



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

www.mcminnvilleoregon.gov

Landscape Review Committee
ZOOM Online Meeting
Wednesday, October 20, 2021 - 12:00 – 1:00 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/86076326400?pwd=bENNN3hCc1QxMk55RmJsODZDb2NlZz09>

Meeting ID: 860 7632 6400
 Passcode: 459987

Or join ZOOM Meeting by phone via the following number: 1-253-215-8782

| Committee Members | Agenda Items |
|-------------------------------|--|
| John Hall, Chair | 1. Call to Order |
| Rob Stephenson, Vice-Chair | 2. Citizen Comments |
| Josh Kearns | 3. Action Items |
| Patty Sorensen | <ul style="list-style-type: none"> • L 18-21 – Landscape Plan Review – <i>(Exhibit 1)</i> 915 NE Lafayette Avenue |
| Carlton Davidson | <ul style="list-style-type: none"> • L 22-21 – Landscape Plan Review <i>(Exhibit 2)</i> 855 NE Marsh Lane |
| | <ul style="list-style-type: none"> • L 23-21 – Street Tree Removal Request <i>(Exhibit 3)</i> 369 SE College Avenue |
| | 4. Discussion Items |
| | <ul style="list-style-type: none"> • Development Code Revisions (Time Permitting) |
| | 5. Committee Member Comments |
| | 6. Staff Comments |
| | 7. Adjournment |

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. You may also request a copy from the Planning Department.



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

EXHIBIT 1 - STAFF REPORT

DATE: October 20, 2021
TO: Landscape Review Committee Members
FROM: Amy Dixon, Contract Planner
SUBJECT: Landscape Plan Review Application (L 18-21)

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

Report in Brief:

This proceeding is a review by the Landscape Review Committee of an application for a landscape plan (Docket L 18-21) seeking approval of a landscape plan for a new pediatric dentist office located at 915 NE Lafayette Avenue in the NE Gateway District. 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

Background:

The applicant, Sarah P. Post, property owner, submitted a landscape plan review application associated with a Northeast Gateway Design Review. The application requests approval of a landscape plan for the development.

The subject property is located at 915 NE Lafayette Avenue which is at the corner of Lafayette Avenue and 9th Avenue. The subject site is also identified as Tax Lot 02700, Section 21, T. 4 S., R. 4 W., W.M. **See Figure 1 (Vicinity Map).** The property is zoned C-3PD (General Commercial Planned Development), and is located within Zone 2 of the Northeast Gateway Planned Development Overlay. **See Figure 2 (Zoning Map).**

The subject property and adjacent properties are within the Northeast Gateway District. The goal of the Northeast Gateway Planned Development Overlay is to guide the transition of the area to a vital, mixed-use, pedestrian-friendly neighborhood. The property is currently undeveloped. All surround properties are developed with single-family dwellings. Adjacent properties to the northeast and southwest (along

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 1031/1039 NE Lafayette Avenue
Attachment B - Application Materials

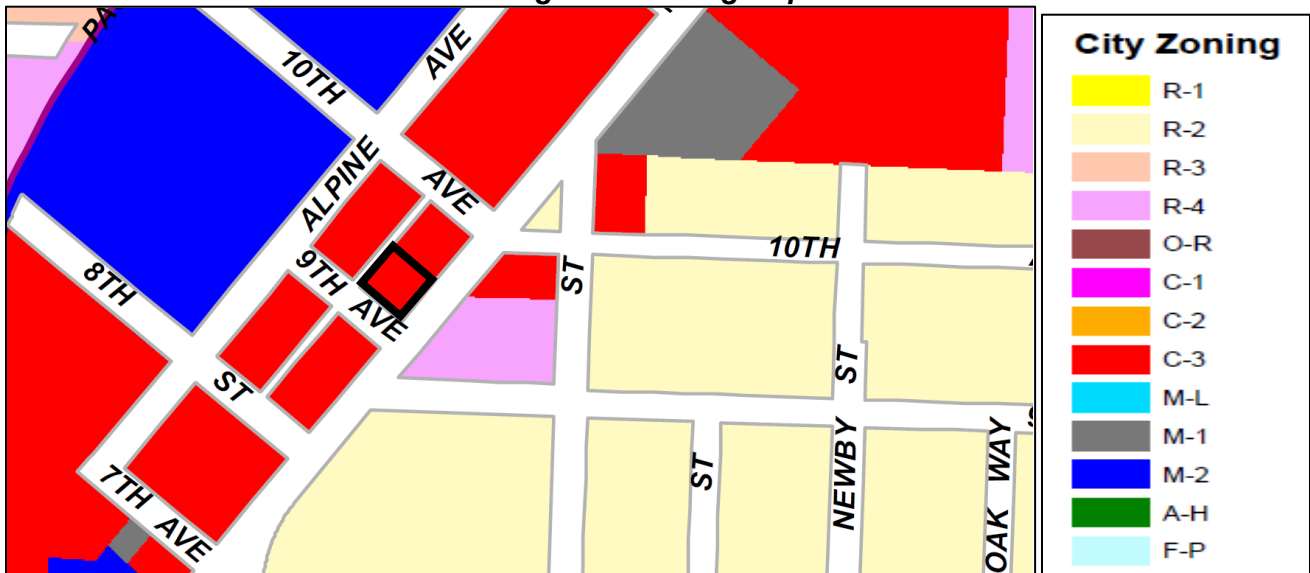
Lafayette Avenue) are commercially zoned. Northwest of the subject site, adjacent properties are commercially zoned. Southeast of the subject site across Lafayette Avenue is residential zoned.

The proposed site plan for a pediatric dentist office is fronting on NE Lafayette Avenue and NE 9th Avenue rights-of-way. Off-street parking for 8 vehicles is located to the northeast portion of the building and 4 off-street parking space on the Northwest portion of the building abutting the alley. As part of the Northwest Gateway Planned Development review approval, heavy landscaping between the parking and the right-of-way along Lafayette Avenue was required. A trash and recycling enclosure is located behind the building on the southwestern corner of the site. The landscape plan addresses landscaping for the site, and street trees in the adjacent right-of way. **See Figure 3 (Landscape Plan) and Figure 4 (Plant Schedule).**

Figure 1: Vicinity Map



Figure 2: Zoning Map



Attachments:

- Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 915 NE Lafayette Avenue
- Attachment B – Application Materials

Figure 3: Proposed Landscape Plan

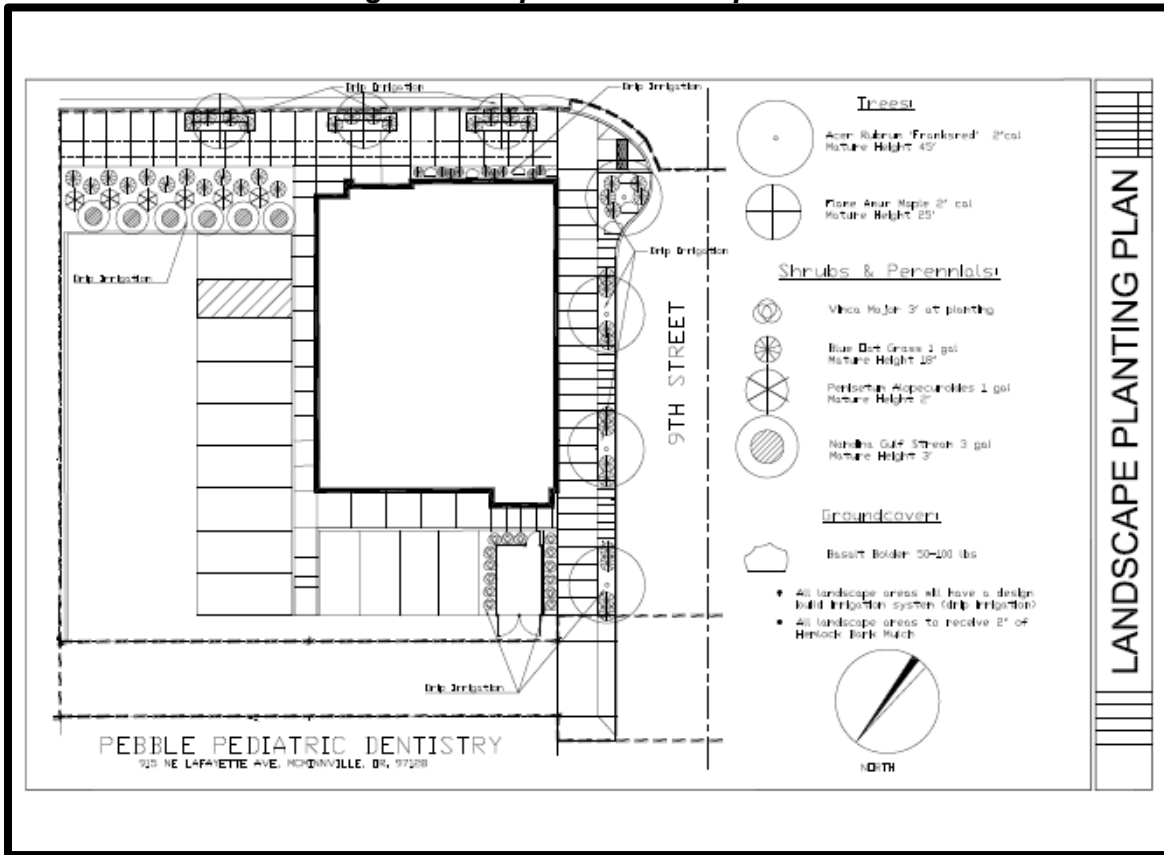
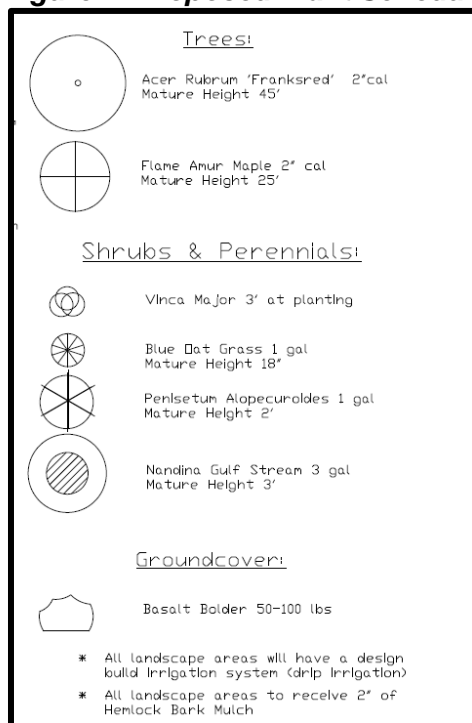


Figure 4: Proposed Plant Schedule



Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 915 NE Lafayette Avenue

Attachment B – Application Materials

Discussion:

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

The subject site is zoned C-3PD (General Commercial Planned Development) and is within the Northeast Gateway District. The Northeast Gateway District Planned Development Ordinance (Ord. No. 4971) is applicable as an overlay to the commercial zoning of the site, and requires landscaping subject to the standards outlined in McMinnville Municipal Code (MMC) Chapter 17.57-Landscaping and as noted in Ord. No. 4971 Section 10 – Landscaping. MMC Section 17.57.030 requires landscaping in the C-3 zone, therefore landscaping is required.

MMC Section 17.58.080 requires street trees to be planted at all new commercial development which has a designated curb-side planting strip or planting islands. Right-of-way improvements included in the development project include the installation of sidewalk cut-outs. Therefore street trees are required, subject to the standards and criteria of MMC Chapter 17.58 – Trees.

Solid waste and recycling enclosures are subject to the standards and criteria of MMC Chapter 17.61 – Solid Waste and Recycling Enclosure Plan.

Conditions:

1. That the applicant shall install landscaping as shown on the revised landscape plan received by the Planning Department on September 16, 2021 and shall comply with required conditions of approval.
2. That a six-foot sight-obscuring fence shall be provided along the northeast property line.
3. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks 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.
4. 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.
5. That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. 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 shall be free of insects, diseases, mechanical injury, and other objectionable features when planted.

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 915 NE Lafayette Avenue

Attachment B – Application Materials

6. That planting of street trees shall be subject to the McMinnville design drawings and specification. 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 provided to a minimum depth of eighteen (18) inches. Two (2) deep watering tubes shall be provided to encourage deep rooting.
7. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and watering tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
8. That the Flame Amur Maple street trees shall be spaced no more than 20 feet apart and Acer Rubrum street trees shall be spaced no more than 30 feet apart, unless a utility or improvement is present that creates a setback requirement.
9. That the location of the most northern tree along Lafayette shall be a maximum of 20 feet from the northwest property unless a utility or improvement is present that creates a setback requirement.
10. 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.
11. 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.
12. That the applicant shall contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any planting excavation to ensure that underground utilities are not damaged.
13. That all 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. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.
14. That lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.

Fiscal Impact:

None.

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 915 NE Lafayette Avenue

Attachment B – Application Materials

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 18-21 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

AD

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review at 915 NE Lafayette Avenue

Attachment B – Application Materials



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128
503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A LANDSCAPE PLAN REVIEW FOR 915 NE LAFAYETTE AVENUE

DOCKET: L 18-21 (Landscape Plan Review)

REQUEST: Approval of a Landscape Plan for a dentist office.

LOCATION: 915 NE Lafayette Avenue (Tax Lot 02700, Section 21, T. 4 S., R. 4 W., W.M.)

ZONING: C-3PD (General Commercial Planned Development)

APPLICANT: Sarah P. Post, Property owner

STAFF: Amy Dixon, Associate Planner

DATE DEEMED COMPLETE: September 21, 2021

DECISION MAKING BODY & ACTION: McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.

DECISION DATE & LOCATION: October 20, 2021, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, and Zoom Online Meeting ID: 860 7632 6400.

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.

DECISION

Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the Landscape Plan (L 18-21) **subject to the conditions of approval provided in this document.**

////////////////////////////////////
DECISION: APPROVAL WITH CONDITIONS
////////////////////////////////////

Planning Staff: _____
Amy Dixon, Contract Planner

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: Ju _____

-
- Attachments :*
Attachment 1 – Application and Attachments
Attachment 2 – NEG 1-21 Decision
Attachment 3 – MW&L Comments
Attachment 4 – MPW Comments

I. APPLICATION SUMMARY:

Subject Property & Request

The applicant, Sarah P. Post, property owner, submitted a landscape plan review application (Docket L 18-21) associated with a Northeast Gateway Design Review. The application requests approval of a landscape plan for the development of a dentist office in the Northeast Gateway District.

The subject property is located at 915 NE Lafayette Avenue which is at the corner of Lafayette Avenue and 9th Avenue. The subject site is also identified as Tax Lot 02700, Section 21, T. 4 S., R. 4 W., W.M. **See Figure 1 (Vicinity Map).** The property is zoned C-3PD (General Commercial Planned Development), and is located within Zone 2 of the Northeast Gateway Planned Development Overlay. **See Figure 2 (Zoning Map).**

The subject property and adjacent properties are within the Northeast Gateway District. The goal of the Northeast Gateway Planned Development Overlay is to guide the transition of the area to a vital, mixed-use, pedestrian-friendly neighborhood. The property is currently undeveloped. All surround properties are developed with single-family dwellings. Adjacent properties to the northeast and southwest (along Lafayette Avenue) are commercially zoned. Northwest of the subject site, adjacent properties are commercially zoned. Southeast of the subject site across Lafayette Avenue is residential zoned.

The proposed site plan for a pediatric dentist office is fronting on NE Lafayette Avenue and NE 9th Avenue rights-of-way. Off-street parking for 8 vehicles is located to the northeast portion of the building and 4 off-street parking space on the Northwest portion of the building abutting the alley. As part of the Northwest Gateway Planned Development review approval, landscaping between the parking and the right-of-way along Lafayette Avenue was required. A trash and recycling enclosure is located behind the building on the southwestern corner of the site. The landscape plan addresses landscaping for the site, and street trees in the adjacent right-of-way. **See Figure 3 (Landscape Plan) and Figure 4 (Plant Schedule).**

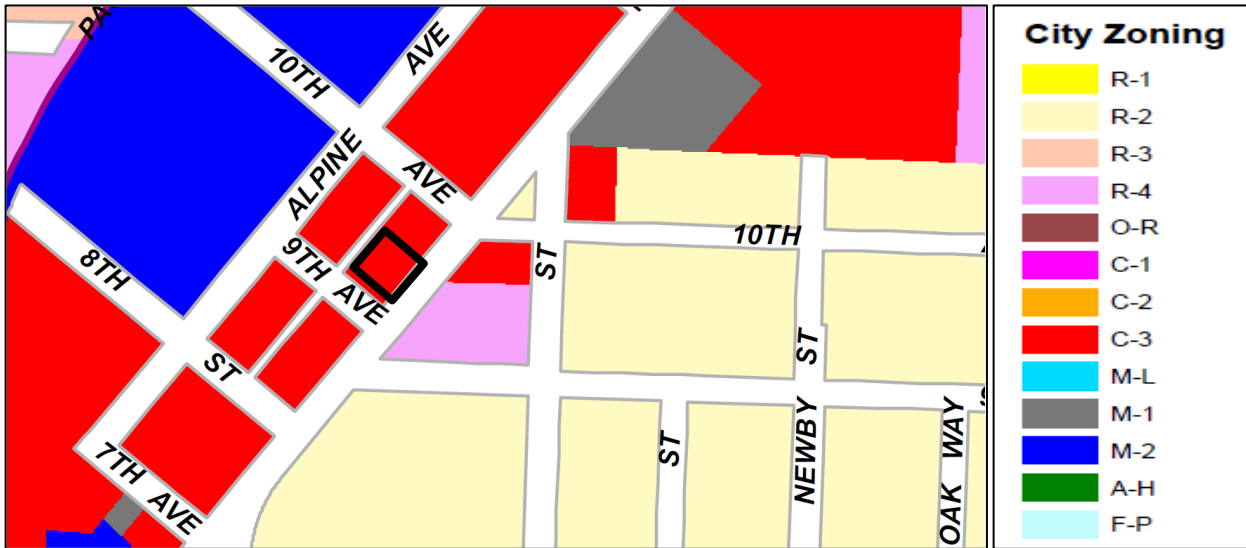
Figure 1: Vicinity Map



Attachments :

- Attachment 1 – Application and Attachments
- Attachment 2 – NEG 1-21 Decision
- Attachment 3 – MW&L Comments
- Attachment 4 – MPW Comments

Figure 2: Zoning Map



Attachments :

