

## ORDINANCE NO. 5027

### **AN ORDINANCE AMENDING THE MCMINNVILLE ZONING ORDINANCE SPECIFIC TO CHAPTER 17.57 (LANDSCAPING), CHAPTER 17.58 (TREES), AND CHAPTER 17.06 (DEFINITIONS).**

#### RECITALS:

In 2016, the McMinnville Landscape Review Committee discussed and reviewed the reviewing the existing zoning ordinance language related to landscaping and trees. The Landscape Review Committee's intent was to ensure that the language was consistent with the City's landscaping and street tree programs, and to ensure that the language was consistent with current practices and industry standards; and

In concert with the McMinnville Landscape Review Committee and Public Works Department, staff drafted proposed amendments (G 1-17) to McMinnville Zoning Ordinance (Ordinance 3380) specific to Chapter 17.57 (Landscaping) and 17.58 (Trees). The amendments were reviewed over a series of Landscape Review Committee public meetings, and at their January 18, 2017 meeting the Landscape Review Committee recommended the amendments be advanced for consideration by the McMinnville Planning Commission and the McMinnville City Council; and

The first public hearing before the McMinnville Planning Commission was held on March 16, 2017, after due notice had been provided in the local newspaper on Tuesday, March 7, 2017. At the March 16, 2017, Planning Commission public hearing, the application materials and a staff report were presented and testimony was received. The Planning Commission continued the public hearing to allow staff to incorporate testimony received into the proposed zoning text amendments; and

Staff incorporated additional amendments based on the testimony received during the public hearing, and brought the additional amendments before the Landscape Review Committee for review at their April 19, 2017 public meeting. The Landscape Review Committee found the amendments acceptable, and recommended that they be brought before the Planning Commission for consideration at the continued public hearing; and

The Planning Commission continued the public hearing on May 18, 2017, received a staff report and testimony, and then closed the public hearing, deliberated, and voted unanimously to recommend approval of G 1-17 to the City Council; and

The City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the comprehensive plan text amendment criteria listed in Section 17.72.020 of the McMinnville Zoning Ordinance based on the material submitted and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

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

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A for G 1-17; and

2. That Chapter 17.57 (Landscaping), Chapter 17.58 (Trees), and Chapter 17.06 (Definitions) are amended as provided in Exhibit B, Exhibit C, and Exhibit D. Text that is added is shown in **bold underlined** font while text that is removed is shown in ~~strikeout~~ font.

3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 27<sup>th</sup> day of June 2017, by the following votes:

Ayes: Garvin, Jeffries, Stassens, Ruden

Nays: \_\_\_\_\_

KO=JRC  
MAYOR Presiding Officer

Attest:

Approved as to form:

Melissa Grace  
CITY RECORDER

Donna  
CITY ATTORNEY



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

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.57 (LANDSCAPING) AND CHAPTER 17.58 (TREES) OF THE MCMINNVILLE ZONING ORDINANCE.**

**DOCKET:** G 1-17

**REQUEST:** The City of McMinnville is proposing to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.

**LOCATION:** N/A

**ZONING:** N/A

**APPLICANT:** City of McMinnville

**STAFF:** Chuck Darnell, Associate Planner

**HEARINGS BODY:** McMinnville Planning Commission

**DATE & TIME:** March 16, 2017 and May 18, 2017. Meetings held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**DECISION MAKING BODY:** McMinnville City Council

**DATE & TIME:** June 27, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Public Works Department. No comments in opposition have been provided.

**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 1-17) to the McMinnville City Council.

////////////////////////////////////  
**DECISION: APPROVAL**  
////////////////////////////////////

City Council:  Date: June 27, 2017  
~~Scott Hill~~, Mayor of McMinnville  
Kevin Jeffries, Presiding officer

Planning Commission:  Date: May 18, 2017  
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department:  Date: 6/13/17  
Heather Richards, Planning Director

## **Application Summary:**

The City of McMinnville is proposing to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.

