

# City of McMinnville Community Development Department

231 NE Fifth Street McMinnville, OR 97128 (503) 434-7311

www.mcminnvilleoregon.gov

# Landscape Review Committee Hybrid In-Person & ZOOM Online Meeting Wednesday, January 22, 2025 - 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/88138973805?pwd=dPNSRKb5dMDeGssb2682IKX3j3iMVq.1https://mcminnvilleoregon.zoom.us/j/88386294719?pwd=scv5MYeVbh95oeIWvzZQaMePnMsWJZ.1

Meeting ID: 881 3897 3805 Passcode: 766657

# Or join ZOOM Meeting by phone via the following number: 1-669-44-9171

Committee Members	Agenda Items
Jamie Fleckenstein,	1. Call to Order and Roll Call
Chair	2. Minutes: None
Brian Wicks, Vice Chair	3. Citizen Comments
	4. Action Items
Carlton Davidson	A. <b>L 50-24</b> : Landscape Plan Review for Hillary Harris, HHPR at 2125 NW 2 <sup>nd</sup> Street, Tax Lot R4419AC 00300 (Exhibit 1)
Lee McCollins	5. Discussion Items
Eva Reutinger	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.



# City of McMinnville Community Development Department

231 NE Fifth Street McMinnville, OR 97128 (503) 434-7311

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# **EXHIBIT 1 - STAFF REPORT**

**DATE:** January 22, 2025

**TO:** Landscape Review Committee Members

FROM: Taylor Graybehl, Senior Planner

**SUBJECT:** Landscape Plan Review Application (L 50-24)

#### STRATEGIC PRIORITY & GOAL:



# **GROWTH & DEVELOPMENT CHARACTER**

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

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

#### **Report in Brief:**

This proceeding is a review by the Landscape Review Committee (LRC) of an application submitted by Hillary Harris, HHPR, on December 23, 2024 for proposed landscaping located at 2125 NW 2nd Street, Tax Lot No. R4419AC 00300.

Staff has reviewed the application for consistency with the applicable criteria and recommends approval, subject to the conditions specified in the attached Decision Document.

#### **Discussion:**

Please refer to the Decision Document for the conclusionary findings, maps, plans, and background information.

#### Application Summary

The Landscape Plan Review application is a request for developing a twenty-unit *Apartments* use and associated site improvements, including landscaping, irrigation, parking, pedestrian access, utility connections, and vehicular access. Two rows of buildings are proposed along the west and east property lines, with a parking area in between, landscaping along the perimeter, and an open space area along the northern property line. The landscape plans show an overhead along NW 2<sup>nd</sup> Street, creating potential conflicts between the overhead wire and proposed street trees. Plans indicate 11,350 square feet of landscaping at 25.3% of the site, in compliance with minimum requirements.

Figure 1. Vicinity Map

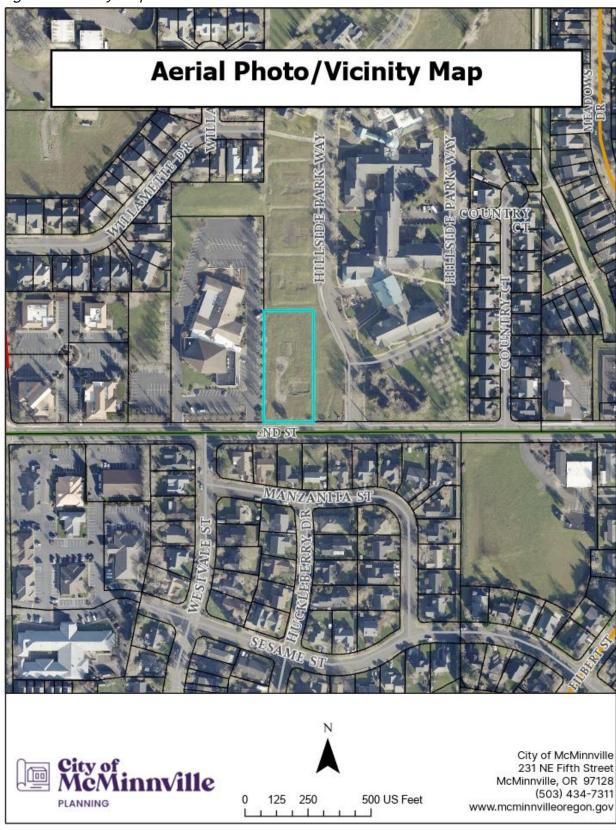
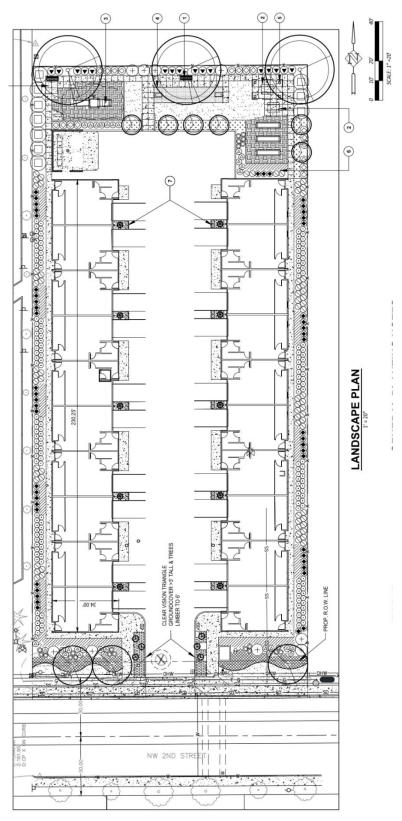


Figure 2. Landscape Plan



#### Review Process

The application was deemed complete on December 23, 2024 and notice was sent to the McMinnville Public Works Department, McMinnville Engineering, and McMinnville Water and Light. The City of McMinnville did not provide public notice of the application, as Landscape Plan Review applications are reviewed by the process described in Chapter 17.57 of the McMinnville Zoning Ordinance, which does not require public notification. No public comments were received prior to the public meeting.

#### Summary of Criteria and Issues

Decisions and/or recommendations for approval of the Landscape Plan Review application depend on 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.

Landscape Plan Review applications are subject to Chapter 17.57 of the McMinnville Municipal Code (MMC). The applicant has requested discretionary review, subject to MMC 17.57.050(2), seeking a waiver to a standard within Chapter 17.57. The Landscape Review Committee (LRC) may permit a waiver from the standards of Chapter 17.57 if the applicant successfully demonstrates that a design feature or overall concept is provided that meets or exceeds that standard waived.

Staff recommends approval with the conditions provided within the decision document. Conditions related to what revisions are required before building permit approval, the degree of changes permitted without further review by the Landscape Review Committee, occupancy, street tree spacing and installation, and ongoing maintenance requirements.

#### **Attachments**

1. Decision Document (L 50-24) with Attached Application

# **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, <u>providing findings of fact</u> for the inclusion of additional conditions.
- 3. **CONTINUE** the application, requesting the applicant to <u>submit more information or details</u> for review.
- 4. **DENY** the application, providing findings of fact for the denial in the motion to deny.

#### **Staff Recommendation:**

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

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

# **Suggested Motion:**

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE THAT THE LANDSCAPE REVIEW COMMITTEE APPROVE THE DECISION DOCUMENT AND APPROVE THE LANDSCAPE PLAN REVIEW APPLICATION (L 50-24) SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT



# CITY OF MCMINNVILLE COMMUNITY DEVELOPMENT

231 NE FIFTH STREET MCMINNVILLE, OR 97128 503-434-7311

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# DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A LANDSCAPE PLAN REVIEW FOR PROPERTY AT 2125 NW 2ND STREET

**DOCKET:** L 50-24 (Landscape Plan Review)

**REQUEST:** Approval of a Landscape Plan Review for the property at 2125 NW 2nd

Street

**LOCATION:** 2125 NW 2nd Street, Tax Lot R4419AC 00300

**ZONING/Overlay:** R-4 (Medium, High-Density, 5000 SF Lot Residential Zone)

**APPLICANT:** Hillary Harris, HHPR

**STAFF:** Taylor Graybehl, Senior Planner

**DATE DEEMED** 

**COMPLETE:** December 23, 2024

**DECISION-MAKING** 

BODY & ACTION: McMinnville Landscape Review Committee makes a recommendation of

approval or denial to the Planning Director.

**MEETING DATE** 

**& LOCATION:** January 22, 2025, McMinnville Community Development Center, 231 NE 5<sup>th</sup>

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.

Attachments:

Attachment 1 - (L 50-24) Application and Attachments (on file with the Planning Department)

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

#### **COMMENTS:**

This matter was referred to the following public agencies for comment: McMinnville Public Works, McMinnville Engineering, and McMinnville Water and Light. Their comments are provided in this document. No public notice of the application was required by the McMinnville Zoning Ordinance. No additional comments were received by the Planning Department.

# **DECISION**

Based on the findings and conclusionary findings, the Landscape Review Committee finds the applicable criteria are satisfied with conditions and recommends **APPROVAL** of the Landscape Plan (L 50-24) **subject to the conditions of approval provided in Section II of this document.** 

111111111111111111111111111111111111111	///////////////////////////////////////
DECISION: APPROV	AL WITH CONDITIONS
///////////////////////////////////////	///////////////////////////////////////
Planning Staff:	Date:
Taylor Graybehl, Senior Planner	
Planning Department:	Date:
Heather Richards, Planning Director	

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

# I. APPLICATION SUMMARY:

# Subject Property

The subject site is located at 2125 NW 2nd Street, Tax Lot R4419AC 00300. **See Figure 1 (Aerial Photo/Vicinity Map).** The property is zoned R-4 (Medium, High-Density, 5000 SF Lot Residential Zone). **See Figure 2 (Zoning Map).** 

The subject site is currently vacant, relatively flat, with sparse ground cover, one (1) tree, and a driveway taking access from 2<sup>nd</sup> Street with a paved driveway. The subject site was created by Partition 90-14, establishing the subject size as 1.00 acres. 2<sup>nd</sup> Street is identified as a Minor Arterial in the City's Transportation System Plan and is currently developed with a curb-tight sidewalk; as part of future build permits, the applicant may be required to improve portions of the right-of-way, including sidewalks.

The subject site was previously developed as a residential use and accessory building, which has since been demolished. Recently, it was rezoned (ZC 1-24) from R-1 to R-4, which permits the proposed *Apartments* use.

#### **Application**

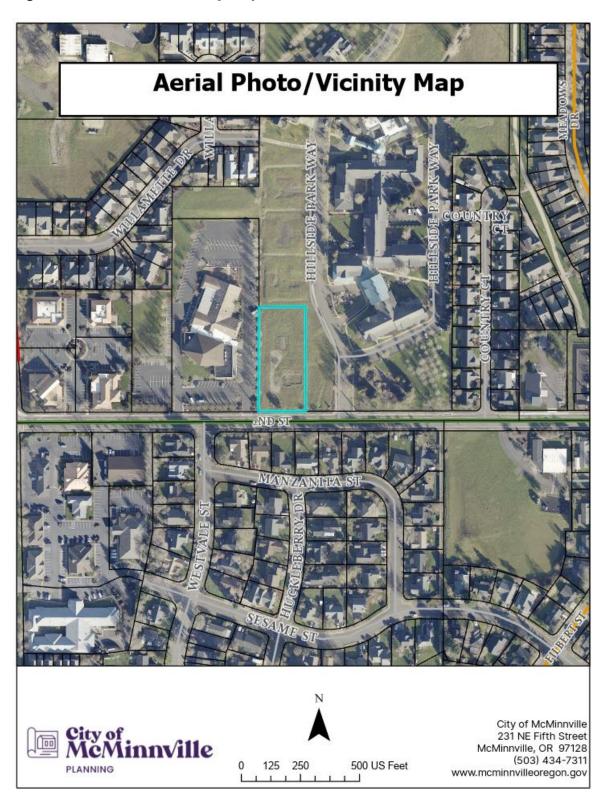
The applicant has proposed developing a twenty-unit *Apartments* use and associated site improvements, including landscaping, irrigation, parking, pedestrian access, utility connections, and vehicular access. *See Figure 3 (Landscape Plan). See Figure 4 (Irrigation Plan).* Two rows of buildings are proposed along the west and east property lines, with a parking area in between, landscaping along the perimeter, and an open space area along the northern property line. The landscape plans show an overhead along NW 2<sup>nd</sup> Street, creating potential conflicts between the overhead wire and proposed street trees. Plans indicate 11,350 square feet of landscaping at 25.3% of the site, in compliance with minimum requirements.

The proposal indicates an eight (8) foot right-of-way dedication; right-of-way dedication will be determined as part of a future building permit submittal. In addition, the project will be subject to Chapter 17.11, which includes design standards related to site design, pedestrian access, parking lot location and design, common open space, private open space, landscaping, privacy and screening, front yards, compatibility, and wall and roof design. The project will be reviewed for compliance with these standards as part of a building permit submittal.

The applicant submitted a revised application on January 10, 2024, proposing adding a pedestrian way along the northern portion of Unit 20 to allow for ingress/egress to the third-story 1-bedroom apartments. The proposed revision would convert an area proposed as plantings to a walkway. *See Figure 5 (Revised Site Plan).* 

Staff recommends approval of the landscape plan with conditions as described below.

