



Landscape Review Committee
Hybrid In-Person & ZOOM Online Meeting
Wednesday, September 25, 2024 - 12:00 PM

Please note that this meeting will be conducted in-person at the Community Development Center Large Conference Room, 231 NE Fifth Street, and via ZOOM.

Join ZOOM Meeting online via the following link:

<https://mcminnvilleoregon.zoom.us/j/84984931905?pwd=rtC0PB8dD1aXjhuQFiAh7LnN5lOHTo.1>

Meeting ID: 849 8493 1905 **Passcode:** 448511

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

Committee Members	Agenda Items
Jamie Fleckenstein, Chair	1. Call to Order and Roll Call
Brian Wicks, Vice Chair	2. Minutes: None.
Carlton Davidson	3. Citizen Comments
John Hall	4. Action Items:
Eva Reutinger	A. L 28-24: Landscape Review Application, 2850 & 2910 NE Rivergate Street, Tax Lots R4415C -01500, -01600 (Exhibit 1).
	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.

EXHIBIT 1- STAFF REPORT

DATE: September 25, 2024
TO: Landscape Review Committee Members
FROM: Taylor Graybehl, Senior Planner
SUBJECT: Landscape Plan Review Application (L 28-24)

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

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

Report in Brief:

This proceeding is a review by the Landscape Review Committee (LRC) of a Landscape Plan Review application for proposed landscaping on property located at 2860 NE Rivergate Street, Tax Lot R4415C 01500, within the M-2 (General Industrial) Zone and Northeast Industrial Area (Ordinance No. 4135). The site is currently vacant, with a curb and gutter, along NE Rivergate Street.

Staff has reviewed the application for consistency with the applicable criteria, and recommends denial of the application, subject to the findings specified in the attached Decision Document. Please refer to the Decision Document for detailed information regarding the property and proposal.

Discussion:

Subject Property and Plan

Please refer to the Decision Document for vicinity maps, proposed plan, and background information.

Summary of Criteria & Issues

Decisions and/or recommendations for approval of the land use application are 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.

As required in 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:

Attachments:

Attachment A – Decision Document

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
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.
4. The development and use of islands and plantings therein to break up parking areas.
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.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas.

The review also addresses landscaping and screening requirements of other applicable Chapters of the Zoning Ordinance.

Attachments

1. Decision Document with Attachments

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:

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 28-24 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT

Attachments:

Attachment A – Decision Document



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

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE DENIAL OF A LANDSCAPE PLAN REVIEW FOR PROPERTY AT 2850 & 2910 NE RIVERGATE ST

- DOCKET:** L 28-24 (Landscape Plan Review)
- REQUEST:** Approval of a Landscape Plan Review for property at 2860 NE Rivergate Street
- LOCATION:** 2850 & 2910 NE Rivergate Street, Tax Lots R4415C -01500, -01600
- ZONING:** M-2 (General Industrial) and Northeast Industrial Area (Ordinance No. 4135)
- APPLICANT:** Troy Haworth
- PROPERTY OWNER:** Ether Form
- STAFF:** Taylor Graybehl, Senior Planner
- DATE DEEMED COMPLETE:** August 26, 2024
- DECISION-MAKING BODY & ACTION:** McMinnville Landscape Review Committee makes a recommendation of approval or denial to the Planning Director.
- MEETING DATE & LOCATION:** September 25, 2024, McMinnville Community Development Center, 231 NE 5th Street, and via Zoom online meeting
- 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, McMinnville Engineering, McMinnville Water and Light, and the Oregon Department of Transportation. 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 28-24) **subject to the conditions of approval provided in Section II of this document.**

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DECISION: APPROVAL WITH CONDITIONS
//

Planning Staff: _____ Date: _____
Taylor Graybehl, Senior Planner

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

-
- Attachments :**
Attachment 1 – Application and Attachments
Attachment 2 – Revised Application Materials
Attachment 3 – MAC W&L Comments

I. APPLICATION SUMMARY:

Subject Property & Request

The subject sites are 2850 and 2910 NE Rivergate Street, Tax Lot R4415C -01500, -1600. **See Figure 1 (Vicinity Map, Aerial Photos, and Street View Photos).** The property is zoned M-2 (General Industrial). **See Figure 2 (Zoning Map).** **See Figure 3** for the proposal.

Existing Conditions

The sites are located on NE Rivergate Street, 350 feet west of the intersection of NE Rivergate Street and NE Miller Street. Each site is approximately 1.64 acres in size (71,438 square feet) for a total project area of 3.28 acres (142,877 square feet). The sites are undeveloped, with curb and gutter present along NE Rivergate Street. The properties are zoned M-2 General Industrial, with the surrounding properties zoned M-2 General Industrial. Abutting properties to the north, west, and south are developed for commercial and industrial uses, and the property to the east vacant.

Proposal

The applicant submitted materials on August 26, 2024 for review, which have been included in Attachment 1 – Application and Attachments to this document. On September 19, 2024 additional submittal materials were provided, including a revised landscape plan, utility plan, and surfacing plan; these items are included as Attachment 2 – Revised Application Materials. The revised landscape plan, received on September 19, 2024, is excerpted below as **Figure 3**.

The landscape plan review application identifies a 10,080-square-foot structure and 3,785 square feet of landscaping to be placed at 2860 NE Rivergate Street, Tax Lot R4415C – 01500, with the total site area as 30,375 square feet. The landscape plan review application does not appear to provide the correct property addresses or tax lots and does not accurately identify the area of the site.

The landscape plan review application identifies only one property as part of the application; however, at the time of this report, it appears that the project area is for two properties. The original landscape plan received on August 26, 2024 appeared to be for one (1) property, while the revised landscape plan, utility plan, and surfacing plan received on September 19, 2024 identified the project area as two properties. The project area received approval from the City of McMinnville on August 20, 2024 for a property line adjustment (BLA 3-24) to remove the common interior property line between 2850 & 2910 NE Rivergate Street, Tax Lots R4415C -01500, -01600. The most recent information available to staff indicates that the two properties remain separate. Conditions of approval will be provided to address the discrepancy between the site information on the application form, the most recent information available to staff, and the revised materials received on September 19, 2024; however, these conditions can be addressed by providing proof of the property line adjustment recordation.

The landscape plan application has identified a new 10,080-square-foot building with a total landscaped area of 3,785 square feet. Landscaping is proposed on-site along the eastern property line between the proposed building and property line and along NE Rivergate Street right-of-way for approximately 150 linear feet. The landscaping is proposed to include six (6) *Acer rubrum* 'October Glory', twenty (20) *Otto Luyken Cherry Laurel*, twenty-eight (28) *Anthony Waterer Japanese Spirea*, eighteen (18) *Nana Purple Willow*, Chinese fountain grass, and *Emerald Carpet Sonoma Manzanita*. The landscape plans do not indicate the location of a solid waste and recycling enclosure; new commercial and industrial uses are subject to solid waste and recycling enclosure requirements of Chapter 17.61.

Attachments :

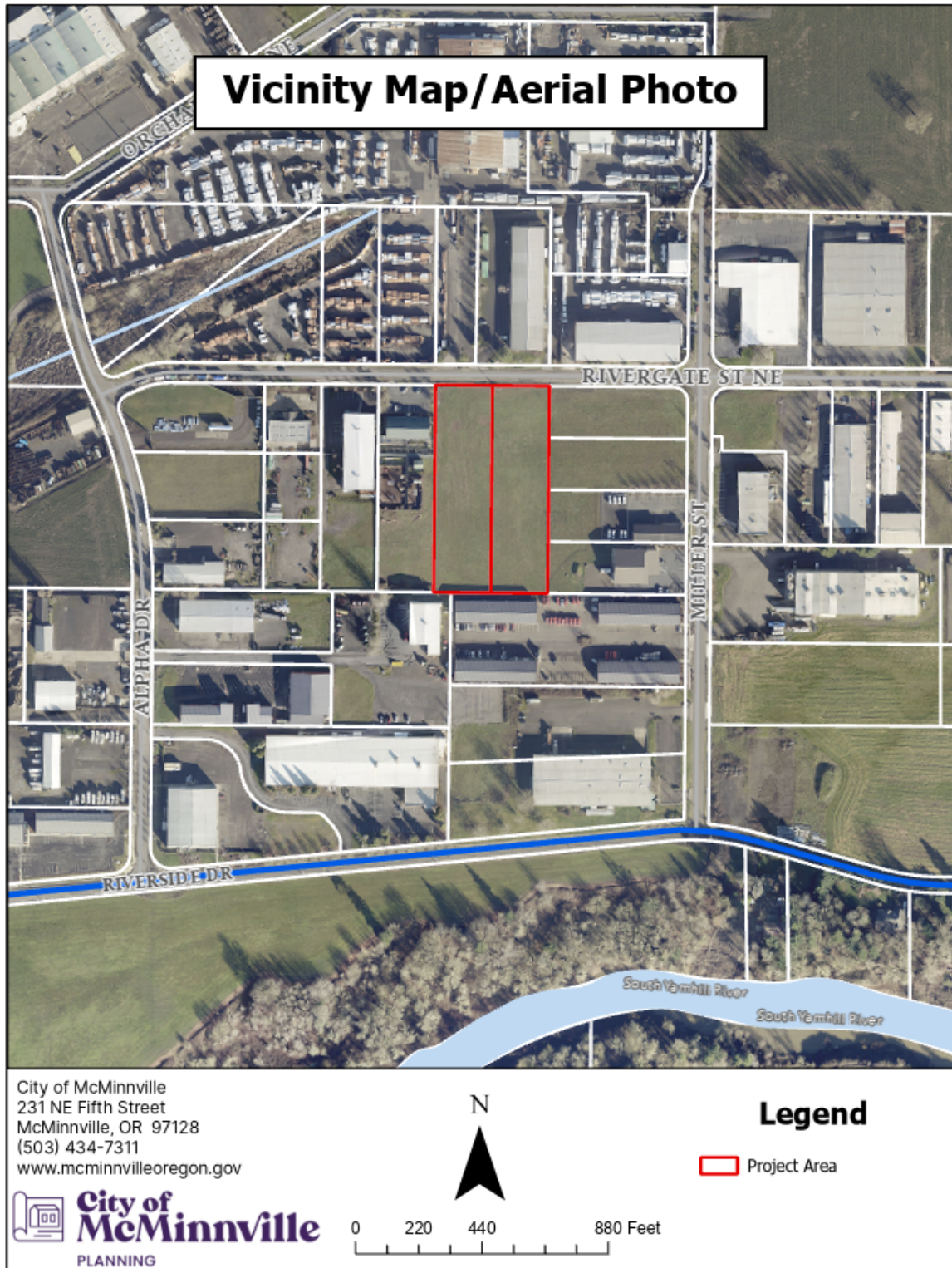
Attachment 1 – Application and Attachments
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The applicant has provided the landscape area calculations per Section 17.57.070(A)(1) of the Zoning Ordinance. Calculations include off-site landscaping; off-site landscaping does not count towards the landscape area calculation. The proposed on-site landscaping of 3,785 square feet (2.65%) does not meet the minimum required seven percent (7%) of the lot(s) or otherwise 10,001 square feet.

