

EXHIBIT 5 - STAFF REPORT

DATE: February 7, 2024
TO: Landscape Review Committee Members
FROM: Adam Tate, Associate Planner
SUBJECT: Tree Removal Application (L 4-24)

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 4-24 (Street Tree Removal)
REQUEST: Approval of a tree removal application for the removal of 3 Street Trees.
LOCATION: 910-922 NE Grandhaven Drive, Tax Lot R4409CD 00706
ZONING/Overlay: R-2
APPLICANT: Chris Blattner and Cynthia McCan
STAFF: Tom Schauer, Senior Planner
DATE DEEMED COMPLETE: January 24, 2024
DECISION-MAKING BODY & ACTION: McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.
MEETING DATE & LOCATION: February 7, 2024, 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 for three street trees, which were previously removed. The applicant is proposing to replace the street trees. They were removed after the applicant received notice from the City that the sidewalk needed to be repaired to eliminate trip hazards (**See Attachment 1**).

The street trees were present along the south side of Grandhaven along the property frontage. **See Figure 1 for Vicinity Map. See Figure 2 for Site Photos.**

Criteria and Issues

The trees have already been removed. They were removed following City notification that the applicant needed to repair the sidewalk to eliminate trip hazards.

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 "B" would have been the basis for the tree removals.

Street view photos and the applicant's photos show the uplifted sidewalks.

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

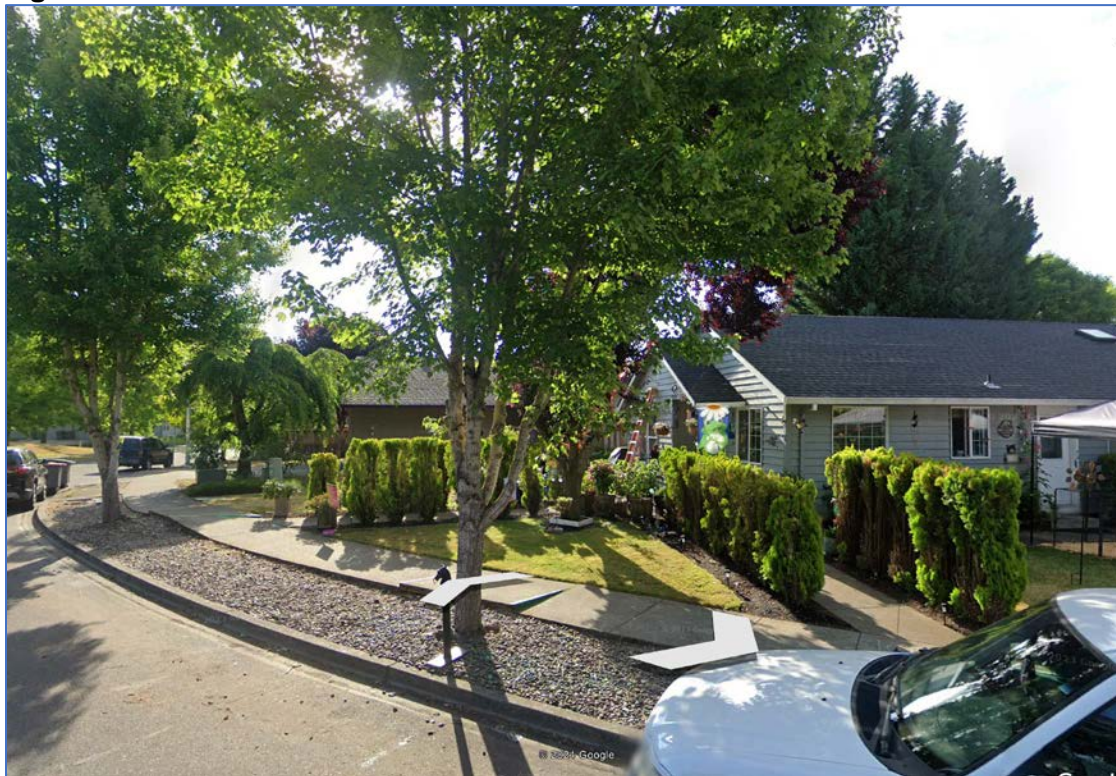
Staff recommends approval of the application, subject to the conditions specified in this document, including replacement of the trees consistent with City specifications.

