



City of McMinnville

PLANNING

City of McMinnville
Community Development Department

231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

Landscape Review Committee Hybrid In-Person & ZOOM Online Meeting Wednesday, December 6, 2023 - 12:00 PM

Please note that this meeting will be conducted in-person at the Community Development Center Large Conference Room, 231 NE Fifth Street, and via ZOOM.

Join ZOOM Meeting online via the following link:

<https://mcminnvilleoregon.zoom.us/j/81354977340>

Meeting ID: 813 5497 7340

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

Committee Members	Agenda Items
Jamie Fleckenstein, Chair	1. Call to Order and Roll Call
Patty Sorensen, Vice-Chair	2. Minutes: September 15, 2021 (<i>Exhibit 1</i>) April 20, 2022 (<i>Exhibit 2</i>) May 18, 2022 (<i>Exhibit 3</i>)
Carlton Davidson	3. Citizen Comments
John Hall	4. Action Items: A. L 52-23: Tree removal application, Christie Toal, 706 SE First St., Tax Lot R4421-CB-00300, (<i>Exhibit 4</i>)
Brian Wicks	5. Committee Member Comments 6. Staff Comments 7. Adjournment

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

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

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MINUTES

September 15, 2021
Landscape Review Committee
Regular Meeting

12:00 pm
ZOOM Meeting
McMinnville, Oregon

Members Present: John Hall, Patty Sorensen, and Rob Stephenson
Members Absent: Carlton Davidson and Josh Kearns
Staff Present: Heather Richards – Planning Director and Amy Dixon – Contract Planner
Guests Present: Zack Geary – City Councilor, Amy Hollaran-Steiner, and Loree Grenz

1. Call to Order

Chair John Hall called the meeting to order at 12:00 pm.

2. Citizen Comments

None

3. Action Item

- Approval of Minutes – January 27, 2021

Chair Hall moved to approve the January 27, 2021 meeting minutes as presented. The motion was seconded by Committee Member Rob Stephenson and passed unanimously.

- **L 13-21 – Street Tree Removal Request - 598 NE Jade Street**

Contract Planner Amy Dixon presented the street tree removal request for 598 NE Jade Street. Staff recommended approval of replacing the tree.

Loree Grenz, property owner, confirmed the tree next to the one being removed was also a red sunset maple tree, the trees would not be planted too close together, and she planned to put down a root barrier and follow other recommended conditions.

Planner Dixon confirmed for Committee Member Patty Sorensen that Public Works had not mentioned any issues with the water meter near the tree.

Ms. Grenz confirmed the small tree by the driveway was a new flowering cherry tree which replaced a tree that had been damaged in an ice storm.

The Committee discussed planting another red sunset maple in that spot would be consistent with the surrounding trees included in an adjacent street with a tree plan.

Chair Hall moved to approve the decision document and approve the Application subject to the conditions specified in the document. The motion was seconded by Committee Member Stephenson and passed unanimously.

Committee Member Sorensen commented that her name was misspelled in various ways throughout the meeting materials and asked that her name be spelled correctly in the future to avoid confusion.

Planning Director Richards confirmed for City Councilor Zack Geary that Planning Staff completed landscape inspections to ensure projects were completed.

- **L 14-21 – Landscape Plan Review - 631 NE 1st Street**

Planner Dixon presented on the Landscape Plan Review for 631 NE 1st Street. The matter had been referred to public agencies for comment, but no comments were received regarding the Application.

Chair Hall noted the submitted plans contained architectural information, but not enough information on the landscaping. He suggested notifying the Applicant to resubmit the Application with the landscaping drawn to scale, the plants to be placed drawn to scale, and all items clearly denoted.

Planner Dixon confirmed the building was drawn to scale on the plan, and that the landscaping was also drawn to scale. The Code did not specify the information to be included on plants other than identification, the current size of plants, and expected mature plant size. City Code changes were in process to tighten those requirements, but she affirmed the plan met the current requirements for submittal.

The Committee discussed that the plan was difficult to understand and they would like to see a more precise and detailed plan. The Applicant could agree to resubmit their plan or the Committee could go through McMinnville Code Sections 17.57.050 and 17.57.060 to find Code authority to require the resubmission. If the decision was to require resubmission the matter would be continued to a future meeting to review the amended plan.

Amy Halloraw-Steiner, the Applicant, noted that her husband had worked with Staff to create the plan and was concerned that they had been told the design would be fine to submit at that point. If resubmission was required, she would require a specific format and requirements for submissions.

Planning Director Richards explained the difference between what was required by the Code and what was being requested. Nothing in the Code required a more refined plan, however, the Landscape Review Committee (LRC) would like to see a more refined version of the plan and they could request a resubmission.

Chair Hall affirmed Staff had gotten the minimum requirements wrong. He would have to review Code Sections 17.57.050 and 17.57.060 to state exactly why the submission was lacking.