Attachments :

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Figure 1: Aerial Photo/Vicinity Map



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Figure 2: Zoning Map



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Figure 3a. Applicant's Proposed Landscape Plan

Key	Qty	Botanical Name	Common Name	Size/Condition
Trees				
ArO	6	<i>Acer rubrum</i> 'October Glory'Ⓢ	OCTOBER GLORYⓈ RED MAPLE	2" cal.
Shrubs				
PIO	20	<i>Prunus laurocerasus</i> 'Otto Luyken'	OTTO LUYKEN CHERRY LAUREL	5 gal.
SJA	28	<i>Spiraea japonica</i> 'Anthony Waterer'	ANTHONY WATERER JAPANESE SPIREA	5 gal.
SpN	18	<i>Salix purpurea</i> 'Nana'	NANA PURPLE WILLOW	5 gal.
Ornamental Grasses				
Pa	81	<i>Pennisetum alopecuroides</i>	CHINESE FOUNTAIN GRASS	1 gal.
Groundcovers				
AdE	48	<i>Arctostaphylos densiflora</i> 'Emerald Carpet'	EMERALD CARPET SONOMA MANZANITA	1 gal.

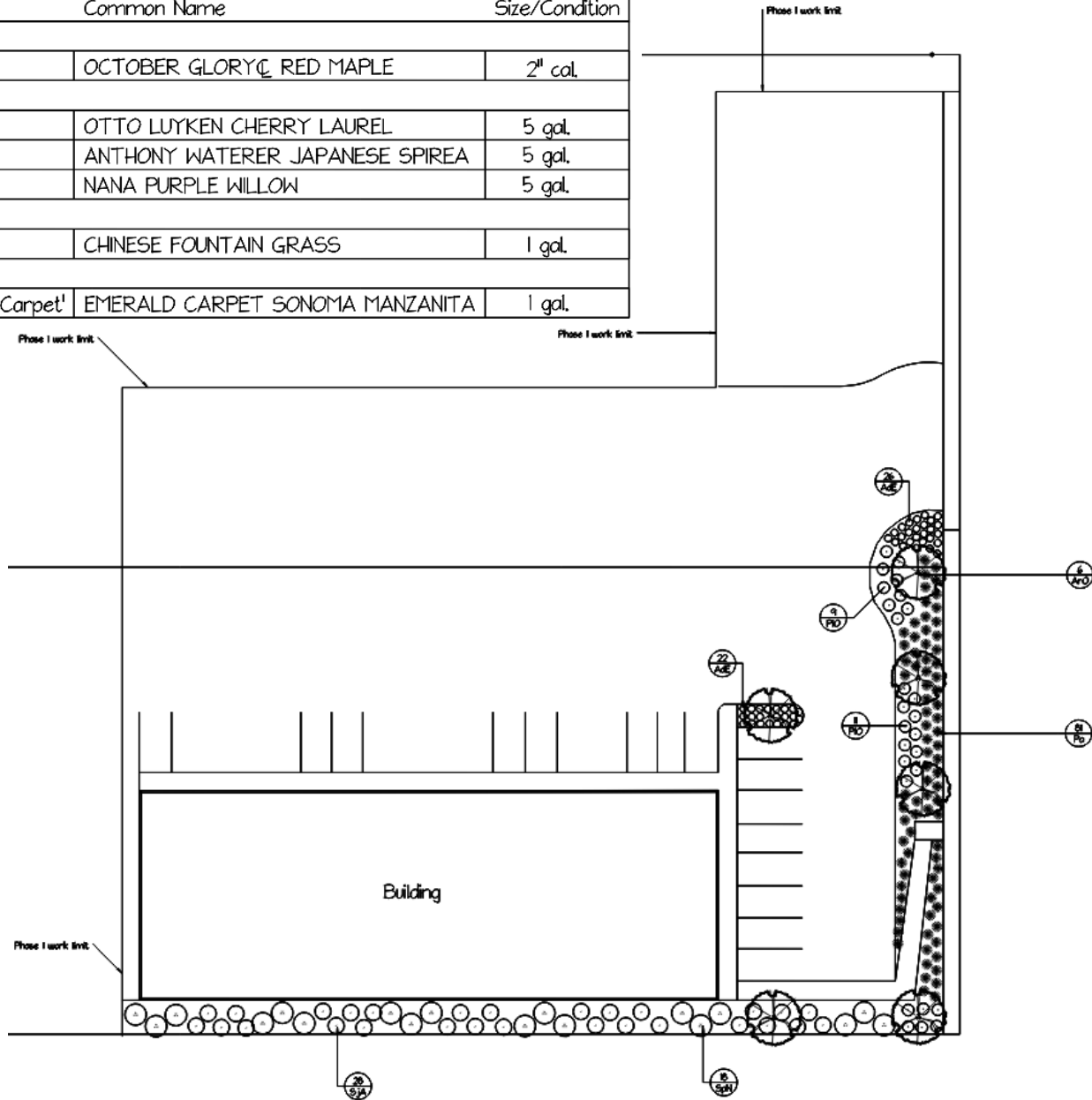
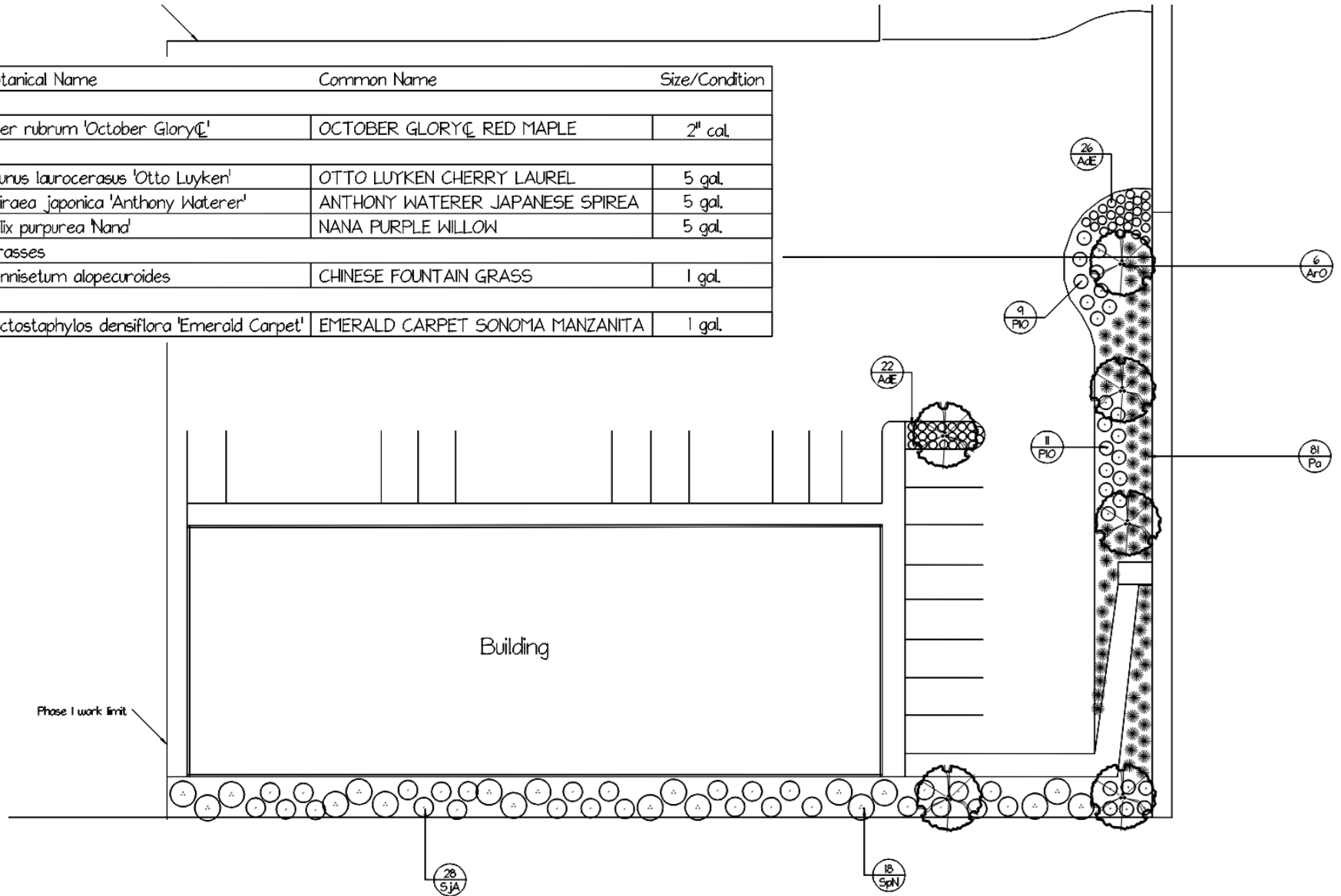


Figure 3b. Landscape Plan – Proposed Landscaped Areas Only

Key	Qty	Botanical Name	Common Name	Size/Condition
Trees				
ArO	6	Acer rubrum 'October Glory'	OCTOBER GLORY RED MAPLE	2" cal.
Shrubs				
PIO	20	Prunus laurocerasus 'Otto Luyken'	OTTO LUYKEN CHERRY LAUREL	5 gal.
SjA	28	Spiraea japonica 'Anthony Waterer'	ANTHONY WATERER JAPANESE SPIREA	5 gal.
SpN	18	Salix purpurea 'Nana'	NANA PURPLE WILLOW	5 gal.
Ornamental Grasses				
Pa	81	Pennisetum alopecuroides	CHINESE FOUNTAIN GRASS	1 gal.
Groundcovers				
AdE	48	Arctostaphylos densiflora 'Emerald Carpet'	EMERALD CARPET SONOMA MANZANITA	1 gal.



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Figure 3c. Planting Schedule

Key	Qty	Botanical Name	Common Name	Size/Condition
Trees				
ArO	6	Acer rubrum 'October Glory'	OCTOBER GLORY RED MAPLE	2" cal.
Shrubs				
PIO	20	Prunus laurocerasus 'Otto Luyken'	OTTO LUYKEN CHERRY LAUREL	5 gal.
SJA	28	Spiraea japonica 'Anthony Waterer'	ANTHONY WATERER JAPANESE SPIREA	5 gal.
SpN	18	Salix purpurea 'Nana'	NANA PURPLE WILLOW	5 gal.
Ornamental Grasses				
Pa	81	Pennisetum alopecuroides	CHINESE FOUNTAIN GRASS	1 gal.
Groundcovers				
AdE	48	Arctostaphylos densiflora 'Emerald Carpet'	EMERALD CARPET SONOMA MANZANITA	1 gal.

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Summary of Criteria

Decisions and/or recommendations for approval of the land use application are 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-2 (General Industrial Commercial). McMinnville Municipal Code (MMC) Section 17.57.030(G) requires landscaping in the M-2 zone. Therefore, landscaping is required subject to the criteria and standards described in MMC Chapter 17.57-Landscaping. The review also addresses landscaping and screening requirements of other applicable Chapters of the Zoning Ordinance.

