



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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**Landscape Review Committee**  
**Community Development Center, 231 NE 5<sup>th</sup> Street**  
**January 16, 2019**  
**12:00 PM**

Committee Members	Agenda Items
<p>Rob Stephenson Chair</p> <p>Sharon Gunter Vice-Chair</p> <p>Josh Kearns</p> <p>RoseMarie Caughran</p> <p>Tim McDaniel</p>	<ol style="list-style-type: none"> <li><b>1. Call to Order</b></li> <li><b>2. Citizen Comments</b></li> <li><b>3. Approval of Minutes</b> <ol style="list-style-type: none"> <li>A. June 20, 2018 (Exhibit 1)</li> <li>B. July 18, 2018 (Exhibit 2)</li> </ol> </li> <li><b>4. Action Items</b> <ol style="list-style-type: none"> <li>A. L 49-18 – Street Tree Removal (Exhibit 3) 1939 NW Meadows Drive</li> <li>B. L 01-19 – Street Tree Removal (Exhibit 4) 1931 NW Woodland Drive</li> <li>C. 2019 Work Plan (Exhibit 5)</li> </ol> </li> <li><b>5. Discussion Items</b> <ol style="list-style-type: none"> <li>A. Unpermitted Street Tree Removal (Exhibit 6) 608 NE 3<sup>rd</sup> Street</li> <li>B. 2019 Oregon Community Tree/Tree City USA Grant Application (Exhibit 7)</li> </ol> </li> <li><b>6. Old/New Business</b></li> <li><b>7. Committee Member Comments</b></li> <li><b>8. Staff Comments</b></li> <li><b>9. Adjournment</b></li> </ol>

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](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.



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# EXHIBIT 1 - MINUTES

**June 20, 2018**  
**Landscape Review Committee**  
**Regular Meeting**

**12:00 pm**  
**Community Development Center**  
**McMinnville, Oregon**

**Members Present:** Rose Marie Caughran, Sharon Gunter, Tim McDaniel and Rob Stephenson  
**Members Absent:** Josh Kearns  
**Staff Present:** Chuck Darnell – Senior Planner and Jamie Fleckenstein – Associate Planner  
**Guests Present:** Scott Hill –Mayor, Kellie Menke – City Councilor, and Morgan Will

## 1. Call to Order

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

## 2. Citizen Comments

None

## 3. Approval of Minutes

Chair Stephenson made a correction to the minutes of a misspelled name. It should have been Dan Upton instead of Dan Ogden.

A. February 21, 2018 Regular Meeting Minutes

Committee Member Gunter moved to approve the February 21, 2018 regular meeting minutes as corrected. The motion was seconded by Committee Member Caughran and passed unanimously.

## 4. Action/Docket Item (repeat if necessary)

A. L 14-18 –Landscape Plan

Senior Planner Darnell reviewed the landscape plan for a new barn building at the Yamhill County Fairgrounds. The plan included the retention of the grass area in front of the barn and installing one Red Mountain Hydrangea within the grass area. A white vinyl picket fence that existed along the entire length of the landscaped area would be retained. Staff was suggesting a condition of approval

be included to require that one tree be planted in the center of the grass area in front of the new barn building. Staff also suggested that the tree species be either a flowering cherry or maple variety.

There was discussion regarding the lack of detail in the plan, but that it matched what was already there. There was further discussion regarding requiring watering of the landscaping.

Committee Member Caughran moved to approve L 14-18 with conditions as discussed. The motion was seconded by Committee Member Gunter and passed unanimously.

#### B. L 16-18 – Landscape Plan

Senior Planner Darnell discussed the landscape plan for a new multi-family development site on SW 2<sup>nd</sup> Street. The buildings with 2 dwelling units would be designed to appear in the traditional form of a duplex building. There would be a total of 21 dwelling units on the site. The plan included a wide variety of trees, shrubs, grasses, and vines, as well as other groundcover and accent features. In general, the development site was very narrow, with a meandering one-way access driveway that ran through the site. There was a narrow planting strip on the side of the driveway closest to the property lines that would be treated with trellis fencing. In the planting strip, which was about 4 feet wide, the applicant was proposing an alternating pattern of multiple varieties of Heather, New Zealand hair sedge, and Japanese Holly. Also, adjacent to the trellis fencing, the applicant was proposing to install vines periodically that would grow up and cover the fencing. The applicant was required to dedicate 18 feet of right-of-way on 2<sup>nd</sup> Street. Also on the 2<sup>nd</sup> Street frontage, there would be a waterfall feature with stone surround, and then surrounded further by small shrubs and grasses. Turf grass would then be installed between the planting bed and the public sidewalk. Behind the water feature, the plan included the installation of three Blue Atlas Cedar trees and one Autumn Spire Red Maple tree, with a variety of shrubs in the understory. The proposed landscape plan would provide screening of the proposed use from adjacent properties, which were generally single family residential uses. The screening would be a solid fencing with some landscaping.

There was discussion regarding the proposed fencing and adding a condition that the solid fencing be a seven foot cedar fence and where the trellis fencing was proposed, to install a six foot cedar fence with one foot of trellis on top to provide better screening.

Senior Planner Darnell explained that around the individual buildings the applicant was proposing a wide variety of shrubs and grasses. Walkways would also be provided between the cement patios and the sidewalk along the front of the buildings. All of the pedestrian walkways would be buffered by landscape beds with varieties of shrubs and grasses. There would be one stand-alone unit with some open space with turf and a covered picnic area. The landscape calculation for the project was 26%.

Committee Member Caughran moved to approve L 16-18 with conditions as discussed. The motion was seconded by Committee Member McDaniel and passed unanimously.

#### C. L 17-18 – Landscape Plan

Senior Planner Darnell explained the landscape plan for a new multi-family development near the intersection of NE Fircrest Drive and NE Cumulus Avenue. The overall development plan for the site was to construct 4 separate buildings, three of the buildings would contain 18 dwelling units, and one building would contain 12 units. There would be a total of 66 dwelling units on the site. There would be a right-of-way dedication with the application and the applicant would be constructing a five foot sidewalk and installing street trees. The proposed street trees were European Hornbeam and would be spaced as required. There was a drainage ravine that ran through the middle of the

site to the South Yamhill River and a preservation plan was required. There were 1.36 acres of open area that had already been cleared and 3.87 acres that would be preserved as natural area.

There was discussion regarding how no fencing was proposed and whether it should be required in some areas to screen the proposed use from the surrounding existing developments. There was further discussion regarding adding street trees as well.

Senior Planner Darnell said in the parking lot the applicant was providing some planting islands throughout the end caps with Trident and Vine Maple trees and shrubs. There was a wider planting bed to the retaining wall that would look out to the ravine. There would also be an open barbecue area, fenced in dog park, and a tot lot. He thought overall the bed areas were well landscaped even though there were not a lot of plant varieties. It was compatible with the use and the planting islands in the parking lot provided some tree canopy and breaking up of the parking areas. The applicant had provided a full irrigation plan as well.

There was discussion regarding adding more planting islands.

Committee Member McDaniel moved to continue L 17-18 for the applicant to include better screening, additional shade trees along the NE Cumulus frontage, a fence along the perimeter of the site, and more planting islands. The motion was seconded by Committee Member Caughran and passed unanimously.

## **5. Discussion Items**

None

## **6. Old/New Business**

None

## **7. Committee/Commissioner Comments**

None

## **8. Staff Comments**

None

## **9. Adjournment**

Chair Stephenson adjourned the meeting at 12:51 p.m.



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## EXHIBIT 2 - MINUTES

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**July 18, 2018**  
**Landscape Review Committee**  
**Regular Meeting**

**12:00 pm**  
**Community Development Center**  
**McMinnville, Oregon**

**Members Present:** Rose Marie Caughran, Josh Kearns, and Tim McDaniel  
**Members Absent:** Sharon Gunter and Rob Stephenson  
**Staff Present:** Chuck Darnell – Senior Planner, Jamie Fleckenstein Associate Planner, and Tom Schauer – Senior Planner  
**Guests Present:** Scott Hill –Mayor

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### **1. Call to Order**

Committee Member Caughran called the meeting to order at 12:00 p.m.

### **2. Citizen Comments**

None

### **3. Approval of Minutes**

None

### **4. Action/Docket Item (repeat if necessary)**

#### **A. L 18-18 – Landscape Plan**

Associate Planner Fleckenstein reviewed the landscape plan to install landscaping on the site of a new commercial shell building with new parking on NE Highway 99. The applicant proposed landscaping around the perimeter and the parking. There were narrow landscape islands in front of the parking to the south and a variety of plants proposed. In the southeast corner there was an area designated to be unirrigated and watered by hand surrounding the parking area and garbage pad. That area would have ornamental grasses and laurels. In the larger strip of parking there would be a variety of shrubs and grasses. In the southwest corner there would be a larger landscape area with two Armstrong Maple trees. There was no proposed landscaping moving up to the western edge of the development between the easement access and proposed parking. In the northwest corner there was an electrical transformer and the applicant proposed adding azaleas and Tiger Eyes there. The applicant also proposed to keep the existing patch of flowers. Along the north side of the building

there would be a variety of plants similar to what was proposed around the parking areas such as grasses, azaleas, and evergreens. Along the northeast corner, an existing tree would be preserved. The applicant further noted that all the areas would be irrigated except for the southeast corner. The application met the minimum 9% landscaping.

Committee Member Kearns wanted to make sure the applicant would be planting at least 2 inch caliper trees.

Committee Member Caughran thought there needed to be more plantings along the east side.

Associate Planner Fleckenstein recommended continuing the application so the applicant could provide clarification on the plant species, installation size, re-specifying the plants based on the size of the planter beds, and breaking up the parking on the west side with landscaping.

Committee Member McDaniel would like to see more native plants being used, especially in the non-irrigated area.

There was discussion regarding whether what was proposed on the southern planting strip would provide enough screening between this use and the adjacent use and if the planter strip size was appropriate.

Committee Member McDaniel moved to continue L 18-18 so the applicant could provide the size of the plants at installation, identify all of the proposed species, and increase the width of the planting strip on the south side of the development to a minimum of five feet. The motion was seconded by Committee Member Caughran and passed 3-0.

