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EXHIBIT 3 - STAFF REPORT

DATE: February 16, 2017
TO: Planning Commissioners
FROM: Chuck Darnell, Associate Planner
SUBJECT: Draft Landscape and Tree Ordinance Amendments

Report in Brief:

The purpose of this discussion item is to review draft amendments to the Landscaping (Chapter 17.57) and Trees (Chapter 17.58) chapters of the McMinnville Zoning Ordinance.

Background:

The Landscaping chapter (Chapter 17.57) of the McMinnville Zoning Ordinance establishes the regulations for landscaping of particular properties within the city including the process of review by the Landscape Review Committee, and the criteria that are used to review landscaping plans. The chapter also establishes which districts and uses are required to have landscaping, and how much of a site must be landscaped.

The Trees chapter (Chapter 17.58) of the McMinnville Zoning Ordinance establishes regulations for tree removal, as well as regulations for the installation of street trees. Tree removal and street tree planting review processes, and the review criteria for each, are described in Chapter 17.58. Regulations related to the protection of trees are also included in this chapter as well as situations in which street tree planting is required, and the street tree standards that must be followed when planting and maintaining street trees.

Discussion:

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.

Attachments: List in Order

Draft Amendments to Chapter 17.57 – Landscaping

Draft Amendments to Chapter 17.58 – Trees

Draft Amendments to City Code – Creating Bylaws for Landscape Review Committee

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
- Adjustment 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

Draft versions of the chapters, showing proposed amendments and deletions of existing text, are attached to this staff report. The specific amendments that are being proposed are as follows:

Chapter 17.57 - Landscaping

1) Section 17.57.010:

Existing Language: This section describes the purpose and intent of the landscaping section of the McMinnville Zoning Ordinance.

Suggested Amendment:

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. **Promote McMinnville as a community that cares about its appearance.**
- B. **Promote the enhancement of its urban forest and tree canopy.**
- C. **Encourage the preservation of existing trees.**
- D. **Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.**
- E. **Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.**
- F. **Unify development and enhance and define public and private places.**
- G. **Provide guidelines and standards that will:**
 - a. **Reduce soil erosion and the volume and rate of discharge of storm water runoff.**
 - b. **Aid in energy conservation by shading structures from energy losses caused by weather and wind.**
 - c. **Mitigate the loss of natural resources.**
 - d. **Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.**

- e. Provide for the creation of safe, attractively landscaped areas adjacent to public streets.
- f. Require the planting of street trees along the City’s rights-of-way.
- g. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
- h. Provide shade, and seasonal color.
- i. Reduce glare, noise and heat.

It is further recognized that good 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 17.57.050 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.

2) Section 17.57.030(B):

Existing Language: “Landscaping review shall occur within ten 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 presence shall not be necessary for action to be taken on the plans. A failure to review within ten working days shall be considered as approval of the plan”

Suggested Amendment:

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 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;

Review period changed from ten (10) working days to 30 (thirty) calendar days, to more accurately reflect existing practice and provide for sufficient staff time to thoroughly review plans. The language will require that review take place within 30 (thirty) days, which will provide flexibility for the Landscape Review Committee to meet earlier to review a plan if necessary.

3) Section 17.57.030(E):

Existing Language: “All completed landscape projects shall be inspected by the Director of Parks and Recreation.”

Suggested Amendment:

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.

This language already existed, but as amended would clearly allow for staff to make the determination of whether minor changes in landscaping were acceptable when completing their landscaping inspections.

4) Section 17.57.040(F)

Existing Language: Section 17.57.040 lists the information that must be included on submitted landscape plans.

Suggested Amendment: The Landscape Review Committee is suggesting that an additional piece of information be required to be included on submitted landscape plans, which will be **inserted** as F, and existing F will become G:

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;

Irrigation or watering facilities are a requirement for landscaped areas, and the committee believes that having this listed in the information that must be included on plans will ensure that applicants are aware of that up front.

5) Section 17.57.050(C):

Existing Language: "All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement."

Suggested Amendment:

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.**

6) Section 17.57.080:

Existing Language: Currently states that Landscape Review Committee "shall consist of three members and two alternate members". It goes on to state that only regular committee members may vote, and that alternate members can only vote in the absence of regular committee members.

Suggested Amendment: The City will be removing Section 17.57.080 (Plan review committee) in its entirety from the zoning ordinance and then adopting the Landscape Review Committee bylaws as a section of the City Code relating to all city commissions and committees. The

Landscape Review Committee would become a committee with 5 (five) regular members and a majority of active members would constitute a quorum. Committee members would still serve three (3) year terms, as they currently do today. A draft version of the City Code language that the City is proposing is attached for your review.

Chapter 17.58 - Trees

1) Section 17.58.020:

Existing Language: Section 17.58.020 defines the types of trees that are applicable to the requirements of the Trees chapter of the zoning ordinance. The existing language is somewhat vague on when a tree is located in the right-of-way.

Suggested Amendment:

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 or street trees planted in any public area or right-of-way in accordance with an approved street tree plan or landscape plan;**
- C. All trees ~~planted in or upon~~ **with trunks located completely or partially within** any public area or right-of-way;
- D. 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;
- E. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;

2) Section 17.58.040(A):

Existing Language: "Requests for tree removal or pruning of trees outside of the downtown tree zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within fifteen days of submittal."

Suggested Amendment:

- A. The removal or major pruning of a tree, **as defined in 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 infrastructure impacted by the tree removal.** Requests for tree removal or pruning of trees outside of the downtown tree zone 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~~ **area** 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 designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning ~~Director~~ **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 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.

3) Section 17.58.040(D):

Existing Language: "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."

Suggested Amendment: Add the following statement:

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 park tree planting program.**

4) Section 17.58.040(H):

Existing Language: "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. Such design specifications may include tree root barriers, watering tubes or structures, 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."

Suggested Amendment:

H. ~~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 within the downtown tree zone and for street 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.

5) Section 17.58.060(B):

Existing Language: This section explains situations which allow for an exemption from a permit to remove or prune trees.

Suggested Amendment: **Insert** the following exemption as B, existing exemptions B and C become C and D:

- 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 park tree planting program.**

6) Section 17.58.090(A):

Existing Language: “The species of the street trees to be planted shall be chosen from the approved street tree list unless approval of another species is given by the McMinnville Landscape Review Committee.”

Suggested Amendment:

- 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.**

7) Section 17.58.090(D):

Existing Language: This standard is related to the minimum planting strips required for certain types of roadways.

Suggested Amendment:

- 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.**

8) Section 17.58.090(G):

Existing Language: "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 modified design, approved by the Planning Director."

Suggested Amendment:

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 modified design, approved by the Planning Director~~ **or updated design drawings and specifications as periodically developed and adopted by the City.**

9) Section 17.58.120:

Existing Language: "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."

Suggested Amendment: Keep the existing language, but add the following as an additional provision:

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.**

Fiscal Impact:

None.

Recommendation/Suggested Motion:

Staff will provide an overview of the proposed amendments at the work session to help guide the Planning Commission through the key points. No specific motion is required, but the Planning Commission may provide guidance to staff in drafting the final zoning text amendments, which are proposed to be presented during a public hearing at the next regular Planning Commission meeting on March 16, 2017.

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