Committee Members listed the specific details they wanted in applications, including professional plans and details about plant sizes, plant types, and the placement of plants. They also discussed that while they could not require more than what was currently written in the Code, there was previous precedence of turning away Applications for similar reasons. Staff provided guidance on Code requirements and suggested they could require a resubmission based on the findings that the Application was incomplete. However, the Applicant had submitted a written plan along with the drawings that did include the sizes of plants at planting, and the expected mature sizes of plants, which were included in the meeting packet. Additionally, the landscaping percentage required on the lot was 7%, and the Applicant would be providing 11%.

Planning Director Richards suggested if the Committee would like to require certain specific information that they could include their specific requirements in the proposed amendments to the City Code which was currently being revised. They could choose to request all the information to appear on one page as a complete landscape plan.

Committee Members discussed that the specific varieties of the plants were not included and that the reference to groundcover was too vague. The Committee agreed the Application still lacked information because it did not include specific varieties of plants. They discussed the differences between varieties of plants that go by the same name but have drastic differences and consequences as far as growth habits.

The Applicant was happy to provide species of plants, noted them verbally to the Committee, and welcomed any species recommendations from the Committee.

Planner Dixon had recommended an additional tree in the back of the property which has not been finalized. Committee Member Sorensen didn't think the property layout would allow for an additional tree. Chair Hall recommended selecting 3 or 4 types of plants and submitting the plan for where they will be planted.

Planning Director Richards recommended approving the decision document with an amendment that the Applicant would provide more specificity about the varieties of the plants they have indicated on their landscape plan, the Chairperson would approve the plant varieties, and the Committee could address possibly amending the plan for an additional tree.

Committee Member Sorensen was concerned that there was no hose bib in the front of the property, especially with the intended future placement of planter boxes. She recommended moving another hose bib forward to provide access to water the planter boxes.

The Applicant requested more specificity be provided as to requirements for Application submission as the Code is being amended.

Chair Hall moved to approve the decision document as amended to have more detail about which plants are going to be planted. He agreed to work with the Applicant to confirm specific varieties of plants identified on the landscape plan. The decision document would also be approved as amended to remove the additional tree in the back of the property. The motion was seconded by Committee Member Sorensen and passed unanimously.

4. Discussion Items

- **Development Code Revisions**

Staff discussed upcoming review items, the potential scheduling for a special meeting to discuss the proposed Code amendments, the reason for the amendments, and State requirements for clear and objective standards.

Committee Members and Staff discussed the need for Code amendments, making the following key comments:

- There were times when if the LRC had been involved they could have made recommendations to make an easier maintenance plan for the City. However, Staff was shut down when advocating for more collaboration.
- Committee Member Stephenson and Councilor Geary volunteered to temporarily help review tree removal Applications and recommend replacement trees for some Downtown projects while the Planning Department had a staffing vacancy.
- The trees Downtown had outgrown the iron grates around them, so the grates were no longer needed. Funding was approved for Downtown tree maintenance so Planning Staff would meet with Public Works to discuss their intentions for tree maintenance as well as other issues on site and what they could use the maintenance funds to accomplish.

Planning Director Richards noted Chuck Darnell's resignation and pointed out that the Planning Department is short-staffed, and that they will continue to serve as they are able. She noted they had a candidate in mind to become a new Staff Member in the Planning Department and detailed his background credentials.

5. Committee/Commissioner Comments

None

6. Staff Comments

None

7. Adjournment

Chair Hall adjourned the meeting at 1:19 pm.

MINUTES

April 20, 2022
Landscape Review Committee
Regular Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: John Hall, Patty Sorensen, Rob Stephenson, Carlton Davidson, and Josh Kearns

Members Absent:

Staff Present: Monica Bilodeau – Senior Planner

Others Present: Zack Geary – City Councilor

1. Call to Order

Chair John Hall called the meeting to order at 12:00 pm.

2. Citizen Comments

None

3. Discussion Items

None

4. Action Items

- **L 31-21 – Oak Ridge Meadows North of Baker Creek Road and the multi-phased Oak Ridge residential development, and south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R 4 W., W.M. and Tax Lot 602, Section 7, T. 4 S., R 4 W., W.M.)**

Senior Planner Monica Bilodeau presented the landscape review for the Oak Ridge Meadows project.

Laura Antonson, the Architect for the project, began with reviewing the street tree plan which was included in the meeting packet. The decision document from the Planning Department referenced several trees that were incorrect. The current plan indicated the correct trees which were allowed by the City, as well as details on root barriers and irrigation tubes which would be installed. There had been adjustments made in the tree plan which left several gaps between trees due to providing adequate distance from utilities. Some of the trees planned were smaller varieties.

Committee Members expressed concerns about branches being knocked off by passing vehicles and the selection of trees that could seed heavily. Ms. Antonson reminded the Committee that they would be working with plants in small planters and that several of the recommended species would not do well in that setting. The Committee discussed several possible trees to recommend and noted the downfalls of some of the tree varieties.

