



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

www.mcminnvilleoregon.gov

Landscape Review Committee
Community Development Center, 231 NE 5th Street
December 19, 2018
12:00 PM

Committee Members	Agenda Items
Rob Stephenson Chair Sharon Gunter Vice-Chair Josh Kearns RoseMarie Caughran Tim McDaniel	<ol style="list-style-type: none"> 1. Call to Order 2. Citizen Comments 3. Approval of Minutes 4. Action Items <ol style="list-style-type: none"> A. L 41-18 – Landscape Plan (Exhibit 1) 455 NE Irvine Street B. L 46-18 – Street Tree Improvement Plan (Exhibit 2) 1240 NE Evans Street C. L 47-18 – Street Tree Removal (Exhibit 3) 2718 NW Pinot Noir Drive 5. Discussion Items <ol style="list-style-type: none"> A. 2019 Work Plan (Exhibit 4) 6. Old/New Business 7. Committee Member Comments 8. Staff Comments 9. Adjournment

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

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



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

www.mcminnvilleoregon.gov

EXHIBIT 1 - STAFF REPORT

DATE: December 19, 2018
TO: McMinnville Landscape Review Committee
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Agenda Item 4A: L 41-18

Report in Brief:

An application for a Landscape Plan Review of a landscape plan for a new utility equipment storage building in the Northeast Gateway District (L 41-18) to be reviewed by the Landscape Review Committee.

Background:

The applicant, Patrick Fuchs of OnlineNW, easement holder, on behalf of property owner Chambers 455 LLC, submitted a landscape plan for a proposed utility equipment storage building. The subject site is located in the Northeast Gateway District at 455 NE Irvine Street, and is more specifically described as Tax Lot 2601, Section 21BD, T. 4 S., R. 4 W., W.M. The subject site is zoned M-1 (Light Industrial).

The proposal underwent NE Gateway District Development Review (Docket NEG 4-18) and was approved.

Discussion:

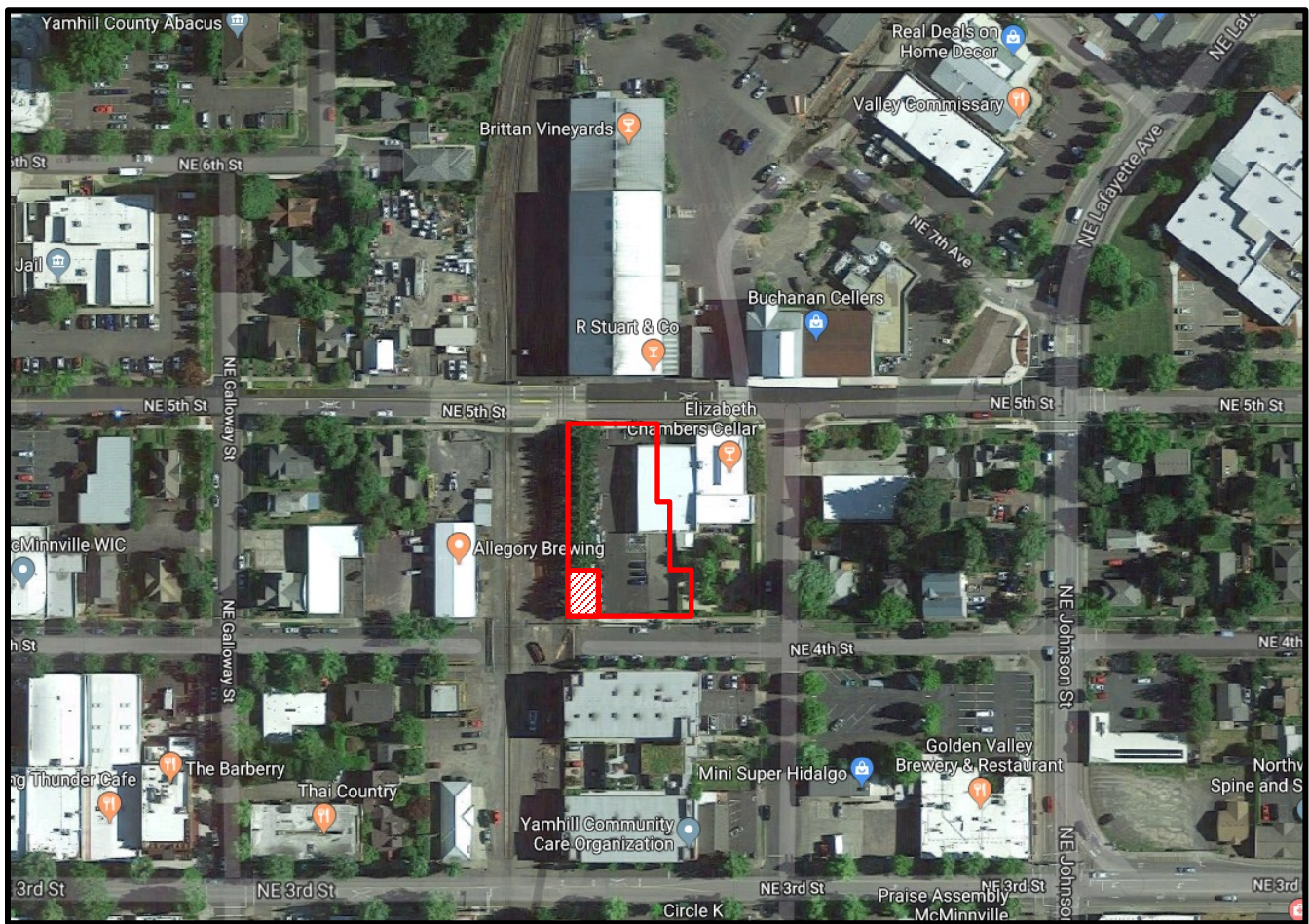
The applicant submitted a development proposal requesting the construction of a new utility equipment storage building in an easement on a site that is located in the Northeast Gateway Planned Development Overlay District, Zone 1, as defined in Ordinance 4971. The proposed construction includes the placement of an internet communications facility on the southwest corner of the property in an easement, and updates to fencing and landscaping around the portion of the site being developed. To allow for the placement of the shelter, the applicant is proposing to remove two (2) mature evergreen trees from the easement.

The approximate location of the subject site can be seen below, outlined in red, and the easement where the development is proposed is indicated by the hatched area:

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for 455 NE Irvine Street (L 41-18)

SITE REFERENCE MAP



The subject site is zoned M-1 (Light Industrial) and is within the Northeast Gateway District Planned Development Overlay Zone. MMC Section 17.57.070(A)(1) Area Determination-Planning Factors requires that at least seven (7) percent of the gross area of a site being developed be landscaped. The landscape plan as proposed exceeds that requirement, as over 21 percent of the development site is proposed to be landscaped. The application indicates the easement area being developed is approximately 264 square feet, including the proposed utility storage structure which is 96 square feet, and the total area being proposed for landscaping is approximately 58 square feet.

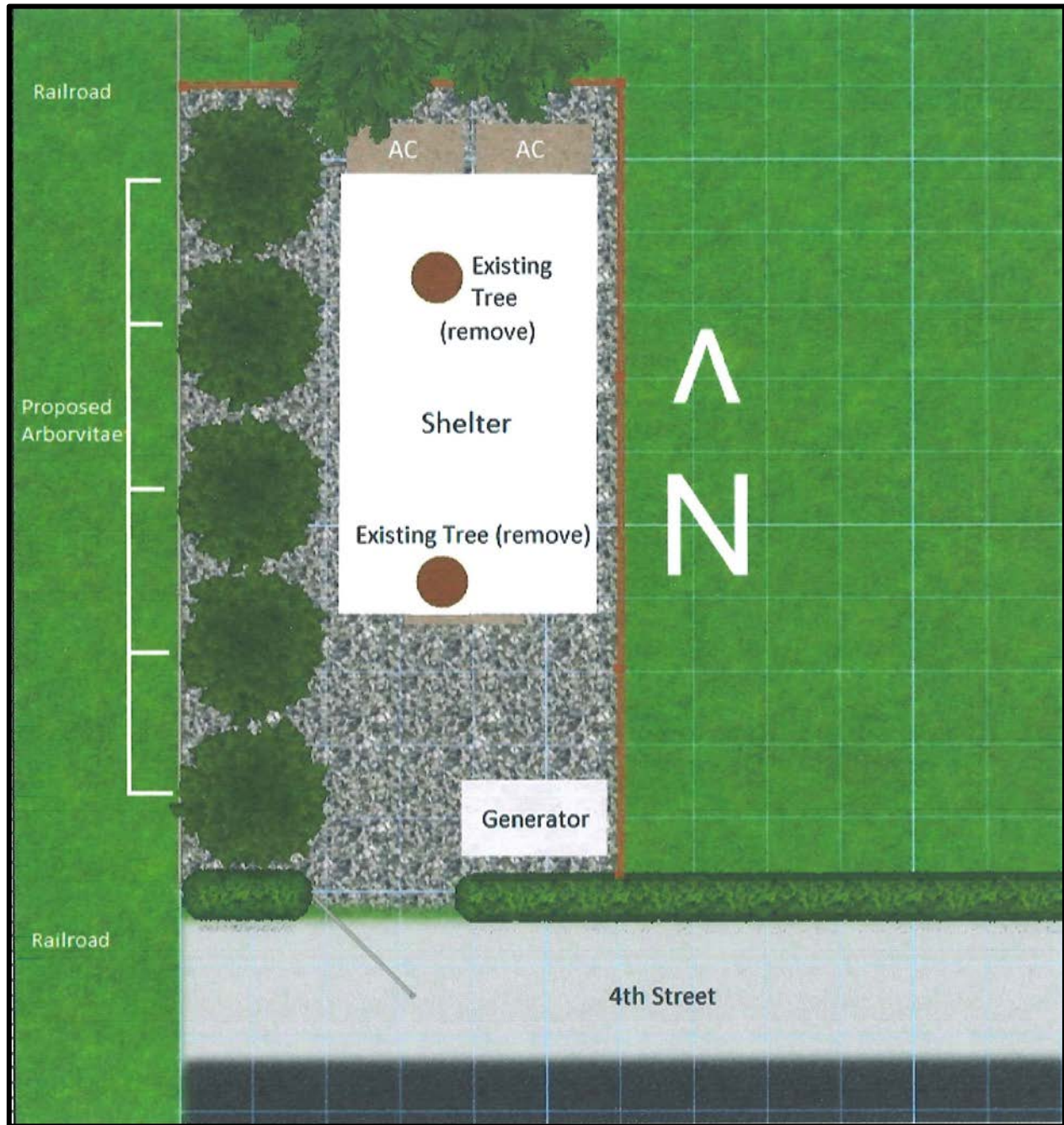
Ordinance 4971 – Northeast Gateway Planned Development Overlay Section 10 Landscaping requires landscaping to be provided between the public street right-of-way and the front building line, designed to provide interest to pedestrians and maintained at a height of no more than three (3) feet so as not to be sight-obscuring. The applicant has requested and received a waiver from this criterion as part of the project's NE Gateway District Development Review (NEG 4-18).

The proposed landscape plan, plant selection, and additional views of the proposed landscaping can be seen below:

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for 455 NE Irvine Street (L 41-18)

455 NE IRVINE STREET LANDSCAPE PLAN



Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for 455 NE Irvine Street (L 41-18)