The McMinnville Landscape Review Committee began discussing the existing Landscaping and Trees chapters of the McMinnville Zoning Ordinance in 2016. The discussions focused on reviewing the existing text and identifying areas that were in need of updates to be more consistent with current practices and industry standards, as the chapters had not been updated in many years. The Landscape Review Committee discussed the existing chapters at their October 6, 2016 regular meeting, and then began to consider amendments at their November 16, 2016 regular meeting. Based on conversations and recommendations from those meetings, staff developed draft zoning text amendments, and the Landscape Review Committee reviewed those at their January 18, 2017 regular meeting. The Landscape Review Committee, after final discussion, recommended that staff advance the proposed zoning text amendments, which have been endorsed by the Landscape Review Committee, for review and consideration by the Planning Commission and the McMinnville City Council.

The main topics that are proposed to be amended in the Landscaping and Trees chapters include the following:

- Purpose and intent of the Landscaping chapter
- Refinements to the review processes for landscape plans, street tree plans, and tree removal requests
- Requirements for maintaining approved landscape plans and street tree plans
- Relocation of Landscape Review Committee bylaws from Zoning Ordinance to City Code
- Situations when street tree standards and removal processes are applicable
- Requirements for planting and replacing street trees
- Ability to update street tree planting standards and street tree list

In addition, other recommended amendments to the chapters that came out of public testimony received through the public hearing process include the following:

- Reorganization of the Landscaping chapter
- Refinement of Landscaping Purpose and Intent section
- Additions to information to be included in landscape plans
- Creation of Downtown Trees section in Trees chapter
- Ability for Landscape Review Committee to allow additional time for tree replacement
- Ability for City to request arborist report in more tree removal situations
- Relocation of some standards to Street Tree Maintenance section in Trees chapter

## **CONDITIONS OF APPROVAL**

None.

## **ATTACHMENTS**

1. Amendments to Chapter 17.57 – Landscaping (Exhibit B)
2. Amendments to Chapter 17.58 – Trees (Exhibit C)
3. Amendments to Chapter 17.06 – Definitions (Exhibit D)

4. Testimony Received March 19, 2017 from Patty O’Leary (on file)

### **COMMENTS**

This matter was referred to the following public agencies for comment: McMinnville Public Works Department. No comments in opposition were received.

### **FINDINGS OF FACT**

1. The City of McMinnville is proposing to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.
2. The McMinnville Landscape Review Committee began discussing the existing Landscaping and Trees chapters of the McMinnville Zoning Ordinance in 2016, and then began to consider amendments at their November 16, 2016 regular meeting. Based on conversations and recommendations from those meetings, staff developed draft zoning text amendments, and the Landscape Review Committee reviewed those at their January 18, 2017 regular meeting. The Landscape Review Committee, after final discussion, recommended that those proposed zoning text amendments, being fully endorsed by the Landscape Review Committee, be brought forward for review and consideration by the Planning Commission.
3. This matter was referred to the following public agencies for comment: McMinnville Public Works Department. No comments in opposition have been provided.
4. Public notification of the public hearing held by the Planning Commission was published in the March 7, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing. Public testimony was received at the public hearing on March 16, 2017. The Planning Commission continued the public hearing to May 18, 2017 to allow for staff to incorporate additional amendments based on testimony received.
5. Staff incorporated additional amendments based on the testimony received and presented those amendments to the Planning Commission during the continued public hearing on May 18, 2017. The Planning Commission then closed the public hearing, deliberated, and voted unanimously to recommend approval of G 1-17 to the City Council.

### **CONCLUSIONARY FINDINGS**

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

- GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

*Policy 32.00: Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.*

Finding: Policy 32.00 is satisfied in that the updated purpose and intent statement includes an objective that will ensure that landscaping will be used to provide for visual and sound barriers between land uses. Specifically, the objective will state that landscaping will be used to promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties. Another objective included in the updated purpose and intent statement is that landscaping will be used to provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.

*Policy 39.00: The City of McMinnville shall encourage and allow the development of pocket parks, landscaping, and other natural amenities to provide a visual contrast between streets and parking lots and buildings to enhance the general appearance of the downtown.*

Finding: Policy 39.00 is satisfied in that the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained.

