



Landscape Review Committee
Hybrid In-Person & ZOOM Online Meeting
Wednesday, March 6, 2024 - 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/88386294719>
Meeting ID: 883 8629 4719 **Passcode:** 325468

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

Committee Members	Agenda Items
Jamie Fleckenstein, Chair Brian Wicks, Vice Chair Carlton Davidson John Hall Eva Reutinger	<ol style="list-style-type: none">1. Call to Order and Roll Call2. Minutes: None.3. Citizen Comments4. Action Items:<ol style="list-style-type: none">L 55-23: Landscape Plan Review, Best Western, 2035 & 2045 HWY 99W, Tax Lot R4429BD 02700 (Exhibit 1)L 6-24: Street Tree Removal, 2563 NW Alice Kelley, R4417BA 03700 (Exhibit 2)5. Committee Member Comments6. Staff Comments7. 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.

EXHIBIT 1 - STAFF REPORT

DATE: March 6, 2024
TO: Landscape Review Committee Members
FROM: Tom Schauer, Senior Planner
SUBJECT: Landscape Plan Review (L 55-23), originally continued from January 17, 2024

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

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

Report in Brief:

This proceeding is a review by the Landscape Review Committee of a Landscape Plan Review application for proposed landscaping for a parking lot located at 2035 and 2045 SW Hwy 99W, Tax Lot R4429BD 02700. The property is zoned C-3 (General Commercial), and surrounding properties are also zoned C-3.

This application was originally scheduled for the January 17, 2024 Landscape Review Committee meeting. Staff reviewed the application for consistency with the applicable criteria, and recommended approval of the application, subject to the conditions specified in the Decision Document.

At the January 17, 2024 meeting, the Landscape Review Committee requested additional information from the applicant and continued the meeting. The application was placed on subsequent meeting agendas, but the applicant needed additional time to provide the requested information, so the item was subsequently continued. The applicant submitted additional information on Friday, February 23.

Please see the attached Decision Documents for the updated information, staff discussion of the submittal, and updated recommended conditions of approval.

Discussion:

Subject Property and Plan

Please refer to the Decision Document for vicinity maps, proposed plan, and background information.

Summary of Criteria & Issues

Decisions and/or recommendations for approval of the land use application are dependent upon whether the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville

Municipal Code (MMC). The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria.

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

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.
5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas.

The application was also reviewed to address the parking lot screening standards, trash enclosure standards, and vision clearance requirements.

Attachments

1. Decision Document with Attached Application

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:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE LANDSCAPE PLAN REVIEW APPLICATION L 55-23 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT



CITY OF MCMINNVILLE
COMMUNITY DEVELOPMENT
231 NE FIFTH STREET
MCMINNVILLE, OR 97128
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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A LANDSCAPE PLAN REVIEW FOR PROPERTY AT 2035 & 2045 SW HWY 99W.

DOCKET: L 55-23 (Landscape Plan Review)

REQUEST: Approval of a Landscape Plan Review for property at 2035 & 2045 SW Hwy 99

LOCATION: 2035 & 2045 SW Hwy 99W, Tax Lot R4429BD 2700

ZONING: C-3 (General Commercial)

APPLICANT: JB Landscape, c/o Jose B. Lopez, on behalf of property owner
Shreeji Hospitality Group McMinnville, c/o Andrea Reyes

STAFF: Tom Schauer, Senior Planner

DATE DEEMED COMPLETE: January 4, 2024

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

MEETING DATE & LOCATION: March 6, 2024, originally continued from January 17, 2024,
McMinnville Community Development Center, 231 NE 5th Street, and via Zoom online meeting

PROCEDURE: Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.050 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance.

CRITERIA: The applicable criteria are specified in Section 17.57.070 (Area Determination – Planning factors) of the McMinnville Zoning Ordinance, McMinnville City Code.

APPEAL: The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.57.170 of the McMinnville Zoning Ordinance.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Public Works, McMinnville Engineering, and McMinnville Water and Light. Their comments are provided in this document. No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.

Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the Landscape Plan (L 55-23) **subject to the conditions of approval provided in Section II of this document.**

DECISION: APPROVAL WITH CONDITIONS

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

I. APPLICATION SUMMARY:

Subject Property & Request

The subject site is located at 2035 & 2045 SW Hwy 99W, Tax Lot R4429BD 02700. **See Figure 1 (Vicinity Map).** The property and surrounding properties are zoned C-3 (General Commercial). **See Figure 2 (Zoning Map).** There is a public utility easement on the property shown in **Exhibit 3.**

This portion of the site previously had a restaurant building that had been vacant and has been demolished. That portion of the site is currently gravel in the vicinity where the building was demolished. The applicant is proposing parking lot improvements, which are also subject to landscaping requirements. The site layout retains the same access points to the adjoining properties.

Original Submittal

The applicant's originally proposed landscape plan and planting plan is shown in **Exhibit 4. Exhibit 5** shows an approximate overlay of the site plan/landscape plan over the aerial photo (before the restaurant building was demolished).

This portion of the site abuts the parking lot of the property owned by YCAP to the south. The building previously on the applicant's property had the back of the building facing south. There is no landscaping between these two properties on the east sides of the properties where the parking lots would abut one another.

The applicant's original proposed plan shows a trash enclosure to remain near the southeast corner of the property. The existing enclosure is chain-link with slats. The proposed plan would also add landscaping between the parking spaces abutting Hwy 99W and sidewalk along Hwy 99W, where the spaces were abutting the sidewalk.

The applicant indicated that the site is going to have an irrigation system with 3 zone with drip and a new backflow device at the water meter located at the north side of the property by Hwy 99W.

It appears the right-of-way/property line may be approximately 18" from back of sidewalk. The applicant shall verify the location of the property line relative to the sidewalk and identify any landscaping and/or improvements that would be within the public right-of-way.

Additional Background Information

This site was subject to a previous landscape plan approval L 4-92. In 2010, there was correspondence that some of the trees which were part of the approved landscape plan had been removed, and the applicant requested a revision to the approved plan. Revisions were approved on April 15, 2010, June 17, 2010, and September 22, 2010. The latest September 22, 2010 approval specified three maple trees to be planted west of the pool room along Highway 18 and two cherry trees to be planted on the east side of the property along the Highway 99 frontage. **(Copies on file – were previously scanned and distributed).**

During a site visit, staff observed the following:

- The three maple trees were not present west of the pool room
- The two cherry trees were not present along the easterly frontage

- There are areas on the site where plant materials are no longer present on the site as shown on the approved landscape plan.
- Improvements were made to an existing trash enclosure at the location of the previous enclosure at the southeast corner of the site abutting the Hwy 99W right-of-way. It was constructed with chain link fencing and slats, which is not consistent with the requirements of Chapter 17. See additional information in conditions and associated notes.

The property will need to be brought back into compliance with the approved landscape plan and applicable standards for the trash enclosure.

Additional Information Requested

At the January 17, 2204 Landscape Review Committee Meeting, the Committee continued the meeting and requested additional information from the applicant. Staff e-mailed the applicant requesting the additional information, as follows:

1. The base map used for the landscape plan, and the landscape plan, need to accurately show the following information:
 - a. Relationship between the property lines and the distance from the back of sidewalk to the property line to show extent of landscaping within the public right-of-way. If any trees are within the public right-of-way they will need to be selected from the approved street tree list, minimum 2" caliper, and comply with street tree planting requirements.
 - b. Location of sanitary sewer easement/sewer main on the property. Trees should not be planted over the easement.
 - c. Location of facilities described in the comments from McMinnville Water and Light, and demonstration that plant materials won't conflict and will meet required separation based on applicable standards.
2. A revised landscape plan and plant schedule, which needs to include the following:
 - a. The landscape plan needs to show the proposed trees and plant materials on the plan to reflect their mature size, shown to scale.
 - b. Reflect the items in the conditions recommended by staff, including the end island recommended by staff at the east end of the row of parking along the northerly property line, a tree in the end island at the west end of the row of parking along the south property line, proposed method of screening of the southerly row of parking from the property to the south, incorporate the two cherry trees into the landscape area along Hwy 99W consistent with the September 24, 2010 approved revision to the original landscape plan L 92-4, show proposed curbing.
 - c. Ensure the number of trees and plant materials indicated on the plan and in the planting schedule are consistent.
 - d. Provide scientific name and common name for proposed plant materials and varieties sufficient to describe the proposed plant materials. Some listed materials, including "Hako" did not provide sufficient identifying information.
3. The new trash enclosure was constructed within 20 feet of the property line along Hwy 99W and at a prominent location along the highway that is not located near the rear of the building. It was constructed of chain link with slats. The previous trash enclosure which was demolished in that vicinity was also prone to vandalism and graffiti.

Section 17.61.030(B) of the Zoning Ordinance states:

B. Solid waste enclosures shall not be located within twenty feet (20) of a required front or exterior yard and should be placed at the rear of a building whenever possible. Should an enclosure be placed within a required landscaped front or exterior yard, additional landscaping must be provided elsewhere on the property to compensate for the encroachment into the required landscaped yard. Any modifications to required landscaping must meet the approval of the Landscape Review Committee.

The Landscape Review Committee indicated they are unlikely to approve the new trash enclosure within 20 feet of the property line and at a location that is not at the rear of the building. They suggested the trash enclosure be located in the vicinity of the north property line where the dumpster and containers are currently being stored while the easterly area is fenced off.

The plan should also show the proposed materials and design of the trash enclosure to comply with the remaining standards of that section:

C. Any trash or recycling enclosure which is visible from the street must provide landscaping around three (3) sides of the structure. Climbing vines and screening shrubs or hedges are appropriate, and landscaping must be a minimum of three feet (3) in height at the time of planting.

D. Where a commercial or industrial zone abuts a residential zone, enclosures must be placed a minimum of thirty feet (30) from any residential structure or as otherwise approved by the Planning Director.

E. Generally, the design of the structure should match the exterior surface of the building and can be constructed of masonry, wood or concrete blocks in combination with plant material capable of forming a complete evergreen hedge. The floor of the enclosure shall be a concrete holding pad which must extend eight feet (8) beyond the gates.

F. Gates that screen the containers are required and must remain closed at all times except at times of service.

G. Parking is prohibited in front of the enclosure and all parked vehicles must be located at a safe distance. A "No Parking" sign must be visibly placed on the gates of the enclosure.

H. Solid waste and recycling enclosures must be placed in a location that is compatible with the City of McMinnville's Fire Code.

4. There needs to be sufficient distance/width provided around the perimeter of the trash enclosure to accommodate the proposed arborvitae at their mature size, to be shown to scale.
5. One additional item. One member asked if there will still be parking for large trucks on the property as has previously occurred. If so, how will that parking and circulation be addressed?

This will tentatively be scheduled for consideration at a February 7, 2024 meeting. However, this is dependent on how soon the above information can be submitted so the information can be reviewed by staff and distributed in advance of the meeting.

I am also attaching several pdf files from the original landscape plan approval L 4-92 and the subsequent amendment approved on September 24, 2010. This original plan as amended in 2010 shows the landscaping for the entirety of the site that the site needs to remain in compliance with, except for those areas being amended where the restaurant building was demolished. The materials for the January 17 meeting referenced the prior landscape approval, with a condition that the site be

brought back into compliance with the approved plan where plant materials are no longer as shown on the approved plan. These materials show what the site needs to comply with.

Applicant's February 23, 2024 Submittal

The applicant's revised submittal is attached as **Attachment 2**. It is also excerpted below as **Figure 6**. The survey document provided as **Figure 6a** was prepared by a surveyor for the applicant to address the location of the property line relative to the existing and proposed physical improvements and landscaping. The applicant's updated landscape plan provided as **Figure 6b** is based on the survey map. The plan has been updated to reflect mature tree and plant sizes, and the plant list has been updated to include information regarding mature plant sizes.

The applicant previously indicated large truck parking is not proposed.