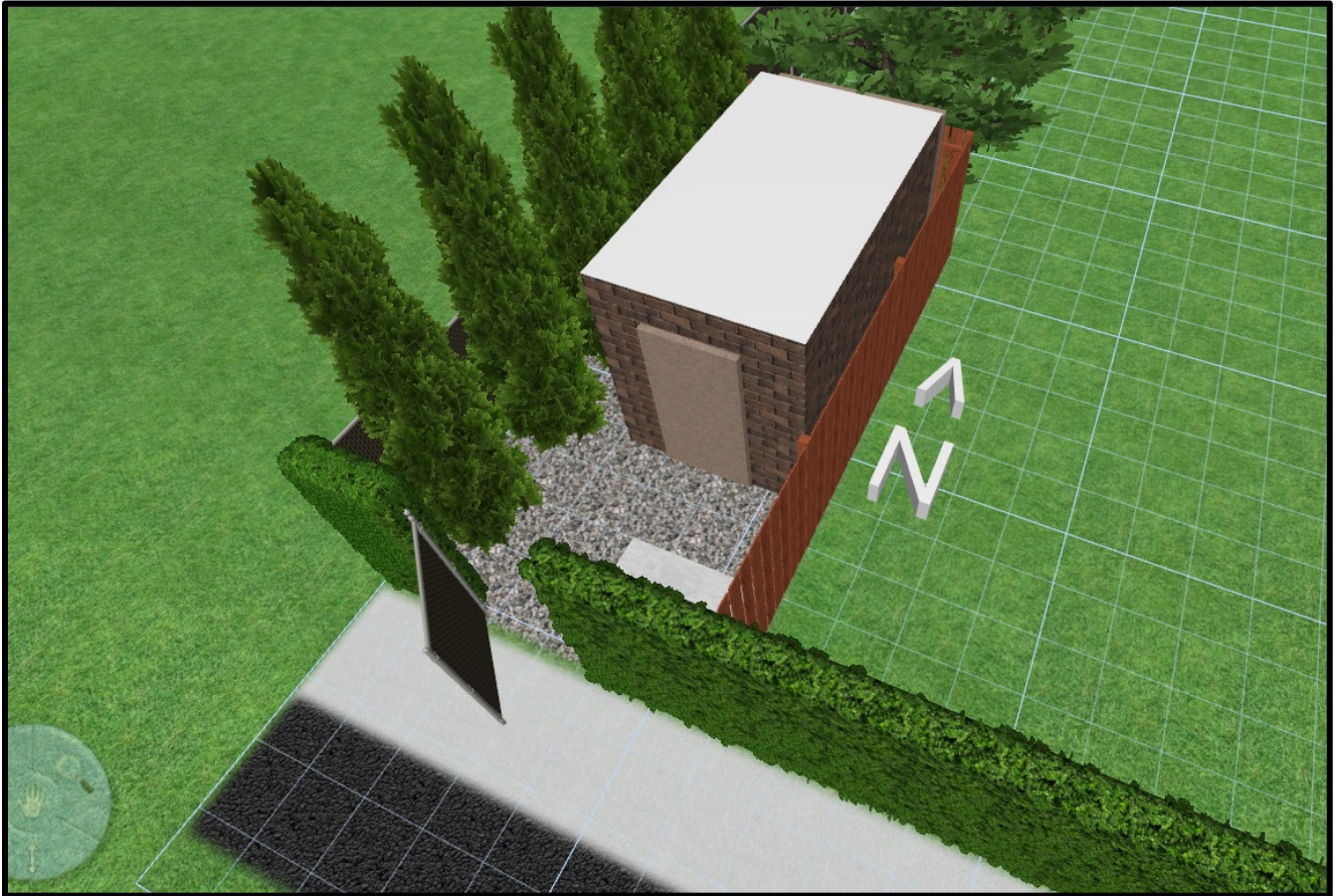
455 NE IRVINE STREET PLANT SELECTION

455 NE IRVINE STREET – VIEW OF PROPOSED DEVELOPMENT FROM NE 4TH STREET

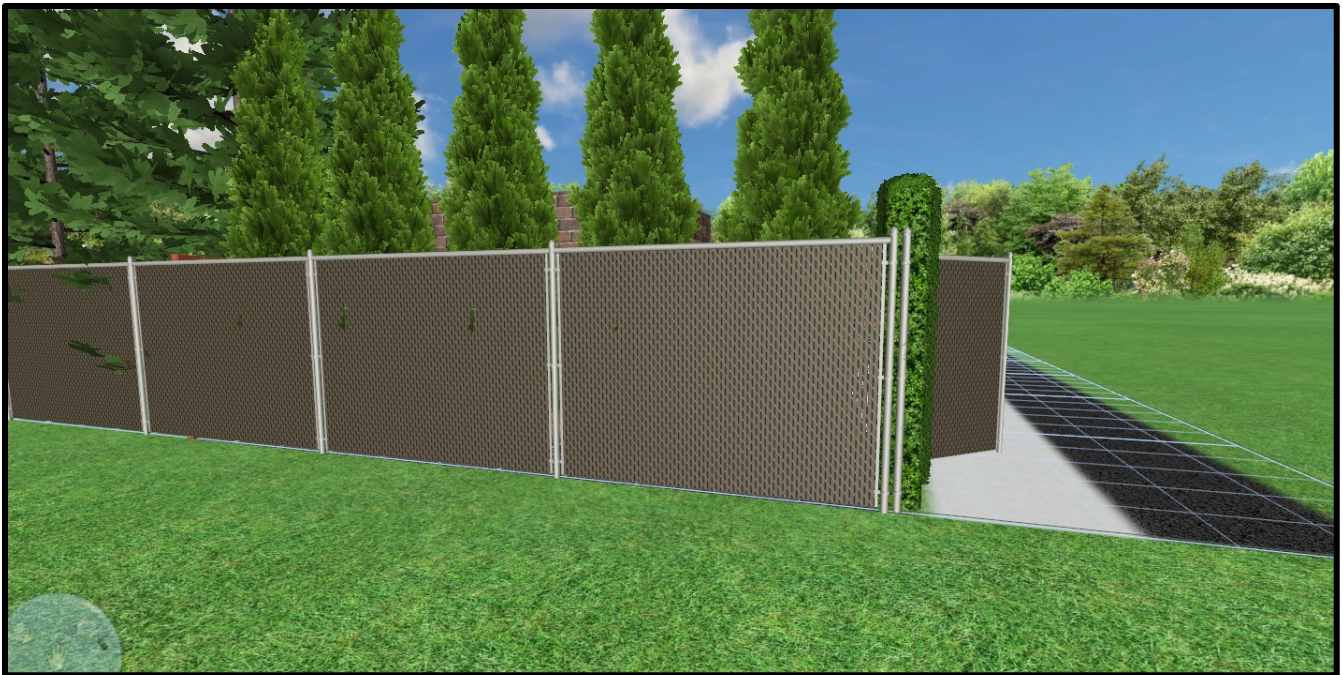
Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for 455 NE Irvine Street (L 41-18)

455 NE IRVINE STREET – AERIAL PERSPECTIVE OF PROPOSED DEVELOPMENT

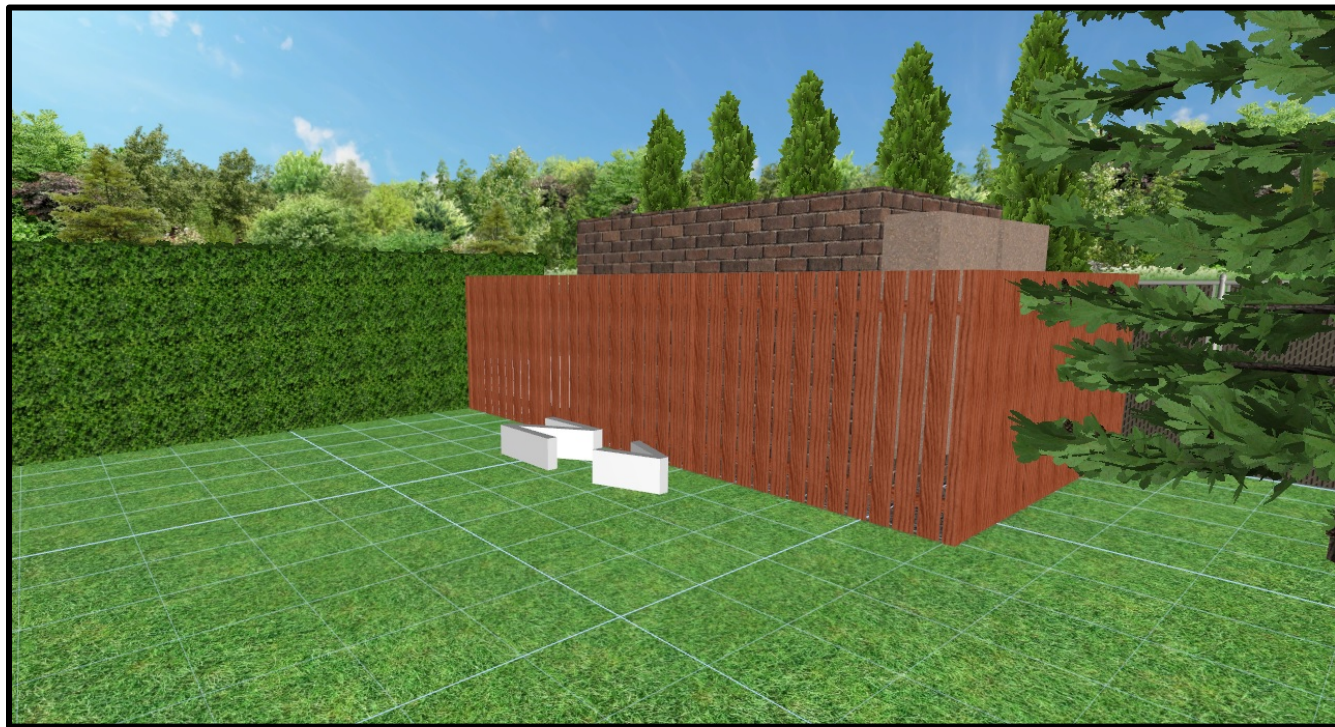


455 NE IRVINE STREET – VIEW OF PROPOSED DEVELOPMENT FROM THE WEST



Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for 455 NE Irvine Street (L 41-18)

455 NE IRVINE STREET – VIEW OF PROPOSED DEVELOPMENT FROM THE NORTHEAST

In reviewing a landscape plan, MMC Section 17.57.050(B) (Area Determination – Planning Factors) requires the Landscape Review Committee to consider the following factors:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.

The subject site and easement area are zoned M-1 (Light Industrial) and located in the Northeast Gateway District. Properties to the east (Elizabeth Chambers Cellar, a winery under same ownership as subject site) and west (railroad) are also zoned M-1 (Light Industrial). Adjacent properties to the north (wineries) and south (multi-story multi-family residential apartment building) are zoned C-3 (General Commercial). The easement area where the development is proposed is not heavily trafficked by pedestrians, but is visible from multi-family apartments to the south, and from the west, where 4th Street dead-ends at the railroad tracks. Allegory Brewing on the north side of the 4th Street dead-end across the railroad tracks from the subject site, draws many people toward the end of 4th Street, from where the subject easement area is visible from across the railroad property.

The proposed project is the development of a utility (internet communication facility) and associated storage shelter. To prepare the site for development, the applicant is proposing to remove two (2) existing evergreen trees in the utility easement area. The trees are the two (2) southernmost trees in a block-long row of mature trees along the railroad property that provides visual screening and buffering of the railroad property and Elizabeth Chambers Cellar. A photo of the condition of the existing trees can be seen below, with the trees proposed for removal outlined in red:

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for 455 NE Irvine Street (L 41-18)

455 NE IRVINE STREET – EXISTING TREES

The landscape plan further proposes planting five (5) five foot height *Thuja occidentalis* ‘Smaragd’ (Emerald Green Arborvitae) spaced at four feet on center to replace and enhance the screening lost by the removal of the evergreen trees. Emerald Green Arborvitae can grow to a mature height of 15 feet and a width of four feet. The spacing of the Arborvitae will create a continuous evergreen hedge when the plants are full grown. Six foot height solid wood fencing is proposed for the north and east sides of the easement area being developed to complete the enclosure and screening of the use. A new access gate would be installed in the existing fence along NE 4th Street. The gate will be chain link with privacy slats, and match the height of the existing fence. Privacy slats will be added to the existing chain link fence on the west side of the easement to provide further screening of the use. The ground surface of the easement area outside of the planting bed and storage structure will be gravel.

The proposed arborvitae would replace the two (2) southernmost trees in a row of mature evergreen trees that form a continuous block-long screen. The proposed arborvitae have a mature height of 15 feet, and the existing trees are approximately 50 feet in height. The overall pattern and rhythm of the row of trees will be interrupted, but a more solid visual screen would be provided. The privacy slats proposed for the chain link fence on the west side of the easement will disrupt the visual pattern of the chain link fence along the west property line, but would provide more screening of the winery’s production and storage facilities and parking lot.

Through the Northeast Gateway Development Design Review (NEG 4-18), the applicant requested and received a waiver from the zoning requirement that all landscaping between the front building line and the right-of-way be maintained at a height of three (3) feet or less. The waiver would allow the full screening and enclosure of the utility equipment and structure within the easement, a use that is typically screened and enclosed due to its utilitarian nature and safety concerns.

Overall, the proposed landscape is compatible with the proposed project and the surrounding and abutting properties.

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for 455 NE Irvine Street (L 41-18)

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

The area of proposed development is a utility easement, and the proposed use is the installation and sheltering of fiber optic internet communication utilities. This type of use is typically screened in full and secured with fencing or other methods of enclosure. However, a goal of the NE Gateway District where the subject site is located is to create a pedestrian friendly neighborhood accomplished in part by landscaping requirements that call for landscaping between the front of the building and the right-of-way that is not sight-obscuring and is maintained at a height of no more than three (3) feet. The applicant requested and received a waiver from NE Gateway Design standards to allow taller plants and enclosure fencing to provide appropriate screening, buffering, and enclosure of the utility easement and utility equipment from the public right-of-way and from adjacent properties and uses.

The existing fence on the west property line is chain link, six feet in height. Privacy slats are proposed to screen the proposed use. The proposed arborvitae hedge would be placed behind this fence to extend the row of evergreen vegetation along that property line and provide additional buffering and screening. The existing fence on the south property line along NE 4th Street is also six feet in height, and evergreen plant material growing on the fence provides vegetative screening to a height of seven feet. A new access gate along NE 4th Street would be 6 foot height chain link with privacy slats to match the existing fence. Interior to the subject site, the applicant is proposing to build a six foot height solid wood fence on the north and east sides of the easement area to enclose and screen the area.

Given that the proposed use is not one that should be accessible or visible to the general public, the combination of existing fencing and landscaping and proposed fencing and landscaping adequately screens and encloses the area of development and the proposed use.

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

The applicant is proposing to remove two (2) evergreen trees from the easement area to create room for the placement of the utility equipment storage building. The trees proposed for removal are the two southernmost trees in a row of trees that extends along the eastern edge of the railroad property between NE 4th Street and NE 5th Street. It appears that the trees had been planted along the railroad property to screen that use from the subject property. The trees have been limbed up over time, likely due to safety and maintenance concerns. The trees appear in good health otherwise. In time, the southernmost tree may be in conflict with adjacent overhead power and communication lines in the NE 4th Street right-of-way.

Based on the size and location of the easement, size of the proposed structure, and the location of the trees, it does not appear that the utility equipment storage building could be situated within the easement without the removal of the two (2) trees. Therefore, it is not reasonable to expect that the trees within the easement could be retained and incorporated into the proposed development.

4. The development and use of islands and plantings therein to break up parking areas.

Parking is not a part of the development proposal, therefore this factor is not applicable to this review.

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

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for 455 NE Irvine Street (L 41-18)

McMinnville Zoning Ordinance Section 17.58.080 requires street tree planting for new industrial development on lots fronting on a public roadway which has a designated curb-side planting strip. Adjacent to the easement where development is proposed is a public roadway with a designated curb-side planting strip, therefore use of street trees is required to be considered. In the planting strip adjacent to the easement area is a utility pole with a street light on it, seen in the picture below:

455 NE IRVINE STREET – RIGHT OF WAY PLANTING STRIP



The power pole/street light is located in the planting strip in the right-of-way adjacent to the easement area. By code, street trees are not permitted to be planted closer than 10 feet to a utility pole or 20 feet to a light standard. Because of these setback requirements, there is no feasible location for a street tree in the right-of-way adjacent to the 12 foot wide easement. Therefore, street trees are not suitable in the planting strip adjacent to the easement, and this condition is satisfied.

6. Suitable watering facilities or irrigation systems must be included in or near all planted areas.

The applicant indicates that there will be no water service to the easement site because the shelter is for fiber optic equipment that does not require water. The applicant states that OnlineNW has water pumping equipment for drills that can be used to water the proposed planting during the summer months until establishment. The applicant further acknowledges that they will be required to replace any plants that fail.

Fiscal Impact:

None.

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for 455 NE Irvine Street (L 41-18)

Committee Options:

- 1) **APPROVE** the application, per the decision document provided which includes the findings of fact and conditions of approval.
- 2) **APPROVE** the application with additional conditions of approval, providing findings of fact for the inclusion of additional conditions.
- 3) **CONTINUE** the application, requesting the applicant to submit more information or details for review.
- 4) **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

Based on the findings described above, staff is recommending that the landscape plan be approved with the following conditions:

1. That the applicant shall install landscaping as shown on the landscape plan reviewed and approved by the Landscape Review Committee on December 19, 2018.
2. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
3. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

Suggested Motion:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE LANDSCAPE REVIEW COMMITTEE APPROVE L 41-18 WITH THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.