The Committee and the Applicant discussed whether it was necessary to select only trees on the City's list of approved trees. There were trees that were not on the approved list for the City but could be conditionally approved. The Committee discussed several trees that could be conditionally approved and considered whether they would thrive in the given small space.

Ms. Antonson stated that the groundcover beneath the trees would be determined by the property owners and noted the irrigation tubes would be installed around trees as required by the City. The homeowners would be responsible for watering the trees. The Committee recommended that the HOA prohibit gravel or large chunks of rock as a groundcover below the trees and the City require the contractor to have an irrigation sleeve installed below the sidewalk to facilitate watering the trees.

It was noted that homeowners are required to care for the street trees, which belong to the City. However, homeowners are not informed about the care requirements, which leads to neglect. A suggestion was made to create a brochure to inform homeowners on the care of trees.

The Committee discussed the size of the planter beds, which was determined by the Planning and Engineering Departments. Trees of any size would suffer in such small beds. They discussed in depth which varieties would deal best with the conditions available and recommended several tree varieties to the architect to replace trees on the list that could cause issues.

Senior Planner Bilodeau mentioned that McMinnville Water & Light had concerns over the placement of some trees. Trees that conflicted with utilities would need to be relocated or eliminated from the plan. It was difficult to determine in some cases what the conflict was in the plan. She also explained that the park would be a private park maintained by surrounding property owners. The play equipment for the park had already been approved and the landscaping for the park was minimal.

Committee Member Davidson moved to approve the plans based on the conditions identified in the decision document. The motion was seconded by Committee Member Sorensen and passed unanimously.

Senior Planner Bilodeau explained that there had been a condition included that street trees would be continually maintained by the developer for a period of two years.

Committee Member Sorensen expressed concern that the lower area of the subdivision had been flooded previously and hoped efforts to mitigate flooding would take place.

5. Committee Member Comments

Committee Member Davidson commented that the City Code needed to be amended and asked if a work session could be held to discuss the items in the Code that were causing issues. Senior Planner Bilodeau responded that a work session could be held when she had some of the materials prepared to accept feedback and direction from the Committee regarding edits to the Code. She emphasized the need to allow public access to the meetings and to dial in topics to discuss prior to the meeting.

Councilor Zack Geary stated he had researched several previous projects and developments that had not had their landscape plan reviewed by the Committee. Senior Planner Bilodeau clarified that if a project did not trigger the need to get a building permit the landscape plan was not reviewed. Only projects which involved remodeling parking lots or exterior features could be put through the process of review.

The Committee and Staff discussed that certain projects have pushed the boundaries of what they could do without going through a review process, especially if the project was complex or nuanced. Some of the landscape plans for projects were bundled with the land use and development review processes and did not pass through the Committee. Committee Members agreed that the City misses out on an opportunity to take advantage of the combined experience and talent of the Landscape Review Committee when they are bypassed during decision-making and that the Committee should be included when sending out project information for comments by public agencies. Senior Planner Bilodeau noted that the process of involving Committees could be solidified during Code revisions and considered how the process could be simplified to provide an efficient process for developers.

The Committee discussed that having a clearer process that applied to large or small projects would ensure the quality standards of projects would be met, City funds would be saved, and the aesthetics of projects would be improved. The Committee hoped that improvements could be added to the Code during revision.

6. Staff Comments

None

7. Adjournment

Chair Hall adjourned the meeting at 1:17 pm.



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MINUTES

May 18, 2022
Landscape Review Committee
Regular Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: John Hall, Patty Sorensen, Rob Stephenson, Carlton Davidson, and Josh Kearns

Members Absent:

Staff Present: Monica Bilodeau – Senior Planner, Heather Richards – Planning Director

Others Present: Zack Geary – City Councilor

1. Call to Order

Chair John Hall called the meeting to order at 12:00 pm.

2. Citizen Comments

None

3. Approval of Minutes

- **August 18, 2021**

Committee Member Patty Sorensen moved to approve the August 18, 2021 minutes as presented. The motion was seconded by Committee Member Davidson and passed unanimously.

4. Discussion Items

- **Elizabeth Chambers 455 NE Irvine Street – Code Enforcement Action – Trees removed along western property line adjacent to the railroad**

Senior Planner Monica Bilodeau presented on the Code Enforcement Action at 4554 NE Irvine Street. Applicants planned to submit a full landscape plan for review in the future but had not completed the landscape plan and had already cut down 13 trees along the property line adjacent to the railroad.

Kellen Lancaster, representing the Applicant, explained that the property was recently purchased and when their property was surveyed, they found the fence line for the railroad was

4.3 feet into their property line, and upon request, the railroad removed the fence. The Applicants planned to install a new fence on the actual property line. If the trees were left in place that would have created unusable space between the trees and the new fence, so Applicants removed the trees to maximize usable space in their lot. Mr. Lancaster described a landscape plan approved previously for a part of the property, which had only been partially completed, showed pictures of the property, and described the Applicant's possible plans for landscaping.