Figure 1: Aerial Photo/Vicinity Map and Close-Up Aerial Views



Attachments :

Attachment 1 – Original Application and Attachments; Attachment 2 – Applicant's February 23, 2024 Resubmittal

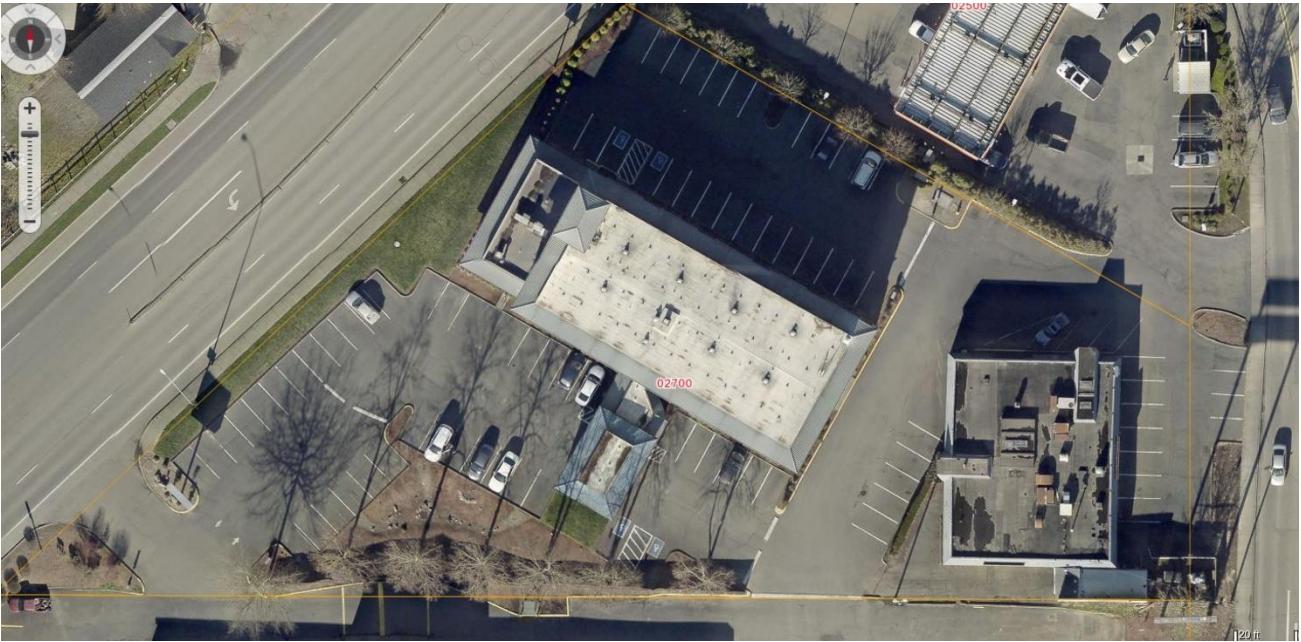


Figure 2: Zoning Map



Figure 3. Public Utility Easement

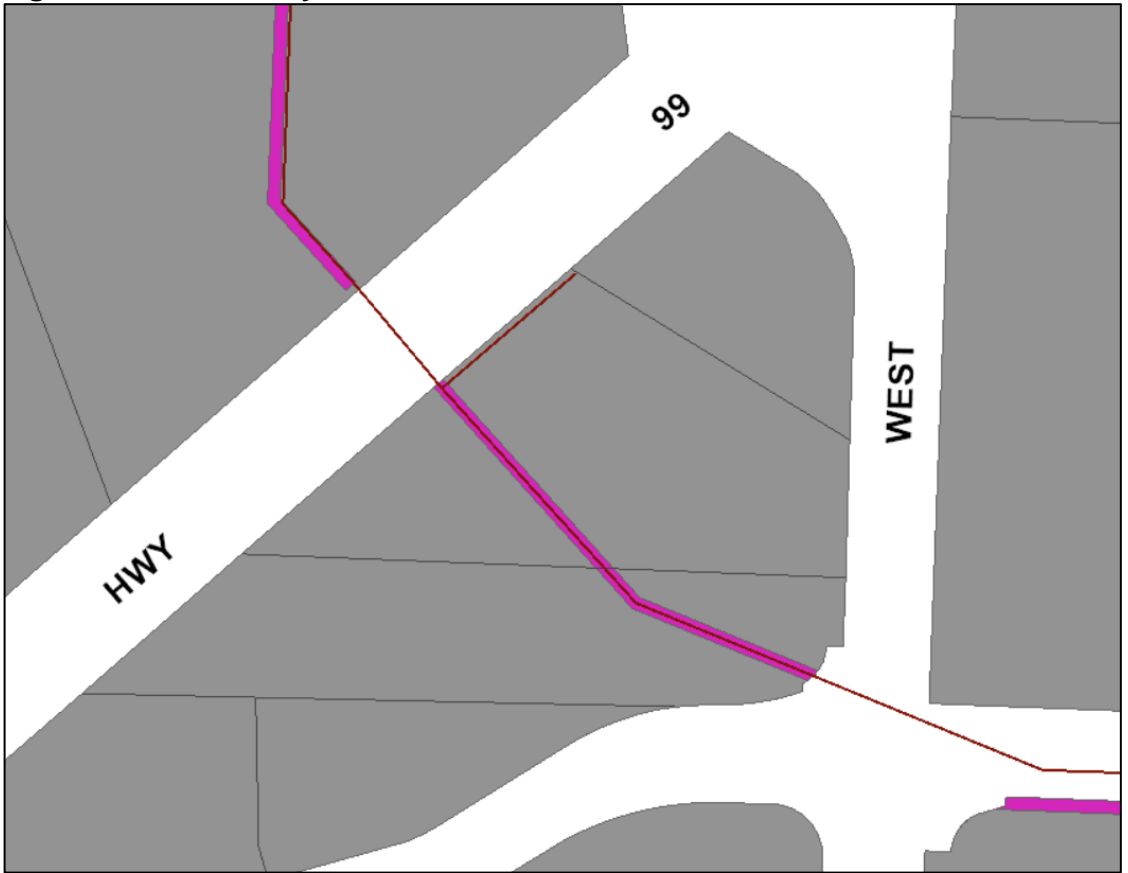
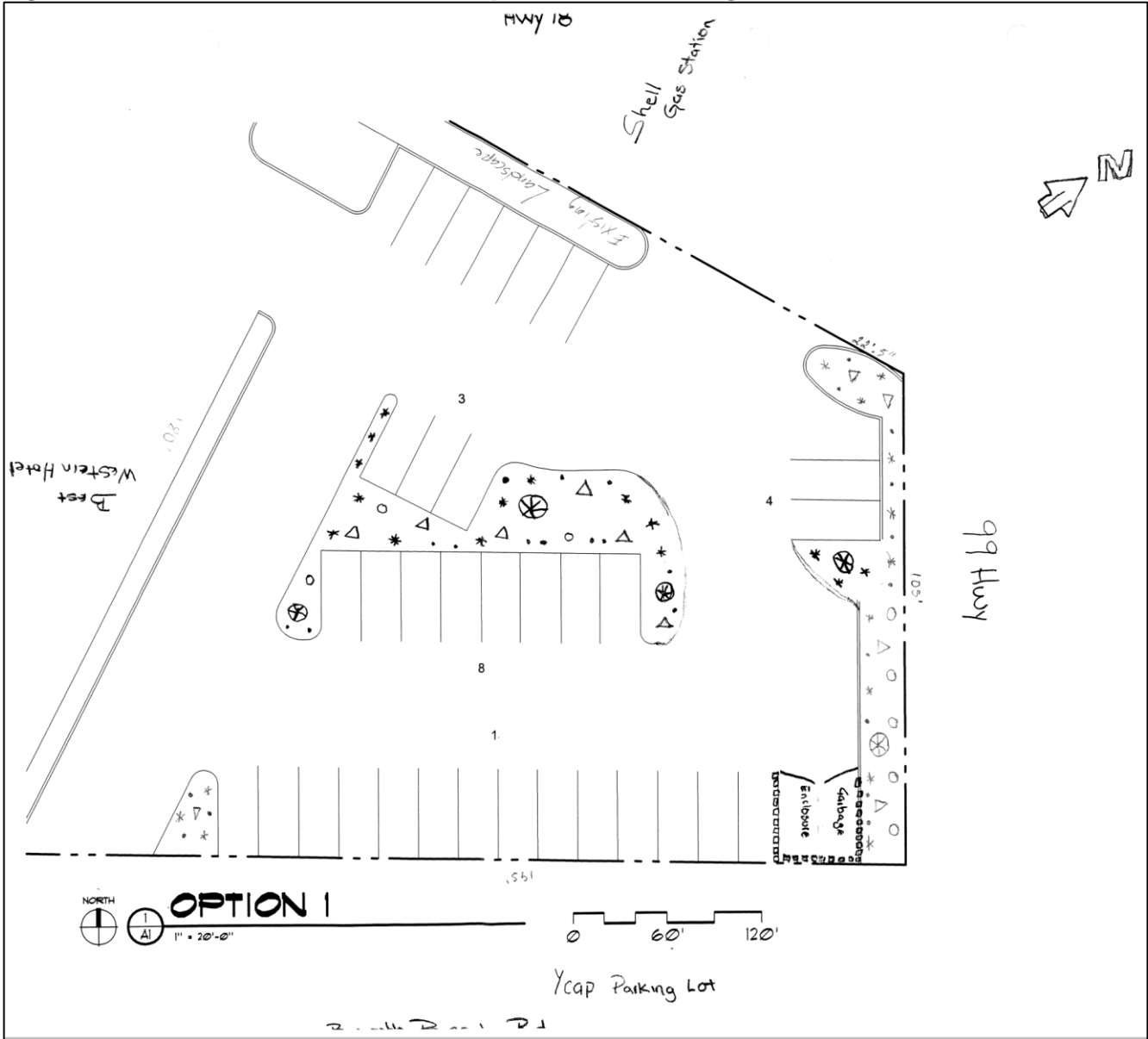


Figure 4. Applicant's Proposed Landscape Plan and Planting Plan



Acer Rubrum - 'Columnare'	⊗	1.25' cal	4
Prunus Lauro - Otto 'Luyken' Laurel	*	1 gal	28
Hako	•	1 gal	25
Rhododendron x 'George Azalea'	Δ	5 gal	11
Calamagrostis x 'Allanchar' Reed Grass'	○	1 gal	8
Thuja Occidentalis 'American Arborvited	□	5 gal	29