JF

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Landscape Plan for 455 NE Irvine Street (L 41-18)



CITY OF MCMINNVILLE
PLANNING DEPARTMENT
 231 NE FIFTH STREET
 MCMINNVILLE, OR 97128

503-434-7311
www.mcminnvilleoregon.gov

**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS
 FOR THE APPROVAL OF A LANDSCAPE PLAN FOR A NEW UTILITY EQUIPMENT STORAGE
 BUILDING IN THE NORTHEAST GATEWAY DISTRICT AT 455 NE IRVINE STREET.**

DOCKET:	L 41-18 (Landscape Plan Review)
REQUEST:	A request for approval of a landscape plan for a new utility equipment storage building in the Northeast Gateway District.
LOCATION:	The property in question is located in the Northeast Gateway District at 455 NE Irvine Street, and is more specifically described as Tax Lot 2601, Section 21BD, T. 4 S., R. 4 W., W.M.
ZONING:	The subject site is in the Northeast Gateway District, zoned M-1 (Light Industrial), and is designated as Industrial on the McMinnville Comprehensive Plan Map.
APPLICANT:	Patrick Fuchs of OnlineNW, easement holder, on behalf of property owner Chambers 455 LLC
STAFF:	Jamie Fleckenstein, PLA, Associate Planner
DATE DEEMED COMPLETE:	October 24, 2018
HEARINGS BODY:	McMinnville Landscape Review Committee
DATE & TIME:	December 19, 2018. Meeting was held at the Community Development Center, 231 NE 5 th Street, McMinnville, OR 97128
PROCEDURE:	Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.050 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance.
CRITERIA:	The applicable criteria are specified in Section 17.57.070 (Area Determination – Planning factors) of the McMinnville Zoning Ordinance, McMinnville City Code.
APPEAL:	The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.57.170 of the McMinnville Zoning Ordinance.
COMMENTS:	This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the landscape plan (L 41-18) **subject to the conditions of approval provided in this document.**

////////////////////////////////////

DECISION: APPROVAL WITH CONDITIONS

////////////////////////////////////

Date: _____

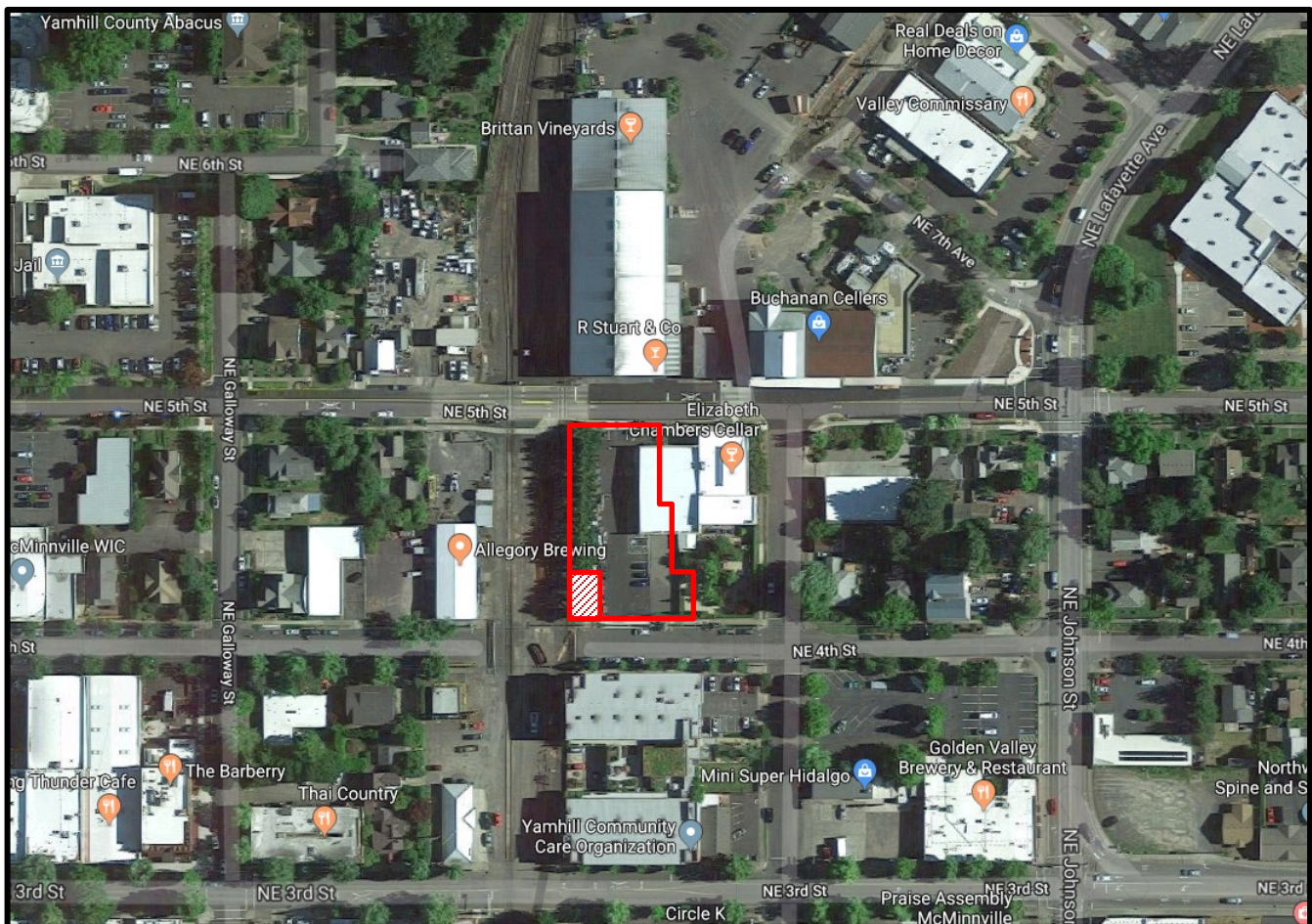
Date: _____

13 of 62

APPLICATION SUMMARY:

The applicant submitted a development proposal requesting the construction of a new utility equipment storage building in an easement on a site that is located in the Northeast Gateway Planned Development Overlay District, Zone 1, as defined in Ordinance 4971. The proposed construction includes the placement of an internet communications facility on the southwest corner of the property in an easement, and updates to fencing and landscaping around the portion of the site being developed. To allow for the placement of the shelter, the applicant is proposing to remove two (2) mature evergreen trees from the easement.

The approximate location of the subject site can be seen below, outlined in red, and the easement where the development is proposed is indicated by the hatched area:

SITE REFERENCE MAP

The subject site is zoned M-1 (Light Industrial) and is within the Northeast Gateway District Planned Development Overlay Zone. MMC Section 17.57.070(A)(1) Area Determination-Planning Factors requires that at least seven (7) percent of the gross area of a site being developed be landscaped. The landscape plan as proposed exceeds that requirement, as over 21 percent of the development site is proposed to be landscaped. The application indicates the easement area being developed is approximately 264 square feet, including the proposed utility storage structure which is 96 square feet, and the total area being proposed for landscaping is approximately 58 square feet.

Ordinance 4971 – Northeast Gateway Planned Development Overlay Section 10 Landscaping requires landscaping to be provided between the public street right-of-way and the front building line, designed to provide interest to pedestrians and maintained at a height of no more than three (3) feet so as not to

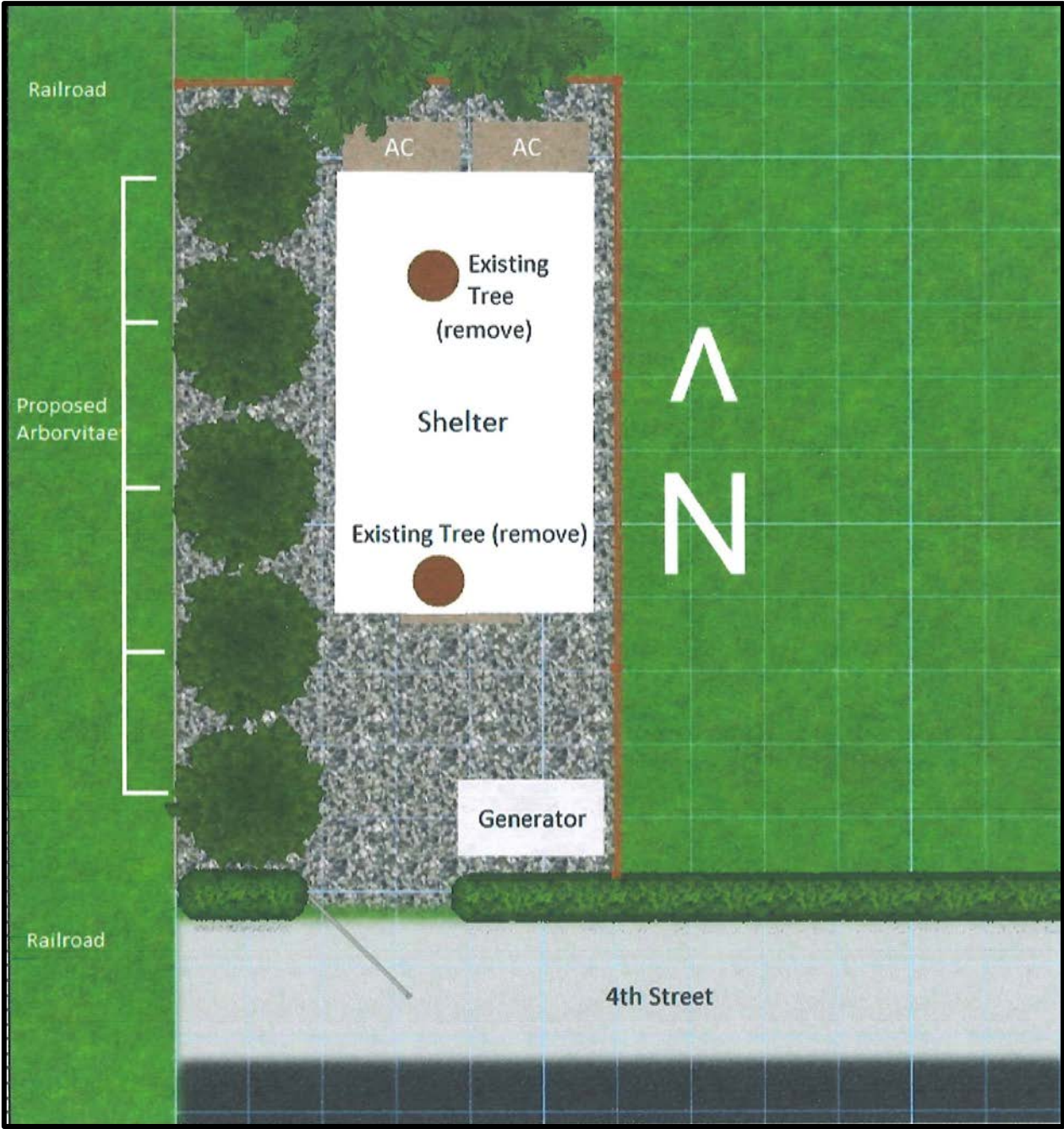
Attachments:

Attachment 1 – Application for Landscape Plan Review

be sight-obscuring. The applicant has requested and received a waiver from this criterion as part of the project’s NE Gateway District Development Review (NEG 4-18).

The proposed landscape plan, plant selection, and additional views of the proposed landscaping can be seen below:

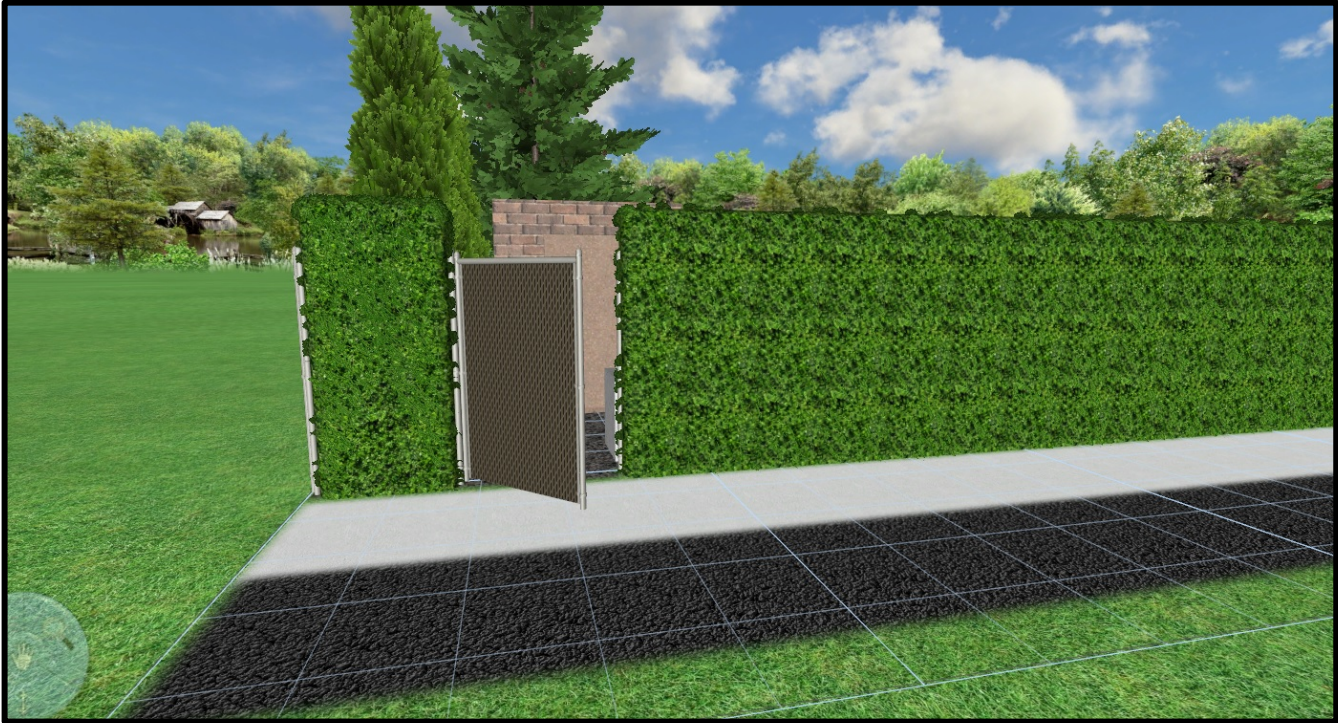
455 NE IRVINE STREET LANDSCAPE PLAN



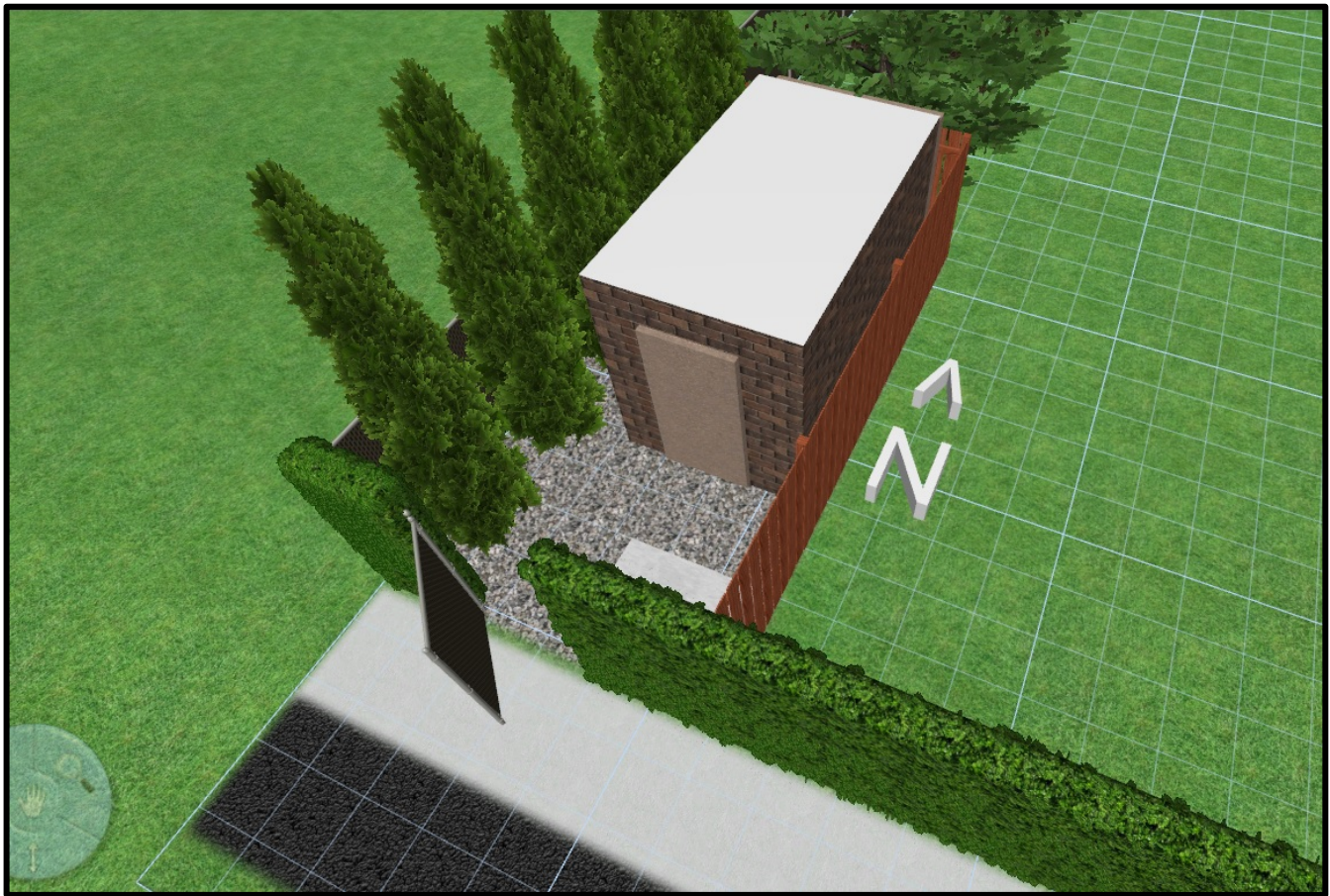
455 NE IRVINE STREET PLANT SELECTION



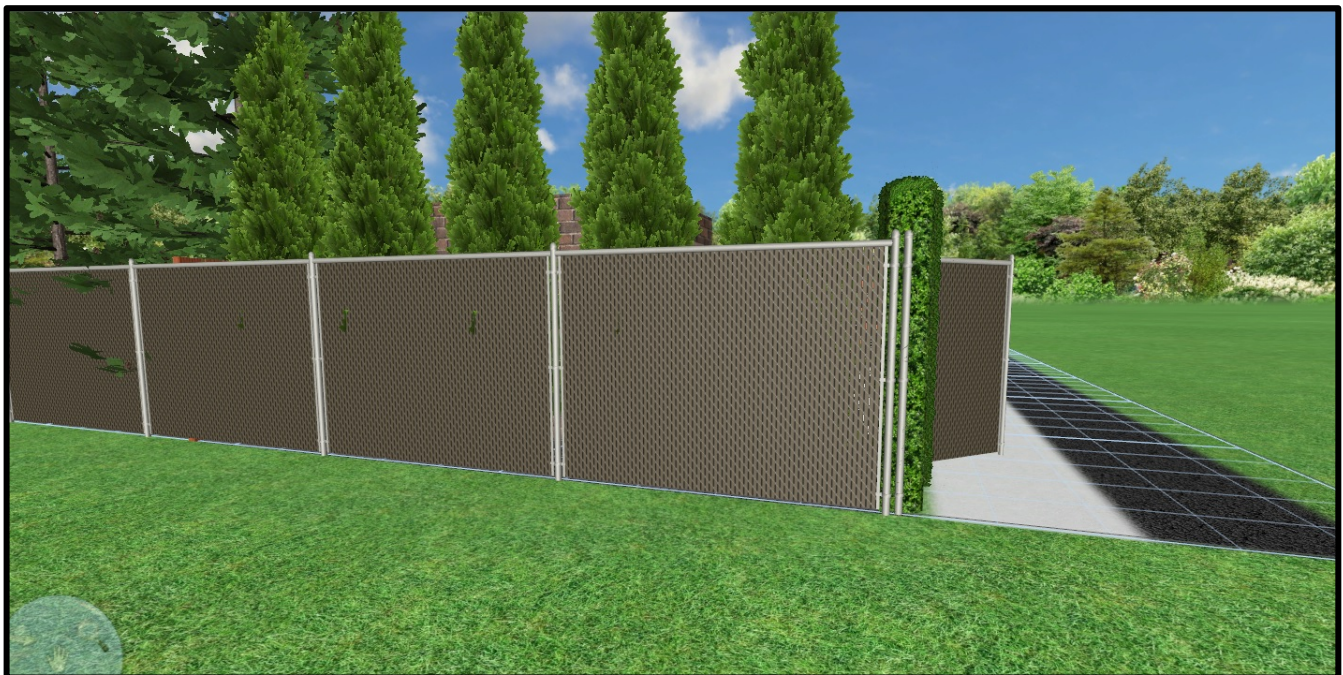
455 NE IRVINE STREET – VIEW OF PROPOSED DEVELOPMENT FROM NE 4TH STREET



455 NE IRVINE STREET – AERIAL PERSPECTIVE OF PROPOSED DEVELOPMENT

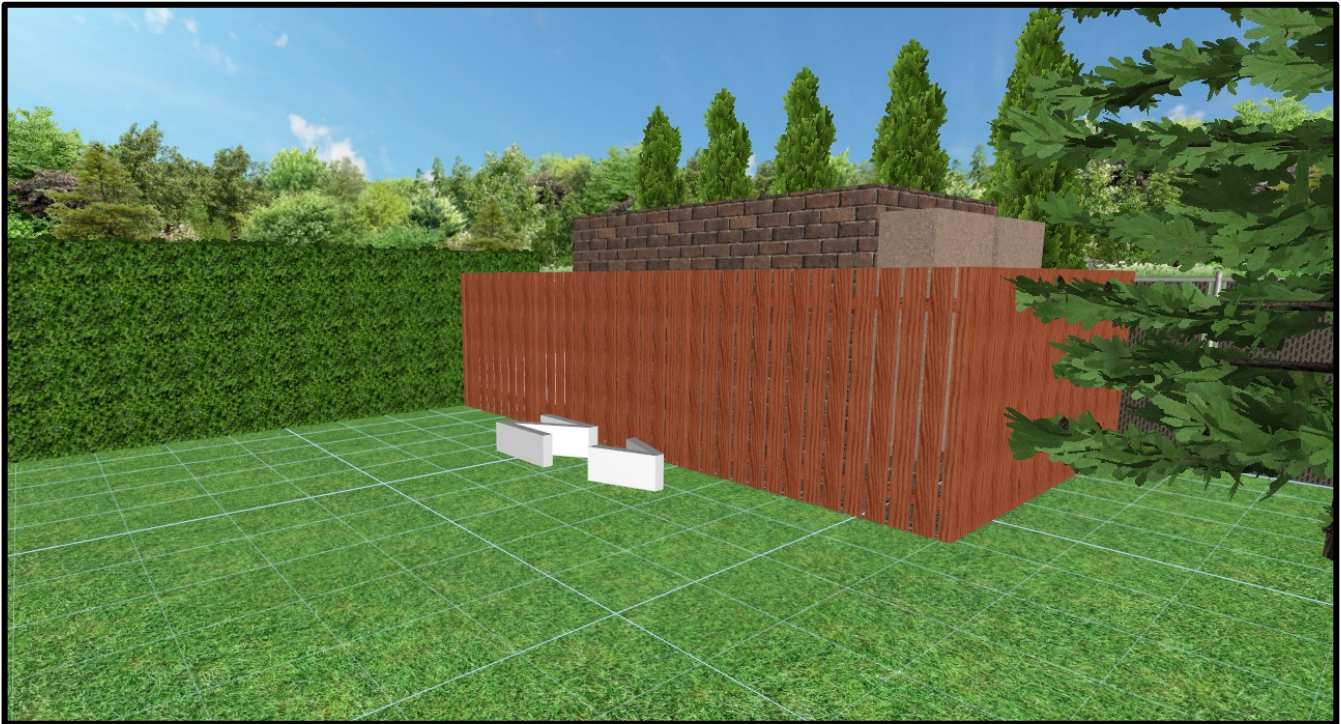


455 NE IRVINE STREET – VIEW OF PROPOSED DEVELOPMENT FROM THE WEST



Attachments:

Attachment 1 – Application for Landscape Plan Review

455 NE IRVINE STREET – VIEW OF PROPOSED DEVELOPMENT FROM THE NORTHEAST**CONDITIONS OF APPROVAL:**

L 41-18 is **approved** subject to the following conditions:

1. That the applicant shall install landscaping as shown on the landscape plan reviewed and approved by the Landscape Review Committee on December 19, 2018.
2. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
3. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

ATTACHMENTS:

1. Application for Landscape Plan Review (on file with the Planning Department)

COMMENTS:**Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney,

Attachments:

Attachment 1 – Application for Landscape Plan Review

McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

- McMinnville Public Works:

In reviewing the applicant's proposal, it appears that no planting in the public right of way is proposed, so this landscaping proposal would be outside of our purview. As such, Public Works has no comments to offer.

- McMinnville Water and Light:

MWL has no comments on this application.

Public Comments

No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 (Plans-Submittal and review-Approval-Time Limit for completion) of the McMinnville Zoning Ordinance, which does not require any type of public notification. No public comments were received prior to the Planning Director's decision.

FINDINGS OF FACT

1. The applicant, Patrick Fuchs of OnlineNW, easement holder, on behalf of property owner Chambers 455 LLC, submitted a request for a landscape plan review for the proposed utility facility.
2. The subject site is located in the Northeast Gateway District at 455 NE Irvine Street, and is more specifically described as Tax Lot 2601, Section 21BD, T. 4 S., R. 4 W., W.M.
3. The subject site is in the Northeast Gateway District, zoned M-1 (Light Industrial), and is designated as Industrial on the McMinnville Comprehensive Plan Map.
4. The proposed development includes a new utility equipment storage building and generator.
5. This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments were received by the Planning Department and have been incorporated into the conditions of approval.
6. No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 (Plans-Submittal and review-Approval-Time Limit for completion) of the McMinnville Zoning Ordinance, which does not require any type of public notification. No public comments were received prior to the Planning Director's decision.
7. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS:

McMinnville's Comprehensive Plan:

Attachments:

Attachment 1 – Application for Landscape Plan Review

The following Goals and Policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

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

Finding: Goal X and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Landscape Review Committee review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville's City Code:

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

Chapter 17.57 - Landscaping:

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

Finding: This application satisfies the purpose and intent of Chapter 17.57. The landscape plan as proposed would enhance the appearance of the city and will benefit the economic, ecological, and aesthetic environment of the city. The landscape plan as proposed meets the intent and purpose of the Landscaping chapter, as described in the findings for the specific landscape plan review criteria below.

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

G. M-1 (Light Industrial zone)

Finding: The subject site is zoned M-1 (Light Industrial), and landscaping is being proposed as required.

17.57.050 Plans—Submittal and review—Approval—Time limit for completion.

C. The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter. Approval of the landscaping plan shall be indicated upon the plot plans. Any modifications shall be specified on the plans and agreed to in writing by the applicant prior to the issuance of a building permit. One copy of said approved plan shall be retained by the Planning Department and included within the permanent file;

Finding: The landscape plan as proposed meets the intent and purpose of the Landscaping chapter, as described in the findings for the specific landscape plan review criteria below. Modifications as required by the conditions of approval will be discussed with the applicant and agreed to prior to the issuance of a building permit.

17.57.070 Area Determination—Planning factors.

Attachments:

Attachment 1 – Application for Landscape Plan Review

- A. Landscaping shall be accomplished within the following ranges:
1. Industrial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)

Finding: This criterion has been met. The landscape plan as proposed shows 21 percent of the subject site being landscaped, which exceeds the minimum requirement.

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

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.

Finding: This criterion has been met. The subject site and easement area are zoned M-1 (Light Industrial) and located in the Northeast Gateway District. Properties to the east (Elizabeth Chambers Cellar, a winery under same ownership as subject site) and west (railroad) are also zoned M-1 (Light Industrial). Adjacent properties to the north (wineries) and south (multi-story multi-family residential apartment building) are zoned C-3 (General Commercial). The easement area where the development is proposed is not heavily trafficked by pedestrians, but is visible from multi-family apartments to the south, and from the west, where 4th Street dead-ends at the railroad tracks. Allegory Brewing on the north side of the 4th Street dead-end across the railroad tracks from the subject site, draws many people toward the end of 4th Street, from where the subject easement area is visible from across the railroad property.

The proposed project is the development of a utility (internet communication facility) and associated storage shelter. To prepare the site for development, the applicant is proposing to remove two (2) existing evergreen trees in the utility easement area. The trees are the two (2) southernmost trees in a block-long row of mature trees along the railroad property that provides visual screening and buffering of the railroad property and Elizabeth Chambers Cellar. A photo of the condition of the existing trees can be seen below, with the trees proposed for removal outlined in red:

455 NE IRVINE STREET – EXISTING TREES



Attachments:

Attachment 1 – Application for Landscape Plan Review

The landscape plan further proposes planting five (5) five foot height *Thuja occidentalis* ‘Smaragd’ (Emerald Green Arborvitae) spaced at four feet on center to replace and enhance the screening lost by the removal of the evergreen trees. Emerald Green Arborvitae can grow to a mature height of 15 feet and a width of four feet. The spacing of the Arborvitae will create a continuous evergreen hedge when the plants are full grown. Six foot height solid wood fencing is proposed for the north and east sides of the easement area being developed to complete the enclosure and screening of the use. A new access gate would be installed in the existing fence along NE 4th Street. The gate will be chain link with privacy slats, and match the height of the existing fence. Privacy slats will be added to the existing chain link fence on the west side of the easement to provide further screening of the use. The ground surface of the easement area outside of the planting bed and storage structure will be gravel.

The proposed arborvitae would replace the two (2) southernmost trees in a row of mature evergreen trees that form a continuous block-long screen. The proposed arborvitae have a mature height of 15 feet, and the existing trees are approximately 50 feet in height. The overall pattern and rhythm of the row of trees will be interrupted, but a more solid visual screen would be provided. The privacy slats proposed for the chain link fence on the west side of the easement will disrupt the visual pattern of the chain link fence along the west property line, but would provide more screening of the winery’s production and storage facilities and parking lot.

