



Landscape Review Committee
Hybrid In-Person & ZOOM Online Meeting
Wednesday, December 3, 2025 - 5:00 PM

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

Join ZOOM Meeting online via the following link:

<https://mcminnvilleoregon.zoom.us/j/88138973805?pwd=dPNSRKb5dMDeGssb2682IKX3j3iMVq.1>

Meeting ID: 881 3897 3805 Passcode: 766657

Or join ZOOM Meeting by phone via the following number: 1-669-444-9171

Committee Members	Agenda Items
Jamie Fleckenstein, Chair	1. Call to Order and Roll Call
Brian Wicks, Vice Chair	2. Minutes
Carlton Davidson	A. February 7, 2024 (Exhibit 1), September 11, 2024 (Exhibit 2), October 23, 2024 (Exhibit 3), December 4, 2024 (Exhibit 4), December 18, 2029 (Exhibit 5), January 15, 2025 (Exhibit 6), January 22, 2025 (Exhibit 7), February 19, 2025 (Exhibit 8), March 19, 2025 (Exhibit 9), April 9, 2025 (Exhibit 10), May 12, 2025 (Exhibit 11)
Lee McCollins	3. Citizen Comments
Eva Reutinger	4. Action Items
	A. Natural Resources Draft Code Amendments (Exhibit 12)
	5. Committee Member Comments
	6. Staff Comments
	7. Adjournment

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

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



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

February 7, 2024
Landscape Review Committee
Special Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Jamie Fleckenstein, Brain Wicks, Carlton Davidson, John Hall, Eva Reutinger and Jessica Payne - Council Liaison

Members Absent:

Staff Present: Tom Schauer – Senior Planner, Taylor Graybehl – Senior Planner, and Matthew Deppe – Associate Planner

Guests Present: Laura LaRoque, Ron Rymers, Sheyla Wulf Howell, Laura Antonsen, Dan Flatten, and Brian Way

1. Call to Order

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

2. Approval of Minutes

None

3. Citizen Comments

None

4. Action Item

- A. L 55-23: Landscape Plan Review, Best Western, 2035 & 2045 SW Hwy 99W, Tax Lot R4429BD 02700

Chair Fleckenstein moved to continue L 55-23 to February 21, 2024. The motion was seconded by Committee Member Wicks and passed 5-0.

Senior Planner Schauer introduced Senior Planner Graybehl and Associate Planner Deppe.

- B. L 53-23: Landscape Plan Review, EMPWR, 750 SE Booth Bend Rd., Tax Lot R4429 02600

Senior Planner Schauer explained the application for the EMPWR property on SE Booth Bend Road. They had done substantial expansion of the operation and added an additional building. He described the existing conditions of the site and prior landscape plan. The applicant would

be doing road improvements including curb, gutter, sidewalk, and planter strip. Currently about 1% of the property was landscaped and 5% was required. The existing landscape would be retained along the front of the new building and parking lot. Landscaping would be added to the parking area and along the west and east sides of the property with shrubs and hedges. He described the other landscape areas. The applicant had not proposed additional screening for the south side of the site. He asked if there was sufficient screening of the back of the buildings from Highway 18 and sufficient screening of the solid waste container. There was no trash enclosure identified on the plan, only a refuse area.

Laura LaRoque, representing the applicant, reviewed the site plan. Included in the proposal would be the required street frontage improvements along the public right-of-way and a six foot additional landscape area and sidewalk. They would maintain the existing landscaping and enhance the landscaping as they had opportunities. She gave an overview of the existing building, proposed building, parking bordering the sides of the building, pedestrian walkways, and screening from adjacent uses. There were some existing trees in the ODOT right-of-way. The expansion of the food processing facility would be an economic asset. There was a 20 foot fire access lane with proper turning radius. She explained the site circulation and refuse area. Heavier landscaping was proposed for the front of the building on Booth Bend Road to help with the local and community feel. The rear of the site was a highway and less landscaping was proposed because there would not be foot traffic there. They were trying to balance the different needs of the site.

Laura Antonsen, representing the applicant, said she had tried to match a similar plant palette and preserve as much of the existing landscaping as possible.

There was discussion regarding the elevations of the back of the building, screening the garbage area with evergreens, trash enclosure requirements, adding tree islands along the west property line by the compact parking spaces and making up spaces elsewhere on the site, and adding evergreens to the south side for more screening.

Ms. LaRoque said this was an industrial zone and the site had 1% landscaping, which was non-conforming and would continue to be non-conforming if the development did not move forward. What was proposed brought the site into conformance. The code did not specifically state which solutions needed to be applied for screening. She thought site obscuring fences or growing vines on something would be sufficient. She thought the City could also work with ODOT for more enhancements along the highway. There was no area to add any hedgerow along the south of the property. Landscaping could be added to the southwest corner to help screen the trash containers and also in the southeast corner.

There was consensus that the south side needed additional screening, particularly around the trash containers. There was further discussion about adding trees on the west property line to shade the parking area. It was suggested to plant taller shrub species periodically along the west property line rather than planting trees.

Conditions were added that for the west property line, at a minimum of every 8 feet, a grouping of three shrubs would be planted to achieve a minimum mature height of 10-12 feet to provide shade to the parking lot. For the south side, the deciduous shrubs would be replaced with taller evergreen plantings in the southeast and southwest corners and screening would be added by planting evergreen vines along the existing fence.

Committee Member Wicks moved to approve L 53-23 with the additional conditions as discussed. The motion was seconded by Committee Member Hall and passed 5-0.

C. L 51-23: Landscape Plan Review, U-Haul, 3120 NE Hwy 99W, Tax Lot R4415 00700

Committee Member Davidson left the meeting.

Senior Planner Schauer discussed the landscape plan for U-Haul on NE Hwy 99W. He explained how the frontage improvements would occur including curb tight sidewalks and relocating street trees as well as the existing conditions, constraints, and easements on the site. He asked for feedback from the Committee about the lack of landscaping in the interior due to constraints.

Brian Way, representing the applicant, gave an overview of the site including existing buildings, stormwater, access, circulation pattern, easements, and proposed buildings. The landscape treatments were around the perimeter along with existing trees. Landscape islands were also provided every sixty feet in the parking area as well as a parking lot tree. There would also be street trees under overhead wires. The tree selection changed in the BPA easement due to restrictions. He asked for direction on the loading dock screening.

There was discussion regarding the grading and elevation of the loading dock, how the intent was to minimize the visibility from the right-of-way and other areas that were accessible to the public onsite, BPA restrictions that limited screening of the east side of the loading dock, and adding landscaping at the grade change.

Brian Lee, representing the applicant, said the loading dock was at the surrounding asphalt grade and the ramp went down for trucks to unload.

The Committee discussed other areas where landscaping could be added, availability of tree species, and how vehicles circulated through the site.

Dan Flatten, representing the applicant, said there would be striping, arrows, and other visual cues for the circulation.

Committee Member Reutinger left the meeting.

There was discussion regarding adding a planter by the loading dock near the handrail and adding a planter and sidewalk on the north side of Building A. There was consensus to add these elements to the conditions.

It was determined the interior distribution of plantings would be difficult, due to the BPA restrictions and vehicle circulation. The distribution of the parking islands and parking throughout the perimeter of the site was good and there was screening from the public right-of-way.

Chair Fleckenstein moved to approve L 51-23 with the additional conditions as discussed. The motion was seconded by Committee Member Hall and passed 3-0.

D. L 4-24: Street Tree Removal Application, Blattner, 910-922 NE Grandhaven Dr., Tax Lot R4409CD 00706

Senior Planner Schauer said this tree removal application had come in as a result of a complaint. The trees had already been removed due to sidewalk uplifting.

Chair Fleckenstein moved to approve L 4-24. The motion was seconded by Committee Member Hall and passed 3-0.

5. Committee Member Comments

None

6. Staff Comments

A. L 48-23: Stillwater Final Inspection – Street Tree Size

Senior Planner Schauer said upon inspection, the street trees were one and a half inch caliper instead of two inches. He asked for approval of the smaller caliper for the trees that were planted under utility lines.

There was consensus to allow the smaller caliper.

Senior Planner Schauer discussed upcoming applications.

7. Adjournment

Chair Fleckenstein adjourned the meeting at 2:14 p.m.



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Planning Department
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MINUTES

September 11, 2024
Landscape Review Committee
Special Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Jamie Fleckenstein, Brain Wicks, Carlton Davidson, John Hall, and Eva Reutinger

Members Absent: Jessica Payne – Council Liaison

Staff Present: Taylor Graybehl – Senior Planner

Guests Present: Tim Wade and Duncan Scovil

1. Call to Order

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

2. Approval of Minutes

- January 17, 2024
- February 21, 2024

Committee Member Reutinger moved to approve the January 17 and February 21, 2024, minutes. The motion was seconded by Committee Member Hall and passed 5-0.

3. Citizen Comments

None

4. Action Item

A. L 26-24: Landscape Review Application, 1066 NE Alpine Avenue, Tax Lot R4421BA01001

Senior Planner Graybehl summarized the landscape plan. Staff recommended approval with conditions. The site was undeveloped on NE Alpine Avenue and the proposal was to build a new two-story hotel. This was in the NE Gateway District and the applicant had a separate development review application to meet those requirements. There were some adjustments to the property lines, and the applicant had to show proof they had been recorded prior to the landscape plan being implemented. The applicant proposed 840 square feet of landscaping, which was 16.7% of the site and 15.3% of the proposed site after the property line adjustment,

which exceeded the 7% requirement. He described the subject site and zoning. The landscape plan proposed a recessed planter box and public patio with permeable pavers, shrubbery, ground cover, and public bench seating along NE Alpine and courtyards interior to the site with permeable pavers, ground cover, shrubbery, and trees. He explained the materials proposed, how the plants would be watered by hand until they were established, the applicable criteria, and conditions of approval.

There was discussion regarding the timing of the property line adjustment and lack of irrigation system.

The applicant, said there would be a hose bib in each courtyard area so they would not be dragging hoses around. Plants would be watered deeply until they were established and then a soaker system would be set up after that. They also planned to plant drought resistant plants. She explained how there would be green on the building with grape vines and trellises.

It was noted that this would be a 17-room hotel, with a roughly 35-40 person occupancy. They had determined seven parking spaces were needed, and they had a lease agreement for parking across the street.

There was discussion regarding the open walkways between courtyard spaces and how the rooms opened to the outside, how there was no screening proposed for the residential house, initially hooking up to the soaker system instead of waiting until the plants were established, feeling comfortable that a soaker system would be installed even if it wasn't installed at the time of planting, meeting the NE Gateway requirements, shared parking agreement and landscape requirements, and fence material.

Duncan Scovil, applicant, explained the fence would be a two-sided picket fence either made out of metal or wood. He assured the Committee the plants would be watered.

Committee Member Hall moved to approve L 26-24 with the conditions in the decision document. The motion was seconded by Committee Member Reutinger and passed 5-0.

B. G 2-24: Landscape Zoning Ordinance Amendments Workshop

Senior Planner Graybehl presented the amendments to Chapter 17.57, standards for landscaping and landscape plans. The proposed amendments increased the time from 30 to 45 days for processing landscape plan applications to allow for review at a regular monthly meeting of the Landscape Review Committee. He explained the current process of building permit submission which was an administrative review, and Landscape Review Committee approval which was a discretionary review. The amendments would create a new administrative review process where landscape plans would be reviewed by staff against objective standards or reviewed by the LRC to allow for alteration to the objective standards if the LRC determined the purpose and intent of the chapter were met. The applicant would select the process. He discussed the benefits and issues to the discretionary review and benefits and issues to the administrative review process.

There was discussion regarding adding a completeness review period, how all street tree applications would still come to the Committee, support for separating discretionary and

administrative reviews, especially to free up time for long term planning and projects, and how approval of the administrative review would be from the Planning Director.

The Committee would continue to discuss the amendments at a future meeting.

5. Committee Member Comments

None

6. Staff Comments

None

7. Adjournment

Chair Fleckenstein adjourned the meeting at 1:08 p.m.



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MINUTES

October 23, 2024
Landscape Review Committee
Regular Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Jamie Fleckenstein, John Hall, Brain Wicks, Carlton Davidson, and Eva Reutinger
Members Absent: Jessica Payne – Council Liaison
Staff Present: Taylor Graybehl – Senior Planner
Guests Present:

1. Call to Order

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

2. Approval of Minutes

None

3. Citizen Comments

None

4. Action Item

A. L 18-24: Landscape Review Application, 1400 NE Miller Street, Tax Lot R4415 03403

Senior Planner Graybehl reviewed the landscape plan including the zoning, existing conditions, proposal to use the site for the contractor's equipment storage, and proposed landscape plan. There would be landscaping on the northern and southern property lines with a number of trees and a planting area along NE Miller Street with trees, shrubbery, and grass. The total landscaping exceeded the minimum 7%. He then reviewed the conditions of approval including buffering trees from the public utilities, maintenance of the landscaping, and trash enclosure screening. He discussed how the applicant had extended the review period and how the property was in several overlay districts. Staff recommended approval.

There was discussion regarding underground utilities and adding a root barrier for the trees along the sidewalk. There was consensus to add a condition for root barrier between the frontage trees and the sidewalk consistent with street tree requirements.

There was further discussion regarding the spacing of the trees along the property frontage, which was greater than 30 feet apart for street tree spacing. It was suggested that four trees should be planted instead of the three trees proposed to meet the spacing requirements for street trees.

Irrigation and not putting in trees along the frontage due to water utility conflicts were discussed. If there was a conflict and the trees could not be planted, the LRC could ask for the plan to come back, or the application would continue through with no trees planted due to the conflict. There was consensus for the application to come back to the LRC to look at alternative locations for the trees between the building and driveway. This was added as a condition and conditions were added for the spacing requirements to follow street tree standards, and root barrier to be provided along the sidewalk.

Chair Fleckenstein moved to approve L 18-24 with the added conditions. The motion was seconded by Committee Member Wicks and passed unanimously 5-0.

5. Committee Member Comments

None

6. Staff Comments

Senior Planner Graybehl said the Planning Commission held a Work Session regarding the landscape code amendments and they were on board. Another change staff was thinking about was for street tree plans that were part of a partition or subdivision, that approval would be done administratively instead of coming to the LRC. The Planning Commission wanted to look at standards for including more drought tolerant plants in landscape plans.

There was discussion regarding City projects that had not come to the LRC.

Senior Planner Graybehl thought they could improve the planting standards which would help in these situations. Chair Fleckenstein thought the applications could come to the Committee for comment, much like how applications were sent to Public Works and McMinnville Water & Light for comment and review.

7. Adjournment

Chair Fleckenstein adjourned the meeting at 1:00 p.m.



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MINUTES

December 4, 2024
Landscape Review Committee
Special Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Jamie Fleckenstein, Brain Wicks, Carlton Davidson, and John Hall
Members Absent: Eva Reutinger and Jessica Payne - Council Liaison
Staff Present: Tom Schauer – Senior Planner and Taylor Graybehl – Senior Planner
Guests Present: Nick Wecker, Nathan Machiela, and Conner Hayes

1. Call to Order

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

2. Approval of Minutes

None

3. Citizen Comments

None

4. Action Item

- A. LFR 1-24 & L 33-24: Large Format Commercial Review and Landscape Plan Review
Applications for Thoroughbred Car Wash, 1170 SW Booth Bend Rd., Tax Lot R4429CA 00302

Senior Planner Schauer presented the Staff report on Applications LFR 1-24 and L 33-24, noting the request for concurrent review. Staff recommended approval of the applications subject to the proposed conditions.

Nick Wecker, Barghausen Engineers, confirmed 27 percent of the overall site was landscaped, with approximately 7 to 8 percent landscaping in the parking and vacuum area. The Applicant had modified the trash enclosure location, which had been approved by Recology for pickup. The Applicant would provide additional information regarding the two employees onsite at a time.

Questions and comments from the Committee were addressed with input from Mr. Wecker.

The Committee discussed the minimum landscape area percentage, potential approval of a central island that slightly exceeds the maximum width, the 60-ft maximum spacing requirement between planting islands, including trees in the linear planting area behind the vacuum stalls, the conifers along the drive aisle, and recommendations for plant species.

In response to the Applicant's questions regarding the 60-foot separation requirement and providing additional landscaping to offset the need for planters between stalls, the Committee discussed how planting two trees would meet the Large Format Code's intent to provide shade in such areas. They agreed on a compromise to allow trees spaced no more than 60 ft apart in lieu of a planting peninsula in the vacuum area. Additionally, the Applicant displayed an image of the Thoroughbred Car Wash location in Pendleton to illustrate how vacuums break up the space and addressed questions from the Committee.

Chair Fleckenstein moved that Application LFR 1-24 be approved with the conditions submitted, amending Condition 1-e to allow two trees spaced no more than 60-ft apart be planted in the long planting bed fronting the vacuum stalls in lieu of a planting peninsula in the vacuum spaces. Vice Chair Wicks seconded the motion.

The following amendment was made to the Application LFR 1-24 Decision Document/Staff report:

- Amend Condition 1-e to state, "To comply with MMC 17.56.050(C)(4), the applicant shall update the site plan and landscape plan to provide a landscape island near the midpoint of the parking stalls/vacuum stalls, to include raised curb, landscaping, and at least one deciduous tree two trees spaced no more than 60 ft apart in lieu of a planting peninsula in the vacuum space area."

The motion passed 4 to 0. (Ayes: Fleckenstein, Wicks, Davidson, and Hall. Nays: None.)

Regarding Application L 33-24, the Committee consented to delete Condition 1, noting the proposed conifers were acceptable, and delete Condition 2-a, noting the landscape calculation was on the civil engineering plan and that the parallel provision regarding the landscape island would need updated to reflect the approved amendment to Condition 1-e in Application LFR 1-24.

The Committee recommended the Applicant consider replacing the Pyrus Aristocrat with Pyrus Cleveland Select or Chanticleer and replace the two Otto Luyken Laurel with two emerald arborvitaes, or whatever was specified, in the trash enclosure area to the southeast, authorizing Staff to approve any revisions to plant species proposed by the Applicant.