II. CONDITIONS:

- 1) That prior to the submittal of a building permit, the applicant shall submit a revised landscape plan in compliance with MMC 17.57.060, which includes:
 - a) The distance above ground level at which the caliper of trees is to be measured.
 - b) Building permit information:
 - i) Building setback from property lines;
 - ii) Topographical elevations;
 - iii) Easements;
 - iv) Complete street names;
 - v) Lot dimensions;
 - vi) Location of existing and proposed utilities;
 - vii) Location, material, and size of sanitary sewer system, water lines (both portable and fire), and hydrants
- 2) That prior to the submittal of a building permit, the applicant shall submit a revised Landscape Plan that identifies at least seven percent of the gross area with landscaping in compliance with MMC 17.57.070(A).
- 3) All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement in compliance with MMC 17.57.070(C).
- 4) That prior to the submittal of a building permit, the applicant shall submit a revised landscape plan that indicates street trees planted within the NE Rivergate right-of-way in compliance with Chapter 17.58.
- 5) That street trees shall be selected from the McMinnville Street Tree List and identified as appropriate for “under wires” if beneath overhead wires.
- 6) That street trees shall meet minimum standards in MMC 17.58.090(B) with 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.

Attachments:

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- 7) That street trees shall be of a size and spacing sufficient to comply with MMC 17.58.090(C).
- 8) That street trees shall be planted in a location compliant with MMC 17.58.090(D).
- 9) Trees shall be planted to buffering standards established in Section 17.58.090(E), not to be planted within:
 - a) Five (5) feet of a private driveway or alley;
 - b) Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm, or water line; or
 - c) Twenty (20) feet of street light standards or street intersections.
- 10) That street trees shall be installed at the time all other required landscaping is installed per MMC 17.58.100(B)(1).
- 11) Street tree(s) shall be maintained continually by the adjacent property owners or developer:
 - a) This includes necessary watering, weeding, pruning, and replacement.
 - b) Street tree(s) shall be pruned with at least:
 - i) Eight (8) feet of clearance above sidewalks and
 - ii) Thirteen (13) feet of clearance above NE Rivergate Street.
 - c) A permit shall be obtained prior to the removal or major pruning (removal of 20 percent of the tree canopy, tree topping, or disturbance of 10 percent of the root system) of the tree(s). If the tree is to be removed, a replacement tree shall be of a species from the approved street tree list or street tree plan.
- 12) That no plantings shall be installed in the clear vision area within 10 feet of the proposed driveway that exceed maximum height standards as provided in MMC 17.54.080.
- 13) Upon approval, the applicant shall upload a copy of the revised, approved landscape plan with the plan set documents for the building permit in the Accela e-permitting system.
- 14) Minor changes in the landscape plan are allowed, as determined by the Planning Director or their designee, as long as they do not alter the character and aesthetics of the original plan as defined in Section 17.58.050(E).
- 15) 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.
- 16) Landscaping shall be installed prior to final inspection for the building permit, or the applicant shall provide financial surety as specified in Section 17.58.050(D), and landscaping shall be completed no later than six (6) months from final inspection.
- 17) That prior to the submittal of a building permit, the applicant provides proof of recordation of the property line adjustment, which removes the common lot line or provide a revised landscape application form with updated property owner information, site location and description for both properties included in the project area.

Attachments :

- Attachment 1 – Application and Attachments
- Attachment 2 – Revised Application Materials
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III. ATTACHMENTS:

1. Application and Attachments
2. Revised Application Materials – received September 19, 2024
3. MAC W&L Comments

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Public Works, McMinnville Engineering, McMinnville Water and Light, and the Oregon Department of Transportation.

The following comments were received. Comments may still be received through July 24, 2024 and will be provided to the Committee before or at the meeting.

City of McMinnville Public Works:

No comments.

McMinnville Engineering

No comments were received at the time of this report.

McMinnville Water and Light

Please see attached comments.

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.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The application was submitted on August 26, 2024
2. Additional application materials were submitted on September 19, 2024.
3. Landscape Review Plan applications are deemed complete upon submission of the plan. The Plan was submitted on August 26, 2024. Based on that date, the application is subject to a thirty (30) day review subject to Section 17.57.050(B).
3. Notice of the application was referred to the following public agencies for comment on September 6, 2024: McMinnville Public Works, McMinnville Engineering, and McMinnville Water and Light. Comments received from public agencies are addressed in this 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.

Attachments:

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5. A public meeting was held by the Landscape Review Committee on September 25, 2024, to review the application and proposed landscape plan.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 2850 & 2910 NE Rivergate Street, Tax Lots R4415C -01500, -01600
2. **Size:**
 - a. Property 1 (Tax Lot 01500): 1.64 acres
 - b. Property 2 (Tax Lot 01600): 1.64 acres
 - c. Total Property: 3.28 acres
3. **Comprehensive Plan Map Designation:**
 - a. Property 1 (Tax Lot 01500): Industrial
 - b. Property 2 (Tax Lot 01600): Industrial
4. **Zoning:**
 - a. Property 1 (Tax Lot 01500): M-2
 - b. Property 2 (Tax Lot 01600): M-2
5. **Overlay Zones/Special Districts:** Northeast Industrial Area (Ordinance No. 4135), Airport Overlay Zone (Conical Zone)
6. **Previous Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None Identified
 - b. **Other:** None identified
8. **Other Features:** The project site is relatively flat with grass-like vegetation.
9. **Utilities:**
 - a. Property 1 (Tax Lot 01500): 10-wide public and private utility easement along NE Rivergate Street and overhead wires are located on the subject site; stormwater, sewer, and water are available to the property.
 - b. Property 2 (Tax Lot 01600): 10-wide public and private utility easement along NE Rivergate Street and overhead wires are located on the subject site; stormwater, sewer, and water are available to the property.
10. **Transportation:**
 - a. Property 1 (Tax Lot 01500): Fronts NE Rivergate Street. NE Rivergate Street is classified as a Local Street in the Transportation System Plan (TSP); improvements may be required as part of future development.
 - b. Property 2 (Tax Lot 01600): Fronts NE Rivergate Street. NE Rivergate Street is classified as a Local Street in the Transportation System Plan (TSP), improvements may be required as part of future development.

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:

Attachments:

- Attachment 1 – Application and Attachments
- Attachment 2 – Revised Application Materials
- Attachment 3 – MAC W&L Comments

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 process. Reviewing and recommending landscape plans by the Landscape Review Committee provides for a recommendation to the Planning Director by a City-Council appointed citizen committee.

McMinnville Zoning Ordinance

The following Sections of the McMinnville Zoning Ordinance 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.*

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7. *Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.*
8. *Provide shade, and seasonal color.*
9. *Reduce glare, noise and heat.*
- B. *Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.*
- C. *Unify development and enhance and define public and private places.*
- D. *Preserve existing mature trees.*
- E. *Enhance the urban forest and tree canopy.*
- F. *Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.*
- G. *Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.*
- H. *Support McMinnville as a community that cares about its appearance.*

It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville.

The landscaping provisions in Section 17.57.070 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020.

APPLICANT’S RESPONSE: N/A.

FINDING: NOT SATISFIED. The proposed landscape is denied as it is not consistent with the purpose of this chapter. The proposed landscape plan does not provide the minimum required landscaped area as determined by Section 17.57.070(1). As proposed, only approximately 3,785 square feet, or 2.65% of the subject site, would be landscaped.

Findings regarding any of the potentially applicable landscaping, buffering, and/or screening provisions of other Chapters of the Zoning Ordinance summarized below are addressed in the respective sections of these findings, if applicable:

- Any requirements of the subject zone;
- Any requirements of applicable overlay zones, such as the Northeast Industrial Overlay or Airport Overlay Zone (Chapter 17.52);
- Any applicable provisions of Chapter 17.60 for parking lot screening and buffering;
- Any applicable provisions of Chapter 17.61 for landscaping, screening, and setbacks for solid waste enclosures;

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

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

APPLICANT’S RESPONSE: N/A.

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

17.57.060 Plans - Information to be Included. The following information shall be included in the plans submitted under Section 17.57.050:

- A. Existing locations of trees over six inches in diameter, their variety (common or botanical name) and indication of whether they are to remain or to be removed from the site. 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 in which new plantings will be made and the variety (common or botanical name), and size of all new trees, shrubs, groundcover and lawns;
- 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, potted trees, raised planters, or other open spaces 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;
- G. All of the information on the plot plan for the building permit.

APPLICANT’S RESPONSE: Please see applicant’s plan and plan notes.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The applicant provided a landscape plan as part of the submittal package. The provided landscape plan does not contain all the required information, specifically information on the plot plan for the building permit¹, including:

¹https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/building/page/356/new_exterior_remodel_commercial_checklist_nov2015.pdf

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- a) The distance above ground level at which the caliper of trees is to be measured.
- b) Building permit information:
 - i) Building setback from property lines;
 - ii) Topographical elevations;
 - iii) Easements;
 - iv) Complete street names;
 - v) Lot dimensions;
 - vi) Location of existing and proposed utilities;
 - vii) Location, material, and size of sanitary sewer system, water lines (both portable and fire), and hydrants

CONDITION OF APPROVAL #1: That prior to the submittal of a building permit, the applicant shall submit a revised landscape plan in compliance with MMC 17.57.060, which includes:

- a) The distance above ground level at which the caliper of trees is to be measured.
- b) Building permit information:
 - i) Building setback from property lines;
 - ii) Topographical elevations;
 - iii) Easements;
 - iv) Complete street names;
 - v) Lot dimensions;
 - vi) Location of existing and proposed utilities;
 - vii) Location, material, and size of sanitary sewer system, water lines (both portable and fire), and hydrants

17.57.070 Area Determination – Planning Factors.

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

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

...

APPLICANT’S RESPONSE: Total Landscaped Area: 3,785 SF or 37%

FINDING: SATISFIED WITH CONDITION OF APPROVAL #2. The applicant has indicated a total landscaped area of 3,785 square feet on their application and a “Total Site Area” of 30,375 square feet. The applicant has incorrectly identified the total site area by only that area identified as “Phase I” on the landscape plan. However, MMC 17.57.070 measures the required gross area as that of all the properties included in the application. The two subject sites are approximately 1.64 acres each for a total gross area of 3.28 acres (142,877 square feet). To meet the minimum landscaping area requirement, the applicant must provide at least 10,001 square feet of area with landscaping.

For an area to be determined to contain landscaping, those items identified in the Landscaping definition in MMC 17.06.035 must be provided. This may include natural ground cover or grasses.

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CONDITION OF APPROVAL #2: That prior to the submittal of a building permit, the applicant shall submit a revised Landscape Plan that identifies at least seven percent of the gross area with landscaping in compliance with MMC 17.57.070(A).

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: Please see applicant’s plans.

FINDING: SATISFIED. The landscaping plan includes on-site landscaping located along NE Rivergate Street and between the proposed building and the eastern property line. The proposed landscape plan is consistent with the requirements of the zoning district, the standards for screening parking areas, and the Northeast Industrial Area (Ordinance No. 4135). The subject site is surrounded by properties zoned as M-2 (General Industrial) with vacant land and commercial and industrial uses. The M-2 zoning district does not have special standards, parking screening is not required as there are no abutting properties zoned or used residentially, and the subject site does not trigger screening for the Northeast Industrial Area as it does not abut or face a residential zone.

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: Please see applicant’s plans and plan notes.

FINDING: SATISFIED. The landscaping plan includes on-site landscaping located along NE Rivergate Street and between the proposed building and the eastern property line. No screening is required by any applicable code sections or overlay districts.

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: Please see applicant’s plan and plan notes.

FINDING: SATISFIED/NOT APPLICABLE. The site is generally level and there are no existing trees or natural areas to be incorporated into the development.

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

APPLICANT’S RESPONSE: Please see the applicant’s plans and plan notes.