Through the Northeast Gateway Development Design Review (NEG 4-18), the applicant requested and received a waiver from the zoning requirement that all landscaping between the front building line and the right-of-way be maintained at a height of three (3) feet or less. The waiver provides the capability for the full screening and enclosure of the utility equipment and structure within the easement, a use that is typically screened and enclosed due to its utilitarian nature and safety concerns.

Overall, the proposed landscape is compatible with the proposed project and the surrounding and abutting properties.

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

Finding: This criterion has been met. The area of proposed development is a utility easement, and the proposed use is the installation and sheltering of fiber optic internet communication utilities. This type of use is typically screened in full and secured with fencing or other methods of enclosure. However, a goal of the NE Gateway District where the subject site is located is to create a pedestrian friendly neighborhood accomplished in part by landscaping requirements that call for landscaping between the front of the building and the right-of-way that is not sight-obscuring and is maintained at a height of no more than three (3) feet. The applicant requested and received a waiver from NE Gateway Design standards to allow taller plants and enclosure fencing to provide appropriate screening, buffering, and enclosure of the utility easement and utility equipment from the public right-of-way and from adjacent properties and uses.

The existing fence on the west property line is chain link, six feet in height. Privacy slats are proposed to screen the proposed use. The proposed arborvitae hedge would be placed behind this fence to extend the row of evergreen vegetation along that property line and provide additional buffering and screening. The existing fence on the south property line along NE 4th Street is also six feet in height, and evergreen plant material growing on the fence provides vegetative screening to a height of seven feet. A new access gate along NE 4th Street would be 6 foot height chain link with privacy slats to match the existing fence. Interior to the subject site, the applicant is proposing to build a six foot height solid wood fence on the north and east sides of the easement area to enclose and screen the area.

Given that the proposed use is not one that should be accessible or visible to the general public, the combination of existing fencing and landscaping and proposed fencing and landscaping adequately screens and encloses the area of development and the proposed use.

Attachments:

Attachment 1 – Application for Landscape Plan Review

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

Finding: This criterion has been met. The applicant is proposing to remove two (2) evergreen trees from the easement area to create room for the placement of the utility equipment storage building. The trees proposed for removal are the two southernmost trees in a row of trees that extends along the eastern edge of the railroad property between NE 4th Street and NE 5th Street. It appears that the trees had been planted along the railroad property to screen that use from the subject property. The trees have been limbed up over time, likely due to safety and maintenance concerns. The trees appear in good health otherwise. In time, the southernmost tree may be in conflict with adjacent overhead power and communication lines in the NE 4th Street right-of-way.

Based on the size and location of the easement, size of the proposed structure, and the location of the trees, it does not appear that the utility equipment storage building could be situated within the easement without the removal of the two (2) trees. Therefore, it is not reasonable to expect that the trees within the easement could be retained and incorporated into the proposed development.

4. The development and use of islands and plantings therein to break up parking areas.

Finding: Parking is not a part of the development proposal, therefore this factor is not applicable to this review.

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

Finding: This criterion has been met. McMinnville Zoning Ordinance Section 17.58.080 requires street tree planting for new industrial development on lots fronting on a public roadway which has a designated curb-side planting strip. Adjacent to the easement where development is proposed is a public roadway with a designated curb-side planting strip, therefore use of street trees is required to be considered. In the planting strip adjacent to the easement area is a utility pole with a street light on it, seen in the picture below:

455 NE IRVINE STREET – RIGHT OF WAY PLANTING STRIP



Attachments:

Attachment 1 – Application for Landscape Plan Review

The power pole/street light is located in the planting strip in the right-of-way adjacent to the easement area. By code, street trees are not permitted to be planted closer than 10 feet to a utility pole or 20 feet to a light standard. Because of these setback requirements, there is no feasible location for a street tree in the right-of-way adjacent to the 12 foot wide easement. Therefore, street trees are not suitable in the planting strip adjacent to the easement, and this condition is satisfied.

6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;

Finding: This criterion has been met. The applicant indicates that there will be no water service to the easement site because the shelter is for fiber optic equipment that does not require water. The applicant states that OnlineNW has water pumping equipment for drills that can be used to water the proposed planting during the summer months until establishment. The applicant further acknowledges that they will be required to replace any plants that fail.

- C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. [...]

Finding: This criterion has been met by a condition of approval included to ensure that all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement. This is reflected in Condition of Approval #3 in this decision document.

The following Sections of the Northeast Gateway Planned Development Overlay (Ord. No. 4971) are applicable to the request:

Section 10 – Landscaping. Landscaping plans are subject to the review and design standards outlined in Chapter 17.57 (Landscaping) of the Zoning Ordinance and as noted below:

All Zones:

- A. Landscaping shall be provided between the public street right-of-way and the front building line, exclusive of pedestrian walk-ways, patios, plazas, and similar facilities. Such landscaping shall be designed to provide interest to pedestrians and shall be maintained at a height no more than three (3) feet so that it is not site obscuring.

Finding: Through the Northeast Gateway Development Design Review (NEG 4-18), the applicant requested and received a waiver from Section 10(A), and is not subject to the landscaping requirements of the Northeast Gateway Planned Development Overlay.

JF



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

www.mcminnvilleoregon.gov

EXHIBIT 2 - STAFF REPORT

DATE: December 19, 2018
TO: McMinnville Landscape Review Committee
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Agenda Item 4B: L 46-18

Report in Brief:

An application for a street tree removal (L 46-18) to be reviewed by the Landscape Review Committee.

Background:

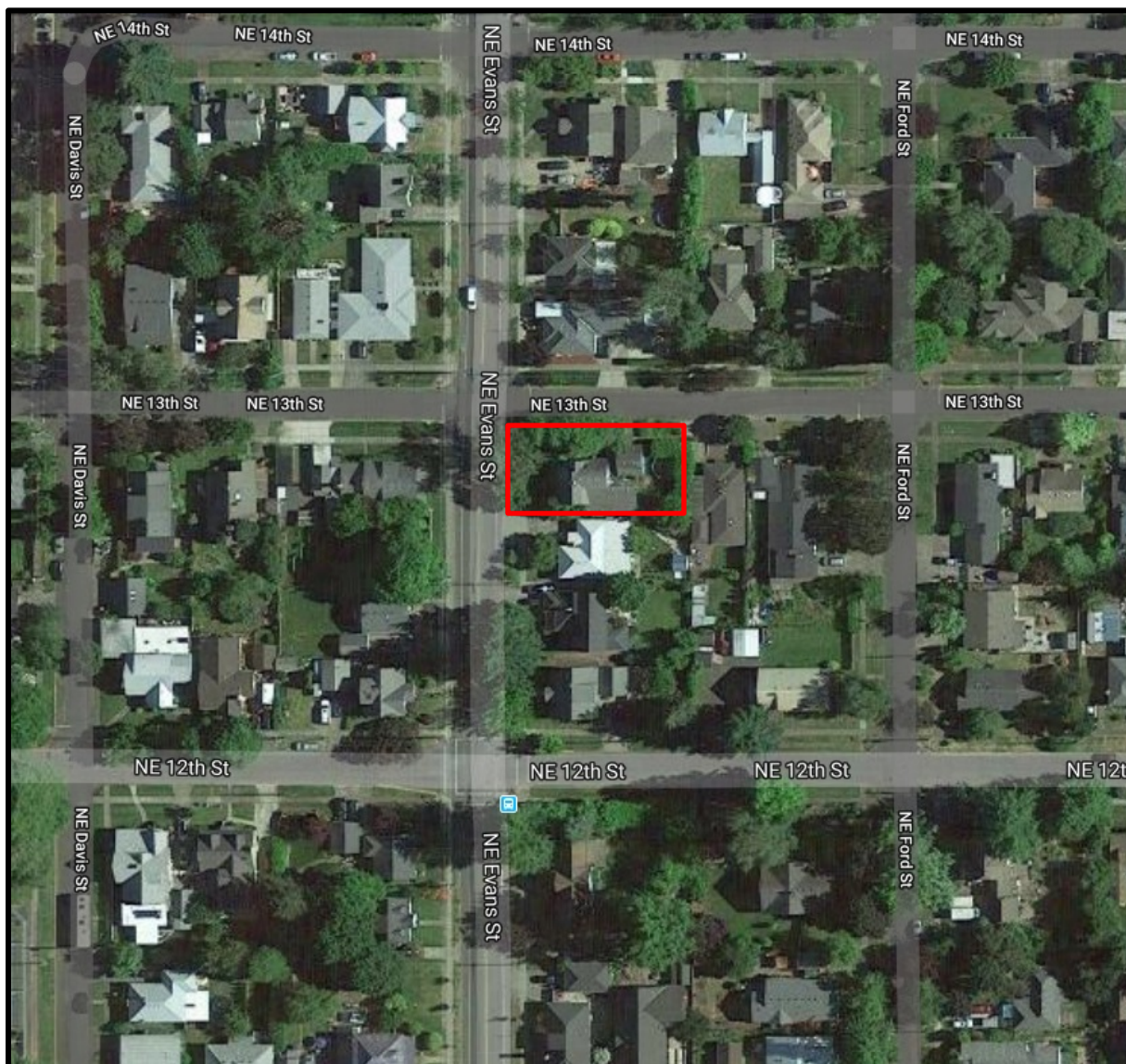
The applicant, Carol DeShon, submitted a street tree removal application to remove one (1) street tree from the property located at 1240 NE Evans Street. The subject property is more specifically described as Tax Lot 5600, Section 16CC, T. 4 S., R. 4 W., W.M.

Discussion:

The subject property is a single family property northeast McMinnville at the corner of NE Evans Street and NE 13th Street. The subject site can be seen below as a red outlined area:

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1240 NE Evans Street



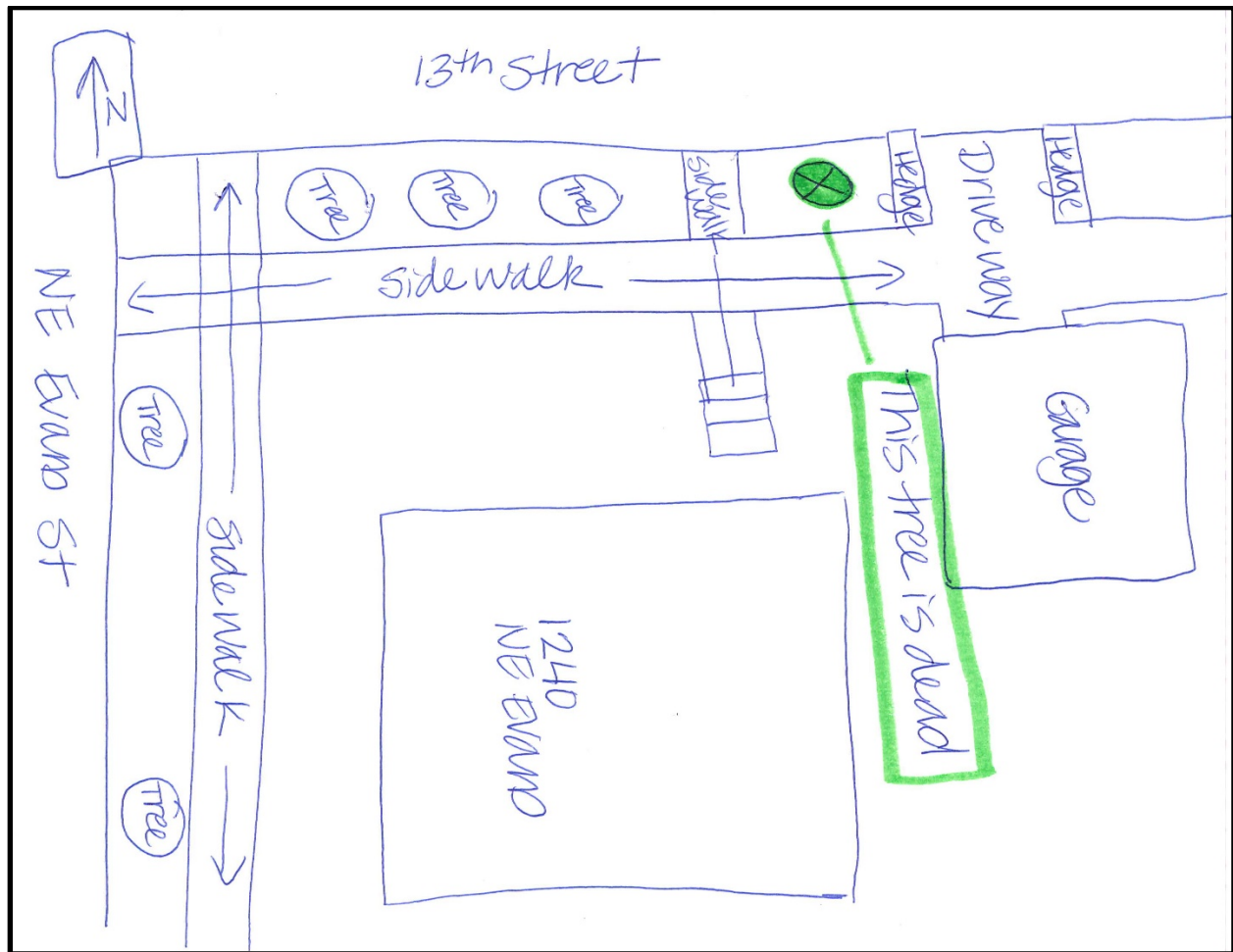
The applicant requested the removal of the street tree because it is dead and there was concern that the branches will fall causing damage to the power lines to the house, which run through the dead tree. The tree in question is a Maple variety that measures approximately 18 inches DBH (diameter at breast height). The tree is located on the north side of the property, along NE 13th Street. It is the easternmost tree in a row of four (4) street trees in the right-of-way adjacent to the property.

The applicant notes in the application that Sam Eastman from McMinnville Water & Light has inspected the tree and recommended removal of the tree.

The following photos show the site plan provided by the applicant and the tree's health and condition:

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1240 NE Evans Street



Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1240 NE Evans Street



Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1240 NE Evans Street





The applicant has not proposed to replace the tree.

Review Criteria:

Section 17.58.050 (Review Criteria) of the McMinnville Zoning Ordinance states that street tree removals may be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.

The tree in question appears to be dead. The tree shows no evidence of sapwood or new growth in the branches, and shows no sign of vigor. There is no indication of growth this year such as leaves or samaras remaining on the tree. The adjacent street tree(s) of the same species shows new twig growth, sapwood in the new growth of branches, and normal vigor. The adjacent street trees show evidence of this year's growth, including leaves and samaras. The subject tree also shows evidence of insect infestation (borer holes). Although no arborist report was submitted with the application, the evidence that the tree is dead is clear to a layman. The street tree removal request could be found to satisfy this criteria.

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

The branches of the dead tree are in conflict with the overhead power line that leads to the adjacent single family residence, and could pose a hazard to the power lines if they were to fail. Therefore, the street tree removal request could be found to satisfy this criteria.

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1240 NE Evans Street

- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

This criteria is not applicable, as the tree is not part of an approved development or public improvement project.

