



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, August 31, 2022 - 12:00 PM

Please note that this meeting will be conducted in-person and via ZOOM.

Join ZOOM Meeting online via the following link:

<https://mcminnvilleoregon.zoom.us/j/83709717952?pwd=VkdVYVM3b3VXTmxvU21QRDBuUTd2UT09>

Meeting ID: 837 0971 7952

Passcode: 002093

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

Committee Members	Agenda Items
John Hall. Chair Rob Stephenson, Vice Chair Patty Sorensen Carlton Davidson Brian Wicks	<ol style="list-style-type: none"> 1. Call to Order 2. Citizen Comments 3. Approval of Minutes 4. Discussion Items <ul style="list-style-type: none"> • Section 17.57, 17.58 Development Code Revisions (Exhibit 1) 5. Action Items 6. Committee Member Comments 7. Staff Comments 8. 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

**City of McMinnville
Planning Department**

231 NE Fifth Street

McMinnville, OR 97128

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EXHIBIT 1 - STAFF REPORT

DATE: August 31, 2022
TO: Landscape Review Committee Members
FROM: Monica Bilodeau, Senior Planner
SUBJECT: Code Amendments, Chapter 17.57, Landscaping, and Chapter 17.58, Trees

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

OBJECTIVE/S: Define the unique character through a community process that articulates our core principles

Report in Brief:

This is the continued discussion of proposed amendments to Chapter 17.57 and 17.58 of the Zoning Code. Attachment A represents code proposed amendments to be reviewed and approved by the Landscape Review Committee

Background:

Landscape Review Committee (LRC) and staff have identified various sections that need amended for clarity of purpose, intent and implementation of the Chapters, ease of use by LRC, staff and the public, and establishing specific standards and guidelines.

Issues for Consideration and Discussion:

Because the Chapters regulate land use design and the Oregon legislation allows cities to adopt "reasonable local regulations relating to siting and design," the McMinnville City Council, with recommendations from Landscape Review Committee and Planning Commission, will need to determine which standards best fit the community. Attached are staff recommendations to the code for your consideration and discussion.

Next Steps:

We will continue to work through the tree chapter 17.58 and if we have completed all recommended changes we can consider the item at this meeting or consider as an action item at a future meeting.

If we are ready to consider the item:

Landscape Review Committee Options

1. **RECOMMEND APPROVAL** of the code changes to Chapter 17.57 and 17.58 to the Planning Commission and City Council as proposed through the legislative process.
2. **CONTINUE** the meeting for consideration at a future meeting.

NOTE: *Planning Commission recommendation of approval is transmitted to the City Council to make a final decision.*

“I MOVE THAT THE LANDSCAPE COMMITTEE RECOMMEND THE ATTACHED CHANGES TO CHAPTERS 17.57 AND 17.58, MCMINNVILLE LANDSCAPING AND TREE CHAPTERS, TO THE MCMINNVILLE CITY PLANNING COMMISSION.

Chapter 17.57

LANDSCAPING

Sections:

- 17.57.010 Purpose and intent.
- 17.57.020 Definitions.
- 17.57.030 Zones where required.
- 17.57.040 Specific uses requiring landscaping
- 17.57.050 Plans—Submittal and review—Approval—Time limit for completion.
- 17.57.060 Plans—Information to be included.
- 17.57.070 Area determination—Planning factors.
- 17.57.080 Central business district.
- 17.57.090 Credit for work in public right-of-way.
- 17.57.100 Appeal—Planning Commission to act.

17.57.010 Purpose and intent. The purpose and intent of this Chapter is to 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 **ground water contamination by reducing** 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.
 - 10. Address changes to environment and climate.**
- B. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
- C. Unify development and enhance and define public and private places.

- D. Preserve existing mature trees.
- E. Enhance the urban forest and tree canopy, **promoting air quality**.
- 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. **Enhance** ~~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. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.020 Definitions. For the purposes of this section, refer to Section 17.06.035 for Landscaping related definitions. (Ord. 4952 §1, 2012).