- Attachment 1 – Application and Attachments
- Attachment 2 – NEG 1-21 Decision
- Attachment 3 – MW&L Comments
- Attachment 4 – MPW Comments

Figure 3: Proposed Landscape Plan

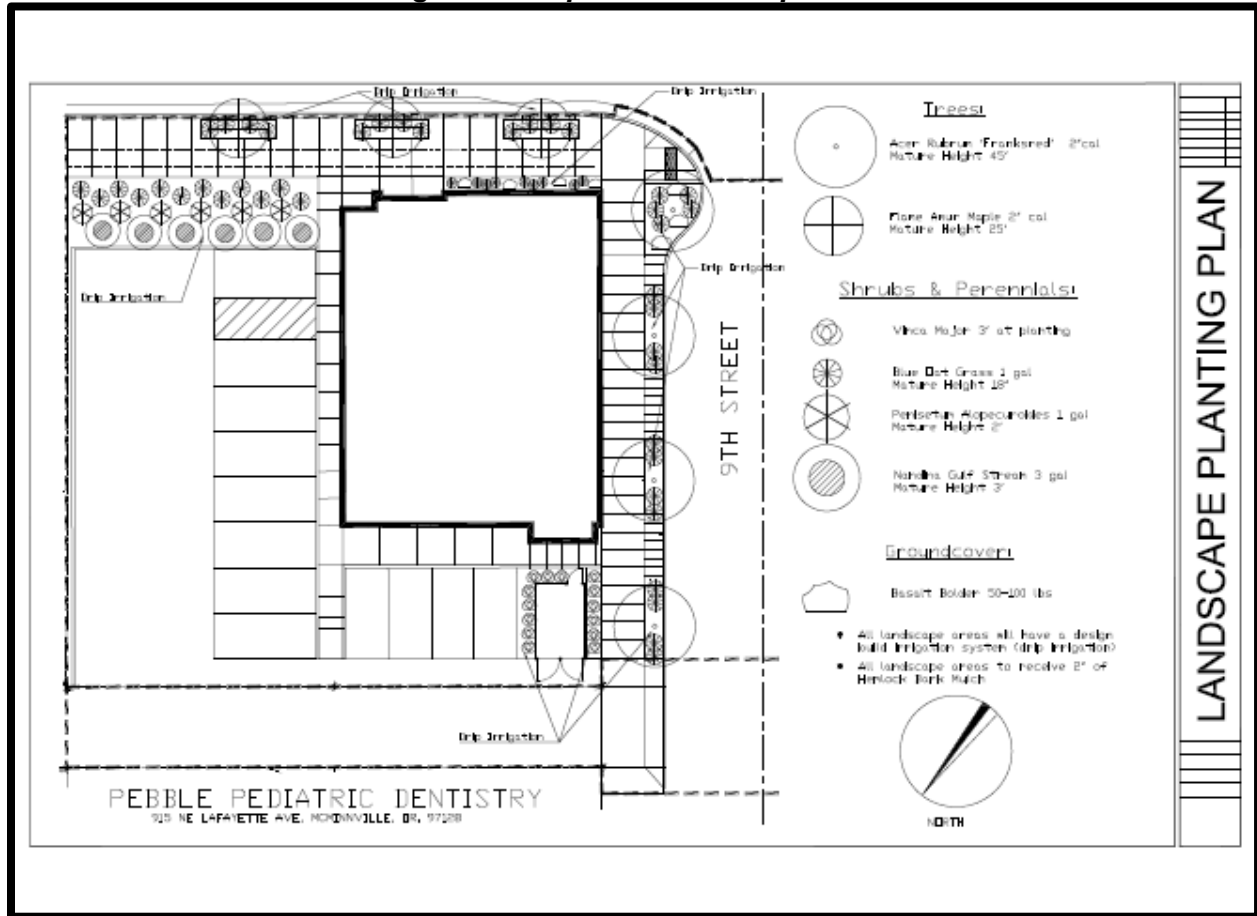
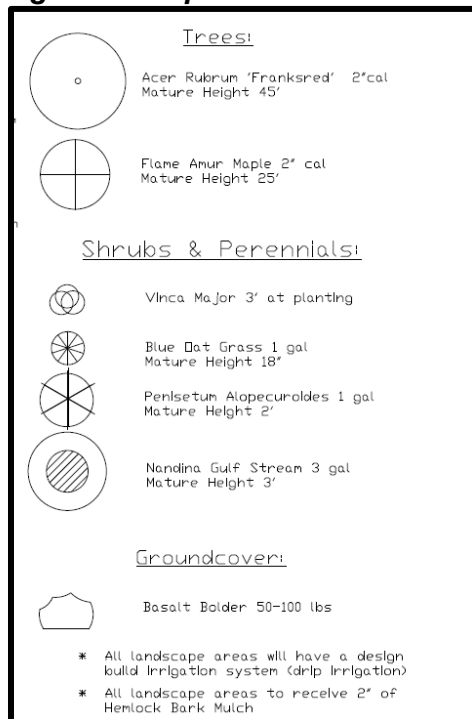


Figure 4: Proposed Plant Schedule



Attachments :

- Attachment 1 – Application and Attachments
- Attachment 2 – NEG 1-21 Decision
- Attachment 3 – MW&L Comments
- Attachment 4 – MPW Comments

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 subject site is zoned C-3PD (General Commercial Planned Development) and is within the Northeast Gateway District. The Northeast Gateway District Planned Development Ordinance (Ord. No. 4971) is applicable as an overlay to the commercial zoning of the site, and requires landscaping subject to the standards outlined in McMinnville Municipal Code (MMC) Chapter 17.57-Landscaping and as noted in Ord. No. 4971 Section 10 – Landscaping. MMC Section 17.57.030 requires landscaping in the C-3 zone, therefore landscaping is required.

MMC Section 17.58.080 requires street trees to be planted at all new commercial development which has a designated curb-side planting strip or planting islands. Right-of-way improvements included in the development project include the installation of sidewalk cut-outs. Therefore, street trees are required, subject to the standards and criteria of MMC Chapter 17.58 – Trees.

Solid waste and recycling enclosures are subject to the standards and criteria of MMC Chapter 17.61 – Solid Waste and Recycling Enclosure Plan.

II. CONDITIONS:

1. That the applicant shall install landscaping as shown on the revised landscape plan received by the Planning Department on September 16, 2021 and shall comply with required conditions of approval.
2. That a six-foot sight-obscuring fence shall be provided along the northeast property line.
3. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks 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.
4. 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.
5. That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. 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 shall be free of insects, diseases, mechanical injury, and other objectionable features when planted.
6. That planting of street trees shall be subject to the McMinnville design drawings and specification. 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 provided to a minimum depth of eighteen (18) inches. Two (2) deep watering tubes shall be provided to encourage deep rooting.

Attachments :

Attachment 1 – Application and Attachments
 Attachment 2 – NEG 1-21 Decision
 Attachment 3 – MW&L Comments
 Attachment 4 – MPW Comments

7. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and watering tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
8. That the Flame Amur Maple street trees shall be spaced no more than 20 feet apart and Acer Rubrum street trees shall be spaced no more than 30 feet apart, unless a utility or improvement is present that creates a setback requirement.
9. That the location of the most northern tree along Lafayette shall be a maximum of 20 feet from the northwest property unless a utility or improvement is present that creates a setback requirement.
10. 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.
11. 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.
12. That the applicant shall contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any planting excavation to ensure that underground utilities are not damaged.
13. That all 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. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.
14. That lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.

III. ATTACHMENTS:

1. L 18-21 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:

Attachments :

Attachment 1 – Application and Attachments
 Attachment 2 – NEG 1-21 Decision
 Attachment 3 – MW&L Comments
 Attachment 4 – MPW Comments

- McMinnville Public Works Department:

Site Review

1. The existing site is a vacant lot on the north side of NE 9th Street, at the intersection of NE 9th and NE Lafayette Drive.
2. 9th Street is functionally classified as a local street. Currently it is a gravel road, with no curb or gutter. As part of development, it will be a half street improvement on the north side of the street.
3. Lafayette Avenue is functionally classified as a minor arterial, with curb & gutter, sidewalks, bike lanes and a center turn lane. This section of Lafayette Avenue is a 25 MPH speed zone.
4. There are overhead power and communication facility conflicts on the west side of Lafayette adjacent to the site. east (Evans) sides of the site.

Comments/Recommendations

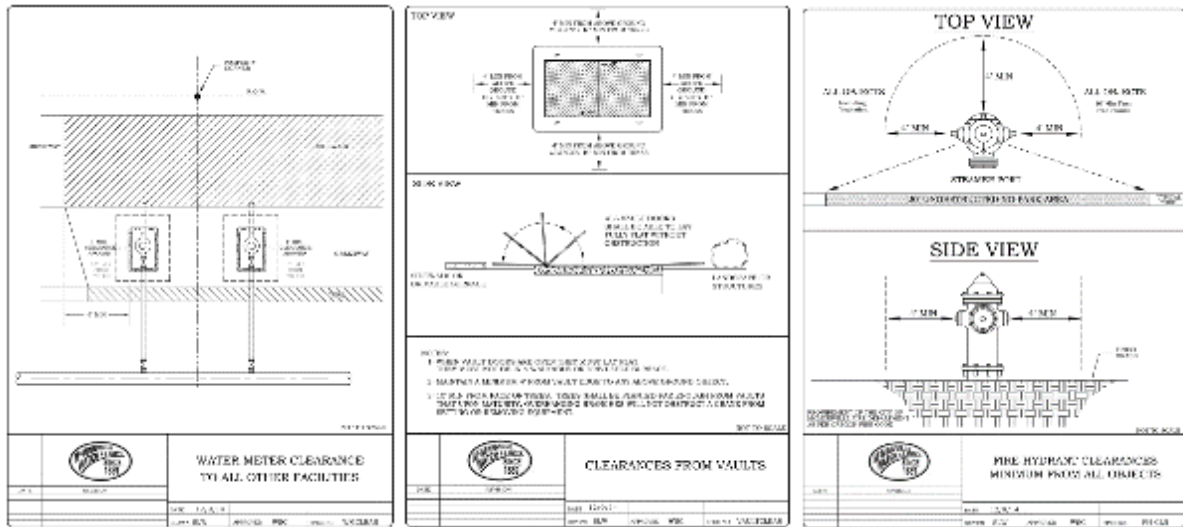
1. The submitted landscaping plan shows street trees along both 9th and Lafayette. Staff recommendations regarding these proposed trees:
 - a. 9th Street: the most easterly tree in the bulb out appears to be in the 15' vision clearance triangle. As such, the tree should of a size that it can be planted and maintained to a minimum of 8' above grade to allow for vision clearance. Given the traffic volumes on Lafayette Avenue, this should be the requirement at the time of planting so visibility is not impacted. If this cannot be met, then the tree should not be planted in this area. The proposed trees to the west are recommended to be approved.
 - b. Lafayette Avenue: the proposed street trees will negatively impact intersection sight distance at this intersection. There should be 240' of sight distance to the north; the proposed plantings will obstruct that. Additionally, required street clearance over the roadway for an arterial is 18'; the proposed trees will not meet that requirement. Thus staff would not recommend approving street tree plantings along Lafayette Avenue adjacent to this site.
 - c. The proposed grasses along Lafayette must be maintained below 36" to maintain intersection sight distance
2. The proposed plan indicates that boulders will be placed in the bulb out. Public Works Operations would not recommend approving place such items in the right of way.
3. As a note, the City will not maintain any plantings in the right of way, or clear trash or rubbish from planter cut outs.

- McMinnville Water and Light:

Water: MW&L reviewed the application and indicated that the water meter and RP backflow device will be installed in the southwesterly area of the property. Proper clearances must be maintained.

Attachments :

Attachment 1 – Application and Attachments
 Attachment 2 – NEG 1-21 Decision
 Attachment 3 – MW&L Comments
 Attachment 4 – MPW Comments



Power: MW&L did not comment.

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

1. The applicant Sarah P Post, property owner, submitted a landscape plan review application on August 18, 2021.
2. The application was deemed incomplete on September 9, 2021. Additional application materials were submitted on September 16, 2021. The revised application was deemed complete on September 21, 2021.
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 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.
5. A public meeting was held by the Landscape Review Committee on October 20, 2021 to review the application and proposed landscape plan.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 915 NE Lafayette Avenue (Tax Lot 02700, Section 21, T. 4 S., R. 4 W., W.M.)

Attachments :

- Attachment 1 – Application and Attachments
- Attachment 2 – NEG 1-21 Decision
- Attachment 3 – MW&L Comments
- Attachment 4 – MPW Comments

2. **Size:** Approximately 10,000 square feet
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3PD (General Commercial Planned Development)
5. **Overlay Zones/Special Districts:** Northeast Gateway District Planned Development Overlay (Ordinance Number 4971)
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:** There are no significant or distinguishing natural features associated with this property.
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.
10. **Transportation:** The site includes frontages onto NE Lafayette Avenue to the southeast and NE 8th Avenue to the southwest. Ne Lafayette Avenue is identified as a minor arterial in the McMinnville Transportation system plan. NE Lafayette Avenue is improved adjacent to the property frontage, but will be required to be improved and additional right-of-way dedicated at the time of development of the site to bring the frontage into compliance with current McMinnville Transportation system plan standards. NE 9th Avenue is identified as a local street in the McMinnville Transportation System plan. NE 9th Avenue is unimproved and is required to be improved along the subject site's right-of-way frontage at the time of development of the site. The site is also adjacent to a public alley to the northwest.

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.

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:

Attachments :

- Attachment 1 – Application and Attachments
- Attachment 2 – NEG 1-21 Decision
- Attachment 3 – MW&L Comments
- Attachment 4 – MPW Comments

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.
 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.

Attachments :

Attachment 1 – Application and Attachments
 Attachment 2 – NEG 1-21 Decision
 Attachment 3 – MW&L Comments
 Attachment 4 – MPW Comments

- 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: [...]

- D. C-3 (General Commercial zone).

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The subject site is zoned C-3 (General Commercial), therefore landscaping is required subject to the standards and criteria of Chapter 17.57 – Landscaping.

17.57.070 Area Determination – Planning Factors.

17.57.070(A). Landscaping shall be accomplished within the following ranges:

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

APPLICANT'S RESPONSE: Total landscaped area is projected to be 810 sq. ft., which is 8.1% of the total property area.

FINDING: SATISFIED. The revised landscape plan indicates the following Percent Landscaped for the proposed multiple-family residential development:

Attachments :

- Attachment 1 – Application and Attachments
- Attachment 2 – NEG 1-21 Decision
- Attachment 3 – MW&L Comments
- Attachment 4 – MPW Comments

| | Total Site Area (s.f.) | Landscape Provided (s.f.) | Percentage |
|----------------------|------------------------|---------------------------|------------|
| Proposed Development | 10,000 | 810 | 8.1% |

The proposed landscaping of 8.1 percent exceeds the seven (7) percent minimum landscaping requirement for commercial development.

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.

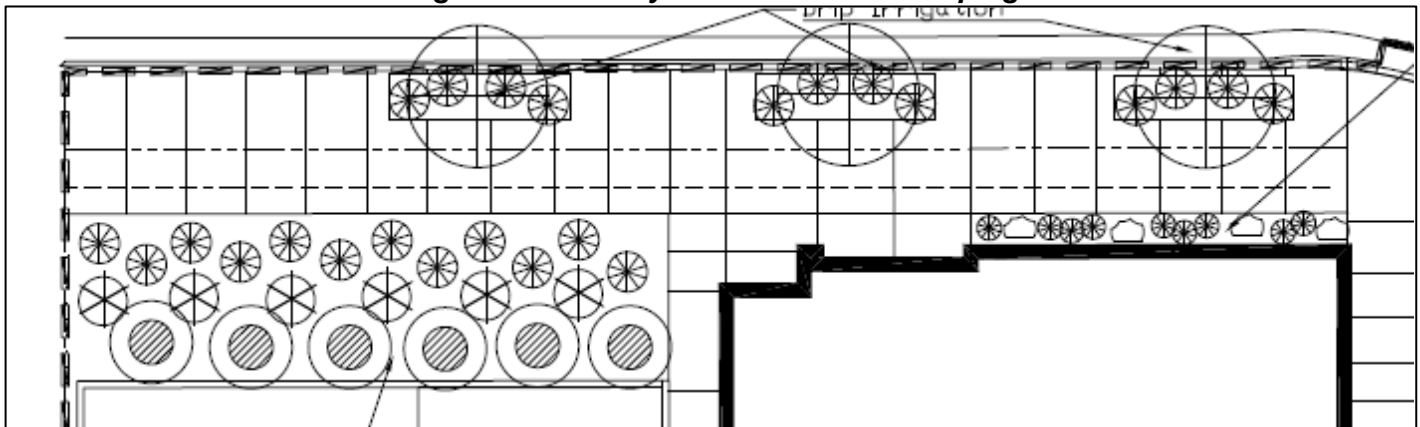
FINDING: SATISFIED WITH CONDITION #1. The proposed site plan features a new commercial dentist building fronting both the NE Lafayette Avenue and NE 9th Avenue rights-of-way. A trash and recycling enclosure and 4 vehicle parking spaces are located behind the building fronting on NE 9th Avenue and the alley on the northwestern half of the site. The 8 additional parking spaces are located on the northeast side of the building.