Tree Replacement:

Section 17.58.040(D) (Tree Removal/Replacement) of the McMinnville Zoning Ordinance states that “Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, 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.”

The applicant did not propose to replace the dead tree as part of the application. Due to the presence of overhead power lines and the proximity of the three (3) additional street trees in the planter strip where the subject tree is proposed for removal, a replacement tree is not appropriate for this location.

Fiscal Impact:

None.

Committee Options:

- 1) **APPROVE** the application, per the decision document provided which includes the findings of fact and conditions of approval.
- 2) **APPROVE** the application with additional conditions of approval, providing findings of fact for the inclusion of additional conditions.
- 3) **CONTINUE** the application, requesting the applicant to submit more information or details for review.
- 4) **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

If the Landscape Review Committee finds that the proposed removal will result in the mitigation of current and future risk due to an unsafe, dead, or diseased tree, staff is recommending that the street tree removal be approved with the following conditions:

1. That all costs and liability associated with the tree removal and replacement shall be borne by the applicant.
2. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during this process.
3. That the tree’s stump and remaining surface roots shall be removed at least six (6) 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.

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1240 NE Evans Street

4. That the applicant shall complete the removal within six (6) months of this approval notification, or June 19, 2019.

Suggested Motion:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE LANDSCAPE REVIEW COMMITTEE APPROVE L 46-18 WITH THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.

JF

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 1240 NE Evans Street



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311
www.mcminnvilleoregon.gov

**DECISION, CONDITIONS OF APPROVAL, AND FINDINGS OF FACT OF THE MCMINNVILLE
LANDSCAPE REVIEW COMMITTEE FOR THE APPROVAL OF A STREET TREE REMOVAL AT
1240 NE EVANS STREET**

DOCKET: L 46-18 (Street Tree Removal)

REQUEST: The applicant requested the removal one (1) street tree adjacent to the subject property.

LOCATION: The subject property is located at 1240 NE Evans Street. The subject property is more specifically described as Tax Lot 5600, Section 16CC, T. 4 S., R. 4 W., W.M.

ZONING: The subject site is zoned R-2 (Single Family Residential).

APPLICANT: Carol DeShon, property owner

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: November 30, 2018

HEARINGS BODY: McMinnville Landscape Review Committee

DATE & TIME: December 19, 2018

PROCEDURE: Any street tree removal is subject to review in accordance with procedures specified in Section 17.58-Trees of the McMinnville Zoning Ordinance. The application for street tree removal is subject to the procedures specified in Section 17.58.040 Tree Removal/Replacement.

CRITERIA: The applicable criteria are specified in Section 17.58.050 of the McMinnville Zoning Ordinance, McMinnville City Code.

APPEAL: The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.58.040(A) of the McMinnville Zoning Ordinance.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments were received by the Planning Department and have been incorporated into the conditions of approval. No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.

Based on the findings and conclusions, the Landscape Review Committee recommends **APPROVAL** of the street tree removal (L 46-18) **subject to the conditions of approval provided in this document.**

////////////////////////////////////

DECISION: APPROVAL WITH CONDITIONS

////////////////////////////////////

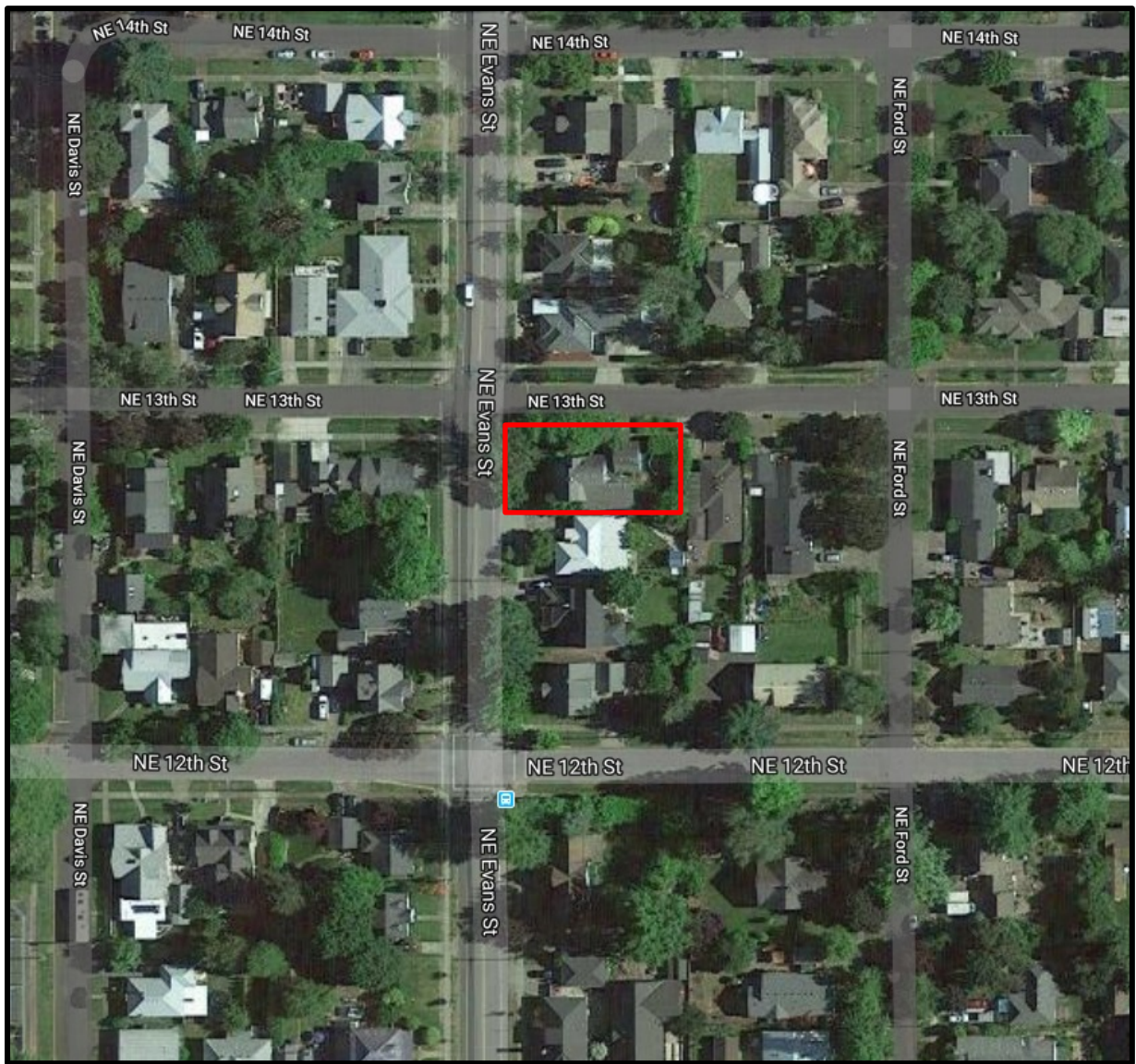
Planning Department: _____ Date: _____
Heather Richards, Planning Director

APPLICATION SUMMARY:

The applicant requested the removal of one (1) street tree adjacent to the subject property. The removal of a tree within the public right-of-way requires City approval.

The subject property is a single family property in northeast McMinnville, at the intersection of NE Evans Street and NE 13th Street, in the Beaumont Park Addition subdivision. The property is zoned R-2 (Single Family Residential). There is no approved street tree plan for this subdivision. The tree in question is a Maple variety that measures approximately 18 inches DBH (diameter at breast height). The tree is located in the NE 13th Street right-of-way on the north side of the property, in a planter strip that is approximately nine (9) feet in width. There are overhead power lines in this location. There are three (3) additional street trees planted in the same planter strip adjacent to the applicant's property, to the west of the subject tree.

The subject site can be seen below, outlined in red:



The street trees along NE 13th Street can be seen below, with the subject tree outlined in red:

Attachments:

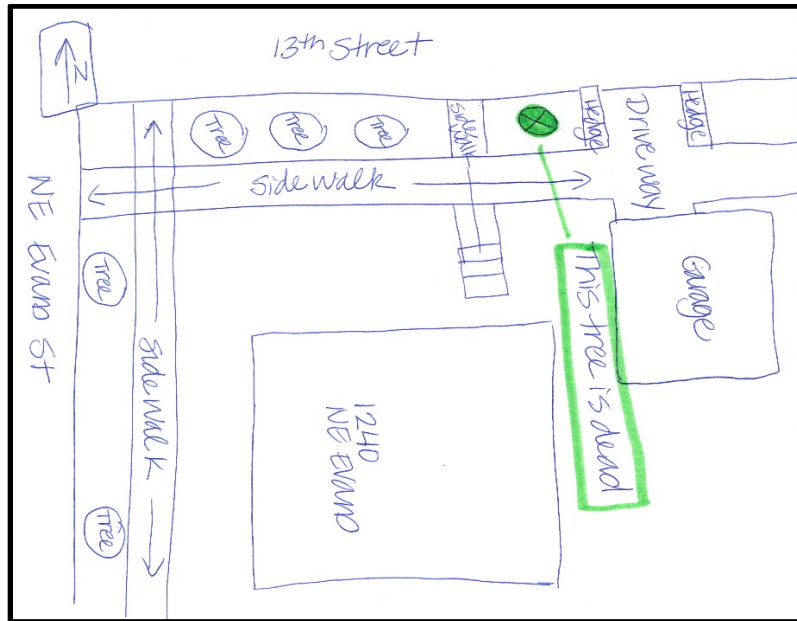
Attachment 1 – Application for Street Tree Removal



The subject tree can be seen below:



The site plan provided by the applicant can be seen below:



The applicant requested the removal of the street tree because it is dead and poses a hazard to the overhead power line that runs through the tree and to the right-of-way below. The applicant did not propose to replace the one (1) street tree requested for removal. The following photos show the tree's health and condition:





CONDITIONS OF APPROVAL:

L 46-18 is **approved** subject to the following conditions:

1. That all costs and liability associated with the tree removal and replacement shall be borne by the applicant.
2. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during this process.
3. That the tree's stump and remaining surface roots shall be removed at least six (6) 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.
4. That the applicant shall complete the removal within six (6) months of this approval notification, or June 19, 2019.

ATTACHMENTS:

1. Application for Street Tree Removal (on file with the Planning Department)

COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments were received by the Planning Department and have been incorporated into the conditions of approval.

Attachments:

Attachment 1 – Application for Street Tree Removal

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. The following comments have been received:

- McMinnville Public Works:

Site Review

1. The tree in question is a maple variety and is about 18" DBH.
2. The tree is planted in 9" planter strip between the curb and sidewalk, with turf as ground cover.
3. There is a power drop from a power pole across the street to the residence that passes through the tree in question.
4. There are no overhead conflicts on the south side of 13th Street. There are overhead power and communication facilities on the north side of 13th Street.
5. There is no damage to the adjacent curb, gutter or sidewalk.
6. The tree is planted about 3" from an existing concrete path passing through the park strip.
7. The tree appears to be dead.

Recommendations

1. Given that the tree is dead, staff would recommend approval of this request.
2. Given the conflict with the overhead power drop, and the presence of three other trees in the park strip, staff does not recommend requiring a replacement tree be planted.
3. Suggested conditions of approval:
 - a. Applicant to be responsible for all costs related to removal and replacement.
 - b. Applicant required to grind stump to a minimum of 6" below grade.
 - c. Applicant to call for a utility locate prior to stump grinding.
 - d. Applicant to backfill and compact the area to existing grade.

Public Comments

No public notice of the application was provided by the City of McMinnville, as Street Tree Removal applications are reviewed by the process described in Section 17.58.040 (Tree Removal/Replacement) of the McMinnville Zoning Ordinance, which does not require any type of public notification. No public comments were received prior to the Planning Director's decision.

FINDINGS OF FACT

1. Carol DeShon, adjacent property owner, submitted a street tree removal application requesting the removal of one (1) street tree from the public right-of-way adjacent to the subject property. The removal of a tree within the public right-of-way requires City approval.
2. The subject property is located at 1240 NE Evans Street. The subject property is more specifically described as Tax Lot 5600, Section 16CC, T. 4 S., R. 4 W., W.M.
3. The site is currently zoned R-2 (Single Family Residential), and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.
4. This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. No comments in opposition have been provided, and the comments provided by the Public Works Department and McMinnville Water and Light have been incorporated into the conditions of approval.

Attachments:

Attachment 1 – Application for Street Tree Removal

5. No public notice of the application was provided by the City of McMinnville, as Street Tree Removal applications are reviewed by the process described in Section 17.58.040 (Tree Removal/Replacement) of the McMinnville Zoning Ordinance, which does not require any type of public notification. No public comments were received prior to the Planning Director's decision.
6. A public meeting was held by the Landscape Review Committee on December 19th, 2018 to review the application and proposed street tree removal request. No comments in opposition were provided by the public prior to the public meeting.

CONCLUSIONARY FINDINGS:

McMinnville's Comprehensive Plan:

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Policy 132.38.00: Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.

Finding: GOAL VI 1 and Policy 132.38.00 are satisfied in that a replacement tree is not appropriate for this location given the proximity to adjacent private driveway and other street trees. Replacing the street tree in this planter strip within applicable setback and spacing standards would interrupt the spacing of the adjacent street trees in the same planter strip, detracting from the aesthetics of the streetscape along NW 8th Street.

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

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

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Landscape Review Committee review of the request and recommendation at an advertised public meeting. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville's City Code:

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

Chapter 17.58 - Trees

Attachments:

Attachment 1 – Application for Street Tree Removal

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; 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 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.

Finding: The purpose of the Trees chapter of the McMinnville Zoning Ordinance has been met. Approval of the removal request will allow for the removal of one tree that is dead, thereby improving the appearance of the right-of-way in question and minimizing hazard and potential damage. The permitted removal of the existing tree will carry out the purpose of the chapter.

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

- A. Individual significant or historic trees as defined in this ordinance
- B. All trees planted in or upon any public area or right-of-way;
- C. All trees planted in or upon any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
- D. All trees on developable land and subject or undergoing development review such as site plan review, tentative subdivision review, or partition review.

Finding: The applicability of the ordinance is met. The tree being removed is located within the public right-of-way. Therefore, provisions of the Trees chapter of the McMinnville Zoning Ordinance apply and the removal of any tree within the public right-of-way requires City approval.

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 McMinnville Planning Department. [...]

Finding: This criteria has been met. The applicant has filed an application for a Street Tree Removal Permit to be reviewed by the McMinnville Landscape Review Committee.

- B. Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. [...]

Finding: This criteria has been met by including a condition of approval to ensure the removal of the tree is performed to accepted City standards. This is reflected in Condition of Approval #3 in this decision document.

- 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.

Finding: This criteria has been met by including a condition of approval to ensure the applicant shall be responsible for all costs associated with the tree removal. This is reflected in Condition of Approval #1 in this decision document.

- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, 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. [...]

Finding: This criteria has been met by examining the suitability of a replacement street tree and determining that a replacement street tree in this location, or a nearby location, could not meet City street tree standards. Therefore, a replacement street tree is not required.

