



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

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

**Landscape Review Committee  
 ZOOM Online Meeting  
 Wednesday, November 18, 2020 - 12:00 PM**

*Please note that this meeting will be conducted via ZOOM meeting software due to the COVID-19 event.*

**Join ZOOM Meeting online via the following link:**

<https://mcminnvilleoregon.zoom.us/j/518962842?pwd=aEdRd2JjaThJSVNXdndKcHJyb0hiZz09>

Meeting ID: 518 962 842  
 Passcode: 694642

**Or join ZOOM Meeting by phone via the following number: 1-669-900-9128**

Committee Members	Agenda Items
Rob Stephenson Chair	<b>1. Call to Order</b>
Sharon Gunter Vice-Chair	<b>2. Citizen Comments</b>
Josh Kearns	<b>3. Approval of Minutes</b>
Tim McDaniel	<b>4. Action Items</b> A. L 32-20 – Landscape Plan Review (Exhibit 1) 1575 NE Colvin Court - Casteel Custom Bottling B. L 35-20 – Street Tree Removal (Exhibit 2) 3752 NE Harvest Court
John Hall	<b>5. Discussion Items</b> A. McMinnville Zoning Ordinance Chapter 17.58 (Trees) Review (Exhibit 3)
	<b>6. Old/New Business</b>
	<b>7. Committee Member Comments</b>
	<b>8. Staff Comments</b>
	<b>9. Adjournment</b>

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

\*Please note that these documents are also on the City’s website, [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.



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## EXHIBIT 1 - STAFF REPORT

DATE: November 18, 2020  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Agenda Item 4A – Landscape Plan Review Application (L 32-20)

### STRATEGIC PRIORITY & GOAL:



#### GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

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### REPORT IN BRIEF:

This proceeding is a review by the Landscape Review Committee of an application for a landscape plan (L 32-20) for a new industrial development at 1575 NE Colvin Court. Staff has reviewed the application for consistency with the applicable criteria, and recommends approval of the application, subject to the conditions specified in the attached Decision Document.

### PROJECT DESCRIPTION:

The subject site is located at 1575 NE Colvin Court and is more specifically described as Tax Lot 3401, Section 15, T. 4 S., R. 4 W., W.M. The subject property is located west of NE Colvin Court, north of NE Riverside Drive, and south of NE Rivergate Street. **See Figure 1 (Vicinity Map).** The property is zoned M-2PD (General Commercial Planned Development) and is within the Northeast Industrial Area Planned Development Overlay District (Ordinance 4135). **See Figure 2 (Zoning Map).** The subject property is approximately 2.61 acres and is undeveloped. Adjacent property is all zoned M-2PD, and property to the north and west is developed with industrial facilities. Properties to the east across Colvin Court and the south of the subject site are undeveloped.

The proposed site plan for the bottling facility features an approximately 23,300 square foot building in the southeast corner of the site. The majority of the site surrounding the building is paved, with parking being provided between the proposed building and NE Colvin Court, and along the northern edge. A trash enclosure is located in the northwest corner of the property. A storm drainage collection swale and detention pond are located along the southern property line. **See Figure 3 (Site Plan).** Proposed landscaping is focused in the area between the building and the Colvin Court right-of-way, and around the perimeter of the site. **See Figure 4 (Landscape Plan) and Figure 5 (Plant Schedule).**

#### Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for an Urgent Care Clinic at 1755 SW Baker Street

**Figure 1: Vicinity Map (Subject Site Approximate)**



**Figure 2: Zoning Map**



**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for a New Industrial Development at 1575 NE Colvin Court

Figure 3: Applicant's Proposed Site Plan

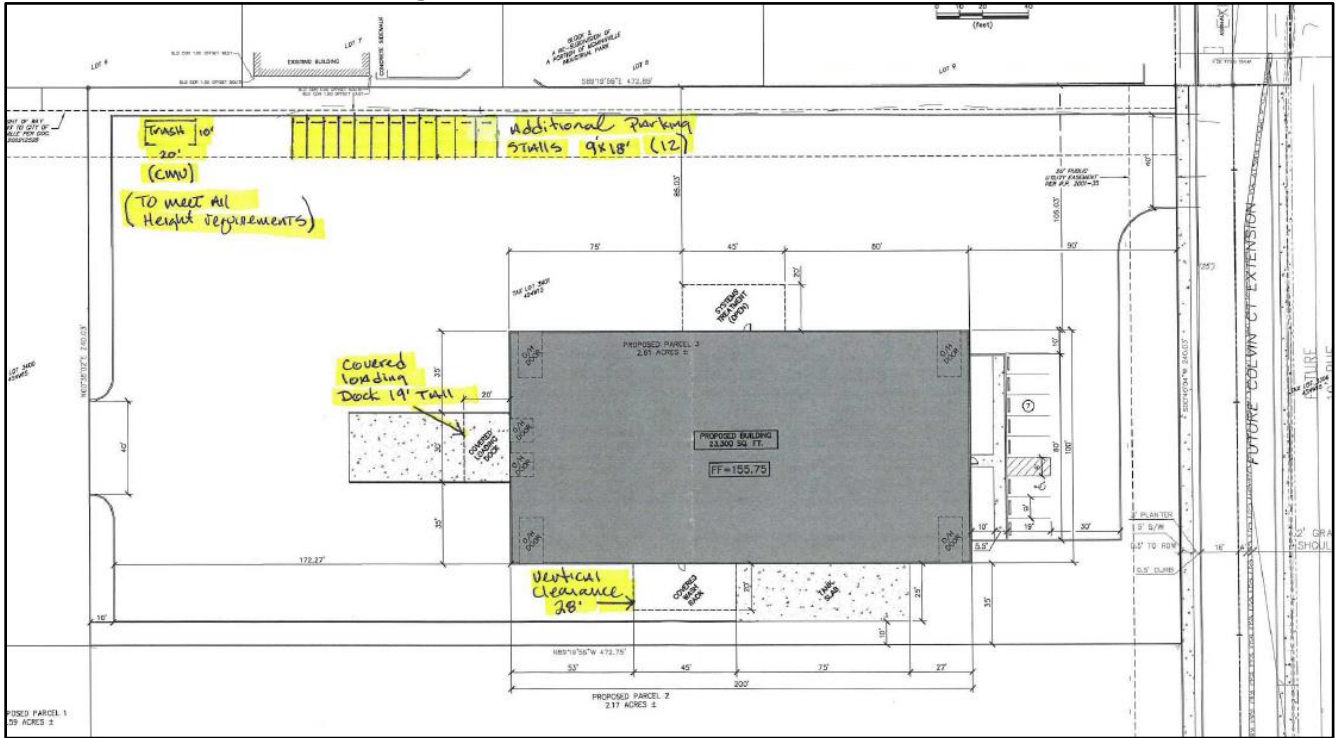
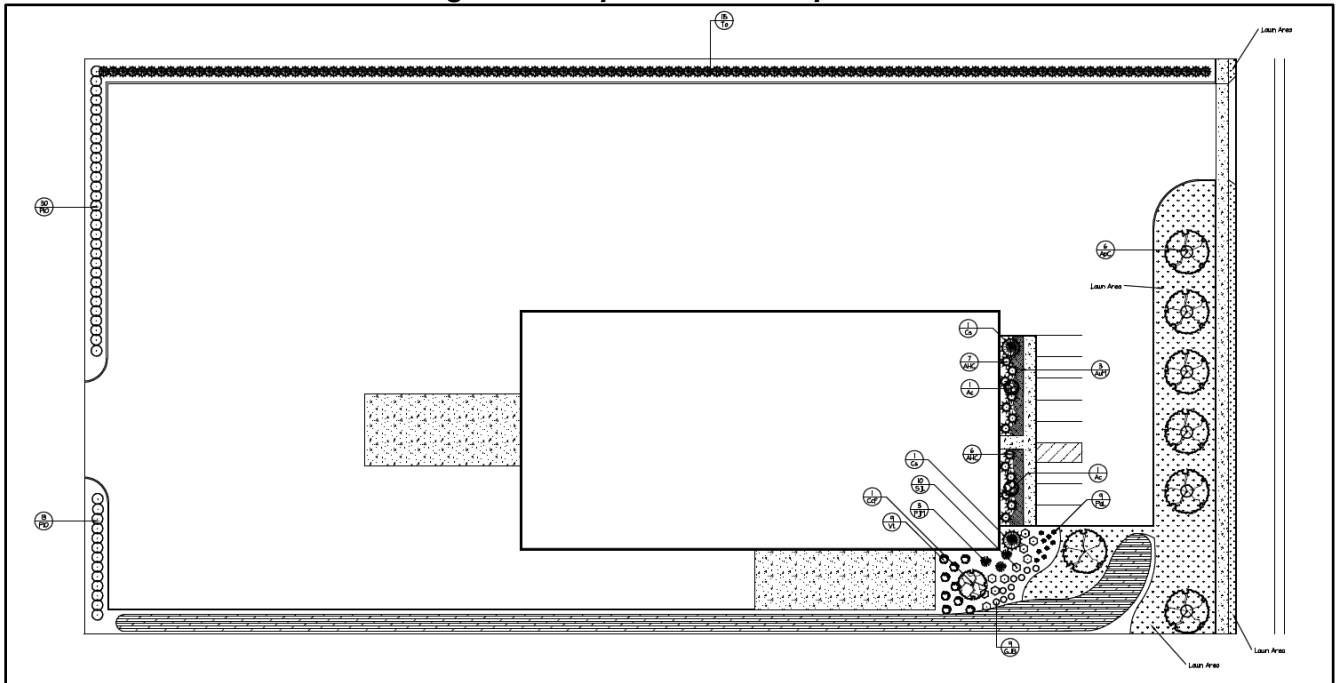


Figure 4: Proposed Landscape Plan

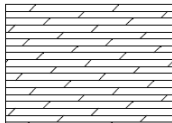


Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for a New Industrial Development at 1575 NE Colvin Court

**Figure 5: Proposed Plant Schedule**

Key	Qty	Botanical Name	Common Name	Size/Condition
<b>Trees</b>				
Ac	2	Acer circinatum	VINE MAPLE	5-7'
ApC	6	Acer platanoides 'Columnare'	COLUMNARE NORWAY MAPLE	2' Cal.
CcF	1	Cercis canadensis 'Forest Pansy'	FOREST PANSY REDBUD	15" Cal.
Cs	2	Cupressus sempervirens	ITALIAN CYPRESS	6-7'
To	115	Thuja occidentalis	AMERICAN ARBORVITAE	4-5'
<b>Shrubs</b>				
AHC	13	Azalea 'Hino Crimson'	HINO CRIMSON AZALEA	3 Gal.
PJM	3	Pieris japonica 'Mt. Fire'	MT. FIRE JAPANESE PIERIS	5 Gal.
PIO	43	Prunus laurocerasus 'Otto Luyken'	OTTO LUYKEN CHERRY LAUREL	5 Gal.
SJL	10	Spiraea japonica 'Little Princess'	LITTLE PRINCESS SPIREA	3 Gal.
Vt	9	Viburnum tinus	LAURESTINUS VIBURNUM	5 Gal.
<b>Ornamental Grasses</b>				
PdL	9	Pennisetum alopecuroides 'Little Bunny'	LITTLE BUNNY FOUNTAIN GRASS	1 Gal.
<b>Perennials and Annuals</b>				
GJB	9	Geranium 'Johnsons Blue'	JOHNSONS BLUE CRANESBILL	1 Gal.
<b>Groundcovers</b>				
AuM	3	Arctostaphylos uva-ursi 'Massachusetts'	MASSACHUSETTS BEARS GRAPE	4" Flats of 18



Wetland Drainage Area to be seeded with Sunmark Native Wetland Seed

**STAFF REVIEW:**

Decisions and/or recommendations for land-use applications are dependent upon whether or not the applications meet state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code (MMC). The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached is the decision document that provides the Findings of Fact and Conclusionary Findings for the land-use application. This document outlines the legal findings on whether or not each application meets the applicable criteria and whether or not there are conditions of approval that if achieved put the application in compliance with the criteria.

**Applicable Review Criteria**

Landscaping in the M-2 (General Industrial) zone is subject to commercial standards and requirements outlined in McMinnville Municipal Code (MMC) Chapters 17.57-Landscaping.

**Compliance with Review Factors**

Below are tables summarizing the application’s compliance with critical criteria and review factors. The Decision Document for the land-use application has the detailed analysis and findings for this compliance:

**MMC 17.57.070(A)(2)**

**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for a New Industrial Development at 1575 NE Colvin Court

	Total Site Area (s.f.)	Landscape Provided (s.f.)	Percentage Provided	Percentage Required (Industrial)
Bottling Facility	113,692	19,587	17.2%	7.0%

**MMC 17.57.070(B)**

Issue	Notes	Condition to Help Meet Criteria
Compatibility with the project and surrounding properties and uses	<ul style="list-style-type: none"> <li>Planting focused in front of building/property along Colvin Court</li> <li>Perimeter planting on north, west of site to screen from adjacent development</li> <li>Storm water facility along south property line</li> </ul>	None
Screening the proposed use	<ul style="list-style-type: none"> <li>Perimeter planting on north, west of site to screen from adjacent development</li> <li>Shade trees provide buffering from right-of-way</li> <li>Trash enclosure not screened</li> </ul>	None
Retention of existing trees	<ul style="list-style-type: none"> <li>No existing trees or natural areas on site</li> </ul>	None
Parking lot islands and planting	<ul style="list-style-type: none"> <li>Landscaping, including shade trees provided on three sides of parking area in front of building</li> <li>Evergreen hedge screens parking provided along north property line</li> </ul>	None
Use of suitable street trees	<ul style="list-style-type: none"> <li>Street trees not required (planter strip not wide enough)</li> <li>No prohibited trees within the parking area</li> </ul>	None
Irrigation system or water facilities	<ul style="list-style-type: none"> <li>Drip irrigation to be provided to planters</li> </ul>	None

**Staff-Suggested Conditions of Approval**

1. That the applicant shall install landscaping as shown on the landscape plans received by the Planning Department on November 4, 2020 and shall comply with required conditions of approval.
2. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.

**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for a New Industrial Development at 1575 NE Colvin Court

3. That landscaping be provided around three (3) sides of the trash and recycling enclosure. Climbing vines and screening shrubs are appropriate, and plant material must be a minimum of three (3) feet in height at the time of planting.
4. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement.

**COMMENTS:**

**Agency Comments**

- McMinnville Public Works Department

Site Review

1. The existing site is a planned commercial building currently under construction, located on Colvin Court south of Rivergate.
2. Colvin Court is a local street located in the MIP area. It is a half street improvement, with curb and gutter on the west side of the roadway with a park strip.
3. There are no overhead conflicts.
4. Staff is assuming that a separate street tree permit application will be forthcoming for the site.