Landscaping in the front of the building along the Lafayette Avenue frontage and the parking abutting NE Lafayette Avenue is to provide screening and buffering between onsite and offsite activities. The landscaping buffering the parking lot consists of Nandina Gulf Stream, Pennisetum Alopecuroides, and Blue Oat Grass. The building frontage will have Blue Oat grass and basalt boulders. **See Figure 5 (Lafayette Avenue Landscaping).**

Due to the building location, the only onsite landscaping buffering NE 9th Avenue is around the solid waste and recycling enclosure consisting of Vinca Major, 3 feet at planting. **See Figure 6 (NE 9th Avenue Landscaping).**

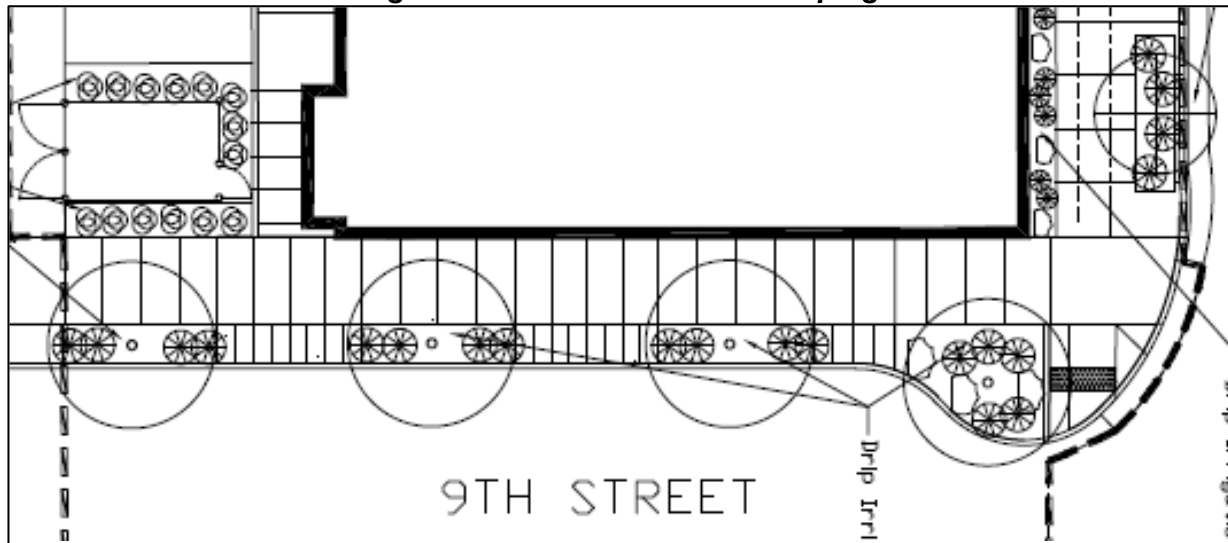
Right-of-way landscaping includes street trees in tree wells, and Blue Oat Grass between the street trees. Based on a study of vision clearance of north-bound traffic on Lafayette Avenue, Public Works staff also recommended preserving a clear vision area within approximately 40 feet west of the driveway. No street trees or other obstructions are proposed within the recommended clear vision area.

Figure 5: NE Lafayette Avenue Landscaping



Attachments :

- Attachment 1 – Application and Attachments
- Attachment 2 – NEG 1-21 Decision
- Attachment 3 – MW&L Comments
- Attachment 4 – MPW Comments

Figure 6: NE 9th Avenue Landscaping

Overall, staff finds the landscape plan is compatible with the proposed project and surrounding properties and uses. The landscape supports the development concept of a flexible, pedestrian-oriented spaces that are encouraged within the Northeast Gateway District. To ensure the landscaping is install as shown on the proposed plan, a condition is necessary.

CONDITION FOR FINDING: That the applicant shall install landscaping as shown on the revised landscape plan received by the Planning Department on September 16, 2021 and shall comply with required conditions of approval.

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 WITH CONDITION #2. The property is at corner lot located at NE Lafayette Avenue and NE 9th Avenue. While adjacent properties are commercially zoned like the subject property, residential uses exist. Most of the NE 9th Avenue is occupied with the proposed building with the remaining being the solid waste and recycle enclosure which has required screening. The building also occupies approximately half of the NE Lafayette frontage. As approved in the Northeast Gateway Development Review (NEG 1-21), a 10-foot landscaping area is required along to buffer the parking area from the public right-of-way which will promote a pedestrian oriented street environment. The applicant has not identified any screening along the northeast property abutting the single-family dwelling or alley. With the need to meet the solid waste enclosure standards and provide parking access, landscaping does not seem to be appropriate. With the limited area along the northeast property line, it would appear that the only means to screen is with a sight-obscuring fence. Therefore, a condition to provide the fence is necessary.

CONDITION FOR FINDING: That a six-foot sight-obscuring fence shall be provided along the northeast property line.

Attachments :

- Attachment 1 – Application and Attachments
- Attachment 2 – NEG 1-21 Decision
- Attachment 3 – MW&L Comments
- Attachment 4 – MPW Comments

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. An existing tree on the site near Lafayette Avenue is proposed to be removed to accommodate the required maximum setback of the building as required by the Northeast Gateway District. Retention of the tree would be prohibitive to the development of the site due to the locational requirements of the Planned Development Overlay.

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. The purpose and intent statement of the Landscape Chapter states that "Owners and developers are encouraged to exceed these [landscaping guidelines and standards] 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."

As part of NEG 1-21 approval, a request to waive the internal landscaping within the parking lot was granted. The applicant (property owner and developer of the project) indicated, and staff concurred that the parking spaces were not required but provided to help keep street parking available for district visitors rather than patients. As noted in the NEG 1-21, the parking space locations are somewhat broken up, not by landscaping, but by the location and orientation.

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 WITH CONDITION #3. The revised landscape plan indicates that three (3) street trees (Flame Amur Maple) are proposed in the tree well along the NE Lafayette Avenue curbside and 4 trees (Acer Rubrum) in the tree well along the NE 9th Avenue curbside. The proposed trees are identified as recommended street tree on the McMinnville Street Tree List. Due to the presence of overhead power along the north side of Lafayette Avenue, the street trees would not conflict with the overhead utility. Additionally, street trees along Lafayette Avenue will be required to be pruned to provide 18 feet of clearance from the arterial street. A street tree selection with a narrow, upright, or columnar form would help provide the required clearance from the arterial street. Therefore, a condition of approval is included to require that the street tree requiring the necessary pruning.

CONDITION FOR FINDING: Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks 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.

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

APPLICANT'S RESPONSE: None

Attachments :

Attachment 1 – Application and Attachments
Attachment 2 – NEG 1-21 Decision
Attachment 3 – MW&L Comments
Attachment 4 – MPW Comments

FINDING: SATISFIED. The landscape plan indicates that watering facilities will be accomplished by drip irrigation to all landscaping within the site and to proposed street trees.

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 #4. A condition of approval will 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 maintained, including necessary watering, weeding, pruning, mowing, and replacement.

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 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. The street tree plan will establish tree cover on new public right-of-way to be dedicated to the City. It will provide for tree-lined streets along the new development and will enhance the appearance of the City. Conditions of approval have been included in the findings described in further detail below to ensure that the planting of street trees meets all necessary street tree standards, which will result in the appropriate planting and maintenance of the street trees. This will help minimize hazard, nuisance, damage, and maintenance costs.

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 development is a new commercial development that includes designated planting islands in the form of sidewalk cuts in the concrete for tree planting. Therefore, street trees are required in accordance with the standards listed in Section 17.58.090.

17.58.090 Street Tree Standards.

17.58.090(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

Attachments :

Attachment 1 – Application and Attachments
Attachment 2 – NEG 1-21 Decision
Attachment 3 – MW&L Comments
Attachment 4 – MPW Comments

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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #3 above. A revised street tree list updating the McMinnville Street Tree List approved by Resolution 2016-22 was developed by the Landscape Review Committee and approved by Resolution 2019-26. The revised landscape plan indicates that three (3) Flame Amur Maple street trees would be planted along Lafayette Avenue and four (4) Acer Rubrum along NE 9th Avenue. These trees are identified as recommended medium street trees on the McMinnville Street Tree List.

Due to the presence of overhead power along the north side of Lafayette Avenue, the street trees would not conflict with the overhead utility. Additionally, street trees along Lafayette Avenue will be required to be pruned to provide 18 feet of clearance from the arterial street. A street tree selection with a narrow, upright, or columnar form would help provide the required clearance from the arterial street. Therefore, a condition of approval is included to require that the street tree requiring the necessary pruning.

17.58.090(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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS #5, #6 & 7. A condition of approval is included to ensure that street trees shall meet City standards for size and quality at the time of planting.

CONDITIONS FOR FINDING: That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. 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 shall be free of insects, diseases, mechanical injury, and other objectionable features when planted.

That planting of street trees shall be subject to the McMinnville design drawings and specification. 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 provided to a minimum depth of eighteen (18) inches. Two (2) deep watering tubes shall be provided to encourage deep rooting.

That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and watering tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.

17.58.090(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

Attachments :

Attachment 1 – Application and Attachments
Attachment 2 – NEG 1-21 Decision
Attachment 3 – MW&L Comments
Attachment 4 – MPW Comments

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. [...]

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #8, #9 and #3 above. Due to the presence of overhead power along the north side of Lafayette Avenue, the street trees would not conflict with the overhead utility. Additionally, street trees along Lafayette Avenue will be required to be pruned to provide 18 feet of clearance from the arterial street. A street tree selection with a narrow, upright, or columnar form would help provide the required clearance from the arterial street. Therefore, a condition of approval is included to require that the street tree requiring the necessary pruning.

As listing in the McMinnville Street Tree List, Flame Amur Maple is required to be spaced no more than 20 feet apart and Acer Rubrum street trees are to be spaced no more than 30 feet apart, unless a utility or improvement is present that creates a setback requirement. The proposal indicates the Acer Rubrum trees are approximate 30 feet apart meeting the requirements of the standard. The Flame Amur Maple trees are approximately 30 feet apart, which is greater than the standard. But with this property being a corner lot, adding an additional tree along Lafayette might create traffic safety issues. McMinnville Public Works is recommending the trees along Lafayette be moved north away from the intersection to allow for more vision clearance distance.

CONDITIONS FOR FINDING: That the Flame Amur Maple street trees shall be spaced no more than 20 feet apart and Acer Rubrum street trees shall be spaced no more than 30 feet apart, unless a utility or improvement is present that creates a setback requirement.

That the location of the most northeastern tree along Lafayette shall be a maximum of 20 feet from the northwest property unless a utility or improvement is present that creates a setback requirement.

17.58.090(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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Lafayette Avenue is classified as an arterial street. Street trees are proposed in curbside tree wells measuring four (4) feet by six (6) feet, with the long dimension parallel to the curb. Trees would not be planted closer than two and one-half (2 ½) feet from the face of the curb. The landscape plan indicates a distance of five and one-half (5 ½) from the back edge of the sidewalk to the back edge of the tree well, exceeding the minimum distance of four (4) feet.

17.58.090(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.

APPLICANT'S RESPONSE: None.

Attachments :

Attachment 1 – Application and Attachments
Attachment 2 – NEG 1-21 Decision
Attachment 3 – MW&L Comments
Attachment 4 – MPW Comments

FINDING: SATISFIED WITH CONDITION OF APPROVAL #10, #11 & #12. Utility locations are indicated on MW&L comments and proposed street tree locations appear to be in the area of required setback distances. A condition of approval has been included to ensure that setbacks from utilities be maintained.

CONDITIONS FOR FINDING: That trees are not to be planted within:

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

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.

That the applicant shall contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any planting excavation to ensure that underground utilities are not damaged.

17.58.090(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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. There are no existing street trees adjacent to the subject property, therefore, this standard is not applicable.

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.
- 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

Attachments :

- Attachment 1 – Application and Attachments
- Attachment 2 – NEG 1-21 Decision
- Attachment 3 – MW&L Comments
- Attachment 4 – MPW Comments

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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #13 and #3 above. A condition of approval has been included to ensure that the street trees are continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner for one full growing season following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

CONDITION FOR FINDING: That all 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. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

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. A solid waste/recycling enclosure is required for all new commercial development. The proposed solid waste and recycling enclosure located behind the building next to 9th Street. The Landscaping Plans indicated that there will be Vinca Major shrubs and Emerald Carpet Bramble provided on three sides of the enclosure. They will be 3 feet at planting. Therefore, this standard is met.

Northeast Gateway Planned Development Overlay

The following Sections of the Northeast Gateway Planned Development Overlay (Ordinance No. 4971) provide criteria applicable to the request:

Section 10 – Landscaping. Landscaping plans are subject to the review and design standards outlined in Chapter 17.57 (Landscaping) of the Zoning Ordinance and as noted below:

All Zones:

- A. Landscaping shall be provided between the public street right-of-way and the front building line, exclusive of pedestrian walk-ways, patios, plazas, and similar facilities. Such landscaping shall be designed to provide interest to pedestrians and shall be maintained at a height no more than three (3) feet so that it is not site obscuring.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The revised landscape plan indicates that landscaping is being provided along the NE Lafayette Avenue frontage of the building and parking lot. planters are proposed between the public sidewalk and the front building line. Landscaping is also being provided along the property line of NE 9th Avenue in front of the solid waste enclosure. The proposed in

Attachments :

Attachment 1 – Application and Attachments
Attachment 2 – NEG 1-21 Decision
Attachment 3 – MW&L Comments
Attachment 4 – MPW Comments

front of the solid waste enclosure is required to be three feet tall at planting. Therefore, this standard is met.

- B. Off-street parking located behind the building but visible from the public right-of-way shall be screened through the provision of a continuous row of shrubs, or a fence or seating wall, not less than three feet and no more than four feet high.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposed landscaping plan indicates that the parking is adequately screen from the public right-of-way. Therefore, this standard is met.

- C. Off-street parking areas with 10 (ten) or more parking spaces shall have, at a minimum, internal landscaping designed to visually break up a paved parking area as follows:
 - 1. Landscaped islands and peninsulas shall be evenly distributed throughout all parking areas and separated no more than 60 feet from another. Such islands shall be provided with raised curbs, be a minimum of five feet in width, and shall each contain at least one deciduous tree. To achieve the maximum canopy coverage, all trees shall be non-columnar.

APPLICANT’S RESPONSE: See NE Gateway Waiver request in attached application materials.

FINDING: SATISFIED. The applicant has requested and received a waiver from this standard criterion through the Northeast Gateway Design Review process. Therefore, this standard is met.

- D. Lighting of parking and landscaped areas shall be directed either into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #14. Lighting is indicated in the parking/outdoor event area, but no further details are provided about light fixtures or photometrics. Therefore, a condition of approval is included to ensure any lighting of parking and landscaped areas be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target and not result in skyward glare.

CONDITION FOR FINDING: That lighting of parking and landscaped areas shall be directed either into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to place light on the intended target, and not result in skyward glare.

AD

Attachments :

- Attachment 1 – Application and Attachments
- Attachment 2 – NEG 1-21 Decision
- Attachment 3 – MW&L Comments
- Attachment 4 – MPW Comments

569-21-000343-plng



Planning Department
231 NE Fifth Street o McMinnville, OR 97128
(503) 434-7311 Office o (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:
File No. L 18-21
Date Received 8/18/21/Revised 9/16/21
Fee \$905.50
Receipt No.
Received by sjs

Landscape Plan Review Application

Applicant Information

Applicant is: [X] Property Owner [] Contract Buyer [] Option Holder [] Agent [] Other

Applicant Name Sarah P Post Phone 971-237-1613
Contact Name (If different than above) Phone
Address 3039 NW Elizabeth
City, State, Zip McMinnville, OR 97128
Contact Email sarahpostdmd@gmail.com

Property Owner Information

Property Owner Name SAME AS ABOVE Phone 971-237-1613
Contact Name Phone
Address
City, State, Zip
Contact Email

Site Location and Description

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

Property Address 915 NE Lafayette Ave, McMinnville, OR
Assessor Map No. R4 - - Total Site Area 10,000sq ft
Subdivision Oak Park Addition Block 4 Lot 1 & 2
Comprehensive Plan Designation Commercial Zoning Designation Mixed Use Comm/Res

Landscaping Information

- 1. Total Landscaped Area: 810 sq ft
- 2. Percent Landscaped: 8.10%
- 3. Building Floor Area:
New Structure: 2,982 sq ft Existing Structure: n/a Addition: n/a
- 4. Architect Name AR Landscape, Inc. Phone 503-474-9749
(Landscape Architect; Engineer; or Other Designer)
Contact Name Andy Rhodes Phone 971-241-7035
Address _____
City, State, Zip McMinnville, OR
Contact Email arlandscapeinc@aol.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

