

ATTACHMENT 1 TO STAFF REPORT

ORDINANCE NO. 5165

AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE MCMINNVILLE MUNICIPAL CODE CHAPTER 17.57 "LANDSCAPING" AND CHAPTER 17.58 "TREES" AND APPROVING THE DECISION, FINDINGS, AND CONCLUSIONARY FINDINGS FOR DOCKET G 2-24

RECITALS:

WHEREAS, Docket G 2-24 is a legislative action amending provisions related to landscaping in Title 17 (Zoning) of the McMinnville Municipal Code; and

WHEREAS, on October 2, 2024, a notice was submitted to DLCD for the draft legislative proposal, Docket G 2-24, for amendments to standards for landscape plans, landscape standards, and street tree plans. The proposal was initiated on November 7, 2024, with a Planning Commission public hearing; and

WHEREAS, on September 11, 2024, the Landscape Review Committee elected to move the proposed code amendments, as they had been working on for four years to the Planning Commission to start the adoption process; and

WHEREAS, on November 1, 2024, notice of the application and the November 7, 2024, Planning Commission public hearing was published in the News Register in accordance with Section 17.72.120 of the Zoning Ordinance; and

WHEREAS, on November 7, 2024, the Planning Commission held a duly noticed public hearing to consider the request. The Planning Commission recommended City Council approve the proposed amendments as presented; and

WHEREAS, notice of the January 14, 2025, City Council meeting was posted on the City website in accordance with Oregon public meetings law and the item was continued; and

WHEREAS, the Planning Commission was divided into two phases per city leadership's request; and.

WHEREAS, the first phase of the proposed Landscape Code Amendments focusing on the review process (Ordinance No. 5156) was noticed for the April 22, 2025, City Council meeting on the City website in accordance with Oregon public meetings law and the item was continued; and

WHEREAS, Ordinance No. 5156 was noticed for the May 13, 2025, City Council meeting on the City website in accordance with Oregon public meetings law, and the vote on the first reading was not unanimous; and

WHEREAS, the second reading of Ordinance No. 5156 was noticed for the May 27, 2025, City Council meeting on the City website in accordance with Oregon public meetings law, and

WHEREAS, the City Council adopted Ordinance No. 5156 on May 27, 2025 implementing Phase 1 of Docket G 2-24; and

WHEREAS, Phase 2 of the proposed landscape code amendments recommended by the Planning Commission was noticed for consideration at the December 9, 2025, City Council meeting and posted on the City website in accordance with Oregon public meetings law; and

WHEREAS, the City Council received the Planning Commission recommendation and staff report and deliberated; and

WHEREAS, the City Council, being fully informed about said request, found that the requested amendments attached as Exhibit A conform to the applicable criteria, including the Comprehensive Plan goals and policies, as well as the McMinnville Zoning Ordinance, based on the material submitted by the Planning Division and the findings of fact and conclusionary findings for approval in Exhibit B.

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. The McMinnville Zoning Ordinance is amended as provided in Exhibit A; and
2. The Council adopts the Decision, Findings, and Conclusionary Findings for Docket G 2-24 attached as Exhibit B; and
3. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 17th day of December 2025 by the following votes:

Ayes: Tucholsky, Chenoweth, Cunningham, Peralta

Nays: Geary



MAYOR

Approved as to form:



City Attorney

Attest:



City Recorder

EXHIBITS:

- A. Amendments to McMinnville Zoning Ordinance (17.57 of McMinnville Municipal Code)
- B. Decision, Findings, and Conclusionary Findings for Docket G 2-24

EXHIBIT A TO ORDINANCE NO. 5165

McMinnville Zoning Ordinance Amendments to Provisions Relating to Landscape Plans and Landscape Standards

New text is in **bold, italic, underline text**. Deleted text is in ~~strikethrough text~~.

Chapter 17.57 LANDSCAPING

(as amended by Ordinance No. Ord. 5165; 2025)

Sections:

- 17.57.010 Purpose and intent.
- 17.57.020 Definitions.
- 17.57.030 **Applicability.**
- 17.57.040 Specific uses requiring landscaping
- 17.57.050 Plans—Submittal and review—Approval—Time limit for completion.
- 17.57.060 Plans—Information to be included.
- 17.57.070 Area determination—Planning factors.
- 17.57.080 Central business district.
- 17.57.090 Credit for work in public right-of-way.
- 17.57.100 Appeal—Planning Commission to act.