Chair Fleckenstein moved to approve Landscape Plan L 33-24 with amendments to remove Conditions 1 and 2-a, update the parallel provision regarding the landscape island, and authorize Staff to approve plant species revisions proposed by the Applicant, taking the Committee's recommendations into consideration. Vice Chair Wicks [1:05:32] seconded the motion, which passed 4 to 0. (Ayes: Fleckenstein, Wicks, Davidson, and Hall. Nays: None.)

5. Committee Member Comments

None

6. Staff Comments

Committee members confirmed they would follow up with Senior Planner Graybehl regarding their availability for goal setting on December 18, 2024.

Senior Planner Schauer confirmed making street tree removal permit requirements an administrative process had already been implemented and reported on the Landscape Code Amendments in progress and the tree planting standards draft regarding the separation of planter strips from utilities and potential mitigations. He addressed questions and comments from the Committee.

Committee members and Staff discussed planting strip widths and suitable tree species, use of root barriers, sidewalk impacts on tree root upheaval, and whether developers were required to submit a final as-built.

7. Adjournment

The meeting adjourned at 1:19pm.



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MINUTES

December 18, 2024
Landscape Review Committee
Regular Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Jamie Fleckenstein, Brain Wicks, Eva Reutinger, and Jessica Payne – Council Liaison

Members Absent: Carlton Davidson and John Hall

Staff Present: Taylor Graybehl – Senior Planner

Guests Present: Lee McCollins

1. Call to Order

Chair Fleckenstein called the meeting to order at 12:03 p.m.

2. Approval of Minutes

- March 6, 2024

Committee Member Reutinger moved to approve the March 6, 2024 meeting minutes. The motion was seconded by Committee Member Wicks and passed 3-0.

- March 20, 2024

Committee Member Reutinger moved to approve the March 20, 2024 meeting minutes. The motion was seconded by Committee Member Wicks and passed 3-0.

3. Citizen Comments

None

4. Action Items

None

5. Discussion Items

A. Landscape Review Committee 2025 Work Plan

Senior Planner Graybehl explained the purpose of the work plan and how it was organized into goals, strategies, and actions. He reviewed the items for the 2025 Work Plan, which were the same goals as 2024 with new actions. Those actions were updating the McMinnville Street Tree List, updating Section 17.58.090(E) Street Tree and Utilities Separation Standards, and updating the street tree planting design drawings and specifications. The Mac-Town 2032 Strategic Plan included a goal for public education, and the LRC should consider how to use social media to inform and engage the public to educate and build support for innovative and creative solutions related to landscaping and trees. There was a grant they could apply for next year for a street tree inventory.

There was discussion regarding the purpose of the inventory and how the work would be done as well as the timeframes for the actions. There was further discussion regarding what changes might be needed to the street tree planting design drawings. A subcommittee would work on these changes and bring back a recommendation to the Committee. The Committee added an item, to explore and recommend a program to assist with street tree replacement and sidewalk repair to be done in the fall.

Senior Planner Graybehl spoke about the actions to increase awareness and appreciation for the urban forest and landscape including developing and implementing an Outreach Plan. A subcommittee would work on the Outreach Plan. For preserving the urban forest and landscape, he recommended creating a Natural Features Management Program. The Committee added an item, to identify significant and historic trees.

Senior Planner Graybehl discussed the fiscal impact of the work plan and how staff would research grant opportunities to obtain funds to help complete the projects and activities and provide in-kind staff time as workloads allowed. He recommended approval of the 2025 Work Plan as amended.

Committee Member Reutinger moved to adopt the 2025 Work Plan with the changes suggested. The motion was seconded by Committee Member Fleckenstein and passed 3-0.

6. Committee Member Comments

None

7. Staff Comments

Senior Planner Graybehl said Committee Member Hall's term was expiring and a new member would be sworn in at the January meeting. There was discussion regarding planting a tree at Linfield College in Committee Member Hall's honor.

Senior Planner Graybehl said the landscape plan code amendments would go to Council in January. If approved, they would be effective in February. There was a landscape plan to be reviewed in January.

8. Adjournment

Chair Fleckenstein adjourned the meeting at 1:23 p.m.



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MINUTES

January 15, 2025
Landscape Review Committee
Special Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Jamie Fleckenstien, Brian Wicks, Carlton Davidson, Lee McCollins, Eva Reutinger, and Jessica Payne – Council Liaison

Members Absent:

Staff Present: Taylor Graybehl – Senior Planner

Guests Present: Melinda VerMeer

1. Call to Order

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

2. Swearing-In of New Committee Member

Senior Planner Graybehl conducted the swearing-in of Lee McCollins.

3. Selection of Chair and Vice Chair

Senior Planner Graybehl presented the staff report on reviewed the nomination and election processes for the annual election of officers, as well as the roles of Chair and Vice Chair.

Committee Members Davidson and Reutinger nominated Jamie Fleckenstein for Chair. Chair Fleckenstein accepted the nomination.

Jamie Fleckenstein was elected 2025 Landscape Review Committee Chair by a 4 to 0 vote. (Ayes: McCollins, Reutinger, Wicks, Davidson. Nays: None.) [Fleckenstein and Payne not heard abstaining or voting]

Committee Member Wicks nominated Carlton Davidson as Vice Chair. Committee Member Davidson accepted the nomination.

Carlton Davidson was elected 2025 Landscape Review Committee Vice Chair by a 4 to 0 vote. (Ayes: McCollins, Reutinger, Wicks, Fleckenstein. Nays: None) [Davidson and Payne not heard abstaining or voting]

4. Approval of Minutes

None

5. Citizen Comments

None

6. Action Item**A. L 47-24: Landscape Plan Review for HFT Mayfair, LLC at 540 NE Highway 99W, Tax Lot R4416CB 00400**

Senior Planner Graybehl presented the Staff report on the proposed modification of approved Landscape Plan L 38-17 for Mayfair Plaza. Staff recommended approval of the request with the conditions stated in the Decision Document. Questions from Committee members were addressed.

Melinda VerMeer, Applicant, said that after working with the Building Department, the permanent tent would likely be replaced with a temporary seasonal tent, and confirmed that Staff still needed more design details about the lighting.

Committee members briefly discussed the conditions of approval related to trees.

Committee Member Reutinger moved to approve the Landscape Plan Review Application L 47-24 with the conditions as written in the Decision Document. Committee Member McCollins seconded the motion, which passed 5 to 0. (Ayes: Fleckenstein, Wicks, Davidson, McCollins, Reutinger, and Payne. Nays: None.)

B. 2025 Work Plan Implementation

Senior Planner Graybehl reviewed the 2025 Work Plan action items for spring, detailing the work that needed to be done for each item, getting commitments from specific Committee members to work on each item, answering questions, and noting next steps.

During and after the review, Committee members and Staff discussed the development of an urban forestry master plan and the maintenance of wetlands in subdivisions.

7. Committee Member Comments

None

8. Staff Comments

Senior Planner Graybehl reported that the Landscape Plan Code amendments needed more work, and he would let the Committee know when the amendments were scheduled for a public

hearing. He also noted a special LRC meeting had to be scheduled for next week to meet the decision deadline for an application.

9. Adjournment

The meeting adjourned at 1:03pm.



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MINUTES

January 22, 2025
Landscape Review Committee
Regular Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Jamie Fleckenstien, Brian Wicks, Carlton Davidson, Lee McCollins, Eva Reutinger, and Jessica Payne – Council Liaison

Members Absent:

Staff Present: Taylor Graybehl – Senior Planner

Guests Present: Jeffrey Creel, Jay Pannel, and Hillary Harris

1. Call to Order

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

2. Approval of Minutes

None

3. Citizen Comments

None

4. Action Item

- A. L 50-24: Landscape Plan Review for Hillary Harris, HHPR at 2125 NW 2nd Street, Tax Lot R4419AC 00300

Senior Planner Graybehl presented the Staff report on Application L 50-24. Staff recommended approval subject to the proposed conditions. He noted a revised landscape plan received earlier in the day aligned with the site plan already under review and did not appear to impact applicable Landscape Plan review criteria.

Questions from the Committee were addressed.

The Committee discussed Landscape Code street tree spacing standards in relation to utility conflicts and the possibility of reducing spacing while still achieving canopy coverage. Members noted recent examples involving clustered trees and mentioned that coordination with Public Works may allow for flexibility depending on the site. The potential for having two trees on each side of the driveway was raised in light of the available right-of-way width.

Committee member comments noted the unique plan and its diverse plant selection, notably the choice of Mount Fuji cherry trees for street trees and the community garden type feel. They liked the plan and layout overall and emphasized maximizing the street tree count in the front.

Chair Fleckenstien moved that the Landscape Review Committee approve Application L 50-24 with the conditions as written in the Decision Document. Committee Member McCollins seconded the motion, which passed 4 to 0. (Ayes: Fleckenstien, Wicks, Davidson, McCollins. Nays: None.)

Staff will provide the Applicant with the decision reflecting the recommendation within a week and schedule a time to discuss the remainder of the plan.

5. Discussion Items

None

6. Committee Member Comments

None

7. Staff Comments

None

8. Adjournment

The meeting adjourned at 12:27 pm.



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MINUTES

February 19, 2025
Landscape Review Committee
Regular Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Brian Wicks, Carlton Davidson, Eva Reutinger, and Lee McCollins
Members Absent: Jamie Fleckenstein and Jessica Payne – Council liaison
Staff Present: Taylor Graybehl – Senior Planner
Guests Present: Micah Cooksey (applicant), David Soto (applicant), Ed Christianson (applicant), Laura Antonson (applicant), Peter Van Oss (applicant), and Taylor Thomas (applicant)

1. Call to Order

The meeting was called to order at 12:00 p.m.

2. Approval of Minutes

None

3. Citizen Comments

None

4. Action Item

- A. L 46-24: Landscape Plan Review for Micah Cooksey, at 2631 NE McDonald Lane, Tax Lot R4416BA02900

Senior Planner Graybehl reviewed the landscape plan on NE McDonald Lane. This was a request for the proposed expansion of a parking lot between the building onsite and NE Johnson Street. The application included the retention of onsite landscaping and trees and the installation of two new street trees. He described the subject site, site plan, and Committee options. There were underground utilities and overhead wires along NE Johnson Street, and the applicant would need to select the appropriate street trees for under the wires. He then explained the conditions of approval. There was a question about the height of the proposed fence.

Micah Cooksey, applicant, clarified it was a six-foot fence, which had already been installed. Because they were a neighborhood church, they prioritized a clean, well-maintained landscape and typically had volunteers who helped with the maintenance.

Committee Member Davidson moved to approve L 46-24 subject to the conditions specified in the decision document. The motion was seconded by Committee Member McCollins and passed unanimously 4-0.

B. L 1-25: Landscape Plan Review for Ed Christensen, Welkin Engineering PC, 900 SW Booth Bend Road, Tax Lot R4429 02500

Senior Planner Graybehl presented the landscape plan on SW Booth Bend Road. This was a request for the landscaping, fencing, and irrigation of a vacant site associated with developing a Tractor Supply building to include a fenced outdoor display area, a permanent trailer equipment display area, parking lot, street tree and tree removal, street tree plantings, and a new building. He discussed the aerial/vicinity map, Committee options, subject site, and landscape plan. There was a question of how much right-of-way dedication was required and making sure there was enough flexibility in the design.

Ed Christianson, representing the applicant, said Lowe's had a 50 foot right-of-way, and they had a 30 foot right-of-way. ODOT and the City were not requiring a sidewalk on the east side of Hwy 99, but they had to provide the room in order to let that happen. There was a broad swale that could be used to widen out the road and put in curb, gutters, and sidewalk.

Senior Planner Graybehl discussed the parking rows with no landscape islands and how it was not clear that the plantings along the eastern property line would be site obscuring.

Mr. Christianson said there was a six-foot fence along the eastern boundary on the neighboring property and the elevation difference made the fence eight feet and at the southeastern corner was ten feet tall. Senior Planner Graybehl said typically the commercial site had screening for their use and did not rely on the neighboring property.

Senior Planner Graybehl said the proposed street trees along Hwy 99 met the minimum standards. He noted there were some trees that were being removed and would need to be replaced at a 1:1 ratio.

There was discussion regarding the species of street trees.

Senior Planner Graybehl reviewed the conditions of approval. The applicant would need to identify the screening at the time of planting and expected mature growth by three years. Also staff proposed that a landscaped end island be located at the easternmost point of the parking spaces immediately north of the display yard and that landscape islands needed to be equally distributed throughout the parking lot, with landscape islands spaced not more than 60 feet apart. All landscaped end and landscape islands would be planted with a suitable tree.

Mr. Christianson said at Lowe's there were no landscape islands in the parking lot. He thought this was a good site plan that did not need the islands. The Committee pointed out

that Lowe's had been put in many years ago with different requirements than today's standards.

David Soto, applicant, explained it was hard to put landscape islands at the front due to customer loading, which was an expectation of a Tractor Supply.

Luara Antonson, representing the applicant, said they had planned to put an island in the northeastern corner.

There was discussion regarding the number of parking spaces and requirement for landscape islands spaced not more than 60 feet apart. It was noted the parking requirement could be reduced because it was not conventional retail.

There was further discussion regarding where a landscape island could be placed taking into account the circulation of trailers in the parking lot. It was suggested to put in an island at the center of the northern parking bay. Mr. Soto explained the area to the north was an equipment display area. They had flatbed trailers and typically customers would purchase a trailer and then back up and drive off with it. It was 3,000 square feet of dedicated trailer merchandising that occurred right there.

It was noted the proposed six-foot landscape island in the middle would allow enough space for that and would only take out one parking spot.

Mr. Christianson suggested widening the northern bay parking at either end by three feet, which would be enough room for the island without losing parking.

There was discussion regarding putting in an end island at the easternmost point of the parking spaces immediately north of the building.

Mr. Christianson stated they were working with ODOT on the location of the street trees to be outside of the right-of-way based on future right-of-way dedication.

There was discussion regarding the requirement for new tree plantings in a ratio of at least 1:1 with those removed. The Committee thought the applicant met this requirement and the condition would be removed.

Senior Planner Graybehl explained the street tree planting standards and maintenance. Mr. Christianson asked about the timing for planting as they were a year and a half out to complete the project.

Senior Planner Graybehl clarified the applicant wanted to remove the trees but not replace them for 18 months. Typically trees were replanted within 6 months. The conditions allowed the applicant until April 1, 2026, to replace the trees or the applicant could return for a tree removal permit.

Mr. Soto thought that was workable.

There was discussion regarding the trash enclosure. If there was one, it would need to satisfy the requirements in the code. Staff would work with the applicant on whether they needed to include landscaping on two or three sides of the structure.

Senior Planner Graybehl reviewed the amendments to the conditions.

Committee Member Reutinger moved to approve L 1-25 with the revised conditions of approval. The motion was seconded by Committee Member Wicks and passed unanimously 4-0.

5. Committee Member Comments

None

6. Staff Comments

Senior Planner Graybehl said staff was working on the Committee's workplan items.

7. Adjournment

The meeting was adjourned at 1:17 p.m.



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

MINUTES

March 19, 2025
Landscape Review Committee
Regular Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Jamie Fleckenstien, Brian Wicks, Lee McCollins, Eva Reutinger, and Jessica Payne – Council Liaison

Members Absent: Carlton Davidson

Staff Present: Taylor Graybehl – Senior Planner

Guests Present: Adam Peterson, Steve Scott, Charles Brucker

1. Call to Order

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

2. Approval of Minutes

- March 6, 2024
- March 20, 2024
- April 3, 2024
- June 26, 2024
- July 24, 2024

Committee Member Reutinger moved to approve the March 6, 2024; March 20, 2024; April 3, 2024; June 26, 2024; and July 24, 2024, minutes as presented. Vice-Chair Wicks seconded the motion, which passed 4 to 0. (Ayes: Fleckenstein, Wicks, McCollins, Reutinger. Nays: None.)

3. Citizen Comments

None

4. Action Item

- A. L 48-24: Landscape Plan Review for McMinnville Properties, LLC, at 500 NE Captain Michael King Smith Way, Tax Lot R4423 00601, 00602, 01301

Senior Planner Graybehl presented the Staff report on Application L 48-24. Staff recommended approval subject to the proposed conditions in the Decision Document. The project would undergo additional review, and Staff will ensure the Landscape Plan and future plans align.

Charles Brucker, Landscape Architect, Place, stated the Applicant had no issue with Condition 8, which requires screening plants around the waste and recycling enclosure.

Committee members praised the plant palette, particularly the inclusion of wildflowers, and noted the plan was well put together.

Vice-Chair Wicks moved that the Landscape Review Committee approve Application L 48-24 with the conditions as written in the Decision Document. Committee Member McCollins seconded the motion, which passed 4 to 0. (Ayes: Fleckenstein, Wicks, McCollins, Reutinger. Nays: None.)

Staff stated the notice of approval, including the appeal deadline, would be issued by March 26th.

5. Discussion Items

- A. Arbor Day Event

Senior Planner Graybehl provided an update since the distribution of Exhibit 7. Staff had continued planning the event, which will take place at the Library and City Park on April 25th and include two plantings near the children's statue area. The engagement working group had also met to discuss outreach strategy.

Questions from the Committee were addressed.

The Committee discussed the engagement working group's early plans for the event, including speakers, a tree dedication ceremony, educational activities, and participation from like-minded nonprofits. The event was tentatively scheduled from 4:30 pm to 5:30 pm, with marketing support from the City, and could proceed within a modest budget. Ideas around securing donated trees and leveraging member connections were raised. Preparations for the planting site were also discussed, including the possibility of planting ahead of the event. The working group agreed to meet on March 26th to continue planning and would invite David Hayes from Trees for McMinnville.

Committee members and Staff also discussed cross-promotion of and tabling at the Yamhill County Soil and Water Conservation District's Earth Day event on April 19th.

B. Planting Standards

Senior Planner Graybehl presented the Staff report on proposed amendments identified by the planting standards working group and outlined key questions for further research. He noted that the Committee may be in a position able to finalize its recommendation at the next meeting.

The Committee discussed the necessity of watering tube requirements and the feasibility of their inspection, the focus on soil preparation, the challenges of soil preparation between sidewalks, the purpose and cost-effectiveness of root barriers, the importance of selecting species appropriate to site conditions, whether to add language about requiring removal of existing gravel to be replaced with fresh soil, and allowing reduced distancing with a required root barrier. The added cost of unnecessary root barriers is, particularly during tree removal, was a primary drawback.

