



Landscape Review Committee
Hybrid In-Person & ZOOM Online Meeting
Monday, December 29, 2025 - 12:00 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 A. December 3, 2025 Minutes (Exhibit 1)
Carlton Davidson	3. Citizen Comments
Lee McCollins	4. Action Items A. Natural Resources Draft Code Amendments (Exhibit 2)
Eva Reutinger	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
www.mcminnvilleoregon.gov

MINUTES

December 3, 2025
Landscape Review Committee
Regular Meeting

5:00 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Brian Wicks, Eva Reutinger, Jamie Fleckenstein, and Lee McCollins

Members Absent: Carlton Davidson

Staff Present: Taylor Graybehl – Senior Planner, David Berniker – Planning Manager

Guests Present: City Council Liaison Jessica Payne

1. Call to Order and Roll Call

Chair Fleckenstein called the meeting to order at 5:00 p.m.

2. Minutes

- a. February 7, 2024
- b. September 11, 2024
- c. October 23, 2024
- d. December 4, 2024
- e. December 18, 2024
- f. January 15, 2025
- g. January 22, 2025
- h. February 19, 2025
- i. March 19, 2025
- j. April 9, 2025
- k. May 12, 2025

Committee Member McCollins moved to approve all of the above sets of minutes as written. The motion was seconded by Committee Member Wicks and passed unanimously 4-0.

3. Citizen Comments

None

4. Action Items

a. Natural Resources Draft Code Amendments

Senior Planner Graybehl gave the LRC an update on the City's Natural Resources planning effort under Oregon Land Use Goal 5, initiated as part of the recent Urban Growth Boundary amendment. He explained the work that had been done so far, compliance with Oregon Land Use Goals, Great Neighborhood Principles and Statewide Planning Goals, recommended Natural Resources Protection Program, and significant natural resources in the City. He then discussed creating a riparian protection subdistrict and map of riparian corridor locations, where the standards would apply, what was allowed currently, and proposed development standards. These standards included requirements for development applications, vegetation disturbance and restoration requirements, flexibility options, and top-of-bank determination.

There was discussion regarding how there could be some lots in the riparian corridor that did not have the floodplain zoning associated with them, Planning Commission approval instead of LRC approval for Conditional Use/Variance applications, LRC making recommendations to the Planning Commission, clarification that it was a 1:1 restoration ratio for native vegetation and 1:1.5 restoration ratio for non-native plants.

The Committee suggested changing it to: if disturbing non-native plants, restore non-native plants with 1:1 native vegetation and if disturbing native plants, replace the native 1:1.5. They wanted to disincentivize disturbing established native plants, and if non-native plants were removed, they could be replaced with a lesser square footage of native plants.

Senior Planner Graybehl reviewed the updates to the Landmark/Significant Trees Chapter 17.58 "Trees," tree grove inventory that was done by the consultants, when the standards would apply, what was currently allowed, proposed development standards including requirements for development applications and tree replacement ratios, protection requirements, and flexibility options.

There was discussion regarding replacement ratios for the non-native trees and native trees and how the size of the tree made a difference for replacement. Currently it was a 1:1 replacement, but the Committee would like to see it scaled. It was suggested to plant 1 tree per 6 inches removed, and 2 trees per 9 inches removed. There was further discussion about a different ratio for native trees, pushback on protecting trees on private property, how the development standards applied to the critical root zone, and adding a provision for an agricultural grove.

Senior Planner Graybehl explained how they had strengthened the tree protections for public and private property in the UGB. Two new tree categories had been created, landmark trees and significant trees. For significant trees, one tree per six inches of removed trees was required outside subdistricts and a one to one replacement was required within NH-P, NH-M, TG-P, and RC-P zones.

It was suggested to add a criterion for historic significance of a tree that might not meet the diameter or size criteria. This would be included as a work plan item.

The Committee thought they should change the replacement requirement from plant one replacement tree per 6" to one tree per 6" and one additional tree per every additional 3". There

was further discussion regarding a mitigation fee if all the trees could not be replaced on the property and what other cities' fees were.

It was questioned why there was a lesser replacement standard for trees in the protection zones. Removing a significant or landmark tree would come to the LRC if it was part of a landscape plan seeking discretionary review. Any work in a tree grove or riparian corridor would not be brought to the LRC unless it was a recommendation to the Planning Commission. For the most part, removing trees would be a staff decision.