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

A. Provide guidelines and standards that will:

1. Reduce soil erosion and ~~the volume and rate of discharge of storm water runoff~~ **associated stormwater pollution caused by runoff.**
2. Aid energy conservation by shading structures from energy losses caused by weather and wind.
3. Mitigate the loss of natural resources.
4. Provide parking lot landscaping to reduce the harmful effects of heat, noise, and glare associated with motor vehicle use.
5. Create safe, attractively landscaped areas adjacent to public streets.
6. Require the planting of street trees along the City's rights-of-way.
7. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character, and value of existing neighborhoods.
8. Provide shade and seasonal color.
9. Reduce glare, noise, and heat.
- 10. Address changes to the environment and climate.**

11. Promote air quality.

- B. Promote compatibility between land uses by reducing the visual, noise and lighting impacts of specific developments on users of the site and abutting properties.
- C. Unify development and enhance and define public and private places.
- D. **Promote the preservation of** ~~Preserve~~ existing mature trees.
- E. Enhance the urban forest and tree canopy.
- F. Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, ~~in order to~~ reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.
- G. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
- H. ~~Support~~ **Enhance** McMinnville as a community that cares about its appearance.

It is further recognized that **well-designed** landscaping **can** increase property values, attract potential residents and businesses to McMinnville, and create safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards **outcomes** for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Sections **s 17.57.040 and** 17.57.070 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020. (**Ord. 5165, 2025**; Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.020 Definitions. For the purposes of this section **Chapter**, refer to Section 17.06.035 for Landscaping related definitions. (Ord. 4952 §1, 2012).

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

- A. ~~R-4 (Multiple-Family Residential Dwelling~~ **Medium, High-Density Residential zone)** **except as provided by 17.57.040(H)** ~~except the construction of a Single-Family or Two-Family Residential Unit;~~
- B. R-5 (High-Density, Multiple-Dwelling Residential zone) except as provided by 17.57.040(H);**
- C. C-1 (Neighborhood Business zone);**
- D. C-2 (Travel Commercial zone);**
- E. C-3 (General Commercial zone);**
- F. O-R (Office/Residential zone);**
- G. M-L (Limited Light Industrial zone);**

- H. M-1 (Light Industrial zone);
I. M-2 (General Industrial zone); (Ord. 5165, 2025; Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.040 Specific Uses Requiring Landscaping **Applicability.**

- A. Churches **Non-residential uses**, **are** subject to landscaping requirements of a multiple dwelling development when in a residential zone and subject to the landscaping requirements of a commercial development when in a zone other than residential;
- B. Utility substations, **are** subject to the landscaping requirements of commercial uses;
- C. Mobile home park **Manufactured Dwelling Parks**, **are** subject to the **landscaping** requirements of a multiple dwelling development **Ord. 4220 Mobile Home Development Ordinance and Ordinance 4564**;
- D. Multiple-dwelling, commercial, and industrial uses in residential planned developments, **are** subject to the landscaping requirements of the type of use in the planned development. (Ord. 5027 §2, 2017; Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968);
- E. Satellite dishes facing or abutting residential properties shall be screened by a sight obscuring fence, wall, or planting, when in a residential zone or the O-R zone;**
- F. Only the proposed elements that meet the definition of new construction per this Title of the McMinnville Municipal Code are subject to the requirements of this Chapter;**
- G. City and McMinnville Water and Light development in the right-of-way are exempt from the standards of this Chapter;**
- H. The following construction is exempt from the standards of this Chapter: accessory dwelling units, cottage clusters, plexes, single dwelling, single room occupancy – small housing, single room occupancy – large housing, tiny houses, and townhouses. These uses are subject to the landscaping requirements of Chapter 17.11. (Ord. 5165, 2025; Ord. 5027 §2, 2017; Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).**

17.57.050 Plans - Submittal and Review – Approval – Completion Time Limit.

- A. Review Process. Two review processes are available for landscape review: administrative and discretionary. An applicant may choose which process to use. The administrative process uses standards that do not require the use of discretionary decision-making. The discretionary process uses purpose and intent that are more subjective in nature and are intended to provide the applicant with more **alternative** design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or the purpose and intent of this Chapter are being met.
1. Administrative Review Process. An application for Administrative Review shall comply with the standards of this Chapter.

- a. Prior to or concurrent with a building permit application, the applicant shall submit a landscape plan application and applicable fees for review, with a landscape plan containing all of the information specified in Section 17.57.060;
 - b. The Planning Director shall conduct a review within thirty (30) days of submission of the plans. A failure to review within thirty (30) days shall be considered as approval of the plan.
 - c. The landscape plan shall be approved if it is found to comply with the criteria in Section 17.57.040 and Section 17.57.070.
 - d. No building permit shall be issued until the landscape plan has been approved, unless exempted in writing by the Planning Director.
 - e. Minor changes in the landscape plan shall may be allowed, such as like-for-like replacement of plants, as long as they do not alter the character and aesthetics of the original plan, as determined by the Planning Director, and those changes do not bring the landscape plan into non-compliance with the standards of this chapter.
2. Discretionary Review Process. ***If the applicant wants to submit an application that does not fully comply with the clear and objective standards outlined in this Chapter 17.57, but still meet the intent and purpose of this chapter,*** the applicant may opt for the discretionary review procedure in accordance with the provisions of this subsection **to be reviewed by the Landscape Review Committee.**
- a. Prior to or concurrent with a building permit application, the applicant shall submit a completed Discretionary Review Landscape application, applicable fees, and the following information:
 - 1) A landscape plan application with a landscape plan containing all of the information specified in 17.57.060, and the following additional information:
 - a. Identifies those areas that do not fully comply with the standards in this Chapter, **17.57 Landscaping;**
 - b. Identifies the design features or overall design concept proposed to accomplish Section 17.57.040 **17.57.050(A)(2)(e).**
 - 2) A written narrative that:
 - a. Identifies which standards, in this Chapter, **17.57 Landscaping** the proposal does not fully comply with;
 - b. Identifies the design features or overall design concept proposed to accomplish 17.57.040 **17.57.050(A)(2)(e);**
 - c. Identifies how the plans **comply with** meet the purpose, intent, and requirements of this Chapter **Section 17.57.50(A)(2)(e).**
 - b. Upon receipt of a complete application, the Planning Director shall review the application for completeness within fifteen (15) days of the date that the application is submitted. If, upon review, the application is found to be incomplete, the applicant shall be advised in writing of the information needed to complete the application within fifteen (15)