Staff recommended either completing an interim landscape plan while it remained unsure whether the land use approval would go through or keeping the Code Enforcement Action open to monitor progress on the project until the land use Application with a new landscape plan was approved.

The Committee generally felt comfortable with the property but members were concerned that the City did not provide clear guidance. Staff hoped the process and guidance would be dialed in during the upcoming Code revision. The Code required a percentage of commercial properties to be landscaped and the property satisfied those percentage requirements but may not meet other requirements such as screening. Getting a full landscape plan approved before the land use approval would be more consistent with City requirements and ensure the property was being maintained.

The Code Enforcement issue came to Staff's attention through neighbors who had complained about the trees being cut down. Some Committee members felt satisfied that the landscape plans would be approved when submitted with the Land Use Application if there were no significant changes. The Planning Department generally checked that plans had been followed during a Building Inspection. If no Building Inspection occurred, the City did not currently have guidelines to verify whether plans had been carried out.

The Committee discussed the intended use of the space between the fence and where the trees were cut down. Applicants intended to have a 2-foot bed along the property edge to grow ivy on the new fence. The Committee reiterated they were comfortable with the property going through the review process for their landscape plan along with their land use approval process. The City needed to have Code changes take place to provide clarity to situations as the Code did not provide guidance for how to respond.

Mr. Lancaster had called the Planning Department and spoke with an interim Staff Member who stated she did not see anything in the Code preventing the removal of the trees.

City Councilor Zack Geary noted the building had been the original power plant and never had a water meter installed until recent years. He encouraged the Committee to consider how a consistent process could ideally work in the future, and how to establish those processes for decisions in writing. Senior Planner Bilodeau noted guidelines could be established during the Code revision for how to respond in cases when changes took place without approval. The Planning Department was understaffed and along with the effects of covid the Code revision had been delayed. Committee Members were eager to progress toward having processes defined in Code.

Senior Planner Bilodeau suggested keeping a Code Enforcement Action open and setting a timeframe for it to be resolved. The Committee discussed that it would not delay the project, but it was questionable whether the Code would be in place by that date, and the case may become complicated if the project was not approved, the zone was not changed, or the case was referred to the Land Use Board of Appeals (LUBA).

If the Applicant planted ivy along a slatted fence, it could provide appropriate screening. Certain varieties of ivy were less aggressive and could be approved.

Senior Planner Bilodeau recommended resolving the Code Enforcement Action with notes that the Applicant would install slatted fencing and appropriate ivy and plant materials, including the five arborvitae trees from the original landscape plan within the next few weeks. A Code Enforcement Officer may ensure afterward that the plan had been followed.

Committee Member Josh Kearns excused himself from the meeting at approximately 12:35 pm.

Councilor Geary agreed with the decision reached and noted it may set a precedent.

The Committee discussed the difference between requirements and jurisdiction over residential and commercial properties and noted that since there had been a phone call with a Staff Member confirming there was nothing violated in the Code, the Committee could save time by considering that factor first. However, there had been no record of that conversation, and the Applicant should have presented an updated landscape plan showing they were still in compliance with the percentage of landscaping requirements.

- **L 19-21, 3138 NE Rivergate. They did not pass street tree inspection – Looking for guidance**

Senior Planner Bilodeau presented the issues found at 3138 NE Rivergate. An existing tree that was too close to where a new sidewalk was being installed. Parks Director David Renshaw was concerned and felt the tree should be removed and a tree replanted further back. The developer felt the tree would survive. Staff was seeking the Landscape Review Committee's recommendation.

The Committee agreed the tree should be removed but felt the canopy of the neighboring trees may be sufficient to not require replanting.

Senior Planner Bilodeau informed the Committee that the property owners had submitted a landscape plan and were undergoing an inspection of their industrial site for compliance with landscaping requirements.

Committee Members agreed they felt the tree could be removed and would not require being replaced.

5. Action Items

None

6. Committee Member Comments

Committee Member Sorensen had observed many trees that did not make it through the winter. She wanted to give heads up that there may be more requests to remove street trees that would be coming through the review process. She discussed that homeowners often don't know whether they were responsible for trees.

Councilor Geary mentioned there had been an emergency allowance to remove trees without approval following a severe ice storm.

7. Staff Comments

Planning Director Heather Richards joined the meeting at approximately 12:53 pm. She notified the Committee that the Police Department was seeking a lot to place towed RVs that had been parked longer than was allowed after noticing owners. They found a lot in the M-1 Light Industrial Zone, and there were some very specific requirements for landscaping on the lot. They had not triggered a landscape review but wanted to ensure they were in compliance with landscaping requirements. She explained the landscape and screening requirements for the lot, including sight-obscuring fencing or arborvitae which would obscure the view of the lot.