NOTE: Internal coordination has also since occurred so that the letters sent to property owners regarding sidewalk repairs will also notify them of the requirements for street tree removal permit applications.

Figure 1 Vicinity Map.



Figure 2. Site Photos.





III. ATTACHMENTS:

1. Application

IV. STAFF RECOMMENDATION:

Staff **RECOMMENDS APPROVAL WITH CONDITIONS** of the tree removal application (L 4-24) **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. 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.
4. The applicant shall replace the trees with three new trees selected from the recommended street tree list.

Attachments:

Attachment 1 – Application

5. The replacement trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
6. The replacement tree shall be planted per the approved City detail, including root barrier, deep watering tubes, and staking (detail available upon request). 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.
7. 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.
8. The planter areas shall be restored to original grade immediately following the planting of the replacement tree.
9. The applicant shall contact Public Works Operations (503.434.7316) for planting inspection prior to backfilling the planted tree.
10. 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 4-24 SUBJECT TO THE CONDITIONS OF APPROVAL RECOMMENDED BY STAFF IN THE STAFF 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. L 4-24
 Date Received 1/24/24
 Fee \$160.00
 Receipt No. 209292
 Received by AW

569-24-000029-PLNG

Street Tree Removal**Applicant Information**

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

Applicant Name CHRISTOPHER BLATTNER Phone 503-819-6142

Contact Name SAME Phone _____
 (If different than above)

Address 7634 SE 36th AVE.

City, State, Zip PORTLAND OR 97202

Contact Email CHRS@CBLATTNERATTY.COM

Property Owner Information

Property Owner Name CHRIS BLATTNER; CYNTHIA MCCAN Phone _____
 (If different than above)

Contact Name SAME AS ABOVE Phone _____

Address SAME AS ABOVE.

City, State, Zip _____

Contact Email _____

Site Location and Description

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

Property Address 910-922 NE GRANDHAVEN DR. McMinnville OR
 (Property nearest to tree(s) for removal)

Assessor Map No. R4 4409-CD-00706 Total Site Area .1887 ACRES

Subdivision WIT ADDITION Block _____ Lot 7

Comprehensive Plan Designation Residential Zoning Designation RESIDENTIAL R-2


Additional Information

1. How many trees are requested for removal? 3
2. What type (species) of tree(s) are they? DECIDUOUS - MAPLE
3. What is the diameter of the tree(s), measured four feet above ground level? APPROX 6-7"
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 IN CONFLICT WITH PUBLIC IMPROVEMENTS / SIDEWALK.
THE ROOTS HAVE HEAVILY DAMAGED THE SIDEWALK REQUIRING
SIGNIFICANT REPAIR COSTS. THESE TREES WERE THE
WRONG SPECIES FOR THIS LOCATION. WE WILL REPLACE
WITH A BETTER SUITED TYPE OF TREE.

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. SEE ATTACHED STATEMENT; PHOTOS.