There was discussion about alternative proposals, like creating a native rain garden instead of replanting trees, would come to the LRC, but staff questioned what the review criteria would be in those instances. In most cases, people would pay the fee if they couldn't replant. There was further discussion about considering private property owner rights and not applying the standards to private residential property. Staff noted the purpose of the code amendments was to protect the tree canopy, especially for larger trees. The question was who did that apply to.

There was consensus that 10,000 square foot lots or smaller of private property could remove one tree per year. The focus was on groves and significant and landmark trees.

Staff would go back and look at where the replacement numbers were coming from. It was noted the development threshold this applied to, new development, seemed appropriate, and the exemption of removing one significant tree per residential lot per year would remove a lot of onus and still not allow clearcutting.

The LRC would meet on December 29 to complete the discussion on the replacement requirements for tree groves and significant and landmark trees. They were on board with the process and methodology of the amendments.

The Committee thought the numbers for replacement should consider a scale that recognized the value of a larger tree was not linear and the replacement should reflect that.

Senior Planner Graybehl discussed the amendment to scenic viewpoint and viewsheds, Chapter XI "Natural Resources." He explained the scenic views draft program summary where analysis would be required for area plans with a scenic viewpoint to protect the viewshed. He discussed the inventory of scenic viewpoints and recommended policies and alternatives for limiting uses that conflicted with scenic viewpoint/viewshed protection. He then reviewed the next steps.

5. Committee Member Comments

None

6. Staff Comments

None

7. Adjournment

Chair Fleckenstein adjourned the meeting at 7:08 p.m.

STAFF REPORT – EXHIBIT 2

DATE: December 22, 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 continue working with 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. This meeting will continue the discussion of mitigation requirements for the removal and replacement of vegetation within riparian corridors and tree groves, as well as for the implementation of the significant/landmark tree program.

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.

A joint work session between the City Council and Planning Commission was held on June 18, 2025, to discuss the proposed program. 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>.

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”.

On December 03, 2025, the Landscape Review Committee held a work session on proposed amendments. The Landscape Review Committee mostly agreed with the amendments as presented but had questions regarding mitigation requirements for replacing removed vegetation in the riparian corridor protection and tree grove protection subdistricts, as well as the proposed significant and landmark tree program.

Mitigation Requirements for Vegetation in Protection Subdistricts

The previous staff report incorrectly stated that the replacement ratios for the Riparian Corridor Protection Subdistrict and Tree Grove Protection Subdistrict are to be determined based on the native v. non-native status of the vegetation to be removed. However, the code actually distinguishes between **permanent** and **temporary** disturbances.

- **Temporary** removal of vegetation to be replaced at a **1:1 basis**.
- **Permanent** removal of vegetation to be replaced at a **1:1.5 basis**.

When vegetation is disturbed, the proposed code would mandate restoration using native species. For vegetation to be **temporarily** 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 vegetation to be **permanently** disturbed, the standard is more stringent: a 1:1.5 ratio applies, requiring 150 square feet of native revegetation for every 100 square feet of non-native vegetation disturbed.

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, establish enforceable, consistent mitigation requirements, and align the chapter with current arboricultural best practices.

The protection of Landmark and Significant trees was initially recommended by the Landscape Review Committee. As proposed in the December 3, 2025, packet, trees on public and private property would be regulated to limit removal and require mitigation if they meet the definition of a landmark or significant tree.

The packet that was distributed for December 3, 2025, included the following language draft:

Definitions

Landmark Trees are defined as:

- Trees located on public or private land within the UGB that are either:
 1. 36 inches or greater in diameter at breast height (dbh), or
 2. 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.

Landscape Review Committee Review – December 3, 2025

At its December 3, 2025 meeting, the Landscape Review Committee expressed several concerns regarding the proposed Significant and Landmark Tree Program. Key issues included whether trees on private property should be subject to regulation, whether the proposed caliper threshold was appropriate, and whether the mitigation requirements were reasonable and practical.

Discussion

Please be prepared to discuss the proposed code amendments at the upcoming meeting. The discussion will focus on revisions to Chapter 17.58 (“Trees”), specifically related to the regulation of significant and landmark trees.

The proposed amendment would establish ongoing protections for trees above a certain caliper located on private property within the Urban Growth Boundary. Across Oregon, cities vary in how they regulate tree removal on private land. Some jurisdictions require permits for the removal of individual trees at all times, while others apply regulations only under specific conditions—such as during development, through prior land use approvals, or within designated overlay zones.