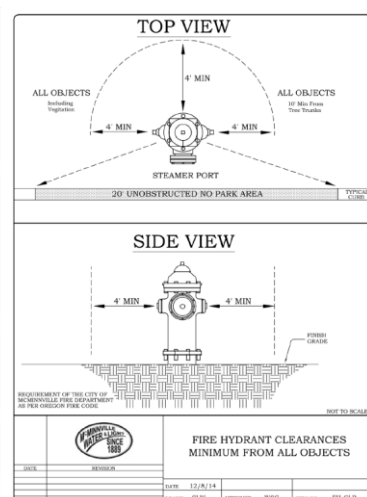
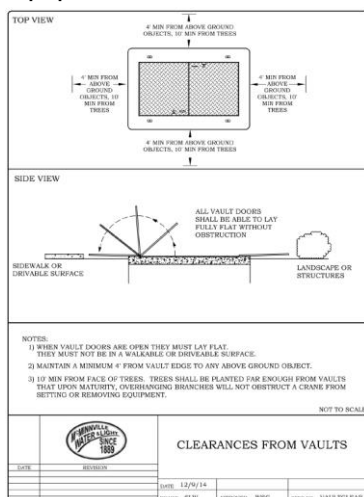
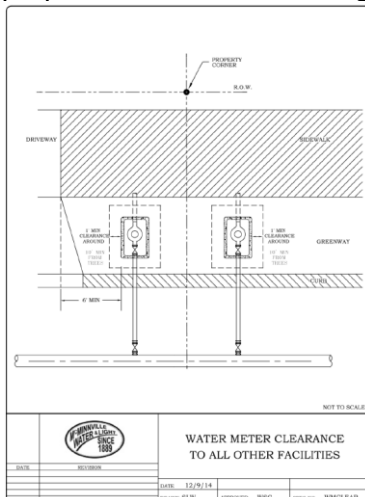
Recommendations

1. Per the submittal, all the landscaping improvements proposed appear to be on private property. Given that, Public Works would have not comment on this proposal.

- McMinnville Water and Light

Water: The Acer Platanoides Columnare at the southeast corner of this parcel maybe in clearance conflict with existing and future fire hydrant, fire vault and water services. This Columnare Norway Maple may need to move north to avoid the conflict. Maintain clearances from water utilities, see details; WNCLEAR, FH-CLR and VAULTCLEAR.(see attachments)

Tree 20 feet east of the SE corner of the building (unlisted what variety it is?) is in conflict with the proposed electrical transformer location. Frontage trees appear clear of the existing vaults in the utility easement. Forest Pansy Redbud along the south side of the building may be in conflict with proposed electrical metering equipment.



Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for a New Industrial Development at 1575 NE Colvin Court

**Public Comments**

No public comments were received prior to the issuance of this report.

**LANDSCAPE REVIEW COMMITTEE OPTIONS:**

- 1) **APPROVE** the application, per the decision document provided which includes the findings of fact and conditions of approval.
- 2) **APPROVE** the application with additional conditions of approval, providing findings of fact for the inclusion of additional conditions.
- 3) **CONTINUE** the application, requesting the applicant to submit more information or details for review.
- 4) **DENY** the application, providing findings of fact for the denial in the motion to deny.

**STAFF RECOMMENDATION:**

Staff has reviewed the application for consistency with the applicable criteria. Staff finds that, subject to the recommended conditions specified in the attached Decision Document, the application submitted by the applicant contains sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the application, subject to the conditions specified in the attached Decision Document.

**SUGGESTED MOTION:**

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE LANDSCAPE PLAN REVIEW APPLICATION L 32-20 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

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*Attachments:*

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for a New Industrial Development at 1575 NE Colvin Court*





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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A LANDSCAPE PLAN REVIEW FOR A NEW INDUSTRIAL DEVELOPMENT AT 1575 NE COLVIN COURT**

- DOCKET:** L 32-20 (Landscape Plan Review)
- REQUEST:** Approval of a Landscape Plan for Casteel Custom Bottling, a new industrial development, at 1575 NE Colvin Court
- LOCATION:** 1575 NE Colvin Court (Tax Lot 3401, Section 15, T. 4. S., R. 4 W., W.M.)
- ZONING:** M-2PD (General Industrial Planned Development)
- APPLICANT:** Troy Haworth, Haworth Inc., on behalf of Jon Casteel, property owner
- STAFF:** Jamie Fleckenstein, PLA, Associate Planner
- DATE DEEMED COMPLETE:** November 4, 2020
- DECISION MAKING BODY & ACTION:** McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.
- DECISION DATE & LOCATION:** October 21, 2020, Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon, and Zoom Online Meeting ID 518 962 842.
- PROCEDURE:** Landscape plans are required to be reviewed and approved by the Landscape Review Committee as described in Section 17.57.050 (Plans-Submittal and review-Approval-Time limit for completion) of the McMinnville Zoning Ordinance.
- CRITERIA:** The applicable criteria are specified in Section 17.57.070 (Area Determination – Planning factors) of the McMinnville Zoning Ordinance, McMinnville City Code.
- APPEAL:** The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.57.170 of the McMinnville Zoning Ordinance.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Their comments are provided in this document. No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.



## **I. APPLICATION SUMMARY:**

### ***Subject Property & Request***

The applicant, Troy Haworth of Haworth Inc., on behalf of Jon Casteel, property owner, submitted a landscape plan review application (Docket L 32-20) seeking approval of a landscape plan for a new industrial development of a custom bottling facility.

The subject site is located at 1575 NE Colvin Court and is more specifically described as Tax Lot 3401, Section 15, T. 4 S., R. 4 W., W.M. The subject property is located west of NE Colvin Court, north of NE Riverside Drive, and south of NE Rivergate Street. **See Figure 1 (Vicinity Map).** The property is zoned M-2PD (General Commercial Planned Development) and is within the Northeast Industrial Area Planned Development Overlay District (Ordinance 4135). **See Figure 2 (Zoning Map).**

The subject property is approximately 2.61 acres and is undeveloped. Adjacent property is all zoned M-2PD, and property to the north and west is developed with industrial facilities. Properties to the east across Colvin Court and the south of the subject site are undeveloped.

The proposed site plan for the bottling facility features an approximately 23,300 square foot building in the southeast corner of the site. The majority of the site surrounding the building is paved, with parking being provided between the proposed building and NE Colvin Court, and along the northern edge. A trash enclosure is located in the northwest corner of the property. A storm drainage collection swale and detention pond are located along the southern property line. **See Figure 3 (Site Plan).** Proposed landscaping is focused in the area between the building and the Colvin Court right-of-way, and around the perimeter of the site. **See Figure 4 (Landscape Plan) and Figure 5 (Plant Schedule).**

**Figure 1: Vicinity Map (Subject Site Approximate)**




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### ***Attachments :***

Attachment 1 – Application and Attachments

Figure 2: Zoning Map

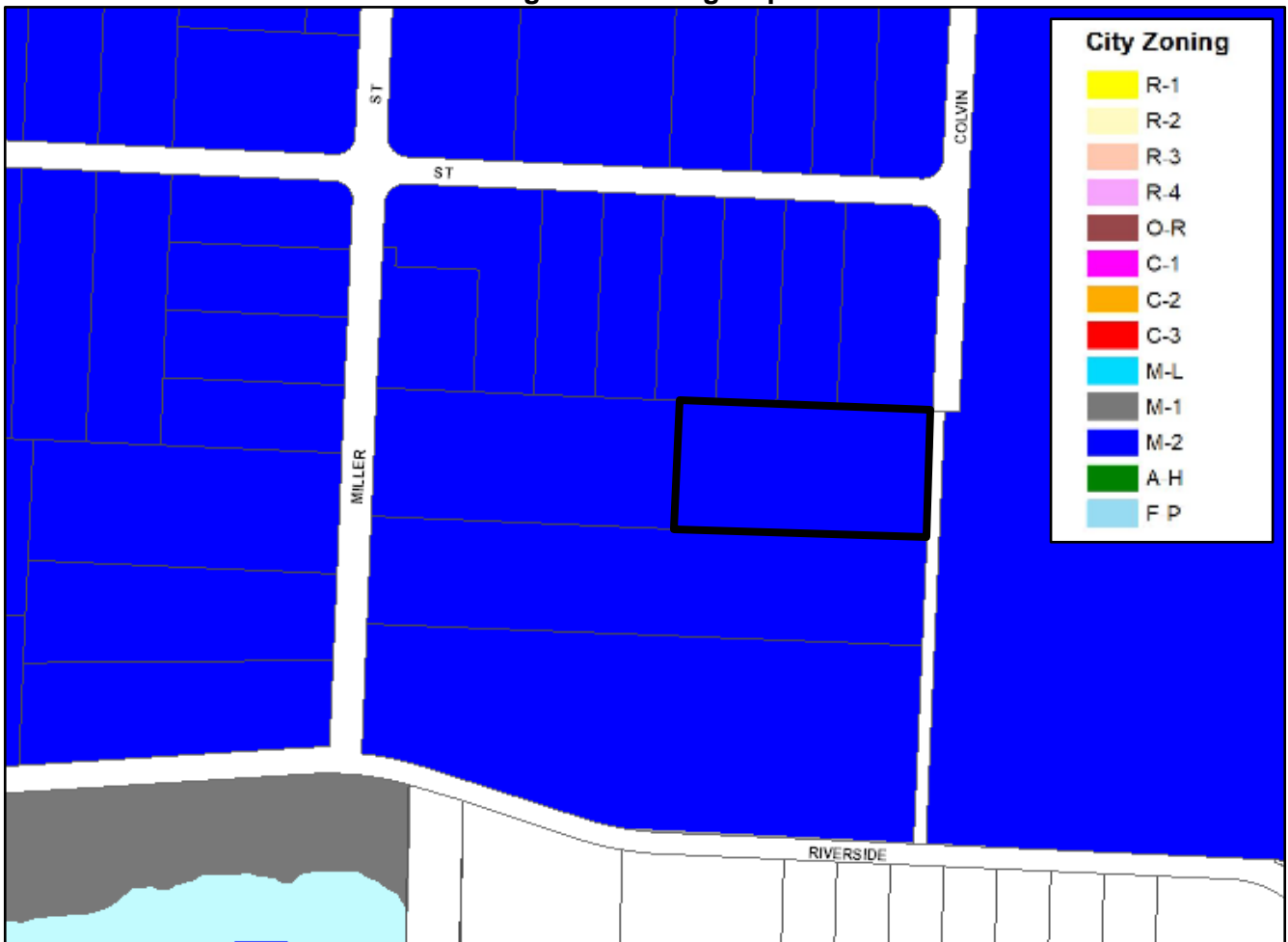
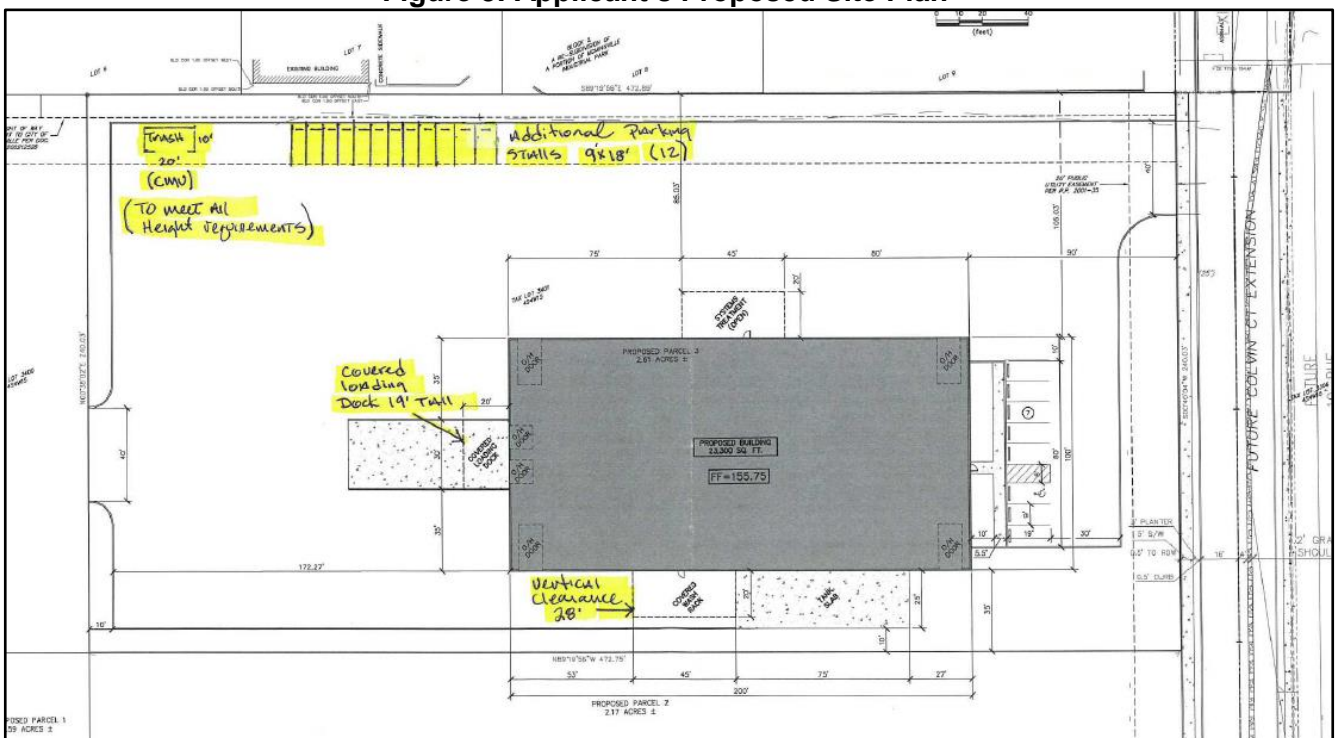