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

- A. R-4 (Multiple-Family Residential zone, except the construction of a Single-Family or Two-Family Residential unit);
- B. C-1 (Neighborhood Business zone);
- C. C-2 (Travel Commercial zone);
- D. C-3 (General Commercial zone);
- E. O-R (Office/Residential zone);
- F. M-L (Limited Light Industrial zone);
- G. M-1 (Light Industrial zone);
- H. M-2 (General Industrial zone). (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.040 Specific uses requiring landscaping.

- A. **Non-Residential Uses** Churches, subject to the landscaping requirements of a multiple-family development when in a residential zone and subject to

~~the landscaping requirements of a commercial development when in a zone other than residential;~~

- B. Utility substations, **shall be screened and fenced and** subject to the landscaping requirements of commercial uses.
- C. ~~Mobile home~~**Manufactured Dwelling** park, subject to the requirements of a multiple-family development;
- D. Multiple-family, commercial, and industrial uses in residential planned developments, subject to the landscaping requirements of the type of use in the planned development.
- E. **Satellite dish in residential zone shall be screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting.** (Ord. 5027 §2, 2017; Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.050 Plans—Submittal and review—Approval—Time limit for completion.

- A. At the time the applicant applies for a building permit, they shall submit, for the Landscape Review Committee, two copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, two copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.
 - 1. No building permit shall be issued until the landscaping plan has been approved.
 - 2. The landscaping plan may be used as the plot plan required for a building permit, provided all information required for a building permit is provided;
- B. Landscaping review shall occur within **45 (forty-five)30 (thirty)** days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary for action to be taken on the plans. A failure to review within 30 (thirty) days shall be considered as approval of the plan;
- C. The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter. Approval of the landscaping plan shall be indicated upon the plot plans. Any modifications shall be specified on the plans and agreed to in writing by the applicant prior to the issuance of a building permit. One copy of said approved plan shall be retained by the Planning Department and included within the permanent file;
- D. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director is filed with the City assuring such installation within a time specified by the Planning Director, but not to exceed six months after occupancy. The applicant shall provide the estimates of landscaping materials and installation to the satisfaction of the Planning Director prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified

check, time certificate of deposit, or assignment of a savings account, and the form shall meet with the approval of the City Attorney. If the installation of the landscaping is not completed within the period specified by the Planning Director, or within an extension of time authorized by the Landscape Review Committee, the security may be used by the City to complete the installation. Upon completion of the installation, inspection, and approval, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the final inspection and/or approval to be postponed until the project is completed or cause the security to be used by the City;

- E. All completed landscape projects shall be inspected by the Planning Director or their designee. Said projects shall be found to be in compliance with the approved plans prior to the issuance of an occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. Minor changes in the landscape plan shall be allowed, as determined by the Planning Director or their designee, as long as they do not alter the intent character and aesthetics of the original plan. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.060 Plans—Information to be included. The following information shall be included ~~in~~ on the plot plans submitted under Section 17.57.050:

- A. Existing locations of trees over six inches in diameter, their variety (common and botanical name) and indication of whether they are to remain or to be removed from the site. Method of protection of trees and shrubs to remain shall be indicated. In the event a large number of trees are to be retained and if no construction or construction access is required through or within the drip line of the trees, the general area with the number of trees involved may be given in lieu of listing and locating each tree;
- B. The location, and size, and the ~~in which new plantings will be made~~ variety (common and botanical name), ~~and size~~ of all new trees, shrubs, groundcover and lawns at maturity;
- C. The percentage of the gross area to be landscaped;
- D. Any equipment proposed for recreation uses;
- E. All existing and proposed site features including walkways, graveled areas, patios, courts, fences, decks, foundations, structures, potted trees, raised planters, or other open spaces with construction details, location, setbacks, and any additional information necessary so that the review committee may be fully knowledgeable of the project when discussing the application;
- F. The location of watering facilities or irrigation systems, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed or to be used;
- G. All of the following information: ~~on the plot plan for the building permit.~~
 - 1. North arrow.