Figure 1: Aerial Photo/Vicinity Map



Attachment 1 - (L 50-24) Application and Attachments (on file with the Planning Department)

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

Figure 2: Zoning Map

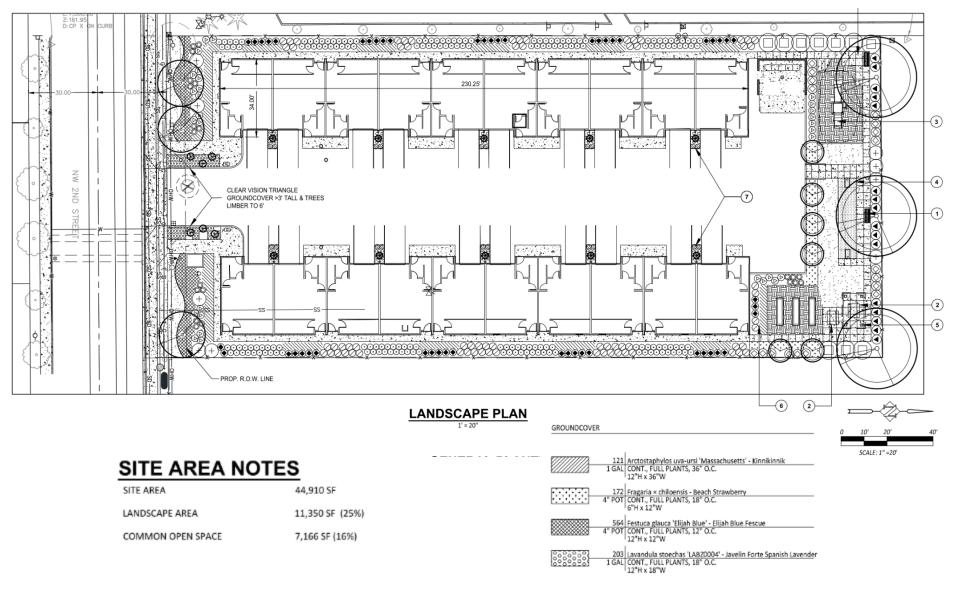


Attachment 1 - (L 50-24) Application and Attachments (on file with the Planning Department)

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

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Figure 3. Landscape Plan

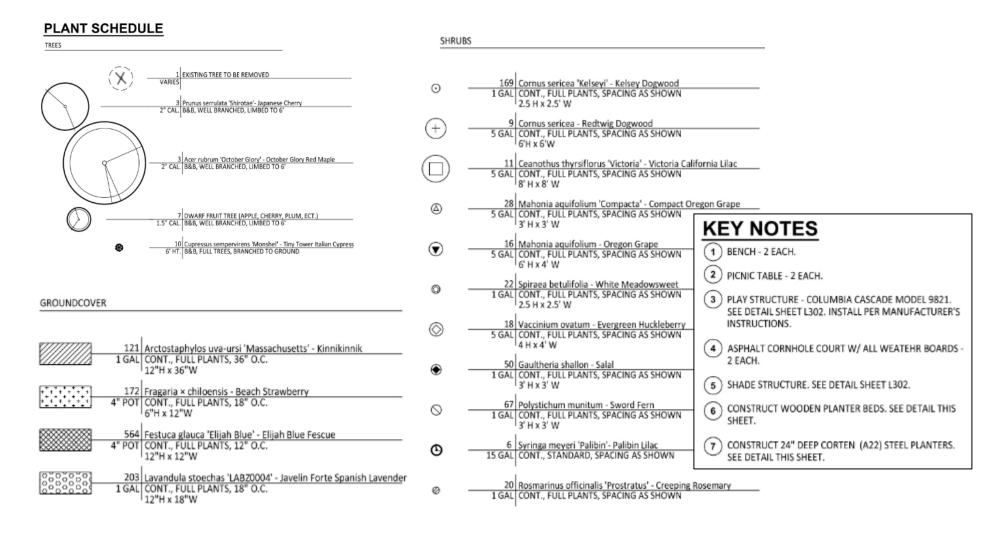


Attachment 1 - (L 50-24) Application and Attachments (on file with the Planning Department)

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

Attachment 3 - McMinnville Water and Light Comments

Figure 3. Landscape Plan

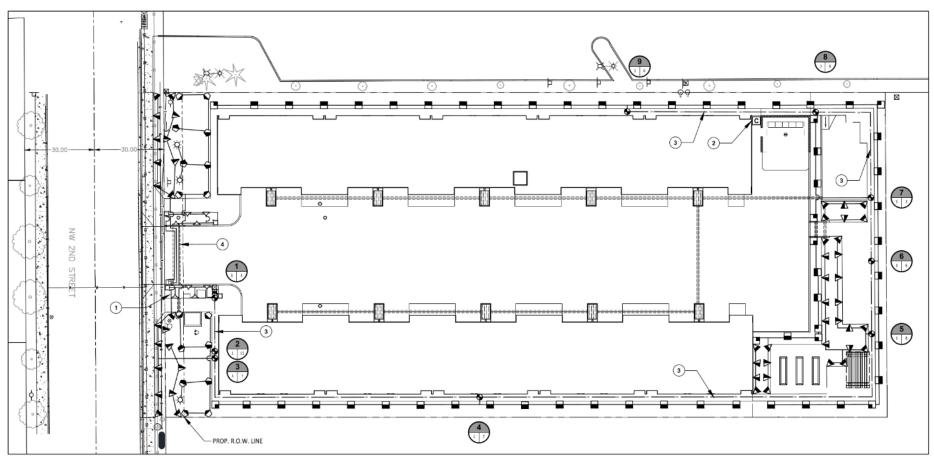


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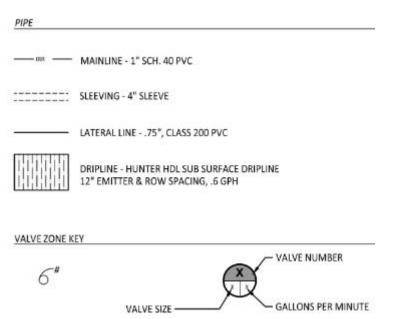
Attachment 3 - McMinnville Water and Light Comments

Figure 4. Irrigation Plan



IRRIGATION LEGEND		IRRIGATION PLAN	KEY NOTES		
EQUIPMENT		1 = 20			
SYMBOL	DESCRIPTION		1 POINT OF CONNECTION: SEE CIVIL PLAN FOR CONNECTION. SEE CITY OF MCMINVILLE SPEC. DRAWING GS-S.		
$\boxtimes$	BACKFLOW PREVENTER - FEBCO MODEL 850, 1 1/2" OR APPROVED EQ.		(2) INSTALL WALL MOUNTED CONTROLLER. COORDINATE FINAL LOCATION WITH OWNER. SEE		
H	BALL VALVE - NIBCO T-560 OR APPROVED EQUAL.		DETAIL 8/L301.		
lacktriangle	REMOTE CONTROL VALVE - HUNTER ICV OR APPVD EQ, SIZE AS SHOWN REMOTE CONTROL VALVE		3 IRRIGATION LATERAL AND MAINLINE PIPE SHOW OUTSIDE OF PLANTING AREAS FOR CLARIFICATION ONLY. PLACE LATERAL AND MAINLINE PIPE IN PLANTER AREAS UNLESS		
$\bigcirc$	QUICK COUPLER - HUNTER HQ3 OR APPROVED EQUAL.		IRRIGATION SLEEVES ARE SHOWN.		
C	CONTROLLER - HUNTER HCC. TWO WIRE SYSTEM. RAIN CLIK RAIN SENSOR. # STATIONS. LOCATION TO BE APPROVED BY OWNER. INSTALL IN HUNTER SS PEDESTAL.		PLACE LATERAL LIENS CROSSING DRIVEWAY IN SHARED SLEEVE,		

# Figure 4. Irrigation Plan



# **IRRIGATION NOTES**

- CONTRACTOR SHALL INSPECT SITE AND VERIFY CONDITIONS AND DIMENSIONS PRIOR TO CONSTRUCTION.
- IRRIGATION PLANS ARE SCHEMATIC REPRESENTATIONS ONLY. PLACE LINES IN COMMON TRENCH WHENEVER POSSIBLE. FIELD ADJUST LINES TO AVOID CONFLICT WITH UTILITIES.
- IRRIGATION LATERAL AND MAINLINE PIPE SHOW OUTSIDE OF PLANTING AREAS FOR CLARIFICATION ONLY, PLACE LATERAL AND MAINLINE PIPE IN PLANTER AREAS UNLESS IRRIGATION SLEEVES ARE SHOWN.
- 4. COORDINATE IRRIGATION WITH PLANTING PLAN AND SITE IMPROVEMENTS AND USE TRIANGULAR SPACING FOR HEAD TO HEAD COVERAGE. COORDINATE IRRIGATION HEAD LAYOUT WITH NEW PLANT MATERIALS, LOCATE SPRAY HEADS 30" FROM BASE OF TREE. DO NOT ALTER HEAD LOCATION, PIPE LAYOUT, OR VALVE LOCATION WITHOUT WRITTEN APPROVAL FROM CONSTRUCTION MANAGER. NOTIFY OWNER'S REPRESENTATIVE IF DISCREPANCIES OCCUR BETWEEN PLANS AND FIELD CONDITIONS.
- ALL COMPONENTS OF IRRIGATION SYSTEM SHALL BE INSTALLED AND PROPERLY ADJUSTED TO PROVIDE ADEQUATE COVERAGE AND MINIMIZATION OF OVERSPRAY ONTO WALKS, BUILDINGS, PARKING AREAS, ETC.
- ALL PIPE SIZES INDICATED ARE MINIMUMS. CONTRACTOR MAY NOT DECREASE PIPE SIZE. LARGER PIPE SIZES MAY BE USED AT NO ADDITIONAL COST TO OWNER.

HEAD SCHED	ULE			
SYMBOL	DESCRIPTION	PSI	RADIUS	<u>GPM</u>
HUNTER	PRS30 HEADS W/ PRO-SPRAY NOZZLES			
◊△ㄸ	PROS-PRS30-5 (F, H & Q)	30	5'	.47, .23, .12
❖	HUNTER ROOT WATERING SYSTEM	40	NA	.25
HUNTER	MPR40 HEADS W/ MP ROTATOR NOZZLES			
	MPSS530, MPLCS515 & MPRCS515	40	5X30', 5'X15'	.44, .22
<b>∢</b> ▼ ▼	MP1000 (360, 180, 90)	40	8'-15'	.75, .37, .19
<b>•</b> • •	MP2000 (360, 180, 90)	40	13'-21'	1.47, .74, .40
ullet	MP3000 (360, 180, 90)	40	22'-30'	3.64, 1.82, .86

- INSTALL ALL IRRIGATION PIPE AND CONTROL WIRES IN MINIMUM 4" PVC SLEEVE BELOW ALL PAVED SURFACES UNLESS OTHERWISE INDICATED ON PLANS. INSTALL SLEEVES PRIOR TO PLACEMENT OF PAVEMENTS AND PAVEMENT SUB-BASE.
- COORDINATE IRRIGATION POINTS OF CONNECTION AND LOCATION OF AUTOMATIC CONTROL VALVES WITH PROJECT MANAGER. COORDINATE ALL WORK WITH OTHER TRADES, I.E. ELECTRICAL, MASCAUPY, ETC.
- CONTRACTOR TO PROGRAM AUTOMATIC CONTROLLER TO ALLOW FOR EQUIVALENT OF 1" OF WATER PER WEEK, OR PER SITE AND PLANTING NEEDS FOR BEST PLANT HEALTH.
- ALL PIPES SHALL BE TRENCHED. PROVIDE POSITIVE DRAINAGE OF MAINLINE. PLACE MANUAL DRAIN AT LOW POINTS IN MAINLINE. IDENTIFY LOCATIONS ON AS-BUILTS.
- USE 45° ELLS INSTEAD OF 90° ELLS ON ALL MAINLINES 2-1/2" AND LARGER. INSTALL CONCRETE
  THRUST BLOCKS AT ALL MAINLINE CHANGES IN DIRECTION. POUR MINIMUM OF 1 CUBIC FOOT OF
  CONCRETE ON UNDISTURBED SOIL. WRAP PIPE IN PLASTIC WRAP PRIOR TO COVERING WITH
  CONCRETE
- CONTRACTOR TO INSTALL CONTROLLER AND ACCESSORIES AS REQUIRED. CONTRACTOR TO
  FURNISH CONTROL WIRES FROM VALVES TO CONTROLLER. CONTRACTOR SHALL BE RESPONSIBLE
  FOR COORDINATING 110 VOLT SERVICE FROM BUILDING AND CONNECTION TO CONTROLLER
  SERVICE.
- IRRIGATION SYSTEMS SHALL BE TWO (2) WIRE DECODER CONTROL SYSTEMS UNLESS MULTI-WIRE SYSTEM IS SPECIFIED. CONTRACTOR TO PROVIDE DECODERS FOR EACH REMOTE CONTROL VALVE.
- ALL SPRINKLER BODIES TO BE 6" POP-UP IN LAWN AREAS AND 12-INCH POP-UP IN SHRUB, GROUNDCOVER AND STORM WATER PLANTER AREAS.

#### Attachments:

- Attachment 1 (L 50-24) Application and Attachments (on file with the Planning Department)
- Attachment 2 (L 50-24) Revised Application, received January 10, 2025
- Attachment 3 McMinnville Water and Light Comments

# Figure 5. Revised Site Plan (received January 10, 2025)

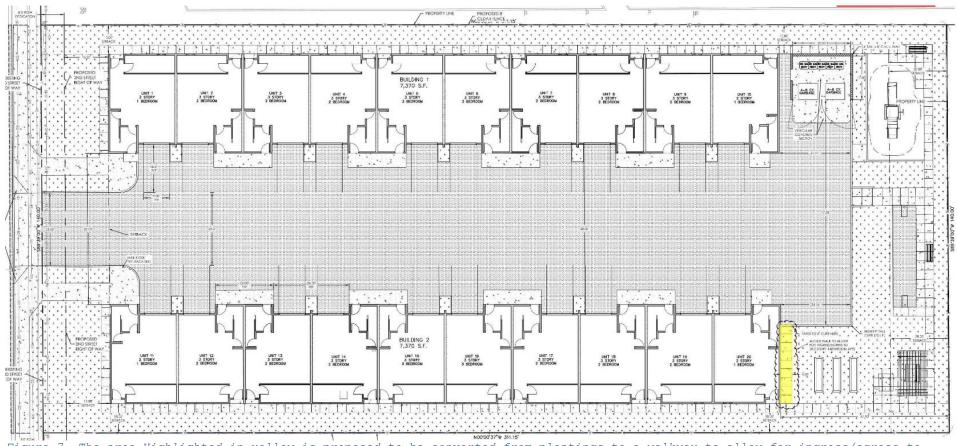


Figure 7. The area Highlighted in yellow is proposed to be converted from plantings to a walkway to allow for ingress/egress to the third-story 1-bedroom apartments.

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

#### 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 development is proposed on land zoned R-4 (Medium, High-Density, 5000 SF Lot Residential Zone) which is required to be landscaped by MMC Section 17.57.030. Therefore, landscaping is required subject to the criteria and standards described in MMC Chapter 17.57-Landscaping.

# **II. CONDITIONS:**

- 1. Prior to the issuance of a building permit, the applicant shall submit a revised landscape plan in compliance with the conditions of approval and receive approval of the landscape plan. (MMC 17.57.050(A)(1))
- 2. Any proposed modifications to the landscape plan shall be indicated and specified on the landscape plan and agreed to in writing by the applicant prior to the issuance of the building permit. (MMC 17.57.050(C))
- 3. A temporary occupancy permit may be issued prior to the complete installation of all required landscaping subject to the standards of MMC 17.57.050(D).
- 4. Prior to the issuance of a certificate of occupancy or return of security, landscaping shall be inspected by the Planning Director and designee and found to be in compliance with the approved plans. Minor alterations to the landscape plan may be allowed as determined by the Planning Director or their designee as long as they do not alter the character and aesthetics of the approved plans. (MMC 17.57.050(E))
- 5. Prior to the issuance of a building permit, the applicant shall submit a revised landscaping plan identifying the height of all proposed fencing, with fence heights compliant with standards found in MMC 8.10.210.
- 6. Prior to the removal of a tree over six (inches) at 4.5 feet in height, the applicant shall obtain a removal permit subject to Chapter 17.58.
- 7. 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).
- 8. Prior to the issuance of a building permit, the applicant shall submit a revised landscape plan that notes a root barrier will be installed between those trees located along NW 2nd Street and the adjacent sidewalk designed similarly to the design and drawing specifications developed by the City in May 2014. The barrier shall be at least 10 feet in width, centered

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

Attachment 3 - McMinnville Water and Light Comments

- on the tree, at least 18" deep, and designed as a commercially engineered root barrier panel or "bio-barrier." ((McMinnville Municipal Code 17.58.040(H))
- 9. Prior to the issuance of a building permit, the applicant shall submit a revised landscape plan that indicates street trees planted along NW 2nd Street in compliance with Chapter 17.58.
- 10. That street trees shall be selected from the McMinnville Street Tree List and identified as appropriate for "under wires" if beneath overhead wires. (MMC 17.58.090(A))
- 11. Street trees shall be planted to the design drawings and specifications as identified in MMC 17.58.090
- 12. At time of planting, 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. (MMC 17.58.090(B))
- 13. Prior to the issuance of a building permit, the applicant shall submit a revised landscape plan consistent with the minimum spacing requirements between street trees. (MMC 17.58.090(C))
- 14. Street trees shall be planted to the standards found within MMC 17.58.090(D), including at least a minimum of five (5) feet from the back edge of the sidewalk.
- 15. Street trees shall be planted to spacing standards established in MMC 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.
- 16. Street trees shall be installed at the time all other required landscaping is installed. (MMC 17.58.100(B))
- 17. Street trees shall be continually maintained for one full growing season following planting by the developer or property owner, including necessary watering, weeding, pruning, and replacement. (MMC 17.58.120(A))
- 18. Street trees shall be maintained in perpetuity, and if they must be replaced, they shall be maintained by the adjacent property owner or developer with a tree of a species from the McMinnville Street Tree list. (MMC 17.58.120(B))
- 19. Street trees shall be maintained continually per MMC 17.58.120(D):

- a. This includes necessary watering, weeding, pruning, and replacement.
- b. Street shall be pruned with at least Eighteen (18) feet of clearance above NW 2<sup>nd</sup> 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 any street tree.
- 20. That future building permits shall comply with those standards found within Chapter 17.11, including those standards found in MMC 17.11.090(D)(1)-(12) and the landscape plan as approved. Alterations to the landscape plan may be permitted as detailed in MMC 17.57.050(C).
- 21. Prior to the issuance of a building permit, the applicant shall submit a revised landscape plan that correctly reflects the height requirements in the clear vision area. (MMC 17.54.080(B))
- 22. Landscaping shall comply with clearance requirements as established by McMinnville Water and Light.