days of the date of application submittal. The application shall be deemed complete upon receipt of all the missing information or upon written notice from the applicant that some or all the missing information will not be provided. Throughout all land use proceedings, the burden of proof shall rest on the applicant.

- c. Landscaping review shall occur by the Landscape Review Committee within thirty (30) days from the date the application is deemed complete. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary for action to be taken on the plans. A failure to review within thirty (30) days shall be considered as approval of the plan;
 - d. Only those standards identified within this Chapter are subject to discretionary review; standards related to landscaping outside of this Chapter may only be reduced in limited circumstances as permitted by variance or as otherwise specified;
 - e. The landscape plan shall be approved if it is found to be compatible with Section 17.57.010, applicable goals and policies of the McMinnville Comprehensive Plan, McMinnville Great Neighborhood principles, and all other applicable implementing ordinances.
 - f. No building permit shall be issued until the landscape plan has been approved, unless exempted in writing by the Planning Director.
 - g. The Applicant may request a modification of a previously approved landscape plan by filing a petition to the Planning Director. Minor changes in the landscape plan, such as like-for-like replacement of plants, shall may be allowed, as long as they do not alter the character and aesthetics of the original plan. Modifications of the approved plan that adjust an identified design feature or overall design concept proposed to accomplish Section 17.57.050(2)(d) will be considered a major modification and shall require a resubmittal of the plan, with fee, to the Landscape Review Committee for review subject to the review process of 17.57.050(A)(2). Issuance of building permits will be postponed until the revised plan(s) has been processed in accordance with this section. The Planning Director will determine if the modification is minor or major modification. The petition shall include:
 - 1) A written narrative identifying the proposed alterations to the previously approved plans, and the reasons for the proposed alterations.
- B. The applicant is responsible for ensuring approved landscape plans comply with Building and Civil Plans; additional fees may be assessed for repeated review.
- C. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director is filed with the City assuring such installation within a time specified by the Planning Director, but not to exceed

six months after occupancy. The applicant shall provide the estimates of landscaping materials and installation to the satisfaction of the Planning Director prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified check, time certificate of deposit, or assignment of a savings account, and the form shall meet with the approval of the City Attorney. If the installation of the landscaping is not completed within the period specified by the Planning Director, or within an extension of time authorized by the Landscape Review Committee, the security may be used by the City to complete the installation. Upon completion of the installation, inspection, and approval, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the final inspection and/or approval to be postponed until the project is completed or cause the security to be used by the City;

- D. All completed landscape projects shall be inspected by the Planning Director. *The designer or designee of the landscape plan shall certify water facilities or irrigation systems were installed to approved plans.* Said projects shall be found to be in compliance with the approved plans prior to the issuance of an occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. *To certify compliance of the installed watering facilities or irrigation systems with approved plans, the designer or designee, must provide a letter, on a form provided by the City, certifying watering facilities or irrigation systems were installed to industry standards and the approved plans and that the city bears no responsibility or liability.* Minor changes in the landscape plan shall *may* be allowed, as determined by the Planning Director, as long as they do not alter the character, intent, and aesthetics of the original plan. (*Ord. 5165, 2025*; Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.060 Plans - Information to be Included in the Application. The following information shall be included in the landscape plan review application submitted under Section 17.57.050:

- A. Existing locations of trees with a trunk five (5) inches or more in diameter 4.5 feet above ground level at the base of the trunk or if a tree splits into multiple trunks below 4.5 feet measured at its most narrow point beneath the split, their variety (common or botanical name), *and* indication of whether they are to remain or to be removed from the site-, *and* ~~Method of protection of~~ for those trees and shrubs to remain indicated. In the event a large number of trees are to be retained and if no construction or construction access is required through or within the drip line of the trees, the general area with the number of trees involved may be given in lieu of listing and locating each tree;
- B. The location, size, and the variety (common and botanical name), of all new trees, shrubs, groundcover, and lawns *drawn to size* at maturity;
- C. The percentage of the gross area to be landscaped;