2. Drawn to scale (standard architectural or engineering).
 3. Lot and building setback dimensions.
 4. Property corner elevations (if there is more than a 4-foot elevation differential, site plan must show contour lines at 2-foot intervals).
 5. Location of easements and driveway (existing and proposed).
 6. Footprint of new structure (including decks).
 7. Location of existing wells and septic systems.
 8. Utility locations.
 9. Lot area, building coverage area, percentage of coverage and impervious area.
 10. Surface drainage.
 11. Location and extent of fill on the lot.
 12. Existing and platted street names and other public ways.
- H. For any addition or expansion of an existing structure or parking lot which results in additional lot coverage and in addition to other requirements set forth in this subsection, square footage of existing lot coverage, (building area, not including basement or upper floors, and parking or loading areas) and the square footage of the additional lot coverage. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.070 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following-ranges:
1. Industrial, at least seven percent of the gross area of the development site. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 2. Commercial, at least seven percent of the gross area of the development site. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 3. Multiple-family, twenty-five percent of the gross area of the development site. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 4. A surface parking lot or parking structure, not associated with any other use, built in any zone providing parking spaces as required by

~~the zoning ordinance shall be landscaped in accordance with the commercial requirements set forth above in subsection 2 of this section.~~

5. Any addition to or expansion of an existing structure or parking lot which results in additional lot coverage shall be landscaped as follows: ~~Divide the amount of additional lot coverage (building area, not including basement or upper floors, plus any additional required parking and loading zones) by the amount of the existing lot coverage (building area, not including basement or upper floors, plus any additional required parking and loading zones), multiply by the percentage of landscaping required in the zone, multiply by the total lot area of both the original development and the addition; however, the total amount of the landscaping shall not exceed the requirements set forth in this subsection.~~

a. ~~ALC (additional lot coverage) _____ X _____ % of landscaping _____ X _____ Total
ELC (existing lot coverage) _____ required _____ lot area~~

- a. Demonstrate that the minimum gross landscaping for the site meets 17.57.070.A.
- b. Any new parking lot area shall meet 17.57.070.B.4.
- c. Landscaping to be installed ~~for~~ on an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the review committee;
- d. If the addition is less than 500SF and existing minimum landscaping standards are met then review by the Landscape Review Committee can be waived by staff.

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

- ~~1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.~~
2. Sight-obscuring screening ~~of~~ the proposed use **shall be** by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens. **The screening abutting adjacent properties shall conform to the following standards:**
 - A. **Height. Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.**
 - B. **Opacity. Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence,**

wall, or landscaping. Landscaping and fencing requirements shall be superseded by the requirements in Section 17.54.080, Clear Vision Area, and 17.54.090, Fences.

3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should **shall** be preserved to the maximum practical degree. **Existing trees to remain shall be protected during construction as provided under Chapter 17.58.** Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. **Parking Areas.** The development and use of islands and plantings **shall be incorporated to break up parking areas as follows:**
 - A. **To minimize large expanses of continuous pavement, parking areas greater than 6,000 square feet in area shall be physically and visually separated with landscape islands. These separated parking areas may be connected by a drive aisle or driveway.**
 - B. **A minimum of one deciduous shade tree shall be planted for every ten (10) contiguous parking spaces within a parking area. Trees may be clustered within landscape islands or planter bays, and shall be distributed throughout the parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.**
 - C. **Landscape islands and planter bays.**
 - i. **Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet, excluding curb.**
 - ii. **Each planter island shall contain tree and shrubs.**
 - D. **Driveway Entryway. Each driveway entryway shall be bordered by a minimum five-foot-wide landscaping planter strip on both sides of entryway with the same landscaping provisions as planter island.**
 - E. **Surface parking areas shall be landscaped within the required buffer strip located along the streetside edge of all surface parking lots with a wall, thirty (30) inches in height, hedge or dense landscaping. Landscaping within the buffer strip shall include trees selected as appropriate to the situation and spaced according to its type, shrubs spaced a minimum of three feet on center, and groundcover.**
 - F. **Surface parking areas shall be separated from the exterior wall of a structure by a five-foot landscaping strip or pedestrian walkways or loading areas.**
 - G. **Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.**