#### B. L 19-18 – Landscape Plan

Associate Planner Fleckenstein explained the landscape plan for a new modular building at Memorial Elementary School. The landscaping was proposed for the perimeter of the modular building. On the west side there would be two large Ash trees planted as well as four evergreen shrubs. On the north and east sides there would be alternating groupings of evergreen and deciduous medium height shrubs. Along the south side, the applicant was proposing groupings of Dwarf Laurustinus and Kelsey's Redtwig Dogwood and three small Vine Maple trees. This would match the landscaping of the existing adjacent modular building. It would provide the appropriate screening from the single family residences across the street and to the north across the soccer field. No additional parking was being requested and no street trees were proposed. A full automatic irrigation system would be installed.

Committee Member Kearns recused himself from voting on this application because he was the one landscaping the project. He thought this would look just as nice as the existing modular building.

Senior Planner Darnell clarified schools were normally conditional uses, but the Planning Director determined that this modular was a minor change to the site and did not require a conditional use review if it fit in well with the site and landscaping.

Committee Member Caughran moved to approve L 19-18. The motion was seconded by Committee Member McDaniel and passed 2-0-1 with Committee Member Kearns recused.

## 5. Discussion Items

There was discussion regarding code enforcement for some projects.

**6. Old/New Business**

None

**7. Committee/Commissioner Comments**

None

**8. Staff Comments**

Associate Planner Fleckenstein introduced himself and new Senior Planner Schauer.

**9. Adjournment**

Committee Member Caughran adjourned the meeting at 12:40 p.m.

DRAFT



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## EXHIBIT 3 - STAFF REPORT

**DATE:** January 16, 2019  
**TO:** McMinnville Landscape Review Committee  
**FROM:** Jamie Fleckenstein, PLA, Associate Planner  
**SUBJECT:** Agenda Item 4A: L 49-18

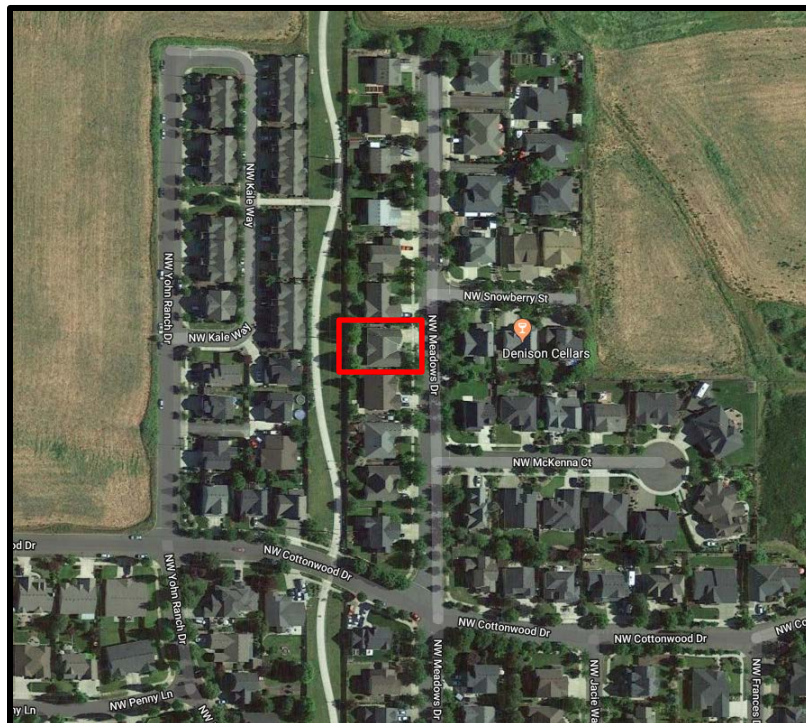
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### **Report in Brief:**

An application for a street tree removal (L 49-18) to be reviewed by the Landscape Review Committee.

### **Background:**

The applicant and adjacent property owner, Dominic Maselli, submitted a Street Tree Removal application to remove one (1) street tree from public right-of-way adjacent to the property located at 1939 NW Meadows Drive. The subject property is more specifically described as Tax Lot 11300, Section 18DB, T. 4 S., R. 4 W., W.M. The subject tree is located in the NW Meadows Drive right-of-way in the Cottonwood 1<sup>st</sup> Addition subdivision, in northwest McMinnville. The subject site can be seen below as a red outlined area:



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### **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 1939 NW Meadows Drive*

The subject tree is an approximately 9" DBH (diameter at breast height) oak (*Quercus sp.*) located in a planter strip and spaced approximately 9 feet 6 inches from a US Mail mailbox with 16 mailboxes for neighboring addresses. The species of oak was not identified in the application. The subject tree and its proximity to the mailbox can be seen below:



### **Discussion:**

The applicant requested the removal of the street tree because of a hazard caused by acorns falling from the oak tree onto the concrete pad in front of the mailboxes. The applicant indicated that acorns fall onto walking surfaces approaching the mail boxes: street, sidewalk, and the pad in front of the mailboxes. According to the application, neighbors walking to the mailbox to collect their mail have experienced loss of balance and twisted ankles as a result of stepping on the acorns. The applicant is concerned of increased injury hazard during the fall months when fallen leaves and darkness obscure the acorns from view. The applicant states that removing the tree will eliminate this hazard and potentially prevent a serious injury. The applicant did not propose a replacement tree in the application.

In the McMinnville Street Tree List, oak trees are generally found in the “Conditionally Approved Street Trees” which states that “Use of these trees may be permitted under special circumstances and only after approval is granted by the Landscape Review Committee and only if the problems are satisfactorily met and accepted by the owner, and so noted on the approved plan.” The reason for several oaks to be on the “Conditionally Approved” list is because of nuts. The McMinnville Street Tree List was adopted in 2016.

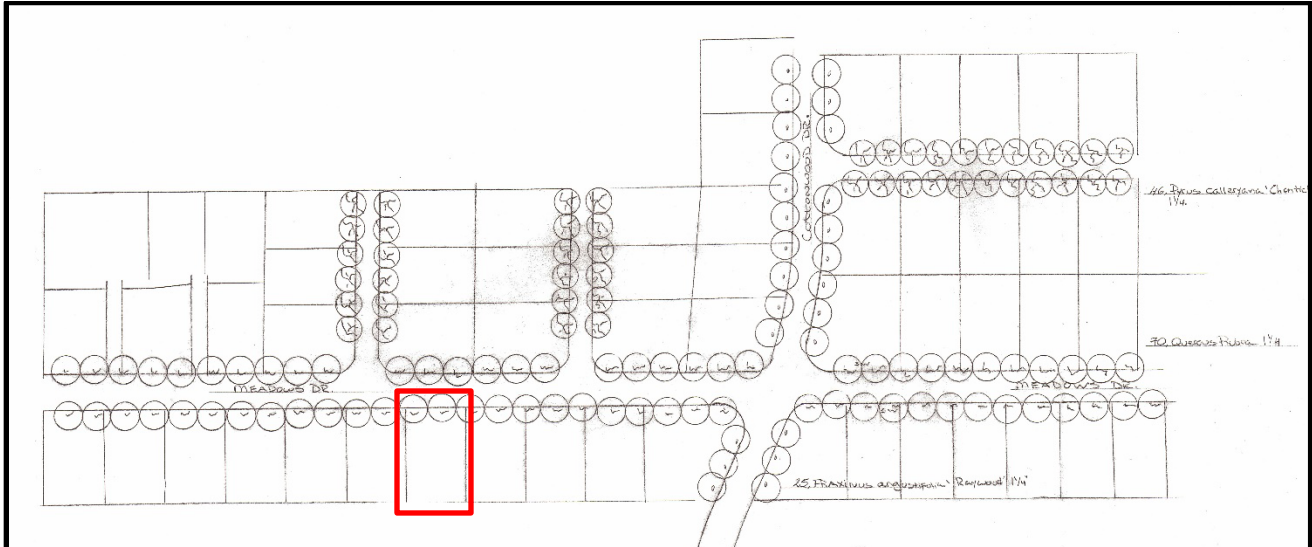
The Cottonwood 1<sup>st</sup> Addition subdivision has an approved Street Tree Plan (L 7-05), approved by the Landscape Review Committee in 2005. The approved street tree for NW Meadows Drive is *Quercus rubra* (Red Oak). Red Oak does not appear on any McMinnville Street Tree List (Recommended, Conditionally Permitted, or Prohibited). Because the subdivision has an approved street tree plan, any

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### **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 1939 NW Meadows Drive

replacement street tree would be required to be the approved street tree from the approved street tree plan. The approved Street Tree Plan for the Cottonwood 1<sup>st</sup> Addition subdivision is shown below, with the subject property outlined in red:



It should also be noted that McMinnville city code places responsibility for maintenance of sidewalks and street trees (outside of the Downtown core) on the adjacent property owner(s). McMinnville Municipal Code (MMC) Section 8.16.165(A) Defective Sidewalks requires that “No owner of property [...], abutting on a public sidewalk, shall permit the sidewalk to deteriorate to such a condition that, because of [...] covering by dirt, or other similar occurrences, the sidewalk becomes a danger to persons using it.” Section 17.58.120(C) of the McMinnville Zoning Ordinance requires that “Maintenance of street trees [...] shall be the continuing obligation of the abutting property owner.”

#### 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.

An arborist evaluation of the tree in question relative to this application was submitted by the applicant. The arborist’s report confirms the applicant’s concern about the potential slip trip hazard, stating “I can understand Mr. Maselli’s concern regarding the acorns on the sidewalk.” and “The acorns do pose a slip trip fall hazard given that they are likely to fall on hard surfaces including sidewalks and asphalt that is likely to be occupied by foot traffic.”

The arborist’s report goes on further to state, “Outside of the slip trip fall hazard posed by the acorns the tree poses no other observable risk to people or property at this time.” While the nuts may potentially pose a hazard once they have fallen from the tree onto the surfaces below, the tree itself does not appear to be unsafe, dead or diseased. The potential hazard from the tree (acorn and leaf litter) could be mitigated by routine maintenance and clean-up, which is the responsibility of the adjacent property owner(s).

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#### 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 1939 NW Meadows Drive

A site inspection by Public Works staff also revealed no obvious structural or health defect that would require the tree's removal. Staff also noted the absence of excessive acorns on the adjacent surfaces to the tree, although acorns were observed in the planter strips and concrete joints.

Because the tree itself is not unsafe, dead, or diseased, and the components of the tree that are being described in the application as unsafe (acorns and leaf litter) can be removed with routine maintenance, the Landscape Review Committee could consider this criterion to be unsatisfied.