9/16/2021

Date

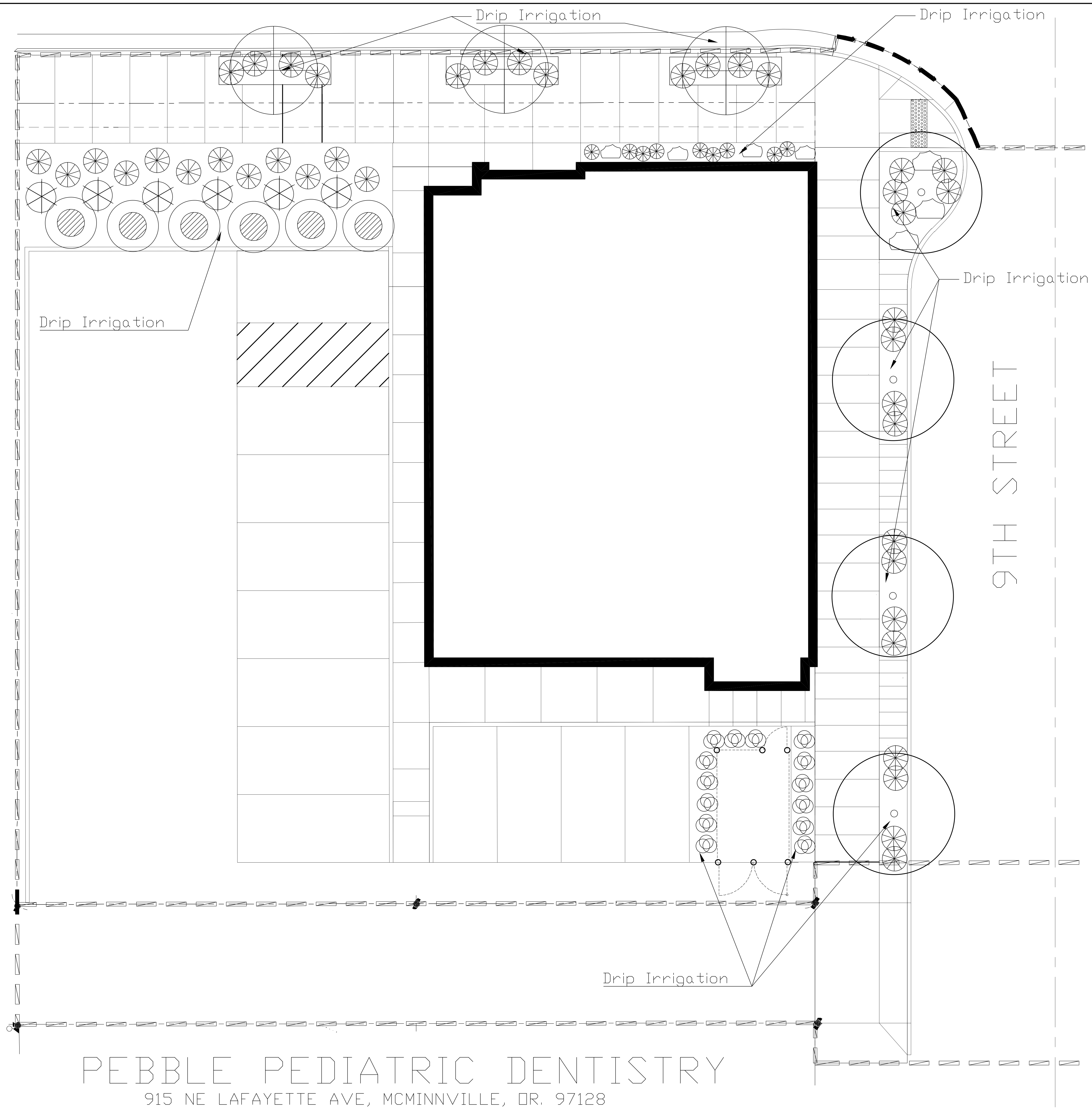


Property Owner's Signature

9/16/2021

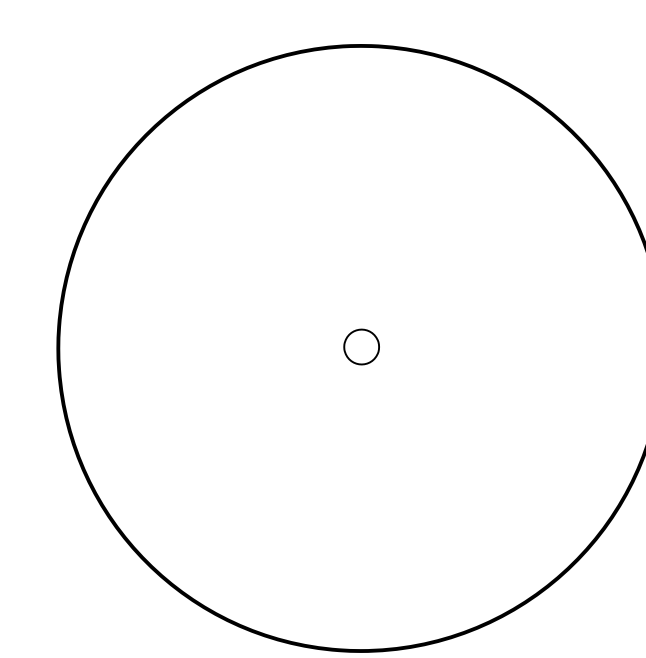
Date

LANDSCAPE PLANTING PLAN

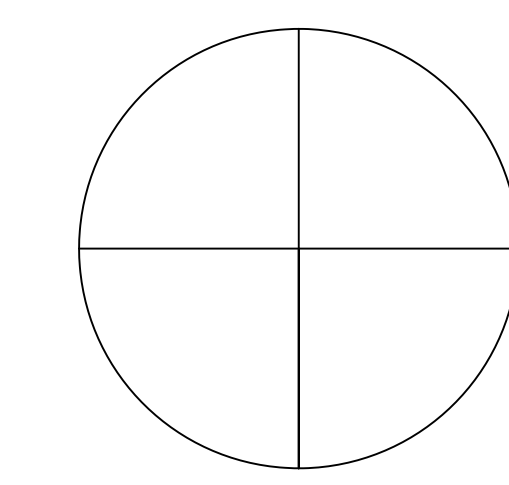


PEBBLE PEDIATRIC DENTISTRY
 915 NE LAFAYETTE AVE, MCMINNVILLE, OR. 97128

Trees:

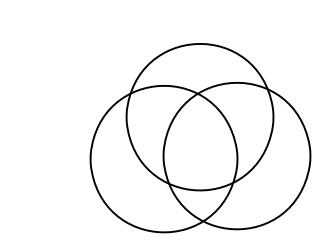


Acer Rubrum 'Franksred' 2" cal
 Mature Height 45'

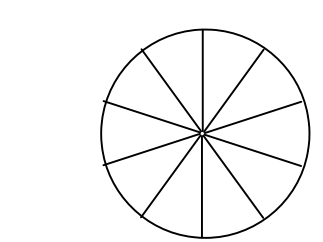


Flame Amur Maple 2" cal
 Mature Height 25'

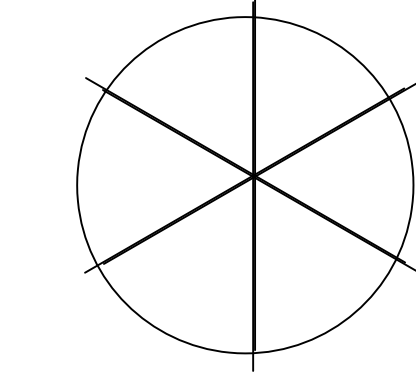
Shrubs & Perennials:



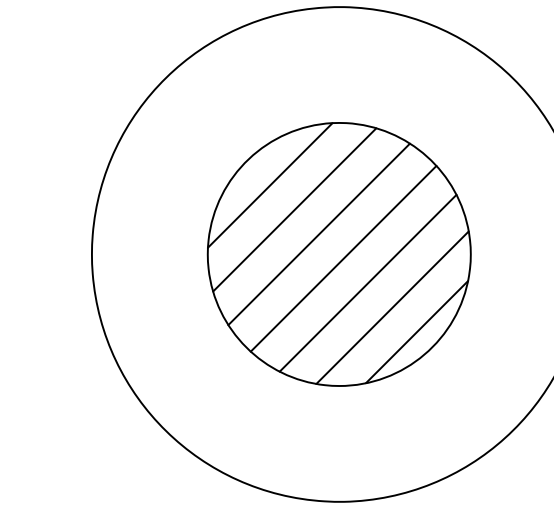
Vinca Major 3' at planting



Blue Oat Grass 1 gal
 Mature Height 18"

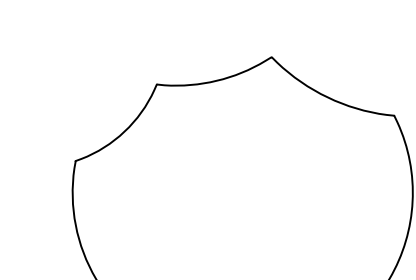


Penisetum Alopecuroides 1 gal
 Mature Height 2'



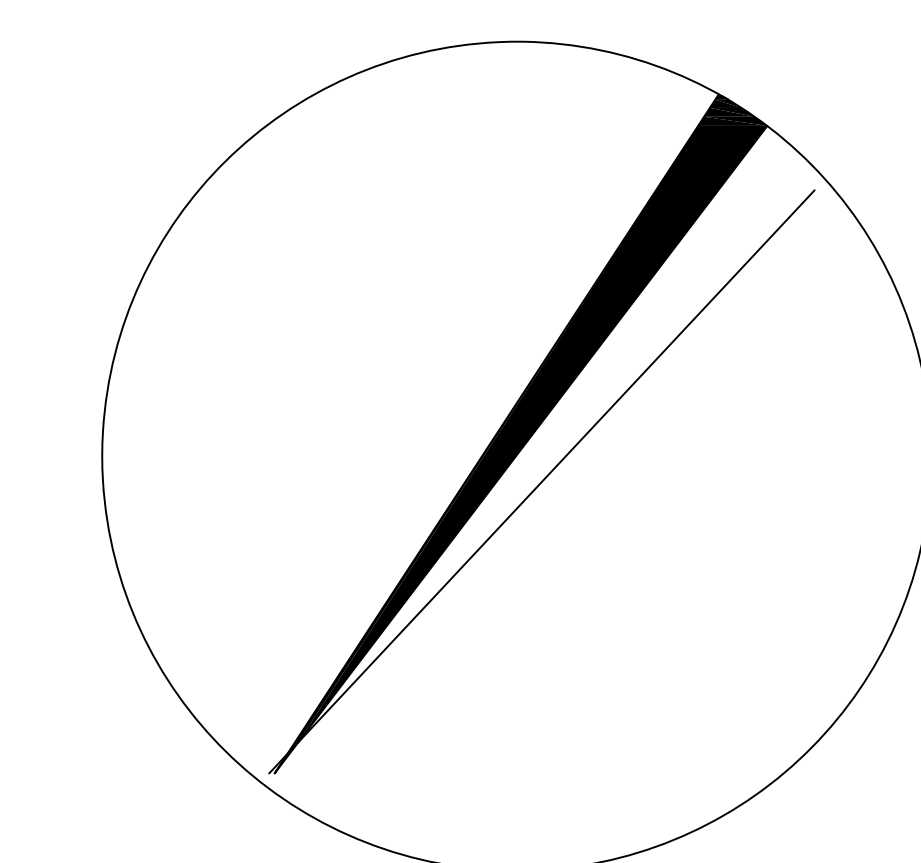
Nandina Gulf Stream 3 gal
 Mature Height 3'

Groundcover:



Basalt Bolder 50-100 lbs

- * All landscape areas will have a design build irrigation system (drip irrigation)
- * All landscape areas to receive 2" of Hemlock Bark Mulch



NORTH



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

EXHIBIT 2 - STAFF REPORT

DATE: October 20, 2021
TO: Landscape Review Committee Members
FROM: Amy Dixon, Contract Planner
SUBJECT: Landscape Plan Review Application (L 22-21)

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

REPORT IN BRIEF:

This proceeding is a review by the Landscape Review Committee of an application for a landscape plan (Docket L 22-21) seeking approval of a landscape plan to construct and operate a card-lock fueling station located at 855 NE Marsh Ln. 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:

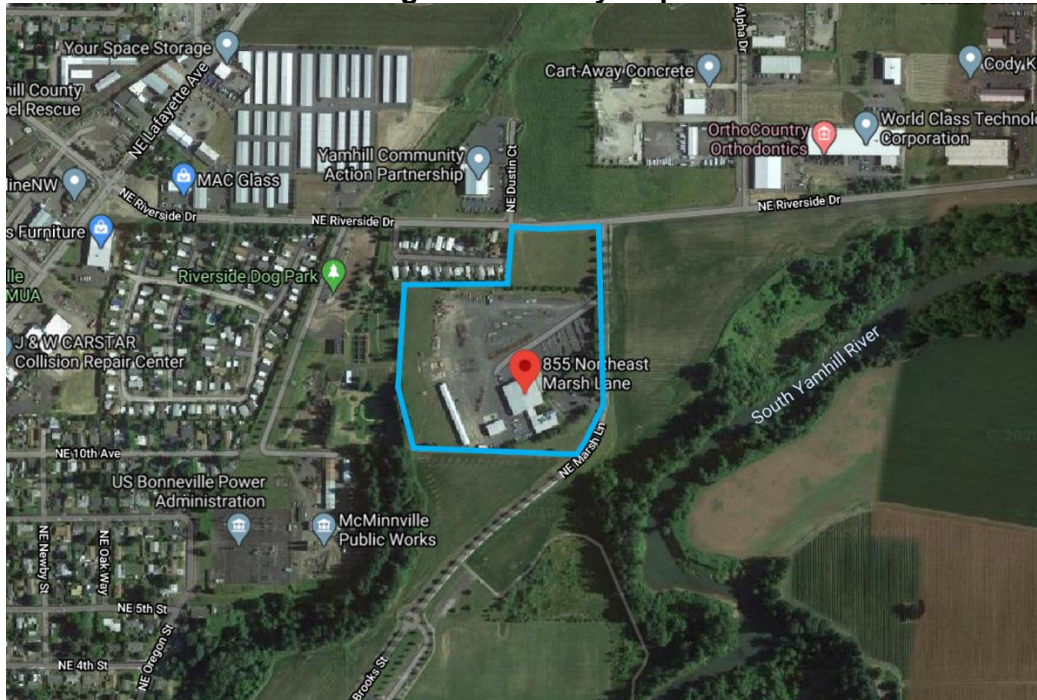
The subject site is located at 855 NE Marsh Lane (Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.) **See Figure 1 (Vicinity Map).** The property is zoned M-1 (Light Industrial). **See Figure 2 (Zoning Map).**

The subject property was recently reconfigured through a property line adjustment (BLA 11-19), and the resulting property is approximately 18.1 acres in size, located at the southwest corner of Riverside Drive and Marsh Lane, which includes the existing McMinnville Water and Light facilities. The proposed fueling station will occupy approximately one-half acre of the site near Marsh Lane, in the area located between the existing driveway to the equipment yard and the driveway entrance to the parking lot for the office. The subject property is zoned M-1, and it is the site of McMinnville Water and Lights offices and fleet and equipment yards. Portions of the property to the north and west are undeveloped. Property across Marsh Lane to the east is also zoned M-1, which is vacant and owned by the City. It is leased for farming. Property to the west is zoned M-2, which is City-owned and includes the Riverside Dog Park, the old wastewater treatment plant and a wastewater pump station, and Parks and Public Works facilities. Property abutting the north property line of the subject property is Riverside Mobile Terrace, which is zoned R-4. Property across Riverside Drive to the north is zoned M-2 zoning. The property immediately to the north is undeveloped, and other properties include YCAP and industrial businesses. The property

to the south is outside the UGB and includes property owned by McMinnville Water and Light northwest of the extension of Marsh Lane and Joe Dancer Park on the southeast side.

Proposed new landscaping is focused along the new driveway and additional plantings within the right-of-way landscaped area. **See Figure 3 (Site Plan), Figure 4 (Landscape Plan) and Figure 5 (Plant Schedule).**

Figure 1: Vicinity Map

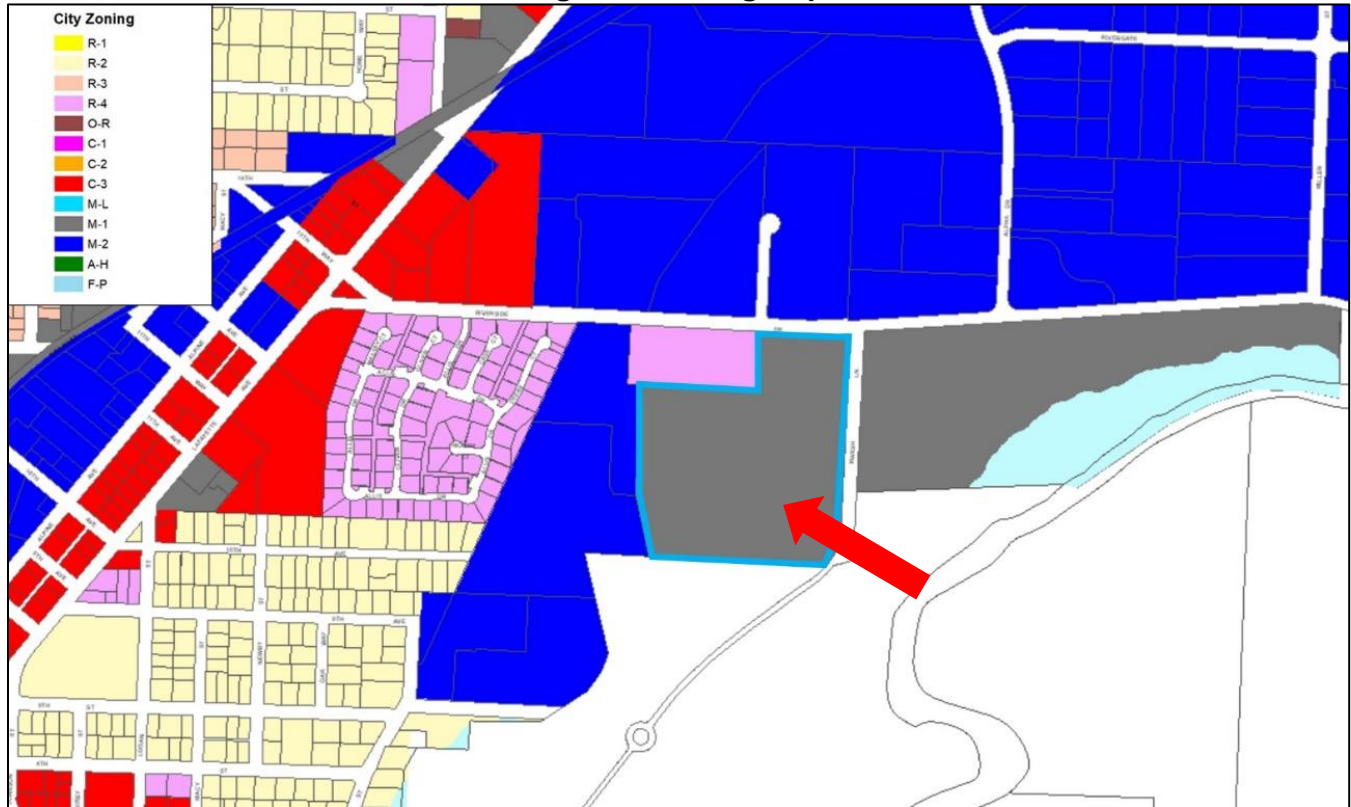


Attachments:

Attachment A – Decision, Conditions, Findings of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for an addition of a Fueling Station - 855 NE Marsh Ln

Attachment B – Application, Attachments, Supplemental Submittal

Figure 2: Zoning Map



Attachments:

Attachment A – Decision, Conditions, Findings of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for an addition of a Fueling Station - 855 NE Marsh Ln