# **III. ATTACHMENTS:**

- 1. Attachment 1 (L 50-24) Application and Attachments (on file with the Planning Department)
- 2. Attachment 2 (L 50-24) Revised Application, received January 10, 2025
- 3. Attachment 3 McMinnville Water and Light Comments

#### IV. COMMENTS:

#### **Agency Comments**

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

The following comments were received:

# City of McMinnville Engineering Division

No comments received.

# City of McMinnville Public Works:

- The plans show Acer rubrum 'October Glory' as a street tree. The planting site is
  constrained by overhead wires. Those included both power and communication
  facilities. Per the approved street tree list, Acer rubrum 'October Glory' is not
  recommended for areas under wires. Staff suggests that the applicant select
  another tree be selected, or demonstrate to Planning that the proposed trees can be
  planted without impacted the overhead facilities.
- 2. Staff has no other concerns with proposed plantings in the ROW.

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

Attachment 3 - McMinnville Water and Light Comments

- 3. Note on the plans identifying the Vision Clearance triangle should be amended to refer to "ground cover < 3' tall & trees limbed to 6". The plans not groundcover can be greater than 3'.
- 4. The remainder of the plantings are outside the ROW and thus are outside of our purview.

# McMinnville Water and Light – see Attachment 3 - McMinnville Water and Light Comments

<u>Water:</u> Landscape plan shall meet clearances from existing and future mw&l water utilities per details: wmclear, vaultclear, fh-clr & vr. Currently the size and type of water services needed for this development (fire-line, hydrants, domestic and irrigation service) is undetermined.

MW&L DETAIL LINK: <a href="https://www.mc-power.com/engineering-construction/new-construction-water/water-service-specifications-design-criteria/">https://www.mc-power.com/engineering-construction/new-construction-water/water-service-specifications-design-criteria/</a>

#### **Public Comments**

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

# V. FINDINGS OF FACT - PROCEDURAL FINDINGS

- 1. The application was submitted on January 22, 2024.
- 2. The application was deemed complete on December 23, 2024. Based on that date, the application is subject to a 30-day review timeframe of January 22, 2025.
- 3. Notice of the application was referred to the following public agencies for comment on December 31, 2024 McMinnville Public Works, McMinnville Engineering, and McMinnville Water and Light. Comments received from public agencies are addressed in the Decision Document.
- 4. No public notice of the application was provided by the City of McMinnville, as Landscape Plan Review applications are reviewed by the process described in Section 17.57.050 of the McMinnville Zoning Ordinance, which does not require public notification. No public comments were received prior to the public meeting.
- 5. A public meeting was held by the Landscape Review Committee on January 22, 2025, to review the application and proposed landscape plan.

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

1. Location: 2125 NW 2nd Street, Tax Lot R4419AC 00300

- 2. Size: The lot is approximately 1.00 acres
- 3. Comprehensive Plan Map Designation: Residential
- **4. Zoning:** R-4 (Medium, High-Density, 5000 SF Lot Residential Zone)
- 5. Overlay Zones/Special Districts: January 22, 2025
- 6. Current Use: Vacant
- 7. Inventoried Significant Resources:
  - a. Historic Resources: None
  - b. Other: None
- **8. Other Features:** There are no identified significant or distinguishing natural features associated with this portion of the property.
- **9. Utilities:** Utilities are available to the site. Overhead utilities are present within NW 2<sup>nd</sup> Street.
- **10. Transportation:** The property is accessed from one (1) driveway from NW 2<sup>nd</sup> Street, which is identified as a Minor Arterial in the Transportation System Plan.

# **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. The applicable standards for Solid Waste and Recycling Enclosures are specified in Section 17.61.030. The applicable standards for Landscaping for Apartment developments are specified in Section 17.11.090(D)(8).

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

#### Comprehensive Plan Volume II:

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

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

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availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

#### APPLICANT'S RESPONSE: None.

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

# McMinnville Zoning Ordinance

The following Sections of the McMinnville Zoning Ordinance provide criteria applicable to the request:

# <u>Chapter 17.57 Landscaping</u>

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

- A. Provide guidelines and standards that will:
  - 1. Reduce soil erosion and the volume and rate of discharge of storm water runoff.
  - **2.** Aid in energy conservation by shading structures from energy losses caused by weather and wind.
  - 3. Mitigate the loss of natural resources.
  - **4.** Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.
  - 5. Create safe, attractively landscaped areas adjacent to public streets.
  - **6.** Require the planting of street trees along the City's rights-of-way.
  - **7.** Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
  - 8. Provide shade, and seasonal color.
  - 9. Reduce glare, noise and heat.
- B. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
- 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.

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H. Support McMinnville as a community that cares about its appearance.

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

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Section 17.57.070 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020.

#### **APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS.** Subject to conditions of approval detailed below, the proposed landscape plan is consistent with the purpose of this chapter.

<u>17.57.030 Zones where required.</u> 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:** The project site is located in the R-4 zoning district. Therefore, landscaping is required and the standards of Chapter 17.57 apply to this application.

**FINDING: SATISFIED/APPLICABLE.** The proposed development is within the R-4 (Medium, High-Density, 5000 SF Lot Residential Zone); therefore, landscaping is required subject to landscaping requirements of commercial zones and the criteria and standards described in Chapter 17.57 – Landscaping.

#### 17.57.050 Plans - Submittal and Review – Approval – Completion Time Limit.

<u>17.57.050(A).</u> 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.

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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;

#### **APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #1.** No building permit shall be issued until the landscape plan has been approved. The applicant must comply with the above standards by submitting a revised landscape plan that complies with the conditions of approval before the issuance of building permit.

**CONDITION OF APPROVAL #1.** Prior to the issuance of a building permit, the applicant shall submit a revised landscape plan in compliance with the conditions of approval and receive approval of the landscape plan. (MMC 17.57.050(A)(1))

<u>17.57.050(B).</u> Landscaping review shall occur within 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;

#### **APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The application and fee were received on December 23, 2024. Within 30 days of submission, the Landscape Review Committee met and heard on the proposal on January 22, 2025. The applicant was notified of the time and place of review.

17.57.050(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;

#### APPLICANT'S RESPONSE: None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** The proposed conditions of approval make the landscape plan compatible with this chapter's purpose, intent, and requirements. The applicant is required to submit a revised landscape plan for review and approval prior to the issuance of a building permit. If the applicant seeks modification of the approved landscape plan it must be agreed to in writing prior to the issuance of a building permit.

**CONDITION OF APPROVAL #2:** Any proposed modifications to the landscape plan shall be indicated and specified on the landscape plan and agreed to in writing by the applicant prior to the issuance of the building permit. (MMC 17.57.050(C))

<u>17.57.050(D).</u> 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

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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;

#### **APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #3.** The issuance of a temporary occupancy permit prior to the complete installation of landscaping may be permitted by the Planning Director. If permitted by the Planning Director, the amount of security, time frame, and potential use of the security to finalize landscaping must comply with this criterion.

**CONDITION OF APPROVAL #3:** A temporary occupancy permit may be issued prior to the complete installation of all required landscaping subject to the standards of MMC 17.57.050(D).

17.57.050(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 character and aesthetics of the original plan.

#### APPLICANT'S RESPONSE: None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #4.** Issuance of an occupancy permit or return of security requires the inspection of the landscape project by the Planning Director or their designee which finds the landscaping in compliance with the approved plans. Minor changes in the landscape plan shall be allowed by the Planning Director or their designee in some cases.

**CONDITION OF APPROVAL #4:** Prior to the issuance of a certificate of occupancy or return of security, landscaping shall be inspected by the Planning Director and designee and found to be in compliance with the approved plans. Minor alterations to the landscape plan may be allowed as determined by the Planning Director or their designee as long as they do not alter the character and aesthetics of the approved plans. (MMC 17.57.050(E))

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

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- 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 rip 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:** None.

#### FINDING: SATISFIED.

- A. **Satisfied.** A tree has been identified for removal along NW 2<sup>nd</sup> Street.
- B. Satisfied: The location and variety of new plantings have been identified.
- C. **Satisfied:** The applicant has indicated that the percentage of landscaping in the project will be 25.3%.
- D. **Satisfied:** Recreational equipment has been identified in the northern portion of the property.
- E. **Satisfied:** Plans have identified proposed walkways, paved areas, patios, courts, foundations, and planting areas.
- F. **Satisfied:** The applicant indicates that all plants are to be irrigated by a fully automatic, permanent irrigation system.
- G. **Satisfied:** The plans provide sufficient information, the applicant will be responsible for ensuring that future building permit plan applications comply with the approved landscape plans.

# 17.57.070 Area Determination - Planning Factors.

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

17.57.070(A)(3). Multiple-dwelling, twenty-five percent of the gross area. 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.)

**APPLICANT'S RESPONSE:** As a multiple-dwelling residential use, 25% of the gross site area is required to be landscaped. The total site area is 44,910 square feet in size and the property owner is proposing to provide 11,350 square feet of landscaping (25.3%). Please see the attached landscape plan (Sheet L100) for details on landscaping calculations and location.

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**FINDING: SATISFIED.** The applicant has proposed 11,350 square feet of landscaped area, calculated at just over twenty-five percent (25.3%) of the site landscaped. The applicant has exceeded the minimum twenty-five percent (25%).

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:** The proposed landscaping has been designed by a professional landscape architect to ensure compatibility with site specific features, including future building and utility locations, as well as the surrounding properties and uses to provide appropriate screening. This includes a six foot cedar fence around the north property line to provide screening from the existing Hillside Development. Please see the attached landscape plans for details.

**FINDING: SATISFIED.** The subject site is zoned as R-4 (Medium, High-Density, 5000 SF Lot Residential Zone), nearby sites are zoned R-4 to the east and north and R-2 to the south and west. To the north and west is a retirement community with various housing types, including detached single homes, duplexes, townhomes, medical living facilities, and recreational areas. To the east is a religious use; across NW 2<sup>nd</sup> Street (approximately 60') to the south are detached single homes. The proposed use is permitted in the zone and compatible with the surrounding uses.

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:** Screening on site includes a sight obscuring wooden fence around the perimeter of the property, as well as native shrubs along the northern and eastern fence line to provide additional screening to existing residential uses. Please see the attached landscape plans for details on the proposed fence and planting material.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #5.** The project area is proposed to be screened by a sight-obscuring wooden fence around the property's perimeter. The applicant has not identified the height of the fence and will need to revise plans to identify the height; fences are required to comply with fence height requirements of Section 8.10.210 of the McMinnville Municipal Code (MMC). The landscape plan complies with screening requirements.

**CONDITION OF APPROVAL #5:** Prior to the issuance of a building permit, the applicant shall submit a revised landscaping plan identifying the height of all proposed fencing, with fence heights compliant with standards found in MMC 8.10.210.

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:** The existing site is primarily grassy fields with one existing tree at the center of the property that is proposed to be removed due to the location. To the maximum extent possible, grading is limited to only what is necessary and all proposed plantings have been selected based on the specific site conditions and local climate. Please see the attached landscape plans and grading plan for details.

**FINDING: STATISFIED WITH CONDITION OF APPROVAL #6.** One tree is located along NW 2nd Street. The applicant is conditioned to submit a revised landscape plan that shows the location of the tree, if it is over six (6) inches in diameter at four and a half (4.5) feet in height, the variety, and whether it is to be removed or remain. The applicant has indicated that they intend to remove the tree.

**CONDITION OF APPROVAL #6:** Prior to the removal of a tree over six (inches) at 4.5 feet in height, the applicant shall obtain a removal permit subject to Chapter 17.58.

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

**APPLICANT'S RESPONSE:** There is no proposed parking lot on the project site as each individual unit accesses their parking space and garage via a central drive aisle. However, the applicant is proposing to provide plantings at the interior entrance of each unit with a steel planter box. Please see the attached landscape plan (Sheet L100) for details.

**FINDING: SATISFIED.** The applicant has proposed a plan with no common parking areas and a common drive aisle that provides access to each unit with a parking area before a private garage. The plans include planting areas of approximately 4.5 feet by eight (8) feet and paved areas of twenty (20) by five (5) feet between parking spaces.

The required number of parking spaces, site design, and drive aisle design will be reviewed at the time of building permit review. The project will be subject to those design standards found in the McMinnville Municipal Code (MMC), including Chapter 17.11 and Chapter 17.60.

As proposed, the development satisfies this section.

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:** The applicant is proposing street trees along 2nd Street with the overall site landscaping. These trees have been selected by a professional and certified arborist to comply with all City standards. Please see the attached landscape plan for details.

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**FINDING: SATISFIED.** The applicant has proposed the planting of six (6) trees, three (3) *Prunus serrulate 'Shirotae'* Mt. Fuji Flowering Cherry along NW 2<sup>nd</sup> Street and three (3) October Glory Red Maple along the northern property line. The proposed interior trees are not prohibited trees, please see findings for Chapter 17.58 below regarding the suitability of the proposed Mt. Fuji Flowering Cherry. The proposed trees comply with this section.

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

**APPLICANT'S RESPONSE:** Irrigation has been incorporated into the site landscaping plan to ensure maintenance and survival of the proposed plantings. Please see the attached irrigation plan (Sheet L200) for details on the proposed irrigation system.

**FINDING: SATISFIED.** The applicant has provided an irrigation plan showing the proposed irrigation system on the site. The plans also show irrigation facilities in the proposed landscaped areas, satisfying this section.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #7.** This is a requirement of the Zoning Ordinance and has also been incorporated as a condition of approval.

**CONDITION OF APPROVAL #7:** 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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant has proposed the removal of one (1) tree on the subject site and the planting of six (6) trees, three (3) *Prunus serrulate 'Shirotae'* Mt. Fuji Flowering Cherry along NW 2<sup>nd</sup> Street and three (3) October Glory Red

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Maple along the northern property line. The curb-tight sidewalk will require planting behind the sidewalk, potentially conflicting with overhead wires. The Mt. Fuji Flowering Cherry have been identified as appropriate for underwires. The following findings include conditions of approval to ensure compliance with the standards of Chapter 17.58.

17.58.040(H). Tree Removal/Replacement. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. 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.