- 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.

Finding: This criteria has been met by including a condition of approval to ensure the applicant shall remove the stump and surface roots, and restore the planting strip. This is reflected in Conditions of Approval #3 in this decision document.

- F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The 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.

Finding: This criteria has been met by including a condition of approval to ensure the applicant shall complete the tree removal and replacement within 6 months of approval. This is reflected in Condition of Approval #4 in this decision document.

- G. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.

Finding: No other conditions that have been deemed necessary have been attached to the permit approval.

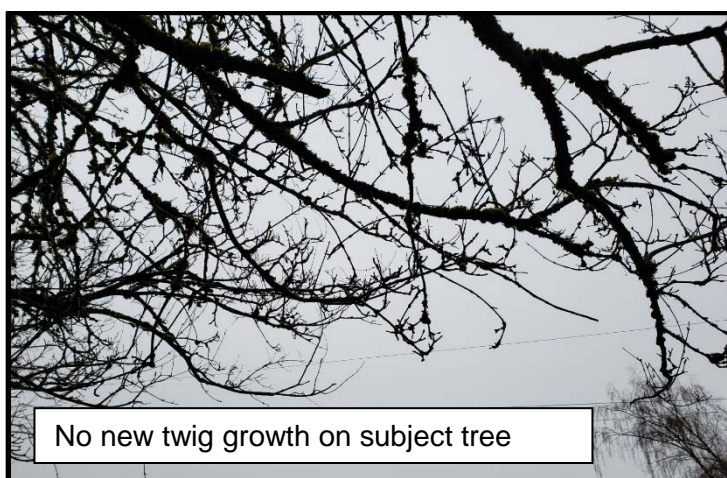
- H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City 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.

Finding: This criteria is not applicable since no replacement street tree was required.

17.58.050 Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.

Finding: This criterion has been met. The tree in question appears to be dead. The tree shows no evidence of sapwood or new growth in the branches, and shows no sign of vigor. There is no indication of growth this year such as leaves or samaras remaining on the tree. The adjacent street tree(s) of the same species shows new twig growth, sapwood in the new growth of branches, and normal vigor. The adjacent street trees show evidence of this year's growth, including leaves and samaras. The subject tree also shows evidence of insect infestation (borer holes). Although no arborist report was submitted with the application, the evidence that the tree is dead is clear to a layman.



B. The tree is in conflict with public improvements.

Finding: This criterion has been met. The branches of the dead tree are in conflict with the overhead power line that leads to the adjacent single family residence, and could pose a hazard to the power lines if they were to fail.

JF

Attachments:

Attachment 1 – Application for Street Tree Removal



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

www.mcminnvilleoregon.gov

EXHIBIT 3 - STAFF REPORT

DATE: December 19, 2018
TO: McMinnville Landscape Review Committee
FROM: Jamie Fleckenstein, PLA, Associate Planner
SUBJECT: Agenda Item 4C: L 47-18

Report in Brief:

An application for a street tree removal (L 47-18) to be reviewed by the Landscape Review Committee.

Background:

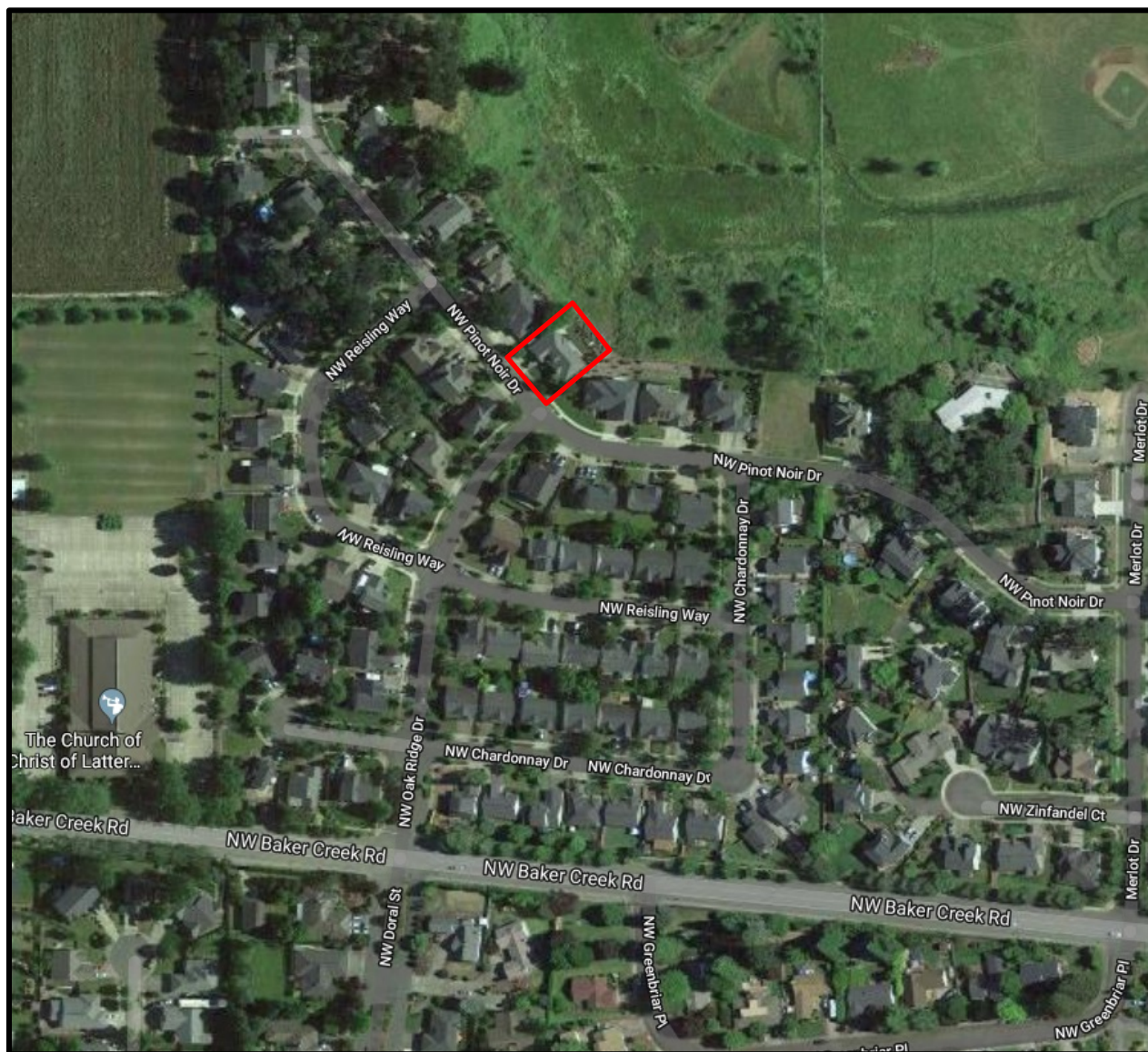
The applicant and adjacent property owner, Mike and Sandi Colvin, submitted a street tree removal application to remove one (1) street tree from the property located at 2718 NW Pinot Noir Drive. The subject property is more specifically described as Tax Lot 500, Section 17BB, T. 4 S., R. 4 W., W.M.

Discussion:

The subject property is a single family property in the Oak Ridge subdivision in northwest McMinnville, at the intersection of NW Pinot Noir Drive and NW Oak Ridge Street. The subject site can be seen below as a red outlined area:

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 2718 NW Pinot Noir Drive



The applicant requested the removal of the street tree because its roots have caused damage to the adjacent sidewalk. The tree in question is a Cherry variety that measures approximately 15 inches DBH (diameter at breast height) and appears to be in good health and condition. The tree is located in the NW Pinot Noir Drive right-of-way on the southwest side of the property, in a planter strip that is approximately five (5) feet in width. There are no overhead power or communication lines in the right-of-way in this location. The trunk of the tree has been painted white.

The following photos show the tree and condition of the adjacent sidewalk:

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 2718 NW Pinot Noir Drive



Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 2718 NW Pinot Noir Drive

The applicant has not proposed to replace the tree

Review Criteria:

Section 17.58.050 (Review Criteria) of the McMinnville Zoning Ordinance states that street tree removals may be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.

The tree in question does not display any obvious evidence of health issues, significant distress, or structural issues. No arborist's assessment was submitted with the application.

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

The applicant has provided evidence of the damage that has been caused by tree roots to the sidewalk adjacent to the property. The tree has a shallow root system, with some larger surface roots that are running beneath the sidewalk immediately adjacent to the tree, lifting the sidewalk panel to the point where it is becoming a safety hazard in the public right-of-way. Upon inspection of the site, Public Works staff determined that the street tree roots have caused damage to the adjacent sidewalk and will likely continue to do so if the tree continued to grow. Therefore, the street tree removal request satisfies this criteria, as the tree is in conflict with public improvements adjacent to the subject property.

- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

This criteria is not applicable, as the tree is not part of an approved development or public improvement project.

Tree Replacement:

Section 17.58.040(D) (Tree Removal/Replacement) of the McMinnville Zoning Ordinance states that "Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, 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."

The applicant did not propose to replace the subject tree as part of the application. There is no approved street tree plan in place for the Oak Ridge subdivision or NW Pinot Noir Drive. A condition of approval has been included to require that the tree to be removed shall be replaced with an approved medium street tree from the McMinnville Street Tree List.

Fiscal Impact:

None.

Committee Options:

- 1) **APPROVE** the application, per the decision document provided which includes the findings of fact and conditions of approval.
- 2) **APPROVE** the application with additional conditions of approval, providing findings of fact for the inclusion of additional conditions.

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 2718 NW Pinot Noir Drive

- 3) **CONTINUE** the application, requesting the applicant to submit more information or details for review.
- 4) **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

If the Landscape Review Committee finds that the proposed removal will result in the mitigation of current and future risk due to an unsafe, dead, or diseased tree, or that the tree is in conflict with public improvements, staff is recommending that the street tree removal be approved with the following conditions:

1. That all costs and liability associated with the tree removal, stump grinding, and tree replacement shall be borne by the applicant.
2. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to stump grinding to ensure that underground utilities are not damaged during this process.
3. That the tree's stump and remaining surface roots shall be removed at least six (6) 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.
4. That the tree to be removed shall be replaced with one (1) medium street tree from the McMinnville Street Tree List suitable for the site's conditions.
5. That the replacement tree shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
6. That the replacement tree shall be planted per the approved City detail (see enclosure). The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.
7. That the applicant shall contact the McMinnville Public Works Department at (503) 434-7316 to discuss specific staking, watering tube requirements, and to schedule an inspection prior to backfilling.
8. That the applicant is reminded that trees are not to be planted within:
 - a. Five (5) feet of a private driveway or alley;
 - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
 - c. Twenty (20) feet of street light standards or street intersections.

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 2718 NW Pinot Noir Drive

9. That the planter areas shall be restored to original grade immediately following the planting of the replacement trees.
10. That the applicant shall complete the tree removal and tree replacement within six (6) months of this approval notification, or June 19, 2019.
11. That the applicant shall repair/replace damaged sidewalk panels per City code. A sidewalk permit is required and can be obtained from the McMinnville Engineering Department at (503) 472-7312.

Suggested Motion:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE LANDSCAPE REVIEW COMMITTEE APPROVE L 47-18 WITH THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.

JF

Attachments:

Attachment A – Decision, Conditions of Approval, and Findings of Fact of the McMinnville Landscape Review Committee for Approval of a Street Tree Removal at 2718 NW Pinot Noir Drive



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311

www.mcminnvilleoregon.gov

**DECISION, CONDITIONS OF APPROVAL, AND FINDINGS OF FACT OF THE MCMINNVILLE
LANDSCAPE REVIEW COMMITTEE FOR THE APPROVAL OF A STREET TREE REMOVAL AT
2718 NW PINOT NOIR DRIVE**

DOCKET: L 47-18 (Street Tree Removal)

REQUEST: The applicant requested the removal of one (1) street tree adjacent to the subject property.

LOCATION: The subject property is located at 2718 NW Pinot Noir Drive. The subject property is more specifically described as Tax Lot 500, Section 17BB, T. 4 S., R. 4 W., W.M.

ZONING: The subject site is zoned R-2 PD (Single Family Residential, Planned Development).

APPLICANT: Mike & Sandi Colvin, property owners

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: November 30, 2018

HEARINGS BODY: McMinnville Landscape Review Committee

DATE & TIME: December 19, 2018

PROCEDURE: Any street tree removal is subject to review in accordance with procedures specified in Section 17.58-Trees of the McMinnville Zoning Ordinance. The application for street tree removal is subject to the procedures specified in Section 17.58.040 Tree Removal/Replacement.

CRITERIA: The applicable criteria are specified in Section 17.58.050 of the McMinnville Zoning Ordinance, McMinnville City Code.

APPEAL: The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.58.040(A) of the McMinnville Zoning Ordinance.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments were received by the Planning Department and have been incorporated into the conditions of approval. No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.