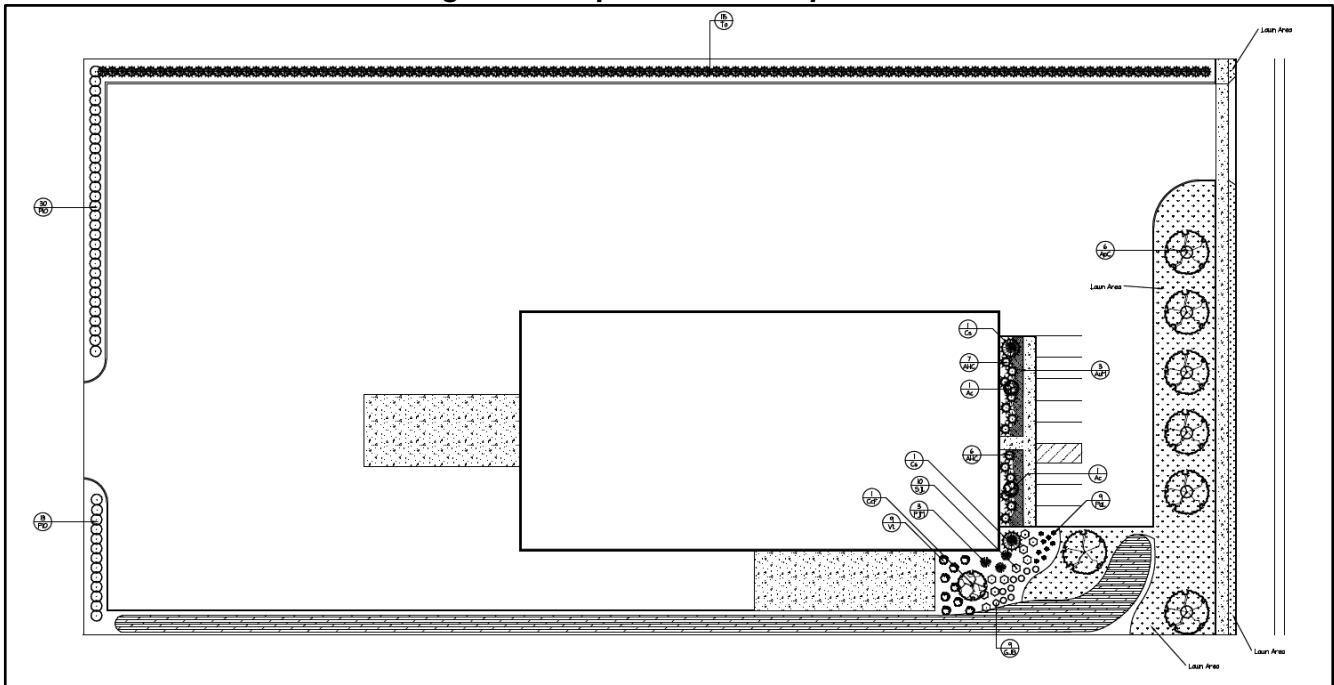
Figure 3: Applicant's Proposed Site Plan



Attachments :

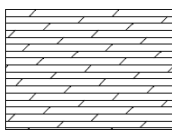
Attachment 1 – Application and Attachments

**Figure 4: Proposed Landscape Plan**



**Figure 5: Proposed Plant Schedule**

Key	Qty	Botanical Name	Common Name	Size/Condition
<b>Trees</b>				
Ac	2	Acer circinatum	VINE MAPLE	5-7'
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<b>Shrubs</b>				
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<b>Groundcovers</b>				
AuM	3	Arctostaphylos uva-ursi 'Massachusetts'	MASSACHUSETTS BEARS GRAPE	4" Flats of 18



Wetland Drainage Area to be seeded with Sunmark Native Wetland Seed

**Attachments :**

Attachment 1 – Application and Attachments

### **Summary of Criteria & Issues**

Decisions and/or recommendations for approval of the land use application is dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code (MMC). The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria.

The proposed development is on land zoned M-2PD (General Industrial Planned Development). McMinnville Municipal Code (MMC) Section 17.57.030 requires landscaping in the M-2 zone. Therefore landscaping is required subject to the criteria and standards described in MMC Chapter 17.57-Landscaping.

## **II. CONDITIONS:**

1. That the applicant shall install landscaping as shown on the landscape plans received by the Planning Department on November 4, 2020 and shall comply with required conditions of approval.
2. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
3. That landscaping be provided around three (3) sides of the trash and recycling enclosure. Climbing vines and screening shrubs are appropriate, and plant material must be a minimum of three (3) feet in height at the time of planting.
4. That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement.

## **III. ATTACHMENTS:**

1. L 32-20 Application and Attachments (on file with the Planning Department)

## **IV. COMMENTS:**

### **Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. The following comments were received:

- McMinnville Public Works Department

#### Site Review

1. The existing site is a planned commercial building currently under construction, located on Colvin Court south of Rivergate.
2. Colvin Court is a local street located in the MIP area. It is a half street improvement, with curb and gutter on the west side of the roadway with a park strip.
3. There are no overhead conflicts.

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Attachments :

Attachment 1 – Application and Attachments

- Staff is assuming that a separate street tree permit application will be forthcoming for the site.

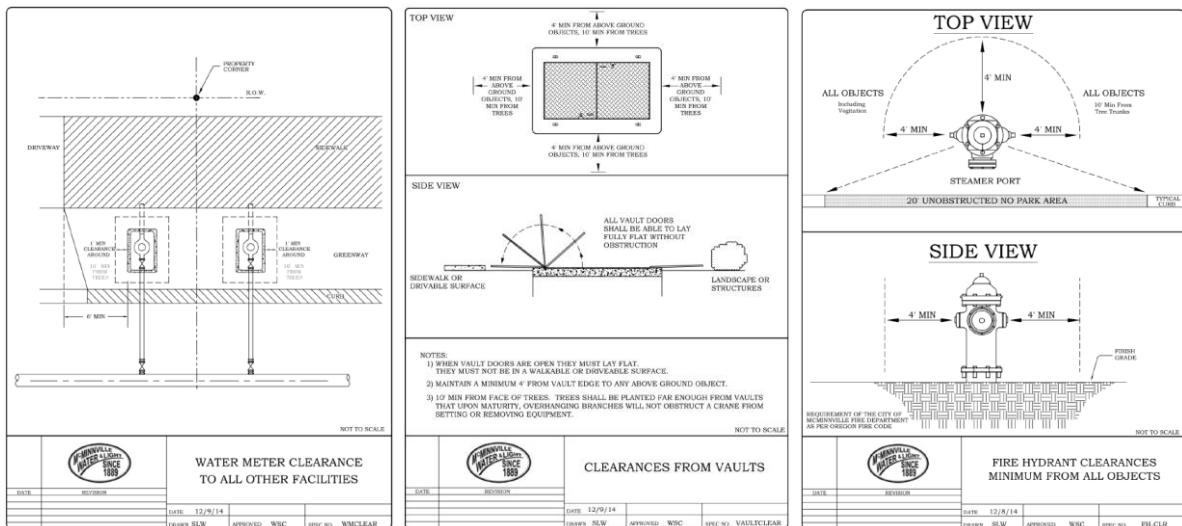
**Recommendations**

- Per the submittal, all the landscaping improvements proposed appear to be on private property. Given that, Public Works would have not comment on this proposal.

- McMinnville Water and Light**

Water: The Acer Platanoides Columnare at the southeast corner of this parcel maybe in clearance conflict with existing and future fire hydrant, fire vault and water services. This Columnare Norway Maple may need to move north to avoid the conflict. Maintain clearances from water utilities, see details; WNCLEAR, FH-CLR and VAULTCLEAR.(see attachments)

Tree 20 feet east of the SE corner of the building (unlisted what variety it is?) is in conflict with the proposed electrical transformer location. Frontage trees appear clear of the existing vaults in the utility easement. Forest Pansy Redbud along the south side of the building may be in conflict with proposed electrical metering equipment.



**Public Comments**

No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 of the McMinnville Zoning Ordinance which does not require public notification. No public comments were received prior to the Planning Director's decision.

**V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

- The applicant, Troy Haworth of Haworth Inc., on behalf of Jon Casteel, property owner, submitted a landscape plan review application on September 2, 2020.
- The application was deemed incomplete on September 21, 2020.
- Revised application materials were submitted on November 4, 2020.
- The application was deemed complete on November 4, 2020. Based on that date, the application is subject to a 30 day review timeframe, which expires December 4, 2020.

**Attachments :**

Attachment 1 – Application and Attachments

5. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
6. No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 of the McMinnville Zoning Ordinance, which does not require public notification. No public comments were received prior to the public meeting.
7. A public meeting was held by the Landscape Review Committee on November 18, 2020 to review the application and proposed landscape plan.

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** 1575 NE Colvin Court (Tax Lot 3401, Section 15, T.4 S., R. 4 W., W.M.)
2. **Size:** 2.61 acres
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:** M-2PD (General Industrial Planned Development)
5. **Overlay Zones/Special Districts:** Northeast Industrial Planned Development Overlay District (Ordinance 4135)
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None
8. **Other Features:**
  - a. **Slopes:** The site is relatively flat.
  - b. **Easements:** A 20 foot wide waterline easement to the City of McMinnville is present along the northern edge of the site.
9. **Utilities:**
  - a. **Water:** The property is served by a water main in NE Colvin Court. The treatment plant has sufficient treatment capacity.
  - b. **Sewer:** The property is served by a sewer main in NE Colvin Court. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
  - c. **Stormwater:** The property is served by a stormwater sewer main in NE Colvin Court.
  - d. **Other Services:** Other services are available to the property. No overhead utilities are present adjacent to the property.
10. **Transportation:** NE Colvin Court is classified as a Local Street in the Transportation System Plan (TSP).

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable planning factors for a Landscape Plan Review are specified in Section 17.57.070 of the Zoning Ordinance. The applicable standards for Street Trees are specified in Section 17.58.090 of the Zoning Ordinance

Attachments :

Attachment 1 – Application and Attachments



In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

**Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

**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.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Landscape Review Committee review of the request and recommendation at an advertised public meeting. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

**McMinnville Zoning Ordinance**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

**Chapter 17.57 Landscaping**

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

- A. Provide guidelines and standards that will:
  1. Reduce soil erosion and the volume and rate of discharge of storm water runoff.
  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.

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*Attachments :*

Attachment 1 – Application and Attachments

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 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.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The landscape plan will enhance the appearance of the city and will benefit the economic, ecological, and aesthetic environment of the city. Conditions of approval have been included in the findings described in further detail below to ensure that the proposed planting meets necessary City standards and criteria, which will result in a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.

**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).

**APPLICANT'S RESPONSE:** None.

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*Attachments :*

Attachment 1 – Application and Attachments

**FINDING: SATISFIED.** The proposed development is within the M-2 (General Industrial) zone, therefore landscaping is required subject to landscaping requirements of industrial uses and the criteria and standards described in Chapter 17.57 – Landscaping.

**17.57.070 Area Determination – Planning Factors.**

**17.57.070(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.)

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is approximately 2.61 acres, or 113,692 square feet. The landscape plan indicates that 19,587 square feet of landscaping is provided over the entire site.

	Total Site Area (s.f.)	Landscape Provided (s.f.)	Percentage	Percentage Required
Bottling Facility	113,692	19,587	17.2%	7.0%

The proposed landscaping area of 17.2 percent exceeds the seven (7) percent minimum landscaping requirement for industrial development. Therefore this standard is met.

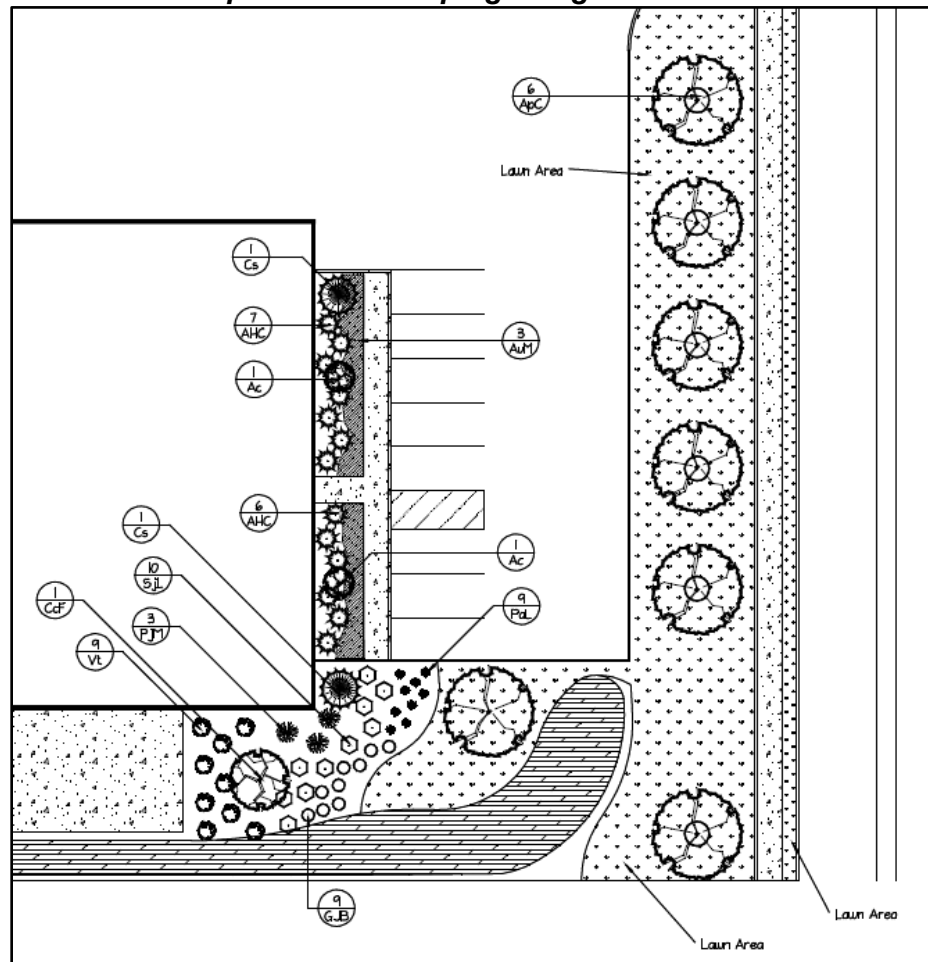
**17.57.070(B).** The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

**17.57.070(B)(1).** Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed development project includes an approximately 23,300 square foot building in the southeast corner of the site. The majority of the site surrounding the building is paved, with parking being provided between the proposed building and NE Colvin Court, and along the northern property line. A trash enclosure is located in the northwest corner of the property. A storm drainage collection swale and detention pond are located along the southern property line. Proposed landscaping is focused in the area between the building and the Colvin Court right-of-way, and around the perimeter of the site.

### Proposed Landscaping along Colvin Court



Proposed landscaping along NE Colvin Court features a variety of deciduous and evergreen trees and shrubs. A row of *Acer platanoides* 'Columnare' (Columnar Norway Maple) planted in a lawn area between the parking lot and sidewalk essentially function as street trees, and provide shade and screening of the parking area. Planting areas in front of the building define the entrance and break up the parking area with the evergreen *Cupressus sempervirens* (Italian Cypress) trees, native deciduous *Acer circinatum* (Vine Maple) trees, evergreen azalea shrubs, and an evergreen groundcover, *Arctostaphylos uva-ursi* 'Massachusetts' (Massachusetts Kinnickinick). Around the southeast corner of the building is a larger planting area with a variety of deciduous trees, evergreen and deciduous ornamental shrubs, ornamental grasses, and flowering perennials. The proposed planting does not conflict with the proposed use, and will provide seasonal interest and screening and buffering of the site and use.

Along the southern property line, a storm water collection swale and detention pond is proposed to be planted with Sunmark Native Wetland Seed. The specified seed mix is a combination of native wetland grasses formulated to provide erosion control and habitat function. The swale is the width of the planting area along the southern property line, limiting the landscaping that can be provided.