#### APPLICANT'S RESPONSE: None.

**FINDING: SATISFIED WITH CONDITION OF APPROVALS #8.** The applicant is responsible for the planting of street trees. Street trees shall be planted to comply with design drawings and specifications. Plans should be modified the landscape plan to include a note identifying the future planting design of street trees.

**CONDITION OF APPROVAL #8:** Prior to the issuance of a building permit, the applicant shall submit a revised landscape plan that notes a root barrier will be installed between those trees located along NW 2<sup>nd</sup> Street and the adjacent sidewalk designed similarly to the design and drawing specifications developed by the City in May 2014. The barrier shall be at least 10 feet in width, centered on the tree, at least 18" deep, and designed as a commercially engineered root barrier panel or "bio-barrier." ((McMinnville Municipal Code 17.58.040(H))

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

#### APPLICANT'S RESPONSE: None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #9.** The proposed new multi-family development fronts a public roadway. The provided plans indicate three (3) *Prunus serrulate 'Shirotae'* Mt. Fuji Flowering Cherry along NW 2<sup>nd</sup> Street. The applicant shall plant street trees identified as appropriate for underwires from the McMinnville Street Tree list and meet the minimum requirements in Section 17.58.090.

**CONDITION OF APPROVAL #9.** Prior to the issuance of a building permit, the applicant shall submit a revised landscape plan that indicates street trees planted along NW 2<sup>nd</sup> Street in compliance with Chapter 17.58.

#### 17.58.090 Street Tree Standards.

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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: None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #10.** The applicant has indicated three (3) *Prunus serrulate 'Shirotae'* Mt. Fuji Flowering Cherry along NW 2<sup>nd</sup> Street below overhead power lines. The Mt. Fuji Flowering Cherry is identified as appropriate below an overhead power line. Street trees to be located below overhead powerlines shall be selected from those deemed appropriate in the McMinnville Street Tree List.

**CONDITION OF APPROVAL #10:** That street trees shall be selected from the McMinnville Street Tree List and identified as appropriate for "under wires" if beneath overhead wires. (MMC 17.58.090(A))

<u>17.58.090(B)</u>. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well- developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

#### APPLICANT'S RESPONSE: None.

**FINDING:** SATISFIED WITH CONDITION OF APPROVAL #11. The applicant is required to install street trees as part of the proposed project. As a condition of approval, all street trees shall be installed in compliance with Section 17.58.090(B).

**CONDITION OF APPROVAL #11:** At time of planting, 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. (MMC 17.58.090(B))

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. 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.

#### **APPLICANT'S RESPONSE:** None.

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**FINDING: SATISFIED WITH CONDITION OF APPROVAL #12.** The applicant has proposed three (3) *Prunus serrulate 'Shirotae'* Mt. Fuji Flowering Cherry along NW 2<sup>nd</sup> Street to meet street tree requirements. Mt. Fuji Flowering Chery are identified as small sized trees within the McMinnville Street Tree list. At maximum, small sized trees shall be at most twenty (20) feet apart measured from the center point. As proposed, the eastern most tree has a gap of over twenty (20) feet from another street tree or driveway access. The applicant shall revise plans to comply with spacing requirements.

**CONDITION OF APPROVAL #12:** Prior to the issuance of a building permit, the applicant shall submit a revised landscape plan consistent with the minimum spacing requirements between street trees. (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: None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #13.** The subject site abuts the NW 2<sup>nd</sup> Street right-of-way, which is defined as a minor arterial. The applicant will be responsible for the planting of street trees as provided in this section. As the NW 2<sup>nd</sup> Street is a minor arterial, street trees shall be planted at least five (5) feet from the back edge of the sidewalk.

**CONDITION OF APPROVAL #13:** Street trees shall be planted to the standards found within MMC 17.58.090(D), including at least a minimum of five (5) feet from the back edge of the sidewalk.

17.58.090(E). Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.

#### APPLICANT'S RESPONSE: None.

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #14.** The applicant has indicated the planting of six (6) street trees along NE Orchard Avenue. The provided plans do not provide all required information on-site or within twenty feet of the subject site per Section 17.58.100(B)(6). It appears the most eastern tree canopy may be within ten feet (10') of an offsite utility pole. The spacing of the trees within the proposed planter strip and the proposed overhead wires may be in conflict as well. Street trees shall comply with spacing standards.

**CONDITION OF APPROVAL #14.** Street trees shall be planted to spacing standards established in MMC 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: None.

**FINDING: NOT APPLICABLE.** At the time of application, no street trees are present along the subject site within NW  $2^{nd}$  Street.

#### 17.58.100 Street Tree Plans

17.58.100(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:** None.

**FINDING: SATISFIED.** This is an applicable code requirement, as the project is for a multidwelling development. The provided landscape plan meets the requirements of a street tree plan.

#### 17.58.100 Street Tree Planting

Attachments:

Attachment 1 - (L 50-24) Application and Attachments (on file with the Planning Department)

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

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

#### **APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #15.** This is an applicable code requirement, as the project is for a multi-dwelling development.

**CONDITION OF APPROVAL #15:** Street trees shall be installed at the time all other required landscaping is installed. (MMC 17.58.100(B))

#### 17.58.120 Street Tree Maintenance.

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

#### **APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #16 TO #18.** This is an applicable code requirement. In addition, a condition of approval has been included to ensure that the street trees are continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner for one full growing season following planting. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

**CONDITION OF APPROVAL #16.** Street trees shall be continually maintained for one full growing season following planting by the developer or property owner, including necessary watering, weeding, pruning, and replacement. (MMC 17.58.120(A))

**CONDITION OF APPROVAL #17.** Street trees shall be maintained in perpetuity, and if they must be replaced, they shall be maintained by the adjacent property owner or developer with a tree of a species from the McMinnville Street Tree list. (MMC 17.58.120(B))

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

Attachment 3 - McMinnville Water and Light Comments

**CONDITION OF APPROVAL #18.** Street trees shall be maintained continually per MMC 17.58.120(D):

- a. This includes necessary watering, weeding, pruning, and replacement.
- b. Street shall be pruned with at least Eighteen (18) feet of clearance above NW 2<sup>nd</sup> 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 any street tree.

# Chapter 17.11. Residential Design and Development Standards

<u>17.11.011 Applicability.</u> The residential design and development standards in this chapter are applicable to all new housing construction, residential conversions, and new additions that comprise 50% or more of the structure.

#### APPLICANT'S RESPONSE: None.

**FINDING: APPLICABLE.** The application is for a new housing construction, of a twenty-unit Apartments use and is subject to the standards of Chapter 17.11.

17.11.011(D). Design Standards. The Apartment Design Standards for multi-dwelling housing are standards that apply to apartment housing types. These standards are related to site design and building frontage, parking, compatibility with neighboring homes, open space, and private space.

#### **APPLICANT'S RESPONSE:** None.

**FINDING: SATISIFED WITH CONDITION OF APPROVAL #19.** The application is for a new twenty-unit Apartment building and is subject to the standards of Chapter 17.11. This decision document will review those criteria related to landscaping. The applicant shall comply with the standards of Chapter 17.11 at the time of future building permit applications.

**CONDITION OF APPROVAL #19:** That future building permits shall comply with those standards found within Chapter 17.11, including those standards found in MMC 17.11.090(D)(1)-(12) and the landscape plan as approved. Alterations to the landscape plan may be permitted as detailed in MMC 17.57.050(C).

#### 17.11.090(D). Landscaping

#### 17.11090(D)Required Elements.

- 1) All areas of the site not occupied by the structures or paved areas shall be landscaped in an attractive and functional manner.
- 2) A minimum of 20 percent of the net site shall be landscaped. Paved pedestrian paths, when integrated within the landscaped area, may satisfy up to 5 percent of this requirement. Landscaped setback areas landscaped common open spaces, eco-roofs, vegetated stormwater facilities, preserved natural areas, and planter areas can be credited toward the minimum landscape standard.

Attachments:

Attachment 1 - (L 50-24) Application and Attachments (on file with the Planning Department)

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

#### **APPLICANT'S RESPONSE:** None.

**FINDING: SATISIFED.** All areas not occupied by structures or paved areas are identified to be landscaped. The applicant has proposed 11,350 square feet of landscaped area, calculated at just over twenty-five percent (25.3%) of the site landscaped. The applicant has exceeded the minimum twenty percent (20%).

# Chapter 17.54. General Provisions

### Section 17.54.080 Clear Vision Area

17.54.080(A). Clear vision area requirement. A clear vision area shall be maintained on the corners of all properties at the intersection of two streets, a street and an alley, or a street and a railroad. Clear vision area requirements shall also apply to the first 10 (ten) feet of commercial and industrial access driveways when the driveway intersects with a street or alley. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding three (3) feet in height, measured from the top of the curb or, where no curb exists, from three and one-half (3.5) feet above the edge of the pavement, or top of asphalt measured at the property line, except that the following may be allowed in a clear vision area.

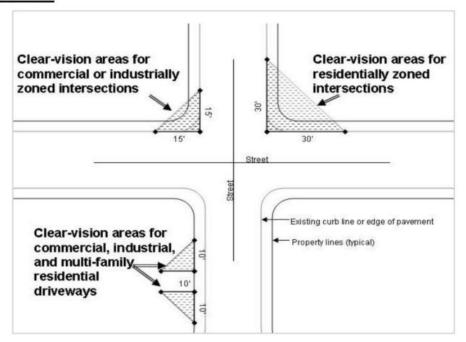
- 1. Trees exceeding this height may be located in the clear vision area provided all branches and foliage are removed to a height of eight feet above the grade;
- 2. Telephone, power, and cable television pole, electrical junction boxes.
- 3. Government issued traffic safety signs.
- 4. Telephone switch boxes provided they are less than 10 inches wide at the widest dimension.

<u>17.54.080(B)</u>. Clear Vision Area Measurement. The following measurements used in conjunction with the formula established in Section 17.06.080 shall be used to establish clear vision areas:

[...]

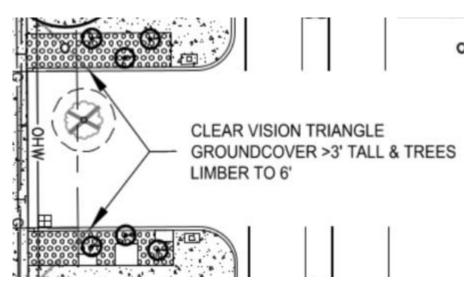
Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

#### Clear Vision Area



#### APPLICANT'S RESPONSE: None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #20.** The applicant has identified the clear vision triangle and noted that the ground cover will be ">" 3' tall.



The applicant may have accidentally used a greater (>) than sign, instead of a less (<) than sign. A revision to the plans will be required to accurately reflect a height of less than three (3) feet.

**CONDITION OF APPROVAL #20.** Prior to the issuance of a building permit, the applicant shall submit a revised landscape plan that correctly reflects the height requirements in the clear vision area. (MMC 17.54.080(B))

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

Attachment 3 - McMinnville Water and Light Comments

#### 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.

**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)(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: NOT APPLICABLE.** The subject site is abutting residential zones. The location and types of lighting are not identified on the plans. Future building permits will be required to demonstrate compliance with lighting standards.

#### Chapter 17.61. Solid Waste and Recycling Enclosure Plan

#### 17.61.020 Applicability and Exemptions.

**17.61.020(A).** The requirements of this chapter shall apply to all new commercial, industrial and multi- dwelling developments of three (3) or more dwelling units.

#### **APPLICANT'S RESPONSE:** None.

**FINDING: APPLICABLE.** The project has proposed a twenty (20) unit development and is subject to the standards of this Chapter.

#### 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

Attachments:

Attachment 1 - (L 50-24) Application and Attachments (on file with the Planning Department)

Attachment 2 - (L 50-24) Revised Application, received January 10, 2025

Attachment 3 - McMinnville Water and Light Comments

- 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 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: None.

**FINDING: NOT APPLICABLE.** Review of the Solid Waste and Enclosure Plan will be conducted at time of building permit. As proposed, the enclosure is not visible from the street and does not require landscaping. Therefore, the enclosure is not subject to the review of the Landscape Review Committee.



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

Office Use Only:					
File No. <u>L 50-24</u>					
Date Received 12/23/2024					
Fee\$2,055.00					
Receipt No. 210852					
Received by AW					

569-24-000286-PLNG

## **Landscape Plan Review Application**

Applicant Information	
<b>Applicant is</b> : ☐ Property Owner ☐ Contract Buyer ☐ Option Holder	☐ Agent ☐ Other
Applicant Name_ Hillary Harris, HHPR	Phone503-221-1131
Contact Name	Phone
City, State, Zip_Portland, OR 97202	_
Contact Email hillaryh@hhpr.com	_
Property Owner Information	
Property Owner Name K. Jay Pannell, BT Meadow LLC (If different than above)	_ Phone503-897-0935
Contact Name	Phone
Address 1615 NE Miller Street	_
City, State, Zip_McMinnville, OR 97128	_
Contact Email kjp@terra-calc.com	_
Site Location and Description (If metes and bounds description, indicate on separate sheet)  Property Address 2125 NW 2nd Street	
4 4 40 4 0 00000	Site Area_ 1 acre
SubdivisionBlock_	Lot
Comprehensive Plan Designation Residential Zoning	g Designation <u>R-4</u>

### **Landscaping Information**

1.	Total Landscaped Area: 11,350 square feet			
2.	Percent Landscaped: 25.3%			
3.	Building Floor Area:  New Structure: 14,700 SF Existing Structure:	0	Addition:_	0
4.	Architect Name	Phone	503-221-	1131
	Contact Name			
	Address 205 SE Spokane Street, Suite 200			
	City, State, Zip_Portland, OR 97202			
	Contact Email jeffc@hhpr.com			
	<ul> <li>Two (2) copies of the proposed landscape plan coninformation sheet and Chapter 17.57 (Landscaping) of the Payment of the applicable review fee, which can be for page.</li> </ul>	he Zoning Ord	linance.	
	ertify the statements contained herein, along with to spects true and are correct to the best of my knowledge			d, are in all
	Heirny Haris	3/2024		
Apı	plicant's Signature Date			
		/2024		
Pro	pperty Owner's <b>S</b> ignature Date			

**Property Owner:** 

**Site Address:** 

**Property Size:** 

# **Blacktail Meadow Apartments Narrative & Findings Document**

Landscape Plan Review

K. Jay Pannell

	BT Meadow LLC 1615 NE Miller Street McMinnville, OR 97128
Planner/Applicant:	Hillary Harris, AICP Harper Houf Peterson Righellis Inc. 205 SE Spokane Street, Suite 200 Portland, OR 97202 hillaryh@hhpr.com (503) 221-1131
Engineer:	Morgan Worthington, PE Harper Houf Peterson Righellis Inc. 205 SE Spokane Street, Suite 200 Portland, OR 97202 morganw@hhpr.com (503) 221-1131
Landscape Architect:	Jeff Creel, RLA Harper Houf Peterson Righellis Inc. 205 SE Spokane Street, Suite 200 Portland, OR 97202 jeffc@hhpr.com (503) 221-1131

**Zoning Designation:** R-4

Summary of Request: The applicant proposes to construct 20 apartment units on the project

1 acre (44,910 square feet)

2125 NW 2<sup>nd</sup> Street

site.

