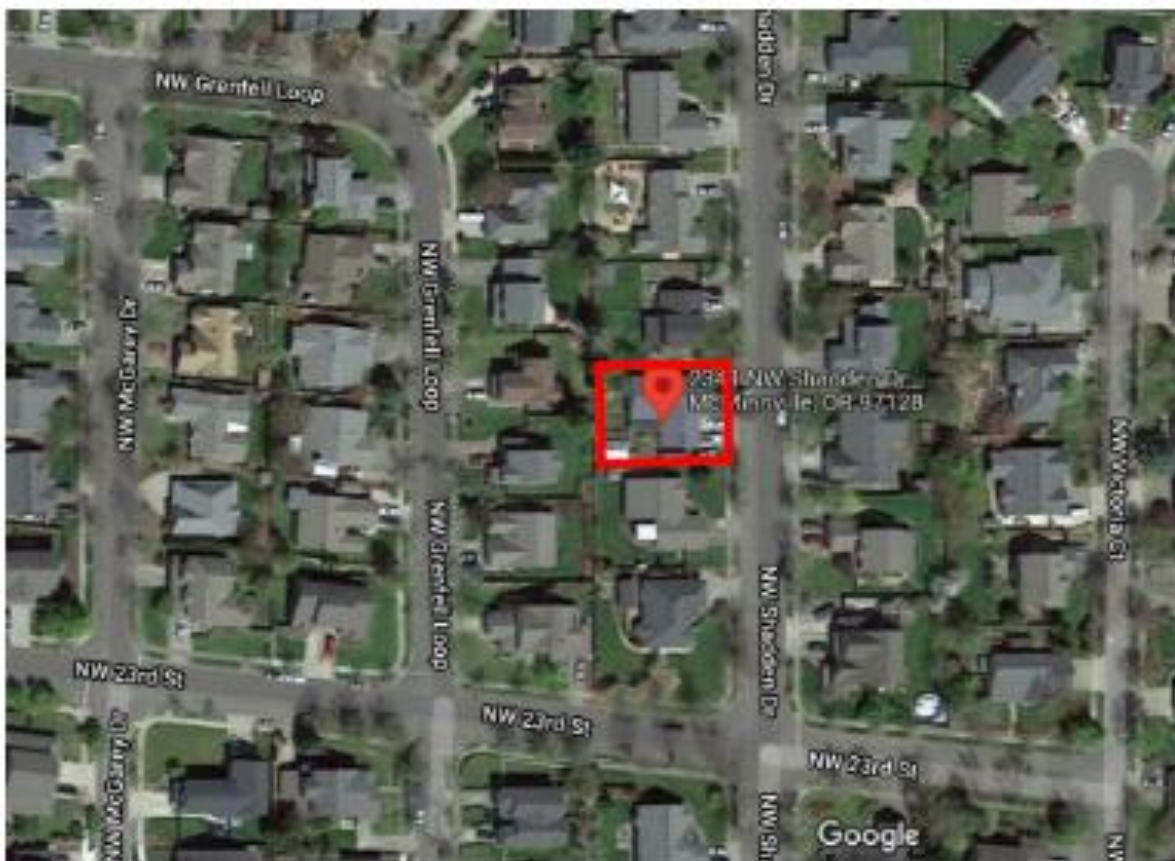
I. APPLICATION SUMMARY:

Subject Property & Request

The application requests the removal of two (2) red maple trees from the public right-of-way adjacent to the subject property because the tree is in conflict with public improvements. Removal of a tree located within the public right-of-way requires City approval. The arborist has indicated that they would recommend either replacing only one tree or not replacing the trees due to the strict spacing in the area.

The subject property is located at 2341 NW Shadden Drive within the Shadden Claim subdivision. A street tree plan (L 21-96) for the subdivision was approved in 1996. **See Figure 1: Vicinity Map, and Figure 2: Shadden Claim Tree Plan.**

Figure 1: Vicinity Map



Attachments:

Attachment 1 – Application and Attachments

Figure 2: Shadden Claim Street Tree Plan

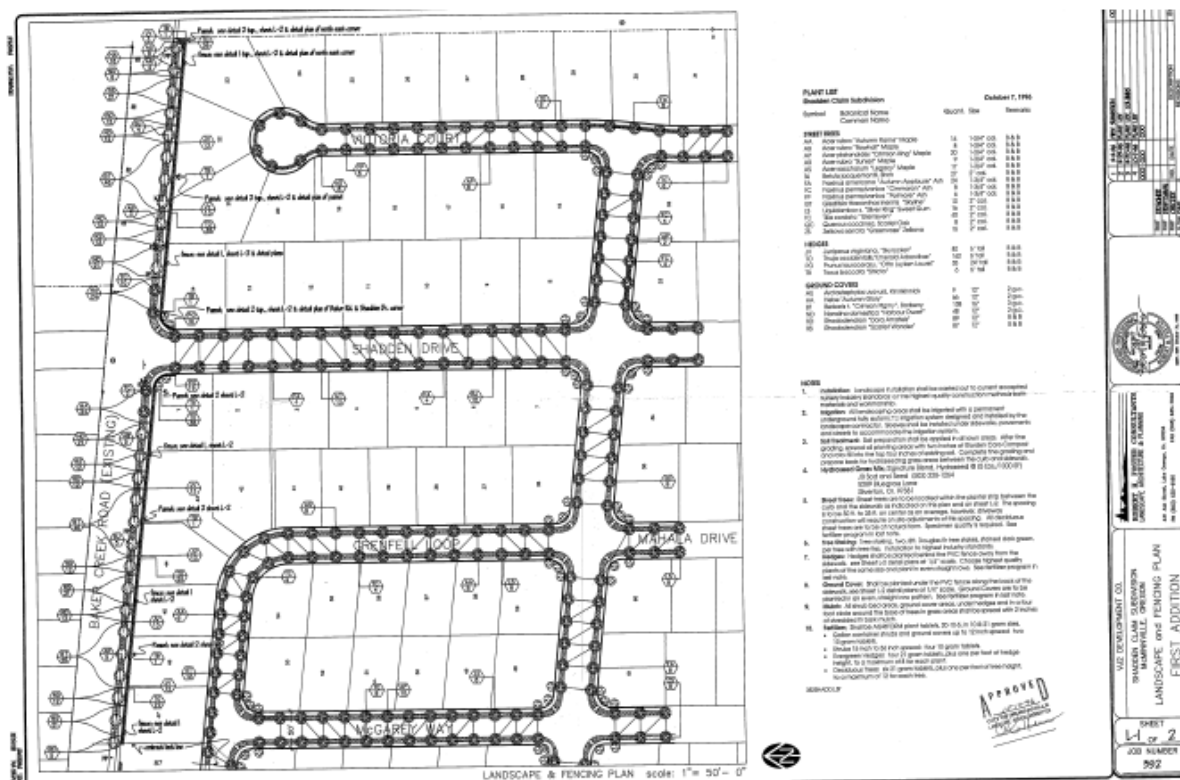


Figure 3: Site Plan



Attachments:
Attachment 1 – Application and Attachments

Figure 4: Existing Trees



Figure 4: Sidewalk Damage



1. Summary of Criteria & Issues

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

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.

Attachments:

Attachment 1 – Application and Attachments

- 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 red maple street tree, a minimum 2-inch caliber at planting, be planted in the NW Shadden Drive planter strip in the approximate location as the existing two trees to be removed. 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 all costs and liability associated with tree removal, stump grinding, and tree replacement shall be borne by the applicant.

3. That the applicant shall call for locates (dial 811) for all underground utilities prior to removing the trunk and roots. This is a free service and the law. Upon request, utility locates can be flagged without marking up hard surfaces.
4. That the applicant shall contact the McMinnville Engineering Department at (503) 434-7312 to assess sidewalk damage and obtain a sidewalk permit and repair or replace the damaged sidewalk, if needed, per City standards.
5. That the applicant shall contact the McMinnville Public Works Department at 503-434-7316 to discuss specific staking, watering tube requirements, and to schedule an inspection prior to backfilling the replacement tree's planting pit.
6. That the applicant shall use extreme caution when working in the area of existing water services and power lines. Non-qualified workers need to maintain a minimum distance of 10' from high voltage lines. Please contact McMinnville Water and Light (MW&L) if you have any questions or concerns. If any facilities are damaged during tree removal or replacement, please contact MW&L immediately at 503-472-6158.
7. That the trees' stumps and remaining surface roots shall be removed at least six (6) inches below grade to allow for a suitable replanting site. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations.
8. That replacement tree shall be planted per the approved City detail. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a minimum depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.

Attachments:

Attachment 1 – Application and Attachments

9. That the tree shall not to be planted within:
 - a. Five (5) feet of a private driveway or alley;
 - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
 - c. Twenty (20) feet of street light standards or street intersections.
10. That the planter strip area shall be restored to original grade immediately following the planting of the replacement trees.
11. That the applicant shall complete the tree removal within six (6) months of approval, or May 17, 2022.