Staff confirmed the working group's intention to conduct site visits of recent plantings and complete a cost-benefit analysis of root barriers. Once the Committee reaches consensus on amendments to the planting standards, a recommendation would be forwarded to Public Works. The Committee would then begin reviewing the Street Tree List to align species selection with planting standards to limit impacts.

6. Committee Member Comments

None

7. Staff Comments

None

8. Adjournment

The meeting adjourned at 12:55pm.



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MINUTES

April 9, 2025
Landscape Review Committee
Regular Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Jamie Fleckenstien, Brian Wicks, Lee McCollins, and Eva Reutinger
Members Absent: Carlton Davidson and Jessica Payne – Council Liaison
Staff Present: Tom Schauer – Senior Planner
Guests Present: Nancy Pierce – AKS Engineering & Forestry, LLC and Joe Schiewe

1. Call to Order

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

2. Citizen Comments

None

3. Action Item

- A. L 4-25: Street Tree Plan and Landscape Plan Review for Hillcrest Phase 7, Tax Lot R4524 00801 (no site address)

Senior Planner Schauer presented the Staff report on the Street Tree Plan and Landscape Plan Review for Hillcrest Phase 7. Staff recommended approval of the request subject to the proposed conditions.

Nancy Pierce, AKS Engineering and Forestry, stated she would adjust the tree spacing and placement in front of Lots 115 through 122, and confirmed the wetland seedling mix consisted of native grasses. She noted the 30-inch height of the planned community garden planter boxes for increased accessibility.

Committee members briefly discussed features of planter boxes designed for wheelchair accessibility and requested that the Applicant provide at least two wheelchair accessible planter boxes along the concrete walkway.

Senior Planner Schauer stated the tree specifications listed on the Street Tree Planting Plan on sheet C107 (page 38 in the agenda packet) were out of date, and he committed to update the tree specifications posted on the City's website.

Joe Schiewe requested the flexibility to substitute tree varieties of equivalent size from the approved Street Tree List if a particular tree variety was not available.

Senior Planner Schauer noted the Staff recommendation to select trees with wider canopies on lots with only one tree to make up for the increased spacing.

The Committee discussed the conditions for approval related to street tree varieties and spacing recommendations, noting the intention to review the selected small- or medium-sized tree varieties in the Street Tree Plan when the application was resubmitted.

Committee Member Reutinger moved to approve Application L 4-25 Street Tree Plan and Landscape Plan Review with the conditions as stated. Committee Member Wicks seconded the motion, which passed 4 to 0. (Ayes: Fleckenstein, Wicks, McCollins, and Reutinger. Nays: None.)

4. Discussion Items

A. Arbor Day Event Update

Committee Members reported four or five non-profit organizations would have a booth at the Arbor Day event on April 25, 2025. Council President Sal Peralta planned to give a speech on the corner in front of the Library where Trees for McMinnville would be planting two trees. The event would also include a celebration to honor Rob Stevenson's years of commitment to the landscape review process, an ecology walk through the City Park, and a scavenger hunt. Social media posts were shared about the event to highlight the role of landscape review in the community and the benefits of being a Tree City. City employees would be invited via email and the event would be announced in the City newsletter, and possibly through local news media.

5. Committee Member Comments

None

6. Staff Comments

Senior Planner Schauer stated Senior Planner Taylor Graybehl and Planning Manager David Berniker were working on the new Landscape Standards and other educational materials for the website. He also noted he had received the application for Hillcrest Phase 8 which would be presented to the Committee soon.

7. Adjournment

The meeting adjourned at 12:52pm.



City of McMinnville
Planning Department
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(503) 434-7311
www.mcminnvilleoregon.gov

MINUTES

May 12, 2025
Landscape Review Committee
Regular Meeting

12:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Brian Wicks, Carlton Davidson, and Lee McCollins
Members Absent: Jamie Fleckenstein, Eva Reutinger, and Jessica Payne – Council Liaison
Staff Present: Taylor Graybehl – Senior Planner
Guests Present: Brian Ruden (applicant)

1. Call to Order

The meeting was called to order at 12:00 p.m.

2. Approval of Minutes

None

3. Citizen Comments

None

4. Action Item

- A. L 8-25: Street Tree Plan and Landscape Plan Review for Elysian Subdivision, Tax Lot R4418 00204 (no site address)

Senior Planner Graybehl said this was a request for a street tree plan and a landscape plan for a new subdivision. The street tree plan outlined the proposed locations of street trees within the right-of-way of NW Meadows Drive and NW Fendle Way. The landscape plan would include a pedestrian path to Jay Pearson Neighborhood Park and amenities within "Tract A" of the subdivision. He described the subject site, which was in an existing neighborhood with wetlands. The wetlands and driveway locations impacted the number of street trees that could be provided. He then reviewed the street tree plan and landscape plan. Stormwater improvements were included in Tract A as well as the pedestrian access. He explained the conditions of approval. Staff recommended the landscape plan be revised to indicate the fences would be split rail open black fencing or other similarly aesthetically pleasing fence style, irrigation lines shall be black or noted to be camouflaged from public view, the applicant would provide the design of light fixtures showing that lighting was shielded to minimize impact on adjacent residents, and the

width of the pedestrian connection would be widened to ten feet. Prior to the final plat, all street trees would be installed or the applicant could secure for the improvements where each year the applicant would be planting street trees at a property after it was developed and the money would be returned.

Brian Ruden, applicant, was present for any questions.

There was discussion regarding substituting the proposed Ash trees with one of the other recommended species due to the concerns with potential Emerald Ash Borer impacts. Mr. Ruden agreed to use a substitute.

There was further discussion regarding planting consistency of the street trees and how there would be a staff review to make sure the revisions to the landscape plan were done.

Committee Member Davidson moved to approve L 8-25 subject to the conditions specified in the decision document. The motion was seconded by Committee Member McCollins and passed unanimously 3-0.

5. Discussion Items

A. McMinnville Street Tree List Amendment – 2025 Work Plan

Senior Planner Graybehl said one of the workplan items was to modify the street tree list. He suggested a subcommittee work on it, or he could bring in examples from other cities.

There was discussion regarding adding native species to the list, which were difficult to procure at a 2-inch caliper, and addressing how and when to amend soil in the planting design standards.

There was consensus to have a discussion with the whole group about the street tree list at the next meeting.

6. Committee Member Comments

None

6. Staff Comments

Senior Planner Graybehl said the landscape code amendment on processes was going to the City Council tonight. If approved, applications that met the base standards would be approved by staff and not come to the LRC. He reported on the Arbor Day event.

7. Adjournment

The meeting was adjourned at 12:32 p.m.

STAFF REPORT – EXHIBIT 12

DATE: December 3, 2025
TO: Landscape Review Committee Members
FROM: Taylor Graybehl, Senior Planner
SUBJECT: Natural Resources Draft Code Amendments

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

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

Report in Brief:

This work session will provide the Landscape Review Committee with an update on the City's Oregon Land Use Goal 5 (Natural Resources) planning effort, which is required as part of the City's recent Urban Growth Boundary amendment. The report outlines the work completed to date, the tasks that remain, and the key questions staff need the Committee to address in order to move the project forward. The project includes proposed updates to definitions and Chapter 17.58 "Trees," the creation of a new Chapter 17.47 "Natural Resource Protection Overlay Zones," and the addition of a new Comprehensive Plan Chapter XI "Natural Resources." The proposed updates will address the long-term protection of riparian corridors, tree groves, scenic views, significant trees, and landmark trees.

Background:

In 2020, the City of McMinnville adopted Ordinance No. 50098, formally approving the McMinnville Growth Management and Urbanization Plan (MGMUP) and the 2020 Urban Growth Boundary (UGB) Update. During the evaluation of land for potential UGB expansion, the City identified a range of natural resources—both within the proposed expansion areas and the existing UGB—that warranted further study and protection.

To support this effort, the City retained Winterbrook Planning in 2021 to lead the Natural Resources planning process. Through this work, the City identified key environmental assets, including riparian corridors, tree groves, scenic views, significant trees, and landmark trees, as priority resources for preservation.

To ensure long-term protection of these resources, the City is proposing a series of code amendments. These include the creation of natural resource protection subdistricts under a new Chapter 17.47, titled “Natural Resources Protections Overlay Zones,” updates to Chapter 17.58, “Trees,” to incorporate new standards for the protection of significant and landmark trees, and the protection of scenic views under a new Comprehensive Plan Chapter “XI Natural Resources”.

Definitions

The proposed amendments include new definitions and update existing ones within the Zoning Ordinance. Notably, Section 17.06.045 would be expanded to include terms such as “landmark trees” and “significant trees.” In addition, a new Section 17.06.070 is proposed to establish standards that support these changes. One key revision includes increasing the required tree caliper measurement from five to six inches at 4.5 feet above ground level, aligning the City’s code with best practices adopted in other communities.

Chapter 17.47 Natural Resources Protections Overlay Zones

The proposed amendments introduce a new chapter to the Zoning Ordinance, titled “Natural Resources Protections Overlay Zones.” This chapter establishes updated standards for the preservation of Riparian Corridors and Tree Groves by designating specialized subdistricts. The Riparian Corridor Protection (RC-P) subdistrict is designed to safeguard riparian areas, while the Tree Grove Protection (TG-P) subdistrict focuses on the conservation of significant tree groves. Each subdistrict and its corresponding standards are described in greater detail in the sections that follow.

Riparian Corridor Protection (RC-P) Subdistrict – Chapter 17.47 Natural Resources Protections Overlay Zones

The RC-P Subdistrict implements McMinnville’s riparian protection policies by regulating development near significant rivers and streams. It aims to support the City’s Great Neighborhood Principles, with particular emphasis on the Great Neighborhood Principle Policy 187.50(1), which promotes sensitive design to natural conditions and features of the land such as watercourses, sensitive lands, wetlands, and wooded areas while allowing reasonable property use. Riparian setbacks—generally 50 to 75 feet from the top-of-bank—apply in addition to underlying zoning and supersede it when conflicts occur. Activities also require compliance with Oregon Department of State Lands regulations for wetlands.

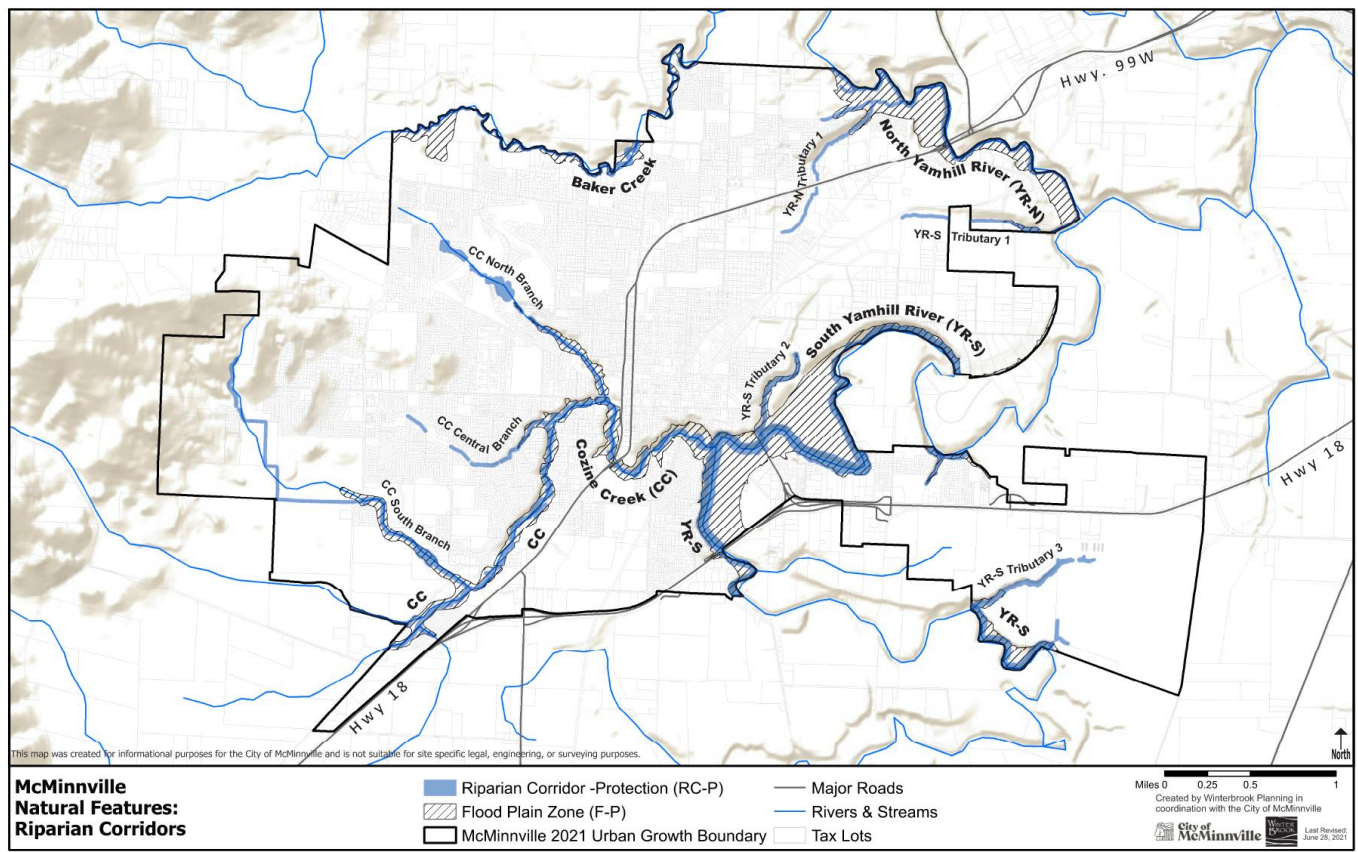
The proposed code outlines what uses are permitted, conditionally allowed, or prohibited within the setback. Low-impact recreation, restoration, hazard tree removal, and limited vegetation management are allowed by right; more intensive uses such as non-mortised boat launch, stream enhancement, public facilities, streets, driveways, and other infrastructure projects require Director review and mitigation. Additions to buildings, grading, fill, and removal of native vegetation are generally prohibited unless specifically authorized. Where disturbance is unavoidable, applicants must follow strict mitigation ratios for vegetation replacement, use native species, and ensure multi-year survival.

When vegetation is disturbed, the proposed code would mandate restoration using native species. For native vegetation to be disturbed, the replacement must occur on a 1:1 ratio—meaning every 100 square feet disturbed must be matched with 100 square feet of native revegetation. For non-native vegetation to be disturbed, the standard is more stringent: a 1.5:1

ratio applies, requiring 150 square feet of native revegetation for every 100 square feet of non-native vegetation disturbed.

Development applications must demonstrate avoidance and minimization of impacts, provide detailed site information, and prepare mitigation and erosion control plans where disturbance is unavoidable. The Planning Director may approve conditions or allow dimensional adjustments to reduce impacts and allow for the development of the property. Density transfers from constrained riparian areas are permitted, and variances are allowed only for demonstrated economic hardship. The chapter also provides a formal process for updating top-of-bank determinations based on site-specific engineering.

Below is a map of the riparian corridors and their protection zone.



Tree Grove Protection Subdistrict (TG-P) - Chapter 17.47 Natural Resources Protections Overlay Zones

The TG-P Subdistrict implements McMinnville's tree grove protection policies by regulating development in significant tree groves. It aims to support the City's Great Neighborhood Principles, with particular emphasis on Policy 187.50(1), which promotes sensitive design to natural conditions and features of the land, such as watercourses, sensitive lands, wetlands, and wooded areas, while allowing reasonable property use.

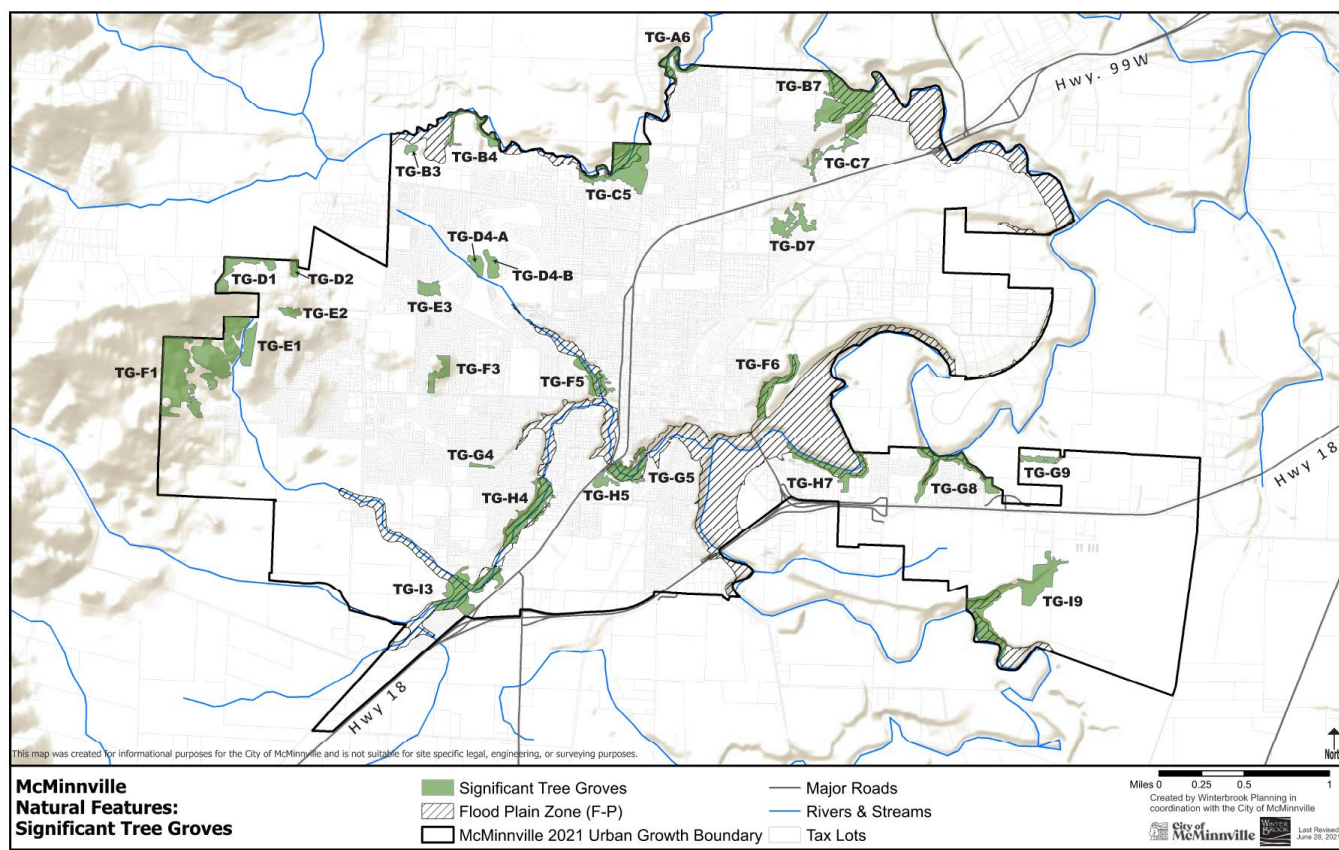
Tree groves are defined as: a stand of trees that are 25 feet or more in height with contiguous cover of one acre or more, and outside of floodplains. They typically do not include linear plants that are one or two trees wide or fragmented areas due to development. Below is a map of the tree grove locations.