Figure 5. Landscape Plan/Aerial Photo Approximate Overlays

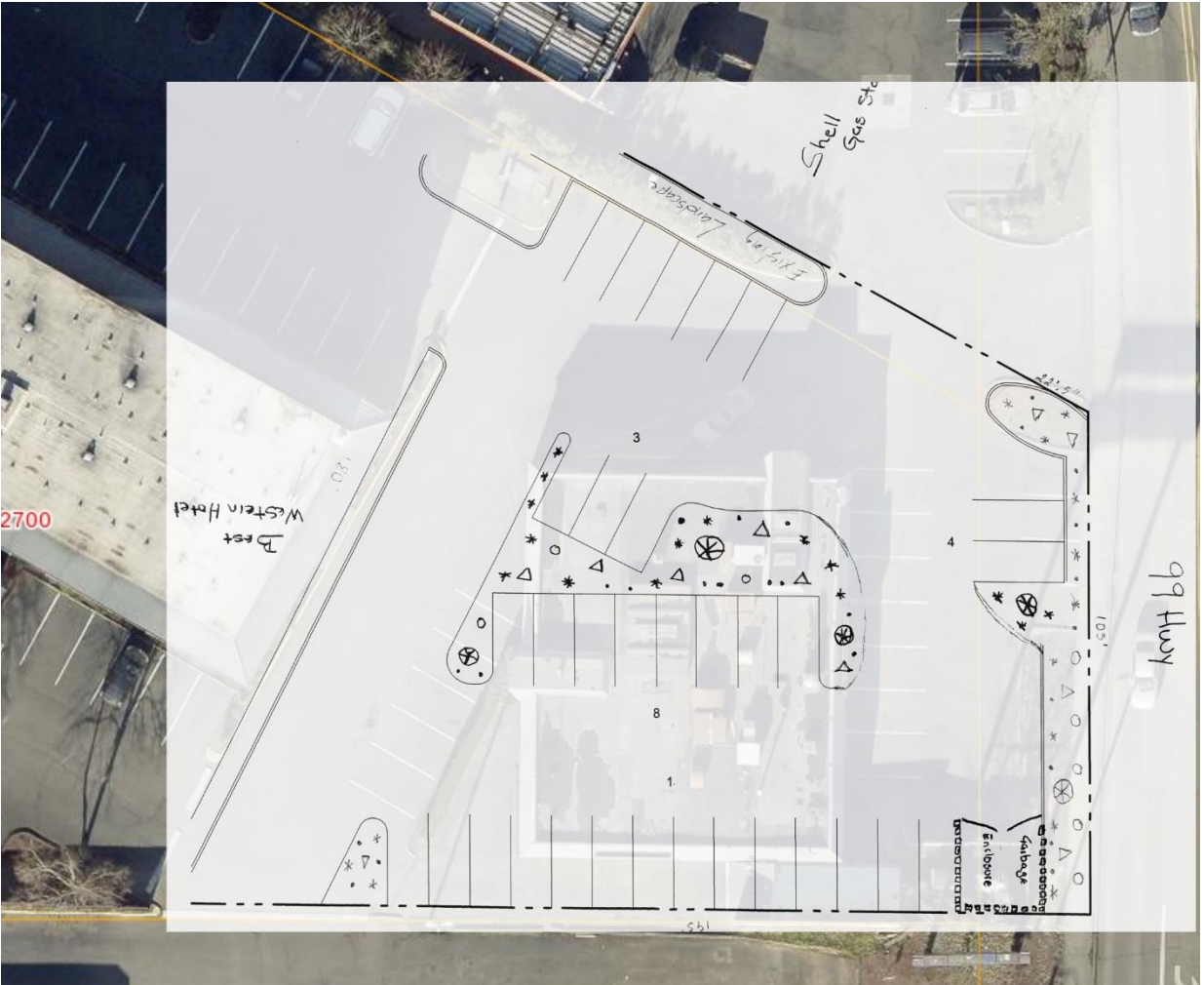


Figure 6. Applicant’s February 23, 2024 Submittal

Figure 6a. Survey

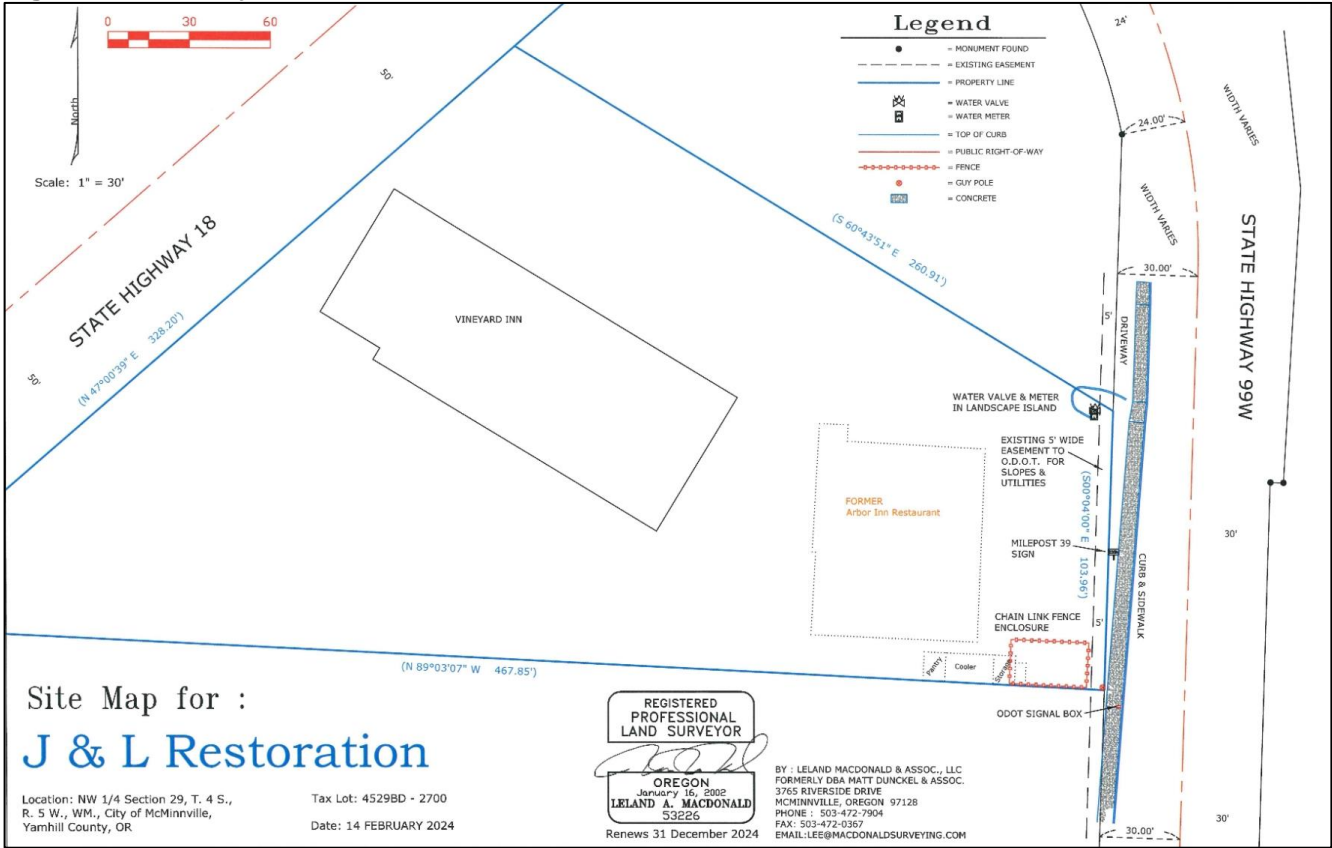
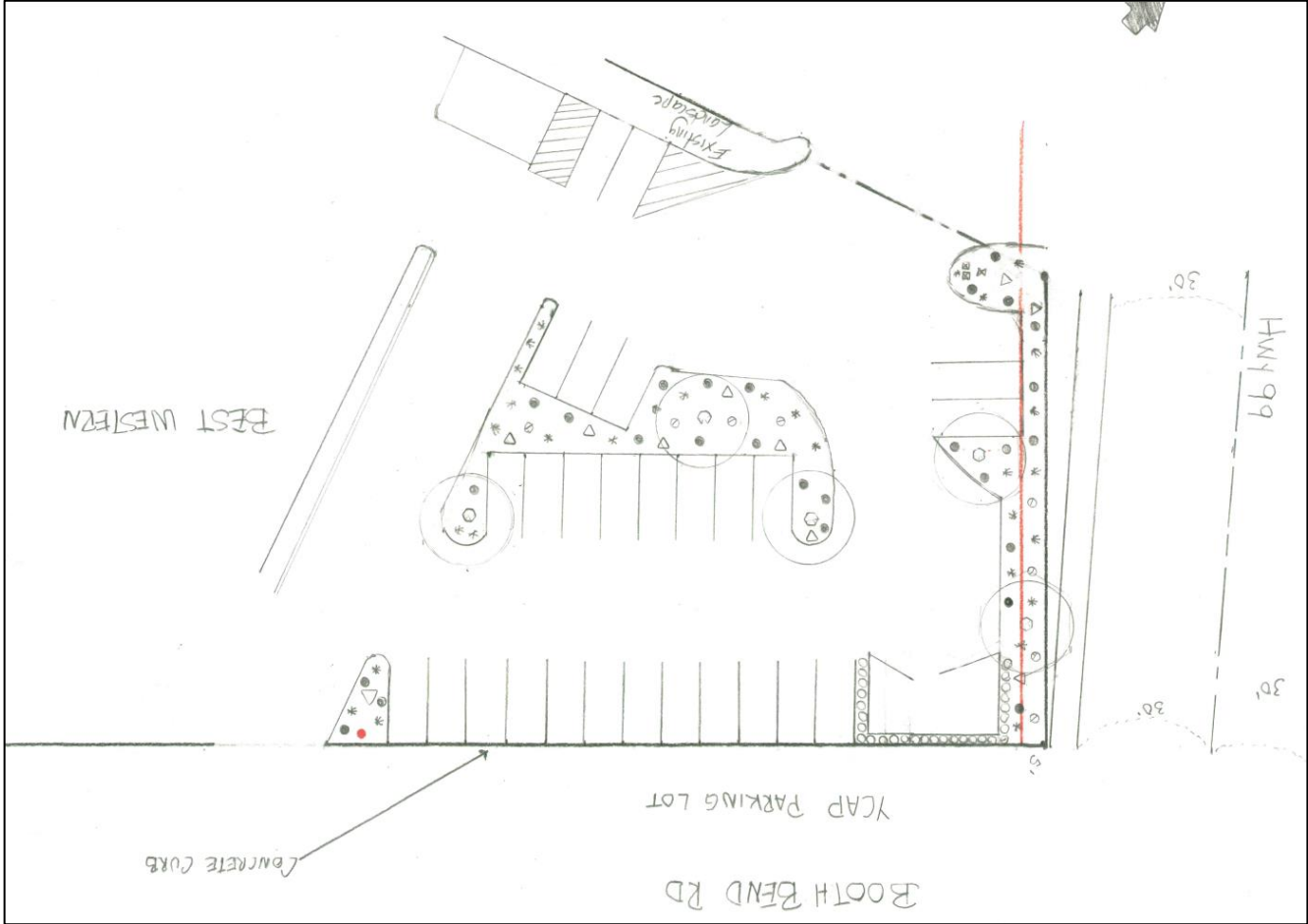


Figure 6b. Applicant's Updated Landscape Plan, Plant List, Notes, and Details



EXISTING LIGHT POLE
PROPERTY LINE
EXISTING EASEMENT
PUBLIC RIGHT-OF-WAY

HWY 18

PLANT LIST:	SIZE	MATURE SIZE	QTY
KWANZAN FLOWERING CHERRY	○ 1 1/2" CAL	15'-25' TALL - 15'-25' WIDE	5
PRUNUS LAURO - OTTO 'LUXURY' LAUREL	* 3 GAL	3'-4' TALL - 6'-10' WIDE	29
HARONECHLOA - FOREST GRASS 'ALL GOLD'	• 1 GAL	2' TALL - 3' WIDE	27
RHODODENDRON X 'GRAPE AZALEA'	△ 5 GAL	2'-3' TALL - 3' WIDE	10
CAVAMASGRASSIS X AVALANCHE 'REED GRASS'	○ 1 GAL	2'-6' TALL - 2' WIDE	9
THUJA OCCIDENTALIS 'AMERICAN ARBORVITAE'	○ 5'-6' FT	15'-20' TALL - 3'-4' WIDE	29

+PLANT LIST :

- 5 #1 1 1/2" Kwanza Flowering Cherry'
- 29 #2 3 gal Prunus Lauro Otto 'Luyken' Laurel
- 27 #3 1 gal Hakonechloa macra 'all gold'
- 10 #4 5 gal Rhododendron X 'Grape Azalea'
- 9 #5 1 gal Calamagrostis X Avalanche 'Reed Grass'
- 29 #6 5-6 ft Thuja Occidentalis 'American Arborvitae'

SPECIFICATION:

IRRIGATION: INSTALLER DESIGNANED A SYSTEM PROVIDING A FULL COVERAGE IN FORM OF A DRIP FOR EVERY SINGLE PLANT TO GET THE ADECUATE WATER NECESSARY. A SLEEVE WILL BE INSTALLED ACROSS THE PARKING LOT TO RUN PVC TO CONNECT DRIP ZONES FOR EACH FLOWERBED. THERE WILL BE A TOTAL OF 3 ZONES. IT WILL HAVE ITS OWN DEDICATED WATER METER SUPPLY AS PROVIDED IN THE LANDSCAPE PLAN AND HAS ANALIZED THE COST FOR IT.

SOIL PREPARATION:

SHRUBS AND TREE BACKFILL WILL INLCUDE 1/3 BY VOLUME COMPOST AND 2/3 OF ANTIVE SOIL FOR HEATHIER DEVELOPMENT, SITE SOIL MIGHT NOT BE QUALITY APPROPRIATE.

BARK DUST:

ALL FLOWER BED TO BE COVERED WITH A 2 INCH LAYER OF MEDIUM DARK FIR.

STAKING:

ALL TREES WILL BE STAKED WITH A 2" X 2" X 8' WOOD STAKE AND STRAPED.

EXISTING GARBAGE ENCLOSURE:

WILL BE SCREENED ALL AROUND ON 3 SIDES OF THE AREA WITH 5' TO 6' ARBORVITAE TREES TO PROTECT IT FROM POSSIBLE VANDALISM.