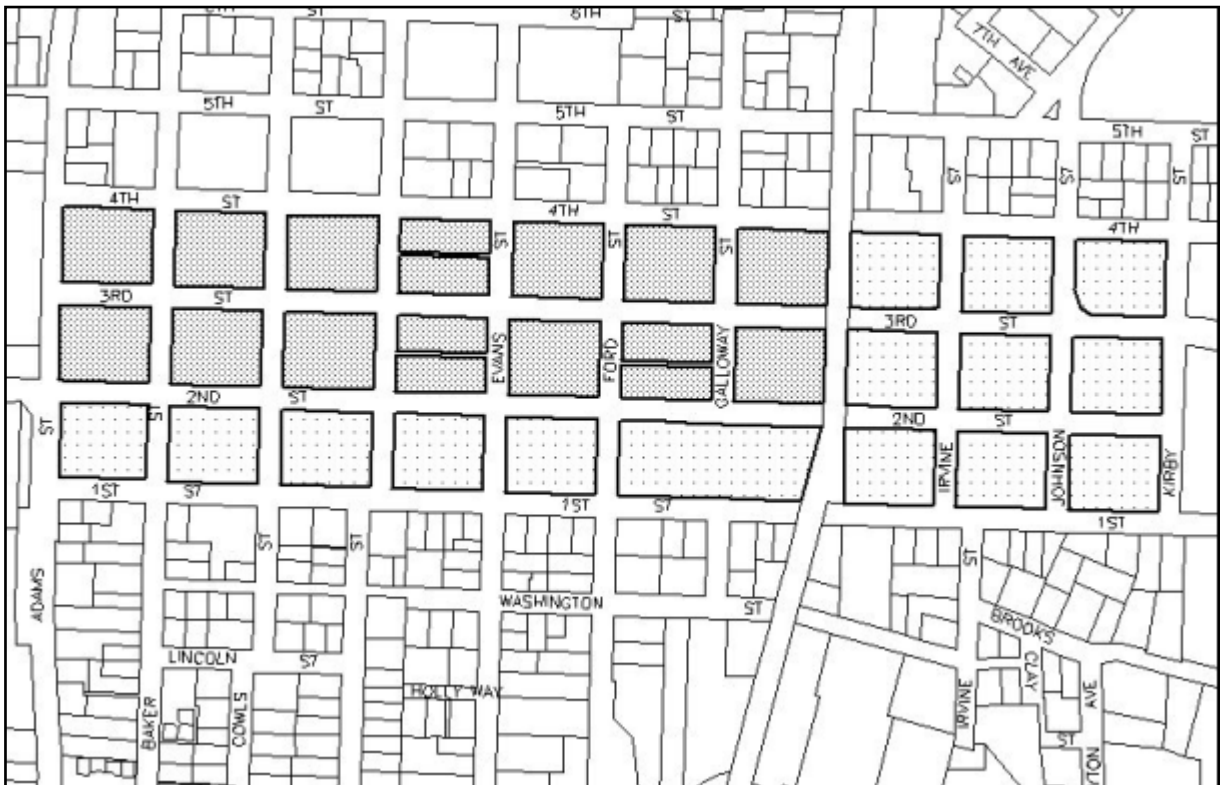
5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments as required by Chapter 17.58.
6. ~~Suitable~~ Permanent underground or drip watering facilities or irrigation systems ~~must be~~ should consider the following: included in or near all planted areas;
 - A. Lawn valves shall be separated from non-lawn zones.
 - B. Irrigation heads shall be maximum spaced with "head-to-head" coverage.
 - C. All station valves shall have adjustable flow control valves, pressure reducing valves or other devices to minimize "misting" of water droplets.
 - D. Bed valves shall be separated by sun exposures.
 - E. Irrigation Controllers shall have the following minimum specifications:
 - a. A minimum of four (4) independent programs;
 - b. Station run time from 1-200 minutes;
 - c. Three start times per program;
 - d. Water budgeting from 0-200% increments, by program;
 - e. Battery backup;
 - f. Rain shut-off device; and
 - g. "Off," "On," and "Manual" operation modes without disturbing program.
 - F. A permanent underground or drip irrigation system is not required for:
 - a. Existing healthy vegetation that has been established for at least two years and that is being preserved to meet the landscaping requirements under this chapter;
 - b. New vegetation that is drought resistant, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material; or
 - c. New vegetation located within stormwater facilities as required by the Public Works Design Standards, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material.
7. Trash Enclosure. Any trash or recycling enclosure which is visible from the street shall provide landscaping to screen the structure from the street view. 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.