The proposed standards would apply to all mapped groves, supplementing and superseding underlying zoning where conflicts occur. The subdistrict establishes critical root zone standards, includes specific exemptions for existing small-lot development, structure replacements, routine maintenance, and certain City activities, and limits uses within groves to low-impact recreation, restoration, necessary public facilities with no alternatives, and hazard-tree removal. Most other development—including new structures, impervious surfaces, grading, herbicide use, and native vegetation removal—is prohibited unless specifically allowed.

Development proposals within or affecting groves must provide detailed site surveys, tree and vegetation assessments, and professional reports such as grading plans, arborist evaluations, and Tree Grove Mitigation Reports. Projects must analyze alternatives to avoid or minimize impacts, protect CRZs, native vegetation, slopes, and hydrology, and meet all related natural resource and hazard standards. Where disturbance is unavoidable, applicants must follow strict mitigation ratios for tree and vegetation replacement, use native species, and ensure multi-year survival. Significant trees, located within a tree grove, that are approved for removal must be replaced at a 1:1 basis if non-native and 1:1.5 if native. Wells and septic systems are not permitted in the TG-P.

The code provides several flexibility tools—dimensional adjustments of up to 50% outside grove boundaries, residential density transfers to contiguous buildable land, and limited economic hardship variances when no reasonable use remains after all options are exhausted. Tree grove boundaries may be verified or corrected through site-specific surveys, and property owners may request a tree grove amendment through an ESEE (Economic, Social, Environmental, and Energy) analysis, as described in OAR 660-023-0040¹, or by demonstrating that a site no longer meets significance thresholds.

¹ <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=175713>



Chapter 17.58 “Trees”

The proposed amendments to Chapter 17.58, “Trees,” establish a framework for tree protection within the Urban Growth Boundary (UGB). The update introduces two new categories of protected trees, Landmark Trees and Significant Trees, to better recognize, preserve, and manage high-value urban trees. The amendments also clarify review procedures, create enforceable and consistent mitigation requirements, and align the chapter with current arboricultural best practices.

Definitions

Landmark Trees are defined as:

- Trees located on public or private land within the UGB that are either:
 - 36 inches or greater in diameter at breast height (dbh), or
 - Oregon white oak trees that are 12 inches dbh or greater.
- Trees determined to be hazardous, diseased, dead, or nuisance species—as verified by the Planning Director in consultation with a certified arborist—are excluded from this designation.

Significant Trees are defined as:

- Trees between 12 inches and 36 inches dbh on public or private land within the UGB, or

- Trees 6 inches dbh or greater located within the F-P Flood Area Zone, the Natural Hazard – Protection (NH-P) Subdistrict, or the Riparian Corridor – Protection (RC-P) Subdistrict.
- As with landmark trees, hazardous, diseased, dead, or nuisance trees are excluded based on professional assessment.

Tree Removal and Pruning Standards

- **Exemptions:** One significant tree may be removed annually from developed residential lots of 10,000 square feet or less, unless located in the F-P Zone or designated protection subdistricts.
- **Significant Tree Removal:** Permitted only if the tree is hazardous, dead, diseased, or a nuisance (as verified by a certified arborist), or if removal is necessary for permitted development and mitigation standards are met.
- **Landmark Tree Removal:** Allowed only if the tree poses a serious safety risk, has a fatal contagious disease, is required for right-of-way dedication, or if no feasible alternative exists for constructing a planned public facility within a protection subdistrict. A second arborist opinion may be required.
- **Major Pruning:** Requires a permit per Section 17.58.040(B). Pruning for wildfire fuel reduction is permitted under the supervision of a certified arborist.

Mitigation Requirements

- **Significant Trees (Outside Protected Subdistricts):** One replacement tree (minimum 2" caliper at 6" above grade) must be planted for every 6" of diameter removed, or a mitigation fee must be paid if planting is not feasible.
- **Significant Trees (Within NH-P, NH-M, TG-P, RC-P):** Removal must comply with zoning standards and include a mitigation plan per Chapter 17.47, typically requiring one-to-one replacement.
- **Landmark Trees (Outside Protected Subdistricts):** Removal requires payment of a mitigation fee and on-site replacement with a species capable of reaching a similar size.
- **Landmark Trees (Within NH-P and RC-P):** Must be preserved unless no practical alternative exists for constructing a planned public facility. One replacement tree (minimum 2" caliper at 6" above grade) must be planted for every 6" of diameter removed, subject to arborist recommendation and Chapter 17.47.
- **Street Trees:** If removal is approved, one replacement tree must be planted per the standards of Section 17.58.090, the applicable Street Tree Plan, or a mitigation fee must be paid if planting is not feasible.

Fee-Based Mitigation Framework

In response to statewide housing mandates requiring clear and objective standards, the City can no longer require developers to demonstrate that “no reasonable alternative” exists for tree removal. Instead, a fee-based mitigation system is proposed to deter unnecessary removal of healthy landmark trees.

This approach provides a meaningful financial incentive to preserve large, healthy trees while generating funds to support citywide tree planting initiatives. It represents a balanced strategy that respects regulatory constraints, private property rights, and the City’s commitment to a thriving urban forest.

Comprehensive Plan Chapter XI “Natural Resources”

The proposed Chapter XI of the McMinnville Comprehensive Plan outlines the City’s commitment to identifying, evaluating, and protecting key natural resources within the Urban Growth Boundary (UGB), specifically riparian corridors, tree groves, and scenic views. The City would maintain a Natural Resources Inventory that maps and describes these resources and follows Oregon’s Goal 5 administrative rules to assess their significance, identify potential land-use conflicts, and adopt appropriate protection measures. Implementation is carried out through Chapter 17.47 of the Municipal Code, which establishes overlay zones with development standards tailored to each resource type. In addition, scenic viewpoint and viewshed requirements would be established in this Chapter, as described below.

Scenic Viewpoint and Viewsheds

In alignment with McMinnville’s Great Neighborhood Principle two, which emphasizes equitable access to scenic views, the City has undertaken a comprehensive inventory of scenic viewpoints and corresponding viewsheds within the Urban Growth Boundary (UGB). Policy 187.50(2) guides the location and design of public parks, streets, and trails to preserve views of significant natural and urban features. These viewsheds include mountain ranges, hills, agricultural lands, riparian corridors, city gateways, and urban landscapes. The policy applies primarily to public improvements and future development planning, ensuring that vertical infrastructure does not obstruct scenic views.

To implement this policy, Winterbrook Planning collaborated with City staff to identify 16 scenic viewpoints across public lands. These locations were selected based on field observations and their potential to offer views of valued landscapes. Using GIS analysis, aerial photography, and elevation modeling, Winterbrook mapped each viewshed’s extent, elevation, and scenic characteristics. The inventory includes annotated maps and a summary table detailing the features visible from each viewpoint.

A scenic viewpoint is a specific, publicly accessible location—such as a park, street, or trail—intentionally designed or selected to offer scenic views of the surrounding landscape. These are physical places within the McMinnville Urban Growth Boundary (UGB) where people can pause and visually experience the natural and built environment.

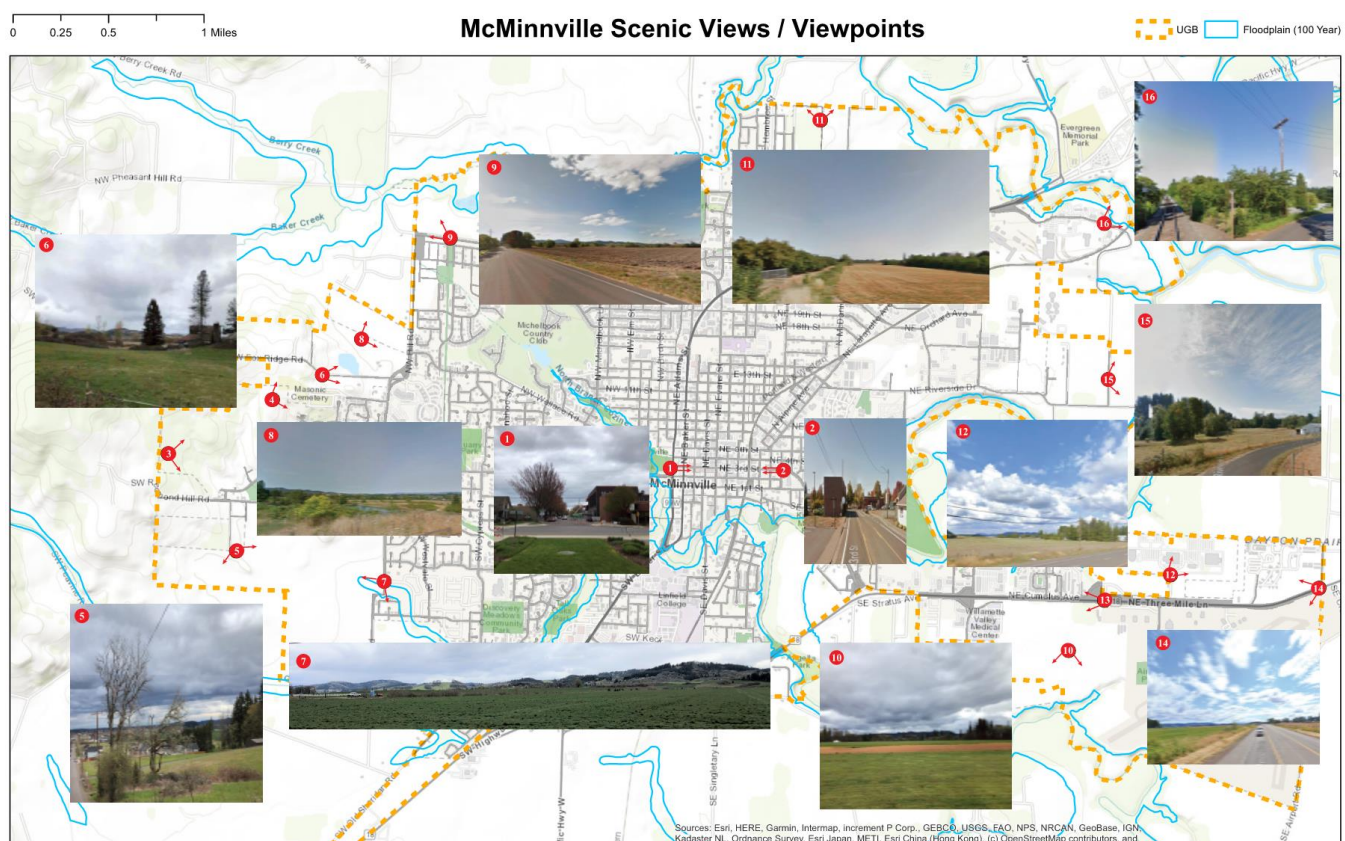
- Examples include overlooks in public parks, trail segments with open vistas, or street corridors aligned with scenic features.
- Viewpoints are chosen for their ability to frame and highlight significant visual elements of the city and its surroundings.

The viewsheds identified for protection are:

- **Mountain views** – Cascade Range, including Mt. Jefferson and Mt. Hood and the Coast Range areas.
- **Hill views** – McMinnville’s West Hills, Red Hills of Dundee, Amity Hills, and Chehalem Mountains, including forested areas.
- **Agricultural land views** – Cropland, pastures, orchards, and vineyards.
- **Riparian corridor views** – Forests and floodplains along North and South Yamhill Rivers and Baker Creek.

- **Gateway views** - Views entering City along Highway 18 and views of Downtown historic buildings and tree-lined streets.
- **City views** – Views of the City from the West Hills, including downtown, forested riparian corridors and park views.

Future area plans that contain a scenic viewpoint will be required to conduct an Economic, Social, Environmental, and Energy (ESEE) analysis to determine how these viewsheds can be protected. This analysis must explore alternative strategies to preserve scenic views, including the layout and design of streets and open spaces, pedestrian and bicycle circulation systems, and the placement and design of buildings, landscaping, and above-ground utilities. Additionally, the development and amendment of park master plans and public facilities master plans adopted by the City Council must take into account the orientation and design of above-ground infrastructure elements to ensure the continued protection of these valued viewsheds.



Discussion

Please come prepared to discuss the proposed code amendments at the upcoming meeting. The discussion will focus on revisions to Chapter 17.47 (Natural Resource Protection Overlay Zones), updates to relevant definitions, applicable Comprehensive Plan policies, and proposed changes to Chapter 17.58 ("Trees").

A joint work session between the City Council and Planning Commission was held on June 18, 2025, to review the proposed amendments. Meeting materials and the session recording are available here: <https://www.mcminnvilleoregon.gov/citycouncil/page/joint-work-session-city-council-planning-commission-meeting-600-pm-2>. During the session, several questions were

raised that staff would like the Landscape Review Committee to consider and provide feedback on.

Below is a list of questions compiled from the June joint work session, prior to input from the Landscape Review Committee, and staff's internal review.

- Under the proposed standards, applicants must revegetate disturbed riparian habitat at a 1:1 area ratio for native species and 1.5:1 for non-native species. However, the code does not specify the type or number of plants to be replaced. For instance, if 10 significant trees and 200 square feet of native vegetation are removed, only the area is required to be replaced—not the individual trees. Should the code include a provision requiring a similar ratio of 1:1 and 1.5:1 replacement of significant trees removed within riparian zones?
- Should the removal of currently healthy trees be permitted if they are identified as being at high risk of disease—such as Ash trees vulnerable to Emerald Ash Borer? Would the Landscape Review Committee (LRC) be willing to assist in developing a list of species considered at risk?
- The current code references the Portland Plant List to define native species. Staff would like to know if the LRC recommends an alternative list that is publicly accessible, stable, and includes specific species. At this time, staff have not identified another resource that meets all these criteria.
- The proposed code requires on-site replacement of Landmark Trees approved for removal. However, in some cases, site constraints—such as limited lot size, steep slopes, or zoning limitations—may make replanting infeasible. Should the code allow for flexibility by permitting removal without on-site replacement, provided a fee-in-lieu (FIL) is paid to support tree planting elsewhere in the community?

Attachments:

- Attachment 1 - Draft Definitions Update
- Attachment 2 - Draft Chapter 17.47 "Natural Resources Protection Overlay Zones"
- Attachment 3 - Draft Chapter 17.58 "Trees"
- Attachment 4 - Draft Comprehensive Chapter XI "Natural Resources"

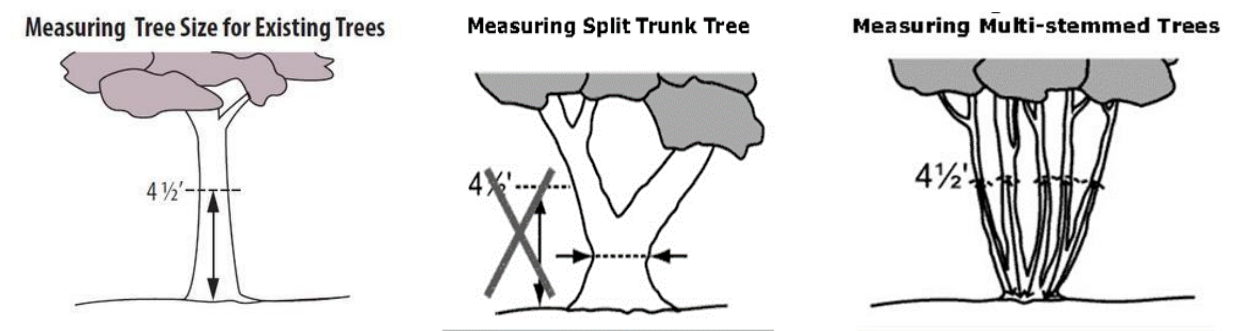
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17.06.045 Tree Related Definitions. For the purpose of Trees (Chapter 17.58), the following definitions shall apply.

Landmark Tree – Trees located on public and private land within the McMinnville UGB that are either (1) 36 inches or greater dbh, or (2) Oregon white oak trees 12 inches dbh or greater. Landmark trees do not include hazardous, diseased, dead or nuisance trees as determined by the Planning Director in consultation with a certified arborist.

Significant Tree – Significant trees are either trees from 12 inches but less than 36 inches dbh on public and private land within the McMinnville UGB, or trees 6 inches or greater dbh in the F-P Flood Area Zone, the Natural Hazard – Protection (NH-P) Subdistrict or the Riparian Corridor – Protection (RC-P) Subdistrict. Significant trees do not include hazardous, diseased, dead or nuisance trees as determined by the Planning Director in consultation with a certified arborist.

Tree – Any woody plant having a trunk ~~five~~**six** inches or more in diameter 4.5 feet above ground level at the base of the trunk. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.



17.06.070 Natural Resources Protection Overlay Zones. For the purposes of the Natural Resources Protection Overlay Zones (Chapter 17.47), the following definitions shall apply.

Certified Arborist. An arborist certified through the International Society of Arboriculture (ISA).