- D. Any equipment proposed for recreation uses;
- E. All existing and proposed site features including walkways, graveled areas, patios, courts, fences, decks, foundations, structures, potted trees, raised planters, or other open spaces with construction details, location, setbacks, and any additional information necessary to illustrate compliance with applicable review criteria, or to explain the details of the application, so that the review committee may be fully knowledgeable of the project when discussing the application;
- F.** The location of existing or proposed storm water facilities;
- G.** The location of watering facilities or irrigation systems including irrigation sleeves, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed or to be used, and an accompanying letter from the designer or designee of the landscape plan stating that the design of the proposed irrigation system is to industry standards and meets the purpose, intent, and requirements of Chapter 17.57 Landscaping.
- H.** All of the following information must be included in the landscape plan:
1. North arrow.
 2. Drawn to scale (standard architectural or engineering).
 3. Lot and building setback dimensions.
 4. Clear vision areas as identified in Section 17.54.080.
 5. Property corner elevations (if there is more than a 4-foot elevation differential, site plan must show contour lines at 2-foot intervals).
 6. Location of easements and driveway (existing and proposed).
 7. Footprint of new structure (including decks).
 8. Location of existing wells and septic systems.
 9. Existing and proposed utility locations, including sanitary sewer, storm sewer, water lines, utility poles, powerlines, fire hydrants, streetlights, natural gas, utility meters, etc.
 10. Lot area, building coverage area, percentage of coverage and impervious area.
 11. Surface drainage.
 12. Location and extent of fill on the lot.
 13. Existing and platted street names and other public ways.
- I.** Planting schedule to include including quantity, size, and variety (common and botanical) of all plant materials.
- J.** If tree protection is required per Section 17.58.075, provide a Tree Protection Plan.
- K.** For any addition or expansion of an existing structure or parking lot that results in additional lot coverage and in addition to other requirements set forth in this subsection, provide the square footage of existing lot coverage, (building area, not including basement or upper floors, and parking or loading areas) and the square footage of the additional lot coverage.
- L.** If the discretionary review process is requested, submit those additional items identified in Section 17.57.050(A)(2)(a), including the required information on

the landscape plan and the written narrative. (~~Ord. 5165, 2025;~~ Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.070 Area Determination - Planning Factors.

A. Landscaping shall be accomplished within the following minimum ranges:

1. Industrial, at least seven (7) percent of the gross area of the site. This may be reduced to not less than five (5) percent upon approval of the Landscape Review Committee through the discretionary review process. ~~(The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)~~
2. Commercial, at least seven (7) percent of the gross area of the site. This may be reduced to not less than five (5) percent upon approval of the Landscape Review Committee through the discretionary review process. ~~(The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)~~
3. Multiple-dwelling, twenty-five (25) percent of the gross area of the site. This may be reduced to not less than fifteen (15) percent upon approval of the Landscape Review Committee through the discretionary review process. ~~(The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)~~
4. A surface parking lot or parking structure built in any zone providing parking spaces as required by the zoning ordinance shall be landscaped in accordance with the commercial requirements set forth above in subsection 2 of this section.
5. Any addition to or expansion of an existing structure or parking lot which results in additional lot coverage shall be landscaped as follows: ~~Divide the amount of additional lot coverage (building area, not including basement or upper floors, plus required parking and loading zones) by the amount of the existing lot coverage (building area, not including basement or upper floors, plus required parking and loading zones), multiply by the percentage of landscaping required in the zone, multiply by the total lot area of both the original development and the addition; however, the total amount of the landscaping shall not exceed the requirements set forth in this subsection.~~

$$\frac{\text{ALC (additional lot coverage)}}{\text{ELC (Existing Lot Coverage)}} \times \text{\% of landscaping required} \times \text{Total lot area}$$

- a. New additions to or expansions of existing structures require the site to be brought into further conformance with the minimum landscaped area as established in 17.57.070(A). Landscape improvements, if not currently met, shall not exceed ten (10) percent of the valuation of the addition or expansion

at building permit. The applicant shall provide the estimates of landscaping improvements to the satisfaction and approval of the Planning Director.

b. New surface parking lots or structures shall be landscaped to meet 17.57.070(B)(4).

c. Landscaping to be installed ~~on~~ for an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the Landscape Review Committee through the discretionary review process;

6. Stormwater facilities do not qualify as landscaping for the purpose of minimum area requirements and are not reviewed as part of this Chapter.

B. Landscape plans shall meet the following standards, unless the Discretionary Review Process of Section 17.57.050(A)(2) is requested by the Applicant:

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

1. Sight-obscuring Screening of the proposed use shall be by ~~sight-obscuring~~ evergreen plantings, shade trees, fences, or combinations of plantings and screens. Sight-obscuring screening abutting residential properties shall conform to the following standards:

a. Height. Fences and walls shall be a minimum of six (6) feet in height. Landscaping shall be of a species that will attain a height of at least six (6) feet within two (2) years of planting.

b. Opacity. Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away. Landscaping shall be of a species that will attain the opacity requirement within two (2) years of planting.

c. Landscaping and fencing requirements shall be superseded by the requirements in Section 17.54.080, Clear Vision Area, Chapter 8.10.210 of the MMC for regulations and fences, and other applicable screening standards if more restrictive.