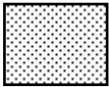
- C. All landscaping **and screening** approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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

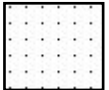
- A. Area I is that area between Adams Street and the railroad tracks and between Second and Fourth Streets. The landscaping requirements set forth herein shall not apply to this portion of the central business district, except for the provision of street trees according to the city's master plan;
- B. Area II is defined as being that area between Adams and Kirby Streets from First to Fourth Streets, excluding the area in subsection A above. One-half of the landscaping requirements set forth in Section 15.57.050 above shall apply to this area. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

REDUCED LANDSCAPING REQUIREMENTS





Area I -- No Required Landscaping



Area II -- One-Half Required Landscaping

17.57.090 Credit for work in public right-of-way. The review committee may grant an applicant credit for landscaping done in the public right-of-way provided that if at any time in the future the right-of-way is needed for public use, any landscaping removed from the right-of-way must be replaced on the subject site. The review committee shall consider the need for future use of the right-of-way for street or utility purposes before granting credit under this section. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.100 Appeal—Planning Commission to act when.

- A. In the event the landscaping is disapproved by the review committee, the applicant may appeal to the Planning Commission within 15 (fifteen) days after the review committee has considered the plan. The matter shall be set for review by the Planning Commission as set forth in subsection B of this section;
- B. If, after review, the review committee cannot or does not reach a decision on the landscaping plan submitted, the application shall be forwarded to the Planning Commission for review and final disposition. Action on the application will occur at the next regularly scheduled meeting, or with the approval of the Planning Commission chairman, at a work session if scheduled sooner. The applicant shall be notified of the time and place of the review by the Planning Commission and may choose to be present. The absence of the applicant shall not preclude the Planning Commission from reaching a decision;
- C. The review committee may, at their discretion, continue an application pending submittal of further information or detail. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Chapter 17.58

TREES

(as adopted by Ord. 4654B Dec. 9, 1997)

Sections:

- 17.58.010 Purpose.
- 17.58.020 Applicability.
- 17.58.030 Definitions.
- 17.58.040 Tree Removal/Replacement.
- 17.58.045 Downtown Trees.
- 17.58.050 Review Criteria.
- 17.58.060 Permit Exemptions.
- 17.58.070 Topping.
- 17.58.075 Protection of Trees.
- 17.58.080 Street Tree Planting - When Required.
- 17.58.090 Street Tree Standards.
- 17.58.100 Street Tree Plans.
- 17.58.110 Street Tree Planting.
- 17.58.120 Street Tree Maintenance.

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to increase property values and build stronger ties within neighborhoods; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

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

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

- C. ~~All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;~~
- D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).

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

17.58.040 Tree Removal/Replacement

- A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. **Only** requests for tree removal or pruning of trees **not meeting the simple removal criteria** ~~outside of the Downtown Tree Zone~~ shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal. Requests for tree removal within the Downtown Tree Zone shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director or their designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Director, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if written notice of the appeal is filed with the Planning Department within 15 (fifteen) days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.
- B. Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. The Planning Director, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.

- C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.
- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.
- E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.
- F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.
- G. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.
- H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.045 Downtown Trees.

- A. The pruning and removal of street trees within the Downtown Tree Zone shall be the responsibility of the City, and shall be undertaken at public expense.

- B. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. Specific design drawings and specifications have been developed for trees within the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees within the Downtown Tree Zone to minimize the potential for sidewalk / tree root conflict.
- C. The City shall adopt implementation measures that cause, through rotation over time, the development of a variable aged stand of trees within the Downtown Tree Zone. In order to implement this policy, the Planning Director shall authorize, but shall limit, annual tree removal within the downtown to no more than three (3) percent of the total number of existing downtown trees in the Downtown Tree Zone.
- D. A street tree within the Downtown Tree Zone may be removed if the Planning Director determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 5027 §2, 2017).