Based on the findings and conclusions, the Landscape Review Committee recommends **APPROVAL** of the street tree removal (L 47-18) **subject to the conditions of approval provided in this document.**

////////////////////////////////////

DECISION: APPROVAL WITH CONDITIONS

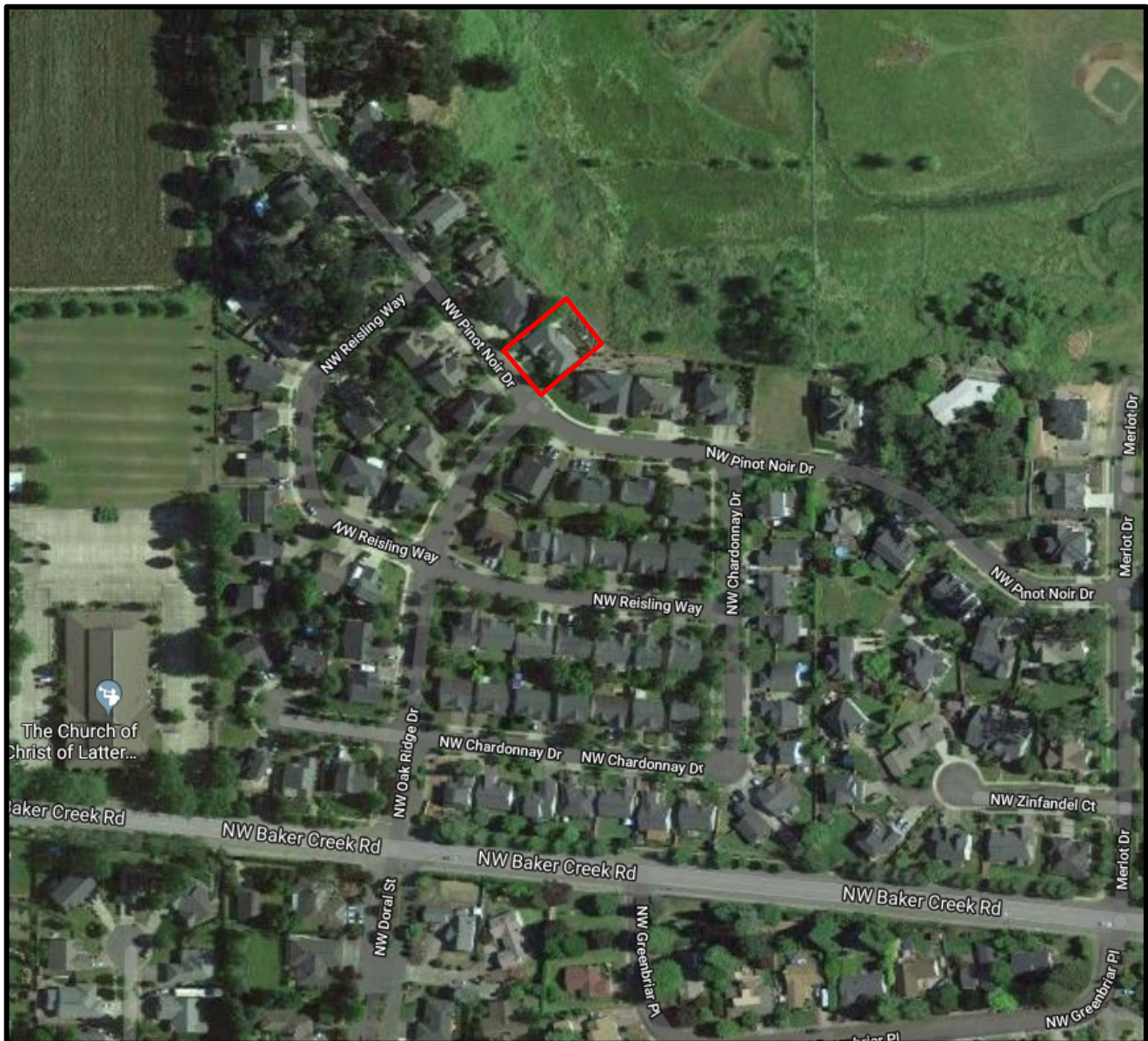
////////////////////////////////////

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

APPLICATION SUMMARY:

The applicant requested the removal of one (1) street tree adjacent to the subject property. The subject property is a single family property in the Oak Ridge subdivision in northwest McMinnville, at the intersection of NW Pinot Noir Drive and NW Oak Ridge Street. The tree requested for removal is located in the NW Pinot Noir Drive public right-of-way adjacent to the subject property. The removal of a tree within the public right-of-way requires City approval.

The subject site can be seen below as a red outlined area:



The applicant requested the removal of the street tree because its roots have caused damage to the adjacent sidewalk. The tree in question is a Cherry variety that measures approximately 15 inches DBH (diameter at breast height) and appears to be in good health and condition. The tree is located in the NW Pinot Noir Drive right-of-way on the southwest side of the property, in a planter strip that is approximately five (5) feet in width. There are no overhead power or communication lines in the right-of-way in this location. The trunk of the tree has been painted white.

Attachments:

Attachment 1 – Application for Street Tree Removal

The following photos show the tree and condition of the adjacent sidewalk:



CONDITIONS OF APPROVAL:

L 47-18 is **approved** subject to the following conditions:

1. That all costs and liability associated with the tree removal, stump grinding, and tree replacement shall be borne by the applicant.
2. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to stump grinding to ensure that underground utilities are not damaged during this process.
3. That the tree's stump and remaining surface roots shall be removed at least six (6) 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.
4. That the tree to be removed shall be replaced with one (1) medium street tree from the McMinnville Street Tree List suitable for the site's conditions.
5. That the replacement tree shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
6. That the replacement tree shall be planted per the approved City detail (see enclosure). The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.
7. That the applicant shall contact the McMinnville Public Works Department at (503) 434-7316 to discuss specific staking, watering tube requirements, and to schedule an inspection prior to backfilling.
8. That the applicant is reminded that trees are not to be planted within:
 - a. Five (5) feet of a private driveway or alley;
 - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
 - c. Twenty (20) feet of street light standards or street intersections.
9. That the planter areas shall be restored to original grade immediately following the planting of the replacement trees.
10. That the applicant shall complete the tree removal and tree replacement within six (6) months of this approval notification, or June 19, 2019.

11. That the applicant shall repair/replace damaged sidewalk panels per City code. A sidewalk permit is required and can be obtained from the McMinnville Engineering Department at (503) 472-7312.

ATTACHMENTS:

1. Application for Street Tree Removal (on file with the Planning Department)

COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments were received by the Planning Department and have been incorporated into the conditions of approval.

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. The following comments had been received:

- McMinnville Public Works:

Site Review

1. The tree in question is a cherry variety and is about 15" DBH. The lower trunk has been painted white for unknown reasons.
2. The tree is planted in 5' planter strip between the curb and sidewalk, with turf as groundcover.
3. There are no overhead conflicts on either side of the street.
4. There is no damage to the adjacent curb or gutter.
5. The adjacent sidewalk has been damaged by the existing tree roots.
6. The tree does not appear to exhibit any structural or health issue that would require its removal.

Recommendations

1. Given the damage to the existing sidewalk, the size of the roots causing the damage, and the potential for continued damage, staff would recommend approval of this request.
2. Suggested conditions of approval:
 - a. Applicant to be responsible for all costs related to removal and replacement.
 - b. Applicant required to grind stump to a minimum of 6" below grade.
 - c. Applicant to call for a utility locate prior to removal.
 - d. Applicant to contact Engineering at 503.434.7312 for a sidewalk permit to replace or repair the lifted panel.
 - e. Applicant to plant 1 replacement tree (minimum 2" caliper) of a variety acceptable to the Planning Department.
 - f. Applicant to plant tree as per approved City detail.
 - g. Applicant to contact Public Works at 503.434.7316 for an inspection prior to backfilling planted tree.

- McMinnville Water and Light:

Power buried in the immediate area. Contact Water & Light if contact is made with buried power conduits. Call for locates.

Public Comments

No public notice of the application was provided by the City of McMinnville, as Street Tree Removal applications are reviewed by the process described in Section 17.58.040 (Tree Removal/Replacement) of the McMinnville Zoning Ordinance, which does not require any type of public notification. No public comments were received prior to the Planning Director's decision.

FINDINGS OF FACT

1. Mike & Sandi Colvin, adjacent property owners, submitted a street tree removal application requesting the removal of one (1) street tree from the public right-of-way adjacent to the subject property. The removal of a tree within the public right-of-way requires City approval.
2. The subject property is located at 2718 NW Pinot Noir Drive. The subject property is more specifically described as Tax Lot 500, Section 17BB, T. 4 S., R. 4 W., W.M.
3. The site is currently zoned R-2 PD (Single Family Residential, Planned Development), and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.
4. This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. No comments in opposition have been provided, and the comments provided by the Public Works Department and McMinnville Water and Light have been incorporated into the conditions of approval.
5. No public notice of the application was provided by the City of McMinnville, as Street Tree Removal applications are reviewed by the process described in Section 17.58.040 (Tree Removal/Replacement) of the McMinnville Zoning Ordinance, which does not require any type of public notification. No public comments were received prior to the Planning Director's decision.
6. A public meeting was held by the Landscape Review Committee on December 19, 2018 to review the application and proposed street tree removal request. No comments in opposition were provided by the public prior to the public meeting.

CONCLUSIONARY FINDINGS:

McMinnville's Comprehensive Plan:

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Policy 132.38.00: Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.

Finding: GOAL VI 1 and Policy 132.38.00 are satisfied in that one (1) replacement tree is being required to be replanted in this location. Conditions of approval are included to ensure that the replacement tree is

Attachments:

Attachment 1 – Application for Street Tree Removal

planted to the City's current standards, which will minimize impacts to surrounding infrastructure in the future. The planting of the replacement tree will enhance the streetscape and livability in the surrounding area.

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

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

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Landscape Review Committee review of the request and recommendation at an advertised public meeting. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville's City Code:

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

Chapter 17.58 - Trees

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; 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 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.

Finding: The purpose of the Trees chapter of the McMinnville Zoning Ordinance has been met. Approval of the removal request will allow for the removal of one tree that is damaging public improvements in the public right-of-way. The permitted removal of the existing tree and replacement with a healthy tree that meets the City's planting standards will carry out the purpose of the chapter.

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

- A. Individual significant or historic trees as defined in this ordinance
- B. All trees planted in or upon any public area or right-of-way;
- C. All trees planted in or upon any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
- D. All trees on developable land and subject or undergoing development review such as site plan review, tentative subdivision review, or partition review.

Finding: The applicability of the ordinance is met. The tree being removed is located within the public right-of-way. Therefore, provisions of the Trees chapter of the McMinnville Zoning Ordinance apply and the removal of any tree within the public right-of-way requires City approval.

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 McMinnville Planning Department. [...]

Attachments:

Attachment 1 – Application for Street Tree Removal

Finding: This criterion has been met. The applicant has filed an application for a Street Tree Removal Permit to be reviewed by the McMinnville Landscape Review Committee.

- B. Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. [...]

Finding: This criterion has been met by including a condition of approval to ensure the removal of the tree is performed to accepted City standards. This is reflected in Condition of Approval #3 in this decision document.

- 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.

Finding: This criterion has been met by including a condition of approval to ensure the applicant shall be responsible for all costs associated with the tree removal. This is reflected in Condition of Approval #1 in this decision document.

- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, 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. [...]

Finding: This criterion has been met by including a condition of approval to ensure the applicant shall replace the removed tree with a tree approved by the city. This is reflected in Condition of Approval #4 in this decision document.

- 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.

Finding: This criterion has been met by including a condition of approval to ensure the applicant shall remove the stump and surface roots, and restore the planting strip. This is reflected in Conditions of Approval #3 and #9 in this decision document.

- F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The 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.

Finding: This criterion has been met by including a condition of approval to ensure the applicant shall complete the tree removal and replacement within 6 months of approval. This is reflected in Condition of Approval #10 in this decision document.

- G. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.

Finding: A condition of approval has been included to ensure the applicant shall repair/replace the damaged sidewalk panel(s) per City code, and that the applicant obtain a required sidewalk permit from the Engineering Department. This is reflected in Condition of Approval #11 in this decision document.

- H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be

Attachments:

Attachment 1 – Application for Street Tree Removal

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.

Finding: This criterion has been met by including a condition of approval to ensure the applicant shall plant the replacement street tree in accordance approved City standards and specifications. This is reflected in Conditions of Approval #6 and #7 in this decision document.

17.58.050 Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

B. The tree is in conflict with public improvements.

Finding: This criterion has been met. The applicant has provided evidence of the damage that has been caused by tree roots to the sidewalk adjacent to the property. The tree has a shallow root system, with some larger surface roots that are running beneath the sidewalk immediately adjacent to the tree, lifting the sidewalk panel to the point where it is becoming a safety hazard in the public right-of-way. Upon inspection of the site, Public Works staff determined that the street tree roots have caused damage to the adjacent sidewalk and will likely continue to do so if the tree continued to grow. Therefore, the street tree removal request satisfies this criteria, as the tree is in conflict with public improvements adjacent to the subject property.



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 2016-22, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.

Finding: This criterion has been met by including a condition of approval to ensure the applicant shall select an approved tree from the McMinnville Street Tree List. This is reflected in Condition of Approval #4 in this decision document.

- 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.

Finding: This criterion has been met by including a condition of approval to ensure the replacement street tree shall meet approved City standards and specifications. This is reflected in Condition of Approval #5 in this decision document.

- 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.

Finding: This criterion has been met by including a condition of approval to ensure setbacks to public utilities and improvements in the public right-of-way are maintained. This is reflected in Condition of Approval #8 in this decision document.

JF



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

www.mcminnvilleoregon.gov

EXHIBIT 4 - STAFF REPORT

DATE: December 19, 2018
TO: Landscape Review Committee Members
FROM: Jamie Fleckenstein, PLA, Associate Planner
SUBJECT: Agenda Item 5A: 2019 Work Plan

Report in Brief:

The purpose of this discussion is to review a draft 2019 Work Plan to guide the Landscape Review Committee activities over the coming year.

Background:

The Landscape Review Committee has a defined purpose in the McMinnville Municipal City Code: *To ensure that the appearance of the City of McMinnville is enhanced by encouraging quality landscaping which will benefit and protect the health, safety and welfare of the general public.*

Establishing a work plan will identify goals, strategies, and actions that can guide the LRC's activities over the course of the coming year that support the Committee's purpose.

Discussion:

Staff will guide a discussion of a draft work plan for 2019 that includes goals, strategies, and actions used to guide and complete activities over the course of the year. Detailed actions, timeframes, and estimated costs can be developed for each activity, once identified and approved by the Committee. A draft 2019 LRC work plan is attached for your reference.

Fiscal Impact:

None.

Recommendation/Suggested Motion:

No motion required. The Landscape Review Committee may provide guidance to staff to finalize the 2019 Landscape Review Committee Work Plan.

JF

McMinnville Landscape Review Committee - 2019 Work Plan

GOAL : Evaluate & Enhance the McMinnville's Urban Forest & Landscape

Strategy	Action	Priority	Timeframe	Cost	Responsibility
Conduct a Comprehensive Inventory of McMinnville's Street Trees	Develop Inventory Goals and Research Data Collection Methods	High	Spring 2019	Staff	City of McMinnville (City)/ Landscape Review
	Promote Public Involvement to Complete City-Wide Tree Inventory	High	Summer 2019	Staff	City/LRC
Promote Healthy, Safe, and Diverse Urban Forest	Update McMinnville's Approved Street Tree List	High	Spring 2019	Staff	City/LRC
	Develop "Right Tree for the Right Place" Informational Pamphlet	High	Spring 2019	Staff	City/LRC
Increase McMinnville's Urban Forest Canopy	Review and Update Ordinance 4816 to Resolve Conflicts Between Street Trees and Utilities, Stormwater Treatment	Medium	Fall 2019	Staff	City/LRC
Apply Landscape Standards to City Projects	Coordinate with City Staff to Review City Projects with Landscape Component	High	Spring 2019	Staff	City/LRC

GOAL: Increase Awareness & Appreciation of McMinnville's Urban Forest & Landscape

Strategy	Action	Priority	Timeframe	Cost	Responsibility
Educate Community on Urban Forestry	Use Completed Street Tree Inventory to Quantify and Report Benefit of McMinnville's Urban Forest	Low	December 2019	Staff	City/LRC
Celebrate Arbor Day in McMinnville	Promote Arbor Day Events in McMinnville	High	Spring 2019	Staff	City/LRC
	Coordinate Arbor Day Tree Planting Event	High	Spring 2019	\$	City/LRC

GOAL: Preserve McMinnville's Urban Forest & Landscape

Strategy	Action	Priority	Timeframe	Cost	Responsibility
Preserve and Protect Existing Landscape and Street Trees	Identify Consulting 3rd Party Arborist to Consult on Downtown Tree Removal Requests	High	Spring 2019	\$	City/LRC