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#### Attachments :

Attachment 1 – Application and Attachments

**Sunmark Native Wetland Seed Mix**

Botanical Name	Common Name	% by weight
<i>Hordeum branchyantherum</i>	Meadow Barley	35.00%
<i>Glyceria occidentalis</i>	Northwestern Mannagrass	20.00%
<i>Festuca rubra rubra</i>	Native Red Fescue	20.00%
<i>Alopecurus genicaultius</i>	Water Foxtail	13.00%
<i>Eleocharis palustris</i>	Common Spikerush	5.00%
<i>Beckmannia syziganche</i>	American Sloughgrass	4.00%
<i>Deschampsia caespitosa</i>	Tufted Hairgrass	2.50%
<i>Agrostis exarata</i>	Spike Bentgrass	0.50%
<b>TOTALS:</b>		<b>100.00%</b>

Along the northern property line, an evergreen hedge of *Thuja occidentalis* (American Arborvitae) is proposed. This hedge will provide screening of the industrial developments to the north, and the parking area and trash enclosure provided along the northern property line.

Along the western property line, the landscape area is proposed to be planted with *Prunus laurocerasus* 'Otto Luyken' (Otto Luyken Laurel), an evergreen screening shrub.

Overall, the characteristics of the proposed landscaping is compatible with the project and the adjacent surrounding properties.

**17.57.070(B)(2).** Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed use is screened from neighboring developed properties to the north and west by evergreen planting including an arborvitae hedge along the north property line and evergreen screening shrubs along the west property line. Landscaping is primarily focused on the east side of the property between the building and the Colvin Court right-of-way. There, shade trees along the sidewalk and landscaping around the foundation of the building will provide screening and buffering. A drainage swale and detention pond are proposed along the southern property line, limiting the landscaping that can be planted along the southern edge of the property. Proposed landscaping around the trash enclosure will provide some screening, but landscaping around a third side of the enclosure is required as described in findings for MMC Section 17.61.030(C) below.

**17.57.070(B)(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.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** No significant natural areas or existing trees are present on the site to incorporate into the development of the project. Therefore, this factor is not applicable.

**17.57.070(B)(4).** The development and use of islands and plantings therein to break up parking areas.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Parking for the development is provided along the east side of the building, and west of the building along the northern property line. Landscape areas surround three (3) sides of the eastern parking area, with deciduous trees such as *Acer platanoides* 'Columnare'

**Attachments :**

Attachment 1 – Application and Attachments

(Columnar Norway Maple) and *Acer circinatum* (Vine Maple) providing canopy and shade, and a variety of evergreen and deciduous shrubs, ornamental grass, and evergreen groundcover provide additional screening and buffering and interest around the parking area. An evergreen hedge of *Thuja occidentalis* (American Arborvitae) is adjacent to the parking area along the north property line.

**17.57.070(B)(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.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed industrial development is fronting on a road with a dedicated curb-side planter strip. As described in more detail in findings for Chapter 17.58 Trees, street trees are not required because the planter strip is not the minimum size for street trees adjacent to a local street. No prohibited tree is proposed in the parking area.

**17.57.070(B)(6).** Suitable watering facilities or irrigation systems must be included in or near all planted areas.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The landscape plan indicates that all areas are to receive a design build automatic irrigation system.

**17.57.070(C)** All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #4.** A condition of approval is included to require that all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

**CONDITION FOR FINDING:** That all landscaping approved by the Landscape Review Committee and required as conditions of approval shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement.

## **Chapter 17.58. Trees**

**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.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed industrial development is fronting on NE Colvin Court, which has a designated curb-side planting strip.

## **17.58.090 Street Tree Standards.**

A. 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

Attachments :

Attachment 1 – Application and Attachments

edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 ½) 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.

**APPLICANT’S RESPONSE:** None.

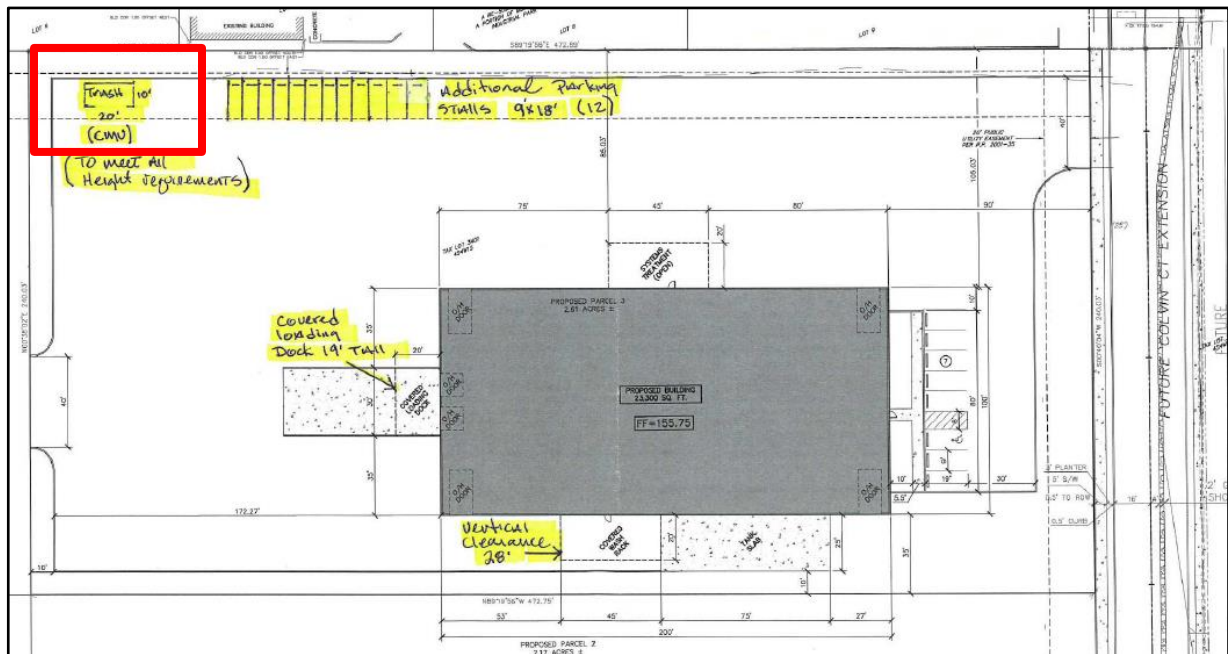
**FINDING: SATISFIED.** The proposed industrial development is fronting on NE Colvin Court, which is classified as a local street in the Transportation System Plan. The site plan indicates the width of curb-side planter strip adjacent to the subject property to be three (3) feet. The minimum planter width for Recommended Street Trees in the McMinnville Street Tree List, adopted by Resolution 2019-26, is four (4) feet. Therefore, street trees are not required.

**Chapter 17.61 Solid Waste and Recycling Enclosure Plan**

**17.61.030(C)** Any trash or recycling enclosure which is visible from the street must provide landscaping around three (3) sides of the structure. Climbing vines and screening shrubs or hedges are appropriate and landscaping must be a minimum of three-feet (3) in height at the time of planting.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #3.** A revised site plan submitted with the building permit application shows a trash enclosure located in the northwest corner of the property. The proposed location of the trash and recycling enclosure would be visible from the Colvin Court right-of-way to the east.

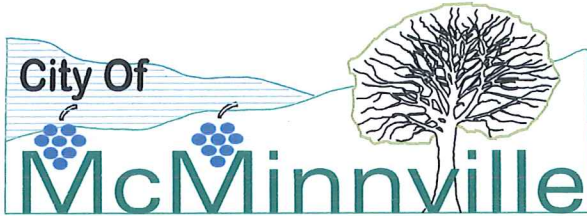


The landscape plan specifies an evergreen hedge (*Thuja occidentalis*/American Arborvitae) along the north property line, and evergreen screening shrubs (*Prunus laurocerasus* ‘Otto Luyken’/Otto Luyken Laurel) along the west property line adjacent to the proposed trash enclosure. Therefore, a condition of approval is included to require landscaping be provided around three (3) sides of the trash and recycling enclosure. Climbing vines and screening shrubs are appropriate, and plant material must be a minimum of three (3) feet in height at the time of planting.

**CONDITION FOR FINDING:** That landscaping be provided around three (3) sides of the trash and recycling enclosure. Climbing vines and screening shrubs are appropriate, and plant material must be a minimum of three (3) feet in height at the time of planting.

JF





**Planning Department**  
 231 NE Fifth Street ◦ McMinnville, OR 97128  
 (503) 434-7311 Office ◦ (503) 474-4955 Fax  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

509-20-000536-Plng

<b>Office Use Only:</b>	
File No.	<u>L32-20</u>
Date Received	<u>9-2-2020</u>
Fee	<u>801.<sup>35</sup></u>
Receipt No.	_____
Received by	<u>gls</u>

## Landscape Plan Review Application

### Applicant Information

**Applicant is:**    Property Owner    Contract Buyer    Option Holder    Agent    Other Contractor

Applicant Name Haworth Inc. Phone 503-472-2452

Contact Name Troy Haworth Phone 503-550-3272  
*(If different than above)*

Address 13500 SW Hwy 99W

City, State, Zip McMinnville, OR 97128

Contact Email troy@haworthinc.net

### Property Owner Information

Property Owner Name Jon Casteel Phone 971-231-7817  
*(If different than above)*

Contact Name Jon Casteel Phone \_\_\_\_\_

Address 8590 SE Hillcrest Dr

City, State, Zip Amity OR 97101

Contact Email Jon@CasteelCustomBottling.com

### Site Location and Description

*(If metes and bounds description, indicate on separate sheet)*

Property Address 1575 NE Colvin Ct.

Assessor Map No. R4415 03401 Total Site Area \_\_\_\_\_

Subdivision NA Block NA Lot NA

Comprehensive Plan Designation Ind Zoning Designation M-2RO

**Landscaping Information**

- 1. Total Landscaped Area: 17,725
- 2. Percent Landscaped: 17.7 percent.
- 3. Building Floor Area:  
New Structure: 20,000 Existing Structure: NA Addition: NA
- 4. Architect Name Josh Kerus Phone 503-864-3551  
(Landscape Architect, Engineer, or Other Designer)  
Contact Name Josh. Kerus. Phone \_\_\_\_\_  
Address 16800 NE McDougall Rd.  
City, State, Zip Dayton Ok. 97114  
Contact Email Josh@canddlandscape.com

In addition to this completed application, the applicant must provide the following:

- Two (2) copies of the proposed landscape plan containing the information listed in the information sheet and Chapter 17.57 (Landscaping) of the Zoning Ordinance.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

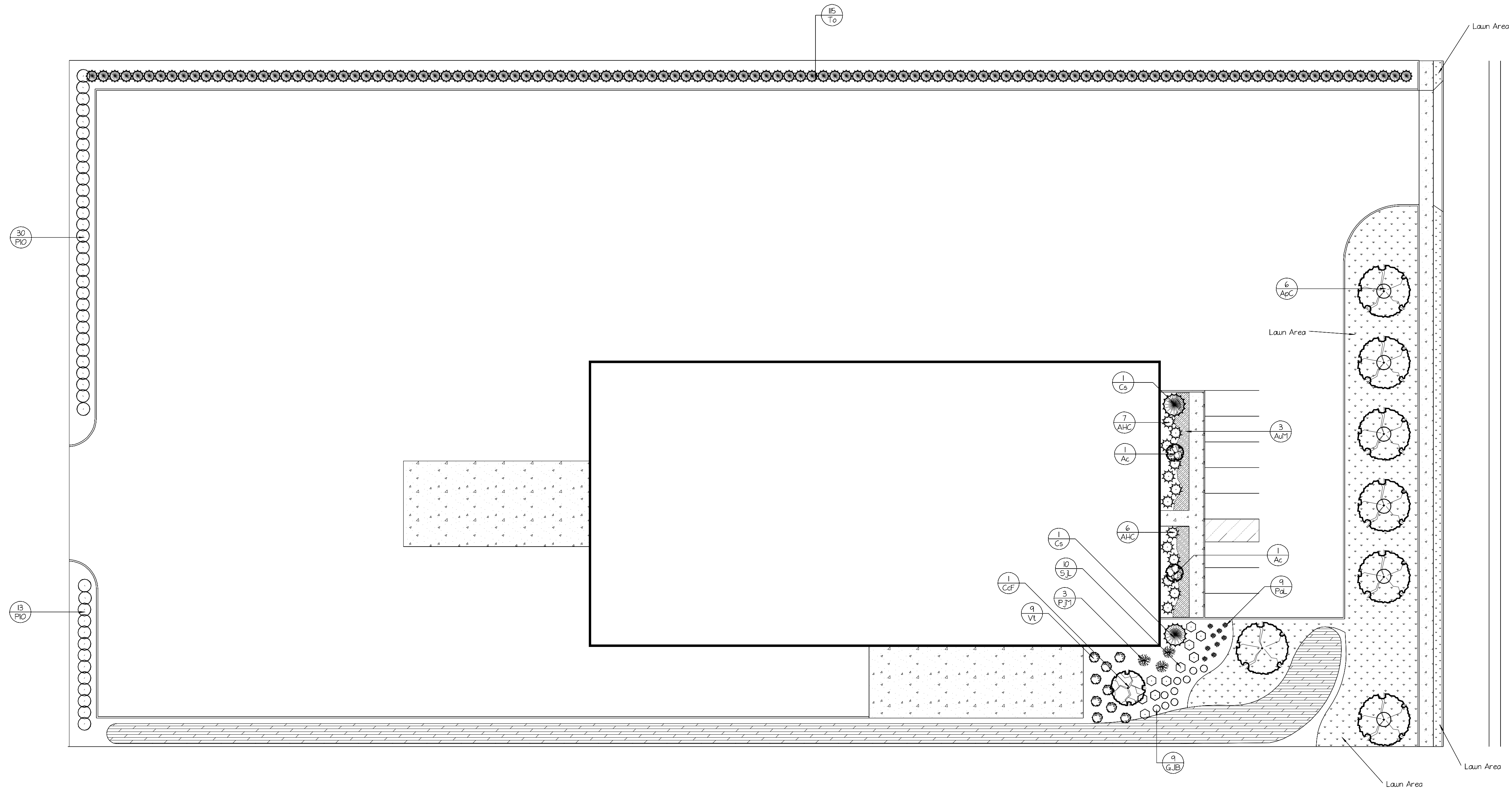
**I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.**

  
\_\_\_\_\_  
Applicant's Signature

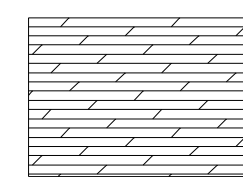
8-31-20  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Property Owner's Signature

8-31-20  
\_\_\_\_\_  
Date

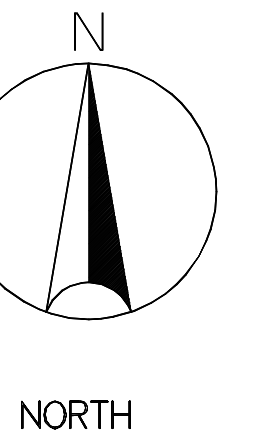


- \* All landscape ares to receive design build automatic irrigation system
- \* All Shrub beds to receive 2" Hemlock Bark Mulch
- \* Lawn to be seeded with Perennial rye seed
- \* 19,587 Square Feet of Landscaped Area