GUARANTEE:

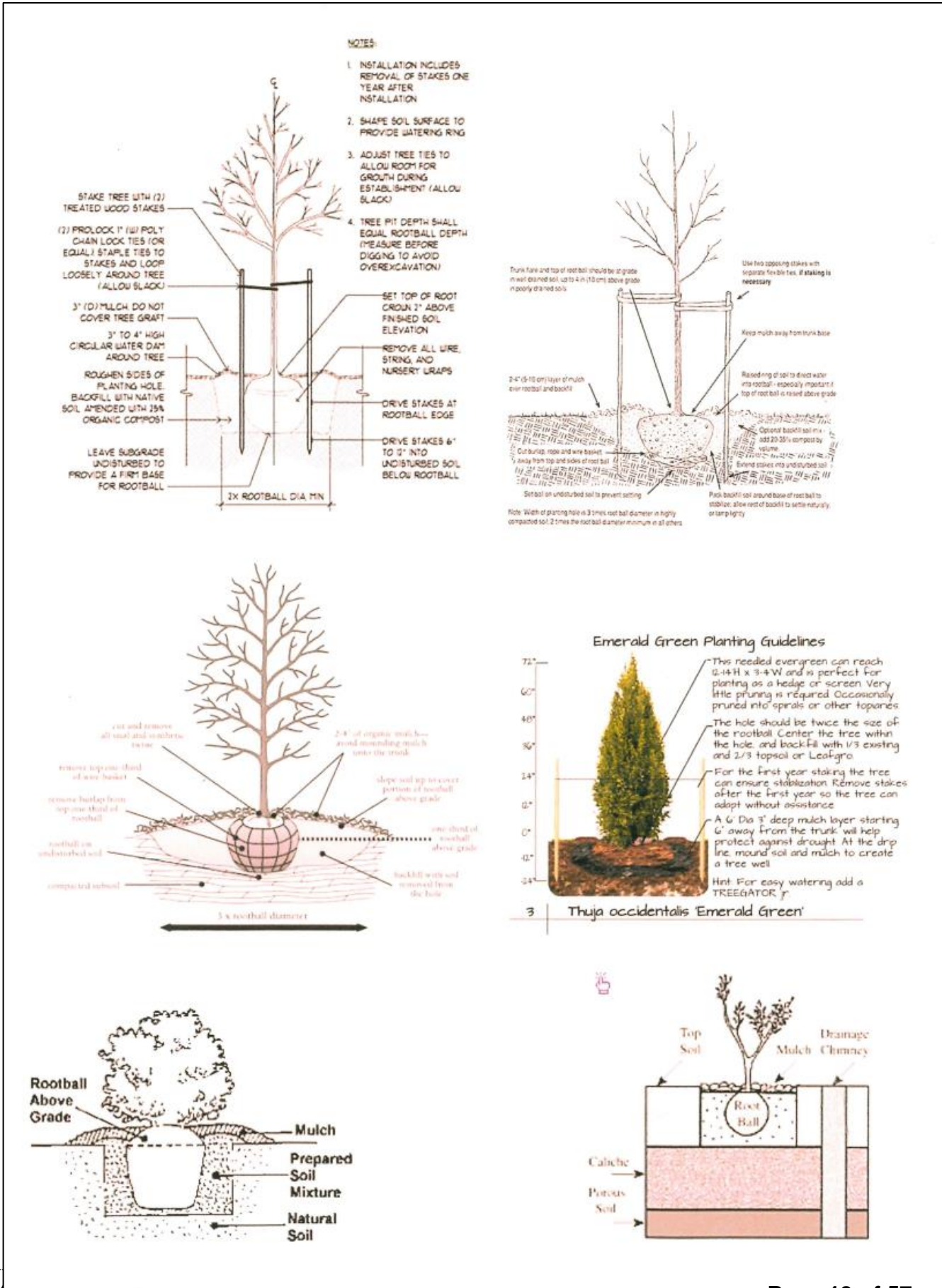
DRIP SYSTEM AND PLANTS WILL BE GURANTEED FOR A YEAR AFTER COMPLETION.

MAINTENANCE:

MAKING SURE ALL THE DRIP LINES FOR THE DRIP IRRIGATION SYSTEM ARE WORKING PROPERTLY FOR 3 MONTHS AFTER THE FINAL INSTALL.

CONCRETE CURB:

CONCRETE BURB TO BE POURED BETWEEN YCAP PARKING LOT AND NEW PARKING LOT. FROM ARBORVITAE LANE IN FRONT OF PARKING SPACE TO THE ISLAND ON THE WESTSIDE OF THE NEW PARKING LOT FOR BEST WESTERN.



Summary of Criteria

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

The proposed development is on land zoned C-3 (General Commercial). McMinnville Municipal Code (MMC) Section 17.57.030 requires landscaping in the C-3 zone and for parking lots. Therefore, landscaping is required subject to the criteria and standards described in MMC Chapter 17.57-Landscaping.

II. CONDITIONS:

(Note: Mark-up is provided for reference only to clarify revisions from the original recommendation based on the February 23, 2024 submittal).

The decision and conditions are based on, and relate to, the updated landscape plan submitted by the applicant on February 23, 2024.

1. The application form lists the property owner as “Best Western.” Data from the Assessor’s Office lists the property owner as “Shreeji Hospitality Group McMinnville.” Provide information demonstrating that the property owner contact and applicant are authorized representatives of property owner Shreeji Hospitality Group McMinnville.
2. The applicant shall contact Code Compliance to:
 - a. Establish a plan for bringing the site into compliance with the approved landscape plan L 4-92, consistent with the original plan and the amendments approved in 2010 in the September 24, 2010 letter from the Planning Department, and
 - b. Establish a plan for bringing the ~~newly constructed~~ trash enclosure into compliance with applicable standards.
3. The applicant shall submit a revised landscape plan to the Planning Department for review and approval, incorporating applicable revisions described in conditions below. In addition to the landscaping shown on the proposed landscape plan, provide the following:
 - a. ~~Verify the location of the property line relative to the back of sidewalk and show any landscaping or improvements that would be in the public right-of-way between the property line and back of sidewalk.~~ **Update the 2/23/2024 landscape plan to show the proposed plant materials and irrigation between the property line and back of sidewalk along Highway 99. Any irrigation within the right-of-way shall be consistent with ODOT standards and subject to ODOT approval. It is typically limited to drip irrigation lines.**
 - b. ~~Add a landscape end island to the east side of the proposed new parking spaces along the north property line, to include a tree and landscaping.~~ ***Note: the proposed parking spaces along the north property line have been revised, with the number of parking spaces reduced so they don’t encroach into the drive aisle as they did on the original submittal.***
 - c. Parking spaces along the north property line shall be designated as compact spaces.

Attachments :

Attachment 1 – Original Application and Attachments; Attachment 2 – Applicant’s February 23, 2024 Resubmittal

- d. Provide trees in the landscape area along Hwy 99W consistent with the original landscape plan approval L 4-92, including two cherry trees at the location shown in the map approved on September 24, 2010. **Update the 2/23/2024 landscape plan to add an additional cherry tree along the Highway 99 frontage between the two cherry trees shown there (one along the frontage and one in the parking end island further north).**
- e. ~~Provide a tree in the landscape end island at the west end of the parking aisle along the south property line. **Note: A tree in this end island would conflict with the existing light pole.**~~
- f. Provide screening of the trash enclosure consistent with Chapter 17.61 of the Zoning Ordinance. Landscaping shall be a minimum of 3-feet in height at time of planting and grow to screen the enclosure.
- g. ~~Unless approved by the Landscape Review Committee at the current location, the solid waste enclosure shall be setback 20 feet from the property line to comply with Section 17.61.030(B) of the Zoning Ordinance, "Solid waste enclosures shall not be located within twenty feet (20) of a required front or exterior yard and should be placed at the rear of a building whenever possible. Should an enclosure be placed within a required landscaped front or exterior yard, additional landscaping must be provided elsewhere on the property to compensate for the encroachment into the required landscaped yard. Any modifications to required landscaping must meet the approval of the Landscape Review Committee."~~

Note: Section 17.61.030(B) of the Zoning Ordinance states, "Solid waste enclosures shall not be located within twenty feet (20) of a required front or exterior yard and should be placed at the rear of a building whenever possible. Should an enclosure be placed within a required landscaped front or exterior yard, additional landscaping must be provided elsewhere on the property to compensate for the encroachment into the required landscaped yard. Any modifications to required landscaping must meet the approval of the Landscape Review Committee."

Following the January 17, 2024 meeting, a Code Compliance Officer visited the site, researched historic information and photos, and spoke with the contractor who performed the work on the trash enclosure. There was a previous trash enclosure at this location which was chain link and slats on three sides, and the fourth (west side) was previously abutting a freezer structure that was demolished when the restaurant was demolished. The contractor informed staff that they had spoken with a former staff member who conveyed that old slats could be replaced with new slats, which occurred. However, additional work was also performed: a fourth (west) side was added to the enclosure when the freezer was demolished, and a new concrete pad was poured.

The provisions of Chapter 17.61 are administered by the Planning Director, including the requirements regarding the location. The provisions of Chapter 17.61 to be addressed by the Landscape Review Committee are that when an enclosure is placed within a required landscape front or exterior yard, additional landscaping must be provided elsewhere on the property to compensate for the encroachment into the required landscaped yard. Any modifications to required landscaping must meet the approval of the Landscape Review Committee."

There is no encroachment of the trash enclosure into a required yard that would require the Committee to approve additional landscaping to compensate for encroachment into a required yard. The trash enclosure will need to be setback 20 feet from the property line,

approximately 10 feet west of the current location, and screened consistent with Chapter 17.61.

- h. With the relocation of the trash enclosure 10 feet to the west, additional landscaping shall be installed in the 10 foot area east of the relocated trash enclosure consistent with the adjacent landscaping.**
 - i. The trash enclosure shall be designed to comply with Section 17.61.030(E) of the Zoning Ordinance, “Generally, the design of the structure should match the exterior surface of the building and can be constructed of masonry, wood or concrete blocks in combination with plant material capable of forming a complete evergreen hedge. The floor of the enclosure shall be a concrete holding pad which must extend eight feet (8) beyond the gates.
 - j. To comply with 17.57.070(B)(1), (2), and (4) provide the following along the south property line abutting the parking spaces: sight-obscuring evergreen plantings, shade trees, fences, or combinations of plantings and screens. **The 2/23/2024 landscape plan shows a concrete curb along the south property line but doesn’t reflect screening.**
 - k. To comply with Section 17.60.080(D) of the Zoning Ordinance, parking spaces along the south property line shall be contained by a curb or bumper rail to prevent a motor vehicle from extending over the adjacent property. **Concrete curbing is proposed on the 2/23/2024 landscape plan, which would meet this requirement.**
 - l. Curbing shall be provided around the interior landscape island.
 - m. Identify any proposed exterior lighting and method of shielding/downcast lighting. **The 2/23/2024 submittal and landscape plan doesn’t discuss whether any additional exterior lighting is proposed.**
- 4. Prior to start of work, obtain any applicable permits from ODOT for any work within the public right-of-way.
 - 5. Prior to start of work, provide evidence that Recology has approved the location of the trash enclosure.
 - 6. Prior to start of work, provide evidence that the Fire District has approved the circulation plan.
 - 7. Prior to start of work, the applicant call contact the Engineering Department regarding any requirements for a grading and/or drainage plan.
 - 8. The applicant shall obtain any applicable state, federal, and local permits for work.
 - 9. The applicant shall contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any planting excavation to ensure that underground utilities are not damaged.
 - 10. Once the revised plan has been approved and conditions above have been completed, the applicant shall install landscaping as shown on the revised and approved landscape plan addressing the items above. The applicant shall call for final inspection upon completion of the work.
 - 11. Upon completion of the site work, the trash containers which are currently being stored near the north property line shall be re-located to the trash enclosure.

12. All landscaping shall be installed and maintained to comply with vision clearance standards.
13. All landscaping approved by the Landscape Review Committee and required as conditions of approval shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. Existing landscaping to be retained shall be considered part of the approved landscape plan.
14. If any of the proposed trees are within the public right-of-way, and therefore defined as street trees, the following shall apply, as shall the requirements of Chapter 17.58 for planting and maintenance of street trees.
 - All street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. 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 shall be free of insects, diseases, mechanical injury, and other objectionable features when planted.
 - That planting of street trees shall be subject to the McMinnville design drawings and specification. 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 provided to a minimum depth of eighteen (18) inches. Two (2) deep watering tubes shall be provided to encourage deep rooting.
 - The applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and watering tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
 - The applicant is reminded that street 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.
 - All street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner for one full growing season following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.
15. Lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.