FINDING: SATISFIED. The applicant’s landscape plan shows parking areas along the western and northern portions of the proposed building. Along the west, parking spaces are separated with up to four (4) contiguous spaces. To the north of the building, eight (8) contiguous spaces are proposed, including a landscaped end island and a landscaped area at the ends of the parking spaces. Plantings have been provided to break up those parking areas.

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17.57.070(B)(5). *The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The planting of street trees is required for all new residential, commercial, or industrial development as defined in Section 17.58.080. Trees planted within the right-of-way shall be selected from the McMinnville Street Tree List and no prohibited tree shall be planted within a parking area. The applicant has indicated planting six (6) *Acer rubrum* ‘October Glory’ (October Glory Red Maple) adjacent to the parking area. The proposed trees are not from the prohibited list.

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

APPLICANT’S RESPONSE: Please see applicant’s plans and plan notes.

FINDING: SATISFIED. The applicant’s note indicates all shrub beds to receive an automatic irrigation system.

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

FINDING: SATISFIED WITH CONDITION OF APPROVAL #3. This is a requirement of the Zoning Ordinance and has also been incorporated as a condition of approval.

CONDITION OF APPROVAL #3: All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement in compliance with MMC 17.57.070(C).

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 WITH CONDITIONS. The applicant has proposed six (6) trees on the subject site with zero (0) street trees located within the right-of-way along NE Rivergate Street. The applicant is required to plant street trees within the right-of-way in compliance with MMC 17.58.080, to standards in MMC 17.58.090, at the time detailed in MMC 17.58.110, and

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maintained per MMC 17.58.120. The findings below and the approval conditions will bring the project into compliance with MMC 17.58.010.

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: Please see applicant’s plans and plan notes.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #4. The proposal is to place a commercial or industrial development on a site that fronts a public roadway (NE Rivergate Drive) to contain a planting island. The development is subject to street tree planting requirements. The provided landscape plan does not show street trees to be planted within the right-of-way.

CONDITION OF APPROVAL #4: That prior to the submittal of a building permit, the applicant shall submit a revised landscape plan that indicates street trees planted within the NE Rivergate right-of-way in compliance with Chapter 17.58.

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 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: Please see applicant’s plans and plan notes.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #5: The applicant is required to install street trees per MMC 17.58.080. The provided landscape plan does not indicate street trees planted along NE Rivergate Street. The applicant is required to plant street trees of a species selected from the McMinnville Street Tree List.

CONDITION OF APPROVAL #5: That street trees shall be selected from the McMinnville Street Tree List and identified as appropriate for “under wires” if beneath overhead wires.

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: Please see applicant’s plans and plan notes.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #6. The applicant is required to install street trees per MMC 17.58.080. The provided landscape plan does not indicate street trees planted along NE Rivergate Street. The applicant is required to plant street trees in NE Rivergate right-of-way to the minimum size and health requirements.

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CONDITION OF APPROVAL #6: That street trees shall meet minimum standards in MMC 17.58.090(B) with 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.

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 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: Please see applicant’s plans and plan notes.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #7. The applicant is required to install street trees per MMC 17.58.080. The provided landscape plan does not indicate street trees planted along NE Rivergate Street. The applicant is required to plant street trees to spacing standards.

CONDITION OF APPROVAL #7: That street trees shall be of a size and spacing sufficient to comply with MMC 17.58.090(C).

17.58.090(D). *Except as provided in this Section, street trees shall be planted within a curbside planter strip or tree wells consistent with the applicable standards and dimensions of the City’s adopted Complete Street standards, with the street trees centered between back of curb and front of sidewalk. However, where a street with sidewalk was previously constructed to a different standard, the Manager may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk. Except when authorized by the Manager, street trees shall not be planted within a curbside landscape strip narrower than four (4) feet in width between the sidewalk and curb. When nonconforming conditions do not allow for trees to be planted in tree wells or planter strips along major collector or arterial streets per the adopted Complete Street standards, street trees adjacent to major collector streets or arterial streets shall be placed a minimum of five (5) feet from the back edge of the sidewalk. Except when authorized by the Director, a street tree shall not 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.*

APPLICANT’S RESPONSE: Please see applicant’s plans and plan notes.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #8. The applicant is required to install street trees per MMC 17.58.080. The provided landscape plan does not indicate street trees planted along NE Rivergate Street. The applicant is required to plant street trees to locational requirements.

CONDITION OF APPROVAL #8: That street trees shall be planted in a location compliant with MMC 17.58.090(D).

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*

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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.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #9. The applicant is required to install street trees per MMC 17.58.080. The provided landscape plan does not indicate street trees planted along NE Rivergate Street. The applicant is required to plant street trees to buffering standards.

CONDITION OF APPROVAL #9: Trees shall be planted to buffering standards established in Section 17.58.090(E), 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.

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: Please see applicant’s plans and plan notes.

FINDING: SATISFIED. No street trees are located on or abutting the subject site.

17.58.100 Street Tree Planting

B. Commercial, Industrial, Multi-dwelling, Parking Lot Development.

1. Planting Schedule: Street trees required of a commercial, industrial, multi-dwelling, or parking lot development shall be installed at the time all other required landscaping is installed.

APPLICANT’S RESPONSE: Please see applicant’s plans and plan notes.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #10. This is an applicable code requirement. In addition, a condition of approval has been included to ensure that the street trees are installed at the time all other required landscaping is installed.

CONDITION OF APPROVAL #10: That street trees shall be installed at the time all other required landscaping is installed per MMC 17.58.100(B)(1).

17.58.120 Street Tree Maintenance.

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- 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 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: Please see applicant’s plans and plan notes.

FINDING: STATISFIED WITH CONDITION OF APPROVAL #11. The applicant is required to install street trees per MMC 17.58.080. Street trees shall be continually maintained in compliance with MMC 17.58.120.

CONDITION OF APPROVAL #11: Street tree(s) shall be maintained continually by the adjacent property owners or developer:

- a) This includes necessary watering, weeding, pruning, and replacement.
- b) Street tree(s) shall be pruned with at least:
 - i) Eight (8) feet of clearance above sidewalks and
 - ii) Thirteen (13) feet of clearance above NE Rivergate Street.
- c) A permit shall be obtained prior to the removal or major pruning (removal of 20 percent of the tree canopy, tree topping, or disturbance of 10 percent of the root system) of the tree(s). If the tree is to be removed, a replacement tree shall be of a species from the approved street tree list or street tree plan.

Chapter 17.52 Airport Overlay Zone

17.52.010 Purpose. *The Airport Overlay Zone shall enhance the utility of the McMinnville Municipal Airport by preventing the establishment of any structure or use of land which unreasonably obstructs the safe flight of aircraft in landing or taking off. Further, this overlay zone is intended to prevent the establishment of airspace obstructions through height restrictions and other land use controls, as deemed essential to protect the public health, safety, and welfare consistent with Federal Aviation Regulations (FAR), Part 77. The Airport Overlay Zone is intended to implement recommendations contained in the McMinnville Airport Master Plan Update (1989-2009) and as drawn on the Airport Imaginary Surfaces Map.*

APPLICANT’S RESPONSE: Please see applicant’s plans and plan notes.

FINDING: SATISFIED. The subject site falls within the Conical Zone of the Airport Overlay Zone and is subject to general restrictions (Section 17.52.030) and Conical Zone restrictions (Section

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17.52.070). As proposed, the landscaping plan complies with applicable standards found within the Chapter.

17.52.030 General Restrictions. *No use in the Airport Overlay Zone shall:*

- A. *Create electrical interference with navigational signals or radio communication between the airport and aircraft; or*
- B. *Otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.*

APPLICANT’S RESPONSE: Please see applicant’s plans and plan notes.

FINDING: SATISFIED. The subject site is within the Airport Overlay Zone and is subject to the standards within 17.52.030. No structure or plant proposed on the landscape plan will create an interference with navigational signals or radio communications, or otherwise endanger or interfere with land, takeoff, or maneuvering of aircraft intending to use the airport.

17.52.070 Conical Zone Restrictions. *The following uses are prohibited in the Conical Zone: Any structure which exceeds a height greater than that established by this parabolic curve which starts at 309 feet above MSL and terminates at 509 feet above MSL except that a structure may be constructed to a vertical height no greater than 35 feet above the ground in the Eola Hills.*

APPLICANT’S RESPONSE: Please see applicant’s plans and plan notes.

FINDING: SATISFIED. The subject site is located within the Conical Zone and is subject to standards found within Section 17.50.070. No structure or plant proposed on the landscape plan which exceeds 509 feet above MSL, nor is the project site located within the Eola Hills.

Chapter 17.54. General Provisions

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #12. The installation of landscaping is subject to standards found within Chapter 17.54 General Provisions, including Section 17.54.080 Clear Vision Area. As proposed, no plant proposed on the subject site exceeds the maximum permitted height within the clear vision area.

CONDITION OF APPROVAL #12: That no landscaping shall be installed in non-compliance with MMC 17.54.080.

Chapter 17.60. Off-Street Parking and Loading

17.60.080. Design Requirements

17.60.080(D)(1). *Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail so placed to prevent a motor vehicle from extending over an adjacent property, sidewalk, or street.*

APPLICANT’S RESPONSE: None.

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FINDING: SATISFIED. Parking spaces are not proposed at the outer boundary of the parking area. The standards of this section do not apply.

17.60.080(D)(2). *When a parking area in a commercial or industrial zone abuts a property in a residential zone, a site-obscuring fence or wall, either permanent or of living material, shall be placed along the affected property line. The responsibility for placement of the fence or wall lies with the commercial or industrial property.*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The subject site is zoned industrial and surrounded by industrial zoning. The standards of this section do not apply.

17.60.080(D)(3). *Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The subject site is zoned industrial and surrounded by industrial zoning nor is it adjacent to a dwelling. The standards of this section do not apply.

Chapter 17.61. Solid Waste and Recycling Enclosure Plan

17.61.030. Guidelines and Standards.

- A. *The location of an enclosure must allow for collection agency drive-in access. A fifty-foot (50) access approach is recommended. In addition to the approach, either an exit that allows the truck to move forward or a turn area with a minimum radius of 46.5 feet is preferred. Both approach and location shall be unobstructed and free of overhead wires and low hanging trees. An eighteen-foot (18) minimum height clearance above the enclosure approach is required and a thirty-two-foot (32) vertical clearance is required above the container itself. The enclosure shall be of sufficient size to store trash and recycling receptacles, the size of which shall be determined by the collection agency and will be based on proposed use. A minimum distance of two feet (2) is required between the container and existing or proposed structures. The enclosure shall be a minimum of six feet (6) tall or six inches (6) higher than the top of the tallest container.*
- B. *Solid waste enclosures shall not be located within twenty feet (20) of a required front or exterior yard and should be placed at the rear of a building whenever possible. Should an enclosure be placed within a required landscaped front or exterior yard, additional landscaping must be provided elsewhere on the property to compensate for the encroachment into the required landscaped yard. Any modifications to required landscaping must meet the approval of the Landscape Review Committee.*
- 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.*
- D. *Where a commercial or industrial zone abuts a residential zone, enclosures must be placed a minimum of thirty feet (30) from any residential structure or as otherwise approved by the Planning Director.*
- E. *Generally, the design of the structure should match the exterior surface of the building and can be constructed of masonry, wood or concrete blocks in combination with plant material*

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capable of forming a complete evergreen hedge. The floor of the enclosure shall be a concrete holding pad which must extend eight feet (8) beyond the gates.