Date: December 16, 2024

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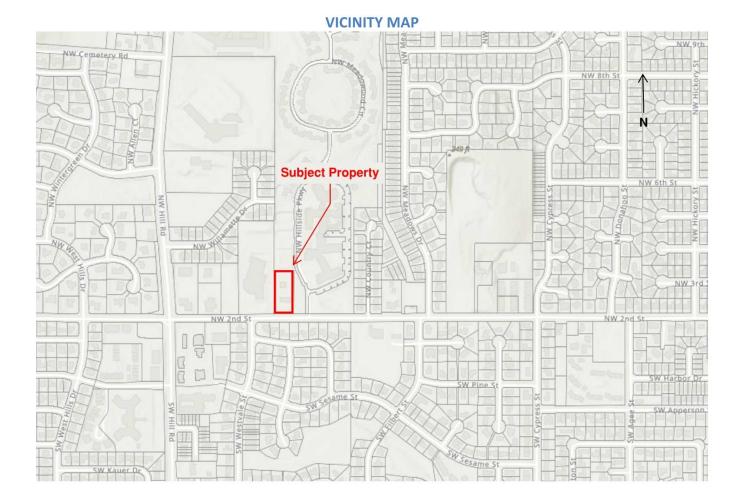


#### I. PROJECT OVERVIEW

#### **EXISTING CONDITIONS**

The property is located at 2125 NW 2<sup>nd</sup> Street, near the intersection and is relatively flat, with slight slopes on the northern portion of the property. The property is located near the intersection with NW Hill Road and is zoned R-4 in the City of McMinnville's zoning code. The property is bordered on the north and east by R-4 zoned land that is developed as the Hillside Community, a retirement community of both apartments and single-story active living homes on approximately 57 acres. The property immediately west is zoned R-2 and developed with the McMinnville Covenant Church. The subject site is currently vacant, but was previously developed with a single-family residential building.

Sewer and stormwater are provided by the City of McMinnville and is located along the south property line within the right-of-way. Electricity and water are provided by McMinnville Water and Light. There are overhead powerlines along the site's frontage with West 2<sup>nd</sup> Street that currently serve the adjacent properties. The property is located within the City of McMinnville and already served by all public services the community offers.





#### **PROPOSAL**

The applicant proposes to develop the project site with 20 new apartment units and associated site improvements, including landscaping, parking, pedestrian access, utility connections, and vehicular access. The two apartment buildings will be located along the east and west property lines, with a shared driveway and drive aisle accessing the individual units parking lots. Landscaping will be provided around the perimeter of the site, with a large open space area on the northern side with several common space features and elements. Waste and recycling facilities are located at the back of the parking lot, with a turnaround large enough to accommodate the waste hauler, as well as an emergency fire turnaround.

The applicant will be submitting a Building Permit to the City of McMinnville at a later date, which will include plan sets and reports demonstrating compliance with all residential design and development standards including the standards included in Chapter 17.11

#### **REQUESTED REVIEWS**

The applicant is requesting the following reviews for the proposed project:

• Landscape Plan Review



#### II. RESPONSE TO APPLICABLE DEVELOPMENT AND CODE STANDARDS

**Note:** Responses to all applicable development standards are included below. Sections that are not applicable or do not require a response may be omitted from the narrative text.

#### **CHAPTER 17.57: LANDSCAPING**

#### 17.57.030: ZONES WHERE REQUIRED

Landscaping shall be required in the following zones except as otherwise noted:

A. R-4 (Multiple-Dwelling Residential zone, except the construction of a detached or plex residential units)

**Response:** The project site is located in the R-4 zoning district. Therefore, landscaping is required and the standards of Chapter 17.57 apply to this application.

#### 17.57.070: AREA DETERMINATION – PLANNING FACTORS

- A. Landscaping shall be accomplished within the following ranges:
  - 1. Industrial [...]
  - 2. Commercial [...]
  - 3. Multiple-dwelling, twenty-five percent of the gross area. 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.)

**Response:** As a multiple-dwelling residential use, 25% of the gross site area is required to be landscaped. The total site area is 44,910 square feet in size and the property owner is proposing to provide 11,350 square feet of landscaping (25.3%). Please see the attached landscape plan (Sheet L100) for details on landscaping calculations and location.

4. A parking lot or parking structure 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.

**Response:** The proposed site does not include a parking lot or parking structure. The site has a shared driveway and drive aisle that provides access to the individual units parking spaces and garages. Therefore, Standard (4) does not apply to this project.

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 required parking and loading zones) by the amount of the existing lot coverage (building area, not including basement or upper floors, plus 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.



**Response:** The proposed develop is constructing new buildings; there is no addition to or expansion of existing structures or parking lots with this application. Therefore, Standard (5) above does not apply to this project and the remaining code language has been omitted from this narrative.

- 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:
  - 1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.

**Response:** The proposed landscaping has been designed by a professional landscape architect to ensure compatibility with site specific features, including future building and utility locations, as well as the surrounding properties and uses to provide appropriate screening. This includes a six foot cedar fence around the north property line to provide screening from the existing Hillside Development. Please see the attached landscape plans for details.

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

**Response:** Screening on site includes a sight obscuring wooden fence around the perimeter of the property, as well as native shrubs along the northern and eastern fence line to provide additional screening to existing residential uses. Please see the attached landscape plans for details on the proposed fence and planting material.

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.

**Response:** The existing site is primarily grassy fields with one existing tree at the center of the property that is proposed to be removed due to the location. To the maximum extent possible, grading is limited to only what is necessary and all proposed plantings have been selected based on the specific site conditions and local climate. Please see the attached landscape plans and grading plan for details.

4. The development and use of islands and plantings therein to break up parking areas.

**Response:** There is no proposed parking lot on the project site as each individual unit accesses their parking space and garage via a central drive aisle. However, the applicant is proposing to provide plantings at the interior entrance of each unit with a steel planter box. Please see the attached landscape plan (Sheet L100) for details.

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.



**Response:** The applicant is proposing street trees along 2<sup>nd</sup> Street with the overall site landscaping. These trees have been selected by a professional and certified arborist to comply with all City standards. Please see the attached landscape plan for details.

6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;

**Response:** Irrigation has been incorporated into the site landscaping plan to ensure maintenance and survival of the proposed plantings. Please see the attached irrigation plan (Sheet L200) for details on the proposed irrigation system.

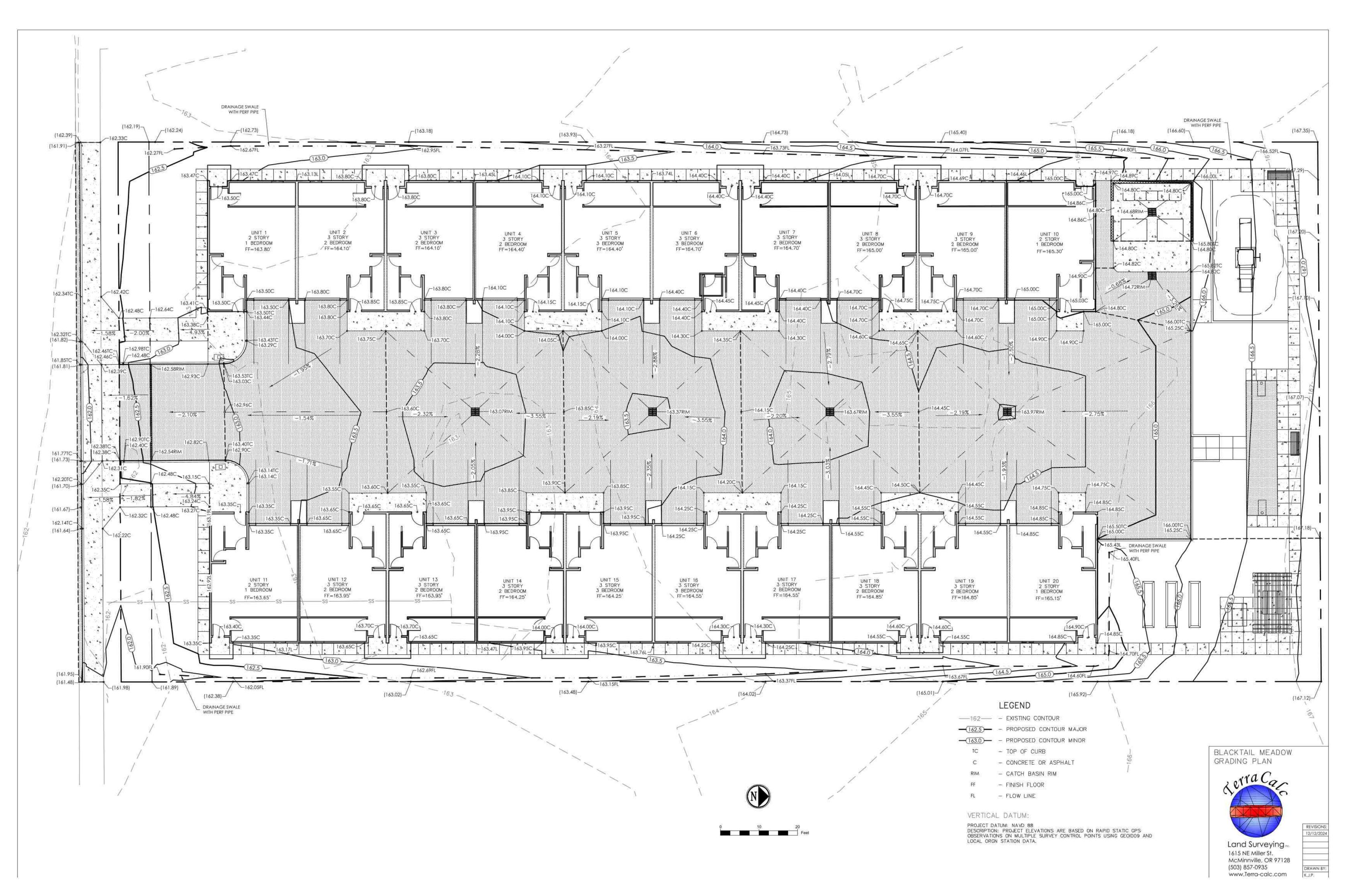
C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter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

**Response:** The property owner understands that all landscaping approved and installed through the Landscape Review Committee will be continually maintained, and any major change to the plan will be reviewed and approved by the Landscape Review Committee.

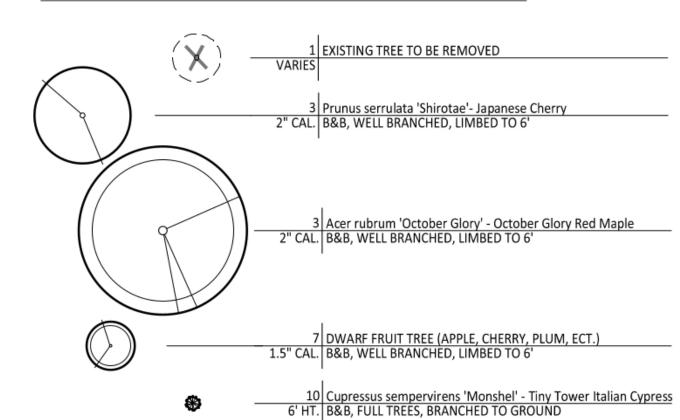
#### III. CONCLUSION

This written statement and the accompanying supporting documents demonstrate compliance with the applicable approval criteria for a Landscape Plan Review in the City of McMinnville. Therefore, the applicant respectfully requests that the County approve the application.





**PLANT SCHEDULE** 



11 Ceanothus thyrsiflorus 'Victoria' - Victoria California Lilac
5 GAL CONT., FULL PLANTS, SPACING AS SHOWN

28 Mahonia aquifolium 'Compacta' - Compact Oregon Grape
5 GAL CONT., FULL PLANTS, SPACING AS SHOWN

16 Mahonia aquifolium - Oregon Grape 5 GAL CONT., FULL PLANTS, SPACING AS SHOWN

22 Spiraea betulifolia - White Meadowsweet
GAL CONT., FULL PLANTS, SPACING AS SHOWN

50 Gaultheria shallon - Salal 1 GAL CONT., FULL PLANTS, SPACING AS SHOWN

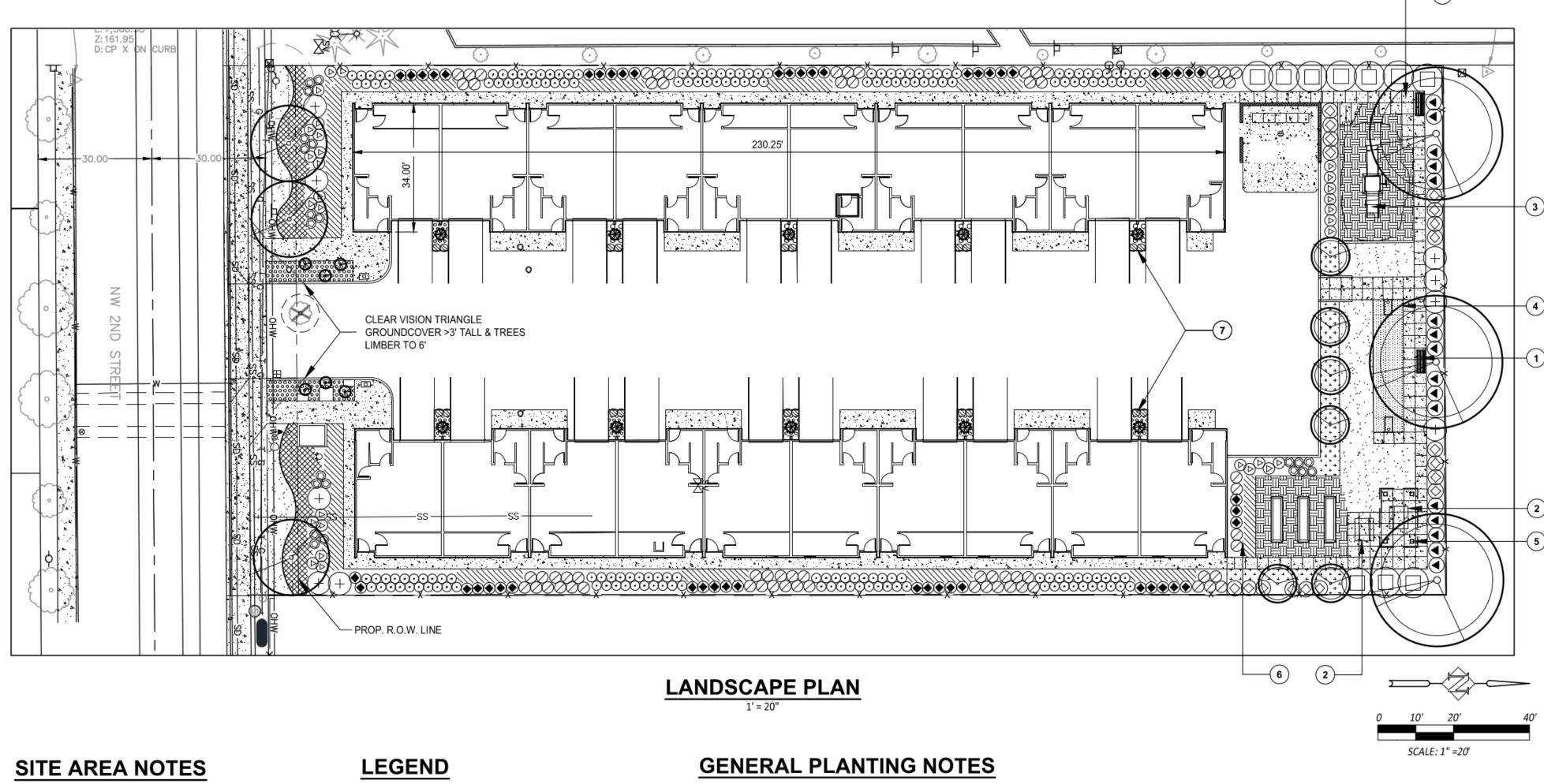
67 Polystichum munitum - Sword Fern 1 GAL CONT., FULL PLANTS, SPACING AS SHOWN 6 Syringa meyeri 'Palibin'- Palibin Lilac 15 GAL CONT., STANDARD, SPACING AS SHOWN

GROUNDCOVER

203 Lavandula stoechas 'LABZ0004' - Javelin Forte Spanish Lavender GAL CONT., FULL PLANTS, 18" O.C. 12"H x 18"W

SEED MIXES

850 sf	SEED MIX 1 (LAWN AREAS)	% PLS	LBS OF PLA/ 1000 SF
	Festuca rubra 'Gibraltar'	10	0.364
	Festuca rubra 'Silhouette'	10	0.364
	Lolium perenee 'Delaware Dwarf'	40	5.563
	Lolium perenee 'Amazing'	40	2.696
		TOTAL	8.987



SITE AREA 44,910 SF 11,350 SF (25%) LANDSCAPE AREA COMMON OPEN SPACE 7,166 SF (16%)

**KEY NOTES** 

(1) BENCH - 2 EACH.