The Committee discussed that arborvitae can be purchased in a large enough size to meet screening requirements and that the lot would be irrigated.

Planning Director Richards discussed buffer yards, and exact numbers of sizes of trees required. She asked the Committee to determine whether the recommendations were reasonable.

The Committee discussed it may be unfair not to require the specific landscaping if other similar zoned lots had been required to fulfill the landscaping requirements. The Code could not be revised before the use of the lot would begin. The Committee discussed the size of plants at planting time.

Planning Director Richards noted they would likely put the landscaping plan through a review but wanted the Committee's feedback prior to beginning as they would like to move forward quickly with the project.

Councilor Geary asked whether they could grant conditional approval to use the site before the landscaping was fully in place. Planning Director Richards explained the lot is adjacent to residential lots, and that the landscaping was needed to mitigate the view from residential lots. She thanked the Committee for their direction in the matter.

8. Adjournment

Chair Hall adjourned the meeting at 1:07 pm.

EXHIBIT 4 - STAFF REPORT

DATE: December 6, 2023
TO: Landscape Review Committee Members
FROM: Adam Tate, Associate Planner
SUBJECT: Tree Removal Application (L 52-23)

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

DOCKET: L 52-23 (Street Tree Removal)
REQUEST: Approval of a tree removal application for the removal of 2 Plum Trees.
LOCATION: 706 SE 1st St., Tax Lot R4421-CB-00300
ZONING/Overlay: O-R
APPLICANT: Christie Toal
STAFF: Adam Tate, Associate Planner
DATE DEEMED COMPLETE: November 13, 2023
DECISION-MAKING BODY & ACTION: McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.
MEETING DATE & LOCATION: December 6, 2023, McMinnville Community Development Center, 231 NE 5th Street, and via Zoom online meeting
PROCEDURE: Street tree removal applications are required to be reviewed by the Landscape Review Committee as described in Section 17.58.040 of the McMinnville Zoning Ordinance.
CRITERIA: The applicable criteria are specified in Section 17.58.050 Tree Removal/Replacement Review Criteria.
APPEAL: The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.58.040 of the McMinnville Zoning Ordinance.

I. BACKGROUND AND SUMMARY:

Application Summary

This proceeding is a review by the Landscape Review Committee of a street tree removal application (***Attachment 1***) for two (2) deciduous street trees, each 13 to 18 inch DBH Plum Trees, on the south side of SE First Street. The application notes that the trees were not maintained and in poor health. The trees have already been removed, making that hard to verify, but photos from the site and staff's familiarity with the site can confirm that the trees were indeed in poor health. **See Figure 1 for Vicinity Map. See Figure 2 for Site Photos.**

Agency Comments

Agency comments are provided below, and the Public Works Inspection Report is attached as ***Attachment 2***.

Public Comments

The procedure for street tree removal permit applications doesn't require notification to surrounding property owners. No public comments were received.

Criteria and Issues

The tree proposed for removal has been determined to be a tree specified in Section 17.58.020, subject to the street tree removal requirements of Chapter 17.58 of the Zoning Ordinance.

The applicable criteria for a street tree removal are provided in Section 17.58.050 of the Zoning Ordinance. 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 the applicant, by a Certified Arborist acceptable to the City.

Criterion "A" is met as the tree is in poor health.

When a street tree removal permit is approved, there are provisions in Chapter 17.58 of the Zoning Ordinance with which the applicant must comply, including those in Sections 17.58.040 and 17.58.090. Staff recommends conditions of approval to address the applicable requirements of the Zoning Ordinance. Typically, approval of a tree removal request is conditioned on the provisions of 17.58.040 for replacement with another street tree approved by the City. The conditions of approval address the provisions of Chapter 17.58 to ensure proper removal or major pruning of a street tree, to specify the applicant's responsibilities for performance of work and associated costs, and to ensure replacement trees are consistent with the approved street tree list, planting requirements, and specifications addressed in Chapter 17.58.

Summary of Staff Recommendation

Staff has reviewed the application, the applicable criteria and standards, and comments received. Staff recommends approval of the application, subject to the conditions specified in this document. This is also the recommendation of Public Works.