Attachment B –Application, Attachments, Supplemental Submittal

Figure 4: Proposed Landscape Plan

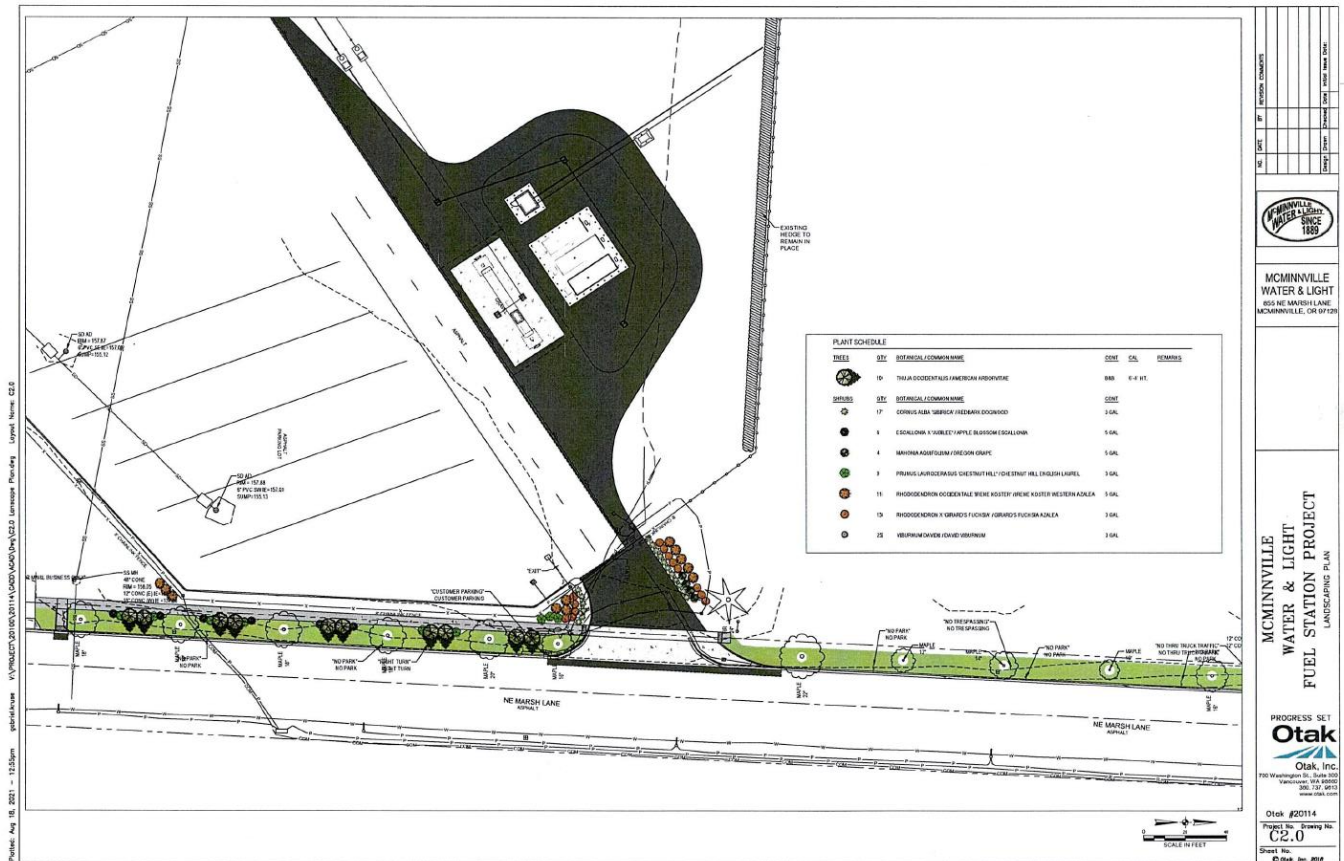


Figure 5: Plant Schedule

| PLANT SCHEDULE | | | | | |
|----------------|-----|---|-------|-----------|---------|
| TREES | QTY | BOTANICAL / COMMON NAME | CONT | CAL | REMARKS |
| | 10 | THUJA OCCIDENTALIS / AMERICAN ARBORVITAE | B&B | 6'-8' HT. | |
| SHRUBS | QTY | BOTANICAL / COMMON NAME | CONT | | |
| | 17 | CORNUS ALBA 'SIBIRICA' / REDBARK DOGWOOD | 3 GAL | | |
| | 6 | ESCALLONIA X 'JUBILEE' / APPLE BLOSSOM ESCALLONIA | 5 GAL | | |
| | 4 | MAHONIA AQUIFOLIUM / OREGON GRAPE | 5 GAL | | |
| | 9 | PRUNUS LAUROCERASUS 'CHESTNUT HILL' / CHESTNUT HILL ENGLISH LAUREL | 3 GAL | | |
| | 11 | RHODODENDRON OCCIDENTALE 'IRENE KOSTER' / IRENE KOSTER WESTERN AZALEA | 5 GAL | | |
| | 13 | RHODODENDRON X 'GIRARD'S FUCHSIA' / GIRARD'S FUCHSIA AZALEA | 3 GAL | | |
| | 25 | VIBURNUM DAVIDII / DAVID VIBURNUM | 3 GAL | | |

Attachments:

- Attachment A – Decision, Conditions, Findings of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for an addition of a Fueling Station - 855 NE Marsh Ln
- Attachment B – Application, Attachments, Supplemental Submittal

CONDITIONS:

- 1) That the applicant shall install and maintain landscaping as shown on the landscape plans received by the Planning Department on September 30, 2021 and modified by this approval. The applicant shall comply with the required conditions of approval of this decision.
- 2) That sight obscuring landscaping shall be planted along the chain link fence by the property line along NE Marsh Lane for the length of the project per 17.57.070(B)(2).
- 3) That American Arborvitae shall not be planted in the planter strip
- 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.

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 20-21 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

AD

Attachments:

Attachment A – Decision, Conditions, Findings of Fact And Conclusionary Findings For The Approval Of A Landscape Plan Review for an addition of a Fueling Station - 855 NE Marsh Ln
Attachment B –Application, Attachments, Supplemental Submittal



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128
503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A LANDSCAPE PLAN REVIEW FOR CONSTRUCT AND OPERATE A CARD-LOCK FUELING STATION AT 855 NE MARSH LANE

- DOCKET:** L 22-21 (Landscape Plan Review)
- REQUEST:** Approval of a Landscape Plan to construct and operate a card-lock fueling station
- LOCATION:** 855 NE Marsh Lane (Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.)
- ZONING/Overlay:** M-1 (Light Industrial)
- APPLICANT:** Samuel R Justice, General Counsel, McMinnville Water and Light
- STAFF:** Amy Dixon, Contract Planner
- DATE DEEMED COMPLETE:** September 30, 2021
- DECISION-MAKING BODY & ACTION:** McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.
- MEETING DATE & LOCATION:** October 20, 2021, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, and Zoom Meeting Online ID: 860 7632 6400
- 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.

DECISION

Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the Landscape Plan (L 22-21) **subject to the conditions of approval provided in this document.**

////////////////////////////////////
DECISION: APPROVAL WITH CONDITIONS
////////////////////////////////////

Planning Staff: _____ Date: _____
Amy Dixon, Contract Planner

Planning Department: _____ Date: _____
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

Subject Property & Request

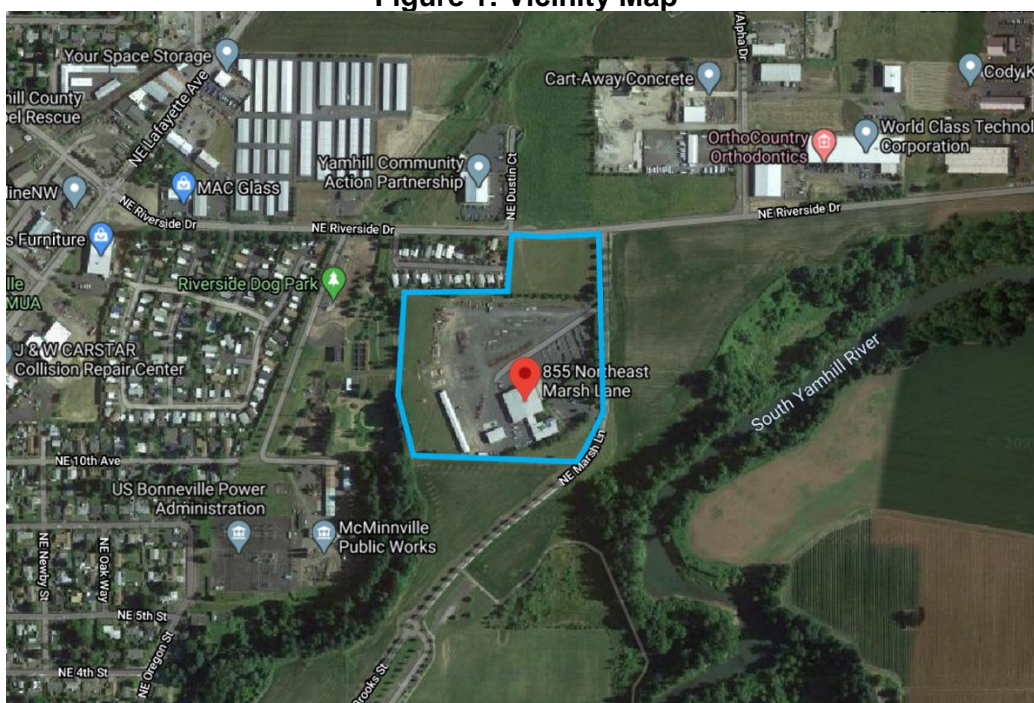
The applicant, Samuel R Justice, General Counsel, McMinnville Water and Light, submitted a landscape plan review application (Docket L 22-21) seeking approval of a landscape plan to construct and operate a card-lock fueling station.

The subject site is located at 855 NE Marsh Lane (Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.) **See Figure 1 (Vicinity Map).** The property is zoned M-1 (Light Industrial). **See Figure 2 (Zoning Map).**

The subject property was recently reconfigured through a property line adjustment (BLA 11-19), and the resulting property is approximately 18.1 acres in size, located at the southwest corner of Riverside Drive and Marsh Lane, which includes the existing McMinnville Water and Light facilities. The proposed fueling station will occupy approximately one-half acre of the site near Marsh Lane, in the area located between the existing driveway to the equipment yard and the driveway entrance to the parking lot for the office. The subject property is zoned M-1, and it is the site of McMinnville Water and Lights offices and fleet and equipment yards. Portions of the property to the north and west are undeveloped. Property across Marsh Lane to the east is also zoned M-1, which is vacant and owned by the City. It is leased for farming. Property to the west is zoned M-2, which is City-owned and includes the Riverside Dog Park, the old wastewater treatment plant and a wastewater pump station, and Parks and Public Works facilities. Property abutting the north property line of the subject property is Riverside Mobile Terrace, which is zoned R-4. Property across Riverside Drive to the north is zoned M-2 zoning. The property immediately to the north is undeveloped, and other properties include YCAP and industrial businesses. The property to the south is outside the UGB and includes property owned by McMinnville Water and Light northwest of the extension of Marsh Lane and Joe Dancer Park on the southeast side.

Proposed new landscaping is focused along the new driveway and additional plantings within the right-of-way landscaped area. **See Figure 3 (Site Plan), Figure 4 (Landscape Plan) and Figure 5 (Plant Schedule).**

Figure 1: Vicinity Map



Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

Figure 2: Zoning Map

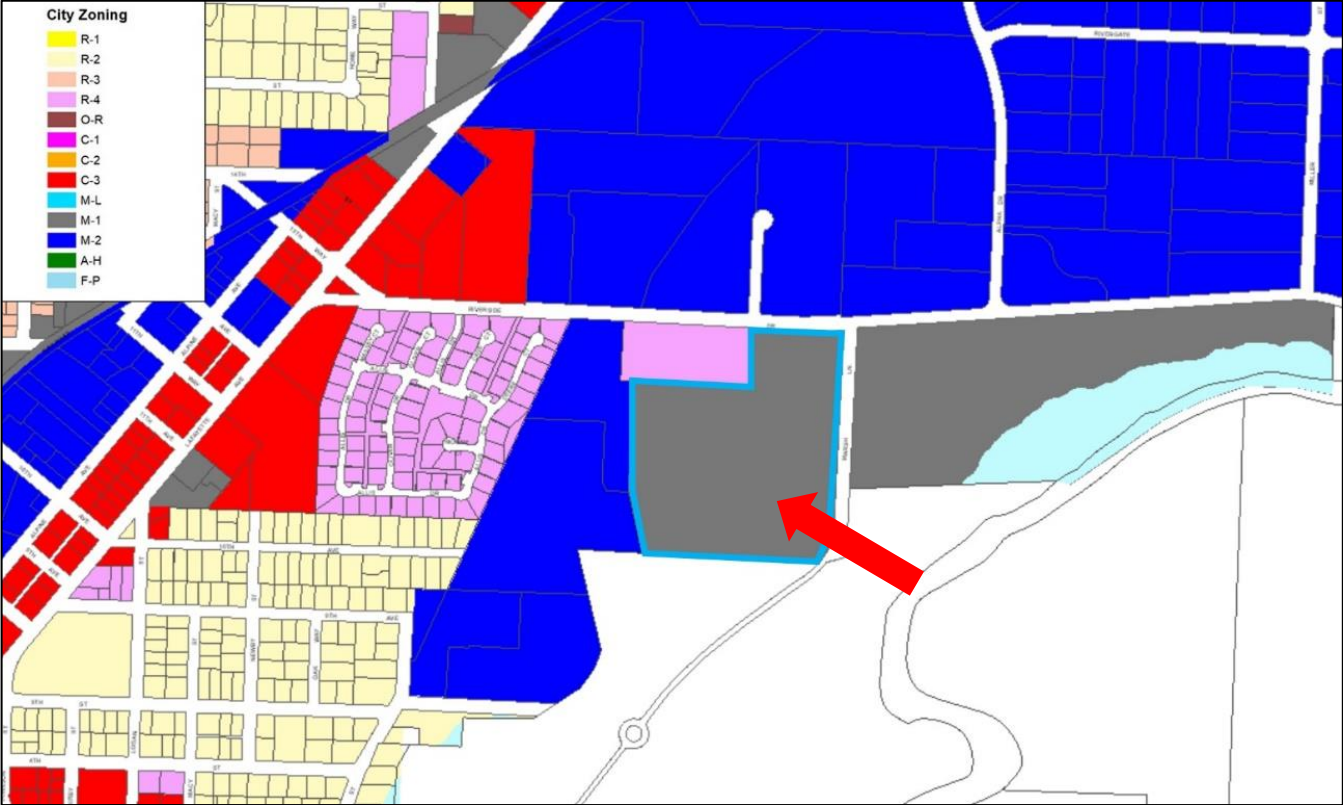


Figure 4: Proposed Landscape Plan

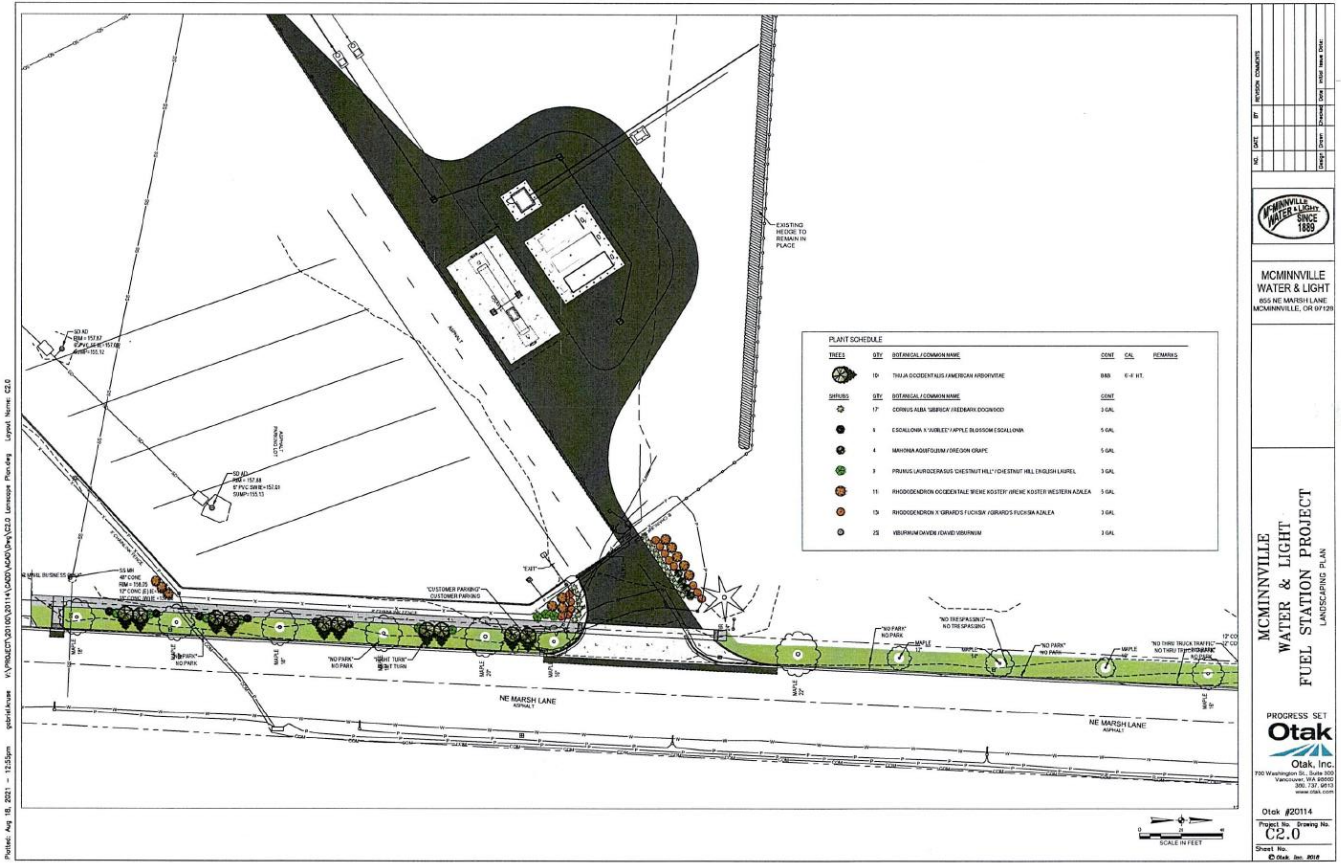


Figure 5: Plant Schedule

| PLANT SCHEDULE | | | | | |
|----------------|------------|---|-------------|-----------|---------|
| TREES | QTY | BOTANICAL / COMMON NAME | CONT | CAL | REMARKS |
| | 10 | THUJA OCCIDENTALIS / AMERICAN ARBORVITAE | B&B | 6'-8' HT. | |
| SHRUBS | QTY | BOTANICAL / COMMON NAME | CONT | | |
| | 17 | CORNUS ALBA 'SIBIRICA' / REDBARK DOGWOOD | 3 GAL | | |
| | 6 | ESCALLONIA X 'JUBILEE' / APPLE BLOSSOM ESCALLONIA | 5 GAL | | |
| | 4 | MAHONIA AQUIFOLIUM / OREGON GRAPE | 5 GAL | | |
| | 9 | PRUNUS LAUROCERASUS 'CHESTNUT HILL' / CHESTNUT HILL ENGLISH LAUREL | 3 GAL | | |
| | 11 | RHODODENDRON OCCIDENTALE 'IRENE KOSTER' / IRENE KOSTER WESTERN AZALEA | 5 GAL | | |
| | 13 | RHODODENDRON X 'GIRARD'S FUCHSIA' / GIRARD'S FUCHSIA AZALEA | 3 GAL | | |
| | 25 | VIBURNUM DAVIDII / DAVID VIBURNUM | 3 GAL | | |

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

Summary of Criteria & Issues:

Decisions and/or recommendations for approval of the land use application is dependent upon whether 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-1 (Light Industrial). McMinnville Municipal Code (MMC) Section 17.57.030 requires landscaping in the M-1 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 and maintain landscaping as shown on the landscape plans received by the Planning Department on September 30, 2021 and modified by this approval. The applicant shall comply with the required conditions of approval of this decision.
2. That sight obscuring landscaping shall be planted along the chain link fence by the property line along NE Marsh Lane for the length of the project per 17.57.070(B)(2).
3. That American Arborvitae shall not be planted in the planter strip
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:

- L 22-21 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 Water and Light
 - MW&L indicated that they did not have comments on this application.
- McMinnville Public Works Department

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

Site Review

1. The existing site is the current MWL operations yard.
2. Marsh Lane is functionally classified as a local street, with curb, gutter and sidewalk on both sides of the roadway. Existing street trees are in an irrigated planter strip.
3. There are no overhead power or communication facility conflicts on the west side of Marsh Lane adjacent to the site.