The summary below outlines how comparable cities approach tree regulation on private property, with an emphasis on whether a permit is required for the removal of individual trees outside of specific circumstances, as proposed under the Significant/Landmark Tree Program:

- **Ashland:** Permit required for removal of trees over 6” DBH.
Exemptions include: R-1 zones, single-family or duplex properties, schools, wildfire risk, parks, dead/dying trees, airports, etc.
- **Bend:** Permit required for removal of trees over 6” DBH.
Exemptions include: Properties under 1 acre with dwellings, fire safety, and other safety-related removals.
- **Corvallis:** No permit required, except in specific circumstances.
- **Eugene:** Permit required for removal of trees over 8” DBH.

A detailed table outlines when a permit is necessary based on zoning and context.

Size of Parcel	Use	Proposed Tree Removal	Tree Removal Permit Required?
Less than 20,000 square feet (and not regulated by an approved land use application* or overlay zone**)	Residential: Existing home, or a building permit for a home has been issued:	–	No tree permit required. Can remove any number of trees.
	Residential: No residence, & building permit not yet issued:	Removal of any tree	Tree permit required; Verify options with staff.
	Commercial & others	Removal of any tree	Tree permit required
Larger than 20,000 square feet (and not regulated by an approved land use application* or overlay zone**)	–	Removal of up to 5 trees per 12 consecutive months	No permit required
		More than 5 trees per 12 consecutive months	Tree permit required

- **Grants Pass:** No permit required, except in specific circumstances.
- **Newberg:** No permit required, except in specific circumstances.
- **Redmond:** No permit required, except in specific circumstances.
- **Salem:** Permit required for removal of trees over 30" DBH or Oregon White Oaks over 20" DBH.

Staff recommends revising the draft Significant/Landmark Tree Program due to concerns about the potential administrative burden and the extent of regulation on private property. As currently written, the proposed code would require substantial staff time and may overextend the city's regulatory reach.

As noted above, similarly sized cities such as Grants Pass, Newberg, and Redmond do not regulate individual trees on private property (unless specific circumstances). At the same time, some larger cities do implement tree regulations with some thresholds higher than those proposed. Staff are particularly concerned that the proposed caliper threshold may be too low, triggering regulation for a broad range of trees, including trees planted in back yards that are under 20 years old.

Additionally, the proposed creation of two separate protection categories—"significant" and "landmark" trees—based solely on size is not a common practice among peer jurisdictions.

To better align the program with the city's capacity and the committee's goals, staff recommends the LRC consider the following options:

1. **Eliminate** the significant and landmark tree protections entirely.
2. **Limit** protections to designated subdistricts, removing them from other private properties.
3. **Raise** the caliper threshold for both significant and landmark trees to reduce overregulation.
4. **Narrow the scope** to protect only landmark trees, potentially with an increased caliper threshold.

Staff welcomes further discussion and is available to support the committee in refining the program to ensure it is both effective and manageable.

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"

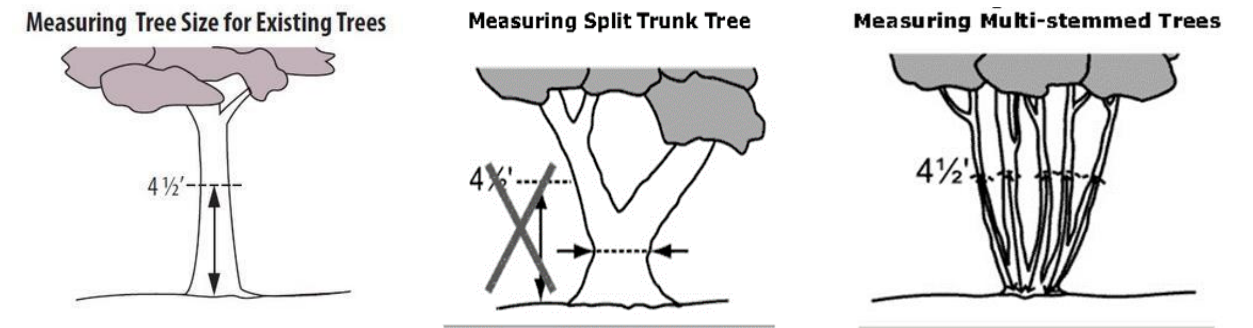
THIS IS A DRAFT PRODUCT

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.

THIS IS A DRAFT PRODUCT

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

THIS IS A DRAFT PRODUCT

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

THIS IS A DRAFT PRODUCT

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.

THIS IS A DRAFT PRODUCT

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)

THIS IS A DRAFT PRODUCT

**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.*