Wetland Drainage Area to be seeded with Sunmark Native Wetland Seed

Key	Qty	Botanical Name	Common Name	Size/Condition
<b>Trees</b>				
Ac	2	<i>Acer circinatum</i>	VINE MAPLE	5-7'
ApC	6	<i>Acer platanoides 'Columnar'</i>	COLUMNAR NORWAY MAPLE	2" Cal.
CdF	1	<i>Cercis canadensis 'Forest Pansy'</i>	FOREST PANSY REDBUD	15' Cal.
Cs	2	<i>Cupressus sempervirens</i>	ITALIAN CYPRESS	6-7'
To	15	<i>Thuja occidentalis</i>	AMERICAN ARBORVITAE	4-5'
<b>Shrubs</b>				
AhC	18	<i>Azalea 'Hino Crimson'</i>	HINO CRIMSON AZALEA	3 Gal.
Pj1	3	<i>Prunus japonica 'Mt. Fuji'</i>	MT. FUJI JAPANESE PRUNUS	5 Gal.
PLO	48	<i>Prunus laurocerasus 'Otto Luyken'</i>	OTTO LUYKEN CHERRY LAUREL	5 Gal.
S.L.	10	<i>Spiraea japonica 'Little Princess'</i>	LITTLE PRINCESS SPIREA	3 Gal.
Vt.	9	<i>Viburnum tinus</i>	LAURESTINUS VIBURNUM	5 Gal.
<b>Ornamental Grasses</b>				
Pd.	9	<i>Pennisetum alopecuroides 'Little Bunny'</i>	LITTLE BUNNY FOUNTAIN GRASS	1 Gal.
<b>Perennials and Annuals</b>				
G.B.	9	<i>Geranium 'Johnson's Blue'</i>	JOHNSONS BLUE CRANESBILL	1 Gal.
<b>Groundcovers</b>				
AuM	3	<i>Arctostaphylos uva-ursi 'Massachusetts'</i>	MASSACHUSETTS BEARS GRAPE	4" Plots of 18



# Landscape Plan

Casteel Bottling

SCALE: 1"=20'  
 DATE: 08/28/20  
 DRAWING #: 2020/099



City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## EXHIBIT 2 - STAFF REPORT

DATE: November 18, 2020  
TO: Landscape Review Committee Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: Agenda Item 4B - Street Tree Removal Application (L 35-20)

### STRATEGIC PRIORITY & GOAL:



#### GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

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### Report in Brief:

An application to remove two (2) Maple and one (1) Pear street trees adjacent to 3752 NE Harvest Court (L 35-20) to be reviewed by the Landscape Review Committee.

### Background:

The application requests the removal of two (2) Maple and one (1) Pear street trees from the NE Autumn Ridge Drive public right-of-way adjacent to the subject property because two of the three trees are dead, dying, or unsafe. The removal request of the third tree is to replace all three trees with the same variety. Removal of a tree located within the public right-of-way which is unsafe, dead, or diseased requires City approval.

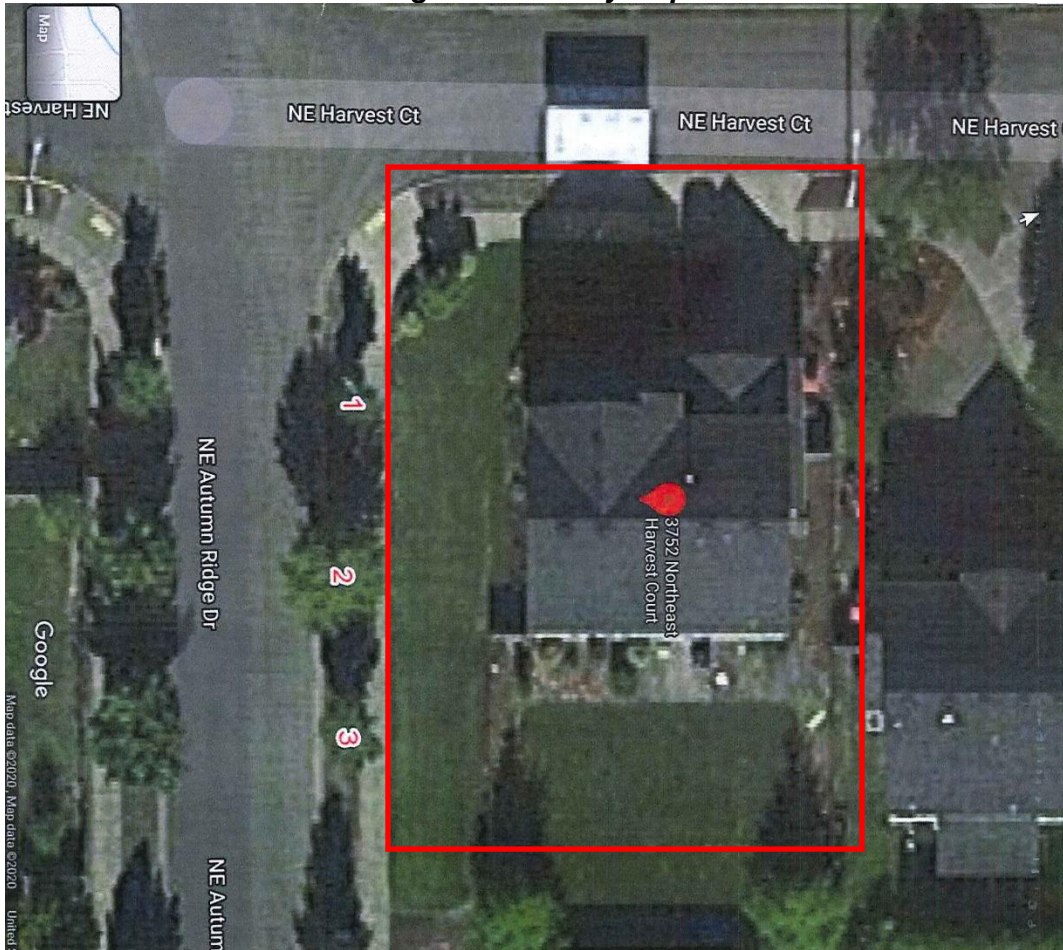
The subject property is located at 3752 NE Harvest Court within the Autumn Ridge Phase 3 subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-4 PD (Multiple-Family Residential Planned Development) and is developed with a single-family residence. The trees that are requested for removal are within the NE Autumn Ridge Drive right-of-way. **See Figure 2 (Site Plan), Figure 3 (Existing Tree 1), Figure 4 (Existing Tree 1), Figure 5 (Existing Tree 1), Figure 6 (Existing Tree 2), Figure 7 (Existing Tree 2), and Figure 8 (Existing Tree 2).** **Please note there were no photos of Existing Tree 3.**

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### Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 3752 NE Harvest Court

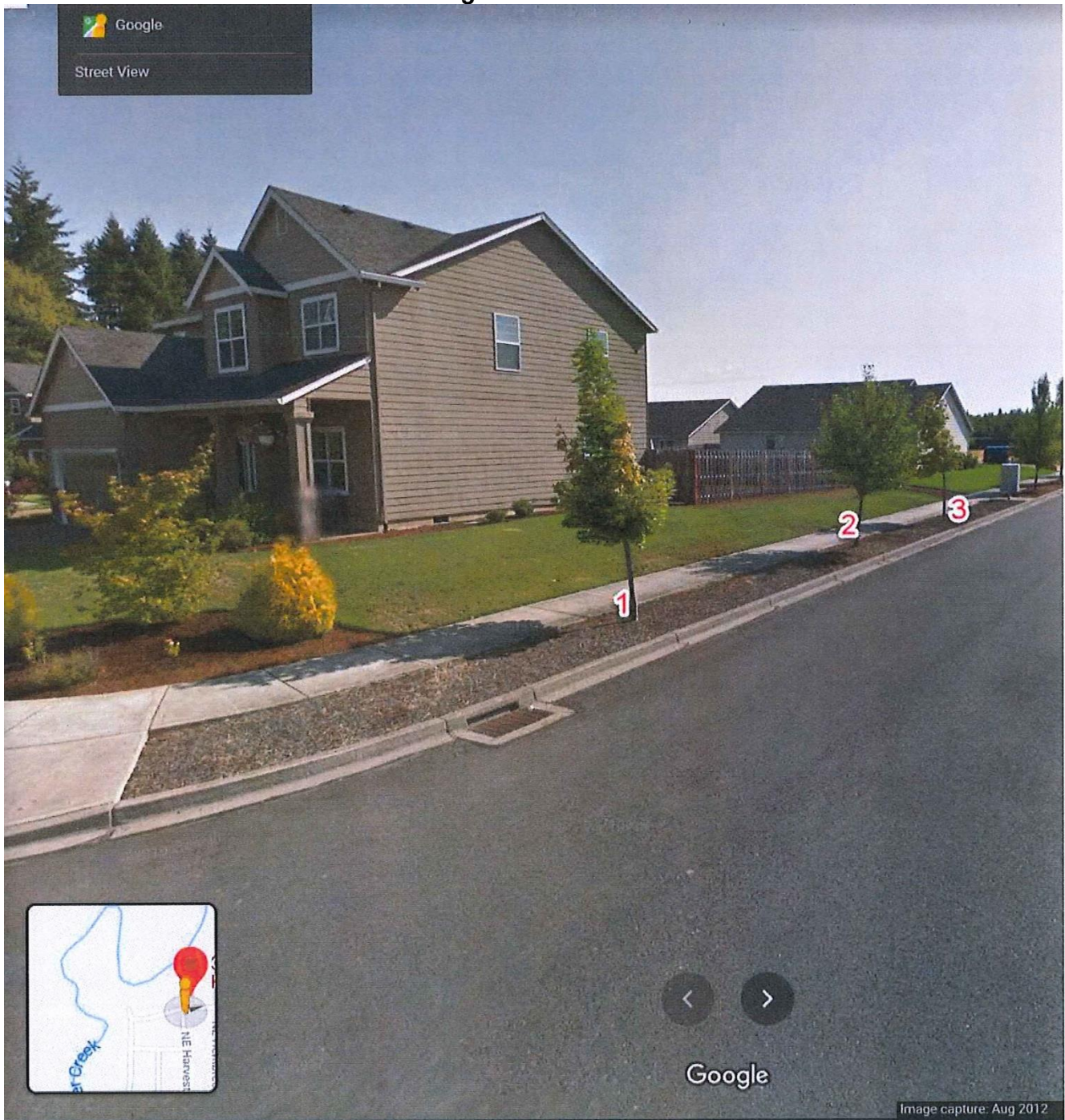
**Figure 1: Vicinity Map**



**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 3752 NE Harvest Court

**Figure 2: Site Plan**



**Attachments:**

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 3752 NE Harvest Court

**Figure 3: Existing Tree 1**



**Figure 4: Existing Tree 1**



**Figure 5: Existing Tree 1**



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**Attachments:**

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 3752 NE Harvest Court*

**Figure 6 (Existing Tree 2)**



**Figure 7 (Existing Tree 2)**



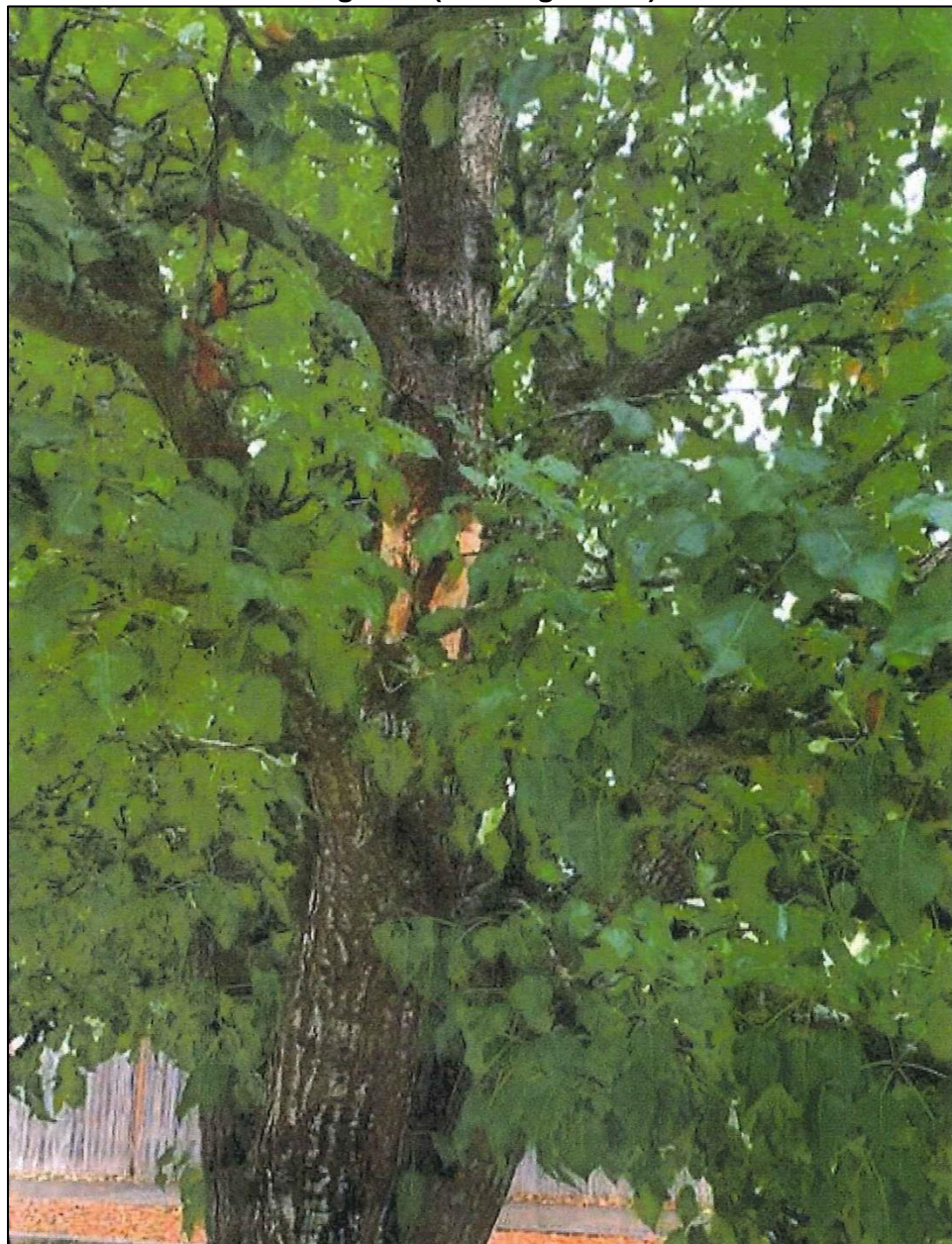
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**Attachments:**

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 3752 NE Harvest Court*



**Figure 8 (Existing Tree 2)**



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**Attachments:**

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 3752 NE Harvest Court*

## **Discussion:**

### ***Summary of Criteria & Issues:***

The application requests approval of a tree removal permit to remove two (2) Maple and one (1) Pear street tree located within the public right-of-way. The Tree Removal Permit request is subject to the Tree Removal review criteria in Section 17.58.050 of the McMinnville Municipal Code (MMC).