III. ATTACHMENTS:

1. L 55-23 Application and Attachments (on file with the Planning Department)
2. L 55-23 Additional/Updated Application Materials Submitted by Applicant

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Public Works, McMinnville Engineering, and McMinnville Water and Light. ODOT and the Fire District were also notified of the proposal.

The following comments were received:

McMinnville Public Works:

It appears that the improvements are outside the right of way, so Public Works would have no comments. Any ROW planting along Hwy 99 would need to be approved by ODOT and any work done in their ROW would require an ODOT permit.

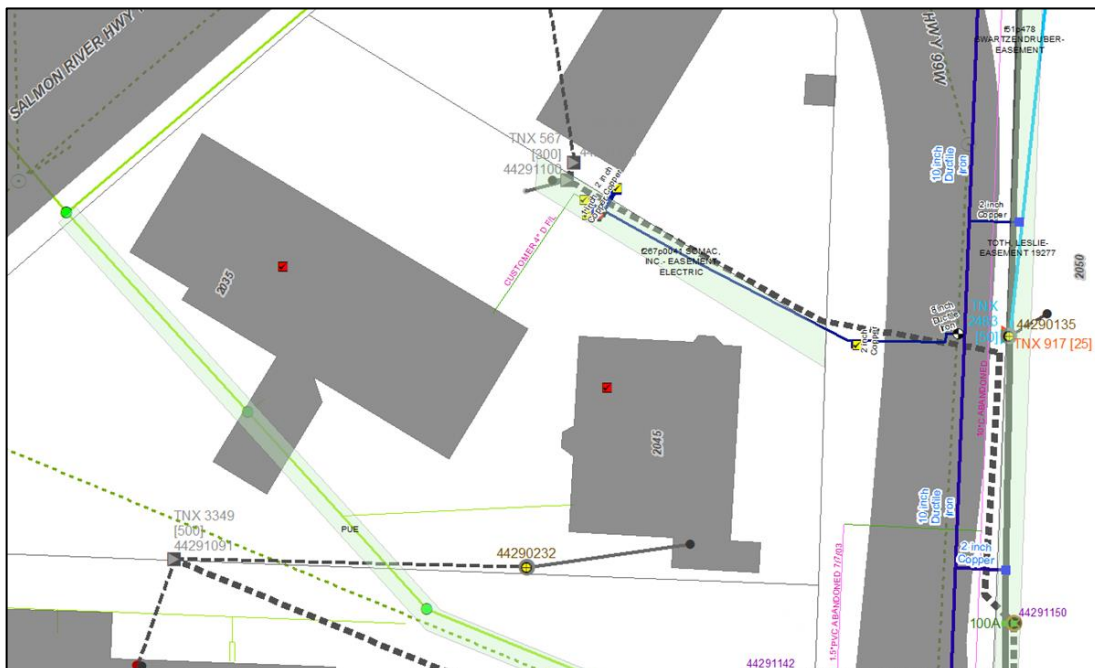
McMinnville Water & Light

Water: Maintain clearances from new and existing public water facilities. See; FH-CLR, VAULTCLEAR, VR & WMCLEAR,

Power: MW&L has a utility pole that is in conflict with proposed landscape and parking lot area. Pole will need to either be relocated, protected, or removed. Please contact Kevin Skipper, Customer Engineering Supervisor at McMinnville Water and Light (503) 472-6919 x 6 or by email kas@mc-power.com, with any questions.

MW&L has underground power facilities located in the area. Prior to any digging or excavation, locates must be called in. Please contact Kevin Skipper, Customer Engineering Supervisor at McMinnville Water and Light (503) 472-6919 x 6 or by email kas@mc-power.com, with any questions.

In answer to your question concerning MW&L easements on R4429BD 02700, see the drawing below showing the easements in green. I've also attached a copy of the easement.



Attachments:

Attachment 1 – Original Application and Attachments; Attachment 2 – Applicant's February 23, 2024 Resubmittal

Oregon Department of Transportation

No issues with the plan on private property. It's not clear where the property line is, so the applicant may still need an ODOT permit for work in the right-of-way. Basic landscaping extending onto ODOT right-of-way is not an issue, but private irrigation needs to remain on private property. They can contact the ODOT District 3 Permits office at 503-986-2900 to discuss.

Staff Note: *This comment was received prior to the 2/23/2024 resubmittal.*

Public Comments

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

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The application was submitted on December 15, 2023. The application was deemed incomplete. Additional information was submitted on January 4, 2024 and the application was deemed complete on January 4. Based on that date, the application is subject to a 30-day review timeframe.
2. Notice of the application was referred to the following public agencies for comment on November 7, 2023: McMinnville Public Works, McMinnville Engineering, and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
3. No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 of the McMinnville Zoning Ordinance, which does not require public notification. No public comments were received prior to the public meeting.
4. A public meeting was held by the Landscape Review Committee on January 17, 2024, to review the application and proposed landscape plan. Additional information was requested of the applicant, and the meeting was continued. Additional continuances were granted to provide additional time for the applicant to provide information.
5. The applicant submitted additional information on February 23, 2024.
6. A public meeting was held by the Landscape Review Committee on March 6, 2024, to review the application and proposed landscape plan.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 2035 & 2045 SW Hwy 99W, Tax Lot R4429BD 02700
2. **Size:** The lot is approximately 1.5 acres. The easterly portion of the site is approximately 0.43 acres.
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C -3
5. **Overlay Zones/Special Districts:** None identified.

6. **Current Use:** West portion of the property is a hotel. Subject portion of the property is vacant. Graveled area where previous restaurant building was demolished.
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None identified.
 - b. **Other:** None identified.
8. **Other Features:** There are no significant or distinguishing natural features associated with the subject site.
9. **Utilities:** The property is already served with utilities.
10. **Transportation:** The property has direct access to Hwy 18. It doesn't have direct access to Hwy 99W or Booth Bend Road, but has access to both via easements across abutting properties. No change is proposed to those access points. There are utility drops from across Hwy 99 near the property corners, but no overhead utilities along the frontage. There are curb-tight sidewalks along the frontages of Hwy 18 and Hwy 99W.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable planning factors for a Landscape Plan Review are specified in Section 17.57.070 of the Zoning Ordinance. The applicable standards for Street Trees are specified in Section 17.58.090 of the Zoning Ordinance

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

Comprehensive Plan Volume II:

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

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

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

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

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Landscape Review Committee review of the request and recommendation at an advertised public

meeting. Members of the public have access to provide testimony and ask questions during the public review.

McMinnville Zoning Ordinance

The following Sections of the McMinnville Zoning Ordinance provide criteria applicable to the request:

Chapter 17.57 Landscaping

17.57.010 Purpose and intent. *The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:*

- A. *Provide guidelines and standards that will:*
 1. *Reduce soil erosion and the volume and rate of discharge of storm water runoff.*
 2. *Aid in energy conservation by shading structures from energy losses caused by weather and wind.*
 3. *Mitigate the loss of natural resources.*
 4. *Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.*
 5. *Create safe, attractively landscaped areas adjacent to public streets.*
 6. *Require the planting of street trees along the City's rights-of-way.*
 7. *Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.*
 8. *Provide shade, and seasonal color.*
 9. *Reduce glare, noise and heat.*
- B. *Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.*
- C. *Unify development and enhance and define public and private places.*
- D. *Preserve existing mature trees.*
- E. *Enhance the urban forest and tree canopy.*
- F. *Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.*
- G. *Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.*
- H. *Support McMinnville as a community that cares about its appearance.*

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

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

parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. Subject to conditions of approval, the proposed landscape plan is consistent with the purpose of this chapter.

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

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED/APPLICABLE. The proposed development is within the C-3 (General Commercial) zone; therefore, landscaping is required subject to landscaping requirements of commercial zones and the criteria and standards described in Chapter 17.57 – Landscaping.

17.57.070 Area Determination – Planning Factors.

17.57.070(A). *Landscaping shall be accomplished within the following ranges:*

- 2. Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)*
- 4. A parking lot or parking structure built in any zone providing parking spaces as required by the zoning ordinance shall be landscaped in accordance with the commercial requirements set forth above in subsection 2 of this section.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The application indicates 2,623 sq feet will be landscaped. The easterly portion of the site is approximately 0.43 acres, which would be approximately 14% of that portion of the site. This is also an increase in the landscaping compared to the previous landscaping on the easterly portion of the site. The landscape area on the westerly portion of the site exceeds 7% of the site area.

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

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

Attachments :

Attachment 1 – Original Application and Attachments; Attachment 2 – Applicant's February 23, 2024 Resubmittal

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. The applicant shall provide sight-obscuring plantings, shade trees, fencing, or a combination of plantings and screens along the south property line.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. The applicant shall provide sight-obscuring plantings, shade trees, fencing, or a combination of plantings and screens along the south property line.

17.57.070(B)(3). *The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.*

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. There are no existing trees within the project area to be retained.

17.57.070(B)(4). *The development and use of islands and plantings therein to break up parking areas.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. The proposed plan includes islands and plantings at most areas throughout the site. Originally, staff recommended additional trees in end islands, but the revised submittal indicates that would conflict with utilities.

In addition, the applicant shall provide sight-obscuring plantings, shade trees, fencing, or a combination of plantings and screens along the south property line.

17.57.070(B)(5). *The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. No prohibited trees are proposed. Where conditions of approval specify revisions to the plan, additional trees shall be selected consistent with the approved list and not select any of the prohibited trees noted above.

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

APPLICANT'S RESPONSE: The site is going to have a 3 zone with drip and a new backflow device at the water meter located at the north side of the property by Hwy 99W. The applicant also provided additional information about the irrigation system with the February 23, 2024 submittal.

FINDING: SATISFIED WITH CONDITIONS. The automatic irrigation system shall be extended to all landscape areas on the approved plan.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. This is a requirement of the Zoning Ordinance and has also been incorporated as a condition of approval. As described above, portions of the site no longer have landscaping consistent with the previous landscape plan L 4-92 with revisions approved in 2010, and the site will need to be brought into compliance with the approved plan.

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 WITH CONDITIONS. With conditions of approval, the landscape plan will be consistent with the purpose of this chapter.

17.58.080 Street Tree Planting—When Required. *All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. There is curb-tight sidewalk along the frontages of Hwy 18 and Hwy 99W, with no planter strip. The February 23, 2024 revised plan shows the location of the property line along Highway 99. The proposed trees are on private property.

17.58.090 Street Tree Standards.

17.58.090(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.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. If any of the trees are within the public right-of-way, the trees shall comply with this requirement. A revised street tree list updating the McMinnville Street Tree List approved by Resolution 2016-22 was developed by the Landscape

Review Committee and approved by Resolution 2019-26. The proposed landscape plan does not indicate street trees. However, a condition is necessary to ensure that street trees are planted from the approved list of street trees if verification of the right-of-way line indicates trees are within the right-of-way.

17.58.090(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.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. A condition of approval is included to ensure that, if trees are within the public right-of-way, street trees shall meet City standards for size and quality at the time of planting.

17.58.090(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. [...]*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. A condition of approval is included to ensure that, if trees are within the public right-of-way, street trees shall meet this standard.

17.58.090(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.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. A condition of approval is included to ensure that, if trees are within the public right-of-way, street trees shall meet this standard, but the trees would be located behind sidewalk rather than within a planter strip.

17.58.090(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.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. A condition of approval is included to ensure that, if trees are within the public right-of-way, street trees shall meet this standard.

17.58.090(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*

Attachments :

Attachment 1 – Original Application and Attachments; Attachment 2 – Applicant's February 23, 2024 Resubmittal

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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. No street trees are proposed for removal. However, trees that were previously approved as part of the approved landscape plan shall be replaced.

17.58.120 Street Tree Maintenance.

- A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.
- B. Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.
- C. Maintenance of street trees, other than those located in the Downtown Tree Zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the Downtown Tree Zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees.
- D. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City. Major pruning, as defined in Section 17.58.020, of a street tree must be approved by the City in accordance with Section 17.58.040.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. This is an applicable code requirement. In addition, a condition of approval has been included to ensure that, if any trees are within the public right-of-way, that the street trees are continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner for one full growing season following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

Chapter 17.54. General Provisions

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. All landscaping shall be installed and maintained to comply with vision clearance standards.