- F. Gates that screen the containers are required and must remain closed at all times except at times of service.
- G. Parking is prohibited in front of the enclosure and all parked vehicles must be located at a safe distance. A “No Parking” sign must be visibly placed on the gates of the enclosure.
- H. Solid waste and recycling enclosures must be placed in a location that is compatible with the City of McMinnville’s Fire Code.

APPLICANT’S RESPONSE: Please see applicant’s plans and plan notes.

FINDING: NOT APPLICABLE. The applicant’s plan does not indicate the location or design of a solid waste or recycling enclosure. Including the location or design of enclosures on landscape plans is not required. However, they are still subject to standards and will be reviewed at the time of building permit application. If the proposed location of enclosures requires landscaping or impact landscaping, the item may be required to be brought before the Landscape Review Committee.

Northeast Industrial Area Overlay (Ordinance No. 4135)

Section 5. Conditions of Development. *In the northeast industrial area the following limitations shall apply to all uses:*

(b) In the northeast industrial area outside storage abutting or facing a residential zone shall be enclosed by a sight-obscuring fence. The fence shall obstruct the storage from view on the sides of the property abutting or facing a residential zone. The fence shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or his authorized agent and approved by the Commission. Outside storage in a required yard shall not exceed ten feet in height;

(c) All outside lighting shall be directed away from residential zones;

APPLICANT’S RESPONSE: Please see applicant’s plans and plan notes.

FINDING: SATISFIED. The subject site does not abut or face a residential zone. Screening standards within the overlay do not apply to this proposal.

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- Attachment 2 – Revised Application Materials
- Attachment 3 – MAC W&L Comments

**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. L 28-24
 Date Received 8/26/24
 Fee \$2,055.00
 Receipt No. 210356
 Received by AW

569-24-000187-PLNG

Landscape Plan Review Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other General Cont.

Applicant Name Troy Haworth/Haworth Inc. Phone 503-472-2452

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

Address 13500 SW Hwy 99W

City, State, Zip McMinnville OR. 97128

Contact Email troy@haworthinc.net

Property Owner Information

Property Owner Name Ether Farm Phone 503-662-7249
 (If different than above)

Contact Name Chris Barnes Phone _____

Address 351 SE Baker St.

City, State, Zip OR. 97128

Contact Email Chris.barnes@etherform.com

Site Location and Description

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

Property Address 2860 NE Ridgeway Street

Assessor Map No. R4415C-01500 Total Site Area 30,375 SF

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Industrial Zoning Designation M-2

Landscaping Information

- 1. Total Landscaped Area: 3785 SF.
- 2. Percent Landscaped: 37%
- 3. Building Floor Area:
New Structure: 10,080 SF. Existing Structure: _____ Addition: _____
- 4. Architect Name Bruce Kenny Architect Phone _____
(Landscape Architect, Engineer, or Other Designer)
Contact Name Bruce Kenny Phone 503-435-9133
Address 9318 Stark Mohawk Ave.
City, State, Zip Portland OR. 97203
Contact Email architeer@yahoo.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.

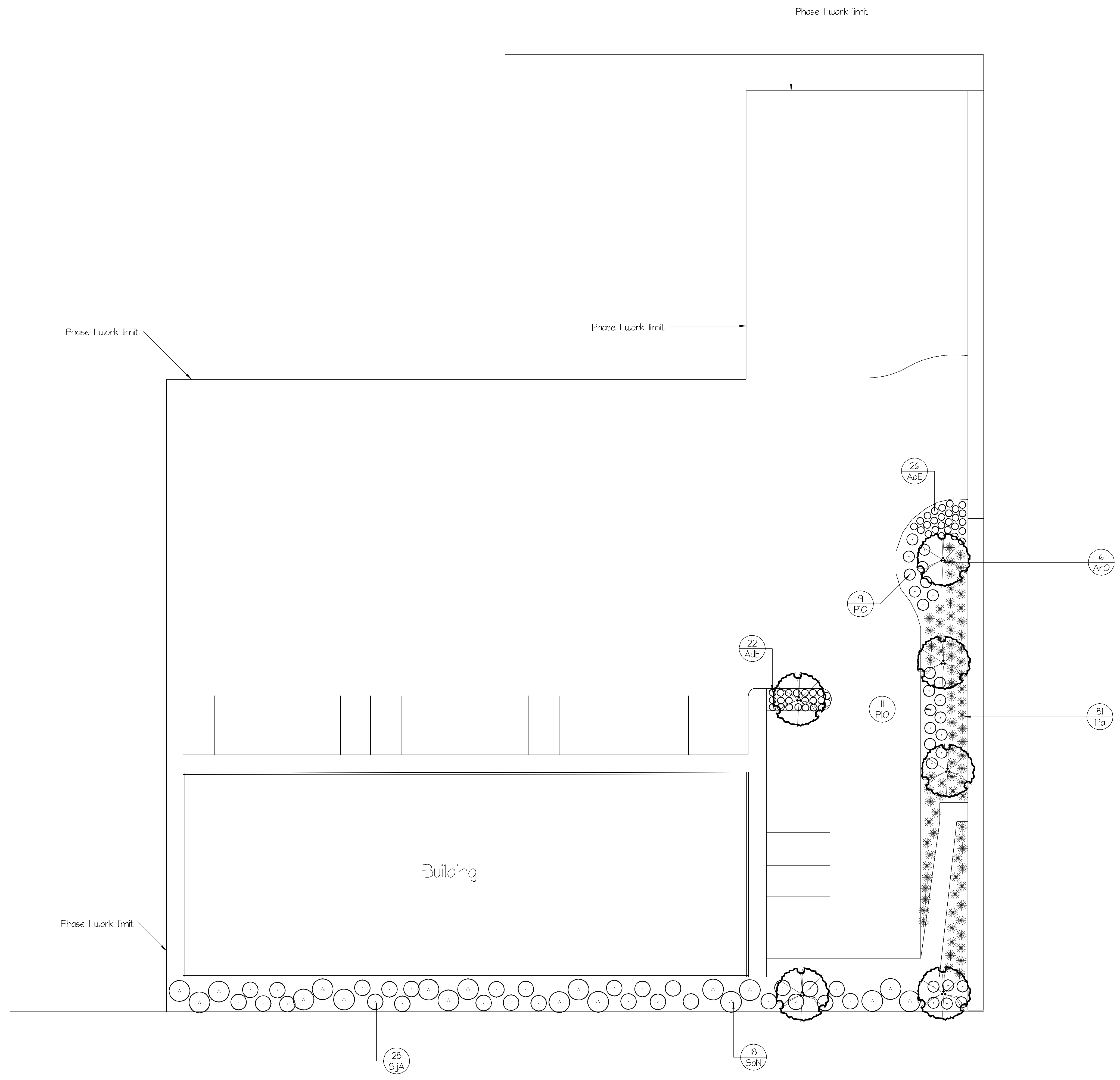
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

[Signature]
Applicant's Signature

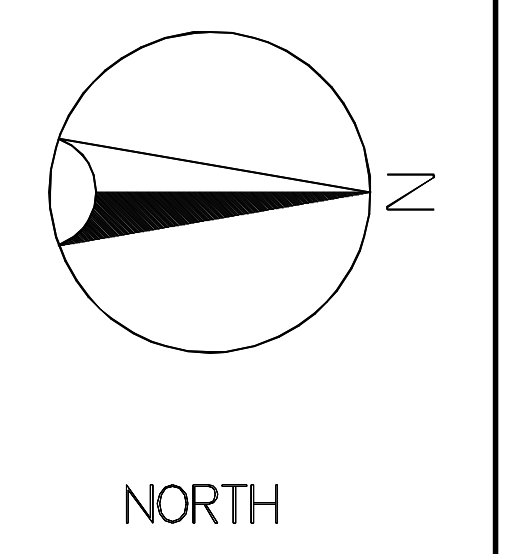
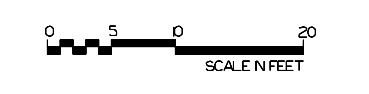
8/26/24
Date

Christopher Barnes
Property Owner's Signature

8/26/2024
Date



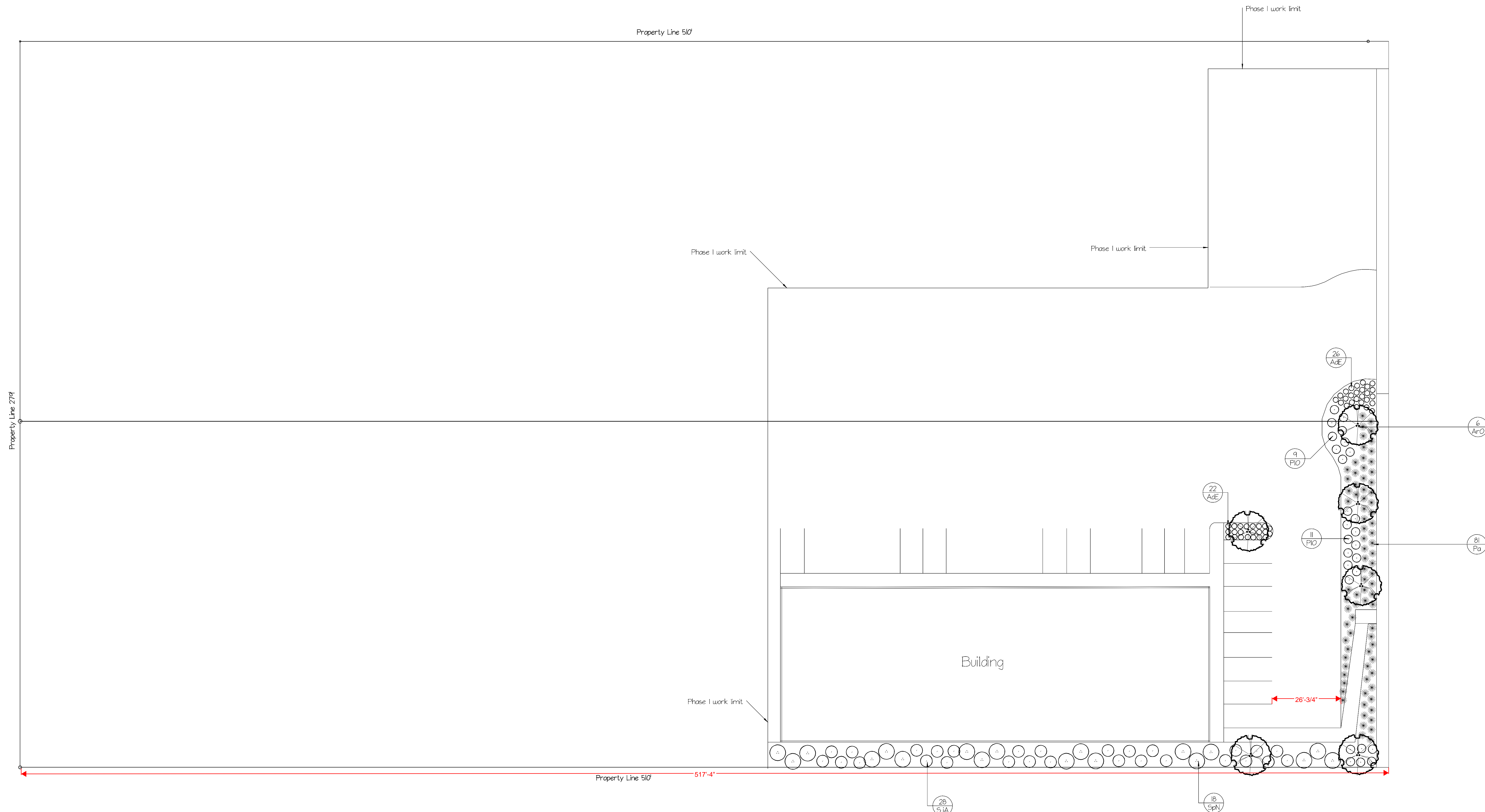
Key	Qty	Botanical Name	Common Name	Size/Condition
Trees				
ARO	6	<i>Acer rubrum</i> 'October Glory'	OCTOBER GLORY® RED MAPLE	2" cal.
Shrubs				
PLO	20	<i>Prunus laurocerasus</i> 'Otto Luyken'	OTTO LUYKEN CHERRY LAUREL	5 gal.
SJA	28	<i>Spiraea japonica</i> 'Anthony Waterer'	ANTHONY WATERER JAPANESE SPIREA	5 gal.
Spl	18	<i>Salix purpurea</i> 'Nand'	NANA PURPLE WILLOW	5 gal.
Ornamental Grasses				
Pa	81	<i>Pennisetum alopecuroides</i>	CHINESE FOUNTAIN GRASS	1 gal.
Groundcovers				
A&E	48	<i>Arctostaphylos densiflora</i> 'Emerald Carpet'	EMERALD CARPET SONOMA MANZANITA	1 gal.