III. ATTACHMENTS:

1. L 27-21 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 trees in question are two maple trees, about 16" DBH.
2. The trees are planted in a 5' park strip with irrigated turf for groundcover.
3. The southerly tree is less than 5' from the adjacent driveway approach. The northerly tree is less than 5' from an adjacent water meter/water service.
4. There are no overhead power conflicts.
5. There is no tree related damage to the curb, gutter, or adjacent pavement.
6. There is significant sidewalk damage with surface discontinuities in several locations. Two of the areas have been ground down in the past to address surface discontinuities.
7. Both trees show significant surface rooting in the park strip.
8. The northerly tree shows included bark and tight limb attachments on two major limbs.
9. The southerly tree shows significant storm damage with a broken leader and poor wound healing.

Recommendations

1. Given the surface rooting, structural damage and sidewalk disruption, we would recommend approval of this request.
2. Suggested conditions of approval:
 - a. Applicant to be responsible for all costs related to removal(s).
 - b. Applicant required to grind stump(s) to a minimum of 6" below grade.
 - c. Applicant to call for a utility locate prior to removal.

Attachments:

Attachment 1 – Application and Attachments

- **McMinnville Water & Light:**
MW&L indicated that existing water service and utilities are in the area and the applicant needs to call for locates prior to digging.

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, on behalf of Don Roner, property owners, submitted a Street Tree Removal Permit application on October 20, 2021.
2. The application was deemed complete on October 21, 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 November 17, 2021, to review the application and proposed street tree removal request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 2341 NW Shadden Drive (Tax Lot 1500, Section 18AD, T. 4 S., R. 4 W., W.M.)
2. **Size:** 8,400 sf (0.19 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 Shadden Drive with two (2) street trees, and one (1) water meter.
9. **Utilities:**

Attachments:

Attachment 1 – Application and Attachments

- a. **Water:** The treatment plant has sufficient treatment capacity.
 - b. **Sewer:** The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
 - c. **Stormwater:** The proposal doesn't increase impervious site area.
 - d. **Other Services:** Overhead utilities are not present on either side of NW Shadden Drive.
10. **Transportation:** NW Shadden Drive is classified as a Local Neighborhood Street in the Transportation System Plan (TSP). The existing right-of-way is 50 feet wide. The street is improved with curb and gutter, sidewalk, and planter strip on both sides of the street. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes.

VII. CONCLUSIONARY FINDINGS:

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

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

Comprehensive Plan Volume II:

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

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

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

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

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

APPLICANT'S RESPONSE: None.

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

McMinnville Zoning Ordinance

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 the subject street trees and replacement with one tree would meet the purpose of the Trees Chapter of the Zoning Ordinance. Trees would 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 removals were not designated as exempt, and the applicant has filed an application for a Street Tree Removal Permit to be reviewed by the McMinnville Landscape Review Committee.

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

Attachments:

Attachment 1 – Application and Attachments

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #7. A condition of approval has been included to assure that the tree removals will be performed to accepted City standards.

CONDITION FOR FINDING: That the trees' stumps and remaining surface roots shall be removed at least six (6) inches below grade to allow for a suitable replanting site. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations.

17.58.040(C). The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.

APPLICANT'S RESPONSE: None.

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

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

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

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

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

17.58.040(D). Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city [...]

APPLICANT'S RESPONSE: The arborist indicated that given the need for replanting setbacks from driveway and utilities either replace one tree or do not replant any trees.

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 these trees are to be ash trees. Ash trees are now listed as a prohibited tree on the McMinnville Street Tree List. Since these trees are red maple trees, replacement trees should be red maple trees to be consistent with street trees in the area. As for the number of replacement trees, Public Work recommends that only one tree be replanted, and staff concurs, due to the need to maintain the necessary setback from the driveway and utilities creating a limited area to replant two trees. To ensure that one tree is replanted, a condition is necessary.

Attachments:

Attachment 1 – Application and Attachments

CONDITION FOR FINDING: That one (1) replacement red maple street tree, a minimum 2-inch caliber at planting, be planted in the NW Shadden Drive planter strip in the approximate location as the existing two trees to be removed. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #7 above. A condition of approval has been included to ensure that the applicant shall remove the tree stump and surface roots, and restore any damaged turf areas in the public right-of way.

17.58.040(F). The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #11. A condition of approval has been included to ensure that the applicant shall complete the tree removal within six (6) months of approval.

CONDITIONS FOR FINDING: That the applicant shall complete the tree removal within six (6) months of approval, or May 17, 2022.

17.58.040(G). Other conditions may be attached to the permit approval by the Landscape Review Committee as deemed necessary.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #4. A condition of approval has been included to ensure that the adjacent sidewalk panel that has been lifted and damaged by the tree's roots is repaired or replaced in accordance with City standards.

CONDITION FOR FINDING: That the applicant shall contact the McMinnville Engineering Department at (503) 434-7312 to assess sidewalk damage and obtain a sidewalk permit and repair or replace the damaged sidewalk, if needed, per City standards.