17.58.050 Review Criteria.

- A. **Simple removal permit:** major pruning or tree removal shall be granted by staff if any of the following criteria apply:
 - 1. **Tree is a hazard as determined by a Certified arborist.**
 - 2. **The tree is in an advanced state of decline.**
 - 3. **The tree species is on the nuisance list for Oregon.**
 - 4. **Tree is infested with pests or disease.**
 - 5. **The tree roots causing damage to sidewalks for other infrastructure.**
 - 6. **The tree has sustained physical damage.**
 - 7. 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.
 - 8. **In order to meet any of the above criteria for removal** verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
- B. **Complex removal permit: major pruning or tree removal for any other reason than listed above in 17.58.050.A. shall be referred to the landscape review committee for decision.**

17.58.060 Permit Exemptions.

- A. Hazardous Tree - If an imminent danger exists to the public or any private property owner or occupant, the City may issue an emergency removal permit. The removal shall be in accordance with International Society of Arboriculture (ISA) standards.

- B. Tree Impacting Public Infrastructure – If a tree is causing damage to or impacting public infrastructure that the adjacent property owner is not responsible for repairing, such as pedestrian ramps, utility vaults, or public storm or sanitary sewer lines, the tree removal may be approved by the Planning Director or their designee. The removal shall be in accordance with International Society of Arboriculture (ISA) standards. In the event that a replacement tree cannot be planted in the same general location as the tree removed, the replacement tree may be planted in another location in the City as part of the City’s annual tree planting program.
- C. Maintenance - Regular pruning maintenance which does not require the removal of over 20 percent of the tree’s canopy, tree topping, or the disturbance of over 10 percent of the tree’s root system is exempt from the provisions of this ordinance.
- D. Removal of downtown trees at the direction and initiative of the City Planning Director. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.070 Tree Topping It shall be unlawful for any person, firm, or the City to top any tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted at the determination of the McMinnville Landscape Review Committee, applying criteria developed by the City. (Ord. 4654B §1, 1997).

17.58.075 Protection of Trees

- A. It shall be unlawful for any person to remove, destroy, break, or injure any street tree or public tree. Individuals convicted of removing or destroying a tree without City approval shall be subject to paying to the City an amount sufficient to fund the planting and establishment of a tree, or trees, of similar value. The value of the removed or destroyed tree shall be calculated using the methods set forth in the edition then in effect of the “Guide for Plant Appraisal” published by the International Society of Arboriculture Council of Tree Landscape Appraisers.
- B. It shall be unlawful for any person to attach or keep attached to any street or public tree or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign, or other device, except as a support for such tree.
- C. During the construction, repair, alteration or removal of any building or structure it shall be unlawful for any owner or contractor to leave any street tree or public tree in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such construction or removal.
- D. Excavations shall not occur within the drip line of any street tree or public tree without approval of the City, applying criteria developed by the Landscape Review Committee. Utility pole installations are exempted from these requirements. During such excavation or construction, any such

person shall guard any street tree or public tree within the drip line, or as may be required by the Landscape Review Committee.

- E. All building material or other debris shall be kept outside of the drip line of any street tree or public tree. (Ord. 4654B §1, 1997).

17.58.080 Street Tree Planting—When Required. All new **residential** development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).

17.58.090 Street Tree Standards.

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by **Resolution 2019-26**, 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)~~ **four (4)** feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of ~~four (4)~~ **five (5)** 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 **two (2) feet on center from any underground utility**, five (5) feet from fire hydrants, **ten (10)** feet of street

light standards or street intersections, and within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.