BARK MULCH, 2" DEPTH -

PLANTING MEDIUM - 50 MIX OF TOPSOIL AND PG42 POTTING SOIL BLEND BY PRO-GRO

11 GA. THICK CORTEN -

STEEL PLANTER. SEE PLAN FOR DIMENSIONS.

MIXES —

2" DRAINAGE LAYER, -

 $1\frac{1}{2}$ " - 2" DRAIN ROCK

STEEL PLANTER

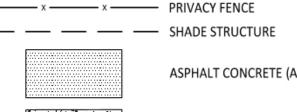
1" DRAIN HOLE,

- (2) PICNIC TABLE 2 EACH.
- (3) PLAY STRUCTURE COLUMBIA CASCADE MODEL 9821. SEE DETAIL SHEET L302. INSTALL PER MANUFACTURER'S
- (4) ASPHALT CORNHOLE COURT W/ ALL WEATEHR BOARDS -
- (5) SHADE STRUCTURE. SEE DETAIL SHEET L302.
- 6 CONSTRUCT WOODEN PLANTER BEDS. SEE DETAIL THIS
- (7) CONSTRUCT 24" DEEP CORTEN (A22) STEEL PLANTERS. SEE DETAIL THIS SHEET.

VARIES - SEE PLAN

NON-WOVEN

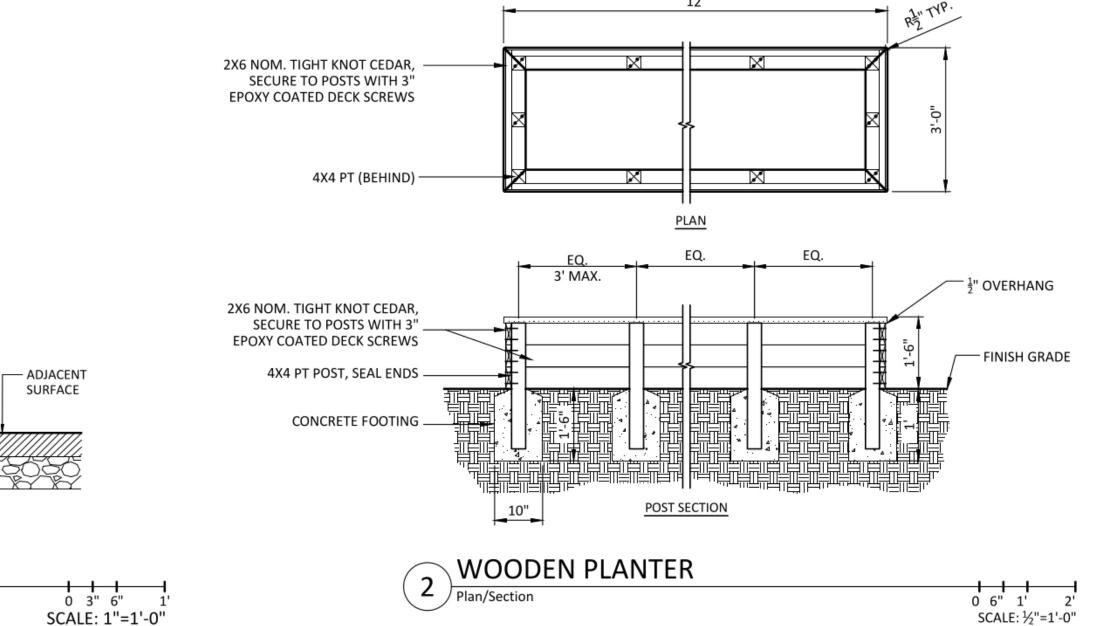
GEOTEXTILE



CONCRETE

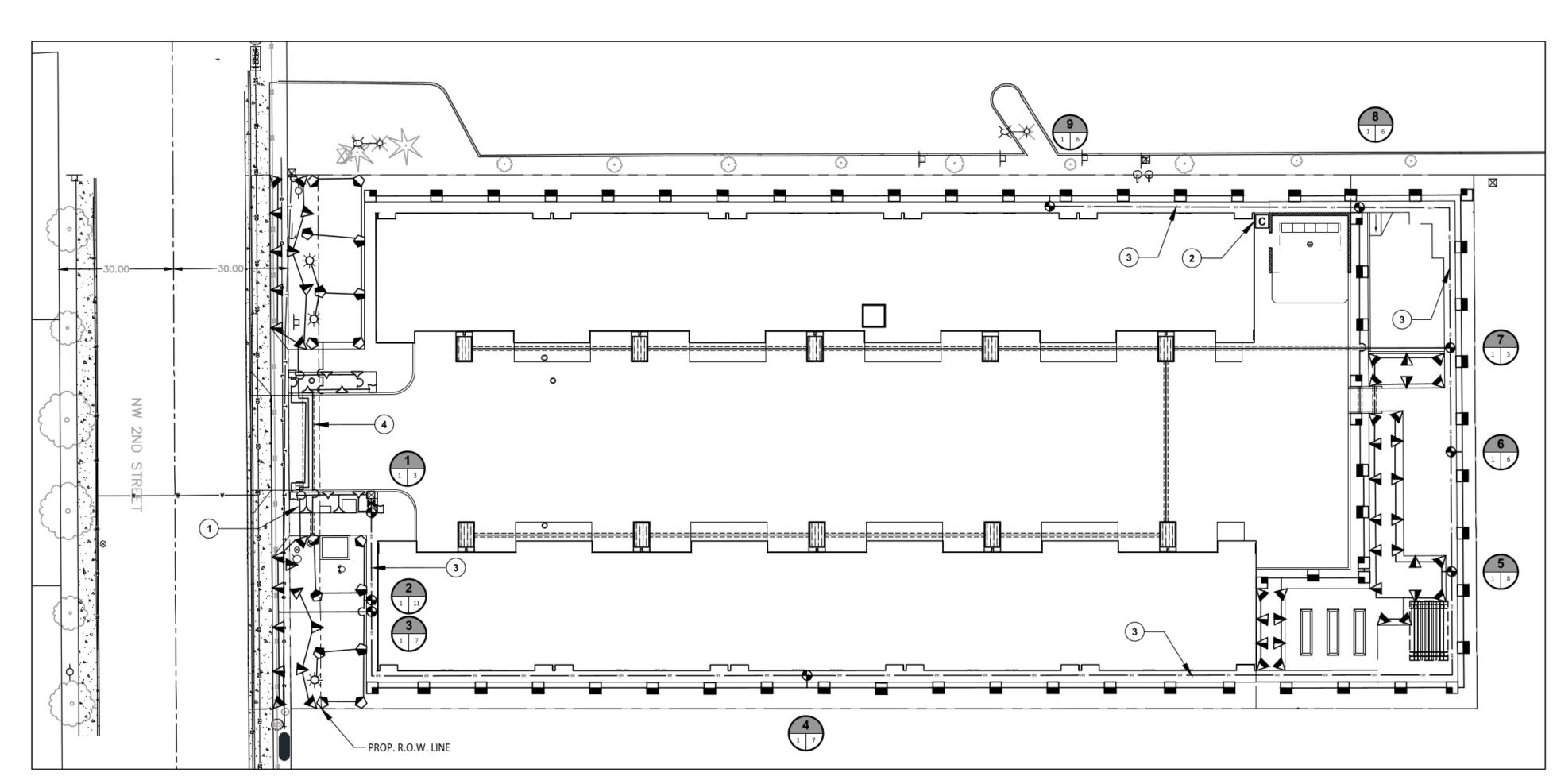
- ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH CURRENT CITY OF MCMINNVILLE STANDARDS AND OREGON BUILDING AND
- 2. INSTALL EROSION CONTROL SYSTEMS IN ACCORDANCE WITH CITY OF MCMINNVILLE STANDARDS PRIOR TO SITE WORK AND LANDSCAPE
- 3. CONTRACTOR SHALL MARK AND PROTECT ALL UTILITIES, SITE FEATURES, AND VEGETATION TO REMAIN IN PLACE.
- 4. CONTRACTOR SHALL REMOVE ALL WEEDS AND INVASIVE SPECIES PRIOR TO PLANTING OR SEEDING.
- 5. ALL DISTURBED AREAS SHALL BE SEEDED.
- 6. PRIOR TO PLANTING, CONTRACTOR SHALL TEST ON-SITE SOILS FOR SOIL FERTILITY BY CERTIFIED TESTING LAB. IF NECESSARY, BACKFILL SOILS FOR TREE PITS, SHRUB AND GROUNDCOVER AREAS SHALL BE AMENDED AS RECOMMENDED BY SOIL ANALYSIS REPORT.
- 7. ALL SEEDED AREAS SHALL BE STRIPPED OF VEGETATION, SCARIFIED AND RECEIVE 6" OF TOPSOIL PRIOR TO APPLICATION OF SEED.
- 8. ALL PLANTER BEDS SHALL BE SCARIFIED 12" BELOW FINISHED GRADE AND HAVE 12" OF TOPSOIL ADDED TO BRING BACK TO FINISHED GRADE PRIOR TO PLANTING.

- CONTRACTOR TO INSTALL 3" LAYER OF BARK MULCH AT ALL TREE, SHRUB AND GROUNDCOVER AREAS.
- 10. LANDSCAPE INSTALLATION SHALL INCLUDE PROVISION OF AN AUTOMATIC IRRIGATION SYSTEM TO SUSTAIN LANDSCAPE PLANTINGS, MEETING LOCAL AND STATE BUILDING CODES.
- 11. PLANT MATERIAL INSTALLED SHALL CONFORM IN SIZE AND GRADE TO THE "AMERICAN STANDARD FOR NURSERY STOCK" CURRENT EDITION.
- 12. QUANTITIES OF PLANT MATERIALS SHALL BE AS DETERMINED BY CONTRACTOR IN ACCORDANCE WITH SPECIFIED SPACING OR LOCATION ON PLAN. MATERIAL QUANTITIES SHOWN ON PLAN ARE FOR CONTRACTOR CONVENIENCE ONLY AND SHALL BE VERIFIED BY CONTRACTOR PRIOR TO INSTALLATION. SURPLUS OR SHORTAGES OF PLANT QUANTITIES SHALL BE RESPONSIBILITY OF CONTRACTOR.
- 13. LANDSCAPE CONTRACTOR SHALL WATER PLANTINGS FOR DURATION OF 1-YEAR WARRANTY PERIOD AFTER INSTALLATION AND GUARANTEE ALL PLANTINGS TO BE IN SATISFACTORY HEALTH. LANDSCAPE CONTRACTOR SHALL REPLACE ALL DAMAGED, DEAD, OR DYING PLANTS COVERED BY WARRANTY WITHIN 30 DAYS OF INITIAL IDENTIFICATION OF CONDITION.
- 14. CONTRACTOR TO SCHEDULE INSPECTION WITH MCMINNVILLE PUBLIC WORKS SUPERINTENDENT OF THE ROOT BARRIER AND WATER TUBES PRIOR TO ANY STREET PLANTING. TREES INTENDED FOR PLANTING SHALL BE AVAILABLE FOR INSPECTION, INSPECTION SHALL BE COMPLETED PRIOR TO BACKFILLING.



JOB NO.

MCP-59



## **IRRIGATION PLAN**

EQUIPMENT	
SYMBOL	DESCRIPTION
$\boxtimes$	BACKFLOW PREVENTER - FEBCO MODEL 850, 1 1/2" OR APPROVED EQ.
H	BALL VALVE - NIBCO T-560 OR APPROVED EQUAL.
lacktriangle	REMOTE CONTROL VALVE - HUNTER ICV OR APPVD EQ, SIZE AS SHOWN REMOTE CONTROL VALVE
$\bigcirc$	QUICK COUPLER - HUNTER HQ3 OR APPROVED EQUAL.
С	CONTROLLER - HUNTER HCC. TWO WIRE SYSTEM. RAIN CLIK RAIN SENSOR. # STATIONS. LOCATION TO BE APPROVED BY OWNER. INSTALL IN HUNTER SS PEDESTAL.
PIPE	
IRR —	MAINLINE - 1" SCH. 40 PVC
	SLEEVING - 4" SLEEVE
	- LATERAL LINE75", CLASS 200 PVC
	DRIPLINE - HUNTER HDL SUB SURFACE DRIPLINE 12" EMITTER & ROW SPACING, .6 GPH

VALVE NUMBER

GALLONS PER MINUTE

VALVE ZONE KEY

VALVE SIZE ——

HEAD SCHED	ULE						
SYMBOL	DESCRIPTION	PSI	RADIUS	<u>GPM</u>			
HUNTER PRS30 HEADS W/ PRO-SPRAY NOZZLES							
♦ 🛆 🛚	PROS-PRS30-5 (F, H & Q)	30	5'	.47, .23, .12			
*	HUNTER ROOT WATERING SYSTEM	40	NA	.25			
HUNTER	MPR40 HEADS W/ MP ROTATOR NOZZLES						
	MPSS530, MPLCS515 & MPRCS515	40	5X30', 5'X15'	.44, .22			
<b>▼ ▼ ▶</b>	MP1000 (360, 180, 90)	40	8'-15'	.75, .37, .19			
♠ ♠ ♦	MP2000 (360, 180, 90)	40	13'-21'	1.47, .74, .40			
lacktriangle	MP3000 (360, 180, 90)	40	22'-30'	3.64, 1.82, .86			