Chapter 17.60. Off-Street Parking and Loading

17.60.080(D)(1). Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail so placed to prevent a motor vehicle from extending over an adjacent property, sidewalk, or street.

APPLICANT'S RESPONSE: None.

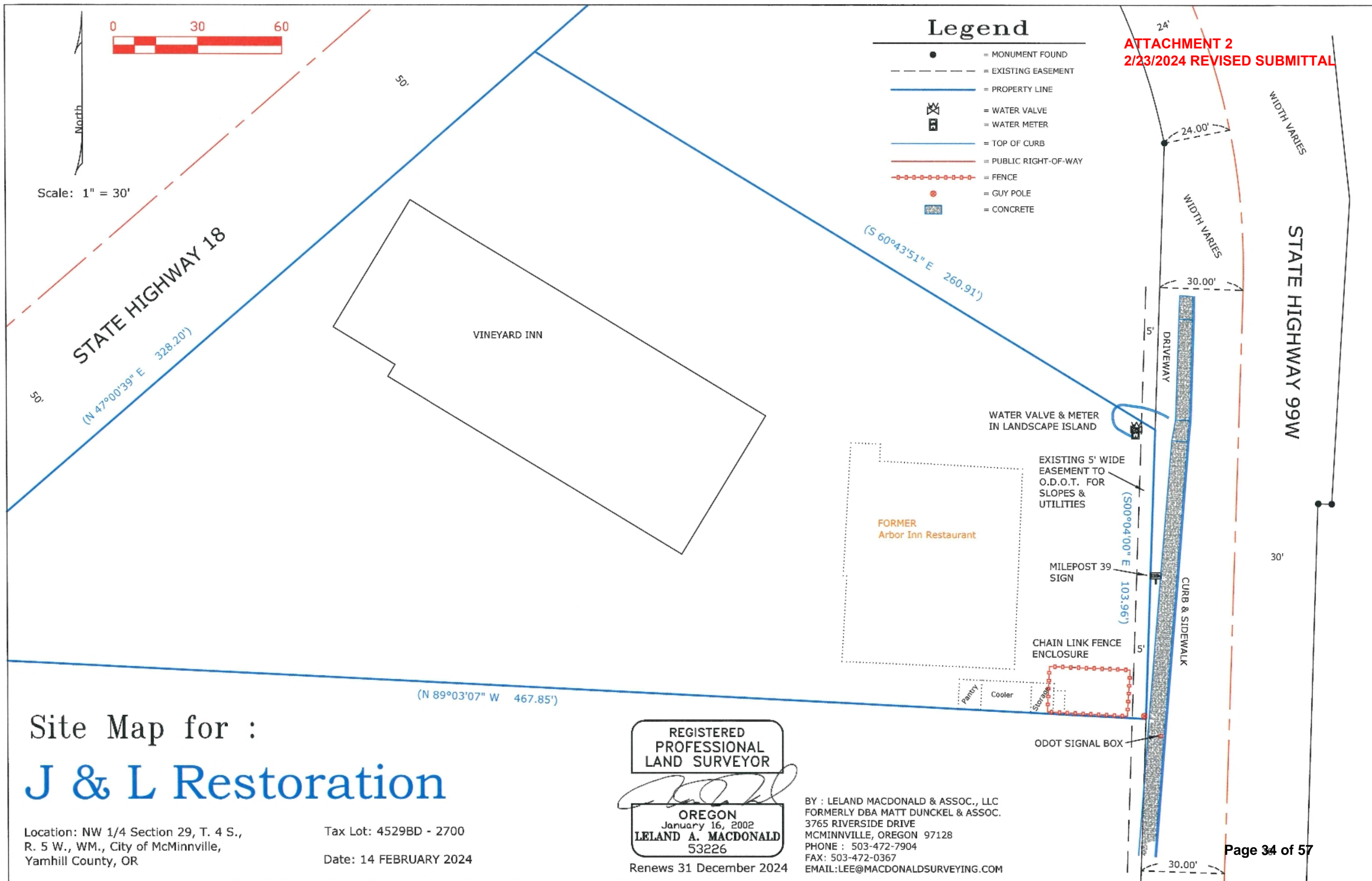
FINDING: SATISFIED WITH CONDITIONS. A condition of approval is included to require a curb or bumper rail along the south property line. This is shown on the February 23, 2024 revised plan.

Chapter 17.61. Solid Waste and Recycling Enclosure Plan

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. Conditions of approval have been included to ensure required screening of the trash enclosure, which will need to be brought into compliance with current standards, and to ensure approval by Recology.

TS



Site Map for :
J & L Restoration

Location: NW 1/4 Section 29, T. 4 S.,
R. 5 W., WM., City of McMinnville,
Yamhill County, OR

Tax Lot: 4529BD - 2700

Date: 14 FEBRUARY 2024

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Renews 31 December 2024

BY : LELAND MACDONALD & ASSOC., LLC
FORMERLY DBA MATT DUNCKEL & ASSOC.
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE : 503-472-7904
FAX: 503-472-0367
EMAIL: LEE@MACDONALDSURVEYING.COM

BOOTH BEND RD

YCAP PARKING LOT

CONCRETE CURB

30'

30'

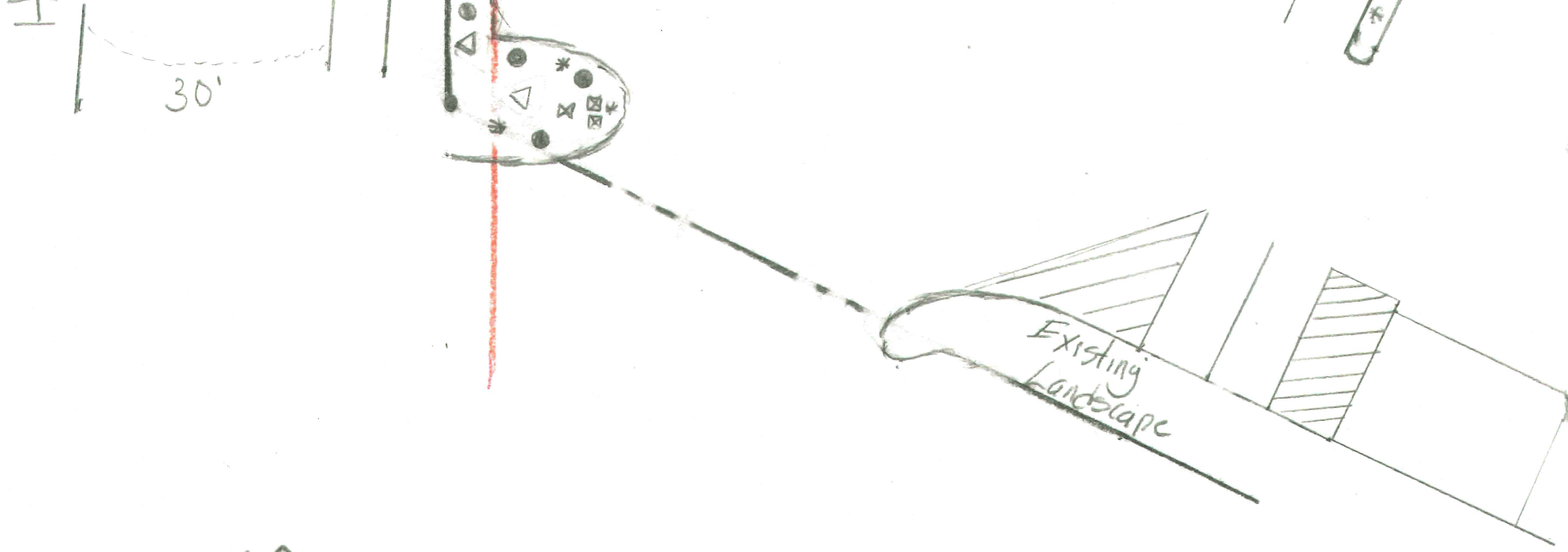
HWY 99

30'

5'

BEST WESTERN

Existing
Landscape



SHELL GAS STATION

HWY 18

PLANT LIST:

		SIZE	MATURE SIZE	QTY
KWANZAN FLOWERING CHERRY	○	1 1/2" CAL	15'-25' TALL - 15'-25' WIDE	5
PRUNUS LAURE - OTTO 'LUXEN' LAUREL	*	3 GAL	3'-4' TALL - 6'-10' WIDE	29
HAKONECHLOA - FOREST GRASS 'ALL GOLD'	●	1 GAL	2' TALL - 3' WIDE	27
RHODODENDRON X 'GRAPE AZALEA'	△	5 GAL	2'-3' TALL - 3' WIDE	10
CAIAMASGRASSIS X AVALANCHE 'REED GRASS'	⊙	1 GAL	2'-6' TALL - 2' WIDE	9
THUJA OCCIDENTALIS 'AMERICAN ARBORVITED'	○	5'-6' FT	15'-20' TALL - 3'-4' WIDE	29

EXISTING LIGHT POLE ●

PROPERTY LINE _____

EXISTING EASEMENT _____

PUBLIC RIGHT-OF-WAY _____

+PLANT LIST :

- 5 #1 1 1/2" Kwanza Flowering Cherry'
- 29 #2 3 gal Prunus Lauro Otto 'Luyken' Laurel
- 27 #3 1 gal Hakonechloa macra 'all gold'
- 10 #4 5 gal Rhododendron X 'Grape Azalea'
- 9 #5 1 gal Calamagrostis X Avalanche 'Reed Grass'
- 29 #6 5-6 ft Thuja Occidentalis 'American Arborvitae'

SPECIFICATION:

IRRIGATION: INSTALLER DESIGNANED A SYSTEM PROVIDING A FULL COVERAGE IN FORM OF A DRIP FOR EVERY SINGLE PLANT TO GET THE ADECUATE WATER NECESSARY. A SLEEVE WILL BE INSTALLED ACROSS THE PARKING LOT TO RUN PVC TO CONNECT DRIP ZONES FOR EACH FLOWERBED. THERE WILL BE A TOTAL OF 3 ZONES. IT WILL HAVE ITS OWN DEDICATED WATER METER SUPPLY AS PROVIDED IN THE LANDSCAPE PLAN AND HAS ANALIZED THE COST FOR IT.

SOIL PREPARATION:

SHRUBS AND TREE BACKFILL WILL INLCUDE 1/3 BY VOLUME COMPOST AND 2/3 OF ANTIVE SOIL FOR HEATHIER DEVELOPMENT, SITE SOIL MIGHT NOT BE QUALITY APPROPRIATE.

BARK DUST:

ALL FLOWER BED TO BE COVERED WITH A 2 INCH LAYER OF MEDIUM DARK FIR.

STAKING:

ALL TREES WILL BE STAKED WITH A 2" X 2" X 8' WOOD STAKE AND STRAPED.

EXISTING GARBAGE ENCLOSURE:

WILL BE SCREENED ALL AROUND ON 3 SIDES OF THE AREA WITH 5' TO 6' ARBORVITAE TREES TO PROTECT IT FROM POSSIBLE VANDALISM.

GUARANTEE:

DRIP SYSTEM AND PLANTS WILL BE GURANTEED FOR A YEAR AFTER COMPLETION.