- F. Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.
- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.100 Street Tree Plans

- A. Submittal.
 - 1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.
 - 2. Commercial, Industrial, Parking Lots, and Multi-family Residential Development: Landscape plans, to include street tree planting as may be required by this ordinance, shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of a building permit.
- B. Street Tree Plan Content. At a minimum, the street tree planting plan should:
 - 1. Indicate all existing trees, noting location, species, size (caliper and height) and condition;
 - 2. Indicate whether existing trees will be retained, removed or relocated;
 - 3. Indicate the measures to be taken during site development to ensure the protection of existing trees to be retained;
 - 4. Indicate the location, species, and size (caliper and height) of street trees to be planted;

5. Indicate the location of proposed and existing utilities and driveways; and
6. Indicate the location of rights-of-way, existing structures, driveways, and existing trees including their species, size, and condition, within twenty feet of the subject site. (Ord. 4654B §1, 1997).

17.58.110 Street Tree Planting

- A. Residential subdivisions and partitions.
 1. Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.
- B. Commercial, Industrial, Multi-family, Parking Lot Development.
 1. Planting Schedule: Street trees required of a commercial, industrial, multi-family, or parking lot development shall be installed at the time all other required landscaping is installed. (Ord. 4654B §1, 1997).

17.58.120 Street Tree Maintenance.

- A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.
- B. Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.
- C. Maintenance of street trees, other than those located in the Downtown Tree Zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the Downtown Tree Zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
- D. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City. Major pruning, as defined in Section 17.58.020, of a street tree must be approved by the City in accordance with Section 17.58.040. (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).

Street Tree Removal

Overview Information & Submittal Requirements

Overview

Public street trees are those located within public rights-of-way such as a parking strip (between the street and sidewalk) or within any other publicly owned property. Removal or heavy pruning of any tree on publicly owned property requires approval by the City. It is unlawful for any person to remove, destroy, break, or injure any street tree or public tree. Individuals cited for removing or destroying a tree without prior City approval may be subject to fine upon conviction by the Municipal Court.

An application to remove a street tree (other than those located in downtown McMinnville) is reviewed by staff if it meets the simple criteria for removal then it does not the Landscape Review Committee (LRC) will review. A request to remove a tree in downtown McMinnville is reviewed by the Planning Director.

For additional information related to street tree removal or trees in general, refer to Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.

Application Submittal

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

- A completed Street Tree Removal application form.**
- 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), and adjacent streets.**
- Arborist report, photographs, and/or other information that would help substantiate or clarify your request.**

Review Process

Following submittal of a complete application to the Planning Department, the application will be reviewed by staff and scheduled for review by the Planning Director or the LRC depending upon the location of the tree(s) within McMinnville and reason for removal. Following consultation with appropriate staff, and/or inspection of the subject tree and site, the application will be reviewed and a decision made to either: allow the tree's removal; approve the request with conditions; or, deny the application.

Any decision made by the Planning Director or the LRC may be appealed to the Planning Commission as stated in Section 17.72.170 (Appeal from Ruling of Planning Director) of the Zoning Ordinance.

Additional Provisions

- A. Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City.
- B. 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.
- C. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the City, or a requirement to pay to the City an amount sufficient to fund the planting and establishment by the City of a tree, or trees, of similar value.
- D. 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 also restore any damaged turf areas and grades due to vehicular or mechanical operations, and reseed the area.
- E. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.



City of McMinnville

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. _____

Date Received _____

Fee _____

Receipt No. _____

Received by _____

Street Tree Removal Application

Applicant Information

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

Applicant Name _____ Phone _____

Contact Name _____ Phone _____
(If different than above)

Address _____

City, State, Zip _____

Contact Email _____

Property Owner Information

Property Owner Name _____ 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 _____

Assessor Map No. R4 - - _____ Total Site Area _____

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation _____ Zoning Designation _____

Reasons for Tree Removal: (Simple)

- Tree is a hazard as determined by an arborist
- Tree is in advanced state of decline
- Species is on the nuisance list
- Tree is infested with pests or disease
- Roots causing damage
- Tree has sustained physical damage
- Recommendation by fire marshal

Other Reasons for Removal: (Complex)

- Blocking view or solar access
- Undesirable species
- Other please explain:

Required Additional Information:

- 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.

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

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

Property Owner's Signature

Date