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

The applicant is requesting removal of the tree on the basis that the debris falling from the tree is in conflict with public improvements, and not that the tree itself has caused damage to those improvements. The application indicated that nuts falling from the subject oak tree are landing on the adjacent sidewalk, street, and mailbox pad, potentially causing a trip hazard for anyone who may step on them. The application does not provide any indication or evidence of any other damage to or conflict with the surrounding public improvements. The arborist's assessment provided in the application states the tree "...poses no other observable risk to people or property at this time."

A site inspection by Public Works staff indicated the tree exhibits some surface rooting, with the most obvious being between the tree and the sidewalk. Staff noted that although there is no evidence of the roots disrupting or lifting the adjacent sidewalk or curb/gutter, the concrete pad in front of the mailbox has been slightly lifted such that there is a discontinuity of less than ¼" between the concrete panel and adjacent curb/gutter.

Because the tree is not damaging adjacent public improvements, and the components of the tree that are being described in the application as in conflict with public improvements (acorns and leaf litter) can be removed with routine maintenance, the Landscape Review Committee could consider this criterion to be unsatisfied.

**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 criterion 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 removed tree. However, if the request for street tree removal was approved and a replacement tree required, the replacement street tree would be required to be the approved street tree from the approved street tree plan. The approved street tree for the right-of-way in front of the subject property is *Quercus rubra* (Red Oak), the same tree being requested to be removed.

**Fiscal Impact:**

None.

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**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 1939 NW Meadows Drive

**Committee Options:**

- 1) **APPROVE** the application, providing findings of fact for the approval in the motion to approve.
- 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, per the decision document provided which includes the findings of fact for the denial.

**Recommendation/Suggested Motion:**

If the Landscape Review Committee finds that the proposed street tree removal request is not supported by evidence sufficient to meet the Review Criteria, staff is recommending that the street tree removal be denied.

Suggested Motion:

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE LANDSCAPE REVIEW COMMITTEE FINDS THAT THE REVIEW CRITERIA ARE NOT SATISFIED AND DENIES L 49-18.**

JF

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*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 1939 NW Meadows Drive*



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**DECISION, CONDITIONS OF APPROVAL, AND FINDINGS OF FACT OF THE MCMINNVILLE  
LANDSCAPE REVIEW COMMITTEE FOR THE DENIAL OF A STREET TREE REMOVAL AT 1939  
NW MEADOWS DRIVE**

**DOCKET:** L 49-18 (Street Tree Removal)

**REQUEST:** The applicant requested the removal one (1) street tree from the public right-of-way adjacent to the subject property.

**LOCATION:** The subject property is located at 1939 NW Meadows Drive. The subject property is more specifically described as Tax Lot 11300, Section 18DB, T. 4 S., R. 4 W., W.M.

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

**APPLICANT:** Dominic Maselli

**STAFF:** Jamie Fleckenstein, PLA, Associate Planner

**DATE DEEMED COMPLETE:** December 27, 2018

**HEARINGS BODY:** McMinnville Landscape Review Committee

**DATE & TIME:** January 16, 2019

**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 **DENIAL** of the street tree removal (L 49-18).

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**DECISION: DENIAL**

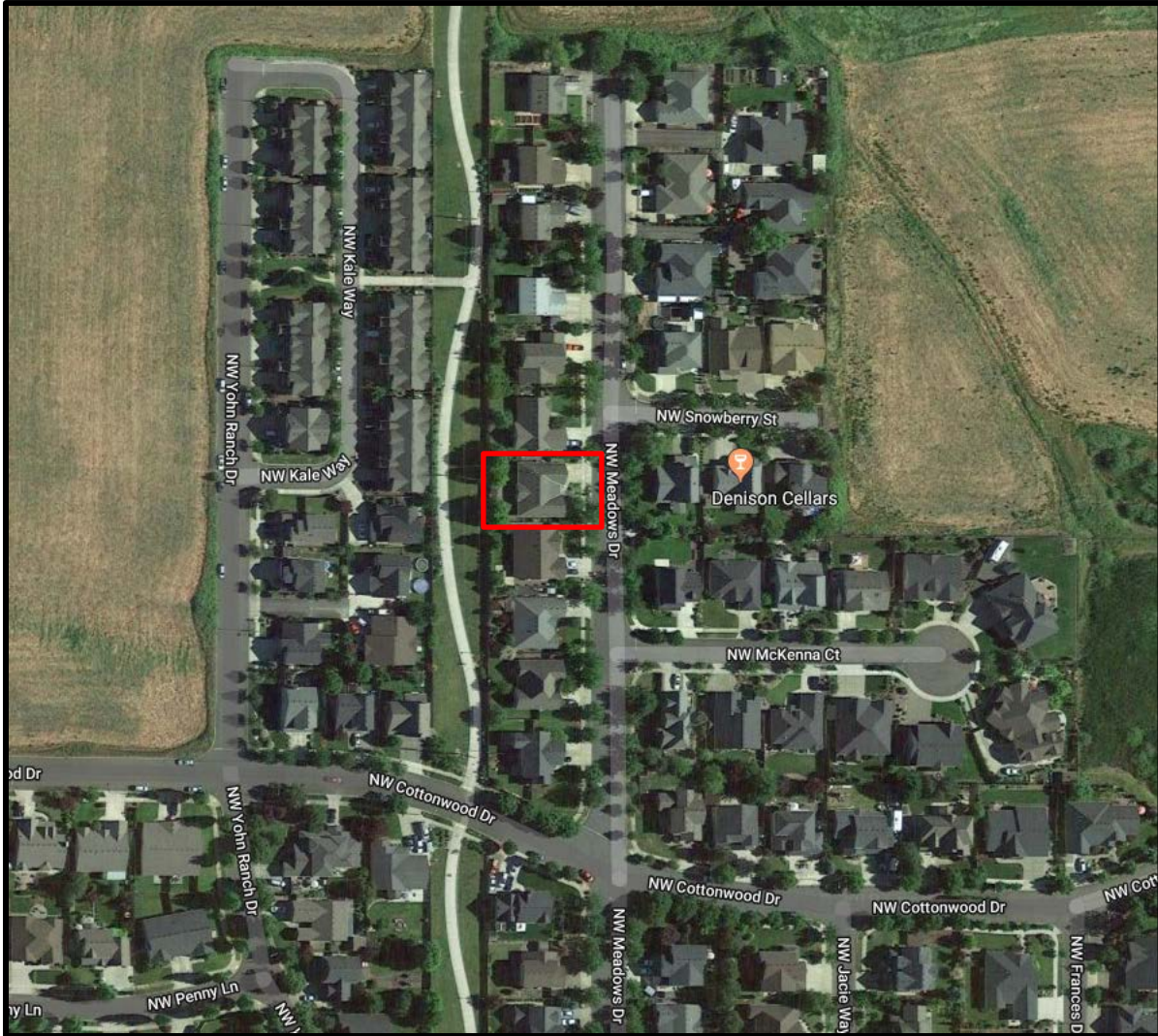
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Date: January 16, 2019

Date: January 16, 2019

**APPLICATION SUMMARY:**

The applicant and adjacent property owner, Dominic Maselli, submitted a Street Tree Removal application to remove one (1) street tree from public right-of-way adjacent to the property located at 1939 NW Meadows Drive. The subject property is more specifically described as Tax Lot 11300, Section 18DB, T. 4 S., R. 4 W., W.M. The subject tree is located in the NW Meadows Drive right-of-way in the Cottonwood 1<sup>st</sup> Addition subdivision, in northwest McMinnville. The subject site can be seen below as a red outlined area:



The subject tree is an approximately 9" DBH (diameter at breast height) oak (*Quercus sp.*) located in a planter strip and spaced approximately 9 feet 6 inches from a US Mail mailbox with 16 mailboxes for neighboring addresses. The species of oak was not identified in the application. The subject tree and its proximity to the mailbox can be seen below:

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**Attachments:**

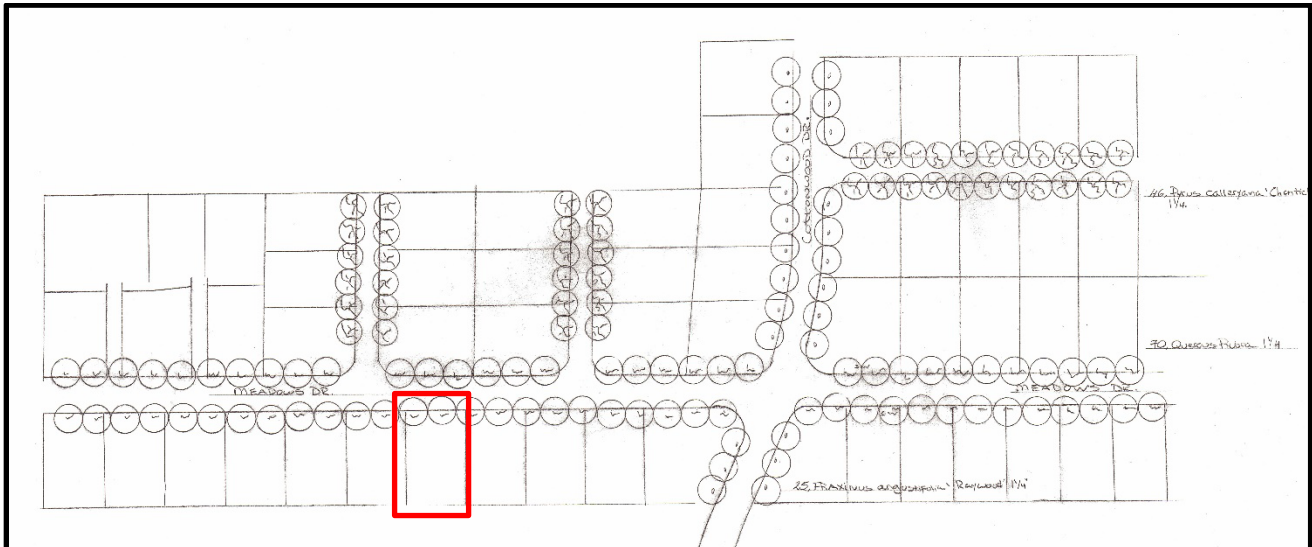
Attachment 1 – Application for Street Tree Removal



The applicant requested the removal of the street tree because of a hazard caused by acorns falling from the oak tree onto the concrete pad in front of the mailboxes. The applicant indicated that acorns fall onto walking surfaces approaching the mail boxes: street, sidewalk, and the pad in front of the mailboxes. According to the application, neighbors walking to the mailbox to collect their mail have experienced loss of balance and twisted ankles as a result of stepping on the acorns. The applicant is concerned of increased injury hazard during the fall months when fallen leaves and darkness obscure the acorns from view. The applicant states that removing the tree will eliminate this hazard and potentially prevent a serious injury. The applicant did not propose a replacement tree in the application.