	IRRIGATION SLEEVES
4	PLACE LATERAL LIENS

**KEY NOTES** 

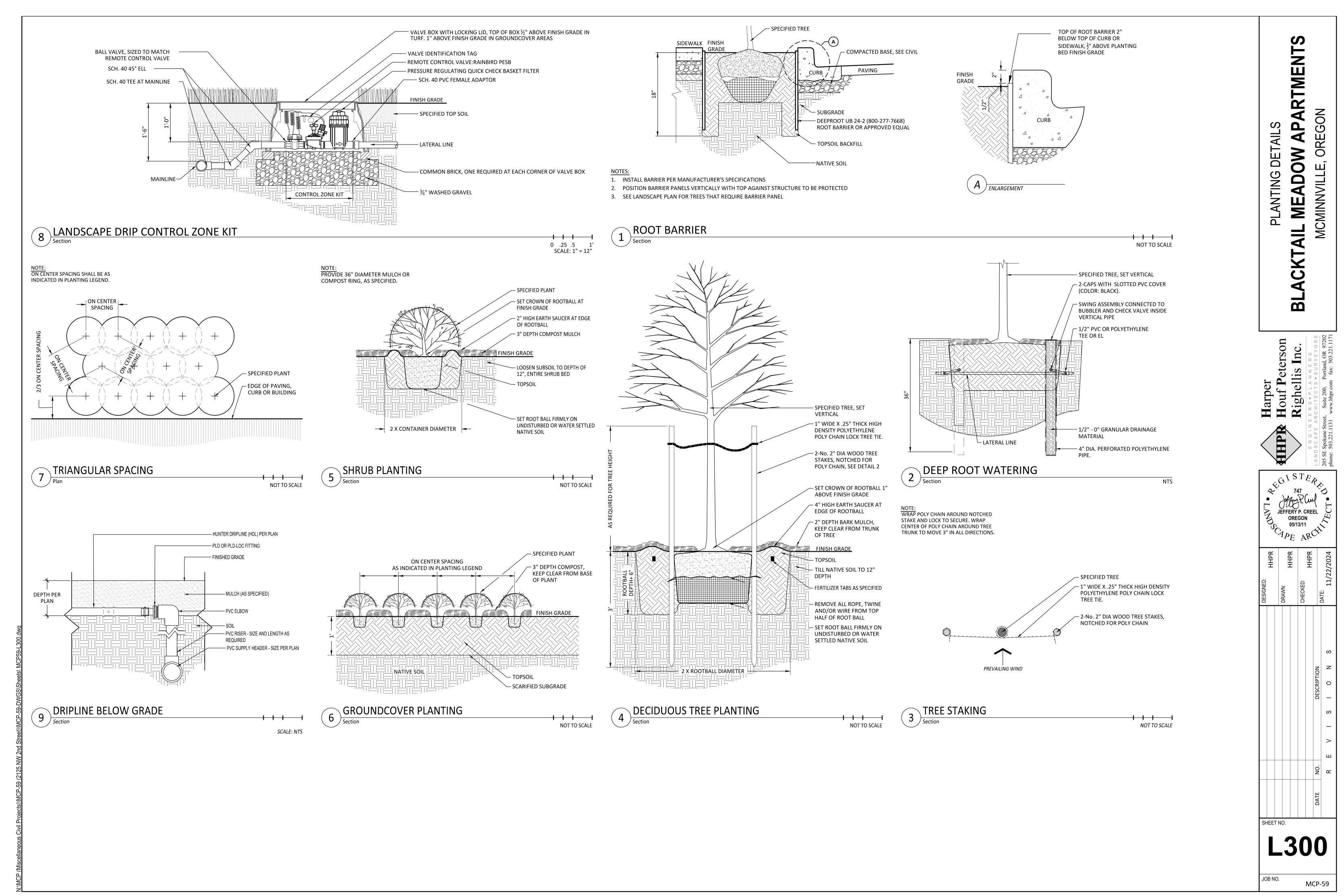
# 1 POINT OF CONNECTION: SEE CIVIL PLAN FOR CONNECTION. SEE CITY OF MCMINVILLE SPEC. DRAWING GS-S.

- (2) INSTALL WALL MOUNTED CONTROLLER. COORDINATE FINAL LOCATION WITH OWNER. SEE DETAIL 8/L301.
- 3 IRRIGATION LATERAL AND MAINLINE PIPE SHOW OUTSIDE OF PLANTING AREAS FOR CLARIFICATION ONLY. PLACE LATERAL AND MAINLINE PIPE IN PLANTER AREAS UNLESS S ARE SHOWN.
- IS CROSSING DRIVEWAY IN SHARED SLEEVE.

- 1. CONTRACTOR SHALL INSPECT SITE AND VERIFY CONDITIONS AND DIMENSIONS PRIOR TO
- 2. IRRIGATION PLANS ARE SCHEMATIC REPRESENTATIONS ONLY. PLACE LINES IN COMMON TRENCH
- 3. IRRIGATION LATERAL AND MAINLINE PIPE SHOW OUTSIDE OF PLANTING AREAS FOR CLARIFICATION ONLY. PLACE LATERAL AND MAINLINE PIPE IN PLANTER AREAS UNLESS IRRIGATION SLEEVES ARE SHOWN.
- 4. COORDINATE IRRIGATION WITH PLANTING PLAN AND SITE IMPROVEMENTS AND USE TRIANGULAR SPACING FOR HEAD TO HEAD COVERAGE. COORDINATE IRRIGATION HEAD LAYOUT WITH NEW PLANT MATERIALS, LOCATE SPRAY HEADS 30" FROM BASE OF TREE. DO NOT ALTER HEAD LOCATION, PIPE LAYOUT, OR VALVE LOCATION WITHOUT WRITTEN APPROVAL FROM CONSTRUCTION MANAGER. NOTIFY OWNER'S REPRESENTATIVE IF DISCREPANCIES OCCUR BETWEEN PLANS AND FIELD CONDITIONS.
- 5. ALL COMPONENTS OF IRRIGATION SYSTEM SHALL BE INSTALLED AND PROPERLY ADJUSTED TO PROVIDE ADEQUATE COVERAGE AND MINIMIZATION OF OVERSPRAY ONTO WALKS, BUILDINGS,
- 6. ALL PIPE SIZES INDICATED ARE MINIMUMS. CONTRACTOR MAY NOT DECREASE PIPE SIZE. LARGER PIPE SIZES MAY BE USED AT NO ADDITIONAL COST TO OWNER.
- 7. INSTALL ALL IRRIGATION PIPE AND CONTROL WIRES IN MINIMUM 4" PVC SLEEVE BELOW ALL PAVED SURFACES UNLESS OTHERWISE INDICATED ON PLANS. INSTALL SLEEVES PRIOR TO
- 8. COORDINATE IRRIGATION POINTS OF CONNECTION AND LOCATION OF AUTOMATIC CONTROL VALVES WITH PROJECT MANAGER. COORDINATE ALL WORK WITH OTHER TRADES, I.E. ELECTRICAL, MASONRY, ETC.
- WATER PER WEEK, OR PER SITE AND PLANTING NEEDS FOR BEST PLANT HEALTH.
- DRAIN AT LOW POINTS IN MAINLINE. IDENTIFY LOCATIONS ON AS-BUILTS.
- 11. USE 45° ELLS INSTEAD OF 90° ELLS ON ALL MAINLINES 2-1/2" AND LARGER. INSTALL CONCRETE CONCRETE ON UNDISTURBED SOIL. WRAP PIPE IN PLASTIC WRAP PRIOR TO COVERING WITH
- 13. IRRIGATION SYSTEMS SHALL BE TWO (2) WIRE DECODER CONTROL SYSTEMS UNLESS MULTI-WIRE
- 14. ALL SPRINKLER BODIES TO BE 6" POP-UP IN LAWN AREAS AND 12-INCH POP-UP IN SHRUB, GROUNDCOVER AND STORM WATER PLANTER AREAS.

## **IRRIGATION NOTES**

- CONSTRUCTION.
- WHENEVER POSSIBLE. FIELD ADJUST LINES TO AVOID CONFLICT WITH UTILITIES.
- PARKING AREAS, ETC.
- PLACEMENT OF PAVEMENTS AND PAVEMENT SUB-BASE.
- 9. CONTRACTOR TO PROGRAM AUTOMATIC CONTROLLER TO ALLOW FOR EQUIVALENT OF 1" OF
- 10. ALL PIPES SHALL BE TRENCHED. PROVIDE POSITIVE DRAINAGE OF MAINLINE. PLACE MANUAL
- THRUST BLOCKS AT ALL MAINLINE CHANGES IN DIRECTION. POUR MINIMUM OF 1 CUBIC FOOT OF
- 12. CONTRACTOR TO INSTALL CONTROLLER AND ACCESSORIES AS REQUIRED. CONTRACTOR TO FURNISH CONTROL WIRES FROM VALVES TO CONTROLLER. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING 110 VOLT SERVICE FROM BUILDING AND CONNECTION TO CONTROLLER
- SYSTEM IS SPECIFIED. CONTRACTOR TO PROVIDE DECODERS FOR EACH REMOTE CONTROL VALVE.



IRRIGATION  $\mathbf{\Omega}$ 

MCMINNVILL

JEFFERY P. CREEL OREGON 05/13/11

MCP-59

JOB NO.

SHEET NO.

WELCOME/ RULES SIGN

COLUMBIA CASCADE COMPANY

Makers of TimberForm®, PipeLine®
RePlay® TimberForm®-2, InterPlay®
CycLoops® and CycLocker® Products.

Title:
PIPELINE
MODEL NO. 9821
AREA DRAWING

PLAY AREA, EQUIPMENT ONLY: 20' x 6' (6.1m x 1.9m)

Scale: NTS

MINIMUM SAFE USE ZONE: 32' x 18' (9.8m x 5.5m)

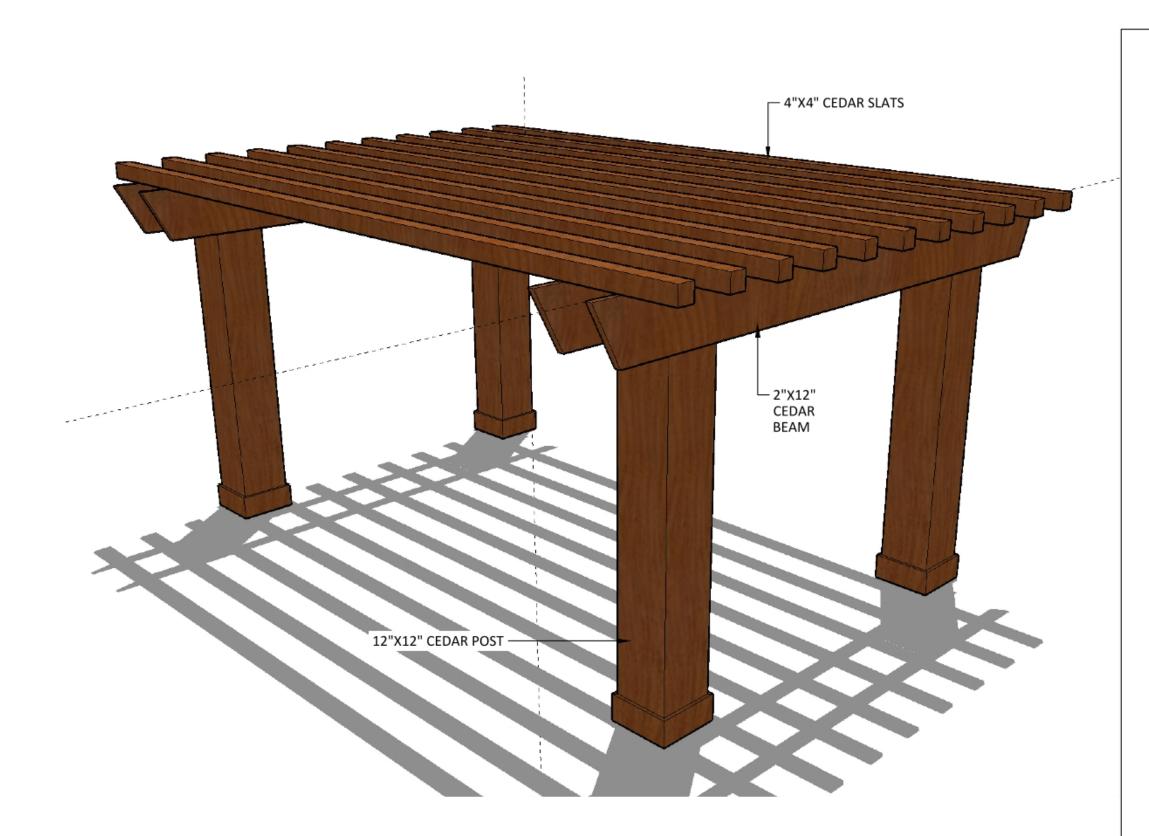
JOB NO. MCP-59

DETAIL COLOR: DARK GREEN -

APPROPRIATE FOR CHILDREN 2 TO 5 YEARS OF AGE

SAFE USE ZONE BORDER

PLAY FEATURES BENEATH DECK



2 SHADE STRUCTURE SCHEMATIC PLAN

**PLAY STRUCTURE** 

9821 FEATURES:

ACCESSIBLE TRANSFER STATION KID'S BENCH

KID'S BENCH
PERFORATED STEEL ROOF
STAIRS WITH BALUSTER WALLS
TALK TUBE
VERTICAL LADDER
VERTICAL LOOP CLIMBER
WIDE CHUTE, STAINLESS STEEL
WITH 6" (15cm) RAILS

ACCESSIBILITY PROFILE: 5 TOTAL PLAY COMPONENTS

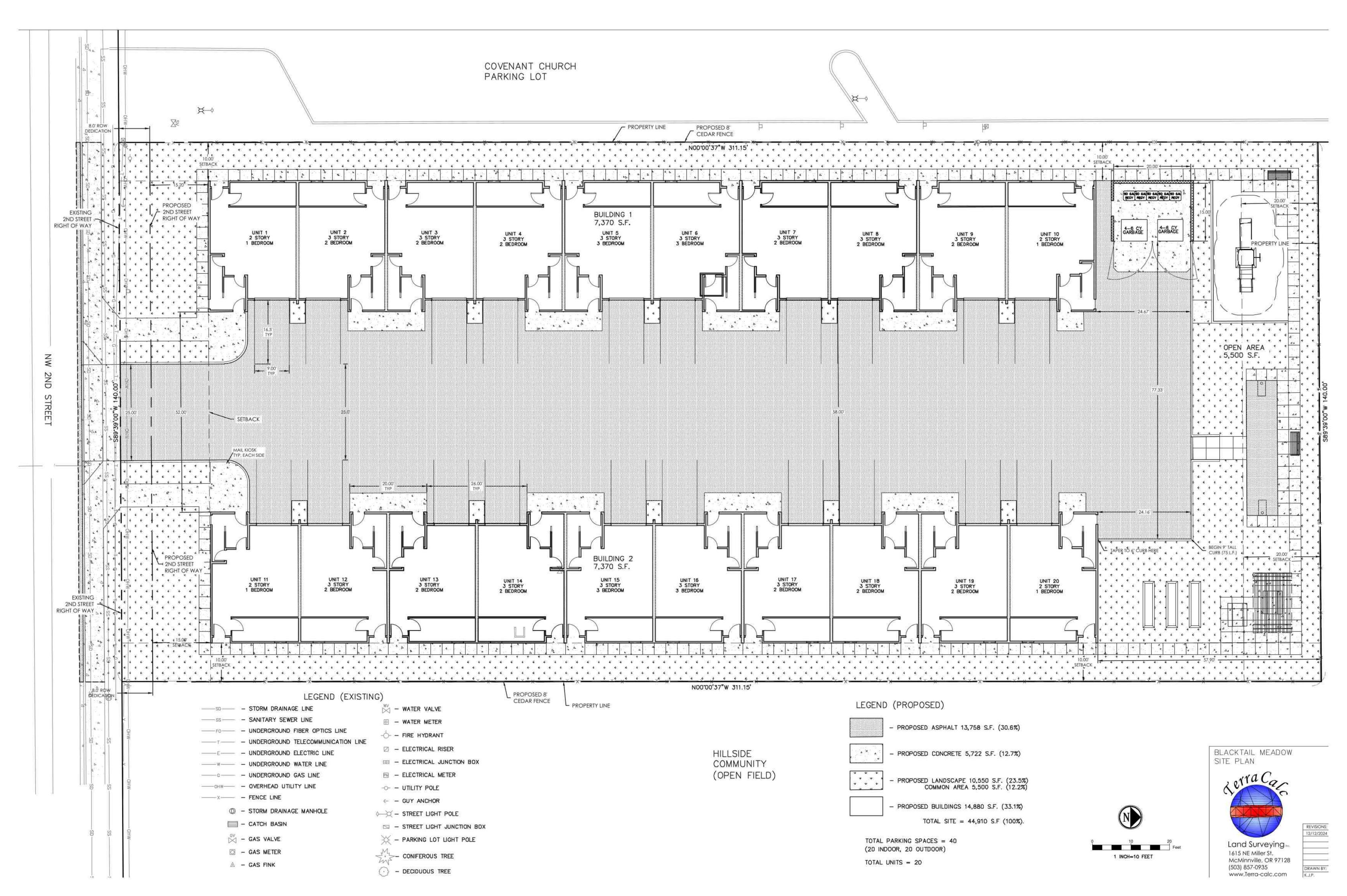
(1 ACCESSIBLE)

Scale: NTS

4 ELEVATED PLAY COMPONENTS (4 ACCESSIBLE)

1 GROUND LEVEL PLAY COMPONENTS

Page 54 of 65



After Recording, return to:

Katherine L. Gowell, Attorney P.O. Box 480 McMinnville, OR 97128

Send Tax Statements to:

No Change.