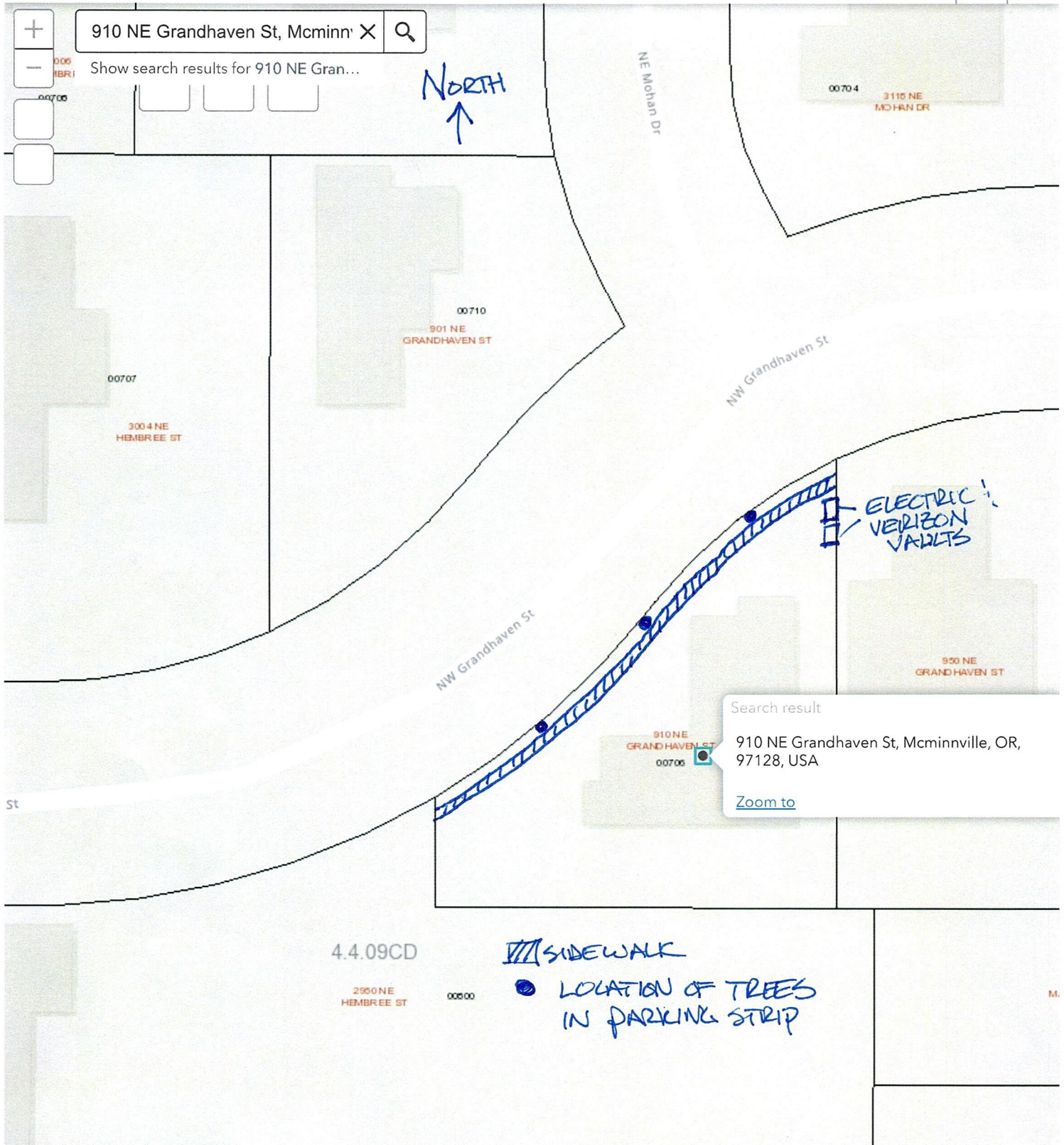
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.