Ether Form
 Landscape Drawing

Haworth Inc
 DATE: 06/01/24
 DRAWING #: 2024/066

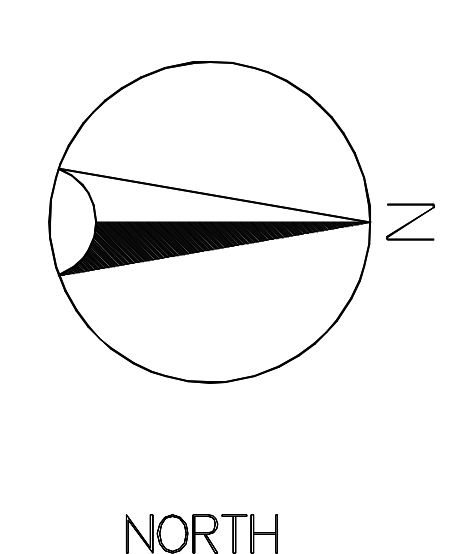
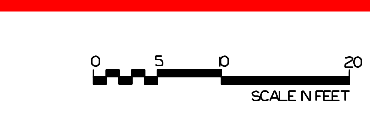
SCALE: 1"=20'



* All shrub beds to receive automatic irrigation
Parts to be of commercial quality by Rainbird or approved equal

Key	Qty	Botanical Name	Common Name	Size/Condition
Trees				
ArO	6	Acer rubrum 'October Glory'	OCTOBER GLORY®, RED MAPLE	2" cal.
Shrubs				
PlO	20	Prunus laurocerasus 'Otto Luyken'	OTTO LUYKEN CHERRY LAUREL	5 gal.
SpJA	28	Spiraea japonica 'Anthony Waterer'	ANTHONY WATERER JAPANESE SPIREA	5 gal.
SpN	18	Salix purpurea 'Nana'	NANA PURPLE WILLOW	5 gal.
Ornamental Grasses				
Pa	81	Pennisetum alopecuroides	CHINESE FOUNTAIN GRASS	1 gal.
Groundcovers				
AdE	48	Arctostaphylos densiflora 'Emerald Carpet'	EMERALD CARPET SONOMA MANZANITA	1 gal.

Received
September 19, 2024
Community Development Center



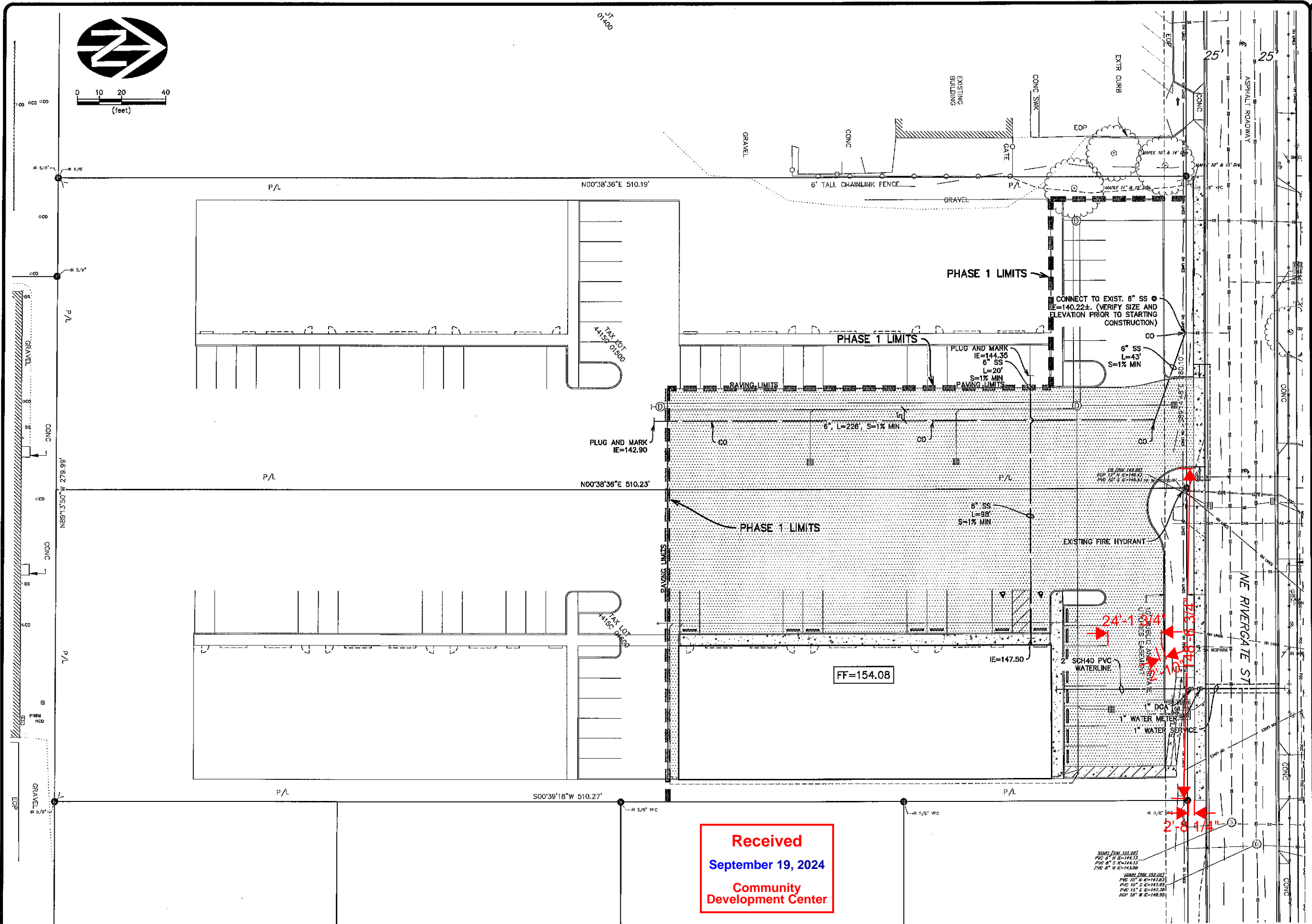
Landscape Drawing

Ether Form
Haworth Inc
DATE: 08/01/24
DRAWING #: 2024/066



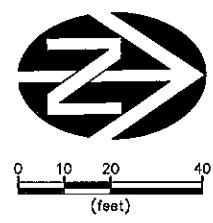
0 10 20 40
(feet)

7/12/2024 8:32:34 AM
R:\Dwg\Haworth, Inc\Ether Form\Gwa\Plat\Utility Plan.dwg (C4.0 tab)



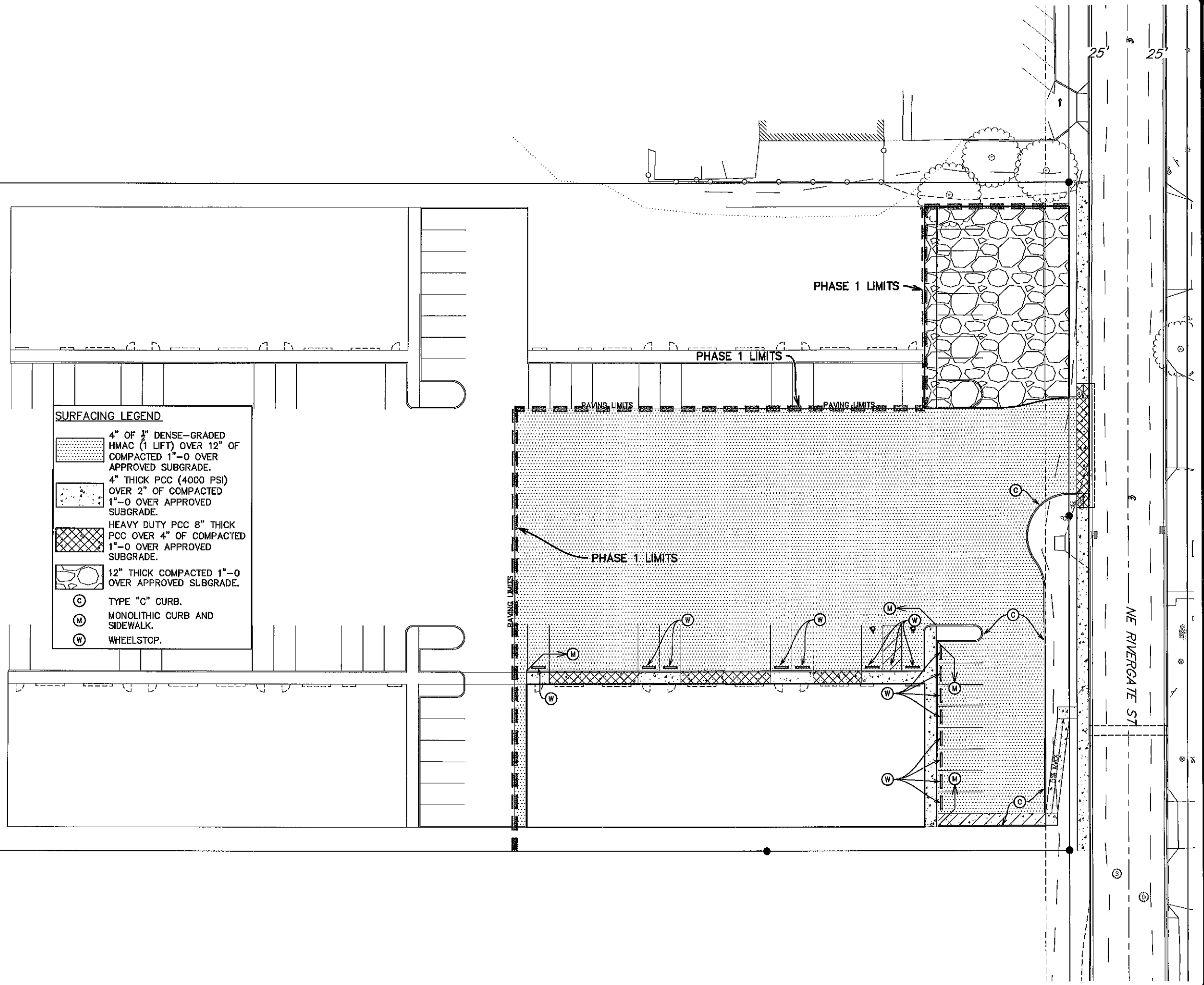
Received
 September 19, 2024
Community Development Center