In the McMinnville Street Tree List, oak trees are generally found in the “Conditionally Approved Street Trees” which states that “Use of these trees may be permitted under special circumstances and only after approval is granted by the Landscape Review Committee and only if the problems are satisfactorily met and accepted by the owner, and so noted on the approved plan.” The reason for several oaks to be on the “Conditionally Approved” list is because of nuts. The McMinnville Street Tree List was adopted in 2016.

The Cottonwood 1<sup>st</sup> Addition subdivision has an approved Street Tree Plan (L 7-05), approved by the Landscape Review Committee in 2005. The approved street tree for NW Meadows Drive is *Quercus rubra* (Red Oak). Red Oak does not appear on any McMinnville Street Tree List (Recommended, Conditionally Permitted, or Prohibited). Because the subdivision has an approved street tree plan, any replacement street tree would be required to be the approved street tree from the approved street tree plan. The approved Street Tree Plan for the Cottonwood 1<sup>st</sup> Addition subdivision is shown below, with the subject property outlined in red:



It should also be noted that McMinnville city code places responsibility for maintenance of sidewalks and street trees (outside of the Downtown core) on the adjacent property owner(s). McMinnville Municipal Code (MMC) Section 8.16.165(A) Defective Sidewalks requires that “No owner of property [...], abutting on a public sidewalk, shall permit the sidewalk to deteriorate to such a condition that, because of [...] covering by dirt, or other similar occurrences, the sidewalk becomes a danger to persons using it.” Section 17.58.120(C) of the McMinnville Zoning Ordinance requires that “Maintenance of street trees [...] shall be the continuing obligation of the abutting property owner.”

### **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**

- A. The tree in question appears to be an oak variety. The trunk is about 9" DBH, and the tree is about 25' in height.
- B. The tree is planted in 5' planter strip between the curb and sidewalk, with ground cover type plantings.
- C. The tree shows some surface rooting, with the most obvious being on the west side between the tree and the sidewalk.
- D. The tree does not show any obvious structural or health defect that would require its removal.
- E. The tree has slightly lifted the adjacent panel for the community mailbox, so there is surface discontinuity of less than ¼" between the panel and the adjacent curbing.

Attachments:

Attachment 1 – Application for Street Tree Removal

- F. The tree has not lifted either the adjacent sidewalk or the adjacent curb/gutter.
- G. There are no overhead communication and power conflicts.
- H. The tree is about 9.5' from the community mail box to the south (about 4' from the concrete pad).
- I. The applicant's noted excessive acorns on the adjacent surfaces to the tree. This was not observed during the site inspection, although there were acorns observed in the planter strip and in the concrete joints.

### **Recommendations**

1. Although the tree itself presents no structural or health reason for removal, we would recommend approval of this request. This is based on:
  - a. The proximity of the tree to adjacent community mail box and the associated high pedestrian use of the area.
  - b. The report of acorn droppings from the tree, creating a potential fall hazard for pedestrians using the adjacent mailboxes.
  - c. The observed shallow rooting and associated future potential for sidewalk/tree conflicts, as well as continued lifting of the adjacent mail box pad.
2. Suggested conditions of approval:
  - a. Applicant to be responsible for all costs related to grinding the remaining stump.
  - 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 and tree planting excavation.
  - d. Applicant to replace the tree with a tree of a variety acceptable to the Planning Department, minimum 2" caliper.
  - e. Tree to be located 15' minimum from edge of adjacent mail box pad.
  - f. Applicant to plant tree as per the approved City detail.
  - g. Applicant to contact Public Works at (503)434.7316 for an inspection prior to backfill.

- **McMinnville Water & Light:**

Call for locates of underground utilities at 811 prior to removing old tree trunks and roots, and planting new trees.

### **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. Dominic Maselli, 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 1939 NW Meadows Drive. The subject property is more specifically described as Tax Lot 11300, T. 4 S., R. 4 W., W.M.
3. The site is currently zoned R-2PD (Single Family Residential, Planned Development), and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.

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Attachments:

Attachment 1 – Application for Street Tree Removal

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 findings.
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 January 16, 2019 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: Satisfied.** GOAL VI 1 and Policy 132.38.00 are satisfied in that the retention of the subject tree will maintain the aesthetic appearance of the approved streetscape and the livability of the surrounding area.

**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: Satisfied.** 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:**

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Attachments:

Attachment 1 – Application for Street Tree Removal

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: Satisfied.** The purpose of the Trees chapter of the McMinnville Zoning Ordinance has been met. Denial of the street tree removal request will allow the City to maintain tree cover on public land, provide a tree-lined street, and promote a healthy and diverse community forest. Denial of the request also illustrates a community forest issue, tree and sidewalk maintenance, to educate the public regarding their responsibilities.

**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: Satisfied.** The applicability of the ordinance is met. The tree requested for removal 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: Satisfied.** Section 17.58.020 is applicable, and the applicant has filed an application for a Street Tree Removal Permit to be reviewed by the McMinnville Landscape Review Committee.

**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: Not Satisfied.** An arborist evaluation of the tree in question relative to this application was submitted by the applicant. The arborist's report confirms the applicant's concern about the potential slip trip hazard, stating "I can understand Mr. Maselli's concern regarding the acorns on the sidewalk." and "The acorns do pose a slip trip fall hazard given that they are likely to fall on hard surfaces including sidewalks and asphalt that is likely to be occupied by foot traffic."

The arborist's report goes on further to state, "Outside of the slip trip fall hazard posed by the acorns the tree poses no other observable risk to people or property at this time." While the nuts may pose a hazard once they have fallen from the tree onto the surfaces below, the tree itself does not appear to be unsafe, dead or diseased. The potential hazard from the tree (acorn and leaf litter) could be mitigated by routine maintenance and clean-up, which is the responsibility of the adjacent property owner(s).

Attachments:

Attachment 1 – Application for Street Tree Removal

A site inspection by Public Works staff also revealed no obvious structural or health defect that would require the tree's removal. Staff also noted the absence of excessive acorns on the adjacent surfaces to the tree, although acorns were observed in the planter strips and concrete joints.

The subject tree itself is not unsafe, dead, or diseased. The potential hazard presented by the components of the tree that are being described in the application as unsafe (acorns and leaf litter) can be mitigated with routine maintenance during the fall months. McMinnville City Code Section 8.16.165(A) requires that "No owner of property (improved or unimproved), abutting on a public sidewalk, shall permit the sidewalk to deteriorate to such a condition that, because of cracks, chipping, weeds, settling, covering by dirt, or other similar occurrences, the sidewalk becomes danger to persons using it."

B. The tree is in conflict with public improvements.

**Finding: Not Satisfied.** The applicant is requesting removal of the tree on the basis that the debris falling from the tree is in conflict with public improvements, not that the tree itself has caused damage to or is in direct conflict with those improvements. The application indicated that nuts falling from the subject oak tree are landing on the adjacent sidewalk, street, and mailbox pad, potentially causing a trip hazard for anyone who may step on them. The application does not provide any indication or evidence of any other damage to or conflict with the surrounding public improvements. The arborist's assessment provided in the application states the tree "...poses no other observable risk to people or property at this time."

A site inspection by Public Works staff indicated the tree exhibits some surface rooting, with the most obvious being between the tree and the sidewalk. Staff also noted that although there is no evidence of the roots disrupting or lifting the adjacent sidewalk or curb/gutter, the concrete pad in front of the mailbox has been slightly lifted such that there is a discontinuity of less than 1/4" between the concrete panel and adjacent curb/gutter.

The subject tree itself presently in conflict with public improvements. The potential hazard presented by the components of the tree that are being described in the application as in conflict with public improvements (acorns and leaf litter) can be mitigated with routine maintenance during the fall months. McMinnville City Code Section 8.16.165(A) requires that "No owner of property (improved or unimproved), abutting on a public sidewalk, shall permit the sidewalk to deteriorate to such a condition that, because of cracks, chipping, weeds, settling, covering by dirt, or other similar occurrences, the sidewalk becomes danger to persons using it."

JF



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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## EXHIBIT 4 - STAFF REPORT

**DATE:** January 16, 2019  
**TO:** McMinnville Landscape Review Committee  
**FROM:** Jamie Fleckenstein, PLA, Associate Planner  
**SUBJECT:** Agenda Item 4B: L 01-19

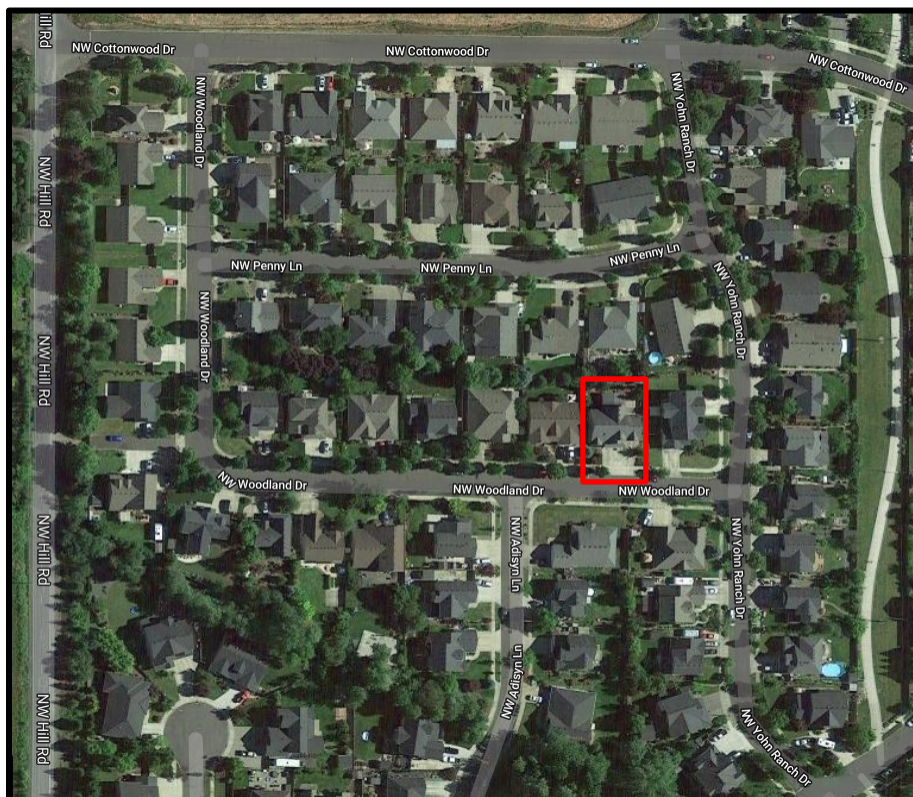
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### **Report in Brief:**

An application for a street tree removal (L 01-19) to be reviewed by the Landscape Review Committee.