*Policy 46.01: The City shall, through its Landscape Review Committee, develop a list of street trees acceptable for planting within the public rights-of-way, parks and open spaces, and downtown. In addition, the committee shall develop standards for the planting of these trees, particularly within the downtown area, such that sidewalk and tree root conflicts are minimized. This effort should be coordinated with McMinnville Water and Light in an effort to minimize conflicts with utility lines.*

Finding: Policy 46.01 is satisfied as the amendments will specifically reference the McMinnville Street Tree List that was adopted by the City in 2016, and also provides the Landscape Review Committee with the ability to periodically update the McMinnville Street Tree List, as the landscaping and arborist industry is continually changing. This will allow for the City to respond those industry changes, which could include the introduction of new successful tree species, strategies for combating invasive species or new tree diseases, and changes in the range of certain species based on fluctuations in weather and climate.

*Policy 46.02: The City shall, as funding permits and generally in the following order, periodically inventory trees within its public rights-of-way, parks and open spaces, and downtown area in order to assess the overall health of the city's urban forest and to determine those specific trees that may require maintenance, or removal and replacement. As a goal, the City seeks to maintain a diverse urban forest in terms of age and species.*

Finding: Policy 46.02 is satisfied in that the City will continue to have the ability to inventory trees. The objectives in the proposed purpose and intent statement are also consistent with the goal of maintaining a diverse urban forest in terms of age and species. Specifically, the objectives are to promote the enhancement of the City's urban forest and tree canopy and encourage the preservation of existing trees.

**GOAL IV 6: TO INSURE INDUSTRIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USES, THAT IS APPROPRIATELY LOCATED IN RELATION TO SURROUNDING LAND USES, AND THAT MEETS NECESSARY ENVIRONMENTAL STANDARDS.**

*Policy 54.00: The City of McMinnville shall establish industrial planned development ordinances which shall be placed over the future industrial areas designated on the McMinnville Comprehensive Plan Map, the industrial reserve area, and certain existing industrially designated areas within the city limits. The overlay shall also be applied to any areas which are in the future designated for future industrial use through an amendment to the comprehensive plan map. The overlays shall provide standards to control the nuisance and negative environmental effects of industries. These controls shall cover, but not be limited to, the following areas:*

*1. Landscaping and screening*

Finding: Goal IV 6 and Policy 54.00 are satisfied in that the updated purpose and intent statement includes an objective that will ensure that landscaping will be used to provide for visual and sound barriers between land uses. Specifically, the objective will state that landscaping will be used to promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties. Another objective included in the updated purpose and intent statement is that landscaping will be used to provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

*Policy 89.00: Zoning standards shall require that all multiple-family housing developments provide landscaped grounds.*

Finding: Goal V 2 and Policy 89.00 are satisfied in that the zoning standard requiring that landscaping be provided within multiple-family developments will not be removed, and the updated purpose and intent statement will provide objectives that will better guide the appropriate installation of landscaping within multiple-family developments.

*Policy 122.00: The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:*

- 1. Major, minor arterials.  
–Landscaping should be encouraged along public rights-of-way.*
- 2. Major, minor collectors.  
–Landscaping should be encouraged along public rights-of-way.*
- 3. Local Streets  
–Landscaping should be encouraged along public rights-of-way.*

Finding: Policy 122.00 is satisfied in that street trees will continue to be required to be planted along public rights-of-way during development. Also, the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained.



*Policy 132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:*

2. *Incorporate features that create a pedestrian friendly environment, such as:  
[...]  
g. Street furniture, street trees, and landscaping*

Finding: Policy 132.24.00 is satisfied in that street trees will continue to be required to be planted along public rights-of-way during development. Also, the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained.

*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: Policy 132.38.00 is satisfied in that street trees will continue to be required to be planted along public rights-of-way during development. Also, the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained. Also, the landscaping and street tree standards will not preclude innovative or unique streetscaping designs or materials to be utilized.