2. ~~The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should~~ shall be preserved to the maximum practical degree. Existing trees identified as to remain shall be provided with a watering area equal to at least one-half the crown area protected during construction as provided under Chapter 17.58.

3. Parking Areas. The development and use of islands and plantings therein ~~to break up parking areas.~~ shall be incorporated to break up parking areas as follows:

a. To minimize large expanses of continuous pavement, parking areas greater than 6,000 square feet in area shall be physically and visually separated with landscape islands or planter bays. Separated parking areas may be connected by a drive aisle or driveway.

- b. At minimum, one deciduous tree shall be planted for every (10) parking spaces within a parking area. A maximum of ten (10) contiguous parking spaces is permitted without separation by a landscape island. Landscape islands and planter bays shall be distributed throughout the parking area to create a canopy effect and to break expanses of paving and long rows of parking spaces.
 - c. Landscape islands and planter bays.
 - 1) Landscape islands shall have a minimum length equal to that of the adjacent parking space, minimum planting area of twenty five (25) square feet, and width of five (5) feet, excluding curb;
 - 2) Planter bays shall have a minimum planting area of twenty (25) square feet and a minimum width of five (5) feet, excluding curb;
 - 3) Shall contain a tree, shrubs spaced no more than three (3) feet on center, and groundcover.
 - d. Driveway Entryway. A landscaped island or planter bay shall be provided on the subject site on both sides of a driveway entryway. Shrubs shall be of a variety appropriate to comply with the clear vision area standards of Section 17.54.080.
 - e. Where surface parking is proposed adjacent to a street, a five (5) foot wide buffer must be provided on the subject site between the surface parking and street. The buffer shall meet the following standards:
 - 1) Contain a wall, hedge, or dense landscaping with a minimum height of thirty (30) inches above the finished grade of the parking area to achieve the opacity standard of Section 17.57.070(B)(1)(b);
 - 2) Trees shall be planted to spacing requirements as described in Section 17.58.090(C), shrubs spaced at most three (3) feet on center, and ground cover distributed throughout the planter area;
 - 3) Walls and planted materials species shall be selected to comply with the clear vision area standards of Section 17.54.080;
 - f. Surface parking areas shall be separated from the exterior wall of a structure by a landscaping strip or pedestrian walkways, with a minimum width of five (5) feet, except where a loading area is present.
 - g. Certain trees shall be prohibited in parking areas : poplar, willow, fruit, nut, birch, conifer, and ailanthus as identified in the McMinnville Street Tree List.
4. ~~The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited~~

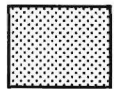
in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus as identified in Chapter 17.58.

5. ~~Suitable~~ Permanent underground or drip watering facilities or irrigation systems must be included in or near all planted areas; unless not required by subsection b. The following standards apply:
 - a. Prior to approval of the landscape plan the applicant shall provide a letter from the designer or designee of the landscape plan stating that the design of the proposed irrigation system is to industry standards and will meet the purpose, intent, and requirements of Chapter 17.57 Landscaping.
 - b. A permanent underground or drip irrigation system is not required for:
 - 1) Existing healthy vegetation that has been established for at least two (2) years and that is being preserved to meet the landscaping requirements under this chapter;
 - 2) New vegetation that is drought resistant, in which case a two (2) year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over the two (2) year time period and how that water will be distributed to the plant material; or
 - 3) Vegetation located within stormwater facilities.
6. Solid Waste and Recycling Enclosures. Solid Waste and Recycling Enclosures shall comply with Chapter 17.61.
7. Demonstrate that landscaping meets minimum Water and Light Commission rule for clearance from fire hydrants, and water meters.
8. Demonstrate that landscaping meets minimum National Electric Safety Code and Water and Light Commission rules for clearance from electric meters, utility poles, street lights, transformers, and other electric facilities.
- C. All landscaping approved by the landscape plan shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. (Ord. 5165, 2025; Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

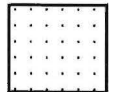
17.57.080 Central Business District. The central business district shall be divided into two areas as defined in this section:

- A. Area I is that area between Adams Street and the railroad tracks and between Second and Fourth Streets. The landscaping requirements set forth herein shall not apply to this portion of the central business district, except for the provision of street trees according to the city's master plan;
- B. Area II is defined as being that area between Adams and Kirby Streets from First to Fourth Streets, excluding the area in subsection A above. One-half of the landscaping requirements set forth in Section 15.57.050 above shall apply to this area. (Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

REDUCED LANDSCAPING REQUIREMENTS



Area I No Required Landscaping



Area II - One-Half Required Landscaping

17.57.090 Credit for Work in Public Right-of-Way. The **City** review committee may grant an applicant credit for landscaping done in the public right-of-way provided that if at any time in the future the right-of-way is needed for public use, any landscaping removed from the right-of-way must be replaced on the subject site. The **City** review committee shall consider the need for future use of the right-of-way for street or utility purposes before granting credit under this section. (**Ord. 5165, 2025**; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.100 Appeal - Planning Commission to Act When.