### **Background:**

The applicant and adjacent property owner, Edward Jones, submitted a street tree removal application to remove one (1) street tree from the property located at 1931 NW Woodland Drive. The subject property is more specifically described as Tax Lot 4200, Section 18DB, T. 4 S., R. 4 W., W.M. The subject site can be seen below as a red outlined area:



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### **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 1931 NW Woodland Drive*

The subject tree is located in the NW Woodland Drive right-of-way in the Cottonwood subdivision, in northwest McMinnville. The subject tree is an approximately 13 inch DBH (diameter at breast height) maple variety (*Acer truncatum* var.). The tree appears to be in good health and condition. It is located in a five (5) foot wide irrigated planter strip, and it is spaced approximately three (3) feet from the adjacent driveway approach to the east, and approximately 17 feet from an existing light pole to the west. A photograph of the tree can be seen below:



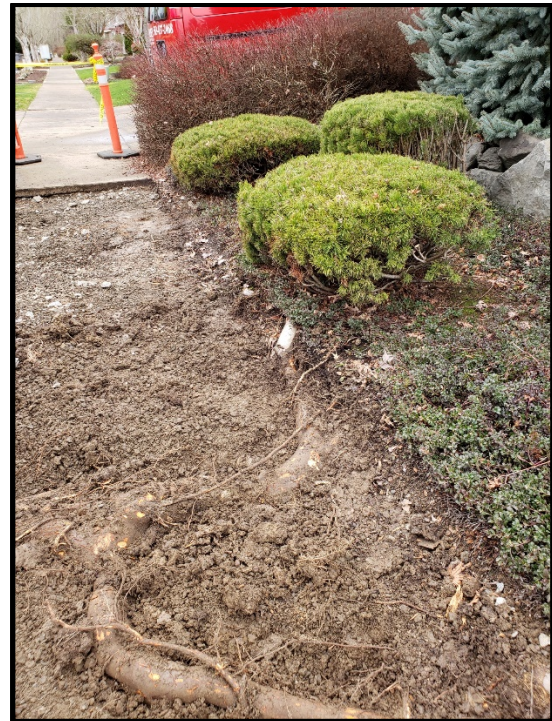
### **Discussion:**

The applicant requested the removal of the street tree because its roots have caused damage to the adjacent sidewalk, lifting it to the point where it created a trip hazard to pedestrians. During a recent sidewalk inspection, the sidewalk panel that was lifted was removed to observe the tree's root structure. A large structural root, approximately 6 inches in diameter passes under the sidewalk and is the cause of the sidewalk damage. At that time, both Public Works and Engineering staff recommended removal of the tree to be able to repair/replace the damaged sidewalk panels. Photographs of the sidewalk damage and the tree's root structure can be seen below:

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#### **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 1931 NW Woodland Drive*



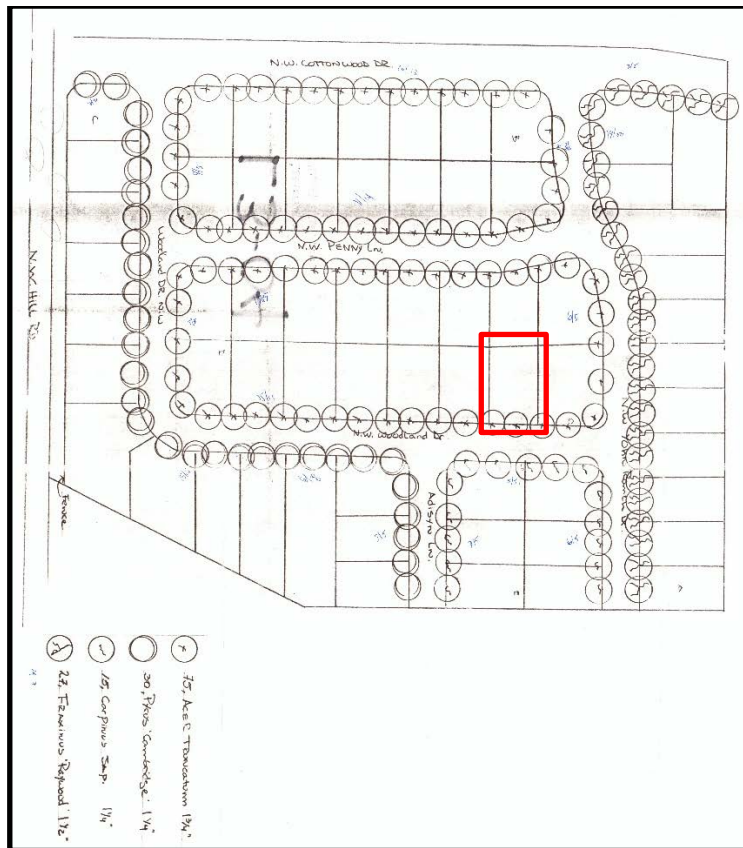


The Cottonwood subdivision has an approved Street Tree Plan (L 03-04), approved by the Landscape Review Committee in 2004 and amended by a Street Tree Improvement Plan in 2018. The subject site and tree is outside the area amended by the Cottonwood Subdivision Street Tree Improvement Plan, and remains as originally approved in L 03-04. The approved street tree for the subject property on NW Woodland Drive is *Acer truncatum* (Shantung Maple), as shown on the original approved Street Tree Plan. Because the subdivision has an approved street tree plan, any replacement street tree would be required to be the approved street tree from the approved street tree plan. The approved Street Tree Plan and the Street Tree Improvement Plan for the Cottonwood subdivision are shown below, with the subject property outlined in red:

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**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 1931 NW Woodland Drive



The application does not propose a replacement 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. After the damaged sidewalk panels were removed to expose the root structure of the tree, a large structural root was observed under the lifted sidewalk. Root pruning a large structural root such as this would likely compromise the health, structure, and stability of the tree. For this reason, the tree was recommended for removal to allow the repair/replacement of the damaged sidewalk. Therefore, the street tree removal request satisfies this criterion, as the tree is in conflict with public improvements adjacent to the subject property.

### 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 1931 NW Woodland Drive

- 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 criterion 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. Section 17.58.090(E) (Street Tree Standards) of the McMinnville Zoning Ordinance states that “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.” Because there is not space available to plant a replacement tree at least five (5) feet from the existing driveway approach to the east and twenty (20) feet from the existing light standard to the west, a replacement tree is not recommended.

**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 a tree 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 and stump grinding 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.

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**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 1931 NW Woodland Drive

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 tree removal within six (6) months of this approval notification, or July 16, 2019.
5. 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 01-19 WITH THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.**

JF

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*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 1931 NW Woodland Drive*



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

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**DECISION, CONDITIONS OF APPROVAL, AND FINDINGS OF FACT OF THE MCMINNVILLE  
LANDSCAPE REVIEW COMMITTEE FOR THE APPROVAL OF A STREET TREE REMOVAL AT  
1931 NW WOODLAND DRIVE**

**DOCKET:** L 01-19 (Street Tree Removal)

**REQUEST:** The applicant requested the removal of one (1) street tree from the right-of-way adjacent to the subject property.

**LOCATION:** The subject property is located at 1931 NW Woodland Drive. The subject property is more specifically described as Tax Lot 4200, Section 18DB, T. 4 S., R. 4 W., W.M.