Critical Root Zone (CRZ). The area directly beneath the tree dripline that should not be disturbed by development. The CRZ for an individual tree is located in a radius from the tree at a rate of 1 foot of horizontal distance from the tree for each 1 inch diameter of a tree measured at 4.5 feet above ground level, or as determined by a certified arborist.

Landmark Tree. Trees located on public and private land within the McMinnville UGB that are either (1) 36 inches or greater dbh, or (2) Oregon white oak trees 12 inches dbh or greater. Landmark trees do not include hazardous, diseased, dead or

nuisance trees as determined by the Planning Director in consultation with a certified arborist.

McMinnville Riparian Corridors Map. A map that identifies significant stream and river corridor resources within the McMinnville Urban Growth Boundary, including the South Yamhill River corridor and significant stream corridors. This generalized, composite map is based on the City of McMinnville Riparian Corridor Inventory.

McMinnville Significant Tree Grove Map. A map that identifies significant tree groves within the McMinnville Urban Growth Boundary. This map is based on the City of McMinnville Tree Grove Assessment.

Mitigation Plan. “Mitigation plan” means a detailed plan to compensate for identified adverse impacts on water resources and riparian setback areas from alteration, development, excavation or vegetation removal within the RC-P Subdistrict. A mitigation plan must be prepared by recognized experts, per the Planning Director's determination, in fish and wildlife biology, native trees and plants, and hydrological engineering, and typically requires the removal of invasive plants and re-planting with native plant species.

Native Plants. “Native plant species” are those listed on the Portland Plant List, which is incorporated by reference into this chapter.

Riparian Corridor. The “riparian corridor” includes significant (fish-bearing) rivers and streams and their respective “riparian setback” areas as documented in the Riparian Corridors Inventory and as shown on the RC-P Subdistrict map.

Top of Bank. “Top-of-bank” usually means a clearly recognizable sharp break in the stream bank. It has the same meaning as “bank-full stage” as defined in OAR 141-085-0510(6). It is the stage or elevation at which water overflows the natural banks of streams and begins to inundate the upland. The methods used to determine tops-of-bank are found in the McMinnville Riparian Corridor Inventory Report.

Tree Grove Mitigation Plan (TGMP). A detailed plan to compensate for identified adverse impacts on tree groves and native vegetation within tree grove boundaries from alteration, development, excavation or vegetation removal within the TG-P Subdistrict. The TGMP must be prepared by a certified arborist. The TGMP must be consistent with the recommendations of a required WAMP, if applicable.

Wildfire Hazard Assessment and Mitigation Plan (WAMP). A plan prepared by certified arborist or professional forester in coordination with the McMinnville Fire District designed to assess and mitigate wildfire risks to people and property.

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Chapter 17.47

NATURAL RESOURCES PROTECTIONS OVERLAY ZONES

(as amended by Ord. X, insert date)

Sections:

17.47.000	Natural Resource Subdistricts Generally
17.47.010	Definitions.
17.47.100	Purpose and Intent of the RC-P Subdistrict
17.47.110	Applicability and General Provisions
17.47.120	Permitted, Conditional and Prohibited Uses
17.47.130	Application Requirements
17.47.140	Development Standards
17.47.150	Decision Options and Conditions of Approval
17.47.160	Administrative Adjustment to Underlying Zone Dimensional Standards
17.47.170	Density Transfer
17.47.180	Variances to Chapter 17.47 Standards
17.47.190	Quasi-Judicial Determination of Top-of-Bank
17.47.200	Purpose and Intent of the TG-P Subdistrict
17.47.210	Applicability and General Provisions
17.47.220	Permitted, Conditional and Prohibited Uses
17.47.230	Application Requirements
17.47.240	Development Standards
17.47.250	Decision Options and Conditions of Approval
17.47.260	Administrative Adjustment to Underlying Zone Dimensional Standards
17.47.270	Density Transfer
17.47.280	Economic Hardship Variances
17.47.290	Exception for Large Tree Groves Subject to a Area Master Plan
17.47.300	Plan Amendment Option

17.47.000 Natural Resources Protection Overlay Zones Subdistricts

Generally. Natural Resource Protection Overlay Zones Subdistricts (NR Subdistricts) apply to significant natural resource areas that have level of local protection pursuant to Statewide Planning Goal 5 – Natural and Cultural Resources.

- A. NR Subdistricts are based on adopted natural resource inventories – which include maps showing significant resource sites and supporting reports documenting the criteria and methods used to determine local resource site significance.
- B. NR Subdistricts implement McMinnville Comprehensive Plan Chapter Natural Features policies related to Natural Resources.
- C. NR Subdistrict standards apply in addition to standards of the underlying base zone. In cases of conflict, the more restrictive NR Subdistrict standards control.

- D. NR Subdistricts may overlap with Natural Hazard Protection and Mitigation Subdistricts. Generally, the review authority shall seek to harmonize subdistrict standards that appear to conflict. Where standards cannot be read together to achieve a consistent outcome:
1. The more restrictive standards apply, except that
 2. NH-P and NH-M Subdistrict fuel reduction standards shall prevail in cases of unavoidable conflict with the significant tree and vegetation standards of this chapter. (Ord. X, year).

17.47.010 Definitions. The following definitions apply within the NR Subdistricts listed below and in Section 17.06.070.

A. Riparian Corridor – Protection (RC-P) Subdistrict Definitions

1. Riparian Corridor. The “riparian corridor” includes significant (fish-bearing) rivers and streams and their respective “riparian setback” areas as documented in the Riparian Corridors Inventory and as shown on the RC-P Subdistrict map.
2. Mitigation Plan. “Mitigation plan” means a detailed plan to compensate for identified adverse impacts on water resources and riparian setback areas from alteration, development, excavation or vegetation removal within the RC-P Subdistrict. A mitigation plan must be prepared by recognized experts, per the Planning Director's determination, in fish and wildlife biology, native trees and plants, and hydrological engineering, and typically requires the removal of invasive plants and re-planting with native plant species.
3. Native Plants. “Native plant species” are those listed on the Portland Plant List, which is incorporated by reference into this chapter.
4. Top of Bank. “Top-of-bank” usually means a clearly recognizable sharp break in the stream bank. It has the same meaning as “bank-full stage” as defined in OAR 141- 085-0510(6). It is the stage or elevation at which water overflows the natural banks of streams and begins to inundate the upland. The methods used to determine tops-of-bank are found in the McMinnville Riparian Corridor Inventory Report.
5. The McMinnville Riparian Corridors Map. A map that identifies significant stream and river corridor resources within the McMinnville Urban Growth Boundary, including the South Yamhill River corridor and significant stream corridors. This generalized, composite map is based on the City of McMinnville Riparian Corridor Inventory.

B. Tree Grove – Protection (TG-P) Subdistrict Definitions. In addition to the definitions found in Subsection A, the following definitions apply to the review of development on properties with significant tree groves.

1. Certified Arborist. An arborist certified through the International Society of Arboriculture (ISA).
2. Critical Root Zone (CRZ). The area directly beneath the tree dripline that should not be disturbed by development. The CRZ for an individual tree is located in a radius from the tree at a rate of 1 foot of horizontal distance from the tree for each 1 inch diameter of a tree measured at 4.5 feet above ground level, or as determined by a certified arborist.

3. Landmark Tree – Trees located on public and private land within the McMinnville UGB that are either (1) 36 inches or greater dbh, or (2) Oregon white oak trees 12 inches dbh or greater. Landmark trees do not include hazardous, diseased, dead or nuisance trees as determined by the Planning Director in consultation with a certified arborist.
4. McMinnville Significant Tree Grove Map. A map that identifies significant tree groves within the McMinnville Urban Growth Boundary. This map is based on the City of McMinnville Tree Grove Assessment.
5. Tree Grove Mitigation Plan (TGMP). A detailed plan to compensate for identified adverse impacts on tree groves and native vegetation within tree grove boundaries from alteration, development, excavation or vegetation removal within the TG-P Subdistrict. The TGMP must be prepared by a certified arborist. The TGMP must be consistent with the recommendations of a required WAMP, if applicable.
6. Wildfire Hazard Assessment and Mitigation Plan (WAMP). A plan prepared by certified arborist or professional forester in coordination with the McMinnville Fire District designed to assess and mitigate wildfire risks to people and property. (Ord. X, year).

Riparian Corridor Protection Subdistrict (RC-P Subdistrict)

17.47.100 Purpose and Intent of the RC-P Subdistrict. The RC-P Subdistrict implements the Riparian Corridor policies of the McMinnville Comprehensive Plan and operates in conjunction with Chapter 17.48 Floodplain Zone to resolve conflicts between development and protection of significant riparian corridors identified in the City of McMinnville Riparian Corridors Inventory (2021).

- A. The RC-P Subdistrict protects mapped significant rivers and streams pursuant to Statewide Planning Goal 5 (Natural and Cultural Resources) as implemented by OAR 660-023-090 Riparian Corridor Safe Harbor.
- B. Specifically, this chapter allows reasonable economic use of property while establishing clear and objective standards to:
 1. Protect significant streams and limit development in designated riparian corridors;
 2. Maintain and enhance water quality;
 3. Maximize flood storage capacity;
 4. Preserve significant trees and native plant cover;
 5. Minimize streambank erosion;
 6. Maintain and enhance fish and wildlife habitats; and
 7. Conserve scenic, recreational and educational values of significant riparian corridors. (Ord. X, year).

17.47.110 Applicability and General Provisions. The RC-P Subdistrict applies to all significant rivers and streams and their respective riparian setback areas, as shown on the McMinnville Riparian Corridors Map.

- A. Development Standards. The standards and procedures of this chapter:

1. Apply to all development proposed on property located within, or partially within, the RC-P Subdistrict;
 2. Are in addition to the standards of the underlying zone; and
 3. Supersede the standards of the underlying zone in cases of conflict.
- B. Riparian Setback Area. The “riparian setback area” is measured horizontally from and parallel to the significant river or stream tops-of-bank. The riparian setback is the same as and consistent with the “riparian corridor boundary” in OAR 660-23-090(1)(d).
1. The South Yamhill River riparian setback is 75 feet.
 2. The North Yamhill River, Cozine Creek, Baker Creek, and mapped tributaries' riparian setback is 50 feet.
- C. Standard Riparian Setbacks. The applicant shall be responsible for surveying and mapping the precise location of the top-of-bank, on-site wetlands, and riparian setback at the time of application submittal.
- D. Division of State Lands Notification Required. In addition to the restrictions and requirements of this Chapter, all proposed development activities affecting any wetland are subject to Oregon Division of State Lands (DSL) standards and approval.
1. Where there is a difference, the more restrictive regulation shall apply.
 2. The applicant shall be responsible for notifying DSL whenever any portion of any wetland is proposed for development, in accordance with ORS 227.350. No application for development will be accepted as complete until documentation of such notification is provided.
- E. Exemption for Developed Subdivision Lots. This subsection applies to lots of 10,000 square feet or less in approved subdivisions or partitions with a residential zone map designation, if the side or rear yards were cleared of riparian vegetation and either developed with structures or planted in lawns or shrubs prior to the effective date (**update to include date**) of this ordinance.
1. The Director may approve a request to reduce the riparian setback, without public notice, if aerial photographs clearly show that the riparian setback area extends into the developed portion of an developed residential lot of 10,000 square feet or less.
 2. The riparian setback area as applied to this lot may be reduced by as much as 50 percent, provided that the developed portion of the lot remains at least 25 feet from the top-of-bank of the significant stream or river.
 3. The Director shall maintain a record of the riparian setback reduction and the reasons for the decision.
- F. City of McMinnville Exemption. When performed under the direction of the City, the following shall be exempt from the provisions of this chapter:
1. Public emergencies, including emergency repairs to public facilities;
 2. Stream restoration and enhancement programs;
 3. Non-native vegetation removal;
 4. Planting of native plant species;
 5. Restoration and enhancement projects; and
 6. Routine maintenance and/or replacement of existing public facilities projects.

G. Replacement of Structures and Impervious Surfaces. Building replacements limited to the footprint of existing buildings, and replacement of other impervious surfaces limited to the area of existing impervious surfaces are exempt from the provisions of this Chapter.

H. Exemption for Routine Site Maintenance.

1. Routine maintenance of the site, including maintenance of lawns and planted landscaping areas existing on (XXXXXXDate of Adoption). Additionally, the application of herbicides to non-native vegetation and the application of synthetic fertilizers is subject to applicable state and federal regulations and developed properties shall be subject to the restrictions set forth in the McMinnville Municipal Code;
2. Removal of non-native vegetation and replacement with native plant species, no closer than 10' from the top-of-bank or edge of wetland;
3. Maintenance pruning of existing significant trees shall be kept to a minimum and shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and/or resource functions. (Ord. X, year).

17.47.120 Permitted, Conditional and Prohibited Uses.

A. Department of State Lands (DSL) Concurrence Required. Development proposed within any wetland or stream, in addition to meeting the standards of this chapter, must also be approved by DSL. An application for development below the top-of-bank of any significant stream or river or within the boundaries of a delineated wetland requires documentation of DSL concurrence to be deemed complete.

B. Permitted and Conditional Uses. Table 17.47.120 Riparian Corridor below summarizes permitted, conditional and prohibited uses within the RC-P Subdistrict. A "Yes" indicates that the use is permitted ministerially, is allowed under prescribed conditions, subject to approval by the Director, or may be approved subject to discretionary criteria for conditional use permit review. A "No" indicates that the use is not permitted. A use that is not permitted may not be approved through the variance provisions of this chapter. (Ord. X, year).

Table 17.47.120 Riparian Corridor – Protection Subdistrict Use List

Regulated Activity & Procedure Type		
A. Permitted Uses– Ministerial	Riparian Setback Area	Mitigation Plan Required?
1. Determination of Riparian Setback boundaries	Yes	No
2. Reduction of Riparian Setback for developed residential lots	Yes	No
3. Low impact, passive, or water-related recreation facilities and trails including, but not limited to, viewing shelters, picnic tables, nature trails and interpretive signs	Yes	No
4. Irrigation pumps	Yes	No

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5. Removal of non-native vegetation and replacement with native plant species, within 10' from the top-of-bank or edge of wetland	Yes	Yes
6. Removal of vegetation necessary for hazard prevention (diseased or hazardous trees)	Yes	No
7. Riparian Corridor restoration projects	Yes	Yes
B. Permitted Uses with Mitigation – Planning Director Approval with public notice	Riparian Setback Area	Mitigation Plan Required?
1. Canoe and non-motorized boat launch less than 10' in width subject to DSL approval	Yes	Yes
2. Private in-stream and streambank enhancement, including vegetation removal and replacement within 10 feet of the top-of-bank or edge of wetland	Yes	Yes
3. Adjustments to numeric standards of the underlying zone necessary to reduce impacts on wetlands and streams	No	Yes
4. Public facilities that appear on the City's Public Facilities Plan, including streets and roads	Yes	Yes
5. Local streets and driveways serving residences and public facilities	Yes	Yes
6. Drainage facilities	Yes	Yes
7. Utilities	Yes	Yes
8. Bridges, boardwalks, trails of pervious construction	Yes	Yes
C. Conditional Use or Variance Review subject to Planning Commission Approval at a Public Hearing	Riparian Setback Area	Mitigation Plan Required?
1. Economic Hardship Variances, subject to variance provisions of Chapter 17.47.180	Yes	Yes
2. Water-related and water-dependent uses not listed above, may be approved subject to conditional use provisions of Chapter 17.74.030	Yes	Yes
D. Prohibited Uses - unless specifically authorized above or exempted	Riparian Setback Area	Mitigation Plan Required?
1. Removal of native plant species	No	Not applicable
2. Addition to or expansion of structures or impervious surfaces	No	Not applicable
3. Grading and placement of fill	No	Not applicable

4. Application of herbicides	No	Not applicable
5. Dumping of garbage or lawn debris or other materials not permitted within this Table.	No	Not applicable
6. Creation of a parcel that would be wholly within the RP-C Subdistrict or resulting in an unbuildable parcel, as determined by the Director.	No	Not applicable

17.47.130 Application Requirements. All development applications on lots within, or partially within, the RP-C Subdistrict shall submit the following information, in addition to other information required by this code.

- A. Ministerial Uses. The applicant shall prepare a plan that demonstrates that the use will be constructed and located so as to minimize disturbance to significant tree and native vegetation within the RP-C district. The Director may require additional information where necessary to determine RP-C district boundaries or to mitigate identified impacts from a proposed development, including but not limited to:
1. A site survey as prescribed in Section 17.47.130(B);
 2. One or more of the reports described in Section 17.47.130(C).
- B. Director and Planning Commission Review Uses: Site Specific Survey Required. If any use or activity is proposed within a riparian setback area, the applicant shall be responsible for preparing a survey of the area proposed for development that shows the following:
1. The name, location and dimensions of significant rivers or streams, delineated on-site wetlands, and the tops of their respective streambanks as shown on the McMinnville Riparian Corridor Inventory.
 2. The area enclosed by the riparian setback.
 3. The 100-year floodplain if applicable.
 4. Land subject to the Natural Hazard – Mitigation (NH-P), Natural Hazard Protection (NH-P) and/or Tree Grove – Conservation (TG-C) Subdistricts.
 5. Steeply sloped areas where the slope of the land is 25% or greater.
 6. Existing public rights-of-way, structures, impervious surfaces, roads and utilities.
 7. Vegetation types (native and non-native);
 8. The driplines of significant trees or tree clusters of trees 5-inches or greater dbh that would be impacted by tree removal, major pruning or ground disturbance.
 9. Existing and proposed contours at 2-foot intervals, or as approved by the City Engineer or Planning Director.
- C. Required Studies and Mitigation Reports. Each of the following studies shall be required for non-ministerial uses proposed within the RC-P Subdistrict. The following studies shall be required in addition to the submission of information required for specific types of development and shall be prepared by professionals in their respective fields. The Planning Director may exempt permit applications from one or more of these studies, based on specific findings as to why the study is unnecessary to determine compliance with this chapter. .