Recommendations

1. The submitted landscaping plan shows proposed plantings in the ROW and on private property. Public Works would have no comment on plantings on private property.
2. The plan submittal shows both new street trees and various shrubs in the ROW.
 - a. The proposed trees are American Arborvitae. It does not appear that this tree is on the recommended street tree list. However, given that there are existing street trees that will remain and the screening effect such plantings will provide for this operations yard, Public Works would have no objections to this element of the proposal.
 - b. Given that the proposed shrubs are in addition to and not in place of street trees, Public Works would have no objections to this element as well.

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

1. The applicant, Samuel R Justice, General Counsel, McMinnville Water and Light, submitted a landscape plan review application on September 8, 2021.
2. The application was deemed complete on September 30, 2021. Based on that date, the application is subject to a 30-day review timeframe, which expires on October 30, 2021.
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 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.
5. A public meeting was held by the Landscape Review Committee on October 20, 2021, to review the application and proposed landscape plan.

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

VI. FINDINGS OF FACT - GENERAL FINDINGS:

1. **Location:** 855 NE Marsh Lane (Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.)
2. **Size:** The property is approximately 18.1 acres. The area proposed for the fueling station facilities is approximately one-half acre.
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:** M-1 (Light Industrial)
5. **Overlay Zones/Special Districts:**
 - a. **Airport Overlay:** Property is within the Conical Surface of the Airport Overlay Zone and a portion may also be within the Horizontal Surface
6. **Current Use:** McMinnville Water & Light Office and Facilities
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None identified.
 - b. **Other:** None identified.
8. **Utilities:**
 - a. **Water:** Public water mains are present in NE Riverside Drive and NE Marsh Lane and cross Tax Lot 100. There do not appear to be public easements for all of the water mains on the subject property.
 - b. **Sewer:** Public sanitary sewer mains are present in NE Riverside and cross Tax Lot 100. Some sewer easements are present on the property. A public sewer easement was dedicated at the time of the property line adjustment.
 - c. **Stormwater:** Public storm drain lines are present in NE Riverside and cross Tax Lot 100. There do not appear to be public easements for all of the storm drain facilities.
 - d. **Electric:** Power service is available to the subject property. Overhead power is present along the frontage of NE Riverside Drive.
 - e. **Other Services:** Other utility services are available to the subject properties.
9. **Transportation & Access:** The property has frontage on NE Riverside Drive and NE Marsh Lane. The McMinnville Water & Light facilities take access from NE Marsh Lane.
 - a. **NE Riverside Drive:** Major Collector. South side frontage improvements include bike lane, curb and gutter, no sidewalk
 - b. **NE Marsh Lane:** Local Street. West side frontage improvements include on-street parking, curb and gutter, no sidewalk

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, Attachments, Supplemental Submittals

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 Municipal Code (MMC) 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:

1. Provide guidelines and standards that will:
 - a. Reduce soil erosion and the volume and rate of discharge of storm water runoff.
 - b. Aid in energy conservation by shading structures from energy losses caused by weather and wind.
 - c. Mitigate the loss of natural resources.

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

- d. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.
 - e. Create safe, attractively landscaped areas adjacent to public streets.
 - f. Require the planting of street trees along the City's rights-of-way.
 - g. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
 - h. Provide shade, and seasonal color.
 - i. Reduce glare, noise and heat.
2. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
 3. Unify development and enhance and define public and private places.
 4. Preserve existing mature trees.
 5. Enhance the urban forest and tree canopy.
 6. 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.
 7. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
 8. 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);

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

- G. M-1 (Light Industrial zone);
- H. M-2 (General Industrial zone).

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposed development is within the M-1 (Light 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:

- 2. 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 18.1 acres, or 788,436 square feet requiring approximately 55,191 square feet of landscaping. Approximately 62,000 square feet of landscaping currently existing on site. The applicant is proposing an additional 900 square feet of landscaping totaling approximately 63,000 square feet.

| | Total Site Area (s.f.) | Landscape Provided (s.f.) | Percentage | Percentage Required |
|-----------------------|---------------------------|------------------------------|------------|------------------------|
| Industrial Properties | 788,436 | 63,000 | 7.9% | 7.0% |

The proposed landscaping area of 7.9 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.

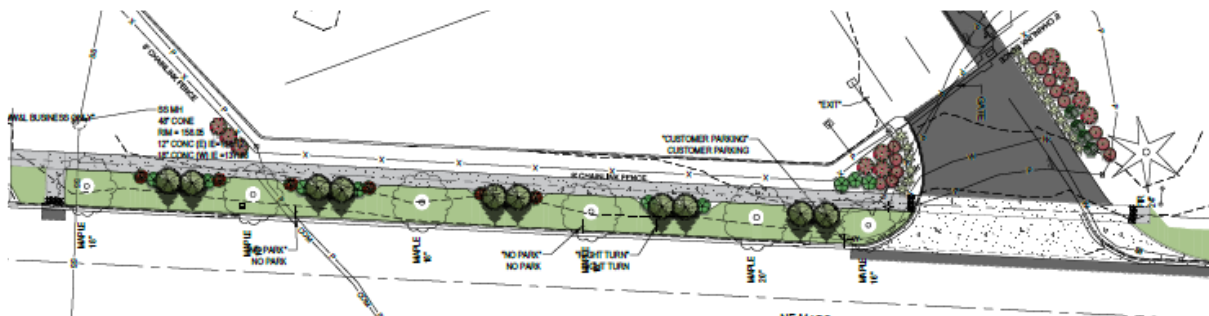
APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1 & 2. The proposed landscaping plan indicates the existing landscaping will remain and the installation of new plantings in the area of the driveway and along NE Marsh Lane as a buffer.









Property across Marsh Lane to the east is vacant and owned by the City. It is leased for farming. Property to the west is City-owned and includes the Riverside Dog Park, the old wastewater treatment plant and a wastewater pump station, and Parks and Public Works facilities. Property abutting the north property line of the subject property is Riverside Mobile Terrace and zoned R-4. The property immediately to the north is undeveloped, and other properties include YCAP and industrial businesses. The property to the south is outside the UGB and includes property owned by McMinnville Water and Light northwest of the extension of Marsh Lane and Joe Dancer Park on the southeast side.

According to the applicant's Conditional Use statement, the fueling station will be located within the existing fenced area of the property and well over 50 feet from the Mobile Home Park. There are well established arborvitae screening the property from the Park. Therefore, no additional screening is necessary along this portion of the property. Most of the surrounding property is either undeveloped or City owned. Therefore, no additional screening is necessary abutting these properties.

Proposed Landscaping along Marsh Lane



Plant Schedule

| PLANT SCHEDULE | | | | | | |
|---|-----|---|-------|-----------|---------|--|
| TREES | QTY | BOTANICAL / COMMON NAME | CONT | CAL | REMARKS | |
|  | 10 | THUJA OCCIDENTALIS / AMERICAN ARBORVITAE | B&B | 6'-8' HT. | | |
| SHRUBS | QTY | BOTANICAL / COMMON NAME | CONT | | | |
|  | 17 | CORNUS ALBA 'SIBIRICA' / REDBARK DOGWOOD | 3 GAL | | | |
|  | 6 | ESCALLONIA X 'JUBILEE' / APPLE BLOSSOM ESCALLONIA | 5 GAL | | | |
|  | 4 | MAHONIA AQUIFOLIUM / OREGON GRAPE | 5 GAL | | | |
|  | 9 | PRUNUS LAUROCERASUS 'CHESTNUT HILL' / CHESTNUT HILL ENGLISH LAUREL | 3 GAL | | | |
|  | 11 | RHODODENDRON OCCIDENTALE 'IRENE KOSTER' / IRENE KOSTER WESTERN AZALEA | 5 GAL | | | |
|  | 13 | RHODODENDRON X 'GIRARD'S FUCHSIA' / GIRARD'S FUCHSIA AZALEA | 3 GAL | | | |
|  | 25 | VIBURNUM DAVIDII / DAVID VIBURNUM | 3 GAL | | | |

The applicant is proposing red bark dogwood, apple blossom escallonia, Oregon grape, chestnut Hill English laurel, and Irene Koster Western and Girard's Fuchsia Azaleas. The grouping and number of plants seem appropriate for the size and location of the planting area.

As part of the Conditional Use approval decision, the applicant indicated that the design of the site will include sight-obscuring landscaping and fencing between the facility and Marsh Lane. The proposed landscaping plans indicate that arborvitae will be planted between the existing street trees. Although this would screen the property from the street, it would not screen the property from a future sidewalk between the property and NE Marsh Lane. Therefore, a condition of approval to require that a six-foot sight obscuring fence be provided to ensure that adequate buffering of the site from the right-of-way is necessary

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

Condition of Approval #1b. Docket CU 2-20

Submit a landscape plan application for review and approval by the Landscape Review Committee, consistent with the proposed fencing, screening and landscaping described in the application. The landscape plan shall be consistent with the provisions of Chapter 17.57 and the applicable perimeter treatment and buffer yard standards of Section 17.39.040. Obtain approval of the landscape plan prior to issuance of building permits.

Overall, and with the recommended conditions of approval, the characteristics of the proposed landscaping are compatible with the project and the adjacent surrounding properties.

CONDITIONS FOR FINDING: That the applicant shall install and maintain landscaping as shown on the landscape plans received by the Planning Department on September 8, 2021 as amended by this land-use decision and shall comply with required conditions of approval.

That sight obscuring landscaping shall be planted along the chain link fence by the property line along NE Marsh Lane for the length of the project per 17.57.070(B)(2).

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 WITH CONDITION OF APPROVAL #2. As reviewed and conditioned by Condition of Approval #2 this standard is met.

CONDITIONS FOR FINDING: That sight obscuring landscaping shall be planted along the chain link fence by the property line along NE Marsh Lane for the length of the project per 17.57.070(B)(2).

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 are present on the site to incorporate into the development of the project. There are existing trees on the property and within the right-of-way. The site plans indicate these trees will remain. Therefore, this standard is met.

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. No additional parking is proposed. Therefore, this standard is not applicable.

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.

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

FINDING: SATISFIED WITH CONDITION OF APPROVAL #3 The industrial development is fronting on streets with a required curb-side planter strip. As described in more detail in findings for Chapter 17.58 Trees, landscaping in the curb-side planter strip will be discussed. American Arborvitae trees are proposed to be added to the existing right-of-way listed trees as screening measures. These types of trees are not listed in the McMinnville Street Tree List should not be planted in this location. Therefore, a condition is necessary to meet this standard. But existing tree types are listed. No prohibited tree is proposed on site.

CONDITIONS FOR FINDING: That American Arborvitae shall not be planted in the planter strip along NE Marsh Lane.

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 the new plantings will be irrigated with drip irrigation which will be tied into the existing system. Therefore, this standard is met.

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 WITH CONDITION OF APPROVAL #3. The industrial development is fronting on NE Marsh Lane and NE Rivergate Drive. Rivergate is classified as a major collector and Marsh Lane is classified as a local street in the Transportation System Plan. A designated curb-side planter strip adjacent to the subject property along Rivergate and Marsh is required. The minimum planter width for Recommended Street Trees in the McMinnville Street Tree List, adopted by Resolution 2019-26, is four (4) feet. Trees could be planted no closer than two and one-half (2.5) feet from the face of the curb.

The right-of-way located in front of this property and within the immediate area were developed with curbing, utilities, and street trees prior to the standards for a curb-side planter strip. The

Attachments :

Attachment 1 – Application, Attachments, Supplemental Submittals

existing curbing, utilities, and street trees are located in the appropriate location and would allow for a future sidewalk. The applicant proposes to install American Arborvitae between the existing street trees. American Arborvitae is listed as an approved street tree. Although, McMinnville Public Works does not have issues with these trees since there are existing street trees and they provide screening of the equipment yard, making the existing fence sight obscuring would be more appropriate to provide screening than allowing non-listed trees street tree. Therefore, to ensure that they are not installed, a condition is necessary.

17.58.090 Street Tree Standards.

C. 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 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 WITH CONDITION OF APPROVAL #3 ABOVE. There are existing well established street trees along NE Marsh Lane. No street improvements are proposed along either NE Marsh Lane or NE Rivergate Drive. The applicant is proposing to install American Arborvitae along the south side of the driveway along NE Marsh Lane. These trees are not listed as an approved street tree. Therefore, a condition to ensure that they are not installed is necessary.

AD

**Planning Department**

231 NE Fifth Street ◦ McMinnville, OR 97128
 (503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:File No. L22-21Date Received 9/8/21Fee 905.50

Receipt No. _____

Received by SP

Landscape Plan Review Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

The City of McMinnville acting by and through its

Applicant Name Water and Light Commission (McMinnville Water & Light) Phone 503-472-6158

Contact Name by: Samuel R. Justice, General Counsel Phone 503-435-3110

(If different than above)

Address PO Box 638, 855 NW Marsh Lane

City, State, Zip McMinnville, OR 97128

Contact Email srj@mc-power.com

Property Owner Information

Property Owner Name McMinnville Water and Light Phone _____
 (If different than above)

Contact Name same as above Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

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

Property Address 855 NW Marsh Lane, McMinnville, OR 97128

Assessor Map No. T4S-R4W Section 21, lot 102 Total Site Area _____

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Light Industrial Zoning Designation M-1

Landscaping Information

- 1. Total Landscaped Area: Roughly 5,000 square feet of new landscape buffer planting.
- 2. Percent Landscaped: Enhanced Landscape buffer is a portion of the site.
- 3. Building Floor Area:
 New Structure: _____ Existing Structure: _____ Addition: Fuel station not building
- 4. Architect Name Gabriel Kruse, ASLA, PLA, Otak Inc. Phone 503-415-2402
(Landscape Architect; Engineer; or Other Designer)
 Contact Name _____ Phone _____
 Address 808 SW 3rd Ave
 City, State, Zip Portland, Oregon, 97204
 Contact Email gabriel.kruse@otak.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.

Gabriel A. Kruse
Applicant's Signature

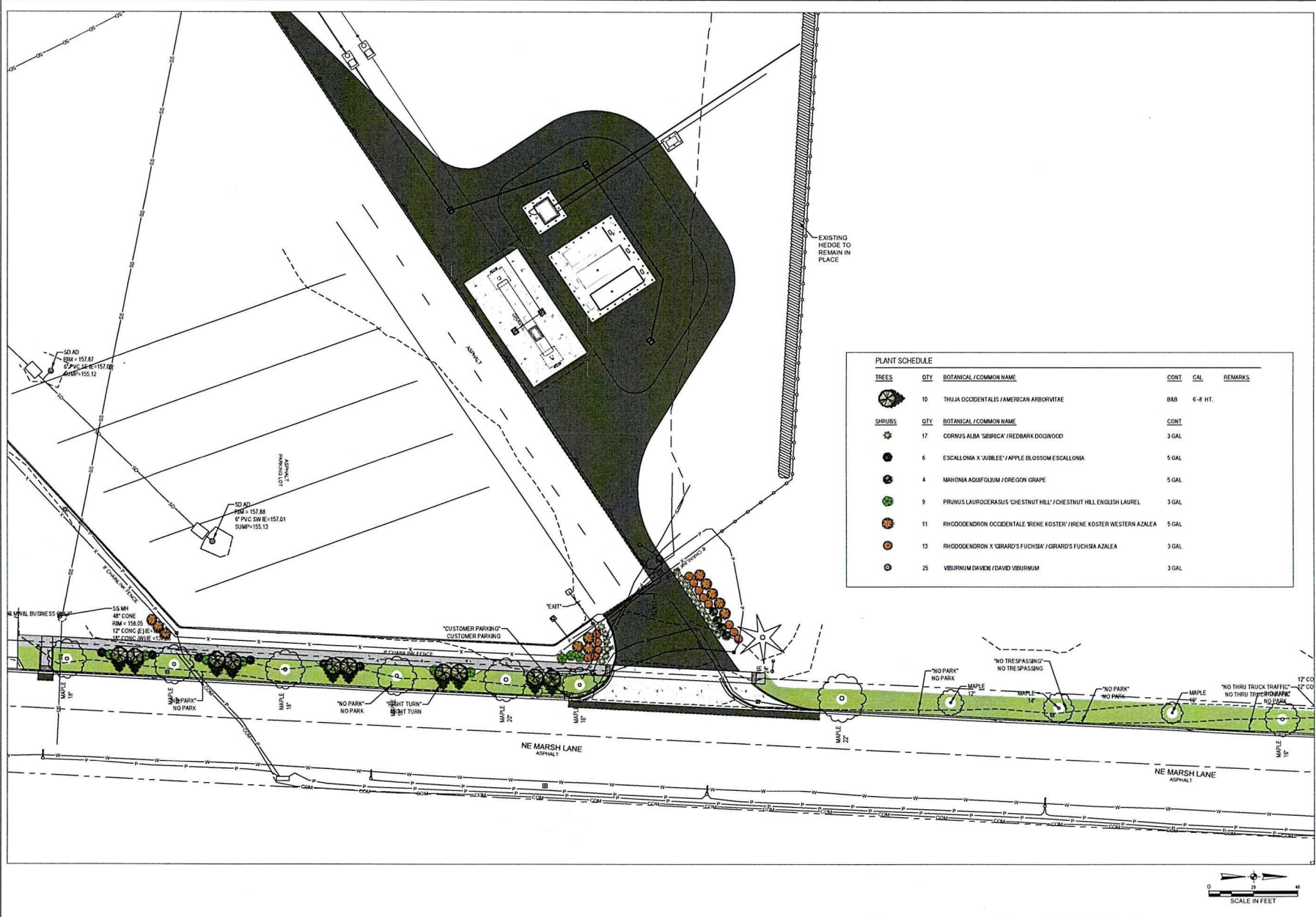
08/24/2021
Date

Samuel R. Just MWH General Counsel 9-1-2021

Property Owner's Signature

Date

Plotted: Aug 18, 2021 - 12:55pm gabriel.knuse V:\PROJECT\2011\4\CAD\ACAD\Draw\22.0 Landscape Plan.dwg Layout: Name: C2.0