Attachments:

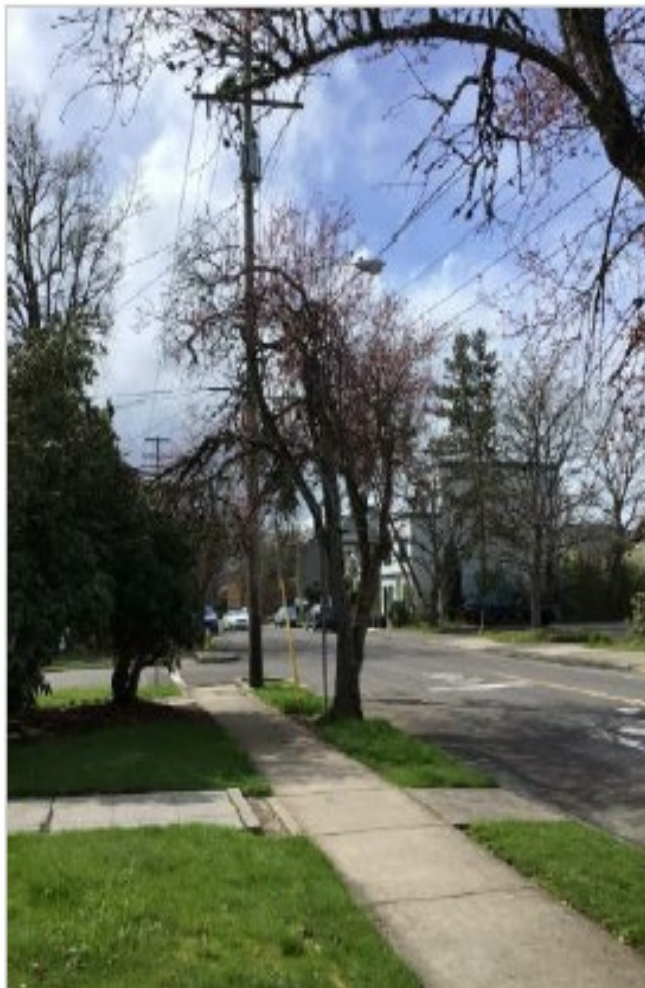
Attachment 1 – Application

Attachment 2 - Public Works Inspection Report

Figure 1 Vicinity Map.



Figure 2. Site Photos.



II. COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Public Works Department, McMinnville Engineering, and McMinnville Water and Light. Their comments are provided below.

No public notice of the application was required by the Zoning Ordinance. No additional comments were received by the Planning Department.

McMinnville Water & Light:

- Water: Call for locates. Protect existing water services and meter.
- Power: MW&L has overhead secondary & primary facilities located directly above the trees. Removal of the trees will require working in close proximity to the secondary power line. Note that 10 ft of clearance from the power lines must be maintained at all times. If stump grinding is to be performed, locates must be called in. Please reach out to our engineering department at (503) 472-6919 ext. 9 with any questions/concerns.

City of McMinnville Public Works Department:

Attachments:

Attachment 1 – Application

Attachment 2 - Public Works Inspection Report

- The Public Work Inspection Report is attached as **Attachment 2**.

City of McMinnville Engineering Department:

- No comments have been received.

III. ATTACHMENTS:

1. Application
2. Public Works Inspection Report

IV. STAFF RECOMMENDATION:

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

Staff **RECOMMENDS APPROVAL WITH CONDITIONS** of the tree removal application (L 52-23) **SUBJECT TO THE CONDITIONS OF APPROVAL IN SECTION V:**

V. CONDITIONS OF APPROVAL:

1. All costs and liability associated with tree removal and stump grinding shall be borne by the applicant.
2. 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.
3. For Mac Water and Light:
Water: Call for locates. Protect existing water services and meter.

Power: MW&L has overhead secondary & primary facilities located directly above the trees. Removal of the trees will require working in close proximity to the secondary power line. Note that 10 ft of clearance from the power lines must be maintained at all times. If stump grinding is to be performed, locates must be called in. Please reach out to our engineering department at (503) 472-6919 ext. 9 with any questions/concerns.

4. The stump and remaining surface roots of the tree 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 replanting and shall be raked smooth. The applicant shall restore any damaged areas that may result from vehicular or mechanical operations.
5. The applicant shall replace the tree with one (1) new tree planted in the planter strip slightly farther away from the mailboxes. The new tree shall be selected from the recommended street tree list.
6. The replacement tree 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

Attachments:

Attachment 1 – Application
Attachment 2 - Public Works Inspection Report

cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

7. The replacement tree shall be planted per the approved City detail, including root barrier, deep watering tubes, and staking (see enclosure). 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 depth of eighteen (18) inches. In addition, the trees shall be provided with two (2) deep watering tubes to promote deep root growth.
8. The applicant is reminded that trees are 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. The planter areas shall be restored to original grade immediately following the planting of the replacement tree.
10. The applicant shall contact Public Works Operations (503.434.7316) for planting inspection prior to backfilling the planted tree.
11. The applicant shall be required to repair/replace sidewalk panels as necessary at the applicant's expense. Sidewalk permits can be obtained from Engineering at 503-434-7312.

VI. LANDSCAPE COMMITTEE OPTIONS:

1. **APPROVE** the application, subject to the recommended conditions of approval.
2. **APPROVE** the application with additional/revised conditions of approval if necessary to satisfy the applicable criteria.
3. **CONTINUE** the application, requesting that applicant submit more information for review if necessary to make findings that the applicable criteria are satisfied.
4. **DENY** the application, providing findings of fact for the denial in the motion to deny if it is found the application doesn't meet the applicable criteria.