1. Hydrology and Soils Report. This report shall include information on the hydrological activities of the site, the effect of hydrologic conditions on the proposed development, and any hydrological or erosion hazards. This report shall also include soils characteristics of the site, their suitability for development, and erosion or slumping characteristics that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility. This report shall include information on the nature, distribution and strength of existing soils, the adequacy of the site for development purposes, and an assessment of grading procedures required to impose the minimum disturbance to the natural state. The report shall include recommendations to assure compliance with each applicable provision of this code as well as all applicable provisions of City building ordinances. The report shall be prepared and stamped by a professional engineer registered in Oregon.
2. Grading Plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (2-foot intervals of property, or as approved by the City Engineer or Planning Director), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs including but not limited to locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission. The grading plan shall also include a construction phased erosion control plan consistent with the provisions of this code and a schedule of operations and shall be prepared by a professional engineer registered in Oregon.
3. Vegetation Report. This report shall consist of an assessment of existing vegetative cover, whether it is native or introduced, and how it will be altered by the proposed development. The report shall specifically identify disturbed areas (i.e., areas devoid of vegetation or areas that are dominated by non-native or invasive species) and the percentage of crown cover. The vegetation report shall include recommendations to assure compliance with each applicable provision of this code, and shall be prepared by a landscape architect, landscape designer, botanist, or arborist.
4. Streambank Conditions Report. This report is only necessary if a project will impact the area between 10 feet above the relevant stream or river tops-of-bank. The streambank conditions report shall consist of a survey of existing streambank conditions, including types of vegetative cover, the extent to which the streambank has been eroded, and the extent to which mitigation measures would be successful in maximizing fish and wildlife habitat values while preserving the stream's urban hydrological function. Measures for improving fish and wildlife habitat and improving water quality will be clearly stated, as well as methods for immediate and long-term streambank stabilization. The streambank conditions report shall include recommendations to assure compliance with each applicable provision of this

code, and shall be prepared by a wildlife biologist, or other qualified individual in concert with a hydrological engineer registered in Oregon, both of whom must have experience in stream bank restoration. The report shall specify long-term maintenance measures necessary to carry out the proposed mitigation plan. (Ord. X, year).

17.47.140 Development Standards. The following shall apply to all development, including vegetation removal, and excavation, within the RC-P Subdistrict. No application for a use identified in Section 17.47.120 shall be deemed complete until the applicant has addressed each of these standards in writing.

- A. Alternatives Considered. Except for stream corridor enhancement, most uses that require public notice are expected to develop outside of wetlands and riparian setback areas and will avoid removal of landmark and significant trees. Therefore, development applications that require public notice must carefully examine upland alternatives for the proposed use and explain the reasons why the proposed development cannot reasonably occur outside of the wetlands and the riparian setback area, and why landmark and significant trees must be removed to meet project objectives.
- B. Minimize Siting Impacts. The proposed use shall be designed, located and constructed to minimize excavation, loss of native vegetation and significant trees, erosion, and adverse hydrological impacts on streams, rivers and wetlands.
 - 1. For development applications that require public notice, a stormwater report demonstrating consistency with adopted City of McMinnville Storm Drainage Design and Construction Standards must be provided.
 - 2. For all uses, the development shall be located as far from the stream, river or wetland and use as little of the wetland, riparian setback area, native vegetation and significant trees as possible, recognizing the operational needs of the proposed development.
- C. Construction Materials and Methods. Where development within the riparian area is unavoidable, construction materials or methods used within the riparian setback area shall minimize damage to water quality, native vegetation and significant trees.
- D. Residential Structures. Above-ground residential structures shall not be permitted within the RC-P Subdistrict without a variance as provided in Section 17.47.180.
 - 1. On-site flood storage capacity shall not decrease as a result of development. The cumulative effects of any proposed development shall not reduce flood storage capacity or raise base flood elevations on- or off-site.
 - 2. Development proposed within the 100- year floodplain shall be designed consistent with Chapter 17.48, Floodplain Zone.
- E. Avoid Steep Slopes. Within 50 feet of any water resource, excavation, significant tree and native vegetation removal shall be avoided on slopes of 25 percent or greater and in areas with high erosion potential (as shown on National Resource Conservation Service (NRCS maps), except where necessary to construct public facilities or to ensure slope stability.

- F. Minimize Impacts on Existing Vegetation. The following standards shall apply when construction activity is proposed in areas where native vegetation and significant trees are to be preserved.
1. Work areas on the immediate site shall be carefully identified and marked to reduce potential damage to trees and vegetation.
 2. Significant trees shall not be used as anchors for stabilizing working equipment and the root zones shall be protected.
 3. During clearing operations, significant trees and vegetation shall not be permitted to fall or be placed outside the work area.
 4. In areas designated for selective cutting or clearing, care in falling and removing trees and brush shall be taken to avoid injuring trees and shrubs to be left in place.
 5. Non-active stockpiles containing soil, or soil mixed with vegetation, shall not be permitted for longer than two weeks.
- G. Mitigation Plan. If a use that requires public notice is proposed within a riparian setback area, a mitigation plan shall be prepared and implemented.
1. The applicant shall be responsible for re-vegetating areas temporarily disturbed by excavation on a 1:1 basis. That is for each 100 square feet of riparian setback that is lost to development, at least 100 square feet of existing disturbed area within the riparian setback area or wetland shall be re-planted with native plant species.
 2. Where approval is granted to reduce the riparian setback area, the applicant shall be responsible for mitigating for the reduced setback by replacing non-native vegetation within the remaining, protected riparian setback area on a 1.5:1 basis. That is, for every 100 square feet of riparian setback that is lost to development, at least 150 square feet of existing disturbed area within the riparian setback area or wetland shall be replanted with native plant species.
 3. The re-vegetation plan shall provide for the replanting and maintenance of native plant species designed to achieve pre-disturbance conditions. The applicant shall be responsible for replacing any native plant species that do not survive the first two years after planting, and for ensuring the survival of any replacement plants for an additional two years after their replacement.
- H. Water and Sewer Infiltration and Discharge. Water and sanitary sewer facilities shall be designed, located and constructed to avoid infiltration of floodwaters into the system, and to avoid discharges from such facilities to streams and wetlands.
- I. On-Site Systems. On-site septic systems and private wells shall be prohibited within the RC-P Subdistrict.
- J. Erosion Control Plan. If a use that requires public notice is proposed within a riparian setback area, any Storm Drainage Design and Construction Standards, including Erosion Control Standards as adopted or utilized by the City of McMinnville, shall apply.
- K. Plan Implementation. A schedule of planned erosion control and re-vegetation measures shall be provided, which sets forth the progress of construction activities, and mitigating erosion control measures. (Ord. X, year).

- A. Decision Options. The Planning Director may approve, approve with conditions, or deny an application based on the provisions of this chapter. The Planning Director may require conditions necessary to comply with the intent and provisions of this chapter.
- B. Conditions. The required reports shall include design standards and recommendations necessary for the engineer and biologist, certified wetland scientist or other qualified individual to provide reasonable assurance that the standards of this section can be met with appropriate mitigation measures. These measures, along with staff recommendations, shall be incorporated as conditions into the final decision approving the proposed development.
- C. Assurances and Penalties. Assurances and penalties for failure to comply with mitigation, engineering, erosion and water quality plans required under this section shall be as stated in Chapter 17.03 General Provisions. (Ord. X, year).

17.47.160 Administrative Adjustment to Underlying Zone Dimensional Standards. The purpose of this section is to allow adjustments to dimensional standards of the underlying zoning district to reduce or move the development footprint to minimize adverse impacts on natural resource values within the RC-P Subdistrict. The Planning Director may approve adjustment applications with public notice.

- A. Adjustment Option. The Planning Director may approve up to a 50 percent adjustment to any dimensional standard (e.g., setback, height or lot area) of the underlying zoning district to allow development consistent with the purposes of the RC-P Subdistrict.
- B. Adjustment Criteria. A special RC-P adjustment may be requested when development is proposed on a lot or parcel within or adjacent to the RC-P Subdistrict. In order for the director to approve a dimensional adjustment to standards in the underlying zoning district, the applicant shall demonstrate that the following criteria are fully satisfied:
 - 1. The adjustment is the minimum necessary to allow a permitted use, while at the same time minimizing disturbance within riparian setback area.
 - 2. Explicit consideration has been given to maximizing vegetative cover, protecting significant trees, and minimizing excavation and impervious surface area on unbuildable land.
 - 3. Design options have been considered to reduce the impacts of development, including but not limited to multi-story construction, siting of the structure or residence close to the street to reduce driveway distance, maximizing the use of native landscaping materials, and minimizing parking area and garage space.
 - 4. In no case shall the impervious surface area of a middle housing residence (including the building footprint, driveway and parking areas, accessory structures, swimming pools and patios) exceed 3,000 square feet within the riparian setback.
 - 5. Assurances are in place to guarantee that future development will not encroach further on land under the same ownership within the RC-P Subdistrict.

6. The Planning Director may impose any reasonable condition necessary to mitigate identified impacts resulting from development on otherwise unbuildable land. (Ord. X, year).

17.47.170 Density Transfer. Residential density transfer from land within the RC-P Subdistrict (the sending area) to contiguous property under the same ownership that is outside any applicable natural resource or hazard subdistricts (the receiving area), shall be permitted.

- A. Maximum Density. To encourage density transfer, the transfer area shall be subject to the development standards of the next higher residential zoning district.
- B. Example. For example, density transfer from the RC-P Subdistrict to land with an underlying R-1 zone to the sending area on the same site but outside the Natural Resource Protection Subdistricts shall be capped at the density allowed in the R-2 zone, if there is utility capacity. (Ord. X, year).

17.47.180 Economic Hardship Variances. Variances to the provisions of the RC-P Subdistrict shall be discouraged and may be considered only as a last resort when application of the riparian setback standard would result in a property (one or more contiguous lots under common ownership) having no reasonable economic use.

- A. Variance Option. The Planning Commission shall hear and decide variances from dimensional provisions of this chapter, in accordance with the applicable criteria in Section 17.74.110.
- B. Additional Criteria. In addition to the general variance criteria described in Section 17.74.110, the following additional criteria must be met to grant a variance to any dimensional provision of this chapter:
 1. The variance is necessary to allow reasonable economic use of the subject parcel of land, which is owned by the applicant, and which was not created after the effective date of this chapter.
 2. Strict application of the provisions of this chapter would otherwise result in the loss of a buildable site for a use that is permitted outright in the underlying zoning district, and for which the applicant has submitted a formal application.
 3. The applicant has exhausted all options available under this chapter to relieve the hardship.
 4. Based on review of all required studies described in Section 17.47.140, the variance is the minimum necessary to afford relief, considering the potential for increased flood and erosion hazard, and potential adverse impacts on native vegetation, fish and wildlife habitat, and water quality.
 5. Based on review of all required studies described in Section 17.47.140, any adverse impacts on water quality, erosion or slope stability that will result from approval of this hardship variance have been mitigated to the greatest extent possible.
 6. Loss of significant tree and vegetative cover shall be minimized. Any lost vegetative cover shall be replaced on-site, on a 1-to-1 basis, by native trees and vegetation. (Ord. X, year).

17.47.190 Quasi-Judicial Determination of Top-of-Bank. The McMinnville Riparian Corridor Map determines the top-of-bank of significant stream and rivers based on GIS mapping technology for the entire McMinnville UGB area. The riparian setback area is measured from the top-of-bank and restricts land uses within its boundaries. The process below provides standards for site-specific top-of-bank determinations.

- A. Application. One or more property owners with contiguous properties within the riparian setback area may submit a top-of-bank determination application to the Planning Director with the required fee. The application will follow “Director’s Review with Notification” procedures per Section 17.72.110.
 - 1. The application shall include a revised top-of-bank determination prepared by an Oregon registered engineer with experience in hydrology.
 - 2. The determination shall include a report and survey showing the revised top-of-bank (also known as the “bank-full stage”) based on the two-year flood interval.
 - 3. The determination shall delineate (with DSL concurrence) any wetland(s) that extend upland from the proposed top-of-bank.
 - 4. The city engineer shall review and approve or reject the revised top-of-bank determination with supporting facts and reasoning. The applicant will have the opportunity to revise per comments and resubmit for review and approval by the city engineer if additional time is provided for resubmission.
 - 5. Notice of the application shall be provided to the Oregon Department of State Lands, with a request for review and comment.
- B. The Planning Director may approve, deny or further revise the top-of-bank determination based on the information provided in the application and the city engineer’s report.
- C. If approved, the approved top-of-bank determination will be surveyed and recorded on applicable property deeds.
- D. The City shall periodically amend the overlay zones to incorporate these approved top-of-bank changes. (Ord. X, year).

Tree Grove Protection Subdistrict (TG-P Subdistrict)

17.47.200 Purpose and Intent of the TG-P Subdistrict. The TG-P Subdistrict implements the Tree Grove protection policies of the McMinnville Comprehensive Plan. The TG-P Subdistrict operates in conjunction with Chapter 17.58 Trees, Chapter 17.48 F-P Flood Area Zone, Chapter 17.49 Natural Hazards Subdistrict, and Section 17.47.100 Riparian Corridors, to resolve conflicts between development and protection of significant tree groves identified in the City of McMinnville Tree Grove Inventory (2025). The TG-P Subdistrict protects mapped significant tree groves pursuant to Statewide Planning Goal 5 (Natural and Cultural Resources) as implemented by OAR 660-023. Specifically, this chapter allows reasonable economic use of property while establishing clear and objective standards to:

- A. Protect significant tree groves and restrict development within their boundaries;
- B. Provide shade and minimize runoff and erosion, thereby maintaining and enhancing water quality;

- C. Preserve landmark and significant trees and native plant cover within tree groves, thereby maintaining and enhancing fish and wildlife habitats; and
- D. Conserve scenic, recreational and educational values of significant tree groves.
(Ord. X, year).

17.47.210 Applicability and General Provisions. The TG-P Subdistrict applies to all significant tree groves, as shown on the McMinnville Significant Tree Groves Map .

- A. Development Standards. The standards and procedures of this chapter:
 - 1. Apply to all development proposed on property located within, or partially within, the TG-P Subdistrict;
 - 2. Are in addition to the standards of the underlying zone; and
 - 3. Supersede the standards of the underlying zone in cases of conflict.
- B. Critical Root Zone (CRZ). The CRZ for an individual tree is located in a radius from the tree at a rate of 1 foot of horizontal distance from the tree for each 1 inch diameter of tree measured at 4.5 feet high, or as determined by a certified arborist. The CRZ for a tree grove is measured from the outer edge of the perimeter tree grove canopy.
 - 1. Alternative CRZ determinations must be performed by a certified arborist as part of the arborist report required by Section 17.47.230.
 - 2. The applicant shall be responsible for surveying and mapping the precise location of the CRZ and any additional measurements required by this code at the time of application submittal.
- C. Exemption for Developed Subdivision Lots. This subsection does not apply to existing developed lots of 9,000 square feet or less in approved residential subdivisions or partitions with a residential zone map designation, if the relevant side or rear yards were cleared of trees and either developed with structures or planted in lawns or shrubs prior to the effective date of this ordinance.
- D. Exemption for Replacement of Structures and Impervious Surfaces. - Building replacements limited to the footprint of existing buildings, and replacement of other impervious surfaces limited to the area of existing impervious surface.
- E. City of McMinnville Exemption. When performed under the direction of the City the following shall be exempt from the provisions of this chapter:
 - 1. Public emergencies, including emergency repairs to public facilities; and
 - 2. Routine maintenance and/or replacement of existing public facilities projects.
 - 3. City utility or road work in utility or road easements or rights-of-way. Any trees removed in the course of utility work shall be replaced in accordance with the standards of this Chapter.
- F. Exemption for Routine Site Maintenance. The following maintenance activities shall be exempt from the provisions of this chapter:
 - 1. Routine maintenance of the site, including maintenance of lawns and planted landscaping areas existing on (XXXXXDate of Adoption). Additionally, the application of herbicides to non-native vegetation and the application of synthetic fertilizers is subject to applicable state and federal regulations and developed properties shall be subject to the restrictions set forth in the McMinnville Municipal Code;
 - 2. Removal of non-native vegetation and replacement with native plant species;

3. Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and/or resource functions.

G. Exemption for Significant Tree Canopy over property lines. Tree canopy protections in this subsection only apply to properties that contain the trunks of trees with regulated canopy. In the case of development on property with significant tree grove canopy that extends over the subject parcel, but the trunks of the trees within the significant tree grove are not within the parcel, the provisions of this chapter do not apply. (Ord. X, year).

17.47.220 Permitted, Conditional and Prohibited Uses. Generally, land uses permitted by the underlying (base) zoning district are not allowed within the TG-P Subdistrict, except as set forth in in Table 17.47.220 below.

A. Permitted and Conditional Uses. Table 17.47.220 below summarizes permitted, conditional and prohibited uses within the TG-P Subdistrict. A “Yes” indicates that the use is permitted ministerially, is allowed under prescribed conditions subject to approval by the Director or may be approved subject to discretionary criteria for conditional use permit review. A “No” indicates that the use is not permitted. A use that is not permitted may not be approved through the variance provisions of this chapter. (Ord. X, year).

Table 17.47.220 Tree Grove – Protection Subdistrict Use List

Regulated Activity & Procedure Type		
A. <u>Permitted Uses– Ministerial Review</u>	Significant Tree Groves	Tree Grove Mitigation Plan Required?
1. Low impact, passive, or water-related recreation facilities and trails including, but not limited to, viewing shelters, picnic tables, nature trails and interpretive signs	Yes	No
2. Removal of diseased or hazardous trees authorized in writing by a certified arborist and deemed necessary for hazard prevention	Yes	No
3. Tree Grove or wildlife habitat restoration projects including removal of non-native trees	Yes	Yes
4. Arborist determination of Tree Grove CRZ boundaries	Yes	No
B. <u>Permitted Uses with Mitigation – Planning Director Approval with public notice</u>	Significant Tree Groves	Tree Grove Mitigation Plan Required?
1. Public facilities that appear on the City’s Public Facilities Plan when there is no reasonable alternative	Yes	Yes

2. Local streets and driveways serving residences and public facilities when there is no reasonable alternative	Yes	Yes
3. Public drainage facilities	Yes	Yes
4. Utility crossings and below-ground utilities	Yes	Yes
5. Adjustments to numeric standards of the underlying zone necessary to eliminate or reduce impacts on tree groves	Yes	No
6. Park improvements within significant tree groves where authorized by a parks master plan approved by the City Council	Yes	Yes
C. <u>Conditional Use or Variance Review subject to Planning Commission Approval at a Public Hearing</u>	Significant Tree Groves	Tree Grove Mitigation Plan Required?
1. Economic Hardship Variances, subject to variance provisions of Chapter 17.47.280	Yes	Yes
D. <u>Prohibited Uses - unless specifically authorized above or exempted</u>	Significant Tree Groves	Tree Grove Mitigation Plan Required?
1. Removal of native plant species	No	Not applicable
2. Placement of structures or impervious surfaces	No	Not applicable
3. Grading and placement of fill	No	Not applicable
4. Application of herbicides	No	Not applicable
5. Dumping of garbage or lawn debris or other unauthorized materials	No	Not applicable
6. Creation of a parcel that would be wholly within the TR-P district or resulting in an unbuildable parcel, as determined by the Director.	No	Not applicable

17.47.230 Application Requirements. All development applications on lots within, or partially within, the TG-P Subdistrict shall submit the following information, in addition to other information required by this code.