MAINTENANCE:

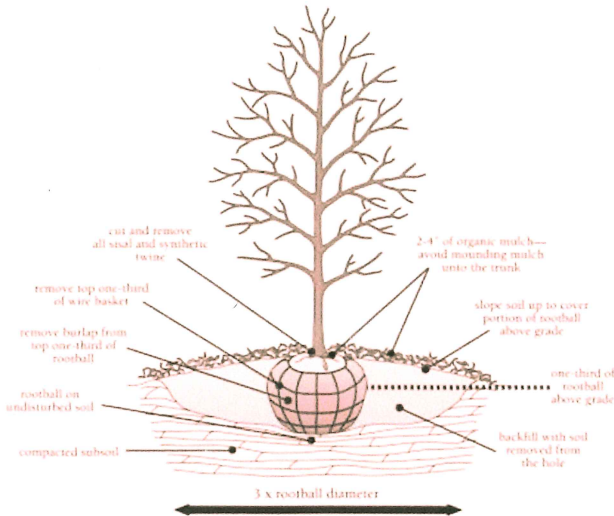
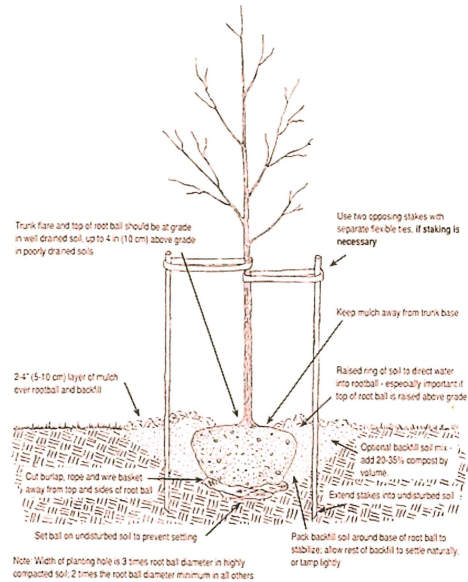
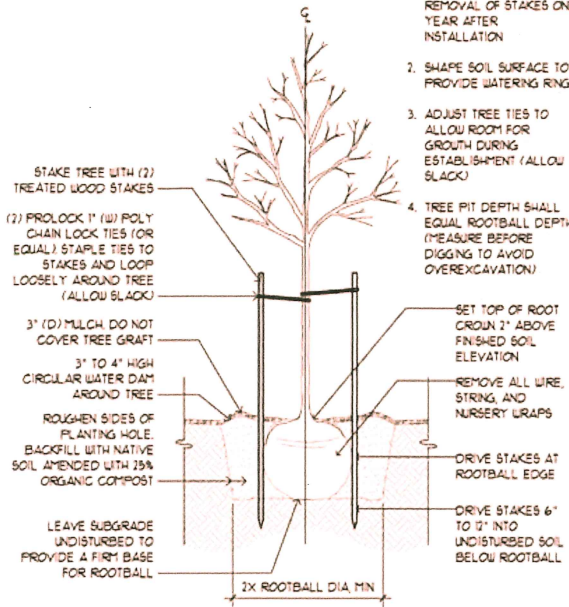
MAKING SURE ALL THE DRIP LINES FOR THE DRIP IRRIGATION SYSTEM ARE WORKING PROPERTLY FOR 3 MONTHS AFTER THE FINAL INSTALL.

CONCRETE CURB:

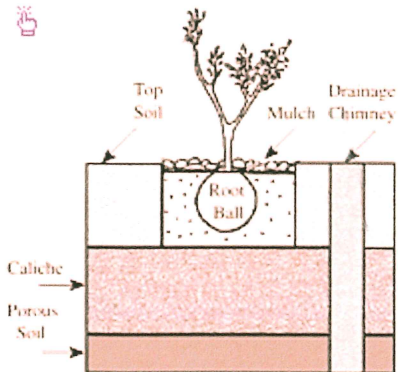
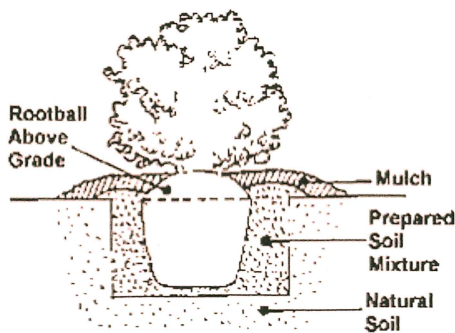
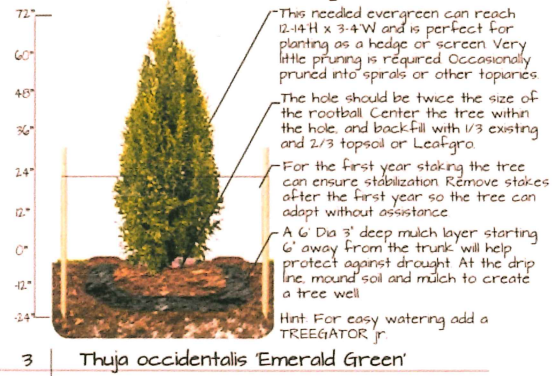
CONCRETE BURB TO BE POURED BETWEEN YCAP PARKING LOT AND NEW PARKING LOT. FROM ARBORVITAE LANE IN FRONT OF PARKING SPACE TO THE ISLAND ON THE WESTSIDE OF THE NEW PARKING LOT FOR BEST WESTERN.

NOTES:

1. INSTALLATION INCLUDES REMOVAL OF STAKES ONE YEAR AFTER INSTALLATION
2. SHAPE SOIL SURFACE TO PROVIDE WATERING RING
3. ADJUST TREE TIES TO ALLOW ROOM FOR GROWTH DURING ESTABLISHMENT (ALLOW SLACK)
4. TREE PIT DEPTH SHALL EQUAL ROOTBALL DEPTH (MEASURE BEFORE DIGGING TO AVOID OVEREXCAVATION)



Emerald Green Planting Guidelines





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

EXHIBIT 2 - STAFF REPORT

DATE: March 6, 2024
TO: Landscape Review Committee Members
FROM: Taylor Graybehl, Senior Planner
SUBJECT: Tree Removal Application (L 6-24)

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 6-24 (Street Tree Removal)

REQUEST: Approval of a tree removal application for the removal of two (2) Maple Trees.

LOCATION: 2563 NW Alice Kelley St., Tax Lot R4417-BA-03700

ZONING/Overlay: R-1

APPLICANT: Alex and Pat Prentice

STAFF: Taylor Graybehl, Senior Planner

DATE DEEMED COMPLETE: February 13, 2024

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

MEETING DATE & LOCATION: March 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) street trees, each 15-inch DBH Maple Trees (Red Maple and Norway Maple), on the west side of NW Alice Kelly Street. The Applicant has identified the removal criteria as 17.58.050(B) “the tree is in conflict with public improvements.”

The Application includes an Arborist Report, which in summary states the trees have caused damage to underground utilities and the sidewalk, the sidewalk shows signs of lifting, a root barrier was not installed at the time of sidewalk replacement, and continued damage to the public improvements is likely. **See Figure 1 for Vicinity Map. See Figure 2 for Site Photos. See Figure 3 for Gas Main Map.**

Agency Comments

Agency comments are provided below.

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

The subject site falls within the Mahon Farm subdivision and is subject to the associated Street Tree Plan L 4-00. **See Figure 4. Street Tree Plan.**

The applicable criteria for street tree removal are provided in Section 17.58.050 of the Zoning Ordinance.

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.*

Within the application materials, the Arborist report has identified that the tree(s) conflict with public improvements and a gas utility, thus meeting criterion “B” and allowing for a tree removal permit.

Figure 1 Vicinity Map.

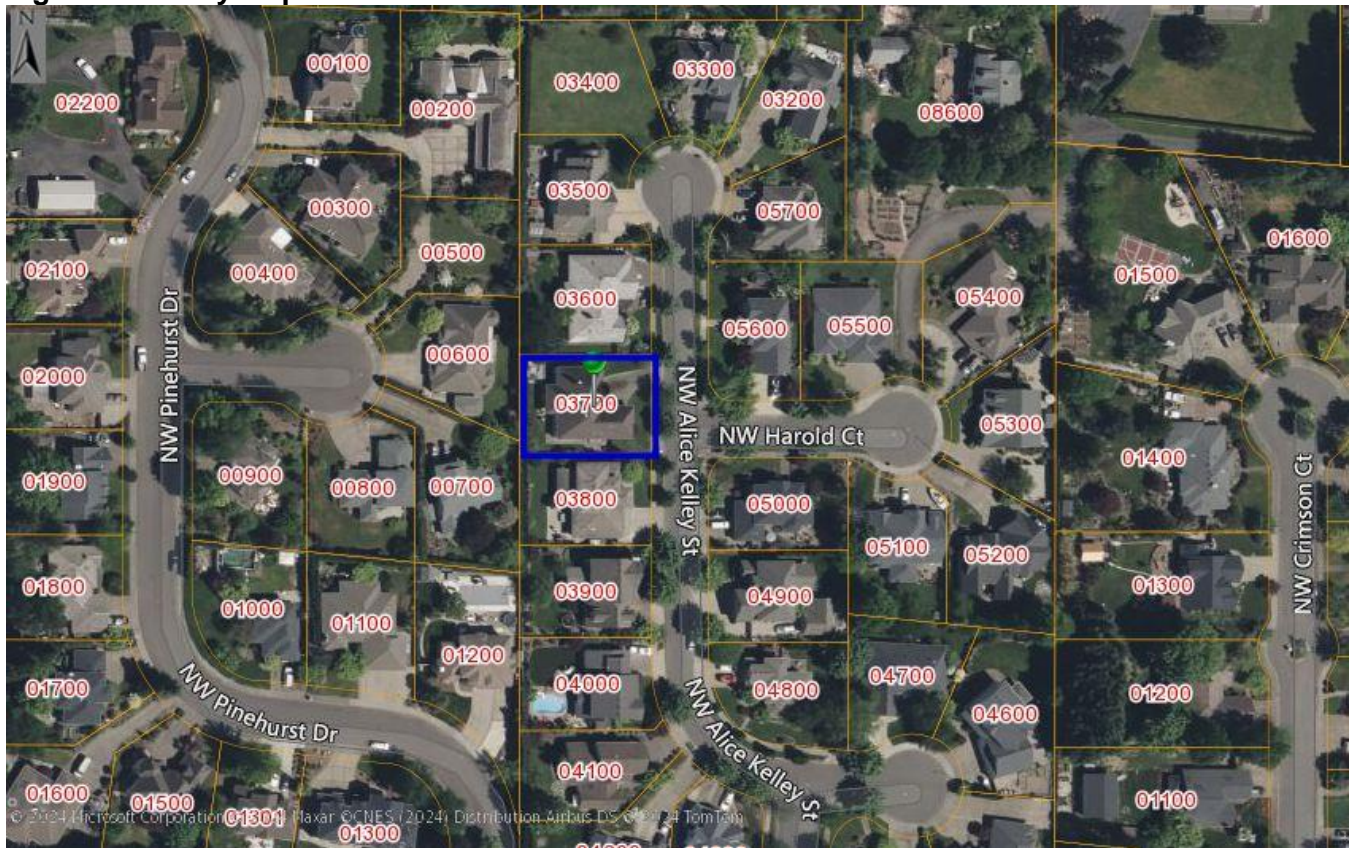


Figure 1 The subject site (2563 NW Alice Kelley St.) is selected in blue, with a green pin, and labeled as 03700.

Figure 2. Application Site Photos.



Figure 2 Site photos provided by Applicant.



Figure 2 Site photos provided by Applicant.