*Policy 132.43.05: Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:*

3. *Landscaping barriers between roadway and non-motorized uses;*
4. *Landscaping that promotes a residential atmosphere;*

Finding: Policy 132.43.05 is satisfied in that street trees will continue to be required to be planted along public rights-of-way during development. Also, the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained.

*Policy 132.47.00: The City should update and maintain its street design standards to increase aesthetics of the street's environment through landscaping and streetscape design.*

Finding: Policy 132.47.00 is satisfied in that the proposed amendments specifically reference the most current design drawings and specifications for the installation of street trees within the public right-of-way. Also, the proposed amendments include the ability for new standards and specifications to supersede those referenced in the ordinance, should the City ever update them or adopt new standards.

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

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

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

CD:sjs

Chapter 17.57LANDSCAPINGSections:

- 17.57.010 Purpose and intent.
- 17.57.020 Definitions.
- 17.57.030 Zones where required.**
- 17.57.040 Specific uses requiring landscaping.**
- ~~17.57.050~~30 Plans—Submittal and review—Approval—Time limit for completion.
- ~~17.57.060~~40 Plans—Information to be included.
- ~~17.57.070~~50 Area determination—Planning factors.
- ~~17.57.060~~—Zones where required.
- ~~17.57.065~~—Specific uses requiring landscaping.
- ~~17.57.080~~70 Central business district.
- ~~17.57.080~~—Plan review committee.
- 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 enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs.~~ **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.**
  2. **Aid in 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.
- 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. 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 McMinnville as a community that cares about its appearance.

It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates 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 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 Section 17.57.070~~50~~ 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. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.020 Definitions. For the purposes of this section, 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 zone, except the construction of a Single-Family or Two-Family Residential unit);
- B. C-1 (Neighborhood Business zone);
- C. C-2 (Travel Commercial zone);
- D. C-3 (General Commercial zone);
- E. O-R (Office/Residential zone);

- F. M-L (Limited Light Industrial zone);
- G. M-1 (Light Industrial zone);
- H. M-2 (General Industrial zone). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**17.57.040 Specific uses requiring landscaping.**

- A. Churches, subject to the landscaping requirements of a multiple-family 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, subject to the landscaping requirements of commercial uses.
- C. Mobile home park, subject to the requirements of a multiple-family development;
- D. Multiple-family, commercial, and industrial uses in residential planned developments, subject to the landscaping requirements of the type of use in the planned development. (Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**17.57.05030 Plans—Submittal and review—Approval—Time limit for completion.**

- A. At the time the applicant applies for a building permit, ~~he~~**they** shall submit, for the Landscape Review Committee, ~~five~~ **two** copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, ~~five~~ **two** copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.
  1. ~~The applicant will receive approval solely for the landscaping plan prior to applying for a building permit, if he submits the above documents for review in accordance with these provisions. No building permit shall be issued until the landscaping plan has been approved.~~
  2. The landscaping plan may be used as the plot plan required for a building permit, provided all information required for a building permit is provided;
- B. Landscaping review shall occur within ~~ten~~ **30 (thirty)** working days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although ~~his~~**their** presence shall not be necessary for action to be taken on the plans. A failure to review within ~~ten~~ **30 (thirty)** working days shall be considered as approval of the plan;
- C. The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter. Approval of the landscaping plan shall be indicated upon the plot plans. Any modifications shall be specified on the plans and agreed to in writing by the applicant prior to the issuance of a building permit. One copy of said approved plan shall be retained by the Planning Department and included within the permanent file;
- D. 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 (~~or Director of Parks and Recreation~~) 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;

- E. All completed landscape projects shall be inspected by the ~~Director of Parks and Recreation~~ **Planning Director or their designee**. 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. Minor changes in the landscape plan shall be allowed, **as determined by the Planning Director or their designee**, as long as they do not alter the character and aesthetics of the original plan. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.06040 Plans—Information to be included. The following information shall be included in the plans submitted under Section 17.57.05030:

- A. Existing locations of trees over six inches in diameter, their variety (common or botanical name) and indication of whether they are to remain or to be removed from the site. 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 in which new plantings will be made and the variety (common or botanical name), and size of all new trees, shrubs, groundcover and lawns;
- 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, potted trees, **raised planters**, or other open spaces so that the review committee may be fully knowledgeable of the project when discussing the application;

F. The location of watering facilities or irrigation systems, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed;

G. All of the information on the plot plan for the building permit. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.07050 Area Determination—Planning factors.