- A. In the event the landscaping is disapproved by the **City** review committee the applicant may appeal to the Planning Commission within 15 (fifteen) **fifteen (15)** days after the **City** review committee has considered the plan. The matter shall be set for review by the Planning Commission as set forth in subsection B of this section;
- B. If, after review, the **City** review committee cannot or does not reach a decision on the landscaping plan submitted, the application shall be forwarded to the

Planning Commission for review and final disposition. Action on the application will occur at the next regularly scheduled meeting, or with the approval of the Planning Commission chairman, at a work session if scheduled sooner. The applicant shall be notified of the time and place of the review by the Planning Commission and may choose to be present. The absence of the applicant shall not preclude the Planning Commission from reaching a decision;

- C. The City review committee may, at their discretion, continue an application pending submittal of further information or detail. (Ord. 5165, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Chapter 17.58

TREES

(as adopted by Ord. 4654B Dec. 9, 1997)

Sections:

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

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to increase property values and build stronger ties within neighborhoods; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

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

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

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

17.58.040 Tree Removal/Replacement.

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

shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.

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

17.58.045 Downtown Trees.

- A. The pruning and removal of street trees within the Downtown Tree Zone shall be the responsibility of the City, and shall be undertaken at public expense.
- B. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees within the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees within the Downtown Tree Zone to minimize the potential for sidewalk / tree root conflict.
- C. The City shall adopt implementation measures that cause, through rotation over time, the development of a variable aged stand of trees within the Downtown Tree Zone. In order to implement this policy, the Planning Director

Manager shall authorize, but shall limit, annual tree removal within the downtown to no more than three (3) percent of the total number of existing downtown trees in the Downtown Tree Zone.

- D. A street tree within the Downtown Tree Zone may be removed if the **Planning Director** Manager determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 5027 §2, 2017).

17.58.050 Application Review and Criteria.

A. Application for Simple Tree Removal Permit.

1. Review. Applications for simple tree removal permits shall be reviewed by the **Planning Director** Manager in accordance with the requirements of this Chapter on a form containing information required by the **Planning Director** Manager.
2. Criteria. Each tree proposed for removal must meet at least one of the following criteria:
 - a. The tree is a hazard as determined by a Certified arborist, and the arborist has demonstrated that less intensive options than removal, such as pruning, cabling, or bracing of limbs would not abate the hazard or would have a significant adverse effect on the health of the tree.
 - b. The tree is dead or in an advanced state of decline.
 - c. The tree species is on the nuisance list for Oregon or the list of invasive trees published by OSU Extension.
 - d. Tree is infested with pests or disease.
 - e. The tree roots are causing damage to sidewalks or other infrastructure, and the damage can't reasonably be abated without removing the tree. In evaluating whether the damage can be reasonably abated without removing the tree, consideration shall be given to impacts of the necessary abatement on the tree's health, further damage to infrastructure that would occur if the tree is retained, and alternative methods of abatement that would retain and protect the tree and prevent further damage. When considering reasonable abatement methods, greater priority shall be placed on retention of larger, healthy trees.
 - f. The tree has sustained physical damage to an extent that necessitates its removal to address an issue of safety or tree health and aesthetics.
 - g. The proposed removal is part of an approved development project, a public improvement project where no reasonable alternative is available, or is part of a street tree improvement program. When considering reasonable alternatives, greater priority shall be placed on retention of larger, healthy trees.
 - h. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list the decision shall also meet any applicable requirements related to the protection of such trees.
3. Arborist Verification. In order to meet any of the above criteria for removal verification of tree health or a tree's impacts on infrastructure shall be

required, at the expense of the applicant, by a Certified Arborist acceptable to the City. The **Planning Director** Manager may waive the requirement for verification by an Arborist if it is reasonable to determine a tree is dead by inspection or other documentation required by the **Planning Director** Manager. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

4. At the **Planning Director's** Manager discretion, any simple tree removal permit application may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.

B. Application for Tree Major Pruning Permit.

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

C. Application for Complex Tree Removal Permit.

1. Review. Applications for complex tree removal permits shall be reviewed by the Landscape Review Committee in accordance with the procedures of

this Chapter on a form containing information required by the **Planning Director** Manager.

2. Criteria. An application for a complex tree removal permit shall meet all of the following criteria:
 - a. The tree removal is necessary to address a public purpose that is not addressed by the criteria for a Simple Tree Removal Permit, and the application does not merely circumvent the requirements for a Simple Tree Removal Permit.
 - b. The tree removal is necessary to promote the public health, safety, welfare, and/or to accomplish a public purpose or program identified in the City's adopted plans, goals, and/or policies.
 - c. The tree removal will be consistent with the overall furtherance of a healthy urban forest, including healthy, attractive street trees.
3. The Landscape Review Committee may apply conditions of approval as specified in this Chapter and as may be necessary to offset the impact of the tree removal.
4. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.