VII. SUGGESTED MOTION:

BASED ON FINDINGS THAT THE APPLICABLE CRITERIA ARE SATISFIED SUBJECT TO CONDITIONS OF APPROVAL, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE STREET TREE REMOVAL APPLICATION L 52-23 SUBJECT TO THE CONDITIONS OF APPROVAL RECOMMENDED BY STAFF IN THE STAFF REPORT.

Attachments:

- Attachment 1 – Application
- Attachment 2 - Public Works Inspection Report



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.	<u>L 52-23</u>
Date Received	<u>11/7/2023</u>
Fee	<u>\$160.00</u>
Receipt No.	<u>209026</u>
Received by	<u>AW</u>

569-23-000598-PLNG

Street Tree Removal

Applicant Information

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

Applicant Name Christie Toal Phone 520-631-0149

Contact Name _____ Phone _____
(If different than above)

Address 706 SE 1st Street

City, State, Zip McMinnville OR 97128

Contact Email advintures.properties@gmail.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 706 SE 1st Street McMinnville OR 97128

(Property nearest to tree(s) for removal)

Assessor Map No. R4 421CB00300 - Total Site Area _____

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation ~~Commercial~~
Office/Residential Zoning Designation O/R


Additional Information

1. How many trees are requested for removal? 2
2. What type (species) of tree(s) are they? Plum Trees
3. What is the diameter of the tree(s), measured four feet above ground level? _____
4. Why are you requesting the removal of the noted tree(s)? (See "Removal Criteria" on attached Information Sheet.) Explain which of the criteria is addressed through this application. _____
The trees are old and were not maintained. They will be replaced with younger plum trees.

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

10.30.23

Date



Property Owner's Signature

10.30.23

Date

Proposed Tree Care Services

Tree Quantity: 4

Proposal Value: \$0

October 30, 2023

Proposal #: 668073



Tree Care Service Address/Location

Christie Toal
706 SE 1st St
McMinnville, OR 97128

Tree Care Service Billing Address

Christie Toal
100-198 SE Galloway St
McMinnville, OR 97128
advintures.properties@gmail.com

Northwest Turf & Tree



PO Box 1310
Clackamas, Oregon 97015
Jeremy (Beau) Saucedo
ISA Certified Arborist PN-6893-A
jeremy.saucedo@nwturftree.com
tel:971-710-8266

	Species	Qty	Height	DBH	Service	Price
#6	plum removal	1	31'-45'	13"-18"	Grind stump for replant where locate allow / Grind surface roots at least 6 inches below surface / Removal	\$0
#7	plum removal	1	31'-45'	13"-18"	Grind stump for replant where locate allow / Grind surface roots at least 6 inches below surface / Removal	\$0
#44	Mitigation Tree Replacement	1			Install tree	\$0
#45	Mitigation Tree Replacement	1			Install tree	\$0
					Total	\$0

Christie Toal



Legend (4)

-  plum removal (2)
-  Mitigation Tree ... (2)

Christie Toal

Proposal #668073 10-30-2023



April 18, 2023

plum removal ID# 6
 plum removal
 Height: 31'-45' DBH: 13"-18"
 Health: 40% - Poor



April 18, 2023

plum removal ID# 7
 plum removal
 Height: 31'-45' DBH: 13"-18"
 Health: 40% - Poor



Grind stump for replant where locate allow /
 Grind surface roots at least 6 inches below
 surface / Removal

Tree is starting to decline and looks unhealthy
 due to topping for powerline clearance.



Grind stump for replant where locate allow /
 Grind surface roots at least 6 inches below
 surface / Removal

Tree is starting to decline and looks unhealthy
 due to topping for powerline clearance.

Terms and Conditions for Tree Care Services

1. Performance by Company:

Work crews shall arrive at the job site unannounced unless otherwise noted herein. The Company shall attempt to meet all performance dates, but shall not be liable for damages due to delays from inclement weather or other causes beyond our control.

2. Workmanship:

All work will be performed in a professional manner by experienced personnel outfitted with the appropriate tools and equipment to complete the job properly. Unless otherwise indicated herein, The Company will remove wood, brush and debris incidental to the work.

3. Insurance:

The Company is insured for liability resulting from injury to persons or property, and all its employees are covered by Workers Compensation Insurance.

4. Ownership:

The customer warrants that all trees, plant material and property upon which work is to be performed are either owned by him/her or that permission for the work has been obtained from the owner.

The Company is to be held harmless from all claims for damages resulting from the customer's failure to obtain such permission.

5. Limitations:

The customer must identify all non- public utilities. The Company assumes no responsibility for the location of or damage to underground utilities not clearly marked by the customer prior to commencement of site services. Stump grinding and removals as proposed will occur where public utilities allow.