A. Landscaping shall be accomplished within the following ranges:

1. Industrial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
2. Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
4. A 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.

a. ALC (additional			
<u>lot coverage)</u>	<b>X</b>	% of landscaping	<b>X</b> Total
ELC (existing		required	lot area
lot coverage)			

- b. Landscaping to be installed on an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the review committee;
- B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:
1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
  2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
  3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
  4. The development and use of islands and plantings therein to break up parking areas.
  5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
  6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;
- C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. **Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee.** (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

~~17.57.060 — Zones where required. — Landscaping shall be required in the following zones except as otherwise noted:~~

- ~~A. R-4 (Multiple-Family Residential zone, except the construction of a Single-Family or Two-Family Residential unit);~~
- ~~B. C-1 (Neighborhood Business zone);~~
- ~~C. C-2 (Travel Commercial zone);~~
- ~~D. C-3 (General Commercial zone);~~
- ~~E. O-R (Office/Residential zone);~~
- ~~F. M-L (Limited Light Industrial zone);~~
- ~~G. M-1 (Light Industrial zone);~~



~~H. M-2 (General Industrial zone). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

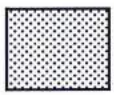
~~17.57.065 — Specific uses requiring landscaping.~~

- ~~A. Churches, subject to the landscaping requirements of a multiple-family 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, subject to the landscaping requirements of commercial uses.~~
- ~~C. Mobile home park, subject to the requirements of a multiple-family development;~~
- ~~D. Multiple-family, commercial, and industrial uses in residential planned developments (Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

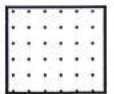
~~17.57.08070 Central business district. The central business district shall be divided into two areas as defined in this section:~~

- ~~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. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

# REDUCED LANDSCAPING REQUIREMENTS



**Area I - No Required Landscaping**



**Area II - One-Half Required Landscaping**

17.57.080 — Plan review committee. — All required landscape plans shall be submitted to and reviewed by the Landscape Review Committee.

A. — The review committee shall be appointed by the Common Council while meeting in regular session and shall consist of three five members and two alternate members. — At such time as the ordinance codified in this chapter is enacted, the Common Council shall, at a regularly scheduled meeting, appoint a review committee with initial terms of one, two and three years, respectively for the regular members and three year terms for each alternate member. — The terms shall be computed from the first Tuesday in January 1978. — The Council shall designate the alternate members as first and second

~~alternates. Thereafter, The review committee members appointed and in place as of January 1, 2017 shall finish their appointed term. The Council shall appoint or reappoint members as existing terms expire, and the review committee members as appointed shall serve a three-year term, commencing with January of each year. Common Council members, Planning Commissioners, Airport Commissioners, and Water and Light Commissioners shall not serve as review committee members;~~

- ~~B. A majority of the active Landscape Review Committee members shall constitute a quorum. In the event that a regular committee member cannot attend a meeting or cannot participate because of a conflict of interest, the first alternate member shall vote in place of the absentee. In the event two committee members cannot attend a meeting or cannot participate because of a conflict of interest, the first and second alternate members shall vote in place of the absentees. The alternate committee members shall not participate as a voting member of the review committee unless acting in the absence or disqualification of a regular member. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