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

**APPLICANT:** Edward Jones, property owner

**STAFF:** Jamie Fleckenstein, PLA, Associate Planner

**DATE DEEMED COMPLETE:** January 7, 2019

**HEARINGS BODY:** McMinnville Landscape Review Committee

**DATE & TIME:** January 16, 2019

**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.



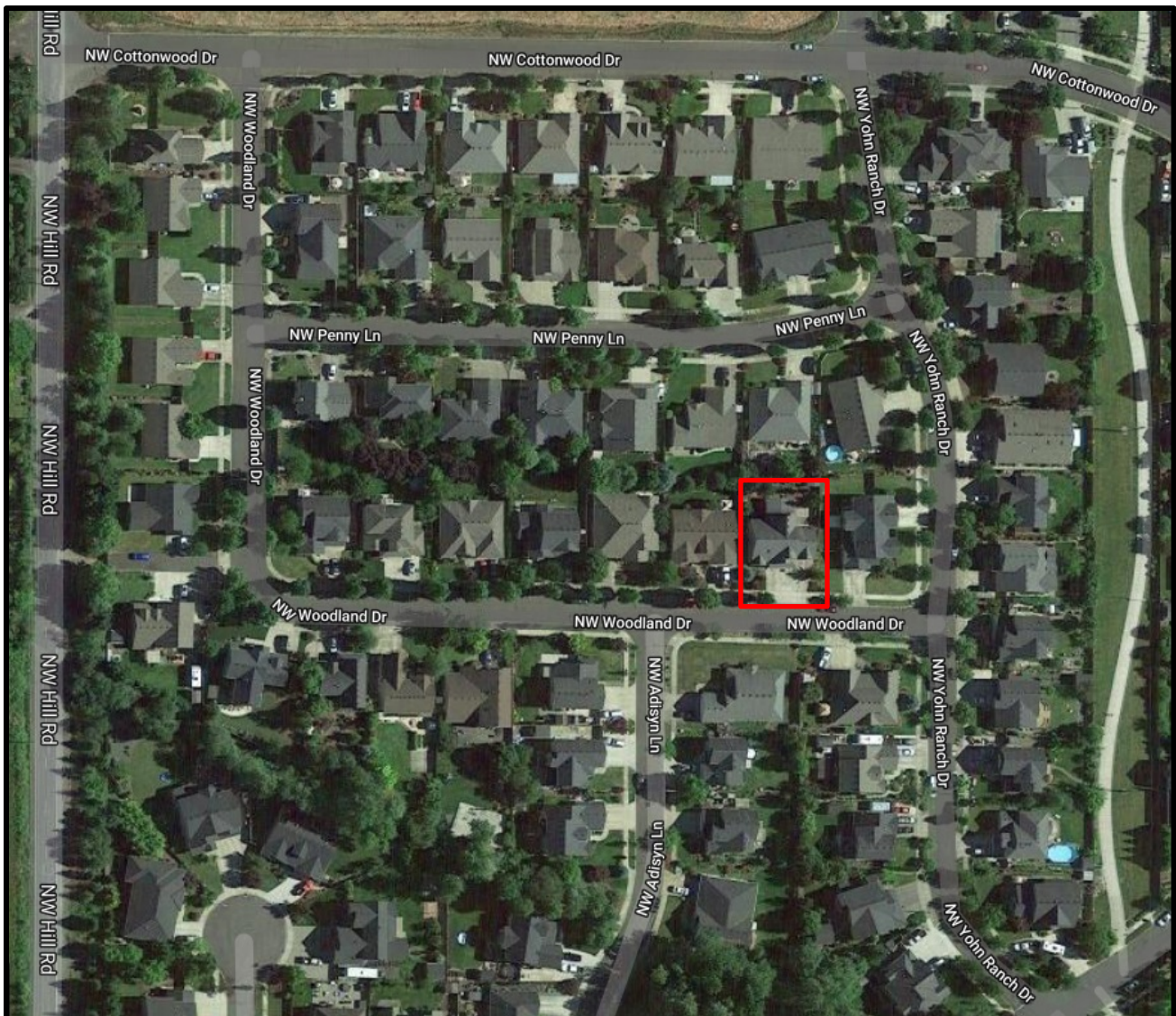
**APPLICATION SUMMARY:**

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

The subject property is a single family property in northwest McMinnville, near the intersection of NW Woodland Drive and NW Yohn Ranch Drive, in the Cottonwood subdivision. The property is zoned R-2PD (Single Family Residential, Planned Development). There is an approved street tree plan and street tree improvement plan for this subdivision.

The tree in question is an *Acer truncatum* (Shantung Maple) variety that measures approximately 14 inches DBH (diameter at breast height), and appears to be in good health with no apparent structural issues. The tree is located in the NW Woodland Drive right-of-way on the south side of the property, in a planter strip that is approximately five (5) feet in width. There are no overhead communication or power lines in this location. A street light is located approximately 17 feet to the west of the subject tree. The tree is located approximately three (3) feet from the driveway approach to the subject property.

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



Attachments:

Attachment 1 – Application for Street Tree Removal

The subject street tree along NW Woodland Drive can be seen below:



The applicant requested the removal of the street tree because its roots have caused damage to the adjacent sidewalk, lifting it to the point where it created a trip hazard to pedestrians. During a recent sidewalk inspection, the sidewalk panel that was lifted was removed to observe the tree's root structure. A large structural root, approximately 6 inches in diameter passes under the sidewalk and is the cause of the sidewalk damage. At that time, both Public Works and Engineering staff recommended removal of the tree to be able to repair/replace the damaged sidewalk panels. Photographs of the sidewalk damage and the tree's root structure can be seen below:



**CONDITIONS OF APPROVAL:**

L 01-19 is **approved** subject to the following conditions:

1. That all costs and liability associated with the tree removal and stump grinding 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 applicant shall complete the tree removal within six (6) months of this approval notification, or July 16, 2019.
5. That the applicant shall repair/replace adjacent damaged sidewalk panels per City code. A sidewalk permit is required and can be obtained from the McMinnville Engineering Department at (503) 472-7312.

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Attachments:

Attachment 1 – Application for Street Tree Removal

**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 have been received:

- McMinnville Public Works:

**Site Review**

1. The tree in question appears to be a maple variety. The tree is about 13" DB and is about 40' in height. Per the information in the application, the tree appears to be an acer truncatum.
2. The tree is planted in a 5' raised planter strip between the curb and sidewalk, with irrigated shrubs adjacent to it.
3. There are no overhead facility conflicts.
4. There is no damage to the adjacent curb or gutter.
5. The tree is planted about 3' from the adjacent driveway approach, and about 17' from an existing street light pole to the west.
6. The adjacent sidewalk has been lifted adjacent to the tree (see attached photos of sidewalk lifting from earlier inspection). During this inspection, the adjacent sidewalk was removed and the root structure was observed. There is a large structural root (about 5-6" in diameter) that passes under the sidewalk.
7. The tree does not show any obvious health or structural issues that would require removal.
8. The tree shows at a fairly high root buttress relative to sidewalk grade.

**Recommendations**

1. Based on the size of the roots causing the sidewalk impacts and the tree's proximity to the adjacent driveway, staff would recommend approving the removal of this tree.
2. It is also our understanding that Planning is developing a street tree improvement plan in this area to address the issue in this neighborhood.
3. We would suggest, based on items #1 and #2 above, that this application be considered eligible for administrative review and approval.
4. 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 replace the tree with a tree of a variety acceptable to the Planning Department, minimum 2" caliper, and consistent with the street tree improvement plan for this area.
  - e. Applicant to plant trees as per the approved City detail.
  - f. Applicant should be reminded to plant the tree no closer than 5' from the adjacent driveway and 10' from the street light.
  - g. Applicant to contact Public Works at (503)434.7316 for an inspection prior to backfill.

- McMinnville Water and Light:

MW&L has no comments on this application.

## **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. Edward Jones, 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 1931 NW Woodland Drive. The subject property is more specifically described as Tax Lot 4200, Section 18DB, T. 4 S., R. 4 W., W.M.
3. The site is currently zoned R-2PD (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 January 16, 2019 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*

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Attachments:

Attachment 1 – Application for Street Tree Removal

*streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.*

**Finding: Satisfied.** 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 the adjacent private driveway and street light. A replacement street tree could not be planted in a location that meets both setbacks from a private driveway (five (5) feet) and street light (twenty feet). Deviating from the standard spacing in either instance would create potentially unsafe conditions in the transportation system. A tree too close to a driveway can obstruct views, and a tree too close to a street light can obstruct light from reaching travel surfaces.

**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: Satisfied.** 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: Satisfied.** 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 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: Satisfied.** 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: Satisfied.** This standard 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: Satisfied.** This standard 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: Satisfied.** This standard 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: Satisfied.** This standard 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: Satisfied.** This standard 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: Satisfied.** This standard 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: *Satisfied*.** 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: *Satisfied*.** This standard 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:

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

**Finding: *Satisfied*.** 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. After the damaged sidewalk panels were removed to expose the root structure of the tree, a large structural root was observed under the lifted sidewalk. Root pruning a large structural root such as this would likely compromise the health, structure, and stability of tree. For this reason, the tree was recommended for removal by both Public Works and Engineering staff to allow the repair/replacement of the damaged sidewalk. Therefore, the street tree removal request satisfies this criterion, as the tree is in conflict with public improvements adjacent to the subject property.

17.58.090 Street Tree Standards.

- 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: *Satisfied*.** This standard has been met by approving the removal of a street tree planted within five (5) feet of a private driveway and twenty (20) feet of a street light standard, and by not requiring a replacement tree in the same location that would not meet these standards.

JF



**City of McMinnville**  
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## EXHIBIT 5 - STAFF REPORT

**DATE:** January 16, 2019  
**TO:** McMinnville Landscape Review Committee  
**FROM:** Jamie Fleckenstein, PLA, Associate Planner  
**SUBJECT:** Agenda Item 4C: Adopt 2019 Work Plan

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### **Report in Brief:**

The purpose of this item is to adopt a 2019 Work Plan to guide the Landscape Review Committee activities in 2019.

### **Background:**

At the November 21, 2018 meeting of the Landscape Review Committee, the creation of a formal Work Plan that would outline and guide Committee projects in 2019 was discussed. Staff presented an initial list of projects that could be included in the Work Plan based on prior Committee discussion and input, including:

- Update Approved Street Tree List for content and style
- Develop "Right Tree Right Place" informational pamphlet
- Street Tree Inventory for McMinnville
- Arbor Day celebrations/events

A discussion of additional projects that the Landscape Review Committee could undertake provided a list of activities to build into the Work Plan, including:

- Update Street Tree code to resolve conflicts between trees and stormwater treatment/utilities
- Develop processes to apply Landscape standards to all City projects
- Develop processes to enforce maintenance and replacement of required trees/landscape

Staff compiled the activities into a draft Work Plan format using Goals, Strategies, and Actions to chart the activities through the course of the year. The draft Work Plan was presented the draft to the Landscape Review Committee for comment at their December 19, 2018 meeting.

### **Discussion:**

The Work Plan will establish clear goals and objectives of projects identified by the Landscape Review Committee, along with project timelines and anticipated costs. A Work Plan can be used to help identify and pursue grant opportunities to fund projects, if necessary.

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*Attachments:*  
*Draft 2019 Work Plan*

**Fiscal Impact:**

The City will be researching grant opportunities to obtain funds to help complete projects and activities from the Work Plan.

Other activities may require completion in-kind by city staff as workloads allow.

**Recommendation/Suggested Motion:**

Staff recommends that the Landscape Review Committee, after discussing the draft Work Plan and deliberating, adopt a 2019 Work Plan for the Landscape Review Committee.