PLANT SCHEDULE

| TREES | QTY | BOTANICAL / COMMON NAME | CONT | CAL | REMARKS |
|--------|-----|---|-------|---------|---------|
| | 10 | THUJA OCCIDENTALIS / AMERICAN ARBORVITAE | 8.00 | 6-8 HT. | |
| SHRUBS | QTY | BOTANICAL / COMMON NAME | CONT | | |
| | 17 | CORNUS ALBA 'SIBIRICA' / REDBARK DOGWOOD | 3 GAL | | |
| | 6 | ESCALLONIA X 'JUBILEE' / APPLE BLOSSOM ESCALLONIA | 5 GAL | | |
| | 4 | MAHONIA AQUIFOLIUM / OREGON GRAPE | 5 GAL | | |
| | 9 | PRUNUS LAUROCARASSUS 'CHESTNUT HILL' / CHESTNUT HILL ENGLISH LAUREL | 3 GAL | | |
| | 11 | RHODODENDRON OCCIDENTALE 'IRENE KOSTER' / IRENE KOSTER WESTERN AZALEA | 5 GAL | | |
| | 13 | RHODODENDRON X 'GRARD'S FUCHSIA' / GRARD'S FUCHSIA AZALEA | 3 GAL | | |
| | 25 | VBURNUM DAVIDI / DAVID VIBURNUM | 3 GAL | | |

NO. DATE BY REVISION COMMENTS

| | | | | |
|--|--|--|--|--|
| | | | | |
| | | | | |
| | | | | |

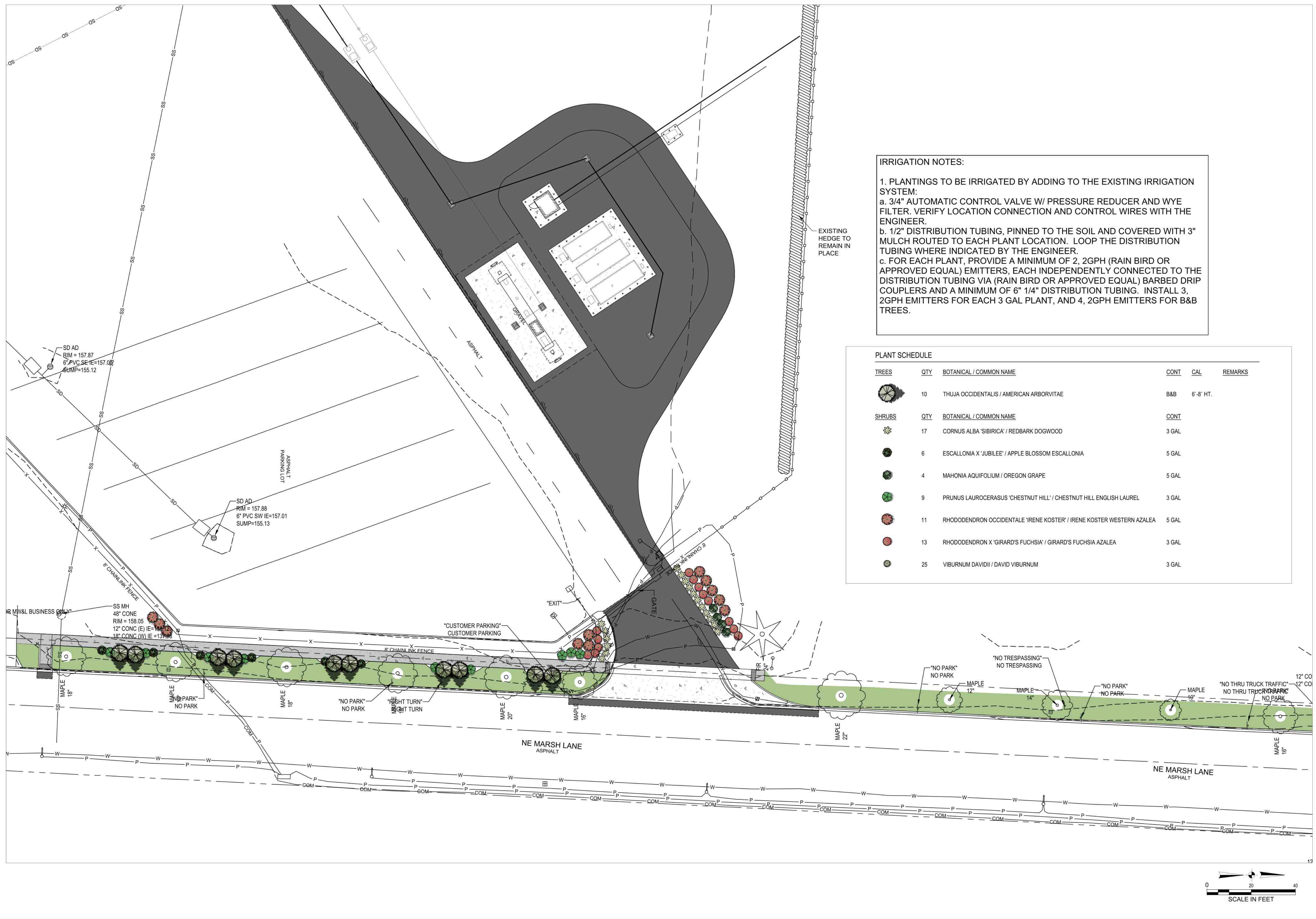
MCMINNVILLE WATER & LIGHT
855 NE MARSH LANE
MCMINNVILLE, OR 97129

MCMINNVILLE WATER & LIGHT
FUEL STATION PROJECT
LANDSCAPING PLAN

PROGRESS SET
Otak
Otak, Inc.
700 Washington St., Suite 300
Vancouver, WA 98660
360.737.9913
www.otak.com

Otak #20114
Project No. Drawing No.
C2.0
Sheet No.
© Otak, Inc. 2018





IRRIGATION NOTES:

- PLANTINGS TO BE IRRIGATED BY ADDING TO THE EXISTING IRRIGATION SYSTEM:
 - 3/4" AUTOMATIC CONTROL VALVE W/ PRESSURE REDUCER AND WYE FILTER. VERIFY LOCATION CONNECTION AND CONTROL WIRES WITH THE ENGINEER.
 - 1/2" DISTRIBUTION TUBING, PINNED TO THE SOIL AND COVERED WITH 3" MULCH ROUTED TO EACH PLANT LOCATION. LOOP THE DISTRIBUTION TUBING WHERE INDICATED BY THE ENGINEER.
 - FOR EACH PLANT, PROVIDE A MINIMUM OF 2, 2GPH (RAIN BIRD OR APPROVED EQUAL) EMITTERS, EACH INDEPENDENTLY CONNECTED TO THE DISTRIBUTION TUBING VIA (RAIN BIRD OR APPROVED EQUAL) BARBED DRIP COUPLERS AND A MINIMUM OF 6" 1/4" DISTRIBUTION TUBING. INSTALL 3, 2GPH EMITTERS FOR EACH 3 GAL PLANT, AND 4, 2GPH EMITTERS FOR B&B TREES.

PLANT SCHEDULE

| TREES | QTY | BOTANICAL / COMMON NAME | CONT | CAL | REMARKS |
|--------|-----|---|-------|-----------|---------|
| | 10 | THUJA OCCIDENTALIS / AMERICAN ARBORVITAE | B&B | 6'-8" HT. | |
| SHRUBS | QTY | BOTANICAL / COMMON NAME | CONT | | |
| | 17 | CORNUS ALBA 'SIBIRICA' / REDBARK DOGWOOD | 3 GAL | | |
| | 6 | ESCALLONIA X 'JUBILEE' / APPLE BLOSSOM ESCALLONIA | 5 GAL | | |
| | 4 | MAHONIA AQUIFOLIUM / OREGON GRAPE | 5 GAL | | |
| | 9 | PRUNUS LAUROCERASUS 'CHESTNUT HILL' / CHESTNUT HILL ENGLISH LAUREL | 3 GAL | | |
| | 11 | RHODODENDRON OCCIDENTALE 'IRENE KOSTER' / IRENE KOSTER WESTERN AZALEA | 5 GAL | | |
| | 13 | RHODODENDRON X 'GIRARD'S FUCHSIA' / GIRARD'S FUCHSIA AZALEA | 3 GAL | | |
| | 25 | VIBURNUM DAVIDII / DAVID VIBURNUM | 3 GAL | | |

| NO. | DATE | BY | REVISION COMMENTS |
|-----|------|----|-------------------|
| | | | |



MCMINNVILLE WATER & LIGHT
 855 NE MARSH LANE
 MCMINNVILLE, OR 97128

MCMINNVILLE WATER & LIGHT
FUEL STATION PROJECT
 LANDSCAPING PLAN

PROGRESS SET
Otak
 Otak, Inc.
 700 Washington St., Suite 300
 Vancouver, WA 98660
 360.737.9613
 www.otak.com

Otak #20114
 Project No. Drawing No.
C2.0
 Sheet No.
 © Otak, Inc. 2018



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

EXHIBIT 3 - STAFF REPORT

DATE: October 20, 2021
TO: Landscape Review Committee Members
FROM: Amy Dixon, Contract Planner
SUBJECT: Landscape Plan Review Application (L 23-21)

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

Report in Brief

The application requests the removal of one (1) cherry tree from the public right-of-way adjacent to the subject property because the tree is dead. Removal of a tree located within the public right-of-way requires City approval.

The subject property is located at 369 SE College Ave within the Mrs. PW Chandler's First Addition subdivision. No Landscaping plan was approved as part of the subdivision.

Discussion:

Subject Site and Tree

Please refer to the Decision Document for vicinity maps and photographs documenting the location and condition of the tree requested for removal.

Summary of Criteria & Issues

MMC Section 17.58.050 requires a Tree Removal permit 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 tree has been determined by an arborist (the applicant) to be in dead. Criterion A is met.

Tree Replacement

A condition of approval is included to require one (1) replacement street tree minimum 2” caliper at planting, be planted in the SE College Drive planter strip in approximately the same location as the existing. Sufficient space exists in the planter strip, and there are overhead wires. Therefore, a condition that the tree be an appropriate tree for planting under overhead wires with a maximum mature height of 25 feet or less, such as a Recommended Small Tree Species from the McMinnville Street Tree List that is suitable for planting under wires

Safety Conditions

For safety of persons removing and installing trees, the following conditions are necessary:

The applicant should use extreme caution when working in the area of existing water services. Non-qualified workers should maintain a minimum distance of 10’ from high voltage lines and contact McMinnville Water and Light (MW&L) immediately at 503-472-6158 if any facilities are damaged during tree removal or replacement.

The applicant will need 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.

The tree should not 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.

Installation Conditions

As part of the installation requirements the following is necessary conditions:

The applicant is to endure all costs and liability associated with tree removal, stump grinding, and tree replacement.

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.

The tree’s stumps and remaining surface roots will need to 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 will need to 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 will need to restore any damaged turf areas and grades due to vehicular or mechanical operations.

The replacement trees will need to be planted per the approved City detail. The applicant will provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier is to 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 will need two (2) deep watering tubes to promote deep root growth.

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 369 SE College Avenue

Attachment B – PW Memo

Attachment C – Application, Attachments

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

The work needs to be complete within six (6) months of approval, or April 19, 2022.

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 STREET TREE REMOVAL APPLICATION L 21-21 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

AD

Attachments:

Attachment A – Decision, Conditions, Findings Of Fact And Conclusionary Findings For The Approval Of A Street Tree Removal At 369 SE College Avenue

Attachment B – PW Memo

Attachment C – Application, Attachments



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128
503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A TREE REMOVAL AT 369 SE COLLEGE DRIVE

- DOCKET:** L 23-21 (Street Tree Removal)
- REQUEST:** Approval to remove one (1) cherry tree from the public right-of-way adjacent to the subject property due to the health of the tree.
- LOCATION:** 369 SE College Drive (Tax Lot 3600, Section 21, T. 4 S., R. 4 W., W.M.)
- ZONING:** R-4 (Multi-Family Residential Zone)
- APPLICANT:** Walter Karstad, Property Owner
- STAFF:** Amy Dixon, Associate Planner
- DATE DEEMED COMPLETE:** September 22, 2021
- DECISION MAKING BODY & ACTION:** McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.
- DECISION DATE & LOCATION:** October 6, 2021, Community Development Center, 231 NE 5th Street, McMinnville, Oregon, and Zoom Online Meeting ID 860 7632 6400.
- 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.

DECISION

Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the street tree removal (L -23-21) **subject to the conditions of approval provided in this document.**

//
DECISION: APPROVAL WITH CONDITIONS
 //

Planning Staff: _____
 Amy Dixon, Associate Planner

Date _____

Planning Department: _____
 Heather Richards, Planning Director

Date: _____

I. APPLICATION SUMMARY:

Subject Property & Request

The application requests the removal of one (1) cherry tree from the public right-of-way adjacent to the subject property because the tree is dead. McMinnville Public Works indicated that the tree is a cherry tree. Removal of a tree located within the public right-of-way requires City approval.

The subject property is located at 369 SE College Ave within the Mrs. PW Chandler's First Addition subdivision. No Landscaping plan was approved as part of the subdivision. **See Figure 1: Vicinity Map, and Figure 2: Partial Michelbook Street Tree Plan.**

Figure 1: Vicinity Map

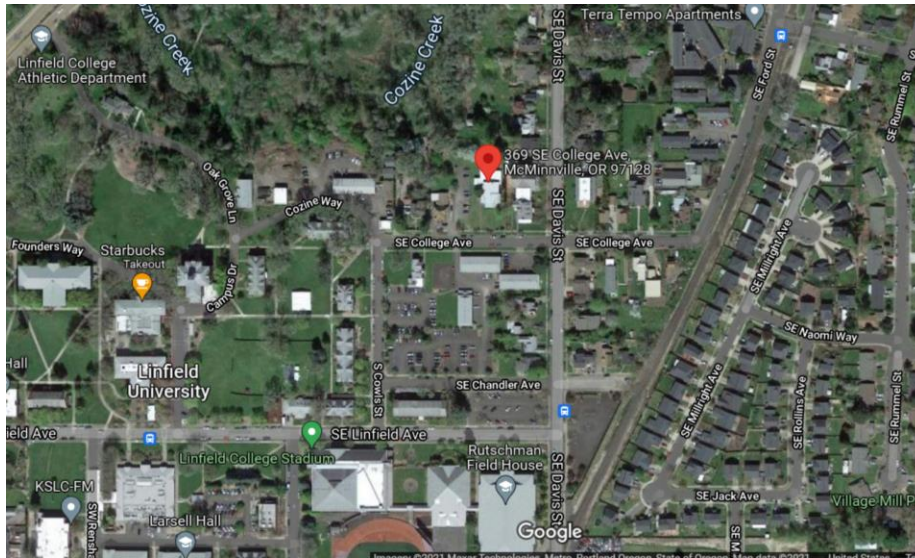


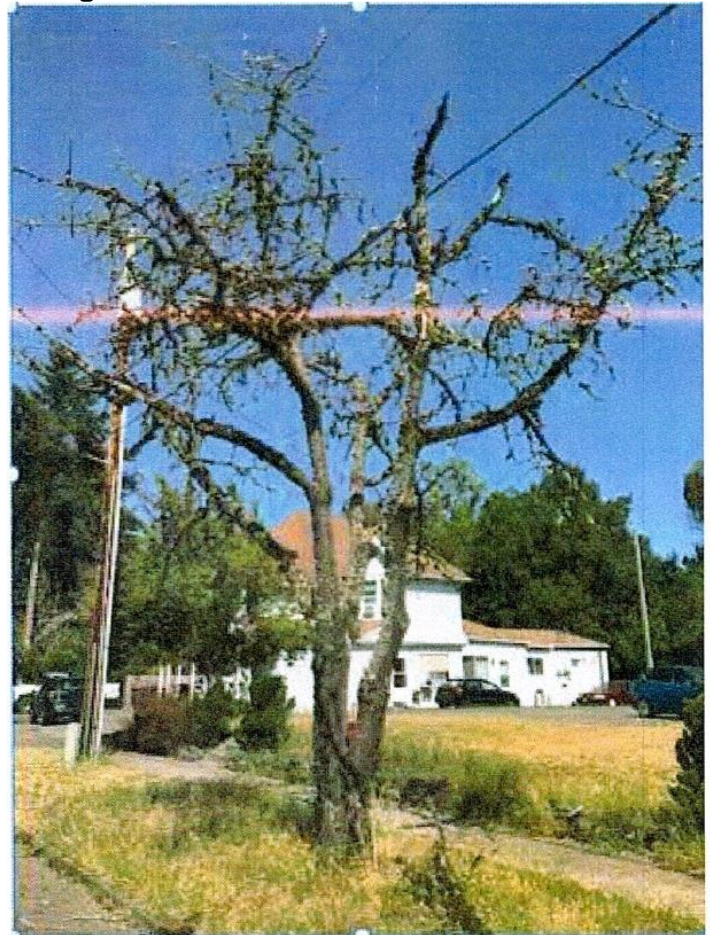
Figure 3: Site Plan



Attachments:

Attachment 1 – Application and Attachments

Figure 4: Existing Tree



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.

II. CONDITIONS:

1. That one (1) replacement street tree, minimum 2" caliper at planting, be planted in the SE College Drive planter strip in approximately the same location as the existing. That the tree shall be appropriate for planting under overhead wires with a maximum mature height of 25 feet or less, such as a Recommended Small Tree Species from the McMinnville Street Tree List that is suitable for planting under wires. 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

Attachments:

Attachment 1 – Application and Attachments

trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

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 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.
5. That the applicant shall use extreme caution when working in the area of existing water services. Non-qualified workers shall maintain a minimum distance of 10' from high voltage lines and contact McMinnville Water and Light (MW&L) immediately at 503-472-6158 if any facilities are damaged during tree removal or replacement.
6. That the tree's 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.
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 tree shall not 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.
9. That the planter strip area shall be restored to original grade immediately following the planting of the replacement trees.
10. That the applicant shall complete the tree removal within six (6) months of approval, or April 20, 2022.