17.57.090 Credit for work in public right-of-way. The 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 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. 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 review committee, the applicant may appeal to the Planning Commission within ~~five~~**15 (fifteen)** days after the 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 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 review committee may, at their discretion, continue an application pending submittal of further information or detail. (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 Review Criteria.
- 17.58.060 Permit Exemptions.
- 17.58.070 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. 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 ~~planted in or upon~~ **with trunks located completely or partially within** any public area or right-of-way;
  - C. All trees ~~planted in or upon~~ **with trunks located completely within** 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 to or undergoing development review such as site plan review, tentative subdivision review, or partition review; (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,** within the public right-of-way 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. 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.** Requests for tree removal or pruning of trees outside of the ~~d~~D~~owntown~~ ~~Tree~~ ~~z~~Z~~one~~ shall be forwarded to the McMinnville Landscape Review Committee for a decision within fifteen **30 (thirty)** days of submittal. Requests for tree removal within the **Downtown Tree Zone**~~downtown tree one~~ shall be submitted to the McMinnville Planning Department. 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 or ~~his~~their designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning ~~Direct~~Director, 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 Director may be appealed to the Planning Commission if ~~notice of intent to~~ **written notice of the** appeal is filed with the Planning Department within five **15 (fifteen)** days of the committee's or Director's decision. A decision made by the Planning Director 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 shall be removed or pruned following accepted pruning standards adopted by the City. The Planning Director, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current ~~d~~D~~owntown~~ ~~Tree~~ ~~z~~Z~~one~~ 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 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.**
- G. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.
- H. ~~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.~~
- I. ~~Specific design drawings and specifications shall be developed for the planting of street trees within the downtown tree zone, and shall be made readily available to all property owners undertaking sidewalk construction, reconstruction or modifications~~**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 ~~within the downtown tree zone~~ to minimize the potential for sidewalk / tree root conflict.
- J. ~~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 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. (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. 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 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 determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).**

**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. Verification of tree health may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.~~
- B. The tree is in conflict with public improvements.
- 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.
- D. ~~A street tree within the downtown tree zone may also be removed if the Planning Director determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).~~
- D. **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.**

**17.58.060 Permit Exemptions.**

- A. 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 or their designee. 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 City Planning Director. (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 McMinnville 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 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 multi-family 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 approved street tree list **McMinnville Street Tree List, as approved by Resolution 2016-22,** unless approval of another species is given by the McMinnville Landscape Review Committee. **The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.**
- 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 dDowntown tTree zZone, consideration shall be given to the height of adjacent buildings.
- D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the

back edge of the sidewalk. In no case shall a tree 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 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 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 ~~d~~Downtown ~~Tree~~ Zone shall follow the design drawing, ~~or modified design,~~ approved by the Planning Director **or updated design drawings and specifications as periodically developed and adopted by the City.**
- H. ~~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.~~
- I. ~~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).~~

#### 17.58.100 Street Tree Plans

##### A. Submittal.

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

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

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

#### 17.58.110 Street Tree Planting

##### A. Residential subdivisions and partitions.

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

##### B. Commercial, Industrial, Multi-family, Parking Lot Development.

1. Planting Schedule: Street trees required of a commercial, industrial, multi-family, 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. (Ord. 4654B §1, 1997).

- ##### 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 Section 17.58.040.

Chapter 17.06

DEFINITIONS

[...]

17.06.035 Landscaping Related Definitions. For the purpose of Landscaping (Chapter 17.57), the following definitions shall apply.

**Landscaping** – The preservation, planting, and maintenance of trees, shrubs, groundcover, and lawn that are compatible with Chapter 17.57 (Landscaping) and Section 17.03.020 of this ordinance. Landscaping shall be encouraged that considers energy conservation through effective planting and ground contouring. Courts, plazas, walkways, fountains, benches, sculptures, fences, or decks may be included within the landscaping percentage required in Section 17.57.07050 if they are designed in conjunction with substantial plantings of trees, shrubs, groundcovers, or lawns, and the review committee finds they are consistent with the purpose and intent set forth in Section 17.57.010 and factors set forth in Section 17.57.07050(B) of this ordinance.

**New Construction** – All completely new structures, mobile additions, parking lots, and parking structures, and includes any additions to or expansion of existing structures or parking lots which result in additional lot coverage or parking lot coverage. This does not include remodeling or new construction which does not result in additional lot or parcel or parking lot coverage for said structure or parking lot. (Ord. 4128 (part), 1981, Ord. 3380 (part), 1968).

[...]