Section 17.58.050 of the MMC requires a permit for Tree Removal to be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- 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.

The applicant, a certified arborist, has requested the removal of one (1) Maple and one (1) Pear tree because they are in poor condition and in decline. A second Maple is in fair condition with no obvious issues, but the applicant wishes to replace all three trees with the same variety. Tree #1 has been determined by the applicant to be in significant decline with extreme damage to the tree. The tree is dying and unlikely to survive. Tree #2 has been determined by the applicant to be unsafe due to the increasing likelihood of limb failure and the increasing likelihood of root failure which would cause the tree to fall. Therefore, criterion 'A' is met and removal of the Tree #1 and Tree #2 is recommended.

The request for the removal of tree #3 does not meet the criteria for approval of a tree removal permit. Tree #3 is neither unsafe, dead, or diseased, nor is it in conflict with public improvements. The removal of tree #3 is not part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

Requirement of two (2) replacement street trees is recommended by Staff. No street tree plan for the Autumn Ridge Phase 3 subdivision is on file with the Planning Department, so a replacement tree selected from the recommended medium trees species in the McMinnville Street Tree List appropriate for planting under wires, or other species/variety approved by the McMinnville Landscape Review Committee, would be of appropriate size and character to remain consistent with surrounding street trees.

### ***Staff-Suggested Conditions of Approval***

1. That only the two (2) trees identified as Tree #1 and Tree #2, in the application dated October 5, 2020, are approved for removal.
2. That all costs and liability associated with tree removal, stump grinding, and tree replacement shall be borne by the applicant.
3. That the applicant shall call for locates (dial 811) for all underground utilities prior to removing the trunk and roots. This is a free service and the law. Upon request, utility locates can be flagged without marking up hard surfaces.
4. That the trees' stump and remaining surface roots shall be removed at least six (6) inches below grade to allow for a suitable replanting site. 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.

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#### *Attachments:*

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 3752 NE Harvest Court*

5. That two (2) replacement street trees be planted in the NE Autumn Ridge Drive planter strip. The trees shall be a recommended medium street tree from the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee.
6. That replacement 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.
7. That replacement trees shall be planted per the approved City detail. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a minimum depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.
8. That the applicant shall contact the McMinnville Public Works Department at 503-434-7316 to discuss specific staking, watering tube requirements, and to schedule an inspection prior to backfilling the replacement tree's planting pit.
9. That the applicant is reminded that trees are not to be planted within:
  - a. Five (5) feet of a private driveway or alley;
  - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
  - c. Twenty (20) feet of street light standards or street intersections.
10. That the planter strip area shall be restored to original grade immediately following the planting of the replacement trees.
11. That the applicant shall complete the tree removal and tree replacement within six (6) months of approval, or May 18, 2021.

**Fiscal Impact:**

None.

**Landscape Review Committee Options:**

- 1) **APPROVE** the application, per the decision document provided which includes the findings of fact and conditions of approval.
- 2) **APPROVE** the application with additional conditions of approval, providing findings of fact for the inclusion of additional conditions.
- 3) **CONTINUE** the application, requesting the applicant to submit more information or details for review.
- 4) **DENY** the application, providing findings of fact for the denial in the motion to deny.

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*Attachments:*

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 3752 NE Harvest Court*

**Staff Recommendation:**

Staff has reviewed the application for consistency with the applicable criteria. Staff finds that, subject to the recommended conditions specified in the attached Decision Document, the application submitted by the applicant contains sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the application, subject to the conditions specified in the attached Decision Document.

**Suggested Motion:**

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE TREE REMOVAL APPLICATION L 35-20 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

JF

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*Attachments:*

*Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Tree Removal At 3752 NE Harvest Court*



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

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

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A TREE REMOVAL AT 3752 NE HARVEST DRIVE**

- DOCKET:** L 35-20 (Street Tree Removal)
- REQUEST:** Approval to remove two (2) Maple and one (1) Pear street tree from the public right-of-way adjacent to the subject property
- LOCATION:** 3752 NE Harvest Court (Tax Lot 7900, Section 09CA, T. 4. S., R. 4 W., W.M.)
- ZONING:** R-4 PD (Multiple-Family Residential Planned Development)
- APPLICANT:** Taylor Alvarez with Associated Arborist, on behalf of Aaron Smith, property owner
- STAFF:** Jamie Fleckenstein, PLA, Associate Planner
- DATE DEEMED COMPLETE:** October 27, 2020
- DECISION MAKING BODY & ACTION:** McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.
- DECISION DATE & LOCATION:** November 18, 2020, Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon, and Zoom Online Meeting ID 518 962 842.
- PROCEDURE:** This tree removal is subject to review in accordance with procedures specified in Chapter 17.58-Trees of the McMinnville Zoning Ordinance. The application for tree removal is subject to the procedures specified in Section 17.58.040 Tree Removal/Replacement.
- CRITERIA:** The applicable criteria are specified in Section 17.58.050 of the McMinnville Zoning Ordinance, McMinnville City Code.
- APPEAL:** The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.58.040(A) of the McMinnville Zoning Ordinance.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Their comments are provided in this document. No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.



**I. APPLICATION SUMMARY:**

The application requests the removal of two (2) Maple and one (1) Pear street trees from the NE Autumn Ridge Drive public right-of-way adjacent to the subject property because two of the three trees are dead or dying. The removal request of the third tree is to replace all three trees with the same variety. Removal of a tree located within the public right-of-way which is unsafe, dead, or diseased requires City approval.

The subject property is located at 3752 NE Harvest Court within the Autumn Ridge Phase 3 subdivision. **See Figure 1 (Vicinity Map).** The property is zoned R-4 PD (Multiple-Family Residential Planned Development) and is developed with a single-family residence. The trees that are requested for removal are within the NE Autumn Ridge Drive right-of-way. **See Figure 2 (Site Plan), Figure 3 (Existing Tree 1), Figure 4 (Existing Tree 1), Figure 5 (Existing Tree 1), Figure 6 (Existing Tree 2), Figure 7 (Existing Tree 2), and Figure 8 (Existing Tree 2).** Please note there were no photos of Existing Tree 3.

**Figure 1: Vicinity Map**

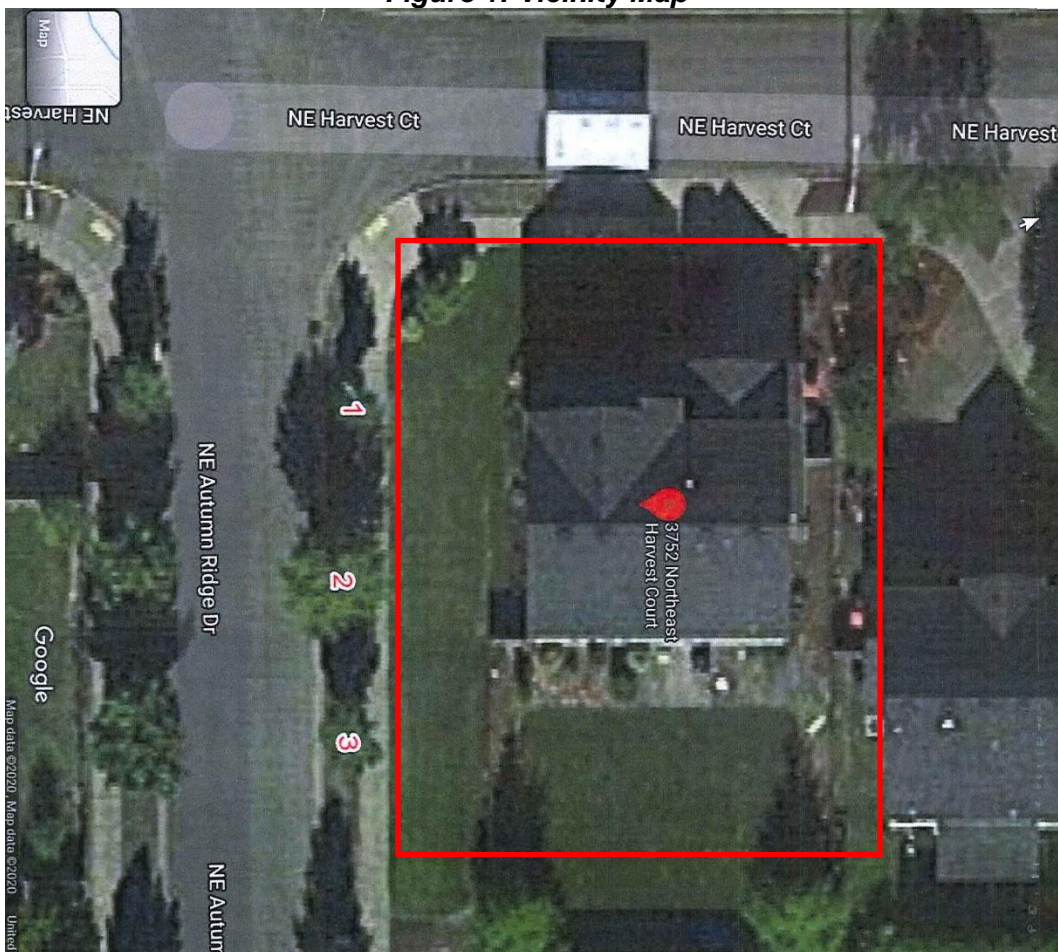
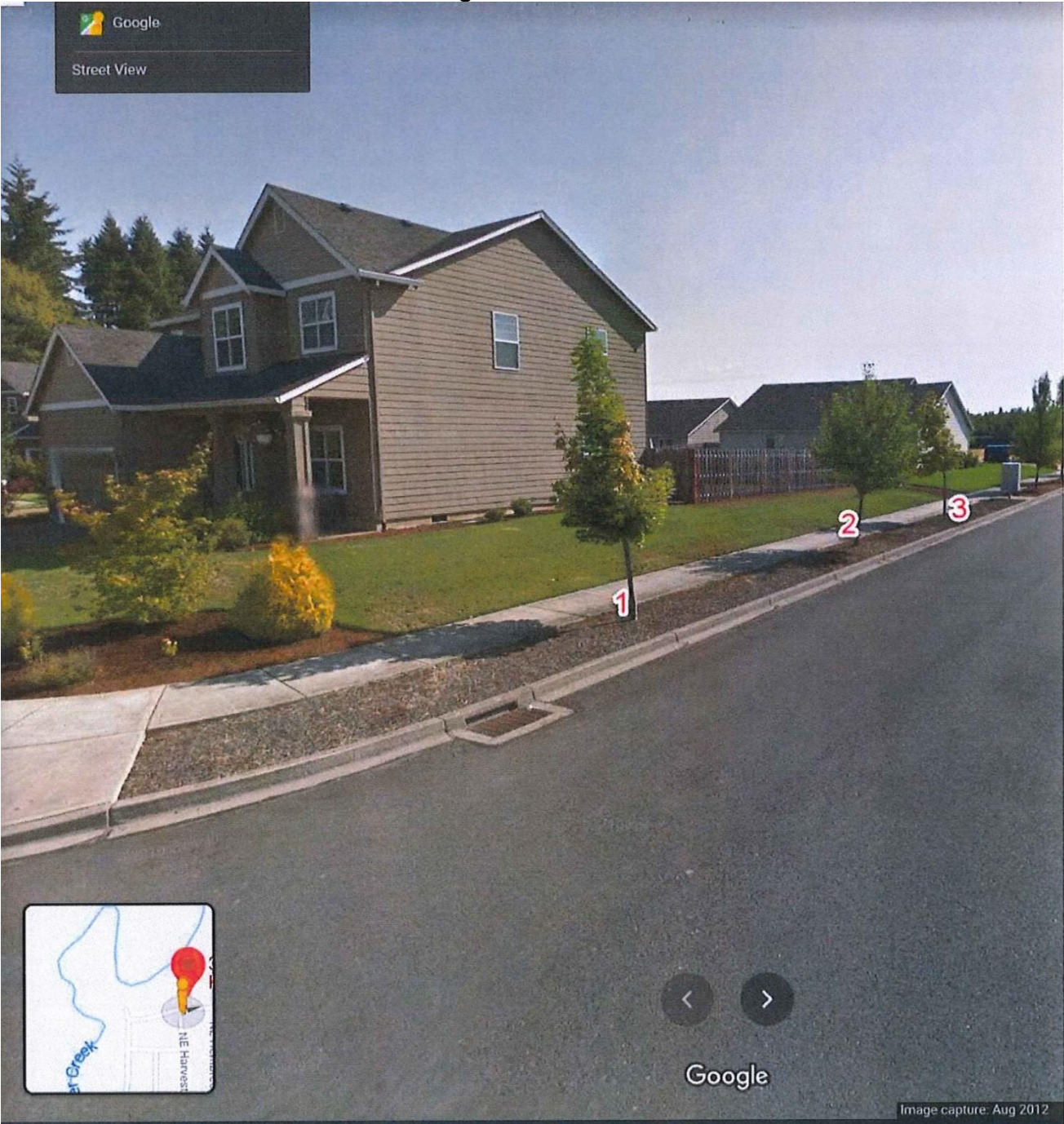