Applicant's Signature

January 18, 2024
Date


Property Owner's Signature

January 18, 2024
Date



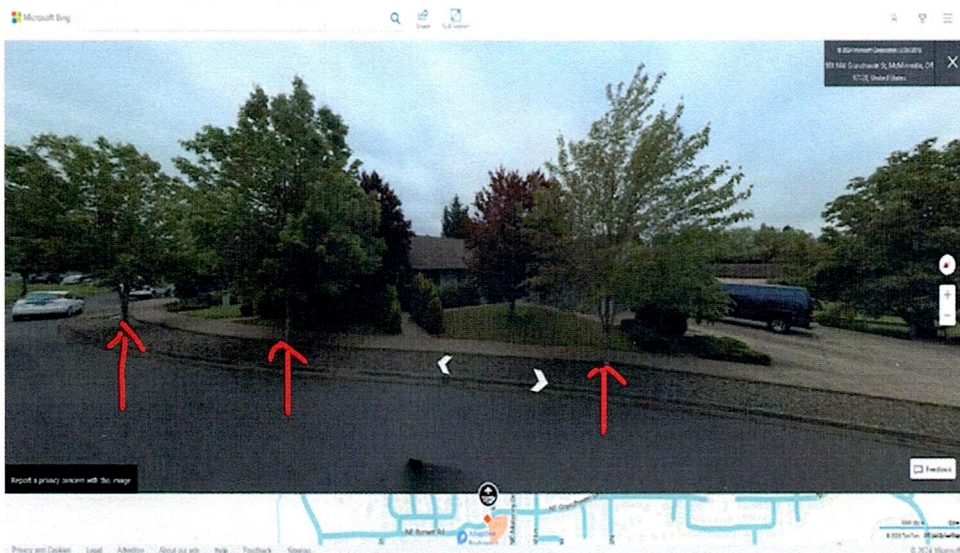
30ft

-123.189 45.232 Degrees

Supplemental statement of Chris Blattner in support of a McMinnville Street Tree Removal Permit for 910-922 NE Grandhaven St., McMinnville.

I, Chris Blattner, make this statement in support of my application for a Street Tree Removal permit for my property at 910 -922 NE Grandhaven St in McMinnville.

1. I have personal knowledge of all facts stated herein. I declare that all facts are truthful and accurate to the best of my knowledge.
2. My wife and I are the owners of the subject property that is a duplex on NE Grandhaven St. We have owned the property since 2014. We live in Portland, Oregon.
3. When we bought the property there were three deciduous street trees on the west parking strip. See the picture below of the trees marked with red arrows.



At some point in 2022 I received a notice from the city that the sidewalk to the west of the property required repairs for trip hazards due to the root growth from the three street trees planted in the west parking strip. I called several contractors for a quote, and they said they would drive by and give me a bid, but none responded until I finally called John Harris Concrete.

4. In summer of 2023 I hired John Harris Concrete to make the sidewalk repairs based on a quote of \$5200.00. Work began in fall of 2023. John called me after removing the damaged concrete and reported that the street tree roots had invaded a substantial portion of the sidewalk area and that unless such were cut back substantially, the new concrete would be damaged in a very short period of time. I was told the trees were planted too close to the sidewalk given their size potential and root characteristics. I was told that even if the roots were cut out of the sidewalk area, the roots would return over time and require more concrete repair.



5. I told John by phone to do what needed to be done to make the sidewalk safe, including removing all invasive tree roots and the trees if necessary. I said I would replace the street trees with something more size appropriate if they needed to be removed.
6. The three trees were ultimately removed along with all roots and stumps. I understood the sidewalk repairs were done to comply with city code and the work was inspected and approved by a city inspector.
7. Shortly after work was completed, I got a text from my tenant in the duplex that a Notice of Violation had been sent to the duplex from the City. A picture of the Notice was attached to the text. I spoke with Darcy Reynolds on January 16, 2024 at the Code Compliance department and let her know I had not received her notice directly. She sent a copy by email and I let her know the address on file for the property was out of date.
8. Darcy explained the nature of the violation of removing the street trees without a permit. I apologized for not knowing the code requirements and indicated I would take immediate action to correct the violation, including planting appropriate new trees on the parking strip.

This statement is made under penalty of perjury under the laws of Oregon.

Respectfully submitted,

Chris Blattner, Owner

January 18th, 2024.