*Suggested Motion: "That the Landscape Review Committee adopt the 2019 Work Plan as provided by staff"*

## 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 Committee (LRC)
	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 Street Tree code 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



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## EXHIBIT 6 - STAFF REPORT

**DATE:** January 16, 2019  
**TO:** McMinnville Landscape Review Committee  
**FROM:** Jamie Fleckenstein, PLA, Associate Planner  
**SUBJECT:** Unpermitted Downtown Street Tree Removal at 608 NE 3<sup>rd</sup> Street

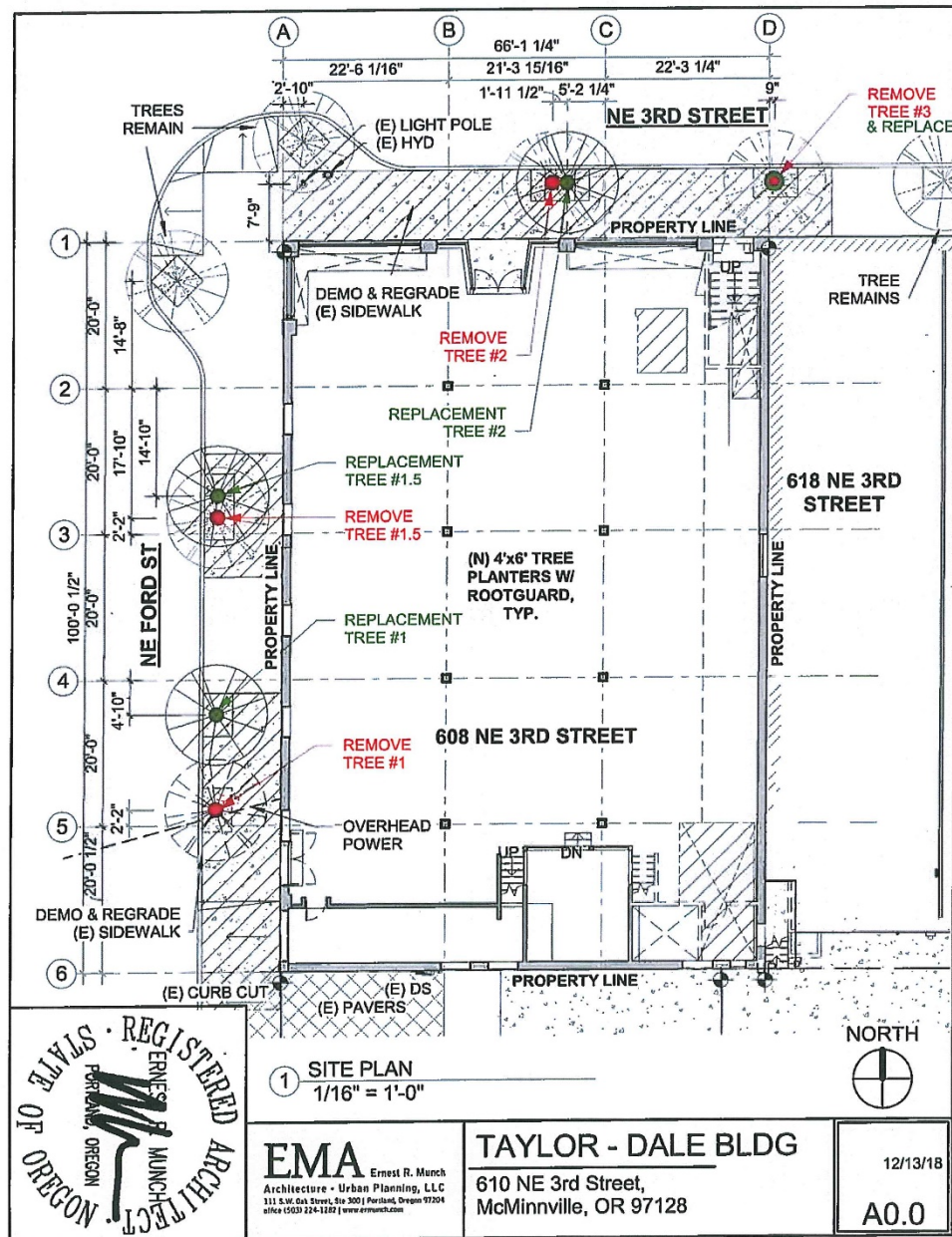
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### **Report in Brief:**

The purpose of this discussion is to update the Landscape Review Committee on the status of the unpermitted downtown tree removal at 608 NE 3<sup>rd</sup> Street and the anticipated remedy(s) for comment and feedback.

### **Background:**

The Taylor Dale Hardware Building, located at 608 NE 3<sup>rd</sup> Street, has been undergoing an extensive remodel and renovation, beginning in early 2018. Adjacent to the property were six (6) street trees, two (2) in the NE 3<sup>rd</sup> Street right-of way, two in the NE Ford Street right-of-way, and two (2) in the curb bump-out at the intersection of NE 3<sup>rd</sup> Street and NE Ford Street. During the renovation process, several conflicts between the street trees and the building were identified by the property owner, and multiple street tree removal applications were submitted, ultimately requesting the removal and replacement of four (4) street trees: the two (2) trees along NE Ford Street and the two (2) trees along NE 3<sup>rd</sup> Street. The site plan for street tree removal L 48-18 can be seen below, representing the consolidation of the multiple street tree removal requests:



Below is a summary of the street tree removal applications for 608 NE 3<sup>rd</sup> Street:

- **L 24-18** (submitted June 13, 2018)
  - **Request:** Remove and replace Tree #1 (along NE Ford Street) due to conflict with proposed new utility vault
  - **Status: *Approved***
    - A Condition of Approval required a 4" caliper replacement tree as a result of the development driven removal request
- **L 35-18** (submitted September 21, 2018)
  - **Request:** Remove and replace Trees #2 and #3 (along NE 3<sup>rd</sup> Street) due to tree roots causing sidewalk damage, creating drainage issues and water damage to the building

Attachments:  
None

- **Status:** Removal and replacement of Tree #2 was **approved** outright due to the poor health of the tree. Removal and replacement of Tree #3 was **denied**.
  - A condition of approval required an arborist to be on-site during sidewalk removal adjacent to Tree #3 to assess if root pruning would accommodate both saving the tree and sidewalk repair
  - It was determined by the arborist that root pruning the offending root(s) would compromise the structure and stability of the tree, and it was determined the tree would be removed to repair the sidewalk
  - As downtown trees removed due to tree/sidewalk issues (as opposed to development driven issues) the City bears responsibility for removal and replacement of the trees. 2" caliper trees, the City standard, would be the typical replacement trees.
- **L 48-18** (submitted December 12, 2018)
  - **Request:** Remove and replace Tree #1.5 (a 14" caliper Norway Maple along NE Ford Street) due to roots causing sidewalk damage, creating drainage issues and water damage to the building
  - **Status:** Tree #1.5 was removed prior to the City issuing a decision on the application. The application would have been denied had the process been allowed to play out.

On December 17, 2018 the Planning Department was notified that Tree #1.5 was removed without permission of the City.

### **Discussion:**

Following the discovery of the unpermitted street tree removal, City staff have been working to identify a remedy for the error. McMinnville Zoning Ordinance Section 17.58.075 Protection of Trees provides a course of action:

#### 17.58.075 Protection of Trees

- A. It shall be unlawful for any person to remove, destroy, break, or injure any street tree or public tree. Individuals convicted of removing or destroying a tree without City approval shall be subject to paying to the City an amount sufficient to fund the planting and establishment of a tree, or trees, of similar value. The value of the removed or destroyed tree shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers.

The City has contracted with certified arborist and landscape architect Steven Goetz, Principal, Pacific Resources Group to perform a tree valuation of Tree #1.5 in accordance with the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Mr. Goetz is an experienced tree/plant appraiser, and reviewed the available methods with City staff.

Two methods of tree appraisal are outlined in the "Guide for Plant Appraisal", summarized below:

1. Replacement Cost Method: Typically used when the appraised tree can be replaced out of stock at a regional nursery
  - a. Assessed Value = Installed Tree Cost x modifiers to adjust the cost based on tree species, tree condition/health, and location
2. Trunk Formula Method: Typically used when the appraised tree is too large to be replaced
  - a. Assessed Value = (an extrapolation of the value of a small tree to determine the value of the large tree) x modifiers to adjust the cost based on tree species, tree condition/health, and location

After consulting with Mr. Goetz, it was determined that the Replacement Cost Method would be the most appropriate for this situation. Staff researched available trees in regional nurseries to find the largest available replacement tree for the 14" caliper Norway Maple that was removed. Staff located a 10" caliper Norway Maple available at Big Trees Nursery in Hillsboro, and received a cost estimate of \$12,000 to deliver, install, and warranty the tree for one (1) year. Staff research also indicated an approximate \$5,000 cost to excavate a hole through the sidewalk and street large enough to accept the 100" diameter rootball of the tree. Together, these cost estimates will be used by Mr. Goetz in the tree appraisal as the Installed Tree Cost, and determine the appraised tree value based on that tree replacement cost. The assessed value of the tree will be the amount payable to the City by the property owner to comply with Section 17.58.075 of the McMinnville Zoning Ordinance.

Financial remuneration is just one aspect of this remedial process that attempts to make the City whole following the loss of its downtown street tree. Staff recognizes that mature street trees along and adjacent to 3<sup>rd</sup> Street are iconic to McMinnville's downtown core and contribute significantly to the downtown - environmentally, economically, and experientially. In this sense, replanting a younger replacement tree, even a large 10" caliper tree, will not recoup wholly what was lost by the City. Staff have had several internal discussions regarding a comprehensive strategy that will come the closest to making the city whole, including recovery of lost monetary value as well as lost experiential and environmental value.

The recovery strategy the City feels is most appropriate and best makes the City whole is multi-faceted. First, the property owner will be assessed a fine equal to the assessed valuation of Tree #1.5 as determined by Mr. Goetz using the aforementioned Replacement Cost Method. This is not expected to be an insignificant dollar amount, and the intention is to establish the precedent that unpermitted removal of downtown trees will not be taken lightly by the City and the citizenry.

Second, all four (4) street trees that were removed will be replaced with larger caliper trees than is standard. The replacement trees will be uniformly 4" caliper, providing larger, sturdier trees and more canopy coverage than the current city standard 2" caliper replacement street trees would. The uniformity of the 4" caliper replacement trees will also provide a consistent aesthetic character at this corner of the block, rather than a disparate assortment of replacement tree sizes. The previously damaged sidewalk at 3<sup>rd</sup> and Ford Streets will be replaced, with root barrier protection installed per City standards. It is the intention of the City to negotiate with the property owner to assign them responsibility for the expense of the tree and sidewalk replacement. It should be noted here that Oregon State Law (ORS 105.810 – Treble damages for injury to or removal of produce, trees or shrubs) allows a court to award treble damages in cases such as this. The City hopes to leverage this possibility in negotiations with the property owner to encourage them to cover the replacement costs of the tree and sidewalk replacement around the property.