Figure 2: Site Plan





**Figure 3: Existing Trees 1**



**Figure 4: Existing Tree 1**



**Figure 5 (Existing Tree 1)**



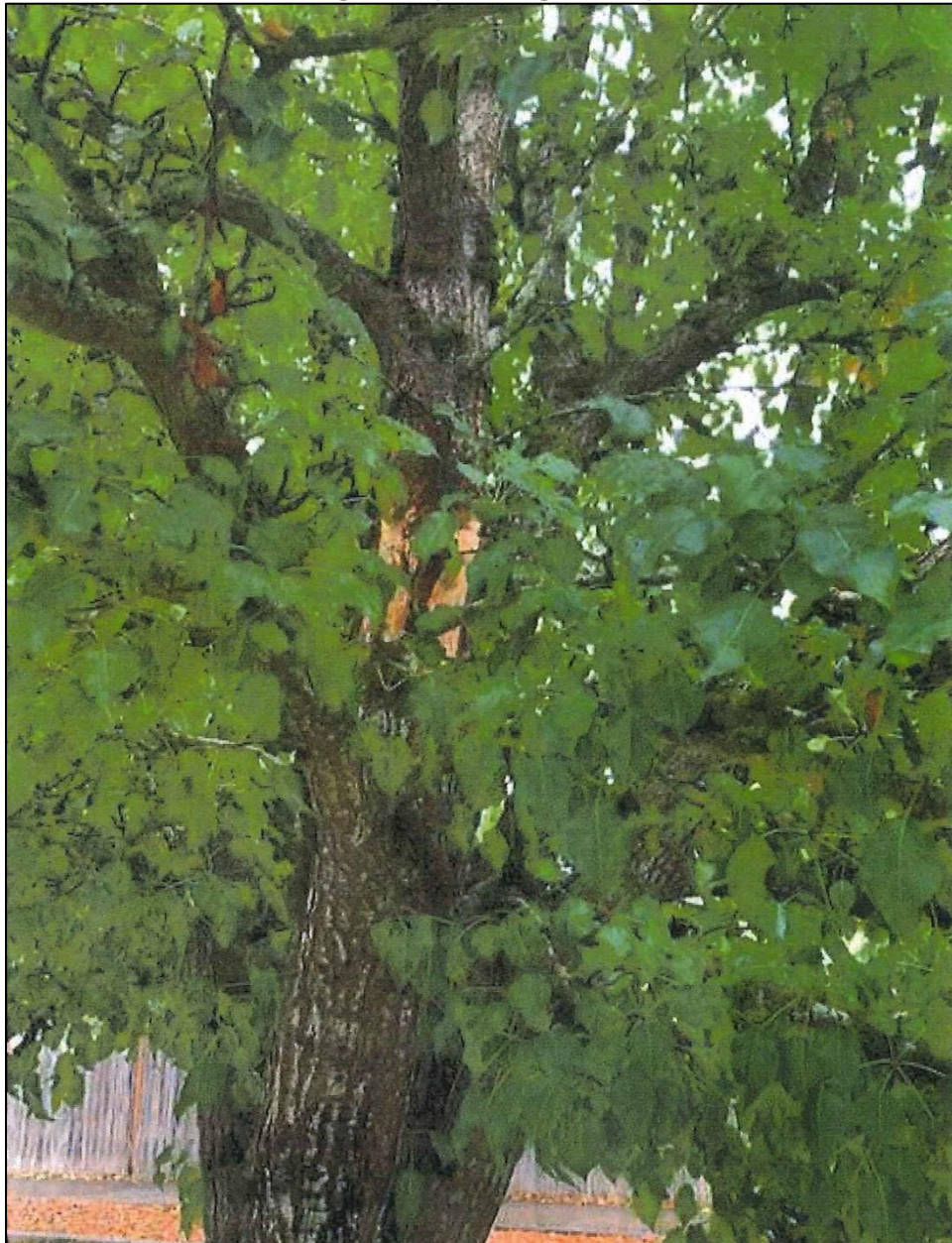
**Figure 6 (Existing Tree 2)**



**Figure 7 (Existing Tree 2)**



**Figure 8 (Existing Tree 2)**



**Summary of Criteria & Issues**

The application is subject to review criteria in McMinnville Municipal Code (MMC) Section 17.58.050 of the McMinnville Zoning Ordinance, which requires a permit for Tree Removal to be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- 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.

The applicant has provided documentation to support the request for a Tree Removal Permit. This will be discussed in detail in Section VII (Conclusionary Findings) below.

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*Attachments:*

*Attachment 1 – Application and Attachments*

**II. CONDITIONS:**

1. That only the two (2) trees identified as Tree #1 and Tree #2, in the application dated October 5, 2020, are approved for removal.
2. That all costs and liability associated with tree removal, stump grinding, and tree replacement shall be borne by the applicant.
3. That the applicant shall call for locates (dial 811) for all underground utilities prior to removing the trunk and roots. This is a free service and the law. Upon request, utility locates can be flagged without marking up hard surfaces.
4. That the trees' stump and remaining surface roots shall be removed at least six (6) inches below grade to allow for a suitable replanting site. 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.
5. That two (2) replacement street trees be planted in the NE Autumn Ridge Drive planter strip. The trees shall be a recommended medium street tree from the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee.
6. That replacement 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.
7. That replacement trees shall be planted per the approved City detail. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a minimum depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.
8. That the applicant shall contact the McMinnville Public Works Department at 503-434-7316 to discuss specific staking, watering tube requirements, and to schedule an inspection prior to backfilling the replacement tree's planting pit.
9. That the applicant is reminded that trees are not to be planted within:
  - a. Five (5) feet of a private driveway or alley;
  - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
  - c. Twenty (20) feet of street light standards or street intersections.
10. That the planter strip area shall be restored to original grade immediately following the planting of the replacement trees.
11. That the applicant shall complete the tree removal and tree replacement within six (6) months of approval, or May 18, 2021.

**III. ATTACHMENTS:**

1. L 35-20 Application and Attachments (on file with the Planning Department)

**IV. COMMENTS:****Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. The following comments have been received and incorporated into the conditions of approval:

- McMinnville Public Works:

**Site Review**

1. The trees in question are maple (2) and pear varieties.
2. The trees are planted in 5 foot non-irrigated park strip with bark as ground cover
3. There are no overhead facility conflicts.
4. There are no tree related damages to the sidewalk or curb/gutter.
5. Tree #1 shows sunscald wounding with significant canopy dieback. Tree #2 shows significant shallow rooting with some lean. Tree #3 is in ok condition.

**Recommendations**

1. Given the condition of the trees #1 and #2 staff would recommend approval of those requests. Given the relatively small size of the third tree and it's limited landscape value, staff would also concur with the residents request to remove that tree to replace with a matching stand.
  2. Given that there is adequate room in the existing planter to replant, staff would recommend replacing all three trees.
  3. Suggested conditions of approval:
    - a. Applicant to be responsible for all costs related to removal and replanting.
    - b. Applicant required to grind stump to a minimum of 6" below grade, and to chase roots as necessary to allow for a suitable replanting site.
    - c. Applicant to call for a utility locate prior to removal. As a note, applicant should be informed that upon request, utility locates can be flagged without marking up hard surfaces.
    - d. Applicant be required to plant a new tree, 2" caliper minimum, of a variety acceptable to the Planning Department.
    - e. Tree planting shall be as per the City's planting detail.
    - f. Applicant to contact Public Works (503.434.7316) for an inspection prior to backfill.
- McMinnville Water & Light:

McMinnville Water & Light has no comments on this street tree removal request.

## Public Comments

No public notice of the application was provided by the City of McMinnville, as Street Tree Removal applications are reviewed by the process described in Section 17.58.040 (Tree Removal/Replacement) of the McMinnville Zoning Ordinance, which does not require public notification. No public comments were received prior to the Planning Director's decision.

## V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. Taylor Alvarez with Associated Arborist, on behalf of Aaron Smith, property owner submitted a Street Tree Removal Permit application on October 5, 2020.
2. The application was deemed complete on October 27, 2020.
3. Notice of the application was referred to the following public agencies for comment: McMinnville Public Works Department and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
4. No public notice of the application was provided by the City of McMinnville, as Street Tree Removal applications are reviewed by the process described in Section 17.58.040 (Tree Removal/Replacement) of the McMinnville Zoning Ordinance, which does not require public notification. No public comments were received prior to the public meeting.
5. A public meeting was held by the McMinnville Landscape Review Committee on November 18, 2020 to review the application and proposed street tree removal request.

## VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 3752 NE Harvest Court (Tax Lot 7900, Section 09CA, T. 4. S., R. 4 W., W.M.)
2. **Size:** 0.1836 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-4 PD (Multiple-Family Residential Planned Development)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Single-family dwelling
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None.
  - b. **Other:** None.
8. **Other Features:** None.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

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Attachments:

Attachment 1 – Application and Attachments



10. **Transportation:** NE Harvest Court and NE Autumn Ridge Drive are classified as a Local Street in the 2010 McMinnville Transportation System Plan (TSP).

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Street Tree Removal Permit are specified in Section 17.58.050 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

### **Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

### **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.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Landscape Review Committee review of the request and recommendation at an advertised public meeting. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

### **McMinnville Zoning Ordinance**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide standards and criteria applicable to the request:

#### **Chapter 17.58 Trees**

**17.58.010 Purpose.** The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees

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Attachments:

Attachment 1 – Application and Attachments

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.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Removal and replacement of the subject street trees would meet the purpose of the Trees Chapter of the Zoning Ordinance. Trees would be situated and maintained to minimize hazard, nuisance, damage, and maintenance costs; the appearance, beauty and charm of the City would be enhanced; and the maximum amount of tree cover on public lands would be maintained.

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

- A. Individual significant or historic trees as defined in this ordinance.
- B. All trees with trunks located completely or partially within any public area or right-of-way;
- C. All trees 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;

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The trunk of the trees proposed for removal are located within a curbside planting strip completely within the public right-of-way adjacent to the subject property. Therefore, the provisions of Chapter 17.58 Trees shall apply to this tree removal request.

**17.58.040 Tree Removal/Replacement.**

**17.58.040(A).** The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. [...]

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The tree removal was not designated as exempt, and the applicant has filed an application for a Street Tree Removal Permit to be reviewed by the McMinnville Landscape Review Committee.

**17.58.040(B).** Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. [...]

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION #4.** A condition of approval has been included to assure that the tree removal will be performed to accepted City standards.

**CONDITION FOR FINDING:** That the trees' stumps and remaining surface roots shall be removed at least six (6) inches below grade to allow for a suitable replanting site. 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.

**17.58.040(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.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS #2, 3, and #10.** Conditions of approval have been included to assure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

**CONDITIONS FOR FINDING:** That all costs and liability associated with tree removal, stump grinding, and tree replacement shall be borne by the applicant.

That the applicant shall call for locates (dial 811) for all underground utilities prior to removing the trunk and roots. This is a free service and the law. Upon request, utility locates can be flagged without marking up hard surfaces.

That the planter strip area shall be restored to original grade immediately following the planting of the replacement trees.

**17.58.040(D).** Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city [...]

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #5.** The three (3) trees in the NE Autumn Ridge Drive right-of-way are located in a curb-side planter strip that is approximately six (6) feet wide. No utilities or driveways are present that require setbacks. There is sufficient space in the NE Autumn Ridge Drive planter strip adjacent to the subject property to replace the two (2) trees approved for removal.

There is no approved street tree plan for the Autumn Ridge Phase 3 subdivision on file with the Planning Department. Because there is no approved street tree for the subject site, the replacement trees selected from the recommended medium tree species in the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee, would be of appropriate size and character to remain consistent with surrounding street trees.

**CONDITION FOR FINDING:** That two (2) replacement street trees be planted in the NE Autumn Ridge Drive planter strip. The trees shall be a recommended medium street tree from the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee.

**17.58.040(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.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #4.** A condition of approval has been included to ensure that the applicant shall remove the tree stump and surface roots, and restore any damaged turf areas in the public right-of way.

**CONDITION FOR FINDING:** That the tree's stump and remaining surface roots shall be removed at least six (6) inches below grade to allow for a suitable replanting site. 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.

**17.58.040(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.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #11.** A condition of approval has been included to ensure that the applicant shall complete the tree removal within six (6) months of approval.

**CONDITIONS FOR FINDING:** That the applicant shall complete the tree removal within six (6) months of approval, or May 18, 2021.

**17.58.040(G).** Other conditions may be attached to the permit approval by the Landscape Review Committee as deemed necessary.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Other conditions are not necessary.

**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.
- 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. 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.

**APPLICANT'S RESPONSE:** Tree #1 (Maple) extreme sun scald and significant decline. Tree #2 (Pear) large tear outs will lead to future failures, additionally the root ball is leaning and suggests higher likelihood of failure. Tree #3 (Maple) Client would like the parkstrip/property to match. This last removal request is mainly to improve the overall appearance of the area. Client plans to replace all.

**FINDING: SATISFIED.** Staff concurs with the applicant's finding, but would note that a separate arborist's report was not included in the application materials. The applicant is a certified arborist. Two of the three trees in question are in poor condition. Tree #1 has been determined by the applicant to be in significant decline with extreme damage to the tree. The tree is dying and unlikely to survive. Tree #2 has been determined by the applicant to be unsafe due to the increasing likelihood of limb failure and the increasing likelihood of root failure which would

cause the tree to fall. Therefore, criterion 'A' is met and removal of the Tree #1 and Tree #2 is recommended.

The request for the removal of tree #3 does not meet the criteria for approval of a tree removal permit. Tree #3 is neither unsafe, dead, or diseased, nor is it in conflict with public improvements. The removal of tree #3 is not part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

### **17.58.090 Street Tree Standards.**

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 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 Downtown Tree Zone, 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 Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5-9.** Conditions of approval have been included to ensure that the City's street tree standards are met during the replacement of the street trees.

**CONDITIONS FOR FINDING:** That two (2) replacement street trees be planted in the NE Autumn Ridge Drive planter strip. The trees shall be a recommended medium tree species from the McMinnville Street Tree List, or other species/variety approved by the McMinnville Landscape Review Committee.

That replacement 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.

That replacement trees shall be planted per the approved City detail. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a minimum depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.

That the applicant shall contact the McMinnville Public Works Department at 503-434-7316 to discuss specific staking, watering tube requirements, and to schedule an inspection prior to backfilling the replacement tree's planting pit.

That the applicant is reminded that trees are not to be planted within:

- a. Five (5) feet of a private driveway or alley;
- b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
- c. Twenty (20) feet of street light standards or street intersections.

JF



**Planning Department**  
 231 NE Fifth Street • McMinnville, OR 97128  
 (503) 434-7311 Office • (503) 474-4955 Fax  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

509-20-000589 Ping

<b>Office Use Only:</b>	
File No.	<u>L 35-20</u>
Date Received	<u>10-5-2020</u>
Fee	<u>150.00</u>
Receipt No.	_____
Received by	<u>SP</u>

## Street Tree Removal

### Applicant Information

Applicant is:  Property Owner  Contract Buyer  Option Holder  Agent  Other \_\_\_\_\_

Applicant Name Associated Arborists Phone 503.883.3895

Contact Name Taylor Alvarez Phone 503.883.3895  
 (If different than above)

Address 1760 NW Emerson Way

City, State, Zip McMinnville OR 97128

Contact Email taylor@associatedarborists.com

### Property Owner Information

Property Owner Name Aaron Smith Phone 971-241-9919  
 (If different than above)

Contact Name 11 Phone 11

Address 3752 Northeast Harvest Court

City, State, Zip McMinnville OR 97128

Contact Email aarontsmith@mail@gmail.com

### Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 3752 Northeast Harvest Court McMinnville OR 97128  
 (Property nearest to tree(s) for removal)

Assessor Map No. R4 409 - CA - 07900 Total Site Area .1836 acres

Subdivision Autumn Ridge Sub Phase 3 Block - Lot 131

Comprehensive Plan Designation Res Zoning Designation R-4PD

**Additional Information**

1. How many trees are requested for removal? 3
2. What type (species) of tree(s) are they? (2) Maple (1) Pear
3. What is the diameter of the tree(s), measured four feet above ground level? 6" - 10" range
4. Why are you requesting the removal of the noted tree(s)? (See "Removal Criteria" on attached Information Sheet.) Explain which of the criteria is addressed through this application.  
tree #1 (maple) extreme sun scald & significant decline  
tree #2 (Pear) large tear cuts will lead to future failures, additionally  
the root ball is leaning and suggests higher likelihood of failure  
#3 (maple) Client would like the parkstrip/property to match  
this last removal request is mainly to improve the overall  
appearance of the area - Client plans to replace all.