<p>VERIFY SCALE BASE IS THE SIZE ON ORIGINAL DRAWING IF NOT ONE INCH OR SMALLER ACCURACIOUSLY</p> <p>DSN. JW DRN. JH CKD. JW DATE: JUNE 2024</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> <tr> <td>1</td> <td></td> <td></td> <td></td> </tr> </table>	NO.	DATE	DESCRIPTION	BY	1			
NO.	DATE	DESCRIPTION	BY						
1									
<p>WESTTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS</p> <p>WE</p> <p>3641 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 385-2474 Fax: (503) 885-3888 E-mail: westtech@westtech-eng.com</p>									
<p>HAWORTH INC. ETHER FORM UTILITY PLAN</p>									
<p>DRAWING C4.0</p>									
<p>JOB NUMBER 3522.0000.0</p>									



SURFACING LEGEND

	4" OF 3/4" DENSE-GRADED HMAc (1 LIFT) OVER 12" OF COMPACTED 1"-0 OVER APPROVED SUBGRADE.
	4" THICK PCC (4000 PSI) OVER 2" OF COMPACTED 1"-0 OVER APPROVED SUBGRADE.
	HEAVY DUTY PCC 8" THICK PCC OVER 4" OF COMPACTED 1"-0 OVER APPROVED SUBGRADE.
	12" THICK COMPACTED 1"-0 OVER APPROVED SUBGRADE.
	TYPE "C" CURB.
	MONOLITHIC CURB AND SIDEWALK.
	WHEELSTOP.



NO.	DATE	DESCRIPTION	BY
1	JUNE 2024		

VERIFY SCALE
 MAKE SURE YOU ARE ON ORIGINAL DRAWING
 IF NOT ONE WILL BE SUPPLIED SEPARATELY

DATE: JUNE 2024

DRN. JW
 CHK. JW
 DATE: JUNE 2024



WESTTECH ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS

3841 Fenview Industrial Dr. S.E., Suite 100, Salem, OR 97302
 Phone: (503) 585-2474 Fax: (503) 585-3926
 E-mail: westtech@westtech-eng.com

HAWORTH INC.
 ETHER FORM

SURFACING PLAN

DRAWING
C5.0

JOB NUMBER
3522.0000.0

7/12/2024 8:32:36 AM
 R:\eng\hworth\inc\ether Form\Civil\Plus\Surfacing Plan.dwg (CS:0 tab)

From: [Amy M. Gonzales](#)
To: [Taylor Graybeh](#)
Subject: RE: Landscape Plan Review Application - L 28-24
Date: Tuesday, September 10, 2024 7:27:52 AM
Attachments: [image002.png](#)
[We sent you safe versions of your files.msg](#)
[WMCLEAR.pdf](#)
[VR.pdf](#)
[VAULTCLEAR.pdf](#)
[FH-CLR.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.

Taylor,

MW&L has the following comments:

Water: Maintain minimum clearances from existing and future public water facilities. See spec details; WMCLEAR, VAULTCLEAR, VR & FH-CLR.

Power: Electric plan has not been completed for this project. Location of transformer may conflict with landscape design.

Thank you,

Amy M. Gonzales

Engineering & Operations Assistant

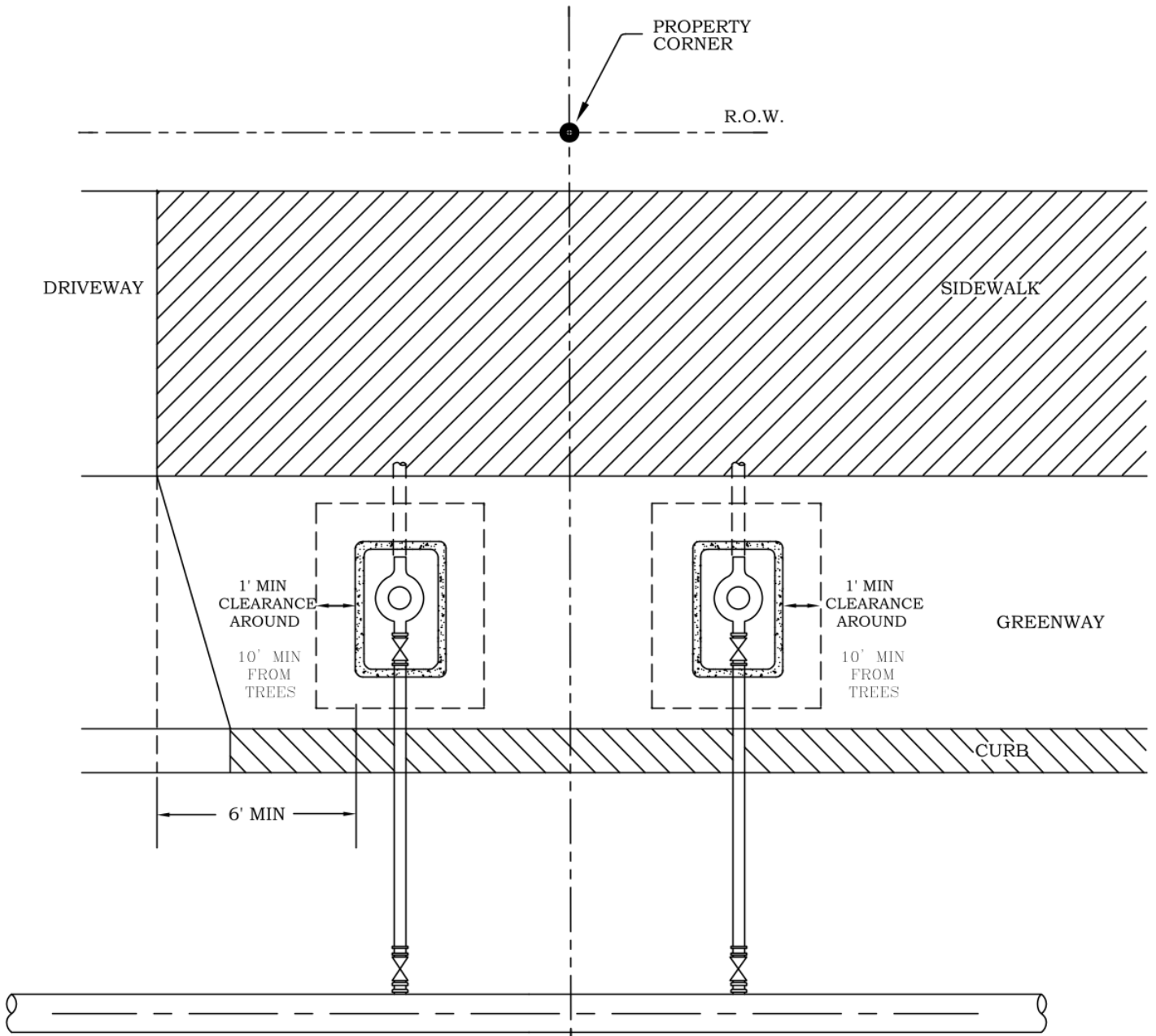
Water Division

McMinnville Water & Light

PO Box 638 | 855 NE Marsh Lane | McMinnville, OR 97128

(503) 472-6919 ext 5

amg@mc-power.com



NOT TO SCALE

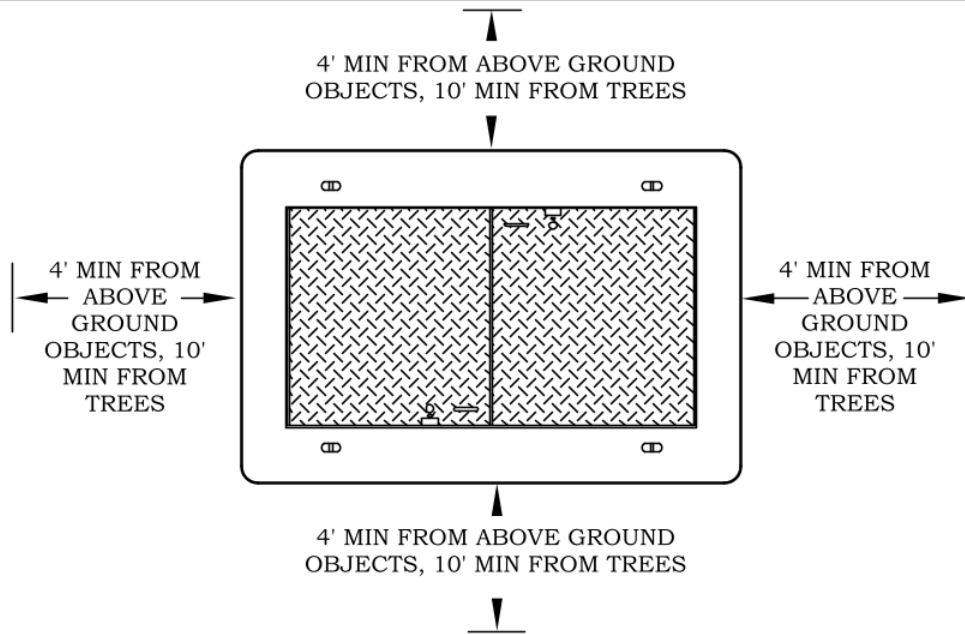


WATER METER CLEARANCE TO ALL OTHER FACILITIES

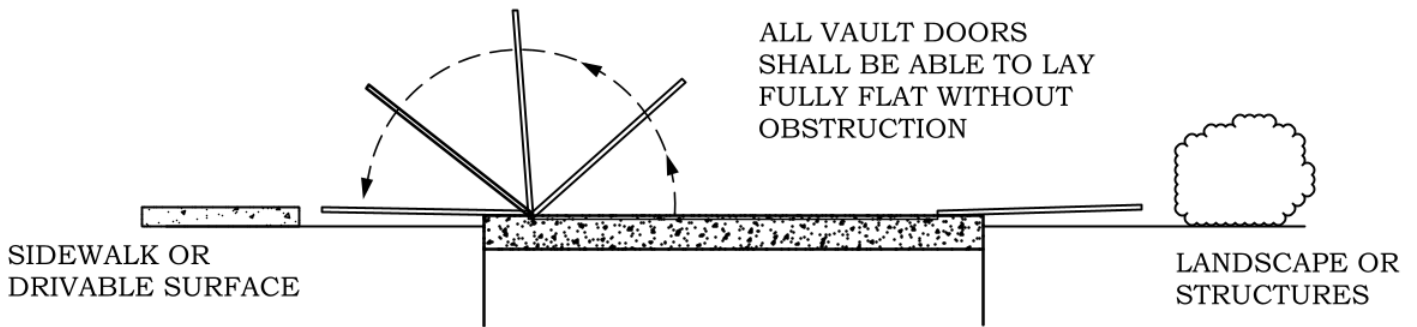
DATE	REVISION

DATE 12/9/14		
DRAWN SLW	APPROVED WSC	SPEC NO. WMCLEAR

TOP VIEW



SIDE VIEW



NOTES:

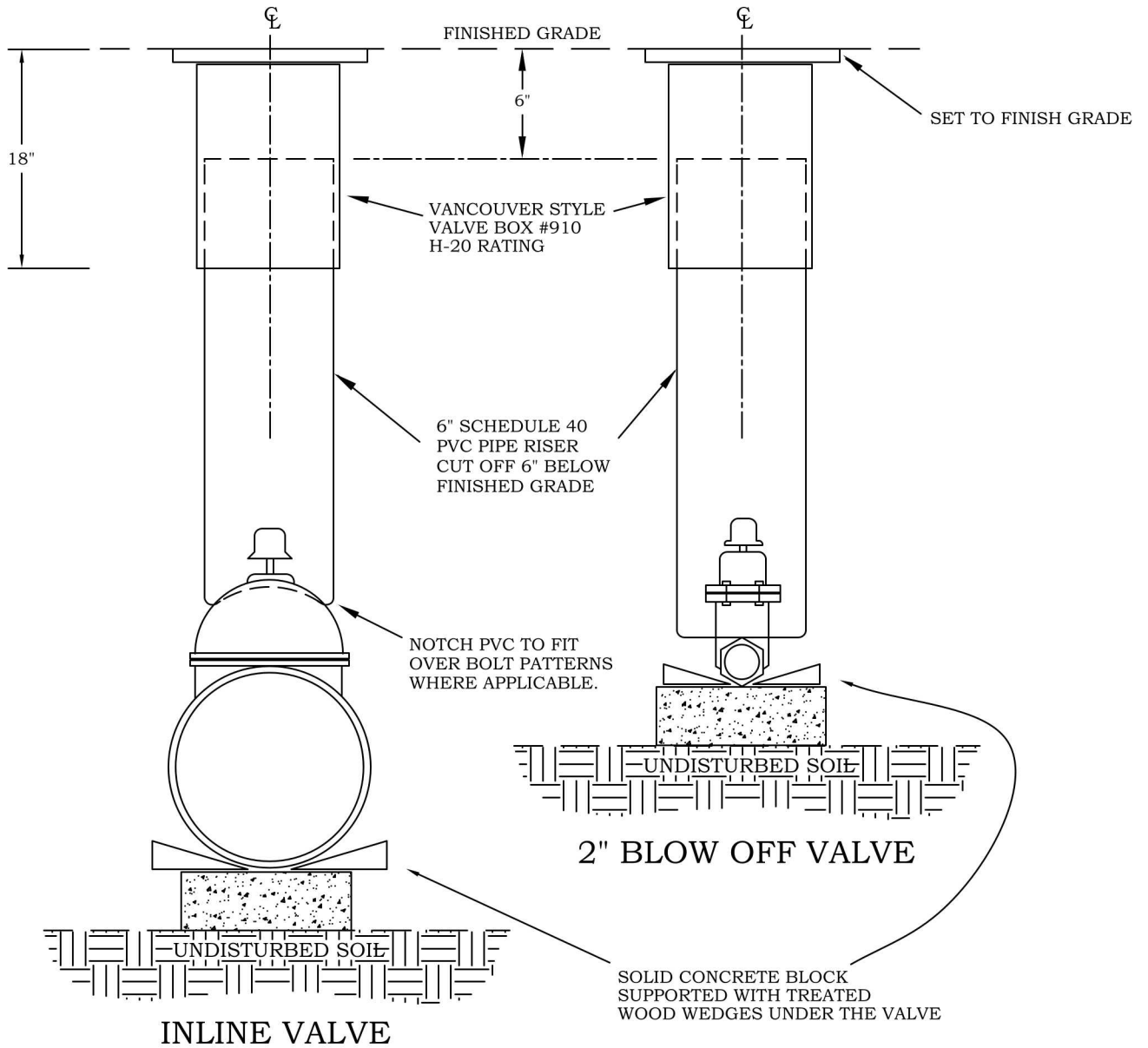
- 1) WHEN VAULT DOORS ARE OPEN THEY MUST LAY FLAT. THEY MUST NOT BE IN A WALKABLE OR DRIVEABLE SURFACE.
- 2) MAINTAIN A MINIMUM 4' FROM VAULT EDGE TO ANY ABOVE GROUND OBJECT.
- 3) 10' MIN FROM FACE OF TREES. TREES SHALL BE PLANTED FAR ENOUGH FROM VAULTS THAT UPON MATURITY, OVERHANGING BRANCHES WILL NOT OBSTRUCT A CRANE FROM SETTING OR REMOVING EQUIPMENT.

NOT TO SCALE

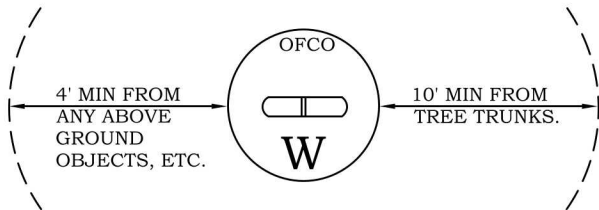


CLEARANCES FROM VAULTS

DATE	REVISION		
		DATE 12/9/14	
		DRAWN SLW	APPROVED WSC
			SPEC NO. VAULTCLEAR



CLEARANCES



NOT TO SCALE

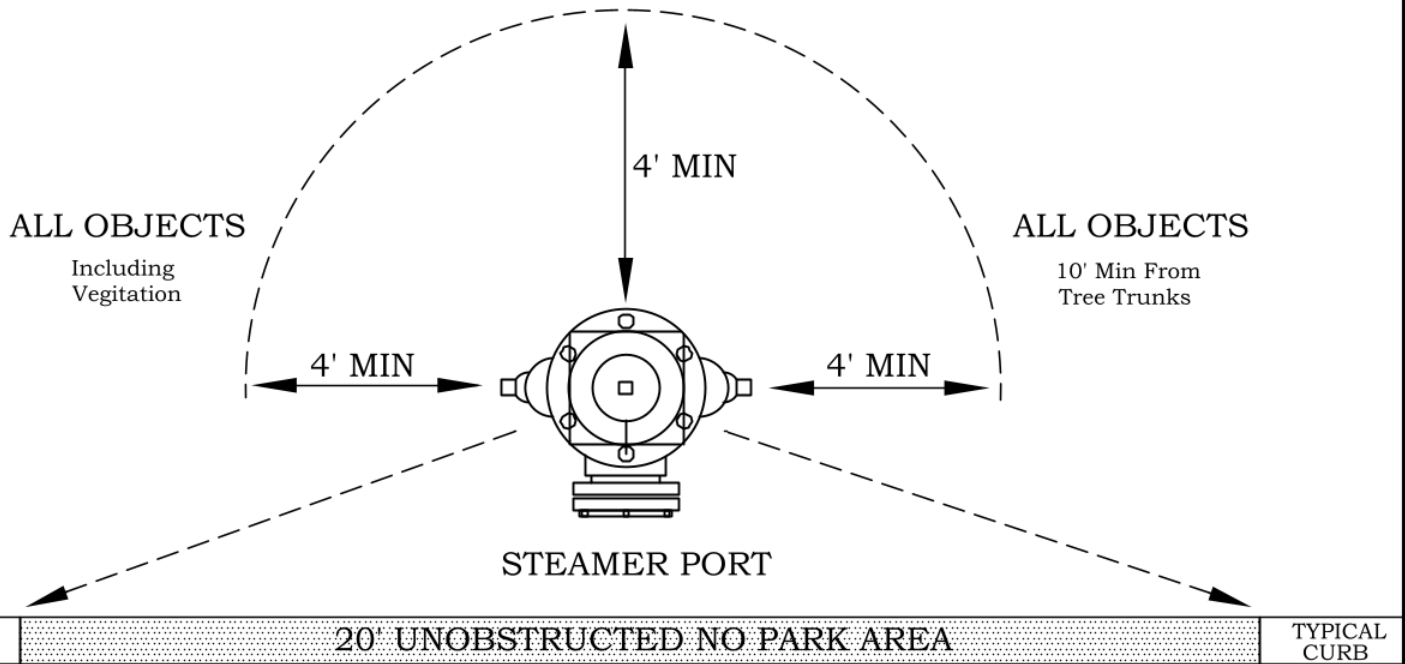


VALVE RISER ASSEMBLY AND CLEARANCES

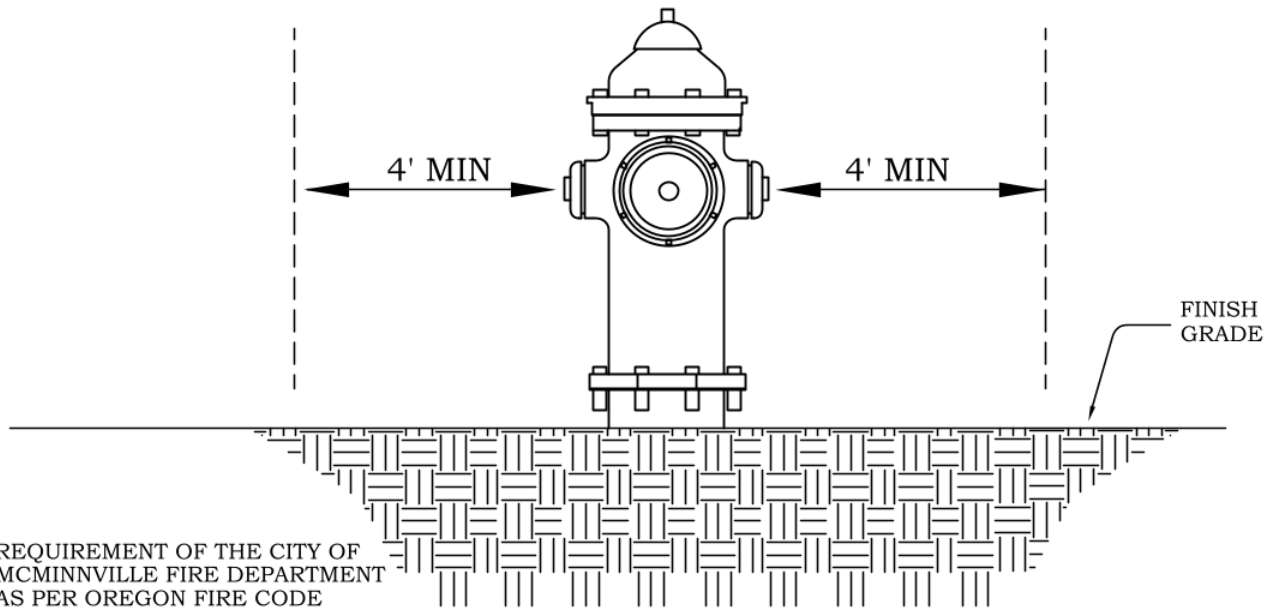
DATE	REVISION

DATE	12/12/14		
DRAWN	SLW	APPROVED	WSC

TOP VIEW



SIDE VIEW



NOT TO SCALE



FIRE HYDRANT CLEARANCES MINIMUM FROM ALL OBJECTS

DATE	REVISION			
		DATE	12/8/14	
		DRAWN	SLW	APPROVED WSC
				SPEC NO. FH-CLR