6. Terms of Payment:

All accounts are net payable upon receipt of invoice. A service charge of 1.5% will be added to accounts not fully paid 30 days subsequent to the invoice date. If outside assistance is used to collect the account, the customer is responsible for all costs associated with the collection, including, but not limited to, attorney fees and court costs.

Customer

Christie Toal

October 30, 2023

Signature

Date

October 30, 2023

Printed Name

Date

Tree Care Service Provider

Jeremy (Beau) Saucedo

October 30, 2023

Signature

Date

Jeremy (Beau) Saucedo

October 30, 2023

Printed Name

Date

ISA Certified Arborist PN-6893-A

From: [Amy M. Gonzales](#)
To: [Adam Tate](#)
Subject: RE: Street Tree Request for Comment L 52-23
Date: Tuesday, November 14, 2023 7:45:42 AM
Attachments: [image002.png](#)

This message originated outside of the City of McMinnville.

Adam,

MW&L has the following comments:

Water: Call for locates. Protect existing water service and meter.

Power: MW&L has overhead secondary & primary power facilities located directly above the trees. Removal of the trees will require working in close proximity to the secondary power line. Note that 10ft of clearance from the power lines must be maintained at all times. If stump grinding is to be performed, locates must first be called in. Please reach out to our engineering department at (503)472-6919 ext. 9 with any questions/concerns.

Thank you,

[Amy M. Gonzales](#)

Engineering & Operations Assistant

Water Division

McMinnville Water & Light

PO Box 638 | 855 NE Marsh Lane | McMinnville, OR 97128

(503) 472-6919 ext 5

amg@mc-power.com

From: Adam Tate <Adam.Tate@mcminnvilleoregon.gov>

Sent: Monday, November 13, 2023 12:30 PM

To: David Renshaw <David.Renshaw@mcminnvilleoregon.gov>; Amy M. Gonzales <amg@mc-power.com>; Jen Hawkins <JenH@mc-power.com>; Jeff Gooden <Jeff.Gooden@mcminnvilleoregon.gov>

Subject: Street Tree Request for Comment L 52-23

Importance: High

Hey everybody,

The record year for Street Tree removal permits continues. Here is another one that has come in, it is for two decaying Plum Trees at 706 SE First Street.

Please review and get any comments to me by Monday, November 20th please.

Thank you everybody and have a great day!



**City of
McMinnville**

Adam Tate

Associate Planner / LEED Green Associate

503-434-7330

231 NE Fifth Street McMinnville, OR

www.mcminnvilleoregon.gov

From: [David Renshaw](#)
To: [Adam Tate](#); [Amy M. Gonzales](#); [Jen Hawkins](#); [Jeff Gooden](#)
Subject: RE: Street Tree Request for Comment L 52-23-REVISED
Date: Thursday, November 16, 2023 5:16:27 PM
Attachments: [image001.png](#)

Hi Adam, please see our revised comments below. Caught a "cut and paste error". Sorry about that.

Hi Adam and thank you for the opportunity to comment on this proposal. Please find our comments below. As a note, please be aware that upon inspection this date, the trees have already been removed and the stumps ground. It would appear to staff that this work was done without benefit of an approved removal permit.

Site Review:

1. NE SE 1st Street is a local roadway in the McMinnville TSP.
2. This section of NE is a 60' ROW with a 36' wide street improvement. Thus, the property line about 12' feet behind the face of curb.
3. This section has sidewalks with a planter strip.
4. No observations were made about the trees to be removed given they have already been cut down.
5. The trees were planted in a 5' planter strip with irrigation turf as ground cover.
6. There is no damage to the existing curb/gutter at the removal site.
7. There is no damage to the existing sidewalk.
8. There are overhead conflicts in the form of electrical and communications facilities.

Recommendations:

1. Given that the trees have already been removed, staff would recommend approval of a re-planting permit. Staff would defer to Planning regarding the issue of removing the tree without prior approval.
2. Recommended conditions of approval:
 - a. All costs related to removal to be borne by the property owner.
 - b. Stump to be ground 6" below grade.
 - c. Applicant to call for utility locates prior to stump grinding and/or planting.
 - d. Replacement trees shall be 2" caliper minimum, shall be a variety acceptable to the Planning Department and shall be planted as per the approved City detail.
 - e. Applicant shall contact Public Works Operations (503.434.7316) for an inspection prior to backfilling a newly planting tree.

Thanks, and please let us know if you have any questions.

david

From: Adam Tate <Adam.Tate@mcminnvilleoregon.gov>

Sent: Monday, November 13, 2023 12:30 PM

To: David Renshaw <David.Renshaw@mcminnvilleoregon.gov>; Amy M. Gonzales <amg@mc-power.com>; Jen Hawkins <JenH@mc-power.com>; Jeff Gooden <Jeff.Gooden@mcminnvilleoregon.gov>

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**City of
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