



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

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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: May 18, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: June 27, 2017. Meeting held at the Civic Hall, 200 NE 2nd 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.

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DECISION: APPROVAL
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City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

Planning Commission: _____
Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

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, 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

CONDITIONS OF APPROVAL

None.

ATTACHMENTS

1. Amendments to Chapter 17.57 – Landscaping
2. Amendments to Chapter 17.58 – Trees
3. Testimony Received March 19, 2017 from Patty O’Leary

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.

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