OFFICIAL YAMHILL COUNTY RECORDS KERI HINTON, COUNTY CLERK

202408366



\$91.00

09/05/2024 12:42:43 PM

DMR-DDMR Cnt=1 Stn=1036 DAVISM \$15.00 \$5.00 \$11.00 \$60.00

#### BARGAIN AND SALE DEED

TERRACALC, LLC, an Oregon limited liability company, hereinafter called "Grantor", for the consideration hereinafter stated, does hereby grant, bargain, sell, and convey unto BT MEADOW, LLC, an Oregon limited liability company, hereinafter called "Grantee", any and all of Grantor's interest in and to the following described real property situated in the County of Jackson and State of Oregon, such property being more particularly described as follows, to wit:

#### See Exhibit A attached and made a part hereto.

TO HAVE AND TO HOLD the same unto said Grantee and Grantee's successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is -\$0-. This transfer is made for estate planning purposes.

**BEFORE** SIGNING OR ACCEPTING THIS INSTRUMENT. THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11. CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATON OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930. AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855. OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

In construing this instrument, where the context so requires the singular includes the plural and all grammatical changes shall be made so that this instrument shall apply equally to business, other entities and to individuals.

IN WITNESS WHEREOF the undersigned have executed this instrument this day of, 2024.
TERRACALC, LLC, an Oregon limited liability company  KENNETH J. PANNELL, Member
STATE OF OREGON ) ) ss.  County of Yamhill )  The foregoing instrument was acknowledged before me this 5 day of September, 2024 by the above-named KENNETH J. PANNELL.
OFFICIAL STAMP SHELSEA RAMIREZ NOTARY PUBLIC - OREGON COMMISSION NO. 1051197 MY COMMISSION EXPIRES AUGUST 27, 2028

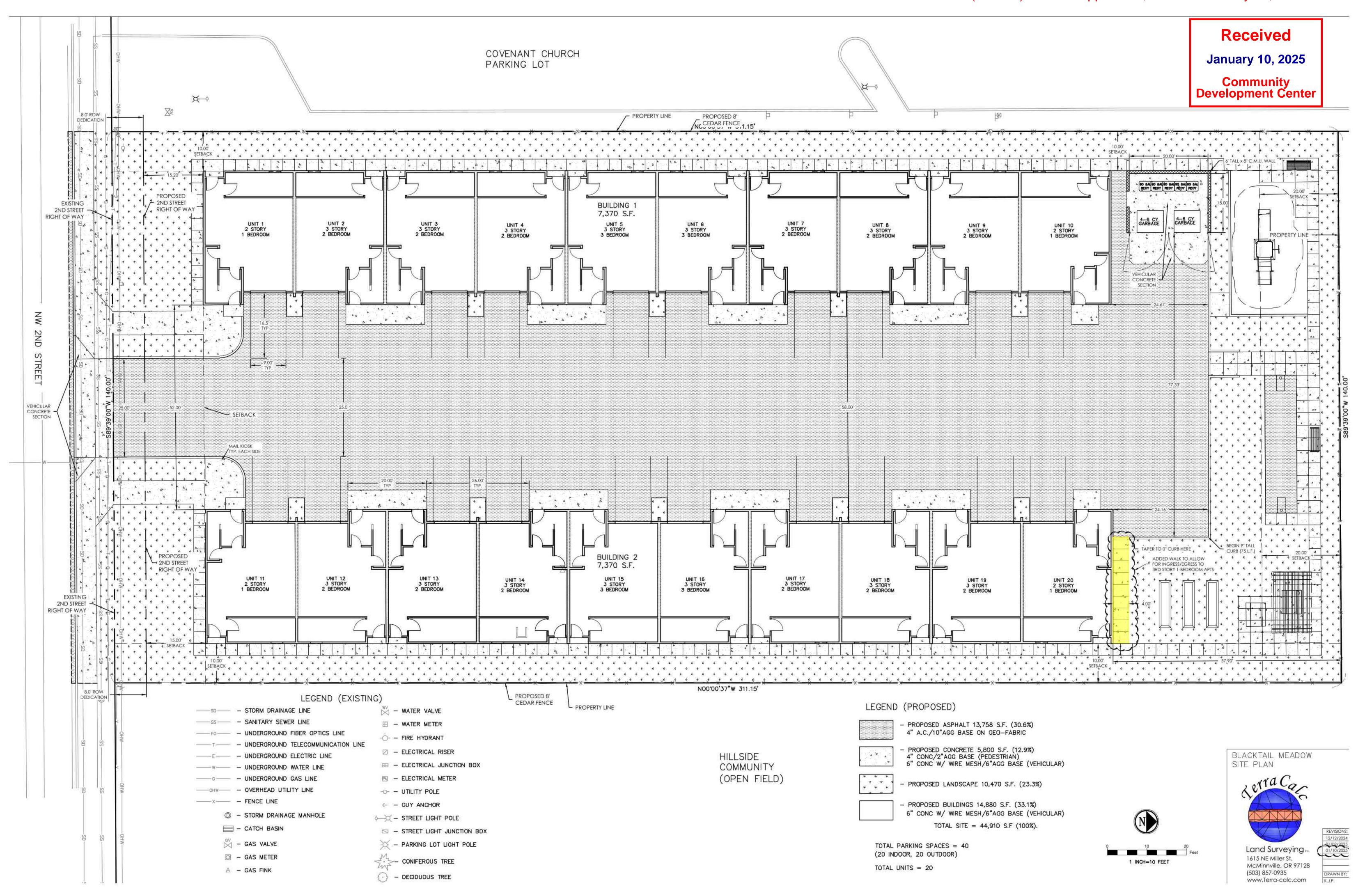
#### EXHIBIT A LEGAL DESCRIPTION

LEGAL DESCRIPTION: Real property in the County of Yamhill, State of Oregon, described as follows:

Parcel 2 of Partition Plat 90-14, recorded May 29, 1990 in Volume 3, Page 4, Plat Records of Yamhill County, State of Oregon, more particularly described as follows:

Part of the Solomon Beery Donation Land Claim No. 54 in Section 19, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, and being more particularly described as follows:

BEGINNING at a 2"x36" galvanized iron pipe set 6 inches below ground at the intersection of the North line margin of West Second Street and the West line of the Squires tract, as described in Film Volume 223, Page 2224, Deed and Mortgage Records, said beginning point also being 2025.62 feet South 89°39' West and North 00°00'37" West, 30 feet from the Northwest corner of the S. F. Stagg Donation Land Claim No. 55 in said Township and Range; thence North 00°00'37" West 311.15 feet to a 5/8" iron rod; thence North 89°39' East, 140.00 feet to a 5/8 inch iron rod; thence South 00°00'37" East, 311.15 feet to a 5/8 inch iron rod set on the North margin of West Second street; thence South 89°39' West along the North margin of West Second Street to the point of beginning.



#### **Taylor Graybehl**

From: Jen Hawkins <JenH@mc-power.com>
Sent: Monday, January 13, 2025 9:40 AM

To: Taylor Graybehl
Cc: Amy M. Gonzales
Subject: L 50-24 - 2125 NW 2 St

**Attachments:** We sent you safe versions of your files; L 50-24\_submittal.pdf; FH-CLR.pdf;

VAULTCLEAR.pdf; VR.pdf; WMCLEAR.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.

Please see the comments below from MW&L:

Power: See the attachment L 50-24.

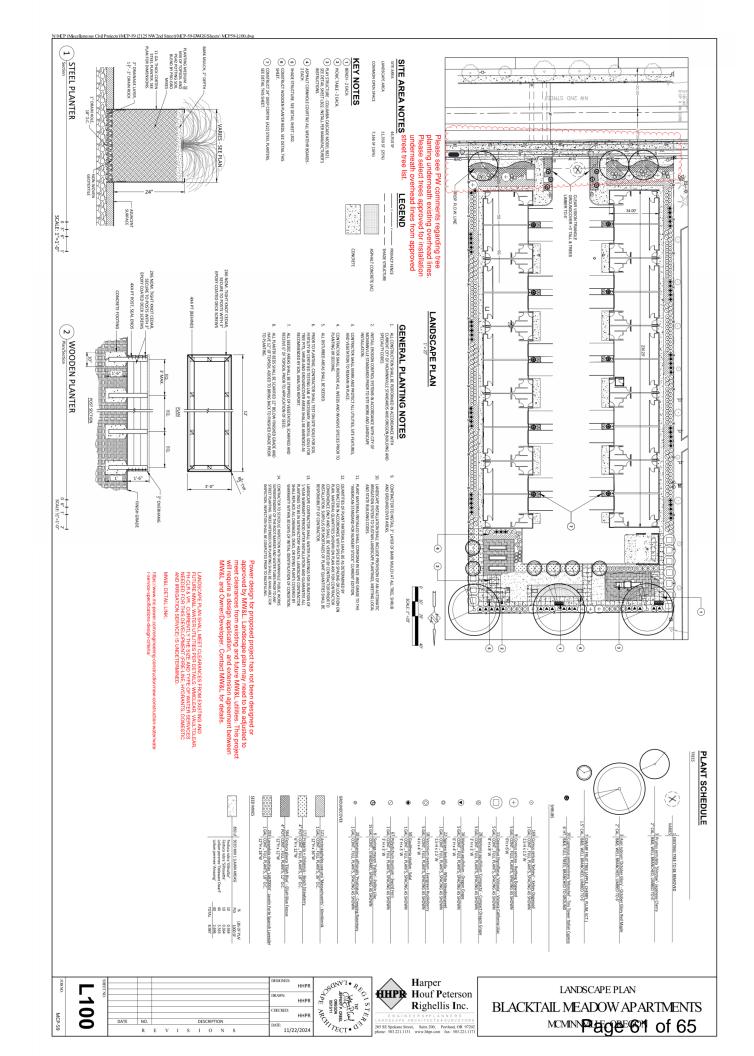
Water: LANDSCAPE PLAN SHALL MEET CLEARANCES FROM EXISTING AND FUTURE MW&L WATER UTILITIES PER DETAILS: WMCLEAR, VAULTCLEAR, FH-CLR & VR. CURRENTLY THE SIZE AND TYPE OF WATER SERVICES NEEDED FOR THIS DEVELOPMENT (FIRE-LINE, HYDRANTS, DOMESTIC AND IRRIGATION SERVICE) IS UNDETERMINED.

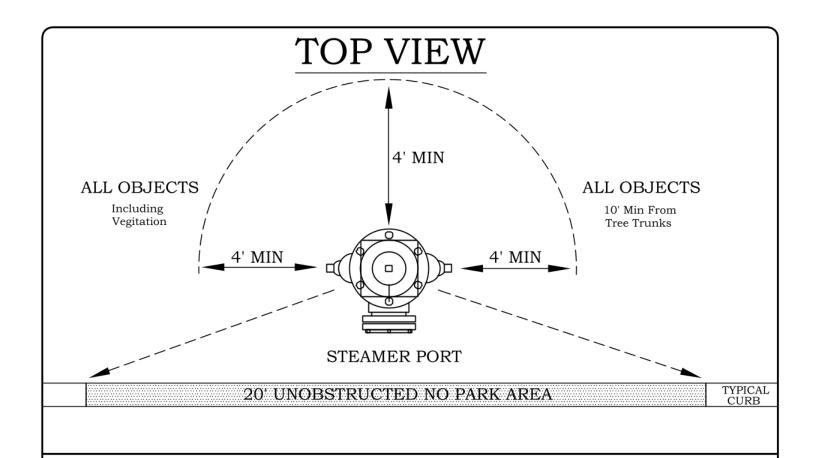
MW&L DETAIL LINK;

https://www.mc-power.com/engineering-construction/new-construction-water/water-service-specifications-design-criteria/

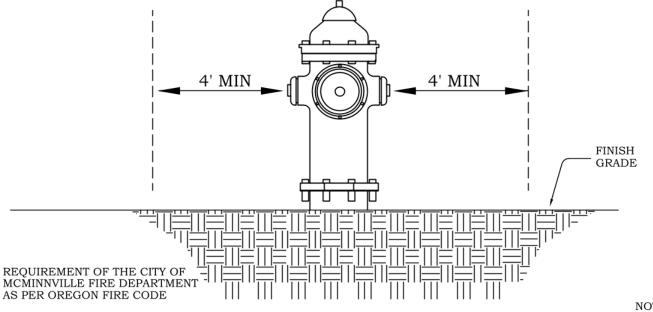
Thank you.

Jen Hawkins
Engineering & Operations
Electric Division
McMinnville Water & Light
P: 503.472.6919 x 9
Email: JenH@mc-power.com







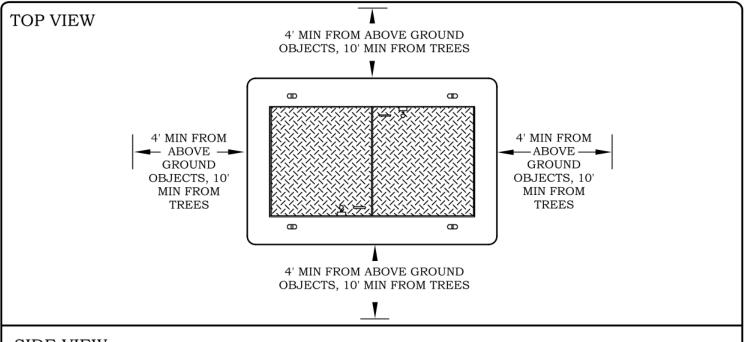


NOT TO SCALE

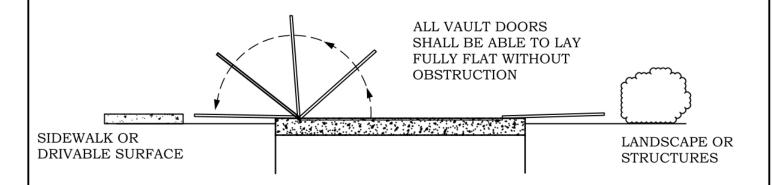


# FIRE HYDRANT CLEARANCES MINIMUM FROM ALL OBJECTS

DATE	REVISION						
		DATE	12/8/14				
		DRAWN	SLW	APPROVED	WSC	SPEC NO FH-C	LR



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