17.58.060 Permit Exemptions.

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

17.58.070 Tree Topping. It shall be unlawful for any person, firm, or the City to top any tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be

exempted at the determination of the **Planning Director** Manager or Landscape Review Committee, applying criteria developed by the City. (Ord. 4654B §1, 1997).

17.58.075 Protection of Trees.

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

17.58.080 Street Tree Planting - When Required. All new residential development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).

17.58.090 Street Tree Standards.

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2019-26, and as may have been subsequently amended, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.
- B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots

- characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
- C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.
- D. Except as provided in this Section, street trees shall be planted within a curbside planter strip or tree wells consistent with the applicable standards and dimensions of the City's adopted Complete Street standards, with the street trees centered between back of curb and front of sidewalk. However, where a street with sidewalk was previously constructed to a different standard, the **Planning Director** Manager may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk. Except when authorized by the **Planning Director** Manager, street trees shall not be planted within a curbside landscape strip narrower than four (4) feet in width between the sidewalk and curb. When nonconforming conditions do not allow for trees to be planted in tree wells or planter strips along major collector or arterial streets per the adopted Complete Street standards, street trees adjacent to major collector streets or arterial streets shall be placed a minimum of five (5) feet from the back edge of the sidewalk. Except when authorized by the Director, a street tree shall not be planted closer than two and one-half (2 1/2) feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.
- E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.
- F. Existing street trees shall be retained unless approved by the **Planning Director** Manager for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the **Planning Director** Manager to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to

the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

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

17.58.100 Street Tree Plans.

A. Submittal.

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

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

1. Indicate all existing trees, noting location, species, size (caliper and height) and condition;
2. Indicate whether existing trees will be retained, removed or relocated;
3. Indicate the measures to be taken during site development to ensure the protection of existing trees to be retained;
4. Indicate the location, species, and size (caliper and height) of street trees to be planted;
5. Indicate the location of proposed and existing utilities and driveways; and
6. Indicate the location of rights-of-way, existing structures, driveways, and existing trees including their species, size, and condition, within twenty feet of the subject site. (Ord. 5165, 2025; Ord. 4654B §1, 1997).

17.58.110 Street Tree Planting.

A. Residential subdivisions and partitions.

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

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

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

17.58.120 Street Tree Maintenance.

- A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.
- B. Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.
- C. Maintenance of street trees, other than those located in the Downtown Tree Zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the Downtown Tree Zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
- D. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City. Major pruning, as defined in Section 17.58.020, of a street tree must be approved by the City in accordance with Sections 17.58.040 and 17.58.050. (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).



**City of
McMinnville**

PLANNING

**City of McMinnville
Community Development**

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McMinnville, OR 97128
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DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE ZONING ORDINANCE, DOCKET G 2-24, LANDSCAPE APPLICABILITY, REVIEW CRITERIA, AND STANDARDS, AND STREET TREE PLAN REVIEW PROCESS CHAPTERS 17.57 AND 17.58.

DOCKET: G 2-24

REQUEST: Proposed amendments to the McMinnville Zoning Ordinance, adopting amended standards for landscaping applicability, review criteria, and standards, and Street Tree Plan review process.

LOCATION: N/A. The proposal is a legislative text amendment.

ZONING: N/A. The proposal is a legislative text amendment.

APPLICANT: City of McMinnville

STAFF: Taylor Graybehl, Senior Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: November 7, 2024, 6:30pm. Hybrid In-Person and Zoom Online Meeting:

In Person: Kent Taylor Civic Hall, 200 NE 2nd Street, McMinnville

Zoom Meeting:
<https://mcminnvilleoregon.zoom.us/j/89368634307?pwd=M0REY3RVSzFHeFdmK2pZUmJNdkdSZz09>

Zoom Meeting ID: 893 6863 4307
Zoom Passcode: 989853

Or you can call in and listen via Zoom: 1-253-215-8782
ID: 893 6863 4307

BODY: McMinnville City Council

DATE & TIME: December 17, 2025, 7:00 PM. Hybrid In-Person and Zoom
Online Meeting: Kent Taylor Civis Hall, 200 NE 2nd Street,
McMinnville, Zoom Meeting ID: 872 7518 5011

PROCEDURE: The application is subject to the legislative land use procedures specified in Sections 17.72.120 - 17.72.160 of the McMinnville Municipal Code.

CRITERIA: Amendments to the McMinnville Zoning Ordinance must be consistent with the Goals and Policies in Volume II of the Comprehensive Plan and the Purpose of the Zoning Ordinance.

APPEAL: The Planning Commission will make a recommendation to the City Council. The City Council's decision on a legislative amendment may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code.

Based on the findings and conclusionary findings, the City Council **APPROVES** the legislative amendments to the Zoning Ordinance (Docket G 2-24).