III. ATTACHMENTS:

1. L 23-21 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:

Attachments:

Attachment 1 – Application and Attachments

- **McMinnville Public Works:**

Site Review

1. The tree in question is a cherry variety, about 18" DBH.
2. The tree is planted in non-irrigated park strip behind the curb.
3. There are communication facilities immediately overhead and power facilities above the site, along the north side of the roadway.
4. There is no tree related damage to either the sidewalk or curb.
5. The tree is dead.

Recommendations

Given the tree is dead, staff would recommend approval of the removal request. Suggested conditions of approval:

1. Applicant to be responsible for all costs related to removal.
2. Applicant required to grind stump to a minimum of 6" below grade.
3. Applicant to call for a utility locate prior to removal.
4. Applicant to plant a new tree, minimum 2" caliper, of a variety acceptable to the Planning Department and works with the overhead site constraints.
5. Applicant to plant tree as per the approved City detail.
6. Applicant to contact Public Works Operations at (503) 434.7316 for an inspection prior to backfill.

- **McMinnville Water & Light:**

MW&L indicated that they did not have comments on this application.

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. Walter Karstad, Property Owner, submitted a Street Tree Removal Permit application, on September 20, 2021.
2. The application was deemed complete on September 22, 2021.
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 October 20, 2021, to review the application and proposed street tree removal request.

Attachments:

Attachment 1 – Application and Attachments

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 369 SE College Drive (Tax Lot 3600, Section 21, T. 4 S., R. 4 W., W.M)
2. **Size:** 29,599 sf (0.68 acres)
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-4 (Multi-Family Residential)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** College Housing
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None.
 - b. **Other:** None identified.
8. **Other Features:** Ten (10) foot wide planter strip adjacent to SE College Drive with two (2) street trees, and one (1) water meter.
9. **Utilities:**
 - a. **Water:** The property is served by a water main. The treatment plant has sufficient treatment capacity.
 - b. **Sewer:** The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
 - c. **Stormwater:** Storm water is conveyed by curb and gutter to a catch basin and storm drain. The proposal doesn't increase impervious site area.
 - d. **Other Services:** Overhead utilities are present on SE College Drive.
10. **Transportation:** SE College Drive is classified as a Local Neighborhood Street in the Transportation System Plan (TSP). The street is improved with curb and gutter, sidewalk, and planter strip on both sides of the street. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes.

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,

Attachments:

Attachment 1 – Application and Attachments

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 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 tree 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.

Attachments:

Attachment 1 – Application and Attachments

FINDING: SATISFIED. The trunk of the tree proposed for removal is 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 #6. 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 tree's 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, #5, & #9. 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 applicant shall use extreme caution when working in the area of existing water services. Non-qualified workers shall maintain a minimum distance of 10' from high voltage lines and contact McMinnville Water and Light (MW&L) immediately at 503-472-6158 if any facilities are damaged during tree removal or replacement.

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: The applicant did not indicate that they intend to replace the tree.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. There is no approved street tree plan for the subdivision on file with the Planning Department. There are overhead utility lines in the area of the tree. Therefore, a condition of approval is included to require an appropriate tree species with a mature height and form that is compatible with overhead wires in this area with a minimum caliper at planting.

CONDITION FOR FINDING: That one (1) replacement street tree, minimum 2" caliper at planting, be planted in the SE College Drive planter strip in approximately the same location as the existing.

That the tree shall be appropriate for planting under overhead wires with a maximum mature height of 25 feet or less, such as a Recommended Small Tree Species from the McMinnville Street Tree List that is suitable for planting under wires.

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.

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 #6 above. 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.

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 #10. 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 April 20, 2022.

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 WITH CONDITION OF APPROVAL #4. A condition of approval has been included to ensure the installation meets the design requirements.

CONDITION FOR FINDING: 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.

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: The submitted arborist report indicates that the tree is dead and is actively failing and falling apart.

FINDING: SATISFIED. Staff concurs with the applicant's finding. Evidence has been provided that the tree is dead. Therefore, since the tree is unsafe, dead, or diseased as determined by a Certified Arborist, criterion 'A' is met, and removal of the tree is recommended.

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 #1 and #4 above and #7 and #8
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 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 tree shall not 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.

AD



PUBLIC WORKS DIVISION
503.434.7316

STREET TREE INSPECTION REPORT L-23-21

Applicant Information

Applicant: Walter Karstad
Site Address: 369 SE College Ave
Telephone: 503.880.3105
Email: 156karstadw@gmail.com

Site Review

1. The tree in question is a cherry tree, about 18" DBH.
2. The tree is planted in non-irrigated park strip behind the curb.
3. There are communication facilities immediately overhead and power facilities above the site, along the north side of the roadway.
4. There is no tree related damage to either the sidewalk or curb.
5. The tree is dead.

Recommendations

1. Given the condition of the we would recommend approval of this request.
2. Suggested conditions of approval:
 - a. Applicant to be responsible for all costs related to removal(s).
 - b. Applicant required to grind stump(s) to a minimum of 6" below grade.
 - c. Applicant to call for a utility locate prior to removal.
 - d. Applicant to plant a new tree, 2" caliper minimum, of a variety acceptable to the Planning Department and that works with the overhead site constraints.
 - e. Applicant to plant trees as per the approved City detail.
 - f. Applicant to contact Public Works at (503)434.7316 for an inspection prior to backfill.



City Of McMinnville
Planning Department
231 NE Fifth Street • McMinnville, OR 97128
(503) 434-7311 Office • (503) 474-4955 Fax
www.mcminnvilleoregon.gov

569-21-000406-Plan

| | |
|-------------------------|--------------------------|
| Office Use Only: | |
| File No. | <u>L23-21</u> |
| Date Received | <u>9-20-21</u> |
| Fee | <u>150.⁰⁰</u> |
| Receipt No. | |
| Received by | <u>[Signature]</u> |

Street Tree Removal

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name 369 College Ave., Inc. Phone _____

Contact Name WALTER KARSTAD Phone 503-880-3105
(if different than above)

Address P.O. Box 746

City, State, Zip Hillsboro, OR. 97123

Contact Email 156karstadw@gmail.com

Property Owner Information

Property Owner Name (ABOVE) Phone _____
(if different than above)

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

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

Property Address 369 S.E. College Ave.
(Property nearest to tree(s) for removal)

Assessor Map No. R4 421 - CC - 03500 Total Site Area 0.82 acres

Subdivision Mrs. P.W. Chandler's First Addition Block 5 Lot _____

Comprehensive Plan Designation _____ Zoning Designation R4

Additional Information

1. How many trees are requested for removal? ONE (1)
2. What type (species) of tree(s) are they? cherry
3. What is the diameter of the tree(s), measured four feet above ground level? 18"
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 IS DEAD

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.

Applicant's Signature

Date

Walter Knsted
Property Owner's Signature

Sept. 13, 2021
Date

Sec./TRES. 369 College Ave., Inc.



Parcel Information

Parcel #: 164743
Account: R4421CC03500
Related:
Site Address: 369 SE College Ave
McMinnville OR 97128 - 6404
Owner: 369 College Ave Inc
Owner2:
Owner Address: PO Box 746
Hillsboro OR 97123
Twn/Range/Section: 04S / 04W / 21 / SW
Parcel Size: 0.82 Acres (35,915 SqFt)
Plat/Subdivision: Mrs P W Chandler's First Addition
Lot:
Block: 5
Map Page/Grid: 770-H6
Census Tract/Block: 030802 / 2000
Waterfront:

Assessment Information

Market Value Land: \$266,491.00
Market Value Impr: \$137,310.00
Market Value Total: \$403,801.00
Assessed Value: \$393,892.00

Tax Information

Levy Code Area: 40.7
Levy Rate: 9.0276
Tax Year: 2020
Annual Tax: \$3,555.90

Exemption Description:

Legal

Township 4S Range 4W Section 21 Qtr C QQtr C TaxLot 03500 Block 5 SubdivisionName MRS P W CHANDLER'S FIRST ADDITION

Land

Cnty Land Use: 701 - Multi-family - Improved (typical of class)
Land Use Std: OTHR - Other
Neighborhood: McMinnville MFR 4+
Watershed: Yamhill River
Primary School: Sue Buel Elementary
High School: McMinnville High School

Cnty Bldg Use: 0
Zoning: R-4 - Multiple-Family Residential
Recreation:
School District: 40 McMinnville School District
Middle School: Duniway Middle School

Improvement

| | | |
|--------------------|-------------------------|-------------------------|
| Year Built: | Attic Fin/Unfin: | Fireplace: |
| Bedrooms: | Total Baths: | Full/Half Baths: |
| Total Area: | Bsmt Fin/Unfin: | Garage: |
| Bldg Fin: | 1st Floor: | 2nd Floor: |

Transfer Information

Sale Date: 10/19/2009 **Sale Price:** **Doc Num:** 2009-16583 **Doc Type:**

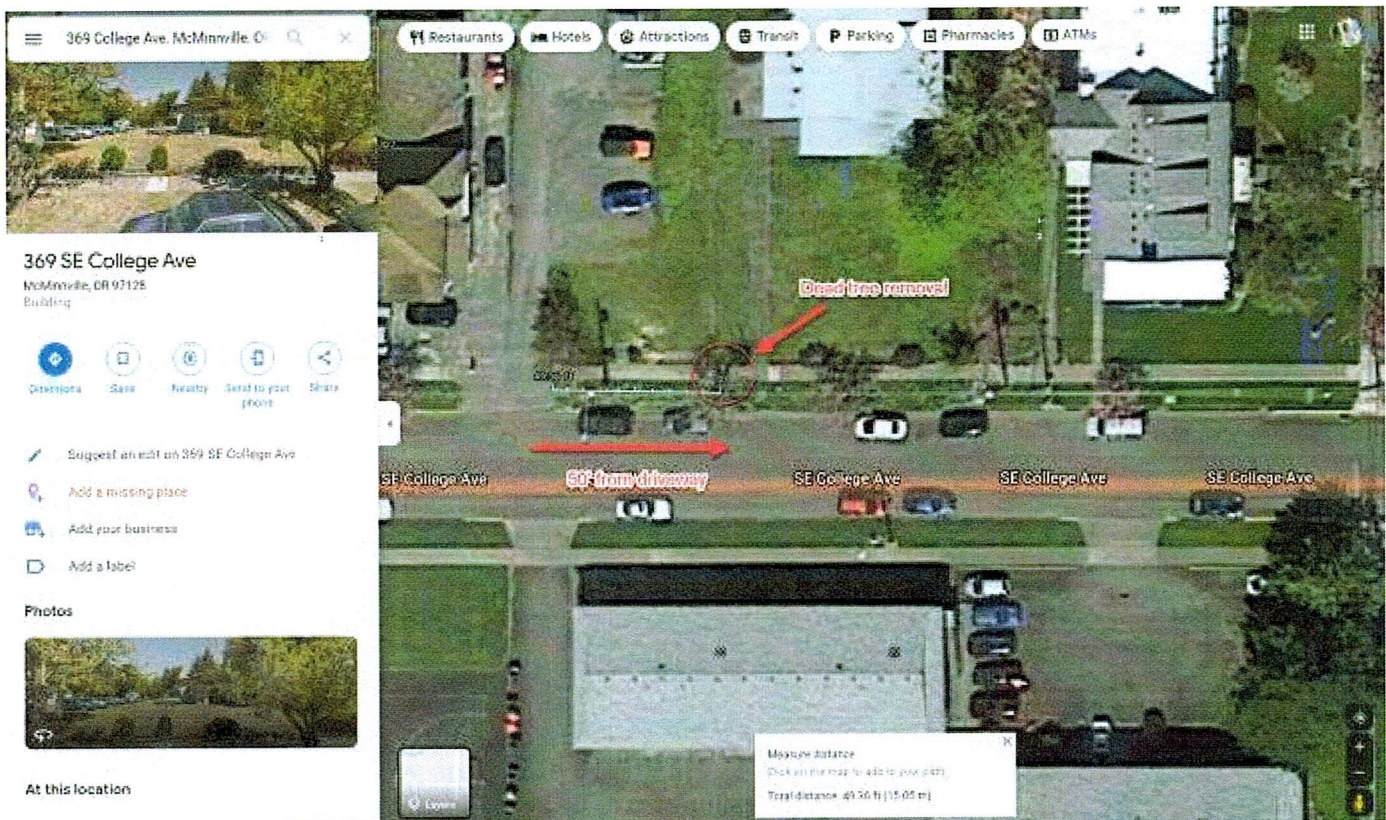
Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

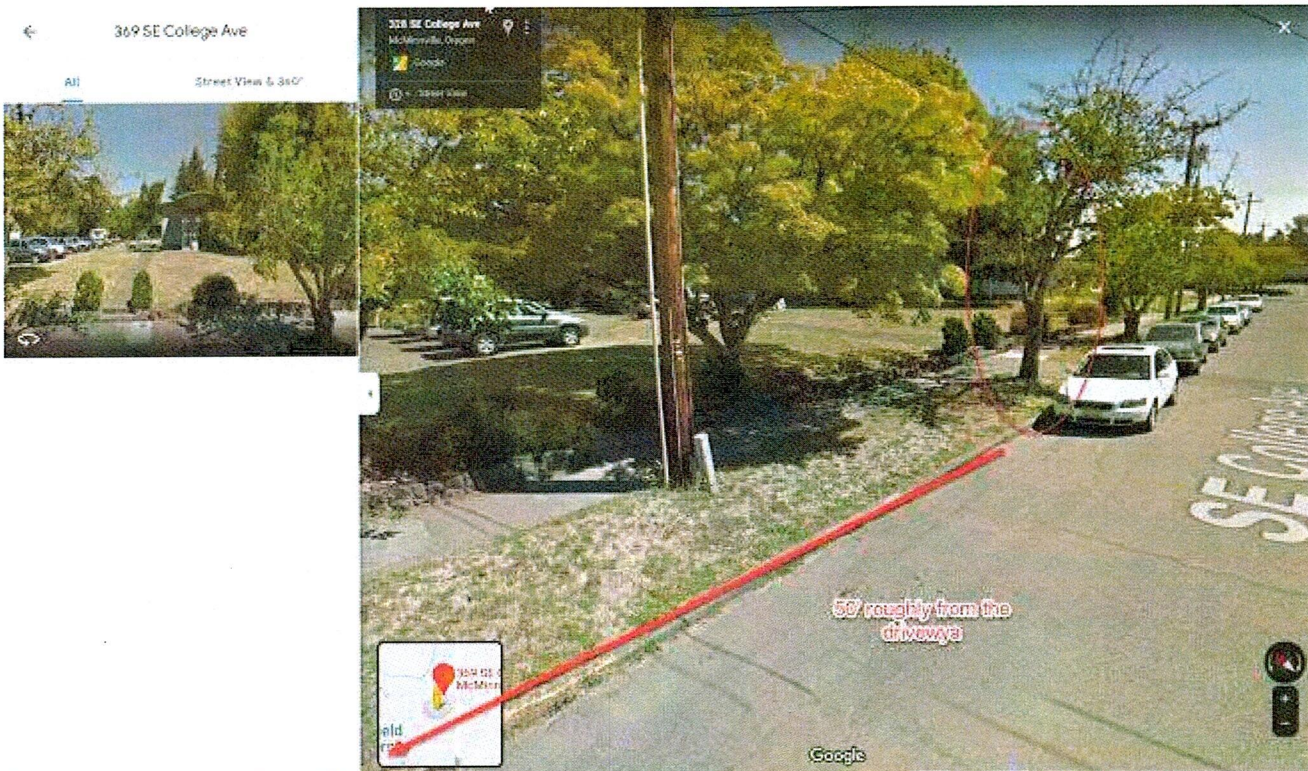
| | |
|----------|---|
| DATE: | 8/20/21 |
| TO: | Larry Thorton-Jones |
| FROM: | Taylor Alvarez, Associated Arborists, ISA#PN 8332AU |
| SUBJECT: | Tree Removal Request |
| PURPOSE: | Produce Report |

ARBORIST REPORT

1 Tree information: species, diameter at breast height, condition, and location:

1: Cherry, 18" DBH estimated, Tree is Dead,





Associated Arborists

Ph (503) 883-3895 • Fax (866) 863-8733 • 1760 NW Emerson Way McMinnville OR 97128 •

Arborist's recommendation for maintenance or removal:

The tree in question is totally dead. It should be removed to improve the aesthetics and safety of the area.

Associated Arborists CCB#200953

Associated Arborists

Larry Thorton Jones

369 Southeast College Avenue
McMinnville, Oregon 97128

Quote #2363

From Associated Arborists CCB#200953
866-863-8733
taylor@associatedarborists.com
* * * .associatedarborists.com
1760 NW EMERSON WAY
McMinnville OR 97128

Bill To 369 Southeast College Avenue
McMinnville, Oregon 97128

Sent On 08/20/2021

Job Title Street Tree Permit Required

| PRODUCT / SERVICE | DESCRIPTION | QTY. | UNIT PRICE | TOTAL |
|-------------------------------|---|------|------------|----------|
| RM (Removal) (SG) Stump Grind | Removal of all branches and trunk down to ground level. Chip and remove all debris and grind stump 8" below grade Species: Cherry DBH: 18" Height: 15' Stump Diameter: 18" Target Rating: Low Location: Front yard park strip bordering college. Notes: This tree will require a street tree removal permit. Client to obtain permit prior to removal operations. | 1 | \$555.00 | \$555.00 |

Total

\$555.00

This quote is valid for the next 30 days, after which values may be subject to change.

From: [Walter Karstad](#)
To: [Sarah Sullivan](#)
Subject: Tree Removal Permit - 369 SE College Ave.
Date: Monday, September 13, 2021 10:57:10 AM
Attachments: [We sent you safe versions of your files.msg](#)
[Application form.pdf](#)
[Ticor Parcel Information.pdf](#)
[Arborist report.docx](#)
[pricing removal quote.pdf](#)

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This message originated outside of the City of McMinnville.

Sarah,
Attached is the information for Street Tree Removal permit at 369 SE College Ave.

The attachments include:
McMinnville Street Tree Removal form
Picture plot map showing location
Ticor Title Parcel Description
Arborist Report and Quote with Description of Work

You can contact me via phone, text, or email to arrange payment of the permit fee.

Please let me know if you need more information.

Thank you.

Walter Karstad
369 College Ave., Inc.