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), showing the location of the tree(s) subject to the removal request, property lines, sidewalks, adjacent utilities (including overhead), north direction arrow, and adjacent streets.
- Arborist report, photographs, and/or other information which would help substantiate or clarify your request.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

ISA # AV-8332 AU

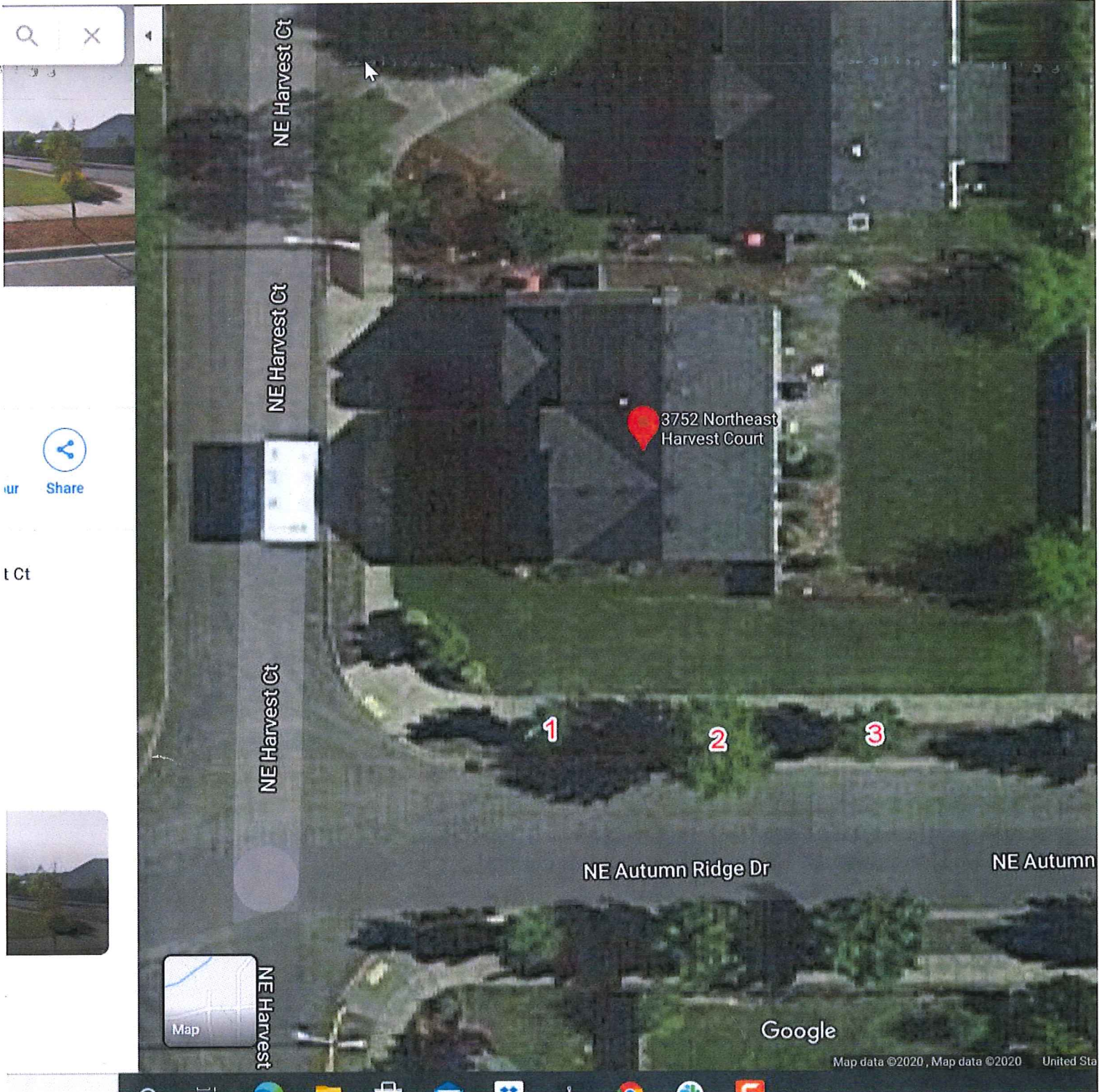
Taylor Alvarez   
Applicant's Signature

10/3/20  
Date

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

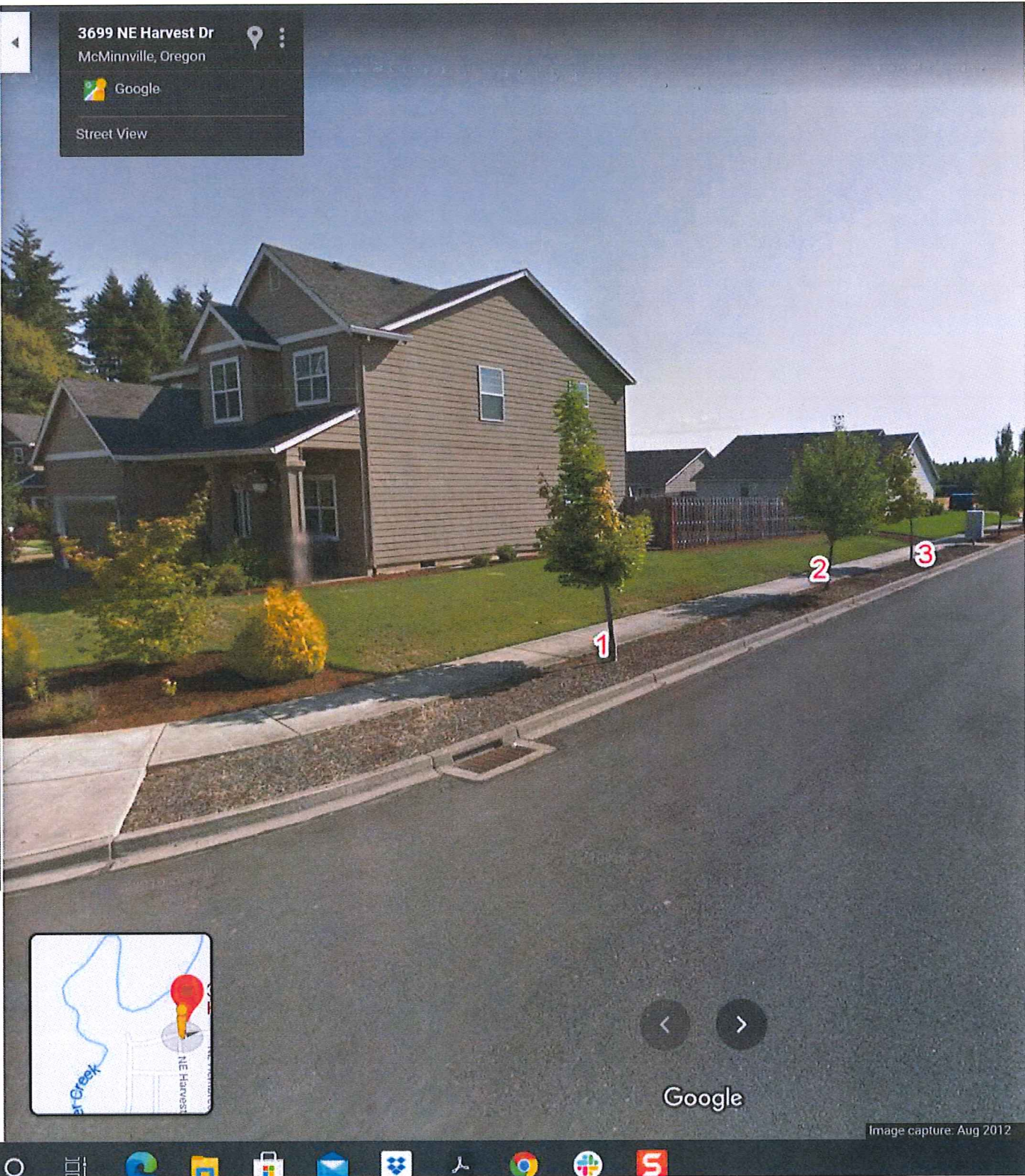




3699 NE Harvest Dr  
McMinnville, Oregon



Street View



Google

Image capture: Aug 2012



v & 360°

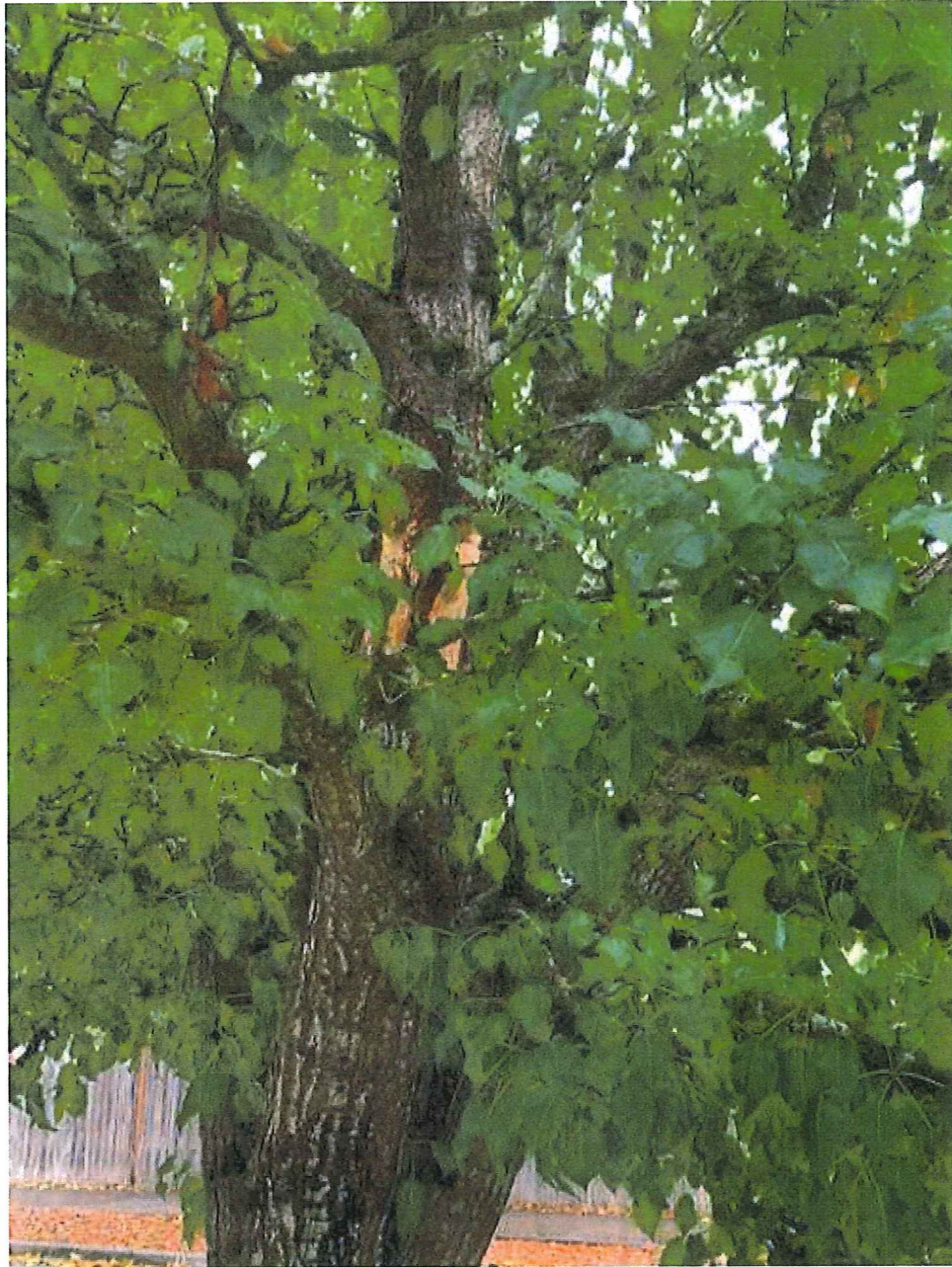


















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## **EXHIBIT 3 - STAFF REPORT**

**DATE:** November 18, 2020  
**TO:** Landscape Review Committee Members  
**FROM:** Jamie Fleckenstein, Associate Planner  
**SUBJECT:** Agenda Item 5A – Code Review of MMC Chapter 17.58-Trees

### **STRATEGIC PRIORITY & GOAL:**



### **GROWTH & DEVELOPMENT CHARACTER**

Guide growth & development strategically, responsibly & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

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### **Report in Brief:**

The purpose of this discussion is to review McMinnville Municipal Code (MMC) Chapter 17.58-Trees to identify sections of the landscaping code that the Landscape Review Committee would like to re-evaluate and/or consider adding to the code.

### **Background:**

During the course of recent Landscape Review Committee meetings, landscape plan and street tree removal permit reviews, and Committee discussions, the Committee has expressed interest in examining MMC Chapter 17.58-Trees to identify potential updates and/or revisions to code pertaining to McMinnville's tree standards and requirements. Review of Chapter 17.58 builds on a recent discussion and review of Chapter 17.57-Landscaping completed by the Landscape Review Committee. The purpose of the discussion is to work towards a coordinated landscaping and tree code amendment.

### **Discussion:**

Staff will facilitate the continued review of Chapter 17.58-Trees to identify sections of the chapter that the Landscape Review Committee would like to see updated and/or revised. Following the Committee's comments and feedback regarding suggested code to re-examine, staff will create a work plan to establish a timeframe for re-evaluation and revision to Chapter 17.58-Trees. Subsequent meetings to complete the Committee review of 17.58-Trees will be scheduled as necessary.

### **Attachments:**

McMinnville Municipal Code Chapter 17.58-Trees

**Fiscal Impact:**

None.

**Recommendation:**

The Landscape Review Committee may propose a motion to confirm the identified sections of code to further re-evaluate, and to provide staff guidance and direction towards the revision of MMC Chapter 17.58-Trees.

JF

## 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. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

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

- A. Individual significant or historic trees as defined in this ordinance.
- B. All trees with trunks located completely or partially within any public area or right-of-way;
- C. All trees 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. 5027 §2, 2017; Ord. 4654B §1, 1997).

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

17.58.040 Tree Removal/Replacement

- A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the 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 Downtown Tree Zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal. Requests for tree removal within the Downtown Tree Zone 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 their designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning 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 written notice of the appeal is filed with the Planning Department within 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 Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.
- C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.
- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for

the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.

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

17.58.045 Downtown Trees.

- A. The pruning and removal of street trees within the Downtown Tree Zone shall be the responsibility of the City, and shall be undertaken at public expense.
- B. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. 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. 5027 §2, 2017).

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.
- 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. 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. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

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. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.070 Tree Topping It shall be unlawful for any person, firm, or the City to top any tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted at the determination of the 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 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 Downtown Tree Zone, 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 Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.100 Street Tree Plans

- A. Submittal.
  - 1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee 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.
- 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. (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).

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