DECISION: APPROVAL

Date: 12/17/2025

Date: 12/18/25

Date: 12/19/15

I. APPLICATION SUMMARY

This application is a legislative proposal for amendments to the McMinnville Zoning Ordinance, adopting amended standards for landscaping applicability, review criteria, and standards (Chapter 17.57 "Landscaping"), and Street Tree Plan review process (Chapter 17.58 "Trees").

II. ATTACHMENTS

- Attachment 1. Amendments (on file with Planning Division; see also Exhibit A to Ordinance No. 5165)

III. FINDINGS OF FACT – GENERAL FINDINGS

Docket G 2-24 is a legislative package of City-initiated proposed McMinnville Comprehensive Plan and McMinnville Municipal Code amendments related to Chapter 17.57 Landscaping and Chapter 17.58 Trees. The proposal is intended to implement the adopted revised standards for landscaping applicability, review criteria, and standards (Chapter 17.57 "Landscaping"), and Street Tree Plan review process (Chapter 17.58 "Trees").

The City Council finds that based on the findings of fact and the conclusory findings contained in this findings report, the proposed amendments to Chapter 17.57 and Chapter 17.58 of the McMinnville Zoning Ordinance are consistent with all applicable state and local regulations.

This findings document provides conclusory findings regarding consistency with applicable provisions of state and local law. Supporting these is a factual basis upon which the conclusory findings rest.

IV. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. On September 11, 2024, city staff hosted a work session with the Landscape Review Committee to discuss amendments to regulations related to landscape plans, landscape standards, and street tree plans. At the time, the Landscape Review Committee recommended bringing the item before the Planning Commission.
2. On October 2, 2024, notice of the application and the November 7, 2024 Planning Commission public hearing was provided to DLCD.
3. On October 3, 2024, city staff hosted a work session with the Planning Commission to discuss options for landscaping and tree amendments to the McMinnville City Code. The options presented largely reflect the amendments as recommended by the Landscape Review Committee. At that time, the Planning Commission provided direction to move forward with a legislative effort to amend the McMinnville Municipal Code to modify regulatory standards for landscape plans, landscape standards, and street tree plans.

4. On November 1, 2024, notice of the application and the November 7, 2024 Planning Commission public hearing was published in the News-Register in accordance with Section 17.72.120 of the Zoning Ordinance.
5. On November 7, 2024, the Planning Commission held a duly noticed public hearing to consider the request. The Planning Commission recommended City Council approve the proposed amendments as presented.
6. Notice of the January 14, 2025, City Council meeting was posted on the City website in accordance with Oregon public meetings law and the item was continued.
7. Notice of the October 14, 2025, City Council meeting was posted on the City website in accordance with Oregon public meetings law and the item was continued.
8. On October 14, 2025, the City Council held a duly noticed public meeting to consider the Planning Commission's recommendation and the proposal and the item did not pass.
9. On December 9, 2025 the City Council held a duly noticed public meeting to consider the Planning Commission's recommendation and the proposal and voted to adopt the ordinance, five to one. As the first reading was not unanimous, a second reading is required.
10. On December 17, 2025 the City Council held a duly noticed public meeting to consider the Planning Commission's recommendation and the proposal.

V. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application.

Zoning Ordinance

The Purpose Statement of the Zoning Ordinance serves as a criterion for Zoning Ordinance amendments:

17.03.020 Purpose. The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.

FINDING: SATISFIED. The proposed amendments amend standards for landscaping applicability, review criteria, and standards (Chapter 17.57 "Landscaping"), and Street Tree Plan review process (Chapter 17.58 "Trees"). The Planning Commission evaluated the recommendations of the Landscape Review Committee, and a variety of issues related to increased efficiencies, revising standards to implement the identified purpose and intent of landscaping, and modifying the identified purpose of landscaping within the Zoning Ordinance. Changes to the Street Tree Plan review process are proposed to allow staff to conduct review in lieu of the Landscape Review Committee. The proposal strikes a balance between the purpose and intent of Chapter 17.57 and Chapter 17.58, additional standards to implement the purpose and intent, and the efficiencies required for staff time.

Comprehensive Plan

As described in the Comprehensive Plan, the Goals and Policies of the Comprehensive Plan serve as criteria for land use decisions. The following Goals and Policies from Volume II of the McMinnville Comprehensive Plan are applicable to this request:

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

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

FINDING: SATISFIED. The proposal is consistent with this applicable Goal of Chapter X of the Comprehensive Plan.

The Planning Commission held a work session on October 3, 2024 to evaluate a draft zoning ordinance amendment and consider best practices, including those of other communities.

At the work session, the Planning Commission agreed to initiate the public hearing process for public consideration of the draft proposal presented.

The Commission determined that the proposed amendments best-balanced Chapter 17.57's and Chapter 17.58's purpose and intent, staff time efficiencies, and the State of Oregon's requirement for clear and objective standards for middle housing.

Notice of the proposal and public hearing was provided to DLCD and published in the newspaper.

The public hearing process provides further opportunity for consideration of citizen involvement and input and associated deliberation.