- A. Ministerial Uses. The applicant shall prepare a plan that demonstrates that the use will be constructed and located to avoid removal of any significant trees within a tree grove. The Director may require additional information where necessary to determine TG-P boundaries or to mitigate identified impacts from a proposed development, including but not limited to:
 1. A site survey as prescribed in Section 17.47.230(B); and
 2. One or more of the reports described in Section 17.47.230(D).
- B. Director and Planning Commission Review Uses: Site Specific Survey Required. If any use or activity is proposed within a significant tree grove, the applicant shall be responsible for preparing a survey of the area proposed for development that shows the following:
 1. The name, location and dimensions of the significant tree grove, as shown on the McMinnville Tree Grove Assessment.
 2. The area enclosed by the tree grove canopy per Section 17.47.210(B).

3. The 100-year floodplain if applicable.
 4. Land subject to the Natural Hazard – Mitigation (NH-P), Natural Hazard Protection (NH-P), and/or Riparian Corridor – Protection (RC-P) Subdistricts.
 5. Steeply sloped areas where the slope of the land is 25% or greater.
 6. Existing public rights-of-way, structures, roads and utilities.
 7. Vegetation types (native and non-native).
 8. The driplines of significant trees or tree clusters of trees 6-inches or greater dbh that would be impacted by tree removal, major pruning or ground disturbance.
 9. Existing and proposed contours at 2-foot intervals, or as approved by the City Engineer or Planning Director.
- C. Required Studies and Mitigation Reports. Where required by Table 17.47.220, the applicant shall prepare the following studies in addition to the submission of information required for specific types of development. All required studies shall be prepared by professionals in their respective fields. The Planning Director may exempt permit applications from one or more of these studies, based on specific findings as to why the study is unnecessary to determine compliance with this chapter. This determination must be made, in writing, at or immediately following the required pre-application conference and prior to application submittal.
1. Grading Plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain, drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, existing and finished contours (at 2-foot intervals, or as approved by the City Engineer or Planning Director) including all cut and fill slopes and proposed drainage channels. Project designs including but not limited to locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission.
 2. Arborist Report. This report, prepared by a Certified Arborist, shall identify the significant tree grove boundaries affecting the development site based on the driplines of perimeter trees. The arborist report also shall assess the health and driplines of any trees considered in the required alternatives analysis per Section 17.47.240.
 3. Tree Grove Mitigation Report (TGMR). If development is proposed within a tree grove, then the arborist report shall be supplemented by a survey of existing trees and vegetative cover within a significant tree grove, whether it is native or introduced, and how it will be altered by the proposed development. The TGMR shall include recommendations to assure compliance with each applicable provision of this code and shall be prepared by an arborist or landscape architect with specific knowledge of native plant species, planting, susceptibility to wildfire, maintenance methods, and survival rates. (Ord. X, year).

17.47.240 Development Standards. The following shall apply to all development, including vegetation removal and excavation, allowed within the TG-P

Subdistrict. No application for a use identified in Section 17.47.220 shall be deemed complete until the applicant has addressed each of these standards in writing.

- A. Alternatives Considered. Development applications for allowed uses that require public notice must carefully examine alternatives for the proposed use and explain the reasons why the proposed development cannot reasonably occur outside of the significant tree grove boundary, why any significant trees must be removed to meet project objectives, and why native vegetation cannot reasonably be avoided.
- B. Minimize Siting Impacts. The proposed use shall be designed, located and constructed to minimize excavation and erosion within significant tree groves (especially within CRZs), loss of native vegetation and significant trees, and adverse hydrological impacts on adjacent streams, rivers and wetlands.
 - 1. For development applications that require public notice, the certified arborist must certify that any adverse impacts on the health of remaining trees will be minimized consistent with best management practices.
 - 2. For all uses, the development shall avoid significant and landmark trees if possible, recognizing the operational needs of the proposed development.
- C. Construction Materials and Methods. Where development within the significant tree grove is unavoidable, construction materials or methods used within the tree grove area shall minimize damage to water quality, native vegetation and significant trees.
- D. Meet NR- and NH- Subdistrict Standards. All development must meet applicable natural resource and natural hazard subdistrict standards in addition to the provisions of this chapter. In cases of conflict, the more restrictive standard shall apply.
- E. Avoid Steep Slopes. Removal of significant trees and native vegetation removal shall be avoided on slopes of 25 percent or greater and in areas of High Landslide Susceptibility (as shown on the Statewide Landslide Information Layer for Oregon, SLIDO), except where necessary to construct public facilities, or to ensure slope stability.
- F. Minimize Impacts on Existing Vegetation. The following standards shall apply when construction activity is proposed in areas where native vegetation and significant trees are to be preserved.
 - 1. Work areas on the immediate site shall be carefully identified and marked to reduce potential damage to trees and vegetation.
 - 2. Significant trees shall not be used as anchors for stabilizing working equipment and the root zones shall be protected.
 - 3. During clearing operations, significant trees and vegetation shall not be permitted to fall or be placed outside the work area.
 - 4. In areas designated for selective cutting or clearing, care in falling and removing trees and brush shall be taken to avoid injuring trees and shrubs to be left in place.
 - 5. Non-active stockpiles containing soil, or soil mixed with vegetation, shall not be permitted for longer than two weeks.
- G. Tree Grove Mitigation Plan (TGMP). If a TGMP is required:

1. The applicant shall be responsible for re-vegetating areas temporarily disturbed by excavation on a 1:1 basis. That is, for each significant tree removed, at least 1 new tree shall be planted. Each new tree shall be at least two inches in caliper measured at six inches above ground. For each 100 square feet of disturbed native vegetation removed, at least 100 square feet of cleared or non-native vegetation shall be re-planted with native, fire-resistant plant species.
 2. Where approval is granted within a significant tree grove, the applicant shall be responsible for mitigating for significant tree and native vegetation removal by replacing significant trees and native vegetation within the remaining, protected tree grove on a 1.5:1 basis. That is, for each significant tree removed, at least 1.5 new trees shall be planted. Each new tree shall be at least two inches in caliper measured at six inches above ground. For each 100 square feet of disturbed native vegetation removed, at least 150 square feet of cleared or non-native vegetation shall be re-planted with native, fire-resistant plant species.
 3. The re-vegetation plan shall provide for the replanting and maintenance of native plant species designed to achieve pre-disturbance conditions. The applicant shall be responsible for replacing any native plant species that do not survive the first two years after planting, and for ensuring the survival of any replacement plants for an additional two years after their replacement.
- H. Water and Sewer Infiltration and Discharge. Water and sanitary sewer facilities shall be designed, located and constructed to avoid infiltration of floodwaters into the system, and to avoid discharges from such facilities to streams and wetlands.
- I. On-Site Systems. On-site septic systems and private wells shall be prohibited within the TG-P Subdistrict. (Ord. X, year).

17.47.250 Decision Options and Conditions of Approval

- A. Decision Options. The Approval Authority may approve, approve with conditions, or deny an application based on the provisions of this chapter. The Approval Authority may require conditions necessary to comply with the intent and provisions of this chapter.
- B. Conditions. The required reports shall include design standards and recommendations necessary for the engineer and biologist, certified wetland scientist or other qualified individual to provide reasonable assurance that the standards of this section can be met with appropriate mitigation measures. These measures, along with staff recommendations, shall be incorporated as conditions into the final decision approving the proposed development.
- C. Assurances and Penalties. Assurances and penalties for failure to comply with mitigation, engineering, erosion and water quality plans required under this section shall be as stated in Chapter 17.03 General Provisions.

17.47.260 Administrative Adjustment to Underlying Zone Dimensional Standards. The purpose of this section is to allow adjustments to dimensional standards of the underlying zoning district to reduce or move the development footprint to

minimize adverse impacts on natural resource values within the TG-P Subdistrict. The Planning Director may approve adjustment applications with public notice.

- A. Adjustment Option. The Planning Director may approve up to a 50 percent adjustment to any dimensional standard (e.g., setback, height or lot area) of the underlying zoning district outside the boundaries of the significant tree grove to allow development consistent with the purposes of the TG-P Subdistrict.
- B. Adjustment Criteria. A TG-P adjustment may be requested when development is proposed on a site within or partially within a TG-P Subdistrict. For the director to approve a dimensional adjustment to standards outside the tree grove boundary in the underlying zoning district, the applicant shall demonstrate that the following criteria are fully satisfied:
 - 1. The adjustment is the minimum necessary to allow a permitted use, while at the same time minimizing disturbance within significant tree grove area.
 - 2. Explicit consideration has been given to maximizing tree retention and vegetative cover, protecting significant and landmark trees, and minimizing excavation and impervious surface area.
 - 3. Design options have been considered to reduce the impacts of development, including but not limited to multi-story construction, siting of the structure or residence close to the street to reduce driveway distance, maximizing the use of native landscaping materials, and minimizing parking area and garage space.
 - 4. Assurances are in place to guarantee that future development will not encroach further on land under the same ownership within the TG-P Subdistrict.
 - 5. The Planning Director may impose any reasonable condition necessary to mitigate identified impacts resulting from development on otherwise unbuildable land. (Ord. X, year).

17.47.270 Density Transfer. Residential density transfer from land within the TG-P Subdistrict (the sending area) to contiguous property under the same ownership that is outside any applicable natural resource or hazard protection subdistricts (the receiving area), shall be permitted.

- A. Maximum Density. To encourage density transfer, the transfer area shall be subject to the development standards of the next higher residential zoning district, if there is available utility capacity.
- B. Example. For example, density transfer from the TG-P Subdistrict to land with an underlying R1 zone to the sending area on the same site but outside the Natural Hazards or Protection and the Natural Resource Protection Subdistricts shall be capped at the density allowed in the R2 zone. (Ord. X, year).

17.47.280 Economic Hardship Variances. Variances to the provisions of the TG-P Subdistrict shall be discouraged and may be considered only as a last resort when application of the TG-P Subdistrict would result in a property (one or more contiguous lots under common ownership) having no reasonable economic use.

- C. Variance Option. The Planning Commission shall hear and decide variances from dimensional provisions of this chapter, in accordance with the criteria in Section 17.74.110.
- D. Additional Criteria. In addition to the general variance criteria described in Section 17.74.110, the following additional criteria must be met to grant a variance to any dimensional provision of this chapter:
1. The variance is necessary to allow reasonable economic use of the subject parcel or parcels of land owned by the applicant that were not created after the effective date of this chapter.
 2. Strict application of the provisions of this chapter would otherwise result in the loss of a buildable site for a use that is permitted outright in the underlying zoning district, and for which the applicant has submitted a formal application.
 3. The applicant has exhausted all options available under this chapter to relieve the hardship.
 4. Based on review of all required studies described in Section 17.47.240, the variance is the minimum necessary to afford relief, considering the potential for increased flood and erosion hazard, and potential adverse impacts on significant trees, native vegetation, fish and wildlife habitat, and water quality.
 5. Based on review of all required studies described in Section 17.47.240, any adverse impacts on tree canopy, water quality, erosion or slope stability that will result from approval of this hardship variance have been mitigated to the greatest extent possible.
 6. Loss of significant tree and vegetative cover shall be minimized. Any lost vegetative cover shall be replaced on-site at the basis established in Section 17.47.240(G). (Ord. X, year).

17.47.290 Verification of Tree Grove Boundaries. Significant tree grove boundaries may be appealed and must be verified occasionally to determine the true location of tree grove perimeters through a site-specific survey. Applications for development on a site that contains significant tree groves may request a determination that the subject site or portions of the subject site is not subject to the standards of Chapter 17.47. Verifications shall be processed as outlined below.

- A. Verifications shall be processed as a by the Planning Director without Notification.
- B. Applicants for a determination under this section shall submit a site plan meeting the requirements of Chapter 17.72, as applicable, and provide a survey location of on-site significant trees within the significant tree grove and their respective CRZs.
- C. Such requests may be approved provided that there is evidence substantiating that the tree grove perimeter boundaries identified on the McMinnville Significant Tree grove map are inconsistent with the CRZs of trees within the grove on site. (Ord. X, year).

17.47.300 Plan Amendment Option. Any owner of property affected by the Goal 5 significant tree grove protections may apply for a comprehensive plan amendment as provided in MMC Section 17.74.020. This amendment must be based

on a specific development proposal. The effect of the amendment would be to remove Goal 5 protection from the property. The applicant must demonstrate that such an amendment is justified by either of the following:

- A. ESEE analysis. The applicant may prepare an environmental, social, economic and energy (ESEE) consequences analysis prepared in compliance with OAR 660-23-040.
 1. The analysis must consider the ESEE consequences of allowing the proposed conflicting use, both the impacts on the specific resource site and the comparison with other comparable sites within the McMinnville Planning Area;
 2. The ESEE analysis must demonstrate to the satisfaction of the city council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource;
 3. In particular, ESEE analysis must demonstrate why the use cannot be located on buildable land, consistent with the provisions of this chapter, and that there are no other sites within the City of McMinnville Planning Area that can meet the specific needs of the proposed use;
 4. The ESEE analysis must be prepared by a team consisting of a wildlife biologist or wetlands ecologist and a land use planner or land use attorney, all of whom are qualified in their respective fields and experienced in the preparation of Goal 5 ESEE analysis;
 5. If the application is approved, then the ESEE analysis must be incorporated by reference into the McMinnville Comprehensive Plan.
- B. Demonstration of change. In this case, the applicant must demonstrate that the significant tree grove area site no longer meets the thresholds of significance or definition of a tree grove, relative to other comparable significant tree groves within the City of McMinnville Planning Area.
 1. Significance thresholds and tree grove definitions are described and applied in the McMinnville Tree Grove Assessment adopted by reference as part of this chapter.
 2. To approve this claim, the city council must find that the decline in identified resource values did not result from a violation of this title.
 3. If the application is approved, then the change must be integrated into the McMinnville Significant Tree Grove Map. (Ord. X, year).

THIS IS A DRAFT PRODUCT

CHAPTER 17.58

TREES

(as adopted **amended** by Ord. 4654B Dec. 9, 1997 **XXX**)Sections:

17.58.010	Purpose.
17.58.020	Applicability.
17.58.030	Definitions.
17.58.040	Tree Removal/Replacement.
17.58.045	Downtown Trees.
17.58.050	Application Review and Criteria.
17.58.060	Permit Exemptions.
17.58.070	Tree Topping.
17.58.075	Protection of Trees.
17.58.080	Street Tree Planting – When Required.
17.58.090	Street Tree Standards.
17.58.100	Street Tree Plans.
17.58.110	Street Tree Planting.
17.58.120	Street Tree Maintenance.

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. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.020 Applicability. The provisions of this ordinance shall apply to:

- A. Individual significant, **landmark, and** historic trees as defined in this ordinance **located on public or private land within the Urban Growth Boundary (UGB).**
- B. All **street** trees with trunks located completely or partially within any public area or right-of-way;
- C. All **significant** trees on developable land **or** ~~and~~ subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).

17.58.030 Definitions. For the purpose of this section, refer to Section 17.06.045 for Tree related definitions. (Ord. 4952 §1, 2012).

17.58.040 Tree Removal/Replacement.

- A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the City. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Applications shall be reviewed by the “review authority” identified as the City Manager or City Manager’s Designee (hereafter “Manager”) or the Landscape Review Committee as provided in this Chapter, including Section 17.58.050. Only applications for Complex Tree Removal Permits shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal, except as authorized in Section 17.58.050. Requests for tree removal within the Downtown Tree Zone shall be submitted to the City. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Manager should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Manager, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Manager may be appealed to the Planning Commission if written notice of the appeal is filed with the City within 15 (fifteen) days of the committee’s or Manager’s decision. A decision made by the Manager in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks, or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.
- B. Trees subject to this ordinance which are approved for removal or pruning shall be removed or pruned following accepted arboricultural pruning practices, such as those published by the International Society of Arboriculture (ISA) and any standards adopted by the City. The Manager, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.
- C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.
- D. Approval of a request to remove a landmark, significant, or street tree may shall be conditioned upon replacement of the tree with ~~another~~ tree(s) approved by the city, and/or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees of similar value in accordance with a fee schedule adopted by resolution of the council. The replacement and fee requirements shall be as

established in this section. The value of the existing 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. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.