Figure 3. Gas Main Map

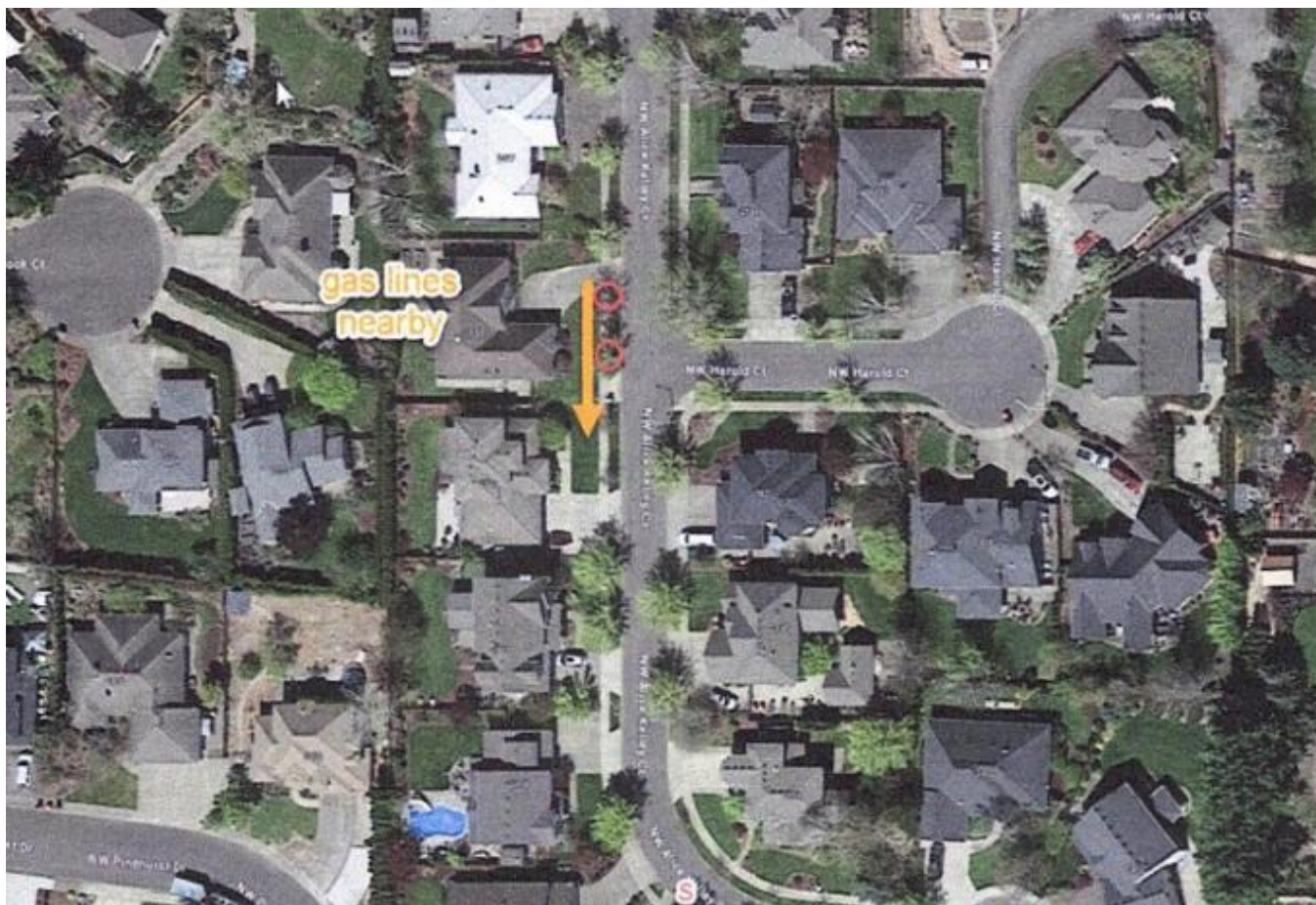


Figure 3 Gas line map provided by Applicant.

Figure 4. Street Tree Plan (L 4-00)

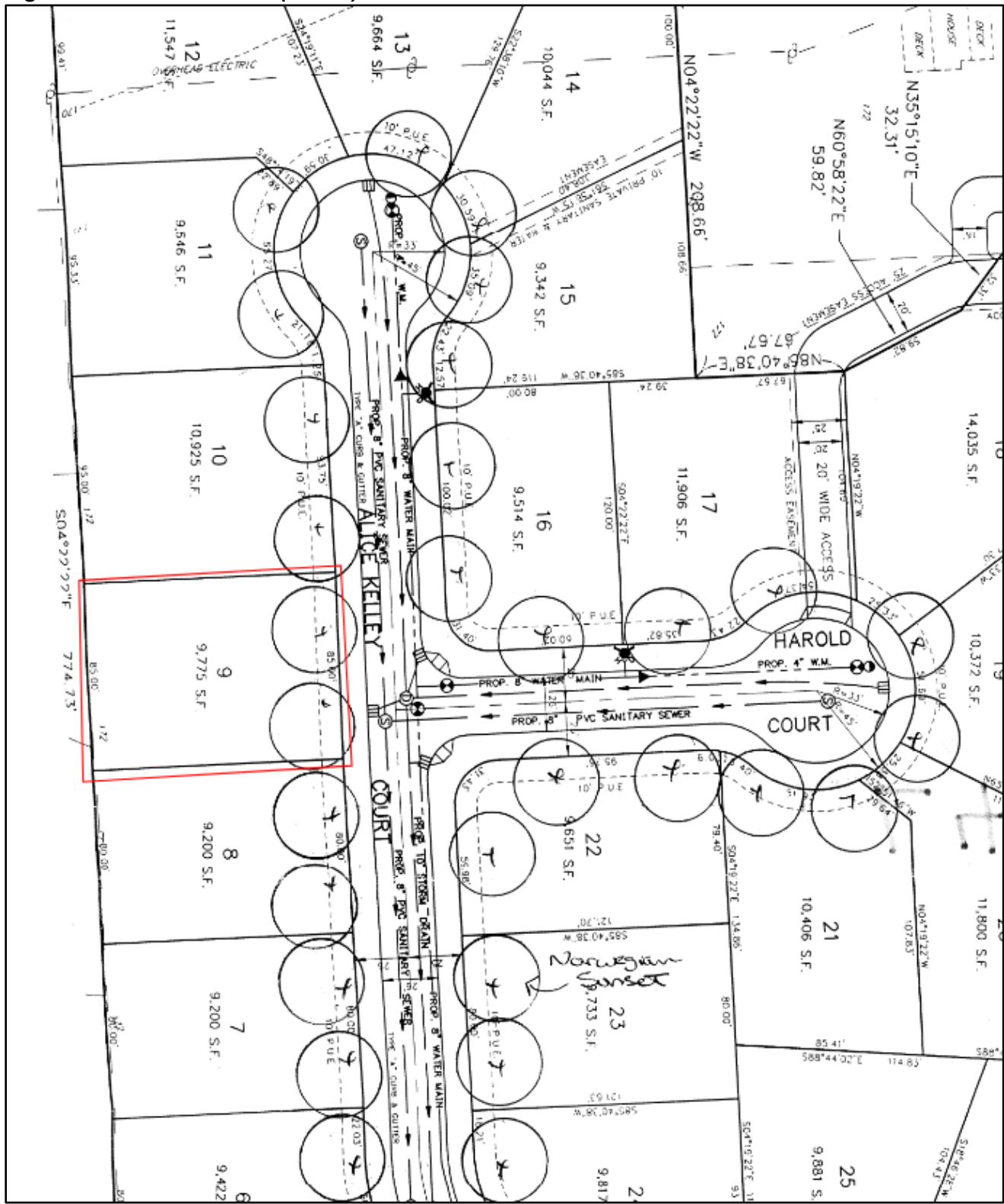


Figure 4. The project area is outlined in red. Two (2) street trees are located within the project area.

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:

No Comments were received as of February 28, 2024.

City of McMinnville Public Works Department:

No Comments were received as of February 28, 2024.

City of McMinnville Engineering Department:

Engineering has reviewed the application and found there do not appear to be any issues at this point in time that would require tree removal. A recent plumbing permit shows no inspection has been performed to support removal, and it is unclear if work has been performed on the sewer line. No Arborist Report was provided as part of the sidewalk installation mentioned in the application, including if any root pruning was required at the time of installation.

At this time, the property owner was able to successfully install a new sidewalk near their driveway, and the sidewalk does not show any sign of lifting, and there are no trip hazards. If there is more evidence the Applicant is able to provide for our review, we can do that, but at this time, there is no evidence for the approval of the tree removal.

III. ATTACHMENTS:

1. Application

IV. FINDINGS OF FACT

Staff has reviewed the application, the applicable criteria and standards. Staff recommends denial of the application. Staff recommends denial of the application due to the lack of evidence that criteria within Section 17.58.050 are met.

Section 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.*

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. The Arborist Report did not identify the tree as unsafe, dead, or diseased.

- B. *The tree is in conflict with public improvements.*

APPLICANT'S RESPONSE: "These maples are in semi mature status and have already caused damage to underground utilities and the sidewalk. The sidewalk was damaged to the point of needing replacement. When the sidewalk was replaced, the root barrier was not installed. The concrete is showing signs of lifting, and continued damage to public improvements is likely."

FINDING: NOT SATISFIED. The Arborist Report included the above statement, photographic evidence, and mapping of gas utilities. The information provided does not show the impact of the trees on existing public improvements. Staff supplemented the information in the application by conducting a site visit on February 27, 2024, and reviewing permit history of the property.

In June 2023, two permits were applied for 1) to replace a portion of the sidewalk along the street frontage and 2) to repair/replace a sewer lateral. After conducting the site visit, it appears to Staff that the applicant has conducted the repair of the sidewalk, but the repair/replacement of the sewer lateral is not clear. As part of the two permits, the Applicant agrees to request an inspection within six (6) months, December 2023. However, inspections have not been called for either permit, and the six (6) month inspection period has since expired. During both the sidewalk replacement and sewer lateral repair/replacement, no information was provided regarding the impact of the trees on the public improvements.

Additional information is included in the Engineering comment copied below.

Engineering has reviewed the application and found there do not appear to be any issues at this point in time that would require tree removal. A recent plumbing permit shows no inspection has been performed to support removal, and it is unclear if work has been performed on the sewer line. No Arborist Report was provided as part of the sidewalk installation mentioned in the application, including if any root pruning was required at the time of installation.

At this time, the property owner was able to successfully install a new sidewalk near their driveway, and the sidewalk does not show any sign of lifting, and there are no trip hazards. If there is more evidence the Applicant is able to provide for our review, we can do that, but at this time, there is no evidence for the approval of the tree removal.

Based on the above analysis, Staff recommends denial of the criteria of the trees being 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.*

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. The proposed removal is not part of an approved development project, public improvement project, or 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: None.

FINDING: NOT SATISFIED. The Arborist report did not provide sufficient information to verify either tree health or impact on infrastructure.

V. STAFF RECOMMENDATION:

Staff has reviewed the application for consistency with the applicable criteria. Staff finds that the application submitted by the applicant does not contain sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS DENIAL** of the tree removal application (L 6-24).

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 NOT SATISFIED, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE DENY THE STREET TREE REMOVAL APPLICATION L 6-24 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 6-24
 Date Received 2/13/24
 Fee \$100.00
 Receipt No. 209377
 Received by AW

569-24-000041-PLNG

Street Tree Removal

Applicant Information

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

Applicant Name Alex and Pat Prentice Phone 408-718-3950 A
 Contact Name _____ Phone 916-337-2306 P
 (If different than above)
 Address 2563 NW Alice Kelley St
 City, State, Zip McMinnville, OR 97128
 Contact Email alexprentice938@gmail.com

Property Owner Information

Property Owner Name same 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 2563 NW Alice Kelley St, McMinnville, OR 97128
 (Property nearest to tree(s) for removal)
 Assessor Map No. R4417 BA -03700 Total Site Area 0.2244
 Subdivision Mahon Farms Block _____ Lot _____
 Comprehensive Plan Designation Residential Zoning Designation R1

Additional Information

1. How many trees are requested for removal? two
2. What type (species) of tree(s) are they? (1) Red Maple, (1) Norway Maple
3. What is the diameter of the tree(s), measured four feet above ground level? 15" DBH
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. Roots have caused damage to driveway, sidewalk, sewer line to point of needing replacement.

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.

Alex Prentice
Applicant's Signature

2/13/24
Date

Alex Prentice
Property Owner's Signature

2/13/24
Date

Associated Arborists

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

DATE:	1/25/24
TO:	Alex Prentice
FROM:	Taylor Alvarez, Associated Arborists, ISA#PN 8332AU
SUBJECT:	Tree Removal Request X2
PURPOSE:	Produce Report

Quantity: 2

Species: 1 Red Maple, 1 Norway Maple

DBH: 15" average

Removal Criteria: Tree in conflict with public improvements

Location: *2563 Northwest Alice Kelly Court*

Arborist Report: #0010124

Arborist's Findings:

These maples are in semi mature status and have already caused damage to underground utilities and the sidewalk, The sidewalk was damaged to the point of needing replacement. When the sidewalk was replaced, the root barrier was not installed. The concrete is showing signs of lifting and continued damage to public improvements is likely.

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Locate Findings:

District	Company name	Marking concerns	Customer service	Repair Status
CCOR01	COMCAST CABLE	800-778-9140	800-934-6489	855-537-6296 Marked
COMC01	CITY OF MCMINNVILLE	503-434-7312	503-434-7312	503-434-7312 Does Not Participate
MWL01	MCMINNVILLE WTR/LIGHT	503-803-1106	503-472-6158	503-472-6158 Marked
NWN01	NW NATURAL	971-277-4474	503-220-2415	800-882-3377 Marked (I hooked up to the meter on house #2584 and I located the NWN 1/2" Poly service and the NWN 2" Poly Main that run in front of house #2563)
ZIPOR01	ZIPLY FIBER	800-778-9140	866-947-5995	866-947-5995 Clear/No conflict