Finally, the City recognizes that an opportunity now exists to turn the loss of a street tree and its contribution to the downtown core into a potential benefit for all the street trees in the downtown tree zone. To that end, the City will consider using the assessed fine to fund a pilot project in the right-of-way adjacent to 608 NE 3<sup>rd</sup> Street that could examine best practices and/or innovative methods to preserve other existing street trees or provide better environments to establish new street trees. The City of McMinnville is beginning a 3<sup>rd</sup> Street Streetscape study, the end goal being a comprehensive reconstruction of NE 3<sup>rd</sup> Street beginning in four to five years. Among other things, the streetscape study will identify street trees that may be retained and construction methodologies best suited to retain existing trees during street reconstruction and promote healthy street trees for generations to come. A pilot project in this location can directly inform the streetscape redesign, providing a case study of methodologies that may help preserve and retain other mature street trees along 3<sup>rd</sup> Street. In this way, the loss of one street tree can be turned into a benefit for other downtown street trees.

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*Attachments:*

*None*

The scope of the pilot project is yet to be determined. Based on the initial goals of identifying ways to help preserve existing street trees and promote healthy street trees in the long term, the pilot project may explore one or more of the following:

- Underground construction methods used to provide larger root zones for street trees
  - Structural Soil: Load-bearing gravel mixed with growing medium that encourages root growth in the gravel voids
  - Silva Cells: A load-bearing structural grid that allows large areas of uncompacted soil below paved surfaces for root growth
- Construction methods and best practices to rebuild streets and sidewalk around existing, mature trees
- Pervious paving materials that allow water and nutrient infiltration into the root zone below the paving

**Fiscal Impact:**

None. The City intends to negotiate the fiscal responsibility of tree and sidewalk replacement so that the maximum amount of recovered tree value can be committed to a pilot project benefitting remaining downtown street trees.

**Recommendation/Suggested Motion:**

No motion required. The Landscape Review Committee may provide guidance to staff regarding the remediation process and potential pilot projects.

JF

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*Attachments:*

*None*



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## EXHIBIT 7 - STAFF REPORT

**DATE:** January 16, 2019  
**TO:** McMinnville Landscape Review Committee  
**FROM:** Jamie Fleckenstein, PLA, Associate Planner  
**SUBJECT:** 2019 Oregon Community Trees/Tree City USA Grant Application

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### **Report in Brief:**

The purpose of this discussion is to share a grant opportunity with the Landscape Review Committee for feedback and direction regarding an Arbor Day 2019 celebration and the grant application to help fund the celebration.

### **Background:**

McMinnville has recently been designated a Tree City USA city for its 21<sup>st</sup> year. The national Tree City USA program requires an annual recertification that includes an Arbor Day celebration or event. As a multiple-time Tree City USA city, McMinnville is eligible to apply for a grant for up to \$500 from Oregon Community Trees (OCT) to enrich its Arbor Day celebration in April. Oregon Arbor Week 2019 is April 7-13, and National Arbor Day 2019 is April 26.

### **Discussion:**

To maintain its Tree City USA status, the City of McMinnville is required to hold an Arbor Day celebration or event in April. Oregon Community Trees (OCT) is an organization with a mission to “promote healthy urban and community forests through leadership, education, awareness, and advocacy. We assist community groups, local governments and schools with our expertise to support urban and community forestry, an often overlooked and very valuable resource that cost-effectively enhances every Oregonian’s quality of life.” OCT is accepting applications for Oregon Arbor Week Booster Grants of up to \$500 that will go towards enrichment of the Arbor Day celebration, which in turn supports McMinnville’s 2019 application for Tree City USA status in 2020.

The grant application provides multiple ideas of ways the funds can be used:

- To support a community tree planting activity.
- To purchase tree planting tools.
- To support a school tree planting activity with children.
- To create an award or plaque for citizens or volunteers.
- To purchase tree-related books for the local library.
- To purchase shirts, hats, vests or supplies for volunteers.
- To create banners or other signage.
- To purchase a reusable canopy for outdoor events.

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*Attachments:*  
*None*

- To create a portable, hands-on activity station.
- To purchase prizes for local poster or writing contests.
- To purchase and plant trees (proper tree planting instructions can be provided to you, upon request).
- To support a guest speaker, community training event, or produce creative community outreach materials.

Last year, for its Arbor Day celebration, the City of McMinnville sponsored a tree planting event during which City staff and volunteer organizations worked together volunteers to plant over 30 Red Maple trees in a highway median.

This year, the Landscape Review Committee has identified the coordination of an Arbor Day event on its 2019 Work Plan to support a goal of increasing awareness and appreciation of McMinnville's urban forest and landscape.

Grant applications are due January 25, 2019.

**Fiscal Impact:**

None.

**Recommendation/Suggested Motion:**

No motion required. The Landscape Review Committee may provide guidance to staff regarding the coordination and planning of an Arbor Day celebration event and the application for an Oregon Arbor Week Booster Grant.

JF

## Oregon Arbor Week Booster Grant Application Form 2019



### What We Do

The mission of [Oregon Community Trees](#) (OCT) is to promote healthy urban and community forests through leadership, education, awareness, and advocacy. We assist community groups, local governments and schools with our expertise to support urban and community forestry, an often overlooked and very valuable resource that cost-effectively enhances every Oregonian's quality of life.

### Eligibility

Oregon Community Trees is offering grants of up to \$500 each to at least four [Tree City USA](#) communities that have been designated for at least one year to enrich Oregon Arbor Week celebrations during April.

### Why Oregon Tree Cities?

The national Tree City USA program requires an annual recertification effort that includes an Arbor Day celebration. OCT would like to support Oregon Tree Cities in these efforts.

### Schedule/Deadlines

Dec 17	Notice of grants and applications sent out
<b>Jan 25</b>	<b>Applications due</b>
Feb 1	Applications reviewed/decision made
Feb 4	All applicants notified of decision and Grant Agreement sent to grantees
Feb 15	Reminder to communities that have not returned signed Grant Agreement
Feb 22	Grant Agreement due back to OCT
Feb 25	Disburse funds
April 7-13	Oregon Arbor Week 2018 (National Arbor Day is April 27, 2018)
May 17	Deadline for grant recipients to provide photos or video to OCT



- Electronic submissions of the PDF form are preferred. Responses may also be provided in the body of an email or a Word document; please number responses 1-18 to match the application form.
- After their Arbor Week or Arbor Day celebration, *grant recipients must provide OCT with documentation of how funds were spent with digital photographs or videos of the activity* - preferably with people using, enjoying or participating in the celebration. These images, and information provided on this application, will be used to promote the grant recipient's Tree City USA as well as OCT's Arbor Week Booster Grant program on our website and at our annual conference.
- Permission for OCT to use the material in this way shall be automatically granted by the grant recipient on acceptance of the award, and it shall be the grant recipient's responsibility to obtain any necessary permission when taking the required photographs or videos.

### Use of Funds

All funds are to be used to celebrate Oregon Arbor Week in your community. Funds can be used for a one-time use or event, or to purchase items that can be used for celebrations again and again. Some ideas for the using the grant include:

- To support a community tree planting activity.
- To support a school tree planting activity with children.
- To purchase tree-related books for the local library.
- To create banners or other signage.
- To create a portable, hands-on activity station.
- To purchase and plant trees (proper tree planting instructions can be provided to you, upon request).
- To purchase tree planting tools.
- To create an award or plaque for citizens or volunteers.
- To purchase shirts, hats, vests or supplies for volunteers.
- To purchase a reusable canopy for outdoor events.
- To purchase prizes for local poster or writing contests.
- To support a guest speaker, community training event, or produce creative community outreach materials.

*Please acknowledge OCT at your event, by announcing and/or printing:  
This project is supported with funding from Oregon Community Trees.  
We also ask that the OCT logo be displayed if your project includes  
printed materials or a website. Digital files will be provided for your use.*

### Criteria Used to Evaluate Proposals

Preference will be given to proposals that meet the following criteria:

- Cost effectiveness and project feasibility;
  - Education and/or outreach is incorporated to raise awareness and build support for community trees;
  - Interdisciplinary approach that incorporates elements of diversity, creativity, and science; and
  - Events or materials will be placed in a prominent space that the community residents see or visit regularly.
- Please Note: Communities that received the award in 2018 are not eligible for OCT's Arbor Week Booster Grant in 2019, but keep those great ideas for next year!



### Contact Information to Submit Application Form or Questions

Contact Morgan Holen, Board Member, Oregon Community Trees, at 971-409-9354 or [octgrants@gmail.com](mailto:octgrants@gmail.com).

1. Tree City USA: \_\_\_\_\_
2. Project Coordinator, Name: \_\_\_\_\_
3. Project Coordinator, Email: \_\_\_\_\_
4. Project Coordinator, Phone: \_\_\_\_\_
5. Are you a: ☐ city staff person ☐ tree board member ☐ community civic org volunteer  
☐ non-affiliated volunteer ☐ teacher ☐ other: \_\_\_\_\_
6. Signing Authority for Grant Agreement, Name: \_\_\_\_\_
7. Signing Authority for Grant Agreement, Email: \_\_\_\_\_
8. Signing Authority for Grant Agreement, Phone: \_\_\_\_\_
9. Grant Amount Desired (up to \$500\* per Tree City USA): \$ \_\_\_\_\_  
\* Please request only the amount you NEED to enable our limited funding to support as many proposals as possible.
10. When will your event take place? \_\_\_\_\_
11. Describe your proposed project or event: \_\_\_\_\_



12. Estimated number of participants: \_\_\_\_\_

13. How will this project or event “boost” your community’s Arbor Week or Arbor Day recognition or celebration? (i.e., how will the grant award make your event better than ever?)

14. What key groups or partners have committed to working on this project or event with you?

15. How will the funds be used cost-effectively?

16. Please estimate your budget below (add lines or attach a separate table as necessary).

Budget Item	OCT Funding Request	Matching Funds, if any	Total Cost
1.			
2.			
3.			
4.			
5.			
TOTAL BUDGET			

17. Any other information you would like to add (such as how this project or event fits into your urban forestry program, whether you anticipate attracting new participants not typically engaged in urban forestry, how this grant would impact your existing budget, how your event will run smoothly, etc.).

18. Please confirm that your organization and/or the project coordinator agrees that any photos or materials supplied by the grant recipient may be used by Oregon Community Trees on its Facebook page, web page, at the annual conference or in any other print or electronic capacity deemed helpful to promote your program or event, our grant, the value of trees, and the achievements of Oregon’s Tree City USA members. It is the responsibility of the photographer or videographer to solicit permissions at the time of recording.

☐ I agree

☐ I do not agree

*Thank you for submitting this application. Oregon Community Trees appreciates your efforts to engage your community in celebrating trees through Arbor Week and Arbor Day projects and events in April.*