1. Significant and Landmark Tree Removal and Major Pruning Generally.
 - a. Removal of up to one (1) significant tree during a calendar year, on a developed residential lot of 10,000 square feet or less, shall be exempt from the provisions of this ordinance. This exemption does not apply to significant trees within the F-P (Flood Area) Zone or to applicable Natural Hazard or Natural Resource Protection Subdistricts.
 - b. Removal of significant trees shall only be permitted if:
 - 1) The tree qualifies meets one of the removal criteria of Section 17.58.050, or
 - 2) The tree is less than 36 inches dbh, unless an Oregon white oak in which case is less than 12 inches dbh, and located on a developed residential lot of 10,000 square feet or less and the tree is located outside the F-P Zone or a NH-P or RC-P Subdistrict, or
 - 3) The review authority determines that tree removal is necessary to allow permitted development consistent with applicable base zone and subdistrict regulations, and consistent with a mitigation report prepared by a certified arborist demonstrating that on-site mitigation requirements have been met pursuant to Chapter 17.58 Trees.
 - c. Removal of landmark trees shall only be permitted if:
 - 1) The tree poses a serious threat to life and property or has a fatal disease that is likely to spread to other trees in the vicinity (such as Dutch elm disease), based on a certified arborist's determination. The City may rely on a second opinion from the certified arborist of its choice to make the final tree removal decision; or
 - 2) Pursuant to Subsection 4 or 5 below.
 - d. Major pruning of significant and landmark trees shall be reviewed subject to Section 17.58.040(B) Application for Tree Major Pruning Permit. Any tree may be pruned to meet wildfire fuel reduction requirements under the supervision of a certified arborist.
2. Significant trees outside of Natural Resource and Natural Hazard Protection Subdistricts. If the review authority approves significant tree removal, the value of each significant tree to be removed shall be mitigated as follows:

- a. At least one tree with a minimum caliper of 2 inches at six inches above grade approved by the City shall be planted on-site or on adjacent public land for each six inches of significant tree diameter removed; or
 - b. If the certified arborist determines that there is no suitable location for replacement trees on-site or on adjacent public land, then the applicant shall pay a replacement fee in accordance with a fee schedule adopted by resolution of the council.
 3. Significant trees within NH-P, NH-M, TG-P, and RC-P Subdistricts. Where limited significant tree removal is permitted consistent with applicable zoning standards, a tree and vegetation mitigation plan consistent with Chapter 17.47 shall be required, and replacement trees shall be determined by required tree mitigation planting plan(s).
 4. Landmark Trees outside of Natural Resource and Natural Hazard Protection Subdistricts.
 - a. If removal is approved by the review authority on private land not required for public right-of-way dedication, the value of the landmark tree to be removed shall be charged to the property owner or land developer in accordance with a fee schedule adopted by resolution of the council.
 - b. In addition, as recommended by a certified arborist, one tree with a minimum caliper of two inches at six inches above grade of a species with the potential to grow to a similar size as the lost landmark tree, shall be planted on-site.
 5. Landmark Trees within the NH-P and RC-P Subdistricts.
 - a. Landmark trees shall be protected unless there is no practicable alternative means to construct a planned public facility identified on an adopted city master plan.
 - b. If approved by the review authority for removal, at least one (1) tree with a minimum caliper of two (2) inches at six (6) inches above grade approved by the City shall be planted on-site or on adjacent public land for each six inches of landmark tree diameter removed in a location recommended by a certified arborist.
 - c. Removal of landmark trees within significant tree groves is subject to the standards of Chapter 17.47.
 6. Street Trees. If the review authority approves street tree removal, the following mitigation is required:
 - a. At least one tree planted to the standards of Section 17.58.090 or associated Street Tree Plan; or
 - b. If the certified arborist determines that there is no suitable location for replacement trees on adjacent public land, then the applicant shall pay a replacement fee in accordance with a fee schedule adopted by resolution of the council.
- E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least

- two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.
- F. The applicant shall complete the tree removal, tree replacement if required, within six months of receiving notification of the Manager's or Landscape Review Committee's decision. The Manager or Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability. **If applicable, the payment of fees shall occur prior to the removal of trees.**
 - G. Other conditions may be attached to the permit approval by the Manager or Landscape Review Committee as deemed necessary.
 - H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City. ~~to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.~~ (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.045 Downtown Trees.

- A. The pruning and removal of street trees within the Downtown Tree Zone shall be the responsibility of the City, and shall be undertaken at public expense.
- B. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees within the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees within the Downtown Tree Zone to minimize the potential for sidewalk / tree root conflict.
- C. The City shall adopt implementation measures that cause, through rotation over time, the development of a variable aged stand of trees within the Downtown Tree Zone. In order to implement this policy, the Manager shall authorize, but shall limit, annual tree removal within the downtown to no more than three (3) percent of the total number of existing downtown trees in the Downtown Tree Zone.
- D. A street tree within the Downtown Tree Zone may be removed if the Manager determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 5027 §2, 2017).

17.58.050 Application Review and Criteria.

- A. Application for Simple Tree Removal Permit.

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1. Review. Applications for simple tree removal permits shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.
2. Criteria. Each tree proposed for removal must meet at least one of the following criteria:
 - a. The tree is a hazard as determined by a Certified arborist, and the arborist has demonstrated that less intensive options than removal, such as pruning, cabling, or bracing of limbs would not abate the hazard or would have a significant adverse effect on the health of the tree.
 - b. The tree is dead or in an advanced state of decline.
 - c. The tree species has been determined to be a ~~is on the~~ nuisance by the City ~~list for Oregon or the list of invasive trees published by OSU Extension.~~
 - d. Tree is infested with pests or disease.
 - e. The tree roots are causing damage to sidewalks or other infrastructure, and the damage can't reasonably be abated without removing the tree. In evaluating whether the damage can be reasonably abated without removing the tree, consideration shall be given to impacts of the necessary abatement on the tree's health, further damage to infrastructure that would occur if the tree is retained, and alternative methods of abatement that would retain and protect the tree and prevent further damage. When considering reasonable abatement methods, greater priority shall be placed on retention of larger, healthy trees.
 - f. The tree has sustained physical damage to an extent that necessitates its removal to address an issue of safety or tree health and aesthetics.
 - g. The proposed removal is part of an approved development project, a public improvement project where no reasonable alternative is available, is part of a street tree improvement program. When considering reasonable alternatives, greater priority shall be placed on retention of larger, healthy trees.
 - h. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list the decision shall also meet any applicable requirements related to the protection of such trees.
 - i. ~~The tree is in conflict with planned public improvements, no reasonable and practicable alternative to significant or landmark tree removal exists, and any required mitigation plans have been approved by the land use review authority.~~ The permit is consistent with applicable standards of Section 17.58.040 Tree Removal / Replacement.
3. Arborist Verification. In order to meet any of the above criteria for removal 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. The Manager may waive the requirement for verification by an Arborist if it is reasonable to determine a tree is dead by inspection or other documentation required by the Manager. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

4. At the Manager's discretion, any simple tree removal permit application may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.
- B. Application for Tree Major Pruning Permit.
1. Review. Applications for major pruning of trees shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.
 2. Criteria. Each tree proposed for major pruning shall meet all of the following criteria:
 - a. The pruning is necessary to reduce risk of hazard, maintain or improve tree health and structure, or improve aesthetics in accordance with accepted arboricultural practices, or to achieve compliance with public standards such as vision clearance, vertical clearance above sidewalks or roadways, or separation from overhead utilities.
 - b. The proposed pruning shall be consistent with the public purposes of Section 17.58.010 and shall not adversely affect the health of the tree. When pruning is necessary to reduce risk of hazard or achieve compliance with public standards, the tree structure and aesthetics shall be maintained to the extent practicable.
 - c. The proposed pruning will be performed consistent with accepted arboricultural practices, such as those published by the International Society of Arboriculture (ISA).
 - d. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.
 3. Arborist Verification. In order to meet any of the above criteria for major pruning, verification of the need and consistency with the criteria for the proposed pruning shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.
 4. At the Manager's discretion, any application for major pruning of a tree may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.
- C. Application for Complex Tree Removal Permit.
1. Review. Applications for complex tree removal permits shall be reviewed by the Landscape Review Committee in accordance with the procedures of this Chapter on a form containing information required by the Manager.
 2. Criteria. An application for a complex tree removal permit shall meet all of the following criteria:
 - a. The tree removal is necessary to address a public purpose that is not addressed by the criteria for a Simple Tree Removal Permit, and the application does not merely circumvent the requirements for a Simple Tree Removal Permit.
 - b. The tree removal is necessary to promote the public health, safety, welfare, and/or to accomplish a public purpose or program identified in the City's adopted plans, goals, and/or policies.

- c. The tree removal will be consistent with the overall furtherance of a healthy urban forest, including healthy, attractive street trees.
- d. **The permit is consistent with applicable standards of Section 17.58.040 Tree Removal / Replacement.**
- 3. The Landscape Review Committee may apply conditions of approval as specified in this Chapter and as may be necessary to offset the impact of the tree removal.
- 4. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.

17.58.060 Permit Exemptions.

- A. Emergency Removal of Hazardous Tree **Subject to the Standards of this Chapter** - If an imminent danger exists to the public or any private property owner or occupant, the City may issue an emergency removal permit. The removal shall be in accordance with International Society of Arboriculture (ISA) standards.
- B. Tree **Subject to the Standards of this Chapter** Impacting Public Infrastructure – If a tree is causing damage to or impacting public infrastructure that the adjacent property owner is not responsible for repairing, such as pedestrian ramps, utility vaults, or public storm or sanitary sewer lines, the tree removal may be approved by the Manager. The removal shall be in accordance with International Society of Arboriculture (ISA) standards. In the event that a replacement tree cannot be planted in the same general location as the tree removed, the replacement tree may be planted in another location in the City as part of the City's annual tree planting program.
- C. Maintenance - Regular pruning maintenance which does not require the removal of over 20 percent of the tree's canopy, tree topping, or the disturbance of over 10 percent of the tree's root system is exempt from the provisions of this ordinance.
- D. Removal of downtown trees at the direction and initiative of the Manager. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.070 Tree Topping. It shall be unlawful for any person, firm, or the City to top any tree **subject to the standards of this Chapter**. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted at the determination of the Manager or Landscape Review Committee, applying criteria developed by the City. (Ord. 4654B §1, 1997).

17.58.075 Protection of Trees.

- A. It shall be unlawful for any person to remove, destroy, break, or injure any ~~street tree or public tree~~ **subject to the standards of this Chapter**. Individuals convicted of removing or destroying a tree without City approval shall be subject to paying to the City **a fee in accordance with a fee schedule adopted**

- by resolution of the council.** ~~an amount sufficient to fund the planting and establishment of a tree, or trees, of similar value. The value of the removed or destroyed tree 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.~~
- B. It shall be unlawful for any person to attach or keep attached to any ~~street or public tree~~ **subject to the standards of this Chapter** or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign, or other device, except as a support for such tree.
 - C. During the construction, repair, alteration or removal of any building or structure it shall be unlawful for any owner or contractor to leave any **tree subject to the standards of this Chapter** ~~street tree or public tree~~ in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such construction or removal.
 - D. Excavations shall not occur within the drip line of any street tree or public tree without approval of the City, applying criteria developed by the **City** ~~Landscape Review Committee~~. Utility pole installations are exempted from these requirements. During such excavation or construction, any such person shall guard any street tree or public tree within the drip line, or as may be required by the Manager or Landscape Review Committee.
 - E. All building material or other debris shall be kept outside of the drip line of any **tree subject to the standards of this Chapter** ~~street tree or public tree~~. (Ord. 4654B §1, 1997).

17.58.080 Street Tree Planting - When Required. All new residential 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. (Ord. 4654B §1, 1997).

17.58.090 Street Tree Standards.

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2019-26, and as may have been subsequently amended, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.
- B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
- C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no

greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.

- D. Except as provided in this Section, street trees shall be planted within a curbside planter strip or tree wells consistent with the applicable standards and dimensions of the City's adopted Complete Street standards, with the street trees centered between back of curb and front of sidewalk. However, where a street with sidewalk was previously constructed to a different standard, the Manager may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk. Except when authorized by the Manager, street trees shall not be planted within a curbside landscape strip narrower than four (4) feet in width between the sidewalk and curb. When nonconforming conditions do not allow for trees to be planted in tree wells or planter strips along major collector or arterial streets per the adopted Complete Street standards, street trees adjacent to major collector streets or arterial streets shall be placed a minimum of five (5) feet from the back edge of the sidewalk. Except when authorized by the Director, a street tree shall not be planted closer than two and one-half (2 1/2) feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.
- E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.
- F. Existing street trees shall be retained unless approved by the Manager for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Manager to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.100 Street Tree Plans.

A. Submittal.

1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.
2. Commercial, Industrial, Parking Lots, and Multi-dwelling Residential Development: Landscape plans, to include street tree planting as may be required by this ordinance, shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of a building permit.

B. Street Tree Plan Content. At a minimum, the street tree planting plan should:

1. Indicate all existing trees, noting location, species, size (caliper and height) and condition;
2. Indicate whether existing trees will be retained, removed or relocated;
3. Indicate the measures to be taken during site development to ensure the protection of existing trees to be retained;
4. Indicate the location, species, and size (caliper and height) of street trees to be planted;
5. Indicate the location of proposed and existing utilities and driveways; and
6. Indicate the location of rights-of-way, existing structures, driveways, and existing trees including their species, size, and condition, within twenty feet of the subject site. (Ord. 4654B §1, 1997).

17.58.110 Street Tree Planting.

A. Residential subdivisions and partitions.

1. Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.

B. Commercial, Industrial, Residential, Parking Lot Development.

1. Planting Schedule: Street trees required of a commercial, industrial, residential, or parking lot development shall be installed at the time all other required landscaping is installed. (Ord. 4654B §1, 1997).

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. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
 - 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 Sections 17.58.040 and 17.58.050. (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997)

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**CHAPTER XI
NATURAL RESOURCES**

**GOAL XI 1: TO ADOPT INVENTORIES, POLICIES, AND GOALS FOR RIPARIAN
COORDIORS, TREE GROVES, AND SCENIC VIEWS**

Multi-Resource Policies

- 200.00 *The City of McMinnville shall adopt and maintain the McMinnville Natural Resources Inventory as part of the McMinnville Comprehensive Plan (Volume I). The inventory shall include maps and text that identify the location, type and resource values for three types of natural resources: riparian corridors, tree groves and scenic views within the McMinnville UGB.*
- 201.00 *The City shall follow the process set forth in the Goal 5 Natural Resources Administrative Rule (OAR Chapter 660, Division 023) to prepare natural resource inventories, determine the significance of inventoried natural resource sites, identify conflicting uses, evaluate the ESEE (economic, social, environmental and energy) consequences of alternative protection program, and adopt comprehensive plan policies and land use regulations to protect significant natural resource sites.*
- 202.00 *Natural Resource policies shall be implemented by Chapter 17.47 Natural Resource Protection Overlay Zones. Each natural resource subdistrict shall include objective development standards to protect significant natural resource sites identified in adopted Natural Resources Inventories. In cases of conflict with underlying base zone standards, the standards of the applicable natural resource subdistrict shall control.*
- 203.00 *The City of McMinnville shall coordinate with the Greater Yamhill Watershed Council to facilitate watershed restoration and improvement projects in natural resource areas such as floodplains, riparian corridors, tree groves and scenic views. Shared natural resource protection goals include: (1) removal of invasive vegetation species; and (2) restoration and enhancement of wetlands that provide a variety of natural resource, water quality, and flood control benefit.*

Riparian Corridor Policies

- 210.00 *The City of McMinnville riparian corridor protection program supplements floodplain regulations by protecting and enhancing fish-bearing rivers and streams within the UGB from most types of urban development, in coordination with state and federal agency requirements and the Greater Yamhill Watershed Council. The riparian protection program is implemented by Chapter 17.47 of the McMinnville Municipal Code.*
- 211.00 *The City of McMinnville shall apply the Riparian Corridor "safe harbor" provisions of OAR Chapter 660, Division 023 to inventory and protect riparian corridors within the McMinnville UGB. The McMinnville Riparian Corridor Inventory includes the North and South Yamhill Rivers, Cozine Creek, Baker Creek and their fish-bearing tributaries. The Riparian Corridor*

width measured from the inventoried top-of-bank shall be 75 feet from the South Yamhill River and 50 feet for all other fish-bearing rivers and streams.

- 212.00 *The riparian corridor may be adjusted based on a site-specific determination of the top-of-bank as defined in OAR 660-023-0090(1)(g) prepared by an engineer with experience in hydrology registered in the state of Oregon.*

Scenic Views and Viewsheds Policies

- 220.00 *The City of McMinnville scenic view program is designed to ensure the protection of scenic viewpoints and corresponding viewsheds consistent with Great Neighborhood Principles.*
- 221.00 *The McMinnville Scenic Viewpoint and Viewshed Inventory identifies significant viewpoints within the McMinnville UGB and corresponding viewsheds both within and outside the McMinnville UGB. Viewsheds include the following characteristics:*
1. Mountain views – Cascade Range, including Mt. Jefferson and Mt. Hood and the Coast Range areas.
 2. Hill views - McMinnville's West Hills, Red Hills of Dundee, Amity Hills, and Chehalem Mountains, including forested areas.
 3. Agricultural land views - Cropland, pastures, orchards, and vineyards.
 4. Riparian corridor views - Forests and floodplains along North and South Yamhill Rivers and Baker Creek.
 5. Gateway views - Views entering City along Highway 18 and views of Downtown historic buildings and tree-lined streets.
 6. City views – Views of the City from the West Hills, including downtown, forested riparian corridors and park views.
- 222.00 *Private Land with Scenic Viewpoints: An Economic, Social, Environmental and Energy (ESEE) analysis, consistent with OAR 660-023-0040, is required for area plans with a scenic viewpoint. The analysis shall consider alternative program options to protect identified scenic viewsheds, including but not limited to the layout and design of streets and open spaces, pedestrian and bicycle circulation systems, and the spacing and design of proposed buildings, landscaping and above-ground utilities.*
- 223.00 *Public Land with Scenic Viewpoints: Scenic views and viewsheds shall be considered in creation of and amendments to park master plans and public facilities master plans adopted by the City Council. Viewpoints and viewsheds shall be considered in the orientation and design of above-ground (vertical elements) infrastructure projects that could obstruct scenic views from public land or improvements.*

Tree Grove Policies

- 224.00 *The City of McMinnville shall apply the standard Goal 5 process set forth in OAR 660-023 to inventory, analyze and protect significant tree groves within the McMinnville UGB.*
- 225.00 *The McMinnville Tree Grove Inventory identified 27 significant tree groves within the McMinnville UGB. An ESEE analysis supports a limited protection program for Tree Groves. The protection program for the identified tree groves is implemented by Chapter 17.47 of the Municipal Code.*

Tree Protection Policies

- 230.00 *Landmark and Significant trees shall be protected when located within the UGB and only removed in qualifying circumstances as identified in Chapter 17.47 and Chapter 17.58 of the Municipal Code.*