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

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

D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

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

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

17.58.090 Street Tree Standards.

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2016-22, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.
- B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
- C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.
- D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.
- E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.
- F. Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street

Attachments:

Attachment 1 – Application and Attachments

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 (above), #5, #7 (above), #8, and #9 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 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 L-27-21

Applicant Information

Applicant: Associated Arborist-Taylor Alvarez
Owner: Don Roner
Address: 2341 NW Shadden Drive
Telephone: 503.883.3895
Email: ttalvarez@gmail.com

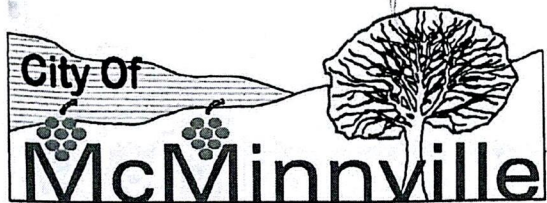
Site Review

1. The trees in question are two maple trees, about 16" DBH.
2. The trees are planted in a 5' park strip with irrigated turf for groundcover.
3. The southerly tree is less than 5' from the adjacent driveway approach. The northerly tree is less than 5' from an adjacent water meter/water service.
4. There are no overhead power conflicts.
5. There is no tree related damage to the curb, gutter, or adjacent pavement.
6. There is significant sidewalk damage with surface discontinuities in several locations. Two of the areas have been ground down in the past to address surface discontinuities.
7. Both trees show significant surface rooting in the park strip.
8. The northerly tree shows included bark and tight limb attachments on two major limbs.
9. The southerly tree shows significant storm damage with a broken leader and poor wound healing.

Recommendations

1. Given the surface rooting, structural damage and sidewalk disruption, we would recommend approval of this request.
2. Suggested conditions of approval:
 - a. Applicant to be responsible for all costs related to removal(s).
 - b. Applicant required to grind stump(s) to a minimum of 6" below grade.
 - c. Applicant to call for a utility locate prior to removal.

- d. Given the location of the driveway and water we would recommend only replanting one tree in this space.
- e. Applicant to plant trees as per the approved City detail.
- f. Applicant to contact Public Works Operations at (503)434.7316 for an inspection prior to backfill.
- g. Applicant to replace/repair adjacent sidewalk as necessary. Applicant to contact Engineering at 503.434.7312 for permit information.

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128
 (503) 434-7311 Office • (503) 474-4955 Fax
www.mcminnvilleoregon.gov

509-21-00046-Plng

Office Use Only:	
File No.	L27-21
Date Received	10/20/21
Fee	150.00
Receipt No.	
Received by	JK

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 97128 McMinnville Or

Contact Email talvarez@gmail.com

Property Owner Information

Property Owner Name Don Roner Phone 503.616.1270
 (If different than above)

Contact Name Don Roner Phone _____

Address 2341 NW Shadden

City, State, Zip McMinnville Or 97128

Contact Email droner@frontier.com

Site Location and Description

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

Property Address 2341 NW Shadden Dr McMinnville Or 97128

(Property nearest to tree(s) for removal)

Assessor Map No. R4 418 - AD - 01500 Total Site Area _____

Subdivision Shadden Claim Block _____ Lot _____

Comprehensive Plan Designation Res 1 Zoning Designation R-2 PD

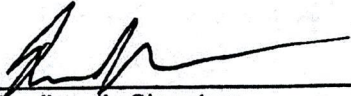
Additional Information

1. How many trees are requested for removal? 2
2. What type (species) of tree(s) are they? Maple Sweetgum Maple ok
3. What is the diameter of the tree(s), measured four feet above ground level? 16" average
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. significant damage to sidewalk and structural defects increasing likelihood of failure. Arborist report attached.

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

- ☒ A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), showing the location of the tree(s) subject to the removal request, property lines, sidewalks, adjacent utilities (including overhead), north direction arrow, and adjacent streets.
- ☒ Arborist report, photographs, and/or other information which would help substantiate or clarify your request.

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



Applicant's Signature

10/12/21

Date



Property Owner's Signature

10/19/21

Date



DATE:	10/17/21
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: Quantity:2 / Species: Red Maple / DBH: 16" estimated / Condition: Healthy / Address: 2341 NW Shadden Dr McMinnville OR 97128

Arborist's recommendation for maintenance or removal:

Removal is recommended for both trees because the surface rooting has significantly damaged the sidewalk area. Replacing the sidewalk and grinding the roots would likely be significant enough to cause the trees to decline or die. Additionally the trees have significant structural damage that increases their likelihood of failure.

















